

# **A G E N D A**

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on ***Monday, November 5, 2018 at 7:00 p.m.***

Council Members: Kevin Strength, Mayor  
David Hill, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Mary Lou Shipley, Councilmember  
Melissa Olson, Councilmember

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. ***Consent Agenda***

All matters listed under Item 4, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of October 15, 2018
  - b. Award Bid for Wrecker Services
  - c. Avenue Church 75<sup>th</sup> Anniversary Fireworks Display to be held on November 11, 2018
  - d. SAGU 5k Turkey Trot to be held on November 15, 2018
  - e. Lighted Christmas parade and community tree lighting to be held on November 27, 2018
  - f. 2<sup>nd</sup> Annual Martin Luther King, Jr. Unity Parade to be held on January 21, 2019
5. ***Introduce*** Honorary Councilmember
6. ***Present*** Proclamation proclaiming November 5-9, 2018 as “Municipal Court Week”
7. ***Present*** Proclamation proclaiming November 17, 2018 as “World Pancreatic Day”
8. ***Public Hearing*** on a request by Jewel Chadd, JPH Land Surveying Inc., for a **Replat** of Lot 3, Block A, RVG Plaza to create Lot 3R, Block A, RVG Plaza for 11.478 acres (Property ID 238264) – Owner: HUNTERS COVE LAKESIDE APARTMENTS I LLC & HUNTERS COVE LAKESIDE APARTMENTS II LLC (RP-18-0157)
9. ***Consider*** approving RP-18-0157
10. ***Continue Public Hearing*** on a request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to **Planned Development-Single Family-3, with Concept Plan**, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152)

11. *Consider* proposed Ordinance approving PD-18-0152
12. *Public Hearing* on a request by Terry Weaver, TJVC Inc. dba Sterling Development Co., for a Zoning Change from a Single Family-1 zoning district to **Planned Development-Single Family-3, with Concept Plan**, located West of Ovilla Road and North of Highway 287 Business, being 101 E BELLOW & 466 E HORTON 79.91 ACRES (Property ID 180391) - Owner: WALKER DON GORDON (PD-18-0156)
13. *Consider* proposed Ordinance approving PD-18-0156
14. *Public Hearing* on a request by Jon Garrett, Lone Star Events, for a Specific Use Permit (SUP) for **Private Club** use within a Commercial zoning district, located at 1300 W Main Street, Suite 101, being 1 & 2B 12 WEST END 0.589 ACRES (Property ID 176701) - Owner: HARDEN ROBERT N & ELIZABETH K (SU-18-0155)
15. *Consider* proposed Ordinance approving SU-18-0155
16. *Consider* award of bid for Little Creek Trail
17. *Consider* authorizing the award of a bid to Blue Star Utilities, LLC. associated with the Cole Creek Trunk Sewer Capital Improvement Planned Project
18. *Consider* resolution authorizing the reimbursement of the Wastewater Fund from the proceeds of future debt for the Cole Creek Trunk Sewer Planned Capital Improvement Project
19. *Consider* a contract with Kimley-Horn and Associates, Inc. to provide professional engineering design services for the Planned Capital Improvement corridor restoration of Clift and Flat Street(s)
20. *Consider* a contract with Kimley-Horn and Associates, Inc. to provide professional engineering design services for the Planned Capital Improvement corridor restoration of Kaufman Street
21. *Consider* resolution authorizing the reimbursement of the General Fund from the proceeds of future debt for the Planned Capital Improvement corridor restoration of Kaufman Street
22. *Consider* a contract with Kimley-Horn and Associates, Inc. to provide professional engineering design services for the Planned Capital Improvement corridor restoration of Cumberland Street
23. *Consider* resolution authorizing the reimbursement of the General Fund from the proceeds of future debt for the Planned Capital Improvement corridor restoration of Cumberland Street
24. *Consider* proposed Resolution appointing member to Initial 9-1-1 District Board
25. *Discuss* and consider moving Public Comments back to the beginning of the City Council agenda
26. *Discuss* and consider reinstating City Council Briefings before Council meetings

27. ***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.
28. Comments by Mayor, City Council, City Attorney and City Manager
29. Adjourn

**The City Council reserves the right to go into Executive Session on any posted item.**

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 469-309-4005 or (TDD) 1-800-RELAY TX

City Council  
October 15, 2018

(4a)

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, October 15, 2018 at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor  
David Hill, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Mary Lou Shipley, Councilmember  
Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Robert Brown, City Attorney  
Amber Villarreal, Assistant City Secretary

**1. Call to Order**

Mayor Kevin Strength called the meeting to order.

**2. Invocation**

Boy Scout Dawson Baker gave the invocation.

**3. Pledge of Allegiance and Texas Pledge of Allegiance**

Webelo Scout Troop Packs 232, 241, and 281 led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Consent Agenda**

- a. Minutes of the City Council meeting of October 1, 2018
- b. Appointment to Airport Board

Councilmember Melissa Olson requested to remove item b. from the consent agenda for separate discussion.

**Action:**

*Councilmember Melissa Olson moved to approve item a. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.*

Councilmember Olson inquired about the recommended Airport Board member noting she never saw an application for Ms. Nannette Paghi. In an effort to be fair, she suggested putting the item on hold to review the current applications on file.

Mayor Strength explained the recommendation came from the Airport Manager and Airport Board Chairman.

**Action:**

*Councilmember Melissa Olson moved to appoint Ann Montgomery to the Airport Board. The motion failed due to lack of second.*

(4a)

**Action:**

*Councilmember Chuck Beatty moved to approve item b. on the Consent Agenda accepting the recommendation. Mayor Pro Tem David Hill seconded. The vote was as follows: Ayes: Kevin Strength, David Hill, Chuck Beatty, Mary Lou Shipley. Noes: Melissa Olson. The motion carried 4-1*

**5. Introduce Honorary Councilmember**

The Honorary Councilmember was not in attendance.

**6. Public Hearing on a request by Sailesh Kharel, R and D Sons, for a Specific Use Permit (SUP) for Convenience Store use within a Planned Development-18-General Retail zoning district, located at 507 N Highway 77, Suite 800, LOT 1 & 3 BLK 1 NORTHGATE PLAZA 18.572 AC (Property ID 175004) - Owner: BENBAROUKH LLC (SU-18-0148)**

Mayor Strength opened the Public Hearing.

Planning Director Shon Brooks reviewed the staff report including the recommendation from the Planning & Zoning Commission to remove beer, wine, and tobacco verbiage from the proposed sign. He noted staff recommended approval.

Councilmember Olson asked if the verbiage restriction could be extended to window signage and Mr. Brooks noted that could be included in the motion.

There being no others to speak for or against SU-18-0148, Mayor Strength closed the Public Hearing.

**7. Consider proposed Ordinance approving Zoning Change No. SU-18-0148**

**ORDINANCE NO. 3060**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CONVENIENCE STORE USE WITHIN A PLANNED DEVELOPMENT-18-GENERAL RETAIL (PD-18-GR) ZONING DISTRICT, LOCATED AT 507 N HIGHWAY 77, SUITE 800, BEING PROPERTY ID 175004, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1&3, BLOCK 1 IN THE NORTHGATE PLAZA SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Melissa Olson moved to approve Ordinance No. 3060 adding no window signage for alcohol or tobacco and subject to staff comments. Councilmember Chuck Beatty seconded, All Ayes.*

**8. Public Hearing on a request by Donald R Phillips Jr, Phillips Custom Builders, for a Replat of Lots 60 and 61, Block 181, Town Addition to create Lot 1, Phillips Addition, 0.149 acres (Property ID 171357 and 171358) – Owner: PHILLIPS DONALD R JR (RP-18-0150)**

Ha)

Mayor Strength opened the Public Hearing.

Mr. Brooks reviewed the case noting staff recommended approval. He noted the letter of opposition received didn't state a reason.

Applicant, Mr. Don Phillis, 4081 Rolling Wood Lane, Midlothian, TX, requested approval of RP-18-0150.

There being no others to speak for or against RP-18-0150, Mayor Strength closed the Public Hearing.

**9. Consider approval of RP-18-0150**

**Action:**

*Councilmember Mary Lou Shipley moved to approve a request by Donald R Phillips Jr, Phillips Custom Builders, for a Replat of Lots 60 and 61, Block 181, Town Addition to create Lot 1, Phillips Addition, 0.149 acres (Property ID 171357 and 171358) – Owner: PHILLIPS DONALD R JR (RP-18-0150). Councilmember Chuck Beatty seconded, All Ayes.*

**10. Public Hearing on a request by Todd Wintters, Engineering Concepts & Design L.P., for a Zoning Change from a Single Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located West of Ovilla Road and 800' South of Highway 287 being 1080 WM C TUNNELL 119.683 ACRES (Property ID 191627) - Owner: A ONE PLUS INVESTMENT GROUP LLC (PD-18-0110)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reviewed the case noting two letters of opposition were received. Mayor Strength noted he spoke with the school district and they are now okay with the proposed development. Mr. Brooks noted the applicant is meeting the requirements of the subdivision ordinance and development standards. He explained the Planning & Zoning Commission approved the case to include minimum 10,000 square foot lot sizes and minimum 2,200 square foot homes.

Councilmember Olson expressed concern about the homes being so close together. Mayor Strength explained the developer is dedicating an 80 foot Right-of-Way and has worked with staff and agreed to the recommendation from the Planning & Zoning Commission.

Mr. Todd Wintters, 201 Windco Cir #200, Wylie, TX, presented an overview of the proposed development noting the developer is committed to paying \$2.5 million to construct the 80 foot Right-of-Way requested by the city as well as dedicate park land, add crape myrtles to the landscape plan and noted the development will have lower density with deeper lots for bigger back yards.

There being no others to speak for or against PD-18-0110, Mayor Strength closed the Public Hearing.

**11. Consider proposed Ordinance approving Zoning Change No. PD-18-0110**

**ORDINANCE NO. 3061**

(4a)

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), WITH CONCEPT PLAN AND PLANNED DEVELOPMENT STANDARDS, ON PROPERTY LOCATED WEST OF OVILLA ROAD AND 800' SOUTH OF U.S. HIGHWAY 287 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 119.683 ACRES KNOWN AS PROPERTY ID 191627 IN THE WM C TUNNELL SURVEY, ABSTRACT NO. 1080, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Mayor Pro Tem David Hill moved to approve Ordinance No. 3061. Councilmember Mary Lou Shipley seconded, All Ayes.*

- 12. Public Hearing on a request by Mitchell Lenamond, ELD Engineering, Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located SE of Parks School House Road, between US Highway 287 and MLK Jr Blvd, being 272 S M DURRET 7.371 ACRES (Property ID 239606) – Owner: JUAN CARLOS FLORES (PD-18-0153)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reviewed the case noting the developer is proposing to add two cul-de-sacs and the development will conclude this residential area. The requested standards in the Planned Development are consistent with the current neighborhood and staff recommended approval.

There being no others to speak for or against PD-18-0153, Mayor Strength closed the Public Hearing.

- 13. Consider proposed Ordinance approving Zoning Change No. PD-18-0153**

**ORDINANCE NO. 3062**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), WITH CONCEPT PLAN LOCATED SOUTH OF PARKS SCHOOL HOUSE RD, BETWEEN US HIGHWAY 287 AND DR. MARTIN LUTHER KING, JR., BLVD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 7.371 ACRES KNOWN AS PROPERTY ID 239606 OF THE SM DURRETT SURVEY, ABSTRACT NO 272, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 3062. Councilmember Chuck Beatty seconded, All Ayes.*

- 14. Public Hearing on a request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152)**

(4a)

Mayor Strength announced this item was continued at the October 23, 2018 Planning and Zoning Commission meeting.

**15. Consider proposed Ordinance approving Zoning Change No. PD-18-0152**

**Action:**

*Councilmember Chuck Beatty moved to continue a request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152) to the City Council meeting of November 5, 2018. Mayor Pro Tem David Hill seconded, All Ayes.*

**16. Consider request by Kaitlyn Wurzbach, Jacobs Engineering Group, for a Preliminary Plat of Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 for 900 residential lots and 16 open space lots, being 299.378 acres out of the G. Carpenter Survey, Abstract No. 90 and M. Rafferty, Abstract No. 898 (Property ID 189842 and 241033) – Owner: 287 WAXAHACHIE LP (PP-17-0169)**

Mr. Brooks reviewed the case explaining staff has worked with Jacobs Engineering for the Preliminary plat of 900 residential lots. Following approval of the Preliminary Plat, council will be asked to approve a Development Agreement to allow dedication of a Right-of-Way creating a third entrance/exit for the Saddlebrook Development. The developer will only be allowed 100 building permits before the third entrance is required. For the developer this is the best way to address the traffic issue now safety wise and is economically feasible.

Councilmember Mary Lou Shipley inquired about the park dedication and Mr. Brooks noted the city is agreeable to accept the land as park land.

Councilmember Olson inquired about acceleration and deceleration lanes on Highway 287 near the entrance of Saddlebrook. City Engineer James Gaertner explained TxDOT doesn't allow acceleration or deceleration lanes on the frontage road. Mr. Scott noted the city will continue to pursue this issue as it feels this will help with traffic safety.

Councilmember Olson inquired about the effects of the 900 lot development on the school district and Mr. Scott noted the school district is responsible for moving forward with future additional school plans and funding mechanisms.

**Action:**

*Mayor Pro Tem David Hill moved to approve a request by Kaitlyn Wurzbach, Jacobs Engineering Group, for a Preliminary Plat of Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 for 900 residential lots and 16 open space lots, being 299.378 acres out of the G. Carpenter Survey, Abstract No. 90 and M. Rafferty, Abstract No. 898 (Property ID 189842 and 241033) – Owner: 287 WAXAHACHIE LP (PP-17-0169). Councilmember Mary Lou Shipley seconded, All Ayes.*

**17. Consider Landscape Plan for Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 as a companion to PP-17-0169 – Owner: 287 WAXAHACHIE LP**



(42)

**Action:**

*Councilmember Mary Lou Shipley moved to approve a Landscape Plan for Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 as a companion to PP-17-0169 – Owner: 287 WAXAHACHIE LP. Mayor Kevin Strength seconded, All Ayes.*

- 18. Consider a development agreement with 287 Waxahachie, LP for the dedication of right of way and the construction of roadways associated with Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, and 6**

**Action:**

*Councilmember Chuck Beatty moved to approve a development agreement with 287 Waxahachie, LP for the dedication of right of way and the construction of roadways associated with Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, and 6. Councilmember Melissa Olson seconded, All Ayes.*

- 19. Consider proposed Ordinance annexing property owned by R.B. Foreman, President, Arbors Development LLC, for annexation of approximately 20.48 acres generally situated North of Marshall Road and West of FM 664**

Mr. Scott presented the request from Mr. Tony Sanders voluntarily requesting annexation. He explained this would add 20 acres to the recently annexed area.

Councilmember Olson inquired about infrastructure and Mr. Scott noted the water for the property will be serviced by Sardis Lone Elm.

**ORDINANCE NO. 3063**

**AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF WAXAHACHIE, AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY THAT LIES ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF WAXAHACHIE IN THE PARTICULARS STATED IN THIS ORDINANCE, AND DECLARING AN EMERGENCY.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3063. Councilmember Mary Lou Shipley seconded, All Ayes.*

- 20. Consider Resolution in support of Palladium Senior Living application for TDHCA Housing Tax Credits funding application**

Mr. Ryan Combs, Palladium USA, Dallas, TX, requested council's support of a proposed luxury class senior multifamily housing development to be located on the west side of Highway 77 north of Butcher Road and just north of the Life High School. The proposed three story, 120-unit development will be comprised of 1 and 2 bedrooms only. He explained with council's support the development will apply for Housing Tax Credits for the development.

(4a)

**RESOLUTION NO. 1254**

**A RESOLUTION OF THE CITY COUNCIL OF WAXAHACHIE, TEXAS REGARDING SUPPORT FOR PALLADIUM WAXAHACHIE SENIOR LIVING AT THE NORTHWEST CORNER OF US HWY 77 AND PANORAMA LOOP**

**Action:**

*Mayor Pro Tem David Hill moved to approve Resolution No. 1254. Councilmember Mary Lou Shipley seconded, All Ayes.*

**21. Consider Vista Way Roadway Construction Agreement**

Mr. Scott reviewed the Vista Way Roadway Construction Agreement drafted in an effort to move forward the construction of Vista Way, a roadway within the North Grove subdivision necessary to serve the ISD's new elementary school. He explained this agreement shares the cost, 75%-25% respectively, with John Houston Development Company which allows the city to put in the road and "reimburse" itself with future roadway impact fees collected.

**Action:**

*Councilmember Chuck Beatty moved to approve Vista Way Roadway Construction Agreement. Mayor Pro Tem David Hill seconded, All Ayes.*

**22. Public Comments**

Mr. Otis Jackson, 616 Colwell Drive, Dallas, TX, inquired about a Property Owner Notice he received about an upcoming zoning change.

**23. Convene into Executive Session to review Performance Evaluation for City Manager as permitted by the Texas Government Code, Section 551.074**

Mayor Strength announced at 7:49 p.m. the City Council would convene into Executive Session to review the Performance Evaluation for the City Manager as permitted by the Texas Government Code, Section 551.074

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

The meeting reconvened at 8:33 p.m.

**Action:**

*Mayor Kevin Strength moved to approve a one-year extension to the City Manager's Contract. Councilmember Mary Lou Shipley seconded, All Ayes.*

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

Councilmember Olson thanked the following: Boy Scouts for their participation at the meeting, the Police Chief for the de-escalation tactics, City Manager for his work and the Finance Department for the new budget book.

City Council  
October 15, 2018  
Page 8

(4a)

Mr. Scott thanked council for their leadership and guidance noting the city's growth and development is making good progress.

Mayor Strength thanked Mr. Scott for his leadership. Mayor Pro Tem Hill, Councilmember Shipley, and City Attorney Robert Brown echoed the Mayor's comments regarding Mr. Scott.

Ms. Amy Borders, Director of Communications and Marketing, invited the community to attend the Texas Country Reporter Festival held Saturday, October 27<sup>th</sup>.

Mayor Strength asked for prayers for City Secretary Lori Cartwright and Community Services Coordinator Mary DelBuono.

**26. Adjourn**

There being no further business, the meeting adjourned at 8:38 p.m.

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary

(4b)

## MEMORANDUM

TO: Michael Scott, City Manager  
FROM: Ricky Boyd, Central Garage Coordinator  
DATE: October 11, 2018  
SUBJECT: Bid Opening for Wrecker Service

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The following is a list of bids received Wednesday, October 10, 2018 for wrecker service for City vehicles of one ton or less.

### 1. Tow Pro Wrecker Service

It is my recommendation that we continue to use and accept the bid from Tow Pro Wrecker Service for \$20.00 per vehicle per towing incident effective through September 30, 2019.



Ricky Boyd



(40)

## Application for a Festival or Event Permit

Event Name and Description: Avenue Church 75th Anniversary Fireworks display

### Applicant Information

Name: Pyrotecnico Threse Palumbo

Address: PO Box 149

City, State, Zip: New Castle, PA 16103 Phone: 702.842.4681

E-mail Address: tpalumbo@pyrotecnico.com

### Organization Information

Organization Name: Avenue Church

Address: 1761 N. Hwy 77, Waxahachie, TX 75165

Authorized Head of Organization: Joel Warren

Phone: 972.937.5301 E-mail Address: joel@theavenuechurch.com

### Event Chairperson/Contact

Name: Joel Warren

Address: 1761 N. Hwy 77

City, State, Zip: \_\_\_\_\_ Phone: 972.937.5301

E-mail Address: joel@theavenuechurch.com

### Event Information

Event Location/Address: 1761 N. Hwy 77

Purpose: Fireworks display to celebrate 75th anniversary

Event Start Date and Time: 11/11/18 display at approx: 7:15pm

Received in  
City Secretary's Office  
10/31/18 *AW*  
City of Waxahachie, Texas

(4c)

Event End Date and Time: 11/11/18 approx: 7:30 pm

Approximate Number of Persons Attending Event Per Day: \_\_\_\_\_

Site Preparation and Set-Up Date and Time: 11/11/18 approx: 12pm

Clean-Up Completion Date and Time: 11/11/18 approx 11pm

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services.

1.3g Fireworks display

no other vendors, street closures, or traffic control that I'm aware of.

Will food and/or beverages be available and/or sold? YES ☒ NO

\*Will alcohol be available and/or sold? YES ☒ NO

If yes, will the event be in the Historic Overlay District? YES/NO

If food will be prepared on-site, a Temporary Food Permit must be obtained by the Environmental Health Department.

Will dumpsters be needed? NO

Will an Unmanned Aircraft Systems Unit (drone) be used? YES ☒ NO If so, provide a copy of the current FAA License.

Please submit a site plan showing the layout of the event including equipment, stages, and street locations

I THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT.

*Therese Pahr*

10/31/18

Signature of Applicant

Date

\* Please note that approval of this permit does not replace/modify compliance with all applicable state laws as specified by the Texas Alcoholic Beverage Commission (TABC).

(4c)

**Villarreal, Amber**

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**From:** Myers, Gary <GMyers@waxahachiefire.org>  
**Sent:** Wednesday, October 31, 2018 2:48 PM  
**To:** Villarreal, Amber; Ricky Boyd  
**Subject:** RE: Event Application

Amber,

Chief Boyd and myself have reviewed the attached firework display application. We approve of the Application.

**Battalion Chief Gary Myers**  
407 Water Street  
Waxahachie, Texas 75165  
469-309-4204  
469-309-4208 Fax

*Improvise and Overcome*



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**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Wednesday, October 31, 2018 2:29 PM  
**To:** Myers, Gary <GMyers@waxahachiefire.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Subject:** FW: Event Application

For your review. Their event is November 11<sup>th</sup> so if you can review today and send me your responses I'd appreciate it.

Thank you!

**Amber Villarreal, TRMC**  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168



## Avenue Church

Fireworks Display Site Plan

Nov. 11, 2018

Open area adjacent to  
Avenue Church pond.  
1761 US 77  
Waxahachie TX

**32° 25' 53.75" N**

**96° 50' 30.35" W**

### NOTES:

Site plan is drawn to an  
approximate scale using  
NFPA 1123, NFPA 1126 &  
NFPA 160 as applicable.

**DATE CREATED /**

**REVISED: Aug. 20, 2018**

Roaming personnel to secure  
fallout zone on all 4 sides.

No asylum, church,  
hospital, licensed child  
care, or open school is  
within 600' of firing site.

No hazmat is within  
twice the NFPA distance of  
the firing site.



- Audience (200'+)



- Marine Security N/A



- Hazardous Materials



- Fire



- Police / Security



- Wind Direction TBD



- Medical



- Closed



- Safety Fallout Zone



- Firing Sites

100' Safety Clearance per 1" of Shell Diameter  
150' Safety Fall Out Radius  
1.5" Maximum Device



(4C)





(4d)

## Application for a Festival or Event Permit

Event Name and Description: Southwestern Missions Association's  
Second Annual Turkey Trot 5K  
To Raise funds for the Giving Project, Samuel's House.

### Applicant Information

Name: Krista Woodson  
Address: 1200 Sycamore St STE 8342  
City, State, Zip: Waxahachie, TX 75165 Phone: 713-208-3158  
E-mail Address: krista.woodson@lionmail.sagu.edu

### Organization Information

Organization Name: Southwestern Missions Association (SMA)  
Address: 1200 Sycamore St. Waxahachie TX 75165  
Authorized Head of Organization: Rennae de Freitas  
Phone: 469-309-8695 E-mail Address: rdefreitag@sagu.edu

### Event Chairperson/Contact

Name: Krista Woodson  
Address: 1200 Sycamore St. STE. 8342  
City, State, Zip: Waxahachie TX 75165 Phone: 713-208-3158  
E-mail Address: krista.woodson@lionmail.sagu.edu

### Event Information

Event Location/Address: 1200 Sycamore St. Waxahachie, TX 75165  
Purpose: This 5K will raise funds for a ministry in Venezuela  
Event Start Date and Time: November 15, 2018 at 3:30pm

Received in  
City Secretary's Office  
10/19/18 RW  
City of Waxahachie, Texas

(4d)

Event End Date and Time: November 15, 2018 at 5:00pm

Approximate Number of Persons Attending Event Per Day: 200

Site Preparation and Set-Up Date and Time: November 15, 2018 at 11:00am

Clean-Up Completion Date and Time: November 15, 2018 at 6:00pm

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services.

Traffic control needed

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Will food and/or beverages be available and/or sold? YES/NO

\*Will alcohol be available and/or sold? YES/NO

If yes, will the event be in the Historic Overlay District? YES/NO

If food will be prepared on-site, a Temporary Food Permit must be obtained by the Environmental Health Department.

Will dumpsters be needed? NO

Will an Unmanned Aircraft Systems Unit (drone) be used? YES/NO If so, provide a copy of the current FAA License.

Please submit a site plan showing the layout of the event including equipment, stages, and street locations

I THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT.

[Signature]

Signature of Applicant

10/18/18

Date

\* Please note that approval of this permit does not replace/modify compliance with all applicable state laws as specified by the Texas Alcoholic Beverage Commission (TABC).

**South on University Ave**

## Left on Martha

**Left on Kirven St.**

## Left on Sycamore

Right on E University

Left after Regents apartments into the parking lot, left through the parking lot

**Right out of the parking lot onto Brummett Dr.**

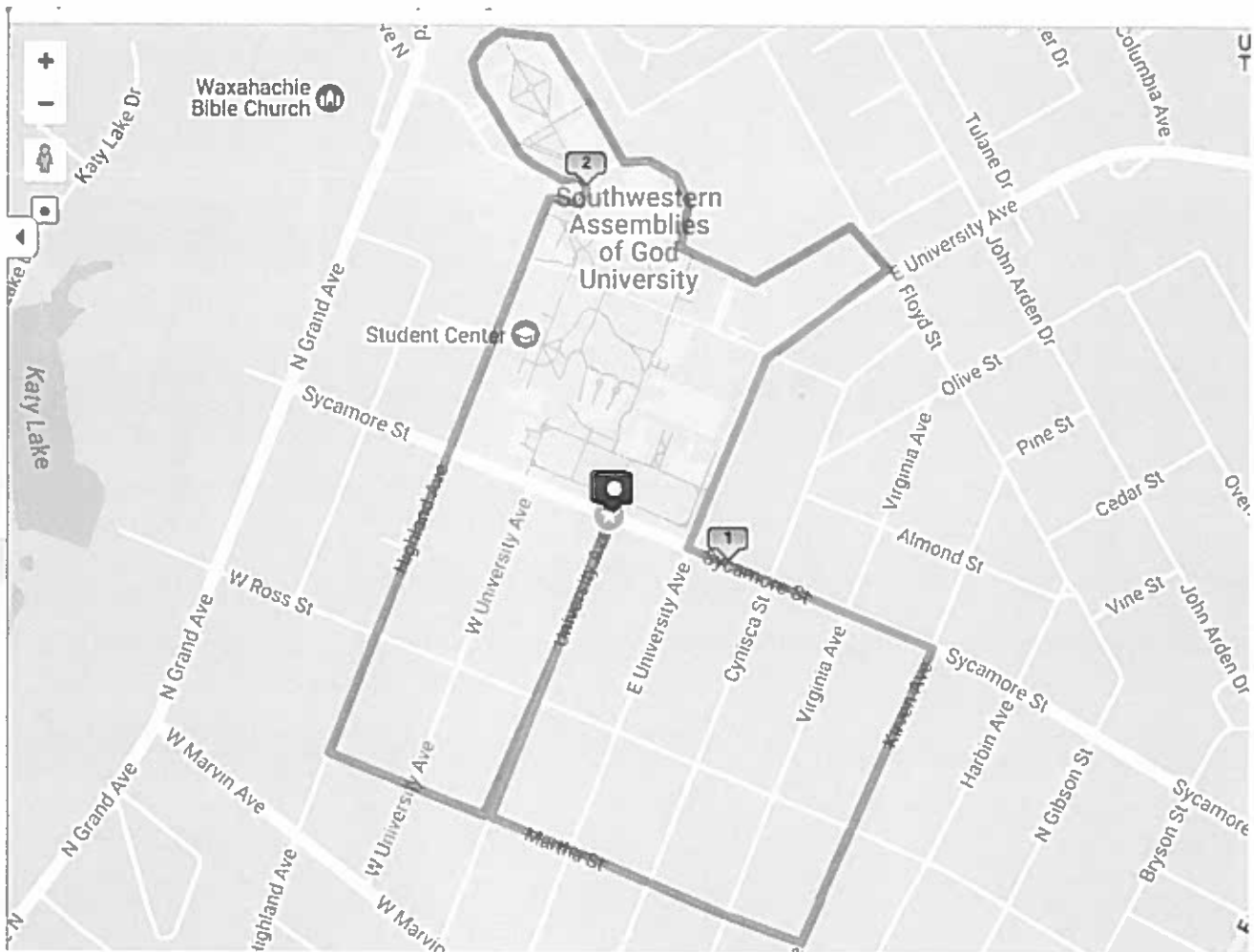
Circle behind the FLC, go behind GWC & Bridges, left to go in front of Teeter

Left back on to Brummett Dr.

**Circle the turnabout and turn on to Highland Dr.**

**Go south on Highland to Martha and turn left**

**Left on University Dr. to head north all the way back to 1200 Sycamore St.**



(4d)

**Villarreal, Amber**

---

**From:** Robert Best <rbest@waxahachiepd.org>  
**Sent:** Friday, October 19, 2018 10:44 AM  
**To:** Villarreal, Amber  
**Subject:** Re: Event Application-SAGU 5k Turkey Trot

I'm good with his.

Sent from my iPhone

On Oct 19, 2018, at 10:41 AM, Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)> wrote:

For your review/comments. Please see the attached event application.

They are requesting the same assistance as last year.

Jeff/Eneida, I believe the Street Department provided cones last year. Let me know if they are still able to do that.

Thank you!

**Amber Villarreal, TRMC**  
**Assistant City Secretary**  
**City of Waxahachie**  
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

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<Event Application-Turkey Trot.pdf>

(4d)

**Villarreal, Amber**

---

**From:** Ojeda, Eneida  
**Sent:** Friday, October 19, 2018 10:58 AM  
**To:** Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Dale Sigler; Borders, Amy; Mosley, Laurie; Chambers, Jeff; Scott, Michael; Cole, Leila; Robert Best  
**Cc:** Cartwright, Lori  
**Subject:** RE: Event Application-SAGU 5k Turkey Trot

Yes we can, just need an estimate of how many are needed.

Thank you,  
Eneida

---

**From:** Villarreal, Amber  
**Sent:** Friday, October 19, 2018 10:41 AM  
**To:** Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Borders, Amy <aborders@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Chambers, Jeff <jchambers@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Cole, Leila <lcole@waxahachie.com>; Robert Best <rbest@waxahachiepd.org>  
**Cc:** Cartwright, Lori <lcartwright@waxahachie.com>  
**Subject:** Event Application-SAGU 5k Turkey Trot

For your review/comments. Please see the attached event application.

They are requesting the same assistance as last year.

Jeff/Eneida, I believe the Street Department provided cones last year. Let me know if they are still able to do that.

Thank you!

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(41)

**Villarreal, Amber**

---

**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Friday, October 19, 2018 11:56 AM  
**To:** Villarreal, Amber  
**Subject:** Re: Event Application-SAGU 5k Turkey Trot

I have no concerns with this request.

Sent from my iPhone

On Oct 19, 2018, at 10:41, Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)> wrote:

For your review/comments. Please see the attached event application.

They are requesting the same assistance as last year.

Jeff/Eneida, I believe the Street Department provided cones last year. Let me know if they are still able to do that.

Thank you!

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**Assistant City Secretary**  
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<Event Application-Turkey Trot.pdf>

(4d)

**Villarreal, Amber**

---

**From:** Cole, Leila  
**Sent:** Friday, October 19, 2018 1:04 PM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-SAGU 5k Turkey Trot

Approved ☺

*Leila Cole*

City of Waxahachie  
Health Inspector – Building & Community Services  
Texas Standardized - Retail Food Inspection Officer  
Office: 469-309-4138 / City Cell: 972-351-3219  
Fax: 469-309-4139



---

**From:** Villarreal, Amber  
**Sent:** Friday, October 19, 2018 10:41 AM  
**To:** Ricky Boyd; Wade Goolsbey; Dale Sigler; Borders, Amy; Mosley, Laurie; Chambers, Jeff; Ojeda, Eneida; Scott, Michael; Cole, Leila; Robert Best  
**Cc:** Cartwright, Lori  
**Subject:** Event Application-SAGU 5k Turkey Trot

For your review/comments. Please see the attached event application.

They are requesting the same assistance as last year.

Jeff/Eneida, I believe the Street Department provided cones last year. Let me know if they are still able to do that.

Thank you!

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(4d)  
**Villarreal, Amber**

---

**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Monday, October 22, 2018 8:16 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-SAGU 5k Turkey Trot

Amber,  
We are checking to see if we had any traffic control involvement.

---

**From:** Villarreal, Amber [mailto:avillarreal@waxahachie.com]  
**Sent:** Friday, October 19, 2018 10:41 AM  
**To:** Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Amy Borders <aborders@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Jeff Chambers <jchambers@waxahachie.com>; Eneida Ojeda <eojeda@waxahachie.com>; Michael Scott <msscott@waxahachie.com>; Leila Cole <lcoble@waxahachie.com>; Robert Best <rbest@waxahachiepd.org>  
**Cc:** Cartwright, Lori <lcartwright@waxahachie.com>  
**Subject:** Event Application-SAGU 5k Turkey Trot

For your review/comments. Please see the attached event application.

They are requesting the same assistance as last year.

Jeff/Eneida, I believe the Street Department provided cones last year. Let me know if they are still able to do that.

Thank you!

Amber Villarreal, TRMC  
Assistant City Secretary  
City of Waxahachie  
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(4e)

### Application for a Festival or Event Permit

Event Name and Description: Community Tree Lighting and  
Lighted Night Parade

#### Applicant Information

Name: Anita Brown + John Smith  
Address: 401 S. Rogers 401 S. Elm  
City, State, Zip: Waxahachie, TX 75165 Phone: 469-309-4111  
469-309-4271  
E-mail Address: abrown@waxahachie.com; jsmith@waxahachie.com

#### Organization Information

Organization Name: City of Waxahachie Downtown + Parks Depts.  
Address: 401 S. Rogers; 401 S. Elm  
Authorized Head of Organization: Michael Scott  
Phone: 469-309-4111 E-mail Address: abrown@waxahachie.com  
jsmith@waxahachie.com

#### Event Chairperson/Contact

Name: Anita Brown (tree lighting); John Smith (parade)  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_ Phone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Event Information Tree Lighting - around the Courthouse square  
Event Location/Address: Parade - from Getzender Park, down Main, S on Rogers  
Purpose: To kick off the holiday season in Waxahachie  
Event Start Date and Time: Tuesday, November 27, 2018 5pm

(4e)

Event End Date and Time: Tuesday, November 27, 2018 9:30 pm

Approximate Number of Persons Attending Event Per Day: 2000+ expected

Site Preparation and Set-Up Date and Time: Tuesday, Nov. 27, 2018 4 pm

Clean-Up Completion Date and Time: Tuesday, Nov. 27, 2018 10 pm

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc.

See attached maps for street closures and activities. (Parade) - green line is parade route; pink lines are street closure to control traffic; during parade all streets intersecting parade route will be blocked until full parade passes. (Tree lighting) - blue lines indicate street closures; parking spaces will be coned off down both sides of Rogers for parade passage + opened back up after parade; activities include bounce houses, petting zoo, pony rides, train rides, photos w/ Santa

Will food and/or beverages be available and/or sold? (YES) NO Fire wifes providing cocoa, etc.

Will alcohol be available and/or sold? YES NO

If food will be prepared on-site, a Temporary Food Permit must be obtained by the Environmental Health Department.

Will dumpsters be needed? Polycarts only

Please submit a site plan showing the layout of the event including equipment, stages, and street locations

I THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT.

Antelbuen /

10/29/2018

Signature of Applicant

Date

Lighted Night Parade  
November 27, 2018 6:30 pm Parade start

Google Maps



Green line - parade route; starts at Getzendorfer Park to Grand, right on Main, right on Rogers to Depot  
Pink marks - barricades manned until parade passes then opened back up





—  
TREE LIGHTING  
TUESDAY, NOV. 27, 2018  
6-9 pm





(4f)

## Application for a Festival or Event Permit

Event Name and Description: 2ND ANNUAL

MARTIN LUTHER KING, JR. UNITY PARADE

\* JANUARY 21, 2019

SA MONDAY

### Applicant Information

Name: DR. JAMAL RASHEED

Address: 441 E. MARTIN LUTHER KING JR BLVD

City, State, Zip: WAXAHACHIE Phone: 469-337-7989

E-mail Address: JAMAL5@sbglobal.NET

### Organization Information

Organization Name: ELLIS COUNTY AFRICAN AMERICAN HALL OF FAM

Address: 441 E. MARTIN LUTHER KING JR BLVD Authorized

Head of Organization: DR. JAMAL RASHEED / PRESIDENT - C.E.O

Phone: 469-337-7989 E-mail Address: JAMAL5@sbglobal.NET

### Event Chairperson/Contact

Name: DR. JAMAL RASHEED

Address: 441 E. MARTIN LUTHER KING, JR. BLVD

City, State, Zip: WAXAHACHIE, TX 75165 Phone: 469-337-7989

E-mail Address: JAMAL5@sbglobal.NET

Event Information ROUTE WILL BEGIN AT TURNER SCHOOL LOCATION  
615 N. GETZENDANER

Event Location/Address: \_\_\_\_\_

Purpose: CELEBRATION OF LIFE FOR DR. MARTIN LUTHER  
KING, JR.

Received in  
City Secretary's Office  
10/18/18  
City of Waxahachie, Texas



(4f)

Event Start Date and Time: 1:00 P.M.

Event End Date and Time: 3:00 P.M.

Approximate Number of Persons Attending Event Per Day: N/A

Site Preparation and Set-Up Date and Time: 12:00 NOON

Clean-Up Completion Date and Time: N/A

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services. JANUARY 21, 2019

PARADE PARTICIPANTS WILL MEET AT 12:00 NOON  
FOR LINE-UP AT TURNER SCHOOL, 615 N. GETZENDINE

PARADE BEGINS AT 1:00PM PROCEED NORTH ON GETZENDINE  
TO PETERS WEST ON PETERS TO WYATT SOUTH ON  
WYATT TO MARTIN LUTHER KING AND

ENDING AT FREEDMAN'S PARK, 400 E MARTIN

LUTHER KING JR BLVD. PARKING WILL BE ALLOWED AT  
HALL OF FAME & SAMARIA BAPTIST CHURCH PARKING 6013

Will food and/or beverages be available and/or sold? YES/NO

\*Will alcohol be available and/or sold? YES/NO

If yes, will the event be in the Historic Overlay District? YES/NO

If food will be prepared on-site, a Temporary Food Permit must be obtained by the Environmental Health Department.

Will dumpsters be needed? NO

Will an Unmanned Aircraft Systems Unit (drone) be used? YES/NO If so, provide a copy of the current FAA License.

Please submit a site plan showing the layout of the event including equipment, stages, and street locations

I THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT.

Dr. Jamal Dashed 10-17-2018  
Signature of Applicant Date

(4f)

**Villarreal, Amber**

---

**From:** Mosley, Laurie  
**Sent:** Thursday, October 18, 2018 9:08 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-MLK Jr. Parade 2019

I see no conflicts from the CVB department. Thank you!

---

**From:** Villarreal, Amber  
**Sent:** Thursday, October 18, 2018 8:41 AM  
**To:** Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Chambers, Jeff <jchambers@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Smith, John <jsmith@waxahachie.com>; Robert Best <rbest@waxahachiepd.org>  
**Cc:** Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>  
**Subject:** Event Application-MLK Jr. Parade 2019

For your review/comments.

**Amber Villarreal, TRMC**  
**Assistant City Secretary**  
**City of Waxahachie**  
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
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(4f)

**Villarreal, Amber**

---

**From:** Smith, John  
**Sent:** Thursday, October 18, 2018 10:35 AM  
**To:** Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Chambers, Jeff; Mosley, Laurie; Borders, Amy; Robert Best  
**Cc:** Cartwright, Lori; Scott, Michael  
**Subject:** RE: Event Application-MLK Jr. Parade 2019

Approved.

Thanks,  
John

---

**From:** Villarreal, Amber  
**Sent:** Thursday, October 18, 2018 8:41 AM  
**To:** Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Chambers, Jeff <jchambers@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Smith, John <jsmith@waxahachie.com>; Robert Best <rbest@waxahachiepd.org>  
**Cc:** Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <mscott@waxahachie.com>  
**Subject:** Event Application-MLK Jr. Parade 2019

For your review/comments.

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(4f)

**Villarreal, Amber**

---

**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Thursday, October 18, 2018 11:48 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-MLK Jr. Parade 2019

I have no concerns with this request.

**Ricky Boyd, Fire Chief**  
**Waxahachie Fire-Rescue**  
**214-463-9335**

---

**From:** Villarreal, Amber [mailto:avillarreal@waxahachie.com]  
**Sent:** Thursday, October 18, 2018 8:41 AM  
**To:** Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Chambers, Jeff <jchambers@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Smith, John <jsmith@waxahachie.com>; Robert Best <rbest@waxahachiepd.org>  
**Cc:** Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>  
**Subject:** Event Application-MLK Jr. Parade 2019

For your review/comments.

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**Assistant City Secretary**  
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(4f)

**Villarreal, Amber**

---

**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Monday, October 22, 2018 8:15 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-MLK Jr. Parade 2019

No Issues... we will have a unit lead and assist.

---

**From:** Villarreal, Amber [mailto:avillarreal@waxahachie.com]  
**Sent:** Thursday, October 18, 2018 8:41 AM  
**To:** Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Jeff Chambers <jchambers@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Amy Borders <aborders@waxahachie.com>; John Smith <jsmith@waxahachie.com>; Robert Best <rbest@waxahachiepd.org>  
**Cc:** Cartwright, Lori <lcartwright@waxahachie.com>; Michael Scott <msscott@waxahachie.com>  
**Subject:** Event Application-MLK Jr. Parade 2019

For your review/comments.

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**Assistant City Secretary**  
**City of Waxahachie**  
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(6)

## *PROCLAMATION*

**WHEREAS**, the Municipal Court of Waxahachie, a time honored and vital part of local government; and

**WHEREAS**, more citizens and non-citizens alike, come in personal contact with municipal courts than all other Texas courts combined; and

**WHEREAS**, public impression of the entire Texas judicial system is largely dependent upon the public's experience in municipal court; and

**WHEREAS**, Municipal Judges and court support personnel have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and conform to the standards set by the Canons of Judicial Conduct; and

**WHEREAS**, the Municipal Courts play a significant role in preserving the quality of life in Texas communities through the adjudication of traffic offenses, ensuring a high level of traffic safety for our citizens; and

**WHEREAS**, the Municipal Courts serve as the local justice center for the enforcement of local ordinances and fine-only state offenses that protect the peace and dignity of our community; and

**WHEREAS**, the Municipal Judges and Clerks continually strive to improve the administration of justice through participation in judicial education programs, seminars, workshops and the annual meetings of their state and local professional organizations; and

**WHEREAS**, it is most appropriate that we recognize the accomplishments of the 916 Texas Municipal Courts, and salute their critical role in preserving public safety, protecting the quality of life in Texas communities, and deterring future criminal behavior; and

**NOW, THEREFORE**, I, Kevin Strength, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim November 5-9, 2018 as

### ***“MUNICIPAL COURT WEEK”***

and further extend appreciation to all Waxahachie Municipal Judges and court support personnel for the vital services they perform and their exemplary dedication to our community.

Proclaimed this 5<sup>th</sup> day of November, 2018.

---

MAYOR

ATTEST:

---

CITY SECRETARY

(7)

## **PROCLAMATION**

**WHEREAS**, in 2018, an estimated 55,440 people will be diagnosed with pancreatic cancer in the United States and 44,330 will die from the disease; and

**WHEREAS**, pancreatic cancer is one of the deadliest cancers, is currently the third leading cause of cancer related death in the United States and is projected to become the second by 2020; and

**WHEREAS**, there will be an estimated 418,451 new pancreatic cancer cases diagnosed worldwide in 2020; and

**WHEREAS**, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just eight percent; and

**WHEREAS**, when symptoms of pancreatic cancer present themselves, it is generally late stage, and 71 percent of pancreatic cancer patients die within the first year of their diagnosis; and

**WHEREAS**, approximately 3,250 deaths will occur in Texas in 2018; and

**WHEREAS**, pancreatic cancer is the seventh most common cause of cancer-related death in men and women across the world; and

**WHEREAS**, the good health and well-being of the residents of Waxahachie are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; and

**NOW, THEREFORE**, I, Kevin Strength, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim November 15, 2018, as

***"World Pancreatic Cancer Day"***

DATED this 5<sup>th</sup> day of November, 2018.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(8)

## Planning & Zoning Department Plat Staff Report

Case: RP-18-0157



### MEETING DATE(S)

*Planning & Zoning Commission:* October 23, 2018

*City Council:* November 5, 2018

### CAPTION

Request by Jewel Chadd, JPH Land Surveying Inc., for a Replat of Lot 3, Block A, RVG Plaza to create Lot 3R, Block A, RVG Plaza for 11.478 acres (Property ID 238264) – Owner: HUNTERS COVE LAKESIDE APARTMENTS I LLC & HUNTERS COVE LAKESIDE APARTMENTS II LLC (RP-18-0157)

### CASE INFORMATION

*Applicant:* Jewel Chadd, JPH Land Surveying, Inc.

*Property Owner(s):* Hunters Cove Lakeside Apartments I LLC and Hunters Cove Lakeside Apartments II LLC

*Site Acreage:* 11.478 acres

*Number of Lots:* 1 lot

*Number of Dwelling Units:* 192 units

*Park Land Dedication:* N/A

*Adequate Public Facilities:* Yes

### SUBJECT PROPERTY

*General Location:* 1250 W Highway 287 Bypass

*Parcel ID Number(s):* 238264

*Current Zoning:* PD-1-C and PD-36-C

*Existing Use:* Hunters' Cove Apartments

*Platting History:* The final plat for RVG Plaza, including this lot, was approved by City Council on September 18, 2006. This replat is to relocate a drainage and utility easement in the northwestern corner of the lot, due to the fact that a building was constructed over the easement.

(8)

*Site Aerial:*



**STAFF CONCERNS**

1. Submit a clear copy of the first page of the Atmos, ATT, and Charter releases. The first pages are blurred.
2. Filing fees of \$100.00 remain outstanding.

**APPLICANT RESPONSE TO CONCERNS**

1. Applicant attended a meeting. The above comments remain outstanding.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
  1. Submit a clear copy of the first page of the Atmos, ATT, and Charter releases. The first pages are blurred.
  2. Filing fees of \$100.00 remain outstanding.

**ATTACHED EXHIBITS**

1. Plat drawing
2. Atmos release
3. ATT release
4. Charter release
5. Oncor release

(8)

**APPLICANT REQUIREMENTS**

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied, then applicant will be notified to make corrections.
  - b. If all comments satisfied, applicant shall provide five signed, hard-copy plats.

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Kelly Dent, MPA  
Planner  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held October 23, 2018, the Commission voted 6-0 to recommend approval of plat no. RPP-18-0157, subject to staff comments. Staff has received resubmittals of releases, and payment of fees, so all comments have been cleared and the recommendation has changed to Approve, as presented.





(8)

STATE OF TEXAS  
COUNTY OF ELLIS

WHEREAS, Hunter's Cove Lakeside Apartments I LLC, a Texas Limited Liability Company and Hunter's Cove Lakeside Apartments II LLC, a Texas Limited Liability Company, are the owners of that certain tract of land situated in the Robert Parks Survey, Abstract No. 151, Ellis County, Texas as described in the deed to said Hunter's Cove Lakeside Apartments I LLC, a Texas Limited Liability Company and Hunter's Cove Lakeside Apartments II LLC, a Texas Limited Liability Company recorded under Instrument Number 151119 of the Official Public Records of Ellis County, Texas; said tract being all of Lot 3, Block A of RVG Plaza in addition to the City of Watahatchie, Ellis County, Texas, and is more particularly described as follows (boundaries are based on Grid North per the Texas (northern) System of 1983, North Central Zone):

Beginning at a 1/2 inch capped red stamped "RPLS 4466" found on the north right of way of U.S. Highway 287, at the most westerly southeast corner of said Lot 3.

THENCE with the perimeter and to the corners of Lot 3, the following:

1. NORTH 73 degrees 34 minutes 55 seconds WEST, a distance of 130.17 feet to a found 1/2 inch capped red stamped "RPLS 4466";
2. N 19 degrees 17 minutes 05 seconds EAST, a distance of 23.04 feet, from which a found 1/2 inch capped red stamped "RPLS 4818" bears NORTH 17 degrees WEST a distance of 0.39 feet;
3. NORTH 73 degrees 34 minutes 55 seconds EAST, a distance of 60.05 feet to a found 1/2 inch capped red stamped "RPLS 5419";
4. NORTH 19 degrees 17 minutes 05 seconds EAST, a distance of 231.78 feet to a found "X" cut;
5. NORTH 70 degrees 42 minutes 51 seconds WEST, a distance of 700.00 feet to a found "X" cut;
6. NORTH 19 degrees 17 minutes 05 seconds EAST, a distance of 11.03 feet to an "X" cut found at the beginning of a curve, tangent to the southeast, having a radius of 226.00 feet;
7. In a southeasterly direction, along the arc of the said curve, an arc length of 146.60 feet (a chord bearing of NORTH 38 degrees 22 minutes 32 seconds EAST, a chord distance of 143.90 feet) to a 1/2 inch capped red stamped "RPLS 4466" found at the end of the curve;
8. NORTH 57 degrees 27 minutes 45 seconds EAST, a distance of 257.23 feet to a 1/2 inch capped red stamped "RPLS 4466" found at the beginning of a curve, concave to the west, having a radius of 280.80 feet;
9. In a southerly direction, along the arc of the said curve, an arc length of 213.33 feet (a chord bearing of NORTH 25 degrees 28 minutes 22 seconds EAST, a chord distance of 271.41 feet) to a 1/2 inch capped red stamped "RPLS 4466" found at the end of the curve;
10. NORTH 10 degrees 31 minutes 05 seconds WEST, a distance of 133.35 feet, from which a found 1/2 inch capped red stamped "RPLS 4466" bears NORTH 11 degrees EAST a distance of 0.30 feet;
11. NORTH 10 degrees 31 minutes 05 seconds EAST, a distance of 336.43 feet to a found 1/2 inch capped red stamped "RPLS 4466";
12. NORTH 10 degrees 44 minutes 32 seconds EAST, a distance of 235.00 feet (corner located in Elbow Lake);
13. NORTH 30 degrees 23 minutes 34 seconds EAST, a distance of 560.00 feet to a found 1/2 inch capped red stamped "RPLS 4466";
14. NORTH 11 degrees 44 minutes 32 seconds WEST, a distance of 235.00 feet to a found 1/2 inch capped red stamped "RPLS 4466";
15. NORTH 10 degrees 23 minutes 34 seconds WEST, a distance of 250.34 feet to a found "X" cut;
16. NORTH 70 degrees 42 minutes 51 seconds WEST, a distance of 328.97 feet to a found "X" cut;
17. NORTH 19 degrees 17 minutes 05 seconds WEST, a distance of 225.27 feet, from which a found 1/2 inch capped red stamped "RPLS 4466" bears NORTH 52 degrees WEST a distance of 0.34 feet;
18. NORTH 73 degrees 34 minutes 55 seconds EAST, a distance of 60.05 feet, from which a found 1/2 inch capped red stamped "RPLS 4466" bears NORTH 11 degrees EAST a distance of 0.79 feet;
19. NORTH 19 degrees 17 minutes 05 seconds WEST, a distance of 55.04 feet returning to the Point of Beginning and enclosing 11.478 acres (499.991 square feet).

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Hunter's Cove Lakeside Apartments I LLC, a Texas Limited Liability Company and Hunter's Cove Lakeside Apartments II LLC, a Texas Limited Liability Company acting herein by and through Rashid Mawar Oqta, Manager, does hereby adopt this plat designating the herein above described property as Lot 3, Block A, RVG PLAZA, in addition to the City of Watahatchie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown hereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growth shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Watahatchie. In addition, Utility Easements may also be used for the normal use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, and use by public utilities being subordinate to the Public's and City of Watahatchie's use thereof. The City of Watahatchie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growth which may in any way interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Watahatchie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, repairing, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

This plat approved subject to all planning ordinances, rules, regulations and resolutions of the City of Watahatchie, Texas.

WITNESS, my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

By: \_\_\_\_\_  
Rashid Mawar Oqta, Manager  
Hunter's Cove Lakeside Apartments I LLC &  
Hunter's Cove Lakeside Apartments II LLC

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public in and for the State of \_\_\_\_\_, on this day personally appeared Rashid Mawar Oqta, Manager of Hunter's Cove Lakeside Apartments I LLC, a Texas Limited Liability Company and Hunter's Cove Lakeside Apartments II LLC, a Texas Limited Liability Company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Notary Public in and for the State of \_\_\_\_\_  
My Commission Expires on: \_\_\_\_\_

#### SURVEYOR'S NOTES:

1. The sole purpose of this Replat is to abandon that portion of the 10' Drainage Easement identified on Sheet 1.
2. Subject property's record description's area of 4.00.
3. Site Benchmark No. 1 is an "X" cut found at the northeast corner of Lot 2, Block A, RVG Plaza, located approximately 121 feet southeasterly from the most eastern southeast corner of the subject tract, located approximately 643 feet westerly from the Site Benchmark No. 3 described below. Benchmark Elevation: 452.00 (NAVD83). See vicinity map for general location.
4. Site Benchmark No. 2 is a mag nail & wooden stamped "JPL Land Surveying" set in concrete sidewalk, located approximately 291 feet easterly from the most eastern southeast corner of the subject property, located approximately 643 feet westerly from the Site Benchmark No. 1 described above. Benchmark Elevation: 452.00 (NAVD83). See vicinity map for general location.
5. Easements for adjacent owners are labeled per City of Watahatchie Zoning Map.
6. Current Zoning for subject tract is PD-1-C (Planned Development-Community) per Zoning Survey Summary provided by Key Zoning Associates, LLC, 93643 Gateway Drive, New Lisbon, NY 12550 (609) 545-3164, Site Number 2018 11953 Pland. Dated: July 16, 2018.
7. Zoning district for adjacent owners is labeled per City of Watahatchie Zoning Map.
8. Unable to plot 15' Utility easement and 30' water, sewer & utility easement along the west line of the subject tract due to illegible dimensions shown on plat recorded in Cabinet II, Slide 633, P.R.E.C.T.
9. 80' Abandon access easement & utility easement described in Cabinet II, Slide 328 & 329, P.R.E.C.T. is the same private road described in Volume 2297, Page 36, D.I.R.E.C.T. The sole purpose of this Replat is to abandon that portion of the 10' Drainage and Utility Easement identified on Sheet 1.
10. Finish Floor Elevation (FFE) shall be 3 feet above the 100-year Floodplain Base Flood Elevation.
11. Portion of easement described in release documents recorded under Inst. #1215415, Inst. #1215416, and Inst. #1215417 of the Official Public Records of Ellis County, Texas.

#### SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Javed Chahid, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon are set upon property placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Watahatchie.

PRELIMINARY: THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

RELEASED FOR REVIEW ON September 12, 2018.

Javed Chahid  
Registered Professional  
Land Surveyor No. 5754

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Notary Public in and for the State of Texas

APPROVED BY: City Council City of Watahatchie	
Mayor	_____
Attest	Date

APPROVED BY: Planning and Zoning Commission City of Watahatchie	
Chairperson	_____
Date	_____

### REPLAT LOT 3R, BLOCK A RVG PLAZA

A SUBDIVISION OF 11.478 ACRES  
SITUATED IN THE  
ROBERT PARKS SURVEY, ABSTRACT NO. 151  
BEING A REPLAT OF LOT 3, BLOCK A, RVG PLAZA,  
CABINET II, SLIDES 328 & 329  
CITY OF WATAHATCHIE  
ELLIS COUNTY, TEXAS  
PREPARED ON SEPTEMBER 12, 2018

SHEET 2 OF 2



JPL John Chahid, Inc. (see below)  
2018 300-000 1250 W Hwy 287 Dumas, Watahatchie, Ellis Co., TX. Fax: 714-287-0000  
© 2018 JPL Land Surveying, Inc. All Rights Reserved.  
1516 E. Palm Valley Boulevard, Suite A4 Round Rock, Texas 78664  
Telephone: (512) 451-4971 www.jplandsurveying.com  
TWPLS Firm #1017900 #6049477 #6107907  
DPR Austin | Abilene

PREPARED BY:  
JPL Land Surveying, Inc.  
1516 E. Palm Valley Boulevard, Suite A4  
Round Rock, Texas 78664  
(512) 451-4971

SUBSCRIBENT(S):  
Rashid Mawar Oqta, Manager  
Hunter's Cove Lakeside Apartments, LLC  
213 Dandel Lane, Broussard, CA 91008  
rashid.oqta@gmail.com

(8)

Date: August 31, 2018

**We have reviewed the Property and the following are our findings:**

       Our utilities have been relocated or abandoned within the Property.

### Abandoning of Existing Easements or Right-of-Way:

x We have no objection to abandoning an existing 10' drainage and utility easement ("Easement"), as platted in Cabinet H, Slide 328 & 329, and located under Building A-2 and as shown (cross-hatched) on the ALTA/NSPS Land Title Survey attached hereto as Exhibit "B".

= LED FOR RECORD - EL PASO COUNTY, TEXAS  
LIST NO. 1625645 FILED DATE TIME SEP 06, 2012 01:17 33 PM

(8)

\_\_\_\_ We do not recommend approval to the Easement abandonment due to reasons set forth below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Franchise Utility Company: Atmos Energy  
Printed Name

Signature: Joe W. Morris

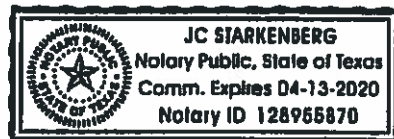
Name: Joe W. Morris

Title: Sr. Project Specialist

Date: August 31, 2018

STATE OF TEXAS                    )  
  ) ss.  
COUNTY OF DALLAS            )

On the 31<sup>st</sup> day of August in the year 2018 before me, the undersigned, a Notary Public in and for said state, personally appeared Joe W. Morris, proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



[Signature]  
Signature of Notary Public  
State of Texas

My Commission Expires: 4-13-2020

(8)

**EXHIBIT "A"**

**Hunter's Cove Apartments, Waxahachie, Texas**

All that certain lot, tract or parcel of land being known and designated as Lot 3, Block A, RVG PLAZA, an Addition to the City of Waxahachie, Ellis County, Texas, according to the Final Plat thereof recorded in Cabinet H, Slides 328 and 329, Plat Records, Ellis County, Texas, and further described by metes and bounds as follows:

Being all that certain lot, tract or parcel of land situated in the ROBERT PARKS SURVEY, ABSTRACT NO. 851 in the City of Waxahachie, Ellis County, Texas, and being all of Lot 3, Block A of RVG Plaza, an Addition as recorded in Cabinet H, Slides 328 and 329 of the Plat Records of Ellis County, Texas (PRECT), said Lot 3 being a 8.457 acre portion of a called 24.042 acre tract of land conveyed to Starplex Park, LP by deed as recorded in Volume 2160, Page 672 of the Official Public Records of Ellis County, Texas (OPRECT) and a 3.021 acre tract of land conveyed to Hunter's Cove Partners, Ltd., by deed as recorded in Volume 2283, Page 1266, OPRECT, and being more particularly described as follows:

BEGINNING at a 1/2 inch steel rod found with cap #4466 for the lower Southeast corner of said Lot 3 and same for this tract and the lower Southwest corner of Lot 2 in Block A of said RVG Plaza in the South line of said 24.042 acre tract and the North line of U.S. Highway 287 Bypass, a variable width public right of way, said rod bears North 76 degrees 49 minutes 03 seconds West, 266.46 feet and North 72 degrees 24 minutes 00 seconds West, 277.55 feet from a 5/8 inch steel rod found for the Southeast corner of said 24.042 acre tract;

THENCE North 72 degrees 24 minutes 00 seconds West, 130.16 feet (Plat and Deed Reference Bearing) along the North line of said Highway 287 and the South line of said 24.042 acre tract to a 1/2 inch steel rod found for the lower Southwest corner of said Lot 3 and same for this tract and the lower Southeast corner of Lot 4 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 20 degrees 28 minutes 00 seconds East, 35.04 feet to a 1/2 inch steel rod found;  
South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found for the upper Southeast corner of said Lot 4;  
North 20 degrees 28 minutes 00 seconds East, 231.78 feet to a '+' mark cut in concrete for the Northeast corner of said Lot 4;  
North 69 degrees 32 minutes 00 seconds West, 700.00 feet along the North line of said Lot 4, and Lots 5 and 6 in Block A of said RVG Plaza to a '+' mark cut in concrete for the upper Southwest corner of said Lot 3 and same for this tract and the Northwest corner of said Lot 6 in the East line of RVG Parkway, a 60 foot wide public right of way;

THENCE continuing through said 24.042 acre tract and the East line of said RVG Parkway as follows:

North 20 degrees 28 minutes 03 seconds East, 11.03 feet to a '+' mark cut in concrete at the beginning of a clockwise curve having a radius of 220.00 feet; Northeasterly, 146.60 feet along the arc of said curve (Long Chord=North 39 degrees 33 minutes 21 seconds East, 143.90 feet) to 1/2 inch steel rod found;

(8)

North 58 degrees 38 minutes 43 seconds East, 257.28 feet to a 1/2 inch steel rod found at the beginning of a counter clockwise curve having a radius of 280.00 feet; Northeasterly, 283.35 feet along the arc of said curve (Long Chord=North 29 degrees 39 minutes 16 seconds East, 271.41 feet) to a 1/2 inch steel rod found;

North 00 degrees 39 minutes 50 seconds East, 133.33 feet to a 1/2 inch steel rod found for the westerly North corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract and the Southwest line of a 30 feet wide right of way dedication out of Lakeridge, an addition as recorded in Cabinet B, Slide 245, PRECT, said rod bears South 29 degrees 05 minutes 14 seconds East, 60.46 feet from a '+' mark cut in concrete for the North corner of said 24.042 acre tract;

THENCE South 29 degrees 05 minutes 14 seconds East, 336.43 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract to a 5/8 inch steel rod found for a South corner of said Lakeridge addition and the Northwest corner of said 3.021 acre tract at an inner ell corner of said Lot 3 and same for this tract;

THENCE North 59 degrees 55 minutes 27 seconds East, 235.00 feet along the South line of said Lakeridge addition to a point in Blue Lake for the Northeast corner of said 3.021 acre tract and the easterly North corner of said Lot 3 and same for this tract and a Northwest corner of Lot 1 in Block A of Waxahachie Crossing Subdivision Unit 2, an addition as recorded in Cabinet H, Slides 493 and 494, PRECT;

THENCE South 29 degrees 12 minutes 29 seconds East, 560.00 feet to a 1/2 inch steel rod found with cap for the Southeast corner of said 3.021 acre tract and an upper Southeast corner of said Lot 3 and same for this tract at an inner ell corner of said Waxahachie Crossing;

THENCE South 59 degrees 55 minutes 27 seconds West, 235.00 feet to a 1/2 inch steel rod found with cap for the Southwest corner of said 3.021 acre tract and a lower Northwest corner of said Waxahachie Crossing at an inner ell corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract;

THENCE South 29 degrees 12 minutes 29 seconds East, 250.34 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract and the West line of said Waxahachie Crossing to a 1/2 inch steel rod found with cap for an upper Southeast corner of said Lot 3 and the Northwest corner of a called 0.0721 acre Tract 1 as conveyed to Starplex Park, LP by deed as recorded in Volume 2249, Page 2026 OPRECT in the North line of Lot 1 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 69 degrees 32 minutes 00 seconds West, 328.07 feet along the North line of said Lots 1 and 2 to a '+' mark cut in concrete for the Northwest corner of said Lot 2;

South 20 degrees 28 minutes 00 seconds West, 229.27 feet to a 1/2 inch steel rod found with cap #4466 for the upper Southwest corner of said Lot 2;

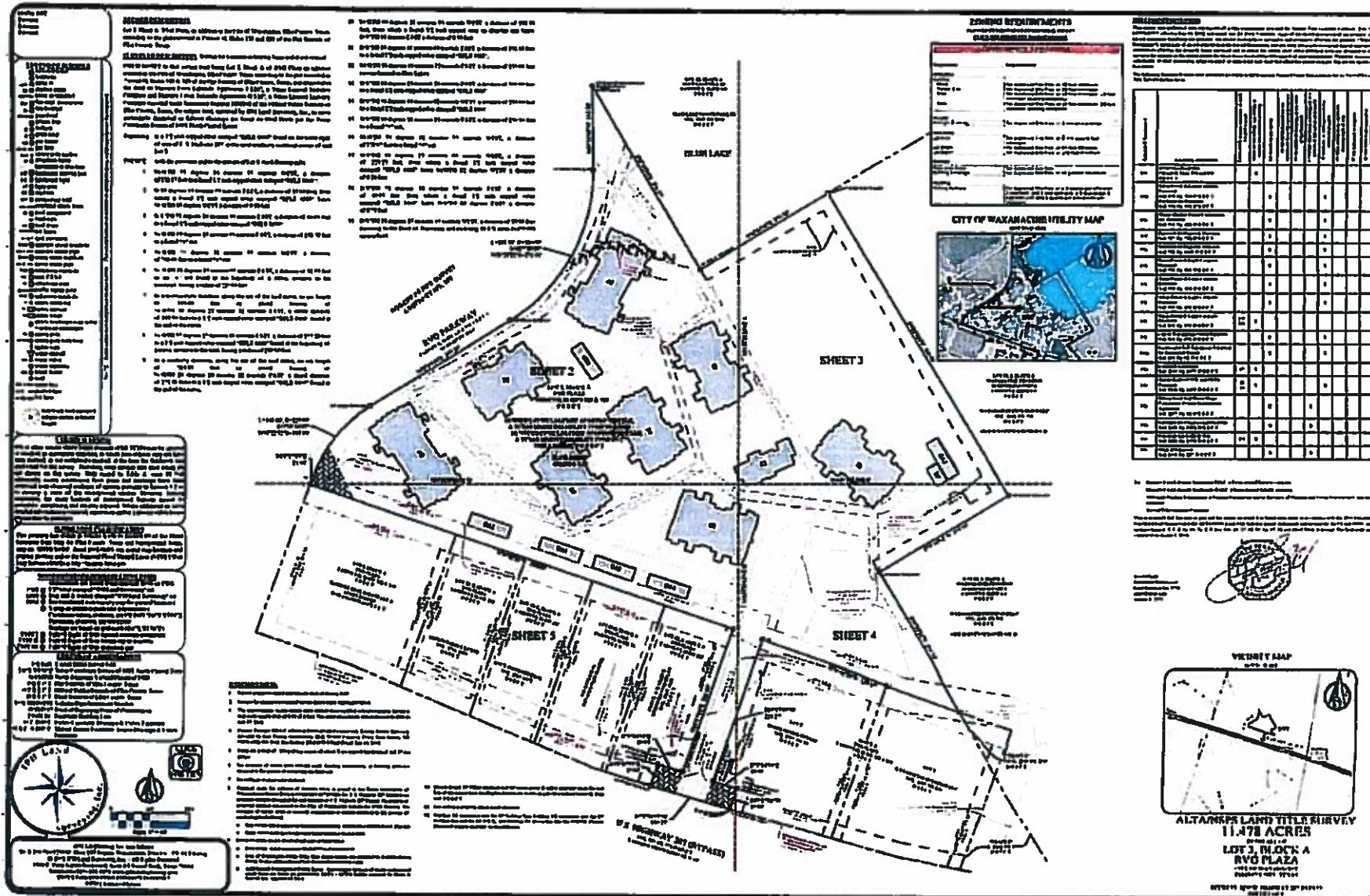
South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found with cap #4466; South 20 degrees 28 minutes 00 seconds West, 35.04 feet to the POINT OF BEGINNING and containing approximately 11.478 acres of land.

(8)

**EXHIBIT "B"**

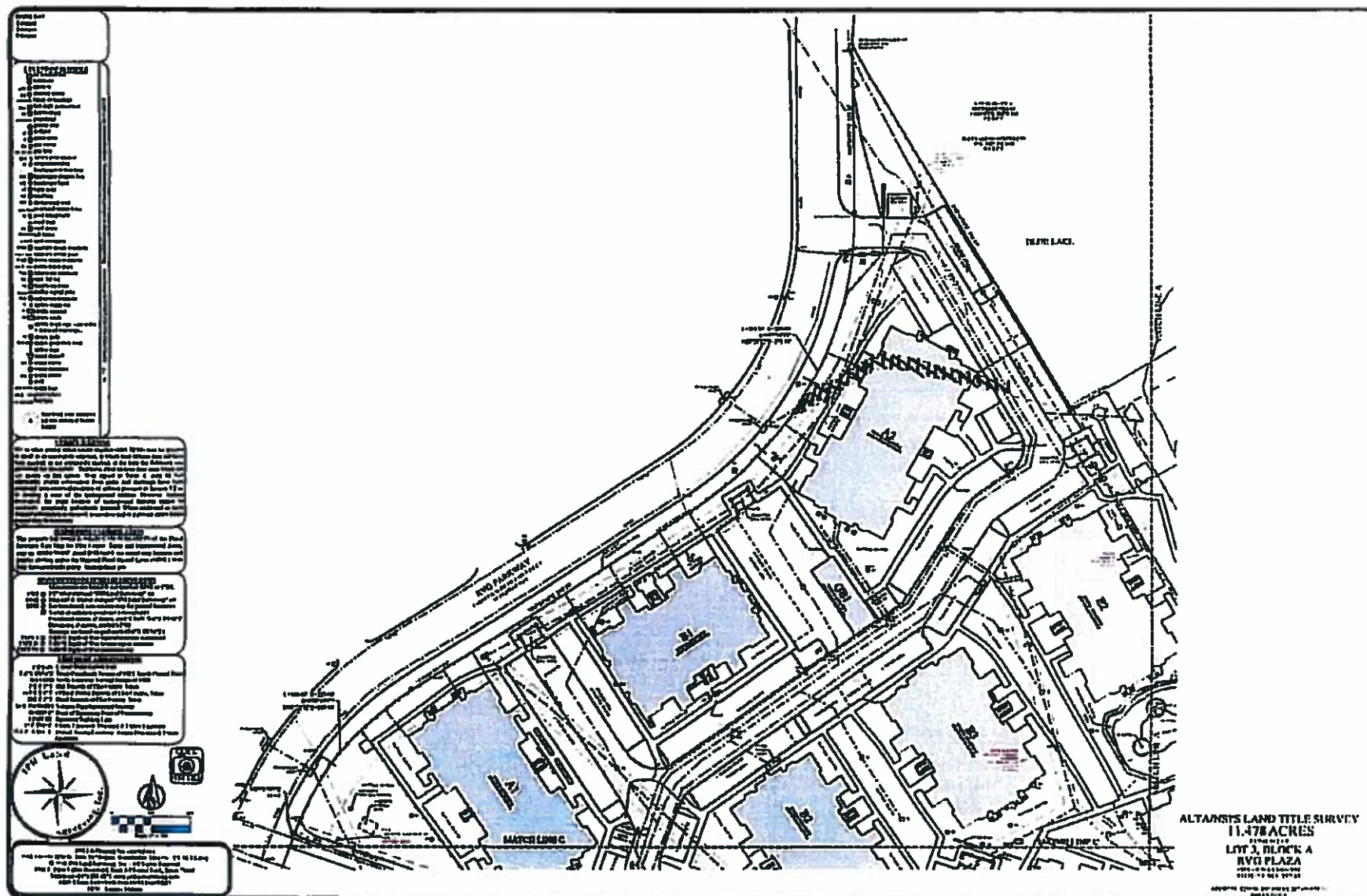
**SURVEY ATTACHED**





(8)





8

(8)

**Date:** August 28, 2018

**We have reviewed the Property and the following are our findings:**

       Our utilities have been relocated or abandoned within the Property.

### **Abandoning of Existing Easements or Right-of Way:**

FILED FOR RECORD - ELLIS COUNTY, TEXAS  
INLET NO. 100-617 FILING DATE/TIME Sep 05, 2018 at 11:27:00 AM

(8)

\_\_\_\_ We do not recommend approval to the Easement abandonment due to reasons set forth below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Franchise Utility Company: Southwestern Bell Telephone Company, d/b/a AT&T Texas

Printed Name

Signature: *Tina Helton*

Name: TINA HELTON

Title: Manager OSP Plng & Eng Dsgn – Right-of-Way

Date: August 28, 2018

STATE OF TEXAS            )  
  ) ss.  
COUNTY OF TARRANT    )

On the 28th day of August in the year 2018 before me, the undersigned, a Notary Public in and for said state, personally appeared Tina Helton, proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



*Frank S. Huneycutt*  
Signature of Notary Public

State of Texas

My Commission Expires: 03-15-2022

(8)

**EXHIBIT "A"**

**Hunter's Cove Apartments, Waxahachie, Texas**

All that certain lot, tract or parcel of land being known and designated as Lot 3, Block A, RVG PLAZA, an Addition to the City of Waxahachie, Ellis County, Texas, according to the Final Plat thereof recorded in Cabinet H, Slides 328 and 329, Plat Records, Ellis County, Texas, and further described by metes and bounds as follows:

Being all that certain lot, tract or parcel of land situated in the ROBERT PARKS SURVEY, ABSTRACT NO. 851 in the City of Waxahachie, Ellis County, Texas, and being all of Lot 3, Block A of RVG Plaza, an Addition as recorded in Cabinet H, Slides 328 and 329 of the Plat Records of Ellis County, Texas (PRECT), said Lot 3 being a 8.457 acre portion of a called 24.042 acre tract of land conveyed to Starplex Park, LP by deed as recorded in Volume 2160, Page 672 of the Official Public Records of Ellis County, Texas (OPRECT) and a 3.021 acre tract of land conveyed to Hunter's Cove Partners, Ltd., by deed as recorded in Volume 2283, Page 1266, OPRECT, and being more particularly described as follows:

BEGINNING at a 1/2 inch steel rod found with cap #4466 for the lower Southeast corner of said Lot 3 and same for this tract and the lower Southwest corner of Lot 2 in Block A of said RVG Plaza in the South line of said 24.042 acre tract and the North line of U.S. Highway 287 Bypass, a variable width public right of way, said rod bears North 76 degrees 49 minutes 03 seconds West, 266.46 feet and North 72 degrees 24 minutes 00 seconds West, 277.55 feet from a 5/8 inch steel rod found for the Southeast corner of said 24.042 acre tract;

THENCE North 72 degrees 24 minutes 00 seconds West, 130.16 feet (Plat and Deed Reference Bearing) along the North line of said Highway 287 and the South line of said 24.042 acre tract to a 1/2 inch steel rod found for the lower Southwest corner of said Lot 3 and same for this tract and the lower Southeast corner of Lot 4 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 20 degrees 28 minutes 00 seconds East, 35.04 feet to a 1/2 inch steel rod found;  
South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found for the upper Southeast corner of said Lot 4;  
North 20 degrees 28 minutes 00 seconds East, 231.78 feet to a '+' mark cut in concrete for the Northeast corner of said Lot 4;  
North 69 degrees 32 minutes 00 seconds West, 700.00 feet along the North line of said Lot 4, and Lots 5 and 6 in Block A of said RVG Plaza to a '+' mark cut in concrete for the upper Southwest corner of said Lot 3 and same for this tract and the Northwest corner of said Lot 6 in the East line of RVG Parkway, a 60 foot wide public right of way;

THENCE continuing through said 24.042 acre tract and the East line of said RVG Parkway as follows:

North 20 degrees 28 minutes 03 seconds East, 11.03 feet to a '+' mark cut in concrete at the beginning of a clockwise curve having a radius of 220.00 feet; Northeasterly, 146.60 feet along the arc of said curve (Long Chord=North 39 degrees 33 minutes 21 seconds East, 143.90 feet) to 1/2 inch steel rod found;

(8)

North 58 degrees 38 minutes 43 seconds East, 257.28 feet to a 1/2 inch steel rod found at the beginning of a counter clockwise curve having a radius of 280.00 feet; Northeasterly, 283.35 feet along the arc of said curve (Long Chord=North 29 degrees 39 minutes 16 seconds East, 271.41 feet) to a 1/2 inch steel rod found;

North 00 degrees 39 minutes 50 seconds East, 133.33 feet to a 1/2 inch steel rod found for the westerly North corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract and the Southwest line of a 30 feet wide right of way dedication out of Lakeridge, an addition as recorded in Cabinet B, Slide 245, PRECT, said rod bears South 29 degrees 05 minutes 14 seconds East, 60.46 feet from a '+' mark cut in concrete for the North corner of said 24.042 acre tract;

THENCE South 29 degrees 05 minutes 14 seconds East, 336.43 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract to a 5/8 inch steel rod found for a South corner of said Lakeridge addition and the Northwest corner of said 3.021 acre tract at an inner ell corner of said Lot 3 and same for this tract;

THENCE North 59 degrees 55 minutes 27 seconds East, 235.00 feet along the South line of said Lakeridge addition to a point in Blue Lake for the Northeast corner of said 3.021 acre tract and the easterly North corner of said Lot 3 and same for this tract and a Northwest corner of Lot 1 in Block A of Waxahachie Crossing Subdivision Unit 2, an addition as recorded in Cabinet H, Slides 493 and 494, PRECT;

THENCE South 29 degrees 12 minutes 29 seconds East, 560.00 feet to a 1/2 inch steel rod found with cap for the Southeast corner of said 3.021 acre tract and an upper Southeast corner of said Lot 3 and same for this tract at an inner ell corner of said Waxahachie Crossing;

THENCE South 59 degrees 55 minutes 27 seconds West, 235.00 feet to a 1/2 inch steel rod found with cap for the Southwest corner of said 3.021 acre tract and a lower Northwest corner of said Waxahachie Crossing at an inner ell corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract;

THENCE South 29 degrees 12 minutes 29 seconds East, 250.34 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract and the West line of said Waxahachie Crossing to a 1/2 inch steel rod found with cap for an upper Southeast corner of said Lot 3 and the Northwest corner of a called 0.0721 acre Tract 1 as conveyed to Starplex Park, LP by deed as recorded in Volume 2249, Page 2026 OPRECT in the North line of Lot 1 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 69 degrees 32 minutes 00 seconds West, 328.07 feet along the North line of said Lots 1 and 2 to a '+' mark cut in concrete for the Northwest corner of said Lot 2;  
South 20 degrees 28 minutes 00 seconds West, 229.27 feet to a 1/2 inch steel rod found with cap #4466 for the upper Southwest corner of said Lot 2;  
South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found with cap #4466; South 20 degrees 28 minutes 00 seconds West, 35.04 feet to the POINT OF BEGINNING and containing approximately 11.478 acres of land.

(8)

**EXHIBIT "A"**

**Hunter's Cove Apartments, Waxahachie, Texas**

All that certain lot, tract or parcel of land being known and designated as Lot 3, Block A, RVG PLAZA, an Addition to the City of Waxahachie, Ellis County, Texas, according to the Final Plat thereof recorded in Cabinet H, Slides 328 and 329, Plat Records, Ellis County, Texas, and further described by metes and bounds as follows:

Being all that certain lot, tract or parcel of land situated in the ROBERT PARKS SURVEY, ABSTRACT NO. 851 in the City of Waxahachie, Ellis County, Texas, and being all of Lot 3, Block A of RVG Plaza, an Addition as recorded in Cabinet H, Slides 328 and 329 of the Plat Records of Ellis County, Texas (PRECT), said Lot 3 being a 8.457 acre portion of a called 24.042 acre tract of land conveyed to Starplex Park, LP by deed as recorded in Volume 2160, Page 672 of the Official Public Records of Ellis County, Texas (OPRECT) and a 3.021 acre tract of land conveyed to Hunter's Cove Partners, Ltd., by deed as recorded in Volume 2283, Page 1266, OPRECT, and being more particularly described as follows:

BEGINNING at a 1/2 inch steel rod found with cap #4466 for the lower Southeast corner of said Lot 3 and same for this tract and the lower Southwest corner of Lot 2 in Block A of said RVG Plaza in the South line of said 24.042 acre tract and the North line of U.S. Highway 287 Bypass, a variable width public right of way, said rod bears North 76 degrees 49 minutes 03 seconds West, 266.46 feet and North 72 degrees 24 minutes 00 seconds West, 277.55 feet from a 5/8 inch steel rod found for the Southeast corner of said 24.042 acre tract;

THENCE North 72 degrees 24 minutes 00 seconds West, 130.16 feet (Plat and Deed Reference Bearing) along the North line of said Highway 287 and the South line of said 24.042 acre tract to a 1/2 inch steel rod found for the lower Southwest corner of said Lot 3 and same for this tract and the lower Southeast corner of Lot 4 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 20 degrees 28 minutes 00 seconds East, 35.04 feet to a 1/2 inch steel rod found;  
South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found for the upper Southeast corner of said Lot 4;  
North 20 degrees 28 minutes 00 seconds East, 231.78 feet to a '+' mark cut in concrete for the Northeast corner of said Lot 4;  
North 69 degrees 32 minutes 00 seconds West, 700.00 feet along the North line of said Lot 4, and Lots 5 and 6 in Block A of said RVG Plaza to a '+' mark cut in concrete for the upper Southwest corner of said Lot 3 and same for this tract and the Northwest corner of said Lot 6 in the East line of RVG Parkway, a 60 foot wide public right of way;

THENCE continuing through said 24.042 acre tract and the East line of said RVG Parkway as follows:

North 20 degrees 28 minutes 03 seconds East, 11.03 feet to a '+' mark cut in concrete at the beginning of a clockwise curve having a radius of 220.00 feet; Northeasterly, 146.60 feet along the arc of said curve (Long Chord=North 39 degrees 33 minutes 21 seconds East, 143.90 feet) to 1/2 inch steel rod found;

North 58 degrees 38 minutes 43 seconds East, 257.28 feet to a 1/2 inch steel rod found at the beginning of a counter clockwise curve having a radius of 280.00 feet; Northeasterly, 283.35 feet along the arc of said curve (Long Chord=North 29 degrees 39 minutes 16 seconds East, 271.41 feet) to a 1/2 inch steel rod found;

(8)

North 00 degrees 39 minutes 50 seconds East, 133.33 feet to a 1/2 inch steel rod found for the westerly North corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract and the Southwest line of a 30 feet wide right of way dedication out of Lakeridge, an addition as recorded in Cabinet B, Slide 245, PRECT, said rod bears South 29 degrees 05 minutes 14 seconds East, 60.46 feet from a '+' mark cut in concrete for the North corner of said 24.042 acre tract;

THENCE South 29 degrees 05 minutes 14 seconds East, 336.43 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract to a 5/8 inch steel rod found for a South corner of said Lakeridge addition and the Northwest corner of said 3.021 acre tract at an inner ell corner of said Lot 3 and same for this tract;

THENCE North 59 degrees 55 minutes 27 seconds East, 235.00 feet along the South line of said Lakeridge addition to a point in Blue Lake for the Northeast corner of said 3.021 acre tract and the easterly North corner of said Lot 3 and same for this tract and a Northwest corner of Lot 1 in Block A of Waxahachie Crossing Subdivision Unit 2, an addition as recorded in Cabinet H, Slides 493 and 494, PRECT;

THENCE South 29 degrees 12 minutes 29 seconds East, 560.00 feet to a 1/2 inch steel rod found with cap for the Southeast corner of said 3.021 acre tract and an upper Southeast corner of said Lot 3 and same for this tract at an inner ell corner of said Waxahachie Crossing;

THENCE South 59 degrees 55 minutes 27 seconds West, 235.00 feet to a 1/2 inch steel rod found with cap for the Southwest corner of said 3.021 acre tract and a lower Northwest corner of said Waxahachie Crossing at an inner ell corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract;

THENCE South 29 degrees 12 minutes 29 seconds East, 250.34 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract and the West line of said Waxahachie Crossing to a 1/2 inch steel rod found with cap for an upper Southeast corner of said Lot 3 and the Northwest corner of a called 0.0721 acre Tract 1 as conveyed to Starplex Park, LP by deed as recorded in Volume 2249, Page 2026 OPRECT in the North line of Lot 1 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 69 degrees 32 minutes 00 seconds West, 328.07 feet along the North line of said Lots 1 and 2 to a '+' mark cut in concrete for the Northwest corner of said Lot 2;

South 20 degrees 28 minutes 00 seconds West, 229.27 feet to a 1/2 inch steel rod found with cap #4466 for the upper Southwest corner of said Lot 2;

South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found with cap #4466; South 20 degrees 28 minutes 00 seconds West, 35.04 feet to the POINT OF BEGINNING and containing approximately 11.478 acres of land.

(8)

**EXHIBIT "B"**

**SURVEY ATTACHED**



(8)

STATE OF TEXAS       X  
                                  X  
COUNTY OF ELLIS     X

**ACKNOWLEDGEMENT OF EASEMENT USE AND APPROVAL OF EASEMENT  
ABANDONMENT**

Date: 8/29, 2018

Re: RVG Plaza / Lot 3, Block A – City of Waxahachie, County of Ellis, State of Texas, as more particularly described on Exhibit "A" attached hereto ("Property").

We have reviewed the Property and the following are our findings:

X Our company does not have any utilities within the Property.

\_\_\_\_\_ Our utilities have been relocated or abandoned within the Property.

\_\_\_\_\_ Our utilities cannot be relocated or abandoned within the Property. Provide reason why the  
utilities                                      cannot be relocated or abandoned.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Abandoning of Existing Easements or Right-of Way:**

X We have no objection to abandoning an existing 10' drainage and utility easement ("Easement"), as platted in Cabinet H, Slide 328 & 329, and located under Building A-2 and as shown (cross-hatched) on the ALTA/NSPS Land Title Survey attached hereto as Exhibit "B".

(8)

\_\_\_\_ We do not recommend approval to the Easement abandonment due to reasons set forth below:

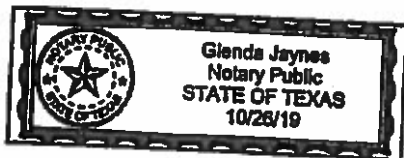
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Franchise Utility Company: Charter Communications  
Printed Name

Signature: Brent Bascom  
Name: Brent Bascom  
Title: Construction Coordinator  
Date: 8/29/18

STATE OF TEXAS            )  
  ) ss.  
COUNTY OF ELLIS        )

On the 29<sup>th</sup> day of August in the year 2018 before me, the undersigned, a Notary Public in and for said state, personally appeared Brent Bascom, proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Glenda Jaynes  
Signature of Notary Public  
State of Texas  
My Commission Expires: \_\_\_\_\_

(8)

**EXHIBIT "A"**

**Hunter's Cove Apartments, Waxahachie, Texas**

All that certain lot, tract or parcel of land being known and designated as Lot 3, Block A, RVG PLAZA, an Addition to the City of Waxahachie, Ellis County, Texas, according to the Final Plat thereof recorded in Cabinet H, Slides 328 and 329, Plat Records, Ellis County, Texas, and further described by metes and bounds as follows:

Being all that certain lot, tract or parcel of land situated in the ROBERT PARKS SURVEY, ABSTRACT NO. 851 in the City of Waxahachie, Ellis County, Texas, and being all of Lot 3, Block A of RVG Plaza, an Addition as recorded in Cabinet H, Slides 328 and 329 of the Plat Records of Ellis County, Texas (PRECT), said Lot 3 being a 8.457 acre portion of a called 24.042 acre tract of land conveyed to Starplex Park, LP by deed as recorded in Volume 2160, Page 672 of the Official Public Records of Ellis County, Texas (OPRECT) and a 3.021 acre tract of land conveyed to Hunter's Cove Partners, Ltd., by deed as recorded in Volume 2283, Page 1266, OPRECT, and being more particularly described as follows:

BEGINNING at a 1/2 inch steel rod found with cap #4466 for the lower Southeast corner of said Lot 3 and same for this tract and the lower Southwest corner of Lot 2 in Block A of said RVG Plaza in the South line of said 24.042 acre tract and the North line of U.S. Highway 287 Bypass, a variable width public right of way, said rod bears North 76 degrees 49 minutes 03 seconds West, 266.46 feet and North 72 degrees 24 minutes 00 seconds West, 277.55 feet from a 5/8 inch steel rod found for the Southeast corner of said 24.042 acre tract;

THENCE North 72 degrees 24 minutes 00 seconds West, 130.16 feet (Plat and Deed Reference Bearing) along the North line of said Highway 287 and the South line of said 24.042 acre tract to a 1/2 inch steel rod found for the lower Southwest corner of said Lot 3 and same for this tract and the lower Southeast corner of Lot 4 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 20 degrees 28 minutes 00 seconds East, 35.04 feet to a 1/2 inch steel rod found;  
South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found for the upper Southeast corner of said Lot 4;  
North 20 degrees 28 minutes 00 seconds East, 231.78 feet to a '+' mark cut in concrete for the Northeast corner of said Lot 4;  
North 69 degrees 32 minutes 00 seconds West, 700.00 feet along the North line of said Lot 4, and Lots 5 and 6 in Block A of said RVG Plaza to a '+' mark cut in concrete for the upper Southwest corner of said Lot 3 and same for this tract and the Northwest corner of said Lot 6 in the East line of RVG Parkway, a 60 foot wide public right of way;

THENCE continuing through said 24.042 acre tract and the East line of said RVG Parkway as follows:

North 20 degrees 28 minutes 03 seconds East, 11.03 feet to a '+' mark cut in concrete at the beginning of a clockwise curve having a radius of 220.00 feet; Northeasterly, 146.60 feet along the arc of said curve (Long Chord=North 39 degrees 33 minutes 21 seconds East, 143.90 feet) to 1/2 inch steel rod found;

(8)

North 58 degrees 38 minutes 43 seconds East, 257.28 feet to a 1/2 inch steel rod found at the beginning of a counter clockwise curve having a radius of 280.00 feet; Northeasterly, 283.35 feet along the arc of said curve (Long Chord=North 29 degrees 39 minutes 16 seconds East, 271.41 feet) to a 1/2 inch steel rod found;

North 00 degrees 39 minutes 50 seconds East, 133.33 feet to a 1/2 inch steel rod found for the westerly North corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract and the Southwest line of a 30 feet wide right of way dedication out of Lakeridge, an addition as recorded in Cabinet B, Slide 245, PRECT, said rod bears South 29 degrees 05 minutes 14 seconds East, 60.46 feet from a '+' mark cut in concrete for the North corner of said 24.042 acre tract;

THENCE South 29 degrees 05 minutes 14 seconds East, 336.43 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract to a 5/8 inch steel rod found for a South corner of said Lakeridge addition and the Northwest corner of said 3.021 acre tract at an inner ell corner of said Lot 3 and same for this tract;

THENCE North 59 degrees 55 minutes 27 seconds East, 235.00 feet along the South line of said Lakeridge addition to a point in Blue Lake for the Northeast corner of said 3.021 acre tract and the easterly North corner of said Lot 3 and same for this tract and a Northwest corner of Lot 1 in Block A of Waxahachie Crossing Subdivision Unit 2, an addition as recorded in Cabinet H, Slides 493 and 494, PRECT;

THENCE South 29 degrees 12 minutes 29 seconds East, 560.00 feet to a 1/2 inch steel rod found with cap for the Southeast corner of said 3.021 acre tract and an upper Southeast corner of said Lot 3 and same for this tract at an inner ell corner of said Waxahachie Crossing;

THENCE South 59 degrees 55 minutes 27 seconds West, 235.00 feet to a 1/2 inch steel rod found with cap for the Southwest corner of said 3.021 acre tract and a lower Northwest corner of said Waxahachie Crossing at an inner ell corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract;

THENCE South 29 degrees 12 minutes 29 seconds East, 250.34 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract and the West line of said Waxahachie Crossing to a 1/2 inch steel rod found with cap for an upper Southeast corner of said Lot 3 and the Northwest corner of a called 0.0721 acre Tract 1 as conveyed to Starplex Park, LP by deed as recorded in Volume 2249, Page 2026 OPRECT in the North line of Lot 1 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 69 degrees 32 minutes 00 seconds West, 328.07 feet along the North line of said Lots 1 and 2 to a '+' mark cut in concrete for the Northwest corner of said Lot 2;

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(8)

**EXHIBIT "B"**

**SURVEY ATTACHED**



(8)

STATE OF TEXAS           X  
  X  
COUNTY OF ELLIS        X

**ACKNOWLEDGEMENT OF EASEMENT USE AND APPROVAL OF EASEMENT  
ABANDONMENT**

Date: 10/08, 2018

Re: RVG Plaza / Lot 3, Block A – City of Waxahachie, County of Ellis, State of Texas, as more particularly described on Exhibit “A” attached hereto (“Property”).

We have reviewed the Property and the following are our findings:

☒ Our company does not have any utilities within the Property. 10' D.U.E. CABINET H, SLIDE 328 & 329 P.A.E.C.T.

☐ Our utilities have been relocated or abandoned within the Property.

☐ Our utilities cannot be relocated or abandoned within the Property. Provide reason why the utilities cannot be relocated or abandoned.

**Abandoning of Existing Easements or Right-of Way:**

☒ We have no objection to abandoning an existing 10' drainage and utility easement (“Easement”), as platted in Cabinet H, Slide 328 & 329, and located under Building A-2 and as shown (cross-hatched) on the ALTA/NSPS Land Title Survey attached hereto as Exhibit “B”.



(8)

\_\_\_\_ We do not recommend approval to the Easement abandonment due to reasons set forth below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Franchise Utility Company: ONCOR ELECTRIC DELIVERY COMPANY, LLC

Printed Name

Signature: Ryan Lilley

Name: RYAN LILLEY

Title: PROJECT MANAGEMENT AND DESIGN

Date: 10/08/18

STATE OF TEXAS )

) ss.

COUNTY OF Dallas )

On the 8 day of Oct in the year 2018 before me, the undersigned, a Notary Public in and for said state, personally appeared \_\_\_\_\_, proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Tiffani Martinez  
Signature of Notary Public  
State of Texas  
My Commission Expires: 11/10/21



(8)

**EXHIBIT "A"**

**Hunter's Cove Apartments, Waxahachie, Texas**

All that certain lot, tract or parcel of land being known and designated as Lot 3, Block A, RVG PLAZA, an Addition to the City of Waxahachie, Ellis County, Texas, according to the Final Plat thereof recorded in Cabinet H, Slides 328 and 329, Plat Records, Ellis County, Texas, and further described by metes and bounds as follows:

Being all that certain lot, tract or parcel of land situated in the ROBERT PARKS SURVEY, ABSTRACT NO. 851 in the City of Waxahachie, Ellis County, Texas, and being all of Lot 3, Block A of RVG Plaza, an Addition as recorded in Cabinet H, Slides 328 and 329 of the Plat Records of Ellis County, Texas (PRECT), said Lot 3 being a 8.457 acre portion of a called 24.042 acre tract of land conveyed to Starplex Park, LP by deed as recorded in Volume 2160, Page 672 of the Official Public Records of Ellis County, Texas (OPRECT) and a 3.021 acre tract of land conveyed to Hunter's Cove Partners, Ltd., by deed as recorded in Volume 2283, Page 1266, OPRECT, and being more particularly described as follows:

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THENCE South 29 degrees 05 minutes 14 seconds East, 336.43 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract to a 5/8 inch steel rod found for a South corner of said Lakeridge addition and the Northwest corner of said 3.021 acre tract at an inner ell corner of said Lot 3 and same for this tract;

THENCE North 59 degrees 55 minutes 27 seconds East, 235.00 feet along the South line of said Lakeridge addition to a point in Blue Lake for the Northeast corner of said 3.021 acre tract and the easterly North corner of said Lot 3 and same for this tract and a Northwest corner of Lot 1 in Block A of Waxahachie Crossing Subdivision Unit 2, an addition as recorded in Cabinet H, Slides 493 and 494, PRECT;

THENCE South 29 degrees 12 minutes 29 seconds East, 560.00 feet to a 1/2 inch steel rod found with cap for the Southeast corner of said 3.021 acre tract and an upper Southeast corner of said Lot 3 and same for this tract at an inner ell corner of said Waxahachie Crossing;

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THENCE South 29 degrees 12 minutes 29 seconds East, 250.34 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract and the West line of said Waxahachie Crossing to a 1/2 inch steel rod found with cap for an upper Southeast corner of said Lot 3 and the Northwest corner of a called 0.0721 acre Tract 1 as conveyed to Starplex Park, LP by deed as recorded in Volume 2249, Page 2026 OPRECT in the North line of Lot 1 in Block A of said RVG Plaza;

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(8)

**EXHIBIT "B"**

**SURVEY ATTACHED**

(8)

ds EAST, a distance of 560.00 feet  
"RPLS 4466";

1s WEST, a distance of 235.00 feet  
"RPLS 4466";

ds EAST, a distance of 250.34 feet

5 seconds WEST, a distance

5 seconds WEST, a distance  
found 1/2 inch capped rebar  
1 82 degrees WEST a distance

15 seconds EAST, a distance  
found 1/2 inch capped rebar  
1 88 degrees EAST a distance

ds WEST, a distance of 35.04 feet  
enclosing 11.478 acres ( $\pm 499,993$ )

L=283.35', R=280.00'  
 $\Delta=057^{\circ}58'53''$   
N28°28'22"E-271.41'

KWAY  
328 & 329, P.R.E.C.T.  
IT-OF-WAY  
28'

29 R.T. & U.P.  
CABINET H, SLIDE 328 & 329  
P.R.E.C.T.

B1

SHEET 2

LOT 3, BLOCK A

GB1

1/2" REBAR W/ ILLEGIBLE CAP  
BEARS 511°E | 0.50'  
FROM CORNER

N00°31'05"W 133.33'

1/2" REBAR "RPLS 4466"

S30°16'09"E 336.43'  
DUE & SLOPE 15%  
CABINET H, SLIDE 328 & 329  
P.R.E.C.T.

42

10" DUE  
CABINET H, SLIDE 328 & 329  
P.R.E.C.T.

ON OR ELECTRIC  
DELIVERY COMPANY  
EASEMENT  
VOL. 2418, PG. 2359  
D.R.E.C.T.  
(DOTTED)

LOT 4R, BLOCK A  
BLUE LAKE VILLAS  
CABINET E, SLIDE 368  
P.R.E.C.T.

BLUE LAKE PROPERTIES LTD  
VOL. 1827, PG. 2181  
D.R.E.C.T.

BLUE LAKE

N58°44'32"E 235.00'

1/2" REBAR "RPLS 4466"

20" B.L.  
CABINET H, SLIDE 328 & 329  
P.R.E.C.T.

MATCH LINE A

SH







(10)

## Planning & Zoning Department Zoning Staff Report

Case: PD-18-0152



### MEETING DATE(S)

Planning & Zoning Commission: October 9, 2018

City Council: October 15, 2018

### CAPTION

**Public Hearing** on a request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to **Planned Development-Single Family-3, with Concept Plan**, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152)

### CASE INFORMATION

**Applicant:** Robert Morgan, Grantava Inc.

**Property Owner(s):** Grantava Inc.

**Site Acreage:** 2.512 acres

**Current Zoning:** Single Family-3

**Requested Zoning:** Planned Development-Single Family-3

### SUBJECT PROPERTY

**General Location:** 1308 Wyatt Street

**Parcel ID Number(s):** 270088

**Existing Use:** Currently undeveloped

**Development History:** The most recent replat of Block 184 was approved by City Council on June 19, 2017.

### **Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	SF3	Single family residences
East	LI1	BNSF Rail Line
South	LI1	Burleson Honey
West	SF3	Single family residences

**Future Land Use Plan:** Low Density Residential

**Comprehensive Plan:**

This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

**Thoroughfare Plan:**

The property is located along Wyatt Street, a Major Thoroughfare B (110' ROW).



*Site Image:*

**PLANNING ANALYSIS**

The applicant seeks to establish a planned development district that encompasses nine (9) lots along Wyatt Street. These lots will range in size from 6,472 SF to 17,432 SF in area.

**PD DEVELOPMENT STANDARDS**

The following table identifies the development standard requirements in the base zoning district in comparison to the proposed development standards for this PD.

Requirement	SF-3	Proposed
Front yard setback	Thirty (30) feet	Twenty-five (25) feet
Side yard setback	Ten (10) feet	At least ten (10) percent of the lot width
Minimum lot size	10,000 SF	Lots will range from 6,472 SF to 17,432 SF
Minimum DUA	1,200 SF	1,500 SF

- The residences will be constructed exclusively of brick and/or stone.
- Two enclosed, attached parking spaces will be provided for each residence, along with a minimum twenty (20) foot wide and deep driveway.
- No elevation will be duplicated on any lot in this addition. Each lot will be of a unique style and color palette.
- The homes will be of craftsman style with raised front porches.
- A five (5) foot wide sidewalk will be installed from the corner of Wyatt at Peters to the easternmost point of this addition.
- All HVAC units will be concealed from public ROW via landscaping and/or fencing.



**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 20 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 9/21/18.

**STAFF CONCERNS**

1. Park fees of \$3,600.00 will be assessed at platting.

**APPLICANT RESPONSE TO CONCERNS**

1. Applicant submitted revised drawings that cleared all comments. The above concern is merely informative.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☐ Denial
- ☒ Approval, as presented.
- ☐ Approval, per the following comments:

**ATTACHED EXHIBITS**

1. Concept plan provisions
2. Concept plan

**APPLICANT REQUIREMENTS**

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied, then applicant will be notified to make corrections.
  - b. If all comments satisfied, applicant shall provide a set of drawings that incorporate all comments.

**STAFF CONTACT INFORMATION**

*Prepared by:*  
 Kelly Dent, MPA  
 Planner  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

*Reviewed by:*  
 Shon Brooks, AICP  
 Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held October, 2018, the Commission voted 6-0 to recommend continuance of zoning change PD-18-0152 to the October 23, 2018 Planning & Zoning Commission meeting, to allow further time to discuss traffic concerns in the surrounding area. The applicant has stated that his home designs incorporate two-car garages to address concerns about off-street parking. On October 23, 2018, the Planning & Zoning Commission approved zoning change no. PD-18-0152 in a 6-0, with staff comments.

(10)

## **EXHIBIT B**

### **CONCEPT PLAN PROVISIONS**

#### **Purpose and Intent**

The purpose and intent of this Planned Development (PD) is to build new single family homes for sale. Any conditions found within the Single Family Residential-3 (SF3) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie's Code of Ordinances, as amended.

#### **Compliance with the City's Comprehensive Plan**

Zoning District SF3 is the intended base zoning classification underlying this PD. The SF3 zoning district is intended to be similar to the SF2 except composed of detached single family residences on lots of not less than ten thousand square feet.

#### **PD District Development Standards**

##### ***Description of Request***

- To build new single family homes to sell

##### ***Proposed Use of Property***

- New single family home construction

##### ***General Development Requirements***

- Minimum lot size: 6,472 SF
- Front yard setback: twenty-five (25) feet
- Side yard setback: at least ten (10) percent of lot width
- Rear yard fencing: six (6) foot privacy cedar fence
- Exterior construction materials: brick and/or stone
- Two enclosed, attached parking spaces to be provided for all residences along with a twenty (20) foot wide driveway
- The minimum DUA will be 1,500 SF
- The homes will be of craftsman style with raised front porches
- No elevation will be duplicated on any lot in this addition. Each home will be of a unique style and color palette.
- All homes will be energy-star rated
- All HVAC units to be concealed from public ROW via landscaping and/or fencing
- A minimum of one (1) canopy tree with a minimum caliper of two (2) inches per tree shall be required for each dwelling unit
- Due to the high foot traffic in the area, a five (5) foot wide sidewalk will be installed from the corner of Wyatt at Peters to the easternmost point of the addition

**CONCEPT PLAN**  
**LOT 3A, BLOCK 184 TOWN ADDITION**  
 City of Waxahachie, Ellis County, Texas

**D & M DAVIS & McDILL, Inc.**  
 ENGINEERS

**DATE:** 08-24-2016  
**SCALE:** 1" = 50'  
**DRAWN BY:** J. B. BARNES  
**CHECKED BY:** J. B. BARNES  
**APP.:** J. B. BARNES

**SHEET 1 OF 1 SHEETS**

(1b)

**CASE PD-18-0152**

***SUPPORT*** 0

***OPPOSE*** 2

*Request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to **Planned Development-Single Family-3, with Concept Plan**, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152)*

**OPPOSE**

1. Guadalupe E. Duron, 214 Ennis, Waxahachie, TX 75165
  - a. "Street would have too much traffic congestion. Number of houses on property seems to be a lot and will cause more congestion."
2. Tim E. Burleson, 301 Peters Street, Waxahachie, TX 75168
  - a. See attached letter.

-----

(10)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **PD-18-0152**



**DURON GENARO RUIZ & GUADALUPE E**  
214 ENNIS ST  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 9, 2018 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, October 15, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

*Request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152)*

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: [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: **PD-18-0152**      ☐ SUPPORT      ☒ OPPOSE

Comments: *Street would have to much traffic - Traffic Congestion  
Number of houses on property seems to be alot and  
will cause more congestion.*

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, OCTOBER 3, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

*Guadalupe E Duron*  
Signature

*10-9-18*  
Date

*Guadalupe F Duron*  
Printed Name and Title

*214 Ennis Waxahachie TX*  
Address  
*75165*

(10)

RECEIVED  
10/8/18



October 2, 2018

Mr. Shon Brooks  
Director of Planning  
City of Waxahachie  
P.O. Box 757  
Waxahachie, TX 75168

Public Hearing Case No. PD-18-0152

Dear Mr. Brooks,

On behalf of T.W. Burleson and Son, Inc. of 301 Peters Street, Waxahachie, TX we request P&Z and the City Council deny the request by Robert Morgan, Grantava Inc. for a Zoning Change from a Single Family-3 Zoning district to a Planned Development-Single Family-3, with Concept plan until traffic studies, street widening enhancements, and no parking on side streets are considered and implemented for Wyatt/Cleaver Street East to FM 878.

When Burleson's Honey moved to 301 Peters Street in 1968, our facility was at the very fringe of the city limits of Waxahachie. Access to and from our facility during this time was only from Farm to Market 878 or Business Hwy 287 via Getzendaner St. or Wyatt St. Freight to and from our facility utilized 60's and 70's era commercial vehicles as depicted in Exhibit "A", which were 53 feet in total length and up to 8 feet wide. US Hwy 287 by pass was not in existence at the time.

Since 1968, our facility and freight has grown as well as the city and Hwy 287 bypass has become a major thoroughfare for into and out of the city. Today there are a minimum of 40 commercial semi-trucks per month that service Burleson's Honey. Commercial trucks today are 80 feet long and 8 ½ feet wide, which is 27ft longer and 6 inches wider than the '60-70's era vehicles. (SEE EXHIBIT "A"). With respect to the growth in the area, a fire station at the corner of Hackberry and Cleaver has been constructed, Clift Elementary has been built, as well as a large housing development directly across from Clift with additional build out planned. From this growth there is considerably more traffic on Peters and Wyatt St. today which includes many passenger cars, school buses, first responder vehicles and commercial trucks.

As a matter of safety, the section of Wyatt/Cleaver St. was widened several years ago however the street adjacent to the area in question for public hearing owned by Grantava, Inc. is 29ft 9" (357") wide from curb to curb. If vehicles are parked on either side of the street, there is simply not enough room for two traveling vehicles, be it school buses, trucks, firetrucks or a combination thereof, to pass each other. Exhibit "B" demonstrates this section of street would be a minimum of 6'3" too narrow.

(10)

In addition to inadequate street width, any future development of residences on Wyatt/Cleaver Street should allow for a sufficient number of garage spaces and driveways to park vehicles on each parcel.

This provision along with either widening Wyatt/Cleaver and or designating no parking on either side of the street is a matter of necessity for the safety and well-being of area residents, WISD bus riders, first responders and the daily commerce of business.

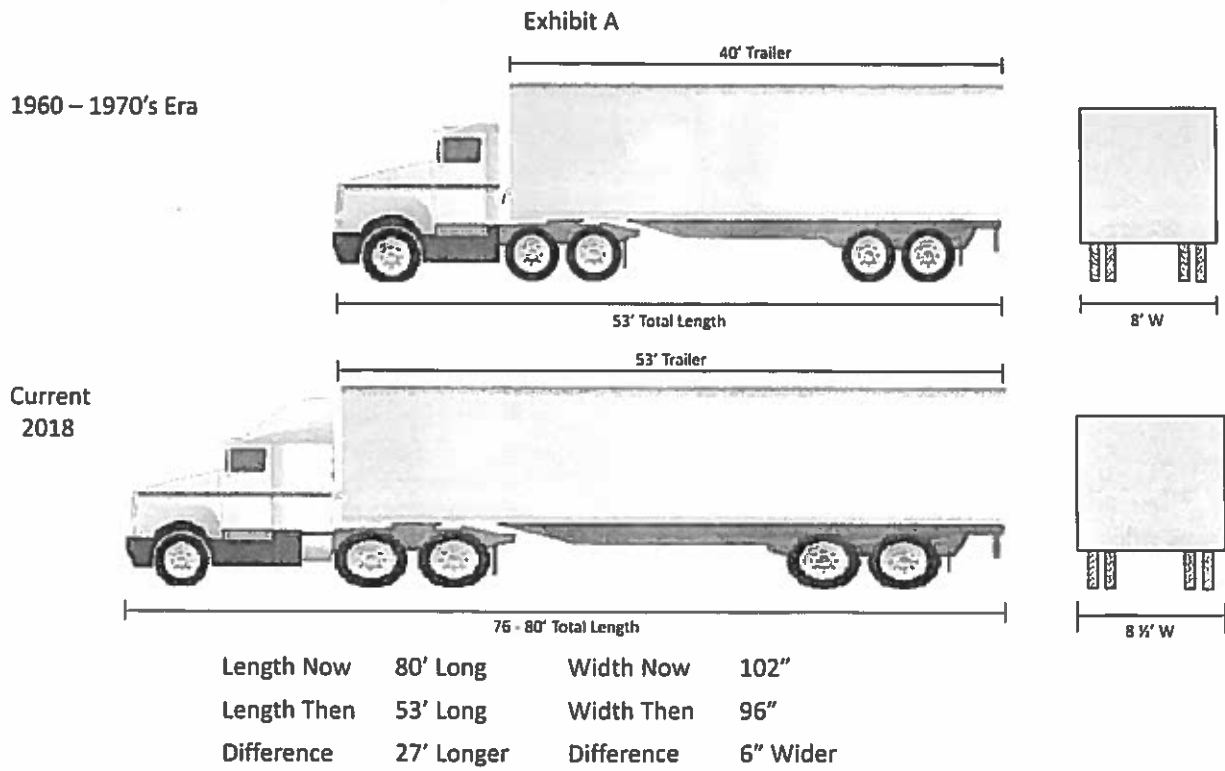
For the above reasons we respectfully request the P&Z as well as the City Council deny Mr. Robert Morgan's request under PD-18-0152 until further traffic studies, infrastructure improvements, and no parking on either side of the street is considered and implemented.

Sincerely,



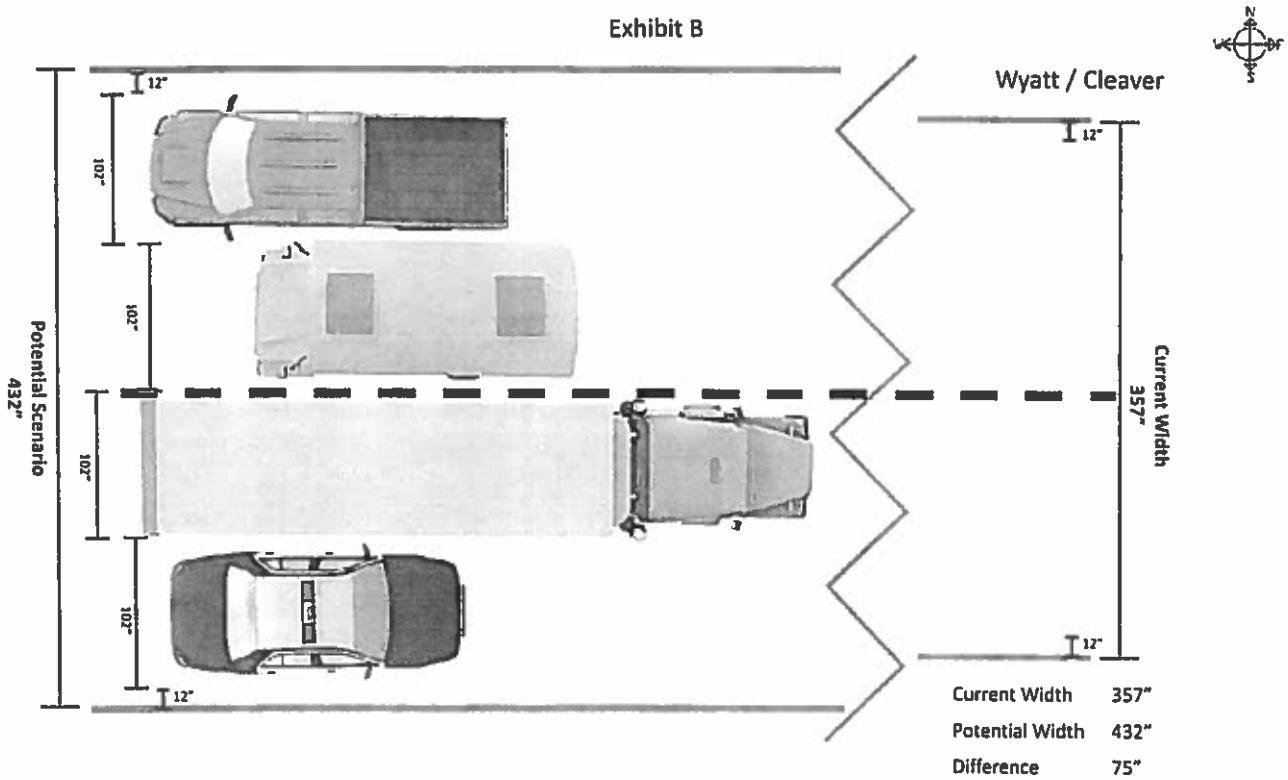
Tim E. Burleson  
President  
T.W. Burleson and Son, Inc.  
Enclosures: Exhibit A and B  
cc Michael Scott/ City Manager

(1b)





(10)



(11)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), WITH CONCEPT PLAN LOCATED AT 1308 WYATT STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.512 ACRES KNOWN AS PROPERTY ID 270088 OF THE TOWN ADDITION-REVISED 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**, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-18-0152. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF3 to PD-SF3, with Concept Plan; 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 zoning amendment;

**NOW, THEREFORE**, this property is rezoned from SF3 to PD-SF3, with Concept Plan in order to facilitate development of the subject property in a manner that allows single family residences on the following property: Property ID 270088 of the Town Addition-Revised subdivision, which is shown on Exhibit A, in accordance with the Concept Plan provisions attached as Exhibit B and the Conceptual Site Layout Plan attached as Exhibit C.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
MAYOR

(11)

ATTEST:

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

111)



**PD-18-0152 Wyatt-Robert Morgan Lots**  
**Location Exhibit EXHIBIT A**

**Legend**

 PD-18-0152

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Waxahachie for the sole purpose of geographic reference. No warranty is made by the City of Waxahachie regarding specific accuracy or completeness.

(12+13)



## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Director of Planning  
Thru: Michael Scott, City Manager  
Date: October 31, 2018  
Re: PD-18-0156 SUNDANCE RIDGE

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At the Planning and Zoning Commission meeting held October 23, 2018, this item was continued to the November 13, 2018 Planning and Zoning Commission meeting.

(14+15)



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: October 31, 2018

Re: PD-18-0155 LONE STAR EVENTS, PRIVATE CLUB

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At the Planning and Zoning Commission meeting held October 23, 2018, this item was continued to the November 13, 2018 Planning and Zoning Commission meeting.



## Memorandum

To: Mayor Strength and City Council  
From: John Smith, Director of Parks and Recreation  
Thru: Michael Scott, City Manager  
Date: 10-29-18  
Re: Little Creek Trail – Bid Award

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The bid opening for Little Creek Trail was held on October 16th. Four bids were received and included base bids of:

Denco Construction	\$3,664,000
Cole Construction	\$3,779,579
Joe Funk Construction	\$3,769,000
J&K Construction	\$2,792,000

These base bids reflect the reduced scope of work approved by Waxahachie Community Development Corporation. This scope of work is to build a ten foot wide trail connecting Farley Street to Indian Drive at Global High. The trail will include additional parking at Brown/Singleton Park, elevated and cantilevered portions at Brown St. and a complete reconstruction of the trail in Chapman Park. Additionally, new pavilions, exercise station, trail heads, erosion repair in Chapman Park and attractive signage will be included. J&k Construction is the apparent low bidder. Bob Stoffels, Project Manager, has reviewed the bids and vetted J&K's offer. Mr. Stoffels letter of recommendation is attached.

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Staff concurs and recommends the acceptance of this base bid and the following alternates.

• Concrete Disc Golf Tee Pads	\$10,500
• Color Stamped Concrete at North Brown Singleton Trailhead	\$5,150
• Bench and Bench Shelters at Chapman and B/S Trailheads	\$23,300
• Color Stamped concrete at Global, Chapman and South B/S Trailheads	\$29,390
• Remove and Replace Pavilion in Chapman Park	\$35,500
• Electrical for Post Sign East of Brown St.	<u>\$10,000</u>
TOTAL ALTERNATIVES	\$113,840

Inclusive of the above listed alternates, the total cost of the project totals \$2,905,840. This figure is within the allocated budget and leaves some funds for potential change orders and/or other future WCDC projects.

Staff recommends the award of the Little Creek Trail project to J&K Construction in the amount of \$2,905,840 which includes the alternates as stated above.

Thank you for your consideration of this exciting project.



(16)

DUNKIN  
SIMS  
STOFFELS  
Inc.

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October 29, 2018

Mr. John Smith, Park Director  
Parks & Recreation Department  
401 South Elm Street  
Waxahachie, Texas 75165

Subject: Little Creek Trail – Letter of Recommendation

Dear Mr. Smith:

Bids for the referenced project were read publicly at 2:00 p.m. on Tuesday, October 16, 2018. A total of four (4) bids were received for the construction of Little Creek Trail. J&K Excavation of Italy, Texas was the low bidder, with a base bid of \$2,792,000.00. J&K Excavation remains the low bidder with the inclusion of the six add alternates bids. J&K Excavations six add alternate bid prices total \$113,840.00. The Little Creek Trail contract including the six add alternates is \$2,905,840.00.

Having reviewed their bid, discussed the project with Mr. Joshua Trees, to confirm J&K Excavation's understanding of the project scope and based upon their prior performance on projects of similar scope with the City of Waxahachie, it appears that J&K Excavation is qualified to perform the construction services outlined for the Little Creek Trail Project. Award of the contract to J & K Excavation should be considered by the Waxahachie City Council.

Sincerely,



Bob Stoffels, RLA, ASLA



## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Executive Director of Development Services  
Thru: Michael Scott, City Manager *[Signature]*  
Date: November 5, 2018  
Re: Bid Award - Cole Creek Trunk Sewer Capital Improvement Project

---

On Monday, November 5<sup>th</sup>, 2018 a bid award associated with construction of the Cole Creek Trunk Sewer Capital Improvement Project will appear before the City Council in an amount of \$2,647,148.70. Blue Star Utilities, LLC was the lowest responsive bidder of fourteen proposers, with a bid that was \$418,038.30 below the engineer's original estimate of probable cost and \$324,008.60 below the next lowest responsive bidder. This project is a planned expense and the City has budgeted for it in both the FY17-18 and FY18-19 Bond Issuances.

As a reminder, this project provides for the construction of approximately 16,000 linear feet of 27 inch diameter gravity sewer line along Cole Creek, from the existing South Mustang Creek Trunk Sewer Line to the Broadhead Lift Station. In addition, this project will allow the decommissioning and abandonment of the Broadhead Lift Station. In total the Cole Creek, Grove Creek and Lower Mustang Creek FY18-19 sewer system improvements will provide additional capacity for approximately 7,900 residential equivalent units.

As stated above, a portion of the Cole Creek Trunk Sewer line will be funded through certificate of obligation bonds, which are planned to be sold in the

11)

FY18-19 budget year. The Utilities Department will fund any expenses associated with this project from the Wastewater Fund, until bonds are issued. There is a companion resolution to this agenda item authorizing a reimbursement to the Wastewater Fund from future bond sales.

I am available at your convenience should you need any additional information.

Tommy Ludwig

(17)

**BIRKHOFF, HENDRICKS & CARTER, L.L.P.**  
**PROFESSIONAL ENGINEERS**

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Fax (214) 461-8390

Phone (214) 361-7900

JOHN W. BIRKHOFF, P.E.  
GARY C. HENDRICKS, P.E.  
JOE R. CARTER, P.E.  
MATT HICKEY, P.E.  
ANDREW MATA, JR., P.E.  
JOSEPH T. GRAJEWSKI, III, P.E.  
DEREK B. CHANEY, P.E.  
CRAIG M. KERKHOFF, P.E.

October 23, 2018

**TRANSMITTED VIA EMAIL**

Mr. James Gaertner, P.E., CFM  
City Engineer  
City of Waxahachie  
401 S. Rogers  
Waxahachie, Texas 75168

Re: Cole Creek Trunk Sewer (CIP Project WW-4)  
Recommendation for Council Award

Dear Mr. Gaertner:

We have checked the bids received at 2:00 p.m., Wednesday, October 10, 2018 for the Cole Creek Trunk Sewer project. A supplemental bid opening was also conducted on October 19, 2018 for a bid from Persons Service Company, LLC that was errantly not opened and read at the October 10, 2018 bid opening. With Person's bid included, fourteen contractors submitted bids on this project. We are enclosing one (1) copy of the Bid Summary and itemized Bid Tabulation for the City's reference and files.

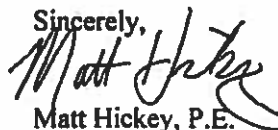
Blue Star Utilities, LLC., of Venus, Texas submitted the **Low Bid in the amount of \$2,647,158.70**, and Circle H Contractors, LP submitted the second low bid in the amount of \$2,971,167.30. The third low bid was submitted by Person Service Company, LLC. from the supplemental bid opening in the amount of \$3,138,829.00.

We have reviewed Blue Star Utilities statement of qualifications, including their experience record and equipment list and have contacted several of their references. Blue Star has successfully completed large diameter water and sanitary sewer projects (24-inch and larger) in the City of Greenville, McKinney and for The Mustang Special Utility District. Several other large diameter pipeline project references were provided for private development. The contractor's references for municipal and private development provided overall positive feedback on the projects completed or nearing completion.

Based on our review of the low bidder's statement of qualifications and past performance record provided by their references, it is our opinion Blue Star Utilities, LLC. has the equipment and experience to properly pursue this project. We recommend that the City accept the bid from Blue Star Utilities, LLC. and award them a contract in the Bid amount of \$2,647,158.70 for construction of the Cole Creek Trunk Sewer project.

We are available to discuss our recommendation further at your convenience.

Enclosures

Sincerely,  
  
Matt Hickey, P.E.

Enclosures

cc: Mr. Tommy Ludwig  
Mr. David Bailey

**CITY OF WAXAHACHIE, TEXAS**  
**Cole Creek Trunk Sewer**  
**CIP Project WW-4; Waxahachie Project #18-003**

**BID SUMMARY**

**Bids Received at 2:00 p.m., Wednesday, October 10, 2018**

<b>Contractor</b>	<b>Total Amount Bid</b>	<b>Contractor</b>	<b>Total Amount Bid</b>
1. Blue Star Utilities, LLC 2600 Chamber St. Venus, Texas 76084	\$ 2,647,158.70	8. Jackson Construction, LTD 5112 Sun Valley Dr. Fort Worth, Texas 76119	\$ 3,984,108.00
2. Circle H Contractors, LP P.O. Box 220 Midlothian, Texas 76065	\$ 2,971,167.30	9. S.J. Louis Construction of Texas, Ltd 520 South 6th Avenue Mansfield, Texas 76063	\$ 4,344,316.27
3. Persons Service Company, LLC 6435 Storey Dr. Humble, Texas 77396	\$ 3,138,829.00	10. Joe Funk Construction, Inc 11226 Indian Trail Dallas, Texas 75229	\$ 4,386,833.88
4. Blackrock Construction 1475 Heritage Parkway, Suite 113 Mansfield, Texas 76063	\$ 3,231,893.00	11. Venus Construction Company, Inc. P.O. Box 90 Mansfield, Texas 76063	\$ 4,444,444.44
5. Condie Construction Company 53 North 1650 West Springville, Utah 34663	\$ 3,758,028.00	12. Reyes Group, Ltd. 1520 Parker Rd. Grand Prairie, Texas 75050	\$ 4,616,570.00
6. BAR Constructors, Inc. P.O. Box 10 Lancaster, Texas 75146	\$ 3,825,475.00	13. Dowager Utility Construction, Ltd. 2464 Manana Dr. Dallas, Texas 75220	\$ 4,659,789.00
7. Canary Construction, Inc 802 N Kealy Ave, Suite 101 Lewisville, Texas 75057	\$ 3,919,693.00	14. Atkins Bros Equip Co Inc. P.O. Box 990/3516 Old Ft. Worth Rd Midlothian, Texas 76065	\$ 12,635,384.00

(17)

(18)

**RESOLUTION NO.**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING CONSTRUCTION SERVICES ASSOCIATED WITH THE COLE CREEK TRUNK SEWER PROJECT.**

**WHEREAS**, the City of Waxahachie (the "City") intends to issue debt to finance cost to be incurred for construction services for the Cole Creek Trunk Sewer Project and related expenses prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

**WHEREAS**, Treas. Reg. § 1.150-2 (the "Regulation") provides that to fund such reimbursement with proceeds of tax-exempt obligations the City must declare its expectation to make such reimbursement; and

**WHEREAS**, the City desires to preserve its ability to reimburse the expenditures with proceeds of tax-exempt obligations.

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

**SECTION 1**

That the City reasonable expects to reimburse the Wastewater Fund with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intent under the Regulation.

**SECTION 2**

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from the Wastewater Fund in an amount not to exceed \$1,730,000.

**SECTION 3**

That this resolution shall take effect immediately from and after the date of passage.

ADOPTED THIS 5th day of November, 2018.

\_\_\_\_\_  
MAYOR

ATTEST:

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



## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Executive Director of Development Services  
Thru: Michael Scott, City Manager  
Date: November 2, 2018  
Re: Clift & Flat Corridor Restoration (Engineering) – CIP Project

---

On Monday November 5, 2018 a professional services contract with Kimley-Horn and Associates, Inc. for engineering design services associated with the corridor restoration of Clift and Flat Streets will appear before City Council for consideration in the amount of \$281,700. Specifically this contract will provide engineering, survey, bid specification preparation and construction support services for the restoration of Flat Street from Jefferson Street to Matthews Street, Madison Street from Flat Street to Clift Street, and Clift Street from Martin Luther King Jr. Boulevard to Madison Street. Construction is planned for FY19-20 and will provide asphalt pavement and street lighting throughout the entire project limits, with curbs, gutters, sidewalks and other edge treatments installed throughout the various street segments included within the project.

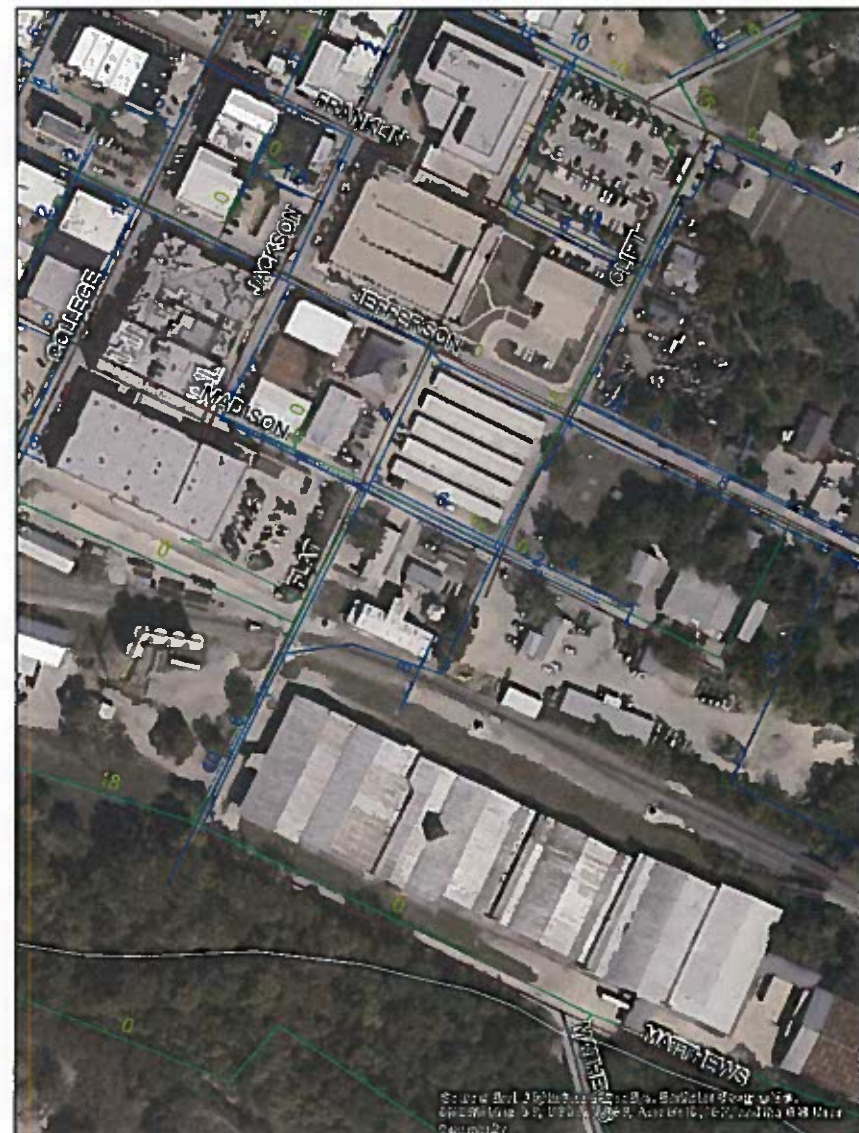
The corridor restoration of Clift and Flat Streets continues City Council's vision of transforming Waxahachie East into a new City gateway, providing pedestrian linkage to the downtown parking garage and enhancing the overall aesthetics of the community. The Clift and Flat corridor restoration was a planned expense and was included in Public Works Department's Operating and Maintenance Budget. The City Council approved \$330,000 in the FY18-19 budget for this project and the proposed contract with Kimley-Horn and Associates, Inc. is \$48,300 below budget.

I am available at your convenience should you need additional information.

Tommy Ludwig



# Clift Street, Flat Street, and Madison Street Location Map



(19)





## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Executive Director of Development Services  
Thru: Michael Scott, City Manager   
Date: November 2, 2018  
Re: Kaufman Corridor Restoration (Engineering) – CIP Project

---

On Monday November 5, 2018 a professional services contract with Kimley-Horn and Associates, Inc. for engineering design services associated with the corridor restoration of Kaufman Street will appear before City Council for consideration in the amount of \$362,000. Specifically this contract will provide engineering, survey, bid specification preparation and construction support services for the restoration of Kaufman Street from Martin Luther King Jr. Boulevard to East Marvin Street. Construction is planned for FY19-20 and will provide asphalt pavement, street lighting, curb, gutter and sidewalks throughout the project limits.

The corridor restoration of Kaufman Street continues City Council's vision of transforming Waxahachie East into a new City gateway, paving the way for new development in the area, and enhancing the overall aesthetics of the community. The Kaufman Street corridor restoration was a planned capital expense for the FY18-19 budget year and was included in the City's five year Capital Improvement Plan. The City Council approved \$475,175 in the FY18-19 Capital Budget for this project and the proposed contract with Kimley-Horn and Associates, Inc. is \$113,175 below budget. The Kaufman corridor restoration will ultimately be funded through certificate of obligation bonds, which are planned to be sold in the FY18-19 budget year. The Public Works Department will fund any expenses associated with this project from their budget until bonds are issued. There is a companion resolution to this agenda item authorizing a reimbursement to the General Fund from future bond sales.

I am available at your convenience should you need additional information.

Tommy Ludwig

121)

**RESOLUTION NO.**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR PROFESSIONAL ENGINEERING DESIGN SERVICES ASSOCIATED WITH THE CORRIDOR RESTORATION OF KAUFMAN STREET**

**WHEREAS**, the City of Waxahachie (the "City") intends to issue debt to finance cost to be incurred for a professional engineering design services associated with the restoration of Kaufman Street and related expenses prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

**WHEREAS**, Treas. Reg. § 1.150-2 (the "Regulation") provides that to fund such reimbursement with proceeds of tax-exempt obligations the City must declare its expectation to make such reimbursement; and

**WHEREAS**, the City desires to preserve its ability to reimburse the expenditures with proceeds of tax-exempt obligations.

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

**SECTION 1**

That the City reasonable expects to reimburse the General Fund's Unrestricted Reserves with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intend under the Regulation.

**SECTION 2**

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from Unrestricted Reserves in an amount not to exceed \$362,000.00

**SECTION 3**

That this resolution shall take effect immediately from and after the date of passage.

ADOPTED THIS 5th day of November, 2018.

\_\_\_\_\_  
MAYOR

ATTEST:

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

Kaufman Street, MLK Blvd. to E. Marvin Avenue



(21)



## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Executive Director of Development Services  
Thru: Michael Scott, City Manager  
Date: November 2, 2018  
Re: Cumberland Corridor Restoration (Engineering) – CIP Project

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On Monday November 5, 2018 a professional services contract with Kimley-Horn and Associates, Inc. for engineering design services associated with the corridor restoration of Cumberland Road will appear before City Council for consideration in the amount of \$250,000. Specifically this contract will provide engineering, survey, bid specification preparation and construction support services for the restoration of Cumberland Road from Richmond Lane. Construction is planned for FY19-20 and will provide asphalt pavement, street lighting, curb, gutter and sidewalks throughout the project limits.

The corridor restoration of Cumberland Road will initiate the first step of the restoration of the Belle-Vue Addition street infrastructure. Staff anticipates that all streets within the Belle-Vue Addition will be rehabilitated by the close of FY21-22. The Cumberland Road corridor restoration was a planned capital expense for the FY18-19 budget year and was included in the City's five year Capital Improvement Plan. The City Council approved \$262,500 in the FY18-19 Capital Budget for this project and the proposed contract with Kimley-Horn and Associates, Inc. is \$12,000 below budget. The Cumberland corridor restoration will ultimately be funded through certificate of obligation bonds, which are planned to be sold in the FY18-19 budget year. The Public Works Department will fund any expenses associated with this project from their budget until bonds are issued. There is a companion resolution to this agenda item authorizing a reimbursement to the General Fund from future bond sales.

I am available at your convenience should you need additional information.

Tommy Ludwig

(27)  
**RESOLUTION NO.**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR PROFESSIONAL ENGINEERING DESIGN SERVICES ASSOCIATED WITH THE CORRIDOR RESTORATION OF CUMBERLAND STREET**

**WHEREAS**, the City of Waxahachie (the "City") intends to issue debt to finance cost to be incurred for a professional engineering design services associated with the restoration of Cumberland Street and related expenses prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

**WHEREAS**, Treas. Reg. § 1.150-2 (the "Regulation") provides that to fund such reimbursement with proceeds of tax-exempt obligations the City must declare its expectation to make such reimbursement; and

**WHEREAS**, the City desires to preserve its ability to reimburse the expenditures with proceeds of tax-exempt obligations.

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

**SECTION 1**

That the City reasonable expects to reimburse the General Fund's Unrestricted Reserves with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intend under the Regulation.

**SECTION 2**

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from Unrestricted Reserves in an amount not to exceed \$250,000.00

**SECTION 3**

That this resolution shall take effect immediately from and after the date of passage.

ADOPTED THIS 5th day of November, 2018.

\_\_\_\_\_  
MAYOR

ATTEST:

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





Cumberland Road

(24)

**RESOLUTION APPOINTING MEMBER TO INITIAL 9-1-1 DISTRICT BOARD**

**WHEREAS**, the North Central Texas Council of Governments (NCTCOG) is the regional planning commission for the 16-county North Central Texas region and provides 9-1-1 service under contract with the Texas Commission on State Emergency Communications (CSEC); and,

**WHEREAS**, the City of Waxahachie receiving 9-1-1 services from NCTCOG have determined creating a regional emergency communication district pursuant to Texas Health & Safety Code Chapter 772.601 to locally administer such services is preferable; and,

**WHEREAS**, on May 16, 2016, the City of Waxahachie passed a resolution approving the district's creation; and,

**WHEREAS**, NCTCOG will serve as the fiscal and administrative agent for the district consistent with Texas Health & Safety Code Chapter 772.609; and,

**WHEREAS**, the district will be governed by a board of managers, with an initial board composed of primarily elected officials appointed by the governing bodies of participating counties and municipalities responsible for establishing the size of the board and the qualifications of board members; and,

**WHEREAS**, the City of Waxahachie wishes to have an appointee serve on the initial board, count toward purposes of determining a quorum, and has identified a qualified individual to attend the initial board meeting anticipated to occur on December 5, 2018, in Arlington, Texas.

**NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:**

**Section 1.** The City of Waxahachie appoints Mayor Kevin Strength to serve on the initial North Central Texas 9-1-1 Emergency Communications District Board.

**Section 2.** This resolution shall be transmitted to NCTCOG.

**Section 3.** This resolution shall be in effect immediately upon its adoption.

PASSED AND APPROVED this 5<sup>th</sup> day of November, 2018.

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MAYOR

ATTEST:

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CITY SECRETARY