

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, July 16, 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
4. Texas Pledge of Allegiance *Honor the Texas Flag;
I pledge allegiance to thee;
Texas, one state under God, one and indivisible*
5. ***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 551.071, Texas Government Code.
6. ***Consent Agenda***

All matters listed under Item 6, 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 July 2, 2018
 - b. Approve application for Community Kickball Tournament to be held July 28, 2018 at Lee Penn Park
 - c. Approve application for 3-on-3 Hoop it Up Basketball Tournament to be held July 21, 2018 at Lee Penn Park
 - d. Approve application for Backpack Giveaway to be held August 11, 2018 at Lee Penn Park
7. ***Introduce*** Honorary Councilmember
8. ***Hear*** from Felty neighborhood representatives on safety recommendations
9. ***Public Hearing*** on a request by Hannah Kirkman for a Replat of Lots 58, 59 and part of 60, Ferris Second Addition - Revised, to create Lots 58A and 59A, Ferris Second Addition - Revised, 0.657 acres (Property ID 173378 and 173369) – Owner: KYLE & HANNAH KIRKMAN and THERESA A GASE (RP-18-0099)

10. **Consider** approval of RP-18-0099
11. **Consider** request by Bryan Connally, CBG Surveying, LLC, for a Preliminary Plat of Rodriguez-King Addition for 2 lots, being 2.00 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 182038) – Owner: CFLP INVESTMENTS LLC (PP-18-0102)
12. **Public Hearing** on a request by John Blacker, Hart, Gaugler, & Associates for a Replat of Lot 1, Block A, Lifeschool Waxahachie Addition and Lot 1R, Block A, Boykin Business Park Phase 2, to create Lot 1R, Block A, Life School Waxahachie Addition, 45.142 acres (Property ID 191082 and 233735) – Owner: LIFESCHOOL OF DALLAS (RP-18-0103)
13. **Consider** approval of RP-18-0103
14. **Continue Public Hearing** on a request by Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a General Retail zoning district to General Retail and Planned Development-Mixed Use Residential, with Concept Plan, located at NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES and 911 R RUSSELL 10.6200 ACRES (Property ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-18-0074)
15. **Consider** proposed Ordinance approving Zoning Change No. PD-18-0074
16. **Consider** award of bid for Civic Center Star and Fountain projects and associated budget amendment
17. **First Reading** of proposed Ordinance approving the SiEnergy Franchise
18. **Consider** proposed Resolution to authorize the use of the power of eminent domain to acquire the easements described in the Resolution for the Cole Creek Gravity Trunk Sewer Line Project
19. **Consider** proposed Resolution to authorize the use of the power of eminent domain to acquire the easements described in the Resolution for the Grove Creek Lift Station, Force Main and Gravity Trunk Sewer Line Project
20. **Consider** proposed Resolution to authorize the use of the power of eminent domain to acquire the easements described in the Resolution for the Lower Mustang Creek Lift Station and Parallel Force Main Project
21. Comments by Mayor, City Council, City Attorney and City Manager
22. 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
July 2, 2018

(ba)

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, July 2, 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
Lori Cartwright, City Secretary

1. Call to Order

Mayor Kevin Strength called the meeting to order.

2. Invocation

3. Pledge of Allegiance

4. Texas Pledge of Allegiance

Councilmember Mary Lou Shipley gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

5. Public Comments

Mr. Judge Hayes, 829 Cantrell Street, Waxahachie, referenced Item 24 Aspen Community Development noting speeding already occurs on Cantrell Street and the proposed development will increase traffic. He stated these types of developments in other areas of the country are in walkability to shopping.

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie, announced she will be pursuing a Certificate of Obligation petition to have this debt put on the November ballot. She stated the petition will be available this week noting more information can be found at "it's ok to vote no Waxahachie" on the Facebook page. Ms. Hedtke stated we are trying to reduce unnecessary debt in the city so we can start bringing tax rates down noting residents are already taxed enough and they need tax relief. She stated every time you guys issue more and more and more debt it is a stumbling block to that relief for the tax payers. We see that in defeated bonds and economy and number of jobs that the local people have to work to keep up with the property taxes.

Ms. Shirica Toatley, 104 Blue Moon Drive, Waxahachie, and Ms. Qulaveshia Bowen, 107 Blue Moon Drive, Waxahachie asked to be added to the next City Council agenda to discuss safety issues in the Felty neighborhood due to the development of Garden Valley Apartments.

Ms. Jennie Francis-Hayes, 829 Cantrell Street, Waxahachie, referenced Item 24 Aspen Community Development noting the development will surround a historic home and the historic value of this home and the surrounding area needs to be maintained.

(lea)

Ms. Kay Adkins, 824 Farley Street, Waxahachie, referenced the subdivision on Bluebonnet Trails noting she is having issues with getting the developer to install a fence dividing her property from theirs. She stated stakes from the development are down the center of her drive and she can't get in her driveway.

6. Consent Agenda

- a. Minutes of the City Council meeting of June 18, 2018
- b. Minutes of the City Council Worksession of June 18, 2018
- c. Approve street closure for Farm to Table Dinner on the Square
- d. Approve budget amendment for GIS Technician in Planning Department
- e. Request by Mike Riley, Aspen Heights Construction, for a Final Plat of Aspen Heights for 1 lot, being 17.820 acres in the Emory W. Rogers Survey, Abstract 896 (Property ID 256879, 268390, 268389) – Owner: BRECKENRIDGE GROUP WAXAHACHIE TEXAS LP (FP-18-0105)

Action:

Councilmember Chuck Beatty moved to approve items a. through e. on the Consent Agenda. Councilmember Mary Lou Shipley seconded, All Ayes.

7. Introduce Honorary Councilmember

Mayor Strength introduced Felipe Gonzalez as the Honorary Councilmember. He is a graduate of Waxahachie High School graduating as the valedictorian with honors that include the Superintendent's honor roll and also as a National Hispanic Scholar. Felipe was a member of the Waxahachie Indians football team all four years of high school and participated across all levels. He was a member of the Academic UIL team in which he participated in math and science competitions. Felipe was a member of the National Honor Society through which he participated in community service. He was a member of the Future Health Professionals Club. Felipe will be attending the University of Texas next semester where he will major in Biology with an honors degree. He will participate in the prestigious Health Science Scholars and Freshman Research Initiative programs at UT. Felipe plans to go on to study medicine and one day practice medicine.

8. Recognition of Public Works Department for "Project of the Year" from the Texas Public Works Association for their work on Marvin Street

Mayor Strength stated at the recent Texas Public Works Association conference and awards banquet, the Public Works Department received the Project of the Year award for the Marvin Street project. He noted the Marvin Street project was in the same 2.5 million dollar category with the Alamo Dome project. Mayor Strength congratulated Public Works Director Jeff Chambers and his department for their work on the project.

Mr. Chambers stated the project was a city-wide team effort and was possible do to the support of City Council and citizens.

9. Consider request by Kars Tamminga for a Final Plat of Pioneer Point Phase 1 and 2 for 20 lots, being 29.068 acres situated in the Charles Atteberry Survey, Abstract 10

(16a)

(Property ID 210780) in the Extra Territorial Jurisdiction – Owner: TAMMINGA FAMILY PRTNSP LTD (FP-18-0097)

Mr. Shon Brooks, Director of Planning, reported the applicant met the requirement of the Subdivision Ordinance. He recommended approval.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Kars Tamminga for a Final Plat of Pioneer Point Phase 1 and 2 for 20 lots, being 29.068 acres situated in the Charles Atteberry Survey, Abstract 10 (Property ID 210780) in the Extra Territorial Jurisdiction – Owner: TAMMINGA FAMILY PRTNSP LTD (FP-18-0097). Mayor Pro Tem David Hill seconded, All Ayes.

- 10. Consider request by Wes Dorough, JH-Development LLC, for a Final Plat of The Cove Phase Two for 94 residential and 1 open space lots, being 24.329 acres in the Henry Sange Survey, Abstract 1009, the Robert Russell Survey, Abstract 911, and the Henri Levy Survey, Abstract 629 (Property ID 223031) – Owner: MORITZ INTERESTS LTD (FP-18-0092)**

Mr. Brooks reported the Final Plat meets Staff requirements. He recommended approval subject to the Public Works letter of acceptance is necessary prior to the recording.

Action:

Councilmember Chuck Beatty moved to approve a request by Wes Dorough, JH-Development LLC, for a Final Plat of The Cove Phase Two for 94 residential and 1 open space lots, being 24.329 acres in the Henry Sange Survey, Abstract 1009, the Robert Russell Survey, Abstract 911, and the Henri Levy Survey, Abstract 629 (Property ID 223031) – Owner: MORITZ INTERESTS LTD (FP-18-0092) subject to staff comments. Councilmember Mary Lou Shipley seconded, All Ayes.

- 11. Consider Landscape Plan for The Cove Phase 2 as a companion to FP-18-0092 – Owner: MORITZ INTERESTS LTD**

Mr. Brooks reported the landscape plan is a companion of the above Final plat. He noted the applicant provided neighborhood signage that will be throughout the development. Mr. Brooks recommended approval.

Action:

Mayor Pro Tem David Hill moved to approve a Landscape Plan for The Cove Phase 2 as a companion to FP-18-0092 – Owner: MORITZ INTERESTS LTD. Councilmember Mary Lou Shipley seconded, All Ayes.

- 12. Consider Landscape Plan for Sheppard's Place as a companion to PP-17-0157 – Owner: JHDMC, LLC**

Mr. Brooks reported the landscape plan is a companion to a previously approved Preliminary Plat. He recommended approval.

(lea)

Action:

Councilmember Chuck Beatty moved to approve a Landscape Plan for Sheppard's Place as a companion to PP-17-0157 – Owner: JHDMC, LLC. Councilmember Melissa Olson seconded, All Ayes.

13. **Public Hearing on a request by Alyssa Martel, Solar City dba Tesla Energy, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 119 Rain Cloud Drive, being LOT 10 BLK Q BUFFALO RIDGE ADDN PH IIIB 0.173 AC (Property ID 267470) - Owner: MAU STEFAN & APRIL ROMAN (SU-18-0090)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant seeks to install solar panels on the roof and explained the applicant is meeting all requirements. He recommended approval as presented.

There being no others to speak for or against SU-18-0090, Mayor Strength closed the Public Hearing.

14. **Consider proposed Ordinance approving Zoning Change No. SU-18-0090**

ORDINANCE NO. 3041

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL USE WITHIN A PLANNED DEVELOPMENT-SINGLE-FAMILY-2 (PD-SF2) ZONING DISTRICT, LOCATED AT 119 RAIN CLOUD DRIVE, BEING PROPERTY ID 267470, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 10, BLOCK Q IN THE BUFFALO RIDGE ADDITION PHASE IIIB SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Melissa Olson moved to approve Ordinance No. 3041 as presented. Mayor Pro Tem David Hill seconded, All Ayes.

15. **Consider request by Stan Beard, Buc-ee's Ltd, for a Preliminary Plat of Buc-ee's Addition for 4 lots, being 58.72 acres in the Elbert C. Newton Survey, Abstract 790, John Shavor Survey, Abstract 1000, and Peter B. Stout Survey, Abstract 1003 (Property ID 188453) – Owner: 60 WAX RE HOLDINGS, LLC (PP-18-0098)**

Mr. Brooks reported the applicant is working through staff comments and working with staff to insure all needs are met. He recommended approval per staff comments.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Stan Beard, Buc-ee's Ltd, for a Preliminary Plat of Buc-ee's Addition for 4 lots, being 58.72 acres in the Elbert C. Newton Survey, Abstract 790, John Shavor Survey, Abstract 1000, and Peter B. Stout Survey, Abstract

(11a)

1003 (Property ID 188453) – Owner: 60 WAX RE HOLDINGS, LLC (PP-18-0098). Mayor Pro Tem David Hill seconded, All Ayes.

16. Consider request by R. Jay Anthony, AP Land Development LLC, for a Preliminary Plat of Springside Estates Phase 1 for 58 residential and 2 non-residential lots, being 88.651 acres situated in the John Collet Survey, Abstract 221 (Property ID 138304, 138712, 138303) in the Extra Territorial Jurisdiction – Owner: AKP STILLWATER PARTNERSHIP and AP WAXAHACHIE LIMITED PARTNERSHIP (PP-18-0094)

Mr. Brooks reported the applicant met staff requirements and recommended approval.

Action:

Councilmember Chuck Beatty moved to approve a request by R. Jay Anthony, AP Land Development LLC, for a Preliminary Plat of Springside Estates Phase 1 for 58 residential and 2 non-residential lots, being 88.651 acres situated in the John Collet Survey, Abstract 221 (Property ID 138304, 138712, 138303) in the Extra Territorial Jurisdiction – Owner: AKP STILLWATER PARTNERSHIP and AP WAXAHACHIE LIMITED PARTNERSHIP (PP-18-0094). Councilmember Melissa Olson seconded, All Ayes.

17. Consider request by R. Jay Anthony, AP Land Development LLC, for a Final Plat of Springside Estates Phase 1 for 58 residential and 2 non-residential lots, being 88.651 acres situated in the John Collet Survey, Abstract 221 (Property ID 138304, 138712, 138303) in the Extra Territorial Jurisdiction – Owner: AKP STILLWATER PARTNERSHIP and AP WAXAHACHIE LIMITED PARTNERSHIP (FP-18-0080)

Mr. Brooks presented the Final Plat noting it meets the requirements of the Subdivision Ordinance. He recommended approval.

Action:

Councilmember Chuck Beatty moved to approve a request by R. Jay Anthony, AP Land Development LLC, for a Final Plat of Springside Estates Phase 1 for 58 residential and 2 non-residential lots, being 88.651 acres situated in the John Collet Survey, Abstract 221 (Property ID 138304, 138712, 138303) in the Extra Territorial Jurisdiction – Owner: AKP STILLWATER PARTNERSHIP and AP WAXAHACHIE LIMITED PARTNERSHIP (FP-18-0080). Mayor Kevin Strength seconded, All Ayes.

18. Public Hearing on a request by Lance Rust, Joe Rust Co., for a Zoning Change from a Planned Development-Single Family-1 zoning district to Single Family-1 located on Lone Elm Road before the turn near Meadow Crest Drive (Property ID 180711) - Owner: WALKER BRINT & WALKER CLINT (ZC-18-0093)

Mayor Strength opened the Public Hearing.

Mr. Brooks stated the property is adjacent to the Emory Lakes Development and explained the selected parcel somehow became part of the Planned Development. The request is to remove it

(ba)

from Planned Development and create a straight Single Family-1 Zoning. He stated the applicant met all staff requirements and recommended approval.

There being no others to speak for or against ZC-18-0093, Mayor Strength closed the Public Hearing.

19. Consider proposed Ordinance approving Zoning Change No. ZC-18-0093

ORDINANCE NO. 3042

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY-1 (PD-SF1) TO SINGLE FAMILY-1 (SF1) LOCATED ON LONE ELM ROAD BEFORE THE TURN NEAR MEADOW CREST DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 21.607 ACRES KNOWN AS THE LONE ELM ADDITION, 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. 3042 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

20. Consider request by Lance Rust, Joe Rust Co., for a Preliminary Plat of Lone Elm Addition for 13 residential lots, being 21.607 acres in the E. H. Belcher Survey, Abstract 143 (Property ID 180711) – Owner: WALKER BRINT & WALKER CLINT (PP-18-0083)

Mr. Brooks reported this item accompanies previously approved ZC-18-0093 noting staff recommended applicant sharing a split drive and applicant agreed. He noted there are some remaining outstanding comments and recommended approval per staff comments.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Lance Rust, Joe Rust Co., for a Preliminary Plat of Lone Elm Addition for 13 residential lots, being 21.607 acres in the E. H. Belcher Survey, Abstract 143 (Property ID 180711) – Owner: WALKER BRINT & WALKER CLINT (PP-18-0083) subject to staff comments. Mayor Pro Tem David Hill seconded, All Ayes.

21. Public Hearing on a request by Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a General Retail zoning district to General Retail and Planned Development-Mixed Use Residential, with Concept Plan, located at NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES and 911 R RUSSELL 10.6200 ACRES (Property ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-18-0074)

Mayor Strength opened the Public Hearing.

Mr. Brooks announced the applicant requested to continue PD-18-0074 to the City Council meeting of July 16, 2018.

(6A)

22. Consider proposed Ordinance approving Zoning Change No. PD-18-0074

Action:

Councilmember Mary Lou Shipley moved to continue a request by Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a General Retail zoning district to General Retail and Planned Development-Mixed Use Residential, with Concept Plan, located at NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES and 911 R RUSSELL 10.6200 ACRES (Property ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-18-0074) to the City Council meeting of July 16, 2018. Mayor Kevin Strength seconded, All Ayes.

23. Consider request by James P. Moon, Attorney and Authorized Representative of Blue Bonnet Trails, LLC, Owner, for a PETITION TO EXTEND APPROVAL pursuant to Appendix C – Subdivisions, Section 2.3 – Procedures and Submission Requirements for Preliminary Plat Approval for Blue Bonnet Trail (Property ID 182266 and 182267) – Owner: BLUE BONNET TRAILS LLC (PP-18-0096)

Mr. Brooks reported the applicant request to extend the Preliminary Plat for one (1) year noting it was approved two (2) years ago and a Preliminary Plat expires after two (2) years. He explained it has taken the applicant additional time securing water and easement to reach the subject site located at Farley Street and Highway 287. Mr. Brooks stated currently there are site improvements and the applicant has been working on the property for the success of the Preliminary Plat.

Mayor Strength stated the question is to extend for one year. Mr. Brooks concurred.

Action:

Councilmember Chuck Beatty moved to extend a request by James P. Moon, Attorney and Authorized Representative of Blue Bonnet Trails, LLC, Owner, for a PETITION TO EXTEND APPROVAL pursuant to Appendix C – Subdivisions, Section 2.3 – Procedures and Submission Requirements for Preliminary Plat Approval for Blue Bonnet Trail (Property ID 182266 and 182267) – Owner: BLUE BONNET TRAILS LLC (PP-18-0096) for one (1) year expiring on July 5, 2019. Councilmember Mary Lou Shipley seconded, All Ayes.

24. Continue Public Hearing on a request by Blain Vinson, Aspen Community Development, for a Zoning Change from a Single Family-3 zoning district to Planned Development-SF-3, with Concept Plan, located East of 865 Cantrell Street, being 6 JC ARMSTRONG 17.521 ACRES (Property ID 244351) - Owner: WALKER L GORDON ETAL (PD-18-0059)

Mayor Strength continued the Public Hearing.

Mr. Brooks clarified that Aspen Community Development is a separate development from Daymark Living that is constructing a development across the street. He reported the applicant seeks zoning to establish a cottage-concept neighborhood of approximately seventy-three (73) detached cottage style dwellings with shared carriage houses. He stated the applicant at this time seeks approval of a concept plan with City Council support on the zoning and if approved the applicant will then go out for the particular design and come back for approval. Mr. Brooks

(lpa)

stated staff and the applicant are still working on the private and public streets noting that will depend on details discovered over the next year. He presented an example of the applicant's proposal noting staff has concerns with units near the property line and concerns with increased density from what is allowed. Mr. Brooks stated it is a very unique concept and staff will work with the applicant on details.

Mayor Strength stated it will cause additional stress on Cantrell Street. Mr. Brooks stated Cantrell Street is well-traveled and additional traffic will bring on additional stress. He reported it is a TxDOT road and they don't have any upcoming plans to modify Cantrell. City Manager Michael Scott stated the Police Department is aware of the speed and staff is trying to address that.

Mr. Blaine Vinson, applicant, talked specifically about the concerns of the residents on Cantrell. He stated traffic will be a marginal increase because young professions will have one vehicle reducing the traffic concerns. He addressed the wildlife noting it will be driven away as development occurs. Mr. Vinson stated he spoke to the Parks and Recreation Department to build a bridge over to Bullard's Park.

Councilmember Mary Lou Shipley asked Mr. Vinson what he proposes to do to assist the park. Mr. Vinson stated he will use the park fee to go back into Bullard Park exclusively.

Ms. Gina Moore, 855 Cantrell Street, Waxahachie, thanked Council and the applicant for his work on the Concept Plan noting the plan makes her nervous. She stated she loves the property being the cows and barns and having neighbors that care noting it was zoned Ag only until the property owner sold.

Mr. Judge Hayes, 829 Cantrell Street, Waxahachie, stated he understands growth and a tax base and stated more nature will be ran out with this development.

There being no others to speak for or against PD-18-0059, Mayor Strength closed the Public Hearing.

Mr. Brooks stated if Council recommends approval he suggested a detailed stipulation for the site pan to go before the Planning and Zoning Commission and City Council prior to construction on this property with the understanding that there will be great attention given to the site plan so as not to disturb the nature of the neighborhood any more than is necessary.

25. Consider proposed Ordinance approving Zoning Change No. PD-18-0059

ORDINANCE NO. 3043

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), WITH CONCEPT PLAN LOCATED EAST OF 865 CANTRELL STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 17.521 ACRES KNOWN AS PROPERTY ID 244351 OF THE JC ARMSTRONG SURVEY, ABSTRACT NO. 6, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

(100)

Action:

Mary Lou Shipley moved to approve Ordinance No. 3043 with additional stipulations that before any construction or planning would be set in motion that it be approved by both the Planning and Zoning Commission and City Council with the understanding that there will be great attention given to the site plan so as not to disturb the nature of the neighborhood any more than is necessary. Councilmember Chuck Beatty seconded, All Ayes.

26. Consider award of a bid to J & K Excavation, LLC for the corridor rehabilitation of Lavista Street.

Mr. Jeff Chambers, Director of Public Works, reported five (5) bids were recently received for the above project and after examination of the bids, staff recommended to award the bid to J & K Excavation, LLC in the amount of \$690,759.20. Mr. Chambers stated the project will provide new curbs, gutters, streetlights, utilities and pavement along Lavista Street from Greenbrier Street to Highway 77. He stated project completion date is 180 days.

Action:

Mayor Pro Tem David Hill moved to award a bid to J & K Excavation, LLC in the amount of \$690,759.20 for the corridor rehabilitation of Lavista Street. Councilmember Chuck Beatty seconded, All Ayes.

27. Consider a resolution authorizing the reimbursement of the General Fund's Unrestricted Reserves from the proceeds of future debt for the rehabilitation of Lavista Street.

Mr. Scott presented Resolution No. 1250 noting it is a companion for Item 26 authorizing a reimbursement to the General Fund's Unrestricted Reserves Utilities from future bond sales.

RESOLUTION NO. 1250

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING A CORRIDOR REHABILITATION OF LAVISTA STREET

Action:

Councilmember Chuck Beatty moved to approve Resolution No. 1250 as presented. Mayor Kevin Strength seconded, All Ayes.

28. Consider award of a bid to Tiseo Paving Company for the corridor rehabilitation of Indian Hills Drive and Buffalo Creek Drive.

Mr. Chambers reported five (5) bids were recently received for the above project and after examination of the bids staff recommended to award the bid to the second lowest bidder, Tiseo Paving Company in the amount of \$1,278,944.95. Mr. Chambers stated the project will provide new curbs, gutters, streetlights, utilities and pavement along Indian Hills Drive, from Sagebrush Lane to Buffalo Creek Drive and Buffalo Creek Drive to Indian Trace Lane.

(6a)

Action:

Councilmember Chuck Beatty moved to award a bid to Tiseo Paving Company in the amount of \$1,278,944.95 for the corridor rehabilitation of Indian Hills Drive and Buffalo Creek Drive. Councilmember Mary Lou Shipley seconded, All Ayes.

29. Consider a resolution authorizing the reimbursement of the General Fund's Unrestricted Reserves from the proceeds of future debt for the rehabilitation of Indian Hills Drive and Buffalo Creek Drive.

Mr. Scott presented Resolution No. 1251 noting it is a companion for Item 28 authorizing a reimbursement to the General Fund's Unrestricted Reserves Utilities from future bond sales.

RESOLUTION NO. 1251

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING A CORRIDOR REHABILITATION OF INDIAN HILLS DRIVE AND BUFFALO CREEK DRIVE

Action:

Councilmember Chuck Beatty moved to approve Resolution No. 1251 as presented. Mayor Kevin Strength seconded, All Ayes.

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

Councilmember Melissa Olson thanked City Manager Michael Scott for the email briefing he gave City Council. She stated Council used to have briefings before every meeting noting they were a great way for staff to update Council on everything and the actual Council meetings would go faster and not keep everyone too late. Councilmember Olson stated they were public meetings and everyone was more than welcome to attend noting she attended as a citizen and livestreamed them for others who couldn't attend for whatever reason. She stated apparently there was an executive decision to stop having council briefings and that coincided with her first council meeting which was on May 21, 2018 noting she found out when she picked up her Council packet on May 18, 2018 and found no briefing agenda. Councilmember Olson stated unless the briefings are reinstated she asked Mr. Scott to continue briefing emails in preparation of the council meetings.

Councilmember Olson referenced Boards and Commissions Minutes that are no longer on the Council agenda for approval noting everyone online should have access to Minutes. She stated Minutes are not approved until the next time each of these boards convene to approve their minutes. Councilmember Olson asked Mr. Scott if he authorized the change to the agenda which included removing the various Boards and Committees Minutes. Mr. Scott replied he did. She asked if he was approached by any council members to make this change. He stated there was discussion with council members. Councilmember Olson stated, for transparency reasons, she would like to have them reinstated in the agenda packet. She wished everyone a happy and safe Fourth of July.

(lea)

Councilmember Chuck Beatty stated the recent monument dedication at Lee Penn Park honoring three civic leaders was a great event. He stated he looks forward to the next phase of the park. Councilmember Beatty thanked Honorary Councilmember Felipe Gonzalez for his attendance.

Mr. Scott stated this past week was the first week the city instituted revisions to the lake parks to help ease crowd control noting it did not behave the way it had in recent weekends with very light attendance and maybe that is because word got out. He stated the same measures will be continued on July 4th and the following weekend. Staff will reconvene and discuss how we want to proceed with ongoing control of the lake parks. Mr. Scott stated it was a successful weekend from all accounts as far as keeping the population down and again it is still open for all city residents and encouraged residents to use the lake parks noting they are open for business. He thanked Mr. Jeff Chambers and his team for their fine work on a well-deserved award.

Mayor Pro Tem David Hill thanked Mayor Strength for his service to the city and his undying love for the community. He noted it is a payless job and Mayor Strength puts numerous miles on his pickup driving that he pays for himself going out and visiting job sites and developments so good decisions can be made. He congratulated Mayor Strength for his role as President of the North Central Texas Council of Governments (NCTCOG) noting he is President of 16 counties and 230 members consisting of Mayors, City Councilmembers and people in government. Mayor Pro Tem Hill stated he is proud to be serving with Mayor Strength.

Councilmember Mary Lou Shipley added thanks and compliments to Mayor Strength. She stated why it is an inconvenience now until Interstate 35 is completed; Mayor Strength had an important part in working with the NCTCOG and seeing that the state money went to Ellis County south of Dallas instead of somewhere north of Dallas. She stated a lot of work went into that and Ellis County has benefitted greatly from it. Councilmember Shipley stated she was one of those council members that spoke to the City Manager about leaving out some of the Minutes from the consent agenda and the reason she suggested that be done is that the City Council has no authority to approve or disapprove the Minutes of other Boards and Commissions and therefore having those on the consent agenda was pointless. She noted anyone wanting to see minutes, all they have to do is ask. Councilmember Shipley stated there is no lack of transparency on this issue noting it is a fraudulent suggestion that there is. She thanked Honorary Councilmember Felipe Gonzalez noting she hopes that the program to include a student of the month will pay off in the long run and these people will see the importance of becoming involved in their local government. Councilmember Shipley thanked audience members for their attendance and participation and encouraged continued communication with City Council and participating at City Council meetings.

City Attorney Robert Brown echoed the congratulations to the Public Works Department and Mayor Strength. He wished everybody a fun and safe Fourth of July.

Ms. Amy Borders, Director of Communications and Marketing, stated the Waxahachie Fourth of July festivities were promoted by Good Morning Texas inviting all to come out to the Waxahachie Sports Complex on July 3rd and enjoy all the festivities, live music and fireworks. She announced on July 4th the parade honoring our military veterans will be held.

(len)

31. Adjourn

There being no further business, Councilmember Chuck Beatty moved the meeting adjourn at 8:15 p.m. Mayor Pro Tem David Hill seconded, All Ayes.

Respectfully submitted,

Lori Cartwright
City Secretary

(16b)

Application for a Festival or Event Permit

Event Name and Description: Community Kickball

Kickball Tournament

Applicant Information

Name: Curtis Polk, Jr

Address: 213 Wyatt St

City, State, Zip: Waxahachie, TX 75165 Phone: 469-222-5669

E-mail Address: polkesjr@yahoo.com

Organization Information

Organization Name: Curtis Polk, Jr Campaign

Address: 213 Wyatt St Waxahachie, TX 75165

Authorized Head of Organization: Curtis Polk, Jr

Phone: _____ E-mail Address: _____

Event Chairperson/Contact

Name: _____

Address: _____

City, State, Zip: _____ Phone: _____

E-mail Address: _____

Event Information

Event Location/Address: Lee Penn Park

Purpose: Community Day

Event Start Date and Time: July 28, 2018

RECEIVED IN
CITY SECRETARY'S OFFICE
7/15/18
CITY OF WAXAHACHIE, TEXAS

(b)

Event End Date and Time: July 28, 2018 8:00pm

Approximate Number of Persons Attending Event Per Day: 100

Site Preparation and Set-Up Date and Time: July 27 2018 6:00pm

Clean-Up Completion Date and Time: July 29 2018

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

N/A

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

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? No but can we get more trash cans

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.

Curtis Polk Jr

July 3, 2018

Signature of Applicant

Date

(b)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Thursday, July 05, 2018 10:36 AM
To: Villarreal, Amber
Subject: RE: Event Application-Community Kickball

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, July 5, 2018 10:18 AM
To: Wade Goolsbey <wgoolsby@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Smith, John <jsmith@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>
Subject: Event Application-Community Kickball

Please review the attached application and send me any comments/concerns.

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

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(lob)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Monday, July 09, 2018 2:51 PM
To: Villarreal, Amber
Subject: RE: Event Application-Community Kickball

No issues

From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Thursday, July 05, 2018 10:18 AM
To: Wade Goolsby <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; John Smith <jsmith@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Michael Scott <msscott@waxahachie.com>
Subject: Event Application-Community Kickball

Please review the attached application and send me any comments/concerns.

Thank you,

Amber Villarreal, TRMC
Assistant City Secretary
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(6C)

Application for a Festival or Event Permit

Event Name and Description: 3-ON-3 Hoop It Up

Basketball Tournament

Applicant Information

Name: Curtis Polk, Jr

Address: 213 Wyatt St

City, State, Zip: Waxahachie, TX 75165 Phone: 469-222-5669

E-mail Address: polkeyjr@yahoo.com

Organization Information

Organization Name: _____

Address: _____

Authorized Head of Organization: _____

Phone: _____ E-mail Address: _____

Event Chairperson/Contact

Name: Rico Bailey

Address: _____

City, State, Zip: _____ Phone: 469-337-3556

E-mail Address: _____

Event Information

Event Location/Address: Lee Penn Park 464 Getzendaner St Wax, TX 75165

Purpose: _____

Event Start Date and Time: July 21, 2018 9:00 AM

RECEIVED IN
CITY SECRETARY'S OFFICE

7/5/18
CITY OF WAXAHACHIE S

(16)

Event End Date and Time: July 21, 2018 8:00 pm

Approximate Number of Persons Attending Event Per Day: 50

Site Preparation and Set-Up Date and Time: July 20, 2018 - July 21, 2018

Clean-Up Completion Date and Time: July 21, 2018 8:00 pm

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

N/A

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

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? No but can we get more trash cans

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.

Curtis Polk Jr

July 3, 2018

Signature of Applicant

Date

(WC)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Thursday, July 05, 2018 10:36 AM
To: Villarreal, Amber
Subject: RE: Event Application-Hoop It Up

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, July 5, 2018 10:19 AM
To: Wade Goolsbey <wgoolsby@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Smith, John <jsmith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Hoop It Up

Please review the attached application and send me any comments/concerns.

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

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(lpc)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Thursday, July 05, 2018 3:36 PM
To: Villarreal, Amber
Subject: RE: Event Application-Hoop It Up

No issues.

From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Thursday, July 05, 2018 10:19 AM
To: Wade Goolsby <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; John Smith <jsmith@waxahachie.com>
Cc: Michael Scott <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Hoop It Up

Please review the attached application and send me any comments/concerns.

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(6d)

Application for a Festival or Event Permit

Event Name and Description: "Backpack Drive" And Giving
out Backpack with Supplies, A Bounce house for Kids,
giving out Prepackaged Food & drink items

Applicant Information

Name: Lolita King
Address: 3430 Idaho Ave.
City, State, Zip: Dallas, TX 75216 Phone: (214) 881-0240
E-mail Address: lolitak197@gmail.com

Organization Information

Organization Name: New Greater Deliverance C.O.G.I.C.
Address: 125 Elder St.
Authorized Head of Organization: Pastor David Williams
Phone: (469) 285-9557 E-mail Address:

Event Chairperson/Contact

Name: Lolita King
Address: 3430 Idaho Ave.
City, State, Zip: Dallas, TX 75216 Phone: (214) 881-0240
E-mail Address: lolitak197@gmail.com

Event Information

Event Location/Address: Lee Penn Park
Purpose: Give back to the Community and to let the people
know this park is for fun and giving back to the community
Event Start Date and Time: August 11 @ 9am Not Fighting

(6d)

Event End Date and Time: August 11 @ 1:00 pm

Approximate Number of Persons Attending Event Per Day: about 150 - 300 (in and out not all at once)

Site Preparation and Set-Up Date and Time: August 11 @ 7 am

Clean-Up Completion Date and Time: August @ 2:00 pm

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

There will be free back-pack give away along with Chips, drinks, fruit snacks, & Cookies. There will be a bounce house for the kids. Tables will be set up for registration for backpack. Tables will be setup for people to set at & eat food items. A ~~Motorcycle~~ Street Social Club to help with the give away. ~~no motorcycle~~

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

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. pre package items only

Will dumpsters be needed? Maybe trashcan ~~no~~ No large items
Will need to be disregarded.

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.

Kolita D. King

Signature of Applicant

Date

(led)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Tuesday, July 10, 2018 8:12 AM
To: Villarreal, Amber
Subject: RE: Event Application-Backpack Giveaway

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: Monday, July 9, 2018 4:12 PM
To: Wade Goolsbey <wgoolsby@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Smith, John <jsmith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>
Subject: Event Application-Backpack Giveaway

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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From: Smith, John
Sent: Monday, July 09, 2018 4:08 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>
Subject: FW: Application

Another event app.

Thanks,
John

From: Lolita King <lolitak197@gmail.com>
Sent: Monday, July 09, 2018 3:12 PM
To: Smith, John <jsmith@waxahachie.com>
Subject: Application

Mr. Smith,

Attached below is the application.

(9)

Planning & Zoning Department

Plat Staff Report

Case: RP-18-0099



MEETING DATE(S)

Planning & Zoning Commission: July 10, 2018

City Council: July 16, 2018

CAPTION

Consider request by Hannah Kirkman for a **Replat** of Lots 58, 59 and part of 60, Ferris Second Addition - Revised, to create Lots 58A and 59A, Ferris Second Addition - Revised, 0.657 acres (Property ID 173378 and 173369) – Owner: KYLE & HANNAH KIRKMAN and THERESA A GASE (RP-18-0099)

CASE INFORMATION

Applicant: Hannah Kirkman

Property Owner(s): Kyle & Hannah Kirkman and Theresa Gase

Site Acreage: 0.657 acres

Number of Lots: 2 lots

Number of Dwelling Units: 2 units

Adequate Public Facilities: These properties are on City services.

SUBJECT PROPERTY

General Location: 616 Dunn Street and 622 Dunn Street

Parcel ID Number(s): 173378 and 173369

Current Zoning: Single Family-2

Existing Use: Single family residences

Platting History: This is a portion of the Ferris Second Addition – Revised.

Site Aerial:**STAFF CONCERNS**

1. Application and Ellis County fees remain outstanding. The applicant is responsible for paying \$439.00 before this plat can be filed.

APPLICANT RESPONSE TO CONCERNS

1. Applicant has cleared platting comments. The fees 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:

ATTACHED EXHIBITS

1. Plat drawings

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

Reviewed by:
 Shon Brooks, AICP
 Director of Planning
sbrooks@waxahachie.com

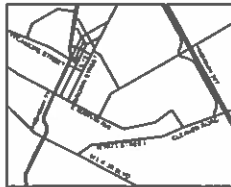
(9)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held July 10, 2018, the Commission voted 5-0 to recommend approval of plat no. RP-18-0099, subject to staff comments.



0 25 50
SCALE: 1" = 50'



VICINITY MAP
1" = 5000'

NOTES:

BEARING BASIS FOR THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4702, NAD 83 PER GPS OBSERVATIONS

THE SUBJECT PROPERTY LIES WITHIN ZONE "C" DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48136C0190F DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

LEGEND

CRS= 5/8 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET 7/10/17 FOUND
IRF= IRON ROD FOUND
OPRECT= OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS (2013) * RECORD CALL
U.E.= UTILITY EASEMENT

STATE OF TEXAS
COUNTY OF ELLIS

KNOW ALL MEN BY THESE PRESENTS.

WHEREAS, KYLE KIRKMAN AND HANNAH KIRKMAN, AND THERESA A. GASE ARE THE SOLE OWNERS OF THAT TRACT OF LAND SITUATED IN DYE SURVEY, ABSTRACT NO. 298, IN THE CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO KYLE KIRKMAN AND HANNAH KIRKMAN, RECORDED IN INSTRUMENT NUMBER, 1729146, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO THERESA A. GASE, RECORDED IN INSTRUMENT NUMBER 1729388, OPRECT AND BEING ALL OF LOT 58, ALL OF LOT 59 AND A PORTION OF LOT 60, FERRIS SECOND ADDITION, AN ADDITION TO THE CITY OF WAXAHACHE, ACCORDING TO THE REVISED MAP, RECORDED IN CABINET B, SLIDE 84 OPRECT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 58, BEING THE SOUTHWEST CORNER OF SAID KIRKMAN TRACT, AND THE COMMON NORTHWEST CORNER OF LOT 57 OF SAID FERRIS SECOND ADDITION, BEING THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO PENNY D. GREATHOUSE, RECORDED IN VOLUME 2783, PAGE 843, OPRECT, SAID POINT BEING IN THE EAST RIGHT-OF-WAY (ROW) LINE OF DUNN STREET (A 50' ROW);

THENCE N 28°11'25" E, ALONG THE WEST LINE OF SAID LOTS 58, 59 AND 60, THE WEST LINE OF SAID KIRKMAN TRACT, THE WEST LINE OF SAID GASE TRACT AND THE COMMON EAST ROW LINE OF SAID DUNN STREET, A DISTANCE OF 134.87 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF SAID GASE TRACT;

THENCE S 63°50'41" E, ALONG THE NORTH LINE OF SAID GASE TRACT, OVER AND ACROSS SAID LOT 60, A DISTANCE OF 212.51 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF SAID GASE TRACT, IN THE WEST ROW LINE OF A 15' WIDE ALLEY;

THENCE S 28°11'25" E, ALONG THE EAST LINE OF SAID LOT 60, 59 AND 58, THE EAST LINE OF SAID GASE TRACT, THE EAST LINE OF SAID KIRKMAN TRACT AND THE COMMON WEST LINE OF SAID 15' WIDE ALLEY, A DISTANCE OF 134.87 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHEAST CORNER OF SAID LOT 58, THE SOUTHEAST CORNER OF SAID KIRKMAN TRACT AND THE NORTHEAST CORNER OF SAID GREATHOUSE TRACT;

THENCE N 63°50'41" W, ALONG THE SOUTH LINE OF SAID LOT 58, THE SOUTH LINE OF SAID KIRKMAN TRACT AND THE COMMON NORTH LINE OF SAID LOT 57 AND THE NORTH LINE OF SAID GREATHOUSE ADDITION, A DISTANCE OF 211.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.867 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT WE, KYLE KIRKMAN AND HANNAH KIRKMAN AND THERESA A. GASE, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS FERRIS SECOND ADDITION, REVISED LOTS 58A & 59A, AN ADDITION TO THE CITY OF WAXAHACHE, TEXAS, AND DO HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS 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 WAXAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF WAXAHACHE'S USE THEREOF. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF WAXAHACHE, TEXAS

WITNESS, MY HAND, THIS _____ DAY OF _____, 2018.

KYLE KIRKMAN

STATE OF TEXAS
COUNTY OF ELLIS

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

GIVEN UNDER MY HAND AND SEAL THIS, _____ DAY OF _____, 2018.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

WITNESS, MY HAND, THIS _____ DAY OF _____, 2018

HANNAH KIRKMAN

STATE OF TEXAS
COUNTY OF ELLIS

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

GIVEN UNDER MY HAND AND SEAL THIS, _____ DAY OF _____, 2018.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

WITNESS, MY HAND, THIS _____ DAY OF _____, 2018

THERESA A. GASE

STATE OF TEXAS
COUNTY OF ELLIS

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

GIVEN UNDER MY HAND AND SEAL THIS, _____ DAY OF _____, 2018.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

APPROVED BY: CITY OF WAXAHACHE DIRECTOR OF PLANNING

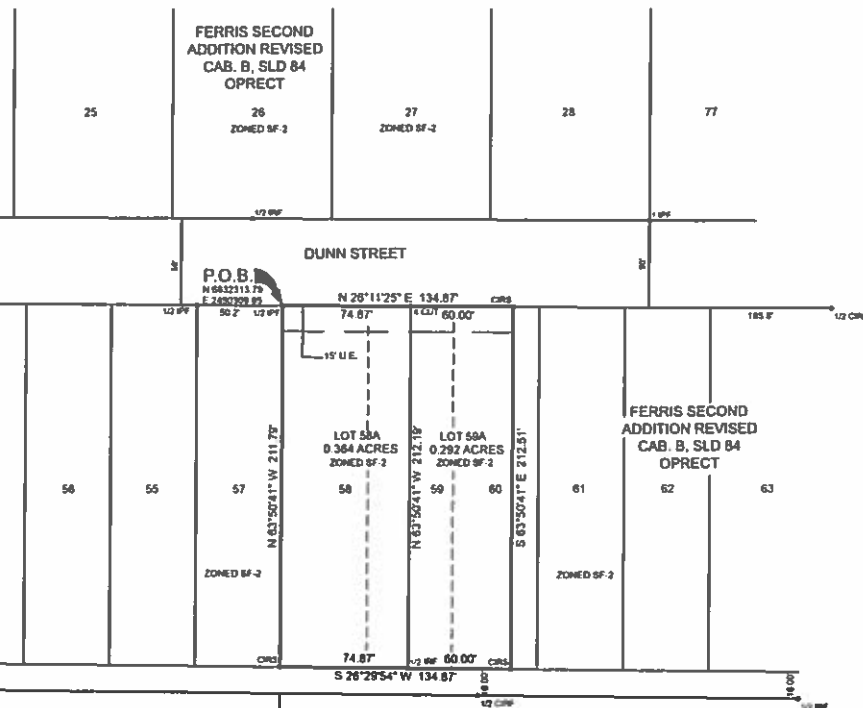
BY: SHON BROOKS
DIRECTOR OF PLANNING

FERRIS SECOND ADDITION, REVISED LOTS 58A & 59A

BEING A REPLAT OF
LOT 58, LOT 59 & PART OF LOT 60
FERRIS SECOND ADDITION,
REVISED,
CABINET B, SLIDE 84
PLAT RECORDS, ELLIS COUNTY
TEXAS

CITY OF WAXAHACHE, TEXAS
ELLIS COUNTY, TEXAS
0.867 ACRES
2 LOTS
ZONED SF-2

MAY 2018 PAGE 1 OF 1



KNOW ALL MEN BY THESE PRESENTS

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

"Preliminary, this document shall not be recorded for any purpose and shall not be used or relied upon as a final survey document"

TIMOTHY L. JACKSON
REGISTERED PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER 6644

STATE OF TEXAS
COUNTY OF ELLIS

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

GIVEN UNDER MY HAND AND SEAL THIS, _____ DAY OF _____, 2018.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

(11)

Planning & Zoning Department

Plat Staff Report

Case: PP-18-0102



MEETING DATE(S)

Planning & Zoning Commission: July 10, 2018

City Council: July 16, 2018

CAPTION

Consider request by Bryan Connally, CBG Surveying, LLC, for a **Preliminary Plat** of Rodriguez-King Addition for 2 lots, being 2.00 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 182038) – Owner: CFLP INVESTMENTS LLC (PP-18-0102)

CASE INFORMATION

Applicant: Bryan Connally, CBG Surveying LLC

Property Owner(s): CFLP Investments LLC

Site Acreage: 2.00 acres

Number of Lots: 2 lots

Number of Dwelling Units: 2 units

Park Land Dedication: The cash in lieu of park land dedication for this case is estimated at **\$800.00** (2 residential dwellings at \$400.00 per dwelling).

Adequate Public Facilities: This development will be on City services.

SUBJECT PROPERTY

General Location: 1406 MLK

Parcel ID Number(s): 182038

Current Zoning: Light Industrial-1 and Single Family-3

Existing Use: Single family residence

Platting History: Silas M. Durrett Survey, Abstract 272

(11)

Site Aerial:



STAFF CONCERNS

1. This development fronts onto TxDOT right-of-way. Before building a residence on Lot 1, a driveway permit from TxDOT is needed. Because of the spacing, a variance from TxDOT is needed. This is not an issue at platting, but staff want to ensure all know this.

APPLICANT RESPONSE TO CONCERNS

1. Applicant has addressed all applicable comments. The above concern is a notification.

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. Plat drawing

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

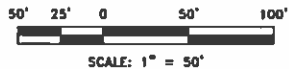
Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

(11)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held July 10, 2018, the Commission voted 5-0 to recommend approval of plat no. PP-18-0102, subject to staff comments.



LEGEND

D.R.E.C.T. = DEED RECORDS, ELI'S COUNTY, TEXAS
CM = CONTROLLING MONUMENT
R.O.W. = RIGHT-OF-WAY
SQ. FT. = SQUARE FEET
ESMT. = EASEMENT
VOL. = VOLUME
PG. = PAGE
1/2" IRF = 1/2 INCH IRON ROD FOUND
1/2 IPF = 1/2 INCH IRON PIPE FOUND
1/2 IRS = 1/2 INCH IRON ROD SET WITH A
PLASTIC YELLOW CAP STAMPED
"CBG SURVEYING"

GENERAL NOTES

1) THE BASIS OF BEARING FOR THIS SURVEY IS THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, (4202) GEODETIC BEARING ESTABLISHED BY GPS MEASUREMENTS.

2) BENCHMARKS:

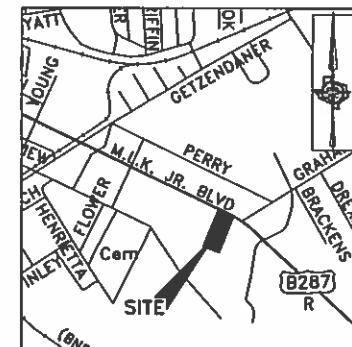
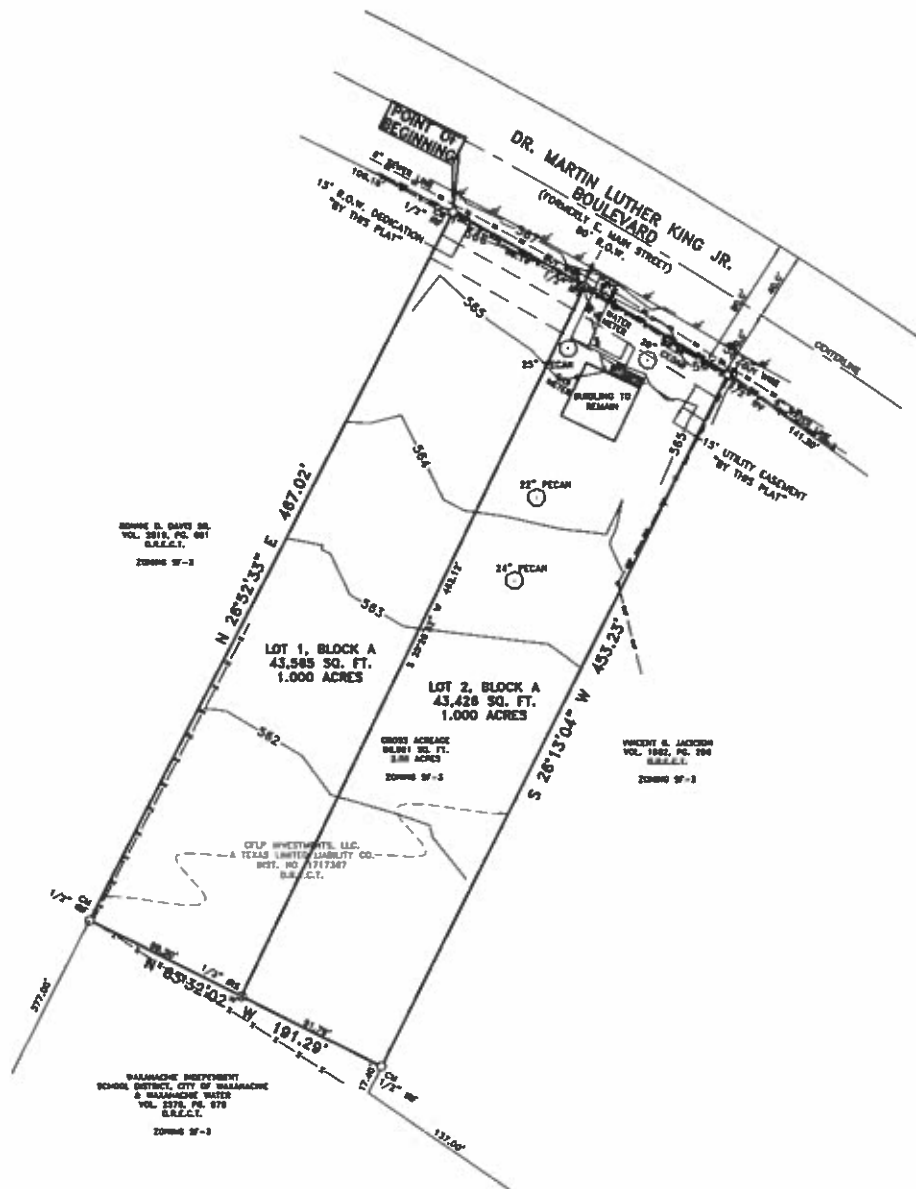
STATION=00710221	STATION=00710251
N=6,855,055.53681	N=6,809,399.94981
E=2,479,546.72456	E=2,475,876.23114
Z=621.64498	Z=598.73830

3) ACCORDING TO THE F.I.R.M. NO. 48139CD190F, THIS PROPERTY DOES
LIE IN ZONE X AND DOES NOT LIE WITHIN THE 100 YEAR FLOOD ZONE.

4) THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, ENCUMBRANCES, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

5) THE SURVEYOR, AS REQUIRED BY STATE LAW, IS RESPONSIBLE FOR SURVEYING INFORMATION ONLY AND BEARS NO RESPONSIBILITY FOR THE ACCURACY OF THE ENGINEERING DATA ON THIS PLAN.

6) PURPOSE OF THIS PLAT IS TO CREATE ONE LOT INTO TWO LOTS.



VICINITY MAP
1" = 1000'

SHEET 1 OF 2

PRELIMINARY PLAT
RODRIGUEZ-KING ADDITION
LOTS 1 & 2, BLOCK A

88,991 SQ.FT. / 2.00 ACRES
AND BEING A TRACT OF LAND SITUATED IN THE
SILAS M. DURRETT SURVEY, ABSTRACT NO. 272
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

OWNER: CFP INVESTMENTS, LLC
PEDRO RODRIGUEZ
1030 PIERCE ROAD
RED OAK-TEXAS-75154
(214) 778-8435
PEDRO@CLOUTIERBYAHQ.COM



PLANNING & SURVIVING

Main Office
12025 Shikoh Road, Ste. 230
Dallas, TX 75228
P 214.349.9485
F 214.349.2216
Firm No. 10168800

SCALE: 1"=50' / DATE: 05/29/18 / JOB NO. 1703845-1PLAT / DRAWN BY: CC

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Pedro Rodriguez acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as RODRIGUEZ-KING ADDITION, an addition to the City of Waxahachie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of Ingress and Egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas

WITNESS, my hand, this the _____ day of _____, 2018.

BY:

Authorized Signature of Owner

Printed Name and Title

STATE OF TEXAS §
COUNTY OF ELLIS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Pedro Rodriguez, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 2000.

Notary Public in and for the State of Texas

My Commission Expires On:

SURVEYOR'S STATEMENT:

KNOW ALL MEN BY THESE PRESENTS:

That I, Bryan Connolly, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

(seal)

Bryan Connolly
Registered Professional Land Surveyor

STATE OF TEXAS §
COUNTY OF ELLIS §

WHEREAS, CFLP Investments, LLC., a Texas Limited Liability Company is the Owner of a tract of land situated in the Silas M. Durrett Survey, Abstract No. 272, Ellis County, Texas, same being a tract of land conveyed to CFLP Investments, LLC., a Texas Limited Liability Company, by Warranty Deed with Vendor's Lien, recorded in Instrument No. 1717367, Deed Records, Ellis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the East corner of a tract of land conveyed to Ronnie D. Davis Sr., by deed recorded in Volume 2819, Page 691, Deed Records of Ellis County, Texas, and being in the Southwest right-of-way of Dr. Martin Luther King Boulevard (80 foot right-of-way), also being the beginning of a non-tangent curve turning to the right, with a radius of 2836.89 feet, a delta angle of 03 degrees 46 minutes 02 seconds, a chord bearing of South 59 degrees 17 minutes 45 seconds East, and a chord length of 186.50 feet;

THENCE along said curve to the right, along the Southwest right-of-way line of said Dr. Martin Luther King Boulevard, an arc length of 186.53 feet to a 1/2 inch iron pipe found for corner, said corner being the North corner of a tract of land conveyed to Vincent G. Jackson, by deed recorded in Volume 1982, Page 286, Deed Records, Ellis County, Texas, also being in the Southwest right-of-way line of said Dr. Martin Luther King Boulevard;

THENCE South 26 degrees 13 minutes 04 seconds West, along the Northwest line of said Jackson tract, a distance of 453.23 feet to a 1/2 inch iron rod found for corner, said corner being the most northerly Northeast corner of a tract of land conveyed to Waxahachie Independent School District, City of Waxahachie & Waxahachie Water, by deed recorded in Volume 2578, Page 976, Deed Records, Ellis County, Texas;

THENCE North 63 degrees 32 minutes 02 seconds West, along the most Northerly Northeast line of said Waxahachie Independent School District tract, a distance of 191.29 feet to a 1/2 inch iron rod found for corner, said corner being the Northwest corner of said Waxahachie Independent School District tract, and being in the Southeast line of said Davis tract;

THENCE North 26 degrees 52 minutes 33 seconds East, along the Southeast line of said Davis tract, a distance of 487.02 feet to the POINT OF BEGINNING and containing 86,991 square feet or 2.00 acres of land.

APPROVED BY: Planning and Zoning Commission City of Waxahachie

By: _____

Chairperson

Date

APPROVED BY: City Council

City of Waxahachie

By: _____

Mayor

Date

By: _____

Affest

Date

GENERAL NOTES

1) THE BASIS OF BEARING FOR THIS SURVEY IS THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, (4202) GEODETIC BEARING ESTABLISHED BY GPS MEASUREMENTS.

2) BENCHMARKS:

STATION=D0710221
N=6,855,055.53681
E=2,479,546.72456
Z=621.64498

STATION=D0710251
N=6,809,399.94961
E=2,475,876.23114
Z=598.73830

3) ACCORDING TO THE F.I.R.M. NO. 48139C0190F, THIS PROPERTY DOES LIE IN ZONE X AND DOES NOT LIE WITHIN THE 100 YEAR FLOOD ZONE.

4) THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, ENCUMBRANCES, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

6) THE SURVEYOR, AS REQUIRED BY STATE LAW, IS RESPONSIBLE FOR SURVEYING INFORMATION ONLY AND BEARS NO RESPONSIBILITY FOR THE ACCURACY OF THE ENGINEERING DATA ON THIS PLAT.

SHEET 2 OF 2

PRELIMINARY PLAT
RODRIGUEZ-KING ADDITION
LOTS 1A & 2A, BLOCK 1
88,991 SQ.FT. / 2.00 ACRES
PART OF HARRIETT L. NOWLIN SUBDIVISION
AND BEING A TRACT OF LAND SITUATED IN THE
SILAS M. DURRETT SURVEY, ABSTRACT NO. 272
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

OWNER: CFLP INVESTMENTS, LLC
PEDRO RODRIGUEZ
10500 PIERCE ROAD
RED OAK, TEXAS 75154
(214) 778-6435
PERDODGOLDTEAM@YAHOO.COM



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Main Office
12025 Shiloh Road, Ste. 230
Dallas, TX 75228
P 214.349.9485
F 214.349.2216
Firm No. 10168800
www.cbgsurveying.com

SCALE: 1"=50' / DATE: 05/29/16 / JOB NO. 1705843-1PLAT / DRAWN BY: CC

Planning & Zoning Department

Plat Staff Report

Case: RP-18-0103



MEETING DATE(S)

Planning & Zoning Commission: July 10, 2018

City Council: July 16, 2018

CAPTION

Consider request by John Blacker, Hart, Gaugler, & Associates for a **Replat** of Lot 1, Block A, Lifeschool Waxahachie Addition and Lot 1R, Block A, Boykin Business Park Phase 2, to create Lot 1R, Block A, Life School Waxahachie Addition, 45.142 acres (Property ID 191082 and 233735) – Owner: LIFESCHOOL OF DALLAS (RP-18-0103)

CASE INFORMATION

Applicant: John Blacker, Hart, Gaugler & Associates

Property Owner(s): Life School of Dallas

Site Acreage: 45.142 acres

Number of Lots: 1 lot

SUBJECT PROPERTY

General Location: 3209 N Highway 77 and 150 W Butcher

Parcel ID Number(s): 191082 and 233735

Current Zoning: Light Industrial-1

Existing Use: Life School

Platting History: The final plat for The Life School Waxahachie Addition was approved by City Council on March 2, 2015. The replat for the Boykin Business Park Lots 1R and 2, Block A, was approved on March 2, 2015.

(12)

Site Aerial:



STAFF CONCERNS

1. Ellis County fees of \$79.00 remain outstanding.

APPLICANT RESPONSE TO CONCERNS

1. Applicant's submittals have addressed all platting concerns. Fees remain outstanding. The plat cannot be filed until all fees are cleared.

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. Plat drawing

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

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

(12)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held July 10, 2018, the Commission voted 750 to recommend approval of plat no. RP-18-0103, subject to staff comments.

[illegible]



Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Executive Director of Development Services

Thru: Michael Scott, City Manager *MS*

Date: July 13, 2018

Re: Brown and 287 Mixed Use Planned Development District

On Monday July 16, 2018 a request for a zoning change to create a mixed use residential planned development district at the north east corner of Highway 287 and Brown Street will appear before Council for consideration. On July 10th this case was heard by the Planning and Zoning Commission and staff recommended denial of the case for the following reasons:

- There is a limited mix of retail incorporated into apartment complex located in tract 1
- Staff has concerns of approving additional multi-family housing units without the proposed hotel for tract 2 being constructed first
- The developer has proposed a density for the apartment complex greater than 25 units per acre

After deliberation and a detailed presentation by the developer, the Planning and Zoning Commission ultimately voted to recommend approval for the planned development district, with the following conditions:

- Tract 2 can only be used to construct a hotel four stories in height, and the hotel must comply with the standards set forth in the City's zoning ordinance
- Tract 3 is limited to restaurant uses only and drive-through establishments are expressly prohibited
- Tract 4 is limited to general retail or office uses and drive-through establishments are expressly prohibited

(14)

- The internal street currently shown as Village Parkway must be constructed in its entirety at the time that the first tract is platted
- All of the landscaping throughout the entire development must be installed at the time that the first tract is platted, except for the portion of the landscaping fronting onto Brown Street; this will be installed with the platting of tract 3

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

Tommy Ludwig

(14)

Planning & Zoning Department

Zoning Staff Report

Case: PD-18-0074



MEETING DATE(S)

Planning & Zoning Commission: July 10, 2018

City Council: July 16, 2018

CAPTION

Public Hearing on a request by Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a General Retail zoning district to **General Retail and Planned Development-Mixed Use Residential**, with **Concept Plan**, located at NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES and 911 R RUSSELL 10.6200 ACRES (Property ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-18-0074)

CASE INFORMATION

Applicant: Josh Spoerl Arrive Architecture Group

Property Owner(s): Lyons American Securities

Site Acreage: 10.6200 acres

Current Zoning: General Retail

Requested Zoning: General Retail and Planned Development-Mixed Use Residential

SUBJECT PROPERTY

General Location: NE corner of US 287 Bypass Service Road at FM 813

Parcel ID Number(s): 227073 and 138302

Existing Use: Currently undeveloped

Development History: R Russell Survey, Abstract No. 911

Case No.	Direction from Site	Request	Result
SUP-18-0034	East	SUP for auto laundry or car wash	Approved

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF2	Single family residence
East	GR	Car wash
South	PD-GR	Car wash
West	N/A	TxDOT ROW for HWY 287

Future Land Use Plan:

Office, Low Density Residential, and Retail

Comprehensive Plan:

The Office land use type is intended for businesses such as banks, insurance agencies, and accounting offices. Office land uses are generally compatible with residential area, with the exception of high-rise office buildings. Land designated for office is appropriate along U.S. Highway 287, at a close proximity to IH-35E within Mixed Use Nonresidential areas, as well as within the Medical District.

The Low Density Residential 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.

Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

Thoroughfare Plan:

The site is access via Dean Box, FM 813, Palomino, and HWY 287 Frontage Road. Palomino and Dean Box are Secondary Thoroughfare D (80' Row), while FM 813 is a Major Thoroughfare B (110' ROW).



Site Image:

PLANNING ANALYSIS

The applicant seeks to develop this property in four (4) tracts that will accommodate hotel, mixed-use residential (MUR), office, and retail uses.

The MUR development will be on tract 1, with a Planned Development-Mixed Use Residential zoning. It will consist of 220 apartment dwellings in a four (4)-story building. This will have fifty-one (51) tuck-under single car garages, a reduction from the requirement of having 110 garages. The trash compactor is approximately 290 feet from the furthest apartment unit, though City standards set a maximum distance of 250 feet. The building length will be greater than the City's 200-foot maximum. The building's exterior will be eighty-five (85) percent masonry (fifty (50) percent masonry, thirty-five (35) percent stucco) and fifteen (15) percent cementitious fiberboard (restricted to courtyards).

Tract 2 will house the hotel, with a food or café option. Tract 3 will house restaurants, while tract 4 will have the office/retail component. All buildings on the various tracts will share a compatible color palette.

The applicant will adhere to City standards, with an exception for the MUR zoning because it will not have at least twenty (20) percent non-residential uses. The intent is to create a development that is unified in appearance and ensures quality retail and residential uses along one of the City's most visible thoroughfares. The City remains concerned about the provision of non-residential in Tract 1, and would like to see the ground floor of the side facing onto the back of the hotel (Tract 2) incorporate additional general retail or neighborhood services uses on the ground floor. The City remains concerned about the risk of approving additional multi-family housing without a guarantee of non-residential uses on the tract, and would prefer a guarantee that the hotel is constructed before the MUR development.

PD DEVELOPMENT STANDARDS

Please examine the included Concept Plan Provisions to see the requested planned development standards.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 15 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 06/08/2018.

STAFF CONCERNS

1. The City would like to see the ground floor of the MUR building (Tract 1) incorporate additional non-residential square footage.

APPLICANT RESPONSE TO CONCERNS

1. Applicant submitted revisions.

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. Cover sheet
2. Zoning exhibit
3. Master plan
4. Multi-family component site plan
5. Conceptual landscape plan
6. Tract 1 development plan
7. Multi-family elevations
8. Signage concept plan
9. Multi-family component signage plan
10. Concept plan provisions
11. Multi-family component detail sheets

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*Reviewed by:*

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held July 10, 2018, the Commission voted 5-0 to recommend approval of zoning change PD-18-0074, subject to staff comments. It should be noted that this request is for a Planned Development (PD) Concept Plan. The second part of the PD process is the Detailed Site Plan that must be recommended for approval by the Planning and Zoning Commission and approved by City Council. The Detailed Site Plan is to be accompanied by a document detailing the architectural standards that will govern the entire development. The concept plan provisions have been amended to include the following requirements:

- Tract 2 can only be used to construct a hotel. This hotel must meet the construction standards set forth in the City's 2018 Zoning Ordinance, but will be four (4) stories in height. Mr. Lyons committed to constructing the hotel.
- Tract 3 can only be used for restaurants, but drive-through establishments are expressly prohibited.
- Tract 4 can only be used for general retail or office uses, but drive-through establishments are expressly prohibited.
- The internal street shown as Village Parkway must be constructed in its entirety at the time that the first tract is platted.
- All of the landscaping must be installed throughout the whole of the development at the time that the first tract is platted, except for the portion of the landscaping fronting onto Brown (FM 813). This will be installed when Tract 3 is platted.

With the inclusion of the above conditions, staff's recommendation remains a denial.

THE VILLAGE APARTMENTS										SITE DATA 04-18-18																																																																																																
<table><tr><th>UNIT TYPE</th><th>NO. OF UNITS</th><th>SQ. FT.</th><th>NO. OF BATHS</th><th>NO. OF PARKING SPACES</th><th>NO. OF STORAGE UNITS</th><th>NO. OF GARAGE SPACES</th><th>NO. OF LAUNDRY SPACES</th><th>NO. OF BICYCLE SPACES</th><th>NO. OF PET SPACES</th></tr><tr><td>1 BR</td><td>100</td><td>1,000</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td></tr><tr><td>2 BR</td><td>100</td><td>2,000</td><td>2</td><td>2</td><td>2</td><td>2</td><td>2</td><td>2</td><td>2</td></tr><tr><td>3 BR</td><td>100</td><td>3,000</td><td>3</td><td>3</td><td>3</td><td>3</td><td>3</td><td>3</td><td>3</td></tr><tr><td>4 BR</td><td>100</td><td>4,000</td><td>4</td><td>4</td><td>4</td><td>4</td><td>4</td><td>4</td><td>4</td></tr></table>										UNIT TYPE	NO. OF UNITS	SQ. FT.	NO. OF BATHS	NO. OF PARKING SPACES	NO. OF STORAGE UNITS	NO. OF GARAGE SPACES	NO. OF LAUNDRY SPACES	NO. OF BICYCLE SPACES	NO. OF PET SPACES	1 BR	100	1,000	1	1	1	1	1	1	1	2 BR	100	2,000	2	2	2	2	2	2	2	3 BR	100	3,000	3	3	3	3	3	3	3	4 BR	100	4,000	4	4	4	4	4	4	4	<table><tr><th>NO. OF UNITS</th><th>SQ. FT.</th><th>NO. OF BATHS</th><th>NO. OF PARKING SPACES</th><th>NO. OF STORAGE UNITS</th><th>NO. OF GARAGE SPACES</th><th>NO. OF LAUNDRY SPACES</th><th>NO. OF BICYCLE SPACES</th><th>NO. OF PET SPACES</th></tr><tr><td>100</td><td>1,000</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td></tr><tr><td>100</td><td>2,000</td><td>2</td><td>2</td><td>2</td><td>2</td><td>2</td><td>2</td><td>2</td></tr><tr><td>100</td><td>3,000</td><td>3</td><td>3</td><td>3</td><td>3</td><td>3</td><td>3</td><td>3</td></tr><tr><td>100</td><td>4,000</td><td>4</td><td>4</td><td>4</td><td>4</td><td>4</td><td>4</td><td>4</td></tr></table>		NO. OF UNITS	SQ. FT.	NO. OF BATHS	NO. OF PARKING SPACES	NO. OF STORAGE UNITS	NO. OF GARAGE SPACES	NO. OF LAUNDRY SPACES	NO. OF BICYCLE SPACES	NO. OF PET SPACES	100	1,000	1	1	1	1	1	1	1	100	2,000	2	2	2	2	2	2	2	100	3,000	3	3	3	3	3	3	3	100	4,000	4	4	4	4	4	4	4
UNIT TYPE	NO. OF UNITS	SQ. FT.	NO. OF BATHS	NO. OF PARKING SPACES	NO. OF STORAGE UNITS	NO. OF GARAGE SPACES	NO. OF LAUNDRY SPACES	NO. OF BICYCLE SPACES	NO. OF PET SPACES																																																																																																	
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100	1,000	1	1	1	1	1	1	1																																																																																																		
100	2,000	2	2	2	2	2	2	2																																																																																																		
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100	4,000	4	4	4	4	4	4	4																																																																																																		

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1 BR	100	1,000	1	1	1	1	1	1	1
2 BR	100	2,000	2	2	2	2	2	2	2
3 BR	100	3,000	3	3	3	3	3	3	3
4 BR	100	4,000	4	4	4	4	4	4	4
TOTAL	400	10,000	16	16	16	16	16	16	16

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2 BR	100	2,000	2	2	2	2	2	2	2
3 BR	100	3,000	3	3	3	3	3	3	3
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2 BR	100	2,000	2	2	2	2	2	2	2
3 BR	100	3,000	3	3	3	3	3	3	3
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3 BR	100	3,000	3	3	3	3	3	3	3
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3 BR	100	3,000	3	3	3	3	3	3	3
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1 BR	100	1,000	1	1	1	1	1	1	

POND
COMMON DEVELOPMENT
DETENTION POND

TRACT 1
220 UNIT MULTI-FAMILY
4-STORY COMPLEX
8.645 ACRES

1 SITE PLAN
DATE: 11/14/18

G1.10 ARCHITECTURAL SITE PLAN

THE VILLAGE
Waxahachie, Texas

(11)

ARRIVET
ARCHITECTURE
2044 Highway 171, Suite 100
Waxahachie, Texas 75165
940.337.1100 FAX 940.337.1101

Scale

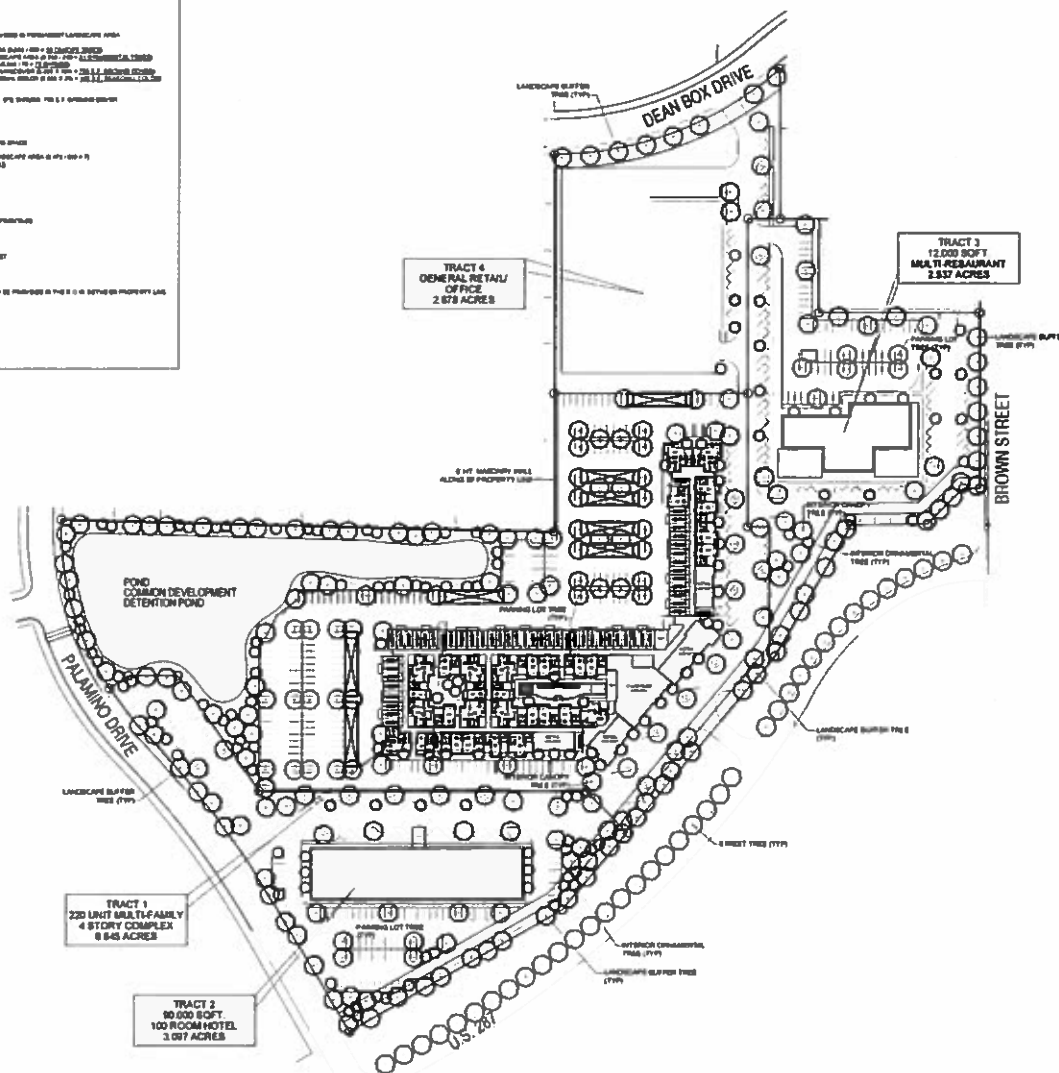
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REVISIONS
DATE: 04-23-18
BY: JWG
G1.10

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[illegible][illegible][illegible]

1. **PROJEKTANFANG**
 1.1. **Zielsetzung:** Zielsetzung des Projekts ist es, ein neues Produkt zu entwickeln, das die Bedürfnisse der Kunden erfüllt.
 1.2. **Scope:** Das Projekt umfasst die Entwicklung, den Test und die Implementierung des Produkts.
 1.3. **Organisation:** Das Projekt wird von einem Projektmanager geleitet, der die Aufgaben an ein Team von Entwicklern, Testern und Designern verteilt.
 1.4. **Rollen:** Die Rollen im Projekt sind: Projektmanager, Entwickler, Tester, Designer.
 1.5. **Zeitplan:** Der Zeitplan des Projekts ist in drei Phasen unterteilt: Entwicklung, Test und Implementierung.
 1.6. **Risikoprüfung:** Es wurden keine Risiken identifiziert, die das Gelingen des Projekts gefährden könnten.
 1.7. **Ergebnisse:** Das Projekt wurde erfolgreich abgeschlossen und das neue Produkt ist im Markt verfügbar.
 1.8. **Feedback:** Es wurden keine Rückmeldungen von den Kunden erhalten, die auf Verbesserungen hinweisen könnten.
 1.9. **Ergebnisse:** Das Projekt wurde erfolgreich abgeschlossen und das neue Produkt ist im Markt verfügbar.
 1.10. **Feedback:** Es wurden keine Rückmeldungen von den Kunden erhalten, die auf Verbesserungen hinweisen könnten.



1 CONCEPTUAL LANDSCAPE PLAN



DATE: _____
NAME: _____
PERIOD: _____

CLIENT:
Artes Associates Group
2348 Highway 721
Suite 100
Bastrop, TX 78021

THE VILLAGE
WAXAHACHIE, TEXAS



mgb
landscape
architects

10000 US HIGHWAY 90, SUITE 300
DALLAS, TEXAS 75243-4609
214 350-0000
FAX 214 350-0001

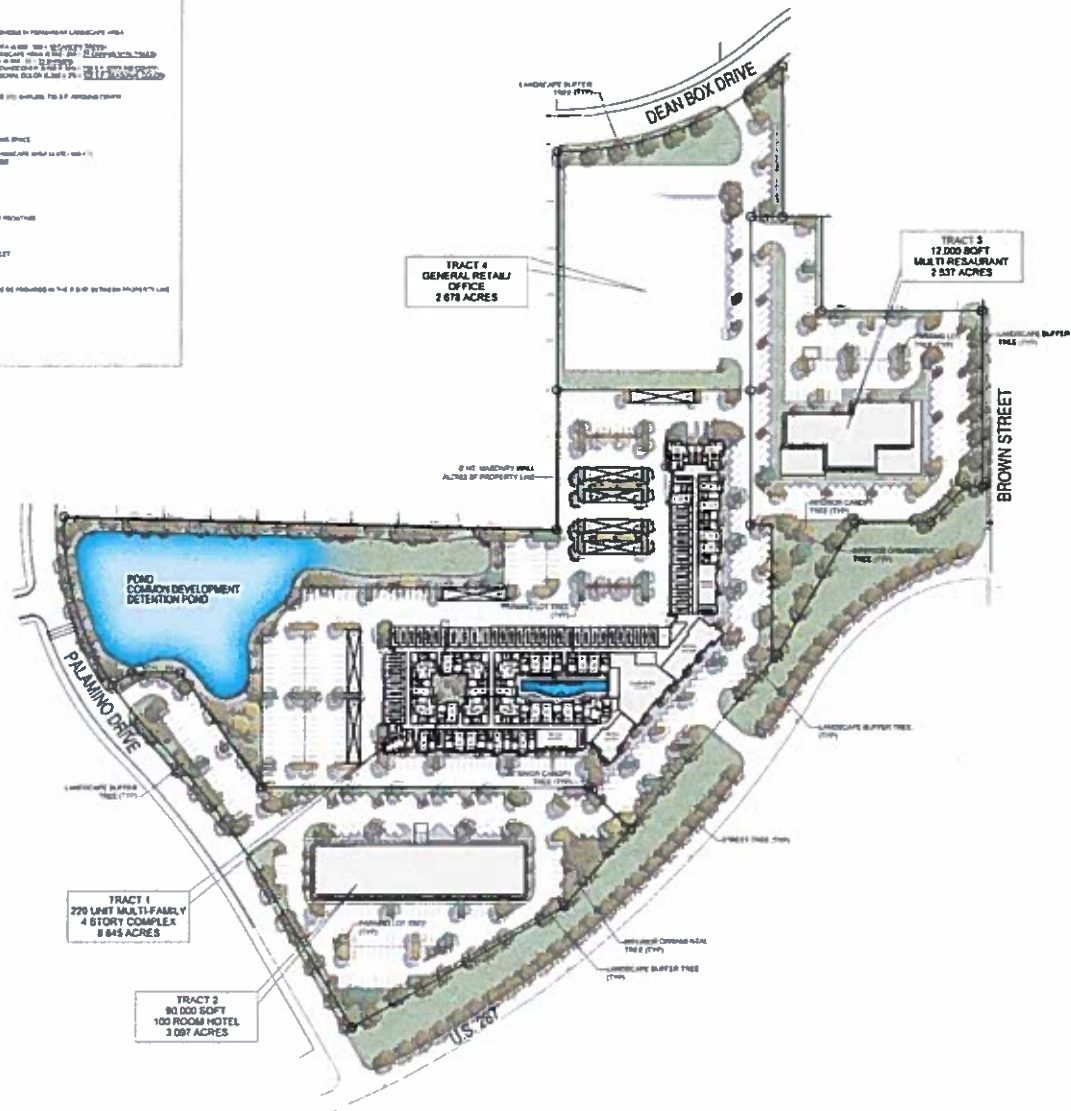


**CONCEPT MASTER
PLAN**

સા.પા.નં. ૭૪૩૭

CONCEPTUAL
LANDSCAPE PLAN

LP0.01

[illegible][illegible][illegible][illegible]

1 CONCEPTUAL LANDSCAPE PLAN

[illegible]

CLIENT:
 Arthur Andersen LLP
 2345 Highway 71
 Suite 800
 Houston, TX 77054

THE VILLAGE
WAXAHACHIE, TEXAS

—सुभा



MICHAEL GILBERTSON ARCHITECTS INC.
 6701 W. GILBERTSON BLVD. SUITE 200
 LOS ANGELES, CA 90048
 PH 310.771.2000 FAX 310.771.2001
 WWW.MGBA.COM

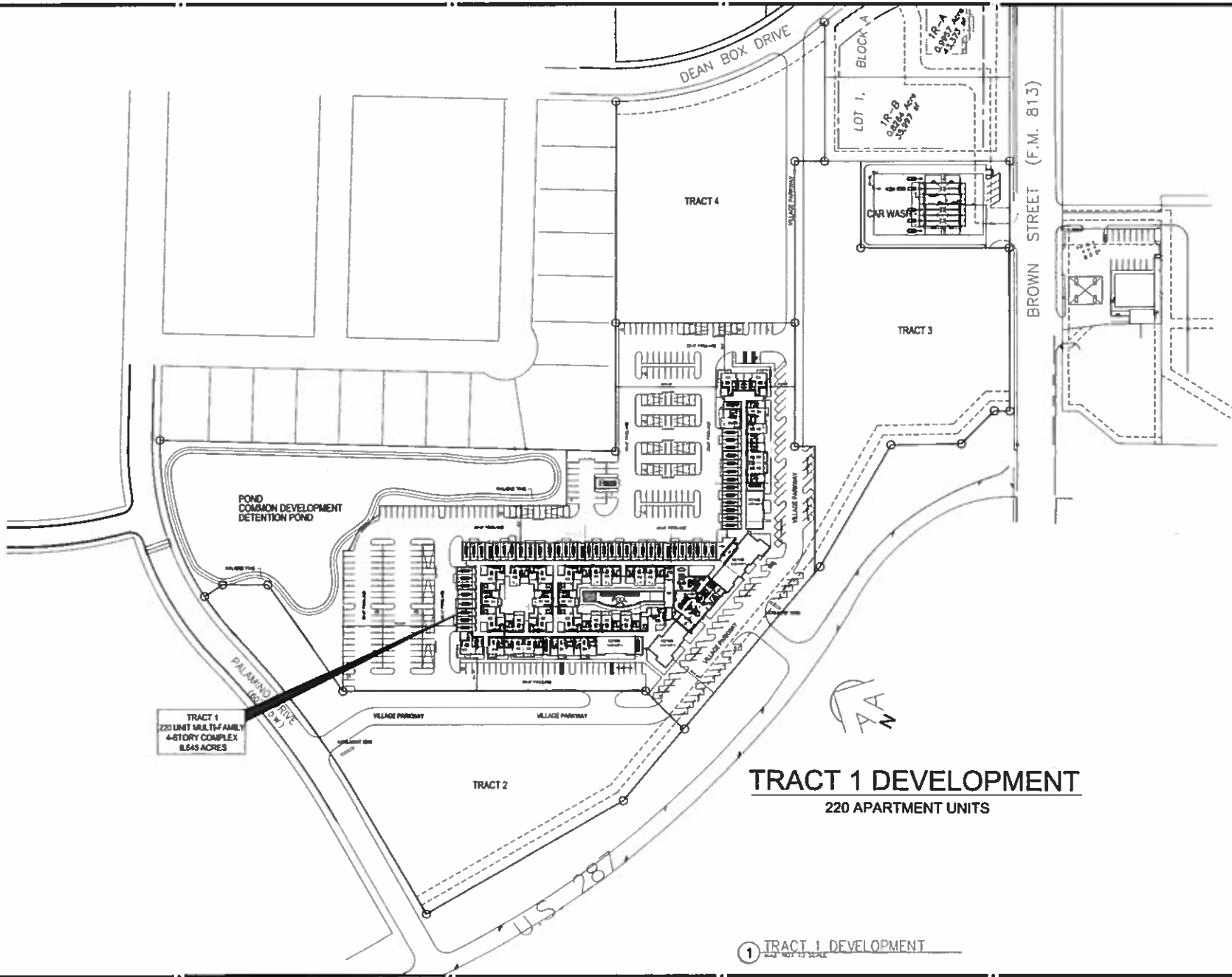


**CONCEPT MASTER
PLAN**

THE VILLAGE
WILLIAMSON, N.Y. 12140
JUNE 11, 1964

CONCEPTUAL LANDSCAPE PLAN

LP0.01



TRACT 1 DEVELOPMENT

220 APARTMENT UNITS

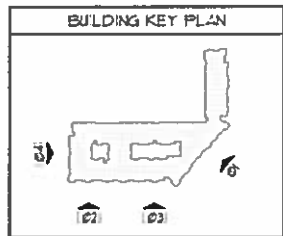
① TRACT 1 DEVELOPMENT
1" = 100' (1" = 30.48m)

THE VILLAGE
Waxahachie, Texas

ARRIVET
ARCHITECTURE
PLANNING
LANDSCAPE ARCHITECTURE
1000 E. HIGHWAY 291, SUITE 100, WAXAHACHIE, TEXAS 76091
940.933.1111
www.arrivet.com

DATE: 04-25-18
BY: [Signature]

DATE	
AUGUST 1968	
NO. 1	
NO. 2	
NO. 3	
NO. 4	
NO. 5	
NO. 6	
NO. 7	
NO. 8	
NO. 9	
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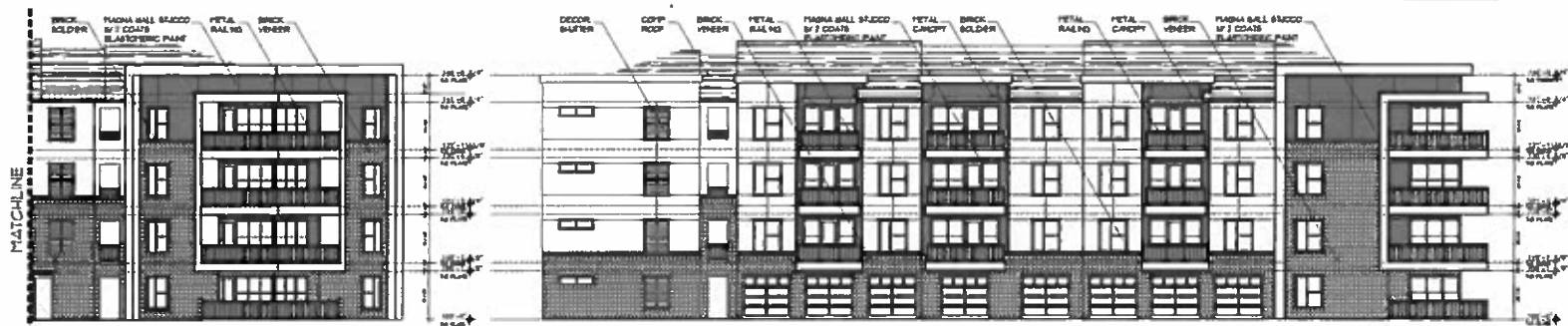
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SCALE: 3/8" = 1'-0"

ARCHITECTURAL MATERIALS
BRICK: BURNED BRICK
STUCCO: MAGNA BALL STUCCO
PAINT: ELASTOMERIC PAINT



03 EXTERIOR ELEVATION
SCALE: 3/8" = 1'-0"

ARCHITECTURAL MATERIALS
BRICK: BURNED BRICK
STUCCO: MAGNA BALL STUCCO
PAINT: ELASTOMERIC PAINT



04 EXTERIOR ELEVATION
SCALE: 3/8" = 1'-0"

05 EXTERIOR ELEVATION
SCALE: 3/8" = 1'-0"

ARCHITECTURAL MATERIALS
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STUCCO: MAGNA BALL STUCCO
PAINT: ELASTOMERIC PAINT

A5.01 EXTERIOR ELEVATIONS

THE VILLAGE

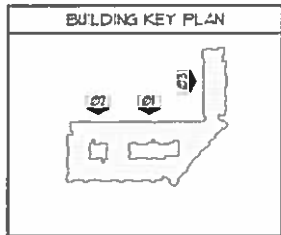
Waxahachie, Texas

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Scale

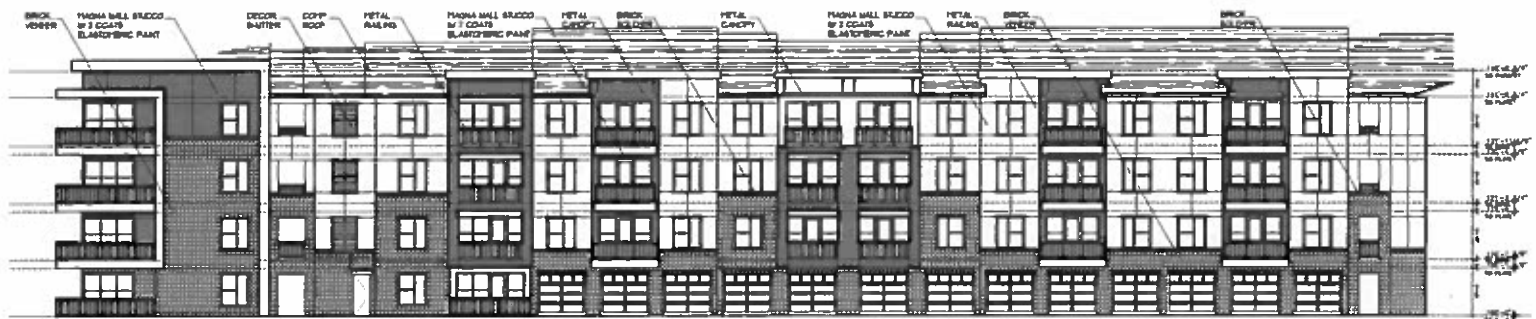
Drawn by AMJ	Check by AMJ
Date 04-25-23	Date 04-25-23
Project Name THE VILLAGE	Project Number A5.01
AS NOTED	AS NOTED



C1 EXTERIOR ELEVATION
Scale: 1/8" = 1'-0"



C2 EXTERIOR ELEVATION
Scale: 1/8" = 1'-0"



C3 EXTERIOR ELEVATION
Scale: 1/8" = 1'-0"

AS.02 EXTERIOR ELEVATIONS

THE VILLAGE

Waxahachie, Texas

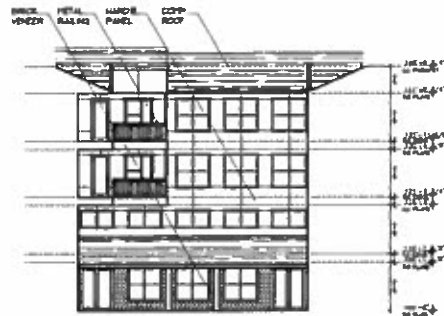
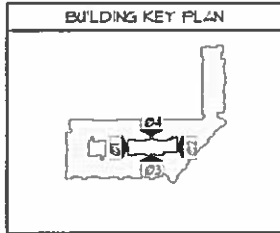
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ARRIVE
Architecture
Planning
Project Management

Scale

Comments

Drawn by ANG	Check by ANG
Plot scale 1/8" = 1'-0"	Plot scale 1/8" = 1'-0"
Approved date 04-25-11	Project # 11-0000
Drawn by ANG	Scale 1/8" = 1'-0"
AS NOTED	A5.02



① COURTYARD ELEVATION
SCALE: 3/8\"/>

REVISIONS AND/OR DISCREPANCIES
REVISION NO. DATE BY
01 01/15/2015 J.E.



② COURTYARD ELEVATION
SCALE: 3/8\"/>

REVISIONS AND/OR DISCREPANCIES
REVISION NO. DATE BY
01 01/15/2015 J.E.



③ COURTYARD ELEVATION
SCALE: 3/8\"/>

REVISIONS AND/OR DISCREPANCIES
REVISION NO. DATE BY
01 01/15/2015 J.E.



④ COURTYARD ELEVATION
SCALE: 3/8\"/>

REVISIONS AND/OR DISCREPANCIES
REVISION NO. DATE BY
01 01/15/2015 J.E.

THE VILLAGE

Waxahachie, Texas

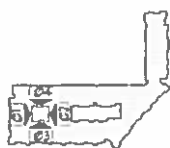
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ARRIVET
Architectural
Framing
RECONSTRUCTION GROUP
2304 Highway 101, Suite 100, Waxahachie, Texas 76791
817-974-1000

DATE

DESIGNED BY AAG	DATE 04-25-15	DESIGNED BY AAG	DATE 04-25-15
CHECKED BY J.E.	DATE 04-25-15	CHECKED BY J.E.	DATE 04-25-15
BY A5.04		BY A5.04	

BUILDING KEY PLAN



C1 COURTYARD ELEVATION
34'-0" x 7'-0"

EXTERIOR MATERIALS/PAINTS
BRICKWORK: BRK
GLAZING: GLZ
ROOFING: ROF
PAINTS: PNT



C2 COURTYARD ELEVATION
34'-0" x 7'-0"

EXTERIOR MATERIALS/PAINTS
BRICKWORK: BRK
GLAZING: GLZ
ROOFING: ROF
PAINTS: PNT



C3 COURTYARD ELEVATION
34'-0" x 7'-0"

EXTERIOR MATERIALS/PAINTS
BRICKWORK: BRK
GLAZING: GLZ
ROOFING: ROF
PAINTS: PNT



C4 COURTYARD ELEVATION
34'-0" x 7'-0"

EXTERIOR MATERIALS/PAINTS
BRICKWORK: BRK
GLAZING: GLZ
ROOFING: ROF
PAINTS: PNT

THE VILLAGE Waxahachie, Texas

(41)

ARRIVE
Architecture
Planning
Interior Design
2304 Highway 81, Suite 100, Waxahachie, Texas 76081
737.977.1100 | www.arrivegroup.com

Scale

Drawn by AAG	Reviewed by AAG
Scale 1" = 4'-0"	Scale 1" = 4'-0"
Drawn by 84-25-11	Reviewed by 84-25-11
Drawn by EDW	Reviewed by EDW
Drawn by AS	Reviewed by AS

AS NOTED

THE VILLAGE APARTMENTS	
PARKING TOTALS:	
SITE ACREAGE:	15.404 ACRES
228 UNIT MULTI-FAMILY COMPLEX	386 SPACES
90,000 SQFT - 100 ROOM HOTEL	156 SPACES
12,000 SQFT MULTI-RESTAURANT SITE	134 SPACES
CARWASH	8 SPACES
GENERAL RETAIL / OFFICE	100 SPACES

LEGEND

- 1 PROJECT MULTI-TENANT TOWER SIGN
- 2 PROJECT LEASING CANOPY SIGN
- 3 PROJECTING BLADE SIGN
- 4 RETAIL TENANT CANOPY SIGN
- 5 RETAIL BUILDING WALL SIGN (DEPENDENT UPON FINAL TENANT AND BUILDING CONSIDERATIONS)
- 6 APARTMENT ORIENTED PYLON SIGN
- 7 ILLUMINATED WALL SIGN - HOTEL SCOPE
- 8 DIRECTIONAL VALUE SIGN

FINAL SIGN DESIGNS WILL VARY TO SUIT EACH TENANT AND WILL BE DESIGNED TO COMPLY WITH LOCAL SIGN ORDINANCES.

MULTIPLE BUILDINGS PLANNED IN THIS SPACE. WALL MOUNTED SIGNS MEETING CITY CODES FOR COMMERCIAL SIGNAGE.



THE VILLAGE

WAXAHACHIE, Texas



ARRIVET
ARCHITECTURE GROUP
2344 Highway 271, Suite 100, Waxahachie, Texas 76791
940.939.0200 | 940.939.0201

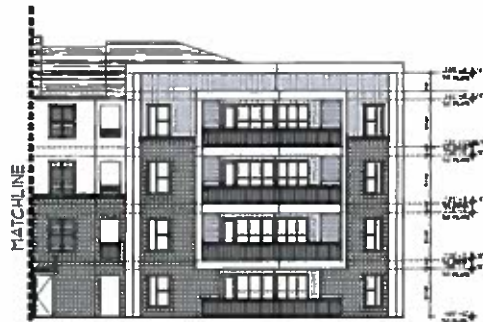
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ARRIVET	ARRIVET
DATE	DATE
04-25-18	04-25-18
PROJECT NO.	PROJECT NO.
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REVISIONS	REVISIONS
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EXTERIOR ELEVATION



EXTERIOR ELEVATION



63 EXTERIOR ELEVATION
SCALE 3/8" = 1'-0"



EXTERIOR ELEVATION
EAST SIDE

AS.01 EXTERIOR ELEVATIONS

THE VILLAGE
WAXAHACHIE, Texas

(H)

[illegible][illegible]



EXTERIOR ELEVATION



EXTERIOR ELEVATION

THE VILLAGE
WAXAHACHIE, Texas

(14)

[illegible][illegible]

A5.03

AS.03 EXTERIOR ELEVATIONS

EXHIBIT B

CONCEPT PLAN PROVISIONS

Purpose and Intent

The purpose and intent of this Planned Development (PD) is to permit the construction of The Village at Waxahachie Master Planned Community. This Master Plan, of 16.957 acres will contain four (4) tracts:

- Tract 1 which is 8.645 acres will be a 220-unit Mixed Use Residential complex site. This tract will be zoned under the PD with a base zoning of Multiple Family District-2 (MF-2)
- Tract 2 which is 3.097 acres will be a 100-bed (+/-), 4-story hotel site. This tract will be zoned as a PD with a base zoning of General Retail (GR)
- Tract 3 which is 2.537 acres will be a 12,000 sq ft. (+/-) Multi-restaurant site. This tract will be zoned as a PD with a base zoning of General Retail (GR)
- Tract 4 which is 2.678 acres will be general retail/office space site. This tract will be zoned as a PD with a base zoning of General Retail (GR)

Any conditions found within the Multiple Family District-2 (MF-2) zoning district or the General Retail District (GR) 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 (MF-2) is the intended base zoning classification for Tract 1 underlying this PD. The MF-2 zoning district is an attached residential district intended to provide the highest residential density of eighteen (18) dwelling units per acres. The principle permitted land uses will include low-rise multiple family dwellings, and apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this District. This District should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic, and medium or low density residential development.

PD District Development Standards

Description of Request

- The intent of this Master Plan PD is to have a mixed use residential complex, Tract 1 surrounded by general retail, Tracts 2,3 and 4. The mixed use residential complex would set the standards to be used on the exterior surfaces of the surrounding structures

Proposed Use of Property

- The intent of Tract 1 of the Master Plan is to construct a 220-unit, 4-story Mixed Use Residential complex
- The intent of Tract 2 of the Master Plan is to construct a 100 bed (+/-), 4-story hotel.
- The intent of Tract 3 of the Master Plan is to construct 12,000 square feet (+/-) of multi-restaurant space
- The intent of Tract 4 of the Master Plan is to construct general retail/office space
- The construction of the 4 tracts would be phased. Tract 1 would be constructed first, followed by Tract 4, then Tract 3. Tract 2 would conclude the construction of this master planned community.

General Development Requirements

• *Overall Development*

- The internal street shown as Village Parkway must be constructed in its entirety at the time that the first tract is platted.
- All of the landscaping must be installed throughout the whole of the development at the time that the first tract is platted, except for the portion of the landscaping fronting onto Brown (FM 813). This will be installed when Tract 3 is platted.

• *Tract 1*

- 19.3 Height Regulations: The MUR structure will be four (4) stories
- 19.4 Area Regulations: There are 51 tuck-under single-car garage spaces
- 19.5 Refuse Facilities: Compactor is approximately 290'-0" from furthest unit
- 19.6 Special Requirements: Building length exceeds 200'-0
- 19.6 Special Requirements: 50% of building exterior surface is masonry (brick), 35% is magna wall stucco with 2 coats elastomeric paint and 15% is Hardi siding/panel (Courtyards only)

• *Tract 2*

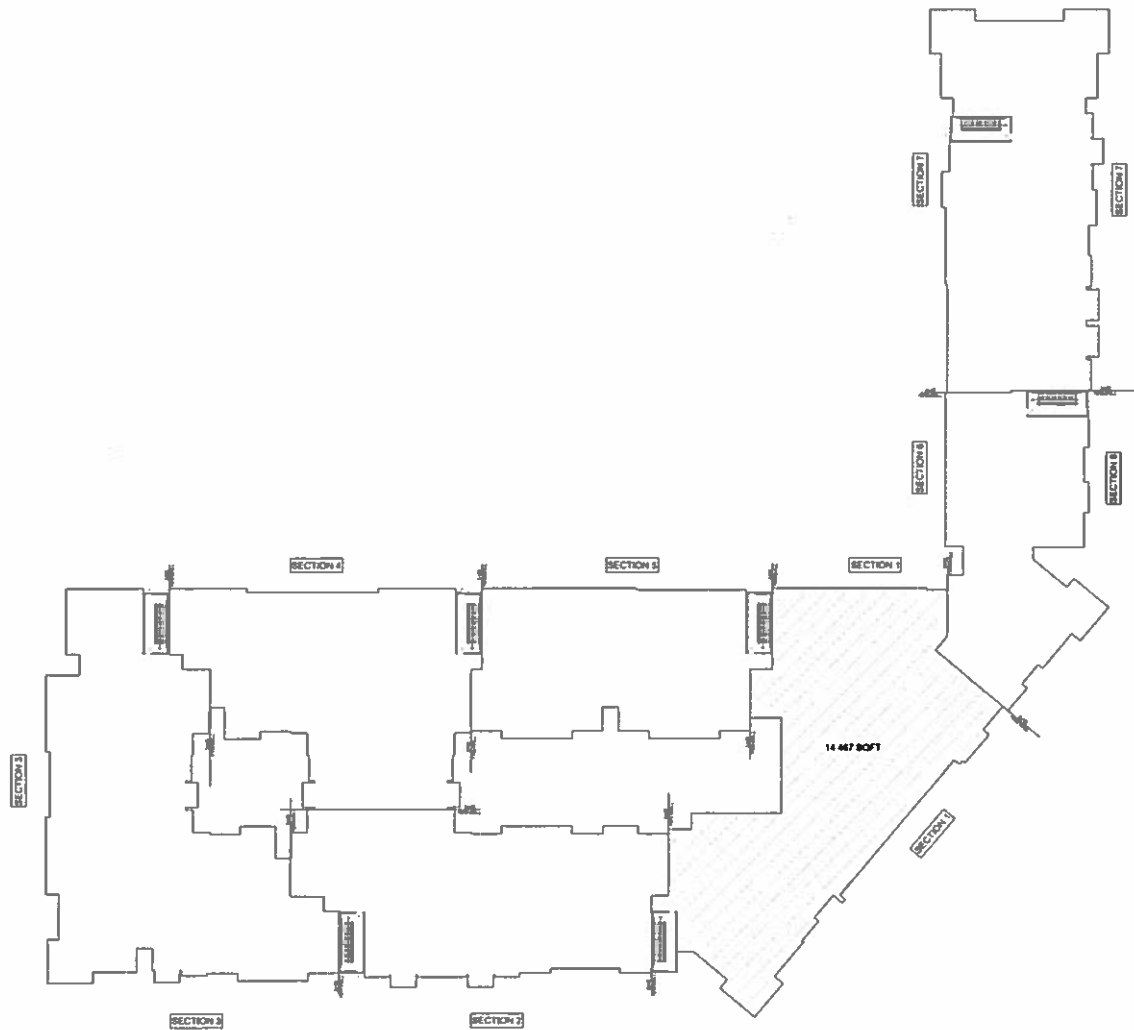
- Tract 2 can only be used to construct a hotel. This hotel must meet the construction standards set forth in the City's 2018 Zoning Ordinance, but can be up to four (4) stories in height. Mr. Lyons committed to constructing the hotel.
- The color palette will be compatible with the multi-family complex
- The hotel will have a porte-cochere
- The hotel will have a food/cafe option within
- The hotel will have a conference room, office and business center
- The hotel will be four (4) stories

• *Tract 3*

- Tract 3 can only be used for restaurants, but drive-through establishments are expressly prohibited.
- The multi-restaurant exterior will have the same exterior materials as that of the MUR. The color palette will be compatible with the multi-family complex

• *Tract 4*

- Tract 4 can only be used for general retail or office uses, but drive-through establishments are expressly prohibited.
- The general office/retail exterior will have the same exterior materials as that of the MUR. The color palette will be compatible with the multi-family complex



01 SECTION 1 AREA MODIFICATION

GOVERNING CODES:	
BUILDING CODE:	2012 INTERNATIONAL BUILDING CODE (IBC)
PLUMBING CODE:	2012 INTERNATIONAL PLUMBING CODE (IPC)
FUEL CODE:	2012 INTERNATIONAL FUEL GAS CODE (IFGC)
MECHANICAL CODE:	2012 INTERNATIONAL MECHANICAL CODE (IMC)
FIRE CODE:	2012 INTERNATIONAL FIRE CODE (IFC)
LAND USE CODE:	2012 INTERNATIONAL LAND USE CODE (ILUC)
RESIDENTIAL CODE:	2012 INTERNATIONAL RESIDENTIAL CODE (IRC)
MECHANICAL CODE:	2012 INTERNATIONAL MECHANICAL CODE (IMC)
ELECTRICAL CODE:	2012 NATIONAL ELECTRICAL CODE (NEC)
ASBESTOS:	TEXAS ASBESTOS STANDARDS (TAS) & 2010 ADA GUIDELINES
TYPE OF CONSTRUCTION:	TYPE VA - ONE HOUR
USE GROUP:	R-2 (RESIDENTIAL UNITS) & M (RETAIL)
AUTOMATIC SPRINKLER SYSTEM:	
NFPA 13B - ALL APARTMENTS, BALCONIES, CORRIDORS, AND GARAGES	
NFPA 13 - ATTIC, CLOSET, BATH, & RETAIL (M) AREAS (NO DIM. CEILING TO SEPARATE R-2 & R-3M OCCUPANCY TYPES)	
BUILDING HEIGHT:	
NOT TO EXCEED 65'-0" TO 3RD FLOOR OF ROOF	
FIRE BARRIERS:	
STAIR ENCLOSURE 2-HOUR, DOORS 1-1/2 HOURS	
EXIT PASSAGEWAY 1-HOUR, DOORS 1-HOUR	
FIRE PARTITIONS:	
IN ALL SPRINKLED BUILDING UNITS ON R-2, 1-HOUR	
DRAFTSTOPPING:	
FLOOR DRAFTSTOPPING 1/2" MINIMUM GYPSUM BOARD	
ATTIC DRAFTSTOPPING NOT REQUIRED IF SPRINKLED	
ATTIC NFPA 13	

AREA MODIFICATIONS - SECTION 506	
BUILDING SECTION - 1	
-Absolute Area Per Table 506	
-50 Feet Building Height	
-12,000 PER FLOOR X 3 = 36,000	
-Section 506.2 Automatic Sprinkler System Increase	
1.25 Factor being used per 505.3.2.2	
This section allows for an additional story	
-12,000 PER FLOOR X 4 = 48,000	
-Building Height increased by 20 feet	
NOTE: Modifications Required	
-FRONTAGE INCREASE	
B-F-P - 0.25 (1000)	
B-F-P - 0.25 (4000) X 0.25	
B-F-P - 0.25 (1000)	
B-F-P - 0.25 (1000)	
-AREA MODIFICATION	
A _{new} = A _{old} + ΔA	
A _{old} = (12,000 - 12,000) + 360	
A _{new} = (12,000 - 12,000)	
15,360 PER FLOOR X 4 = 61,564	
Building Section 1: 14,467 X 4 = 57,868	

THE VILLAGE
Waxahachie, Texas

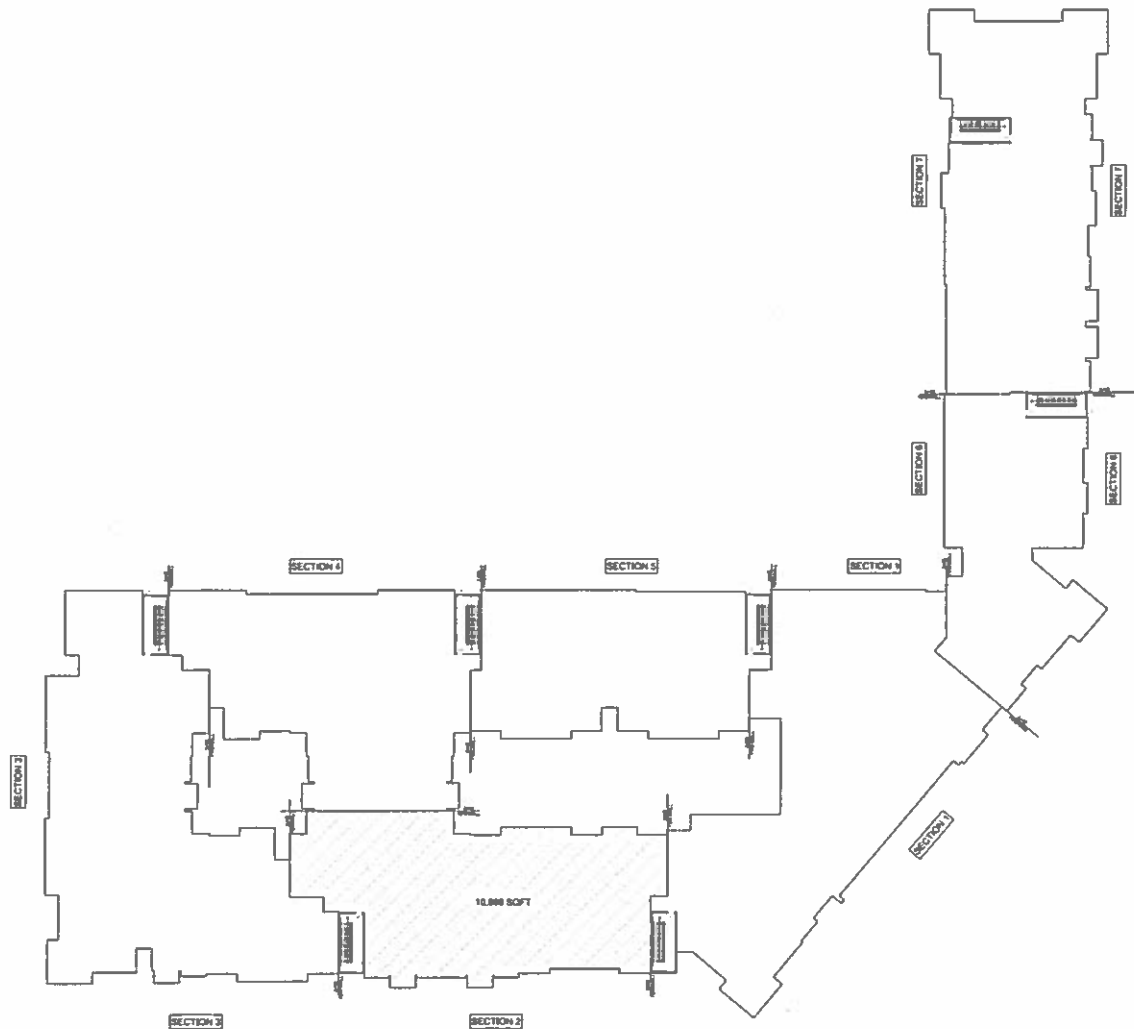
(41)

ARRIVE IT
Architectural
Planning
Project Management

10000 W. 10th St. Suite 100
Dallas, Texas 75247
Phone: 214-343-1111
Fax: 214-343-1112
www.arriveit.com

DATE: _____

Drawn by AM	Check by AM
Scale AS NOTED	Notes G1.13



GOVERNING CODES:

BUILDING CODE:	2015 INTERNATIONAL BUILDING CODE (IBC)
PLUMBING CODE:	2015 INTERNATIONAL PLUMBING CODE (IPC)
FUEL CODE:	2015 INTERNATIONAL FUEL & GAS CODE (IFGC)
MECHANICAL CODE:	2015 INTERNATIONAL MECHANICAL CODE (IMC)
FIRE CODE:	2015 INTERNATIONAL FIRE CODE (IFC)
LABOR CODE:	2015 INTERNATIONAL LABOR CODE (ILC)
APPROVAL CODE:	2015 INTERNATIONAL APPROVAL CODE (IAC)
WATER CODE:	2015 INTERNATIONAL WATER CODE (IWC)
ELECTRICAL CODE:	2015 NATIONAL ELECTRICAL CODE (NEC)
ACCESSIBILITY:	TEXAS ACCESSIBILITY STANDARDS (TAS) & 2010 ADA GUIDELINES

TYPE OF CONSTRUCTION
TYPE VA - ONE HOUR

USE GROUP
R-2 (RESIDENTIAL UNITS)
A-3 (CLUBHOUSE)
M (RETAIL)

AUTOMATIC SPRINKLER SYSTEM
WPA 118 - ALL APARTMENTS, BALCONIES, CORRIDORS, AND GARAGES

WPA 113 - ATTIC, CLUBHOUSE (A-3) & RETAIL (M) AREAS ONLY

WPA 112 - SEPARATE R-2 & A-3 M OCCUPANCY TYPES

BUILDING HEIGHT
NOT TO EXCEED 45'-0" TO TOP POINT OF ROOF

FIRE BARRIERS
STAIR ENCLOSURE 2-HOUR, DOORS 1-1/2 HOUR
EXIT PASSAGEWAY 1-HOUR, DOORS 1-HOUR

FIRE PARTITIONS
WALL SEPARATING SLEEPING UNITS IN R-2, 1-HOUR

DRAFTSTOPPING
FLOOR DRAFTSTOPPING 1/2" MINIMUM GYPSUM BOARD
ATTIC DRAFTSTOPPING NOT REQUIRED IF SPRINKLERED
ATTIC WPA 113

AREA MODIFICATIONS - SECTION 506

BUILDING SECTION - 2

Maximum Area Per Floor 500
 *50 Feet Building Height
 *12,000 PER FLOOR x 1 = 12,000
 *Section 504.2 Automatic Sprinkler System Increase
 130% system being used per IBC 504.2.2
 This section allows for an additional story
 *12,000 PER FLOOR x 4 = 48,000
 *Building Height increased by 20 feet

NOTE: NO Modifications Measured
 Building Section 1 10,000 ± 4 = 42,671

THE VILLAGE
Waxahachie, Texas

(41)

ARRVET
ARCHITECTURAL REVIEW & CONSULTING
1001 Highway 101 Suite 100 Waxahachie, Texas 76091
PH 940.234.0001 FX 940.234.0002 www.arvet.com

NO. 14

PROJECT NO.	04-23-11
DATE	08/23/11
BY	AS NOTED
FOR	GI.14



AREA MODIFICATIONS - SECTION 506

BUILDING SECTION - 3

~Alternate Area Per Table 503

~50% Finished Height

~12,000 PER FLOOR, X 3 = 36,000

~Section 502.4 Automatic Sprinkler System required

~(2) story being used per 503.1.1.2

~This section allows for an additional story

~12,000 PER FLOOR, X 4 = 48,000

~Building height increased by 30 feet

NOTE: Modifications Increased

~INCREASE INCREASE

B=F-P = 0.253 W=103

B=438F - 87725B + 4(-4.25) 3240

B=4418L+2291

B=1303

B=P-35

~AREA MODIFICATION

Area=Fh X 1.3

Area=(12,000+12,000 x .25)

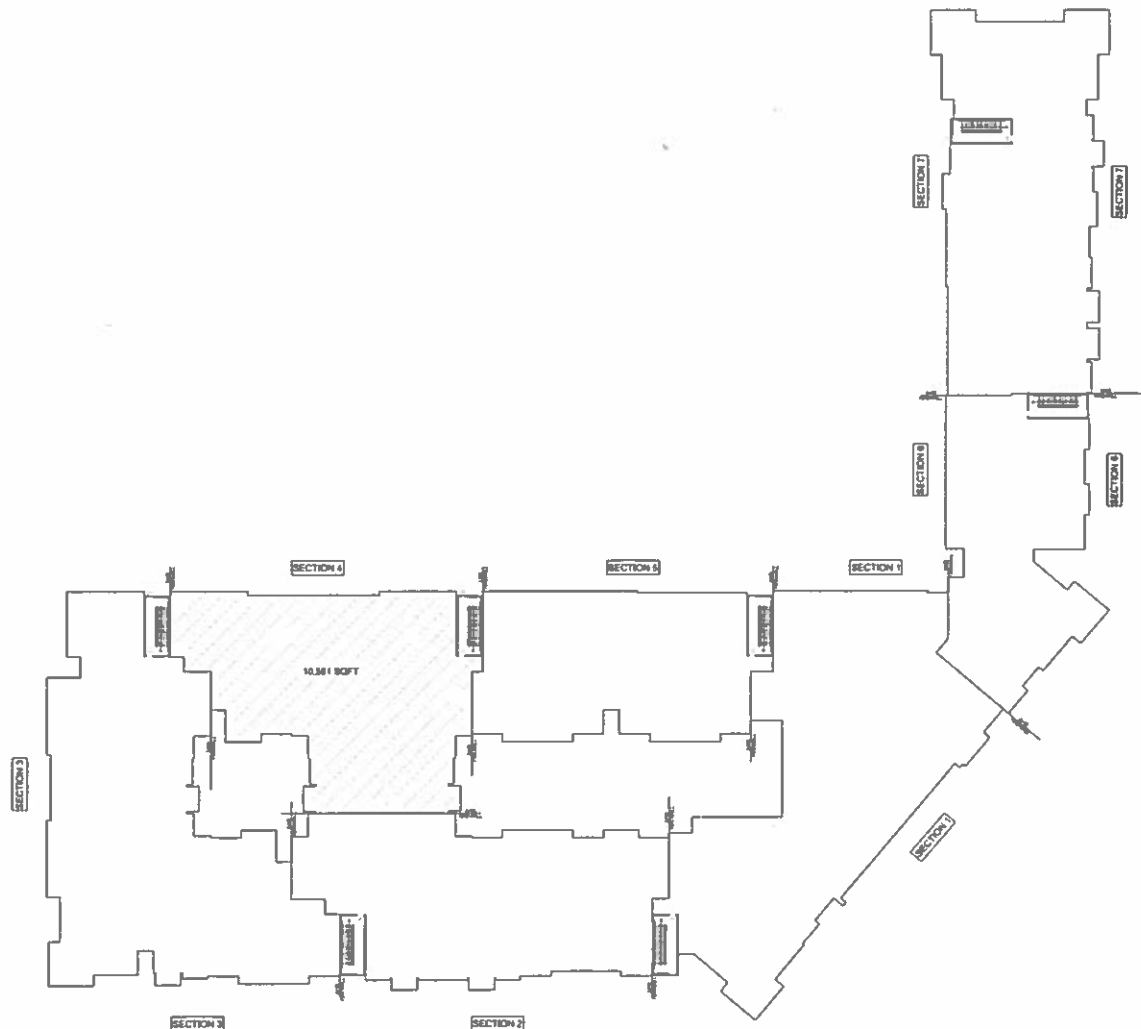
Area=12,000+4,000

Area=16,000

16,000 PER FLOOR, X 4 = 64,000

Building Section 3: 14,279.2 + 57,112

[illegible]



01 SECTION 4 AREA MODIFICATION
REV 012

GOVERNING CODES:	
BUILDING CODE:	2011 INTERNATIONAL BUILDING CODE (IBC)
PLUMBING CODE:	2015 INTERNATIONAL PLUMBING CODE (IPC)
FUEL CODE:	2015 INTERNATIONAL FUEL & GAS CODE (IFGC)
MECHANICAL CODE:	2015 INTERNATIONAL MECHANICAL CODE (IMC)
FIRE CODE:	2015 INTERNATIONAL FIRE CODE (IFC)
LABOR CODE:	2015 INTERNATIONAL LABOR CODE (ILC)
RESIDENTIAL CODE:	2015 INTERNATIONAL RESIDENTIAL CODE (IRC)
POOL/SPA CODE:	2015 INTERNATIONAL POOL & SPA CODE (IPSC)
ELECTRICAL CODE:	2015 NATIONAL ELECTRICAL CODE (NEC)
ASME A17.1-2013	
ACCESSIBILITY	TEXAS ACCESSIBILITY STANDARDS (TAS) & 2010 ADA GUIDELINES
TYPE OF CONSTRUCTION: TYPE VA - FIVE HOUR	
USE GROUP: R-2 (RESIDENTIAL UNITS) A-1 (CLOTHING STORE) M (RETAIL)	
AUTOMATIC SPRINKLER SYSTEM:	
NFPA 13B - ALL APARTMENTS, BALCONIES, CORRIDORS, AND GARAGES	
NFPA 13 - ATTIC, CLOTHESHOUSE (A-1) & RETAIL (M) AREAS ONLY	
2008 CEILING TO SEPARATE R-2 & A-3 M OCCUPANCY TYPES	
BUILDING HEIGHT: NOT TO EXCEED 45'-0" TO MID POINT OF RUCF	
FIRE BARRIERS: STAIR ENCL/SHWR 3-HOUR; ELEVATORS 1-4 HOUR EXIT PASSAGEWAY 1-HOUR; EXITS 1-HOUR	
FIRE PARTITIONS: WALL SEPARATING SLEEPING UNITS ON R-2, 1-HOUR	
DRAFTSTOPPING: FLEXOR DRAFTSTOPPING 1/2" MINIMUM GYPSPUM BOARD ATTIC DRAFTSTOPPING NOT REQUIRED IF SPRINKLERED ATTIC NFPA 13	

AREA MODIFICATIONS - SECTION 006	
BUILDING SECTION - 4	
•Maximum Area Per Trade S23	
•90 Feet Building Height	
•12,000 PER FLOOR X 3 = 36,000	
•Section 104.2 Automatic Sprinkler System increase	
•13K system being used per 603.3.2.2	
•This section allows for an additional story	
•12,000 PER FLOOR X 4 = 48,000	
•Building Height increased by 30 feet	
NOTE: NO Modifications Needed Building Section 1, 10,561 X 4 = 42,204	

THE VILLAGE

Waxahachie, Texas

(41)

ARRIVET

ARCHITECTURAL & ENGINEERING

2504 Highway 101, Suite 400, Waxahachie, Texas 76080

PH: 817-314-8844 FAX: 817-314-8844

www.arriwet.com

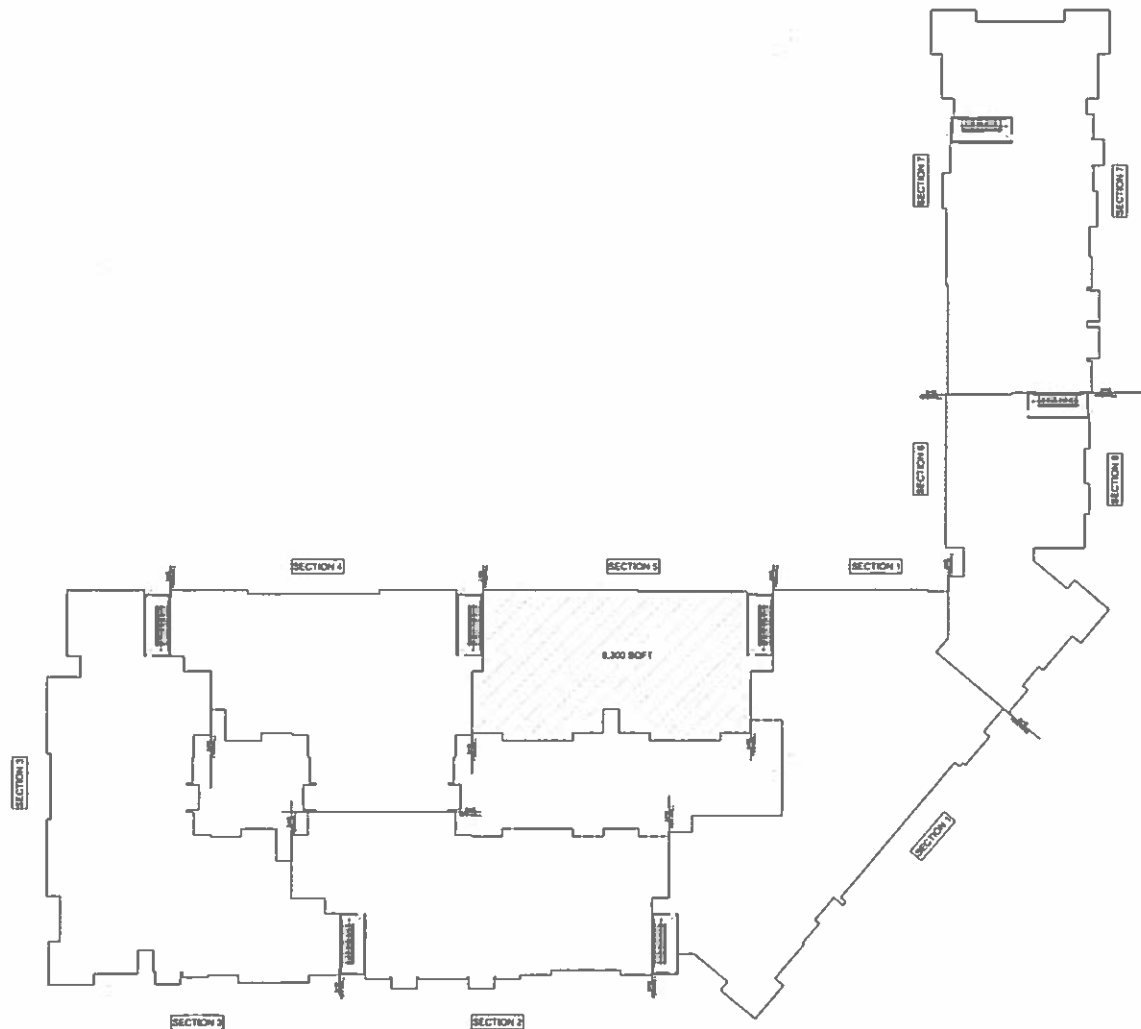
DATE: 04-25-18

DRAWING: G1.16

BY: [Signature]

CHECKED BY: [Signature]

NOTED BY: [Signature]



01 SECTION 5 AREA MODIFICATION

GOVERNING CODES:	
BUILDING CODE:	2013 INTERNATIONAL BUILDING CODE (IBC)
PLUMBING CODE:	2013 INTERNATIONAL PLUMBING CODE (IPC)
FUEL CODE:	2013 INTERNATIONAL FUEL & GAS CODE (IFGC)
MECHANICAL CODE:	2013 INTERNATIONAL MECHANICAL CODE (IMC)
FIRE CODE:	2013 INTERNATIONAL FIRE CODE (IFC)
LABOR CODE:	2013 INTERNATIONAL LABOR CODE (ILC)
RESIDENTIAL CODE:	2013 INTERNATIONAL RESIDENTIAL CODE (IRC)
MECHANICAL CODE:	2013 INTERNATIONAL MECHANICAL CODE (IMC)
ELECTRICAL CODE:	2014 NATIONAL ELECTRICAL CODE (NEC)
ACCESSIBILITY:	TEXAS ACCESSIBILITY STANDARDS (TAS) & 2010 ADA GUIDELINES
TYPE OF CONSTRUCTION:	
TYPE VA - ONE HOUR	
USE GROUP:	
R-2 (RESIDENTIAL UNITS)	
A-1 (RETAIL)	
M (RETAIL)	
AUTOMATIC SPRINKLER SYSTEM:	
NFPA 13B - ALL APARTMENTS, BALCONIES, CORRIDORS, AND GARAGES	
NFPA 13 - ATTIC, CLOSET, HALL, & RETAIL (M) AREAS ONLY	
DRAFTING TO SEPARATE R-2 & A-1/M OCCUPANCY TYPES	
DRAFTING HEIGHT	
NOT TO EXCEED 45'-0" TO MID POINT OF ROOF	
FIRE BARRIERS:	
STAIR ENCLOSURE 1-HOUR, DOORS 1-1/2 HOUR	
EXIT PASSAGEWAY 1-HOUR, DOORS 1-HOUR	
FIRE PARTITION:	
WALL WITH RATING EXCEPTING UNITS BY R-2, 1-HOUR	
DRAFTSTOPPING:	
FLOOR DRAFTSTOPPING 1/2" MINIMUM GYPSUM BOARD	
ATTIC DRAFTSTOPPING NOT REQUIRED IF SPRINKLERED	
ATTIC NFPA 13	

AREA MODIFICATIONS - SECTION 506	
BUILDING SECTION - 5	
Adjustable Area Per Table 505	
750 Feet Building Height	
*12,000 PER FLOOR X 3 = 36,000	
-Section 504.2 Automatic Sprinkler Systems Increase	
12K system being used per 503.3.2.2	
This section allows for an additional story	
*12,000 PER FLOOR X 4 = 48,000	
*Building Height increased by 20 feet	
NOTE: NO Modifications needed	
Building Section 1: 8,300 X 4 = 33,200	

THE VILLAGE
Waxahachie, Texas

(11)

ARRIVET
ARCHITECTURE & PLANNING

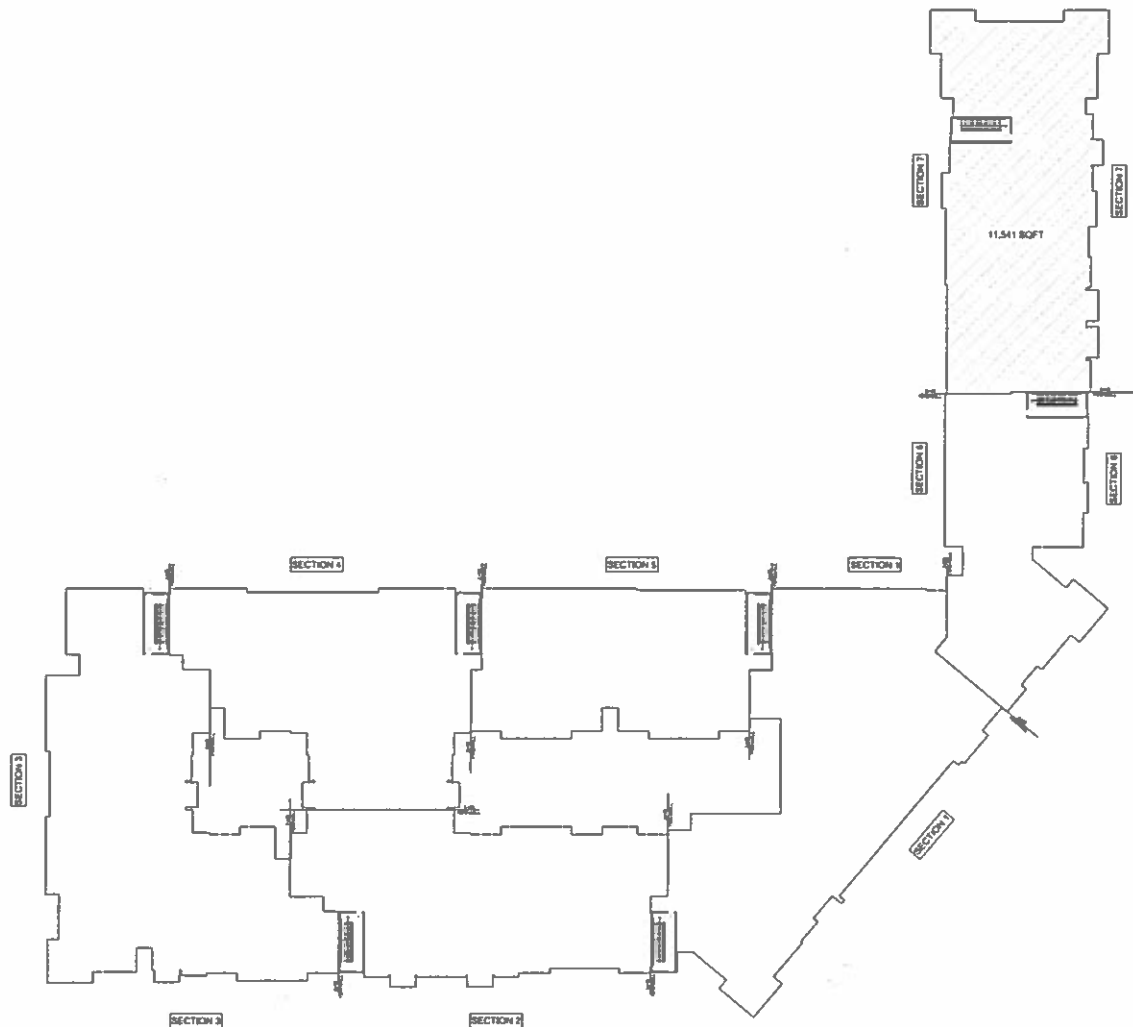
2004 Highway 101 Suite 100 Waxahachie, Texas 76093
940.875.1886 fax 940.875.1888

PROJECT NO.	04-25-16
DATE	01.17
BY	AS NOTED



AREA MODIFICATIONS - SECTION 506	
BUILDING SECTION - 6	
-Agriculture Area Per 7 gals 303	
-58' Four Building Height	
"12,000 PER FLOOR x 4 = 48,000	
-Section 506.2 Automatic Sprinkler System Increase	
15% system being used per 903.1.2	
This section allows for an additional story	
"12,000 PER FLOOR x 4 = 48,000	
*Building Height increased by 20 feet	
NOTE: NO Modifications Allowed	
Building Section 1: 7,800 x 4 = 31,252	

ADDRESS	
ISSUED ON AAG	ISSUED BY AAG
OFFER DATE	OFFER PRICE
OFFER PERIOD 04-23-18	OFFER PERIOD 04-23-18
ISSUED BY AAG	ISSUED BY G1.18
AS NOTED	



01 SECTION 7 AREA MODIFICATION

GOVERNING CODES:

BUILDING CODE:	2012 INTERNATIONAL BUILDING CODE (IBC)
PLUMBING CODE:	2013 INTERNATIONAL PLUMBING CODE (IPC)
FUEL CODE:	2013 INTERNATIONAL FUEL & GAS CODE (IFGC)
METCHANICAL CODE:	2011 INTERNATIONAL MECHANICAL CODE (IMC)
FIRE CODE:	2012 INTERNATIONAL FIRE CODE (IFC)
LABOR CODE:	2013 INTERNATIONAL LABOR CODE (ILC)
RESIDENTIAL CODE:	2015 INTERNATIONAL RESIDENTIAL CODE (IRC)
POOL/SPA CODE:	2017 INTERNATIONAL POOL & SPA CODE (IPSPC)
ELECTRICAL CODE:	2017 NATIONAL ELECTRICAL CODE (NEC)
ASHRAE 90.1-2013 ACCESSIBILITY STANDARDS (AS)	TEXAS ACCESSIBILITY STANDARDS (TAS) & 2010 ADA GUIDELINES

TYPE OF CONSTRUCTION
TYPE VA - ONE STORY

USE GROUP:
R-2 (RESIDENTIAL UNITS)
A-1 (CELLAR/USE)
M (RETAIL)

AUTOMATIC SPRINKLER SYSTEM:

MPA 13E - ALL APARTMENTS, BALCONIES, CORRIDORS, AND GARAGES
MPA 11 - ATTIC, CLOSET/USE, (A-1) & RETAIL, (M) AREAS ONLY

THIS BUILDING TO SEPARATE R-2 & A-1-M OCCUPANCY TYPES

BUILDING HEIGHT
NOT TO EXCEED 45'-0" TO MEET POINT OF ROOF

FIRE BASES:
STAIR ENCL/USE, 3-4 HOURS, EXITS 1-1/2 HOURS
EXIT PASSAGEWAY AT 1-HOUR, EXITS 1-HOUR

FIRE PARTITIONS
ALL SEPARATING SLEEPING UNITS IN R-2, 1-HOUR

DRAFTSTOPPING
FLOOR DRAFTSTOPPING 1/2" MINIMUM GYPSUM BOARD
ATTIC DRAFTSTOPPING MAY BE REQUIRED IF SPRAINKLERED
ATTIC MPA 13

AREA MODIFICATIONS - SECTION 506

BUILDING SECTION - 7	
Adjustable Area Per Table 503	
50 Foot Building Height	
*12,000 PER FLOOR 2 & 3 = 36,000	
*Section 504.2 Automatic Sprinkler System Increase	
13% increase being added per 502.3.1.2	
This section allows for an additional story	
*12,000 PER FLOOR 2 & 4 = 48,000	
*Building Height increased by 30 feet	

NOTE: NO Modifications needed
Building Section 1 11,541 sq ft = 48,000

THE VILLAGE
Waxahachie, Texas

(14)

ARRIVET
ARCHITECTURAL FIRM
1704 Highway 141, Suite 100, Waxahachie, Texas 76080
PH: 817.544.4444 FAX: 817.544.4444

DATE: _____

DESIGNED BY AAG	CHECKED BY AAG
DRAWN BY BXC	PROJECT NUMBER 04-25-18
DATE 04-25-18	SCALE AS NOTED
G1.19	

(15)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL (GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL-MIXED-USE-RESIDENTIAL (PD-GR-MUR), WITH CONCEPT PLAN LOCATED AT THE NORTHEAST CORNER OF US HIGHWAY 287 BYPASS AT FM 813 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 17.741 ACRES KNOWN AS PROPERTY IDS 227073 AND 138302 OF THE R RUSSELL SURVEY, ABSTRACT NO. 911, 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-18-0074. 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 GR to PD-GR-MUR, 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 GR to PD-GR-MUR, with Concept Plan in order to facilitate development of the subject property in a manner that allows for hotel, restaurant, mixed-use residential, general retail, and office uses on the following property: Property IDs 227073 and 138302 of the R Russell Survey, Abstract No. 911, which is shown on Exhibit A, in accordance with the Concept Plan provisions attached as Exhibit B. Development on this property cannot commence until the approval of Architectural Review Standards and a Detailed Site, and the approval of a plat. The Architectural Review Standards and Detailed Site Plan must be considered by both the Planning and Zoning Commission and City Council, and receive approve from City Council before the property can be platted. When the Architectural Review Standards and Detailed Site Plan are approved by City Council, this ordinance shall be amended to include the entirety of the development standards that shall prevail upon this property. .

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.

(15)

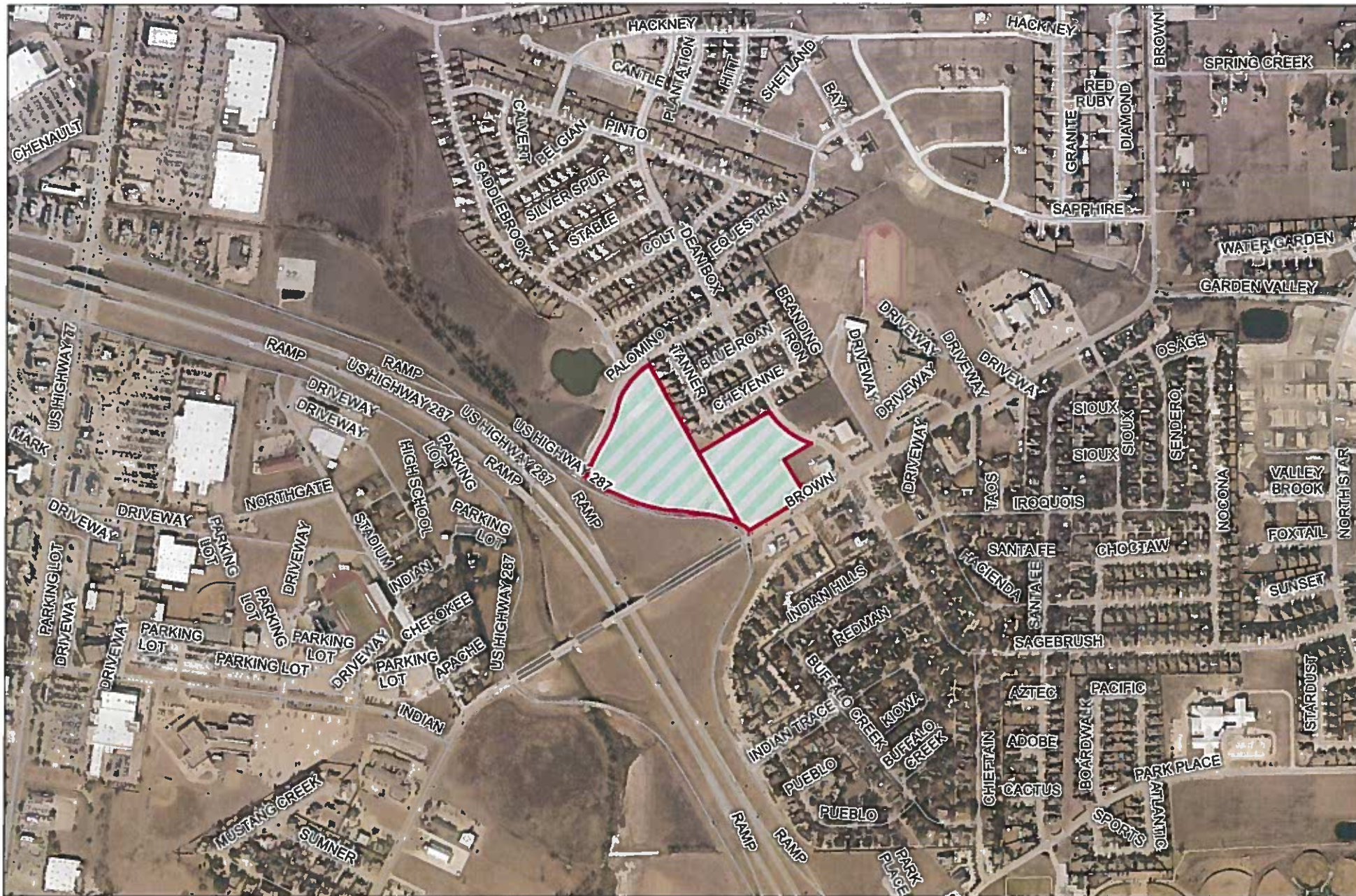
The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED, AND ADOPTED on this _____ day of _____, 2018.

MAYOR

ATTEST:

City Secretary



(15)



PD-18-0074 The Village At Waxahachie Location Exhibit

EXHIBIT A

 PD-18-0074





Memorandum

To: WDC Board and City Council

From: April Ortiz

Thru: Michael Scott *MS*

Date: 7-5-18

Re: Award of bid for Civic Center Star and Fountain Plazas and associated budget amendment

The bid opening for the Star and Fountain Plazas was held on June 28th. Two bids were received and included base bids of-

J&K Const. - \$719,833.00

Wall Enterprises - \$654,360.00

These base bids include work to demo the existing areas. Construction of Civic Center Star, raised planter with cast stone sign, concrete pavers, stamped colored concrete pavement, 3-Point Sail Shade Structure, 8' diameter fountain with sugar kettle bowl and brick veneer exterior, custom Dumor curved benches, relocate existing light pole, circulation and filter system, landscape, irrigation, area drains/storm sewer and lighting. Wall Enterprises is the apparent low bidder. Bob Stoffels, Project Manager, has reviewed the bids and vetted Wall Enterprises offer. Mr. Stoffels' letter of recommendation is attached.

Staff concurs and recommends the acceptance of the Wall Enterprises base bid of \$654,360.

(14)

The original budget for this project was \$450,000. An additional \$45,000 was anticipated when the shade structure was added to the scope. Therefore, this project is actually about \$159,000 more than the architect's estimates.

In sum, a budget amendment is necessary to fund this project as presented. Staff requests an additional \$204,360 to complete this project which will not only enhance the entry to the Civic Center, but provide two additional outdoor (rentable) spaces to host events. There is available funding from WCDC working capital to fund this request.

Thank you for your consideration.

(114)

DUNKIN
SIMS
STOFFELS
Inc.

July 5, 2018

Ms. April Ortiz, Director
Waxahachie Civic Center
2000 Civic Center Lane
Waxahachie, Texas 75165

Subject: Waxahachie Civic Center Plazas

Dear Ms. Ortiz:

Bids for the referenced project were read publicly at 2:00 p.m. on Thursday, June 28, 2018. A total of two (2) bids were received for the construction of improvements within the Waxahachie Civic Center Plazas. Wall Enterprises of Garland, Texas was the apparent low bidder, with a base bid of \$654,360.00. Wall Enterprises remains the apparent low bidder with any combination of the seven alternates included within the project bid.

Having reviewed their bid, discussed the project with Don Mims and Dustin Wall of Wall Enterprises, to confirm their understanding of the project scope and based upon Wall Enterprises' prior performance on projects of similar scope to the Waxahachie Civic Center Plazas and performance as related by their references, it appears that Wall Enterprises is qualified to perform the construction services outlined for the Waxahachie Civic Center Plazas Project. Award of the contract to Wall Enterprises should be considered by the Waxahachie Community Development Corporation Board and by City Council.

Sincerely,



Bob Stoffels, RLA, ASLA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE GRANTING TO SIENERGY, L.P. A FRANCHISE TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS ("CITY"), FOR THE TRANSPORT, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH THE CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FRANCHISE FEE FOR THE USE OF THE CITY'S STREETS, ALLEYS, AND PUBLIC RIGHTS-OF-WAY; REQUIRING COMPLIANCE WITH ALL REGULATORY ORDINANCES OF THE CITY; AND PROVIDING FOR OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, Chapter 121 of the Texas Utilities Code authorizes municipalities to adopt ordinances that establish conditions for mapping, inventorying, locating, or relocating pipelines over, under, along, or across a public street or alley or private residential area in the boundaries of the municipality; and

WHEREAS, the City Council of the City of Waxahachie, Texas ("City Council") strives to promote orderly and safe development within the corporate limits of the City; and

WHEREAS, the City Council finds that a franchise agreement with SiEnergy, L.P., a Texas Limited Partnership (hereinafter referred to as the "Company") is in the best interest of the City and the health, safety, and welfare of the public.

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

Section 1. - Grant of Authority.

- (a) Subject to the reasonable and timely compliance by the Company with the provisions contained herein, the City hereby grants to the Company, its successors and assigns, consent to use and occupy the present and future Public Rights-of-Way (as hereinafter defined), for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment needed and necessary to deliver, transport, and distribute gas in, out of, and through the City and to sell gas to persons, firms, and corporations, including the general public, within the corporate limits of the City, as such limits may be amended from time to time during the term of this Ordinance (the "Franchise").
- (b) This Franchise is granted for a term of ten (10) years from and after the effective date of this Ordinance.
- (c) This Franchise covers the geographical area of the entire corporate limits of the City. The Company agrees that the corporate limits are subject to expansion or reduction by annexation and contraction of municipal boundaries and that the Company has no vested right to a specific area in terms of size or location. The Company hereby agrees to provide service to any and all areas that may be annexed by the City under the same terms and conditions of this Ordinance as if the annexed areas were now covered by this Ordinance. If the City approves any expansion or reduction of the corporate limits by annexation or contraction, the City will provide written notice to the Company. The Company must revise its payments due to any expansion or reduction by

annexation or contraction within a reasonable time after notice by the City, but no later than sixty (60) days after receipt of such notice.

- (d) This Franchise is granted subject to and in accordance with Article IX, Section 9.02 of the City's Charter.

Section 2. - Definitions.

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Gross Revenues" means:

- i. All revenues charged by the Company for the sale of gas, including compressed gas, within the City to all consumers within the City;
- ii. All revenues charged by the Company for the transport of gas through the pipeline system of the Company within the City to consumers within the City regardless of the origination of the gas within the Company's system of lines; and
- iii. The total cost of gas transported by the Company for Transport Customers (as hereinafter defined) through the pipeline system of the Company within the City.

Gross Revenues shall not be reduced by bad debts, unless and until such debts are actually charged off. Abandoned deposits shall be applied as an offset to bad debts for purposes of this Ordinance. No revenues shall be excluded from Gross Revenues unless such revenues are specifically excluded by this Ordinance.

- (b) "Public Rights-of-Way" means all of the public streets, alleys, highways, bridges, easements, drainage ways, and sidewalks of the City, as they now exist or may be hereafter constructed, reconstructed opened, laid out, expanded or extended within the present corporate limits of the City, or in such territory as may hereafter be added to, consolidated or annexed by the City.
- (c) "Transport Customer" means any person or entity for whom the Company transports gas through the pipeline system of the Company within the City to consumers.
- (d) "Emergencies" means any event which causes a life, health, and/or safety risk or an extenuating event which requires repairs to restore disrupted service to existing customers.

Section 3. - Conditions of Occupancy.

- (a) All occupancy and activities of the Company in the Public Rights-of-Way shall require prior written approval of the City and conform with all the applicable local codes and ordinances, as amended,

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including local infrastructure standards for design, construction and repair, as amended, and with all other federal, state and local regulatory requirements as such may be adopted and amended from time to time, including but not limited to requirements regarding the acquisition of permits and the payment of fees therefor. Except in emergencies, before the Company shall be authorized or required to extend, repair, or relay its existing gas mains or street service lines, it shall file with the City's Director of Public Works a written statement showing the nature and character of the extensions to be made, obtain a permit for such work, and pay the required permit fees; provided, however, that the Company may make emergency repairs and replacements without any prior filing, but a written statement shall be filed promptly thereafter. In addition, the Company shall assess and report on the impact of its proposed construction on the City's environment. Such plans and reports may be reviewed by the City to ensure that, among other items, (i) aesthetic and good planning principles have been given due consideration, (ii) any adverse impacts on the environment have been minimized, and (iii) that all applicable laws, including building and zoning codes and air and water pollution regulations, are complied with. Reasonable changes suggested by the City shall be incorporated into the Company's plans.

- (b) The Company shall, upon the written request of the City, relocate its facilities situated within the Public Rights-of-Way, at no expense to the City, when necessary to accommodate street construction or widening or other improvement projects by the City. When the Company is required by the City to remove or relocate its mains, laterals, and other facilities and the Company is eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by the Company as a result of such removal or relocation and such reimbursement is required to be handled through the City, the Company's costs and expenses shall be included in any application by the City for reimbursement if the Company submits its cost and expense documentation to the City prior to the filing of the application. The City shall provide reasonable notice to the Company of the deadline for the Company to submit documentation of the costs and expenses incurred for such relocation to the City.
- (c) Following relocation, the Company shall, at its sole expense and according to the City's specifications, repair, clean up, and restore to their approximate original condition, all Public Rights-of-Way disturbed during the construction and/or repair of the Company's gas distribution system.
- (d) The Company shall at all times keep on file with the City a current map or set of maps of the Company's facilities within the City. Such maps shall indicate subdivision locations and locations of the Company's consumers. As extensions or modifications of facilities are made from time to time, the Company shall file with the City maps or plans showing those extensions or modifications so that the City will at all times have current and accurate maps and plans of the Company's facilities. In addition to showing the location of the Company's facilities and consumers, such maps shall also identify the depth and size of any buried facilities, as well as the type of cover overlaying those facilities. The Company shall furnish the City "as built" drawings not later than sixty (60) days after construction has been completed. Drawings shall be drawn to a scale of one inch (1") equals one hundred feet (100') using the standard format adopted by the City. State plane coordinates shall be shown for benchmarks, curb lines, and structures. The Company shall provide one (1) set of blue or black line "as built" drawings to the City and one (1) set of the maps on computer diskettes with G.I.S. data in an electronic/digital format designated by the City.
- (e) The Company shall provide, on a quarterly basis and at the same time that the quarterly payments and reports required in Section 9 are submitted, a comprehensive listing of its consumers on a

subdivision basis. The location information shall also be shown on either a map or a subdivision plat and may be combined with the maps required in subsection 3(d) above. The Company shall further cooperate with the City in determining the correct jurisdictional coding of all of the Company's consumers in the City and its environs.

- (f) The Company agrees to provide, at its sole cost, information requested by the City to assist in a determination of any changes in conditions, practices, or services provided by the Company through the use of the Public Rights-of-Way.
- (g) The Company agrees to establish and maintain a physical facility within the corporate limits of the City to expedite restoration of service to its consumers. This physical facility shall include permanently installed personnel and equipment necessary to restore service. Gas cannot be transmitted through lines to service customers until a physical facility within the City limits of Waxahachie, housing permanently installed personnel and tools necessary to restore service, is established and satisfactory evidence of the facility and personnel are provided to the City.

Section 4. - Regulations for Service.

- (a) In addition to the rates charged for gas supplied, the Company may make and enforce reasonable charges, rules and regulations for service rendered in the conduct of its business, including a charge for services rendered in the inauguration of natural gas service, and may require, before furnishing service, the execution of a contract for such service. All charges, rules, and regulations of the Company involving any consumer of gas within the City shall be subject to regulation, supervision, and approval by the City, as appropriate.
- (b) The Company shall have the right to contract with each consumer with reference to the installation of, and payment for, any and all of the gas piping from the connection thereof with the Company's main in the Public Rights-of-Way to and throughout the consumer's premises.
- (c) The Company shall own, operate and maintain all service lines, which are defined as the supply lines extending from the Company's main to the consumer's meter where gas is measured by the Company. The consumer shall own, operate, and maintain all yard lines and house piping. Yard lines are defined as the supply lines extending from the point of connection with the Company's consumer meter to the point of connection with consumer's house piping.

Section 5. - Main Extension.

The Company shall be required at its own expense to extend distribution mains in the Public Rights-of-Way up to one hundred (100) feet to a residential consumer. The Company shall not be required to extend transmission mains in the Public Rights-of-Way within the City or to make a tap on any transmission main within the City unless the Company agrees to such extension by a written agreement between the Company and a consumer.

Section 6. - Deposits.

The Company shall be entitled to require each and every consumer of gas, before gas service is commenced or reinstated, to satisfactorily establish credit pursuant to the Company's quality of service rules as may be in effect during the term of this Ordinance. If required, any deposit shall be retained and refunded in accordance with such quality of service rules and shall bear interest, as provided in Chapter 183 of the Texas Utilities Code, as such may be amended from time to time. Upon termination of service, the Company shall be entitled to apply any deposit, with accrued interest, to any indebtedness owed the Company by the consumer making the deposit.

Section 7. - Indemnity.

IN CONSIDERATION OF THE GRANTING OF THIS FRANCHISE, THE COMPANY AGREES THAT THE CITY SHALL NOT BE LIABLE OR RESPONSIBLE FOR, AND THE COMPANY DOES HEREBY RELEASE, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY FROM AND AGAINST ALL SUITS, ACTIONS, OR CLAIMS OF INJURY TO ANY PERSON OR PERSONS, OR DAMAGES TO ANY PROPERTY BROUGHT OR MADE FOR OR ON ACCOUNT OF ANY DEATH, INJURIES TO, OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR FOR DAMAGE TO OR LOSS OF PROPERTY ARISING OUT OF, OR OCCASIONED BY THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE GAS DISTRIBUTION PLANT OR SYSTEM OF THE COMPANY, EXCEPT THAT THIS INDEMNITY AND HOLD HARMLESS AGREEMENT SHALL NOT APPLY TO ANY SITUATION WHEREIN THE CITY IS SOLELY LIABLE FOR THE ACTIONS, SUITS, OR CLAIMS OF INJURY OR DAMAGE BROUGHT AGAINST IT. IN THE EVENT THAT ANY ACTION, SUIT, OR PROCEEDING IS BROUGHT AGAINST THE CITY UPON ANY LIABILITY ARISING OUT OF THE CONSTRUCTION, OPERATIONS, OR MAINTENANCE OF THE COMPANY'S FACILITIES, THE CITY SHALL GIVE NOTICE IN WRITING TO THE COMPANY BY REGISTERED OR CERTIFIED MAIL. UPON RECEIPT OF SUCH NOTICE, THE COMPANY, AT ITS OWN EXPENSE, SHALL DEFEND SUCH ACTION AND TAKE ALL SUCH STEPS AS MAY BE NECESSARY OR PROPER TO PREVENT THE OBTAINING OF A JUDGMENT AGAINST THE CITY AND/OR TO SATISFY SAID JUDGMENT. THE CITY AGREES TO COOPERATE WITH THE COMPANY IN CONNECTION WITH SUCH DEFENSE.

Section 8. - Non-exclusive.

- (a) The rights, privileges, and the Franchise granted by this Ordinance are not to be considered exclusive, and the City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or corporation for the purpose of transporting, delivering, distributing, or selling gas to and for the City and the inhabitants thereof. The City expressly reserves the right to own and/or operate its own system for the purpose of transporting, delivering, distributing, or selling gas to and for the City and the inhabitants thereof.
- (b) If the Company should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality in the Dallas-Fort Worth metroplex, which municipal franchise ordinance determines that franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due the City under this Ordinance, then the franchise fee to be paid by the Company to the City

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pursuant to this Ordinance may, at the sole election of the City, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to the City were the franchise fee provisions of that other franchise ordinance applied to this Ordinance.

Section 9. - Compensation.

- (a) In consideration of the rights granted by the City to the Company to use and occupy the Public Rights-of-Way for the conduct of its business, the Company, its successors and assigns, agree to pay to the City franchise fees in the amount and manner described herein. Such payments shall be made on a quarterly basis, on or before the twentieth (20th) day following the end of each calendar quarter. The franchise fee shall be a sum of money which shall be equivalent to five (5%) percent of the Company's quarterly Gross Revenues.
- (b) For franchise fee payments beginning on the effective date of this Ordinance, payment shall be made by wire transfer on or before the close of business on the payment due date. If any payment due date required herein falls on a weekend or declared bank holiday, payment shall be made by wire transfer on or before the close of business of the last working day prior to the payment due date. Payment shall be considered timely made if the Company requests the wire transfer by the wire transfer deadline of its bank on the payment due date.
- (c) At the time of each quarterly payment, the Company shall also submit to the City a sworn statement showing: (i) its Gross Revenues for the preceding calendar quarter upon which franchise fees are calculated, including the amount of revenues received by the Company for the transportation of gas; (ii) the coded identity of the Company's Transport Customers during the preceding calendar quarter; and (iii) the cost, volume, and transport fee of gas transported during the preceding calendar quarter for such Transport Customers, calculated in accordance with subsection 9(f) below. Upon request, the City shall have access at the Company's office to the actual identity of the Company's Transport Customers and their suppliers as long as such information shall remain confidential, and no copies of such information may be made nor shall the City have a right to custody or control of such information.
- (d) The aforesaid franchise fee payments shall not affect or reduce the Company's obligations with respect to the following: (i) the expenses associated with relocating pipelines and all other appurtenant equipment or facilities located in the Public Rights-of-Way; (ii) the payment of taxes or fees to the state; or (iii) the payment of general or special ad valorem taxes that the City is authorized to levy and impose upon real and personal property; or (iv) the expenses associated with restoring Public Rights-of-Way to their previous condition before the installation or repair of equipment or facilities. None of the aforementioned obligations of the City shall operate as credits or reductions to the amounts due by the Company to the City hereunder.
- (e) The payments by the Company under the provisions of this Ordinance are in lieu of any and all other and additional street rental charges or fees, for those streets owned or controlled by the City. However, the Company is required to obtain all appropriate permits for work in the Public Rights-of-Way and pay the appropriate fees therefor. Should the City not have the legal power to agree that the payment of the franchise fee shall be in lieu of street rental charges, then the City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy the Company's obligations, if any, to pay such rental charges.

- (f) The cost of gas transported by the Company for Transport Customers shall be determined as set forth in this paragraph. In the absence of documentary evidence to the contrary provided by the Company to the City, the cost of gas so transported shall be presumed to be equal to the total volume of gas transported for such Transport Customer times one hundred ten percent (110%) of the index of prices for large packages of gas per MMBtu published each month in *Inside FERC's Gas Market Report* in the table titled, "Delivered Spot-Gas Prices," for gas delivered at the Houston Ship Channel, Beaumont, Texas, or a mutually agreeable successor publication and index, for the period of time the transportation service is performed. If the Company submits documents to the City to indicate the actual cost of gas transported by the Company, the Company may remove therefrom any information that would disclose either the identity of the customer or other information deemed confidential by the Company, so long as such removal does not prevent the City from determining the monetary cost of the gas transported. The Company agrees to give the City, upon request, access to the confidential information so removed in order for the City to verify the accuracy of the information provided to the City under the provisions of this paragraph. The Company shall use all due diligence in collecting from Transport Customers any and all fees required by this Ordinance, but shall not be responsible for paying the fees to the City if the Company's Transport Customer refuses to pay; provided, however, that if the Company's Transport Customer refuses to pay the fee imposed on the cost of gas transported for such Transport Customer and remains delinquent in payment of such fee for a period of greater than thirty (30) days, the Company shall be responsible for the uncollected fee on any gas thereafter transported through the Public Rights-of-Way to the Company's Transport Customer, but in no event shall the Transport Customer be relieved of its obligation to reimburse the Company for any fees paid to the City.
- (g) Simultaneously with the filing of the Company's first rate case following the three (3)-year rate freeze as provided in this franchise agreement, the Company agrees to negotiate an annual rate adjustment mechanism which will allow for the review of its total cost of service, including its return on equity.

Section 10. - Accounting; Audit; Inspection.

- (a) The Company shall maintain, at its local office or principal place of business within the state, adequate books and records relating to the performance of its obligations under this Ordinance. The Company shall maintain separate records in a form sufficient to identify its investment, revenues, and expenses related to its performance under this Ordinance, intending thereby to separate the accounting records of its system in the City from its other systems. The records of the Company applicable to its performance under this Ordinance shall be made available for inspection by the City at any time during normal working hours.
- (b) The City may cause, upon reasonable notice, an audit to be made of the books and records of the Company relating to the Company's performance under this Ordinance or any portion of any of its other operations that may be allocated or charged to its operations in the City. The omission by the City to exercise its rights to any audit at any time shall not constitute a waiver of such right. In the event the City elects to exercise its right of audit, the City shall provide to the Company written notice of such election at least forty-eight (48) hours in advance of the time of such audit. The City shall retain an independent auditor of its selection to perform the audit. The Company shall make available to the auditor such personnel and records as the City may in its reasonable

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discretion request in order to complete such audit and shall make no charge to the City therefor. The Company shall assist the City during any audit conducted under this Ordinance, including answering questions and providing any requested records or information within five (5) working days of having received a written request therefor. The cost of an audit pursuant to this provision shall be borne by the City, unless the audit reveals an underpayment of fees paid during the audit period in excess of three (3) percent, in which case the Company shall pay for the audit. In the event any overpayment is discovered, such overpayment will credit toward current and/or future payments owed, without interest.

- (c) Upon request by the City, but no less often than annually, the Company will prepare a statement of its estimate of the Company's Gross Revenues by revenue account for the period covered by the statement signed by an authorized representative of the Company, in such reasonable form and detail as the City may from time to time prescribe, but sufficient to show the source and method of calculation of the Company's Gross Revenues. The acceptance of any statement or payment shall not estop the City from asserting that the amount paid is not the amount due or from recovering any deficit, including interest, by any lawful proceeding.
- (d) Upon completion of the audit, the City shall make the audit report available to the Company and shall give the Company an opportunity to respond to the audit findings. If requested by either party, the City and the Company shall meet and attempt in good faith to resolve any disputed issues arising out of the audit report. In the event the Company shall be determined to have under-remitted the fee required by this Ordinance, the Company shall pay, in addition to the underpayments, interest on the underpayments at the rate of ten (10) percent per annum from the time of the underpayment until payment is made. Underpayment of fees by the Company may also subject the Company to penalties for noncompliance with this Ordinance. After reviewing the Company's response to the audit findings, the City shall make an initial determination as to whether the Company shall also be required to pay a penalty for noncompliance. The amount of the penalty, if any, shall not exceed ten (10) percent of the total underpayment. The City Council shall make the final determination of whether a penalty shall be required, and the amount of same.
- (e) If any of the records to be provided by the Company or to be made available by the Company are considered by the Company to be proprietary in nature or if such records are confidential under federal, state or local law and upon request by the Company, such information shall be treated by the City as confidential and shall be made available only to those persons who must have access to perform their duties on behalf of the City, including but not limited to the City Manager, the Finance Director, the City Attorney, and the members of the City Council. The City shall promptly notify company of any requests for public disclosure of such records under Chapter 552 of the Texas Government Code, and the Company shall have the sole responsibility to assert its claims regarding the proprietary or confidential nature of such records.

Section 11. - Reservation of Rights.

- (a) The City reserves the right and power at all times to exercise, in the interest of the public and in accordance with state law, regulation and control of the Company's rates and services to ensure the rendering of efficient public service at reasonable rates, and the maintenance of the Company's property in good repair throughout the term of this Ordinance. The Company shall maintain on file with the City copies of its current tariffs, schedules of rates and charges, customer

service provisions, and line extension policies. The Company shall notify the City of the identity of any customer of the Company that changes from a tariffed rate to a contract rate within forty-five (45) days of such change.

- (b) In granting this Franchise, the City does not in any manner waive its regulatory or other rights and powers under and by virtue of the laws of the State of Texas as the same may be amended, nor any of its rights and powers under or by virtue of present or future ordinances of the City, and it is expressly provided that nothing herein shall impair the right of the City to fix, within constitutional and statutory limits, a reasonable price to be charged for natural gas, or to provide and fix a scale of prices for natural gas, and other charges, to be charged by the Company to residential consumers, commercial consumers, industrial consumers, or to any combination of such consumers, within the territorial limits of the City as same now exist or as such limits may be extended from time to time hereafter.
- (c) In consideration of the City granting this Franchise, the Company agrees that it will not seek an increase of the rates or charges permitted to be charged to the Company's consumers for a period of three (3) years from the effective date of their first consumer within this Franchise.

Section 12. - Termination.

- (a) In addition to any rights set out elsewhere in this Ordinance, the City reserves the right to terminate the Franchise and all rights and privileges pertaining thereto in the event that the Company violates any material provision of this Ordinance or the Company becomes insolvent or is adjudged as bankrupt.
- (b) Upon failure of the Company to comply with the material terms of this Ordinance, the City may by ordinance terminate the Franchise in accordance with the procedures set forth in this section. Upon termination, all rights of the Company shall immediately be divested without further action by the City. If the City requires the Company to remove its facilities from the Public Rights-of-Way, the Company shall forthwith remove its structures or property from the Public Rights-of-Way and restore the Public Rights-of-Way to their approximate original condition. Upon failure to do so, the City may perform or commission the work and collect the cost thereof from the Company. Should the City perform or commission the removal of the Company's structures or property, the City shall be reimbursed by the Company for all expenses incurred by the City within thirty (30) days of receipt of the City's invoice. The City reserves the right to place a lien upon all facilities and property of the Company in the event the Company fails to submit payment.
- (c) Procedures for termination.
 - (i) The City shall give written notice to the Company of the existence of a material violation or failure to comply with this Ordinance. The Company shall have a period of thirty (30) days after receipt of such notice from the City in which to cease such violation and comply with the terms and provisions hereof. In the event the Company fails to cease such violation or to otherwise comply with the terms hereof, then the Franchise is subject to termination; provided, however, that if the Company commences work or other efforts to cure such violations within thirty (30) days after receipt of written notice and shall thereafter prosecute such curative work with reasonable diligence until such curative work is

completed and such violations shall cease to exist, the Franchise will not be terminated. The City shall solely determine whether the work to cure violations is pursued with reasonable diligence. If curative work is determined by the City as not being prosecuted with reasonable diligence, then the Franchise may be terminated by the City.

- (ii) Termination shall be declared only by a written decision of the City Council after an appropriate public proceeding whereby the Company is afforded the full opportunity to be heard and to respond to any such notice of violation or failure to comply.
- (iii) The City, after a public meeting, and upon finding a material violation or failure to comply, may in its sole discretion terminate the Franchise or excuse the violation or failure to comply upon a showing by the Company of mitigating circumstances or upon a showing of good cause for said violation or failure to comply as may be determined by the City Council in its sole discretion. The failure of the Company to comply with the terms of this Franchise after due notice and hearing and the providing of adequate time for the Company to comply with said terms, shall entitle the City to compel compliance by suit in any court of competent jurisdiction and upon culmination of the suit, if the Company still fails to comply with the terms of this Ordinance, the City may compel compliance upon penalty of forfeiture thereof, with the City having an option to purchase the Company's property located in the City at reasonable fair value.
- (d) In the event the City purchases the Company's property under penalty of forfeiture and the City and the Company cannot agree upon the reasonable fair value of the property, then the reasonable fair value of the Company's property shall be established by a majority vote of three appraisers with one appraiser selected by the Company, one appraiser selected by City, and one appraiser selected by the other two appraisers. If the two appraisers are unable to agree upon the third appraiser, then the third appraiser shall be selected by the City. The Company further agrees that if for any reason the Company fails to pay the franchise fee as provided in this Ordinance within thirty (30) days following written notice from the City that the Company has failed to make such payment, such failure shall be sufficient to permit the City at its sole option to terminate the Franchise without court action.

Section 13. - Renegotiation.

- (a) Should technological, market-driven, regulatory, or similar changes occur in the natural gas industry which create classes or categories of usage different from those enumerated in Section 1 of this Ordinance, or should the Company alter the means, methods, or types of uses of the Public Rights-of-Way, or should the City reasonably believe that the franchise fee provisions should be amended in order to not impair the City's ability to receive an adequate franchise fees pursuant to this Ordinance, then the City may initiate the renegotiation of the franchise fee provisions of this Ordinance.
- (b) If, during the term of the Franchise granted hereunder, the nature of competition in the provision of gas utility services in the City changes to the extent that the Company reasonably believes that the franchise fee provisions of this Ordinance cause the Company to be placed at a competitive disadvantage in the conduct of its business within the City, then the Company may request the renegotiation of the franchise fee provisions of this Ordinance.

- (c) Should either the City or the Company request a change in the franchise fee provisions of this Ordinance, both parties agree to enter into a good faith negotiation. "Good faith," for the purpose of this Ordinance, shall mean an objective, diligent, timely, and responsible discourse on the issue(s) involved and a resolute attempt to settle said issue(s). Should, as a result of renegotiation, the City and the Company agree to a change in a provision of this Ordinance, the change shall become effective upon passage of an ordinance by the City in accordance with the City's Charter and acceptance of the amendment by the Company. Both parties agree that passage and acceptance will be a mandatory act following negotiation and agreement. The Company agrees to provide any and all information requested by the City to assist in a determination of any changes in conditions, practices, or services provided by the Company through the use of the Public Rights-of-Way.

Section 14. - Regulatory Expenses.

The Company agrees that the City may, at any time during the term of this Ordinance, employ at the sole expense of the Company expert assistance and advice in determining fair, just, and reasonable rates to be charged by the Company to its consumers in the City, and in determining the extent to which the Company is complying with the terms and conditions of this Ordinance. The Company agrees to pay reasonable expenses in connection therewith or reimburse the City for same, which expense the Company shall be entitled to recover through its rates and tariffs.

Section 15. - Acceptance.

In order to accept this Franchise, the Company must file its written acceptance of this Ordinance within forty-five (45) days after its final adoption by the City, in a form acceptable to the City Attorney. If this Ordinance is not accepted by the Company within forty-five (45) days, the Ordinance shall be rendered null and void.

Section 16. - Assignment or Transfer.

The Company may not assign or transfer this Franchise, and the rights granted thereby, to any entity without the prior written consent and approval of the City by formal resolution, which consent and approval shall not be unreasonably withheld.

Section 17. Notices.

Every notice, order, petition, documents or other direction or communication to be served upon the City or the Company shall be deemed sufficiently given if sent by registered or certified mail, return receipt requested.

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Every such communication to the Company shall be sent to:

SiEnergy, L.P.
June M. Dively, Chief Executive Officer
3 Lakeway Centre Court, Suite 110
Lakeway, TX 78734

Every such communication to the City shall be sent to:

The City of Waxahachie, Texas
ATTN: City Manager
401 S. Rogers St.
Waxahachie, Texas 75165

Section 18. Severability.

If any provision, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid or for any reason unenforceable, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent the City Council, in adopting this Ordinance, that no portion hereof or provision hereof shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation and, to this end, all provisions of this Ordinance are declared to be severable.

Section 19. Repeal.

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of such conflict.

Section 20. Governmental Function.

All of the regulations and activities required by this Ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public.

Section 21. Effective date.

Provided and conditioned upon the City's receipt of the Company's acceptance as provided for in Section 15 herein, this Ordinance shall become effective sixty (60) days after its adoption by the City Council;.

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Section 22. Conditions Precedent to Adoption Met

This Ordinance granting a public utility franchise has been read at two regular meetings of the City Council called in accordance with Chapter 551 of the Texas Government Code. Final action did not occur until after the second reading, which occurred at least thirty (30) days after the first reading. The caption of the Ordinance and a statement indicating where and how to obtain copies of the full Ordinance were published on the City's official website or other electronic media that was readily accessible to the public within ten (10) days after the first reading of the Ordinance.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, this
_____ day of _____, 2018.

The City of Waxahachie, Texas

Kevin Strength, Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

Robert Brown, City Attorney

(18, 19, + 20)



Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Executive Director of Development Services

Thru: Michael Scott, City Manager, *for [signature]*

Date: July 13, 2018

Re: Wastewater Capital Improvement Project Eminent Domain Resolutions

On Monday July 16, 2018 three separate resolutions will appear before City Council for its consideration to authorize the City Manager and City staff to acquire formal appraisals and initiate the Eminent Domain process, if required after exhaustive reasonable efforts to negotiate easement acquisition prices with property owner(s), for the following wastewater Capital Improvement projects:

- Cole Creek Gravity Trunk Sewer Line Project
- Grove Creek Lift Station, Force Main and Gravity Trunk Sewer Line Project
- Lower Mustang Creek Lift Station and Parallel Force Main Project

The engineering design phase associated with these projects is now nearing completion and construction is anticipated to begin early next fiscal year. Acquiring the required easements is a critical path to ensure the projects continue to remain on schedule. Staff, in conjunction with the land rights agent, have successfully come to terms with some property owners for easement acquisitions; however approval of these resolutions will be required in order to pursue the Eminent Domain process if needed for other properties. As a reminder, the Capital Improvements referenced above will open approximately 1,600 acres of land for development and provide capacity for approximately 6,000 additional residential equivalent lots.

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

Tommy Ludwig

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CITY OF WAXAHACHIE, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, DECLARING THE PUBLIC NECESSITY TO ACQUIRE A SANITARY SEWER EASEMENT (ALONG WITH TEMPORARY CONSTRUCTION EASEMENTS IF NEEDED) ACROSS CERTAIN PROPERTIES ALONG COLE CREEK, AS MORE PARTICULARLY SHOWN IN EXHIBIT A ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS FOR THE ACQUISITION OF EASEMENTS; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS, IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS; AUTHORIZING THE CITY MANAGER TO MAKE A BONA FIDE WRITTEN OFFER TO ACQUIRE SAID PROPERTY; AUTHORIZING THE CITY MANAGER AND STAFF TO USE EMINENT DOMAIN TO CONDEMN THE NEEDED PROPERTY INTERESTS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie, Texas ("City Council"), has determined that a public need and necessity exists for the City of Waxahachie, Texas ("City"), to acquire a sewer line easement (and temporary construction easements if necessary) through certain properties located south of the Broadhead Road Lift Station off Broadhead Road extending in a southerly direction along the watercourse know as Cole Creek (hereinafter referred to collectively as the "Easement Properties"), the location of which Easement Properties are generally identified and set forth in the map attached hereto as *Exhibit A*, for easement purposes for use in conjunction with the City's Cole Creek Trunk Sewer Project ("Project"); and

WHEREAS, the City Council desires to acquire easement rights in the Easement Properties for the Project; and

WHEREAS, the City Council desires that the City Manager, or his designee, take all necessary steps to acquire the Easement Properties including, but not limited to, the retention of appraisers, engineers, and other consultants and experts, and to negotiate the purchase of the Easement Properties and, if unsuccessful in purchasing all of the Easement Properties, that the City Attorney, or his designee, be authorized to institute condemnation proceedings to acquire the unacquired Easement Properties without further approval by the City Council, which approval to authorize the use of the power of eminent domain to acquire Easement Properties for the Project is hereby expressly authorized by the City Council through the passage of this resolution.

(18)

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

SECTION 1. All of the above premises are true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this resolution as if copied in their entirety.

SECTION 2. The City Council hereby finds and determines that a public purpose and necessity exists for the City to acquire the Easement Properties for the Project.

SECTION 3. The City Manager, or his designee, is authorized and directed to negotiate for and to acquire the Easement Properties for the City, and to acquire said rights in compliance with State and Federal law. The City Manager is specifically authorized and directed to do each and every act necessary to acquire the Easement Properties including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, and to designate a qualified appraiser of the Easement Properties to be acquired when such appraisal is necessary, as well as any other experts or consultants that he deems necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

SECTION 4. The City Manager, or any individual he may so designate, is appointed as negotiator for the acquisition of the Easement Properties and, as such, the City Manager is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the City Council for such purpose. The City Manager is specifically authorized to establish the just compensation for the acquisition of the Easement Properties. If the City Manager, or his designee, determines that an agreement as to damages or compensation cannot be reached, then the City Attorney or his designee is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the Easement Properties not acquired through voluntary purchase, proceedings in eminent domain to acquire the Easement Properties.

SECTION 5. This Resolution shall take effective immediately upon its passage.

DULY PASSED AND APPROVED, by the City Council of the City of Waxahachie, Texas on this 16th day of July, 2018

APPROVED:

Mayor

ATTEST:

City Secretary

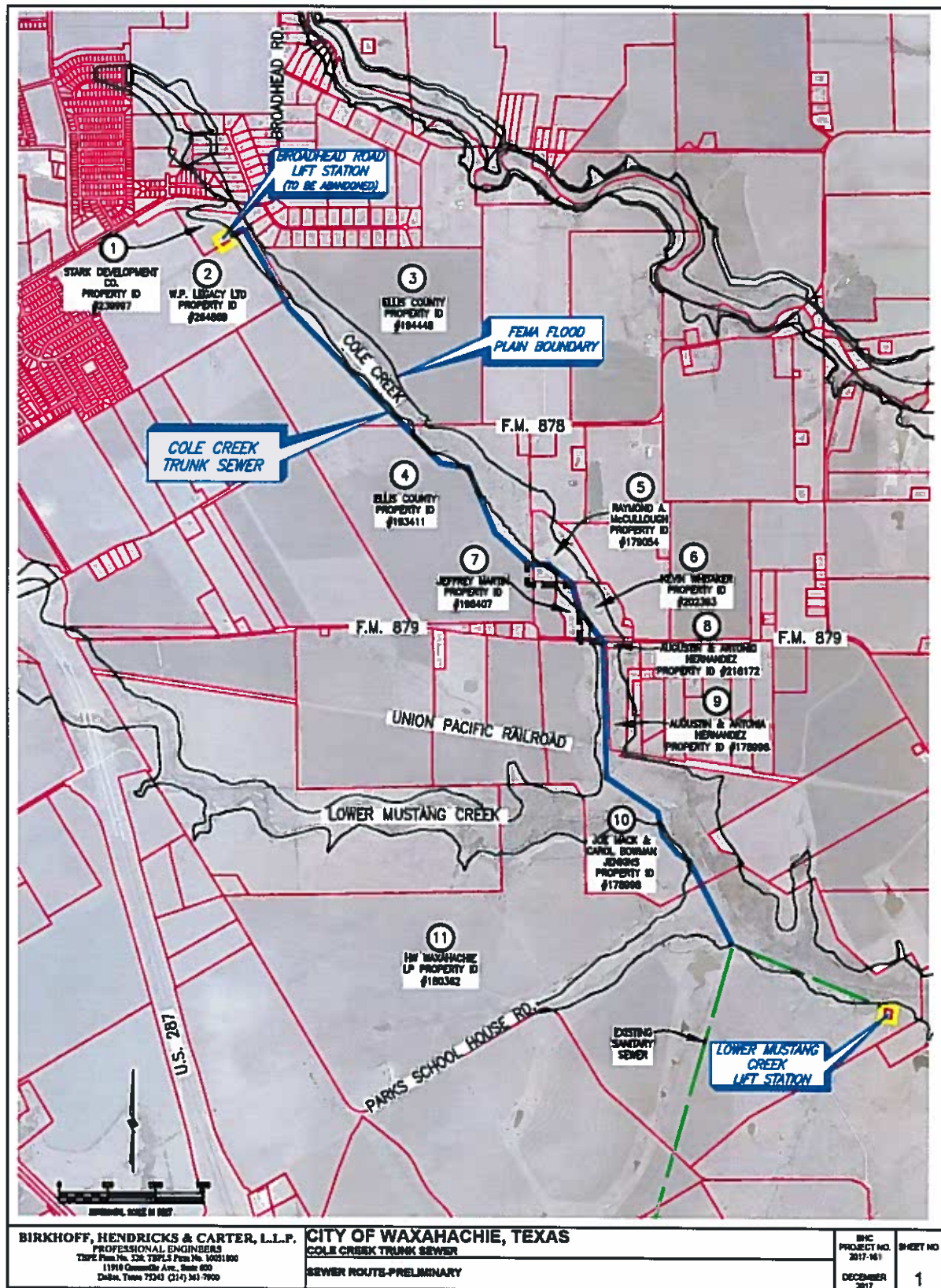
APPROVED AS TO FORM:

Robert F. Brown, City Attorney

(18)

Exhibit A

Cole Creek Trunk Sewer Map



(19)

CITY OF WAXAHACHIE, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, DECLARING THE PUBLIC NECESSITY TO ACQUIRE A SANITARY SEWER EASEMENT (ALONG WITH TEMPORARY CONSTRUCTION EASEMENTS IF NEEDED) ACROSS CERTAIN PROPERTIES BY GROVE CREEK LIFT STATION AND ALONG COLE CREEK, AS MORE PARTICULARLY SHOWN IN EXHIBIT A ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS FOR THE ACQUISITION OF EASEMENTS; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS, IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS; AUTHORIZING THE CITY MANAGER TO MAKE A BONA FIDE WRITTEN OFFER TO ACQUIRE SAID PROPERTY; AUTHORIZING THE CITY MANAGER AND STAFF TO USE EMINENT DOMAIN TO CONDEMN THE NEEDED PROPERTY INTERESTS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie, Texas ("City Council"), has determined that a public need and necessity exists for the City of Waxahachie, Texas ("City"), to acquire a sewer line easement (and temporary construction easements if necessary) through certain properties located at the Grove Creek Lift Station off Oak Creek Drive and extending in a southerly direction along the watercourse know as Cole Creek down to Broadhead Road (hereinafter referred to collectively as the "Easement Properties"), the location of which Easement Properties are generally identified and set forth in the map attached hereto as *Exhibit A*, for easement purposes for use in conjunction with the City's Grove Creek Lift Station, Force Main and Gravity Outfall Improvement Project ("Project"); and

WHEREAS, the City Council desires to acquire easement rights in the Easement Properties for the Project; and

WHEREAS, the City Council desires that the City Manager, or his designee, take all necessary steps to acquire the Easement Properties including, but not limited to, the retention of appraisers, engineers, and other consultants and experts, and to negotiate the purchase of the Easement Properties and, if unsuccessful in purchasing all of the Easement Properties, that the City Attorney, or his designee, be authorized to institute condemnation proceedings to acquire the unacquired Easement Properties without further approval by the City Council, which approval to authorize the use of the power of eminent domain to acquire Easement Properties for the Project is hereby expressly authorized by the City Council through the passage of this resolution.

(19)

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

SECTION 1. All of the above premises are true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this resolution as if copied in their entirety.

SECTION 2. The City Council hereby finds and determines that a public purpose and necessity exists for the City to acquire the Easement Properties for the Project.

SECTION 3. The City Manager, or his designee, is authorized and directed to negotiate for and to acquire the Easement Properties for the City, and to acquire said rights in compliance with State and Federal law. The City Manager is specifically authorized and directed to do each and every act necessary to acquire the Easement Properties including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, and to designate a qualified appraiser of the Easement Properties to be acquired when such appraisal is necessary, as well as any other experts or consultants that he deems necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

SECTION 4. The City Manager, or any individual he may so designate, is appointed as negotiator for the acquisition of the Easement Properties and, as such, the City Manager is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the City Council for such purpose. The City Manager is specifically authorized to establish the just compensation for the acquisition of the Easement Properties. If the City Manager, or his designee, determines that an agreement as to damages or compensation cannot be reached, then the City Attorney or his designee is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the Easement Properties not acquired through voluntary purchase, proceedings in eminent domain to acquire the Easement Properties.

SECTION 5. This Resolution shall take effective immediately upon its passage.

DULY PASSED AND APPROVED, by the City Council of the City of Waxahachie, Texas on this 16th day of July, 2018

APPROVED:

Mayor

ATTEST:

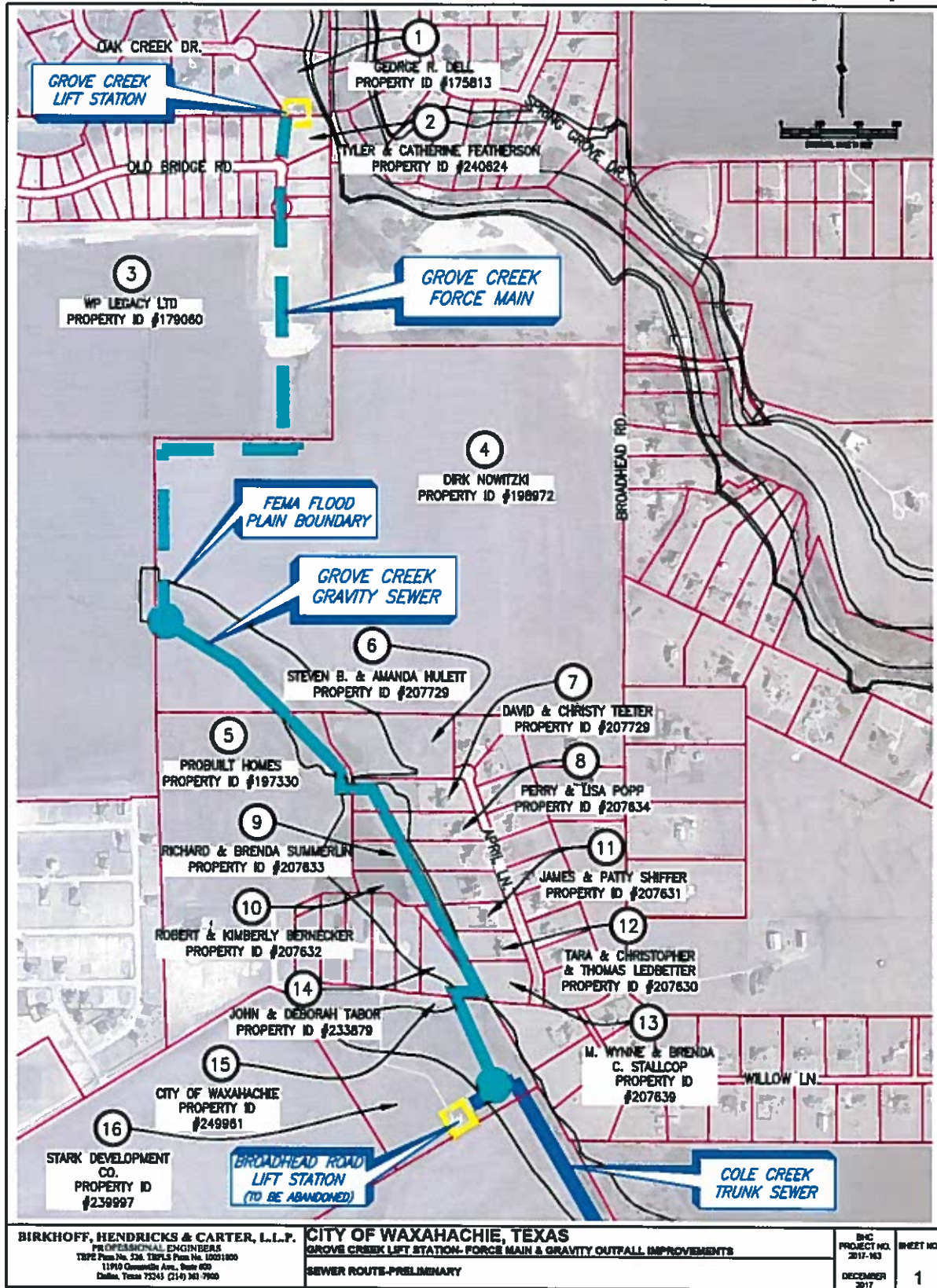
City Secretary

APPROVED AS TO FORM:

Robert F. Brown, City Attorney

Exhibit A

Grove Creek Lift Station, Force Main and Gravity Outfall Improvement Project Map



(20)
CITY OF WAXAHACHIE, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, DECLARING THE PUBLIC NECESSITY TO ACQUIRE A SANITARY SEWER EASEMENT (ALONG WITH TEMPORARY CONSTRUCTION EASEMENTS IF NEEDED) ACROSS CERTAIN PROPERTIES BY HIGHWAY 287 BYPASS BY PARK SCHOOL HOUSE ROAD AND ALONG MUSTANG CREEK, AS MORE PARTICULARLY SHOWN IN EXHIBIT A ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS FOR THE ACQUISITION OF EASEMENTS; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS, IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS; AUTHORIZING THE CITY MANAGER TO MAKE A BONA FIDE WRITTEN OFFER TO ACQUIRE SAID PROPERTY; AUTHORIZING THE CITY MANAGER AND STAFF TO USE EMINENT DOMAIN TO CONDEMN THE NEEDED PROPERTY INTERESTS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie, Texas ("City Council"), has determined that a public need and necessity exists for the City of Waxahachie, Texas ("City"), to acquire a sewer line easement (and temporary construction easements if necessary) through certain properties located south of the Park School House Road extending in a southeasterly direction along the watercourse know as Mustang Creek down to the Lower Mustang Creek Lift Station (hereinafter referred to collectively as the "Easement Properties"), the location of which Easement Properties are generally identified and set forth in the map attached hereto as *Exhibit A*, for easement purposes for use in conjunction with the City's Lower Mustang Creek Parallel Force Main Project ("Project"); and

WHEREAS, the City Council desires to acquire easement rights in the Easement Properties for the Project; and

WHEREAS, the City Council desires that the City Manager, or his designee, take all necessary steps to acquire the Easement Properties including, but not limited to, the retention of appraisers, engineers, and other consultants and experts, and to negotiate the purchase of the Easement Properties and, if unsuccessful in purchasing all of the Easement Properties, that the City Attorney, or his designee, be authorized to institute condemnation proceedings to acquire the unacquired Easement Properties without further approval by the City Council, which approval to authorize the use of the power of eminent domain to acquire Easement Properties for the Project is hereby expressly authorized by the City Council through the passage of this resolution.

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

(20)

SECTION 1. All of the above premises are true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this resolution as if copied in their entirety.

SECTION 2. The City Council hereby finds and determines that a public purpose and necessity exists for the City to acquire the Easement Properties for the Project.

SECTION 3. The City Manager, or his designee, is authorized and directed to negotiate for and to acquire the Easement Properties for the City, and to acquire said rights in compliance with State and Federal law. The City Manager is specifically authorized and directed to do each and every act necessary to acquire the Easement Properties including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, and to designate a qualified appraiser of the Easement Properties to be acquired when such appraisal is necessary, as well as any other experts or consultants that he deems necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

SECTION 4. The City Manager, or any individual he may so designate, is appointed as negotiator for the acquisition of the Easement Properties and, as such, the City Manager is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the City Council for such purpose. The City Manager is specifically authorized to establish the just compensation for the acquisition of the Easement Properties. If the City Manager, or his designee, determines that an agreement as to damages or compensation cannot be reached, then the City Attorney or his designee is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the Easement Properties not acquired through voluntary purchase, proceedings in eminent domain to acquire the Easement Properties.

SECTION 5. This Resolution shall take effective immediately upon its passage.

DULY PASSED AND APPROVED, by the City Council of the City of Waxahachie, Texas on this 16th day of July, 2018

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

Robert F. Brown, City Attorney

(20)
Exhibit A

Lower Mustang Creek Parallel Force Main Map

