

**NOTICE OF PLANNING & ZONING COMMISSION BRIEFING SESSION
SEPTEMBER 25, 2018
CITY COUNCIL CONFERENCE ROOM
401 S. ROGERS
WAXAHACHIE TEXAS
6:30 P.M.**

Agenda

Commission Members: Rick Keeler, Chairman
Melissa Ballard, Vice Chairman
Betty Square Coleman
Bonney Ramsey
Jim Phillips
Erik Barnard
David Hudgins

1. Call to Order
2. Conduct a briefing to discuss items for the 7:00 p.m. regular meeting
3. Adjourn

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

Notice of Potential Quorum
One or more members of the Waxahachie City Council may be present at this meeting.
No action will be taken by the City Council at this meeting.

A G E N D A

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, September 25, 2018 at 7:00 p.m.*** in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Commission Members: Rick Keeler, Chairman
Melissa Ballard, Vice Chairman
Betty Square Coleman
Bonney Ramsey
Jim Phillips
Erik Barnard
David Hudgins

1. Call to Order
2. Invocation
3. ***Public Comments:*** Persons may address the Planning & Zoning Commission on any issues. This is the appropriate time for citizens to address the Commission on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Commission may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.

4. ***Consent Agenda***

All matters listed under Item 4, Consent Agenda, are considered routine by the Planning & Zoning Commission and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Chairman 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 Planning & Zoning Commission.

- a. Minutes of the regular Planning & Zoning Commission meeting of September 11, 2018
 - b. Minutes of the Planning and Zoning Commission briefing of September 11, 2018
5. ***Consider*** request by Iran Magallon for a **Replat** of Lots 4 and 12, Lindmark Estates Revised, to create Lots 1 and 2, R and M Estates, 13.821 acres (Property ID 230996) – Owner: TOMAS & RITA REYES (RP-18-0143)
6. ***Consider*** request by Ron Barson, Ledbetter Real Estate, for a **Replat** of Lot 2, Block E to create Lots 2R and 3, Block E, North Grove Business Park Phases Two and Four, 4.983 acres (Property ID 189293 and 189294) – Owner: LEDBETTER REAL ESTATE LTD (RP-18-0139)
7. ***Consider*** request by James McDill, Davis & McDill, for a **Preliminary Plat** of Oxford Ranch Two Phase 2 for 48 lots, being a 69.645 acre addition in the T. Cassidy Survey, Abstract 255 and the H.G. Hurst Survey, Abstract 458 (Property ID 181695) in the Extra Territorial Jurisdiction – Owner: HARLAN PROPERTIES INC (PP-18-0147)

8. **Consider** request by Mathew Williamson, Gateway Engineering, for a **Preliminary Plat** of The Mark on 287 for 1 lot, being 6.525 acres situated in the William C. Tunnel Survey Abstract 1080 (Property ID 264879) – Owner: MARK ON 287 OWNER LLC (PP-18-0146)
9. Adjourn

The P&Z 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.

Notice of Potential Quorum

***One or more members of the Waxahachie City Council may be present at this meeting.
No action will be taken by the City Council at this meeting.***

Planning and Zoning Commission
September 11, 2018

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, September 11, 2018 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman
Melissa Ballard, Vice Chairman
Betty Square Coleman
Bonney Ramsey
Jim Phillips
Erik Barnard
David Hudgins

Others Present: Shon Brooks, Director of Planning
Kelly Dent, Planner
James Gaertner, City Engineer
Tommy Ludwig, Executive Director of Development Services
Lori Cartwright, City Secretary
Kevin Strength, Mayor

Others Absent: Mary Lou Shipley, Council Representative

1. **Call to Order**
2. **Invocation**

Chairman Rick Keeler called the meeting to order and gave the invocation.

3. **Public Comments**

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie, stated she just came out of the Planning and Zoning Briefing meeting and requested doing away with the briefings and hear the discussion in the meeting.

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of August 28, 2018
- b. Minutes of the Planning and Zoning Commission briefing of August 28, 2018
- c. Minutes of the Planning and Zoning Commission and City Council Joint Work Session of August 27, 2018

Action:

Mrs. Bonney Ramsey moved to approve items a. through c. on the Consent Agenda. Vice Chairman Melissa Ballard seconded, All Ayes.

5. **Public Hearing on a request by Stacy Lennon, Green Light Solar, for a Specific Use Permit (SUP) for Small In-Ground Solar Panel System use within a Planned Development-23-Single Family-1 zoning district, located at 97 Eagle Point Drive, 39 B CRYSTAL COVE ESTS 1.171 ACRES (Property ID 219032) - Owner: ALLEN JAMES (SU-18-0129)**

Ms. Kelly Dent, Planner, announced during the review process plans were resubmitted and it was discovered the proposed location of the solar panel system is situated outside the City Limits and therefore no consideration to be taken.

6. Consider recommendation of Zoning Change No. SU-18-0129

Action:

None

7. Consider request by Erik Barnard for a Preliminary Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (PP-18-0132)

Ms. Dent Kelly reported Rockett Special Utility District has indicated that there existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements. Staff recommended approval.

Mr. Erik Barnard announced he will recuse himself from participating due to him being the applicant for PP-18-0132.

Action:

Vice Chairman Melissa Ballard moved to approve a request by Erik Barnard for a Preliminary Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (PP-18-0132) subject to staff comments. Mr. Jim Phillips seconded. The vote was as follows:

*Ayes: Rick Keeler
Melissa Ballard
Betty Jefferson
Bonney Ramsey
Jim Phillips
David Hudgins*

Abstained: Erik Barnard

The motion carried.

8. Consider request by Erik Barnard for a Final Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (FP-18-0133)

Ms. Dent stated the Final Plat is a companion case to PP-18-0132. Staff recommended approval.

Mr. Erik Barnard announced he will recuse himself from participating due to him being the applicant for FP-18-0133.

Action:

Mr. Jim Phillips moved to approve a request by Erik Barnard for a Final Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (FP-18-0133). Mrs. Bonney Ramsey seconded. The vote was as follows.

*Ayes: Rick Keeler
Melissa Ballard
Betty Jefferson
Bonney Ramsey
Jim Phillips
David Hudgins*

Abstained: Erik Barnard

The motion carried.

9. Public Hearing on a request by Tim Cummings for a Zoning Change from a Single Family-2 zoning district to General Retail located at 101 and 103 Lavista (Property ID 173837) - Owner: WESTBROOK BOBBY & TIM CUMMINGS (ZC-18-0134)

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant seeks to rezone the property from residential to retail use. She stated there is General Retail zoning across the street and this property, as well as the properties to the immediate north, south, and west of this property remain zoned for residential use. Ms. Dent noted the proposal does not conform to the Future Land Use Plan for the property or the properties in this area. Staff recommended to deny.

There being no others to speak for or against ZC-18-0134, Chairman Keeler closed the Public Hearing.

10. Consider recommendation of Zoning Change No. ZC-18-0134

Action:

Mr. Jim Phillips moved to deny a request by Tim Cummings for a Zoning Change from a Single Family-2 zoning district to General Retail located at 101 and 103 Lavista (Property ID 173837) - Owner: WESTBROOK BOBBY & TIM CUMMINGS (ZC-18-0134). Mr. David Hudgins seconded. The vote was as follows:

Ayes: Rick Keeler

*Melissa Ballard
Betty Square Coleman
Bonney Ramsey
Jim Phillips
David Hudgins*

Noes: Erik Barnard

The motion carried.

- 11. Public Hearing on a request by Dalton Bradbury, Acker Construction, for a Zoning Change from a Light Industrial-1 zoning district to Commercial located at 2271 N Highway 77 (Property ID 235438) - Owner: ALL R&N HOLDINGS LLC (ZC-18-0135)**

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the site is currently zoned for industrial use. The City's Future Use Plan shows a projection of retail usage. Staff recommended approval.

Mr. Dalton Bradbury, Acker Construction, requested approval to change the zoning from Light Industrial-1 to Commercial Zoning District.

There being no others to speak for or against ZC-18-0135, Chairman Keeler closed the Public Hearing.

- 12. Consider recommendation of Zoning Change No. ZC-18-0135**

Action:

Mr. Jim Phillips moved to approve a request by Dalton Bradbury, Acker Construction, for a Zoning Change from a Light Industrial-1 zoning district to Commercial located at 2271 N Highway 77 (Property ID 235438) - Owner: ALL R&N HOLDINGS LLC (ZC-18-0135) subject to staff comments. Vice Chairman Melissa Ballard seconded, All Ayes.

- 13. Consider request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)**

Mr. Shon Brooks, Director of Planning, stated because the plat is multiple lots re-platted from the Original Lot One of the Ferris Addition, all portions of the lot must be included in the application or signatures included on the plat indicating surrounding property owner's acceptance of re-platting of this land as a portion of the overall Lot One. He stated the applicant submitted a request for a Hardship Waiver due to the difficulty in acquiring all property owners' signatures. Mr. Brooks explained, being a requirement of Subdivision Ordinance, surrounding signature of property owners are required. Staff recommended approval per staff comments which require the applicant to obtain signatures from property owners noting the applicant can request a hardship waiver through City Council.

Action:

Mr. Jim Phillips moved to approve a request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136) subject to staff comments. Mr. David Hudgins seconded, All Ayes.

14. Public Hearing on a request by Austin Blankenbeckler, Carlisle, for a Zoning Change from a Planned Development-14-Heavy Industrial zoning district to Planned Development-Heavy Industrial, with Concept Plan, located at 1701 W. Highway 287 (Property ID 269700) - Owner: ACFB LOYAL TRUST & FAB III SECURE TRUST (PD-18-0137)

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant submitted plans to alter the existing Planned Development to erect a third pole sign. She stated the site currently has three signs existing on site, with the submitted drawing being inconsistent to the signage currently on site. Ms. Dent stated with this request, a fourth sign is proposed. She explained pole signs are required to be a minimum of 350 feet apart. The proposed fourth sign would meet the 350 foot distance requirement from the nearest pole sign however, the existing pole signs do not meet the 350 foot distance requirement. To have a total of four pole signs at the property with the required distance separation, the site requires a minimum of 1400 feet in street frontage. The site has a total of approximately 870 feet of frontage along US Highway 287. Ms. Dent explained the development standard requirements in the base zoning district require all pole signs greater than 25 feet in height shall be set back a minimum of 25 feet, plus one foot for each foot the sign exceed 25 feet. She stated the applicant requested a setback of zero feet from the property line.

Mrs. Bonney Ramsey asked how long the existing signs have been in place.

Mr. Austin Blankenbeckler, applicant, Carlisle Chevrolet, 1701 West Highway 287, stated the existing signage have been in place since the 1980's. He stated they will be identical to the other signs.

Vice Chairman Melissa Ballard stated the fourth sign would be consistent with the other signage and it's not hindering any traffic.

There being no others to speak for or against PD-18-0137, Chairman Keeler closed the Public Hearing.

15. Consider recommendation of Zoning Change No. PD-18-0137

Action:

Vice Chairman Melissa Ballard moved to approve a request by Austin Blankenbeckler, Carlisle, for a Zoning Change from a Planned Development-14-Heavy Industrial zoning district to Planned Development-Heavy Industrial, with Concept Plan, located at 1701 W. Highway 287 (Property ID 269700) - Owner: ACFB LOYAL TRUST & FAB III SECURE TRUST (PD-18-0137) Mrs. Bonney Ramsey seconded. The vote was as follows:

*Ayes: Melissa Ballard
Bonney Ramsey
Erik Barnard
David Hudgins*

*Noes: Rick Keeler
Betty Square Coleman
Jim Phillips*

The motion carried.

16. Public Hearing on a request by the City of Waxahachie to create a Historic Overlay District per the requirements of the Zoning Ordinance Number 3020, and as amended by Ordinance 2996 establishing Section 3.24, and ordering the changing of the Zoning Map thereof in accordance with said change. (TA-18-0145)

Chairman Keeler opened the Public Hearing.

Mrs. Becky Kauffman, 817 West Main, Waxahachie, Chairman of the Heritage Preservation Commission (HPC), presented a proposed Ordinance creating Oldham Avenue Historic Overlay District. She stated the Ordinance will protect the aesthetic and visual character of the homes on Oldham Street through the establishment of the Historic Overlay District. Ms. Kauffman stated several of the properties apply each year for historic tax exemption and they will be able to continue that process. She explained if the Ordinance is approved, property owners cannot change the front façade of their home without the Heritage Preservation Commission's approval. Mrs. Kauffman stated 2.5 blocks of Oldham Street are on the National Register of Historic District and most residents thought they were already protected. She noted 65% of the property owners responded in support and did not receive any response from the remaining 35%.

Those who spoke in opposition of TA-18-0145:

Mr. Dane Sutherland 505 Oldham, Waxahachie
Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie
Mr. John Parker, 308 Kaufman, Waxahachie

Those who spoke for TA-18-0145:

Ms. Jane Yeager, 208 Oldham, Waxahachie
Mr. Kevin Myers, 601 Oldham, Waxahachie
Ms. Patty Cox, 408 Oldham, Waxahachie
Ms. Meagan Cowen, 407 Oldham, Waxahachie
Ms. Camara Bell, 201 Oldham, Waxahachie
Ms. Alicia Franco, 307 Oldham, Waxahachie

Mr. Richard Pace, Pace Custom Homes, 2750 Marjorie, Dallas, stated he received notice of the proposed Ordinance and asked if his property will be included in the Historic Overlay District. Mr. Brooks stated he is within the notification area but not located in the Historic Overlay District.

Councilmember Melissa Olson, 202 Stampede Street, Waxahachie, stated a lot of people are concerned with what they are wanting to protect and suggested changing the Infill Ordinance to give people the protection. She stated the penalty for non-compliance is very steep and suggested putting the phrase “opt out” back in the Ordinance. Councilmember Olson asked if the property owners have to reapply each year for the historic tax exemption. Ms. Anita Brown, Downtown Development Director, stated property owners do have to apply yearly.

Ms. Betty Square Coleman referenced the comment pertaining to the Infill Ordinance and stated she does not see the Infill Ordinance being an issue on Oldham Street.

Mrs. Bonney Ramsey stated the Infill Ordinance does not need to be changed because it is written very well noting it protects homeowners and has specifications on what can be built. She noted the Infill Ordinance falls right in with the Historic Overlay District so a homeowner gets double protection.

Mr. Brooks clarified on the Infill Overlay noting it is for new construction of homes on existing lots and has to do with setbacks, character, and the look of the neighborhood.

Chairman Keeler recapped that the Historic Overlay District was amended in February 2018 and there were certain guidelines and stipulating that had to be done to establish the Neighborhood Historic Overlay District and they have met all guidelines that have already been passed.

Mrs. Kauffman stated the HPC does not require a homeowner to do anything and explained if they want to make changes, they come before the HPC. She stated the “opt out” phrase was not in the Ordinance.

There being no others to speak for or against TA-18-0145, Chairman Keeler closed the Public Hearing.

17. Consider recommendation of Zoning Change No. TA-18-0145

Action:

Mrs. Bonney Ramsey moved to approve a request by the City of Waxahachie to create a Historic Overlay District per the requirements of the Zoning Ordinance Number 3020, and as amended by Ordinance 2996 establishing Section 3.24, and ordering the changing of the Zoning Map thereof in accordance with said change (TA-18-0145) subject to staff comments. Ms. Betty Square Coleman seconded, All Ayes.

18. Adjourn

Chairman Keeler asked Mr. Brooks if the Planning and Zoning Commission Briefings are open to the public. Mr. Brooks stated it is a public meeting.

There being no further business, the meeting adjourned at 8:14 p.m.

Respectfully submitted,

Lori Cartwright, City Secretary

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, September 11, 2018 at 6:30 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman
Melissa Ballard, Vice Chairman
Betty Square Coleman
Bonney Ramsey
Jim Phillips
Erik Barnard
David Hudgins

Others Present: Shon Brooks, Director of Planning
Kelly Dent, Planner
James Gaertner, City Engineer
Tommy Ludwig, Executive Director of Development Services
Lori Cartwright, City Secretary
Kevin Strength, Mayor

Others Absent: Mary Lou Shipley, Council Representative

1. Call to Order

Chairman Rick Keeler called the meeting to order.

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

Ms. Kelly Dent, Planner, reported SU-18-0129 will not be heard and explained due to further submittals it was determined the location of the proposed solar panel system is located outside the City Limits.

Ms. Dent reviewed PP-18-0132 and FP-18-0133 noting the acreage is located in the Extra Territorial Jurisdiction and meets all zoning requirements. Staff will recommend approval.

Ms. Dent reviewed ZC-18-0134 noting applicant requested a zoning change from Single Family-2 to General Retail. She stated the request does not conform with the surrounding Future Land Use Plan for the property or the properties in this area. She stated staff will recommend to deny.

Ms. Dent reviewed ZC-18-0135 noting the replat was approved in 2006. She stated the Future Land Use is General Retail and the applicant seeks Commercial. Staff will recommend approval.

Mr. Shon Brooks, Director of Planning, reviewed RP-18-0136 noting the applicant seeks to plat his lot. He stated the property was sold by metes and bounds and explained the applicant will need signatures from property owners around him. Mr. Brooks stated the applicant submitted a request for hardship waiver. Staff will recommend approval per staff comments.

Ms. Dent reviewed PD-18-0137 noting applicant submitted a concept plan to erect a 3rd pole sign and noted the submittal is inaccurate due to there being three existing pole signs on the property

therefore asking for a fourth pole sign. Applicant request a 36 foot pole sign with zero set back. Ms. Dent stated the applicant is aware of the inconsistency of the site plan but has not made contact with staff. Staff will recommend to deny.

Ms. Becky Kauffman, Chairman of the Heritage Preservation Commission, stated Oldham Street will be the first neighborhood Historic Overlay District. She noted Oldham Street is approximately 2.5 blocks of historic homes and development and is very true to its age and that is what is being protected. Ms. Anita Brown, Downtown Development Director, explained the strict guidelines and steps taken to arrive at proposing the Ordinance creating the Historic Overlay District. She explained once the Overlay District is instituted, it will be mandatory to follow the Heritage Preservation Commission guidelines when alternating front facades of homes. Ms. Brown stated property owners participating in the Historic Overlay District can apply for tax relief.

3. Adjourn

There being no further business, the meeting adjourned at 6:56 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

Planning & Zoning Department

Plat Staff Report

Case: RP-18-0143



MEETING DATE(S)

Planning & Zoning Commission: September 25, 2018

City Council: October 1, 2018

CAPTION

Consider request by Iran Magallon for a **Replat** of Lots 4 and 12, Lindmark Estates Revised, to create Lots 1 & 2, R&M Estates, 13.821 acres (Property ID 230996) – Owner: REYES TOMAS & RITA (RP-18-0143)

CASE INFORMATION

Applicant: Iran Magallon

Property Owner(s): Tomas & Rita Reyes

Site Acreage: 13.821 acres

Number of Lots: 2 lots

Number of Dwelling Units: 2 units

Adequate Public Facilities: This development is on City water and served by on-site septic.

SUBJECT PROPERTY

General Location: 120 Lakeshore

Parcel ID Number(s): 230996

Current Zoning: Rural Residential

Existing Use: Lot 2 has a residence while Lot 1 is undeveloped.

Platting History: The Lindmark Estates Revised plat was approved by City Council on April 4, 2005.

Site Aerial:



STAFF CONCERNS

1. None outstanding.

APPLICANT RESPONSE TO CONCERNS

1. Resubmittal cleared all outstanding comments.

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.

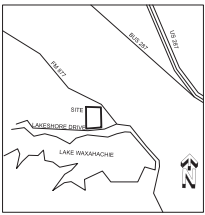
STAFF CONTACT INFORMATION

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

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



0' 50' 100'
SCALE: 1" = 100'

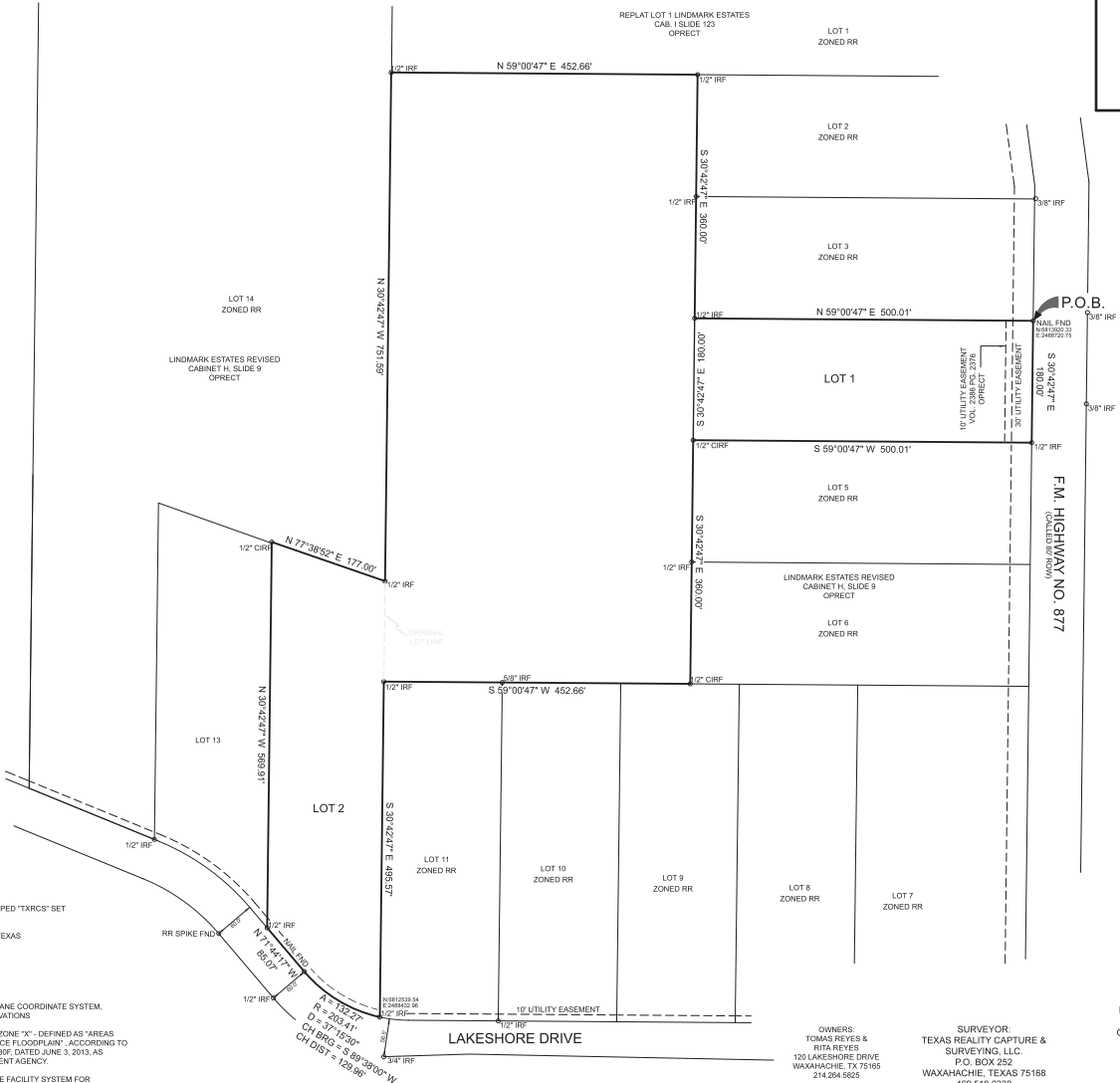


VICINITY MAP
1" = 5000'

NOTES:
ALL EASEMENTS SHOWN HEREON ARE PER
PLAT RECORDED IN CABINET H, SLIDE 9,
PRECT, UNLESS OTHERWISE NOTED.

LEGEND
CIRS= 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
FND= FOUND
IRF= IRON ROD FOUND
OPRECT= OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
D & UE = DRAINAGE AND UTILITY EASEMENT

NOTES:
BEARING BASIS FOR THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM,
NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS
A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X" - DEFINED AS "AREAS
DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" - ACCORDING TO
THE FLOOD INSURANCE RATE MAP NO. 48139C0303P, DATED JUNE 3, 2013, AS
PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
ALL LOTS SHALL BE SERVICED BY AN ON-SITE SEWAGE FACILITY SYSTEM FOR
RESIDENTIAL USE. AN ON-SITE EVALUATION SHALL BE PERFORMED BY A REGISTERED
ENGINEER AND/OR A REGISTERED SANITARIAN.



OWNERS:
TOMAS REYES &
RITA REYES
120 LAKESHORE DRIVE
WAXAHACHIE, TX 75165
214.294.5825

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC.
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469.518.0338
TBPLS FIRM NO. 10194359

R & M ESTATES
LOTS 1 & 2
BEING A REPLAT OF
LOTS 4 & 12
LINDMARK ESTATES REVISED
CABINET H, SLIDE 9
PLAT RECORDS, ELLIS COUNTY
TEXAS
OF CITY OF WAXAHACHIE, TEXAS
ELLIS COUNTY, TEXAS
13.821 ACRES
2 RESIDENTIAL LOTS
ZONED RR

STATE OF TEXAS :
COUNTY OF ELLIS : KNOW ALL MEN BY THESE PRESENTS:

WHEREAS TOMAS REYES AND RITA REYES ARE THE SOLE OWNERS A TRACT OF LAND DESCRIBED IN DEED TOMAS REYES AND RITA REYES, RECORDED IN VOLUME 2335, PAGE 1100, AND VOLUME 2335, PAGE 1103, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), ALSO BEING ALL OF LOT 12 AND ALL OF LOT 4, LINDMARK ESTATES, REVISED, RECORDED IN CABINET H, SLIDE 9, OPRECT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NAIL FOUND FOR THE EASTERN MOST NORTHEAST CORNER OF SAID LOT 4 AND THE COMMON SOUTHEAST CORNER OF LOT 3, OF SAID LINDMARK ESTATES, IN THE WEST RIGHT-OF-WAY (ROW) LINE OF F.M. HIGHWAY NO. 877 (A CALLED 80' ROW);

THENCE S 30°42'47" E, ALONG THE EAST LINE OF SAID LOT 4 AND THE COMMON WEST ROW LINE OF SAID F.M. HIGHWAY NO. 877 A DISTANCE OF 180.00 FEET TO A 1/2" IRON ROD FOUND FOR THE EASTERN MOST SOUTHEAST CORNER OF SAID LOT 4 AND THE COMMON NORTHEAST CORNER OF LOT 5 OF SAID LINDMARK ESTATES;

THENCE S 89°00'47" W, ALONG A SOUTH LINE OF SAID LOT 4 AND THE COMMON NORTH LINE OF SAID LOT 3, A DISTANCE OF 500.01 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "RPLS 1837" FOUND FOR AN INTERIOR ELL CORNER OF SAID LOT 4 AND THE COMMON NORTHWEST CORNER OF SAID LOT 5;

THENCE S 30°42'47" E, ALONG THE EAST LINE OF SAID LOT 4 AND THE COMMON WEST LINE OF SAID LOT 5 AND THE WEST LINE OF LOT 8 OF SAID LINDMARK ESTATES, A DISTANCE OF 360.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "RPLS 1837" FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 4 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 8 IN THE NORTH LINE OF LOT 9 OF SAID LINDMARK ESTATES;

THENCE S 89°00'47" W, ALONG THE SOUTH LINE OF SAID LOT 4 AND THE COMMON NORTH LINE OF SAID LOT 9 AND THE NORTH LINES OF LOT 10 AND LOT 11 OF SAID LINDMARK ESTATES, A DISTANCE OF 452.86 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 4 AND THE COMMON NORTHWEST CORNER OF SAID LOT 11 AND THE COMMON NORTHEAST CORNER OF SAID LOT 12;

THENCE S 30°42'47" E, ALONG THE EAST LINE OF SAID LOT 12 AND THE COMMON WEST LINE OF SAID LOT 12 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 11, IN THE NORTH ROW LINE OF LAKESHORE DRIVE (A VARIABLE WIDTH ROW), SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 205.41 FEET, AN ARC BEARING S 89°38'00" W, A CHORD LENGTH OF 129.96 FEET;

THENCE, ALONG THE SOUTH LINE OF SAID LOT 12 AND THE COMMON NORTH ROW LINE OF SAID LAKESHORE DRIVE AND ALONG SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 132.27 FEET TO A NAIL FOUND FOR CORNER;

THENCE N 71°44'17" W, CONTINUING ALONG THE SOUTH LINE OF SAID LOT 12 AND THE COMMON NORTH ROW LINE OF SAID LAKESHORE DRIVE, A DISTANCE OF 85.07 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 12 AND THE COMMON SOUTHEAST CORNER OF LOT 13 OF SAID LINDMARK ESTATES;

THENCE N 30°42'47" W, ALONG THE WEST LINE OF SAID LOT 12 AND THE COMMON EAST LINE OF SAID LOT 13, A DISTANCE OF 669.91 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "RPLS 1837" FOUND FOR THE NORTHWEST CORNER OF SAID LOT 12 AND THE COMMON NORTHEAST CORNER OF SAID LOT 13 IN THE SOUTH LINE OF LOT 14 OF SAID LINDMARK ESTATES;

THENCE N 77°38'52" E, ALONG THE NORTH LINE OF SAID LOT 12 AND THE COMMON SOUTH LINE OF SAID LOT 14, A DISTANCE OF 177.00 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 12 AND THE COMMON SOUTHEAST CORNER OF SAID LOT 14 IN THE WEST LINE OF SAID LOT 4;

THENCE N 30°42'47" W, ALONG THE WEST LINE OF SAID LOT 4 AND THE COMMON EAST LINE OF SAID LOT 12, A DISTANCE OF 751.59 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOT 4 AND THE COMMON SOUTHWEST CORNER OF LOT 18, REPLAT OF LOT 1, LINDMARK ESTATES RECORDED IN CABINET I, SLIDE 123, OPRECT;

THENCE N 89°00'47" E, ALONG THE NORTH LINE OF SAID LOT 4 AND THE COMMON SOUTH LINE OF SAID LOT 18, A DISTANCE OF 462.66 FEET TO 1/2" IRON ROD FOUND FOR THE NORTHERN MOST NORTHEAST CORNER F SAID LOT 4 AND THE COMMON NORTHWEST CORNER OF LOT 2, OF SAID LINDMARK ESTATES;

THENCE S 30°42'47" E, ALONG AN EAST LINE OF SAID LOT 4 AND THE COMMON WEST LINE OF SAID LOT 2 AND THE COMMON WEST LINE OF SAID LOT 3, A DISTANCE OF 360.00 FEET TO A 1/2" IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID LOT 4 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 3;

THENCE N 89°00'47" E, ALONG A NORTH LINE OF SAID LOT 4 AND THE COMMON SOUTH LINE OF SAID LOT 3, A DISTANCE OF 500.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 13.821 ACRES OF LAND, MORE OR LESS.

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

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

TOMAS REYES _____

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 TOMAS REYES, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

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

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

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

RITA REYES _____

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 RITA REYES, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

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

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

I, TIMOTHY L. JACKSON, RPLS, HEREBY CERTIFY THAT THIS PLAT WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL PROPERTY CORNERS HEREON HAVE BEEN FOUND OR SET AS SHOWN.

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

TIMOTHY L. JACKSON
REGISTRATION NUMBER 5644

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, THE _____ DAY OF _____, 2018.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

BY: _____
CHAIRPERSON DATE

APPROVED BY: CITY COUNCIL
CITY OF WAXAHACHE

BY: _____
MAYOR DATE

ATTEST DATE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT TOMAS REYES AND RITA REYS, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS R & M ESTATES, AN ADDITION TO THE CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHE, TEXAS FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED FOR THE PUBLIC USE FOREVER. FOR THE PURPOSES INDICATED ON THIS PLAT, NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR 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 PUBLICS 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.

R & M ESTATES LOTS 1 & 2

BEING A REPLAT OF
LOTS 4 & 12
LINDMARK ESTATES REVISED
CABINET H, SLIDE 9
PLAT RECORDS, ELLIS COUNTY
TEXAS
OF CITY OF WAXAHACHE, TEXAS
ELLIS COUNTY, TEXAS
13.821 ACRES
2 RESIDENTIAL LOTS
ZONED RR

OWNERS:
TOMAS REYES &
RITA REYES
120 LAKESHORE DRIVE
WAXAHACHE, TX 75165

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC.
P.O. BOX 252
WAXAHACHE, TEXAS 75168
469.518.0338
TBPLS FIRM NO 10194359

JOB NO. 1181

AUGUST 2018

PAGE 2 OF 2

CASE RP-18-0143

SUPPORT **2**

OPPOSE **0**

Request by Iran Magallon for a **Replat** of Lots 4 and 12, Lindmark Estates Revised, to create Lots 1 and 2, R and M Estates, 13.821 acres (Property ID 230996) – Owner: REYES TOMAS & RITA (RP-18-0143)

SUPPORT

1. Rita Reyes, 120 Lakeshore, Waxahachie, TX 75165
2. William Sayegh, 3360 FM 877, Waxahachie TX 75165
 - a. “Since both lots are at least two acres, the replat is consistent with the original restrictions. Therefore, it has NO impact.”



RECEIVED
9/17/18

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: RP-18-0143



REYES TOMAS & RITA
120 LAKESHORE DR
WAXAHACHIE, TX 75165

The Waxahachie City Council will hold a Public Hearing on Monday, October 1, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Iran Magallon for a Replat of Lots 4 and 12, Lindmark Estates Revised, to create Lots 1 and 2, R and M Estates, 13.821 acres (Property ID 230996) – Owner: REYES TOMAS & RITA (RP-18-0143)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: planningandzoning@waxahachie.com for additional information on this request.

Case Number: RP-18-0143

☒ SUPPORT

☐ OPPOSE

Comments: _____

Your response to this notification is OPTIONAL. If you choose to respond, please return this form by 5:00 P.M. on WEDNESDAY, SEPTEMBER 19, 2018 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to planningandzoning@waxahachie.com.

Signature

Printed Name and Title

Date

Address

Rita Reyes
Rita Reyes

9-17-18
120 Lakeshore



RECEIVED
9/18/18

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: RP-18-0143



SAYEGH WILLIAM & ANN
3360 FM 877
WAXAHACHIE, TX 75165

The Waxahachie City Council will hold a Public Hearing on Monday, October 1, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Iran Magallon for a Replat of Lots 4 and 12, Lindmark Estates Revised, to create Lots 1 and 2, R and M Estates, 13.821 acres (Property ID 230996) – Owner: REYES TOMAS & RITA (RP-18-0143)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: planningandzoning@waxahachie.com for additional information on this request.

Case Number: RP-18-0143

☒ SUPPORT

☐ OPPOSE

Comments: Since both lots are at least two acres, the replat is consistent with the original restrictions. Therefore, it has NO impact.

Your response to this notification is OPTIONAL. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, SEPTEMBER 19, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to planningandzoning@waxahachie.com.

Signature

William Sayegh
Printed Name and Title

Date

Address

September 18, 2018

3360 FM 877

Planning & Zoning Department

Plat Staff Report

Case: RP-18-0139



MEETING DATE(S)

Planning & Zoning Commission: September 25, 2018

City Council: October 1, 2018

CAPTION

Consider request by Ron Barson, Ledbetter Real Estate, for a **Replat** of Lot 2, Block E to create Lots 2R and 3, Block E, North Grove Business Park Phases Two and Four, 4.983 acres (Property ID 189293 and 189294) – Owner: LEDBETTER REAL ESTATE LTD (RP-18-0139).

CASE INFORMATION

Applicant: Ron Barson, Ledbetter Real Estate

Property Owner(s): Ledbetter Real Estate Ltd

Site Acreage: 4.983 acres

Number of Lots: 2 lots

Number of Dwelling Units: 0 units

Park Land Dedication: Cash in lieu of park land dedication was to be paid with the Final Plat of the entire property. The cash in lieu has not been paid, and is set at \$22,126.80. This must be paid before the plat is filed with Ellis County.

Adequate Public Facilities: Yes

SUBJECT PROPERTY

General Location: Near intersection of North Highway 77 and Grove Creek

Parcel ID Number(s): 189293 and 189294

Current Zoning: Commercial – Ordinance 2878

Existing Use: Currently undeveloped

Platting History: The Final Plat for the North Grove Business Park Phases Two and Four was approved by City Council on April 2, 2018.

Site Aerial:



STAFF CONCERNS

1. Filing fees of \$104.00 remain outstanding.
2. Cash in lieu of park dedication fees of \$22,126.80 remain outstanding.
3. Attention needed, but not a requirement: May want to rethink placement of the FLAE. C zoning requires 25' front setback, but new zoning ordinance allows reduction in parking if you keep 80% of required parking to the sides or rear of the building. As shown, your building(s) will be setback around 50 feet. Greater visibility for the buildings would be available if they were as close to the 25-foot setback as possible.
4. Formatting issues remain outstanding.

APPLICANT RESPONSE TO CONCERNS

1. Awaiting applicant response.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. Filing fees of \$104.00 remain outstanding.
 2. Cash in lieu of park dedication fees of \$22,126.80 remain outstanding.
 3. Formatting issues remain outstanding.

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

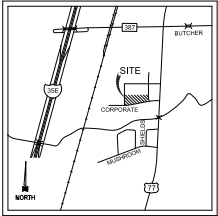
kdent@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com



VICINITY MAP

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS §
COUNTY OF ELLIS §

WHEREAS, LEDBETTER REAL ESTATE, LTD. IS THE OWNER OF A TRACT OF LAND LOCATED IN THE A.S. PRUETT SURVEY, ABSTRACT NO. 848, WAXAHACHIE, ELLIS COUNTY, TEXAS AND BEING ALL OF LOT 2, BLOCK E OF NORTH GROVE BUSINESS PARK, PHASES TWO AND FOUR, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET J, SLIDE 359 AND 360, PLAT RECORDS, ELLIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND IN THE WEST RIGHT-OF-WAY LINE OF VENTURE WAY, A 50-FOOT RIGHT-OF-WAY, AT THE NORTHEAST CORNER OF SAID LOT 2;

THENCE SOUTHERLY, ALONG SAID WEST RIGHT-OF-WAY LINE, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

SOUTH 00°30'00" EAST, A DISTANCE OF 110.02 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 10°00'00", A RADIUS OF 425.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 05°30'00" EAST, 74.08 FEET;

THENCE SOUTHERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 74.18 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER;

THENCE SOUTH 10°30'00" EAST, A DISTANCE OF 3.90 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 20.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 34°30'00" WEST, 28.28 FEET;

THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 31.42 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER IN THE NORTH RIGHT-OF-WAY LINE OF CORPORATE PARKWAY, A 60-FOOT RIGHT-OF-WAY;

THENCE SOUTH 79°30'00" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 662.95 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 09°11'55", A RADIUS OF 630.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 84°05'59" WEST, 101.04 FEET;

THENCE WESTERLY, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 101.15 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 91°17'41", A RADIUS OF 20.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 45°39'24" WEST, 28.60 FEET;

THENCE NORTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 31.87 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER IN THE EAST RIGHT-OF-WAY LINE OF ASPEN WAY, A 60-FOOT RIGHT-OF-WAY;

THENCE NORTH 00°30'46" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 315.16 FEET TO A 1/2-INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID LOT 2;

THENCE NORTH 89°29'20" EAST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 780.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 217,062 SQUARE FEET OR 4.983 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT LEDBETTER REAL ESTATE, LTD. ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICER, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOTS 2R AND 3, BLOCK E, NORTH GROVE BUSINESS PARK, PHASES TWO AND FOUR, 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 AT ANY TIME PROCURING PERMISSION FROM ANYONE.

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

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

BY:

RON BARSON - LEDBETTER REAL ESTATE, LTD.

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED RON BARSON OF LEDBETTER REAL ESTATE, LTD., 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 THE ____ DAY OF _____, 2018.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

THAT I, SEAN SHROPSHIRE, 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.

PRELIMINARY

THIS DOCUMENT IS NOT TO BE
RECORDED FOR ANY PURPOSES

SEAN SHROPSHIRE
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5674

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

CHAIR PERSON _____ DATE _____

APPROVED BY: CITY COUNCIL CITY OF WAXAHACHIE

MAYOR _____ DATE _____

ATTEST _____ DATE _____

REPLAT
LOTS 2R AND 3, BLOCK E
NORTH GROVE BUSINESS PARK
PHASES TWO AND FOUR

2 COMMERCIAL LOTS
4.983 ACRES ~ ZONED "PD-C"
AN ADDITION TO THE CITY OF WAXAHACHIE
A.S. PRUETT SURVEY ~ ABSTRACT NO. 848
ELLIS COUNTY, TEXAS

JULY, 2018 SCALE: 1"=50'

OWNERS
LEDBETTER REAL ESTATE, LTD
5326 W. LEDBETTER DRIVE
DALLAS, TX 75236 (214) 941-9700
SURVEYOR



P.O. Box 575 | Waxahachie, Texas 75168
214.903.8200 | TBPLS Firm No. 10194367
info@axis-survey.com

Planning & Zoning Department

Plat Staff Report

Case: PP-18-0147



MEETING DATE(S)

Planning & Zoning Commission: September 25, 2018

City Council: October 1, 2018

CAPTION

Insert Caption from Agenda

CASE INFORMATION

Applicant: James McDill, Davis & McDill

Property Owner(s): Harlan Properties Inc.

Site Acreage: 69.645 acres

Number of Lots: 48 lots

Number of Dwelling Units: 48 units

Adequate Public Facilities: Rockett Special Utility District has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements.

SUBJECT PROPERTY

General Location: Westmoreland Road @ Cardiff Lane

Parcel ID Number(s): 181695

Current Zoning: N/A (ETJ)

Existing Use: Currently undeveloped

Platting History: The Preliminary Plat for this development (case no. PLM2015-40) was approved by City Council January 19, 2016. That plat has since expired. To continue to work on construction plans with Ellis County, the applicant needs an active plat.

Site Aerial:



STAFF CONCERNS

ELLIS COUNTY DEPARTMENT OF DEVELOPMENT – Alberto Mares (972) 825-5200;

alberto.mares@co.ellis.tx.us

1. If there will be multiple phases proposed, go ahead and label them accordingly.
2. Ellis County fees of \$1,840.00 remain outstanding.

CITY ENGINEER – James Gaertner (469) 309-4293; jgaertner@waxahachie.com

1. Drainage calculations
 - a. Please examine the corrections to the Drainage Calculations and revise and resubmit

APPLICANT RESPONSE TO CONCERNS

1. Awaiting applicant response

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. If there will be multiple phases proposed, label them accordingly.
 2. Ellis County fees of \$1,840.00 remain outstanding.
 3. Please examine the corrections to the Drainage Calculations and revise and resubmit.

ATTACHED EXHIBITS

1. Plat drawing
2. Drainage calculations
3. CCRs

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

LOCATION MAP SCALE : 1" = 2000"

PRELIMINARY PLAT

OXFORD RANCH TWO


PHASE 2

Being a 69.645 Acre Addition in
the T. CASSIDY SURVEY, ABST. 255 and
the H. G. HURST SURVEY, ABST. 458
in the Extra Territorial Jurisdiction
(ETJ) of the City of Waxahachie,
Ellis County, Texas
48 Single Family Lots


15.00' EXISTING DRIVE
9.00' EXISTING W/L
SETBACK MAG.
SOUTH - WESTMOOR
N 0° 58' 35"
G S
Acres
17.5 (± .68)

KNOW ALL MEN BY THESE PRESENTS:

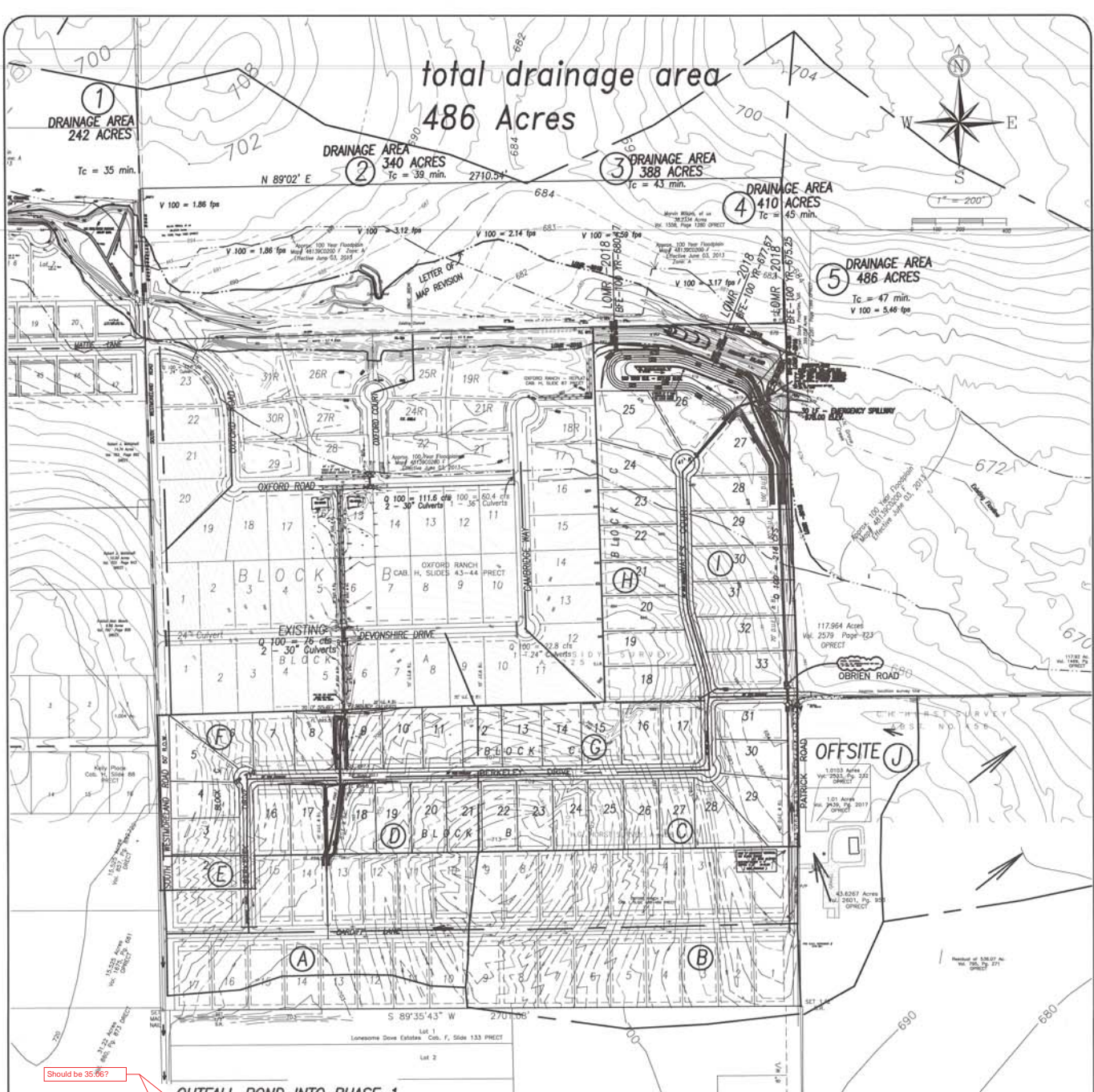
That I, James H. MOORE, do hereby declare that I prepared this plat from an
actual and accurate survey of the land and that the Plat was prepared in
accordance with the Subdivision Ordinance of the City of Muskegon.


Registered Professional Engineer

B-27-2018



[illegible]



Should be 35.967

OUTFALL POND INTO PHASE 1

PRE-DEVELOPMENT:
AREAS A,D,E & F - 35.07 Acres C = 0.35 Time Conc = 20 min.
34.5 ACRES 0.35 20 4.36/4.96/5.80/7.18 53.4 /60.7 /71.0 /88.0

FULL-DEVELOPMENT:
AREAS A,D,E & F - 35.07 Acres C = 0.50 Time Conc = 15 min.
35.07 ACRES 0.50 15 4.98/5.64/6.57/8.09 87.3 /98.9 /115 /142

Should be at least 10 min

YEAR	EXISTING RUNOFF	FULLY DEVELOPED RUNOFF	DEVELOPED RUNOFF WITH DETENTION
5	53.4	87.3	39.7 @ 698.23 ELEV
10	60.7	98.9	42.8 @ 698.50 ELEV
25	71.0	115	47.1 @ 698.92 ELEV
50	79.5	128	49.7 @ 699.20 ELEV
100	88.0	142	52.25 @ 699.48 ELEV

DRAINAGE CALCULATIONS NORTH STORMWATER DETENTION AREA DOUBLE RCP OUTLET STRUCTURE @ 30" & 36" PIPES 30 LF EMERGENCY SPILLWAY @ 678.00 ASSUME DOWNSTREAM W.S. 675.54				
YEAR	EXISTING RUNOFF	FULLY DEVELOPED RUNOFF	DEVELOPED RUNOFF WITH DETENTION	DETENTION ELEVATION
5	87.3	174.6	88.70	676.96
10	100.4	198.3	74.48	677.18
25	118.3	232.3	79.84	677.46
50	133.2	259.2	84.63	677.69
100	148.5	287.4	89.48	677.95

OXFORD RANCH TWO - PHASE TWO - DRAINAGE CALCULATIONS

Drainage Area	Area	Runoff	Time of	Rainfall Intensity	Storm Runoff	
	Acres	Coeff. (C)	min.	in./hr.	5/10/25/100 yr	5/10/25/100 yr

PROPOSED NORTH DETENTION POND: TO BE DESIGNED FOR AREAS B,C,G,H,I & J

PRE-DEVELOPMENT: AREAS B,C,G,H,I & J - 80.06 Acres C = 0.35 Time Conc = 37 min.
(AREAS B to J) 80.06 0.35 37 3.12/3.58/4.22/5.30 87.4/100 /118 / 149

FULL-DEVELOPMENT: AREAS B,C,G,H,I & J - 80.06 Acres C = 0.50 Time Conc = 20 min.
(AREAS B to J) 80.06 0.50 20 4.36/4.96/5.80/7.18 175 /199 /232 /287

FULLY-DEVELOPED

A	6.34	0.50	15	4.98/5.64/6.57/8.09	15.8/17.9/20.8/25.6
B	12.66	0.50	15	4.98/5.64/6.57/8.09	31.5/35.7/41.6/51.2
C	23.30	0.50	15	4.98/5.64/6.57/8.09	58.0/65.7/76.5/94.2
D	14.54	0.50	15	4.98/5.64/6.57/8.09	36.2/41.0/47.8/58.8
E	2.68	0.50	15	4.98/5.64/6.57/8.09	6.7 /7.56/8.80/10.8
F	11.50	0.50	15	4.98/5.64/6.57/8.09	28.6/32.4/37.8/46.5
G	6.50	0.50	15	4.98/5.64/6.57/8.09	16.2/18.3/21.4/26.3
H	15.2	0.50	15	4.98/5.64/6.57/8.09	37.8/42.9/49.9/61.5
I	11.50	0.50	15	4.98/5.64/6.57/8.09	28.6/32.4/37.8/46.5
J	10.9	0.50	15	4.98/5.64/6.57/8.09	27.1/30.7/35.8/44.1

OFFSITE-EAST OF PATRICK ROAD

FULL DEVELOPMENT @ NORTH DETENTION AREA:

AREAS B, C & J: CULVERT @ O'BRIEN & PATRICK ROAD = 46.86 ac.
AREA B - time of conc. = 15 min. TIME Conc. = 20 Min.
1200 LF Channel Flow @ 4 fps - 5.0 min

DRAINAGE PLAN OXFORD RANCH TWO

Being a 69.645 Acre Addition in
the T. CASSIDY SURVEY, ABST. 255 and
the H. G. HURST SURVEY, ABST. 458
in the Extra Territorial Jurisdiction
(ETJ) of the City of Waxahachie,
Ellis County, Texas
48 Single Family Lots

Owner:
Harlan Properties
2404 Texas Drive
Irving, Texas 75062
972-659-0655

D&M
ENGINEERS

DAVIS & McDILL, Inc.

(A Texas licensed engineering firm # 1-8439)
P.O. BOX 428, Waxahachie, Texas 75168
Phone: Metro 972-938-1185 Fax: 972-937-0307

Date: 08-22-2018
Scale: 1" = 200'
Drawn: KH/XB
213-0388-0XFORD
-II-PH2-BASE
Job: -DRAINAGE
Sheet 3-A
of 13 sheets

46/5

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

for
OXFORD RANCH TWO
Ellis County, Texas

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF ELLIS §

THIS Declaration of Covenants, Conditions and Restrictions ("Declaration"), is made on the date hereinafter set forth by **Harlan Properties, Inc.**, a Texas corporation ("**Declarant**").

WITNESSETH:

WHEREAS, Daclarant is owner of certain property in the County of Ellis, State of Texas, which is more particularly described on Exhibit A, and also known as:

All of Oxford Ranch Two Phase 1, shown on the plat recorded in Volume _____,
Page _____, Plat Records of Ellis County, Texas (The Plat); and

All of Oxford Ranch Two Phase 2, shown on the plat recorded in Volume _____,
Page _____, Plat Records of Ellis County, Texas (The Plat).

NOW THEREFORE, Declarant hereby declares that all of the real property described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, said real property and be binding on all parties having any right, title or interest in the described property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I
DEFINITIONS

Section 1.1 "**Owner**" shall mean and refer to the record owner, whether one (1) or more persons or entities, of fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 1.2 "**Property**" shall mean and refer to the Oxford Ranch Subdivision.

Section 1.3 "**County**" shall mean the County of Ellis, Texas.

Section 1.4 "**Lot**" shall mean and refer to any lot of land shown upon any recorded plat of the Property.

Section 1.5 "Declarant" shall mean and refer to Harlan Properties, Inc., a Texas corporation, its successors and assigns if such successors or assigns should acquire more than one (1) undeveloped Lot from the Declarant for the purpose of development.

Section 1.6 "Committee" shall mean and refer to the Architectural Control Committee constituted as set forth in Article II.

ARTICLE II

ARCHITECTURAL CONTROL COMMITTEE

No building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in comparison to surrounding structures and topography by the Architectural Control Committee composed of three (3) or more representatives appointed by the Declarant. In the event said Committee fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.

ARTICLE III

CONSTRUCTION OF IMPROVEMENTS AND USE OF THE LOTS

Section 3.1 Residential Use. All Lots shall be used for the construction of single-family, detached residential dwellings units. Structures built on the Lots shall be limited to one single-family residence per Lot. No building or structure on any Lot shall exceed two (2) stories in height.

Section 3.2 Restriction on Re-Subdividing. No Lot shall, at any time, be re-subdivided into additional Lots.

Section 3.3 Minimum Floor Area. The total air-conditioned/heated living area of the main structure, as measured to the outside of exterior walls but exclusive of open porches, garages, patios, and detached accessory buildings, shall be not less than Sixteen Hundred (1,600) square feet.

Section 3.4 Prohibited Uses. No Lot shall be used and no building shall be erected or converted for any use other than as single family residential home and its accessory usage. The following uses are also prohibited within the Properties:

- a. Any illegal, noxious or offensive activity of any kind that may become an annoyance or nuisance to the adjacent home owners in the Property;
- b. Any use which is offensive by reason of odor, fumes, vibrations, dust, smoke, radiation, noise, or pollution or that is hazardous by reason of excessive danger of fire or explosion;

- c. No animals, livestock or poultry of any kind shall be raised, bred or kept except common household pets, no more than four per household, properly leashed or corralled, that are not kept, bred or maintained for commercial purposes;
- d. No lot or improvement shall be used for business, commercial or manufacturing purposes of any kind. No noxious or offensive activity shall be undertaken within the Property, nor shall anything be done which is or may become an annoyance or nuisance to the neighborhood;
- e. Except within fireplaces in the main residential dwelling and except for outdoor cooking, no burning of anything shall be permitted anywhere within the Property;
- f. No open or exterior storage of goods or materials;
- g. No storage of oil, gasoline or other flammable liquid in bulk of more than ten (10) gallons gross capacity in a U.L. approved container;
- h. No overnight parking of large trucks (one ton or larger), except by the builders during construction, and no parking at any time of motor vehicles of any type which are in obvious disrepair or any vehicles that are used to transport flammable or explosive cargo;
- i. No portion of the Properties shall be used as dumping grounds for rubbish of any kind and all trash shall be kept in sanitary containers and inside a building, and then placed at the appropriate location specified by the authority which will pick up trash;
- j. No building previously constructed elsewhere shall be moved onto any Lot, it being the intention that only new construction placed and erected thereon.
- k. No temporary or portable dwelling, shop, trailer, shed or mobile home of any kind or any improvement of a temporary structure of any kind shall be permitted, except for those used in the marketing and construction of homes on the Lots;
- l. No individual water systems may be installed on any Lot. Pending availability of public sewers, sewage disposal shall be effected by means of individual licensed septic tank system approved by the regulatory governmental body having the jurisdiction over such matters in Ellis County, Texas;
- m. No air conditioning and/or heating apparatus may be installed on the ground in front of a dwelling unit or shall be attached to any front wall or window of a dwelling unit;

- n. No antennas shall be permitted other than those commonly used for AM or FM radio reception, UHF or VHF television reception or satellite dishes installed in the rear yards of Lots with fences. No antenna or support structure shall rise more than five (5) feet above of the highest point of the roof of any building. No satellite dish in excess of six (6) feet in diameter or support structure may rise higher than the rear yard fence, and shall be screened by either fence or landscaping so that it is not visible from the street;
- o. The erection of signs or advertising structures of any kind is prohibited, except that one (1) sign advertising the sale of a dwelling unit or Lot is permitted, provided that it does not exceed ten (10) square feet in size. During the construction and marketing of homes and the Lots, builders, Owners and Declarant may erect larger and more numerous signs;
- p. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted. No derrick or other structure designed for use in quarrying for oil, natural gas or any minerals shall be permitted; and
- q. Neither a motorboat, houseboat or other similar water-borne vehicle nor any "camper" vehicle or motor home may be maintained, stored or kept on the street in front of any Lot or on any portion of the Properties, except in areas specifically approved by the Committee.

ARTICLE IV

GENERAL PROVISIONS

Section 4.1 Enforcement. Enforcement of these Covenants and Restriction shall be by a proceeding initiated by any Owner, any member of the Committee or Declarant against any person or persons violating or attempting to violate any Covenant or Restriction contained herein, either to restrain or enjoin such violation or to recover damages for the violation, or both, or to enforce any lien created by this instrument. The Committee, and each of its appointed members, shall have an election and right, but not an obligation or duty, to enforce these Covenants and Restrictions by a proceeding or proceeding at law or in equity. Notwithstanding any provision to the contrary in these Covenants and Restrictions, Declarant shall not have any duty, obligation, or responsibility to enforce any of these Covenants and Restrictions. Failure by any party to enforce any Covenant or Restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 4.2 Severability. Invalidation of any one (1) of these covenants or restrictions by judgment or court order shall in no way affect any other provision which shall remain in full force and effect.

Section 4.3 Amendment. The covenants and restrictions of this Declaration shall run with and bind the land, for a term of twenty-five (25) years from the date this Declaration is recorded, after

which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended during the first (1st) twenty (20) year period by an instrument signed by not less than seventy five percent (75%) of the Owners, and thereafter by an instrument signed by not less than seventy-five percent (75%) of the Owners. Any amendment must be recorded. Any amendment by the Owners may be effected with the consent given in writing and signed by the Owners who hold or control the required percentage of ownership.

Section 4.4 Attorney's Fees. If any Owner, Declarant or the Association files suit to enforce any provision of this Declaration, then the prevailing party in such suit shall be entitled to receive from the other party its reasonable attorney's fees and court costs incurred in connection with such suit.

Section 4.5 Headings. The headings contained in these covenants or restrictions are for reference purposes only and shall not in any way affect the meaning or interpretation of these covenants or restrictions.

Section 4.6 Notices to Owners. Any notice required to be given to any Owner under the provisions of these covenants or restrictions shall be deemed to have been properly delivered when deposited in the United States mails, postage prepaid, addressed to the last known address of the person who appears as an Owner of the record within the Property at the time of such mailing.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand and seal to be effective the 9th day of March, 2015.

HARLAN PROPERTIES, INC.
a Texas corporation

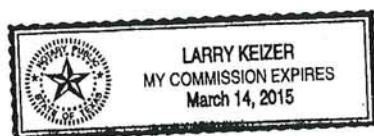
By: 
Suresh Shridharani, President

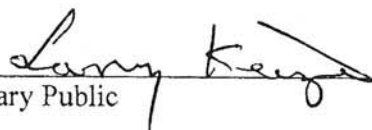
STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on this 9th day of March, 2015, by Suresh Shridharani, President of Harlan Properties, Inc., a Texas corporation, on behalf of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

(SEAL)




Notary Public

DOD

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



Cindy Polley
COUNTY CLERK ELLIS COUNTY, TEXAS

FILED FOR RECORD - ELLIS COUNTY, TX
INST NO: 1511060
on May 19, 2015 at 01:26:00 PM

Planning & Zoning Department

Plat Staff Report

Case: PP-18-0146



MEETING DATE(S)

Planning & Zoning Commission: September 25, 2018

City Council: October 1, 2018

CAPTION

Consider request by Mathew Williamson, Gateway Engineering, for a **Preliminary Plat** of The Mark on 287 for 1 lot, being 6.525 acres situated in the William C. Tunnel Survey Abstract 1080 (Property ID 264879) – Owner: MARK ON 287 OWNER LLC (PP-18-0146)

CASE INFORMATION

Applicant: Mathew Williamson, Gateway Engineering

Property Owner(s): Mark on 287 Owner LLC

Site Acreage: 6.525 acres

Number of Lots: 1 lot

Number of Dwelling Units: To be finalized

Park Land Dedication: Cash in lieu of park land dedication will be calculated at site plan application.

Adequate Public Facilities: Yes

SUBJECT PROPERTY

General Location: South side of US Highway 287, adjacent to new Waxahachie High School

Parcel ID Number(s): 264879

Current Zoning: Planned Development-Multi Family-2 (Ordinance 3036)

Existing Use: Currently undeveloped

Platting History: William C. Tunnel Survey, Abstract No. 1080

Site Aerial:



STAFF CONCERNS

1. WISD to dedicate ROW by separate instrument.

APPLICANT RESPONSE TO CONCERNS

1. Applicant submitted revised drawings. The ROW dedication remains outstanding.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. WISD to dedicate ROW by separate instrument.

ATTACHED EXHIBITS

1. Plat drawing
2. Public ROW Development Agreement

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



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

PUBLIC ROW DEVELOPMENT AGREEMENT

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS

§

COUNTY OF ELLIS

§

This PUBLIC ROW DEVELOPMENT AGREEMENT (this "**Agreement**"), is made this _____ day of _____, 2018 ("**Effective Date**"), by and between The Mark on 287 Owner, LLC, a Texas limited liability company ("**M287**"), Waxahachie Independent School District, a Texas nonprofit corporation ("**District**"), and the City of Waxahachie, Texas (the "**City**"). M287, District, and the City are individually referred to herein as a "**Party**" and collectively, the "**Parties**".

RECITALS

A. M287 is the owner of that real property described on **Exhibit A**, attached hereto and made a part hereof (the "**M287 Property**"), on which M287 intends to construct a 140-unit multifamily apartment complex substantially in conformance with the site plan depicted on **Exhibit B**, attached hereto and made a part hereof (the "**M287 Project**").

B. District is the owner of the real property described on **Exhibit C**, attached hereto and made a part hereof (the "**District Property**"), which abuts the M287 Property. Each of the M287 Property and District Property shall be referred to individually as a "**Tract**", and collectively, the "**Tracts**").

C. During M287's zoning case with the City (PD-18-0048), District filed a letter of opposition to the M287 Project because M287's site plan reflected ingress/egress access from Highway 287 service road (the "**Service Road**"), which, due to certain TxDOT regulations, would prohibit District from constructing its proposed entrance off the same Service Road.

D. In consideration for District's withdraw of the letter of opposition, and submission of a letter of support of the M287 Project, M287 agreed to redesign and reconfigure its site plan, specifically including the relocation of ingress/egress access from the Service Road to the District's proposed eighty foot (80') public right-of-way (the "**Public ROW**").

E. To accelerate construction of the public infrastructure and to support the City's thoroughfare plan, District agreed to dedicate to the City (1) an eighty foot (80') wide strip of land along the western eastern line of the District Property, as generally depicted in **Exhibit D**, attached hereto and made a part hereof (the "**Dedicated East District Land**"), over which the Public ROW will be constructed, and (2) a strip of land of varying width along the northern property line of the District Property, as generally depicted in **Exhibit D**, over which the City plans to construct an east-west public ROW (the "**Dedicated North District Land**"), together with the Dedicated East District Land, the "**Dedicated District Land**").

F. To further support the public infrastructure City's thoroughfare plan, M287 agreed to dedicate to the City a strip of land of varying width along the southern property line of the M287 Property, as generally depicted in **Exhibit D**, attached hereto and made a part hereof (the "**Dedicated M287 Land**"), over which the City plans to construct an east-west public ROW.

G. In consideration for M287's agreement to design and construct on the Dedicated East District Land at M287's sole cost and expense, that portion of the Public ROW extending from the Service Road up to the M287 Project's front entrance, as generally depicted in **Exhibit E**, attached hereto and made a part hereof (the "**Boulevard**") the City agreed to credit the total construction cost for such design and construction against any roadway impact that become due and payable as part of the M287 Project (the "**Roadway Impact Fee**"), it being understood that the amount of such Roadway Impact Fee shall be no less than \$220,990 USD. Should the cost to design and construct the Boulevard exceed the amount of the Roadway Impact Fee applicable to the M287 Project, M287 will bear the cost of such excess expenses as part of its overall construction costs for the M287 Project, and M287 will not receive any further or continuing benefit in the form of fee offsets, credits, or otherwise from the City, unless agreed to in writing.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, including the recitals above, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Public ROW Land Dedication.

A. *District Dedication.* District hereby agrees to dedicate to the City the Dedicated District Land either by private instrument or through preparation of its final plat, but in all cases such dedication must be recorded in the real property records for Ellis County, Texas. Dedication of the Dedicated East District Land shall be fully executed on or prior to September 15, 2018 (the "**Deadline**"). Due to the critical necessity of the Boulevard to M287 and the M287 Project for access to the M287 Property, should District not dedicate the Dedicated East District Land to the City by the Deadline, District hereby appoints M287 as its attorney in fact for the specific purpose of conveying the Dedicated East District Land to the City and authorizes M287 to prepare, record, and otherwise orchestrate the Public ROW dedication contemplated by this Agreement. Additionally, should District fail to convey the Dedicated East District Land to the City per the terms of this Agreement, M287 will suffer immediate and irreparable harm, and therefor may enforce its rights under this Agreement via any applicable remedy available to it under the law, with such remedies being cumulative and non-exclusive.

B. *M287 Dedication.* M287 hereby agrees to convey to the City, via dedication, for use as a public right of way, the Dedicated M287 Land. Such conveyance must be recorded in the real property records for Ellis County, Texas.

2 Public ROW Construction. M287 hereby agrees to design and construct the Boulevard in substantial conformance to the plans and specifications that are agreed to by the Parties prior to the commencement of construction, which such plans shall reflect a 4-lane boulevard road with landscaped and lighted median (the "**Boulevard Plans**"), at M287's sole cost and expense, within a reasonable time after the date of this Agreement and approval from the City to construct the Boulevard but in no event later than six (6) months after the Deadline. Notwithstanding anything herein to the contrary, nothing in this Agreement shall impose an obligation on M287 to construct any other improvements, or otherwise require M287 to provide any facilities which are not currently depicted on the Boulevard Plans, including but not limited to the placement or extension of any utility lines or any other public or private improvements. Because completion of the Boulevard is critical to the construction of the M287 Project and for access by emergency service personnel and vehicles during construction of the M287 Project, the City hereby agrees

to allow M287 to begin construction of the Boulevard upon approval of the Boulevard Plans, which shall not be contingent upon the release of any grading, building, or other permits related to the M287 Project.

3. Impact Fee Credit. As referenced in Section 2 above and in recital G above, M287 shall be responsible, at its sole cost and expense, for the design and construction of the Boulevard. In consideration for M287's agreement to bear sole responsibility for the cost and expense of the Boulevard, the City hereby agrees to a dollar-for-dollar credit against any Roadway Impact Fees that would otherwise become due and payable as part of the M287 Project (the "**Credits**"). For example, if the total cost paid by M287 for the design and construction of the Boulevard is \$100,000.00, then the Roadway Impact Fees charged to M287 for the M287 Project will be reduced by \$100,000.00. If any Roadway Impact Fees become due and payable prior to completion of the Boulevard, the City agrees to abate collection of the same until the thirtieth (30th) day after the later of (1) completion of the Boulevard, as evidenced by final written approval from the City, and (2) the City and M287 agreeing in writing on the amount of all Credits.

4. Boulevard Costs. M287 shall submit all final construction and design bids, contracts, and invoices to District and the City as conclusive evidence of the costs to design and construct the Boulevard. In order to receive the Credits, M287 shall provide a sworn affidavit to District and the City that the costs incurred to construct the Boulevard are true, accurate, complete, and reasonable.

5. TIA Report Waiver. It is hereby acknowledged by all Parties that each Party is desirous of and will be benefitted by the design and construction of the Boulevard. As additional consideration for M287's agreement to design and construct the Boulevard, the City hereby unconditionally waives any requirement that M287 produce a Traffic Impact Analysis (TIA) study as a condition to the acceptance of M287's preliminary or final plat for the M287 Project.

6. M287 Drainage Easement. Subject to the limitations set forth herein, District hereby grants and establishes perpetual non-exclusive drainage easements for stormwater drainage from the M287 Property across those portions of the District Property depicted and described in **Exhibit F**, attached hereto and made a part hereof (the "**Stormwater Drainage Easements**"). TO HAVE AND TO HOLD the Stormwater Drainage Easements onto M287, and District hereby binds itself, its successors and assigns, to warrant and forever defend the grant of this Stormwater Drainage Easements unto M287, its successors and assigns, against every person whomsoever claiming or to claim the same or any part thereof, by, through or under District, subject to all matters of public record and which are applicable to and/or affect the District Property to the extent the same are valid, subsisting, and affect the District Property. The Stormwater Drainage Easements shall be for the benefit of the owner of the M287 Property and its successors, assigns, employees, agents, contractors, tenants, guests, invitees and customers. District and M287 each acknowledge and agree that the Stormwater Drainage Easements will be in the areas generally depicted in Exhibit F, which such Exhibit F shall be substituted for the final legal descriptions prepared by M287 and consented to by District in writing, consent not being unreasonably conditioned, withheld, or delayed.

7. Indemnification and Insurance.

(a) Waiver and Indemnification. The Parties each (in any case, "**Indemnitor**") agree to indemnify, defend, save, and hold harmless the other and the other's agents, members, board members, and employees, (collectively, the "**Indemnitees**") from all third-party losses, damages, judgments, claims, expenses, costs and liabilities imposed upon or incurred by or asserted against the Indemnitees, including without limitation reasonable attorneys' fees and expenses, for death or injury to, or damage to property of, third parties, to the extent caused by the gross negligence or willful misconduct of Indemnitor or any of Indemnitor's agents, members, or employees on the applicable property. If any action, suit or proceeding is brought against any of the Indemnitees by reason of the gross negligence or willful misconduct of Indemnitor or any of Indemnitor's agents,

members, or employees then Indemnitor will, at Indemnitor's expense and at the option of said Indemnitees, by counsel reasonably approved by said Indemnitees, resist and defend such action, suit or proceeding. Each Indemnatee hereby waives any claims that it may have against the Indemnitor to the extent that the Indemnatee receives insurance proceeds from an insurance carrier for such claims.

(b) Insurance. As applicable, each Owner shall at all times during the term hereof maintain or cause to be maintained commercial general liability insurance covering such Party's property, insuring against the risks of bodily injury, property damage and personal injury with respect to such property, in amounts not less than what is commonly required in the marketplace. Any policy required hereunder may be maintained under a so-called "blanket policy" or an "umbrella liability form" insuring other parties and other locations so long as the amount of insurance required to be provided hereunder is not thereby diminished. Each Party shall, upon request of any other Party, provide the requesting Party with a certificate of insurance and all required endorsements evidencing such Party's insurance.

(c) Performance of Indemnity Agreements. All policies of insurance required under this Section shall insure the performance of the Party insured thereunder of the indemnity agreements contained herein. Each Party shall promptly notify the other Parties of any asserted claim with respect to which such Party is or may be indemnified against hereunder and shall deliver to the other Parties copies of process and pleadings.

8. Enforceability. The covenants of this Agreement are specifically enforceable by any Party. Any such Party shall have the right to seek injunctive relief to specifically enforce the covenants of this Agreement in addition to all other remedies available at law or in equity.

9. Attorneys' Fees. The prevailing Party in any legal proceeding regarding this Agreement shall be entitled to recover from the other Party all reasonable attorneys' fees and costs incurred in connection with such proceeding.

10. Governing Law. This Agreement will be construed and enforced in accordance with the internal laws of the State of Texas, without regard to any conflicts of law analysis, and any action or proceeding arising out of or relating to this Agreement shall be solely heard and determined in a state district court sitting in Dallas County, Texas.

11. Binding Effect. This Agreement shall constitute covenants running with the land and shall be binding upon and inure to the owners of the District Property and the M287 Property, respectively, and their respective heirs, executors, administrators, successors, and assigns. All transferees of any portion of the Tracts, by acceptance of a deed conveying title thereto, shall be deemed to have accepted the deed upon and subject to all of the terms, provisions, conditions, covenants and agreements contained in this Agreement and, by acceptance of such deed, to have agreed to and assumed all of the terms, provisions, conditions, covenants and agreements contained in this Agreement arising from the date of such deed forward, as the same are applicable to such Tract or portion thereof. Any transferor of all or any portion of the Tracts shall, upon the completion of such transfer, be relieved of all further liability under this Agreement except liability with respect to matters that may have arisen during its period of ownership of the property so conveyed that remain unsatisfied.

12. Notices. Any notice, demand or request which may be permitted, required or desired to be given in connection herewith must be in writing and effective: (i) on the business day sent if sent by facsimile or by .PDF attachment by email and a copy is sent by one of the other authorized methods of delivery; (ii) upon receipt if delivered personally; (iii) on the next business day after deposit with a

nationally recognized, overnight courier service on a business day; or (iv) on the business day of deposit in the United States mail, certified, return receipt requested, postage prepaid; in each instance addressed to District, M287, or the City as follows:

If to District:

Dr. Jeremy Glenn
Superintendent
Waxahachie Independent School District
411 N Gibson St.
Waxahachie, Texas 75165
E-mail: jglenn@wisd.org

If to M287:

Grant M. Robinson
Manager
The Mark on 287 LLC
P.O. Box 670452
Dallas, Texas 75367
Email: grobinson@cpghomesllc.com

If to the City:

Michael Scott City Manager
The City of Waxahachie, Texas
401 S Rogers St
Waxahachie, Texas 75165
Email: mscott@waxahachie.com

Each party shall have the right to designate a different individual or address for notices under this Agreement by giving a notice in writing to the other party in the manner provided above at least ten (10) days prior to the effective date of the change. Notices on behalf of either party may be given by such party's counsel.

13. Estoppel. Each Party hereby covenants and agrees that, upon written request from time to time of another Party, such Party will issue an estoppel certificate stating: (i) whether the Party to whom the request has been directed knows of any breach or default by the requesting Party under this Agreement; (ii) whether to its knowledge this Agreement has been assigned, modified or amended in any way (or if it has, then stating the nature thereof); and (iii) that, to the Party's knowledge, this Agreement as of that date is in full force and effect. Such statement shall act as a waiver of any claim by the Party furnishing it to the extent such claim is based upon facts contrary to those asserted in the statement and to the extent the claim is asserted against a bona fide encumbrance or purchaser for value without knowledge of facts to the contrary of those contained in the statement, and who has acted in reasonable reliance upon the statement.

14 No Dedication. Other than the Dedicated District Land and Dedicated M287 Land, nothing contained in this Agreement shall ever be deemed to create a gift or dedication of all or any portion of the real property underlying the remaining portion of the Tracts to the general public or for any public use or public purpose whatsoever.

15. Severability. Invalidation of any of the provisions contained in this Agreement or the application thereof to any Party by judgment or court order, shall in no way affect any of the other provisions hereof or the application thereof to any other owner and the same shall remain in full force and effect.

16. Relationship of Parties. It is expressly understood and agreed that the provisions of this Agreement shall never be deemed or construed to cause the Parties, as owners of the respective Tracts, to be considered as partners or joint venturers. No Party shall have the right to act as agent for another Party unless expressly authorized to do so by written instrument signed by the authorizing Party.

17. Required Consents. Except as specifically provided in this Agreement, no consent to the modification, from time to time, or termination of the provisions of this Agreement shall ever be required of any tenant, licensee or concessionaire, if any, as to any portion of the Tracts covered hereby; nor shall any such tenant, licensee or concessionaire, if any, or any employee, customer or business invitee of same, have any right to enforce any of the provisions herein.

18. No Citizen Standing. The general public, neighboring landowners to the Tracts, or any other person or entity not a party to this Agreement shall have no right to enforce the terms of this Agreement. Only the Parties hereto may enforce the terms of this Agreement.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

M287 Signature Page

EXECUTED AND MADE EFFECTIVE as of the Effective Date.

M287:

The Mark on 287 Owner LLC,
a Texas limited liability company

By: The Mark on 287 JV LLC,
a Delaware limited liability company,
its Sole Member

By: The Mark on 287 LLC,
a Texas limited liability company,
its Manager

By: _____
Name: Grant M. Robinson
Title: Manager

[illegible]

This instrument was acknowledged before me, the undersigned authority, this ____ day of _____, 2018, by _____, _____ of The Mark on 287 LLC, a Texas limited liability company, on behalf of said company.

[SEAL]

Notary Public ★ State of Texas

District Signature Page

EXECUTED AND MADE EFFECTIVE as of the Effective Date.

DISTRICT:

Waxahachie Independent School District,
a Texas nonprofit corporation

By: _____

Name: _____

Title: _____

STATE OF TEXAS §

202

§

COUNTY OF _____ §

ss

This instrument was acknowledged before me, the undersigned authority, this ____ day of _____, 2018, by _____, _____ of Waxahachie Independent School District, a Texas nonprofit corporation, on behalf of said corporation.

[SEAL]

Notary Public ★ State of Texas

City Signature Page

EXECUTED AND MADE EFFECTIVE as of the Effective Date.

CITY:

The City of Waxahachie, Texas

By: _____

Name: _____

Title: _____

STATE OF TEXAS §

§

§

COUNTY OF _____ §

§

This instrument was acknowledged before me, the undersigned authority, this ____ day of _____, 2018, by _____, _____ of The City of Waxahachie, on behalf of said municipality.

[SEAL]

Notary Public ★ State of Texas

EXHIBIT A

M287 Property

BEING a tract of land situated in the William C. Tunnell Survey, Abstract No. 1080, City of Waxahachie, Ellis County, Texas; and being part of a called 229.018 acre tract of land described in Special Warranty Deed to The Cowley Family Foundation recorded in Volume 2479, Page 673 of the Official Public Records, Ellis County, Texas; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found for the northernmost northeast corner of said 229.018 acre tract and being in the south right-of-way line of U.S. Highway 287 (a variable width right-of-way);

THENCE departing said south right-of-way line of U.S. Highway 287 and with an east line of said 229.018 acre tract, South 0°47'05" East, a distance of 725.01 feet to a 1/2" iron rod found for an inner ell corner of said 229.018 acre tract;

THENCE North 88°56'10" East, a distance of 624.84 feet to a 1/2-inch iron rod found for the easternmost northeast corner of said 229.018 acre tract and being in the west line of a called 16.671 acre tract of land described in Special Warranty Deed to B & T Realty Services, Inc. recorded in Volume 2198, Page 1442 of said Official Public Records;

THENCE with said west line of said 16.671 acre tract, South 0°43'12" East, a distance of 80.66 feet to the easternmost northeast corner of a called 222.571 acre tract of land described in Special Warranty Deed to Waxahachie Independent School District recorded in Instrument No.2015-1509865 of said Official Public Records; from said point a 1/2-inch iron rod found for reference bears North 80°51'45" West, a distance of 0.95 feet and a 1/2-inch iron rod found for the southwest corner of said 16.671 acre tract bears South 0°43'12" East, a distance of 23.47 feet;

THENCE departing said west line of a 16.671 acre tract and with a north line of said 222.571 acre tract, South 89°10'45" West, a distance of 917.74 feet to a 1/2" iron rod with "RPLS 3047" cap found for an inner ell corner of said 222.571 acre tract;

THENCE with an east line of said 222.571 acre tract, North 0°44'41" West, a distance of 797.45 feet to a 1/2-inch iron rod with "RPLS 3047" cap found for the northernmost northeast corner of said 222.571 acre tract and in said south right-of-way line of U.S. Highway 287;

THENCE with said south right-of-way line of U.S. Highway 287 and the north line of said 229.018 acre tract, the following courses and distances:

North 86°03'43" East, a distance of 83.49 feet to a point for corner; from said point a 5/8-inch iron rod found for reference bears North 69°31'23" East, a distance of 2.63 feet;

North 88°53'55" East, a distance of 209.09 feet to the **POINT OF BEGINNING** and containing 6.525 acres or 284,243 square feet of land.

EXHIBIT B

M287 Project



EXHIBIT C

[Insert District Property Description]

EXHIBIT D

Dedicated East District Land

Dedicated North District Land

Dedicated M287 Land

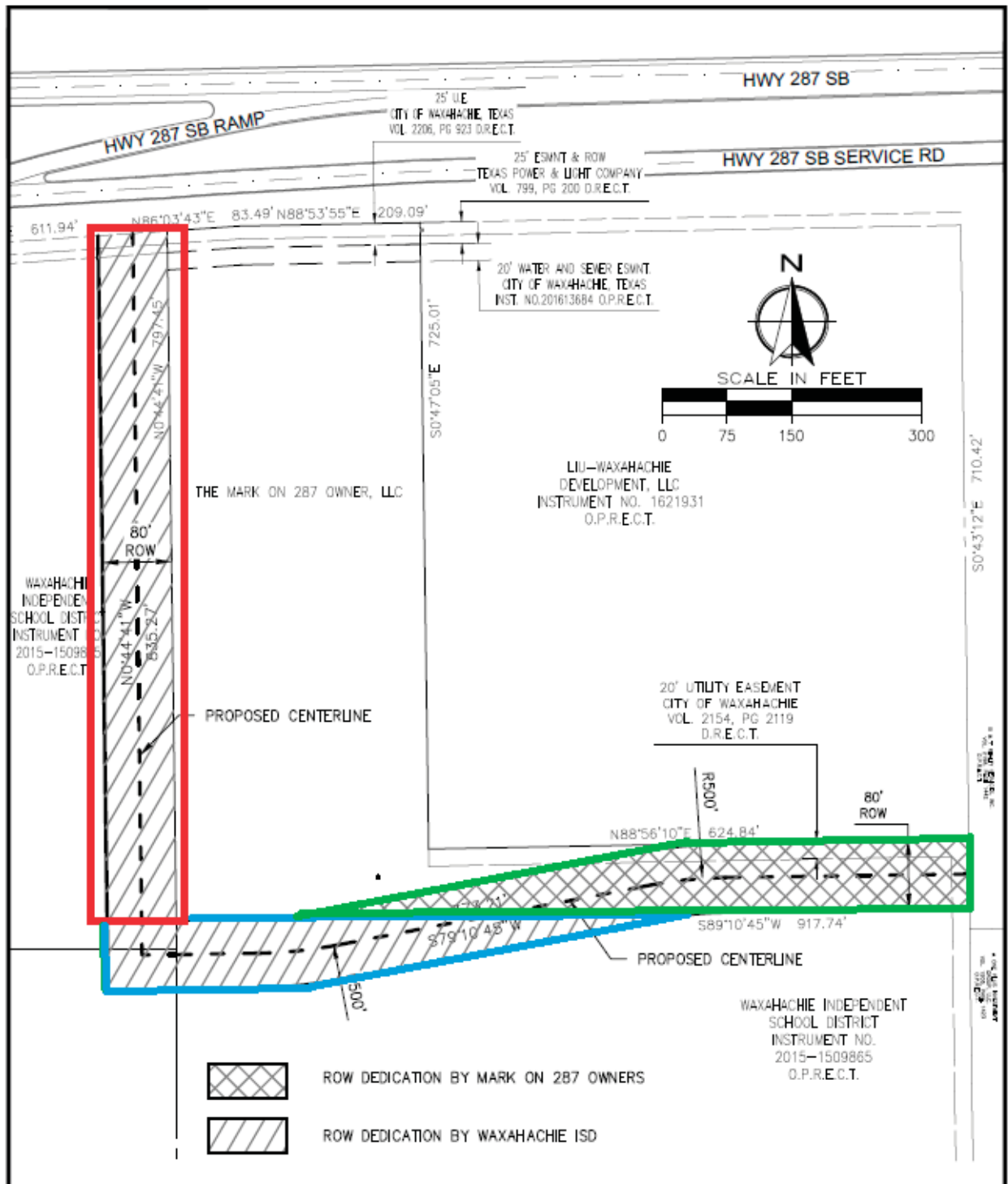


EXHIBIT E

Boulevard

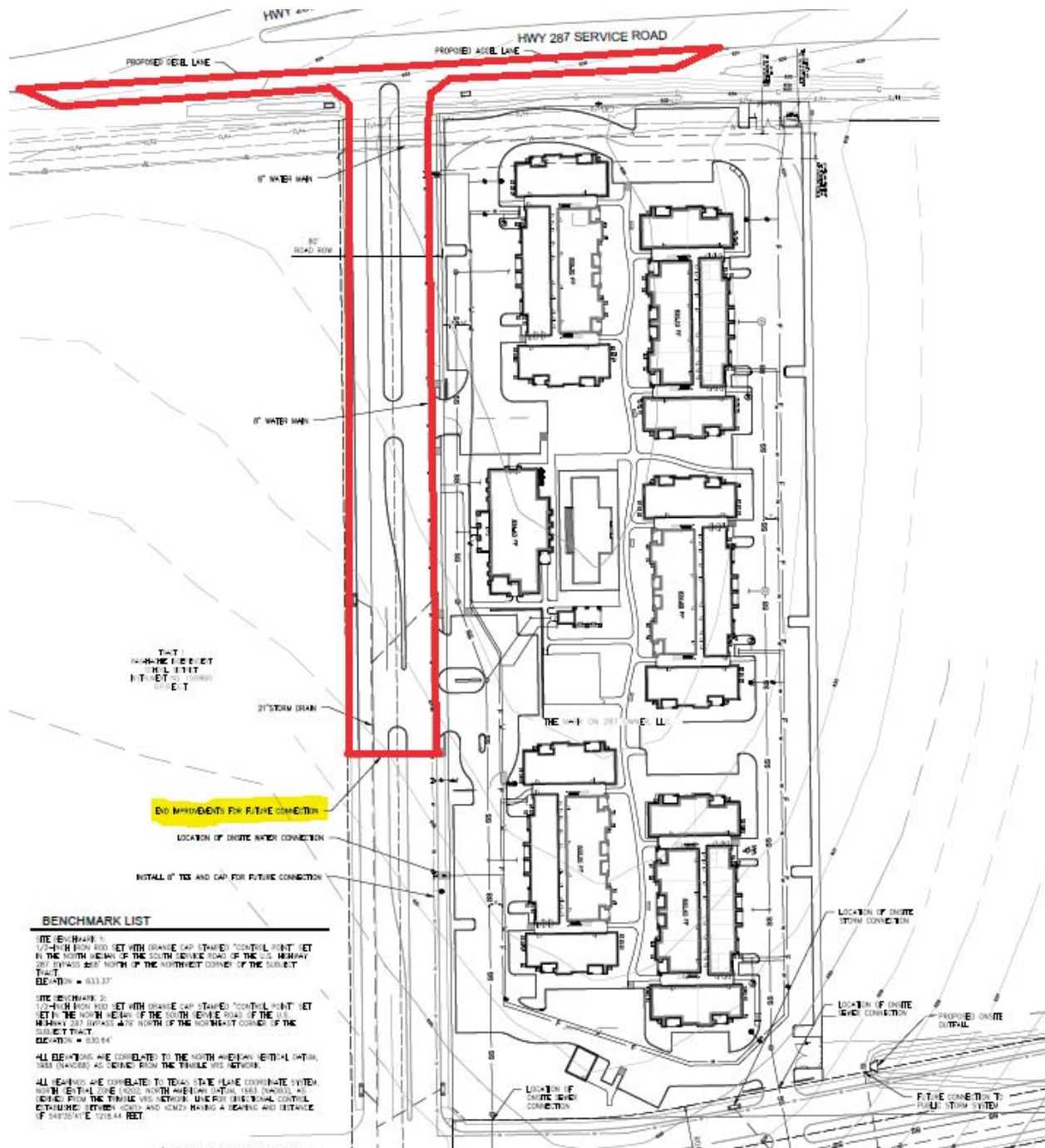


EXHIBIT F

Stormwater Drainage Easement

