**CITY OF SHERMAN**
**CITY COUNCIL REGULAR MEETING AGENDA**
**COUNCIL CHAMBERS OF THE CITY HALL**
**220 WEST MULBERRY STREET**
**SHERMAN, TEXAS**
**MONDAY, JANUARY 17, 2011**
**5:00 P.M.**

**A.1** CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

**A.2** PLEDGE OF ALLEGIANCE

**A.3** INVOCATION BY COUNCIL MEMBER PAMELA L. HOWETH

**A.4** APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 6, 2010

## Consent Agenda

**B.1** CONSENT AGENDA
Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

## Resolutions

**C.1** RESOLUTION NO. 5554
Suspending the February 14, 2011 Effective Date of Oncor Electric Delivery Company LLC's Requested Rate Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation with the Steering Committee of Cities Served by Oncor to Hire Legal and Consulting Services and to Negotiate with the Company and Direct any Necessary Litigation and Appeals; Requiring Reimbursement of City's Rate Case Expenses; Requiring Notice of this Resolution to the Company and Legal Counsel for the Steering Committee

***C.2*** ** RESOLUTION NO. 5555*
Authorizing the Acceptance of Fiscal Year 2010 Assistance to Firefighters Grant Agreement Number EMW-2010-FO-02149 from the Federal Emergency Management Agency and the U.S. Department of Homeland Security

***C.3*** ** RESOLUTION NO. 5556*
Authorizing Execution of a Deed for the Resale of One Tract of Land and its Improvements located at 711 North Crockett Street within the Sherman City Limits Seized for Delinquent Taxes

***C.4*** ***[* RESOLUTION NO. 5557]***
Authorizing Execution of an Agreement with Barton Capital, LTD for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1205 North Broughton Street

***C.5*** ****** RESOLUTION NO. 5558***
Authorizing Execution of an Agreement with U.S. Invested Interest, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 510 North Harrison Avenue

***C.6*** ****** RESOLUTION NO. 5559***
Authorizing Execution of an Agreement with U.S. Invested Interest, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 516 North Harrison Avenue

***C.7*** ****** RESOLUTION NO. 5560***
Awarding Bids to and Authorizing Execution of Contracts with Multiple Vendors for an Annual Supply of Chemicals for the Sherman Water Treatment Plant

## Other Business

**D.1** OTHER BUSINESS
Receive the Parks and Recreation Board's Presentation on the Proposed Acquisition of Railroad Rights-of-Way

**D.2** OTHER BUSINESS
Consider Approval of the Annexation Scheduling Plan for the Annexation of Approximately 23.065 Acres South of Dripping Springs Road and West of Cedar Park Village; and Directing the Department of Engineering Services to Develop a Service Plan for the Area to be Annexed upon Approval of the Annexation Scheduling Plan

**D.3** CITIZEN REQUESTS

**D.4** MEDIA QUESTIONS

**D.5** COUNCIL COMMENTS

## Executive Session

**E.1** EXECUTIVE SESSION
In Accordance with Chapter 551, Government Code, V.T.C.S. (Open Meetings Law), "The City Council Will Now Hold a Closed Executive Meeting Pursuant to the Provisions of the Open Meetings Law, Chapter 551, Government Code, Vernon's Texas Codes Annotated, in Accordance with the Authority Contained in the Following Sections"

Section 551.071 Consultation with City Attorney Concerning Pending or Contemplated Litigation:
(a) Receive the City Attorney's Briefing on Pending Litigation

**The Council reconvenes into General Session**

**F.1** OPEN MEETING

Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session

**F.2** ADJOURNMENT

*COUNCIL CALENDAR*

# SHERMAN CITY COUNCIL

## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. A.1

**CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**

The Honorable Bill Magers, Mayor

# SHERMAN CITY COUNCIL

## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. A.2

**PLEDGE OF ALLEGIANCE**

The Honorable Pamela L. Howeth, Council Member

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. A.3

**INVOCATION BY COUNCIL MEMBER PAMELA L. HOWETH**

# SHERMAN CITY COUNCIL

## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. A.4

**APPROVE MINUTES**
**OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 6, 2010**

**STATE OF TEXAS** §

**December 6, 2010**

**COUNTY OF GRAYSON** §

**BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on December 6, 2010.**

**MEMBERS PRESENT:** **MAYOR BILL MAGERS; DEPUTY MAYOR WILLIE STEELE. COUNCIL MEMBERS ADAMI, HOWETH, SMITH, SOFTLY, WACKER.**

**MEMBERS ABSENT:** **NONE.**

**CALL TO ORDER**

**CALL TO ORDER**

**Mayor Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Robert Softly.**

**APPROVE MINUTES**

**APPROVE MINUTES**

**The Council reviewed the Minutes of the Regular City Council Meeting of November 15, 2010, and the Called City Council (Long Term Planning) Meeting of November 19, 2010. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.**
**MOTION CARRIED.**

**Mayor Magers moved Items C-2, C-3, and C-9 forward on the agenda to be considered at the beginning of the meeting.**

**RES 5546**
**FM 121 TOLLWAY EXTENSION**

**RESOLUTION NO. 5546 – SUPPORTING THE SHERMAN-DENISON METROPOLITAN PLANNING ORGANIZATION'S PREFERRED ULTIMATE CONFIGURATION FOR THE PROPOSED GRAYSON COUNTY TOLLWAY FROM FARM-TO-MARKET (FM) ROAD 121 SOUTH OF GUNTER TO U.S. 75 IN DENISON, EXTENDING THE NORTH DALLAS TOLLWAY THROUGH GRAYSON COUNTY AND PROVIDING ACCESS TO THE NORTH TEXAS REGIONAL AIRPORT**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, SUPPORTING THE SHERMAN-DENISON METROPOLITAN PLANNING ORGANIZATION'S PREFERRED ULTIMATE CONFIGURATION FOR THE PROPOSED GRAYSON COUNTY TOLLWAY FROM FARM-TO-MARKET (FM) ROAD 121 SOUTH OF GUNTER TO U.S. 75 IN DENISON, EXTENDING THE NORTH DALLAS TOLLWAY THROUGH GRAYSON COUNTY AND PROVIDING ACCESS TO THE NORTH TEXAS REGIONAL AIRPORT; PROVIDING FOR A REPEALER CLAUSE.**

**Mayor Magers explained that the Metropolitan Planning Organization has proposed routes for the Grayson County section of the tollway. The MPO passed this with one abstention from the Texas Department of Transportation, since that representative does not vote on money matters.**

**The Grayson County Commissioners also unanimously approved the proposal.**

**Mike Garrison, with Brown & Gay Engineers, represents TxDOT for the Grayson County Tollway Study, which is a 33 mile study of the extension of the Dallas North Tollway from the Grayson County line to north of Denison.**

**Currently they are working through a feasibility study and a routing study for the 33 mile alignment which will feed into a preliminary final design, right-of-way plans, and finally construction. This corridor is planned for beyond 2030 and they are trying to establish a greenbelt for the plan so when the population grows and the roadway is warranted, the corridor will be preserved. The plan would relieve truck traffic off of U.S. Highway 75 and eventually S.H. 289.**

**Approximately 12 alignments were studied for the south end of the project to route the corridor around homes and businesses. They also reviewed a route north of the airport to tie back into U.S. 75 since there is currently no proposed bridge crossing for Lake Texoma.**

**The screening evaluation included the cost of the facility, the length of the facility, how much right-of-way, and how many residences and business owners would be impacted. Mr. Garrison displayed charts outlining the best and worse routing alternatives for both the north and south tie-in.**

**He outlined three alternatives for the north tie-in. The first is north of Pottsboro and ties into the existing S.H. 289 at S.H. 120. The second crosses S.H. 120 south of Pottsboro and ties into S.H. 289 north of the airport. The third route crosses at the Denison railroad switching area and crosses S.H. 120, then crosses S.H. 289 and runs parallel to S.H. 289 on the west side. At a public meeting, the second and third proposed routes were the most popular for the north tie-in.**

**Mr. Garrison also outlined three alternatives for the south tie-in, south of Southmayd. All alignments tie together at a common point near F.M. 902 and work south through Gunter and tie in at F.M. 121, which is the extension of the Dallas North Tollway.**

**All results from the public hearing were processed and results were presented at the MPO meeting. Out of that meeting a resolution from the MPO endorsed the configuration moving north to south (on TxDOT's Public Involvement Map dated November 18, 2010): N4W south of U.S. 84 to N2 south then along S.H. 289 N2 / N1S to either S10/S2E/S2W to a route roughly parallel to a "modified" S2E (previous Gunter alignment) that turns west just north of F.M. 902 and then proceeds south to S10/S2W/S2E/S1W.**

**Mayor Magers said the MPO felt it was important to endorse a particular route so Grayson County can speak as one**

**voice. The surrounding cities have been asked to approve this resolution for that reason. With the "Gunter modification," F.M. 902 will have access to the tollway when it is built and it will make traffic from west Grayson County more likely to use the tollway.**

**He added that this will allow the Regional Mobility Authority to start acquiring land for the western route without having to wait until it's done to start building the tollway.**

**Council Member Wacker verified that the time frame for even the initial phase would be seven to nine years with the second phase 20 to 30 years in the future.**

**Council Member Howeth asked if the tollway would be privately owned or a public tollway. Mr. Garrison said TxDOT is currently developing it as a public roadway. It will be turned over to the Grayson County RMA and that RMA must decide how it will be funded.**

**ACTION TAKEN.**

**Motion by Council Member Smith to approve Resolution No. 5546, as presented. Second by Deputy Mayor Steele.**

**VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.**
**VOTING NAY: None.**
**MOTION CARRIED.**

**RES 5547**
**SEDCO BYLAWS**

**RESOLUTION NO. 5547 – APPROVING THE BYLAWS OF THE SHERMAN ECONOMIC DEVELOPMENT CORPORATION; PROVIDING FOR A REVIEW OF THE BYLAWS; PROVIDING FOR AN EFFECTIVE DATE**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE BYLAWS OF THE SHERMAN ECONOMIC DEVELOPMENT CORPORATION; PROVIDING FOR A REVIEW OF THE BYLAWS; PROVIDING FOR AN EFFECTIVE DATE.**

**Todd Thompson, Chairman of the Sherman Economic Development Corporation, said the proposed changes to the by-laws came out of a work session held with the City Council. A part of the 90 day assessment will be to review the direction of the organization and some of the things that need to be changed.**

**Council Member Adami asked what the changes entail. Mr. Thompson said that one of the major changes is to have ex-officio members to allow more input for the Board. Ex-officio members would not vote. They are also increasing the reporting times to the City Council and changing the residency requirements. A SEDCO Board Member will no longer be required to live in Sherman, but must have a business that has a financial interest and presence in Sherman.**

**Other changes include using email where appropriate and allowing the Board to meet outside the City limits if needed. Council Member Adami verified that the meetings would still be posted and the public would be made aware of their location.**

**He also verified that the ex-officio members that would be added would include the City Manager, the Sherman Independent School District Superintendent, and the Mayor. Mr. Thompson added that an ex-officio member could be appointed as needed by the City Council.**

**Council Member Wacker asked if they changed the number of City Council Members that could serve on the Board. Mr. Thompson said the change would allow "up to two" City Council Members to serve. Mayor Magers added that these changes are at the Council's discretion and are intended to increase transparency and to improve communications between the SEDCO Board and the City Council.**

**Council Member Adami felt they were good amendments and should allow for better communication.**

**Council Member Wacker asked if the language specified that the regular monthly meetings would be held in Sherman. Mr. Thompson said the State statue allows that meetings can be held outside the City and this would be for special meetings.**

**Brandon Shelby, City Attorney, said the actual language of the by-laws only struck the sentence saying that the meetings must be in Sherman. Mayor Magers said the change allows flexibility if needed but the transparency is still there.**

**Council Member Wacker said she is in favor of most of the amendments but would prefer to limit service on the Board to only one City Council Member, instead of two.**

**Mayor Magers said he felt the changes were the right step and would get the City Council and SEDCO more in sync, leading to more opportunities in the future.**

**ACTION TAKEN.**

> **Motion by Council Member Adami to approve Resolution No. 5547, as presented. Second by Council Member Softly.**

**VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.**
**VOTING NAY: None.**
**ABSTAIN: Magers.**
**MOTION CARRIED.**

**ADDENDUM ADDED**

**RESOLUTION NO. 5553 – RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2011 (CITY OF SHERMAN PROJECT); APPROVING THE ISSUANCE THEREOF, THE NOTICE OF SALE PREPARED IN CONNECTION WITH THE PUBLIC OFFERING OF THE BONDS, AND THE FACILITIES TO BE CONSTRUCTED OR ACQUIRED BY THE AUTHORITY FOR THE BENEFIT OF THE CITY**

**RES 5553**
**GTUA BOND SALE**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2011 (CITY OF SHERMAN PROJECT); APPROVING THE ISSUANCE THEREOF, THE NOTICE OF SALE PREPARED IN CONNECTION WITH THE PUBLIC OFFERING OF THE BONDS, AND THE FACILITIES TO BE CONSTRUCTED OR ACQUIRED BY THE AUTHORITY FOR THE BENEFIT OF THE CITY.**

**Jerry Chapman, General Manager of the Greater Texoma Utility Authority, briefed the City Council on the issuance of the $2,130,000 bond issue. The bond issue is necessary to pay the local share of improvements to the Lake Texoma Pump Station.**

**A little over a year ago, GTUA's partner in the project, the North Texas Municipal Water District, advised that they needed to make improvements to increase the capacity of the pump station, because it currently takes them over 300 days per year to get their allotted amount of water out with the current capacities. They need to increase the capacity so they can get their allotted water.**

**The upgrade will include the installation of two 8,000 horsepower pumps and reinforcing the raw water line coming through Grayson County to enable it to sustain the higher pressures. This will increase the capacity from about 95 million gallons per day to about 125 million gallons per day.**

**GTUA's share of the cost of the project is 20% and in order to retain that percentage we must participate in the improvements. Cost of GTUA's part is about $2,130,000. Bids were received from six financial groups, representing about ten or twelve different financial organizations.**

**The low bid was submitted by SAMCO Capital Markets at an interest rate of 4.41%. Last time the interest rate was lower, however Mr. Chapman said they were able to take advantage of the Texas Infrastructure Water Fund on that sale.**

**Mayor Magers verified that the project was for the City's share of the cost of the new pumps, the electric work, and for strengthening the line. The design characteristics of the line have changed over the last 20 years and the line will need to be reinforced where it bends.**

**ACTION TAKEN.**

**Motion by Council Member Wacker to approve Resolution No. 5553, as presented. Second by Council Member Howeth.**

**VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.**
**VOTING NAY: None.**
**MOTION CARRIED.**

**PUBLIC HEARING GLOBITECH TAX ABATEMENT**

**PUBLIC HEARING OF PROPOSED AGREEMENT WITH GLOBITECH INCORPORATED FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE, NUMBER 112010-1, CITY OF SHERMAN, TEXAS**

**Mayor Magers called for the Public Hearing on the Agreement with GlobiTech Incorporated for the Abatement of Ad Valorem Property Taxes for improvements within the Industrial Reinvestment Zone.**

**Deputy Mayor Steele verified that this was the only public hearing that will be held on the tax abatement.**

**No citizens appeared before the City Council to discuss the Proposed Agreement with GlobiTech Incorporated for the abatement of Ad Valorem Property Taxes for improvements with the Industrial Reinvestment Zone.**

**INTRODUCTION AND PUBLIC HEARING OF ORDINANCES**

**ORD 5678 CURFEW FOR MINORS**

**Mayor Magers introduced Ordinance 5678 and called for a public hearing:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, READOPTING CHAPTER 8, ARTICLE 8.04, DIVISION 2 OF THE CODE OF ORDINANCES, ENTITLED "CURFEW HOURS FOR MINORS", WITH NO MODIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.**

**George Olson, City Manager, explained that the City is required to renew the curfew ordinance every three years. The staff is happy with the effectiveness of the ordinance and is recommending its renewal with no modifications.**

**Council Member Howeth asked Tom Watt, Police Chief, to restate the hours for curfew. He said that through the week, curfew is from 11 p.m. until 6 a.m. and on the weekends, it is from midnight until 6 a.m.**

**No citizens appeared before the City Council to discuss Ordinance 5678.**

**ORD 5679 ZONE CHANGE AUSTIN COLLEGE HOUSING (1202 N. GRAND)**

**Mayor Magers introduced Ordinance 5679 and called for a public hearing:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 1202 NORTH GRAND AVENUE (AUSTIN COLLEGE,**

**OWNERS; HEIDI ELLIS, AUSTIN COLLEGE REPRESENTATIVE; TODD WILLIAMS, KANGAROO HOUSING INVESTORS, LLC, DEVELOPER/APPLICANT; MATTHEW CAIN, CAIN CONSULTING AND ENGINEERING SERVICES, ENGINEERS; ARCHITECTURE DEMAREST, ARCHITECT; AND SARTIN AND ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER.**

**<u>Matthew Cain, Cain Consulting and Engineering Services, 6136 Frisco Square Blvd., Suite 400, Frisco, Texas</u>**
**Mr. Cain appeared representing Austin College and Kangaroo Housing Investors. They were approved at the last Council Meeting for zoning, a site plan, and plat for the proposed student housing subdivision in Grand N Addition.**

**They were able to purchase the “out lot” that was in discussion and they are now requesting an amendment to the zoning and a replat to add a two-unit building that resembles the existing buildings on site. Mr. Cain said they are not requesting any other variances at this time.**

**Mayor Magers verified that they want to add one duplex. Previously there was an alley abandonment and Austin College has now purchased another lot. Instead of having an “out lot” in the middle of the project, they would like to construct another building on this lot.**

**No other citizens appeared before the City Council to discuss Ordinance 5679.**

**ORD 5680**
**ZONE CHANGE**
**MEDICAL FACILITY**
**(HWY 75 & FM 691)**

**Mayor Magers introduced Ordinance 5680 and called for a public hearing:**
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-2 (GENERAL COMMERCIAL) DISTRICT IN THE 6000-6100 BLOCKS OF U.S. HIGHWAY 75 NORTH AND THE 1500-1600 BLOCKS OF F.M. 691 EAST (ONE GANESHA LTD, OWNERS; AND MICHAEL CLARK, REPRESENTATIVE); PROVIDING FOR A REPEALER.**

**<u>Michael Clark, Winkleman and Associates, 6750 Hillcrest Plaza #325, Dallas, Texas 75230</u>**
**Mr. Clark appeared representing Dr. P.T. Swamy and his partners. They are requesting that the C-2 zoning on the existing property be expanded to incorporate the remainder of the partnership tract. The property would be developed for a skilled nursing facility, as they have previously presented.**

**No other citizens appeared before the City Council to discuss Ordinance 5680.**

**Mayor Magers introduced Ordinance 5681 and called for a public hearing:**

**ORD 5681**
**ZONE CHANGE**
**RETAIL & MULTI-FAMILY**
**(1300 W. TAYLOR)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AND R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 1300 WEST TAYLOR STREET (CHARLES EDWARD ANDERSON, ROSEMARY ANDERSON, CYNTHIA PALLETT, JARROD WELDON ANDERSON AND ALIDA K. ANDERSON, OWNERS; DAVID VILBIG, VILBIG AND ASSOCIATES, INC., ENGINEERS; AND SARTIN AND ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER.**

**Mr. Shelby advised the Council that he has received a letter from the attorneys representing the Andersons, owners of the tract, seeking to amend their application for zoning. He quoted the letter as stating "I would ask that the application for the commercial zoning be amended or altered, *nunc pro tunc*, seeking no alcohol sales on any portion of the commercial tract."**

**He advised that when the Council eventually votes on the issue, they should vote "subject to the requested amendment" and the letter will be attached to the ordinance.**

**Mr. Shelby clarified that the applicants have requested to restrict alcohol sales on the commercial portion of the property.**

**<u>Robert Shannon, 1802 Westside Drive</u>**
**Mr. Shannon said originally this issue was before the Planning and Zoning Commission two years ago and was turned down. It was also turned down by the City Council. Mayor Magers clarified that the issue has never been voted on by the City Council. It originally failed at the Planning and Zoning Commission level.**

**Originally a petition was submitted to the Planning and Zoning Commission with the signatures of over 300 residents from Precincts 21 and 23. At that time, they asked that the zoning not be approved because there were over 800 units in a five block area on Taylor Street. Additional units would only add more stress to the infrastructure as it relates to water, sewer, drainage, and streets.**

**According to Mr. Shannon, Taylor Street does not have the infrastructure to hold an additional strip mall complex or additional apartments. He referenced recent traffic accidents on Taylor Street.**

**He added that nothing has changed since the last time this issue was considered. There has been no work on the infrastructure since that time. Mr. Shannon said the property owners have resubmitted the request with the addition of a strip mall. He felt this would overload the system even more.**

**He added that at the current time, the Anderson family is approximately $5,000 behind on City taxes. The 300 people that signed the petition are "paid up" taxpayers of the community.**

**He felt this project would encourage low rent, low income people to locate there because that is the type of people that would locate near a flood zone area. He added that constructing a strip mall and adding apartments will only make the problem worse.**

**He urged the City Council to listen to the 300 taxpayers that signed the original petition that have paid their taxes instead of one family that is $5,000 behind on their taxes. He said the proposed zone change would be very problematic and is not needed in the area. He did not think a "ghetto" area with high crime was needed next to Fairview Park. He felt this type of development would lower the property value for the more than 300 taxpayers that signed the petition. Mr. Shannon urged the City Council to deny the proposal.**

**Mayor Magers clarified that the petition signed by the taxpayers that has been mentioned by Mr. Shannon is the petition that was originally presented to the Planning and Zoning Commission two years ago and is not a new petition.**

**Mr. Shannon again asked the City Council not to pass the ordinance. He added that the needs of the many outweigh the desires of a few and said the taxpayers have spoken.**

**<u>Joel Fitzsimmons, 2403 Diana</u>**
**Mr. Fitzsimmons said he lives to the north of the park and on Saturdays it is very busy and people park on both sides of his street. He expressed concern about the increase in traffic that would result from the zone change. He was also concerned about the crime rate.**

**Mayor Magers verified that Mr. Fitzsimmons' home is located on the north side of Fairview Park.**

**<u>Robert Earl Richardson, Jr., 100 W. Scott</u>**
**Mr. Richardson is one of the attorneys for the Anderson family and appeared to represent their interests.**

**Mr. Richardson addressed the terms "low rent," "low income," and "ghetto." He admitted the Anderson family is behind on their taxes because they can't do anything with their property while the entire 32 acres is rated R-1 or residential. There are no plans to make this property "low rent," "low income," or a "ghetto."**

**The plan they are presenting is a mix of commercial zoning and R-2 zoning and is in compliance with the City's Master Plan. The proposal would include cutting a street through from Taylor Street to McGee Street. This would be completed before any housing is included. Mr. Richardson**

said the sale of the property would also allow the Andersons' to catch up on their ad valorem property taxes too.

He added that the plan is nothing like the plan presented two years ago and has nothing to do with Section 8 or low income housing. He asked if the Police Department was capable of handling any traffic problems that might arise.

No other citizens appeared before the City Council to discuss Ordinance 5681.

The Public Hearing was closed.

CLOSE PUBLIC HEARING

<u>ADOPTION OF ORDINANCES</u>

Ordinance 5678

ORD 5678
CURFEW FOR MINORS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, READOPTING CHAPTER 8, ARTICLE 8.04, DIVISION 2 OF THE CODE OF ORDINANCES, ENTITLED "CURFEW HOURS FOR MINORS", WITH NO MODIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance No. 5678, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

Ordinance 5679

ORD 5679
ZONE CHANGE
AUSTIN COLLEGE HOUSING
(1202 N. GRAND)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 1202 NORTH GRAND AVENUE (AUSTIN COLLEGE, OWNERS; HEIDI ELLIS, AUSTIN COLLEGE REPRESENTATIVE; TODD WILLIAMS, KANGAROO HOUSING INVESTORS, LLC, DEVELOPER/APPLICANT; MATTHEW CAIN, CAIN CONSULTING AND ENGINEERING SERVICES, ENGINEERS; ARCHITECTURE DEMAREST, ARCHITECT; AND SARTIN AND ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER.

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance No. 5679, as presented. Second by Deputy Mayor Steele.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele.
VOTING NAY: None.
ABSTAIN: Wacker.
MOTION CARRIED.

**Ordinance 5680**
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-2 (GENERAL COMMERCIAL) DISTRICT IN THE 6000-6100 BLOCKS OF U.S. HIGHWAY 75 NORTH AND THE 1500-1600 BLOCKS OF F.M. 691 EAST (ONE GANESHA LTD, OWNERS; AND MICHAEL CLARK, REPRESENTATIVE); PROVIDING FOR A REPEALER.**

**ORD 5680**
**ZONE CHANGE**
**MEDICAL FACILITY**
**(HWY 75 & FM 691)**

**Mayor Magers said when Texoma Medical Center was built on the northeast corner of F.M. 691 and S.H. 75, he felt it would help encourage Sherman development north on Hwy 75.**

**ACTION TAKEN.**
**Motion by Deputy Mayor Steele to approve Ordinance No. 5680, as presented. Second by Council Member Smith.**
**VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.**
**VOTING NAY: None.**
**MOTION CARRIED.**

**Ordinance 5681**
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AND R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 1300 WEST TAYLOR STREET (CHARLES EDWARD ANDERSON, ROSEMARY ANDERSON, CYNTHIA PALLETT, JARROD WELDON ANDERSON AND ALIDA K. ANDERSON, OWNERS; DAVID VILBIG, VILBIG AND ASSOCIATES, INC., ENGINEERS; AND SARTIN AND ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER.**

**ORD 5681**
**ZONE CHANGE**
**RETAIL & MULTI-FAMILY**
**(1300 W. TAYLOR)**

**Mayor Magers said there have been changes in this proposal from the original proposal. The proposed plat indicates a green space that runs beside the creek. It is currently zoned R-1 and it is in the flood plain. The vast majority of the proposed development is not in the flood plain. The flood plain will be kept clear and may be dedicated to the City at some future date. This plan does not encroach upon the flood plain and even sets it apart as a green space.**

**Traffic was also brought up as an issue. Mayor Magers said currently Taylor Street is at 14% capacity of the traffic that it can carry. There have been some traffic issues in that area, especially at the curve, but the street is currently at only 14% of its usable capacity. From the park west to just west of F.M. 1417, the right-of-way is wide enough that, if in the future it was necessary, the City could add a turn lane. Even with the most optimistic proposal of traffic, the City would be at less than 50% of Taylor Street's capacity.**

**Mayor Magers added that traffic will increase on Taylor Street, but it is designed to increase. The street is built to handle considerably more traffic than it currently handles.**

**Finally, Mayor Magers addressed the alcohol issue. At some future date, if it is possible, he said he would like to see the City consider amending the ordinance to limit the sale of alcohol around City parks, if that is allowed by the State. The parties have agreed, in writing, to not sell alcohol in that commercial strip center.**

**Mayor Magers also addressed the issue of taxes saying, whether or not someone has paid their taxes has no bearing on zoning issues. He added that the land being discussed has sat vacant for nearly 30 years and there has been no development on the property.**

**Mr. Shannon disagreed with Mayor Magers on the capacity of Taylor Street saying that his property borders Taylor Street and there are approximately 4,000 cars daily on that street. He did not feel that the other taxpayers should be ignored and he did not want their property values to decrease. He asked the City Council not to allow this to happen.**

**Council Member Adami asked Mr. Shannon what he considered an acceptable use of the property. Mr. Shannon said it should be used for a park area because it is in the flood plain. He added that as a former Sherman firefighter, he remembered rescuing citizens from a nursing home located in the flood plain. He said that the flood zone comes to his front yard but he has had flooding too.**

**Council Member Adami verified that the Anderson property sits at a higher elevation than Mr. Shannon's property. Mr. Shannon added that's why the citizens signed the petition, because their property is lower than the proposed development area.**

**Mr. Shannon said there has already been criminal activity across the street from the park.**

**Council Member Adami asked what the difference was between the plan that was originally proposed to the Planning and Zoning Commission and the current proposed plan. Scott Shadden, Director of Development Services, said the original plan was for all apartments and didn't include the commercial portion on Taylor Street. The current proposal includes duplexes and commercial along Taylor Street.**

**Council Member Adami verified that they are currently proposing approximately 100 apartment units, which is about one-third of what was originally proposed. Mr. Shadden confirmed that the plan is for 50 duplexes which would be 100 units.**

**Mayor Magers verified that the developers will be required to have storm water retention ponds to help with flooding, just like every other commercial developer in Sherman. Mark Gibson, Director of Engineering and Public Works, said the post development runoff will remain the same as pre-development runoff.**

**Deputy Mayor Steele verified that the original proposal did not include the extension of Newman Drive, but the current proposal does include the extension. This could possibly eliminate or relieve some of the traffic issues.**

**Council Member Smith verified with Mr. Richardson that the property owners are willing to, and will put in writing, the restriction of alcohol sales at this commercial strip center. He asked if that would be a deed restriction and how would the City enforce that restriction at a later date.**

**Mr. Richardson said he previously spoke with the City Attorney and he was advised that if the proposal was made in writing to ask for less than was presented to the Planning and Zoning Commission, that if the Council did approve the request it would be based on the lesser request.**

**He added that the owners never intended to sell alcohol in the commercial area and this was made clear during the Planning and Zoning Commission Meeting. Now that intent has been placed in writing. Mr. Richardson said if the City can't zone the property with that limitation, then it can be controlled by a deed restriction when the property is sold for development.**

**Mr. Shelby said if someone chooses to make a motion in favor of Ordinance 5681, the motion should be made "subject to the letter amendment provided to Council by the land owners," and the letter amendment will be attached as an exhibit to the ordinance.**

**ACTION TAKEN.**

> **Motion by Deputy Mayor Steele to approve Ordinance No. 5681, subject to the letter amendment from the land owners prohibiting the sale of alcohol on the property, as presented. Second by Council Member Howeth.**

**VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.**
**VOTING NAY: None.**
**MOTION CARRIED.**

**<u>CONSENT AGENDA</u>** — **CONSENT AGENDA**

**The Council reviewed the Consent Agenda. Council Member Adami asked to remove Item C-4 entitled "Resolution No. 5548 – Authorizing the City Manager to Represent the City of Sherman in its Application for a Grant from the Texas Water Development Board for Flood Protection Planning and to Enter into a Contract with the Texas Water Development Board if Awarded; Committing Funds from the Adopted**

**Fiscal Year 2010-2011 City Budget; Committing Local In-Kind Services to the Study; and Requesting the Participation of Grayson County, the Sherman Independent School District, and the Texoma Council of Governments" from the Consent Agenda for consideration in its regular order of business.**

**Deputy Mayor Steele moved to approve the Consent Agenda, with the exception of Item C-4, which will be discussed in its regular order of business. Second by Council Member Softly. All present voted AYE.**

**RESOLUTIONS**

**RESOLUTION NO. 5545 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH GLOBITECH INCORPORATED FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE, NUMBER 112010-1, CITY OF SHERMAN, TEXAS**

**RES 5545**
**GLOBITECH TAX ABATEMENT**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH GLOBITECH INCORPORATED FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE, NUMBER 112010-1, CITY OF SHERMAN, TEXAS.**

**ACTION TAKEN.**

**Motion by Council Member Adami to approve Resolution No. 5545, as presented. Second by Deputy Mayor Steele.**

**VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.**
**VOTING NAY: None.**
**MOTION CARRIED.**

**RESOLUTION NO. 5548 – AUTHORIZING THE CITY MANAGER TO REPRESENT THE CITY OF SHERMAN IN ITS APPLICATION FOR A GRANT FROM THE TEXAS WATER DEVELOPMENT BOARD FOR FLOOD PROTECTION PLANNING AND TO ENTER INTO A CONTRACT WITH THE TEXAS WATER DEVELOPMENT BOARD IF AWARDED; COMMITTING FUNDS FROM THE ADOPTED FISCAL YEAR (FY) 2010-2011 CITY BUDGET; COMMITTING LOCAL IN-KIND SERVICES TO THE STUDY; AND REQUESTING THE PARTICIPATION OF GRAYSON COUNTY, THE SHERMAN INDEPENDENT SCHOOL DISTRICT, AND THE TEXOMA COUNCIL OF GOVERNMENTS**

**RES 5548**
**FLOOD PROTECTION GRANT**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO REPRESENT THE CITY OF SHERMAN IN ITS APPLICATION FOR A GRANT FROM THE TEXAS WATER DEVELOPMENT BOARD FOR FLOOD PROTECTION PLANNING AND TO ENTER INTO A CONTRACT WITH THE TEXAS WATER DEVELOPMENT BOARD IF AWARDED; COMMITTING FUNDS FROM THE ADOPTED FISCAL YEAR (FY) 2010-2011 CITY BUDGET; COMMITTING LOCAL IN-KIND SERVICES TO THE STUDY; AND REQUESTING THE PARTICIPATION OF GRAYSON COUNTY, THE SHERMAN INDEPENDENT**

**SCHOOL DISTRICT, AND THE TEXOMA COUNCIL OF GOVERNMENTS.**

**Council Member Adami asked to remove Item C-4 from the Consent Agenda for consideration in its regular order of business.**

**Council Member Adami asked about the plans for flood protection especially concerning the issues raised tonight about flood zones and the impact from the floods a few years ago. He felt it was important for the public to know that the City hears their concerns and is trying to address the issues.**

**Mr. Olson said that one item addressed when the City updated the Comprehensive Master Plan was the flooding issues. Over the last two years, the Council has set aside over $200,000 to address some of these issues.**

**Mr. Olson explained that the resolution will allow the City to apply for a grant with the Texas Water Development Board that will help define and provide a study to determine the proper direction to address the flooding issues in Sherman and plan for the future. Currently the City is working under a flood plan that is 40 to 50 years old.**

**ACTION TAKEN.**
**Motion by Council Member Adami to approve Resolution No. 5548, as presented. Second by Council Member Smith.**
**VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.**
**VOTING NAY: None.**
**MOTION CARRIED.**

**RES 5549**
**WWTP**
**IMPROVEMENTS**

**<u>RESOLUTION NO. 5549 – APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH RED RIVER CONSTRUCTION, INC. FOR THE CONSTRUCTION OF IMPROVEMENTS AT THE CITY OF SHERMAN POST OAK WASTEWATER TREATMENT PLANT</u>**
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH RED RIVER CONSTRUCTION, INC. FOR THE CONSTRUCTION OF IMPROVEMENTS AT THE CITY OF SHERMAN POST OAK WASTEWATER TREATMENT PLANT.**
**CONSENT AGENDA.**

**RES 5550**
**WWTP PEAK FLOW**
**STORAGE**
**IMPROVEMENTS**

**<u>RESOLUTION NO. 5550 – ACCEPTING THE CONTRACT WITH JERRY PAUL HIGGINS, LTD. AS COMPLETE FOR CONSTRUCTION OF THE SHERMAN WASTEWATER TREATMENT PLANT PEAK FLOW STORAGE IMPROVEMENTS, PHASE 1</u>**
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH JERRY PAUL HIGGINS, LTD. AS COMPLETE FOR CONSTRUCTION OF THE SHERMAN WASTEWATER**

**TREATMENT PLANT PEAK FLOW STORAGE IMPROVEMENTS, PHASE I.**
**CONSENT AGENDA.**

**<u>RESOLUTION NO. 5551 – ACCEPTING THE CONTRACT WITH VESCOR INC. DBA VESSELS CONSTRUCTION AS COMPLETE FOR CONSTRUCTION OF THE SHERMAN RELIEF SEWER K4 PROJECT, PHASE II</u>**

**RES 5551**
**RELIEF SEWER K-4**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH VESCOR INC. DBA VESSELS CONSTRUCTION AS COMPLETE FOR CONSTRUCTION OF THE SHERMAN RELIEF SEWER K4 PROJECT, PHASE II.**
**CONSENT AGENDA.**

**<u>RESOLUTION NO. 5552 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH ITT WATER & WASTEWATER U.S.A., INC. DBA ITT FLYGT CORPORATION FOR THE PURCHASE OF A SUBMERSIBLE PUMP FOR THE WASTEWATER TREATMENT PLANT HEADWORKS</u>**

**RES 5552**
**WWTP SUBMERSIBLE PUMP FOR HEADWORKS**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH ITT WATER & WASTEWATER U.S.A., INC. DBA ITT FLYGT CORPORATION FOR THE PURCHASE OF A SUBMERSIBLE PUMP FOR THE WASTEWATER TREATMENT PLANT HEADWORKS.**
**CONSENT AGENDA.**

**<u>OTHER BUSINESS</u>**

**<u>SITE PLAN APPROVAL FOR GLOBITECH INCORPORATED UNDER ORDINANCE NO. 2252, ARTICLE IV, SECTION 410(2)(j) FOR AN ADDITION TO THE EXISTING BUILDING FOR GAS ROOM STORAGE IN THE BLALOCK INDUSTRIAL PARK DISTRICT AT 200 F.M. 1417 WEST</u>**

**GLOBITECH SITE PLAN**

**The City Council approved the request of GlobiTech Incorporated for a site plan for an addition to the existing building for gas room storage in the Blalock Industrial Park District at 200 F.M. 1417 West.**

**The gas room storage will be an enclosed area of 885 square feet for storage of gases that are part of the manufacturing process. The addition will match the existing exterior of the building. The Planning and Zoning Commission recommended approval of the request.**
**CONSENT AGENDA.**

**<u>REPLAT APPROVAL OF BLOCK 1, GRAND N ADDITION; AUSTIN COLLEGE, OWNERS; HEIDI ELLIS, AUSTIN COLLEGE REPRESENTATIVE; TODD WILLIAMS, KANGAROO HOUSING INVESTORS, LLC, DEVELOPER/ APPLICANT; MATTHEW CAIN, CAIN CONSULTING AND ENGINEERING SERVICES, ENGINEERS; ARCHITECTURE DEMAREST, ARCHITECT; AND SARTIN AND ASSOCIATES, INC., SURVEYORS (1202 NORTH GRAND AVENUE)</u>**

**APPROVE REPLAT AUSTIN COLLEGE (1202 N. GRAND)**

**The City Council approved the Replat of Block 1, Grand N Addition located at 1202 N. Grand Avenue, between Richards and Dorchester Streets. This lot was recently acquired by Austin College and is located in the middle of the student housing development. Austin College would like to replat the property into one lot for multi-family residential development for student housing. The Planning and Zoning Commission recommended approval of the Replat.**

**ACTION TAKEN.**

**Motion by Council Member Adami to approve the Replat of Block 1, Grand N Addition, as presented. Second by Council Member Softly.**

**VOTING AYE: Adami, Howeth, Smith, Softly, Steele.**
**VOTING NAY: None.**
**ABSTAIN: Wacker.**
**MOTION CARRIED.**

**REQUEST FOR VARIANCE TO ALLOW LOT WITH NO PUBLIC STREET FRONTAGE (HWY 75 & 82)**

**CONSIDERATION TO ORDINANCE NO. 2684, SECTION 26, SUBSECTION 12(E)(2) FOR A VARIANCE TO ALLOW A LOT WITH NO PUBLIC STREET FRONTAGE IN A C-2 (GENERAL COMMERCIAL) DISTRICT, SF-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT IN THE 6000-6100 BLOCKS OF U.S. HIGHWAY 75 NORTH AND THE 1500-1600 BLOCKS OF F.M. 691 EAST, BEING 32.784 ACRES IN THE WILLIAM MILLIGAN SURVEY, ABSTRACT NO. 875, THE DAVID HARRISON SURVEY, ABSTRACT NO. 587, THE W.S. THURMAN SURVEY, ABSTRACT NO. 1265 AND THE A.C. SMITH SURVEY, ABSTRACT NO. 1561 (ONE GANESHA LTD, OWNERS; AND MICHAEL CLARK, REPRESENTATIVE)**

**The City Council approved the request of One Ganesha Ltd for a variance to allow a lot with no public street frontage in a C-2 (General Commercial) District, SF-1 (Single Family Residential) District, and O-1 (75 & 82) Overlay District.**

**The property is located in the 6000 to 6100 blocks of U.S. Highway 75 North and the 1500 to 1600 blocks of F.M. 691 East. It consists of 32.784 acres. The variance would be for one of the lots to construct a skilled nursing facility with no street frontage.**

**The Planning and Zoning Commission recommended approval of the variance, subject to the Staff Review and subject to an Owners Association Maintenance Agreement of the private access easement.**
**CONSENT AGENDA.**

**APPROVE FINAL PLAT ESTATES OF PEBBLEBROOK, PHASE I**

**FINAL PLAT APPROVAL OF ESTATES OF PEBBLEBROOK, PHASE I, WALT DeRONDE, OWNER/DEVELOPER; LEVI WILD, P.E., SANCHEZ & ASSOCIATES, ENGINEER; GREG EDWARDS ENGINEERING SERVICES, INC., ENGINEER/ LAND PLANNER; AND COX LAND SURVEYING COMPANY, SURVEYORS (2300-3000 BLOCKS OF F.M. 1417 SOUTH)**

**The City Council approved the Final Plat of the Estates of Pebblebrook, Phase I, located in the 2300 to 3000 blocks of**

**F.M. 1417 South. The owner would like to plat the property into one lot for multi-family residential development. The Planning and Zoning Commission recommended approval of the Final Plat.**
**CONSENT AGENDA.**

**REPLAT APPROVAL OF LOT 2, BLOCK 1, SKYLINE BUSINESS PARK ADDITION; WALRIS INVESTMENTS, INC., OWNERS; AND SARTIN AND ASSOCIATES, INC., SURVEYORS (2005 SKYLINE DRIVE)**

**APPROVE REPLAT SKYLINE BUSINESS PARK ADDITION**

**The City Council approved the Replat of Lot 2, Bock 1, Skyline Business Park Addition, located at 2005 Skyline Drive. The owner would like to plat the property into two lots for commercial development. The Planning and Zoning Commission recommended approval of the Replat.**
**CONSENT AGENDA.**

**REPLAT APPROVAL OF LOTS 15-20, HIGH COUNTRY ESTATES SUBDIVISION IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION; CHARLES AND JUDITH CROCKER, OWNERS; AND SARTIN AND ASSOCIATES, INC., SURVEYORS (258 HIGH COUNTRY ROAD)**

**APPROVE REPLAT LOTS 15-20, HIGH COUNTRY ESTATES**

**The City Council approved the Replat of Lots 15 through 20, High Country Estates Subdivision, in the City of Sherman's extra territorial jurisdiction, located at 258 High Country Road. The owner would like to replat five lots into two lots for residential development. The Planning and Zoning Commission recommended approval of the Replat.**
**CONSENT AGENDA.**

**CONSIDER CANCELLATION OF THE DECEMBER 20, 2010 AND JANUARY 3, 2011 REGULAR CITY COUNCIL MEETINGS**

**CANCELLATION OF COUNCIL MEETINGS**

**Mayor Magers verified with Mr. Olson that there was no pressing need for the City Council to meet for the December 20, 2010 or the January 3, 2011 Regular City Council Meetings. Mr. Olson added that the Planning and Zoning Commission Meeting for December 21, 2010 has also been cancelled.**

**ACTION TAKEN.**
**Motion by Council Member Smith to approve the cancellation of the December 20, 2010 and the January 3, 2011 Regular City Council Meetings, as presented. Second by Deputy Mayor Steele.**
**VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.**
**VOTING NAY: None.**
**MOTION CARRIED.**

**APPROVAL OF THE 2010 AD VALOREM TAX ROLL VALUE AND TAX LEVY**

**AD VALOREM TAX ROLL VALUE & TAX LEVY**

**The City Council approved the Ad Valorem Tax Roll Value and Tax Levy for fiscal year 2010-2011. The Grayson County Tax Assessor/Collector's Office has provided the taxable**

**value as $2,240,082,808, which equates to a levy of $7,138,979.29 based on the City's total tax rate of $.32 per $100 valuation.**
**CONSENT AGENDA.**

**<u>CITIZENS REQUESTS</u>**

**<u>TAYLOR STREET DEVELOPMENT</u>**

**TAYLOR STREET DEVELOPMENT**

**Robert Shannon, 1802 Westside Drive, asked that the City Council consider putting in a crosswalk from Girls, Inc. across Taylor Street to Fairview Park. He felt it was dangerous for the children to cross that street each day.**

**<u>MEDIA QUESTIONS</u>**

**MEDIA QUESTIONS**

**There were no media questions.**

**<u>COUNCIL COMMENTS</u>**

**<u>ZONE CHANGES ARE DIFFICULT DECISIONS</u>**

**ZONE CHANGES ARE DIFFICULT DECISIONS**

**Council Member Adami said it is always difficult to make zoning request changes and the City Council does not take these decisions lightly. Often there are competing desires from the residents.**

**He felt that the plan proposed this time for the Anderson property was a good compromise and has a smaller density pattern that should have less impact on the area.**

**<u>CONCERNS OF DEVELOPMENT</u>**

**CONCERNS OF DEVELOPMENT**

**Council Member Wacker agreed with Council Member Adami adding that the developers came back with a very thoughtful plan and addressed many of the original concerns. She added that there is a substantial difference between this plan and the plan originally proposed.**

**Council Member Wacker said the City is very careful to follow the rules and Federal laws concerning flood plain development and she said the Council felt that those issues were all adequately addressed.**

**She said the Council will address any other concerns as they arise and will continue to work with the community to make this the best for everyone.**

**<u>HAPPY HOLIDAYS</u>**

**HAPPY HOLIDAYS**

**Council Member Howeth wished everyone a happy holiday. She hoped this had been a successful year and said the Council looks forward to working for the community again next year.**

**<u>BALANCING THE NEEDS OF DEVELOPMENT AND THE NEIGHBORHOOD</u>**

**BALANCING THE NEEDS OF DEVELOPMENT AND THE NEIGHBORHOOD**

**Mayor Magers said the City Council works hard to try and balance the needs between development and the neighborhood. It's not an easy task. The Council also tries to run a professional organization and there is a forum in which citizens can disagree.**

**Mayor Magers also noted that on the City Council Agenda tonight, the Council considered a $34 million capital improvement in a local industry; a $20 million expansion to a key industry, Austin College; and paved the way for a quality development on 30 acres of non-improved land that has set there for 30 years. There is a recession, but he wished everyone a very happy holiday season adding that he hoped the positive things in Sherman continue into the next year.**

**APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS:**
**GREATER TEXOMA UTILITY AUTHORITY BOARD OF DIRECTORS (1)**

**GTUA BOARD OF DIRECTORS**

**Council Members decided an Executive Session was not needed to consider a reappointment to the Greater Texoma Utility Authority Board of Directors.**

**ACTION TAKEN.**

**Motion by Council Member Wacker to reappoint David Sprowl, to the Greater Texoma Utility Authority Board of Directors for a term from December 31, 2010 to December 31, 2012. Second by Council Member Adami.**

**VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.**
**VOTING NAY: None.**
**MOTION CARRIED.**

**EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)**

**EXECUTIVE SESSION**

**THE CITY COUNCIL WILL NOW HOLD AN EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS LAW, CHAPTER 551, GOVERNMENT CODE, VERNONS TEXAS CODES ANNOTATED, IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN THE FOLLOWING SECTIONS.**

**SECTION 551.074** **PERSONNEL MATTERS**
**CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: GREATER TEXOMA UTILITY AUTHORITY BOARD OF DIRECTORS (1)**

**DELIBERATE THE EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE:**
**ANNUAL PERFORMANCE EVALUATION OF THE CITY ATTORNEY**

**On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:15 p.m.**

**On Motion duly made and carried, the Executive Session recessed at 6:33 p.m. and reconvened in Open Meeting.**

**<u>OPEN MEETING</u>**
**Reconvene into Open Meeting and take action, if any, on items discussed in Executive Session.**

**OPEN MEETING**

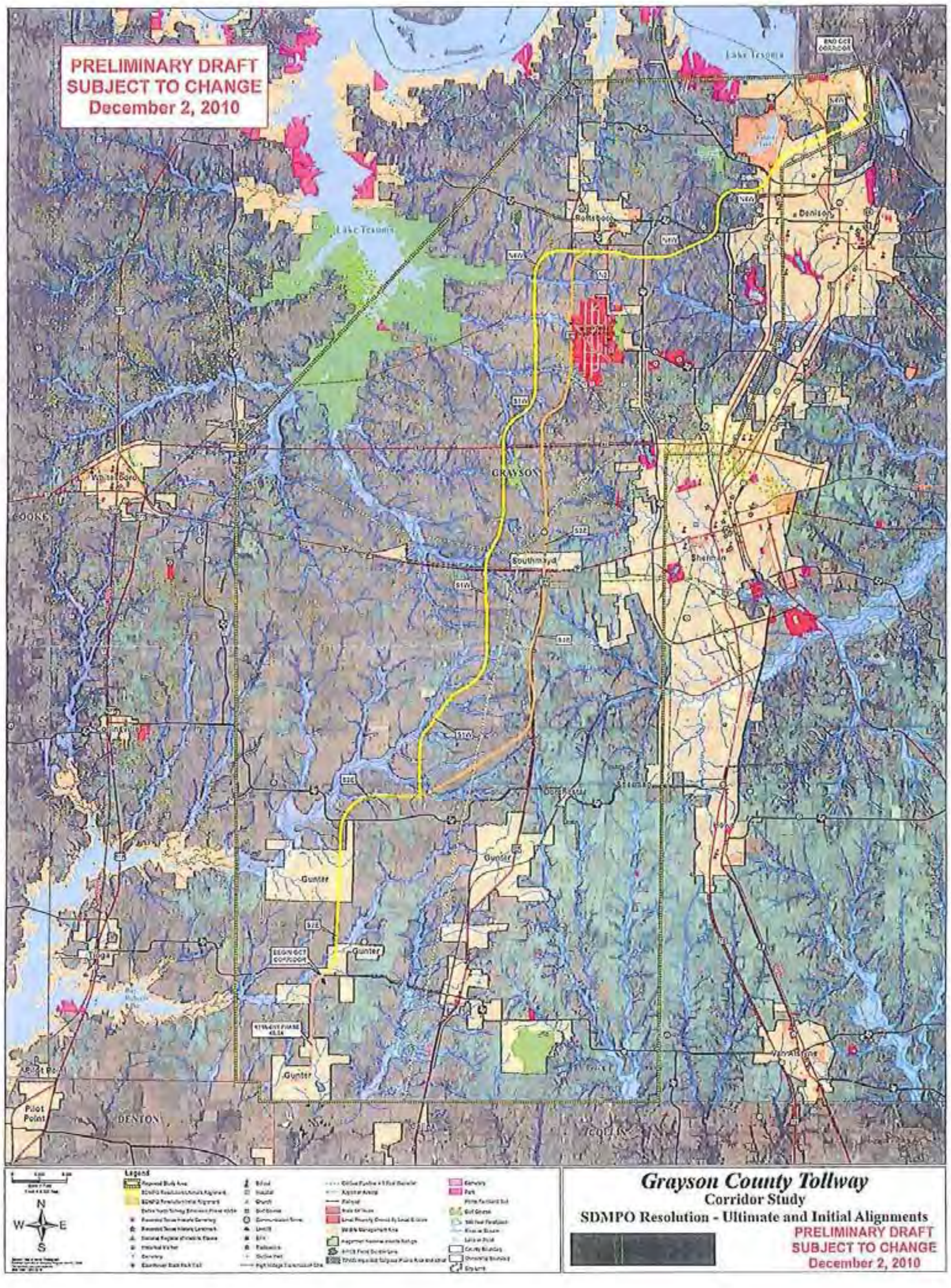
**Mayor Magers thanked the City Manager, City Attorney, and City Staff, saying they do a great job for the City of Sherman and the community "is blessed to have them at the helm." He wished everyone a Merry Christmas.**

**<u>ADJOURNMENT</u>**
**On Motion duly made and carried, the meeting adjourned at 6:35 p.m.**

**ADJOURNMENT**

_____________________________
**MAYOR**

_____________________________
**CITY CLERK**



PRELIMINARY DRAFT
SUBJECT TO CHANGE
December 2, 2010
Lake Texoma
Denison
GRAYSON
Southmayd
Sherman
Gunter
Pilot Point
DENTON
Legend
Grayson County Tollway
Corridor Study
SDMPO Resolution - Ultimate and Initial Alignments
PRELIMINARY DRAFT
SUBJECT TO CHANGE
December 2, 2010

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December 6, 2010

Mr. Brandon Shelby, Esq.
City Attorney of Sherman, Texas
(For Hand-Delivery)

Re: Zoning Issue (Alcohol Sales) on Anderson Commercial Tract

Dear Brandon:

In Roger Sanders' absence, as co-counsel for the Anderson family, co-owners of the Anderson Tract, as well as the Applicant of record, David Vilbig, I give you written assurance that my co-counsel, Roger D. Sanders, Esq., was in absolute good faith, and acting with full authority of the owners, when he told the Planning and Zoning Commission that there would be no alcohol sales on any portion of the commercial tract. I believe I seconded that in my brief remarks.

If it is legally possible, I would ask that the application for the commercial zoning be amended or altered, *nunc pro tunc*, seeking no alcohol sales on any portion of the commercial tract. If not, I again assure anyone and everyone who may be concerned that alcohol sales will not be acceptable, and the owners will not convey the property to any purchaser with that in mind.

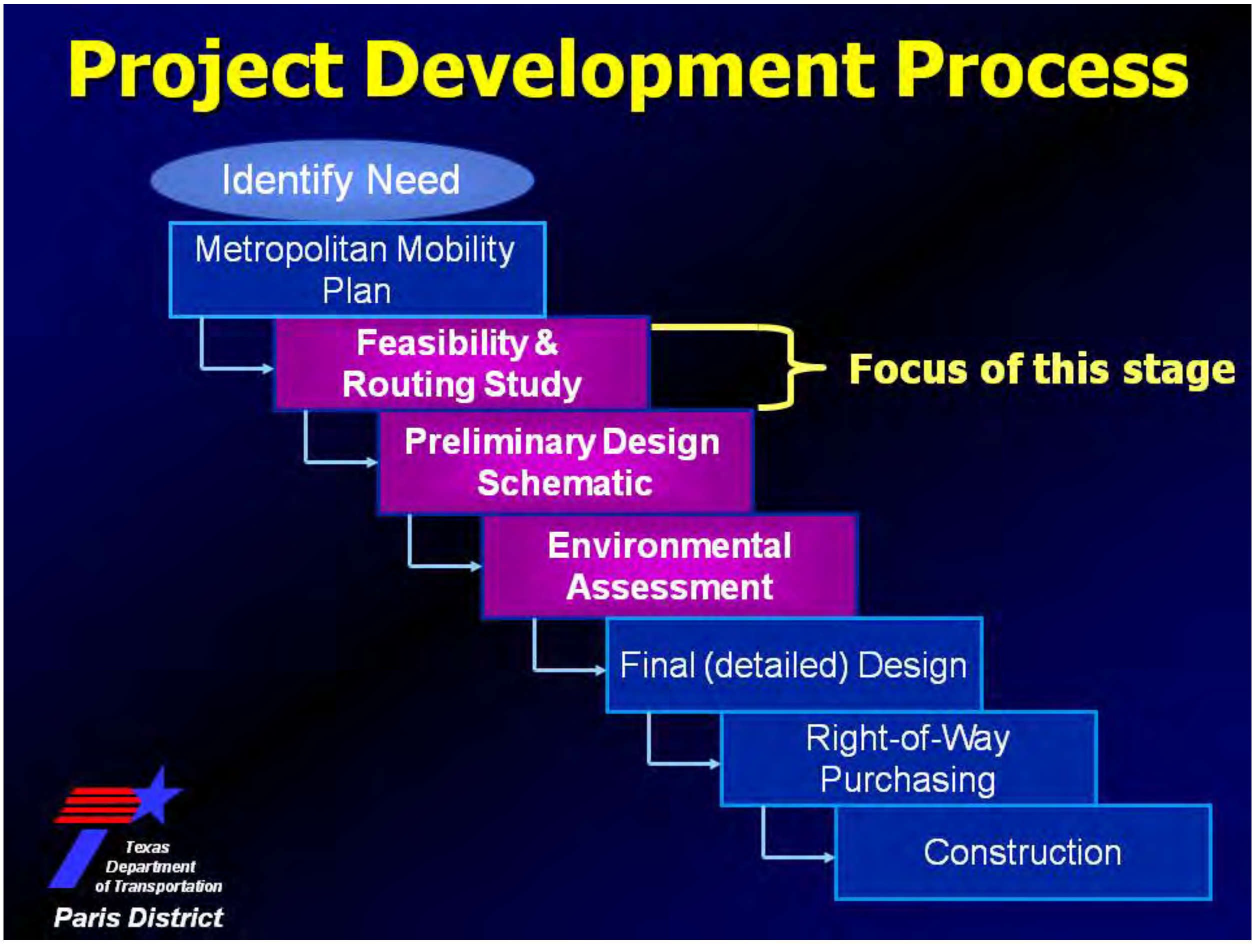
Please excuse the form (and substance) of this letter. I'm typing this during the noon hour for hand delivery to your office so that the issue may be pnt to rest without further ado.

Respectfully,

Robert E. Richardson, Jr.

cc: (1) clients
(2) co-counsel

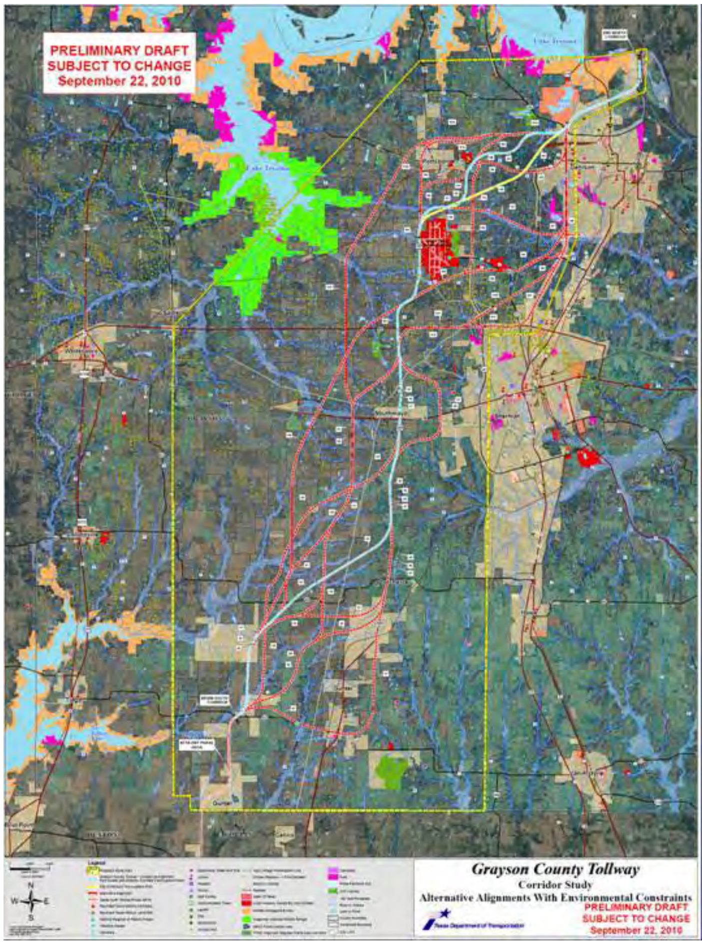

Grayson County Tollway
Alternatives Analysis:
from FM 121 (Gunter) to US 75 (Denison)
Sherman City Council Meeting
December 6, 2010
Grayson County Tollway Study
Texas Department of Transportation
Paris District


Project Development Process
Identify Need
Metropolitan Mobility Plan
Feasibility & Routing Study
Focus of this stage
Preliminary Design Schematic
Environmental Assessment
Final (detailed) Design
Right-of-Way Purchasing
Construction
Texas Department of Transportation
Paris District

# Project Goals

- Solutions For 2030 and Beyond
- Improve Mobility in Grayson County
- Relieve Truck Traffic on US 75 and SH 289
- Maximize Positive Socio-economic Opportunities
- Minimize Negative Environmental and Socio-economic Impacts
- Achieve Affordable and Cost-effective Transportation Solutions

Texas Department of Transportation
Paris District




# Universe of Alternatives (Final)

Texas Department of Transportation

Paris District

# Comparing Alternatives

Texas Department of Transportation

DRAFT – Subject to Change – 11/18/2010

## Grayson County Tollway Project
## Evaluation Matrix for Universe of Alternatives

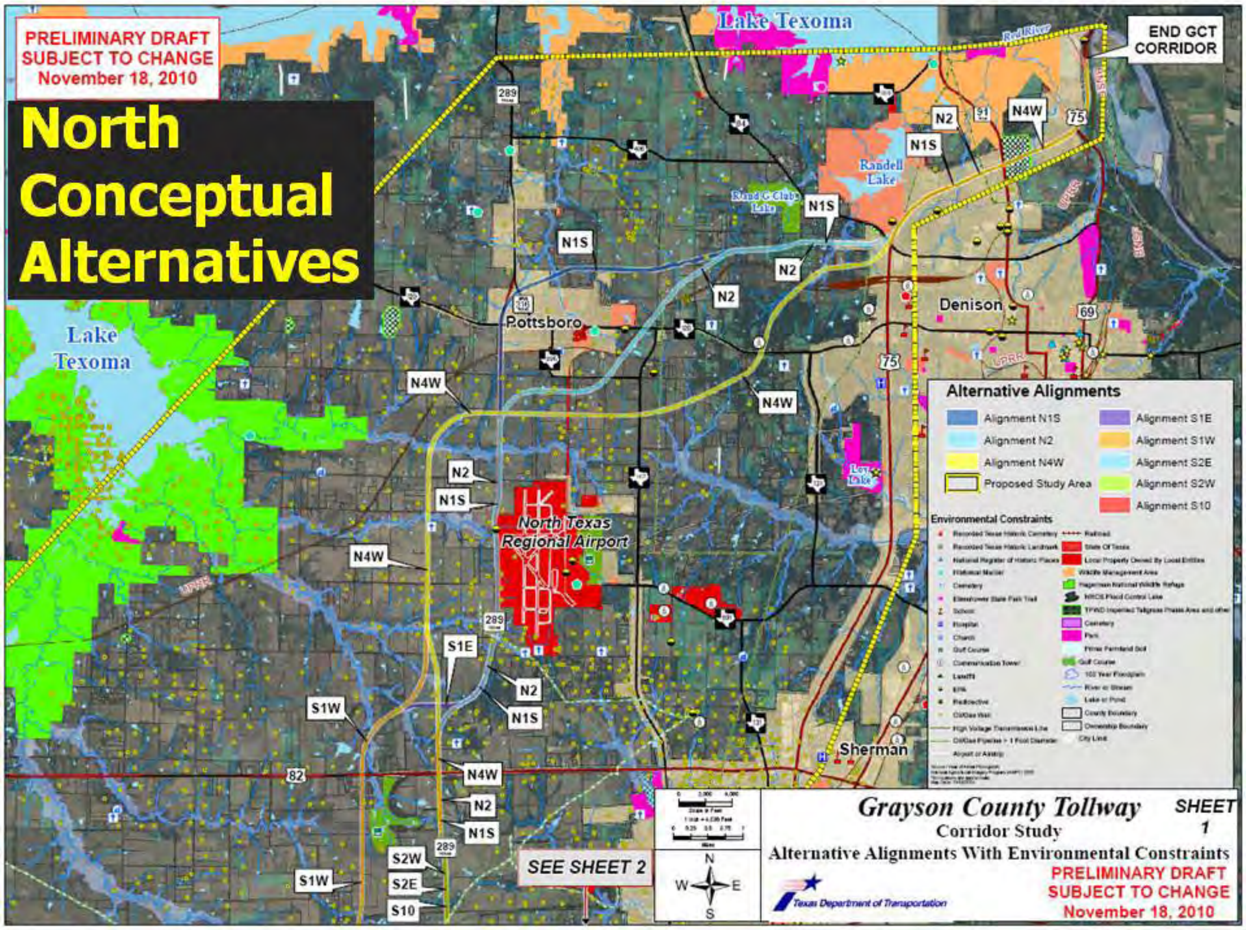
SOUTHERN ALTERNATIVE ALIGNMENTS
(Note: The No-Build Condition is also an alternative and will be used to compare to Build alternatives.
All build alignments are subject to future refinements.)

| See the notes for an explanation of the terms and basis for impacts used in this table → | Units | S1 | S2 | S3 | S4 | S5 | S6 | S7 | S8 | S9 | S10 | S11 | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **ENGINEERING / DESIGN FEATURES** | | | | | | | | | | | | | |
| Alignment Length | miles | 17.1 | [illegible] | 18.1 | [illegible] | 19.2 | 16.6 | 18.9 | 18.7 | 19.4 | [illegible] | 16.6 | [illegible] |
| Length on Existing Parallel Roads | miles | 2.6 | 1.6 | [illegible] | 7.4 | [illegible] | 1.0 | [illegible] | 1.0 | 1.2 | 2.5 | 1.5 | [illegible] |
| Length on New Location | | 15.5 | 17.1 | [illegible] | 12.6 | 12.4 | 15.8 | [illegible] | 17.7 | 18.2 | 15.3 | 15.1 | [illegible] |
| Estimated Total ROW Area | acres | 729.2 | [illegible] | 767.2 | [illegible] | 813.0 | 726.0 | 846.1 | 706.6 | 832.4 | [illegible] | 702.3 | [illegible] |
| Area of Existing Road ROW in Proposed ROW | acres | 13.4 | 26.3 | [illegible] | 15.4 | [illegible] | 19.0 | [illegible] | 15.6 | 44.3 | 12.9 | 22.7 | [illegible] |
| Estimated Net ROW Area Needed to Acquire | acres | [illegible] | [illegible] | 682.7 | [illegible] | 740.4 | 697.0 | 713.0 | 687.0 | 776.1 | [illegible] | 679.6 | [illegible] |
| **SAFETY, MOBILITY & CONGESTION RELIEF** | | | | | | | | | | | | | |
| Improves Connection to SH 289 | Y/N | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | N | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
| Allows Railroad Expansion | Y/N | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | N | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
| Existing Railroads Crossed by ROW | # | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | 2 | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
| **SOCIAL AND ECONOMIC IMPACTS** | | | | | | | | | | | | | |
| Displaced Residential Structures in ROW | # | [illegible] | [illegible] | 33 | [illegible] | 37 | 10 | 78 | 11 | [illegible] | [illegible] | 12 | [illegible] |
| Displaced Commercial & Non-Residential Buildings | # | [illegible] | [illegible] | [illegible] | [illegible] | 8 | 11 | 12 | 8 | [illegible] | [illegible] | 11 | [illegible] |
| Additional Residences within 600' of ROW | # | [illegible] | [illegible] | 53 | [illegible] | 27 | [illegible] | 128 | [illegible] | [illegible] | [illegible] | 22 | [illegible] |
| Property Owners within ROW | # | [illegible] | [illegible] | 103 | [illegible] | 77 | [illegible] | 179 | [illegible] | 87 | [illegible] | [illegible] | [illegible] |
| Pipelines Crossed by ROW | # | [illegible] | [illegible] | 4 | [illegible] | 7 | [illegible] | 4 | [illegible] | 5 | [illegible] | [illegible] | [illegible] |
| Petroleum Product Wells in ROW | # | 2 | [illegible] | 2 | 3 | 3 | [illegible] | 2 | [illegible] | 3 | [illegible] | 3 | [illegible] |
| Com. Towers/Trans. Lines in/Crossed by ROW | # | 2 | [illegible] | 3 | [illegible] | 3 | 2 | 3 | 2 | 2 | [illegible] | 3 | [illegible] |
| **ENVIRONMENTAL IMPACTS** | | | | | | | | | | | | | |
| HAZMAT Sites in/within 600 feet of ROW | # | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | 1 | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
| Streams Crossed by ROW | # | [illegible] | [illegible] | [illegible] | 18 | [illegible] | 17 | 13 | 19 | 23 | 12 | 21 | [illegible] |
| ROW within 100-Year Floodplain | acres | [illegible] | [illegible] | 30.2 | 55.7 | [illegible] | 63.3 | [illegible] | 67.4 | 67.1 | 44.9 | 60.3 | [illegible] |
| NRCS-Financed Lakes in ROW | acres | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | 8.7 | [illegible] | 9.1 | [illegible] | [illegible] | 9.1 | [illegible] |
| Other Open Water in ROW | acres | [illegible] | [illegible] | [illegible] | [illegible] | 2.2 | 2.9 | [illegible] | 3.1 | 7.1 | [illegible] | 6.6 | [illegible] |
| Wetlands in ROW | acres | 2.8 | [illegible] | [illegible] | [illegible] | [illegible] | 2.9 | [illegible] | 2.9 | 3.4 | [illegible] | 2.5 | [illegible] |
| Forest in ROW | acres | 40.7 | [illegible] | 23.1 | [illegible] | [illegible] | [illegible] | [illegible] | 32.2 | 62.1 | 29.7 | 28.7 | [illegible] |
| Historic Sites in/within 500 feet of ROW | # | [illegible] | [illegible] | 1 | [illegible] | [illegible] | [illegible] | 2 | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
| Areas of High Probability for Archeological Sites in/within 600 Feet of ROW | acres | [illegible] | [illegible] | [illegible] | [illegible] | 391.1 | 278.7 | 332.3 | 275.7 | 419.1 | [illegible] | 309.6 | [illegible] |
| **EQUITY, FINANCE, EFFICIENCY & COSTS** | | | | | | | | | | | | | |
| Length to be Tolled | miles | | | | | | | | | | | | |
| Estimated Construction Costs | $M | | | | | | | | | | | | [illegible] |
| Estimated Right-of-Way (ROW) Costs | $M | See Notes | | | | | | | | | | | [illegible] |
| Estimated Total Costs | $M | | | | | | | | | | | | [illegible] |
| **OTHER FEATURES/IMPACTS** | | | | | | | | | | | | | |
| Compatibility with SDMPO Regional Plan | * | O | ++ | O | O | O | O | O | O | O | O | O | [illegible] |
| Compatibility with Local Thoroughfare Plans | * | O | ++ | O | O | O | O | O | O | O | O | O | [illegible] |
| Ease of Future Expansion | * | [illegible] | [illegible] | - | + | + | [illegible] | + | [illegible] | [illegible] | [illegible] | - | [illegible] |
| Construction Difficulty or Disruption | ** | [illegible] | [illegible] | - | + | - | [illegible] | - | + | [illegible] | - | - | [illegible] |
| Public Acceptance (Favored Alternative) | * | 23 | 10 | 11 | 2 | 1 | 0 | 0 | 0 | 1 | 8 | 4 | [illegible] |

* Legend:

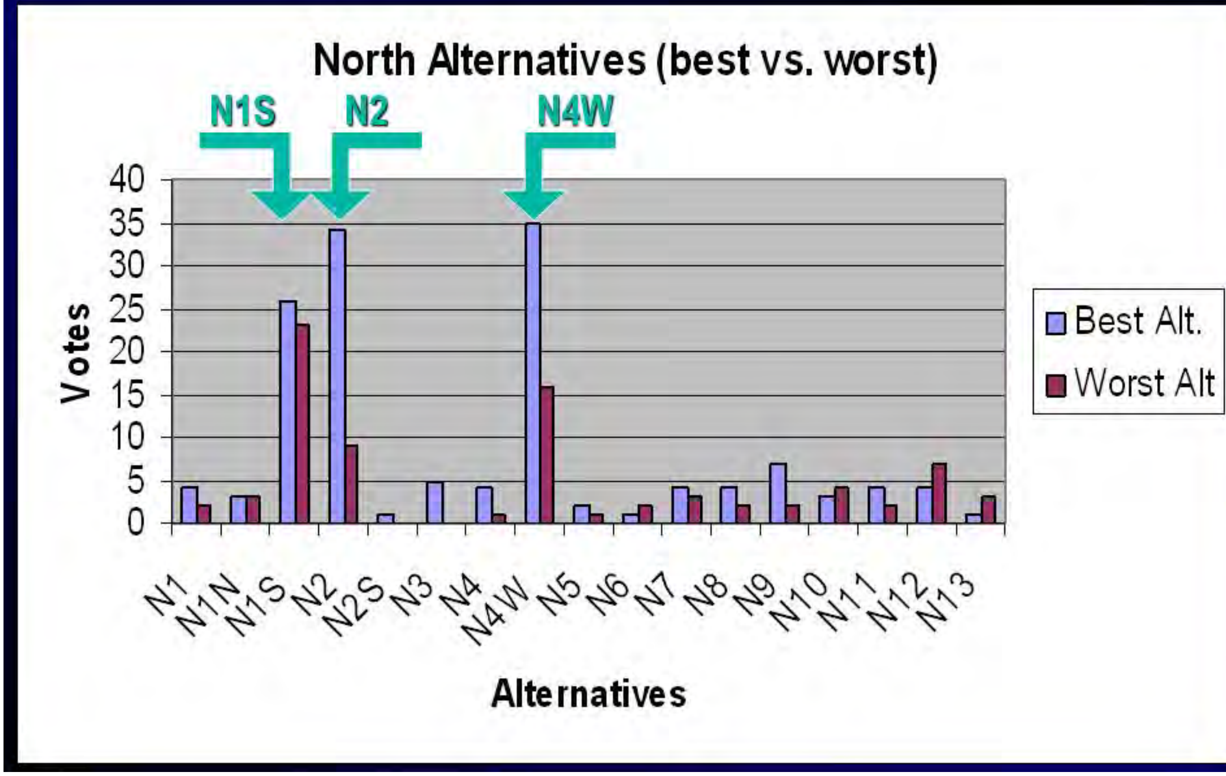
| Major Negative Effect | Some Negative Effect | No Effect, Neutral | Some Positive Effect | Major Positive Effect |
|---|---|---|---|---|
| - - | - | O | + | + + |

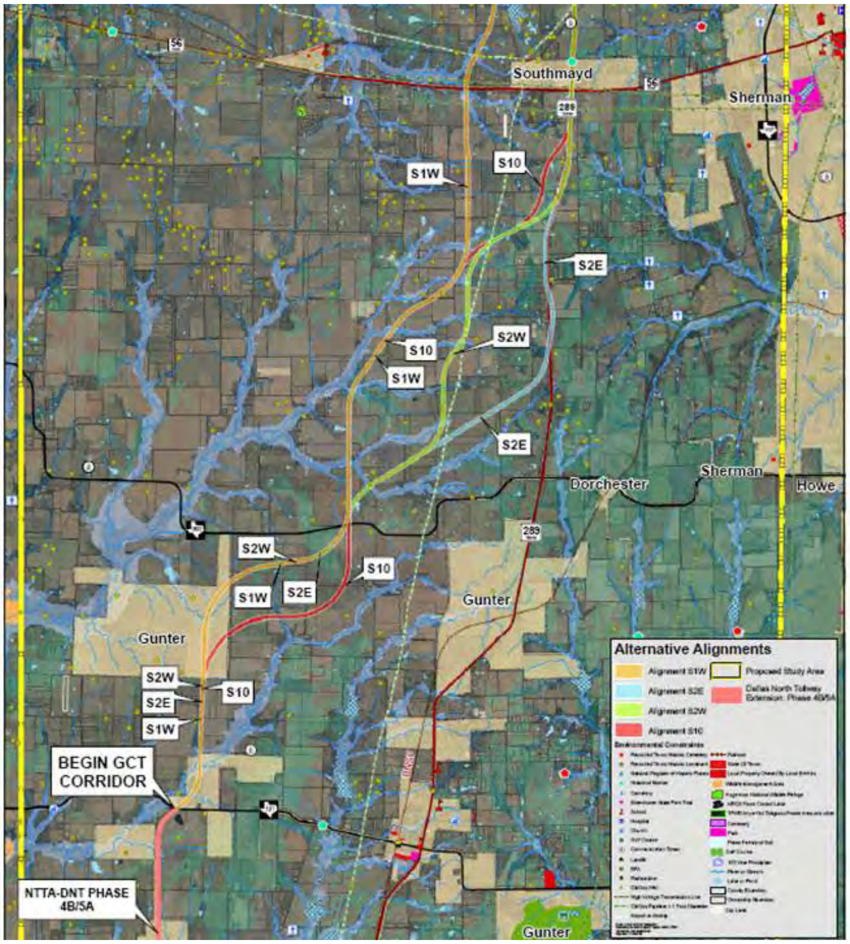
TBD – To Be Determined
* This would be completed after input received from the first Public Meeting.



PRELIMINARY DRAFT
SUBJECT TO CHANGE
November 18, 2010
North Conceptual Alternatives
Lake Texoma
END GCT CORRIDOR
Randell Lake
Pottsboro
Denison
North Texas Regional Airport
Sherman
SEE SHEET 2
Alternative Alignments
Alignment N1S
Alignment N2
Alignment N4W
Proposed Study Area
Alignment S1E
Alignment S1W
Alignment S2E
Alignment S2W
Alignment S10
Environmental Constraints
Grayson County Tollway
Corridor Study
Alternative Alignments With Environmental Constraints
SHEET 1
Texas Department of Transportation
PRELIMINARY DRAFT
SUBJECT TO CHANGE
November 18, 2010

# Public Meeting Survey - North



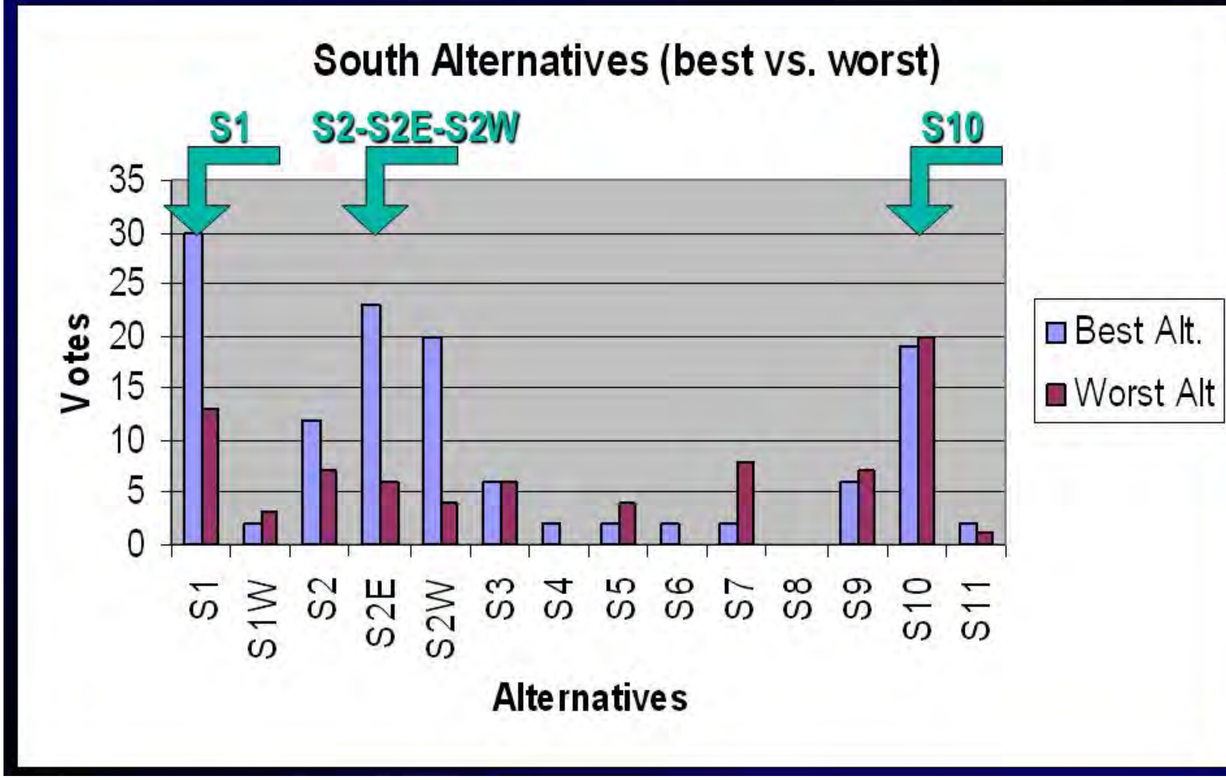



# South Conceptual Alternatives

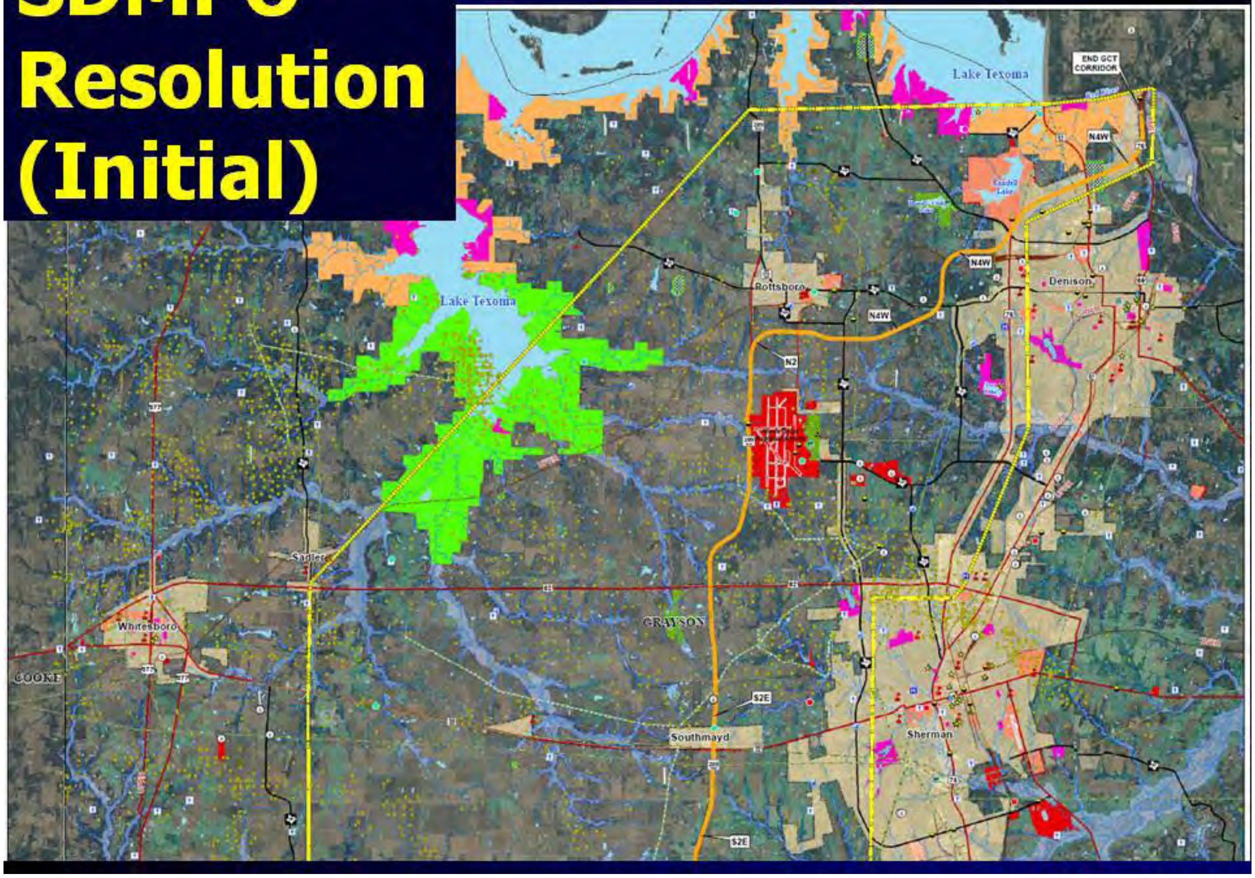
Texas Department of Transportation

**Paris District**

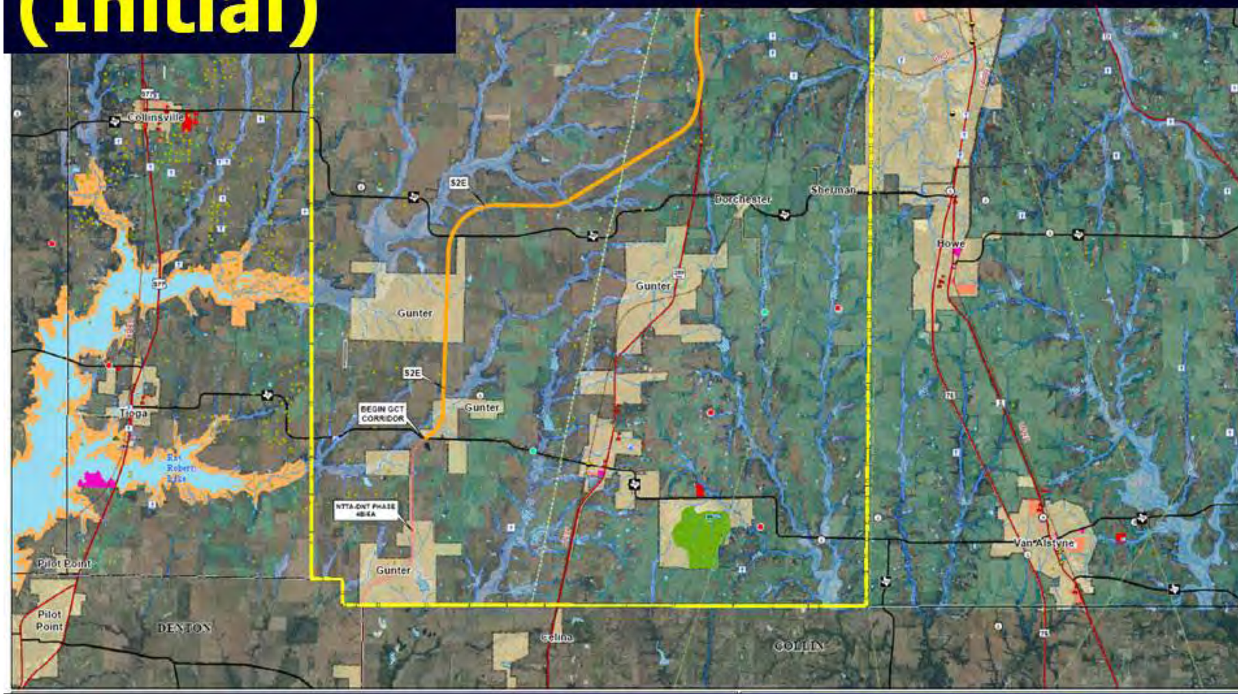
# Public Meeting Survey - South

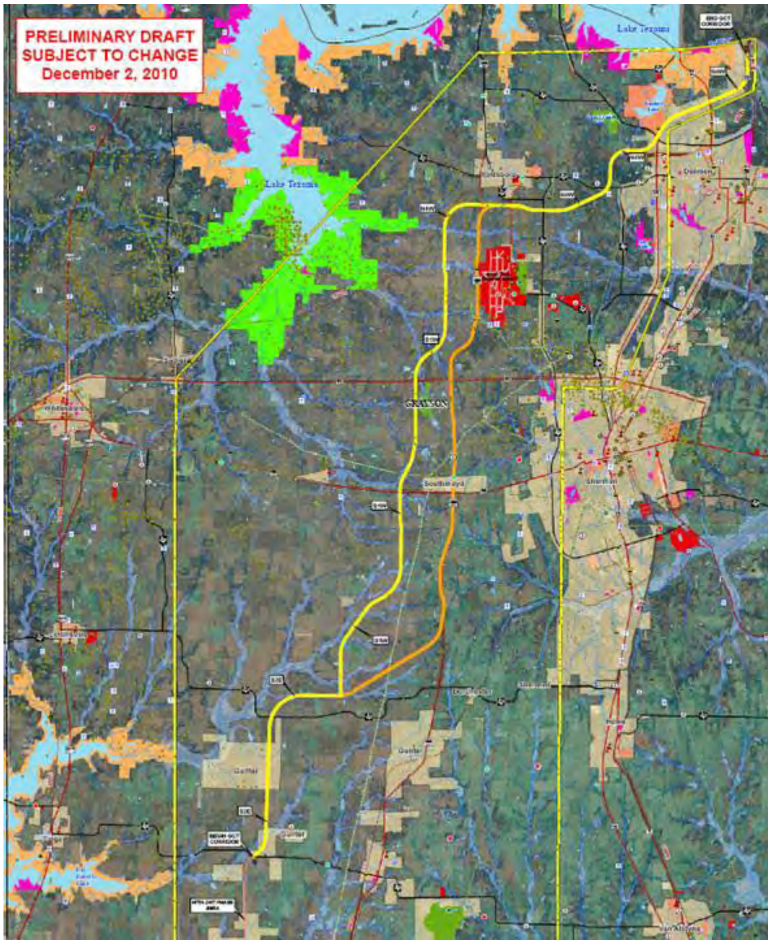


# SDMPO Resolution (Initial)



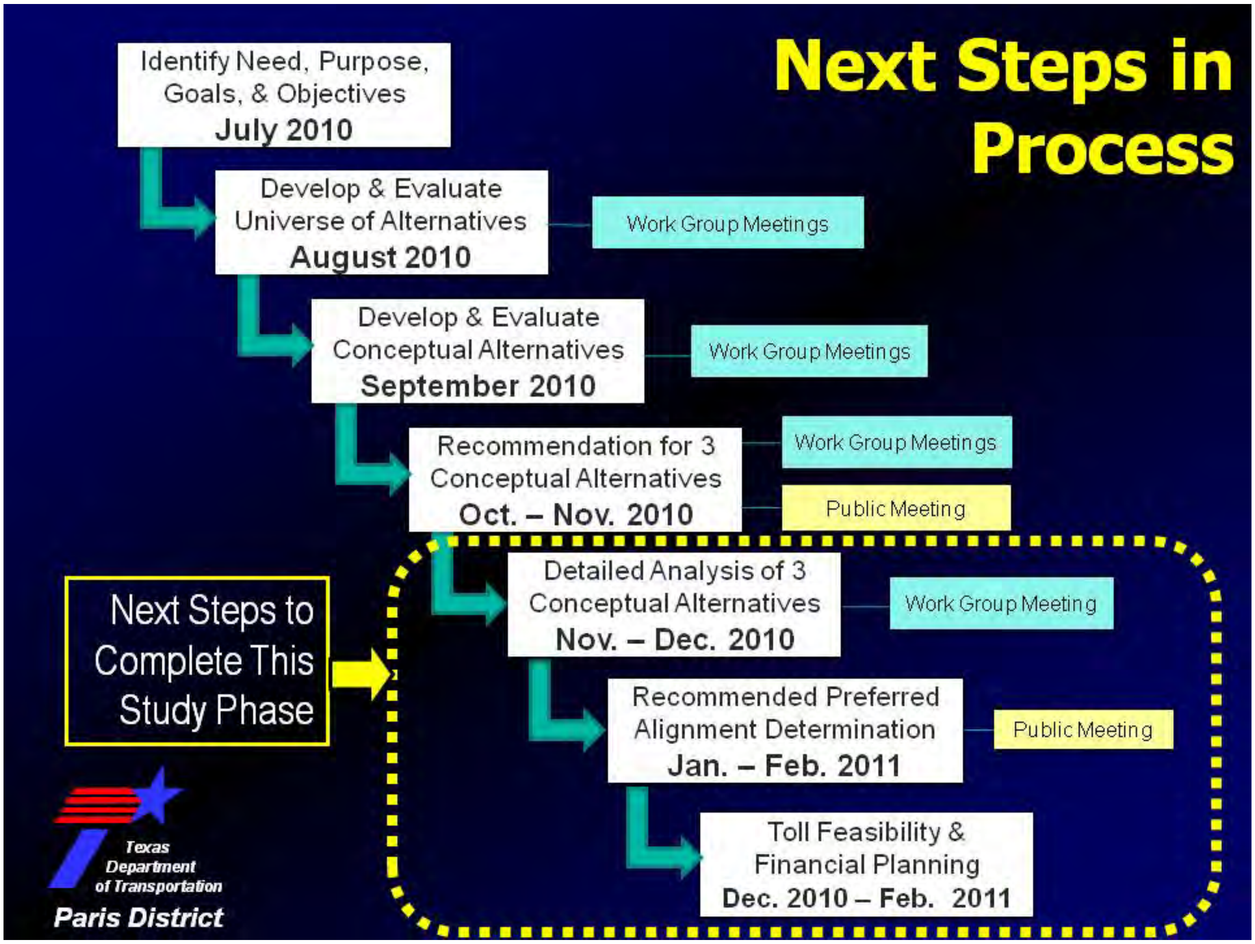
# SDMPO Resolution (Initial)






# SDMPO Resolution (Ultimate)

Texas Department of Transportation
Paris District


Next Steps in Process
Identify Need, Purpose, Goals, & Objectives July 2010
Develop & Evaluate Universe of Alternatives August 2010
Work Group Meetings
Develop & Evaluate Conceptual Alternatives September 2010
Work Group Meetings
Recommendation for 3 Conceptual Alternatives Oct. – Nov. 2010
Work Group Meetings
Public Meeting
Next Steps to Complete This Study Phase
Detailed Analysis of 3 Conceptual Alternatives Nov. – Dec. 2010
Work Group Meeting
Recommended Preferred Alignment Determination Jan. – Feb. 2011
Public Meeting
Toll Feasibility & Financial Planning Dec. 2010 – Feb. 2011
Texas Department of Transportation
Paris District

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. B.1

**CONSENT AGENDA**

**Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately**

***C.2*** **** RESOLUTION NO. 5555***
Authorizing the Acceptance of Fiscal Year 2010 Assistance to Firefighters Grant Agreement Number EMW-2010-FO-02149 from the Federal Emergency Management Agency and the U.S. Department of Homeland Security

***C.3*** **** RESOLUTION NO. 5556***
Authorizing Execution of a Deed for the Resale of One Tract of Land and its Improvements located at 711 North Crockett Street within the Sherman City Limits Seized for Delinquent Taxes

***C.4*** **** RESOLUTION NO. 5557***
Authorizing Execution of an Agreement with Barton Capital, LTD for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1205 North Broughton Street

***C.5*** **** RESOLUTION NO. 5558***
Authorizing Execution of an Agreement with U.S. Invested Interest, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 510 North Harrison Avenue

***C.6*** **** RESOLUTION NO. 5559***
Authorizing Execution of an Agreement with U.S. Invested Interest, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 516 North Harrison Avenue

***C.7*** **** RESOLUTION NO. 5560***
Awarding Bids to and Authorizing Execution of Contracts with Multiple Vendors for an Annual Supply of Chemicals for the Sherman Water Treatment Plant

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. C.1

**RESOLUTION NO. 5554**
**Suspending the February 14, 2011 Effective Date of Oncor Electric Delivery Company LLC's Requested Rate Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation with the Steering Committee of Cities Served by Oncor to Hire Legal and Consulting Services and to Negotiate with the Company and Direct any Necessary Litigation and Appeals; Requiring Reimbursement of City's Rate Case Expenses; Requiring Notice of this Resolution to the Company and Legal Counsel for the Steering Committee**

**Issue**
To adopt a resolution suspending the February 14, 2011 effective date of Oncor Electric Delivery Company LLC's (Oncor) Statement of Intent to Increase Rates filing for the maximum period authorized by law

**Background**
On January 7, 2011, Oncor filed a statement of intent to increase its electric transmission and distribution rates throughout the state by $353 million annually effective February 14, 2011. Unless the City takes action to suspend this effective date, a pro-rata rate increase can be charged to all customers within the city after February 14th. If approved, the $353 million increase would raise rates for the average residential customer by approximately $60 per year. State law permits our extension of the effective date by up to ninety (90) days. Through adoption of this resolution, we will suspend the February 14, 2011 effective date of Oncor's statement of intent to increase rates for the maximum period allowed by law, giving the Oncor Cities Steering Committee sufficient time to review the filing and decide on the final action needed. We will be informed of Committee findings, conclusions and recommendations, and provided with draft resolutions and ordinances reflecting those recommendations.

The General Counsel to the Oncor Cities Steering Committee does not recommend the City take action to deny the request at this time. Suspending the effective date gives cities time to evaluate the filing and develop strategy while the city retains its original jurisdiction.

**Origination**
Geoffrey Gay and Thomas Brocato of Lloyd Gosselink Blevins Rochelle & Townsend, P.C., General Counsel to the Oncor Cities Steering Committee

**Financial Consideration**
All costs (legal and consulting) incurred by the City will be reimbursed by Oncor.

**Staff Recommendation**
It is recommended that Resolution No. 5554 be adopted to suspend for 90 days the effective date of Oncor's Statement of Intent to Increase Rates.

**Alternatives**
None recommended

**Attachments**
Resolution No. 5554
Memo from Oncor Cities Steering Committee General Counsel dated January 7, 2011
Staff Report
Rate Review 2011 – PUC Docket No. 38929 Presentation dated January 7, 2011
List of Steering Committee Cities

**Prepared by:**
**Brandon S. Shelby, City Attorney**

**Approved by:**
**George Olson, City Manager**

**RESOLUTION NO. 5554**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, SUSPENDING THE FEBRUARY 14, 2011 EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY LLC'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITY'S RATE CASE EXPENSES; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS,** on or about January 7, 2011, Oncor Electric Delivery Company LLC ("Oncor"), pursuant to Public Utility Regulatory Act (PURA) §§ 33.001 and 36.001, filed with the City of Sherman a Statement of Intent to increase electric transmission and distribution rates by $353 million in all municipalities exercising original jurisdiction within its service area effective February 14, 2011; and

**WHEREAS,** the City of Sherman is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with the 146 similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to setting reasonable rates and direct any necessary litigation; and

**WHEREAS,** PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

**WHEREAS,** PURA § 33.023 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility;

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

**SECTION 1.** That the February 14, 2011 effective date of the rate request submitted by Oncor on or about January 7, 2011 be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

**SECTION 2.** That, as indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

**SECTION 3.** That the City's reasonable rate case expenses shall be reimbursed by Oncor on a monthly basis.

**SECTION 4.** That a copy of this Resolution shall be sent to Oncor, care of Autry Warren, Oncor Electric Delivery Company LLC, 1601 Bryan St., 23rd Floor, Dallas, Texas 75201 and to Geoffrey Gay, General Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

**SECTION 5.** That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**PASSED AND APPROVED** on this the _____ day of ________________, 2011.

**CITY OF SHERMAN, TEXAS**

**BY:** ______________________________
**BILL MAGERS, MAYOR**

**ATTEST:**

**BY:** ______________________________
**LINDA ASHBY, CITY CLERK**

**APPROVED AS TO FORM**
**AND CONTENT:**

**BY:** ______________________________
**BRANDON S. SHELBY,**
**CITY ATTORNEY**

Lloyd Gosselink
ATTORNEYS AT LAW

816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532
www.lglawfirm.com

Mr. Brocato's Direct Line: (512) 322-5857
Email: tbrocato@lglawfirm.com

# MEMORANDUM

TO: Steering Committee of Cities Served by Oncor Members

FROM: Geoffrey Gay
Thomas Brocato

DATE: January 7, 2011

RE: Oncor Electric Delivery Company's Statement of Intent to Increase Rates Suspension Packet

**ACTION REQUIRED TO SUSPEND THE EFFECTIVE DATE BY FEBRUARY 14, 2011**

Oncor is filing a Statement of Intent to Increase Rates today with all cities in its service area that retain original jurisdiction. The Company is seeking a $353 million rate increase. If approved, the $353 million increase would raise rates for the average residential customer by $60 per year.

The rate increase requested by Oncor will become effective on February 14, 2011, unless the city takes action to suspend the effective date. The statute permits cities to extend the effective date by up to 90 days in order to study the filing. **The city must take action to suspend the effective date by February 14, 2011.** If your city does not have a regular council meeting scheduled before February 14th or is otherwise unable to take action on the suspension resolution by February 14th, please contact me as soon as possible.

Attached to this memo is a model suspension resolution and staff report. In the past, Oncor local managers have provided cities with a model denial resolution and may recommend that the city immediately deny the rate request. If this occurs, we do not recommend that you deny the request at this time. Suspending the effective date allows cities more time to review the application and decide on the final action, including settlement or denial of Oncor's requested rate increase.

The Steering Committee of Cities Served by Oncor will hold a conference call of all Steering Committee members later this month to discuss Oncor's rate request. During the call there will also be an opportunity for Steering Committee members to discuss strategy with Steering Committee consultants and attorneys.

If you have any questions, please feel free to contact Geoffrey (512/322-5875, ggay@lglawfirm.com) or Thomas (512/322-5857, tbrocato@lglawfirm.com).

1669-23

# STAFF REPORT

## ***ACTION MUST BE TAKEN TO SUSPEND THE EFFECTIVE DATE ON OR BEFORE FEBRUARY 14, 2011***

## PURPOSE

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about January 7, 2011 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by $353 million. The Company asks the City to approve a 14.6% increase in residential rates, a 15.5% increase in commercial rates, and a 25.9% increase in street lighting rates. According to Oncor, annual rates would increase by approximately $60 for an average residential customer.

Resolution No. 5554 suspends the February 14, 2011 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.**

## DISCUSSION

The City of Sherman is a member of a 146-city coalition known as the Steering Committee of Cities Served by Oncor ("Steering Committee"). The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when cities served by the former TXU gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by *per capita* assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for the last 20 years.

The current filing comes 15 months following the implementation of Oncor's last rate increase. That case is currently on appeal.

### Explanation of "Be It Resolved" Paragraphs:

**Section 1.** The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as "the maximum period allowed by law" rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on Oncor's request to raise rates by February 14, 2011.

**Section 2.** This provision authorizes the Steering Committee, consistent with the City's resolution approving membership in the Steering Committee, to act on behalf of the City at the local level in settlement discussions, in preparation of a rate ordinance, on appeal of the rate ordinance to the PUC, and on appeal to the Courts. Negotiating clout and efficiency are enhanced by the City cooperating with the Steering Committee in a common review and common purpose. Additionally, rate case expenses are minimized when the Steering Committee hires one set of attorneys and experts who work under the guidance and control of the Executive Committee of the Steering Committee.

**Section 3.** The Company will reimburse the Steering Committee for its reasonable rate case expenses. Legal counsel and consultants approved by the Executive Committee of the Steering Committee will submit monthly invoices that will be forwarded to Oncor for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.

**Section 4.** This section provides that both Oncor and Steering Committee counsel will be notified of the City’s action by sending a copy of the approved and signed resolution to certain designated individuals.

**Section 5.** This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

ONCOR

# Rate Review 2011
## PUC Docket No. 38929

January 7, 2011

# Docket No. 38929 Overview

ONCOR

- The RFP supports an ~$353m (12.6%) annual increase over current, adjusted/normalized base rate revenues
- If Interim TCOS adjustments approved or pending after the test year end are not included in base rate revenues, the filing represents an ~$441m (16.2%) annual increase over test year, adjusted/normalized base rate revenues
- Oncor's total calculated annual revenue requirement based on a test year ended June 30, 2010, as adjusted for known and measurable changes, is ~$3.162b
- The annual revenue requirement includes a proposed ROE of 11.25% and a proposed overall weighted cost of capital of 55% debt and 45% equity on a rate base of ~$8.1b
- If the full increase as proposed in the RFP were to be implemented in retail rates, the impact on an average residential customer using 1,300 kWh per month would be an increase of approximately $5.00 per month
- A customer with a retail plan that charges 10.0 cents per kWh would see their rate go to 10.4 cents per kWh

# Recent Trends Since Docket No. 35717

- Since December 31, 2007 (test year for Docket No. 35717), Oncor has invested over $1.0 billion in new distribution capital and other non-TCOS investment not currently in rates
- Annual customer growth has declined from a historical 2% to 0.9% and total demand per customer is down significantly due to energy efficiency and conservation
- Last rate case:
  - Oncor granted $115 million increase; excluding transmission investment previously approved by the Commission, increase was closer to $70 million
  - Depreciation rates were adjusted for the first time in 17 years
  - Property insurance reserve accrual & amortization
  - Pension & healthcare costs accrual & amortization
  - ***Reduced*** Oncor's net income
- Based on the 12 months ending June 30, 2010, Oncor reported an ROE of 8.17%; based on the 12 months ending September 30, 2010, Oncor reported an ROE of only 8.93%

# Revenue Requirement: Overview

[redacted] x [redacted] = Depreciation Expense $497

-

[redacted]

Transmission - 2.70

Distribution - 3.91

General - 3.80

\+ O&M Expenses $1,321

\+

[redacted]

\+ Federal Income Tax $243

-

[redacted]

\+ Other Taxes $390

= Total Operating Expense $2,451

=

[redacted] $8,118 x Rate of Return 8.76% = Return $711

\+

=

[redacted] $3,162

## Revenue Requirement: Key Components

- Oncor's substantial investment in new, non-TCOS plant since December 31, 2007
- Amortization of deficit balance of ~$252m in Oncor's self-insurance or "storm" reserve account (~$36m)
- An increase in Oncor's annual accrual for the self-insurance reserve (~$25m)
- Amortization of the unfunded balance in Oncor's pension and OPEB accounts (~$8.7m)
- An increase in Oncor's annual accrual for pensions and OPEBs (~$37.8m)
- A proposed capital structure reflecting a 55% debt to 45% equity capitalization
- A proposed increase in Oncor's ROE from 10.25% to 11.25%
- A proposed known and measurable adjustment for vegetation management ("VM") expense (~$34.6 m)

# Rate Impacts

ONCOR

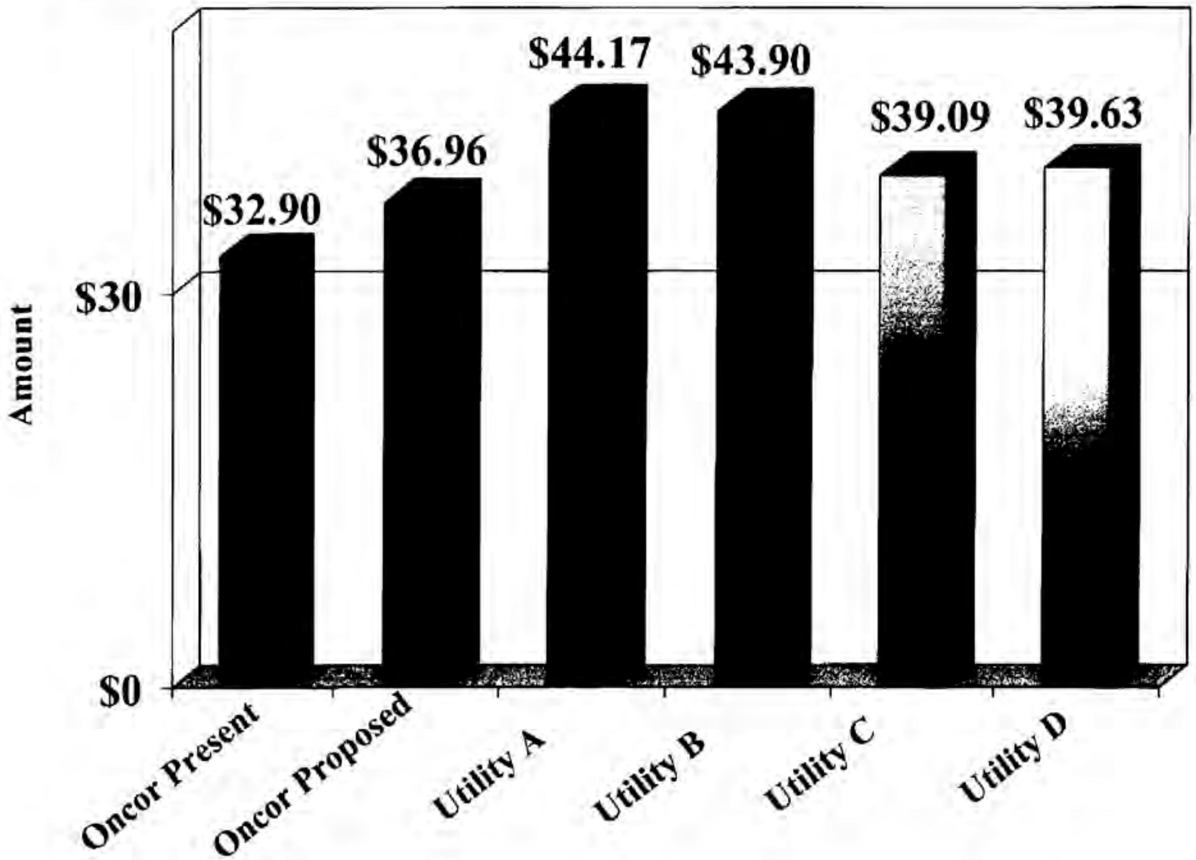
PUC DOCKET NO. 38929
ONCOR ELECTRIC DELIVERY COMPANY LLC
SUMMARY OF PROPOSED RATES BY CUSTOMERS AND RATE CLASS

SPONSOR: J. M. SHERBURNE

| Line No. | Rate Class Description | Number of Customers | Present Rates | Proposed Rates | Proposed Increase | % Increase |
|---|---|---|---|---|---|---|
| | (a) | (b) | (c) | (d) | (e) | (f) |
| 1 | Residential | 2,685,933 | $1,042,474,076 | $1,194,263,603 | $151,789,527 | 14.6% |
| 2 | Secondary ≤ 10 kW | 218,606 | $50,820,513 | $57,653,212 | $6,832,699 | 13.4% |
| 3 | Secondary > 10 kW | 179,563 | $871,493,769 | $1,006,530,175 | $135,036,406 | 15.5% |
| 4 | Primary ≤ 10 kW | 1,924 | $551,514 | $681,094 | $129,580 | 23.5% |
| 5 | Primary > 10 kW Dist. Line | 4,035 | $112,365,844 | $118,591,790 | $6,225,946 | 5.5% |
| 6 | Primary Substation | 66 | $11,815,877 | $12,952,993 | $1,137,116 | 9.6% |
| 7 | Transmission | 174 | $47,123,142 | $49,445,501 | $2,322,359 | 4.9% |
| 8 | Lighting | 69,125 | $51,701,265 | $65,075,117 | $13,373,852 | 25.9% |
| 9 | Total | 3,159,426 | $2,188,346,000 | $2,505,193,485 | $316,847,485 | 14.5% |
| 10 | Wholesale Substation | 16 | $459,606 | $537,307 | $77,701 | 16.9% |
| 11 | Wholesale DLS | 64 | $2,038,454 | $2,383,076 | $344,622 | 16.9% |
| 12 | Other Revenue | - | $49,146,271 | $48,703,390 | ($442,881) | -0.9% |
| 13 | Grand Total | 3,159,506 | $2,239,990,331 | $2,556,817,258 | $316,826,927 | 14.1% |
| | Network Transmission Revenue | | $544,310,069 | $579,617,311 | $35,307,242 | 6.5% |
| | Transmission Related Other Revenues | | $24,942,038 | $25,594,919 | $652,881 | 2.6% |
| | Total Cost of Service | | $2,809,242,438 | $3,162,029,488 | $352,787,050 | 12.6% |

† Test-year revenues have been adjusted to annualize the Docket No. 35717 rate increase, to normalize billing units, to remove the revenues associated with Oncor's Advanced Metering Cost Recovery Factor, Energy Efficiency Cost Recovery Factor, and Rate Case Expense surcharge, and to increase test-year revenues to reflect TCOS and TCRF adjustments approved or pending after June 30, 2010.

# Residential Bill – 1000 kWh



# Proposed Procedural Schedule

| | |
|---|---|
| ▪ Filing Date | January 7, 2011 |
| ▪ Intervention Deadline | February 21, 2011 (Day 45) |
| ▪ Deadline for Discovery on Oncor Direct | March 24, 2011 (Day 76) |
| ▪ Intervenor direct testimony | March 29, 2011 (Day 81) |
| ▪ Staff Direct | April 5, 2011 (Day 88) |
| ▪ Staff and Intervenor cross-rebuttal and objections to Intevenor and Staff direct testimony | April 12, 2011 (Day 95) |
| ▪ Deadline for discovery on Intervenor and Staff direct and cross-rebuttal testimony, and response to objections to Intervenor and Staff direct testimony | April 18, 2011 (Day 101) |
| ▪ Oncor rebuttal testimony | April 21, 2011 (Day 104) |
| ▪ Deadline for discovery on Oncor rebuttal testimony, and objections to Intervenor and Staff cross-rebuttal and Oncor rebuttal testimony | April 26, 2011 (Day 109) |
| ▪ Prehearing Conference and response to objections to Intervenor and Staff cross-rebuttal and Oncor rebuttal testimony | April 29, 2011 (Day 112) |
| ▪ Hearing on the Merits | May 2-6, 2011 (Days 115-119) |
| ▪ Briefs | May 17, 2011 (Day 130) |
| ▪ Reply Briefs | May 27, 2011 (Day 140) |
| ▪ PFD | June 30, 2011 (Day 174) |
| ▪ Open Meeting Date | July 14 or 21, 2011 (est.) (Day 188 or 195) |
| ▪ Jurisdictional Deadline | July 31, 2011 (Day 205) |

# Key Contacts

| | |
|---|---|
| ▪ Teri Smart (Oncor Regulatory Support) | 214-486-4832 |
| ▪ Steve Ragland (Oncor Lead) | 214-486-5255 |
| ▪ Matt Henry (Legal Lead) | 214-220-7726 (V&E) |
| ▪ Howard Fisher (Oncor Legal) | 214-486-3026 |
| ▪ Facsimile Number | 214-486-3221 |

**STEERING COMMITTEE CITIES (146)**

Addison
Allen
Alvarado
Andrews
Anna
Archer City
Argyle
Arlington
Bedford
Bellmead
Belton
Benbrook
Beverly Hills
Big Spring
Breckenridge
Bridgeport
Brownwood
Buffalo
Burkburnett
Burleson
Caddo Mills
Cameron
Canton
Carrollton
Cedar Hill
Celina
Centerville
Cleburne
Coahoma
Colleyville
Collinsville
Comanche
Commerce
Coppell
Copperas Cove
Corinth
Crowley
Dallas
Dalworthington Gardens
DeLeon
De Soto
Denison
Duncanville
Early
Eastland
Edgecliff Village
Euless
Everman
Fairview
Farmers Branch
Fate
Flower Mound
Forest Hill
Fort Worth
Frisco
Frost
Gainesville
Garland
Glenn Heights
Grand Prairie
Granger
Grapevine
Gunter
Haltom City
Harker Heights
Henrietta
Hewitt
Highland Park
Honey Grove
Howe
Hurst
Hutto
Iowa Park
Irving
Jolly
Josephine
Justin
Kaufman
Keller
Kerens
Krum
Lake Worth
Lakeside
Lamesa
Lancaster
Lewisville
Lindale
Little Elm
Little River Academy
Malakoff
Mansfield
McKinney
Mesquite
Midland
Midlothian
Murchison
Murphy
Nacogdoches
New Chapel Hill
North Richland Hills
Oak Leaf
Oak Point
Odessa
O'Donnell
Ovilla
Palestine
Pantego
Paris
Plano
Pottsboro
Prosper
Ranger
Rhome
Richardson
Richland Hills
River Oaks
Roanoke
Robinson
Rockwall
Rosser
Rowlett
Sachse
Saginaw
Seagoville
Sherman
Snyder
Southlake
Springtown
Stephenville
Sulphur Springs
Sunnyvale
Sweetwater
Temple
Terrell
The Colony
Tyler
University Park
Venus
Waco
Watauga
Waxahachie
White Settlement
Wichita Falls
Willow Park
Woodway
Wylie

567089_1

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. C.2

**** RESOLUTION NO. 5555***
**Authorizing the Acceptance of Fiscal Year 2010 Assistance to Firefighters Grant Agreement Number EMW-2010-FO-02149 from the Federal Emergency Management Agency and the U.S. Department of Homeland Security**

**Issue**
On December 22, 2010, the Federal Emergency Management Agency (FEMA) and the U.S. Department of Homeland Security awarded the Sherman Fire Department a grant in the amount of $125,883.00. Council approval is required for the receipt and expenditure of these funds.

**Background**
In May 2010, the City of Sherman submitted an application under the Assistance to Firefighters Grant program. The grant application was for $139,870.00 to fund mobile computer aided dispatch (CAD) software licenses and rugged laptops to connect the Fire Department's apparatus with the City's central dispatch system and fire station records management software. The grant award was a 90% share ($125,883.00) of the total requested, with a 10% local match ($13,987.00). Since that application, the Fire Department has been beta testing four mobile CAD software licenses and determined that fully adopting this advanced technology would help serve the citizens of Sherman more effectively and efficiently.

**Origination**
Fire Chief Jeffrey J. Jones and Grant Writer Tammy Davis

**Financial Consideration**
The grant award of $125,883.00 represents 90% of the cost to purchase and install mobile CAD software licenses and laptop computers and mounts. The remaining 10% local match of $13,987.00 will be paid from budgeted funds. Each rugged laptop will be purchased with a 3-year (minimum) replacement warranty.

**Staff Recommendation**
It is recommended that the Council approve acceptance of the award. Acceptance of the grant and grant agreement is automatic upon request for reimbursement of funds spent on the identified project.

**Alternatives**
Though not recommended, the City Council could decline the award and not purchase the mobile CAD software licenses and rugged laptops.

**Attachments**
Resolution No. 5555; Grant Award Notice and Grant Agreement Articles

**Prepared by:**
**Jeffrey J. Jones, Fire Chief**

**Approved by:**
**George Olson, City Manager**

**RESOLUTION NO. 5555**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ACCEPTANCE OF FISCAL YEAR 2010 ASSISTANCE TO FIREFIGHTERS GRANT AGREEMENT NUMBER EMW-2010-FO-02149 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE U.S. DEPARTMENT OF HOMELAND SECURITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:**

**SECTION 1.** That the Mayor be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to accept the Fiscal Year 2010 Assistance to Firefighters Grant Agreement Number EMW-2010-FO-02149 from the Federal Emergency Management Agency (FEMA) and the U.S. Department of Homeland Security, in accordance with all contract documents attached hereto and incorporated herein for all purposes.

**SECTION 2.** That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**PASSED AND APPROVED** on this the _____ day of ________________, 2011.

**CITY OF SHERMAN, TEXAS**

**ATTEST:**

**BY:** ________________________________
**LINDA ASHBY, CITY CLERK**

**BY:** ________________________________
**BILL MAGERS, MAYOR**

**APPROVED AS TO FORM AND CONTENT:**

**BY:** ________________________________
**BRANDON S. SHELBY, CITY ATTORNEY**

*U.S. Department of Homeland Security*
*Washington, D.C. 20472*

# FEMA

Ms. Tammy Davis
Sherman Fire Department
P.O. Box 1106
Sherman, Texas 75091-1106

Re: Grant No.EMW-2010-FO-02149

Dear Ms. Davis:

On behalf of the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2010 Assistance to Firefighters Grant has been approved. FEMA's Grant Programs Directorate (GPD), in consultation with the U.S. Fire Administration (USFA), carries out the Federal responsibilities of administering your grant. The approved project costs total to $139,870.00. The Federal share is 90 percent or $125,883.00 of the approved amount and your share of the costs is 10 percent or $13,987.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the Articles as they outline the terms and conditions of your grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the grant and Grant Agreement Articles when you request and receive any of the Federal grant funds awarded to you.** By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval from FEMA.

If your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should request funds when you have an immediate cash need.

If you have any questions or concerns regarding the awards process or how to request your grant funds, please call the helpdesk at 1-866-274-0960.

Elizabeth M. Harman

Elizabeth M. Harman
Assistant Administrator
Grant Programs Directorate

FEMA U.S. Department of Homeland Security
Washington, D.C. 20472

## AGREEMENT ARTICLES

**ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM - Operations and Safety program**

**GRANTEE: Sherman Fire Department**

**PROGRAM: Operations and Safety**

**AGREEMENT NUMBER: EMW-2010-FO-02149**

**AMENDMENT NUMBER:**

**TABLE OF CONTENTS**



**Article I - Project Description**

The purpose of the Assistance to Firefighters Program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, FEMA has determined that the grantee's project submitted as part of the grantee's application, and detailed in the project narrative as well as the request details section of the application - including budget information - is consistent with the program's purpose and worthy of award. Therefore, the grantee shall perform the work described in the approved grant application as itemized in the request details section of the application and further described in the grant application's narrative. These sections of the application are made a part of these grant agreement articles by reference. The grantee may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval from FEMA.

**Article II - Grantee Concurrence**

By requesting and receiving Federal grant funds provided by this grant program, the grantee accepts and agrees to abide by the terms and conditions of the grant as set forth in this document and the documents identified below. By receiving funds under this grant, grantees agree that they will use the funds provided through the Fiscal Year 2010 Assistance to Firefighters Grant Program in accordance with these Articles of Agreement and the program guidelines provided in the Fiscal Year 2010 Assistance to Firefighters Grant program guidance. All documents submitted as part of the application are made a part of this agreement by reference.

**Article III - Period of Performance**

The period of performance shall be from **22-DEC-10 to 21-DEC-11**.

**Article IV - Amount Awarded**

The amount of the award is detailed on the Obligating Document for the Award attached to these articles. Following are the budgeted estimates for each object class of this grant (including Federal share plus grantee match):

| | |
|---|---|
| Personnel | $0.00 |
| Fringe Benefits | $0.00 |
| Travel | $0.00 |
| Equipment | $139,870.00 |
| Supplies | $0.00 |
| Contractual | $0.00 |
| Construction | $0.00 |
| Other | $0.00 |
| Indirect Charges | $0.00 |
| Total | $139,870.00 |

**NEGOTIATION COMMENTS IF APPLICABLE** (max 4000 characters)

**Article V - Financial Guidelines**

The grantee and any subgrantee shall comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit Requirements. A non-exclusive list of regulations commonly applicable to FEMA grants are listed below:

*A. Administrative Requirements*

1. 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
2. 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (OMB Circular A-110)

*B. Cost Principles*

1. 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)
2. 2 CFR Part 220, Cost Principles for Educational Institutions (OMB Circular A-21)
3. 2 CFR Part 230, Cost Principles for Nonprofit Organizations (OMB Circular A-122)
4. Federal Acquisition Regulations (FAR), Part 31.2 Contract Cost Principles and Procedures, Contracts with Commercial Organizations

*C. Audit Requirements*

1. OMB Circular A-133, Audits of States, Local Governments, and Nonprofit Organizations

**Article VI - Prohibition on Using Federal Funds**

Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of FEMA.

**Article VII - GPD Allocations**

The recipient agrees that all allocations and use of funds under this grant will be in accordance with the FY 2010 Assistance to Firefighters Grant Program guidance and application kit.

**Article VIII - Financial Reporting**

Recipients of any AFG grants will be required to submit a semi-annual Federal Financial

Report (FFR) via the automated system on the Standard Form 425. The FFR is intended to provide Federal agencies and grant recipients with a standard format and consistent reporting requirements throughout the government. The FFR, to be submitted using the online e-grant system, will be due semi-annually based on the calendar year beginning with the period after the award is made. Grant recipients will be required to submit a FFR throughout the entire period of performance of the grant.

The reporting periods for the FFR are January 1 through June 30 (Report due by July 31), and July 1 through December 31 (Report due by January 30).

At the end of the grant's period of performance, all grantees are required to produce a final report on how the grant funding was used and the benefits realized from the award. Grantees must submit a final financial report and a final performance report within 90 days after the end of the period of performance.

**Article IX - FEMA Officials**

**Program Officer:** Catherine Patterson is the Program Officer for the Assistance to Firefighters Grant Program. The Program Officer is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application.

**Grants Assistance Officer:** Natalie Romanoff is the Assistance Officer for this grant program. The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters.

**Grants Management Division POC:** The Grants Management Specialist shall be contacted to address all financial and administrative grant business matters for this award. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

## FEDERAL EMERGENCY MANAGEMENT AGENCY
## OBLIGATING DOCUMENT FOR AWARD/AMENDMENT

| 1a. AGREEMENT NO. | 2. AMENDMENT NO. | 3. RECIPIENT NO. | 4. TYPE OF ACTION | 5. CONTROL NO. |
|---|---|---|---|---|
| EMW-2010-FO-02149 | 0 | 75-6000669 | AWARD | W494324N |

| 6. RECIPIENT NAME AND ADDRESS | 7. ISSUING OFFICE AND ADDRESS | 8. PAYMENT OFFICE AND ADDRESS |
|---|---|---|
| Sherman Fire Department<br>318 S. Travis St.<br>Sherman<br>Texas, 75090-7147 | Grant Programs Directorate<br>500 C Street, S.W.<br>Washington DC, 20528-7000<br>POC: Natalie Romanoff | FEMA, Financial Services Branch<br>500 C Street, S.W., Room 723<br>Washington DC, 20472 |

| 9. NAME OF RECIPIENT PROJECT OFFICER | PHONE NO. | 10. NAME OF PROJECT COORDINATOR | PHONE NO. |
|---|---|---|---|
| Tammy Davis | 9038927228 | Catherine Patterson | 1-866-274-0960 |

| 11. EFFECTIVE DATE OF THIS ACTION | 12. METHOD OF PAYMENT | 13. ASSISTANCE ARRANGEMENT | 14. PERFORMANCE PERIOD | |
|---|---|---|---|---|
| 22-DEC-10 | SF-270 | Cost Sharing | From:22-DEC-10 | To:21-DEC-11 |
| | | | Budget Period<br>From:29-OCT-10 | To:30-SEP-11 |

15. DESCRIPTION OF ACTION

a. (Indicate funding data for awards or financial changes)

| PROGRAM NAME ACRONYM | CFDA NO. | ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXXX-XXXXX-XXXX-XXXX-X | | PRIOR TOTAL AWARD | AMOUNT AWARDED THIS ACTION + OR (-) | CURRENT TOTAL AWARD | CUMMULATIVE NON-FEDERAL COMMITMENT |
|---|---|---|---|---|---|---|---|
| AFG | 97.044 | 2011-M0-3120GF-25000000-4101-D | | $0.00 | $125,883.00 | $125,883.00 | $13,987.00 |
| | | | TOTALS | $0.00 | $125,883.00 | $125,883.00 | $13,987.00 |

b. To describe changes other than funding data or financial changes, attach schedule and check here.

N/A

16a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)

Assistance to Firefighters Grant recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

| | |
|---|---|
| 17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)<br>N/A | DATE<br>N/A |
| 18. FEMA SIGNATORY OFFICIAL (Name and Title)<br>Natalie Romanoff | DATE<br>22-DEC-10 |

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. C.3

**** RESOLUTION NO. 5556***

**Authorizing Execution of a Deed for the Resale of One Tract of Land and its Improvements located at 711 North Crockett Street within the Sherman City Limits Seized for Delinquent Taxes**

**Issue**

The attached resolution authorizes acceptance of a bid and execution of a deed for the resale of one tract of land and its improvements located at 711 North Crockett Street within Sherman's city limits due to unpaid property taxes.

**Background**

Grayson County struck a property off the tax rolls for one tract of real property and its improvements (an unoccupied house) located within Sherman's city limits at 711 North Crockett Street, as trustee for all taxing entities involved. Subsequently, the Grayson County Tax-Assessor and Collector has received an offer of $21,350.00 for the tract and is seeking the City Council's approval for the sale, including the acceptance of the bid received and the execution of a deed to the new property owners.

**Origination**

John Ramsey, Assessor and Collector of Taxes for Grayson County

**Financial Consideration**

The proceeds of the sale would be applied to the cost of the sale and the delinquent taxes, with the City of Sherman receiving its pro-rata share. The sale would also return the property to the tax rolls.

**Staff Recommendation**

The staff recommends approval of this resolution.

**Alternatives**

The City Council could deny this resolution.

**Attachments**

Resolution No. 5556
Letter from Tax Assessor-Collector John Ramsey dated December 28, 2010
Aerial View of Property
Photo of Property

**Prepared by:**
**Robby Hefton, Assistant City Manager/CFO**

**Approved by:**
**George Olson, City Manager**

**RESOLUTION NO. 5556**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEED FOR THE RESALE OF ONE TRACT OF LAND AND ITS IMPROVEMENTS LOCATED AT 711 NORTH CROCKETT STREET WITHIN THE SHERMAN CITY LIMITS SEIZED FOR DELINQUENT TAXES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS,** one tract of real property located at 711 North Crockett Street within the Sherman city limits has been struck-off/sold to Grayson County, Grayson County College, City of Sherman, and Sherman Independent School District for delinquent taxes; and

**WHEREAS,** Grayson County, Grayson County College, City of Sherman, and Sherman Independent School District desire to sell this property and place it back on the tax rolls; and

**WHEREAS,** Grayson County has received an offer to purchase the tract as described in the attached documentation; and

**WHEREAS,** the funds received pursuant to this sale shall be distributed according to the Texas Property Tax Code; and

**WHEREAS,** the City of Sherman believes the sale of this property for the price listed is in the best interests of the City;

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

**SECTION 1.** That the tract of property described in the attached documentation is available for sale free of all tax liens held by the City of Sherman and may be sold for any offer accepted by Grayson County, Grayson County College, City of Sherman, and Sherman Independent School District.

**SECTION 2.** That the Mayor, as the presiding officer of the City of Sherman, is hereby authorized, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute any deed or deeds on behalf of the City of Sherman necessary to complete the sale of said property in conformance with this resolution and without further approval by this governing body.

**SECTION 3.** That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**PASSED AND APPROVED** on this the _____ day of ________________, 2011.

**CITY OF SHERMAN, TEXAS**

**BY:** ________________________________
**BILL MAGERS, MAYOR**

**ATTEST:**

**BY:** ________________________________
**LINDA ASHBY, CITY CLERK**

**APPROVED AS TO FORM**
**AND CONTENT:**

**BY:** ________________________________
**BRANDON S. SHELBY,**
**CITY ATTORNEY**

OFFICE OF
JOHN W. RAMSEY
ASSESSOR AND COLLECTOR OF TAXES
GRAYSON COUNTY
www.co.grayson.tx.us

COURTHOUSE
100 W. HOUSTON • SUITE 11
P.O. BOX 2107
SHERMAN, TEXAS 75091-2107

(903) 892-TAXS (8297)
(903) 893-VOTE (8683)
(903) 813-4225 (AUTO)
Fax: (903) 893-4973
e-mail: ramseyj@co.grayson.tx.us

**TO:** Judge Drue Bynum, Grayson County, Commissioner Johnny Waldrip, Pct. 1, Commissioner David Whitlock, Pct. 2, Commissioner Jackie Crisp, Pct. 3, Commissioner Gene Short, Pct. 4

Mr. Giles Brown, Vice President Business Services, Grayson County College

Mr. Robby Hefton, Assistant City Manager, City of Sherman

Mr. Randy Reid, Assistant Superintendent of Business and Finance Services, Sherman ISD

**FROM:** John Ramsey

**DATE:** December 28, 2010

**SUBJECT:** Private Quote from December 7, 2010 Sheriff's Sale
711 N. Crockett, Sherman – S029 2019007 (R368247)

In December, 2010, an unoccupied house located 711 N. Crockett, Sherman was struck-off for taxes. The minimum bid at the Sheriff's Tax Sale was $36,852.33. Recently, I received the enclosed offer to purchase the property from Ray and Helen Beaty. The Beaty's own a house across the street from this tax property. Mr. Beaty is concerned about the condition of the house and would like to purchase the same. He has offered $21, 350.00 which represents 58% of the minimum bid. Normally, properties struck off during the year are inventoried and offered for resell at an auction conducted in August each year.

I am forwarding this offer to the tax entities for your consideration because I believe it is a fair offer and I would like to see the title to the house transferred before any deterioration or vandalism occurs. While the offer is not as much as the total taxes in the judgment, it is substantial and I feel you should be given an opportunity to accept it. If all the tax entities decide to accept this offer, then a sale can occur pursuant to the Texas Property Tax Code. In that event, a deed will be prepared and circulated for signature. Please contact me with any questions.

**Please present the enclosed Resolution to your jurisdiction at the next available board/council meeting for consideration. Once a decision has been made by your governing body, please send a copy of the meeting minutes with your decision to this office. Also, please send back the signed Resolution when the sale has been approved.**

**Sincerely,**

**John Ramsey**

**JR:kb**

**attachments:**

**Aerial Photo of Property**
**at 711 North Crockett Street**

**Photograph of Property**
**at 711 North Crockett Street**

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. C.4

**** RESOLUTION NO. 5557***
**Authorizing Execution of an Agreement with Barton Capital, LTD for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1205 North Broughton Street**

### Issue
This item is to consider property tax abatement for the construction of a new single-family residence at 1205 North Broughton Street.

### Background
Several years ago, the City Council began a residential tax abatement program to encourage the redevelopment of older sections of town. This application is for the construction of a new single-family residence at this location. This lot is in the designated zone for residential tax abatements.

### Origination
Barton Capital, LTD, Applicant

### Financial Consideration
A $75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately $230.40 annually.

### Staff Recommendation
The staff recommends approval of this abatement since it meets the requirements of the process.

### Alternatives
The City Council could decide against granting this abatement.

### Attachments
Resolution No. 5557
Residential Tax Abatement Agreement
Application
Warranty Deed
Site Plan
Photo
Building Permit Application
Location Map

**Prepared by:**
**Scott Shadden, Director of Development Services**

**Approved by:**
**George Olson, City Manager**

**RESOLUTION NO. 5557**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1205 NORTH BROUGHTON STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:**

**SECTION 1.** That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Barton Capital, LTD and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Barton Capital, LTD for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 1205 North Broughton Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

**SECTION 2.** That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**PASSED AND APPROVED** on this the _____ day of ________________, 2011.

**CITY OF SHERMAN, TEXAS**

**ATTEST:**

**BY:** ______________________________
**LINDA ASHBY, CITY CLERK**

**BY:** ______________________________
**BILL MAGERS, MAYOR**

**APPROVED AS TO FORM AND CONTENT:**

**BY:** ______________________________
**BRANDON S. SHELBY, CITY ATTORNEY**

**THE STATE OF TEXAS** §
§
**COUNTY OF GRAYSON** §

## AGREEMENT

**THIS AGREEMENT**, entered into by and between the **CITY OF SHERMAN, TEXAS**, a home rule city and municipal corporation of the State of Texas, duly acting herein by and through its City Manager, hereinafter referred to as CITY and **BARTON CAPITAL, LTD**, a Texas Limited Partnership, hereinafter referred to as OWNER.

**WITNESSETH:**

**WHEREAS**, on the 2nd day of June, 2008, the City Council of Sherman, Texas, passed Ordinance No. 5537 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

**WHEREAS**, the CITY has adopted a resolution (Resolution No. 5336) stating that it elects to be eligible to participate in a residential tax abatement program; and

**WHEREAS**, the CITY desires to create the proper economic and social environment to induce the investment of private resources in real estate construction located in incorporated areas of the CITY; and

**WHEREAS**, the CITY hereby finds that it may effectively encourage and assist the creation of such an environment by participating in tax abatement pursuant to the CITY; and

**WHEREAS**, the CITY has created a reinvestment zone within its jurisdiction to induce the investment of private resources in real estate construction located in incorporated areas of the CITY, and OWNER has agreed to construct certain real property improvements; and

**WHEREAS**, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 2nd day of June, 2008;

**NOW, THEREFORE, WITNESS THIS TAX ABATEMENT AGREEMENT** which provides as follows:

**I.**

**1.01** To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2011, and continuing for tax years 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019

and 2020 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2011, sometimes referred to herein as the Base Tax Year.

**SCHEDULE OF TAXES ASSESSED**

| TAX YEAR | ABATEMENT |
|---|---|
| 2011 | 100% |
| 2012 | 100% |
| 2013 | 100% |
| 2014 | 100% |
| 2015 | 100% |
| 2016 | 100% |
| 2017 | 80% |
| 2018 | 60% |
| 2019 | 40% |
| 2020 | 20% |

**II.**

**2.01** OWNER warrants and represents that the real property upon which OWNER has constructed or will construct improvements is qualified property within the meaning of that Act, and that such has been and will remain eligible for tax abatement under the provisions of the Property Redevelopment and Tax Abatement Act, Sections 312.001, et seq., Texas Tax Code.

**2.02** To continue to qualify for tax abatement under the terms of this Agreement, OWNER hereby warrants and represents that the improvements made by OWNER on the real property described herein are for residential use.

**2.03** The tax abatement granted under the terms of the Agreement shall only be implemented if appraised value of all real property and improvements located thereon owned by OWNER and lying within designated zone exceeds the base year value. The OWNER agrees that Grayson Appraisal District shall, at reasonable times upon reasonable notice, have access to the property made the subject of this Agreement, and that the above set forth inspectors shall be able to inspect the property to insure that the improvements are being made in accordance with the terms and conditions hereof and utilized in accordance with this Agreement.

**III.**

**3.01** The term of this Agreement shall be for tax years 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020 as indicated above in paragraph 1.01.

## IV.

**4.01** The kind, number and location of all proposed property improvements are set forth as follows:

Construction of one (1) new single-family residence at 1205 North Broughton Street, Sherman, Texas, and as more particularly described by the following:

**SITUATED** in the City of Sherman, County of Grayson, State of Texas, being a part of the J.B. McAnair Survey, Abstract No. 56, being a part of a 100 x 145 foot tract of land conveyed by Bernice Mitchell and Judy Ruth Dubois to Barton Capital, Ltd. by deed dated October 15, 2008, recorded in Volume 4543, Page 917, Official Public Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

**BEGINNING** at a set ½ inch capped rebar stamped SARTIN-3694 for the Northwest corner of said 100 x 145 foot tract, the Southwest corner of a tract of land conveyed by Paula Mendoza to Gilberto Ramirez, et ux by deed dated June 29, 2010, recorded in Volume 4829, Page 862, Official Public Records, Grayson County, Texas, on the East line of Broughton Street;

**THENCE** North 74 deg. 02 min. 03 sec. East, with the North line of said 100 x 145 foot tract, the South line of said Ramirez tract, a distance of 145.00 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northeast corner of said 100 x 145 foot tract, the Northwest corner of a 35 x 100 foot strip of land conveyed by Hattie E. McAfee to James Sumler by deed dated November 21, 1916, recorded in Volume 242, Page 485, Deed Records, Grayson County, Texas;

**THENCE** South 16 deg. 00 min. 00 sec. East, with the East line of said 100 x 145 foot tract, the West line of said 35 x 100 foot strip, a distance of 48.90 feet to a set ½ inch capped rebar stamped SARTIN-3694;

**THENCE** South 73 deg. 35 min. 58 sec. West, a distance of 145.00 feet to a set ½ inch capped rebar stamped SARTIN-3694 on the West line of said 100 x 145 foot tract, the East line of said Broughton Street, from which a chiseled "X" in a concrete sidewalk maintaining Southwest corner of said 100 x 145 foot tract, the Northwest corner of a tract of land conveyed by Glenda Nix to Juan Marquez Cruz, et ux, by deed dated December 15, 2006, recorded in Volume 4203, Page 817, Official Public Records, Grayson County, Texas;

**THENCE** North 16 deg. 00 min. 00 sec. West, with the West line of said 100 x 145 foot tract, the East line of said Broughton Street, a distance of 50.00 feet to the **PLACE OF BEGINNING** and containing **0.16 ACRES OF LAND** more or less……………………………

V.

**5.01** OWNER agrees that, should he fail to make improvements substantially as described or fail to perform any other term or covenant hereof, CITY shall have the right, after giving notice and opportunity to cure as hereinafter set out, to recapture all tax revenue on said property in the zone lost as a result of this Agreement for the entire term of the Agreement. Such recapture shall mean that all of such property shall be taxed at the full improved value as assessed by the Grayson Appraisal District for all years this Agreement has been in effect. The payment of such recaptured taxes minus any taxes paid by OWNER during the years this Agreement has been in force shall be due January 1 of the next following year and shall be delinquent if not paid on or prior to January 31st. Penalties and interest shall be calculated thereafter as if all taxes had become due in the same year. The CITY agrees prior to enforcement of the terms of this paragraph to give 120 days written notice to the address shown below of OWNER'S default in completing the improvements called for in this Agreement, and OWNER shall have the right to cure such default within the 120-day period.

VI.

**6.01** This Agreement shall inure to the benefit of CITY and OWNER, and shall be binding upon them, their heirs, successors and assigns. It is specifically provided and agreed that the right to tax abatement shall inure to the benefit of subsequent owners so long as the term and conditions of this Agreement are in effect.

VII.

**7.01** CITY agrees that this Agreement may be assigned and the improvements leased or sub-leased, without any further necessity for consent, by the OWNER to any person, firm or corporation.

VIII.

**8.01** At any time before the expiration of the term hereof, this Agreement may be modified by the mutual action of the parties hereto to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. Such modification must be in writing and signed by all the parties hereto and made by the same procedure by which the original Agreement was approved and executed. In no event may the original Agreement be modified so as to extend the term beyond the original term of this Agreement.

IX.

**9.01** This Agreement shall be construed subject to the laws of the State of Texas, and particularly to the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code.

**9.02** All appraisal values for real property shall be made by the Grayson Appraisal District or such other entity as may succeed or replace such District.

**9.03** OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 205 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

**X.**

**10.01** This Agreement is subject to all provisions of all outstanding bond issues of CITY. To the extent that this Tax Abatement Agreement conflicts with any of the provisions of such bond issues, such bond issues and attendant documents thereto shall control.

**XI.**

**11.01** This Tax Abatement Agreement is specifically subject to present laws of the State of Texas and any future laws enacted subsequent to the execution of this Agreement which may provide retroactively for a modification of Agreements of this type as a matter of law. Upon the effective date of any such law, then this Agreement shall automatically be so modified.

**XII.**

**12.01** Notices required by this Agreement shall be mailed to the following addresses as same may be in the future changed by either party upon written notice to the other:

City of Sherman
P.O. Box 1106
Sherman, Texas 75091-1106
(903) 892-7200

Barton Capital, LTD
715 S. Sam Rayburn Freeway
Sherman, Texas 75090
(903) 868-4201

Copy to: Grayson Appraisal District
205 North Travis Street
Sherman, Texas 75090
(903) 893-9673

This Agreement is performable in Grayson County, Texas. Witness our hands on this the

_____ day of ___________________________, 2011.

**CITY:**
**CITY OF SHERMAN, TEXAS**

**BY:** ______________________________
**GEORGE OLSON**
**CITY MANAGER**

**ATTEST:**

**BY:** ______________________________
**LINDA ASHBY**
**CITY CLERK**

**APPROVED AS TO FORM:**

**BY:** ______________________________
**BRANDON S. SHELBY,**
**CITY ATTORNEY**

**OWNER:**
**BARTON CAPITAL, LTD**

**BY:** Ron Barton
**NAME:** Ron Barton
**TITLE:** Partner

**(CORPORATE SEAL)**

**THE STATE OF TEXAS §**
**COUNTY OF GRAYSON §**

**BEFORE ME,** the undersigned authority, on this day personally appeared **Ron Barton, Barton Capital, 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 purposes and consideration therein express.

**GIVEN UNDER MY HAND** and seal of office this 29th day of December, 20 10, A.D.

PAMELA CLOER
Notary Public
STATE OF TEXAS
My Comm. Exp. 04-01-2014

Pam Cloer
**Notary Public**

# CITY OF SHERMAN
# APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: Barton Capital

Mailing Address: 715 S. HWY 75 SHERMAN, TX 75090

Telephone Number: 903 - 868 - 4201

Contact (if different than owner):

Name: Ron Barton

Mailing Address: SAME

Telephone Number: SAME

Property:

Physical Address: 1205 N. BROUGHTON

Summary Legal Description: Lot: .16 ACRES Block: JB MCANAIR SURVEY Addition: ABST. # 763

Full Legal Description: Include as an attachment a full legal description with metes and bounds.

Improvements:

Type of Improvements (please check one). New Construction: ✓ Remodeling: ____

Estimated Value of Improvements: #72,000

Estimated Date of Start of Construction: 12-6-10

Estimated Date of Completion of Project: 1-20-11

Description of Project: NEW SINGLE FAMILY DWELLING

Applicant(s): [signature] Date: 11-30-10

Grayson County
Wilma Blackshear Bush
County Clerk
Sherman, Texas 75090

70 2008 00025331

62352

Instrument Number: 2008-00025331

As

Recordings

Recorded On: October 15, 2008

Parties: MITCHELL BERNICE ETAL

To BARTON CAPITAL LTD

Billable Pages: 3

Number of Pages: 5

Comment: WD

( Parties listed above are for Clerks reference only )

** Examined and Charged as Follows: **

| | |
|---|---|
| Recordings | 24.00 |
| Total Recording: | 24.00 |

************ DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT ************

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 2008-00025331
Receipt Number: 276200
Recorded Date/Time: October 15, 2008 03:58:01P
Book-Vol/Pg: BK-OR VL-4543 PG-917
User / Station: G WHITE - Cashiering Station 1

**Record and Return To:**

RED RIVER TITLE CO
421 N. CROCKETT ST
SHERMAN TX 75090

THE STATE OF TEXAS
COUNTY OF GRAYSON
I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Grayson County, Texas.

Wilma Blackshear Bush

Wilma Blackshear Bush, Grayson County Clerk

0106252

Bk Vol Pg
00025331 OR 4543 918

**"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."**

WARRANTY DEED

DATE: October 15, 2008

GRANTOR: BERNICE MITCHELL and JUDY RUTH DUBOIS

GRANTEE AND GRANTEE'S MAILING ADDRESS: BARTON CAPITAL, LTD., a Texas Limited Partnership, a Texas limited partnership, 715 S. Sam Rayburn Frwy., Sherman, Texas 75090

CONSIDERATION: TEN AND NO/100 DOLLARS ($10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged.

PROPERTY (including any improvements): Being 100 feet by 145 feet, more or less, out of the J.B. McAnair Survey, Abstract No. 763, City of Sherman, Grayson County, Texas, and being described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

This conveyance is made and accepted subject to any and all outstanding minerals, mineral leases, restrictions, covenants, conditions and easements, if any, relating to the hereinabove described property, but only to the extent that they are still in force and effect, and shown of record in the hereinabove mentioned County and State; and also to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are applicable and enforceable against the hereinabove described property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

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

Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantee.

Bernice Mitchell
BERNICE MITCHELL

Judy Ruth DuBois
JUDY RUTH DUBOIS

STATE OF TEXAS
COUNTY OF GRAYSON

This instrument was acknowledged before me on the 15 day of October, 2008, by BERNICE MITCHELL.

DORIS C. CASTON
Notary Public
STATE OF TEXAS
My Commission
Expires 02/06/2009

Notary Public, State of Texas

STATE OF TEXAS
COUNTY OF GRAYSON

This instrument was acknowledged before me on the 15 day of October, 2008, by JUDY RUTH DUBOIS.

DORIS C. CASTON
Notary Public
STATE OF TEXAS
My Commission
Expires 02/06/2009

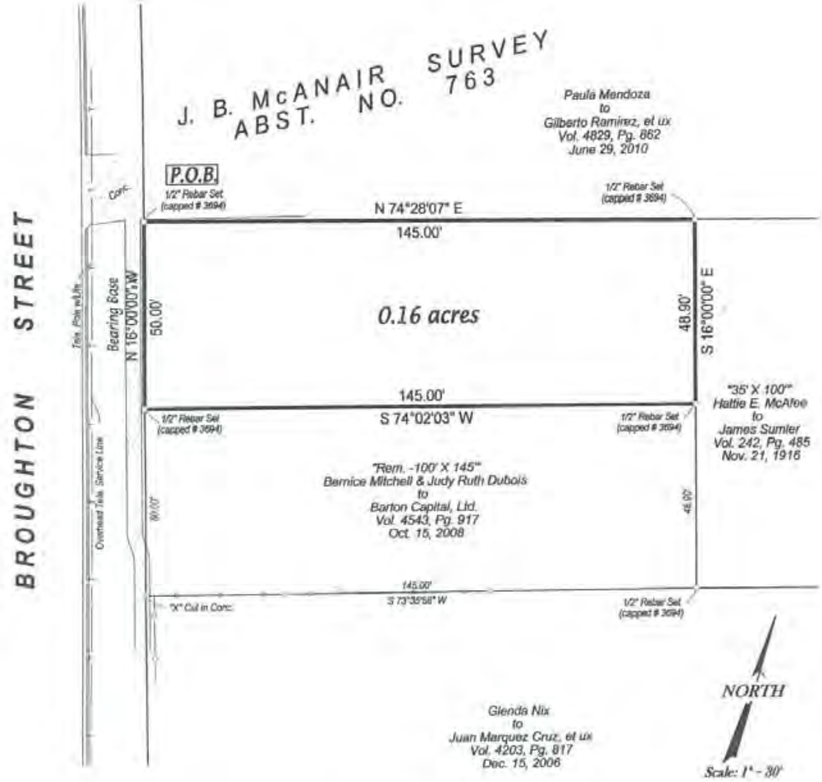
Notary Public, State of Texas

PREPARED IN THE LAW OFFICE OF
HYNDS & GORDON, P. C.
500 N. Sam Rayburn Freeway, Suite 200
Sherman, Texas 75090
P. O. Box 1257
Sherman, TX 75091-1257
903/892-1807 (phone)
903/893-2015 (fax)
Red River#0106252/db

Bk Vol Pg
00025331 OR 4543 920

# EXHIBIT A

ll that certain real property situated in Grayson County, Texas, de-
cribed as follows:
EING a part of a survey originally granted to J. B. McAnair and described
s follows:
EGINNING at a stake in the East line of N Broughton Street in the City
f Sherman, Texas, recorded in Volume 249, Page 270 of the Deed Records
f Grayson County, Texas;
HENCE South 16 East with the East line of Broughton Street 100 feet to
he Southwest corner of said lot;
HENCE North 74 East 145 feet more or less to the Southwest corner of a
ot conveyed by Hattie E. McAfee to James Sumler by a deed recorded in
Volume 242, Page 485 of the Deed Records;
THENCE North 16 West with the West line of the said Sumler lot 100 feet to
the Northwest corner thereof on the North line of the lot conveyed by
S. E. Elliott to Hattie E. McAfee;
THENCE South 74 West with the North line of same 145 feet more or less
to the place of beginning.




# SARTIN & ASSOCIATES, INC.

**REGISTERED PROFESSIONAL LAND SURVEYORS**
P.O. Box 1843 * 109 S. Travis * Sherman, Texas 75091-1843
Ph (903) 892-8003 * Fax (903) 868-2970 * Email – msartin@geecisp.com

SURVEY FOR: TEXOMA HOUSING FINANCE CORP.

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 12 th day of August, 2010 of the following described property:

(LEGAL DESCRIPTION ATTACHED)

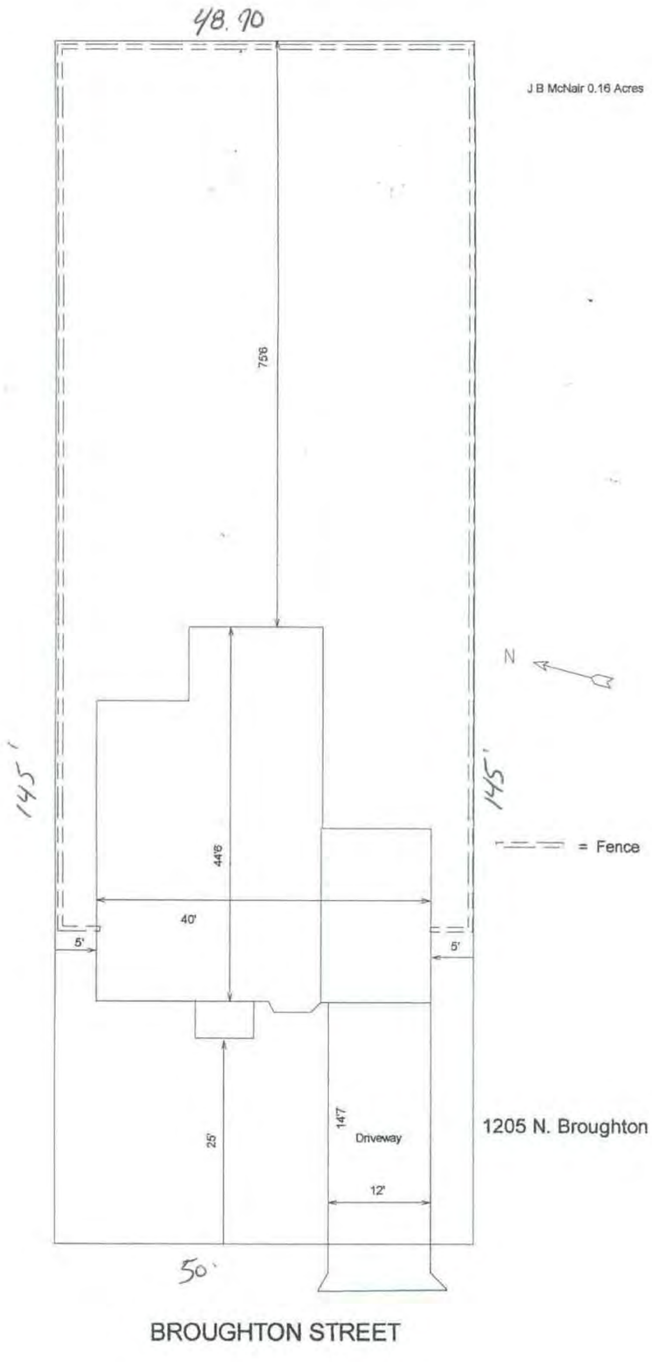
That the improvements located on said property are known as **1205 N. BROUGHTON STREET, SHERMAN, TEXAS**, that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying and is subject to all easements of record that may affect said property.

**THIS SURVEY PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE DATE SHOWN HEREON FOR THE CLIENT NAMES HEREINABOVE AND FOR THE TRANSACTION TAKING PLACE AT THE TIME OF THIS SURVEY. THIS SURVEY PLAT IS NOT TO BE USED IN CONNECTION WITH ANY FUTURE TRANSACTIONS WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE UNDERSIGNED SURVEYOR AND THE UNDERSIGNED SURVEYOR ACCEPTS NO LIABILITY FOR ANY FUTURE UNAUTHORIZED USE OF THIS SURVEY PLAT.**

Marshall Sartin, R.P.L.S. # 3694

STATE OF TEXAS REGISTERED MARSHALL SARTIN 3694 PROFESSIONAL LAND SURVEYOR

CB2ADD-1.pcs


48.90
J B McNair 0.16 Acres
75'8
N
145'
145'
= Fence
44'6
40'
5'
5'
14'7
Driveway
25'
12'
1205 N. Broughton
50'
BROUGHTON STREET

# 1205 North Broughton Street

# CITY OF SHERMAN

## RESIDENTIAL BUILDING PERMIT

SUBCONTRACTOR: CUPID HOMES

PERMIT #: 101854

DATE ISSUED: 11/30/2010

| | | | |
|---|---|---|---|
| PROJECT ADDRESS: | 1205 N BROUGHTON ST | LOT #: | |
| PARCEL ID: | | BLK #: | |
| SUBDIVISION: | CUPID BROUGHTON TWO ADDN | ZONE ORD: | |
| ISSUED TO: | CUPID HOMES | CONTRACTOR: | CUPID HOMES |
| ADDRESS: | 715 S SAM RAYBURN FREEWAY | ADDRESS: | 715 S SAM RAYBURN FREEWAY |
| CITY, ST ZIP: | SHERMAN TX 75090-7260 | CITY, ST ZIP: | SHERMAN TX 75090-7260 |
| PHONE: | 903-818-6180 | PHONE: | |
| PROP.USE: | RESIDENTIAL | SQ FT: | 1,493.00 |
| WORK: | NEW RESIDENTIAL CONSTRUCTION | BEDROOMS: | 2 |
| VALUATION: | $ 72,000.00 | BATHROOMS: | 2 |
| OCCP TYPE: | RESIDENTIAL | STORIES: | 1 |
| CNST TYPE: | WOOD FRAME | | |

| FEE CODE | DESCRIPTION | | AMOUNT |
|---|---|---|---|
| BLD10 | RESIDENTIAL STORMWATER MGMT | | $ 25.00 |
| | | TOTAL | $ 25.00 |

NOTES:

**NOTICE**

**THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED.**

**I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.**

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT — 11/29/10 DATE

(APPROVED BY) — / / DATE


## 1205 North Broughton Street

1 inch = 107 feet

City of Sherman, Texas
Developmental Services Department

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. C.5

**** RESOLUTION NO. 5558***

**Authorizing Execution of an Agreement with U.S. Invested Interest, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 510 North Harrison Avenue**

**Issue**

This item is to consider property tax abatement for the construction of a new single-family residence at 510 North Harrison Avenue.

**Background**

Several years ago, the City Council began a residential tax abatement program to encourage the redevelopment of older sections of town. This application is for the construction of a new single-family residence at this location. This lot is in the designated zone for residential tax abatements.

**Origination**

U.S. Invested Interest, LLC, Applicant

**Financial Consideration**

A $75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately $224.00 annually.

**Staff Recommendation**

The staff recommends approval of this abatement since it meets the requirements of the process.

**Alternatives**

The City Council could decide against granting this abatement.

**Attachments**

Resolution No. 5558
Residential Tax Abatement Agreement
Application
Warranty Deed
Site Plan
Photo
Building Permit Application
Location Map

**Prepared by:**
**Scott Shadden, Director of Development Services**

**Approved by:**
**George Olson, City Manager**

**RESOLUTION NO. 5558**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH U.S. INVESTED INTEREST, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 510 NORTH HARRISON AVENUE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:**

**SECTION 1.** That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from U.S. Invested Interest, LLC and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with U.S. Invested Interest, LLC for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 510 North Harrison Avenue, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

**SECTION 2.** That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**PASSED AND APPROVED** on this the _____ day of ________________, 2011.

**CITY OF SHERMAN, TEXAS**

**ATTEST:**

**BY:** ______________________________
**LINDA ASHBY, CITY CLERK**

**BY:** ______________________________
**BILL MAGERS, MAYOR**

**APPROVED AS TO FORM AND CONTENT:**

**BY:** ______________________________
**BRANDON S. SHELBY, CITY ATTORNEY**

**THE STATE OF TEXAS §**
**§**
**COUNTY OF GRAYSON §**

## AGREEMENT

**THIS AGREEMENT**, entered into by and between the **CITY OF SHERMAN, TEXAS**, a home rule city and municipal corporation of the State of Texas, duly acting herein by and through its City Manager, hereinafter referred to as CITY, and **U.S. INVESTED INTEREST, LLC**, hereinafter referred to as OWNER,

**WITNESSETH:**

**WHEREAS**, on the 2nd day of June, 2008, the City Council of Sherman, Texas, passed Ordinance No. 5537 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

**WHEREAS**, the CITY has adopted a resolution (Resolution No. 5336) stating that it elects to be eligible to participate in a residential tax abatement program; and

**WHEREAS**, the CITY desires to create the proper economic and social environment to induce the investment of private resources in real estate construction located in incorporated areas of the CITY; and

**WHEREAS**, the CITY hereby finds that it may effectively encourage and assist the creation of such an environment by participating in tax abatement pursuant to the CITY; and

**WHEREAS**, the CITY has created a reinvestment zone within its jurisdiction to induce the investment of private resources in real estate construction located in incorporated areas of the CITY, and OWNER has agreed to construct certain real property improvements; and

**WHEREAS**, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 2nd day of June, 2008;

**NOW, THEREFORE, WITNESS THIS TAX ABATEMENT AGREEMENT** which provides as follows:

**I.**

**1.01** To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2011, and continuing for tax years 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019

and 2020 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2011, sometimes referred to herein as the Base Tax Year.

**SCHEDULE OF TAXES ASSESSED**

| TAX YEAR | ABATEMENT |
|---|---|
| 2011 | 100% |
| 2012 | 100% |
| 2013 | 100% |
| 2014 | 100% |
| 2015 | 100% |
| 2016 | 100% |
| 2017 | 80% |
| 2018 | 60% |
| 2019 | 40% |
| 2020 | 20% |

**II.**

**2.01** OWNER warrants and represents that the real property upon which OWNER has constructed or will construct improvements is qualified property within the meaning of that Act, and that such has been and will remain eligible for tax abatement under the provisions of the Property Redevelopment and Tax Abatement Act, Sections 312.001, et seq., Texas Tax Code.

**2.02** To continue to qualify for tax abatement under the terms of this Agreement, OWNER hereby warrants and represents that the improvements made by OWNER on the real property described herein are for residential use.

**2.03** The tax abatement granted under the terms of the Agreement shall only be implemented if appraised value of all real property and improvements located thereon owned by OWNER and lying within designated zone exceeds the base year value. The OWNER agrees that Grayson Appraisal District shall, at reasonable times upon reasonable notice, have access to the property made the subject of this Agreement, and that the above set forth inspectors shall be able to inspect the property to insure that the improvements are being made in accordance with the terms and conditions hereof and utilized in accordance with this Agreement.

**III.**

**3.01** The term of this Agreement shall be for tax years 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020 as indicated above in paragraph 1.01.

## IV.

**4.01** The kind, number and location of all proposed property improvements are set forth as follows:

Construction of one (1) new single-family residence at 510 North Harrison Avenue, Sherman, Texas, and as more particularly described by the following:

**BEING** Lot 6, Block 20, College Park Addition.

## V.

**5.01** OWNER agrees that, should he fail to make improvements substantially as described or fail to perform any other term or covenant hereof, CITY shall have the right, after giving notice and opportunity to cure as hereinafter set out, to recapture all tax revenue on said property in the zone lost as a result of this Agreement for the entire term of the Agreement. Such recapture shall mean that all of such property shall be taxed at the full improved value as assessed by the Grayson Appraisal District for all years this Agreement has been in effect. The payment of such recaptured taxes minus any taxes paid by OWNER during the years this Agreement has been in force shall be due January 1 of the next following year and shall be delinquent if not paid on or prior to January 31st. Penalties and interest shall be calculated thereafter as if all taxes had become due in the same year. The CITY agrees prior to enforcement of the terms of this paragraph to give 120 days written notice to the address shown below of OWNER'S default in completing the improvements called for in this Agreement, and OWNER shall have the right to cure such default within the 120-day period.

## VI.

**6.01** This Agreement shall inure to the benefit of CITY and OWNER, and shall be binding upon them, their heirs, successors and assigns. It is specifically provided and agreed that the right to tax abatement shall inure to the benefit of subsequent owners so long as the term and conditions of this Agreement are in effect.

## VII.

**7.01** CITY agrees that this Agreement may be assigned and the improvements leased or sub-leased, without any further necessity for consent, by the OWNER to any person, firm or corporation.

## VIII.

**8.01** At any time before the expiration of the term hereof, this Agreement may be modified by the mutual action of the parties hereto to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. Such modification must be in writing and signed by all the parties hereto and made by the same procedure by which the original Agreement was approved and executed. In no event may the original Agreement be modified so as to extend the term beyond the original term of this Agreement.

**IX.**

**9.01** This Agreement shall be construed subject to the laws of the State of Texas, and particularly to the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code.

**9.02** All appraisal values for real property shall be made by the Grayson Appraisal District or such other entity as may succeed or replace such District.

**9.03** OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 205 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

**X.**

**10.01** This Agreement is subject to all provisions of all outstanding bond issues of CITY. To the extent that this Tax Abatement Agreement conflicts with any of the provisions of such bond issues, such bond issues and attendant documents thereto shall control.

**XI.**

**11.01** This Tax Abatement Agreement is specifically subject to present laws of the State of Texas and any future laws enacted subsequent to the execution of this Agreement which may provide retroactively for a modification of Agreements of this type as a matter of law. Upon the effective date of any such law, then this Agreement shall automatically be so modified.

**XII.**

**12.01** Notices required by this Agreement shall be mailed to the following addresses as same may be in the future changed by either party upon written notice to the other:

City of Sherman
P.O. Box 1106
Sherman, Texas 75091-1106
(903) 892-7200

U.S. Invested Interest, LLC
301 Main Plaza #320
New Braunfels, Texas 78130
(903) 868-4201

Copy to: Grayson Appraisal District
205 North Travis Street
Sherman, Texas 75090
(903) 893-9673

This Agreement is performable in Grayson County, Texas. Witness our hands on this the

_____ day of _________________________, 2011.

| | |
|---|---|
| **CITY:**<br>**CITY OF SHERMAN, TEXAS** | **OWNER:**<br>**U.S. INVESTED INTEREST, LLC** |
| **BY:** ______________________<br>**GEORGE OLSON**<br>**CITY MANAGER** | **BY:** [signature]<br>**NAME:** GEOFF WEBSTER<br>**TITLE:** MEMBER/PRESIDENT |
| | **BY:** [signature]<br>**NAME:** ANDREA DUNN<br>**TITLE:** SECRETARY/MEMBER |
| **ATTEST:** | **(CORPORATE SEAL)** |
| **BY:** ______________________<br>**LINDA ASHBY**<br>**CITY CLERK** | |

**APPROVED AS TO FORM:**

**BY:** ______________________
**BRANDON S. SHELBY,**
**CITY ATTORNEY**

**THE STATE OF TEXAS §**
**COUNTY OF GRAYSON §**

**BEFORE ME,** the undersigned authority, on this day personally appeared **Andrea Dunn, U.S. Invested Interest, LLC**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein express.

**GIVEN UNDER MY HAND** and seal of office this 29TH day of DECEMBER, 2010, A.D.

JUSTICE OF THE PEACE (QUALIFIED) Reg.No.: 93257 DEPARTMENT OF JUSTICE QUEENSLAND

SMTaylor
**Notary Public**
SUSAN MARGARET TAYLOR
STATE OF QUEENSLAND

**THE STATE OF TEXAS §**
**COUNTY OF GRAYSON §**

**BEFORE ME,** the undersigned authority, on this day personally appeared **Geoffrey Webster, U.S. Invested Interest, LLC**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein express.

**GIVEN UNDER MY HAND** and seal of office this 29TH day of DECEMBER, 2010, A.D.

JUSTICE OF THE PEACE (QUALIFIED) Reg.No.: 93257 DEPARTMENT OF JUSTICE QUEENSLAND

SMTaylor
**Notary Public**
SUSAN MARGARET TAYLOR
STATE OF QUEENSLAND

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

**Property Owner:**

Name: US INVESTED INTEREST LLC

Mailing Address: C/- D KIGHT, 5-K PROPERTY MANAGEMENT

Telephone Number: (903) 464 - 9476

**Contact (if different than owner)**

Name: 5-K PROPERTY MANAGEMENT (Melenie Barajas)

Mailing Address: 815 W. MAIN STREET, DENISON, TX 75020

Telephone Number: (903) 464 - 9476

**Property:**

Physical Address: 510 N Harrison

Summary Legal Description: Lot: 6 Block: 20 Addition: College Park

Full Legal Description: Include as an attachment a full legal description with metes and bounds

**Improvements:**

Type of Improvements (please check one): New Construction: ✓ Remodeling: ____

Estimated Value of Improvements: $ ~~[illegible]~~ 70,000.00

Estimated Date of Start of Construction: 12/15/10

Estimated Date of Completion of Project: 1/31/11

Description of Project: Construction of new residential single family home

Applicant (s): [signature] A DUNN Date: 3 NOV 2010
[signature] C WEBSTER
US INVESTED INTEREST LLC MEMBERS

**** Electronically Filed Document ****

Wilma Blackshear Bush
County Clerk
Grayson County

Document Number: 2010-23291
Recorded As : E-FILE RECORDINGS

| | |
|---|---|
| Recorded On: | November 30, 2010 |
| Recorded At: | 08:14:26 am |
| Number of Pages: | 3 |
| Book-VI/Pg: | Bk-OR VI-4889 Pg-187 |
| Recording Fee: | $20.00 |

Parties:

Direct- KIGHT FAMILY LIMITED PARTNERSHIP I
Indirect- US INVESTED INTEREST LLC

| | |
|---|---|
| Receipt Number: | 321302 |
| Processed By: | GAIL WHITE |

************* THIS PAGE IS PART OF THE INSTRUMENT *************

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

COUNTY COURT OF GRAYSON COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF GRAYSON
I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Grayson County, Texas

Wilma Blackshear Bush

Wilma Blackshear Bush, Grayson County Clerk

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

**WARRANTY DEED**

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF GRAYSON §

That, KIGHT FAMILY LIMITED PARTNERSHIP #1, A TEXAS LIMITED PARTNERSHIP, of the County of GRAYSON and the State of Texas for and in consideration of the sum of FIFTEEN THOUSAND TWO HUNDRED AND NO/100 ($15,200.00) DOLLARS and other valuable consideration to the undersigned paid by grantee(s) herein named, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto US INVESTED INTEREST, LLC, a Texas limited liability company, (Grantee) whose address is 301 Main Plz #320, New Braunfels, Texas 75130-5136, all of the following described real property in Grayson County, Texas, to-wit:

BEING LOTS FIVE (5) AND SIX (6) IN BLOCK TWENTY (20) OF THE COLLEGE PARK ADDITION, SHERMAN, GRAYSON COUNTY, TEXAS, AND COMMONLY KNOWN AS 516 N. HARRISON, SHERMAN, TEXAS 75090

This conveyance is subject to, and the warranties here do not extend to, any existing easements, rights-of-way or outstanding oil, gas and mineral interest, including oil, gas and mineral leases, building or use restrictions which may be of record in the office of the County Clerk of Grayson County, Texas and which may pertain to the property hereby conveyed

Further, this conveyance is made "as-is" without any warranties or representations of any kind or nature as to the physical condition of the property conveyed hereby, or any portion thereof.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee(s), Grantee's successors and assigns forever; and it does hereby bind itself, its heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee(s), Grantee's heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof

EXECUTED this 29 day of November, 2010.

KIGHT FAMILY LIMITED PARTNERSHIP #1
a Texas limited partnership

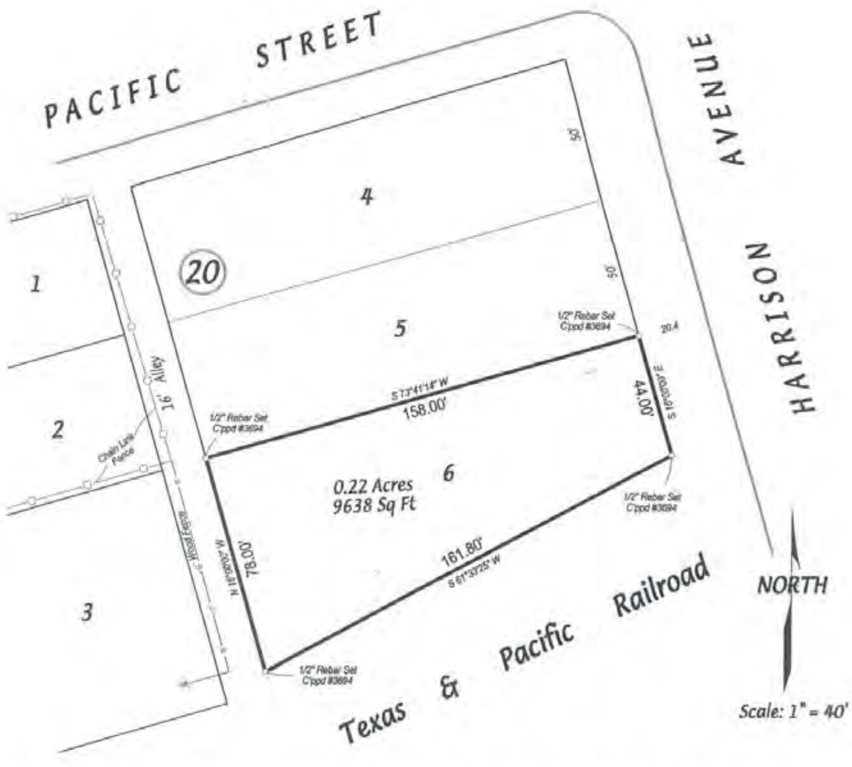
BY: David E. Kight
David E. Kight, General Partner

STATE OF TEXAS §
§
COUNTY OF GRAYSON §

This instrument was acknowledged before me on the 29th day of November, 2010. by DAVID E KIGHT, as General Partner of and on behalf of KIGHT FAMILY LIMITED PARTNERSHIP #1, a Texas limited partnership, in the capacity stated therein

ROBIN WILLEFORD
MY COMMISSION EXPIRES
October 14, 2014

Robin Willeford
Notary Public in and for the State of Texas




# SARTIN & ASSOCIATES, INC.

**REGISTERED PROFESSIONAL LAND SURVEYORS**
**P.O. Box 1843 * 109 S. Travis * Sherman, Texas 75091-1843**
**Ph (903) 892-8003 * Fax (903) 868-2970 * Email – msartin@gcecisp.com**

**SURVEY FOR: DAVID KIGHT**

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 29th day of November, 2010 of the following described property:

**Lot SIX (6) in Block TWENTY (20) of COLLEGE PARK ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 81, Page 438, Deed Records, Grayson County, Texas.**

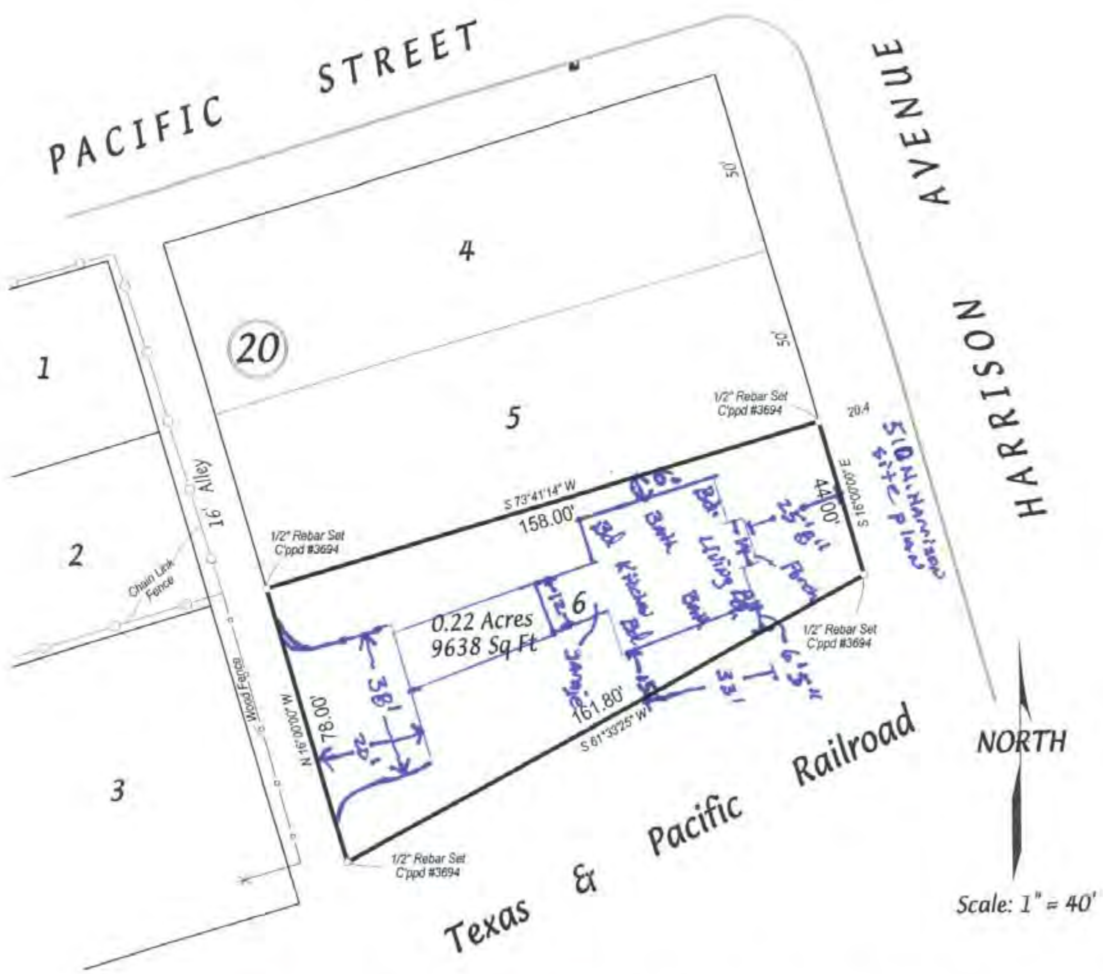
That the improvements located on said property are known as **516 N. HARRISON AVENUE, SHERMAN, TEXAS**, that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying and is subject to all easements of record that may affect said property.

**THIS SURVEY PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE DATE SHOWN HEREON FOR THE CLIENT NAMES HEREINABOVE AND FOR THE TRANSACTION TAKING PLACE AT THE TIME OF THIS SURVEY. THIS SURVEY PLAT IS NOT TO BE USED IN CONNECTION WITH ANY FUTURE TRANSACTIONS WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE UNDERSIGNED SURVEYOR AND THE UNDERSIGNED SURVEYOR ACCEPTS NO LIABILITY FOR ANY FUTURE UNAUTHORIZED USE OF THIS SURVEY PLAT.**

Marshall Sartin, R.P.L.S. # 3694

STATE OF TEXAS REGISTERED MARSHALL SARTIN 3694 PROFESSIONAL LAND SURVEYOR

*D-KIGHT.pcs*

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**THIS SURVEY PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE DATE SHOWN HEREON FOR THE CLIENT NAMES HEREINABOVE AND FOR THE TRANSACTION TAKING**

# 510 North Harrison Avenue

# CITY OF SHERMAN

## RESIDENTIAL BUILDING PERMIT

SUBCONTRACTOR: US INVESTED INTEREST

PERMIT #: 101881 DATE ISSUED: 12/03/2010

| | | | |
|---|---|---|---|
| PROJECT ADDRESS: | 510 N HARRISON AVE | LOT #: | 6 |
| PARCEL ID: | | BLK #: | 20 |
| SUBDIVISION: | COLLEGE PARK 2ND | ZONE ORD: | |
| ISSUED TO: | US INVESTED INTEREST | CONTRACTOR: | DAVID KIGHT |
| ADDRESS: | 815 W MAIN ST | ADDRESS: | 860 BROWN RD |
| CITY, ST ZIP: | DENISON TX 75020 | CITY, ST ZIP: | SHERMAN TX 750902720 |
| PHONE: | 903-464-9476 | PHONE: | 903-821-8828 |
| PROP.USE: | RESIDENTIAL | SQ FT: | 1,531.00 |
| WORK: | NEW RESIDENTIAL CONSTRUCTION | BEDROOMS: | 4 |
| VALUATION: | $ 70,000.00 | BATHROOMS: | 2 |
| OCCP TYPE: | RESIDENTIAL | STORIES: | 1 |
| CNST TYPE: | WOOD FRAME | | |

| FEE CODE | DESCRIPTION | AMOUNT |
|---|---|---|
| BLD10 | RESIDENTIAL STORMWATER MGMT | $ 25.00 |
| | TOTAL | $ 25.00 |

NOTES:

**NOTICE**

**THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED.**

**I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.**

David E. Kight

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT

12/3/10

DATE

B. White

(APPROVED BY)

12/8/10

DATE


## 510 N. Harrison Ave.

1 inch = 107 feet

City of Sherman, Texas
Developmental Services Department

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. C.6

**** RESOLUTION NO. 5559***
**Authorizing Execution of an Agreement with U.S. Invested Interest, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 516 North Harrison Avenue**

**Issue**
This item is to consider property tax abatement for the construction of a new single-family residence at 516 North Harrison Avenue.

**Background**
Several years ago, the City Council began a residential tax abatement program to encourage the redevelopment of older sections of town. This application is for the construction of a new single-family residence at this location. This lot is in the designated zone for residential tax abatements.

**Origination**
U.S. Invested Interest, LLC, Applicant

**Financial Consideration**
A $75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately $224.00 annually.

**Staff Recommendation**
The staff recommends approval of this abatement since it meets the requirements of the process.

**Alternatives**
The City Council could decide against granting this abatement.

**Attachments**
Resolution No. 5559
Residential Tax Abatement Agreement
Application
Warranty Deed
Site Plan
Photo
Building Permit Application
Location Map

**Prepared by:**
**Scott Shadden, Director of Development Services**

**Approved by:**
**George Olson, City Manager**

**RESOLUTION NO. 5559**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH U.S. INVESTED INTEREST, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 516 NORTH HARRISON AVENUE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:**

**SECTION 1.** That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from U.S. Invested Interest, LLC and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with U.S. Invested Interest, LLC for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 516 North Harrison Avenue, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

**SECTION 2.** That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**PASSED AND APPROVED** on this the _____ day of ________________, 2011.

**CITY OF SHERMAN, TEXAS**

**ATTEST:**

**BY:** ______________________________
**LINDA ASHBY, CITY CLERK**

**BY:** ______________________________
**BILL MAGERS, MAYOR**

**APPROVED AS TO FORM AND CONTENT:**

**BY:** ______________________________
**BRANDON S. SHELBY, CITY ATTORNEY**

**THE STATE OF TEXAS** §
§
**COUNTY OF GRAYSON** §

**AGREEMENT**

**THIS AGREEMENT**, entered into by and between the **CITY OF SHERMAN, TEXAS**, a home rule city and municipal corporation of the State of Texas, duly acting herein by and through its City Manager, hereinafter referred to as CITY, and **U.S. INVESTED INTEREST, LLC**, hereinafter referred to as OWNER,

**WITNESSETH:**

**WHEREAS**, on the 2nd day of June, 2008, the City Council of Sherman, Texas, passed Ordinance No. 5537 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

**WHEREAS**, the CITY has adopted a resolution (Resolution No. 5336) stating that it elects to be eligible to participate in a residential tax abatement program; and

**WHEREAS**, the CITY desires to create the proper economic and social environment to induce the investment of private resources in real estate construction located in incorporated areas of the CITY; and

**WHEREAS**, the CITY hereby finds that it may effectively encourage and assist the creation of such an environment by participating in tax abatement pursuant to the CITY; and

**WHEREAS**, the CITY has created a reinvestment zone within its jurisdiction to induce the investment of private resources in real estate construction located in incorporated areas of the CITY, and OWNER has agreed to construct certain real property improvements; and

**WHEREAS**, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 2nd day of June, 2008;

**NOW, THEREFORE, WITNESS THIS TAX ABATEMENT AGREEMENT** which provides as follows:

**I.**

**1.01** To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2011, and continuing for tax years 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019

and 2020 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2011, sometimes referred to herein as the Base Tax Year.

**SCHEDULE OF TAXES ASSESSED**

| TAX YEAR | ABATEMENT |
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| 2011 | 100% |
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| 2018 | 60% |
| 2019 | 40% |
| 2020 | 20% |

## II.

**2.01** OWNER warrants and represents that the real property upon which OWNER has constructed or will construct improvements is qualified property within the meaning of that Act, and that such has been and will remain eligible for tax abatement under the provisions of the Property Redevelopment and Tax Abatement Act, Sections 312.001, et seq., Texas Tax Code.

**2.02** To continue to qualify for tax abatement under the terms of this Agreement, OWNER hereby warrants and represents that the improvements made by OWNER on the real property described herein are for residential use.

**2.03** The tax abatement granted under the terms of the Agreement shall only be implemented if appraised value of all real property and improvements located thereon owned by OWNER and lying within designated zone exceeds the base year value. The OWNER agrees that Grayson Appraisal District shall, at reasonable times upon reasonable notice, have access to the property made the subject of this Agreement, and that the above set forth inspectors shall be able to inspect the property to insure that the improvements are being made in accordance with the terms and conditions hereof and utilized in accordance with this Agreement.

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**3.01** The term of this Agreement shall be for tax years 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020 as indicated above in paragraph 1.01.

## IV.

**4.01** The kind, number and location of all proposed property improvements are set forth as follows:

> Construction of one (1) new single-family residence at 516 North Harrison Avenue, Sherman, Texas, and as more particularly described by the following:
>
> **BEING** Lot 5, Block 20, College Park Addition.

## V.

**5.01** OWNER agrees that, should he fail to make improvements substantially as described or fail to perform any other term or covenant hereof, CITY shall have the right, after giving notice and opportunity to cure as hereinafter set out, to recapture all tax revenue on said property in the zone lost as a result of this Agreement for the entire term of the Agreement. Such recapture shall mean that all of such property shall be taxed at the full improved value as assessed by the Grayson Appraisal District for all years this Agreement has been in effect. The payment of such recaptured taxes minus any taxes paid by OWNER during the years this Agreement has been in force shall be due January 1 of the next following year and shall be delinquent if not paid on or prior to January 31st. Penalties and interest shall be calculated thereafter as if all taxes had become due in the same year. The CITY agrees prior to enforcement of the terms of this paragraph to give 120 days written notice to the address shown below of OWNER'S default in completing the improvements called for in this Agreement, and OWNER shall have the right to cure such default within the 120-day period.

## VI.

**6.01** This Agreement shall inure to the benefit of CITY and OWNER, and shall be binding upon them, their heirs, successors and assigns. It is specifically provided and agreed that the right to tax abatement shall inure to the benefit of subsequent owners so long as the term and conditions of this Agreement are in effect.

## VII.

**7.01** CITY agrees that this Agreement may be assigned and the improvements leased or sub-leased, without any further necessity for consent, by the OWNER to any person, firm or corporation.

## VIII.

**8.01** At any time before the expiration of the term hereof, this Agreement may be modified by the mutual action of the parties hereto to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. Such modification must be in writing and signed by all the parties hereto and made by the same procedure by which the original Agreement was approved and executed. In no event may the original Agreement be modified so as to extend the term beyond the original term of this Agreement.

## IX.

**9.01** This Agreement shall be construed subject to the laws of the State of Texas, and particularly to the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code.

**9.02** All appraisal values for real property shall be made by the Grayson Appraisal District or such other entity as may succeed or replace such District.

**9.03** OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 205 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

## X.

**10.01** This Agreement is subject to all provisions of all outstanding bond issues of CITY. To the extent that this Tax Abatement Agreement conflicts with any of the provisions of such bond issues, such bond issues and attendant documents thereto shall control.

## XI.

**11.01** This Tax Abatement Agreement is specifically subject to present laws of the State of Texas and any future laws enacted subsequent to the execution of this Agreement which may provide retroactively for a modification of Agreements of this type as a matter of law. Upon the effective date of any such law, then this Agreement shall automatically be so modified.

## XII.

**12.01** Notices required by this Agreement shall be mailed to the following addresses as same may be in the future changed by either party upon written notice to the other:

City of Sherman
P.O. Box 1106
Sherman, Texas 75091-1106
(903) 892-7200

U.S. Invested Interest, LLC
301 Main Plaza #320
New Braunfels, Texas 78130
(903) 868-4201

Copy to: Grayson Appraisal District
205 North Travis Street
Sherman, Texas 75090
(903) 893-9673

This Agreement is performable in Grayson County, Texas. Witness our hands on this the

____ day of ________________________, 2011.

| | |
|---|---|
| **CITY:**<br>**CITY OF SHERMAN, TEXAS** | **OWNER:**<br>**U.S. INVESTED INTEREST, LLC** |
| **BY:** ______________________<br>**GEORGE OLSON**<br>**CITY MANAGER** | **BY:** GWt<br>**NAME:** GEOFF WEBSTER<br>**TITLE:** MEMBER / PRESIDENT |
| | **BY:** AJD<br>**NAME:** ANDREA DUNN<br>**TITLE:** SECRETARY / MEMBER |
| **ATTEST:** | **(CORPORATE SEAL)** |

**BY:** ______________________
**LINDA ASHBY**
**CITY CLERK**

**APPROVED AS TO FORM:**

**BY:** ______________________
**BRANDON S. SHELBY,**
**CITY ATTORNEY**

**THE STATE OF TEXAS §**
**COUNTY OF GRAYSON §**

**BEFORE ME,** the undersigned authority, on this day personally appeared **Andrea Dunn, U.S. Invested Interest, LLC**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein express.

**GIVEN UNDER MY HAND** and seal of office this 29TH day of DECEMBER 20 10, A.D.

JUSTICE OF THE PEACE (QUALIFIED) Reg.No.: 93257 DEPARTMENT OF JUSTICE QUEENSLAND

SMTaylr
**Notary Public**
SUSAN MARGARET TAYLOR
STATE OF QUEENSLAND

**THE STATE OF TEXAS §**
**COUNTY OF GRAYSON §**

**BEFORE ME,** the undersigned authority, on this day personally appeared **Geoffrey Webster, U.S. Invested Interest, LLC**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein express.

**GIVEN UNDER MY HAND** and seal of office this 24TH day of DECEMBER 20 10, A.D.

JUSTICE OF THE PEACE (QUALIFIED) Reg.No.: 93257 DEPARTMENT OF JUSTICE QUEENSLAND

SMTaylr
**Notary Public**
SUSAN MARGARET TAYLOR
STATE OF QUEENSLAND

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

**Property Owner:**

Name: US INVESTED INTEREST LLC

Mailing Address: C/- D KIGHT, 5-K PROPERTY MANAGEMENT

Telephone Number: (903) 464-9476

**Contact (if different than owner)**

Name: 5-K PROPERTY MANAGEMENT (Melenie Barajas)

Mailing Address: 815 W. MAIN STREET, DENISON, TX 75020

Telephone Number: (903) 464-9476

**Property:**

Physical Address: 516 N Harrison

Summary Legal Description: Lot: 5 Block: 20 Addition: College Park

Full Legal Description: Include as an attachment a full legal description with metes and bounds

**Improvements:**

Type of Improvements (please check one): New Construction: ✓ Remodeling: ___

Estimated Value of Improvements: $ 70,000.00

Estimated Date of Start of Construction: 12/15/10

Estimated Date of Completion of Project: 1/31/11

Description of Project: Construction of new residential single family home

Applicant (s): A DUNN Date: 3 NOV 2010
G WEBSTER
US INVESTED INTEREST LLC MEMBERS

## **** Electronically Filed Document ****

Wilma Blackshear Bush
County Clerk
Grayson County

**Document Number: 2010-23291**
**Recorded As : E-FILE RECORDINGS**

| | |
|---|---|
| Recorded On: | November 30, 2010 |
| Recorded At: | 08:14:26 am |
| Number of Pages: | 3 |
| Book-VI/Pg: | Bk-OR VI-4889 Pg-187 |
| Recording Fee: | $20.00 |

Parties:

Direct- KIGHT FAMILY LIMITED PARTNERSHIP
Indirect- US INVESTED INTEREST LLC

| | |
|---|---|
| Receipt Number: | 321302 |
| Processed By: | GAIL WHITE |

************* THIS PAGE IS PART OF THE INSTRUMENT *************

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

COUNTY COURT OF GRAYSON COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF GRAYSON
I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Grayson County, Texas

Wilma Blackshear Bush

Wilma Blackshear Bush, Grayson County Clerk

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

# WARRANTY DEED

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF GRAYSON §

That, KIGHT FAMILY LIMITED PARTNERSHIP #1, A TEXAS LIMITED PARTNERSHIP, of the County of GRAYSON and the State of Texas for and in consideration of the sum of FIFTEEN THOUSAND TWO HUNDRED AND NO/100 ($15,200.00) DOLLARS and other valuable consideration to the undersigned paid by grantee(s) herein named, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto US INVESTED INTEREST, LLC, a Texas limited liability company, (Grantee) whose address is 301 Main Plz #320, New Braunfels, Texas 75130-5136, all of the following described real property in Grayson County, Texas, to-wit:

BEING LOTS FIVE (5) AND SIX (6) IN BLOCK TWENTY (20) OF THE COLLEGE PARK ADDITION, SHERMAN, GRAYSON COUNTY, TEXAS, AND COMMONLY KNOWN AS 516 N. HARRISON, SHERMAN, TEXAS 75090

This conveyance is subject to, and the warranties here do not extend to, any existing easements, rights-of-way or outstanding oil, gas and mineral interest, including oil, gas and mineral leases, building or use restrictions which may be of record in the office of the County Clerk of Grayson County, Texas and which may pertain to the property hereby conveyed

Further, this conveyance is made "as-is" without any warranties or representations of any kind or nature as to the physical condition of the property conveyed hereby, or any portion thereof.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee(s), Grantee's successors and assigns forever; and it does hereby bind itself, its heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee(s), Grantee's heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof

EXECUTED this 29 day of November, 2010.

KIGHT FAMILY LIMITED PARTNERSHIP #1
a Texas limited partnership

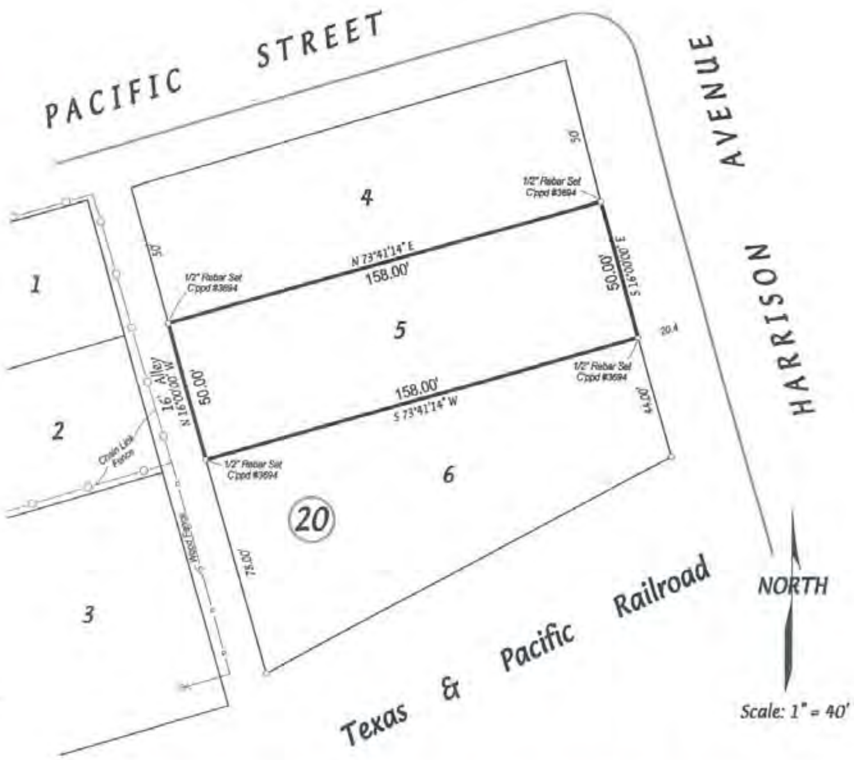
BY: David E. Kight
David E. Kight, General Partner

STATE OF TEXAS §
§
COUNTY OF GRAYSON §

This instrument was acknowledged before me on the 29th day of November, 2010. by DAVID E KIGHT, as General Partner of and on behalf of KIGHT FAMILY LIMITED PARTNERSHIP #1, a Texas limited partnership. in the capacity stated therein

ROBIN WILLEFORD
MY COMMISSION EXPIRES
October 14, 2014

Robin Willeford
Notary Public in and for the State of Texas




# SARTIN & ASSOCIATES, INC.


**REGISTERED PROFESSIONAL LAND SURVEYORS**
P.O. Box 1843 * 109 S. Travis * Sherman, Texas 75091-1843
Ph (903) 892-8003 * Fax (903) 868-2970 * Email – msartin@gcecisp.com


SURVEY FOR: DAVID KIGHT

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 29th day of November, 2010 of the following described property:

**Lot FIVE (5) in Block TWENTY (20) of COLLEGE PARK ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 81, Page 438, Deed Records, Grayson County, Texas.**

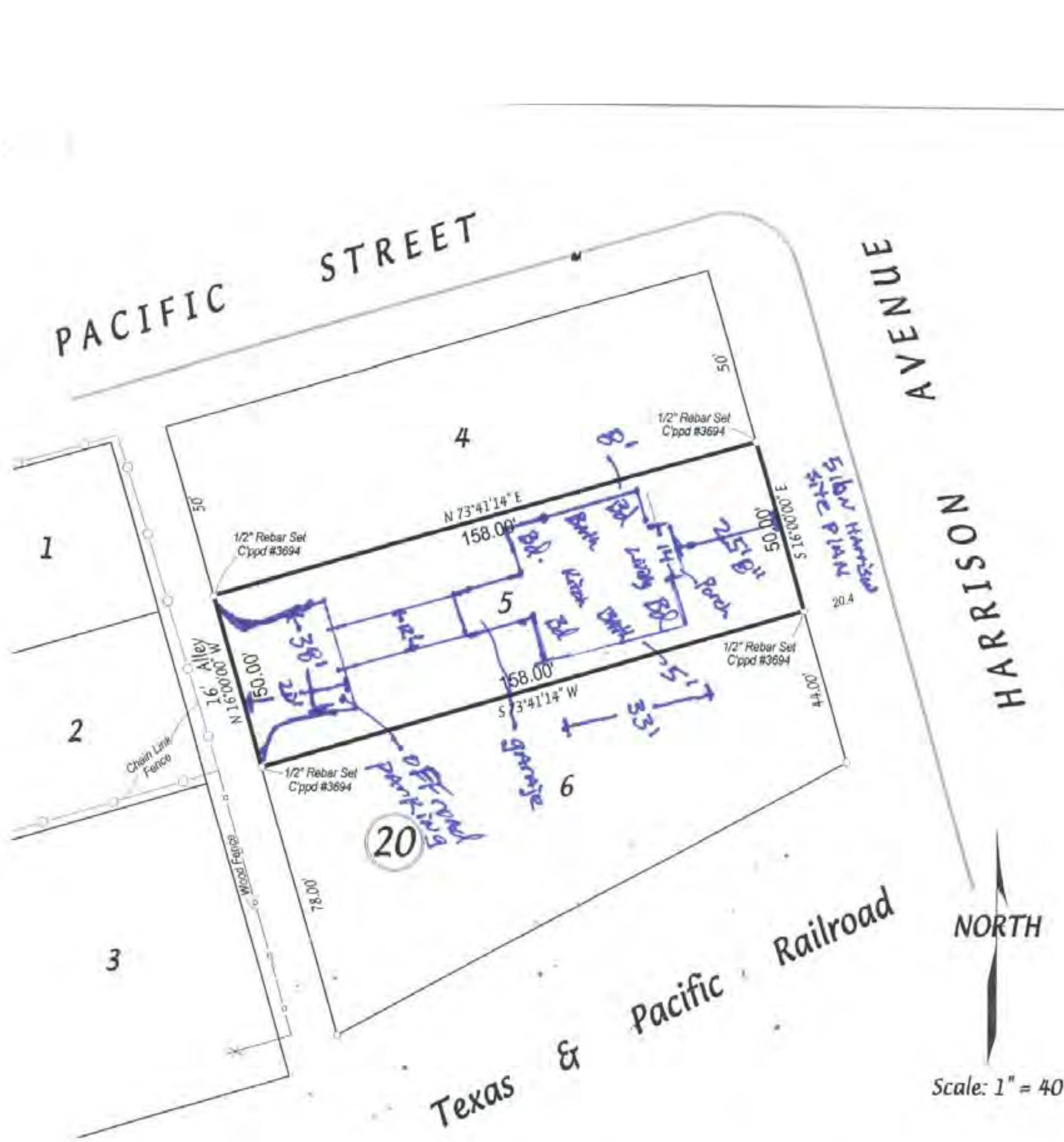
That the improvements located on said property are known as ____ **N. HARRISON AVENUE, SHERMAN, TEXAS,** that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying and is subject to all easements of record that may affect said property.

**THIS SURVEY PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE DATE SHOWN HEREON FOR THE CLIENT NAMES HEREINABOVE AND FOR THE TRANSACTION TAKING PLACE AT THE TIME OF THIS SURVEY. THIS SURVEY PLAT IS NOT TO BE USED IN CONNECTION WITH ANY FUTURE TRANSACTIONS WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE UNDERSIGNED SURVEYOR AND THE UNDERSIGNED SURVEYOR ACCEPTS NO LIABILITY FOR ANY FUTURE UNAUTHORIZED USE OF THIS SURVEY PLAT.**

Marshall Sartin, R.P.L.S. # 3694

STATE OF TEXAS REGISTERED MARSHALL SARTIN 3694 PROFESSIONAL LAND SURVEYOR

*D-KIGHT5.pcs*




# SARTIN & ASSOCIATES, INC.

REGISTERED PROFESSIONAL LAND SURVEYORS
P.O. Box 1843 * 109 S. Travis * Sherman, Texas 75091-1843
Ph (903) 892-8003 * Fax (903) 868-2970 * Email – msartin@gcecisp.com

SURVEY FOR: DAVID KIGHT

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That the improvements located on said property are known as ____ **N. HARRISON AVENUE, SHERMAN, TEXAS,** that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying and is subject to all easements of record that may affect said property.

**THIS SURVEY PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE DATE SHOWN HEREON FOR THE CLIENT NAMES HEREINABOVE AND FOR THE TRANSACTION TAKING**

# 516 North Harrison Avenue

# CITY OF SHERMAN

## RESIDENTIAL BUILDING PERMIT

SUBCONTRACTOR: US INVESTED INTEREST

PERMIT #: 101880 DATE ISSUED: 12/03/2010

| | | | |
|---|---|---|---|
| PROJECT ADDRESS: | 516 N HARRISON AVE | LOT #: | 5 |
| PARCEL ID: | 161092 | BLK #: | 20 |
| SUBDIVISION: | COLLEGE PARK ADDN | ZONE ORD: | |
| ISSUED TO: | US INVESTED INTEREST | CONTRACTOR: | DAVID KIGHT |
| ADDRESS: | 815 W MAIN ST | ADDRESS: | 860 BROWN RD |
| CITY, ST ZIP: | DENISON TX 75020 | CITY, ST ZIP: | SHERMAN TX 750902720 |
| PHONE: | 903-464-9476 | PHONE: | 903-821-8828 |
| PROP.USE: | RESIDENTIAL | SQ FT: | 1,531.00 |
| WORK: | NEW RESIDENTIAL CONSTRUCTION | BEDROOMS: | 4 |
| VALUATION: | $ 70,000.00 | BATHROOMS: | 2 |
| OCCP TYPE: | RESIDENTIAL | STORIES: | 1 |
| CNST TYPE: | WOOD FRAME | | |

| FEE CODE | DESCRIPTION | | AMOUNT |
|---|---|---|---|
| BLD10 | RESIDENTIAL STORMWATER MGMT | | $ 25.00 |
| | | TOTAL | $ 25.00 |

NOTES:

**NOTICE**

**THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED.**

**I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.**

David E. Kight

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT

12/3/10
DATE

B. White

(APPROVED BY)

12/8/10
DATE


## 516 N. Harrison Ave.

City of Sherman, Texas
Developmental Services Department

1 inch = 107 feet

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. C.7

**** RESOLUTION NO. 5560***
**Awarding Bids to and Authorizing Execution of Contracts with Multiple Vendors for an Annual Supply of Chemicals for the Sherman Water Treatment Plant**

**Issue**
To consider awarding contracts to multiple vendors for an annual supply of chemicals to be used at the Sherman Water Treatment Plant

**Background**
In accordance with Texas purchasing laws, the City solicited bids from various chemical vendors for the annual supply of chemicals for our water operations. This year, the City received bids from thirteen (13) vendors. In order to gain maximum benefit for the City, each type of chemical is considered separately for awarding purposes; thus, the staff will recommend awarding contracts to seven (7) different vendors based on the lowest price for each of the commodities. Attached is a summary of the chemical vendors' pricing by commodity.

**Origination**
Department of Utilities & Engineering

**Financial Consideration**
The total cost of ten (10) chemicals, based on estimated quantities used in the bid process, is $374,011.11. Funding is available in the water production budget for fiscal year (FY) 2010-2011 for the purchase of these chemicals.

**Staff Recommendation**
It is recommended that the Council award the contracts for chemicals to the vendors as identified in the attached pricing summary.

**Alternatives**
As may be directed by the City Council

**Attachments**
Resolution No. 5560
Chemical Bid Tabulation

**Prepared by:**
**Mark Gibson, Director of Utilities & Engineering**

**Approved by:**
**George Olson, City Manager**

**RESOLUTION NO. 5560**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING BIDS TO AND AUTHORIZING EXECUTION OF CONTRACTS WITH MULTIPLE VENDORS FOR AN ANNUAL SUPPLY OF CHEMICALS FOR THE SHERMAN WATER TREATMENT PLANT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:**

**SECTION 1.** That bids are hereby awarded to Chemrite, Inc., DPC Industries, Inc., FSTI, Inc., General Chemical Performance Products, LLC, F2 Industries, LLC, Chameleon Industries, Inc., and Southwest Chemical Services, Inc. for the annual supply of chemicals to be used at the Sherman Water Treatment Plant in accordance with the City's specifications; and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute contracts of sale with Chemrite, Inc., DPC Industries, Inc., FSTI, Inc., General Chemical Performance Products, LLC, F2 Industries, LLC, Chameleon Industries, Inc., and Southwest Chemical Services, Inc. for said supply of chemicals to be used at the Sherman Water Treatment Plant, in accordance with the terms and provisions of the contract documents to be attached hereto and incorporated herein for all purposes.

**SECTION 2.** That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**PASSED AND APPROVED** on this the _____ day of ________________, 2011.

**CITY OF SHERMAN, TEXAS**

**ATTEST:**

**BY:** ______________________________
**LINDA ASHBY, CITY CLERK**

**BY:** ______________________________
**BILL MAGERS, MAYOR**

**APPROVED AS TO FORM AND CONTENT:**

**BY:** ______________________________
**BRANDON S. SHELBY,**
**CITY ATTORNEY**

# Chemical Bid – Low Bidders

| Chemical Name | Low Bid Vendor | Bid | Usage | Total Cost of Chemical |
|---|---|---|---|---|
| Liquid Chlorine 150-lbs | DPC | $84.00 | 800 | $67,200.00 |
| Liquid Chlorine 1-TON | DPC | $600.26 | 50 | $30,013.00 |
| Liquid Ammonia Ton | Southwest Chemical | $0.89 | 9,999 | $8,899.11 |
| Potassium Permanaganate | F2 Industries | $2.08 | 16,000 | $33.280.00 |
| Hydrochloric Acid | FSTI | $0.64 | 63,000 | $40,320.00 |
| 25% Sodium Hydroxide | FSTI | $0.67 | 79,761 | $53,440.00 |
| Aluminum Sulfate | Chameleon Industries, Inc. | $0.6191 | 65,000 | $40,241.50 |
| Polyelectrolyte Polymers | No Bid | | | No Bid |
| Fluorosilicic Acid | Southwest Chemical | $3.76 | 5,000 | $18,800.00 |
| Liquid Copper Sulfate | ChemRite | $396.00 | 90 | $35,640.00 |
| Scale Inhibitor (Poly Phosphate) | General Chemical | $307.85 | 150 | $46,177.50 |
| Sodium Chloride | No Bid | | | No Bid |
| | | | **Total** | **$374,011.11** |

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. D.1

**OTHER BUSINESS**
**Receive the Parks and Recreation Board's Presentation on the Proposed Acquisition of Railroad Rights-of-Way**

**Issue**
Larry Ward and Trent Bass of the Parks and Recreation Board will make a presentation about the use of railroad rights-of-way for walking and jogging trails in our community.

**Background**
The 2005 Park Master Plan established that a majority of respondents to the survey, given during that process, expressed a desire for developing new trails and connectivity within our park system. Trails garnered the highest percentage of respondents as one of the most important facilities to them and their households. The plan also recommended that the City should move toward using existing utility type easements as a resource to establish more trails and connectivity. Acquisition of railroad rights-of-way would allow for future growth toward our goal of expanding our trail system.

**Origination**
Parks and Recreation Board

**Financial Consideration**
There is no financial consideration at this time.

**Staff Recommendation**
The staff recommends that the City Council receive this report and consider giving authorization to the Parks Board members to pursue what is involved to acquire railroad rights-of-way for future trail expansions. After determining this process and details, the results will then be brought back to the City Council for their future consideration.

**Attachments**
None

**Prepared by:**
**Kevin Winkler, Parks & Recreation Administrator**

**Approved by:**
**George Olson, City Manager**

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. D.2

**OTHER BUSINESS**

**Consider Approval of the Annexation Scheduling Plan for the Annexation of Approximately 23.065 Acres South of Dripping Springs Road and West of Cedar Park Village; and Directing the Department of Engineering Services to Develop a Service Plan for the Area to be Annexed upon Approval of the Annexation Scheduling Plan**

**Issue**

To consider approval of the schedule for annexation of approximately 23.065 acres south of Dripping Springs Road and west of Cedar Park Village

**Background**

It is the City's intention to annex specifically identified individual areas in the City's extra territorial jurisdiction (ETJ), in accordance with state law and the City Charter. State law requires the City Council to conduct two (2) public hearings on its intent to annex and the provision of services no later than forty (40) days nor earlier than twenty (20) days before the introduction of the annexation ordinance. Publication of notice of these hearings must be no later than twenty (20) days nor earlier than ten (10) days before each hearing. State law also requires that the City Council shall direct its planning department to develop a service plan for the proposed annexation area. The City Charter requires at least seventy-two (72) hours public notice of the annexation ordinance before its adoption.

**Origination**

Request of Property Owners

**Financial Consideration**

City accepts maintenance. A cost-benefit analysis will be provided prior to final action on this item.

**Staff Recommendation**

It is recommended that the schedule for annexation be approved and that the required public hearings be set for February 21, 2011, March 7, 2011 and March 28, 2011 (called Council meeting).

**Alternatives**

As directed by the City Council

**Attachments**

Annexation Scheduling Plan, Field Notes, Annexation Sketch and Location Aerial

**Prepared by:**
**Brandon Shelby, City Attorney**

**Approved by:**
**George Olson, City Manager**

# <u>ANNEXATION SCHEDULING PLAN</u>

**Approximately 23.065 Acres**
**South of Dripping Springs Road and West of Cedar Park Village**

| | |
|---|---|
| Friday, January 21, 2011………….. | Send written notice to property owners in the area to be annexed, public or private entities that provide services in that area, and any railroads with a right of way in the area to be annexed. The Department of Engineering Services will prepare a service plan that details the specific Municipal Services that will be provided to the area after it is annexed. |
| Tuesday, February 8, 2011……….. | Post notice on City's website, newspaper and City Hall for City Council's 1st Public Hearing on intent to annex. Send written notice to each public school district in the area to be annexed. Send by certified mail a second written notice to any railroads with a right of way in the area to be annexed. Obtain required affidavit of publication from newspaper. |
| Friday, February 18, 2011………… | Post notice of 1st Public Hearing under the Open Meetings Act. |
| Monday, February 21, 2011………. | City Council's 1st Public Hearing on intent to annex and service plan.* (Regular Council Meeting) |
| Tuesday, February 22, 2011………. | Post notice on City's website, newspaper and City Hall for City Council's 2nd Public Hearing on intent to annex. Obtain required affidavit of publication from newspaper. |
| Friday, March 4, 2011…………….. | Post notice of 2nd Public Hearing under the Open Meetings Act. |
| Monday, March 7, 2011………….. | City Council's 2nd Public Hearing on intent to annex and service plan.* (Regular Council Meeting) |
| Thursday, March 24, 2011……….. | Post notice on City's website, newspaper and City Hall for introduction of annexation ordinance and adoption of the ordinance. Posting will also be in compliance with the Open Meetings Act. |
| Monday, March 28, 2011…………. | City Council Public Hearing for introduction and consideration of adoption of annexation ordinance. (Special Called Council Meeting) |

* If more than twenty adults who are residents of the area to be annex protest within ten (10) days of the notice by publication, then one of the public hearings must be held in the area to be annexed.

VICE PRESIDENT
KENNETH N. RUSSELL, R. P. L. S.

PRESIDENT
BILLY F. HELVEY, R. P. L. S.

Boundary Surveys - Topographic Surveys - Sub-Divisions
Residential - Commercial - Oil Well Site Locations
Construction Staking

*Helvey And Associates Surveying, Inc.*

222 WEST MAIN STREET, DENISON, TEXAS 75020 PHONE (903)463-6191 FAX (903)463-4088

## 21.519 Acres for Annexation into the City of Sherman

**SITUATED** in the County of Grayson, State of Texas, and being a part of the John Hendrix Survey, Abstract No. 503, and being a part of the S. M. McGlothlin Survey, Abstract No. 811, and being a part of the property conveyed to William Charles Richardson and Dorris Lee Richardson McManamy, Trustees of the Richardson Family Trust by Charles Allen Richardson and Gene Marie Davis Richardson by Warranty Deed dated August 10, 1993 and recorded in Volume 2296, Page 767, Real Property Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

**BEGINNING** at a point in the West line of the 5.507 ac. tract of land conveyed to Fernando Meraz and Angela Meraz in Volume 4768, Page 285, Official Public Records, Grayson County, Texas, at the Northeast corner of the herein described tract, being South 88 deg. 43 min. 32 sec. East, 956.09 ft. and South 00 deg. 42 min. 06 sec. West, 40.00 ft. from a 1/2 inch rebar found in the pavement of Dripping Springs Road, a public road, at the Northwest corner of said Richardson Family Trust property;

**THENCE** South 00 deg. 42 min. 06 sec. West, with the West line of said Meraz 5.507 ac., over and across said Richardson Family Trust property, a distance of 1,102.54 ft. to a 1/2 inch rebar found in the North line of Lot 5, Block 3, Cedar Park Village to the City of Sherman, Texas, as per plat of record in Volume 14, Pages 10 and 11, Plat Records, Grayson County, Texas, in a South line of said Richardson Family Trust property, at the Southwest corner of said Meraz 5.507 ac. and the Southeast corner of the herein described tract;

**THENCE** North 88 deg. 53 min. 17 sec. West, with the North line of said Lot 5 and a South line of said Richardson Family Trust property, a distance of 802.47 ft. to a 1/2 inch rebar found at a fence corner at the Southeast corner of the 3.000 ac. tract of land conveyed to Patsy Jo Revill in Volume 2594, Page 699, said Official Public Records, at the most Southerly Southwest corner of the herein described tract;

**THENCE** North 00 deg. 35 min. 18 sec. East, with the general course of a wire fence maintaining the East line of said Revill 3.000 ac. and a West line of said Richardson Family Trust property, a distance of 710.82 ft. to a 1/2 inch rebar found at a fence corner at the Northeast corner of said Revill 3.000 ac., at an Ell corner of both said Richardson Family Trust property and the herein described tract;

**THENCE** South 89 deg. 41 min. 54 sec. West, with the general course of a wire fence maintaining the North line of said Revill 3.000 ac. and a South line of said Richardson Family Trust property, a distance of 141.35 ft. to a point at the most Westerly Southwest corner of the herein described tract;

**THENCE** North 04 deg. 31 min. 08 sec. East, 40 ft. East of and parallel with a West line of said Richardson Family Trust property, over and across said Richardson Family Trust property, a distance of 398.53 ft. to a point at the Northwest corner of the herein described tract;

**THENCE** South 88 deg. 43 min. 31 sec. East, 40 ft. South of and parallel with the South line of said Richardson Family Trust property, continuing over and across said Richardson Family Trust property, a distance of 918.70 ft. to the **PLACE OF BEGINNING** and containing **21.519 ACRES** of land.

VICE PRESIDENT
KENNETH N. RUSSELL, R. P. L. S.

PRESIDENT
BILLY F. HELVEY, R. P. L. S.

Boundary Surveys - Topographic Surveys - Sub-Divisions
Residential - Commercial - Oil Well Site Locations
Construction Staking

**Helvey And Associates Surveying, Inc.**

222 WEST MAIN STREET, DENISON, TEXAS 75020 PHONE (903)463-6191 FAX (903)463-4088

## 1.246 Acres – 40 ft. R.O.W. Dedication

**SITUATED** in the County of Grayson, State of Texas, and being a part of the John Hendrix Survey, Abstract No. 503, and being a part of the property conveyed to William Charles Richardson and Dorris Lee Richardson McManamy, Trustees of the Richardson Family Trust by Charles Allen Richardson and Gene Marie Davis Richardson by Warranty Deed dated August 10, 1993 and recorded in Volume 2296, Page 767, Real Property Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

**BEGINNING** at a 1/2 inch rebar found in the pavement of Dripping Springs Road, a public road, at the Northwest corner of both said Richardson Family Trust property and the herein described tract;

**THENCE** South 88 deg. 43 min. 31 sec. East, with the pavement of said Dripping Springs Road for several ft. and then leaving said pavement and continuing with the South line of said road, and with the North line of said Richardson Family Trust property, a distance of 956.09 ft. to a 1/2 inch rebar found at the Northwest corner of the 5.507 ac. tract of land conveyed to Fernando Meraz and Angela Meraz in Volume 4768, Page 285, Official Public Records, Grayson County, Texas, at the Northeast corner of the herein described tract;

**THENCE** South 00 deg. 42 min. 06 sec. West, with the West line of said Meraz 5.507 ac., over and across said Richardson Family Trust property, a distance of 40.00 ft. to a point at the most Easterly Southeast corner of the herein described tract;

**THENCE** North 88 deg. 43 min. 31 sec. West, 40 ft. South of and parallel with the North line of said Richardson Family Trust property, over and across said Richardson Family Trust property, a distance of 918.70 ft. to an Ell corner of the herein described tract;

**THENCE** South 04 deg. 31 min. 08 sec. West, 40 ft. East of and parallel with a West line of said Richardson Family Trust property, continuing over and across said Richardson Family Trust property, a distance of 398.53 ft. to a point in a North line of the 3.000 ac. tract of land conveyed to Patsy Jo Revill in Volume 2594, Page 699, said Official Public Records, in a South line of said Richardson Family Trust property, at the most Southerly Southeast corner of the herein described tract;

**THENCE** South 89 deg. 41 min. 54 sec. West, with the general course of a wire fence maintaining the North line of said Revill 3.000 ac. and a South line of said Richardson Family Trust property, a distance of 40.14 ft. to a 1/2 inch rebar found in the East line of said Dripping Springs Road, at the Northwest corner of said Revill 3.000 ac., at the Southwest corner of both said Richardson Family Trust property and the herein described tract;

**THENCE** North 04 deg. 31 min. 08 sec. East, with the East line of said Dripping Springs Road and a West line of said Richardson Family Trust property, a distance of 439.70 ft. to the **PLACE OF BEGINNING** and containing **1.246 ACRES** of land.

VICE PRESIDENT
KENNETH N. RUSSELL, R. P. L. S.

PRESIDENT
BILLY F. HELVEY, R. P. L. S.

Boundary Surveys - Topographic Surveys - Sub-Divisions
Residential - Commercial - Oil Well Site Locations
Construction Staking

# *Helvey And Associates Surveying, Inc.*

222 WEST MAIN STREET, DENISON, TEXAS 75020 PHONE (903)463-6191 FAX (903)463-4088

## 0.300 Acres – 10 ft. Waterline Easement

**SITUATED** in the County of Grayson, State of Texas, and being a part of the John Hendrix Survey, Abstract No. 503, and being an easement over and across a part of the property conveyed to William Charles Richardson and Dorris Lee Richardson McManamy, Trustees of the Richardson Family Trust by Charles Allen Richardson and Gene Marie Davis Richardson by Warranty Deed dated August 10, 1993 and recorded in Volume 2296, Page 767, Real Property Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

**BEGINNING** at a point in the West line of the 5.507 ac. tract of land conveyed to Fernando Meraz and Angela Meraz in Volume 4768, Page 285, Official Public Records, Grayson County, Texas, at the Northeast corner of the herein described easement, being South 88 deg. 43 min. 32 sec. East, 956.09 ft. and South 00 deg. 42 min. 06 sec. West, 40.00 ft. from a 1/2 inch rebar found in the pavement of Dripping Springs Road, a public road, at the Northwest corner of said Richardson Family Trust property;

**THENCE** South 00 deg. 42 min. 06 sec. West, with the West line of said Meraz 5.507 ac., over and across said Richardson Family Trust property, a distance of 10.00 ft. to a point at the most Easterly Southeast corner of the herein described easement;

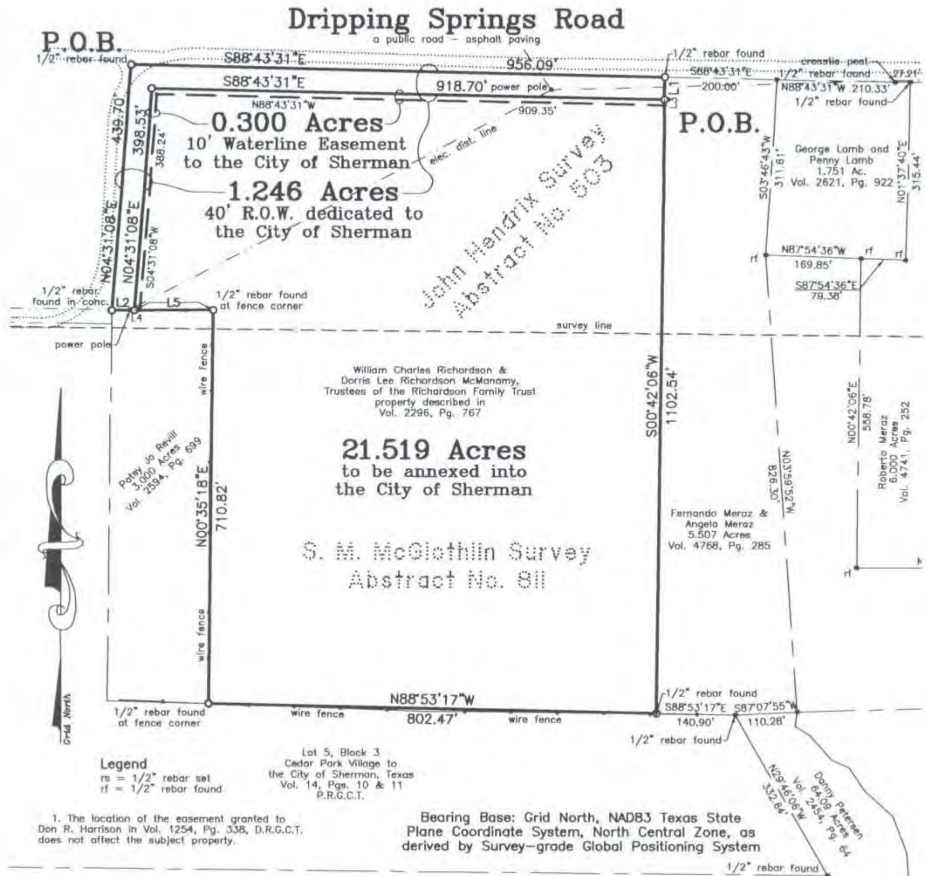
**THENCE** North 88 deg. 43 min. 31 sec. West, 50 ft. South of and parallel with the North line of said Richardson Family Trust property, over and across said Richardson Family Trust property, a distance of 909.35 ft. to an Ell corner of the herein described easement;

**THENCE** South 04 deg. 31 min. 08 sec. West, 50 ft. East of and parallel with a West line of said Richardson Family Trust property, continuing over and across said Richardson Family Trust property, a distance of 388.24 ft. to a point in a North line of the 3.000 ac. tract of land conveyed to Patsy Jo Revill in Volume 2594, Page 699, said Official Public Records, in a South line of said Richardson Family Trust property, at the most Southerly Southeast corner of the herein described easement;

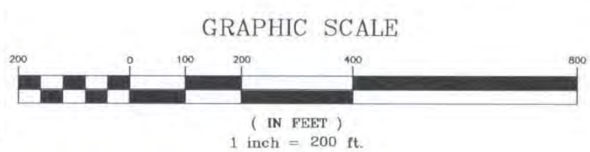
**THENCE** South 89 deg. 41 min. 54 sec. West, with the general course of a wire fence maintaining the North line of said Revill 3.000 ac. and a South line of said Richardson Family Trust property, a distance of 10.04 ft. to a point at the Southwest corner of the herein described easement;

**THENCE** North 04 deg. 31 min. 08 sec. East, 40 ft. East of and parallel with a West line of said Richardson Family Trust property, over and across said Richardson Family Trust property, a distance of 398.53 ft. to a point at the Northwest corner of the herein described easement;

**THENCE** South 88 deg. 43 min. 31 sec. East, 40 ft. South of and parallel with the South line of said Richardson Family Trust property, continuing over and across said Richardson Family Trust property, a distance of 918.70 ft. to the **PLACE OF BEGINNING** and containing **0.300 ACRES** of land.



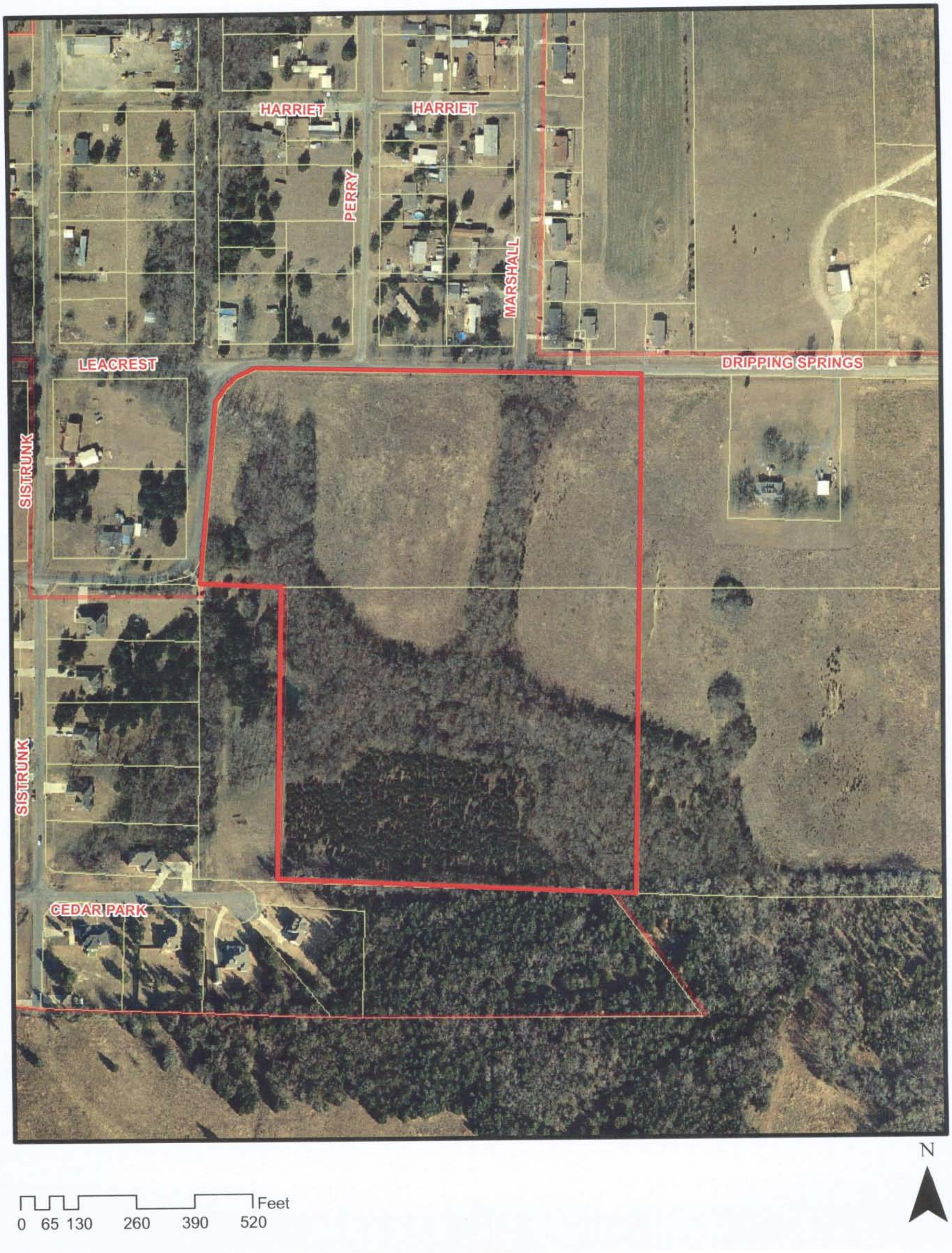

| LINE TABLE | | |
|---|---|---|
| LINE | LENGTH | BEARING |
| L1 | 40.00' | S00°42'06"W |
| L2 | 40.14' | S89°41'54"W |
| L3 | 10.00' | S00°42'06"W |
| L4 | 10.04' | S89°41'54"W |
| L5 | 141.35' | S89°41'54"W |




# 21.519 Acres for Annexation into, 1.246 Acres dedicated to, and 0.300 Acres for a waterline easement to, the City of Sherman

Helvey & Associates Surveying, Inc.
222 W. Main St.
Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088

C:\Land Projects R2\Aerial-Dripping-Springs-Road\dwg\Annexation.dwg 9/15/2010 1:37:20 PM CDT


HARRIET
HARRIET
PERRY
MARSHALL
LEACREST
DRIPPING SPRINGS
SISTRUNK
SISTRUNK
CEDAR PARK
N
Feet
0 65 130 260 390 520

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. D.3

**CITIZEN REQUESTS**

The Honorable Bill Magers, Mayor

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. D.4

**MEDIA QUESTIONS**

The Honorable Bill Magers, Mayor

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. D.5

**COUNCIL COMMENTS**

The Honorable Bill Magers, Mayor

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. E.1

**EXECUTIVE SESSION**

**In Accordance with Chapter 551, Government Code, V.T.C.S. (Open Meetings Law), "The City Council Will Now Hold a Closed Executive Meeting Pursuant to the Provisions of the Open Meetings Law, Chapter 551, Government Code, Vernon's Texas Codes Annotated, in Accordance with the Authority Contained in the Following Sections"**

**Section 551.071** **Consultation with City Attorney Concerning Pending or Contemplated Litigation:**

**(a) Receive the City Attorney's Briefing on Pending Litigation**

The Honorable Bill Magers, Mayor

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. F.1

**OPEN MEETING**
**Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session**

The Honorable Bill Magers, Mayor

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. F.2

**ADJOURNMENT**

The Honorable Bill Magers, Mayor

# SHERMAN CITY COUNCIL
## Agenda Communication Form

**From:** The Office of the City Manager **Date:** 1-17-2011

**Subject:** Agenda Item No. N/A

## COUNCIL CALENDAR

**2011**
**CITY COUNCIL MEETINGS**

**JANUARY**

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|---|---|---|---|---|---|
| | | | | | | 1 |
| 2 | ~~3~~ | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

**FEBRUARY**

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | | | | | |

**MARCH**

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 19 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | | |

**APRIL**

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|---|---|---|---|---|---|
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

**MAY**

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | | | | |

**JUNE**

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 |
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| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | | |

**JULY**

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
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| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | | | | | | |

**AUGUST**

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |

**SEPTEMBER**

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | |

**OCTOBER**

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|---|---|---|---|---|---|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

**NOVEMBER**

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | | | |

**DECEMBER**

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

01/03/11 - January 3rd Council meeting cancelled
01/17/11 - M.L.K., Jr. Birthday / Regular Council Meeting
02/21/11 - Washington's Birthday / Regular Council Meeting
07/04/11 - Independence Day - Called Council Meeting on 07/05/11
09/05/11 - Labor Day / Called Council Meeting on 09/06/11