

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, JANUARY 3, 2022
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER JUSTON DOBBS**
- A. 3. INVOCATION BY COUNCIL MEMBER JUSTON DOBBS**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 6, 2021 AND THE CALLED CITY COUNCIL MEETING OF DECEMBER 13, 2021.**

Citizen Comments

- B. 1. CITIZEN COMMENTS**
During this meeting, the City Council welcomes public comment only on agenda items listed under the Open Meeting portion of the agenda, in accordance with Texas Government Code Section 551.007. For items not listed on the agenda, those matters may be discussed with City staff during regular business hours, or with the Mayor or any Council member by contacting them at times other than at City Council meetings.

Consent Agenda

- C. 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. CONSENT AGENDA**
Double Asterisked (**) items are considered to be routine and will be enacted in one motion, subject to staff review letter, without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Public Hearing

- D. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6444**
Amending The Code Of Ordinances, City Of Sherman, Texas, at Chapter 13 (Utilities), Article 13.07 (Water, Sewers And Sewage Disposal), Division 5 (Regulations for Disposal of Industrial Waste); Modifying Regulations Governing The City's Industrial Waste Pretreatment Program to Incorporate Streamlining Rule Provisions Required By Federal And State Regulations (40 CFR 403 and 30 TAC Chapter 315), as set forth In the City's Texas Pollutant Discharge Elimination System (TPDES) Permit Issued on August 19, 2020; Providing For Inclusion In The Code Of Ordinances; Providing A Repealing Clause, A Severability Clause And A Penalty Clause

D. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6445

Extending the Corporate Limits of Said City so as to Annex an Area of Land Consisting of Approximately 36.892 acres Generally Located off of FM 131 North, Adjacent to the Sherman City Limits and in the City of Sherman's Extraterritorial Jurisdiction, on Application of the Landowner; Providing that the Owners and Inhabitants of the Subject Area of Land shall be Entitled to the Rights and Privileges of Other Citizens of the City of Sherman and shall be Bound by the Acts and Ordinances now in Effect and hereinafter Adopted; Authorizing Execution of the Annexation Service Plan Agreement; Providing for a Penalty for a Violation of this Ordinance and Sherman's General Zoning Ordinance, Ordinance No. 2280

D. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6446

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So As to Grant a Specific Use Permit to Allow (44) Patio Homes in an R-1 (One-Family Residential) District in the 1000-1500 Blocks of West Moore Street, being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the Adjacent Road Rights-of-Way and Alleys to Blocks 1, 2 and 3 of Randolph Heights Addition (Champagne Development, LLC, Owner; Holley Jolly Developments, LLC, Developer; and Underwood Drafting and Surveying, Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

D. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6447

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So As to Grant an Amendment to a Specific Use Permit and Site Plan Approval under Ordinance No. 2280, Section 8, Subsection (5)(a) for a Youth Hall/Gym Addition in an R-1 (One-Family Residential) District with a Specific Use Permit to Allow a Church at 2605 Rex Cruse Drive, being Lots 1-6, Joe Price Subdivision (North Park Baptist Church, Owners; and Kent Salisbury, David Baca Studios, Architect); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

D. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6448

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So As to Grant a Specific Use Permit to Allow Permanent Makeup, Micro-blading/Eyebrow Shading, Eye Liner and Lip Blushing in a C-1 (Retail Business) District/O-1.2 (Sam Rayburn) Overlay District at 240 East Evergreen Street, being part of Lot 2, Block 1, Kerrs N Walnut Addition (Overmore LLC, Owner; Dan Newal, Representative; and Joanna Peacock and Adrianna LeGros, Applicants); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

D. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6449

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the C-1 (Retail Business) District, located at 901, 903, 917 and 921 East Houston Street and 910 East Chaffin Street, being 1.695 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Block 19, Chaffin's Addition (Hope on Houston, Inc., Owner and Helvey-Wagner Surveying, Inc., Surveyor); Providing for a Penalty not to Exceed \$2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 7. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6450

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the R-2 (Multi-Family Residential) District, located in the 1000-1100 blocks of East Peyton, being 15.228 acres in the J.B. McAnair Survey, Abstract No. 763, the Smith McGlothlin Survey, Abstract No. 808 and the Reuben Hendrix Survey, Abstract No. 504 (James R. Melton, Jr., Owner; Naveen Khammampati, Turnkey Tract, Civil Engineer/Representative; and Lonestar Land Surveying, LLC and Sutton & Crow Surveying & Engineering Services, Surveyors); Providing for a Penalty not to Exceed \$2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 8. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6451

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the C-1 (Retail Business) District, located at 4518 North Travis Street, being 6 acres in the John Jennings Survey, Abstract No. 647 (BMT Global, Owner; Brandon Smith, Prospective Buyer; and Helvey-Wagner Surveying, Inc., Surveyors); Providing for a Penalty not to Exceed \$2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

Close Public Hearing and Consider Adoption of Ordinances

D. 9. ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers 6444, 6445, 6446, 6447, 6448, 6449, 6450 & 6451.

Resolutions

E. 1. RESOLUTION NO. 6832

Authorizing the Acceptance of Conveyance Documents From Lamberth Hickery Hill, LLC And Hickery Hill, LLC for the Conveyance and Acquisition of Approximately 10.229 Acres of Land, in the G.R. Reeves Survey, Abstract No. 1020, being more Particularly Described in the Exhibit "A" Attached Hereto and Made a part hereof for all Purposes, Property Being Located in The City of Sherman, County Of Grayson, State Of Texas

E. 2. * RESOLUTION NO. 6833

Authorizing the Purchase of Two New Ford F-150 Crew Cab Trucks from Silsbee Ford Through TIPS for the Engineering Department

Requests to Advertise

F. 1. * REQUEST TO ADVERTISE

Wastewater Treatment Plant Equalization Basin Improvements Project

F. 2. * REQUEST TO ADVERTISE

Wastewater Treatment Plant Primary Clarifier No.1 Equipment Replacement and Sludge Transfer Station Rehabilitation Project

Other Business

G. 1. ** OTHER BUSINESS

Replat approval of Hope on Houston Addition, being a Replat of a part of Block 19, Chaffin's 2nd Addition, being 1.695 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Block 19, Chaffin's Addition; Hope on Houston, Inc, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (901, 903, 917 and 921 East Houston Street and 910 East Chaffin Street)

G. 2. ** OTHER BUSINESS

Final Plat approval of MLJ Real Estate Addition, being 1.912 acres in the Samuel McGlothlin Survey, Abstract No. 811 and the Hillard Jennings Survey, Abstract No. 639; MLJ Real Estate LLP, Owners; Cox Land Surveying, Surveyor (3908 and 3924 Texoma Parkway)

G. 3. ** OTHER BUSINESS

Replat approval of Bel-Air Village, being Lots 1, 11-16, 17, 18, 32-34, Block F, Bel-Air Village, Phase 1; Terra Perpetua, LLC, Owners); American Communities, Developer; and Kimley-Horn, Civil Engineer/Surveyor (3701, 3704, 3705, 3709, 3713, 3717, 3721 Aqua Lane, 3701 Talisker Boulevard, 1253 and 1249 Newport Street)

G. 4. ** OTHER BUSINESS

Replat approval of Hanolley Hills Addition, being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road Rights-of-Way and Alleys to Blocks 1, 2 and 3 of Randolph Heights Addition; Champagne Development, LLC, Owner; Holley Jolly Developments, LLC, Developer; and Underwood Drafting and Surveying, Surveyor (1000-1500 Blocks of West Moore Street)

G. 5. ** OTHER BUSINESS

Final Plat approval of Moran on Broughton Addition, being 0.230 acres in the J.B. McAnair Survey, Abstract No.763; Moran Developments, LLC, Owner and Helvey-Wagner Surveying, Inc., Surveyor (1225, 1229, 1233 and 1237 North Broughton Street)

G. 6. ** OTHER BUSINESS

Final Plat approval of Ladd Estates II in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 12.371 acres in the Bailey Winifred Survey, Abstract No. 66; Robert Ladd Holton, Owner; and Underwood Drafting and Surveying, Inc., Surveyor (600-700 blocks of Merriman Parkway)

H. COUNCIL COMMENTS

Executive Session

I. 1. EXECUTIVE SESSION

In accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the City Council may hold an Executive Session if the discussion of any of the items identified in this agenda, or any of the items identified below, concern one or more of the following:

Tex. Gov't Code § 551.071	Seeking the advice of its attorney about pending or contemplated litigation, settlement offers or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.
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Tex. Gov't Code § 551.072	Deliberating the purchase, exchange, lease or value of real property if deliberation in an Open Meeting would have a detrimental effect on the position of the City in negotiations with a third person. (a) Deliberation regarding the purchase and value of real property
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Tex. Gov't Code § 551.073	Deliberating a negotiated contract for a prospective gift or donation to the City if deliberation in an Open Meeting would have a detrimental effect on the position of the City in negotiations with a third person.
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Tex. Gov't Code § 551.074	Deliberating the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing.
Tex. Gov't Code § 551.076	Deliberating the deployment, or specific occasions for implementation, of security personnel or devices or a security audit.
Tex. Gov't Code § 551.087	Discussing or deliberating commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay or expand in or near the City and with which the City is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. (a) Project Charge (b) Sherman Hospital Project
Tex. Gov't Code § 551.089	Deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementation of security personnel, critical infrastructure or security devices.

The Council reconvenes into General Session

J. 1. OPEN MEETING

Reconvene into Open Meeting and Consider Action, if any, on items discussed in Executive Session

K. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on Thursday, December 30, 2021 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 30th day of December, 2021.
City of Sherman, Texas

City Clerk

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

All agenda items are subject to final action by the City Council.

An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; the deployment or use of security personnel or equipment; or requires consultations with the City Attorney.

At the discretion of the City Council, non-agenda items under the headings of "Citizens Requests", "Media Questions", and "Council Concerns" may be presented to the Council for informational purposes; however, by law, the Council shall not discuss, deliberate, or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.

The City Attorney has approved the Executive Session items on this agenda.

PERSONS WITH DISABILITIES, WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE, ARE REQUESTED TO CONTACT LINDA ASHBY AT (903) 892-7204, TWO (2) WORKING DAYS PRIOR TO THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

Mayor

David Plyler

Deputy Mayor

Pamela L. Howeth

Council Members

Henry Marroquin, Council-At-Large, PL #1
Juston Dobbs, Council-At-Large, PL #2
Shawn C. Teamann, Council – District #1

Josh Stevenson, Council – District #2
Pamela L. Howeth, Council – District #3
Daron Holland, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

A. 4.

Meeting Date: 01/03/2022

Approved By: Robby Hefton, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 6, 2021 AND THE CALLED CITY COUNCIL MEETING OF DECEMBER 13, 2021.

Attachments

December 6, 2021

December 13, 2021 - Called Meeting

TCAP Presentation

TxDOT Update

December 6, 2021

**MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR PAM HOWETH.
COUNCIL MEMBERS DOBBS, HOLLAND, MARROQUIN,
STEVENSON, TEAMANN.**

CALL TO ORDER

CALL TO ORDER

APPROVE MINUTES

CITIZEN'S COMMENTS

ORD 6438
ZONE CHANGE AT
2100 E. LAMAR ST.

He said he recently drove Terrence Steele, Assistant City Manager, around to show him some of the issues, and he challenged anyone to be on Hwy 11 or Hwy 56 at 7:00 a.m. to see the amount of traffic.

Mr. Tracy also addressed the congestion where Hwy 11 merges with Hwy 56. He talked with the Texas Department of Transportation last week and they told him they would “look into it.” He said it’s “back and forth between the City and the State, but the two need to come together.” He said something needs to be done to improve the traffic situation.

CONSENT AGENDA

Asterisk (*) 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.

The Council reviewed the Consent Agenda. Deputy Mayor Howeth moved to approve the Consent Agenda, as presented. Second by Council Member Stevenson. All present voted AYE.

CONSENT AGENDA

Double Asterisk (**) items are considered to be routine and will be enacted in one motion, subject to Staff Review Letter, without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately.

The Council reviewed the Consent Agenda. Council Member Stevenson moved to approve the Consent Agenda, subject to the Staff Review Letter. Second by Council Member Teamann. All present voted AYE.

Mayor Plyler introduced Ordinance No. 6435 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A PAINT BOOTH IN AN M-1 (LIGHT MANUFACTURING) DISTRICT/O-1.2 (SAM RAYBURN) OVERLAY DISTRICT AT 2005 SOUTH SAM RAYBURN FREEWAY, BEING LOT 1, BLOCK 43R OF THE REPLAT OF BLOCK 43R, LOT 1 SOUTH SIDE ADDITION (FRHP LINCOLNSHIRE, LLC, OWNER; CAMPING WORLD, TENANT; AND COREE CORBIN, CORBIN DESIGN COMPANY, REPRESENTATIVE) PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

Rob Rae, Director of Development Services, explained that this is a Specific Use Permit to allow a paint booth at Camping World, at 2005 South Sam Rayburn.

The Planning and Zoning Commission recommended approval of the Specific Use Permit, subject to the Staff Review Letter.

Mike Bellows, 2005 S. Sam Rayburn Frwy

Mr. Bellows appeared representing Beacon Equipment Resources, an exclusive distributor for Global Finishing Solutions Paint Booth, which is the manufacturer of the booth they hope to install at Camping World. Mr. Bellows was available to answer any questions the Council might have.

No other citizens appeared before the City Council to discuss Ordinance No. 6435.

Mayor Plyler introduced Ordinance No. 6436 and called for a public hearing:

CONSENT AGENDA

CONSENT AGENDA

ORD 6435
SUP FOR
PAINT BOOTH
(2005 S. SAM
RAYBURN)

ORD 6436
SUP FOR 235
PATIO HOMES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW NO MORE THAN 235 PATIO HOMES IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT IN THE 3100-3500 BLOCKS OF DRIPPING SPRINGS ROAD, BEING LOTS 15-28, BLOCK B, LOTS 16-40, BLOCK C, LOTS 1-18, BLOCK D, LOTS 1-18, BLOCK E, LOTS 1-18, BLOCK F, LOTS 1-9, BLOCK G, LOTS 1-58, BLOCK H, LOTS 1-9, BLOCK J AND LOTS 1-66, BLOCK K OF THE PROPOSED REPLAT OF SWEETWATER SPRINGS, PHASE 2, A REPLAT OF LOT 15, BLOCK B, LOT 16, BLOCK C, SWEETWATER SPRINGS SUBDIVISION, BLOCK 7, HILLTOP ESTATES, LOTS 6-9, BLOCK 1, LOTS 2-5, BLOCK 6, MIDWAY ESTATES ADDITION, LOTS 2-9, BLOCK 1, LOTS 2-9, BLOCK 3, LOT 1, BLOCK 2 AND LOT 1, BLOCK 4, HILLTOP 2 ESTATES, PHASE 1 (BARTON CAPITAL, LTD AND JAMES AND LAURA FRAME, OWNERS; S2 LAND DEVELOPMENT, DEVELOPER; STRAND, CIVIL ENGINEER; AND PIERCE-MURRAY LAND SOLUTIONS, SURVEYOR) PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

(3100-3500 BLOCKS
DRIPPING SPRINGS
ROAD)

Mr. Rae said this item is related to D-3 and G-1, which is all part of the same development. This Specific Use Permit would allow 235 patio homes at this location on Dripping Springs Road. The applicant is providing the required open space.

The Planning and Zoning Commission recommended approval of the Specific Use Permit. Subject to the Staff Review Letter.

Justin Christ, 910 Pinecrest Dr., Richardson, Texas

Mr. Christ appeared representing the developer, S2 Land Development, and was available to answer any questions the Council might have.

No other citizens appeared before the City Council to discuss Ordinance No. 6436.

Mayor Plyler introduced Ordinance No. 6437 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 PROPERTY WITHIN THE R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT, LOCATED IN THE 3100-3500 BLOCKS OF DRIPPING SPRINGS ROAD, BEING 13.150 ACRES IN THE EUSTACIO CANTON SURVEY, ABSTRACT NO. 221 AND THE JOHN HENDRIX SURVEY, ABSTRACT NO. 503, AND BEING A PART OF BLOCK 7 OF A REPLAT OF A PART OF BLOCK NO. 5 AND ALL OF BLOCK NUMBERS 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 26, 27, 28, 29, AND 30 OF HILLTOP ESTATES INCLUDING A PART OF BLOCKS 1 AND 3 AND ALL OF BLOCKS 2 AND 4 OF THAT REPLATTED PORTION OF SAID BLOCK 7 KNOWN AS PHASE 1, HILLTOP 2 ESTATES ADDITION ALSO INCLUDING ALL OF THAT PORTION OF SAID BLOCK 7 KNOWN AS MIDWAY ESTATES PHASE 2 AND INCLUDING 2.81 ACRES LYING WITHIN THE LIMITS OF THE DEDICATED STREETS (BRYAN LANE, MARION LANE, HARRIET DRIVE AND CARTER COURT) (BARTON CAPITAL, LTD AND JAMES

ORD 6437
ZONE CHANGE
(3100-3500 BLOCKS
DRIPPING SPRINGS
ROAD)

COUNCIL MINUTES – DECEMBER 6, 2021

AND LAURA FRAME, OWNERS; S2 LAND DEVELOPMENT, DEVELOPER; STRAND, CIVIL ENGINEER; AND PIERCE-MURRAY LAND SOLUTIONS, SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Mr. Rae said a portion of this development is zoned Manufactured Housing and they are requesting that it be rezoned to R-1, so the entire development would be zoned R-1.

He said there were five citizens that appeared at the Planning and Zoning Commission Meeting, about the last item, with questions regarding flooding and traffic. They also received a letter from one citizen in the ETJ, with traffic concerns on Dripping Springs Road.

The Planning and Zoning Commission recommended approval of the Zone Change, subject to the Staff Review Letter.

No citizens appeared before the City Council to discuss Ordinance No. 6437.

Mayor Plyler introduced Ordinance No. 6438 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 PROPERTY WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, LOCATED AT 2100 EAST LAMAR STREET, BEING 12.995 ACRES IN THE GEORGE B. PILANT SURVEY, ABSTRACT NO. 963 (GARY L. MATTHEWS, OWNER; WYLDEWOOD HOMES, PROSPECTIVE BUYER; TIM PIKE, REPRESENTATIVE; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

**ORD 6438
ZONE CHANGE
(2100 E. LAMAR ST)**

Mr. Rae said this zone change is from R-1 and C-1 to R-2. The developer would like to subdivide the land into 60-foot parcels for duplexes. They are proposing 48 lots and 96 units at the site.

The Planning and Zoning Commission recommended approval of the Zone Change, subject to the Staff Review Letter.

No citizens appeared before the City Council to discuss Ordinance No. 6438.

Mayor Plyler introduced Ordinance No. 6439 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 PROPERTY WITHIN THE R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT, LOCATED IN THE 3800 BLOCK OF WEST HOUSTON STREET, TRACT 1 – BEING 7.475 ACRES IN THE FIELDING BACON SURVEY, ABSTRACT NO. 119 AND TRACT 2 – BEING 3.513 ACRES IN THE FIELDING BACON SURVEY, ABSTRACT NO. 119 (F. GEORGE NIEBERG, M.D., OWNER; VILBIG & ASSOCIATES, PLLC, CIVIL ENGINEER/

**ORD 6439
ZONE CHANGE
(3800 BLOCK OF
W. HOUSTON ST)**

REPRESENTATIVE; KINGDOM ROAD EQUITIES, LLC, DEVELOPER; AND COPLEY LAND SURVEYING, SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Mr. Rae said this item was for a zone change. The portion along Houston Street is zoned C-1, and they are asking for rezoning to R-1, to develop 306 lots for residential Single Family. The remaining portion of the tract is already zoned R-1.

Three citizens appeared before the Planning and Zoning Commission, with concerns about traffic and flooding. The Planning and Zoning Commission recommended approval of the Zone Change, subject to the Staff Review Letter.

Michael Carlisle, Kimley-Horn

Mr. Carlisle is the Civil Engineer on the project, and was available to answer any questions the Council might have.

No other citizens appeared before the City Council to discuss Ordinance No. 6439.

Mayor Plyler introduced Ordinance No. 6440 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 PROPERTY WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, LOCATED AT 400 WEST U.S. HIGHWAY 82, BEING 22.109 ACRES IN J.B. McANAI SURVEY, ABSTRACT NO. 763 (AJH ENTERPRISES, LTD, OWNER; JON DAVID CROSS, CROSS ENGINEERING CONSULTANTS, CIVIL ENGINEER/REPRESENTATIVE; LEE ENGINEERING, PARKING STUDY; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

ORD 6440
ZONE CHANGE
(400 W. HWY 82)

Mr. Rae said this item is for a zone change from R-1 to R-2. The developer plans to construct a 288 unit, Multi-Family development, on the corner of Hickory Street and Hwy 82.

The Planning and Zoning Commission recommended approval of the Zone Change, subject to the Staff Review Letter.

Jon David Cross, 1720 W. Virginia Parkway, McKinney, Texas

Mr. Cross appeared representing Cross Engineering Consultants, the Civil Engineer on the project. He was available to answer any questions that the Council might have.

No other citizens appeared before the City Council to discuss Ordinance No. 6440.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6435

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A PAINT BOOTH IN AN M-1 (LIGHT MANUFACTURING) DISTRICT/O-1.2 (SAM RAYBURN) OVERLAY DISTRICT AT 2005 SOUTH SAM RAYBURN FREEWAY, BEING LOT 1, BLOCK 43R OF THE REPLAT OF BLOCK 43R, LOT 1 SOUTH SIDE ADDITION (FRHP LINCOLNSHIRE, LLC, OWNER; CAMPING WORLD, TENANT; AND COREE CORBIN, CORBIN DESIGN COMPANY, REPRESENTATIVE) PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6435
SUP FOR
PAINT BOOTH
(2005 S. SAM
RAYBURN)

Ordinance 6436

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW NO MORE THAN 235 PATIO HOMES IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT IN THE 3100-3500 BLOCKS OF DRIPPING SPRINGS ROAD, BEING LOTS 15-28, BLOCK B, LOTS 16-40, BLOCK C, LOTS 1-18, BLOCK D, LOTS 1-18, BLOCK E, LOTS 1-18, BLOCK F, LOTS 1-9, BLOCK G, LOTS 1-58, BLOCK H, LOTS 1-9, BLOCK J AND LOTS 1-66, BLOCK K OF THE PROPOSED REPLAT OF SWEETWATER SPRINGS, PHASE 2, A REPLAT OF LOT 15, BLOCK B, LOT 16, BLOCK C, SWEETWATER SPRINGS SUBDIVISION, BLOCK 7, HILLTOP ESTATES, LOTS 6-9, BLOCK 1, LOTS 2-5, BLOCK 6, MIDWAY ESTATES ADDITION, LOTS 2-9, BLOCK 1, LOTS 2-9, BLOCK 3, LOT 1, BLOCK 2 AND LOT 1, BLOCK 4, HILLTOP 2 ESTATES, PHASE 1 (BARTON CAPITAL, LTD AND JAMES AND LAURA FRAME, OWNERS; S2 LAND DEVELOPMENT, DEVELOPER; STRAND, CIVIL ENGINEER; AND PIERCE-MURRAY LAND SOLUTIONS, SURVEYOR) PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6436
SUP FOR 235
PATIO HOMES
(3100-3500 BLOCKS
DRIPPING SPRINGS
ROAD)

Ordinance 6437

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT, LOCATED IN THE 3100-3500 BLOCKS OF DRIPPING SPRINGS ROAD, BEING 13.150 ACRES IN THE EUSTACIO CANTON SURVEY, ABSTRACT NO. 221 AND THE JOHN HENDRIX SURVEY, ABSTRACT NO. 503, AND BEING A PART OF BLOCK 7 OF A REPLAT OF A PART OF BLOCK NO. 5 AND ALL OF BLOCK NUMBERS 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 26, 27, 28, 29, AND 30 OF HILLTOP ESTATES INCLUDING A PART OF BLOCKS 1 AND 3 AND ALL OF BLOCKS 2 AND 4 OF THAT REPLATTED PORTION OF SAID BLOCK 7 KNOWN AS PHASE 1, HILLTOP 2 ESTATES ADDITION ALSO INCLUDING ALL OF THAT PORTION OF SAID BLOCK 7 KNOWN AS MIDWAY ESTATES PHASE 2 AND INCLUDING 2.81 ACRES LYING WITHIN THE LIMITS OF THE DEDICATED STREETS (BRYAN LANE, MARION LANE, HARRIET DRIVE AND CARTER COURT) (BARTON CAPITAL, LTD AND JAMES AND LAURA FRAME, OWNERS; S2 LAND DEVELOPMENT,

ORD 6437
ZONE CHANGE
(3100-3500 BLOCKS
DRIPPING SPRINGS
ROAD)

DEVELOPER; STRAND, CIVIL ENGINEER; AND PIERCE-MURRAY LAND SOLUTIONS, SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Ordinance 6438

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, LOCATED AT 2100 EAST LAMAR STREET, BEING 12.995 ACRES IN THE GEORGE B. PILANT SURVEY, ABSTRACT NO. 963 (GARY L. MATTHEWS, OWNER; WYLDEWOOD HOMES, PROSPECTIVE BUYER; TIM PIKE, REPRESENTATIVE; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

ORD 6438
ZONE CHANGE
(2100 E. LAMAR ST)

Deputy Mayor Howeth addressed Mr. Tracy's comments about traffic and the lack of sidewalks on Lamar Street, before the school became a middle school.

She said sidewalks are required on new homes that are being built. The City can't go back and require homeowners to put in sidewalks on a public road. She said she would like to see sidewalks constructed there and has mentioned it to the Sherman Independent School District. Deputy Mayor Howeth said she is also concerned about that, but is not sure the City can do anything about it.

Ordinance 6439

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT, LOCATED IN THE 3800 BLOCK OF WEST HOUSTON STREET, TRACT 1 – BEING 7.475 ACRES IN THE FIELDING BACON SURVEY, ABSTRACT NO. 119 AND TRACT 2 – BEING 3.513 ACRES IN THE FIELDING BACON SURVEY, ABSTRACT NO. 119 (F. GEORGE NIEBERG, M.D., OWNER; VILBIG & ASSOCIATES, PLLC, CIVIL ENGINEER/ REPRESENTATIVE; KINGDOM ROAD EQUITIES, LLC, DEVELOPER; AND COPLEY LAND SURVEYING, SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

ORD 6439
ZONE CHANGE
(3800 BLOCK OF
W. HOUSTON ST)

Council Member Teamann asked if sidewalks on Hwy 56 were a requirement for this development. Wayne Lee, Director of Engineering, said the City doesn't have engineering plans on that project yet. Clint Philpott, Assistant City Manager, said, "right now it would be a sidewalk to nowhere," but there are sidewalks required by the City on many TxDOT projects. He added, that, if it's practical to put them in, the City can have them put them in.

COUNCIL MINUTES – DECEMBER 6, 2021

Mayor Plyler added, if there are sidewalks on Hwy 56, the City would need to look at speed limits and crossing requirements, where the kids would cross the highway.

Mr. Tracy said everyone can blame each other and say it's someone else's responsibility, but the City, State, and School District need to come together and do something about it.

Ordinance 6440

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, LOCATED AT 400 WEST U.S. HIGHWAY 82, BEING 22.109 ACRES IN J.B. McANAI SURVEY, ABSTRACT NO. 763 (AJH ENTERPRISES, LTD, OWNER; JON DAVID CROSS, CROSS ENGINEERING CONSULTANTS, CIVIL ENGINEER/REPRESENTATIVE; LEE ENGINEERING, PARKING STUDY; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

ORD 6440
ZONE CHANGE
(400 W. HWY 82)

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Ordinance Nos. 6435, 6436, 6437, 6438, 6439, and 6440, as presented. Second by Deputy Mayor Howeth.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6812 – AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH BARRETT KEITH BROWN FOR THE PURCHASE OF APPROXIMATELY 39.95 ACRES OF LAND, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF FM 691 AND LA CIMA ROAD IN THE CITY OF SHERMAN, TEXAS
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH BARRETT KEITH BROWN FOR THE PURCHASE OF APPROXIMATELY 39.95 ACRES OF LAND, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF FM 691 AND LA CIMA ROAD IN THE CITY OF SHERMAN, TEXAS.

RES 6812
PURCHASE OF LAND
ADJACENT TO
WTP
(FM 691 & LA CIMA RD)

Mr. Philpott said this resolution approves and ratifies all actions that the City Manager has taken to enter into a purchase agreement for about 40 acres of land, north of the Water Treatment Plant. The agreed price, per the contract, is \$38,500 per acre.

The intended use of this site is to provide acreage to expand the Water Treatment Plant, and to provide a potential, regional raw water lake or reservoir to add to the water system.

Ryan Pittman, City Attorney, recommended that the motion include a phrase to ratify all action taken by the City Manager in connection with this purchase.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6812, and to ratify all action taken by the City Manager to approve this purchase, as presented. Second by Council Member Teamann.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6813 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH KARA MASSENGALE D/B/A SPECS IN THE CITY UNDER THE CITY OF SHERMAN'S CENTRAL BUSINESS DISTRICT HISTORIC BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM FOR IMPROVEMENTS TO 100 N. TRAVIS STREET

**RES 6813
CBD HISTORIC BLDG
GRANT PROGRAM
(100 N. TRAVIS ST)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH KARA MASSENGALE D/B/A SPECS IN THE CITY UNDER THE CITY OF SHERMAN'S CENTRAL BUSINESS DISTRICT HISTORIC BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM FOR IMPROVEMENTS TO 100 NORTH TRAVIS STREET.

Nate Strauch, Community and Support Services Manager, explained that this resolution was a result of the City's efforts to reach out to business owners that were impacted by the recent fire at Kelly Square. The City hosted a meeting shortly after the fire with key staff members to try and determine ways the City could help these businesses and get them reestablished as quickly as possible.

Some of that help has included providing free dumpsters to help clean out the stores. This was another program that the staff worked on with Ms. Massengale to help her temporally relocate her business to another downtown building.

In order to move her business to 100 North Travis Street, she will be required to finish out the space that was formally Gelati's, at a significant cost.

By modifying the rules of the grant and allowing a 50% matching grant, instead of the usual 25%, in conjunction with the efforts of the property owner trying to provide some rent relief, they hope to get her back in business within a couple of months, with little out-of-pocket cost to her.

Council Member Stevenson asked if it was anticipated that any other applicant might apply for the grant. Mr. Strauch said this situation was a little unique, because some of the other business owners had insurance, and those issues must be settled first. In this case, there was not sufficient coverage to cover the loss.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No. 6813, as presented. Second by Deputy Mayor Howeth.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6814 – AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COLLEGE IN ORDER TO ESTABLISH GUIDELINES FOR THE TEXOMA REGIONAL POLICE ACADEMY AND THE CADETS THAT THE SHERMAN POLICE DEPARTMENT SENDS TO THE ACADEMY

**RES 6814
TEXOMA REGIONAL
POLICE ACADEMY
GUIDELINES**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COLLEGE IN ORDER TO ESTABLISH GUIDELINES FOR THE TEXOMA REGIONAL POLICE ACADEMY AND THE CADETS THAT THE SHERMAN POLICE DEPARTMENT SENDS TO THE ACADEMY.

Zach Flores, Police Chief, said the Texoma Regional Police Academy is one of two police academies that they have used. In the last year, they have come under new leadership, and this agreement will help establish guidelines and set expectations for both parties involved.

There are no financial obligations to this agreement, it just sets expectations. The City does provide several instructors and it does allow them the opportunity to recoup some costs if they choose. Both parties have agreed on the terms and the expectations that are set by the agreement.

ACTION TAKEN.

Motion by Council Member Holland to adopt Resolution No. 6814, as presented. Second by Council Member Dobbs.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6815 – AUTHORIZING EXECUTION OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC, DBA PARKHILL FOR THE WATER SYSTEM EMERGENCY BACKUP POWER PROJECT

**RES 6815
WATER SYSTEM
EMERGENCY BACKUP
POWER PROJECT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. DBA PARKHILL FOR THE WATER SYSTEM EMERGENCY BACKUP POWER PROJECT.

Mr. Philpott said this resolution was for additional engineering fees for the Water Treatment Plant Emergency Generator Project. The increase was because the project will now be divided into three phases to increase the speed and effectiveness of the phases.

Phase 1 will include the switch gear and the automatic transfer switch, which was a concern from the plant staff on switching from one Oncor feed to the other Oncor feed. This would allow automatic switching. Eaton will start providing the equipment and installation.

Phase 2 will engage and bid out the actual generator. Eaton will supply everything needed except the generator. Phase 3 is for the generator and switch gear that will be needed at the Lake Pump Station.

Part of this process is included in the next agenda item, where North Texas Municipal Water District is making electrical improvements to the Pump Station in Lake Texoma. Because of that, the City can't do their design until they know what NTMWD's design is.

Therefore, the third phase is to get the final design from NTMWD, so Parkhill, Smith & Cooper can be sure that what they are doing will work with the new generator switch gear.

Council Member Teamann said there are similar issues at the Wastewater Treatment Plant, and he was assured that was on a separate contract.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No. 6815, as presented. Second by Council Member Holland.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6816 – APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH NORTH TEXAS MUNICIPAL WATER DISTRICT (NTMWD) FOR THE COST SHARE AGREEMENT FOR LAKE TEXOMA PUMP STATION 2019 ELECTRICAL IMPROVEMENTS PROJECT NO. 101-0530-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH NORTH TEXAS MUNICIPAL WATER DISTRICT FOR THE COST SHARE AGREEMENT FOR LAKE TEXOMA PUMP STATION 2019 ELECTRICAL IMPROVEMENTS PROJECT NO. 101-0530-19.

**RES 6816
NTMWD COST SHARE
AGREEMENT FOR
LAKE TEXOMA
PUMP STATION
ELECTRICAL
IMPROVEMENTS**

Mr. Philpott said this resolution would allow the Greater Texoma Utility Authority to enter into a cost share agreement with the NTMWD. In the agreement, GTUA is designated as the City's sponsoring entity for water rights.

The total agreement is for \$3.46 million, which is 20% of the total cost incurred by the NTMWD for the design and construction. The first phase will be Oncor's substation, with construction starting in March 2022.

Phase 2 is the North Texas side of the substation. Oncor will actually operate and maintain the substation, and deliver power to the City of Sherman or to NTMWD. NTMWD will design a switch

gear for their pumps, starting next month, with expected construction to start this time next year.

He said the City should have a final design this summer, to move forward with our portion of the generator. The construction of the generator will depend on how quickly this project moves forward. He said it is a very significant project that will add redundancy to the substations and allow for future expansion. This expansion will be needed very soon for additional pump capacity for both NTMWD and for the City of Sherman.

Council Member Stevenson asked how an additional six-foot line affects the future. Mr. Philpott said this design is set up for the ultimate pump capacity for all that Sherman and all that NTMWD currently have rights for.

He added that part of the ultimate design for NTMWD is to have three lines, the existing 72-inch, a proposed 84-inch, and sometime in the next 20 years, an additional 84-inch. The expansion capacities will include all three of these very large lines.

Council Member Dobbs asked if the project qualifies for the grant funding, and if so, how will that change Sherman's expense. Mr. Philpott said the City was awarded grant funding of about \$9 million. The government has put certain stipulations on that money.

The City has a lot of projects, so the money will be spent according to the Federal guidelines. If it can't be spent on this project, it will go toward some of the other projects on the Capital Improvement Program list, that fall into the Federal guidelines. He said the grant money will be used.

Council Member Teamann clarified that the \$13 million cost is just for the upgrade to the electrical system, not including generators. Council Member Holland asked about possible change orders to the project next year.

Mr. Philpott said these are estimated costs, so whatever the actual costs end up being, the City will be expected to pay 20% of that new cost. Oncor's portion of the cost is now "fixed."

Drew Satterwhite, GTUA General Manager, confirmed that Oncor's portion of the cost is fixed, and the engineering is fixed. Immediately on completion of this project, that Pump Station will have 15 mgd more capacity, because they can run their pumps unrestricted. This means that Sherman will get an additional 3 mgd, day one with the new electrical system being in place. This is in addition to the bigger pumps.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No. 6816, as presented. Second by Council Member Holland.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6817 – ACCEPTING THE CONTRACT WITH LYNN VESSELS CONSTRUCTION LLC AS COMPLETE FOR THE CONSTRUCTION OF THE SHERMAN WASTEWATER TREATMENT PLANT STORMWATER MANAGEMENT PROJECT

**RES 6817
WWTP STORMWATER
MANAGEMENT
PROJECT**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH LYNN VESSELS CONSTRUCTION, LLC AS COMPLETE FOR THE CONSTRUCTION OF THE SHERMAN WASTEWATER TREATMENT PLANT STORMWATER MANAGEMENT PROJECT.

Tom Pruitt, Utility Engineer, said this resolution formally accepts the construction as complete on the Wastewater Treatment Plant Stormwater Lift Station Project. Lynn Vessels Construction officially completed the project on June 24, 2021, and the project includes a two-year warranty.

There was one change order on the project, which reduced the project from \$1.17 million to \$933,000, reducing the original contract by \$184,000. Funding was from loans made to GTUA, from the Texas Water Development Board.

Council Member Stevenson confirmed that the warranty begins at the date of “substantial completion,” which would be June 24, 2021. Council Member Teamann said these projects are seldom brought back to the Council for final approval, and asked why this one was. Mr. Philpott said this is a requirement of the Water Development Board. Using their funding, requires the City Council to formally accept the project.

Mr. Pruitt added that this is the first project of the \$13.595 million undertaking at the Wastewater Treatment Plant. There are seven more projects remaining.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No. 6817, as presented. Second by Deputy Mayor Howeth.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6818 – AUTHORIZING EXECUTION OF AN ENCROACHMENT AGREEMENT WITH ENTERPRISE TEXAS PIPELINE, LLC FOR THE INSTALLATION OF A TWENTY-FOUR (24) FOOT WIDE ACCESS DRIVE, PARKING, AND A TWENTY-FOUR (24) INCH DRAINAGE PIPE WITHIN THE 50’ PIPELINE EASEMENT AS FILED IN VOLUME 4518, PAGE 741, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, FOR ENTRY PURPOSES TO LOT 1 OF THE PROPOSED SHERMAN PD FACILITY ON WEST TRAVIS ADDITION IN THE CITY OF SHERMAN

**RES 6818
ENCROACHMENT
ACCESS DRIVE,
PARKING, &
DRAINAGE PIPE
(WEST TRAVIS
ADDITION)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT AGREEMENT WITH ENTERPRISE TEXAS PIPELINE, LLC FOR THE INSTALLATION OF A TWENTY-FOUR (24) FOOT ACCESS DRIVE, PARKING, AND TWENTY-FOUR (24) INCH DRAINAGE PIPE WITHIN THE 50’ PIPELINE EASEMENT AS FILED

COUNCIL MINUTES – DECEMBER 6, 2021

IN VOLUME 4518, PAGE 741, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, FOR ENTRY PURPOSES TO LOT 1 OF THE PROPOSED SHERMAN PD FACILITY ON WEST TRAVIS ADDITION IN THE CITY OF SHERMAN.
CONSENT AGENDA.

RESOLUTION NO. 6819 – AUTHORIZING THE PURCHASE OF A NEW SINGLE TURNER VALVE MAINTENANCE TRAILER FROM E.H. WACHS FOR THE DISTRIBUTION SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

RES 6819
VALVE MAINT.
TRAILER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW SINGLE TURNER VALVE MAINTENANCE TRAILER FROM E.H. WACHS FOR THE DISTRIBUTION SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).
CONSENT AGENDA.

RESOLUTION NO. 6820 – AUTHORIZING THE PURCHASE OF A NEW COMPACT MINI EXCAVATOR FROM HOLT CAT FOR THE DISTRIBUTION SERVICES DEPARTMENT THROUGH SOURCEWELL PURCHASING COOPERATIVE

RES 6820
COMPACT MINI
EXCAVATOR

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW COMPACT MINI EXCAVATOR FROM HOLT CAT FOR THE DISTRIBUTION SERVICES DEPARTMENT THROUGH SOURCEWELL PURCHASING COOPERATIVE.
CONSENT AGENDA.

RESOLUTION NO. 6821 – AUTHORIZING THE PURCHASE OF A NEW INTERNATIONAL MV607 DUMP TRUCK FROM SOUTHWEST INTERNATIONAL FOR THE DISTRIBUTION SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

RES 6821
DUMP TRUCK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW INTERNATIONAL MV607 DUMP TRUCK FROM SOUTHWEST INTERNATIONAL FOR THE DISTRIBUTION SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).
CONSENT AGENDA.

RESOLUTION NO. 6822 – AUTHORIZING THE PURCHASE OF A NEW 2022 FORD F 250 CREW CAB 4X4 FROM SILSBEE FORD FOR THE DISTRIBUTION SERVICES DEPARTMENT THROUGH TIPS

RES 6822
VEHICLE PURCHASE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW 2022 FORD F250 CREW CAB 4X4 FROM SILSBEE FORD FOR THE DISTRIBUTION SERVICES DEPARTMENT THROUGH TIPS.
CONSENT AGENDA.

RESOLUTION NO. 6823 – AUTHORIZING THE PURCHASE OF A NEW ROVVER X SEWER CAMERA FROM ENVIROSIGHT FOR THE DISTRIBUTION SERVICES DEPARTMENT THROUGH THE TEXAS

RES 6823
SEWER CAMERA

LOCAL GOVERNMENT PURCHASING COOPERATIVE
(BUYBOARD)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW ROVVER X SEWER CAMERA FROM ENVIROSIGHT FOR THE DISTRIBUTION SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).

CONSENT AGENDA.

RESOLUTION NO. 6824 – AUTHORIZING THE PURCHASE OF A NEW KUBOTA SKID STEER FROM ZIMMERER KUBOTA FOR THE DISTRIBUTION SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

RES 6824
SKID STEER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW KUBOTA SKID STEER FROM ZIMMERER KUBOTA FOR THE DISTRIBUTION SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).

CONSENT AGENDA.

RESOLUTION NO. 6825 – AUTHORIZING THE PURCHASE OF TWO (2) 2022 FORD F150 CREW CAB TRUCKS FOR THE SHERMAN FIRE DEPARTMENT AND THE EMERGENCY MANAGEMENT DEPARTMENT FOR SILSBEE FORD THROUGH THE TIPS PURCHASING COOPERATIVE

RES 6825
VEHICLE PURCHASE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF TWO (2) 2022 FORD F150 CREW CAB TRUCKS FOR THE SHERMAN FIRE DEPARTMENT AND THE EMERGENCY MANAGEMENT DEPARTMENT FROM SILSBEE FORD THROUGH THE TIPS PURCHASING COOPERATIVE.

CONSENT AGENDA.

RESOLUTION NO. 6826 – AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF SOUTHLAKE FOR POTENTIAL SAVINGS IN PURCHASING VARIOUS GOODS AND SERVICES

RES 6826
PURCHASING
AGREEMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF SOUTHLAKE FOR POTENTIAL SAVINGS IN PURCHASING VARIOUS GOODS AND SERVICES.

CONSENT AGENDA.

REQUEST TO ADVERTISE
ANNUAL SUPPLY OF WATER CHEMICALS

REQ TO ADVERTISE
ANNUAL SUPPLY
OF CHEMICALS

The City Council approved the request to advertise for the annual supply of water chemicals for the calendar year 2022. These chemicals are used at the Water Treatment Plant and the Wastewater Treatment Plant.

CONSENT AGENDA.

ANNUAL SERVICES FOR FINISH AND ROUGH MOWING OF VARIOUS CITY PROPERTIES

The City Council approved the request to advertise for finish and rough mowing of various City properties. This includes the annual mowing of City boulevards, islands, street rights-of-way, and other City properties.

CONSENT AGENDA.

FINISH & ROUGH
MOWING

OTHER BUSINESS

REPLAT APPROVAL OF SWEETWATER SPRINGS, PHASE 2, A REPLAT OF LOT 15, BLOCK B, LOT 16, BLOCK C, SWEETWATER SPRINGS SUBDIVISION, BLOCK 7, HILLTOP ESTATES, LOTS 6-9, BLOCK 1, LOTS 2-5, BLOCK 6, MIDWAY ESTATES ADDITION, LOTS 2-9, BLOCK 1, LOTS, 2-9, BLOCK 3, LOT 1, BLOCK 2 AND LOT 1, BLOCK 4, HILLTOP 2 ESTATES, PHASE 1, BEING 44.044 ACRES IN EUSTACIO CANTON SURVEY, ABSTRACT NO. 221 AND THE JOHN HENDRIX SURVEY, ABSTRACT NO. 503 AND BEING ALL OF LOTS 15, BLOCK B AND LOT 16, BLOCK C, SWEETWATER SPRINGS SUBDIVISION, AND BEING A PART OF BLOCK 7 OF A REPLAT OF A PART OF BLOCK NO. 5 AND ALL OF BLOCK NUMBERS 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 26, 27, 28, 29, AND 30 OF HILLTOP ESTATES, INCLUDING A PART OF BLOCKS 1 AND 3 AND ALL OF BLOCKS 2 AND 4 OF THAT REPLATTED PORTION OF SAID BLOCK 7 KNOWN AS PHASE 1, HILLTOP 2 ESTATES ADDITION, ALSO INCLUDING ALL OF THAT PORTION OF SAID BLOCK 7 KNOWN AS MIDWAY ESTATES PHASE 2, AND 5.21 ACRES LYING WITHIN THE LIMITS OF THE DEDICATED STREETS (HILLTOP DRIVE, BRYAN LANE, MARION LANE, HARRIET DRIVE AND CARTER COURT); BARTON CAPITAL LTD AND JAMES AND LAURA FRAME, OWNERS; S2 LAND DEVELOPMENT, DEVELOPER; STRAND, CIVIL ENGINEER; AND PIERCE-MURRAY LAND SOLUTIONS, SURVEYOR (3100-3500 BLOCKS DRIPPING SPRINGS ROAD)

Mr. Rae said this item was removed from the Consent Agenda because its approval is contingent on the approval of the Specific Use Permit and the Zone Change for Sweetwater Springs, Phase 2. This is the plat for those items.

The Planning and Zoning Commission approved the item through consent and it is presented for the Council's approval.

Deputy Mayor Howeth asked what is located in the area that this area "wraps around." Mr. Rae said it is property owned by a different owner that is not involved in this project.

Council Member Teamann said he appreciated the developer giving 18% of the property or more to greenspace, versus the 10% that was required.

ACTION TAKEN.

Motion by Council Member Stevenson to approve the Replat of Sweetwater Springs, Phase 2, located in the 3100 to 3500 blocks of Dripping Springs Road, subject to the Staff Review Letter, as presented. Second by Council Member Teamann.

APPROVE REPLAT
SWEETWATER
SPRINGS
PHASE 2
(3100-3500 BLOCKS
DRIPPING SPRINGS
RD)

COUNCIL MINUTES – DECEMBER 6, 2021

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

REPLAT APPROVAL OF L.R. KANE ADDITION, LOTS 1 & 2, BLOCK A, BEING A REPLAT OF LOTS 57 & 59, BLOCK F, MAXEY ADDITION, BEING LOTS 57 AND 59, BLOCK F, MAXEY ADDITION; THE DURHAM GROUP, LLC AND KATELYN DAVID, LLC, OWNERS; AND ELD ENGINEERING, INC., CIVIL ENGINEER/SURVEYOR (1808 NORTH LOCKHART STREET)

APPROVE REPLAT
L.R. KANE ADDITION
(1808 N. LOCKHART)

Mr. Rae said the owner of this property has requested that it be replatted into two lots for a Single-Family development. The Planning and Zoning Commission approved the request in consent.

ACTION TAKEN.

Motion by Council Member Teamann to approve the Replat of L.R. Kane Addition, located at 1808 North Lockhart Street, subject to the Staff Review Letter, as presented. Second by Council Member Dobbs.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Teamann.

VOTING NAY: None.

ABSTAIN: Stevenson.

MOTION CARRIED.

REPLAT APPROVAL OF LOT 1 AND PART OF LOT 3, BLOCK 3, R.A. KING ADDITION, BEING A REPLAT OF LOT 1 AND PART OF LOT 3, BLOCK 3 OF THE R.A. KING ADDITION, BEING 0.269 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56, ALSO BEING ALL OF LOT 1 AND PART OF LOT 3, BLOCK 3, ROBERT A KING'S ADDITION; JAMES GARZA, OWNER; GEORGE ODWESSO, DEVELOPMENT; AND UNDERWOOD DRAFTING & SURVEYING, SURVEYOR (702 SOUTH MONTGOMERY STREET)

APPROVE REPLAT
R.A. KING ADDITION
(702 S. MONTGOMERY)

The City Council approved the Replat of a tract of property in the R.A. King Addition, located at 702 South Montgomery Street. The 0.269 acre tract is zoned an R-2 (Multi-Family Residential) District. The owner would like to plat the property into one lot for residential development.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.

CONSENT AGENDA, SUBJECT TO STAFF REVIEW LETTER.

REPLAT APPROVAL OF THE NORTH 70 FT. OF LOT 3, BLOCK 4, W.D. FITCH ADDITION, BEING 0.225 ACRES IN THE G.B. PILANT SURVEY, ABSTRACT NO. 963 AND BEING THE NORTH 70' OF LOT 3, BLOCK 4, W.D. FITCH ADDITION; M&G HOME BUILDERS, OWNER; AND HELVEY-WAGNER SURVEYING, INC. SURVEYOR (1207 SOUTH FIRST STREET)

APPROVE REPLAT
W.D. FITCH ADDITION
(1207 S. FIRST ST)

The City Council approved the Replat of a tract of property in the W.D. Fitch Addition, located at 1207 South First Street. The 0.225 acre tract is zoned an R-1 (One-Family Residential) District. The owner would like to plat the property into one lot for residential development.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA, SUBJECT TO STAFF REVIEW LETTER.

REPLAT APPROVAL OF THE SOUTH 31 FT. OF LOT 3 AND THE NORTH 39 FT. OF LOT 5, BLOCK 3, ROBERT A. KING'S ADDITION, BEING 0.241 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56, ALSO BEING THE SOUTH 31 FT. OF LOT 3 AND THE NORTH 39 FT. OF LOT 5, BLOCK 3, ROBERT A KING'S ADDITION; RIVERA & CINTRON, LLC, OWNERS AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR (708 SOUTH MONTGOMERY STREET)

The City Council approved the Replat of a tract of property in the Robert A. King's Addition, located at 708 South Montgomery Street. The 0.241 acre tract is zoned R-2 (Multi-Family Residential) District. The owner would like to plat the property into one lot for residential development.

APPROVE REPLAT
ROBERT A. KING'S
ADDITION
(708 S. MONTOMGERY)

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA, SUBJECT TO STAFF REVIEW LETTER.

FINAL PLAT APPROVAL OF LAUREL CREEK ADDITION, SECTION FOUR, BEING 9.620 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763, MITCHELL ENTERPRISES, LTD, OWNER; VILBIG & ASSOCIATES, PLLC, CIVIL ENGINEER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR (400 BLOCK LAUREL CREEK DRIVE)

The City Council approved the Final Plat of Laurel Creek Addition, Section Four, located in the 400 block of Laurel Creek Drive. The 9.620 acre tract is zoned an R-1 (One-Family Residential) District. The owner would like Final Plat approval for 24 residential lots.

APPROVE FINAL PLAT
LAUREL CREEK
ADDITION
(400 BLOCK LAUREL
CREEK DR)

The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA, SUBJECT TO STAFF REVIEW LETTER.

COUNCIL COMMENTS
CHRISTMAS PARADE

Council Member Holland commended the City staff for the great job they did with the Christmas Parade this year.

CHRISTMAS PARADE

CHRISTMAS PARADE

Council Member Teamann also commended the staff on the Christmas Parade and said he appreciated the efforts of the Police and Fire Departments.

CHRISTMAS PARADE

NEW CITY COUNCIL MEMBER

Council Member Teamann recognized new Council Member Juston Dobbs, saying this was the first night with the full, new Council.

NEW CITY COUNCIL
MEMBER

ANNOUNCEMENTS

Mayor Plyler announced the following:

- The groundbreaking for the new Police Headquarters will be held tomorrow at 11:00 a.m., at the corner of Northgate and West Travis Street.

ANNOUNCEMENTS

COUNCIL MINUTES – DECEMBER 6, 2021

- The walking trail at Pecan Grove West will be filled with over 5.5 miles of twinkling lights this year, beginning on December 11, 2021. Parks and Recreation will turn the lights on at 5:30 p.m. for a celebration with music, food trucks, hot chocolate, and games. For the rest of December, the lights will turn on at 5:30 p.m. and turn off at 11:00 p.m., every night.
- Both the Senior Citizen's Center and the Library have a month full of holiday-themed events. A complete list is available on Facebook.

EXECUTIVE SESSION MOTION

ACTION TAKEN.

Motion by Deputy Mayor Howeth to convene in Executive Session to discuss Item E-1, Resolution No. 6812, under Section 551.072 of the Texas Open Meetings Act. Second by Council Member Stevenson.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

**EXECUTIVE SESSION
MOTION
RES 6812**

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

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.

EXECUTIVE SESSION

TEX. GOV'T CODE § 551.071 --

SEEKING THE ADVICE OF ITS ATTORNEY ABOUT PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS OR ANY MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE TEXAS OPEN MEETINGS ACT

- (a) Receive legal advice regarding proposed interlocal agreement for animal shelter services with Grayson County, Texas, and related issues
- (b) Receive legal advice regarding proposed amendment to the Bel Air Village development regulations

TEX. GOV'T CODE § 551.072 --

DELIBERATING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON

TEX. GOV'T CODE § 551.073 --

DELIBERATING A NEGOTIATED CONTRACT FOR A PROSPECTIVE GIFT OR DONATION TO THE CITY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON

TEX. GOV'T CODE § 551.074 --

DELIBERATING THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE; OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE UNLESS THE OFFICER OR EMPLOYEE WHO IS THE SUBJECT OF THE DELIBERATION OR HEARING REQUESTS A PUBLIC HEARING

- (a) Sherman Economic Development Corporation Board of Directors (3)
- (b) Sherman Economic Development Corporation Ex-Officio member (1)

TEX. GOV'T CODE § 551.076 –

DELIBERATING THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES OR A SECURITY AUDIT

TEX. GOV'T CODE § 551.087 –

DISCUSSING OR DELIBERATING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE CITY SEEKS TO HAVE LOCATE, STAY OR EXPAND IN OR NEAR THE CITY AND WITH WHICH THE CITY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS; OR DELIBERATING THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT

- (a) Project Charge
- (b) Project Edge

TEX. GOV'T CODE § 551.089 --

DELIBERATING SECURITY ASSESSMENTS OR DEPLOYMENTS RELATING TO INFORMATION RESOURCES TECHNOLOGY, NETWORK SECURITY INFORMATION, OR THE DEPLOYMENT OR SPECIFIC OCCASIONS FOR IMPLEMENTATION OF SECURITY PERSONNEL, CRITICAL INFRASTRUCTURE OR SECURITY DEVICES

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:49 p.m.

On Motion duly made and carried, the Executive Session recessed at 7:32 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS (3)

SHERMAN ECONOMIC DEVELOPMENT CORPORATION EX-OFFICIO MEMBER (1)

ACTION TAKEN.

SEDCO BOARD
OF DIRECTORS &
EX-OFFICIO MEMBER

Motion by Council Member Dobbs to reappoint Jason Brumm and Janie Bates, to the Sherman Economic Development Corporation Board of Directors, for a term from October 1, 2021

COUNCIL MINUTES – DECEMBER 6, 2021

to October 1, 2024, to appoint Dr. Al Hambrick to serve from December 7, 2021 to October 1, 2024, to appoint Shawn Teamann to serve as an Ex-Officio Member for a term from October 1, 2021 to October 1, 2022, and to appoint Juston Dobbs to serve as an Ex-Officio Member for a term from December 7, 2021 to October 1, 2022. Second by Council Member Stevenson.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 7:35 p.m.

ADJOURNMENT

MAYOR

CITY CLERK

STATE OF TEXAS §
 December 13, 2021
COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Called 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 13, 2021.

MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR PAM HOWETH.
 COUNCIL MEMBERS DOBBS, HOLLAND, MARROQUIN,
 STEVENSON, TEAMANN.

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Plyler called the meeting to order at 5:00 p.m. He thanked the North Texas Youth Chorus for performing Christmas carols prior to the Council Meeting. The Pledge of Allegiance and Invocation were given by Council Member Henry Marroquin.

CALL TO ORDER

RECEIVE PRESENTATION FROM MARGARET SOMEREVE, EXECUTIVE DIRECTOR OF TEXAS COALITION FOR AFFORDABLE POWER

Mayor Plyler introduced Margaret Somereve, Executive Director of the Texas Coalition for Affordable Power, who recognized the City of Sherman as one of the founding members of the Texas Coalition for Affordable Power.

TEXAS COALITION
FOR AFFORDABLE
POWER

She explained that, 20 years ago, the City of Sherman joined other cities to form the Cities Aggregation Power Project (CAPP), to help cities save money on their electric bills. In 2011, CAPP merged with the South Texas Aggregation Project and became TCAP. Their purpose was the same...to find energy rates that saved its members money, in turn saving tax dollars.

Today, with 169 members, TCAP is the largest organization of its kind in Texas. At this 20-year anniversary, TCAP is thanking the founding member cities that were there from the start and have continued to be the leaders in working together for savings.

Ms. Somereve presented a plaque to Mayor Plyler and the City Council, recognizing the City of Sherman as a founding member of TCAP.

SPECIAL PRESENTATION

THE PATRIOT MEMBERS OF CHAPTER 612 MILITARY ORDER OF THE PURPLE HEART, USA WOULD LIKE TO PRESENT THE CITY COUNCIL OF THE CITY OF SHERMAN A SPECIAL RECOGNITION AWARD

Sergeant O.H. Hubbard, Patriot Member of Chapter 612 Military Order of the Purple Heart, USA, presented a plaque to the City Council, recognizing their dedication and support in honoring America's Combat Wounded Veterans and their family members.

RECOGNITION FROM
ORDER OF THE
PURPLE HEART

Robby Hefton, City Manager, explained that the group meets at the Municipal Airport, without charge, and they wanted to thank the City

COUNCIL MINUTES – DECEMBER 13, 2021

for everything they are doing to recognize and support their organization.

CITIZEN'S COMMENTS

There were no citizen's comments.

CITIZEN'S COMMENTS

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.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member Stevenson moved to approve the Consent Agenda, as presented. Second by Council Member Teamann. All present voted AYE.

Mayor Plyler introduced Ordinance No. 6441 and called for a public hearing:

ORD 6441
TEXAS INSTRUMENTS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING AND REPLACING RESOLUTION NO. 6729; SUPPORTING HALFF ASSOCIATES, INC., ON BEHALF OF THE APPLICANT TEXAS INSTRUMENTS INCORPORATED TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION AT 6412 U.S. HIGHWAY 75S IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE.

Clint Philpott, Assistant City Manager, explained that Item E-1 and E-2 are related, and pertain to Texas Instruments and Presco, which applied and were approved last year for the Municipal Setting Designation.

Originally the designation was approved by resolution, as required by the State. They have now asked that it be approved by ordinance, and that it be a little more restrictive on the usage of ground water.

The City has worked with the attorneys and the Texas Commission on Environmental Quality, to verify that this ordinance would be acceptable to TCEQ. There are no additional things that the City would be required to do, with the passage of this ordinance. It's a formality to get it into a form acceptable to TCEQ.

No citizens appeared before the City Council to discuss Ordinance No. 6441.

Mayor Plyler introduced Ordinance No. 6442 and called for a public hearing:

ORD 6442
TCEQ MUNICIPAL
SETTING DESIGNATION
(1201 E. PECAN ST)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING AND REPLACING RESOLUTION NO. 6710; IN SUPPORT OF THE APPLICATION OF GOLDER ASSOCIATES, INC., ON BEHALF OF 1201 E PECAN NORTH REAL ESTATE, LLC AND 1201 E PECAN HOLDINGS, LLC TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION AT 1201 E. PECAN STREET IN THE CITY

COUNCIL MINUTES – DECEMBER 13, 2021

OF SHERMAN, GRAYSON COUNTY, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Philpott said this is the same as the previous item, except it relates to Presco.

Paul Manley, Vice President of Engineering at Presco

Mr. Manley appeared to answer any questions the Council might have.

No other citizens appeared before the City Council to discuss Ordinance No. 6442.

Mayor Plyler introduced Ordinance No. 6443 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE NO. 6099 AND RENAMING INDUSTRIAL REINVESTMENT ZONE, NUMBER 022018-1, CITY OF SHERMAN, TEXAS, TO CITY OF SHERMAN INDUSTRIAL REINVESTMENT ZONE, NUMBER SIX (#6), FOR THE PURPOSE OF COMMERCIAL-INDUSTRIAL TAX ABATEMENT.

ORD 6443
REDESIGNATING
INDUSTRIAL
REINVESTMENT ZONE
NO. 6

Mary Lawrence, Director of Finance, said the State Comptroller notified the City that the numbering on their Industrial Reinvestment Zones no longer complies with the numbering system they use. The only thing this ordinance does is to renumber the Reinvestment Zone. There are no other changes to the designations.

No citizens appeared before the City Council to discuss Ordinance No. 6443.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6441

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING AND REPLACING RESOLUTION NO. 6729; SUPPORTING HALFF ASSOCIATES, INC., ON BEHALF OF THE APPLICANT TEXAS INSTRUMENTS INCORPORATED TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION AT 6412 U.S. HIGHWAY 75S IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE.

ORD 6441
TEXAS INSTRUMENTS

Ordinance 6442

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING AND REPLACING RESOLUTION NO. 6710; IN SUPPORT OF THE APPLICATION OF GOLDER ASSOCIATES, INC., ON BEHALF OF 1201 E PECAN NORTH REAL ESTATE, LLC AND 1201 E PECAN HOLDINGS, LLC TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION AT 1201 E. PECAN STREET IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE.

ORD 6442
TCEQ MUNICIPAL
SETTING DESIGNATION
(1201 E. PECAN ST)

Ordinance 6443

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE NO. 6099 AND RENAMING INDUSTRIAL REINVESTMENT ZONE, NUMBER 022018-1, CITY OF SHERMAN, TEXAS, TO CITY OF SHERMAN INDUSTRIAL REINVESTMENT ZONE, NUMBER SIX (#6), FOR THE PURPOSE OF COMMERCIAL-INDUSTRIAL TAX ABATEMENT.

ORD 6443
REDESIGNATING
INDUSTRIAL
REINVESTMENT ZONE
NO. 6

ACTION TAKEN.

Motion by Deputy Mayor Howeth to adopt Ordinance Nos. 6441, 6442, and 6443, as presented. Second by Council Member Stevenson.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6827 – AUTHORIZING EXECUTION OF A CONTRACT WITH GRAYSON COUNTY, TEXAS, FOR USE OF THE CITY OF SHERMAN ANIMAL SHELTER (NO ACTION TAKEN AT THE SEPTEMBER 7, 2021 MEETING)

RES 6827
GRAYSON COUNTY
CONTRACT FOR
ANIMAL SHELTER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH GRAYSON COUNTY, TEXAS, FOR USE OF THE CITY OF SHERMAN ANIMAL SHELTER.

Zach Flores, Police Chief, presented the proposed contract for Animal Shelter services between the City of Sherman and Grayson County.

At the last presentation, the proposal was for over \$400 per animal. The current proposal is for \$250 per animal, and \$50 per day, after three days.

Mr. Hefton said, as it's written now, the agreement would start tomorrow, December 14, 2021, and expire on April 1, 2022. That would give the County 90+ days to evaluate what they want to do. At that time, another contract could be considered.

Mayor Plyler said Grayson County Judge Bill Magers has asked the Council to delay the start of the contract until January 1, 2022. Council Member Stevenson said he "didn't see the point," they are already giving them an additional 90 days to decide what to do. Mr. Hefton said the Shelter usually gets between one and two dogs a day from Grayson County.

Chief Flores asked the Council to designate, in their motion, when the start date for the contract should be. Mayor Plyler said very often, the Council does extend a courtesy to other governments.

Council Member Stevenson said they have been "extended a courtesy" and have known about this for a long time. Mr. Hefton said it was originally brought to the Council at the first Council Meeting in September 2021. Council Member Stevenson said they were giving the County a courtesy on the \$400 cost for 90 more days.

COUNCIL MINUTES – DECEMBER 13, 2021

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No. 6827, with an effective date of December 14, 2021, as presented.

Second by Council Member Teamann.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6828 – AUTHORIZING EXECUTION OF AMENDMENT NO. 2 OF THE STANDARD FORM OF AGREEMENT BETWEEN OWNER AND ARCHITECT BETWEEN THE CITY OF SHERMAN AND HIDELL AND ASSOCIATES ARCHITECTS, INC. FOR THE DESIGN OF THE NEW SHERMAN POLICE DEPARTMENT HEADQUARTERS TO REFLECT THE INCREASE IN PROJECT SCOPE TO INCLUDE THE LIFT STATION DESIGN AND COORDINATION, ADDITIONAL TOPOGRAPHIC SURVEY INFORMATION AND GEOTECH REPORT FOR THE PROPOSED LIFT STATION LOCATION

RES 6828
POLICE DEPT.
HEADQUARTERS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AMENDMENT NO. 2 OF THE STANDARD FORM OF AGREEMENT BETWEEN OWNER AND ARCHITECT BETWEEN THE CITY OF SHERMAN AND HIDELL AND ASSOCIATES ARCHITECTS, INC. FOR THE DESIGN OF THE NEW SHERMAN POLICE DEPARTMENT HEADQUARTERS TO REFLECT THE INCREASE IN PROJECT SCOPE TO INCLUDE THE LIFT STATION DESIGN AND COORDINATION, ADDITIONAL TOPOGRAPHIC SURVEY INFORMATION AND GEOTECH REPORT FOR THE PROPOSED LIFT STATION LOCATION.

Mr. Philpott said this amendment is to include the design of a lift station for the new Police Department Headquarters. It was originally hoped that a lift station would not be required, however when they got the civil plans back, it was not going to work.

The amendment is to cover the cost of design for a lift station. Hidell will help coordinate timing to ensure that the design and construction is within the construction time of the Police Department.

When the Fire Station was constructed nearby, sewer was not available and a septic system was installed, and was meant to be temporary, until the area developed. It just happens that the City is the one doing the developing. This lift station will take care of the Fire Station needs as well.

Council Member Stevenson asked what the expected cost of the lift station will be. Mr. Philpott said that is in question, and they supplied an example of a lift station that was previously constructed. He said, hopefully, it would be around \$150,000. He said there are some technical systems that they would like to include, to help monitor for issues. This would cost extra, but he felt it was critical for the Police and Fire Departments.

Council Member Teamann asked what coverage this lift station would provide. Mr. Philpott said it is really only for the Police and

Fire Departments. Everything else, south and west of the new Police Station, can “gravity feed” into the existing line located just over the hill.

Council Member Stevenson asked if the City could also include retrofitting the old lift stations, so that none of them are relying on an alarm or flashing light to alert to a problem. Mr. Philpott said they could not do that with the proposed contract, but they could look at upgrades on the other lift stations and generators to plug into them.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No. 6828, as presented. Second by Council Member Holland.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6829 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH FINISAR SHERMAN RE HOLDCO, LLC, A TEXAS LIMITED LIABILITY COMPANY, FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR PHASE II IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE, NUMBER SIX (#6), CITY OF SHERMAN, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH FINISAR SHERMAN RE HOLDCO, LLC, A TEXAS LIMITED LIABILITY COMPANY, FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR PHASE II IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE, NUMBER 6, CITY OF SHERMAN, TEXAS.

**RES 6829
PROPERTY TAX
ABATEMENT WITH
FINISAR**

Mr. Hefton said this is a proposed tax abatement agreement with Finisar, which is now owned by the II-VI Corporation, for a project they are contemplating in Sherman.

A few years ago, when they moved to Sherman, the City granted them a tax abatement for a committed \$120 million of improvements and equipment purchases, and the employment of about 300 people. Since that time, they have invested over \$180 million, which is on the tax roll. It is likely they have invested over \$200 million, and currently have 400 employees at the site. Therefore, they have had more investment and added more employees than originally thought.

They are now requesting a tax abatement for a proposed \$50 million project, and about 120 additional jobs. The proposed structure of the abatement would be for 10 years, which is a smaller scope than the original abatement. It would average a 50% abatement over the 10-year period. It starts a little higher, at 60% and goes down to 25% by the end of the 10-year period.

Mr. Hefton said the City is very glad Finisar is in Sherman, and that they are expanding in Sherman. They have said positive things

COUNCIL MINUTES – DECEMBER 13, 2021

about being in Sherman, their project, and the support they have received from the City.

He said the staff feels this is a great project, and the proposed abatement would start in 2022, so it would be 2023 fiscal year for the City.

Deputy Mayor Howeth asked why the agreement was with Finisar and not II-VI, which is their new name. Mr. Hefton said they were purchased by II-VI, but Finisar Holding Company is still the name on the property, and they are still the legal owners.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No. 6829, as presented. Second by Council Member Holland.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6830 – AUTHORIZING THE PURCHASE OF NEW CONSOLE POSITIONS, CONSOLETTES, RADIOS AND AN 80FT MONOPOLE WITH ANTENNA LINES AND ASSEMBLY THROUGH MOTOROLA SOLUTIONS THROUGH THE TEXAS DIR AGREEMENT (DIR-TSO-4104)

RES 6830
POLICE DEPT.
RADIOS & CONSOLE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF NEW CONSOLE POSITIONS, CONSOLETTES, RADIOS AND AN 80FT MONOPOLE WITH ANTENNA LINES AND ASSEMBLY THROUGH MOTOROLA SOLUTIONS THROUGH THE TEXAS DIR AGREEMENT (DIR-TSO-4101).

Chief Flores said this contract would be for radio consoles which allows radio traffic from dispatchers to move from the computer to the cars, and would include both police and fire. The current equipment is at its end of life.

He said they have tried to coordinate this purchase with the new Police Headquarters, so they can purchase equipment one time and not have to move it again.

Also, he said by purchasing the monopole, the tower, and the radio communication now, by the end of the year, there is a 15% discount. This discount would save about \$100,000.

Council Member Stevenson asked if the old dispatch and the new would be “up and running” at the same time. Chief Flores said they won’t be able to have both fully operational at the same time. But they will either have 911 rollover to the County, to flip the switch. Or, if everything is working correctly, they’ll just flip the switch to switch it over.

He said there will be a console at the current Police Station, that will allow them to work out of that location, in an emergency. This will maintain redundancy.

ACTION TAKEN.

Motion by Deputy Mayor Howeth to adopt Resolution No. 6830, as presented. Second by Council Member Teamann.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6831 – AUTHORIZING THE PURCHASE OF A NEW COMPANY TRACK LOADER FROM JOHN DEERE FOR THE DISTRIBUTION SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

**RES 6831
PURCHASE OF
COMPACT TRACK
LOADER**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW COMPACT TRACK LOADER FROM JOHN DEERE FOR THE DISTRIBUTION SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).

CONSENT AGENDA.

OTHER BUSINESS

RECEIVE UPDATE FROM TEXAS DEPARTMENT OF TRANSPORTATION PARIS DISTRICT ENGINEER NOEL PARAMANANTHAM ON TXDOT PROJECTS

**UPDATE ON
TXDOT PROJECTS**

Noel Paramanantham, District Engineer, Texas Department of Transportation, presented an update on their current highway projects. Mr. Paramanantham also introduced Aaron Bloom, Project Manager for the US Highway 75 Project.

He mentioned the #EndTheStreakTX program which works to end the streak of daily deaths on Texas roadways. November 7, 2000 was the last day without a death on Texas roadways, 21 years ago. As of today, 4,016 have died on Texas roadways in 2021. He said, statewide, more than 11 are killed in crashes every single day. Distracted driving and impaired driving remain the main cause of fatal accidents on Texas highways.

He thanked the Mayor, City Council, and City Manager, for the financial commitments they made to get the Highway 75 Project moving. The \$155 million project from US 75 from FM 1417 to SH 92 (Texoma Parkway), will reconstruct the highway to a six-lane configuration, will reconstruct frontage road bridges at US 82, and will make ramp improvements throughout the stretch. The project is currently about 50% complete.

Mr. Paramanantham said Washington Street and Center Street are currently closed. Center Street should be completed around March or April 2022 and Washington Street should be completed around July or August 2022. Soon after that, there will be some transitions to get the main lanes back on those bridges.

Then, Mr. Paramanantham said Houston and Lamar Streets will be closed, for six or seven months, depending on weather. He said those streets won't take as long as Washington Street will, because it had some complicated issues.

He discussed the removal of the northbound on ramp from FM 1417, but said there is a temporary ramp, just south of South Travis Street, that puts traffic back on Hwy 75.

He said, currently for Center Street or Park Street, you have to exit at FM 1417, and that detour will remain until construction is complete north of Travis Street. The exit for South Travis Street is temporary and will “go away” and you will have to exit at FM 1417.

Mr. Hefton asked if, overall, the project was on schedule. Mr. Paramanantham said it is on schedule and they are looking at the end of 2023 for completion. Clean-up will continue into 2024, but most of the traffic disruptions will be complete by the end of 2023. He clarified that is both the Hwy 75 portion and the Hwy 82/Hwy 75 intersection. Mr. Paramanantham discussed the 82/75 exit to Loy Lake Road and the very short ramp that is currently there.

Council Member Stevenson addressed the traffic at Loy Lake Road and Hwy 82, and said going across the bridge is bad, and he asked if the ramp removal would make it better or worse. He said, on weekends, a car might have to set through three traffic changes at the light.

Mr. Paramanantham said hopefully the diversions during the reconstruction will have people stay on the frontage road.

Council Member Teamann said TxDOT and Zachary are “working hard and fast” on the reconstruction and they are doing “phenomenal work.”

Mr. Paramanantham also addressed other projects that TxDOT is working on, including FM 902 to FM 1417, which is currently unfunded. Funding will be requested in the 2023 Unified Transportation Plan. He also addressed MPO funded projects.

The reconstruction and widening of FM 1417 from US 82 to SH 56 was let to Zachary Construction in early 2020. The project seems slow, but there was a lot of work with water lines and utilities that also had to be completed.

He expected the east side pavement to be complete in the Winter of 2023 and the west side by Summer of 2024.

Mr. Philpott said North Travis Street, between Hwy 82 and Hwy 75, looks good after the mill and overlay.

CONSIDER APPROVAL OF THE ANNEXATION SCHEDULING PLAN FOR ADOPTION OF APPROXIMATELY 36.892 ACRES OF LAND LOCATED OFF OF FM 131 NORTH, ADJACENT TO THE SHERMAN CITY LIMITS AND IN THE CITY OF SHERMAN’S EXTRA TERRITORIAL JURISDICTION; 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

Mr. Philpott said this was a request to adopt an annexation schedule that will come back at the next Council Meeting. The annexation

ANNEXATION
SCHEDULE
(BMT GLOBAL, LLC –
NORTH TRAVIS)

COUNCIL MINUTES – DECEMBER 13, 2021

includes about 37 acres on North Travis Street, south of Austin Landing. The intent is for a mixed-use development, with Single-Family Residential and a portion along Travis Street that would be commercial.

ACTION TAKEN.

Motion by Council Member Stevenson to approve the Annexation Scheduling Plan for approximately 36.892 acres, located off of FM 131 North, known as BMT Global, LLC – North Travis, as presented. Second by Deputy Mayor Howeth.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson.

VOTING NAY: None.

ABSTAIN: Teamann.

MOTION CARRIED.

CONSIDER CALLING A SPECIAL MEETING OF THE CITY COUNCIL FOR TUESDAY, JANUARY 18, 2022, DUE TO CONFLICT WITH A FEDERAL HOLIDAY

**SET CALLED
CITY COUNCIL MTG**

The City Council called a Special Council Meeting for Tuesday, January 18, 2022, due to a conflict with a Federal Holiday. The regular date for the City's second Council Meeting in January 2022 is Monday, January 17, however, this is Martin Luther King, Jr. Day, which is a Federal holiday.

The City's Charter says "in the case of a holiday, the regular meeting shall be held on the Tuesday immediately following said holiday."

CONSENT AGENDA.

COUNCIL COMMENTS

SPEED ON HWY 75

SPEED ON HWY 75

Council Member Marroquin expressed his concern about the speed limit on Hwy 75 in the construction zone. He said a lot of cars go 70 mph in the construction zone. He said a lot were out-of-state cars. He asked if anything could be done.

Chief Flores said enforcement is very critical in the construction zones and limits the police access. He said they do currently have one motorcycle officer and another one being trained. The motorcycles increase their ability to enforce speed limits in the construction zones.

He said speed trailers also work for a limited amount of time. They tend to work when they're first noticed. He said they do enforce speed limits where they can, but they can't make stops in construction areas because it is not accessible.

Council Member Marroquin asked about red-light cameras, but Chief Flores said those were outlawed in Texas.

Mayor Plyler thanked Chief Flores for their enforcement of speed limits in residential areas with the speed limit trailers. Chief Flores said the trailers they have also produce a report, so they are able to make educated decisions about where to locate them.

FINISAR PROJECT

Council Member Stevenson recognized the \$53 million project that Finisar has announced. He said, there was a time, that was a really big deal. With the size of the Texas Instruments project, it doesn't sound as impressive. He thanked II-VI and Finisar for their investment in Sherman.

FINISAR PROJECT

SPEED ON HWY 75

Council Member Teamann said normally there are highway signs that say fines are double in construction zones, when workers are present. He didn't know if those signs were on Hwy 75, but said they probably should be.

SPEED ON HWY 75

EMPLOYEE APPRECIATION DAY

Council Member Teamann recognized the City staff that recently worked the Employee Appreciation Day event, saying they did a fantastic job. He said he appreciated that awards were also presented to employees that should have received them last year, since the event was cancelled because of COVID-19.

**EMPLOYEE
APPRECIATION
DAY**

MERRY CHRISTMAS TO STAFF

Deputy Mayor Howeth wished the City staff Merry Christmas. She said it was a great luncheon last week and said these employees are the foundation of what occurs in this City. She wished everyone a Merry Christmas and a Happy Holiday.

MERRY CHRISTMAS

MERRY CHRISTMAS

Council Member Holland wished everyone a Merry Christmas and Happy New Year. He encouraged them to be safe.

MERRY CHRISTMAS

EMPLOYEE APPRECIATION DAY

Council Member Dobbs said it was a great Employee Appreciation Day. He also recognized Linda Ashby, City Clerk, for receiving her 40-year recognition during the event.

**EMPLOYEE
APPRECIATION
DAY**

MERRY CHRISTMAS AND EMPLOYEE APPRECIATION DAY

Mayor Plyler wished everyone a very Merry Christmas and said it was wonderful to distribute the awards for last year and for this year, at the Employee Appreciation Day event. He recognized the hard work that the City staff and employees do every year.

**MERRY CHRISTMAS
EMPLOYEE
APPRECIATION
DAY**

ANNOUNCEMENTS

Mayor Plyler announced the following:

ANNOUNCEMENTS

- The walking trail at Pecan Grove West is filled with over 5.5 miles of twinkling lights this year. Parks and Recreation will turn the lights on at 5:30 p.m. through 11:00 p.m. every night, through the end of December.
- The Senior Citizen Center and Library both have a month full of holiday-themed events over the next several weeks. Check out Facebook for a complete list.

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.

TEX. GOV'T CODE § 551.071 --

SEEKING THE ADVICE OF ITS ATTORNEY ABOUT PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS OR ANY MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE TEXAS OPEN MEETINGS ACT

- (a) Receive legal advice regarding proposed airport access agreement for development adjacent to the Sherman Municipal Airport and related issues

TEX. GOV'T CODE § 551.072 --

DELIBERATING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON

TEX. GOV'T CODE § 551.073 --

DELIBERATING A NEGOTIATED CONTRACT FOR A PROSPECTIVE GIFT OR DONATION TO THE CITY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON

TEX. GOV'T CODE § 551.074 --

DELIBERATING THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE; OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE UNLESS THE OFFICER OR EMPLOYEE WHO IS THE SUBJECT OF THE DELIBERATION OR HEARING REQUESTS A PUBLIC HEARING

TEX. GOV'T CODE § 551.076 --

DELIBERATING THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES OR A SECURITY AUDIT

TEX. GOV'T CODE § 551.087 --

DISCUSSING OR DELIBERATING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE CITY SEEKS TO HAVE LOCATE, STAY OR EXPAND IN OR NEAR THE CITY AND WITH WHICH THE CITY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS; OR DELIBERATING THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT

TEX. GOV'T CODE § 551.089 --

DELIBERATING SECURITY ASSESSMENTS OR DEPLOYMENTS RELATING TO INFORMATION RESOURCES TECHNOLOGY,

COUNCIL MINUTES – DECEMBER 13, 2021

NETWORK SECURITY INFORMATION, OR THE DEPLOYMENT OR SPECIFIC OCCASIONS FOR IMPLEMENTATION OF SECURITY PERSONNEL, CRITICAL INFRASTRUCTURE OR SECURITY DEVICES

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:56 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:28 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:29 p.m.

ADJOURNMENT

MAYOR

CITY CLERK



December 13, 2021

Mayor and City Council
City of Sherman

Twenty years ago, the City of Sherman passed a resolution to join with other cities working together for the benefit of all, to form the Cities Aggregation Power Project (CAPP) to help cities save money on electric bills. Fast forward and Cities Aggregation Power Project and the South Texas Aggregation Project merged and became TCAP in 2011 with the same purpose, find energy rates that saves its members money and in turn saves tax dollars. With 169 members, TCAP is the largest organization of its kind in Texas.

As we celebrate our 20th year, we want to thank our founding members, those members that were there from the start and who have continued to be the leaders in working together for savings.

On behalf of the Board of Directors and myself, I want to present this to the City of Sherman as a thank you for your membership in the Texas Coalition for Affordable Power.

Executive Director

Margaret Somereve

Officers

Courtney Alvarez, President
Mark Dempsey, Vice President
Clifford Howard, Treasurer

Board

Miles Risley, Corpus Christi
Gary Broz, Edna
Mark Dempsey, Grand Prairie
Clayton Fulton, Hurst
Courtney Alvarez, Kingsville
Carey Neal, Lancaster
Clifford Howard, Lewisville
Roy Rodrigues, McAllen
Karen Manila, North Richland Hills
Michael Marrero, Odessa
Kevin Carruth, Rockport
Chris Steubing, Sugar Land
David Esquivel, Tomball
Gilbert Reyna, Victoria
Darron Leiker, Wichita Falls

Margaret Somereve
Executive Director



Project Update for the City of Sherman

TxDOT – Connecting You with
Texas

December 2021



- November 7, 2000 was the last day without a death on Texas roadways – 21 years ago
- Statewide, more than 11 are killed in crashes every single day
- As of today, 4,016 have died on our Texas roadways in 2021
- In Grayson County alone, there have 22 people killed in 20 accidents this year
- Distracted driving and impaired driving remain the main root causes

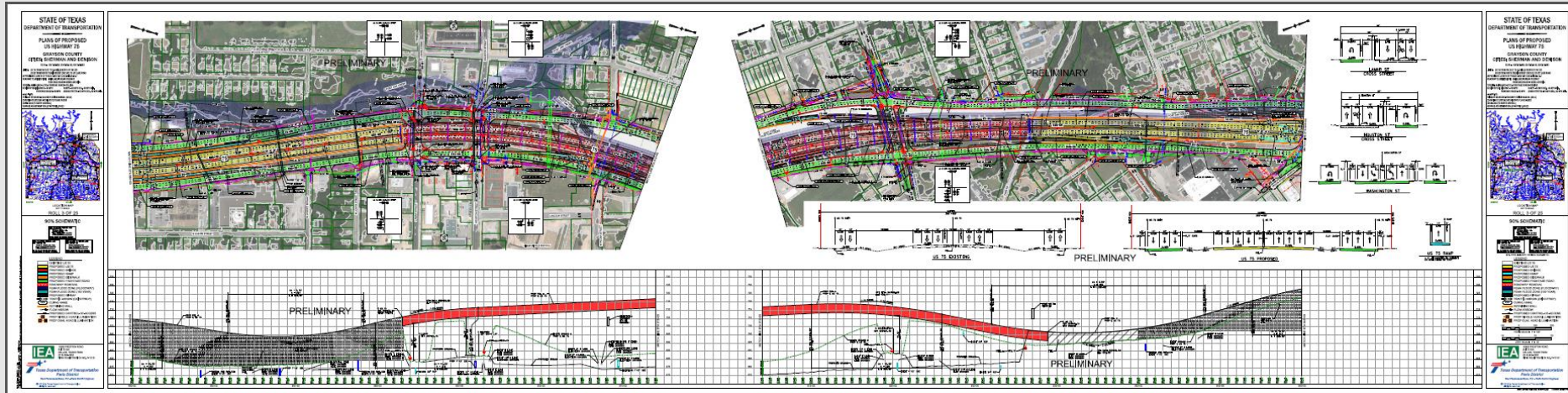
#EndTheStreakTX

End the streak of daily deaths on Texas roadways.

US 75 from FM 1417 to SH 91 (Texoma Parkway)



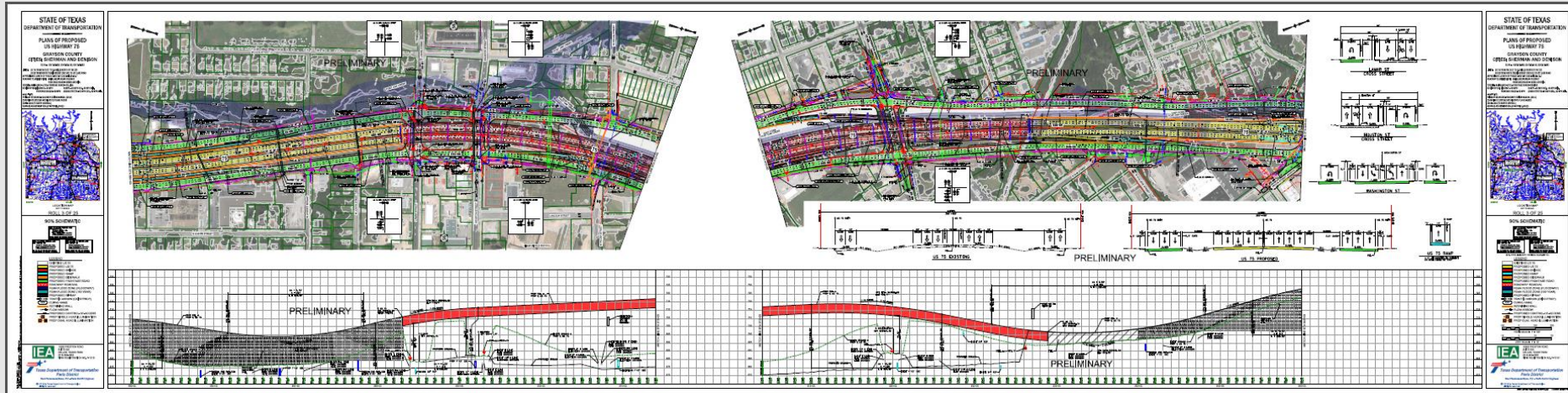
- \$155M project let Sept 19 to reconstruct to 6 lane configuration from FM 1417 to SH 91
- Project will reconstruct FR bridges at US 82 and make ramp improvements throughout
- Project is approximately 50% complete



US 75 from FM 1417 to SH 91 (Texoma Parkway)



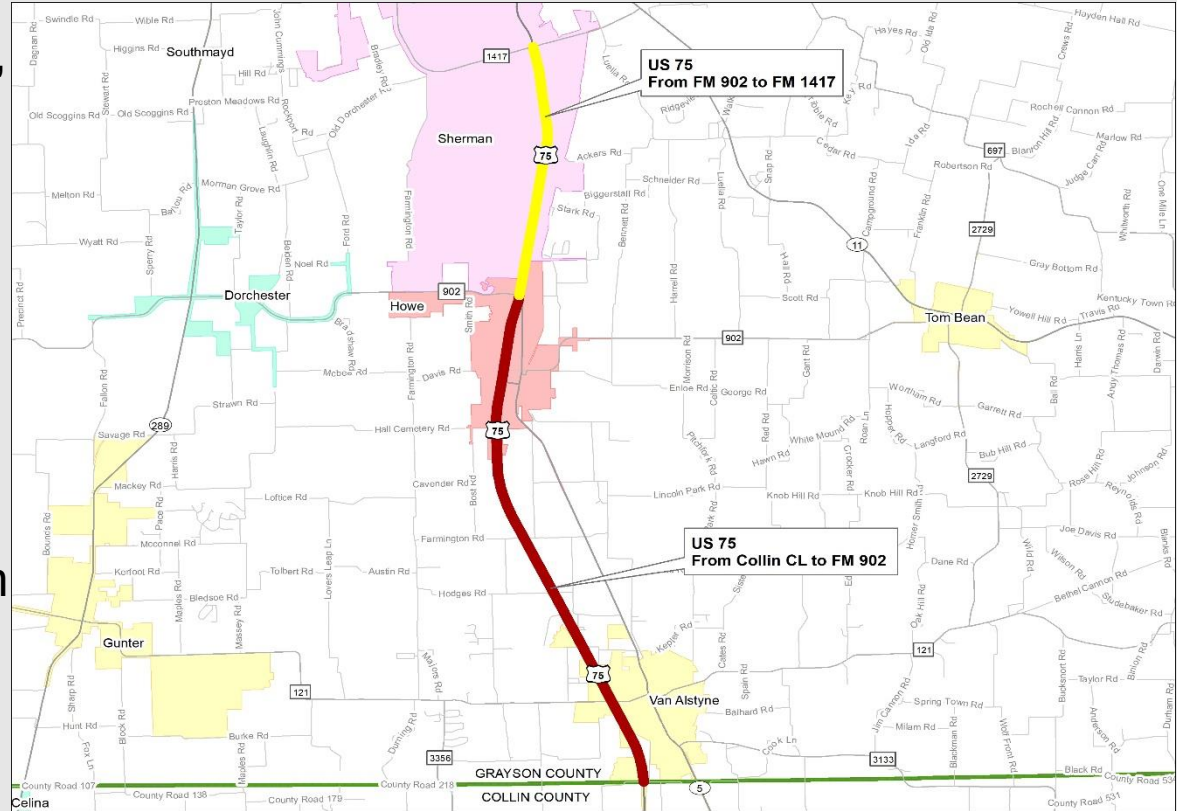
- Currently in Phase 2: Construction roadway north of Park to south of Lamar; from north of Houston to south of Travis – Expected completion Fall 2022
- Phase 3 will shift traffic to Phase 2 traffic and build lanes over Houston and Lamar
- Participation from the City of Sherman helped to make this project happen



More US 75 Projects to Come



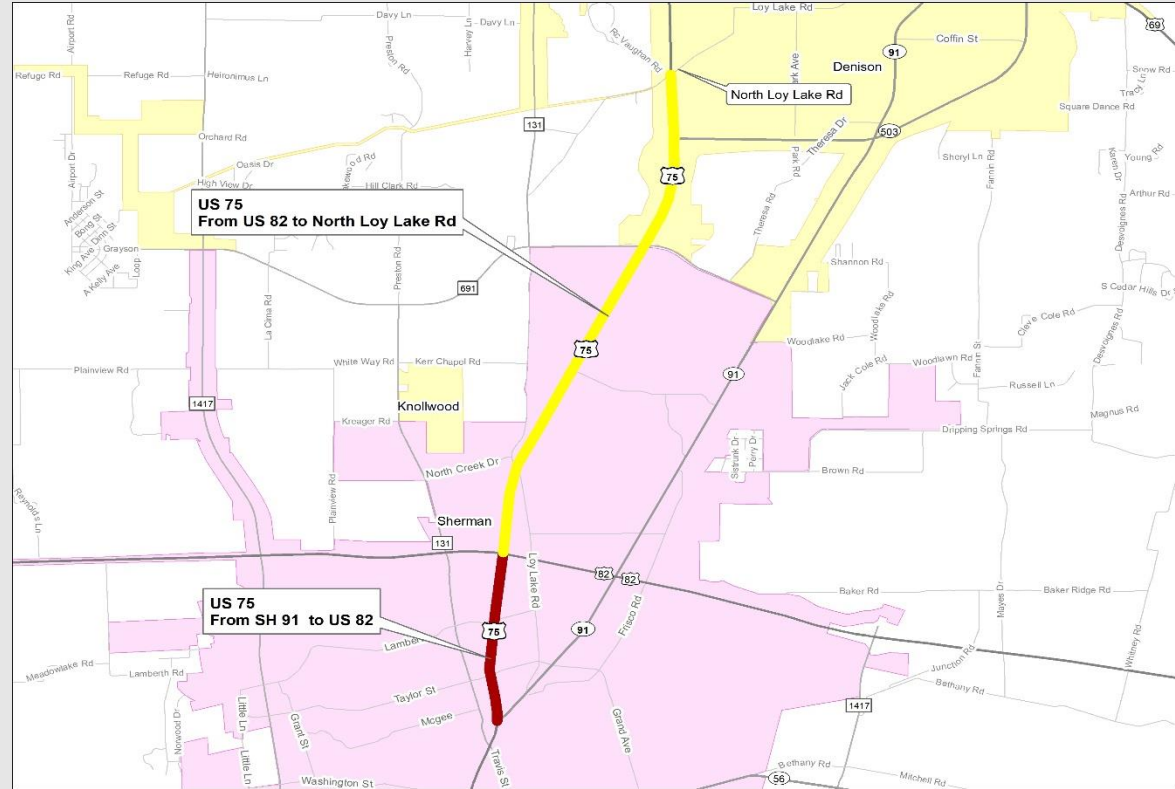
- TxDOT is working with EST, Inc to design 6 lanes conversion from Collin CL to FM 1417
 - Collin CL to FM 902 – Currently funded for FY 2024
 - FM 902 to FM 1417 – Unfunded. Will request in 2023 Unified Transportation Plan



More US 75 Projects to Come



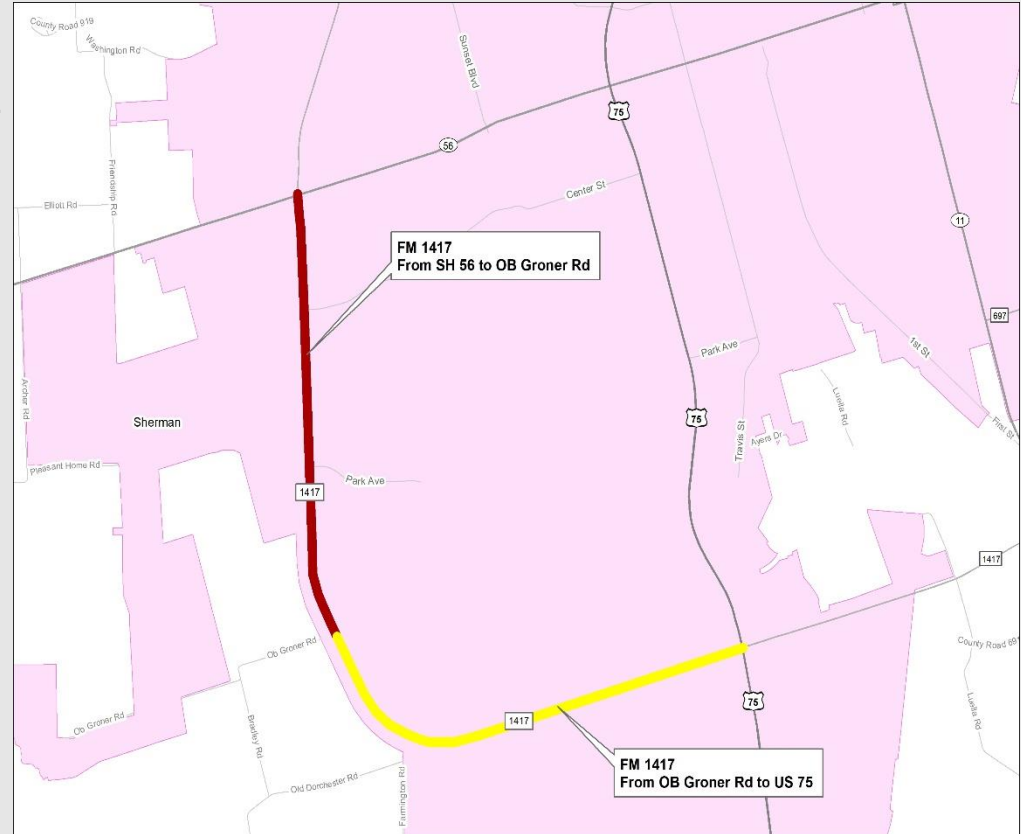
- US 75 schematic from SH 91 to FM 120 is approved and environmentally clear
 - Main lane reconstruction and widening to 6 lanes from:
 - SH 91 (Texoma Parkway) to US 82
 - » Design is underway but currently only partially unfunded
 - US 82 to North Loy Lake Road
 - » Project is funded and design is underway



FM 1417 – US 82 to SH 56 and Beyond



- Reconstruction and widening of FM 1417 (Heritage Parkway) from US 82 to SH 56
 - Project let to Zachry Construction for \$31.4M. Approx. 40% complete
 - Expect east side pavement to be complete Winter 2023; project completion expected Summer 2024
- Intersection improvements at OB Groner have been completed
- SH 56 to OB Groner
 - Schematic and right-of-way work is complete
 - Construction plans (PS&E) are currently underway
 - Unfunded project but will request funding through 2023 UTP
- OB Groner to US 75
 - Unfunded project but will request funding through 2023 UTP
- City, County and Sherman-Denison MPO participation helps TxDOT deliver projects





Noel Paramanantham, P.E.

Paris District Engineer

903.737.9206

Noel.Paramanantham@txdot.gov

Aaron Bloom, P.E.

Sherman Area Engineer

903.868.9251

Aaron.Bloom@txdot.gov



City Council Regular Meeting

C. 1.

Meeting Date: 01/03/2022

Approved By: Robby Hefton, City Manager

Caption:

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

Issue:

- E. 2.** *** RESOLUTION NO. 6833**
Authorizing the Purchase of Two New Ford F-150 Crew Cab Trucks from Silsbee Ford Through TIPS for the Engineering Department
- F. 1.** *** REQUEST TO ADVERTISE**
Wastewater Treatment Plant Equalization Basin Improvements Project
- F. 2.** *** REQUEST TO ADVERTISE**
Wastewater Treatment Plant Primary Clarifier No.1 Equipment Replacement and Sludge Transfer Station Rehabilitation Project
-



City Council Regular Meeting

C. 2.

Meeting Date: 01/03/2022

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

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

Issue:

G. 1. ** OTHER BUSINESS

Replat approval of Hope on Houston Addition, being a Replat of a part of Block 19, Chaffin's 2nd Addition, being 1.695 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Block 19, Chaffin's Addition; Hope on Houston, Inc, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (901, 903, 917 and 921 East Houston Street and 910 East Chaffin Street)

G. 2. ** OTHER BUSINESS

Final Plat approval of MLJ Real Estate Addition, being 1.912 acres in the Samuel McGlothlin Survey, Abstract No. 811 and the Hillard Jennings Survey, Abstract No. 639; MLJ Real Estate LLP, Owners; Cox Land Surveying, Surveyor (3908 and 3924 Texoma Parkway)

G. 3. ** OTHER BUSINESS

Replat approval of Bel-Air Village, being Lots 1, 11-16, 17, 18, 32-34, Block F, Bel-Air Village, Phase 1; Terra Perpetua, LLC, Owners; American Communities, Developer; and Kimley-Horn, Civil Engineer/Surveyor (3701, 3704, 3705, 3709, 3713, 3717, 3721 Aqua Lane, 3701 Talisker Boulevard, 1253 and 1249 Newport Street)

G. 4. ** OTHER BUSINESS

Replat approval of Hanolley Hills Addition, being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road Rights-of-Way and Alleys to Blocks 1, 2 and 3 of Randolph Heights Addition; Champagne Development, LLC, Owner; Holley Jolly Developments, LLC, Developer; and Underwood Drafting and Surveying, Surveyor (1000-1500 Blocks of West Moore Street)

G. 5. ** OTHER BUSINESS

Final Plat approval of Moran on Broughton Addition, being 0.230 acres in the J.B. McAnair Survey, Abstract No. 763; Moran Developments, LLC, Owner and Helvey-Wagner Surveying, Inc., Surveyor (1225, 1229, 1233 and 1237 North Broughton Street)

G. 6. ** OTHER BUSINESS

Final Plat approval of Ladd Estates II in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 12.371 acres in the Bailey Winifred Survey, Abstract No. 66; Robert Ladd Holton, Owner; and Underwood Drafting and Surveying, Inc., Surveyor (600-700 blocks of Merriman Parkway)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 1.

Meeting Date: 01/03/2022

Prepared By: Nathan Whiddon, Laboratory Supervisor

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6444

Amending The Code Of Ordinances, City Of Sherman, Texas, at Chapter 13 (Utilities), Article 13.07 (Water, Sewers And Sewage Disposal), Division 5 (Regulations for Disposal of Industrial Waste); Modifying Regulations Governing The City's Industrial Waste Pretreatment Program to Incorporate Streamlining Rule Provisions Required By Federal And State Regulations (40 CFR 403 and 30 TAC Chapter 315), as set forth In the City's Texas Pollutant Discharge Elimination System (TPDES) Permit Issued on August 19, 2020; Providing For Inclusion In The Code Of Ordinances; Providing A Repealing Clause, A Severability Clause And A Penalty Clause

Issue:

Amending the Code of Ordinances at Article 13.07 (Water, Sewers and Sewage Disposal)

Background:

These changes are part of a required modification to the City's Industrial Pretreatment Program to incorporate Streamlining Rule provisions required by federal and state regulations (40 CFR 403 and 30 TAC Chapter 315). The requirement for this modification is included in the City's Texas Pollutant Discharge Elimination System (TPDES) permit issued on August 19, 2020.

Many of the changes to the ordinance are driven by mandatory language included in 40 CFR 403 or the required checklists that will be submitted to TCEQ with the City's program updates. Changes are also included as recommended by our consultant, Perkins Engineering Consultants, Inc. to remove redundancy or relocate certain program requirements from the ordinance to a standard operating procedure or other program documents as recommended by the TCEQ.

Origination:

Nathan Whiddon, Wastewater Superintendent

Financial Consideration:

There is no financial impact to be considered.

Staff Recommendation:

It is recommended that the Council adopt the proposed ordinance.

Alternatives:

The Council could opt not to approve the proposed ordinance.

Attachments

Ordinance No. 6444

ORDINANCE NO. 6444

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF SHERMAN, TEXAS, AT CHAPTER 13 (UTILITIES), ARTICLE 13.07 (WATER, SEWERS AND SEWAGE DISPOSAL), DIVISION 5 (REGULATIONS FOR DISPOSAL OF INDUSTRIAL WASTE); MODIFYING REGULATIONS GOVERNING THE CITY'S INDUSTRIAL WASTE PRETREATMENT PROGRAM TO INCORPORATE STREAMLINING RULE PROVISIONS REQUIRED BY FEDERAL AND STATE REGULATIONS (40 CFR 403 AND 30 TAC CHAPTER 315), AS SET FORTH IN THE CITY'S TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM (TPDES) PERMIT ISSUED ON AUGUST 19, 2020; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING A REPEALING CLAUSE, A SEVERABILITY CLAUSE AND A PENALTY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas ("City Council") has found that Chapter 13 of the Code of Ordinances, City of Sherman, Texas, should be amended as provided herein to modify regulations governing the City's Industrial Waste Pretreatment Program; and

WHEREAS, Sherman has complied with all legal notices and public hearings as required by law; and

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Sherman to amend the Code of Ordinances as set forth below.

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

SECTION 1. That Chapter 3, Article 13.07, Division 5 of the Code of Ordinances of the City of Sherman, Texas is hereby amended so that such section shall read as follows:

ARTICLE 13.07 WATER, SEWERS AND SEWAGE DISPOSAL

Division 5. Regulations for Disposal of Industrial Waste

Part I. In General

Sec. 13.07.321 Purpose and policy

(a) This division sets forth uniform requirements for users of the wastewater collection system and publicly owned treatment works (POTW) for the City to comply with all applicable state and

federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.), and the General Pretreatment Regulations (40 CFR part 403). The objectives of this division are:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- (2) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (3) To ensure that the quality of the wastewater treatment sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- (4) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- (7) To enable the city to comply with its TPDES permit conditions, sludge use, and disposal requirements and any other federal or state laws to which the POTW is subject.

(b) This division shall apply to all industrial users of the POTW. This division authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sec. 13.07.322 Administration

Except as otherwise provided herein, the City Manager shall administer, implement, and enforce the provisions of this division. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to other City personnel.

Sec. 13.07.323 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this division, shall have the meanings hereinafter designated:

Act or the act. The federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Approval authority. The director in a National Pollutant Discharge Elimination System (NPDES) delegated state with an approved state pretreatment program, as defined in 40 CFR 403.3(c).

Approved POTW pretreatment program or program or POTW pretreatment program. A program administered by a POTW that meets the criteria established in 40 CFR (403.8 and 403.9) which has been approved by a regional administrator or state director in accordance with 40 CFR part 403.11.

Authorized or Duly Authorized representative of the industrial user.

- (1) If the industrial user is a corporation, a responsible corporate officer shall mean:
 - (A) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - (B) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
- (3) If the industrial user is a federal, state or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

The individuals described above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the control authority. The authorization must be submitted to the control authority prior to or accompanying the report for which the designation applies.

Best Management Practices (BMP). The term Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sections 13.07.351 and 13.07.352. BMPs also

include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of milligrams per liter (mg/l).

Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

Categorical pretreatment standard or categorical standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR chapter 1, subchapter N, parts 405–471.

Chemical oxygen demand (COD). The measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant present in water or wastewater expressed in mg/l.

City. The City of Sherman

City Manager. The person designated by the City to supervise the POTW and be responsible for water pollution control for the City, and who is charged with certain duties and responsibilities by this division. This term also means a duly authorized representative of the City Manager.

Composite sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Control authority. The City or its designated representative.

Cooling water.

- (1) Contact. Water used for cooling purposes which comes in contact with any raw material, intermediate product, waste product or finished product.
- (2) Noncontact. Water used for cooling purposes which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

Daily discharge. The Discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

Daily maximum (maximum allowable discharge limit). The maximum allowable discharge of pollutant(s) during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily

maximum limitations are expressed in units of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Direct discharge. The discharge of treated or untreated wastewater directly or adjacent to the waters of the state.

Enforcement response plan. A plan established by the control authority describing compliance monitoring procedures, and their use and escalation of various enforcement responses, as well as time frames and responsibilities for taking these actions.

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Texas Commission on Environmental Quality or other duly authorized official of said agency.

Existing source. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the federal Clean Water Act.

FOG. Fats, oils, and greases from animal, vegetable, petroleum and mineral-based oil wastes.

Garbage. Animal and vegetable wastes and residue from preparation, cooking and dispensing of food; and from the handling, processing, storage, and sale of food products and produce.

Grab sample. A sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time, for a period not to exceed 15 minutes.

Hazardous waste. Any waste designated as hazardous under the provisions of 40 CFR part 261.

Indirect discharge or discharge. The introduction of (nondomestic) pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the act.

Industrial user or user. A source of indirect discharge, including any nondomestic user discharging into the City sewer system.

Industrial waste. Any waste resulting from any process of industry, manufacturing, trade or business, from the development of any natural resource, or from any mixture of such waste with water or normal domestic wastewater, or distinct from normal domestic wastewater.

Instantaneous limit. The maximum concentration or (maximum or minimum measurement of pH or temperature) allowed in any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of the City's TPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

Local limits. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by the POTW in accordance with 40 CFR 403.5(c), such limits shall be deemed pretreatment standards for the purposes of Section 307(d) of the Act.

Medical waste. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

Milligrams per liter (mg/l). The same as parts per million since one (1) liter of water weighs one (1) kilogram; therefore, mg/l is a weight-to-weight ratio, the same as pounds in one million (1,000,000) pounds of water.

Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

New source.

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (A) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- (C) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection (1)(B) or (C) above, but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (A) Begun, or caused to begin as part of a continuous on-site construction program:
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Normal domestic wastewater. Wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of TSS is not more than two hundred fifty (250) mg/l and BOD is not more than two hundred fifty (250) mg/l.

Other substance. Any substance which may be useful or valuable and therefore not ordinarily considered to be a waste, but that will cause pollution if discharged into the waters of the state. This does not include substances associated with the exploration, development, and production of oil or gas or geothermal resources.

Pass through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources,

is a cause of a violation of any requirement of the City's TPDES permit (including an increase in the magnitude or duration of a violation).

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, or local governmental entities.

pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, agricultural, industrial wastes and municipal wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes, or by other means, except as prohibited by 40 CFR 403.6(c). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loading that might interfere with or otherwise be incompatible with the POTW. Where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

Pretreatment requirements. Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

Pretreatment standards. Pretreatment standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Pretreatment year. A calendar year (January 1 through the last calendar day of December).

Prohibited discharge standards or prohibited discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Sections 13.07.351 and 13.07.352 of this division.

Process Wastewater. Any water, which during manufacturing or processing, comes into direct contact with, or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly owned treatment works or POTW. A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the state or municipality (as defined by Section 502(4) of the Act). This definition includes any devices or systems used in the collection, storage,

treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operations and maintenance of the treatment works.

Sanitary sewer. A pipe or conduit that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters.

Significant change. An increase or decrease in the volume of wastewater discharged by more than twenty (20) percent from the data submitted in the permit application, or the deletion or addition of any pollutant regulated by the control authority or by a categorical pretreatment standard. Volumes are those measured by the water service meter, a verifiable estimate, or a permanently installed effluent flow meter approved by the control authority.

Significant industrial user. Shall apply to:

- (1) All industrial users subject to categorical pretreatment standards; or
- (2) Any other industrial user that:
 - (A) Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (B) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
 - (C) Is designated as significant by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Slug load or slug discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Sections 13.07.351 or 13.07.352 of this division. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the City's regulations, local limits, or permit conditions.

Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

Storm drain (sometimes termed "storm sewer"). A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source into which domestic wastewater or industrial wastewater is not intentionally passed.

Stormwater. Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.

Submission. A request by the POTW to the EPA or state director for approval of a pretreatment program, and/or a request by the POTW to the EPA or state director for authority to revise the discharge limits in categorical pretreatment standards to reflect POTW pollutant removals.

Total suspended solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Toxic pollutant. One of one hundred twenty-six (126) pollutants, or a combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the act.

TPDES permit or POTW permit. A permit issued to a POTW pursuant to Section 402 of the act.

Treatment plant effluent or effluent. Any discharge from the POTW into waters of the state.

Wastewater (sewage). The liquid and water-carried industrial or domestic wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Wastewater treatment plant or treatment plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.

Waters of the state. Shall include:

- (1) Both surface and underground waters within the boundaries of this state subject to its jurisdiction, including all ponds, lakes, rivers, streams, public ditches, and public drainage systems within this state, other than those designed and used to collect, convey, or dispose of sanitary sewage; and
- (2) The floodplain of free-flowing waters determined by the department of natural resources on the basis of 100-year flood frequency.

Sec. 13.07.324 Abbreviations

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	U.S. Environmental Protection Agency
ERP	Enforcement response plan

FOG	Fats, oils and greases
gpd	Gallons per day
IU	Industrial User
L	Liter
mg	Milligrams
mg/l	Milligrams per liter
O & M	Operation and maintenance
pH	Alkalinity or acidity of a solution
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SDCP	Slug Discharge Control Plan
SIC	Standard industrial classifications
SIU	Significant Industrial User
SWDA	Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)
TCEQ	Texas Commission on Environmental Quality
TPDES	Texas Pollutant Discharge Elimination System
TSS	Total suspended solids
USC	United States Code

Sec. 13.07.325 Determination of time limit

Where no time is specified in this division, or where action is required, a reasonable time under the facts and circumstances is allowed.

Secs. 13.07.326–13.07.350 Reserved

Part II. General Sewer Use Requirements

Sec. 13.07.351 General prohibitions

No user shall introduce into a POTW any pollutant(s) or wastewater which causes pass through or interference. These general provisions and the specific prohibitions in Section 13.07.352 below apply to each user introducing pollutants into a POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements

Sec. 13.07.352 Specific prohibitions

(a) No user may contribute the following pollutants, substances, or wastewater to the POTW:

- (1) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees centigrade using the test methods specified in 40 CFR 261.21.
- (2) Pollutants which will cause corrosive structural damage to the POTW or equipment, or endangering City personnel, but in no case discharges having a pH less than 5.0 or greater than 10.0, unless the works is specifically designed to accommodate such discharges.
- (3) Any solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
- (4) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW, or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.
- (5) Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit or forty (40) degrees centigrade. The approval authority, upon request of the POTW, may approve alternate temperature limits.
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (7) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Any trucked or hauled pollutants, except at discharge points designated by the City Manager in accordance with Section 13.07.361 of this division.
- (9) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
- (10) Any wastewater containing any radioactive isotopes except as specifically approved by the City Manager, in compliance with applicable state or federal regulations.
- (11) Any sludges or screenings from the pretreatment of hazardous waste.

- (12) Any medical wastes, except as specifically authorized by the City Manager in a wastewater discharge permit.
- (13) Any wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity.
- (14) Any wastes containing detergents, surface-active agents, or other substances in concentrations which cause excessive foaming in the POTW.
- (15) Any water contaminated as a result of releases from aboveground and/or underground gasoline, diesel fuels, fuel oil, kerosene, and jet fuel tanks, tank accessories, and/or pipelines without expressed written permission from the City Manager is obtained, prior to discharge.
- (16) Any pollutant or wastewater containing pollutants with UV (254 nm) absorbing substances which causes interference with UV disinfection at the treatment plant.
- (17) Any stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, or any other unpolluted waters, unless authorized in writing by the City Manager.

(b) Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. If the industrial user has a pretreatment facility, all floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

Sec. 13.07.353 Discharge from treatment of petroleum fuel contaminated waters

The City shall reserve the right to regulate discharge of water which is contaminated as a result of a release associated with aboveground and/or underground petroleum fuel tank systems or pipelines. Any discharge which occurs during groundwater pump tests, groundwater remediation, tank tests, and/or other activities including the removal of petroleum fuel contaminated water from groundwater wells, excavations, and utility vaults, must have the expressed written approval of the City Manager prior to discharge.

Sec. 13.07.354 National categorical pretreatment standards

(a) The national categorical pretreatment standards found in 40 CFR chapter I, subchapter N, parts 405–471 are hereby incorporated. Henceforth, any new national categorical pretreatment standard shall also become a requirement of this section.

(b) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the City Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).

Sec. 13.07.355 State requirements

The state pretreatment standards located in 30 TAC chapter 315, subchapter A, are hereby incorporated.

Sec. 13.07.356 Specific pollutant limitations

(a) The City Manager is authorized to establish Local Limits pursuant to 40 CFR Section 403.5(c).

(b) It shall be unlawful for any significant industrial user to discharge, deposit, cause, or allow to be discharged any waste or wastewater which fails to comply with the limitations imposed by this section.

(c) Uniform concentration-based limits. No significant industrial user shall discharge wastewater to the POTW that exceeds the following limits:

DAILY MAXIMUM CONTRIBUTION*

<u>Pollutant</u>	<u>Symbol</u>	<u>Daily maximum</u>
Cadmium	Cd	0.014
Chromium	Cr	0.37
Copper	Cu	0.33
Cyanide	CN	0.03
Lead	Pb	0.12
Mercury	Hg	0.0005
Molybdenum	Mo	0.274
Nickel	Ni	0.26
Phenols	--	2.6
Selenium	Se	0.006
Silver	Ag	0.19
Zinc	Zn	0.52

* All pollutants shown in the table are total and in mg/L.

(d) Contributory flow-based limit.

(1) For the purposes of this paragraph, a contributing industrial user is an industrial user found by the City to discharge Arsenic (As) above the industrial contributory screening value of 0.018 mg/L As.

- (2) No significant industrial user identified as a contributing industrial user shall discharge wastewater to the POTW that exceeds 0.126 mg/L As.
 - (3) No industrial user identified as a non-contributing industrial user shall discharge wastewater to the POTW that exceeds 0.018 mg/L As.
- (e) The City may establish more stringent pollutant limits, additional site-specific pollutant limits, best management practices, or additional pretreatment requirements when, in the judgment of the City, such limitations are necessary to implement the provisions of this article.
- (f) Where an industrial user exceeds these specific pollutant limitations, the City may require the industrial user to:
- (1) Reduce pollutant concentrations in the suspect wastestreams by implementing pollution prevention measures;
 - (2) Terminate discharge from a specific wastestream(s);
 - (3) Implement best management practices (BMPs) where available to reduce the pollutant concentrations;
 - (4) Install new treatment systems and/or upgrade existing treatment equipment where technology is available to remove such pollutants; and/or
 - (5) Comply with additional monitoring and reporting requirements.
- (g) The City may take an enforcement action for any violation of a limitation or requirement established in this section.
- (h) The City may modify an existing wastewater discharge permit or require an industrial user to apply for a wastewater discharge permit or take such other permitting actions as necessary for violations of a specific local discharge limit specified in Subsections (b) and (c) of this section.
- (i) The City may modify these specific pollutant limits as described in the standard operating procedure for the assessment and revision of local limits using the contributory flow method.

Sec. 13.07.357 City's right of revision

The City reserves the right to establish, by article or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 13.07.321 of this division or the general and specific prohibitions in Sections 13.07.351 and 13.07.352 of this division.

Sec. 13.07.358 Special agreement

(a) The City reserves the right to enter into special agreement with an industrial user, setting out special terms under which they shall discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement.

(b) The industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15, which states that categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water. The industrial user must file an application as requested in 40 CFR 403.15(a) and must meet all the criteria established in 403.15(b)(1)–(4), (c).

(c) The industrial user may also petition EPA for a variance from the categorical pretreatment standards from EPA. In establishing categorical pretreatment standards for existing sources, the EPA may find it necessary to evaluate industrial users on a case-by-case basis to adjust the limits in categorical pretreatment standards, making them either more or less stringent, as they apply to certain industrial users within an industrial category or subcategory. This will only be done if data specific to that industrial user indicates it presents factors fundamentally different from those considered by EPA in developing the limit at issue. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

Sec. 13.07.359 Dilution

No industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The City Manager may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

Sec. 13.07.360 Deny/condition new or increased contributions

The City shall have the authority to deny/condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its TPDES permit.

Sec. 13.07.361 Hauled wastes

Where the City elects to accept hauled waste, the following conditions will apply:

(a) Hauled wastes may be introduced into the POTW only at locations designated by the City Manager, and at such times as are established by the City Manager;

(b) The City shall have the right to refuse any hauled waste load;

- (c) Waste haulers are prohibited from discharging wastes that would violate any prohibited discharge standards in accordance with 40 CFR 403.5(b) or any prohibitions identified in Sections 13.07.351 and 13.07.352 of this division;
- (d) Waste haulers are prohibited from discharging hazardous wastes to the POTW;
- (e) The waste hauler shall comply with specific pollutant limitations established by the City in Section 13.07.356 of this division;
- (f) The City shall require waste haulers to obtain wastewater discharge permits. The City Manager may require generators of hauled wastes to obtain wastewater discharge permits;
- (g) The City may sample and analyze the hauled wastes or require the hauler to perform such sampling and analysis to verify that each hauled load complies with applicable standards;
- (h) The City may sample and analyze the hauled wastes or require the hauler to perform such sampling and analysis at the location where the waste is generated;
- (i) The City may require the industrial waste hauler to receive prior approval or consent before discharging;
- (j) The waste hauler must notify the City of any new customers or changes in the nature of hauled waste originating from existing customers;
- (k) The City may restrict the maximum number of loads that a waste hauler may discharge during a specific period of time, and the discharge rate of each load;
- (l) Industrial waste haulers must provide a manifest form for every load. The form shall include, at a minimum:
 - (1) The name and address of each customer or source of waste;
 - (2) Permit number;
 - (3) Truck identification;
 - (4) Approximate volume(s) received;
 - (5) Known or suspected pollutants present in load(s); and
 - (6) Certification that the hauled waste is not hazardous;
- (m) Prior to each discharge, the hauler shall provide a completed manifest form. Each manifest form shall be completed in triplicate at a minimum;

- (n) The City may supply blank manifest forms to each waste hauler; and
- (o) The City may impose fees or charges for hauled wastes as specified in Sections 13.07.751 and 13.07.752 of this division.

Secs. 13.07.362–13.07.390 Reserved

Part III. Pretreatment of Wastewater

Sec. 13.07.391 Pretreatment facilities

Industrial users shall provide necessary wastewater treatment as required to conform with this division and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Sections 13.07.351 and 13.07.352 above, within the limitations specified by the EPA, the state, or the City Manager, whichever is more stringent.

Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this division.

Sec. 13.07.392 Additional pretreatment measures

(a) Whenever deemed necessary, the City Manager may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other condition may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this division.

(b) Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required of residential users. All interception units shall be of a type and capacity approved by the City Manager and shall be so located as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, at the owner's expense.

(c) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(d) At no time shall a reading on an explosion hazard meter at the discharge into the POTW, or at any point in the POTW, be more than ten (10) percent of the lower explosive limit (LEL) of the meter.

Sec. 13.07.393 Accidental discharge/slug discharge control plans

(a) The City Manager may require any industrial user to develop and implement an accidental discharge/slug discharge control plan (SDCP).

(b) Any industrial user required to develop and implement an accidental discharge/slug discharge control plan shall submit a plan which addresses, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals and the proximity of these chemicals to any floor drains or sewers;
- (3) Procedures for immediately notifying the POTW of any accidental or slug discharge, including any discharge that would violate any of the prohibited discharges in Sections 13.07.351 and 13.07.352 of this division, with procedures for follow-up written notification within 5 business days;
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;
- (5) A list of facility personnel (by name and title) that have an identified role to play in the implementation of the accidental discharge/slug control plan, indicating the responsibilities and authorities of each; and
- (6) A certification statement from a qualified professional indicating that the plan is adequate.

Sec. 13.07.394 Tenant responsibility

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this division.

Sec. 13.07.395 Vandalism

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 13.07.656, 13.07.657, 13.07.658, and 13.07.659, below.

Sec. 13.07.396 Fraud and false statements

The reports and other documents that are required to be submitted or maintained under this division and 40 CFR 403.12 shall be subject to:

- (a) The provisions of 18 U.S.C. Section 1001 relating to fraud and false statements;
- (b) The provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
- (c) The provisions of Section 309(c)(6) of the Act regarding responsible corporate officers.

Sec. 13.07.397 Approval of certain plans, specifications

Storm discharge facilities, plans, specifications, and other pertinent information relating to proposed facilities shall be submitted for the approval of the City, and no construction of such facilities shall be commenced until such approvals are obtained in writing.

Secs. 13.07.398–13.07.425 Reserved

Part IV. Wastewater Discharge Permit Eligibility

Sec. 13.07.426 Wastewater survey

When requested by the City Manager, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The City Manager is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this division.

Sec. 13.07.427 Application for wastewater discharge permit

In order to control the admission of industrial wastes into the public sewer, any person within or without the corporate limits of the City desiring to discharge an industrial waste mixture into the sewers or POTW of the City, or any sewer connected therewith, shall make an application to the City upon application forms to be obtained from the City Manager.

Sec. 13.07.428 Wastewater discharge permit requirement

- (a) It shall be unlawful for any industrial user to discharge wastewater into the City's POTW without first obtaining a wastewater discharge permit from the City Manager. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and subjects the wastewater discharge permittee to the sanctions set out in Parts X and XI, below. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.

- (b) The City Manager may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purpose of this division.
- (c) The City Manager may determine if pretreatment facilities are adequate for efficient treatment of discharged waste.
- (d) The City Manager may issue a wastewater discharge permit if it is determined that an applicant is not discharging waste in violation of Section 13.07.352, other than BOD, TSS or FOG.

Sec. 13.07.429 Wastewater discharge permitting existing connections

Any significant industrial user which discharges waste into the POTW prior to the effective date of this division and who wishes to continue such discharges in the future shall, within ninety (90) days after said date, apply to the City for a wastewater discharge permit in accordance with Section 13.07.432 below, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this division except in accordance with a wastewater discharge permit issued by the City Manager.

Sec. 13.07.430 Wastewater discharge permitting new connections

Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence, unless the City Manager has given expressed written permission otherwise.

Sec. 13.07.431 Wastewater discharge permitting multijurisdictional users

- (a) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the City Manager shall enter into an interlocal agreement with the contributing municipality.
- (b) Any existing significant industrial user located beyond the City limits shall submit a wastewater discharge permit application, in accordance with Section 13.07.432 below, within ninety (90) days of the effective date of this division. New significant industrial users located beyond the City limits shall submit such applications to the City Manager ninety (90) days prior to the date upon which any discharge will begin or recommence, unless the City Manager has given expressed written permission otherwise.

Sec. 13.07.432 Wastewater discharge permit application contents

- (a) In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required by Section 13.07.462. The City Manager shall approve a form to be used as a permit application. In addition, the following information may be requested:

- (1) Name and title of IU official.
- (2) List of any of the IU's other previous environmental permits.
- (3) The date IU commenced discharge to the City.
- (4) Date of receipt of baseline monitoring report (BMR).
- (5) Date of receipt of 90-day report for categorical industrial users (CIU's).
- (6) A certification by the IU in lieu of monitoring, or the requirement to perform total toxic organic (TTO) monitoring where applicable.
- (7) A submittal of a toxic organic management plan (TOMP) or other management plan.
- (8) Any planned changes in the production rate by the IU in the future.
- (9) Identification of sources of discharges, such as regulated, dilution flow, noncontact flows.
- (10) Applicability of combined wastestream formula to derive alternative pollutant limits.
- (11) Estimation or measurement of process and nonprocess flows.
- (12) Identification of types of discharges such as continuous or batch discharge.
- (13) Submittal of slug control plan as required under 40 CFR 403.8(9)(2)(v).
- (14) A list of hazardous waste(s) and description of any storage areas for these hazardous waste(s).
- (15) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- (16) Number and type of employees, hours of operation, and proposed or actual hours of discharge to the POTW.
- (17) Each product produced by type, amount, processes, and rate of production.
- (18) Type and amount of raw materials processed (average and maximum per day).
- (19) The site plans, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

- (20) Time and duration of the discharge.
 - (21) Any other pertinent information as may be deemed necessary by the City Manager to evaluate the wastewater discharge permit application.
- (b) A permittee shall comply with all requirements or agreements or arrangements, including but not limited to provisions for:
- (1) Payment of charges or fees;
 - (2) Installation and operation of pretreatment facilities;
 - (3) Sampling and analysis to determine quality and quantity of wastewater; and
 - (4) Providing a sampling point subject to the provisions of this division and approval of the City.
- (c) Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

Sec. 13.07.433 Application signatories and certification

- (a) All wastewater discharge permit applications and industrial user reports required by this division must contain the following certification statement, with a printed and signed name of an authorized representative of the industrial user:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- (b) The authorized representative shall be identified in a written authorization statement submitted to the control authority. Such authorization must specify either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

Sec. 13.07.434 Wastewater discharge permit decisions

(a) The City will evaluate the data furnished by the industrial user and may require additional information. Within ninety (90) days of receipt of a complete wastewater discharge permit application, the City Manager will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The City Manager may deny any application for a wastewater discharge permit.

(b) Appeals of such action or inaction by the City Manager are subject to the provisions of Section 13.07.463.

Secs. 13.07.435–13.07.460 Reserved

Part V. Wastewater Discharge Permit Issuance Process

Sec. 13.07.461 Wastewater discharge permit duration

Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the City Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

Sec. 13.07.462 Wastewater discharge permit contents

(a) Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the City Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

(b) Wastewater discharge permits shall contain the following conditions:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the City, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including BMPs, applicable to the user based on applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, state and local law;
- (4) Monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored,

sampling location, sampling frequency, and sample type based on applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, state and local law;

- (5) Statement of applicable administrative, criminal, and civil penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the time for compliance date beyond that required by applicable federal, state, or local law.
 - (6) Requirements to control slug discharge, if determined by the City Manager to be necessary.
- (c) Wastewater discharge permits may contain, but need not be limited to, the following:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (2) Limits on the instantaneous, daily, and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;
 - (3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
 - (4) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - (5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (6) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW;
 - (7) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - (8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
 - (9) Other conditions as deemed appropriate by the City Manager to ensure compliance with this division, and state and federal laws, rules, and regulations.

Sec. 13.07.463 Wastewater discharge permit appeals

- (a) Any person, including the industrial user, may petition the City to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance or denial.
- (b) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (c) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (d) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (e) If the City fails to act on such appeal within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.
- (f) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with a court of competent jurisdiction for Grayson County within sixty (60) days of the date of the decision.

Sec. 13.07.464 Wastewater discharge permit modification

- (a) The City Manager may modify the wastewater discharge permit for good cause including, but not limited to, the following:
 - (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - (2) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
 - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (4) Information indicating that the permitted discharge poses a threat to the City's POTW, the City's personnel, or the receiving waters;
 - (5) Violations of any terms or conditions of the wastewater discharge permit;
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
 - (8) To correct typographical or other errors in the wastewater discharge permit;
 - (9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.
- (b) The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

Sec. 13.07.465 Wastewater discharge permit transfer

- (a) Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days' advance notice to the City Manager and the City Manager approves the wastewater discharge permit transfer. The notice to the City Manager must include a written certification by the new owner and/or operator which:
- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - (2) Identifies the anticipated date on which the transfer is to occur;
 - (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit;
 - (4) Provides written notice of the actual date of transfer within thirty (30) days after such transfer date.
- (b) Except where approved by the City Manager, failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

Sec. 13.07.466 Wastewater discharge permit revocation

- (a) Wastewater discharge permits may be revoked for the following reasons:
- (1) Failure to notify the City of planned significant changes (see Section 13.07.503) to the wastewater prior to the changed discharge;
 - (2) Failure to provide prior notification to the City of changed conditions pursuant to Section 13.07.500, if such changes were known, or could have reasonably been anticipated by the discharger;
 - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

- (4) Falsifying monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the City timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges, industrial surcharges, or pretreatment program fees;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey, a baseline monitoring report, or an application for the reissuance of a wastewater discharge permit;
- (12) Failure to provide advance notice of the transfer of a permitted facility;
- (13) Violation of any pretreatment standards or requirement, or any terms of the wastewater discharge permit or this division.

(b) Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

Sec. 13.07.467 Wastewater discharge permit reissuance

A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with Section 13.07.432 a minimum of ninety (90) days prior to the expiration of the industrial user's existing wastewater discharge permit.

Sec. 13.07.468 Continuation of expired wastewater discharge permits

An expired wastewater discharge permit will continue to be effective and enforceable until the permit is reissued if:

- (1) The permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit;
- (2) The failure to reissue the permit, prior to the expiration of the previous permit, is not due to any act or failure to act on the part of the permittee; and

- (3) The expired wastewater discharge permit will not exceed a time period of five (5) years from the original issuance date until the permit is reissued.

Sec. 13.07.469 Authority to impose other conditions

Wastewater discharge permits may contain other conditions or local requirements applicable to the IU's discharge(s) as the City deems necessary to comply with this division.

Sec. 13.07.470 Authority to enforce permits

Wastewater permit conditions are specifically and independently enforceable regardless of whether they are expressly required by or set out in applicable regulations.

Secs. 13.07.471–13.07.495 Reserved

Part VI. Reporting Requirements

Sec. 13.07.496 Baseline monitoring reports

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the City a report which contains the information listed in Subsections (c)(1)–(7), below.

(b) At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in Subsections (c)(1)–(5), below. New sources shall also be required to report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of its anticipated flow and quantity of pollutants discharged, as required in Subsections (c)(4)–(5), below.

The City Manager shall approve and issue a form to be used for guidance in completion of the baseline monitoring report.

- (c) The industrial user shall submit the information required by this section including:
 - (1) Identifying information. The name and address of the facility including the name of the operator and owners.
 - (2) Environmental permits. A list of any environmental control permits held by or for the facility.

- (3) Description of operations. A brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary to allow use of the combined wastestream formula set out in 40 CFR 403.6(e). (The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.)
- (5) Measurement of pollutants.
 - (A) Identify the categorical pretreatment standards applicable to each regulated process;
 - (B) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations;
 - (C) Sampling must be performed in accordance with procedures set out in section 13.07.506.
 - (D) Submit documentation to demonstrate compliance with a BMP where a required BMP or pollution prevention (P2) alternative is part of the categorical standard
- (6) Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis; and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.
- (7) Compliance schedule. If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 13.07.497 of this division.
 - (A) If the categorical pretreatment standard is modified by a removal allowance (403.7), the combined wastestream formula (403.6(e)), and/or a fundamentally different factors variance (403.13)); at the time the user

submits the baseline monitoring report, the information required by Subsections (c)(6)–(7) shall pertain to the modified limits.

- (B) If the user submits the baseline monitoring report after a modified pretreatment standard, the combined wastestream formula and/or a fundamentally different factors variance is used, those requirements in Subsections (c)(6)–(7) must be submitted within sixty (60) days after the modified limit is approved.
- (8) All baseline monitoring reports must be signed and certified in accordance with Section 13.07.433.

(d) The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need, or lack thereof, for industrial pretreatment measures.

Sec. 13.07.497 Compliance schedule progress report

The following conditions shall apply to the schedules referred to by Section 13.07.496(c)(7) and Section 13.07.624:

- (a) The compliance schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards, including documentation to demonstrate compliance with required BMPs, (e.g., hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation, etc.).
- (b) No increment referred above shall exceed nine (9) months.
- (c) The industrial user shall submit a progress report to the control authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the established schedule.
- (d) In no event shall more than nine (9) months elapse between such progress reports to the control authority.

Sec. 13.07.498 Report on compliance with categorical pretreatment standard deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and

requirements shall submit to the control authority a report containing the information described in Section 13.07.496(c)(4)–(6).

(a) For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate.

(b) For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the sampling period and include an appropriate period surrounding the sampling event in order to determine representative production measurements. All compliance reports must be signed and certified in accordance with section 13.07.433.

(c) Submit documentation to demonstrate compliance with a BMP where a required BMP or P2 alternative is part of the categorical standard.

Sec. 13.07.499 Periodic compliance reports

(a) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or in the case of a new source after commencement of the discharge into the POTW, shall submit periodic compliance reports to the control authority, in the months of July and January, unless required more frequently by the pretreatment standard or by the City. However, the City has established that these periodic compliance reports will be submitted to the City either monthly or quarterly, depending on factors determined during the wastewater permitting process. The frequency for submitting periodic compliance reports will be specified in the IU's wastewater discharge permit. Rational for reporting frequency will be provided in the permit fact sheet.

(b) The periodic compliance reports shall be submitted to the City within twenty (20) days following the end of each reporting period, which shall contain data collected during the reporting period.

- (1) Monthly reporting periods shall begin on the first day of the month and shall end on the last day of the month; or
- (2) Quarterly reporting periods shall begin on the first day of January, April, July, October, and shall end on the last day of the third month for each period (March, June, September, and December).
- (3) Semiannual reporting periods shall begin on the first day of January and July and shall end on the last day of June and December.

(c) The periodic compliance report shall include a summary of analytical results or measurements as follows:

- (1) Daily analyses for all pollutants reported in milligrams per liter (mg/l) at the frequency specified in the User's permit;
 - (2) Instantaneous grab pH measurements, reported in Standard Units (S.U), temperatures reported in degrees Celsius (°C), and monthly minimum and maximum measurements for pH and temperature;
 - (3) Daily minimum and daily maximum pH measurements from continuous on-line pH monitoring system, reported in standard units, if applicable;
 - (4) Total daily flow, reported in million gallons per day (mgd), if applicable;
 - (5) Total daily loadings for all pollutants except for flow and pH, reported in pounds per day (lbs/day), if applicable;
 - (6) Daily maximum and monthly average results for items (c)(1 and (5) above;
 - (7) Date and day of the week that monitoring event or measurement was collected;
 - (8) Outfall or location where monitoring event or measurement was collected;
 - (9) Daily maximum and monthly average total flows;
 - (10) Daily maximum and monthly average flows from categorical process streams; and
 - (11) Daily maximum and monthly average flows from all dilution and unregulated streams used to calculate alternative categorical limits (applicable to categorical industries which use the combined wastestream formula to derive alternative limits).
- (d) The periodic compliance report shall also include the following:
- (1) The name of the permittee and facility address;
 - (2) The reporting period covered by the report;
 - (3) The report due date;
 - (4) Production data for each individual process regulated (applicable to categorical industries which must comply with production based pretreatment standards);
 - (5) A statement indicating that samples reported on the periodic compliance report were collected, handled, preserved, and analyzed in accordance with effluent limitations and monitoring requirements specified in the wastewater discharge permit;

- (6) A statement indicating that samples reported on the periodic compliance report were representative of the volume and nature of the monitored discharge, and that shift changes, process variances, peak flows, and other variations were proportionally represented where sampling frequencies permitted;
 - (7) A statement indicating that the permittee complied with all permit conditions in accordance with reporting and records requirements of the permit;
 - (8) A signatory statement as specified in Section 13.07.433 of this division;
 - (9) Appropriate signature from the authorized representative; and
 - (10) Provide a section in the report, which would describe any data anomalies or provide explanations for any monitoring or reporting issues that occurred or were identified during reporting period.
- (e) Where the control authority has imposed mass limitations on industrial users as provided for by 403.6(d), the report required by Subsections (a)–(d) above shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.
- (f) Where the control authority has imposed mass limitations on industrial users as required by the wastewater discharge permit, the report required by Subsections (a)–(d) above shall indicate the mass of pollutants regulated by the industrial user’s wastewater discharge permit.
- (g) For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in 40 CFR 403.6, the report required by subsections (a)–(d) above shall provide a reasonable measure of the user’s long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only on terms of allowable pollutant discharge per unit of production (or other measure of operation), the industrial user shall submit the user’s actual average production rate for the reporting period.
- (h) Requirements specified in section 13.07.501 shall apply for these reports.
- (i) Categorical industrial users shall submit documentation to demonstrate compliance with a BMP where a required BMP or pollution prevention alternative is part of the categorical standard.

Sec. 13.07.500 Notice of potential problems, including slug loading

All categorical and noncategorical industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by section 13.07.323 of this division. This notification requirement also applies to slug discharges.

Sec. 13.07.501 Monitoring and analysis to demonstrate continued compliance

- (a) The reports required in Sections 13.07.496(c)(1)–(8), 13.07.498, 13.07.499, and 13.07.502 of this division, shall contain the results of sampling and analysis of the discharge,

including the flow rate, nature, and concentration of pollutants contained therein which are limited by the applicable pretreatment standards or industrial user wastewater discharge permit. When required by a pretreatment standard or wastewater discharge permit, the report must contain facility production data and/or mass of pollutants discharged.

This sampling and analysis may be performed by the control authority in lieu of the industrial user. Where the POTW performs all of the requested sampling and analysis in lieu of the industrial user, the POTW must sample at least semiannually. Additionally, the user will not be required to submit the compliance certification required under 40 CFR 403.12(b)(6) and 403.12(d), unless the City deems necessary. In addition, if the POTW collects the information required for the periodic compliance report, including flow data, the industrial user will not be required to submit the reports.

(b) If sampling performed by the City indicates a violation, the City shall notify the industrial user within twenty-four (24) hours of becoming aware of the violation. The industrial user shall submit to an increase in sampling and analysis by the control authority at a minimum of once per calendar month, until the control authority determines the industrial user returns to compliance. The sampling and analysis cost incurred due to this increased compliance monitoring shall be the responsibility of the industrial user.

Where the City performs sampling in lieu of the IU and a violation is indicated, the City will resample within thirty (30) days of becoming aware of the violation. The City has the right to notify the IU of the violation and require the IU to perform the repeat sampling and receipt of analysis and submit the results within 30 days of becoming aware of the violation.

(c) If sampling performed by an industrial user indicates a violation, the industrial user shall notify the control authority within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days of becoming aware of the violation, except the industrial user is not required to resample if:

- (1) The control authority performs sampling at the industrial user at a frequency of at least once per calendar month; or
- (2) The control authority performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(d) Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring point(s) specified in the wastewater discharge permit.

(e) If a permittee subject to 40 CFR 403.12(e) or (h) monitors any regulated pollutant(s) at the monitoring points designated in the wastewater discharge permit more frequently than required by the permit using test procedures prescribed in 40 CFR 136 or amendments thereto, or otherwise

approved by EPA, or as specified in the wastewater discharge permit, the results shall be reported in the periodic compliance report.

(f) For sampling that is required in support of Baseline Monitoring Reports (BMRs) and 90-day compliance reports required in 13.07.496 and 13.07.498, a minimum of four (4) grab samples are required for pH, cyanide, total phenols, oil and grease (O&G), sulfide, and volatile organic compounds for:

- (1) New industrial users and;
- (2) Existing industrial users that make changes or install new treatment or existing industrial users for which historical sampling data do not exist.
- (3) Where there has been a change to existing IUs, for example, the addition of treatment, historic data that does not represent the current discharge would not be able to be used to justify a lower minimum of grab samples.

(g) Industrial users are required to report data obtained through appropriate sampling and analysis performed during the period covered by the report based on data that are representative of conditions occurring during the reporting period.

Sec. 13.07.502 Reporting requirements for industrial users not subject to categorical pretreatment standards

(a) The City shall require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. According to 40 CFR 403.12(h), significant noncategorical industrial users shall submit periodic compliance reports to the City, at least once every six months (on dates specified by the City). However, the City has established that these periodic compliance reports will be submitted to the City either monthly or quarterly, depending on factors determined during the wastewater permitting process. The frequency for submitting periodic compliance reports will be specified in the IU's wastewater discharge permit. Rationale for reporting frequency will be provided in the permit fact sheet.

(b) The periodic compliance reports shall be submitted to the City within twenty (20) days following the end of each reporting period, which shall contain data collected during the reporting period.

- (1) Monthly reporting periods shall begin on the first day of the month and shall end on the last day of the month; or
- (2) Quarterly reporting periods shall begin on the first day of January, April, July, October, and shall end on the last day of the third month for each period (March, June, September, and December).

(c) The periodic compliance report shall include a summary of analytical results or measurements as follows:

- (1) Daily analyses for all pollutants reported in milligrams per liter (mg/l);
 - (2) Instantaneous grab pH measurements in standard units for each measurement obtained during the reporting period.
 - (3) Temperature measurements reported in degrees Celsius (°C) for each measurement obtained during the reporting period.
 - (4) Daily minimum and daily maximum pH measurements from continuous on-line pH monitoring system, reported in standard units (if applicable);
 - (5) Total daily flow, reported in million gallons per day (mgd);
 - (6) Total daily loadings for all pollutants except for flow and pH, reported in pounds per day (lbs/day);
 - (7) Daily maximum and monthly average results for subsections (c)(1), (5), and (6) above;
 - (8) Date and day of the week that monitoring event or measurement was collected;
 - (9) Outfall or location where monitoring event or measurement was collected; and
 - (10) Daily maximum and monthly average flows.
- (d) The periodic compliance report shall also include the following:
- (1) The name of the permittee and facility address;
 - (2) The reporting period covered by the report;
 - (3) The report due date;
 - (5) A statement indicating that samples reported on the periodic compliance report were collected, handled, preserved, and analyzed in accordance with effluent limitations and monitoring requirements specified in the wastewater discharge permit;
 - (6) A statement indicating that samples reported on the periodic compliance report were representative of the volume and nature of the monitored discharge, and that shift changes, process variances, peak flows, and other variations were proportionally represented where sampling frequencies permitted;
 - (7) A statement indicating that the permittee complied with all permit conditions in accordance with reporting and records requirements of this permit;

- (8) A certification statement as specified in section 13.07.433 of this division;
 - (9) Appropriate signature from the authorized representative; and
 - (10) Provide a section in the report, which would describe any data anomalies or provide explanations for any monitoring or reporting issues that occurred or were identified during reporting period.
- (e) Sampling requirements specified in section 13.07.506 shall apply for these reports.
- (f) Non-categorical industrial users shall submit documentation to demonstrate compliance with a BMP, if required.

Sec. 13.07.503 New or changed wastewater reporting

Each industrial user (IU) is required to notify the City Manager of any planned significant changes to the industrial user's operations or system which might alter the nature, quality, or volume of its wastewater or affect the potential for a slug discharge. These changes include:

- (1) Planned changes. The IU is required to notify the City at least thirty (30) days in advance of any facility expansion, process equipment changes, or process modifications, which might alter the character, nature, quality, or volume of its wastewater;
- (2) Significant production changes. The IU is required to notify the City within two (2) days from becoming aware of a significant change (+/- 20% from data used to derive numeric limits in permit) in production or flow data for the next calendar month. (Applicable to categorical industries which operate under a wastewater discharge permit incorporating equivalent mass or concentration limits calculated from a production based standard.) Any IU not notifying the City of such an anticipated change will be required to meet the mass concentration limits in its permit that were based on the original estimate of the long-term average production rate established in the permit application;
- (3) Significant flow or pollutant change. The IU is required to notify the City within thirty (30) days from becoming aware of a significant change in flow data (+/- 20% from data used to derive numeric limits in permit) or the discharge of any previously unreported pollutants (applicable to all permitted industries);
- (4) Facility shutdowns. The IU is required to notify the City at least thirty (30) days in advance or as soon as feasibly possible, but in no case less than five (5) business days prior to any facility shutdown which might alter the character, nature, quality, or volume of its wastewater. Failure to submit this notification prior to the facility shutdown period would constitute a violation;

- (5) Monitoring location changes. The monitoring locations specified in the wastewater discharge permit shall not be changed (temporarily or permanently) without notification to and approval by the City;
- (6) The City Manager may require the permitted IU to submit such information as may be deemed necessary to evaluate the changed conditions, including the submission of a wastewater discharge permit application under section 13.07.432 of this division; and
- (7) The City Manager may issue a wastewater discharge permit under section 13.07.434 or modify an existing wastewater discharge permit under section 13.07.464 of this division.

Sec. 13.07.504 Notification of the discharge of hazardous waste

(a) Any industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and the Texas Commission on Environmental Quality in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

All notifications must take place within one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under section 13.07.503 which includes 40 CFR 403.12(b), (d), and (e). The notification requirement in this section does not apply to pollutants already reported under the monitoring requirements of section 13.07.496, section 13.07.498, and section 13.07.499, above.

(b) Dischargers are exempt from the requirements of Subsection (a) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substances as a hazardous waste, the industrial user must notify the POTW and the Texas Commission on Environmental Quality of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

Sec. 13.07.505 Analytical requirements

(a) All pollutants analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report, shall be performed in accordance with the methods and techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties, approved by the Administrator.

(b) Environmental laboratories accredited or certified in accordance with section 30 TAC, chapter 25, subchapters A–C, shall perform all pollutant analyses required by this division, except for field data. The list of laboratories accepted by the City will be provided to the user upon request.

Sec. 13.07.506 Sample collection

(a) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that are representative of conditions occurring during the reporting period.

(b) Grab samples. Samples for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds must be obtained using grab collection techniques. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows:

- (1) For cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field.
- (2) For volatile organics and O&G, the samples may be composited in the laboratory (only).
- (3) Total residual chlorine, pH, and temperature samples cannot be “composited” under any circumstances.

(c) Grab samples may be used for compliance where a single grab is reasonably expected to

be representative of an IU's discharge.

(d) 24-Hour Composite Samples. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized in writing by the City.

- (1) The IU must demonstrate in writing that the time-proportional or grab samples are representative of the discharge before the City may allow the IU to submit such samples.
- (2) Where time-proportional composite sampling or grab sampling is authorized in writing by the City the samples must be representative of the IU's wastewater discharge.
- (3) The decision to allow the alternative sampling or site specific circumstances must be documented in the IU's file.
- (4) Composite samples for other parameters unaffected by the compositing procedures, as documented in EPA methodologies, may be authorized in writing by the CA, as appropriate.
- (5) Grab samples may be substituted for 24 hour composite samples if the IU can demonstrate that its discharge is a homogeneous batch discharge that is a full representation of the IU's daily discharge of process wastewater.

(e) All sampling and analysis shall be performed as outlined in Section 13.07.501(d).

(f) For sampling facilities that discharge less than 24-hours per day, the sampling must be representative of the IU's discharge.

- (1) Sampling must be taken within a 24-hour period; however, the sample should only be collected during that portion of the 24-hour period that the IU is discharging from the regulated process and/or pretreatment unit (as long as regulated process wastewater is flowing through the pretreatment unit).
- (2) During parts of the day when there is no discharge of **process** wastewater, standing water should not be disproportionately sampled and analyzed as it would not be representative of the discharge from the IU.

(g) The City will prescribe sampling protocols that produces representative results. The selected protocol should take into consideration all of the operation conditions and the physical configuration of the IU facility.

Sec. 13.07.507 Determination of noncompliance

The City Manager may use a grab sample(s) to determine noncompliance with pretreatment standards.

Sec. 13.07.508 Calculating concentration and mass limits

(a) Pollutant discharge limits in categorical pretreatment standards can be expressed either as concentration or mass limits. Wherever possible, where mass limits are specified in standards, equivalent concentration limits will be provided so that local, state, or federal authorities responsible for enforcement may use either concentration or mass limits. Limits in categorical pretreatment standards shall apply to the effluent of the process regulated by the standard.

(b) When the limit is expressed by the control authority in terms of mass of pollutant per unit of production, this limit may be converted to mass of pollutant discharged per day, or effluent concentration, for purposes of calculating effluent limitations applicable to individual industrial users.

- (1) When the control authority calculates the mass-per-day limitations, it shall calculate such limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production shall be based not upon the designed production capacity, but rather upon a reasonable measure of the industrial user's actual long-term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.
- (2) When the control authority calculates equivalent concentration limitations, it will divide the daily mass limitations determined above by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during the representative year.
- (3) Limits calculated by the control authority in Subsections (b)(1) and (2) above shall be deemed pretreatment standards for the purposes of Section 307(d) of the Act. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which they were derived.

Sec. 13.07.509 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.

Sec. 13.07.510 Record-keeping

(a) Retention of records.

- (1) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, laboratory reports, operator logs, documentation associated with BMPs, copies of any other reports required by the

wastewater discharge permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurements, report, application or after the expiration date of the permit, whichever is greater.

- (2) This period of record retention may be automatically extended for the duration of any unresolved litigation concerning compliance with this permit or extended at any time by request from the City.
- (3) All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(b) Record contents. Records of sampling and analyses shall include:

- (1) The date(s) and time(s) sampling or measurements were collected. This includes:
 - (A) Composite samples. Record the date/time of the compositing period, including the start date/time and the end date/time;
 - (B) Grab samples. Record the date/time samples or measurements were collected; and
 - (C) Multipart grabs samples. Record the date and time when each grab portion was collected;
- (2) The individuals who collected the samples or measurements;
- (3) The exact monitoring locations where samples or measurements were collected;
- (4) Proper chain-of-custody documentation. A record that clearly delineates possession of samples from the date and time of collection until the date and time the laboratory receives samples for analyses;
- (5) Sample log-in forms or a record of preservation techniques and procedures used;
- (6) Type of samples or measurements taken;
- (7) The date(s) and time(s) analyses were performed;
- (8) Identity of the individual(s) and laboratories who performed the analyses;
- (9) The analytical techniques or methods used;
- (10) The minimum detection limits achieved;

- (11) Quality control data results; and
- (12) The results of such analyses.

Sec. 13.07.511 Annual forecast report

The City may require permitted industrial users to submit, on an annual basis, a report which forecasts the activities for the upcoming pretreatment year.

Sec. 13.07.512 Standardized report forms

Where reports are required by this division, the City Manager may develop standardized forms for the industrial users to submit required information to the control authority. These forms may be updated as needed.

Sec. 13.07.513 Duty to provide information

- (a) The permittee shall furnish to the City, within 10 business days, any information which the City may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating a wastewater discharge permit, or to determine compliance with the wastewater discharge permit or this division.
- (b) The permittee shall also, upon request, provide to the City, within 10 business days, copies of any records that are required by the wastewater discharge permit.
- (c) The permittee shall notify the City in writing, prior to the prescribed due date, if additional time is needed to submit reports, records, or correspondence. If the City grants an extension the reports, records, or correspondence shall be submitted no more than 45 days beyond the original due date. The City will approve extensions on a case-by-case basis only.
 - (1) Failure to submit the report, record or correspondence by the extended due date would constitute a permit violation.
 - (2) Failure to submit required reports within 45 days from the prescribed due date would place the permittee in a significantly non-compliant (SNC) status as defined in § 13.07.591(f) of the City Code of Ordinances.

~~Sec.~~ 13.07.514 Duty to provide information (unpermitted industrial users)

- (a) All industrial users not required to obtain a wastewater discharge permit shall furnish to the City, within 10 business days, any information which the City may request to determine whether the industrial user may need a wastewater discharge permit, or to determine compliance with this division.

- (b) The industrial user shall notify the City in writing, prior to the prescribed due date, if additional time is needed to submit required information. If the City grants an extension, the required information shall be submitted no more than 45 days beyond the original due date. The City will approve extensions on a case-by-case basis only.
- (c) Information requested by the City Manager will be deemed a required report. Failure to provide the requested information in the specified time frame will be considered as a violation of this ordinance.

Secs. 13.07.515 –13.07.540 Reserved

Part VII. Compliance Monitoring

Sec. 13.07.541 Inspection and sampling

(a) The City, state or EPA shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this division, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. The City shall have the right to inspect and monitor industrial users. The industrial user shall allow the City, upon the presentation of credentials, to:

- (1) Enter upon the industrial user premises without unreasonable delay, where a regulated facility or activity is located or conducted or where records are maintained which must be kept under the conditions of this permit;
- (2) Have access to and copy records which must be kept under conditions of this permit;
- (3) Inspect, at any reasonable time, including times of emergency, any facilities, equipment, practices, or operations regulated under this permit;
- (4) Sample or monitor any substances or parameters to assure permit compliance, in lieu of the information provided by the industrial user;
- (5) Inspect any production, manufacturing, fabricating, or storage area where pollutants regulated under the wastewater discharge permit or this division, could originate, be stored, or be discharged to the sewer system;
- (6) Use a camera to photograph any areas of the facility as deemed necessary for carrying out the duties of the industrial pretreatment program including, but not limited to, documentation of the industrial user's compliance status, and for reinforcement of required written reports:
 - (A) The industrial user shall have the right to request and obtain copies of the photographs or to take concurrent photographs. In no case shall the

industrial user be allowed to obtain original negatives or other original memory devices.

- (B) The industrial user shall have the right to request that photographs be considered confidential information in accordance with requirements specified in section 13.07.566 of this division.

(b) Unreasonable delays (as determined by the City based on prevailing circumstances) in allowing City personnel access to the industrial user's premises shall be a violation of this permit and may constitute further enforcement action.

(c) All inspection schedules developed by the City staff are proprietary and are not subject to the Freedom of Information Act or the Texas State Open Records Act pursuant to section 6252-17(a) and section 3(a)(1).

Sec. 13.07.542 Search warrants

(a) If the City has been refused access to a building, structure or property or any part thereof, and/or if the City has demonstrated probable cause to believe that there may be a violation of the wastewater discharge permit or this division, or that there is a need to inspect as part of a routine inspection program designed by the City to verify compliance with this permit or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then, the City shall seek a search and/or seizure warrant describing the specific location subject to the warrant.

(b) The warrant shall specify what, if anything, may be searched and/or seized on the property described.

(c) Such warrants shall be served at reasonable hours, including times of emergency, by the City Manager or his authorized representative, in the company of a uniformed police officer of the City.

Secs. 13.07.543–13.07.565 Reserved

Part VIII. Confidential Information

Sec. 13.07.566 Generally

(a) In accordance with 40 CFR 2, and 40 CFR 403.14, any information submitted to the City pursuant to this division may be claimed as confidential by the industrial user, if this information is not considered effluent data as defined by 40 CFR 2.302.

(b) Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in case of other submissions, by stamping the words "CONFIDENTIAL BUSINESS INFORMATION" on each page containing such information. The user must be able to demonstrate to the satisfaction of the City Manager that the release of such

information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law.

(c) If no claim is made at the time of submission, the City may provide the information to the public without further notice.

(d) If a claim is asserted and meets the provisions of Subsections (a) and (b) above, the information will be treated in accordance with procedures specified in 40 CFR 2 (Public Information) and will be made available to TCEQ and/or EPA upon request

Secs. 13.07.567–13.07.590 Reserved

Part IX. Publication of Industrial Users in Significant Noncompliance

Sec. 13.07.591 Generally

The City shall publish annually, in a newspaper of general circulation that provides meaningful notice within the jurisdiction(s) served by the POTW, a list of the industrial users which, during the previous twelve (12) months (prior pretreatment year), were in significant noncompliance with applicable pretreatment standards and requirements. The term “significant noncompliance” shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken for the same pollutant during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC criteria ($TRC = 1.4$ for BOD, TSS, fats, oil and grease; and 1.2 for all other pollutants except pH);

(c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long term average, instantaneous limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of City personnel or the general public);

(d) Any discharge of a pollutant(s) that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the City’s exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within forty-five (45) days after the due date, required reports including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local Pretreatment program.

Sec. 13.07.592 Funding

The City shall have sufficient resources and qualified personnel to carry out the authorities and procedures described in the pretreatment program requirements in 40 CFR 403.8(f).

Secs. 13.07.593–13.07.620 Reserved

Part X. Administrative Enforcement Remedies

Sec. 13.07.621 Informal communication

(a) The City will use a phone call, personal contact, electronic mail, or facsimile as a preliminary communication to notify a user that a minor pretreatment deficiency has occurred.

(b) This informal communication will be an initial response to isolated minor deficiencies that occur which have no known harmful effects to the POTW and/or the environment and may also be used in conjunction with other enforcement activities where appropriate.

Sec. 13.07.622 Notice of deficiency

(a) The City will use a notice of deficiency (NOD) as an official communication to notify a user that a minor pretreatment deficiency has occurred.

(b) This written notice will be an initial response to isolated minor deficiencies which have no known harmful effects to the POTW and/or the environment. This written notice may also serve as an official communication where phone call(s), contact(s), electronic mail, or facsimile communications have been unsuccessful.

(c) Within ten (10) business days of receipt of such notice, the user must reply, acknowledging receipt of this notice, and the user's intended corrective actions.

Sec. 13.07.623 Notice of violation

- (a) The City will use a notice of violation (NOV) as an official communication to notify the user that a significant violation of this division, a wastewater discharge permit, an order issued hereunder, or any other pretreatment requirement has occurred or is continuing to occur.
- (b) Within ten (10) business days of receipt of such notice, the user must reply, acknowledging receipt of this notice, and the user's intended corrective actions.
- (c) The City may extend the time for such a reply upon a showing of just cause by the user. Submission of this reply in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.
- (d) Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, prior to issuing an NOV.
- (e) The issuance of an NOV shall not be a prerequisite to taking any other action against the user. An NOV may also be used as a vehicle to impose compliance schedules according to section 13.07.497 of this division.

Sec. 13.07.624 Consent order

The City Manager is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the administrative orders issued pursuant to sections 13.07.626 and 13.07.627 below and shall be judicially enforceable.

Sec. 13.07.625 Show cause hearing

The City Manager may order any user which causes or contributes to violation(s) of this division, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the City Manager and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) business days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

Sec. 13.07.626 Compliance orders

When the City Manager finds that a user has violated or continues to violate this division, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order directing that the user come into compliance within the time

specified in the order. If the user does not come into compliance within the specified time, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address noncompliance, including additional monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

Sec. 13.07.627 Cease and desist orders

(a) When the City Manager finds that a user is violating this division, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past history indicates that violations are likely to recur, the City Manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements;
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(b) Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

Sec. 13.07.628 Emergency suspensions

(a) The City Manager may immediately suspend a user's sewer service (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City Manager may also immediately suspend a user's sewer service (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(b) Any user notified of a suspension of its sewer service shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City Manager shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in section 13.07.629 are initiated against the user.

(c) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the City Manager describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, prior to the date of any show cause or termination hearing identified in sections 13.07.625 and 13.07.629 of this division.

(d) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

Sec. 13.07.629 Termination of discharge

(a) In addition to those provisions in section 13.07.466 of this division, any user that violates the following conditions of this division, wastewater discharge permits, or orders issued hereunder, is subject to termination of discharges:

- (1) Significant violations of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report planned significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- (5) Significant violation of the pretreatment standards in part II of this division.

(b) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 13.07.625 of this division why the proposed action should not be taken.

Sec. 13.07.630 Liquidated damages

(a) Each wastewater discharge permit issued to an industrial user shall contain the following provisions:

“In the event that the City Manager determines that any user is in violation of any provisions of Chapter 13, Article 13.07, Division 3 or 5 of the Water and Sewers and Sewage Disposal Ordinance, its Wastewater Discharge Permit, or orders issued hereunder, or any other Pretreatment Standard or Requirement, the City Manager shall notify the user of such violation and require the user to cure the violation within the time specified in the notice. If the City Manager determines that the user is continuing the violation, the City Manager may assess Liquidated Damages at a minimum of one thousand dollars (\$1,000.00) per violation, per day.”

(b) The user retains the right to seek review by the City Council, of any damages assessed under this section and the wastewater discharge permit.

(c) Assessments may be added to the user's next scheduled sewer service charge, and the City Manager shall have such other collection remedies as may be available for other service charges and fees.

(d) Issuance of an assessment under this section shall not be a prerequisite for taking any other action against the user.

Secs. 13.07.631–13.07.655 Reserved

Part XI. Judicial Enforcement Remedies

Sec. 13.07.656 Injunctive relief

Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this division, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the City Manager may petition the courts through the City's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this division on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the City. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

Sec. 13.07.657 Civil penalties

(a) Any user which has violated or continues to violate this division, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement, shall be liable to the City for a maximum civil penalty of five thousand dollars (\$5,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The City Manager may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of user, and any other factor as justice requires.

(d) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

Sec. 13.07.658 Criminal prosecution

- (a) Criminal prosecution is the formal process of charging individuals and/or organizations with violations of ordinance provisions, state statutes or federal laws.
- (b) Any user that willfully or negligently violates any provision of this division, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine as provided in section 1.01.009 of this Code per violation, per day.
- (c) Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed or required to be maintained pursuant to this division, wastewater discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this division shall, upon conviction, be punished by a fine as provided in Section 1.01.009 of this Code per violation, per day.
- (d) The purpose of criminal prosecution is to punish noncompliance through court proceedings and to deter future noncompliance. The City Attorney will enforce compliance with all ordinances in municipal court and will seek the assistance of the county attorney and/or U.S. Attorney's office to enforce state statutes and federal laws.

Sec. 13.07.659 Remedies nonexclusive

The provisions in sections 13.07.656, 13.07.657, and 13.07.658 are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. The enforcement response plan may be utilized in a variety of ways depending on the magnitude and type of industrial noncompliance. The City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

Secs. 13.07.660–13.07.685 Reserved

Part XII. Supplemental Enforcement Action

Sec. 13.07.686 Water supply severance

Whenever a user has violated or continues to violate the provisions of this division, orders or wastewater discharge permits issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

Sec. 13.07.687 Public nuisances

Any violation of this division, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the City Manager or his

designee. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code in Article 6.05 governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

Sec. 13.07.688 Increased monitoring and reporting

When an industrial user has demonstrated a history of noncompliance, the City may increase surveillance requirements of that industry, including, but not limited to, additional monitoring and reporting activities.

Secs. 13.07.689–13.07.720 Reserved

Part XIII. Affirmative Defenses to Discharge Violations

Sec. 13.07.721 Demonstrations for use of affirmative defense

An industrial user shall have an affirmative defense in any action brought against it alleging a violation of the prohibitions established in Sections 13.07.351 and 13.07.352 if the user can demonstrate that:

- (a) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and
- (b) A local limit designed to prevent pass through and/or interference, as the case may be, was developed for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or
- (c) If a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass through or interference, the user's discharge, directly prior to and during the pass through or interference, did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's TPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

Sec. 13.07.722 Act of God defense

- (a) The act of God defense constitutes a statutory affirmative defense (Texas Water Code section 7.251) in an action brought in municipal or state court. If a person can establish that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of the ordinance or permit.
- (b) An industrial user who wishes to establish the act of God affirmative defense shall demonstrate, through relevant evidence that:

- (1) An event that would otherwise be a violation of a pretreatment ordinance or a permit issued under the ordinance occurred, and the sole cause of the event was an act of God, war, strike, riot or other catastrophe; and
- (2) The industrial user has submitted the following information to the POTW and the City within 24 hours of becoming aware of the event that would otherwise be a violation of a pretreatment ordinance or a permit issued under the ordinance (if this information is provided orally, a written submission must be provided within five days):
 - (A) A description of the event, and the nature and cause of the event;
 - (B) The time period of the event, including exact dates and times or, if still continuing, the anticipated time the event is expected to continue; and
 - (C) Steps being taken or planned to reduce, eliminate and prevent recurrence of the event.
- (c) Burden of proof. In any enforcement proceedings, the industrial user seeking to establish the act of God affirmative defense shall have the burden of proving by a preponderance of the evidence that an event that would otherwise be a violation of a pretreatment ordinance, or a permit under the ordinance, was caused solely by an act of God, war, strike, riot or other catastrophe.

Sec. 13.07.723 Bypass

(a) Definitions.

Bypass. The intentional diversion of wastestreams from any portion of an industrial user's pretreatment facility.

Severe property damage. Substantial physical damage to property, damage to the pretreatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the event of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Prohibition of bypass.

- (1) Bypass is prohibited, and the control authority may take enforcement action against an industrial user for a bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance

during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- (C) The industrial user submitted notices as required under Subsection (c) of this section.
 - (2) The control authority may approve an anticipated bypass after considering its adverse effects if the control authority determines that it will meet the three (3) conditions listed in Subsection (b)(1) of this section.
- (c) Notice.
- (1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the control authority, if possible at least ten (10) days before the date of the bypass.
 - (2) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (d) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Subsections (b) and (c) of this section.

Secs. 13.07.724–13.07.750 Reserved

Part XIV. Miscellaneous Provisions

Sec. 13.07.751 Pretreatment charges and fees

- (a) The City may adopt reasonable fees for reimbursement costs of setting up and operating the approved industrial pretreatment program. These fees may include:
 - (1) Fees for issuing wastewater survey application including the cost of processing such applications;

- (2) Fees for issuing wastewater discharge permit applications including the cost of processing such applications;
- (3) Fees for unusual monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (4) Fees for discharges from treatment of petroleum fuel contaminated waters or hauled wastes;
- (5) Fees for filing appeals;
- (6) Fees for administrative and technical costs necessary to issue administrative, judicial, or supplemental enforcement actions specified in parts X–XII of this division and
- (7) Other fees as the City may deem necessary to carry out the requirements contained herein.

(b) These fees relate solely to the matters covered by this division and are separate from all other fees, fines, and penalties chargeable by the City.

Sec. 13.07.752 Fees established

The fees for pretreatment charges and fees are as allowed by law.

Secs. 13.07.753–13.07.059 Reserved

SECTION 2. That the Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 3. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 4. That it is hereby found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 5. That this Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 3rd day of January, 2022.

ADOPTED on this the 3rd day of January, 2022.

EFFECTIVE DATE on this the 3rd day of January, 2022.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 2.

Meeting Date: 01/03/2022

Prepared By: Teri Fine, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6445

Extending the Corporate Limits of Said City so as to Annex an Area of Land Consisting of Approximately 36.892 acres Generally Located off of FM 131 North, Adjacent to the Sherman City Limits and in the City of Sherman's Extraterritorial Jurisdiction, on Application of the Landowner; Providing that the Owners and Inhabitants of the Subject Area of Land shall be Entitled to the Rights and Privileges of Other Citizens of the City of Sherman and shall be Bound by the Acts and Ordinances now in Effect and hereinafter Adopted; Authorizing Execution of the Annexation Service Plan Agreement; Providing for a Penalty for a Violation of this Ordinance and Sherman's General Zoning Ordinance, Ordinance No. 2280

Issue:

To introduce, hold a public hearing, and consider adoption of the annexation ordinance that extends the City of Sherman's corporate limits so as to annex approximately 36.892 acres generally located off of FM 131 North, adjacent to the Sherman City Limits, and in the City's extra territorial jurisdiction (ETJ), in accordance with state law and the City Charter

Background:

It is the City's intention to annex specifically identified individual areas in the City's ETJ, in accordance with state law and the City Charter. At its December 13th meeting, the City Council approved the schedule for annexation of this property, which set the public hearing for this the January 3rd Regular Council Meeting, and adoption of the Ordinance for this same meeting.

This annexation was initiated by the property owner BMT Global, LLC.

Origination:

Letter requesting annexation by BMT Global, LLC, subject Property Owner

Financial Consideration:

Once developed, the additional property taxes on the improvements are estimated at about \$210,000 annually, which approximates the estimated costs associated with providing general City services.

Staff Recommendation:

It is recommended that the City Council introduce, hold the required public hearing, and consider adoption of the ordinance for annexation of this approximately 36.892 acres generally located off of FM 131 North, adjacent to the Sherman city limits and in the City of Sherman's ETJ.

Alternatives:

As directed by the City Council

Attachments

Ordinance No. 6445

Request for Annexation

Annexation Scheduling Plan - BMT Global

Exhibit A

Exhibit B - Annexation Service Plan Agreement -Signed

Aerial Location Map

ORDINANCE NO. 6445

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE CORPORATE LIMITS OF SAID CITY SO AS TO ANNEX AN AREA OF LAND CONSISTING OF APPROXIMATELY 36.892 ACRES GENERALLY LOCATED OFF OF FM 131 NORTH, ADJACENT TO THE SHERMAN CITY LIMITS AND IN THE CITY OF SHERMAN'S EXTRATERRITORIAL JURISDICTION, ON APPLICATION OF THE LANDOWNER; PROVIDING THAT THE OWNERS AND INHABITANTS OF THE SUBJECT AREA OF LAND SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS OF THE CITY OF SHERMAN AND SHALL BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND HEREINAFTER ADOPTED; AUTHORIZING EXECUTION OF THE ANNEXATION SERVICE PLAN AGREEMENT; PROVIDING FOR A PENALTY FOR A VIOLATION OF THIS ORDINANCE AND SHERMAN'S GENERAL ZONING ORDINANCE, ORDINANCE NO. 2280; PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, BMT Global ("Landowner") is the sole owner of real property within that certain area of land consisting of 36.892± acres, situated in the John Jennings Survey, Abstract No. 647, Grayson County, Texas, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein for all purposes ("Property"); and

WHEREAS, Landowner submitted an application to the City of Sherman, Texas ("Sherman"), requesting voluntary annexation of the Property into the city limits of Sherman; and

WHEREAS, the City Council of the City of Sherman, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to Sherman and its citizens to annex the Property under the authority of Chapter 43 of the Texas Local Government Code and the Sherman City Charter; and

WHEREAS, the City Council finds that Sherman has complied with all requirements for the consideration and adoption of this Ordinance pursuant to Chapter 43 of the Texas Local Government Code; and

WHEREAS, prior to conducting the public hearings required under Chapter 43 of the Texas Local Government Code, the City Council also investigated and determined that the Property is within the extraterritorial jurisdiction of Sherman and is adjacent and contiguous to the existing city limits of Sherman; and

WHEREAS, the Landowner and Sherman have negotiated and are prepared to enter into a written annexation service plan agreement, a copy of which is attached hereto as Exhibit B, in accordance with Section 43.0672 of the Texas Local Government Code; and

WHEREAS, the City Council finds that the field notes close the boundaries of the Property; and

WHEREAS, the City Council has conducted at least one public hearing at which persons interested in the annexation were given an opportunity to be heard regarding the proposed annexation; and

WHEREAS, the City Council finds that all legal notices, hearings, procedures and publishing requirements for annexation have been performed and completed in the manner and form required by law;

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

SECTION 1: Findings Incorporated. That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Annexation Service Plan Agreement. That the City Manager or his designee is hereby authorized and directed to execute, on behalf of Sherman, the annexation service plan agreement between Sherman and the Landowner, a copy of which is attached hereto as Exhibit B.

SECTION 3: Property Annexed. That the Property described as follows and all public streets, roadways and alleyways located within or contiguous to the same are hereby annexed to Sherman, to-wit:

BEING the following tract of land located in Grayson County, Texas: 36.892± acres, situated in the John Jennings Survey, Abstract No. 647; said Property is more particularly described and depicted in Exhibit A.

SECTION 4: Rights/Privileges/Inhabitants Bound by Ordinances and Regulations. That from and after the passage of this Ordinance, the Property shall be a part of Sherman, and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens of Sherman and shall be bound by all of the ordinances and regulations enacted pursuant to and in conformity with the City Charter and the laws of the State of Texas.

SECTION 5: Official Map and Boundaries Amended. That the official map and boundaries of Sherman are hereby amended to include the Property as part of Sherman. A certified copy of this Ordinance shall be filed in the County Clerk's Office of Grayson County, Texas.

SECTION 6: Unlawful Use. That it shall be unlawful for any person, firm, entity or corporation to use the Property in a manner other than as authorized by this Ordinance and Sherman's General Zoning Ordinance, Ordinance No. 2280 ("Zoning Ordinance"), as they exist or may be amended, and it shall be unlawful for any person to construct on the Property any

building that is not in conformity with the permissible uses under this Ordinance and the Zoning Ordinance, as they exist or may be amended.

SECTION 7: Penalty. That any person violating any provision of this Ordinance or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding Two Thousand and 00/100 Dollars (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude Sherman from filing suit to enjoin the violation. Sherman retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 8: Savings/Repealing. That all provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 9: Severability. That should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof regardless of the fact that any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 10: Effective Date. That this Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

SECTION 11: Public Meeting. That it is hereby officially found and determined that the meeting at which this ordinance was introduced and passed was open to the public and that public notice of the time, place and purpose of said meeting was given all as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 3rd day of January, 2022.

ADOPTED on this the 3rd day of January, 2022.

EFFECTIVE DATE on this the 3rd day of January, 2022.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM AND
CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

BMT Global, LLC

822 N FM1417
Sherman, TX 75092
T: 469-734-7763

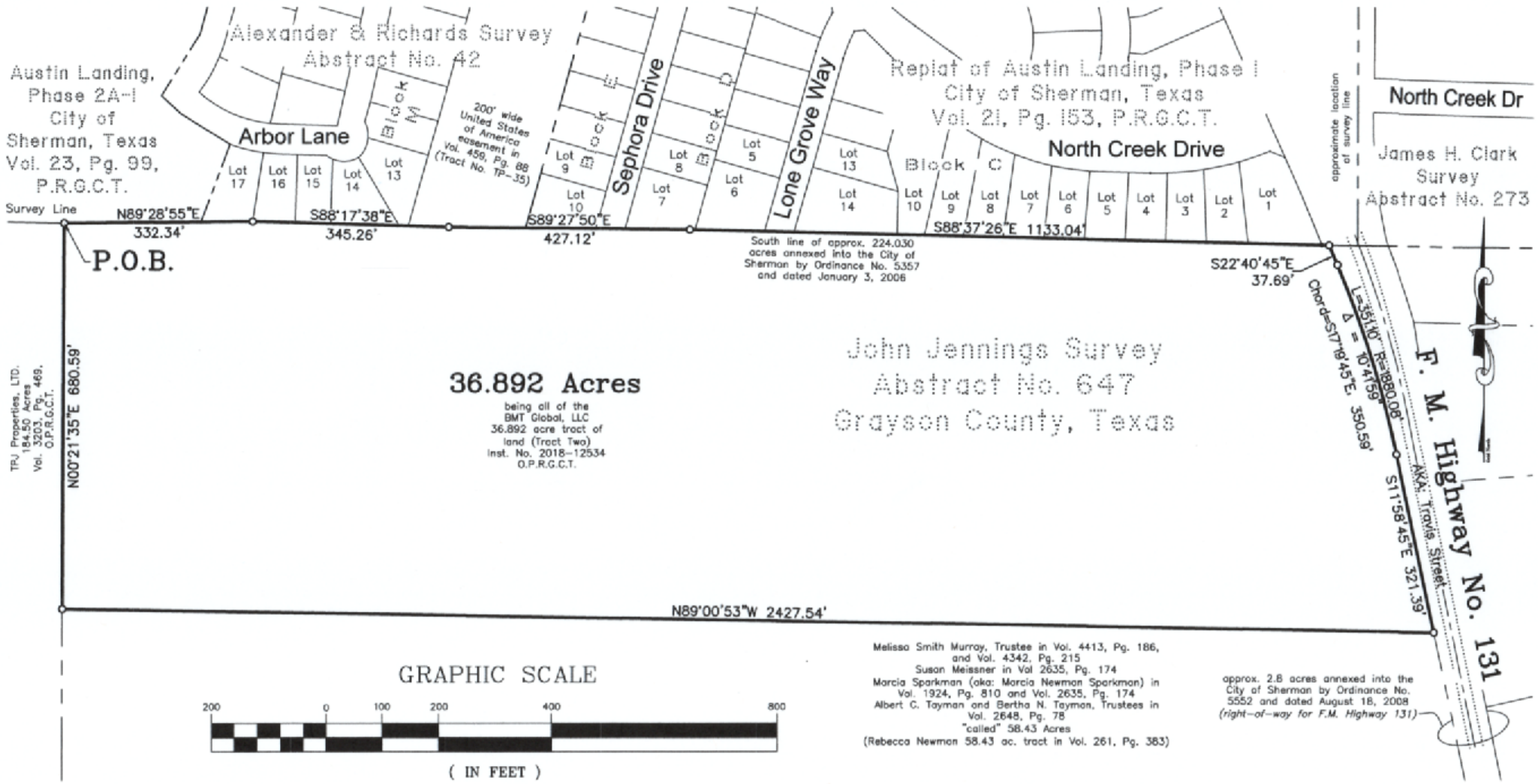
Dear City of Sherman,

On behalf of BMT Global, LLC, we are requesting for our 36.892ac parcel, located at 4528 N Travis St Sherman, TX 75092, to be annexed into the city.

The front 6ac is going through a zone change request on December 14th, 2021. If possible, we would like for this property to have its first public hearing for annexation at the December 6th, 2021 City Council meeting.

If any additional information is needed, please do not hesitate to give me call.

Terry Miller
Managing Member
BMT Global, LLC
tmiller@solar-one.com



Austin Landing,
Phase 2A-I
City of
Sherman, Texas
Vol. 23, Pg. 99,
P.R.G.C.T.

Alexander & Richards Survey
Abstract No. 42

Replat of Austin Landing, Phase I
City of Sherman, Texas
Vol. 21, Pg. 153, P.R.G.C.T.

North Creek Dr
James H. Clark
Survey
Abstract No. 273

36.892 Acres
being all of the
BMT Global, LLC
36.892 acre tract of
land (Tract Two)
Inst. No. 2018-12534
O.P.R.G.C.T.

John Jennings Survey
Abstract No. 647
Grayson County, Texas

TRJ Properties, LTD.
184.50 Acres
Vol. 3203, Pg. 469,
O.P.R.G.C.T.

Melissa Smith Murray, Trustee in Vol. 4413, Pg. 186,
and Vol. 4342, Pg. 215
Susan Meissner in Vol 2635, Pg. 174
Marcia Sparkman (aka: Marcia Newman Sparkman) in
Vol. 1924, Pg. 810 and Vol. 2635, Pg. 174
Albert C. Tayman and Bertha N. Tayman, Trustees in
Vol. 2648, Pg. 78
"called" 58.43 Acres
(Rebecca Newman 58.43 ac. tract in Vol. 261, Pg. 383)

approx. 2.8 acres annexed into the
City of Sherman by Ordinance No.
5552 and dated August 18, 2008
(right-of-way for F.M. Highway 131)



(IN FEET)
1 inch = 200 ft.

Job No. CGS161221

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191
Email: kate@helveywagnersurvey.net
TBPELS Firm Registration No. 10088100

Preparation Date: December 8, 2021

**Proposed Annexation tract into the
City Limits of Sherman, Texas**

Helvey-Wagner Surveying, Inc.

222 West Main Street · Denison, Texas 75020

Ph: (903) 463-6191 · Email: kate@helveywagnersurvey.net

Texas Board of Engineers and Land Surveyors Firm Registration No. 10088100

Billy F. Helvey, RPLS No. 4488 – Kate A. Wagner, RPLS No. 6578 – Adam Stephens, RPLS No. 6363

36.892 Acres

SITUATED in the County of Grayson, State of Texas, being a part of the John Jennings Survey, Abstract No. 647 and being all of the 36.892 acre tract of land (Tract Two) conveyed by Warranty Deed with Vendor's Lien from James Thomas Connor, Individually and as Independent Executor of the Estate of Sam Owens, et al to BMT Global, LLC on June 1, 2018 and recorded in Instrument No. 2018-12534, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point in the South line of Austin Landing, Phase 2A-1 to the City of Sherman, Texas as per plat of record in Volume 23, Page 99, Plat Records, Grayson County, Texas, the approximate 224.030 acre tract of land annexed into the City of Sherman by Ordinance No. 5357 and dated January 3, 2006 and the Alexander & Richards Survey, Abstract No. 42 and in the North line of said John Jennings Survey, at the most Northern Northeast corner of the 184.50 acre tract of land conveyed to TPJ Properties, LTD in Volume 3203, Page 469, Official Public Records, Grayson County, Texas and at the Northwest corner of said BMT Global 36.892 ac.;

THENCE in an Easterly direction, with the South line of said Austin Landing, Phase 2A-1, Replat of Austin Landing, Phase 1 to the City of Sherman, Texas as per plat of record in Volume 21, Page 153, said Plat Records, 224.030 ac. annexation tract and said Alexander & Richards Survey and with the North line of both said BMT Global 36.892 ac. and John Jennings Survey, the following calls and distances:

1. North 89 deg. 28 min 55 sec. East, a distance of 332.34 ft. to an angle point;
2. South 88 deg. 17 min. 38 sec. East, a distance of 345.26 ft. to an angle point;
3. South 89 deg. 27 min. 50 sec. East, a distance of 427.12 ft. to an angle point;
4. South 88 deg. 37 min. 26 sec. East, a distance of 1,133.04 ft. to a point in the West line of F.M. Highway No. 131, at the Northwest corner of the approximate 2.8 acre tract of land annexed into the City of Sherman by Ordinance No. 5552 and dated August 18, 2008, at Northeast corner of said BMT Global 36.892 ac.;

THENCE Southerly, with the West line of both said F.M. Highway No. 131 (aka: Travis Street) and 2.8 ac. annexation tract and the East line of said BMT Global 36.892 ac., the following calls and distances:

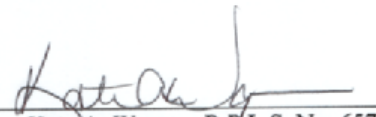
1. South 22 deg. 40 min. 45 sec. East, a distance of 37.69 ft. to a point at the beginning of a curve;
2. Southeasterly, with a curve to the right, having a radius of 1,880.08 ft., a central angle of 10 deg. 41 min. 59 sec. (Chord bears: South 17 deg. 19 min. 45 sec. East, 350.59 ft.) and an arc length of 351.10 ft. to a point at the end of said curve;
3. South 11 deg. 58 min. 45 sec. East, a distance of 321.39 ft. to a point at the Southeast corner of said BMT Global 36.892 ac.;

THENCE North 89 deg. 00 min. 53 sec. West, with the South line of said BMT Global 36.892 ac., a distance of 2,427.54 ft. to a point in an East line of said TPJ Properties 184.50 ac., at the Southwest corner of said BMT Global 36.892 ac.;

THENCE North 00 deg. 21 min. 35 sec. East, with the West line of said BMT Global 36.892 ac. and an East line of said TPJ Properties 184.50 ac., a distance of 680.59 ft. to the **PLACE OF BEGINNING** and containing **36.892 ACRES** of land.

I, KATE A. WAGNER, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED 36.892 ACRE ANNEXATION PARCEL METES AND BOUNDS DESCRIPTION DOES FORM A MATHEMATICALLY CLOSED FIGURE

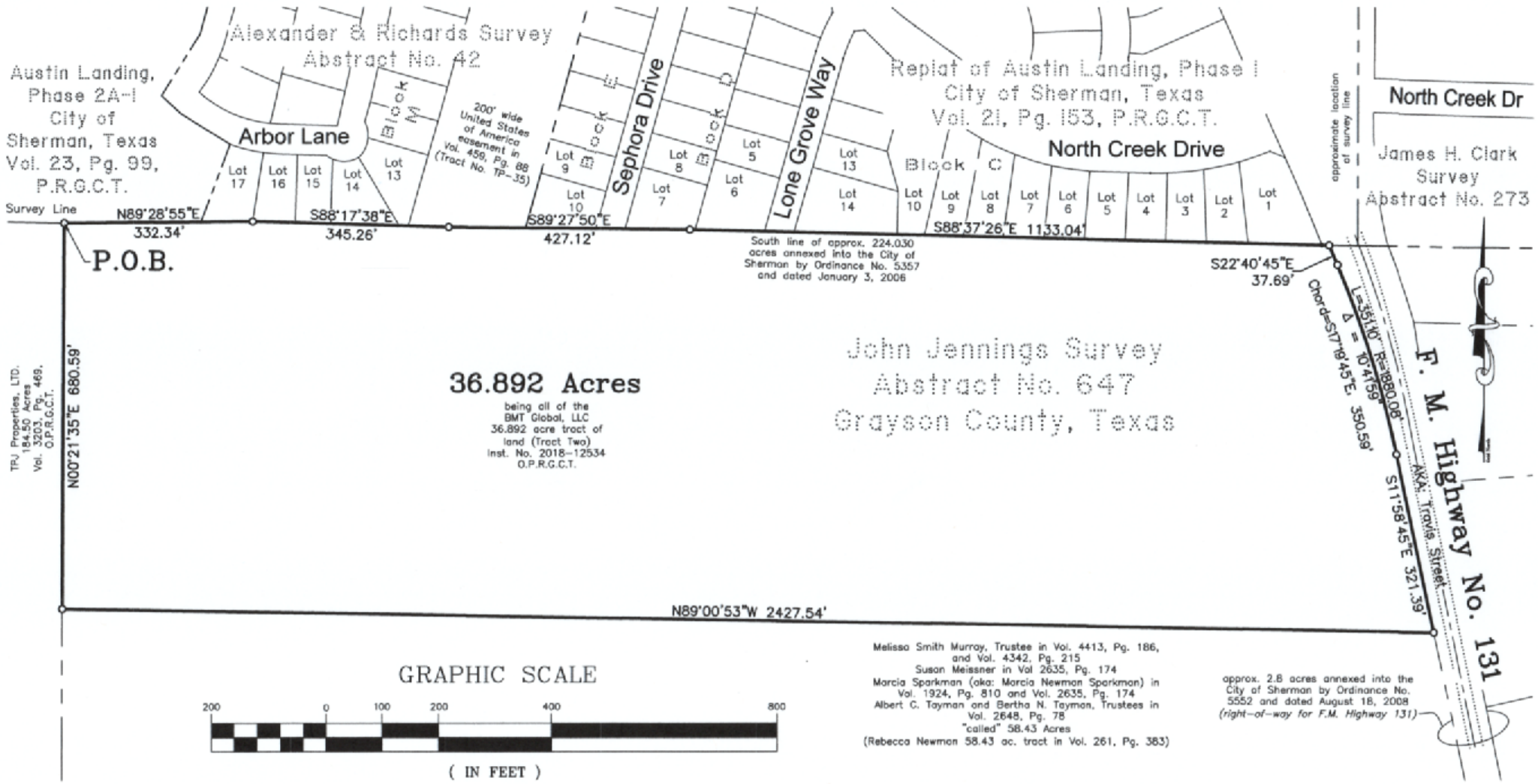



Kate A. Wagner, R.P.L.S. No. 6578
Registered Professional Land Surveyor
Texas Registration No. 6578
Dated: December 8, 2021

ANNEXATION SCHEDULING PLAN

**Annexation of approximately 36.892 acres of land adjacent to the city limits,
located off of FM 131 North, being more specifically described as: BMT Global, LLC –
North Travis**

- Monday, December 13, 2021.....City Council sets public hearing date and accepts annexation application.
- Wednesday, December 15, 2021.....Send written notice via certified mail, RRR, to property owner(s) in area to be annexed, public or private entities that provide services in the area and any railroads that have ROW in the area to be annexed. Send written notice via certified mail, RRR, to each public school district in the area to be annexed. Such notices must contain the details described in Section 43.0561 of the Local Government Code. Provide to property owner draft of proposed annexation service plan agreement in accordance with Section 43.0672 of the Local Government Code.
- Friday, December 17, 2021.....Publish notice of public hearing in the City's official newspaper. Obtain required affidavit of publication from newspaper. Post notice of public hearing on City's website and keep posting up until the date of the hearing.
- Friday, December 31, 2021.....Post notice of public hearing as required by Open Meetings Act.
- Monday, January 3, 2022.....Hold public hearing. (Regular Council Meeting)
- Monday, January 3, 2022.....Adopt ordinance, but only if property owner has signed annexation service plan agreement in accordance with Section 43.0672 of the Local Government Code. (Regular Council Meeting)



Job No. CGS161221

Helvey-Wagner Surveying, Inc.

222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191

Email: kate@helveywagnersurvey.net
TBPELS Firm Registration No. 10088100

Preparation Date: December 8, 2021

**Proposed Annexation tract into the
City Limits of Sherman, Texas**

Helvey-Wagner Surveying, Inc.

222 West Main Street · Denison, Texas 75020

Ph: (903) 463-6191 · Email: kate@helveywagnersurvey.net

Texas Board of Engineers and Land Surveyors Firm Registration No. 10088100

Billy F. Helvey, RPLS No. 4488 – Kate A. Wagner, RPLS No. 6578 – Adam Stephens, RPLS No. 6363

36.892 Acres

SITUATED in the County of Grayson, State of Texas, being a part of the John Jennings Survey, Abstract No. 647 and being all of the 36.892 acre tract of land (Tract Two) conveyed by Warranty Deed with Vendor's Lien from James Thomas Connor, Individually and as Independent Executor of the Estate of Sam Owens, et al to BMT Global, LLC on June 1, 2018 and recorded in Instrument No. 2018-12534, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point in the South line of Austin Landing, Phase 2A-1 to the City of Sherman, Texas as per plat of record in Volume 23, Page 99, Plat Records, Grayson County, Texas, the approximate 224.030 acre tract of land annexed into the City of Sherman by Ordinance No. 5357 and dated January 3, 2006 and the Alexander & Richards Survey, Abstract No. 42 and in the North line of said John Jennings Survey, at the most Northern Northeast corner of the 184.50 acre tract of land conveyed to TPJ Properties, LTD in Volume 3203, Page 469, Official Public Records, Grayson County, Texas and at the Northwest corner of said BMT Global 36.892 ac.;

THENCE in an Easterly direction, with the South line of said Austin Landing, Phase 2A-1, Replat of Austin Landing, Phase 1 to the City of Sherman, Texas as per plat of record in Volume 21, Page 153, said Plat Records, 224.030 ac. annexation tract and said Alexander & Richards Survey and with the North line of both said BMT Global 36.892 ac. and John Jennings Survey, the following calls and distances:

1. North 89 deg. 28 min 55 sec. East, a distance of 332.34 ft. to an angle point;
2. South 88 deg. 17 min. 38 sec. East, a distance of 345.26 ft. to an angle point;
3. South 89 deg. 27 min. 50 sec. East, a distance of 427.12 ft. to an angle point;
4. South 88 deg. 37 min. 26 sec. East, a distance of 1,133.04 ft. to a point in the West line of F.M. Highway No. 131, at the Northwest corner of the approximate 2.8 acre tract of land annexed into the City of Sherman by Ordinance No. 5552 and dated August 18, 2008, at Northeast corner of said BMT Global 36.892 ac.;

THENCE Southerly, with the West line of both said F.M. Highway No. 131 (aka: Travis Street) and 2.8 ac. annexation tract and the East line of said BMT Global 36.892 ac., the following calls and distances:

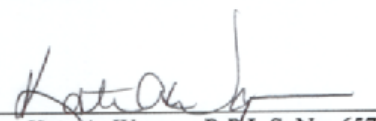
1. South 22 deg. 40 min. 45 sec. East, a distance of 37.69 ft. to a point at the beginning of a curve;
2. Southeasterly, with a curve to the right, having a radius of 1,880.08 ft., a central angle of 10 deg. 41 min. 59 sec. (Chord bears: South 17 deg. 19 min. 45 sec. East, 350.59 ft.) and an arc length of 351.10 ft. to a point at the end of said curve;
3. South 11 deg. 58 min. 45 sec. East, a distance of 321.39 ft. to a point at the Southeast corner of said BMT Global 36.892 ac.;

THENCE North 89 deg. 00 min. 53 sec. West, with the South line of said BMT Global 36.892 ac., a distance of 2,427.54 ft. to a point in an East line of said TPJ Properties 184.50 ac., at the Southwest corner of said BMT Global 36.892 ac.;

THENCE North 00 deg. 21 min. 35 sec. East, with the West line of said BMT Global 36.892 ac. and an East line of said TPJ Properties 184.50 ac., a distance of 680.59 ft. to the **PLACE OF BEGINNING** and containing **36.892 ACRES** of land.

I, KATE A. WAGNER, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED 36.892 ACRE ANNEXATION PARCEL METES AND BOUNDS DESCRIPTION DOES FORM A MATHEMATICALLY CLOSED FIGURE




Kate A. Wagner, R.P.L.S. No. 6578
Registered Professional Land Surveyor
Texas Registration No. 6578
Dated: December 8, 2021

ANNEXATION SERVICE PLAN AGREEMENT

This SERVICE PLAN AGREEMENT ("Agreement") is made and entered into by and among the CITY OF SHERMAN, TEXAS, a home-rule municipality ("Sherman"), and BMT GLOBAL, LLC ("Landowner" or "Developer"). Sherman and Landowner or Developer are each referred to herein as a "party" or collectively as the "parties."

WHEREAS, Landowner is the sole owner of that certain tract of land consisting of 36.892± acres, situated in the John Jennings Survey, Abstract No. 647, Grayson County, Texas, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein for all purposes (the "Property" or "Annexed Area"); and

WHEREAS, Landowner submitted to Sherman a voluntary request for annexation of the Property into the corporate limits of Sherman pursuant to Subchapter C-3 of Chapter 43 of the Texas Local Government Code; and

WHEREAS, Landowner acknowledges and agrees that in submitting the voluntary request for annexation of the Property, Landowner has fully investigated and is aware of the rights, duties and obligations that will apply to Landowner and its successors and assigns, as owner of the Property, in the event that the Sherman City Council adopts an ordinance annexing the Property into the corporate limits of Sherman (the "Annexation Ordinance"); and

WHEREAS, Landowner acknowledges and agrees that Sherman has complied or will comply with all requirements for the consideration of Landowner' request for annexation of the Property pursuant to Chapter 43 of the Texas Local Government Code, including holding a public hearing and providing the required public notices regarding the requested annexation; and

WHEREAS, Landowner acknowledges and agrees that the Property is eligible for annexation in all respects under Texas law; and

WHEREAS, the parties desire to enter into this Agreement pursuant to Section 43.0672 of the Texas Local Government Code to memorialize their agreement regarding the services Sherman will provide to the Property provided that the Sherman City Council adopts the Annexation Ordinance; and

WHEREAS, Landowner acknowledges and agrees that this Agreement fully complies with Section 43.0672 of the Texas Local Government Code; and

WHEREAS, Sherman has investigated and determined that it would be advantageous and beneficial to Sherman and its citizens to enter into this Agreement on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the covenants and conditions contained in this Agreement, Sherman and Landowner agree as follows:

1. **Incorporation of Recitals.** The representations, covenants and recitations set forth in the forth in the foregoing recitals of this Agreement are true and correct, are incorporated into

the body of this Agreement and are adopted as findings of Sherman and Landowner.

2. **Land Subject to Agreement.** The land that is subject to this Agreement is the Property. Landowner represents that he is the sole owner of the Property.
3. **Agreement Conditioned on Annexation.** This Agreement and the rights, duties and obligations herein are subject to and conditioned on the Sherman City Council adopting the Annexation Ordinance within ninety (90) days after the Effective Date (hereinafter defined) of this Agreement. In the event that the Sherman City Council does not adopt the Annexation Ordinance within ninety (90) days after the Effective Date of this Agreement, this Agreement shall not be effective and neither party shall have any rights, duties or obligations of any kind under this Agreement. In the event Landowner argues or claims that a term, condition or provision of this Agreement or the Annexation Ordinance is invalid, illegal, void, unenforceable or unlawful, then Sherman has the option to terminate this Agreement, effective immediately.
4. **Agreed Service Plan.** Subject to the terms and conditions of this Agreement, the parties agree that Sherman shall furnish or provide for the following municipal services to the Property after annexation at the following levels and in accordance with the following schedule:
 - (a) Police Services.
 - (i) Patrolling, responses to calls and other routine police services, within the limits of existing personnel and equipment and in a manner consistent with the methods of Sherman, will be provided in the Annexed Area on the effective date of the Annexation Ordinance.
 - (ii) Upon ultimate development of the Annexed Area, the same level of police services will be provided to the Annexed Area as are furnished throughout Sherman at that time.
 - (b) Fire Services.
 - (i) Fire protection and emergency ambulance services and equipment, within the limits of existing personnel and equipment and the limits of available water and distances from existing fire stations and in a manner consistent with the methods of Sherman, will be provided to the Annexed Area upon the effective date of the Annexation Ordinance.
 - (ii) Upon ultimate development of the Annexed Area, the same level of fire and emergency ambulance services will be provided to the Annexed Area as are furnished throughout Sherman at that time.
 - (c) Environmental Health and Code Enforcement Services.
 - (i) Enforcement of Sherman's environmental health ordinances and

regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances and animal control ordinances, shall be provided within the Annexed Area within sixty (60) days of the effective date of the Annexation Ordinance. Sherman's environmental health ordinances and regulations will be enforced through the use of existing personnel.

- (ii) As development and construction commence in the Annexed Area, sufficient personnel will be provided to furnish the Annexed Area with the same level of environmental health and code enforcement services as are furnished throughout Sherman at that time.

(d) **Building Inspections.**

- (i) Inspection services, including the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical and electrical work to ensure compliance with Sherman's codes, regulations and ordinances will be provided within sixty (60) days of the effective date of the Annexation Ordinance. Existing personnel will be used to provide such services.
- (ii) All inspection services furnished by Sherman but not mentioned above will be provided to the Annexed Area beginning within sixty (60) days of the effective date of the Annexation Ordinance.

(e) **Planning and Zoning Services.**

- (i) The planning and zoning jurisdiction of Sherman will extend to the Annexed Area upon the effective date of the Annexation Ordinance. Sherman city planning will thereafter encompass the Annexed Area, and it shall be entitled to consideration for zoning in accordance with Sherman's Zoning Ordinance and Comprehensive Plan.
- (ii) Sherman's zoning, subdivision, sign and other ordinances shall be enforced in the Annexed Area beginning on the effective date of the Annexation Ordinance.

(f) **Park and Recreation Services.**

- (i) Inhabitants of the Annexed Area may utilize all existing park and recreational services, facilities and sites throughout Sherman beginning on the effective date of the Annexation Ordinance.
- (ii) Additional facilities and sites to serve the Annexed Area will be acquired, developed and maintained at locations and times provided by applicable plans, policies, programs and decisions of Sherman. The Annexed Area will

be included in all future plans for providing parks and recreation services to Sherman.

- (iii) Existing parks, playgrounds, swimming pools and other recreational facilities within the Annexed Area shall, upon dedication to and acceptance by Sherman, be maintained and operated by Sherman, but not otherwise.

(g) Solid Waste Collection Services.

- (i) Solid waste collection services shall be provided to the Annexed Area in accordance with Sherman's existing policies, beginning on the effective date of the Annexation Ordinance.
- (ii) As development and construction commence in the Annexed Area and population density increases in the Annexed Area, solid waste collection services shall be provided to the Annexed Area in accordance with Sherman's policies regarding frequency, changes and the like as are existing at that time.

(h) Streets.

- (i) Sherman's existing policies with regard to street maintenance, applicable throughout Sherman, shall apply to the Annexed Area beginning on the effective date of the Annexation Ordinance. Unless a street within the Annexed Area has been constructed or is improved to Sherman's standards and specifications, such street will not be maintained by Sherman. Notwithstanding anything to the contrary herein, private streets within the Annexed Area shall remain private streets after annexation and Sherman and the Landowner agree that Sherman shall have no obligation to maintain, repair or improve the private streets or to pay the costs thereof.
- (ii) As development, improvement or construction of streets to Sherman's standards commences within the Annexed Area, the policies of Sherman with regard to participation in the costs thereof, acceptance upon completion thereof and maintenance after completion thereof shall apply as such policies exist at that time.
- (iii) The same level of maintenance shall be provided to streets within the Annexed Area that are accepted by Sherman as is provided to streets throughout Sherman.
- (iv) Street lighting installed on streets improved to Sherman's standards and specifications shall be maintained by the appropriate franchise holder in accordance with existing Sherman policies.

(i) Water Services.

- (i) Connection to existing Sherman water mains for water service for domestic, commercial and industrial use within the Annexed Area will be provided in accordance with existing Sherman policies. Upon connection to existing mains, water will be provided at rates established by Sherman ordinances for such service throughout Sherman.
 - (ii) As development and construction commence on the Annexed Area, Sherman water mains will be extended in accordance with provisions of the Subdivision Ordinance and other applicable ordinances and regulations in effect at that time. Sherman's participation in the costs of such extensions shall be in accordance with the applicable Sherman ordinances and regulations in effect at that time. Such extensions will be commenced in accordance with state law.
 - (iii) Water mains installed or improved to Sherman's standards which are within the Annexed Area and are within dedicated easements shall be maintained by Sherman beginning on the effective date of the Annexation Ordinance.
 - (iv) Private water lines within the Annexed Area shall be maintained by their respective owners in accordance with existing policies applicable throughout Sherman.
- (j) Sanitary Sewer Services.
 - (i) Connections to existing Sherman sanitary sewer mains for sanitary sewer service in the Annexed Area will be provided in accordance with existing Sherman policies. Upon connection, sanitary sewer service will be provided at rates established by Sherman ordinances for such service throughout Sherman.
 - (ii) Sanitary sewer mains and/or lift stations installed or improved to Sherman's standards that are located in dedicated easements, are within the Annexed Area and are connected to Sherman mains will be maintained by Sherman beginning on the effective date of the Annexation Ordinance.
 - (iii) As development and construction commence in the Annexed Area, Sherman sanitary sewer services will be extended in accordance with provisions of the Subdivision Ordinance and other applicable Sherman ordinances and regulations in effect at that time. Sherman's participation in the costs of such extensions shall be in accordance with the applicable Sherman ordinances and regulations in effect at that time. Such extensions will be commenced in accordance with state law.
- (k) Miscellaneous.

- (i) General municipal administration and administrative services of Sherman shall be available to the Annexed Area beginning on the effective date of the Annexation Ordinance.
 - (ii) Notwithstanding anything set forth above, this Service Plan does not require all municipal services be provided as set forth above if different characteristics of topography, land use and population density are considered a sufficient basis for providing different levels of service.
- 5. **Default.** If Sherman fails to comply with the terms and conditions of this Agreement and such failure is not cured within a reasonable period of time after Sherman receives written notice of such failure from Landowner, then Landowner may seek disannexation pursuant to Section 43.141 of the Texas Local Government Code as its sole and exclusive remedy. In no event shall Sherman be liable to Landowner or any other owner or inhabitant of the Annexed Area for any direct, indirect, incidental, special or consequential damages arising out of this Agreement or for the cost of procurement of substitute services.
- 6. **Covenant Running with the Land.** This Agreement shall be a covenant running with the land and Property and shall be binding on Landowner and Landowner's successors and assigns.
- 7. **Limitations of Agreement.** Sherman ordinances covering property taxes, utility rates, permit fees, inspection fees, tree mitigation fees, impact fees, development fees, tap fees, pro-rata fees and the like are not affected by this Agreement. Further, this Agreement does not waive or limit any of the obligations of Landowner to Sherman under any ordinance, whether now existing or in the future arising.
- 8. **Notices.** Any notice provided or permitted to be given under this Agreement must be in writing and may be served by depositing same in the United States Mail, addressed to the Party to be notified, postage pre-paid and registered or certified with return receipt requested; by facsimile; by electronic mail, with documentation evidencing the addressee's receipt thereof; or by delivering the same in person to such party a via hand-delivery service, or any courier service that provides a return receipt showing the date of actual delivery of same to the addressee thereof. Notice given in accordance herewith shall be effective upon receipt at the address of the addressee. For purposes of notification, the addresses of the parties shall be as follows:

If to Sherman, addressed to it at:

City of Sherman
Attn: Robby Hefton, City Manager
220 West Mulberry Street
Sherman, Texas 75090
Telephone: (903) 892-7200
Facsimile: (903) 892-7355
Email: robbyh@cityofsherman.com

with a copy to:

Abernathy, Roeder, Boyd & Hullett, P.C.
Attention: Ryan D. Pittman
1700 Redbud Blvd., Suite 300
McKinney, Texas 75069
Telephone: (214) 544-4000
Facsimile: (214) 544-4044
Email: rpittman@abernathy-law.com

If to Landowner, addressed to him at:

BMT Global, LLC
Attn: Terry Miller
822 N. FM 1417
Sherman, Texas 75092
Telephone: (469) 734-7763
Email: tmiller@solar-one.com

10. **Release.** LANDOWNER HEREBY RELEASES, WAIVES AND HOLDS HARMLESS SHERMAN AND ITS COUNCIL MEMBERS, OFFICERS, AGENTS, REPRESENTATIVES AND EMPLOYEES FROM ALL DAMAGES, INJURIES, CLAIMS, OBJECTIONS, LOSSES, DEMANDS, SUITS, JUDGMENTS AND COSTS ARISING OUT OF OR RELATED TO SHERMAN'S ANNEXATION OF THE PROPERTY, SHERMAN'S CONSIDERATION OF ANNEXATION OF THE PROPERTY AND SHERMAN'S ADOPTION OF THE ANNEXATION ORDINANCE. THIS SECTION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.
11. **Vested Rights/Chapter 245 Waiver.** This Agreement shall confer no vested rights on the Property, or any portion thereof. In addition, nothing contained in this Agreement shall constitute a "permit" as defined in Chapter 245 of the Texas Local Government Code, as amended, and nothing in this Agreement provides Sherman with fair notice of any project of Landowner. LANDOWNER WAIVES ANY STATUTORY CLAIM UNDER CHAPTER 245 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED, UNDER THIS AGREEMENT. THIS SECTION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.
12. **Warranties/Representations.** All warranties, representations and covenants made by one party to the other in this Agreement or in any certificate or other instrument delivered by one party to the other under this Agreement shall be considered to have been relied upon by the other party and will survive the satisfaction of any fees under this Agreement, regardless of any investigation made by either party.
13. **Entire Agreement.** This Agreement contains the entire agreement of the parties with respect to the matters contained herein and may not be modified or terminated except upon the provisions hereof or by the mutual written agreement of the parties.
14. **Governing Law; Venue.** The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement, without regard to conflict of law

principles. This Agreement is performable in Grayson County, Texas, and the exclusive venue for any action arising out of this Agreement shall be a court of appropriate jurisdiction in Grayson County, Texas.

15. **Consideration.** This Agreement is executed by the parties without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed.
16. **Multiple Counterparts.** This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes. An electronic mail or facsimile signature will also be deemed to constitute an original if properly executed and delivered to the other party.
17. **Authority to Execute.** The individuals executing this Agreement on behalf of the respective parties below represent to each other and to others that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the Effective Date (hereinafter defined). Landowner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and Landowner covenants and agrees to indemnify, hold harmless, and defend Sherman and its Council members, officers, agents, representatives and employees against any and all claims asserted by any person claiming an ownership interest in the Property who has not signed the Agreement that arise in any way from Sherman's reliance on this Agreement.
18. **Savings; Severability.** In the event that a term, condition or provision of this Agreement is determined to be invalid, illegal, void, unenforceable or unlawful by a court of competent jurisdiction, then that term, condition or provision shall be deleted and the remainder of the Agreement shall remain in full force and effect as if such invalid, illegal, void, unenforceable or unlawful provision had never been contained in this Agreement.
19. **Representations.** Each party represents that it has carefully read this Agreement, knows the contents hereof, has consulted with an attorney of its choice regarding the meaning and effect hereof and is signing the same solely of its own judgment.
20. **No Third Party Beneficiaries.** Nothing in this Agreement shall be construed to create any right in any third party not a signatory to this Agreement, and the parties do not intend to create any third party beneficiaries by entering into this Agreement.
21. **Immunity.** It is expressly understood and agreed that, in the execution and performance of this Agreement, Sherman has not waived, nor shall be deemed hereby to have waived, any defense or immunity, including governmental, sovereign and official immunity, that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied, other than those set forth herein.

22. **Miscellaneous Drafting Provisions.** This Agreement shall be deemed drafted equally by all parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any party shall not apply. Headings in this Agreement are for the convenience of the parties and are not intended to be used in construing this document.

IN WITNESS WHEREOF, the parties have executed this Agreement and caused this Agreement to be effective when all the parties have signed it. The date this Agreement is signed by the last party to sign it (as indicated by the date associated with that party's signature below) will be deemed the effective date of this Agreement ("Effective Date").

CITY OF SHERMAN, TEXAS,
a home-rule municipality

By: _____
Robby Hefton, City Manager

Date: _____

Attested to by:

Linda Ashby, City Clerk

Approved as to Form and Content:
The Law Firm of Abernathy,
Roeder, Boyd & Hullett, P.C.

By: _____
Name: Ryan D. Pittman
Title: City Attorney

BMT Global, LLC

By:  _____
Printed Name: Terry Miller
Title: Managing Member
Date: 12/6/2021

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, on this day personally appeared **Robby Hefton**, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he acknowledged to me that he is the City Manager and duly authorized representative of the **CITY OF SHERMAN, TEXAS**, a home-rule municipality, and that he executed the same for the purposes and consideration therein stated and in the capacity therein stated as the act and deed of the City of Sherman, Texas.

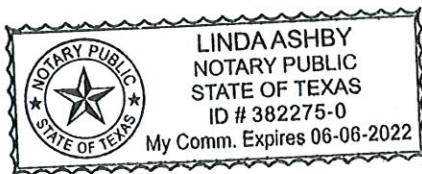
IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this _____ day of _____, 2021.

Notary Public, State of Texas
My Commission Expires: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared Terry Miller known to me to be one of the persons whose names are subscribed to the foregoing instrument; he/she acknowledged to me that he/she executed the same for the purposes and consideration therein stated and in the capacity therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this 8th day of December, 2021.



Linda Ashby

Notary Public, State of Texas
My Commission Expires: 6/6/2022

Exhibit A

SITUATED in the County of Grayson, State of Texas, being a part of the John Jennings Survey, Abstract No. 647 and being all of the 36.892 acre tract of land (Tract Two) conveyed by Warranty Deed with Vendor's Lien from James Thomas Connor, Individually and as Independent Executor of the Estate of Sam Owens, et al to BMT Global, LLC on June 1, 2018 and recorded in Instrument No. 2018-12534, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point in the South line of Austin Landing, Phase 2A-1 to the City of Sherman, Texas as per plat of record in Volume 23, Page 99, Plat Records, Grayson County, Texas, the approximate 224.030 acre tract of land annexed into the City of Sherman by Ordinance No. 5357 and dated January 3, 2006 and the Alexander & Richards Survey, Abstract No. 42 and in the North line of said John Jennings Survey, at the most Northern Northeast corner of the 184.50 acre tract of land conveyed to TPJ Properties, LTD in Volume 3203, Page 469, Official Public Records, Grayson County, Texas and at the Northwest corner of said BMT Global 36.892 ac.;

THENCE in an Easterly direction, with the South line of said Austin Landing, Phase 2A-1, Replat of Austin Landing, Phase 1 to the City of Sherman, Texas as per plat of record in Volume 21, Page 153, said Plat Records, 224.030 ac. annexation tract and said Alexander & Richards Survey and with the North line of both said BMT Global 36.892 ac. and John Jennings Survey, the following calls and distances:

1. North 89 deg. 28 min 55 sec. East, a distance of 332.34 ft. to an angle point;
2. South 88 deg. 17 min. 38 sec. East, a distance of 345.26 ft. to an angle point;
3. South 89 deg. 27 min. 50 sec. East, a distance of 427.12 ft. to an angle point;
4. South 88 deg. 37 min. 26 sec. East, a distance of 1,133.04 ft. to a point in the West line of F.M. Highway No. 131, at the Northwest corner of the approximate 2.8 acre tract of land annexed into the City of Sherman by Ordinance No. 5552 and dated August 18, 2008, at Northeast corner of said BMT Global 36.892 ac.;

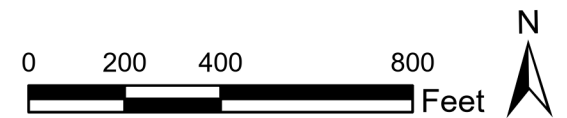
THENCE Southerly, with the West line of both said F.M. Highway No. 131 (aka: Travis Street) and 2.8 ac. annexation tract and the East line of said BMT Global 36.892 ac., the following calls and distances:

1. South 22 deg. 40 min. 45 sec. East, a distance of 37.69 ft. to a point at the beginning of a curve;
2. Southeasterly, with a curve to the right, having a radius of 1,880.08 ft., a central angle of 10 deg. 41 min. 59 sec. (*Chord bears: South 17 deg. 19 min. 45 sec. East, 350.59 ft.*) and an arc length of 351.10 ft. to a point at the end of said curve;
3. South 11 deg. 58 min. 45 sec. East, a distance of 321.39 ft. to a point at the Southeast corner of said BMT Global 36.892 ac.;

THENCE North 89 deg. 00 min. 53 sec. West, with the South line of said BMT Global 36.892 ac., a distance of 2,427.54 ft. to a point in an East line of said TPJ Properties 184.50 ac., at the Southwest corner of said BMT Global 36.892 ac.;

THENCE North 00 deg. 21 min. 35 sec. East, with the West line of said BMT Global 36.892 ac. and an East line of said TPJ Properties 184.50 ac., a distance of 680.59 ft. to the **PLACE OF BEGINNING** and containing **36.892 ACRES** of land.

North Travis Annexation





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 3.

Meeting Date: 01/03/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6446

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So As to Grant a Specific Use Permit to Allow (44) Patio Homes in an R-1 (One-Family Residential) District in the 1000-1500 Blocks of West Moore Street, being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the Adjacent Road Rights-of-Way and Alleys to Blocks 1, 2 and 3 of Randolph Heights Addition (Champagne Development, LLC, Owner; Holley Jolly Developments, LLC, Developer; and Underwood Drafting and Surveying, Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

Issue:

To consider Granting a Specific Use Permit to allow 44 patio homes in an R-1 (One-Family Residential) District in the 1000-1500 Blocks of West Moore Street, being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the Adjacent Road Rights-of-Way and Alleys to Blocks 1, 2 and 3 of Randolph Heights Addition (Champagne Development, LLC, Owner; Holley Jolly Developments, LLC, Developer; and Underwood Drafting and Surveying, Surveyor)

Background:

The property is located in the 1000-1500 blocks of West Moore Street; the southwest corner of Moore and Steadman Streets and is zoned an R-1 (One Family Residential) District. The owners would like to plat the property into 44 lots for residential development of patio homes.

Origination:

Champagne Development, LLC (Owner)
Holley Jolly Developments, LLC (Developer)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the December 14, 2021 regular meeting, the Planning and Zoning Commission voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and conforming to the Patio Home ordinance of minimum corner lot width of 45 feet.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6446

Exhibit A - Site Plan

Location Map

Zoning Map

Zoning Sign Photo

Replat Hannolley Hills

Building Elevations

Staff Review Letter

P & Z Communication

ORDINANCE NO. 6446

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW (44) PATIO HOMES IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT IN THE 1000-1500 BLOCKS OF WEST MOORE STREET, BEING LOTS 10-18, BLOCK 1, ALL OF BLOCKS 2 AND 3, PARTS OF THE ADJACENT ROAD RIGHTS-OF-WAY AND ALLEYS TO BLOCKS 1, 2 AND 3 OF RANDOLPH HEIGHTS ADDITION (CHAMPAGNE DEVELOPMENT, LLC, OWNER; HOLLEY JOLLY DEVELOPMENTS, LLC, DEVELOPER; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR) PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

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

SECTION 1. That, from and after the effective date of this Ordinance, Champagne Development, LLC (Owner), Holley Jolly Developments, LLC (Developer) and Underwood Drafting and Surveying (Surveyor) concerning the property in the 1000-1500 Blocks of West Moore Street, being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road Rights-of-Way and Alleys to Blocks 1, 2 and 3 of Randolph Heights Addition are granted a Specific Use Permit to allow (44) patio homes in an R-1 (One-Family Residential) District and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include property described as **Exhibit A – Site Plan**:

SECTION 2. That this Specific Use Permit is granted on the following conditions:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-1 (One-Family Residential) District, the Fence Ordinance, the Patio Home Ordinance and the Residential Tree and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.3; Sec. 7(13; Sec. 8 Subsection (9) and Sec. 17)*)
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9' x 20'. (*Chapter 14, Exhibit A, Section 6.3 & Section 7, Subsection 10(b)*)
4. Driveways and parking are permitted on paved surfaces only (concrete or asphalt). (*Chapter 14, Exhibit A, Section 7, Subsection 10(h)*)
5. All required off-street parking shall be on private property and shall not encroach into the right-of-way. (*Chapter 14, Exhibit A, Section 7, Subsection 10(b)*)
6. Impact fees will be required if the property was not platted before June 7, 2021 (*Chapter 13, Article. 13.11*)
7. Any contiguous subdivision, including multiple phases, developed with twenty-five (25) or more lots under the Patio Home standards of this ordinance shall provide usable open space. Developments with 25 - 49 patio home lots shall provide usable open space which equals or exceeds five (5) percent of the gross platted area, excluding rights-of-way for major thoroughfares. Developments with 50 or more patio homes shall provide usable open space which equals or exceeds ten (10) percent of the gross platted area, excluding rights-of-way for major thoroughfares. A contiguous subdivision is defined as: abutting or separated only by a local or collector street to the subdivision. Subdivisions separated by rights-of-way, drainage or utility easements in excess of sixty (60) feet in width shall not be considered as contiguous. (*Chapter 14, Exhibit A, Sec. 8, Subsection (9)*)
8. Patio home developments shall be developed as either minimum five (5) foot setbacks or as zero-lot-line homes. If developed as zero-lot-line homes, then one (1) side yard shall be reduced to zero feet, while the other side yard shall be increased to a minimum of ten (10) feet. A minimum five-foot wide maintenance easement shall be placed on the adjacent lot to enable the property owner to maintain his house. Side yards and maintenance easements shall be placed on the subdivision plat. A minimum separation between patio homes of ten (10) feet shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four (24) inches. Side yard setbacks must be uniform for all homes within a given block. (*Chapter 14, Exhibit A, Sec. 8, Subsection (9)*)
9. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
10. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering:

11. The Replat is dependent on the approval of the Specific Use Permit to allow patio homes.

SECTION 3. That this Ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 5. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 3rd day of January, 2022.

ADOPTED on this the 3rd day of January, 2022.

EFFECTIVE DATE on this the 3rd day of January, 2022.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

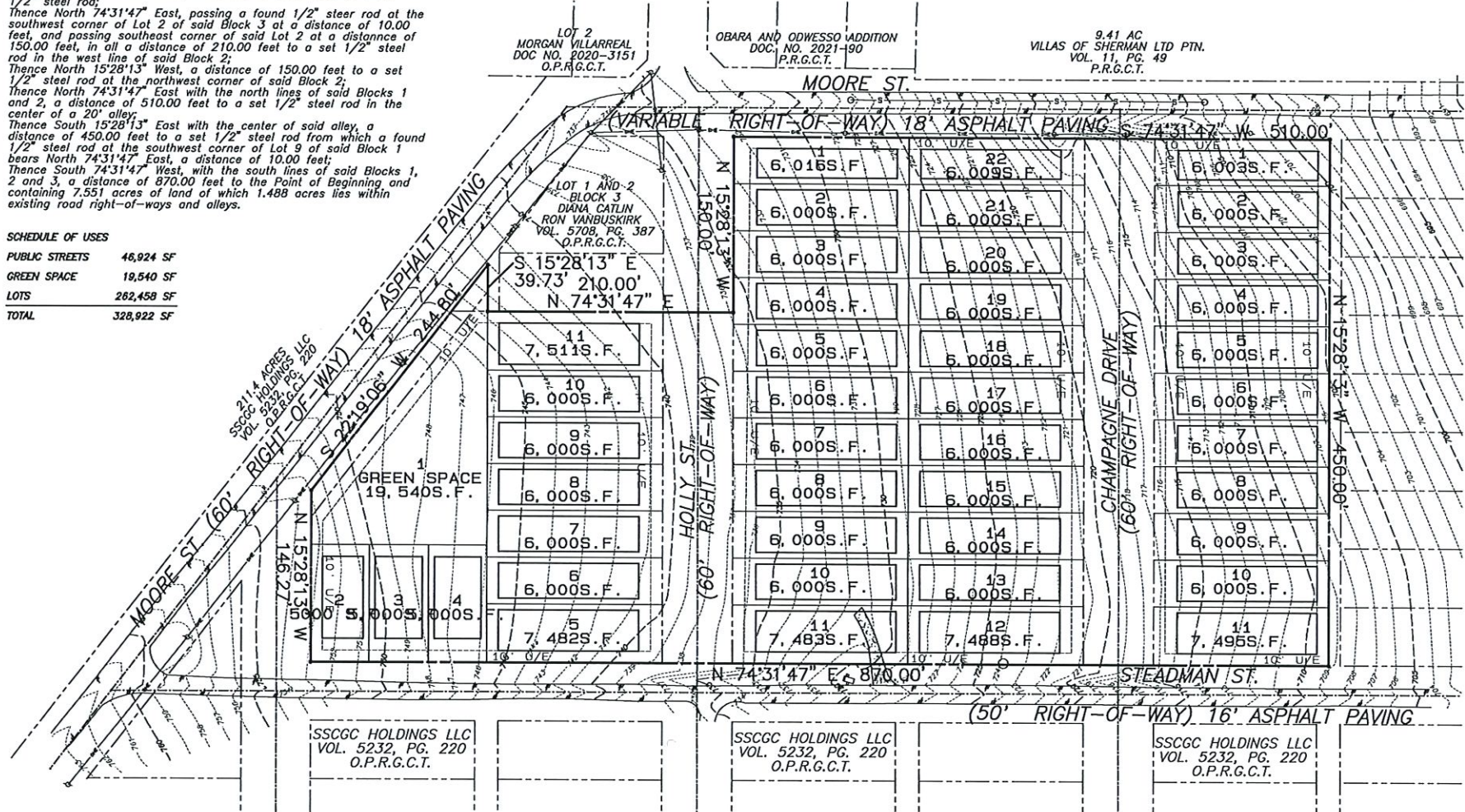
**APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT A

Legal Description
 Situated in the County of Grayson, State of Texas, being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road right-of-ways and alleys to Blocks 1, 2 and 3 of Randolph Heights Addition, an addition to the City of Sherman as shown by plat of record in Volume 203, Page 328, Deed Records, Grayson County, Texas and being those tracts of land conveyed to Champagne Development, LLC, as recorded in Document No's 2021-26077, 2021-26091 and 2021-26098, Official Public Records, Grayson County, Texas and being described by metes and bounds as follows:
 Beginning at a set 1/2" steel rod in at the southwest corner of said Block 3;
 Thence North 15°28'13" West, with the west line of said Block 3, a distance of 146.25 feet to a set 1/2" steel rod
 Thence North 22°19'06" East, a distance of 244.80 feet to a set 1/2" steel rod in the center of a 20' alley;
 Thence South 15°28'13" East, a distance of 39.73 feet to a set 1/2" steel rod;
 Thence North 74°31'47" East, passing a found 1/2" steel rod at the southwest corner of Lot 2 of said Block 3 at a distance of 10.00 feet, and passing southeast corner of said Lot 2 at a distance of 150.00 feet, in all a distance of 210.00 feet to a set 1/2" steel rod in the west line of said Block 2;
 Thence North 15°28'13" West, a distance of 150.00 feet to a set 1/2" steel rod at the northwest corner of said Block 2;
 Thence North 74°31'47" East, with the north lines of said Blocks 1 and 2, a distance of 510.00 feet to a set 1/2" steel rod in the center of a 20' alley;
 Thence South 15°28'13" East with the center of said alley, a distance of 450.00 feet to a set 1/2" steel rod from which a found 1/2" steel rod at the southwest corner of Lot 9 of said Block 1 bears North 74°31'47" East, a distance of 10.00 feet;
 Thence South 74°31'47" West, with the south lines of said Blocks 1, 2 and 3, a distance of 870.00 feet to the Point of Beginning and containing 7.551 acres of land of which 1.488 acres lies within existing road right-of-ways and alleys.

SCHEDULE OF USES	
PUBLIC STREETS	46,924 SF
GREEN SPACE	19,540 SF
LOTS	262,458 SF
TOTAL	328,922 SF



CITY OF SHERMAN
 PLANNING AND ZONING COMMISSION
 CERTIFICATE OF APPROVAL

Clay Mahone, Chairman

OWNERS/DEVELOPER
 CHAMPAGNE DEVELOPMENT, LLC
 2013 S. POLARIS
 DENSON, TX 75020



GRAPHIC SCALE IN FEET
 1" = 40'

TCB ENGINEERING, LLC
 CIVIL ENGINEERING • LAND PLANNING
 P.O. BOX 910012
 SHERMAN, TEXAS 75091-0012
 (903) 870-6543 FAX #20110

SITE PLAN
 HAVOLLEY HILLS ADDITION
 CITY OF SHERMAN
 GRAYSON COUNTY, TEXAS

APP. NUMBER
 2021-03
 SCALE
 1" = 40'
 DATE
 11/23/2021

Unified Residential Development-Site Plan



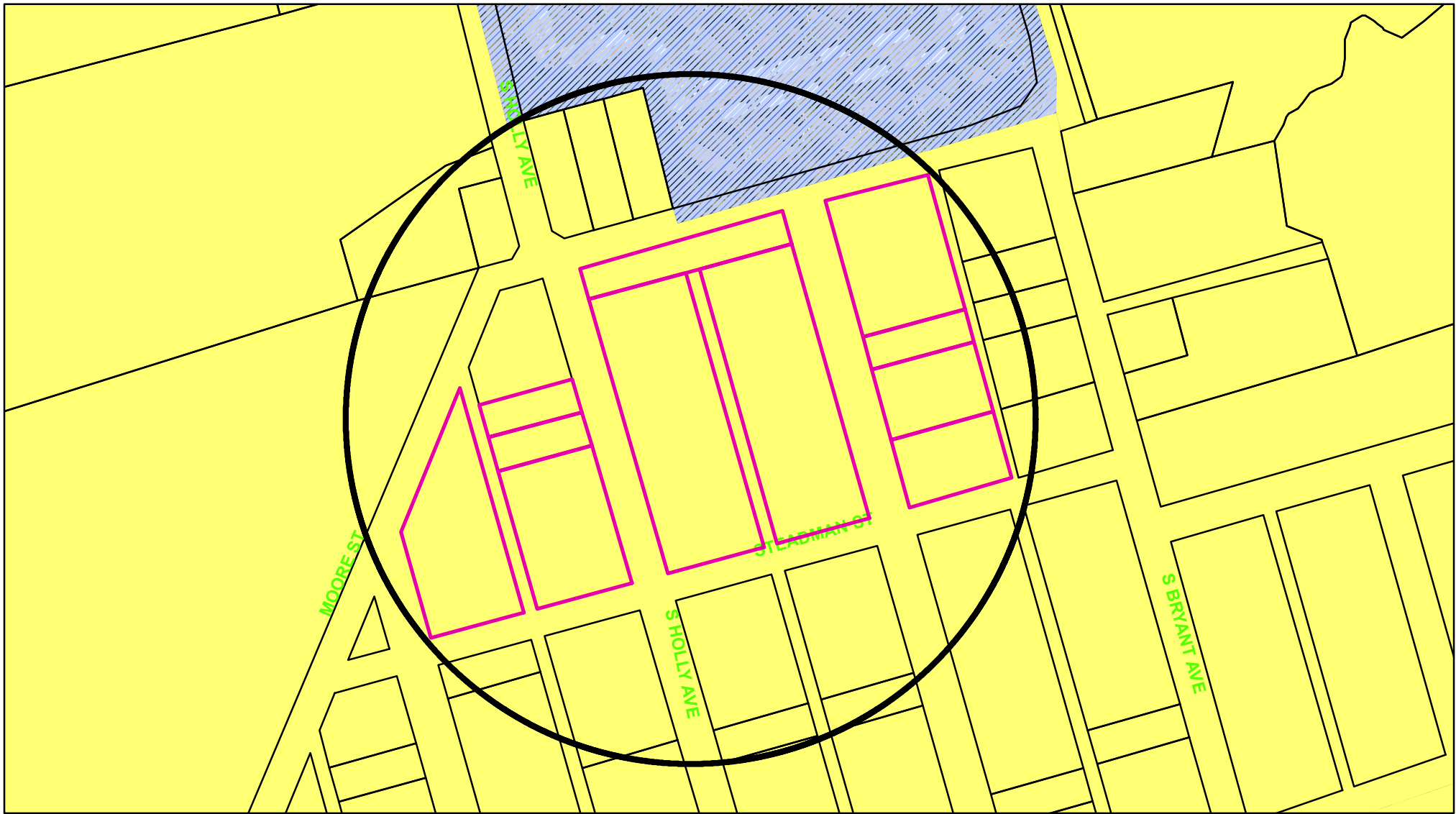
City of Sherman, Texas
Development Services Department

1000-1500 Blocks West Moore Street



NOT TO SCALE

1 in = 300 ft



Zoning - 1000-1500 Blocks West Moore Street

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Development Services Department

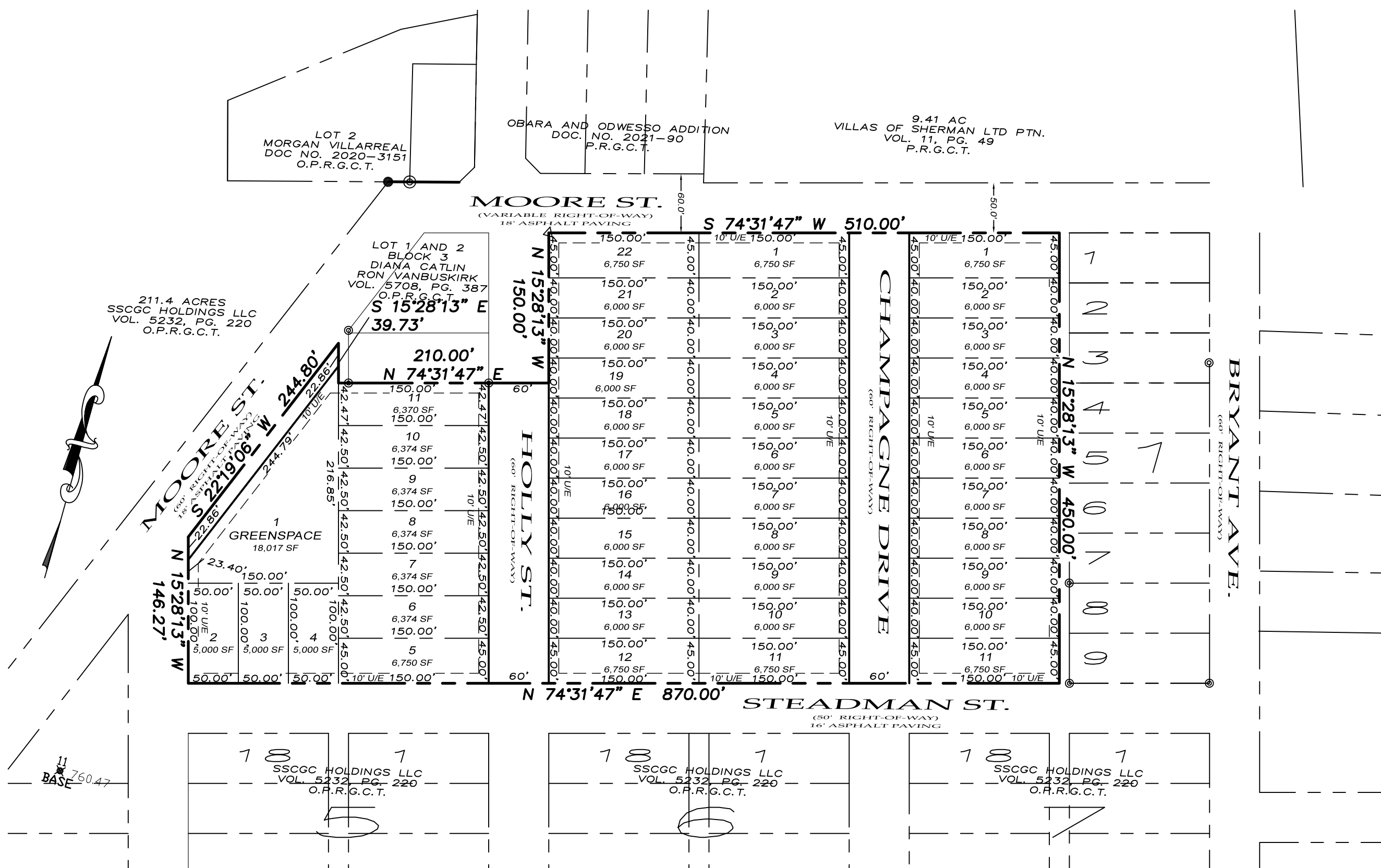


NOT TO SCALE

1 in = 200 ft

1000-1500 Blocks West Moore Street





~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE

REPLAT

HANOLLEY HILLS ADDITION

Being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road right-of-ways and alleys to Blocks 1, 2 and 3 of Randolph Heights Additon, an addition to the City of Sherman. Containing 7.551 acres of land

08-25-21

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

OWNERS/DEVELOPER
CHAMPAGNE DEVELOPMENT, LLC
2013 S. POLARIS
DENISON, TX 75020

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS



3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

SHEET 1 OF 2

OWNERS DEDICATION

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT I, CHAMPAGNE DEVELOPMENT, LLC, do hereby adopt this plat designating the hereinabove property as the HANOLLEY HILLS ADDITION, an addition to the City of Sherman, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part or any buildings, fences, trees, shrubs or other improvements or growths which in anyway endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this _____ day of _____, 2021.

CHAMPAGNE DEVELOPMENT LLC (JOSHUA HOLLEY)

STATE OF TEXAS
COUNTY OF GRAYSON

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2021.

Notary Public in and for
the State of Texas
Commission Expires: _____

LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road right-of-ways and alleys to Blocks 1, 2 and 3 of Randolph Heights Additon, an addition to the City of Sherman as shown by plat of record in Volume 203, Page 326, Deed Records, Grayson County, Texas and being those tracts of land conveyed to Champagne Development, LLC, as recorded in Document No's 2021-26077, 2021-26091 and 2021- 26098, Official Public Records, Grayson County, Texas and being described by metes and bounds as follows:

Beginning at a set 1/2" steel rod in at the southwest corner of said Block 3;

Thence North 15°28'13" West with the west line of said Block 3, a distance of 146.25 feet to a set 1/2" steel rod
Thence North 22°19'06" East, a distance of 244.80 feet to a set 1/2" steel rod in the center of a 20' alley;
Thence South 15°28'13" East, a distance of 39.73 feet to a set 1/2" steel rod;
Thence North 74°31'47" East, passing a found 1/2" steel rod at the southwest corner of Lot 2 of said Block 3 at a distance of 10.00 feet, and passing southeast corner of said Lot 2 at a distance of 150.00 feet, in all a distance of 210.00 feet to a set 1/2" steel rod in the west line of said Block 2;
Thence North 15°28'13" West, a distance of 150.00 feet to a set 1/2" steel rod at the northwest corner of said Block 2;
Thence North 74°31'47" East with the north lines of said Blocks 1 and 2, a distance of 510.00 feet to a set 1/2" steel rod in the center of a 20' alley;
Thence South 15°28'13" East with the center of said alley, a distance of 450.00 feet to a set 1/2" steel rod from which a found 1/2" steel rod at the southwest corner of Lot 9 of said Block, 1 bears North 74°31'47" East, a distance of 10.00 feet ;
Thence South 74°31'47" West with the south lines of said Blocks 1, 2 and 3, a distance of 870.00 feet to the Point of Beginning and containing 7.551 acres of land of which 1.488 acres lies within existing road right-of-ways and alleys.

CERTIFICATE OF COMPLIANCE

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, HANOLLEY HILLS ADDITION, an addition to the City of Sherman, Texas, was submitted to the City Council on the _____ day of _____, 2021, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this _____ day of _____, 2021.

Clerk, City of Sherman, Texas

SURVEYOR'S CERTIFICATION

KNOWN ALL MEN BY THESE PRESENTS:

That I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon where properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

Douglas W. Underwood
Registered Professional
Land Surveyor, No. 4709

Date

~ GENERAL NOTES ~

1. Water Supply to be provided by the City of Sherman.
2. Sewer Service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as such channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or drainage easements for the control of erosion.
7. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
8. The owners and builders must comply with all other local, state and federal regulations regarding developments of this type.
9. Bearings are based on the City of Sherman Control Monument Network.
10. The City of Sherman reserves the right to require submission of Development Plat based on proposed use of each lot.

REPLAT

HANOLLEY HILLS ADDITION

Being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road right-of-ways and alleys to Blocks 1, 2 and 3 of Randolph Heights Additon, an addition to the City of Sherman. Containing 7.551 acres of land

08-25-21

OWNERS/DEVELOPER
CHAMPAGNE DEVELOPMENT, LLC
2013 S. POLARIS
DENISON, TX 75020

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS



3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

SHEET 2 OF 2







STAFF REVIEW LETTER

December 6, 2021

Josh Holley
3348 W. Stafford Dr.
Denison, TX 75020

Underwood Drafting & Surveying
3404 Interurban Road
Denison, TX 75021

Dear Applicants,

The request for a Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow (44) patio homes in an R-1 (One-Family Residential) District located in the 1000-1500 blocks of West Moore Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, December 14, 2021 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-1 (One-Family Residential) District, the Fence Ordinance, the Patio Home Ordinance and the Residential Tree and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.3; Sec. 7(13); Sec. 8 Subsection (9) and Sec. 17*)
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9' x 20'. (*Chapter 14, Exhibit A, Section 6.3 & Section 7, Subsection 10(b)*)
4. Driveways and parking are permitted on paved surfaces only (concrete or asphalt). (*Chapter 14, Exhibit A, Section 7, Subsection 10(h)*)
5. All required off-street parking shall be on private property and shall not encroach into the right-of-way. (*Chapter 14, Exhibit A, Section 7, Subsection 10(b)*)
6. Impact fees will be required if the property was not platted before June 7, 2021 (*Chapter 13, Article. 13.11*)
7. Any contiguous subdivision, including multiple phases, developed with twenty-five (25) or more lots under the Patio Home standards of this ordinance shall provide usable open space. Developments with 25 - 49 patio home lots shall provide usable open space which equals or exceeds five (5) percent of the gross platted area, excluding rights-of-way for major thoroughfares. Developments with 50 or more patio homes shall provide usable open space which equals or exceeds ten (10) percent of the gross platted area, excluding rights-of-way for major thoroughfares. A contiguous subdivision is defined as: abutting or separated only by a local or collector street to the subdivision. Subdivisions separated by rights-of-way, drainage or utility easements in excess of sixty (60) feet in width shall not be considered as contiguous. (*Chapter 14, Exhibit A, Sec. 8, Subsection (9)*)
8. Patio home developments shall be developed as either minimum five (5) foot setbacks or as zero-lot-line homes. If developed as zero-lot-line homes, then one (1) side yard shall be reduced to zero feet, while the other side yard shall be increased to a minimum of ten (10) feet. A minimum five-foot wide maintenance easement shall be placed on the adjacent lot to enable the property owner to

maintain his house. Side yards and maintenance easements shall be placed on the subdivision plat. A minimum separation between patio homes of ten (10) feet shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four (24) inches. Side yard setbacks must be uniform for all homes within a given block. (*Chapter 14, Exhibit A, Sec. 8, Subsection (9)*)

9. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
10. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering:

11. The Replat is dependent on the approval of the Specific Use Permit to allow patio homes.

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae
Acting Secretary, Planning and Zoning Commission and Board of Adjustments

CC: Robby Hefton, City Manager
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer

Clint Philpott, Asst. City Manager
Tom Pruitt, Utility Engineer



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 24.

Meeting Date: 12/14/2021

Prepared by: Patsy Reeves, Development Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

1000-1500 BLOCKS WEST MOORE STREET

The request of Champagne Development, LLC (Owner), Holley Jolly Developments, LLC (Developer) and Underwood Drafting and Surveying (Surveyor) concerning the property in the 1000-1500 Blocks of West Moore Street, being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road Right-of-Ways and Alleys to Blocks 1, 2 and 3 of Randolph Heights Addition, as follows;

Planning and Zoning Commission

- A. Replat approval of Hanolley Hills Addition, a Replat of Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road Right-of-Ways and Alleys to Blocks 1, 2 and 3 of Randolph Heights Addition.
- B. Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow (44) patio homes in an R-1 (One-Family Residential) District

Background:

The property is located in the 1000-1500 blocks of West Moore Street; the southwest corner of Moore and Steadman Streets and is zoned an R-1 (One Family Residential) District. The owners would like to plat the property into 44 lots for residential development of patio homes.

Adjacent Zoning:

R-1 (One-Family Residential) District

R-2 (Two-Family Residential) District

Origination:

Champagne Development, LLC (Owner)

Holley Jolly Developments, LLC (Developer)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

- Natural – Natural areas are wooded or vegetated lands which are essentially untouched by development and still retain significant resources.
- Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

38

Objections Received:

0

Development Review Meeting:

Yes

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Hanolley Hills Addition

Site Plan

Patio Home Building Elevations

Staff Review Letter - Plat

Staff Review Letter - Patio Homes



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 4.

Meeting Date: 01/03/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6447

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So As to Grant an Amendment to a Specific Use Permit and Site Plan Approval under Ordinance No. 2280, Section 8, Subsection (5)(a) for a Youth Hall/Gym Addition in an R-1 (One-Family Residential) District with a Specific Use Permit to Allow a Church at 2605 Rex Cruse Drive, being Lots 1-6, Joe Price Subdivision (North Park Baptist Church, Owners; and Kent Salisbury, David Baca Studios, Architect); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

Issue:

To consider Granting an Amendment to a Specific Use Permit under Ordinance No. 2280, Section 8, Subsection (5)(a) for a Youth Hall/Gym Addition in an R-1 (One-Family Residential) District with a Specific Use Permit to allow a church at 2605 Rex Cruse Drive, being Lots 1-6, Joe Price Subdivision (North Park Baptist Church, Owners; and Kent Salisbury, David Baca Studios, Architect)

Background:

The property is located at 2605 Rex Cruse Drive, the northeast corner of Rex Cruse Drive and West Lamberth Road; North Park Baptist Church is the tenant. The property is zoned an R-1 (One Family Residential) District. North Park Baptist Church would like to construct a 4,754 square foot youth hall/gymnasium on the east end of the sanctuary. The exterior of the building will be brick with metal accents to match the existing buildings.

The following has been approved for the property:

- 1973 - Specific Use Permit to allow a church in an R-1 (One Family Residential) District.
- February 11, 1975 - Exception to exceed the 20 square foot maximum area and 6' maximum height for church signs.
- 2011 - Amendment to the Specific Use Permit to allow the addition of three portable classroom buildings with the time limit of five years, providing an 8' privacy fence, 80' along the north property line where the portable buildings will be placed and providing shrubs/hedges in front of the portable buildings on the west side of the property. (Ord 5703)
- March 16, 2020 - Specific Use Permit Amendment to allow a church. (Ord 6285)

Origination:

North Park Baptist Church (Owners)
Kent Salisbury, David Baca Studios (Architect)
Copley Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the December 14, 2021 regular meeting, the Planning and Zoning Commission voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6447
Exhibit A - Site Plan
Location Map
Zoning Map
Zoning Sign Photo
Building Elevations
Staff Review Letter
P & Z Communication

ORDINANCE NO. 6447

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT AN AMENDMENT TO A SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) FOR A YOUTH HALL/GYM ADDITION IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT WITH A SPECIFIC USE PERMIT TO ALLOW A CHURCH AT 2605 REX CRUSE DRIVE, BEING LOTS 1-6, JOE PRICE SUBDIVISION (NORTH PARK BAPTIST CHURCH, OWNERS; AND KENT SALISBURY, DAVID BACA STUDIOS, ARCHITECT); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

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

SECTION 1. That, from and after the effective date of this Ordinance, North Park Baptist Church (Owners) and Kent Salisbury, David Baca Studios (Architect), concerning the property at 2605 Rex Cruse Drive, being Lots 1-6, Joe Price Subdivision, are granted an amendment to the Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) for a Youth Hall/Gym Addition in an R-1 (One-Family Residential) District with a Specific Use Permit to allow a church and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include property described as **Exhibit A – Site Plan**, attached hereto.

SECTION 2. That this Specific Use Permit is granted on the following conditions:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General

Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-1 (One-Family Residential) District, the Fence Ordinance, and the Residential Tree and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.3; Sec. 7(13) and Sec. 17*)

2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Driveways and parking are permitted on paved surfaces only (concrete or asphalt). (*Chapter 14, Exhibit A, Section 7, Subsection 10(h)*)
4. All required off-street parking shall be on private property and shall not encroach into the right-of-way. (*Chapter 14, Exhibit A, Section 7, Subsection 10(b)*)
5. A minimum 6' solid screening device shall be provided abutting residentially zoned property.
6. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
7. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering:

8. Final Plat of North Park Baptist Church to be updated to Staff Review Letter dated February 11, 2020 and current City standards and be filed of record in the Grayson County Plat Records prior to any building permits being issued.
9. Drive approaches on site plan do not meet current City standard. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
10. Privately owned and maintained detention in accordance with City criteria may be required. Engineering documentation shall be provided to the City of Sherman Engineering Department for review and approval. If detention is required, Ownership and Maintenance information to be shown on plat. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(I)*
11. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*

SECTION 3. That this Ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this

Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 5. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 3rd day of January, 2022.

ADOPTED on this the 3rd day of January, 2022.

EFFECTIVE DATE on this the 3rd day of January, 2022.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____

DAVID PLYLER, MAYOR

BY: _____

LINDA ASHBY, CITY CLERK

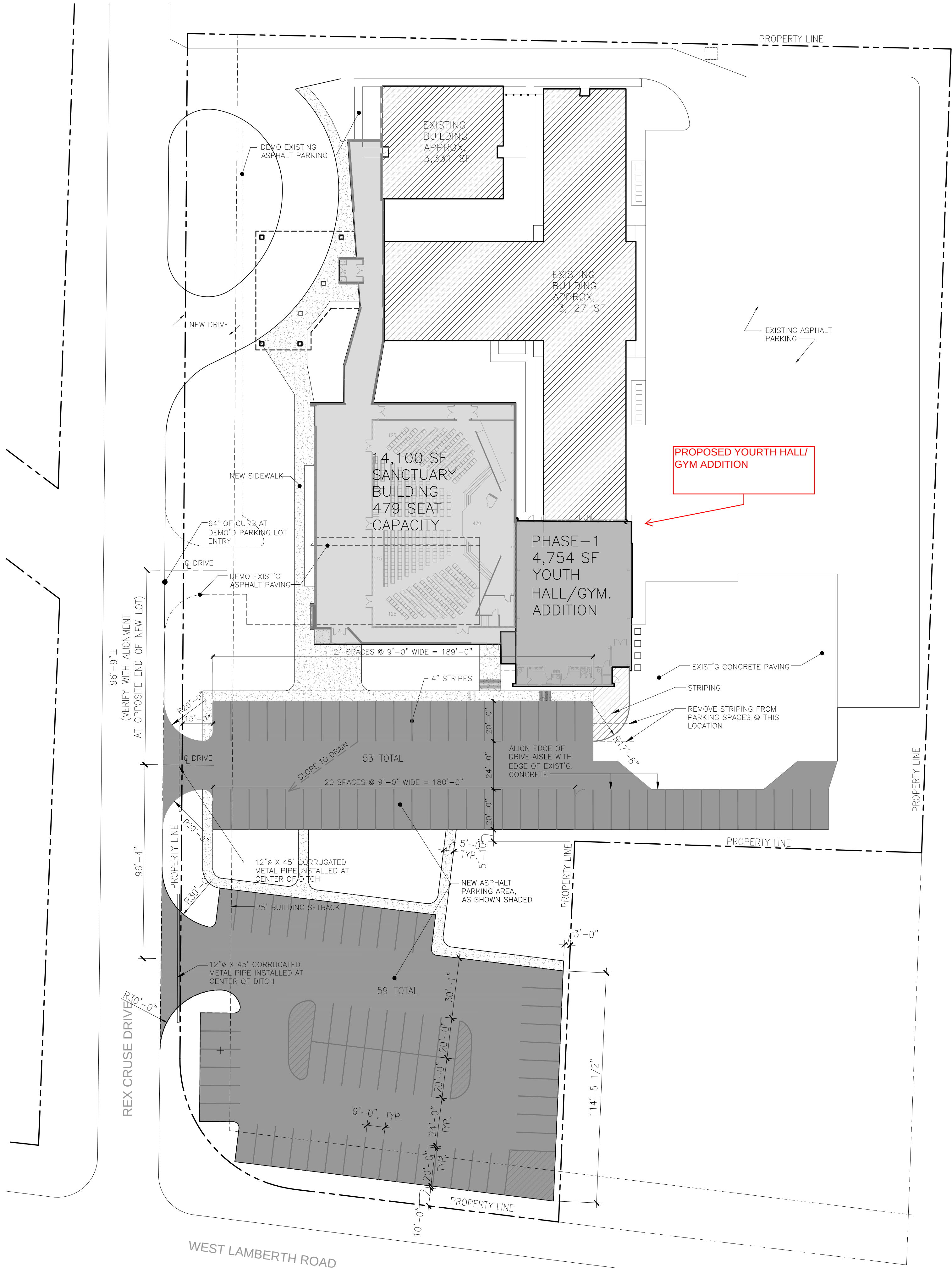
APPROVED AS TO FORM

AND CONTENT:

**THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____

RYAN D. PITTMAN, CITY ATTORNEY



PHASE 1 SITE PLAN NOTES

GENERAL SITE PLAN NOTES:

1. ALL RADII NOT DIMENSIONED ARE 5'-0", TYPICAL.
2. DIMENSIONS ARE TO EDGE OF PAVING.
3. ALL NEW ASPHALT PAVED AREAS ARE SHOWN SHADED, TYPICAL.
4. THE APPROXIMATE AREA OF THE NEW PAVING IS 12,700 S.F.

PAVING GENERAL NOTES:

1. ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF SHERMAN STANDARD CONSTRUCTION DETAILS.
2. ALL SUBGRADE BENEATH PROPOSED PAVEMENT SHALL BE SCARIFIED 8" DEEP AND COMPACTED TO 95% STANDARD PROCTOR (ASTM-D-698) AT OR SLIGHTLY ABOVE OPTIMUM MOISTURE CONTENT. ALL FILL TO BE COMPACTED TO 95% STANDARD PROCTOR.
3. ALL DRIVES PAVEMENT SHALL BE 2" THICK ASPHALT MIX LAID, IN ONE COAT, OVER 8" GRANULAR BASE MATERIAL COMPACTED TO 97% PROCTOR.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TRAFFIC CONTROL, WARNING AND SAFETY DEVICES UNTIL ALL WORK HAS BEEN ACCEPTED BY CITY OF SHERMAN AND THE OWNER.
5. EROSION CONTROL SHALL CONFORM TO LATEST CITY OF SHERMAN EROSION CONTROL MANUAL.

SITE PLAN INFORMATION:

ZONING: R-1
GROSS SITE AREA: 4.2 ACRES (182,638.6 SF) APPROX.
BUILDING AREA:

	EXISTING	16,458 S.F.
	PROPOSED YOUTH HALL	4,754 S.F. (PHASE 1)
	PROPOSED SANCTUARY	14,100 S.F.
TOTAL NEW:		18,854 S.F.

BACA

100 NORTH TRAVIS STREET
SUITE NO.500A
SHERMAN, TEXAS 75090

903 893 5800

www.BACA.team

REVISIONS		DATE
NO.	DESCRIPTION	

North Park Baptist Church

2605 Rex Cruse Drive
Sherman Texas 75092

PROJECT NUMBER

2032

DATE

11.18.21

SHEET NUMBER

SP-1

site plan - phase 1



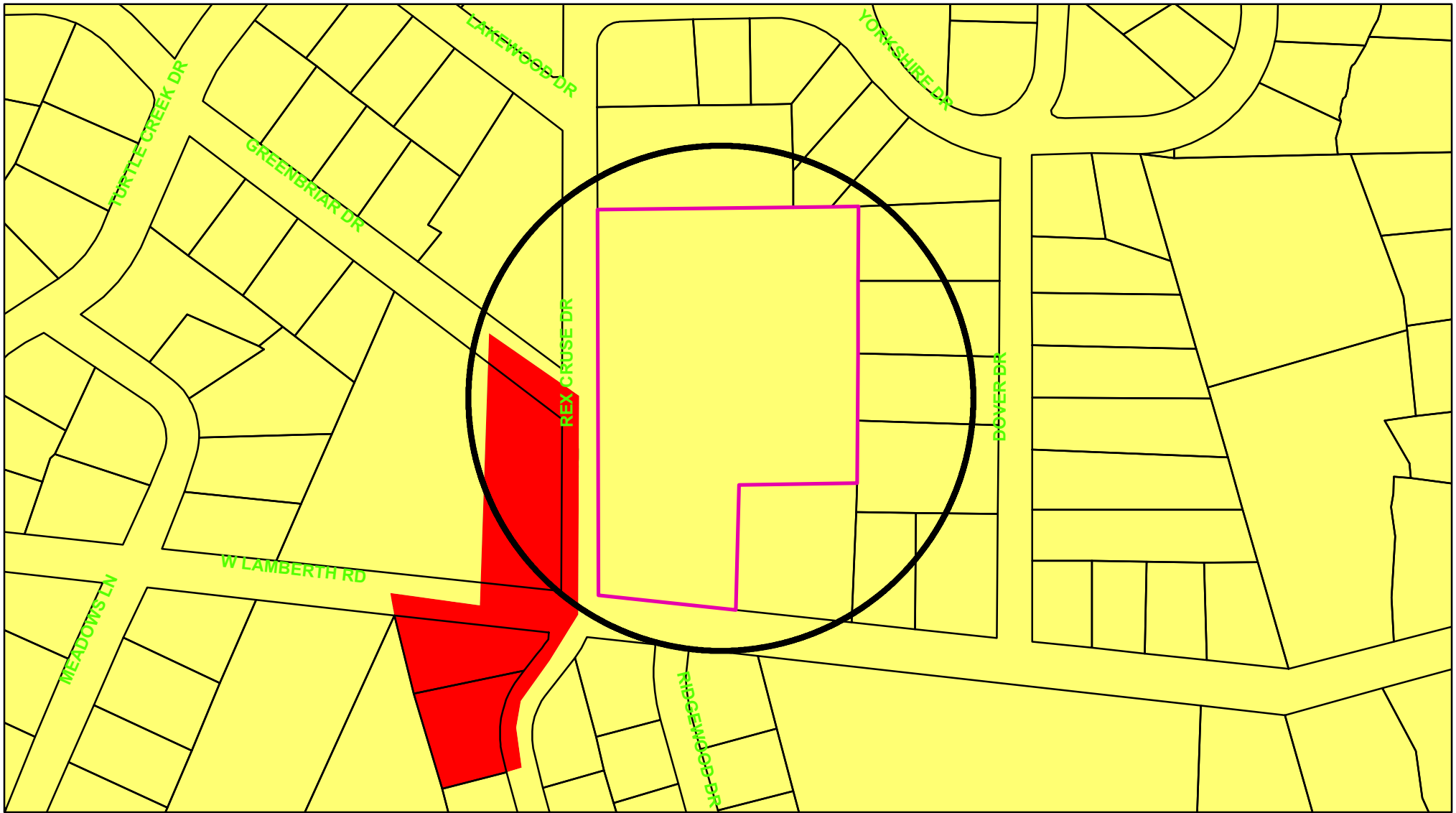
City of Sherman, Texas
Development Services Department

2605 Rex Cruse Drive



NOT TO SCALE

1 in = 244 ft



Zoning - 2605 Rex Cruse Drive

Legend

Special Districts Overlay

DISTRICT_NAME

-  Arts and Cultural District
-  Blalock Commercial Overlay District
-  Central Business District
-  College Park District
-  Downtown Overlay District
-  Historic Preservation District

Transportation Corridor

Representation: SpermGIS.DBO.TransportationCorridor_Rep_1

-  FM 1417
-  Sam Rayburn Freeway
-  US Hwy 82 and 75
-  SH 289
-  FM 691

Zoning Districts

Representation: SpermGIS.DBO.ZoningDistrict_Rep

-  Unknown
-  BIP Blalock Industrial Park
-  C-1 Retail Business District
-  C-2 General Commercial District

CO Office District

-  Lakes
-  M-1 Light Manufacturing District
-  M-1.5 Medium Manufacturing District
-  M-2 Heavy Manufacturing District
-  MH Manufacturing Housing District
-  R-1 One Family Residential District
-  R-2 Multi-Family Residential District
-  R-A Single Family Agricultural District
-  SF-1 Single Family Residential District
-  PD Planned Development



City of Sherman, Texas
Development Services Department



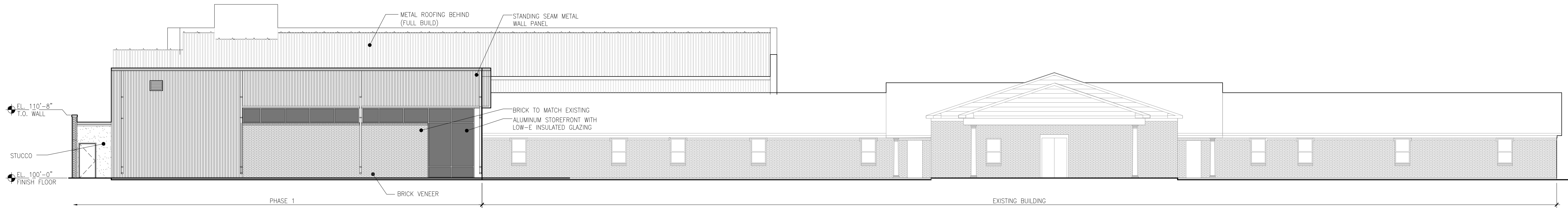
NOT TO SCALE

1 in = 200 ft

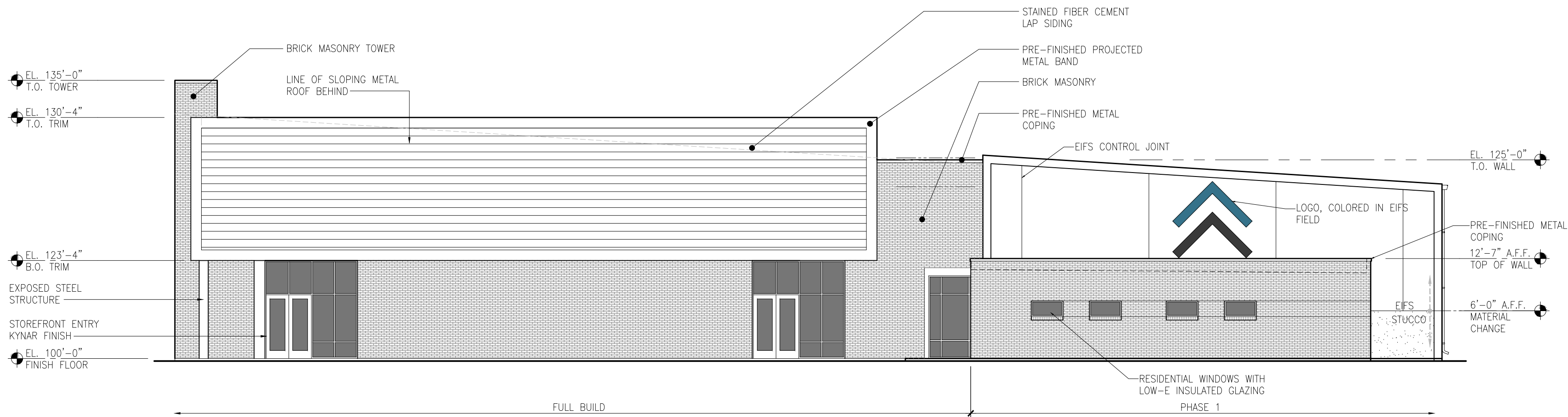
2605 Rex Cruse Drive



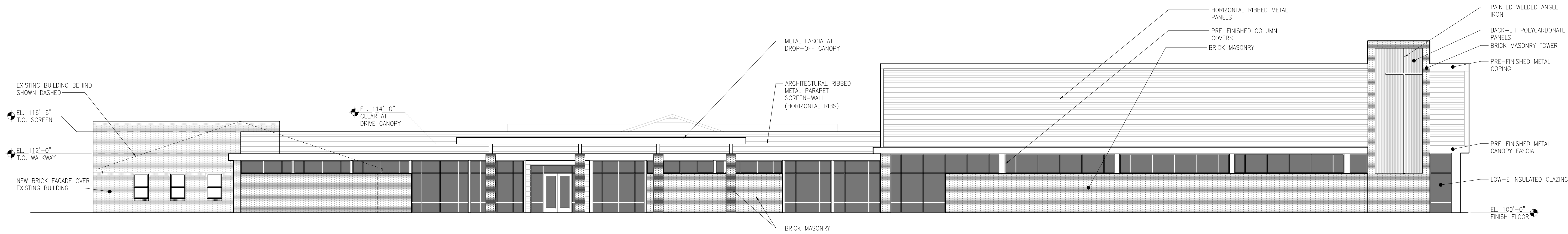
Nov 23, 2021 at 10:58 AM



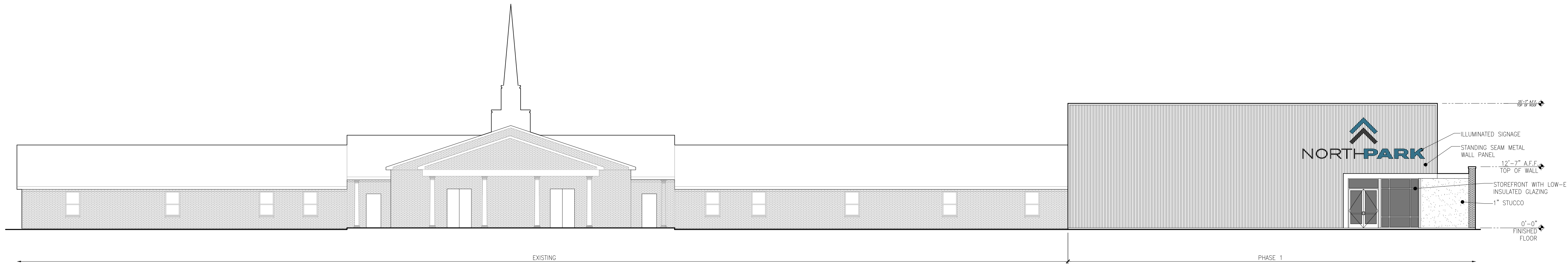
4 EAST ELEVATION
SCALE: 3/32" = 1'-0"



3 SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



2 WEST ELEVATION
FULL BUILD
SCALE: 3/32" = 1'-0"



1 WEST ELEVATION
PHASE 1
SCALE: 3/32" = 1'-0"

BACA

100 NORTH TRAVIS STREET
SUITE NO.500A
SHERMAN, TEXAS 75090
903 893 5800
www.BACA.team

REVISIONS	DATE			
	DESCRIPTION			
	NO.			

North Park Baptist Church

2605 Rex Cruse Drive
Sherman Texas 75092

PROJECT NUMBER
2032
DATE
11.18.21
SHEET NUMBER
A2.0

exterior elevations

STAFF REVIEW LETTER

December 6, 2021

North Park Baptist Church
2605 Rex Cruse Drive
Sherman, TX 75092

BACA Architecture
Kent Salisbury
100 N. Travis Street, Ste. 500A
Sherman, TX 75090

Dear Applicants,

The request for an amendment for a Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) for a Youth Hall/Gym Addition in an R-1 (One-Family Residential) District with a Specific Use Permit to allow a church located at 2605 Rex Cruse Drive has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, December 14, 2021 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-1 (One-Family Residential) District, the Fence Ordinance, and the Residential Tree and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.3; Sec. 7(13) and Sec. 17*)
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Driveways and parking are permitted on paved surfaces only (concrete or asphalt). (*Chapter 14, Exhibit A, Section 7, Subsection 10(h)*)
4. All required off-street parking shall be on private property and shall not encroach into the right-of-way. (*Chapter 14, Exhibit A, Section 7, Subsection 10(b)*)
5. A minimum 6' solid screening device shall be provided abutting residentially zoned property.
6. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
7. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering:

8. Final Plat of North Park Baptist Church to be updated to Staff Review Letter dated February 11, 2020 and current City standards and be filed of record in the Grayson County Plat Records prior to any building permits being issued.
9. Drive approaches on site plan do not meet current City standard. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is

- required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
10. Privately owned and maintained detention in accordance with City criteria may be required. Engineering documentation shall be provided to the City of Sherman Engineering Department for review and approval. If detention is required, Ownership and Maintenance information to be shown on plat. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(I)*
 11. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae
Acting Secretary, Planning and Zoning Commission and Board of Adjustments

CC: Robby Hefton, City Manager
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer

Clint Philpott, Asst. City Manager
Tom Pruitt, Utility Engineer



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 25.

Meeting Date: 12/14/2021

Prepared by: Patsy Reeves, Development Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

2605 REX CRUSE DRIVE

The request of North Park Baptist Church (Owners) and David Baca Studios (Architect) concerning the property at 2605 Rex Cruse Drive, being Lots 1-6, Joe Price Subdivision, as follows:

Planning and Zoning Commission

Amend a Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow the addition of a gymnasium addition in an R-1 (One-Family Residential) District with a Specific Use Permit to allow a church.

Background:

The property is located at 2605 Rex Cruse Drive, the northeast corner of Rex Cruse Drive and West Lamberth Road; North Park Baptist Church is the tenant. The property is zoned an R-1 (One Family Residential) District. North Park Baptist Church would like to construct a 4,754 square foot youth hall/gymnasium on the east end of the sanctuary. The exterior of the building will be brick with metal accents to match the existing buildings.

The following has been approved for the property:

- 1973 - Specific Use Permit to allow a church in an R-1 (One Family Residential) District.
- February 11, 1975 - Exception to exceed the 20 square foot maximum area and 6' maximum height for church signs.
- 2011 - Amendment to the Specific Use Permit to allow the addition of three portable classroom buildings with the time limit of five years, providing an 8' privacy fence, 80' along the north property line where the portable buildings will be placed and providing shrubs/hedges in front of the portable buildings on the west side of the property. (Ord 5703)
- March 16, 2020 - Specific Use Permit Amendment to allow a church. (Ord 6285)

Adjacent Zoning:

R-1 (One-Family Residential) District
C-1 (Retail Business) District

Origination:

North Park Baptist Church (Owners)
Kent Salisbury, David Baca Studios (Architect)
Copley Land Surveying (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

25

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Site Plan
Building Elevations
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 5.

Meeting Date: 01/03/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6448

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So As to Grant a Specific Use Permit to Allow Permanent Makeup, Micro-blading/Eyebrow Shading, Eye Liner and Lip Blushing in a C-1 (Retail Business) District/O-1.2 (Sam Rayburn) Overlay District at 240 East Evergreen Street, being part of Lot 2, Block 1, Kerrs N Walnut Addition (Overmore LLC, Owner; Dan Newal, Representative; and Joanna Peacock and Adrianna LeGros, Applicants); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

Issue:

To consider Granting a Specific Use Permit to allow a Permanent Makeup, Micro-blading/Eyebrow Shading, Eye Liner and Lip Blushing in a C-1 (Retail Business) District/O-1.2 (Sam Rayburn) Overlay District at 240 East Evergreen Street, being part of Lot 2, Block 1, Kerrs N Walnut Addition (Overmore LLC, Owner; Dan Newal, Representative; and Joanna Peacock and Adrianna LeGros, Applicants)

Background:

The property is located at 240 East Evergreen Street between Highway 75 and Branch Street and is zoned a C-1 (Retail Business) District. Joanna Peacock became certified to perform permanent makeup earlier this year. She and her business partner, Adrianna LeGros, who is also certified have been in business for 5 years. They would like to open an esthetic and permanent makeup spa at 240 East Evergreen Street. They would like to provide the following services: micro-blading, eyebrow shading, eye liner and lip blushing.

Origination:

Overmore LLC (Owner)
Dan Newal (Representative)
Allure Laser & Medical Spa (Tenant)
Joanna Peacock and Adrianna LeGros (Applicants)

Financial Consideration:

None

Staff Recommendation:

At the December 14, 2021 regular meeting, the Planning and Zoning Commission voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6448

Exhibit A - Site Plan

Location Map

Zoning Map

Zoning Sign Photo

Building Elevations

Floor Plan

Staff Review Letter

P & Z Communication

ORDINANCE NO. 6448

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A PERMANENT MAKEUP, MICRO-BLADING/EYEBROW SHADING, EYE LINER AND LIP BLUSHING IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1.2 (SAM RAYBURN) OVERLAY DISTRICT AT 240 EAST EVERGREEN STREET, BEING PART OF LOT 2, BLOCK 1, KERRS N WALNUT ADDITION (OVERMORE LLC, OWNER; DAN NEWAL, REPRESENTATIVE; AND JOANNA PEACOCK AND ADRIANNA LEGROS, APPLICANTS) PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

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

SECTION 1. That, from and after the effective date of this Ordinance, Overmore LLC (Owner), Dan Newal (Representative) and Joanna Peacock and Adrianna LeGros (Applicants) concerning the property located at 240 East Evergreen Street, being part of Lot 2, Block 1, Kerrs N Walnut Addition are granted a Specific Use Permit to allow a Permanent Makeup, Micro-blading/Eyebrow Shading, Eye Liner and Lip Blushing in a C-1 (Retail Business) District/O-1.2 (Sam Rayburn) Overlay District and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include property described as **Exhibit A – Site Plan**.

For the purpose of this ordinance the definition of Permanent Makeup, Micro-blading/Eyebrow Shading, Eye Liner and Lip Blushing is as follows: “Establishments primarily engaged in providing services generally involved in the care of the person or his apparel including the cosmetic technique which employs tattoos (permanent pigmentation of the dermis) as a means

of producing designs that resemble makeup, such as eyeliner and other permanent enhancing colors to the skin of the face, lips, eyebrows, and eyelids.”

For the purpose of this ordinance the definition of a Tattoo Studio is as follows: “An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of the following: placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin other than as defined in the Permanent Makeup, Micro-blading/Eyebrow Shading, Eye Liner and Lip Blushing use set forth in this ordinance.”

In no way does this ordinance grant the right to allow the use defined as a tattoo studio.

SECTION 2. That this Specific Use Permit is granted on the following conditions:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City’s General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the C-1 (Retail Business) District, the O-1.2 (Sam Rayburn) Overlay District, the Sign Ordinance and the Commercial Tree and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.6; Sect. 6.13.3; Sec. 7(14) and Sec. 17*)
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Shall comply with all EPA, City, Federal and State regulations for this use.
4. The Specific Use Permit shall be limited to Joanna Peacock and Adrianna LeGros.
5. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
6. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

SECTION 3. That this Ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 5. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 3rd day of January, 2022.

ADOPTED on this the 3rd day of January, 2022.

EFFECTIVE DATE on this the 3rd day of January, 2022.

CITY OF SHERMAN, TEXAS

BY:

DAVID PLYLER, MAYOR

ATTEST:

BY:

LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM

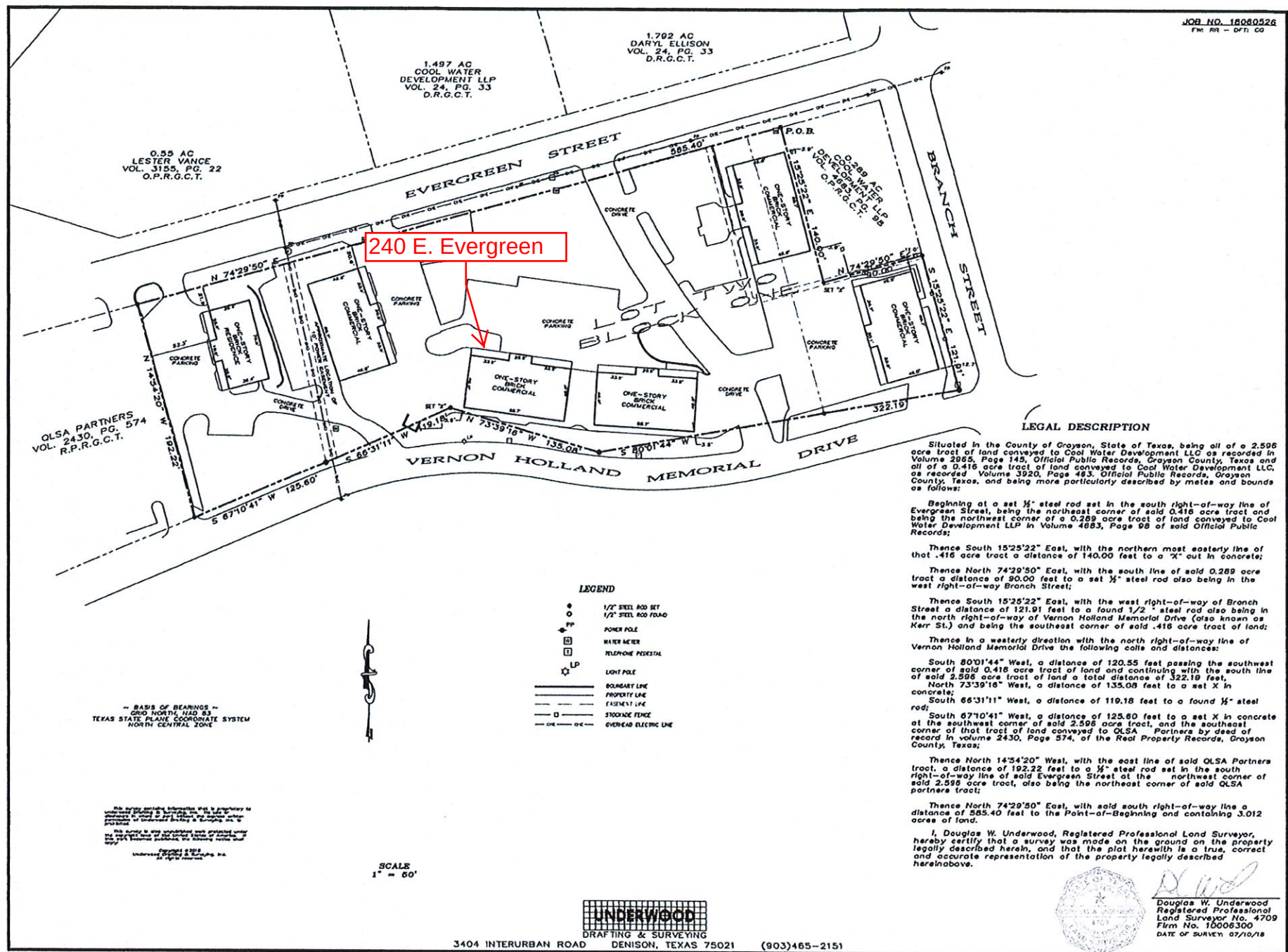
AND CONTENT:

**THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY:

RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT A





240 East Evergreen Street

City of Sherman, Texas
Development Services Department



NOT TO SCALE

1 in = 150 ft

240 East Evergreen Street



240 East Evergreen St
Sherman, TX 75090



STAFF REVIEW LETTER

December 6, 2021

Overmore LLC
12740 Hillcrest Rd. #101
Dallas, TX 75230

Joanna Peacock
2701 Yorkshire Drive
Sherman, TX 75092

Dan Newall
12740 Hillcrest Rd. #101
Dallas, TX 75230

Dear Applicants,

The request for a Specific Use Permit approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow Permanent Makeup, Micro-blading/Eyebrow Shading, Eye Liner and Lip Blushing in a C-1 (Retail Business) District/O-1.2 (Sam Rayburn) Overlay District located at 240 East Evergreen Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, December 14, 2021 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the C-1 (Retail Business) District, the O-1.2 (Sam Rayburn) Overlay District, the Sign Ordinance and the Commercial Tree and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.6; Sect. 6.13.3; Sec. 7(14) and Sec. 17*)
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Shall comply with all EPA, City, Federal and State regulations for this use.
4. The Specific Use Permit shall be limited to Joanna Peacock and Adrianna LeGros.
5. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
6. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae
Acting Secretary, Planning and Zoning Commission and Board of Adjustments

CC: Robby Hefton, City Manager
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer

Clint Philpott, Asst. City Manager
Tom Pruitt, Utility Engineer



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 13.

Meeting Date: 12/14/2021

Prepared by: Patsy Reeves, Development Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

240 EAST EVERGREEN

The request of Overmore LLC (Owner), Dan Newal (Representative) and Joanna Peacock and Adrianna LeGros (Applicants) concerning the property located at 240 East Evergreen Street, being part of Lot 2, Block 1, Kerrs N Walnut Addition, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow Permanent Makeup, Micro-blading/Eyebrow Shading, Eye Liner and Lip Blushing in a C-1 (Retail Business) District/O-1.2 (Sam Rayburn) Overlay District.

Background:

The property is located at 240 East Evergreen Street between Highway 75 and Branch Street and is zoned a C-1 (Retail Business) District. Joanna Peacock became certified to perform permanent makeup earlier this year. She and her business partner, Adrianna LeGros, who is also certified have been in business for 5 years. They would like to open an esthetic and permanent makeup spa at 240 East Evergreen Street. They would like to provide the following services: micro-blading, eyebrow shading, eye liner and lip blushing.

Adjacent Zoning:

R-1 (One-Family Residential) District

C-1 (Retail Business) District

C-2 (General Commercial) District

Origination:

Overmore LLC (Owner)

Dan Newal (Representative)

Allure Laser & Medical Spa (Tenant)

Joanna Peacock and Adrianna LeGros (Applicants)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

19

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Aerial View
Site Plan
Floor Plan
Building Elevations
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 6.

Meeting Date: 01/03/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6449

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the C-1 (Retail Business) District, located at 901, 903, 917 and 921 East Houston Street and 910 East Chaffin Street, being 1.695 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Block 19, Chaffin's Addition (Hope on Houston, Inc., Owner and Helvey-Wagner Surveying, Inc., Surveyor); Providing for a Penalty not to Exceed \$2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

Issue:

To consider the request of Hope on Houston, Inc, (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property at 901, 903, 917 and 921 East Houston Street and 910 East Chaffin Street, being 1.695 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Block 19, Chaffin's Addition for zone change approval from an R-1 (One-Family Residential) District to a C-1 (Retail Business) District.

Background:

The property is located at 901, 903, 917 and 921 East Houston Street and 910 East Chaffin Street; the northeast corner of Houston and Willow Streets and is zoned an R-1 (One-Family Residential) District. Hope on Houston would like to change the zoning on the property to a C-1 (Retail Business) District. The building at 901 East Houston was formerly a church and was renovated for non-profit organizations. They would like to renovate the existing building at 921 East Houston Street for Vecinos Ministry, a ministry of First United Methodist Church to sell baked goods, tortillas and coffee to raise money for the ministry.

Origination:

Hope on Houston, Inc. (Owner)

Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the December 14, 2021 regular meeting, the Planning and Zoning Commission voted 7/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6449

Exhibit A Plat

Location Map

Zoning Map

Zoning Sign Photo

Hope on Houston Replat

Site Plan

Staff Review Letter

P & Z Communication

ORDINANCE NO. 6449

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT, LOCATED AT 901, 903, 917 AND 921 EAST HOUSTON STREET AND 910 EAST CHAFFIN STREET, BEING 1.695 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763 AND BEING PART OF BLOCK 19, CHAFFIN'S ADDITION (HOPE ON HOUSTON, INC, OWNER AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this proposed rezoning case; and

WHEREAS, the City Council finds that rezoning the property as described in this Ordinance is in accordance with the Comprehensive Plan and will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to rezone the property as described in this Ordinance.

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

SECTION 1. That, from and after the effective date of this Ordinance, the property described in **Exhibit A – Plat**, attached hereto, located at 901, 903, 917 and 921 East Houston Street and 910 East Chaffin Street, shall be rezoned and placed in the C-1 (Retail Business) District, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include such property.

SECTION 2. That this ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 3. That no person shall acquire any vested interest in this ordinance or in any other specific regulations contained herein. Any portion of this ordinance may be repealed or amended by the City Council in the manner provided for by law.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 5. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 3rd day of January, 2022.

ADOPTED on this the 3rd day of January, 2022.

EFFECTIVE DATE on this the 3rd day of January, 2022.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

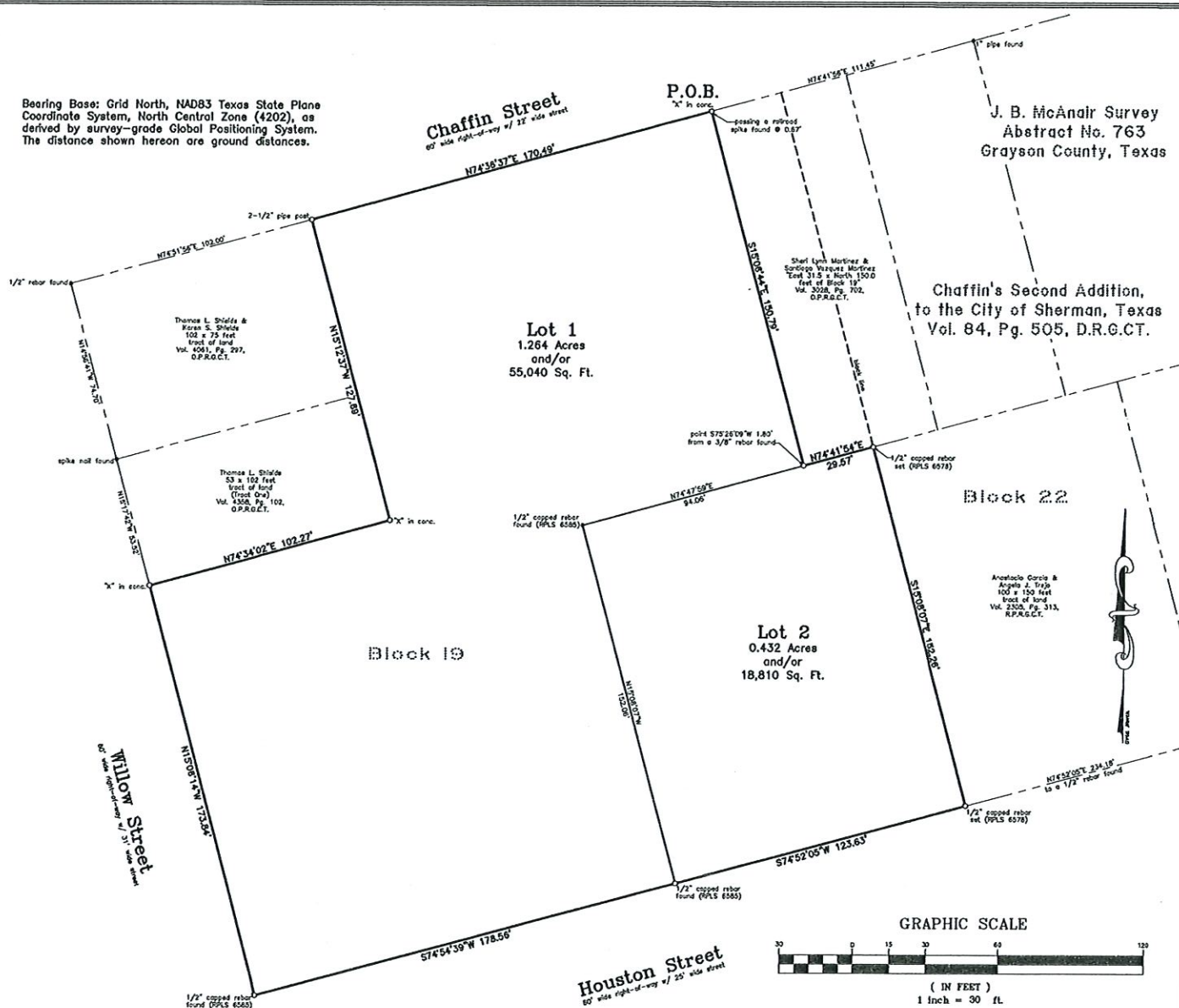
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

Bearing Base: Grid North, NAD83 Texas State Plane Coordinate System, North Central Zone (4202), as derived by survey-grade Global Positioning System. The distance shown hereon are ground distances.



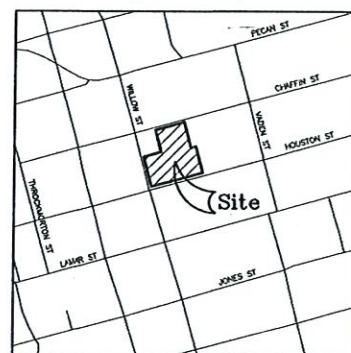
Hope on Houston Addition (being a Replat of a part of Block 19, Chaffin's Addition)

to the
City of Sherman, Texas

1.695 Acres

in the
J. B. McAnair Survey
Abstract No. 763

Vicinity Map
(not to scale)



General Notes:

1. Water supply to be provided by the City of Sherman, Texas.
2. Sewer service to be provided by the City of Sherman, Texas.
3. Electrical service is provided by Oncor Electric Company.
4. Easements for the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat hereon lies within a Zone "X" (area determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 4818100290 F, Revised Date: September 28, 2010.
8. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

Job No. CGS021021

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (803) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10088100

Owner:
Hope on Houston, Inc.
2610 Shenandoah Circle
Sherman, Texas 75092

FIELD NOTES

SITUATED in the City of Sherman, County of Grayson, State of Texas, and being a part of the J. B. McAnair Survey, Abstract No. 763 and being part of Block 19, Chaffin's Addition, to the City of Sherman, Texas, as per plat of record in Volume 84, Page 505, Deed Records, Grayson County, Texas, said Part of Block 19 also being described on 1.283 acres (Tract 1), and 121.50 ft. of Block 19, conveyed by Correction General Warranty Deed from Wetman Holdings, LLC, to Hope on Houston, Inc., on April 16, 2020, recorded in Instrument No. 2020-10440, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a "X" found in concrete on the South right-of-way line of Chaffin Street, a North line of said Block 19, at the Northwest corner of the Sheri Lynn Martinez and Santiago Vazquez Martinez East 31.5 x 150.0 feet of Block 19, recorded in Volume 3028, Page 702, said Official Public Records, the Northeast corner of said Hope 1.283 ac. and the most Northern Northeast corner of the herein described tract, SAID "X" being South 74 deg. 41 min. 56 sec. West, 111.45 ft. from a 1 inch pipe found;

THENCE South 15 deg. 08 min. 44 sec. East, with an East line of said Hope 1.263 ac. and the West line of said Martinez tract, PASSING a railroad spike found at 0.67 ft., and continuing for a TOTAL distance of 150.79 ft. to a point that bears South 75 deg. 26 min. 09 sec. West, 1.80 ft. from a 3/8 inch rebar found at the Southwest corner of said Martinez tract, on an angle point of said Hope Tract 2 and an EI corner of both said Hope 1.263 ac. and the herein described tract;

THENCE North 74 deg. 41 min. 54 sec. East, with a North line of said Hope Tract 2 and the South line of said Martinez tract, a distance of 29.57 ft. to a 1/2 inch capped rebar set stamped (RPLS 6578) in the "apparent" East line of said Block 19 and the "apparent" West line of Block 22, said Chaffin's Addition, at the Northwest corner of the Anastacio Garcia and Angela J. Trajo 100 x 150 feet tract of land, recorded in Volume 2305, Page 313, Real Property Records, Grayson County, Texas and the most Eastern Northeast corner of the herein described tract;

THENCE South 15 deg. 08 min. 07 sec. East, with the "apparent" East line of said Block 19 and the "apparent" the West line of said Block 22, a distance of 152.26 ft. to a 1/2 inch capped rebar set stamped (RPLS 6578) in the North right-of-way line of Houston Street, at the "apparent" Southeast corner of said Block 19 and the "apparent" Southwest corner of both said Block 22 and Garcia tract, at the Southeast corner of the herein described tract;

THENCE South 74 deg. 52 min. 05 sec. West, with the North right-of-way line of said Houston Street and a South line of both said Block 19 and said Hope Tract 2, a distance of 123.63 ft. to a 1/2 inch capped rebar found stamped (RPLS 6585) at the Southwest corner of said Hope Tract 2 and the most Southern Southeast corner of said Hope 1.263 ac., at an angle point of the herein described tract;

THENCE South 74 deg. 54 min. 39 sec. West, continuing with the North right-of-way line of said Houston Street and a South line of both said Block 19 and said Hope 1.263 ac., a distance of 178.56 ft. to a 1/2 inch capped rebar found stamped (RPLS 6585) at the intersection of the North line of said Houston Street with the East line of Willow Street, at the Southwest corner of all said Block 19, Hope 1.263 ac. and the herein described tract;

THENCE North 15 deg. 08 min. 14 sec. West, with the East right-of-way line of said Willow Street and a West line of said Hope 1.263 ac., a distance of 173.84 ft. to a "X" found in concrete at the Southwest corner of the Thomas L. Shields 53 x 102 feet tract of land (Tract One), recorded in Volume 4358, Page 102, said Official Public Records and the most Western Northwest corner of both said Hope 1.263 ac. and the herein described tract, SAID "X" being South 15 deg. 17 min. 42 sec. West, 53.52 ft. from a spike nail found;

THENCE North 74 deg. 34 min. 02 sec. East, with a North line of said Hope 1.263 ac. and the South line of said Shields Tract One, a distance of 102.27 ft. to a "X" found in concrete at the Southeast corner of said Shields Tract One, an EI corner of both said Hope 1.263 ac. and the herein described tract;

THENCE North 15 deg. 12 min. 37 sec. West, with a West line of said Hope 1.263 ac. and the East line of said Shields Tract One, a distance of 127.69 ft. to a 2-1/2 inch pipe post found in the South right-of-way line of said Chaffin Street and the North line of said Block 19, at the Northeast corner of the Thomas L. Shields and Karen S. Shields 102 x 75 feet tract of land, recorded in Volume 4061, Page 297, said Official Public Records, the most Northern Northwest corner of both said Hope 1.263 ac. and the herein described tract, SAID post being North 74 deg. 51 min. 56 sec. East, 102.00 ft. from a 1/2 inch rebar found;

THENCE North 74 deg. 36 min. 37 sec. East, with the South right-of-way line of said Chaffin Street and the North line of both said Block 19 and said Hope 1.263 ac., a distance of 170.49 ft. to the PLACE OF BEGINNING and containing 1.695 ACRES and/or 73,860 SQUARE FEET of land.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

Kate A. Wagner, R. P. L. S. No. 6578

Date:



I, Hope on Houston, Inc., sole owner of Hope on Houston Addition to the City of Sherman, Texas do hereby dedicate the streets, easements, alleys, rights-of-way, parks, school sites and other public places shown hereon to the public use forever.

Gail Utter, Authorized Representative for Hope on Houston, Inc.

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Gail Utter, 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 expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2021.

Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN, BROAD HORIZON

This, the final plat of Hope on Houston Addition to the City of Sherman, Texas is hereby approved this _____ day of _____, 2021, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman

Secretary

This, the final plat of Hope on Houston Addition to the City of Sherman, Texas is hereby approved this _____ day of _____, 2021, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: _____ MAYOR, CITY OF SHERMAN, TEXAS _____ DATE _____

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing final plat of Hope on Houston Addition to the City of Sherman, Texas was submitted to the City Council of Sherman, Texas, on the _____ day of _____, 2021, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

WITNESS MY HAND THIS _____ DAY OF _____, 2021, BY _____ CITY CLERK, CITY OF SHERMAN, TEXAS

Hope on Houston Addition (being a Replat of a part of Block 19, Chaffin's Addition)

to the
City of Sherman, Texas
1.695 Acres

In the
J. B. McAnair Survey
Abstract No. 763

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (803) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10088100

Owner:
Hope on Houston, Inc.
2610 Shenandoah Circle
Sherman, Texas 75092



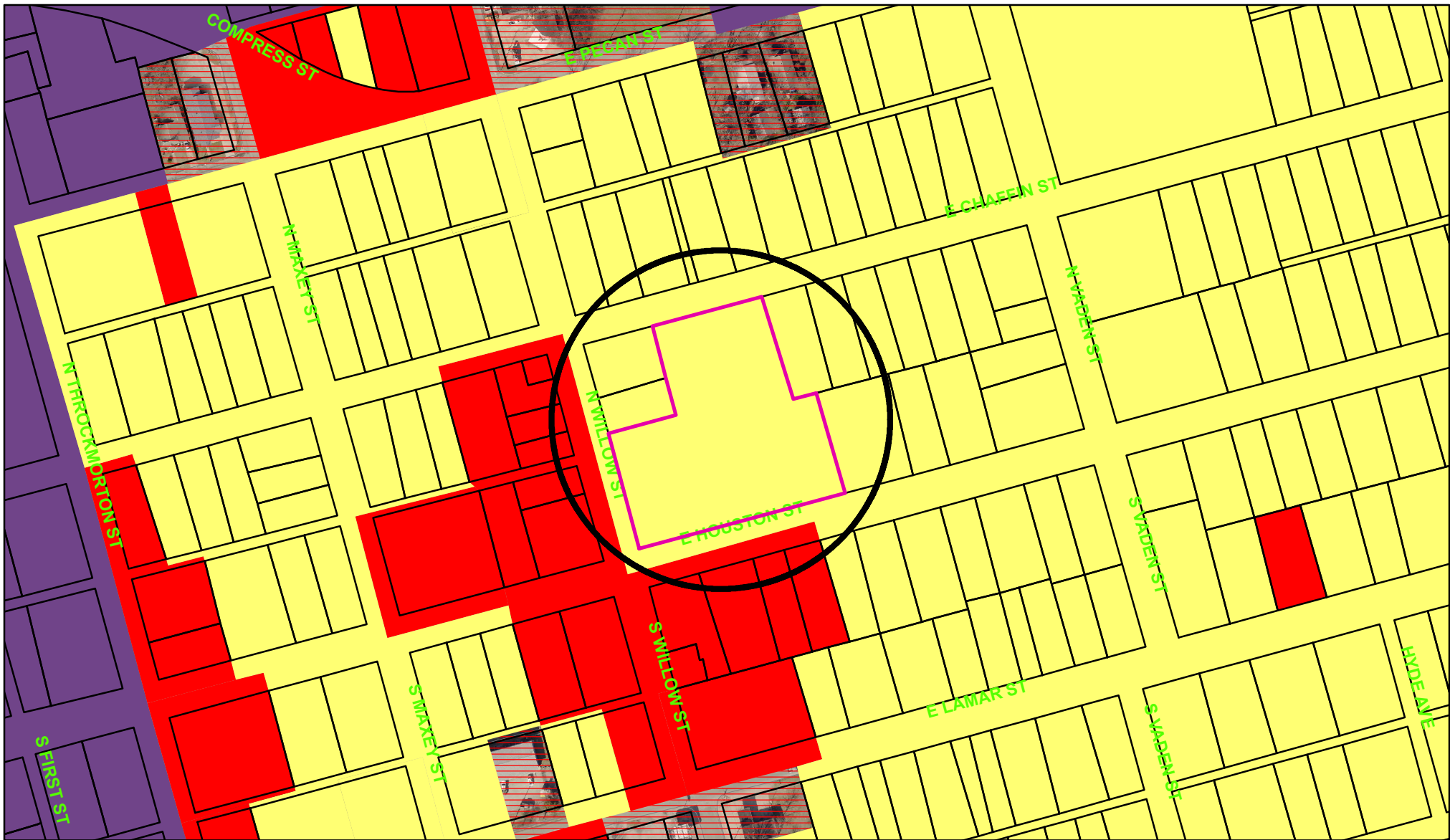
City of Sherman, Texas
Development Services Department

901, 903, 917 & 921 East Houston Street & 910 East Chaffin Street



NOT TO SCALE

1 in = 200 ft



Zoning - 901, 903, 917 & 921 East Houston Street & 910 East Chaffin Street

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP - Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Development Services Department



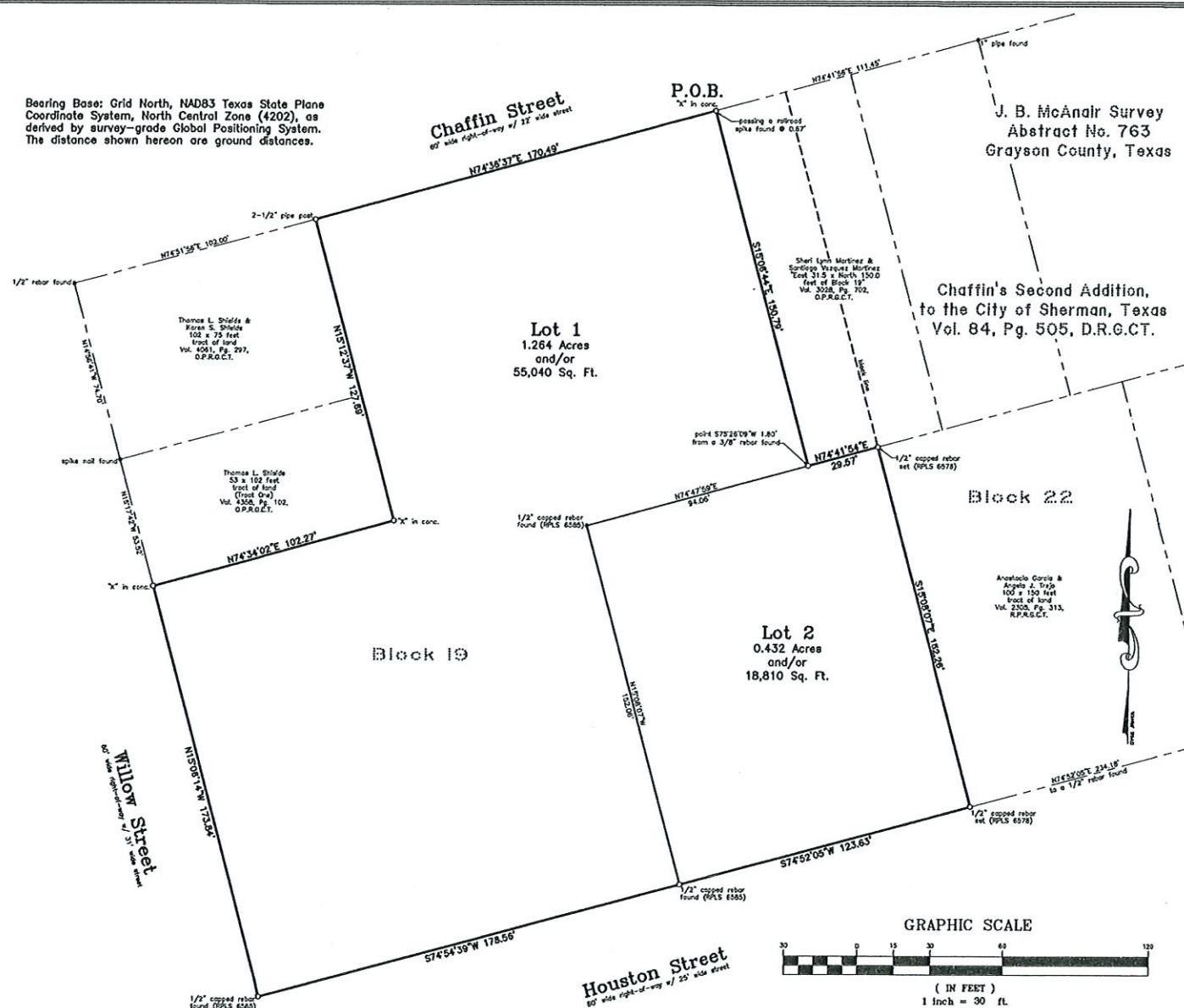
NOT TO SCALE

1 in = 200 ft

**901, 903, 917, 921 East Houston Street
910 East Chaffin Street**



Bearing Base: Grid North, NAD83 Texas State Plane Coordinate System, North Central Zone (4202), as derived by survey-grade Global Positioning System. The distance shown hereon are ground distances.



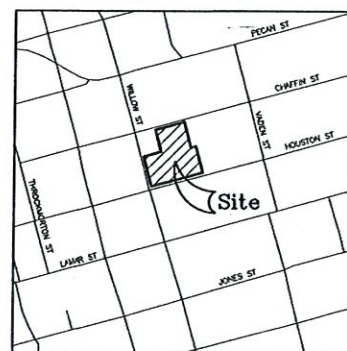
Hope on Houston Addition (being a Replat of a part of Block 19, Chaffin's Addition)

to the
City of Sherman, Texas

1.695 Acres

in the
J. B. McAnair Survey
Abstract No. 763

Vicinity Map
(not to scale)



General Notes:

1. Water supply to be provided by the City of Sherman, Texas.
2. Sewer service to be provided by the City of Sherman, Texas.
3. Electrical service is provided by Oncor Electric Company.
4. Flooding the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat hereon lies within a Zone "X" (area determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 4818100290 F, Revised Date: September 28, 2010.
8. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

Job No. CGS021021

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (803) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10088100

Owner:
Hope on Houston, Inc.
2610 Shenandoah Circle
Sherman, Texas 75092

FIELD NOTES

SITUATED in the City of Sherman, County of Grayson, State of Texas, and being a part of the J. B. McAnair Survey, Abstract No. 763 and being part of Block 19, Chaffin's Addition, to the City of Sherman, Texas, as per plat of record in Volume 84, Page 505, Deed Records, Grayson County, Texas, said Part of Block 19 also being described on 1.263 acres (Tract 1), and 121.50 ft. by 150 ft. tract of land (Tract 2), conveyed by Correlation General Warranty Deed from Welfton Holdings, LLC, to Hope on Houston, Inc., on April 16, 2020, recorded in Instrument No. 2020-10440, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a "X" found in concrete on the South right-of-way line of Chaffin Street, a North line of said Block 19, at the Northwest corner of the Sheri Lynn Martinez and Santiago Vazquez Martinez "East 31.5 x 150.0 feet of Block 19", recorded in Volume 3028, Page 702, said Official Public Records, the Northeast corner of said Hope 1.263 ac. and the most Northern Northeast corner of the herein described tract, SAID "X" being South 74 deg. 41 min. 56 sec. West, 111.45 ft. from a 1 inch pipe found;

THENCE South 15 deg. 08 min. 44 sec. East, with an East line of said Hope 1.263 ac. and the West line of said Martinez tract, PASSING a railroad spike found at 0.67 ft., and continuing for a TOTAL distance of 150.79 ft. to a point that bears South 75 deg. 26 min. 09 sec. West, 1.80 ft. from a 3/8 inch rebar found at the Southwest corner of said Martinez tract, on an angle point of said Hope Tract 2 and an El corner of both said Hope 1.263 ac. and the herein described tract;

THENCE North 74 deg. 41 min. 54 sec. East, with a North line of said Hope Tract 2 and the South line of said Martinez tract, a distance of 29.57 ft. to a 1/2 inch capped rebar set stamped (RPLS 6578) in the "apparent" East line of said Block 19 and the "apparent" West line of Block 22, said Chaffin's Addition, at the Northwest corner of the Anastacio Garcia and Angela J. Trajo 100 x 150 feet tract of land, recorded in Volume 2305, Page 313, Real Property Records, Grayson County, Texas and the most Eastern Northeast corner of the herein described tract;

THENCE South 15 deg. 08 min. 07 sec. East, with the "apparent" East line of said Block 19 and the "apparent" the West line of said Block 22, a distance of 152.26 ft. to a 1/2 inch capped rebar set stamped (RPLS 6578) in the North right-of-way line of Houston Street, at the "apparent" Southeast corner of said Block 19 and the "apparent" Southwest corner of both said Block 22 and Garcia tract, at the Southeast corner of the herein described tract;

THENCE South 74 deg. 52 min. 05 sec. West, with the North right-of-way line of said Houston Street and a South line of both said Block 19 and said Hope Tract 2, a distance of 123.63 ft. to a 1/2 inch capped rebar found stamped (RPLS 6585) at the Southwest corner of said Hope Tract 2 and the most Southern Southeast corner of said Hope 1.263 ac., at an angle point of the herein described tract;

THENCE South 74 deg. 54 min. 39 sec. West, continuing with the North right-of-way line of said Houston Street and a South line of both said Block 19 and said Hope 1.263 ac., a distance of 178.56 ft. to a 1/2 inch capped rebar found stamped (RPLS 6585) at the intersection of the North line of said Houston Street with the East line of Willow Street, at the Southwest corner of all said Block 19, Hope 1.263 ac. and the herein described tract;

THENCE North 15 deg. 08 min. 14 sec. West, with the East right-of-way line of said Willow Street and a West line of said Hope 1.263 ac., a distance of 173.84 ft. to a "X" found in concrete at the Southwest corner of the Thomas L. Shields 53 x 102 feet tract of land (Tract One), recorded in Volume 4358, Page 102, said Official Public Records and the most Western Northwest corner of both said Hope 1.263 ac. and the herein described tract, SAID "X" being South 15 deg. 17 min. 42 sec. West, 53.52 ft. from a spike nail found;

THENCE North 74 deg. 34 min. 02 sec. East, with a North line of said Hope 1.263 ac. and the South line of said Shields Tract One, a distance of 102.27 ft. to a "X" found in concrete at the Southeast corner of said Shields Tract One, an El corner of both said Hope 1.263 ac. and the herein described tract;

THENCE North 15 deg. 12 min. 37 sec. West, with a West line of said Hope 1.263 ac. and the East line of said Shields Tract One, a distance of 127.69 ft. to a 2-1/2 inch pipe post found in the South right-of-way line of said Chaffin Street and the North line of said Block 19, at the Northeast corner of the Thomas L. Shields and Karen S. Shields 102 x 75 feet tract of land, recorded in Volume 4081, Page 297, said Official Public Records, the most Northern Northwest corner of both said Hope 1.263 ac. and the herein described tract, SAID post being North 74 deg. 51 min. 56 sec. East, 102.00 ft. from a 1/2 inch rebar found;

THENCE North 74 deg. 36 min. 37 sec. East, with the South right-of-way line of said Chaffin Street and the North line of both said Block 19 and said Hope 1.263 ac., a distance of 170.49 ft. to the PLACE OF BEGINNING and containing 1.695 ACRES and/or 73,860 SQUARE FEET of land.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

Kate A. Wagner, R. P. L. S. No. 6578

Date:



I, Hope on Houston, Inc., sole owner of Hope on Houston Addition to the City of Sherman, Texas do hereby dedicate the streets, easements, alleys, rights-of-way, parks, school sites and other public places shown hereon to the public use forever.

Gail Utter, Authorized Representative for Hope on Houston, Inc.

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Gail Utter, 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 expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2021.

Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN, BROAD HORIZON

This, the final plat of Hope on Houston Addition to the City of Sherman, Texas is hereby approved this _____ day of _____, 2021, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman

Secretary

This, the final plat of Hope on Houston Addition to the City of Sherman, Texas is hereby approved this _____ day of _____, 2021, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: _____ MAYOR, CITY OF SHERMAN, TEXAS _____ DATE _____

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing final plat of Hope on Houston Addition to the City of Sherman, Texas was submitted to the City Council of Sherman, Texas, on the _____ day of _____, 2021, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

WITNESS MY HAND THIS _____ DAY OF _____, 2021, BY _____ CITY CLERK, CITY OF SHERMAN, TEXAS

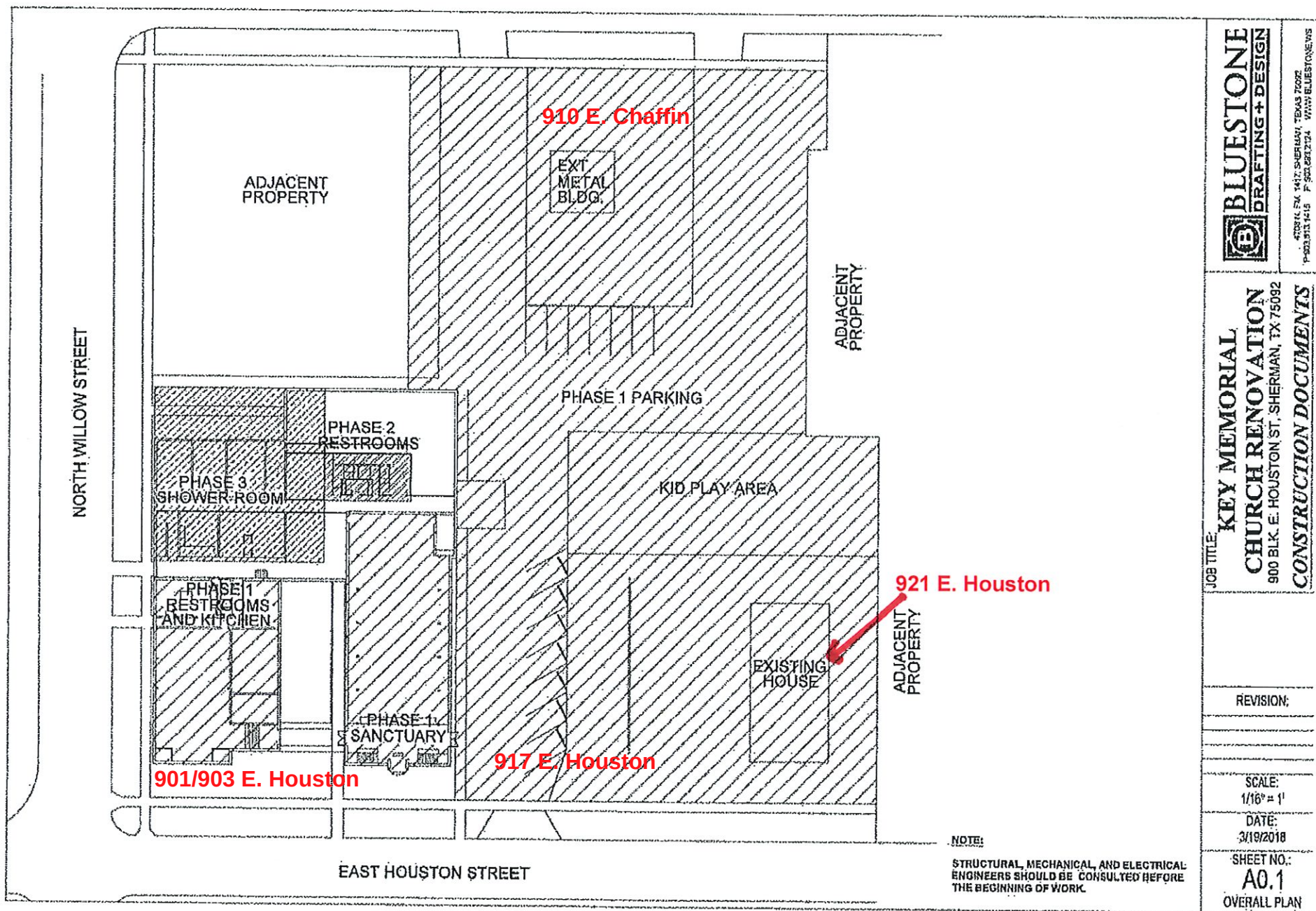
Hope on Houston Addition (being a Replat of a part of Block 19, Chaffin's Addition)

to the
City of Sherman, Texas
1.695 Acres

in the
J. B. McAnair Survey
Abstract No. 763

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (803) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10088100

Owner:
Hope on Houston, Inc.
2610 Shenandoah Circle
Sherman, Texas 75092



40814 SW 1417 SHERMAN, TEXAS 75092
P-003.811.1415 F-902.612.124 WWW.BLUESTONEWS

JOB TITLE: **KEY MEMORIAL CHURCH RENOVATION**
900 BLK. E. HOUSTON ST. SHERMAN, TX 75092
CONSTRUCTION DOCUMENTS

REVISION:

SCALE:
1/16" = 1'

DATE:
3/19/2018

SHEET NO.:
A0.1
OVERALL PLAN

STAFF REVIEW LETTER

December 6, 2021

Hope on Houston, Inc.
2610 Shenandoah Circle
Sherman, TX 75090

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Dear Applicants,

The request for a zone change and site plan approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District to a C-1 (Retail Business) District located at 901, 903, 917 and 921 East Houston Street and 910 East Chaffin Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, December 14, 2021 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City Ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the C-1 (Retail Business) District, the Sign Ordinance, the Fence Ordinance and the Commercial Tree and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.6; Sec. 7(14), Sec. 7(13) and Sec. 17*).
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All required off-street parking shall be on private property and shall not encroach into the right-of-way. (*Chapter 14, Exhibit A, Section 7, Subsection 10(b)*)
4. Driveways and parking are permitted on paved surfaces only (concrete or asphalt). (*Chapter 14, Exhibit A, Section 7, Subsection 10(h)*)
5. A parking space is considered to be 9' x 20'. (*Chapter 14, Exhibit A, Section 7, Subsection 10(b)*)
6. The trash dumpster must be located inside the main building area and screened. (*Chapter 14, Exhibit A, Section 7, Subsection 13(d)(4)*)
7. The property must be properly maintained in a state of good repair and neat appearance.
8. The property and use shall comply with all City, Federal and State regulations.
9. The building must be brought up to commercial building codes before a Certificate of Occupancy Permit will be issued.
10. A minimum six (6) foot solid screening device shall be provided abutting residentially zoned property. (*Chapter 14, Exhibit A, Section 7, Subsection 13(d)(2)*)
11. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
12. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering:

13. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae
Acting Secretary, Planning and Zoning Commission and Board of Adjustments

CC: Robby Hefton, City Manager
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer

Clint Philpott, Asst. City Manager
Tom Pruitt, Utility Engineer



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 8.

Meeting Date: 12/14/2021

Prepared by: Patsy Reeves, Development Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

901, 903, 917 & 921 EAST HOUSTON STREET AND 910 EAST CHAFFIN STREET

The request of Hope on Houston, Inc. (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property at 901, 903, 917 and 921 East Houston Street and 910 East Chaffin Street, being 1.695 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Block 19, Chaffin's Addition, as follows:

Planning and Zoning Commission

Zone change and site plan approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District to a C-1 (Retail Business) District.

Background:

The property is located at 901, 903, 917 and 921 East Houston Street and 910 East Chaffin Street; the northeast corner of Houston and Willow Streets and is zoned an R-1 (One-Family Residential) District. Hope on Houston would like to change the zoning on the property to a C-1 (Retail Business) District. The building at 901 East Houston was formerly a church and was renovated for non-profit organizations. They would like to renovate the existing building at 921 East Houston Street for Vecinos Ministry, a ministry of First United Methodist Church to sell baked goods, tortillas and coffee to raise money for the ministry.

Adjacent Zoning:

R-1 (One-Family Residential) District

C-1 (Retail Business) District

Origination:

Hope on Houston, Inc. (Owner)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Public/Institutional– The Public and Institutional character type includes schools, churches, and other public services for the City. Buildings may be designed to act as landmarks and this urban design adds flair to a neighborhood.

Number of notices mailed:

17

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Hope on Houston Addition, a Replat of part of Blk. 19, Chaffin's 2nd Addition

Site Plan

Photos

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 7.

Meeting Date: 01/03/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6450

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the R-2 (Multi-Family Residential) District, located in the 1000-1100 blocks of East Peyton, being 15.228 acres in the J.B. McAnair Survey, Abstract No. 763, the Smith McGlothlin Survey, Abstract No. 808 and the Reuben Hendrix Survey, Abstract No. 504 (James R. Melton, Jr., Owner; Naveen Khammampati, Turnkey Tract, Civil Engineer/Representative; and Lonestar Land Surveying, LLC and Sutton & Crow Surveying & Engineering Services, Surveyors); Providing for a Penalty not to Exceed \$2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

Issue:

To consider the request of James R. Melton, Jr. (Owner), Naveen Khammampati, Turnkey Tract (Civil Engineer/Representative), Lonestar Land Surveying, LLC and Sutton & Crow Surveying & Engineering Services (Surveyors) concerning the property in the 1000-1100 blocks of East Peyton, being 15.228 acres in J.B. McAnair Survey, Abstract No. 763, the Smith McGlothlin Survey, Abstract No. 808 and the Reuben Hendrix Survey, Abstract No. 504 for a zone change approval for The Village at East Peyton Street under Ordinance No. 2280, Section 12, from a C-2 (General Commercial) District to an R-2 (Multi-Family Residential) District.

Background:

The property is located in the 1000-1100 blocks of East Peyton Street between Loy Lake Road and Texoma Parkway. The property is zoned a C-2 (General Commercial) District. The owner is requesting a zone change to an R-2 (Multi-Family Residential) District for a proposed multi-family (duplex) development.

Origination:

James R. Melton, Jr. (Owner),
Naveen Khammampati, Turnkey Tract (Civil Engineer/Representative)
Lonestar Land Surveying, LLC and Sutton & Crow Surveying & Engineering Services (Surveyors)

Financial Consideration:

None

Staff Recommendation:

At the December 14, 2021 regular meeting, the Planning and Zoning Commission voted 7/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter. At the Planning and Zoning Commission Meeting several citizens voiced concerns with traffic, noise, flooding and privacy.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6450

Exhibit A-Survey

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Building Elevations

Landscape Plan

Staff Review Letter

P & Z Communication

Letter from Nathan & Bobbie Wieck

ORDINANCE NO. 6450

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, LOCATED IN THE 1000-1100 BLOCKS OF EAST PEYTON, BEING 15.228 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, THE SMITH MCGLOTHLIN SURVEY, ABSTRACT NO. 808 AND THE REUBEN HENDRIX SURVEY, ABSTRACT NO. 504 (JAMES R. MELTON, JR., OWNER; NAVEEN KHAMMAMPATI, TURNKEY TRACT, CIVIL ENGINEER/REPRESENTATIVE; LONESTAR LAND SURVEYING, LLC AND SUTTON & CROW SURVEYING & ENGINEERING SERVICES, SURVEYORS); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this proposed rezoning case; and

WHEREAS, the City Council finds that rezoning the property as described in this Ordinance is in accordance with the Comprehensive Plan and will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to rezone the property as described in this Ordinance.

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

SECTION 1. That, from and after the effective date of this Ordinance, the property described in **Exhibit A – Survey**, attached hereto, located in the 1000-1100 blocks of East Peyton, shall be rezoned and placed in the R-2 (Multi-Family Residential) District, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include such property.

SECTION 2. That this ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 3. That no person shall acquire any vested interest in this ordinance or in any other specific regulations contained herein. Any portion of this ordinance may be repealed or amended by the City Council in the manner provided for by law.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 5. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 3rd day of January, 2022.

ADOPTED on this the 3rd day of January, 2022.

EFFECTIVE DATE on this the 3rd day of January, 2022.

CITY OF SHERMAN, TEXAS

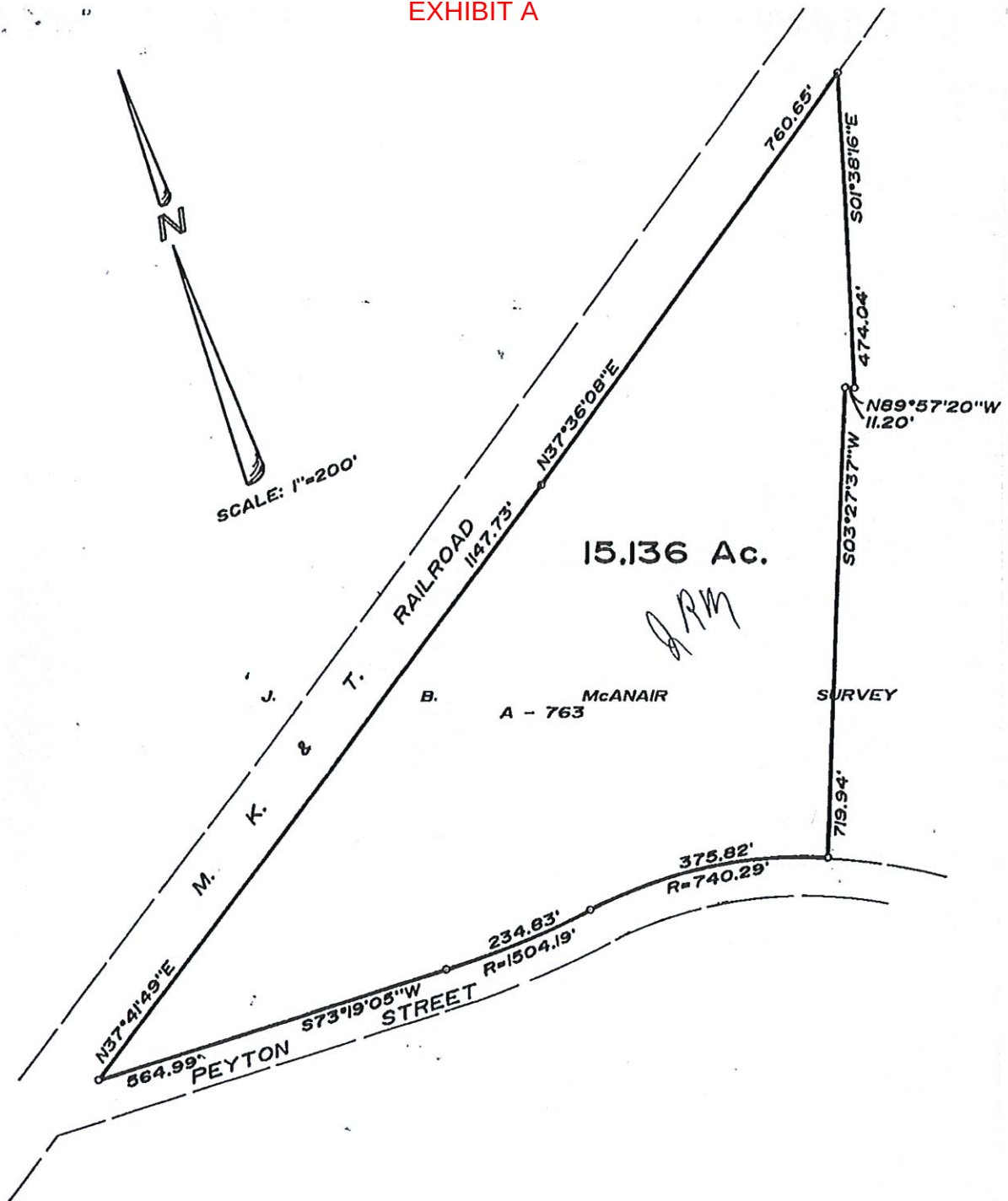
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY



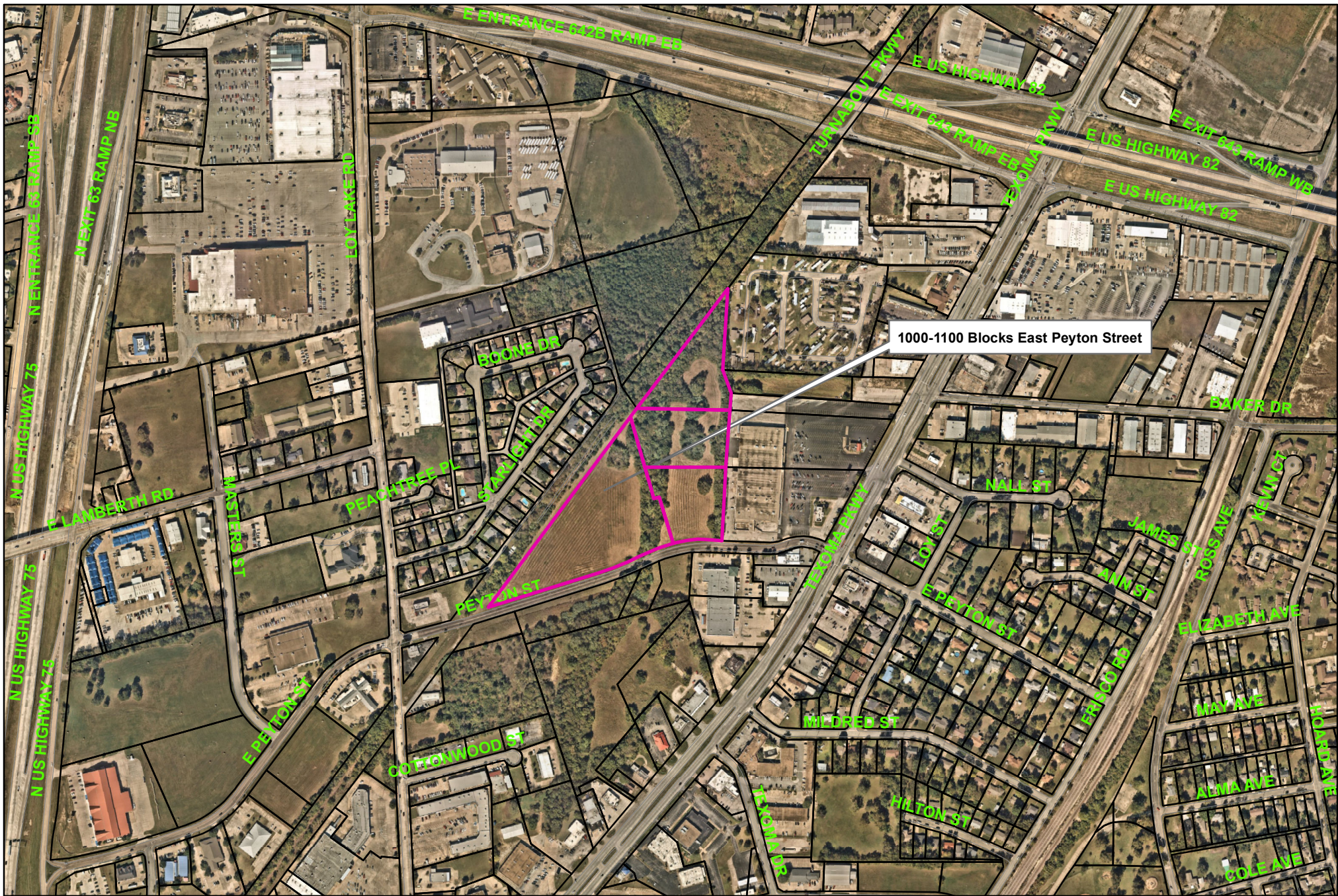
TO THE TITLE COMPANY, LIENHOLDER AND PURCHASER:

I, Bobby J. Crow, Registered Public Surveyor, hereby certify that a survey was made on the ground on the property legally described hereon, and is correct, and that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights-of-way, except as shown on the plat herewith, and that the plat herewith is a true, correct and accurate representation of the property described hereinabove.

Bobby J. Crow
Bobby J. Crow, RPS
February 2, 1987

SUTTON & CROW
SURVEYING & ENGINEERING SERVICES
115 E. LAMAR
SHERMAN, TEXAS 75090
PHONE 892-2447





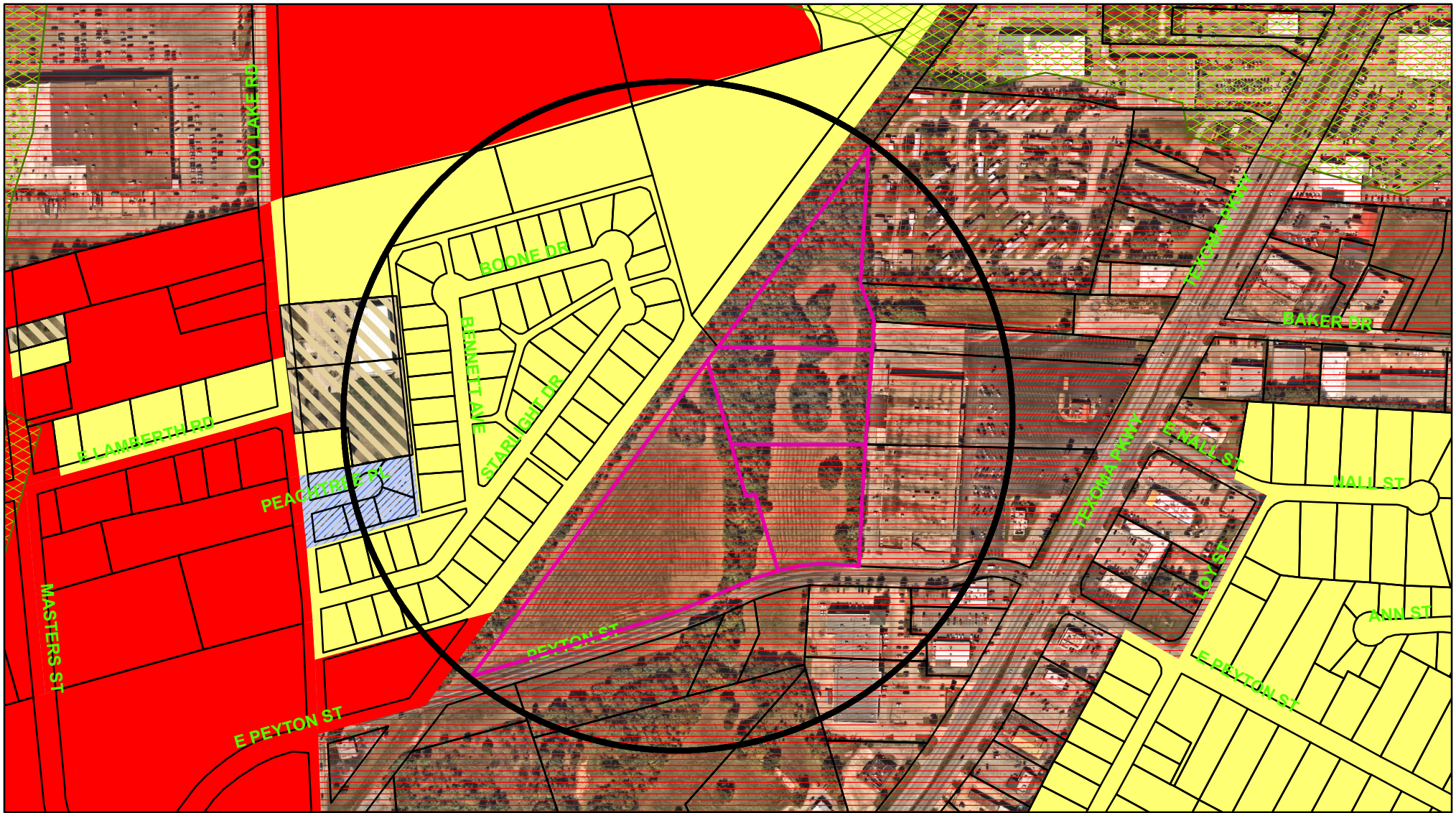
City of Sherman, Texas
Development Services Department

1000-1100 Blocks East Peyton Street



NOT TO SCALE

1 in = 611 ft



Zoning - 1000-1100 Blocks East Peyton Street

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: SpermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: SpermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Development Services Department

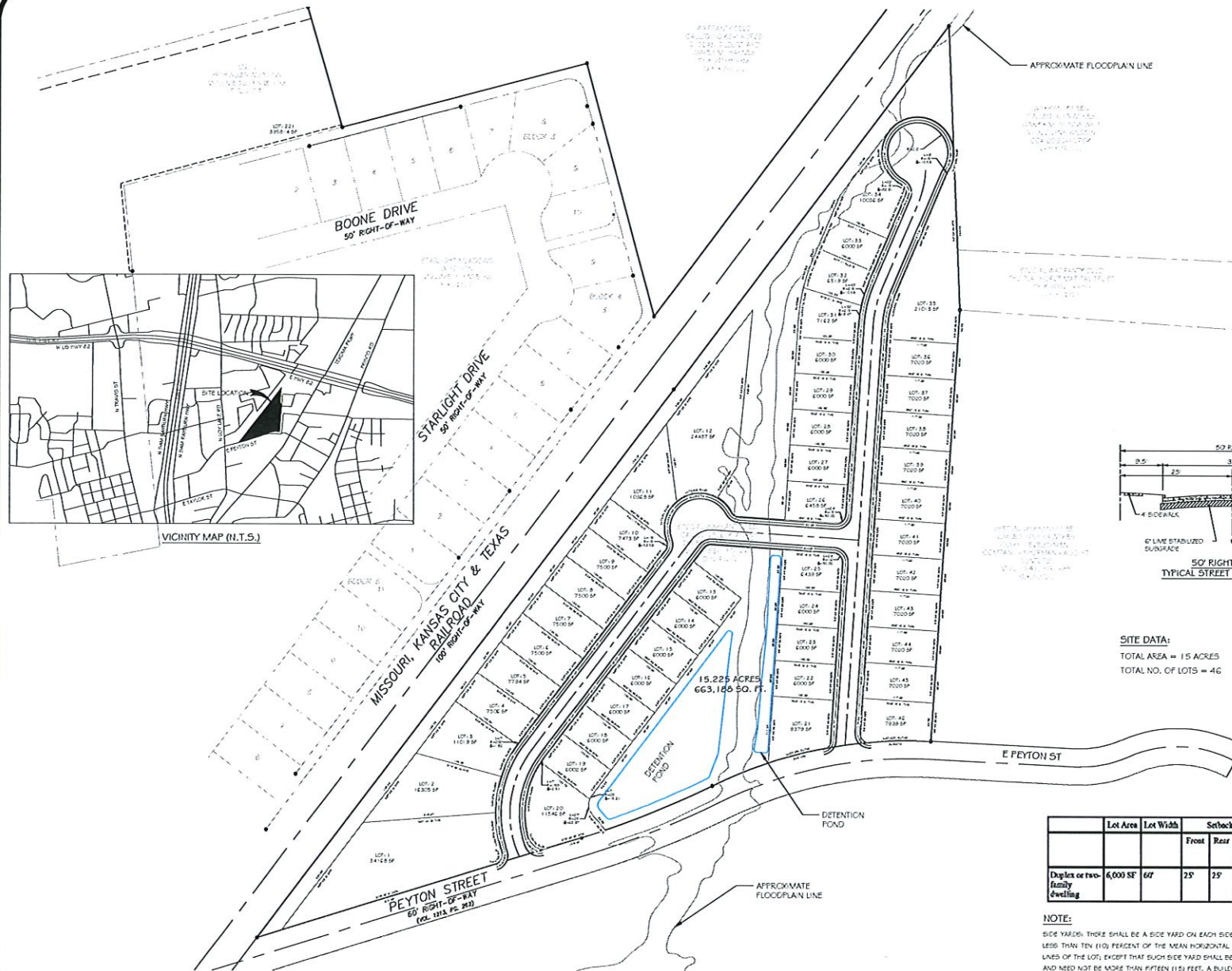


NOT TO SCALE

1 in = 400 ft

1000-1100 Blocks East Peyton Street





THE VILLAGE AT E PEYTON - CONCEPTUAL SITE PLAN

SITE DATA:
TOTAL AREA = 15 ACRES
TOTAL NO. OF LOTS = 46

	Lot Area	Lot Width	Setback		Sum of Both
			Front	Rear	
Duplex or two-family dwelling	6,000 SF	60'	25'	25'	SEE NOTE BELOW

NOTE:
SIDE YARDS: THERE SHALL BE A SIDE YARD ON EACH SIDE OF THE MAIN BUILDING NOT LESS THAN TEN (10) PERCENT OF THE MEAN HORIZONTAL DISTANCE BETWEEN THE SIDE LINES OF THE LOTS, EXCEPT THAT SUCH SIDE YARD SHALL BE NOT LESS THAN SIX (6) FEET, AND NEED NOT BE MORE THAN FIFTEEN (15) FEET. A BUILDING ON A CORNER LOT SHALL HAVE A SIDE STREET OF NOT LESS THAN TEN (10) FEET.

SITE PLAN

11-17-2021



TURNKEY TRACT
F-22283

NOT FOR CONSTRUCTION

No.	Revision/Issue	Date
1		

Form Name and Address
TURNKEY TRACT
2770 MAIN ST #171 FRISCO, TX
75033
F-22283
nkcivilengineer4@gmail.com
214-377-0388

Project Name and Address
THE VILLAGE AT E PEYTON ST
SHERMAN, TX 75090

Project	Sheet
11/17/2021	1 OF 3

NOTE:
ELEVATIONS SHOWN HERE ARE FOR ILLUSTRATION PURPOSE ONLY.
ACTUAL STRUCTURES MAY VARY BUT WILL BE BUILT IN ACCORDANCE
WITH THE CITY OF SHERMAN REGULATIONS.



CONCEPTUAL
ELEVATIONS
CONCEPTUAL ELEVATIONS

CONCEPTUAL ELEVATION & LANDSCAPE SHG

CONCEPTUAL ELEVATIONS

11-17-2021



TURNKEY TRACT
F-22283

K. K. K.

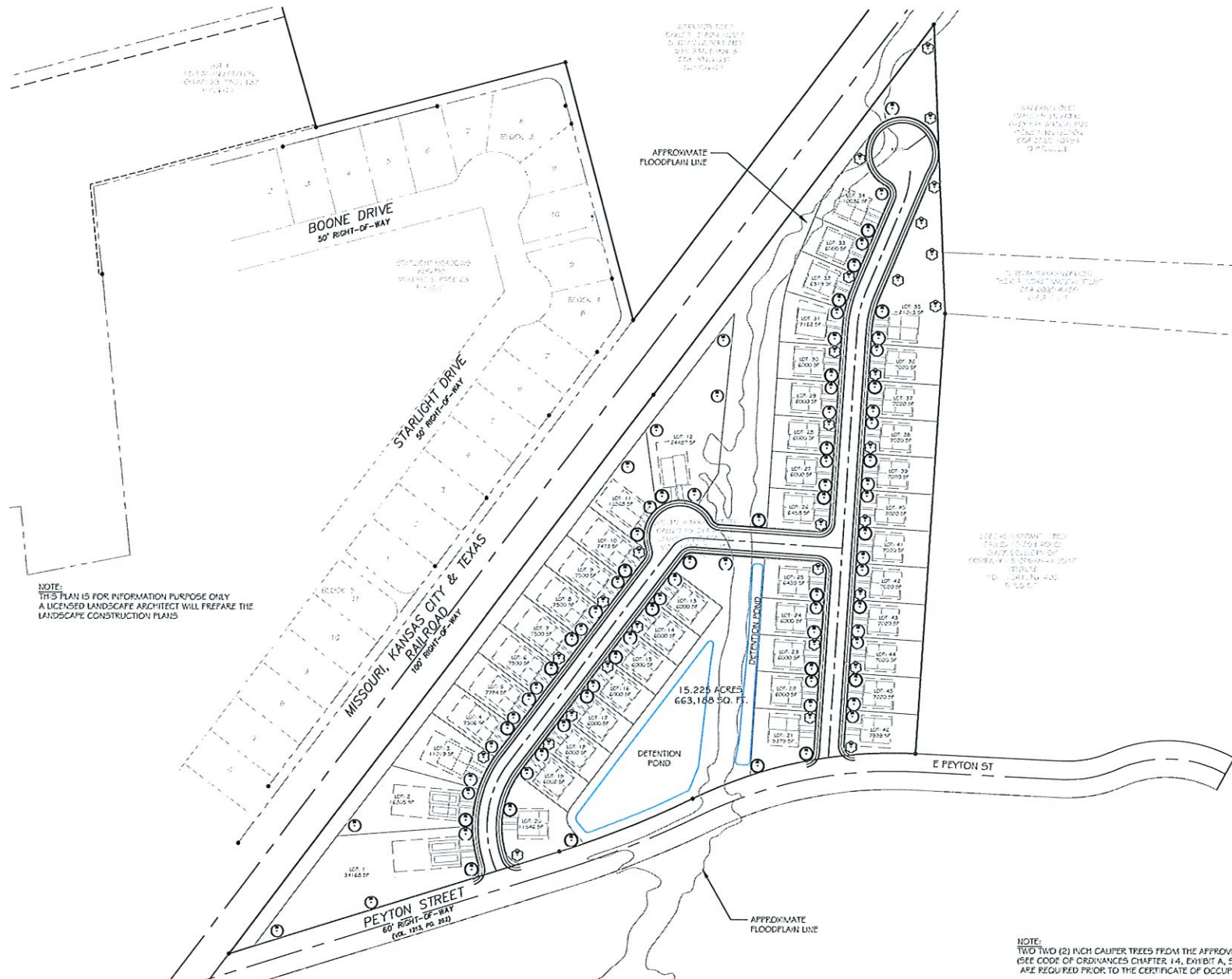
NOT FOR CONSTRUCTION

No.	Revision/Issue	Date
1		

Firm Name and Address
TURNKEY TRACT
2770 MAIN ST #171 FRISCO, TX
75033
F-22283
nkivilengineer4@gmail.com
214-377-0388

Project Name and Address
THE VILLAGE AT E PEYTON ST
SHERMAN, TX 75090

Project	Sheet
Date 11/17/2021	2 OF 3
Scale	



NOTE:
THIS PLAN IS FOR INFORMATION PURPOSE ONLY
A LICENSED LANDSCAPE ARCHITECT WILL PREPARE THE
LANDSCAPE CONSTRUCTION PLANS

NOTE:
TWO TWO (2) INCH CALIPER TREES FROM THE APPROVED TREE LIST
(SEE CODE OF ORDINANCES CHAPTER 14, EXHIBIT A, SECTION 17)
ARE REQUIRED PRIOR TO THE CERTIFICATE OF OCCUPANCY BEING ISSUED.

THE VILLAGE AT E PEYTON ST. - CONCEPTUAL LANDSCAPE PLAN

CONCEPTUAL-ELEVATION & LANDSCAPE.dwg

CONCEPTUAL LANDSCAPE

11-17-2021



TURNKEY TRACT
F-22283

NOT FOR CONSTRUCTION

No.	Revision/Issue	Date
1		

Turnkey Tract
2770 MAIN ST #171, FRISCO, TX
75033
F-22283
nkcivilengineer4@gmail.com
214-377-0388

Project Name and Address
THE VILLAGE AT E PEYTON ST
SHERMAN, TX 75090

Project	Sheet
Date 11/17/2021	3 OF 3
Scale	3

STAFF REVIEW LETTER

December 6, 2021

James R. Melton, Jr.
8212 Farmington Rd.
Gunter, TX 75058

Lonestar Land Surveying, LLC
2813 CR 804A
Burleson, TX 76028

Turnkey Tract
Naveen Khammampati
2770 Main Street #171
Frisco, TX 75068

Dear Applicants,

The request for zone change and conceptual site plan approval for The Village at East Peyton Street under Ordinance No. 2280, Section 12, from a C-2 (General Commercial) District to an R-2 (Multi-Family Residential) District located in the 1000-1100 blocks of East Peyton Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, December 14, 2021 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-2 (Multi-Family Residential) District, the Fence Ordinance, and the Residential Tree and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.4; Sec. 7(13) and Sec. 17*)
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9' x 20'. (*Chapter 14, Exhibit A, Section 6.4 & Section 7, Subsection 10(b)*)
4. Driveways and parking are permitted on paved surfaces only (concrete or asphalt). (*Chapter 14, Exhibit A, Section 7, Subsection 10(h)*)
5. All required off-street parking shall be on private property and shall not encroach into the right-of-way. (*Chapter 14, Exhibit A, Section 7, Subsection 10(b)*)
6. Impact fees will be required if the property was not platted before June 7, 2021 (*Chapter 13, Article. 13.11*)
7. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
8. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering:

9. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
10. Proposed The Village at East Peyton Street to connect with proposed Greenwood Heights. Coordinate with developer for Greenwood Heights to arrange connection.
11. Proposed street names must be approved by the City of Sherman Development Services Department prior to filing the plat. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(B)(1)(h)*
12. Minimum lot width at property line is 60 feet. Variance required for all lots not meeting 60 feet. *Code of Ordinances Chapter 14, Sec. 6.3.1*
13. Water main must be extended in accordance with City criteria to serve proposed Lots. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
14. Sanitary Sewer main must be extended in accordance with City criteria to serve proposed Lots. Sewer capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
15. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
16. Three Party Agreement required for Public Infrastructure.
17. Dedication of water and sewer easements required over existing infrastructure upon platting.
18. Dedicate a 15'x15' Right of Way corner clips in lieu of radii on street intersecting corners of proposed Lots upon platting. *Code of Ordinances Chapter 10, Exhibit A, Secs. 5(B)(5), (10); 5(C)(1); 6(B)(7)-(8), (14)-(15); 12(B)(1)(a); 12(B)(1)(k)(1)-(3); 12(B)(5)*
19. Dedicate a 10' Utility Easement along all street frontage upon platting. Modify 10' Utility Easement to parallel new right of way created by corner clips. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
20. All open space/detention pond lots shall be assigned a Lot and Block Number and be shown on plat as owned and maintained by HOA.
21. AE Flood Study will be required upon platting. Study must be submitted to Engineering Department for review.
22. All requirements of the Floodplain Ordinance shall be followed. *Code of Ordinances Chapter 3, Article 3.12*
23. Privately owned and maintained detention in accordance with City criteria may be required. Engineering documentation shall be provided to the City of Sherman Engineering Department for review and approval. If detention is required, Ownership and Maintenance information to be shown on plat. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(I)*
24. Verify cul-de-sacs and knuckles meet standard. *Code of Ordinances Chapter 3.02.002(c)(37)*
25. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae

Acting Secretary, Planning and Zoning Commission and Board of Adjustments

CC: Robby Heflon, City Manager
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer

Clint Philpott, Asst. City Manager
Tom Pruitt, Utility Engineer



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 20.

Meeting Date: 12/14/2021

Prepared by: Patsy Reeves, Development Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

1000-1100 BLOCKS EAST PEYTON STREET

The request of James R. Melton, Jr. (Owner), Naveen Khammampati, Turnkey Tract (Civil Engineer/Representative), Lonestar Land Surveying, LLC and Sutton & Crow Surveying & Engineering Services (Surveyors) concerning the property in the 1000-1100 blocks of East Peyton, being 15.228 acres in J.B. McAnair Survey, Abstract No. 763, the Smith McGlothlin Survey, Abstract No. 808 and the Reuben Hendrix Survey, Abstract No. 504 as follows:

Planning and Zoning Commission

Zone change and site plan approval for The Village at East Peyton Street under Ordinance No. 2280, Section 12, from a C-2 (General Commercial) District to an R-2 (Multi-Family Residential) District.

Background:

The property is located in the 1000-1100 blocks of East Peyton Street between Loy Lake Road and Texoma Parkway. The property is zoned a C-2 (General Commercial) District. The owner is requesting a zone change to an R-2 (Multi-Family Residential) District for a proposed multi-family (duplex) development.

Adjacent Zoning:

R-1 (One-Family Residential) District

C-1 (Retail Business) District

C-2 (General Commercial) District

Origination:

James R. Melton, Jr. (Owner),

Naveen Khammampati, Turnkey Tract (Civil Engineer/Representative)

Lonestar Land Surveying, LLC and Sutton & Crow Surveying & Engineering Services (Surveyors)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

28

Objections Received:

0

Development Review Meeting:

Yes

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Survey

Site Plan

Building Elevations

Landscape Plan

Staff Review Letter

DEC 14 2021

Development Services

BUILDING & ZONING DEPARTMENT

TELEPHONE NO. (903) 892-7229

EMAIL: planning@cityofsherman.com

FAX NO. (903) 892-7274

November 24, 2021

Nathan & Bobbie Wieck
826 Starlight Dr.
Sherman, TX 75090

The Planning and Zoning Commission and Board of Adjustments of the City of Sherman will hold a public hearing on the day of Tuesday, December 14, 2021 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

James R. Melton, Jr. (Owner), Naveen Khammampati, Turnkey Tract (Civil Engineer/Representative), Lonestar Land Surveying, LLC and Sutton & Crow Surveying & Engineering Services (Surveyors) concerning the property in the 1000-1100 blocks of East Peyton, being 15.228 acres in J.B. McAnair Survey, Abstract No. 763, the Smith McGlothlin Survey, Abstract No. 808 and the Reuben Hendrix Survey, Abstract No. 504

The request is as follows:

Planning and Zoning Commission

Zone change and conceptual site plan approval for The Village at East Peyton Street under Ordinance No. 2280, Section 12, from a C-2 (General Commercial) District to an R-2 (Multi-Family Residential) District.

As a property owner within two hundred feet (200') of this property, you are invited to attend. You are not required to be present, but all interested parties wishing to speak should appear at the time and place stated above. If you cannot attend the public hearing, but wish to have your views presented to the Board, you may do so in the space provided below or by a separate letter and mailed to:

Rob Rae
Acting Secretary, Planning and Zoning Commission
P.O. Box 1106
Sherman, Texas 75091-1106

We are sorry we are unable to attend.


Acting Secretary, Planning & Zoning Commission

As a resident of Starlight Edition for 27 years we oppose this zoning change. The last zoning change was deceitfully explained and passed. We now have a dangerous exit/entrance to our rear entry home. OPPOSE this change.

Unless this notice is delivered in an envelope that has the "City of Sherman" logo and is affixed with postage as required by the U.S. Postal Service, it is NOT an official notice sent to you by the City of Sherman.

PO Box 1106 / Sherman, TX 75091-1106 / 903-892-7229 (Phone) / www.ci.sherman.tx.us

Nathan & Bobbie Wieck
826 Starlight Dr



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 8.

Meeting Date: 01/03/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6451

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the C-1 (Retail Business) District, located at 4518 North Travis Street, being 6 acres in the John Jennings Survey, Abstract No. 647 (BMT Global, Owner; Brandon Smith, Prospective Buyer; and Helvey-Wagner Surveying, Inc., Surveyors); Providing for a Penalty not to Exceed \$2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

Issue:

To consider the request of BMT Global (Owner), Brandon Smith (Prospective Buyer) and Helvey-Wagner Surveying, Inc. (Surveyors) concerning the property at 4518 North Travis Street, being 6 acres in the John Jennings Survey, Abstract No. 647 for zone change approval from an R-A (Single-Family Agricultural) District to a C-1 (Retail Business) District.

Background:

The property is located at 4518 North Travis Street; the property south of the Austin Landing subdivision. The property is located outside the City limits; they plan to request annexation into the City in the near future. The owners would like to rezone a portion of the property into a C-1 (Retail Business) District for a variety of retail and medical professional businesses.

Origination:

BMT Global (Owner)
Brandon Smith (Prospective Buyer)
Helvey-Wagner Surveying, Inc. (Surveyors)

Financial Consideration:

None

Staff Recommendation:

At the December 14, 2021 regular meeting, the Planning and Zoning Commission voted 7/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter and contingent on annexation of the property.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6451

Exhibit A-Survey

Location Map

Zoning Map

Zoning Sign Photo

Building Elevations

Narrative

Site Plan

Parking

Staff Review Letter

P & Z Communication

ORDINANCE NO. 6451

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT, AT 4518 NORTH TRAVIS STREET, BEING 6 ACRES IN THE JOHN JENNINGS SURVEY, ABSTRACT NO. 647 (BMT GLOBAL, OWNER; BRANDON SMITH, PROSPECTIVE BUYER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYORS); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this proposed rezoning case; and

WHEREAS, the City Council finds that rezoning the property as described in this Ordinance is in accordance with the Comprehensive Plan and will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to rezone the property as described in this Ordinance.

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

SECTION 1. That, from and after the effective date of this Ordinance, the property described in **Exhibit A – Survey**, attached hereto, located at 4518 North Travis Street, shall be rezoned and placed in the C-1 (Retail Business) District, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include such property.

SECTION 2. That this ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 3. That no person shall acquire any vested interest in this ordinance or in any other specific regulations contained herein. Any portion of this ordinance may be repealed or amended by the City Council in the manner provided for by law.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to

construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 5. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 3rd day of January, 2022.

ADOPTED on this the 3rd day of January, 2022.

EFFECTIVE DATE on this the 3rd day of January, 2022.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

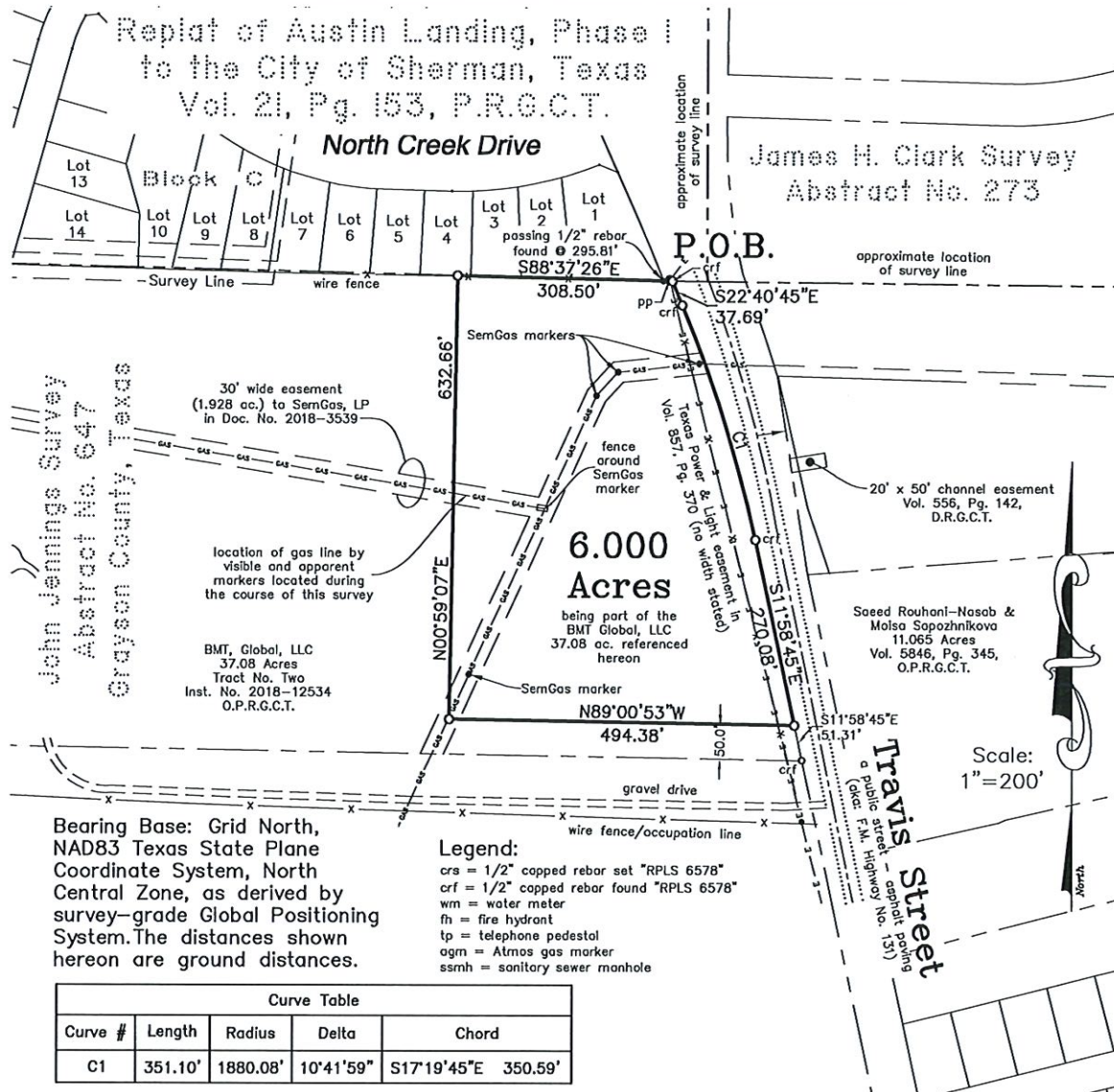
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

For Zoning Purposes Only



LEGAL DESCRIPTION

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the John Jennings Survey, Abstract No. 647 and being a part of the 37.08 acre tract of land conveyed by Deed from James Thomas Connor, et al to BMT Global, LLC on June 1, 2018 and recorded in Instrument No. 2018-12534, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch capped rebar found, stamped "RPLS 6578" in the West line of Travis Street/F.M. Highway No. 131, at the Northeast corner of both said BMT Global 37.08 ac. and the herein described tract;

THENCE Southerly, with the West line of said Travis Street/F.M. Highway No. 131 and the East line of said BMT Global 37.08 ac., the following calls and distances:

1. South 22 deg. 40 min. 45 sec. East, a distance of 37.69 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" at the beginning of a curve;
2. Southeasterly, with a curve to the right, having a radius of 1,880.08 ft., a central angle of 10 deg. 41 min. 59 sec. (Chord bears: South 17 deg. 19 min. 45 sec. East, 350.59 ft.) and an arc length of 351.10 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" at the end of said curve;
3. South 11 deg. 58 min. 45 sec. East, a distance of 270.08 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" at the Southeast corner of the herein described tract, FROM which a 1/2 inch capped rebar found for the Southeast corner of said BMT Global, LLC 37.08 ac. bears South 11 deg. 58 min. 45 sec. East a distance of 51.31 ft.;

THENCE North 89 dg. 00 min 53 sec. West, over and across said BMT Global 37.08 ac., a distance of 494.38 ft. to a point at the Southwest corner of the herein described tract;

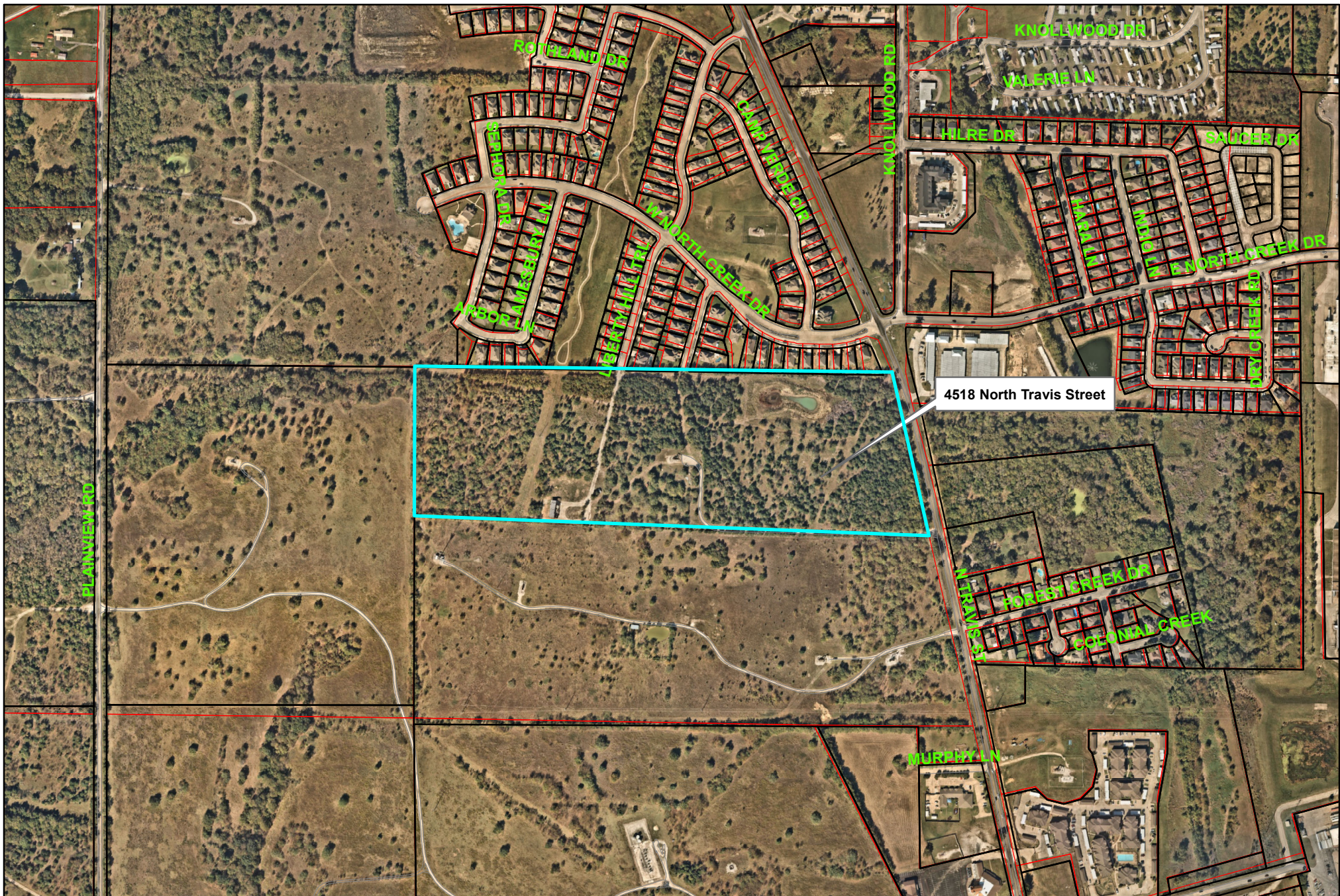
THENCE North 00 dg. 59 min 07 sec. East, continuing over and across said BMT Global 37.08 ac., a distance of 632.66 ft. to a point in the North line of said BMT Global 37.08 ac. and the South line of the Replat of Austin Landing, Phase 1 to the City of Sherman, Texas as per plat of record in Volume 21, Page 153, Plat Records, Grayson County, Texas, at the Northwest corner of the herein described tract;

THENCE South 88 deg. 37 min. 26 sec. East, with the North line of said BMT Global 37.08 ac. and the South line of the Replat of Austin Landing, Phase 1, at 295.81 ft. pass a 1/2 inch rebar found at the Southeast corner of said Replat of Austin Landing, Phase 1, and continuing a TOTAL distance of 308.50 ft. to the PLACE OF BEGINNING and containing 6.000 ACRES of land.

Job No. BGS651021

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (903) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10088100

Date of Preparation: October 26, 2021



City of Sherman, Texas
Development Services Department

4518 North Travis Street



NOT TO SCALE

1 in = 600 ft

4518 North Travis Street











Property address: 4518 Travis st.
Property size: ~6 acres
Development name: ICON VILLAGE
Developer: Brandon Smith
Total sq ft: 30,000 retail – 68,400 office/retail
Parking: 363 spaces + EV charging stations

SUBJECT: Rezoning property from AgRes to C1 commercial retail

BACKGROUND:

I was born and raised in Sherman, and most of my family still lives there today. I recently sold a large portion of my health and nutrition business, and I want to reinvest capital back into my hometown. I have designed and built my 135,000 sq foot dietary supplement manufacturing facility in Allen, TX, 6 luxury rental cabins in Broken Bow, OK (ICON Developments), and I currently remodel homes in Sherman under STT Construction. I'm confident my vast building experience provides me a solid foundation to launch this project from, but to in the gaps, my team includes Designers Ink architectural, Integrated Environmental Solutions, Gordon David Johnson & Shane P.C., and a TBD civil engineer and third-party jobsite foreman. This foreman's job, specifically, is to oversee the project and be the boots on the ground coordinating all of the parties above, and ensuring all city codes and ordinances are followed precisely.

PROJECT SCOPE:

Allow me to back up set the stage for this project. I am also a partner in the adjoining 31 acres directly behind this parcel which we plan to rezone to residential and plat 110-130 homes for city-approved builders. We envision this commercial complex to be cohesive with the attached residential community and serve its needs through a variety of retail and medical-professional businesses. This will be an urban living development with an *active* focus. What we mean by this is we are going to encourage community through outdoor activity and socialization through sidewalks, green spaces, a pond and other picturesque amenities. Key to this cohesion between both the residential and commercial aspect will be interconnected sidewalks that allow all residents walkability to the commercial shops for everyday needs such as coffee, hair, nails, yoga, and other *community fits*. The same will apply to the medical-professional office spaces where we envision a high-end med spa, pediatrician, dentist and orthodontist. We also intend to connect this sidewalk with Austin's Landing providing all those residents walkability to these businesses.

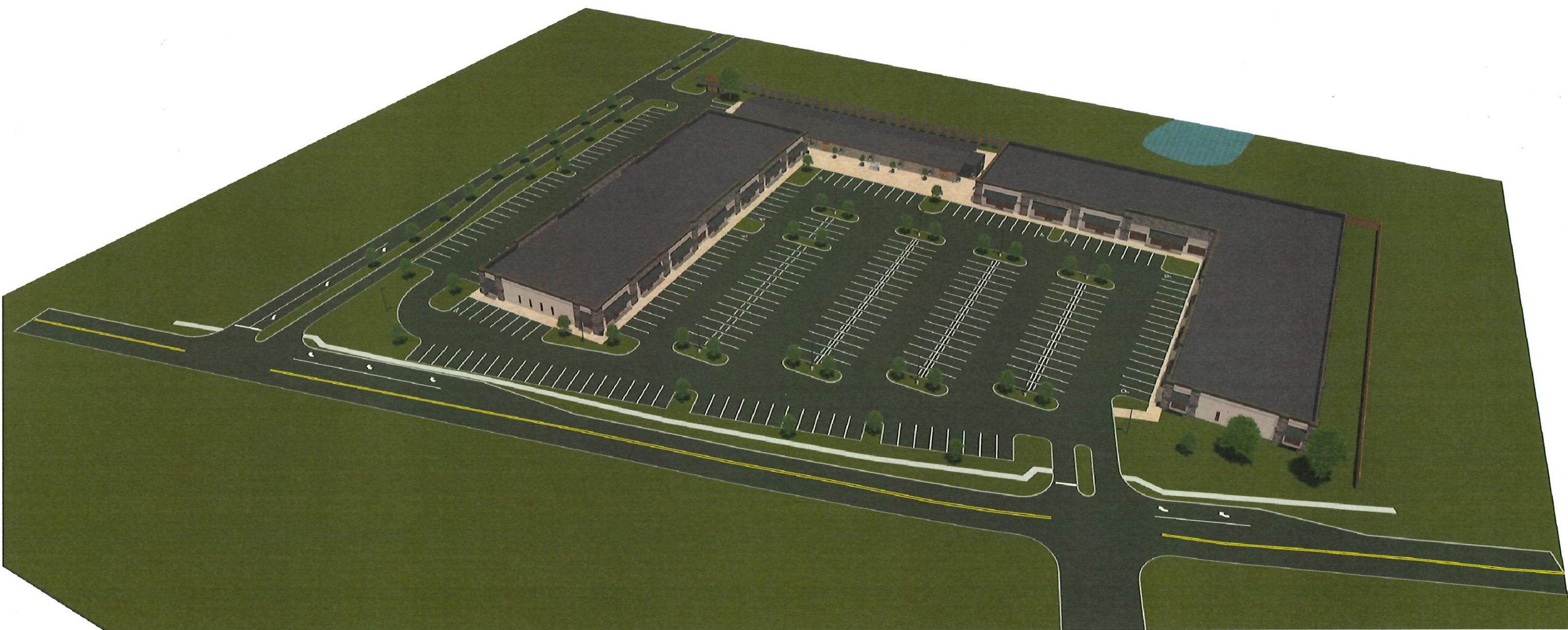
To create cohesiveness and invoke a feeling of community, we will use a 50 foot easement at the SE corner to erect a beautiful shared entry complete with a drive through arch, lush landscaping and a water feature. We have spoken to the apartment developer across the street from our property, and he has agreed to line up his entrance with ours so we can submit for a curb-cut to Tx Dot. Apparently, he has already gotten this approval, so we are confident we will

gain approval as well. If a deceleration lane is possible, we will seek this as there will be hundreds of families coming and going daily above and beyond the outside retail traffic we plan attract.

Upon entering through and turning North into our retail complex, there will first be a single story, retail center focusing on community necessities and needs such as coffee, yoga, hair and nails. As you follow the gas line and veer NE back to Travis St. there will be a two-story medical/professional office building on the NW corner featuring a med spa, pediatrician, dentist and orthodontist. You will notice we are building around the gas easements, rather than relocating them, and plan to have flatwork/parking only over the gas easement to mitigate damage and construction time if the line ever needs accessed.

We will separate the back of the complex from the community's view by erecting a hedge-lined, eight foot fence as a barricade.





STAFF REVIEW LETTER

December 6, 2021

BMT Global
3000 Overland Trail
Sherman, TX 75092

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Brandon Smith
1201 Hicks Trail
Lucas, TX 75002

Dear Applicants,

The request for a Zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from an R-A (Single-Family Agricultural) District to a C-1 (Retail Business) District located at 4518 North Travis Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, December 14, 2021 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the C-1 (Retail Business) District, the Fence Ordinance, the Sign Ordinance, the Commercial Tree and Landscaping Ordinance (*Chapter 14, Exhibit A, Sec. 6.6; Sec. 7(13), Sec. 7(14) and Sec. 17*).
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Driveways and parking are permitted on paved surfaces only (concrete or asphalt). (*Chapter 14, Exhibit A, Section 7, Subsection 10(h)*)
4. All required off-street parking shall be on private property and shall not encroach into the right-of-way. (*Chapter 14, Exhibit A, Section 7, Subsection 10(b)*)
5. A parking space is considered to be 9' x 20'. (*Chapter 14, Exhibit A, Section 7, Subsection 10(b)*)
6. A minimum six (6) foot solid screening device shall be provided adjacent to a single-family district (R-A, SF-1, or R-1). (*Chapter 14, Exhibit A, Sec. 8 (5)(b)*)
7. Impact fees will be required if the property was not platted before June 7, 2021 (*Chapter 13, Article. 13.11*)
8. The trash dumpster will need to be located inside the main building area and screened. (*Chapter 14, Exhibit A, Section 7, Subsection 13(d)(4)*)
9. The required parking requirement shall be determined by use.
10. Any structures built over any of the easements on the property will require approval from the City Council for an encroachment easement.
11. The site plan is conceptual, a more detailed site plan will require additional approval from the Planning and Zoning Commission.
12. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval,

at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.

13. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering:

14. Annexation of subject property required.
15. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
16. Platting of the property required upon development. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
17. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
18. Privately owned and maintained detention in accordance with City criteria may be required. Engineering documentation shall be provided to the City of Sherman Engineering Department for review and approval. If detention is required, Ownership and Maintenance information to be shown on plat. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(l)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae

Acting Secretary, Planning and Zoning Commission and Board of Adjustments

CC:	Robby Hefton, City Manager	Billy Hartsfield, Fire Marshal
	Clint Philpott, Asst. City Manager	Amber Doan, Engineering Coordinator
	Wayne Lee, P.E., Director of Engineering	Christopher Armstrong, Asst. City Engineer
	Tom Pruitt, Utility Engineer	
	The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney	



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 28.

Meeting Date: 12/14/2021

Prepared by: Patsy Reeves, Development Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

4518 NORTH TRAVIS STREET

The request of BMT Global (Owner), Brandon Smith (Prospective Buyer) and Helvey-Wagner Surveying, Inc. (Surveyors) concerning the property at 4518 North Travis Street, being 6 acres in the John Jennings Survey, Abstract No. 647, as follows:

Planning and Zoning Commission

Zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from an R-A (Single-Family Agricultural) District to a C-1 (Retail Business) District.

Background:

The property is located at 4518 North Travis Street; the property south of the Austin Landing subdivision. The property is located outside the City limits; they plan to request annexation into the City in the near future. The owners would like to rezone a portion of the property into a C-1 (Retail Business) District for a variety of retail and medical professional businesses.

Adjacent Zoning:

SF-1 (Single-Family Residential) District

R-1 (One-Family Residential) District

R-2 (Multi-Family Residential) District

C-1 (Retail Business) District

Origination:

BMT Global (Owner)

Brandon Smith (Prospective Buyer)

Helvey-Wagner Surveying, Inc. (Surveyors)

Master Plan Designation:

Not included in Master Plan.

Number of notices mailed:

43

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Narrative

Survey

Overall Conceptual Site Plan

Conceptual Site Plan

Conceptual Building Elevations

Staff Review Letter



City Council Regular Meeting

D. 9.

Meeting Date: 01/03/2022

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers 6444, 6445, 6446, 6447, 6448, 6449, 6450 & 6451.

Issue:

D. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6444

Amending The Code Of Ordinances, City Of Sherman, Texas, at Chapter 13 (Utilities), Article 13.07 (Water, Sewers And Sewage Disposal), Division 5 (Regulations for Disposal of Industrial Waste); Modifying Regulations Governing The City's Industrial Waste Pretreatment Program to Incorporate Streamlining Rule Provisions Required By Federal And State Regulations (40 CFR 403 and 30 TAC Chapter 315), as set forth In the City's Texas Pollutant Discharge Elimination System (TPDES) Permit Issued on August 19, 2020; Providing For Inclusion In The Code Of Ordinances; Providing A Repealing Clause, A Severability Clause And A Penalty Clause

D. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6445

Extending the Corporate Limits of Said City so as to Annex an Area of Land Consisting of Approximately 36.892 acres Generally Located off of FM 131 North, Adjacent to the Sherman City Limits and in the City of Sherman's Extraterritorial Jurisdiction, on Application of the Landowner; Providing that the Owners and Inhabitants of the Subject Area of Land shall be Entitled to the Rights and Privileges of Other Citizens of the City of Sherman and shall be Bound by the Acts and Ordinances now in Effect and hereinafter Adopted; Authorizing Execution of the Annexation Service Plan Agreement; Providing for a Penalty for a Violation of this Ordinance and Sherman's General Zoning Ordinance, Ordinance No. 2280

D. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6446

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So As to Grant a Specific Use Permit to Allow (44) Patio Homes in an R-1 (One-Family Residential) District in the 1000-1500 Blocks of West Moore Street, being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the Adjacent Road Rights-of-Way and Alleys to Blocks 1, 2 and 3 of Randolph Heights Addition (Champagne Development, LLC, Owner; Holley Jolly Developments, LLC, Developer; and Underwood Drafting and Surveying, Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

D. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6447

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So As to Grant an Amendment to a Specific Use Permit and Site Plan Approval under Ordinance No. 2280, Section 8, Subsection (5)(a) for a Youth Hall/Gym Addition in an R-1 (One-Family Residential) District with a Specific Use Permit to Allow a Church at 2605 Rex Cruse Drive, being Lots 1-6, Joe Price Subdivision (North Park Baptist Church, Owners; and Kent Salisbury, David Baca Studios, Architect); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

D. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6448

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So As to Grant a Specific Use Permit to Allow Permanent Makeup, Micro-blading/Eyebrow Shading, Eye Liner and Lip Blushing in a C-1 (Retail Business) District/O-1.2 (Sam Rayburn) Overlay District at 240 East Evergreen Street, being part of Lot 2, Block 1, Kerrs N Walnut Addition (Overmore LLC, Owner; Dan Newal, Representative; and Joanna Peacock and Adrianna LeGros, Applicants); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

D. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6449

mending Section 12, Ordinance No. 2280, so as to Include Certain Property within the C-1 (Retail Business) District, located at 901, 903, 917 and 921 East Houston Street and 910 East Chaffin Street, being 1.695 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Block 19, Chaffin's Addition (Hope on Houston, Inc., Owner and Helvey-Wagner Surveying, Inc., Surveyor); Providing for a Penalty not to Exceed \$2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 7. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6450

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the R-2 (Multi-Family Residential) District, located in the 1000-1100 blocks of East Peyton, being 15.228 acres in the J.B. McAnair Survey, Abstract No. 763, the Smith McGlothlin Survey, Abstract No. 808 and the Reuben Hendrix Survey, Abstract No. 504 (James R. Melton, Jr., Owner; Naveen Khammampati, Turnkey Tract, Civil Engineer/Representative; and Lonestar Land Surveying, LLC and Sutton & Crow Surveying & Engineering Services, Surveyors); Providing for a Penalty not to Exceed \$2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 8. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6451

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the C-1 (Retail Business) District, located at 4518 North Travis Street, being 6 acres in the John Jennings Survey, Abstract No. 647 (BMT Global, Owner; Brandon Smith, Prospective Buyer; and Helvey-Wagner Surveying, Inc., Surveyors); Providing for a Penalty not to Exceed \$2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E. 1.

Meeting Date: 01/03/2022

Prepared By: Clint Philpott, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6832

Authorizing the Acceptance of Conveyance Documents From Lamberth Hickery Hill, LLC And Hickery Hill, LLC for the Conveyance and Acquisition of Approximately 10.229 Acres of Land, in the G.R. Reeves Survey, Abstract No. 1020, being more Particularly Described in the Exhibit "A" Attached Hereto and Made a part hereof for all Purposes, Property Being Located in The City of Sherman, County Of Grayson, State Of Texas

Issue:

Authorizing the acquisition of property for Right of Way (ROW), Utility Easements and Drainage Easement purposes for Lamberth Road in the City of Sherman, Texas

Background:

Acquisition of approximately 9.11 acres of ROW and approximately 1.119 acres of various easements that are necessary to continue the widening and extension of Lamberth Road to connect with Highway 289. The ROW is to be purchased from Lamberth Hickery Hill, LLC and Hickery Hill, LLC, respectively.

Origination:

Engineering Department

Financial Consideration:

The total acquisition costs for this portion of land are \$378,644.00 plus any closing costs if closing costs are required.

Staff Recommendation:

Staff recommends that the City Council approve the resolution to authorize the acquisition of the subject property.

Alternatives:

As may be directed by City Council

Attachments

Resolution No. 6832

Warranty Deeds

Aerial Location Map

RESOLUTION NO. 6832

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ACCEPTANCE OF CONVEYANCE DOCUMENTS FROM LAMBERTH HICKERY HILL, LLC AND HICKERY HILL, LLC FOR THE CONVEYANCE AND ACQUISITION OF APPROXIMATELY 10.229 ACRES OF LAND, IN THE G.R. REEVES SURVEY, ABSTRACT NO. 1020, BEING MORE PARTICULARLY DESCRIBED IN THE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES, PROPERTY BEING LOCATED IN THE CITY OF SHERMAN, COUNTY OF GRAYSON, STATE OF TEXAS; 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 all contract documents being properly completed and approved as to form and content by the City Attorney, to accept Conveyance Documents from Lamberth Hickery Hill, LLC and Hickery Hill, LLC for the conveyance and acquisition of approximately 10.229 acres of land, more or less, for right of way and various easements in the G.R. Reeves Survey, Abstract No. 1020, being more particularly described in the Exhibit "A" attached hereto and made a part hereof for all purposes, property being located in the City of Sherman, County of Grayson, State of Texas.

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.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this the 3rd day of January, 2022.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

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

RIGHT-OF-WAY WARRANTY DEED

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

That **LAMBERTH HICKERY HILL, LLC** (“Grantor”), a Texas limited liability company, whose address is 927 Kiowa Drive W., Lake Kiowa, Texas 76240, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid by the **CITY OF SHERMAN, TEXAS** (“Grantee”), whose mailing address is P.O. Box 1106, Sherman, Texas 75091, the receipt and sufficiency of which consideration is hereby acknowledged, has DEDICATED, GRANTED, SOLD AND CONVEYED in fee simple, and by these presents does DEDICATE, GRANT, SELL AND CONVEY in fee simple unto Grantee as right of way for public street, utility, access, sidewalk and other public purposes, including the right of ingress and egress, and regress therein, and any other public purpose authorized by Texas Local Government Code § 273.001 and deemed necessary by Grantee into and through all that certain real property (“Property”) located in the County of Grayson, State of Texas, being a part of the Ralston W. Adams Survey, Abstract No. 18 and also being a part of the G.R. Reeves Survey, Abstract No. 1020, containing 4.340 acres, more or less, and being more particularly described in Exhibit “A” attached hereto and for all purposes.

Grantor specifically reserves from this dedication all its rights, title and interest in all oil, gas and other minerals in and under the Property, provided, however, that Grantor shall not be permitted to, and shall not allow any party to, drill or excavate for oil, gas and other minerals on or from the surface of the Property, but Grantor may extract oil, gas or other minerals from and under the Property by directional drilling or other means that do not interfere with or disturb Grantee’s use of the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any way belonging, as right of way for said public street, utility, access, sidewalk and other public purposes unto Grantee, its successors and assigns, forever. Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular, the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Each individual executing this instrument on behalf of Grantor represents that all appropriate and necessary actions have been taken to authorize the individual who is executing this instrument to do so for and on behalf of Grantor, that there are no other parties or entities required to execute this instrument in order for the same to be an authorized and binding

agreement on Grantor and that the individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

It is understood and agreed that the consideration received by Grantor hereunder includes adequate compensation for the grant of the rights hereunder and for all damages arising out of the construction, reconstruction, repair, operation and maintenance of any street, utility, access, sidewalk or other public facilities.

This instrument shall be binding on, and inure to the benefit of, Grantee and Grantor and their respective successors or assigns.

This instrument may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

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

SIGNED and effective this _____ day of _____, 20__.

GRANTOR:

LAMBERTH HICKERY HILL, LLC

BY: _____

TITLE: _____

ACKNOWLEDGEMENT

THE STATE OF TEXAS

§

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF _____

§

BEFORE ME, the undersigned authority, on this day personally appeared _____, 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 expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the _____ day of _____, 20__.

NOTARY PUBLIC, STATE OF TEXAS

Notary's commission expires: _____

GRANTEE:
CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM AND
CONTENT:**
**THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____

NAME: _____

CITY ATTORNEY

AFTER RECORDING, RETURN TO

City of Sherman
Office of the City Attorney
P. O. Box 1106
Sherman, TX 75091-1106



**PARCEL 15
RIGHT-OF-WAY
JOB NO. 16080552**

Situated in the County of Grayson, State of Texas, being a part of Ralston W. Adams Survey, Abstract No. 18 also being a part of G.R. Reeves Survey, Abstract No. 1020, and being a part of that 38.00 acre tract of land conveyed to Lamberth Hickory Hill, LLC as recorded in Document No. 2018-22906 Official Public Records, Grayson County, Texas and being described by metes and bounds as follows:

Commencing at a found 5/8" steel rod at the southwest corner of a 5.63 acre tract of land conveyed to David & Linda Gattis by deed recorded in Volume 2690, Page 639 of said Official Public Records, Grayson County, Texas;

Thence South 01°40'30" East a distance of 16.00 feet to the true **Point-of-Beginning**:

Thence over and across said 38.00 acre tract the following calls and distances:

South 01°40'30" East a distance of 86.00 feet to a set 1/2" steel rod;

South 88°42'38" West a distance of 129.93 feet to a set 1/2" steel rod;

with a curve to the left having a radius of 1407.00 feet, (chord bears South 80°07'06" West, with a chord length of 420.41 feet) an arc length of 421.99 feet to a set 1/2" steel rod;

South 71°31'34" West a distance of 293.59 feet to a set 1/2" steel rod;

with a curve to the right having a radius of 1493.00 feet, (chord bears South 79°37'03" West, with a chord length of 420.28 feet) an arc length of 421.68 feet to a set 1/2" steel rod;

South 87°42'32" West a distance of 931.22 feet to a set 1/2" steel rod;

North 01°17'28" West a distance of 86.01 feet to a set 1/2" steel rod;

North 87°42'32" East a distance of 929.72 feet to a set 1/2" steel rod;

with a curve to the left having a radius of 1407.00 feet, (chord bears North 79°37'03" East, with a chord length of 396.07 feet) an arc length of 397.39 feet to a set 1/2" steel rod;

North 71°31'34" East a distance of 293.59 feet to a set 1/2" steel rod;

with a curve to the right having a radius of 1493.00 feet, (chord bears North 80°07'06" East, with a chord length of 446.11 feet) an arc length of 447.79 feet to a set 1/2" steel rod;

North 88°42'38" East a distance of 129.35 feet to the **Point of Beginning** and containing **4.340 acres** or 189039 square feet of land.



JOB NO. 16080552

CALLLED 38 AC.
LAMBERTH HICKERY HILL, LLC
DOCUMENT NO. 2018-22906
O.P.R.G.C.T.

RIGHT-OF-WAY PARCEL 15

LAMBERTH HICKERY HILL, LLC
4.340 AC

R=1407.00' L=397.39'
CRD BRG=N 79°37'03" E
CHD LEN=396.07'

DRAINAGE
EASEMENT

N 01°17'28" W 86.01'

PROPOSED LAMBERTH ROAD

PROPOSED 10' UTILITY EASEMENT N 87°42'32" E

PROPOSED 10' UTILITY EASEMENT S 87°42'32" W

929.72'

931.22'

DRAINAGE
EASEMENT

R=1493.00' L=421.68'
CRD BRG=S 79°37'03" W
CHD LEN=420.28'

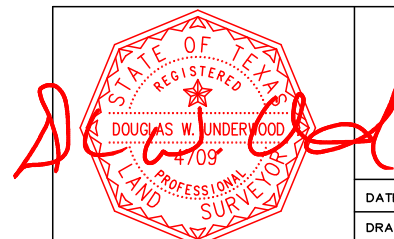
CALLLED 38 AC.
LAMBERTH HICKERY HILL, LLC
DOCUMENT NO. 2018-22906
O.P.R.G.C.T.

PARCEL 15
EXHIBIT "A"
TOTAL PERMANENT
RIGHT-OF-WAY
(4.340 ACRES)

LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- SPIKE NAIL FOUND
- RAILROAD SPIKE FOUND
- ▲ P/K NAIL SET
- △ P/K NAIL FOUND
- ⬇ ALUMINUM CAP MONUMENT FOUND

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE
SYSTEM
NORTH CENTRAL ZONE



DOUGLAS W. UNDERWOOD,
R.P.L.S. NO. 4709
SURVEYED ON THE GROUND
SEPTEMBER 2017

CITY OF SHERMAN
TEXAS



DRAFTING & SURVEYING, INC.
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
(903) 465-2151 FAX: (903) 465-2152

DATE: 1/11/18

DRAWN BY: JCC

APPROVED BY: DWU

SCALE: 1" = 100'

RIGHT-OF-WAY WIDENING LAMBERTH ROAD
RALSTON W. ADAMS SURVEY, ABST. NO. 18
CITY OF SHERMAN, TEXAS
GRANTOR: LAMBERTH HICKERY HILL, LLC

JOB NO. 16080552

CALLLED 38 AC.
LAMBERTH HICKERY HILL, LLC
DOCUMENT NO. 2018-22906
O.P.R.G.C.T.

R=1493.00' L=447.79'
CRD BRG=N 80°07'06" E
CHD LEN=446.11'

5.63 AC.
DAVID GATTIS
LINDA GATTIS
VOL. 2690, PG. 639
O.P.R.G.C.T.

P.O.B.

FOUND 5/8" STEEL ROD

SURVEY LINE

MATCHLINE

R=1407.00' L=397.39'
CRD BRG=N 79°37'03" E
CHD LEN=396.07'

PROPOSED LAMBERTH ROAD

S 01°40'30" E
86.00'

S 88°42'38" W
129.93'

R=1407.00' L=421.99'
CRD BRG=S 80°07'06" W
CHD LEN=420.41'

RIGHT-OF-WAY PARCEL 15

LAMBERTH HICKERY HILL, LLC
4.340 AC

CALLLED 38 AC.
LAMBERTH HICKERY HILL, LLC
DOCUMENT NO. 2018-22906
O.P.R.G.C.T.

R=1493.00' L=421.68'
CRD BRG=S 79°37'03" W
CHD LEN=420.28'

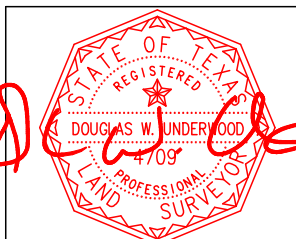
EXHIBIT "A"
TOTAL PERMANENT
RIGHT-OF-WAY
(4.340 ACRES)

LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- SPIKE NAIL FOUND
- RAILROAD SPIKE FOUND
- ▲ P/K NAIL SET
- △ P/K NAIL FOUND
- ⊕ ALUMINUM CAP MONUMENT FOUND

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE
SYSTEM
NORTH CENTRAL ZONE

SHEET 6 OF 6



DOUGLAS W. UNDERWOOD,
R.P.L.S. NO. 4709
SURVEYED ON THE GROUND
SEPTEMBER 2017

CITY OF SHERMAN
TEXAS



DRAFTING & SURVEYING, INC.
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
(903) 465-2151 FAX: (903) 465-2152

DATE: 1/11/18
DRAWN BY: JCC
APPROVED BY: DWU
SCALE: 1" = 100'

RIGHT-OF-WAY WIDENING LAMBERTH ROAD
RALSTON W. ADAMS SURVEY, ABST. NO. 18
CITY OF SHERMAN, TEXAS
GRANTOR: LAMBERTH HICKERY HILL, LLC

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

RIGHT-OF-WAY WARRANTY DEED

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

That **HICKERY HILL, LLC** (“Grantor”), a Texas limited liability company, whose address is 927 Kiowa Dr. W., Lake Kiowa, TX 76240, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid by the **CITY OF SHERMAN, TEXAS** (“Grantee”), whose mailing address is P.O. Box 1106, Sherman, Texas 75091, the receipt and sufficiency of which consideration is hereby acknowledged, has DEDICATED, GRANTED, SOLD AND CONVEYED in fee simple, and by these presents does DEDICATE, GRANT, SELL AND CONVEY in fee simple unto Grantee as right of way for public street, utility, access, sidewalk and other public purposes, including the right of ingress and egress, and regress therein, and any other public purpose authorized by Texas Local Government Code § 273.001 and deemed necessary by Grantee into and through all that certain real property (“Property”) located in the County of Grayson, State of Texas, being a part of the Ralston W. Adams Survey, Abstract No. 18, the James H. Vaden Survey, Abstract No. 1288, and the William Thompson Survey, Abstract No., containing 4.770 acres, more or less, and being more particularly described in Exhibit “A” attached hereto and for all purposes.

Grantor specifically reserves from this dedication all its rights, title and interest in all oil, gas and other minerals in and under the Property, provided, however, that Grantor shall not be permitted to, and shall not allow any party to, drill or excavate for oil, gas and other minerals on or from the surface of the Property, but Grantor may extract oil, gas or other minerals from and under the Property by directional drilling or other means that do not interfere with or disturb Grantee’s use of the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any way belonging, as right of way for said public street, utility, access, sidewalk and other public purposes unto Grantee, its successors and assigns, forever. Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular, the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Each individual executing this instrument on behalf of Grantor represents that all appropriate and necessary actions have been taken to authorize the individual who is executing this instrument to do so for and on behalf of Grantor, that there are no other parties or entities required to execute this instrument in order for the same to be an authorized and binding

agreement on Grantor and that the individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

It is understood and agreed that the consideration received by Grantor hereunder includes adequate compensation for the grant of the rights hereunder and for all damages arising out of the construction, reconstruction, repair, operation and maintenance of any street, utility, access, sidewalk or other public facilities.

This instrument shall be binding on, and inure to the benefit of, Grantee and Grantor and their respective successors or assigns.

This instrument may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

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

SIGNED and effective this _____ day of _____, 20__.

GRANTOR:

HICKERY HILL, LLC

BY: _____

TITLE: _____

ACKNOWLEDGEMENT

THE STATE OF TEXAS

§

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF _____

§

BEFORE ME, the undersigned authority, on this day personally appeared _____, 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 expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the _____ day of _____, 20__.

NOTARY PUBLIC, STATE OF TEXAS

Notary's commission expires: _____

GRANTEE:
CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM AND
CONTENT:**
**THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____

NAME: _____

CITY ATTORNEY

AFTER RECORDING, RETURN TO

City of Sherman
Office of the City Attorney
P. O. Box 1106
Sherman, TX 75091-1106



**PARCEL 15A
RIGHT-OF-WAY
JOB NO. 16080552**

Situated in the County of Grayson, State of Texas, being a part of the Ralston W. Adams Survey, Abstract No. 18, the James H. Vaden Survey, Abstract No. 1288 and the William Thompson Survey, Abstract No. 1209, and being a part of the 145.33 acre tract of land conveyed to Hickery Hill, LLC by deed of record in Volume 5691, Page 715, Official Public Records, Grayson County, Texas, Grayson County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a found 5/8" steel rod at the southwest corner of a 5.63 acre tract of land conveyed to David & Linda Gattis by deed recorded in Volume 2690, Page 639 of said Official Public Records, Grayson County, Texas;

Thence over and across said 145.33 acre tract the following calls and distances:

North 88°42'38" East a distance of 2159.37 feet to a set spike nail;
South 14°18'42" West a distance of 47.80 feet to a set 1/2" steel rod;
with a curve to the left having a radius of 1157.00 feet, (chord bears South 82°02'56" West, with a chord length of 109.16 feet) an arc length of 109.20 feet to a set 1/2" steel rod;
South 79°20'42" West a distance of 164.26 feet to a set 1/2" steel rod;
with a curve to the right having a radius of 1243.00 feet, (chord bears South 84°01'40" West, with a chord length of 202.95 feet) an arc length of 203.18 feet to a set 1/2" steel rod;
South 88°42'38" West a distance of 1673.07 feet to a set 1/2" steel rod;
North 01°40'30" West a distance of 102.00 feet to the **Point of Beginning** and containing **4.770 acres** or 207766 square feet of land.



JOB NO. 16080552

5.63 AC.
DAVID GATTIS
LINDA GATTIS
VOL. 2690, PG. 639
O.P.R.G.C.T.

7.32 AC.
DON ROBERT HEFTON
REBECCA HEFTON
VOL. 2737, PG. 76
O.P.R.G.C.T.

5.00 AC.
RICKEY L. SLAKEY
VOL. 2498, PG. 243
O.P.R.G.C.T.

5.00 AC.
RICKEY L. SLAKEY
VOL. 2356, PG. 26
O.P.R.G.C.T.

P.O.B.

FOUND 5/8"
STEEL ROD

DRAINAGE
EASEMENT

PROPOSED 10' UTILITY EASEMENT

N 88°42'38" E 2159.37'

LAMBERTH ROAD

PIPELINE

PROPOSED 10' UTILITY EASEMENT

S 88°42'38" W 1673.07'

PARCEL 15A
RIGHT-OF-WAY

HICKERY HILL, LLC
4.770 AC

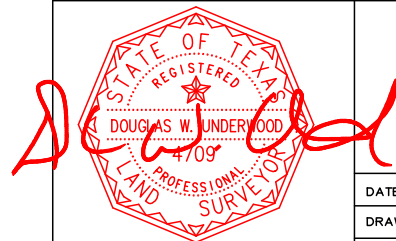
145.33 AC.
HICKERY HILL, LLC
VOL. 5691, PG. 715
O.P.R.G.C.T.

EXHIBIT "A"
TOTAL PERMANENT
RIGHT-OF-WAY
(4.770 ACRES)

LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- SPIKE NAIL FOUND
- RAILROAD SPIKE FOUND
- ▲ P/K NAIL SET
- △ P/K NAIL FOUND
- ⊕ ALUMINUM CAP MONUMENT FOUND

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE
SYSTEM
NORTH CENTRAL ZONE



DOUGLAS W. UNDERWOOD,
R.P.L.S. NO. 4709
SURVEYED ON THE GROUND
SEPTEMBER 2017

CITY OF SHERMAN
TEXAS

UNDERWOOD

DRAFTING & SURVEYING, INC.
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
(903) 465-2151 FAX: (903) 465-2152

DATE: 1/11/18

DRAWN BY: JCC

APPROVED BY: DWU

SCALE: 1" = 100'

RIGHT-OF-WAY WIDENING LAMBERTH ROAD
RALSTON W. ADAMS SURVEY, ABST. NO. 18
CITY OF SHERMAN, TEXAS
GRANTOR: HICKERY HILL, LLC

5.00 AC
RICKY L. SLAKEY
VICKIE A. SLAKEY
VOL. 2336, PG. 267
O.P.R.G.C.T.

5.00 AC
BARRY K. GANT
CATHY D. GANT
VOL. 2346, PG. 316
O.P.R.G.C.T.

DON SIMPSON
DEBORAH SIMPSON
VOL. 5397, PG. 407
O.P.R.G.C.T.

KEVIN LEMONS
VOL. 3611, PG. 599
O.P.R.G.C.T.

BRENDA K. GREENFIELD
et vir
VOL. 4532, PG. 770
O.P.R.G.C.T.

FOUND 1/2" SQUARE PIPE

SPIKE NAIL SET

R=1157.00' L=109.20'
CRD BRG=S 82°02'56" W
CHD LEN=109.16'

S 14°18'42" W
47.80'

S 79°20'42" W 164.26'

R=1243.00' L=203.18'
CRD BRG=S 84°01'40" W
CHD LEN=202.95'

1,393 AC.
EVERGREEN PRESBYTERIAN
MINISTRIES OF TEXAS, INC.
VOL. 3388, PG. 300
O.P.R.G.C.T.

LAMBERTH ROAD

S 88°42'38" W 1673.07' PROPOSED 10' UTILITY EASEMENT

PARCEL 15A
RIGHT-OF-WAY

HICKERY HILL, LLC
4.770 AC

145.33 AC.
HICKERY HILL, LLC
VOL. 5691, PG. 715
O.P.R.G.C.T.

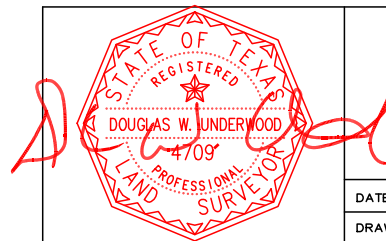
EXHIBIT "A"
TOTAL PERMANENT
RIGHT-OF-WAY
(4.770 ACRES)

MATCHLINE

LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- SPIKE NAIL FOUND
- RAILROAD SPIKE FOUND
- ▲ P/K NAIL SET
- △ P/K NAIL FOUND
- ⊕ ALUMINUM CAP MONUMENT FOUND

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE



DOUGLAS W. UNDERWOOD,
R.P.L.S. NO. 4709
SURVEYED ON THE GROUND
SEPTEMBER 2017

CITY OF SHERMAN
TEXAS

UNDERWOOD

DRAFTING & SURVEYING, INC.
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
(903) 465-2151 FAX: (903) 465-2152

DATE: 1/11/18

DRAWN BY: JCC

APPROVED BY: DWU

SCALE: 1" = 100'

RIGHT-OF-WAY WIDENING LAMBERTH ROAD
RALSTON W. ADAMS SURVEY, ABST. NO. 18
CITY OF SHERMAN, TEXAS
GRANTOR: HICKERY HILL, LLC

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 DRIVERS' LICENSE NUMBER.

After Recording Return to:
City of Sherman
Office of the City Attorney
P. O. Box 1106
Sherman, TX 75091-1106

UTILITY EASEMENT

STATE OF TEXAS

COUNTY OF GRAYSON

§
§
§

KNOW ALL PERSONS BY THESE PRESENTS:

That **LAMBERTH HICKERY HILL, LLC**, a Texas limited liability company ("Grantor"), whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand to Grantor paid by the **CITY OF SHERMAN, TEXAS**, a home-rule municipality ("Grantee"), the receipt of which are hereby acknowledged, and for which no lien is retained, either expressed or implied, does hereby GRANT, SELL AND CONVEY unto Grantee the easement and right to construct, reconstruct, operate, repair, enlarge, re-build, replace, relocate, alter, remove and perpetually maintain utility facilities (collectively, "Facilities"), together with all incidental improvements, and all necessary laterals, over, across, in, on, under and through certain real property owned by Grantor and located in the City of Sherman, Grayson County, Texas, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein for all purposes ("Easement Property"). As part of the grant hereby made, it is agreed between the parties hereto that any stone, earth, gravel or caliche which may be excavated in the opening, construction or maintenance of said channel or easement may be removed from said premises by Grantee.

TO HAVE AND TO HOLD the Easement Property perpetually unto the Grantee, its successors and assigns, together with the right and privilege at all times to enter the Easement Property, or any part thereof, for the purpose of constructing, reconstructing, operating, repairing, enlarging, re-building, replacing, relocating, altering, removing and perpetually maintaining the Facilities, and all incidental improvements thereto and for making connections therewith.

Grantor does hereby bind itself and its successors to WARRANT AND FOREVER DEFEND all and singular the Easement Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

Grantee, its successors and assigns, shall have the right to construct, reconstruct and perpetually maintain additional Facilities at all times in the future within the Easement Property. If Grantee is unable to access the Easement Property due to physical barriers or conditions, then Grantee shall have, and is hereby granted, the right of ingress and egress over that portion of the

Grantor's adjacent property within fifteen feet (15') of the Easement Property as is reasonably necessary to and for the limited purpose of accessing the Easement Property.

Grantee shall have, and is hereby granted, the right to use that portion of the Grantor's adjacent property within ten feet (10') of the Easement Property as a Temporary Construction Easement for the purpose of facilitating construction of public utility facilities and/or other public facilities, together with all incidental improvements, and all necessary laterals, thereto. Grantee shall have the same rights under the Temporary Construction Easement as it has under the Utility Easement. The Temporary Construction Easement granted herein will automatically terminate on the date that Grantee issues its final acceptance of the public utility or other public facilities in the area of the Temporary Easement Property; provided, however, that should Grantee need additional time for the Temporary Construction Easement to remain in full force and effect, Grantor shall be required to extend the date of termination of the Temporary Construction Easement.

Grantee will at all times after doing any work in connection with the construction, operation or repair of the Facilities, restore the surface of the Easement Property as close to the condition in which it was found before such work was undertaken as is reasonably practicable, except for trees, shrubs and structures within the Easement Property that were removed as a result of such work.

Grantor represents and warrants to Grantee that Grantor is the sole owner of the fee simple title to the Easement Property. Grantor does hereby represent and warrant that there are no liens, attachments or other encumbrances which will affect the title or right of the Grantor to convey this easement to the Grantee for the purposes as described herein. If such condition does exist, a signature with acknowledgment shall be included and made a part of this document conveying the rights and privileges contained herein and subordinating any such lien to the easement granted herein.

This instrument shall not be considered as a deed to the Easement Property or any part thereof, and the right is hereby reserved to Grantor, its successors and assigns, to use the Easement Property to landscape and build and construct fences, driveways, parking lots and other associated improvements over or across said easement; provided, however, that in no event shall a wall, structure or building of any type other than those previously described or any piling, pier or isolated footing of any wall, structure or building be placed directly on the Easement Property.

The easement rights and privileges granted herein are non-exclusive, but Grantor covenants that Grantor will not convey any other easement or conflicting rights within the area covered by this grant which unreasonably interfere with Grantee's rights granted herein and provided all such other grants comply with all applicable local, state and federal laws, ordinances, rules, regulations and/or requirements, as they exist, may be amended or in the future arising.

Further, notwithstanding anything to the contrary herein, Grantor shall not place any improvement or take any action, permanent or temporary, which may cause damage or

jeopardize the integrity of the Facilities or which will affect or interfere with, in any way, the rights granted herein. Grantee, may, due to the necessity of repair and maintenance of the Facilities, remove and keep removed any and all improvements to the extent necessary to make repairs. Grantee will not be responsible for loss of improvements due to failure or maintenance of the Facilities.

This instrument shall be binding on, and inure to the benefit of, Grantee and Grantor and their respective successors or assigns.

The individual executing this instrument on behalf of Grantor represents that all appropriate and necessary actions have been taken to authorize the individual who is executing this instrument to do so for and on behalf of Grantor, that there are no other parties or entities required to execute this instrument in order for the same to be an authorized and binding agreement on Grantor and that the individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

It is understood and agreed that the consideration received by Grantor hereunder includes adequate compensation for the grant of the rights hereunder and for all damages arising out of the construction, reconstruction, repair, operation and maintenance of the Facilities as well as for all damages, if any, to Grantor's property which may occur as a result of Grantee's exercise of any rights granted herein.

This instrument may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

EXECUTED on the dates of the acknowledgments, but to be EFFECTIVE on the _____ day of _____, 20__.

GRANTOR:

LAMBERTH HICKERY HILL, LLC,
a Texas limited liability company

By: _____

Printed Name: _____

Its: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be one of the persons whose names are subscribed

to the foregoing instrument; he acknowledged to me that he is the _____
and duly authorized representative of **Lamberth Hickery Hill, LLC**, a Texas limited liability
company, and that he executed the same for the purposes and consideration therein stated and in
the capacity therein stated as the act and deed of said Lamberth Hickery Hill, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this _____ day
of _____, 20__.

Notary Public, State of Texas

My Commission Expires:_____

AGREED AND ACCEPTED:

CITY OF SHERMAN, TEXAS

By: _____
Robby Hefton, City Manager

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, on this day personally appeared **ROBBY HEFTON**, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he acknowledged to me that he is the City Manager and duly authorized representative of the **CITY OF SHERMAN, TEXAS**, a home-rule municipality, and that he executed the same for the purposes and consideration therein stated and in the capacity therein stated as the act and deed of the City of Sherman, Texas.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this _____ day of _____, 20__.

Notary Public, State of Texas
My Commission Expires:_____

ATTEST:

BY: _____
Linda Ashby, City Clerk

APPROVED AS TO FORM AND
CONTENT:
Abernathy, Roeder, Boyd & Hullett, P.C.

By: _____

Name: _____
City Attorney

UNDERWOOD
DRAFTING & SURVEYING, INC.

**PARCEL 15
UTILITY EASEMENT 1
JOB NO. 16080552**

Situated in the County of Grayson, State of Texas, being a part of Ralston W. Adams Survey, Abstract No. 18 also being a part of G.R. Reeves Survey, Abstract No. 1020, and being a part of that 38.00 acre tract of land conveyed to Lamberth Hickory Hill, LLC as recorded in Document No. 2018-22906 Official Public Records, Grayson County, Texas and being described by metes and bounds as follows:

Commencing at a found 5/8" steel rod at the southwest corner of a 5.63 acre tract of land conveyed to David & Linda Gattis by deed recorded in Volume 2690, Page 639 of said Official Public Records, Grayson County, Texas;

Thence South 01°40'30" East a distance of 6.00 feet to the true **Point-of-Beginning**:

Thence over and across said 38.00 acre tract the following calls and distances:

South 01°40'30" East a distance of 10.00 feet to a point;

South 88°42'38" West a distance of 129.35 feet to a point;

with a curve to the left having a radius of 1493.00 feet, (chord bears South 80°07'06" West, with a chord length of 446.11 feet) an arc length of 447.79 feet to a point;

South 71°31'34" West a distance of 293.59 feet to a point;

with a curve to the right having a radius of 1407.00 feet, (chord bears South 79°37'03" West, with a chord length of 396.07 feet) an arc length of 397.39 feet to a point;

South 87°42'32" West a distance of 929.72 feet to a point;

North 01°17'28" West a distance of 10.00 feet to a point;

North 87°42'32" East a distance of 929.54 feet to a point;

with a curve to the left having a radius of 1397.00 feet, (chord bears North 79°37'03" East, with a chord length of 393.26 feet) an arc length of 394.57 feet to a point;

North 71°31'34" East a distance of 293.59 feet to a point;

with a curve to the right having a radius of 1503.00 feet, (chord bears North 80°07'06" East, with a chord length of 449.10 feet) an arc length of 450.79 feet to a point;

North 88°42'38" East a distance of 129.28 feet to the **Point of Beginning** and containing **0.505 acres** or 21978 square feet of land.





**PARCEL 15
UTILITY EASEMENT 2
JOB NO. 16080552**

Situated in the County of Grayson, State of Texas, being a part of Ralston W. Adams Survey, Abstract No. 18 also being a part of G.R. Reeves Survey, Abstract No. 1020, and being a part of that 38.00 acre tract of land conveyed to Lamberth Hickory Hill, LLC as recorded in Document No. 2018-22906 Official Public Records, Grayson County, Texas and being described by metes and bounds as follows:

Commencing at a found 5/8" steel rod at the southwest corner of a 5.63 acre tract of land conveyed to David & Linda Gattis by deed recorded in Volume 2690, Page 639 of said Official Public Records, Grayson County, Texas;

Thence South 01°40'30" East a distance of 102.00 feet to the true **Point-of-Beginning**:

Thence over and across said 38.00 acre tract the following calls and distances:

South 01°40'30" East a distance of 10.00 feet to a point;
South 88°42'38" West a distance of 130.00 feet to a point;
with a curve to the left having a radius of 1397.00 feet, (chord bears South 80°07'06" West, with a chord length of 417.43 feet) an arc length of 419.00 feet to a point;
South 71°31'34" West a distance of 293.59 feet to a point;
with a curve to the right having a radius of 1503.00 feet, (chord bears South 79°37'03" West, with a chord length of 423.10 feet) an arc length of 424.51 feet to a point;
South 87°42'32" West a distance of 931.39 feet to a point;
North 01°17'28" West a distance of 10.00 feet to a point;
North 87°42'32" East a distance of 931.22 feet to a point;
with a curve to the left having a radius of 1493.00 feet, (chord bears North 79°37'03" East, with a chord length of 420.28 feet) an arc length of 421.68 feet to a point;
North 71°31'34" East a distance of 293.59 feet to a point;
with a curve to the right having a radius of 1407.00 feet, (chord bears North 80°07'06" East, with a chord length of 420.41 feet) an arc length of 421.99 feet to a point;
North 88°42'38" East a distance of 129.93 feet to the **Point of Beginning** and containing **0.505 acres** or 21985 square feet of land.



PROPOSED LAMBERTH ROAD

PARCEL 15
UTILITY EASEMENT 1
LAMBERTH HICKERY HILL, LLC
0.505 AC

PARCEL 15
UTILITY EASEMENT 2
LAMBERTH HICKERY HILL, LLC
0.505 AC

PARCEL 15
DRAINAGE EASEMENT 1
LAMBERTH HICKERY HILL, LLC
0.049 AC

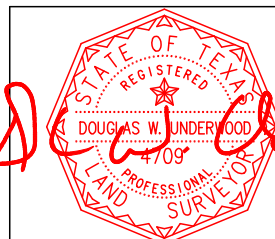
PARCEL 15
DRAINAGE EASEMENT 2
LAMBERTH HICKERY HILL, LLC
0.059 AC

PARCEL 15
EXHIBIT "A"
TOTAL PERMANENT
UTILITY EASEMENTS
(1.010 ACRES)

LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- SPIKE NAIL FOUND
- RAILROAD SPIKE FOUND
- ▲ P/K NAIL SET
- △ P/K NAIL FOUND
- ⬇ ALUMINUM CAP MONUMENT FOUND

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE
SYSTEM
NORTH CENTRAL ZONE



DOUGLAS W. UNDERWOOD,
R.P.L.S. NO. 4709
SURVEYED ON THE GROUND
SEPTEMBER 2017

CITY OF SHERMAN
TEXAS



DRAFTING & SURVEYING, INC.
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
(903) 465-2151 FAX: (903) 465-2152

DATE: 1/11/18
DRAWN BY: JCC
APPROVED BY: DWU
SCALE: 1" = 100'

EASEMENTS LAMBERTH ROAD
RALSTON W. ADAMS SURVEY, ABST. NO. 18
CITY OF SHERMAN, TEXAS
GRANTOR: LAMBERTH HICKERY HILL, LLC

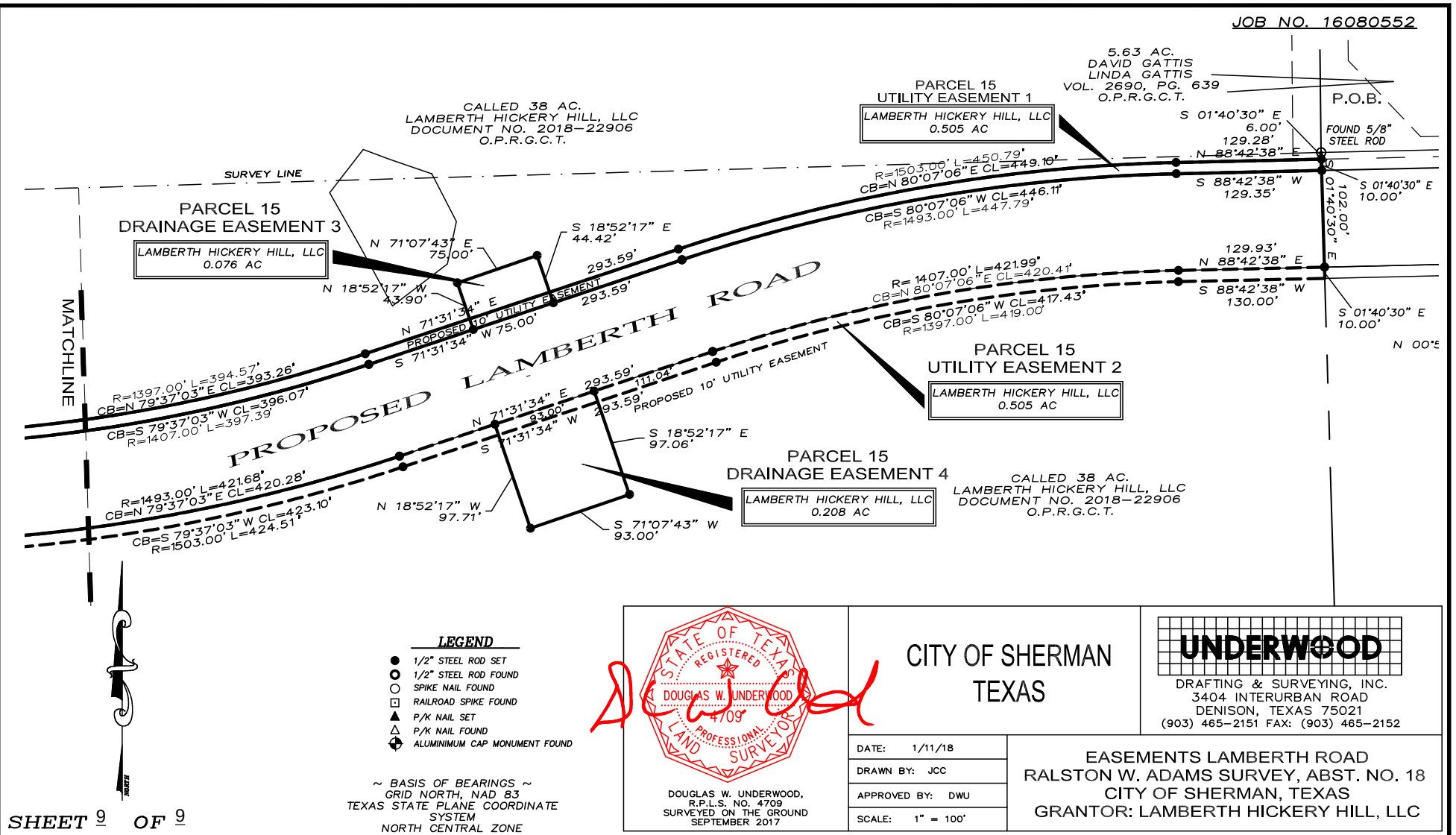
3.147 AC.
LOUISE SHELTON
/OL. 1391, PG. 417
O.P.R.G.C.T.

N 01°17'28" W
10.00'

47.38 AC
3H PARTNERS, LTD
/OL. 5598, PG. 61
O.P.R.G.C.T.

N 01°17'28" W
10.00'

JOB NO. 16080552

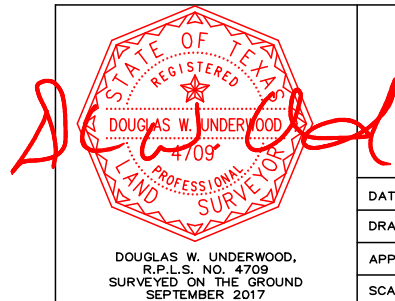


SHEET 9 OF 9

LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- SPIKE NAIL FOUND
- RAILROAD SPIKE FOUND
- ▲ P/K NAIL SET
- △ P/K NAIL FOUND
- ⬢ ALUMINUM CAP MONUMENT FOUND

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE
SYSTEM
NORTH CENTRAL ZONE



CITY OF SHERMAN
TEXAS

UNDERWOOD
DRAFTING & SURVEYING, INC.
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
(903) 465-2151 FAX: (903) 465-2152

DATE: 1/11/18
DRAWN BY: JCC
APPROVED BY: DWU
SCALE: 1" = 100'

EASEMENTS LAMBERTH ROAD
RALSTON W. ADAMS SURVEY, ABST. NO. 18
CITY OF SHERMAN, TEXAS
GRANTOR: LAMBERTH HICKERY HILL, LLC

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After Recording Return to:
City of Sherman
Office of the City Attorney
P. O. Box 1106
Sherman, TX 75091-1106

UTILITY EASEMENT

STATE OF TEXAS

COUNTY OF GRAYSON

§
§
§

KNOW ALL PERSONS BY THESE PRESENTS:

That **HICKERY HILL, LLC**, a Texas limited liability company ("Grantor"), whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand to Grantor paid by the **CITY OF SHERMAN, TEXAS**, a home-rule municipality ("Grantee"), the receipt of which are hereby acknowledged, and for which no lien is retained, either expressed or implied, does hereby GRANT, SELL AND CONVEY unto Grantee the easement and right to construct, reconstruct, operate, repair, enlarge, re-build, replace, relocate, alter, remove and perpetually maintain utility facilities (collectively, "Facilities"), together with all incidental improvements, and all necessary laterals, over, across, in, on, under and through certain real property owned by Grantor and located in the City of Sherman, Grayson County, Texas, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein for all purposes ("Easement Property"). As part of the grant hereby made, it is agreed between the parties hereto that any stone, earth, gravel or caliche which may be excavated in the opening, construction or maintenance of said channel or easement may be removed from said premises by Grantee.

TO HAVE AND TO HOLD the Easement Property perpetually unto the Grantee, its successors and assigns, together with the right and privilege at all times to enter the Easement Property, or any part thereof, for the purpose of constructing, reconstructing, operating, repairing, enlarging, re-building, replacing, relocating, altering, removing and perpetually maintaining the Facilities, and all incidental improvements thereto and for making connections therewith.

Grantor does hereby bind itself and its successors to WARRANT AND FOREVER DEFEND all and singular the Easement Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

Grantee, its successors and assigns, shall have the right to construct, reconstruct and perpetually maintain additional Facilities at all times in the future within the Easement Property. If Grantee is unable to access the Easement Property due to physical barriers or conditions, then Grantee shall have, and is hereby granted, the right of ingress and egress over that portion of the

Grantor's adjacent property within fifteen feet (15') of the Easement Property as is reasonably necessary to and for the limited purpose of accessing the Easement Property.

Grantee shall have, and is hereby granted, the right to use that portion of the Grantor's adjacent property within ten feet (10') of the Easement Property as a Temporary Construction Easement for the purpose of facilitating construction of public utility facilities and/or other public facilities, together with all incidental improvements, and all necessary laterals, thereto. Grantee shall have the same rights under the Temporary Construction Easement as it has under the Utility Easement. The Temporary Construction Easement granted herein will automatically terminate on the date that Grantee issues its final acceptance of the public utility or other public facilities in the area of the Temporary Easement Property; provided, however, that should Grantee need additional time for the Temporary Construction Easement to remain in full force and effect, Grantor shall be required to extend the date of termination of the Temporary Construction Easement.

Grantee will at all times after doing any work in connection with the construction, operation or repair of the Facilities, restore the surface of the Easement Property as close to the condition in which it was found before such work was undertaken as is reasonably practicable, except for trees, shrubs and structures within the Easement Property that were removed as a result of such work.

Grantor represents and warrants to Grantee that Grantor is the sole owner of the fee simple title to the Easement Property. Grantor does hereby represent and warrant that there are no liens, attachments or other encumbrances which will affect the title or right of the Grantor to convey this easement to the Grantee for the purposes as described herein. If such condition does exist, a signature with acknowledgment shall be included and made a part of this document conveying the rights and privileges contained herein and subordinating any such lien to the easement granted herein.

This instrument shall not be considered as a deed to the Easement Property or any part thereof, and the right is hereby reserved to Grantor, its successors and assigns, to use the Easement Property to landscape and build and construct fences, driveways, parking lots and other associated improvements over or across said easement; provided, however, that in no event shall a wall, structure or building of any type other than those previously described or any piling, pier or isolated footing of any wall, structure or building be placed directly on the Easement Property.

The easement rights and privileges granted herein are non-exclusive, but Grantor covenants that Grantor will not convey any other easement or conflicting rights within the area covered by this grant which unreasonably interfere with Grantee's rights granted herein and provided all such other grants comply with all applicable local, state and federal laws, ordinances, rules, regulations and/or requirements, as they exist, may be amended or in the future arising.

Further, notwithstanding anything to the contrary herein, Grantor shall not place any improvement or take any action, permanent or temporary, which may cause damage or

jeopardize the integrity of the Facilities or which will affect or interfere with, in any way, the rights granted herein. Grantee, may, due to the necessity of repair and maintenance of the Facilities, remove and keep removed any and all improvements to the extent necessary to make repairs. Grantee will not be responsible for loss of improvements due to failure or maintenance of the Facilities.

This instrument shall be binding on, and inure to the benefit of, Grantee and Grantor and their respective successors or assigns.

The individual executing this instrument on behalf of Grantor represents that all appropriate and necessary actions have been taken to authorize the individual who is executing this instrument to do so for and on behalf of Grantor, that there are no other parties or entities required to execute this instrument in order for the same to be an authorized and binding agreement on Grantor and that the individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

It is understood and agreed that the consideration received by Grantor hereunder includes adequate compensation for the grant of the rights hereunder and for all damages arising out of the construction, reconstruction, repair, operation and maintenance of the Facilities as well as for all damages, if any, to Grantor's property which may occur as a result of Grantee's exercise of any rights granted herein.

This instrument may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

EXECUTED on the dates of the acknowledgments, but to be EFFECTIVE on the _____ day of _____, 20__.

GRANTOR:

HICKERY HILL, LLC,
a Texas limited liability company

By: _____

Printed Name: _____

Its: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be one of the persons whose names are subscribed

to the foregoing instrument; he acknowledged to me that he is the _____
and duly authorized representative of **Hickery Hill, LLC**, a Texas limited liability company, and
that he executed the same for the purposes and consideration therein stated and in the capacity
therein stated as the act and deed of said Hickery Hill, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this _____ day
of _____, 20__.

Notary Public, State of Texas
My Commission Expires:_____

AGREED AND ACCEPTED:

CITY OF SHERMAN, TEXAS

By: _____
Robby Hefton, City Manager

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, on this day personally appeared **ROBBY HEFTON**, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he acknowledged to me that he is the City Manager and duly authorized representative of the **CITY OF SHERMAN, TEXAS**, a home-rule municipality, and that he executed the same for the purposes and consideration therein stated and in the capacity therein stated as the act and deed of the City of Sherman, Texas.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this _____ day of _____, 20__.

Notary Public, State of Texas
My Commission Expires:_____

ATTEST:

BY: _____
Linda Ashby, City Clerk

APPROVED AS TO FORM AND
CONTENT:
Abernathy, Roeder, Boyd & Hullett, P.C.

By: _____

Name: _____
City Attorney



**PARCEL 15A
UTILITY EASEMENT
JOB NO. 16080552**

Situated in the County of Grayson, State of Texas, being a part of the Ralston W. Adams Survey, Abstract No. 18, the James H. Vaden Survey, Abstract No. 1288 and the William Thompson Survey, Abstract No. 1209, and being a part of the 145.33 acre tract of land conveyed to Hickery Hill, LLC by deed of record in Volume 5691, Page 715, Official Public Records, Grayson County, Texas, Grayson County, Texas and being more particularly described by metes and bounds as follows:

Commencing at a found 5/8" steel rod at the southwest corner of a 5.63 acre tract of land conveyed to David & Linda Gattis by deed recorded in Volume 2690, Page 639 of said Official Public Records, Grayson County, Texas;

Thence South 01°40'30" East a distance of 102.00 feet to the true **Point-of-Beginning**:

Thence over and across said 145.33 acre tract the following calls and distances:

North 88°42'38" East a distance of 1673.07 feet to a point;
with a curve to the left having a radius of 1243.00 feet, (chord bears North 84°01'40" East, with a chord length of 202.95 feet) an arc length of 203.18 feet to a point;
North 79°20'42" East a distance of 164.26 feet to a point;
with a curve to the right having a radius of 1157.00 feet, (chord bears North 82°02'56" East, with a chord length of 109.16 feet) an arc length of 109.20 feet to a point;
South 14°18'42" West a distance of 10.62 feet to a point;
with a curve to the left having a radius of 1146.99 feet, (chord bears South 81°57'36" West, with a chord length of 104.66 feet) an arc length of 104.70 feet to a point;
South 79°20'42" West a distance of 164.26 feet to a point;
with a curve to the right having a radius of 1253.00 feet, (chord bears South 84°01'40" West, with a chord length of 204.59 feet) an arc length of 204.82 feet to a point;
South 88°42'38" West a distance of 1673.00 feet to a point;
North 01°40'30" West a distance of 10.00 feet to **the Point of Beginning** and containing **0.493 acres** or 21482 square feet of land.

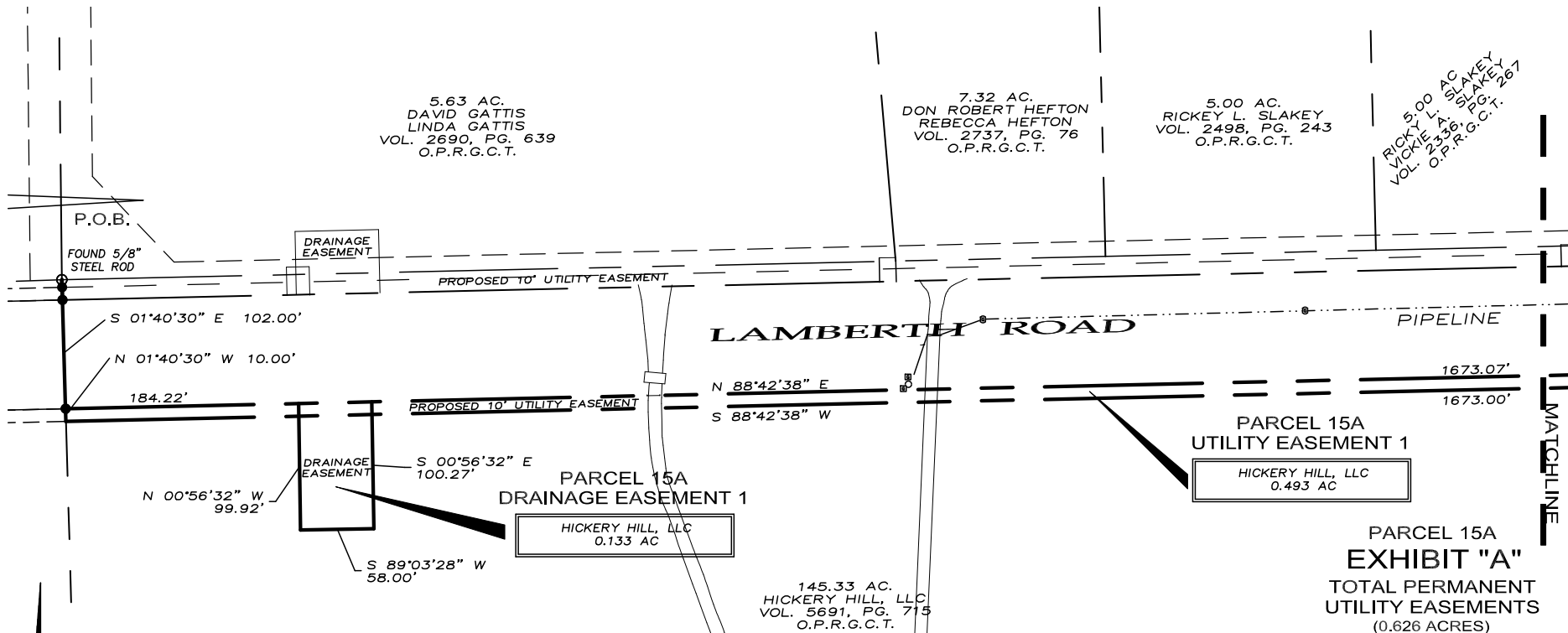


5.63 AC.
DAVID GATTIS
LINDA GATTIS
VOL. 2690, PG. 639
O.P.R.G.C.T.

7.32 AC.
DON ROBERT HEFTON
REBECCA HEFTON
VOL. 2737, PG. 76
O.P.R.G.C.T.

5.00 AC.
RICKEY L. SLAKEY
VOL. 2498, PG. 243
O.P.R.G.C.T.

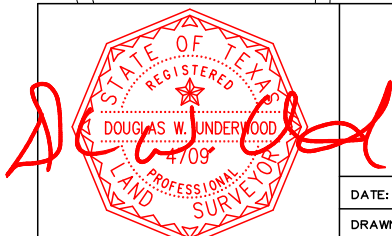
5.00 AC.
RICKEY L. SLAKEY
VOL. 2498, PG. 243
O.P.R.G.C.T.



LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- SPIKE NAIL FOUND
- RAILROAD SPIKE FOUND
- ▲ P/K NAIL SET
- △ P/K NAIL FOUND
- ⬇ ALUMINUM CAP MONUMENT FOUND

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE
SYSTEM
NORTH CENTRAL ZONE



DOUGLAS W. UNDERWOOD,
R.P.L.S. NO. 4709
SURVEYED ON THE GROUND
SEPTEMBER 2017

**CITY OF SHERMAN
TEXAS**



DRAFTING & SURVEYING, INC.
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
(903) 465-2151 FAX: (903) 465-2152

DATE: 1/11/18

DRAWN BY: JCC

APPROVED BY: DWU

SCALE: 1" = 100'

EASEMENTS LAMBERTH ROAD
RALSTON W. ADAMS SURVEY, ABST. NO. 18
CITY OF SHERMAN, TEXAS
GRANTOR: HICKERY HILL, LLC

5.00 AC
RICKY L. SLAKEY
VICKIE A. SLAKEY
VOL. 2336, PG. 267
O.P.R.G.C.T.

5.00 AC
BARRY K. GANT
CATHY D. GANT
VOL. 2346, PG. 316
O.P.R.G.C.T.

DON SIMPSON
DEBORAH SIMPSON
VOL. 5397, PG. 407
O.P.R.G.C.T.

KEVIN LEMONS
VOL. 3611, PG. 599
O.P.R.G.C.T.

BRENDA K. GREENFIELD
et al
VOL. 4532, PG. 770
O.P.R.G.C.T.

FOUND 1/2" SQUARE PIPE

SPIKE NAIL SET

R=1157.00' L=109.20'
CRD BRG=N 82°02'56" E
CHD LEN=109.16'

S 14°18'42" W 10.62'

LAMBERTH ROAD

R=1243.00' L=203.18'
CRD BRG=N 84°01'40" E
CHD LEN=202.95'

PROPOSED 10' UTILITY EASEMENT

PARCEL 15A
UTILITY EASEMENT 1

HICKERY HILL, LLC
0.493 AC

R=1146.99' L=104.70'
CRD BRG=S 81°57'36" W
CHD LEN=104.66'

R=1253.00' L=204.82'
CRD BRG=S 84°01'40" W
CHD LEN=204.59'

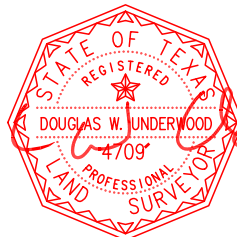
1.393 AC.
EVERGREEN PRESBYTERIAN
MINISTRIES OF TEXAS, INC.
VOL. 3388, PG. 300
O.P.R.G.C.T.

PARCEL 15A
EXHIBIT "A"
TOTAL PERMANENT
UTILITY EASEMENTS
(0.626 ACRES)

LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- SPIKE NAIL FOUND
- RAILROAD SPIKE FOUND
- ▲ P/K NAIL SET
- △ P/K NAIL FOUND
- ⊕ ALUMINUM CAP MONUMENT FOUND

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE



DOUGLAS W. UNDERWOOD,
R.P.L.S. NO. 4709
SURVEYED ON THE GROUND
SEPTEMBER 2017

CITY OF SHERMAN
TEXAS

UNDERWOOD

DRAFTING & SURVEYING, INC.
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
(903) 465-2151 FAX: (903) 465-2152

DATE: 1/11/18

DRAWN BY: JCC

APPROVED BY: DWU

SCALE: 1" = 100'

RIGHT-OF-WAY WIDENING LAMBERTH ROAD
RALSTON W. ADAMS SURVEY, ABST. NO. 18
CITY OF SHERMAN, TEXAS
GRANTOR: HICKERY HILL, LLC

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 DRIVERS' LICENSE NUMBER.

After Recording Return to:
City of Sherman
Office of the City Attorney
P. O. Box 1106
Sherman, TX 75091-1106

DRAINAGE EASEMENT

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GRAYSON

That **LAMBERTH HICKERY HILL, LLC**, a Texas limited liability company ("Grantor"), whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand to Grantor paid by the **CITY OF SHERMAN, TEXAS**, a home-rule municipality ("Grantee"), the receipt of which are hereby acknowledged, and for which no lien is retained, either expressed or implied, does hereby GRANT, SELL AND CONVEY unto Grantee the easement and right to construct, reconstruct, operate, repair, enlarge, re-build, replace, relocate, alter, remove and perpetually maintain drainage facilities (collectively, "Facilities"), together with all incidental improvements and all necessary appurtenances, over, across, in, on, under and through certain real property owned by Grantor and located in the City of Sherman, Grayson County, Texas, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein for all purposes ("Easement Property"). As part of the grant hereby made, it is agreed between the parties hereto that any stone, earth, gravel or caliche which may be excavated in the opening, construction or maintenance of said easement may be removed from said premises by Grantee.

TO HAVE AND TO HOLD the Easement Property perpetually unto the Grantee, its successors and assigns, together with the right and privilege at all times to enter the Easement Property, or any part thereof, for the purpose of constructing, reconstructing, operating, repairing, enlarging, re-building, replacing, relocating, altering, removing and perpetually maintaining the Facilities, and all incidental improvements thereto and for making connections therewith.

Grantor does hereby bind itself and its successors to WARRANT AND FOREVER DEFEND all and singular the Easement Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

Grantee, its successors and assigns, shall have the right to construct, reconstruct and perpetually maintain additional Facilities at all times in the future within the Easement Property.

If Grantee is unable to access the Easement Property due to physical barriers or conditions, then Grantee shall have, and is hereby granted, the right of ingress and egress over that portion of the Grantor's adjacent property within fifteen feet (15') of the Easement Property as is reasonably necessary to and for the limited purpose of accessing the Easement Property.

The Easement Property shall remain open at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Easement Property. Notwithstanding anything to the contrary herein, Grantee will not be responsible for the maintenance and operation of the Easement Property or for any damage to private property or person that results from conditions in the Easement Property, or for the control of erosion. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type of building, fence or any other structure within the Easement Property, unless approved by the City Engineer; provided, however, that it is understood that in the event it becomes necessary for Grantee to consider channelizing or erecting any type of drainage structure in order to improve storm drainage, then in such event, Grantee shall have the right, but not the obligation, to enter upon the Easement Property at any point, or points, with all rights of ingress and egress to investigate, survey, or to erect, construct and maintain any drainage or detention facility deemed necessary for drainage or detention purposes.

Grantor shall keep the Easement Property clean and free of debris, silt and any substance which would result in unsanitary conditions or obstruct the flow of water, and Grantee shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the Grantor to alleviate any undesirable conditions which may occur. In the event that Grantor or other property owners do not properly maintain or repair the Easement Property in accordance with Grantee's laws or other applicable regulations, Grantee has the right, but not the obligation, to enter on the Easement Property at any point, or points, to investigate, survey, erect, construct, maintain and/or repair the Facilities or to conduct emergency repairs or supervise the work of others deemed necessary, as solely determined by Grantee, for drainage purposes, and the failure of Grantor or other property owners to undertake such required repairs or maintenance and diligent completion of such repairs or maintenance.

The natural drainage through the Easement Property is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. Grantor and/or other property owners shall be liable to Grantee for any costs Grantee incurs as a result of any maintenance or repairs implemented by Grantee. Grantee shall not be held liable for any damages of any nature resulting from the failure of any structure or structures erected or installed by Grantor within the Easement Property, and Grantor hereby agrees to indemnify, defend and hold harmless Grantee from any such damages and injuries.

Grantee will at all times after doing any work in connection with the construction, operation or repair of the Facilities, restore the surface of the Easement Property as close to the condition in which it was found before such work was undertaken as is reasonably practicable, except for trees, shrubs and structures within the Easement Property that were removed as a result of such work.

Grantor represents and warrants to Grantee that Grantor is the sole owner of the fee simple title to the Easement Property. Grantor does hereby represent and warrant that there are no liens, attachments or other encumbrances which will affect the title or right of the Grantor to convey this easement to the Grantee for the purposes as described herein. If such condition does exist, a signature with acknowledgment shall be included and made a part of this document conveying the rights and privileges contained herein and subordinating any such lien to the easement granted herein.

This instrument shall not be considered as a deed to the Easement Property or any part thereof, and the right is hereby reserved to Grantor, its successors and assigns, to use the Easement Property to landscape and build and construct fences, driveways, parking lots and other associated improvements over or across said easement; provided, however, that in no event shall a wall, structure or building of any type other than those previously described or any piling, pier or isolated footing of any wall, structure or building be placed directly on the Easement Property.

The easement rights and privileges granted herein are non-exclusive, but Grantor covenants that Grantor will not convey any other easement or conflicting rights within the area covered by this grant which unreasonably interfere with Grantee's rights granted herein and provided all such other grants comply with all applicable local, state and federal laws, ordinances, rules, regulations and/or requirements, as they exist, may be amended or in the future arising.

Further, notwithstanding anything to the contrary herein, Grantor shall not place any improvement or take any action, permanent or temporary, which may cause damage or jeopardize the integrity of the Facilities, the roadway facilities or other public facilities or which will affect or interfere with, in any way, the rights granted herein. Grantee, may, due to the necessity of repair and maintenance of the Facilities, the roadway facilities or other public facilities, remove and keep removed any and all improvements to the extent necessary to make repairs. Grantee will not be responsible for loss of improvements due to failure or maintenance of the Facilities, the roadway facilities or other public facilities.

This instrument shall be binding on, and inure to the benefit of, Grantee and Grantor and their respective successors or assigns.

The individual executing this instrument on behalf of Grantor represents that all appropriate and necessary actions have been taken to authorize the individual who is executing this instrument to do so for and on behalf of Grantor, that there are no other parties or entities required to execute this instrument in order for the same to be an authorized and binding agreement on Grantor and that the individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

It is understood and agreed that the consideration received by Grantor hereunder includes adequate compensation for the grant of the rights hereunder and for all damages arising out of the construction, reconstruction, repair, operation and maintenance of the Facilities and roadway

and other public facilities as well as all damages, if any, to Grantor's property which may occur in the future resulting from Grantee's exercise of any rights granted herein.

This instrument may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

EXECUTED on the dates appearing in the acknowledgements below, however, to be effective on this ____ day of _____, 20__.

GRANTOR:

LAMBERTH HICKERY HILL, LLC,
a Texas limited liability company

By: _____

Printed Name: _____

Its: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he acknowledged to me that he is the _____ and duly authorized representative of **Lamberth Hickery Hill, LLC**, a Texas limited liability company, and that he executed the same for the purposes and consideration therein stated and in the capacity therein stated as the act and deed of said Lamberth Hickery Hill, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this _____ day of _____, 20__.

Notary Public, State of Texas
My Commission Expires: _____

AGREED AND ACCEPTED:

CITY OF SHERMAN, TEXAS

By: _____
Robby Hefton, City Manager

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, on this day personally appeared **ROBBY HEFTON**, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he acknowledged to me that he is the City Manager and duly authorized representative of the **CITY OF SHERMAN, TEXAS**, a home-rule municipality, and that he executed the same for the purposes and consideration therein stated and in the capacity therein stated as the act and deed of the City of Sherman, Texas.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this _____ day of _____, 20__.

Notary Public, State of Texas
My Commission Expires:_____

ATTEST:

BY: _____
Linda Ashby, City Clerk

APPROVED AS TO FORM AND
CONTENT:
Abernathy, Roeder, Boyd & Hullett, P.C.

By: _____

Name: _____
City Attorney



DRAFTING & SURVEYING, INC.

EXHIBIT "A"

**PARCEL 15
DRAINAGE EASEMENT 1
JOB NO. 16080552**

Situated in the County of Grayson, State of Texas, being a part of Ralston W. Adams Survey, Abstract No. 18 also being a part of G.R. Reeves Survey, Abstract No. 1020, and being a part of that 38.00 acre tract of land conveyed to Lamberth Hickory Hill, LLC as recorded in Document No. 2018-22906 Official Public Records, Grayson County, Texas and being described by metes and bounds as follows:

Commencing at a 5/8" steel rod found in the west edge of Lamberth Road said rod maintaining the southwest corner of a 5.63 acre tract of land conveyed to David & Linda Gattis by deed of record in Volume 2690, Page 639 of said Official Public Records;

Thence South 01°40'30" East, along the west line of said 145.33 acre tract, a distance of 16.00 feet to a 1/2" steel rod set in the north right-of-way line of proposed Lamberth Road;

Thence westerly along said north right-of-way line the following calls and distances:

South 88°42'38" West a distance of 129.35 feet to a 1/2" steel rod set;

With a curve to the left having a radius of 1493.00 feet, (chord bears South 80°07'06" West, with a chord length of 446.11 feet) an arc length of 447.79 feet to a 1/2" steel rod set;

South 71°31'34" West a distance of 293.59 feet to a 1/2" steel rod set;

With a curve to the right having a radius of 1407.00 feet, (chord bears South 79°37'03" West, with a chord length of 396.07 feet) an arc length of 397.39 feet to a point being the **True Point-of-Beginning**;

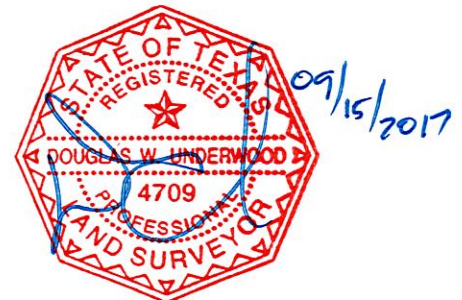
Thence over and across said 38 acre tract the following calls and distances:

North 02°17'28" West a distance of 46.98 feet to a point;

North 86°41'04" East a distance of 44.86 feet to a point;

South 03°59'53" East a distance of 47.05 feet to a point;

Thence continuing along said south right-of-way line with a curve to the right having a radius of 1407.24 feet, (chord bears South 86°47'02" West, with a chord length of 46.26 feet) an arc length of 46.26 feet to the **Point-of-Beginning** and containing **0.049 acres** (2,148 square feet) of land.





**PARCEL 15
DRAINAGE EASEMENT 2
JOB NO. 16080552**

Situated in the County of Grayson, State of Texas, being a part of Ralston W. Adams Survey, Abstract No. 18 also being a part of G.R. Reeves Survey, Abstract No. 1020, and being a part of that 38.00 acre tract of land conveyed to Lamberth Hickory Hill, LLC as recorded in Document No. 2018-22906 Official Public Records, Grayson County, Texas and being described by metes and bounds as follows:

Commencing at a 5/8" steel rod found in the west edge of Lamberth Road said rod maintaining the southwest corner of a 5.63 acre tract of land conveyed to David & Linda Gattis by deed of record in Volume 2690, Page 639 of said Official Public Records;

Thence South 01°40'30" East, along the east line of said 90 acre tract, a distance of 102.00 feet to a point in the south right-of-way line of proposed Lamberth Road

Thence along said south right-of-way line the following calls and distances:

South 88°42'38" West a distance of 129.93 feet to a 1/2" steel rod set;

With a curve to the left having a radius of 1407.00 feet, (chord bears South 80°07'06" West, with a chord length of 420.41 feet) an arc length of 421.99 feet to a 1/2" steel rod set;

Thence South 71°31'34" West a distance of 293.59 feet to a 1/2" steel rod set;

Thence with a curve to the right having a radius of 1493.00 feet, (chord bears South 78°22'03" West, with a chord length of 355.69 feet) an arc length of 356.54 feet to a point for the **True Point-of-Beginning**;

Thence over and across said 38 acre tract the following calls and distances:

South 03°48'45" East a distance of 55.07 feet to a point;

South 86°11'15" West a distance of 46.73 feet to a point;

North 03°48'45" West a distance of 55.00 feet to a point in said south right-of-way line;

Thence along said south right-of-way line with a curve to the left having a radius of 1493.00 feet, (chord bears North 86°06'20" East, with a chord length of 46.73 feet) an arc length of 46.73 feet to the **Point-of-Beginning** and containing **0.059 acres** (2,566 square feet) of land.





**PARCEL 15
DRAINAGE EASEMENT 3
JOB NO. 16080552**

Situated in the County of Grayson, State of Texas, being a part of Ralston W. Adams Survey, Abstract No. 18 also being a part of G.R. Reeves Survey, Abstract No. 1020, and being a part of that 38.00 acre tract of land conveyed to Lamberth Hickory Hill, LLC as recorded in Document No. 2018-22906 Official Public Records, Grayson County, Texas and being described by metes and bounds as follows:

Commencing at a 5/8" steel rod found in the west edge of Lamberth Road said rod maintaining the southwest corner of a 5.63 acre tract of land conveyed to David & Linda Gattis by deed of record in Volume 2690, Page 639 of said Official Public Records;

Thence South 01°40'30" East, along the west line of said 145.33 acre tract, a distance of 16.00 feet to a 1/2" steel rod set in the north right-of-way line of proposed Lamberth Road;

Thence westerly along said north right-of-way line the following calls and distances:

South 88°42'38" West a distance of 129.35 feet to a 1/2" steel rod set;

With a curve to the left having a radius of 1493.00 feet, (chord bears South 80°07'06" West, with a chord length of 446.11 feet) an arc length of 447.79 feet to a 1/2" steel rod set;

South 71°31'34" West a distance of 120.63 feet to a point being the **True Point-of-Beginning**;

Thence South 71°31'34" West, continuing along said south right-of-way line, a distance of 75.00 feet to a point;

Thence over and across said 38 acre tract the following calls and distances:

North 18°52'17" West a distance of 43.90 feet to a point;

North 71°07'43" East a distance of 75.00 feet to a point;

South 18°52'17" East a distance of 44.42 feet to the **Point-of-Beginning** and containing **0.076 acres** (3,312 square feet) of land.





**PARCEL 15
DRAINAGE EASEMENT 4
JOB NO. 16080552**

S Situated in the County of Grayson, State of Texas, being a part of Ralston W. Adams Survey, Abstract No. 18 also being a part of G.R. Reeves Survey, Abstract No. 1020, and being a part of that 38.00 acre tract of land conveyed to Lamberth Hickory Hill, LLC as recorded in Document No. 2018-22906 Official Public Records, Grayson County, Texas and being described by metes and bounds as follows:

Commencing at a 5/8" steel rod found in the west edge of Lamberth Road said rod maintaining the southwest corner of a 5.63 acre tract of land conveyed to David & Linda Gattis by deed of record in Volume 2690, Page 639 of said Official Public Records;

Thence South 01°40'30" East, along the east line of said 90 acre tract, a distance of 102.00 feet to a point in the south right-of-way line of proposed Lamberth Road

Thence along said south right-of-way line the following calls and distances:

South 88°42'38" West a distance of 129.93 feet to a 1/2" steel rod set;

With a curve to the left having a radius of 1407.00 feet, (chord bears South 80°07'06" West, with a chord length of 420.41 feet) an arc length of 421.99 feet to a 1/2" steel rod set;

Thence South 71°31'34" West a distance of 111.04 feet to a point for the **True Point-of-Beginning**;

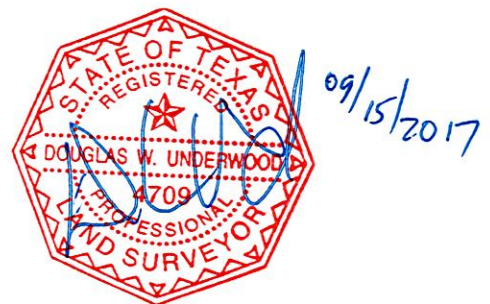
Thence over and across said 38 acre tract the following calls and distances:

South 18°52'17" East a distance of 97.06 feet to a point;

South 71°07'43" West a distance of 93.00 feet to a point;

North 18°52'17" West a distance of 97.71 feet to a point in said south right-of-way line;

Thence North 71°31'34" East, along said south right-of-way line, a distance of 93.00 feet to the **Point-of-Beginning** and containing **0.208 acres** (9,057 square feet) of land.



PROPOSED LAMBERTH ROAD

PARCEL 15
UTILITY EASEMENT 1

LAMBERTH HICKERY HILL, LLC
0.505 AC

CALLLED 38 AC.
LAMBERTH HICKERY HILL, LLC
DOCUMENT NO. 2018-22906
O.P.R.G.C.T.

PARCEL 15
DRAINAGE EASEMENT 1

LAMBERTH HICKERY HILL, LLC
0.049 AC

PARCEL 15
DRAINAGE EASEMENT 2

LAMBERTH HICKERY HILL, LLC
0.059 AC

PARCEL 15
EXHIBIT "A"
TOTAL PERMANENT
UTILITY EASEMENTS
(1.010 ACRES)

3.147 AC.
LOUISE SHELTON
/OL. 1391, PG. 417
O.P.R.G.C.T.

N 01°17'28" W
10.00'

N 01°17'28" W
10.00'

47.38 AC
3H PARTNERS, LTD
/OL. 5598, PG. 61
O.P.R.G.C.T.

PROPOSED 10' UTILITY EASEMENT
N 87°42'32" E 929.54'
S 87°42'32" W 929.72'

PROPOSED 10' UTILITY EASEMENT
N 87°42'32" E 931.22'
S 87°42'32" W 931.39'

PARCEL 15
UTILITY EASEMENT 2

LAMBERTH HICKERY HILL, LLC
0.505 AC

CALLLED 38 AC.
LAMBERTH HICKERY HILL, LLC
DOCUMENT NO. 2018-22906
O.P.R.G.C.T.

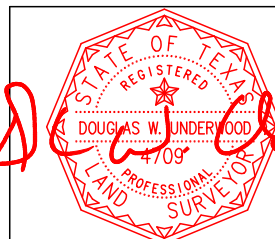
N 86°41'04" E 44.86'
S 03°59'53" E 47.05'
N 02°17'28" W 46.98'
DRAINAGE EASEMENT
L=46.26' R=1407.24'
CHD BRG=S 86°47'02" W
CHD LEN=46.26'

L=46.73' R=1493.00'
CHD BRG=N 86°06'20" E
CHD LEN=46.73'
DRAINAGE EASEMENT
N 03°48'45" W 55.00'
S 03°48'45" E 55.07'
S 86°11'15" W 46.73'

LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- SPIKE NAIL FOUND
- RAILROAD SPIKE FOUND
- ▲ P/K NAIL SET
- △ P/K NAIL FOUND
- ⬇ ALUMINUM CAP MONUMENT FOUND

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE
SYSTEM
NORTH CENTRAL ZONE



DOUGLAS W. UNDERWOOD,
R.P.L.S. NO. 4709
SURVEYED ON THE GROUND
SEPTEMBER 2017

CITY OF SHERMAN
TEXAS

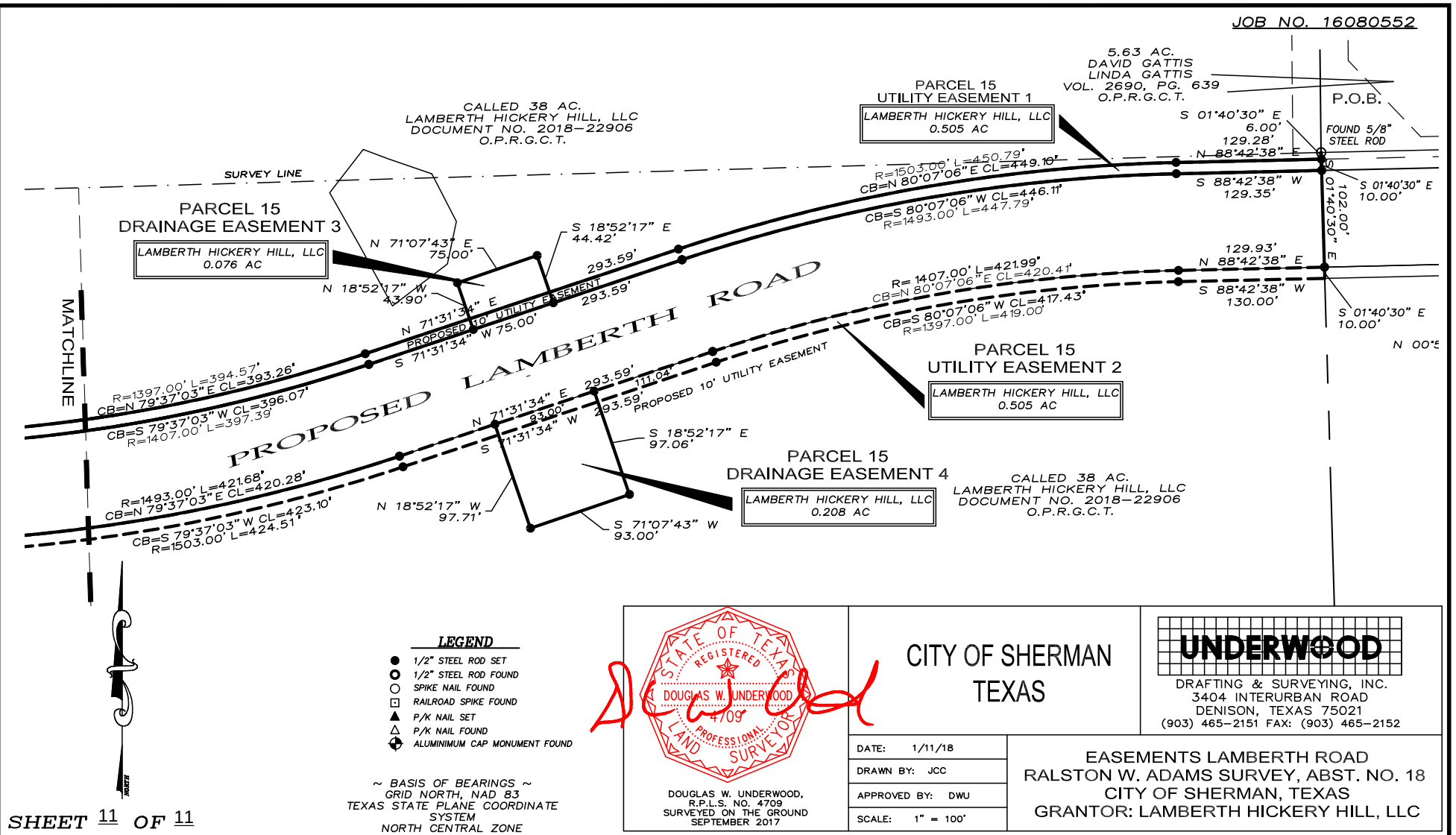
DATE: 1/11/18
DRAWN BY: JCC
APPROVED BY: DWU
SCALE: 1" = 100'



DRAFTING & SURVEYING, INC.
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
(903) 465-2151 FAX: (903) 465-2152

EASEMENTS LAMBERTH ROAD
RALSTON W. ADAMS SURVEY, ABST. NO. 18
CITY OF SHERMAN, TEXAS
GRANTOR: LAMBERTH HICKERY HILL, LLC

JOB NO. 16080552

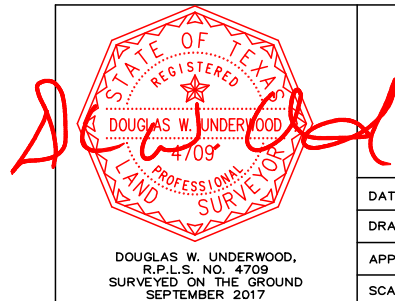


SHEET 11 OF 11

LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- SPIKE NAIL FOUND
- RAILROAD SPIKE FOUND
- ▲ P/K NAIL SET
- △ P/K NAIL FOUND
- ⬤ ALUMINUM CAP MONUMENT FOUND

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE
SYSTEM
NORTH CENTRAL ZONE



CITY OF SHERMAN
TEXAS

UNDERWOOD
DRAFTING & SURVEYING, INC.
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
(903) 465-2151 FAX: (903) 465-2152

DATE: 1/11/18
DRAWN BY: JCC
APPROVED BY: DWU
SCALE: 1" = 100'

EASEMENTS LAMBERTH ROAD
RALSTON W. ADAMS SURVEY, ABST. NO. 18
CITY OF SHERMAN, TEXAS
GRANTOR: LAMBERTH HICKERY HILL, LLC

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 DRIVERS' LICENSE NUMBER.

After Recording Return to:
City of Sherman
Office of the City Attorney
P. O. Box 1106
Sherman, TX 75091-1106

DRAINAGE EASEMENT

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GRAYSON

That **HICKERY HILL, LLC**, a Texas limited liability company ("Grantor"), whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand to Grantor paid by the **CITY OF SHERMAN, TEXAS**, a home-rule municipality ("Grantee"), the receipt of which are hereby acknowledged, and for which no lien is retained, either expressed or implied, does hereby GRANT, SELL AND CONVEY unto Grantee the easement and right to construct, reconstruct, operate, repair, enlarge, re-build, replace, relocate, alter, remove and perpetually maintain drainage facilities (collectively, "Facilities"), together with all incidental improvements and all necessary appurtenances, over, across, in, on, under and through certain real property owned by Grantor and located in the City of Sherman, Grayson County, Texas, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein for all purposes ("Easement Property"). As part of the grant hereby made, it is agreed between the parties hereto that any stone, earth, gravel or caliche which may be excavated in the opening, construction or maintenance of said easement may be removed from said premises by Grantee.

TO HAVE AND TO HOLD the Easement Property perpetually unto the Grantee, its successors and assigns, together with the right and privilege at all times to enter the Easement Property, or any part thereof, for the purpose of constructing, reconstructing, operating, repairing, enlarging, re-building, replacing, relocating, altering, removing and perpetually maintaining the Facilities, and all incidental improvements thereto and for making connections therewith.

Grantor does hereby bind itself and its successors to WARRANT AND FOREVER DEFEND all and singular the Easement Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

Grantee, its successors and assigns, shall have the right to construct, reconstruct and perpetually maintain additional Facilities at all times in the future within the Easement Property. If Grantee is unable to access the Easement Property due to physical barriers or conditions, then

Grantee shall have, and is hereby granted, the right of ingress and egress over that portion of the Grantor's adjacent property within fifteen feet (15') of the Easement Property as is reasonably necessary to and for the limited purpose of accessing the Easement Property.

The Easement Property shall remain open at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Easement Property. Notwithstanding anything to the contrary herein, Grantee will not be responsible for the maintenance and operation of the Easement Property or for any damage to private property or person that results from conditions in the Easement Property, or for the control of erosion. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type of building, fence or any other structure within the Easement Property, unless approved by the City Engineer; provided, however, that it is understood that in the event it becomes necessary for Grantee to consider channelizing or erecting any type of drainage structure in order to improve storm drainage, then in such event, Grantee shall have the right, but not the obligation, to enter upon the Easement Property at any point, or points, with all rights of ingress and egress to investigate, survey, or to erect, construct and maintain any drainage or detention facility deemed necessary for drainage or detention purposes.

Grantor shall keep the Easement Property clean and free of debris, silt and any substance which would result in unsanitary conditions or obstruct the flow of water, and Grantee shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the Grantor to alleviate any undesirable conditions which may occur. In the event that Grantor or other property owners do not properly maintain or repair the Easement Property in accordance with Grantee's laws or other applicable regulations, Grantee has the right, but not the obligation, to enter on the Easement Property at any point, or points, to investigate, survey, erect, construct, maintain and/or repair the Facilities or to conduct emergency repairs or supervise the work of others deemed necessary, as solely determined by Grantee, for drainage purposes, and the failure of Grantor or other property owners to undertake such required repairs or maintenance and diligent completion of such repairs or maintenance.

The natural drainage through the Easement Property is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. Grantor and/or other property owners shall be liable to Grantee for any costs Grantee incurs as a result of any maintenance or repairs implemented by Grantee. Grantee shall not be held liable for any damages of any nature resulting from the failure of any structure or structures erected or installed by Grantor within the Easement Property, and Grantor hereby agrees to indemnify, defend and hold harmless Grantee from any such damages and injuries.

Grantee will at all times after doing any work in connection with the construction, operation or repair of the Facilities, restore the surface of the Easement Property as close to the condition in which it was found before such work was undertaken as is reasonably practicable, except for trees, shrubs and structures within the Easement Property that were removed as a result of such work.

Grantor represents and warrants to Grantee that Grantor is the sole owner of the fee simple title to the Easement Property. Grantor does hereby represent and warrant that there are no liens, attachments or other encumbrances which will affect the title or right of the Grantor to convey this easement to the Grantee for the purposes as described herein. If such condition does exist, a signature with acknowledgment shall be included and made a part of this document conveying the rights and privileges contained herein and subordinating any such lien to the easement granted herein.

This instrument shall not be considered as a deed to the Easement Property or any part thereof, and the right is hereby reserved to Grantor, its successors and assigns, to use the Easement Property to landscape and build and construct fences, driveways, parking lots and other associated improvements over or across said easement; provided, however, that in no event shall a wall, structure or building of any type other than those previously described or any piling, pier or isolated footing of any wall, structure or building be placed directly on the Easement Property.

The easement rights and privileges granted herein are non-exclusive, but Grantor covenants that Grantor will not convey any other easement or conflicting rights within the area covered by this grant which unreasonably interfere with Grantee's rights granted herein and provided all such other grants comply with all applicable local, state and federal laws, ordinances, rules, regulations and/or requirements, as they exist, may be amended or in the future arising.

Further, notwithstanding anything to the contrary herein, Grantor shall not place any improvement or take any action, permanent or temporary, which may cause damage or jeopardize the integrity of the Facilities, the roadway facilities or other public facilities or which will affect or interfere with, in any way, the rights granted herein. Grantee, may, due to the necessity of repair and maintenance of the Facilities, the roadway facilities or other public facilities, remove and keep removed any and all improvements to the extent necessary to make repairs. Grantee will not be responsible for loss of improvements due to failure or maintenance of the Facilities, the roadway facilities or other public facilities.

This instrument shall be binding on, and inure to the benefit of, Grantee and Grantor and their respective successors or assigns.

The individual executing this instrument on behalf of Grantor represents that all appropriate and necessary actions have been taken to authorize the individual who is executing this instrument to do so for and on behalf of Grantor, that there are no other parties or entities required to execute this instrument in order for the same to be an authorized and binding agreement on Grantor and that the individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

It is understood and agreed that the consideration received by Grantor hereunder includes adequate compensation for the grant of the rights hereunder and for all damages arising out of the construction, reconstruction, repair, operation and maintenance of the Facilities and roadway

and other public facilities as well as all damages, if any, to Grantor's property which may occur in the future resulting from Grantee's exercise of any rights granted herein.

This instrument may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

EXECUTED on the dates appearing in the acknowledgements below, however, to be effective on this ____ day of _____, 20__.

GRANTOR:

HICKERY HILL, LLC,
a Texas limited liability company

By: _____

Printed Name: _____

Its: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he acknowledged to me that he is the _____ and duly authorized representative of **Hickery Hill, LLC**, a Texas limited liability company, and that he executed the same for the purposes and consideration therein stated and in the capacity therein stated as the act and deed of said Hickery Hill, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this _____ day of _____, 20__.

Notary Public, State of Texas
My Commission Expires: _____

AGREED AND ACCEPTED:

CITY OF SHERMAN, TEXAS

By: _____
Robby Hefton, City Manager

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, on this day personally appeared **ROBBY HEFTON**, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he acknowledged to me that he is the City Manager and duly authorized representative of the **CITY OF SHERMAN, TEXAS**, a home-rule municipality, and that he executed the same for the purposes and consideration therein stated and in the capacity therein stated as the act and deed of the City of Sherman, Texas.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this _____ day of _____, 20__.

Notary Public, State of Texas
My Commission Expires:_____

ATTEST:

BY: _____
Linda Ashby, City Clerk

APPROVED AS TO FORM AND
CONTENT:
Abernathy, Roeder, Boyd & Hullett, P.C.

By: _____

Name: _____
City Attorney



**PARCEL 15A
DRAINAGE EASEMENT
JOB NO. 16080552**

Situated in the County of Grayson, State of Texas, being a part of the Ralston W. Adams Survey, Abstract No. 18, the James H. Vaden Survey, Abstract No. 1288 and the William Thompson Survey, Abstract No. 1209, and being a part of the 145.33 acre tract of land conveyed to Hickery Hill, LLC by deed of record in Volume 5691, Page 715, Official Public Records, Grayson County, Texas, Grayson County, Texas and being more particularly described by metes and bounds as follows:

Commencing at a 5/8" steel rod found in the west edge of Lamberth Road said rod maintaining the southwest corner of a 5.63 acre tract of land conveyed to David & Linda Gattis by deed of record in Volume 2690, Page 639 of said Official Public Records;

Thence South 01°40'30" East, along the east line of said 90 acre tract, a distance of 102.00 feet to a point in the south right-of-way line of proposed Lamberth Road;

Thence North 88°42'38" East, along said south right-of-way line, a distance of 184.22 feet to a point being the **True Point-of-Beginning**;

Thence North 88°42'38" East, continuing along said south right-of-way line, a distance of 58.00 feet to a point;

Thence over and across said 145.33 acre tract the following calls and distances:
South 00°56'32" East a distance of 100.27 feet to a point;
South 89°03'28" West a distance of 58.00 feet to a point;
North 00°56'32" West a distance of 99.92 feet to the **Point-of-Beginning** and containing **0.133 acres** (5,805 square feet) of land.

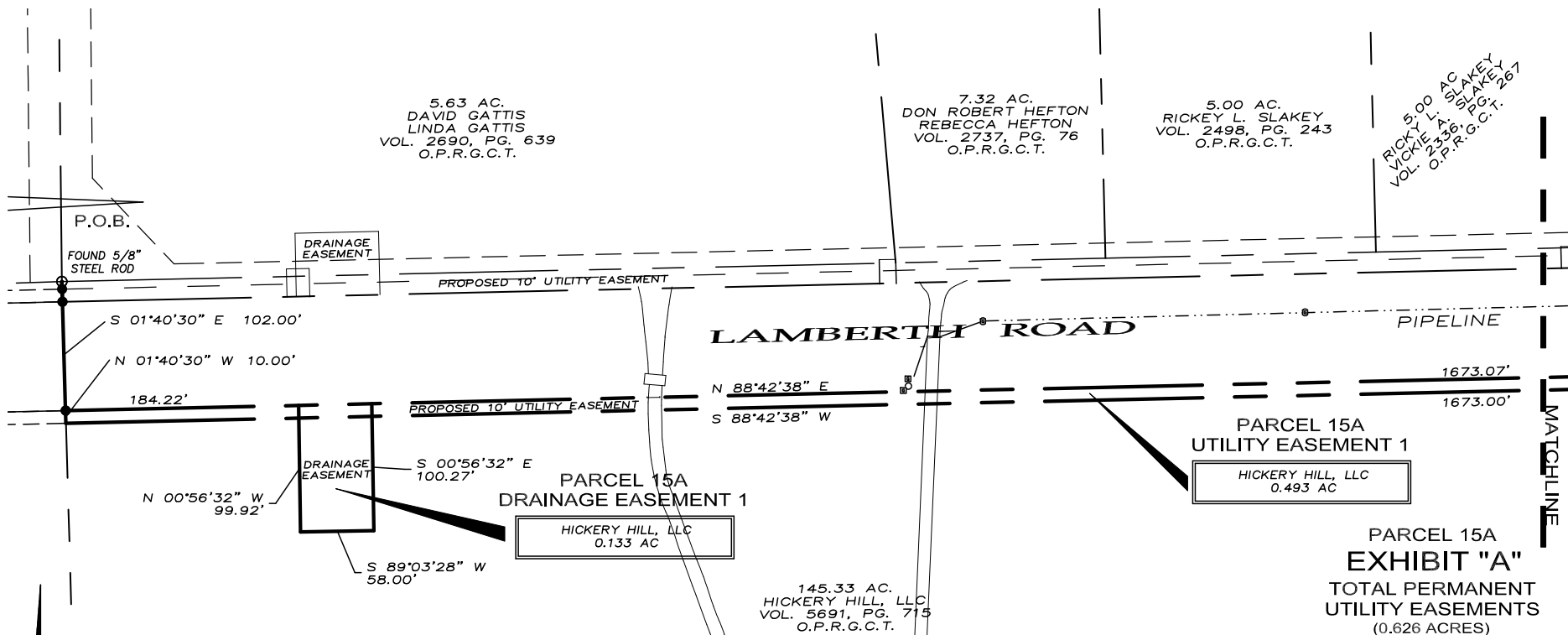


5.63 AC.
DAVID GATTIS
LINDA GATTIS
VOL. 2690, PG. 639
O.P.R.G.C.T.

7.32 AC.
DON ROBERT HEFTON
REBECCA HEFTON
VOL. 2737, PG. 76
O.P.R.G.C.T.

5.00 AC.
RICKEY L. SLAKEY
VOL. 2498, PG. 243
O.P.R.G.C.T.

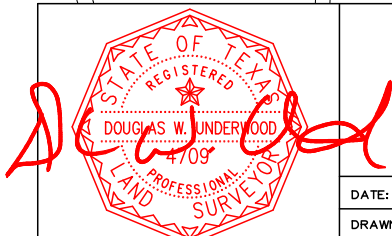
5.00 AC.
RICKEY L. SLAKEY
VOL. 2498, PG. 243
O.P.R.G.C.T.



LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- SPIKE NAIL FOUND
- RAILROAD SPIKE FOUND
- ▲ P/K NAIL SET
- △ P/K NAIL FOUND
- ⬇ ALUMINUM CAP MONUMENT FOUND

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE
SYSTEM
NORTH CENTRAL ZONE



DOUGLAS W. UNDERWOOD,
R.P.L.S. NO. 4709
SURVEYED ON THE GROUND
SEPTEMBER 2017

**CITY OF SHERMAN
TEXAS**



DRAFTING & SURVEYING, INC.
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
(903) 465-2151 FAX: (903) 465-2152

DATE: 1/11/18

DRAWN BY: JCC

APPROVED BY: DWU

SCALE: 1" = 100'

EASEMENTS LAMBERTH ROAD
RALSTON W. ADAMS SURVEY, ABST. NO. 18
CITY OF SHERMAN, TEXAS
GRANTOR: HICKERY HILL, LLC

JOB NO. 16080552

5.00 AC
RICKY L. SLAKEY
VICKIE A. SLAKEY
VOL. 2336, PG. 267
O.P.R.G.C.T.

5.00 AC
BARRY K. GANT
CATHY D. GANT
VOL. 2346, PG. 316
O.P.R.G.C.T.

DON SIMPSON
DEBORAH SIMPSON
VOL. 5397, PG. 407
O.P.R.G.C.T.

KEVIN LEMONS
VOL. 3611, PG. 599
O.P.R.G.C.T.

BRENDA K. GREENFIELD
et al
VOL. 4532, PG. 770
O.P.R.G.C.T.

FOUND 1/2" SQUARE PIPE

SPIKE NAIL SET

R=1157.00' L=109.20'
CRD BRG=N 82°02'56" E
CHD LEN=109.16'

S 14°18'42" W 10.62'

LAMBERTH ROAD

R=1243.00' L=203.18'
CRD BRG=N 84°01'40" E
CHD LEN=202.95'

PROPOSED 10' UTILITY EASEMENT

PARCEL 15A
UTILITY EASEMENT 1

HICKERY HILL, LLC
0.493 AC

R=1146.99' L=104.70'
CRD BRG=S 81°57'36" W
CHD LEN=104.66'

R=1253.00' L=204.82'
CRD BRG=S 84°01'40" W
CHD LEN=204.59'

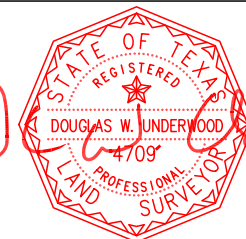
1.393 AC.
EVERGREEN PRESBYTERIAN
MINISTRIES OF TEXAS, INC.
VOL. 3388, PG. 300
O.P.R.G.C.T.

PARCEL 15A
EXHIBIT "A"
TOTAL PERMANENT
UTILITY EASEMENTS
(0.626 ACRES)

LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- SPIKE NAIL FOUND
- RAILROAD SPIKE FOUND
- ▲ P/K NAIL SET
- △ P/K NAIL FOUND
- ⊕ ALUMINUM CAP MONUMENT FOUND

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE



DOUGLAS W. UNDERWOOD,
R.P.L.S. NO. 4709
SURVEYED ON THE GROUND
SEPTEMBER 2017

CITY OF SHERMAN
TEXAS

UNDERWOOD

DRAFTING & SURVEYING, INC.
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
(903) 465-2151 FAX: (903) 465-2152

DATE: 1/11/18

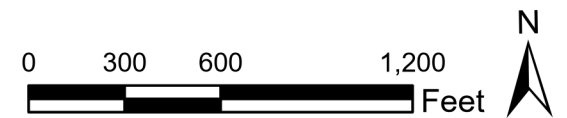
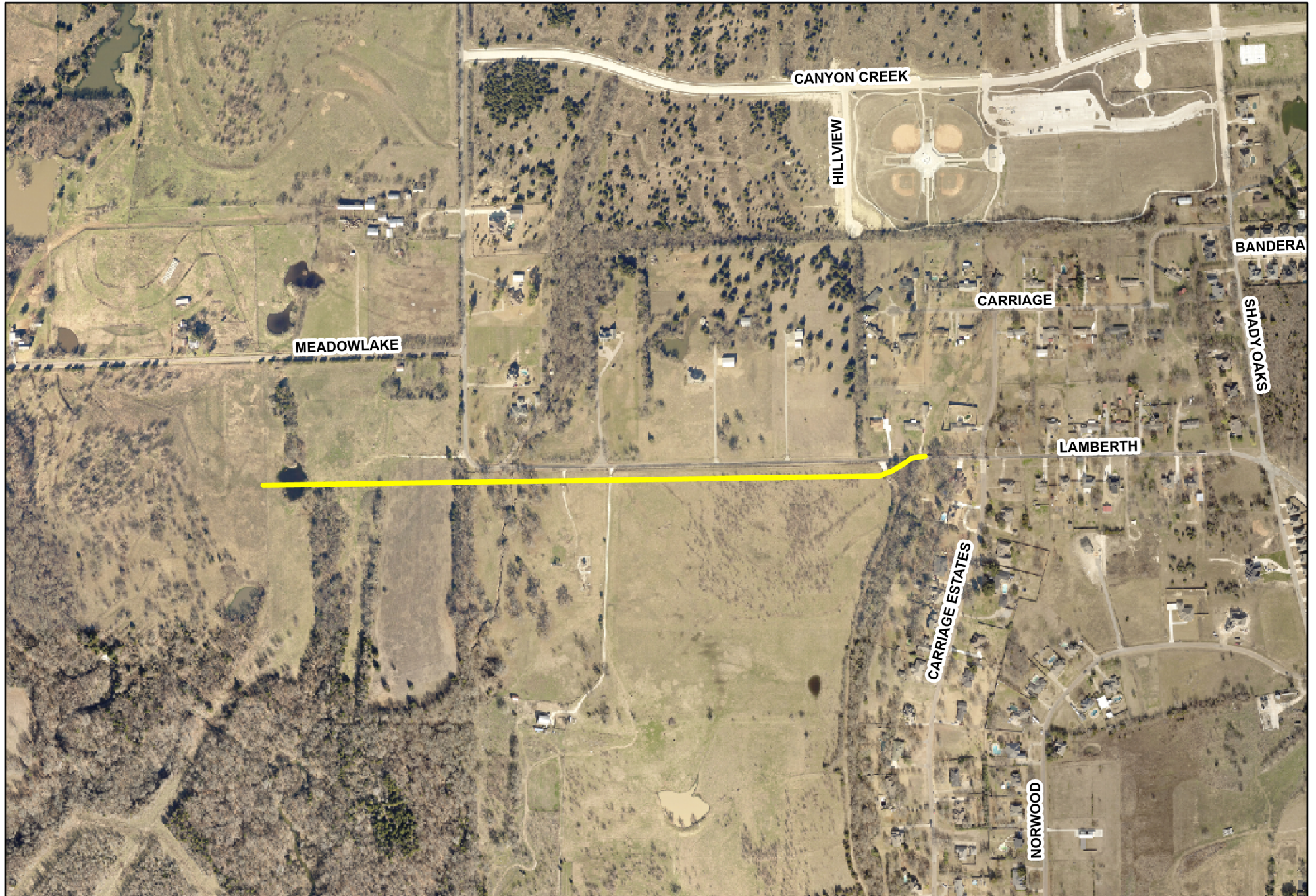
DRAWN BY: JCC

APPROVED BY: DWU

SCALE: 1" = 100'

RIGHT-OF-WAY WIDENING LAMBERTH ROAD
RALSTON W. ADAMS SURVEY, ABST. NO. 18
CITY OF SHERMAN, TEXAS
GRANTOR: HICKERY HILL, LLC

Lamberth Road





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E. 2.

Meeting Date: 01/03/2022

Prepared By: Wayne Lee, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6833**

Authorizing the Purchase of Two New Ford F-150 Crew Cab Trucks from Silsbee Ford Through TIPS for the Engineering Department

Issue:

To consider approval of a resolution to purchase two (2) new Ford F-150 Crew Cab Trucks from Silsbee Ford through TIPS for the Engineering Department.

Background:

The estimated cost for the purchase of these two (2) vehicles is \$59,039.70, through the TIPS.

These two new vehicles will be used by our engineering inspectors to travel to various project locations throughout the city.

Quotes from local vendors were solicited for this purchase.

Funding for this purchase was appropriated in the Engineering Department's fiscal year 2021-2022 budget.

Origination:

Engineering Department

Financial Consideration:

Funds for this purchase were approved in the FY 2021-2022 budget.

Staff Recommendation:

It is recommended that staff be authorized to purchase the two (2) new Ford F-150 Crew Cab trucks through TIPS.

Alternatives:

As may be recommended by the City Council

Attachments

Resolution No. 6833

Silsbee Ford Quote

TIPS Interlocal Agreement

RESOLUTION NO. 6833

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF TWO NEW FORD F-150 CREW CAB TRUCKS FROM SILSBEE FORD THROUGH TIPS FOR THE ENGINEERING DEPARTMENT; 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 to purchase from Silsbee Ford through TIPS two new Ford F150 Crew Cab Trucks at a total price of Fifty Nine Thousand Thirty-Nine Dollars and Seventy Cents (\$59,039.70). Any agreements related to this purchase must be approved by the City Attorney. Funds for this purchase are being committed out of the City of Sherman's fiscal year 2021-2022 budget.

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.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this the 3rd day of January, 2022.

CITY OF SHERMAN, TEXAS

**BY: _____
DAVID PLYLER, MAYOR**

ATTEST:

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

**APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

**BY: _____
RYAN D. PITTMAN, CITY ATTORNEY**



PRODUCT PRICING SUMMARY

TIPS USA 200206 TRANSPORTATION VEHICLES

VENDOR- Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF SHERMAN ENGINEERING MEMBER# TX991667

Prepared by: JARROD RUNNELS

Contact: KRISTI JENKINS

Phone: 409-895-3858/ 409-749-9556

Email: 903-892-7314 kristij@cityofsherman.com

Email: fleetsales@outlook.com

Product Description: FORD F150 CREW CAB

Date: December 1, 2021

A. Bid Item: WIC A. Base Price: \$ 26,123.00

B. Factory Options

Code	Description	Bid Price	Code	Description	Bid Price
		\$ -			
101A	XL TRIM PACKAGE	\$ -		2022 FORD F150 CREW CAB 4x2	
50S	CRUISE CONTROL	\$ 225.00	99b	3.31 V6 GAS ENGINE	\$ -
85A	POWER WINDOWS/LOCKS/MIRRORS	\$ 1,185.00		10 SPD AUTOMATIC TRANS	
76R	REVERSE SENSING SYSTEM	\$ 295.00		OXFORD WHITE	
	BACK UP CAMERA		AS	VINYL 40/20/40 BENCH SEATING ARMREST	\$ -
	FULL SIZE SPARE TIRE			RUBBER FLOORING	
				2 KEYS ARE FACTORY STANDARD	

Total of B. Published Options: \$ 1,705.00

Published Option Discount (5%) \$ (85.25)

C. Unpublished Options

Description	Bid Price	Options	Bid Price
SPRAY IN BEDLINER	\$ 399.00		
4 SWITCH ACCESSORY SWITCH FUSED TO BATTERY	\$ 395.00	ALL SEASON TIRES	
AND RUN WIRES TO CENTER HUMP BELOW DASH			
		SERVICE AND PART MANUALS ARE SUBSCRIPTION	
		BASED AND THE CITY CAN WORK DIRECTLY WITH	
		FORD MOTOR COMPANY	

Total of C. Unpublished Options: \$ 794.00

D. Floor Plan Interest (for in-stock and/or equipped vehicles): \$ 455.00

E. Lot Insurance (for in-stock and/or equipped vehicles): \$ 73.10

F. Contract Price Adjustment: \$ -

G. Additional Delivery Charge: 260 miles \$ 455.00

H. Subtotal: \$ 29,519.85

I. Quantity Ordered 2 x H = \$ 59,039.70

J. Trade in: \$ -

K. Total Purchase Price \$ 59,039.70

INTERLOCAL AGREEMENT
Region VIII Education Service Center
TEXAS PUBLIC ENTITY OR LOCAL GOVERNMENT
(School, College, University, State, City, County, or Other Political Subdivision)

City of Sherman
TEXAS PUBLIC ENTITY

TX 991667
Control Number (TIPS will Assign)

Region VIII Education Service Center
Pittsburg, Texas

225 - 950
County-District Number

Texas Education Code §8.002 permits regional education service centers, at the direction of the Commissioner of Education, to provide services to assist school districts, colleges and universities in improving student performance and increasing the efficiency and effectiveness of school, college and university operations. In addition, authority is granted under Texas Government Code §§ 791.001 *et seq* as amended to enter into Interlocal agreements with said educational entities, as well as, other governmental entities and political subdivisions of Texas and other States. As authorized by applicable statutes and regulations, Cooperative Purchasing Services under this agreement are extended to all Texas State, City or County Government Agencies, or any other Government Entity as defined in the Texas Government Code § 791.003.

This Interlocal Agreement (hereinafter the "Agreement") is effective JUNE 7, 2017 and shall be automatically renewed unless either party gives sixty (60) days prior written notice of non-renewal. This Agreement may be terminated without cause by either party upon (60) days prior written notice, or may also be determined for cause at anytime upon written notice stating the reason for and effective date of such terminations and after giving the affected party a thirty (30) day period to cure any breach.

Statement of Services to be Performed:

Region VIII Education Service Center, by this Agreement, agrees to provide cooperative purchasing services to the above-named public entity through a Program known as the The Interlocal Purchasing System (TIPS) Program.

The purpose of the TIPS Program shall be to obtain substantial savings for participating School District, University, College, Community College, City, County or Other Public Agencies through cooperative purchasing.

Roles of the TIPS Purchasing Cooperative:

1. Provide for the organizational structure of the program.
2. Provide staff for efficient operation of the program.
3. Promote marketing of the TIPS Program.
4. Coordinate the Competitively Bid Process for all Vendor Awarded Contracts.
5. Provide members with procedures for placing orders through TIPS PO System.
6. Maintain filing system for Due Diligence Documentation.

Role of the Public Entity:

1. Commit to participate in the program by an authorized signature on membership forms.
2. Designate a Primary Contact and Secondary Contact for entity.
3. Commit to purchase products and services from TIPS Vendors when in the best interest of the entity.

4. Submit Purchase Orders and/or Vendor Contracts through the TIPS PO System by emailing the pdf document to tipspo@tips-usa.com.
5. Accept shipments of products ordered from Awarded Vendors.
6. Process Payments to Awarded Vendors in a timely manner.

General Provisions:

The Parties agree to comply fully with all applicable federal, state, and local statutes, ordinances, rules, and regulations in connection with the programs contemplated under this Agreement. This Agreement is subject to all applicable present and future valid laws governing such programs.

This Agreement shall be governed by the law of the State of Texas and venue shall be in the county in which the administrative offices of RESC VIII are located which is Camp County, Texas.

This Agreement contains the entire agreement of the Parties hereto with respect to the matters covered by its terms, and it may not be modified in any manner without the express written consent of the Parties.

If any term(s) or provision(s) of this Agreement are held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions of this Agreement shall remain in full force and effect.

The Parties to this Agreement expressly acknowledge and agree that all monies paid pursuant to this Agreement shall be paid from budgeted available funds for the current fiscal year of each such entity.

Before any party may resort to litigation, any claims, disputes or other matters in question between the Parties to this Agreement shall be submitted to nonbinding mediation.

No Party to this Agreement waives or relinquishes any immunity or defense on behalf of themselves, their directors, officers, employees, and agents as a result of its execution of this Agreement and performance of the functions and obligations described herein.

This Agreement may be negotiated and transmitted between the Parties by means of a facsimile machine and the terms and conditions agreed to are binding upon the Parties.

Authorization:

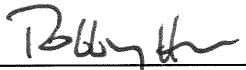
Region VIII Education Service Center and The Interlocal Purchasing System (TIPS) Program have entered into an Agreement to provide cooperative purchasing opportunities to public agencies.

This Agreement was approved by the governing boards of the respective parties at meetings that were posted and held in accordance with the Texas Open Meetings Act, Texas Government Code ch. 551. (If required by the entity.)

The individuals signing below are authorized to do so by the respective parties to this Agreement.

Public Member Entity:

City of Sherman
Entity Name

By: 
Authorized Signature

Title: Robby Hefton – City Manager

June 7, 2017
Date

Purchasing Cooperative Lead Agency:

Region VIII Education Service Center

By: 
Authorized Signature

Title: Executive Director Region VIII ESC

JUNE 7, 2017
Date

Public Entity Contact Information

Craig Long
Primary Purchasing Person Name

405 N. Rusk
Street Address

Sherman, Texas 75091
City, State Zip

903-892-7215
Telephone Number

903-891-0255
Fax Number

craigl@ci.sherman.tx.us
Primary Person Email Address

Tammy Davis
Secondary Person Name

tammyd@ci.sherman.tx.us
Secondary Person Email Address

If your entity does not require you to have an Interlocal Agreement, please go to the TIPS website under Membership and take advantage of online registration. The states of Texas and Arizona **do** require all entities to have an Interlocal Agreement. Other States or governmental jurisdictions may require an Interlocal agreement as well and you are advised to consult your legal counsel to determine the requirements for your entity. Email completed Interlocal Agreement to tips@tips-usa.com.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

F. 1.

Meeting Date: 01/03/2022

Prepared By: Tom Pruitt, Utility Engineer

Approved By: Robby Hefton, City Manager

Caption:

*** REQUEST TO ADVERTISE**

Wastewater Treatment Plant Equalization Basin Improvements Project

Issue:

Requesting permission to advertise for bids the construction of the Wastewater Treatment Plant Equalization Basin Improvements Project

Background:

The current Capital Improvements Program contains a project to repair the equalization basin at the Wastewater Treatment Plant. There are several concrete portions of the basin that have heaved and the soil behind the slabs is washing away. This project will remove the defective slabs, replace the void space with select material and pour new slabs.

Origination:

Engineering Department

Financial Consideration:

This project estimate of probable cost is approximately \$600,000. This project is funded through the Greater Texoma Utility Authority (GTUA) \$13.59M Clean Water SRF, made available by the Texas Water Development Board.

Staff Recommendation:

It is recommended that the City Council authorize the engineer to advertise the project for bid.

Alternatives:

As may be directed by the City Council

Attachments

Location Map





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

F. 2.

Meeting Date: 01/03/2022

Prepared By: Tom Pruitt, Utility Engineer

Approved By: Robby Hefton, City Manager

Caption:

*** REQUEST TO ADVERTISE**

Wastewater Treatment Plant Primary Clarifier No.1 Equipment Replacement and Sludge Transfer Station Rehabilitation Project

Issue:

Requesting permission to advertise for bids the construction of the Wastewater Treatment Plant Primary Clarifier No.1 Equipment Replacement and Sludge Transfer Station Rehabilitation Project

Background:

The 2019 Capital Improvements Program included a project to replace the primary clarifier #1 equipment and rehabilitate the sludge transfer station. The clarifier has heavy corrosion on all non-concrete parts including stairs, grating and railing. The clarifier arm was also bent during the 2021 February Ice Storm. The sludge transfer station also has significant corrosion visible on objects in the wet well, including piping, valves and two sludge pumps will be replaced in this project. Electrical system will also be replaced.

Origination:

Engineering Department

Financial Consideration:

This project estimate of probable cost is approximately \$1,200,000.00. This project is funded through the Greater Texoma Utility Authority (GTUA) \$13.59M Clean Water SRF, made available by the Texas Water Development Board.

Staff Recommendation:

It is recommended that the City Council authorize the engineer to advertise the project for bid.

Alternatives:

As may be directed by the City Council

Attachments

Location Map





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 1.

Meeting Date: 01/03/2022

Prepared By: Patsy Reeves, Development Services Coordinator

Approved By: Robby Hefton, City Manager

Caption:

**** OTHER BUSINESS**

Replat approval of Hope on Houston Addition, being a Replat of a part of Block 19, Chaffin's 2nd Addition, being 1.695 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Block 19, Chaffin's Addition; Hope on Houston, Inc, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (901, 903, 917 and 921 East Houston Street and 910 East Chaffin Street)

Issue:

To consider Replat approval of Hope on Houston Addition, being a Replat of a part of Block 19, Chaffin's 2nd Addition, being 1.695 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Block 19, Chaffin's Addition; Hope on Houston, Inc, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (901, 903, 917 and 921 East Houston Street and 910 East Chaffin Street)

Background:

The property is located at 901, 903, 917 & 921 East Houston Street; the northeast corner of Houston and Willow Streets and is zoned an R-1 (One-Family Residential) District. The owner would like to Plat the property into (2) two lots.

The following has been approved for the property at 901 E. Houston Street:

July 11, 1958 - An exception to allow a 5' side yard setback on the East, on the South maintain the existing building line, on the West maintain the existing building line except the the Northwest corner of the existing building shall not extend closer than 25' to the north property line and the said 25' to be maintained for a distance of 40' beginning at the NW corner and going east along the north property line, being an open space of 25'x40' and a 5' open space shall be maintained beginning 40' east of the NW corner of the Church property and going East with the north property line to the SE corner of the Ed Holmes tract.

Origination:

Hope on Houston, Inc. (Owner)

Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the December 14, 2021 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Replat approval be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Hope on Houston Addition, a Replat of part of Blk. 19, Chaffin's 2nd Addition

Staff Review Letter

P & Z Communication



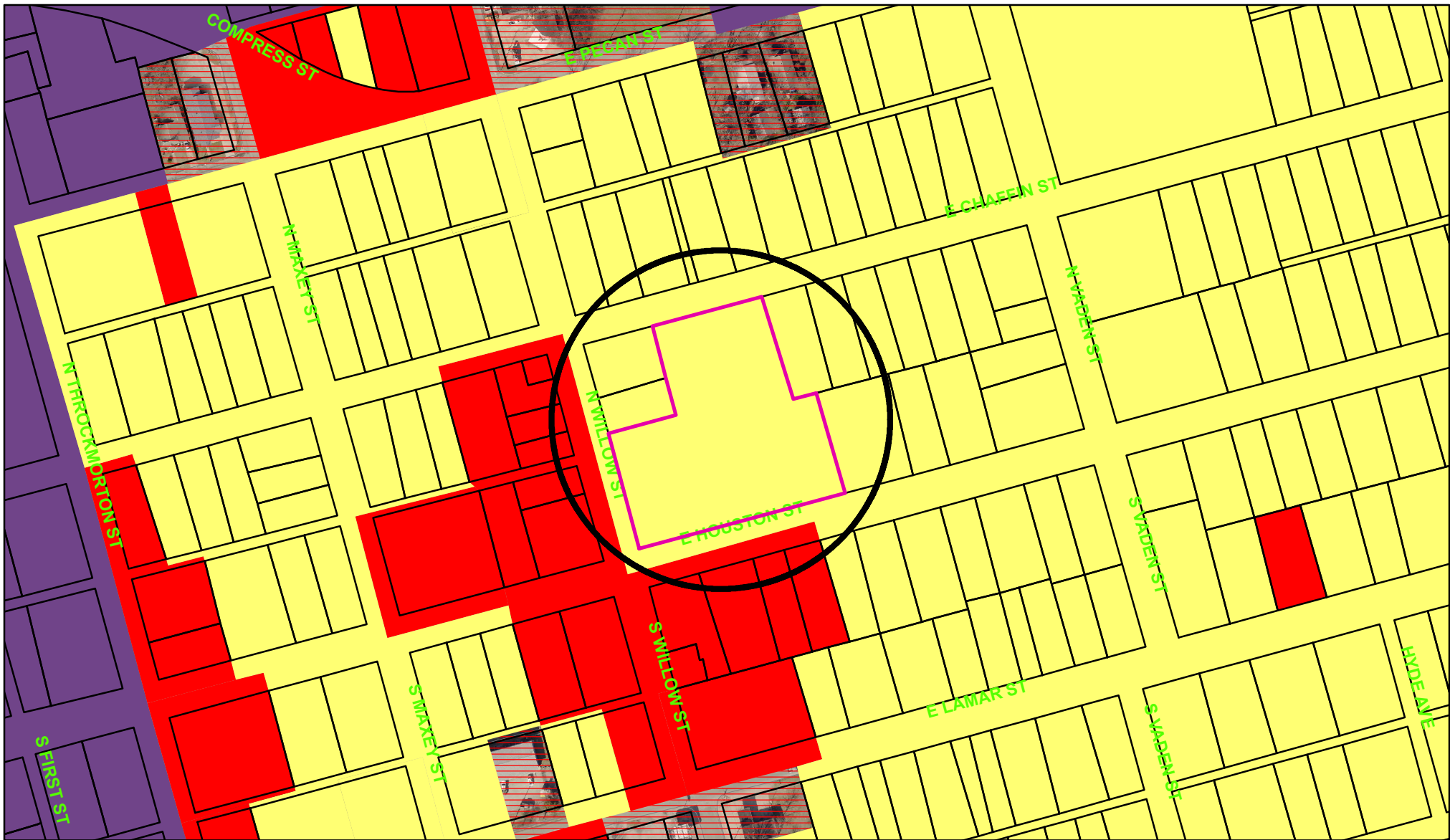
City of Sherman, Texas
Development Services Department

901, 903, 917 & 921 East Houston Street & 910 East Chaffin Street



NOT TO SCALE

1 in = 200 ft



Zoning - 901, 903, 917 & 921 East Houston Street & 910 East Chaffin Street

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Development Services Department



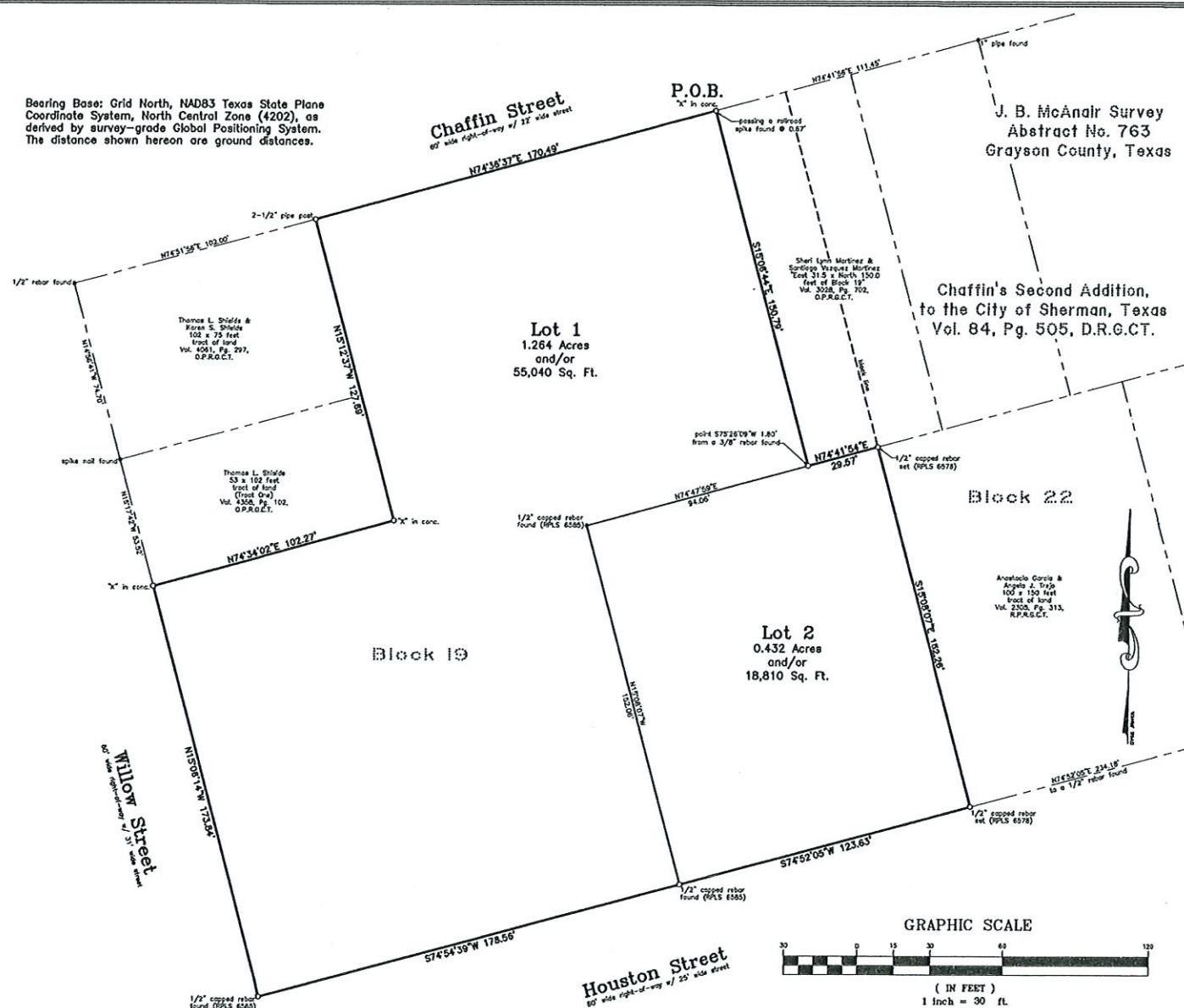
NOT TO SCALE

1 in = 200 ft

**901, 903, 917, 921 East Houston Street &
910 East Chaffin Street**



Bearing Base: Grid North, NAD83 Texas State Plane Coordinate System, North Central Zone (4202), as derived by survey-grade Global Positioning System. The distance shown hereon are ground distances.



Hope on Houston Addition (being a Replat of a part of Block 19, Chaffin's Addition)

to the
City of Sherman, Texas

1.695 Acres

in the
J. B. McAnair Survey
Abstract No. 763

General Notes:

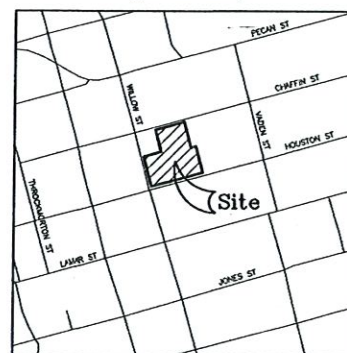
1. Water supply to be provided by the City of Sherman, Texas.
2. Sewer service to be provided by the City of Sherman, Texas.
3. Electrical service is provided by Oncor Electric Company.
4. Flooding the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat hereon lies within a Zone "X" (area determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 4818100290 F, Revised Date: September 28, 2010.
8. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

Job No. CGS021021

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (803) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10088100

Owner:
Hope on Houston, Inc.
2610 Shenandoah Circle
Sherman, Texas 75092

Vicinity Map (not to scale)



Page 1 of 2

FIELD NOTES

SITUATED in the City of Sherman, County of Grayson, State of Texas, and being a part of the J. B. McAnair Survey, Abstract No. 763 and being part of Block 19, Chaffin's Addition, to the City of Sherman, Texas, as per plat of record in Volume 84, Page 505, Deed Records, Grayson County, Texas, said Part of Block 19 also being described on 1.263 acres (Tract 1), and 121.50 ft. by 150 ft. tract of land (Tract 2), conveyed by Correlation General Warranty Deed from Welfton Holdings, LLC, to Hope on Houston, Inc., on April 16, 2020, recorded in Instrument No. 2020-10440, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a "X" found in concrete on the South right-of-way line of Chaffin Street, a North line of said Block 19, at the Northwest corner of the Sheri Lynn Martinez and Santiago Vazquez Martinez "East 31.5 x 150.0 feet of Block 19", recorded in Volume 3028, Page 702, said Official Public Records, the Northeast corner of said Hope 1.263 ac. and the most Northern Northeast corner of the herein described tract, SAID "X" being South 74 deg. 41 min. 56 sec. West, 111.45 ft. from a 1 inch pipe found;

THENCE South 15 deg. 08 min. 44 sec. East, with an East line of said Hope 1.263 ac. and the West line of said Martinez tract, PASSING a railroad spike found at 0.67 ft., and continuing for a TOTAL distance of 150.79 ft. to a point that bears South 75 deg. 26 min. 09 sec. West, 1.80 ft. from a 3/8 inch rebar found at the Southwest corner of said Martinez tract, on an angle point of said Hope Tract 2 and an El corner of both said Hope 1.263 ac. and the herein described tract;

THENCE North 74 deg. 41 min. 54 sec. East, with a North line of said Hope Tract 2 and the South line of said Martinez tract, a distance of 29.57 ft. to a 1/2 inch capped rebar set stamped (RPLS 6578) in the "apparent" East line of said Block 19 and the "apparent" West line of Block 22, said Chaffin's Addition, at the Northwest corner of the Anastacio Garcia and Angela J. Trajo 100 x 150 feet tract of land, recorded in Volume 2305, Page 313, Real Property Records, Grayson County, Texas and the most Eastern Northeast corner of the herein described tract;

THENCE South 15 deg. 08 min. 07 sec. East, with the "apparent" East line of said Block 19 and the "apparent" the West line of said Block 22, a distance of 152.26 ft. to a 1/2 inch capped rebar set stamped (RPLS 6578) in the North right-of-way line of Houston Street, at the "apparent" Southeast corner of said Block 19 and the "apparent" Southwest corner of both said Block 22 and Garcia tract, at the Southeast corner of the herein described tract;

THENCE South 74 deg. 52 min. 05 sec. West, with the North right-of-way line of said Houston Street and a South line of both said Block 19 and said Hope Tract 2, a distance of 123.63 ft. to a 1/2 inch capped rebar found stamped (RPLS 6585) at the Southwest corner of said Hope Tract 2 and the most Southern Southeast corner of said Hope 1.263 ac., at an angle point of the herein described tract;

THENCE South 74 deg. 54 min. 39 sec. West, continuing with the North right-of-way line of said Houston Street and a South line of both said Block 19 and said Hope 1.263 ac., a distance of 178.56 ft. to a 1/2 inch capped rebar found stamped (RPLS 6585) at the intersection of the North line of said Houston Street with the East line of Willow Street, at the Southwest corner of all said Block 19, Hope 1.263 ac. and the herein described tract;

THENCE North 15 deg. 08 min. 14 sec. West, with the East right-of-way line of said Willow Street and a West line of said Hope 1.263 ac., a distance of 173.84 ft. to a "X" found in concrete at the Southwest corner of the Thomas L. Shields 53 x 102 feet tract of land (Tract One), recorded in Volume 4358, Page 102, said Official Public Records and the most Western Northwest corner of both said Hope 1.263 ac. and the herein described tract, SAID "X" being South 15 deg. 17 min. 42 sec. West, 53.52 ft. from a spike nail found;

THENCE North 74 deg. 34 min. 02 sec. East, with a North line of said Hope 1.263 ac. and the South line of said Shields Tract One, a distance of 102.27 ft. to a "X" found in concrete at the Southeast corner of said Shields Tract One, an El corner of both said Hope 1.263 ac. and the herein described tract;

THENCE North 15 deg. 12 min. 37 sec. West, with a West line of said Hope 1.263 ac. and the East line of said Shields Tract One, a distance of 127.69 ft. to a 2-1/2 inch pipe post found in the South right-of-way line of said Chaffin Street and the North line of said Block 19, at the Northeast corner of the Thomas L. Shields and Karen S. Shields 102 x 75 feet tract of land, recorded in Volume 4081, Page 297, said Official Public Records, the most Northern Northwest corner of both said Hope 1.263 ac. and the herein described tract, SAID post being North 74 deg. 51 min. 56 sec. East, 102.00 ft. from a 1/2 inch rebar found;

THENCE North 74 deg. 36 min. 37 sec. East, with the South right-of-way line of said Chaffin Street and the North line of both said Block 19 and said Hope 1.263 ac., a distance of 170.49 ft. to the PLACE OF BEGINNING and containing 1.695 ACRES and/or 73,860 SQUARE FEET of land.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

Kate A. Wagner, R. P. L. S. No. 6578

Date:



I, Hope on Houston, Inc., sole owner of Hope on Houston Addition to the City of Sherman, Texas do hereby dedicate the streets, easements, alleys, rights-of-way, parks, school sites and other public places shown hereon to the public use forever.

Gail Utter, Authorized Representative for Hope on Houston, Inc.

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Gail Utter, 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 expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2021.

Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN, BROAD HORIZON

This, the final plat of Hope on Houston Addition to the City of Sherman, Texas is hereby approved this _____ day of _____, 2021, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman

Secretary

This, the final plat of Hope on Houston Addition to the City of Sherman, Texas is hereby approved this _____ day of _____, 2021, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: _____ MAYOR, CITY OF SHERMAN, TEXAS _____ DATE _____

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing final plat of Hope on Houston Addition to the City of Sherman, Texas was submitted to the City Council of Sherman, Texas, on the _____ day of _____, 2021, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

WITNESS MY HAND THIS _____ DAY OF _____, 2021, BY _____ CITY CLERK, CITY OF SHERMAN, TEXAS

Hope on Houston Addition (being a Replat of a part of Block 19, Chaffin's Addition)

to the
City of Sherman, Texas
1.695 Acres

in the
J. B. McAnair Survey
Abstract No. 763

Page 2 of 2

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (803) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10088100

Owner:
Hope on Houston, Inc.
2610 Shenandoah Circle
Sherman, Texas 75092



STAFF REVIEW LETTER

December 6, 2021

Hope on Houston, Inc.
2610 Shenandoah Circle
Sherman, TX 75092

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Dear Applicants,

The request for approval of the Hope on Houston Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 14, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
2. Sidewalks are required along Chaffin Street, Willow Street, and Houston Street and an ADA compliant pedestrian ramp is required on the corner of Willow Street and Houston Street. *Code of Ordinances Chapter 3, Division 4, Sec. 3.10*
3. Graphically show edge of pavement on drawing.
4. Dedicate a 15'x15' Right of Way corner clip on Southwest corner of proposed Lot 1. *Code of Ordinances Chapter 10, Exhibit A, Secs. 5(B)(5), (10); 5(C)(1); 6(B)(7)-(8), (14)-(15); 12(B)(1)(a); 12(B)(1)(k)(1)-(3); 12(B)(5)*
5. Dedicate a 10' Utility Easement along all street frontage. Easement to be parallel to new right of way created by corner clip. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
6. Dedicate a 20' Sanitary Sewer Easement along center line of existing sewer main. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
7. Permanent structures will not be permitted to encroach into any easements.
8. Add Avigation Release to plat. Coordinate with Engineering Department for language. *Code of Ordinances Chapter 14, Article 14.02*
9. Privately owned and maintained detention in accordance with City criteria may be required. Engineering documentation shall be provided to the City of Sherman Engineering Department for review and approval. If detention is required, Ownership and Maintenance information to be shown on plat. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(I)*
10. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.

11. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Christopher G. Armstrong, P.E., CFM
Assistant City Engineer

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 7.

Meeting Date: 12/14/2021

Prepared by: Patsy Reeves, Development Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

*** 901, 903, 917 & 921 EAST HOUSTON STREET AND 910 EAST CHAFFIN STREET**

The request of Hope on Houston, Inc. (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property at 901, 903, 917 and 921 East Houston Street and 910 East Chaffin Street, being 1.695 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Block 19, Chaffin's Addition, as follows:

Planning and Zoning Commission

Replat approval of Hope on Houston Addition, being a Replat of a part of Block 19, Chaffin's 2nd Addition.

Background:

The property is located at 901, 903, 917 & 921 East Houston Street and 910 East Chaffin Street; the northeast corner of Houston and Willow Streets and is zoned an R-1 (One-Family Residential) District. The owner would like to plat the property into (2) two lots.

The following has been approved for the property at 901 E. Houston Street:

July 11, 1958 - An exception to allow a 5' side yard setback on the East, on the South maintain the existing building line, on the West maintain the existing building line except the Northwest corner of the existing building shall not extend closer than 25' to the north property line and the said 25' to be maintained for a distance of 40' beginning at the northwest corner and going east along the north property line, being an open space of 25'x40' and a 5' open space shall be maintained beginning 40' east of the northwest corner of the Church property and going East with the north property line to the southeast corner of the Ed Holmes tract.

Adjacent Zoning:

R-1 (One-Family Residential) District

C-1 (Retail Business) District

Origination:

Hope on Houston, Inc. (Owner)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.
and

Public/Institutional– The Public and Institutional character type includes schools, churches, and other public services for the City. Buildings may be designed to act as landmarks and this urban design adds flair to a neighborhood.

Number of notices mailed:

99

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Hope on Houston Addition, a Replat of part of Blk. 19, Chaffin's 2nd Addition

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 2.

Meeting Date: 01/03/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

**** OTHER BUSINESS**

Final Plat approval of MLJ Real Estate Addition, being 1.912 acres in the Samuel McGlothlin Survey, Abstract No. 811 and the Hillard Jennings Survey, Abstract No. 639; MLJ Real Estate LLP, Owners; Cox Land Surveying, Surveyor (3908 and 3924 Texoma Parkway)

Issue:

To consider Final Plat approval of MLJ Real Estate Addition, being 1.912 acres in the Samuel McGlothlin Survey, Abstract No. 811 and the Hillard Jennings Survey, Abstract No. 639; MLJ Real Estate LLP, Owners; Cox Land Surveying, Surveyor (3908 and 3924 Texoma Parkway)

Background:

The property is located at 3908 and 3924 Texoma Parkway between Frisco Road and Gallagher Drive. The property is zoned a C-2 (General Commercial) District.

The following have been approved for the property:

- March 20, 2006 - Specific Use Permit to allow an automobile repair garage at 3924 Texoma Parkway (Ord. 5373).
- March 21, 2011 - Specific Use Permit to allow Truck and Automobile Repair and Sales at 3924 Texoma Parkway (Ord. 5690)..
- January 22, 2001 - Specific Use Permit to allow automobile sales at 3924 Texoma Parkway. (Ord 4909)
- February 16, 2015 - Specific Use Permit to allow Tire Sales, Service, Installation and Repair at 3924 Texoma Parkway. (Ord 5869)
- July 19, 2021 - Specific Use Permit to allow Automobile Sales at 3908 and 3924 Texoma Parkway (Ord. 6397) with the condition of platting the property, removing the sign and improving the parking lot.

The owner would like to plat the property into two lots for commercial development.

Origination:

MLJ Real Estate LLP (Owner)

Cox Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the December 14, 2021 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

MLJ Real Estate Addition

Staff Review Letter

P & Z Communication



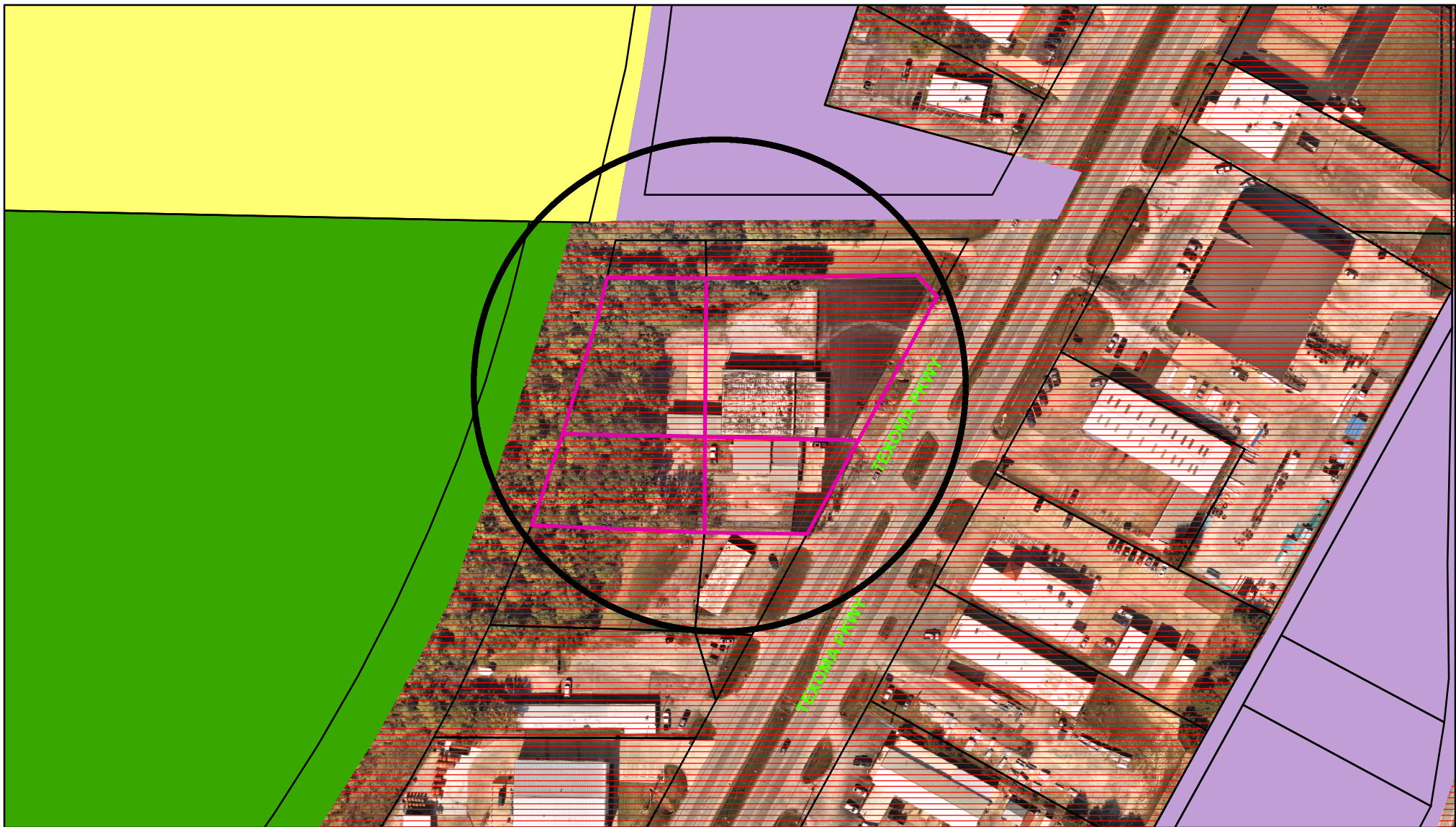
City of Sherman, Texas
Development Services Department

3908 & 3924 Texoma Parkway



NOT TO SCALE

1 in = 150 ft



Zoning - 3908 & 3924 Texoma Parkway

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Development Services Department



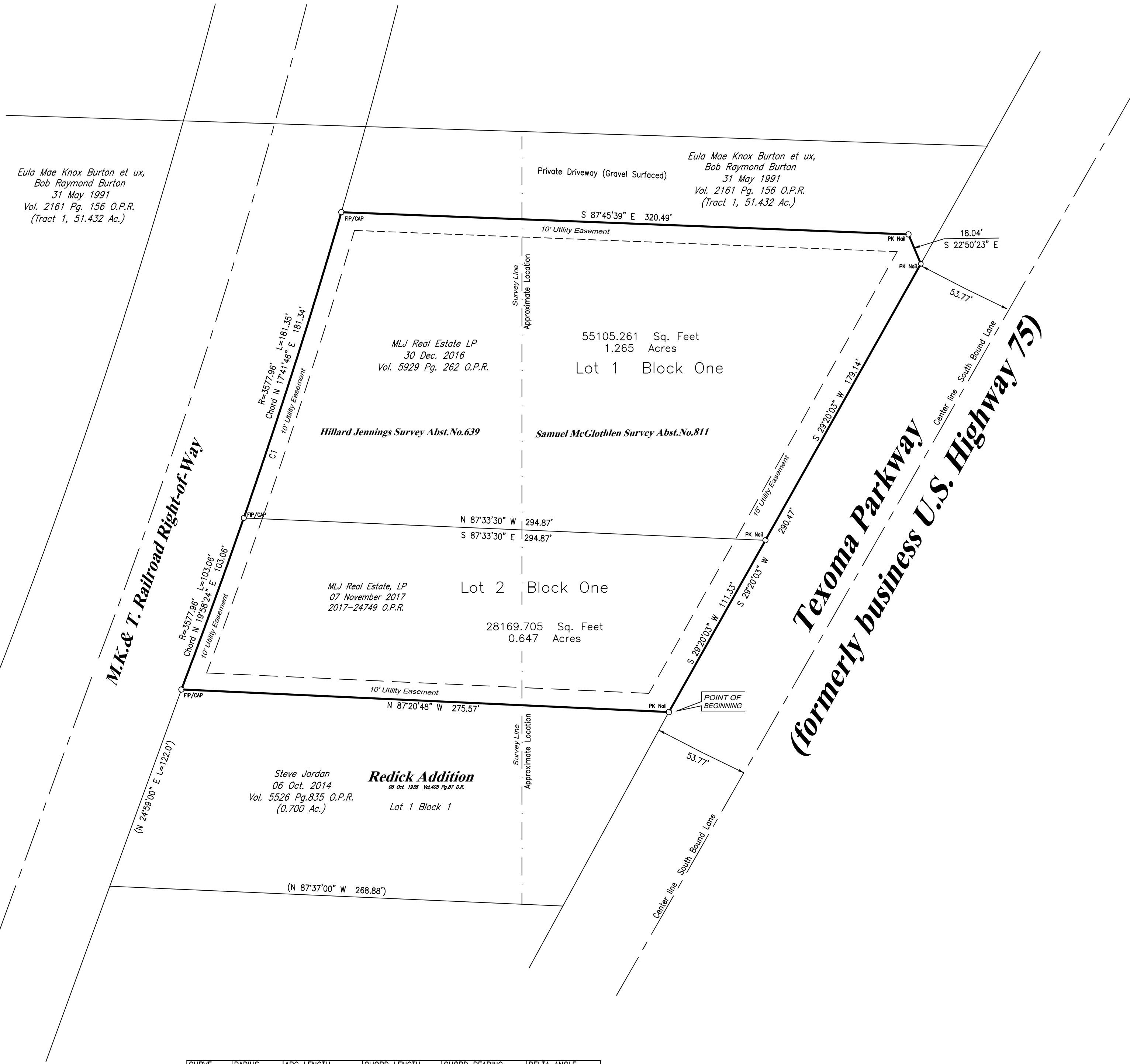
NOT TO SCALE

1 in = 150 ft

FINAL PLAT of the

MLJ Real Estate Addition

City of Sherman County of Grayson State of Texas



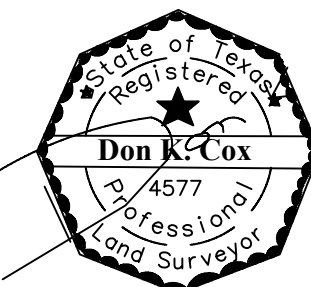
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	3577.96	284.42	284.34	N 18°31'17" E	4°33'16"

LEGEND

S3R = Set 3/4" Rod
FIP = Found Rebar
SIP = Set 1/2" Sq. Tubing
FST = Fd 1/2" Sq. Tubing
FSR = Fd 3/4" Rod
ROW = Right-of-Way
X = Fence Line
() = Deed Calls
-E- = Electric Line
-T- = Telephone Line
-C- = TV Cable
GM = Gas Meter
PP = Power Pole
WM = Water Meter
AC = Air Cond.
BL = Building Line
UGT = Underground phone
WFCP = Wood Fence Corner Post
PFCP = Pipe Fence Corner Post
UE = Utility Easement
BC = Back of Curb

OWNER:

MLJ Real Estate LLP
2017-24749 O.P.R.
Vol. 5929 Pg. 262 O.P.R.
1009 Hwy. 82 West
Whitesboro, Texas 76273



SCALE: 1"=40'



COX LAND SURVEYING CO.

P.O. BOX 597 108 N. MAIN ST. COLLINSVILLE, TEXAS 76233
COLLINSVILLE 903-429-6125 E-mail: CLSCI08@aol.com
Gainesville 940-612-LAND Denton 940-381-5070 McKinney 469-952-5070

FINAL PLAT of the
MLJ Real Estate Addition
1.912 Acres
City of Sherman
County of Grayson
State of Texas

Sheet One

Drawn by: DKC
Check by: DKC

Job No.
21-13847-F
Firm # 10005500

Date: 06 October 2021

FINAL PLAT of the

MLJ Real Estate Addition

City of Sherman County of Grayson State of Texas

** OWNERS DEDICATION **

All that certain tract or parcel of land situated in the Samuel McGlothlin Survey, Abstract Number 811, and the Hillard Jennings Survey, Abstract Number 639 in the City of Sherman, County of Grayson, State of Texas, and being all of a tract as described in Deed to MLJ Real Estate L.P., filed 07 November 2017, and Recorded at 2017-24749 and all of a tract as described in Deed to MLJ Real Estate L.P., filed 30 December 2016 and Recorded in Volume 5929 Page 262 of the Deed Records of Grayson County, Texas, and described by metes and bounds as follows:

BEGINNING at a Found PK Nail on the West Right-of-Way line of Highway 75 (now Texoma Parkway) and the southeast corner of said MLJ tract (2017-24749), and being the Northeast corner of a called 0.70 acre tract as described in Deed to Steve Jordan, filed 06 October 2014, and Recorded in Volume 5526 Page 835 of said Deed Records, said PK Nail also being the Northeast corner of Lot 1 Block 1 of the Redick Addition, filed 06 October 1938 and Recorded in Volume 405 Page 87 of said Deed Records;

THENCE: North 87 degrees 20 minutes 48 minutes West, with the north line of said Jordan tract, a distance of 275.57 feet to a found 1/2 inch Steel Rebar for the southwest corner of said MLJ tract and the occupied northwest corner of said Jordan tract;

THENCE: Along the said west line of said MLJ tracts, and with a curve to the left, with a radius of 3577.96 feet (chord bearing of north 18 degrees 31 minutes 17 seconds east, a chord distance of 284.34 feet), an Arc Length of 284.42 feet of a found 1/2 inch Steel Rebar for the northwest corner of said MLJ tract (5929/262);

THENCE: South 87 degrees 45 minutes 39 seconds East, with the north line of said MLJ (5929/262) tract, a distance of 320.49 feet to a set PK Nail for a corner of this tract;

THENCE: South 22 degrees 50 minutes 23 seconds East, a distance of 18.04 feet to a set PK Nail for a corner on the West Right-of-Way line of Highway 75 (now Texoma Parkway);

THENCE: South 29 degrees 20 minutes 03 seconds West, with the east line of said MLJ tracts, and along the West Right-of-Way of Highway 75 (now Texoma Parkway), a distance of 290.47 feet to the PLACE of BEGINNING and containing 1.912 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That MLJ Real Estate, LP does hereby adopt this plat designating the herein described property as the MLJ Real Estate Addition to the City of Sherman, County of Grayson, State of Texas, and does hereby dedicate to the public use forever the streets and easements for the same purpose and consideration expressed herein.

Alvin Childress, Manager

STATE OF TEXAS

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

Given under my hand and seal of the office this the ____ day of _____, 2021.

Notary Public, State of Texas

FLOOD STATEMENT:

I have examined the Federal Emergency Management Agency, National Flood Insurance Program, Flood Insurance Rate Map for the County of Grayson, State of Texas, community Panel Number 480181C effective date of 29 September 2010, and that map indicates that this property is Not within Zone "A" (special flood hazard area) as shown on Panel Number 0290-F of said map.

This flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage on rare occasions. Greater floods can and will occur and flood heights may be increased by man made or natural causes. This flood statement shall not create liability on the part of the surveyor.

*** SURVEYORS CERTIFICATION ***

KNOW ALL MEN BY THESE PRESENTS:

That I, Don K. Cox, Texas Registered Professional Land Surveyor, do hereby state that this plat is based upon an on the ground survey, and that it is a true, correct and accurate representation of the property as surveyed; that the quantity of land therein has been accurately calculated: that the plat conforms to the Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying.

04 November 2021



Don K. Cox, Texas Registered
Professional Land Surveyor
Number 4577

Authorized Representative
City of Sherman, Texas

STATE OF TEXAS

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

Given under my hand and seal of the office this the ____ day of _____, 2021.

Notary Public, State of Texas

Commission expires: _____

City Secretary
City of Sherman, Texas

Acceptance

Approved this ____ day of _____, 2021
By the City Planning Commission to the City of Sherman, Texas.

Chairman

Secretary

Certificate of Acceptance by the City Council:

Accepted by the City Council of the City of Sherman.

Mayor, City of Sherman, Texas

Date

Certificate of Acceptance of Dedication

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, Final Plat of the MLJ Real Estate Addition, an addition to the City of Sherman, Texas was submitted to the City Council on the ____ day of _____, 2021, and the City Council by formal action then and there accepted the dedication of the street, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this ____ day of _____, 2021

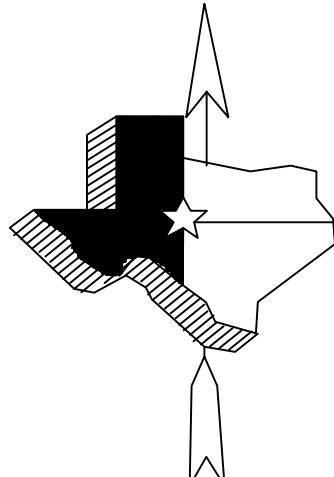
Clerk, City of Sherman, Texas

LEGEND

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FIP = Found Rebar
SIP = Set 1/2" Sq. Tubing
FST = Fd 1/2" Sq. Tubing
FSR = Fd 3/4" Rod
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UE = Utility Easement
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OWNER:

MLJ Real Estate LLP
2017-24749 O.P.R.
Vol. 5929 Pg. 262 O.P.R.
1009 Hwy. 82 West
Whitesboro, Texas 76273



SCALE: 1"=40'



COX LAND SURVEYING CO.

P.O. BOX 597 108 N. MAIN ST. COLLINSVILLE, TEXAS 76233
COLLINSVILLE 903-429-6125 E-mail: CLSCI08@aol.com
Gainesville 940-612-LAND Denton 940-381-5070 McKinney 469-952-5070

FINAL PLAT of the
MLJ Real Estate Addition
1.912 Acres
City of Sherman
County of Grayson
State of Texas

Sheet Two

Drawn by: DKC
Check by: DKC

Job No.
21-13847-F
Firm # 10005500

Date: 06 October 2021



STAFF REVIEW LETTER

December 6, 2021

MLJ Real Estate,LLP
1009 Hwy. 82 West
Whitesboro, TX 76273

Cox Land Surveying Co.
P.O. Box 597
Collinsville, TX 76233

Dear Applicants,

The request for approval of the MLJ Real Estate Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 14, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
2. Remove Building Line from drawing.
3. Remove addresses from lots on drawing.
4. Curve data for west property line must be graphically shown as described in metes and bounds. *Code of Ordinances Chapter 10, Exhibit A, Sec.6(B)(7)*
5. Deed Records references to be changed to Official Public Records.
6. Certificate of acceptance by City Council does not match City standard. *Code of Ordinances Chapter 10.05, Section 6*
7. Original tax certificates with \$0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11)*
8. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
9. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Christopher G. Armstrong, P.E., CFM
Assistant City Engineer

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 12.

Meeting Date: 12/14/2021

Prepared by: Patsy Reeves, Development Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

*** 3908 & 3924 TEXOMA PARKWAY**

The request of MLJ Real Estate LLP (Owner) and Cox Land Surveying (Surveyor) concerning the property at 3908 and 3924 Texoma Parkway, being 1.912 acres in the Samuel McGlothlin Survey, Abstract No. 811 and the Hillard Jennings Survey, Abstract No. 639 , as follows:

Planning and Zoning Commission

Final Plat approval of MLJ Real Estate Addition.

Background:

The property is located at 3908 and 3924 Texoma Parkway between Frisco Road and Gallagher Drive. The property is zoned a C-2 (General Commercial) District. The owner would like to plat the property into two lots for commercial development.

The following have been approved for the property:

- March 20, 2006 - Specific Use Permit to allow an automobile repair garage at 3924 Texoma Parkway (Ord. 5373).
- March 21, 2011 - Specific Use Permit to allow Truck and Automobile Repair and Sales at 3924 Texoma Parkway (Ord. 5690)..
- January 22, 2001 - Specific Use Permit to allow automobile sales at 3924 Texoma Parkway. (Ord 4909)
- February 16, 2015 - Specific Use Permit to allow Tire Sales, Service, Installation and Repair at 3924 Texoma Parkway. (Ord 5869)
- July 19, 2021 - Specific Use Permit to allow Automobile Sales at 3908 and 3924 Texoma Parkway (Ord. 6397) with the condition of platting the property, removing the sign and improving the parking lot.

Adjacent Zoning:

C-2 (General Commercial) District

Origination:

MLJ Real Estate LLP (Owner)
Cox Land Surveying (Surveyor)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

Not required.

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map
Zoning Map
MLJ Real Estate Addition
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 3.

Meeting Date: 01/03/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

**** OTHER BUSINESS**

Replat approval of Bel-Air Village, being Lots 1, 11-16, 17, 18, 32-34, Block F, Bel-Air Village, Phase 1; Terra Perpetua, LLC, Owners); American Communities, Developer; and Kimley-Horn, Civil Engineer/Surveyor (3701, 3704, 3705, 3709, 3713, 3717, 3721 Aqua Lane, 3701 Talisker Boulevard, 1253 and 1249 Newport Street)

Issue:

To consider Replat approval of Bel-Air Village, being Lots 1, 11-16, 17, 18, 32-34, Block F, Bel-Air Village, Phase 1; Terra Perpetua, LLC, Owners); American Communities, Developer; and Kimley-Horn, Civil Engineer/Surveyor (3701, 3704, 3705, 3709, 3713, 3717, 3721 Aqua Lane, 3701 Talisker Boulevard, 1253 and 1249 Newport Street)

Background:

The property is located at 3701, 3704, 3705, 3709, 3713, 3717, 3721 Aqua Lane, 3701 Talisker Boulevard, 1253 and 1249 Newport Street in the Bel-Air Village Planned Development off East FM 1417 (Vietnam Veterans) Parkway. The owner would like to Replat 10 residential lots and 2 HOA lots.

The following has been approved for the property:

- August 5, 2019 - Planned Development for Terra Perpetual Village (Ord.6232)
- September 8, 2020 - Amend Planned Development for Bel-Air Village formerly known as Terra Perpetua Village (Ord. 6319)
- September 7, 2021 - Amend Planned Development for Bel-Air Village (Ord 6410)
- March 16, 2021 - Site plan approval for Phases I & II
- August 17, 2021 - Site plan approval for Multi-Family, Phase 1

Origination:

Terra Perpetua, LLC (Owners)

American Communities (Developer)

Kimley-Horn (Civil Engineer/Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the December 14, 2021 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Replat approval be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat Bel-Air Village

Staff Review Letter

P & Z Communication



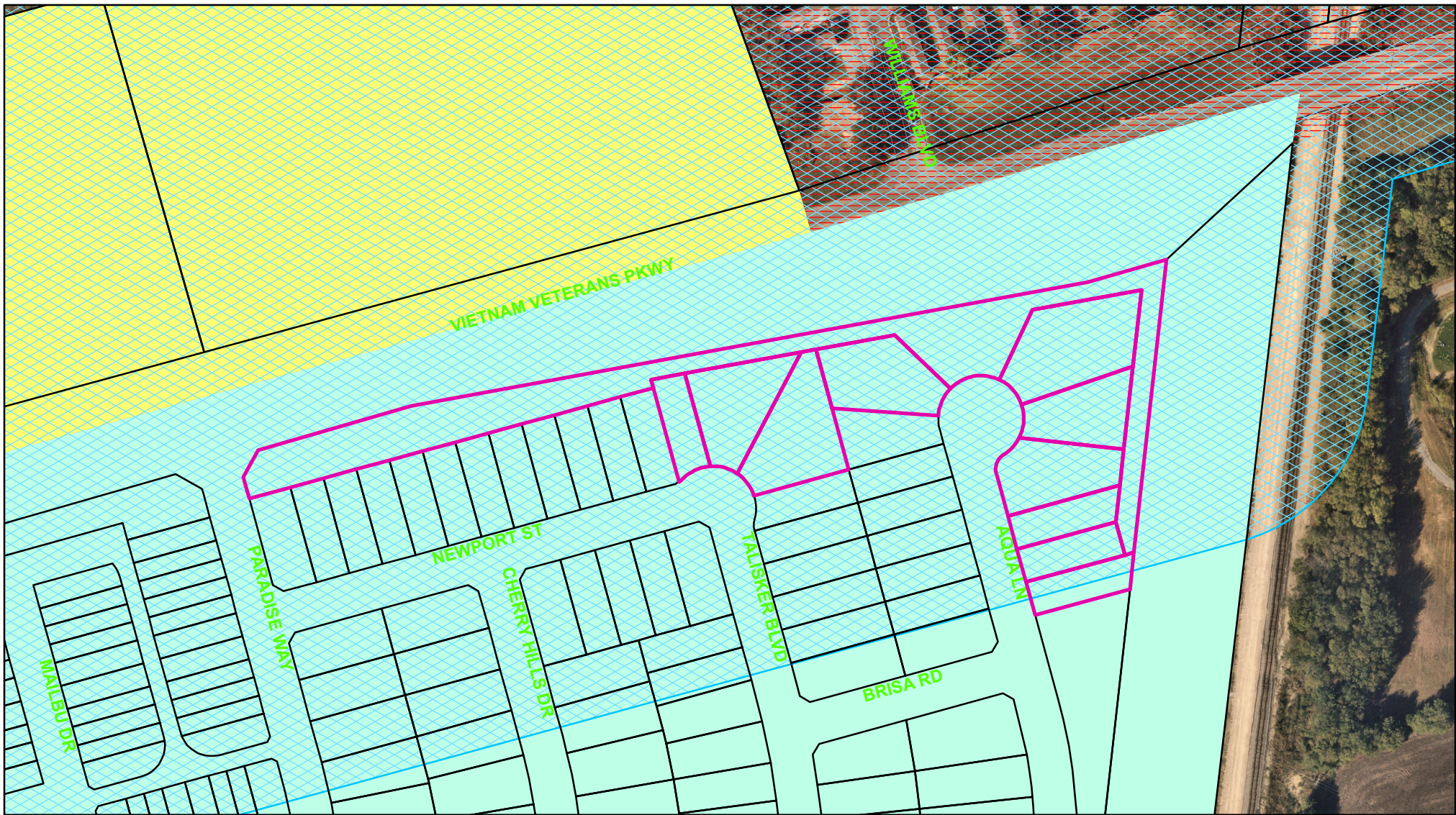
City of Sherman, Texas
Development Services Department

Replat Bel-Air Village, Phase 1



NOT TO SCALE

1 in = 440 ft



Zoning - 3701, 3704, 3705, 3709, 3713, 3717, 3721 Aqua Lane, 3701 Talisker Boulevard, 1253 & 1249 Newport Street

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: SpermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: SpermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Development Services Department



NOT TO SCALE

1 in = 162 ft

**3701, 3704, 3705, 3709, 3713, 3717, 3721 Aqua Lane,
3701 Talisker Boulevard,
1253 and 1249 Newport Street
(Bel-Air Village, Phase 1 Replat)**



Nov 23, 2021 at 10:10 AM



OWNER'S CERTIFICATE

STATE OF TEXAS §

COUNTY OF GRAYSON §

WHEREAS TERRA PERPETUA, LLC., is the owner of a tract of land situated in the Sharrod Dunman Survey, Abstract No. 329, City of Sherman, Grayson County, Texas and being a portion of Block F of Bel-Air Village Phase 1, according to the Final Plat thereof recorded in Document No. 2021-117 of the Plat Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING of a 5/8-inch iron rod with plastic cap stamped "KHA" set for the northeast corner of said Bel-Air Village Phase 1, common to the northeast corner of Block F, Lot 17 HOA, as recoded in said Final Plat, same being the intersection of the southerly right-of-way line of Farm-to-Market Road No. 1417 (variable width right of way) and the westerly line of a 225-foot wide Burlington Northern Santa Fe Railroad Right-of-Way, from which a 1/2-inch iron rod found for witness bears South 41°11'52" West, 3.66 feet;

THENCE South 06°41'12" West, along the easterly line of said Block F, Lot 17 HOA, the easterly line of Block F, Lot 1 HOA, as described in said Final Plat, and said Railroad Right-of-Way, a distance of 2392.27 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the southeast corner of Block F, Lot 1 HOA;

THENCE North 03°18'48" West, departing the easterly line of Block F, Lot 1 HOA and said Railroad Right-of-Way, and along the southerly line of said Block F, Lot 1 HOA, a distance of 290.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the southwest corner of said Block F, Lot 1 HOA;

THENCE North 06°41'12" East, along the westerly line of said Block F, Lot 1 HOA, a distance of 560.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the southerly most northwest corner of said Block F, Lot 1 HOA;

THENCE South 03°18'48" East, along a northerly line of said Block F, Lot 1 HOA, a distance of 35.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for an ell corner of said Block F, Lot 1 HOA, common to the southeast corner of Block F, Lot 4 as described in said Final Plat;

THENCE North 06°41'12" East, along a westerly line of said Block F, Lot 1 HOA, a distance of 115.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for an ell corner of said Block F, Lot 1 HOA, common to the southeast corner of Block F, Lot 4 as described in said Final Plat;

THENCE North 06°41'12" East, along the southerly right of way line of said Beach Boulevard, a distance of 30.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the northwest corner of Block F, Lot 2, as described in said Final Plat;

THENCE South 06°41'12" West, departing the southerly right of way line of said Beach Boulevard and along the westerly line of said Block F, Lot 2, a distance of 115.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the southwest corner of said Block F, Lot 2, common to an ell corner on a northerly of said Block F, Lot 1 HOA;

THENCE South 03°18'48" East, along a northerly line of said Block F, Lot 1 HOA, the southerly line of said Block F, Lot 2, and Block F, Lot 3-4, as described in said Final Plat, a distance of 35.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for an ell corner of said Block F, Lot 1 HOA, common to the southeast corner of Block F, Lot 4 as described in said Final Plat;

THENCE North 06°41'12" East, along the westerly line of said Block F, Lot 1 HOA and the easterly line of said Block F, Lot 4 and Block F, Lot 5-10, as described in said Final Plat, a distance of 207.50 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for an ell corner on the westerly line of said Block F, Lot 1 HOA, common to the northeast corner of said Block F, Lot 10;

THENCE North 03°18'48" West, continuing along the westerly line of said Block F, Lot 1 HOA and the northerly line of said Block F, Lot 10, a distance of 30.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set on the northerly line of said Block F, Lot 10, same being on the southerly right of way line of El Sol Boulevard, a 50 foot wide right of way, as dedcribed in said Final Plat, and at the beginning of a tangent curve to the left with a radius of 30.00 feet, a central angle of 90°00'00", and a chord bearing and distance of North 51°41'12" East, 42.43 feet;

THENCE along the curving southerly right of way line of said El Sol Boulevard turning into the easterly right of way line of Aqua Lane, a 50 foot wide right of way, as dedicated in said Final Plat and in a easterly direction, with said tangent curve to the left, an arc distance of 47.12 feet to a point for corner;

THENCE along the easterly and northerly right of way line of and said Aqua Lane, the following:

North 06°41'12" East, a distance of 648.82 feet to a point for corner at the beginning of a tangent curve to the left with a radius of 625.00 feet, a central angle of 21°38'18", and a chord bearing and distance of North 04°07'57" West, 234.64 feet;

In a northerly direction, with said tangent curve to the left, an arc distance of 236.04 feet to a point for corner;

North 14°57'07" West, a distance of 274.10 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the right with a radius of 20.00 feet, a central angle of 73°23'54", and a chord bearing and distance of North 21°44'51" East, 23.90 feet;

In an easterly direction, with said tangent curve to the right, an arc distance of 25.62 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a reverse curve to the left with a radius of 50.00 feet, a central angle of 234°11'14", and a chord bearing and distance of North 58°38'49" West, 89.03 feet;

In a southerly direction, with said reverse curve to the left, an arc distance of 204.37 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for southeast corner of Block F, Lot 16, as described in said Final Plat, common to the northeast corner of Block F, Lot 16, as described in said Final Plat;

THENCE North 85°44'20" West, departing the northerly right of way line of said Aqua Lane, and along the common line of said Block F, Lot 16 and Block F, Lot 19, a distance of 124.73 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for southwest corner of said Block F, Lot 18, common to the northwest corner of said Block F, Lot 31, same being on the easterly line of Block F, Lot 32, as described in said Final Plat;

THENCE South 14°57'07" East, along the westerly line of said Block F, Lot 19 and the easterly line of said Block F, Lot 32, a distance of 74.46 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the southwest corner of said Block F, Lot 19, common to the southeast corner of said Block F, Lot 32, the northeast corner of Block F, Lot 31, as described in said Final Plat, and the northwest corner of Block F, Lot 20, as described in said Final Plat;

THENCE South 75°02'53" West, along the common line of said Block F, Lot 32 and said Block F, Lot 1, a distance of 115.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the southwest corner of said Block F, Lot 32, common to the northwest corner of said Block F, Lot 31, same being on the easterly right of way line of Talisker Boulevard, a 50 foot wide right of way, as dedicated in said Final Plat, and at the beginning of a non-tangent curve to the left with a radius of 50.00 feet, a central angle of 118°24'30", and a chord bearing and distance of North 70°45'01" West, 85.90 feet;

THENCE along the curving easterly right of way line of said Talisker Boulevard turning into the northerly right of way line of Newport Street, a 50 foot wide right of way, as dedicated in said Final Plat, and in a westerly direction, with said non-tangent curve to the left, an arc distance of 103.33 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a reverse curve to the right with a radius of 20.00 feet, a central angle of 13°22'42", and a chord bearing and distance of South 55°44'00" West, 4.66 feet;

THENCE continuing along the northerly right of way line of said Newport Street and in a westerly direction, with said reverse curve to the right, an arc distance of 4.67 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the southwest corner of Block F, Lot 34, as described in said Final Plat, common to the southeast corner of Block F, Lot 30, as described in said Final Plat;

THENCE North 14°57'07" West, departing the northerly right of way line and along the common line of said Block F, Lot 34 and said Block F, Lot 35, a distance of 114.06 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the northeast corner of said Block F, Lot 35, common to an ell corner on the southerly line of said Block F, Lot 17 HOA;

THENCE South 75°02'53" West, along the southerly line of said Block F, Lot 17 HOA, a distance of 460.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for northerly most southwest corner of said Block F, Lot 17 HOA, common to the northwest corner of Block F, Lot 46 as described in said Final Plat, same being on the easterly right of way line of Paradise Way, a 50 foot wide right of way, as dedicated in said Final Plat;

THENCE North 14°57'07" West, along the westerly line of said Block F, Lot 17 HOA and the easterly right of way line of said Paradise Way, a distance of 26.54 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for an ell corner on the westerly line of said Block F, Lot 17 HOA, common to the south end of a corner clip;

THENCE North 29°40'23" East, along the westerly line of said Block F, Lot 17 HOA and the easterly right of way line of said Paradise Way, a distance of 35.59 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the northwest corner of said Block F, Lot 17 HOA, common to the north end of said corner clip, same being on southerly right of way line of said Farm-to-Market Road No. 1417;

THENCE along the southerly right of way line of said Farm-to-Market Road No. 1417 and the northerly line of said Block F, Lot 17 HOA, the following:

North 74°17'53" East, a distance of 186.30 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 80°00'32" East, a distance of 803.90 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 74°17'53" East, a distance of 95.70 feet to the POINT OF BEGINNING and containing 7,974 acres (347,364 square feet) of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, TERRA PERPETUA, LLC., acting herein by and through its duly authorized officers, does hereby certify and adopt this plat designating the herein above described property as BEL-AIR VILLAGE, PHASE 1 REPLAT, an addition to the City of Sherman, and does hereby dedicate to the public use forever, the streets and alleys shown thereon.

TERRA PERPETUA, LLC., does herein certify the following:

1. The streets and alleys herein are dedicated in fee simple for street and alley purposes.

2. All public improvements and dedications shall be free and clear of all debt, liens, and/or encumbrances.

3. The easements and public use areas, as shown and created by this plat, are dedicated for the public use forever for the purposes indicated on this plat.

4. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be place in landscape easements if approved by the City of Sherman.

5. The City of Sherman is not responsible for replacing any improvements in, under, or over any easements caused by maintenance or repair.

6. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Sherman's use thereof.

7. The City of Sherman and public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in the easements.

8. The City of Sherman and public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

9. All modifications to this document shall be by means of plat and approved by the City of Sherman.

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

WITNESS, my hand, this _____ day of _____,

BY: TERRA PERPETUA, LLC., a Delaware limited liability company

By: _____
RONNY GUERRERO, PRESIDENT

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Ronny Guerrero, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2021.

Notary Public, State of Texas

AVIGATION RELEASE

THE STATE OF TEXAS §

COUNTY OF GRAYSON §

WHEREAS, TERRA PERPETUA, LLC., hereinafter called OWNER (whether one or more), is the owner of a certain parcel of land situated in the City of Sherman, Grayson County, Texas, being more particularly described as BEL-AIR VILLAGE, PHASE 1, an addition to the City of Sherman, Grayson County, Texas.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas a municipal corporation, hereinafter called CITY, and Sherman Municipal Airport, hereinafter called AIRPORT, from any and all claims for damages of any kind that OWNER may now have or may hereinafter have in the future by reason of the passage of all aircraft (aircraft being defined for the purpose of this instrument as any contrivance now known or hereinafter invented, used or designed for navigation of or flight in the air) by whomsoever owned and operated, in the airspace above OWNER'S property. Such release shall include, but not be limited to, any damages to OWNER'S described property, such as noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at or taking off from or operating at or on the Sherman Municipal Airport, whether such claim be for injury or death to person or persons or damages to or taking of property; and OWNER does hereby fully remise and release any right or cause of action which it may now have or which it may in the future have against the CITY or the AIRPORT, whether such claims be for injury or death to persons or damage to property due to noise, vibration, fumes, dust, fuel and lubricant particles, and all the other effects that may be caused or may have been caused by the operation and/or maintenance of aircraft or aircraft engines at or on said Sherman Municipal Airport.

It is agreed that this Release shall be binding upon OWNER, his successors, heirs, executors, administrators and assigns, in interest with regard to said property located in BEL-AIR VILLAGE, PHASE 1, an addition to the City of Sherman, Texas, and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the Deed Records of Grayson County, Texas.

Executed this _____ day of _____ AD, 2021.

BY: TERRA PERPETUA, LLC., a Delaware limited liability company

By: _____
RONNY GUERRERO, PRESIDENT

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Ronny Guerrero, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2021.

Notary Public, State of Texas

DETENTION EASEMENT
(ABOVE GROUND DETENTION)

THE STATE OF TEXAS §

COUNTY OF GRAYSON §

CITY OF SHERMAN §

This plat is hereby adopted by the Owner(s) and approved by the City of Sherman ("City") subject to the following conditions which shall be binding upon the Owner(s), their heirs, grantees, successors and assigns:

The area or areas shown on the plat as "Detention Easement" shall remain accessible at all times and shall be maintained by Owner(s) of the lot or lots that are traversed by, or adjacent to the Detention Easement. The City will not be responsible for the maintenance and operation of the drainage facilities within the Detention Easement or for any damage to private property or person that results from conditions within the Detention Easement. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type within the Detention Easement, unless approved by the Director of Engineering Services. Each property owner shall keep the portion Detention Easement traveling or adjacent to their property clean and free of debris, silt, and any materials which would result in unsanitary conditions or obstruct the flow of water. The City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner. The City shall not be held liable for any damages of any nature resulting from failure of facilities within the Detention Easement. The City shall have the right to enter upon the Detention Easement at any point, or points, to investigate, survey, construct and maintain any drainage facility deemed necessary for drainage purposes. The minimum finished floor elevation for each lot shall be as shown on the plat.

SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS:

That I, Michael B. Marx, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision regulations of the City of Sherman, Texas.

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

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Michael B. Marx, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2021.

Notary Public, State of Texas

REPLAT
BEL-AIR VILLAGE
PHASE 1

BLOCK F, LOT 1-HOA, LOTS 11-16, & LOT 18;

10 RESIDENTIAL LOTS
1 HOA LOT
7.974 ACRES SITUATED IN THE
SHARROD DUNMAN SURVEY, ABSTRACT NO. 329,
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

Kimley»Horn

6160 Warren Parkway, Suite 210
Frisco, Texas 75034

Tel. No. (972) 335-3580
FIRM # 10193822

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
-	CDS	KHA	NOV.2021	064462003	3 OF 3

OWNER / APPLICANT:
Terra Perpetua, LLC
2802 N. Dallas Pkwy., Suite 324
Plano, Texas 75093
Contact - Ronny Guerrero

SURVEYOR / ENGINEER:
Kimley-Horn and Associates, Inc.
200 E. Davis Street, Suite 100
McKinney, TX 75069
Ph: (972) 335-3580
Contact: Michael Carlisle, PE

DWG NAME: K:\P\RI_SURV\1706462003-04-ALL AIR VILLAGE - DHERMAN\DWG06462003-04-EL AIR VILLAGE_PH1RP_V18_18x24.DWG PLOTTED BY: SKL\TENG, CODY 11/18/2021 12:12 PM LAST SAVED: 11/18/2021 10:37 AM



STAFF REVIEW LETTER

December 6, 2021

Terra Perpetua, LLC
Attn: Ronny Guerrero
2800 N. Dallas Pkwy., Ste. 324
Plano, TX 75093

Kimley-Horn and Associates, Inc.
Attn: Michael Carlisle, PE
260 E. Davis Street, Suite 100
McKinney, TX 75069

Dear Applicants,

The request for approval of the Replat of Bel-Air Village, Phase I has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 14, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
2. Subtitle of plat shall read "Being a Replat of Block F, Lot..." *Code of Ordinances Chapter 10, Exhibit A, Sec.6(B)(7)*
3. Subtitle on both pages of plat to include Lots 32-34 as said lots are being revised with this proposed plat. *Code of Ordinances Chapter 10, Exhibit A, Sec.6(B)(7)*
4. Avigation Release to reflect name of current proposed replat, i.e. "Replat Bel-Air Village, Phase 1."
5. Dedication block shall designate property as the same plat name as in the title block, i.e. "Replat Bel-Air Village, Phase 1." *Code of Ordinances Chapter 10, Exhibit A, Sec.6(B)(7)*
6. Original tax certificates with \$0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11)*
7. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
8. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Christopher G. Armstrong, P.E., CFM
Assistant City Engineer

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 26.

Meeting Date: 12/14/2021

Prepared by: Patsy Reeves, Development Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

*** 3701, 3704, 3705, 3709, 3713, 3717 & 3721 AQUA LANE, 3701 TALISKER BOULEVARD,
1253 AND 1249 NEWPORT STREET**

The request of Terra Perpetua, LLC (Owners), American Communities (Developer) and Kimley-Horn (Civil Engineer/Surveyor) concerning the properties located at 3701, 3704, 3705, 3709, 3713, 3717, 3721 Aqua Lane, 3701 Talisker Boulevard, 1253 and 1249 Newport Street, being Lots 1, 11-16, 17, 18, 32-34, Block F, Bel-Air Village, Phase 1, as follows:

Planning and Zoning Commission

Replat approval Bel-Air Village, Phase 1, Block F, Lot 1 – HOA, Lots 11-16 & Lot 18, 10 Residential Lots and 1 HOA Lot

Background:

The property is located at 3701, 3704, 3705, 3709, 3713, 3717, 3721 Aqua Lane, 3701 Talisker Boulevard, 1253 and 1249 Newport Street in the Bel-Air Village Planned Development off East FM 1417 (Vietnam Veterans) Parkway. The owner would like to Replat 10 residential lots and 2 HOA lots.

The following has been approved for the property:

- August 5, 2019 - Planned Development for Terra Perpetual Village (Ord.6232)
- September 8, 2020 - Amend Planned Development for Bel-Air Village formerly known as Terra Perpetua Village (Ord. 6319)
- September 7, 2021 - Amend Planned Development for Bel-Air Village (Ord 6410)
- March 16, 2021 - Site plan approval for Phases I & II
- August 17, 2021 - Site plan approval for Multi-Family, Phase 1

Adjacent Zoning:

R-1 (One-Family Residential) District

C-1 (Retail Business) District

C-2 (General Commercial) District

Origination:

Terra Perpetua, LLC (Owners)
American Communities (Developer)
Kimley-Horn (Civil Engineer/Surveyor)

Master Plan Designation:

Suburban Residential – Increased density and closer building setbacks separate Suburban Residential from Countryside and Estate, but more landscaping and open space distinguish Suburban Residential from Urban and Auto-Urban categories. New suburban subdivisions typically have curvilinear streets and sidewalks, as well as curb and gutter.

Number of notices mailed:

3

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Bel-Air Village Replat
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 4.

Meeting Date: 01/03/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

**** OTHER BUSINESS**

Replat approval of Hanolley Hills Addition, being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road Rights-of-Way and Alleys to Blocks 1, 2 and 3 of Randolph Heights Addition; Champagne Development, LLC, Owner; Holley Jolly Developments, LLC, Developer; and Underwood Drafting and Surveying, Surveyor (1000-1500 Blocks of West Moore Street)

Issue:

To consider Replat approval of Hanolley Hills Addition, being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road Rights-of-Way and Alleys to Blocks 1, 2 and 3 of Randolph Heights Addition; Champagne Development, LLC, Owner; Holley Jolly Developments, LLC, Developer; and Underwood Drafting and Surveying, Surveyor (1000-1500 Blocks of West Moore Street)

Background:

The property is located in the 1000-1500 blocks of West Moore Street; the southwest corner of Moore and Steadman Streets and is zoned an R-1 (One Family Residential) District. The owners would like to plat the property into 44 lots for residential development of patio homes.

Origination:

Champagne Development, LLC (Owner)
Holley Jolly Developments, LLC (Developer)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the December 14, 2021 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Replat approval be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Replat Hannolley Hills
Building Elevations
Site Plan
Staff Review Letter
P & Z Communication



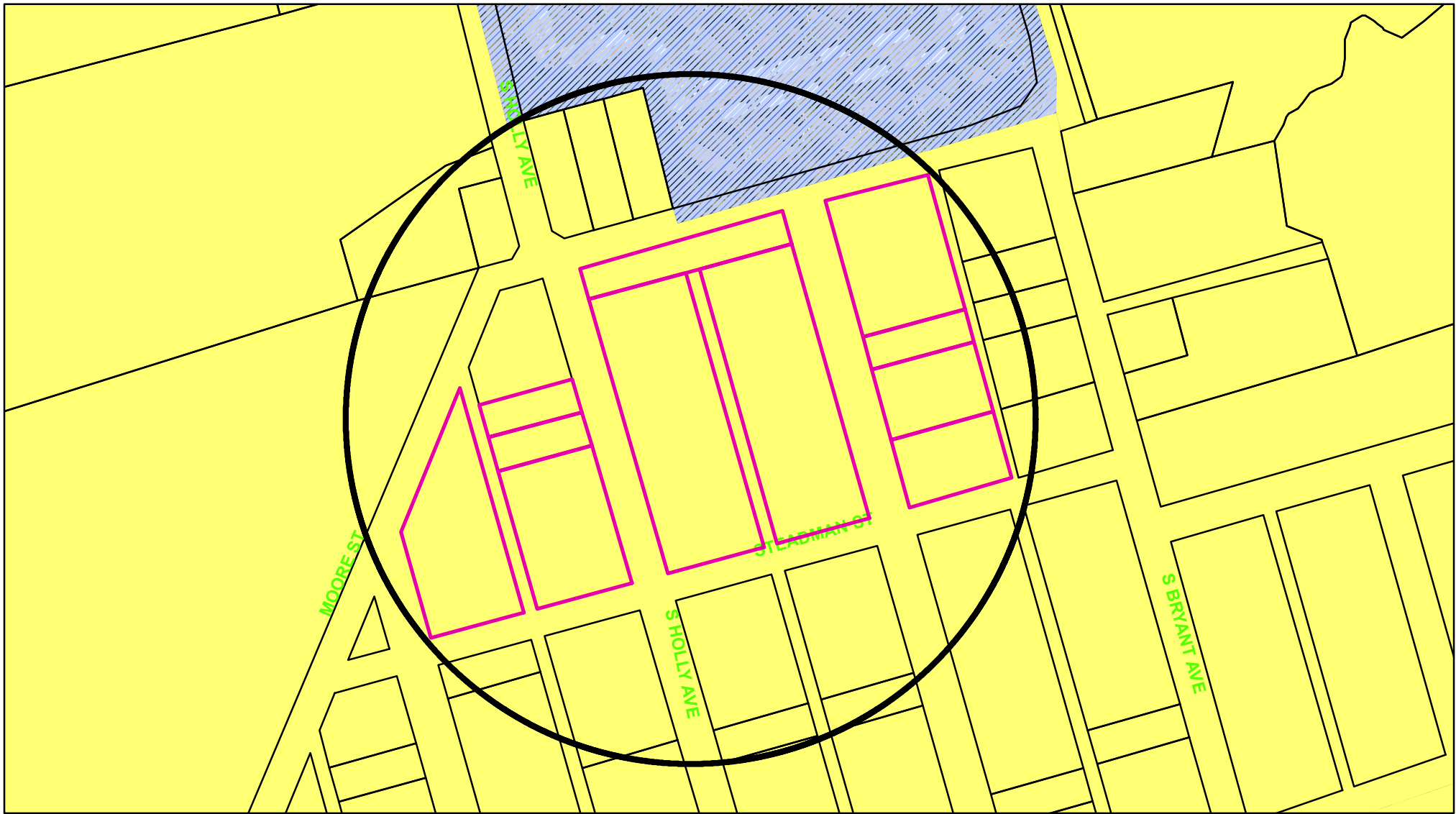
City of Sherman, Texas
Development Services Department

1000-1500 Blocks West Moore Street



NOT TO SCALE

1 in = 300 ft



Zoning - 1000-1500 Blocks West Moore Street

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Development Services Department

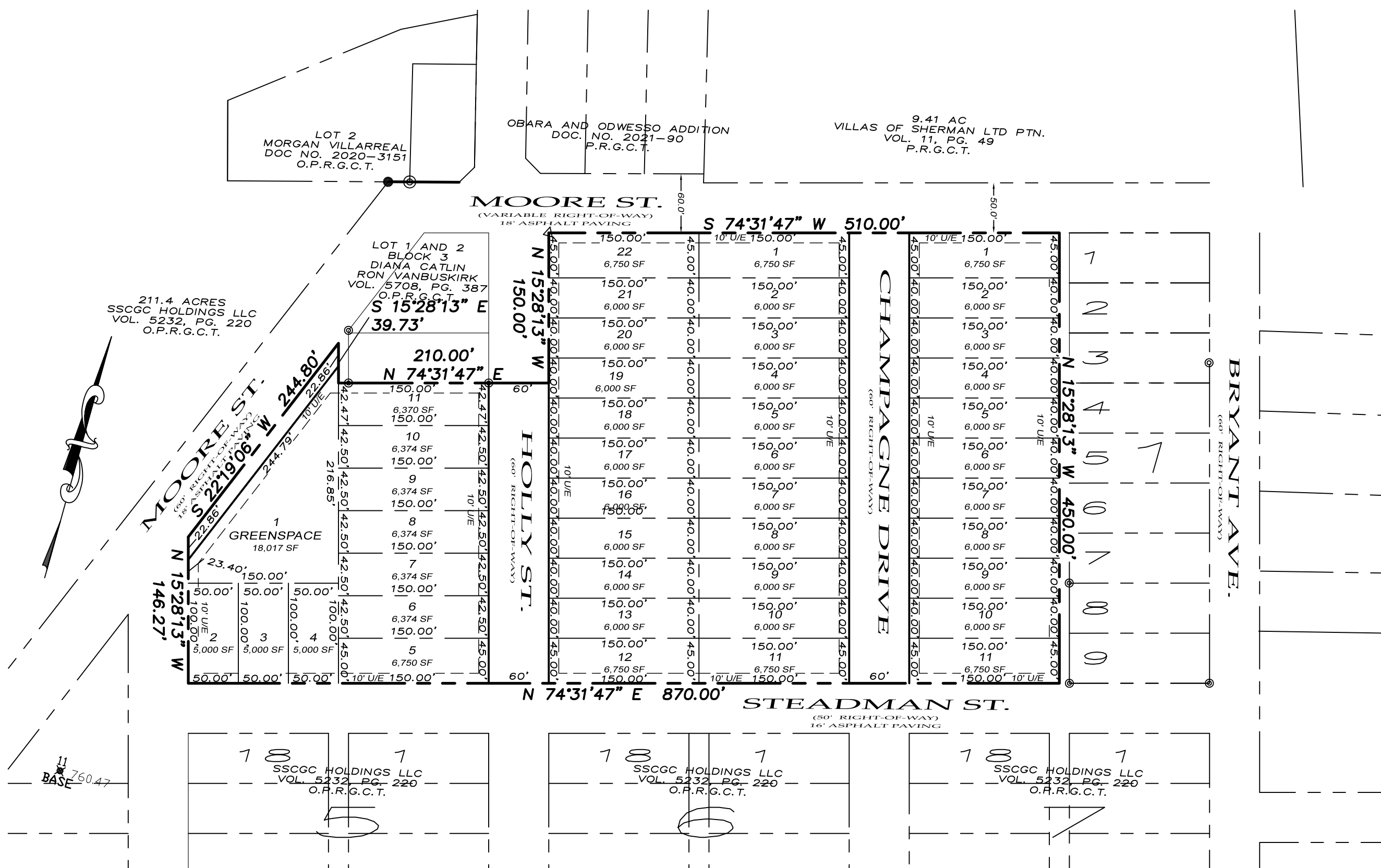


NOT TO SCALE

1 in = 200 ft

1000-1500 Blocks West Moore Street





~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE

REPLAT

HANOLLEY HILLS ADDITION

Being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road right-of-ways and alleys to Blocks 1, 2 and 3 of Randolph Heights Additon, an addition to the City of Sherman. Containing 7.551 acres of land

08-25-21

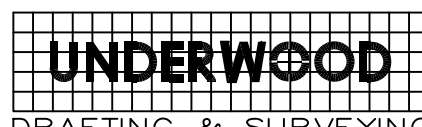
GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

OWNERS/DEVELOPER
CHAMPAGNE DEVELOPMENT, LLC
2013 S. POLARIS
DENISON, TX 75020

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS



3404 INTERURBAN ROAD DENISON, TEXAS 75021

(903)465-2151

SHEET 1 OF 2

OWNERS DEDICATION

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT I, CHAMPAGNE DEVELOPMENT, LLC, do hereby adopt this plat designating the hereinabove property as the HANOLLEY HILLS ADDITION, an addition to the City of Sherman, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part or any buildings, fences, trees, shrubs or other improvements or growths which in anyway endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this _____ day of _____, 2021.

CHAMPAGNE DEVELOPMENT LLC (JOSHUA HOLLEY)

STATE OF TEXAS
COUNTY OF GRAYSON

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2021.

Notary Public in and for
the State of Texas
Commission Expires: _____

LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road right-of-ways and alleys to Blocks 1, 2 and 3 of Randolph Heights Additon, an addition to the City of Sherman as shown by plat of record in Volume 203, Page 326, Deed Records, Grayson County, Texas and being those tracts of land conveyed to Champagne Development, LLC, as recorded in Document No's 2021-26077, 2021-26091 and 2021- 26098, Official Public Records, Grayson County, Texas and being described by metes and bounds as follows:

Beginning at a set 1/2" steel rod in at the southwest corner of said Block 3;

Thence North 15°28'13" West with the west line of said Block 3, a distance of 146.25 feet to a set 1/2" steel rod
Thence North 22°19'06" East, a distance of 244.80 feet to a set 1/2" steel rod in the center of a 20' alley;
Thence South 15°28'13" East, a distance of 39.73 feet to a set 1/2" steel rod;
Thence North 74°31'47" East, passing a found 1/2" steel rod at the southwest corner of Lot 2 of said Block 3 at a distance of 10.00 feet, and passing southeast corner of said Lot 2 at a distance of 150.00 feet, in all a distance of 210.00 feet to a set 1/2" steel rod in the west line of said Block 2;
Thence North 15°28'13" West, a distance of 150.00 feet to a set 1/2" steel rod at the northwest corner of said Block 2;
Thence North 74°31'47" East with the north lines of said Blocks 1 and 2, a distance of 510.00 feet to a set 1/2" steel rod in the center of a 20' alley;
Thence South 15°28'13" East with the center of said alley, a distance of 450.00 feet to a set 1/2" steel rod from which a found 1/2" steel rod at the southwest corner of Lot 9 of said Block, 1 bears North 74°31'47" East, a distance of 10.00 feet ;
Thence South 74°31'47" West with the south lines of said Blocks 1, 2 and 3, a distance of 870.00 feet to the Point of Beginning and containing 7.551 acres of land of which 1.488 acres lies within existing road right-of-ways and alleys.

CERTIFICATE OF COMPLIANCE

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, HANOLLEY HILLS ADDITION, an addition to the City of Sherman, Texas, was submitted to the City Council on the _____ day of _____, 2021, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this _____ day of _____, 2021.

Clerk, City of Sherman, Texas

SURVEYOR'S CERTIFICATION

KNOWN ALL MEN BY THESE PRESENTS:

That I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon where properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

Douglas W. Underwood
Registered Professional
Land Surveyor, No. 4709

Date

~ GENERAL NOTES ~

1. Water Supply to be provided by the City of Sherman.
2. Sewer Service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as such channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or drainage easements for the control of erosion.
7. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
8. The owners and builders must comply with all other local, state and federal regulations regarding developments of this type.
9. Bearings are based on the City of Sherman Control Monument Network.
10. The City of Sherman reserves the right to require submission of Development Plat based on proposed use of each lot.

REPLAT

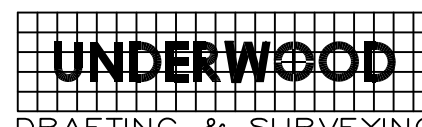
HANOLLEY HILLS ADDITION

Being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road right-of-ways and alleys to Blocks 1, 2 and 3 of Randolph Heights Additon, an addition to the City of Sherman. Containing 7.551 acres of land

08-25-21

OWNERS/DEVELOPER
CHAMPAGNE DEVELOPMENT, LLC
2013 S. POLARIS
DENISON, TX 75020

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS



3404 INTERURBAN ROAD DENISON, TEXAS 75021

(903)465-2151

SHEET 2 OF 2







Legal Description
 Situated in the County of Grayson, State of Texas, being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road right-of-ways and alleys to Blocks 1, 2 and 3 of Randolph Heights Addition, an addition to the City of Sherman as shown by plat of record in Volume 203, Page 328, Deed Records, Grayson County, Texas and being those tracts of land conveyed to Champagne Development, LLC, as recorded in Document No's 2021-26077, 2021-26091 and 2021-26098, Official Public Records, Grayson County, Texas and being described by metes and bounds as follows:
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 Thence North 22°19'06" East, a distance of 244.80 feet to a set 1/2" steel rod in the center of a 20' alley;
 Thence South 15°28'13" East, a distance of 39.73 feet to a set 1/2" steel rod;
 Thence North 74°31'47" East, passing a found 1/2" steel rod at the southwest corner of Lot 2 of said Block 3 at a distance of 10.00 feet, and passing southeast corner of said Lot 2 at a distance of 150.00 feet, in all a distance of 210.00 feet to a set 1/2" steel rod in the west line of said Block 2;
 Thence North 15°28'13" West, a distance of 150.00 feet to a set 1/2" steel rod at the northwest corner of said Block 2;
 Thence North 74°31'47" East, with the north lines of said Blocks 1 and 2, a distance of 510.00 feet to a set 1/2" steel rod in the center of a 20' alley;
 Thence South 15°28'13" East with the center of said alley, a distance of 450.00 feet to a set 1/2" steel rod from which a found 1/2" steel rod at the southwest corner of Lot 9 of said Block 1 bears North 74°31'47" East, a distance of 10.00 feet;
 Thence South 74°31'47" West, with the south lines of said Blocks 1, 2 and 3, a distance of 870.00 feet to the Point of Beginning and containing 7.551 acres of land of which 1.488 acres lies within existing road right-of-ways and alleys.

SCHEDULE OF USES	
PUBLIC STREETS	46,924 SF
GREEN SPACE	19,540 SF
LOTS	262,458 SF
TOTAL	328,922 SF

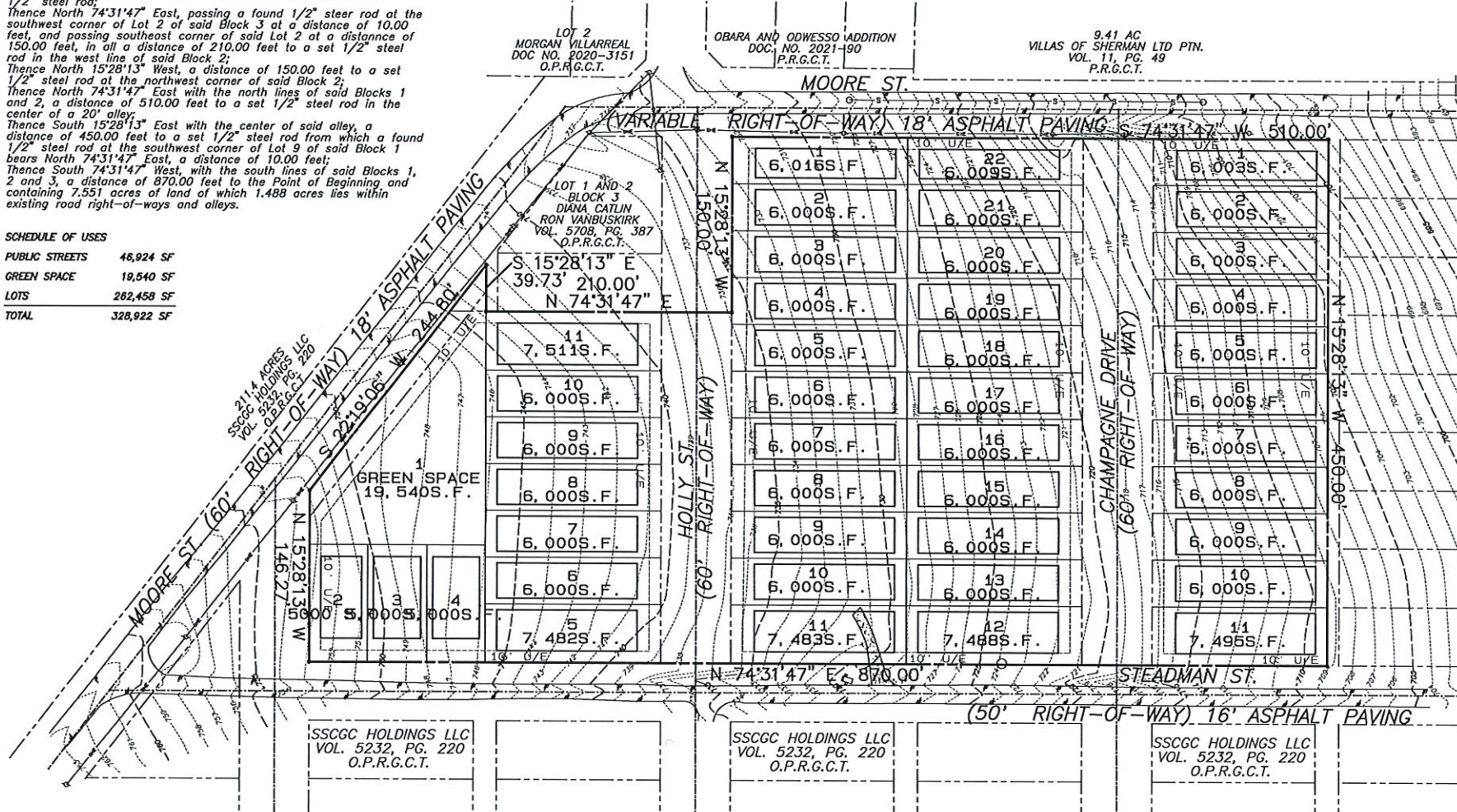
CITY OF SHERMAN
 PLANNING AND ZONING COMMISSION
 CERTIFICATE OF APPROVAL

Clay Mahone, Chairman

OWNERS/DEVELOPER
 CHAMPAGNE DEVELOPMENT, LLC
 2013 S. POLARIS
 DENSON, TX 75020



GRAPHIC SCALE IN FEET
 1" = 40'



Unified Residential Development-Site Plan

TCB ENGINEERING, LLC
 CIVIL ENGINEERING • LAND PLANNING
 P.O. BOX 910012
 SHERMAN, TEXAS 75091-0012
 (903) 870-6543 FAX #20110

SITE PLAN
 HAVOLLEY HILLS ADDITION
 CITY OF SHERMAN
 GRAYSON COUNTY, TEXAS

APP NUMBER
 2022-03
 SCALE
 1" = 40'
 DATE
 11/23/2022



STAFF REVIEW LETTER

December 6, 2021

Champagne Development, LLC
2013 S. Polaris
Denison, TX 75020

Underwood Drafting & Surveying
3404 Interurban Road
Denison, TX 75021

Dear Applicants,

The request for approval of the Final Plat of Hanolley Hills Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 14, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
2. Holly Street to be changed to Holly Avenue.
3. Lot width of lots on corner of Moore and Holly and Moore and Champagne must be a minimum of 45 feet in width per Patio Home Ordinance. *Code of Ordinances Chapter 14, Exhibit A., Sec. 8(9)(e)*
4. Any contiguous subdivision, including multiple phases, developed with twenty-five (25) or more lots under the Patio Home standards of this ordinance shall provide usable open space. Developments with 25 - 49 patio home lots shall provide usable open space which equals or exceeds five (5) percent of the gross platted area, excluding rights-of-way for major thoroughfares. Developments with 50 or more patio homes shall provide usable open space which equals or exceeds ten (10) percent of the gross platted area, excluding rights-of-way for major thoroughfares. A contiguous subdivision is defined as: abutting or separated only by a local or collector street to the subdivision. Subdivisions separated by rights-of-way, drainage or utility easements in excess of sixty (60) feet in width shall not be considered as contiguous. *Code of Ordinances Chapter 14, Exhibit A., Sec. 8(9)(e)*
5. Addition Name shall read as Final Plat with sub-title Being a Replat of...
6. Metes and bounds must match drawing. Leaders may be required for clarity. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)(7)*
7. Show Point of Beginning on drawing.
8. Block numbers shall be assigned to plat.
9. Show a minimum of three (3) found monuments on drawing. *Code of Ordinances Chapter 10, Exhibit A, Sec. 15(A).*

10. Right of Way Dedication along Moore Street required to meet Minor Arterial regulations in regards to Grayson County/City of Sherman Thoroughfare Plan. *Code of Ordinances Chapter 10, Exhibit A, Secs. 5(B)(5), (10); 5(C)(1); 6(B)(7)-(8), (14)-(15); 12(B)(1)(a); 12(B)(1)(k)(1)-(3); 12(B)(5)*
11. Dedicate a 15'x15' Right of Way corner clip on corner of proposed lots that intersect rights of way. *Code of Ordinances Chapter 10, Exhibit A, Secs. 5(B)(5), (10); 5(C)(1); 6(B)(7)-(8), (14)-(15); 12(B)(1)(a); 12(B)(1)(k)(1)-(3); 12(B)(5)*
12. 10' Utility Easement to parallel new right of way created by corner clips. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
13. Add zip code to Surveyor block.
14. Water main and Sanitary Sewer main must be extended in accordance with City criteria to serve proposed Lot. Sewer capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
15. Three Party Agreement required for Public Infrastructures.
16. Platted streets to be abandoned by separate instrument with abandonment information shown on final plat. *Vol. 203, Pg. 326, DRGCT*
17. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
18. Privately owned and maintained detention in accordance with City criteria may be required. Engineering documentation shall be provided to the City of Sherman Engineering Department for review and approval. If detention is required, Ownership and Maintenance information to be shown on plat. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(I)*
19. Graphically show edge of pavement on drawing.
20. Add Avigation Release to plat. Coordinate with Engineering Department for language. *Code of Ordinances Chapter 14, Article 14.02*
21. Original tax certificates with \$0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11)*
22. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
23. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Christopher G. Armstrong, P.E., CFM
Assistant City Engineer

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 24.

Meeting Date: 12/14/2021

Prepared by: Patsy Reeves, Development Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

1000-1500 BLOCKS WEST MOORE STREET

The request of Champagne Development, LLC (Owner), Holley Jolly Developments, LLC (Developer) and Underwood Drafting and Surveying (Surveyor) concerning the property in the 1000-1500 Blocks of West Moore Street, being Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road Right-of-Ways and Alleys to Blocks 1, 2 and 3 of Randolph Heights Addition, as follows;

Planning and Zoning Commission

- A. Replat approval of Hanolley Hills Addition, a Replat of Lots 10-18, Block 1, all of Blocks 2 and 3, parts of the adjacent road Right-of-Ways and Alleys to Blocks 1, 2 and 3 of Randolph Heights Addition.
- B. Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow (44) patio homes in an R-1 (One-Family Residential) District

Background:

The property is located in the 1000-1500 blocks of West Moore Street; the southwest corner of Moore and Steadman Streets and is zoned an R-1 (One Family Residential) District. The owners would like to plat the property into 44 lots for residential development of patio homes.

Adjacent Zoning:

R-1 (One-Family Residential) District

R-2 (Two-Family Residential) District

Origination:

Champagne Development, LLC (Owner)

Holley Jolly Developments, LLC (Developer)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

- Natural – Natural areas are wooded or vegetated lands which are essentially untouched by development and still retain significant resources.
- Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

38

Objections Received:

0

Development Review Meeting:

Yes

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Hanolley Hills Addition

Site Plan

Patio Home Building Elevations

Staff Review Letter - Plat

Staff Review Letter - Patio Homes



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 5.

Meeting Date: 01/03/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

**** OTHER BUSINESS**

Final Plat approval of Moran on Broughton Addition, being 0.230 acres in the J.B. McAnair Survey, Abstract No.763; Moran Developments, LLC, Owner and Helvey-Wagner Surveying, Inc., Surveyor (1225, 1229, 1233 and 1237 North Broughton Street)

Issue:

To consider Final Plat approval of Moran on Broughton Addition, being 0.230 acres in the J.B. McAnair Survey, Abstract No.763; Moran Developments, LLC, Owner and Helvey-Wagner Surveying, Inc., Surveyor (1225, 1229, 1233 and 1237 North Broughton Street)

Background:

The property is located at 1225, 1229, 1233 and 1237 North Broughton Street, the southeast corner of Sycamore and Broughton Streets and is zoned an R-2 (Multi-Family Residential) District. The owner would like to plat the property into (1) one lot for residential development of a four-plex.

The following has been approved for the property:

July 19, 2021 - Zone change from an R-1 (One-Family Residential) District to an R-2 (Multi-Family Residential) District (Ord. 6399)

Origination:

Moran Development, LLC (Owner)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the December 14, 2021 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

Moran on Broughton Final Plat

Staff Review Letter

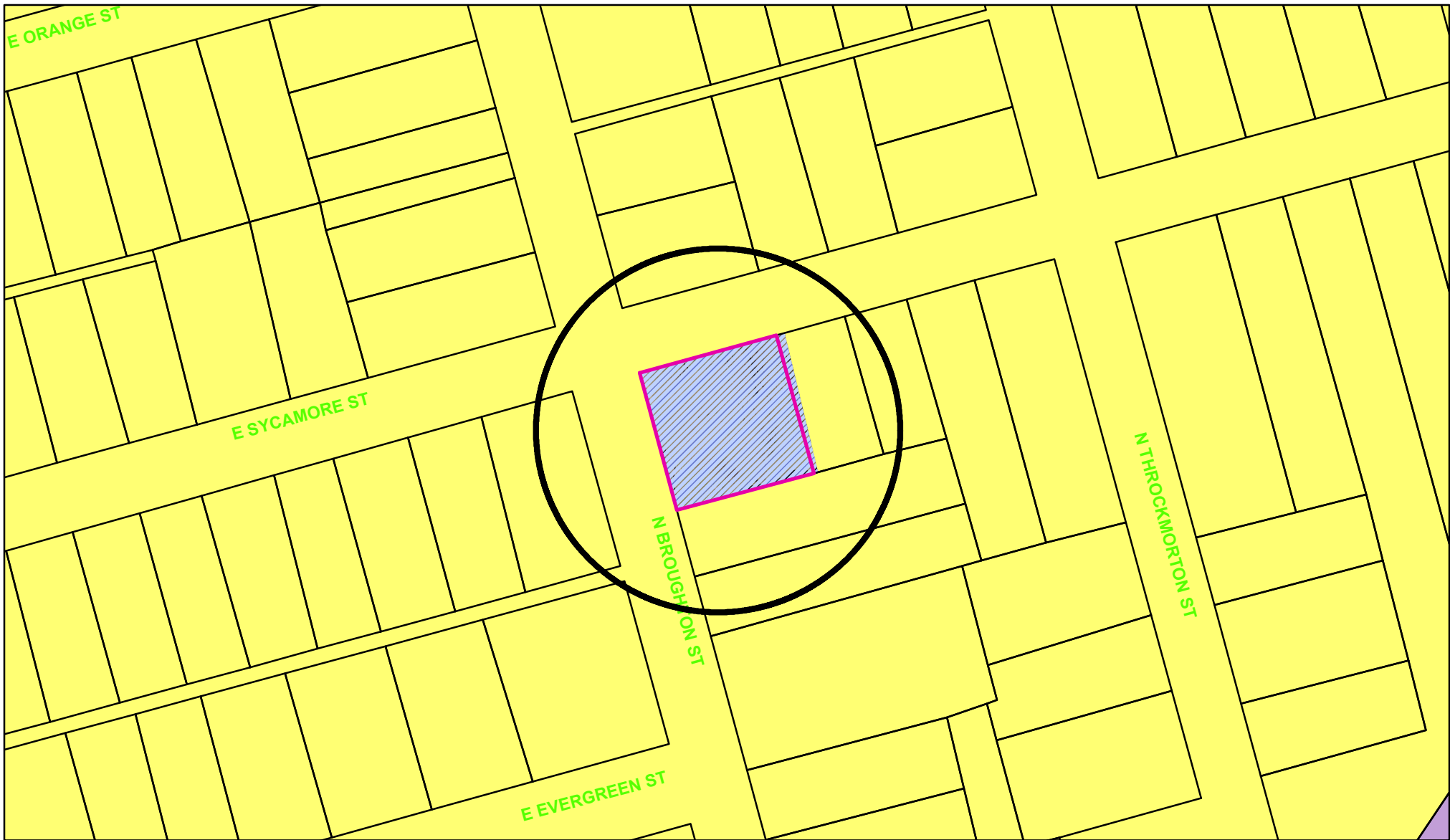
P & Z Communication



City of Sherman, Texas
Development Services Department

1225, 1229, 1233 & 1237 North Broughton Street


$$1 \text{ in} = 226 \text{ ft}$$



Zoning - 1225, 1229, 1233 & 1237 North Broughton Street

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District
- Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP - Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



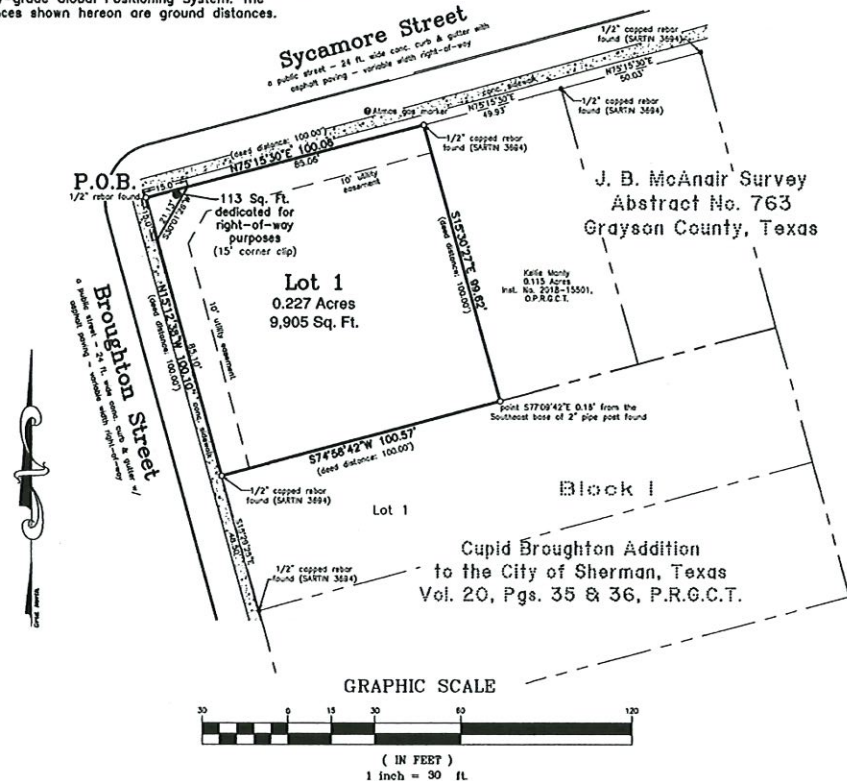
City of Sherman, Texas
Development Services Department



NOT TO SCALE

1 in = 100 ft

Bearing Base: Grid North, NAD83 Texas State Plane
Coordinate System, North Central Zone, as derived by
survey-grade Global Positioning System. The
distances shown hereon are ground distances.



Final Plat
Moran on Broughton Addition
to
the City of Sherman
Grayson County, Texas
0.230 Acres
in the
J.B. McAnair Survey
Abstract No. 763

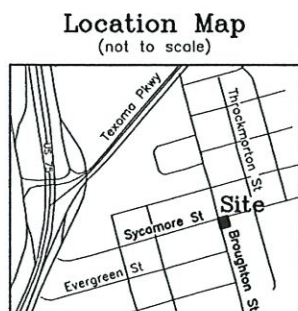
General Notes:

1. Water Supply to be provided by the City of Sherman.
2. Sewer service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery Co.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat hereon lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0290 F, Revised Date: September 29, 2010.
8. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

Job No. CGS361021

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (903) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10088100

Owner:
Moran Developments, LLC
910 S Travis Street
Sherman, Texas 75090



FIELD NOTES

SITUATED in the City of Sherman, County of Grayson, State of Texas, and being a part of the J. B. McAnair Survey, Abstract No. 763 and being all of the "colored" 100 ft. by 100 ft. tract of land conveyed by Warranty Deed from Jamie Vandagriff to Moran Developments, LLC on May 24, 2021, recorded in Instrument No. 2021-17385, Official Public 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 at the intersection of the South right-of-way line of Sycamore Street with the East right-of-way line of Broughton Street, at the Northwest corner of said Moran Developments tract;

THENCE North 75 deg. 15 min. 30 sec. East, with the South right-of-way line of said Sycamore Street and the North line of said Moran Developments tract, a distance of 100.06 ft. to a 1/2 inch capped rebar found stamped (SARTIN 3694) at the Northwest corner of the Kelle Monty 0.115 acre tract of land, recorded in Instrument No. 2018-15501, said Official Public Records and the Northeast corner of said Moran Developments tract, SMO rebar being South 75 deg. 15 min. 30 sec. West, 49.93 ft. from a 1/2 inch capped rebar found stamped (SARTIN 3694) at the Northeast corner of said Monty 0.115 ac.;

THENCE South 15 deg. 30 min. 27 sec. East, with the East line of said Moran Developments tract and the West line of said Monty 0.115 ac., a distance of 99.62 ft. to a point in the North line of Lot 1, Block 1, Cupid Broughton Addition, to the City of Sherman, Texas, as per plat of record in Volume 20, Pages 35 & 36, Plat Records, Grayson County, Texas, at the Southwest corner of said Monty 0.115 ac. and the Southeast corner of said Moran Developments tract, SMO point bears South 77 deg. 09 min. 42 sec. East, 0.18 ft. from the Southeast base of a 2 inch pipe post found;

THENCE South 74 deg. 58 min. 42 sec. West, with the South line of said Moran Developments tract and the North line of said Lot 1, a distance of 100.57 ft. to a 1/2 inch capped rebar found stamped (SARTIN 3694) in the East right-of-way line of said Broughton Street, at the Northwest corner of said Lot 1 and the Southwest corner of said Moran Developments tract, SMO rebar being North 15 deg. 29 min. 25 sec. West, 48.50 ft. from a 1/2 inch capped rebar found stamped (SARTIN 3694) at the Southwest corner of said Lot 1;

THENCE North 15 deg. 12 min. 38 sec. West, with the East right-of-way line of said Broughton Street and the West line of said Moran Developments tract, a distance of 100.10 ft. to the **PLACE OF BEGINNING** and containing 10,017 **SQUARE FEET** and 0.230 **ACRES** of land.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.



Kate A. Wagner, R. P. L. S. No. 6578

Date:

I, Moran Developments, LLC, sole owner of Moran on Broughton Addition to the City of Sherman, Texas, do hereby dedicate the streets, easements, alleys, rights-of-way, parks, school sites and other public places shown hereon to the public use forever.

Luis Moran - Moran Developments, LLC

AVIGATION RELEASE

WHEREAS, Moran Developments, LLC, hereinafter called **OWNER** (whether one or more), is the owner of a certain parcel of land situated in the City of Sherman, Grayson County, Texas, being more particularly described as Moran on Broughton Addition, on addition to the City of Sherman, Grayson County, Texas.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas, a municipal corporation, hereinafter called **CITY**, and Sherman Municipal Airport, hereinafter called **AIRPORT**, from any and all claims for damages of any kind that **OWNER** may now have or may hereinafter have in the future by reason of the passage of all aircraft (aircraft being defined for the purpose of this instrument as any contrivance now known or hereinafter invented, used or designed or navigation of or flight in the air) by whomsoever owned and operated, in the airspace above **OWNER'S** property. Such release shall include, but not be limited to, any damages to the **OWNER'S** described property, such as noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at or taking off from or operating at or on the Sherman Municipal Airport, whether such claim be for injury or death to person or persons damages to or taking off of property; and **OWNER** does hereby fully remise and release any right or cause of action which it may now have or which it may in the future have against the **CITY** or **AIRPORT**, whether such claims be for injury or death to persons or damage to property due to noise, vibration, fumes, dust, fuel and lubricant particles, and all the other effects that may be caused or may have been caused by the operation and/or maintenance of aircraft or aircraft engines at or on said Sherman Municipal Airport.

It is agreed that this Release shall be binding upon **OWNER**, his successors, heirs, executors, administrators and assigns, in interest with regard to said property located at Moran on Broughton Addition, on addition to the City of Sherman, Texas, and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the Deed Records of Grayson County, Texas.

Executed this ____ day of ____, 2021.

By: _____

By: Luis Moran - Moran Developments, LLC, Owner

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Luis Moran, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this ____ day of ____, 2021.

Notary Public, Grayson County, Texas

This, the final plat of Moran on Broughton Addition to the City of Sherman, Texas is hereby approved this ____ day of ____, 2021, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman _____ Secretary _____

This, the final plat of Moran on Broughton Addition to the City of Sherman, Texas is hereby approved this ____ day of ____, 2021, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: MAYOR, CITY OF SHERMAN, TEXAS _____ DATE _____

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing final plat of Moran on Broughton Addition to the City of Sherman, Texas, was submitted to the City Council of Sherman, Texas, on the ____ day of ____, 2019, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

WITNESS MY HAND THIS ____ DAY OF ____, 2021, BY _____ CITY CLERK, CITY OF SHERMAN, TEXAS

Final Plat
Moran on Broughton Addition
to
the City of Sherman
Grayson County, Texas
0.230 Acres
in the
J.B. McAnair Survey
Abstract No. 763

Job No. CGS361021

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (903) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10088100



STAFF REVIEW LETTER

December 6, 2021

Moran Developments, LLC
910 S. Travis Street
Sherman, TX 75090

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Dear Applicants,

The request for approval of the Moran on Broughton Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 14, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
2. Sanitary Sewer main must be extended in accordance with City criteria to serve proposed Lot. Sewer capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
3. City Council acceptance block shall be updated to current year.
4. Original tax certificates with \$0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11)*
5. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
6. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Christopher G. Armstrong, P.E., CFM
Assistant City Engineer

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 19.

Meeting Date: 12/14/2021

Prepared by: Patsy Reeves, Development Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

*** 1225, 1229, 1233 & 1237 NORTH BROUGHTON STREET**

The request of Moran Developments, LLC (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property at 1225, 1229, 1233 and 1237 North Broughton Street, being 0.230 acres in the J.B. McAnair Survey, Abstract No.763, as follows:

Planning and Zoning Commission

Final Plat approval of Moran on Broughton Addition.

Background:

The property is located at 1225, 1229, 1233 and 1237 North Broughton Street, the southeast corner of Sycamore and Broughton Streets and is zoned an R-2 (Multi-Family Residential) District. The owner would like to plat the property into (1) one lot for residential development of a four townhome units.

The following has been approved for the property:

- July 19, 2021 - Zone change from an R-1 (One-Family Residential) District to an R-2 (Multi-Family Residential) District (Ord. 6399)

Adjacent Zoning:

R-1 (One-Family Residential) District

Origination:

Moran Development, LLC (Owner)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single-Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

Not required.

Objections Received:

0

Development Review Meeting:

Yes

Attachments

Location Map

Zoning Map

Moran on Broughton Addition

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 6.

Meeting Date: 01/03/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

**** OTHER BUSINESS**

Final Plat approval of Ladd Estates II in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 12.371 acres in the Bailey Winifred Survey, Abstract No. 66; Robert Ladd Holton, Owner; and Underwood Drafting and Surveying, Inc., Surveyor (600-700 blocks of Merriman Parkway)

Issue:

To consider Final Plat approval of Ladd Estates II in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 12.371 acres in the Bailey Winifred Survey, Abstract No. 66; Robert Ladd Holton, Owner; and Underwood Drafting and Surveying, Inc., Surveyor (600-700 blocks of Merriman Parkway)

Background:

The property is located in the 600-700 blocks of Merriman Parkway in the City of Sherman's Extra Territorial Jurisdiction (ETJ). The owner would like to plat the property into nine (9) lots.

Origination:

Robert Ladd Holton (Owner)
Underwood Drafting and Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the December 14, 2021 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

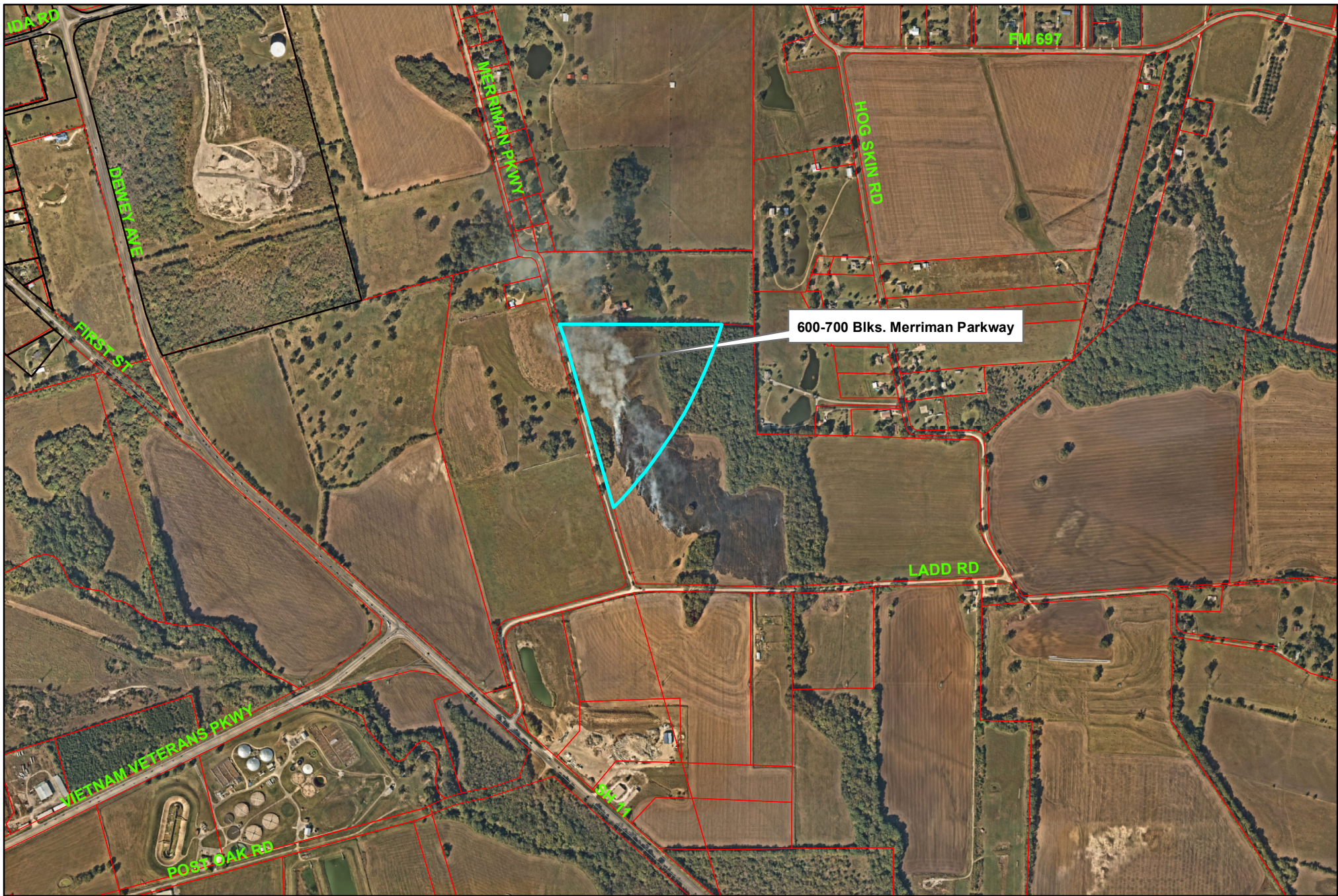
Attachments

Location Map

Ladd Estates II Final Plat

Staff Review Letter

P & Z Communication



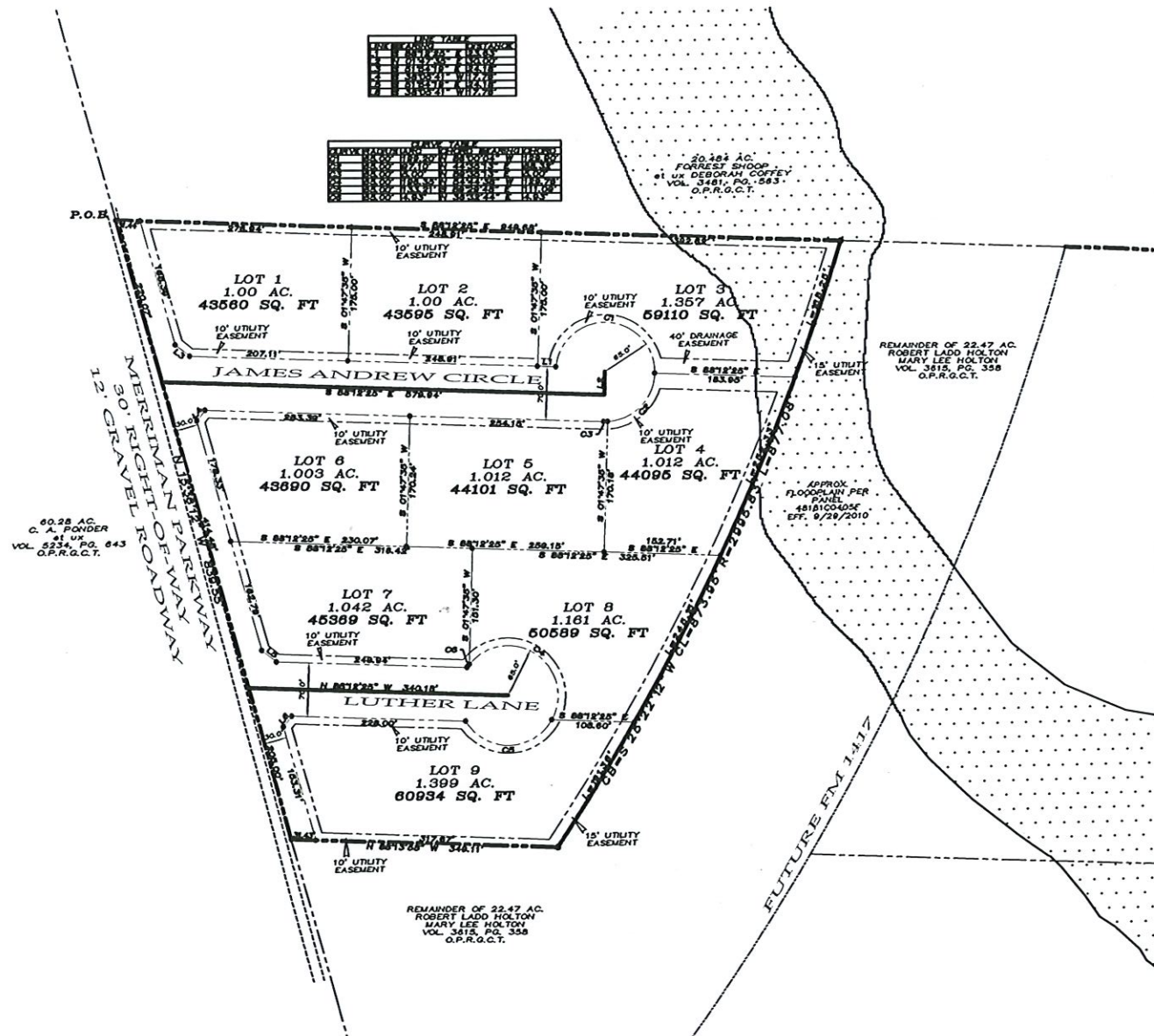
City of Sherman, Texas
Development Services Department

600-700 Blocks Merriman Parkway (ETJ)



NOT TO SCALE

1 in = 978 ft



~ BASIS OF BEARINGS ~
GEO NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE

FINAL PLAT
LADD ESTATES II
AN ADDITION TO THE CITY OF SHERMAN, TEXAS
BEING A PART OF THAT 22.47 ACRE TRACT CONVEYED TO
ROBERT AND MARY HOLTON, IN THE WINIFRED BAILEY SURVEY,
ABSTRACT NO. 66 RECORDED IN DOC. NO. 2021-2951.

O.P.R.G.C.T.
7-21-2021

UNDERWOOD
DRAFTING & SURVEYING

3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

OWNERS/DEVELOPER
ROBERT LADD HOLTON
1744 LADD ROAD
SHERMAN TEXAS, 76090

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS 75021

LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being a part of Bailey Winifred Survey, Abstract No. 66 and being all of Tract 1 conveyed to Robert and Mary Holton as recorded in Volume 3615, Page 358, Official Public Records, Grayson County, Texas and being described by metes and bounds as follows:

Beginning at a set $\frac{1}{4}$ " steel rod in the center of a gravel road known as Merriman Parkway being at the southwest corner of a 20,484 acre tract of land conveyed to Forrest Shoop and Deborah Coffey;

Thence South 88°12'25" East with the South line of said Shoop/Coffey tract a distance of 949.68 feet to a found $\frac{1}{4}$ " steel rod;

Thence with a non-tangent curve to the right having a radius of 2005.83 feet, (chord bears South 25°22'12" West, a distance of 873.95 feet) an arc length of 877.08 feet to a found $\frac{1}{4}$ " steel rod;

Thence North 88°13'58" West with the south line of said Tract 1 a distance of 349.11 feet to a set $\frac{1}{4}$ " steel rod;

Thence North 15°36'12" West with the center of said Merriman Parkway a distance of 839.55 feet to the Point of Beginning and containing 12.371 acres of land.

CERTIFICATE OF COMPLIANCE

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing LADD ESTATES II, an addition to the City of Sherman, Texas, was submitted to the City Council on the day of _____, 20____ and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this _____ day of _____, 20____.

Clerk, City of Sherman, Texas

SURVEYOR'S CERTIFICATION

KNOWN ALL MEN BY THESE PRESENTS:

That I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon where properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

Douglas W. Underwood
Registered Professional
Land Surveyor, No. 4709

Date

AVIGATION RELEASE

THE STATE OF TEXAS
COUNTY OF GRAYSON

WHEREAS, ROBERT LADD HOLTON AND MARY LEE HOLTON, hereinafter called OWNER (whether one or more), is the owner of certain parcel of land situated in the City of Sherman, Grayson County, Texas, being more particularly described as LADD ESTATES II, an addition to the City of Sherman, Grayson County, Texas.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas, a municipal corporation, hereinafter called CITY, and Sherman Municipal Airport, hereinafter called AIRPORT, from any and all claims for damages of any kind that OWNER may now have or may hereinafter have in the future by reason of the passage of all aircraft (aircraft being defined for the purposes of this instrument as any contrivance now known hereinafter invented used or designed or navigation of or flight in the air) by whomsoever owned and operated, in the airspace above OWNER'S property. Such release shall include, but not be limited to, any damages to the OWNER'S described property, such as noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at or taking off from or operating at or on the Sherman Municipal Airport, whether such claim be for injury or death to person or persons damages to or taking off of property and OWNER does hereby fully remise and release any right or cause of action which it may now have or which it may in the future have against the CITY or AIRPORT, whether such claims be for injury or death to persons or damages to property due to noise, vibration, fumes, dust, fuel and lubricant particles, and all the other effects that may be caused or may have been caused by the operation and/or maintenance of aircraft or aircraft engines at or on said Sherman Municipal Airport.

It is agreed that this Release shall be binding upon OWNER, his successors, heirs, executors, administrators and assigns, in interest with regard to said property located at LADD ESTATES II, an addition to the City of Sherman, Texas, and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the Deed Records of Grayson County, Texas.

EXECUTED THIS _____ DAY OF _____, 20____.

BY: ROBERT LADD HOLTON
MARY LEE HOLTON

BY: _____

BY: _____

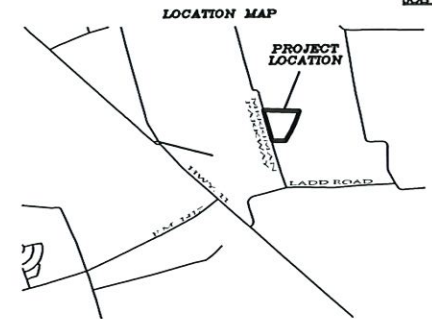
~ GENERAL NOTES ~

1. Water Supply to be provided by the Pink Hill WSC.
2. Sewer Service to be provided by an on-site sewage facility approved by Grayson County.
3. Electrical service is provided by GCEC.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. Grayson County will not be responsible for the maintenance and operation of said drainage ways or drainage easements for the control of erosion.
7. Neither Grayson County nor the undersigned surveyor will be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flooding conditions.
8. The owners and builders must comply with all other local, state and federal regulations regarding development of this type.
9. Boundaries are based on the City of Sherman Control Monument Network.
10. Grayson County reserves the right to require submission of Development Plat based on proposed use of each lot.
11. The map is not to be used within zone "A" according to FEMA flood insurance rate map 481810405F, Effective date September 29, 2010.

OWNERS/DEVELOPER
ROBERT LADD HOLTON
1744 LADD ROAD
SHERMAN TEXAS, 76090

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS 75021

UNDERWOOD
DRAFTING & SURVEYING



(NOT TO SCALE)

OWNERS DEDICATION

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT WE, ROBERT LADD HOLTON AND MARY LEE HOLTON, do hereby adopt this plat designating the hereinabove property as the LADD ESTATES II, an addition to the City of Sherman, Texas, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this _____ day of _____, 20____.

ROBERT LADD HOLTON

MARY LEE HOLTON

STATE OF TEXAS
COUNTY OF GRAYSON

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for
the State of Texas
Commission Expires: _____

STATE OF TEXAS
COUNTY OF GRAYSON

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for
the State of Texas
Commission Expires: _____

ACCEPTANCE

Approved this _____ day of _____, 20____ by the
City Planning Commission to the City of Sherman, Texas.

Chairman

Secretary

CERTIFICATE OF ACCEPTANCE OF DEDICATION

Accepted by the City Council of the City of Sherman

Mayor, City of Sherman, Texas

Date

FINAL PLAT
LADD ESTATES II
AN ADDITION TO THE CITY OF SHERMAN, TEXAS
BEING A PART OF THAT 22.47 ACRE TRACT CONVEYED TO
ROBERT AND MARY HOLTON, IN THE WINIFRED BAILEY SURVEY,
ABSTRACT NO. 66 RECORDED IN DOC. NO. 2021-2951.

O.P.R.G.C.T.

7-21-2021



STAFF REVIEW LETTER

December 6, 2021

Robert Ladd Holton
1744 Ladd Road
Sherman, TX 75090

Underwood Drafting & Surveying
3404 Interurban Road
Denison, TX 75021

Dear Applicants,

The request for approval of the Final Plat of Ladd Estates II has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 14, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
2. Show miniature location map on drawing.
3. Easements may be required per Engineering review of infrastructure or civil plans.
4. Check with United States Postal Service (972-393-6326) for establishing the method or mode of mail delivery, the type of mailbox, and location of the mailbox for each street delivery address. Centralized delivery is the preferred method of mail delivery.
5. Original tax certificates with \$0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11)*
6. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
7. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Christopher G. Armstrong, P.E., CFM
Assistant City Engineer

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 17.

Meeting Date: 12/14/2021

Prepared by: Patsy Reeves, Development Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

*** 600-700 BLOCKS MERRIMAN PARKWAY**

The request of Robert Ladd Holton (Owner) and Underwood Drafting and Surveying, Inc. (Surveyor) concerning the property located in the 600-700 blocks Merriman Parkway, being 12.371 acres in the Bailey Winifred Survey, Abstract No. 66, as follows:

Planning and Zoning Commission

Final Plat approval of Ladd Estates II in the City of Sherman's Extra Territorial Jurisdiction (ETJ).

Background:

The property is located in the 600-700 blocks of Merriman Parkway in the City of Sherman's Extra Territorial Jurisdiction (ETJ). The owner would like to plat the property into nine (9) lots.

Adjacent Zoning:

Outside City.

Origination:

Robert Ladd Holton (Owner)

Underwood Drafting and Surveying, Inc. (Surveyor)

Master Plan Designation:

Was not included in Master Plan

Number of notices mailed:

Not required.

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map

Ladd Estates II

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Meeting Date: 01/03/2022

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2022 Council Calendar

2022

Council Calendar

January						
Su	Mo	Tu	We	Th	Fr	Sa
						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						
Su	Mo	Tu	We	Th	Fr	Sa
		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						
Su	Mo	Tu	We	Th	Fr	Sa
		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		

April						
Su	Mo	Tu	We	Th	Fr	Sa
					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						
Su	Mo	Tu	We	Th	Fr	Sa
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						
Su	Mo	Tu	We	Th	Fr	Sa
			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		

July						
Su	Mo	Tu	We	Th	Fr	Sa
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3	4	5	6	7	8	9
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August						
Su	Mo	Tu	We	Th	Fr	Sa
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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						
Su	Mo	Tu	We	Th	Fr	Sa
				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						
Su	Mo	Tu	We	Th	Fr	Sa
						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						
Su	Mo	Tu	We	Th	Fr	Sa
		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						
Su	Mo	Tu	We	Th	Fr	Sa
				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

	Holiday
	Holiday for Firefighters/Police Only
	City Council Regular Meeting
	City Council Called Meeting
	Special Called Meeting
	Budget Workshop
	Cancelled City Council Meeting

CALLED MEETINGS	
1/18/2022	Rescheduled - Martin Luther King, Jr. Day
7/5/2022	Rescheduled - Independence Day
9/6/2022	Rescheduled - Labor Day