CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, SEPTEMBER 18, 2023
5:00 P.M.

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

A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER HENRY MARROQUIN

A. 3. INVOCATION BY COUNCIL MEMBER HENRY MARROQUIN

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. 6641
Recognizing the Termination of Sherman Tax Increment Financing Reinvestment Zone Number One (TIRZ #1) By Operation of Law; Dissolving the Board of Directors and Tax Increment Fund for TIRZ #1; Directing that Any Money Remaining in the TIRZ #1 Fund be Paid to the City of Sherman

D. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6642
Amending The Code Of Ordinances Of The City Of Sherman, Texas, Chapter 14 (Zoning Ordinance), Sections 14.02.010 (R-Th Townhome Residential District), 14.06.004 (Site Plan Requirements); Modifying Certain Existing Regulations And Prescribing New Regulations Relating To The R-Th (Townhome Residential) Zoning District And Site Plan Requirements; Providing A Penalty Clause With A Maximum Fine Of $2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; Providing For The Publication Of The Caption Hereof

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code

D. 3. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6643**

Amending The Code Of Ordinances Of The City Of Sherman, Texas, Chapter 10 (Subdivision Regulation); Repealing Exhibit 10a (Subdivision Ordinance); Modifying Certain Existing Regulations And Prescribing New Regulations Relating To Plats, Subdivisions Of Land, Construction Of Public Infrastructure And Other Land Development Matters Pursuant To Chapter 212 Of The Texas Local Government Code And Other Applicable Law; Providing For Certain Definitions And Procedures; Providing Requirements And Regulations For The Preparation Of Plats; Providing For Acceptance Of Subdivisions And Requirements Prior To Acceptance Of Final Plats; Providing For Design Criteria And Construction Standards; Defining Responsibility For Payment Of Costs Of Public Infrastructure; Specifying Requirements For Surveying, Engineering And Final Acceptance Of Subdivisions; Providing For Various Improvements For All Subdivisions; Providing For Variances; Extending Regulations To The Extraterritorial Jurisdiction Of The City; Delegating Authority Over Action On Certain Types Of Plats To The City Engineer Pursuant To Section 212.0065 Of The Texas Local Government Code; Providing A Penalty Clause With A Maximum Fine Of $2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; Providing For The Publication Of The Caption Hereof

D. 4. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6644**

Amending The Code Of Ordinances Of The City Of Sherman, Texas, To Modify Certain Fees, Fines And Other Charges Set Forth In Appendix C, Comprehensive Fee Schedule, Including Building Permit And Inspection Fees, Subdivision Fees And Zoning Fees; Reauthorizing Building Permit Fees In Accordance With Section 214.908 Of The Texas Local Government Code; Amending Chapter 13 (Utilities) of the Code of Ordinances, Article 13.08, (Utility Billing), Sections 13.08.00, 13.05.005 and 13.08.006 to Revise Rates for Water and Sewer Services; Revising Deposit Amounts to Assure Payment; Providing for Payment for Lost, Damaged, or Stolen Meters and Meter Reading Equipment; Providing A Penalty Clause With A Maximum Fine Of $2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; Providing For The Publication Of The Caption Hereof

D. 5. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6645**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow Contractors or Construction Offices, Equipment Sales, Service, Rental and Repair, with Outdoor Storage in the C-2 (General Commercial) District, Located at 2325 North Travis Street, consisting of 7.849 acres in the J.B. McAnair Survey, Abstract No. 763, City of Sherman, Grayson County, Texas (American Builders and Contractors Supply Co., Inc., Owner; Vilbig and Associates, Representative; and Helvey-Wagner Surveying, Surveyor); Prescribing Conditions to the Specific Use Permit; 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

D. 6. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6646**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 9.416 acres in the James M. Hambright Survey, Abstract 538, City of Sherman, Grayson County, Texas, Located at 18873 West Highway 82, Heretofore Zoned R-A (Residential Agricultural) District; Rezoning and Placing the Tract in the C-2 (General Commercial) District/75&82 Overlay District Zoning Classification, (David Catching, Owner; Keith Barclift, Representative; and Helvey-Wagner Surveying, 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. 6647**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow Contractors or Construction Offices, Equipment Sales, Service, Rental and Repair, with Outdoor Storage in the C-2 (General Commercial) District/75&82 Overlay District, Located at 18873 West Highway 82, consisting of 9.416 acres in the James M. Hambright Survey, Abstract 538, City of Sherman, Grayson County, Texas (David Catching, Owner; Keith Barclift, Representative; and Helvey-Wagner Surveying, Surveyor); Prescribing Conditions to the Specific Use Permit; 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

D. 8. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6648**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow Hookah Bar, Smoking Lounge, Smoke Shop, or Vape Shop in the C-2 (General Commercial) District, Located at 2201 Texoma Parkway, consisting of 0.382 acres in the Smith McGlothlin Survey, Abstract No. 808, being Lot 6, Block 9, Highland Park Addition, City of Sherman, Grayson County, Texas (Texoma Parkway, Salman Makojia, Owner; Dinesh Sood, Tenant; and Helvey-Wagner Surveying, Surveyor); Prescribing Conditions to the Specific Use Permit; 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

D. 9. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6649**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow a Vape Shop in the C-1 (Retail Business) District/75 & 82 Overlay District, Located at 738 East Highway 82, consisting of 1.830 acres, being Lots 1 & 2, Block 1, 82-75 Addition, City of Sherman, Grayson County, Texas (W Douglass Distributing, LTD, Owner; Samir Bhimani, Tenant; David Weaver, Representative; and Helvey-Wagner Surveying, Inc, Surveyor); Prescribing Conditions to the Specific Use Permit; Providing A Penalty Not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 10. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6650**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow a Hotel in the C-1 (Retail Business) District, Located at 2708 North Cornerstone Drive, consisting of 2.251 acres, being in the J.B. McAnair Survey, Abstract No. 763, being Lot 6R, Block 2, Replat of Cornerstone Addition, City of Sherman, Grayson County, Texas (Raj Patel, Owner; ADR Designs, LLC, Designer; and Preston Trail Land Surveying, Surveyor); Prescribing Conditions to the Specific Use Permit; Providing A Penalty Not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 11. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6651**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 14.287 acres, contained in Tract 2, being in the John Chronister Survey, Abstract No. 248, City of Sherman, Grayson County, Texas, Located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road, Heretofore Zoned C-1 (Retail Business) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District; Rezoning and Placing the Tract in the MF-30 (Multi-Family Residential) District/75 & 82 Overlay District Zoning Classification, (Jamestown Square, LLC, Owner; Caleb Jones, Representative; and Kimley-Horn & Associates, Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date;

D. 12. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6652**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 18.903 acres, contained in Tract 4, being in the John Chronister Survey, Abstract 248, City of Sherman, Grayson County, Texas, Located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road, Heretofore Zoned R-6 (Single-Family Residential) District and MF-30 (Multi Family Residential) District/75 & 82 Overlay District; Rezoning and Placing the Tract in the MF-15 (Multi-Family Residential) District/75 & 82 Overlay District Zoning Classification, (Jamestown Square, LLC, Owner; Caleb Jones, Representative; and Kimley-Horn & Associates, Surveyor); Providing for 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

D. 13. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6653**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 7.796 acres, contained in Tract 3, being in the John Chronister Survey, Abstract No. 248, City of Sherman, Grayson County, Texas, Located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road, Heretofore Zoned R-6 (Single-Family Residential) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District; Rezoning and Placing the Tract in the R-TH (Townhome Residential) District/75 & 82 Overlay District Zoning Classification, (Jamestown Square, LLC, Owner; Caleb Jones, Representative; and Kimley-Horn & Associates, Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 14. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6654**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land Consisting of 0.341 acres, being in the Samuel Blagg Survey, Abstract No. 56, City of Sherman, Grayson County, Texas, Located at 416 South Elm Street, Heretofore Zoned MF-30 (Multi-Family Residential) District; Rezoning and Placing the Tract in the R-5 (Single Family Residential) District Zoning Classification, (Oscar Medina, Owners; and Underwood Drafting & Surveying, Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 15. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6655**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 0.069 acres, being in the George B. Pilant Survey, Abstract No. 963 being a Replat of Lots 2, 3 & 4, in Block 1 of W. Elliott's Addition, City of Sherman, Grayson County, Texas, Located at 607 East King Street, Heretofore Zoned an R-6 (Single Family Residential) District; Rezoning and Placing the Tract in the R-4 (Single Family Residential) District Classification, (Royal Legacy Homes, LLC, Owner; and Preston Trail Land Surveying, Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 16. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6656**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 0.944 acres, being in the Samuel Blagg Survey, Abstract No. 56 being part of Block "B" of Staples Addition, City of Sherman, Grayson County, Texas, Located at 1604 South Travis Street, Heretofore Zoned an C-1 (Retail Business) District and R-6 (Single Family Residential) District; Rezoning and Placing the Tract in the R-TH (Townhome Residential) District Classification, (David Ashley, Owner); Luis Moran, Representative; 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. 17. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6657**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 2.863 acres, being in the Preston Kitchen Survey, Abstract No. 667, City of Sherman, Grayson County, Texas, Located at 2813 South Travis Street, Heretofore Zoned an C-2 (General Commercial) District; Rezoning and Placing the Tract in the MF-15 (Multi Family Residential) District Classification, (J & E Casas Homes, LLC, Series A, Owner; Jose Martinez, Representatives; and Underwood Drafting & Surveying, Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 18. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6658**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 0.165 acres, being in the George B. Pilant Survey, Abstract 963, being a Replat of Lots 1 and 2, in Block 18, W. Elliott's Addition, City of Sherman, Grayson County, Texas, Located at 901 South Throckmorton Street, Heretofore Zoned R-6 (Single-Family Residential) District; Rezoning and Placing the Tract in the R-5 (Single-Family Residential) District Zoning Classification, (Roberto and Nancy Garcia, Owner; Chris Noah, Representative; and Preston Trail Land Surveying, Surveyor); 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. 19. **ADOPTION OF ORDINANCES**

Consider Adoption of Ordinance Numbers 6641, 6642, 6643, 6644, 6645, 6646, 6647, 6648, 6649, 6650, 6651, 6652, 6653, 6654, 6655, 6656, 6657 & 6658

Resolutions

E. 1. **RESOLUTION NO. 7155**

Amending the 2022-2023 Budget of the City of Sherman, Texas, Appropriating and Allocating Additional Funds for the Period of October 1, 2022 through September 30, 2023

E. 2. **RESOLUTION NO. 7156**

Authorizing the Preparation and Distribution of a Preliminary Limited Offering Memorandum (PLOM) for the City of Sherman, Texas Special Assessment Revenue Bonds, Series 2023 (Bel Air Village Public Improvement District Phase #1 Project) and the City of Sherman, Texas Special Assessment Revenue Bonds, Series 2024 (Bel Air Village Public Improvement District Phase #2 Project); and Resolving Other Matters Incident and Related Thereto

E. 3. **RESOLUTION NO. 7157**

Authorizing Execution of a Purchase and Sale Agreement with AB Sherman Holding Company LLC for the Purchase of Approximately 1.64 acres of Land Generally Located East of South Travis Street and South of Washington Elementary School in the City of Sherman, Texas

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code

E. 4. **RESOLUTION NO. 7158**

Determining a Public Necessity to Acquire by Eminent Domain Certain Property Interests for Public Use, Including Permanent Water Easement and Temporary Construction Easements for the Construction, Expansion, Access, Repair and Maintenance of Public Water and Other Utility Improvements Consisting of Two Tracts of Land Comprising +/- 1.427 acres (Permanent Water Easement) and +/- 1.695 acres, respectively, for a Temporary Construction Easement owned by Ted Holdings, Ltd., Recorded in Volume 3369, Page 31 of the Deed Records of the Official Public Records of Grayson County, Texas, Within the James L. Atchison Survey, Abstract No. 21, Extraterritorial Jurisdiction of the City of Sherman, Grayson County, Texas, as Deemed Necessary by the City Manager or His Designee; Giving Notice of an Official Determination to Acquire the Permanent Water Easement and Temporary Construction Easement for Public Use by Eminent Domain for Such Uses; Authorizing the City Manager of the City of Sherman, Texas, to Establish Procedures for Acquiring the Easements, Offering to Acquire the Easements, Voluntarily, from the Landowner Through the Making of Bona Fide Offers; Appropriating Funds; Providing for Repealing, Savings and Severability Clauses; and Providing for an Effective Date

E. 5. **RESOLUTION NO. 7159**

Determining a Public Necessity to Acquire by Eminent Domain Certain Property Interests for Public Use, Including Permanent Water Easement and Temporary Construction Easements for the Construction, Expansion, Access, Repair and Maintenance of Public Water and Other Utility Improvements Consisting of Two Tracts of Land Comprising +/- 0.8388 (Permanent Water Easement) and +/- 0.9256 acres for a Temporary Construction Easement owned by Kelson Commercial Properties, LLC, Series 4613 N. FM 1417 Recorded Under Document Number 201800026414 the Official Public Records of Grayson County, Texas, Within the James L Atchison Survey, Abstract No. 21, and the Benjamin J. Hutson Survey, Abstract No. 496, City of Sherman, ETJ, Grayson County, Texas, as Deemed Necessary by the City Manager or His Designee; Giving Notice of an Official Determination to Acquire the Permanent Water Easement and Temporary Construction Easement for Public Use by Eminent Domain for Such Uses; Authorizing the City Manager of the City of Sherman, Texas, to Establish Procedures for Acquiring the Easements, Offering to Acquire the Easements, Voluntarily, from the Landowner Through the Making of Bona Fide Offers; Appropriating Funds; Providing for Repealing, Savings and Severability Clauses; and Providing for an Effective Date

E. 6. **RESOLUTION NO. 7160**

Determining a Public Necessity to Acquire by Eminent Domain Certain Property Interests for Public Use, Including Permanent Water Easement and Temporary Construction Easements for the Construction, Expansion, Access, Repair and Maintenance of Public Water and Other Utility Improvements Consisting of Two Tracts of Land Comprising +/- 2.711 acres (Permanent Water Easement) and +/- 3.127 acres, respectively, for a Temporary Construction Easement owned by Munson Realty Company, Recorded In Volume 925, Page 261 of the Deed of Records of Grayson County, Texas, Within the Elizabeth Jones Survey, Abstract Number 625, City of Sherman, Grayson County, Texas, as Deemed Necessary by the City Manager or His Designee; Giving Notice of an Official Determination to Acquire the Permanent Water Easement and Temporary Construction Easement for Public Use by Eminent Domain for Such Uses; Authorizing the City Manager of the City of Sherman, Texas, to Establish Procedures for Acquiring the Easements, Offering to Acquire the Easements, Voluntarily, from the Landowner Through the Making of Bona Fide Offers; Appropriating Funds; Providing for Repealing, Savings and Severability Clauses; and Providing for an Effective Date

E. 7. **RESOLUTION NO. 7161**

Determining a Public Necessity to Acquire by Eminent Domain Certain Property Interests for Public Use, Including Permanent Water Easement and Temporary Construction Easements for the Construction, Expansion, Access, Repair and Maintenance of Public Water and Other Utility Improvements Consisting of Two Tracts of Land Comprising +/- 3.406 acres (Permanent Water Easement) and +/- 3.650 acres, respectively, for a Temporary Construction Easement owned by Alakai Land & Cattle Company, Ltd., Recorded Under Document Number 202000021248 of the Official Public Records of Grayson County, Texas, Within the Henry Brown Survey, Abstract No. 86, and Lionel G. Burns Survey, Abstract No. 87, City of Sherman, Grayson County, Texas, as Deemed Necessary by the City Manager or His Designee; Giving Notice of an Official Determination to Acquire the Permanent Water Easement and Temporary Construction Easement for Public Use by Eminent Domain for Such Uses; Authorizing the City Manager of the City of Sherman, Texas, to Establish Procedures for Acquiring the Easements, Offering to Acquire the Easements, Voluntarily, from the Landowner Through the Making of Bona Fide Offers; Appropriating Funds; Providing for Repealing, Savings and Severability Clauses; and Providing for an Effective Date

E. 8. **RESOLUTION NO. 7162**

Authorizing Execution of a Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Design of the Shepherd Drive - NTMWD Waterline Crossing

E. 9. **RESOLUTION NO. 7163**

Approving the Greater Texoma Utility Authority's Intention to Contract with Kiewit Water Facilities South Co. for the Wastewater Treatment Plant South - MBR, CMAR

E. 10. **RESOLUTION NO. 7164**

Authorizing the Purchase of Equipment for the 36" Rapid Mix Rehab for the Water Treatment Plant

E. 11. **** RESOLUTION NO. 7165***

Repealing and Replacing Resolution No. 7044; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers; Establishing Special Longevity Pay Schedules for Newly Hired Firefighters and Police Officers; Providing for an Effective Date

E. 12. **** RESOLUTION NO. 7166***

Approving the Greater Texoma Utility Authority's Intention to Award Bid Package #3 to Elliot Electric Supply for the Wastewater Treatment Plant Electrical Distribution & Generator

E. 13. **** RESOLUTION NO. 7167***

Approving the Greater Texoma Utility Authority's Intention to Award Bid Package #2 to Elliot Electric Supply Wastewater Treatment Plant Electrical Distribution & Generator

E. 14. **** RESOLUTION NO. 7168***

Approving the Greater Texoma Utility Authority's Intention to Award Bid Package #1 to Alterman Electric for the Wastewater Treatment Plant Electrical Distribution & Generator

E. 15. **** RESOLUTION NO. 7169***

Approving the Greater Texoma Utility Authority's Intention to Award Bid Package 2 Meters and Gauges to Vector Controls, LLC for the Water Treatment Plant - EDR Rehabilitation

E. 16. **** RESOLUTION NO. 7170***

Awarding a Bid to and Authorizing Execution of a Contract with Synagro of Texas - CDR, Inc., based on an Invitation to Bid, for the WTP Sludge Removal Project 2023

E. 17. **** RESOLUTION NO. 7171***

Approving the Greater Texoma Utility Authority's Intention to the Solicitation Set One (SS#1) to Garney Companies, Inc. For Bid Package 1.01 for Vertical Turbine Pumps and Bid Package 1.02 for Electrical Equipment for the Water Treatment Plant Concentrate Discharge System Project

Other Business

F. 1. **OTHER BUSINESS**

Receive Semi-Annual Report on the Sherman Cultural District

F. 2. ***OTHER BUSINESS***

Replat of Colonial Virginia Addition, Lots 1 thru 9, Block A, consisting of 0.944 acres, being in the Samuel Blagg Survey, Abstract No. 56 being part of Block "B" of Staples Addition, and is currently zoned R-TH (Townhome Residential) District; David Ashley (Owner), Luis Moran (Representative) and Helvey-Wagner Surveying, Inc. (Surveyor) (1604 South Travis Street)

F. 3. **OTHER BUSINESS**

Replat of 901 S. Throckmorton Addition, consisting of 0.165 acres, being in the George B. Pilant Survey, Abstract 963, being a Replat of Lots 1 and 2, in Block 18, W. Elliott's Addition and is currently zoned R-5 (Single-Family Residential) District; Roberto and Nancy Garcia (Owner), Chris Noah (Representative) and Preston Trail Land Surveying (Surveyor) (901 South Throckmorton Street)

F. 4. **OTHER BUSINESS**

Final Plat of 607 East King Addition, consisting of 0.626 acres, being in the George B. Pilant Survey, Abstract No. 963 being a Replat of Lots 2, 3 & 4, in Block 1 of W. Elliott's Addition and currently zoned R-6 (Single Family Residential) District; Royal Legacy Homes, LLC (Owner) and Preston Trail Land Surveying (Surveyor) (607 East King Street)

F. 5. ***** OTHER BUSINESS***

Replat of Atsar Storage Addition, consisting of 3.726 acres, being in the Elizabeth Jones Survey, Abstract No. 625, being all of Lot 3-R, Block 1, of the Replat of Lots 2 and 3, Block 1, Chief's Addition, and is currently located in the C-1 (Retail Business) District; Lighthouse for Kids, LLC (Owner) and Helvey Wagner Surveying (Surveyor) (920 South FM 1417 (Heritage Parkway))

F. 6. ***** OTHER BUSINESS***

Final Plat of Crossroads – Springhill Addition, Lots 1 & 2, Block 1, consisting of 5.464 acres in the Preston Kitchen Survey, Abstract No. 667, being a portion of a 44.83 acre tract of land in the Blalock Industrial Park/Blalock Commercial Overlay District/Planned Development District); Jeff Harkinson (Owner), Jim Riley (Representative), TEKMAK Development Company (Developer), Brockette/Davis/Drake, Inc. (Engineers) (301 Block West Travis Street)

F. 7. ***** OTHER BUSINESS***

Final Plat of Westmoor, Phase 2, consisting of 30.734 acres in the Elizabeth Jones Survey, Abstract 625, being a portion of a 67.25 acre tract of land and currently zoned R-6 (Single Family Residential) District; Meritage Homes of Texas, LLC (Owner), Frank Su (Representative) and Kimley-Horn and Associates (Engineer/Surveyor) (2000-2300 Blocks West Center Street)

F. 8. ***** OTHER BUSINESS***

Final Plat of Payette Addition, consisting of 10.732 acres in the George W. Lavalla Survey, Abstract No. 722, located in the ETJ (Extra Territorial Jurisdiction); James and Vicki Francis (Owner), Donnie Payette, Dream Builders (Developer) and Cox Land Surveying (Surveyor) (3786 Gibbons Road)

F. 9. ***** OTHER BUSINESS***

Final Plat of 449 S. Farmington Addition, consisting of 5.255 acres, being in the William Martin Survey, Abstract No. 765, and is currently located in the ETJ (Extra Territorial Jurisdiction); John David Griffin (Owner) and Preston Trail Land Surveying (Surveyor) (449 South Farmington Road)

G. COUNCIL COMMENTS

Executive Session

H. 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.
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, 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

I. 1. OPEN MEETING
Reconvene into Open Meeting and Consider Action, if any, on items discussed in Executive Session

J. 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 Friday, September 15, 2023 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 15th day of September 2023.
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	Deputy Mayor	Council Members	
David Plyler	Josh Stevenson	Henry Marroquin, Council-At-Large, PL #1	Josh Stevenson, Council – District #2
		Juston Dobbs, Council-At-Large, PL #2	Pamela L. Howeth, Council – District #3
		Shawn C. Teamann, Council – District #1	Daron Holland, Council – District #4

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **C. 1.**

Meeting Date: 09/18/2023

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. 11. **** RESOLUTION NO. 7165***
Repealing and Replacing Resolution No. 7044; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers; Establishing Special Longevity Pay Schedules for Newly Hired Firefighters and Police Officers; Providing for an Effective Date

E. 12. **** RESOLUTION NO. 7166***
Approving the Greater Texoma Utility Authority's Intention to Award Bid Package #3 to Elliot Electric Supply for the Wastewater Treatment Plant Electrical Distribution & Generator

E. 13. **** RESOLUTION NO. 7167***
Approving the Greater Texoma Utility Authority's Intention to Award Bid Package #2 to Elliot Electric Supply Wastewater Treatment Plant Electrical Distribution & Generator

E. 14. *** RESOLUTION NO. 7168**
Approving the Greater Texoma Utility Authority's Intention to Award Bid Package #1 to Alterman Electric for the Wastewater Treatment Plant Electrical Distribution & Generator

E. 15. **** RESOLUTION NO. 7169***
Approving the Greater Texoma Utility Authority's Intention to Award Bid Package 2 Meters and Gauges to Vector Controls, LLC for the Water Treatment Plant - EDR Rehabilitation

E. 16. **** RESOLUTION NO. 7170***
Awarding a Bid to and Authorizing Execution of a Contract with Synagro of Texas - CDR, Inc., based on an Invitation to Bid, for the WTP Sludge Removal Project 2023

E. 17. **** RESOLUTION NO. 7171***
Approving the Greater Texoma Utility Authority's Intention to the Solicitation Set One (SS#1) to Garney Companies, Inc. For Bid Package 1.01 for Vertical Turbine Pumps and Bid Package 1.02 for Electrical Equipment for the Water Treatment Plant Concentrate Discharge System Project

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **C. 2.**

Meeting Date: 09/18/2023

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:

F. 5.	***** OTHER BUSINESS*** Replat of Atsar Storage Addition, consisting of 3.726 acres, being in the Elizabeth Jones Survey, Abstract No. 625, being all of Lot 3-R, Block 1, of the Replat of Lots 2 and 3, Block 1, Chief's Addition, and is currently located in the C-1 (Retail Business) District; Lighthouse for Kids, LLC (Owner) and Helvey Wagner Surveying (Surveyor) (920 South FM 1417 (Heritage Parkway))
F. 6.	***** OTHER BUSINESS*** Final Plat of Crossroads – Springhill Addition, Lots 1 & 2, Block 1, consisting of 5.464 acres in the Preston Kitchen Survey, Abstract No. 667, being a portion of a 44.83 acre tract of land in the Blalock Industrial Park/Blalock Commercial Overlay District/Planned Development District); Jeff Harkinson (Owner), Jim Riley (Representative), TEKMAK Development Company (Developer), Brockette/Davis/Drake, Inc. (Engineers) (301 Block West Travis Street)
F. 7.	***** OTHER BUSINESS*** Final Plat of Westmoor, Phase 2, consisting of 30.734 acres in the Elizabeth Jones Survey, Abstract 625, being a portion of a 67.25 acre tract of land and currently zoned R-6 (Single Family Residential) District; Meritage Homes of Texas, LLC (Owner), Frank Su (Representative) and Kimley-Horn and Associates (Engineer/Surveyor) (2000-2300 Blocks West Center Street)
F. 8.	***** OTHER BUSINESS*** Final Plat of Payette Addition, consisting of 10.732 acres in the George W. Lavalla Survey, Abstract No. 722, located in the ETJ (Extra Territorial Jurisdiction); James and Vicki Francis (Owner), Donnie Payette, Dream Builders (Developer) and Cox Land Surveying (Surveyor) (3786 Gibbons Road)
F. 9.	***** OTHER BUSINESS*** Final Plat of 449 S. Farmington Addition, consisting of 5.255 acres, being in the William Martin Survey, Abstract No. 765, and is currently located in the ETJ (Extra Territorial Jurisdiction); John David Griffin (Owner) and Preston Trail Land Surveying (Surveyor) (449 South Farmington Road)

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 1.**

Meeting Date: 09/18/2023

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6641

Recognizing the Termination of Sherman Tax Increment Financing Reinvestment Zone Number One (TIRZ #1) By Operation of Law; Dissolving the Board of Directors and Tax Increment Fund for TIRZ #1; Directing that Any Money Remaining in the TIRZ #1 Fund be Paid to the City of Sherman

Issue:

To Terminate the Designation of the Tax Increment Reinvestment Zone, Number One (#1), City of Sherman, Texas, Finding All Bonded Indebtedness, Interest on those Bonds, and Project Costs Pertaining to the Zone Being Paid in Full.

Background:

In 2002, the City Council established Tax Increment Reinvestment Zone Number One ("TIRZ #1") to finance improvements to encourage commercial development in the Town Center. The City issued Tax Increment Financing Bonds in 2004. These bonds have been fully paid as of August of 2023. The zone is generating about $350,000 per year with all project costs paid. Terminating the zone will return these taxes to the General Fund.

The effects of termination of the zone are included in the 2023-2024 budget.

Origination:

Mary Lawrence, Chief Financial Officer

Financial Consideration:

Termination of the zone will return about $350,000 annually to the General Fund and distribute the remaining fund balance in the TIRZ #1 Fund of about $390,000 to the General and Debt Service Funds.

Staff Recommendation:

The staff recommends approval of this ordinance.

Alternatives:

The Council could choose to not terminate the Zone.

Attachments

Ordinance No. 6641

ORDINANCE NO. 6641

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RECOGNIZING THE TERMINATION OF SHERMAN TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE (TIRZ #1) BY OPERATION OF LAW; DISSOLVING THE BOARD OF DIRECTORS AND TAX INCREMENT FUND FOR TIRZ #1; DIRECTING THAT ANY MONEY REMAINING IN THE TIRZ #1 FUND BE PAID TO THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Sherman, Texas established the Sherman Tax Increment Financing Reinvestment Zone Number One ("TIRZ #1") and established a Board of Directors for TIRZ #1 to promote the development or redevelopment in the TIRZ #1 boundaries pursuant to Ordinance No. 5093, on December 9, 2002, in accordance with the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, as amended (the "Act");

WHEREAS, the City Council also created and established a tax increment fund for TIRZ #1 (the "TIRZ #1 Fund"); and

WHEREAS, all project costs, tax increment bonds and interest on those bonds, and other obligations incurred by TIRZ #1 have been paid in full;

WHEREAS, the Amended Project and Financing Plan, adopted by the City Council by Ordinance No. 5902 on September 21, 2015, set a termination date as the date all project costs, tax increment bonds and interest on those bonds, and other obligations have been paid in full;

WHEREAS, Section 311.017(a)(2) of the Act provides for the termination of a reinvestment zone on the date on which all project costs, tax increment bonds and interest on those bonds, and other obligations have been paid in full;

WHEREAS, all public works, public improvements, and other purposes set forth in the Amended Project and Financing Plan have been completed; and

WHEREAS, only the City of Sherman deposited tax increments into TIRZ #1 Fund.

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

SECTION 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. The City Council recognizes that TIRZ #1 is terminated by operation of law pursuant to Section 311.017(a)(2) of the Act. The Board of Directors for TIRZ #1 is hereby dissolved.

SECTION 3. Any money remaining in the TIRZ #1 Fund shall be paid to the City of Sherman. The City Manager is authorized to execute such documents and take other actions as may be necessary or advisable to carry out the intent and purpose of this Ordinance.

SECTION 4. All Ordinances, and agreements and parts of Ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

SECTION 5. That it is 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 as required by law.

INTRODUCED on this the 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

EFFECTIVE DATE on this the 18th day of September, 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM:
ABERNATHY, BOYD,
ROEDER & HULLET P.C.

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 2.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6642
Amending The Code Of Ordinances Of The City Of Sherman, Texas, Chapter 14 (Zoning Ordinance), Sections 14.02.010 (R-Th Townhome Residential District), 14.06.004 (Site Plan Requirements); Modifying Certain Existing Regulations And Prescribing New Regulations Relating To The R-Th (Townhome Residential) Zoning District And Site Plan Requirements; Providing A Penalty Clause With A Maximum Fine Of $2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; Providing For The Publication Of The Caption Hereof

Issue:

Amending The Code Of Ordinances Of The City Of Sherman, Texas, Chapter 14 (Zoning Ordinance), Sections 14.02.010 (R-Th Townhome Residential District), 14.06.004 (Site Plan Requirements); Modifying Certain Existing Regulations And Prescribing New Regulations Relating To The R-Th (Townhome Residential) Zoning District And Site Plan Requirements; Providing A Penalty Clause With A Maximum Fine Of $2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; 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

Background:

The proposed amendment is related to two different sections of the Zoning Ordinance.

Townhome Zoning District:
This is a request of two different developers proposing to construct townhome lots in Sherman. The current Townhome District regulations for Minimum Lot Width is 25 feet. A few of the approved Planned Development Districts have a minimum lot width of 22 feet. This request is to reduce the minimum lot width of townhomes to 22 feet when there is a rear-loaded garage. This would maintain the 25 feet minimum lot width if the lot had a front-loaded garage.

Recommended Change
Min. Lot width (front-loaded garage): 25’
Min. Lot width (rear-loaded garage): 22’

Site Plan Requirements:
New state law has changed the requirements for site plan approval under the law commonly known as the

"Shot Clock Rule". While Plats still fall under the shot clock rule, site plan and other plan approvals are no longer subject to the shot clock rule. This zoning ordinance change removes references to the 30-day action related to the former state law requirements.

Origination:

Development Services Department

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council be approved.

Alternatives:

The City Council could deny or table the request.

Attachments

Ordinance No. 6642

ORDINANCE NO. 6642

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHERMAN, TEXAS, CHAPTER 14 (ZONING ORDINANCE), SECTIONS 14.02.010 (R-TH TOWNHOME RESIDENTIAL DISTRICT), 14.06.004 (SITE PLAN REQUIREMENTS); MODIFYING CERTAIN EXISTING REGULATIONS AND PRESCRIBING NEW REGULATIONS RELATING TO THE R-TH (TOWNHOME RESIDENTIAL) ZONING DISTRICT AND SITE PLAN REQUIREMENTS; PROVIDING A PENALTY CLAUSE WITH A MAXIMUM FINE OF $2,000, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; 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, the City Council of the City of Sherman, Texas ("City Council") finds that it is necessary to amend Chapter 14 (Zoning Ordinance) of the Code of Ordinances, City of Sherman, Texas ("Code of Ordinance") for the purposes of modifying certain existing regulations and prescribing new regulations relating to the R-TH (Townhome Residential) zoning district and site plan requirements ("City" or "Sherman"); and

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

WHEREAS, the City Council finds that adopting this Ordinance promotes the health, safety and morals of Sherman and is in the best interest of the citizens of Sherman.

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

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

SECTION 2: Amendment to the Code of Ordinances, Chapter 14 (Zoning Ordinance). Sections 14.02.010 R-TH (Townhome Residential) District and 14.06.004 (Site Plan Requirements) of the Code of Ordinances are amended as follows[1]:

"ARTICLE 14.02 ZONING DISTRICTS

…

Sec. 14.02.010 R-TH (Townhome Residential) District.

…

(1) Minimum requirements for lot area, width and setback.

[1] Deletions are evidenced by ~~strikethrough~~; additions are *italicized*.

…

Lot width *(front-loaded garage)*: 25’
Lot width (rear-loaded garage): 22’

…

ARTICLE 14.06 DEVELOPMENT PROCEDURES

…

Sec. 14.06.004 Site Plan Requirements.

…

(c) Site plan application procedure.

…

(4) Initiation, complete application and expiration.

…

(C) Determination of completeness.

…

~~(vi) 30-day action extension request:~~

~~a. Request. An applicant may submit in writing a request to extend the 30-day action in relation to the decision time for site plans of thirty (30) days, as mandated by state law.~~

~~b. Received. If the applicant requests an extension, such request must be received by the municipal authority on or before the eleventh (11th) calendar day prior to the municipal authority's deadline to act.~~”

SECTION 3: Penalty. Any person, firm, corporation or entity violating any provision of this Ordinance, as it exists 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 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 4: Severability. 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, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 5: Repealing/Savings. The 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 4: Open Meeting. 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.

SECTION 5: Effective Date; Publication. This Ordinance shall become effective from and after its adoption and publication as required by law. The City Clerk is directed to publish the caption of this Ordinance as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this 18th day of September 2023.

_____
DAVID PLYLER, MAYOR

ATTEST:

_____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM:
ABERNATHY, ROEDER,
BOYD & HULLETT, P.C.

_____
RYAN D. PITTMAN, CITY ATTORNEY

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 3.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6643

Amending The Code Of Ordinances Of The City Of Sherman, Texas, Chapter 10 (Subdivision Regulation); Repealing Exhibit 10a (Subdivision Ordinance); Modifying Certain Existing Regulations And Prescribing New Regulations Relating To Plats, Subdivisions Of Land, Construction Of Public Infrastructure And Other Land Development Matters Pursuant To Chapter 212 Of The Texas Local Government Code And Other Applicable Law; Providing For Certain Definitions And Procedures; Providing Requirements And Regulations For The Preparation Of Plats; Providing For Acceptance Of Subdivisions And Requirements Prior To Acceptance Of Final Plats; Providing For Design Criteria And Construction Standards; Defining Responsibility For Payment Of Costs Of Public Infrastructure; Specifying Requirements For Surveying, Engineering And Final Acceptance Of Subdivisions; Providing For Various Improvements For All Subdivisions; Providing For Variances; Extending Regulations To The Extraterritorial Jurisdiction Of The City; Delegating Authority Over Action On Certain Types Of Plats To The City Engineer Pursuant To Section 212.0065 Of The Texas Local Government Code; Providing A Penalty Clause With A Maximum Fine Of $2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; Providing For The Publication Of The Caption Hereof

Issue:

Amending The Code Of Ordinances Of The City Of Sherman, Texas, Chapter 10 (Subdivision Regulation); Repealing Exhibit 10a (Subdivision Ordinance); Modifying Certain Existing Regulations And Prescribing New Regulations Relating To Plats, Subdivisions Of Land, Construction Of Public Infrastructure And Other Land Development Matters Pursuant To Chapter 212 Of The Texas Local Government Code And Other Applicable Law; Providing For Certain Definitions And Procedures; Providing Requirements And Regulations For The Preparation Of Plats; Providing For Acceptance Of Subdivisions And Requirements Prior To Acceptance Of Final Plats; Providing For Design Criteria And Construction Standards; Defining Responsibility For Payment Of Costs Of Public Infrastructure; Specifying Requirements For Surveying, Engineering And Final Acceptance Of Subdivisions; Providing For Various Improvements For All Subdivisions; Providing For Variances; Extending Regulations To The Extraterritorial Jurisdiction Of The City; Delegating Authority Over Action On Certain Types Of Plats To The City Engineer Pursuant To Section 212.0065 Of The Texas Local Government Code; Providing A Penalty Clause With A Maximum Fine Of $2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; 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

Background:

This ordinance is a minor update to the Subdivision Ordinance to reflect changes to state law (HB 3699) that went into effect on September 1, 2023.

This update to the subdivision ordinance includes the following significant changes:

- Preliminary Plats to be approved by City Staff and no longer are required to get Planning and Zoning Commission approval. State law still requires preliminary plats to be reviewed within 30-days based on the "Shot-Clock Rules"
- Preliminary plats expire after 2 years.
- Final Plats and Replats to be approved by Planning and Zoning Commission and no longer would require City Council approval.
- Removal of references to civil review fee, testing fees, and inspections fees.
- Repealing of Exhibit 10A (Subdivision Ordinance)

Origination:

Development Services Director, Rob Rae
Director of Engineering, Wayne Lee

Financial Consideration:

There is no financial impact to be considered.

Staff Recommendation:

Staff recommends City Council approve this Ordinance

Alternatives:

The City Council could choose not to adopt the proposed ordinance.

Attachments

Ordinance No. 6643

ORDINANCE NO. 6643

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHERMAN, TEXAS, CHAPTER 10 (SUBDIVISION REGULATION); REPEALING EXHIBIT 10A (SUBDIVISION ORDINANCE); MODIFYING CERTAIN EXISTING REGULATIONS AND PRESCRIBING NEW REGULATIONS RELATING TO PLATS, SUBDIVISIONS OF LAND, CONSTRUCTION OF PUBLIC INFRASTRUCTURE AND OTHER LAND DEVELOPMENT MATTERS PURSUANT TO CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE AND OTHER APPLICABLE LAW; PROVIDING FOR CERTAIN DEFINITIONS AND PROCEDURES; PROVIDING REQUIREMENTS AND REGULATIONS FOR THE PREPARATION OF PLATS; PROVIDING FOR ACCEPTANCE OF SUBDIVISIONS AND REQUIREMENTS PRIOR TO ACCEPTANCE OF FINAL PLATS; PROVIDING FOR DESIGN CRITERIA AND CONSTRUCTION STANDARDS; DEFINING RESPONSIBILITY FOR PAYMENT OF COSTS OF PUBLIC INFRASTRUCTURE; SPECIFYING REQUIREMENTS FOR SURVEYING, ENGINEERING AND FINAL ACCEPTANCE OF SUBDIVISIONS; PROVIDING FOR VARIOUS IMPROVEMENTS FOR ALL SUBDIVISIONS; PROVIDING FOR VARIANCES; EXTENDING REGULATIONS TO THE EXTRATERRITORIAL JURISDICTION OF THE CITY; DELEGATING AUTHORITY OVER ACTION ON CERTAIN TYPES OF PLATS TO THE CITY ENGINEER PURSUANT TO SECTION 212.0065 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING A PENALTY CLAUSE WITH A MAXIMUM FINE OF $2,000, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; 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, the City Council of the City of Sherman, Texas ("City Council") finds that it is necessary to amend Chapter 10 (Subdivision Regulation) and Exhibit 10A (Subdivision Ordinance) of the Code of Ordinances, City of Sherman, Texas ("Code of Ordinance") to modify certain existing regulations and prescribing new regulations relating to plats, subdivisions of land, construction of public infrastructure and other land development matters ("City" or "Sherman"); and

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

WHEREAS, the City Council finds that adopting this Ordinance promotes the health, safety and morals of Sherman and is in the best interest of the citizens of Sherman.

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

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

SECTION 2: Repeal of Exhibit 10A (Subdivision Ordinance). The City Council hereby repeals Exhibit 10A (Subdivision Ordinance) of Chapter 10 (Subdivision Regulation) of the Code of Ordinances in its entirety. The effective date of such repeal shall not occur until the effective date of this Ordinance, at which time Exhibit 10A (Subdivision Ordinance) shall be repealed. Such repeal shall not abate any pending prosecution or lawsuit or prevent any prosecution or lawsuit from being commenced for any violation of any provision of Exhibit 10A (Subdivision Ordinance) occurring before the effective date of this Ordinance.

SECTION 3: Amendment to Chapter 10 (Subdivision Regulation) of the Code of Ordinances. Chapter 10 (Subdivision Regulation) of the Code of Ordinances is hereby amended as follows[1]:

"**CHAPTER 10 SUBDIVISION REGULATIONS**

ARTICLE 10.01 GENERAL PROVISIONS

Sec. 10.01.001 Authority; extension to extraterritorial jurisdiction.

(a) Authority. This Chapter and the following rules and regulations (sometimes referred to as the "subdivision regulations") is adopted under the authority of the Constitution and laws of the State of Texas, including Chapter 212 of the Texas Local Government Code, and other applicable law.

(b) Application in the ETJ. The City Council hereby extends the application of this Chapter and these subdivision regulations to the extraterritorial jurisdiction or ETJ of the City, as that area may exist from time to time. Such regulations shall be applicable to the filing of plats and the subdivision of land, as those terms or activities are defined herein and in Chapter 212 of the Texas Local Government Code, within the corporate limits of the City and its extraterritorial jurisdiction as they may be from time to time adjusted by annexation, disannexation, or otherwise. The City shall have all remedies and rights provided by said Chapter 212 with regard to the control and approval of subdivisions, plats, and other development both within the City and within its extraterritorial jurisdiction.

(c) Interlocal agreement with Grayson County. The City has executed an interlocal cooperation agreement with Grayson County as authorized under Chapter 242 of the Texas Local Government Code. Grayson County has assigned the City its respective authority to approve subdivision plats in the City's ETJ. The agreement generally provides for the City to enforce its subdivision regulations within the applicable areas of the ETJ. These subdivision regulations will therefore be enforced to the fullest extent possible in the ETJ as agreed upon with Grayson County.

[1] Deletions are evidenced by ~~strikethrough~~; all other text is additions.

Sec. 10.01.002 Interpretation and purpose.

(a) Minimum requirements. In the interpretation and application of the provisions of these subdivision regulations, it is the intention of the City that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions within the City and its ETJ.

(b) Purpose.

(1) The subdivision and platting of land is one of the first steps in the process of development. The distribution and relationship of residential, nonresidential and agricultural uses throughout the community, along with the system of improvements for streets, utilities, public facilities and community amenities, determine, in large measure, the quality of life enjoyed by the residents of the City.

(2) Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors which influence and determine a community's quality of life and overall character. A community's quality of life is of the public interest. Consequently, the subdivision of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government.

(3) The regulations contained herein are intended to encourage the development of a quality municipal environment by establishing standards for the provision of adequate light, air, open space, storm water drainage, transportation, public utilities and facilities, and other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources.

(4) Through the application of these regulations and procedures, the interests of the public, as well as those of public and private parties, both present and future, having interest in property affected by these subdivision regulations, are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, these subdivision regulations provide for stability in the regulatory system governing development of land for its most beneficial and safest use in accordance with existing social, economic and environmental conditions and in furtherance of the public health, safety and welfare.

(c) Minimum standards. Minimum standards for development are contained in the City design standards, the building regulations, and the other development regulations in this Chapter. In addition, the Comprehensive Plan (including the future land use plan, thoroughfare plan, parks master plan, and other related plans, and amendments) contains policies designed to achieve an optimum quality of development in the City and its extraterritorial jurisdiction. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous municipal setting and physical environment within the community. Subdivision design shall be of a quality that will carry out the purpose and spirit of the policies expressed within the comprehensive plan and within this Chapter, and shall be encouraged to exceed the minimum standards required herein.

Sec. 10.01.003 Definitions.

For the purpose of interpreting this Chapter, certain words used herein are defined as follows:

City: The word "City" shall be the City of Sherman, Texas, together with its governing and operating bodies.

Council: The word "Council" or "City Council" shall be the duly elected governing body of the City.

Commission: The word "Commission" or "Planning Commission" shall be the official City Planning and Zoning Commission of the City, as appointed by the City Council.

City engineer, city attorney, city clerk, director of public works, director of utilities and engineering, director of public services: Any office referred to in this Chapter by title, i.e., city attorney, city clerk, city engineer, director of public works, director of utilities and engineering, director of public services, etc., shall be the person so retained in this position by the City, or his duly authorized representative.

Engineer: A person duly authorized under state law to practice the profession of engineering in the State of Texas.

Surveyor: A licensed state land surveyor or a registered public surveyor as authorized by state law to practice the profession of surveying in the State of Texas.

Master plan: The phrase "master plan" shall be the Comprehensive Plan of the City and adjoining areas as adopted by the Planning and Zoning Commission and City Council, including all its revisions. The plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks and other public and private developments and improvements.

Extraterritorial limits: That area recognized by state law as the extraterritorial limits of Sherman.

Subdivision: The word "subdivision" shall mean the division of any lot, tract, or parcel of land situated within the corporate or extraterritorial limits of the City into two or more lots or sites for the immediate or future purpose of sale or development, or for laying out residential, commercial, or industrial lots, or any lots and streets, alleys, or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. It also includes resubdivision or replatting of land, lots, or tracts. The division of land for agricultural purposes, in parcels of five acres or more, shall not be included within this definition unless such division of five acres or more includes the planning or development of a new street, alley or access easement.

Lot: A distinct and separate undivided tract or parcel of land having frontage on a public street, which is, or in the future may be, offered for sale, conveyance, transfer or improvement as a building site.

Preliminary plat: The phrase "preliminary plat" shall be any plat of any lot, tract or parcel of land that is not to be recorded, but is only a proposed division of land and is presented only for review and study by the City.

Final plat: The phrase "final plat" shall be any plat of any lot, tract, or parcel of land requested to be recorded of record in the deed records of Grayson County, Texas.

Replatting: The word "replatting" shall be the resubdivision of any part of a previously platted subdivision, addition, lot or tract.

Street: A public right-of-way, however designated, which provides vehicular access to adjacent areas.

Street width: The words "street width" shall be the shortest distance between the lines which

delineate the right-of-way of a street.

Local street: The phrase "local street" shall be a street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several residential districts.

Collector street: The phrase "collector street" shall be a street which is continuous through several residential districts and is intended as a connecting street between residential districts and thoroughfares or business districts.

Marginal access street: A street situated adjacent to a major street or highway that provides local traffic a route to travel that avoids the higher speed and traffic volume of the major street or highway.

Thoroughfare streets: The phrase "thoroughfare streets" shall be the principal traffic thoroughfares continuous across the City, which are intended to connect remote parts of the City or areas adjacent thereto, and act as principal connecting streets with state and federal highways. Each thoroughfare street is designated on the major thoroughfare plan for Sherman.

Alleys: A minor public right-of-way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Building line: The phrase "building line" shall be the line within a property which defines the minimum horizontal distance between the building and the adjacent property line.

Subdivider or developer: Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The terms "subdivider" and "developer" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land to be subdivided.

Utility easement: An interest in land granted to the City, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Cul-de-sac: A street having but one outlet to another street, and terminated on the closed end by a vehicular turnaround.

Dead-end street: A street, other than a cul-de-sac, with only one outlet.

Pavement width: The portion of a street available for vehicular traffic; where curbs are laid, it is the distance from back of curb to back of curb.

Standard pavement width: A street measuring thirty-one (31) feet from back of curb to back of curb.

Person: Any individual, association, firm, corporation, governmental agency or political subdivision.

May: The word "may" is permissive.

Shall: The word "shall" wherever used in this Chapter will be interpreted in its mandatory sense.

City elevation datum: The City has adopted the U.S. Coast and Geodetic Survey Bench Mark reference system as the standard elevation reference for all work.

Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

Sec. 10.01.004 Authority of city engineer.

The city engineer, or his representative, shall have the authority to inspect any and all improvements to insure the fulfillment of the intent of this Chapter. He has the authority to require the removal and/or replacement, at the expense of the developer, of any phase of the work which is not in accordance with the requirements of the plat, plans, specifications, or this Chapter.

ARTICLE 10.02 DEVELOPMENT PROCEDURES

Sec. 10.02.001 Development application and processing procedures.

(a) Preapplication Meeting.

(1) It is recommended that the applicant meet with an authorized representative of the Development Services Department to allow the applicant to learn the general procedures for approval, and to review the general plan of the proposed development, but the development/project shall not be discussed in sufficient detail to provide the City with fair notice of the project.

(2) No applications may be submitted to or accepted for filing with representatives of the Development Services Department during the meeting.

(3) No rights derived from Chapter 245 of the Texas Local Government Code, as amended, shall accrue from any Preapplication Meeting, Development Review Process or documents offered for review in connection therewith. There shall be no vested rights based on a Preapplication Meeting.

(b) General Application Contents.

(1) Application Contents Generally. All applications and filings shall meet the requirements as defined by the Development Application Checklist and Engineering Standards, as exists or may be amended, which shall be established and maintained by the Director of Development Services and the Director of Engineering Services, respectively. Incomplete applications shall not be accepted for filing and shall not be considered officially filed.

(A) Filing Procedure.

(i) All applications and filings for approval required by this Chapter shall be filed with the Development Services Department.

(ii) The Development Application Checklist, as it exists or may be amended, shall prescribe the procedures for filing.

(iii) All applications and filings shall occur only on official Development Services Schedule Dates, published as part of the Development Application Checklist.

(iv) If an application or filing is rejected by the Development Services Department, then it is not considered filed under this Chapter or the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.

(v) Any application submitted on a date other than an official Development Services Schedule Date shall be rejected and shall not be considered filed under this Chapter and the law or regulation governing the application or filing, including Chapter 212 of the

Texas Local Government Code, if applicable.

(vi) An application must be considered complete and officially filed in accordance with Section 10.02.001(c) of this Chapter prior to being processed for review and consideration.

(B) Development Review Schedule Dates. The Director of Development Services shall publish schedules of the official Development Review Processing Dates as follows:

(i) A Development Services Schedule for all land development applications and filings for the period January 1 to December 31 of each year shall be set by the Planning and Zoning Commission on or before December 1 of the year before such period and shall be published as part of the Development Application Checklist. Any changes or amendments to the approved schedule require Planning and Zoning Commission approval.

(ii) A Disapproval Development Services Schedule for the period January 1 to December 31 of each year shall be set by the Planning and Zoning Commission on or before December 1 of the year before such period and shall be published as part of the Development Application Checklist. Any changes or amendments to the schedule require Planning and Zoning Commission approval. The Disapproval Development Services Schedule shall govern an applicant's response to the conditional approval or disapproval of a plat subject to Section 212.0093 of the Texas Local Government Code. Any such response submitted on a date other than an official Disapproval Development Services Schedule Date shall be rejected and shall not be considered filed under this Chapter and the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.

(C) Fees Required. The City Council shall establish a schedule of fees, charges and expenses, and a collection procedure for platting applications and other matters pertaining to this section. The schedule of fees are set forth in Appendix C (Comprehensive Fee Schedule) of the Sherman Code of Ordinances, which may be altered or amended only by City Council.

(D) Delinquent City Taxes on Property. An application shall not be deemed complete, nor shall it be approved, if there are delinquent City taxes on the subject property.

(2) Modification of Applications Prior to Approval. The applicant may modify a complete application following its filing and prior to the expiration of the period during which the City is required to act on the application only in accordance with the following conditions.

(A) If the modification is for revisions requested by the City, and the modification is received at least fourteen (14) calendar days prior to the time scheduled for decision on the application, the application shall be decided within the original period for decision (from the original official filing date) prescribed by this Chapter.

(B) Any other modifications to an application will not be accepted.

(c) Initiation, Complete Application and Expiration.

(1) Initiation by Owner. An application required under this Chapter may be initiated only by the owner of the land subject to the application, or by the owner's duly authorized representative. If the applicant is a representative of the property owner, the application shall include a written and notarized statement from the property owner, such as a duly executed "Power of Attorney," authorizing the representative to file the application on the owner's behalf.

(2) Applicability. The procedures within this Section shall apply to all applications that are required by the City and submitted in accordance with this Chapter.

(3) Determination of Completeness. Every application shall be subject to a determination of completeness by the responsible official for processing the application. An application must be complete in order to be accepted for review by the City.

(A) The application shall only be accepted by the responsible official for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of this Chapter. A typographical error shall not, by itself, constitute an incomplete application.

(B) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Chapter.

(C) A determination of completeness shall be conducted in accordance with the following procedures:

(i) If the application does not contain all information, as defined by the Development Application Checklist, as it exists or may be amended, and/or does not conform to all standards required by any ordinance, law, or regulation governing the application, then it shall be considered incomplete. The applicant shall be notified in writing within ten (10) business days if the submitted application is incomplete.

(ii) The City shall reject all incomplete applications and provide written notice of the rejection to the applicant by one of the following methods:

(1) Mail;
(2) Email;
(3) Delivery service; or
(4) Hand delivery or other delivery method of written notice approved by the Director of Development Services.

The written notice need not identify all reasons why the application was deemed incomplete. If the notice contains one or more reasons why the application was deemed incomplete, addressing the reason(s) identified in the notice does not guarantee acceptance of a subsequent application.

(iii) If the application is determined to be complete, the application shall be processed as prescribed by this Chapter.

(D) It is not guaranteed that an accepted, complete application will be approved, if after the application is deemed complete, it is determined that the application does not comply with this Chapter and all other applicable laws

or regulations.

(4) 30-Day Action Extension Request.

(A) Request. An applicant may submit in writing a request to extend the 30-day action in relation to the decision time for plats of thirty (30) days, as mandated by state law.

(B) Received. If the applicant requests an extension, such request must be received by the municipal authority on or before the eleventh (11th) calendar day prior to the municipal authority's deadline to act at which action would have to be taken on the application (based on the 30-day requirement in state law). Extension requests that are not received by that day shall not be considered properly submitted, and action shall be taken on the application at such meeting as scheduled.

(C) Requirements Maintained. Submission of a request to extend the 30-day action, and acceptance of such waiver by the municipal authority, shall not be deemed in any way a waiver of any requirement within this Subdivision Chapter. A waiver from requirements herein is a separate and distinct process.

(5) Official Filing Date. The 30-day time period established by state law for taking action on an application shall commence on the official filing date for the complete application pursuant to the Development Services Schedule, published as part of the Development Application Checklist. The official filing date shall be defined as the date the application is deemed complete by the responsible official in the manner prescribed by Subsection 4(c)(3).

Sec. 10.02.002 Preliminary Plat.

(a) Procedure for approval of preliminary plat.

(1) On reaching conclusions as recommended in Section 10.02.001, the developer shall have prepared a preliminary plat of the proposed subdivision for submission to City for staff approval.

(2) Copies of the preliminary plat as described in subsection (b) shall be submitted to the Development Services Department on the dates specified in the Development Services Schedule. The plat shall be transmitted by letter, which shall include a formal request for consideration by the commission.

(3) A preliminary plat is required for all new subdivisions, phasing of any master subdivisions, and replats.

(4) A fee set by the approved fee schedule per plat shall be collected by the Development Services Department when a preliminary plat is submitted to the City for staff approval. The plat will not be reviewed or considered in any respect until such fee has been collected and the deliverables required on the Development Application Checklist are provided.

(b) Form and content of preliminary plat. The plat shall be drawn to a scale of not to exceed one inch equals one hundred feet on paper measuring twenty-four (24) inches by thirty-six (36) inches. It shall show or be accompanied by this information:

(1) The name of the owner and developer.

(2) The name and seal of the licensed state land surveyor or registered public surveyor responsible for the survey and preparation of the plat.

(3) The title or name of the subdivision, which must not be so similar to that of an existing subdivision as to cause confusion.

(4) North point, date, scale.

(5) The location, name, and width of all existing and dedicated streets, alleys, and easements within or adjacent to the proposed subdivision, or within a distance of two hundred (200) feet of the proposed subdivision. If there are no adjacent existing or dedicated streets and alleys within two hundred (200) feet of the proposed subdivision on any side, then a map on a smaller scale showing the outline and ownership of adjacent properties, locations of the nearest subdivisions, and existing or dedicated streets and alleys must accompany the preliminary plat.

(6) All physical features of the property to be subdivided, including location and size of all watercourses, ravines, bridges, culverts, existing structures, drainage area in acres draining into the subdivision, and other features pertinent to the subdivision. This information shall be shown on the contour map.

(7) The location, size, type and approximate depth of all existing utilities shall be shown. Invert elevations of all existing sewer lines and drainage structures shall be shown.

(8) The preliminary plat shall be submitted on a contour map with all elevations referenced to City datum. The contours shall be shown at intervals of not more than five (5) feet for terrain with an average slope of two percent (2%) or more, and at an interval of two (2) feet for terrain with slope less than two percent (2%).

(9) The plat shall show the actual boundary survey; however, the layout of the proposed subdivision lots, blocks and streets may be scaled dimensions. The acreage to be subdivided shall be shown.

(10) The proposed plan for the subdivision shall be shown, including all proposed streets and their names, alleys, easements, blocks, lots, building lines, etc., with principal dimensions. The width of rights-of-way for streets and alleys and the proposed pavement width shall be shown.

(11) Show boundary of a FEMA flood zone.

(12) The proposed plan for all water, sanitary sewer and drainage utilities shall be shown.

(13) A designation of the proposed uses of land within the subdivision and any zoning amendments requested shall be shown.

(14) If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plat of the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided. The master plat shall conform in all respects to the requirements of the preliminary plat, except it may be on a scale of not more than one inch to four hundred (400) feet.

(15) The following notice shall be placed on the preliminary plat: “Preliminary Plat, for Inspection Purposes Only. In No Way Official or Approved for Record Purposes.”

(16) The following certificate shall be placed on the preliminary plat:

_____ _____

City Engineer Date
City of Sherman

Attest:

_____

City Clerk

(c) Processing of preliminary plat.

(1) The City Engineer shall check the preliminary plat as to its conformity with the comprehensive plan, thoroughfare plan, future land use plan, trails master plan zoning districts, and the standards and specifications set forth or referred to herein.

(2) Within thirty (30) days after the preliminary plat application is accepted, the City Engineer shall approve or disapprove such plat, or conditionally approve it with modifications. The developer shall be informed by mail or email of the action taken.

(3) The City Engineer's approval or conditional approval of a preliminary plat shall be deemed as an expression of approval of the layout submitted on the preliminary plat as a guide to the installation of streets, water, sewer, and other required improvements and utilities, and to the preparation of the final plat. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat.

(5) Approval or conditional approval of a preliminary plat shall be effective for a period of twenty-four (24) months.

Sec. 10.02.003 Final Plat.

(a) Procedure for approval of final plat.

(1) The submission of a preliminary plat and its approval by the City Engineer shall be a condition precedent to the acceptance of an application for a final plat.

(2) Final plat may not be submitted until the civil engineering plans are sufficiently complete as determined by the City Engineer.

(3) All changes, alterations and modifications required on the preliminary plat and from the civil plan review shall be incorporated into the final plat.

(4) The final plat may constitute only that portion of the approved preliminary plat which the developer proposed to record and develop at that time, provided that such portion conforms to all requirements of these conditions.

(5) The final plat shall be submitted to the Planning and Zoning Commission through the Development Services Department on the dates specified in the Development Services Schedule. The plat shall be transmitted by letter, which shall include a formal request for consideration by the Planning and Zoning Commission.

(6) A fee set by the approved fee schedule per plat shall be collected by the Development Services Department when a final plat is submitted to the City for staff approval. The plat will not be reviewed or considered in any respect until such fee has been collected and the deliverables required on the Development Application Checklist are provided.

(7) The final plat shall be accompanied by a letter from the electric, gas and phone companies stating that all easements are satisfactory for the installation and maintenance of their respective utilities. The letter shall be accompanied by a print of the final plat showing the proposed utility plans.

(b) Form and content of final plat.

The final plat shall be printed on mylar film measuring twenty-four (24) inches by thirty-six (36) inches. The scale shall be not to exceed one-inch equals one hundred (100) feet maximum. The original shall be submitted to the Planning and Zoning Commission. The drawing shall be neat, legible and suitable for filing for record in the office of the county clerk of Grayson County. Patching and pasting of paper or other attachments is not acceptable. Allowance shall be made for a one-half (1/2) inch border at the top, bottom and right edges of the sheets, and a one and one-half (1 1/2) inch border at the left edge of the tracing sheets.

The revised final plat to be reviewed digitally by City staff prior to submitting mylar prints and tax certificates for filing.

When more than one sheet is used for a plat, a key map showing the entire subdivision on a smaller scale shall be shown on the first sheet.

The plat shall show or be accompanied by this information:

(1) The name of the owner and developer.
(2) The name of the licensed state land surveyor or registered public surveyor making the survey and preparing the plat.
(3) The name of the proposed subdivision and adjacent subdivisions.
(4) The name of all streets including a table of street names to be reviewed by the development services department.
(5) The numbers of lots and blocks, in accordance with a systematic arrangement.
(6) Show boundary of any FEMA flood zone and base flood elevation.
(7) List the Homeowner's Association (HOA) or Property Owner's Association (POA) that has been incorporated with the State of Texas responsible for any water detention facility, common properties, and/or amenities.
(6) North point, date, scale and acreage being subdivided.
(7) An accurate boundary survey of the property, with bearings and distances referenced to survey lines and established subdivisions, with complete and accurate field notes of said boundaries. The lines, with dimensions, of all adjacent land, streets, alleys and easements in adjacent subdivisions shall be shown in dashed lines.
(8) Location of proposed lots, streets, alleys, easements, building setback lines (both front and side streets) and other features shall be shown with dimensions.
(9) Edge of existing and proposed pavement to be shown on plat.
(10) All necessary dimensions, including linear, angular and curvilinear, and other surveying information necessary to reproduce the plat on the ground shall be shown. The linear and curvilinear dimensions shall be shown in feet and decimals of a foot. The angular dimensions shall be shown by true bearings in degrees, minutes and seconds. The length of all straight lines, deflection angles, radii, tangents, central angles of curves, and the chords and arcs of curves shall be shown. All curve information shall be shown for the center line of the street based on arc definitions. Dimensions shall be shown from all angle points and points of curve of lot lines. All lots on curves shall be shown with curve length dimensions based on arc definitions.
(11) All survey monuments shall be shown on the plat.

(12) Certification that all taxes and fees have been paid.

(13) Certification by the surveyor who made the survey and prepared the plat shall be placed on the plat as follows:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, 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.

Signature: _____

Date: _____

The surveyor shall affix his seal on the plat adjacent to the certification.

(14) Certificate of approval by the Planning and Zoning Commission: (To be placed on the plat in a manner that will permit the completion of the certificate by filling in the blank spaces.)

Approved this _____ day of _____, 20___, by the City Planning and Zoning Commission of the City of Sherman, Texas.

_____ _____

Chairman Secretary

(15) Owner's certificate of dedication: (To be placed on the plat in a manner that will permit the completion of the certificate by filling in the blank spaces.)

OWNER'S CERTIFICATE OF DEDICATION

That _____(owner)_____, acting by and through its duly authorized agent, does hereby adopt this plat designating the herein described real property as - _____(title of plat)_____, an addition to the City of Sherman, Grayson County, Texas, Being ____(acres)_____acres situated in and being a portion of the _____(Original survey)_____, City of Sherman, Grayson County, Texas and does 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 easement strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon 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 permission of anyone. This plat is approved subject to all ordinances, rules and regulations and resolutions of the City of Sherman, Texas.

WITNESS, my hand at _____,_____ County, Texas, this _____day of _____, (year).
_____(owner)_____

By:_____

STATE OF TEXAS
COUNTY OF GRAYSON

Before me, the undersigned authority, a Notary Public in and for the County and State on this day personally appeared _____, 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 purpose and consideration therein and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, (year).

_____
Notary Public, State of Texas

(16) Avigation Release: (To be placed on a preliminary plat, final plat, replat, and any other plats, if applicable, in a manner that will permit the completion of the certificate by filling in the blank spaces.)

AVIGATION RELEASE

STATE OF TEXAS
COUNTY OF GRAYSON

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, _____, 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 in this plat.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas, a home-rule municipality, hereinafter called CITY, and the Sherman Municipal Airport, hereinafter called AIRPORT, and their respective successors and assigns, of and 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 any and all aircraft ("aircraft" being defined for the purpose of this

instrument as any contrivance now known or hereinafter invented, including but not limited to jet, propeller-driven, civil, military, experimental or commercial aircraft and helicopters, regardless of existing or future noise levels, designed or used for the purpose of transporting persons or property through the air, by whoever owned or operated), in the airspace over OWNER's property. Such release shall include, but not be limited to, any damages to OWNER'S 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, taking off from, operating at or on, or being maintained at the Sherman Municipal Airport, whether such claim be for injury or death to person or persons or damages to or taking of property.

This Release shall be binding upon OWNER and OWNER's successors, heirs, executors, administrators and assigns, , and shall be a covenant running with the land.

Executed this _____ day of _____, AD, 20 ___.

_____
(Owner)

(c) Processing of final plat.

(1) The City Engineer shall check the final plat for conformity with the requirements of this Chapter and transmit his recommendations to the Planning and Zoning Commission in writing.

(2) Within thirty (30) days after the final plat application is accepted, the Planning and Zoning Commission shall approve, conditionally approve or disapprove the plat.

(3) If the plat is disapproved, the Planning and Zoning Commission shall give written notice to the developer, stating the reasons for disapproval.

Sec. 10.02.004 Acceptance of final plat by sections.

A developer, at his option, may obtain approval of a portion or a section of a subdivision provided he meets all the requirements of this Chapter with reference to such portion or section in the same manner as is required for a complete subdivision. In the event that a subdivision and the final plat thereof are approved in sections by the commission, each final plat of each section shall carry the name of the entire subdivision, but shall bear a distinguishing letter, number or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections.

When the proposed subdivision constitutes a unit of a larger tract owned by the developer which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary and final plats shall be accompanied by a layout of the entire area, showing the tentative proposed layout of streets, blocks, drainage, water, sewer and other improvements for such areas. The overall layout, if approved by the commission, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the city engineer. Thereafter, plats of subsequent units of such subdivision shall conform to such approved overall layout, unless changed by the commission. However, except where the developer agrees to such change, the commission may change such approved overall layout only when the commission finds:

(a) That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this Chapter, or

(b) That adherence to the previously approved overall layout will be detrimental to the public health, safety, or welfare, or will be injurious to other property in the area.

Sec. 10.02.005 Replatting

(a) Procedure for approval of replats.

(1) The submission of a preliminary plat and its approval by the City Engineer shall be a condition precedent to the acceptance of an application for a replat.

(2) A replat may not be submitted until the civil engineering plans are sufficiently complete as determined by the City Engineer.

(3) All changes, alterations and modifications required on the preliminary plat shall be incorporated into the replat.

(4) The replat may constitute only that portion of the approved preliminary plat which the developer proposed to record and develop at that time, provided that such portion conforms to all requirements of these conditions.

(5) The replat shall be submitted to the Planning and Zoning Commission through the Development Services Department on the dates specified in the Development Services Schedule. The replat shall be transmitted by letter, which shall include a formal request for consideration by the Planning and Zoning Commission.

(6) A fee set by the approved fee schedule per replat shall be collected by the Development Services Department when a replat is submitted to the City for staff approval. The replat will not be reviewed or considered in any respect until such fee has been collected and the deliverables required on the Development Application Checklist are provided.

(7) The replat shall be accompanied by a letter from the electric, gas and phone companies stating that all easements are satisfactory for the installation and maintenance of their respective utilities. The letter shall be accompanied by a print of the replat showing the proposed utility plans.

(b) Form and content of replat.

The replat shall be printed on mylar film measuring twenty-four (24) inches by thirty-six (36) inches. The scale shall be not to exceed one-inch equals one hundred (100) feet maximum. The original shall be submitted to the Planning and Zoning Commission. The drawing shall be neat, legible and suitable for filing for record in the office of the county clerk of Grayson County. Patching and pasting of paper or other attachments is not acceptable. Allowance shall be made for a one-half (1/2) inch border at the top, bottom and right edges of the sheets, and a one and one-half (1 1/2) inch border at the left edge of the tracing sheets.

The revised final plat to be reviewed digitally by City staff prior to submitting mylar prints and tax certificates for filing.

When more than one sheet is used for a plat, a key map showing the entire subdivision on a smaller scale shall be shown on the first sheet.

The replat shall show or be accompanied by this information:

(1) The name of the owner and developer.

(2) The name of the licensed state land surveyor or registered public surveyor making the survey and preparing the plat.
(3) The name of the proposed subdivision and adjacent subdivisions.
(4) The name of all streets including a table of street names to be reviewed by the development services department.
(5) The numbers of lots and blocks, in accordance with a systematic arrangement.
(6) Show boundary of any FEMA flood zone and base flood elevation.
(7) List the Homeowner's Association (HOA) or Property Owner's Association (POA) that has been incorporated with the State of Texas responsible for any water detention facility, common properties, and/or amenities.
(6) North point, date, scale and acreage being subdivided.
(7) An accurate boundary survey of the property, with bearings and distances referenced to survey lines and established subdivisions, with complete and accurate field notes of said boundaries. The lines, with dimensions, of all adjacent land, streets, alleys and easements in adjacent subdivisions shall be shown in dashed lines.
(8) Location of proposed lots, streets, alleys, easements, building setback lines (both front and side streets) and other features shall be shown with dimensions.
(9) Edge of existing and proposed pavement to be shown on plat.
(10) All necessary dimensions, including linear, angular and curvilinear, and other surveying information necessary to reproduce the plat on the ground shall be shown. The linear and curvilinear dimensions shall be shown in feet and decimals of a foot. The angular dimensions shall be shown by true bearings in degrees, minutes and seconds. The length of all straight lines, deflection angles, radii, tangents, central angles of curves, and the chords and arcs of curves shall be shown. All curve information shall be shown for the center line of the street based on arc definitions. Dimensions shall be shown from all angle points and points of curve of lot lines. All lots on curves shall be shown with curve length dimensions based on arc definitions.
(11) All survey monuments shall be shown on the replat.
(12) Certification that all taxes and fees have been paid.
(13) Certification by the surveyor who made the survey and prepared the replat shall be placed on the plat as follows:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, do hereby certify that I prepared this replat 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.

Signature: _____

Date: _____

The surveyor shall affix his seal on the replat adjacent to the certification.

(14) Certificate of approval by the Planning and Zoning Commission: (To be placed on the plat in a manner that will permit the completion of the certificate by filling in the blank spaces.)

Approved this _____ day of _____, 20___, by the City Planning and Zoning Commission of the City of Sherman, Texas.

_____ _____
Chairman Secretary

(15) Owner's certificate of dedication: (To be placed on the plat in a manner that will permit the completion of the certificate by filling in the blank spaces.)

OWNER'S CERTIFICATE OF DEDICATION

That _____(owner)_____, acting by and through its duly authorized agent, does hereby adopt this plat designating the herein described real property as - _____(title of plat)_____, an addition to the City of Sherman, Grayson County, Texas, Being ____(acres)____acres situated in and being a portion of the _____(Original survey)_____, City of Sherman, Grayson County, Texas and does 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 easement strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon 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 permission of anyone. This plat is approved subject to all ordinances, rules and regulations and resolutions of the City of Sherman, Texas.

WITNESS, my hand at _____,_____ County, Texas, this _____day of _____, (year).
_____(owner)_____

By:_____

STATE OF TEXAS
COUNTY OF GRAYSON

Before me, the undersigned authority, a Notary Public in and for the County and State on this day personally appeared _____, 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 purpose and consideration therein and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, (year).

_____
Notary Public, State of Texas

(16) Avigation Release: (To be placed on a preliminary plat, final plat, replat, and any other plats, if applicable, in a manner that will permit the completion of the certificate by filling in the blank spaces.)

AVIGATION RELEASE

STATE OF TEXAS

COUNTY OF GRAYSON

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, _____, 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 in this plat.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas, a home-rule municipality, hereinafter called CITY, and the Sherman Municipal Airport, hereinafter called AIRPORT, and their respective successors and assigns, of and 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 any and all aircraft ("aircraft" being defined for the purpose of this instrument as any contrivance now known or hereinafter invented, including but not limited to jet, propeller-driven, civil, military, experimental or commercial aircraft and helicopters, regardless of existing or future noise levels, designed or used for the purpose of transporting persons or property through the air, by whoever owned or operated), in the airspace over OWNER's property. Such release shall include, but not be limited to, any damages to OWNER'S 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, taking off from, operating at or on, or being maintained at the Sherman Municipal Airport, whether such claim be for injury or death to person or persons or damages to or taking of property.

This Release shall be binding upon OWNER and OWNER's successors, heirs, executors, administrators and assigns, , and shall be a covenant running with the

land.

Executed this _____ day of _____, AD, 20 ___.

_____

(Owner)

(c) Processing of replat.

(1) The City Engineer shall check the replat for conformity with the requirements of this Chapter and transmit his recommendations to the Planning and Zoning Commission in writing.

(2) Within thirty (30) days after the replat application is accepted, the Planning and Zoning Commission shall approve, conditionally approve or disapprove the replat.

(3) If the replat is disapproved, the Planning and Zoning Commission shall give written notice to the developer, stating the reasons for disapproval.

Sec. 10.02.006 Provisions for parks and recreational areas.

The City reserves the right to negotiate with the developer to acquire property within the subdivision for parks and recreational areas. The location of these areas will be in general accordance with the Comprehensive Plan for the City.

ARTICLE 10.03 ENGINEERING DESIGN, PLAN REVIEW, INSPECTION AND TESTING SERVICES

Sec. 10.03.001 Fee established.

The City Council shall establish a schedule of fees, charges and expenses, and a collection procedure for engineering plan review, engineering inspections, and engineering testing and other matters pertaining to this Section. The schedule of fees are set forth in Appendix C (Comprehensive Fee Schedule) of the Sherman Code of Ordinances, which may be altered or amended only by City Council.

Sec. 10.03.002 Minimum required improvements.

The developer shall place these improvements in all new subdivisions. The satisfactory installation of these improvements shall be a precedent to the final approval and acceptance of the subdivision by the City.

(a) Streets:

(1) Lime stabilized subgrade.

(2) Reinforced concrete street with integrated curb.

(3) Street signs.

(4) Alternate paving sections may be used in:

(A) Rural type subdivisions; and

(B) Infill subdivisions with twenty (20) lots or less and completely surrounded by developed subdivisions with asphalt streets.

(b) Water supply and distribution system:

(1) Water supply and treatment facilities if not connected to City system.

(2) Water mains.

(3) Fire hydrants.
(4) Service connections.
(5) Valves, fittings and miscellaneous parts required to complete the system.

(c) Sewage collection and treatment system:
(1) Sewage collection lines.
(2) Manholes.
(3) Lift stations.
(4) Cleanouts and other miscellaneous elements required to complete the system.
(5) Sewage treatment facilities if not connected to City system.
(6) Service connections.

(d) Storm drainage system:
(1) Storm sewer lines.
(2) Inlets.
(3) Manholes.
(4) Junction boxes.
(5) Drainage channels.
(6) Box culverts.
(7) Valley gutters and other miscellaneous elements required to complete the system.

(e) Sidewalks (where required).

Sec. 10.03.003 Design criteria.

(a) General.
(1) Conformity with comprehensive plan: The subdivision shall conform to the comprehensive plan of the City and the parts thereof.
(2) Reserve strips prohibited: There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

(b) Streets.
(1) General:
(A) Street layout: Adequate streets shall be provided by the developer, and the arrangement, character, extent, width, grade and location of each shall conform to the thoroughfare plan of the City, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood. The streets in the subdivision shall be dedicated to the City.
(B) Projection of streets: Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.
(C) Standard pavement width: The standard pavement width on which the developer shall be required to construct all street improvements shall be thirty-one (31) feet back to back of curb. All street paving over this width shall be subject to participating aid by the City.
(D) Half-streets or adjacent streets: No new half-streets shall be platted except where the portion of the new street is the projection of an existing collector or thoroughfare street.

(E) Dead-end streets: Dead-end streets shall be prohibited except as short stubs to permit future extension into adjacent land not yet subdivided. In this case the streets shall extend to the boundaries of the land being subdivided.

(F) Cul-de-sacs: In general, streets leading to cul-de-sacs shall not exceed five hundred (500) feet in length, and the cul-de-sac shall have a turnaround right-of-way of not less than one hundred (100) feet in diameter in residential areas and two hundred (200) feet in commercial and industrial areas. The back of curb radius for residential cul-de-sacs shall be thirty-one (31) feet and the back of curb radius for industrial cul-de-sacs shall be ninety (90) feet.

(G) Curb and gutter: Curb and gutter shall be installed by the developer on both sides of all interior streets. Provisions for curb and gutter shall be made on boundary streets in accordance with Subsection 10.03.003(b)(1)(K).

(H) Street names: Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case the names of existing streets shall be used.

(I) Streetlights: Streetlights shall be installed by the local electricity provider and approved by the City.

(i) Local streets: In general, local streets shall have 0.2 horizontal footcandles maintained average, with a maximum uniformity ratio of one to six.

(ii) Collector streets: In general, collector streets shall have 0.6 horizontal footcandles maintained average, with a maximum uniformity ratio of one to three.

(J) Street signs: The City shall install street signs, at the developer's expense, at all intersections within the subdivision. This fee shall be paid prior to acceptance of the streets and utilities.

(K) Boundary streets:

(i) New local, collector, marginal access, and thoroughfare streets that will serve as boundary streets to a proposed subdivision shall conform to the applicable sections of this Chapter for right-of-way and pavement width.

(ii) No new half-streets shall be platted except as defined in Subsections 10.03.003(b)(1) and (d), or where required to accommodate previously platted half-streets.

The developer shall make available by dedication that portion of right-of-way from his property that is a projection of a major or thoroughfare street.

(iii) When the proposed subdivision abuts upon an existing street or half-street that does not conform to the requirements of this Chapter for right-of-way, the developer shall dedicate right-of-way sufficient to make the right-of-way on his side of the street conform to the general plan for this street and this Chapter.

(iv) When the proposed subdivision abuts upon an existing substandard

boundary street, and the developer plats single family residential lots with direct access to the boundary street, the developer shall make a payment to the City to cover future paving improvements. This deposit shall be based upon the developer paying for curb and gutter and one-half of the cost of paving a standard width street. This deposit shall be made in lieu of the actual construction in all cases and shall be made prior to the initiation of the one-year warranty period and the issuance of occupancy permits. See Section 10.03.004 for further explanation.

(v) Boundary streets that are platted for the primary purpose of providing traffic routes into and through the subdivision shall be constructed as a part of the subdivision development or funding to be escrowed with the City if approved by the City Manager.

(L) Relation of adjoining streets and land: The system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions, and where adjacent connections are not platted, must, in general, be the reasonable projection of streets in the nearest subdivided tracts, and must continue to the boundaries of the tract subdivided, so that other subdividers may connect therewith.

Reserve strips of land controlling access to other property or to any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes, or which will not be taxable or accessible for special improvements shall not be permitted in any subdivision.

(M) Marginal access streets: Where a subdivision abuts or contains an existing or proposed major street, railroad, or highway, the commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(N) Block length and width: In general, intersecting streets determining the block lengths and widths shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets. Where no existing subdivision controls, the blocks shall not exceed nine hundred (900) feet in length, nor be less than four hundred (400) feet in length. Where no existing subdivision controls, the block width or depth shall not exceed three hundred fifty (350) feet, nor be less than two hundred (200) feet. When possible, the block widths and lengths shall be such as to allow two (2) tiers of lots back to back.

(O) Corner clips: Corner clips shall be dedicated as public right-of-way in the following manner:

(i) Up to 40 feet by 40 feet at the corner of arterial intersections
(ii) 20 feet by 20 feet at the corner of any minor arterial
(iii) 15 feet by 15 feet at the corner of any residential or local street
(iv) 10 feet by 10 feet at the corner of any alley intersection.

(2) Local street design criteria:

(A) Terrain classification:

(i) Ordinary: Cross slope range of 0% to 8%.

(ii) Rolling: Cross slope range of 8.1% to 15%.

(iii) Hilly: Cross slope of over 15%.

(B) Development density:

(i) Low: Two or less dwelling units per acre.

(ii) Medium: Between two and six dwelling units per acre.

(iii) High: Over six dwelling units per acre.

(C) Street right-of-way width: The right-of-way of local streets shall be fifty (50) feet.

(D) Pavement width: Local streets shall be thirty-one (31) feet wide from back of curb to back of curb.

(E) Minimum centerline radius: The minimum centerline radius shall be one hundred seventy-five (175) feet.

(F) Maximum street grade:

(1) Ordinary terrain: 4.0%

(2) Rolling terrain: 8.0%

(3) Hilly terrain: 15.0%

(G) Minimum street grade: The minimum grade for local streets shall be 0.40%.

(H) Design speed:

(1) Ordinary terrain: 25 mph.

(2) Rolling terrain: 25 mph.

(3) Hilly terrain: 20 mph.

(I) Vertical curve length: The minimum vertical curve length (in feet) shall be calculated by multiplying the algebraic difference in grades (in percent) times the proper "K" factor.

20 mph, K = 10 for crest and 15 for sag curve

25 mph, K = 15 for crest and 20 for sag curve

30 mph, K = 30 for crest and 35 for sag curve

(3) Collector street design criteria:

(A) Terrain classification: Same as for local street.

(B) Development density: Same as for local street.

(C) Street right-of-way width: The right-of-way for collector streets shall be sixty (60) feet.

(D) Pavement width: Collector streets shall be thirty-seven (37) feet wide from back to [of] curb to back of curb.

(E) Minimum centerline radius:

Without superelevation the minimum centerline radius shall be:

(i) Ordinary terrain: 375 feet

(ii) Rolling terrain: 375 feet

(iii) Hilly terrain: 260 feet

With a superelevation of 0.08 foot per foot the minimum centerline radius may be decrease to these values:

(i) Ordinary terrain: 250 feet

(ii) Rolling terrain: 250 feet

(iii) Hilly terrain: 175 feet

(F) Maximum street grade:
- (i) Ordinary terrain: 4.0%
- (ii) Rolling terrain: 8.0%
- (iii) Hilly terrain: 12.0%

(G) Minimum street grade: The minimum grade for collector streets shall be 0.40%.

(H) Design speed:
- (i) Ordinary terrain: 30 mph
- (ii) Rolling terrain: 30 mph
- (iii) Hilly terrain: 25 mph

(I) Vertical curve length: Same as for local street.

(4) Marginal access streets:

(A) Terrain classification: Same as local street.

(B) Development density: Same as local street.

(C) Street right-of-way width: The right-of-way for marginal access streets shall be forty (40) feet.

(D) Pavement width: Marginal access streets shall be twenty-seven (27) feet wide from back of curb to back of curb.

(E) Minimum centerline radius: Same as local street.

(F) Maximum street grade: Same as local street.

(G) Minimum street grade: Same as local street.

(H) Design speed: Same as local street.

(I) Vertical curve length: Same as local street.

(5) Thoroughfare street design criteria: Specific criteria for designing thoroughfare streets shall be developed for each individual street project. Generally, the recommendations of the thoroughfare plan as they pertain to right-of-way and pavement width, in conjunction with recognized engineering criteria, shall be utilized to establish the design criteria for these streets.

(6) Intersection design criteria:

(A) Clear sight distance: The clear sight distance along each approach leg shall be:
- (i) Ordinary terrain: 90 feet
- (ii) Rolling terrain: 90 feet
- (iii) Hilly terrain: 70 feet

(B) Vertical alignment within intersection area: In general, intersection areas shall be designed with a flat grade. In particular situations these grades may be permitted:
- (i) Ordinary terrain: Flat
- (ii) Rolling terrain: 2.0%
- (iii) Hilly terrain: 4.0%

(C) Minimum angle of intersection: In general, all streets should intersect at approximately a ninety (90) degree angle, and in no case shall the angle be less than seventy-five (75) degrees. Not more than two streets shall intersect at one point.

(D) Minimum curb radius:

(i) Local–local intersection, 20 feet
(ii) Local–collector intersection, 25 feet

(E) Minimum centerline offset of adjacent intersections:
(i) Local–local, 150 feet
(ii) Local–collector, 150 feet
(iii) Collector–collector, 200 feet

(7) Laboratory testing of street materials: The City will retain the services of a reputable commercial testing laboratory or will perform the necessary tests on subgrade soils and concrete. These laboratory tests will be made:
(A) Proctor Density Curves to establish the optimum density-moisture relationship for the subgrade soil.
(B) Tests during the construction phase to determine if the lime stabilized subgrade and concrete material have been placed as specified.
(C) The proper tests to determine if the concrete surfacing meets the requirements of the specifications.

(c) Alleys:
(1) General: Alleys shall be provided where existing alleys or previously platted alleys would be closed or shut off if an alley was not platted and constructed in the new subdivision. No dead-end alleys will be permitted. Where two (2) alleys intersect within a block, a cutoff of not less than ten (10) feet from the normal intersection of the property lines shall be provided along each property line. Alleys shall be platted approximately parallel to the frontage of the street. If alleys are not straight within each block, or if they do not connect on a straight course with the alleys of adjoining blocks, then an easement shall be provided where necessary on lot division lines for placing guy wires. Aerial overhang easements shall be provided where required by utility companies.
(2) Residential: Alleys with not less than twenty (20) feet of right-of-way width, with a paved surface of not less than ten (10) feet, shall be optional.
(3) Commercial and industrial: Alleys or loading courts shall be provided in blocks to be used for any purpose other than residential. The minimum right-of-way width shall be thirty (30) feet, and such alley or court shall be paved in its entirety.
(4) Paving:
(A) All alleys shall be constructed of concrete. The minimum pavement width for alleys shall be ten (10) feet. The maximum width of pavement for alleys shall be sixteen (16) feet.
(B) All aspects of alley construction shall be in accordance with the requirements and documents titled "City of Sherman Standard Specifications and Contract Documents for Public Works Construction" which are on file in the city clerk's office of the City. The city engineer may alter any alley construction requirements to meet special site conditions as warranted.

(d) Easements: Utility easements shall be provided as required to provide adequate space for the installation and maintenance of all utility lines, sidewalks, and landscaping within the subdivision, and across adjacent property where necessitated by the subdivision of any land as follows:
(1) Minimum ten (10) foot utility easement along urban and collector roadways.

(2) Minimum fifteen (15) foot utility, sidewalk, and landscaping easement along arterials and highways.

(3) Required easement to parallel the required corner clips with the exception of alley corner clips.

(e) Lots:

(1) The lot size, width, shape, depth and orientation, and the minimum building setback lines shall be in accordance with the zoning ordinance.

(2) Each lot shall front upon a public street.

(3) Double frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen reservation of at least ten feet, and across which there shall be no right of access shall be provided along the line of lots abutting such a traffic artery or other similar use.

(4) Side lot lines shall be substantially at right angles or radial to street centerlines.

(f) Sidewalks: Five (5) feet sidewalks shall be installed on all street frontages of residential and commercial subdivisions when removed from the curb. Six (6) feet sidewalks shall be installed on all street frontages of residential and commercial subdivisions when adjacent to the curb. Exceptions that may be granted by the City Engineer:

(1) Lots adjacent to developed lots that have no sidewalk.

(2) Rural type developments.

(g) Water Supply and Distribution System:

(1) All subdivisions shall be provided with water supply and water distribution systems approved by the City and meeting the requirements of the state department of health.

(2) The water supply and distribution system shall be designed to provide the anticipated water consumption within the subdivision, including fire protection. Recognized engineering design criteria shall be used to design the system.

(3) Fire hydrants shall be located so that every building within the subdivision will be within five hundred (500) feet of a fire hydrant. The water distribution system and the location of fire hydrants shall be in accordance with the requirements of the state board of insurance. Additional fire hydrants that are desired by the City shall be paid for by the City.

(4) The City may require larger water mains than are necessary to serve the subdivision in order to provide for future development for the area. In the event that larger lines are required, then the developer shall be entitled to participating aid from the City on said oversized lines.

(h) Sewage Collection and Treatment System:

(1) All subdivisions shall be provided with an approved sewage collection and treatment system.

(2) Connection with the City's sanitary sewer system shall be required except where the city engineer determines that such connection will require unreasonable expenditure when compared with other methods of sewage disposal.

(3) When septic tanks are permitted, the developer shall conduct percolation tests under the supervision of a registered professional engineer in accordance with requirements of the state department of health in order to determine the adequacy

of proposed lot sizes and the soil.

(4) If a sanitary sewage treatment system is to be installed, the plans for such system shall be approved by the state department of health and a permit secured from the Texas water quality board prior to approval of the final plat by the City Council.

(5) The sewage collection system shall be designed to handle the anticipated flow of sewage from within the subdivision, including development of future sections of the same subdivision. Recognized engineering design criteria in accordance with the requirements of the state department of health shall be used to design the system.

(6) All sewer lines shall be on such a grade as to provide a minimum velocity of two (2) feet per second when using an "N" value of 0.013 in the Manning Formula.

(7) The minimum size line, excluding house service lines, shall be six (6) inches in diameter.

(8) Manholes shall not be spaced more than four hundred (400) feet apart and shall be provided at all changes in grade, direction and pipe size.

(9) The City may require larger sewer lines than are necessary to serve the subdivision and future development of the same subdivision, in order to provide for future development of the area. In the event that said larger lines are required, then the developer shall be entitled to participating aid from the City on said oversized lines.

(i) Drainage:

(1) That the 2002 Edition of the City of Sherman's Storm Drainage Design Manual, being Chapters 1 through 9, together with all appendices being A through G, is hereby adopted in its entirety as if fully set forth herein, as the Storm Drainage Design Manual of the City of Sherman, Texas.

(2) The storm drainage system shall be designed in accordance with the requirements of the City's Storm Drainage Design Manual.

(j) Water And Sewer House Service Connections:

(1) Water and sewer service connections shall be provided for every lot in the subdivision and the City plumbing code shall govern the size and material.

(2) Sewer lines shall be terminated with a cleanout and plug at the right-of-way line. The insertion of a precast plug and water lines shall terminate with a curb stop at the right-of-way line.

(k) Other Utilities: The developer shall make arrangements with the appropriate private utility companies for the extension of their respective utility services to and within the subdivision.

(l) Site Grading: Grading permit is required.

(m) Stormwater Criteria:

(1) The developer shall be responsible for all costs associated with the construction of culverts, box culverts or bridges required to pass stormwater flows under streets. The following design criteria are to be utilized in calculating the required structure size:

Street Designation	Structure Capacity	Overflow
Local street (31 feet b/b)	25-year storm	100-year storm

Street Designation	Structure Capacity	Overflow
Collector street (37 feet b/b)	50-year storm	100-year storm
Thoroughfare street	100-year storm	As required

(2) The quantities of storm flow shall be calculated utilizing the methodology as set forth in the City's Storm Drainage Design Manual.

Sec. 10.03.004 Responsibility for payment of installation costs.

The purpose of this section is to define how costs of subdivision development are to be apportioned between the City and the developer.

(a) Streets:

(1) General: The developer shall pay the entire cost of constructing all streets. If any security other than cash is paid to the City to cover the future paving improvements, as is hereinafter required, the security shall contain a provision for increasing the amount of the security at a rate of four percent per annum. This increase shall be for the purpose of offsetting any increase in construction cost that occurs prior to the time that the improvements are actually constructed.

(2) Boundary streets:

(A) Existing streets: When the proposed subdivision abuts upon an existing substandard boundary street, and the developer plats single family residential lots with direct access to the boundary street, the developer shall make a payment to the City to cover future paving improvements. This deposit shall amount to the cost of curb and gutter, and one-half of the cost of constructing a street. Construction shall include required excavation, compacted limestone base, and surfacing a standard width street. The actual unit prices to determine the amount placed on deposit shall be determined by the director of engineering and planning from the latest available street construction costs within the City. This deposit shall be made in lieu of the actual construction in all cases, and shall be made prior to the initiation of the one-year warranty period and issuance of occupancy permits. This deposit shall draw interest annually at a rate not to exceed that which the City receives for the same sum being placed on certificates of deposit in a special account, regardless of the length of time the deposit remains, but not beyond the actual date construction commences. Developer to pay and build upgraded street. Escrow is an option with City Manager approval.

(B) New streets: New boundary streets that are platted for the primary purpose of providing traffic routes into and through the subdivision shall be constructed by the developer as part of the subdivision development.

(3) Thoroughfare streets: Boundary street criteria regarding street costs shall also apply to existing thoroughfares. The developer shall make a payment to the City to cover the future paving improvements. This deposit shall amount to the cost of curb and gutter and one-half (1/2) of the cost of paving. The actual unit prices to determine the amount placed on deposit shall be the unit prices received under the terms of the bidding documents. This deposit shall be for one side of the street only and

shall be doubled if both sides of the thoroughfare street will be in the proposed subdivision. This deposit shall be made in lieu of the actual construction in all cases, and shall be made prior to the initiation of the one-year warranty period and issuance of occupancy permits. Developer to pay and build half of the thoroughfare street unless City Manager approves the escrow of the funds to construct their portion of the thoroughfare.

(4) Oversize streets in multifamily and commercial developments:

(A) The minimum right-of-way width for streets in or adjacent to commercial and multifamily developments shall be sixty (60) feet. All streets within or adjacent to commercial subdivisions or multifamily portions of developments shall be constructed to a minimum width of thirty-seven (37) feet back-to-back of curb and conform to the construction and geometric criteria for collector streets.

(B) Additional traffic is generated when previously developed land bordering or containing existing streets is rezoned or replatted for high intensity uses. To address the additional traffic, the City will require additional street width up to one (1) traffic lane (twelve-foot width). The property owner/developer will provide the additional right-of-way required and will bear all costs associated with the required widening of the street.

(C) Areas replatted or rezoned to multifamily or commercial status shall be required to comply with the requirements of this section.

(D) The developer shall bear all costs associated with streets in or adjacent to commercial and multifamily areas, except streets over thirty-seven (37) feet in width required by the City. The City will participate in the street construction costs (subject to funds availability and approval of the City Council) only when the extra street width is necessary to provide capacity to handle the through traffic above and beyond the traffic needs of the proposed development.

(E) The board of adjustment shall have the authority to make recommendations to the City Council for exceptions to these requirements upon showing of justification, utilizing sound engineering practices.

(b) Street Signs: The developer shall pay for street signs and their installation. The City will install the signs.

(c) Sidewalks: The developer shall pay for all sidewalks.

(d) Water Distribution System:

(1) The developer shall pay all costs of the water supply and distribution system, except oversized mains which the City requires for future development of the area.

(2) The City may require larger mains than are necessary to serve the subdivision in order to provide for future development of the area. In the event that said larger lines are required, then the developer shall be entitled to participating aid from the City on said oversized lines.

(3) An eight-inch nominal inside diameter water main has been established by the City as the standard size of water main along Urban Streets and Residential Collectors for purposes of determining the extent of participating aid from the City. The City will only participate in the cost of water lines which are sized larger than eight (8) inches in diameter for reasons of providing for future development. This does not

apply to lines sized larger than eight (8) inches for the purpose of serving future sections of the same subdivision.

(4) A twelve-inch nominal inside diameter water main has been established by the City as the standard size of water main along Commercial Collectors and Arterial streets for purposes of determining the extent of participation aid from the City. The City will only participate in the cost of water lines which are sized larger than twelve (12) inches in diameter for reasons of providing for future development. This does not apply to lines sized larger than twelve (12) inches for the purpose of serving future sections of the same subdivision.

(5) Six-inch lines will be acceptable for dead end mains of 250 feet or less with no fire hydrants on it and engineering calculations verify that a larger line will not be necessary, and the main will not be extended to serve a future development.

(6) The amount of participation by the City will be determined by taking alternate bids for the oversized line and fittings versus the cost of an eight-inch line and equivalent fittings. The City will pay the difference in cost between the oversized lines and the eight-inch line as determined by the alternate bids.

(7) For water service connections made by the City, the City will provide the corporation cock and make the connection. The plumber shall be responsible for excavating and backfilling a suitable pit for the City to work in while making the connection. The plumber shall pay the standard "tap fee" for the size of the connection made.

(e) Sewage Collection and Treatment System:

(1) The developer shall pay all costs of the sewage collection and treatment system, except oversized collection lines which the City requires for future development of the area.

(2) The City may require larger lines than are necessary to serve the subdivision in order to provide for future development of the area. In the event that said larger lines are required, the developer shall be entitled to participating aid from the City on said oversized lines.

(3) An eight (8) inch nominal inside diameter sewer line has been established by the City as the minimum size of sewer line for purposes of determining the extent of participating aid from the City. The City will only participate in the cost of sewer lines which are sized larger than eight (8) inches for reasons of providing for future development. This does not apply to lines sized larger than eight (8) inches for the purpose of serving future sections of the same division.

(4) The amount of participation by the City will be determined by taking alternate bids for the oversized City line versus the cost of an eight (8) inch line. The City will pay the difference in cost between the oversized line and the eight (8) inch line, as determined by the alternate bids.

(f) Extensions of Water and Sewer Lines: All water and sewer line extensions shall comply with the requirements set forth in Article 13.07, Division 4 of the Code of Ordinances.

(g) Storm Drainage System: The developer shall pay all costs of the drainage system.

(h) Laboratory Testing Services: The City will pay all fees for laboratory testing required by this Chapter. The developer's contractor will be responsible to pay for all laboratory retesting fees associated with failed tests.

(i) Engineering And Surveying: The developer shall pay all fees and charges for engineering

and surveying services required by this Chapter.

(j) All Other Costs: The developer shall pay all other costs that are not specifically covered by this section.

Sec. 10.03.005 Construction standards.

(a) All improvements shall be made in accordance with the standards established by this Chapter that are in effect at the time of submission of a plat or other land development permit application.

(b) The city engineer has been authorized to promulgate rules, regulations, standards, specifications and other documents as necessary to establish minimum criteria for the construction of streets and utilities to be constructed within the City and the area within the limits of its jurisdiction. These standards, specifications and documents are titled "City of Sherman Standard Specifications and Contract Documents for Public Works Construction" and are on file in the city clerk's office. This document may be amended periodically, provided that an amendment must be filed with the city clerk at least ten (10) days prior to the date such amendment becomes effective. These rules, regulations, standards, specifications and documents shall not conflict with this or any other ordinances of the City.

Sec. 10.03.006 Surveying and engineering.

(a) Surveying:

(1) General: The developer shall retain a licensed surveyor to make all property surveys, prepare the plat, set the property monuments and lot corners and do the necessary construction staking. The fees, salary and other compensation for such surveying services shall be paid for by the developer.

(2) Accuracy: All survey work shall have a maximum error of closure of one in seven thousand five hundred (1:7500).

(3) Monuments: Permanent type monuments shall be placed at each corner and angle point of the boundary survey of the subdivision, as well as at the corners of all street intersections within the subdivision, and on all property line points of curve and tangent. These monuments shall be Class "B" concrete, eight (8) inches in diameter, and thirty-six (36) inches long. A three-fourths (3/4) inch diameter steel bar eighteen (18) inches long shall be placed in the center of this monument to denote the exact point being marked. These monuments shall be set so that they are flush with the finished grade.

(A) Common boundaries: If the adjacent, abutting or adjoining property outside the subdivision does not belong to the developer of the subdivision being considered, then the developer must acquire written agreement between himself and the owner or owners of adjacent, abutting or adjoining property as to the common boundary line between said properties. In the event the developer of the subdivision under consideration and the owner or owners of adjacent, abutting or adjoining properties cannot agree on a common boundary line, then the City shall act, at the expense of the developer of the subdivision being considered to establish the legal boundary, and at least three (3) permanent markers shall be placed, with the consent of the City and the property owners involved, establishing an agreed point which shall

be tied to the original survey or ancient subdivision as provided thereof.

(b) Engineering: The developer shall retain a registered civil engineer to prepare the plans and specifications and supervise the construction of the streets and utilities. Plans and specifications will not be reviewed or considered in any respect unless a registered civil engineer is in charge of the design and supervision of construction of the proposed improvements and his seal is affixed to the plans and specifications. It shall be the duty of such engineer to insure that the plat, plans, and specifications are in accordance with the requirements of this Chapter, and that all improvements are constructed in accordance with this Chapter. The fees, salary and other compensation for such engineering services shall be paid by the developer. These provisions will not be applicable for utilities such as gas, telephone, and electric power, where such utilities are designed and constructed by private companies who are franchised to operate in Sherman.

Sec. 10.03.007 Construction plans and specifications.

(a) General: Prior to the construction of any streets or utilities, the developer shall furnish two (2) complete sets of plans and specifications for said construction to the city engineer. These documents shall be transmitted in writing. These plans and specifications will be reviewed for conformity with this Chapter and the City standards. The plans and specifications shall be approved in writing prior to any construction. Prior to construction the developer shall present to the City a signed and notarized developer's contract between himself and the City. The developer's contract shall be in accordance with Section 10.03.008 of this Chapter. The city engineer shall be notified prior to the beginning of construction so that he may inspect the work.

(b) Plans:

(1) General: The plans shall be securely bound and shall consist of a title sheet and such plan-profile and detail sheets as are required to meet the requirements of this Chapter and to properly define the proposed work. The title sheet shall show the name of the subdivision, engineer, date, and an index of drawings. Each plan-profile and detail sheet shall contain this minimum general information: engineer's seal and signature, north arrow, and a title block showing name of the subdivision, scale, date, and sheet number. All plans shall be on media measuring twenty-four (24) inches by thirty-six (36) inches. Plan-profile sheets shall be drawn at an appropriate scale or as directed by the City Engineer.

(2) Plan-profile sheets for streets and alleys: There shall be a plan-profile for each street and alley. These plan-profiles shall show the rights-of-way of the streets, portions of rights-of-way of intersecting streets, location of curbs and gutters with respect to property lines, curb return radii, existing utilities, reference bench marks, and other information necessary to define the work. The profile shall show the existing ground on each side of the street at the property line, the proposed grade of the top of the curb for each side of the street, location of utilities, and other information necessary to define the work. The existing and proposed street centerline grades may be shown in lieu of property line and curb grades when permitted.

(3) Plan-profile sheets for sanitary sewer and storm sewer: The plans shall show all information necessary to locate and construct the proposed work, and shall show the locations of all manholes, inlets, and other appurtenances of the system. The

profile shall show the existing natural ground at the sewer centerline and the proposed grade at the centerline if such grade will not be the same as the existing grade. The size, grade and material of the proposed pipes and the flow lines of all manholes, inlets, etc., shall be shown. Both the flow line and the inside top of the pipes shall be shown in the profile. These plans shall be accompanied by the engineer's calculations when requested by the city engineer.

(4) Plan for water distribution system: The plan shall show all information necessary to locate and construct the proposed work, and shall show the location of all valves, fittings, fire hydrants and other appurtenances of the system.

(c) Specifications: The specifications shall be securely bound and shall consist of the following minimum information: General conditions of agreement, special conditions of agreement, and all applicable technical specifications. The special conditions shall contain provisions for time of completion, performance, and payment bonds, and other pertinent requirements.

Sec. 10.03.008 Developer's contract (Three-Party Agreement).

(a) Prior to construction the developer shall present to the City a developer's contract on forms obtained from the city engineer. This contract shall itemize the obligations of the developer and the City with regard to the proposed subdivision and shall itemize any approved variances from the developer's contract.

(b) No work shall be performed within the proposed subdivision until the developer's contract has been signed and properly notarized by the developer and the City.

(c) No work shall be performed within the proposed subdivision until the developer has a signed contract with a private contractor for the complete installation of all streets, utilities, and other improvements.

(d) No work shall be performed within the proposed subdivision until the developer presents to the city manager a satisfactory performance bond and a payment bond as provided by applicable law, from the contractor in favor of the developer and the City. Such bond shall be made for one hundred percent (100%) of the contract price for all streets and utilities and public works to be installed in the new subdivision, and shall be in the form, and contain, all other provisions set forth in applicable law. The approved form of bonds are on file with the City's Engineering Department.

Sec. 10.03.009 Final inspection.

(a) Upon the completion of construction the developer shall arrange a final inspection of all streets and utilities. This inspection shall be attended by the developer, his engineer, the contractor, and the city engineer.

(b) If the city engineer determines that the streets and utilities are complete and in accordance with this Chapter and the plans and specifications, he shall so inform the developer. The developer shall then transmit in writing to the City a notice of completion, the required bonds, and the as- built drawings.

Sec. 10.03.010 Plans of Record drawings.

Upon the completion of construction, and prior to the City's acceptance, the developer shall furnish the city engineer with a complete set of reproducible "plans of record" drawings and a set of prints made therefrom. Each sheet of these drawings shall be plainly marked "PLANS OF

RECORD" and shall be signed by the engineer who prepared the plans and supervised the construction.

Sec. 10.03.011 Formal acceptance by City.

(a) After the city engineer has inspected the work and indicated to the developer that the streets and utilities are acceptable to the City, the developer shall give a formal notice of completion to the City. This notice shall be in writing, and shall be accompanied by the plans of record drawings, payment and performance bonds, and all fees that are due.

(b) Upon receipt of the plans of record drawings, payment and performance bond, and all fees, the city engineer will issue a notice of acceptance of the streets and utilities.

Sec. 10.03.012 Special provisions.

(a) No building, repair, plumbing or electrical permits shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

(b) The City shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

(c) The City shall not sell or supply any water or sewerage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

(d) When directed by the City Council, the city attorney shall institute appropriate legal action to enforce the provisions of this Chapter or the standards referred to herein with respect to any violation thereof which occurs within the City, within the extraterritorial jurisdiction of the City, or within any area subject to all or a part of the provisions of this Chapter.

(e) If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, and the City Council shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval, and reciting the fact that the provisions of Subsections (a), (b) and (c) of this Section will apply to the subdivision and the lots therein, the city clerk shall, when directed by the City Council, cause a certified copy of such resolution under the corporate seal of the City to be filed in the deed records of Grayson County. If full compliance and final plat approval are secured after the filing of such resolution, the City clerk shall forthwith file an instrument in the deed records stating that Subsections (a), (b) and (c) no longer apply.

(f) Provided however, that the provisions of this Section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of this Chapter, nor to prohibit the repair, maintenance or installation of any street or public utility services for, to, or abutting any lot, the last recorded conveyance of which prior to passage of this Chapter was by metes and bounds, and/or any subdivision or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this Chapter.

(g) Building permits for new residential construction may be issued after the developers' contract is executed and approved. Occupancy permits will be issued when utilities and

streets are complete and accepted by the City.

(h) Conditions: Occupancy permits: Deferment of final street improvements will be accepted only under the following conditions:

(1) The property is adequately served by all-weather facilities for ingress and egress for pedestrian and vehicular traffic, including fire apparatus.

(2) The property is served by all essential permanent utilities, such as water, sewage, electricity, and gas.

(3) The reason for noncompletion at this time is beyond the control of the builder, and is one which makes it impossible and impractical to proceed.

(4) The work can be completed in twelve (12) months or less.

(5) The occupant of the deferred properties will not be seriously handicapped in the use of the properties by the deferment of the work, nor will postponement endanger, mar or destroy work previously completed (such as provision of adequate drainage outfall, for example).

(6) Issuance of occupancy permits: Acceptance of the foregoing conditions must be in writing and signed by both the developer and the prospective occupant with the understanding that the developer and the developer alone is responsible for the final completion of the street improvements before a permit for occupancy will be issued; further, that it is clearly understood that the City is completely absolved from any difficulty that might arise due to improper alignment and grade of curb and gutter as they tie into both the driveway approach, and the street improvements of the new subdivision.

(i) As a condition precedent to the approval of any plat or development, the city engineer, commission or City Council can require any reasonable requirement in the public interest to the approval or recommendation of approval of any plat or development within the City or its extraterritorial limits.

Sec. 10.03.013 Industrial or commercial subdivisions.

An industrial or commercial subdivision shall be processed for approval in the same manner as provided for a residential subdivision. The minimum right-of-way width of a local street in an industrial or commercial subdivision shall be sixty (60) feet, and all other streets shall conform to the standards for major and secondary streets prescribed by the thoroughfare plan and this Chapter.

Sec. 10.03.014 Availability of water and/or sewage utilities.

If a proposed subdivision is located beyond the drainage area of the sewage collection system, or beyond the area of the water distribution system, and these utilities cannot be extended to the area, the developer shall be required to furnish with his final plat satisfactory evidence, including (but without limitation) the results of soil tests and borings, and statements from local and state health authorities, water engineers, and other proper officials, that water satisfactory for human consumption may be obtained from surface or subsurface water sources on the land, and that soil conditions are such that satisfactory sewage disposal can be provided by the use of approved septic tank or other approved methods.

Sec. 10.03.015 Reserved.

Sec. 10.03.016 Modification of design requirements, minimum improvements, and

subdivision regulations.

(a) General: These rules and regulations are the standard requirements of the City. The planning commission may, when concurred in by the City Council, authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings hereinbelow required, the commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the commission finds:

(1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land.

(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

(3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

(4) That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Chapter.

Such findings of the commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Chapter so that the public health, safety, or welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

(b) Specific Types of Land Subdivision: For specific types of land subdivision the commission may modify the subdivision regulations design requirements, and minimum improvements as set forth in this Chapter. The purpose of any modification to these regulations will be to allow diversification and flexibility in the relationship of various land uses and between buildings, structures and open space in planned building groups, while insuring substantial compliance to the overall land use density and other zoning and platting regulations; also to allow appropriate development of semi-rural subdivisions with regard to their geographical location within the extraterritorial limits of the City. Modification of these regulations may be made for the following types of subdivisions:

(1) Subdivisions planned under the provisions of the zoning ordinance for "planned development," and which may include residential subdivisions involving the cluster, townhouse, or patio house concept for planning residential areas.

(2) Subdivisions identified by the nature of their semi-rural location and which conform to the following standards:

(A) The minimum street right-of-way width shall be seventy (70) feet or greater if required for proper drainage. Centered within the designated right-of-way shall be a paved street surface of thirty (30) feet in width, constructed in accordance with the City's paving standards. Surface drainage shall be

handled by open ditch, channel or other approved methods rather than a standard curb and gutter section.

(B) The subdivision shall be served by an approved water supply and distribution system and an approved wastewater disposal system which may be by municipal sewer, septic tank or separate treatment system facilities. If the water and sewer system are not connected to the City systems then the plans for these facilities shall be approved by the Texas State Department of Health and a permit secured from the Texas Water Quality Board prior to final approval of the final plat.

(C) The minimum area of each lot shall be one acre and each lot shall have adjacent to the rear lot line a dedicated alley or easement, either for present or future use.

(D) The proposed subdivision shall comply with the City master plan.

(E) To assure compliance with the land use plan for the City and its environs, each subdivision shall be accompanied by restrictions or covenants which are to be filed of record with the final plat.

(F) In cases where the semi-rural estate plan is not located within the corporate limits, then review of the subdivision plat shall be coordinated with Grayson County which shall approve the final plat prior to filing of record.

(G) Before an addition can be annexed into the City by request of the property owners or the developer, the streets and utilities shall meet all requirements of this Chapter pertaining to subdivisions developed within the city limits. If these streets and utilities are not in accordance with these standards then the property owners in the addition shall be responsible for the expense of improving these facilities to City standards.

ARTICLE 10.04 ADMINISTRATIVE PROVISIONS

Sec. 10.04.001 Savings/Repealing

All provisions of any ordinance in conflict with this Chapter 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.

Sec. 10.04.002 Schedule of Fees, Charges and Expenses

(a) The City Council shall establish a schedule of fees, charges and expenses, and a collection procedure for building permits, plan review, inspections, appeals and other matters pertaining to this Chapter. The schedule of fees are set forth in Appendix C (Comprehensive Fee Schedule) of the Code of Ordinances, which may be altered or amended only by the City Council.

(b) No permit shall be issued unless or until all applicable costs, charges, fees or expenses have been paid in full, nor shall any action be taken unless or until preliminary charges and fees have been paid in full.

Sec. 10.04.003 Penalty for Violations

(a) A violation of any of the provisions of this Chapter or failure to comply with any of its requirements shall constitute a class C misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than two thousand dollars ($2,000.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(b) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation including temporary restraining orders and temporary and permanent injunctions.

(c) An owner, occupant, tenant, manager or other person who violates any provision of this Chapter or who participates in, assists in or maintains a violation of this Chapter is subject to a civil penalty of up to one thousand dollars ($1,000.00) per day for each violation and each day the violation occurs shall be a separate offense.

Sec. 10.04.004 Severability

(a) Unconstitutional or invalid section. Should any section, subsection, sentence, clause or phrase of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Chapter shall remain in full force and effect.

(b) Independent sections. The City hereby declares that it would have passed this Chapter, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more section, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Sec. 10.04.005 Estoppel/Waiver

The failure of the City to enforce any term or condition of this Chapter shall not constitute a waiver or estoppel or any subsequent violation of this Chapter.

~~**ARTICLE 10.01 GENERAL PROVISIONS (RESERVED)**~~

~~**ARTICLE 10.02 UNIFIED RESIDENTIAL DEVELOPMENT**~~

~~**DIVISION 1**~~

~~**GENERALLY**~~

~~**Sec. 10.02.001 Applicability.**~~

~~Any person seeking approval of a unified residential development shall be required to comply with the general procedures of the subdivision ordinance and the provisions of this article.~~

~~**Sec. 10.02.002 Legislative Intent.**~~

~~It is the legislative intent of the city council, in adopting these unified residential development regulations, to encourage the most appropriate uses of land; clustering of residential structures to provide larger amounts of usable open spaces; consolidation of recreational facilities and other community amenities; reduction of costs of utilities and public services; recognition of problem building sites where unique topographic or other features preclude the normal building pattern of individual lots and blocks; and to encourage a better environment for the benefit of the occupants, the neighbors and the community as a whole.~~

Sec. 10.02.003 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building: Includes any structure.

Car space: The space required to park one (1) motor vehicle. The number of car spaces required shall mean that all necessary ingress, egress and maneuvering space shall be in addition to the car spaces.

Car space ratio: The ratio of car spaces which must be provided on the site, per type of dwelling unit.

Cluster subdivision: A grouping of individual building lots or sites in close proximity, each of which or the majority of which has less land area than required for isolated individual lots, with the additional area in the cluster subdivision site being devoted to open space, recreation space, car spaces and access facilities in addition to required yards. Cluster subdivisions are permitted by these regulations and are expressly encouraged subject to the performance standards of the unified residential development.

Dwelling unit: A residential unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, cooking, eating and sanitation.

Emergency access easement: An area not less than ten (10) feet wide, which is maintained free of obstructions, in order to provide free passage of public service and emergency vehicles to buildings within the project boundaries and protected by a recorded easement.

Floor area: The sum total of the area of all floors of all buildings on the unified residential development site, measured between the outer perimeter walls of the buildings, provided that space in a building or structure used for parking of motor vehicles shall not be computed in the floor area. Courts or balconies open to the sky and roofs which are utilized for recreation, etc., shall not be counted in the floor area but shall be part of the open space.

Floor area ratio: The ratio of the sum total floor area to the net land area. The ratio is computed by dividing the floor area by the net land area and multiplying by one hundred (100) to read a percentage.

Loading space: A space not less than ten (10) feet wide by twenty (20) feet long by fourteen (14) feet high within the main building or on the same lot or area therewith, providing for the off-street standing, loading or unloading of trucks, trailers and service delivery vehicles.

Mixed use structure: One in a commercial zoned district housing commercial uses on the lower floors and residential uses above. The unified residential development provisions for open space, recreation space and car parking spaces shall apply to the residential uses.

Net land area: All of the privately owned property embraced within the outer perimeter property lines, not including dedicated public streets. Dedicated rights-of-way for open space, drainage or access, approved private streets or dedicated easements which can be used by the land occupants for private purposes shall be included in "net land area." Where land is dedicated for future opening or widening of a public street such land shall not be computed as "net land area."

Open space: The net land area minus the building area, the recreation area and car space.

Open space ratio: The ratio of the open space to the floor area. The ratio is computed by dividing the floor area by the net land area and multiplying by one hundred (100) to read a percentage.

Parking area: The hard-surfaced area devoted to off-street parking spaces, including, but not limited to, maneuvering space and aisles, turnaround areas, and other similar related features. In computing the minimum amount of space devoted to parking areas, no less than four hundred (400) square feet per vehicle to be parked shall be used.

Patio house: An attached or detached one-family dwelling unit with an outdoor area enclosed by walls to form a secluded outdoor living area.

Private access drive: A hard-surfaced privately owned driveway not less than twenty-six (26) feet in width which provides access from or to a public street or way for purposes of ingress and egress from or to a unified residential development, and protected by a recorded easement.

Recreation space: Outdoor space which is made available and maintained in a suitable condition to afford occupants space for passive and active recreational pursuits to the exclusion of all other uses and/or recreation rooms or buildings available to all occupants of the development.

Recreation space ratio: The ratio of the total recreation space to the floor area. The ratio is computed by dividing the total recreation space by the total floor area and multiplying by one hundred (100) to read a percentage.

Townhouse; attached single-family, semiattached single-family: A single-family dwelling constructed as part of a series of dwellings all of which are either attached to the adjacent dwelling or dwellings by party walls between each unit as per the building code continuous from the foundation to the roof deck. No buildings shall be over two hundred (200) feet in length and shall have a minimum of ten (10) feet between buildings.

Unified residential development: A grouping of residential structures, with their permitted accessory buildings and uses, open spaces, recreational spaces, car parking spaces and emergency access facilities; all developed, or proposed to be developed on a tract of land initially under single ownership or unified control as opposed to the usual development of one (1) dwelling on one (1) lot of record; having approval of the city planning and zoning board and being recorded in the county records; all to the aim of permitting more flexible and innovative land use while securing greater amenities of livability space, recreational space and car space to the benefit of the occupants and the community. Within the limits of the performance standards for a unified residential district, as set out below, unified residential developments shall include "cluster subdivisions," "patio houses," "townhouses" and "mixed use structures."

Unified residential development site plan: A plan which shows existing and proposed physical features together with data in respect to number of dwelling units, floor area ratio, open space ratio, car space ratio and such additional data as will furnish the city planning and zoning board a complete picture of the proffered unified residential development, and which will provide inspection personnel sufficient data for processing of permit applications. The use of the words "site plan" for the purposes of this definition shall mean a unified residential development site plan.

Sec. 10.02.004 Permitted uses.

(a) The unified residential development provisions are designed specifically for dwelling uses. The permitted uses shall be limited to single-family dwellings, two-family dwellings and

multifamily dwellings constructed as detached, semidetached, multifamily or as townhouses, patio houses, condominiums; or a mixed use structure in a commercial district if platting (or plan) approved by the city planning and zoning board; and accessory buildings and uses as specifically authorized in these regulations; or any combination of these which are in compliance with the building and other codes of the city.

(b) The unified residential development shall be allowed in R-1 residential districts on three-acre tracts or more by a specific use permit.

Sec. 10.02.005 General requirements in all districts.

(a) Height regulations. The maximum permitted height for a building or structure in any unified residential development shall be the same as that permitted for other uses within the respective district.

(b) Front yard. There shall be a front yard of not less than fifteen (15) feet on any portion of the site which has frontage on a public street. (This does not apply to public access easements.) The required front yard cannot be paved except for necessary driveways and must remain as open space. The city planning and zoning board, for good cause shown at a public hearing, may modify or waive the front yard requirements on a unified residential development site plan where all of the dedicated street frontage is in one (1) block face.

(c) Side yard. There shall be a side yard of at least ten (10) feet adjacent to any lot not a part of the unified residential development.

(d) Rear yard. There shall be a rear yard of at least twenty-five (25) feet when adjacent to any lot not a part of the unified residential development.

(e) Street frontage. Where outside entrances to individual dwelling units are provided, no such dwelling unit need front upon a dedicated street.

(f) Access. Access shall be provided to each principal building in the project by means of either:

(1) A dedicated public street or alley; or

(2) An approved hard-surfaced private access drive, or by an emergency access easement.

Sec. 10.02.006 Floor area ratio, open space, recreation space and car spaces.

(a) The maximum floor area, the minimum open space and the minimum recreation space shall be as tabulated below:

(1) Ratio of floor area to land area: 55%.

(2) Ratio of open space to total floor area: 55%.

(3) Ratio of recreation space to total floor area: 10%.

Where indoor recreation space is provided, the square footage devoted to such space shall be excluded from the "total floor area" computation and included as a part of the total recreation space computation.

(b) The minimum number of car parking spaces shall be provided in accordance with the following ratios:

(1) Single-family detached dwelling units: two (2) spaces per unit.

(2) Two-family attached dwelling units: four (4) spaces per dwelling (two (2) spaces per unit).

(3) Efficiency units (zero bedrooms): one (1) space per unit plus one (1) additional space for each four (4) similar units.

(4) One-bedroom units (apartments): 1.25 spaces per unit.

(5) Two-bedroom units (apartments): 1.50 spaces per unit.

(6) Three-bedroom units (apartments): 1.75 spaces per unit.

(7) Four-bedroom units (apartments): 2.00 spaces per unit.

(c) Unified residential development is not permitted in manufacturing districts.

Sec. 10.02.007 through Sec.10.02.020 (Reserved).

DIVISION 2

SITE PLAN

Sec. 10.02.021 Required.

No permit shall be issued for construction in a unified residential development area unless there has been a site plan and a subdivision plat approved by the planning and zoning board and a plat thereof recorded in the county plat records subsequent to the effective date of this amendment. Four (4) prints of a proffered site plan shall be submitted for review.

Sec. 10.02.022 Information and final plat information required.

(a) The site plan shall show:

(1) The name of the record owner and the engineer, surveyor, architect or land planner responsible for preparation of the site plan.

(2) The name of the proposed development, including the names and locations of adjacent unsubdivided property and subdivisions, lot numbers, and owners' names of property within two hundred (200) feet of the project boundaries.

(3) The words "Unified Residential Development Site Plan" shall be noted below the name of the proposed development.

(4) Date, scale, and north point. The scale shall not be less than one (1) inch equals fifty (50) feet.

(5) An accurate delineation of the project boundaries shall be shown in heavy outline and properly dimensioned thereon.

(6) An accurate legal description including total acreage shall be noted on the plan.

(7) Name, location and width of all existing and proposed public and private street rights-of-way and traveled ways, including existing and proposed traveled way surface types, both within the project boundary and within two hundred (200) feet adjacent thereto. Such information may be shown on the site plan by notation or in a schedule made a part thereof.

(8) All existing and proposed drainage, access and utility easements shall be shown, dimensioned as to width and noted as to use.

(9) Intersection and midblock elevation grades of all public and private streets and drives which abut the project boundaries shall be shown, as well as preliminary proposed key intersection, parking area, and midblock grades of proposed streets and drives, within the project area, shall be shown. The provisions of this subsection may be waived by the city engineer, if in his opinion such information will not substantially aid in evaluating the traveled way and drainage portions of the proposed project.

(10) Existing topographic data shall be shown at a minimum of two-foot intervals for slopes greater than five (5) percent and five (5) feet intervals for slopes less than five (5) percent.

(11) Existing wooded areas, drainage courses and other significant topographical

features shall be shown on the plan in light outline. Outstanding individual trees and other significant land features shall be noted and identified for preservation. The planning and zoning board may, however, allow the owner to alter or remove some or all of the above-described features, if in its opinion the alteration or removal would alleviate some demonstrable hardship to the owner which could not otherwise be corrected through replanning without adversely affecting the project.

(12) Outlines of existing buildings that are to remain, and properly noted, plus outlines of the perimeter walls of proposed buildings shall be shown, including their distances from each other as well as to the nearest property line when minimum distance requirements are used.

(13) Identification, including the dimensions of: major open spaces; active and passive recreation areas; off-street parking areas and number of car spaces provided per parking area, access drives and streets, and if commercial uses are to be incorporated therein the location of off-street loading spaces shall be shown.

(14) A schedule shall be noted on the plan, showing the net areas devoted to: recreation (both active and/or passive); open space (other than that included in passive recreation space); parking areas including drives and streets; building coverage of land; total land area; proposed residential density expressed in terms of persons per gross acre (by building types and for the total project); total number of dwelling units proposed (exclusive of structure count).

(15) The general landscaping of trees and shrubs and sidewalks shall be shown. Additional written and signed statements explaining how and when the project is to be landscaped shall be included on supplemental eight-and-one-half-inch by eleven-inch sheets, titled "Proposed Landscape Plan," and identified as exhibit "A," shall be attached to the upper left hand corner of the plan.

(16) A written and signed statement as to how the recreation and open spaces are to be developed and maintained shall be attached in like manner as subsection (a)(15) above, and titled "Open Space Development and Maintenance," and identified as exhibit "B." Such statements shall identify any recreation or open space that is proposed to be dedicated and shall also be shown on the plan. If the open spaces and/or recreation areas are to be maintained by an association of homeowners, such exhibit shall identify those areas and a preliminary form of agreement shall be included which stipulates the obligations and responsibilities thereof, plus the length of time such agreement shall be effective. If such areas are to be maintained by a single owner or developer, it shall be so stated.

(17) If restrictive deed covenants are proposed for the project area, either a preliminary copy of such covenants or a list of the key items to be incorporated therein shall also be attached. Such covenants shall be titled "Restrictive Deed Covenants" and marked as exhibit "C."

(18) A certificate of approval block, in conformance with the commission's requirements, shall also be shown on the plan.

(b) The final plan shall be drawn, executed and submitted in conformance with the subdivision ordinance of the city, exhibit A of this chapter.

Sec. 10.02.023 Submission, hearing and approval.

Submission, hearing and consideration and approval of a unified residential development site plan shall be in accordance with the rules of procedure of the city planning and zoning board. The board

may deny, modify, approve or approve with conditions.

ARTICLE 10.02 REPLATS

Sec. 10.03.001 Replats.

(a) Any person who wishes to revise a subdivision plat which has been previously filed for record must make an application of the proposed revised plat to the City Council. The replat of the subdivision shall meet all the requirements for a subdivision that may be pertinent. However, if the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no engineering plans or preliminary plat will be required

(b) In the event the proposed replat involves property which has been previously developed or zoned as single-family or duplex residential use then special requirements are triggered as follows:

(1) After an application is filed for a replat affecting single-family and duplex property, the city manager shall give notice of the application to be published in the official newspaper of the city at least fifteen (15) days before the date of the City Council meeting at which it is to be considered. Such notice must include a statement of the time and place at which the City Council will meet to consider the replat and to hear protests to the revision at a public hearing. Additionally, written notice must be sent to all owners of property located within two hundred feet (200') of the property upon which the replat is requested. Such notice may be served by depositing the notice, properly addressed and postage paid, at the local post office.

(2) If twenty percent (20%) or more of the property owners to whom notice has been required to be given file a written protest of the replatting before or at the public hearing, then the affirmative vote of at least three-fourths (3/4) of the city council members is required to approve the replat.

ARTICLE 10.04 ENGINEERING PLAN REVIEW, INSPECTION AND TESTING SERVICES

Sec. 10.04.001 Fee established.

(a) Each plat or development applicant shall pay to the city an engineering plan review, inspection, and testing fee equal to four percent (4%) of the estimated cost of public improvements in and adjacent to the requested plat or development, as specified in the developer's contract. Public improvements include, but are not limited to, water distribution, sanitary sewer collection, new and/or improved streets, and storm sewer collection, which are constructed in public rights-of-way or easements.

(b) The determination of the engineering plan review, inspection, and testing fee shall be based upon contracts, proposals, and bid documents provided by the applicant to estimate the construction costs of public improvements. The fee shall be paid before the release of engineering plans, site plans and/or the commencement of construction.

(c) The fee shall be adjusted to correspond to four percent (4%) of the actual dollar amount of work accomplished, based upon receipt of a correct copy of the final payment of the improvements, filed with the city engineer, prior to the written acceptance of any work covered under the conditions of the developer's contract.

(d) Charitable, 501(c)(3) organizations are hereby exempted from payment of the aforementioned fee.

ARTICLE 10.05 SUBDIVISION ORDINANCE

Sec. 10.05.001 Subdivision Ordinance.

The subdivision ordinance (Ordinance No. 2684) adopted by the city on December 30, 1968, as subsequently amended, is included in this Code of Ordinances at the end of this chapter as exhibit A. Due to the nature of the subdivision ordinance and the technicalities involved in adopting or amending it, such ordinance has not been converted to code format but is printed herein as enacted with subsequent amendments inserted in their proper place and denoted by a history note following the amended provisions. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets.

EXHIBIT 10A SUBDIVISION ORDINANCE

ORDINANCE NO. 2684

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS GOVERNING PLATS, REPLATS, AND SUBDIVISION OF LAND WITHIN THE CORPORATE AND EXTRATERRITORIAL LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR CERTAIN DEFINITIONS AND PROCEDURES; PROVIDING REQUIREMENTS AND REGULATIONS FOR THE PREPARATION OF PRELIMINARY AND FINAL PLATS; PROVIDING FOR ACCEPTANCE OF SUBDIVISIONS BY SECTIONS AND REQUIREMENTS PRIOR TO ACCEPTANCE OF A FINAL PLAT; ESTABLISHING DESIGN CRITERIA AND CONSTRUCTION STANDARDS; DEFINING RESPONSIBILITY FOR PAYMENT OF INSTALLATION COSTS; ESTABLISHING REQUIREMENTS FOR SURVEYING, ENGINEERING, AND FINAL ACCEPTANCE OF THE SUBDIVISION; PROVIDING FOR INDUSTRIAL OR COMMERCIAL SUBDIVISIONS; PROVIDING FOR VARIOUS IMPROVEMENTS FOR ALL SUBDIVISIONS; ESTABLISHING VARIANCES AND PRESCRIBING PENALTIES FOR VIOLATION OF ITS PROVISIONS; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR SEPARABILITY AND A SAVING CLAUSE AND EFFECTIVE DATE. THIS ORDINANCE REPEALS ORDINANCE NO. 2021 AS AMENDED BY ORDINANCES 2379, 2412, 2102, 2179, 2130, 2124, 2123, 2029, 1966 AND 2072.

WHEREAS, under the laws of the State of Texas, hereafter every owner of any tract of land situated within the corporate or extraterritorial limits of the City of Sherman, who may hereafter divide the same into two or more tracts for the purpose of laying out any subdivision of such tract of land or any addition to said City of Sherman, or for laying out suburban lots, or building lots, or any lots, and streets, alleys, and other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, are required to submit a plat of such subdivision or addition for approval by the City Planning and Zoning Commission [Board] and City Council of the City of Sherman; and

WHEREAS, the City Council of the City of Sherman is empowered by law to promulgate and

establish the general plan of said City and its streets, alleys, and public utility facilities, including those which have been or may be laid out, together with the general plan for the extension of such City of Sherman, and of its roads, streets, and public highways within said City and extraterritorial limits thereof;

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

On and after the passage of this ordinance any person, firm, or corporation seeking approval of any plat, plan, or replat of any subdivision of land within the corporate or extraterritorial limits of the City of Sherman shall be required to comply with the requirements of this ordinance before such approval may be granted.

Sec. 1. Authority.

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Chapter 231, Acts of the 40th Legislature, Regular Session, 1927, as heretofore or hereafter amended (compiled as Article 974a, V.T.C.S.) [now V.T.C.A., Local Government Code ch. 212] and the provisions of Section 4 of the Municipal Annexation Act as heretofore or hereafter amended (compiled as Article 970a, V.T.C.S.) [now V.T.C.A., Local Government Code sec. 212.003], and other statutory authority expressed or implied as shown by the V.T.C.S. 1925, as amended.

Sec. 2. Purpose.

The purpose of this ordinance is to provide for the orderly, safe and healthful development of the area within the city and the extraterritorial area surrounding the city, and to promote health, safety, morals and general welfare of the community.

Sec. 3. Definitions.

For the purpose of interpreting this ordinance, certain words used herein are defined as follows:

(A) City: The word "city" shall be the City of Sherman, Texas, together with its governing and operating bodies.

(B) Council: The word "council" or "city council" shall be the duly elected governing body of the City of Sherman.

(C) Commission: The word "commission" or "planning commission" shall be the official city planning and zoning commission [board] of the City of Sherman, Texas, as appointed by the mayor.

(D) City engineer, city attorney, city clerk, director of public works, director of utilities and engineering, director of public services:Any office referred to in this ordinance by title, i.e., city attorney, city clerk, city engineer, director of public works, director of utilities and engineering, director of public services, etc., shall be the person so retained in this position by the city, or his duly authorized representative.

(E) Engineer: A person duly authorized under the provisions of the Texas Engineering Registration Act [Texas Engineering Practice Act, V.T.C.A., Occupations Code ch. 1001] to practice the profession of engineering in the State of Texas.

(F) Surveyor: A licensed state land surveyor or a registered public surveyor as authorized by the state statutes to practice the profession of surveying in the State of Texas.

(G) Master plan: The phrase "master plan" shall be the comprehensive plan of the City of Sherman and adjoining areas as adopted by the planning and zoning commission and city council, including all its revisions. The plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks and other public and private developments and improvements.

(H) Extraterritorial limits: That area recognized by state statutes as the extraterritorial limits of Sherman.

(I) Subdivision: The word "subdivision" shall mean the division of any lot, tract, or parcel of land situated within the corporate or extraterritorial limits of the city, into two or more lots or sites for the immediate or future purpose of sale or development, or for laying out residential, commercial, or industrial lots, or any lots and streets, alleys, or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. It also includes resubdivision or replatting of land, lots, or tracts.

Division of land for agricultural purposes, in parcels of five acres or more, shall not be included within this definition unless such division of five acres or more includes the planning or development of a new street, alley or access easement.

(J) Lot: A distinct and separate undivided tract or parcel of land having frontage on a public street, which is, or in the future may be, offered for sale, conveyance, transfer or improvement as a building site.

(K) Preliminary plat: The phrase "preliminary plat" shall be any plat of any lot, tract or parcel of land that is not to be recorded, but is only a proposed division of land and is presented only for review and study by the city.

(L) Final plat: The phrase "final plat" shall be any plat of any lot, tract, or parcel of land requested to be recorded of record in the deed records of Grayson County, Texas.

(M) Replatting: The word "replatting" shall be the resubdivision of any part of a previously platted subdivision, addition, lot or tract.

(N) Street: A public right-of-way, however designated, which provides vehicular access to adjacent areas.

(O) Street width: The words "street width" shall be the shortest distance between the lines which delineate the right-of-way of a street.

(P) Local street: The phrase "local street" shall be a street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several residential districts.

(Q) Collector street: The phrase "collector street" shall be a street which is continuous through several residential districts and is intended as a connecting street between residential districts and thoroughfares or business districts.

(R) Marginal access street: A street situated adjacent to a major street or highway that provides local traffic a route to travel that avoids the higher speed and traffic volume of the major street or highway.

(S) Thoroughfare streets: The phrase "thoroughfare streets" shall be the principal traffic thoroughfares continuous across the city, which are intended to connect remote parts of the city or areas adjacent thereto, and act as principal connecting streets with state and federal highways. Each thoroughfare street is designated on the major thoroughfare plan for Sherman.

(T) Alleys: A minor public right-of-way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

(U) Building line: The phrase "building line" shall be the line within a property which defines the minimum horizontal distance between the building and the adjacent property line.

(V) Subdivider or developer: Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The terms "subdivider" and "developer" shall be restricted to include only the owner, equitable owner or

authorized agent of such owner or equitable owner, of land to be subdivided.

(W) Utility easement: An interest in land granted to the city, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

(X) Cul-de-sac: A street having but one outlet to another street, and terminated on the closed end by a vehicular turnaround.

(Y) Dead-end street: A street, other than a cul-de-sac, with only one outlet.

(Z) Pavement width: The portion of a street available for vehicular traffic; where curbs are laid, it is the distance from back of curb to back of curb.

(AA) Standard pavement width: A street measuring thirty-one (31) feet from back of curb to back of curb.

(BB) Person: Any individual, association, firm, corporation, governmental agency or political subdivision.

(CC) May: The word "may" is permissive.

(DD) Shall: The word "shall" wherever used in this ordinance will be interpreted in its mandatory sense.

(EE) City elevation datum: The City of Sherman has adopted the U.S. Coast and Geodetic Survey Bench Mark reference system as the standard elevation reference for all work.

(FF) Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

Sec. 4. Development application and processing procedures.

(A) Preapplication Meeting.

(1) It is recommended that the applicant meet with an authorized representative of the Development Services Department to allow the applicant to learn the general procedures for approval, and to review the general plan of the proposed development, but the development/project shall not be discussed in sufficient detail to provide the City with fair notice of the project.

(2) No applications may be submitted to or accepted for filing with representatives of the Development Services Department during the meeting.

(3) No rights derived from Chapter 245 of the Texas Local Government Code, as amended, shall accrue from any Preapplication Meeting, Development Review Process or documents offered for review in connection therewith. There shall be no vested rights based on a Preapplication Meeting.

(B) General Application Contents.

(1) Application Contents Generally. All applications and filings shall meet the requirements as defined by the Development Application Checklist and Engineering Standards, as exists or may be amended, which shall be established and maintained by the Director of Development Services and the Director of Engineering Services, respectively. Incomplete applications shall not be accepted for filing and shall not be considered officially filed.

(a) Filing Procedure.

(i) All applications and filings for approval required by this Ordinance shall be filed with the Development Services Department.

(ii) The Development Application Checklist, as it exists or may be amended, shall prescribe the procedures for filing.

(iii) All applications and filings shall occur only on official Development Services Schedule Dates, published as part of the Development Application Checklist.

(iv) If an application or filing is rejected by the Development Services Department, then it is not considered filed under this Ordinance or the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.

(v) Any application submitted on a date other than an official Development Services Schedule Date shall be rejected and shall not be considered filed under this Ordinance and the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.

(vi) An application must be considered complete and officially filed in accordance with Section 4(C) of this Subdivision Ordinance prior to being processed for review and consideration.

(b) Development Review Schedule Dates. The Director of Development Services shall publish schedules of the official Development Review Processing Dates as follows:

(i) A Development Services Schedule for all land development applications and filings for the period January 1 to December 31 of each year shall be set by the Planning & Zoning Commission on or before December 1 of the year before such period and shall be published as part of the Development Application Checklist. Any changes or amendments to the approved schedule require Planning & Zoning Commission approval.

(ii) A Disapproval Development Services Schedule for the period January 1 to December 31 of each year shall be set by the Planning & Zoning Commission on or before December 1 of the year before such period and shall be published as part of the Development Application Checklist. Any changes or amendments to the schedule require Planning & Zoning Commission approval. The Disapproval Development Services Schedule shall govern an applicant's response to the conditional approval or disapproval of a plan or plat subject to Section 212.0093 of the Texas Local Government Code. Any such response submitted on a date other than an official Disapproval Development Services Schedule Date shall be rejected and shall not be considered filed under this Ordinance and the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.

(c) Fees Required. Every application shall be accompanied by the prescribed fees set forth in the City's fee schedule, as approved by City Council and as may be amended from time to time. The prescribed fee is not refundable.

(d) Delinquent City Taxes on Property. An application shall not be deemed complete, nor shall it be approved, if there are delinquent City taxes on the subject property.

(2) Modification of Applications Prior to Approval. The applicant may modify a

complete application following its filing and prior to the expiration of the period during which the City is required to act on the application only in accordance with the following conditions.

(a) If the modification is for revisions requested by the City, and the modification is received at least fourteen (14) calendar days prior to the time scheduled for decision on the application, the application shall be decided within the original period for decision (from the original official filing date) prescribed by this Subdivision Ordinance.

(b) Any other modifications to an application will not be accepted.

(C) Initiation, Complete Application and Expiration.

(1) Initiation by Owner. An application required under this Subdivision Ordinance may be initiated only by the owner of the land subject to the application, or by the owner's duly authorized representative. If the applicant is a representative of the property owner, the application shall include a written and notarized statement from the property owner, such as a duly executed "Power of Attorney," authorizing the representative to file the application on the owner's behalf.

(2) Applicability. The procedures within this Section shall apply to all applications that are required by the City and submitted in accordance with this Subdivision Ordinance.

(3) Determination of Completeness. Every application shall be subject to a determination of completeness by the responsible official for processing the application. An application must be complete in order to be accepted for review by the City.

(a) The application shall only be accepted by the responsible official for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of this Subdivision Ordinance. A typographical error shall not, by itself, constitute an incomplete application.

(b) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Subdivision Ordinance.

(c) A determination of completeness shall be conducted in accordance with the following procedures:

(i) If the application does not contain all information, as defined by the Development Application Checklist, as it exists or may be amended, and/or does not conform to all standards required by any ordinance, law, or regulation governing the application, then it shall be considered incomplete. The applicant shall be notified in writing within ten (10) business days if the submitted application is incomplete.

(ii) The City shall reject all incomplete applications and provide written notice of the rejection to the applicant by one of the following methods:

(1) Mail;

(2) Email;

(3) Delivery service; or

(4) Hand delivery or other delivery method of written notice approved by the Director of Development Services.

The written notice need not identify all reasons why the application was deemed incomplete. If the notice contains one or more reasons why the application was deemed incomplete, addressing the reason(s) identified in the notice does not guarantee acceptance of a subsequent application.

(iii) If the application is determined to be complete, the application shall be processed as prescribed by this Subdivision Ordinance.

(d) It is not guaranteed that an accepted, complete application will be approved, if after the application is deemed complete, it is determined that the application does not comply with this Subdivision Ordinance and all other applicable laws or regulations.

(4) 30-Day Action Extension Request.

(a) Request. An applicant may submit in writing a request to extend the 30-day action in relation to the decision time for plats of thirty (30) days, as mandated by State law.

(b) Received. If the applicant requests an extension, such request must be received by the municipal authority on or before the eleventh (11th) calendar day prior to the municipal authority's deadline to act at which action would have to be taken on the application (based on the 30-day requirement in State law). Extension requests that are not received by that day shall not be considered properly submitted, and action shall be taken on the application at such meeting as scheduled.

(c) Requirements Maintained. Submission of a request to extend the 30- day action, and acceptance of such waiver by the municipal authority, shall not be deemed in any way a waiver of any requirement within this Subdivision Ordinance. A waiver from requirements herein is a separate and distinct process.

(5) Official Filing Date. The 30-day time period established by State law for taking action on an application shall commence on the official filing date for the complete application pursuant to the Development Services Schedule, published as part of the Development Application Checklist. The official filing date shall be defined as the date the application is deemed complete by the responsible official in the manner prescribed by Section 4(C)(3).

Sec. 5. Preliminary plat.

(A) Procedure for conditional approval of preliminary plat.

(1) On reaching conclusions as recommended in section 4, the developer shall have prepared a preliminary plat of the proposed subdivision for submission to the planning commission.

(2) Copies of the preliminary plat as described in subsection (B) shall be submitted to the planning commission through the city manager's office at least fifteen (15) days prior to the commission meeting at which the plat is to be considered. The plat shall be transmitted by letter, which shall include a formal request for consideration by the commission.

(3) A fee set by the approved fee schedule per plat shall be collected by the department

~~of developmental services when a preliminary plat is submitted to the city for approval. The plat will not be reviewed or considered in any respect until such fee has been collected.~~

~~(B) Form and content of preliminary plat. The plat shall be drawn to a scale of one inch equals one hundred feet on paper measuring twenty-four (24) inches by thirty-six (36) inches. It shall show or be accompanied by this information:~~

~~(1) The name of the owner and developer.~~

~~(2) The name and seal of the licensed state land surveyor or registered public surveyor responsible for the survey and preparation of the plat.~~

~~(3) The title or name of the subdivision, which must not be so similar to that of an existing subdivision as to cause confusion.~~

~~(4) North point, date, scale.~~

~~(5) The location, name, and width of all existing and dedicated streets, alleys, and easements within or adjacent to the proposed subdivision, or within a distance of two hundred (200) feet of the proposed subdivision.~~

~~If there are no adjacent existing or dedicated streets and alleys within two hundred (200) feet of the proposed subdivision on any side, then a map on a smaller scale showing the outline and ownership of adjacent properties, locations of the nearest subdivisions, and existing or dedicated streets and alleys must accompany the preliminary plat.~~

~~(6) All physical features of the property to be subdivided, including location and size of all watercourses, ravines, bridges, culverts, existing structures, drainage area in acres draining into the subdivision, and other features pertinent to the subdivision. This information shall be shown on the contour map.~~

~~(7) The location, size, type and approximate depth of all existing utilities shall be shown. Invert elevations of all existing sewer lines and drainage structures shall be shown.~~

~~(8) The preliminary plat shall be submitted on a contour map with all elevations referenced to city datum. The contours shall be shown at intervals of not more than five (5) feet for terrain with an average slope of two percent (2%) or more, and at an interval of two (2) feet for terrain with slope less than two percent (2%).~~

~~(9) The plat shall show the actual boundary survey; however, the layout of the proposed subdivision lots, blocks and streets may be scaled dimensions. The acreage to be subdivided shall be shown.~~

~~(10) The proposed plan for the subdivision shall be shown, including all proposed streets and their names, alleys, easements, blocks, lots, building lines, etc., with principal dimensions. The width of rights-of-way for streets and alleys and the proposed pavement width shall be shown.~~

~~(11) The proposed plan for all water, sanitary sewer and drainage utilities shall be shown, using different colors for each utility.~~

~~(12) A designation of the proposed uses of land within the subdivision and any zoning amendments requested shall be shown.~~

~~(13) If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plat of the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided. The master plat shall conform in all respects to the requirements of the preliminary plat, except it may be on a scale of not more than one inch to four hundred (400) feet.~~

(14) The following notice shall be placed on the preliminary plat:
"Preliminary Plat, for Inspection Purposes Only. In No Way Official or Approved for Record Purposes."
(15) The following certificate shall be placed on the preliminary plat:

Chairman, City of Sherman Date

Planning and Zoning Commission

(C) Processing of preliminary plat.
(1) The city engineer shall check the preliminary plat as to its conformity with the master plan, thoroughfare street plan, land use plan, zoning districts, and the standards and specifications set forth or referred to herein.
(2) Pertinent copies of the preliminary plat data shall be submitted to the director of utilities and engineering, who shall check the same for conformity with the standards and specifications contained or referred to herein.
(3) The city engineer and the director of utilities and engineering shall transmit the preliminary plat data to the commission with their suggestions as to modifications, additions, or alterations of such plat data. This shall be transmitted to the commission in writing.
(4) Within thirty (30) days after the preliminary plat is formally filed, the commission shall approve or disapprove such plat, or conditionally approve it with modifications. The commission shall inform the developer in writing of the action taken.
(5) The commission's conditional approval of a preliminary plat shall be deemed as an expression of approval of the layout submitted on the preliminary plat as a guide to the installation of streets, water, sewer, and other required improvements and utilities, and to the preparation of the final plat. Conditional approval of a preliminary plat shall not constitute automatic approval of the final plat.
(6) Conditional approval of a preliminary plat shall be effective for a period of twelve (12) months unless reviewed by the commission in the light of new or significant information which would necessitate a revision of the preliminary plat. If the commission should deem changes in a preliminary plat as necessary, it shall so inform the developer in writing.
(7) If no development has occurred which would affect the proposed plat, after twelve (12) months of effective approval the commission may, upon the formal application of the developer, extend the approval twelve (12) additional months.

Sec. 6. Final plat.

(A) Procedure for approval of final plat.
(1) The submission of a preliminary plat and its conditional approval by the commission shall be a condition precedent to the preparation of a final plat.
(2) All changes, alterations and modifications required on the preliminary plat shall be incorporated into the final plat.
(3) The final plat may constitute only that portion of the approved preliminary plat which the developer proposed to record and develop at that time, provided that such portion conforms to all requirements of these conditions.

(4) The final plat shall be submitted to the commission through the city manager's office at least fifteen (15) days prior to the commission meeting at which the final plat is to be considered. The plat shall be transmitted by letter, which shall include a formal request for consideration by the commission.

(5) A fee set by the approved fee schedule shall be collected by the department of developmental services when a final plat is submitted to the city for approval. The plat will not be reviewed or considered in any respect until such fee has been collected.

(6) Proposed subdivisions adjacent to the limits of Sherman that are located outside the corporate limits shall be annexed into the city prior to accepting dedication of streets, alleys and easements, and approval of the final plat by the city council.

(7) The final plat shall be accompanied by a letter from the electric, gas and phone companies stating that all easements are satisfactory for the installation and maintenance of their respective utilities. The letter shall be accompanied by a print of the final plat showing the proposed utility plans.

(B) Form and content of final plat. The final plat shall be printed on mylar film measuring twenty-four (24) inches by thirty-six (36) inches. The scale shall be one inch equals one hundred (100) feet maximum. The original shall be submitted to the commission. The drawing shall be neat, legible and suitable for filing for record in the office of the county clerk of Grayson County. Patching and pasting of paper or other attachments is not acceptable. Allowance shall be made for a one-half (1/2) inch border at the top, bottom and right edges of the sheets, and a one and one-half (1 1/2) inch border at the left edge of the tracing sheets.

When more than one sheet is used for a plat, a key map showing the entire subdivision on a smaller scale shall be shown on the first sheet.

The plat shall show or be accompanied by this information:

(1) The name of the owner and developer.

(2) The name of the licensed state land surveyor or registered public surveyor making the survey and preparing the plat.

(3) The name of the proposed subdivision and adjacent subdivisions.

(4) The name of all streets.

(5) The numbers of lots and blocks, in accordance with a systematic arrangement.

(6) North point, date, scale and acreage being subdivided.

(7) An accurate boundary survey of the property, with bearings and distances referenced to survey lines and established subdivisions, with complete and accurate field notes of said boundaries. The lines, with dimensions, of all adjacent land, streets, alleys and easements in adjacent subdivisions shall be shown in dashed lines.

(8) Location of proposed lots, streets, alleys, easements, building setback lines (both front and side streets) and other features shall be shown with dimensions.

(9) All necessary dimensions, including linear, angular and curvilinear, and other surveying information necessary to reproduce the plat on the ground shall be shown. The linear and curvilinear dimensions shall be shown in feet and decimals of a foot. The angular dimensions shall be shown by true bearings in degrees, minutes and seconds. The length of all straight lines, deflection angles, radii,

tangents, central angles of curves, and the chords and arcs of curves shall be shown. All curve information shall be shown for the center line of the street based on arc definitions. Dimensions shall be shown from all angle points and points of curve of lot lines. All lots on curves shall be shown with curve length dimensions based on arc definitions.

(10) All survey monuments shall be shown on the plat.

(11) Certification that all taxes and fees have been paid.

(12) Certification by the surveyor who made the survey and prepared the plat shall be placed on the plat as follows:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, 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.

Signature: _____

Date: _____

The surveyor shall affix his seal on the plat adjacent to the certification.

(13) Certificate of approval by the city planning and zoning commission: (To be placed on the plat in a manner that will permit the completion of the certificate by filling in the blank spaces.)

Approved this _____ day of _____, 20 ___, by the City Planning and Zoning Commission of the City of Sherman, Texas.

Chairman Secretary

(14) Certificate of acceptance by the city council: (To be placed on the plat in a manner that will permit the completion of the certificate by filling in the blank spaces.)

Accepted by the City Council of the City of Sherman:

Mayor, City of Sherman, Texas Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing final _____ plat of Subdivision or Addition to the City of Sherman 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 hereinabove subscribed.

Witness my hand this _____ day of _____, A.D. 20 ___.

_____

City Clerk, City of Sherman, Texas

(15) Owner's certificate of dedication:

The certificate of dedication shall be executed by all persons, firms, or corporations owning an interest in the property subdivided and platted, and shall be acknowledged in the manner prescribed by the laws of the State of Texas for conveyance of real property. The wives of all married men executing such certificate of dedication shall join their husbands therein, unless satisfactory proof be provided showing that the property to be subdivided does not constitute any portion of such party's homestead, in which case the instrument of dedication shall state the fact that the property subdivided and platted does not constitute a part of such party's homestead. In the case of lienholders, they may execute a subordination agreement, subordinating their liens to all public streets, alleys, and any other public areas shown on the plat of such subdivision as being set aside for public uses and purposes. The certificate of dedication shall, in addition to the above requirements, contain the following:

(a) An accurate description of the tract of land subdivided.

(b) A statement and express representation that the parties joining in such certificate of dedication are the sole owners of such tract of land.

(c) An express dedication to the public for public use forever, of the streets, alleys, rights-of-way, parks, school sites, and other public places shown on the attached final plat.

(d) Where lots are platted with direct access to interior lots of a subdivision, a statement shall be placed upon the plat prohibiting access to boundary streets. If deed restrictions are filed for the subdivision, the same notation should be included.

(16) Avigation Release: (To be placed on a preliminary plat, final plat, replat, and any other plats in a manner that will permit the completion of the certificate by filling in the blank spaces.)

STATE OF TEXAS

COUNTY OF GRAYSON

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, _____, 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 in this plat.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas, a home-rule municipality, hereinafter called CITY, and the Sherman Municipal Airport, hereinafter called AIRPORT, and their respective successors and assigns, of and 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 any and all aircraft ("aircraft" being defined for the purpose of this instrument as any contrivance now known or hereinafter invented, including but not limited to jet, propeller driven, civil, military, experimental or commercial aircraft and helicopters, regardless of existing or future noise levels, designed or used for the purpose of transporting persons or property through the air, by whoever owned or operated), in the airspace over OWNER's property. Such release shall include, but not be limited to, any damages to OWNER'S 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, taking off from, operating at or on, or being maintained at the Sherman Municipal Airport, whether such claim be for injury or death to person or persons or damages to or taking of property.

This Release shall be binding upon OWNER and OWNER's successors, heirs, executors, administrators and assigns, , and shall be a covenant running with the land.

Executed this _____ day of _____, AD, 20 ___.

_____

(Owner)

(C) Processing of final plat.

(1) The city engineer shall check the final plat for conformity with the requirements of this ordinance and transmit his recommendations to the commission in writing.

(2) Within thirty (30) days after the final plat is formally filed, the commission shall approve or disapprove the plat.

(3) After approval of the final plat by the commission the developer shall transmit the plat to the city council in writing and request that formal action be taken regarding the approval or disapproval of the plat. The city council shall at its next regularly scheduled meeting consider the final plat and accept or reject by formal action the plat and the dedication of all public property therein set forth. If the plat is disapproved, the council shall within ten (10) days give written notice to the developer, stating the reasons for disapproval.

(4) After acceptance of the final plat by the city council, the city clerk shall within ten (10) days cause such plat to be recorded in the deed records of Grayson County, Texas.

Sec. 7. Acceptance of final plat by sections.

A developer, at his option, may obtain approval of a portion or a section of a subdivision provided he meets all the requirements of this ordinance with reference to such portion or section in the same manner as is required for a complete subdivision. In the event that a subdivision and the final plat thereof are approved in sections by the commission and city council, each final plat of each section shall carry the name of the entire subdivision, but shall bear a distinguishing letter, number or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections.

When the proposed subdivision constitutes a unit of a larger tract owned by the developer which is intended to be subsequently subdivided as additional units of the same subdivision, the

preliminary and final plats shall be accompanied by a layout of the entire area, showing the tentative proposed layout of streets, blocks, drainage, water, sewer and other improvements for such areas. The overall layout, if approved by the commission, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the city engineer. Thereafter, plats of subsequent units of such subdivision shall conform to such approved overall layout, unless changed by the commission. However, except where the developer agrees to such change, the commission may change such approved overall layout only when the commission finds:

(A) That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this ordinance, or

(B) That adherence to the previously approved overall layout will be detrimental to the public health, safety, or welfare, or will be injurious to other property in the area.

Sec. 8. Replatting.

Property which has been previously dedicated by plat shall not be replatted except in accordance with Vernon's Annotated Civil Statutes, Article 974a, Section 5, or as thereafter amended.

A fee set by the approved fee schedule per replat shall be collected for each replat that does not require a preliminary plat. If a preliminary plat is required, the fee for the replat shall be the same as required for a preliminary plat. The replat will not be reviewed or considered in any respect until such fee has been collected.

Sec. 9. (Reserved).

Sec. 10. Provisions for parks and recreational areas.

The city reserves the right to negotiate with the developer to acquire property within the subdivision for parks and recreational areas. The location of these areas will be in general accordance with the comprehensive plan for the City of Sherman, as adopted by the city council on the 18th day of November, 1968.

Sec. 11. Minimum required improvements.

The developer shall place these improvements in all new subdivisions located within the city limits, or those subdivisions which are outside of the city limits and desire to be annexed, or are subject to annexation by law. The satisfactory installation of these improvements shall be a precedent to the final approval and acceptance of the subdivision by the city.

(A) Streets:
- (1) Lime stabilized subgrade.
- (2) Reinforced concrete street with integrated curb.
- (3) Street signs.

Alternate paving sections may be used in:
- (1) Rural type subdivisions; and
- (2) Infill subdivisions with twenty (20) lots or less and completely surrounded by developed subdivisions with asphalt streets.

(B) Water supply and distribution system:
- (1) Water supply and treatment facilities if not connected to city system.
- (2) Water mains.
- (3) Fire hydrants.
- (4) Service connections.
- (5) Valves, fittings and miscellaneous parts required to complete the system.

(C) Sewage collection and treatment system:
(1) Sewage collection lines.
(2) Manholes.
(3) Lift stations.
(4) Cleanouts and other miscellaneous elements required to complete the system.
(5) Sewage treatment facilities if not connected to city system.
(6) Service connections.
(D) Storm drainage system:
(1) Storm sewer lines.
(2) Inlets.
(3) Manholes.
(4) Junction boxes.
(5) Drainage channels.
(6) Box culverts.
(7) Valley gutters and other miscellaneous elements required to complete the system.
(E) Sidewalks (where required).

Sec. 12. Design criteria.

(A) GENERAL:
(1) Conformity with comprehensive plan: The subdivision shall conform to the comprehensive plan of the City of Sherman and the parts thereof.
(2) Reserve strips prohibited: There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.
(B) STREETS:
(1) General:
(a) Street layout: Adequate streets shall be provided by the developer, and the arrangement, character, extent, width, grade and location of each shall conform to the thoroughfare plan of the City of Sherman, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood.
(b) Projection of streets: Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.
(c) Standard pavement width: The standard pavement width on which the developer shall be required to construct all street improvements shall be thirty-one (31) feet back to back of curb. All street paving over this width shall be subject to participating aid by the city.
(d) Half-streets or adjacent streets: No new half-streets shall be platted except where the portion of the new street is the projection of an existing collector or thoroughfare street.
(e) Dead-end streets: Dead-end streets shall be prohibited except as short stubs to permit future extension into adjacent land not yet subdivided. In this case the streets shall extend to the boundaries of the land being subdivided.
(f) Cul-de-sacs: In general, streets leading to cul-de-sacs shall not exceed five

hundred (500) feet in length, and the cul-de-sac shall have a turnaround right-of-way of not less than one hundred (100) feet in diameter in residential areas and two hundred (200) feet in commercial and industrial areas. The back of curb radius for residential cul-de-sacs shall be thirty-one (31) feet and the back of curb radius for industrial cul-de-sacs shall be ninety (90) feet.

(g) Curb and gutter: Curb and gutter shall be installed by the developer on both sides of all interior streets. Provisions for curb and gutter shall be made on boundary streets in accordance with the paragraph entitled "Boundary streets".

(h) Street names: Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case the names of existing streets shall be used.

(i) Streetlights: Streetlights shall be installed by the Texas Power and Light Company and approved by the city.

(1) Local streets: In general, local streets shall have 0.2 horizontal footcandles maintained average, with a maximum uniformity ratio of one to six.

(2) Collector streets: In general, collector streets shall have 0.6 horizontal footcandles maintained average, with a maximum uniformity ratio of one to three.

(j) Street signs: The city shall install street signs, at the developer's expense, at all intersections within the subdivision. This fee shall be paid prior to acceptance of the streets and utilities.

(k) Boundary streets:

(1) New local, collector, marginal access, and thoroughfare streets that will serve as boundary streets to a proposed subdivision shall conform to the applicable sections of this ordinance for right-of-way and pavement width.

(2) No new half-streets shall be platted except as defined in paragraph (B)(1) and (d) of section 12, or where required to accommodate previously platted half-streets.

The developer shall make available by dedication that portion of right-of-way from his property that is a projection of a major or thoroughfare street.

(3) When the proposed subdivision abuts upon an existing street or half-street that does not conform to the requirements of this ordinance for right-of-way, the developer shall dedicate right-of-way sufficient to make the right-of-way on his side of the street conform to the general plan for this street and this ordinance.

(4) When the proposed subdivision abuts upon an existing substandard boundary street, and the developer plats single family residential lots with direct access to the boundary street, the developer shall make a payment to the city to cover future paving improvements.

~~This deposit shall be based upon the developer paying for curb and gutter and one-half of the cost of paving a standard width street. This deposit shall be made in lieu of the actual construction in all cases and shall be made prior to the initiation of the one-year warranty period and the issuance of occupancy permits. See section 13, paragraph (A)(1) for further explanation.~~

~~(5) Boundary streets that are platted for the primary purpose of providing traffic routes into and through the subdivision shall be constructed as a part of the subdivision development.~~

~~(l) Relation of adjoining streets and land: The system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions, and where adjacent connections are not platted, must, in general, be the reasonable projection of streets in the nearest subdivided tracts, and must continue to the boundaries of the tract subdivided, so that other subdividers may connect therewith.~~

~~Reserve strips of land controlling access to other property or to any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes, or which will not be taxable or accessible for special improvements shall not be permitted in any subdivision.~~

~~(m) Marginal access streets: Where a subdivision abuts or contains an existing or proposed major street, railroad, or highway, the commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.~~

~~(n) Block length and width: In general, intersecting streets determining the block lengths and widths shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets. Where no existing subdivision controls, the blocks shall not exceed nine hundred (900) feet in length, nor be less than four hundred (400) feet in length. Where no existing subdivision controls, the block width or depth shall not exceed three hundred fifty (350) feet, nor be less than two hundred (200) feet. When possible, the block widths and lengths shall be such as to allow two (2) tiers of lots back to back.~~

~~(2) Local street design criteria:~~

~~(a) Terrain classification:~~

~~(1) Ordinary: Cross slope range of 0% to 8%.~~

~~(2) Rolling: Cross slope range of 8.1% to 15%.~~

~~(3) Hilly: Cross slope of over 15%.~~

~~(b) Development density:~~

~~(1) Low: Two or less dwelling units per acre.~~

~~(2) Medium: Between two and six dwelling units per acre.~~

~~(3) High: Over six dwelling units per acre.~~

~~(c) Street right-of-way width: The right-of-way of local streets shall be fifty~~

~~(50) feet.~~

~~(d) Pavement width: Local streets shall be thirty-one (31) feet wide from back of curb to back of curb.~~

~~(e) Minimum centerline radius: The minimum centerline radius shall be one hundred seventy-five (175) feet.~~

~~(f) Maximum street grade:~~

~~(1) Ordinary terrain: 4.0%~~

~~(2) Rolling terrain: 8.0%~~

~~(3) Hilly terrain: 15.0%~~

~~(g) Minimum street grade: The minimum grade for local streets shall be 0.40%.~~

~~(h) Design speed:~~

~~(1) Ordinary terrain: 25 mph.~~

~~(2) Rolling terrain: 25 mph.~~

~~(3) Hilly terrain: 20 mph.~~

~~(i) Vertical curve length: The minimum vertical curve length (in feet) shall be calculated by multiplying the algebraic difference in grades (in percent) times the proper "K" factor.~~

~~20 mph, K = 10 for crest and 15 for sag curve~~

~~25 mph, K = 15 for crest and 20 for sag curve~~

~~30 mph, K = 30 for crest and 35 for sag curve~~

~~(3) Collector street design criteria:~~

~~(a) Terrain classification: Same as for local street.~~

~~(b) Development density: Same as for local street.~~

~~(c) Street right-of-way width: The right-of-way for collector streets shall be sixty (60) feet.~~

~~(d) Pavement width: Collector streets shall be thirty-seven (37) feet wide from back to [of] curb to back of curb.~~

~~(e) Minimum centerline radius:~~

~~Without superelevation the minimum centerline radius shall be:~~

~~(1) Ordinary terrain: 375 feet~~

~~(2) Rolling terrain: 375 feet~~

~~(3) Hilly terrain: 260 feet~~

~~With a superelevation of 0.08 foot per foot the minimum centerline radius may be decrease to these values:~~

~~(1) Ordinary terrain: 250 feet~~

~~(2) Rolling terrain: 250 feet~~

~~(3) Hilly terrain: 175 feet~~

~~(f) Maximum street grade:~~

~~(1) Ordinary terrain: 4.0%~~

~~(2) Rolling terrain: 8.0%~~

~~(3) Hilly terrain: 12.0%~~

~~(g) Minimum street grade: The minimum grade for collector streets shall be 0.40%.~~

~~(h) Design speed:~~

~~(1) Ordinary terrain: 30 mph~~

~~(2) Rolling terrain: 30 mph~~

(3) Hilly terrain: 25 mph

(i) Vertical curve length: Same as for local street.

(4) Marginal access streets:

(a) Terrain classification: Same as local street.

(b) Development density: Same as local street.

(c) Street right-of-way width: The right-of-way for marginal access streets shall be forty (40) feet.

(d) Pavement width: Marginal access streets shall be twenty-seven (27) feet wide from back of curb to back of curb.

(e) Minimum centerline radius: Same as local street.

(f) Maximum street grade: Same as local street.

(g) Minimum street grade: Same as local street.

(h) Design speed: Same as local street.

(i) Vertical curve length: Same as local street.

(5) Thoroughfare street design criteria: Specific criteria for designing thoroughfare streets shall be developed for each individual street project. Generally, the recommendations of the thoroughfare plan as they pertain to right-of-way and pavement width, in conjunction with recognized engineering criteria, shall be utilized to establish the design criteria for these streets.

(6) Intersection design criteria:

(a) Clear sight distance: The clear sight distance along each approach leg shall be:

(1) Ordinary terrain: 90 feet

(2) Rolling terrain: 90 feet

(3) Hilly terrain: 70 feet

(b) Vertical alignment within intersection area: In general, intersection areas shall be designed with a flat grade. In particular situations these grades may be permitted:

(1) Ordinary terrain: Flat

(2) Rolling terrain: 2.0%

(3) Hilly terrain: 4.0%

(c) Minimum angle of intersection: In general, all streets should intersect at approximately a ninety (90) degree angle, and in no case shall the angle be less than seventy-five (75) degrees. Not more than two streets shall intersect at one point.

(d) Minimum curb radius:

(1) Local–local intersection, 20 feet

(2) Local–collector intersection, 25 feet

(e) Minimum centerline offset of adjacent intersections:

(1) Local–local, 150 feet

(2) Local–collector, 150 feet

(3) Collector–collector, 200 feet

(7) Laboratory testing of street materials: The city will retain the services of a reputable commercial testing laboratory or will perform the necessary tests on subgrade soils and concrete. These laboratory tests will be made:

(a) Proctor Density Curves to establish the optimum density-moisture

relationship for the subgrade soil.

(b) Tests during the construction phase to determine if the lime stabilized subgrade and concrete material have been placed as specified.

(c) The proper tests to determine if the concrete surfacing meets the requirements of the specifications.

(C) ALLEYS:

(1) General: Alleys shall be provided where existing alleys or previously platted alleys would be closed or shut off if an alley was not platted and constructed in the new subdivision. No dead-end alleys will be permitted.

Where two (2) alleys intersect within a block, a cutoff of not less than ten (10) feet from the normal intersection of the property lines shall be provided along each property line.

Alleys shall be platted approximately parallel to the frontage of the street. If alleys are not straight within each block, or if they do not connect on a straight course with the alleys of adjoining blocks, then an easement shall be provided where necessary on lot division lines for placing guy wires.

Aerial overhang easements shall be provided where required by utility companies.

(2) Residential: Alleys with not less than twenty (20) feet of right-of-way width, with a paved surface of not less than ten (10) feet, shall be optional.

(3) Commercial and industrial: Alleys or loading courts shall be provided in blocks to be used for any purpose other than residential. The minimum right-of-way width shall be thirty (30) feet, and such alley or court shall be paved in its entirety.

(4) Paving.

(a) All alleys shall be constructed of concrete. The minimum pavement width for alleys shall be ten (10) feet. The maximum width of pavement for alleys shall be sixteen (16) feet.

(b) All aspects of alley construction shall be in accordance with the requirements and documents titled "City of Sherman Standard Specifications and Contract Documents for Public Works Construction" which are on file in the city clerk's office of the City of Sherman. The city engineer may alter any alley construction requirements to meet special site conditions as warranted.

(D) EASEMENTS:

Utility easements shall be provided as required by the commission to provide adequate space for the installation and maintenance of all utility lines within the subdivision, and across adjacent property where necessitated by the subdivision of any land.

(E) LOTS:

(1) The lot size, width, shape, depth and orientation, and the minimum building setback lines shall be in accordance with the zoning ordinance.

(2) Each lot shall front upon a public street.

(3) Double frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen reservation of at

least ten feet, and across which there shall be no right of access shall be provided along the line of lots abutting such a traffic artery or other similar use.

(4) Side lot lines shall be substantially at right angles or radial to street centerlines.

(F) SIDEWALKS:

Four (4) feet sidewalks shall be installed on all street frontages of residential and commercial subdivisions and where deemed necessary by the commission or city council to provide circulation or access to schools, playgrounds, shopping centers, and transportation and other community facilities, or to provide pedestrian circulation within the subdivision.

Exceptions:

1. Sidewalks that terminate at the right-of-way of Highways 75, 82, 91 (Texoma Parkway), 11 (Dewey Avenue), FM 131 (North Travis), 691, 902, and 1417.
2. Lots adjacent to developed lots that have no sidewalk.
3. Industrial and rural type developments.

(G) WATER SUPPLY AND DISTRIBUTION SYSTEM:

(1) All subdivisions shall be provided with water supply and water distribution systems approved by the city and meeting the requirements of the state department of health.

(2) The water supply and distribution system shall be designed to provide the anticipated water consumption within the subdivision, including fire protection. Recognized engineering design criteria shall be used to design the system.

(3) Fire hydrants shall be located so that every building within the subdivision will be within five hundred (500) feet of a fire hydrant. The water distribution system and the location of fire hydrants shall be in accordance with the requirements of the state board of insurance. Additional fire hydrants that are desired by the city shall be paid for by the city.

(4) The City of Sherman may require larger water mains than are necessary to serve the subdivision in order to provide for future development for the area. In the event that larger lines are required, then the developer shall be entitled to participating aid from the city on said oversized lines.

(H) SEWAGE COLLECTION AND TREATMENT SYSTEM:

(1) All subdivisions shall be provided with an approved sewage collection and treatment system.

(2) Connection with the city's sanitary sewer system shall be required except where the city engineer determines that such connection will require unreasonable expenditure when compared with other methods of sewage disposal.

(3) When septic tanks are permitted, the developer shall conduct percolation tests under the supervision of a registered professional engineer in accordance with requirements of the state department of health in order to determine the adequacy of proposed lot sizes and the soil.

(4) If a sanitary sewage treatment system is to be installed, the plans for such system shall be approved by the state department of health and a permit secured from the Texas water quality board prior to approval of the final plat by the city council.

(5) The sewage collection system shall be designed to handle the anticipated flow of sewage from within the subdivision, including development of future sections of

the same subdivision. Recognized engineering design criteria in accordance with the requirements of the state department of health shall be used to design the system.

(6) All sewer lines shall be on such a grade as to provide a minimum velocity of two (2) feet per second when using an "N" value of 0.013 in the Manning Formula.

(7) The minimum size line, excluding house service lines, shall be six (6) inches in diameter.

(8) Manholes shall not be spaced more than four hundred (400) feet apart and shall be provided at all changes in grade, direction and pipe size.

(9) The City of Sherman may require larger sewer lines than are necessary to serve the subdivision and future development of the same subdivision, in order to provide for future development of the area. In the event that said larger lines are required, then the developer shall be entitled to participating aid from the city on said oversized lines.

(I) DRAINAGE:

(1) That the 2002 Edition of the City of Sherman's Storm Drainage Design Manual, being Chapters 1 through 9, together with all appendices being A through G, is hereby adopted in its entirety as if fully set forth herein, as the Storm Drainage Design Manual of the City of Sherman, Texas.

(2) The storm drainage system shall be designed in accordance with the requirements of the City of Sherman's Storm Drainage Design Manual.

(J) WATER AND SEWER HOUSE SERVICE CONNECTIONS:

Water and sewer service connections shall be provided for every lot in the subdivision and the city plumbing code shall govern the size and material.

A creosote post, four (4) inches in diameter and two (2) feet long, shall be used to mark the end of utility service lines. This post shall be buried so that one end is exposed approximately two (2) inches above finished grade. Sewer lines shall be terminated with the insertion of a precast plug and water lines shall terminate with a curb stop.

(K) OTHER UTILITIES:

The developer shall make arrangements with the appropriate private utility companies for the extension of their respective utility services to and within the subdivision.

(L) SITE GRADING:

After completion of the streets and utilities the site shall be cleaned up and graded to drain.

(M) STORMWATER CRITERIA:

(1) The developer shall be responsible for all costs associated with the construction of culverts, box culverts or bridges required to pass stormwater flows under streets. The following design criteria are to be utilized in calculating the required structure size:

Street Designation	**Structure Capacity**	**Overflow**
Local street (31 feet b/b)	25-year storm	100-year storm
Collector street (37 feet b/b)	50-year storm	100-year storm

Street Designation	Structure Capacity	Overflow
Thoroughfare street	100-year storm	As required

(2) The quantities of storm flow shall be calculated utilizing the methodology as set forth in the City of Sherman's Storm Drainage Design Manual.

Sec. 13. Responsibility for payment of installation costs.

The purpose of this section is to define how costs of subdivision development are to be apportioned between the city and the developer.

(A) STREETS:

(1) General: The developer shall pay the entire cost of constructing all streets that do not exceed thirty-one (31) feet between the backs of curbs. The thirty-one-foot wide street is recognized as the standard pavement width in the City of Sherman.

If any security other than cash is paid to the city to cover the future paving improvements, as is hereinafter required, the security shall contain a provision for increasing the amount of the security at a rate of four percent per annum. This increase shall be for the purpose of offsetting any increase in construction cost that occurs prior to the time that the improvements are actually constructed.

(2) Local streets: The developer shall pay the entire cost of constructing all local streets.

(3) Collector streets: The developer shall construct collector streets as part of the subdivision. The city will share in the cost of these streets by paying the cost of that portion of the street that exceeds thirty-one (31) feet between the backs of curbs. This amount will be determined from the unit prices received under the terms of the bidding documents.

(4) Boundary streets:

(a) Existing streets: When the proposed subdivision abuts upon an existing substandard boundary street, and the developer plats single family residential lots with direct access to the boundary street, the developer shall make a payment to the city to cover future paving improvements. This deposit shall amount to the cost of curb and gutter, and one-half of the cost of constructing a street. Construction shall include required excavation, compacted limestone base, and surfacing a standard width street. The actual unit prices to determine the amount placed on deposit shall be determined by the director of engineering and planning from the latest available street construction costs within the city. This deposit shall be made in lieu of the actual construction in all cases, and shall be made prior to the initiation of the one-year warranty period and issuance of occupancy permits. This deposit shall draw interest annually at a rate not to exceed that which the City of Sherman receives for the same sum being placed on certificates of deposit in a special account, regardless of the length of time the deposit remains, but not beyond the actual date construction commences.

(b) New streets: New boundary streets that are platted for the primary purpose of providing traffic routes into and through the subdivision shall be constructed by the developer as part of the subdivision development. If the

commission or city council determines that this street should be a collector street, then the city will participate in the cost in accordance with paragraph (3) above.

(5) Marginal access streets: The developer shall pay the entire cost of constructing marginal access streets.

(6) Thoroughfare streets: Boundary street criteria regarding street costs shall also apply to existing thoroughfares. All thoroughfare street design and construction will be handled by the city. The developer shall make a payment to the city to cover the future paving improvements. This deposit shall amount to the cost of curb and gutter and one-half (1/2) of the cost of paving a standard width street. The actual unit prices to determine the amount placed on deposit shall be the unit prices received under the terms of the bidding documents. This deposit shall be for one side of the street only and shall be doubled if both sides of the thoroughfare street will be in the proposed subdivision. This deposit shall be made in lieu of the actual construction in all cases, and shall be made prior to the initiation of the one-year warranty period and issuance of occupancy permits.

(7) Oversize streets in multifamily and commercial developments: The minimum right-of-way width for streets in or adjacent to commercial and multifamily developments shall be sixty (60) feet. All streets within or adjacent to commercial subdivisions or multifamily portions of developments shall be constructed to a minimum width of thirty-seven (37) feet back-to-back of curb and conform to the construction and geometric criteria for collector streets. Cul-de-sacs in these areas shall exhibit a minimum radius of fifty (50) feet to back of curb within a sixty-foot radius right-of-way.

Additional traffic is generated when previously developed land bordering or containing existing streets is rezoned or replatted for high intensity uses. To address the additional traffic, the city will require additional street width up to one (1) traffic lane (twelve-foot width). The property owner/developer will provide the additional right-of-way required and will bear all costs associated with the required widening of the street.

Areas replatted or rezoned to multifamily or commercial status shall be required to comply with the requirements of this section.

The developer shall bear all costs associated with streets in or adjacent to commercial and multifamily areas, except streets over thirty-seven (37) feet in width required by the city. The city will participate in the street construction costs (subject to funds availability and approval of the city council) only when the extra street width is necessary to provide capacity to handle the through traffic above and beyond the traffic needs of the proposed development.

The board of adjustment shall have the authority to make recommendations to the city council for exceptions to these requirements upon showing of justification, utilizing sound engineering practices.

(B) STREET SIGNS:

~~The developer shall pay for street signs and their installation. The city will install the signs.~~

~~(C) SIDEWALKS:~~

~~The developer shall pay for all sidewalks.~~

~~(D) WATER DISTRIBUTION SYSTEM:~~

~~The developer shall pay all costs of the water supply and distribution system, except oversized mains which the city requires for future development of the area.~~

~~The city may require larger mains than are necessary to serve the subdivision in order to provide for future development of the area. In the event that said larger lines are required, then the developer shall be entitled to participating aid from the city on said oversized lines.~~

~~An eight-inch nominal inside diameter water main has been established by the city as the standard size of water main for purposes of determining the extent of participating aid from the city. The city will only participate in the cost of water lines which are sized larger than eight (8) inches in diameter for reasons of providing for future development. This does not apply to lines sized larger than eight (8) inches for the purpose of serving future sections of the same subdivision.~~

~~Six-inch lines will be acceptable when engineering calculations verify that a larger line will not be necessary to serve a future development.~~

~~The amount of participation by the city will be determined by taking alternate bids for the oversized line and fittings versus the cost of an eight-inch line and equivalent fittings. The city will pay the difference in cost between the oversized lines and the eight-inch line as determined by the alternate bids.~~

~~For water service connections made by the city, the city will provide the corporation cock and make the connection. The plumber shall be responsible for excavating and backfilling a suitable pit for the city to work in while making the connection. The plumber shall pay the standard "tap fee" for the size of the connection made.~~

~~(E) SEWAGE COLLECTION AND TREATMENT SYSTEM:~~

~~The developer shall pay all costs of the sewage collection and treatment system, except oversized collection lines which the city requires for future development of the area.~~

~~The city may require larger lines than are necessary to serve the subdivision in order to provide for future development of the area. In the event that said larger lines are required, the developer shall be entitled to participating aid from the city on said oversized lines.~~

~~An eight (8) inch nominal inside diameter sewer line has been established by the city as the minimum size of sewer line for purposes of determining the extent of participating aid from the city. The city will only participate in the cost of sewer lines which are sized larger than eight (8) inches for reasons of providing for future development. This does not apply to lines sized larger than eight (8) inches for the purpose of serving future sections of the same division.~~

~~The amount of participation by the city will be determined by taking alternate bids for the oversized city line versus the cost of an eight (8) inch line. The city will pay the difference in cost between the oversized line and the eight (8) inch line, as determined by the alternate bids.~~

~~(F) EXTENSIONS OF WATER AND SEWER LINES:~~

~~All water and sewer line extensions will be handled under the pro rata Ordinance No. 2336 [currently article 13.07, division 4, of the Code of Ordinances].~~

The City of Sherman shall, at the expense of the developer of the subdivision being considered, use its power of eminent domain in securing easements and/or rights-of-way required for public utilities to provide for the orderly and planned growth of the community and to serve future residents.

(G) STORM DRAINAGE SYSTEM:
The developer shall pay all costs of the drainage system.
(H) LABORATORY TESTING SERVICES:
The city will pay all fees for laboratory testing required by this ordinance.
(I) ENGINEERING AND SURVEYING:
The developer shall pay all fees and charges for engineering and surveying services required by this ordinance.
(J) ALL OTHER COSTS:
The developer shall pay all other costs that are not specifically covered by this section.

Sec. 14. Construction standards.

All improvements shall be made in accordance with the standards established by this ordinance that are in effect at the time of the preapplication conference.

The city engineer has been authorized to promulgate rules, regulations, standards, specifications and other documents as necessary to establish minimum criteria for the construction of streets and utilities to be constructed within the City of Sherman and the area within the limits of its jurisdiction. These standards, specifications and documents are titled "City of Sherman Standard Specifications and Contract Documents for Public Works Construction" and are on file in the city clerk's office. This document may be amended periodically, provided that an amendment must be filed with the city clerk at least ten (10) days prior to the date such amendment becomes effective. These rules, regulations, standards, specifications and documents shall not conflict with this or any other ordinances of the City of Sherman.

Sec. 15. Surveying and engineering.

(A) SURVEYING:

(1) General: The developer shall retain a licensed surveyor to make all property surveys, prepare the plat, set the property monuments and lot corners and do the necessary construction staking. The fees, salary and other compensation for such surveying services shall be paid for by the developer.

(2) Accuracy: All survey work shall have a maximum error of closure of one in seven thousand five hundred (1:7500).

(3) Monuments: Permanent type monuments shall be placed at each corner and angle point of the boundary survey of the subdivision, as well as at the corners of all street intersections within the subdivision, and on all property line points of curve and tangent.

These monuments shall be Class "B" concrete, eight (8) inches in diameter, and thirty-six (36) inches long. A three-fourths (3/4) inch diameter steel bar eighteen (18) inches long shall be placed in the center of this monument to denote the exact point being marked. These monuments shall be set so that they are flush with the finished grade.

(a) Common boundaries: If the adjacent, abutting or adjoining property outside the subdivision does not belong to the developer of the subdivision being considered,

then the developer must acquire written agreement between himself and the owner or owners of adjacent, abutting or adjoining property as to the common boundary line between said properties.

In the event the developer of the subdivision under consideration and the owner or owners of adjacent, abutting or adjoining properties cannot agree on a common boundary line, then the City of Sherman shall act, at the expense of the developer of the subdivision being considered to establish the legal boundary, and at least three (3) permanent markers shall be placed, with the consent of the city and the property owners involved, establishing an agreed point which shall be tied to the original survey or ancient subdivision as provided thereof.

(B) ENGINEERING:

The developer shall retain a registered civil engineer to prepare the plans and specifications and supervise the construction of the streets and utilities. Plans and specifications will not be reviewed or considered in any respect unless a registered civil engineer is in charge of the design and supervision of construction of the proposed improvements and his seal is affixed to the plans and specifications.

It shall be the duty of such engineer to insure that the plat, plans, and specifications are in accordance with the requirements of this ordinance, and that all improvements are constructed in accordance with this ordinance.

The fees, salary and other compensation for such engineering services shall be paid by the developer.

These provisions will not be applicable for utilities such as gas, telephone, and electric power, where such utilities are designed and constructed by private companies who are franchised to operate in Sherman.

Sec. 16. Authority of city engineer.

The city engineer, or his representative, shall have the authority to inspect any and all improvements to insure the fulfillment of the intent of this ordinance. He has the authority to require the removal and/or replacement, at the expense of the developer, of any phase of the work which is not in accordance with the requirements of the plat, plans, specifications, or this ordinance.

Sec. 17. Construction plans and specifications.

(A) GENERAL:

Prior to the construction of any streets or utilities, the developer shall furnish two (2) complete sets of plans and specifications for said construction to the city engineer. These documents shall be transmitted in writing.

These plans and specifications will be reviewed for conformity with this ordinance and the city standards. The plans and specifications shall be approved in writing prior to any construction.

Prior to construction the developer shall present to the city a signed and notarized developer's contract between himself and the city. The developer's contract shall be in accordance with Section 18 of this ordinance.

The city engineer shall be notified prior to the beginning of construction so that he may inspect the work.

(B) PLANS:

(1) General: The plans shall be securely bound and shall consist of a title sheet and such plan-profile and detail sheets as are required to meet the requirements of this ordinance and to properly define the proposed work.

The title sheet shall show the name of the subdivision, engineer, date, and an index of drawings.

Each plan-profile and detail sheet shall contain this minimum general information: engineer's seal and signature, north arrow, and a title block showing name of the subdivision, scale, date, and sheet number.

All plans shall be on media measuring twenty-four (24) inches by thirty-six (36) inches. Plan-profile sheets shall be drawn at an appropriate scale or as directed by the City Engineer.

(2) Plan-profile sheets for streets and alleys: There shall be a plan-profile for each street and alley. These plan-profiles shall show the rights-of-way of the streets, portions of rights-of-way of intersecting streets, location of curbs and gutters with respect to property lines, curb return radii, existing utilities, reference bench marks, and other information necessary to define the work.

The profile shall show the existing ground on each side of the street at the property line, the proposed grade of the top of the curb for each side of the street, location of utilities, and other information necessary to define the work. The existing and proposed street centerline grades may be shown in lieu of property line and curb grades when permitted.

(3) Plan-profile sheets for sanitary sewer and storm sewer: The plans shall show all information necessary to locate and construct the proposed work, and shall show the locations of all manholes, inlets, and other appurtenances of the system.

The profile shall show the existing natural ground at the sewer centerline and the proposed grade at the centerline if such grade will not be the same as the existing grade.

The size, grade and material of the proposed pipes and the flow lines of all manholes, inlets, etc., shall be shown. Both the flow line and the inside top of the pipes shall be shown in the profile.

These plans shall be accompanied by the engineer's calculations when requested by the city engineer.

(4) Plan for water distribution system: The plan shall show all information necessary to locate and construct the proposed work, and shall show the location of all valves, fittings, fire hydrants and other appurtenances of the system.

(C) SPECIFICATIONS:

The specifications shall be securely bound and shall consist of the following minimum information: General conditions of agreement, special conditions of agreement, and all applicable technical specifications. The special conditions shall contain provisions for time of completion, performance, and payment bonds, and other pertinent requirements.

Sec. 18. Developer's contract.

Prior to construction the developer shall present to the city a developer's contract on forms obtained from the city engineer. This contract shall itemize the obligations of the developer and the city with regard to the proposed subdivision and shall itemize any approved variances from the developer's ordinance.

No work shall be performed within the proposed subdivision until the developer's contract has been signed and properly notarized by the developer and the city.

No work shall be performed within the proposed subdivision until the developer has a signed contract with a private contractor for the complete installation of all streets, utilities, and other improvements.

No work shall be performed within the proposed subdivision until the developer presents to the city manager a satisfactory performance bond and a payment bond as provided by Article 5160 as amended (Revised Statutes of Texas, 1925), from the contractor in favor of the developer and the City of Sherman. Such bond shall be made for one hundred percent (100%) of the contract price for all streets and utilities and public works to be installed in the new subdivision, and shall be in the form, and contain, all other provisions set forth in said Article 5160, as amended (Revised Statutes of Texas, 1925), copies of which are attached to this ordinance as exhibits "A" and "B", and referred to for all purposes.

Sec. 19. Final inspection.

Upon the completion of construction the developer shall arrange a final inspection of all streets and utilities. This inspection shall be attended by the developer, his engineer, the contractor, and the city engineer.

If the city engineer determines that the streets and utilities are complete and in accordance with this ordinance and the plans and specifications, he shall so inform the developer. The developer shall then transmit in writing to the city a notice of completion, the required bonds, and the as-built drawings.

Sec. 20. Plans of Record drawings.

Upon the completion of construction, and prior to the city's acceptance, the developer shall furnish the city engineer with a complete set of reproducible "plans of record" drawings and a set of prints made therefrom. Each sheet of these drawings shall be plainly marked "PLANS OF RECORD" and shall be signed by the engineer who prepared the plans and supervised the construction.

Sec. 21. Formal acceptance by city.

After the city engineer has inspected the work and indicated to the developer that the streets and utilities are acceptable to the city, the developer shall give a formal notice of completion to the city. This notice shall be in writing, and shall be accompanied by the plans of record drawings, payment and performance bonds, and all fees that are due.

Upon receipt of the plans of record drawings, payment and performance bond, and all fees, the city engineer will issue a notice of acceptance of the streets and utilities.

Sec. 22. Special provisions.

(A) No building, repair, plumbing or electrical permits shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards

~~contained herein or referred to herein have not been complied with in full.~~

~~(B) The city shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.~~

~~(C) The city shall not sell or supply any water or sewerage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.~~

~~(D) When directed by the city council, the city attorney shall institute appropriate legal action to enforce the provisions of this ordinance or the standards referred to herein with respect to any violation thereof which occurs within the city, within the extraterritorial jurisdiction of the city, or within any area subject to all or a part of the provisions of this ordinance.~~

~~(E) If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, and the city council shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval, and reciting the fact that the provisions of paragraphs (A), (B) and (C) of this section will apply to the subdivision and the lots therein, the city clerk shall, when directed by the city council, cause a certified copy of such resolution under the corporate seal of the city to be filed in the deed records of Grayson County. If full compliance and final plat approval are secured after the filing of such resolution, the city clerk shall forthwith file an instrument in the deed records stating that paragraphs (A), (B) and (C) no longer apply.~~

~~(F) Provided however, that the provisions of this section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of this subdivision ordinance, nor to prohibit the repair, maintenance or installation of any street or public utility services for, to, or abutting any lot, the last recorded conveyance of which prior to passage of this ordinance was by metes and bounds, and/or any subdivision or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this ordinance.~~

~~(G) Building permits for new residential construction may be issued after the developers' contract is executed and approved. Occupancy permits will be issued when utilities and streets are complete and accepted by the city.~~

~~(H) Conditions: Occupancy permits: Deferment of final street improvements will be accepted only under the following conditions:~~

~~(a) The property is adequately served by all-weather facilities for ingress and egress for pedestrian and vehicular traffic, including fire apparatus.~~

~~(b) The property is served by all essential permanent utilities, such as water, sewage, electricity, and gas.~~

~~(c) The reason for noncompletion at this time is beyond the control of the builder, and is one which makes it impossible and impractical to proceed.~~

~~(d) The work can be completed in twelve (12) months or less.~~

~~(e) The occupant of the deferred properties will not be seriously handicapped in the use of the properties by the deferment of the work, nor will postponement endanger, mar or destroy work previously completed (such as provision of adequate drainage outfall, for example).~~

~~(f) Issuance of occupancy permits: Acceptance of the foregoing conditions must be in writing (exhibit "C"), and signed by both the developer and the prospective occupant with the~~

understanding that the developer and the developer alone is responsible for the final completion of the street improvements before a permit for occupancy will be issued; further, that it is clearly understood that the city is completely absolved from any difficulty that might arise due to improper alignment and grade of curb and gutter as they tie into both the driveway approach, and the street improvements of the new subdivision.

(I) As a condition precedent to the approval of any plat or development, the city engineer, commission or city council can require any reasonable requirement in the public interest to the approval or recommendation of approval of any plat or development within the city or its extraterritorial limits.

Sec. 23. Industrial or commercial subdivisions.

An industrial or commercial subdivision shall be processed for approval in the same manner as provided for a residential subdivision. The minimum right-of-way width of a local street in an industrial or commercial subdivision shall be sixty (60) feet, and all other streets shall conform to the standards for major and secondary streets prescribed by the thoroughfare plan and this ordinance.

Sec. 24. Availability of water and/or sewage utilities.

If a proposed subdivision is located beyond the drainage area of the sewage collection system, or beyond the area of the water distribution system, and these utilities cannot be extended to the area, the developer shall be required to furnish with his final plat satisfactory evidence, including (but without limitation) the results of soil tests and borings, and statements from local and state health authorities, water engineers, and other proper officials, that water satisfactory for human consumption may be obtained from surface or subsurface water sources on the land, and that soil conditions are such that satisfactory sewage disposal can be provided by the use of approved septic tank or other approved methods.

Sec. 25. Improvements outside corporate limits.

The City of Sherman shall at no time lay, build, construct or erect, or participate by any manner, means or degree, in the laying, building, construction or erecting of any water line, sewer line, drainage structure, street or other facility required by this ordinance on any property located beyond and outside the corporate limits of said city except to provide service to an area already within the city limits.

Sec. 26. Modification of design requirements, minimum improvements, and subdivision regulations.

(A) GENERAL: These rules and regulations are the standard requirements of the City of Sherman. The planning commission may, when concurred in by the city council, authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings hereinbelow required, the commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the commission finds:

(1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.

(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

(3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

(4) That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance.

Such findings of the commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety, or welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

(B) SPECIFIC TYPES OF LAND SUBDIVISION:For specific types of land subdivision the commission may modify the subdivision regulations design requirements, and minimum improvements as set forth in this ordinance. The purpose of any modification to these regulations will be to allow diversification and flexibility in the relationship of various land uses and between buildings, structures and open space in planned building groups, while insuring substantial compliance to the overall land use density and other zoning and platting regulations; also to allow appropriate development of semi-rural subdivisions with regard to their geographical location within the extraterritorial limits of the City of Sherman.

Modification of these regulations may be made for the following types of subdivisions:

(1) Subdivisions planned under the provisions of the zoning ordinance for "planned development," and which may include residential subdivisions involving the cluster, townhouse, or patio house concept for planning residential areas.

(2) Subdivisions identified by the nature of their semi-rural location and which conform to the following standards:

(a) The minimum street right-of-way width shall be seventy (70) feet or greater if required for proper drainage. Centered within the designated right-of-way shall be a paved street surface of thirty (30) feet in width, constructed in accordance with the city's paving standards. Surface drainage shall be handled by open ditch, channel or other approved methods rather than a standard curb and gutter section.

(b) The subdivision shall be served by an approved water supply and distribution system and an approved waste water disposal system which may be by municipal sewer, septic tank or separate treatment system facilities. If the water and sewer system are not connected to the city systems then the plans for these facilities shall be approved by the Texas State Department of Health and a permit secured from the Texas Water Quality Board prior to final approval of the final plat.

(c) The minimum area of each lot shall be one acre and each lot shall have adjacent to the rear lot line a dedicated alley or easement, either for present or future use.

(d) The proposed subdivision shall comply with the city master plan.

(e) To assure compliance with the land use plan for the city and its environs, each subdivision shall be accompanied by restrictions or covenants which are to be filed of record with the final plat.

(f) In cases where the semi-rural estate plan is not located within the corporate limits, then review of the subdivision plat shall be coordinated with Grayson County which shall approve the final plat prior to filing of record.

(g) Before an addition can be annexed into the city by request of the property owners or the developer, the streets and utilities shall meet all requirements of this ordinance pertaining to subdivisions developed within the city limits. If these streets and utilities are not in accordance with these standards then the property owners in the addition shall be responsible for the expense of improving these facilities to city standards.

Sec. 27. Penalty.

Any person, firm or corporation who shall violate any of the provisions of this ordinance, or who shall fail to comply with any provision hereof within the corporate or extraterritorial limits of Sherman, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed two hundred dollars ($200.00). Each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

Sec. 28. Conflicting ordinances repealed.

All ordinances and parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed and amended to comply herewith.

Sec. 29. Separability.

If any section or part of any section, paragraph, or clause of this ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or [other] sections, part of section, paragraph or clause of this [ordinance] or impair the validity, force, or effect of any other section [or] ordinance.

Sec. 30. Effective date.

This ordinance shall become effective on the 30th day of January, 1969.

Passed and approved this the 30th day of December, 1968.

_____

Mayor, City of Sherman

ATTEST: _____

City Clerk"

SECTION 4: Open Meeting. 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.

SECTION 5: Effective Date; Publication. This Ordinance shall become effective from and after its adoption and publication as required by law. The City Clerk is directed to publish the caption of this Ordinance as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this 18th day of September 2023.

_____
DAVID PLYLER, MAYOR

ATTEST:

_____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM:
ABERNATHY, ROEDER,
BOYD & HULLETT, P.C.

_____
RYAN D. PITTMAN, CITY ATTORNEY

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 4.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6644

Amending The Code Of Ordinances Of The City Of Sherman, Texas, To Modify Certain Fees, Fines And Other Charges Set Forth In Appendix C, Comprehensive Fee Schedule, Including Building Permit And Inspection Fees, Subdivision Fees And Zoning Fees; Reauthorizing Building Permit Fees In Accordance With Section 214.908 Of The Texas Local Government Code; Amending Chapter 13 (Utilities) of the Code of Ordinances, Article 13.08, (Utility Billing), Sections 13.08.00, 13.05.005 and 13.08.006 to Revise Rates for Water and Sewer Services; Revising Deposit Amounts to Assure Payment; Providing for Payment for Lost, Damaged, or Stolen Meters and Meter Reading Equipment; Providing A Penalty Clause With A Maximum Fine Of $2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; Providing For The Publication Of The Caption Hereof

Issue:

Amending The Code Of Ordinances Of The City Of Sherman, Texas, To Modify Certain Fees, Fines And Other Charges Set Forth In Appendix C, Comprehensive Fee Schedule, Including Building Permit And Inspection Fees, Subdivision Fees And Zoning Fees; Reauthorizing Building Permit Fees In Accordance With Section 214.908 Of The Texas Local Government Code; Amending Chapter 13 (Utilites) of the Code of Ordinances, Article 13.08, (Utility Billing), Sections 13.08.00, 13.05.005 and 13.08.006 to Revise Rates for Water and Sewer Services; Revising Deposit Amounts to Assure Payment; Providing for Payment for Lost, Damaged, or Stolen Meters and Meter Reading Equipment; Providing A Penalty Clause With A Maximum Fine Of $2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; Providing For The Publication Of The Caption Hereof

Background:

On December 5, 2022, City Council adopted a new Comprehensive Fee Schedule to place in it the list of fees that are charged for building, zoning and subdivision applications. This update also reflects changes that are required by newly passed state laws found in HB 3492 and HB 1922.

This update to the Comprehensive Fee Schedule includes the following changes:

- Increases the zoning request fees
  - $140 to $150 for Temporary Use Permits
  - $210 to $250 for Variances and Special Exceptions
  - $420 to $500 for Zone Changes and Specific Use Permits
  - $140 to $150 plus $30 per acre for property larger than 5 acres up to a max of $1000 for site

plan review.
- Plat Fees
  - $350 to $150 plus $5 per acre or per lot, whichever is greater for preliminary plats and final plats.
  - $140 to $150 plus $5 per acre or per lot, whichever is greater for replats.
- Engineering Fees (Currently, 4% of the valuation of all public infrastructure)
  - Residential Subdivision - $3000 per acre or $1000 per lot, whichever is greater with a minimum fee of $3000.
  - Commercial or Multi-family Pad Site - $1500 per acre or $4000 per lot, whichever is greater
  - Grading Permit - $150
  - Right-of-Way Permit Fee - $50
  - Reinspection Fee - $50
  - Work Prior to Permit Issuance Fee - $250
- Included language allowing for Third-Party Inspections for Building Permits and Civil Reviews.
- Removed language exempting school districts and churches from permit fees.

During the Budget Workshop on June 15, 2023, the City Council received an update from Willdan Financial on water and sewer rates. As a result of the changes in volume forecasts and new debt to fund the capital improvement plan, Council directed staff to implement an inverted block structure to encourage conservation and recover higher costs from high volume customers. Council approved the five-year plan. This ordinance implements the first year of the plan. Rates remain the same for customers consuming less than 20,000 gallons per month.

Staff is requesting an increase in meter deposits on non-residential accounts to help cover the increased cost of meters that are lost, damaged or destroyed. When meters are installed in new construction, they can be damaged during the construction process. The City also provides fire hydrant meters primarily for use during construction before water service is established. These meters have frequently been stolen. Increasing the deposit allows for the city to recoup the cost of meters and related unpaid utility bills to help ensure those in possession of the meters are responsible for their condition and return in the case of fire hydrant meters.

Origination:

Development Services Director, Rob Rae
Director of Engineering, Wayne Lee
Chief Financial Officer, Mary Lawrence

Financial Consideration:

The change in water and sewer rates is expected to increase revenues by about $900,000. The City will recoup the cost of water meters that are lost, damaged, or destroyed.

Staff Recommendation:

Staff recommends approval of the proposed Ordinance as presented.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6644

ORDINANCE NO. 6644

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHERMAN, TEXAS, TO MODIFY CERTAIN FEES, FINES AND OTHER CHARGES SET FORTH IN APPENDIX C, COMPREHENSIVE FEE SCHEDULE, INCLUDING BUILDING PERMIT AND INSPECTION FEES, SUBDIVISION FEES AND ZONING FEES; REAUTHORIZING BUILDING PERMIT FEES IN ACCORDANCE WITH SECTION 214.908 OF THE TEXAS LOCAL GOVERNMENT CODE; AMENDING CHAPTER 13 (UTILITIES) OF THE CODE OF ORDINANCES, ARTICLE 13.08 (UTILITY BILLING), SECTIONS 13.08.003, 13.08.005 AND 13.08.006 TO REVISE RATES FOR WATER AND SEWER SERVICES; REVISING DEPOSIT AMOUNTS TO ASSURE PAYMENT; PROVIDING FOR PAYMENT FOR LOST, DAMAGED, OR STOLEN METERS AND METER READING EQUIPMENT; PROVIDING A PENALTY CLAUSE WITH A MAXIMUM FINE OF $2,000, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; 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, the City Council of the City of Sherman, Texas ("City Council") previously adopted a comprehensive fee schedule for the City of Sherman, Texas ("City" or "Sherman") to consolidate the various fees, fines and other charges found within the Code of Ordinances, City of Sherman, Texas ("Code of Ordinances"); and

WHEREAS, the City Council desires to amend Appendix C (Comprehensive Fee Schedule) to the Code of Ordinances: and

WHEREAS, the City Council also desires to conduct a public hearing and reauthorize all building permit fees, including all fees charged by the City as a condition to constructing, renovating or remodeling a structure, in accordance with Section 214.908 of the Texas Local Government Code; and

WHEREAS, Sherman has complied with all legal notices and public hearing requirements 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. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Reauthorization of Building Permit Fees. After conducting a public

hearing, the City Council hereby reauthorizes all building permit fees, including all fees charged by the City as a condition to constructing, renovating or remodeling a structure, in accordance with Section 214.908 of the Texas Local Government Code.

SECTION 3. Amendment to the Code of Ordinances, Appendix C (Comprehensive Fee Schedule). The Code of Ordinances, Appendix C (Comprehensive Fee Schedule) is amended as follows[1]:

APPENDIX C: COMPREHENSIVE FEE SCHEDULE

This fee schedule is not an exhaustive list of all fees identified in the Sherman Code of Ordinances.

(1) Building Permit and Inspection Fees

…

(D) Other Building Permit and Inspection Fees

After-Hours Inspections	$77
Inspection of Work *Done* Prior to Permit Issuance (in addition to permit fees)	$250
Reinspection Fees:	
1st Re-inspection	$50
2nd Re-inspection	$50
3rd Re-inspection	$50
Contractor Registration	No Fee
Certificate of Occupancy Permit	$50

…

(E) Third-Party Review and Inspections. For new construction projects, the Building Official may require a third-party inspector to provide plan review and inspection services. If so required by the Building Official, the applicant shall pay the City an amount equal to the third-party contractor's fee plus ten (10) percent.

~~(E) Exceptions. No fee shall be charged for permits for the Sherman Independent School District or churches.~~

(2) *Engineering and* Subdivision Fees

(A) Plat Fees

Preliminary Plat	~~$350.00~~ *$350 + $5.00 per lot or $5.00 per acre, whichever is greater*
Final Plat	~~$350.00~~ *$350 + $5.00 per lot or $5.00 per acre, whichever is greater*
Replat	~~$140.00~~ *$350 + $5.00 per lot or $5.00 per acre, whichever is*

[1] Deletions are evidenced by ~~strikethrough~~; additions are *italicized*.

	greater

(B) Civil Review and Inspection Fees

Civil Review, Inspection and Testing Fee – Residential	*$3,000 per acre or $1,000 per lot, whichever is greater, with a minimum fee of $3,000*
Civil Review, Inspection and Testing Fee – Nonresidential or Multifamily	*$1,500 per acre or $4,000 per lot, whichever is greater*
Grading Permit Fee	*$150*
Right-of-Way Permit Fee	*$50*
Right-of-Way Reinspection Fee	*$50*
Inspection of Work Done Prior to Permit Issuance (in addition to permit fees)	*$250*

(C) Third-Party Review and Inspections. For new infrastructure construction projects, the City Engineer may require a third-party inspector to provide plan review, testing and/or inspection services. If so required by the City Engineer, the applicant shall pay the City an amount equal to the third-party contractor's fee.

(3) Zoning Fees

(A) Zoning Requests

Temporary Use Permit	~~$140.00~~ *$150*
Variance or Special Exception	~~$210.00~~ *$250*
Specific Use Permit	~~$420.00~~ *$500*
Zone Change	~~$420.00~~ *$500*
Site Plan	~~$140.00~~ *$150 for 5 acres or fewer, $30 per acre for more than 5 acres, up to a maximum of $2,500*
Planned Development	$10,000 + $20 per acre
Zoning Verification Letter	$50

…

~~(D) Exceptions. No fee shall be charged for permits or zoning requests for the Sherman Independent School District or churches.~~"

SECTION 4. Amendment to the Code of Ordinances, Section 13.08.003 (Deposit to Assure Payment). The Code of Ordinances, Section 13.08.003 (Deposit to Assure Payment) is amended as follows[2]:

Sec. 13.08.003 Deposit to Assure Payment

(a) All nonresidential accounts, multi-unit residential accounts and accounts serviced outside the city limits shall be charged a deposit per account, to be paid at the time of application. Water deposits shall be charged based on meter size with a maximum

[2] Deletions are evidenced by ~~strikethrough~~; additions are *italicized*.

deposit of ten thousand dollars and no cents ($10,000.00) per account. Deposit amounts are doubled for accounts outside the city limits as established by Section 13.07.003(b). No deposit shall be required for single-unit residential property or for multi-unit residential property where each living unit is on a separate meter.

Meter size (in inches)	Deposit amount ~~October 1, 2012~~ *October 1, 2023*
5/8 or 3/4"	~~$50.00~~ *$150.00*
1"	~~$150.00~~ *$300.00*
1-1/2"	~~$300.00~~ *$500.00*
2"	~~$500.00~~ *$600.00*
3"	~~$1,000.00~~ *$2,000.00*
4"	~~$3,800.00~~ *$5,000.00*
6" and larger	$10,000.00

(b) For multi-unit residential customers on a single meter, the deposit shall be the number of living units times the deposit for a 5/8" or 3/4" meter size.

(c) A deposit equal to an estimated one-month bill shall be charged for all customers receiving sewer service only. Maximum sewer deposit shall be ten thousand dollars and no cents ($10,000.00) per account.

(d) Landlords, real estate and property management companies may establish a master deposit in the amount of three hundred dollars and no cents ($300.00) to be used to establish service for residential properties. Upon request to establish new service, each account will be billed an install fee as defined in Section 13.09.001. The deposit will remain in place until all active services established with the master deposit are closed and the accounts are paid in full; and the customer requests the master deposit account be closed.

(e) Deposit for Payment Delinquency: The ~~Customer & Utility Services~~ *Utility Billing* Department shall have the authority to increase or to require a new utility deposit up to two (2) times the customer's average monthly bill upon the second occurrence of account payment delinquency within any consecutive 12 month period, or upon application for and prior to reconnection of disconnected service. Deposits will be due upon notice and may be billed to the utility account. Failure to pay a billed deposit, including any past due or service charges, may result in disconnection of service. In cases where the service is disconnected, the past due charges, any other service charges assessed by the ~~Customer & Utility Services~~ *Utility Billing* Department, and the deposit amount required shall be paid in full before the disconnected service is restored. This shall apply for all customers, even if a utility deposit has been previously refunded to a customer based on an excellent payment history as defined in Section 13.08.004. The increased or new deposit shall be refunded during subsequent, consecutive 12-months of billings in which the customer meets the excellent payment history criteria.

SECTION 5. Amendment to the Code of Ordinances, Section 13.08.005 (Water Rates). The Code of Ordinances, Section 13.08.005 (Water Rates) is amended as follows[3]:

Sec. 13.08.005 Water rates

(a) Water furnished by the city to a customer, other than any customer who dwells or resides in a multiunit dwelling within the city limits shall be charged for at the following rates for the fiscal year beginning October 1, ~~2022~~ *2023*, for the first fifteen hundred (1,500) gallons of water used according to meter size and unit of measurement of the meter register:

Meter Sizes (in inches)	***Minimum* Monthly Amount Oct 1, ~~2022~~ *2023***
5/8 or 3/4	$24.18
1	$47.71
1-1/2	$95.86
2	$163.32
3	~~$345.69~~*$356.06*
4	~~$607.62~~*$625.85*
6	~~*$1,356.08*~~$1,396,76
8	~~*$2,403.90*~~*$2,476,.02*

(b) Volume charge. Except as noted below, the charge for all water consumed in excess of the minimum fifteen hundred (1,500) gallons shall be billed at a rate as follows: ~~*of three dollars and forty-seven cents ($3.47) per one thousand (1,000) gallons of water used for the rates.*~~

Beginning October 1, 2023

Gallons	***Rate per 1,000 Gallons***
1,500 – 20,000 gallons	***$ 3.47***
20,001 – 100,000 gallons	***$ 3.72***
100,001 – 500,000 gallons	***$ 3.97***
500,001 - Above	***$ 4.22***

Water meters utilized for lawn sprinkling systems shall be charged according to meter size plus the consumption ~~rate of three dollars and forty-seven cents ($3.47)~~ *volume charge listed above* per one thousand (1,000) gallons of water used in excess of the minimum fifteen hundred (1,500) gallons during months of July through October, beginning October 1~~, 2022~~ *2023*. During the billing months of November through June of any fiscal year, such water sprinkler meters shall be billed a minimum monthly charge as would be billed to a 5/8-inch or 3/4-inch meter.

(c) All multiunit dwellings within the city shall be charged for water consumption and availability utilizing the following formula:

[3] Deletions are evidenced by ~~strikethrough~~; additions are *italicized*.

Gallons Calculation Beginning October 1, ~~2022~~ ***2023:***

(Number of units X $24.18) +

(Gallons of water used) - (number of units X 1,500 gallons) X
1,000

$3.47 = Billing

~~*(d) All customers whose combined average daily use for the past twelve (12) months exceeds 700,000 gallons per day shall be charged for water consumption at the same rates as stated in the above subsections. Customers that qualify for this subsection shall receive a rebate, to be paid annually, calculated as follows:*~~

~~Water Rebate = Total annual water revenues for previous twelve (12) months X .05.~~

(d) *Meters and meter reading equipment at the service address are the responsibility of the account holder. Lost, damaged, or stolen meters and meter reading equipment will be billed to account holder at current replacement cost. Normal wear is excluded.*

(e) Bulk water sales. Upon the approval of the City of Sherman ~~*Customer &*~~ *Utility* ***Billing*** ~~*Services*~~ Department, commercial customers may purchase bulk water from a designated meter or hydrant. Bulk water sales will be metered by the City and purchased in advance. Water sales will be calculated using outside the city rates. Bulk water sales will be for one-time purchases. Customers needing water for multiple occurrences or days must establish a Fire Hydrant Meter account, following the required procedures to establish such account, set forth in Section 13.08.003 of this Code.

SECTION 6. Amendment to the Code of Ordinances, Section 13.08.006 (Sewer Charges). The Code of Ordinances, Section 13.08.006 (Sewer Charges) is amended as follows[4]:

Sec. 13.08.006 Sewer Charges

(a) All persons using the sanitary sewer system and lines of the city shall be charged as follows:

(1) Sewage charges. The sewage charge will be based upon the amount of water used. Each sanitary sewer system customer, except multiunit dwelling complexes, shall be charged ~~for sewage at the following rates:~~ *a minimum charge:*

[4] Deletions are evidenced by ~~strikethrough~~; additions are *italicized*.

	Minimum Charge, Whether 1,500 Gallons of Water are Used Oct 1, 2023 **Amount**
First 1,500 gallons of water used	$9.29

~~Additional charges shall be three dollars and ninety-five cents ($3.95) for each one thousand (1,000) gallons used above the fifteen hundred (1,500) gallons minimum charge for fiscal year beginning October 1, 2022.~~ For residential living units, the maximum sewer charge will be thirty-eight dollars and ninety-two cents ($38.92) per residential living unit for fiscal year beginning October 1, 2022.

(2) Volume charge. For commerical customers, except for multiunit dwelling complexes, the charge for sewer is based on all water consumed in excess of the minimum fifteen hundred (1,500) gallons and shall be billed at a rate as follows:

Beginning October 1, 2023

Gallons	***Rate per 1,000 Gallons***	
1,500 – 100,000 gallons	***$***	***3.95***
100,001 – 500,000 gallons	***$***	***4.20***
500,001 - Above	***$***	***4.45***

(b) For multiunit dwelling complexes, the total sewage charge will be based on the amount of water used and will be the lower figure calculated from either of the two (2) following formulas:

Gallons Calculation Beginning October 1, 2022

(number of dwelling units X $9.29) +

$$\frac{\text{(gallons of water used) - (number of units X 1,500 gallons)}}{1{,}000} \times \$3.95$$

or

number of dwelling units X $38.92

SECTION 7. Penalty. Any person, firm, corporation or entity 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 FIVE HUNDRED DOLLARS ($500.00), unless the violation relates to fire safety, zoning or public health and sanitation, in which case the fine amount shall not exceed 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 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. Severability. 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, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 9. Repealing/Savings. 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 10. Open Meeting. 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.

SECTION 11. Effective Date; Publication. This Ordinance shall become effective from and after its adoption and publication as required by law. The City Clerk is directed to publish the caption of this Ordinance as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this 18th day of September 2023.

_____
DAVID PLYLER, MAYOR

ATTEST:

_____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM:
ABERNATHY, ROEDER,
BOYD & HULLETT, P.C.

_____
RYAN D. PITTMAN, CITY ATTORNEY

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 5.**

Meeting Date: 09/18/2023

Prepared By: Lauren Marlow, Development Services Coordinator

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6645

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow Contractors or Construction Offices, Equipment Sales, Service, Rental and Repair, with Outdoor Storage in the C-2 (General Commercial) District, Located at 2325 North Travis Street, consisting of 7.849 acres in the J.B. McAnair Survey, Abstract No. 763, City of Sherman, Grayson County, Texas (American Builders and Contractors Supply Co., Inc., Owner; Vilbig and Associates, Representative; and Helvey-Wagner Surveying, Surveyor); Prescribing Conditions to the Specific Use Permit; 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

Issue:

To consider granting a Specific Use Permit to Allow Contractors or construction offices, equipment sales, service, rental and repair, with outdoor storage in the C-2 (General Commercial) District, Located at 2325 North Travis Street, consisting of 7.849 acres in the J.B. McAnair Survey, Abstract No. 763, City of Sherman, Grayson County, Texas (American Builders and Contractors Supply Co., Inc., Owner; Vilbig and Associates, Representative; and Helvey-Wagner Surveying, Surveyor)

Background:

The property is located at 2325 North Travis Street between East Taylor Street and East Lamberth Road. The property owner is requesting a Specific Use Permit for outdoor storage.

The following has been approved for this property:

- 4/11/2000 - Zone Change from a C-1 (Retail Business) District to C-2 (General Commercial) District
- 4/11/2000 – Specific Use Permit to allow construction equipment sales, service, rental and repair in a C-2 (General Commercial) District
- 6/20/2023 - Site Plan for ABC Supply Co., Inc.
- 6/20/2023 - Preliminary Plat of ABC Supply Addition, Lot 1, Block A

Origination:

American Builders and Contractors Supply Co., Inc. (Owner)
Vilbig and Associates (Representative/Consulting Engineers & Surveyors)
Helvey-Wagner Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6645
Exhibit A - Survey
Exhibit B - Site Plan/Landscape Plans
Location Map
Zoning Map
FLUM
Zoning Sign Photo
Narrative
Elevations
STAFF REVIEW LETTER

ORDINANCE NO. 6645

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, AND GRANTING A SPECIFIC USE PERMIT TO ALLOW CONTRACTORS OR CONSTRUCTION OFFICES, EQUIPMENT SALES, SERVICE, RENTAL AND REPAIR, WITH OUTDOOR STORAGE IN THE C-2 (GENERAL COMMERCIAL) DISTRICT, LOCATED AT 2325 NORTH TRAVIS STREET, CONSISTING OF 7.849 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS (AMERICAN BUILDERS AND CONTRACTORS SUPPLY CO., INC., OWNER; VILBIG AND ASSOCIATES, REPRESENTATIVE; AND HELVEY-WAGNER SURVEYING, SURVEYOR); PRESCRIBING CONDITIONS TO THE SPECIFIC USE PERMIT; 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 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, the property located at 2325 North Travis Street, City of Sherman, Grayson County, Texas is/are granted a Specific Use Permit to a Contractors or construction offices, equipment sales, service, rental and repair, with outdoor storage, subject to the conditions described in this Ordinance and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14 is hereby amended so as to hereafter include property on **Exhibit A – Survey**.

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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal. *(Code of Ordinances Chapter 3.02(c))*
3. Required parking or driveways must be paved concrete or asphalt. Additional parking above the required parking may be constructed with a pervious material as approved by the director of engineering. *(14.04.003(d)(1))*
4. No building shall exceed 35' in height. *(Sec. 14.02.017(4)(D))*
5. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004)*
6. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07)*
7. The use of the property must comply with all Federal and State Laws and Regulations and with all the Ordinances, Rules and Regulations of the City of Sherman.
8. The property must be properly maintained in a state of good repair and neat appearance.
9. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at-large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.
10. The granting of the Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
11. A Specific Use Permit is an amendment to the district regulations of the Zoning Ordinance that permits the establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure is discontinued or abandoned for a period of thirty (30) consecutive days in which event such Specific Use Permit shall be void and such use may not thereafter be resumed unless a new Specific Use Permit is granted in accordance with this section. *(Sec. 14.06.009(a)(1)(C))*
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. Platting of the property is required. Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004
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. All requirements of the Floodplain Ordinance shall be followed. Code of Ordinances Chapter 3, Article 3.12

17. Encroachment Agreement may be required if planter encroaches into required 15' Utility, Landscape, and Sidewalk Easement along new Travis Street right-of-way. If required, instrument information for Encroachment Agreement to be shown on plat.
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. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.

Fire Services

20. 905.3.9 - Buildings Exceeding 10,000 sq. ft. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior is more than 200 feet (60960mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class 1 automatic wet or manual wet standpipes shall be provided. (City Ordinances Amendments 3.02.002)
21. 507.5.1.1 - Buildings equipped with a FDC installed in accordance shall have a fire hydrant within 100' of the fire department connections.
22. 503.1.1 - The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150' of all portions of non-sprinklered facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
23. 503.1.1 - The fire apparatus access road shall comply with the requirements of this section and shall extend to within 200' of all portions of a sprinklered facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
24. 503.2.4 - The minimum turning radius shall be at least 25' unless fire lane exceeds minimum requirement of 24'. (City Ordinances Amendments 3.01.002)
25. D103.1 - Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26', exclusive of shoulders.

Additional Conditions: as applicable

26. The property shall be developed and used in accordance with all City Ordinances and the Site Plan shown in **Exhibit B – Site Plan/Landscape Plan.**
27. Notwithstanding anything to the contrary herein, the Specific Use Permit granted in this Ordinance shall automatically expire, terminate and be rescinded in the event that a person or entity other than ABC Supply Co., Inc. is the lessee of the Property.

SECTION 3. That this Ordinance shall be entered upon the official zoning map as provided in Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

SECTION 4. That after holding a properly noticed public hearing, the City Council may amend, change, or rescind the Specific Use Permit if any of the conditions set forth in Zoning Ordinance/Code of Ordinances Chapter 14, Section 14.06.009(1)(g), apply or exist.

SECTION 5. That the Specific Use Permit shall be effective from and after the effective date of this Ordinance. Upon termination of the Specific Use Permit, the property shall cease to be used as provided herein unless another Specific Use Permit or appropriate zoning has been obtained.

SECTION 6. 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 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 7. That the 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 8. 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 9. 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 10. 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 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

EFFECTIVE DATE on this the 18th day of September 2023.

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

EXHIBIT A

Parcel Line Table		
Line #	Direction	Length
L1	N13°39'32"W	26.89'
L2	N12°35'12"W	200.41'
L3	N12°28'10"W	147.01'

Benchmark: square set in conc.
Elevation: 751.70'

Legend:
- approximate flood hazard line
- water line
- sanitary sewer line
- overhead electrical line
- gas pipeline
- telecommunications line
- chain link fence
- guy wire
- service pole
- power pole
- light pole
- sanitary sewer manhole
- clean out
- gas line marker
- telephone
- water meter
- gas meter

J.B. McAnair Survey
Abstract No. 763
Grayson County, Texas

approximate location of Zone "AE", 100-year flood hazard area as scaled from FEMA Flood Insurance Rate Map No. 48181C0290 F, Revised Date: September 29, 2010

Caskey Properties, LLC
3.47 Acres
Vol. 5424, Pg. 157
O.P.R.G.C.T.

Dwayne A. Ervin
Vol. 1187, Pg. 911
3157 acres
O.P.R.G.C.T.

EMAG Automotive
Sherman TX P2 LLC
1.85 Acres
("A-2" Tract Five)
Inst. No. 2020-5540
O.P.R.G.C.T.

point in creek
S78°37'59"E 137.69'
N65°14'31"E 86.25'
S17°22'13"E 426.45'
S48°16'06"E 91.44'
S01°09'14"E 61.83'
S73°55'54"W 263.01'
S14°39'08"E 381.73'
N72°36'17"E 504.37'

Center of Post Oak Creek
(see Note B)

5/8" capped rebar found (RPLS 5696)

1/2" capped rebar found (RPLS 5433)

1/2" rebar found

Scale: 1"=100'

North

Travis Street

gravel

American Builders & Contractors Supply Co., Inc.
"called" 160'x105'
Inst. No. 2018-1322
O.P.R.G.C.T.

ingress/egress for private road purposes in Vol. 875, Pg. 442

covered conc.

FL:745.46'
30" RCP
12" RCP
FL:744.51'
FL:745.12'
FL:745.72'

American Builders & Contractors Supply Co., Inc
7.849 Acres
Vol. 5238, Pg. 780
O.P.R.G.C.T.

Lot 1, Block 1
Independence Square Addition
Section Three
City of Sherman, Texas
Vol. 10, Pg. 11, P.R.G.C.T.

EMAG Automotive
Sherman TX P1 LLC
5.364 Acres
("A-1" Tract Four)
Inst. No. 2020-5534
O.P.R.G.C.T.

ff:751.35'
One Story Brick & Metal
126.0'
120.3'
30.6'
39.8'
40.4'
40.1'

BM

"X" cut found in conc. manhole

metal vault

One Story Stucco & Metal
ff:751.66'
100.5'

6" sign post

metal shed

FL:747.18'
12" CMP
FL:749.17'

L=220.51' R=5700.44'
Δ=2°12'59"
Chord=N13°41'49"W 220.49'

verizon pull box

approx. 20' drainage easement per Doc. No. 2020-90

1/2" rebar found

Branch Energy gas marker

Lot 1

S75°22'49"W 505.01'

5/8" capped rebar found (RPLS 5696)

pipe fence

see Note A

30' wide easement per Amendment of Easement to SemGas, LP in Vol. 5406, Pg. 664

1/2" rebar found
From which
5/8" capped rebar found (RPLS 5696) bears
S48°36'16"E-0.90'

25' drainage & utility easement per Doc. No. 2020-90

Lot 2

Replat of Lot 3, Block 2
Independence Square Addition
Section Three
City of Sherman, Texas
Doc. No. 2020-90 P.R.G.C.T.

Note A: Possible location of 10'x190' strip of land dedicated as a right-of-way to the City of Sherman and utility easement to Lone Star Gas in Vol. 1323, Pg. 428

Note B: The most Northern East property lines are determined by the existing centerline of creek, which was not located during the course of this survey. The placement of the property line along the creek is best fit by monumentation found, bearings/distances per deed and adjoining property lines.

Bearing Base: Grid North, NAD83 Texas State Plane Coordinate System, North Central Zone, as derived by survey-grade Global Positioning System.

Owner: American Builders & Contractors Supply Co., Inc.

Address: 2315/2325/2327 N. Travis
Sherman, Texas

This survey is for the sole benefit of the Owners stated hereon and is null and void for any other transaction. Any unauthorized use of this survey without the sole consent of the undersigned surveyor will infringe upon state and federal copyright statutes. Any violation of said statutes will be aggressively pursued.

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was performed on the ground of the property shown hereinabove and that this survey complies with the current Texas Society of Professional Surveyors Manual of Practice for a Category 1A, Condition 2, TSPS Land Title Survey and is a true and correct representation of the property shown hereon to the best of my knowledge and belief.

A portion of the subject property shown hereon lies within the limits of a Zone "AE" 100-year Flood Hazard Area, as scaled from the "FEMA" Flood Insurance Rate Map for Grayson County, Texas, Map No. 48181C0290 F, Revised Date: September 29, 2010.

STATE OF TEXAS
REGISTERED
KATE A. WAGNER
6578
PROFESSIONAL
LAND SURVEYOR

Job No. BGS650622

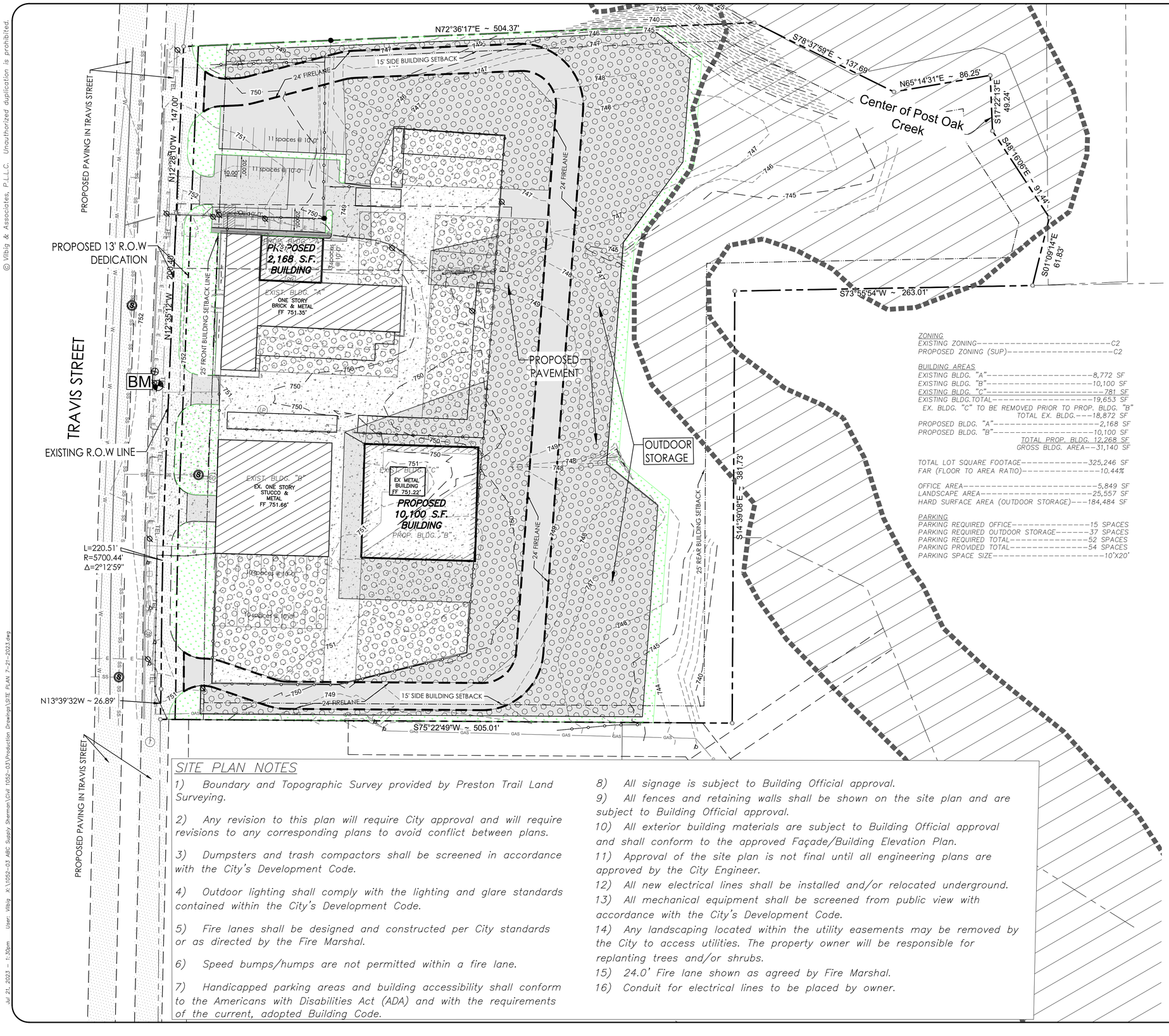
Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (903) 463-6191
Email: kate@helveywagnersurvey.net
TBPELS Firm Registration No. 10088100

Kate A. Wagner, R. P. L. S. No. 6578
Copyright Date: June 30, 2022

X:\Shared Projects\2315-2325-2327 N Travis Sherman\DWG\TOPO.dwg Layout: 11x17-Portrait Plot Date Jun 30 22 Time: 2:19 PM

EXHIBIT B

© Vilbig & Associates, P.L.L.C. Unauthorized duplication is prohibited.



0 40' 80' 120'

SCALE: 1" = 40'

PLAN LEGEND

- PROJECT BOUNDARY LINE
- BUILDING SETBACK
- 620 EXISTING CONTOUR LINES
- 618
- ADJACENT SUBDIVISION BOUNDARIES
- OHE OVERHEAD ELECTRIC
- UGE UNDERGROUND ELECTRIC
- EW EW EXISTING WATER
- FIRE LANE
- X X WIRE FENCE
- PROPOSED 6' WOODEN FENCE
- FH FIRE HYDRANT
- EXISTING ASPHALT
- EXISTING CONCRETE

NEW PAVEMENT THICKNESS

- 3,500 PSI – 4" Concrete Sidewalk Pavement
- 4,000 PSI – 7" Concrete (at 28 days) over 6" Compacted Subgrade Compacted to 95% Standard Proctor Density
- NEW GRASS AREAS
- OUTDOOR STORAGE AREAS

ZONING
EXISTING ZONING----------C2
PROPOSED ZONING (SUP)----------C2

BUILDING AREAS
EXISTING BLDG. "A"----------8,772 SF
EXISTING BLDG. "B"----------10,100 SF
EXISTING BLDG. "C"----------781 SF
EXISTING BLDG.TOTAL----------19,653 SF
EX. BLDG. "C" TO BE REMOVED PRIOR TO PROP. BLDG. "B"
TOTAL EX. BLDG.---18,872 SF
PROPOSED BLDG. "A"----------2,168 SF
PROPOSED BLDG. "B"----------10,100 SF
TOTAL PROP. BLDG. 12,268 SF
GROSS BLDG. AREA---31,140 SF

TOTAL LOT SQUARE FOOTAGE----------325,246 SF
FAR (FLOOR TO AREA RATIO)----------10.44%

OFFICE AREA----------5,849 SF
LANDSCAPE AREA----------25,557 SF
HARD SURFACE AREA (OUTDOOR STORAGE)---184,484 SF

PARKING
PARKING REQUIRED OFFICE----------15 SPACES
PARKING REQUIRED OUTDOOR STORAGE------37 SPACES
PARKING REQUIRED TOTAL----------52 SPACES
PARKING PROVIDED TOTAL----------54 SPACES
PARKING SPACE SIZE----------10'X20'

SITE PLAN NOTES

1) Boundary and Topographic Survey provided by Preston Trail Land Surveying.
2) Any revision to this plan will require City approval and will require revisions to any corresponding plans to avoid conflict between plans.
3) Dumpsters and trash compactors shall be screened in accordance with the City's Development Code.
4) Outdoor lighting shall comply with the lighting and glare standards contained within the City's Development Code.
5) Fire lanes shall be designed and constructed per City standards or as directed by the Fire Marshal.
6) Speed bumps/humps are not permitted within a fire lane.
7) Handicapped parking areas and building accessibility shall conform to the Americans with Disabilities Act (ADA) and with the requirements of the current, adopted Building Code.
8) All signage is subject to Building Official approval.
9) All fences and retaining walls shall be shown on the site plan and are subject to Building Official approval.
10) All exterior building materials are subject to Building Official approval and shall conform to the approved Façade/Building Elevation Plan.
11) Approval of the site plan is not final until all engineering plans are approved by the City Engineer.
12) All new electrical lines shall be installed and/or relocated underground.
13) All mechanical equipment shall be screened from public view with accordance with the City's Development Code.
14) Any landscaping located within the utility easements may be removed by the City to access utilities. The property owner will be responsible for replanting trees and/or shrubs.
15) 24.0' Fire lane shown as agreed by Fire Marshal.
16) Conduit for electrical lines to be placed by owner.

VILBIG & ASSOCIATES, INC.
CONSULTING ENGINEERS & SURVEYORS
517 W. WOODARD STREET, DENISON, TX 75020
PHONE: (214) 352-7333 FAX (214) 352-0999
TEXAS ENG. FIRM # F-501 & SURVEYING FIRM # 10030300

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF DAVID A. VILBIG, P.E., 67207 ON JULY 13, 2023. IT IS NOT TO BE USED FOR CONSTRUCTION, FINAL BID, OR PERMIT PURPOSES.

PROGRESS PLOTS
FOR INTERIM DESIGN REVIEW ONLY
NOT FOR CONSTRUCTION
DATE: 7-13-2023

!!CAUTION!!
THERE MAY BE UNDERGROUND GAS LINES, TELEPHONE CABLES AND ELECTRICAL LINES WITHIN VICINITY OF SITE. EXACT LOCATIONS ARE UNKNOWN. CALL BEFORE DIGGING!

Texas 811

ABC SUPPLY CO. INC.
7.849 ACRES
CITY OF SHERMAN
GRAYSON COUNTY, TEXAS

SITE PLAN-SUP
ZONED - C2

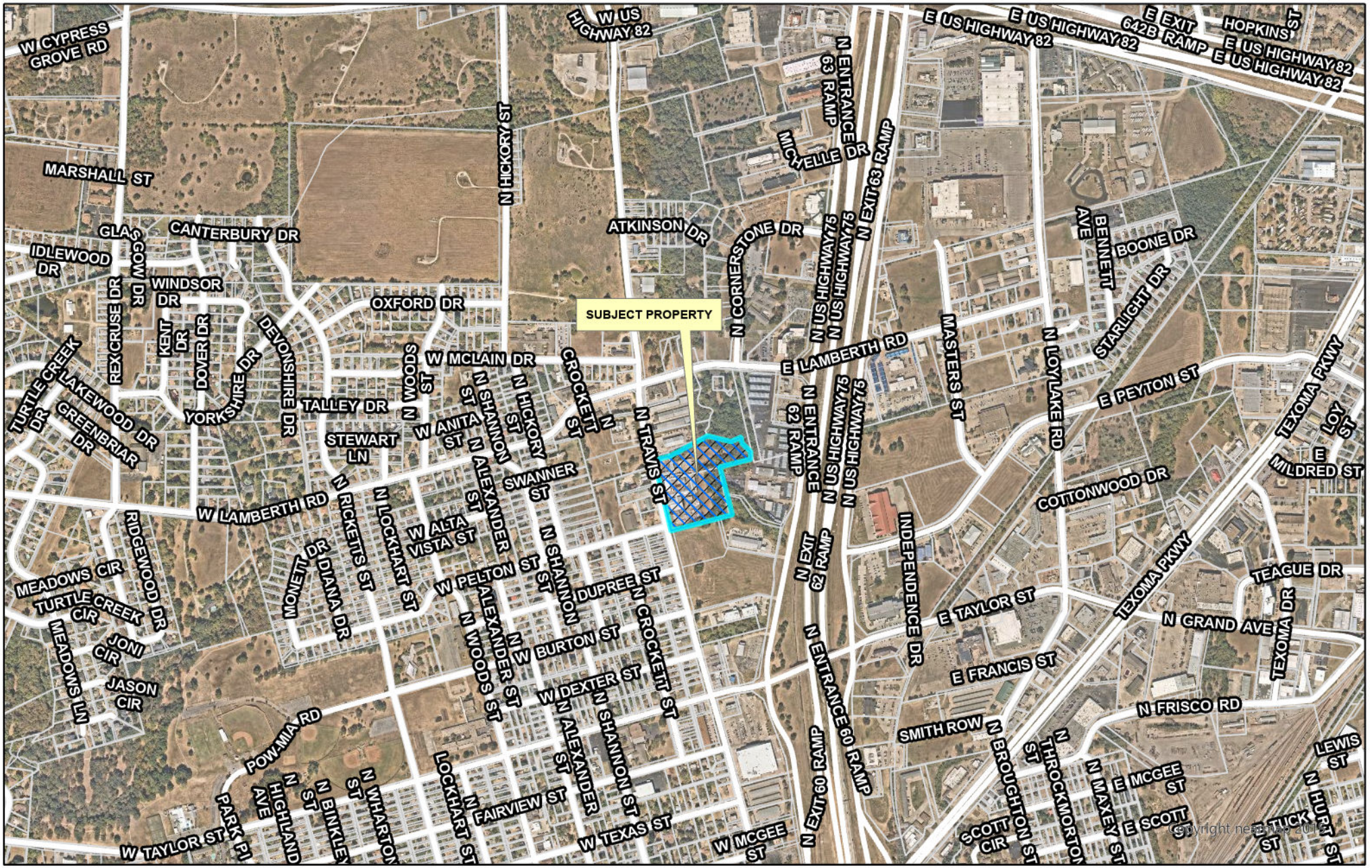
NO.	DATE	BY	DESCRIPTION
			REVISIONS

SUBMITTAL #1: --/--/--
SUBMITTAL #2: --/--/--
SUBMITTAL #3: --/--/--
SUBMITTAL #4: --/--/--
DESIGN: DV/PN DRAWN: RS
CHECKED: DAV
SCALE: 1" = 40'
VA PROJECT NO: 1052-03

SHEET
SP 1

VERS. 7-21-2023

Jul 21, 2023 - 1:30pm User: Vilbig X:\1052-03 ABC Supply Sherman\Civil 1052-03\Production Drawings\SITE PLAN 7-21-2023.dwg



dlagrone H:\PLANNING\Public Notification KT.aprx

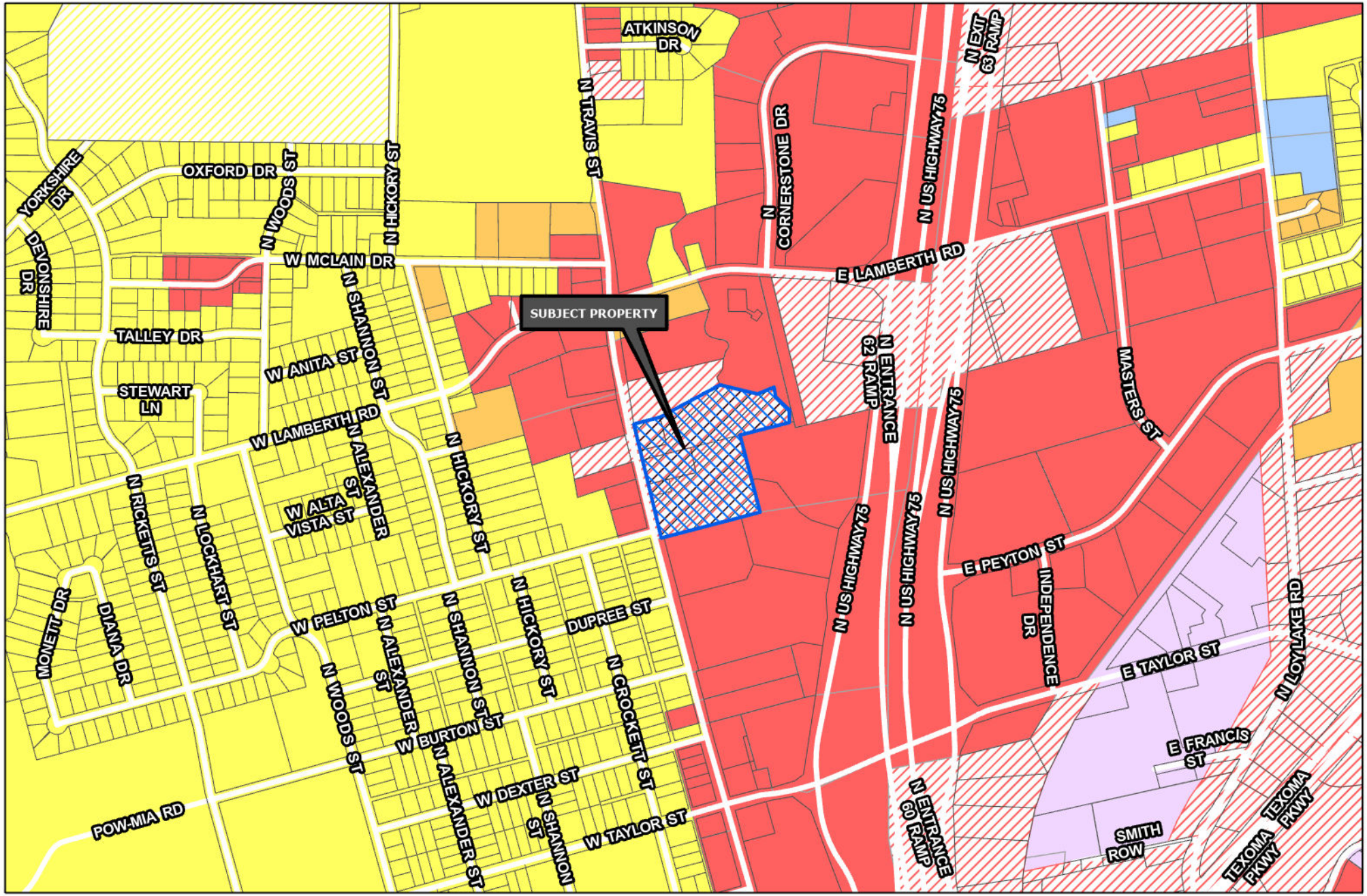
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
2325 N TRAVIS ST

N
W E
S

Date: 6/2/2023 1:57 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

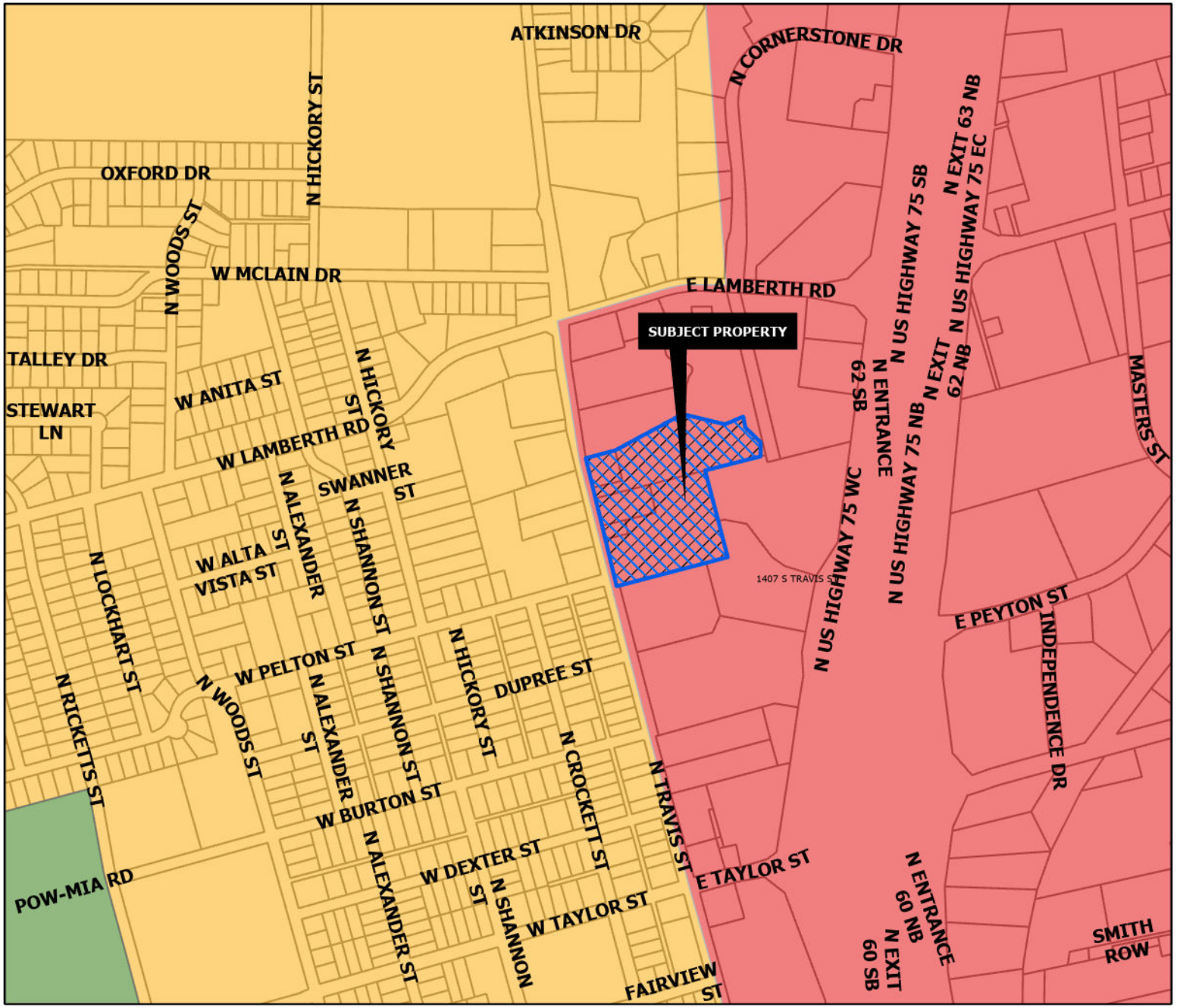
- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations

Road Names All

CITY OF SHERMAN
ZONING MAP
2325 N TRAVIS ST

N
W E
S

Date: 6/2/2023 2:00 PM



REGIONAL COMMERCIAL

Intent & Character

The Regional Commercial category is intended to promote large-scale commercial development along US-75, while promoting community character through design. US-75 serves as the major gateway to and through the community; therefore, aesthetics and design should be promoted in this corridor. This category should allow large-scale commercial uses that serve the region and the community alike. A mix of uses and inter-connectivity between parcels should be encouraged.

Appropriate Land Use Types

- Retail and Restaurants
- Multi-Family Living
- Office Complex
- Medical
- Mixed Use
- Indoor Entertainment

Compatible Zoning Districts

- Retail Business
- General Commercial
- Office
- Multi-Family Residential (MF-15 and MF-30)
- Planned Development (for larger tracts)

Considerations

- Site design considerations should be given to parking, landscaping, and building articulation.
- Where possible, parking should be screened from view or well-landscaped with native, drought-tolerant plants.
- All buildings facades fronting a public street or within significant public view should have aesthetically-pleasing horizontal and vertical articulation.
- Signage should be multi-tenant, where possible, and should match the character of the primary structure.
- High density residential should be included in mixed use developments.
- High density residential is appropriate behind commercial areas, with inter-connectivity.
- If high density is stand alone, the surrounding uses and connectivity should be considered to avoid an "island."

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
2325 N TRAVIS ST

N
W E
S

Date: 6/27/2023 7:34 AM

Sherman
CLASSIC TOWN. BROAD HORIZON.

NOTICE OF
SPECIFIC USE
PERMIT REQUEST

PROJECT #: 23-003772

FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229

07/03/2023 11:03

06/21/2023

PROJECT NARRATIVE

ABC Supply (C2- Commercial) Sherman, TX we are applying for a Specific Use Permit to allow for outdoor storage.

ROOFIN
WINDOWS
ABC
Supply Co. inc.
GUTTER
SIDIN
05/22/2023

ABS
Supply Co. inc.
ROOFING
SIDING
WINDOWS
TOOLS
GUTTER
05/22/2023

ROOFING
WINDOWS
ABC
Supply Co. inc.
GUTTER
SIDING
05/22/2023

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

August 15, 2023

Sent via email

ABC Supply Co., Inc.
One ABC Parkway
Beloit, WI 53511

Helvey-Wagner Surveying, Inc
222 W. Main St.
Denison, TX 75020

Vilbig and Associates
517 W Woodard Street
Denison, TX 75020

Dear Applicants,

The request of a Public Hearing, Site Plan and Specific Use Permit under Section 14.06.009 to allow Contractors or Construction Offices, Equipment Sales, Service, Rental and Repair, with Outdoor Storage in a C-2 (General Commercial) District located at 2325 North Travis Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, August 22, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). *(Code of Ordinances Chapter 3.02(c))*
3. Required parking or driveways must be paved concrete or asphalt. Additional parking above the required parking may be constructed with a pervious material as approved by the director of engineering. *(14.04.003(d)(1))*
4. No building shall exceed 35' in height. *(Sec. 14.02.017(4)(D))*
5. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004)*
6. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07)*
7. The use of the property must comply with all Federal and State Laws and Regulations and with all the Ordinances, Rules and Regulations of the City of Sherman.
8. The property must be properly maintained in a state of good repair and neat appearance.
9. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at-large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.
10. The granting of the Specific Use Permit has no effect on the uses permitted as of right and does not

waive the regulations of the underlying zoning district.

11. A Specific Use Permit is an amendment to the district regulations of the Zoning Ordinance that permits the establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure is discontinued or abandoned for a period of thirty (30) consecutive days in which event such Specific Use Permit shall be void and such use may not thereafter be resumed unless a new Specific Use Permit is granted in accordance with this section. *(Sec. 14.06.009(a)(1)(C))*
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. Platting of the property is required. Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004
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. All requirements of the Floodplain Ordinance shall be followed. Code of Ordinances Chapter 3, Article 3.12
17. Encroachment Agreement may be required if planter encroaches into required 15' Utility, Landscape, and Sidewalk Easement along new Travis Street right-of-way. If required, instrument information for Encroachment Agreement to be shown on plat.
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. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.

Fire Services

20. 905.3.9 - Buildings Exceeding 10,000 sq. ft. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior is more than 200 feet (60960mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class 1 automatic wet or manual wet standpipes shall be provided. (City Ordinances Amendments 3.02.002)
21. 507.5.1.1 - Buildings equipped with a FDC installed in accordance shall have a fire hydrant within 100' of the fire department connections.
22. 503.1.1 - The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150' of all portions of non-sprinklered facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
23. 503.1.1 - The fire apparatus access road shall comply with the requirements of this section and shall extend to within 200' of all portions of a sprinklered facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
24. 503.2.4 - The minimum turning radius shall be at least 25' unless fire lane exceeds minimum requirement of 24'. (City Ordinances Amendments 3.01.002)
25. D103.1 - Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26', exclusive of shoulders.

It is the policy of the Planning and Zoning Commission and Board of Adjustment 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, contact Development Services by emailing planning@cityofsherman.com prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Dillon Stewart, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 6.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6646

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 9.416 acres in the James M. Hambright Survey, Abstract 538, City of Sherman, Grayson County, Texas, Located at 18873 West Highway 82, Heretofore Zoned R-A (Residential Agricultural) District; Rezoning and Placing the Tract in the C-2 (General Commercial) District/75&82 Overlay District Zoning Classification, (David Catching, Owner; Keith Barclift, Representative; and Helvey-Wagner Surveying, 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 David Catching (Owner), Keith Barclift (Representative) and Helvey Wagner Surveying (Surveyor) concerning the property located at 18873 West Highway 82, consisting of 9.416 acres in the James M. Hambright Survey, Abstract 538, City of Sherman, Grayson County, Texas, Heretofore Zoned R-A (Residential Agricultural) District; Rezoning and Placing the Tract in the C-2 (General Commercial) District/75&82 Overlay District Zoning Classification

Background:

The property is located at 18873 West Highway 82 between Mission Drive and Gall Hill Lane. The property owner is requesting a Zone Change from an R-A (Residential Agricultural) District to a C-2 (General Commercial) District/75&82 Overlay District.

The proposed business is EquipmentShare which would provide equipment sales, rental, and repair for the construction industry. This item is tied to the SUP request in Ordinance No. 6647.

Origination:

David Catching (Owner)
Keith Barclift (Representative)
Helvey Wagner Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Zone Change be approved subject to the Staff Review Letter. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny or table the request.

Attachments

Ordinance No. 6646
Exhibit A - Survey
Location Map
Zoning Map
FLUM
Zoning Sign Photo
STAFF REVIEW LETTER

ORDINANCE NO. 6646

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, TO REZONE A TRACT OF LAND, CONSISTING OF 9.416 ACRES IN THE JAMES M. HAMBRIGHT SURVEY, ABSTRACT 538, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, LOCATED AT 18873 WEST HIGHWAY 82, HERETOFORE ZONED R-A (RESIDENTIAL AGRICULTURAL) DISTRICT; REZONING AND PLACING THE TRACT IN THE C-2 (GENERAL COMMERCIAL) DISTRICT/75&82 OVERLAY DISTRICT ZONING CLASSIFICATION, (DAVID CATCHING, OWNER; KEITH BARCLIFT, REPRESENTATIVE; AND HELVEY-WAGNER SURVEYING, SURVEYOR); PROVIDING FOR 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 and Legal Description**, attached hereto, located at 18873 West Highway 82, and all streets, roads and alleyways contiguous and/or adjacent thereto, shall be rezoned and placed in the C-2 (General Commercial) District/75&82 Overlay District, and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, 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 Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

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 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 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

EFFECTIVE DATE on this the 18th day of September 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

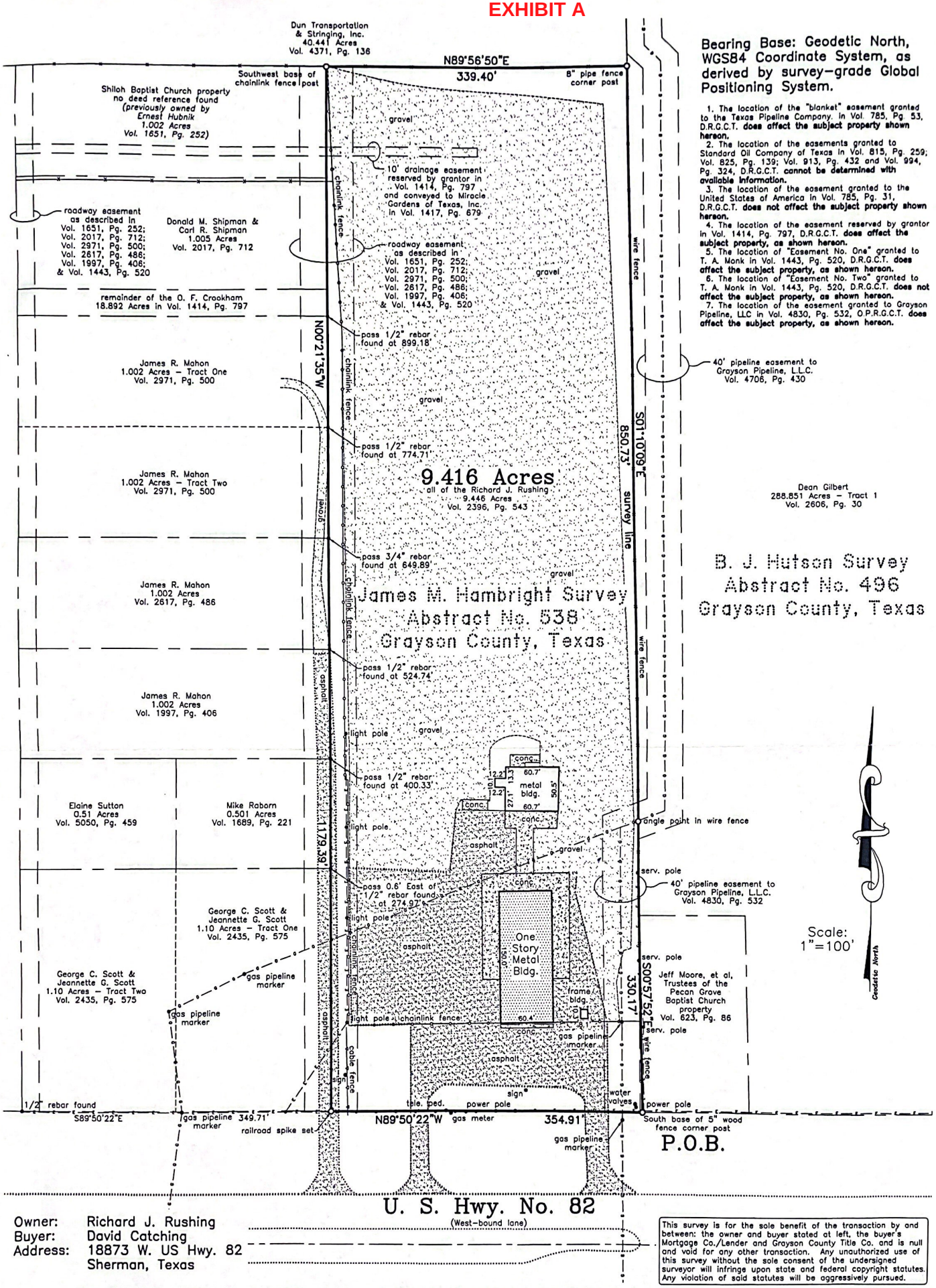
ATTEST:

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

EXHIBIT A



Bearing Base: Geodetic North, WGS84 Coordinate System, as derived by survey-grade Global Positioning System.

1. The location of the "blanket" easement granted to the Texas Pipeline Company. in Vol. 785, Pg. 53, D.R.G.C.T. **does affect the subject property shown hereon.**
2. The location of the easements granted to Standard Oil Company of Texas in Vol. 815, Pg. 259; Vol. 825, Pg. 139; Vol. 913, Pg. 432 and Vol. 994, Pg. 324, D.R.G.C.T. **cannot be determined with available information.**
3. The location of the easement granted to the United States of America in Vol. 785, Pg. 31, D.R.G.C.T. **does not affect the subject property shown hereon.**
4. The location of the easement reserved by grantor in Vol. 1414, Pg. 797, D.R.G.C.T. **does affect the subject property, as shown hereon.**
5. The location of "Easement No. One" granted to T. A. Monk in Vol. 1443, Pg. 520, D.R.G.C.T. **does affect the subject property, as shown hereon.**
6. The location of "Easement No. Two" granted to T. A. Monk in Vol. 1443, Pg. 520, D.R.G.C.T. **does not affect the subject property, as shown hereon.**
7. The location of the easement granted to Grayson Pipeline, LLC in Vol. 4830, Pg. 532, O.P.R.G.C.T. **does affect the subject property, as shown hereon.**

Owner: Richard J. Rushing
Buyer: David Catching
Address: 18873 W. US Hwy. 82
Sherman, Texas

This survey is for the sole benefit of the transaction by and between: the owner and buyer stated at left, the buyer's Mortgage Co./Lender and Grayson County Title Co. and is null and void for any other transaction. Any unauthorized use of this survey without the sole consent of the undersigned surveyor will infringe upon state and federal copyright statutes. Any violation of said statutes will be aggressively pursued.

I, Billy F. Helvey, Registered Professional Land Surveyor, do hereby certify that a survey was performed on the ground of the property shown hereinabove under my personal and direct supervision, that visible and observable evidence of easements or rights-of-way that were detected during the course of this survey are shown hereon, that the plat substantially complies with the Current Minimum Standards for Professional Land Surveyors, as adopted by the Texas Board of Professional Land Surveying and is a true and correct representation of the property shown hereon.

The subject property shown hereon does not lie within the limits of any designated 100-year Flood Hazard Areas, as shown on the "FEMA" Flood Insurance Rate Map for Grayson County, Texas, Map No. 48181C0270 F, Revised Date: September 29, 2010.

Helvey & Associates Surveying, Inc.
222 W. Main St.
Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088

Billy F. Helvey, R. P. L. S. No. 4488

Copyright Date: April 20, 2012

C:\Land Projects R2\9-Acres-James-M-Hambright-Survey-for-David-Catching\dwg\18873-W-US-Hwy-82.dwg 4/20/2012 3:12:30 PM CDT

dlagrone H:\PLANNING\Public Notification KT.aprx

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
18873 W HWY 82

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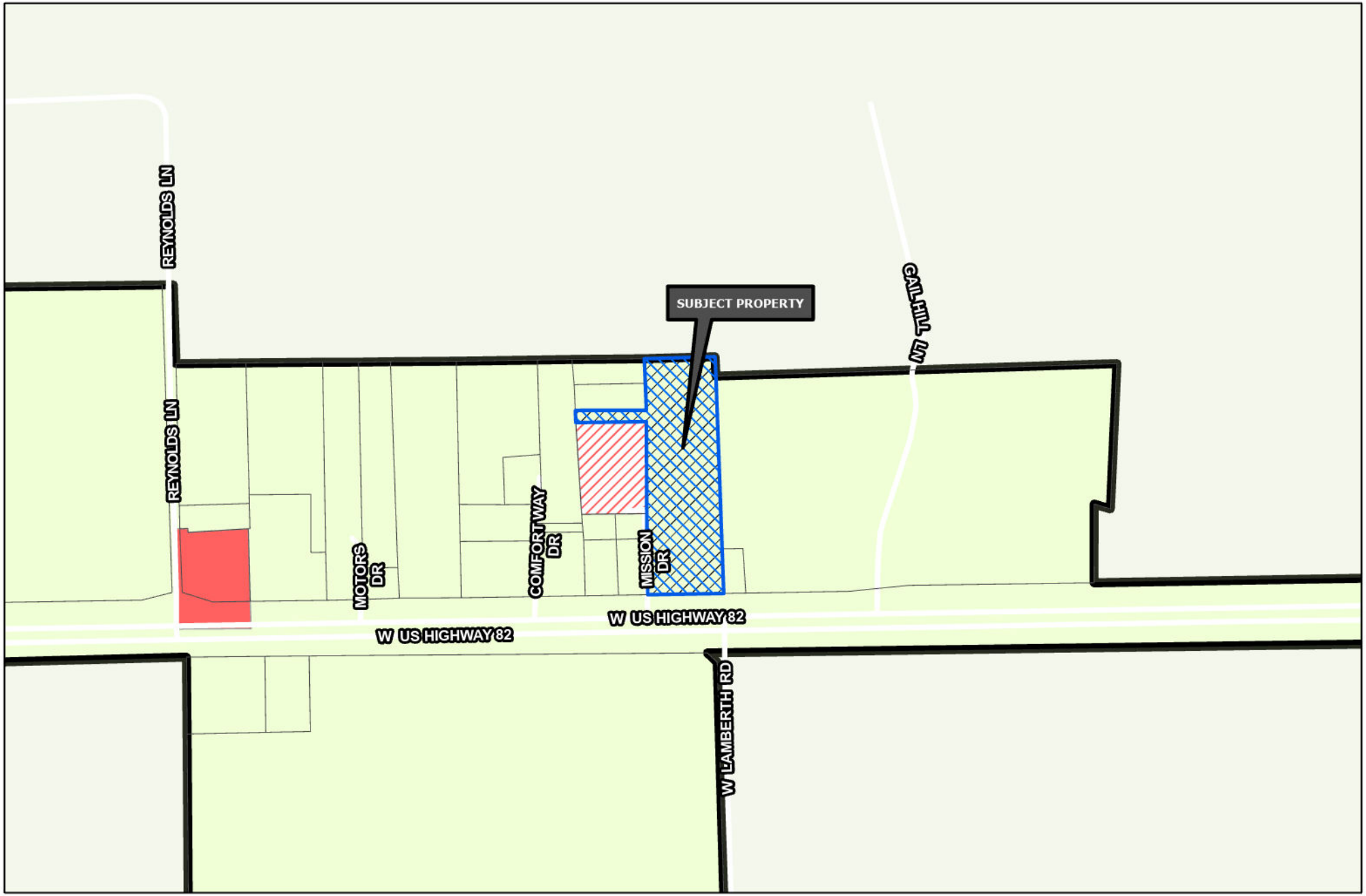
Date: 8/6/2023 5:02 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations

Road Names All

CITY OF SHERMAN ZONING MAP 18873 W HWY 82

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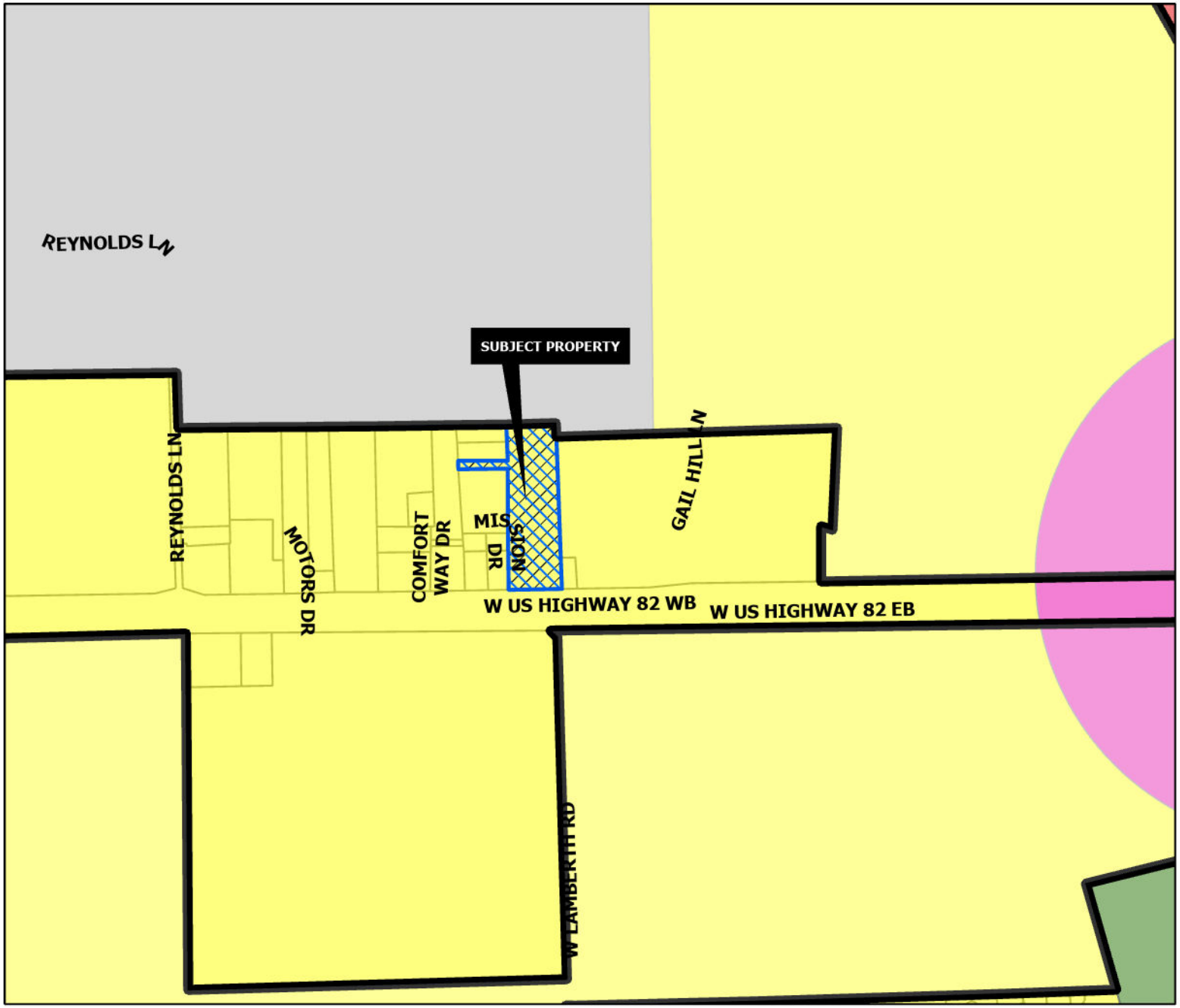
Date: 8/6/2023 5:02 PM



SUBURBAN NEIGHBORHOOD

Intent & Character

The Suburban Neighborhood category is intended to allow primarily single-family detached in a "complete neighborhood" setting. New subdivisions should include a mix of housing products and lot sizes. Areas of supporting local commercial should be integrated into the neighborhoods, primarily along major streets near the entrance of neighborhoods. Community amenities such as parks, trails, open spaces, and civic uses should also be included in the creation of new subdivisions. This category gives flexibility for the creation of master-planned neighborhoods that are compatible with the surrounding area.

Appropriate Land Use Types

- Single-family detached (primary land use type)
- Single-family attached (duplexes and townhomes)
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Estate Residential
- Single-Family Residential (R-12, R-6, R-5, and R-4)
- Multi-Family Residential (MF-15 and MF-30)
- Manufactured Housing
- Neighborhood Commercial
- Planned Development

Considerations

- Street connections to existing and future developments.
- Smaller lots and denser development can serve as a transition from the local commercial areas.

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
18873 W HWY 82

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Date: 8/6/2023 5:02 PM

Marlow, Lauren

From: laurenm@cityofsherman.com
To: Drew Hall
Subject: RE: Pre-Development Meeting Request - 18873 US-82, Sherman, TX 75092

From: Drew Hall
Sent: Tuesday, August 8, 2023 1:32 PM
To: Marlow, Lauren
Cc: Pranavi Koka; Keith Barclift
Subject: Re: Pre-Development Meeting Request - 18873 US-82, Sherman, TX 75092

Good Afternoon Lauren,

Please see attached photo of the allotted sign in front of the property at 18873 US-83. There is also a time stamp of 8/8/23 at 1:07 PM at the top of the image. Please let me know if there is anything further we need to provide.

Thanks,

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

August 15, 2023

Sent via email

Keith Barclift
5710 Bull Run Drive
Columbia, MO 65201

David Catching
101 E. Park Blvd, Ste. 1130
Plano, TX 75047

Dear Applicants,

The request of a Public Hearing and Zone Change from an R-A (Residential Agricultural) District to a C-2 (General Commercial) District/75&82 Overlay District and the request of a Public Hearing, Specific Use Permit and Site Plan under Section 14.06.009 to allow Contractors or Construction Offices, Equipment Sales, Service, Rental and Repair, with Outdoor Storage in a C-2 (General Commercial) District/75&82 Overlay District located at 18873 West Highway 82 has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, August 22, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). *(Code of Ordinances Chapter 3.02(c))*
3. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares. *(Sec. 14.03.001(g)(4)(B))*
4. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at-large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device. *(Sec. 14.03.001(g)(4)(C))*
5. Required parking or driveways must be paved concrete or asphalt. Additional parking above the required parking may be constructed with a pervious material as approved by the director of engineering. *(Sec. 14.04.003(d)(1))*
6. No outside parking or storage of dismantled, junk or inoperable vehicles, equipment, wrecks, tires or parts are allowed.
7. The lifts on the front-end loaders shall be stored in the down position.
8. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004)*
9. Chain link fences are not approved materials for screening in the 75 & 82 Overlay District. *(Sec. 14.03.001(g)(3))*
10. Barbed wire fences are not permitted in the City of Sherman. *(Sec. 8.02.003)*

11. New buildings or additions must comply with the building design requirements of the 75 & 82 Overlay District *(Sec. 14.03.001(d)*
12. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07)*
13. The use of the property must comply with all Federal and State Laws and Regulations and with all the Ordinances, Rules and Regulations of the City of Sherman.
14. The property must be properly maintained in a state of good repair and neat appearance.
15. The granting of the Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
16. A Specific Use Permit is an amendment to the district regulations of the Zoning Ordinance that permits the establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure is discontinued or abandoned for a period of thirty (30) consecutive days in which event such Specific Use Permit shall be void and such use may not thereafter be resumed unless a new Specific Use Permit is granted in accordance with this section. *(Sec. 14.06.009(a)(1)(C))*
17. 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.
18. 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 (Specific Use Permit)

19. Platting of the property is required if any building additions are made. Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004
20. West to East 24' Mutual Access Easement centered in parking lot drive lane to be dedicated upon platting of subject property. Code of Ordinances Chapter 10, Exhibit A, Sec. 12
21. Existing asphalt and fencing to be removed from existing roadway easement. Code of Ordinances, Chapter 14, Article 14.04
22. Roadway Easement to be dedicated as right-of-way 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)
23. 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
24. Water main must be extended in accordance with City criteria to serve proposed Lot. Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)
25. City wastewater does not serve subject property. On-site sewage facility or extension of wastewater main by developer is required. Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)
26. If additional paved surface is constructed, 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)
27. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.

Fire Services

28. 503.2.4 - The minimum turning radius shall be at least 25' unless fire lane exceeds minimum requirement of 24' throughout. (City Ordinances Amendments 3.01.002)
29. 507.5.1 - Where a portion of the non-sprinklered facility or building hereafter constructed or moved into or within the jurisdiction is more than 400' from a hydrant on a fire apparatus access road, as

measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

30. 905.3.9 - Buildings Exceeding 10,000 sq. ft. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior is more than 200 feet (60960mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class 1 automatic wet or manual wet standpipes shall be provided. (City Ordinances Amendments 3.02.002)
31. 507.5.1 - Where a portion of the sprinklered facility or building hereafter constructed or moved into or within the jurisdiction is more than 600' from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
32. 507.5.1.1 - Buildings equipped with a FDC installed in accordance shall have a fire hydrant within 100' of the fire department connections.

Solid Waste Services

33. All uses within the C-2 (General Commercial) District shall provide a screening device as an enclosure for garage and trash containers. Enclosure shall be constructed of masonry or similar durable material. *(Sec, 14.04.004(4))*

It is the policy of the Planning and Zoning Commission and Board of Adjustment 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, contact Development Services by emailing planning@cityofsherman.com prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Dillon Stewart, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 7.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6647

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow Contractors or Construction Offices, Equipment Sales, Service, Rental and Repair, with Outdoor Storage in the C-2 (General Commercial) District/75&82 Overlay District, Located at 18873 West Highway 82, consisting of 9.416 acres in the James M. Hambright Survey, Abstract 538, City of Sherman, Grayson County, Texas (David Catching, Owner; Keith Barclift, Representative; and Helvey-Wagner Surveying, Surveyor); Prescribing Conditions to the Specific Use Permit; 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

Issue:

To consider granting a Specific Use Permit for Contractors or Construction Offices, Equipment Sales, Service, Rental and Repair, with Outdoor Storage in the C-2 (General Commercial) District/75&82 Overlay District, Located at 18873 West Highway 82, consisting of 9.416 acres in the James M. Hambright Survey, Abstract 538, City of Sherman, Grayson County, Texas David Catching (Owner), Keith Barclift (Representative) and Helvey Wagner Surveying (Surveyor)

Background:

The property is located at 18873 West Highway 82 between Mission Drive and Gall Hill Lane. The property owner is requesting a Specific Use Permit to allow for a Contractors or Construction office, equipment sales, service, rental and repair, with outdoor storage. The proposed business for the property is EquipmentShare.

EquipmentShare is a nationwide construction solutions provider dedicated to solving industry pain points through smart jobsite technology and equipment rental, retail, and service centers. More than a rental company, EquipmentShare's cloud-connected platform is powered by telematics and machine hardware to give construction and industrial companies a real-time view into the jobsite. The method of distribution of this technology is a fleet of construction equipment available for both large-scale general contractors and everyday home builders. We are exploring this property for a new equipment rental facility which would consist of using the site as is and operate through the existing metal building.

Origination:

David Catching (Owner)
Keith Barclift (Representative)
Helvey Wagner Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Staff recommends the approval of the zone change from R-A to C-2 and the approval of the SUP for a Contractor or Construction Office, Equipment Sales, Service, Rental and Repair, with Outdoor Storage and that the SUP be tied to the applicant and business, EquipmentShare. This request is consistent with the Comprehensive Plan and would have the same regulations as other similar businesses already located in the City of Sherman.

Alternatives:

The City Council could deny or table the request.

Attachments

Ordinance No. 6647
Exhibit A - Survey
Exhibit B - Site Plan
Location Map
Zoning Map
FLUM
Zoning Sign Photo
Narrative
Elevations
STAFF REVIEW LETTER

ORDINANCE NO. 6647

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, AND GRANTING A SPECIFIC USE PERMIT TO ALLOW CONTRACTORS OR CONSTRUCTION OFFICES, EQUIPMENT SALES, SERVICE, RENTAL AND REPAIR, WITH OUTDOOR STORAGE IN THE C-2 (GENERAL COMMERCIAL) DISTRICT/75&82 OVERLAY DISTRICT, LOCATED AT 18873 WEST HIGHWAY 82, CONSISTING OF 9.416 ACRES IN THE JAMES M. HAMBRIGHT SURVEY, ABSTRACT 538, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS (DAVID CATCHING, OWNER; KEITH BARCLIFT, REPRESENTATIVE; AND HELVEY-WAGNER SURVEYING, SURVEYOR); PRESCRIBING CONDITIONS TO THE SPECIFIC USE PERMIT; 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 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, the property located at 18873 West Highway 82, City of Sherman, Grayson County, Texas is/are granted a Specific Use Permit to a Contractors or Construction Offices, Equipment Sales, Service, Rental and Repair, with Outdoor Storage, subject to the conditions described in this Ordinance and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14 is hereby amended so as to hereafter include property on **Exhibit A – Survey**.

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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal *(Code of Ordinances Chapter 3.02(c))*
3. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares. *(Sec. 14.03.001(g)(4)(B))*
4. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at-large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device. *(Sec. 14.03.001(g)(4)(C))*
5. Required parking or driveways must be paved concrete or asphalt. Additional parking above the required parking may be constructed with a pervious material as approved by the director of engineering. *(Sec. 14.04.003(d)(1))*
6. No outside parking or storage of dismantled, junk or inoperable vehicles, equipment, wrecks, tires or parts are allowed.
7. The lifts on the front-end loaders shall be stored in the down position.
8. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004)*
9. Chain link fences are not approved materials for screening in the 75 & 82 Overlay District. *(Sec. 14.03.001(g)(3))*
10. Barbed wire fences are not permitted in the City of Sherman. *(Sec. 8.02.003)*
11. New buildings or additions must comply with the building design requirements of the 75 & 82 Overlay District *(Sec. 14.03.001(d)*
12. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07)*
13. The use of the property must comply with all Federal and State Laws and Regulations and with all the Ordinances, Rules and Regulations of the City of Sherman.
14. The property must be properly maintained in a state of good repair and neat appearance.
15. The granting of the Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
16. A Specific Use Permit is an amendment to the district regulations of the Zoning Ordinance that permits the establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure is discontinued or abandoned for a period of thirty (30) consecutive days in which event such Specific Use Permit shall be void and such use may not thereafter be resumed unless a new Specific Use Permit is granted in accordance with this section. *(Sec. 14.06.009(a)(1)(C))*
17. 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.

18. 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 (Specific Use Permit)

19. Platting of the property is required if any building additions are made. Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004
20. West to East 24' Mutual Access Easement centered in parking lot drive lane to be dedicated upon platting of subject property. Code of Ordinances Chapter 10, Exhibit A, Sec. 12
21. Existing asphalt and fencing to be removed from existing roadway easement. Code of Ordinances, Chapter 14, Article 14.04
22. Roadway Easement to be dedicated as right-of-way 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)
23. 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
24. Water main must be extended in accordance with City criteria to serve proposed Lot. Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)
25. City wastewater does not serve subject property. On-site sewage facility or extension of wastewater main by developer is required. Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)
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27. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.

Fire Services

28. 503.2.4 - The minimum turning radius shall be at least 25' unless fire lane exceeds minimum requirement of 24' throughout. (City Ordinances Amendments 3.01.002)
29. 507.5.1 - Where a portion of the non-sprinklered facility or building hereafter constructed or moved into or within the jurisdiction is more than 400' from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
30. 905.3.9 - Buildings Exceeding 10,000 sq. ft. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior is more than 200 feet (60960mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class 1 automatic wet or manual wet standpipes shall be provided. (City Ordinances Amendments 3.02.002)
31. 507.5.1 - Where a portion of the sprinklered facility or building hereafter constructed or

moved into or within the jurisdiction is more than 600' from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

32. 507.5.1.1 - Buildings equipped with a FDC installed in accordance shall have a fire hydrant within 100' of the fire department connections.

Solid Waste Services

33. All uses within the C-2 (General Commercial) District shall provide a screening device as an enclosure for garage and trash containers. Enclosure shall be constructed of masonry or similar durable material. *(Sec, 14.04.004(4))*

Additional Conditions: as applicable

34. The property shall be developed and used in accordance with all City Ordinances and the Site Plan shown in **Exhibit B – Site Plan.**
35. Notwithstanding anything to the contrary herein, the Specific Use Permit granted in this Ordinance shall automatically expire, terminate and be rescinded in the event that a person or entity other than Equipment Share is the lessee of the Property.

SECTION 3. That this Ordinance shall be entered upon the official zoning map as provided in Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

SECTION 4. That after holding a properly noticed public hearing, the City Council may amend, change, or rescind the Specific Use Permit if any of the conditions set forth in Zoning Ordinance/Code of Ordinances Chapter 14, Section 14.06.009(1)(g), apply or exist.

SECTION 5. That the Specific Use Permit shall be effective from and after the effective date of this Ordinance. Upon termination of the Specific Use Permit, the property shall cease to be used as provided herein unless another Specific Use Permit or appropriate zoning has been obtained.

SECTION 6. 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 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 7. That the 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 8. 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 9. 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 10. 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 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

EFFECTIVE DATE on this the 18th day of September 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

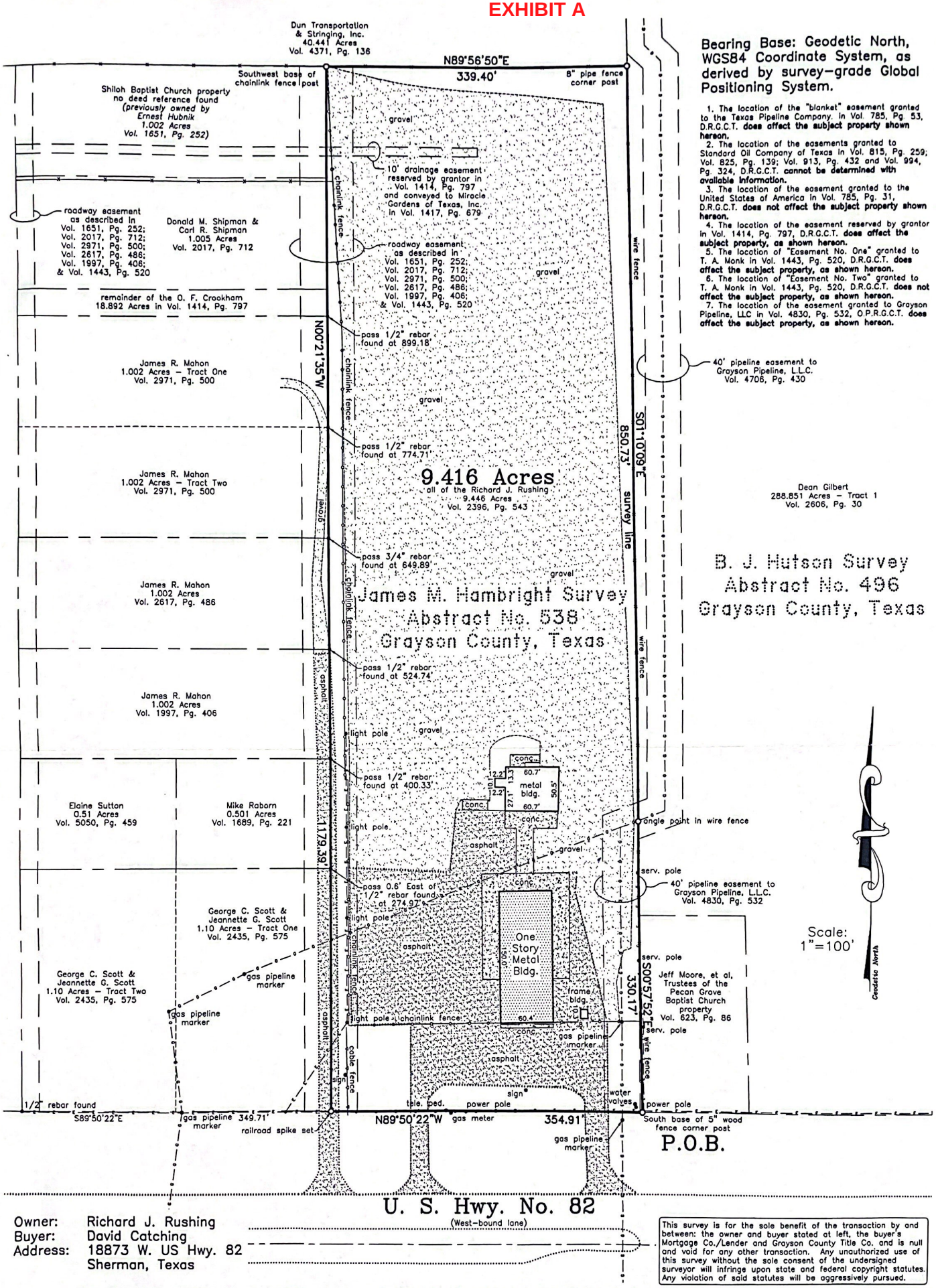
ATTEST:

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

EXHIBIT A



Bearing Base: Geodetic North, WGS84 Coordinate System, as derived by survey-grade Global Positioning System.

1. The location of the "blanket" easement granted to the Texas Pipeline Company. in Vol. 785, Pg. 53, D.R.G.C.T. **does affect the subject property shown hereon.**
2. The location of the easements granted to Standard Oil Company of Texas in Vol. 815, Pg. 259; Vol. 825, Pg. 139; Vol. 913, Pg. 432 and Vol. 994, Pg. 324, D.R.G.C.T. **cannot be determined with available information.**
3. The location of the easement granted to the United States of America in Vol. 785, Pg. 31, D.R.G.C.T. **does not affect the subject property shown hereon.**
4. The location of the easement reserved by grantor in Vol. 1414, Pg. 797, D.R.G.C.T. **does affect the subject property, as shown hereon.**
5. The location of "Easement No. One" granted to T. A. Monk in Vol. 1443, Pg. 520, D.R.G.C.T. **does affect the subject property, as shown hereon.**
6. The location of "Easement No. Two" granted to T. A. Monk in Vol. 1443, Pg. 520, D.R.G.C.T. **does not affect the subject property, as shown hereon.**
7. The location of the easement granted to Grayson Pipeline, LLC in Vol. 4830, Pg. 532, O.P.R.G.C.T. **does affect the subject property, as shown hereon.**

Owner: Richard J. Rushing
Buyer: David Catching
Address: 18873 W. US Hwy. 82
Sherman, Texas

This survey is for the sole benefit of the transaction by and between: the owner and buyer stated at left, the buyer's Mortgage Co./Lender and Grayson County Title Co. and is null and void for any other transaction. Any unauthorized use of this survey without the sole consent of the undersigned surveyor will infringe upon state and federal copyright statutes. Any violation of said statutes will be aggressively pursued.

I, Billy F. Helvey, Registered Professional Land Surveyor, do hereby certify that a survey was performed on the ground of the property shown hereinabove under my personal and direct supervision, that visible and observable evidence of easements or rights-of-way that were detected during the course of this survey are shown hereon, that the plat substantially complies with the Current Minimum Standards for Professional Land Surveyors, as adopted by the Texas Board of Professional Land Surveying and is a true and correct representation of the property shown hereon.

The subject property shown hereon does not lie within the limits of any designated 100-year Flood Hazard Areas, as shown on the "FEMA" Flood Insurance Rate Map for Grayson County, Texas, Map No. 48181C0270 F, Revised Date: September 29, 2010.

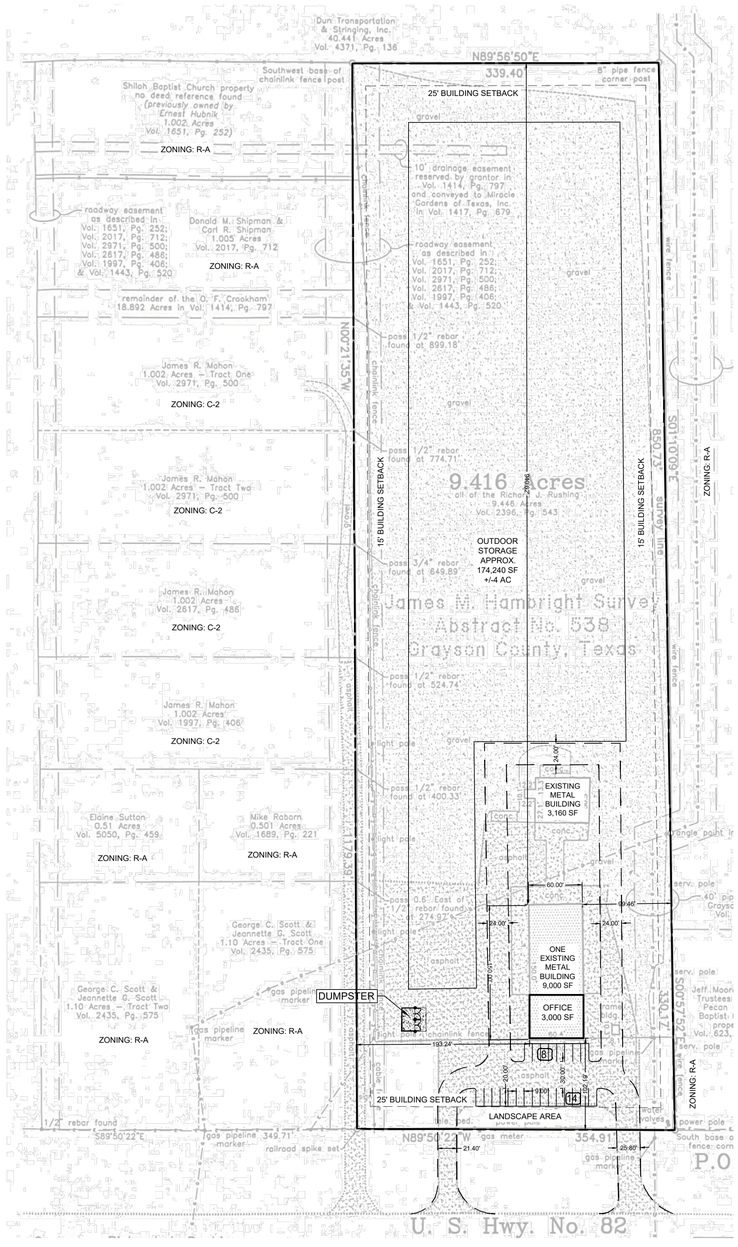
Helvey & Associates Surveying, Inc.
222 W. Main St.
Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088

Billy F. Helvey, R. P. L. S. No. 4488

Copyright Date: April 20, 2012

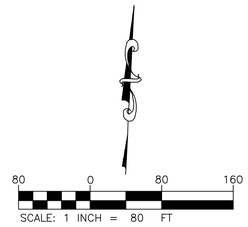
C:\Land Projects R2\9-Acres-James-M-Hambright-Survey-for-David-Catching\dwg\18873-W-US-Hwy-82.dwg 4/20/2012 3:12:30 PM CDT

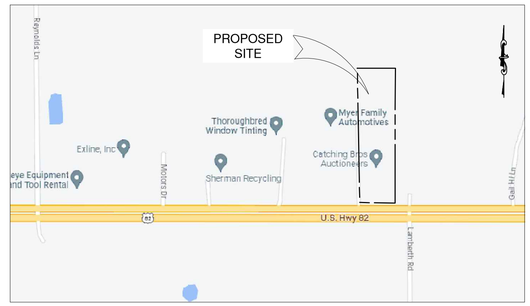
EXHIBIT B



SITE DATA TABLE

POJECT NAME	EQUIPMENT SHARE
ZONING	C-2 (GENERAL COMMERCIAL)
PROPOSED USE	LIGHT INDUSTRIAL
LOT AREA/SF AND AC	410,161 SF/9.416 AC
BUILDING AREA (GROSS SQUARE FOOTAGE)	9,000 SF (MAIN BUILDING)/3,160 SF (ACCESORY BUILDING) = 12,160 SF
BUILDING HEIGHT (FEET AND NUMBER OF STORIES)	29'-3.5" FT (1-STORY)
LOT COVERAGE	2.19%
FLOOR AREA RATIO (FOR NON-RESIDENTIAL ZONING)	0.02
TOTAL PARKING REQUIRED (WITH RATIO)	1 PARKING SPACE PER 400 SF OF GFA
TOTAL PARKING REQUIRED	1:400 = 9,000/400 = 23
TOTAL PARKING PROVIDED	23
BUILDING SETBACK	25' (NORTH & SOUTH)/15' (EAST & WEST)
LANDSCAPE AREA	5,359 SF
IMPERVIOUS LAND COVER	350,163 SF / 85.3%
PERVIOUS LAND COVER	60,094 SF / 14.7%





LOCATION MAP
NTS

FLOOD STATEMENT
ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) MAP NO.48181C0270G DATED SEPTEMBER 1, 2022 PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR GRAYSON COUNTY, TEXAS, THIS PROPERTY IS WITHIN ZONE X.

PROPOSED LEGEND

- PROPOSED BUILDING
- PROPERTY LINE
- EASEMENT LINE
- PROPOSED CURB & GUTTER
- FIRE LANE
- BUILDING SETBACK
- LANDSCAPE BUFFER
- CONCRETE SIDEWALK

Bowman
TBPE Firm Registration No: F-14309
2805 Dallas Parkway
Suite 310
Plano, Texas 75093
Phone: (972) 497-2590
Fax: (512) 327-4062
www.bowman.com

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REVISIONS		
REVISION	DESCRIPTION	DATE
---	---	---
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SITE PLAN

EQUIPMENT SHARE - SHERMAN
18873 US HWY 82
SHERMAN, TX 75092

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW, MARK-UP, AND/OR DRAFTING UNDER THE AUTHORITY OF RYAN SAFFORD, P.E. #98417 ON JULY 25 2023. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.

DESIGN	DRAWN	CHKD
PK	JR	RS

JOB No. 070711-01-001

SHEET
SP-1

Know what's below. Call before you dig.

THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTORS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

PRELIMINARY NOT FOR CONSTRUCTION

V:\070711 - Equipment Share - Sherman, TX\07071101-001 (ENG) - Equipment Share - Sherman, TX\Engineering\Engineering Plans\Sheet Sets\C1.0 - SITE PLAN.dwg, SITE PLAN, July 25, 2023, 1:20 PM, ryan

dlagrone H:\PLANNING\Public Notification KT.aprx

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
18873 W HWY 82

N
W E
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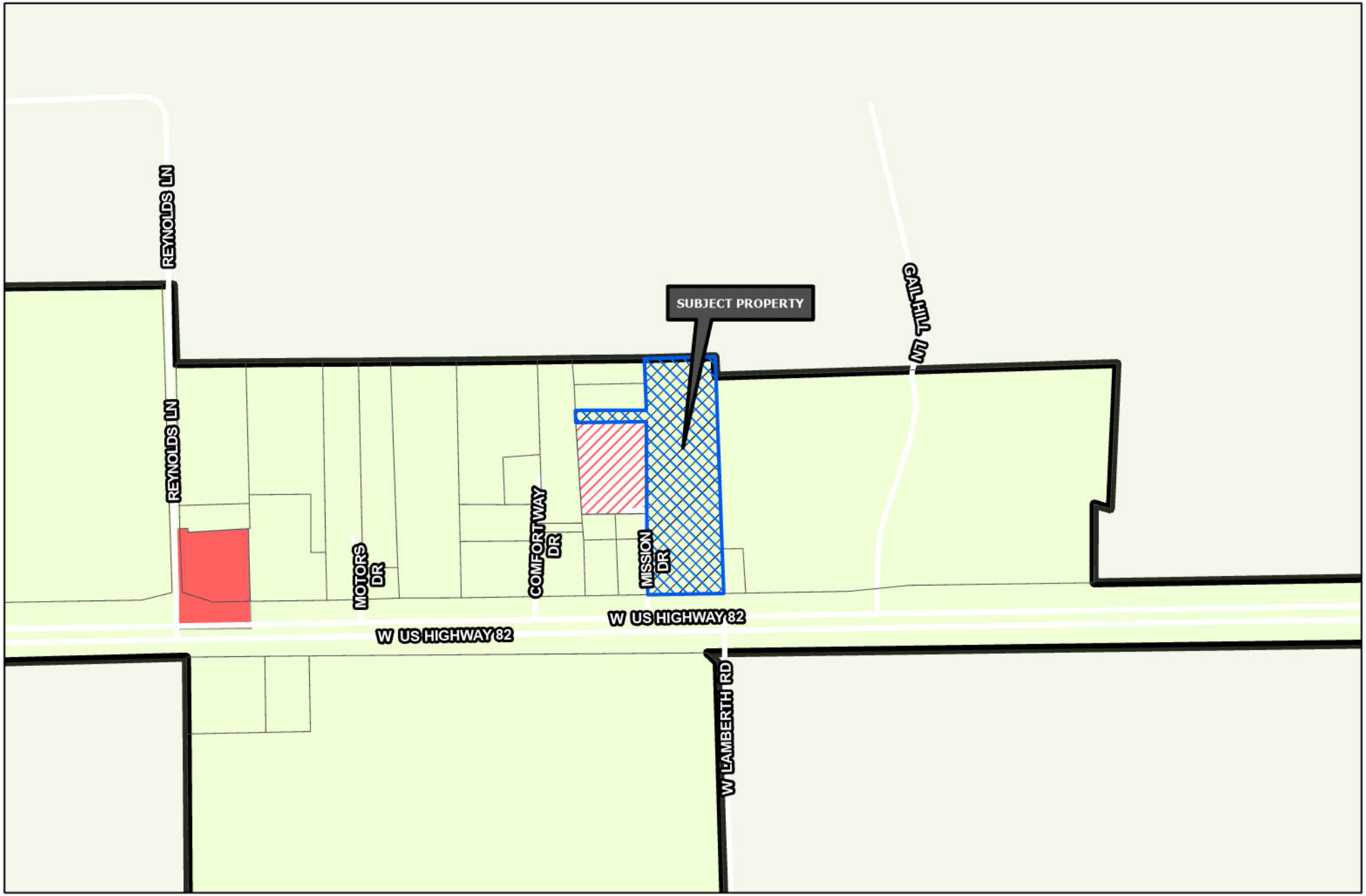
Date: 8/6/2023 5:02 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations

Road Names All

CITY OF SHERMAN ZONING MAP 18873 W HWY 82

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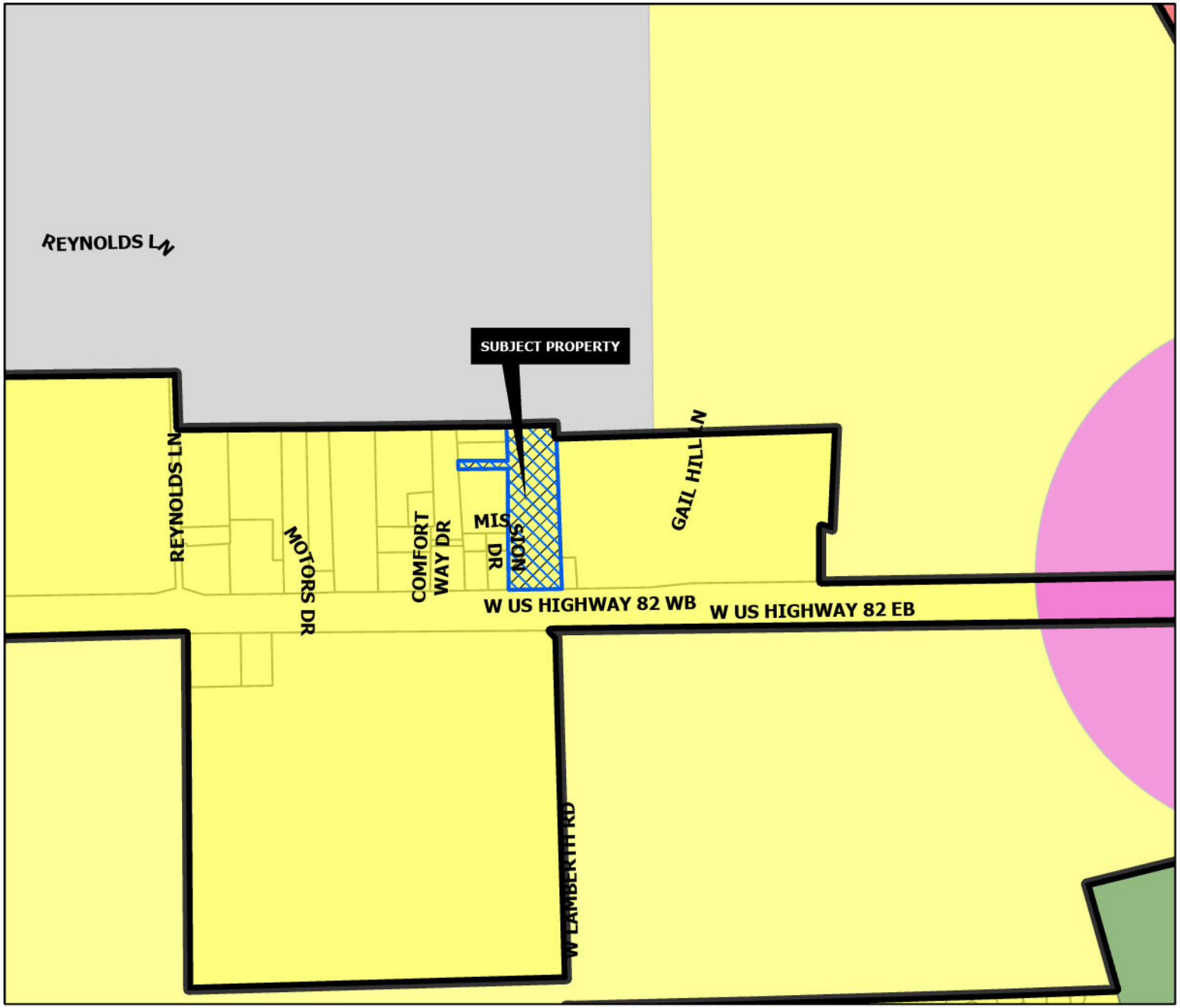
Date: 8/6/2023 5:02 PM



SUBURBAN NEIGHBORHOOD

Intent & Character

The Suburban Neighborhood category is intended to allow primarily single-family detached in a "complete neighborhood" setting. New subdivisions should include a mix of housing products and lot sizes. Areas of supporting local commercial should be integrated into the neighborhoods, primarily along major streets near the entrance of neighborhoods. Community amenities such as parks, trails, open spaces, and civic uses should also be included in the creation of new subdivisions. This category gives flexibility for the creation of master-planned neighborhoods that are compatible with the surrounding area.

Appropriate Land Use Types

- Single-family detached (primary land use type)
- Single-family attached (duplexes and townhomes)
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Estate Residential
- Single-Family Residential (R-12, R-6, R-5, and R-4)
- Multi-Family Residential (MF-15 and MF-30)
- Manufactured Housing
- Neighborhood Commercial
- Planned Development

Considerations

- Street connections to existing and future developments.
- Smaller lots and denser development can serve as a transition from the local commercial areas.

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
18873 W HWY 82

N
W E
S

Date: 8/6/2023 5:02 PM

Marlow, Lauren

From: laurenm@cityofsherman.com
To: Drew Hall
Subject: RE: Pre-Development Meeting Request - 18873 US-82, Sherman, TX 75092

From: Drew Hall
Sent: Tuesday, August 8, 2023 1:32 PM
To: Marlow, Lauren
Cc: Pranavi Koka; Keith Barclift
Subject: Re: Pre-Development Meeting Request - 18873 US-82, Sherman, TX 75092

Good Afternoon Lauren,

Please see attached photo of the allotted sign in front of the property at 18873 US-83. There is also a time stamp of 8/8/23 at 1:07 PM at the top of the image. Please let me know if there is anything further we need to provide.

Thanks,

Bowman

August 8, 2023
Project # 070711-01-001

City of Sherman
Rob Rae
Director of Development Services
220 W. Mulberry
Sherman, TX 75090

RE: EquipmentShare – 18873 US-82, Sherman, TX 75090
Project Narrative

Dear Mr. Rae:

EquipmentShare is a nationwide construction solutions provider dedicated to solving industry pain points through smart jobsite technology and equipment rental, retail, and service centers. More than a rental company, EquipmentShare's cloud-connected platform is powered by telematics and machine hardware to give construction and industrial companies a real-time view into the jobsite. The method of distribution of this technology is a fleet of construction equipment available for both large-scale general contractors and everyday home builders. We are exploring this property for a new equipment rental facility which would consist of using the site as is and operate through the existing metal building.
The zoning for this location is R-A (Residential Agriculture) District. We are looking to rezone this property to C-2 and apply for a special use permit to allow for equipment sales, service, rental and repair with outdoor storage.

The intent of this letter is to request a specific use permit and rezoning for the equipment rental store with outdoor storage. The developer is committed to a development that upholds high quality and innovative site designs compatible with the surrounding business community. The project will provide employment opportunities as well as a source of tax revenue for the City of Sherman.

We appreciate your consideration for this specific use application and rezoning application. Should you have any questions or concerns, please do not hesitate to contact me at (972) 497-2991 or pkoka@bowman.com

Sincerely,

Pranavi Koka
Project Manager
Bowman Consulting Group
pkoka@bowman.com

2805 Dallas Parkway, Suite 310, Plano, TX 75093

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

August 15, 2023

Sent via email

Keith Barclift
5710 Bull Run Drive
Columbia, MO 65201

David Catching
101 E. Park Blvd, Ste. 1130
Plano, TX 75047

Dear Applicants,

The request of a Public Hearing and Zone Change from an R-A (Residential Agricultural) District to a C-2 (General Commercial) District/75&82 Overlay District and the request of a Public Hearing, Specific Use Permit and Site Plan under Section 14.06.009 to allow Contractors or Construction Offices, Equipment Sales, Service, Rental and Repair, with Outdoor Storage in a C-2 (General Commercial) District/75&82 Overlay District located at 18873 West Highway 82 has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, August 22, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). *(Code of Ordinances Chapter 3.02(c))*
3. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares. *(Sec. 14.03.001(g)(4)(B))*
4. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at-large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device. *(Sec. 14.03.001(g)(4)(C))*
5. Required parking or driveways must be paved concrete or asphalt. Additional parking above the required parking may be constructed with a pervious material as approved by the director of engineering. *(Sec. 14.04.003(d)(1))*
6. No outside parking or storage of dismantled, junk or inoperable vehicles, equipment, wrecks, tires or parts are allowed.
7. The lifts on the front-end loaders shall be stored in the down position.
8. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004)*
9. Chain link fences are not approved materials for screening in the 75 & 82 Overlay District. *(Sec. 14.03.001(g)(3))*
10. Barbed wire fences are not permitted in the City of Sherman. *(Sec. 8.02.003)*

11. New buildings or additions must comply with the building design requirements of the 75 & 82 Overlay District *(Sec. 14.03.001(d)*
12. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07)*
13. The use of the property must comply with all Federal and State Laws and Regulations and with all the Ordinances, Rules and Regulations of the City of Sherman.
14. The property must be properly maintained in a state of good repair and neat appearance.
15. The granting of the Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
16. A Specific Use Permit is an amendment to the district regulations of the Zoning Ordinance that permits the establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure is discontinued or abandoned for a period of thirty (30) consecutive days in which event such Specific Use Permit shall be void and such use may not thereafter be resumed unless a new Specific Use Permit is granted in accordance with this section. *(Sec. 14.06.009(a)(1)(C))*
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measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

30. 905.3.9 - Buildings Exceeding 10,000 sq. ft. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior is more than 200 feet (60960mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class 1 automatic wet or manual wet standpipes shall be provided. (City Ordinances Amendments 3.02.002)
31. 507.5.1 - Where a portion of the sprinklered facility or building hereafter constructed or moved into or within the jurisdiction is more than 600' from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
32. 507.5.1.1 - Buildings equipped with a FDC installed in accordance shall have a fire hydrant within 100' of the fire department connections.

Solid Waste Services

33. All uses within the C-2 (General Commercial) District shall provide a screening device as an enclosure for garage and trash containers. Enclosure shall be constructed of masonry or similar durable material. *(Sec, 14.04.004(4))*

It is the policy of the Planning and Zoning Commission and Board of Adjustment 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, contact Development Services by emailing planning@cityofsherman.com prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Dillon Stewart, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 8.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6648

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow Hookah Bar, Smoking Lounge, Smoke Shop, or Vape Shop in the C-2 (General Commercial) District, Located at 2201 Texoma Parkway, consisting of 0.382 acres in the Smith McGlothlin Survey, Abstract No. 808, being Lot 6, Block 9, Highland Park Addition, City of Sherman, Grayson County, Texas (Texoma Parkway, Salman Makojia, Owner; Dinesh Sood, Tenant; and Helvey-Wagner Surveying, Surveyor); Prescribing Conditions to the Specific Use Permit; 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

Issue:

To consider granting a Specific Use Permit to Allow Vape Shop in a C-2 (General Commercial) District, Located at 2201 Texoma Parkway, consisting of 0.382 acres in the Smith McGlothlin Survey, Abstract No. 808, being Lot 6, Block 9, Highland Park Addition, City of Sherman, Grayson County, Texas (Texoma Parkway, Salman Makojia, Owner; Dinesh Sood, Tenant; and Helvey-Wagner Surveying, Surveyor)

Background:

The property is located at 2201 Texoma Parkway at the corner of Texoma Parkway and East Peyton Street. The property owner is requesting a Specific Use Permit for a Vape Shop.

Origination:

Texoma Parkway, Salman Makojia (Owner)
Dinesh Sood (Tenant)
Helvey Wagner Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter being tied to Dinesh Sood for one year. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Staff recommends that if City Council approves the Specific Use Permit, it be tied to the applicant, Dinesh Sood, and expire after one year from the effective date of the ordinance. Also, staff recommends that the SUP be limited to the operation of a Vape Shop.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6648
Exhibit A - Survey/Site Plan
Location Map
Zoning Map
FLUM
Zoning Sign Photo
Narrative
Elevations
Opposition Letter
STAFF REVIEW LETTER

ORDINANCE NO. 6648

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, AND GRANTING A SPECIFIC USE PERMIT TO ALLOW HOOKAH BAR, SMOKING LOUNGE, SMOKE SHOP, OR VAPE SHOP IN THE C-2 (GENERAL COMMERCIAL) DISTRICT, LOCATED AT 2201 TEXOMA PARKWAY, CONSISTING OF 0.382 ACRES IN THE SMITH MCGLOTHLIN SURVEY, ABSTRACT NO. 808, BEING LOT 6, BLOCK 9, HIGHLAND PARK ADDITION, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS (TEXOMA PARKWAY, SALMAN MAKOJIA, OWNER; DINESH SOOK, TENANT; AND HELVEY-WAGNER SURVEYING, SURVEYOR); PRESCRIBING CONDITIONS TO THE SPECIFIC USE PERMIT; 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 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, the property located at 2201 Texoma Parkway, City of Sherman, Grayson County, Texas is/are granted a Specific Use Permit to a Vape Shop, subject to the conditions described in this Ordinance and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14 is hereby amended so as to hereafter include property highlighted in green on **Exhibit A – Survey/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal. *(Code of Ordinances Chapter 3.02(c))*
3. The property must be properly maintained in a state of good repair and neat appearance.
4. The use of the property must comply with all Federal and State Laws and regulations and with all the ordinances, rules and regulations of the City of Sherman.
5. One parking space for every 250 square feet of gross floor area shall be provided. *(Sec.14.04.003(e)(1))*
6. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
7. A Specific Use Permit is an amendment to the district regulations of the Zoning Ordinance that permits the establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure is discontinued or abandoned for a period of thirty (30) consecutive days in which event such Specific Use Permit shall be void and such use may not thereafter be resumed unless a new Specific Use Permit is granted in accordance with this section. (*Chapter 14, Sec. 14.06.009 (a)(1)(C))*
8. 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.
9. 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.

Solid Waste Services

10. All uses within the C-2 (General Commercial) District shall provide a screening device as an enclosure for garage and trash containers. Enclosure shall be constructed of masonry or similar durable material. *(Sec, 14.04.004(4))*
11. Asphalt leading to trash enclosure must support the dead weight of City equipment (Solid Waste Truck).

Additional Conditions:

12. The property shall be developed and used in accordance with all City Ordinances and the Site Plan shown in **Exhibit A.**
13. Notwithstanding anything to the contrary herein, the Specific Use Permit granted in this Ordinance shall automatically expire, terminate and be rescinded in the event that a person or entity other than Dinesh Sood is the lessee of the Property.
14. Notwithstanding anything to the contrary herein, the Specific Use Permit granted in this Ordinance shall automatically expire, terminate and be rescinded on the first anniversary of the effective date identified below, unless earlier terminated, rescinded, extended or renewed by separate action of the City Council. The owner of the property subject to the Specific Use Permit must receive City Council approval of an application to extend or renew the Specific Use Permit prior to the expiration thereof.
15. This Specific Use Permit is for a Vape Shop only as requested by the applicant.

SECTION 3. That this Ordinance shall be entered upon the official zoning map as provided in Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

SECTION 4. That after holding a properly noticed public hearing, the City Council may amend, change, or rescind the Specific Use Permit if any of the conditions set forth in Zoning Ordinance/Code of Ordinances Chapter 14, Section 14.06.009(1)(g), apply or exist.

SECTION 5. That the Specific Use Permit shall be effective from and after the effective date of this Ordinance. Upon termination of the Specific Use Permit, the property shall cease to be used as provided herein unless another Specific Use Permit or appropriate zoning has been obtained.

SECTION 6. 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 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 7. That the 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 8. 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 9. 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 10. 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 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

EFFECTIVE DATE on this the 18th day of September 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

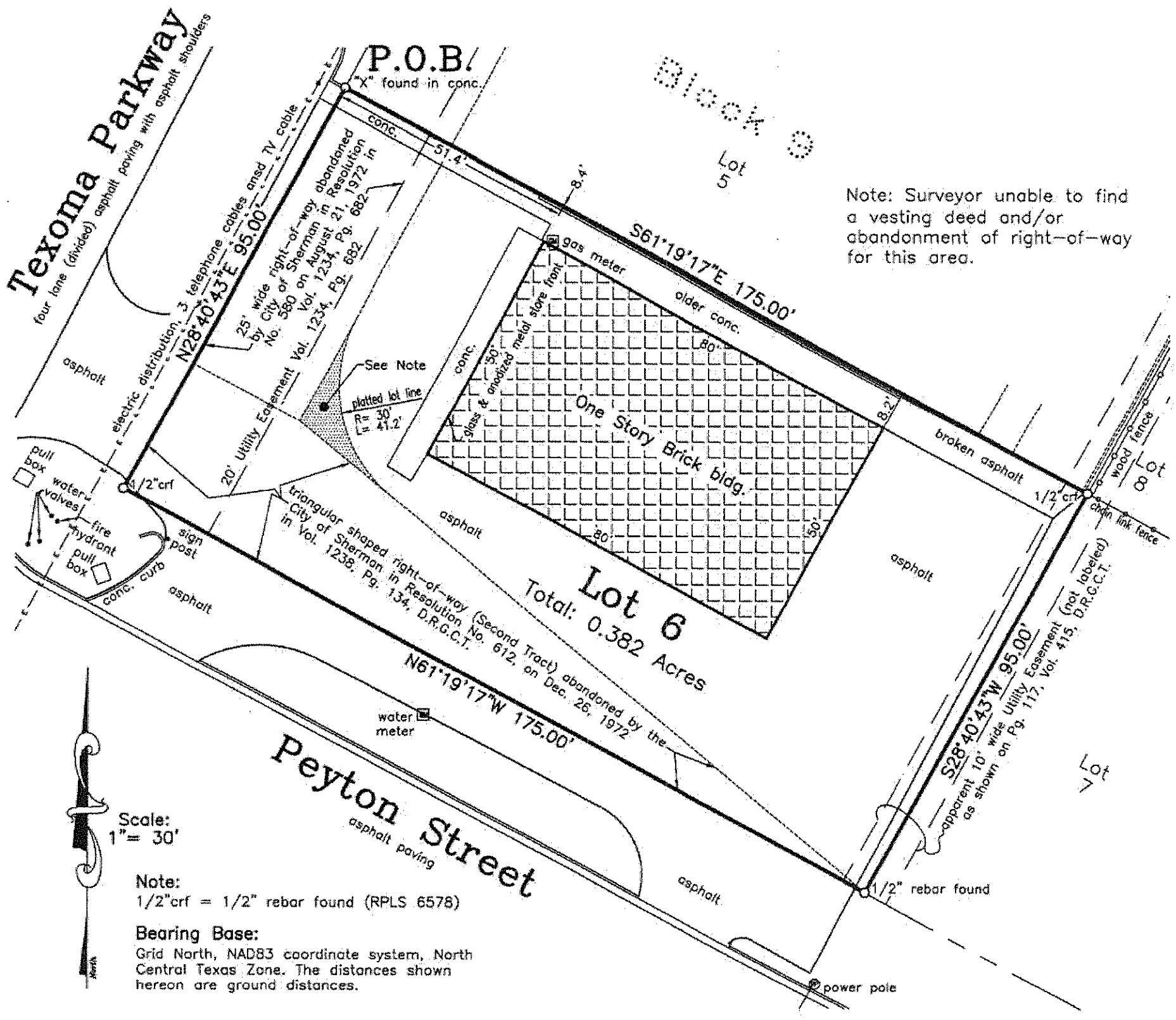
ATTEST:

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

EXHIBIT A



Owner: Michael S. Cook

Buyer: Victory Investment Holdings, LLC

Address: 2201 Texoma Parkway
Sherman, Texas

This survey is for the sole benefit of the transaction by and between: the owner and buyer stated at left, and is null and void for any other transaction. Any unauthorized use of this survey without the sole consent of the undersigned surveyor will infringe upon state and federal copyright statutes. Any violation of said statutes will be aggressively pursued.

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was performed on the ground of the property shown hereinabove and that this survey complies with the current Texas Society of Professional Surveyors Manual of Practice for a Category 1A, Condition 3, TSPS Land Title Survey and is a true and correct representation of the property shown hereon.

Legal Description is as follows: Lot 6, Block 9, Highland Park Addition to the City of Sherman, Texas, as per plat of record in Volume 415, Pages 116 & 117, Deed Records, Grayson County, Texas and adjacent abandoned right-of-way. Field Notes attached hereto.

The subject property shown hereon does not lie within the limits of any designated 100-year Flood Hazard Areas, as shown on the "FEMA" Flood Insurance Rate Map for Grayson County, Texas, Map No. 48181C0290 F Revised Date: September 1, 2022.

STATE OF TEXAS
REGISTERED
KATE A. WAGNER
6578
PROFESSIONAL
LAND SURVEYOR

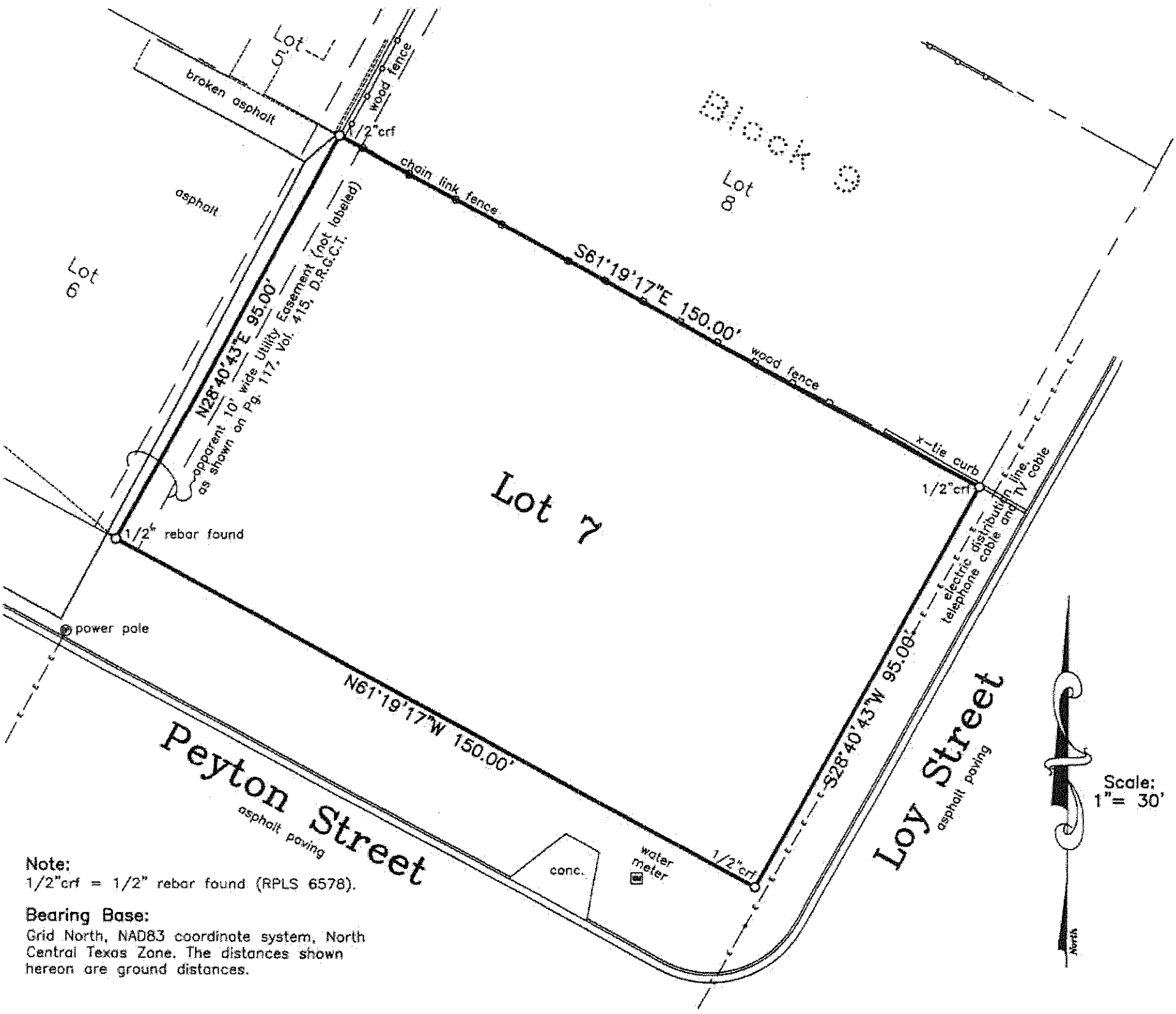
Job No. AGS460223

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

Kate A. Wagner, R. P. L. S. No. 6578
Copyright Date: February 24, 2023

X:\Shared Projects\2201-Texoma-Parkway-1515-Peyton-St-sherman\dwg\2201 Texoma Pkwy-2023.dwg 2/24/2023 1:29 PM

EXHIBIT A



Note:
1/2"crf = 1/2" rebar found (RPLS 6578).

Bearing Base:
Grid North, NAD83 coordinate system, North Central Texas Zone. The distances shown hereon are ground distances.

Owner: Michael S. Cook

Buyer: Victory Investment Holdings, LLC

Address: 1515 E. Peyton Street
Sherman, Texas

This survey is for the sole benefit of the transaction by and between: the owner and buyer stated at left, and is null and void for any other transaction. Any unauthorized use of this survey without the sole consent of the undersigned surveyor will infringe upon state and federal copyright statutes. Any violation of said statutes will be aggressively pursued.

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was performed on the ground of the property shown hereinabove and that this survey complies with the current Texas Society of Professional Surveyors Manual of Practice for a Category 1A, Condition 3, TSPS Land Title Survey and is a true and correct representation of the property shown hereon.

Legal Description is as follows: Lot 7, Block 9, Highland Park Addition to the City of Sherman, Texas, as per plat of record in Volume 415, Pages 116 & 117, Deed Records, Grayson County, Texas.

The subject property shown hereon does not lie within the limits of any designated 100-year Flood Hazard Areas, as shown on the "FEMA" Flood Insurance Rate Map for Grayson County, Texas, Map No. 48181C0290 F Revised Date: September 1, 2022.

STATE OF TEXAS
REGISTERED
KATE A. WAGNER
6578
PROFESSIONAL
LAND SURVEYOR

Job No. AGS470223

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

Kate A. Wagner, R. P. L. S. No. 6578
Copyright Date: February 24, 2023

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EXHIBIT A

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

FIELD NOTES
0.382 Acres

SITUATED in the City of Sherman, County of Grayson, State of Texas, and being a part of the Smith McGlothlin Survey, Abstract No. 808 and being all of Lot 6, Block 9, Highland Park Addition to the City of Sherman, Texas as per plat of record in Volume 415, Pages 116 and 117, Deed Records, Grayson County, Texas and being a 25 ft. wide strip of right-of-way abandoned by the City of Sherman in Resolution No. 580 on August 21, 1972 as recorded in Volume 1234, Page 682, said Deed Records, lying West of and adjacent to said Lot 6 and the triangular-shaped right-of-way (Second Tract) abandoned by the City of Sherman, Texas in Resolution No. 612 on December 26, 1972 and recorded in Volume 1238, Page 134, said Deed Records, lying South of and adjacent to said Lot 6, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an "x" found in concrete in the East right-of-way line of Texoma Parkway and in the West line of said 25 ft. strip in Vol. 1234, Pg. 682, at the Northwest corner of the herein described tract;

THENCE South 61 dg. 19 min. 17 sec. East, over and across said 25 ft. strip, passing the Northwest corner of said Lot 6 and the Southwest corner of Lot 5, said Block 9, continuing on now with the South line of said Lot 5 and the North line of said Lot 6, a distance of 175.00 ft. to a ½ inch capped rebar found, stamped "RPLS 6578" at the Southeast corner of said Lot 5, the Southwest corner of Lot 8, said Block 9, the Northwest corner of Lot 7, said Block 9 and the Northeast corner of both said Lot 6 and the herein described tract;

THENCE South 28 deg. 40 min. 43 sec. West, with the West line of said Lot 7 and the East line of said Lot 6, a distance of 95.00 ft. to a ½ inch rebar found in the North right-of-way line of Peyton Street, a public street, at the Southwest corner of said Lot 7, the most Eastern corner of said triangular-shaped tract in Vol. 1238, Pg. 134 and the Southeast corner of both said Lot 6 and the herein described tract;

THENCE North 61 deg. 19 min. 17 sec. West, with the North line of said Peyton Street and the South line of said triangular-shaped tract in Vol. 1238, Pg. 134, a distance of 175.00 ft. to a ½ inch capped rebar found, stamped "RPLS 6578" at the intersection of the North line of said Peyton Street with the East right-of-way line of said Texoma Parkway, at the Southwest corner of both said triangular-shaped tract in Vol. 1238, Pg. 134 and the herein described tract;

THENCE North 28 deg. 40 min. 43 sec. East, with the East right-of-way line of said Texoma Parkway and the West line of both said triangular-shaped tract in Vol. 1238, Pg. 134 and the 25 ft. strip in Vol. 1234, Pg. 682, a distance of 95.00 ft. to the **POINT OF BEGINNING** and containing **0.382 ACRES** of land.

Kate A. Wagner, R.P.L.S. No. 6578
February 24, 2023

EXHIBIT A

dlagrone H:\PLANNING\Public Notification KT.aprx

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
2201 TEXOMA PKWY

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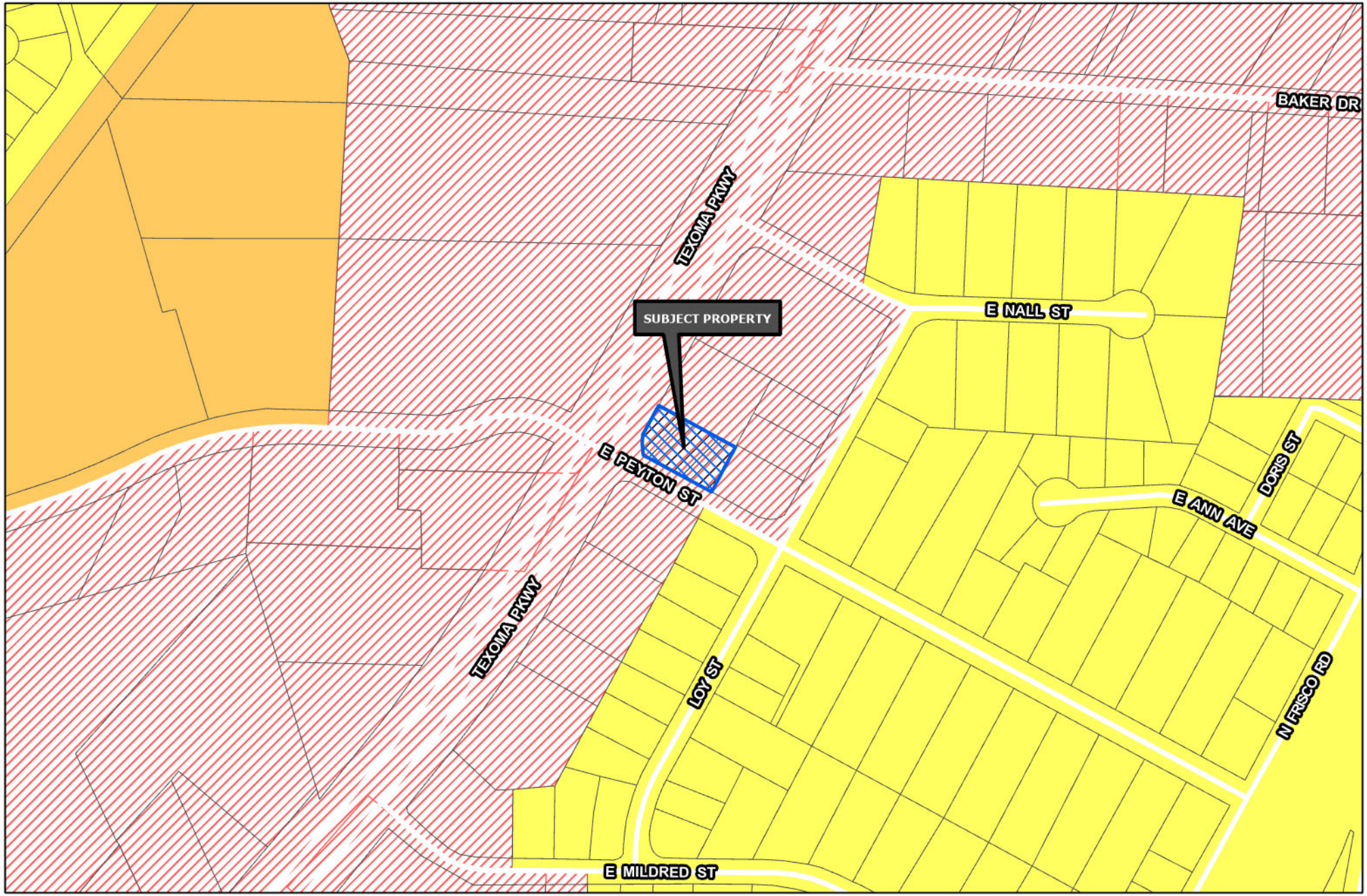

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations
- Road Names All

CITY OF SHERMAN ZONING MAP 2201 TEXOMA PKWY

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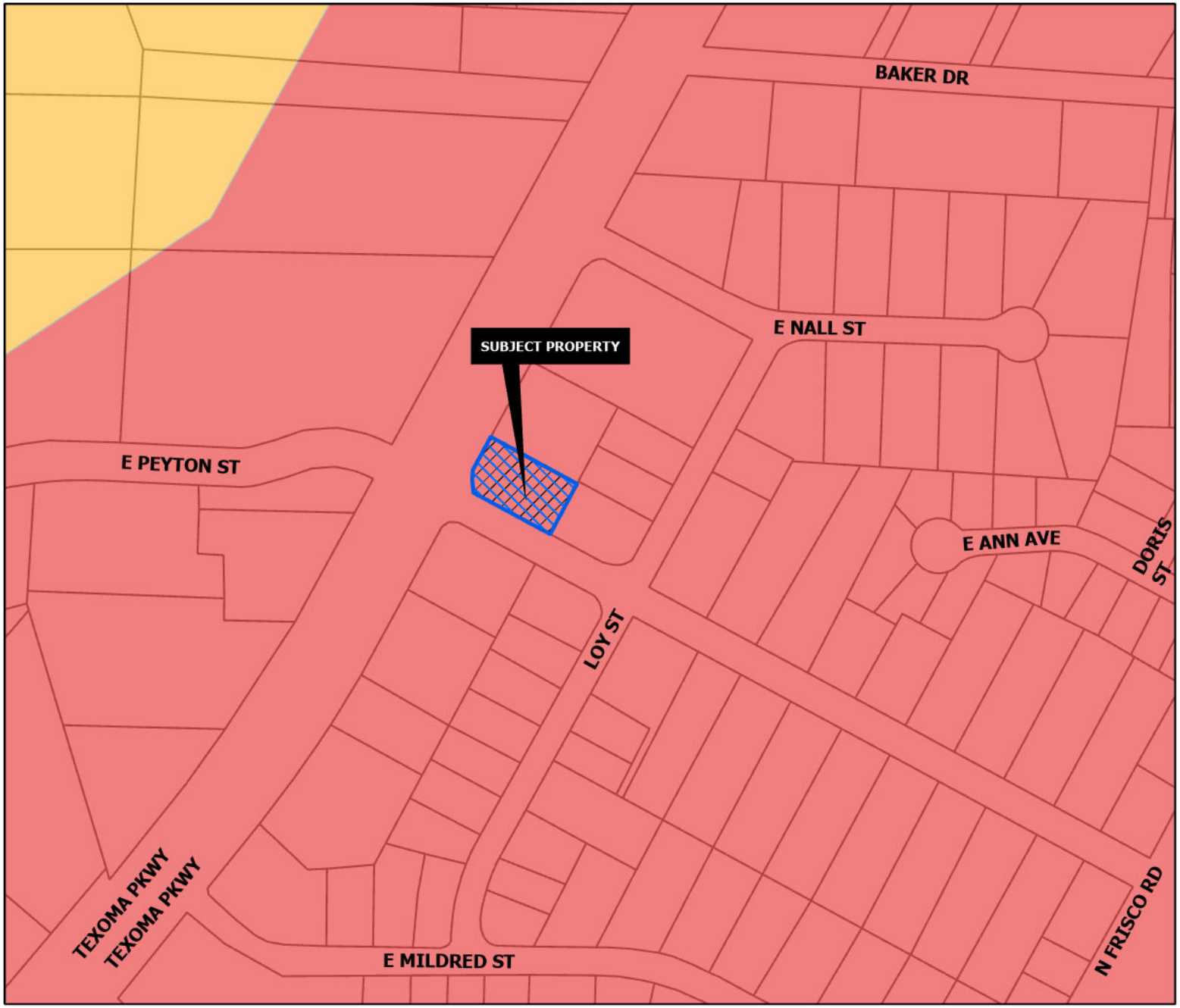

REGIONAL COMMERCIAL

Intent & Character

The Regional Commercial category is intended to promote large-scale commercial development along US-75, while promoting community character through design. US-75 serves as the major gateway to and through the community; therefore, aesthetics and design should be promoted in this corridor. This category should allow large-scale commercial uses that serve the region and the community alike. A mix of uses and inter-connectivity between parcels should be encouraged.

Appropriate Land Use Types

- Retail and Restaurants
- Multi-Family Living
- Office Complex
- Medical
- Mixed Use
- Indoor Entertainment

Compatible Zoning Districts

- Retail Business
- General Commercial
- Office
- Multi-Family Residential (MF-15 and MF-30)
- Planned Development (for larger tracts)

Considerations

- Site design considerations should be given to parking, landscaping, and building articulation.
- Where possible, parking should be screened from view or well-landscaped with native, drought-tolerant plants.
- All buildings facades fronting a public street or within significant public view should have aesthetically-pleasing horizontal and vertical articulation.
- Signage should be multi-tenant, where possible, and should match the character of the primary structure.
- High density residential should be included in mixed use developments.
- High density residential is appropriate behind commercial areas, with inter-connectivity.
- If high density is stand alone, the surrounding uses and connectivity should be considered to avoid an "island."

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
2201 TEXOMA PKWY

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Date: 8/8/2023 2:09 PM

CASH & TITLE LOANS
Freddysfastcash.com
Texas Tobacco
VAPE
Sherman
CLASSIC TOWN. BROAD HORIZON.
NOTICE OF
SPECIFIC USE
PERMIT REQUEST
PROJECT #: 23-004436
FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229
8/8/2023 at 12:40 P.M.

CASH & TITL
PALACE NAIL & SPA
FREE LOANS
2201 Texoma Pkwy Suite 100
100
200
TITLE LOANS
833-373-3391
NO CREDIT CHECK
Sherman
CLASSIC TOWN. BROAD HORIZON.
NOTICE OF SPECIFIC USE PERMIT REQUEST
PROJECT #: 23-004436
FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229
8/8/2023 at 12:40 P.M.

Project Narrative- City of Sherman

Project Title

Special Use Permit Grant

Applicant Name

Dinesh K Sood

A. Purpose and Need

Building on the response to other questions in the application, survey, Photos site plan and Other Plans" in ***Eligibility, Timing, and Priorities****, describe the following:*

- *The significance of expected benefits and the likelihood that anticipated outcomes will be realized. The location 2201 Texoma Pkwy, Sherman TX 75090 is the right location for opening a Vape Store as there is no other stores with same kind of variety that we have. As we have done all the studies and we have our stores in other locations and getting good revenue from the business, we think this is the best time to open the store at this location as soon as possible. We are already in this business from last 6 years, and knowing the market we know that this the best time to start.*
- *The pictures of the location are also added in the application to understand that it is a prime location as we have west, south, and north traffic.*

  .

Background and Project Information

- *We have the other stores setup and functional. The location is ready, and the interior is done. We need the Special use permit to sell all the products in the Vape Store and get fully functional.*
- *Indicate funding sources for each phase, including a strategy for funding of future phases.*
- *We have leased this property and paid the cost to start the business. The cost for setting the interiors has also there. The amount spent on it is appropriately $50000 to start the business which do not include the inventory. We are adding the inventory of $150000*
- *Everything need from our end is complete and business is ready to open. We our waiting the city for the permit so that we can make it functional.*
- *Address the likely outcome if permit is not issued within this month, then we will be in loss. The lease rent has already started and all the cost for interior has been spent. There will be a loss of revenue for the months we are not getting the special use permit.*

Site Description

- *The location is situated in the City of Sherman, county of Grayson and State of Texas*
- *Describe the significance of the project at a watershed scale.*
- *The location is in 0.382 Acres of length.*
- *The location is best suited for the vape store.*

Project Narrative- City of Sherman

Community Support and Collaboration

.

- *The project is a partnership between the spouses.*
- *The funds for the project are from our current earning and profits from our other business.*
- *Describe any past or planned stakeholder involvement efforts in project planning,*

.

B. Scope of Work

Scope of Work

- *The scope of this business is providing better products to the community.*
- *The project will create job opportunities for full time and part time.*
- *More revenue will be generated, and state will be benefited wit taxes etc.*

C. References

Below is the list of documents that are included to support this narrative.

Inspection Report

Title

Updated Survey

Warranty Deed

Photos of the location

CASH & TITLE LOANS

Received 8/14/23
12:40 p.m.

Item #16

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

FORTNER PROPERTIES LLC
900 BANDERA COURT
ALLEN, TX 75013

August 3, 2023

The Planning and Zoning Commission and Board of Adjustment of the City of Sherman will hold a public hearing on the day of Tuesday, August 22, 2023, at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Texoma Parkway, Salman Makojia (Owner), Dinesh Sook (Tenant) and Helvey Wagner Surveying (Surveyor) concerning the property located at 2201 Texoma Parkway, consisting of 0.382 acres, in the Smith McGlothlin Survey, Abstract No. 808, being Lot 6, Block 9, Highland Park Addition and is currently zoned C-2 (General Commercial) District

The request is as follows:

Planning and Zoning Commission
Public Hearing, Site Plan and Specific Use Permit under Section 14.06.009 to allow a Hookah Bar, Smoking Lounge, Smoke Shop, or Vape Shop in a C-2 (General Commercial) 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 comments presented to the Planning and Zoning Commission or Board of Adjustment, you may do so by emailing planning@cityofsherman.com or comment in the space provided below and mail to: Development Services, P.O. Box 1106, Sherman, TX 75091. If you wish to have your views published in the online agenda, they must be received in the Development Services office by 5:00 p.m. on Wednesday, the week prior to the Planning and Zoning Commission meeting, otherwise, your comments will be provided to each Commission member at the meeting.

Rob Rae
Acting Secretary, Planning & Zoning Commission

Absolutely not. Smoke/Vape Shops will deter legitimate businesses, reducing demand, reducing rents and resulting in tenants like check-cashing, Sexual novelties, etc
This is all over Henderson County. No Thanks!

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.

2124 Texoma Pkwy.

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

August 15, 2023

Sent via email

Texoma Pkwy, LLC
Salman Maknojia
4213 Saginaw Lane
Carrolton, TX 75010

Dinesh Sood
6406 S 41st St.
Rogers, AR 72758

Dear Applicants,

The request of a Public Hearing, Site Plan and Specific Use Permit under Section 14.06.009 to allow a Hookah Bar, Smoking Lounge, Smoke Shop, or Vape Shop in a C-2 (General Commercial) District located at 2201 Texoma Parkway has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, August 22, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). *(Code of Ordinances Chapter 3.02(c))*
3. The property must be properly maintained in a state of good repair and neat appearance.
4. The use of the property must comply with all Federal and State Laws and regulations and with all the ordinances, rules and regulations of the City of Sherman.
5. One parking space for every 250 square feet of gross floor area shall be provided. *(Sec.14.04.003(e)(1))*
6. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
7. A Specific Use Permit is an amendment to the district regulations of the Zoning Ordinance that permits the establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure is discontinued or abandoned for a period of thirty (30) consecutive days in which event such Specific Use Permit shall be void and such use may not thereafter be resumed unless a new Specific Use Permit is granted in accordance with this section. (*Chapter 14, Sec. 14.06.009 (a)(1)(C)*)
8. 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.
9. 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.

Solid Waste Services

10. All uses within the C-2 (General Commercial) District shall provide a screening device as an enclosure for garage and trash containers. Enclosure shall be constructed of masonry or similar durable material. *(Sec, 14.04.004(4))*
11. Asphalt leading to trash enclosure must support the dead weight of City equipment (Solid Waste Truck).

It is the policy of Planning and Zoning Commission and Board of Adjustment 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, contact Development Services by emailing planning@cityofsherman.com prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Dillon Stewart, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 9.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6649

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow a Vape Shop in the C-1 (Retail Business) District/75 & 82 Overlay District, Located at 738 East Highway 82, consisting of 1.830 acres, being Lots 1 & 2, Block 1, 82-75 Addition, City of Sherman, Grayson County, Texas (W Douglass Distributing, LTD, Owner; Samir Bhimani, Tenant; David Weaver, Representative; and Helvey-Wagner Surveying, Inc, Surveyor); Prescribing Conditions to the Specific Use Permit; Providing A Penalty Not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

Issue:

To consider granting a Specific Use Permit for a Vape Shop in the C-1 (Retail Business) District/75 & 82 Overlay District, Located at 738 East Highway 82, consisting of 1.830 acres, being Lots 1 & 2, Block 1, 82-75 Addition, City of Sherman, Grayson County, Texas, City of Sherman, Grayson County, Texas (W Douglass Distributing, LTD (Owner), Samir Bhimani (Tenant), David Weaver (Representative) and Helvey-Wagner Surveying, Inc (Surveying))

Background:

The property is located at 738 East Highway 82 near the intersection of Plainview Road and North Heritage Parkway. The owner is requesting a Site Plan and Specific Use Permit for a Vape and Smoke Shop.

The store will be called 'Vape and Smoke Shop." The store will offer a variety of electronic nicotine delivery devices as well as traditional tobacco products including cigarettes, cigars, smokeless tobacco, pipe tobacco and smoking accessories.

The following has been approved for this location:

- July 9, 2002 - Specific Use Permit to allow a private club in a C-1 (Retail Business) District

Origination:

W Douglass Distributing, LTD (Owner)
Samir Bhimani (Tenant)
David Weaver (Representative)
Helvey-Wagner Surveying, Inc (Surveying)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter being tied to Samir Bhimani for one year. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Staff recommends that if City Council approves the Specific Use Permit, it be tied to the applicant, Samir Bhimani, and expire after one year from the effective date of the ordinance. Also, staff recommends that the SUP be limited to the operation of a Vape and Smoke Shop.

Alternatives:

The City Council could deny or table the request.

Attachments

Ordinance No. 6649
Exhibit A - Survey/Site Plan
Location Map
Zoning Map
FLUM
Zoning Sign Photo
Narrative
Elevations
STAFF REVIEW LETTER

ORDINANCE NO. 6649

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, AND GRANTING A SPECIFIC USE PERMIT TO ALLOW A VAPE SHOP IN THE C-1 (RETAIL BUSINESS) DISTRICT/75 & 82 OVERLAY DISTRICT, LOCATED AT 738 EAST HIGHWAY 82, CONSISTING OF 1.830 ACRES, BEING LOTS 1 & 2, BLOCK 1, 82-75 ADDITION, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS (W DOUGLASS DISTRIBUTING, LTD, OWNER; SAMIR BHIMANI, TENANT; DAVID WEAVER, REPRESENTATIVE; AND HELVEY-WAGNER SURVEYING, INC, SURVEYOR); PRESCRIBING CONDITIONS TO THE SPECIFIC USE PERMIT; 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 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, the property located at 738 East Highway 82, City of Sherman, Grayson County, Texas is/are granted a Specific Use Permit to a Vape Shop, subject to the conditions described in this Ordinance and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14 is hereby amended so as to hereafter include property highlighted in yellow on **Exhibit A – Survey/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal. *(Code of Ordinances Chapter 3.02(c))*
3. The property must be properly maintained in a state of good repair and neat appearance.
4. One parking space for every 250 square feet of gross floor area shall be provided. *(Sec.14.04.003(e)(1))*
5. The use of the property must comply with all Federal and State Laws and regulations and with all the ordinances, rules and regulations of the City of Sherman.
6. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
7. A Specific Use Permit is an amendment to the district regulations of the Zoning Ordinance that permits the establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure is discontinued or abandoned for a period of thirty (30) consecutive days in which event such Specific Use Permit shall be void and such use may not thereafter be resumed unless a new Specific Use Permit is granted in accordance with this section. (*Chapter 14, Sec. 14.06.009 (a)(1)(C))*
8. 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.
9. 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.

Additional Conditions:

10. The property shall be developed and used in accordance with all City Ordinances and the Site Plan shown in **Exhibit A.**
11. Notwithstanding anything to the contrary herein, the Specific Use Permit granted in this Ordinance shall automatically expire, terminate and be rescinded in the event that a person or entity other than Samir Bhimani is the lessee of the Property.
12. Notwithstanding anything to the contrary herein, the Specific Use Permit granted in this Ordinance shall automatically expire, terminate and be rescinded on the first anniversary of the effective date identified below, unless earlier terminated, rescinded, extended or renewed by separate action of the City Council. The owner of the property subject to the Specific Use Permit must receive City Council approval of an application to extend or renew the Specific Use Permit prior to the expiration thereof.
13. This Specific Use Permit is for a Vape and Smoke Shop only as requested by the applicant.

SECTION 3. That this Ordinance shall be entered upon the official zoning map as provided in Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

SECTION 4. That after holding a properly noticed public hearing, the City Council may amend, change, or rescind the Specific Use Permit if any of the conditions set forth in Zoning Ordinance/Code of Ordinances Chapter 14, Section 14.06.009(1)(g), apply or exist.

SECTION 5. That the Specific Use Permit shall be effective from and after the effective date of this Ordinance. Upon termination of the Specific Use Permit, the property shall cease to be used as provided herein unless another Specific Use Permit or appropriate zoning has been obtained.

SECTION 6. 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 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 7. That the 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 8. 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 9. 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 10. 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 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

EFFECTIVE DATE on this the 18th day of September 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

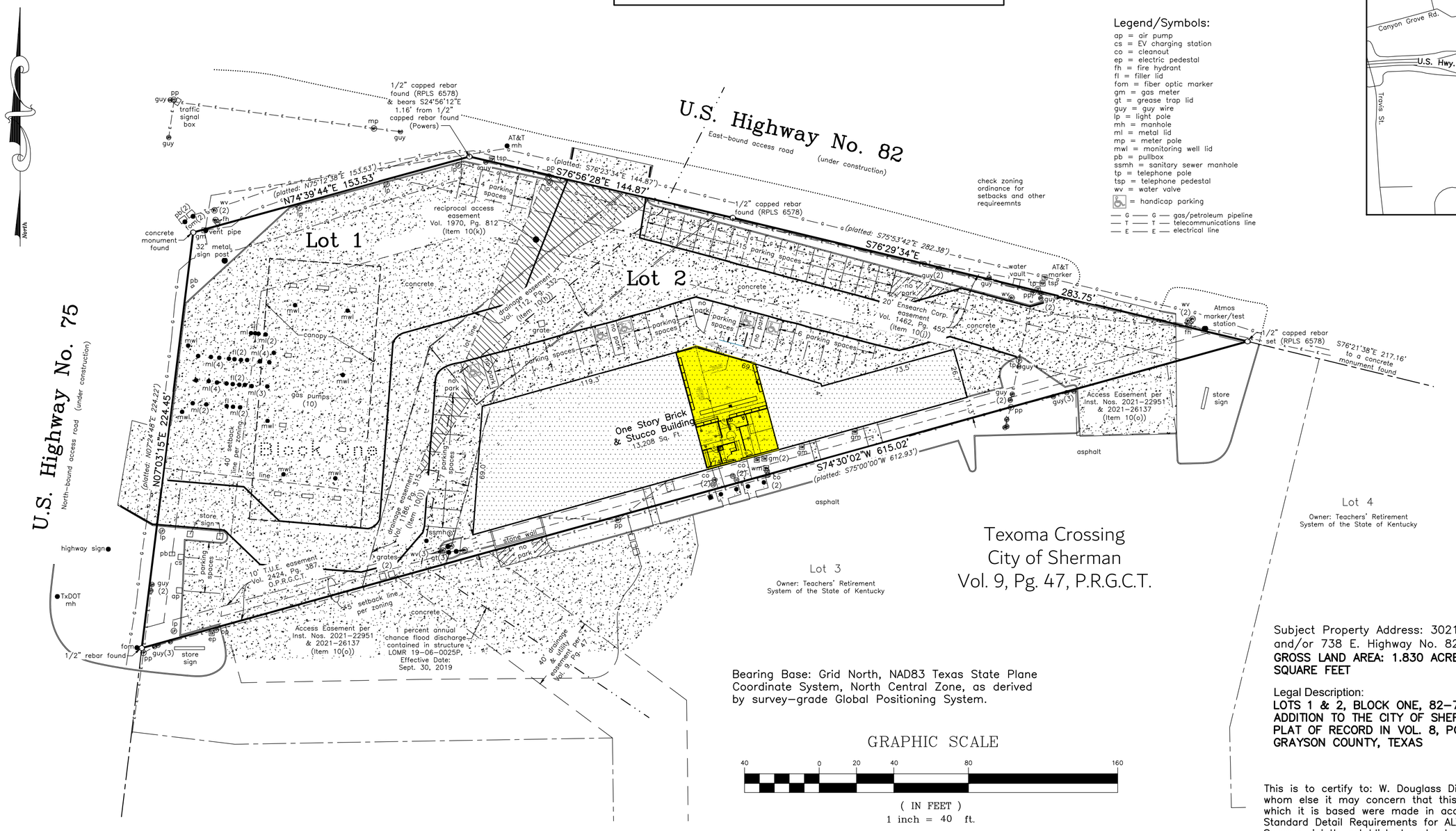
BY: _____
LINDA ASHBY, CITY CLERK

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

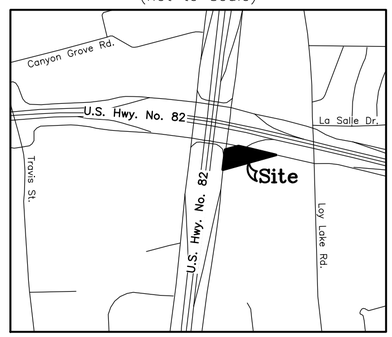
BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT A

ALTA/NSPS Land Title Survey



Location Map
(not to scale)



Legend/Symbols:

ap = air pump
cs = EV charging station
co = cleanout
ep = electric pedestal
fh = fire hydrant
fl = filler lid
fom = fiber optic marker
gm = gas meter
gt = grease trap lid
guy = guy wire
lp = light pole
mh = manhole
ml = metal lid
mp = meter pole
mwl = monitoring well lid
pb = pullbox
ssmh = sanitary sewer manhole
tp = telephone pole
tsp = telephone pedestal
wv = water valve
= handicap parking
— G — G — gas/petroleum pipeline
— T — T — telecommunications line
— E — E — electrical line

Texoma Crossing
City of Sherman
Vol. 9, Pg. 47, P.R.G.C.T.

Bearing Base: Grid North, NAD83 Texas State Plane Coordinate System, North Central Zone, as derived by survey-grade Global Positioning System.

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

Subject Property Address: 3021 N. Highway No. 75 and/or 738 E. Highway No. 82, Sherman, Texas 75092
GROSS LAND AREA: 1.830 ACRES and/or 79.700 SQUARE FEET

Legal Description:
LOTS 1 & 2, BLOCK ONE, 82-75 ADDITION, AN ADDITION TO THE CITY OF SHERMAN, TEXAS, AS PER PLAT OF RECORD IN VOL. 8, PG. 137, PLAT RECORDS, GRAYSON COUNTY, TEXAS

This is to certify to: W. Douglass Distributing, LTD (Owner) and to whom else it may concern that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 8, 9, 13, 14, 16, 17 and 19 of Table A thereof. The field work was completed on February 23, 2023.

The subject property shown hereon does not lie within any designated 100-year Flood Hazard Areas, as shown on the "FEMA" Flood Insurance Rate Map for Grayson County, Texas, Map No. 48181C0290 G, Effective Date: September 1, 2022.

Surveyor's Comments:

Item 6(a) Current Zoning for subject property is C-1 Retail Business District in the O-1 (75 & 82) Overlay District.
Setbacks requirements: Along highway right-of-way: 40', Rear: 5', Side: 5'.
Building Height Restriction: No building shall exceed 50 feet.
Floor space area requirements: The total floor area of any building or buildings on a lot shall not exceed one-half of the total number of square feet in the lot.
Parking regulations: 1 space for every 200 square feet of gross floor area. A minimum of 6 parking spaces shall be provided adjacent to the main building
Source: City of Sherman Ordinance approved 12/5/2022 & City of Sherman Zoning Ordinance Section 6.13.1 adopted 7/16/2018 and 5/17/2021
Item 6(b): Those setback lines that are graphically depicted are shown hereon.
Item 7(c): Measured height of the existing building is approximately 15.4 ft. at the Southeast corner of building.
Item 9: Subject property contains 45 standard parking spaces and 5 handicap spaces.
Item 14: Distance from the intersection of the median of U.S. Highway No. 75 and U.S. Highway No. 82 to the most Northwest corner is approximately 453 Ft.
Item 16: There was evidence of recent earth moving work along the access roads of both U.S. Highway 75 and U.S. Highway 82.
Item 17: Proposed changes in street right-of-way lines shown hereon as per City of Sherman Thoroughfare Plan and/or none that the surveyor has been made aware of.

Easement Certification pursuant to title commitment issued by Stewart Title Guaranty Company on January 22, 2023 and Effective date of January 22, 2023. Reference by GF No.: SL-011464
10(f.) The location of the easement granted to The Texas Pipe Line Company in Vol. 559, Pg. 339, D.R.G.C.T. does affect the subject property, and is a blanket easement and unplottable.
10(g). The location of easement to The Texas Pipe Line Company in Vol. 584, Pg. 355, D.R.G.C.T. and subsequently assigned to Bigheart Pipe Line Corporation in Vol. 1503, Pg. 250 and Vol. 1503, Pg. 290, D.R.G.C.T. DOES AFFECT the subject property and is a blanket easement and unplottable.
10(h.) The location of the easement granted to the State of Texas in Vol. 1112, Pg. 332, D.R.G.C.T. does affect the subject property, as shown hereon.
10(i). The location of easement to the State of Texas in Vol. 1186, Pg. 315, D.R.G.C.T. DOES AFFECT the subject property, as shown hereon.
10(j.) The location of the easement granted to Ensearch Co. in Vol. 1462, Pg. 452, D.R.G.C.T. does affect the subject property, as shown hereon.
10(k.) The location of the Permanent Reciprocal Access Easement Agreement in Vol. 1970, Pg. 812, R.P.R.G.C.T. does affect the subject property, as shown hereon.
10(l). No easements were granted in deed filed in Vol. 5548, Pg. 904, O.P.R.G.C.T.
10(m). The property is subject to the License Agreement by and between Bow Pipe Line Company and Tomahawk Pipe Line Company filed in Vol. 1507, Pg. 462, D.R.G.C.T. and is a blanket easement and unplottable.
10(o). The property is subject to outparcel easement for access filed in Inst. Nos. 2021-22951 & 2021-26137, O.P.R.G.C.T. and is designated as the "parking areas, access roads, service drives, drive aisles, sidewalks and landscaped areas but shall not include any drive up or drive through areas."

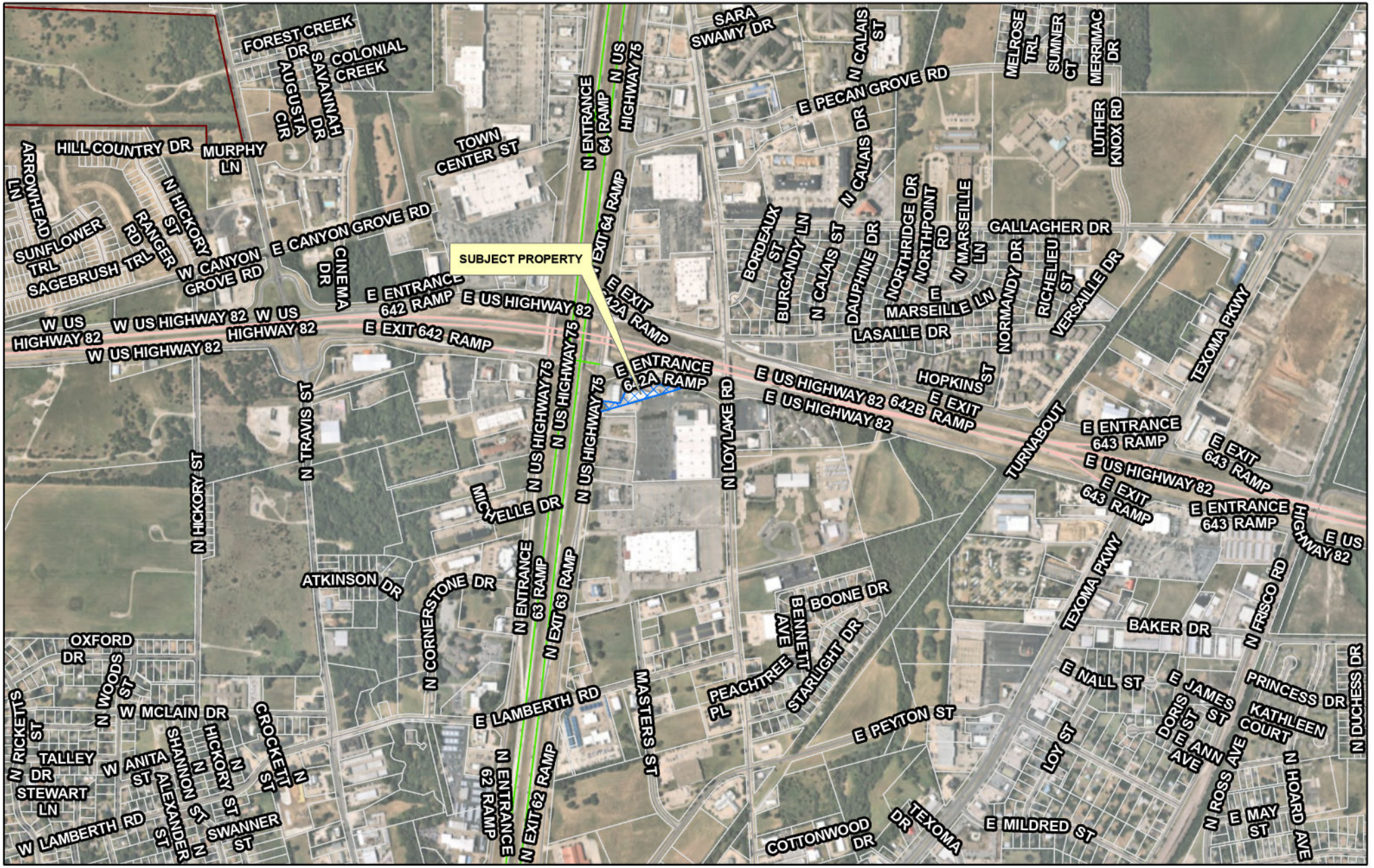
STATE OF TEXAS
REGISTERED
KATE A. WAGNER
6578
PROFESSIONAL
LAND SURVEYOR

Kate A. Wagner, R. P. L. S. No. 6578
Registered Professional Land Surveyor No. 6578
Date of Plat or Map: March 20, 2023

Job No. AGS350323

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

X:\Shared Projects\3021-N-Hwy-75-738-E-Hwy-82-Sherman\Civil 3D\Valero-ALTA.dwg 3/19/2023 10:17 PM



dlagrone H:\PLANNING\Public Notification KT.aprx

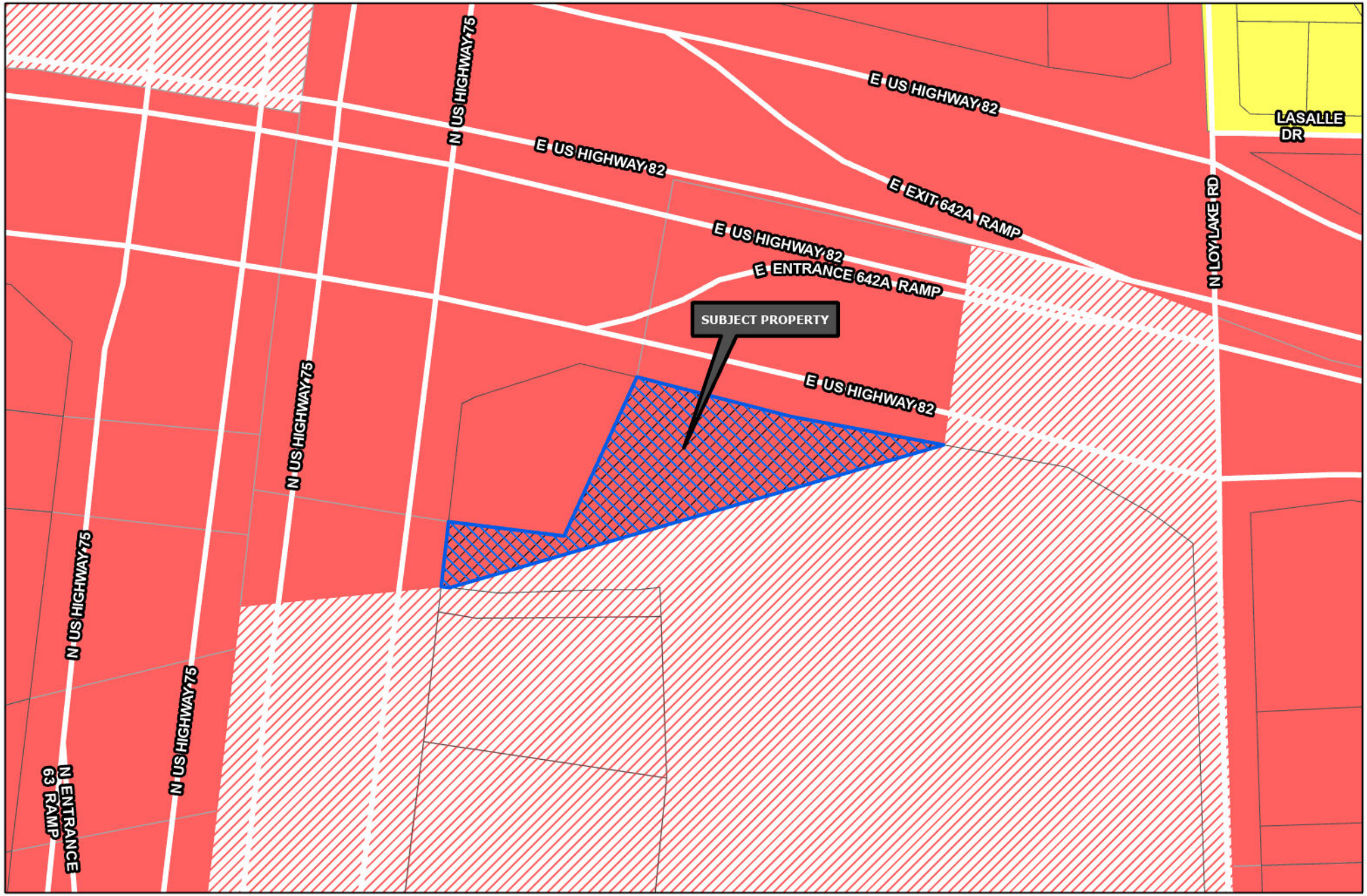
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
738 E HWY 82

N
W E
S

Date: 9/15/2023 8:36 AM



Sherman
CLASSIC TOWN. BROAD HORIZON.

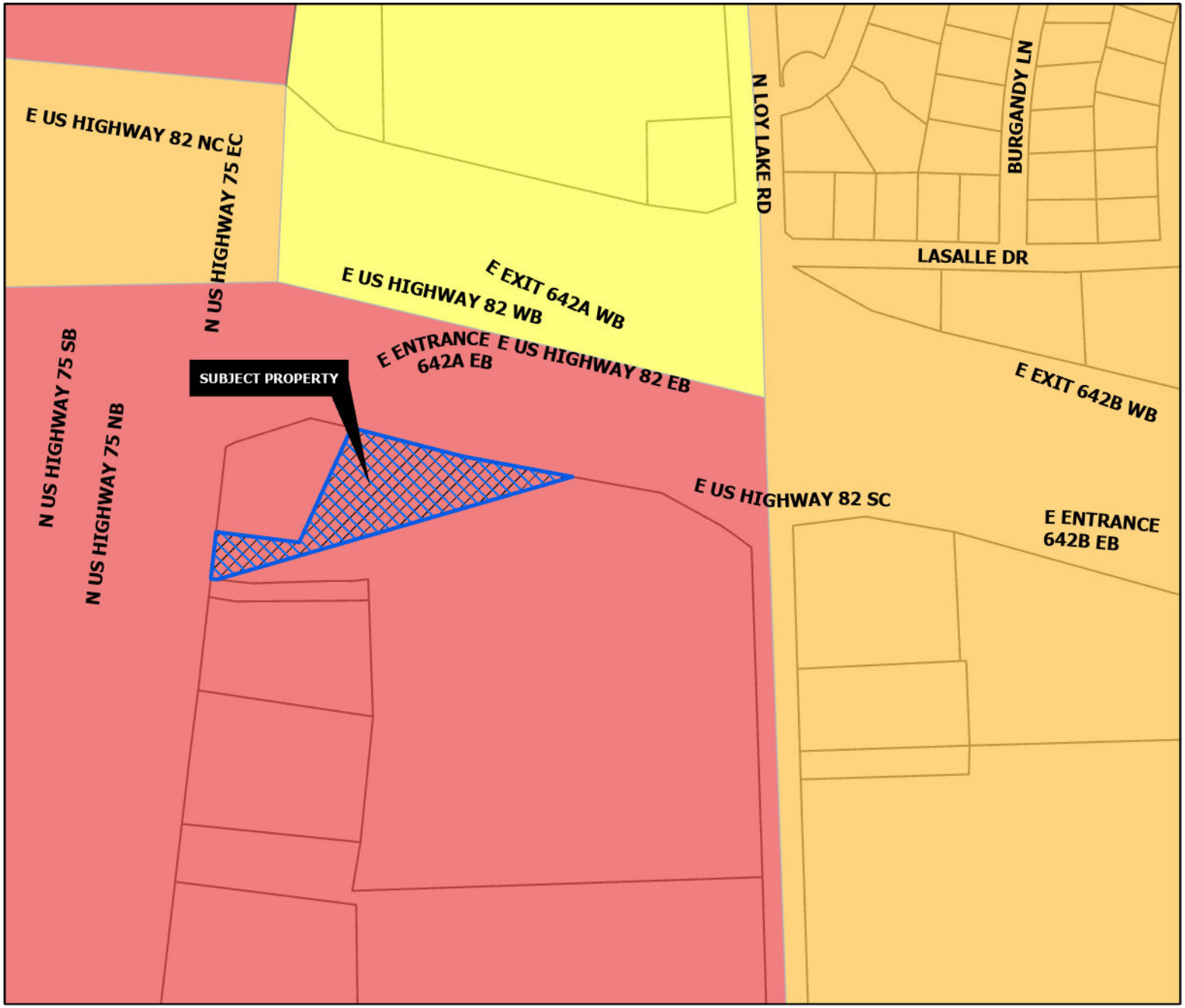
Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations
- Road Names All

CITY OF SHERMAN ZONING MAP 738 E HWY 82

N W E S

Date: 8/11/2023 1:29 PM



REGIONAL COMMERCIAL

Intent & Character

The Regional Commercial category is intended to promote large-scale commercial development along US-75, while promoting community character through design. US-75 serves as the major gateway to and through the community; therefore, aesthetics and design should be promoted in this corridor. This category should allow large-scale commercial uses that serve the region and the community alike. A mix of uses and inter-connectivity between parcels should be encouraged.

Appropriate Land Use Types

- Retail and Restaurants
- Multi-Family Living
- Office Complex
- Medical
- Mixed Use
- Indoor Entertainment

Compatible Zoning Districts

- Retail Business
- General Commercial
- Office
- Multi-Family Residential (MF-15 and MF-30)
- Planned Development (for larger tracts)

Considerations

- Site design considerations should be given to parking, landscaping, and building articulation.
- Where possible, parking should be screened from view or well-landscaped with native, drought-tolerant plants.
- All buildings facades fronting a public street or within significant public view should have aesthetically-pleasing horizontal and vertical articulation.
- Signage should be multi-tenant, where possible, and should match the character of the primary structure.
- High density residential should be included in mixed use developments.
- High density residential is appropriate behind commercial areas, with inter-connectivity.
- If high density is stand alone, the surrounding uses and connectivity should be considered to avoid an "island."

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
738 E HWY 82

N
W E
S

Date: 8/11/2023 1:32 PM

Marlow, Lauren

From: laurenm@cityofsherman.com
To: David Weaver
Subject: RE: Specific Use Permit Application - 738 E. Highway 82

From: David Weaver
Sent: Tuesday, August 8, 2023 9:25 AM
To: Marlow, Lauren
Cc: Snapp, Ryan
Subject: RE: Specific Use Permit Application - 738 E. Highway 82

Lauren,

Please see below photo of the notification sign taken this morning. Please let me know if this is sufficient.

Thank You,

738 E. US Highway 82

Sherman, TX. 75090

Vape and Smoke Shop Project Narrative for Specific Use Permit

Previous Use

The tenant space was previously occupied by Affordable Dentures. That tenant terminated their lease and vacated the property in 2019. A demolition permit was obtained on October 20, 2022. A lease for the space was executed between Douglass Distributing and Ayden Business on February 20, 2023 to open a vape and smoke retail storefront.

Scope of Project

Construction of the new lease space included the following: construction of fire-rated demising walls, construction of new interior partitions, lay-in acoustical ceilings, new light fixtures, drywall finishing, painting, installation of new doors, frames and hardware, installation of a drinking fountain per code requirements, and new LVT flooring in areas open to the general public. The existing restroom was left intact as it meets applicable ADA and TAS standards. The restroom will be accessible to both store employees and customers. A building final inspection was passed on Tuesday, 07/12/23.

Intended Use

The store will be called "Vape and Smoke Stop". The store will offer a variety of electronic nicotine delivery devices as well as traditional tobacco products including cigarettes, cigars, smokeless tobacco, pipe tobacco and smoking accessories.

734

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

August 15, 2023

Sent via email

Samir Bhimani
10214 Frankford Ave., Suite 410
P.O. Box 8357
Lumberton, TX 77657

W Douglass Distributing, LTD
325 E. Forest Ave.
Sherman, TX 75090

Dear Applicants,

The request of a Public Hearing, Site Plan and Specific Use Permit under Section 14.06.009 to allow a Hookah Bar, Smoking Lounge, Smoke Shop, or Vape Shop in a C-1 (Retail Business) District/75 & 82 Overlay District located at 738 East Highway 82 has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, August 22, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). *(Code of Ordinances Chapter 3.02(c))*
3. The property must be properly maintained in a state of good repair and neat appearance.
4. One parking space for every 250 square feet of gross floor area shall be provided. *(Sec.14.04.003(e)(1))*
5. The use of the property must comply with all Federal and State Laws and regulations and with all the ordinances, rules and regulations of the City of Sherman.
6. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
7. A Specific Use Permit is an amendment to the district regulations of the Zoning Ordinance that permits the establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure is discontinued or abandoned for a period of thirty (30) consecutive days in which event such Specific Use Permit shall be void and such use may not thereafter be resumed unless a new Specific Use Permit is granted in accordance with this section. (*Chapter 14, Sec. 14.06.009 (a)(1)(C)*)
8. 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.
9. 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 Planning and Zoning Commission and Board of Adjustment 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, contact Development Services by emailing planning@cityofsherman.com prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Dillon Stewart, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 10.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6650

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow a Hotel in the C-1 (Retail Business) District, Located at 2708 North Cornerstone Drive, consisting of 2.251 acres, being in the J.B. McAnair Survey, Abstract No. 763, being Lot 6R, Block 2, Replat of Cornerstone Addition, City of Sherman, Grayson County, Texas (Raj Patel, Owner; ADR Designs, LLC, Designer; and Preston Trail Land Surveying, Surveyor); Prescribing Conditions to the Specific Use Permit; Providing A Penalty Not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

Issue:

To consider granting a Specific Use Permit to Allow a Hotel in the C-1 (Retail Business) District, Located at 2708 North Cornerstone Drive, consisting of 2.251 acres, being in the J.B. McAnair Survey, Abstract No. 763, being Lot 6R, Block 2, Replat of Cornerstone Addition, City of Sherman, Grayson County, Texas Raj Patel (Owner), ADR Designs, LLC (Designer) and Preston Trail Land Surveying (Surveyor)

Background:

The property is located at 2708 North Cornerstone Drive between North US Highway 75 and North Travis Street. The owner is requesting a Site Plan and Specific Use Permit for a Hotel.

The applicant is proposing to construct a Home 2 Suites, which would be a Hilton brand. The hotel would be a 4-story building with 106 hotel rooms and an outdoor swimming pool. The hotel will also have a 1,200 square foot meeting room and a fitness center. It will be a limited service hotel, which will serve free continental breakfast to the guests.

Origination:

Raj Patel (Owner)
ADR Designs, LLC (Designer)
Preston Trail Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Staff recommends that if City Council approves the Specific Use Permit that it be tied to the submitted site plan, landscape plan, and building elevations and be tied to the brand Home 2 Suites by Hilton.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6650
Exhibit A - Survey
Exhibit B - Site Plan
Location Map
Zoning Map
FLUM
Zoning Sign Photo
Narrative
Elevations
STAFF REVIEW LETTER

ORDINANCE NO. 6650

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, AND GRANTING A SPECIFIC USE PERMIT TO ALLOW A HOTEL IN THE C-1 (RETAIL BUSINESS) DISTRICT, LOCATED AT 2708 NORTH CORNERSTONE DRIVE, CONSISTING OF 2.251 ACRES, BEING IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, BEING LOT 6R, BLOCK 2, REPLAT OF CORNERSTONE ADDITION, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS (RAJ PATEL, OWNER; ADR DESIGNS, LLC, DESIGNER; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR); PRESCRIBING CONDITIONS TO THE SPECIFIC USE PERMIT; 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 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, the property located at 2708 North Cornerstone Drive, City of Sherman, Grayson County, Texas is/are granted a Specific Use Permit to a Hotel, subject to the conditions described in this Ordinance and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14 is hereby amended so as to hereafter include property on **Exhibit A – Survey**.

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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal. *(Code of Ordinances Chapter 3.02(c))*
3. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004)*
4. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07)*
5. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
6. The use of the property must comply with all Federal and State Laws and regulations and with all the ordinances, rules and regulations of the City of Sherman.
7. Permanent residents are not permitted. Any hotel guest may not stay longer than 30 days.
8. The property must be properly maintained in a state of good repair and neat appearance.
9. Office space, restaurant space or conference/meeting rooms must be identified on the Site Plan. The square feet of the office space, restaurant space, conference/meeting room must be notated in the tabulation and parking shall be provided: 1 parking space for every unit plus the required parking for retail, office, and other uses as applicable. *(Sec.14.04.003(e)(1)).*
10. The granting of the Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
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 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*
14. All requirements of the Floodplain Ordinance shall be followed. *Code of Ordinances Chapter 3, Article 3.12*
15. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*

Fire Services

16. D105.3 - One or more of the required access routes meeting this condition shall be located not less than 15' and not greater than 30' from the building and shall be positioned parallel to one entire side of the building. The side of the building on

which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

Additional Conditions:

17. The property shall be developed and used in accordance with all City Ordinances and the Site Plan shown in **Exhibit B.**
18. The property shall be developed and used in accordance with the Landscape Plan show in **Exhibit C.**
19. This Specific Use Permit is granted for Home 2 Suites by Hilton.

SECTION 3. That this Ordinance shall be entered upon the official zoning map as provided in Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

SECTION 4. That after holding a properly noticed public hearing, the City Council may amend, change, or rescind the Specific Use Permit if any of the conditions set forth in Zoning Ordinance/Code of Ordinances Chapter 14, Section 14.06.009(1)(g), apply or exist.

SECTION 5. That the Specific Use Permit shall be effective from and after the effective date of this Ordinance. Upon termination of the Specific Use Permit, the property shall cease to be used as provided herein unless another Specific Use Permit or appropriate zoning has been obtained.

SECTION 6. 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 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 7. That the 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 8. 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 9. 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 10. 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 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

EFFECTIVE DATE on this the 18th day of September 2023.

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

EXHIBIT A

GRAPHIC SCALE IN FEET
0 25 50

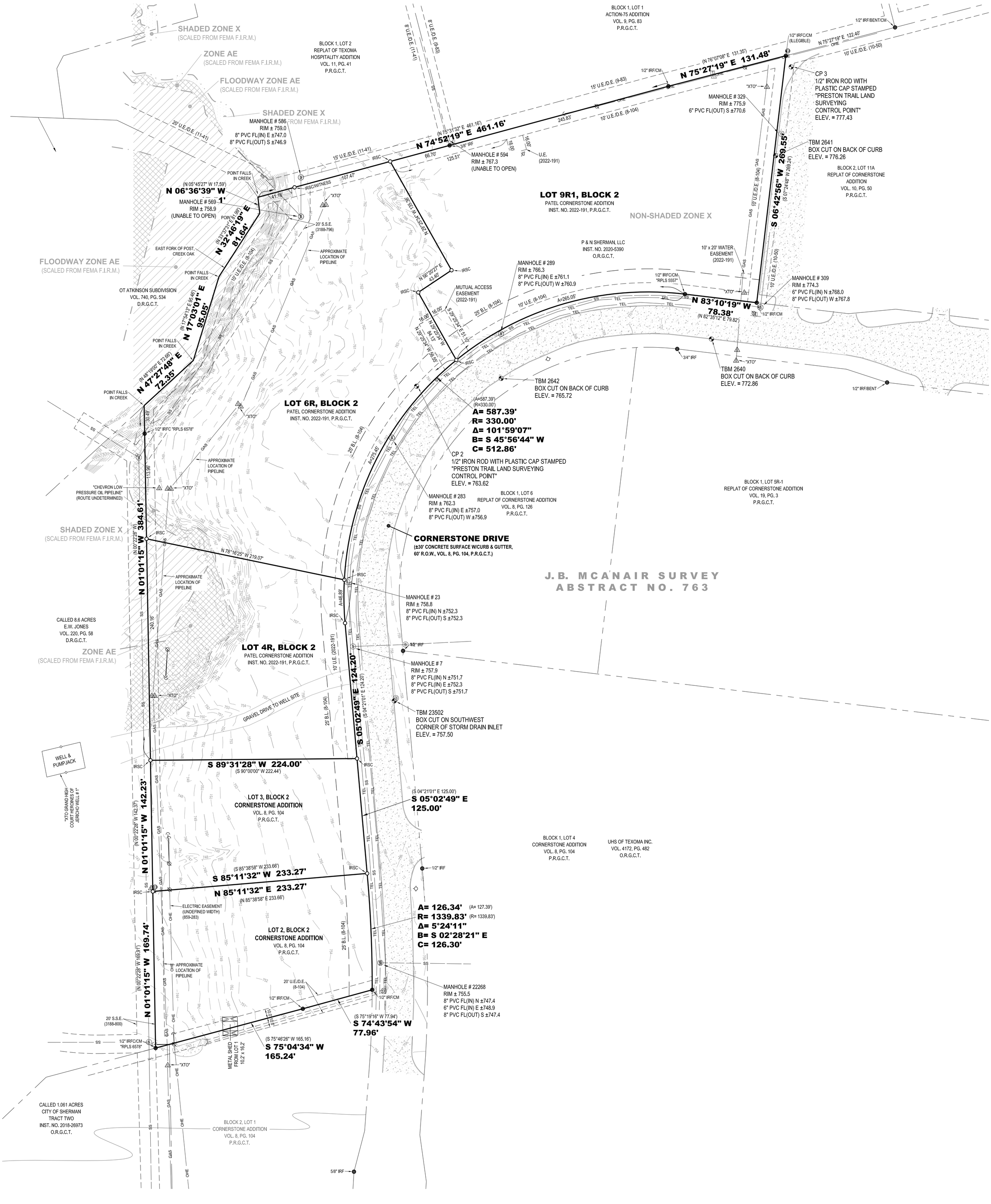
All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. All dimensions shown are ground distances. To obtain a grid distance, multiply the ground distance by the Project Combined Factor (PCF) of 0.9998973421.

FLOOD STATEMENT:

I have examined the F.E.M.A. Flood Insurance Rate Map for the City of Sherman, Grayson County, Texas, Community Number 485509, effective date 09/01/2022 and that map indicates that a portion of this property is within "Zone AE" defined as "Special Flood Hazard Areas (SFHAs) subject to inundation by the 1% annual chance flood with base flood elevations determined." as shown on Panel 0290 G of said map. This flood statement does not imply that the property and/or 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.

GENERAL NOTES:

1. Location of underground utilities, including pipelines, based on information provided by Texas Railroad Commision GIS and/or observed above-ground markings by others (pin flags and/or permanent utility markers) and should be considered approximate. Not all underground utilities or pipelines may be shown.



LEGEND

●	FOUND MONUMENT	Ⓔ	ELECTRIC METER
○	SET MONUMENT	⊘	UTILITY/POWER POLE
IRSC	1/2" IRON ROD W/ "PRESTON TRAIL LAND SURVEYING, RPLS 6585" CAP SET	⚠	BURIED ELECTRIC LINE MARKER
		⟵	GUY
IRF	IRON ROD FOUND	T	TELEPHONE BOX
IRFC	IRON ROD FOUND W/PLASTIC CAP	⚠	BURIED TELEPHONE MARKER
CM	CONTROLLING MONUMENT	☐	TELEPHONE VAULT
( )	DEED OR PLAT CALL	Ⓖ	NATURAL GAS METER
R.O.W.	RIGHT-OF-WAY	⚠	BURIED NATURAL GAS MARKER
P.R.G.C.T.	PLAT RECORDS, GRAYSON COUNTY, TEXAS	⚶	FIRE HYDRANT
		Ⓢ	SANITARY SEWER MANHOLE
O.R.G.C.T.	OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS	Ⓓ	STORM DRAIN MANHOLE
		———	BOUNDARY LINE
D.R.G.C.T.	DEED RECORDS, GRAYSON COUNTY, TEXAS	— — —	ADJOINER LINE
		– – – –	EASEMENT
VOL., PG.	VOLUME, PAGE	— — — —	BUILDING LINE
RCP	REINFORCED CONCRETE PIPE	——— x ———	WIRE FENCE
B.L.	BUILDING LINE	———◇———	CHAIN LINK FENCE
U.E.	UTILITY EASEMENT	//////	ASPHALT
D.E.	DRAINAGE EASEMENT	——— ss ———	SANITARY SEWER LINE
S.S.E.	SANITARY SEWER EASEMENT	——— OHE ———	OVERHEAD ELECTRIC/UTILITY
		——— TEL ———	TELEPHONE LINE

Chris R. Noah, R.P.L.S. No. 6585

STATE OF TEXAS · REGISTERED · CHRIS R. NOAH · 6585 · PROFESSIONAL LAND SURVEYOR

TOPOGRAPHIC SURVEY
CORNERSTONE ADDITION
LOTS 2, 3, 4R, 6R
TBD Cornerstone Drive, Sherman
Grayson County, Texas

Preston Trail LAND SURVEYING
787 W FM 996
Pottsboro, TX 75076
www.prestontraillandsurveying.com
903-786-6029

TBPLS Firm No. 10194175	Drawn by: BNH Checked by: CRN	Scale: 1"=50' Date: 12/01/2022	Project No. 20-0010.4 Sheet No. 1 of 1

EXHIBIT B

N

SITE PLAN
SCALE: 1" = 30'-0"

GRAPHIC SCALE
0 30 60
15

GENERAL NOTES:

1. ALL CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF THE STANDARD SPECIFICATIONS OF THE CITY OF SHERMAN, TEXAS.
2. CONTRACTOR SHALL PROVIDE "AS BUILT" PLANS TO THE ENGINEER SO THAT THE REPRODUCIBLES OF THE ENGINEERING PLANS MAY BE CORRECTED TO REFLECT "AS BUILT" CONDITIONS.
3. THE CONTRACTOR SHALL BE REQUIRED TO PROVIDE AND MAINTAIN ALL NECESSARY WARNING AND SAFETY DEVICES (FLASHING LIGHTS, BARRICADES, SIGNS, ETC.) TO PROTECT THE PUBLIC SAFETY AND HEALTH UNTIL THE WORK HAS BEEN COMPLETED AND ACCEPTED BY THE CITY.
4. COMMENCEMENT OF WORK BY ANY CONTRACTOR OR SUBCONTRACTOR SHALL BE CONSIDERED EVIDENCE THAT HE HAS INSPECTED AND ACCEPTED ALL CONDITIONS INVOLVED IN HIS WORK AND FINDS THEM SATISFACTORY.
5. PRIOR TO THE COMMENCEMENT OF ANY WORK THE CONTRACTOR SHALL ANALYZE THE JOBSITE CONDITIONS, ALL DIMENSIONS, SETBACKS, PROPERTY LIMITS, UTILITY CONDITIONS. IF THE CONTRACTOR OBSERVES ANY ERRORS OR OMISSIONS IN THE CONTRACT DOCUMENTS HE SHALL PROMPTLY NOTIFY THE ARCHITECT FOR CLARIFICATION. IF SUCH WORK PROCEEDS WITHOUT CLARIFICATION IT IS AT THE RISK OF THE CONTRACTOR. ANY CHANGES MADE BY CONTRACTOR PRIOR TO ARCHITECT'S CLARIFICATION SHALL BE AT THE CONTRACTOR'S RISK. THE SETTLEMENT OF ANY COMPLICATIONS OR DISPUTES ARISING FROM THIS SHALL BE AT THE EXPENSE OF THE CONTRACTOR.
6. THE LOCATIONS OF EXISTING UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE AND VERIFY IN THE FIELD ANY UTILITIES THAT MAY CONFLICT WITH THIS CONSTRUCTION, AT LEAST 24 HOURS PRIOR TO BEGINNING CONSTRUCTION IN THE VICINITY OF UNDERGROUND UTILITIES.

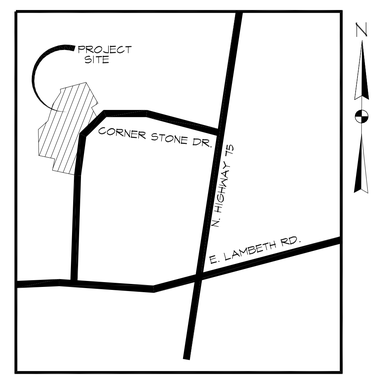
CODE ENFORCEMENT	903-892-7122
FIRE DEPARTMENT	903-892-7263
PLANNING AND ZONING	903-892-7229
PUBLIC WORKS	903-892-7175
UTILITIES	903-892-7237

NOTE:

1. ALL UTILITIES ON PRIVATE PROPERTY MUST BE INSTALLED BY LICENSED CONTRACTORS, AND INSPECTED BEFORE COVER.

SITE DATA TABULATION:

	PROPOSED 4 STORY HOTEL
ZONING:	C-I RETAIL BUSINESS DISTRICT
LOT AREA	3.014 ACRES (131,301.79 S.F.)
BLDG. AREA	16,245.0 S.F.
MAX. LOT COVERAGE (MAIN BUILDING)	12.37%
TOTAL FLR. AREA	65,649.0 S.F.
FLOOR AREA RATIO	65,649.0/131,301.79 = 0.50%
LANDSCAPE AREA	49,002.40 S.F. (37.32%)
IMPERVIOUS AREA	82,299.39 S.F. (62.68%)
PARKING REQUIRED	1 SPACE/RM. UNIT (HOTEL) = 106 ROOMS 1 SPACE/200 S.F. (MEETING ROOM) = 7 TOTAL = 113 PARKING SPACES
PARKING FURNISHED	116 SPACES
HC PARKING REQUIRED	5 SPACES (1 VAN ACCESSIBLE)
HC PARKING PROVIDED	5 SPACES (2 VAN ACCESSIBLE)



VICINITY MAP SCALE : NONE

PROJECT STATUS: PRELIMINARY
PROJECT MANAGER: DBR
DESIGN MANAGER: RCM
PROJECT DATE: 030322
REVISION DATE: 081123

ZAVER CAPITAL, LLC
1225 BAYNES DRIVE
MCKINNEY, TX 75071
PHONE: 214 278 4808
EMAIL: j.patel22@yahoo.com

ADR-DESIGNS-LLC
TOTAL DESIGN MANAGERS
601 SADDLE HILL DRIVE, GRAND PRAIRIE, TX 75050
PH: 972-262-1333 FAX: 214-272-2987
E-Mail: adrdesignsllc@adrdesigns.com
POR: MOHAMMED S. KAMAL

HOME2 SUITES BY HILTON
PROPERTY ID - 58829
2708 CORNERSTONE DRIVE
CITY OF SHERMAN, TEXAS

08/11/23
STATE OF TEXAS
MOHAMMED S. KAMAL
88537
LICENSED PROFESSIONAL ENGINEER

MJR Engineering
New Construction • Engineering • Environmental Services
7953 PINKERTON COURT
PLANO, TEXAS 75025
PH: (469) 544-8150 FAX: (972) 767-3003
EMAIL: mkamal6@gmail.com
FIRM #: F- 9928

JOB NUMBER: ZCS - 22716

SHEET NUMBER C1

dlagrone H:\PLANNING\Public Notification KT.aprx

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
2708 N CORNERSTONE DR

N
W E
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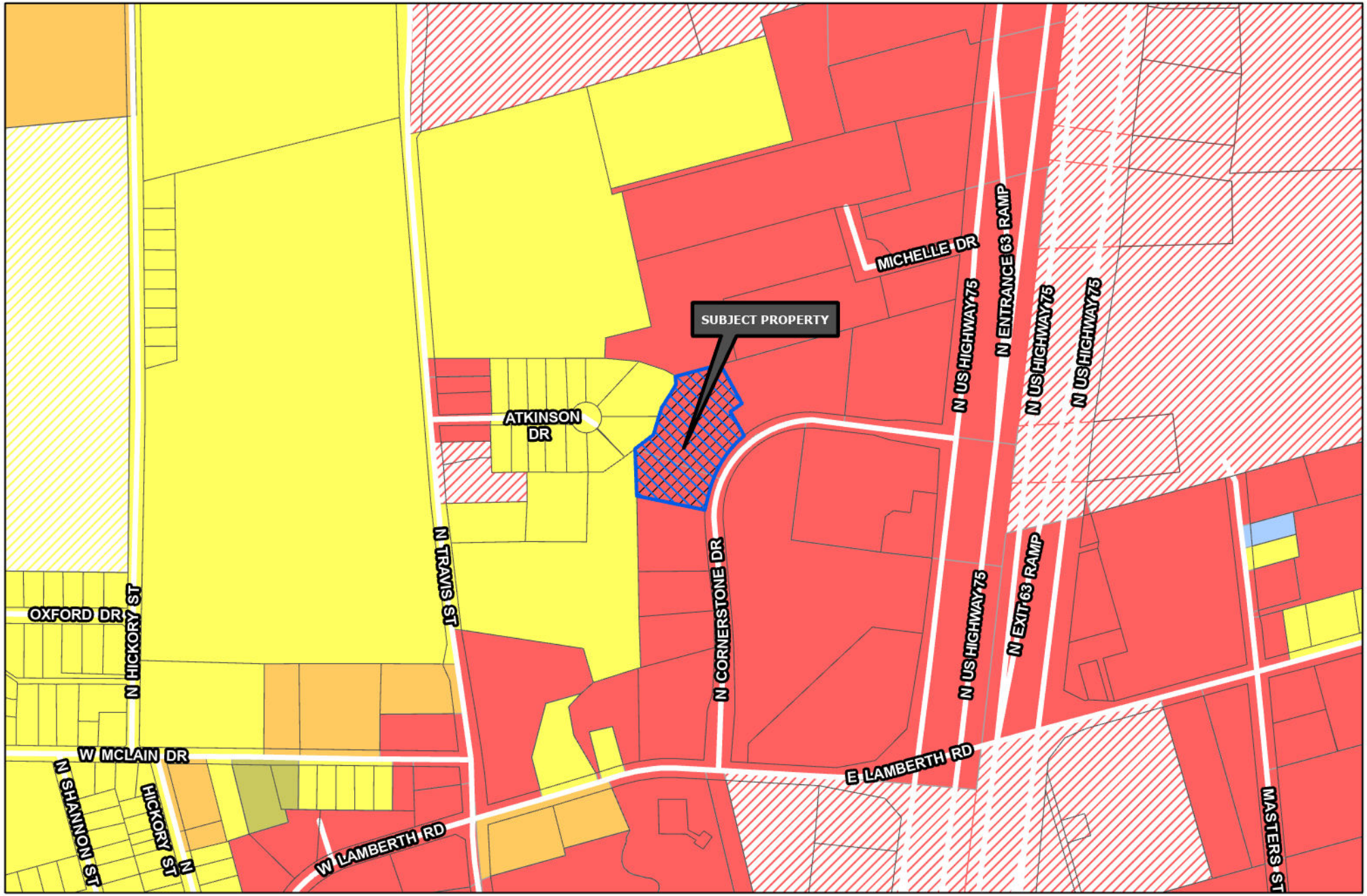
Date: 8/11/2023 2:02 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations
- Road Names All

CITY OF SHERMAN
ZONING MAP
2708 N CORNERSTONE DR

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W E
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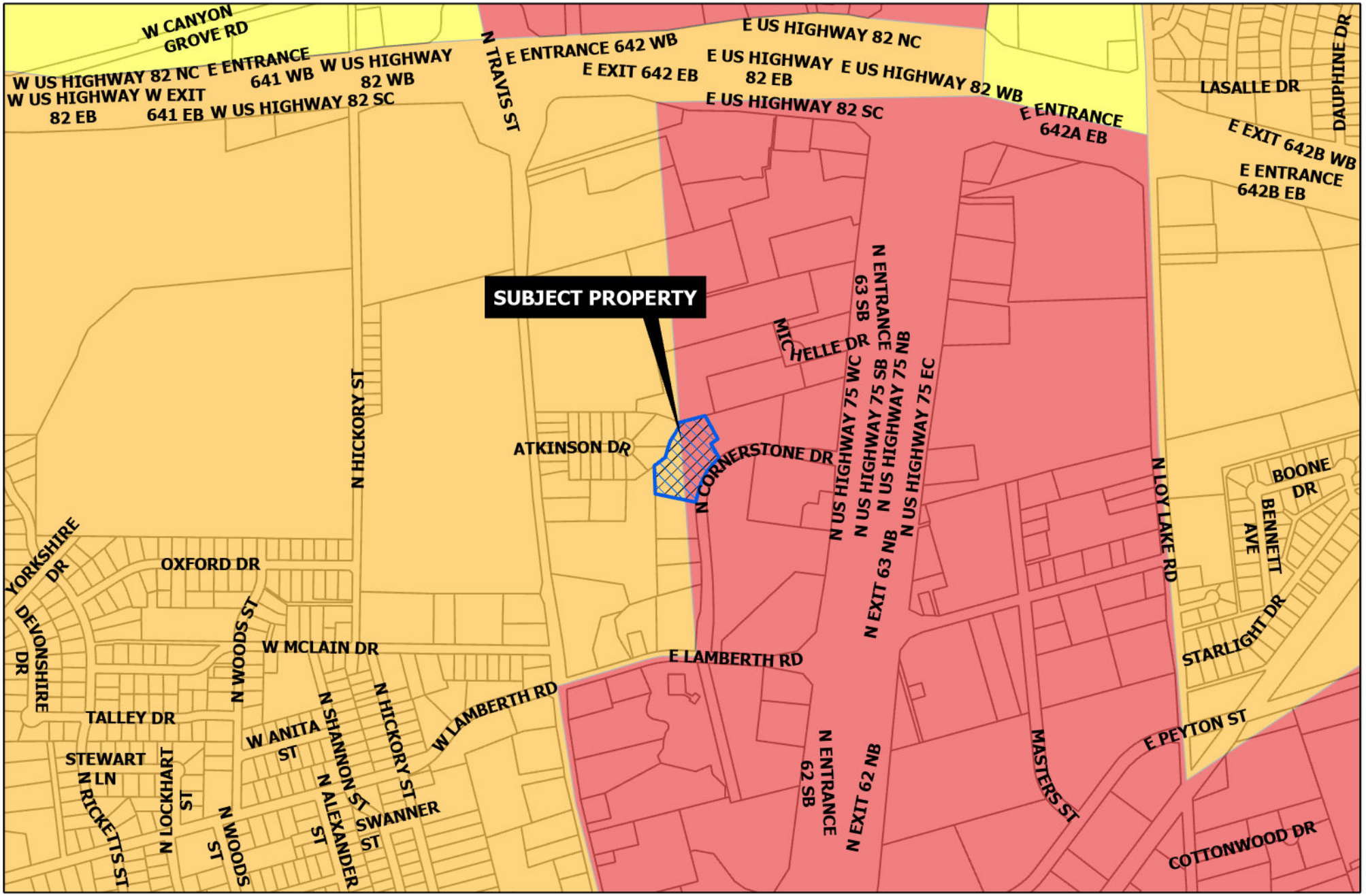
Date: 8/11/2023 2:02 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
2708 N Cornerstone

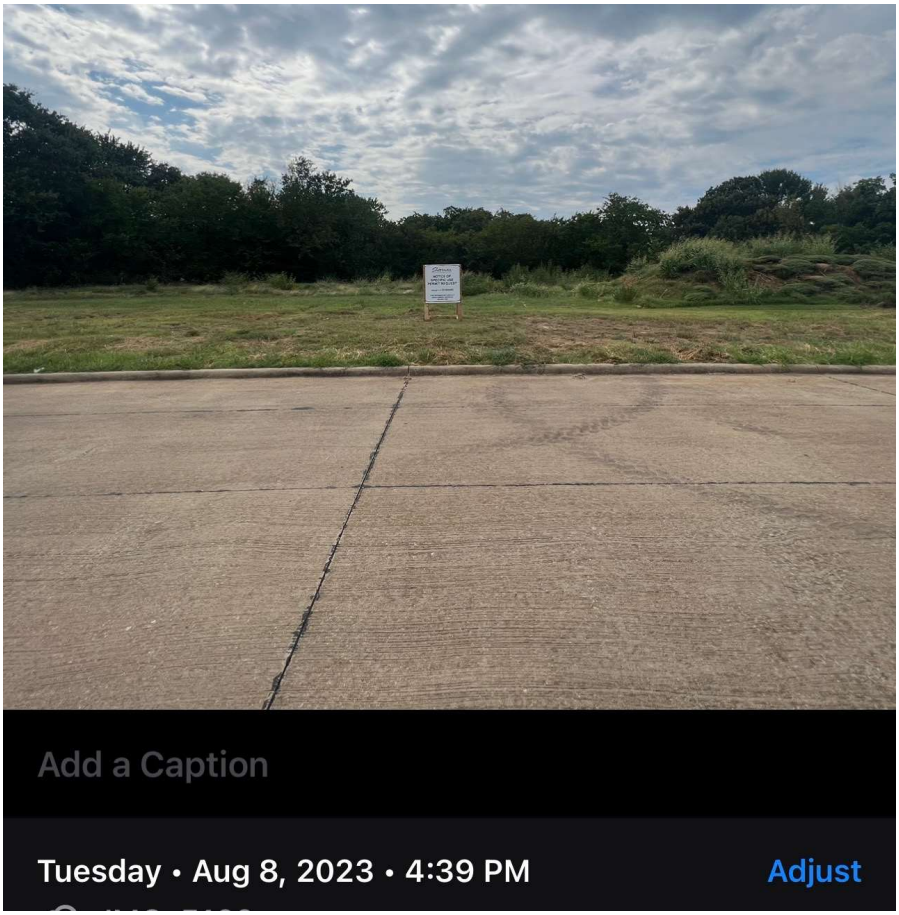
N W E S

Date: 8/17/2023 8:43 AM

Marlow, Lauren

From: laurenm@cityofsherman.com
To: ADR Designs LLC
Subject: RE: SUP application for 2708 N Cornerstone Drive Sherman.

From: ADR Designs LLC
Sent: Wednesday, August 9, 2023 8:48 AM
To: Marlow, Lauren
Subject: Re: SUP application for 2708 N Cornerstone Drive Sherman.



Here it comes !

Anil Ram
ADR - Designs LLC

City of Sherman
220 W Mulberry Street
Sherman Texas 75090

July 25, 2023

Attention: Development Coordinator,

Project Description:

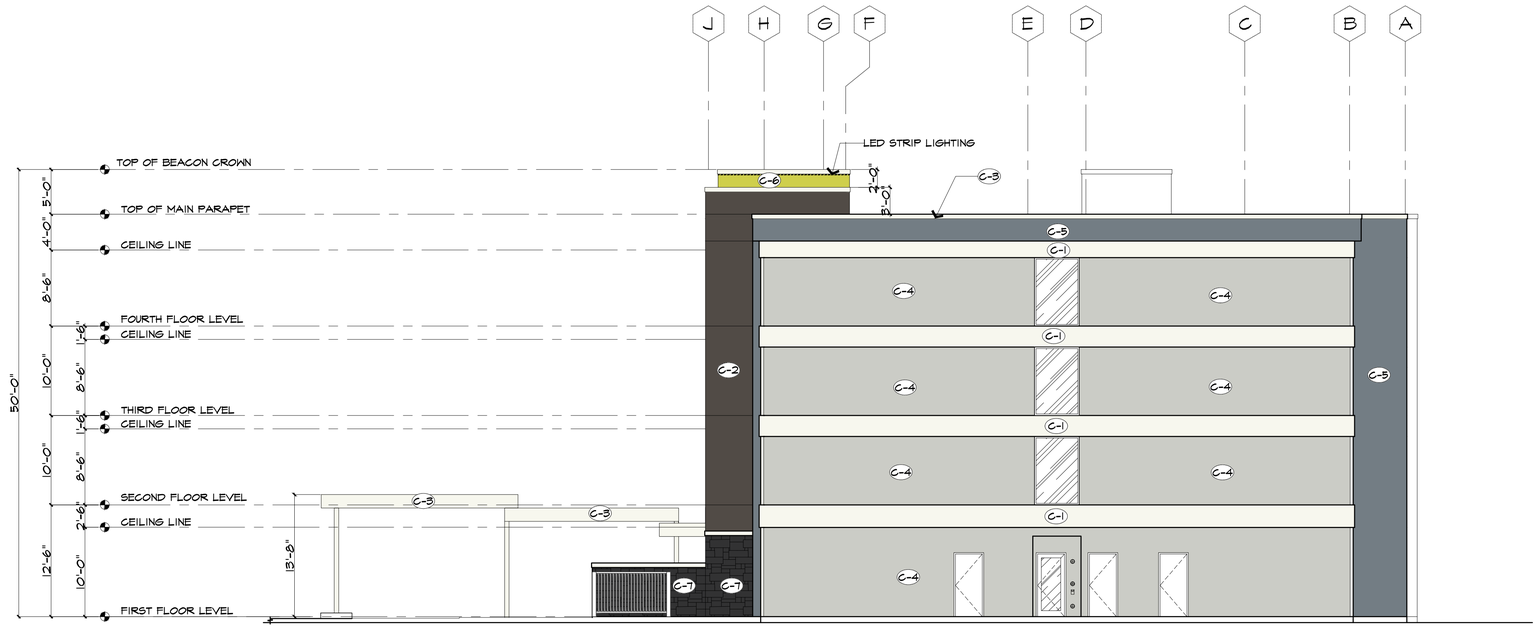
Our project at 2708 N Cornerstone Drive Sherman Texas. We would like to request a specific use permit to build a hotel facility.

A Hilton product, Home 2 Suites, a 4-story building with 106 guestrooms and with an outdoor swimming pool. This hotel will also have a 1,200 s/f meeting room, and a fitness center. It will be limited service hotel, which will serve free continental breakfast to the guests.

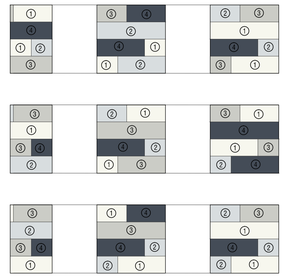
I believe this project meets all the SUP guidelines for the hotel, and we are not seeking any variance for this project.
We look forward to the committee's review and subsequent approval.

Thank you kindly

Anil Ram
ADR Designs llc – Project Architect Team



02 RIGHT SIDE ELEVATION
SCALE: 1/8"=1'-0"



03 COLOR DIAGRAM
SCALE: NTS
EXTERIOR FINISH C-3

HOME 2 SUITES COLOR CODING SCHEDULE
1 - BENJAMIN MOORE - OC-117 SIMPLY WHITE
2 - BENJAMIN MOORE - 2126-60 GRAY CLOUD
3 - BENJAMIN MOORE - HC-170 STONINGTON GRAY
4 - BENJAMIN MOORE - HC-154 HALE NAVY

NOTE:

*ALL STUCCO INSTALLATIONS TO COMPLY WITH ASTM C1063

*MAXIMUM WALL PANEL AREA =144 sq. ft.

*MAXIMUM DISTANCE BETWEEN JOINTS = 18 ft.

*MINIMUM LENGTH TO WIDTH RATIO = 2.5 TO 1

*NO INCREASE ALLOWED UNLESS APPROVED BY ARCHITECT.

H2S FINISH SCHEDULE

C-1	-	STUCCO OC-117 SIMPLY WHITE (BENJAMIN MOORE)
C-2	-	STUCCO 2134-20 MIDSUMMER NIGHT (BENJAMIN MOORE)
C-3	-	STUCCO FINISH VARIES REFER TO DETAIL 03/A310
C-4	-	STUCCO HC-170 STONINGTON GRAY (BENJAMIN MOORE)
C-5	-	STUCCO 2127-40 WOLF GRAY (BENJAMIN MOORE)
C-6	-	STUCCO 398 FLOWER POWER (BENJAMIN MOORE)
C-7	-	CORONADO STONE BLACK FOREST

01 FRONT ELEVATION
SCALE: 1/8"=1'-0"

PROJECT STATUS: PRELIMINARY
PROJECT MANAGER: DBR
DESIGN MANAGER: RCM
PROJECT DATE: 070422
REVISION DATE: 081123

ZAVER CAPITAL, LLC
1225 BAYNES DRIVE
MCKINNEY, TX 75071
PHONE: 214 278 4808
EMAIL: j.patel22@yahoo.com

HOME2 SUITES BY HILTON
PROPERTY ID - 58829
2708 CORNERSTONE DRIVE
CITY OF SHERMAN, TEXAS

ADR-DESIGNS-LLC
TOTAL DESIGN MANAGERS
601 SADDLE HILL DRIVE, GRAND PRAIRIE, TX 75050
PH: 972-262-1333 FAX: 214-272-2987
E-Mail: adrdesignsllc@adrdesigns.com
POR: JOHN C. SARGENT

JOB NUMBER: ZCS - 22716

SHEET NUMBER A310

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

August 15, 2023 Sent via email

Raj Patel
1018 US Highway 271 South
Gilmer, TX 75644

Dear Applicants,

The request of a Public Hearing, Site Plan and Specific Use Permit under Section 14.06.009 to allow a Hotel or Motel in a C-1 (Retail Business) District located at 2708 North Cornerstone Drive has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, August 22, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). *(Code of Ordinances Chapter 3.02(c))*
3. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004)*
4. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07)*
5. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
6. The use of the property must comply with all Federal and State Laws and regulations and with all the ordinances, rules and regulations of the City of Sherman.
7. Permanent residents are not permitted. Any hotel guest may not stay longer than 30 days.
8. The property must be properly maintained in a state of good repair and neat appearance.
9. Office space, restaurant space or conference/meeting rooms must be identified on the Site Plan. The square feet of the office space, restaurant space, conference/meeting room must be notated in the tabulation and parking shall be provided: 1 parking space for every unit plus the required parking for retail, office, and other uses as applicable. *(Sec.14.04.003(e)(1)).*
10. The granting of the Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
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 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*
14. All requirements of the Floodplain Ordinance shall be followed. *Code of Ordinances Chapter 3, Article 3.12*
15. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*

Fire Services

16. D105.3 - One or more of the required access routes meeting this condition shall be located not less than 15' and not greater than 30' from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

It is the policy of the Planning and Zoning Commission and Board of Adjustment 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, contact Development Services by emailing planning@cityofsherman.com prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Dillon Stewart, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 11.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6651

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 14.287 acres, contained in Tract 2, being in the John Chronister Survey, Abstract No. 248, City of Sherman, Grayson County, Texas, Located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road, Heretofore Zoned C-1 (Retail Business) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District; Rezoning and Placing the Tract in the MF-30 (Multi-Family Residential) District/75 & 82 Overlay District Zoning Classification, (Jamestown Square, LLC, Owner; Caleb Jones, Representative; and Kimley-Horn & Associates, 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 Jamestown Square, LLC (Owner), Caleb Jones (Representative) and Kimley-Horn & Associates (Engineer) concerning the property located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road, consisting a part of 50.006 acres in the John Chronister Survey, Abstract No. 248, City of Sherman, Grayson County, Texas, Heretofore Zoned C-1 (Retail Business) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District; Rezoning and Placing the Tract in the MF-30 (Multi-Family Residential) District/75 & 82 Overlay District Zoning Classification

Background:

The property is located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road at the corner of South Highway 75 and Akers Road. The owner is requesting a Zone Change for Tract 2 from C-1 (Retail Business) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District to MF-30 (Multi-Family Residential) District/75 & 82 Overlay District.

The primary reason for the zone change request is due to a redesign of the proposed intersection of U.S. Highway 75 at Akers Road. TxDOT is currently in the process of redesigning U.S. 75 between FM 902 and FM 1417. This design takes into consideration the proposed intersections indicated on the City's thoroughfare plan. As a result of the new design, the developer has had to re-engineer their site to better access the proposed design.

This zone change is related to Ordinances 6652 and 6653.

The following has been approved for this location:

- October 21, 2021 - Zone Changes:Tract 1 – Being 14.949 acres in the John Chronister Survey, Abstract No. 248 and the William Martin Survey, Abstract No. 765 - Zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from an M-1.5 (Medium Manufacturing) District to a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District
  Tract 2 – Being 19.347 acres in the John Chronister Survey, Abstract No. 248 and the William Martin Survey, Abstract No. 765 - Zone change and site plan approval under Ordinance No. 2280, Section 12, from an M-1.5 (Medium Manufacturing) District to an R-2 (Multi-Family Residential) District.
  Tract 3 – Being 20.232 acres in the John Chronister Survey, Abstract No. 248 and the William Martin Survey, Abstract No. 765 - Zone change under Ordinance No. 2280, Section 12, from an M-1.5 (Medium Manufacturing) District to an SF-1 (Single-Family Residential) District.
- April 19, 2023 - Zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from an C-1 (Retail Business) District and SF-1 (Single Family Residential) District to an R-2 (Multi-Family Residential) District.(Tract 2)
- April 19, 2023 - Zone change under Ordinance No. 2280, Section 12, from an M-1.5 (Medium Manufacturing) District and SF-1 (Single Family Residential) District to an R-1 (One-Family Residential) District.(Tract 3)
- June 21, 2022 - Preliminary Plat approval Jamestown Square, Block A, Lots 1-7.
- June 21, 2022 - Site Plan Approval Jamestown Square Multi-Family Development, Phase One, Block A, Lot 4.

Origination:

Jamestown Square, LLC (Owner)
Caleb Jones (Representative)
Kimley-Horn & Associates (Engineer)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Zone Change be approved subject to the Staff Review Letter. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny or table the request.

Attachments

Ordinance No. 6651
Exhibit A - Survey
Location Map
Zoning Map
FLUM
Zoning Sign Photo
STAFF REVIEW LETTER

ORDINANCE NO. 6651

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, TO REZONE A TRACT OF LAND, CONSISTING OF 14.287 ACRES, CONTAINED IN TRACT 2, BEING IN THE JOHN CHRONISTER SURVEY, ABSTRACT NO. 248, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, LOCATED IN THE 6000-6400 BLOCKS SOUTH HIGHWAY 75 AND THE 100-200 BLOCKS AKERS ROAD, HERETOFORE ZONED C-1 (RETAIL BUSINESS) DISTRICT AND MF-30 (MULTI-FAMILY RESIDENTIAL) DISTRICT/75 & 82 OVERLAY DISTRICT; REZONING AND PLACING THE TRACT IN THE MF-30 (MULTI-FAMILY RESIDENTIAL) DISTRICT/75 & 82 OVERLAY DISTRICT ZONING CLASSIFICATION, (JAMESTOWN SQUARE, LLC, OWNER; CALEB JONES, REPRESENTATIVE; AND KIMLEY-HORN & ASSOCIATES, SURVEYOR); PROVIDING FOR 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 and Legal Description**, attached hereto, located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road, and all streets, roads and alleyways contiguous and/or adjacent thereto, shall be rezoned and placed in the MF-30 (Multi-

Family Residential) District/75 & 82 Overlay District, and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, 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 Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

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 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 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

EFFECTIVE DATE on this the 18th day of September 2023.

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

EXHIBIT A

LAND DESCRIPTION
TRACT 2

BEING a tract of land located in the John Chronister Survey, Abstract No. 248, City of Sherman, Grayson County, Texas, part of a called 50.006 acre Tract 1 described in the deed to Jamestown Square, LLC, recorded in Document No. 2021-23519 of the Official Records of Grayson County, Texas (O.R.G.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8 inch iron rod found for the northwest corner of a called 5.117 acre tract of land described in a deed to Billy Densmore, recorded in Volume 4404, Page 542 (O.R.G.C.T.), same being an interior corner of said 50.006 acre tract;

THENCE North 79°46'48" West, crossing said 50.006 acre tract, a distance of 3.04 feet to a point for corner;

THENCE North 10°13'12" East, continuing across said 50.006 acre tract, a distance of 813.34 feet to a point for corner;

THENCE North 66°05'36" West, continuing across said 50.006 acre tract, a distance of 7.52 feet to a point at the beginning of a tangent curve to the left with a radius of 380.00 feet, a central angle of 13°41'12", and a chord bearing and distance of North 72°56'12" West, 90.56 feet;

THENCE in a northwesterly direction, continuing across said 50.006 acre tract, with said tangent curve to the left, an arc distance of 90.77 feet to a point for corner;

THENCE North 79°46'48" West, continuing across said 50.006 acre tract, a distance of 43.92 feet to a point for corner;

THENCE North 10°13'12" East, continuing across said 50.006 acre tract, a distance of 270.45 feet to a point for corner;

THENCE North 04°19'57" West, continuing across said 50.006 acre tract, a distance of 76.10 feet to a point for corner, in the westerly south line of a called 35.0 acre tract described in the deed to Arkan Realty, LLC, recorded in Document No. 2021-21211 O.R.G.C.T. and the westerly north line of said 50.006 acre tract;

THENCE North 85°40'03" East, along the westerly south line of said 35.0 acre tract and the westerly north line of said 50.006 acre tract, a distance of 18.22 feet to a point for a southerly corner of said 35.0 acre tract and an interior corner of said 50.006 acre tract;

THENCE North 74°26'10" East, along the southeast line of said 35.0 acre tract and the westerly northwest line of said 50.006 acre tract, a distance of 207.94 feet to a 3/8-inch iron rod found for the northwest corner of Akers Cemetery (no record found) and the westerly northeast corner of said 50.006 acre tract;

Continued on Sheet 2

ZONING EXHIBIT
TRACT 2
JOHN CHRONISTER SURVEY, A-248
CITY OF SHERMAN,
GRAYSON COUNTY, TEXAS

Kimley»Horn
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
FIRM # 10193822
Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JCC	KHA	JULY 2023	064512316	1 OF 3

EXHIBIT A

Continued from Sheet 1

THENCE South 24°45'59" East, departing the southeast line of said 35.0 acre tract, along the northerly west line of Akers Cemetery and a westerly east line of said 50.006 acre tract, a distance of 210.10 feet to a point for the northerly southwest corner of Akers Cemetery, same being an interior corner of said 50.006 acre tract;

THENCE North 77°18'24" East, along a northerly south line of Akers Cemetery and a southerly north line of said 50.006 acre tract, a distance of 186.44 feet to a point for an interior corner of Akers Cemetery and a westerly northeast corner of said 50.006 acre tract;

THENCE South 03°39'22" East, along the southerly west line of Akers Cemetery and a westerly east line of said 50.006 acre tract, a distance of 504.43 feet to a point for the southerly southwest corner of Akers Cemetery, same being an interior corner of said 50.006 acre tract;

THENCE South 02°41'09" West, crossing said 50.006 acre tract, a distance of 60.85 feet to a point at the beginning of a non-tangent curve to the right with a radius of 40.00 feet, a central angle of 103°45'32", and a chord bearing and distance of South 41°39'34" East, 62.94 feet;

THENCE in a southeasterly direction, continuing across said 50.006 acre tract, with said non-tangent curve to the right, an arc distance of 72.44 feet to a point for corner;

THENCE South 10°13'12" West, continuing across said 50.006 acre tract, at a distance of 94.40 feet passing a 3/8 inch iron rod found for the northeast corner of said 5.117 acre tract, same being an interior corner of said 50.006 acre tract, continuing along the north line of said 5.117 acre tract and a northerly south line of said 50.006 acre tract, a total distance of 476.87 feet to the **POINT OF BEGINNING** and containing 14.287 acres (622,331 square feet) of land, more or less.

This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. All dimensions shown are ground distances. To obtain a grid distance, divide the ground distance by the Project Combined Factor (PCF) of 1.00010712.

MICHAEL MARX
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5181
6160 WARREN PKWY., SUITE 210
FRISCO, TEXAS 75034
PH. 972-335-3580
michael.marx@kimley-horn.com

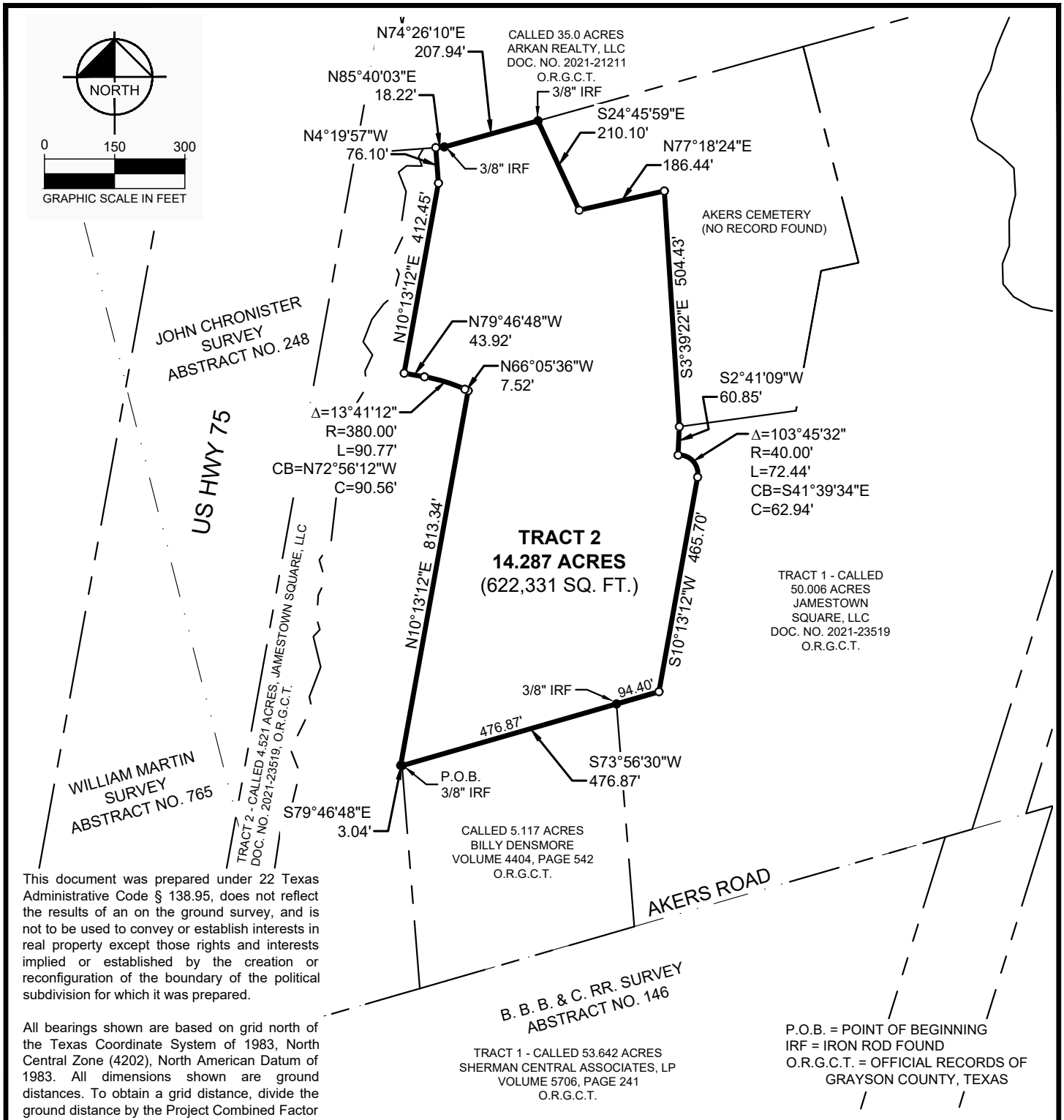
STATE OF TEXAS
REGISTERED
MICHAEL B. MARX
5181
PROFESSIONAL
LAND SURVEYOR

ZONING EXHIBIT
TRACT 2
JOHN CHRONISTER SURVEY, A-248
CITY OF SHERMAN,
GRAYSON COUNTY, TEXAS

Kimley»Horn
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
FIRM # 10193822
Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JCC	KHA	JULY 2023	064512316	2 OF 3

EXHIBIT A



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All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. All dimensions shown are ground distances. To obtain a grid distance, divide the ground distance by the Project Combined Factor (PCF) of 1.00010712.

P.O.B. = POINT OF BEGINNING
IRF = IRON ROD FOUND
O.R.G.C.T. = OFFICIAL RECORDS OF GRAYSON COUNTY, TEXAS

ZONING EXHIBIT
TRACT 2
JOHN CHRONISTER SURVEY, A-248
CITY OF SHERMAN,
GRAYSON COUNTY, TEXAS

MICHAEL MARX
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5181
6160 WARREN PKWY., SUITE 210
FRISCO, TEXAS 75034
PH. 972-335-3580
michael.marx@kimley-horn.com

STATE OF TEXAS
REGISTERED
MICHAEL B. MARX
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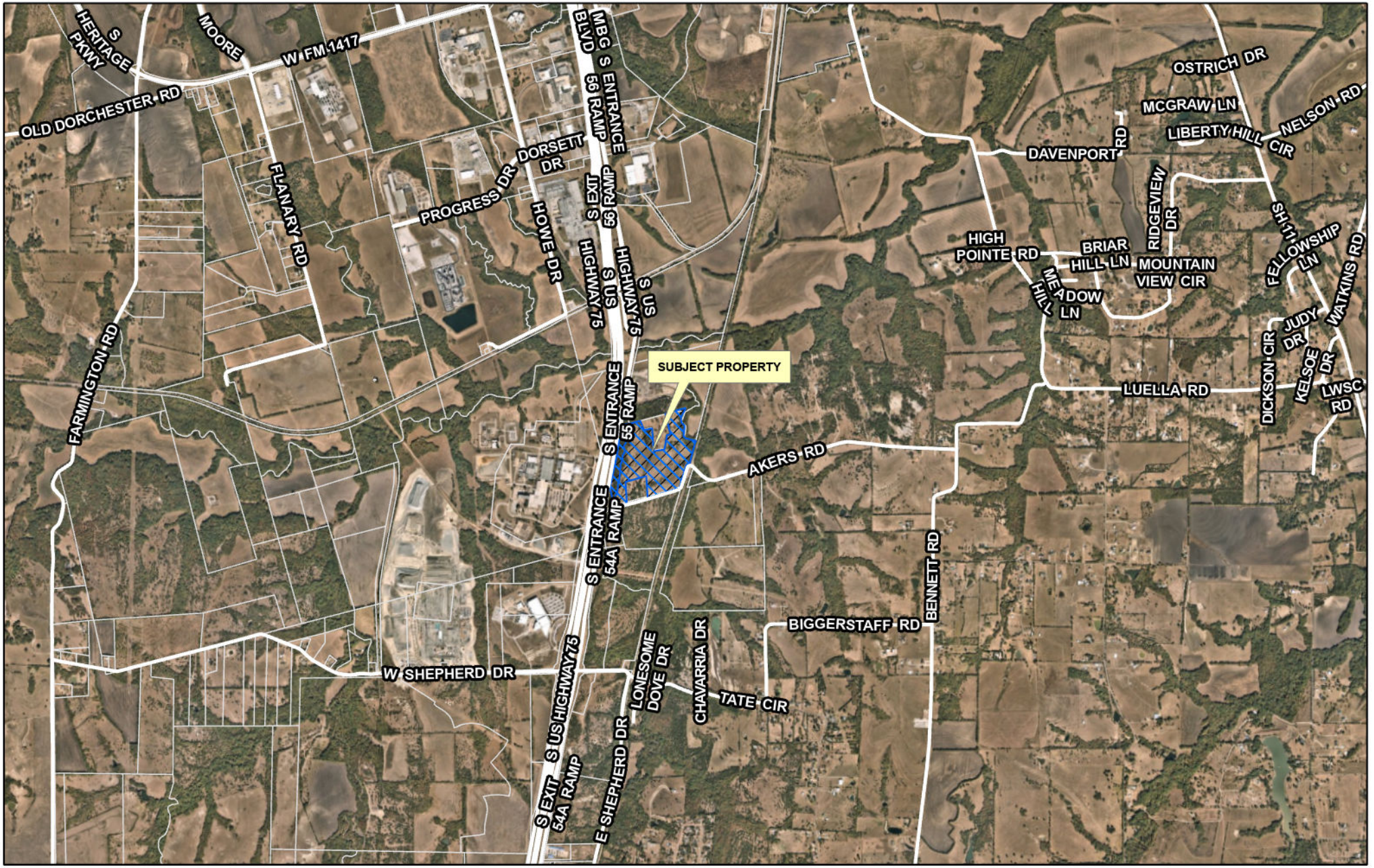
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 300'	JCC	KHA	JULY 2023	064512316	3 OF 3



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Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
6000-6400 BLKS S HWY 75
& 100-200 BLKS AKERS RD

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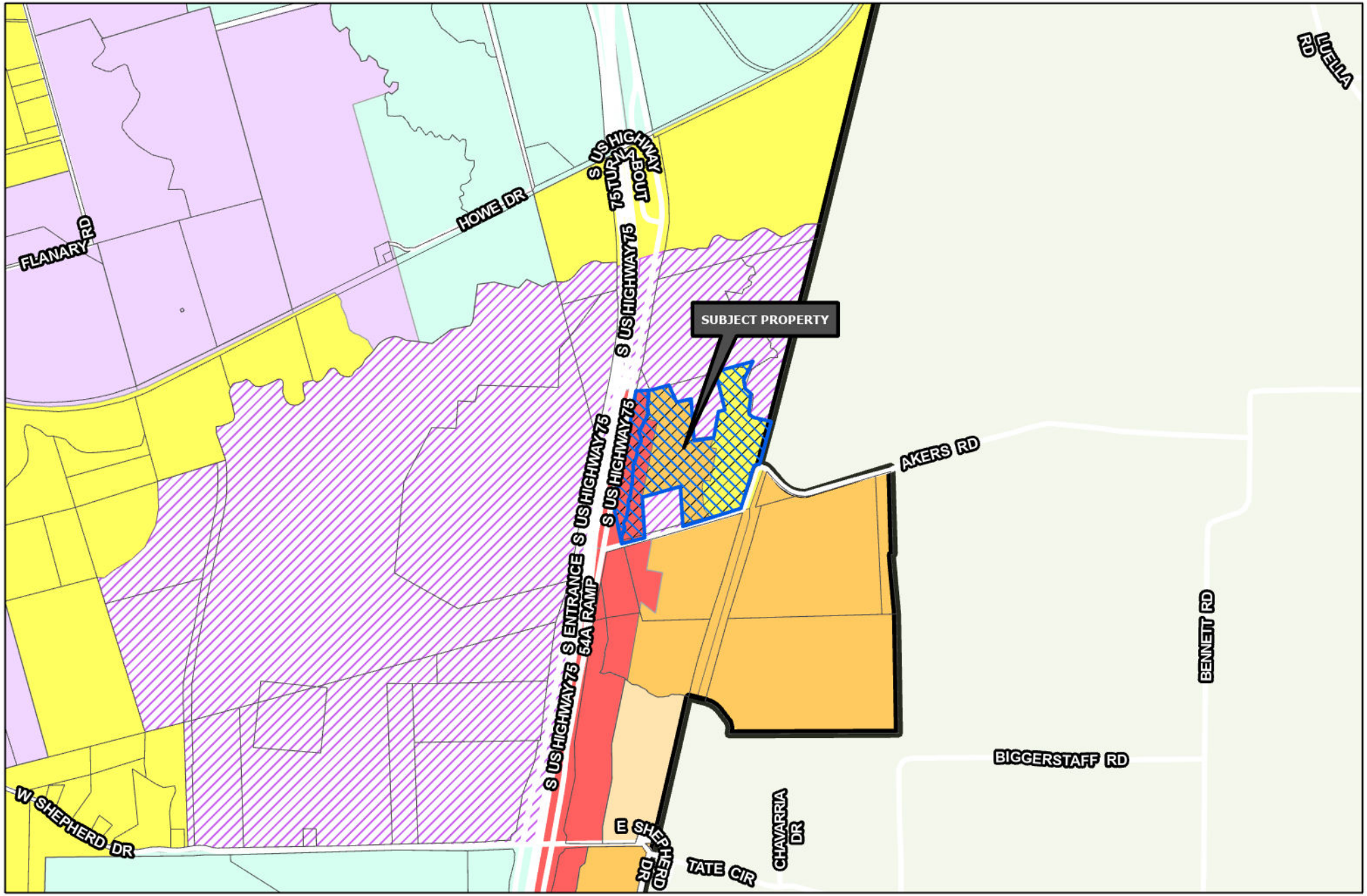

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations
- Road Names All

CITY OF SHERMAN
ZONING MAP
6000-6400 BLKS S HWY 75
& 100-200 BLKS AKERS RD

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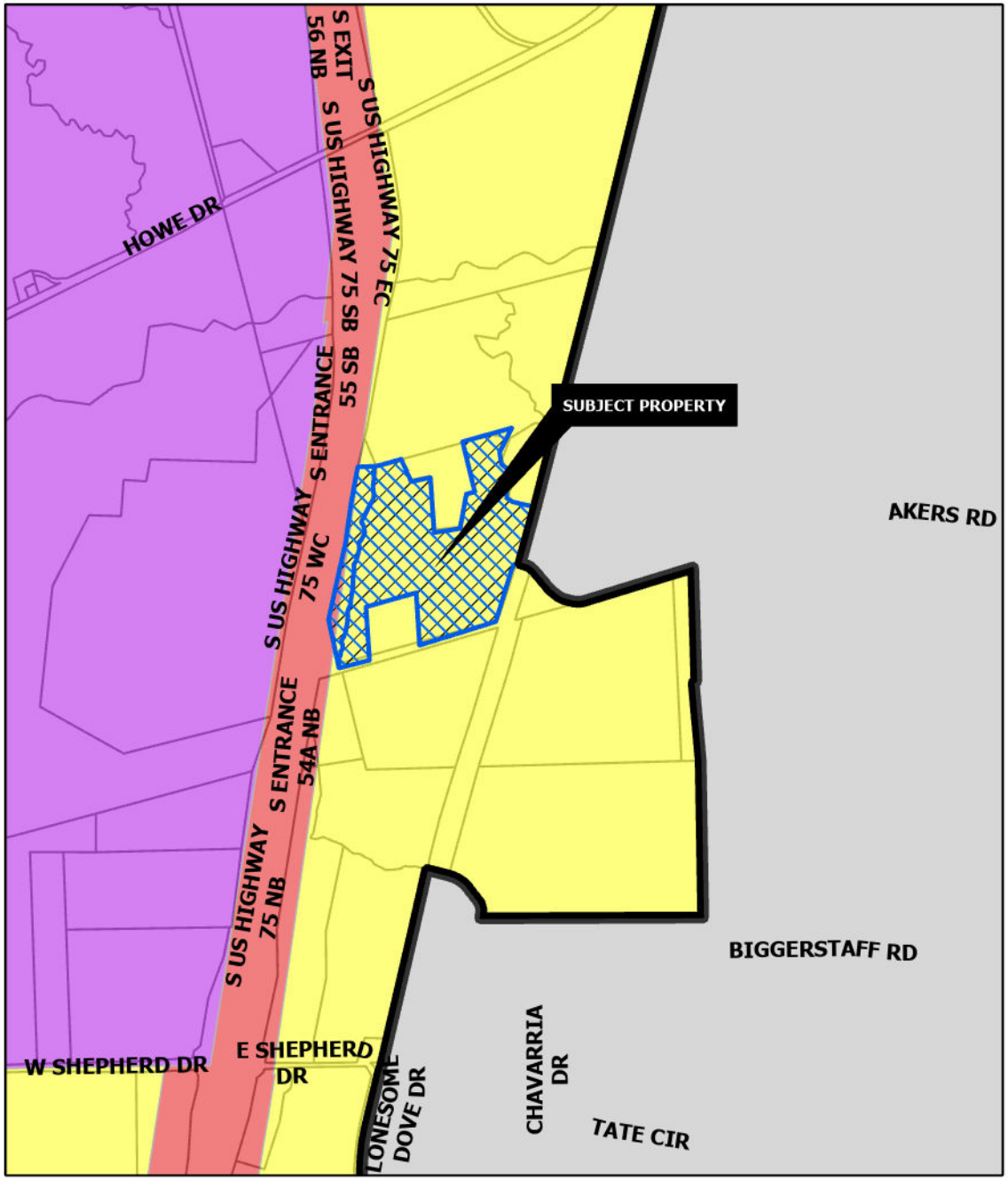


SUBURBAN NEIGHBORHOOD

Intent & Character

The Suburban Neighborhood category is intended to allow primarily single-family detached in a "complete neighborhood" setting. New subdivisions should include a mix of housing products and lot sizes. Areas of supporting local commercial should be integrated into the neighborhoods, primarily along major streets near the entrance of neighborhoods. Community amenities such as parks, trails, open spaces, and civic uses should also be included in the creation of new subdivisions. This category gives flexibility for the creation of master-planned neighborhoods that are compatible with the surrounding area.

Appropriate Land Use Types

- Single-family detached (primary land use type)
- Single-family attached (duplexes and townhomes)
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Estate Residential
- Single-Family Residential (R-12, R-6, R-5, and R-4)
- Multi-Family Residential (MF-15 and MF-30)
- Manufactured Housing
- Neighborhood Commercial
- Planned Development

Considerations

- Street connections to existing and future developments.
- Smaller lots and denser development can serve as a transition from the local commercial areas.

REGIONAL COMMERCIAL

Intent & Character

The Regional Commercial category is intended to promote large-scale commercial development along US-75, while promoting community character through design. US-75 serves as the major gateway to and through the community; therefore, aesthetics and design should be promoted in this corridor. This category should allow large-scale commercial uses that serve the region and the community alike. A mix of uses and inter-connectivity between parcels should be encouraged.

Appropriate Land Use Types

- Retail and Restaurants
- Multi-Family Living
- Office Complex
- Medical
- Mixed Use
- Indoor Entertainment

Compatible Zoning Districts

- Retail Business
- General Commercial
- Office
- Multi-Family Residential (MF-15 and MF-30)
- Planned Development (for larger tracts)

Considerations

- Site design considerations should be given to parking, landscaping, and building articulation.
- Where possible, parking should be screened from view or well-landscaped with native, drought-tolerant plants.
- All buildings facades fronting a public street or within significant public view should have aesthetically-pleasing horizontal and vertical articulation.
- Signage should be multi-tenant, where possible, and should match the character of the primary structure.
- High density residential should be included in mixed use developments.
- High density residential is appropriate behind commercial areas, with inter-connectivity.
- If high density is stand alone, the surrounding uses and connectivity should be considered to avoid an "island."

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
6000-6400 BLKS S HWY 75
& 100-200 BLKS AKERS RD

N
W E
S

Date: 8/8/2023 2:22 PM

RED LOBSTER
YES, PLEASE.
Exit 64 • Left on Loy Lake Rd
Sherman
CLASSIC TOWN. BROAD HORIZON.
NOTICE OF PROPOSED ZONING CHANGE
PROJECT #: 23-004437
FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229
8/7/2023 at 11:40 A.M.

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

August 15, 2023

Sent via email

Caleb Jones
2600 North Central Expressway, Suite 400
Richardson, TX 75080

Jamestown Square, LLC
900 West Bethany Drive, Suite 230
Allen, TX 75013

Dear Applicants,

The request of a Public Hearing and Zoning Text Amendment to add regulations to Chapter 14, Zoning Ordinance, Section 14.02.010 R-TH (Townhome Residential) District to allow 22' wide lots for Townhomes with Rear Loaded Garages in a R-TH (Townhome Residential) District; Tract 2, consisting of 14.287 acres in the John Chronister Survey, Abstract No. 248 - Public Hearing, Site Plan and Zone Change from C-1 (Retail Business) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District to MF-30 (Multi-Family Residential) District/75 & 82 Overlay District; Tract 3, consisting of 7.796 acres in the John Chronister Survey, Abstract 248 - Public Hearing, Site Plan and Zone Change from R-6 (Single-Family Residential) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District to R-TH (Townhome Residential) District/75 & 82 Overlay District; and Tract 4, consisting of 18.903 acres in the John Chronister Survey, Abstract 248 – Public Hearing, Site Plan and Zone Change from R-6 (Single-Family Residential) District and MF-30 (Multi Family Residential) District/75 & 82 Overlay District to MF-15 (Multi-Family Residential) District/75 & 82 Overlay District located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, August 22, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). *(Code of Ordinances Chapter 3.02(c))*
3. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004)*
4. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07)*
5. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
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 (Tract 2 Zone Change)

8. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
9. 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. Water main must be extended in accordance with City criteria to serve proposed Lot. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
11. Wastewater main must be extended in accordance with City criteria to serve proposed Lot. Wastewater capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
12. 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)*
13. Maintenance of Detention area is the responsibility of the Homeowner's Association or Property Owner's Association. In the event the Association is no longer active, the maintenance is the responsibility of the property owner(s) directly adjacent to said detention area.
14. Detention Pond to be designed and constructed with first phase of development.
15. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*

Engineering (Tract 3 Zone Change)

16. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
17. 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*
18. Water main must be extended in accordance with City criteria to serve proposed Lot. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
19. Wastewater main must be extended in accordance with City criteria to serve proposed Lot. Wastewater capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
20. 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)*
21. Maintenance of Detention area is the responsibility of the Homeowner's Association or Property Owner's Association. In the event the Association is no longer active, the maintenance is the responsibility of the property owner(s) directly adjacent to said detention area.
22. Detention Pond to be designed and constructed with first phase of development.
23. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*

Engineering (Tract 4 Zone Change)

24. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
25. All requirements of the Floodplain Ordinance shall be followed. *Code of Ordinances Chapter 3, Article 3.12*

26. 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*
27. Water main must be extended in accordance with City criteria to serve proposed Lot. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
28. Wastewater main must be extended in accordance with City criteria to serve proposed Lot. Wastewater capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
29. 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)*
30. Maintenance of Detention area is the responsibility of the Homeowner's Association or Property Owner's Association. In the event the Association is no longer active, the maintenance is the responsibility of the property owner(s) directly adjacent to said detention area.
31. Detention Pond to be designed and constructed with first phase of development.
32. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*

It is the policy of the Planning and Zoning Commission and Board of Adjustment 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, contact Development Services by emailing planning@cityofsherman.com prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Dillon Stewart, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 12.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6652

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 18.903 acres, contained in Tract 4, being in the John Chronister Survey, Abstract 248, City of Sherman, Grayson County, Texas, Located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road, Heretofore Zoned R-6 (Single-Family Residential) District and MF-30 (Multi Family Residential) District/75 & 82 Overlay District; Rezoning and Placing the Tract in the MF-15 (Multi-Family Residential) District/75 & 82 Overlay District Zoning Classification, (Jamestown Square, LLC, Owner; Caleb Jones, Representative; and Kimley-Horn & Associates, Surveyor); Providing for 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

Issue:

To consider the request of Heretofore Zoned R-6 (Single-Family Residential) District and MF-30 (Multi Family Residential) District/75 & 82 Overlay District; Rezoning and Placing the Tract in the MF-15 (Multi-Family Residential) District/75 & 82 Overlay District Zoning Classification

Background:

The property is located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road at the corner of South Highway 75 and Akers Road. The owner is requesting a Zone Change for Tract 4 from R-6 (Single-Family Residential) District and MF-30 (Multi Family Residential) District/75 & 82 Overlay District to MF-15 (Multi-Family Residential) District/75 & 82 Overlay District. The proposed zone change has a conceptual plan of 139 units.

The primary reason for the zone change request is due to a redesign of the proposed intersection of U.S. Highway 75 at Akers Road. TxDOT is currently in the process of redesigning U.S. 75 between FM 902 and FM 1417. This design takes into consideration the proposed intersections indicated on the City's thoroughfare plan. As a result of the new design, the developer has had to re-engineer their site to better access the proposed design.

This zone change is related to Ordinances 6651 and 6653.

The following has been approved for this location:

- October 21, 2021 - Zone Changes:Tract 1 – Being 14.949 acres in the John Chronister Survey, Abstract No. 248 and the William Martin Survey, Abstract No. 765 - Zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from an M-1.5 (Medium Manufacturing) District to a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District
  Tract 2 – Being 19.347 acres in the John Chronister Survey, Abstract No. 248 and the William Martin Survey, Abstract No. 765 - Zone change and site plan approval under Ordinance No. 2280, Section 12, from an M-1.5 (Medium Manufacturing) District to an R-2 (Multi-Family Residential) District.
  Tract 3 – Being 20.232 acres in the John Chronister Survey, Abstract No. 248 and the William Martin Survey, Abstract No. 765 - Zone change under Ordinance No. 2280, Section 12, from an M-1.5 (Medium Manufacturing) District to an SF-1 (Single-Family Residential) District.
- April 19, 2023 - Zone change under Ordinance No. 2280, Section 12, from an M-1.5 (Medium Manufacturing) District and SF-1 (Single Family Residential) District to an R-1 (One-Family Residential) District.(Tract 3)
- June 21, 2022 - Preliminary Plat approval Jamestown Square, Block A, Lots 1-7.
- June 21, 2022 - Site Plan Approval Jamestown Square Multi-Family Development, Phase One, Block A, Lot 4.

Origination:

Jamestown Square, LLC (Owner)
Caleb Jones (Representative)
Kimley-Horn & Associates (Engineer)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Zone Change be approved subject to the Staff Review Letter. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny or table the request.

Attachments

Ordinance No. 6652
Exhibit A - Survey
Location Map
Zoning Map
FLUM
Zoning Sign Photo
Conceptual Site Plan
STAFF REVIEW LETTER

ORDINANCE NO. 6652

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, TO REZONE A TRACT OF LAND, CONSISTING OF 18.903 ACRES, CONTAINED IN TRACT 4, BEING IN THE JOHN CHRONISTER SURVEY, ABSTRACT 248, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, LOCATED IN THE 6000-6400 BLOCKS SOUTH HIGHWAY 75 AND THE 100-200 BLOCKS AKERS ROAD, HERETOFORE ZONED R-6 (SINGLE-FAMILY RESIDENTIAL) DISTRICT AND MF-30 (MULTI FAMILY RESIDENTIAL) DISTRICT/75 & 82 OVERLAY DISTRICT; REZONING AND PLACING THE TRACT IN THE MF-15 (MULTI-FAMILY RESIDENTIAL) DISTRICT/75 & 82 OVERLAY DISTRICT ZONING CLASSIFICATION, (JAMESTOWN SQUARE, LLC, OWNER; CALEB JONES, REPRESENTATIVE; AND KIMLEY-HORN & ASSOCIATES, SURVEYOR); PROVIDING FOR 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 and Legal Description**, attached hereto, located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road, and all streets, roads and alleyways contiguous and/or adjacent thereto, shall be rezoned and placed in the MF-15 (Multi-Family Residential) District /75 & 82 Overlay District, and that Sherman's Zoning

Ordinance/Code of Ordinances, Chapter 14, 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 Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

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 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 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

EFFECTIVE DATE on this the 18th day of September 2023.

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

EXHIBIT A

LAND DESCRIPTION
TRACT 4

BEING a tract of land located in the John Chronister Survey, Abstract No. 248, City of Sherman, Grayson County, Texas, part of a called 50.006 acre Tract 1 described in the deed to Jamestown Square, LLC, recorded in Document No. 2021-23519 of the Official Records of Grayson County, Texas (O.R.G.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8-inch rod found in the westerly right-of-way line of a Dallas Area Rapid Transit (DART) tract described in the deed recorded in Volume 3091, Page 550 O.R.G.C.T. and Volume 3476, Page 150 O.R.G.C.T., the southerly line of Akers Road, for the southeast corner of said 50.006 acre tract;

THENCE South 73°54'54" West, along the southerly line of Akers Road, the easterly south line of said 50.006 acre tract, the north line of a called 53.642 acre Tract 1 described in the deed to Sherman Central Associates, LP, recorded in Volume 5706, Page 241 O.R.G.C.T., a distance of 458.06 feet to a point for corner;

THENCE North 10°13'12" East, departing the southerly line of Akers Road and the north line of said 53.642 acre tract, across said 50.006 acre tract, a distance of 1,035.83 feet to a point at the beginning of a non-tangent curve to the left with a radius of 380.00 feet, a central angle of 17°23'01", and a chord bearing and distance of North 89°04'00" West, 114.85 feet;

THENCE in a southwesterly direction, continuing across said 50.006 acre tract, with said non-tangent curve to the left, an arc distance of 115.29 feet to a point for corner;

THENCE South 82°14'30" West, continuing across said 50.006 acre tract, a distance of 5.21 feet to a point for corner;

THENCE North 10°10'28" East, continuing across said 50.006 acre tract, a distance of 402.86 feet to a point for corner;

THENCE North 79°49'32" West, continuing across said 50.006 acre tract, a distance of 84.26 feet to a point for corner;

THENCE North 10°10'28" East, continuing across said 50.006 acre tract, at a distance of 146.23 feet passing a point for the southerly southeast corner of Akers Cemetery (no record found) and an interior corner of said 50.006 acre tract, continuing along the southerly east line of Akers Cemetery and an easterly west line of said 50.006 acre tract, a total distance of 449.98 feet to a point for an interior corner of Akers Cemetery and a southerly northwest corner of said 50.006 acre tract;

Continued on Sheet 2

ZONING EXHIBIT
TRACT 4
JOHN CHRONISTER SURVEY, A-248
CITY OF SHERMAN,
GRAYSON COUNTY, TEXAS

Kimley»Horn
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
FIRM # 10193822
Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JCC	KHA	JULY 2023	064512316	1 OF 5

EXHIBIT A

Continued from Sheet 1

THENCE North 77°49'05" East, along a northerly south line of Akers Cemetery and a southerly north line of said 50.006 acre tract, a distance of 81.97 feet to a point for the northerly southeast corner of Akers Cemetery and an interior corner of said 50.006 acre tract;

THENCE North 14°21'49" West, along the northerly east line of Akers Cemetery and an easterly west line of said 50.006 acre tract, a distance of 476.44 feet to a point in the southeast line of a called 35.0 acre tract described in the deed to Arkan Realty, LLC, recorded in Document No. 2021-21211 O.R.G.C.T., for the northeast corner of Akers Cemetery and an easterly northwest corner of said 50.006 acre tract;

THENCE North 74°35'02" East, along the southeast line of said 35.0 acre tract and the easterly northwest line of said 50.006 acre tract, a distance of 500.15 feet to a point for a southerly northwest corner of a called 38.792 acre Tract 1 described in the deed to Sharif & Associates Property, LLC, recorded in Document No. 2021-14790 O.R.G.C.T. and the northeast corner of said 50.006 acre tract;

THENCE departing the southeast line of said 35.0 acre tract, along the southerly west lines of said 38.792 acre tract and the northerly east lines of said 50.006 acre tract, the following courses and distances:

South 32°09'35" West, a distance of 69.41 feet to a point for corner;

South 23°34'54" West, a distance of 47.12 feet to a point for corner;

South 22°39'45" West, a distance of 36.50 feet to a point for corner;

South 14°18'21" West, a distance of 49.87 feet to a point for corner;

South 27°19'29" West, a distance of 55.67 feet to a point for corner;

South 16°02'42" West, a distance of 56.61 feet to a point for corner;

South 18°07'31" East, a distance of 46.70 feet to a point for corner;

South 55°23'48" East, a distance of 60.83 feet to a point for corner;

South 45°39'44" East, a distance of 37.23 feet to a point for corner;

South 03°28'02" East, a distance of 56.90 feet to a point for corner;

South 13°49'55" West, a distance of 56.56 feet to a point for corner;

Continued on Sheet 3

ZONING EXHIBIT
TRACT 4
JOHN CHRONISTER SURVEY, A-248
CITY OF SHERMAN,
GRAYSON COUNTY, TEXAS

Kimley»Horn
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
FIRM # 10193822
Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JCC	KHA	JULY 2023	064512316	2 OF 5

EXHIBIT A

Continued from Sheet 2

South 00°31'56" East, a distance of 53.95 feet to a point for corner;

South 21°15'44" West, a distance of 40.72 feet to a point for corner;

South 01°28'07" East, a distance of 43.78 feet to a point for corner;

South 39°51'00" East, a distance of 35.14 feet to a point for corner;

South 60°42'51" East, a distance of 45.53 feet to a point for corner;

South 79°10'04" East, a distance of 47.15 feet to a point for corner;

South 76°58'44" East, a distance of 48.68 feet to a point for corner;

South 86°16'37" East, a distance of 51.87 feet to a point for corner;

South 71°20'01" East, a distance of 62.69 feet to a point in the west line of said DART tract, for the southernmost southeast corner of said 38.792 acre tract and a southerly northeast corner of said 50.006 acre tract;

THENCE South 17°16'01" West, along the west line of said DART tract and the southerly east line of said 50.006 acre tract, a distance of 1,122.37 feet to the **POINT OF BEGINNING** and containing 18.903 acres (823,411 square feet) of land, more or less.

This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. All dimensions shown are ground distances. To obtain a grid distance, divide the ground distance by the Project Combined Factor (PCF) of 1.00010712.

ZONING EXHIBIT
TRACT 4
JOHN CHRONISTER SURVEY, A-248
CITY OF SHERMAN,
GRAYSON COUNTY, TEXAS

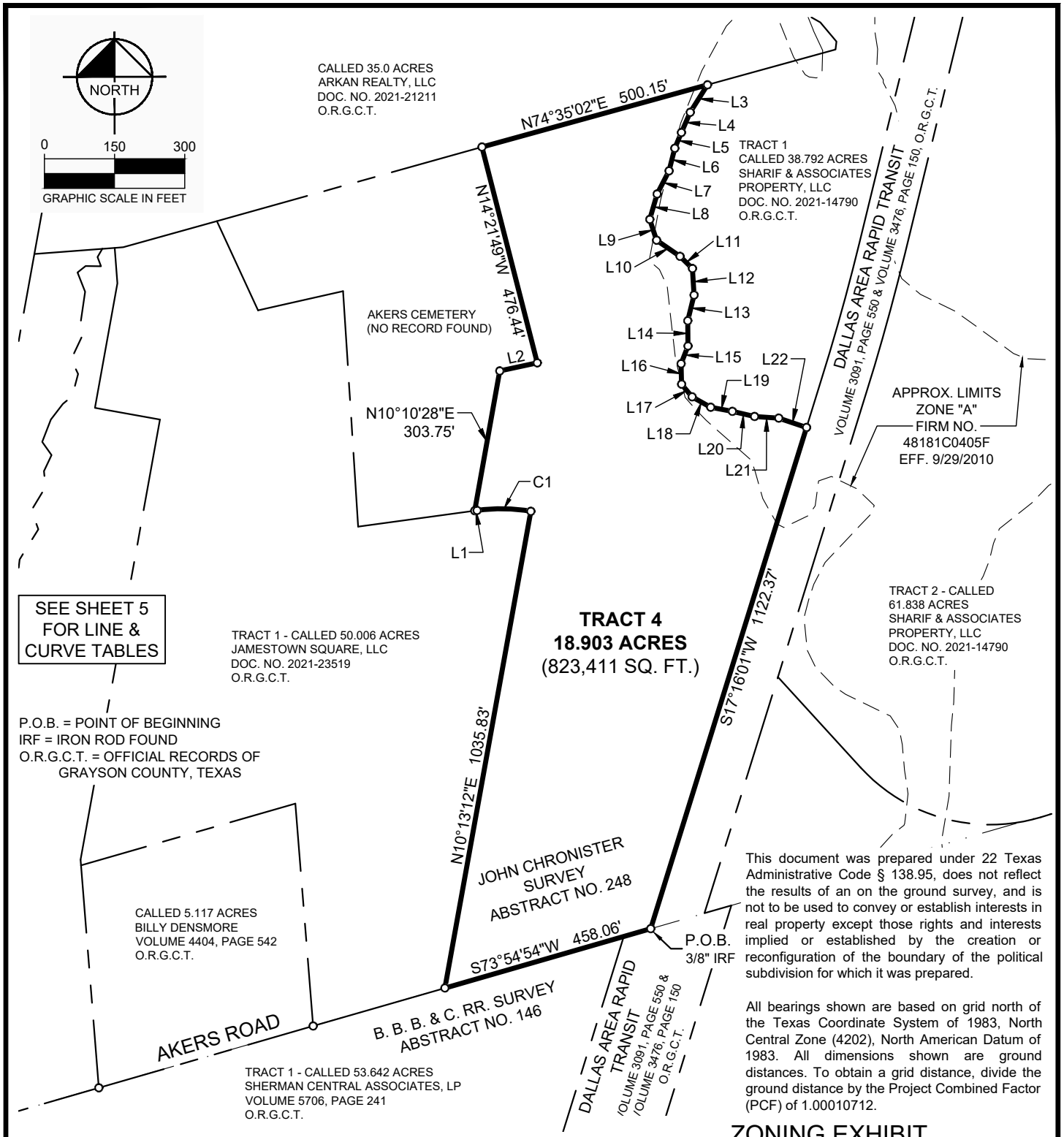
MICHAEL MARX
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5181
6160 WARREN PKWY., SUITE 210
FRISCO, TEXAS 75034
PH. 972-335-3580
michael.marx@kimley-horn.com

STATE OF TEXAS
REGISTERED
MICHAEL B. MARX
5181
PROFESSIONAL
LAND SURVEYOR

Kimley»Horn
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
FIRM # 10193822
Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JCC	KHA	JULY 2023	064512316	3 OF 5

EXHIBIT A



This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. All dimensions shown are ground distances. To obtain a grid distance, divide the ground distance by the Project Combined Factor (PCF) of 1.00010712.

ZONING EXHIBIT
TRACT 4
JOHN CHRONISTER SURVEY, A-248
CITY OF SHERMAN,
GRAYSON COUNTY, TEXAS

MICHAEL MARX
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5181
6160 WARREN PKWY., SUITE 210
FRISCO, TEXAS 75034
PH. 972-335-3580
michael.marx@kimley-horn.com

STATE OF TEXAS
REGISTERED
MICHAEL B. MARX
5181
PROFESSIONAL
LAND SURVEYOR

Kimley»Horn
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
FIRM # 10193822
Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 300'	JCC	KHA	JULY 2023	064512316	4 OF 5

EXHIBIT A

LINE TABLE		
NO.	BEARING	LENGTH
L1	S82°14'30"W	5.21'
L2	N77°49'05"E	81.97'
L3	S32°09'35"W	69.41'
L4	S23°34'54"W	47.12'
L5	S22°39'45"W	36.50'
L6	S14°18'21"W	49.87'
L7	S27°19'29"W	55.67'
L8	S16°02'42"W	56.61'
L9	S18°07'31"E	46.70'
L10	S55°23'48"E	60.83'
L11	S45°39'44"E	37.23'
L12	S03°28'02"E	56.90'
L13	S13°49'55"W	56.56'

LINE TABLE		
NO.	BEARING	LENGTH
L14	S00°31'56"E	53.95'
L15	S21°15'44"W	40.72'
L16	S01°28'07"E	43.78'
L17	S39°51'00"E	35.14'
L18	S60°42'51"E	45.53'
L19	S79°10'04"E	47.15'
L20	S76°58'44"E	48.68'
L21	S86°16'37"E	51.87'
L22	S71°20'01"E	62.69'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	17°23'01"	380.00'	115.29'	S89°04'00"E	114.85'

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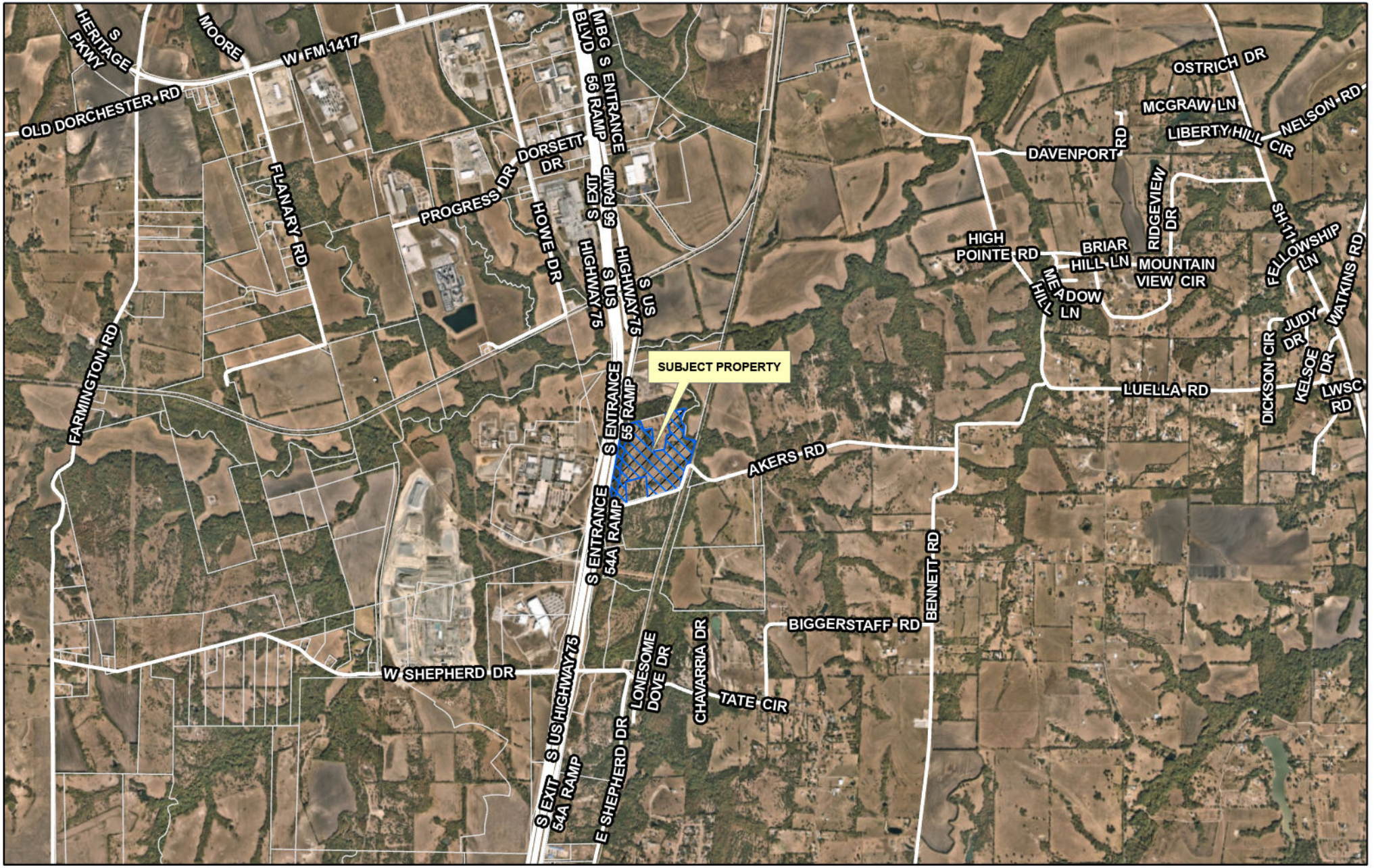
ZONING EXHIBIT
TRACT 4
JOHN CHRONISTER SURVEY, A-248
CITY OF SHERMAN,
GRAYSON COUNTY, TEXAS

Kimley»Horn
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
FIRM # 10193822
Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 300'	JCC	KHA	JULY 2023	064512316	5 OF 5



diagrone H:\PLANNING\Public Notification KT.aprx

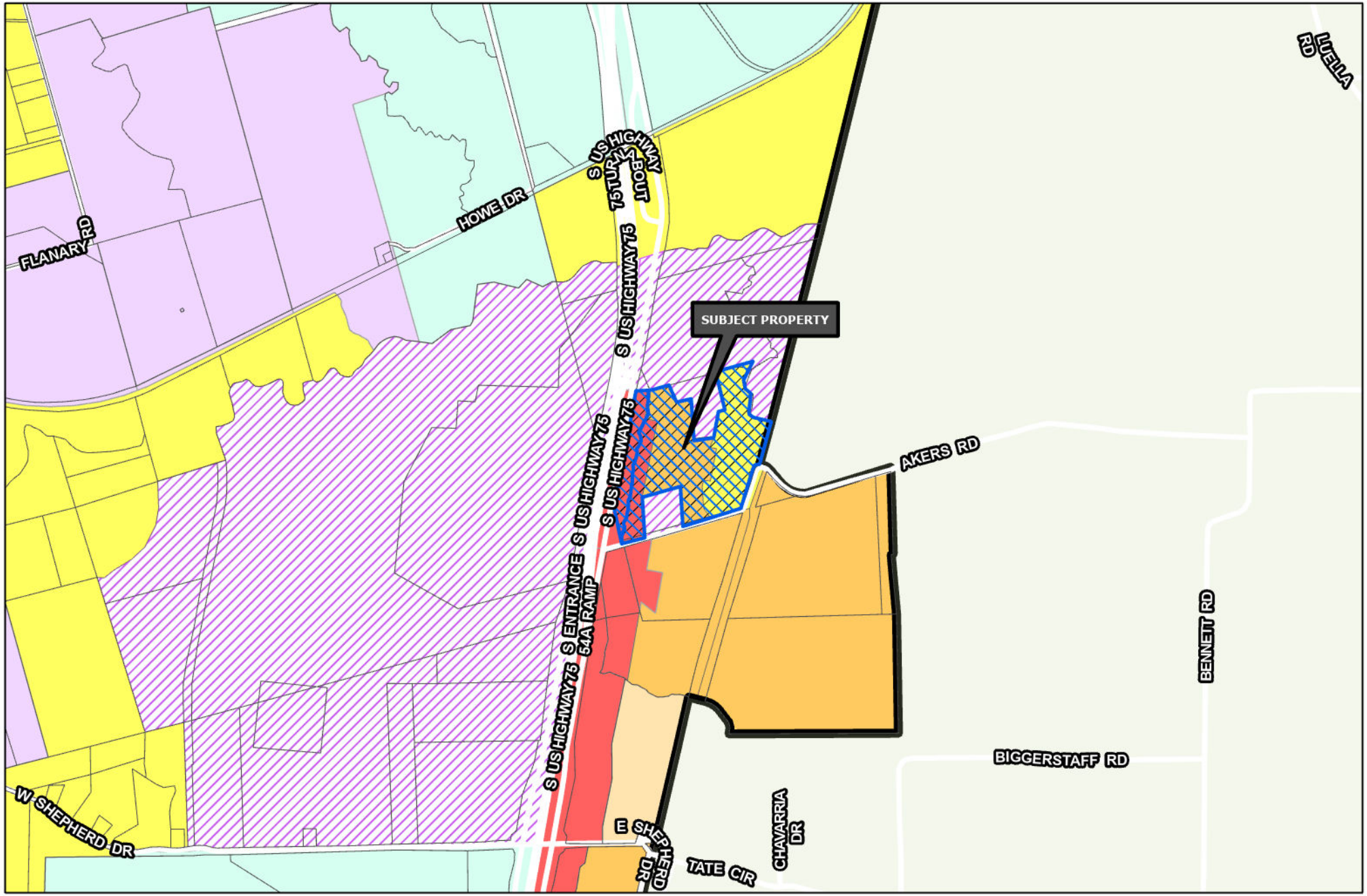
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
6000-6400 BLKS S HWY 75
& 100-200 BLKS AKERS RD

N
W E
S

Date: 8/8/2023 2:15 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

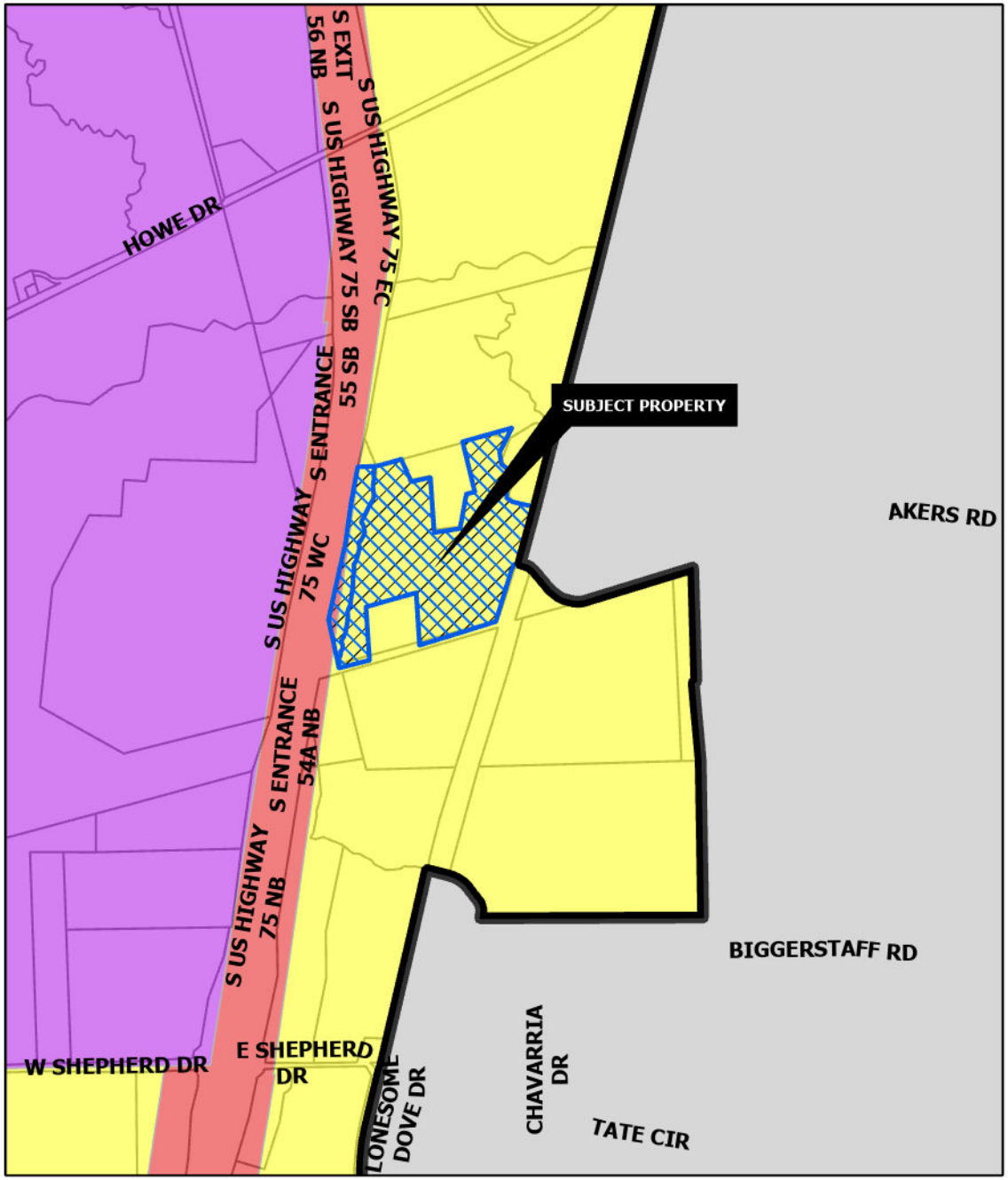
Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations
- Road Names All

CITY OF SHERMAN
ZONING MAP
6000-6400 BLKS S HWY 75
& 100-200 BLKS AKERS RD

N
W E
S

Date: 8/8/2023 2:15 PM



SUBURBAN NEIGHBORHOOD

Intent & Character

The Suburban Neighborhood category is intended to allow primarily single-family detached in a "complete neighborhood" setting. New subdivisions should include a mix of housing products and lot sizes. Areas of supporting local commercial should be integrated into the neighborhoods, primarily along major streets near the entrance of neighborhoods. Community amenities such as parks, trails, open spaces, and civic uses should also be included in the creation of new subdivisions. This category gives flexibility for the creation of master-planned neighborhoods that are compatible with the surrounding area.

Appropriate Land Use Types

- Single-family detached (primary land use type)
- Single-family attached (duplexes and townhomes)
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Estate Residential
- Single-Family Residential (R-12, R-6, R-5, and R-4)
- Multi-Family Residential (MF-15 and MF-30)
- Manufactured Housing
- Neighborhood Commercial
- Planned Development

Considerations

- Street connections to existing and future developments.
- Smaller lots and denser development can serve as a transition from the local commercial areas.

REGIONAL COMMERCIAL

Intent & Character

The Regional Commercial category is intended to promote large-scale commercial development along US-75, while promoting community character through design. US-75 serves as the major gateway to and through the community; therefore, aesthetics and design should be promoted in this corridor. This category should allow large-scale commercial uses that serve the region and the community alike. A mix of uses and inter-connectivity between parcels should be encouraged.

Appropriate Land Use Types

- Retail and Restaurants
- Multi-Family Living
- Office Complex
- Medical
- Mixed Use
- Indoor Entertainment

Compatible Zoning Districts

- Retail Business
- General Commercial
- Office
- Multi-Family Residential (MF-15 and MF-30)
- Planned Development (for larger tracts)

Considerations

- Site design considerations should be given to parking, landscaping, and building articulation.
- Where possible, parking should be screened from view or well-landscaped with native, drought-tolerant plants.
- All buildings facades fronting a public street or within significant public view should have aesthetically-pleasing horizontal and vertical articulation.
- Signage should be multi-tenant, where possible, and should match the character of the primary structure.
- High density residential should be included in mixed use developments.
- High density residential is appropriate behind commercial areas, with inter-connectivity.
- If high density is stand alone, the surrounding uses and connectivity should be considered to avoid an "island."

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

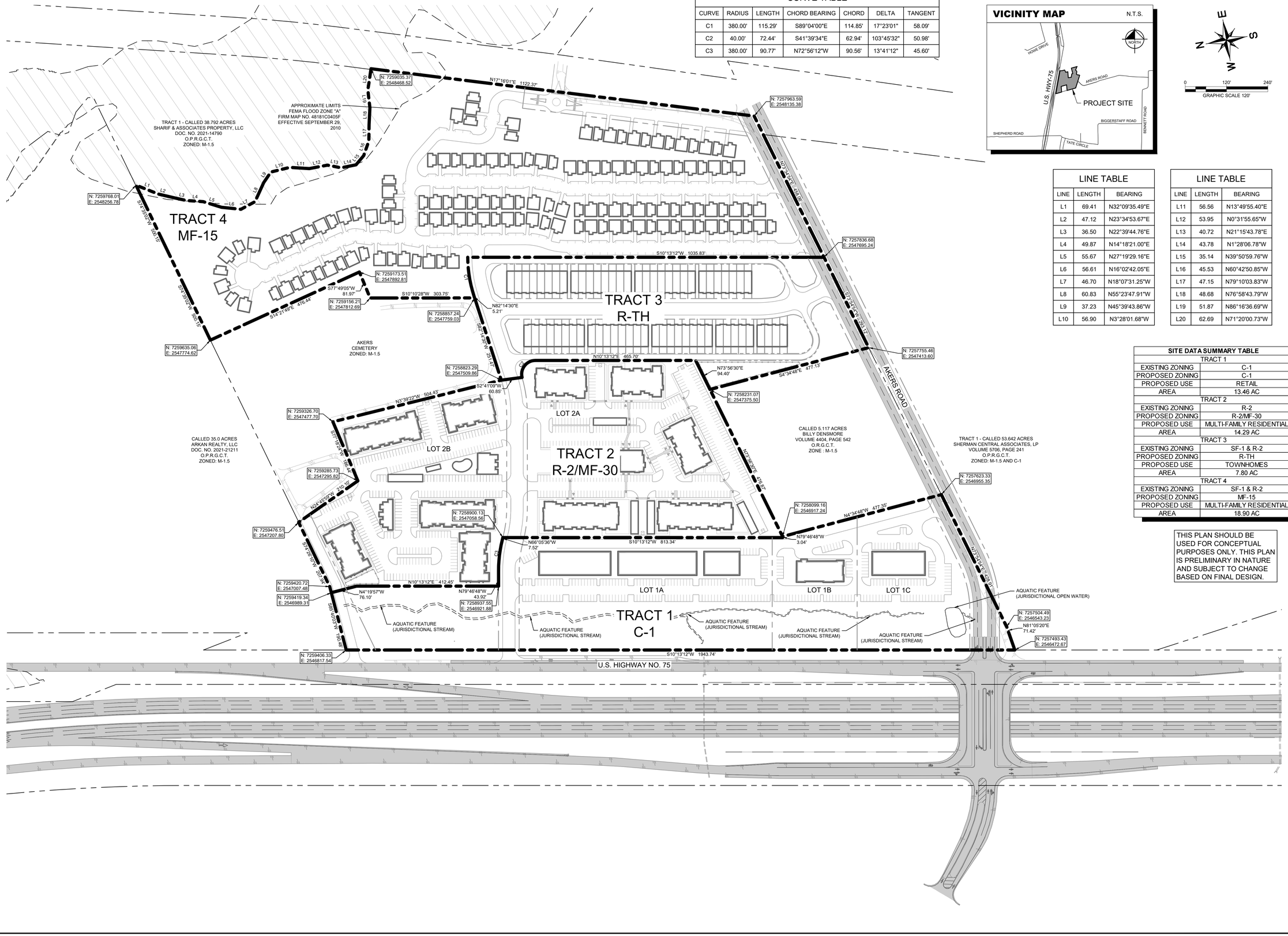
- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
6000-6400 BLKS S HWY 75
& 100-200 BLKS AKERS RD

N
W E
S

Date: 8/8/2023 2:22 PM

RED LOBSTER
YES, PLEASE.
Exit 64 • Left on Loy Lake Rd
Sherman
CLASSIC TOWN. BROAD HORIZON.
NOTICE OF PROPOSED ZONING CHANGE
PROJECT #: 23-004437
FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229
8/7/2023 at 11:40 A.M.



CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	380.00'	115.29'	S89°04'00"E	114.85'	17°23'01"	58.09'
C2	40.00'	72.44'	S41°39'34"E	62.94'	103°45'32"	50.98'
C3	380.00'	90.77'	N72°56'12"W	90.56'	13°41'12"	45.60'

VICINITY MAP

N.T.S.

LINE TABLE

LINE	LENGTH	BEARING
L1	69.41	N32°09'35.49"E
L2	47.12	N23°34'53.67"E
L3	36.50	N22°39'44.76"E
L4	49.87	N14°18'21.00"E
L5	55.67	N27°19'29.16"E
L6	56.61	N16°02'42.05"E
L7	46.70	N18°07'31.25"W
L8	60.83	N55°23'47.91"W
L9	37.23	N45°39'43.86"W
L10	56.90	N3°28'01.68"W

LINE TABLE

LINE	LENGTH	BEARING
L11	56.56	N13°49'55.40"E
L12	53.95	N0°31'55.65"W
L13	40.72	N21°15'43.78"E
L14	43.78	N1°28'06.78"W
L15	35.14	N39°50'59.76"W
L16	45.53	N60°42'50.85"W
L17	47.15	N79°10'03.83"W
L18	48.68	N76°58'43.79"W
L19	51.87	N86°16'36.69"W
L20	62.69	N71°20'00.73"W

SITE DATA SUMMARY TABLE

TRACT 1	
EXISTING ZONING	C-1
PROPOSED ZONING	C-1
PROPOSED USE	RETAIL
AREA	13.46 AC
TRACT 2	
EXISTING ZONING	R-2
PROPOSED ZONING	R-2/MF-30
PROPOSED USE	MULTI-FAMILY RESIDENTIAL
AREA	14.29 AC
TRACT 3	
EXISTING ZONING	SF-1 & R-2
PROPOSED ZONING	R-TH
PROPOSED USE	TOWNHOMES
AREA	7.80 AC
TRACT 4	
EXISTING ZONING	SF-1 & R-2
PROPOSED ZONING	MF-15
PROPOSED USE	MULTI-FAMILY RESIDENTIAL
AREA	18.90 AC

THIS PLAN SHOULD BE USED FOR CONCEPTUAL PURPOSES ONLY. THIS PLAN IS PRELIMINARY IN NATURE AND SUBJECT TO CHANGE BASED ON FINAL DESIGN.

No.	REVISIONS	DATE	BY

Kimley»Horn
© 2023 KIMLEY-HORN
2600 NORTH CENTRAL EXPRESSWAY, SUITE 400
RICHARDSON, TEXAS 75080
PHONE: 214-417-6525
TEXAS REGISTERED ENGINEERING FIRM F-928

KHA PROJECT 064512316
DATE JULY 2023
SCALE AS SHOWN
DESIGNED BY JCK
DRAWN BY CBJ
CHECKED BY RCL

JAMESTOWN SQUARE

CITY OF SHERMAN
GRAYSON COUNTY, TEXAS

ULTIMATE OVERALL ZONING CONCEPT PLAN

SHEET NUMBER
C-00

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IMAGES
XREFS
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PLOT STYLE BY
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DWG NAME
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Fri, Sep 01, 2023 - 11:08 AM
KONOR
K:\DAL_CIVIL\064512316-CA\4_JAMESTOWN SHERMAN 64-ac\CAD\ExhibitTS
Exhibit_Ultimate Concept Plan_Overall_Layout.dwg

CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	380.00'	115.29'	S89°04'00"E	114.85'	17°23'01"	58.09'
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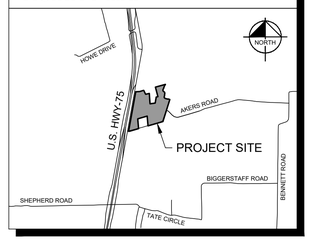
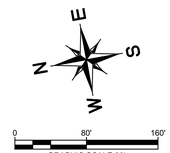
C3	380.00'	90.77'	N72°56'12"W	90.56'	13°41'12"	45.60'

VICINITY MAP N.T.S.





LINE TABLE		
LINE	LENGTH	BEARING
L1	69.41	N32°09'35.49"E
L2	47.12	N23°34'53.67"E
L3	36.50	N22°39'44.76"E
L4	49.87	N14°18'21.00"E
L5	55.67	N27°19'29.16"E
L6	56.61	N16°02'42.05"E
L7	46.70	N18°07'31.25"W
L8	60.83	N55°23'47.91"W
L9	37.23	N45°39'43.86"W
L10	56.90	N3°28'01.68"W

LINE TABLE		
LINE	LENGTH	BEARING
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L17	47.15	N79°10'03.83"W
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L19	51.87	N86°16'36.69"W
L20	62.69	N71°20'00.73"W

SITE DATA SUMMARY TABLE	
TRACT 1	
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PROPOSED ZONING	C-1
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TRACT 2	
EXISTING ZONING	R-2
PROPOSED ZONING	R-2/MF-30
PROPOSED USE	MULTI-FAMILY RESIDENTIAL
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TRACT 3	
EXISTING ZONING	SF-1 & R-2
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AREA	7.80 AC
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AREA	18.90 AC

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TRACT 1 - CALLED 53.642 ACRES
SHERMAN CENTRAL ASSOCIATES, LP
VOLUME 5706, PAGE 241
O.P.R.G.C.T.
ZONED: M-1.5 AND C-1

TRACT 1 - CALLED 38.792 ACRES
SHARIF & ASSOCIATES PROPERTY, LLC
DOC. NO. 2021-14790
O.P.R.G.C.T.
ZONED: M-1.5

APPROXIMATE LIMITS
FEMA FLOOD ZONE "A"
FIRM MAP NO. 48181C0405F
EFFECTIVE SEPTEMBER 29, 2010

CALLED 35.0 ACRES
ARKAN REALTY, LLC
DOC. NO. 2021-21211
O.P.R.G.C.T.
ZONED: M-1.5

AKERS
CEMETERY
ZONED: M-1.5

CALLED 5.117 ACRES
BILLY DENSMORE
VOLUME 4404, PAGE 542
O.R.G.C.T.
ZONE : M-1.5

TRACT 4
MF-15

TRACT 3
R-TH

TRACT 2
R-2/MF-30

TRACT 1
C-1

LOT 2A
LOT 2B
LOT 1A
LOT 1B
LOT 1C

AQUATIC FEATURE (JURISDICTIONAL STREAM)
AQUATIC FEATURE (JURISDICTIONAL OPEN WATER)

MATCH LINE THIS SHEET
MATCH LINE THIS SHEET

AKERS ROAD
U.S. HIGHWAY NO. 75

N: 7259035.37 E: 2548468.52
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N: 7259173.51 E: 2547892.81
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S14°35'22"W 498.15'
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N10°13'12"E 465.70'
S4°34'48"E 477.15'
N73°56'30"E 94.40'
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S2°41'09"W 60.85'
N3°39'22"W 504.43'
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N: 7259476.51 E: 2547207.80
N: 7257623.33 E: 2546955.35
N4°34'48"W 477.35'
N: 7259768.01 E: 2548256.78
S17°35'02"W 500.15'
S4°28'10"W 207.94'
N: 7258900.13 E: 2547058.56
N66°05'36"W 7.52'
S10°13'12"W 813.34'
N: 7258099.16 E: 2546917.24
N79°46'48"W 3.04'
N: 7259420.72 E: 2547007.48
N4°19'57"W 76.10'
N10°13'12"E 412.45'
N: 7259419.34 E: 2546989.31
S84°40'03"W 194.48'
N: 7258937.56 E: 2546921.88
N79°46'48"W 43.92'
N23°54'54"E 428.91'
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N61°05'25"E 71.42'
N: 7259406.33 E: 2546817.54
S10°13'12"W 1943.74'
N: 7257493.43 E: 2546472.67

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IMAGES
XREFS
PLOT DATE/TIME
PLOT STYLE TABLE
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DWG SAVED
DWG NAME
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7/21/2023 11:07 AM
KCOBAL, CTY:(060121)5 - C01 16 JAMESTOWN SHERMAN 64-ACQUISITIONEXHIBITS
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No.	REVISIONS	DATE	BY

Kimley»Horn
© 2023 KIMLEY-HORN
2600 NORTH CENTRAL EXPRESSWAY, SUITE 400
RICHARDSON, TEXAS 75080
PHONE: 214-417-6535
TEXAS REGISTERED ENGINEERING FIRM F-928

KHA PROJECT 064512316
DATE JULY 2023
SCALE AS SHOWN
DESIGNED BY JCK
DRAWN BY CBJ
CHECKED BY RCL

JAMESTOWN SQUARE
CITY OF SHERMAN
GRAYSON COUNTY, TEXAS

OVERALL ZONING CONCEPT PLAN

SHEET NUMBER
C-01

LINE TABLE		
LINE	LENGTH	BEARING
L1	69.41	N32°09'35.49"E
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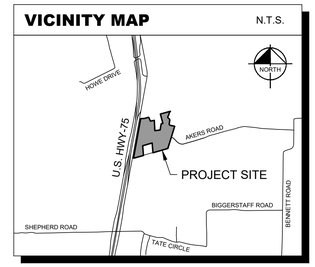
L18	48.68	N76°58'43.79"W
L19	51.87	S86°16'36.69"E
L20	62.69	N71°20'00.73"W

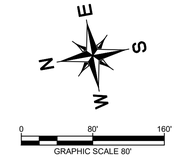
SITE DATA SUMMARY TABLE - MF15 - BUILD TO RENT	
EXISTING ZONING	SF-1 & R-2
PROPOSED ZONING	MF-15
PROPOSED USED	MULTI-FAMILY RESIDENTIAL
AREA	± 18.90 AC
BUILDING AREA	± 156,594 SF
BUILDING HEIGHT MAX	< 35' - 2 STORY
TOTAL LOTS PROVIDED	139
PARKING REQUIRED (2 SPACES / 1 UNIT)	278
PARKING PROVIDED	295
SETBACKS	FRONT: 25' REAR: 25' SIDE: 25'

LEGEND

FL / FL	PROPOSED PUBLIC PAVEMENT
	PROPOSED PUBLIC PAVEMENT
	PROPOSED BUILDING
	EXISTING PAVEMENT
TYP.	TYPICAL
PROP.	PROPOSED
(X)	NUMBER OF PARKING SPACES
EX.	EXISTING

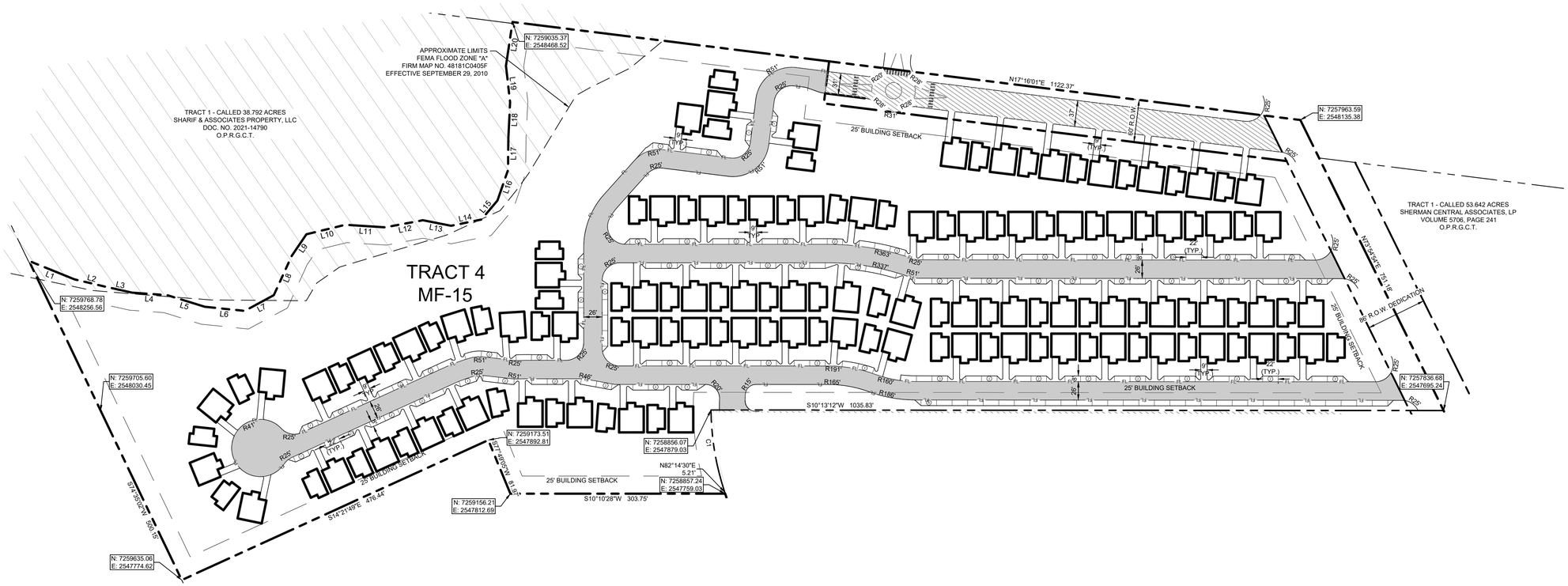
VICINITY MAP N.T.S.





THIS PLAN SHOULD BE USED FOR CONCEPTUAL PURPOSES ONLY. THIS PLAN IS PRELIMINARY IN NATURE AND SUBJECT TO CHANGE BASED ON FINAL DESIGN.

CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	380.00'	115.29'	S89°04'00"E	114.85'	17°23'01"	58.09'



NOTES:

1. FIRE LANE DIMENSIONS FOR BUILDINGS LESS THAN 35' IN HEIGHT ARE A MINIMUM OF 24' WIDE WITH A MINIMUM 25' INSIDE RADIUS AND 49' OUTSIDE RADIUS.
2. FIRE LANE DIMENSIONS FOR BUILDINGS GREATER THAN OR EQUAL TO 35' IN HEIGHT ARE A MINIMUM OF 26' WIDE WITH A MINIMUM 25' INSIDE RADIUS AND A MINIMUM 51' OUTSIDE RADIUS.
3. ALL 90° PARKING STALLS ARE SHOWN TO BE 9' X 20' PER CITY OF SHERMAN REQUIREMENTS.
4. ALL PRIVATE DRIVE AISLES ARE A MINIMUM OF 24' WIDE; UNLESS OTHERWISE NOTED; EXCLUDING FIRE LANES AND PUBLIC STREETS.

NO.	REVISIONS	DATE	BY

Kimley»Horn
© 2023 KIMLEY-HORN
2600 NORTH CENTRAL EXPRESSWAY, SUITE 400
RICHARDSON, TEXAS 75080
PHONE: 214-417-6525
TEXAS REGISTERED ENGINEERING FIRM F-928

KHA PROJECT 064512316
DATE JULY 2023
SCALE AS SHOWN
DESIGNED BY JCK
DRAWN BY CBJ
CHECKED BY RCL

JAMESTOWN SQUARE
CITY OF SHERMAN
GRAYSON COUNTY, TEXAS

BUILD TO RENT CONCEPT PLAN

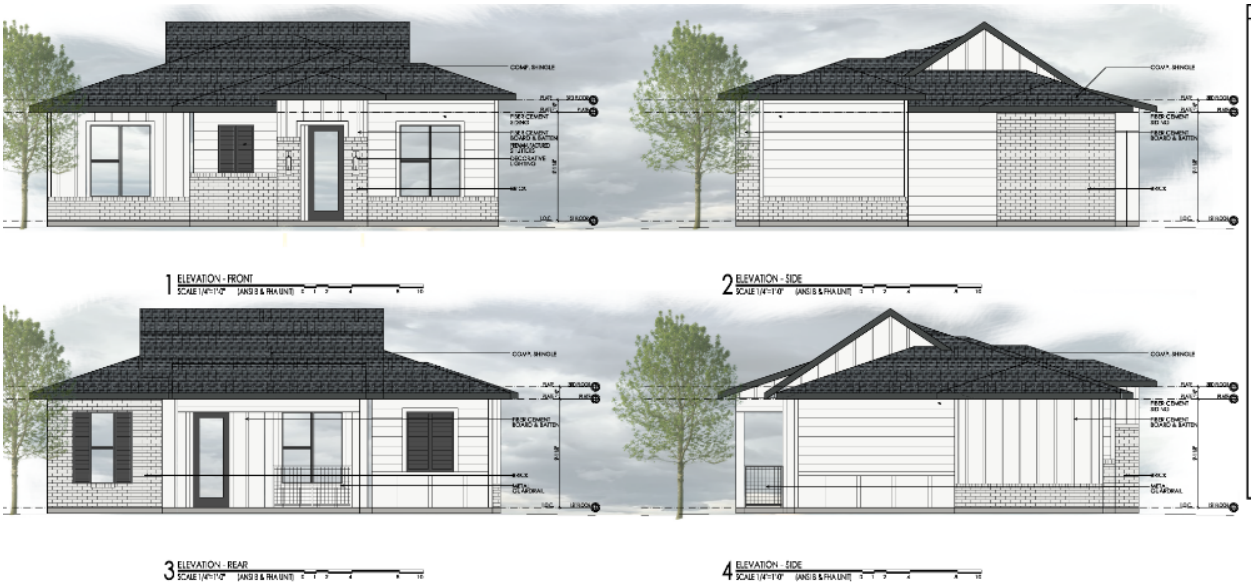
SHEET NUMBER
C-07

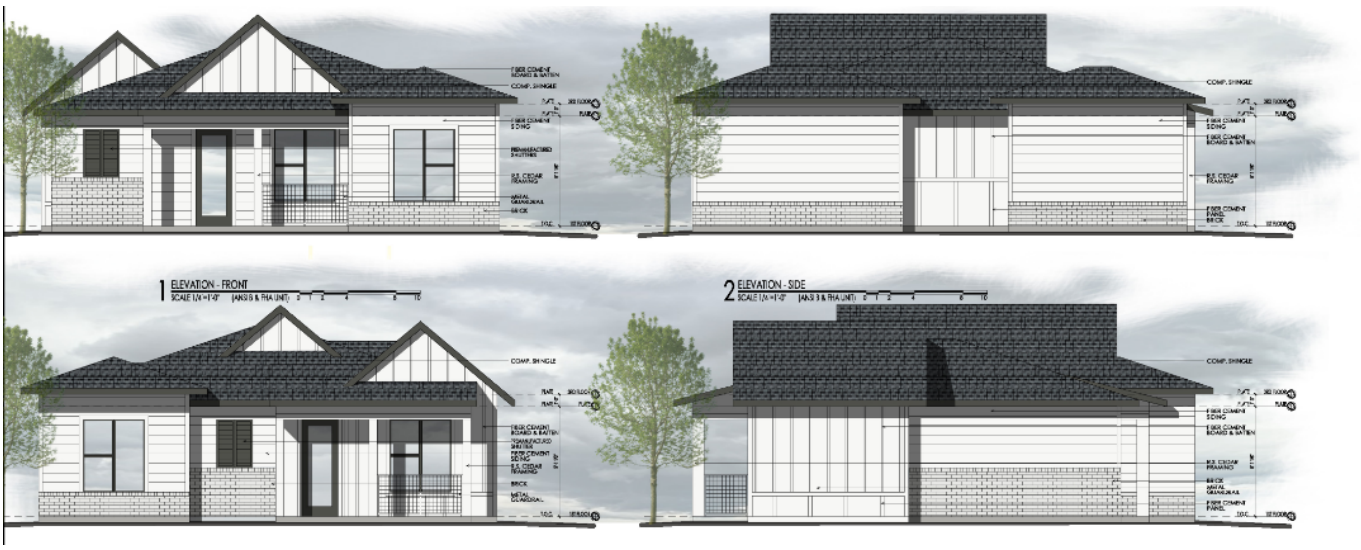
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

XREFS
xBar-24x36 xBody xHdr xSite-Info xSite-SF
PLOT DATE/TIME 7/21/2023 11:09 AM
PLOT BY PZUNIGA/JSMITH, CONNOR 7/21/2023 11:09 AM
DWG PATH S:\DAL_CIV\064512316 - CA at JAMESTOWN SHERMAN 54-ACQ\ACE\EXHIBITS
DWG NAME BUILD TO RENT CONCEPT PLAN.DWG

Single Family

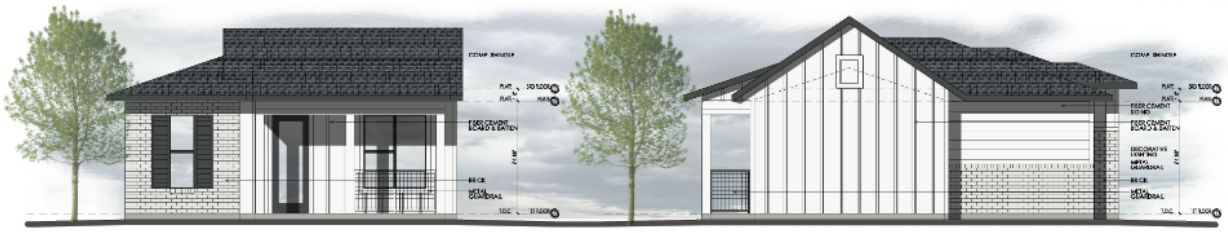
Multi Family (Lesser Density)


COMP. SHINGLE
FIBER CEMENT BOARD & BATTEN
FIBER CEMENT SIDING
BRICK
1 ELEVATION - FRONT
SCALE 1/4"=1'-0"
2 ELEVATION - SIDE
SCALE 1/4"=1'-0"
3 ELEVATION - REAR
SCALE 1/4"=1'-0"
4 ELEVATION - SIDE
SCALE 1/4"=1'-0"


COMP. SHINGLE
FIBER CEMENT BOARD & BATTEN
FIBER CEMENT SIDING
BRICK
1 ELEVATION - FRONT
SCALE 1/4"=1'-0"
2 ELEVATION - SIDE
SCALE 1/4"=1'-0"

1 ELEVATION - FRONT
SCALE 1/4"=1'-0" (ANSI B & FHA UNIT)

2 ELEVATION - SIDE
SCALE 1/4"=1'-0" (ANSI B & FHA UNIT)



3 ELEVATION - REAR
SCALE 1/4"=1'-0" (ANSI B & FHA UNIT)

4 ELEVATION - SIDE
SCALE 1/4"=1'-0" (ANSI B & FHA UNIT)

NOTE: ALL ZERO LOT LINE EXTERIOR WALLS ARE EITHER 1HR OR 2HR FIREWALLS DEPENDING ON LOCAL JURISDICTION

TYPICAL LOT LAYOUT

14 U/ACRE UNIT AVG SIZE 1,374 SF

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

August 15, 2023

Sent via email

Caleb Jones
2600 North Central Expressway, Suite 400
Richardson, TX 75080

Jamestown Square, LLC
900 West Bethany Drive, Suite 230
Allen, TX 75013

Dear Applicants,

The request of a Public Hearing and Zoning Text Amendment to add regulations to Chapter 14, Zoning Ordinance, Section 14.02.010 R-TH (Townhome Residential) District to allow 22' wide lots for Townhomes with Rear Loaded Garages in a R-TH (Townhome Residential) District; Tract 2, consisting of 14.287 acres in the John Chronister Survey, Abstract No. 248 - Public Hearing, Site Plan and Zone Change from C-1 (Retail Business) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District to MF-30 (Multi-Family Residential) District/75 & 82 Overlay District; Tract 3, consisting of 7.796 acres in the John Chronister Survey, Abstract 248 - Public Hearing, Site Plan and Zone Change from R-6 (Single-Family Residential) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District to R-TH (Townhome Residential) District/75 & 82 Overlay District; and Tract 4, consisting of 18.903 acres in the John Chronister Survey, Abstract 248 – Public Hearing, Site Plan and Zone Change from R-6 (Single-Family Residential) District and MF-30 (Multi Family Residential) District/75 & 82 Overlay District to MF-15 (Multi-Family Residential) District/75 & 82 Overlay District located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, August 22, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). *(Code of Ordinances Chapter 3.02(c))*
3. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004)*
4. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07)*
5. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
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 (Tract 2 Zone Change)

8. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
9. 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. Water main must be extended in accordance with City criteria to serve proposed Lot. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
11. Wastewater main must be extended in accordance with City criteria to serve proposed Lot. Wastewater capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
12. 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)*
13. Maintenance of Detention area is the responsibility of the Homeowner's Association or Property Owner's Association. In the event the Association is no longer active, the maintenance is the responsibility of the property owner(s) directly adjacent to said detention area.
14. Detention Pond to be designed and constructed with first phase of development.
15. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*

Engineering (Tract 3 Zone Change)

16. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
17. 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*
18. Water main must be extended in accordance with City criteria to serve proposed Lot. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
19. Wastewater main must be extended in accordance with City criteria to serve proposed Lot. Wastewater capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
20. 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)*
21. Maintenance of Detention area is the responsibility of the Homeowner's Association or Property Owner's Association. In the event the Association is no longer active, the maintenance is the responsibility of the property owner(s) directly adjacent to said detention area.
22. Detention Pond to be designed and constructed with first phase of development.
23. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*

Engineering (Tract 4 Zone Change)

24. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
25. All requirements of the Floodplain Ordinance shall be followed. *Code of Ordinances Chapter 3, Article 3.12*

26. 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*
27. Water main must be extended in accordance with City criteria to serve proposed Lot. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
28. Wastewater main must be extended in accordance with City criteria to serve proposed Lot. Wastewater capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
29. 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)*
30. Maintenance of Detention area is the responsibility of the Homeowner's Association or Property Owner's Association. In the event the Association is no longer active, the maintenance is the responsibility of the property owner(s) directly adjacent to said detention area.
31. Detention Pond to be designed and constructed with first phase of development.
32. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*

It is the policy of the Planning and Zoning Commission and Board of Adjustment 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, contact Development Services by emailing planning@cityofsherman.com prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Dillon Stewart, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 13.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6653

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 7.796 acres, contained in Tract 3, being in the John Chronister Survey, Abstract No. 248, City of Sherman, Grayson County, Texas, Located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road, Heretofore Zoned R-6 (Single-Family Residential) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District; Rezoning and Placing the Tract in the R-TH (Townhome Residential) District/75 & 82 Overlay District Zoning Classification, (Jamestown Square, LLC, Owner; Caleb Jones, Representative; and Kimley-Horn & Associates, 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 Jamestown Square, LLC (Owner), Caleb Jones (Representative) and Kimley-Horn & Associates (Engineer) concerning the property located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road, consisting a part of 50.006 acres in the John Chronister Survey, Abstract No. 248, City of Sherman, Grayson County, Texas, Heretofore Zoned R-6 (Single-Family Residential) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District; Rezoning and Placing the Tract in the R-TH (Townhome Residential) District/75 & 82 Overlay District Zoning Classification

Background:

The property is located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road at the corner of South Highway 75 and Akers Road. The owner is requesting a Zoning Text Amendment to add regulations to the R-TH (Townhome Residential) District to allow 22’ wide lots for Townhomes with Rear Loaded Garages; Zone Change for Tract 3 from R-6 (Single-Family Residential) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District to R-TH (Townhome Residential) District/75 & 82 Overlay District.

The primary reason for the zone change request is due to a redesign of the proposed intersection of U.S. Highway 75 at Akers Road. TxDOT is currently in the process of redesigning U.S. 75 between FM 902 and FM 1417. This design takes into consideration the proposed intersections indicated on the City's thoroughfare plan. As a result of the new design, the developer has had to re-engineer their site to better access the proposed design.

In addition, in 2021, the proposed developer was granted a zone change from Manufacturing to Multi-family with the proposed site plan to construct townhomes on this tract. At that time, the City of Sherman did not have a townhome zoning district. The developer desires to rezone the property from multi-family (MF-30) to Townhomes (R-TH) to allow for individual lots for townhome development.

This zone change is related to Ordinances 6651 and 6652.

The following has been approved for this location:

- October 21, 2021 - Zone Changes:Tract 1 – Being 14.949 acres in the John Chronister Survey, Abstract No. 248 and the William Martin Survey, Abstract No. 765 - Zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from an M-1.5 (Medium Manufacturing) District to a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District
  Tract 2 – Being 19.347 acres in the John Chronister Survey, Abstract No. 248 and the William Martin Survey, Abstract No. 765 - Zone change and site plan approval under Ordinance No. 2280, Section 12, from an M-1.5 (Medium Manufacturing) District to an R-2 (Multi-Family Residential) District.
  Tract 3 – Being 20.232 acres in the John Chronister Survey, Abstract No. 248 and the William Martin Survey, Abstract No. 765 - Zone change under Ordinance No. 2280, Section 12, from an M-1.5 (Medium Manufacturing) District to an SF-1 (Single-Family Residential) District.
- April 19, 2022 - Zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from an C-1 (Retail Business) District and SF-1 (Single Family Residential) District to an R-2 (Multi-Family Residential) District.(Tract 2)
- June 21, 2022 - Preliminary Plat approval Jamestown Square, Block A, Lots 1-7.
- June 21, 2022 - Site Plan Approval Jamestown Square Multi-Family Development, Phase One, Block A, Lot 4.

Origination:

Jamestown Square, LLC (Owner)
Caleb Jones (Representative)
Kimley-Horn & Associates (Engineer)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Zone Change be approved subject to the Staff Review Letter. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6653
Exhibit A - Survey
Location Map
Zoning Map
FLUM
Zoning Sign Photo
Conceptual Site Plan
STAFF REVIEW LETTER

ORDINANCE NO. 6653

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, TO REZONE A TRACT OF LAND, CONSISTING OF 7.796 ACRES, CONTAINED IN TRACT 3, BEING IN THE JOHN CHRONISTER SURVEY, ABSTRACT NO. 248, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, LOCATED IN THE 6000-6400 BLOCKS SOUTH HIGHWAY 75 AND THE 100-200 BLOCKS AKERS ROAD, HERETOFORE ZONED R-6 (SINGLE-FAMILY RESIDENTIAL) DISTRICT AND MF-30 (MULTI-FAMILY RESIDENTIAL) DISTRICT/75 & 82 OVERLAY DISTRICT; REZONING AND PLACING THE TRACT IN THE R-TH (TOWNHOME RESIDENTIAL) DISTRICT/75 & 82 OVERLAY DISTRICT ZONING CLASSIFICATION, (JAMESTOWN SQUARE, LLC, OWNER; CALEB JONES, REPRESENTATIVE; AND KIMLEY-HORN & ASSOCIATES, SURVEYOR); PROVIDING FOR 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 and Legal Description**, attached hereto, located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road, and all streets, roads and alleyways contiguous and/or adjacent thereto, shall be rezoned and placed in the R-TH (Townhome Residential) District/75 & 82 Overlay District, and that Sherman's Zoning

Ordinance/Code of Ordinances, Chapter 14, 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 Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

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 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 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

EFFECTIVE DATE on this the 18th day of September 2023.

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

EXHIBIT A

LAND DESCRIPTION
TRACT 3

BEING a tract of land located in the John Chronister Survey, Abstract No. 248, City of Sherman, Grayson County, Texas, part of a called 50.006 acre Tract 1 described in the deed to Jamestown Square, LLC, recorded in Document No. 2021-23519 of the Official Records of Grayson County, Texas (O.R.G.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a 60d nail found in the southerly line of Akers Road and the northerly line of a called 53.642 acre Tract 1 described in the deed to Sherman Central Associates, LP, recorded in Volume 5706, Page 241 O.R.G.C.T., for the southeast corner of a called 5.117 acre tract described in the deed to Billy Densmore recorded in Volume 4404, Page 542 O.R.G.C.T., and the easterly southwest corner of said 50.006 acre tract;

THENCE North 04°34'48" West, departing the southerly line of Akers Road and the northerly line of said 53.642 acre tract, along the east line of said 5.117 acre tract and an easterly west line of said 50.006 acre tract, a distance of 477.13 feet to a 3/8-inch iron rod found for the northeast corner of said 5.117 acre tract and an interior corner of said 50.006 acre tract;

THENCE North 73°56'30" East, crossing said 50.006 acre tract, a distance of 94.40 feet to a point for corner;

THENCE North 10°13'12" East, continuing across said 50.006, a distance of 465.70 feet to a point at the beginning of a tangent curve to the left with a radius of 40.00 feet, a central angle of 103°45'32", and a chord bearing and distance of North 41°39'34" West, 62.94 feet;

THENCE in a northwesterly direction, continuing across said 50.006 acre tract, with said tangent curve to the left, an arc distance of 72.44 feet to a point for corner;

THENCE North 02°41'09" East, continuing across said a distance of 60.85 feet to a point for the southerly southwest corner of Akers Cemetery (no record found) and an interior corner of said 50.006 acre tract;

THENCE North 82°14'30" East, along the south line of Akers Cemetery and a southerly north line of said 50.006 acre tract, and crossing said 50.006 acre tract, a distance of 256.68 feet to a point at the beginning of a tangent curve to the right with a radius of 380.00 feet, a central angle of 17°23'01", and a chord bearing and distance of South 89°04'00" East, 114.85 feet;

THENCE in a southeasterly direction, continuing across said 50.006 acre tract, with said tangent curve to the right, an arc distance of 115.29 feet to a point for corner;

Continued on Sheet 2

ZONING EXHIBIT
TRACT 3
JOHN CHRONISTER SURVEY, A-248
CITY OF SHERMAN,
GRAYSON COUNTY, TEXAS

Kimley»Horn
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
FIRM # 10193822
Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JCC	KHA	JULY 2023	064512316	1 OF 3

EXHIBIT A

Continued from Sheet 1

THENCE South 10°13'12" West, continuing across said 50.006 acre tract, a distance of 1,035.83 feet to a point for corner in the southerly line of Akers Road, the easterly south line of said 50.006 acre tract and the north line of said 53.642 acre tract;

THENCE South 73°54'54" West, along the southerly line of Akers Road, the easterly south line of said 50.006 acre tract and the north line of said 53.642 acre tract, a distance of 293.12 feet to the **POINT OF BEGINNING** and containing 7.796 acres (339,582 square feet) of land, more or less.

This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. All dimensions shown are ground distances. To obtain a grid distance, divide the ground distance by the Project Combined Factor (PCF) of 1.00010712.

MICHAEL MARX
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5181
6160 WARREN PKWY., SUITE 210
FRISCO, TEXAS 75034
PH. 972-335-3580
michael.marx@kimley-horn.com

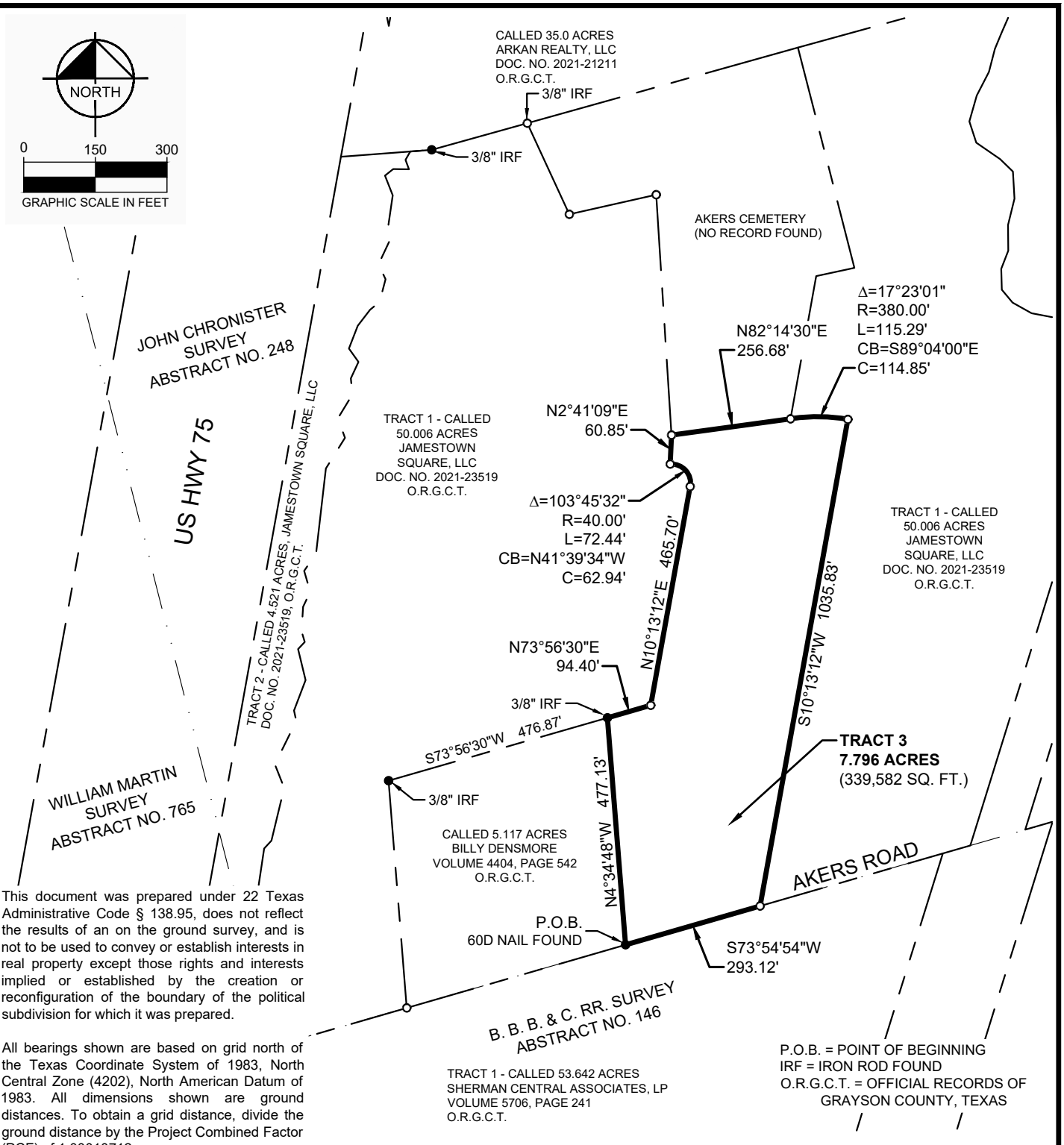
STATE OF TEXAS
REGISTERED
MICHAEL B. MARX
5181
PROFESSIONAL
LAND SURVEYOR

ZONING EXHIBIT
TRACT 3
JOHN CHRONISTER SURVEY, A-248
CITY OF SHERMAN,
GRAYSON COUNTY, TEXAS

Kimley»Horn
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
FIRM # 10193822
Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JCC	KHA	JULY 2023	064512316	2 OF 3

EXHIBIT A



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P.O.B. = POINT OF BEGINNING
IRF = IRON ROD FOUND
O.R.G.C.T. = OFFICIAL RECORDS OF GRAYSON COUNTY, TEXAS

ZONING EXHIBIT
TRACT 3
JOHN CHRONISTER SURVEY, A-248
CITY OF SHERMAN,
GRAYSON COUNTY, TEXAS

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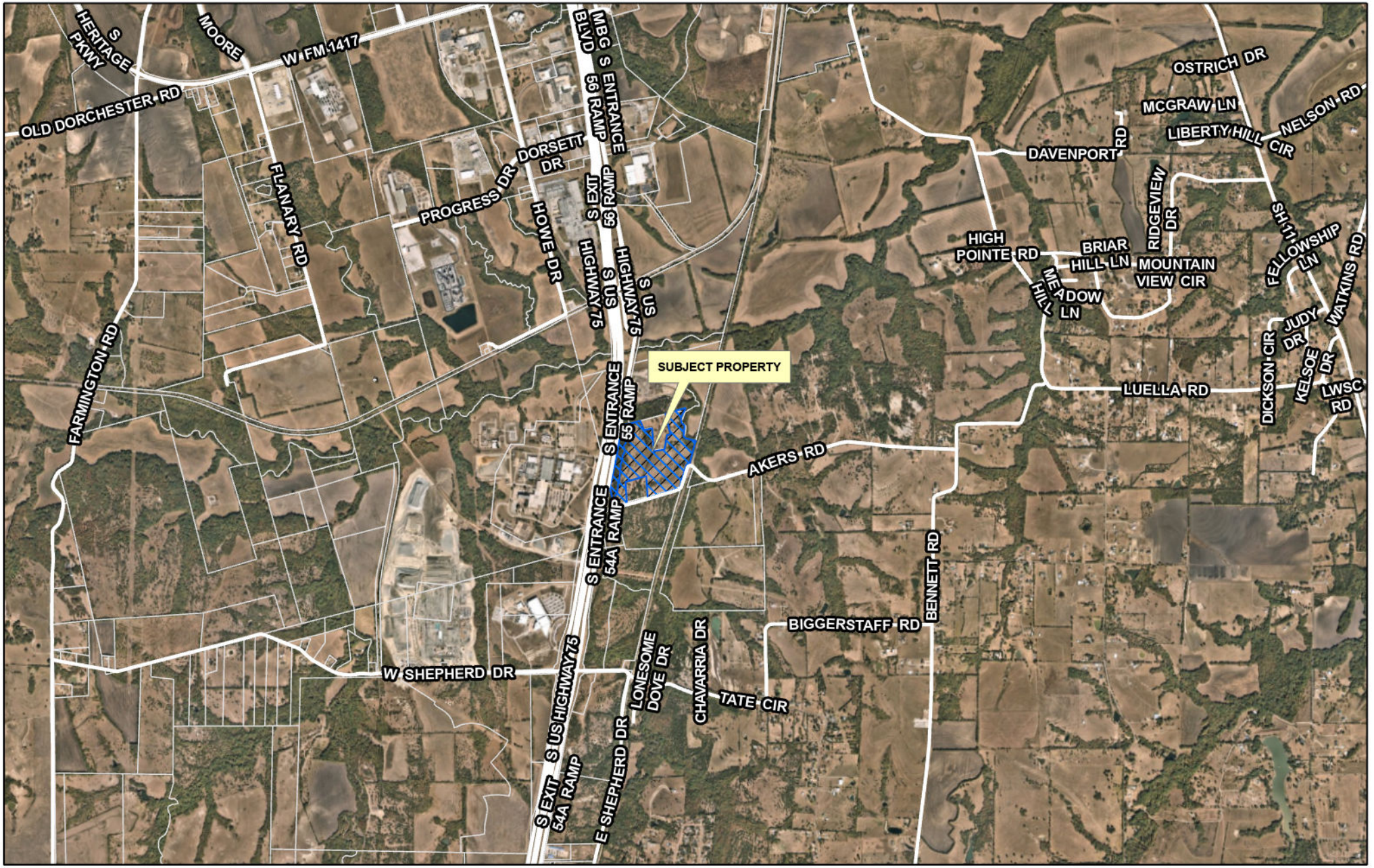
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 300'	JCC	KHA	JULY 2023	064512316	3 OF 3



diagrone H:\PLANNING\Public Notification KT.aprx

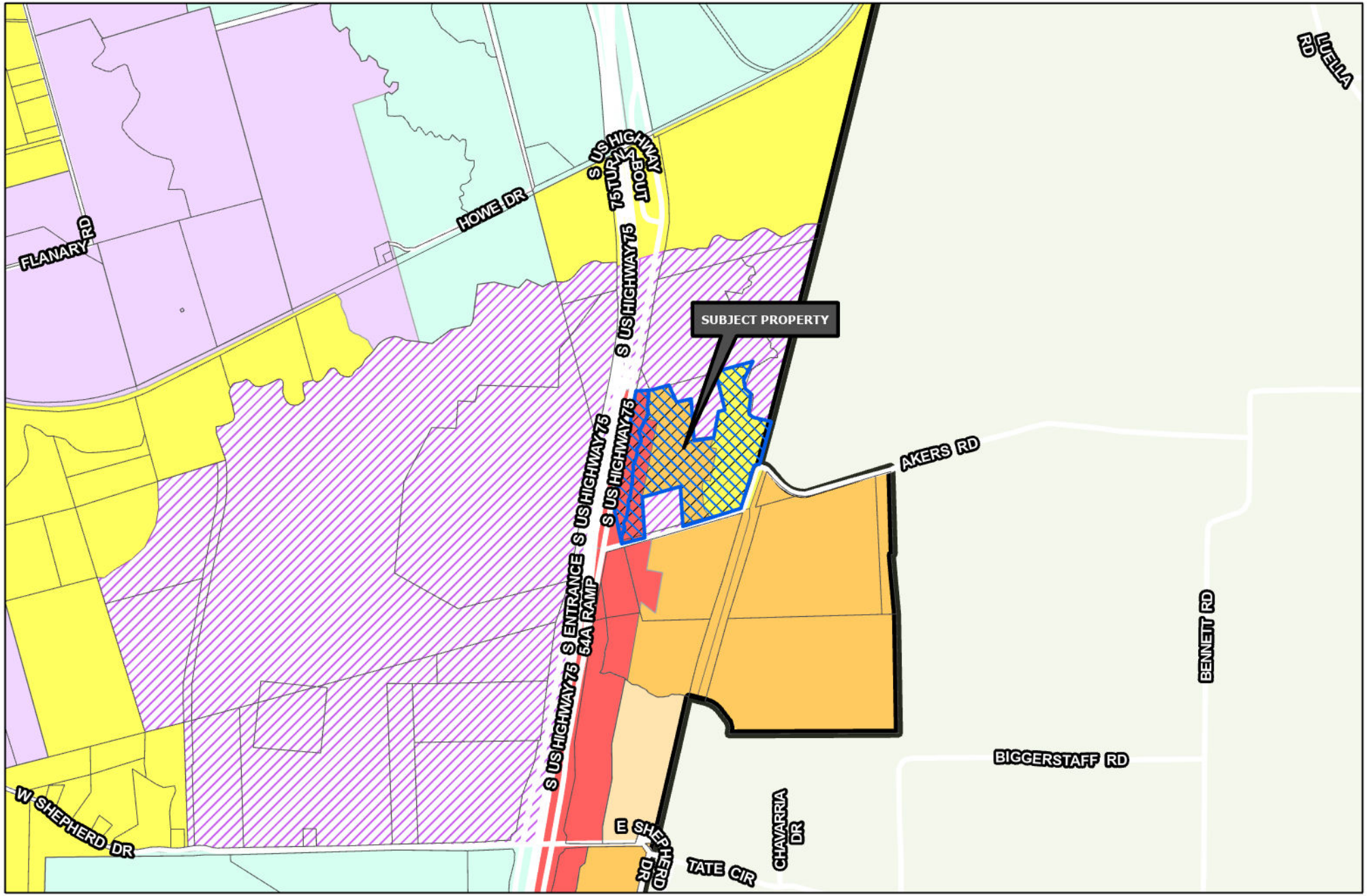
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
6000-6400 BLKS S HWY 75
& 100-200 BLKS AKERS RD

N
W E
S

Date: 8/8/2023 2:15 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

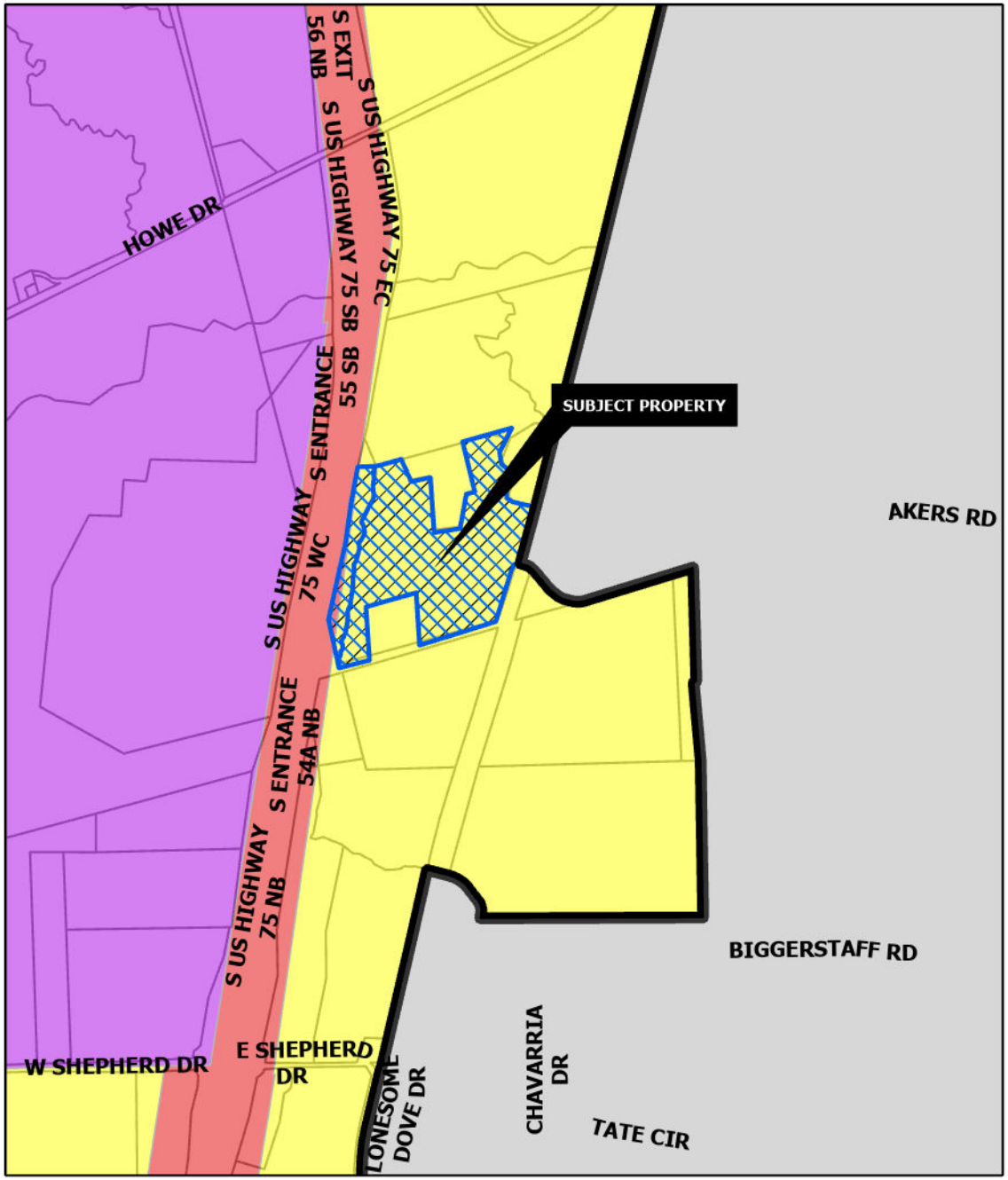
Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations
- Road Names All

CITY OF SHERMAN
ZONING MAP
6000-6400 BLKS S HWY 75
& 100-200 BLKS AKERS RD

N
W E
S

Date: 8/8/2023 2:15 PM



SUBURBAN NEIGHBORHOOD

Intent & Character

The Suburban Neighborhood category is intended to allow primarily single-family detached in a "complete neighborhood" setting. New subdivisions should include a mix of housing products and lot sizes. Areas of supporting local commercial should be integrated into the neighborhoods, primarily along major streets near the entrance of neighborhoods. Community amenities such as parks, trails, open spaces, and civic uses should also be included in the creation of new subdivisions. This category gives flexibility for the creation of master-planned neighborhoods that are compatible with the surrounding area.

Appropriate Land Use Types

- Single-family detached (primary land use type)
- Single-family attached (duplexes and townhomes)
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Estate Residential
- Single-Family Residential (R-12, R-6, R-5, and R-4)
- Multi-Family Residential (MF-15 and MF-30)
- Manufactured Housing
- Neighborhood Commercial
- Planned Development

Considerations

- Street connections to existing and future developments.
- Smaller lots and denser development can serve as a transition from the local commercial areas.

REGIONAL COMMERCIAL

Intent & Character

The Regional Commercial category is intended to promote large-scale commercial development along US-75, while promoting community character through design. US-75 serves as the major gateway to and through the community; therefore, aesthetics and design should be promoted in this corridor. This category should allow large-scale commercial uses that serve the region and the community alike. A mix of uses and inter-connectivity between parcels should be encouraged.

Appropriate Land Use Types

- Retail and Restaurants
- Multi-Family Living
- Office Complex
- Medical
- Mixed Use
- Indoor Entertainment

Compatible Zoning Districts

- Retail Business
- General Commercial
- Office
- Multi-Family Residential (MF-15 and MF-30)
- Planned Development (for larger tracts)

Considerations

- Site design considerations should be given to parking, landscaping, and building articulation.
- Where possible, parking should be screened from view or well-landscaped with native, drought-tolerant plants.
- All buildings facades fronting a public street or within significant public view should have aesthetically-pleasing horizontal and vertical articulation.
- Signage should be multi-tenant, where possible, and should match the character of the primary structure.
- High density residential should be included in mixed use developments.
- High density residential is appropriate behind commercial areas, with inter-connectivity.
- If high density is stand alone, the surrounding uses and connectivity should be considered to avoid an "island."

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

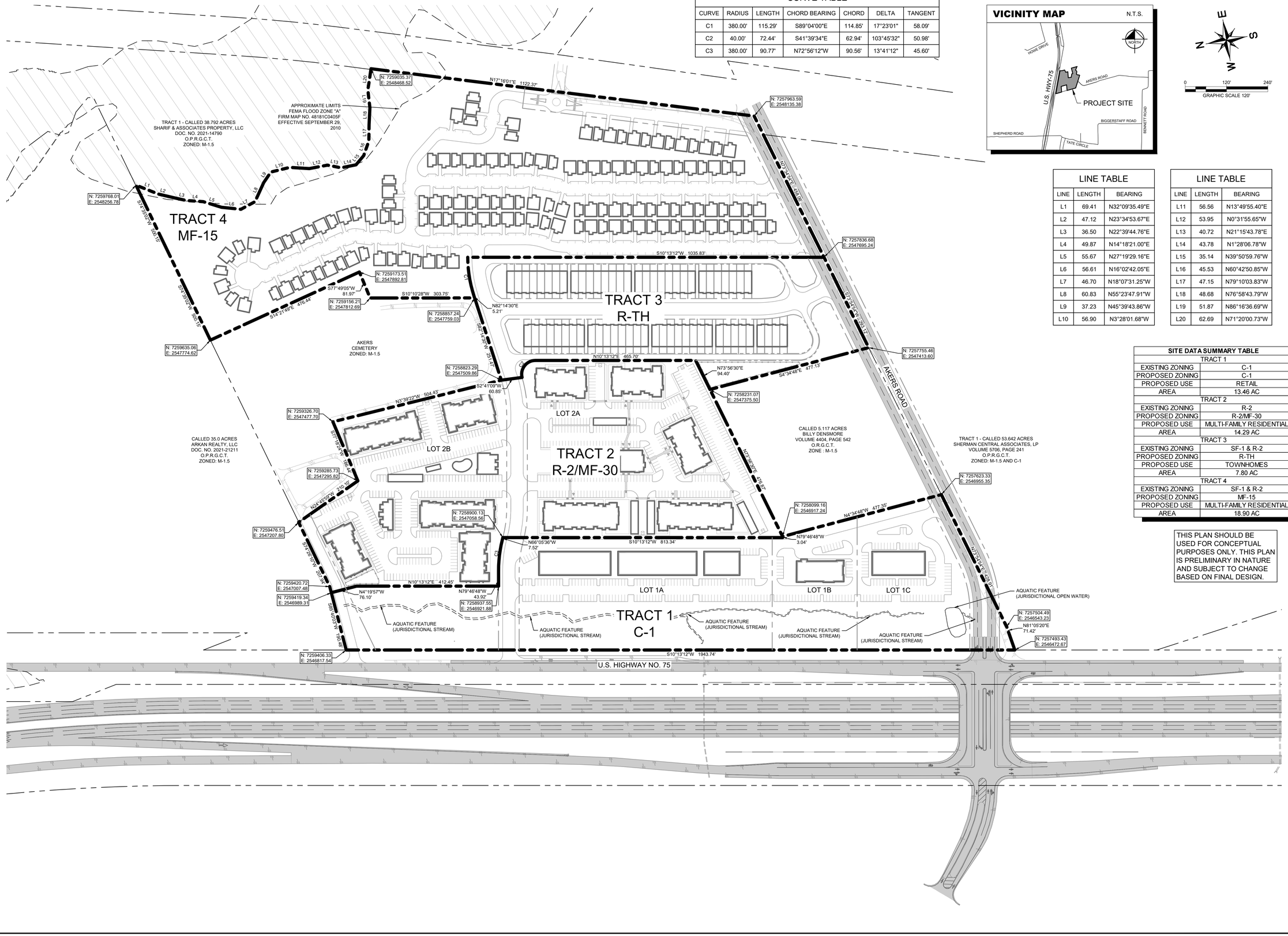
- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
6000-6400 BLKS S HWY 75
& 100-200 BLKS AKERS RD

N
W E
S

Date: 8/8/2023 2:22 PM

RED LOBSTER
YES, PLEASE.
Exit 64 • Left on Loy Lake Rd
Sherman
CLASSIC TOWN. BROAD HORIZON.
NOTICE OF PROPOSED ZONING CHANGE
PROJECT #: 23-004437
FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229
8/7/2023 at 11:40 A.M.



CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	380.00'	115.29'	S89°04'00"E	114.85'	17°23'01"	58.09'
C2	40.00'	72.44'	S41°39'34"E	62.94'	103°45'32"	50.98'
C3	380.00'	90.77'	N72°56'12"W	90.56'	13°41'12"	45.60'

VICINITY MAP

N.T.S.

LINE TABLE

LINE	LENGTH	BEARING
L1	69.41	N32°09'35.49"E
L2	47.12	N23°34'53.67"E
L3	36.50	N22°39'44.76"E
L4	49.87	N14°18'21.00"E
L5	55.67	N27°19'29.16"E
L6	56.61	N16°02'42.05"E
L7	46.70	N18°07'31.25"W
L8	60.83	N55°23'47.91"W
L9	37.23	N45°39'43.86"W
L10	56.90	N3°28'01.68"W

LINE TABLE

LINE	LENGTH	BEARING
L11	56.56	N13°49'55.40"E
L12	53.95	N0°31'55.65"W
L13	40.72	N21°15'43.78"E
L14	43.78	N1°28'06.78"W
L15	35.14	N39°50'59.76"W
L16	45.53	N60°42'50.85"W
L17	47.15	N79°10'03.83"W
L18	48.68	N76°58'43.79"W
L19	51.87	N86°16'36.69"W
L20	62.69	N71°20'00.73"W

SITE DATA SUMMARY TABLE

TRACT 1	
EXISTING ZONING	C-1
PROPOSED ZONING	C-1
PROPOSED USE	RETAIL
AREA	13.46 AC
TRACT 2	
EXISTING ZONING	R-2
PROPOSED ZONING	R-2/MF-30
PROPOSED USE	MULTI-FAMILY RESIDENTIAL
AREA	14.29 AC
TRACT 3	
EXISTING ZONING	SF-1 & R-2
PROPOSED ZONING	R-TH
PROPOSED USE	TOWNHOMES
AREA	7.80 AC
TRACT 4	
EXISTING ZONING	SF-1 & R-2
PROPOSED ZONING	MF-15
PROPOSED USE	MULTI-FAMILY RESIDENTIAL
AREA	18.90 AC

THIS PLAN SHOULD BE USED FOR CONCEPTUAL PURPOSES ONLY. THIS PLAN IS PRELIMINARY IN NATURE AND SUBJECT TO CHANGE BASED ON FINAL DESIGN.

No.	REVISIONS	DATE	BY

Kimley»Horn
© 2023 KIMLEY-HORN
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RICHARDSON, TEXAS 75080
PHONE: 214-417-6525
TEXAS REGISTERED ENGINEERING FIRM F-928

KHA PROJECT 064512316
DATE JULY 2023
SCALE AS SHOWN
DESIGNED BY JCK
DRAWN BY CBJ
CHECKED BY RCL

JAMESTOWN SQUARE

CITY OF SHERMAN
GRAYSON COUNTY, TEXAS

ULTIMATE OVERALL ZONING CONCEPT PLAN

SHEET NUMBER
C-00

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Fri, Sep 01, 2023 - 11:08 AM
KONOR
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Exhibit_Ultimate Concept Plan_Overall_Layout.dwg

CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
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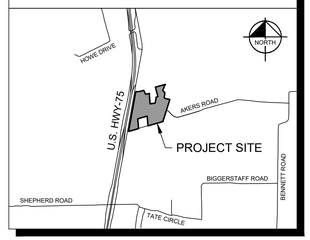

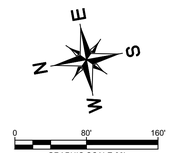

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TRACT 4	
EXISTING ZONING	SF-1 & R-2
PROPOSED ZONING	MF-15
PROPOSED USE	MULTI-FAMILY RESIDENTIAL
AREA	18.90 AC

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TRACT 1 - CALLED 53.642 ACRES
SHERMAN CENTRAL ASSOCIATES, LP
VOLUME 5706, PAGE 241
O.P.R.G.C.T.
ZONED: M-1.5 AND C-1

TRACT 1 - CALLED 38.792 ACRES
SHARIF & ASSOCIATES PROPERTY, LLC
DOC. NO. 2021-14790
O.P.R.G.C.T.
ZONED: M-1.5

APPROXIMATE LIMITS
FEMA FLOOD ZONE "A"
FIRM MAP NO. 48181C0405F
EFFECTIVE SEPTEMBER 29, 2010

CALLED 35.0 ACRES
ARKAN REALTY, LLC
DOC. NO. 2021-21211
O.P.R.G.C.T.
ZONED: M-1.5

AKERS
CEMETERY
ZONED: M-1.5

CALLED 5.117 ACRES
BILLY DENSMORE
VOLUME 4404, PAGE 542
O.R.G.C.T.
ZONE : M-1.5

TRACT 4
MF-15

TRACT 3
R-TH

TRACT 2
R-2/MF-30

TRACT 1
C-1

LOT 2A
LOT 2B
LOT 1A
LOT 1B
LOT 1C

AQUATIC FEATURE (JURISDICTIONAL STREAM)
AQUATIC FEATURE (JURISDICTIONAL OPEN WATER)

MATCH LINE THIS SHEET
MATCH LINE THIS SHEET

AKERS ROAD
U.S. HIGHWAY NO. 75

N: 7259035.37 E: 2548468.52
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S10°13'12"W 1035.83'
N: 7259173.51 E: 2547892.81
S77°49'05"W 81.97'
N: 7259156.21 E: 2547812.69
S10°10'28"W 303.75'
N: 7258857.24 E: 2547759.03
N82°14'30"E 5.21'
S82°14'30"W 5.21'
S14°21'49"E 476.44'
S14°35'22"W 498.15'
N: 7259635.06 E: 2547774.62
N: 7257755.46 E: 2547413.60
N23°54'54"E 459.12'
N10°13'12"E 465.70'
S4°34'48"E 477.15'
N73°56'30"E 94.40'
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N3°39'22"W 504.43'
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N: 7259326.70 E: 2547477.70
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N24°45'59"W 210.16'
N: 7259476.51 E: 2547207.80
N: 7257623.33 E: 2546955.35
N4°34'48"W 477.35'
N: 7259768.01 E: 2548256.78
S17°35'02"W 500.15'
S4°28'10"W 207.94'
N: 7258900.13 E: 2547058.56
N66°05'36"W 7.52'
S10°13'12"W 813.34'
N: 7258099.16 E: 2546917.24
N79°46'48"W 3.04'
N: 7259420.72 E: 2547007.48
N4°19'57"W 76.10'
N10°13'12"E 412.45'
N: 7259419.34 E: 2546989.31
S84°40'03"W 194.48'
N: 7258937.56 E: 2546921.88
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N61°05'25"E 71.42'
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S10°13'12"W 1943.74'
N: 7257493.43 E: 2546472.67

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IMAGES
XREFS
PLOT DATE/TIME
PLOT STYLE TABLE
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DWG NAME
DWG SAVED
DWG NAME
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7/21/2023 11:07 AM
KCOBAL, CTY:(060121)5 - C01 16 JAMESTOWN SHERMAN 64-ACQUISITIONEXHIBITS
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No.	REVISIONS	DATE	BY

Kimley»Horn
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2600 NORTH CENTRAL EXPRESSWAY, SUITE 400
RICHARDSON, TEXAS 75080
PHONE: 214-417-6535
TEXAS REGISTERED ENGINEERING FIRM F-928

KHA PROJECT 064512316
DATE JULY 2023
SCALE AS SHOWN
DESIGNED BY JCK
DRAWN BY CBJ
CHECKED BY RCL

JAMESTOWN SQUARE
CITY OF SHERMAN
GRAYSON COUNTY, TEXAS

OVERALL ZONING CONCEPT PLAN

SHEET NUMBER
C-01

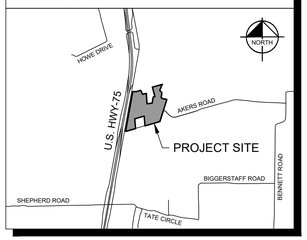
LEGEND

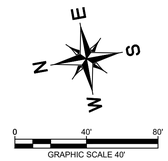
	PROPOSED PUBLIC PAVEMENT
	PROPOSED BUILDING
	EXISTING PAVEMENT
TYP.	TYPICAL
PROP.	PROPOSED
(X)	NUMBER OF PARKING SPACES
EX.	EXISTING

CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	380.00'	115.29'	S89°04'00"E	114.85'	17°23'01"	58.09'
C2	40.00'	72.44'	S41°39'34"E	62.94'	103°45'32"	50.98'

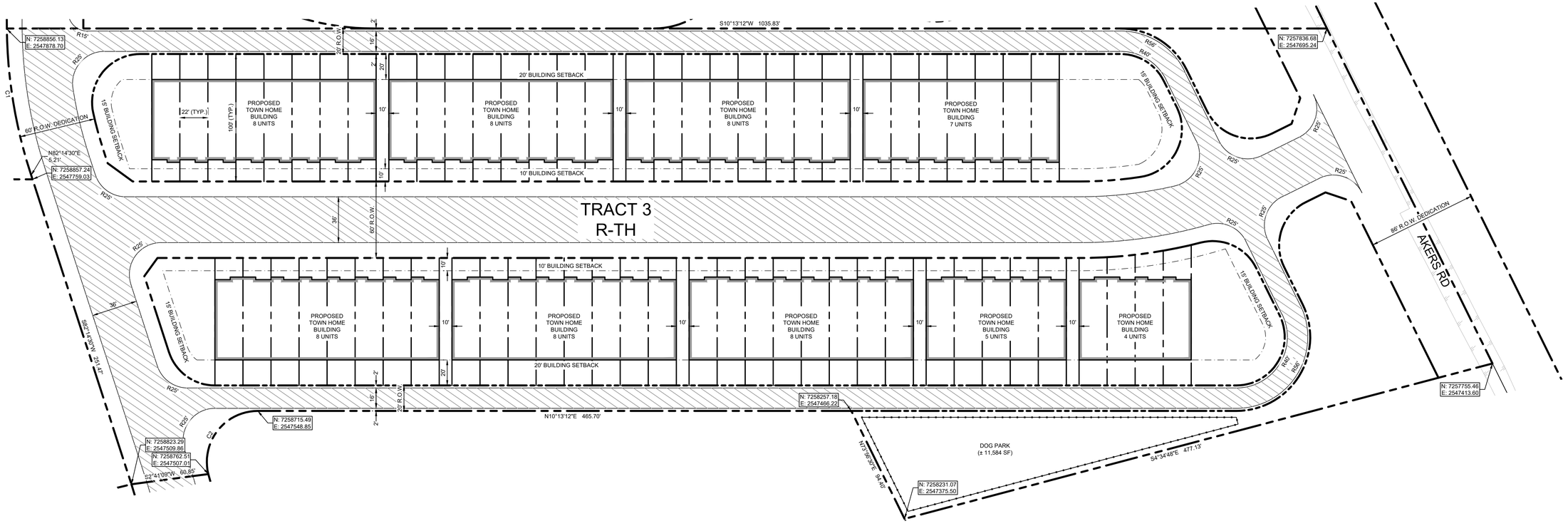
SITE DATA SUMMARY TABLE - RTH - TOWNHOME RESIDENTIAL	
EXISTING ZONING	SF-1 & R-2
PROPOSED ZONING	R-TH
PROPOSED USE	TOWNHOME RESIDENTIAL (REAR LOADING GARAGE)
AREA	±7.80 AC
BUILDING AREA	± 89,984 SF
BUILDING HEIGHT MAX	≤ 40' - 3 STORY
TOTAL UNITS PROVIDED	64 UNITS
PARKING REQUIRED (1 ENCLOSED SPACES / 1 UNIT) (1 SPACE / 1 BEDROOM)	128 SPACES
PARKING PROVIDED	128 SPACES
SETBACKS	FRONT: 10' REAR: 20' SIDE: 15'
FLOOR AREA RATIO	0.53:1
MAX DENSITY PERMITTED (1 UNIT / 2,500 SF LAND)	135 UNITS

VICINITY MAP N.T.S.





THIS PLAN SHOULD BE USED FOR CONCEPTUAL PURPOSES ONLY. THIS PLAN IS PRELIMINARY IN NATURE AND SUBJECT TO CHANGE BASED ON FINAL DESIGN.



NOTES:

1. FIRE LANE DIMENSIONS FOR BUILDINGS LESS THAN 35' IN HEIGHT ARE A MINIMUM OF 24' WIDE WITH A MINIMUM 25' INSIDE RADIUS AND 49' OUTSIDE RADIUS.
2. FIRE LANE DIMENSIONS FOR BUILDINGS GREATER THAN OR EQUAL TO 35' IN HEIGHT ARE A MINIMUM OF 26' WIDE WITH A MINIMUM 25' INSIDE RADIUS AND A MINIMUM 51' OUTSIDE RADIUS.
3. ALL 90° PARKING STALLS ARE SHOWN TO BE 9' X 20' PER CITY OF SHERMAN REQUIREMENTS.
4. ALL PRIVATE DRIVE AISLES ARE A MINIMUM OF 24' WIDE; UNLESS OTHERWISE NOTED; EXCLUDING FIRE LANES AND PUBLIC STREETS.

No.	REVISIONS	DATE	BY

Kimley»Horn
© 2023 KIMLEY-HORN
2600 NORTH CENTRAL EXPRESSWAY, SUITE 400
RICHARDSON, TEXAS 75080
PHONE: 214-417-6525
TEXAS REGISTERED ENGINEERING FIRM F-928

KHA PROJECT 064512316
DATE JULY 2023
SCALE AS SHOWN
DESIGNED BY JCK
DRAWN BY CBJ
CHECKED BY RCL

JAMESTOWN SQUARE
CITY OF SHERMAN
GRAYSON COUNTY, TEXAS

TOWNHOME CONCEPT PLAN

SHEET NUMBER
C-06

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

IMAGES
XREFS
PLOT STYLE BY
PLOT DATE
DWG NAME
DWG UNITS
USERNAME
xBnd-2AOB, xSite-ByOthers, xBndy, xSurv, xAcadsiteFeatures, xSite-TH, xSite-Infra
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Imperial, Number of Layouts: 1

Townhomes

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

August 15, 2023

Sent via email

Caleb Jones
2600 North Central Expressway, Suite 400
Richardson, TX 75080

Jamestown Square, LLC
900 West Bethany Drive, Suite 230
Allen, TX 75013

Dear Applicants,

The request of a Public Hearing and Zoning Text Amendment to add regulations to Chapter 14, Zoning Ordinance, Section 14.02.010 R-TH (Townhome Residential) District to allow 22' wide lots for Townhomes with Rear Loaded Garages in a R-TH (Townhome Residential) District; Tract 2, consisting of 14.287 acres in the John Chronister Survey, Abstract No. 248 - Public Hearing, Site Plan and Zone Change from C-1 (Retail Business) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District to MF-30 (Multi-Family Residential) District/75 & 82 Overlay District; Tract 3, consisting of 7.796 acres in the John Chronister Survey, Abstract 248 - Public Hearing, Site Plan and Zone Change from R-6 (Single-Family Residential) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District to R-TH (Townhome Residential) District/75 & 82 Overlay District; and Tract 4, consisting of 18.903 acres in the John Chronister Survey, Abstract 248 – Public Hearing, Site Plan and Zone Change from R-6 (Single-Family Residential) District and MF-30 (Multi Family Residential) District/75 & 82 Overlay District to MF-15 (Multi-Family Residential) District/75 & 82 Overlay District located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, August 22, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). *(Code of Ordinances Chapter 3.02(c))*
3. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004)*
4. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07)*
5. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
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 (Tract 2 Zone Change)

8. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
9. 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. Water main must be extended in accordance with City criteria to serve proposed Lot. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
11. Wastewater main must be extended in accordance with City criteria to serve proposed Lot. Wastewater capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
12. 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)*
13. Maintenance of Detention area is the responsibility of the Homeowner's Association or Property Owner's Association. In the event the Association is no longer active, the maintenance is the responsibility of the property owner(s) directly adjacent to said detention area.
14. Detention Pond to be designed and constructed with first phase of development.
15. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*

Engineering (Tract 3 Zone Change)

16. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
17. 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*
18. Water main must be extended in accordance with City criteria to serve proposed Lot. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
19. Wastewater main must be extended in accordance with City criteria to serve proposed Lot. Wastewater capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
20. 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)*
21. Maintenance of Detention area is the responsibility of the Homeowner's Association or Property Owner's Association. In the event the Association is no longer active, the maintenance is the responsibility of the property owner(s) directly adjacent to said detention area.
22. Detention Pond to be designed and constructed with first phase of development.
23. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*

Engineering (Tract 4 Zone Change)

24. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
25. All requirements of the Floodplain Ordinance shall be followed. *Code of Ordinances Chapter 3, Article 3.12*

26. 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*
27. Water main must be extended in accordance with City criteria to serve proposed Lot. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
28. Wastewater main must be extended in accordance with City criteria to serve proposed Lot. Wastewater capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
29. 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)*
30. Maintenance of Detention area is the responsibility of the Homeowner's Association or Property Owner's Association. In the event the Association is no longer active, the maintenance is the responsibility of the property owner(s) directly adjacent to said detention area.
31. Detention Pond to be designed and constructed with first phase of development.
32. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*

It is the policy of the Planning and Zoning Commission and Board of Adjustment 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, contact Development Services by emailing planning@cityofsherman.com prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Dillon Stewart, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 14.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6654

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land Consisting of 0.341 acres, being in the Samuel Blagg Survey, Abstract No. 56, City of Sherman, Grayson County, Texas, Located at 416 South Elm Street, Heretofore Zoned MF-30 (Multi-Family Residential) District; Rezoning and Placing the Tract in the R-5 (Single Family Residential) District Zoning Classification, (Oscar Medina, Owners; and Underwood Drafting & Surveying, 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 Oscar Medina, Owners; and Underwood Drafting & Surveying, Surveyor concerning the property located at 416 South Elm Street, Consisting of 0.341 acres in the Samuel Blagg Survey, Abstract No. 56, City of Sherman, Grayson County, Texas, Heretofore Zoned MF-30 (Multi-Family Residential) District; Rezoning and Placing the Tract in the R-5 (Single Family Residential) District Zoning Classification

Background:

The property is located at 416 South Elm Street between West Cherry Street and West King Street. The owner is requesting a Zone Change from an MF-30 (Multi-Family Residential) District to R-5 (Single-Family Residential) District.

Origination:

Oscar Medina (Owner)
Underwood Drafting & Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Zone Change be approved subject to the Staff Review Letter. **The proposed zone change is compatible with the Comprehensive Master Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6654
Exhibit A - Survey
Location Map
Zoning Map
FLUM
Narrative
Zoning Sign Photo
STAFF REVIEW LETTER

ORDINANCE NO. 6654

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, TO REZONE A TRACT OF LAND CONSISTING OF 0.341 ACRES, BEING IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, LOCATED AT 416 SOUTH ELM STREET, HERETOFORE ZONED MF-30 (MULTI-FAMILY RESIDENTIAL) DISTRICT; REZONING AND PLACING THE TRACT IN THE R-5 (SINGLE FAMILY RESIDENTIAL) DISTRICT ZONING CLASSIFICATION, (OSCAR MEDINA, OWNERS; AND UNDERWOOD DRAFTING & SURVEYING, SURVEYOR); PROVIDING FOR 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 and Legal Description**, attached hereto, located at 416 South Elm Street, and all streets, roads and alleyways contiguous and/or adjacent thereto, shall be rezoned and placed in the R-5 (Single Family Residential) District, and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, 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 Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

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 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 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

EFFECTIVE DATE on this the 18th day of September 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

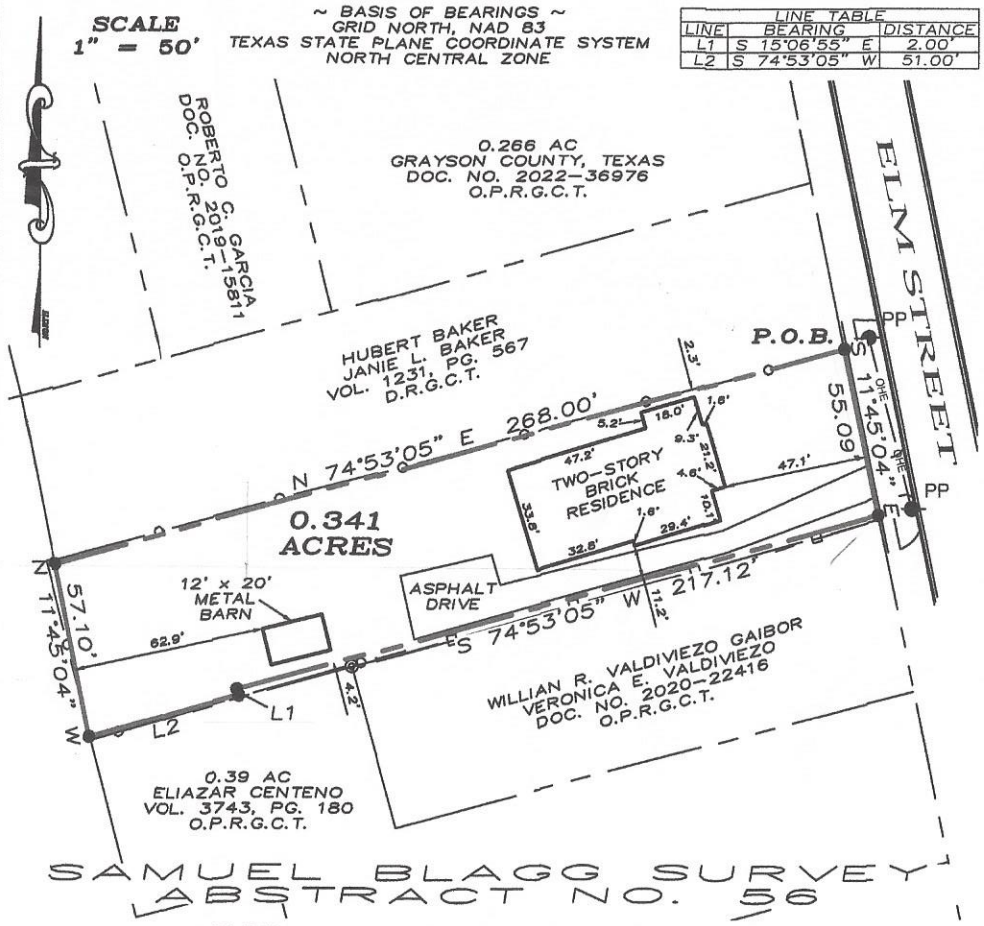
ATTEST:

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

EXHIBIT A



JOB NO. 22121296
FW: LR – DFT: EB

LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being a part of the Samuel Blagg Survey, Abstract No. 56 and being a retracement survey of that tract of land conveyed to Oscar Medina as recorded in Document Number 2022–30635, Official Public Records, Grayson County, Texas and being described by metes and bounds as follows:

Beginning at a 1/2" steel rod set for the northeast corner of said Medina Tract, common to the southeast corner of a tract of land described in the deed to Hubert Baker and Janie L. Baker, recorded in Volume 1231, Page 567, Deed Records, Grayson County, Texas;

Thence South 11°45'04" East, with the easterly line of said Medina Tract, a distance of 55.09 feet to a 1/2" steel rod set for the southeast corner of said Medina Tract;

Thence South 74°53'05" West, with the southerly line of said Medina Tract, a distance of 217.12 feet to a set 1/2" steel rod;

Thence South 15°06'55" East, continuing with the southerly line of said Medina Tract, a distance of 2.00 feet to a set 1/2" steel rod;

Thence South 74°53'05" West, continuing with the southerly line of said Medina Tract, a distance of 51.00 feet to a 1/2" steel rod set for the southwest corner of said Medina Tract;

Thence North 11°45'04" West, with the westerly line of said Medina Tract, a distance of 57.10 feet to a 1/2" steel rod set for the northwest corner of said Medina Tract, common to the southwest corner of aforesaid Baker Tract;

Thence North 74°53'05" East, with the northerly line of said Medina Tract, a distance of 268.00 feet to the Point of Beginning and containing 0.341 acres of land, more or less.

I, Douglas W. Underwood, Registered Professional Land Surveyor, hereby certify that a survey was made on the ground on the property legally described herein, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

STATE OF TEXAS
REGISTERED
DOUGLAS W. UNDERWOOD
4709
PROFESSIONAL
LAND SURVEYOR

Douglas W. Underwood
Registered Professional
Land Surveyor No. 4709
Firm No. 10006300
DATE OF SURVEY: 12/14/22

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This survey is also unpublished work protected under the copyright laws of the United States of America. If this work becomes published, the following notice shall apply:

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All rights reserved.

UNDERWOOD
DRAFTING & SURVEYING
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465–2151

dlagrone H:\PLANNING\Public Notification KT.aprx

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
416 S ELM ST

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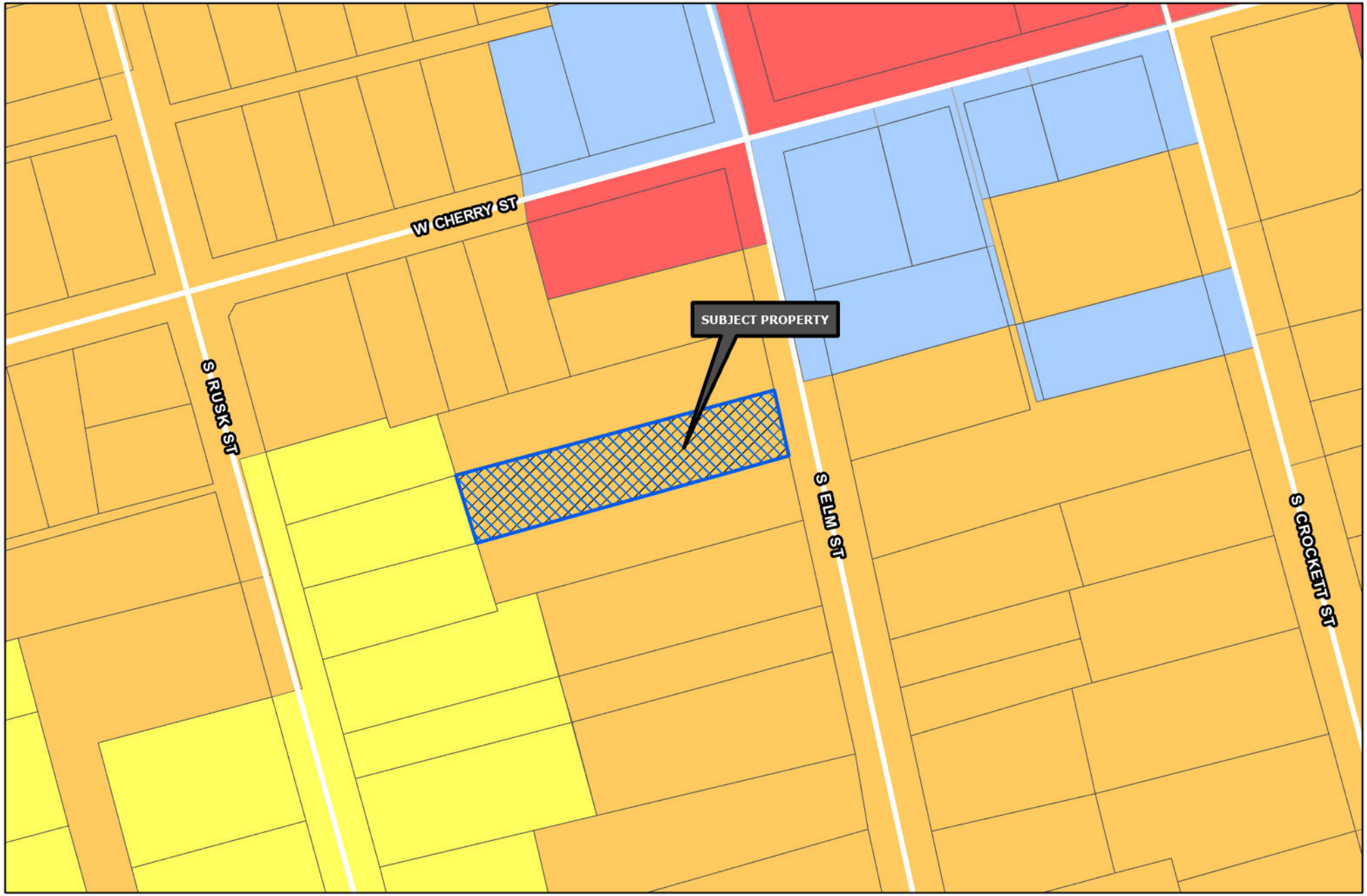
Date: 8/11/2023 1:33 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations
- Road Names All

CITY OF SHERMAN ZONING MAP 416 S ELM ST

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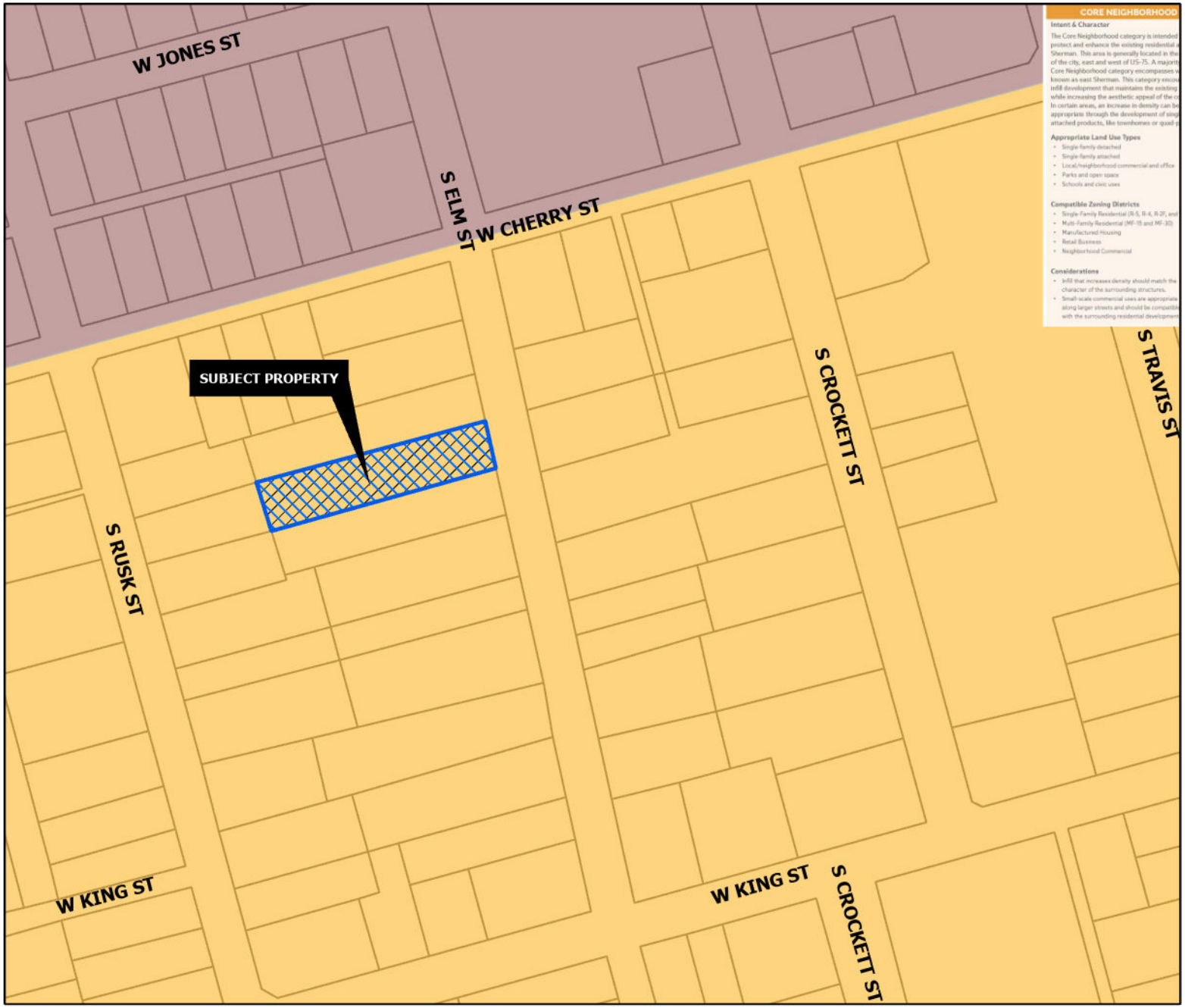
Date: 8/11/2023 1:36 PM



CORE NEIGHBORHOOD

Intent & Character

The Core Neighborhood category is intended to protect and enhance the existing residential areas of Sherman. This area is generally located in the center of the city, east and west of US-75. A majority of the Core Neighborhood category encompasses what is known as east Sherman. This category encourages infill development that maintains the existing character, while increasing the aesthetic appeal of the community. In certain areas, an increase in density can be appropriate through the development of single-family attached products, like townhomes or quad-plexes.

Appropriate Land Use Types

- Single-family detached
- Single-family attached
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Single-Family Residential (R-5, R-4, R-2F, and R-TH)
- Multi-Family Residential (MF-15 and MF-30)
- Manufactured Housing
- Retail Business
- Neighborhood Commercial

Considerations

- Infill that increases density should match the character of the surrounding structures.
- Small-scale commercial uses are appropriate along larger streets and should be compatible with the surrounding residential development.

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
738 E HWY 82

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Date: 8/11/2023 1:36 PM

PROJECT NARRATIVE FOR 416 S. ELM STREET

In September 2022 I purchased a home originally built in 1900 with the intent of renovating and leasing it as a rental property. After purchase, and upon further investigation, it was determined the structural integrity, mechanical, and electrical systems of the home were in poor condition. Based upon estimates, the cost to repair and renovate the home to meet current building code requirements were excessive making the final cost well above its final value in the marketplace. I was then made aware of a City of Sherman program whereby they would demolish and dispose of the home at no cost to me. I followed up on the program and signed the contract with the City of Sherman for the demolition and removal on 12-05-2022. As of this date the demolition has been completed.

The property is currently zoned in the MF-30 multi-family district, and due to development guidelines, my property cannot meet them for any type of development. I previously submitted to the City of Sherman for a zoning change from MF-30 to the R-2F duplex district but was denied my request in June. I am now submitting this request to change the zoning from the current MF-30 to the R-5 single family district so I can build a single family home on the property. Having reviewed those development guidelines, it appears my property would meet them.

Your consideration and approval of my zoning request will be greatly appreciated.

Thank you,

Oscar Medina
Property Owner

NOTICE OF
PROPOSED ZONING
CHANGE
8/8/2023 at 4:52 P.M.

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

August 15, 2023

Sent via email

Oscar Medina
6406 Day Springs Drive
The Colony, TX 75056

McLemore & Associates
Steve McLemore
11916 Paducah
Frisco, TX 75035

Dear Applicants,

The request of a Public Hearing and Zone Change from MF-30 (Multi-Family Residential) District to R-5 (Single-Family Residential) District located at 416 South Elm Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, August 22, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). *(Code of Ordinances Chapter 3.02(c))*
3. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
4. 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.
5. 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

6. Platting of the property is required prior to building permit being issued. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
7. 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 the Planning and Zoning Commission and Board of Adjustment 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, contact Development Services by emailing planning@cityofsherman.com prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Dillon Stewart, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 15.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6655

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 0.069 acres, being in the George B. Pilant Survey, Abstract No. 963 being a Replat of Lots 2, 3 & 4, in Block 1 of W. Elliott's Addition, City of Sherman, Grayson County, Texas, Located at 607 East King Street, Heretofore Zoned an R-6 (Single Family Residential) District; Rezoning and Placing the Tract in the R-4 (Single Family Residential) District Classification, (Royal Legacy Homes, LLC, Owner; and Preston Trail Land Surveying, 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 Royal Legacy Homes, LLC, Owner; and Preston Trail Land Surveying, Surveyor, concerning the property located at 607 East King Street, consisting of 0.069 acres, being in the George B. Pilant Survey, Abstract No. 963 being a Replat of Lots 2, 3 & 4, in Block 1 of W. Elliott's Addition, City of Sherman, Grayson County, Texas, Heretofore Zoned an R-6 (Single Family Residential) District; Rezoning and Placing the Tract in the R-4 (Single Family Residential) District Classification

Background:

The property is located at 607 East King Street between South First Street and South Throckmorton Street. The owner is requesting a Zone Change from a R-6 (Single Family Residential) District to R-4 (Single Family Residential) District.

August 22, 2023 - Variance under Section 14.02.008 to allow a 75' lot depth in lieu of the required 90' and a Variance to allow a 3000 square feet lot area in lieu of the required 4000 square feet in an R-4 (Patio Home Residential) District.

Origination:

Royal Legacy Homes, LLC (Owner)
Preston Trail Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Zone Change be approved subject to the Staff Review Letter. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6655
Exhibit A - Survey
Location Map
Zoning Map
FLUM
Zoning Sign Photo
Conceptual Site Plan
STAFF REVIEW LETTER

ORDINANCE NO. 6655

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, TO REZONE A TRACT OF LAND, CONSISTING OF 0.069 ACRES, BEING IN THE GEORGE B. PILANT SURVEY, ABSTRACT NO. 963 BEING A REPLAT OF LOTS 2, 3 & 4, IN BLOCK 1 OF W. ELLIOTT'S ADDITION, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, LOCATED AT 607 EAST KING STREET, HERETOFORE ZONED AN R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT; REZONING AND PLACING THE TRACT IN THE R-4 (SINGLE FAMILY RESIDENTIAL) DISTRICT CLASSIFICATION, (ROYAL LEGACY HOMES, LLC, OWNER; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR); PROVIDING FOR 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 and Legal Description**, attached hereto, located at 607 East King Street, and all streets, roads and alleyways contiguous and/or adjacent thereto, shall be rezoned and placed in the R-4 (Single Family Residential) District, and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, 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 Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

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 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 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

EFFECTIVE DATE on this the 18th day of September 2023.

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.

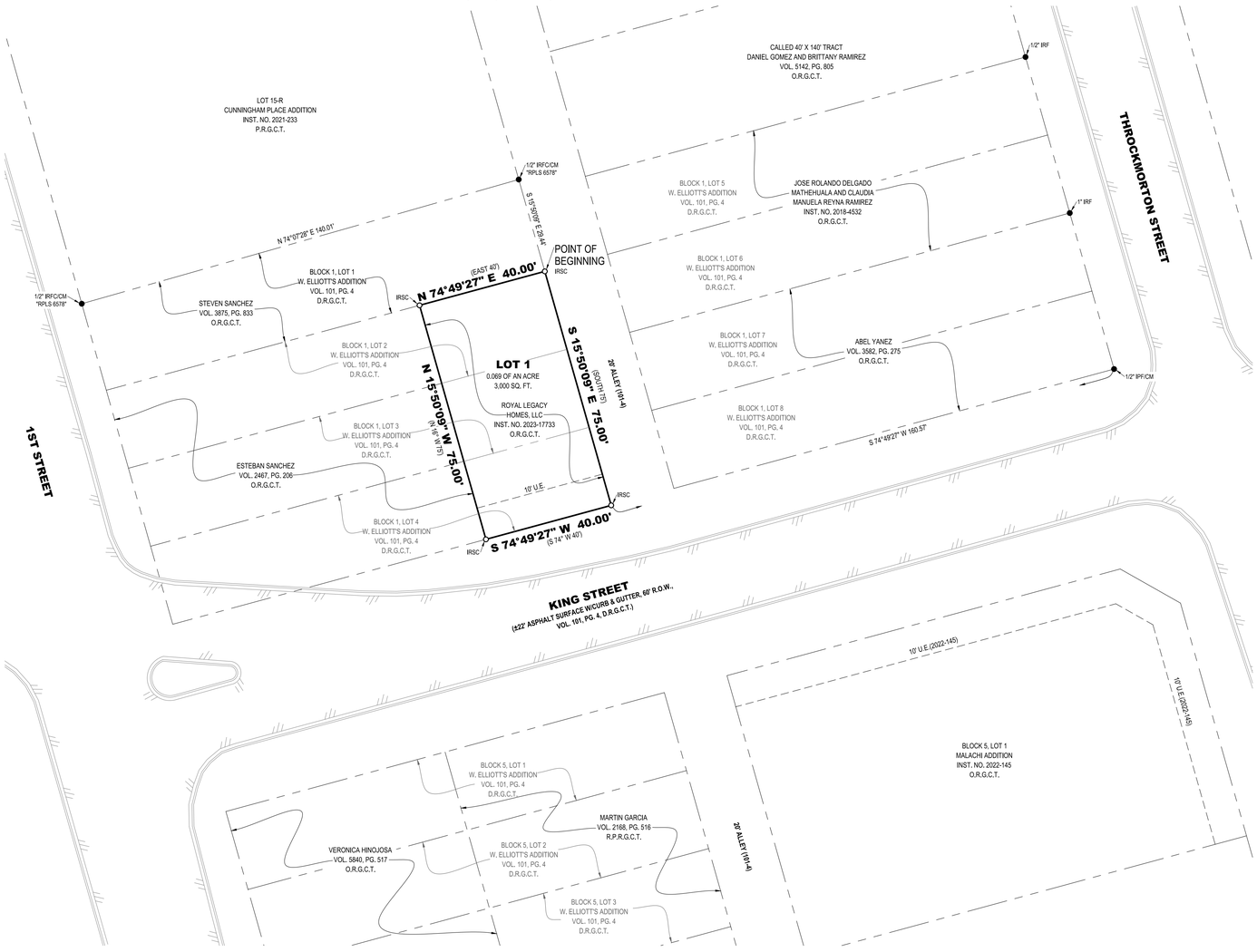
BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

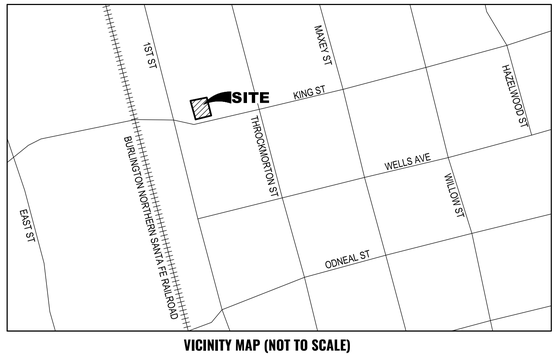
EXHIBIT A

0 10 20
GRAPHIC SCALE IN FEET

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

FLOOD STATEMENT:
I have examined the F.E.M.A. Flood Insurance Rate Map for the City of Sherman, Grayson County, Texas, Community Number 485509, effective date 09/01/2022 and that map indicates that this property is within "Non-shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood" as shown on Panel 0290 G of said map. This flood statement does not imply that the property and/or 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.





VICINITY MAP (NOT TO SCALE)

LEGEND

●	FOUND MONUMENT
○	SET MONUMENT
IRSC	1/2" IRON ROD W/ "PRESTON TRAIL LAND SURVEYING, RPLS 6585" CAP SET
IRF	IRON ROD FOUND
IRFC	IRON ROD FOUND W/PLASTIC CAP
IPF	IRON PIPE FOUND
CM	CONTROLLING MONUMENT
( )	DEED OR PLAT CALL
R.O.W.	RIGHT-OF-WAY
P.R.G.C.T.	PLAT RECORDS, GRAYSON COUNTY, TEXAS
D.R.G.C.T.	DEED RECORDS, GRAYSON COUNTY, TEXAS
O.R.G.C.T.	OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS
R.P.R.G.C.T.	REAL PROPERTY RECORDS, GRAYSON COUNTY, TEXAS
VOL., PG.	VOLUME, PAGE
INST. NO.	INSTRUMENT NO.
B.L.	BUILDING LINE
U.E.	UTILITY EASEMENT
	BOUNDARY LINE
	ADJOINER LINE
	EASEMENT
	BUILDING LINE
	ASPHALT

STATE OF TEXAS §
COUNTY OF GRAYSON §

OWNER'S CERTIFICATE

WHEREAS Royal Legacy Homes, LLC are the owner of that certain tract or parcel of land situated in the George B. Pilant Survey, Abstract No. 963, the City of Sherman, Grayson County, Texas, and being part of Lots 2, 3 & 4, in Block 1, of W. Elliott's Addition, an addition to the City of Sherman, Grayson County, Texas, according to the plat thereof recorded in Volume 101, Page 4, Deed Records, Grayson County, Texas, and being the same tract of land described in the deed to Royal Legacy Homes LLC, recorded in Instrument No. 2023-17733, Official Records, Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a plastic cap stamped "PRESTON TRAIL LAND SURVEYING RPLS 6585" (Hereinafter referred to as Capped Iron Rod) set for the northeast corner of said Royal Legacy Homes, LLC Tract, common to the northeast corner of said Lot 2, and common to the southeast corner of a tract of land described in the deed to Steven Sanchez, recorded in Volume 3875, Page 833, Official Records, Grayson County, Texas, and common to the southeast corner of Lot 1, in said Block 1, and on the westerly line of a called 20-foot alley, in said Block 1;

THENCE South 15°50'09" East, with the easterly line of said Royal Legacy Homes, LLC Tract, and with the easterly line of said Lot 2 part of the way, and with the easterly line of aforesaid Lot 3 part of the way, and with the easterly line of aforesaid Lot 4, and with the westerly line of said alley, a distance of 75.00 feet to a Capped Iron Rod set for the southeast corner of said Royal Legacy Homes, LLC Tract, and common to the southeast corner of said Lot 4, and on the northerly right-of-way line of King Street;

THENCE South 74°49'27" West, with the southerly line of said Royal Legacy Homes, LLC Tract, and with the southerly line of said Lot 4, and with the northerly right-of-way line of said King Street, a distance of 40.00 feet to a Capped Iron Rod set for the southwest corner of said Royal Legacy Homes, LLC Tract, common to the southeast corner of a tract of land described in the deed to Esteban Sanchez, recorded in Volume 2467, Page 206, said Official Records;

THENCE North 15°50'09" West, with the westerly line of said Royal Legacy Homes, LLC Tract, and with the easterly line of said Esteban Sanchez Tract, and crossing said Lot 4, and crossing aforesaid Lot 3, and crossing aforesaid Lot 1, a distance of 75.00 feet to a Capped Iron Rod set for the northwest corner of said Royal Legacy Homes, LLC Tract, common to the northeast corner of said Esteban Sanchez Tract, on the southerly line of aforesaid Steven Sanchez Tract, and on the southerly line of aforesaid Lot 1;

THENCE North 74°49'27" East, with the northerly line of said Royal Legacy Homes, LLC Tract, and with the northerly line of said Lot 2, and with the southerly line of said Steven Sanchez Tract, and with the southerly line of said Lot 1, a distance of 40.00 feet to the POINT OF BEGINNING and enclosing 0.069 of an acre (3,000 square feet) of land, more or less.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS

That **Royal Legacy Homes, LLC**, does hereby adopt this plat designating the hereinbefore described property as **607 EAST KING ADDITION**, an Addition to the City of Sherman, Grayson County, Texas, and does hereby dedicate to the public use forever all streets, rights-of-way, alleys and easements shown thereon. The City or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Sherman, Texas.

BY: Royal Legacy Homes, LLC

_____
Alexis Jaramillo, Manager

STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared **Alexis Jaramillo**, 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 considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20_____.

_____
Notary Public in and for the State of Texas

CITY COUNCIL CERTIFICATE OF ACCEPTANCE

Accepted by the City Council of the City of Sherman, Texas:

_____ _____ _____
Mayor, City of Sherman, Texas Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing plat of **607 EAST KING ADDITION,** to the City of Sherman 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 hereinabove subscribed.

Witness my hand this _____ day of _____, A.D. 20____.

_____
Clerk, City of Sherman, Texas

PLANNING AND ZONING COMMISSION CERTIFICATE OF ACCEPTANCE

Accepted this _____ day of _____, 20____, by the City Planning and Zoning Commission of the City of Sherman, Texas.

_____ _____
Chairman Secretary

AVIGATION RELEASE

STATE OF TEXAS §
COUNTY OF GRAYSON §

WHEREAS, **Royal Legacy Homes, 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 **607 EAST KING ADDITION**, an addition to the City of Sherman, Grayson County, Texas.

OWNERS 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 OWNERS 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 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 OWNERS does hereby fully remiss 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 noises, 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 **607 EAST KING ADDITION**, 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: Royal Legacy Homes, LLC

_____
Alexis Jaramillo, Manager

SURVEYORS CERTIFICATE

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground and that all monuments shown hereon actually actually exist and that their location, size, and material are correctly shown.

_____ _____
Chris R. Noah Date
Registered Professional Land Surveyor No. 6585

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

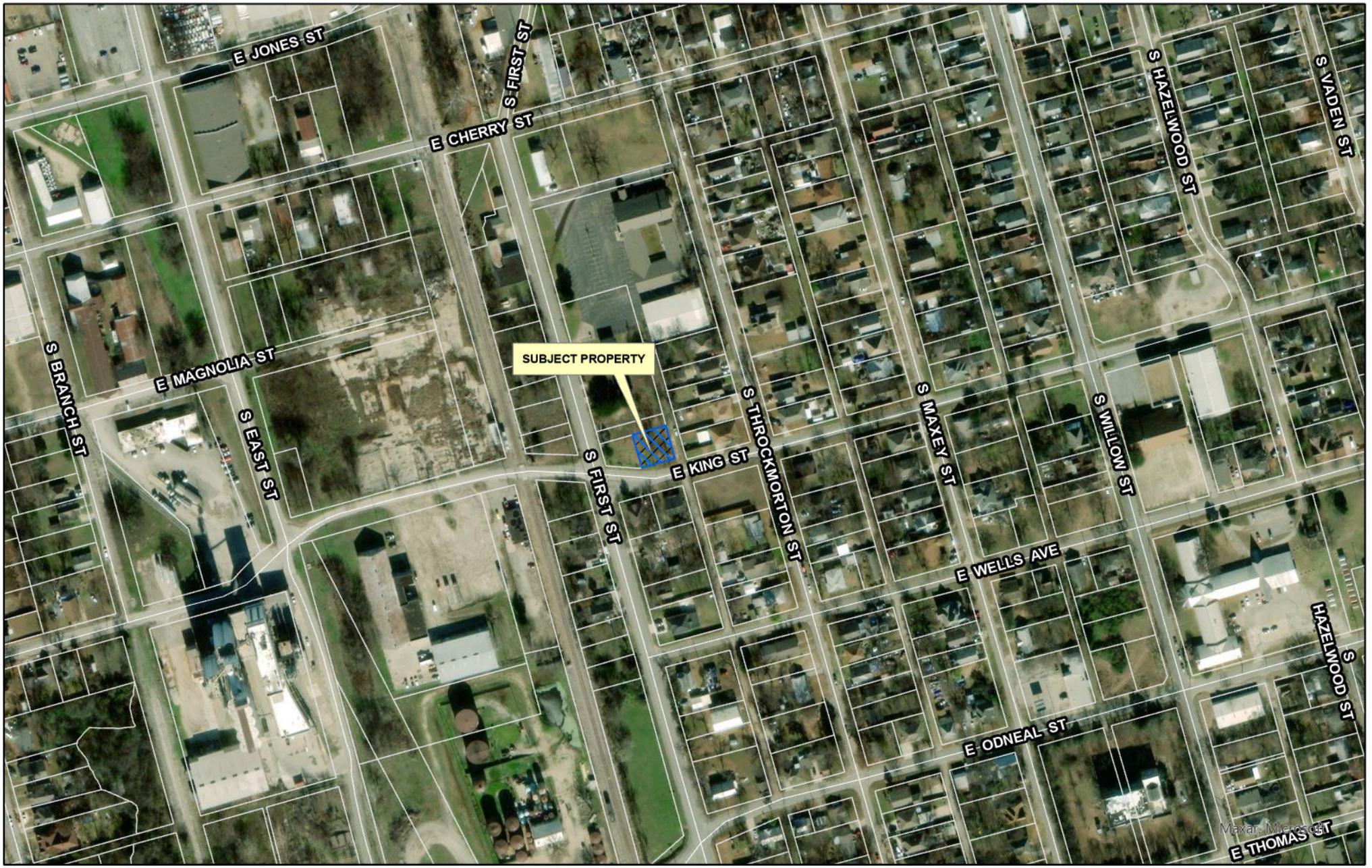
OWNER/DEVELOPER:
Alexis Jaramillo
Royal Legacy Homes, LLC
1019 East Lake Street
Sherman, TX 75090

SURVEYOR:
Chris Noah, RPLS 6585
Preston Trail Land Surveying LLC
787 W FM 996
Pottsboro, TX 75076
Ph: 903-786-6029

ONE LOT FINAL PLAT
607 EAST KING ADDITION
0.069 OF AN ACRE
GEORGE B. PILANT SURVEY, ABSTRACT NO. 963
City of Sherman
Grayson County, Texas

Preston Trail LAND SURVEYING
787 W FM 996
Pottsboro, TX 75076
www.prestontraillandsurveying.com
903-786-6029

TBPLS Firm No. 10194175	Drawn by: LGT Checked by: CRN	Scale: 1"=20' Date: 07/21/2023	Project No. 23-0329 Sheet No. 1 of 1



dlagrone H:\PLANNING\Public Notification KT.aprx

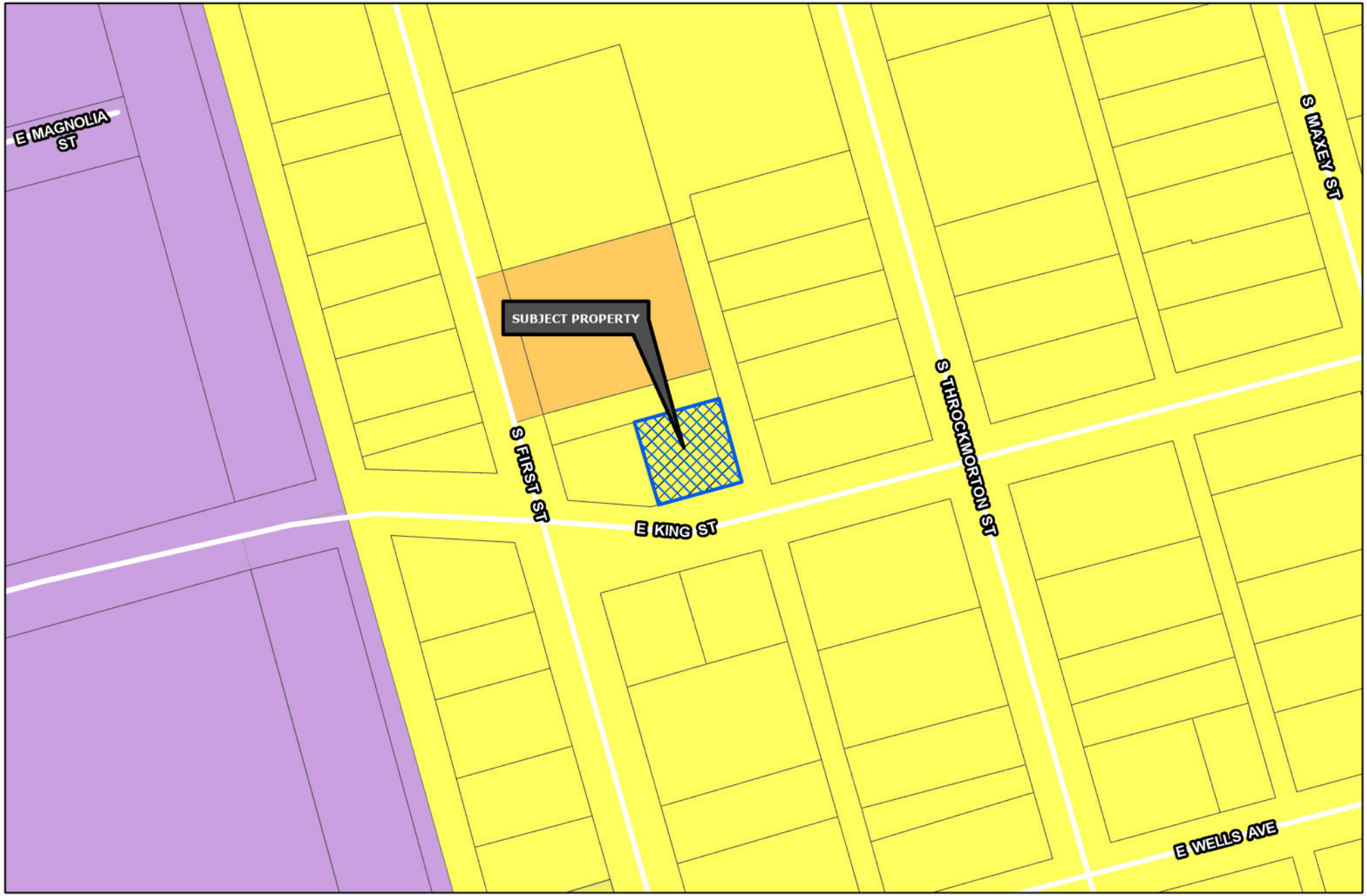
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
607 E KING ST

N
W E
S

Date: 8/11/2023 4:37 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations
- Road Names All

CITY OF SHERMAN ZONING MAP 607 E KING ST

N
W E
S

Date: 8/11/2023 4:38 PM

CORE NEIGHBORHOOD

Intent & Character

The Core Neighborhood category is intended to protect and enhance the existing residential areas of Sherman. This area is generally located in the center of the city, east and west of US-75. A majority of the Core Neighborhood category encompasses what is known as east Sherman. This category encourages infill development that maintains the existing character, while increasing the aesthetic appeal of the community. In certain areas, an increase in density can be appropriate through the development of single-family attached products, like townhomes or quad-plexes.

Appropriate Land Use Types

- Single-family detached
- Single-family attached
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Single-Family Residential (R-5, R-4, R-2F, and R-TH)
- Multi-Family Residential (MF-15 and MF-30)
- Manufactured Housing
- Retail Business
- Neighborhood Commercial

Considerations

- Infill that increases density should match the character of the surrounding structures.
- Small-scale commercial uses are appropriate along larger streets and should be compatible with the surrounding residential development.

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
607 E KING ST

N
W E
S

Date: 8/11/2023 4:42 PM

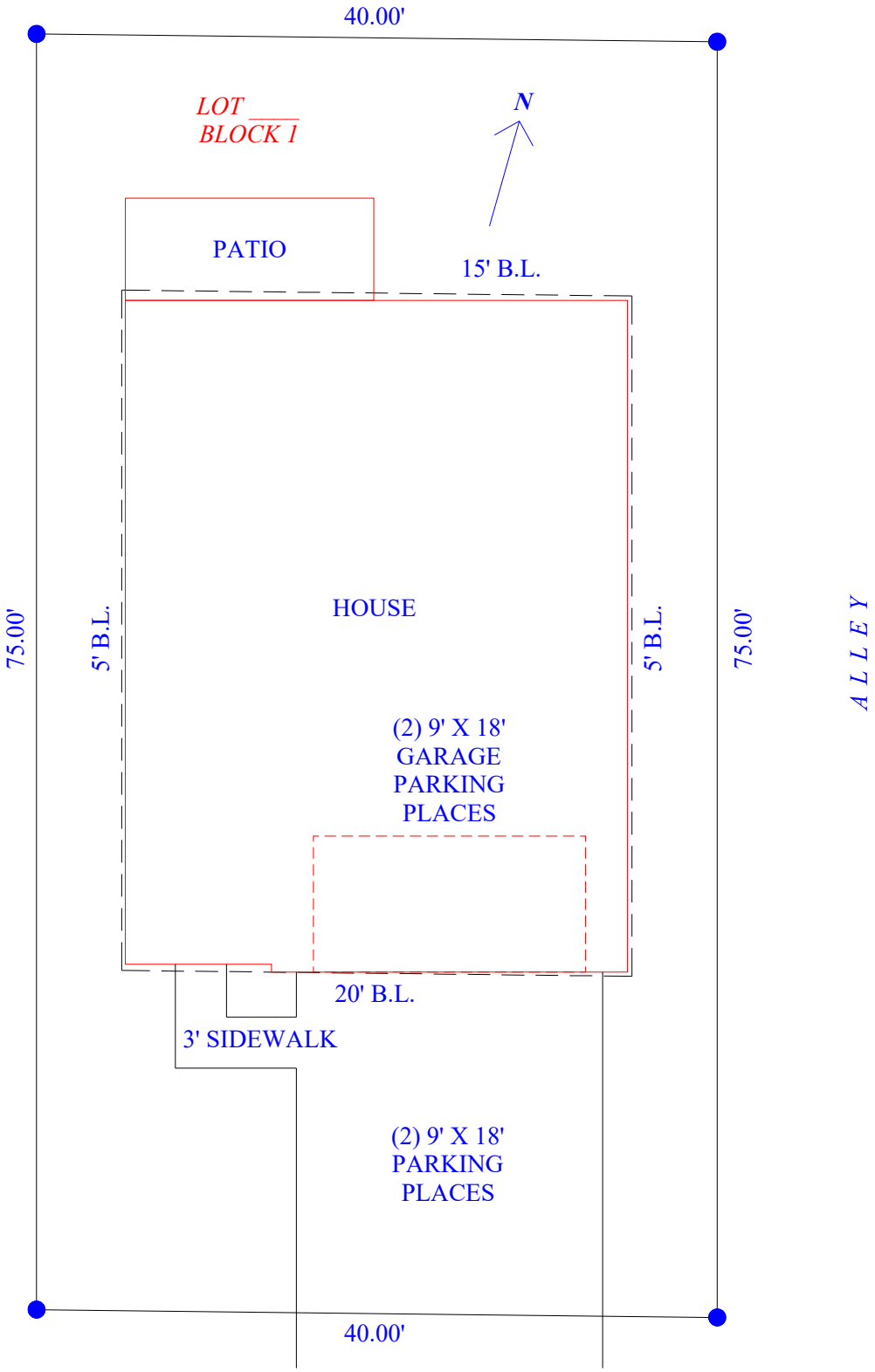
Sherman
CLASSIC TOWN. BROAD HORIZONS.

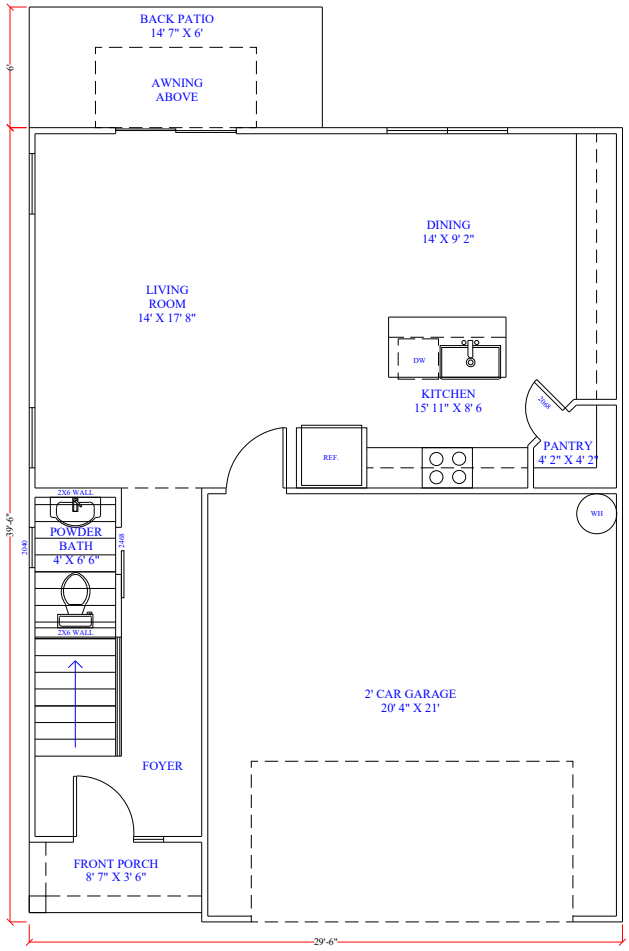
NOTICE OF PROPOSED ZONING CHANGE

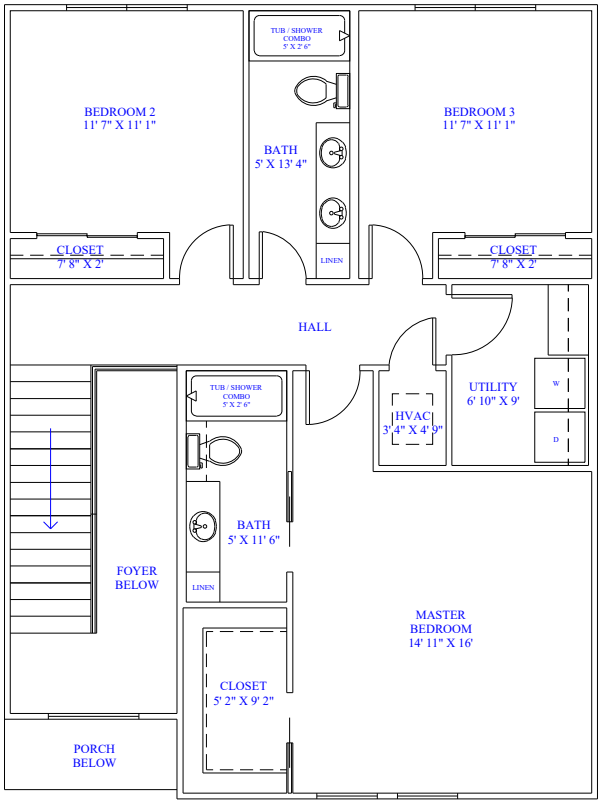
PROJECT #: 23-004415

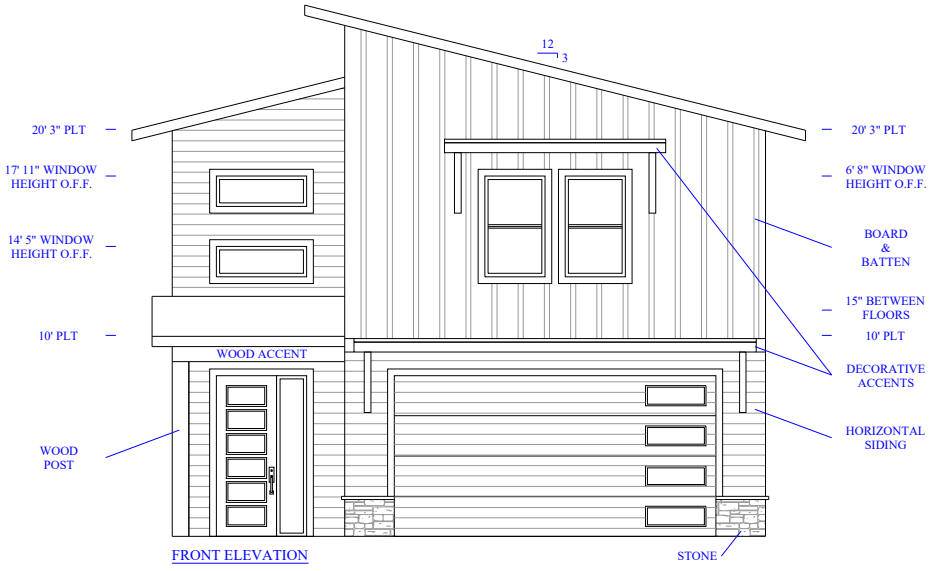
FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229

8/7/2023 at 2:50 P.M.


40.00'
LOT ____
BLOCK 1
N
PATIO
15' B.L.
HOUSE
75.00'
5' B.L.
5' B.L.
75.00'
A L L E Y
(2) 9' X 18'
GARAGE
PARKING
PLACES
20' B.L.
3' SIDEWALK
(2) 9' X 18'
PARKING
PLACES
40.00'
K I N G S T R E E T







FRONT ELEVATION

SQUARE FOOTAGE

DOWNSTAIRS: 691
UPSTAIRS: 981
TOTAL HEATED: 1672

FRONT PORCH: 30
BACK PATIO: 88
GARAGE: 440

TOTAL FOOTAGE: 2230

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

August 15, 2023

Sent via email

Preston Trail Land Surveying
Chris Noah
787 W FM 996
Pottsboro, TX 75076

Royal Legacy Homes, LLC
1019 E. Lake Street
Sherman, TX 75090

Dear Applicants,

The request of a Public Hearing and Variance under Section 14.02.008 to allow a 75' lot depth in lieu of the required 90' and a Variance to allow a 3000 square feet lot area in lieu of the required 4000 square feet in an R-4 (Patio Home Residential) District and a Public Hearing and Zone Change from R-6 (Single Family Residential) District to R-4 (Single Family Residential) District located at 607 East King Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, August 22, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). *(Code of Ordinances Chapter 3.02(c))*
3. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
4. 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.
5. 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 (Variance)

6. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*

It is the policy of the Planning and Zoning Commission and Board of Adjustment 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, contact Development Services by emailing planning@cityofsherman.com prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Dillon Stewart, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 16.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6656

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 0.944 acres, being in the Samuel Blagg Survey, Abstract No. 56 being part of Block "B" of Staples Addition, City of Sherman, Grayson County, Texas, Located at 1604 South Travis Street, Heretofore Zoned an C-1 (Retail Business) District and R-6 (Single Family Residential) District; Rezoning and Placing the Tract in the R-TH (Townhome Residential) District Classification, (David Ashley, Owner); Luis Moran, Representative; 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 David Ashley, Owner; Luis Moran, Representative; and Helvey-Wagner Surveying, Inc., Surveyor concerning the property located at 1604 South Travis Street, consisting of 0.944 acres, being in the Samuel Blagg Survey, Abstract No. 56 being part of Block "B" of Staples Addition, City of Sherman, Grayson County, Texas, Heretofore Zoned an C-1 (Retail Business) District and R-6 (Single Family Residential) District; Rezoning and Placing the Tract in the R-TH (Townhome Residential) District Classification

Background:

The property is located at 1604 South Travis Street at the corner of West Staples Street and South Travis Street. The owner is requesting a Zone Change from C-1 (Retail Business) District and R-6 (Single Family Residential) District to R-TH (Townhome Residential) District.

The following has been approved for this location:

- November 11, 1986 - Specific Use Permit to allow a rehabilitation center with dormitory facilities in an R-1 (One Family Residential) District

Origination:

David Ashley (Owner)
Luis Moran (Representative)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 4/2 to recommend to the City Council that the Zone Change be approved subject to the Staff Review Letter. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6656
Exhibit A - Survey
Location Map
Zoning Map
FLUM
Zoning Sign Photo
Narrative
STAFF REVIEW LETTER

ORDINANCE NO. 6656

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, TO REZONE A TRACT OF LAND, CONSISTING OF 0.944 ACRES, BEING IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56 BEING PART OF BLOCK "B" OF STAPLES ADDITION, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, LOCATED AT 1604 SOUTH TRAVIS STREET, HERETOFORE ZONED AN C-1 (RETAIL BUSINESS) DISTRICT AND R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT; REZONING AND PLACING THE TRACT IN THE R-TH (TOWNHOME RESIDENTIAL) DISTRICT CLASSIFICATION, (DAVID ASHLEY, OWNER); LUIS MORAN, REPRESENTATIVE; 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; 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 and Legal Description**, attached hereto, located at 1604 South Travis Street, and all streets, roads and alleyways contiguous and/or adjacent thereto, shall be rezoned and placed in the R-TH (Townhome Residential) District, and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, 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 Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

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 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 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

EFFECTIVE DATE on this the 18th day of September 2023.

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.

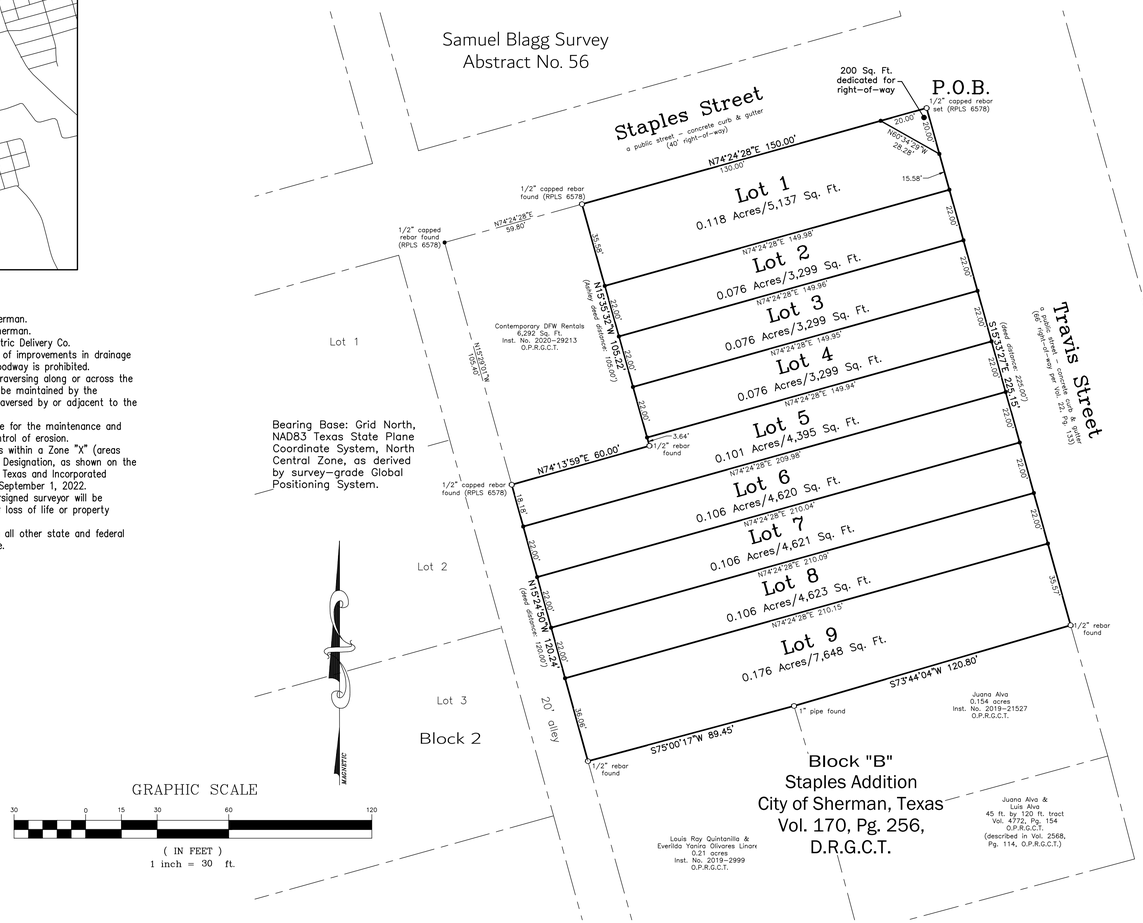
BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT A

Vicinity Map
(not to scale)

General Notes:

1. Water Supply to be provided by City of Sherman.
2. Sewer service to be provided by City of Sherman.
3. Electrical service is provided by Oncor Electric Delivery Co.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway 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. 48181C0405 G, Revised Date: September 1, 2022.
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.



LEGAL DESCRIPTION

SITUATED in the City of Sherman, State of Texas, being a part of the Samuel Blagg Survey, Abstract No. 56, being a part of Block "B" of Staples Addition to the City of Sherman, Texas, as per plat of record in Vol. 170, Pg. 256, Deed Records, Grayson County, Texas, and being the same 0.940 acres conveyed by Warranty Deed with Vendor's Lien from The Crisis Center, Inc. to David Ashley on October 22, 2004, as recorded in Vol. 3753, Pg. 425, 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 set (RPLS 6578) lying at the intersection of the South right–of–way line of Staples Street, a public street, with the West right–of–way line of Travis Street, a public street, being the Northeast corner of both said Block "B" and Ashley 0.940 ac.;

THENCE South 15 deg. 33 min. 27 sec. East, with the West line of said Travis Street and the East line of said Ashley 0.940 ac., a distance of 225.15 ft. to a 1/2 inch rebar found at the Northeast corner of 0.154 acre tract conveyed to Juana Alva, as recorded in Inst. No. 2019–21527, said Official Public Records and being the Southeast corner of said Ashley 0.940 ac.;

THENCE South 73 deg. 44 min. 04 sec. West, with the North line of said Alva 0.154 ac., a distance of 120.80 ft. to a 1–inch pipe found at the Northwest corner of said Alva 0.154 ac., and being the Northeast corner of 0.21 acres conveyed to Louis Ray Quintanilla and Everilda Yanira Olivares Linares, as recorded in Inst. No. 2019–2999, said Official Public Records;

THENCE South 75 deg. 00 min. 17 sec. West, with the North line of said Quintanilla & Linares 0.21 ac., a distance of 89.45 ft. to a 1/2 inch rebar found in the East line of a 20 ft. platted alley and being the Northwest corner of said Quintanilla & Linares 0.21 ac and the Southwest corner of said Ashley 0.940 ac.;

THENCE North 15 deg. 24 min. 50 sec. West, with the East line of said 20 ft. alley and the West line of said Block B, a distance of 120.24 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the Southwest corner of the 6,292 sq. ft. tract conveyed to Contemporary DFW Rentals, as recorded in Inst. No. 2020–29213, said Official Public Records and being the most Westerly Northwest corner of said Ashley 0.940 ac.;

THENCE North 74 deg. 13 min. 59 sec. East, with the South line of said Contemporary DFW Rentals tract, a distance of 60.00 ft. to a 1/2 inch rebar found at the Southeast corner of said Contemporary DFW Rentals tract and being an Ell corner of said Ashley 0.940 ac.;

THENCE North 15 deg. 35 min. 32 sec. West, with the East line of said Contemporary DFW Rentals tract, a distance of 105.22 ft. to a 1/2 inch capped rebar found (RPSL 6578) lying in the South line of said Staples Street, at the Northeast corner of said Contemporary DFW Rentals tract and being the most Northerly Northwest corner of said Ashley 0.940 ac.;

THENCE North 74 deg. 24 min. 28 sec. East, with the South line of said Staples Street and the North line of both said Block B and Ashley 0.940 ac.,, a distance of 150.00 ft. to the **PLACE OF BEGINNING** and containing **0.944 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:

STATE OF TEXAS
REGISTERED
KATE A. WAGNER
6578
PROFESSIONAL
LAND SURVEYOR

Job No. CGS420723

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

Owner:
David Ashley
12609 Montfort Drive
Dallas, Texas 75230

P:\Land Projects R2\1604–S–Travis–Street–Sherman\Civil 3D\1604 S.Travis Street.dwg 8/1/2023 8:51 AM

KNOW ALL MEN BY THESE PRESENTS:

I, David Ashley, sole owner of Colonial Virginia 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.

_____
David Ashley

AVIGATION RELEASE

WHEREAS, David Ashley, 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 Colonial Virginia Addition, 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 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 remiss 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 noises, 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 Colonial Virginia Addition, 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 _____, 2023.

By:_____

By: David Ashley, Owner

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared David Ashley, 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 _____, 2023.

_____
Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN. BROAD HORIZON.

This, the final plat of Colonial Virginia Addition to the City of Sherman, Texas is hereby approved this _____ day of _____, 2023, by the Planning and Zoning Commission of the City of Sherman, Texas.

_____ _____
Chairman Secretary

This, the final plat of Colonial Virginia Addition to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2023, by the City Council of the City of Sherman, Texas.

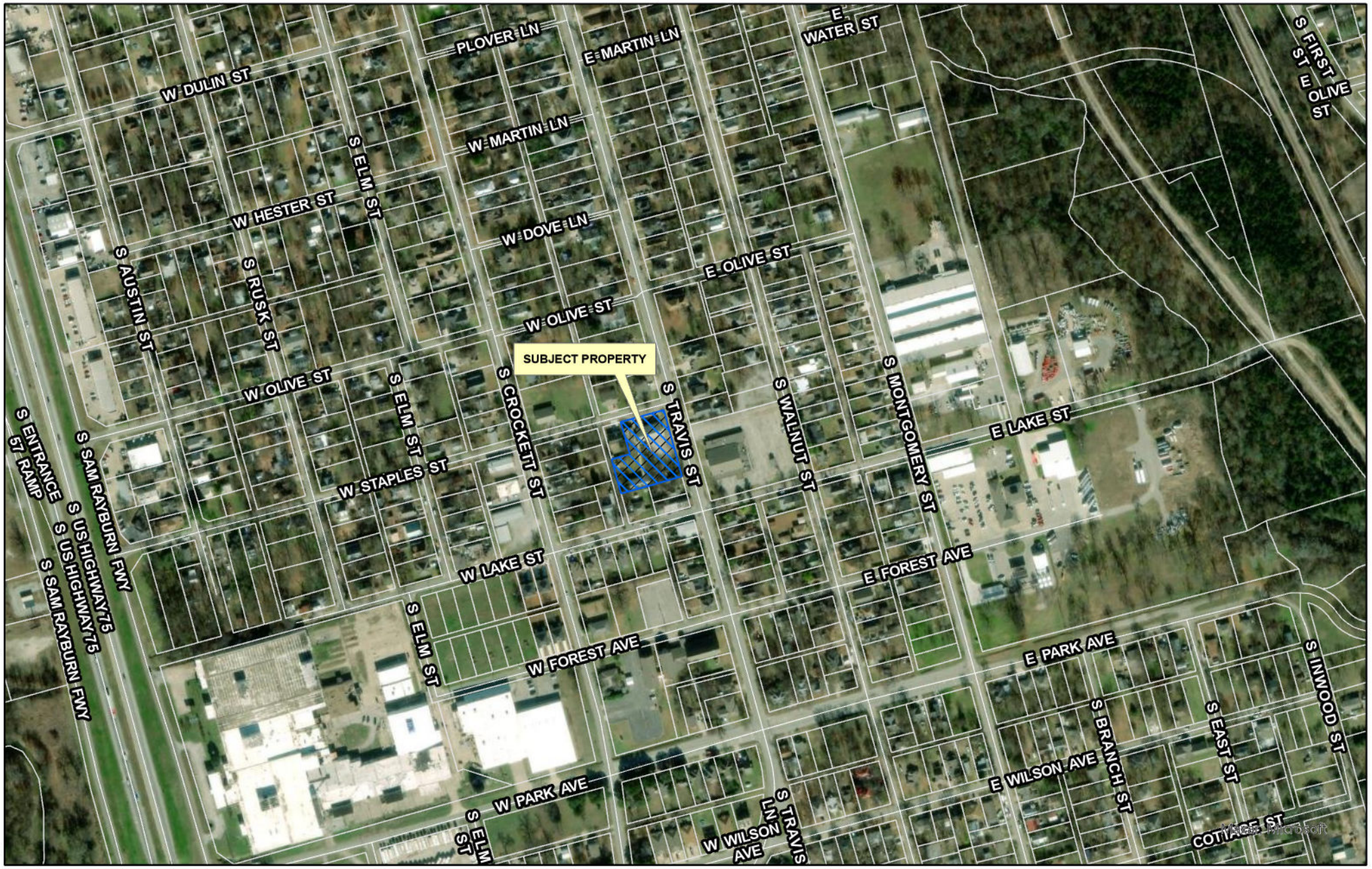
ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: _____
MAYOR, CITY OF SHERMAN, TEXAS DATE

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing final plat of Colonial Virginia Addition to the City of Sherman, Texas, was submitted to the City Council of Sherman, Texas, on the _____ day of _____, 2023, 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 _____, 2023, BY _____
CITY CLERK, CITY OF SHERMAN, TEXAS

Replat
Lots 1 thru 9, Block A
Colonial Virginia Addition
Being a Replat of part of Block B, Staples Addition
to the
City of Sherman
Grayson County, Texas
0.944 Acres
in the
Samuel Blagg Survey
Abstract No. 56

Date of Preparation: July 25, 2023



dlagrone H:\PLANNING\Public Notification KT.aprx

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
1604 S TRAVIS ST

N
W E
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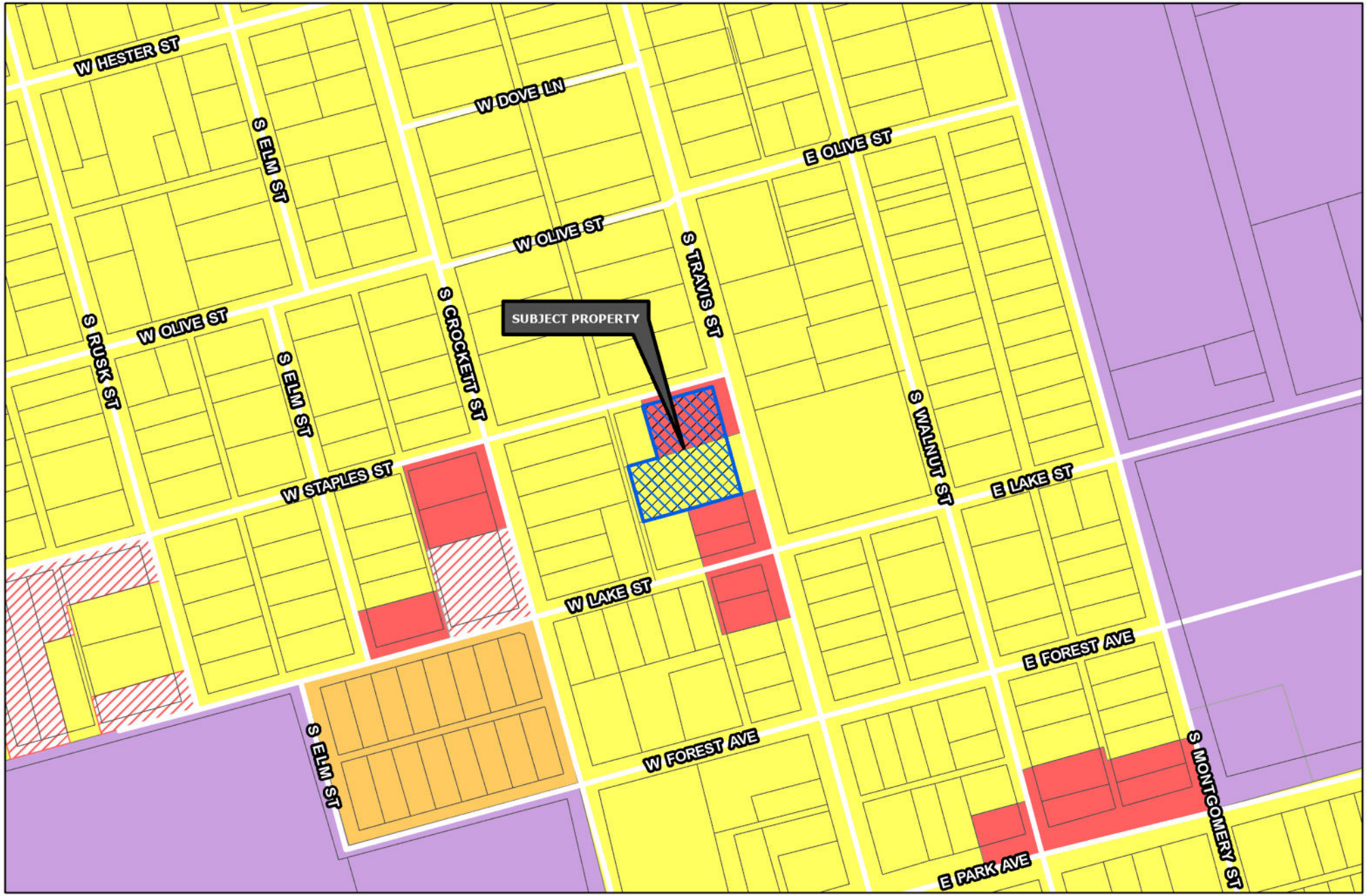
Date: 8/11/2023 4:44 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations

Road Names All

CITY OF SHERMAN
ZONING MAP
1604 S TRAVIS ST

N
W E
S

Date: 8/15/2023 10:27 AM

CORE NEIGHBORHOOD

Intent & Character

The Core Neighborhood category is intended to protect and enhance the existing residential areas of Sherman. This area is generally located in the center of the city, east and west of US-75. A majority of the Core Neighborhood category encompasses what is known as east Sherman. This category encourages infill development that maintains the existing character, while increasing the aesthetic appeal of the community. In certain areas, an increase in density can be appropriate through the development of single-family attached products, like townhomes or quad-plexes.

Appropriate Land Use Types

- Single-family detached
- Single-family attached
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Single-Family Residential (R-5, R-4, R-2F, and R-TH)
- Multi-Family Residential (MF-15 and MF-30)
- Manufactured Housing
- Retail Business
- Neighborhood Commercial

Considerations

- Infill that increases density should match the character of the surrounding structures.
- Small-scale commercial uses are appropriate along larger streets and should be compatible with the surrounding residential development.

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
1604 S TRAVIS ST

N
W E
S

Date: 8/15/2023 10:28 AM

Shaman
NOTICE OF
PROPOSED ZONING
CHANGE
PROJECT # 23-004445
8/8/2023 at 12:54 P.M.

Sherman
NOTICE OF
PROPOSED ZONING
CHANGE
PROJECT #: 23-004445
FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229
8/8/2023 at 12:54 P.M.

Project Narrative for:

Colonial Virginia Addition to the City of Sherman, Texas

The proposed use of this property is for residential single-family townhomes, all fronting Travis Street and rear garages. We are proposing to rezone to R-TH zoning district (Residential Townhomes) at the same time as the replat request.

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

August 15, 2023

Sent via email

Luis Moran
910 S. Travis Street
Sherman, TX 75090

Helvey-Wagner Surveying, Inc
222 W. Main St.
Denison, TX 75020

David Ashley
12609 Montfort Drive
Dallas, TX 75230

Dear Applicants,

The request of a Public Hearing and Zoning Text Amendment to add regulations to Chapter 14, Zoning Ordinance, Section 14.02.010 R-TH (Townhome Residential) District to allow 22' wide lots for Townhomes with Rear Loaded Garages in a R-TH (Townhome Residential) District and a Public Hearing and Zone Change from C-1 (Retail Business) District and R-6 (Single Family Residential) District to R-TH (Townhome Residential) District located at 1604 South Travis Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, August 22, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). *(Code of Ordinances Chapter 3.02(c))*
3. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004)*
4. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
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 the Planning and Zoning Commission and Board of Adjustment 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, contact Development Services by emailing planning@cityofsherman.com prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Dillon Stewart, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 17.**

Meeting Date: 09/18/2023

Prepared By: Lauren Marlow, Development Services Coordinator

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6657

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 2.863 acres, being in the Preston Kitchen Survey, Abstract No. 667, City of Sherman, Grayson County, Texas, Located at 2813 South Travis Street, Heretofore Zoned an C-2 (General Commercial) District; Rezoning and Placing the Tract in the MF-15 (Multi Family Residential) District Classification, (J & E Casas Homes, LLC, Series A, Owner; Jose Martinez, Representatives; and Underwood Drafting & Surveying, 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 J & E Casas Homes, LLC, Series A, Owner; Jose Martinez, Representatives; and Underwood Drafting & Surveying, Surveyor concerning the property located at 2813 South Travis Street, consisting of 2.863 acres, being in the Preston Kitchen Survey, Abstract No. 667, City of Sherman, Grayson County, Texas, Heretofore Zoned an C-2 (General Commercial) District; Rezoning and Placing the Tract in the MF-15 (Multi Family Residential) District Classification

Background:

The property is located at 2813 South Travis Street between Arkansas Street and South Travis Street. The owner is requesting a Zone Change from an C-2 (General Commercial) District to MF-15 (Multi Family Residential) District.

In March, 2023, it came to the attention of city staff that this property was being operated as a multi-family apartment complex. The property had a certificate of occupancy to operate a motel. Staff sent a violation letter to the property owner on March 27th, 2023 to inform them of the violation and to come into compliance with the violations. The property owner indicated that they would like to come into compliance by allowing for multi-family operations. Staff gave the property owner a deadline of 6/22/2023 to get an application in to request a zone change. The applicant failed to meet that deadline and staff issued a citation for the violation on July 11, 2023. A court hearing occurred on 8/15/2023 in municipal court in which the judge determined the property owner to be guilty in the violation of the city code of ordinances regarding operating a business without an appropriate certificate of occupancy and was ordered to pay a fine of $1,076.

The following has been approved for this location:

- August 11, 1987 - Temporary Use Permit to allow a mobile home to be used for a residence in a C-2 (General Commercial) District for a 1 year period
- July 19, 2022 - Final Plat approval of USOW Sherman Addition.

Origination:

J & E Casas Homes, LLC, Series A (Owner)
Jose Martinez (Representatives)
Underwood Drafting & Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Zone Change be approved subject to the Staff Review Letter. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6657
Exhibit A - Survey
Location Map
Zoning Map
FLUM
Zoning Sign Photo
Narrative
STAFF REVIEW LETTER

ORDINANCE NO. 6657

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, TO REZONE A TRACT OF LAND, CONSISTING OF 2.863 ACRES, BEING IN THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, LOCATED AT 2813 SOUTH TRAVIS STREET, HERETOFORE ZONED AN C-2 (GENERAL COMMERCIAL) DISTRICT; REZONING AND PLACING THE TRACT IN THE MF-15 (MULTI FAMILY RESIDENTIAL) DISTRICT CLASSIFICATION, (J & E CASAS HOMES, LLC, SERIES A, OWNER; JOSE MARTINEZ, REPRESENTATIVES; AND UNDERWOOD DRAFTING & SURVEYING, SURVEYOR); PROVIDING FOR 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 and Legal Description**, attached hereto, located at 2813 South Travis Street, and all streets, roads and alleyways contiguous and/or adjacent thereto, shall be rezoned and placed in the MF-15 (Multi Family Residential) District, and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, 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 Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

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 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 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

EFFECTIVE DATE on this the 18th day of September 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

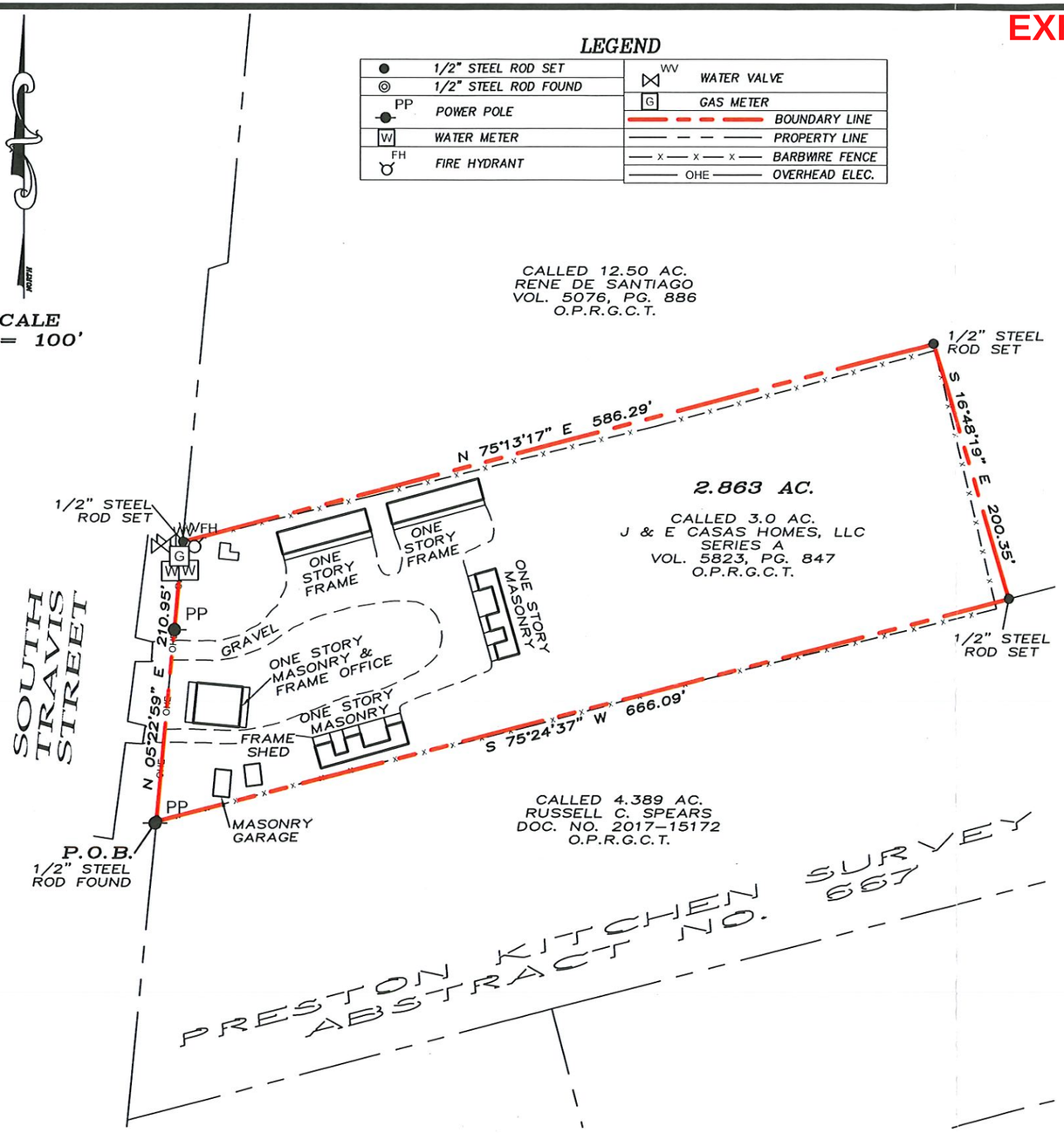
BY: _____
LINDA ASHBY, CITY CLERK

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

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT A

JOB NO. 23040435
FW: LR – DFT: BH



LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being a part of Preston Kitchen Survey, Abstract No. 667, and being a retracement survey of a called 3.0 acre tract of land described in the deed to J & E Casas Homes, LLC, Series A, recorded in Volume 5823, Page 847, Official Grayson County, Texas, and being described by metes and bounds as follows:

Beginning at a 1/2" steel rod found for the southwest corner of said 3.0 acre tract, common to the northwest corner of a called 4.389 acre tract of land described in the deed to Russell C. Spears, recorded in Document No. 2017–15172, said Official Public Records, and on the easterly right–of–way line of South Travis Street;

Thence North 05°22'59" East, with the westerly line of said 3.0 acre tract, and with the easterly right–of–way line of said South Travis Street, a distance of 210.95 feet to a 1/2" steel rod set for the northwest corner of said 3.0 acre tract, common to the western–most southwest corner of a called 12.50 acre tract of land described in the deed to Rene De Santiago, recorded in Volume 5076, Page 886, said Official Public Records;

Thence North 75°13'17" East, with the northerly line of said 3.0 acre tract, and with a southerly line of said 12.50 acre tract, a distance of 586.29 feet to a 1/2" steel rod set for the northeast corner of said 3.0 acre tract;

Thence South 16°48'19" East, with the easterly line of said 3.0 acre tract, and with a westerly line of said 12.50 acre tract, a distance of 200.35 feet to a 1/2" steel rod set for the southeast corner of said 3.0 acre tract, common to the southern–most southwest corner of said 12.50 acre tract, and on the northerly line of aforesaid 4.389 acre tract;

Thence South 75°24'37" West, with the southerly line of said 3.0 acre tract, and with the northerly line of said 4.389 acre tract, a distance of 666.09 feet to the Point of Beginning and containing 2.863 acres of land, more or less.

I, Douglas W. Underwood, Registered Professional Land Surveyor, hereby certify that a survey was made on the ground on the property legally described herein, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

STATE OF TEXAS
REGISTERED
DOUGLAS W. UNDERWOOD
4709
PROFESSIONAL
LAND SURVEYOR

Douglas W. Underwood
Registered Professional
Land Surveyor No. 4709
Firm No. 10006300
DATE OF SURVEY: 05/02/23

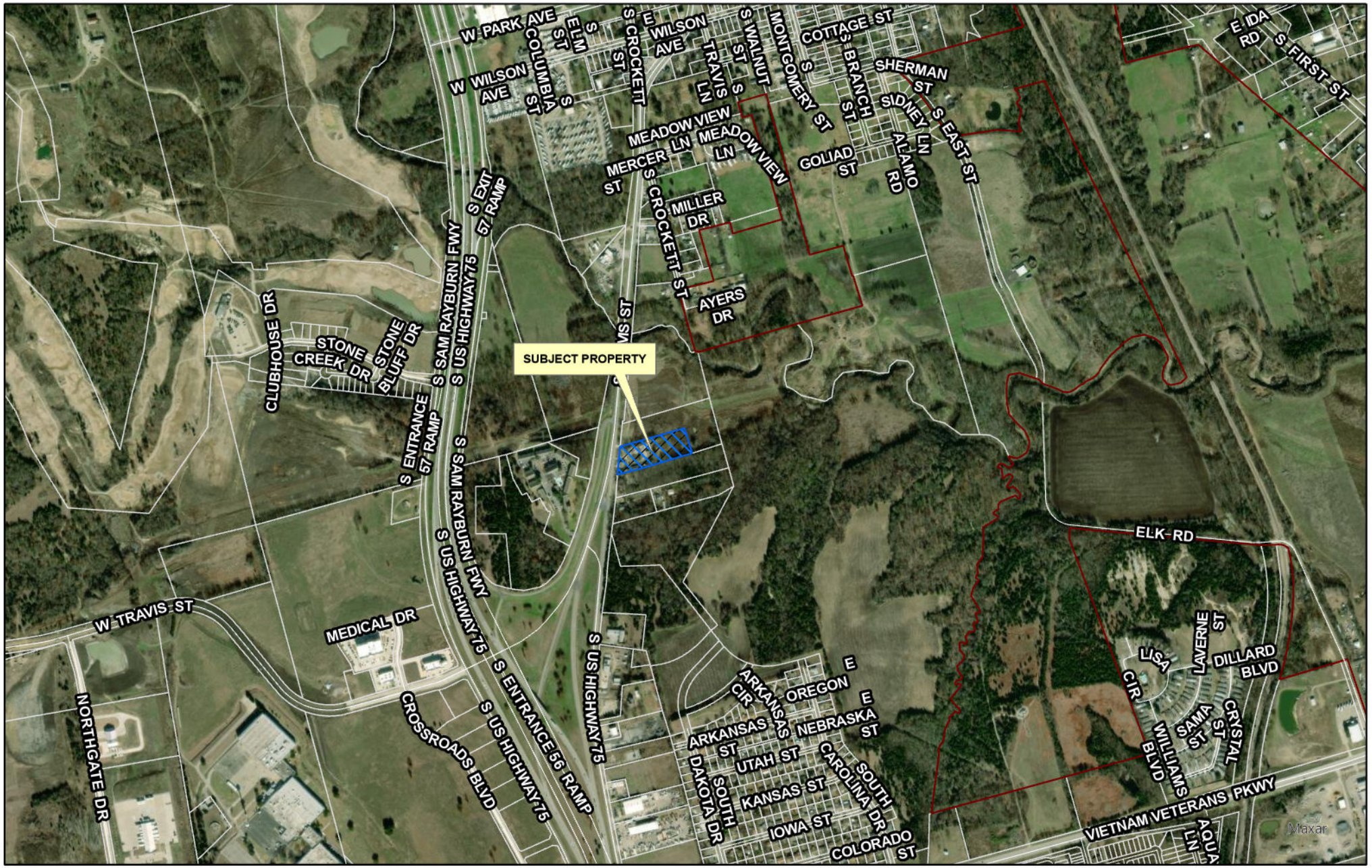
This survey contains information that is proprietary to Underwood Drafting & Surveying, Inc. Its use or disclosure in whole or part without the express written permission of Underwood Drafting & Surveying, Inc. is prohibited.

This survey is also unpublished work protected under the copyright laws of the United States of America. If this work becomes published, the following notice shall apply:

Copyright ©2023
Underwood Drafting & Surveying, Inc.
All rights reserved.

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE

UNDERWOOD
DRAFTING & SURVEYING
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465–2151



dlagrone H:\PLANNING\Public Notification KT.aprx

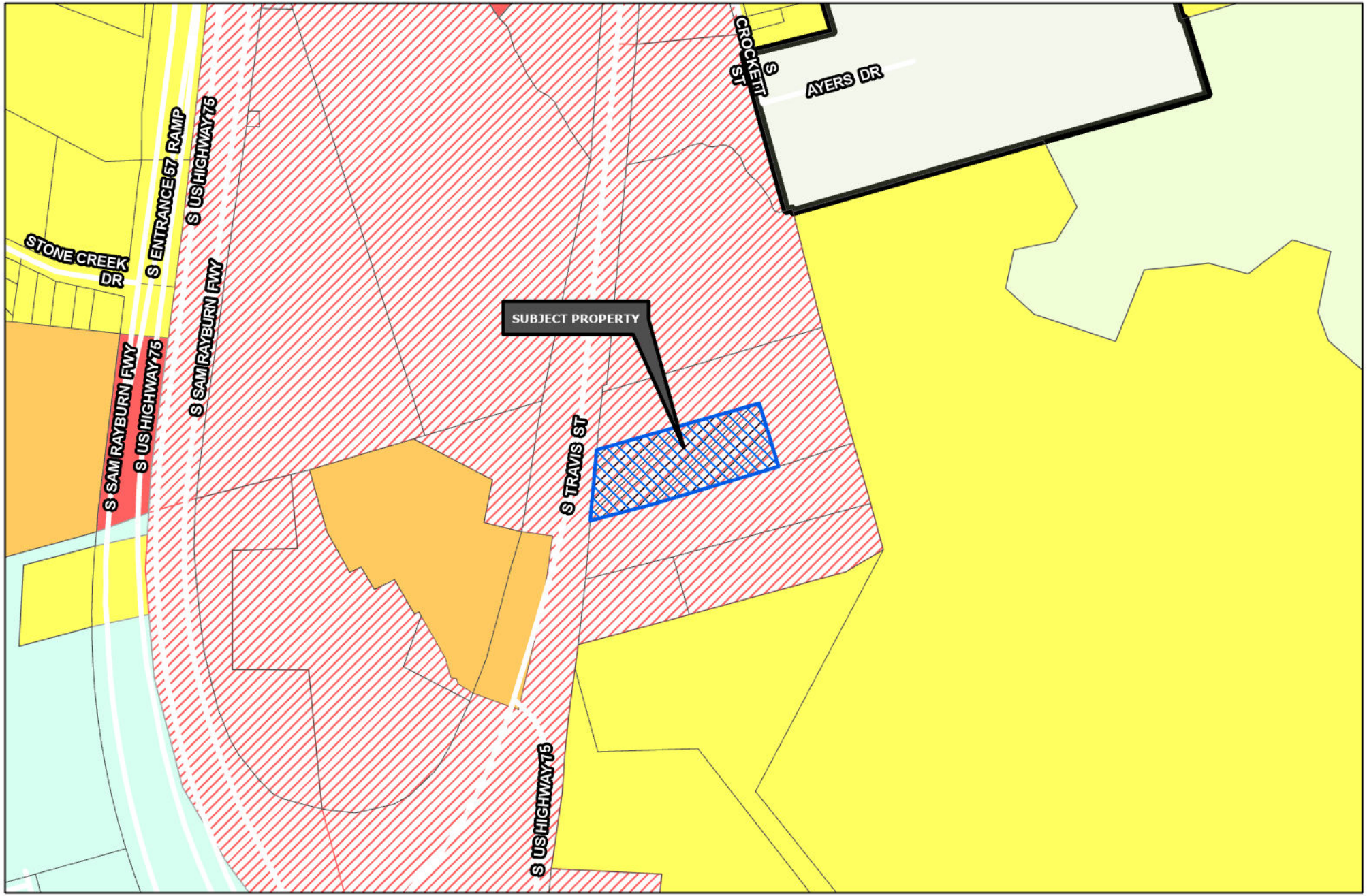
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
2813 S TRAVIS ST

N
W E
S

Date: 8/15/2023 10:28 AM



Sherman
CLASSIC TOWN. BROAD HORIZON.

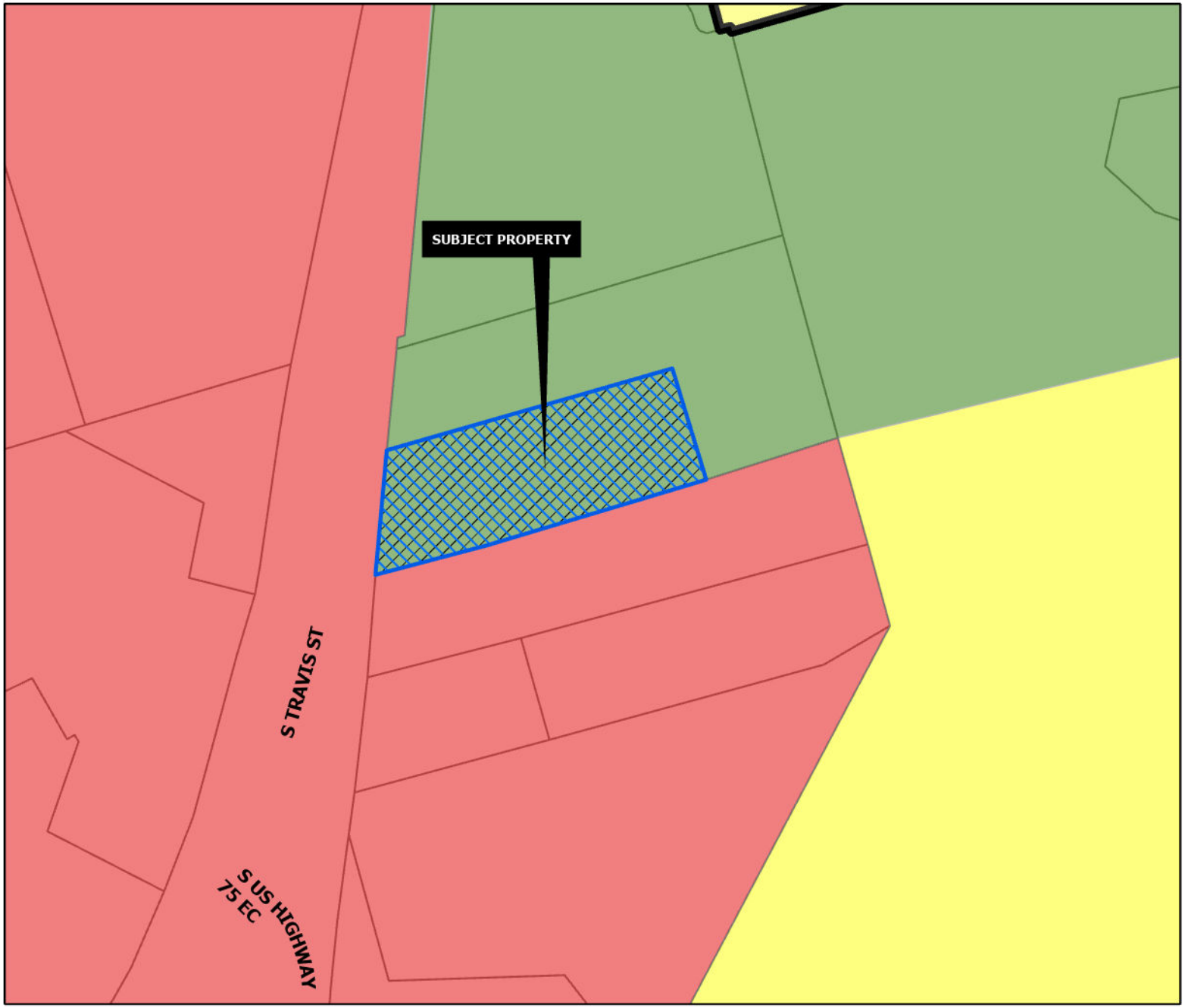
Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations
- Road Names All

CITY OF SHERMAN ZONING MAP 2813 S TRAVIS ST

N
W E
S

Date: 8/15/2023 10:32 AM



FLOODPLAIN & OPEN SPACE

Intent & Character

The Floodplain & Open Space category is intended to preserve areas to handle stormwater and provide open space corridors for passive trail and recreation activities. These areas are not suitable for land development projects and buildings but may become future parkland managed by the City. These green corridors help protect the community from flood hazards and property damage and offer opportunity for trees, trails, and community connection. It should be noted that floodplains and floodways are regularly adjusted and reevaluated so the boundaries depicted for this land use category on the map should subsequently be interpreted as fluid.

Appropriate Land Use Types

- Parks
- Trails
- Open Space

Compatible Zoning Districts

- All zoning districts

Considerations

- These areas should be located throughout the community and incorporated into new developments.
- There are opportunities for trails, trailheads, and stream crossings throughout floodplain corridors that should be constructed or funded in coordination with adjacent development projects.

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
2813 S TRAVIS ST

N
W E
S

Date: 8/15/2023 10:35 AM

Sherman
NOTICE OF PROPOSED ZONING CHANGE
PROJECT #: 23-004450
FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229

7/24/23

TO: Department of blg Inspection

FROM: Jose' P. Martinez and
Elba Nury Martinez
owners of the OK INN MOTEL & APTS.

REF: 3 acre track at 2813 S. Travis

This letter is to let you know that the following changes are going to be requested and done

1) The owners of the OK Inn Motel and Apts. are requesting and informing that the blg

A) The property is going to be used as an Apt. building.

B) No longer will be used as Motel

c) An Electrical inspection was done and all Electrical was in order

d) Building inspection was completed and all doors have access free

Jose' P. Martinez

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

August 15, 2023

Sent via email

Jose Martinez
721 Westwood Drive
Sherman, TX 75092

J&E Casas Homes, LLC, Series A
721 Westwood Street
Sherman, TX 75092

Dear Applicants,

The request of a Public Hearing and Zone Change from C-2 (General Commercial) District to MF-15 (Multi Family Residential) District located at 2813 South Travis Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, August 22, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). *(Code of Ordinances Chapter 3.02(c))*
3. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004)*
4. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07)*
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 the Planning and Zoning Commission and Board of Adjustment 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, contact Development Services by emailing planning@cityofsherman.com prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Dillon Stewart, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 18.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6658

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 0.165 acres, being in the George B. Pilant Survey, Abstract 963, being a Replat of Lots 1 and 2, in Block 18, W. Elliott's Addition, City of Sherman, Grayson County, Texas, Located at 901 South Throckmorton Street, Heretofore Zoned R-6 (Single-Family Residential) District; Rezoning and Placing the Tract in the R-5 (Single-Family Residential) District Zoning Classification, (Roberto and Nancy Garcia, Owner; Chris Noah, Representative; and Preston Trail Land Surveying, 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 Roberto and Nancy Garcia, Owner; Chris Noah, Representative; and Preston Trail Land Surveying, Surveyor, concerning the property located at 901 South Throckmorton Street, consisting of 0.165 acres, being in the George B. Pilant Survey, Abstract 963, being a Replat of Lots 1 and 2, in Block 18, W. Elliott's Addition, City of Sherman, Grayson County, Texas, Heretofore Zoned R-6 (Single-Family Residential) District; Rezoning and Placing the Tract in the R-5 (Single-Family Residential) District Zoning Classification

Background:

The property is located at 901 South Throckmorton Street at the corner of East Thomas Street and South Throckmorton Street. The owner is requesting to plat the property into one lot for residential development and a Zone Change from a R-6 (Single-Family Residential) District to R-5 (Single-Family Residential) District.

Origination:

Roberto and Nancy Garcia (Owner)
Chris Noah (Representative)
Preston Trail Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Zone Change be approved subject to the Staff Review Letter. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6658
Exhibit A - Survey
Location Map
Zoning Map
FLUM
Zoning Sign Photo
STAFF REVIEW LETTER

ORDINANCE NO. 6658

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, TO REZONE A TRACT OF LAND, CONSISTING OF 0.165 ACRES, BEING IN THE GEORGE B. PILANT SURVEY, ABSTRACT 963, BEING A REPLAT OF LOTS 1 AND 2, IN BLOCK 18, W. ELLIOTT'S ADDITION, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, LOCATED AT 901 SOUTH THROCKMORTON STREET, HERETOFORE ZONED R-6 (SINGLE-FAMILY RESIDENTIAL) DISTRICT; REZONING AND PLACING THE TRACT IN THE R-5 (SINGLE-FAMILY RESIDENTIAL) DISTRICT ZONING CLASSIFICATION, (ROBERTO AND NANCY GARCIA, OWNER; CHRIS NOAH, REPRESENTATIVE; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR); PROVIDING FOR 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 and Legal Description**, attached hereto, located at 901 South Throckmorton Street, and all streets, roads and alleyways contiguous and/or adjacent thereto, shall be rezoned and placed in the R-5 (Single-Family Residential) District, and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, 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 Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

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 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 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

EFFECTIVE DATE on this the 18th day of September 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

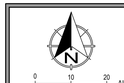
ATTEST:

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

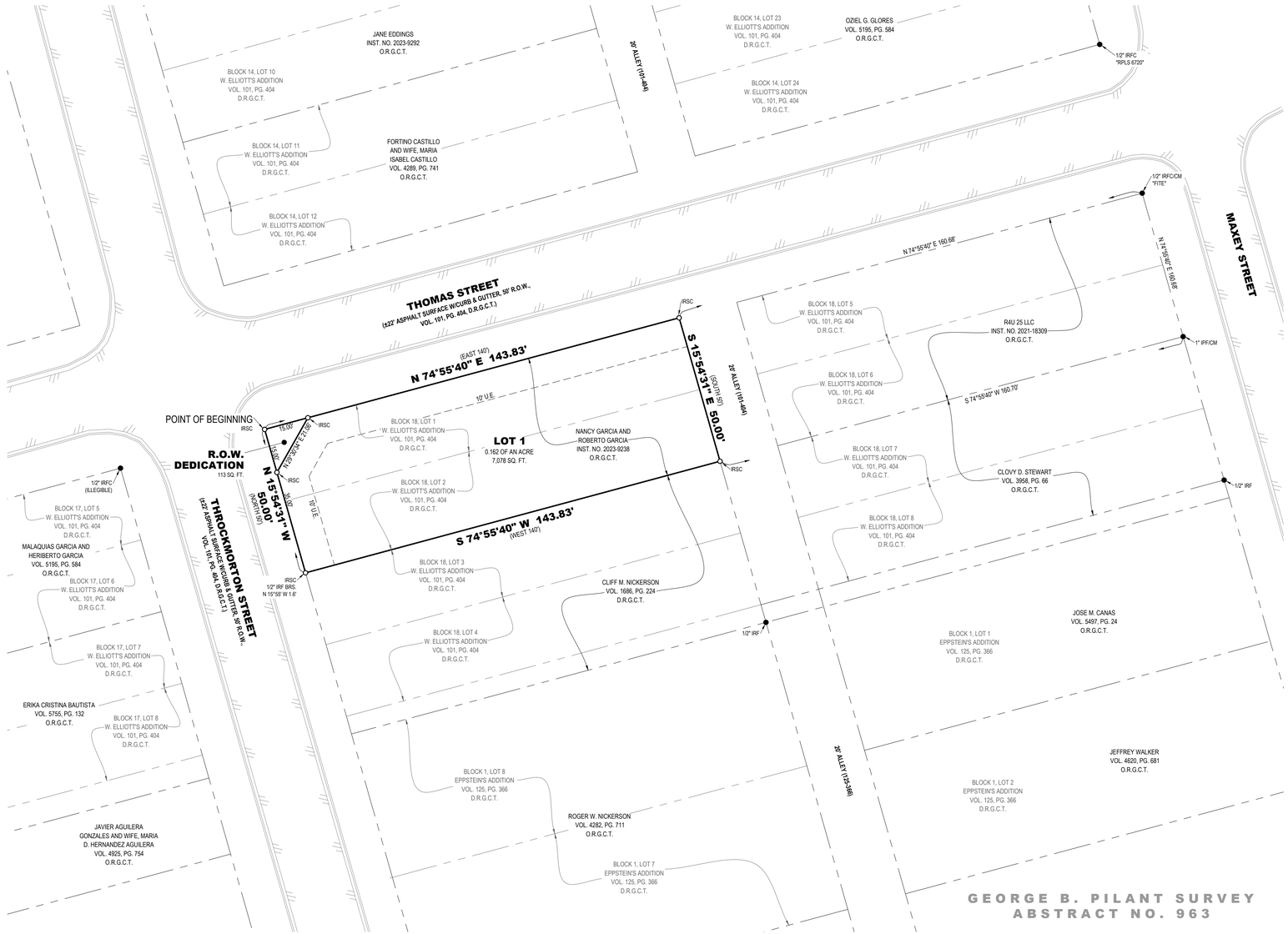
EXHIBIT A

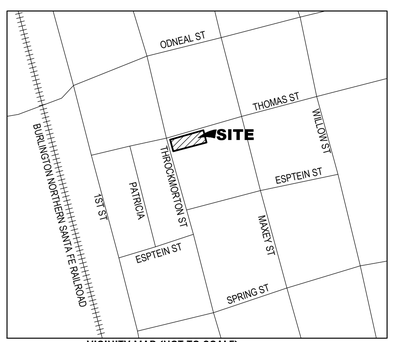


0 10 20
GRAPHIC SCALE IN FEET

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

FLOOD STATEMENT:
I have examined the F.E.M.A. Flood Insurance Rate Map for the City of Sherman, Grayson County, Texas, Community Number 485509, effective date 09/01/2022 and that map indicates that this property is within "Non-shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood" as shown on Panel 0290 G of said map. This flood statement does not imply that the property and/or 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.





VICINITY MAP (NOT TO SCALE)

LEGEND

●	FOUND MONUMENT
○	SET MONUMENT
IRSC	1/2" IRON ROD W/ "PRESTON TRAIL LAND SURVEYING, RPLS 6585" CAP SET
IRF	IRON ROD FOUND
IRFC	IRON ROD FOUND W/PLASTIC CAP
IPF	IRON PIPE FOUND
BRS	BEARS
CM	CONTROLLING MONUMENT
( )	DEED OR PLAT CALL
R.O.W.	RIGHT-OF-WAY
P.R.G.C.T.	PLAT RECORDS, GRAYSON COUNTY, TEXAS
D.R.G.C.T.	DEED RECORDS, GRAYSON COUNTY, TEXAS
O.R.G.C.T.	OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS
VOL., PG.	VOLUME, PAGE
INST. NO.	INSTRUMENT NO.
B.L.	BUILDING LINE
U.E.	UTILITY EASEMENT
———	BOUNDARY LINE
———	ADJOINER LINE
- - - - -	EASEMENT
	BUILDING LINE
	ASPHALT

STATE OF TEXAS §
COUNTY OF GRAYSON §

OWNER'S CERTIFICATE

WHEREAS Roberto and Nancy Garcia are the owners of that certain tract or parcel of land situated in the George B. Pilant Survey, Abstract No. 963, the City of Sherman, Grayson County, Texas, and being all of Lots 1 and 2, in Block 18, of W. Elliott's Addition, an addition to the City of Sherman, Grayson County, Texas, according to the plat thereof recorded in Volume 101, Page 404, Deed Records, Grayson County, Texas, and being the same tract of land described in the deed to Nancy and Roberto Garcia, recorded in Instrument No. 2023-9238, Official Records, Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a plastic cap stamped "PRESTON TRAIL LAND SURVEYING RPLS 6585" (Hereinafter referred to as Capped Iron Rod) set for the northwest corner of said Garcia Tract, common to the northwest corner of said Lot 1, and at the intersection of the southerly right-of-way line of Thomas Street and the easterly right-of-way line of Throckmorton Street;

THENCE North 74°55'40" East, with the northerly line of said Garcia Tract, and with the northerly line of said Lot 1, and with the southerly right-of-way line of said Thomas Street, a distance of 143.83 feet to a Capped Iron Rod set for the northeast corner of said Garcia Tract, common to the northeast corner of said Lot 1, and common to the northwest corner of a called 20-foot alley, in said Block 18;

THENCE South 15°54'31" East, with the easterly line of said Garcia Addition, and with the easterly line of said Lot 1 part of the way, and with the easterly line of aforesaid Lot 2, and with the westerly line of said alley, a distance of 50.00 feet to a Capped Iron Rod set for the southeast corner of said Garcia Tract, common to the southeast corner of said Lot 2, and common to the northeast corner of a tract of land described in the deed to Cliff M. Nickerson, recorded in Volume 1686, Page 224, said Deed Records, and common to the northeast corner of Lot 3, in said Block 18;

THENCE South 74°55'40" West, with the southerly line of said Garcia Tract, and with the southerly line of said Lot 2, and with the northerly line of said Nickerson Tract, and with the northerly line of said Lot 3, a distance of 143.83 feet to a Capped Iron Rod set for the southwest corner of said Garcia Tract, common to the southwest corner of said Lot 2, and common to the northwest corner of said Nickerson Tract, and common to the northwest corner of said Lot 3, and on the easterly right-of-way line of aforesaid Throckmorton Street, and from which a found 1/2-inch iron rod bears North 15°55' West, a distance of 1.6 feet;

THENCE North 15°54'34" West, with the westerly line of said Garcia Tract, and with the westerly line of said Lot 2 part of the way, and with the westerly line of aforesaid Lot 1, and with the easterly right-of-way line of said Throckmorton Street, a distance of 50.00 feet to the POINT OF BEGINNING and enclosing 0.165 of an acre (7,191 square feet) of land, more or less.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS

That **Roberto and Nancy Garcia**, do hereby adopt this plat designating the hereinbefore described property as **901 S. THROCKMORTON ADDITION**, an Addition to the City of Sherman, Grayson County, Texas, and do hereby dedicate to the public use forever all streets, rights-of-way, alleys and easements shown thereon. The City or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Sherman, Texas.

BY:_____
Roberto Garcia

STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared **Roberto Garcia**, 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 considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20_____.

_____
Notary Public in and for the State of Texas

BY:_____
Nancy Garcia

STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared **Nancy Garcia**, 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 considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20_____.

_____
Notary Public in and for the State of Texas

CITY COUNCIL CERTIFICATE OF ACCEPTANCE

Accepted by the City Council of the City of Sherman, Texas:

_____ _____ _____
Mayor, City of Sherman, Texas Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing plat of **901 S. THROCKMORTON ADDITION,** to the City of Sherman 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 hereinabove subscribed.

Witness my hand this _____ day of _____, A.D. 20____.

_____
Clerk, City of Sherman, Texas

PLANNING AND ZONING COMMISSION CERTIFICATE OF ACCEPTANCE

Accepted this _____ day of _____, 20____, by the City Planning and Zoning Commission of the City of Sherman, Texas.

_____ _____ _____ _____
Chairman Secretary

AVIGATION RELEASE

STATE OF TEXAS §
COUNTY OF GRAYSON §

WHEREAS, **Roberto and Nancy Garcia**, hereinafter called OWNERS (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 **901 S. THROCKMORTON ADDITION**, an addition to the City of Sherman, Grayson County, Texas.

OWNERS 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 OWNERS 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 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 OWNERS does hereby fully remiss 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 noises, 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 OWNERS, his successors, heirs, executors, administrators and assigns, in interest with regard to said property located at **901 S. THROCKMORTON**, 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:_____
Roberto Garcia

BY:_____
Nancy Garcia

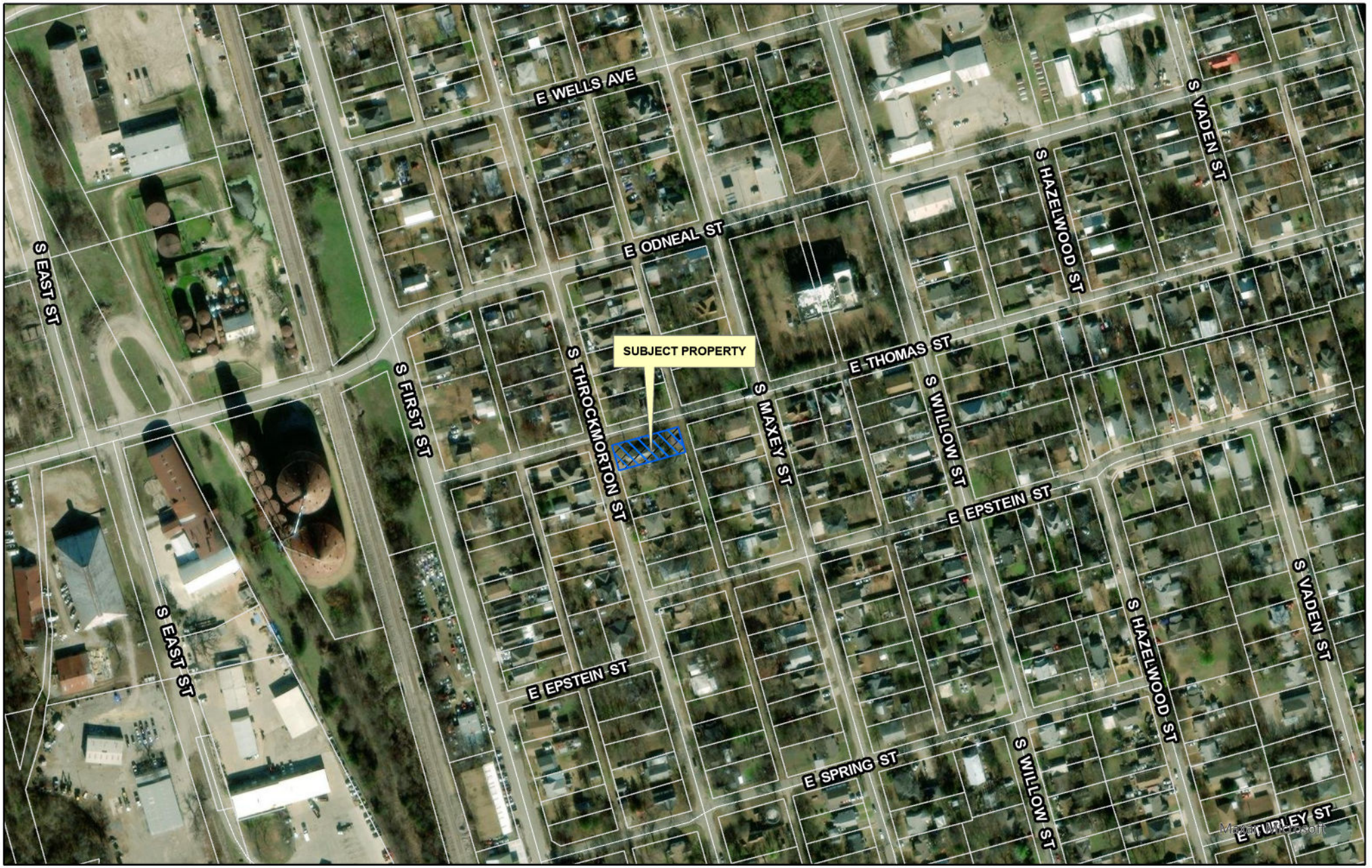
FINAL PLAT
901 S. THROCKMORTON ADDITION
0.165 OF AN ACRE
GEORGE B. PILANT SURVEY, ABSTRACT NO. 963
Being a Replat of Lots 1 and 2, Block 18
W. Elliott's Addition
City of Sherman, Grayson County, Texas

OWNER/DEVELOPER:
Roberto and Nancy Garcia
1505 East Lamar Street
Sherman, TX 75090

SURVEYOR:
Chris Noah, RPLS 6585
Preston Trail Land Surveying LLC
787 W FM 996
Pottsboro, TX 75076
Ph: 903-786-6029

Preston Trail LAND SURVEYING
787 W FM 996
Pottsboro, TX 75076
www.prestontraillandsurveying.com
903-786-6029

TBPLS Firm No. 10194175	Drawn by: LGT Checked by: CRN	Scale: 1"=20' Date: 07/24/2023	Project No. 23-0323 Sheet No. 1 of 1



dlagrone H:\PLANNING\Public Notification KT.aprx

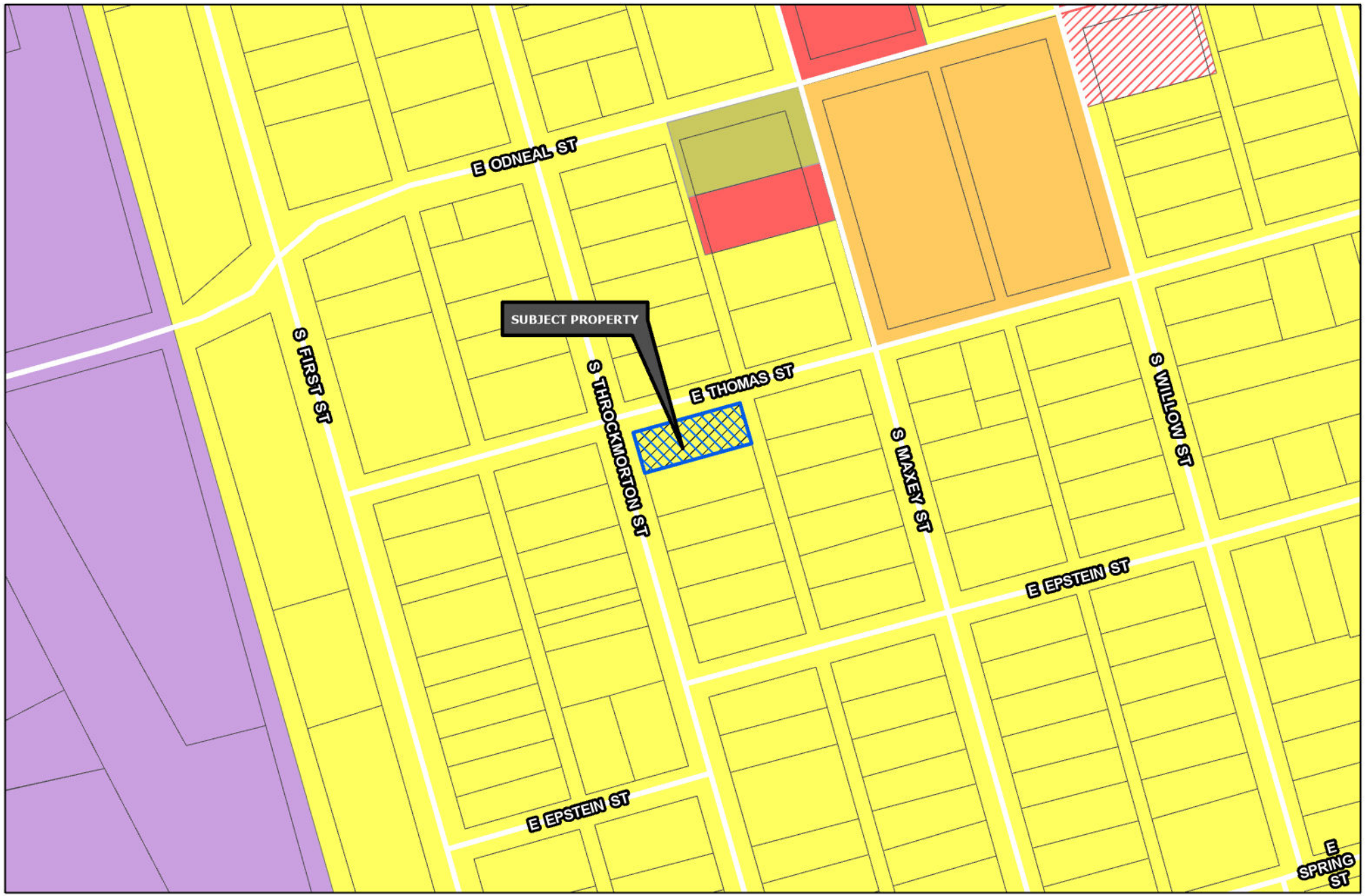
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
901 S THROCKMORTON ST

N
W E
S

Date: 8/15/2023 10:58 AM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations

Road Names All

CITY OF SHERMAN
ZONING MAP
901 S THROCKMORTON ST

N
W E
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Date: 8/15/2023 10:59 AM

CORE NEIGHBORHOOD

Intent & Character

The Core Neighborhood category is intended to protect and enhance the existing residential areas of Sherman. This area is generally located in the center of the city, east and west of US-75. A majority of the Core Neighborhood category encompasses what is known as east Sherman. This category encourages infill development that maintains the existing character, while increasing the aesthetic appeal of the community. In certain areas, an increase in density can be appropriate through the development of single-family attached products, like townhomes or quad-plexes.

Appropriate Land Use Types

- Single-family detached
- Single-family attached
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Single-Family Residential (R-5, R-4, R-2F, and R-TH)
- Multi-Family Residential (MF-15 and MF-30)
- Manufactured Housing
- Retail Business
- Neighborhood Commercial

Considerations

- Infill that increases density should match the character of the surrounding structures.
- Small-scale commercial uses are appropriate along larger streets and should be compatible with the surrounding residential development.

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
901 S THROCKMORTON ST

N
W E
S

Date: 8/15/2023 11:01 AM

Sherman
CLASSIC TOWN, BROAD HORIZON

NOTICE OF
PROPOSED ZONING
CHANGE

PROJECT #: 23-004455

FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229

8/7/2023 at 2:50 P.M.

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

August 15, 2023 Sent via email

Preston Trail Land Surveying
Chris Noah
787 W FM 996
Pottsboro, TX 75076

Dear Applicants,

The request of a Public Hearing and Zone change from R-6 (Single-Family Residential) District to R-5 (Single-Family Residential) District located at 901 South Throckmorton Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, August 22, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/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 Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). *(Code of Ordinances Chapter 3.02(c))*
3. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
4. 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.
5. 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 the Planning and Zoning Commission and Board of Adjustment 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, contact Development Services by emailing planning@cityofsherman.com prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Dillon Stewart, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 19.**

Meeting Date: 09/18/2023

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers 6641, 6642, 6643, 6644, 6645, 6646, 6647, 6648, 6649, 6650, 6651, 6652, 6653, 6654, 6655, 6656, 6657 & 6658

Issue:

D. 1 **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6641**
Recognizing the Termination of Sherman Tax Increment Financing Reinvestment Zone Number One (TIRZ #1) By Operation of Law; Dissolving the Board of Directors and Tax Increment Fund for TIRZ #1; Directing that Any Money Remaning in the TIRZ #1 Fund be Paid to the City of Sherman

D. 2. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6642**
Amending The Code Of Ordinances Of The City Of Sherman, Texas, Chapter 14 (Zoning Ordinance), Sections 14.02.010 (R-Th Townhome Residential District), 14.06.004 (Site Plan Requirements); Modifying Certain Existing Regulations And Prescribing New Regulations Relating To The R-Th (Townhome Residential) Zoning District And Site Plan Requirements; Providing A Penalty Clause With A Maximum Fine Of $2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; Providing For The Publication Of The Caption Hereof

D. 3. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6643**
Amending The Code Of Ordinances Of The City Of Sherman, Texas, Chapter 10 (Subdivision Regulation); Repealing Exhibit 10a (Subdivision Ordinance); Modifying Certain Existing Regulations And Prescribing New Regulations Relating To Plats, Subdivisions Of Land, Construction Of Public Infrastructure And Other Land Development Matters Pursuant To Chapter 212 Of The Texas Local Government Code And Other Applicable Law; Providing For Certain Definitions And Procedures; Providing Requirements And Regulations For The Preparation Of Plats; Providing For Acceptance Of Subdivisions And Requirements Prior To Acceptance Of Final Plats; Providing For Design Criteria And Construction Standards; Defining Responsibility For Payment Of Costs Of Public Infrastructure; Specifying Requirements For Surveying, Engineering And Final Acceptance Of Subdivisions; Providing For Various Improvements For All Subdivisions; Providing For Variances; Extending Regulations To The Extraterritorial Jurisdiction Of The City; Delegating Authority Over Action On Certain Types Of Plats To The City Engineer Pursuant To Section 212.0065 Of The Texas Local Government Code; Providing A Penalty Clause With A Maximum Fine Of $2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; Providing For The Publication Of The Caption Hereof

D. 4. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6644**

Amending The Code Of Ordinances Of The City Of Sherman, Texas, To Modify Certain Fees, Fines And Other Charges Set Forth In Appendix C, Comprehensive Fee Schedule, Including Building Permit And Inspection Fees, Subdivision Fees And Zoning Fees; Reauthorizing Building Permit Fees In Accordance With Section 214.908 Of The Texas Local Government Code; Amending Chapter 13 (Utilites) of the Code of Ordinances, Article 13.08, (Utility Billing), Sections 13.08.00, 13.05.005 and 13.08.006 to Revise Rates for Water and Sewer Services; Revising Deposit Amounts to Assure Payment; Providing for Payment for Lost, Damaged, or Stolen Meters and Meter Reading Equipment; Providing A Penalty Clause With A Maximum Fine Of $2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; Providing For The Publication Of The Caption Hereof

D. 5 **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6645**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow Contractors or Construction Offices, Equipment Sales, Service, Rental and Repair, with Outdoor Storage in the C-2 (General Commercial) District, Located at 2325 North Travis Street, consisting of 7.849 acres in the J.B. McAnair Survey, Abstract No. 763, City of Sherman, Grayson County, Texas (American Builders and Contractors Supply Co., Inc., Owner; Vilbig and Associates, Representative; and Helvey-Wagner Surveying, Surveyor); Prescribing Conditions to the Specific Use Permit; 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

D. 6. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6646**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 9.416 acres in the James M. Hambright Survey, Abstract 538, City of Sherman, Grayson County, Texas, Located at 18873 West Highway 82, Heretofore Zoned R-A (Residential Agricultural) District; Rezoning and Placing the Tract in the C-2 (General Commercial) District/75&82 Overlay District Zoning Classification, (David Catching, Owner; Keith Barclift, Representative; and Helvey-Wagner Surveying, 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. 6647**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow Contractors or Construction Offices, Equipment Sales, Service, Rental and Repair, with Outdoor Storage in the C-2 (General Commercial) District/75&82 Overlay District, Located at 18873 West Highway 82, consisting of 9.416 acres in the James M. Hambright Survey, Abstract 538, City of Sherman, Grayson County, Texas (David Catching, Owner; Keith Barclift, Representative; and Helvey-Wagner Surveying, Surveyor); Prescribing Conditions to the Specific Use Permit; 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

D. 8. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6648**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow Hookah Bar, Smoking Lounge, Smoke Shop, or Vape Shop in the C-2 (General Commercial) District, Located at 2201 Texoma Parkway, consisting of 0.382 acres in the Smith McGlothlin Survey, Abstract No. 808, being Lot 6, Block 9, Highland Park Addition, City of Sherman, Grayson County, Texas (Texoma Parkway, Salman Makojia, Owner; Dinesh Sood, Tenant; and Helvey-Wagner Surveying, Surveyor); Prescribing Conditions to the Specific Use Permit; 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

D. 9. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6649**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow a Vape Shop in the C-1 (Retail Business) District/75 & 82 Overlay District, Located at 738 East Highway 82, consisting of 1.830 acres, being Lots 1 & 2, Block 1, 82-75 Addition, City of Sherman, Grayson County, Texas (W Douglass Distributing, LTD, Owner; Samir Bhimani, Tenant; David Weaver, Representative; and Helvey-Wagner Surveying, Inc, Surveyor); Prescribing Conditions to the Specific Use Permit; Providing A Penalty Not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 10. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6650**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow a Hotel in the C-1 (Retail Business) District, Located at 2708 North Cornerstone Drive, consisting of 2.251 acres, being in the J.B. McAnair Survey, Abstract No. 763, being Lot 6R, Block 2, Replat of Cornerstone Addition, City of Sherman, Grayson County, Texas (Raj Patel, Owner; ADR Designs, LLC, Designer; and Preston Trail Land Surveying, Surveyor); Prescribing Conditions to the Specific Use Permit; Providing A Penalty Not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 11. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6651**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 14.287 acres, contained in Tract 2, being in the John Chronister Survey, Abstract No. 248, City of Sherman, Grayson County, Texas, Located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road, Heretofore Zoned C-1 (Retail Business) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District; Rezoning and Placing the Tract in the MF-30 (Multi-Family Residential) District/75 & 82 Overlay District Zoning Classification, (Jamestown Square, LLC, Owner; Caleb Jones, Representative; and Kimley-Horn & Associates, Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date;

D. 12. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6652**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 18.903 acres, contained in Tract 4, being in the John Chronister Survey, Abstract 248, City of Sherman, Grayson County, Texas, Located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road, Heretofore Zoned R-6 (Single-Family Residential) District and MF-30 (Multi Family Residential) District/75 & 82 Overlay District; Rezoning and Placing the Tract in the MF-15 (Multi-Family Residential) District/75 & 82 Overlay District Zoning Classification, (Jamestown Square, LLC, Owner; Caleb Jones, Representative; and Kimley-Horn & Associates, Surveyor); Providing for 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

D. 13. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6653**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 7.796 acres, contained in Tract 3, being in the John Chronister Survey, Abstract No. 248, City of Sherman, Grayson County, Texas, Located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road, Heretofore Zoned R-6 (Single-Family Residential) District and MF-30 (Multi-Family Residential) District/75 & 82 Overlay District; Rezoning and Placing the Tract in the R-TH (Townhome Residential) District/75 & 82 Overlay District Zoning Classification, (Jamestown Square, LLC, Owner; Caleb Jones, Representative; and Kimley-Horn & Associates, Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 14. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6654**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land Consisting of 0.341 acres, being in the Samuel Blagg Survey, Abstract No. 56, City of Sherman, Grayson County, Texas, Located at 416 South Elm Street, Heretofore Zoned MF-30 (Multi-Family Residential) District; Rezoning and Placing the Tract in the R-5 (Single Family Residential) District Zoning Classification, (Oscar Medina, Owners; and Underwood Drafting & Surveying, Surveyor);

Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 15. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6655**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 0.069 acres, being in the George B. Pilant Survey, Abstract No. 963 being a Replat of Lots 2, 3 & 4, in Block 1 of W. Elliott's Addition, City of Sherman, Grayson County, Texas, Located at 607 East King Street, Heretofore Zoned an R-6 (Single Family Residential) District; Rezoning and Placing the Tract in the R-4 (Single Family Residential) District Classification, (Royal Legacy Homes, LLC, Owner; and Preston Trail Land Surveying, Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 16. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6656**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 0.944 acres, being in the Samuel Blagg Survey, Abstract No. 56 being part of Block "B" of Staples Addition, City of Sherman, Grayson County, Texas, Located at 1604 South Travis Street, Heretofore Zoned an C-1 (Retail Business) District and R-6 (Single Family Residential) District; Rezoning and Placing the Tract in the R-TH (Townhome Residential) District Classification, (David Ashley, Owner); Luis Moran, Representative; 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. 17. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6657**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 2.863 acres, being in the Preston Kitchen Survey, Abstract No. 667, City of Sherman, Grayson County, Texas, Located at 2813 South Travis Street, Heretofore Zoned an C-2 (General Commercial) District; Rezoning and Placing the Tract in the MF-15 (Multi Family Residential) District Classification, (J & E Casas Homes, LLC, Series A, Owner; Jose Martinez, Representatives; and Underwood Drafting & Surveying, Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

D. 18. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6658**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land, Consisting of 0.165 acres, being in the George B. Pilant Survey, Abstract 963, being a Replat of Lots 1 and 2, in Block 18, W. Elliott's Addition, City of Sherman, Grayson County, Texas, Located at 901 South Throckmorton Street, Heretofore Zoned R-6 (Single-Family Residential) District; Rezoning and Placing the Tract in the R-5 (Single-Family Residential) District Zoning Classification, (Roberto and Nancy Garcia, Owner; Chris Noah, Representative; and Preston Trail Land Surveying, Surveyor); 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: 09/18/2023

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 7155

Amending the 2022-2023 Budget of the City of Sherman, Texas, Appropriating and Allocating Additional Funds for the Period of October 1, 2022 through September 30, 2023

Issue:

Appropriating additional funds to increase the fiscal year (FY) 2022-2023 budget for year-end expenditure reconciliation

Background:

Annually when applicable, the staff requests a year-end budget reconciliation of projected revenues and expenditures in order to ensure that our final year-end expenses are not greater than what we are authorized to spend. Additional revenues of about $4.4 million include sales tax of about $1.7 million, and interfund transfers of about $1.2 million. Additional expenditures of $6.5 million include vehicle repairs of about $2.0 million, capital expenses of about $1.3 million, personnel costs of about $0.6 million, well repairs of about $1.0 million, and interfund transfers of about $0.5 million.

This year, the amendment is needed to appropriate additional funding and reflect some of the additional revenue in the following funds:

Description	**Revenue**	**Expenditure**
General Fund		
Sales Tax	$ 1,725,000	$ -
Insurance Proceeds	498,000	
Grant Revenue	50,000	
Vehicle Repairs		926,000
Grant Expense		50,000
Personnel		550,000
Software		50,000
Legal Service		150,000
Interfund Transfers		420,000
Total General Fund	**2,273,000**	**2,146,000**
Utility Fund		

Chemicals		150,000
Well Repairs		982,000
Interfund Transfers		51,000
Total Utility Fund	**-**	**1,183,000**
Solid Waste Fund		
Vehicle Repairs		350,000
Interfund Transfers		14,000
Software		100,000
Total Solid Waste Fund	-	**464,000**
Utility Improvement Fund		
Capital Expenses		750,000
GTUA Reimbursements	750,000	
Stormwater Fund		
Capital Expenses		375,000
Interfund Transfers		1,000
Total Stormwater Fund		**376,000**
Public Improvement District (PID)		
PID Assessments	200,000	
PID Expenses		12,000
Library Donations Fund		
Supplies		13,500
Hotel Tax Fund		
Hotel Tax	200,000	
Personnel		11,000
Concerts		250,000
Total Hotel Tax Fund	**200,000**	**261,000**
Drug Enforcement Fund		
Capital Expenses		180,000
Employee Insurance Fund		
Transfers In	300,000	
Health Insurance Claims		400,000
Information Technology Fund		
Transfers Out		7,000
Equipment Service Center		
Equipment Service Revenue	678,872	
Insurance Proceeds	7,000	
Vehicle Repairs		21,000
Repairs		725,000

Transfers Out		7,000
Total Equipment Service Center	**684,872**	**753.,000**
Total Amendment	**4,407,871**	**6,545,500**

Origination:

Chief Financial Officer

Financial Consideration:

This budget amendment will increase revenues by about $4.4 million, with total authorized expenditures increasing by about $6.5 million across a wide variety of categories reflecting the City's continuing growth. In the General Fund, the net effect of this amendment is a net increase in reserves of about $0.1 million.

Staff Recommendation:

The staff recommends approval of this resolution.

Alternatives:

No viable alternatives exist for approval of this budget amendment.

Attachments

Resolution No. 7155

Budget Amendment Fund Statements

RESOLUTION NO. 7155

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE 2022-2023 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2023; 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 2022-2023 budget of the City of Sherman, Texas, be amended as shown below, appropriating and/or allocating the below-described funds in the amounts indicated:

Annually when applicable, the staff requests a year-end budget reconciliation of projected revenues and expenditures in order to ensure that our final year-end expenses are not greater than what we are authorized to spend. Additional revenues of about $4.4 million include sales tax of about $1.7 million, and interfund transfers of about $1.2 million. Additional expenditures of $6.5 million include vehicle repairs of about $2.0 million, capital expenses of about $1.3 million, personnel costs of about $0.6 million, well repairs of about $1.0 million, and interfund transfers of about $0.5 million.

This year, the amendment is needed to appropriate additional funding and reflect some of the additional revenue in the following funds:

Description	**Revenue**	**Expenditure**
General Fund		
Sales Tax	$ 1,725,000	$ -
Insurance Proceeds	498,000	
Grant Revenue	50,000	
Vehicle Repairs		926,000
Grant Expense		50,000
Personnel		550,000
Software		50,000
Legal Service		150,000
Interfund Transfers		420,000
Total General Fund	**2,273,000**	**2,146,000**
Utility Fund		
Chemicals		150,000
Well Repairs		982,000
Interfund Transfers		51,000

Total Utility Fund	**-**	**1,183,000**
Solid Waste Fund		
Vehicle Repairs		350,000
Interfund Transfers		14,000
Software		100,000
Total Solid Waste Fund	-	**464,000**
Utility Improvement Fund		
Capital Expenses		750,000
GTUA Reimbursements	750,000	
Stormwater Fund		
Capital Expenses		375,000
Interfund Transfers		1,000
Total Stormwater Fund		**376,000**
Public Improvement District (PID)		
PID Assessments	200,000	
PID Expenses		12,000
Library Donations Fund		
Supplies		13,500
Hotel Tax Fund		
Hotel Tax	200,000	
Personnel		11,000
Concerts		250,000
Total Hotel Tax Fund	**200,000**	**261,000**
Drug Enforcement Fund		
Capital Expenses		180,000
Employee Insurance Fund		
Transfers In	300,000	
Health Insurance Claims		400,000
Information Technology Fund		
Transfers Out		7,000
Equipment Service Center		
Equipment Service Revenue	678,872	

Insurance Proceeds	7,000	
Vehicle Repairs		21,000
Repairs		725,000
Transfers Out		7,000
Total Equipment Service Center	**684,872**	**753.,000**
Total Amendment	**4,407,871**	**6,545,500**

SECTION 2. That it is 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 18th day of September, 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM:
ABERNATHY, ROEDER,
BOYD & HULLETT, P.C.

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

City of Sherman
GENERAL FUND

	Adjusted Budget 2022-2023	Amendment	Amended Budget 2022-2023	Projected 2022-2023
Beginning Fund Balance	$ 11,837,249		$ 11,837,249	$ 14,195,955
Revenues				
Property Tax	12,038,400	-	12,038,400	12,660,400
Sales Tax	28,047,000	1,725,000	29,772,000	29,772,000
Franchise Tax	3,021,000	-	3,021,000	3,262,000
Other Taxes	164,300	-	164,300	181,000
Fines & Penalties	366,800	-	366,800	620,750
Recreation	301,000	-	301,000	318,500
Licenses & Permits	2,341,200	-	2,341,200	1,741,200
Rentals	11,950	-	11,950	6,900
Cemetery	221,600	-	221,600	215,600
Sales & Service	1,574,000	-	1,574,000	1,738,233
Ambulance Service	1,402,400	-	1,402,400	1,291,900
Interest Income	75,000	-	75,000	340,000
Grant Revenue	9,000	50,000	59,000	141,683
Intergovernmental	169,482	-	169,482	169,484
Miscellaneous Revenue	206,200	498,000	704,200	694,300
Total Revenues	49,949,332	2,273,000	52,222,332	53,153,950
Transfers In	4,249,742	-	4,249,742	4,482,373
Total Revenues and Transfers In	54,199,074	2,273,000	56,472,074	57,636,323
Total Funds Available	66,036,323	2,273,000	68,309,323	71,832,278
Expenditures				
Personnel	36,724,590	550,000	37,274,590	37,140,786
Supplies	2,072,542	-	2,072,542	2,013,822
Repair & Maintenance	2,721,369	-	2,721,369	2,230,052
Utilities	1,217,250	-	1,217,250	1,169,570
Information Technology	1,259,265	-	1,259,265	1,256,040
Services & Charges	5,335,178	250,000	5,585,178	5,414,875
Vehicle Usage	2,239,270	926,000	3,165,270	3,152,808
Capital Expenses	1,133,475	-	1,133,475	1,197,858
Fleet Services & Charges	1,335,781	-	1,335,781	1,333,095
Transfers Out	375,000	420,000	795,000	795,000
Total Expenditures	54,413,720	2,146,000	56,559,720	55,703,904
Excess Revenues over Expenditures	(214,646)	127,000	(87,646)	1,932,419
Ending Fund Balance	$ 11,622,603		$ 11,749,603	$ 16,128,374

City of Sherman
UTILITY FUND

	Adjusted Budget 2022-2023	Amendment	Amended Budget 2022-2023	Projected 2022-2023
Beginning Reserve	$ 5,268,132		$ 5,268,132	$ 6,576,940
Revenues				
Water Sales	16,411,000	-	16,411,000	16,497,000
Sewer Sales	8,835,000	-	8,835,000	9,334,000
Laboratory	263,630	-	263,630	136,000
Service Charges & Penalties	655,000	-	655,000	675,000
Charges for Services	165,000	-	165,000	300,000
Interest Income	25,000	-	25,000	100,000
Intergovernmental	817,146	-	817,146	408,573
Grant Revenue	-	-	-	-
Miscellaneous Revenue	76,500	-	76,500	146,200
Total Revenues	27,248,276	-	27,248,276	27,596,773
Transfers In	406,000	-		406,000
Total Revenues and Transfers In	27,654,276	-	27,248,276	28,002,773
Total Funds Available	32,922,408	-	32,516,408	34,579,713
Expenditures				
Personnel	7,957,960	-	7,957,960	7,712,020
Supplies	1,823,230	150,000	1,973,230	2,006,257
Repair & Maintenance	2,757,607	982,000	3,739,607	4,012,026
Utilities	1,858,230	-	1,858,230	1,875,710
Information Technology	332,630	-	332,630	331,800
Debt Service	6,937,482	-	6,937,482	6,936,860
Services & Charges	1,730,879	-	1,730,879	1,511,636
Vehicle Usage	631,190	-	631,190	699,125
Fleet Services & Charges	428,072	-	428,072	428,072
Capital Expenses	800,816	-	800,816	724,212
Total Expenditures	25,258,096	1,132,000	26,390,096	26,237,718
Transfers Out	2,927,112	51,000	2,978,112	2,973,100
Total Expenditures and Transfers Out	28,185,208	1,183,000	29,368,208	29,210,818
Excess Revenues over Expenditures	(530,932)	(1,183,000)	(2,119,932)	(1,208,045)
Ending Reserve	$ 4,737,200		$ 3,148,200	$ 5,368,894

City of Sherman
SOLID WASTE FUND

	Adjusted Budget 2022-2023	Amendment	Amended Budget 2022-2023	Projected 2022-2023
Beginning Fund Balance	$ 1,663,043		$ 1,663,043	$ 1,878,485
Revenues				
Solid Waste Service	7,556,000	-	7,556,000	7,817,000
Service Charges & Penalties	125,000	-	125,000	125,000
Interest Income	1,200	-	1,200	62,000
Miscellaneous Revenue	760,000	-	760,000	813,600
Total Revenues	8,442,200	-	8,442,200	8,817,600
Total Funds Available	10,105,243	-	10,105,243	10,696,085
Expenditures				
Personnel	2,256,440	-	2,256,440	2,222,364
Supplies	318,093	-	318,093	336,700
Repair & Maintenance	59,908	-	59,908	61,126
Utilities	46,990	-	46,990	62,890
Information Technology	100,470	-	100,470	100,220
Services & Charges	2,608,436	100,000	2,708,436	2,673,966
Vehicle Usage	1,493,660	350,000	1,843,660	1,805,346
Capital Expenses	123,650	-	123,650	123,650
Fleet Services & Charges	374,527	-	374,527	374,527
Transfers Out	1,303,716	14,000	1,317,716	1,335,216
Total Expenditures	8,685,891	464,000	9,149,891	9,096,006
Excess Revenues over Expenditures	(243,691)	(464,000)	(707,691)	(278,406)
Ending Fund Balance	$ 1,419,352		$ 955,352	$ 1,600,079

City of Sherman
UTILITY IMPROVEMENT FUND - City Funds

	Adjusted Budget 2022-2023	Amendment	Amended Budget 2022-2023	Projected 2022-2023
Beginning Fund Balance	$ 2,560,075		$ 2,560,075	$ 1,530,832
Revenues				
Transfers In	1,600,000	-	1,600,000	1,600,000
Intergovernmental	-	750,000	750,000	2,791,631
Grant Revenue	1,843,000	-	1,843,000	2,505,969
Interest Income	10,000	-	10,000	300,000
Miscellaneous Revenue	-	-	-	1,138,107
Debt Proceeds	-	-	-	-
Total Revenues	3,453,000	750,000	4,203,000	8,335,707
Total Funds Available	6,013,075	750,000	6,763,075	9,866,539
Expenditures				
Capital Expenses	4,996,659	750,000	5,746,659	5,640,143
Transfers Out	-	-	-	-
Total Expenditures	4,996,659	750,000	5,746,659	5,640,143
Excess Revenues over Expenditures	(1,543,659)	-	(1,543,659)	2,695,564
Ending Fund Balance	$ 1,016,416		$ 1,016,416	$ 4,226,396

City of Sherman
STORMWATER FUND

	Adjusted Budget 2022-2023	Amendment	Amended Budget 2022-2023	Projected 2022-2023
Beginning Fund Balance	$ 105,867		$ 105,867	$ 149,170
Revenues				
Sales & Service	452,000	-	452,000	452,000
Fines & Penalties	5,000	-	5,000	-
Interest Income	1,000	-	1,000	7,000
Total Revenues	458,000	-	458,000	459,000
Total Funds Available	563,867	-	563,867	608,170
Expenditures				
Personnel	123,340	-	123,340	107,525
Supplies	4,109	-	4,109	4,109
Repair & Maintenance	62,750	-	62,750	62,750
Information Technology	1,740	-	1,740	1,730
Services & Charges	3,540	-	3,540	3,540
Capital Expenses	47,000	375,000	422,000	416,582
Vehicle Usage	8,300	-	8,300	7,083
Transfers Out	273,000	1,000	274,000	274,000
Total Expenditures	523,779	376,000	899,779	877,319
Excess Revenues over Expenditures	(65,779)	(376,000)	(441,779)	(418,319)
Ending Fund Balance	$ 40,088		$ (335,912)	$ (269,150)

City of Sherman
BEL AIR PUBLIC IMPROVEMENT DISTRICT

	Adjusted Budget 2022-2023	Amendment	Amended Budget 2022-2023	Projected 2022-2023
Beginning Fund Balance	$ -		$ -	$ -
Revenues				
Sales & Service	-	200,000	200,000	200,000
Interest Income	-	-	-	-
Total Revenues	-	200,000	200,000	200,000
Total Funds Available	-	200,000	200,000	200,000
Expenditures				
Services & Charges	-	12,000	12,000	12,000
Total Expenditures	-	12,000	12,000	12,000
Excess Revenues over Expenditures	-	188,000	188,000	188,000
Ending Fund Balance	$ -		$ 188,000	$ 188,000

City of Sherman
DONATIONS FUND

	Budget 2022-2023	Amendment	Amended Budget 2022-2023	Projected 2022-2023
Beginning Fund Balance	$ 5,022		$ 7,997	$ 18,470
Revenues				
Miscellaneous Revenue	12,000	-	12,000	12,000
Interest Income	25	-	25	1,200
Total Revenues	12,025	-	12,025	13,200
Total Funds Available	17,047	-	20,022	31,670
Expenditures				
Supplies	15,000	13,500	28,500	28,500
Excess Revenues over Expenditures	(2,975)	(13,500)	(16,475)	(15,300)
Ending Fund Balance	$ 2,047		$ (8,478)	$ 3,170

City of Sherman
HOTEL/MOTEL TAX FUND

	Budget 2022-2023	Amendment	Amended Budget 2022-2023	Projected 2022-2023
Beginning Fund Balance	$ 137,761		$ 137,761	$ 115,806
Revenues				
Hotel-Motel Taxes	733,000		733,000	781,030
Interest Income	-		-	1,000
Sales & Service	70,000		70,000	60,000
Rentals	24,000		24,000	35,000
Transfers In	-	200,000	200,000	200,000
Total Revenues	827,000	200,000	1,027,000	1,077,030
Total Funds Available	964,761	200,000	1,164,761	1,192,836
Expenditures				
Personnel	232,800	11,000	243,800	245,990
Supplies	17,600		17,600	21,530
Repair & Maintenance	34,000		34,000	30,000
Utilities	30,720		30,720	25,710
Information Technology	15,590		15,590	15,560
Services & Charges	443,600	250,000	693,600	675,500
Vehicle Usage	13,510		13,510	9,152
Transfers Out	109,000		109,000	109,000
Total Expenditures	896,820	261,000	1,157,820	1,132,442
Excess Revenues over Expenditures	(69,820)	(61,000)	(130,820)	(55,412)
Ending Fund Balance	$ 67,941		$ 6,941	$ 60,394

City of Sherman
DRUG ENFORCEMENT FUND

	Budget 2022-2023	Amendment	Budget 2022-2023	Projected 2022-2023
Beginning Fund Balance	$ 115,351		$ 115,351	$ 263,014
Revenues				
Fines & Penalties	100,000	-	100,000	50,000
Interest Income	400	-	400	6,200
Miscellaneous Revenue	-	-	-	6,000
Total Revenues	100,400	-	100,400	62,200
Total Funds Available	215,751	-	215,751	325,214
Expenditures				
Supplies	80,700	-	80,700	19,000
Repair & Maintenance	27,000	-	27,000	-
Services & Charges	5,000	-	5,000	-
Capital Expenses	-	180,000	180,000	180,000
Fleet Services & Charges	-	-	-	-
Total Expenditures	112,700	180,000	292,700	199,000
Excess Revenues over Expenditures	(12,300)	(180,000)	(192,300)	(136,800)
Ending Fund Balance	$ 103,051		$ (76,949)	$ 126,214

City of Sherman
EMPLOYEE INSURANCE FUND

	Budget 2022-2023	Amendment	Amended Budget 2022-2023	Projected 2022-2023
Beginning Fund Balance	$ 374,093		$ 374,093	$ 503,954
Revenues				
Employer Contributions	4,847,750	-	4,847,750	4,738,550
Employee Contributions	975,000	-	975,000	1,055,000
Retiree Contributions	200,000	-	200,000	180,000
COBRA Contributions	2,000	-	2,000	700
Miscellaneous Revenue	-	-	-	-
Interest Income	2,500	-	2,500	80,000
Transfers In	-	300,000	300,000	300,000
Total Revenues	6,027,250	300,000	6,327,250	6,354,250
Total Funds Available	6,401,343	300,000	6,701,343	6,858,204
Expenditures				
Health Insurance Claims	4,929,000	400,000	5,329,000	5,350,000
Administration & Premiums	1,233,000	-	1,233,000	1,104,000
Life Insurance Premiums	43,000	-	43,000	54,000
Total Expenditures	6,205,000	400,000	6,605,000	6,508,000
Excess Revenues over Expenditures	(177,750)	(100,000)	(277,750)	(153,750)
Ending Fund Balance	$ 196,343		$ 96,343	$ 350,204

City of Sherman
INFORMATION TECHNOLOGY FUND

	Adjusted Budget 2022-2023	Amendment	Adjusted Budget 2022-2023	Projected 2022-2023
Beginning Fund Balance	$ 141,128		$ 141,128	$ 105,791
Revenues				
Technology Services:				
General Fund	1,259,265	-	1,259,265	1,256,040
Stormwater	1,740	-	1,740	1,730
Tourism	15,590	-	15,590	15,560
Equipment Services Fund	60,630	-	60,630	60,480
Utility Fund	332,630	-	332,630	331,800
Solid Waste Fund	100,470	-	100,470	100,220
Interest Income	-	-	-	2,400
Grant Revenue	-	-	-	-
Miscellaneous Revenue	-	-	-	2,000
Total Revenues	1,770,325	-	1,770,325	1,770,230
Total Funds Available	1,911,453	-	1,911,453	1,876,021
Expenditures				
Personnel	1,003,640	-	1,003,640	918,642
Supplies	92,960	-	92,960	83,670
Repair & Maintenance	173,113	-	173,113	173,153
Utilities	54,230	-	54,230	53,830
Services & Charges	324,481	-	324,481	328,018
Capital Expenses	236,084	-	236,084	204,034
Transfers Out	-	7,000	7,000	7,000
Total Expenditures	1,884,508	7,000	1,891,508	1,768,348
Excess Revenues over Expenditures	(114,183)	(7,000)	(121,183)	1,882
Ending Fund Balance	$ 26,945		$ 19,945	$ 107,673

City of Sherman
EQUIPMENT SERVICES FUND

	Adjusted Budget 2022-2023	Amendment	Amended Budget 2022-2023	Projected 2022-2023
Beginning Fund Balance	$ 67,065		$ 67,065	$ (20,529)
Revenues				
Internal Service Revenue	4,374,490	677,872	5,052,362	5,072,362
Interest Income	-	-	-	-
Grant Revenue	-	-	-	-
Miscellaneous Revenue	-	7,000	7,000	21,000
Total Revenues	4,374,490	684,872	5,059,362	5,093,362
Total Funds Available	4,441,555	684,872	5,126,427	5,072,833
Expenditures				
Personnel	1,209,950	-	1,209,950	1,152,962
Supplies	1,281,372	-	1,281,372	1,285,471
Repair & Maintenance	1,354,439	725,000	2,079,439	2,068,047
Utilities	16,000	-	16,000	18,370
Information Technology	60,630	-	60,630	60,480
Services & Charges	357,259	-	357,259	362,184
Capital Expenses	11,000	-	11,000	86,000
Fleet Services & Charges	75,000	-	75,000	-
Vehicle Usage	-	21,000	21,000	21,000
Transfers Out	-	7,000	7,000	7,000
Total Expenditures	4,365,650	753,000	5,118,650	5,061,514
Excess Revenues over Expenditures	8,840	(68,128)	(59,288)	31,848
Ending Fund Balance	$ 75,905		$ 7,777	$ 11,319

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 2.**

Meeting Date: 09/18/2023
Prepared By: Robby Hefton, City Manager
Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 7156

Authorizing the Preparation and Distribution of a Preliminary Limited Offering Memorandum (PLOM) for the City of Sherman, Texas Special Assessment Revenue Bonds, Series 2023 (Bel Air Village Public Improvement District Phase #1 Project) and the City of Sherman, Texas Special Assessment Revenue Bonds, Series 2024 (Bel Air Village Public Improvement District Phase #2 Project); and Resolving Other Matters Incident and Related Thereto

Issue:

Authorizing the Preparation and Distribution of a Preliminary Limited Offering Memorandum (PLOM) for the City of Sherman, Texas Special Assessment Revenue Bonds, Series 2023 (Bel Air Village Public Improvement District Phase #1 Project) and the City of Sherman, Texas Special Assessment Revenue Bonds, Series 2024 (Bel Air Village Public Improvement District Phase #2 Project); and Resolving Other Matters Incident and Related Thereto

Background:

In March 2021, the City Council Established Bel Air Public Improvement District Phase #1 (Bel Air PID Phase 1) as part of the approximately 280 mixed used development at the southeast corner of FM 1417 and US 75. In April 2022, the Council passed the Ordinance to levy property tax assessments against the properties within the Bel Air PID Phase 1, consisting of about 320 single family lots. Owners of the lots are required to pay the annual assessments, and failure to pay the assessments (or any other portion of the property taxes assessed by various taxing entities) could result in foreclosure of the lots by the taxing entities (including the City of Sherman). The property tax revenue from these assessments is pledged to the developer as reimbursement for public improvements made by the developer within the Bel Air PID, per a Reimbursement Agreement approved by City Council with the developer. In December 2022, the Council approved an Ordinance to levy property tax assessments on Bel Air PID Phase 2, which covers an additional approximate 650 single family lots. The developer has sold about 80% of the lots for Bel Air PID Phase 1, and is currently working on installing infrastructure on Phase 2.

The developer desires to issue bonds that would be repaid using these current and future Bel Air PID property tax assessments for Bel Air PID Phase 1 and Phase 2. The bonds would be issued in the name of the City and the PIDs, but would be fully paid only from the Bel Air PID assessments. The City would have no legal responsibility to make bond payments from any other source. There are sufficient assessment revenues being generated from Phase 1 to service the proposed debt for Phase 1 bonds. There

is not yet sufficient revenue for Phase 2 to service proposed debt for that phase.

This Resolution signifies Council support for the developer to make next steps towards the issuance of bonds for Bel Air PID Phase 1, and sets conditions under which the Council would support future issuance of Bel Air PID Phase 2 bonds, namely completion of all Phase 2 infrastructure improvements and sales of at least 65% of the Phase 2 lots. Next steps in issuance of bonds is preparation and distribution of the PLOM, which provides voluminous details on the history, background, financial feasibility, legal status, local economy, and various other pertinent facts supporting the project. Note, this Resolution does not approve the issuance of any PID bonds. City Council would have to approve actual issuance of any bonds in the future by separate Council action.

Origination:

City Managers Office

Financial Consideration:

There is no cost to the City relating to approval of this Resolution. In the future, all costs associated with issuance of any PID bonds would be paid from proceeds of the bond issuance and from PID property tax assessments.

Staff Recommendation:

Staff recommends approving this Resolution.

Alternatives:

As directed by City Council.

Attachments

Resolution No. 7156

RESOLUTION NO. 7156

A RESOLUTION OF THE CITY OF SHERMAN, TEXAS AUTHORIZING THE PREPARATION AND DISTRIBUTION OF A PRELIMINARY LIMITED OFFERING MEMORANDUM FOR THE CITY OF SHERMAN, TEXAS SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2023 (BEL AIR VILLAGE PUBLIC IMPROVEMENT DISTRICT PHASE #1 PROJECT) AND THE CITY OF SHERMAN, TEXAS SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2024 (BEL AIR VILLAGE PUBLIC IMPROVEMENT DISTRICT PHASE #2 PROJECT); AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

WHEREAS, the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the "PID Act") authorizes the City of Sherman, Texas (the "City") to create a public improvement district within the corporate limits of the City or within the extraterritorial jurisdiction of the City (the "ETJ");

WHEREAS, pursuant to Resolution No. 6711 adopted by the City Council (the "City Council") of the City on March 15, 2021, the City has created the "Bel Air Village Public Improvement District" (the "PID") covering approximately 278 acres of land within the ETJ of the City as described by metes and bounds in said resolution (the "Property");

WHEREAS, the Property is being developed in phases, and assessments ("Assessments") for each phase have been or will be levied against the Property within such phase to pay the costs of public improvements (the "Authorized Improvements") that confer a special benefit on the Property within such phase pursuant to the PID Act;

WHEREAS, the Property is now located entirely within the corporate limits of the City;

WHEREAS, on April 4, 2022, after due notice in accordance with the PID Act, the City Council passed and approved Ordinance No. 6470 (the "Phase #1 Assessment Ordinance") which among other things, levied $9,060,054 in Assessments against Phase #1 of the Property for the costs of the Authorized Improvements benefitting Phase #1 (the "Phase #1 Projects") in accordance with the Phase #1 Assessment Roll attached as Appendix F to the Service and Assessment Plan for the PID, as updated and amended (the "SAP");

WHEREAS, on December 5, 2022, after due notice in accordance with the PID Act, the City Council passed and approved Ordinance No. 6548 (the "Phase #2 Assessment Ordinance") which among other things, levied $20,186,042 in Assessments against Phase #2 of the Property for the costs of the Authorized Improvements benefitting Phase #2 (the "Phase #2 Projects") in accordance with the Phase #2 Assessment Roll attached as Appendix G to the SAP;

WHEREAS, the City intends to issue bonds to be designated "City of Sherman, Texas, Special Assessment Revenue Bonds, Series 2023 (Bel Air Village Public Improvement District

Phase #1 Project)" (the "Phase #1 Bonds") to finance the Phase #1 Projects as authorized by the PID Act;

WHEREAS, the City intends to issue bonds to be designated "City of Sherman, Texas, Special Assessment Revenue Bonds, Series 2024 (Bel Air Village Public Improvement District Phase #2 Project)" (the "Phase #2 Bonds" and together with the Phase #1 Bonds, the "Bonds") to finance the Phase #2 Projects as authorized by the PID Act;

WHEREAS, the Phase #1 Bonds will be secured by the Assessments levied pursuant to the Phase #1 Assessment Ordinance, and the Phase #2 Bonds will be secured by the Assessments levied pursuant to the Phase #2 Assessment Ordinance;

WHEREAS, in connection with the marketing of each series of the Bonds, the City Council shall approve and authorize the preparation and distribution of a Preliminary Limited Offering Memorandum relating to each series of the Bonds (collectively, the "Preliminary Limited Offering Memorandums"); and

WHEREAS, this City Council finds and determines that it is necessary and in the best interests of the City to authorize the preparation and distribution of the Preliminary Limited Offering Memorandums and authorize the use of the Preliminary Limited Offering Memorandums in the offering and sale of the Bonds by the underwriter of the Bonds, FMSbonds, Inc. (the "Underwriter"), under the conditions outlined herein.

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

SECTION 1. THAT the City Council hereby authorizes the consultants retained by the City to commence preparation and review of documents associated with the Bonds, including the Preliminary Limited Offering Memorandums, and the Preliminary Limited Offering Memorandums may be approved in the form and substance approved by the City Manager with such changes, addenda, supplements or amendments thereto as may be required in consultation with the City's consultants retained by the City to assist in the issuance of the Bonds, including bond counsel and its financial advisor.

SECTION 2. THAT the City Council hereby authorizes the Preliminary Limited Offering Memorandums to be used by the Underwriter in connection with the initial marketing and sale of the Bonds; provided that such Preliminary Limited Offering Memorandums shall not be released to the public without the approval of the City Manager, which approval shall be made in consultation with the City's consultants retained by the City to assist in the issuance of the Bonds including bond counsel and its financial advisor.

SECTION 3. THAT the City Council hereby delegates to the City Manager the authority to approve release of the Preliminary Limited Offering Memorandum related to the Phase #1 Bonds to the public for use in marketing the Bonds.Upon such approval by the City Manager, the Preliminary Limited Offering Memorandum related to the Phase #1 Bond shall be deemed "final" except for any information allowed to be omitted by Section (b)(1) of Rule 15c2-12 of the United

States Securities and Exchange Commission (the "Rule"), as of its date, in accordance with the Rule. The Preliminary Limited Offering Memorandum relating to the Phase #2 Bonds shall not be released to the public until after: (i) the Phase #2 Projects have been completed and accepted by the City and the developer of the Property has under contract a minimum of sixty-five percent (65%) of the single family residential lots within Phase #2 to third-party homebuilders; or (ii) prior to the satisfaction of the conditions in (i), the developer of the Property has provided such other evidence of construction progress satisfactory to the City for release of the Phase #2 Preliminary Offering Memorandum for the Phase #2 Bonds and, in either event, the City Manager has approved the release of the Preliminary Limited Offering Memorandum relating to the Phase #2 Bonds.

SECTION 4. THAT City staff is authorized and directed to do all things proper and necessary to carry out the intent hereof.

SECTION 5. THAT this Resolution shall become effective from and after its date of passage in accordance with law.

[Execution page follows.]

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this the 18th day of September 2023.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____ **BY:** _____

LINDA ASHBY, CITY CLERK **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

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 3.**

Meeting Date: 09/18/2023

Prepared By: Nate Strauch, Community & Support Services Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 7157

Authorizing Execution of a Purchase and Sale Agreement with AB Sherman Holding Company LLC for the Purchase of Approximately 1.64 acres of Land Generally Located East of South Travis Street and South of Washington Elementary School in the City of Sherman, Texas

Issue:

To consider a Purchase and Sale Agreement with the AB Sherman Holding Company LLC for the Purchase of +/- 1.64 acres of Land Generally Located East of South Travis Street and South of Washinton Elementary School in the City of Sherman, Texas

Background:

For the better part of the last two years, the City of Sherman, through its Community Improvement Task Force, has been seeking the abatement of dangerous conditions at Southgate Apartments, located at 915 S. Travis Street, adjacent to Washington Elementary School. The complex is high on the Task Force's list of dangerous, derelict properties. Vandalism, theft, fire, and decay had left the three structures in a state of complete decay.

The City obtained a demolition order from Judge Fox on June 12, 2023, after a 9-hour hearing. The owner of the property, AB Sherman Holding Company LLC, attempted to appeal that decision. City staff and legal counsel met with the ownership group and their representatives on August 24th, at which time a potential sale was discussed.

Under this Agreement, the City will pay $240,000 for the property, plus partial closing fees. After closing occurs, demolition of the structures is expected to cost approximately $649,000 - the majority of which will go toward asbestos abatement. An outside contractor will be used to perform the work so that the City demolition crew can continue work on other structures, namely the former Dannel Funeral Home at 210 E. Jones Street. Demolition on Southgate is expected to take approximately 10 weeks to complete.

A final use for the property has not been determined.

A Settlement Agreement and Mutual Release of claims is tied to the closing of the land sale/purchase transaction, as more fully described in the Purchase and Sale Agreement.

Origination:

Community Improvement Task Force

Financial Consideration:

Total acreage will be verified by boundary survey, approximate acreage is 1.64 acres. Total cost will be about $240,000.00

Staff Recommendation:

It is recommended that the City Council authorize the purchase of this land

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 7157

Purchase and Sale Agreement

Settlement Agreement and Release

Aerial Location Map

RESOLUTION NO. 7157

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH AB SHERMAN HOLDING COMPANY LLC FOR THE PURCHASE OF APPROXIMATELY 1.64 ACRES OF LAND, GENERALLY LOCATED EAST OF SOUTH TRAVIS STREET AND SOUTH OF WASHINGTON ELEMENTARY SCHOOL IN THE CITY OF SHERMAN, 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, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Purchase and Sale Agreement with AB Sherman Holding Company LLC for the Purchase of Approximately 1.64 acres of Land Generally Located east of south Travis Street and south of Washinton Elementary School in the City of Sherman, Texas, for a total amount of Two Hundred Forty Thousand dollars ($240,00.00); in accordance with the terms and provisions of the contract documents attached hereto and incorporated herein for all purposes.

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

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this the 18th day of September 2023.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____ **BY:** _____

LINDA ASHBY, CITY CLERK **DAVID PLYLER, MAYOR**

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

BY: _____

RYAN D. PITTMAN, CITY ATTORNEY

PURCHASE AND SALE AGREEMENT
+/- 1.64 acres, City of Sherman, Grayson County, Texas

THIS PURCHASE AND SALE AGREEMENT (this "Agreement") is made and entered into by **THE CITY OF SHERMAN, TEXAS**, a home-rule municipality (the "Purchaser") and **AB SHERMAN HOLDING COMPANY LLC**, a Texas limited liability company (collectively, "Seller").

WHEREAS, defined terms are indicated by initial capital letters. Defined terms shall have the meaning set forth herein, whether or not such terms are used before or after the definitions are set forth.

WHEREAS, Purchaser desires to purchase the Property and Seller desires to sell the Property, all upon the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual terms, provisions, covenants and agreements set forth herein, as well as the sums to be paid by Purchaser to Seller, and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Purchaser and Seller agree as follows:

ARTICLE 1
BASIC INFORMATION

Section 1.1 Certain Defined Terms

The following defined terms shall have the meanings set forth below:

A. City. The City of Sherman, Texas.

B. Closing. The completion of the transaction described in this Agreement.

C. Closing Date. The date that is thirty (30) days after the expiration of the Inspection Period, or as soon as Purchaser elects to proceed to Closing, whichever occurs first.

D. Cure Period. The period beginning on the date Seller receives Purchaser's Objections and ending on the date that is ten (10) days thereafter, or at such time as reasonable to cure Purchaser's Objections.

E. Due Diligence Delivery Date. The date that is ten (10) days after the Effective Date.

F. Earnest Money. TWO HUNDRED AND 00/100 DOLLARS ($200.00).

G. Earnest Money Delivery Date. The date that is three (3) business days after the fully executed Agreement is delivered to the Title Company.

H. Effective Date. The date on which the fully executed Agreement along with the Earnest Money is receipted by the Title Company, as shown on the Title Company Acceptance Page.

I. Inspection Period. The period beginning on the Effective Date and ending on the date which is sixty (60) days after the Effective Date.

J. Purchase Price. The sum of TWO HUNDRED FORTY THOUSAND AND 00/100 DOLLARS ($240,000.00).

K. Purchaser's Broker. N/A.

L. Review Period. The period ending fifteen (15) days after Purchaser's receipt of the later of the (i) initial Title Commitment, (ii) Title Documents, and (iii) the Survey.

M. Seller's Broker. N/A.

N. Survey Delivery Date. The date that is ten (10) days after the Effective Date.

O. Title Commitment Delivery Date. The date that is twenty (20) days after the Effective Date.

P. Title Company. Westcor Title Company.

Q. Title Termination Period. The period beginning on the expiration of the Cure Period and ending on the date that is five (5) days after the Cure Period.

Section 1.2 Closing Costs

Closing costs shall be allocated and paid as follows:

COST	RESPONSIBLE PARTY
Title Commitment	Evenly split between Purchaser and Seller
Premium for standard form Title Policy	Evenly split between Purchaser and Seller
Premium for endorsements or additional coverage for the Title Policy	Purchaser
Recording Fees	Purchaser
Financing expenses for Purchaser's loan, if any	Purchaser
Escrow Fee charged by Title Company	Evenly split between Purchaser and Seller
Commission to Seller's Broker, if any	Seller

All other Closing costs, expenses, charges and fees customarily paid by purchasers in Grayson County	Purchaser
All other Closing costs, expenses, charges and fees customarily paid by sellers in Grayson County, including Schedule C Curative Items	Seller

Section 1.3 Notice Addresses

Purchaser:	City of Sherman Attn: Robby Hefton, City Manager 220 Mulberry Street Sherman, Texas 75454 Telephone: 903-819-7452 Email: robbyh@cityofsherman.com
with copy to:	Abernathy, Roeder, Boyd & Hullett, P.C. Attn: Ryan D. Pittman 1700 Redbud Boulevard, Suite 300 McKinney, Texas 75069 Telephone: 214-544-4046 Email: rpittman@abernathy-law.com
Seller:	AB Sherman Holding Company LLC Attn: Christie Clark 1914 W. McKinney St. Houston, Texas 77019 Email: christie@antinaco.com
Title Company:	Nelly Mendoza Escrow Officer 5005 Lyndon B. Johnson, Suite 200 Dallas, Texas 75244 Tel– 214.269.2360 Direct– 469.445.1343 Email: nmendoza@kvnational.com

ARTICLE 2
PROPERTY

Section 2.1 Property Description

Upon the terms and conditions hereinafter stated, Seller hereby agrees to sell and convey to Purchaser the following (collectively, the "Property"):

A. Land. Good and indefeasible title to approximately 1.64± acres of land generally located at 915 S. Travis Street in the City of Sherman, Grayson County, Texas (the "Land"), together with all benefits, privileges, easements, tenements, hereditaments, rights and appurtenances thereon or pertaining to such Land, as described in **Exhibit A**, attached hereto and incorporated herein by this reference.

B. Improvements. All buildings, structures, fixtures, and improvements situated on, in, or under the Land, if any ("Improvements"); all benefits, privileges, tenements, hereditaments, rights and appurtenances thereon or pertaining to the Improvements and all easements owned by Seller, if any, which are used or needed in connection with the operation or development of the Land (the Land and the Improvements are herein referenced as the "Real Property").

C. Personal Property. All of Seller's right, title, and interest in any personal property owned by Seller, if any, as of the Closing Date that is attached to or located on and used exclusively in connection with the operation, repair, or maintenance of the Real Property, including but not limited to all fixtures, fittings, appliances, apparatuses, equipment, tools, machinery, heating, ventilating, air-conditioning, lighting, plumbing, and electrical fixtures, hot-water heaters, furnaces, heating controls, Agreement rights, claims, systems, and other items of tangible and intangible personal property and replacements, affixed or attached to, situated on, or used exclusively in connection with the Real Property (collectively, "Personal Property").

D. Licenses and Permits. To the extent assignable by Seller to Purchaser, and to the extent any of the following exist and run with the Real Property, all of Seller's right, title, and interest in and to (i) licenses, permits, certificates of occupancy, or similar documents relating to the Real Property and Personal Property; (ii) all permits, approvals, licenses, water and sewer capacity commitments, all engineering and architectural plans; and (iii) all plans, drawings, specifications, surveys, engineering reports, and other technical descriptions of the Real Property and/or Personal Property (collectively, "Licenses and Permits").

E. Maintenance of the Property Prior to Closing. Prior to Closing, Seller shall maintain the Property and Improvements as such currently exist as of the Effective Date and continue to maintain the fence and vegetation in accordance with the City's Code of Ordinances. The parties hereto agree that Seller is not obligated via this Agreement to make any improvements to the Property and that Purchaser is purchasing the Property "As Is", pursuant to Section K of Article 6 herein.

Section 2.2 Legal Description

The legal description of the Land set forth in the final Survey certified to the Purchaser and Title Company shall be substituted for **Exhibit A** at a later date as the description of the Property to be conveyed hereunder and shall become part of this Agreement.

ARTICLE 3
PURCHASE PRICE

Purchaser agrees to purchase the Property at the Purchase Price and upon the terms set forth herein. At Closing, Purchaser shall deliver to Seller the Purchase Price in cash or other immediate funds.

ARTICLE 4
EARNEST MONEY

On or before the Earnest Money Delivery Date, Purchaser shall deposit the Earnest Money in the form of a check or wire transfer with the Title Company in its capacity as escrow agent, to be held in escrow pursuant to the terms of this Agreement. If Purchaser fails to timely deposit the Earnest Money, Seller may terminate this Agreement at any time before Purchaser deposits the Earnest Money with the Title Company, and upon such election, this Agreement shall terminate. Purchaser agrees that One Hundred and No/100 Dollars ($100.00) of the Earnest Money is given as consideration for this Agreement (the "Independent Consideration"), which Independent Consideration shall be applied to the Purchase Price at Closing, but shall not be returned to Purchaser in the event the Earnest Money is otherwise returned to the Purchaser pursuant to the terms of this Agreement. The Earnest Money shall be credited to the Purchase Price at Closing.

ARTICLE 5
DUE DILIGENCE AND CONTINGENCIES

Section 5.1 Survey and Title Review

A. Survey. If there is an existing survey of the Property, Seller, at its sole cost and expense, shall deliver to Purchaser a copy of such survey (the "Survey") on or before the Survey Delivery Date. If a new or updated survey of the Property is required, then such new or updated survey shall be obtained by Seller and shall be prepared by a registered land surveyor in conformity with the "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" jointly established and adopted by ALTA and NSPS in 2011 (or such local equivalent as may exist with respect to the Property), in conformity with such standards as are required by the Title Company as a condition to the removal of the survey exception from the Title Commitment, and certified to Purchaser, the Title Company and such other parties as Purchaser shall designate by written notice to Seller. Purchaser must review and approve any Survey prepared by or for Purchaser as a condition of Purchaser's obligations at Closing. The parties shall evenly split the cost of a new or updated survey.

B. Title Commitment. On or before the Title Commitment Delivery Date, Seller shall deliver or cause to be delivered to Purchaser (i) a title commitment (the "Title Commitment") covering the Property binding the Title Company to issue a Texas Owner Policy of Title Insurance (the "Title Policy") on the standard form prescribed by the Texas State Board of Insurance at the Closing, in the full amount of the Purchase Price, insuring Purchaser's fee simple title to the Property to be good and indefeasible, subject only to the Permitted Exceptions as defined below, and (ii) the following documents (collectively, the "Title Documents"): (1) true and legible copies of all recorded instruments affecting the Property and recited as exceptions in the Title Commitment, and (2) a current tax certificate.

C. Special Assessment Districts. If the Property is situated within a utility district or flood control district subject to the provisions of Section 50.301, Texas Water Code, then Seller shall give to Purchaser as part of the Title Documents the required written notice and Purchaser agrees to acknowledge receipt of the notice in writing. The notice must set forth the current tax rate, the current bonded indebtedness and the authorized indebtedness of the district, and must

comply with all other applicable requirements of the Texas Water Code. If the Property is subject to mandatory membership in a property owner's association, Seller shall notify Purchaser of the current annual budget of the property owners' association, and the current authorized fees, dues and/or assessments relating to the Property.

D. Review and Cure Period. During the Review Period, Purchaser shall have the opportunity to review the Survey, the Title Commitment, and the Title Documents. If Purchaser has any objections to the Survey, Title Commitment or Title Documents, Purchaser may deliver such objections to Seller in writing within the Review Period (collectively, "Objections"). Purchaser's failure to provide Objections to Seller prior to the expiration of the Review Period shall be a waiver of Purchaser's right to object, and any item to which Purchaser does not include in its Objections on or before to the expiration of the Review Period shall also be deemed a "Permitted Exception." Items that the Title Company identifies as to be released at Closing will be deemed Objections by Purchaser and shall not be Permitted Exceptions. If Purchaser provides Seller with any Objections, Seller may, but is not obligated to attempt to satisfy the Objections within the Cure Period.

E. Failure or Refusal to Cure. If Seller cannot satisfy or chooses not to satisfy Purchaser's Objections within the Cure Period, then Purchaser may terminate this Agreement by delivering a written notice to Seller within the Title Termination Period. If Purchaser terminates this Agreement, the Earnest Money shall be immediately returned to Purchaser and thereafter neither party shall have any rights or obligations under this Agreement (except for those which may expressly survive the termination of this Agreement). If Purchaser does not terminate this Agreement, then Purchaser shall be deemed to have waived any uncured Objections, except for those Objections Seller has agreed to cure, and must accept such title as Seller is able to convey as of Closing, subject to the other terms and provisions of this Agreement. Notwithstanding the foregoing, at or prior to Closing, Seller shall discharge or cause to be discharged all: (i) matters set forth on Schedule C of the Title Commitment; (ii) exceptions to title created after the Effective Date without the written consent of Purchaser; and (iii) judgments, liens and mortgages affecting the Property, and same shall not constitute Permitted Exceptions.

Section 5.2 Due Diligence

On or prior to the Due Diligence Delivery Date, Seller shall deliver to Purchaser copies of all engineering investigations, soils reports, feasibility reports, tests, environmental studies, license agreements, management agreements, and other information related to the Property in Seller's possession or control. Notwithstanding Seller's delivery of the above described studies, tests and other due diligence material, if any, Purchaser acknowledges that any information of any type which Purchaser has received or may receive from Seller, or its agents, is furnished to Purchaser as a courtesy only and on the express condition that Purchaser shall make an independent verification of the accuracy of such information, and that all such information is being furnished without any representation or warranty by Seller as to the truth, accuracy, or completeness of such information; provided, however, that Seller confirms that Seller has no current actual knowledge of any material inaccuracies or errors in any such due diligence materials. Further, as a condition to Seller's delivery of any due diligence materials to Purchaser, Purchaser expressly acknowledges the foregoing in its acceptance of such due diligence items from Seller, and agrees to waive any

and all claims against Seller for any cause of action arising from Purchaser's reliance on such Seller furnished due diligence materials.

Section 5.3 Inspection Period

A. Purchaser's Right to Inspect the Property. Prior to the expiration of the Inspection Period, Purchaser shall have the right to inspect the Property and determine if the same is suitable for Purchaser's intended use. If Purchaser notifies Seller in writing on or before 11:59 p.m. on the last day of the Inspection Period that Purchaser disapproves or is dissatisfied in any way with the Property, such determination to be made in Purchaser's sole and absolute discretion, then this Agreement shall terminate and the Earnest Money heretofore delivered by Purchaser to Title Company shall be returned to Purchaser; provided, however, the Independent Consideration shall not be returned to Purchaser. If Purchaser fails to so notify Seller in writing prior to the expiration of the Inspection Period of Purchaser's election to terminate this Agreement, this Agreement shall continue in full force and effect. Seller hereby grants to Purchaser during the Inspection Period the right to enter upon the Property during reasonable business hours to conduct such tests as Purchaser deems necessary.

ARTICLE 6
REPRESENTATIONS AND WARRANTIES

Section 6.1 Seller's Representation and Warranties

Seller represents and warrants to Purchaser as of the Effective Date and as of the Closing as follows:

A. Title. Seller has the right to convey and will convey to Purchaser good and indefeasible fee simple title to the Property free and clear of any and all liens, assessments, unrecorded easements, security interests and other encumbrances except only to the Permitted Exceptions.

B. Licenses. There are no parties in possession of any portion of the Property as licensees, tenants at sufferance or trespassers except for those disclosed, and delivered to Seller as part of the due diligence materials.

C. Negative Covenants. Seller shall not further encumber any of the Property or allow an encumbrance upon the title to any of the Property without the written consent of Purchaser.

D. Liens and Debts. There are no mechanic's liens, Uniform Commercial Code liens or unrecorded liens against the Property, and Seller shall not allow any such liens to attach to the Property prior to Closing, which will not be satisfied out of the Closing proceeds. All obligations of Seller arising from the ownership and operation of the Property and any business operated on the Property, if any, including, but not limited to, taxes, leasing commissions, salaries, and similar agreements, have been paid or will be paid prior to Closing. Except for obligations for which provisions are made in this Agreement for prorating at Closing, there will be no obligations of Seller with respect to the Property outstanding as of Closing.

E. Litigation. To Seller's knowledge, there is no pending or threatened litigation, condemnation, or assessment affecting any of the Property other than the litigation described in the Settlement Agreement and Mutual Release referenced below. Seller shall promptly advise Purchaser of any litigation, condemnation or assessment affecting any of Property which is threatened or instituted after the Effective Date.

F. Operation of the Property. After the Effective Date through the Closing Date, Seller shall maintain the Property in the same condition and in the same manner as existed on the Effective Date, except for ordinary wear and tear and any casualty loss.

G. Patriot Act. To the extent applicable to Seller, Seller has complied in all material respects with the International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001, which comprises Title III of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (the "Patriot Act") and the regulations promulgated thereunder, and the rules and regulations administered by the U.S. Treasury Department's Office of Foreign Assets Control ("OFAC"), to the extent such laws are applicable to Seller. To the best of Seller's knowledge, Seller is not included on the List of Specially Designated Nationals and Blocked Persons maintained by the OFAC, or is a resident in, or organized or chartered under the laws of, (i) a jurisdiction that has been designated by the U.S. Secretary of the Treasury under Section 311 or 312 of the Patriot Act as warranting special measures due to money laundering concerns or (ii) any foreign country that has been designated as non-cooperative with international anti-money laundering principles or procedures by an intergovernmental group or organization, such as the Financial Action Task Force on Money Laundering, of which the United States is a member and with which designation the United States representative to the group or organization continues to concur.

H. Organization and Authority. The execution and delivery of this Agreement by those executing this Agreement on Seller's behalf and Seller's performance of this Agreement has been duly authorized by Seller, and this Agreement is binding on Seller and enforceable against Seller in accordance with its terms. The execution of this Agreement and the consummation of the transaction contemplated herein will not violate any restriction, court order or agreement to which Seller or the Property is subject.

I. No Prohibitions. Neither Seller, nor any employee executing this Agreement on behalf of Seller is prohibited from (i) executing or delivering this Agreement; (ii) complying with the terms of this Agreement or (iii) consummating the transactions contemplated by this Agreement by any applicable governmental requirement, agreement, instrument, restriction, or by a judgment, order or decree of any governmental authority having jurisdiction over Seller or the Property.

J. Compliance with Laws. To the best of Seller's current actual knowledge, neither the Property, nor Seller are currently subject to (i) any existing, pending or threatened investigation or inquiry by any governmental authority other than the litigation described in the Settlement Agreement and Mutual Release referenced below or (ii) any remedial obligations, under any applicable law, statute, ordinance, rule, regulation, order or determination of any governmental authority or any board of fire underwriters (or other body exercising similar functions), or any restrictive covenant or deed restriction or zoning ordinance or classification affecting the Property,

including, without limitation, all applicable building codes, fire codes, health codes, water codes, flood disaster laws and health and Environmental Laws and regulations, other than the litigation described in the Settlement Agreement and Mutual Release referenced below (hereinafter sometimes collectively called the "Applicable Laws"). Seller has received no notice from any municipal, state, federal or other governmental authority of any violation of any Applicable Laws issued in respect of the Property which has not been heretofore corrected, and no such violation exists, other than the litigation described in the Settlement Agreement and Mutual Release referenced below.

K. "AS IS". EXCEPT AS EXPRESSLY PROVIDED HEREIN, IT IS UNDERSTOOD AND AGREED THAT SELLER IS NOT MAKING ANY WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESS OR IMPLIED, WITH RESPECT TO THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, WARRANTIES OR REPRESENTATIONS AS TO MATTERS OF TITLE (OTHER THAN SELLER'S WARRANTY OF TITLE SET FORTH IN THE DEED TO BE DELIVERED AT CLOSING), ZONING, TAX CONSEQUENCES, PHYSICAL OR ENVIRONMENTAL CONDITION, ABSENCE OF LATENT DEFECTS, OPERATING HISTORY OR PROJECTIONS, VALUATION, GOVERNMENTAL APPROVALS, GOVERNMENTAL REGULATIONS OR ANY OTHER MATTER OR THING RELATING TO OR AFFECTING THE PROPERTY. EXCEPT AS EXPRESSLY PROVIDED HEREIN, PURCHASER AGREES THAT WITH RESPECT TO THE PROPERTY, PURCHASER HAS NOT RELIED UPON AND WILL NOT RELY UPON, EITHER DIRECTLY OR INDIRECTLY, ANY REPRESENTATION OR WARRANTY OF SELLER OR SELLER'S REPRESENTATIVES. PURCHASER WILL CONDUCT SUCH INSPECTIONS AND INVESTIGATIONS OF THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, THE PHYSICAL AND ENVIRONMENTAL CONDITIONS THEREOF, AND RELY UPON SAME, AND, UPON CLOSING, SHALL ASSUME THE RISK THAT ADVERSE MATTERS, INCLUDING, BUT NOT LIMITED TO, LATENT DEFECTS AND ADVERSE PHYSICAL AND ENVIRONMENTAL CONDITIONS, MAY NOT HAVE BEEN REVEALED BY PURCHASER'S INSPECTIONS AND INVESTIGATIONS. EXCEPT AS EXPRESSLY PROVIDED HEREIN, PURCHASER AGREES TO TAKE WHATEVER ACTION AND PERFORM WHATEVER INVESTIGATIONS AND STUDIES PURCHASER DEEMS NECESSARY TO SATISFY ITSELF AS TO THE CONDITION OF THE PROPERTY AND THE EXISTENCE OR NONEXISTENCE OF, OR CURATIVE ACTION TO BE TAKEN WITH RESPECT TO, ANY HAZARDOUS AND/OR TOXIC SUBSTANCES ON OR DISCHARGED FROM THE PROPERTY. PURCHASER ACKNOWLEDGES AND AGREES THAT UPON CLOSING SELLER SHALL SELL AND CONVEY TO PURCHASER AND PURCHASER SHALL ACCEPT THE PROPERTY "AS IS, WHERE IS", WITH ALL FAULTS AND THERE ARE NO ORAL OR WRITTEN AGREEMENTS, WARRANTIES OR REPRESENTATIONS, COLLATERAL TO OR AFFECTING THE PROPERTY BY SELLER OR ANY THIRD PARTY. FURTHER, PURCHASER HEREBY ACKNOWLEDGES TO SELLER THAT PURCHASER AND SELLER ARE NOT IN A SIGNIFICANTLY DISPARATE BARGAINING POSITION. THE TERMS AND CONDITIONS OF THIS PARAGRAPH SHALL EXPRESSLY SURVIVE THE CLOSING AND SHALL NOT BE MERGED THEREIN.

Section 6.2 Purchaser's Representations and Warranties

Purchaser represents and warrants to Seller as of the Effective Date and as of the Closing as follows:

A. Organization and Authority. Purchaser is a home-rule municipality validly existing under the laws of the State of Texas. The execution and delivery of this Agreement by those executing this Agreement on Purchaser's behalf and Purchaser's performance of this Agreement has been duly authorized by Purchaser, and this Agreement is binding on Purchaser and enforceable against Purchaser in accordance with its terms. The execution of this Agreement and the consummation of the transaction contemplated herein will not violate any restriction, court order or agreement to which Purchaser is subject. If Purchaser assigns this Agreement to an allowed third party, such entity shall be duly organized, validly existing and in good standing under the laws of the State of Texas and have all the requisite power and authority to enter into, deliver and perform this Agreement.

B. Litigation. To Purchaser's knowledge, there is no pending or threatened litigation affecting Purchaser that would materially impact the transaction described in this Agreement. Purchaser shall promptly advise Seller of any litigation affecting Purchaser and its ability to consummate the transaction contemplated herein which is threatened or instituted after the Effective Date.

C. Patriot Act. To the extent applicable to Purchaser, Purchaser has complied in all material respects with the International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001, which comprises Title III of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (the "Patriot Act") and the regulations promulgated thereunder, and the rules and regulations administered by the U.S. Treasury Department's Office of Foreign Assets Control ("OFAC"), to the extent such laws are applicable to Purchaser. To the best of Purchaser's knowledge, Purchaser is not included on the List of Specially Designated Nationals and Blocked Persons maintained by the OFAC, or is a resident in, or organized or chartered under the laws of, (i) a jurisdiction that has been designated by the U.S. Secretary of the Treasury under Section 311 or 312 of the Patriot Act as warranting special measures due to money laundering concerns or (ii) any foreign country that has been designated as non-cooperative with international anti-money laundering principles or procedures by an intergovernmental group or organization, such as the Financial Action Task Force on Money Laundering, of which the United States is a member and with which designation the United States representative to the group or organization continues to concur.

D. No Prohibitions. Neither Purchaser, nor any employee executing this Agreement on behalf of Purchaser is prohibited from (i) executing or delivering this Agreement; (ii) complying with the terms of this Agreement or (iii) consummating the transactions contemplated by this Agreement by any applicable governmental requirement, agreement, instrument, restriction, or by a judgment, order or decree of any governmental authority having jurisdiction over Purchaser.

Section 6.3 Remedies

If either party discovers prior to Closing that any of the other party's representations or warranties have been misrepresented or are inaccurate, such discovering party may notify the party with deficient representations and/or warranties in writing, and the deficient party may attempt to correct or remedy the misrepresentation or inaccuracy. If the misrepresentation or inaccuracy is not remedied prior to Closing, upon written notice to the deficient party, the discovering party may: (i) proceed to Closing without waiving any claim for breach of warranty or misrepresentation; (ii) delay Closing until ten (10) days after the misrepresentation or inaccuracy is remedied; or (iii) exercise any remedies available for default by the deficient party under this Agreement.

ARTICLE 7
CLOSING

Section 7.1 Closing Date

The Closing shall occur on or before the Closing Date. Seller shall deliver possession of the Property at Closing.

Section 7.2 Seller's Closing Documents

At the Closing, Seller shall deliver the following to Purchaser:

A. A duly executed Special Warranty Deed (the "Deed"), in the form attached hereto as **Exhibit B**, conveying the Property to Purchaser in fee simple according to the legal description prepared by the surveyor as shown on the Survey, subject only to the Permitted Exceptions;

B. The Title Policy issued by the underwriter for the Title Company pursuant to the Title Commitment, subject only to the Permitted Exceptions, in the full amount of the Purchase Price, dated as of the date of Closing, and with the survey exception deleted except as to "shortages in area;"

C. A FIRPTA certificate, duly executed and acknowledged by Seller;

D. Only if necessary, a Bill of Sale conveying all of Seller's right, title, and interest in the Personal Property, if any, to Purchaser free and clear of all restrictions, conditions, easements, liens, and other encumbrances, except the Permitted Exceptions;

E. A general assignment assigning to Purchaser all of Seller's interest in any Licenses and Permits;

F. An assignment to Purchaser of Seller's interest in any Leases;

G. Evidence of Seller's authority and capacity to close this transaction;

H. A duly executed Settlement Agreement and Mutual Release, in the form attached hereto as **Exhibit C**; and

I. All other documents reasonably required by the Title Company from Seller to close this transaction.

Section 7.3 Purchaser's Closing Documents

At the Closing, Purchaser shall deliver the following to Seller:

A. The Purchase Price;

B. Evidence of Purchaser's authority and capacity to close this transaction;

C. A duly executed Settlement Agreement and Mutual Release, in the form attached hereto as **Exhibit C**; and

D. All other documents reasonably required by the Title Company from Purchaser to close this transaction.

Section 7.4 Closing Costs

Each party shall pay its respective costs associated with the Closing in accordance with Section 1.2 above.

Section 7.5 Ad Valorem Taxes

All state, county, and municipal taxes for the then current year relating to the Property shall be prorated as of the Closing Date and, in accordance with the provisions of Section 26.11 of the Texas Tax Code, the Title Company shall collect from Seller its portion of such taxes and remit the same to the appropriate taxing jurisdictions. This provision shall survive the Closing.

NOTICE REGARDING POSSIBLE LIABILITY FOR ADDITIONAL TAXES. If for the current ad valorem tax year the taxable value of the Property that is the subject of this Agreement is determined by a special appraisal method that allows for appraisal of the Property at less than its market value, the person to whom the Property is transferred may not be allowed to qualify the Property for that special appraisal in a subsequent tax year and the Property may then be appraised at its full market value. In addition, the transfer of the Property or a subsequent change in the use of the Property may result in the imposition of an additional tax plus interest as a penalty for the transfer or the change in the use of the Property. The taxable value of the Property and the applicable method of appraisal is public information and may be obtained from the tax appraisal district established for the county in which the land is located.

7.6 Settlement and Mutual Release Agreement

As a condition precedent to Closing, the Settlement and Mutual Release Agreement must be executed by each party hereto, delivered, and on file with the Title Company at least five (5) days prior to Closing. If either party hereto fails to deliver its respective signature page to the Title Company prior to Closing, it shall constitute a material breach and default of this Agreement and

the non-defaulting party may pursue all remedies listed in Article 9. The Title Company shall deliver the fully executed Settlement Agreement and Mutual Release to the parties upon Closing of the transaction. If Closing does not occur, the Title Company shall destroy the signature pages it has received and the parties agree that the Settlement Agreement and Mutual Release is null and void. The Settlement Agreement and Mutual Release is effective only if Closing occurs.

ARTICLE 8
CASUALTY LOSS; CONDEMNATION.

All risk of loss to the Property shall remain upon Seller prior to the Closing. If, prior to the Closing, any portion of the Property is damaged or destroyed by fire or other casualty, or subject to a condemnation or taking or the threat of a condemnation or taking, Purchaser may either terminate this Agreement by delivering a written termination notice to Seller or elect to close. If the transaction is to proceed to Closing, there shall be no reduction in the Purchase Price, but Seller shall assign to Purchaser all of Seller's right and interest in any insurance proceeds and/or condemnation awards, as applicable, plus an amount equal to any insurance deductible.

ARTICLE 9
DEFAULT

Section 9.1 Purchaser's Remedies

If Seller fails to perform its obligations under this Agreement for any reason except Purchaser's default, which continues for more than ten (10) days, or as long as reasonably necessary to cure the default, following delivery of written notice of such default from Purchaser to Seller, then Seller shall be in default and Purchaser may elect to (i) terminate this Agreement and receive the Earnest Money, or (ii) pursue the remedy of specific performance.

Section 9.2 Seller's Remedies

If Purchaser fails to perform its obligations under this Agreement for any reason except Seller's default, which continues for more than ten (10) days, or as long as reasonably necessary to cure the default, following delivery of written notice of such default from Seller to Purchaser, then Purchaser shall be in default, and Seller may elect to (i) terminate this Agreement and receive the Earnest Money, or (ii) pursue the remedy of specific performance.

ARTICLE 10
REAL ESTATE COMMISSIONS

If and only if, as and when this transaction is closed, Seller shall pay a commission to Seller's Broker in an amount set forth in a separate agreement between Seller and Seller's Broker (the "Commission"). The Commission shall be payable at Closing, if, as and when Closing occurs and the transaction is funded. It is expressly understood, acknowledged and agreed that Seller's Broker's right to such Commission shall vest only upon the actual Closing and funding of this Agreement and no Commission shall be earned, due or owing in the event the purchase and sale transaction contemplated herein shall fail to close for any reason whatsoever including, but not limited to, the default of either Seller or Purchaser. In no event whatsoever shall any Seller's Broker be entitled to receive any portion of the Earnest Money. Each party hereto represents to

the other that, except as set forth above with respect to Seller's Broker, it has not authorized any other broker or finder to act on its behalf in connection with the sale and purchase transaction contemplated hereby and that it has not dealt with any broker or finder purporting to act for any other party. Each party hereto agrees, to the extent permitted by law, to indemnify and hold harmless the other party from and against any and all liabilities, costs, damages and expenses of any kind or character arising from any claims for brokerage or finder's fees, commissions or other similar fees in connection with the transactions covered by this Agreement insofar as such claims shall be based upon alleged arrangements or agreements made by such party or on its behalf, which indemnity shall expressly survive any termination or Closing of this Agreement.

ARTICLE 11
MISCELLANEOUS PROVISIONS

Section 11.1 Notices

All notices and other communications required or permitted under this Agreement must be in writing and shall be deemed delivered on the earlier of: (i) actual receipt, if delivered in person or by messenger with evidence of delivery; (ii) the date and time of transmission if delivered by email; or (iii) three (3) business days after deposit in the United States Mail as required below. Notices delivered by mail must be deposited with the U.S. Postal Service and sent by certified mail return receipt requested with postage prepaid, and properly addressed to the intended recipient at the address set forth below. Any party may change its address for notice purposes by delivering written notice of its new address to all other parties in the manner set forth above.

Section 11.2 Forms and Construction

This Agreement is the result of negotiations between the parties, neither of whom has acted under any duress or compulsion, whether legal, economic or otherwise. Accordingly, the terms and provisions hereof shall be construed in accordance with their usual and customary meanings. Seller and Purchaser hereby waive the application of any rule of law which otherwise would be applicable in connection with the construction of this Agreement that ambiguous or conflicting terms or provisions should be construed against the party who (or whose attorney) prepared the executed Agreement or any earlier draft of the same.

Section 11.3 Attorney's Fees

The prevailing party in any legal proceeding brought in relation to this Agreement or transaction shall be entitled to recover from the non-prevailing party's court costs, reasonable attorneys' fees and all other reasonable litigation expenses.

Section 11.4 Assignment

Purchaser may not assign this Agreement without the prior written consent of Seller. Notwithstanding the foregoing, Purchaser may assign its rights under this Agreement to any affiliated entity which directly or indirectly controls, is controlled by or is under common control with Purchaser without the consent of Seller, on the condition that the assignee expressly assumes all of the obligations of Purchaser hereunder in a written agreement, and such written agreement is delivered to Seller prior to the Closing Date. This Agreement shall be binding upon and inure

to the benefit of the respective legal representatives, successors, assigns, heirs, and devises of the parties.

Section 11.5 Integration

This Agreement contains the complete agreement between the parties with respect to the Property and cannot be varied except by written agreement of the parties hereto. The parties agree that there are no oral or signed agreements, understandings, representations or warranties made by the parties which are not expressly set forth herein.

Section 11.6 Survival

Any warranty, representation, covenant, condition or obligation contained in this Agreement not otherwise consummated at the Closing will survive the Closing of this transaction for a period of one (1) year.

Section 11.7 Binding Effect

This Agreement shall inure to the benefit of and be binding upon the parties to this Agreement and their respective heirs, legal representatives, successors and assigns.

Section 11.8 Time for Performance

Time is of the essence under each provision of this Agreement. If any date of performance hereunder falls upon a Saturday, Sunday or recognized holiday, such date will be deemed moved forward to the next day which is not a Saturday, Sunday or recognized holiday.

Section 11.9 Business Day

The term "business day" shall mean days elapsed exclusive of Saturday, Sunday or recognized holidays.

Section 11.10 Governing Law

This Agreement shall be construed under and governed by the laws of the State of Texas, and unless otherwise provided herein, all obligations of the parties created under this Agreement are to be performed in the county where the Property is located.

Section 11.11 Severability

If any provision of this Agreement is held to be invalid, illegal, or unenforceable by a court of competent jurisdiction, the invalid, illegal or unenforceable provision shall not affect any other provisions, and this Agreement shall be construed as if the invalid, illegal, or unenforceable provision is severed and deleted from this Agreement.

Section 11.12 Counterparts

This Agreement may be executed in a number of identical counterparts. Each counterpart is deemed an original and all counterparts shall, collectively, constitute one agreement. Executed documents transmitted electronically shall be considered originals.

Section 11.13 Gender; Number

Unless the context requires otherwise, all pronouns used in this Agreement shall be construed to include the other genders, whether used in the masculine, feminine or neuter gender. Words in the singular number shall be construed to include the plural, and words in the plural shall be construed to include the singular.

Section 11.14 Immunity

It is expressly understood and agreed that, in the execution and performance of this Agreement, Purchaser 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.

Section 11.15 Further Assurances

The parties each agree that at any time, or from time to time, after the execution of this Agreement each party will, upon the request of the other party hereto, execute and deliver such further documents and do such further acts and things as such other party may reasonably request in order to effect fully the purposes of this Agreement

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

EXECUTED on the dates stated below, but to be **EFFECTIVE** on the Effective Date defined herein.

PURCHASER:

Date:_____

CITY OF SHERMAN, TEXAS,
a home-rule municipality

By:_____
Robby Hefton, City Manager

SELLER:

Date:_____

AB SHERMAN HOLDING COMPANY LLC, a Texas limited liability company

By:_____

Printed Name: _____

Title: _____

TITLE COMPANY ACCEPTANCE

The Title Company acknowledges receipt of the executed Agreement and Earnest Money on _____, 2023, at _____ (a.m./p.m.) and has accepted the Earnest Money subject to the terms and conditions set forth in this Agreement.

TITLE COMPANY:
Westcor Title Company

By: _____
Name: _____
Title: _____

EXHIBIT "A"
DESCRIPTION OF THE LAND

A tract of land out of the Samuel Blagg Survey, Abstract No. 56, City of Sherman, Grayson County, Texas, and being the same 1.6370-acre tract of land conveyed to Vernon B. Mullins by Substitute Trustee's Deed recorded in Volume 2001, Page 217, Real Property Records, Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a I" iron pipe found at the intersection of the east R.O.W. of Travis Street (5O' R.O.W.) with the North R.O.W. of Spring Street (50' R.O.W.);

THENCE North 16° 00' 00" West along the east R.O.W. of Travis Street a distance of 239.63 feet to a nail in washer fonnd for comer, said point being at the intersection of the east R.O.W. of Travis Street with the south line of a 10 foot alley;

THENCE North 74° 08' 44" East along the south line of said 10 foot alley a distance of 298.55 feet to a nail in washer for comer, said point being the intersection of the south line of said 10 foot alley with the west R.O.W. of Walnut Street (50' R.O.W.);

THENCE South 16° 03' 16" East along the west R.O.W. of Walnut Street a distance of 237.65 feet to a 1" iron rod found for comer, said point being the intersection of the west R.O.W. of Walnut Street with the north R.O.W. of Spring Street;

THENCE South 73° 46' 00" West along the north R.O.W. of Spring Street, a distance of 298.78 feet to the Place of Beginning and containing 71,272 square feet or 1.64 acres of land.

EXHIBIT "B"
FORM OF SPECIAL WARRANTY DEED

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.

SPECIAL WARRANTY DEED

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

THAT _____ (collectively, "Grantor"), for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration to Grantor in hand paid by the CITY OF SHERMAN, TEXAS, a home-rule municipality ("Grantee"), the receipt and sufficiency of which is hereby acknowledged by Grantor, has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL AND CONVEY unto Grantee that certain real property more particularly described on Exhibit 1 attached hereto and incorporated herein (the "Land"), together with all and singular, the rights and appurtenances pertaining to the Land, including any right, title and interest of Grantor in and to adjacent streets, alleys or rights-of-way, and including all of Grantor's rights to all oil, gas and other minerals in and under the Land, if any, together with any improvements, fixtures, and personal property situated on and attached to the Land (collectively, the "Property").

This conveyance is made and accepted subject to all those certain easements, covenants, restrictions and other matters more particularly described in Exhibit 2 attached hereto and incorporated herein by this reference for all purposes, to the extent that same are valid and subsisting and affect the Property (the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND, all and singular the title to the 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, subject only, however, to the Permitted Exceptions.

[*Signature pages follow.*]

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed to be effective as of the _____ day of _____, 2023.

GRANTOR:

_____
_____

STATE OF TEXAS §
§
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, a Notary Public, on this day personally appeared _____, an individual.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2023.

_____
Notary Public in and for the State of Texas
My Commission Expires: _____

After Recording Return to:
Abernathy, Roeder, Boyd & Hullett, P.C.
1700 Redbud Boulevard, Suite 300
McKinney, Texas 75069
Attention: Ryan D. Pittman

EXHIBIT 1
Legal Description of the Property

EXHIBIT 2
The Permitted Exceptions

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

This Settlement Agreement and Mutual Release ("Agreement") is entered into by and between the City of Sherman, Texas, a home-rule municipality ("City"), and AB Sherman Holding Company LLC, a Texas limited liability company ("Company"). City and Company are referred to herein collectively as the "Parties."

WHEREAS, Company represents and warrants that it is the sole owner of real property generally located at 915 S. Travis Street, Sherman, Grayson County, Texas, more particularly described in Exhibit A, attached hereto (the "Property"); and

WHEREAS, the City brought a code enforcement action against the Property and its owner, on or about January 12, 2023, alleging the structures on the Property constituted dangerous buildings and public nuisances and must be abated pursuant to Article 3.06 of the City's Code of Ordinances, Chapter 214 of the Texas Local Government Code and Chapter 54 of the Texas Local Government Code (the "Code Enforcement Action"); and

WHEREAS, Company purchased the Property from Apex South Gate LLC, a Texas limited liability company on March 30, 2023 via a receivership sale which resulted in the Company purchasing the Property "as is"; and

WHEREAS, after a hearing at which the Parties appeared through counsel, the Municipal Court of the City of Sherman issued an Order of Abatement of Dangerous Buildings on June 12, 2023 in the Code Enforcement Action, and Company attempted to appeal the Order to the Grayson County Court at Law; and

WHEREAS, the Parties deny any liability for all claims, demands, damages, actions, causes of action or suits of any kind or nature arising out of or relating to the Code Enforcement Action and the Property (collectively, the "Claims"); and

WHEREAS, to avoid the costs of further litigation, the Parties desire to settle fully and finally all claims asserted, or which could have been asserted, by and between them relating to the Claims and the matters made the basis of the Claims by entering into the Purchase & Sale Agreement attached hereto as Exhibit B.

NOW, THEREFORE, in consideration of the mutual promises, releases, and covenants contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Parties agree as follows:

I. TERMS OF SETTLEMENT

The Parties agree that each will satisfy and/or resolve all expenses, costs and attorneys' fees incurred by them arising out of the Claims and the matters made the basis of the Claims, including attorneys' fees, and that neither Party shall be responsible for any expenses, costs or attorneys' fees incurred by another.

II. EXECUTION OF PURCHASE & SALE AGREEMENT

The Parties shall, contemporaneously with the execution of this Agreement, execute the Purchase & Sale Agreement (the "PSA") attached hereto as Exhibit B and incorporated by reference for all purposes.

III. DISMISSAL OF LAWSUIT

Within five business days of the parties' execution of closing under the PSA, the City shall file a notice of dismissal or nonsuit with prejudice of all its claims in each and every proceeding pertaining to a Code Enforcement Action, including but not limited to Cause No. 2023-1-093CV (Grayson County Court at Law #1), 2023-1-093CV (Grayson County Court at Law #2), and Cause No. CIV030623001 (City of Sherman Municipal Court) (the "Actions"). The parties agree to stay the Actions pending closing under the PSA and jointly inform the court of the same as necessary. The parties agree to reasonably cooperate with each other, including executing and filing all necessary documents, to obtain a dismissal of the Actions and any appeals in the Actions.

IV. MUTUAL RELEASE OF CLAIMS

Upon closing under the PSA, Company, on behalf of itself and its successors, officers, assigns, partners, agents, employees, attorneys and contractors, hereby releases, remises, acquits and forever discharges City and its City Council members, officials, officers, agents, employees, attorneys and contractors, in each of their individual, corporate and governmental capacities, from all claims, demands and causes of action and/or proposed claims, demands and causes of action which Company now has or which may hereafter accrue on account of or in any way arising out of any and all known and unknown, foreseen and unforeseen damages or claims resulting or to result from the matters made the basis of the Claims, including the Code Enforcement Action and the Property.

Upon closing under the PSA, City, and its City Council members, officials, officers, agents, employees, attorneys and contractors, in each of their individual, corporate and governmental capacities, hereby release, remise, acquit and forever discharge Company and its successors, officers, assigns, partners, agents, employees, attorneys and contractors from all claims, demands and causes of action and/or proposed claims, demands and causes of action which City now has or which may hereafter accrue on account of or in any way arising out of any and all known and unknown, foreseen and unforeseen damages or claims resulting or to result from the matters made the basis of the Claims, including the Code Enforcement Action and the Property, except for ad valorem taxes, utility charges and other usual and customary municipal taxes, charges or fees, which are excluded from this Release. In addition, the only real property that is the subject of this Agreement and the release provided for herein is described in Exhibit A, and nothing in this Agreement is intended to waive or release any claims, demands and causes of action and/or proposed claims, demands and causes of action which City now has or which may hereafter accrue on account of or in any way arising out of any other real property or improvements thereon.

V. ADDITIONAL REPRESENTATIONS AND TERMS

A. Agreement Executory. The Parties understand and agree that this Agreement shall be executory and conditioned upon the performance of the acts and obligations set forth herein, unless otherwise agreed to in writing by the Parties.

B. Sole Owner of Claims. Company states and warrants that Company is the sole owner of the Claims, the real property involved in the Claims, including the Property and the improvements thereon, and all other claims which have been asserted by Company or may have been asserted by Company and that such claims have not been assigned, encumbered, transferred, pledged or otherwise in any manner whatsoever sold or transferred, either by written instrument or otherwise, to any attorney, agent or other person or entity. Company also states and warrants that Company is the only party entitled to receive the consideration pursuant to this Agreement.

C. Terms Contractual. It is expressly understood and agreed that the terms hereof are contractual and not merely recitals, and that the agreements herein contained and the consideration transferred are to compromise disputed claims, to avoid litigation and buy peace, and that no payments made or releases or other consideration given shall be construed as an admission of liability or wrongdoing and all such liability is expressly denied.

D. No Additional Consideration. The Parties acknowledge that no other consideration has been or will be furnished or paid in connection with this Agreement.

E. No Admission of Liability. By entering into this Agreement, the Parties do not admit any liability. In fact, the Parties explicitly and expressly deny any and all liability whatsoever from any and all claims, demands, damages, actions, causes of action, or suits of any kind or nature.

F. Covenant Not to Sue. Subject to the performance of this Agreement, Company agrees and covenants not to sue or prosecute City and its City Council members, officials, officers, agents, employees, attorneys and contractors, in each of their individual, corporate and governmental capacities, on any claims, or for any damages, related to the Claims or the matters made the basis of the Claims, including the Code Enforcement Action and the Property.

G. Joint Preparation of Agreement. Prior to the execution of this Agreement, the Parties have had an opportunity to consult with independent counsel of their choice in negotiating this Agreement, and this Agreement is the result of negotiations between the Parties. The Parties further acknowledge that all necessary signatories to this Agreement have participated in the preparation of this Agreement and each of the documents related to the settlement, and it is understood that no provision hereof or contained in said documents shall be construed against any of the Parties by virtue of the activities of said Parties or by their attorneys in the preparation and execution thereof.

H. Warranty as to Authority. The Parties to this Agreement represent and warrant that each signatory to this Agreement is competent and has authority to bind the parties for whom that signatory acts.

I. Applicable Law and Venue. The Parties to this Agreement agree that this Agreement shall be governed by, interpreted and construed in accordance with, the laws of the State of Texas. The Parties to this Agreement agree that the exclusive venue for any dispute arising out of or related to this Agreement is a Texas state court of competent jurisdiction located in Grayson County, Texas. Further, the Parties to this Agreement hereby stipulate that venue for any dispute arising out of or related to this Agreement is proper in Grayson County, Texas.

J. Entire Agreement. This Agreement sets forth the entire and sole agreement and understanding between the Parties as to the subject matter hereof and merges and supersedes all prior discussions, agreements, and understandings of any kind and nature between them, none of which were relied on by the Parties in deciding to execute this Agreement. Each Party has relied solely on their own judgment in entering into this Agreement and neither has relied on any representation made by the other Party.

K. Modification of Agreement. It is expressly understood and agreed that this Agreement may not be altered, amended, waived, modified, or otherwise changed in any respect or particular whatsoever, except in writing, which writing must be signed by authorized representatives of the Parties to this Agreement. The Parties to this Agreement further acknowledge and agree that they will make no claims at any time or place that this Agreement has been orally supplemented, modified, or altered in any respect whatsoever.

L. Counterparts. This Agreement may be executed in any number of counterparts, all of which, taken together, shall constitute one and the same instrument, and any of the Parties hereto may execute this Agreement by signing any such counterpart.

M. No Waiver. No waiver by the Parties hereto of any default or breach of any term, condition or covenant of this Agreement shall be deemed to be a waiver of any subsequent default or breach of the same or any other term, condition, or covenant contained herein.

[*Signature page follows*.]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on the date appearing next to each Party's signature and this Agreement shall be effective on the date the last signature has been signed upon this Agreement, subject to the terms and conditions of this Agreement ("Effective Date").

Agreed:

CITY OF SHERMAN, TEXAS

_____
By: Robby Hefton
Its: City Manager
Date: _____

AB SHERMAN HOLDING COMPANY LLC

_____
By: _____
Its: _____
Date: _____

STATE OF TEXAS §
COUNTY OF _____§

BEFORE ME, the undersigned authority, personally appeared _____, who stated to me upon oath that she has read and signed the foregoing Settlement Agreement and Mutual Release for the purposes and consideration therein expressed, and for no other reason, and that she did so of her own free will.

SUBSCRIBED AND SWORN TO BEFORE ME on this the _____ day of _____, 2023.

_____
Notary Public in and for the State of Texas

Exhibit A

A tract of land out of the Samuel Blagg Survey, Abstract No. 56, City of Sherman, Grayson County, Texas, and being the same 1.6370-acre tract of land conveyed to Vernon B. Mullins by Substitute Trustee's Deed recorded in Volume 2001, Page 217, Real Property Records, Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a l" iron pipe found at the intersection of the east R.O.W. of Travis Street (5O' R.O.W.) with the North R.O.W. of Spring Street (50' R.O.W.);

THENCE North 16° 00' 00" West along the east R.O.W. of Travis Street a distance of 239.63 feet to a nail in washer fonnd for comer, said point being at the intersection of the east R.O.W. of Travis Street with the south line of a 10 foot alley;

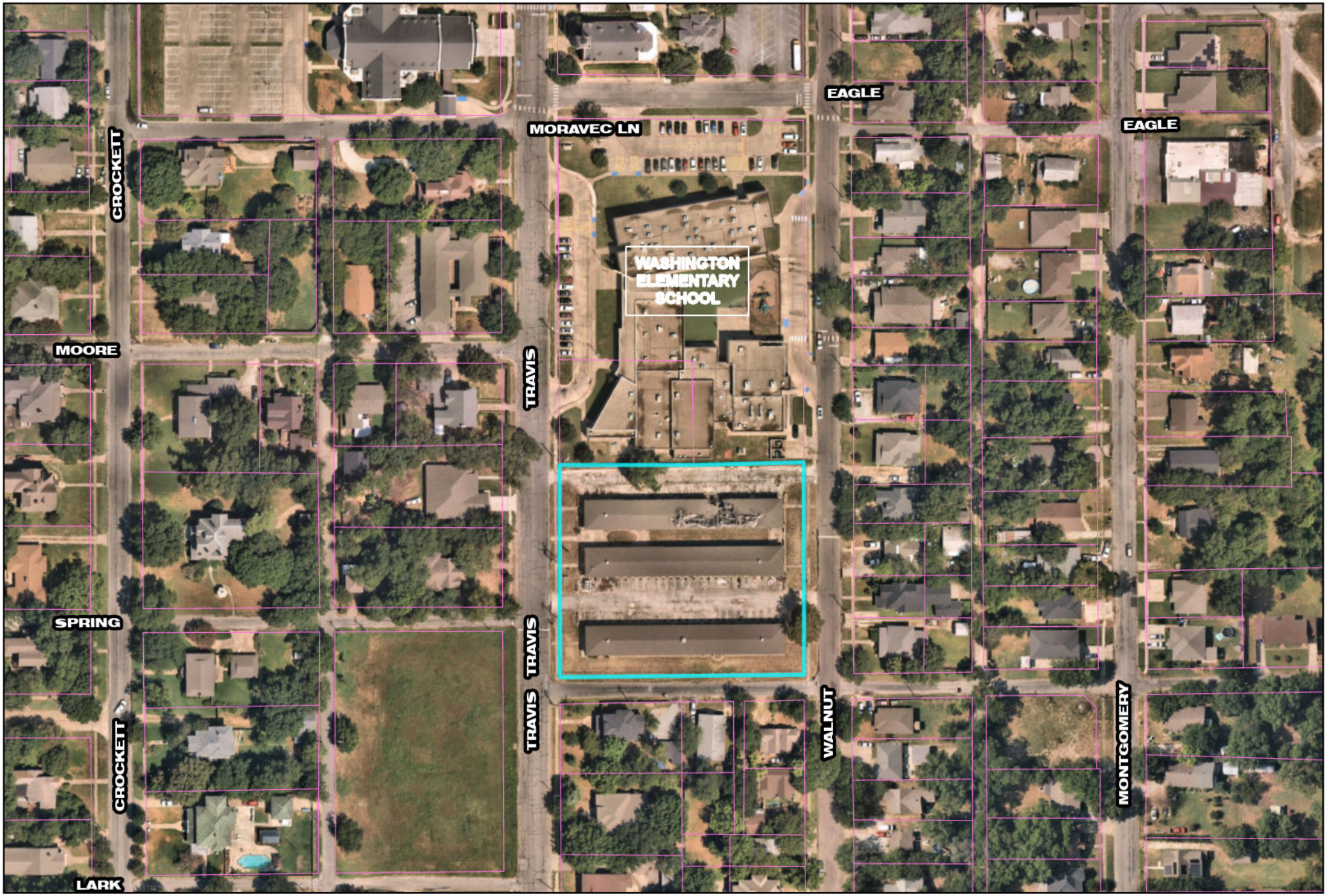
THENCE North 74° 08' 44" East along the south line of said 10 foot alley a distance of 298.55 feet to a nail in washer for comer, said point being the intersection of the south line of said 10 foot alley with the west R.O.W. of Walnut Street (50' R.O.W.);

THENCE South 16° 03' 16" East along the west R.O.W. of Walnut Street a distance of 237.65 feet to a 1" iron rod found for comer, said point being the intersection of the west R.O.W. of Walnut Street with the north R.O.W. of Spring Street;

THENCE South 73° 46' 00" West along the north R.O.W. of Spring Street, a distance of 298.78 feet to the Place of Beginning and containing 71,272 square feet or 1.64 acres of land.

Exhibit B

[__ pages attached hereto]



Sherman
ENGINEERING DEPT.
220 W. MULBERRY
SHERMAN, TX 75090

915 S Travis

1" = 150'

NORTH

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 4.**

Meeting Date: 09/18/2023

Prepared By: Clint Philpott, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 7158

Determining a Public Necessity to Acquire by Eminent Domain Certain Property Interests for Public Use, Including Permanent Water Easement and Temporary Construction Easements for the Construction, Expansion, Access, Repair and Maintenance of Public Water and Other Utility Improvements Consisting of Two Tracts of Land Comprising +/- 1.427 acres (Permanent Water Easement) and +/- 1.695 acres, respectively, for a Temporary Construction Easement owned by Ted Holdings, Ltd., Recorded in Volume 3369, Page 31 of the Deed Records of the Official Public Records of Grayson County, Texas, Within the James L. Atchison Survey, Abstract No. 21, Extraterritorial Jurisdiction of the City of Sherman, Grayson County, Texas, as Deemed Necessary by the City Manager or His Designee; Giving Notice of an Official Determination to Acquire the Permanent Water Easement and Temporary Construction Easement for Public Use by Eminent Domain for Such Uses; Authorizing the City Manager of the City of Sherman, Texas, to Establish Procedures for Acquiring the Easements, Offering to Acquire the Easements, Voluntarily, from the Landowner Through the Making of Bona Fide Offers; Appropriating Funds; Providing for Repealing, Savings and Severability Clauses; and Providing for an Effective Date

Issue:

To consider granting authority to negotiate for property rights for public use, including the construction, expansion, access, repair and maintenance of the 36" West Sherman Water Main project, and to complete condemnation proceedings.

Background:

It is the intent of the City to acquire the necessary easements for the purpose of, among other things, the construction, access, repair and maintenance of the public 36-inch West Water Extension Project. The project is over 14 miles long, along the west side of Sherman near FM 691 south to Shepherd Rd. The project includes numerous easements along the alignment shown. In order to keep the land acquisition process on schedule, staff is asking City Council to give authority to the City Manager to make Bona Fide Offers, work toward the voluntary conveyance of the necessary easements and, only if required, to move forward with the eminent domain process. We will work diligently with property owners to ensure eminent domain is only used as a last resort in acquiring any easement for this project.

City Council motion must be made as follows:

"I move that the City Council of the City of Sherman authorize the use of the power of eminent domain to acquire two tracts of land comprising +/- 1.427 acres and +/- 1.695 acres, as described in Exhibit A to the resolution, for a permanent water easement and temporary construction easement."

Origination:

City Manager's Office

Financial Consideration:

Easement acquisition costs, along with costs for appraisals, surveys, maps and photos.

Staff Recommendation:

Staff recommends approval.

Alternatives:

As may be directed by the Council.

Attachments

Resolution No. 7158
Exhibit A Parcel P5.01
Location Map

RESOLUTION NO. 7158

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE BY EMINENT DOMAIN CERTAIN PROPERTY INTEREST FOR PUBLIC USE, INCLUDING PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR THE CONSTRUCTION, EXPANSION, ACCESS, REPAIR AND MAINTENANCE OF PUBLIC WATER AND OTHER UTILITY IMPROVEMENTS, CONSISTING OF TWO TRACTS OF LAND COMPRISING OF +/- 1.427 ACRES (PERMANENT WATER EASEMENT) AND A +/- 1.695 ACRES FOR A TEMPORARY CONSTRUCTION EASEMENT OWNED BY TED HOLDINGS, LTD., RECORDED IN VOLUME 3369, PAGE 31 OF THE DEED RECORDS OF THE OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS, WITHIN THE JAMES L. ATCHISON SURVEY, ABSTRACT NO. 21, EXTRATERRITORIAL JURISDICTION OF THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, AS DEEMED NECESSARY BY THE CITY MANAGER OR HIS DESIGNEE; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE THE PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC USE BY EMINENT DOMAIN FOR SUCH USES; AUTHORIZING THE CITY MANAGER OF THE CITY OF SHERMAN, TEXAS, TO ESTABLISH PROCEDURES FOR ACQUIRING THE EASEMENTS, OFFERING TO ACQUIRE THE EASEMENTS, VOLUNTARILY, FROM THE LANDOWNER THROUGH THE MAKING OF BONA FIDE OFFERS; APPROPRIATING FUNDS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas ("City Council") finds that there is a public necessity for the acquisition, by eminent domain, of a Permanent Water Easement and a Temporary Construction Easement, as described and depicted in Exhibit A, attached hereto and incorporated herein for all purposes (collectively, the "Easements"), as deemed necessary by the City Manager or his designee for the Project (hereinafter defined); and

WHEREAS, it is the intent of the City of Sherman, Texas ("Sherman") to acquire the necessary Easements for the purposes of, among other things, the construction, access, repair and maintenance of public wastewater, including the Northwest Southwest Transmission Pipeline Project (collectively, the "Project"); and

WHEREAS, the City Council finds that the description of the Easements to be acquired by eminent domain for the Project complies with Chapter 2206 of the Texas Government Code, as amended ("Chapter 2206"), in that the same provides property owner(s) in and around the area

reasonable notice that the owners' property may be subject to condemnation proceedings during the planning or construction of the Project; and

WHEREAS, the City Council finds that the Project is necessary for public use; and

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for the Easements to be acquired by eminent domain for the Project; and

WHEREAS, the City Manager, or his designee ("City Manager"), is authorized to make a bona fide offer, as defined by and in compliance with Section 21.0113 of the Texas Property Code ("Bona Fide Offer"), to acquire the Easements for public use, voluntarily, from the subject landowner prior to moving forward with acquisition by eminent domain; and

WHEREAS, the City Council has investigated and determined that the passage of this Resolution complies with Chapter 2206 and other applicable laws.

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

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

SECTION 2: Acquisition of Easements. The City Council hereby determines that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition, by eminent domain, of the Easements, and it is Sherman's intent to acquire the Easements for public use as described and depicted herein, specifically for the purpose of, among other things, the construction, access, repair and maintenance of public wastewater improvements necessary for the Project.

SECTION 3: Authority of City Manager/Bona Fide Offer. The City Manager is hereby authorized to contract, on behalf of the City Council, with professional appraisers for appraisal services and with attorneys for preparation of title opinion(s) needed by Sherman from time to time in connection with the acquisition of the Easements. The City Council hereby ratifies any contracts entered into, prior to the effective date of this Resolution, by the City Manager with professional appraisers for appraisal services and with attorneys for preparation of title opinion(s) needed for the acquisition of the Easements. The City Manager shall first make a Bona Fide Offer to acquire the Easements from the subject landowner, voluntarily. Should the landowner fail to provide the Easements, voluntarily, through said Bona Fide Offer, the City Manager is authorized to move forward with acquiring the Easements by eminent domain.

SECTION 4: Determination of Just Compensation. The City Manager is hereby authorized and directed to examine and rely on independent appraisal reports and other information to make a determination as to the establishment and approval of a fair market value offer and the just compensation for the Easements for the purpose of making the Bona Fide Offer. After such consideration, the City Manager shall establish and approve the amount determined to be just

compensation for acquisition of said Easements and shall have the authority to execute any and all documents necessary to complete the acquisition of same.

SECTION 5: Authority to Make an Offer. Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of the Easements, the City Manager is authorized to send a written Bona Fide Offer to the landowner of said Easement Property at the full amount determined and established to be just compensation therefore, and to negotiate with said landowner(s) on behalf of Sherman to acquire the Easements voluntarily.

SECTION 6: Authority to Execute Documents. The City Manager is hereby authorized to execute all documents necessary to acquire the Easements needed for the Project, on behalf of Sherman, whether by purchase or eminent domain. The City Council hereby ratifies any documents executed, prior to the effective date of this Resolution, by the City Manager which were necessary for the acquisition of the Easements for the Project.

SECTION 7: Disposal of Improvements. The City Manager is hereby authorized to remove improvements, if any, located on the Easement Property acquired in connection with this Project, should they interfere with the intended use and enjoyment of said Easements.

SECTION 8: Eminent Domain Authorized. Should the City Manager be unable to acquire the Easements, voluntarily, from the landowner(s), through the making of the Bona Fide Offer, the City Manager is authorized to instruct the law firm of Abernathy, Roeder, Boyd & Hullett, P.C., to commence eminent domain proceedings for the acquisition of the Easements for the Project.

SECTION 9: Source of Funds. The amount to be paid, if any, for acquiring the Easements for the Project will be appropriated from any lawful source.

SECTION 10: Savings/Repealing. All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting resolutions shall remain in full force and effect.

SECTION 11: Severability. Should any section, subsection, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect. The City Council hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 12: Public Notice. The City Council finds that the meeting at which this Resolution 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.

SECTION 13: Effective Date. This Resolution shall take effect immediately from and after its passage.

INTRODUCED on this the 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

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

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT "A"

OWNER: TED HOLDINGS, LTD
VARIABLE WIDTH PERMANENT WATERLINE EASEMENT
ALFRED HUME SURVEY, ABSTRACT NO. 522
CITY OF SHERMAN ETJ, GRAYSON COUNTY, TEXAS

Being a 1.427 acre tract of land situated within the James L. Atchison Survey, Abstract No. 21, Extraterritorial Jurisdiction of the City of Sherman, Grayson County, Texas, being a portion of a called 119.69 acre tract of land as described in the General Warranty Deed to Ted Holdings, Ltd. recorded in Volume 3369, Page 31 of the Deed Records of Grayson County, Texas, said 1.427 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found at an angle point in the east line of a called 20.45 acre tract of land as described in the General Warranty Deed to Kelson Commercial Properties, LLC Series 4613 N. FM 1417, recorded under Document Number 201800026414 of the Official Public Records of Grayson County, Texas and being on the west line of said called 119.69 acre tract of land having a surface coordinate of N=7,302,109.13 feet and E=2,533,155.98 feet;

THENCE NORTH 00 degrees 59 minutes 30 seconds EAST, 373.05 feet with the west line of said called 119.69 acre tract of land to a 1/2-inch capped iron rod stamped "RPLS 5433" found at the northeast corner of said called 20.45 acre tract of land and being at the southeast corner of a called 29.392 acre tract of land, as described in the Warranty Deed to Ted Holdings, Ltd., recorded in Volume 3315, Page 380 of said Deed Records;

THENCE NORTH 01 degree 01 minute 08 seconds East, 127.30 feet with the west line of said called 119.69 acre tract of land to a 3/4-inch iron pipe found;

THENCE NORTH 00 degrees 50 minutes 06 seconds EAST, 836.05 feet with the west line of said called 119.69 acre tract of land to the northwest corner of said called 119.69 acre tract of land, being the northeast corner of said called 29.392 acre tract of land, being the southeast corner of a called 32.054 acre tract of land as described in the General Warranty Deed to Gerri Bandemir recorded under Document Number 202100022803 of said Official Public Records, and being the southwest corner of a called 10.79 acre tract of land as described in the General Warranty Deed to Gerri Bandemir recorded under Document Number 202200005067 of said Official Public Records;

THENCE SOUTH 89 degrees 13 minutes 38 seconds EAST, 45.00 feet with the north line of said called 119.69 acre tract of land, being the south line of said called 10.79 acre tract of land to a point, from which a 1/2-inch capped iron rod stamped "PRESTONTRAIL LAND SURVEYING RPLS 6585" found at the common southeast corner of said 10.79 acre tract of land and the southwest corner of called 25.138 acre tract of land as described in the General Warranty Deed to Michael C. Mcrae recorded in Volume 2780, Page 559 of said Deed Records bears SOUTH 89 degrees 13 minutes 38 seconds EAST, 492.37 feet;

Bowman Consulting Group, Ltd. 1200 West Magnolia Road, Suite 300 Fort Worth, Texas 76104 214-484-8586

THENCE the following four (4) calls parallel with and 45-feet east of the west line of said called 119.69 acre tract of land:

1. SOUTH 00 degrees 50 minutes 06 seconds WEST, 836.17 feet;
2. SOUTH 01 degree 01 minute 08 seconds WEST, 127.35 feet;
3. SOUTH 00 degrees 59 minutes 30 seconds WEST, 373.06 feet;
4. SOUTH 00 degrees 58 minutes 23 seconds WEST, 44.98 feet;

THENCE NORTH 89 degrees 01 minute 37 seconds WEST, 45.00 feet to the west line of said called 119.69 acre tract of land, from which a 1/2-inch iron rod found at a re-entrant corner of said called 119.69 acre tract of land bears SOUTH 00 degrees 58 minutes 23 seconds WEST, 356.98 feet;

THENCE NORTH 00 degrees 58 minutes 23 seconds EAST, 45.00 feet with the west line of said called 119.69 acre tract of land to the **POINT OF BEGINNING**, containing 1.427 acres.

VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENTS

The above-described variable width permanent waterline easement is also subject to a variable width temporary construction easement being parallel with and adjacent to said variable width permanent waterline easement, located and shown on the accompanying survey plat, said variable width temporary construction easement contain a total acreage of 1.695 acres. The said variable width temporary construction easement shall expire as noted in the easement agreement.

NOTES:

1. Bearings are based on the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone (4202). Coordinates and distances are surface values and can be converted to grid by using the scale factor of 1.00012 (0,0 base point).

2. A plat of same date accompanies this legal description.

3. This survey was performed with the benefit of a title report. There may be easements and/or covenants affecting this property not shown hereon.

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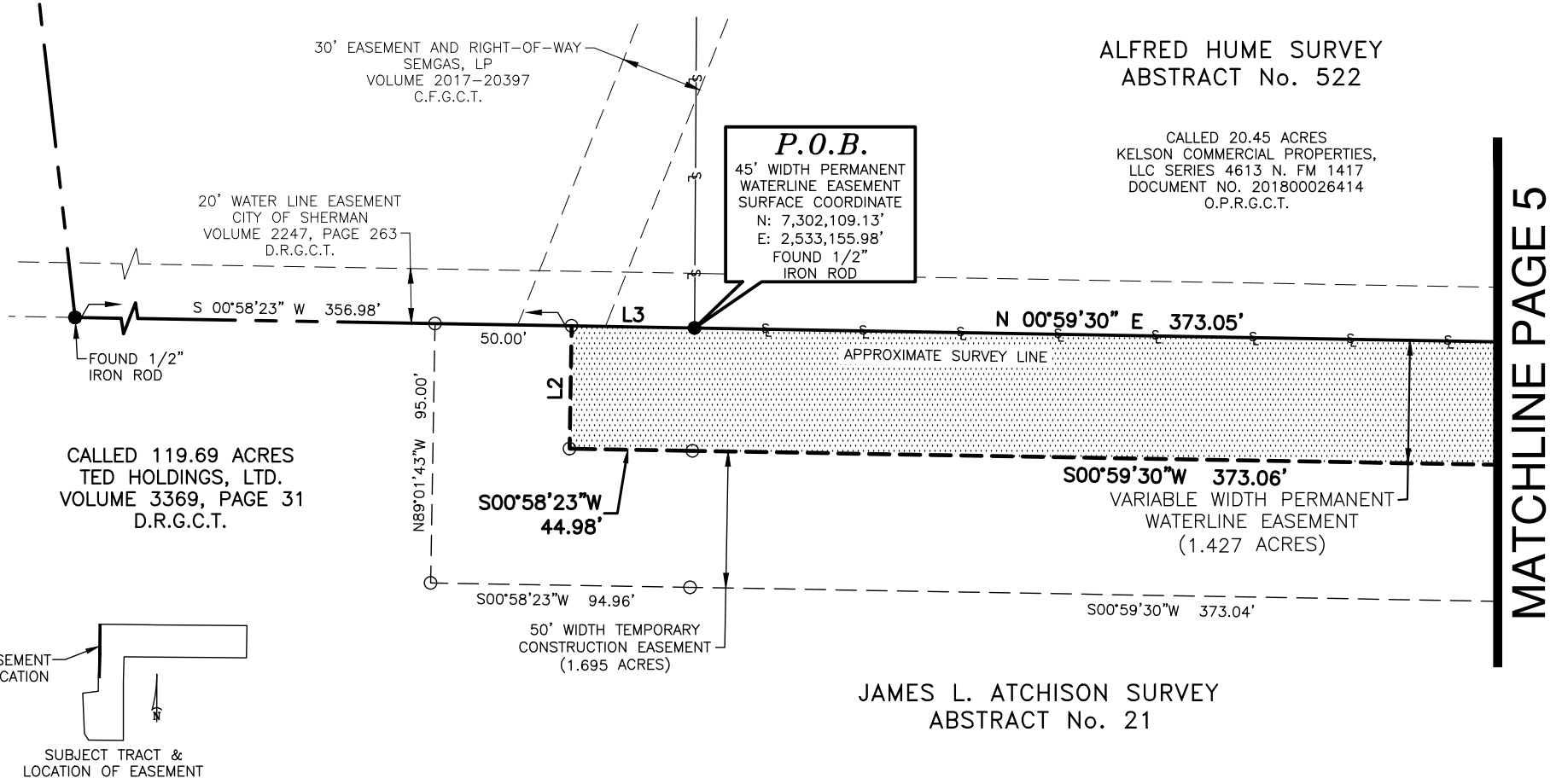
* SURVEYOR'S CERTIFICATE *

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM PUBLIC RECORDS AND FROM AN ACTUAL AND ACCURATE SURVEY UPON THE GROUND AND THAT SAME IS TRUE AND CORRECT.

Company Name: **Bowman Consulting Group, Ltd.**

By:_____
Surveyor's Name: Robert A. Hansen
LSLS & Registered Professional
Land Surveyor No. 6439
Date: 2023-02-15
Texas Firm No. 10120600

PLAT OF EXHIBIT "A"



Bowman

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1200 West Magnolia Blvd., Suite 300
Fort Worth, TX 76104
TBPELS #10120600
Phone: (214) 484-8586
www.bowman.com

60' 30' 0' 60'

SCALE IN FEET

LINE TABLE		
LINE	BEARING	DISTANCE
L2	N 89°01'37" W	45.00'
L3	N 00°58'23" E	45.00'

LEGEND	
●	SET 1/2" IRON ROD WITH CAP STAMPED "BOWMAN PROP COR" (UNLESS NOTED OTHERWISE)
○	CALCULATED POINT
————	EASEMENT LINE
————	PROPERTY LINE
D.R.G.C.T.	DEED RECORDS GRAYSON COUNTY TEXAS
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS GRAYSON COUNTY TEXAS
P.R.G.C.T.	PLAT RECORDS GRAYSON COUNTY TEXAS

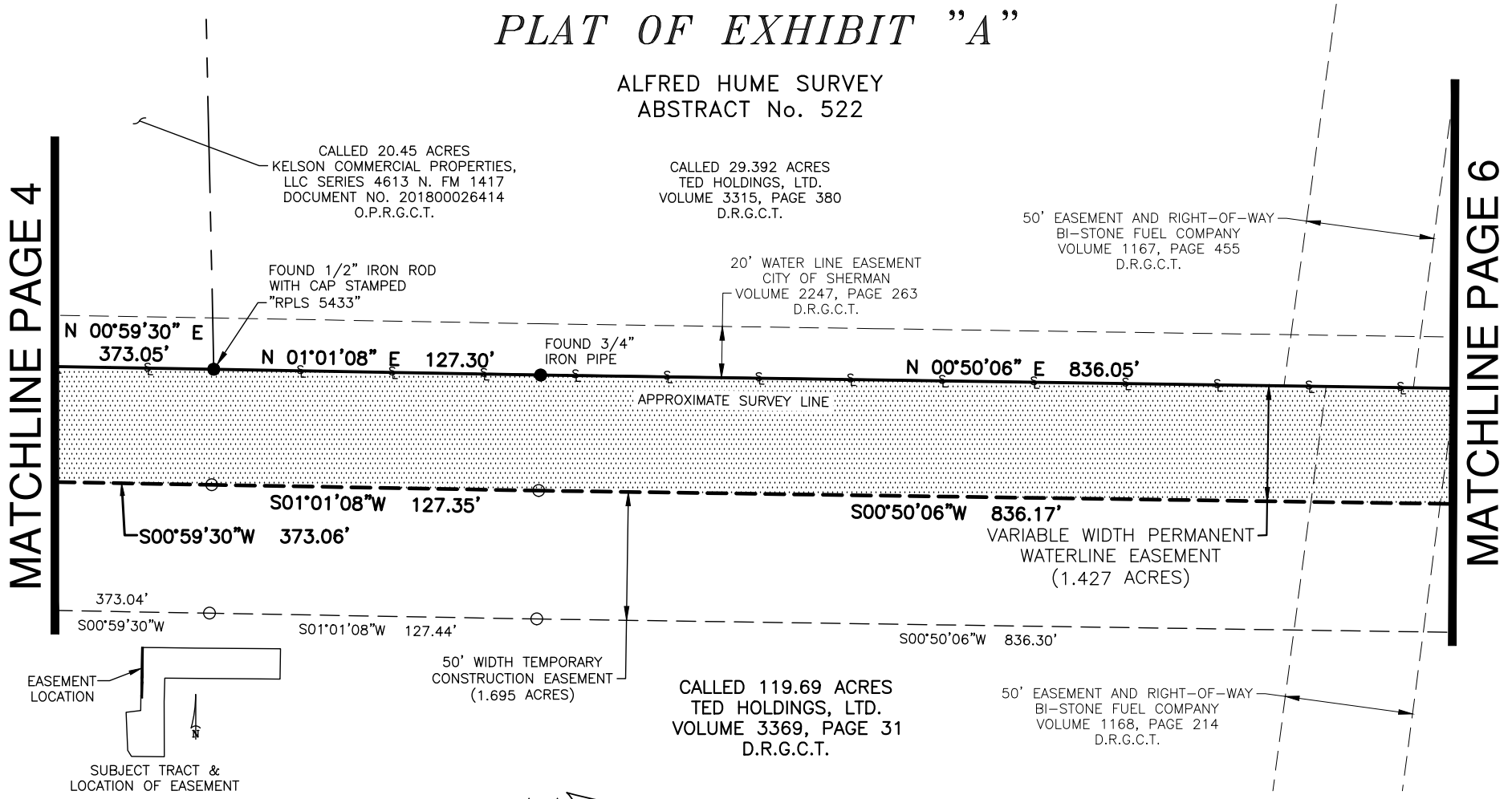
NOTES:
(1) BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH CENTRAL ZONE (4202). COORDINATES AND DISTANCES ARE SURFACE VALUES AND CAN BE CONVERTED TO GRID BY USING THE SCALE FACTOR OF 1.00012 (0,0 BASE POINT).

(2) A LEGAL DESCRIPTION OF SAME DATE ACCOMPANIES THIS PLAT.

VARIABLE WIDTH PERMANENT WATERLINE EASEMENT			
SURVEY: ALFRED HUME SURVEY ABSTRACT No. 522			
SURVEY: JAMES L. ATCHISON SURVEY ABSTRACT NO. 21			
LOCATION: ETJ OF THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS			
SUBJECT TRACT ACREAGE: 119.69 ACRES (DEEDS)			
JOB NO. 210185	DRAWN BY: MES	CAD FILE: PARCEL 5.01 TED HOLDINGS.DWG	
DATE: 2023-02-15	CHECK BY: RAH	SCALE: 1"= 60'	PAGE 4 OF 6

PLAT OF EXHIBIT "A"

ALFRED HUME SURVEY
ABSTRACT No. 522



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1200 West Magnolia Blvd., Suite 300
Fort Worth, TX 76104
TBPELS #10120600
Phone: (214) 484-8586
www.bowman.com

60' 30' 0' 60'

SCALE IN FEET

JAMES L. ATCHISON SURVEY
ABSTRACT No. 21

LEGEND	
●	SET 1/2" IRON ROD WITH CAP STAMPED "BOWMAN PROP COR" (UNLESS NOTED OTHERWISE)
○	CALCULATED POINT
– – – –	EASEMENT LINE
———	PROPERTY LINE
D.R.G.C.T.	DEED RECORDS GRAYSON COUNTY TEXAS
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS GRAYSON COUNTY TEXAS
P.R.G.C.T.	PLAT RECORDS GRAYSON COUNTY TEXAS

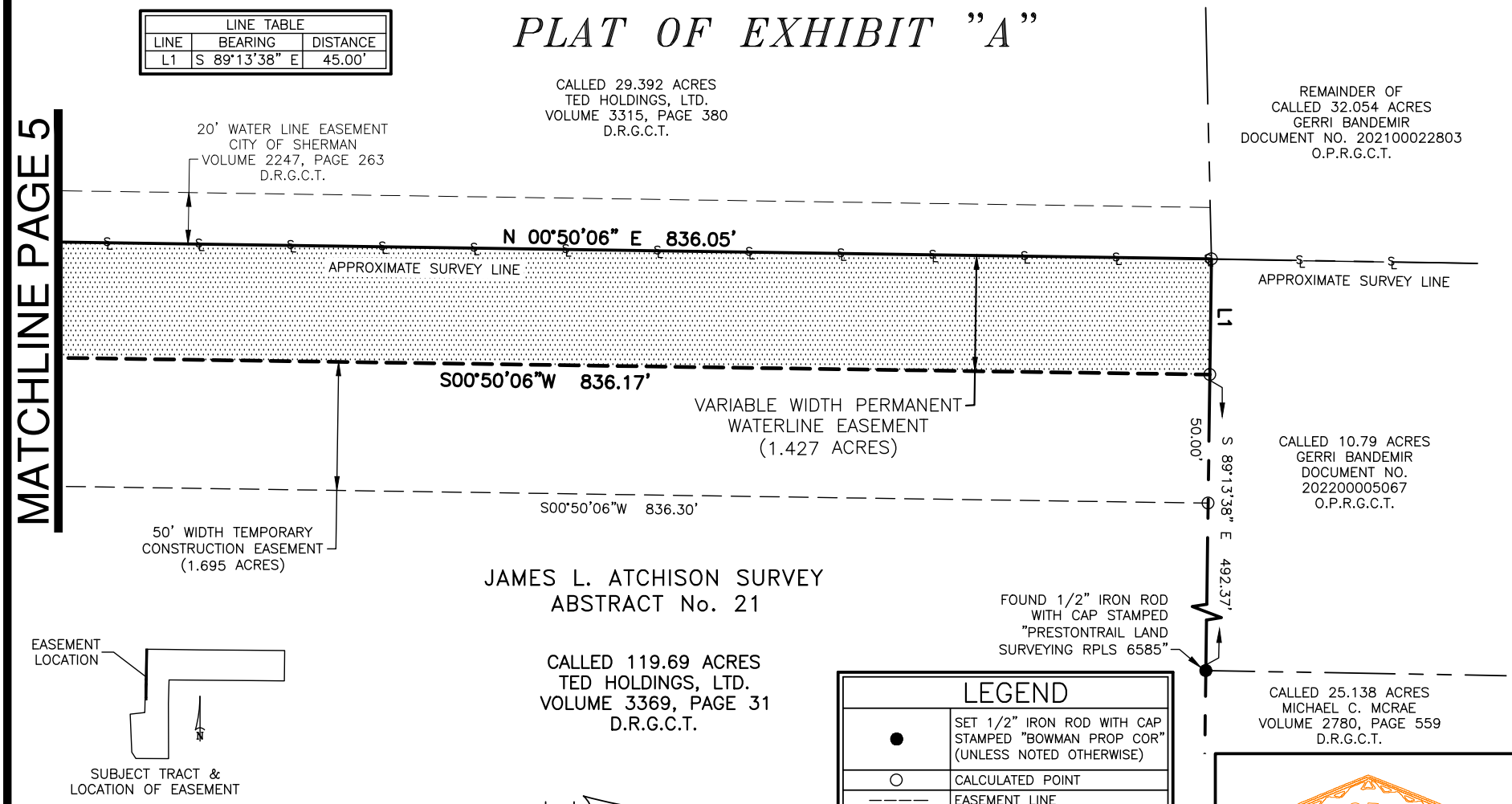
NOTES:
(1) BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH CENTRAL ZONE (4202). COORDINATES AND DISTANCES ARE SURFACE VALUES AND CAN BE CONVERTED TO GRID BY USING THE SCALE FACTOR OF 1.00012 (0,0 BASE POINT).

(2) A LEGAL DESCRIPTION OF SAME DATE ACCOMPANIES THIS PLAT.

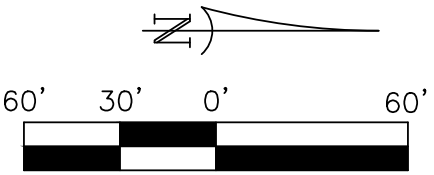
VARIABLE WIDTH PERMANENT WATERLINE EASEMENT			
SURVEY: ALFRED HUME SURVEY ABSTRACT No. 522			
SURVEY: JAMES L. ATCHISON SURVEY ABSTRACT NO. 21			
LOCATION: ETJ OF THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS			
SUBJECT TRACT ACREAGE: 119.69 ACRES (DEEDS)			
JOB NO. 210185	DRAWN BY: MES	CAD FILE: PARCEL 5.01 TED HOLDINGS.DWG	
DATE: 2023-02-15	CHECK BY: RAH	SCALE: 1"= 60'	PAGE 5 OF 6

PLAT OF EXHIBIT "A"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 89°13'38" E	45.00'



LEGEND	
●	SET 1/2" IRON ROD WITH CAP STAMPED "BOWMAN PROP COR" (UNLESS NOTED OTHERWISE)
○	CALCULATED POINT
————	EASEMENT LINE
———	PROPERTY LINE
D.R.G.C.T.	DEED RECORDS GRAYSON COUNTY TEXAS
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS GRAYSON COUNTY TEXAS
P.R.G.C.T.	PLAT RECORDS GRAYSON COUNTY TEXAS



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Fort Worth, TX 76104
TBPELS #10120600
Phone: (214) 484-8586
www.bowman.com

NOTES:
(1) BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH CENTRAL ZONE (4202). COORDINATES AND DISTANCES ARE SURFACE VALUES AND CAN BE CONVERTED TO GRID BY USING THE SCALE FACTOR OF 1.00012 (0,0 BASE POINT).

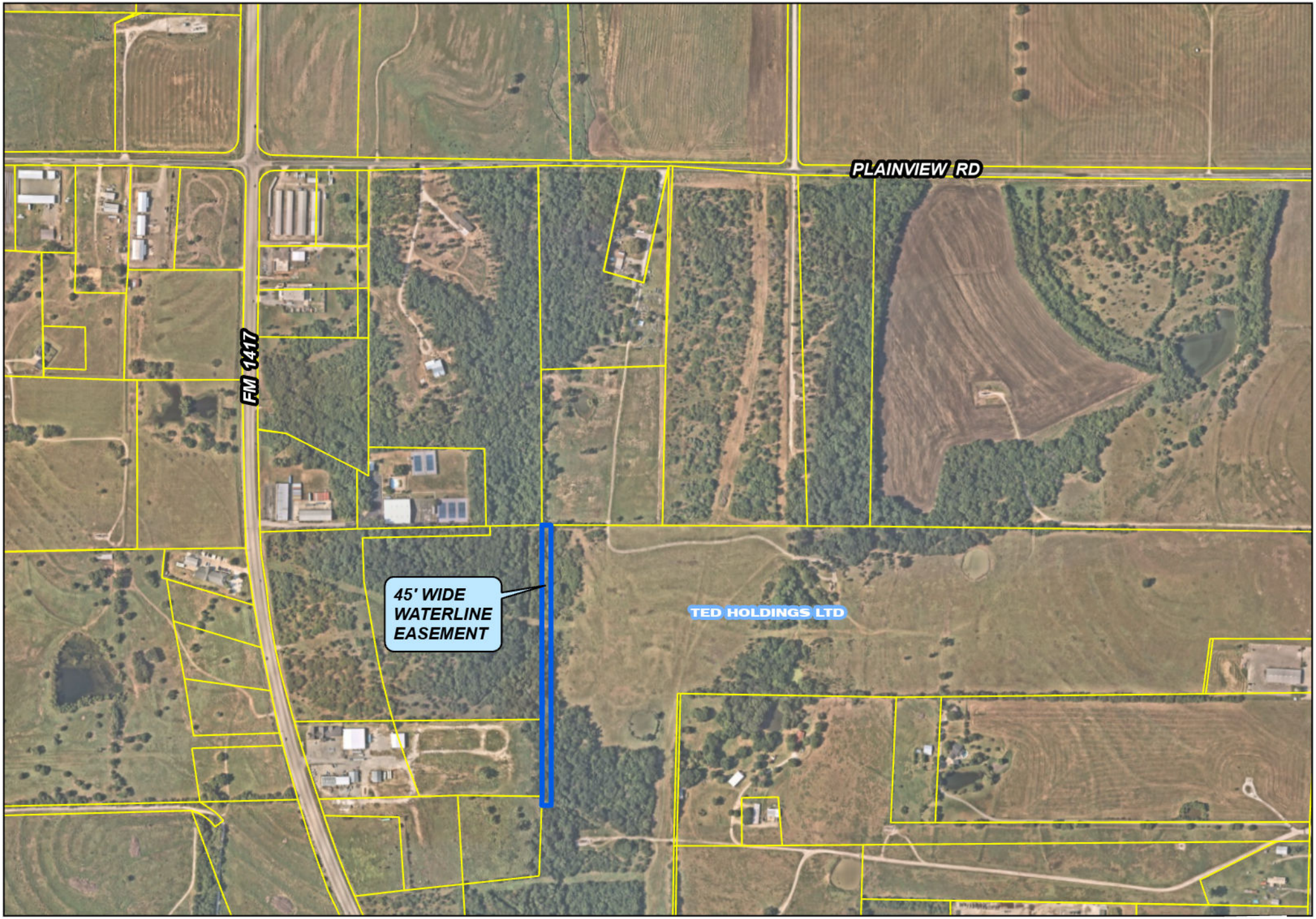
(2) A LEGAL DESCRIPTION OF SAME DATE ACCOMPANIES THIS PLAT.

STATE OF TEXAS
REGISTERED
ROBERT A. HANSEN
6439
PROFESSIONAL
LAND SURVEYOR

ROBERT A. HANSEN
LSLS & REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6439

VARIABLE WIDTH PERMANENT WATERLINE EASEMENT
SURVEY: ALFRED HUME SURVEY ABSTRACT No. 522
SURVEY: JAMES L. ATCHISON SURVEY ABSTRACT NO. 21
LOCATION: ETJ OF THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS
SUBJECT TRACT ACREAGE: 119.69 ACRES (DEEDS)

JOB NO. 210185	DRAWN BY: MES	CAD FILE: PARCEL 5.01 TED HOLDINGS.DWG	
DATE: 2023-02-15	CHECK BY: RAH	SCALE: 1"= 60'	PAGE 6 OF 6



Ted Holdings LTD
(prop ID 118789)

Sherman
ENGINEERING DEPT.

NORTH
1" = 600'

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 5.**

Meeting Date: 09/18/2023

Prepared By: Clint Philpott, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 7159

Determining a Public Necessity to Acquire by Eminent Domain Certain Property Interests for Public Use, Including Permanent Water Easement and Temporary Construction Easements for the Construction, Expansion, Access, Repair and Maintenance of Public Water and Other Utility Improvements Consisting of Two Tracts of Land Comprising +/- 0.8388 (Permanent Water Easement) and +/- 0.9256 acres for a Temporary Construction Easement owned by Kelson Commercial Properties, LLC, Series 4613 N. FM 1417 Recorded Under Document Number 201800026414 the Official Public Records of Grayson County, Texas, Within the James L Atchison Survey, Abstract No. 21, and the Benjamin J. Hutson Survey, Abstract No. 496, City of Sherman, ETJ, Grayson County, Texas, as Deemed Necessary by the City Manager or His Designee; Giving Notice of an Official Determination to Acquire the Permanent Water Easement and Temporary Construction Easement for Public Use by Eminent Domain for Such Uses; Authorizing the City Manager of the City of Sherman, Texas, to Establish Procedures for Acquiring the Easements, Offering to Acquire the Easements, Voluntarily, from the Landowner Through the Making of Bona Fide Offers; Appropriating Funds; Providing for Repealing, Savings and Severability Clauses; and Providing for an Effective Date

Issue:

To consider granting authority to negotiate for property rights for public use, including the construction, expansion, access, repair and maintenance of the 36" West Sherman Water Main project, and to complete condemnation proceedings.

Background:

It is the intent of the City to acquire the necessary easements for the purpose of, among other things, the construction, access, repair and maintenance of the public 36-inch West Water Extension Project. The project is over 14 miles long, along the west side of Sherman near FM 691 south to Shepherd Rd. The project includes numerous easements along the alignment shown. In order to keep the land acquisition process on schedule, staff is asking City Council to give authority to the City Manager to make Bona Fide Offers, work toward the voluntary conveyance of the necessary easements and, only if required, to move forward with the eminent domain process. We will work diligently with property owners to ensure eminent domain is only used as a last resort in acquiring any easement for this project.

City Council motion must be made as follows:

"I move that the City Council of the City of Sherman authorize the use of the power of eminent domain to acquire two tracts of land comprising +/- 0.8388 acres and +/- 0.9256 acres, as described in Exhibit A to the resolution, for a permanent water easement and temporary construction easement."

Origination:

City Manager's Office

Financial Consideration:

Easement acquisition costs, along with costs for appraisals, surveys, maps and photos.

Staff Recommendation:

Staff recommends approval.

Alternatives:

As may be directed by the Council.

Attachments

Resolution No. 7159
Exhibit A Parcel P8 P9
Location Map

RESOLUTION NO. 7159

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE BY EMINENT DOMAIN CERTAIN PROPERTY INTEREST FOR PUBLIC USE, INCLUDING PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR THE CONSTRUCTION, EXPANSION, ACCESS, REPAIR AND MAINTENANCE OF PUBLIC WATER AND OTHER UTILITY IMPROVEMENTS, CONSISTING OF TWO TRACTS OF LAND COMPRISING OF +/- 0.8388 ACRES (PERMANENT WATER EASEMENT) AND A +/- 0.9256 ACRES FOR A TEMPORARY CONSTRUCTION EASEMENT OWNED BY KELSON COMMERCIAL PROPERTIES, LLC, SERIES 4613 N. FM 1417 RECORDED UNDER DOCUMENT NUMBER 201800026414 OF THE OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS, WITHIN THE JAMES L ATCHISON SURVEY, ABSTRACT NO. 21, AND THE BENJAMIN J. HUTSON SURVEY, ABSTRACT NO. 496, CITY OF SHERMAN, ETJ, GRAYSON COUNTY, TEXAS, AS DEEMED NECESSARY BY THE CITY MANAGER OR HIS DESIGNEE; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE THE PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC USE BY EMINENT DOMAIN FOR SUCH USES; AUTHORIZING THE CITY MANAGER OF THE CITY OF SHERMAN, TEXAS, TO ESTABLISH PROCEDURES FOR ACQUIRING THE EASEMENTS, OFFERING TO ACQUIRE THE EASEMENTS, VOLUNTARILY, FROM THE LANDOWNER THROUGH THE MAKING OF BONA FIDE OFFERS; APPROPRIATING FUNDS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas ("City Council") finds that there is a public necessity for the acquisition, by eminent domain, of a Permanent Water Easement and a Temporary Construction Easement, as described and depicted in Exhibit A, attached hereto and incorporated herein for all purposes (collectively, the "Easements"), as deemed necessary by the City Manager or his designee for the Project (hereinafter defined); and

WHEREAS, it is the intent of the City of Sherman, Texas ("Sherman") to acquire the necessary Easements for the purposes of, among other things, the construction, access, repair and maintenance of public wastewater, including the Northwest Southwest Transmission Pipeline Project (collectively, the "Project"); and

WHEREAS, the City Council finds that the description of the Easements to be acquired by eminent domain for the Project complies with Chapter 2206 of the Texas Government Code,

as amended ("Chapter 2206"), in that the same provides property owner(s) in and around the area reasonable notice that the owners' property may be subject to condemnation proceedings during the planning or construction of the Project; and

WHEREAS, the City Council finds that the Project is necessary for public use; and

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for the Easements to be acquired by eminent domain for the Project; and

WHEREAS, the City Manager, or his designee ("City Manager"), is authorized to make a bona fide offer, as defined by and in compliance with Section 21.0113 of the Texas Property Code ("Bona Fide Offer"), to acquire the Easements for public use, voluntarily, from the subject landowner prior to moving forward with acquisition by eminent domain; and

WHEREAS, the City Council has investigated and determined that the passage of this Resolution complies with Chapter 2206 and other applicable laws.

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

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

SECTION 2: Acquisition of Easements. The City Council hereby determines that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition, by eminent domain, of the Easements, and it is Sherman's intent to acquire the Easements for public use as described and depicted herein, specifically for the purpose of, among other things, the construction, access, repair and maintenance of public wastewater improvements necessary for the Project.

SECTION 3: Authority of City Manager/Bona Fide Offer. The City Manager is hereby authorized to contract, on behalf of the City Council, with professional appraisers for appraisal services and with attorneys for preparation of title opinion(s) needed by Sherman from time to time in connection with the acquisition of the Easements. The City Council hereby ratifies any contracts entered into, prior to the effective date of this Resolution, by the City Manager with professional appraisers for appraisal services and with attorneys for preparation of title opinion(s) needed for the acquisition of the Easements. The City Manager shall first make a Bona Fide Offer to acquire the Easements from the subject landowner, voluntarily. Should the landowner fail to provide the Easements, voluntarily, through said Bona Fide Offer, the City Manager is authorized to move forward with acquiring the Easements by eminent domain.

SECTION 4: Determination of Just Compensation. The City Manager is hereby authorized and directed to examine and rely on independent appraisal reports and other information to make a determination as to the establishment and approval of a fair market value offer and the just compensation for the Easements for the purpose of making the Bona Fide Offer. After such

consideration, the City Manager shall establish and approve the amount determined to be just compensation for acquisition of said Easements and shall have the authority to execute any and all documents necessary to complete the acquisition of same.

SECTION 5: Authority to Make an Offer. Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of the Easements, the City Manager is authorized to send a written Bona Fide Offer to the landowner of said Easement Property at the full amount determined and established to be just compensation therefore, and to negotiate with said landowner(s) on behalf of Sherman to acquire the Easements voluntarily.

SECTION 6: Authority to Execute Documents. The City Manager is hereby authorized to execute all documents necessary to acquire the Easements needed for the Project, on behalf of Sherman, whether by purchase or eminent domain. The City Council hereby ratifies any documents executed, prior to the effective date of this Resolution, by the City Manager which were necessary for the acquisition of the Easements for the Project.

SECTION 7: Disposal of Improvements. The City Manager is hereby authorized to remove improvements, if any, located on the Easement Property acquired in connection with this Project, should they interfere with the intended use and enjoyment of said Easements.

SECTION 8: Eminent Domain Authorized. Should the City Manager be unable to acquire the Easements, voluntarily, from the landowner(s), through the making of the Bona Fide Offer, the City Manager is authorized to instruct the law firm of Abernathy, Roeder, Boyd & Hullett, P.C., to commence eminent domain proceedings for the acquisition of the Easements for the Project.

SECTION 9: Source of Funds. The amount to be paid, if any, for acquiring the Easements for the Project will be appropriated from any lawful source.

SECTION 10: Savings/Repealing. All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting resolutions shall remain in full force and effect.

SECTION 11: Severability. Should any section, subsection, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect. The City Council hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 12: Public Notice. The City Council finds that the meeting at which this Resolution 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.

SECTION 13: Effective Date. This Resolution shall take effect immediately from and after its passage.

INTRODUCED on this the 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

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

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT "A"

OWNER: KELSON COMMERCIAL PROPERTIES, LLC SERIES 4613 N. FM 1417
45' WIDTH PERMANENT WATERLINE EASEMENT
JAMES L. ATCHISON SURVEY, ABSTRACT NO. 21
BENJAMIN J. HUTSON SURVEY, ABSTRACT NO. 496
CITY OF SHERMAN AND ITS ETJ, GRAYSON COUNTY, TEXAS

Being a 0.8388 acre tract of land situated within the James L. Atchison Survey, Abstract Number 21, and the Benjamin J. Hutson Survey, Abstract No. 496, City of Sherman and its Extraterritorial Jurisdiction, Grayson County, Texas, being a portion a called 20.45 acre tract of land as described in the Special Warranty Deed with Vendors Lien to Kelson Commercial Properties, LLC Series 4613 N. FM 1417 recorded under Document No. 201800026414 of the Official Public Records of Grayson County, Texas. Said 0.8388 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found at an angle point on the east line of said called 20.45 acre tract of land, being on the west line of a called 119.69 acre tract of land as described in the General Warranty Deed to Ted Holdings, Ltd. recorded in Volume 3369, Page 31 of the Deed Records of Grayson County, Texas having a surface coordinate of N:7,302,109.13 feet and E:2,533,155.98 feet;

THENCE SOUTH 00 degrees 58 minutes 23 seconds WEST, 45.00 feet with the east line of said called 20.45 acre tract of land and the west line of said called 119.69 acre tract of land to a point from which a 1/2-inch iron rod found at the southeast corner of said called 20.45 acre tract of land bears SOUTH 00 degrees 58 minutes 23 seconds WEST, 401.98 feet;

THENCE the following three (3) calls through the interior of said called 20.45 acre tract of land:

1. NORTH 89 degrees 39 minutes 43 seconds, WEST 377.96 feet;
2. SOUTH 02 degrees 19 minutes 58 seconds, EAST 116.79 feet;
3. SOUTH 89 degrees 51 minutes 47 seconds, WEST 314.54 feet to the west line of said called 20.45 acre tract of land, being the east line of a called 2.834 acre tract of land as described in the Warranty Deed with Vendor's Lien to Hitchcock Properties LLC recorded under Document Number 202100029340 of said Official Public Records;

THENCE NORTH 05 degrees 11 minutes 19 seconds WEST, 45.18 feet with the west line of said called 20.45 acre tract of land, being the east line of said called 2.834 acre tract of land to a re-entrant corner of said called 20.45 acre tract of land, being the northeast corner of said called 2.834 acre tract of land;

THENCE the following three (3) calls through the interior of said called 20.45 acre tract of land:

1. NORTH 89 degrees 51 minutes 47 seconds EAST 271.76 feet;
2. NORTH 02 degrees 19 minutes 58 seconds WEST 117.18 feet;
3. SOUTH 89 degrees 39 minutes 43 seconds EAST 425.61 to the **POINT OF BEGINNING**, containing 0.8388 acres.

Bowman Consulting Group, Ltd. 1200 West Magnolia Road, Suite 300 Fort Worth, Texas 76104 214-484-8586

TEMPORARY CONSTRUCTION EASEMENT

The above-described permanent waterline easement is also subject to a temporary construction easement as shown on the accompanying survey plat. Said temporary construction easement shall expire as noted in the easement agreement.

NOTES:

1. Bearings are based on the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone (4202). Coordinates and distances are surface values and can be converted to grid by using the scale factor of 1.00012 (0,0 base point).

2. A plat of same date accompanies this legal description.

3. This survey was performed with the benefit of a title report. There may be easements and/or covenants affecting this property not shown hereon.

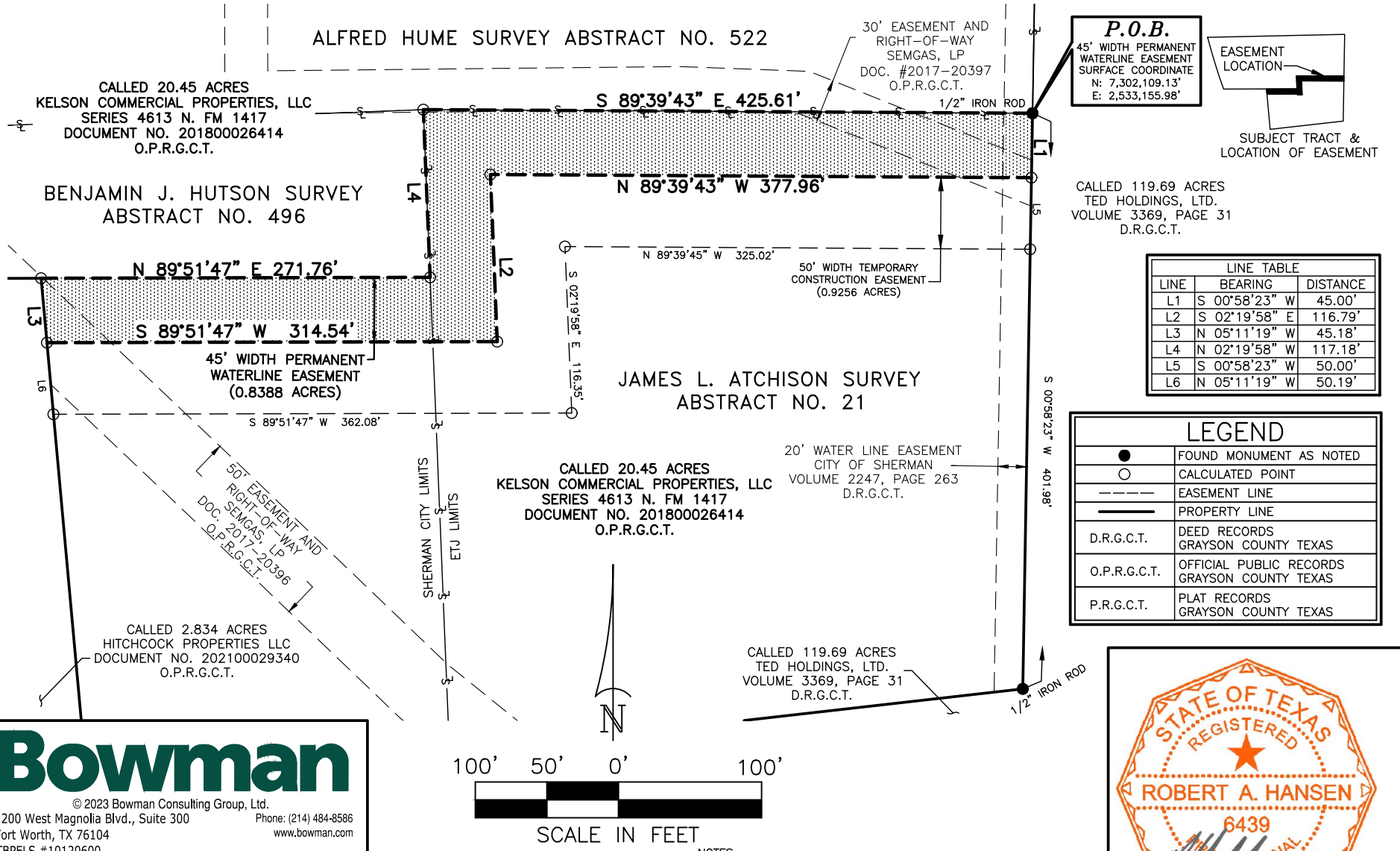
* SURVEYOR'S CERTIFICATE *

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM PUBLIC RECORDS AND FROM AN ACTUAL AND ACCURATE SURVEY UPON THE GROUND AND THAT SAME IS TRUE AND CORRECT.

Company Name: **Bowman Consulting Group, Ltd.**

By:_____
Surveyor's Name: Robert A. Hansen
LSLS & Registered Professional Land Surveyor
Texas No. 6439
Date: 2023-04-17
Texas Firm No. 10120600

PLAT OF EXHIBIT "A"



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 00°58'23" W	45.00'
L2	S 02°19'58" E	116.79'
L3	N 05°11'19" W	45.18'
L4	N 02°19'58" W	117.18'
L5	S 00°58'23" W	50.00'
L6	N 05°11'19" W	50.19'

LEGEND	
●	FOUND MONUMENT AS NOTED
○	CALCULATED POINT
– – – –	EASEMENT LINE
———	PROPERTY LINE
D.R.G.C.T.	DEED RECORDS GRAYSON COUNTY TEXAS
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS GRAYSON COUNTY TEXAS
P.R.G.C.T.	PLAT RECORDS GRAYSON COUNTY TEXAS

Bowman

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1200 West Magnolia Blvd., Suite 300
Fort Worth, TX 76104
TBPELS #10120600
Phone: (214) 484-8586
www.bowman.com

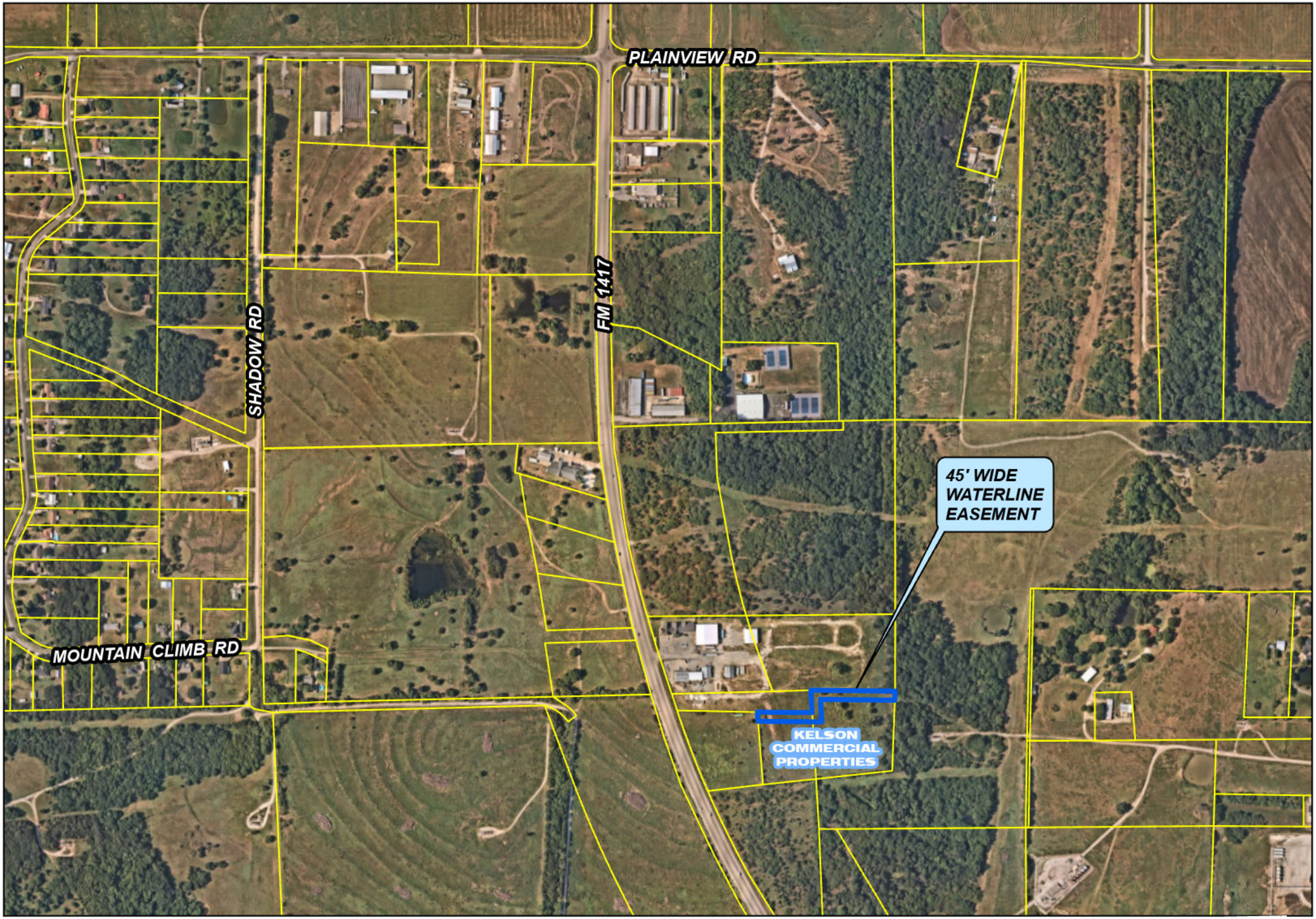
NOTES:
(1) BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH CENTRAL ZONE (4202). COORDINATES AND DISTANCES ARE SURFACE VALUES AND CAN BE CONVERTED TO GRID BY USING THE SCALE FACTOR OF 1.00012 (0,0 BASE POINT).

(2) A LEGAL DESCRIPTION OF SAME DATE ACCOMPANIES THIS PLAT.

STATE OF TEXAS
REGISTERED
ROBERT A. HANSEN
6439
PROFESSIONAL
LAND SURVEYOR

ROBERT A. HANSEN
LSLS & REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6439

45' WIDTH PERMANENT WATERLINE EASEMENT			
JAMES L. ATCHISON SURVEY ABSTRACT NO. 21 & BENJAMIN J. HUTSON SURVEY ABSTRACT NO. 496			
LOCATION: CITY LIMITS & ETJ OF THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS			
SUBJECT TRACT ACREAGE: 20.45 ACRES (DEED)			
JOB NO. 210185	DRAWN BY: BSZ	CAD FILE: PARCEL 8-9 KELSON COMMERCIAL PROPERTIES.DWG	
DATE: 2023-04-17	CHECK BY: RAH	SCALE: 1"= 100'	PAGE 3 OF 3



Sherman ENGINEERING DEPT.

Kelson Commercial Properties (prop ID 379531 379534)

NORTH

1" = 600'

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 6.**

Meeting Date: 09/18/2023

Prepared By: Clint Philpott, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 7160

Determining a Public Necessity to Acquire by Eminent Domain Certain Property Interests for Public Use, Including Permanent Water Easement and Temporary Construction Easements for the Construction, Expansion, Access, Repair and Maintenance of Public Water and Other Utility Improvements Consisting of Two Tracts of Land Comprising +/- 2.711 acres (Permanent Water Easement) and +/- 3.127 acres, respectively, for a Temporary Construction Easement owned by Munson Realty Company, Recorded In Volume 925, Page 261 of the Deed of Records of Grayson County, Texas, Within the Elizabeth Jones Survey, Abstract Number 625, City of Sherman, Grayson County, Texas, as Deemed Necessary by the City Manager or His Designee; Giving Notice of an Official Determination to Acquire the Permanent Water Easement and Temporary Construction Easement for Public Use by Eminent Domain for Such Uses; Authorizing the City Manager of the City of Sherman, Texas, to Establish Procedures for Acquiring the Easements, Offering to Acquire the Easements, Voluntarily, from the Landowner Through the Making of Bona Fide Offers; Appropriating Funds; Providing for Repealing, Savings and Severability Clauses; and Providing for an Effective Date

Issue:

To consider granting authority to negotiate for property rights for public use, including the construction, expansion, access, repair and maintenance of the 36" West Sherman Water Main project, and to complete condemnation proceedings.

Background:

It is the intent of the City to acquire the necessary easements for the purpose of, among other things, the construction, access, repair and maintenance of the public 36-inch West Water Extension Project. The project is over 14 miles long, along the west side of Sherman near FM 691 south to Shepherd Rd. The project includes numerous easements along the alignment shown. In order to keep the land acquisition process on schedule, staff is asking City Council to give authority to the City Manager to make Bona Fide Offers, work toward the voluntary conveyance of the necessary easements and, only if required, to move forward with the eminent domain process. We will work diligently with property owners to ensure eminent domain is only used as a last resort in acquiring any easement for this project.

City Council motion must be made as follows:

"I move that the City Council of the City of Sherman authorize the use of the power of eminent domain to acquire two tracts of land comprising +/- 2.711 acres and +/- 3.127 acres, as described in Exhibit A to the resolution, for a permanent water easement and temporary construction easement."

Origination:

City Manager's Office

Financial Consideration:

Easement acquisition costs, along with costs for appraisals, surveys, maps and photos.

Staff Recommendation:

Staff recommends approval.

Alternatives:

As may be directed by the Council.

Attachments

Resolution No. 7160
Exhibit A Parcel 61
Location Map

RESOLUTION NO. 7160

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE BY EMINENT DOMAIN CERTAIN PROPERTY INTEREST FOR PUBLIC USE, INCLUDING PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR THE CONSTRUCTION, EXPANSION, ACCESS, REPAIR AND MAINTENANCE OF PUBLIC WATER AND OTHER UTILITY IMPROVEMENTS, CONSISTING OF TWO TRACTS OF LAND COMPRISING OF +/- 2.711 ACRES (PERMANENT WATER EASEMENT) AND A +/- 3.127 ACRES FOR A TEMPORARY CONSTRUCTION EASEMENT OWNED BY MUNSON REALTY COMPANY, RECORDED IN VOLUME 925, PAGE 261 OF THE DEED OF RECORDS OF GRAYSON COUNTY, TEXAS, WITHIN THE JOSEPH DEAVER SURVEY, ABSTRACT NO. 359, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, AS DEEMED NECESSARY BY THE CITY MANAGER OR HIS DESIGNEE; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE THE PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC USE BY EMINENT DOMAIN FOR SUCH USES; AUTHORIZING THE CITY MANAGER OF THE CITY OF SHERMAN, TEXAS, TO ESTABLISH PROCEDURES FOR ACQUIRING THE EASEMENTS, OFFERING TO ACQUIRE THE EASEMENTS, VOLUNTARILY, FROM THE LANDOWNER THROUGH THE MAKING OF BONA FIDE OFFERS; APPROPRIATING FUNDS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas ("City Council") finds that there is a public necessity for the acquisition, by eminent domain, of a Permanent Water Easement and a Temporary Construction Easement, as described and depicted in Exhibit A, attached hereto and incorporated herein for all purposes (collectively, the "Easements"), as deemed necessary by the City Manager or his designee for the Project (hereinafter defined); and

WHEREAS, it is the intent of the City of Sherman, Texas ("Sherman") to acquire the necessary Easements for the purposes of, among other things, the construction, access, repair and maintenance of public wastewater, including the Northwest Southwest Transmission Pipeline Project (collectively, the "Project"); and

WHEREAS, the City Council finds that the description of the Easements to be acquired by eminent domain for the Project complies with Chapter 2206 of the Texas Government Code, as amended ("Chapter 2206"), in that the same provides property owner(s) in and around the area

reasonable notice that the owners' property may be subject to condemnation proceedings during the planning or construction of the Project; and

WHEREAS, the City Council finds that the Project is necessary for public use; and

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for the Easements to be acquired by eminent domain for the Project; and

WHEREAS, the City Manager, or his designee ("City Manager"), is authorized to make a bona fide offer, as defined by and in compliance with Section 21.0113 of the Texas Property Code ("Bona Fide Offer"), to acquire the Easements for public use, voluntarily, from the subject landowner prior to moving forward with acquisition by eminent domain; and

WHEREAS, the City Council has investigated and determined that the passage of this Resolution complies with Chapter 2206 and other applicable laws.

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

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

SECTION 2: Acquisition of Easements. The City Council hereby determines that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition, by eminent domain, of the Easements, and it is Sherman's intent to acquire the Easements for public use as described and depicted herein, specifically for the purpose of, among other things, the construction, access, repair and maintenance of public wastewater improvements necessary for the Project.

SECTION 3: Authority of City Manager/Bona Fide Offer. The City Manager is hereby authorized to contract, on behalf of the City Council, with professional appraisers for appraisal services and with attorneys for preparation of title opinion(s) needed by Sherman from time to time in connection with the acquisition of the Easements. The City Council hereby ratifies any contracts entered into, prior to the effective date of this Resolution, by the City Manager with professional appraisers for appraisal services and with attorneys for preparation of title opinion(s) needed for the acquisition of the Easements. The City Manager shall first make a Bona Fide Offer to acquire the Easements from the subject landowner, voluntarily. Should the landowner fail to provide the Easements, voluntarily, through said Bona Fide Offer, the City Manager is authorized to move forward with acquiring the Easements by eminent domain.

SECTION 4: Determination of Just Compensation. The City Manager is hereby authorized and directed to examine and rely on independent appraisal reports and other information to make a determination as to the establishment and approval of a fair market value offer and the just compensation for the Easements for the purpose of making the Bona Fide Offer. After such consideration, the City Manager shall establish and approve the amount determined to be just

compensation for acquisition of said Easements and shall have the authority to execute any and all documents necessary to complete the acquisition of same.

SECTION 5: Authority to Make an Offer. Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of the Easements, the City Manager is authorized to send a written Bona Fide Offer to the landowner of said Easement Property at the full amount determined and established to be just compensation therefore, and to negotiate with said landowner(s) on behalf of Sherman to acquire the Easements voluntarily.

SECTION 6: Authority to Execute Documents. The City Manager is hereby authorized to execute all documents necessary to acquire the Easements needed for the Project, on behalf of Sherman, whether by purchase or eminent domain. The City Council hereby ratifies any documents executed, prior to the effective date of this Resolution, by the City Manager which were necessary for the acquisition of the Easements for the Project.

SECTION 7: Disposal of Improvements. The City Manager is hereby authorized to remove improvements, if any, located on the Easement Property acquired in connection with this Project, should they interfere with the intended use and enjoyment of said Easements.

SECTION 8: Eminent Domain Authorized. Should the City Manager be unable to acquire the Easements, voluntarily, from the landowner(s), through the making of the Bona Fide Offer, the City Manager is authorized to instruct the law firm of Abernathy, Roeder, Boyd & Hullett, P.C., to commence eminent domain proceedings for the acquisition of the Easements for the Project.

SECTION 9: Source of Funds. The amount to be paid, if any, for acquiring the Easements for the Project will be appropriated from any lawful source.

SECTION 10: Savings/Repealing. All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting resolutions shall remain in full force and effect.

SECTION 11: Severability. Should any section, subsection, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect. The City Council hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 12: Public Notice. The City Council finds that the meeting at which this Resolution 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.

SECTION 13: Effective Date. This Resolution shall take effect immediately from and after its passage.

INTRODUCED on this the 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

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

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT "A"

OWNER: THE MUNSON REALTY COMPANY
VARIABLE WIDTH PERMANENT WATERLINE EASEMENT
ELIZABETH JONES SURVEY, ABSTRACT NO. 625
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

Being a 2.711 acre tract of land situated within the Elizabeth Jones Survey, Abstract Number 625, City of Sherman, Grayson County, Texas, being a portion of the remainder of a called 190 acre tract of land as described in the Warranty Deed with Vendors Lien to the Munson Realty Company recorded in Volume 925, Page 261 of the Deed Records of Grayson County, Texas. Said 2.711 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a railroad spike found at the southwest corner of said called 190 acre tract of land, being a re-entrant corner of a called 587.056 acre tract of land as described in the deed to Sherman Ventures LLC recorded under Document No. 2019-29426 of the Official Public Records of Grayson County, Texas, and in Bradley Road, a generally recognized public road, no recording document found, and Old Dorchester Road, a generally recognized public road, no recording document found;

THENCE NORTH 14 degrees 18 minutes 00 seconds WEST, 154.00 feet with the west line of said called 190 acre tract of land, being the east line of said called 587.056 acre tract of land to the **POINT OF BEGINNING**, having a surface coordinate of N: 7,265,923.75 feet and E: 2,532,281.82 feet;

THENCE NORTH 14 degrees 18 minutes 00 seconds WEST, 45.41 feet with the west line of said called 190 acre tract of land, being the east line of said called 587.056 acre tract of land;

THENCE the following eight (8) calls through the interior of remainder of said called 190 acre tract of land;

1. NORTH 83 degrees 22 minutes 25 seconds EAST, 40.59 feet;
2. SOUTH 67 degrees 56 minutes 27 seconds EAST, 47.81 feet;
3. NORTH 83 degrees 22 minutes 27 seconds EAST, 560.57 feet;
4. NORTH 84 degrees 25 minutes 00 seconds EAST, 769.75 feet;
5. NORTH 79 degrees 31 minutes 40 seconds EAST, 376.77 feet;
6. NORTH 74 degrees 19 minutes 11 seconds EAST, 650.53 feet;
7. NORTH 74 degrees 09 minutes 47 seconds EAST, 104.16 feet;
8. SOUTH 16 degrees 06 minutes 39 seconds EAST, 124.68 feet to the southeast line of the remainder of said called 190 acre tract of land, being the northwest line of a called 54.785 acre tract of land as described in the deed to 6401 Skillman I, Ltd. recorded in Volume 4008, Page 808 of said Deed Records and being in said Old Dorchester Road;

THENCE SOUTH 73 degrees 53 minutes 52 seconds WEST, 45.00 feet with the southeast line of the remainder of said called 190 acre tract of land, being the northwest line of said called 54.785 acre tract of land to a point from which a MAG nail with shiner found at the north common corner of said called 54.785 acre tract of land and a called 47.243 acre tract of land as described in the deed to Trinidad Ranch, LLC recorded in Volume 5923, Page 765 of said Deed Records bears SOUTH 73 degrees 53 minutes 52 seconds WEST, 265.46 feet;

THENCE the following eight (8) calls through the interior of remainder of said called 190 acre tract of land;

1. NORTH 16 degrees 06 minutes 39 seconds WEST, 79.89 feet;
2. SOUTH 74 degrees 09 minutes 47 seconds WEST, 59.43 feet;
3. SOUTH 74 degrees 19 minutes 11 seconds WEST, 652.64 feet;
4. SOUTH 79 degrees 31 minutes 40 seconds WEST, 380.74 feet;
5. SOUTH 84 degrees 25 minutes 00 seconds WEST, 771.26 feet;
6. SOUTH 83 degrees 22 minutes 27 seconds WEST, 559.37 feet;
7. NORTH 67 degrees 56 minutes 27 seconds WEST, 47.81 feet;
8. SOUTH 83 degrees 22 minutes 25 seconds WEST, 35.32 feet to the **POINT OF BEGINNING**, containing 2.711 acres.

TEMPORARY CONSTRUCTION EASEMENT

The above-described permanent waterline easement is also subject to a temporary construction easement as shown on the accompanying survey plat. Said temporary construction easement shall expire as noted in the easement agreement.

NOTES:

1. Bearings are based on the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone (4202). Coordinates and distances are surface values and can be converted to grid by using the scale factor of 1.00012 (0,0 base point).

2. A plat of same date accompanies this legal description.

3. This survey was performed in connection with the transaction described in GF No. 322748, of Fidelity National Title Insurance Company with an effective date of July 7, 2022, issued July 20, 2022. Use of this survey for any other purpose or by other parties shall be at their own risk and undersigned is not responsible to others for any loss resulting therefrom.

Title Commitment GF No. 322748 SCHEDULE "B" 10 ITEMS
The following items are taken verbatim per said title commitment apart from those surveyor notes noted below:

10m. Easement and right-of-way from G.P. Gafford to Texas Power & Light Company, of record in Volume 493, Page 305 of the Deed Records of Grayson County, Texas.

SURVEYOR NOTE: Based on the legal description contained in the record document, the location of this item cannot be determined.

10n. Easement and right-of-Way from Robert S. Davis et ux, Lyall Pickett Davis to Texas Power & Light Company, of record in Volume 774, Page 107 of the Deed Records of Grayson County, Texas.

SURVEYOR NOTE: Based on the legal description contained in the record document, the location of this item cannot be determined.

10p. Right-of-Way and Easement from Robert S. Davis et ux, Lyall Pickett Davis to Huble Oil & Refining Company, Lessee, of record in Volume 786, Page 440, Deed Records, Grayson County, Texas.

SURVEYOR NOTE: Based on the legal description contained in the record document, this item is blanket in nature and affects the surveyed property.

10q. Right-of-Way Deed from The Munson Realty Company to the State of Texas, of record in Volume 927, Page 255 of the Deed Records of Grayson County, Texas.

SURVEYOR NOTE: Based on the legal description contained in the record document, this item does not affect the surveyed property.

10r. Easement from The Munson Realty Company to the State of Texas, of record in Volume 927, Page 257 of the Deed Records of Grayson County, Texas.

SURVEYOR NOTE: Based on the legal description contained in the record document, this item does not affect the surveyed property.

10s. Right of way and easement from the Munson Realty Company to Lone Star Gas Company, of record in Volume 958, Page 111 of the Deed Records of Grayson County, Texas.

SURVEYOR NOTE: Based on the legal description contained in the record document, this item affects the surveyed property and is shown hereon.

10t. Easement and right-of-way from The Munson Realty Company to Texas Power & Light Company and the General Telephone Company of the Southwest, of record in Volume 1031, Page 604 of the Deed Records of Grayson County, Texas.

SURVEYOR NOTE: Based on the legal description contained in the record document, this item does not affect the surveyed property.

10u. Deed Granting Easement from The Munson Realty Company to the City of Sherman, Texas, of record in Volume 1315, Page 22 of the Deed Records of Grayson County, Texas.

SURVEYOR NOTE: Based on the legal description contained in the record document, this item does not affect the surveyed property.

10v. Easement Agreement by and between The Munson Realty Company and W.C. Morris, of record in Volume 1440, Page 587 of the Deed Records of Grayson County, Texas.

SURVEYOR NOTE: Based on the legal description contained in the record document, this item does not affect the surveyed property.

10w. Easement and right-of-way from The Munson Realty Company to North Texas Municipal Water District, of record in Volume 2004, Page 611 of the Real Property Records of Grayson County, Texas.

SURVEYOR NOTE: Based on the legal description contained in the record document, this item does not affect the surveyed property.

10x. Easement from the Munson Realty Company to the City of Sherman, of record in Volume 3615, Page 556 of the Official Public Records of Grayson County, Texas.

SURVEYOR NOTE: Based on the legal description contained in the record document, this item does not affect the surveyed property.

10y. Right-of-Way Dedication Deed from the Munson Realty Company to the City of Sherman, of record in Volume 5940, Page 279 of the Official Public Records of Grayson County, Texas.

SURVEYOR NOTE: Based on the legal description contained in the record document, this item does not affect the surveyed property.

10z. Right-of-Way Dedication Deed from the Munson Realty Company to the City of Sherman, of record under Clerk's File No. 2019-30963 of the Official Public Records of Grayson County, Texas.

SURVEYOR NOTE: Based on the legal description contained in the record document, this item does not affect the surveyed property.

10aa. Easement from the Munson Realty Company to the City of Sherman, of record under Clerk's File No. 2019-30964 of the Official Public Records of Grayson County, Texas.

SURVEYOR NOTE: Based on the legal description contained in the record document, this item does not affect the surveyed property.

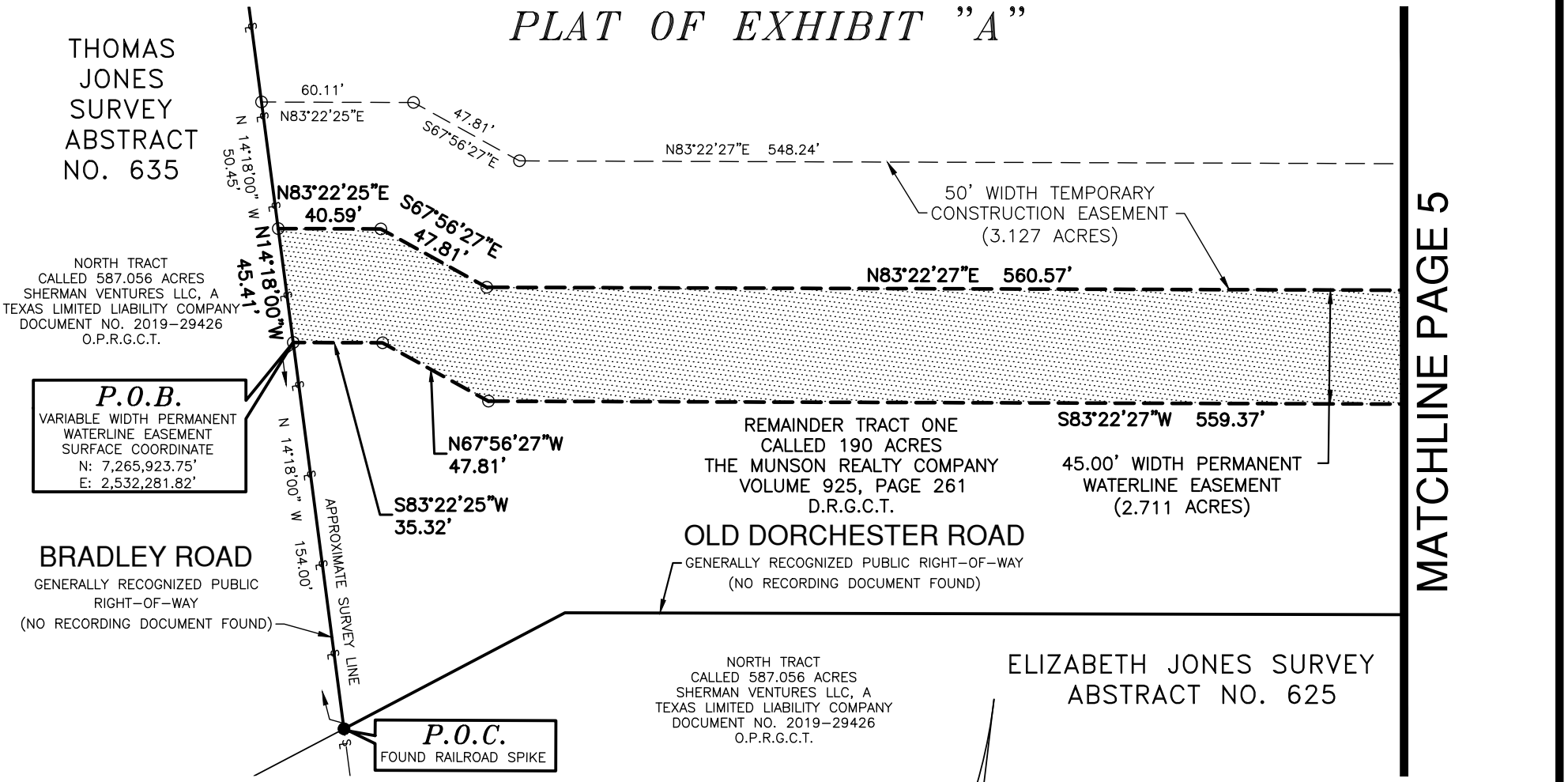
* SURVEYOR'S CERTIFICATE *

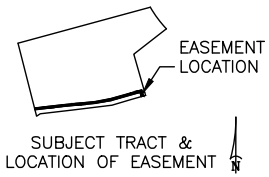
TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM PUBLIC RECORDS AND FROM AN ACTUAL AND ACCURATE SURVEY UPON THE GROUND AND THAT SAME IS TRUE AND CORRECT.

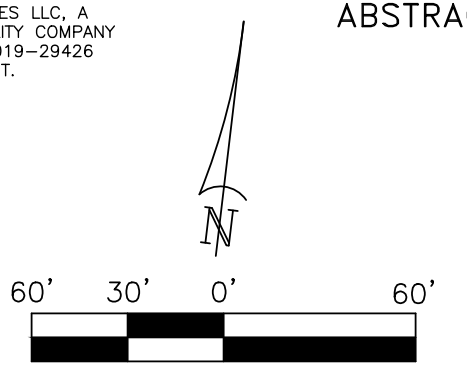
Company Name: **Bowman Consulting Group, Ltd.**

By:_____
Surveyor's Name: Robert A. Hansen
LSLS & Registered Professional Land Surveyor
Texas No. 6439
Date: 2023-07-14
Texas Firm No. 10120600

PLAT OF EXHIBIT "A"







LEGEND	
●	FOUND MONUMENT AS NOTED
○	CALCULATED POINT
————	EASEMENT LINE
————	PROPERTY LINE
D.R.G.C.T.	DEED RECORDS GRAYSON COUNTY TEXAS
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS GRAYSON COUNTY TEXAS
P.R.G.C.T.	PLAT RECORDS GRAYSON COUNTY TEXAS

NOTES:
(1) BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH CENTRAL ZONE (4202). COORDINATES AND DISTANCES ARE SURFACE VALUES AND CAN BE CONVERTED TO GRID BY USING THE SCALE FACTOR OF 1.00012 (0,0 BASE POINT).

(2) A LEGAL DESCRIPTION OF SAME DATE ACCOMPANIES THIS PLAT.

Bowman

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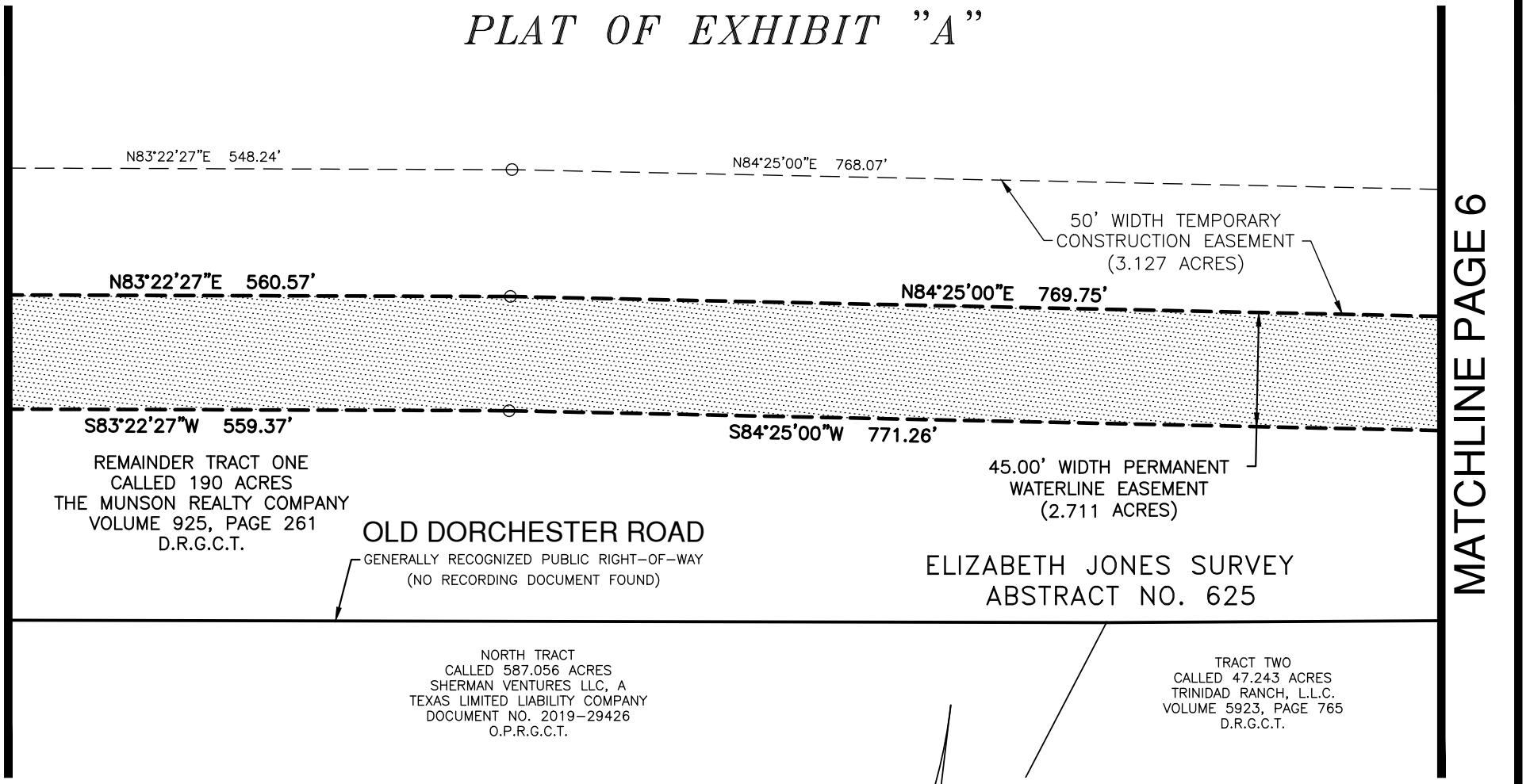
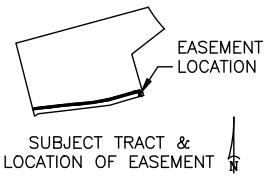
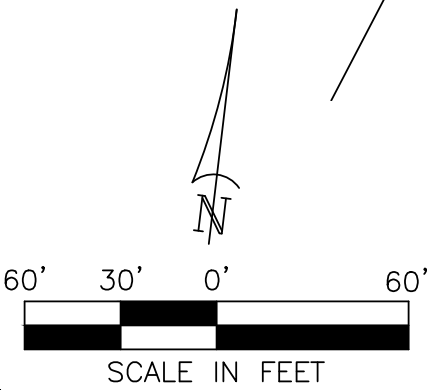
Fort Worth, TX 76104
TBPELS #10120600
Phone: (214) 484-8586
www.bowman.com

VARIABLE WIDTH PERMANENT WATERLINE EASEMENT			
SURVEY: ELIZABETH JONES SURVEY ABSTRACT NO. 625			
LOCATION: CITY OF SHERMAN, GRAYSON COUNTY, TEXAS			
SUBJECT TRACT ACREAGE: 190 ACRES (DEEDS)			
JOB NO. 210185	DRAWN BY: IAW	CAD FILE: PARCEL 61 MUNSON REALTY	
DATE: 7-14-2023	CHECK BY: RAH	SCALE: 1"= 60'	PAGE 4 OF 8

PLAT OF EXHIBIT "A"







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(2) A LEGAL DESCRIPTION OF SAME DATE ACCOMPANIES THIS PLAT.

LEGEND	
●	FOUND MONUMENT AS NOTED
○	CALCULATED POINT
————	EASEMENT LINE
————	PROPERTY LINE
D.R.G.C.T.	DEED RECORDS GRAYSON COUNTY TEXAS
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS GRAYSON COUNTY TEXAS
P.R.G.C.T.	PLAT RECORDS GRAYSON COUNTY TEXAS

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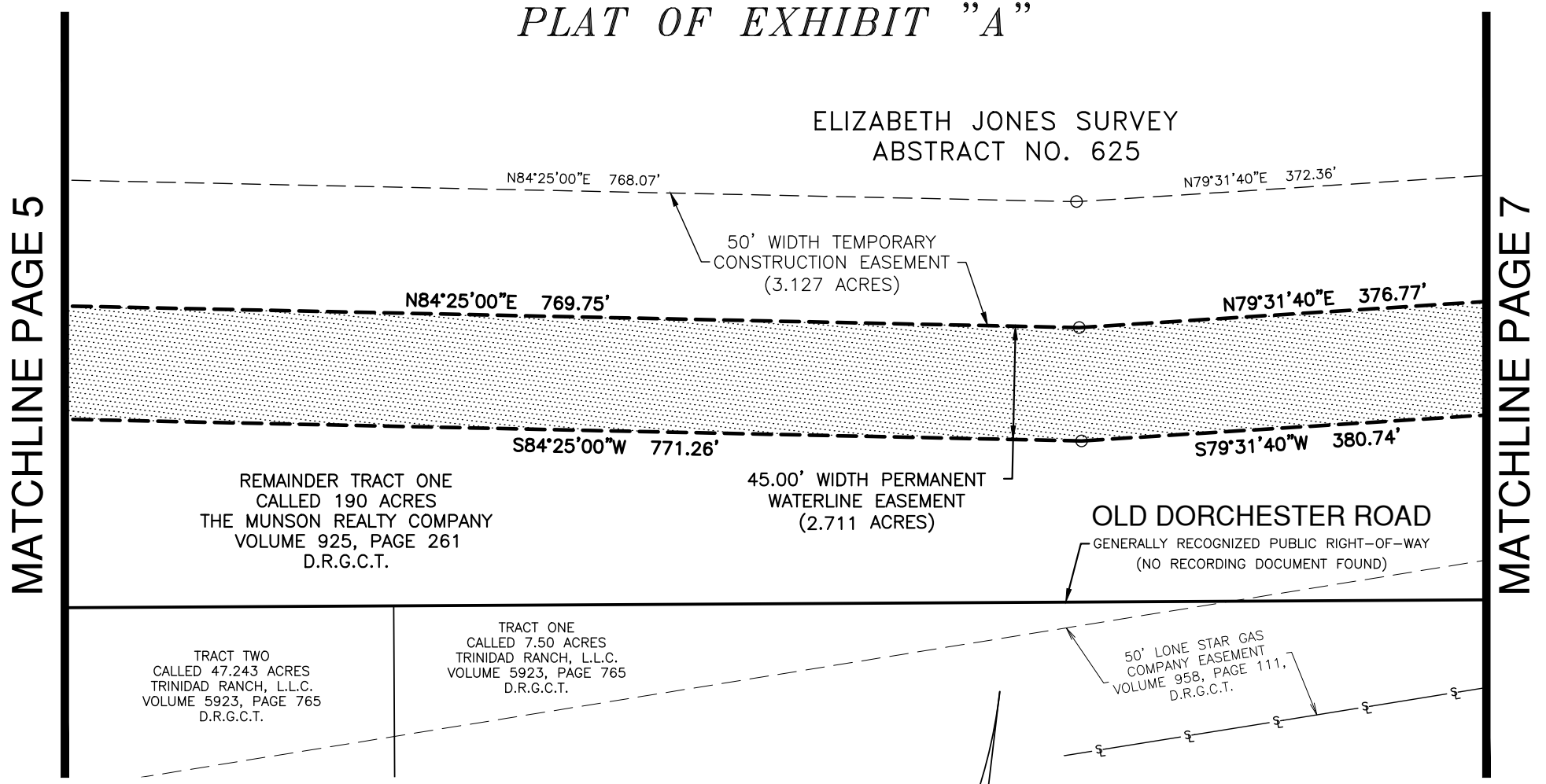
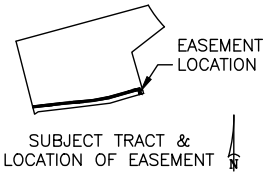
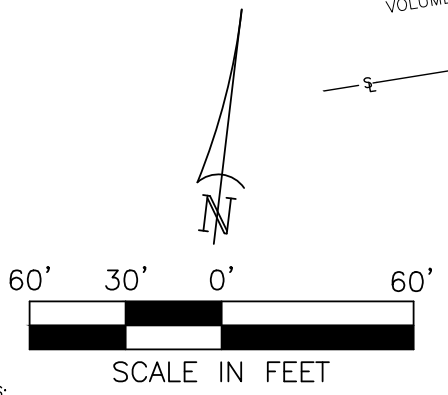
TBPELS #10120600
Phone: (214) 484-8586
www.bowman.com

VARIABLE WIDTH PERMANENT WATERLINE EASEMENT			
SURVEY: ELIZABETH JONES SURVEY ABSTRACT NO. 625			
LOCATION: CITY OF SHERMAN, GRAYSON COUNTY, TEXAS			
SUBJECT TRACT ACREAGE: 190 ACRES (DEEDS)			
JOB NO. 210185	DRAWN BY: IAW	CAD FILE: PARCEL 61 MUNSON REALTY	
DATE: 7-14-2023	CHECK BY: RAH	SCALE: 1"= 60'	PAGE 5 OF 8

PLAT OF EXHIBIT "A"







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————	EASEMENT LINE
————	PROPERTY LINE
D.R.G.C.T.	DEED RECORDS GRAYSON COUNTY TEXAS
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS GRAYSON COUNTY TEXAS
P.R.G.C.T.	PLAT RECORDS GRAYSON COUNTY TEXAS

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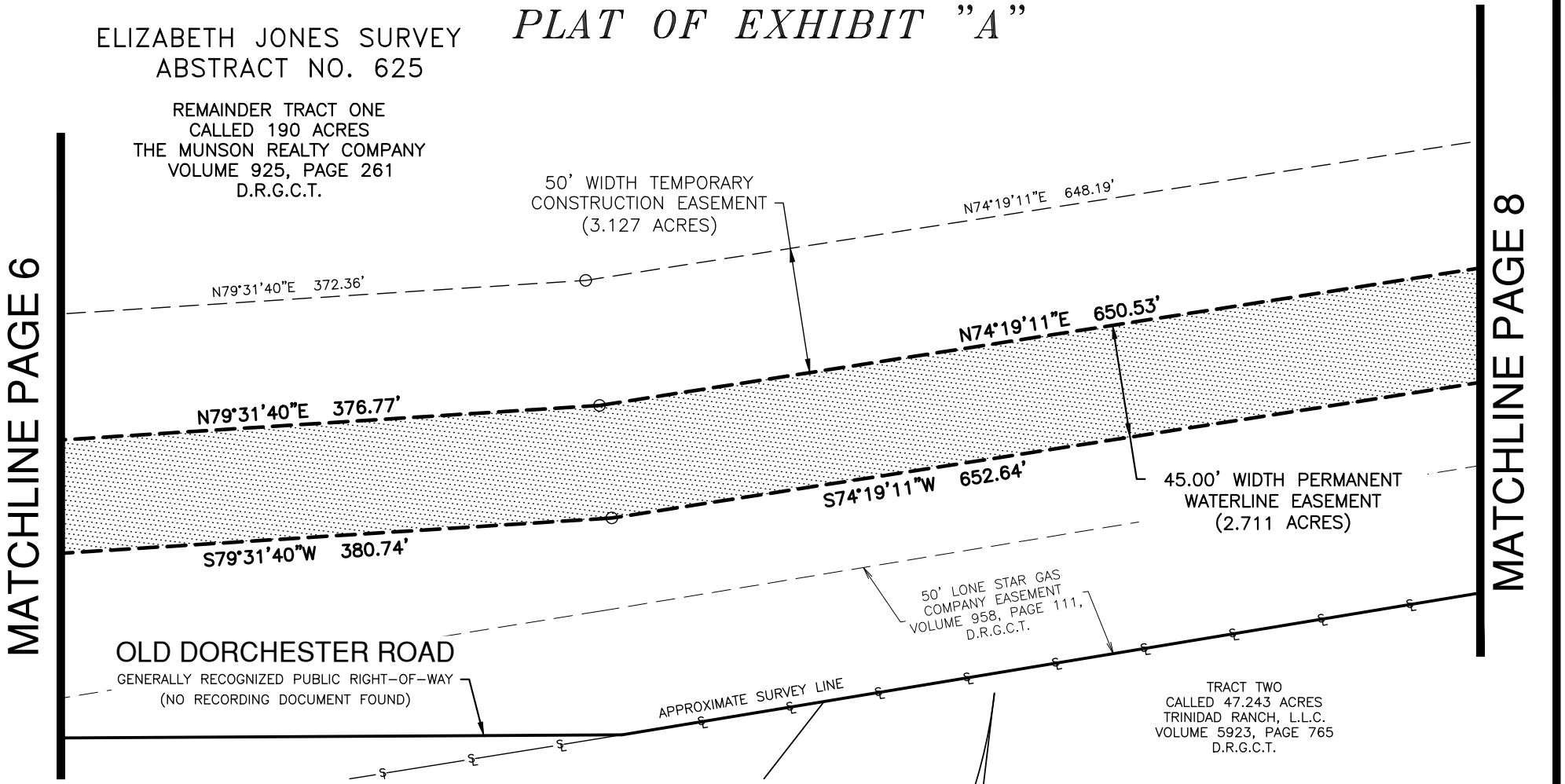
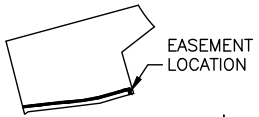
SURVEY: ELIZABETH JONES SURVEY ABSTRACT NO. 625			
LOCATION: CITY OF SHERMAN, GRAYSON COUNTY, TEXAS			
SUBJECT TRACT ACREAGE: 190 ACRES (DEEDS)			
JOB NO. 210185	DRAWN BY: IAW	CAD FILE: PARCEL 61 MUNSON REALTY	
DATE: 7-14-2023	CHECK BY: RAH	SCALE: 1"= 60'	PAGE 6 OF 8

PLAT OF EXHIBIT "A"

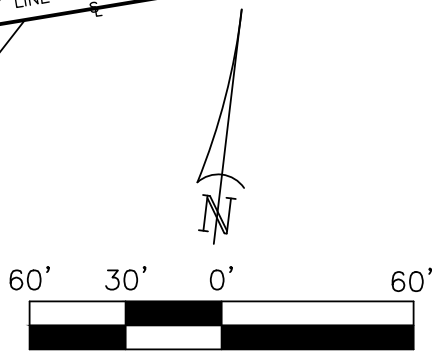
ELIZABETH JONES SURVEY
ABSTRACT NO. 625

REMAINDER TRACT ONE
CALLED 190 ACRES
THE MUNSON REALTY COMPANY
VOLUME 925, PAGE 261
D.R.G.C.T.





SUBJECT TRACT & LOCATION OF EASEMENT



SCALE IN FEET

NOTES:
(1) BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH CENTRAL ZONE (4202). COORDINATES AND DISTANCES ARE SURFACE VALUES AND CAN BE CONVERTED TO GRID BY USING THE SCALE FACTOR OF 1.00012 (0,0 BASE POINT).

(2) A LEGAL DESCRIPTION OF SAME DATE ACCOMPANIES THIS PLAT.

LEGEND	
●	FOUND MONUMENT AS NOTED
○	CALCULATED POINT
————	EASEMENT LINE
————	PROPERTY LINE
D.R.G.C.T.	DEED RECORDS GRAYSON COUNTY TEXAS
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS GRAYSON COUNTY TEXAS
P.R.G.C.T.	PLAT RECORDS GRAYSON COUNTY TEXAS

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VARIABLE WIDTH PERMANENT WATERLINE EASEMENT			
SURVEY: ELIZABETH JONES SURVEY ABSTRACT NO. 625			
LOCATION: CITY OF SHERMAN, GRAYSON COUNTY, TEXAS			
SUBJECT TRACT ACREAGE: 190 ACRES (DEEDS)			
JOB NO. 210185	DRAWN BY: IAW	CAD FILE: PARCEL 61 MUNSON REALTY	
DATE: 7-14-2023	CHECK BY: RAH	SCALE: 1"= 60'	PAGE 7 OF 8

PLAT OF EXHIBIT "A"

ELIZABETH JONES SURVEY
ABSTRACT NO. 625

REMAINDER TRACT ONE
CALLED 190 ACRES
THE MUNSON REALTY COMPANY
VOLUME 925, PAGE 261
D.R.G.C.T.

MATCHLINE PAGE 7

50' WIDTH TEMPORARY
CONSTRUCTION EASEMENT
(3.127 ACRES)

45.00' WIDTH PERMANENT
WATERLINE EASEMENT
(2.711 ACRES)

N74°19'11"E 648.19'
N74°09'47"E 153.85'
N74°09'47"E 104.16'
S16°06'39"E 124.68'
S16°06'39"E 174.45'
N74°19'11"E 650.53'
S74°09'47"W 59.43'
S74°19'11"W 652.64'
N16°06'39"W 79.89'
S 73°53'52" W 50.00'
S73°53'52"W 45.00'
S 73°53'52" W 265.46'

CALLED 34.941 ACRES
TITAN HERITAGE LLC
DOCUMENT NO. 2022-29139
O.P.R.G.C.T.

50' LONE STAR GAS
COMPANY EASEMENT
VOLUME 958, PAGE 111,
D.R.G.C.T.

OLD DORCHESTER ROAD
GENERALLY RECOGNIZED PUBLIC RIGHT-OF-WAY
(NO RECORDING DOCUMENT FOUND)

FOUND MAG NAIL
WITH SHINER

APPROXIMATE SURVEY LINE

CALLED 54.785 ACRES
6401 SKILLMAN I, LTD
VOLUME 4008, PAGE 808
D.R.G.C.T.

EASEMENT
LOCATION

SUBJECT TRACT &
LOCATION OF EASEMENT

LINE TABLE		
LINE	BEARING	DISTANCE
L2	S 73°53'52" W	45.00'
L3	S 74°09'47" W	59.32'

LEGEND	
●	FOUND MONUMENT AS NOTED
○	CALCULATED POINT
----	EASEMENT LINE
———	PROPERTY LINE
D.R.G.C.T.	DEED RECORDS GRAYSON COUNTY TEXAS
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS GRAYSON COUNTY TEXAS
P.R.G.C.T.	PLAT RECORDS GRAYSON COUNTY TEXAS

N

60' 30' 0' 60'

SCALE IN FEET

NOTES:
(1) BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH CENTRAL ZONE (4202). COORDINATES AND DISTANCES ARE SURFACE VALUES AND CAN BE CONVERTED TO GRID BY USING THE SCALE FACTOR OF 1.00012 (0,0 BASE POINT).

(2) A LEGAL DESCRIPTION OF SAME DATE ACCOMPANIES THIS PLAT.

STATE OF TEXAS
REGISTERED
ROBERT A. HANSEN
6439
PROFESSIONAL
LAND SURVEYOR

ROBERT A. HANSEN
LSLS & REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6439

Bowman

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VARIABLE WIDTH PERMANENT WATERLINE EASEMENT
SURVEY: ELIZABETH JONES SURVEY ABSTRACT NO. 625
LOCATION: CITY OF SHERMAN, GRAYSON COUNTY, TEXAS
SUBJECT TRACT ACREAGE: 190 ACRES (DEEDS)

JOB NO. 210185	DRAWN BY: IAW	CAD FILE: PARCEL 61 MUNSON REALTY	
DATE: 7-14-2023	CHECK BY: RAH	SCALE: 1"= 60'	PAGE 8 OF 8

Sherman
ENGINEERING DEPT.

Munson Realty Co
(prop ID 125117)

NORTH
1" = 600'

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 7.**

Meeting Date: 09/18/2023

Prepared By: Clint Philpott, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 7161

Determining a Public Necessity to Acquire by Eminent Domain Certain Property Interests for Public Use, Including Permanent Water Easement and Temporary Construction Easements for the Construction, Expansion, Access, Repair and Maintenance of Public Water and Other Utility Improvements Consisting of Two Tracts of Land Comprising +/- 3.406 acres (Permanent Water Easement) and +/- 3.650 acres, respectively, for a Temporary Construction Easement owned by Alakai Land & Cattle Company, Ltd., Recorded Under Document Number 202000021248 of the Official Public Records of Grayson County, Texas, Within the Henry Brown Survey, Abstract No. 86, and Lionel G. Burns Survey, Abstract No. 87, City of Sherman, Grayson County, Texas, as Deemed Necessary by the City Manager or His Designee; Giving Notice of an Official Determination to Acquire the Permanent Water Easement and Temporary Construction Easement for Public Use by Eminent Domain for Such Uses; Authorizing the City Manager of the City of Sherman, Texas, to Establish Procedures for Acquiring the Easements, Offering to Acquire the Easements, Voluntarily, from the Landowner Through the Making of Bona Fide Offers; Appropriating Funds; Providing for Repealing, Savings and Severability Clauses; and Providing for an Effective Date

Issue:

To consider granting authority to negotiate for property rights for public use, including the construction, expansion, access, repair and maintenance of the 36" West Sherman Water Main project, and to complete condemnation proceedings.

Background:

It is the intent of the City to acquire the necessary easements for the purpose of, among other things, the construction, access, repair and maintenance of the public 36-inch West Water Extension Project. The project is over 14 miles long, along the west side of Sherman near FM 691 south to Shepherd Rd. The project includes numerous easements along the alignment shown. In order to keep the land acquisition process on schedule, staff is asking City Council to give authority to the City Manager to make Bona Fide Offers, work toward the voluntary conveyance of the necessary easements and, only if required, to move forward with the eminent domain process. We will work diligently with property owners to ensure eminent domain is only used as a last resort in acquiring any easement for this project.

City Council motion must be made as follows:

"I move that the City Council of the City of Sherman authorize the use of the power of eminent domain to acquire two tracts of land comprising +/- 3.406 acres and +/- 3.650 acres, as described in Exhibit A to the resolution, for a permanent water easement and temporary construction easement."

Origination:

City Manager's Office

Financial Consideration:

Easement acquisition costs, along with costs for appraisals, surveys, maps and photos.

Staff Recommendation:

Staff recommends approval.

Alternatives:

As may be directed by the Council.

Attachments

Resolution No. 7161
Exhibit A Parcel 20
Location Map

RESOLUTION NO. 7161

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE BY EMINENT DOMAIN CERTAIN PROPERTY INTEREST FOR PUBLIC USE, INCLUDING PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR THE CONSTRUCTION, EXPANSION, ACCESS, REPAIR AND MAINTENANCE OF PUBLIC WATER AND OTHER UTILITY IMPROVEMENTS, CONSISTING OF TWO TRACTS OF LAND COMPRISING OF +/- 3.406 ACRES (PERMANENT WATER EASEMENT) AND A +/- 3.650 ACRES FOR A TEMPORARY CONSTRUCTION EASEMENT OWNED BY ALAKAI LAND & CATTLE COMPANY, LTD., RECORDED UNDER DOCUMENT NUMBER 20200021248 OF THE OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS, WITHIN THE HENRY BROWN SURVEY, ABSTRACT NO. 86, AND LIONEL G. BURNS SURVEY, ABSTRACT NO. 87, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, AS DEEMED NECESSARY BY THE CITY MANAGER OR HIS DESIGNEE; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE THE PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC USE BY EMINENT DOMAIN FOR SUCH USES; AUTHORIZING THE CITY MANAGER OF THE CITY OF SHERMAN, TEXAS, TO ESTABLISH PROCEDURES FOR ACQUIRING THE EASEMENTS, OFFERING TO ACQUIRE THE EASEMENTS, VOLUNTARILY, FROM THE LANDOWNER THROUGH THE MAKING OF BONA FIDE OFFERS; APPROPRIATING FUNDS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas ("City Council") finds that there is a public necessity for the acquisition, by eminent domain, of a Permanent Water Easement and a Temporary Construction Easement, as described and depicted in Exhibit A, attached hereto and incorporated herein for all purposes (collectively, the "Easements"), as deemed necessary by the City Manager or his designee for the Project (hereinafter defined); and

WHEREAS, it is the intent of the City of Sherman, Texas ("Sherman") to acquire the necessary Easements for the purposes of, among other things, the construction, access, repair and maintenance of public wastewater, including the Northwest Southwest Transmission Pipeline Project (collectively, the "Project"); and

WHEREAS, the City Council finds that the description of the Easements to be acquired by eminent domain for the Project complies with Chapter 2206 of the Texas Government Code, as amended ("Chapter 2206"), in that the same provides property owner(s) in and around the area

reasonable notice that the owners' property may be subject to condemnation proceedings during the planning or construction of the Project; and

WHEREAS, the City Council finds that the Project is necessary for public use; and

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for the Easements to be acquired by eminent domain for the Project; and

WHEREAS, the City Manager, or his designee ("City Manager"), is authorized to make a bona fide offer, as defined by and in compliance with Section 21.0113 of the Texas Property Code ("Bona Fide Offer"), to acquire the Easements for public use, voluntarily, from the subject landowner prior to moving forward with acquisition by eminent domain; and

WHEREAS, the City Council has investigated and determined that the passage of this Resolution complies with Chapter 2206 and other applicable laws.

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

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

SECTION 2: Acquisition of Easements. The City Council hereby determines that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition, by eminent domain, of the Easements, and it is Sherman's intent to acquire the Easements for public use as described and depicted herein, specifically for the purpose of, among other things, the construction, access, repair and maintenance of public wastewater improvements necessary for the Project.

SECTION 3: Authority of City Manager/Bona Fide Offer. The City Manager is hereby authorized to contract, on behalf of the City Council, with professional appraisers for appraisal services and with attorneys for preparation of title opinion(s) needed by Sherman from time to time in connection with the acquisition of the Easements. The City Council hereby ratifies any contracts entered into, prior to the effective date of this Resolution, by the City Manager with professional appraisers for appraisal services and with attorneys for preparation of title opinion(s) needed for the acquisition of the Easements. The City Manager shall first make a Bona Fide Offer to acquire the Easements from the subject landowner, voluntarily. Should the landowner fail to provide the Easements, voluntarily, through said Bona Fide Offer, the City Manager is authorized to move forward with acquiring the Easements by eminent domain.

SECTION 4: Determination of Just Compensation. The City Manager is hereby authorized and directed to examine and rely on independent appraisal reports and other information to make a determination as to the establishment and approval of a fair market value offer and the just compensation for the Easements for the purpose of making the Bona Fide Offer. After such consideration, the City Manager shall establish and approve the amount determined to be just

compensation for acquisition of said Easements and shall have the authority to execute any and all documents necessary to complete the acquisition of same.

SECTION 5: Authority to Make an Offer. Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of the Easements, the City Manager is authorized to send a written Bona Fide Offer to the landowner of said Easement Property at the full amount determined and established to be just compensation therefore, and to negotiate with said landowner(s) on behalf of Sherman to acquire the Easements voluntarily.

SECTION 6: Authority to Execute Documents. The City Manager is hereby authorized to execute all documents necessary to acquire the Easements needed for the Project, on behalf of Sherman, whether by purchase or eminent domain. The City Council hereby ratifies any documents executed, prior to the effective date of this Resolution, by the City Manager which were necessary for the acquisition of the Easements for the Project.

SECTION 7: Disposal of Improvements. The City Manager is hereby authorized to remove improvements, if any, located on the Easement Property acquired in connection with this Project, should they interfere with the intended use and enjoyment of said Easements.

SECTION 8: Eminent Domain Authorized. Should the City Manager be unable to acquire the Easements, voluntarily, from the landowner(s), through the making of the Bona Fide Offer, the City Manager is authorized to instruct the law firm of Abernathy, Roeder, Boyd & Hullett, P.C., to commence eminent domain proceedings for the acquisition of the Easements for the Project.

SECTION 9: Source of Funds. The amount to be paid, if any, for acquiring the Easements for the Project will be appropriated from any lawful source.

SECTION 10: Savings/Repealing. All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting resolutions shall remain in full force and effect.

SECTION 11: Severability. Should any section, subsection, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect. The City Council hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 12: Public Notice. The City Council finds that the meeting at which this Resolution 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.

SECTION 13: Effective Date. This Resolution shall take effect immediately from and after its passage.

INTRODUCED on this the 18th day of September 2023.

ADOPTED on this the 18th day of September 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

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

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT "A"

OWNER: ALAKAI LAND & CATTLE COMPANY, LTD
VARIABLE WIDTH PERMANENT WATERLINE EASEMENT
HENRY BROWN SURVEY, ABSTRACT NO. 86
LIONEL G. BURNS SURVEY, ABSTRACT NO. 87
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

Being a 3.406 acre tract of land situated within the Henry Brown Survey, Abstract No. 86, and Lionel G. Burns Survey, Abstract No. 87, City of Sherman, Grayson County, Texas, being a portion of a called 160 acre tract of land as described in the Deed Without Warranty to Alakai Land & Cattle Company, Ltd. recorded under Document Number 202000021248 of the Official Public Records of Grayson County, Texas. Said 3.406 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at the northeast corner said called 160 acre tract of land, being the northwest corner of a called 150 acre tract of land as described in Warranty Deed to Freels Family Limited Partnership, a Texas Limited Partnership titled "TRACT 1" recorded in Volume 2719, Page 303 of the Deed Records of Grayson County, Texas and being on the south right of way line of U.S. Highway 82, a variable width right of way as described in the deeds to the State of Texas recorded in Volume 1084, Page 349, Volume 1084, Page 60 and Volume 1074, Page 709 all of said Deed Records, from which a concrete monument found bears NORTH 89 degrees 01 minute 43 seconds EAST, 25.26 feet, from said corner a concrete monument found bears SOUTH 89 degrees 01 minute 43 seconds WEST, 22.10 feet;

THENCE SOUTH 01 degree 24 minutes 14 seconds EAST, 12.50 feet with the east line of said called 160 acre tract of land and with Lamberth Road, a generally recognized public right of way, no recording document found, to the **POINT OF BEGINNING**, having a surface coordinate of N=7,296,464.70 feet, E: 2,527,679.91 feet;

THENCE SOUTH 01 degree 24 minutes 14 seconds EAST, 45.00 feet with the east line of said called 160 acre tract of land and with Lamberth Road, a generally recognized public right of way, no recording document found;

THENCE SOUTH 89 degrees 01 minute 43 seconds WEST, 871.13 feet through the interior of said called 160 acre tract;

THENCE SOUTH 00 degrees 01 minute 12 seconds WEST, 2,358.41 feet through the interior of said called 160 acre tract to a point on the south line of said called 160 acre tract of land, being the north line of a called 42.550 acre tract of land as described in the Warranty Deed with Vendor's Lean to Wenbao Wong and Linghua Kong recorded under Document Number 202100017914 of the said Official Public Records from which a 1/2-inch iron rod found at the intersection of the south line of said 160 acre tract of land with the east line of a 40 foot Grayson Pipeline, LLC Easement recorded in Volume 4868, Page 95 of said Deed Records bears NORTH 88 degrees 22 minutes 03 seconds EAST, 909.20 feet, and a "PK" nail found at the southeast corner of said called 160 acre tract of land and being in said Lamberth Road bears NORTH 88 degrees 22 minutes 03 seconds EAST, 929.71 feet;

THENCE SOUTH 88 degrees 22 minutes 03 seconds WEST, 45.02 feet with the south line of said called 160 acre tract, being the north line of said called 42.550 acre tract of land to a point from which a 1/2-inch iron rod found at the northwest corner of said called 42.550 acre tract of land bears South 88 degrees 22 minutes 03 seconds WEST, 416.64 feet;

THENCE NORTH 00 degrees 00 minutes 00 seconds EAST, 2,403.92 feet through the interior of said called 160 acre tract;

THENCE NORTH 89 degrees 01 minute 43 seconds EAST, 915.86 feet through the interior of said called 160 acre tract to the **POINT OF BEGINNING**, containing 3.406 acres.

TEMPORARY CONSTRUCTION EASEMENT

The above-described permanent waterline easement is also subject to a temporary construction easement as shown on the accompanying survey plat. Said temporary construction easement shall expire as noted in the easement agreement.

NOTES:

1. Bearings and coordinates are based on the Texas State Plane Coordinate System, North American Datum of 1983, NA2011 (Epoch 2010.00), North Central Zone (4202). Coordinates can be adjusted to surface values using the Texas Department of Transportation Surface Adjustment Factor for Collin County (1.00012). Distances and areas shown are surface values and in U.S. Survey Feet.

2. A plat of same date accompanies this legal description.

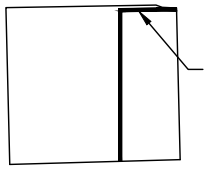
* SURVEYOR'S CERTIFICATE *

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM PUBLIC RECORDS AND FROM AN ACTUAL AND ACCURATE SURVEY UPON THE GROUND AND THAT SAME IS TRUE AND CORRECT.

Company Name: **Bowman Consulting Group, Ltd.**

By:_____
Surveyor's Name: Robert A. Hansen
LSLS & Registered Professional
Land Surveyor No. 6439
Date: 2023-04-27
Texas Firm No. 10120600

PLAT OF EXHIBIT "A"



SUBJECT TRACT & LOCATION OF EASEMENT

PARCEL 57 & 58
STATE OF TEXAS
VOLUME 1074, PAGE 709
VOLUME 1084, PAGE 60
D.R.G.C.T.

LIONEL G. BURNS SURVEY
ABSTRACT NO. 87

HENRY BROWN SURVEY
ABSTRACT NO. 86

APPROXIMATE SURVEY LINE

PARCEL 61-A
CALLED 16.543 ACRES
CAUSE NO. 2726
JUDGEMENT IN FAVOR OF
THE STATE OF TEXAS
VOLUME 1084, PAGE 349
D.R.G.C.T.

U.S. HIGHWAY 82
(VARIABLE WIDTH RIGHT-OF-WAY)

MATCHLINE PAGE 4

S 89°03'12" W 2,378.32'

FOUND CONCRETE MONUMENT (DISTURBED)

N 70°59'54" W 106.76'

FOUND TXDOT MONUMENT

N87°16'54"W 202.90'

P.O.C.

FOUND CONCRETE MONUMENT

5' WIDE PIPELINE EASEMENT
MULKEY ENGINEERING CO. INC.
VOLUME 1517, PAGE 774
D.R.G.C.T.

FOUND CONCRETE MONUMENT

VARIABLE WIDTH PERMANENT WATERLINE EASEMENT
(3.406 ACRES)

N89°01'43"E 915.86'

S89°01'43"W 871.13'

S89°01'43"W 822.36'

L1 L2 L3 L4 L5

P.O.B.
VARIABLE WIDTH PERMANENT, WATERLINE EASEMENT,
SURFACE COORDINATE
N: 7,296,464.70'
E: 2,527,679.91'

TRACT 1
CALLED 150 ACRES
FREELS FAMILY LIMITED PARTNERSHIP
VOLUME 2719, PAGE 303
D.R.G.C.T.

LAMBERTH ROAD
GENERALLY RECOGNIZED PUBLIC ROAD
(NO RECORDING DOCUMENT FOUND)

VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT
(3.650 ACRES)

40' GRAYSON PIPELINE, LLC EASEMENT
VOLUME 4868, PAGE 95
O.P.R.G.C.T.

CALLED 160 ACRES
ALAKAI LAND & CATTLE COMPANY, LTD.
DOCUMENT NO. 202000021248
O.P.R.G.C.T.

DESCRIBED IN:
VOLUME 661, PAGE 162
D.R.G.C.T.

Line Table		
Line #	Bearing	Distance
L1	N89°01'43"E	25.26'
L2	S89°01'43"W	22.10'
L3	S01°24'14"E	12.50'
L4	S01°24'14"E	45.00'
L5	S01°24'14"E	50.00'

60' 30' 0' 60'

SCALE IN FEET

LEGEND	
●	FOUND MONUMENT AS NOTED
○	CALCULATED POINT
----	EASEMENT LINE
———	PROPERTY LINE
D.R.G.C.T.	DEED RECORDS GRAYSON COUNTY TEXAS
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS GRAYSON COUNTY TEXAS
P.R.G.C.T.	PLAT RECORDS GRAYSON COUNTY TEXAS

NOTES:
(1) BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH CENTRAL ZONE (4202). COORDINATES AND DISTANCES ARE SURFACE VALUES AND CAN BE CONVERTED TO GRID BY USING THE SCALE FACTOR OF 1.00012 (0,0 BASE POINT).

(2) A LEGAL DESCRIPTION OF SAME DATE ACCOMPANIES THIS PLAT.

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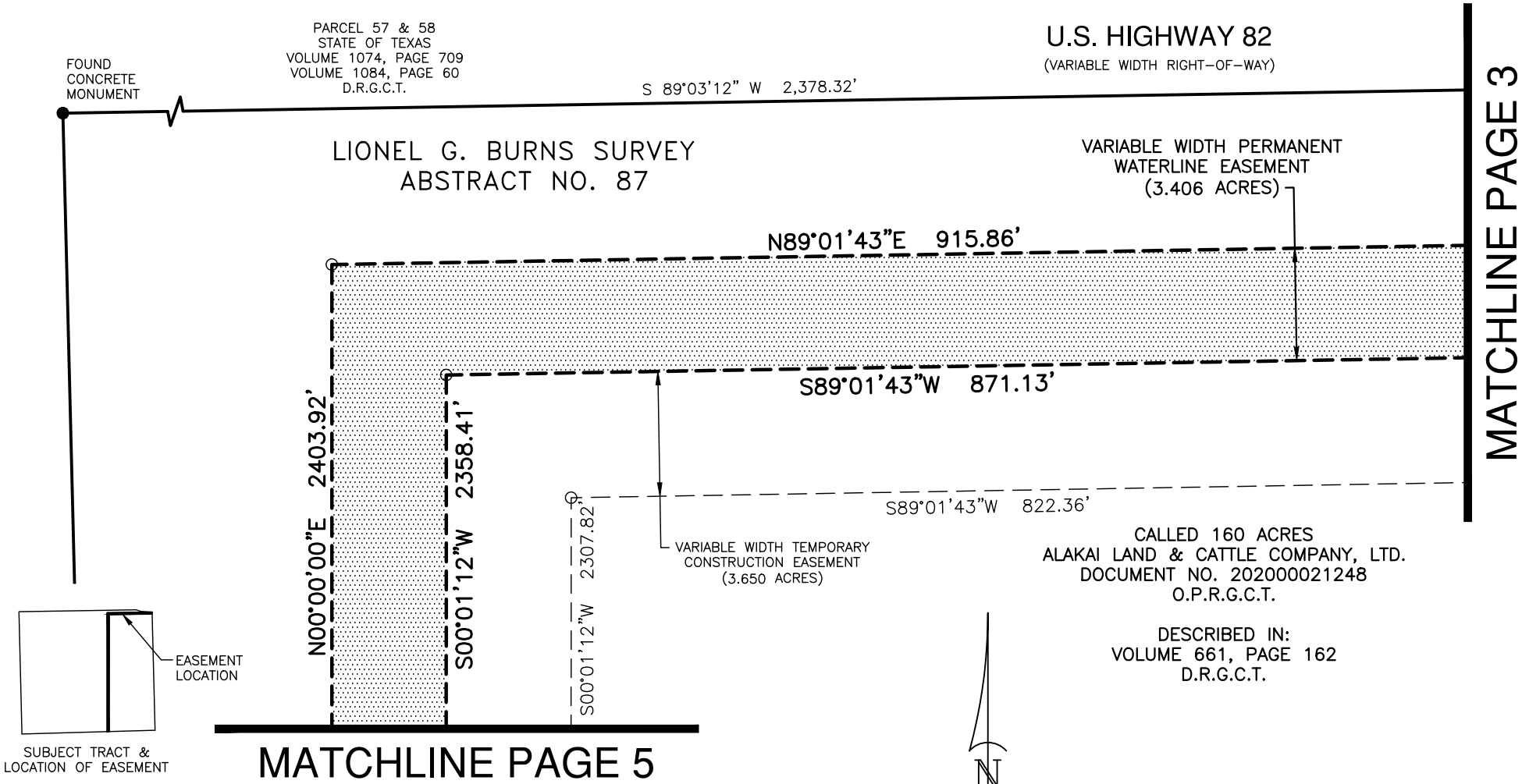
TBPELS #10120600
Phone: (214) 484-8586
www.bowman.com

VARIABLE WIDTH PERMANENT WATERLINE EASEMENT			
SURVEY: LIONEL G. BURNS SURVEY ABSTRACT NO. 87			
LOCATION: CITY OF SHERMAN, GRAYSON COUNTY, TEXAS			
SUBJECT TRACT ACREAGE: 160 ACRES (DEEDS)			
JOB NO. 210185	DRAWN BY: MES	CAD FILE: PARCEL 20 ALAKAI LAND	
DATE: 2023-04-27	CHECK BY: RAH	SCALE: 1"= 60'	PAGE 3 OF 8

PLAT OF EXHIBIT "A"



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VARIABLE WIDTH PERMANENT WATERLINE EASEMENT			
SURVEY: LIONEL G. BURNS SURVEY ABSTRACT NO. 87			
LOCATION: CITY OF SHERMAN, GRAYSON COUNTY, TEXAS			
SUBJECT TRACT ACREAGE: 160 ACRES (DEEDS)			
JOB NO. 210185	DRAWN BY: MES	CAD FILE: PARCEL 20 ALAKAI LAND	
DATE: 2023-04-27	CHECK BY: RAH	SCALE: 1"= 60'	PAGE 4 OF 8

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LEGEND	
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○	CALCULATED POINT
————	EASEMENT LINE
————	PROPERTY LINE
D.R.G.C.T.	DEED RECORDS GRAYSON COUNTY TEXAS
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS GRAYSON COUNTY TEXAS
P.R.G.C.T.	PLAT RECORDS GRAYSON COUNTY TEXAS

PLAT OF EXHIBIT "A"

LIONEL G. BURNS SURVEY
ABSTRACT NO. 87

MATCHLINE PAGE 6

MATCHLINE PAGE 4

VARIABLE WIDTH PERMANENT
WATERLINE EASEMENT
(3.406 ACRES)

N00°00'00"E 2403.92'

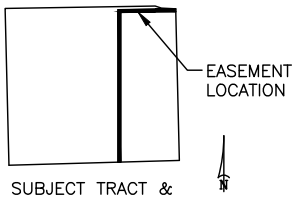
S00°01'12"W 2358.41'

S00°01'12"W 2307.82'

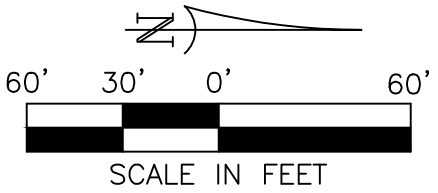
VARIABLE WIDTH TEMPORARY
CONSTRUCTION EASEMENT
(3.650 ACRES)

CALLED 160 ACRES
ALAKAI LAND & CATTLE COMPANY, LTD.
DOCUMENT NO. 202000021248
O.P.R.G.C.T.

DESCRIBED IN:
VOLUME 661, PAGE 162
D.R.G.C.T.



SUBJECT TRACT &
LOCATION OF EASEMENT



SCALE IN FEET

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DATE: 2023-04-27	CHECK BY: RAH	SCALE: 1"= 60'	PAGE 5 OF 8

PLAT OF EXHIBIT "A"

LIONEL G. BURNS SURVEY
ABSTRACT NO. 87

MATCHLINE PAGE 7

MATCHLINE PAGE 5

VARIABLE WIDTH PERMANENT
WATERLINE EASEMENT
(3.406 ACRES)

N00°00'00"E 2403.92'

S00°01'12"W 2358.41'

S00°01'12"W 2307.82'

VARIABLE WIDTH TEMPORARY
CONSTRUCTION EASEMENT
(3.650 ACRES)

CALLED 160 ACRES
ALAKAI LAND & CATTLE COMPANY, LTD.
DOCUMENT NO. 202000021248
O.P.R.G.C.T.

DESCRIBED IN:
VOLUME 661, PAGE 162
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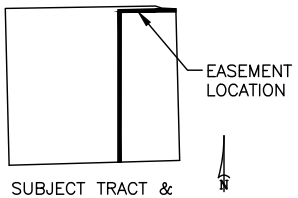
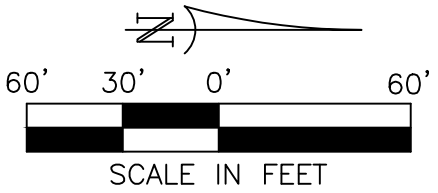


SUBJECT TRACT &
LOCATION OF EASEMENT



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(2) A LEGAL DESCRIPTION OF SAME DATE ACCOMPANIES THIS PLAT.

LEGEND	
●	FOUND MONUMENT AS NOTED
○	CALCULATED POINT
– – – –	EASEMENT LINE
———	PROPERTY LINE
D.R.G.C.T.	DEED RECORDS GRAYSON COUNTY TEXAS
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS GRAYSON COUNTY TEXAS
P.R.G.C.T.	PLAT RECORDS GRAYSON COUNTY TEXAS

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VARIABLE WIDTH PERMANENT WATERLINE EASEMENT			
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LOCATION: CITY OF SHERMAN, GRAYSON COUNTY, TEXAS			
SUBJECT TRACT ACREAGE: 160 ACRES (DEEDS)			
JOB NO. 210185	DRAWN BY: MES	CAD FILE: PARCEL 20 ALAKAI LAND	
DATE: 2023-04-27	CHECK BY: RAH	SCALE: 1"= 60'	PAGE 6 OF 8

PLAT OF EXHIBIT "A"

LIONEL G. BURNS SURVEY
ABSTRACT NO. 87

MATCHLINE PAGE 8

MATCHLINE PAGE 6

VARIABLE WIDTH PERMANENT
WATERLINE EASEMENT
(3.406 ACRES)

N00°00'00"E 2403.92'

S00°01'12"W 2358.41'

S00°01'12"W 2307.82'

VARIABLE WIDTH TEMPORARY
CONSTRUCTION EASEMENT
(3.650 ACRES)

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ALAKAI LAND & CATTLE COMPANY, LTD.
DOCUMENT NO. 202000021248
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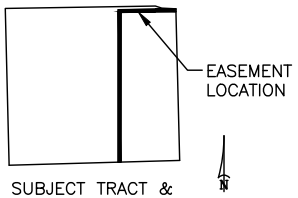
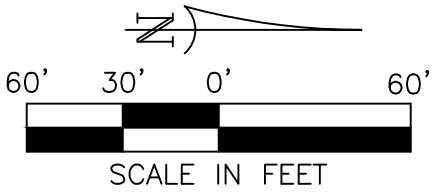


SUBJECT TRACT &
LOCATION OF EASEMENT



SCALE IN FEET

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(2) A LEGAL DESCRIPTION OF SAME DATE ACCOMPANIES THIS PLAT.

LEGEND	
●	FOUND MONUMENT AS NOTED
○	CALCULATED POINT
– – – –	EASEMENT LINE
———	PROPERTY LINE
D.R.G.C.T.	DEED RECORDS GRAYSON COUNTY TEXAS
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS GRAYSON COUNTY TEXAS
P.R.G.C.T.	PLAT RECORDS GRAYSON COUNTY TEXAS

Bowman

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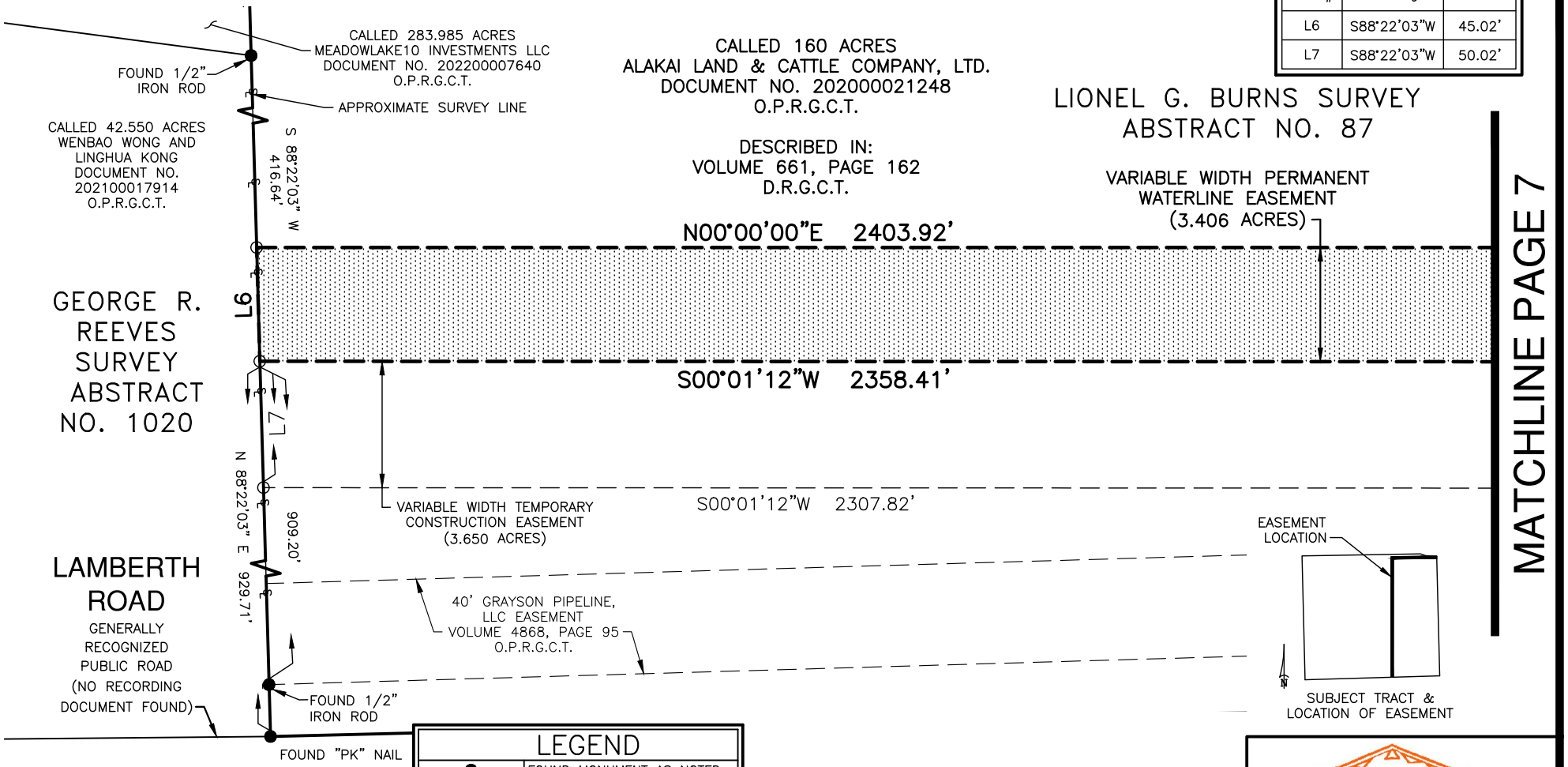
1200 West Magnolia Blvd., Suite 300
Fort Worth, TX 76104
TBPELS #10120600
Phone: (214) 484-8586
www.bowman.com

VARIABLE WIDTH PERMANENT WATERLINE EASEMENT			
SURVEY: LIONEL G. BURNS SURVEY ABSTRACT NO. 87			
LOCATION: CITY OF SHERMAN, GRAYSON COUNTY, TEXAS			
SUBJECT TRACT ACREAGE: 160 ACRES (DEEDS)			
JOB NO. 210185	DRAWN BY: MES	CAD FILE: PARCEL 20 ALAKAI LAND	
DATE: 2023-04-27	CHECK BY: RAH	SCALE: 1"= 60'	PAGE 7 OF 8

PLAT OF EXHIBIT "A"

Line Table		
Line #	Bearing	Distance
L6	S88°22'03"W	45.02'
L7	S88°22'03"W	50.02'



LEGEND	
●	FOUND MONUMENT AS NOTED
○	CALCULATED POINT
-----	EASEMENT LINE
———	PROPERTY LINE
D.R.G.C.T.	DEED RECORDS GRAYSON COUNTY TEXAS
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS GRAYSON COUNTY TEXAS
P.R.G.C.T.	PLAT RECORDS GRAYSON COUNTY TEXAS

60' 30' 0' 60'

SCALE IN FEET

NOTES:
(1) BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH CENTRAL ZONE (4202). COORDINATES AND DISTANCES ARE SURFACE VALUES AND CAN BE CONVERTED TO GRID BY USING THE SCALE FACTOR OF 1.00012 (0,0 BASE POINT).

(2) A LEGAL DESCRIPTION OF SAME DATE ACCOMPANIES THIS PLAT.

Bowman

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1200 West Magnolia Blvd., Suite 300
Fort Worth, TX 76104
TBPELS #10120600
Phone: (214) 484-8586
www.bowman.com

STATE OF TEXAS
REGISTERED
ROBERT A. HANSEN
6439
PROFESSIONAL
LAND SURVEYOR

ROBERT A. HANSEN
LSLS & REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6439

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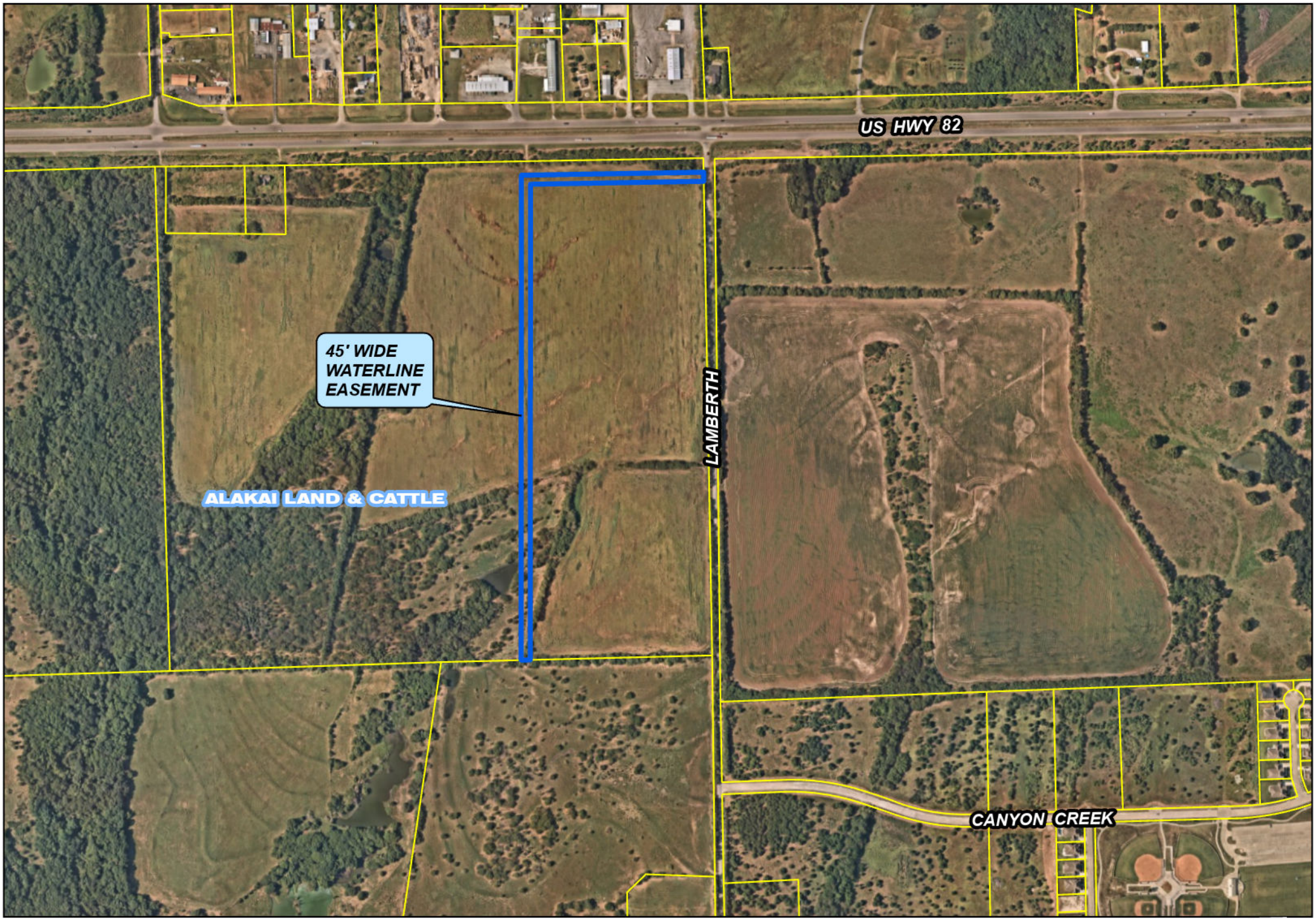


Sherman
ENGINEERING DEPT.

Alakai Land & Cattle
(prop ID 120784)

NORTH
1" = 600'

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 8.**

Meeting Date: 09/18/2023

Prepared By: Wayne Lee, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 7162

Authorizing Execution of a Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Design of the Shepherd Drive - NTMWD Waterline Crossing

Issue:

To consider a Professional Services Agreement with Kimley-Horn and Associates, Inc. for the design of a 72-inch water main.

Background:

During the design of Shepherd Drive, North Texas Municipal Water District (NTMWD) advised that the existing 72-inch water main has a high potential to experience a major leak under the new paving due to the type and age of the pipe. Several options were considered and discussed with NTMWD concerning the protection or replacement of the line. The most expedient and cost effective solution was to replace the line in lieu of attempting to protect the old line in place. The City was informed that a pipe manufacturer was beginning to cast 72-inch water pipe which also reduces the time to receive the new pipe. Based upon the availability of new pipe, lower cost to install and having new pipe installed, versus trying to protect the existing pipe, staff recommends replacing the existing 72-inch pipe.

Origination:

Engineering Department

Financial Consideration:

The total funding needed for this contract is $123,500.00. This will be funded by the Capital Improvement Fund.

Staff Recommendation:

It is recommended that the professional services agreement with Kimley-Horn and Associates, Inc. for the Shepherd Drive - NTMWD Waterline Crossing be approved.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 7162
Agreement
Location Map

RESOLUTION NO. 7162

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DESIGN OF THE SHEPHERD DRIVE – NTMWD WATERLINE CROSSING; 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 execute a Professional Services Agreement with Kimley-Horn and Associates Inc. for the Design of the Shepherd Drive – NTMWD Waterline Crossing, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this the 18th day of September 2023.

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

AGREEMENT

BETWEEN

THE CITY OF SHERMAN, TEXAS AND

KIMLEY-HORN AND ASSOCIATES, INC.

FOR

PROFESSIONAL SERVICES

Made as of the_____day of_____, 2023:

Between City: **The City of Sherman, Texas**
220 W. Mulberry Street
Sherman, Texas 75090
Telephone: (903) 892-7208

and Consultant: **Kimley-Horn and Associates, Inc.**
225 E. John W. Carpenter Freeway
Suite 1100
Irving, TX 75062
Telephone: (214) 420-5600

for the following Project: **Shepherd Drive – NTMWD Waterline Crossing**

THIS AGREEMENT ("Agreement") is made and entered into by and between the City of Sherman, Texas, a home-rule municipality ("City"), and Kimley-Horn and Associates, Inc., a North Carolina corporation ("Consultant"), to be effective from and after the date as provided above. City and Consultant are at times each referred to herein as a "party" or collectively as the "parties."

WHEREAS, City desires to engage Consultant to provide professional services for the Shepherd Drive – NTMWD Waterline Crossing Project ("Project"); and

WHEREAS, Consultant desires to render such professional services ("Services") for City on the terms and conditions provided herein.

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That for and in consideration of the covenants contained herein, for the mutual benefits to be obtained hereby and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

ARTICLE 1
CONSULTANT'S SERVICES

1.1 **Employment of Consultant** – City hereby agrees to retain Consultant to perform the Services in connection with the Project. Consultant agrees to perform the Services in accordance with the terms and conditions of this Agreement. Consultant further agrees that if any employee of Consultant who is performing the day-to-day Services under this Agreement for the Project is separated, for any reason, from employment with Consultant, Consultant shall provide City with written notice thereof at least five (5) business days' prior to said separation unless circumstances reasonably warrant a shorter notice period, which shall not exceed two (2) business days following the separation.

1.2 **Scope of Services** – The parties agree that Consultant shall perform the Services as are set forth and described in **Exhibit A**, attached hereto and incorporated herein by reference for all purposes ("Scope of Services"). The parties understand and agree that deviations or modifications to the Scope of Services described in **Exhibit A**, in the form of a written amendment to this Agreement, may be authorized from time to time by City ("Amendment").

1.2.1 **Requirement of Written Amendment** – "Extra" work, "claims" invoiced as "extra" work or "claims" which have not been issued as a duly executed, written Amendment by the Sherman Director of Engineering or designee will not be authorized for payment and/or shall not become part of this Agreement. A duly executed, written Amendment requiring additional funding of $50,000 or more of the original contract amount shall be preceded by the Sherman City Council's authorization for the Sherman City Manager to execute said Amendment.

1.2.2 **CONSULTANT SHALL NOT PERFORM ANY "EXTRA" WORK AND/OR ADDITIONAL SERVICES WITHOUT A DULY EXECUTED, WRITTEN AMENDMENT ISSUED BY THE CITY**.

1.3 **Schedule of Work** – Consultant agrees to commence work immediately on the execution of this Agreement, and to proceed diligently with said work to completion as described in the Project Engineering Budget Summary, attached hereto as **Exhibit B** and incorporated herein by reference for all purposes.

1.4 **Standard of Care** – Consultant shall perform the Services required hereunder in accordance with the prevailing engineering standard of care by exercising the skill and care ordinarily utilized by engineers performing the same or similar services under the same or similar circumstances in the State of Texas.

ARTICLE 2
CITY'S RESPONSIBILITIES

City shall do the following in a timely manner so as not to delay the Services of Consultant:

2.1 **Project Data** – City shall furnish required information that is reasonably requested by Consultant and that City has in its possession at the time of Consultant's request, as expeditiously as necessary for the orderly progress of the Project, and Consultant shall be entitled to rely upon the accuracy and completeness of the information furnished by City under this Article 2.1.

2.2 **City Project Manager** – When necessary in City's sole discretion, City shall designate a representative authorized to act on City's behalf with respect to the Project ("Project Manager"). City, the Project Manager and/or his or her authorized designee shall examine the documents submitted by Consultant and shall render any required decisions pertaining thereto as soon as practicable to avoid unreasonable delay in the progress of Consultant's Services.

ARTICLE 3
CONSULTANT'S COMPENSATION

3.1 **Compensation for Consultant's Services** – As described in "Article 1, Consultant's Services" of this Agreement, compensation for this Project shall be: (a) for Basic Services, on a Lump Sum basis in an amount not to exceed **Sixty Four Thousand Dollars ($64,000.00)**; and (b) for Special Services, in an amount not to exceed **Fifty Nine Thousand Five Hundred Dollars ($59,500.00)** (collectively, "Consultant's Fee"); and (c) paid in accordance with this Article 3 and the Project Engineering Budget Summary as set forth in **Exhibit B**.

3.3.1 **Completion of Record Documents** – City and Consultant agree that the completion of Record Documents and/or "As-Built" Documents, including hard copy formatting and electronic formatting, shall be completed, submitted to, and accepted by City prior to payment. Completion of the Record Documents and/or "As-Built" documents shall be included in the Consultant's Fee and considered to be within the Scope of Services defined under this Agreement." The electronic formatting shall be consistent with the standards established in **Exhibit C**, Guidelines for Computer Aided Design and Drafting ("CADD"), which is attached hereto and incorporated herein by reference for all purposes.

3.3.2 **Disputes between City and Construction Contractor** – If the Project involves Consultant performing Construction Administration Services relating to an agreement between a Construction Contractor ("Contractor") and City, and on receipt of a written request by City, Consultant shall research previous and existing conditions of the Project, and make a determination whether or not to certify that sufficient cause exists for City to

declare Contractor in default of the terms and conditions of the Agreement. Consultant shall submit his findings in writing to City, or submit a written request for a specific extension of time (including the basis for such extension), within fifteen (15) calendar days of receipt of the written request from City. City and Consultant agree that if requested by City, completion of this task shall be included in the Consultant's Fee and considered to be within the Scope of Services as defined under this Agreement.

3.3.3 **Consultation and Approval by Governmental Authorities and Franchised Utilities** – Consultant shall be solely responsible for identifying and analyzing the requirements of governmental agencies and all franchise utilities involved with the Project, and for consulting with such agencies and utilities to obtain all necessary approvals and/or permissions. Consultant shall be responsible for preparation and timely submittal of documents required for review, approval and/or recording by such agencies and/or utilities. Consultant shall be solely responsible for making such changes in the construction documents ("Construction Documents") as may be required by existing written standards promulgated by such agencies and/or utilities at no additional charge to City.

3.2 **Direct Expenses** – Direct Expenses ("Direct Expenses") are included in Consultant's Fee as described in Article 3.1 of this Agreement and include actual reasonable and necessary expenditures made by Consultant and Consultant's employees and subcontractors in the interest of the Project. All submitted Direct Expenses are to be within the amounts as stated in the Project Engineering Budget Summary set forth in **Exhibit B**, and consistent with **Exhibit D**, Guidelines for Direct Expenses; General and Administrative Markup; Travel and Subsistence Expenses, which is attached hereto and incorporated herein by reference for all purposes. Consultant shall be solely responsible for the auditing and accuracy of all Direct Expenses, including those of its subcontractors, prior to submitting to City for reimbursement. Any over-payment by City for errors in submittals for reimbursement may be deducted from Consultant's subsequent payment for Services; provided, however, that this shall not be City's sole and exclusive remedy for said over-payment.

3.2 **Additional Services** – Consultant shall provide the Services as described in the Scope of Services set forth in **Exhibit A** of this Agreement. If authorized in writing by City, Consultant shall provide additional services, to be compensated as provided in an Amendment to the Contract on a cost not to exceed sum or hourly basis in accordance with this paragraph ("Additional Services") and a mutually agreed estimate of man-hours and expenses. These services may include, but are not limited to:

3.3.1 Additional meetings, hearings, work-sessions or other similar presentations which are not provided for or contemplated in the Scope of Services described in **Exhibit A**.

3.3.2 Additional drafts and revisions to the Project which are not provided for or contemplated in the Scope of Services as described in **Exhibit A**.

3.3.3 Additional copies of final reports and construction plans which are not provided for or contemplated in the Scope of Services as described in **Exhibit A**.

3.3.4 Photography, professional massing models which are not provided for or contemplated in the Scope of Services as described in **Exhibit A**.

3.3.5 Compensation for Additional Services authorized by City shall be in addition to Consultant's Fee and shall be based on direct billable labor rates and expenses.

3.3.6 Compensation for Additional Services authorized by City shall be in addition to Consultant's Fee and shall be based on an hourly basis according to the following personnel rates. The rates set forth in this chart are subject to reasonable change provided prior written notice of said change is given to and approved by City.

Hourly Billable Rates by Position

Position	Hourly Rate
Analyst	$160 - $245
Professional	$230 - $295
Senior Professional I	$255 - $350
Senior Professional II	$335 - $370
Senior Technical Support	$155 - $280
Support Staff	$100 - $145
Technical Support	$125 - $150

3.2 **Invoices** – No payment to Consultant shall be made until Consultant tenders an invoice to City. Consultant shall submit monthly invoices for Services rendered, based upon the actual percentage of work complete at the time the invoice is prepared, or shall submit invoices to City immediately upon completion of each individual task listed in **Exhibit B**. On all submitted invoices for Services rendered, Consultant shall include appropriate background materials to support the submitted charges on said invoice. Upon request, such background material may include, but is not limited to, employee timesheets, invoices for work obtained from other parties, and receipts and/or log information relating to Direct Expenses. All invoices shall provide a summary methodology for administrative markup and/or overhead charges.

3.3 **Timing of Payment** – City shall make payment to Consultant for said invoices within thirty (30) days following receipt and acceptance thereof. The parties agree that payment by City to Consultant is considered to be complete upon mailing of payment by City. Furthermore, the parties agree that the payment is considered to be mailed on the date that the payment is postmarked.

3.4 **Disputed Payment Procedures** – In the event of a disputed or contested billing by City, only that portion so contested may be withheld from payment, and the undisputed portion will be paid. City shall notify Consultant of a disputed invoice, or portion of an invoice, in writing by the twenty-first (21st) calendar day after the date City receives the invoice. City shall provide Consultant an opportunity to cure the basis of the dispute. If a dispute is resolved in favor of Consultant, City shall proceed to process said invoice, or the disputed portion of the invoice, within the provisions of Article 3.5 of this Agreement. If a dispute is resolved in favor of City, Consultant shall submit to City a corrected invoice, reflecting any and all payment(s) of the undisputed amounts, documenting the credited amounts, and identifying outstanding amounts on said invoice to aid City in processing payment for the remaining balance. Such revised invoice shall have a new invoice number, clearly referencing the previous submitted invoice. City agrees to exercise reasonableness in contesting any billing or portion thereof that has background materials supporting the submitted charges.

3.5 **Failure to Pay** – Failure of City to pay an invoice, for a reason other than on written notification as stated in the provisions of Article 3.6 of this Agreement, to Consultant within sixty (60) days from the date of the invoice shall grant Consultant the right, in addition to any and all other rights provided, to, upon written notice to City, suspend performance under this Agreement, and such act or acts shall not be deemed a breach of this Agreement. However, Consultant shall not suspend performance under this Agreement prior to the tenth (10th) calendar day after written notice of suspension was provided to City, in accordance with Chapter 2251, Subchapter "D" of the TEX. GOV'T CODE. City shall not be required to pay any invoice submitted by Consultant if Consultant breached any provision(s) herein.

3.6 **Adjusted Compensation** – If the Scope of the Project ("Scope of the Project") or if the Services are materially changed due to no error by Consultant in the performance of Services under this Agreement, the amounts of Consultant's compensation shall be equitably adjusted as approved by City in its sole discretion. Any additional amounts paid to Consultant as a result of any material change to the Scope of the Project shall be authorized by written Change Order duly executed by both parties before the Services are performed.

3.7 **Project Suspension** – If the Project is suspended or abandoned in whole or in part for more than three (3) months, Consultant shall be entitled to compensation for any and all work completed to the satisfaction of City in accordance with the provisions of this Agreement prior to suspension or abandonment. In the event of such suspension or abandonment, Consultant shall deliver to City all finished or

unfinished documents, data, studies, drawings, maps, models, reports, photographs and/or any other items prepared by Consultant in connection with this Agreement prior to Consultant receiving final payment. If the Project is resumed after being suspended for more than three (3) months, Consultant's compensation shall be equitably adjusted as approved by City. Any additional amounts paid to Consultant after the Project is resumed shall be agreed upon in writing by both parties before the services are performed

3.8 **Fixed Budget Limit for Construction Cost** – If a fixed budget limit for the Construction Cost has been established, the Consultant shall be permitted to make reasonable adjustments in the scope of the Project and to include alternate bid items in the Bid Proposal to adjust the Construction Cost to the fixed limit. However, this paragraph shall not operate to increase the fixed budget limit of the Construction Cost established in this Agreement. All adjustments in the Scope of the Project shall be approved by the City and documented in writing. Should the lowest bona fide bid for construction of the Project be in excess of 130% of $(agreed project budget at 90% Design Submittal) due to the negligence or other fault of the Consultant, the City may (1) give written approval of an increase in such fixed limit, (2) authorize rebidding or re-negotiating of the Project, (3) terminate the Project and this Agreement in accordance herewith, or (4), require that the Consultant adjust the Project scope or quality, or both, as necessary to reduce the Construction Cost to within the budgetary constraints. In the case of (4) the Consultant, without additional charge to the City, shall consult with the City and shall revise and modify the drawings and specifications as necessary to achieve compliance with the fixed limitation on Construction Cost. These revisions and modifications may include splitting the Project into multiple Construction Phases that will fall within budget constraints. The Consultant shall provide the services defined in Exhibit A, as required, for each of the new phases created by splitting the Project.

ARTICLE 4
OWNERSHIP OF DOCUMENTS

4.1 **Documents Property of City** – The Project is the property of City, and Consultant may not use the documents, plans, data, studies, surveys, drawings, maps, models, reports, photographs and/or any materials for any other purpose not relating to the Project without City's prior written consent. City shall be furnished with such reproductions of the Project, plans, data, documents, maps, and any other information as defined in **Exhibit A**. Upon completion of the work, or any earlier termination of this Agreement under Article 3 and/or Article 8 of this Agreement, Consultant will revise plans, data, documents, maps, and any other information as defined in **Exhibit A** to reflect changes while working on the Project through the date of completion of the work, as solely determined by City, or the effective date of any earlier termination of this Agreement under Article 3 and/or Article 8 of this Agreement, and promptly furnish the same to City in an acceptable electronic format. All such reproductions shall be the property of City who may use

them without Consultant's permission for any purpose relating to the Project, including, but not limited to, completion of the Project, and/or additions, alterations, modifications, and/or revisions to the Project. Any reuse of the documents not relating to the Project shall be at City's own risk.

4.2 **Documents Subject to Laws Regarding Public Disclosure** – Consultant acknowledges that City is a governmental entity and that all documents, plans, data, studies, surveys, drawings, maps, models, reports, photographs and/or any items prepared or furnished by Consultant (and Consultant's professional associates and/or sub-consultants) under this Agreement are instruments of service in respect of the Project and property of City. Upon completion of the Project, all of the documents, plans, data, studies, surveys, drawings, maps, models, reports, photographs and/or any items prepared or furnished by Consultant (and Consultant's professional associates and/or sub-consultants) shall thereafter be subject to the Texas Public Information Act (Chapter 552, TEX. GOV'T CODE, as amended) and any other applicable laws requiring public disclosure of the information contained in said documents.

ARTICLE 5
CONSULTANT'S INSURANCE REQUIREMENTS

5.1 **Required General Liability Insurance** – Consistent with the terms and provisions of **Exhibit E**, Contractor Insurance Guidelines, which is attached hereto and incorporated herein by reference for all purposes, Consultant shall procure and maintain throughout the term of this Agreement, at no expense to City, a general liability insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s), and is authorized to transact business in the State of Texas, in an amount not less than One Million and 00/100 Dollars ($1,000,000.00) for each occurrence, and Two Million and 00/100 Dollars ($2,000,000.00) in the aggregate. Such policy shall name City, its officers, agents, representatives, and employees as additional insureds as to all applicable coverage. Such policy shall provide for a waiver of subrogation against City for injuries, including death, property damage, or any other loss to the extent that same is covered by the proceeds of the insurance. Such policy shall require the provision of written notice to City at least thirty (30) days prior to cancellation, non-renewal or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish City with certificates and required endorsement(s) evidencing such coverage prior to commencing work on the Project.

5.2 **Required Professional Liability Insurance** – Consistent with the terms and provisions of **Exhibit E**, Consultant shall procure and maintain throughout the term of this Agreement, at no expense to City, a professional liability (errors and omissions) insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s), and is authorized to transact business in the State of Texas, in an amount not less than

One Million and 00/100 Dollars ($1,000,000.00) for each claim, and Two Million and 00/100 Dollars ($2,000,000.00) in the aggregate. Such policy shall require the provision of written notice to City at least thirty (30) days prior to cancellation, non-renewal or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish City with certificates and required endorsement(s) evidencing such coverage prior to commencing work on the Project.

5.3 **Required Workers Compensation Insurance** – Consistent with the terms and provisions of **Exhibit E**, Consultant shall procure and maintain throughout the term of this Agreement, at no expense to City, all Statutory Workers Compensation Insurance as required by the laws of the State of Texas. Such insurance policy shall be with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent service(s), and is authorized to transact business in the State of Texas. Such policy shall require the provision of written notice to City at least thirty (30) days prior to cancellation, non-renewal or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish City with certificates and required endorsement(s) evidencing such coverage prior to commencing work on the Project.

5.4 **Circumstances Requiring Umbrella Coverage or Excess Liability Coverage** – If the Project's size and scope warrant, and if identified on the checklist located in **Exhibit E**, Consultant shall procure and maintain throughout the term of this Agreement, at no expense to City, an umbrella coverage or excess liability coverage insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s), and is authorized to transact business in the State of Texas, in an amount of Two Million and 00/100 Dollars ($2,000,000.00). Such policy shall require the provision of written notice to City at least thirty (30) days prior to cancellation, non-renewal, or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish City with certificates and required endorsement(s) evidencing such coverage prior to commencing work on the Project.

ARTICLE 6
CONSULTANT'S ACCOUNTING RECORDS

Records of Direct Expenses and expenses pertaining to services performed in conjunction with the Project shall be kept on the basis of generally accepted accounting principles. Invoices will be sent to City as indicated in Article 3.4 of this Agreement. Copies of employee time sheets, receipts for direct expense items and other records of Project expenses will be made available if requested.

ARTICLE 7
AUDITS AND RECORDS/VENDOR DISCLOSURE

Consultant agrees that at any time during normal business hours and as often as City may deem necessary, Consultant shall make available to representatives of City for examination all of its records with respect to all matters covered by this Agreement, and will permit such representatives of City to audit, examine, copy and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement, and for a period of four (4) years from the date of final settlement of this Agreement or for such other or longer period, if any, as may be required by applicable statute or other lawful requirement.

Consultant agrees that it is further aware of the vendor disclosure requirements set forth in Chapter 176, TEX. LOC. GOV'T CODE, as amended, and will abide by the same. In this connection, a lawful representative of Consultant shall execute and deliver to City the Conflict of Interest Questionnaire, Form CIQ, attached hereto as **Exhibit F** and incorporated herein for all purposes, no later than the Effective Date of this Agreement.

ARTICLE 8
TERMINATION OF AGREEMENT/REMEDIES

City may, upon thirty (30) days written notice to Consultant, terminate this Agreement, for any reason or no reason at all, before the termination date hereof, without prejudice to any other remedy it may have. If City terminates this Agreement due to a default of and/or breach by Consultant and the expense of finishing the Project exceeds Consultant's Fee at the time of termination, Consultant waives its right to any portion of Consultant's Fee as set forth in Article 3 of this Agreement and agrees to pay any costs over and above the fee which City is required to pay in order to finish the Project. On any default and/or breach by Consultant, City may elect not to terminate the Agreement, and in such event it may make good the deficiency in which the default consists, and deduct the costs from Consultant's Fee due Consultant as set forth in Article 3 of this Agreement. If City terminates this Agreement and Consultant is not in default of the Agreement, Consultant shall be entitled to compensation for any and all work completed to the satisfaction of City in accordance with the provisions of this Agreement prior to termination.

In the event of any termination, Consultant shall deliver to City all finished and/or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs and/or any items prepared by Consultant in connection with this Agreement prior to Consultant receiving final payment.

The rights and remedies provided by this Agreement are cumulative, and the use of any one right or remedy by either party shall not preclude or waive its rights to use any or all other remedies. These rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise.

ARTICLE 9
DISPUTE RESOLUTION/MEDIATION

In addition to all remedies at law, the parties may agree to attempt to resolve any controversy, claim or dispute arising out of or relating to the interpretation or performance of this Agreement, or breach thereof, by voluntary mediation to be conducted by a mutually acceptable mediator. However, if both parties do not agree to voluntarily mediate any such controversy, claim or dispute, mediation shall not be required.

ARTICLE 10
INDEMNITY

CONSULTANT SHALL RELEASE, DEFEND, INDEMNIFY AND HOLD HARMLESS CITY AND ITS CITY COUNCIL MEMBERS, OFFICERS, AGENTS, REPRESENTATIVES AND EMPLOYEES (COLLECTIVELY REFERRED TO AS "CITY" FOR PURPOSES OF THIS ARTICLE 10) FROM AND AGAINST ALL DAMAGES, INJURIES (WHETHER IN CONTRACT OR IN TORT, INCLUDING PERSONAL INJURY AND DEATH), CLAIMS, PROPERTY DAMAGES (INCLUDING LOSS OF USE), LOSSES, DEMANDS (REGARDLESS OF WHETHER THE ALLEGATIONS ARE FALSE, FRAUDULENT OR GROUNDLESS), SUITS, ACTIONS, JUDGMENTS, LIENS, COSTS AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES AND EXPENSES (INCLUDING ATTORNEY'S FEES AND EXPENSES INCURRED IN ENFORCING THIS ARTICLE 10), THAT IN WHOLE OR IN PART ARISE OUT OF OR ARE CONNECTED WITH, OR THAT ARE ALLEGED TO HAVE ARISEN OUT OF OR CONNECTED WITH, GOODS AND/OR SERVICES PROVIDED BY CONSULTANT, ITS OFFICERS, AGENTS, REPRESENTATIVES, EMPLOYEES, SUBCONTRACTORS, LICENSEES, INVITEES OR ANY OTHER THIRD PARTIES FOR WHOM CONSULTANT IS LEGALLY RESPONSIBLE (COLLECTIVELY REFERRED TO AS "CONSULTANT" FOR PURPOSES OF THIS ARTICLE 10) PURSUANT TO THIS AGREEMENT AND/OR THE NEGLIGENT, GROSSLY NEGLIGENT AND/OR INTENTIONAL WRONGFUL ACT AND/OR OMISSION OF CONSULTANT IN ITS/THEIR PERFORMANCE OF THIS AGREEMENT, REGARDLESS OF THE JOINT OR CONCURRENT NEGLIGENCE OR STRICT LIABILITY OF THE CITY (COLLECTIVELY, "CLAIMS"). THIS INDEMNIFICATION PROVISION AND THE USE OF THE TERM "CLAIMS" IS ALSO SPECIFICALLY INTENDED TO APPLY TO, BUT IS NOT LIMITED TO, ANY AND ALL CLAIMS, WHETHER CIVIL OR CRIMINAL, BROUGHT AGAINST CITY BY ANY GOVERNMENT AUTHORITY OR AGENCY RELATED TO ANY PERSON PROVIDING SERVICES UNDER THIS AGREEMENT THAT ARE BASED ON ANY FEDERAL IMMIGRATION LAW AND ANY AND ALL CLAIMS, DEMANDS, DAMAGES, ACTIONS AND CAUSES OF ACTION OF EVERY KIND AND NATURE, KNOWN AND

UNKNOWN, EXISTING OR CLAIMED TO EXIST, RELATING TO OR ARISING OUT OF ANY EMPLOYMENT RELATIONSHIP BETWEEN CONSULTANT AND ITS EMPLOYEES OR SUBCONTRACTORS AS A RESULT OF THAT SUBCONTRACTOR'S OR EMPLOYEE'S EMPLOYMENT AND/OR SEPARATION FROM EMPLOYMENT WITH THE CONSULTANT, INCLUDING BUT NOT LIMITED TO ANY DISCRIMINATION CLAIM BASED ON SEX, SEXUAL ORIENTATION OR PREFERENCE, RACE, RELIGION, COLOR, NATIONAL ORIGIN, AGE OR DISABILITY UNDER FEDERAL, STATE OR LOCAL LAW, RULE OR REGULATION, AND/OR ANY CLAIM FOR WRONGFUL TERMINATION, BACK PAY, FUTURE WAGE LOSS, OVERTIME PAY, EMPLOYEE BENEFITS, INJURY SUBJECT TO RELIEF UNDER THE WORKERS' COMPENSATION ACT OR WOULD BE SUBJECT TO RELIEF UNDER ANY POLICY FOR WORKERS COMPENSATION INSURANCE, AND ANY OTHER CLAIM, WHETHER IN TORT, CONTRACT OR OTHERWISE. CONSULTANT IS EXPRESSLY REQUIRED TO DEFEND CITY AGAINST ALL SUCH CLAIMS; PROVIDED, HOWEVER, THAT IF A COURT OF COMPETENT JURISDICTION SIGNS A JUDGMENT THAT BECOMES FINAL AND NON-APPEALABLE, DETERMINING THAT THE CITY (WITHOUT WAIVING ANY GOVERNMENTAL IMMUNITY) HAS JOINT, CONCURRENT OR SOLE NEGLIGENCE FOR THE CLAIMS IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS ("JUDGMENT"), THEN CONSULTANT IS NOT REQUIRED TO INDEMNIFY OR DEFEND CITY TO THE EXTENT OF THE NEGLIGENCE APPORTIONED TO CITY FOR EACH CAUSE(S) OF ACTION IDENTIFIED IN THE JUDGMENT. IN THE EVENT THE JUDGMENT PROVIDES THAT CITY IS JOINTLY, CONCURRENTLY OR SOLELY NEGLIGENT FOR THE CLAIMS REFERRED TO THEREIN, CITY AGREES TO REIMBURSE CONSULTANT FOR ALL REASONABLE AND NECESSARY COSTS INCURRED AND PAID BY CONSULTANT THAT ARE ATTRIBUTABLE TO CITY'S PERCENTAGE OF JOINT, CONCURRENT OR SOLE NEGLIGENCE, AS SET FORTH IN THE JUDGMENT, INCLUDING REASONABLE AND NECESSARY ATTORNEY'S FEES AND EXPENSES, WITHIN SIXTY (60) DAYS OF THE DATE THE JUDGMENT BECOMES FINAL AND NON-APPEALABLE. IF THIS AGREEMENT IS A CONTRACT FOR ENGINEERING OR ARCHITECTURAL SERVICES, THEN CONSULTANT'S INDEMNITY AND DEFENSE OBLIGATIONS UNDER THIS ARTICLE 10 ARE LIMITED BY, AND TO BE READ AS COMPLYING WITH, SECTION 271.904 OF THE TEXAS LOCAL GOVERNMENT CODE.

IN ITS SOLE DISCRETION, CITY SHALL HAVE THE RIGHT TO APPROVE OR SELECT DEFENSE COUNSEL TO BE RETAINED BY CONSULTANT IN FULFILLING ITS OBLIGATION HEREUNDER TO DEFEND AND INDEMNIFY CITY, UNLESS SUCH RIGHT IS

EXPRESSLY WAIVED BY CITY IN WRITING. CITY RESERVES THE RIGHT TO PROVIDE A PORTION OR ALL OF ITS OWN DEFENSE; HOWEVER, CITY IS UNDER NO OBLIGATION TO DO SO. ANY SUCH ACTION BY CITY IS NOT TO BE CONSTRUED AS A WAIVER OF CONSULTANT'S OBLIGATION TO DEFEND CITY OR AS A WAIVER OF CONSULTANT'S OBLIGATION TO INDEMNIFY CITY PURSUANT TO THIS AGREEMENT. CONSULTANT SHALL RETAIN CITY-APPROVED DEFENSE COUNSEL WITHIN SEVEN (7) BUSINESS DAYS OF CITY'S WRITTEN NOTICE THAT CITY IS INVOKING ITS RIGHT TO DEFENSE OR INDEMNIFICATION UNDER THIS AGREEMENT. IF CONSULTANT FAILS TO RETAIN COUNSEL WITHIN SUCH TIME PERIOD, CITY SHALL HAVE THE RIGHT TO RETAIN DEFENSE COUNSEL ON ITS OWN BEHALF, AND CONSULTANT SHALL BE LIABLE FOR ALL COSTS INCURRED BY CITY. THE RIGHTS AND OBLIGATIONS CREATED BY THIS ARTICLE SHALL SURVIVE TERMINATION OF THIS AGREEMENT.

ARTICLE 11
NOTICES

Any notice provided or permitted to be given under this Agreement must be in writing and may be served by depositing the 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 City, addressed to:

Wayne E. Lee, P.E., CFM
Director of Engineering
City of Sherman
220 W Mulberry St.
Sherman, TX 75091
Telephone: (903) 892-7327
Email: waynel@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) 544-4054

Email: rpittman@abernathy-law.com

If to Consultant, addressed to:
L. Nathan Ante, P.E.
Senior Vice President
Kimley-Horn and Associates, Inc.
225 E. John W. Carpenter Freeway
Suite 1100
Irving, TX 75062
Telephone: (214) 420-5603
Email: Nathan.Ante@kimley-horn.com

ARTICLE 12
MISCELLANEOUS

12.1 **Complete Agreement** – This Agreement, including the exhibits hereto labeled "A" through "F," all of which are incorporated herein for all purposes, constitute the entire Agreement by and between the parties regarding the subject matter hereof and supersedes all prior and/or contemporaneous written and/or oral understandings. This Agreement may not be amended, supplemented, and/or modified except by written agreement duly executed by both parties. The following exhibits are attached below and made a part of this Agreement:

12.1.1 **Exhibit A**, Scope of Services.

12.1.2 **Exhibit B**, Project Engineering Budget Summary.

12.1.3 **Exhibit C**, Guidelines for Computer Aided Design and Drafting (CADD).

12.1.4 **Exhibit D**, Guidelines for Direct Expenses; General and Administrative Markup; Travel and Subsistence Expenses.

12.1.5 **Exhibit E**, Contractor Insurance Guidelines.

12.1.6 **Exhibit F**, Conflict of Interest Questionnaire, Form CIQ.

To the extent that **Exhibit A**, **Exhibit B**, **Exhibit C**, **Exhibit D**, **Exhibit E**, or **Exhibit F** are in conflict with provisions of this Agreement or each other, the provisions of this Agreement, then the provisions of **Exhibit B**, **Exhibit C**, **Exhibit D**, **Exhibit E**, **Exhibit F** or **Exhibit A** shall prevail in that order.

12.2 **Assignment and Subletting** – Consultant agrees that neither this Agreement nor the work to be performed hereunder will be assigned or sublet without the prior written consent of City. Consultant further agrees that the assignment or subletting of any portion or feature of the work or materials required in the performance of this Agreement shall not relieve Consultant of its full obligations to City as provided by this Agreement. All such approved work performed by assignment or subletting shall be billed through Consultant, and there shall be no third party billing.

12.3 **Attorney's Fees** – If either party files any action or brings any proceeding against the other arising from this Agreement, then as between City and Consultant, the prevailing party shall be entitled to recover as an element of its costs of suit, and not as damages, reasonable and necessary attorneys' fees and litigation expenses both at trial and on appeal, subject to the limitations set forth in TEX. LOC. GOV'T CODE § 271.153, as it exists or may be amended, if applicable.

12.4 **Successors and Assigns** – City and Consultant, and their respective partners, assigns, successors, subcontractors, executors, officers, agents, employees,

representatives and administrators are hereby bound to the terms and conditions of this Agreement.

12.5 **Savings/Severability** – In the event of 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.

12.6 **Governing Law/Venue** – This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without regard to conflict of law principles. The exclusive venue for any action arising out of this Agreement shall be a court of appropriate jurisdiction in Grayson County, Texas.

12.7 **Execution/Consideration** – This Agreement is executed by the parties hereto without coercion or duress for any substantial consideration, the sufficiency of which is forever confessed.

12.8 **Authority** – The individuals executing this Agreement on behalf of the respective parties below represent to each other 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 other 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 date hereof.

12.9 **Waiver** – Waiver by either party of any breach of this Agreement, or the failure of either party to enforce any of the provisions of this Agreement, at any time, shall not in any way affect, limit, or waive such party's right thereafter to enforce and compel strict compliance.

12.10 **Headings** – The headings of the various sections of this Agreement are included solely for convenience of reference and are not to be full or accurate descriptions of the content thereof.

12.11 **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 and/or facsimile signature will also be deemed to constitute an original if properly executed and delivered to the other party.

12.12 **Immunity** – It is expressly understood and agreed that, in the execution and performance of this Agreement, City has not waived, nor shall be deemed to have

waived, any immunity, governmental, sovereign and/or official, or defense that is 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 in this Agreement.

12.13 **Incorporation of Recitals** – The representations, covenants and recitations set forth in the foregoing recitals of this Agreement are true and correct and are incorporated into the body of this Agreement and adopted as findings of City and the authorized representative of Consultant.

12.14 **Additional Representations** – Each signatory represents this Agreement has been read by the party for which this Agreement is executed and that such party has had the opportunity to confer with its counsel.

12.15 **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.

12.16 **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.

12.17 **Indemnity** – The parties agree that the Indemnity provision set forth in Article 10 of this Agreement is conspicuous and the parties have read and understood the same.

12.18 **Representations** – All 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.

12.19 **Independent Contractor** – In performing this Agreement, Consultant shall act as an independent contractor with respect to City. In no event shall this Agreement be construed as establishing a partnership, joint venture or similar relationship between the parties and nothing herein shall authorize either party to act as agent for the other. Consultant shall be liable for its own debts, obligations, acts and omissions, including the payment of all required withholding, social security and other taxes and benefits with respect to all of Consultant's officers, directors, partners, employees and representatives, who shall not be considered City employees and shall not be eligible for any employee benefit plan offered by City.

12.20 **Debarment/Suspension** – City is prohibited from making any award or permitting any award at any tier to any party which is debarred or suspended or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, Debarment and Suspension. City, Consultant and Consultant's subcontractors shall comply with federal and state regulations regarding debarment and suspension. Consultant shall include a statement of compliance with federal and state debarment and suspension regulations in all third-party agreements for work on the Project.

12.21 **Restrictions on Lobbying** – City and Consultant are prohibited from using funds awarded under the Agreement for lobbying purposes. Consultant shall include a statement of compliance with this provision in applicable procurement solicitations and third-Party agreements for work on the Project.

12.22 **Appropriation of Funds** – Funds are not presently budgeted for City's performance under this Agreement beyond the end of City's current fiscal year. City will give Consultant sixty (60) days' notice if funds for City's performance are not budgeted to continue beyond that time. City shall have no liability for payment of any money for services performed after the end of City's current fiscal year unless and until such funds are budgeted.

12.23 **Certifications Required by Texas Law** – In accordance with Chapter 2270 of the Texas Government Code (to the extent applicable), Consultant hereby certifies that Consultant does not boycott Israel and will not boycott Israel during the term of any contract with City, including during the term of this Agreement. In accordance with Chapter 809 of the Texas Government Code (to the extent applicable), Consultant hereby certifies that Consultant does not boycott energy companies and will not boycott energy companies during the term of any contract with City, including during the term of this Agreement. In accordance with Chapter 2274 of the Texas Government Code (to the extent applicable), Consultant hereby certifies that Consultant does not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association and will not discriminate against a firearm entity or firearm trade association during the term of any contract with City, including during the term of this Agreement. The foregoing terms have the meanings ascribed to them in the referenced statutes if defined therein.

12.24 **Reference to Consultant** – When referring to "Consultant," this Agreement shall refer to and be binding upon Consultant, and its officers, directors, partners, employees, representatives, contractors, subcontractors, licensees, invitees, agents, successors, assignees (as authorized herein), vendors, grantees, trustees, legal representatives and/or any other third parties for whom Consultant is legally responsible.

12.25 **Reference to City** – When referring to "City," this Agreement shall refer to and be binding upon City, its Council members, officers, agents, representatives, employees and/or any other authorized third parties for whom City is legally responsible.

IN WITNESS WHEREOF, the parties have executed

+this Agreement and caused this Agreement to be effective on the date set forth in the introductory clause of this Agreement.

CITY:

City of Sherman, Texas,
a Texas home-rule municipality

By: _____
Robby Hefton, City Manager

CONSULTANT:

Kimley-Horn
a North Carolina corporation

By: _____
L. Nathan Ante, P.E.
Senior Vice President

APPROVED AS TO FORM:

_____
Abernathy, Roeder, Boyd & Hullett, P.C.
Ryan D. Pittman, City Attorneys

STATE OF TEXAS §
§
COUNTY OF Dallas §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED **L. NATHAN ANTE, P.E.**, 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 PRESIDENT AND DULY AUTHORIZED REPRESENTATIVE FOR **KIMLEY-HORN**, AND THAT HE EXECUTED SAID INSTRUMENT FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 7th DAY OF September 2023.

TINA L. KRAATZ
Notary Public, State of Texas
Comm. Expires 02-28-2024
Notary ID 132381938

Tina L Kraatz
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
My commission expires: 2/28/2024

I. PROJECT DESCRIPTION

A. This Project includes the design of approximately 200 linear feet of 72-inch steel water line to meet current NTMWD guidelines and specifications. The design also includes the lowering of existing fiber line to accommodate future Shepherd Drive improvements.

B. In addition to design services, the Project includes bid phase services, construction phase services, SUE level "A" as needed and preparation of record documents.

II. GENERAL REQUIREMENTS

A. Specific design requirements shall be obtained from the City of Sherman Engineering Design Standards. Consultant will establish and summarize design criteria. The design criteria will be reviewed by the City for approval prior to beginning design work.

B. Consultant shall coordinate with other engineering consultants, utility companies, franchise utilities, City of Sherman, pipeline companies, and any other entity which has facilities within or adjacent to the Project.

C. Each time the Consultant submits plans and/or specifications to City, two (2) copies (as well as PDF versions) of each shall be submitted, unless otherwise instructed. These shall be reviewed and checked by City and returned to Consultant for corrections. When the corrected copies of the plans and specifications are returned to City, the original and reviewed plans and specifications shall also be returned to City. All plans, specifications, documents, provisions, attachments, and correspondence provided in accordance with this contract shall be dated.

D. The Consultant shall submit a monthly report outlining, at a minimum, the work on the project which occurred the previous month, the work expected to be completed the following month, the next major project milestone, and any information needed from the City. The report is to be submitted with monthly invoice.

E. Communications and Reporting:

i Attend a pre-design project kickoff meeting with City staff to confirm and clarify scope, understand City objectives, and ensure economical and functional designs meet City requirements.
ii Attend review meeting with the City at the end of each design phase.
iii Prepare and submit monthly invoices in the format acceptable to the City.
iv Prepare and submit monthly progress reports.

v Prepare and submit baseline Project Schedule initially, Project Schedule updates, and updated Opinion of Probable Construction Cost with each plan submittal.
vi Coordinate with other agencies and entities as necessary for the design of the proposed infrastructure and provide and obtain information needed to prepare the design.
vii With respect to coordination with permitting authorities, Consultant shall communicate with permitting authorities such that their regulatory requirements are appropriately reflected in the designs. Consultant shall work with regulatory authorities to obtain approval of the designs, and make changes necessary to meet their requirements.
viii Attend additional project coordination meetings, if needed.

III. TASK SUMMARY, BASIC SERVICES

A. Final Design/Construction Plans (90%, 100%)

a. Conduct one (1) kickoff meeting with City to confirm the goals, schedule, and deliverables for the Project. Kickoff meeting is assumed to be virtual.
b. Prepare OPCC based on 90% level design.
c. Evaluate potential thrust force impacts on existing and proposed piping system due to proposed improvements.
d. Evaluate construction sequence based on water line shut down time and connection constraints. Evaluate dewatering requirements. Prepare narrative describing construction sequencing, timing, and constraints to be included in plans and specifications.
e. Prepare electrical isolation and test station details. Design of a cathodic protection system is excluded from this scope of work.
f. Prepare relocation notes associated with lowering the existing NTMWD fiber line.
g. Prepare 90% construction plans. Plans are anticipated to consist of the following:
    i. Cover Sheet
    ii. Sheet Index
    iii. General Notes
    iv. Project Control
    v. Sequencing and Shutdown Plan
    vi. Water Line Plan and Profile (1"=20')
    vii. Erosion Control Plan
    viii. Construction Details
    ix. Electrical Isolation and Test Station Details
    x. Connection Details
h. Prepare Project Manual for the project. City shall provide the most current bid documents, contract documents, and standard special conditions (Division 0

documents). NTMWD shall provide the most current Division 1 documents. Technical specifications are anticipated to include the following:

Division 3

03 34 13	Controlled Low Strength Material (CLSM)
03 42 00	Precast Concrete Products

Division 31

31 10 00	Site Clearing
31 20 00	Earth Moving
31 23 33	Trenching, Backfilling, and Compaction
31 25 00	Erosion and Sedimentation Controls
31 41 33	Trench Safety Requirements

Division 32

32 01 20	Paving Repair and Resurfacing
32 92 19	Seeding

Division 33

33 01 31	Closed Circuit Television (CCTV) Inspection
33 04 10	Joint Bonding and Electrical Isolation
33 04 11	Corrosion Control Test Stations
33 05 22	Steel Casing Pipe
33 05 24	Installation of Carrier Pipe in Casing or Tunnel Liner Plate
33 11 14	Buried Steel Pipe and Fittings
33 12 25	Connection to Existing Water Mains

i. Submit 90% plans and Project Manual to City and NTMWD for review and comment. Meet with City to review the 90% design submittal.
j. Address City and NTMWD comments. Prepare 100% plans and Project Manual. Submit to City and NTMWD.
k. *Deliverables*. Provide electronic (PDF) copy and up to four (4) hard copies of the plans and Project Manual for the 90% and 100% submittals.
l. *Assumptions and Exclusions*. Scope is based on the following:
    i. New water line is assumed to be steel (C200) pipe only.
    ii. Cathodic protection design is limited to bonding and test stations only. Design of passive or active cathodic protection system is excluded.
    iii. Design assumes the existing line will be removed and replaced. Design of a structural concrete cap and/or split casing to protect the existing line is not included.

IV. TASK SUMMARY, SPECIAL SERVICES

Various services incidental to the project, but not within the scope of the Basic Engineering Services covered by A., B., C., and D. preceding, which may be performed or arranged for separately by City, or may be added to the Consultant's responsibilities by mutual agreement and written authorization include but are not necessarily limited to the following:

B. Bid Phase Services

The budgeted fee for this Task is based upon approximately 40 hours of labor. We will not proceed with performance of services beyond the hours budgeted, without written authorization by the City.

a. Furnish to the City all necessary copies of approved Construction Contract Documents needed for competitive bidding (plans, specifications, notice to bidders, proposals, etc.). All sets of Construction Contract Documents in excess of eight (8) copies are to be paid for separately as provided hereinafter.
b. Assist the City in the advertisement of the Project for competitive bids.
c. Assist the City with Pre-Bid meeting.
d. Prepare addenda as appropriate to interpret, clarify, or expand the Bid Documents.
e. Assist the City in the opening and tabulation of bids for construction of the Project.
f. Prepare a written summary of the bid tabulation and evaluation together with a letter addressing the award of the construction contract.

Assist in the preparation of formal Construction Contract Documents, provide four (4) copies of contracts to be executed by the contractor, and coordinate their execution by the respective parties.

C. Construction Phase Services

The budgeted fee for this Task is based upon approximately 145 hours of labor. We will not proceed with performance of services beyond the hours budgeted, without written authorization by the City.

a. Conformed Document submittal:
   i. Update the Bid Documents (plans and Project Manual) to incorporate bid addenda items
   ii. Print up to ten (10) sets 11"x17" plans and Project Manuals for issuance at the Pre-Construction Conference.
   iii. Package and submit CAD base files upon request.

b. *Pre-Construction Meeting.* Attend Pre-Construction Meeting prior to commencement of Work at the Site
c. *Construction Meetings.* Prepare for and attend construction meetings to assist in contractor administration. A maximum of three (3) construction meetings are assumed for budget purposes.
d. *Construction Visits to Site.* Consultant will provide periodic on-site construction observation services during the construction phase. Consultant shall make visits at intervals as directed by City to observe the progress of the Work or as deemed necessary based on the current work being performed. Such visits and observations are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. One (1) site visit is assumed for budget purposes. Construction observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on exercise of professional judgment. Based on information obtained during such visits and such observations, Consultant will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and will keep City informed of the general progress of the Work.

   Consultant shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control o``ver Contractor's work, nor shall have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction selected by Contractor, for safety precautions and programs incident to Contractor's work, nor for any failure of Contractor to comply with laws and regulations applicable to Contractor's furnishing and performing the Work. Accordingly, Consultant neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.
e. *Requests for information*. Coordinate with Engineer and issue clarifications and interpretations of the Contract Documents to City as appropriate to the orderly completion of Contractor's work. Such clarifications and interpretations will be consistent with the intent of the Contract Documents. Any orders authorizing variations from the requirements of the Contract Documents will be made by City. Up to two (2) RFIs are assumed for budget purposes.
f. *Work Changes*. Prepare Work Change Directives (WCD) and Field Orders as needed. Review and make recommendations related to Proposed Contract Modifications (PCM) submitted or proposed by the Contractor including applications for extension of construction time. Evaluate the cost and scheduling aspects of proposed changes and make recommendations to the City. Consultant is not authorized to approve change orders; Any orders authorizing variations from the requirements of the Contract Documents will be made by City. One (1) WCD/FO is assumed for budget purposes.

a. *Shop Drawings, Samples, and Submittals.* Review and approve or take other appropriate action in respect to Shop Drawings, Samples, Submittals and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated in the Contract Documents. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs. Up to five (5) shop drawings are assumed for budget purposes.
b. *Substitutes and "or-equal."* Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor in accordance with the Contract Documents, but subject to the provisions of applicable standards of state or local government entities.
c. *Disagreements between City and Contractor.* As necessary, render written decision on all claims of City and Contractor relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the progress of Contractor's work. In rendering such decisions, Consultant shall be fair and not show partiality to City or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.
d. *Limitation of Responsibilities.* Consultant shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing the Work. Consultant shall not have the authority or responsibility to stop the work of any Contractor.
e. *Application for Payment.* Based on observations and review of applications for payment and accompanying supporting documentation, Engineer will review and recommend payment. Up to six (6) pay applications are assumed for budget purposes.
f. *Substantial Completion.* After notice from Contractor that it considers the entire work ready for its intended use, in company with the City, NTMWD, and Contractor, conduct a site visit to determine if the work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items with the exception of those identified on a final punch list.

D. Record Drawings

The budgeted fee for this Task is based upon approximately 14 hours of labor. We will not proceed with performance of services beyond the hours budgeted, without written authorization by the City.

a. Consultant shall prepare construction Record Documents based on the information received from Contractor within 30 days of final completion in accordance with the Agreement. Consultant shall submit one full size set and

one pdf file of the Record Documents.

E. Level "A" Subsurface Utility Engineering

This Task shall be used on an as-needed basis, at the discretion of the City. Tasks may include:

a. After survey is complete and during Design, identify possible conflict locations to perform SUE.
b. Upon City authorization, perform SUE Quality Level "A" using non-destructive vacuum excavation equipment to expose utilities at critical locations identified during design or construction, up to two (2) test hole locations which will then be field surveyed.
c. Evaluate the SUE results and provide a summary of potential utility conflicts to the City for encroachment easement/agreement purposes.

F. NTMWD Coordination

The budgeted fee for this Task is based upon approximately 60 hours of labor. We will not proceed with performance of services beyond the hours budgeted, without written authorization by the City. This Task shall be used on an as-needed basis, at the discretion of the City. Tasks may include:

a. Coordinate with NTMWD during design and construction.
b. Attend group and/or individual meetings.
c. Provide design data and submittals to NTMWD.
d. Identify potential conflicts and possible relocation requirements.

V. ITEMS NOT INCLUDED IN THE EXISTING SCOPE OF SERVICES

A. **Additional Services not included in the existing Scope of Services** – City and Consultant agree the following services are beyond the Scope of Services described in the tasks above. However, Consultant can provide these services, if needed, upon the City's written request. Any additional amounts paid to the Consultant as a result of any material change to the Scope of the Project shall be agreed upon in writing by both parties before the services are performed. These Additional Services include the following:

1. Environmental Services.
2. Title Research.
3. Cathodic protection design
4. Design of water and/or wastewater improvements outside of the limits identified above.

5. Redesign to reflect project scope changes requested by the City, TxDOT, franchise utilities, and/or developer required to address changed conditions or change in direction previously approved by the City, mandated by changing governmental laws, or necessitated by the City/City's acceptance of substitutions proposed by the Contractor.
6. Appearances before hearings for eminent domain proceedings.
7. Appearances before regulatory agencies.
8. Assistance to the City as an expert witness in any litigation or claim, arising from, or in connection with, the Project.
9. Special investigations involving detailed consideration of operation, maintenance, and overhead expense; preparation of rate schedules; preparation of special reports and an engineer's certificate as required for marketing bonds; earnings and expense statements; preparation of assessment rolls; special feasibility studies; appraisals; valuations; and material audits or inventories required for certification of force account construction performed by the City.
10. Detailed mill, shop, and/or laboratory inspection of materials or equipment.
11. Preparation of applications and supporting documents for government grants or planning advances for public works projects.
12. Preparation of report, sketches, drawings, presentations, and permit applications involving environmental, historical, and archaeological considerations.
13. Revision of reports and Construction Contract Documents after specific approval by City, bids for the Project exceed the fixed budget limit for the Construction Cost as provided in Article 3.

EXHIBIT B
PROJECT BUDGET SUMMARY

I. Basic Services	
A. Final Design/Construction Plans (90%, 100%) (Expected Completion: End of November 2023)	**$64,000.00**
Total Basic Services (Lump Sum)	***$64,000.00***
II. Special Services	
B. Bid Phase Services (Expected Completion: Mid January 2024)	**$6,500.00**
C. Construction Phase Services	**$23,500.00**
D. Record Drawings	**$2,500.00**
E. Level "A" Subsurface Utility Engineering	**$9,500.00**
F. NTMWD Coordination	**$17,500.00**
Total Authorized Special Services	***$59,500.00***
Project Budget, Grand Total (Not-To-Exceed)	***$123,500.00***

1. Files shall done in DWG/DXF format.

2. Files shall be georeferenced in the State Plane, Texas North Central FIPS 4202 (feet) coordinate system, using a datum of NAD 83 Grid.

3. If a surface adjustment factor is applied to the data, any surface adjustment factors used should be clearly documented on the drawing.

4. If submissions for the Project relate to a plat, the file submitted must match exactly the plat that is submitted for recording.

5. The file shall contain required features for the project type as detailed below:

    a. Pre-Construction/As-Built Plans and/or Record Documents:
        i. Layers from Final Plat Requirements as Applicable to Project Type.
        ii. Water Utility Features.
        iii. Sanitary Sewer Features.
        iv. Storm Sewer Features.

6. Each required feature group should be provided as a separate layer within the file.

7. Layer names should be representative of the information contained in the layer.

8. Line work should be done per accepted industry norms.

Text should not be smaller than 0.08" on a full size sheet, and should be a font such at Simplex, Calibri, or Arial.

EXHIBIT D
CONSULTANT'S GUIDELINES FOR DIRECT EXPENSES; GENERAL AND ADMINISTRATIVE MARKUP; TRAVEL AND SUBSISTENCE EXPENSES

I. **CONSULTANT'S RESPONSIBILITY**. Consultant shall be solely responsible for the auditing and accuracy of all Direct Expenses, approved markup (general and/or administrative), and approved travel and/or subsistence charges, including those of its subcontractors, prior to submitting to City for reimbursement. Any over-payment by City for errors in submittals for reimbursement may be deducted from Consultant's subsequent payment(s) for services; however, this shall not be City's sole and exclusive remedy for said over-payment.

II. **GUIDELINES FOR DIRECT EXPENSES**.

A. **Local Transportation** – Transportation in connection with the Project, when such transportation is not a function of routine performance of the duties of Consultant in connection with the Project, and when such transportation exceeds beyond fifty (50) miles from the Project site, shall be reimbursed at a standard mileage rate consistent with that as issued, and periodically revised, by the United States Internal Revenue Service (IRS). Under no circumstances shall City reimburse Consultant at a higher standard mileage rate or pay additional markup on charges for local transportation. Completion of City's Standard Mileage Log is required for submittal of these charges for reimbursement, including justification for each submitted expense.

Under no circumstances are charges associated with rental cars for local transportation eligible for reimbursement by City. Toll road subscriptions or toll plaza receipts are not reimbursable. Consultant agrees to place these standards in all subcontracts for work on the Project.

B. **Supplies, Material, Equipment** – City shall reimburse the actual cost of other similar direct Project-related expenses, which are duly presented in advance and approved by City's Project Manager in writing.

C. **Commercial Reproduction** – City shall reimburse the actual cost of reproductions, specifically limited to progress prints prepared for presentation to City at each phase of progress, and final Construction Documents prepared for distribution at bidding phase, provided that Consultant has duly obtained at least three (3) quotations from commercial firms and has chosen the best value for City. Consultant shall provide such documentation to City for review prior to submitting these expenses for reimbursement. Consultant agrees to place these standards in all subcontracts for work on the Project.

D. **In-House Reproduction** – Consultant shall make arrangements with City for prior approval of in-house reproduction rates prior to submitting these expenses for reimbursement. City shall provide Consultant with a standard format for documenting these charges. Completion of City's reproduction log is required as

a prerequisite for payment, including the number or reproductions, the date, time, description, the approved standard rate, and a justification for each submitted expense for reimbursement. Consultant agrees to place these standards in all subcontracts for work on the Project.

E. **Commercial Plotting** – City shall reimburse the actual cost of plots, specifically limited to final documents, provided Consultant has duly obtained at least three (3) quotations from commercial firms and has chosen the best value for City. Consultant shall provide such documentation to City for review prior to submitting these expenses for reimbursement. Consultant agrees to place these standards in all subcontracts for work on the Project.

F. **In-House Plotting** – Consultant shall make arrangements with City for prior written approval of in-house plotting rates prior to submitting these charges for reimbursement. City shall provide Consultant with a standard format for documenting these charges. Completion of City's reproduction log is required as a prerequisite for payment, including the number of plots, the date, time, description, the approved standard rate, and a justification for each submitted charge for reimbursement.

G. **Communications** – Reimbursement for expenses relating to electronic communications shall be limited to long-distance telephone or fax toll charges specifically required in the discharge of professional responsibilities related to the Project. Telephone service charges including office or cellular phones, WATTS, or Metro line services or similar charges are not reimbursable.

H. **Postage, Mail, and Delivery Service** – City shall reimburse the actual cost of postage and delivery of Instruments of Service, provided Consultant duly considers all circumstances (including available time for assured delivery) of the required delivery and selects the best value for City, which may require comparison of delivery costs offered by three (3) or more sources or methods of delivery, which at a minimum shall include U.S. Mail. Courier service is acceptable only in circumstances requiring deadline-sensitive deliveries and not for the convenience of Consultant and/or Consultant's employees. Consultant agrees to place these standards in all subcontracts for work on the Project.

I. **Meals and Other Related Charges** – Meals or any other related expenses are not reimbursable unless incurred outside a fifty (50) mile radius of the Project, and then only reimbursable for the actual cost subject to compliance with City's currently adopted policy. Non-allowable costs include, but are not limited to, charges for entertainment, alcoholic beverages, and gratuities.

III. GUIDELINES FOR GENERAL AND ADMINISTRATIVE MARKUP.

A. **Requirement of Prior Approval** – Consultant may be allowed to charge a General and/or Administrative Markup on work completed if Consultant can clearly define to City specifically what costs are included in the markup calculation. To apply General and/or Administrative Markup, Consultant must also document to City what costs would be considered direct costs. City shall issue approval in writing to allow Consultant to charge General and/or Administrative Markup. City reserves the right to reject any and all requests for General and/or Administrative Markup.

IV. GUIDELINES FOR TRAVEL AND SUBSISTENCE EXPENSES.

A. **Requirement of Prior Approval** – City shall reimburse the actual cost of travel and/or subsistence expenses upon prior written approval by City's Project Manager.

B. **Adherence to Currently Adopted City Travel Policy** – Reimbursements shall be governed by the same travel policies provided for City employees according to current adopted policy. Prior to the event, Consultant shall request, and City's Project Manager shall provide the provisions and the restrictions that apply to out-of-town reimbursements.

EXHIBIT E
CONTRACTOR'S INSURANCE GUIDELINES

I. GENERAL INSURANCE REQUIREMENTS –

A. All policies shall name the City of Sherman, its officers, agents, representatives and employees as additional insured as to all applicable coverage with the exception of workers compensation insurance and professional liability insurance.

B. Such policies shall require the provision of written notice to City at least thirty (30) days prior to cancellation, non-renewal or material modification of any policies, evidenced by return receipt or United States Certified Mail.

C. Such policies shall provide for a waiver of subrogation against City for injuries, including death, property damage or any other loss to the extent the same is covered by the proceeds of the insurance.

II. INSURANCE COMPANY QUALIFICATION – All insurance companies providing the required insurance shall be authorized to transact business in the State of Texas, and shall have a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s).

III. CERTIFICATE OF INSURANCE – A Certificate of Insurance and policy endorsement(s) evidencing the required insurance shall be submitted prior to execution of the Agreement. If the Agreement is renewed or extended by City, a Certificate of Insurance and policy endorsement(s) shall also be provided to City prior to the date the Agreement is renewed or extended.

IV. INSURANCE CHECKLIST – "X" means that the following coverage(s) is required for this Agreement.

		Coverage Required	Limits
_X_	1.	Worker's Compensation & Employer's Liability	▪ Statutory Limits of the State of Texas
_X_	2.	General Liability	▪ Minimum $1,000,000.00 each occurrence; ▪ Minimum $2,000,000.00 in the aggregate
___	3.	XCU Coverage	▪ Minimum $1,000,000.00 each occurrence; ▪ Minimum $2,000,000.00 in the aggregate

X	4.	Professional Liability	▪ Minimum $1,000,000.00 each claim; ▪ Minimum $2,000,000.00 in the aggregate
X	5.	Umbrella Coverage of Excess Liability Coverage	▪ An amount of $2,000,000.00 ▪ Minimum $2,000,000.00 in the aggregate

X 6. City and its officers, agents, representatives and employees named as additional insured on General Liability Policy, as provided above. This coverage is primary to all other coverage City may possess.

X 7. General Liability Insurance provides for a Waiver of Subrogation against the City for injuries, including death, property damage, or any other loss to the extent that same is covered by the proceeds of the insurance. All insurance policies that are required to name the City as an additional insured must be endorsed to read as primary and non-contributory coverage regardless of the application of other insurance.

X 8. Thirty (30) days' notice of cancellation, non-renewal, or material change required. The words "endeavor to" and "but failure" (to end of sentence) are to be eliminated from the Notice of Cancellation provision on standard ACORD certificates.

X 9. Insurance company has a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s).

X 10. The Certificate of Insurance must state the project title and bid number.

___ 11. Other Insurance Requirements (State Below):

EXHIBIT E
CONFLICT OF INTEREST QUESTIONNAIRE, FORM CIQ

CONFLICT OF INTEREST QUESTIONNAIRE — FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. *See* Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY
Date Received

1 **Name of vendor who has a business relationship with local governmental entity.**

Kimley-Horn and Associates, Inc.

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 **Name of local government officer about whom the information is being disclosed.**

_____
Name of Officer

4 **Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.**

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☒ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

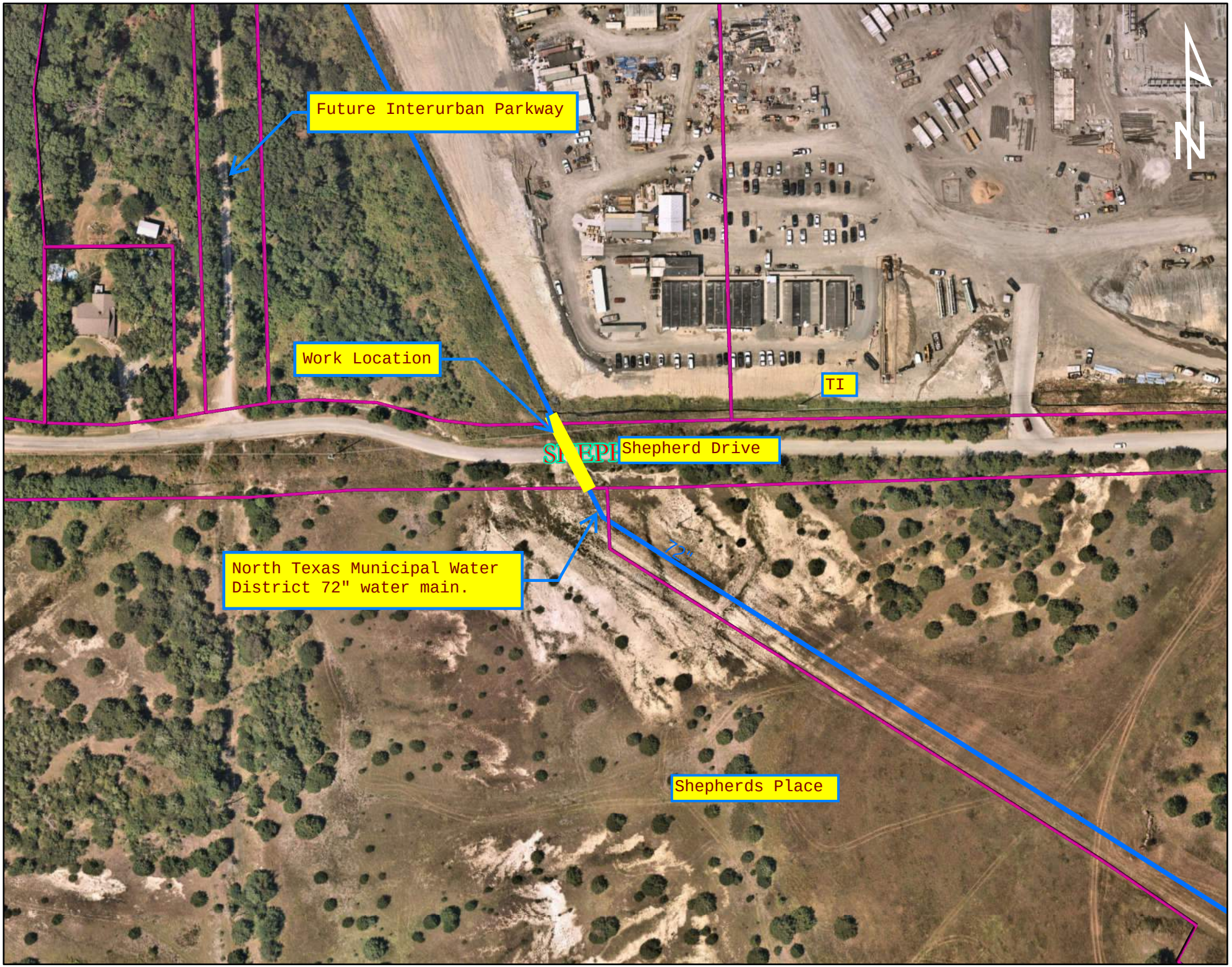
☐ Yes ☒ No

5 **Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.**

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7 _____ 9/7/2023
Signature of vendor doing business with the governmental entity — Date

Form provided by Texas Ethics Commission — www.ethics.state.tx.us — Revised 1/1/2021


Future Interurban Parkway
Work Location
TI
Shepherd Drive
North Texas Municipal Water District 72" water main.
72"
Shepherds Place

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 9.**

Meeting Date: 09/18/2023

Prepared By: Tom Pruitt, Utility Engineer

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 7163

Approving the Greater Texoma Utility Authority's Intention to Contract with Kiewit Water Facilities South Co. for the Wastewater Treatment Plant South - MBR, CMAR

Issue:

Approving the intention of the Greater Texoma Utility Authority (GTUA) to enter into and administer an agreement for the Wastewater Treatment Plant South - MBR, Construction Manager at Risk (CMAR)

Background:

Expansion at the City of Sherman Post Oak Wastewater Treatment Facility is needed to support the industrial semiconductor chip manufacturing facilities and continued growth of the industrial and domestic wastewater system in the City. Preliminary Opinion of Construction Cost is $155,000,000. This CMAR contract will provide pre-construction services for coordinated planning and design improvements ($1,950,000), pre-procurement services for materials ($915,000), construction administration (9.95%) and General Conditions (5-15%) associated with the expansion of the wastewater treatment facilities.

Origination:

Engineering Department

Financial Consideration:

This project is funded through the Greater Texoma Utility Authority (GTUA) 2023(a) Open Market Bond proceeds.

Staff Recommendation:

It is recommended that the City Council approve GTUA’s intention to contract with Kiewit Water Facilities South Co. for the Wasterwater Treatment Plant South - MBR, CMAR

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 7163
Recommendation Letter
Agreement
Location Map

RESOLUTION NO. 7163

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH KIEWIT WATER FACILITIES SOUTH CO. FOR THE WASTEWATER TREATMENT PLANT SOUTH MBR, CONSTRUCTION MANAGER AT RISK (CMAR); 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 of Sherman hereby approves the Greater Texoma Utility Authority's intention to enter into a contract with Kiewit Water Facilities South Co. in the total amount of Two Million Eight Hundred Sixty-Five Thousand Dollars and Zero Cents ($2,865,000.00) for the Wastewater Treatment Plant South MBR, Construction Manager at Risk (CMAR).

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 18th day of September 2023.

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

PAPE-DAWSON ENGINEERS

August 18, 2023

GTUA/City of Sherman
220 W Mulberry St.
P.O. Box 1106
Sherman, TX 75091
(903) 892-7208

Re: Wastewater Treatment Plant South - MBR Project
Construction Manager at Risk Selection

Dear GTUA/City of Sherman:

A response to the Request for proposals "RFP" for the Wastewater Treatment Plant South - MBR project was received by the City of Sherman on August 11, 2023 from one short listed proposer. On August 17, 2023, representatives with the GTUA, City of Sherman, Program Management Team and Plummer Associates (Owner's Engineer) participated in the interview with the shortlisted proposer.

Based on review of the proposal, interview, and evaluation discussions with GTUA and City staff, the Program Management Team evaluated the proposer against approved criteria and weighting described in the RFP. Below is the aggregated score for Kiewit Water Facilities South.

1. Kiewit Water Facilities South scored 84/100

We recommend award of the contract to Kiewit Water Facilities South for the CMAR Services for the Wastewater Treatment Plant South – MBR project, and that contract negotiations begin immediately to align contract terms and conditions, cost, quality, and schedule strategies listed in the proposal.

Sincerely,

Toby Flinn, PE

Enclosures

1. Evaluation Tabulation of Scores
2. Evaluation Cost Worksheet

GTUA | City of Sherman - Major Infrastructure Improvements Program - Wastewater Treatment Plant South - MBR

Offeror Selection Worksheet

Tabulation of Scoring

Current OPCC	$	155,000,000.00

Criteria	Criteria	Points	Kiewit
A	Complete and Compliant Proposal Securities and Proposal Forms	P/F	P
B	Overall Project Management and Execution Approach	15	12
C	Preconstruction and Procurement Services Plan	10	8
D	Construction Services Plan	15	12
E	Commissioning and Start-up Plan	10	7
F	Compliance with Owner ‘s project Schedule	10	8
G	Safety and Quality Control Plan	10	8
H	Interviews	10	9
I	Cost	20	20
Total Points			**84**

Notes	
1	OPCC Based on Issued OPCC with RFP
2	Score Tabulation is an average of scores from GTUA, COS, Plummer, PD, and PSE
3	P/F - Passed or Failed to meet criteria

GTUA | City of Sherman - Major Infrastructure Improvements Program - Wastewater Treatment Plant South - MBR
Cost Proposal Analysis

		Kiewit	Kiewit
Preliminary OPCC	$ 155,000,000	low	high
Fees & Costs			
2.01 A - Pre-Construction Services	Lump Sum	$ 1,950,000.00	$ 1,950,000.00
2.01 B - Procurement Services	Lump Sum	$ 915,000.00	$ 915,000.00
	% Cost of Work	9.95%	9.95%
2.01 C - CMAR Fee		$ 15,422,500.00	$ 15,422,500.00
	% Cost of Work	5.00%	15.00%
2.02 - General Conditions		$ 7,750,000.00	$ 23,250,000.00
	% Cost of Work	3.00%	12.00%
2.03 - Contingency		$ 4,650,000.00	$ 18,600,000.00
Evaluation Cost		**$ 30,687,500.00**	**$ 60,137,500.00**
Evaluation Points	20	**20.0**	

Point distribution is based on Available Points multiplied by ratio of Lowest Evaluation Cost to Offeror's Evaluation Cost

00 52 23 CONSTRUCTION MANAGEMENT AT RISK SERVICES AGREEMENT

THIS CONSTRUCTION MANAGEMENT AT RISK SERVICES AGREEMENT, hereinafter referred to as the "Agreement," is made and dated as of September 18, 2023, between the Greater Texoma Utility Authority on the behalf of the City of Sherman, having its principal office at Dennison, Texas, hereinafter referred to as "GTUA/City of Sherman " and Kiewit Water Facilities South Co. , a Corporation organized and operating under the laws of the State of Delaware, having an office at Westlake, Texas, hereinafter referred to as "CMAR," (each also hereinafter referred to as "Party" individually or "Parties" collectively), for construction management at risk services in connection with the Major Infrastructure Improvements Program, Wastewater Treatment Plant South- MBR.

Recitals

- GTUA has determined to implement a program for the construction of Major Infrastructure Improvements Program. The Wastewater Treatment Plant South-MBR Work primarily consists of 4MGD Wastewater treatment plant, complete with lift station/ force main, equalization basin, headworks, fine screens, blowers, membrane basins (MBR), RAS/WAS pumping equipment, electrical, site grading, and all necessary equipment, pre- procurement bid packages, and oversight as maybe needed to treat municipal and industrial wastes, including installation commissioning, start up and testing, permitting and final, completion.

The Wastewater Treatment Plant South-MBR project will be completed using the construction manager-at- risk ("CMAR") project delivery method in accordance with Chapter 2269 of the Texas Government Code.

GTUA has determined to contract with a construction manager-at-risk to perform the preconstruction, procurement and construction services. The services will include working and coordinating with the design engineers selected pursuant to one or more separate procurements.

GTUA issued a Request for Qualifications (the "RFQ") on June 6, 2023.
Statements of Qualifications ("SOQs") submitted in response to the RFQ were received on July 10th , 2023 from 3 proposers.

The SOQs were reviewed by GTUA and assigned a score based on the evaluation criteria and weighting set forth in the RFQ.

Based on the evaluations and scoring of the SOQs, the 3 highest ranked Proposers ("Short Listed Proposers") were short-listed to receive the Request for Proposals ("RFP").

The RFP was released to the Short Listed Proposers on July 20, 2023

The proposals submitted in response to the RFP ("Proposals") were received on August 11 , 2023

The Proposals were reviewed by GTUA and assigned a score based on the evaluation criteria and weighting set forth in the RFP.

Based on the evaluations and scoring of the Proposals, the highest ranked Proposer provided the best value Proposal for the performance of the services among the Short Listed Proposers responding to the RFP.

In August of 2023, GTUA initiated negotiations with Kiewit Water Facilities South Co. for performance of the services, which have concluded with this Agreement.

On September 18, 2023 the governing body of GTUA authorized the execution and delivery of this Agreement.

In consideration of the mutual covenants herein contained, the parties hereto, intending to be legally bound, agree as follows:

ARTICLE 1: REPRESENTATIONS AND WARRANTIES

1.01 Representations and Warranties of the CMAR.

A. The CMAR hereby represents and warrants that:

1. Existence and Powers. The CMAR is a corporation duly organized, validly existing and in good standing under the laws of the State of Delaware, with the full legal right, power and authority to enter into and perform its obligations under this Agreement.

2. Due Authorization and Binding Obligation. This Agreement has been duly authorized, executed and delivered by all necessary corporate action of the CMAR and constitutes the legal, valid and binding obligation of the CMAR, enforceable against the CMAR in accordance with the terms contained herein and pursuant to applicable law.

3. Information Supplied by the CMAR. The information supplied and representations and warranties made by the CMAR in all submittals made in response to the RFP with respect to the CMAR (and to the best of its knowledge after due inquiry, all information supplied in such submittals with respect to any CMAR Team Member) are true, correct and complete in all material respects.

4. No Conflict of Interest. The CMAR understands that as a political subdivision of Texas, the laws governing GTUA/City of Sherman's Board, employees, and agents may prohibit certain persons from having a financial interest, directly or indirectly, in any contract with the GTUA/City of Sherman ("Prohibited Persons"). The CMAR represents and certifies that its GTUA/City of Sherman’s, officers, employees and agents are not Prohibited Persons and that it has tendered to the GTUA/City of Sherman all necessary disclosures and other documents in compliance with the GTUA/City of Sherman's policies and governing laws, including, without limitation, a discretionary contracts disclosure statement and a Conflict of Interest Questionnaire.

5. No Commitments Limiting Ability to Perform CMAR Services. The CMAR has no

commitments, obligations, or impediments of any kind that would have a material and adverse impact on the ability of the CMAR to perform the Services in accordance with the Agreement. The CMAR covenants that it will not enter into any such commitment throughout the period of the performance of the Services.

6. No approvals required. No approval, authorization, order of consent or declaration of, or registration of filing with any governmental body is required for the valid execution and delivery of the Agreement by the CMAR except as such have been duly obtained or made.

7. Licensing and Registration Requirements. The CMAR possesses all licenses required under Laws and Regulations to perform all services required of the CMAR under this Agreement and is not in violation of any of the terms or conditions of such licenses. The CMAR is registered with all appropriate governmental bodies to the extent necessary to perform all of the Services. The CMAR has the authority to do business in the State of Texas.

8. No Litigation. Except as disclosed in writing to GTUA/City of Sherman, there is no legal proceeding, at law or in equity, before or by any court, arbitral tribunal or other governmental body pending or, to the best of the CMAR's knowledge after due inquiry, overtly threatened or publicly announced against the CMAR, in which an unfavorable decision, ruling or finding could reasonably be expected to have a material and adverse effect on the execution and delivery of this Agreement by the CMAR or the validity, legality or enforceability of this Agreement against the CMAR, or any other agreement or instrument entered into by the CMAR in connection with the transactions contemplated hereby, or on the ability of the CMAR to perform its obligations hereunder or under any such other agreements or instruments. For the purposes of this section only, "material" is defined to be an effect in excess of $1M.

9. Claims and demands. Except as disclosed in writing to GTUA/City of Sherman, there are no material and adverse claims or demands based in environmental, contract or tort law pending or threatened against the CMAR or any of its affiliates that would have a material and adverse effect upon the ability of the CMAR to perform the Services. For the purposes of this section only, "material" is defined to be an effect in excess of $1M.

10. Laws and Regulations Compliance. Neither the CMAR nor any of its affiliates has any knowledge of any material violation of any law, order, rule or regulation with respect to any facilities or structures constructed by the CMAR or any of its affiliates. For the purposes of this section only, "material" is defined to be an effect in excess of $1M.

11. The CMAR represents that it is familiar with the ethics requirements of the GTUA/City of Sherman and agrees to comply with such requirements.

ARTICLE 2: WORK, SERVICES AND THE PROJECT

2.01 CMAR shall complete all Work as specified or indicated in the Contract Documents. The "Work" is generally described as follows, and includes (but is not limited to) all Construction Management at Risk Services (the "Services") as specified or indicated in the Contract Documents Section 01 01 01, as well as the following:

Wastewater Treatment Plant South-MBR Project ("Project"). The Project consists of:

4MGD Wastewater treatment plant, complete with lift station/ force main, equalization basin, headworks, fine screens, blowers, membrane basins (MBR), RAS/WAS pumping equipment, electrical, site grading, and all necessary equipment, pre- procurement bid packages, and oversight as maybe needed to treat municipal and industrial wastes, including installation commissioning, start up and testing, permitting and final, completion.

2.02 The GTUA/City of Sherman's Budget for this project is $ 155 Million. Construction could be initiated towards end of 2023 with an anticipated completion to allow the Project to be Substantially Complete by April 30, 2025.

2.03 This Project is commonly referred to as follows:

Wastewater Treatment Plant South-MBR

ARTICLE 3: ENGINEERS

3.01 GTUA/City of Sherman has retained the services of the following identified engineering firms to perform those professional services identified below.

3.02 Engineering design shall be performed by the following firm(s) with regard to the general scopes of work as set forth below:

A. Plummer Associates, Inc.

3.03 Collectively, the engineering firms are referred to as the "Engineers." The Engineer shall mean that engineering firm that has primary responsibility for the design and any construction administration obligations over the respective scope of the Work. Each Engineer shall be legally responsible and liable for those consultants and subconsultants retained by the Engineer to provide the engineering services required in its agreement with the GTUA/City of Sherman.

3.04 Engineer, who is to act as GTUA/City of Sherman's representative, shall assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Services and the Work in accordance with the Contract Documents.

ARTICLE 4: CONTRACT TIMES

4.01 Time of the Essence: All time limits for Milestones, if any, Substantial Completion, and

completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 Dates for Substantial Completion and Final Payment:

The Work will be completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions of the Construction Contract on or before the dates contemplated in Paragraph 2.02, above. These dates are approximate as of the time of this initial Agreement and will be fixed if and when a Guaranteed Maximum Price Amendment for the entire Work is established.

4.03 Liquidated Damages

CMAR and GTUA/City of Sherman recognize that time is of the essence in this Agreement and that GTUA/City of Sherman will suffer financial loss if the Work is not completed within the times specified in Paragraphs 2.01 and 2.02 above, plus any extensions of the Contract Times allowed in accordance with this Agreement and the General Conditions of the Construction Contract. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by GTUA/City of Sherman if the Work is not completed on time. Accordingly, instead of requiring any such proof, GTUA/City of Sherman and CMAR agree that as liquidated damages for delay (but not as penalty), CMAR shall pay GTUA/City of Sherman the amount of ($25,000) per day as Liquidated Damages stipulated in the Amendment establishing the Guaranteed Maximum Price for each day that expires after the time specified in Paragraphs 2.01 and 2.02 for Substantial Completion until the Work is substantially complete, not to exceed an amount equal to $5,000,000. The achievement of Substantial Completion will be as described in Article 14 of the General Conditions. After Substantial Completion, if CMAR shall neglect, refuse, or fail to complete the remaining Work and achieve final completion within an agreed upon number of days after achieving Substantial Completion, CMAR shall pay GTUA/City of Sherman the amount of ($20,000) per day as Liquidated Damages stipulated in the Amendment establishing the Guaranteed Maximum Price, not to exceed an amount equal to $2,000,000. Liquidated Damages will be Owner's sole remedy for damages for CMAR's failure to achieve timely Substantial Completion and final completion. Assessment of Liquidated Damages by the GTUA/City of Sherman shall not constitute a waiver of the GTUA/City of Sherman's right to sue and collect additional damages which GTUA/City of Sherman may sustain by the failure of the CMAR to perform in accordance with the terms of its Contract.

4.04 Early Completion Bonus

GTUA/City of Sherman shall pay the CMAR at the time of Final Payment an early completion bonus ("Early Completion Bonus") of Twenty Five Thousand Dollars ($25,000.00) per Day for each Day that Substantial Completion occurs before the date of April 30, 2025 up to a maximum bonus of Two Million Dollars ($2,000,000). GTUA/City of Sherman shall not be liable for any Early Completion Bonus amounts in excess of Two Million Dollars ($2,000,000), nor shall CMAR be entitled to any portion of the Early Completion Bonus if Substantial Completion does not occur before April 30, 2025.

ARTICLE 5: CONTRACT PRICE

Contract Price shall be as defined by Section 1.01 A (13) of the General Conditions of the Construction Contract, which is incorporated herein by reference.

ARTICLE 6: CMAR'S CONSTRUCTION SERVICES FEE

6.01 CMAR's construction services fee ("CMAR Fee") shall be nine-point nine five percent (9.95 %) of the Cost of the Work. CMAR Fee is intended to compensate CMAR for its profit, as well as its indirect overhead costs not compensated through reimbursement for its General Conditions, defined below and in the General Conditions of the Construction Contract.

6.02 As funds are utilized for contingency work in accordance with Article 8 of this Agreement, CMAR shall be paid nine-point nine five percent (9 . 9 5 %) of the contingency funds utilized as its fee for construction services associated with the contingency work.

ARTICLE 7: COST OF THE WORK

7.01 Cost of the Work shall be defined by Section 11.01 of the General Conditions of the Construction Contract, which is incorporated herein by reference.

ARTICLE 8: CONTINGENCY FUNDS

8.01 The contingency funds are for the exclusive use of the CMAR while executing the Work to reimburse the CMAR for Costs of Work due to unforeseen causes or details not capable of reasonable anticipation at the time of the execution of the Agreement; such contingency funds are not intended for changes in the scope of the Work or for reimbursement of expenses and costs not otherwise recoverable as a Cost of Work under Paragraph 11.01 of the General Conditions of the Construction Contract. The contingency funds shall not be allocated to any particular line item in the Cost of Work.

8.02 The amount of the contingency funds shall be as agreed between the parties when they develop the Guaranteed Maximum Price. Contingency funds will be additive as GMPs are approved and can be used in any aspect of the Work.

8.03 Subject to prior written approval by the GTUA/City of Sherman, the contingency funds may be used for costs incurred in accordance with this Article by the CMAR. The CMAR shall prepare and submit to GTUA/City of Sherman a detailed listing and written justification as to the need to use any part of the contingency funds. GTUA/City of Sherman's approval for such use will not be unreasonably withheld. Approval or concise reasons for disapproval will be provided by GTUA/City of Sherman within 48 hours of receipt of request. Charges against the contingency funds will be tabulated and reported by the CMAR as part of the CMAR's monthly Progress Meeting. CMAR will also provide a tracking system for the measurement and transfer of contingency accounts.

8.04 It is understood that the amount of any such contingency funds is the maximum amount available to the CMAR to cover costs incurred in accordance with this Article and that all cost overruns in excess of the contingency funds will be borne by the CMAR. As an incentive, any unused CMAR Contingency funds can be shared with 60% retained by the Owner and 40% paid

to the contractor at the discretion of GTUA/City of Sherman.

ARTICLE 9: GUARANTEED MAXIMUM PRICE

9.01 At the time specified in Section 9.02, below, the CMAR shall prepare a Guaranteed Maximum Price proposal (the "GMP Proposal") for the GTUA/City of Sherman's review and acceptance. The Guaranteed Maximum Price in the GMP Proposal shall be the sum of the CMAR's estimate of the Cost of Work, including contingencies described in Article 8, plus the CMAR Fee described in Article 6. If signed by the GTUA/City of Sherman, this total shall be established as the Guaranteed Maximum Price in an Amendment to the Agreement and shall be subject to authorized increases or decreases for changes in the Work. By signing the Guaranteed Maximum Price Amendment, CMAR guarantees that the total Contract Price will not exceed the GMP unless the GTUA/City of Sherman authorizes an increase in accordance with the Agreement. The CMAR is responsible for all costs in excess of the GMP, unless the GMP has been increased by Change Order for a change in scope of Work by the GTUA/City of Sherman.

9.02 The CMAR will provide GMP Proposals per the mutually established Procurement Plan which will outline the packages and timing requirements, in such form and with such backup documentation as required herein for the GMP Proposal. Except as may otherwise be agreed by the GTUA/City of Sherman and the CMAR in advance, the GMP Proposal shall include a contingency fund of no more than is specified in Section 8.02, above.

9.03 Any GMP Proposal shall include the following, unless the Parties mutually agree otherwise:

A. The proposed GMP will be developed as specified in Article 9 of this Agreement and as set out herein. The GMP Proposal shall be submitted in a binder with a title page that indicates whether the GMP Proposal is for an Early Work Package or GMP Proposal for the entire Work. If for an Early Work Package it shall be numbered and titled and dated. Binder pages shall be numbered. Binder shall include all specified items and components of a GMP as required by the Agreement. Sections must be divided by tabs for ease of reference. The GMP Proposal will be organized as follows:
   1. Transmittal Letter
   2. Table of Contents
   3. Tab 1 - Executive Summary- brief general summary, including the Scope of Work for the GMP Proposal.
   4. Tab 2 – A list of Drawings and Specifications and other Contract Documents, with the most recent revisions dates, upon which the GMP Proposal is based
   5. Tab 3 - Description of Variations, Substitutions proposed to the Drawings and Specifications.

      1. Specification listing- provide a detail listing of Specifications by division and section, which describes exclusions, substitutions, modifications, etc. If no changes are proposed for a particular section, insert "as per specifications”.
      2. "Qualifications and Assumptions- a narrative summary of all qualifications and assumptions included in the Specifications listing.
      3. Exclusions- a summary of all exclusions included in the Specifications listing, plus any exclusions not related to the Specifications

4. Value Analysis recommendations - if applicable.
5. Allowance Schedule - a list of allowances including definitions for all allowances or any open pricing terms and a statement of their basis – if applicable.
6. A schedule of unit prices - if applicable.
7. All other information used as the basis for the GMP Proposal.

6. Tab 4 - The proposed GMP for the designated portion of the Work -Cost of the Work Breakdown:
    1. Estimated Cost of the Work shall be broken down into previously agreed divisions and such additional sections and Early Work Packages as may have been directed by GTUA/City of Sherman prior to the submission of the GMP Proposal.
    2. Cost breakdown will be a lump sum for each Division and, if applicable, a section with information on proposed subcontractors and pricing supporting such costs.
    3. Itemized listing of all proposed General Conditions costs, including all definitions of cost categories.
    4. The GMP Proposal shall provide for contingency funds in accordance with the Agreement.
    5. Allowances and unit prices shall be included
    6. It must include a description of how the estimated Cost of the Work was derived and prepared in accordance with the requirements of the Agreement.

7. Tab 5 Progress Schedule
    1. The Progress Schedule for a GMP Proposal must include detailed activities for all events and Milestones included in the construction phase.
    2. Additionally, the Progress Schedule update must include detailed, logic driven activities for all construction phase activities.
    3. All paths in the Progress Schedule must lead to Milestone activities to ultimately achieve Substantial Completion on or before the Milestone for Substantial Completion.
    4. The Progress Schedule must be provided in hard copy form in the binder and also in an electronic format attached to the binder.
    5. A Schedule of Values based upon the Contract Time requirements.

8. GTUA/City of Sherman and CMAR acknowledge that information provided by CMAR as part of the GMP Proposal, or other deliverables, may contain certain confidential or proprietary information of CMAR. The parties agree to follow the process set forth in the General Conditions regarding such information.

9.04 Early Work Package shall be defined as a portion of Work that the Parties agree should be performed prior to the establishment of a Guaranteed Maximum Price for the Project. Prior to being provided with 90% Construction Drawings or establishment of a GMP Proposal for the entire Work, Early Work Packages may be awarded to the CMAR to facilitate the early preparation of the Site, purchase long lead time materials and equipment and otherwise accelerate certain portions of the Work in advance of an agreement between the GTUA/City of

Sherman and CMAR regarding the GMP Amendment for the entire Work.

9.05 Either GTUA/City of Sherman or the CMAR may propose Early Work Packages to proceed prior to that time the GMP Proposal for the entire Work is approved by the GTUA/City of Sherman. Based upon the written agreement of the Parties, the CMAR may either self-perform, if selected by the GTUA/City of Sherman as the successful Bidder, or subcontract such Early Work Packages before the GMP Proposal for the entire Work has been submitted and approved. The approved "not to exceed" amount for the scope of the Work included in any Early Work Package shall later be included within the GMP Proposal for the entire Work as an individual line item with reference made to the appropriate Early Work Package agreement. For any Early Work Package payments, the CMAR's fee shall be the same percentage of the Cost of Work set forth in Section 6.01, above. Additionally, CMAR's General Conditions costs relating to the Early Work Package shall be calculated either in the same manner and in the same percentage stated in Article 2.02 of the Cost Proposal, or per the General Conditions GMP. The CMAR will be obligated to provide payment and performance bonds in accordance with Article 5 of the General Conditions of the Construction Contract for the GMP amount of any Early Work Package.

9.06 The GTUA/City of Sherman may choose to accelerate the completion of certain portions of the design work so that some specific Early Work Packages may be awarded by the CMAR prior to the completion of the remaining Construction Documents or acceptance by the GTUA/City of Sherman of the GMP Proposal for the entire Work. The CMAR shall verify that the Engineer has provided the documents necessary to Bid and award any Early Work Package. Any Early Work Package shall contain language which makes those subcontracts 100% assignable to GTUA/City of Sherman at GTUA/City of Sherman's option, in the event this Agreement is terminated, and that the Subcontractors shall be obligated to accept that assignment if it should occur.

9.07 After submission of any Early Work Package "not to exceed" proposal, as well as after submission of the GMP Proposal for the entire Work, the CMAR and GTUA/City of Sherman shall promptly meet to discuss and review the proposals.

A. If GTUA/City of Sherman has any comments regarding the respective proposal or finds any inconsistencies or inaccuracies in the information presented, it shall promptly give written notice to the CMAR of such comments or findings.

B. To the extent that the estimated Cost of the Work of the GMP Proposal exceeds the GTUA/City of Sherman's Budget, the CMAR shall exercise best efforts (as measured by its applicable standard of care under this Agreement) to propose Value Analysis solutions and other cost reduction measures to bring such construction costs within the GTUA/City of Sherman's Budget.
   1. The GTUA/City of Sherman and CMAR may cooperate in the revision of the Scope of Work to reduce the cost and re-Bid those portions of the Scope of Work that were revised.
   2. The GTUA/City of Sherman may authorize the CMAR to re-bid some or all portions of the Scope of Work within a reasonable time in an attempt to reduce costs.
   3. The GTUA/City of Sherman may direct the Engineer to take such reasonable steps to revise the design such to meet the GTUA/City of Sherman's intent such that cost can be

achieved within GTUA/City of Sherman's Budget.

C. If appropriate, the CMAR shall, upon receipt of GTUA/City of Sherman's notice to the CMAR, make appropriate adjustments to the GMP Proposal.

D. If GTUA/City of Sherman accepts a GMP Proposal, as may be amended by GTUA/City of Sherman and the CMAR, the GMP Proposal and its basis shall be set forth in a GMP Amendment to this Agreement. Then GTUA/City of Sherman will authorize Engineer to prepare appropriate revisions to the Contract Documents to incorporate all agreed-upon assumptions, clarifications and exclusions contained in the GMP Proposal in a timeframe that supports the construction schedule.

E. Notice to Proceed on a GMP Amendment may be issued immediately upon full approval and execution and receipt of all required bonds and insurance.

F. The CMAR agrees that to the best of its knowledge that the Contract Documents at the time of the execution of the respective GMP Amendment are sufficient to enable it to determine the GMP for all the Work covered by such GMP Amendment and that such Work can be completed in accordance with the Contract Documents for the GMP. By agreeing to a GMP, the CMAR agrees with the GTUA/City of Sherman that the Work required by the Contract Documents for the Work covered by the respective GMP Amendment, including without limitation, construction means, methods, procedures and techniques necessary to perform the Work, will be consistent with (i) good and sound practices within the construction industry, (ii) generally prevailing and accepted industry standards applicable to the Work, and (iii) requirements of any warranties applicable to the Work.

9.08 If GTUA/City of Sherman rejects the GMP Proposal for the entire Work (which it may do in its sole discretion) or fails to notify the CMAR in writing within thirty (30) calendar days of receipt of the GMP Proposal that it accepts the GMP Proposal, the GMP Proposal shall be deemed withdrawn and of no effect. In such event, GTUA/City of Sherman and the CMAR shall meet and confer as to how the Project will proceed with GTUA/City of Sherman having the following options, the selection of which option GTUA/City of Sherman may make in its sole discretion:

A. GTUA/City of Sherman may suggest modifications to the GMP Proposal and consider the CMAR's additional Value Analysis proposals and other suggestions for cost reduction, whereupon, if such modifications are accepted in writing by the GTUA/City of Sherman and CMAR, the GMP Proposal shall be deemed accepted and the parties shall proceed in accordance with Section 9.07 D, E and F above; or

B. GTUA/City of Sherman may authorize and direct, in writing, the CMAR to proceed with the specified Work on the basis of reimbursement as provided in Article 6 (CMAR's Fee) and Article 7 (Cost of the Work) hereof without a GMP, in which case all references in Agreement to the GMP will not be applicable; or

C. GTUA/City of Sherman may terminate this Agreement in accordance with Article 18.

9.09 If the GTUA/City of Sherman fails to take any action within thirty (30) days of the 'meet and confer' held in accordance with Section 9.08, CMAR may terminate the Agreement. GTUA/City of Sherman will pay CMAR for Services actually rendered through the date of termination.

9.10 The intent of the Contract Documents is to include all items necessary for the proper execution and completion of the Work by the CMAR. The Contract Documents are complementary, and what is required by one shall be as binding as if required by all; performance by the CMAR shall be required only to the extent consistent with the Contract Documents and reasonably inferable from them being necessary to produce the indicated results. To the extent the Drawings and Specifications are anticipated to require further development by the Engineer, the CMAR has provided in the GMP for such further development consistent with the Contract Documents and reasonably inferable therefrom. Such further development does not include such things as changes in scope, systems, kinds and quality of materials, finishes or equipment, all of which, if required shall be incorporated by Change Order.

ARTICLE 10: CHANGES IN THE GUARANTEED MAXIMUM PRICE

10.01 The amount of any increases or decreases in the GMP that result from a change in the scope of Work shall be set forth in an applicable written Change Order. The amount of any such increase or decrease in the GMP shall be determined by Articles 11 and 12 of the General Conditions of the Construction Contract.

ARTICLE 11: PAYMENT PROCEDURES

11.01 Submittal and Processing of Payments for Services associated with the Pre-Construction Services and Procurement Services:

A. On the first working day following the last Saturday of each month, Contractor shall submit to Engineer for review an Application for Payment completed and signed by Contractor covering the Services completed as of the date of the Application and accompanied by such documentation as may be required, use Microsoft office 365 SharePoint system to submit the pay application per instructions set forth in the Contract Documents.

B. Engineer will within 10 days after receipt of each Application for Payment, either indicate in writing a recommendation of payment and present Application to GTUA/City of Sherman or return the Application to CMAR indicating in writing Engineer's reasons for refusing to recommend payment. In the latter case, Contractor may make the necessary corrections and resubmit the Application.

C. Engineer's recommendation of any payment requested in an Application for Payment will constitute a representation by Engineer to GTUA/City of Sherman, based on Engineer's knowledge and review of the Services completed, that such Services were generally in accordance with the requirements of the Agreement and the Contract Documents.

D. Twenty days after presentation of the Application for Payment to GTUA/City of Sherman with Engineer's recommendation, the amount recommended will become due, and when due will be paid by GTUA/City of Sherman to CMAR. GTUA/City of Sherman will be

responsible for interest on late payment of any undisputed invoice amounts in accordance with the Texas Government Code, Chapter 2251.

11.02 Submittal and Processing of Payments for Services associated with the Construction Services: CMAR shall submit Applications for Payment of the Work in accordance with Article 14 of the General Conditions of the Construction Contract. Applications for Payment will be processed by Engineer as provided in the General Conditions of the Construction Contract.

11.03 Progress Payments and Retainage for the Work:

A. GTUA/City of Sherman shall make progress payments on the basis of CMAR's Applications for Payment. All such payments will be measured by the Schedule of Values established as provided in Paragraph 2.07.A of the General Conditions of the Construction Contract. The allocation of the Guaranteed Maximum Price under this Section 11.03 and the General Conditions of the Construction Contract shall not constitute a separate guaranteed maximum price for the Cost of the Work of each individual line item in the schedule of values.

B. GTUA/City of Sherman shall make progress payments on the basis of CMAR's Applications for Payment within 20 days of receipt of the engineer reviewed/ approved application for payment. Payment will be less the aggregate of payments previously made and less such amounts as GTUA/City of Sherman may be entitled to withhold pursuant to the Contract Documents, including but not limited to Liquidated Damages, in accordance with Paragraph 14.02 of the General Conditions of the Construction Contract. In addition to the amount retained above, the GTUA/City of Sherman may retain additional amounts as permitted elsewhere in the Contract Documents.

C. Retainage: No retainage will be withheld from progress payments.

11.04 Final Payment: Upon final completion and acceptance of the Work in accordance with Paragraph 14.07 of the General Conditions of the Construction Contract, GTUA/City of Sherman shall pay within thirty (30) days the remainder of the Contract Price, as modified in accordance with the Contract Documents, and as recommended by Engineer as provided in said Paragraph 14.07. In no event shall such final payment cause the total amount paid by GTUA/City of Sherman to exceed the Guaranteed Maximum Price.

ARTICLE 12: WORK SELF-PERFORMED BY CMAR OR A CMAR TEAM MEMBER

12.01 The CMAR may seek to perform portions of the Work itself, other than the work that may be included in the CMAR's General Conditions costs, if the CMAR submits its Bid and is awarded for those portions of the Work in the same manner as all other Subcontractors. If the CMAR intends to submit a Bid for such Work or a CMAR Team Member intends to submit a Bid, it shall notify GTUA/City of Sherman prior to soliciting Bids and all such Bids will be submitted directly to the GTUA/City of Sherman or the Engineer. If the GTUA/City of Sherman determines that the

CMAR's Bid or CMAR Team Member's Bid provides the best value for GTUA/City of Sherman, the CMAR or CMAR Team Member will be awarded that portion of the Work. GTUA/City of Sherman's determination in such matters is final.

ARTICLE 13: INTEREST

13.01 The GTUA/City of Sherman is not obligated to pay interest on monies not paid except as provided in Chapter 2251 of the Texas Government Code.

ARTICLE 14: CMAR'S REPRESENTATIONS FOR THE WORK

14.01 CMAR makes the following representations as of the date of this Agreement:

A. CMAR has examined and carefully studied the Contract Documents and the other related data identified in the Request for Proposals.

B. CMAR has visited the Site and become familiar with and is satisfied as to the observable general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. CMAR is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D. CMAR has carefully studied: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site including Underground Facilities provided in Paragraph 4.02 of the General Conditions of the Construction Contract and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site which has been identified in Paragraph 4.06 of the General Conditions of the Construction Contract.

E. To the extent made available to CMAR by GTUA/City of Sherman, CMAR has obtained and carefully studied additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions including surface, subsurface, and Underground Facilities at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by CMAR, including any specific means, methods, techniques, sequences, and procedures of construction expressly required by the Contract Documents, and safety precautions and programs incident thereto or assumes responsibility for doing so.

F. CMAR does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

G. CMAR is aware of the general nature of Work to be performed by GTUA/City of Sherman and others at the Site that relates to the Work as indicated in the Contract Documents.

H. CMAR has correlated the information known to CMAR, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

I. CMAR has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that CMAR has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to CMAR. Notwithstanding, GTUA/City of Sherman acknowledges CMAR is not a designer, engineer or architect and has reviewed the Contract Documents for constructability purposes.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 15: ACCOUNTING RECORDS

15.01 Accounting Record Availability: CMAR shall keep such full and detailed accounts of materials incorporated and labor and equipment utilized for the Work consistent with the requirements of Paragraph 11.01.B of the General Conditions of the Construction Contract and as may be necessary for proper financial management under this Agreement. Subject to prior written notice, GTUA/City of Sherman shall be afforded reasonable access during normal business hours to all CMAR's records, books, correspondence, instructions, drawings, receipts, vouchers, memoranda, and similar data relating to any cost-reimbursable payments made to CMAR. CMAR shall preserve all such documents for a period of 5 years after the final payment by GTUA/City of Sherman.

ARTICLE 16: CONTRACT DOCUMENTS

16.01 Contents

A. The Contract Documents consist of the following:

1. Specifications
2. Addenda (Numbers 00 91 00-1 to 00 91 00-4, inclusive)
3. Documentation submitted by Contractor prior to Notice of Award (pages insert page numbers, inclusive).
4. 00 42 23.01 Cost Proposal
5. This Agreement
6. General Conditions of the Construction Contract

B. The following are also Contract Documents which may be delivered or issued on or after the

Effective Date of the Agreement and are not attached hereto

1. Notice to Proceed
2. Amendment(s)
3. Change Order(s)
4. Field Order(s)
5. Work Change Directive(s)

C. The documents listed in Paragraph 16.01.A are attached to this Agreement (except as expressly noted otherwise above).

D. There are no Contract Documents other than those listed above in this Article 16.

E. The Contract Documents may only be amended, modified, or supplemented as provided in Paragraph 3.04 of the General Conditions of the Construction Contract.

ARTICLE 17: NON-APPROPRIATION OF FUNDS

17.01 Notwithstanding any other provision of this Agreement, this Agreement may be terminated if for any reason there are not sufficient appropriated and available monies for the purpose of maintaining GTUA's payment obligations under this Agreement. In the event of such termination, the termination will be in accordance with Paragraph 15.03 of the General Conditions of the Construction Contract.

ARTICLE 18: TERMINATION

18.01 In addition to the termination terms and conditions in Article 15 of the General Conditions of the Construction Contract, CMAR's failure to provide the Key Personnel or Alternate Key Personnel will justify termination for cause by the GTUA/City of Sherman, unless such failure is due to death, disability or the personnel's voluntary separation from employment from the CMAR or its CMAR Team Members.

18.02 In addition to the termination terms and conditions in Article 15 of the General Conditions of the Construction Contract, upon three days written notice, GTUA/City of Sherman may, without cause and without prejudice to any other right or remedy of GTUA/City of Sherman, terminate this Agreement at the conclusion of the Pre-Construction Services or failure of the GTUA/City of Sherman and CMAR to come to an agreement on the Guaranteed Maximum Price Proposal for the entire Work. Such termination shall be subject to the confidentiality provisions set forth in the Contract. The CMAR shall be paid for Services actually rendered through the date of termination. GTUA/City of Sherman's use or alteration of any deliverable furnished prior to any termination by CMAR without CMAR's participation shall be at GTUA/City of Sherman's sole risk and without liability to CMAR.

ARTICLE 19: MISCELLANEOUS

19.01 Terms: Terms used in this Agreement will have the meanings stated in the General Conditions of the Construction Contract.

19.02 Assignment of Contract: No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

19.03 Successors and Assigns: GTUA/City of Sherman and CMAR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

19.04 Severability: Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon GTUA/City of Sherman and CMAR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

19.05 Venue: CMAR agrees that venue shall lie exclusively in district courts of Grayson County, Texas for any legal action.

19.06 CMAR shall provide GTUA/City of Sherman with any necessary documents as required by GTUA.

19.07 In the execution of the contract, the Contractor must comply with all applicable local, state and federal laws, including but not limited to laws concerned with labor, safety, minimum wages, and the environment. The Contractor shall be familiar with and at all times shall observe and comply with all federal, state, and local laws, ordinances and regulations which in any manner affect the conduct of the work, and shall defend, indemnify and save harmless the GTUA/City of Sherman, Engineer, and their representatives against any claim arising from violation of any such law, ordinance or regulation by the Contractor, their Subcontractor or their employees.

19.08 GTUA/City of Sherman may, but is not obligated to, advance to CMAR a lump sum amount of the anticipated General Conditions to cover costs associated with CMAR's project mobilization (the "Mobilization Advance"). In exchange for the Mobilization Advance, the General Conditions percentage to be paid on all future payment applications will be reduced by an amount agreed to by GTUA/City of Sherman and CMAR until Project completion. After the true-up calculation has been performed, GTUA/City of Sherman and CMAR will make any adjustments necessary to reconcile what GTUA/City of Sherman has actually paid CMAR for General Conditions versus what GTUA/City of Sherman should have paid CMAR for General Conditions. If GTUA/City of Sherman overpaid CMAR for General Conditions, CMAR shall promptly pay (or credit) back to GTUA/City of Sherman any such overpayment.

ARTICLE 20: ENDANGERED SPECIES

20.01 No activity is authorized that is likely to jeopardize the continued existence of a threatened or

endangered species as listed or proposed for listing under the Federal Endangered Species Act (ESA), and/or the State of Texas Parks and Wildlife Code on Endangered Species, or to destroy or adversely modify the habitat of such species.

20.02 If a threatened or endangered species is encountered during construction, the Contractor shall immediately cease work in the area of the encounter and notify the GTUA/City of Sherman, who will immediately implement actions in accordance with the Federal Endangered Species Act and applicable State statutes. These actions shall include reporting the encounter to the U.S. Fish and Wildlife Service, and the Texas Parks and Wildlife Department, obtaining any necessary approvals or permits to enable the work to continue, or implement other mitigation actions. The Contractor shall not resume construction in the area of the encounter until authorized to do so by the GTUA/City of Sherman. If a delay to the Work is caused by an encounter with threatened or endangered species as described above, and expressly conditioned upon such delay being on the critical path of Contractor's Work at the time of the encounter, Contractor shall be entitled to seek an extension of the Contract Time and an increase in the GMP in accordance with Article 12 of the General Conditions.

****

IN WITNESS WHEREOF, GTUA/City of Sherman and CMAR have signed this Agreement in duplicate. One counterpart each has been delivered to GTUA/City of Sherman and CMAR. All portions of the Contract Documents have been signed or identified by GTUA/City of Sherman and CMAR or on their behalf.

This Agreement will be effective on **September 18, 2023.**

GTUA/City of Sherman: _____ CMAR: _____
(typed or printed) (typed or printed)

By: _____ By: _____
(Individual's signature) (Individual's signature)

Name: _____ Name: _____
(typed or printed) (typed or printed)

Attest: _____ Attest: _____
(Individual's signature) (Individual's signature)

Address for giving notice:

Designated representative:

Name: _____

Title: _____

Address: _____

Phone: _____

Facsimile: _____

E-mail: _____

Designated representative:

Name: _____

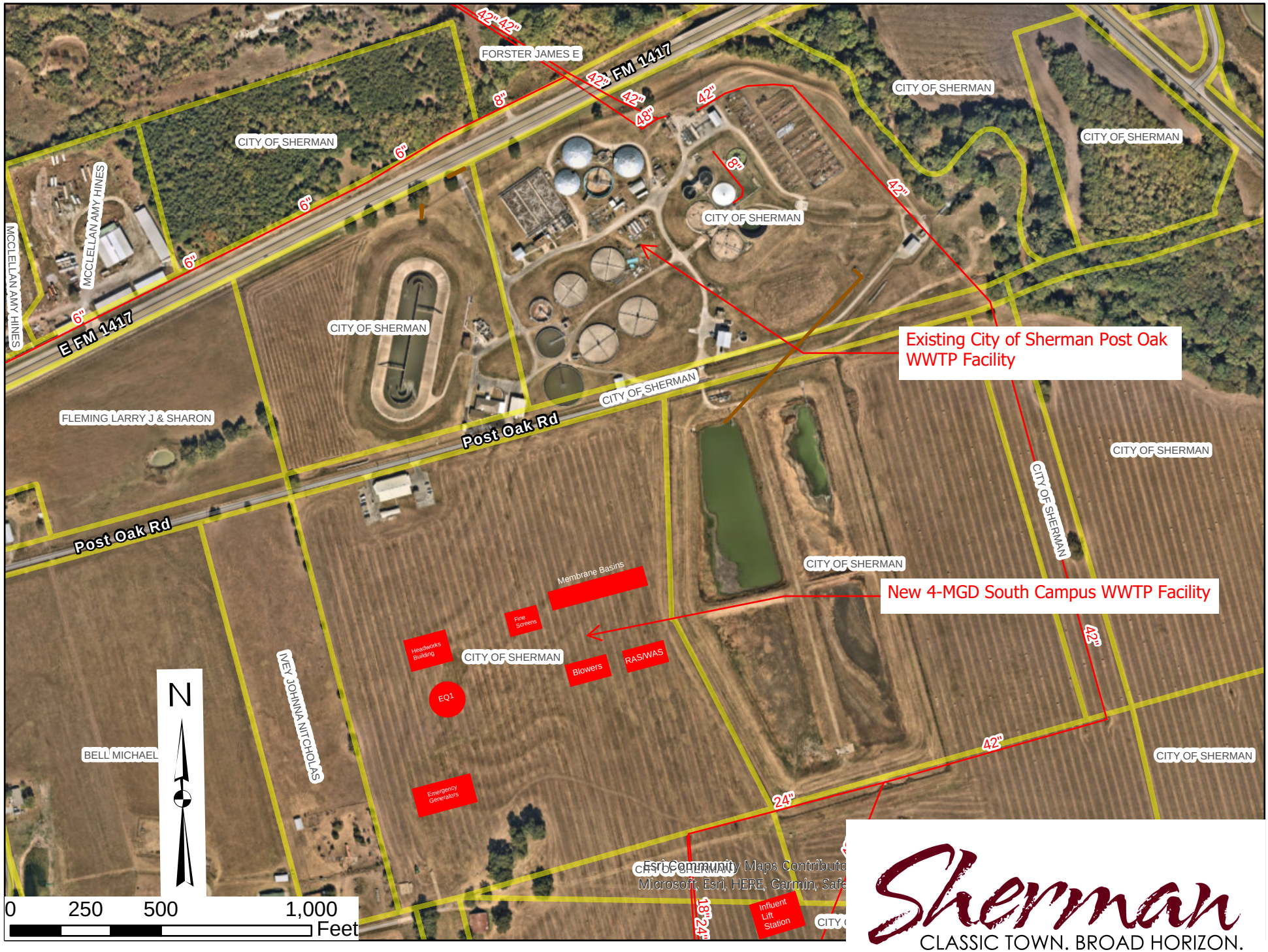
Title: _____

Address: _____

Phone: _____

Facsimile: _____

E-mail: _____


Existing City of Sherman Post Oak WWTP Facility
New 4-MGD South Campus WWTP Facility
Membrane Basins
Fine Screens
Headworks Building
Blowers
RAS/WAS
EQ1
Emergency Generators
Influent Lift Station
FM 1417
E FM 1417
Post Oak Rd
MCCLELLAN AMY HINES
FORSTER JAMES E
FLEMING LARRY J & SHARON
BELL MICHAEL
IVEY JOHNNA NITCHOLAS
CITY OF SHERMAN
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Feet
Esri Community Maps Contributo
Microsoft, Esri, HERE, Garmin, Safe
Sherman
CLASSIC TOWN. BROAD HORIZON.

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 10.**

Meeting Date: 09/18/2023
Prepared By: Jim Cross, Water Systems Manager
Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 7164
Authorizing the Purchase of Equipment for the 36" Rapid Mix Rehab for the Water Treatment Plant

Issue:

Authorizing the Purchase Equipment for the 36" Rapid Mix Rehab for the Water Treatment Plant

Background:

The RAPID MIX vault is the beginning of the treatment process for flocculation and sedimentation. Chemical coagulants are injected into the raw water flow causing small unwanted particles to come together and form larger, heavier clusters called floc. As this chemical mixture flows forward, the floc increases in size and settles to the bottom of the sedimentation basin for collection and removal. The clean water is skimmed from the surface and continues through the filtration and disinfection process.

The Rapid Mix vault has split piping, 18" and 36". The 36" piping is for treating flows in excess of 5 MGD and the 18" piping is for flows of less than 5 MGD. The existing piping components have eroded from years of chemical feed and general operation to the point of being unrepairable. This request is for direct replacement of 5 - 36" pipe sections, 1 - control valve and 1 - flow meter.

The 18" piping will be replaced in a future project.

Origination:

Water Treatment

Financial Consideration:

Funding is made available through the Greater Texoma Utility Authority 2023 and 2023A Open Market Bonds
Total cost summary - $195,660.42

Staff Recommendation:

Staff Recommend Approval of this Item.

Alternatives:

As may be recommended by the City Council

Attachments

Resolution No. 7164
Quote
Location Map

RESOLUTION NO. 7164

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF EQUIPMENT FOR THE 36" RAPID MIX REHAB FOR THE WATER TREATMENT PLANT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed to purchase from Machining and Valve Automation Services LLC, equipment for the 26" RAPID MIX Rehab at a total price of One Hundred Ninety Five Thousand Six Hundred Sixty dollars and Forty Two cents ($195,660.42). Any agreements related to the purchase must be approved by the City Attorney.

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 11th day of September 2023.

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

36" RAPID MIX REHAB COST SUMMARY	
ITEM	COST
36" BUTTERFLY VALVE W/ EIM	$ 44,191.25
5 SECTIONS OF 36" SS PIPE W/ INJECTION PORTS	$ 119,683.00
36" FLOW METER	$ 31,786.17
TOTAL	$ 195,660.42

MACHINING & VALVE
AUTOMATION SERVICES LLC
PO BOX 311
ROYSE CITY TX 75189
214-502-6432

QUOTE

DATE	QUOTE #
7/31/2023	2023-100197

CITY OF SHERMAN
ACCOUNTS PAYABLE DEPT
PO BOX 1106
SHERMAN TX 75091-1106

CITY OF SHERMAN
ACCOUNTS PAYABLE DEPT
PO BOX 1106
SHERMAN TX 75091-1106

REP	TERMS
COLT	NET 30

DESCRIPTION	QTY	COST	TOTAL
36" PRATT BUTTER FLY VALVE WITH EIM 36IN HENRY PRATT, AWWA, CLASS 150 B, FLANGE BUTTERFLY VALVE, DI BODY, DI DISC, 316 SS SHAFT, EPDM SEAT, OPEN LEFT. 8 MILS AMERCOAT 370 EPOXY INTERIOR AND EXTERIOR, 316 SS HARDWARE, MDEE-3 QUARTER-TURN OPERATOR, 460 VAC, 3PH 60 HZ , 4-20 MODULATING , 4 TRAIN, 180 SECONDS OPERATING TIME, INCLUDES STEM NUT ,BORED & KEYED OR TAPPED, AND ADAPTION 4-6 WEEKS	1	44,191.25	44,191.25

IF EXTRA LABOR OR MATERIALS NOT DESCRIBED ABOVE ARE REQUIRED, THE OWNER WILL BE NOTIFIED FOR APPROVAL BEFORE WORK IS COMPLETED. THIS QUOTE IS GOOD FOR 30 DAYS FROM THE DATE REFERENCED ABOVE. WE THANK YOU FOR CONSIDERING MVA SERVICES FOR YOUR SERVICE NEEDS.

TOTAL **$44,191.25**

THANKS

MIKE
MVA SERVICES
SERVICE YOU CAN COUNT ON!
MIKE@MVASERV.COM
OFFICE 214-502-6432
CELL 214-538-0932

DUE TO THE CORONA VIRUS OUTBREAK ALL SHIP DATES ARE ESTIMATED & NOT GUARANTEED

MATERIAL PRICES MAY INCREASE DUE TO THE MARKET. PRICE IN EFFECT AT TIME OF ORDER.

MACHINING & VALVE
AUTOMATION SERVICES LLC
PO BOX 311
ROYSE CITY TX 75189
214-502-6432

QUOTE

DATE	QUOTE #
8/30/2023	2023-100506

CITY OF SHERMAN
ACCOUNTS PAYABLE DEPT
PO BOX 1106
SHERMAN TX 75091-1106

CITY OF SHERMAN
ACCOUNTS PAYABLE DEPT
PO BOX 1106
SHERMAN TX 75091-1106

REP	TERMS
COLT	NET 30

DESCRIPTION	QTY	COST	TOTAL
36INCH SPOIL AND MIXER TUBE PIECES, ALL CONSTRUCTED IN 316 STAINLESS STEEL MATERIAL SUBMITTAL DRAWINGS 6 WEEKS ARO ALL 36INCH 316SS SPOILS PIECES AND MIXER TUBE BUILT LIKE FOR LIKE RECREATING EXISITING EQUIPMENT	1	119,683.00	119,683.00
#1 1 LOT OF STAINLESS STEEL PIPE: • 1 EA 37.35" OD (36.60" ID) x 6'-5 7/8" FLG (J) x FLG (K) STAINLESS STEEL SPOOL. •W/ (A, B, C, & Z) 4 EA 2" FLG OUTLETS (PIPE OD 2.375") O2" FLGS ARE STANDARD 150# PLATE FLGS (4 HOLES) •W/ (X) 1 EA 3" FLG OUTLET (PIPE OD 3.50") •W/ (Y) 1 EA 2" THREADED (FEMALE) HALF COUPLING (FOR 2.375" OD PIPE) •W/ 1 EA 2 3/8" THREADED (FEMALE) HALF COUPLING (FOR 2.375" OD PIPE) •FLG (J) IS STANDARD 36" CLASS D PLATE FLG W/ STANDARD BOLT HOLES & SPECIAL ID. OFLG ID BORED OUT TO MEET PIPE OD. OFLG BOLT HOLES ARE 1 5/8" DIA. (NO THREADS) •FLG (K) IS STANDARD 36" CLASS D PLATE FLG W/ SPECIAL BOLT HOLES & SPECIAL ID. OFLG ID BORED OUT TO MEET PIPE OD. OFLG BOLT HOLES ARE LARGER THAN STANDARD CHANGED FROM 1 5/8" (1.625") TO 1 7/8" (1.875"). #2 1 LOT OF STAINLESS STEEL PIPE: • 1 EA 36" (OD PIPE) x 3'-11 7/8" FLG TO FLG STAINLESS STEEL SPOOL •W/ 1 EA 8" FLG OUTLET (LENGTH LESS THAN 1FT (LENGTH NOT GIVEN)) O8" FLG IS STANDARD CLASS D PLATE FLG •W/ 1 EA 1 3/8" THREADED (FEMALE) HALF COUPLING. OCUSTOMER REQUEST MALE THREADS. LONESTAR ONLY ADDING FEMALE THREADS CUSTOMER WILL HAVE TO SCREW IN THREADED NIPPLE TO OBTAIN THE MALE THREADS NEEDED. •W/ 6 EA .375" THICK FINS W/ 6 EA ¾" SOLID RODS WELDED BETWEEN FINS. OFINS .375" THICK 22 ¾" LONG EXTEND TO THE CENTER OF THE SPOOL. OSOLID RODS WILL EXTEND FROM 1 SIDE OF 36" PIPE ID TO THE OTHER SIDE OF THE 36" PIPE ID. •36" FLGS ARE STANDARD CLASS D PLATE FLGS.			

IF EXTRA LABOR OR MATERIALS NOT DESCRIBED ABOVE ARE REQUIRED, THE OWNER WILL BE NOTIFIED FOR APPROVAL BEFORE WORK IS COMPLETED. THIS QUOTE IS GOOD FOR 30 DAYS FROM THE DATE REFERENCED ABOVE. WE THANK YOU FOR CONSIDERING MVA SERVICES FOR YOUR SERVICE NEEDS.

TOTAL

THANKS

COLT MILLER
MVA SERVICES
SERVICE YOU CAN COUNT ON!
COLT@MVASERV.COM
OFFICE 214-502-6432
CELL 469-662-8161

DUE TO THE CORONA VIRUS OUTBREAK ALL SHIP DATES ARE ESTIMATED & NOT GUARANTEED

MATERIAL PRICES MAY INCREASE DUE TO THE MARKET. PRICE IN EFFECT AT TIME OF ORDER.

MACHINING & VALVE
AUTOMATION SERVICES LLC
PO BOX 311
ROYSE CITY TX 75189
214-502-6432

QUOTE

DATE	QUOTE #
8/30/2023	2023-100506

CITY OF SHERMAN
ACCOUNTS PAYABLE DEPT
PO BOX 1106
SHERMAN TX 75091-1106

CITY OF SHERMAN
ACCOUNTS PAYABLE DEPT
PO BOX 1106
SHERMAN TX 75091-1106

REP	TERMS
COLT	NET 30

DESCRIPTION	QTY	COST	TOTAL
#3 1 LOT OF STAINLESS STEEL PIPE: • 1 EA 36" (38.30" OD / 37.55" ID) x 2'-9" FLG TO PE STAINLESS STEEL PIPE. •W/ 1 EA 2" FLG OUTLETS (PIPE OD 2.375") O2" FLGS ARE STANDARD 150# PLATE FLGS (4 HOLES) • 36" FLG STANDARD CLASS D PLATE FLG • ZIP FLG SUPPLIED BY OTHERS.			
#4 1 LOT OF STAINLESS STEEL PIPE: • 36" OD X 1'-0 1/8" FLG X FLG STAINLESS STEEL SPOOL. • 1 EA 36" FLG IS STANDARD CLASS D PLATE FLG. • 1 EA 36" FLG IS STANDARD CLASS D PLATE FLG W/ SPECIAL BOLT HOLES 1 7/8" DIA. (NO THREADS).			
#5 1 LOT OF STAINLESS STEEL PIPE: • 36" OD X 2'-10" FLG X PE STAINLESS STEEL PIPE. •W/ 1 EA 2" FLG OUTLETS (PIPE OD 2.375") O2" FLGS ARE STANDARD 150# PLATE FLGS (4 HOLES) • 1 EA 36" STANDARD CLASS D PLATE FLG • DRESSER COUPLING SUPPLIED BY OTHERS.			

IF EXTRA LABOR OR MATERIALS NOT DESCRIBED ABOVE ARE REQUIRED, THE OWNER WILL BE NOTIFIED FOR APPROVAL BEFORE WORK IS COMPLETED. THIS QUOTE IS GOOD FOR 30 DAYS FROM THE DATE REFERENCED ABOVE. WE THANK YOU FOR CONSIDERING MVA SERVICES FOR YOUR SERVICE NEEDS.

TOTAL **$119,683.00**

THANKS

COLT MILLER
MVA SERVICES
SERVICE YOU CAN COUNT ON!
COLT@MVASERV.COM
OFFICE 214-502-6432
CELL 469-662-8161

DUE TO THE CORONA VIRUS OUTBREAK ALL SHIP DATES ARE ESTIMATED & NOT GUARANTEED

MATERIAL PRICES MAY INCREASE DUE TO THE MARKET. PRICE IN EFFECT AT TIME OF ORDER.

36" Rapid Mix

ABB Instrumentation, USA
125 E Country Line Road
Warminster, PA 18974-4995
Phone: 800-829-6001

Please send order to:
Order.instrumentation@us.abb.com
Or Fax: 215-674-6222

Quotation# 623666

Date: 07/31/2023
Requested By: All Bidders

Prepared by:
Payment Terms:

Attention to:

Quote Validity: 09/29/2023

Address:

City, State & Zip:
Phone:
E-Mail:

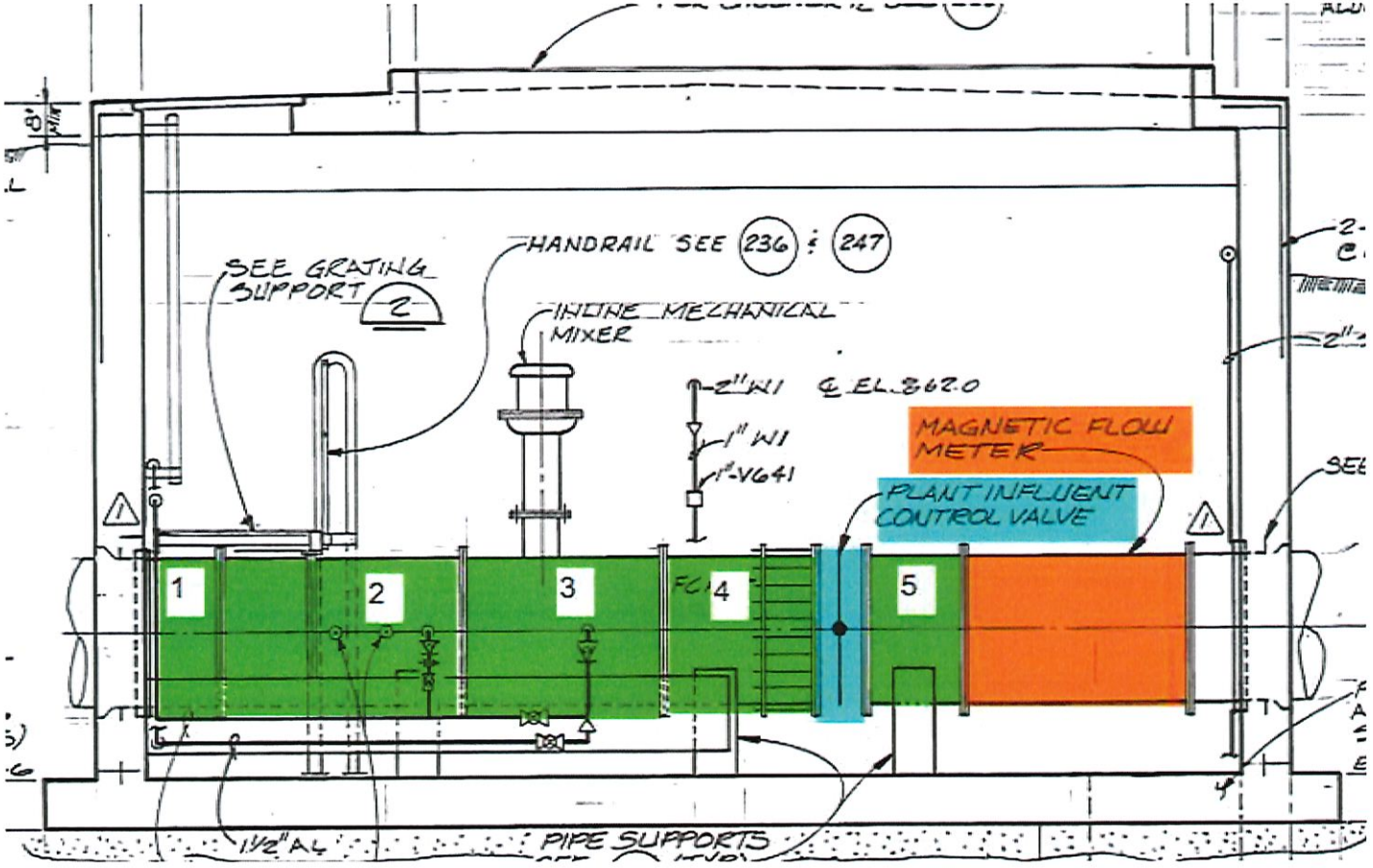
Shipping Leadtime:
FOB Point:
Freight Charges:
Taxes: As required
Terms & Conditions: Per attached ABB General Terms & Conditions

Your Inquiry: FEW325 RFQ for City of Sherman

End User:

	Line	Quantity	Product Code	Lead Time	Unit Price(USD)	Extended Price(USD)
36"	100	1	FEW325.900.K.1.S.4.C2.B.1.A.1.A.3.P.3.B.3.A.1-JK..M5V3.CWY	140	31,786.17	31,786.17

36" Flow Meter


SEE GRATING SUPPORT 2
HANDRAIL SEE 236 & 247
INLINE MECHANICAL MIXER
2"WI @ EL. 862.0
1" WI
1"-V641
MAGNETIC FLOW METER
PLANT INFLUENT CONTROL VALVE
1
2
3
4
5
1½" AL
PIPE SUPPORTS

Sherman Water
Treatment Plant
RAPID MIX
VAULT

Rapid Mix Vault
La Cima Rd
N
0 150 300 600
Feet
Esri Community Maps Contributo
© OpenStreetMap contributors
Sherman
CLASSIC TOWN. BROAD HORIZON.

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 11.**

Meeting Date: 09/18/2023

Prepared By: Leah Campbell, Human Resources Director

Approved By: Robby Hefton, City Manager

Caption:

**** RESOLUTION NO. 7165***

Repealing and Replacing Resolution No. 7044; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers; Establishing Special Longevity Pay Schedules for Newly Hired Firefighters and Police Officers; Providing for an Effective Date

Issue:

As prescribed by Chapter 143 of the Texas Local Government Code, salary and step pay changes have been updated to reflect the current competitive market and cost of living increases.

Background:

Each year and/or as needed, changes to Fire and Police salaries and step pays may change due to market and cost of living changes. These changes must be set by ordinance or resolution from the governing body.

Origination:

Human Resources / Civil Services Director

Financial Consideration:

This Resolution has changes to the salary structure for Civil Service Employees

Staff Recommendation:

Staff recommends approved of this resolution.

Alternatives:

None

Attachments

Resolution No. 7165

Resolution No. (Redline Version)

RESOLUTION NO. 7165

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING AND REPLACING RESOLUTION NO. 7044; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/ CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Resolution No. 7044, passed and approved on the 6th day of March, 2023, is hereby repealed.

SECTION 2. That, from and after the effective date of the 1st day of October 2023, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

FIRE DEPARTMENT CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY STEP PAY	TOTAL
FIREFIGHTER - EMT			
Entry	$5,300.00	N/A	$5,300.00
1 Year	$5,300.00	$300.00	$5,600.00
2 Year	$5,300.00	$550.00	$5,850.00
3 Year	$5,300.00	$800.00	$6,100.00
4 Year	$5,300.00	$1,050.00	$6,350.00
5 Year	$5,300.00	$1,300.00	$6,600.00
FIREFIGHTER - Paramedic			
Entry (New)	$5,700.00	N/A	$5,700.00
1 Year (New)	$5,700.00	$250.00	$5,950.00
2 Year (New)	$5,700.00	$550.00	$6,250.00
3 Year (New)	$5,700.00	$800.00	$6,500.00
4 Year (New)	$5,700.00	$1,000.00	$6,700.00
5 Year (New)	$5,700.00	$1,250.00	$6,950.00
ENGINEER			
Entry	$7,300.00	N/A	$7,300.00
1 Year	$7,300.00	$300.00	$7,600.00
2 Year	$7,300.00	$500.00	$7,800.00

CAPTAIN			
Entry	$8,100.00	N/A	$8,100.00
1 Year	$8,100.00	$300.00	$8,400.00
2 Year (New)	$8,100.00	$500.00	$8,600.00
BATTALION CHIEF			
Entry	$9,100.00	N/A	$9,100.00
1 Year	9,100.00	$200.00	$9,300.00
2 Year (New)	$9,100.00	$400.00	$9,500.00
DEPUTY CHIEF			
Entry	$10,500.00	N/A	$10,500.00
1 Year	$10,500.00	$300.00	$10,800.00
2 Year	$10,500.00	$500.00	$11,000.00
POLICE DEPARTMENT CLASSIFICATION	**MONTHLY BASE SALARY**	**MONTHLY STEP PAY**	**TOTAL**
PATROLMAN			
Entry – Non-Certified	$5,875.00	N/A	$5,875.00
1 Year	$5,875.00	$200.00	$6,075.00
2 Year	$5,875.00	$375.00	$6,250.00
3 Year	$5,875.00	$650.00	$6,525.00
4 Year	$5875.00	$900.00	$6,775.00
5 Year	$5,875.00	$1,150.00	$7,025.00
6 Year	$5,875.00	$1,425.00	$7,300.00
7 Year	$5,875.00	$1,750.00	$7,625.00
CORPORAL			
1 Year	$7,700.00	N/A	$7,700.00
2 Year	$7,700.00	$200.00	$7,900.00
SERGEANT			
Entry	$8,000.00	N/A	$8,000.00
1 Year	$8,000.00	$400.00	$8,400.00
2 Year	$8,000.00	$750.00	$8,750.00
3 Year	$8,000.00	$1,000.00	$9,000.000
LIEUTENANT			
Entry	$9,250.00	N/A	$9,250.00
1 Year	$9,250.00	$250.00	$9,500.00
2 Year	$9,250.00	$500.00	$9,750.00
3 Year	$9,250.00	$850.00	$10,100.00
ASSISTANT CHIEF			
Entry	$10,700.00	N/A	$10,700.00
1 Year	$10,700.00	$400.00	$11,100.00
2 Year	$10,700.00	$800.00	$11,500.00
3 Year	$10,700.00	$1,200.00	$11,900.00

SECTION 3. That, from and after the effective date of the 1st day of October, 2023, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

(a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical

Standards for Medical Authorization shall receive $125.00 per month Incentive/Certification Pay.

(b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive $104.00 per month Incentive/Certification Pay.

(c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive $218.40 per month Incentive/Certification Pay.

(d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive $318.40 per month Incentive/Certification Pay.

(e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.

(f) All Certifications shall be kept current to receive Incentive/Certification Pay.

(g) Each employee who holds an associate degree from an accredited college or university shall receive $75.00 per month Education Incentive Pay.

(h) Each employee who holds a bachelor's degree from an accredited college or university shall receive $175.00 per month Education Incentive Pay.

(i) Each employee who holds a master's degree from an accredited college or university shall receive $250.00 per month Education Incentive Pay.

(j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2020, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

(a) Employees hired prior to October 1, 2020 shall adopt the following incentive/certification pay schedule:

1. Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive $75.00 per month Incentive/Certification Pay.

2. Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive $175.00 per month Incentive/Certification Pay.

3. Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive $275.00 per month Incentive/Certification Pay.
4. Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.

5. Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive $100.00 per month Incentive/Certification Pay.

6. All Certifications shall be kept current to receive Incentive/Certification Pay.

7. Each employee who holds an associate degree from an accredited college or university shall receive $100.00 per month Education Incentive Pay.

8. Each employee who holds a bachelor's degree from an accredited college or university shall receive $250.00 per month Education Incentive Pay.

9. Each employee who holds a master's degree from an accredited college or university shall receive $500.00 per month Education Incentive Pay.

10. Education Incentive Pay shall only be paid for the highest degree received.

(b) Employees hired after October 1, 2020 shall adopt the following incentive/certification pay schedule:

1. Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive $50.00 per month Incentive/Certification Pay.

2. Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive $100.00 per month Incentive/Certification Pay.

3. Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive $150.00 per month Incentive/Certification Pay.

4. Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.

5. Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive $100.00 per month Incentive/Certification Pay.

6. All Certifications shall be kept current to receive Incentive/Certification Pay.

7. Each employee who holds an associate degree from an accredited college or university shall receive $50.00 per month Education Incentive Pay.

8. Each employee who holds a bachelor's degree from an accredited college or university shall receive $100.00 per month Education Incentive Pay.

9. Each employee who holds a master's degree from an accredited college or university shall receive $200.00 per month Education Incentive Pay.

10. Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. That eligible pay types are authorized by the City Council below for patrolmen and firefighters.

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.041 (c)(1) of the Texas Local Government Code.

2. Applicants for patrolmen positions who are hired after July 31, 2018 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a one-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.

3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the commensurate number of years of prior qualified service at their previous agency or agencies as of the last date applications are accepted.

    i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Department seniority for lateral patrolmen will begin on their most recent Civil Service hire date with the Sherman Police Department. Exception will be made for reappointed patrolmen in which seniority will include all time served as a paid Sherman Police Officer.

5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.

6. Longevity Pay: Sworn police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

(b) Seniority Pay – Lateral Entry (prior Fire Experience):

1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.

2. Applicants for firefighter positions who are hired after December 16, 2018 shall be eligible for Special Longevity pay for lateral entry if they have at least one (1) year of continuous service as a paid, full time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than a one (1) year break in service from the time the applicant left employment as a certified firefighter as of the date of hire.

3. Starting Pay: The starting pay for lateral firefighters will be determined based on the number of years of prior qualified service as of the date of hire.

   i. Lateral entry firefighter's starting pay will be determined based on the commensurate number of years of qualified service at their previous agency or agencies as of the date of hire.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers.

Departmental seniority for lateral entry firefighters will begin on their most recent Civil Service hire date with the Sherman Fire Department.

5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire Chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.

6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

7. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least one (1) year of prior qualified service will be increased to the commensurate number of years of service according to the Sherman Fire Department pay schedule.

SECTION 6. That detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes for Police Department polices, by the Fire Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

SECTION 7. 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.

PASSED AND APPROVED on this the 18th day of September 2023.

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

RESOLUTION NO

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING AND REPLACING RESOLUTION NO. 7044; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/ CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Resolution No. 7044, passed and approved on the 6th day of March, 2023, is hereby repealed.

SECTION 2. That, from and after the effective date of the 1st day of October 2023, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

FIRE DEPARTMENT CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY STEP PAY	TOTAL
FIREFIGHTER - *EMT*			
Entry	~~$5, 000.00~~ *$5,300.00*	N/A	~~$5,000.00~~ *$5,300.00*
1 Year	~~$5, 000.00~~ *$5,300.00*	~~$218.17~~ *$300.00*	~~$5,218.17~~ *$5,600.00*
2 Year	~~$5, 000.00~~ *$5,300.00*	~~$525.00~~ *$550.00*	~~$5,525.00~~ $5,850.00
3 Year	~~$5, 000.00~~ *$5,300.00*	~~$700.00~~ *$800.00*	~~$5,700.00~~ $6,100.00
4 Year	~~$5, 000.00~~ *$5,300.00*	~~$850.00~~ *$1,050.00*	~~$5,850.00~~ $6,350.00
5 Year	~~$5, 000.00~~ *$5,300.00*	~~$1,100.00~~ *$1,300.00*	~~$6,100.00~~ $6,600.00
FIREFIGHTER - Paramedic			
Entry (New)	*$5,700.00*	*N/A*	*$5,700.00*
1 Year (New)	*$5,700.00*	*$250.00*	*$5,950.00*
2 Year (New)	*$5,700.00*	*$550.00*	*$6,250.00*
3 Year (New)	*$5,700.00*	*$800.00*	*$6,500.00*
4 Year (New)	*$5,700.00*	*$1,000.00*	*$6,700.00*
5 Year (New)	*$5,700.00*	*$1,250.00*	*$6,950.00*
ENGINEER			
Entry	~~$6,450.00~~ *$7,300.00*	N/A	~~$6.450.00~~ *$7,300.00*
1 Year	~~$6,450.00~~ *$7,300.00*	~~$150.00~~ *$300.00*	~~$6,600.00~~ *$7,600.00*
2 Year	~~$6,450.00~~ *$7,300.00*	~~$275.00~~ *$500.00*	~~$6,725.00~~ *$7,800.00*

CAPTAIN Entry 1 Year *2 Year (New)*	~~$7,200.00~~ *$8,100.00* ~~$7,200.00~~ *$8,100.00* *$8,100.00*	N/A ~~$100.00~~ *$300.00* *$500.00*	~~$7,200.00~~ *$8,100.00* ~~$7,300.00~~ *$8,400.00* *$8,600.00*
BATTALION CHIEF Entry 1 Year *2 Year (New)*	~~$7,900.00~~ *$9,100.00* ~~*$7,900.00*~~ *$9,100.00* *$9,100.00*	N/A $200.00 *$400.00*	~~$7,900.00~~ *$9,100.00* ~~$8,100.00~~*$9,300.00* *$9,500.00*
DEPUTY CHIEF Entry 1 Year 2 Year	~~$9,700.00~~ *$10,500.00* ~~$9,700.00~~ *$10,500.00* ~~$9,700.00~~ *$10,500.00*	N/A ~~$150.00~~*$300.00* ~~$250.00~~ *$500.00*	~~$9,700.00~~ *$10,500.00* ~~$9,850.00~~ *$10,800.00* ~~$9,950.00~~ *$11,000.00*
POLICE DEPARTMENT CLASSIFICATION	**MONTHLY BASE SALARY**	**MONTHLY STEP PAY**	**TOTAL**
PATROLMAN Entry – Non-Certified 1 Year 2 Year 3 Year 4 Year 5 Year 6 Year 7 Year	~~$5,041.67~~*$5,850.00* ~~$5,041.67~~ *$5,875.00* ~~$5,041.67~~ *$5,875.00* ~~$5,041.67~~ *$5,875.00* ~~$5,041.67~~ *$5,875.00* ~~$5,041.67~~ *$5,875.00* ~~$5,041.67~~ *$5,875.00* ~~$5,041.67~~ *$5,875.00*	N/A ~~$225.00~~ *$200.00* ~~$408.33~~ *$375.00* ~~$625.00~~ *$650.00* ~~$833.33~~ *$900.00* ~~$1,125.00~~ *$1,150.00* ~~$1,375.00~~ *$1,425.00* ~~$1,541.66~~ *$1,750.00*	~~$5,041.67~~ *$5,875.00* ~~$5,266.67~~ *$6,075.00* ~~$5,450.00~~ *$6,250.00* ~~$5,666.67~~ *$6,525.00* ~~$5,875.00~~ *$6,775.00* ~~$6,166.67~~ *$7,025.00* ~~$6,416.67~~ *$7,200.00* ~~$6,583.33~~ *$7,625.00*
CORPORAL ~~Entry~~ 1 Year 2 Year ~~3 Year~~	~~$6,708.34~~ ~~$6,708.34~~ *$7,700.00* ~~$6,708.34~~ *$7,700.00* ~~$6,708.34~~	~~N/A~~ ~~$8.33~~ *N/A* ~~$208.33~~ *$200.00* ~~$374.99~~	~~$6,708.34~~ ~~$6,791.67~~ *$7,700.00* ~~$6,916.67~~ *$7,900.00* ~~$7,083.33~~
SERGEANT Entry 1 Year 2 Year 3 Year	~~$7,.208.34~~ *$8,000.00* ~~$7,.208.34~~ *$8,000.00* ~~$7,.208.34~~ *$8,000.00* ~~$7,.208.34~~ *$8,000.00*	N/A ~~$224.99~~ *$400.00* ~~$499.99~~ *$750.00* ~~$791.66~~ *$1,000.00*	~~$7,208.34~~ *$8,000.00* ~~$7,433.33~~ *$8,400.00* ~~$7,708.33~~ *$8,750.00* ~~$8,000.00~~ *$9,000.00*
LIEUTENANT Entry 1 Year 2 Year 3 Year	~~$8,125.00~~ *$9,250.00* ~~$8,125.00~~ *$9,250.00* ~~$8,125.00~~ *$9,250.00* ~~$8,125.00~~ *$9,250.00*	N/A ~~$183.33~~ *$250.00* ~~$372.50~~ *$500.00* ~~$558.33~~ *$850.00*	~~$8,125.00~~ *$9,250.00* ~~$8,308.33~~ *$9,500.00* ~~$8,497.50~~ *$9,750.00* ~~$8,683.33~~ *$10,100.00*
ASSISTANT CHIEF Entry 1 Year 2 Year 3 Year	~~$9,416.67~~ *$10,700.00* ~~$9,416.67~~ *$10,700.00* ~~$9,416.67~~ *$10,700.00* ~~$9,416.67~~ *$10,700.00*	N/A ~~$333.33~~ *$400.00* ~~$666.66~~ *$800.00* ~~$958.33~~ *$1,200.00*	~~$9,416.67~~ $10,700.00 ~~$9,750.00~~ *$11,100.00* ~~$10,83.33~~ *$11,500.00* ~~$10.375.00~~ *$11,900.00*

SECTION 3. That, from and after the effective date of the 1st day of October, 2023, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

(a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive $125.00 per month Incentive/Certification Pay.

(b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive $104.00 per month Incentive/Certification Pay.

(c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive $218.40 per month Incentive/Certification Pay.

(d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive $318.40 per month Incentive/Certification Pay.

(e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.

(f) All Certifications shall be kept current to receive Incentive/Certification Pay.

(g) Each employee who holds an associate degree from an accredited college or university shall receive $75.00 per month Education Incentive Pay.

(h) Each employee who holds a bachelor's degree from an accredited college or university shall receive $175.00 per month Education Incentive Pay.

(i) Each employee who holds a master's degree from an accredited college or university shall receive $250.00 per month Education Incentive Pay.

(j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2020, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

(a) Employees hired prior to October 1, 2020 shall adopt the following incentive/certification pay schedule:

1. Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive $75.00 per month Incentive/Certification Pay.

2. Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive $175.00 per month Incentive/Certification Pay.

3. Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive $275.00 per month Incentive/Certification Pay.

4. Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.

5. Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive $100.00 per month Incentive/Certification Pay.

6. All Certifications shall be kept current to receive Incentive/Certification Pay.

7. Each employee who holds an associate degree from an accredited college or university shall receive $100.00 per month Education Incentive Pay.

8. Each employee who holds a bachelor's degree from an accredited college or university shall receive $250.00 per month Education Incentive Pay.

9. Each employee who holds a master's degree from an accredited college or university shall receive $500.00 per month Education Incentive Pay.

10. Education Incentive Pay shall only be paid for the highest degree received.

(b) Employees hired after October 1, 2020 shall adopt the following incentive/certification pay schedule:

1. Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive $50.00 per month Incentive/Certification Pay.

2. Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive $100.00 per month Incentive/Certification Pay.

3. Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive $150.00 per month Incentive/Certification Pay.

4. Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.

5. Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive $100.00 per month Incentive/Certification Pay.

6. All Certifications shall be kept current to receive Incentive/Certification Pay.

7. Each employee who holds an associate degree from an accredited college or university shall receive $50.00 per month Education Incentive Pay.

8. Each employee who holds a bachelor's degree from an accredited college or university shall receive $100.00 per month Education Incentive Pay.

9. Each employee who holds a master's degree from an accredited college or university shall receive $200.00 per month Education Incentive Pay.

10. Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. That eligible pay types are authorized by the City Council below for patrolmen and firefighters.

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.041 (c)(1) of the Texas Local Government Code.

2. Applicants for patrolmen positions who are hired after July 31, 2018 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a one-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.

3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the commensurate number of years of prior qualified service at their previous agency or agencies as of the last date applications are accepted.

i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Department seniority for lateral patrolmen will begin on their most recent Civil Service hire date with the Sherman Police Department. Exception will be made for reappointed patrolmen in which seniority will include all time served as a paid Sherman Police Officer.

5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.

6. Longevity Pay: Sworn police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

(b) Seniority Pay – Lateral Entry (prior Fire Experience):

1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.

2. Applicants for firefighter positions who are hired after December 16, 2018 shall be eligible for Special Longevity pay for lateral entry if they have at least one (1) year of continuous service as a paid, full time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than a one (1) year break in service from the time the applicant left employment as a certified firefighter as of the date of hire.

3. Starting Pay: The starting pay for lateral firefighters will be determined based on the number of years of prior qualified service as of the date of hire.

i. Lateral entry firefighter's starting pay will be determined based on the commensurate number of years of qualified service at their previous agency or agencies as of the date of hire.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral entry firefighters will begin on their most recent Civil Service hire date with the Sherman Fire Department.

5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire Chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.

6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

7. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least one (1) year of prior qualified service will be increased to the commensurate number of years of service according to the Sherman Fire Department pay schedule.

SECTION 6. That detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes for Police Department polices, by the Fire Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

SECTION 7. 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.

PASSED AND APPROVED on this the _____ day of _____, 2023

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

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 12.**

Meeting Date: 09/18/2023

Prepared By: Tom Pruitt, Utility Engineer

Approved By: Robby Hefton, City Manager

Caption:

**** RESOLUTION NO. 7166***

Approving the Greater Texoma Utility Authority's Intention to Award Bid Package #3 to Elliot Electric Supply for the Wastewater Treatment Plant Electrical Distribution & Generator

Issue:

Approving the Greater Texoma Utility Authority's Intention to Award Bid Package #3 to Elliot Electric Supply for the Wastewater Treatment Plant Electrical Distribution & Generator

Background:

For pre-procurement for 16 pad mounted transformers necessary for the existing Post Oak Wastewater Treatment Plant (Post Oak WWTP) and the proposed new South MBR Plant needed to connect the medium voltage (15 KV) to low voltage system to the wastewater treatment plant components.

Origination:

Wastewater Treatment Plant

Financial Consideration:

Funding for this project is provided through the Greater Texoma Utility Authority 2023 and 2023A Open Market bonds.

Staff Recommendation:

It is recommended that the City Council approve GTUA’s intention to award Bid Package #3 to Elliot Electric Supply for the Wastewater Treatment Plant Electrical Distribution & Generator.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 7166
Recommend Award Letter
Bid Tabulation
Site Map
Ad for Bids

RESOLUTION NO. 7166

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO AWARD THE BID PACKAGE #3 TO ELLIOT ELECTRIC SUPPLY FOR THE WASTEWATER TREATMENT PLANT ELECTRICAL DISTRIBUTION & GENERATOR; 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 of Sherman hereby approves the Greater Texoma Utility Authority's intention to award the Bid Package #3 (BP#3) to Elliot Electric Supply in the amount of One Million Two Hundred Eighty-Eight Thousand Five Hundred Fifteen Dollars and Zero Cents ($1,288,515.00) for the Wastewater Treatment Plant Electrical Distribution & Generator.

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 18th day of September 2023.

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

PLUMMER

1422-003-01

September 12, 2023

Mr. Tom Pruitt, P.E.
Utility Engineer
City of Sherman
220 W Mulberry St.
Sherman, TX 75091

Re: City of Sherman/ Greater Texoma Utility Authority
Post Oak Wastewater Treatment Plant
Emergency Backup Generator and Paralleling Switchgear Equipment Pre-Procurement
Public Works #1514-U, Bid Number 2023-16
Bid Package 3A, 3B: Pad Mount Transformers
Recommendation of Award

Dear Mr. Pruitt,

On Wednesday, August 28, 2023, four bids were received, opened, and publicly read aloud at the office of Engineering at City Hall, City of Sherman for the above-referenced project. The bids were as follows:

Bidder	Bid Item 3A	Bid Item 3B	Total Bid
Alterman Electric, Inc	$1,226,000.00	$520,700.00	$1,746,700.00
Elliott Electric Supply, Inc.	$859,121.00	$429,394.00	$1,288,515.00
MM&I, Inc.	$1,850,000.00	$700,000.00	$2,550,000.00
The Reynolds Company	$1,033,700.00	$528,700.00	$1,562,400.00

Alterman Electric was the apparent low bidder with a Total Bid of $1,288,515.00.

We have reviewed their bid. A bid bond was provided, addendums acknowledged, and preliminary bill of material is in compliance with contract documents.

Since it appears to be in order and in accordance with the Agreement with City of Sherman and funding through the Greater Texoma Utility Authority, we recommend awarding the Total Bid to Elliott Electric Supply, Inc. in the amount of $1,288,515.00.

Please call me if you have any questions. We look forward to working with you during the construction of this project.

Sincerely,
PLUMMER ASSOCIATES, INC.

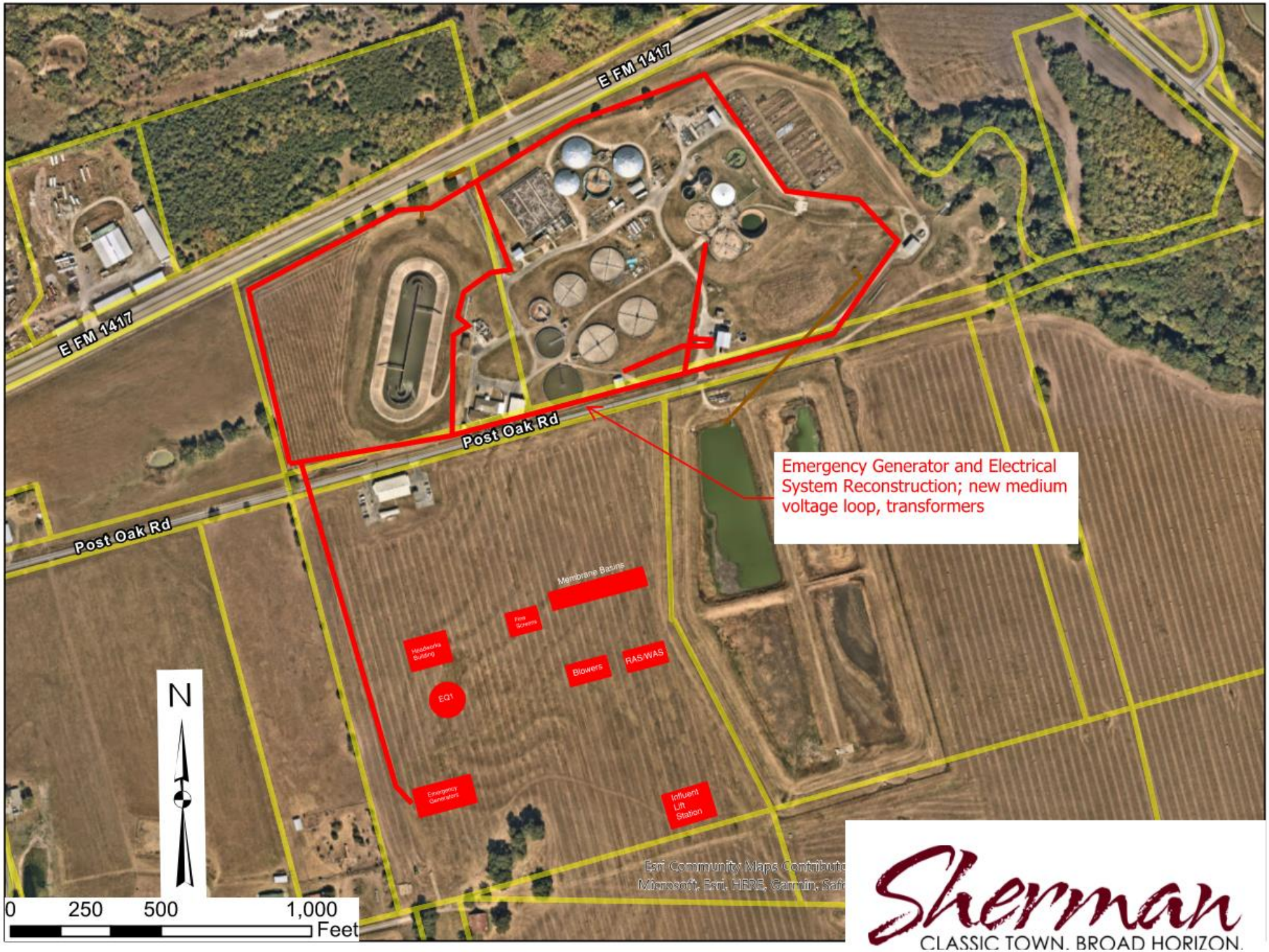
Patrick Moseley, P.E.

1320 South University Drive
Suite 300
Fort Worth, TX 76107
Phone: 817.806.1700
Fax: 817.870.2536
plummer.com
TBPE Firm No. 13

	Alterman	Elliott Electric Supply	Reynolds Company	McDonald Municipal & Industial
1A - Parelling Switchgear	$2,752,400			$2,800,000
1B - North Plant Generators	$1,379,100			$1,400,000
1C - South Plant Generator	$1,877,400			$2,081,969
Total	$6,008,900			$6,281,969

2A - North Plant Pad Mount Switches	$1,640,400	$1,436,262	$877,426	$1,676,000
2B - South Plant Pad Mount Switches	$464,500	$376,502	$230,131	$444,500
Total	$2,104,900	$1,812,764	$1,107,557	$2,120,500

3A - North Plant Transformers	$1,226,000	$859,121	$1,033,700	$1,850,000
3B - South Plant Transformers	$520,700	$429,394	$528,700	$700,000
Total	$1,746,700	$1,288,515	$1,562,400	$2,550,000


E FM 1417
E FM 1417
Post Oak Rd
Post Oak Rd
Emergency Generator and Electrical System Reconstruction; new medium voltage loop, transformers
Membrane Basins
Fine Screens
Headworks Building
Blowers
RAS/WAS
EQ1
Emergency Generators
Influent Lift Station
N
0
250
500
1,000
Feet
Esri Community Maps Contributo
Microsoft, Esri, HERE, Garmin, Safe
Sherman
CLASSIC TOWN. BROAD HORIZON.

ADVERTISEMENT FOR BIDS

The City of Sherman, Texas, is accepting sealed bids for the Post Oak Wastewater Treatment Plant - Emergency Backup Generator & Paralleling Switchgear Equipment Preprocurement in the City of Sherman, Texas, hereinafter called "City" or "Owner," in accordance with specifications and Contract Documents prepared by the City of Sherman. Sealed bids must be received at the office of City Engineering, City Hall, 220 W. Mulberry Street, Sherman, Texas no later than **2:00 p.m. on Wednesday, August 30, 2023**. Bids received on or before this deadline will be opened and read aloud. Any bids received after the deadline will be rejected as non-responsive.

This project consists of supplying backup generators, 15kV paralleling switchgear, and transformers, in accordance with the plans and specifications.

Each respondent shall identify its bid on the outside of the envelope by writing the words:

Enclosed Bid
Post Oak Wastewater Treatment Plant - Emergency Backup Generator & Paralleling Switchgear Equipment Preprocurement
For the
CITY OF SHERMAN, TEXAS
PUBLIC WORKS # 1514-U
Bid Number 2023-16
July 2023

Bids shall be accompanied by a cashier's check or certified check from a national or state bank in an amount not less than five percent (5%) of the total maximum bid price, payable without recourse to the City, or an original bid bond in the same amount from a surety company licensed by the State of Texas to act as a Surety and listed on the current U.S. Treasury Listing of Approved Sureties, or a Binder of Insurance executed by a surety company licensed by the State of Texas to act as a surety or its authorized agent as a guarantee that the respondent will enter into a contract and execute a Performance Bond within ten (10) days after notice of award of contract to respondent.

Plans, specifications and Contract Documents will be available at www.CivCastUSA.com. Bidders must register on this website in order to view and/or download specifications and plans for this project. There is NO charge to view or download documents. Respondents shall give contact information whether physical plans or digital plans are requested.

The City reserves the right to reject any and all bids and responses and to waive any informality in bids and responses received, as deemed to be in the best interest of the City.

The Respondent must supply all the information required herein. The City is not responsible for bids or responses labeled incorrectly or misdirected. By responding to this request, the respondent agrees to perform in accordance with the terms and conditions set forth herein and any resulting contract in the event that the respondent is selected for contract award.

The successful respondent shall furnish to the City upon notice of award a performance bond and a labor and material payment bond in conformance with statutory requirements. All bonds shall be submitted by a surety company specifically approved in writing from the City holding a permit from the State of Texas to act as a surety, or other sureties acceptable to the City. Said bonds should be issued by a company carrying a current Best Rating of "A" or better. The name of the surety company shall be clearly written on the exterior of the sealed bid. The City may consider informal any bid submitted where the bonding company has not been specifically approved in writing.

If there are any questions concerning the specifications, or other bid documents or any part thereof, questions must be submitted through the www.CivCastUSA.com Q&A portal. Questions must be received at least 7 calendar days prior to the bid deadline.

A Pre-Bid Conference will be held Tuesday, August 22, 2023, at 10:00 a.m. in the Wastewater Treatment Plant Conference Room at 288 Post Oak Rd, Sherman, TX 75090, Sherman, Texas 75090. This conference is for informational purposes only. Answers furnished will not be official until verified in writing by the City. Answers that change or substantially clarify the Advertisement for Bids will be affirmed in writing. Attendance at the pre-submittal conference is strongly recommended, as it may be the only opportunity to review the scope of work with the City. Failure to attend will not be cause for lack of knowledge of the project.

Bids received by the deadline will be publicly opened and respondent names will be read aloud at City Hall, 220 W. Mulberry Street, Sherman, Texas 75090, five minutes after the specified time for delivery.

Dated August 6, 2023, and August 14, 2023

CITY OF SHERMAN, TEXAS

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 13.**

Meeting Date: 09/18/2023

Prepared By: Tom Pruitt, Utility Engineer

Approved By: Robby Hefton, City Manager

Caption:

**** RESOLUTION NO. 7167***

Approving the Greater Texoma Utility Authority's Intention to Award Bid Package #2 to Elliot Electric Supply Wastewater Treatment Plant Electrical Distribution & Generator

Issue:

Approving the Greater Texoma Utility Authority's (GTUA) Intention to Award Bid Package #2 to Elliot Electric Supply for the Wastewater Treatment Plant Electrical Distribution & Generator

Background:

For pre-procurement for 8 medium voltage (15KV) pad mounted switchgear necessary for the existing Post Oak Wastewater Treatment Plant (Post Oak WWTP) and also switchgear needed to connect the power distribution system to the wastewater treatment plant transformers.

Origination:

Wastewater Treatment Plant

Financial Consideration:

Funding is made available through the Greater Texoma Utility Authority 2023 and 2023A Open Market Bonds

Staff Recommendation:

It is recommended that the City Council approve GTUA's intention to award Bid Package #2 to Elliot Electric Supply for the Wastewater Treatment Plant Electrical Distribution & Generator.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 7167
Recommend Award Letter
Bid Tabulation
Site Map
Ad for Bids

RESOLUTION NO. 7167

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO AWARD THE BID PACKAGE #2 TO ELLIOT ELECTRIC SUPPLY FOR THE WASTEWATER TREATMENT PLANT ELECTRICAL DISTRIBUTION & GENERATOR; 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 of Sherman hereby approves the Greater Texoma Utility Authority's intention to award the Bid Package #2 (BP#2) to Elliot Electric Supply in the amount of One Million Eight Hundred Twelve Thousand Seven Hundred Sixty-Four Dollars and Zero Cents ($1,812,764.00) for the Wastewater Treatment Plant Electrical Distribution & Generator.

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 18th day of September 2023.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____ **BY:** _____

LINDA ASHBY, CITY CLERK **DAVID PLYLER, MAYOR**

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

BY: _____

RYAN D. PITMANN, CITY ATTORNEY

PLUMMER

1422-003-01

September 12, 2023

Mr. Tom Pruitt, P.E.
Utility Engineer
City of Sherman
220 W Mulberry St.
Sherman, TX 75091

Re: City of Sherman/ Greater Texoma Utility Authority
Post Oak Wastewater Treatment Plant
Emergency Backup Generator and Paralleling Switchgear Equipment Pre-Procurement
Public Works #1514-U, Bid Number 2023-16
Bid Package 2A, 2B: Pad Mount Switchgear
Recommendation of Award

Dear Mr. Pruitt,

On Wednesday, August 28, 2023, four bids were received, opened, and publicly read aloud at the office of Engineering at City Hall, City of Sherman for the above-referenced project. The bids were as follows:

Bidder	Bid Item 2A	Bid Item 2B	Total Bid
Alterman Electric, Inc	$1,640,400.00	$464,500.00	$2,104,900.00
Elliott Electric Supply, Inc.	$1,436,262.00	$376,502.00	$1,812,762.00
MM&I, Inc.	$1,676,000.00	$444,500.00	$2,120,500.00
The Reynolds Company	$877,426.00	$230,131.00	$1,107,577.00

The Reynolds Company. was the apparent low bidder with a Total Bid of $1,107,577.00.

We have reviewed their bid. A bid bond was provided, addendums acknowledged, however in review of their preliminary bill of material it was determined that the equipment to be provided was not in compliance with contract documents. The equipment to be supplied was required to be fully automatic and SCADA ready. These features are critical in safe operation of the 15KV switches in a loop feed arrangement. Plummer had conversations with The Reynolds Company and there was agreement to this fact. The Reynolds Company requested the opportunity to revise their bid or have it withdrawn.

Plummer reviewed the bid of the next apparent low bidder of Elliott Electric Supply, Inc. A bid bond was provided, addendums acknowledged, and preliminary bill of material is in compliance with contract documents.

1320 South University Drive
Suite 300
Fort Worth, TX 76107
Phone: 817.806.1700
Fax: 817.870.2536
plummer.com
TBPE Firm No. 13

Since it appears to be in order and in accordance with the Agreement with City of Sherman and funding through the Greater Texoma Utility Authority, we recommend awarding the Total Bid to Elliott Electric Supply, Inc. in the amount of $1,812,762.00.

Please call me if you have any questions. We look forward to working with you during the construction of this project.

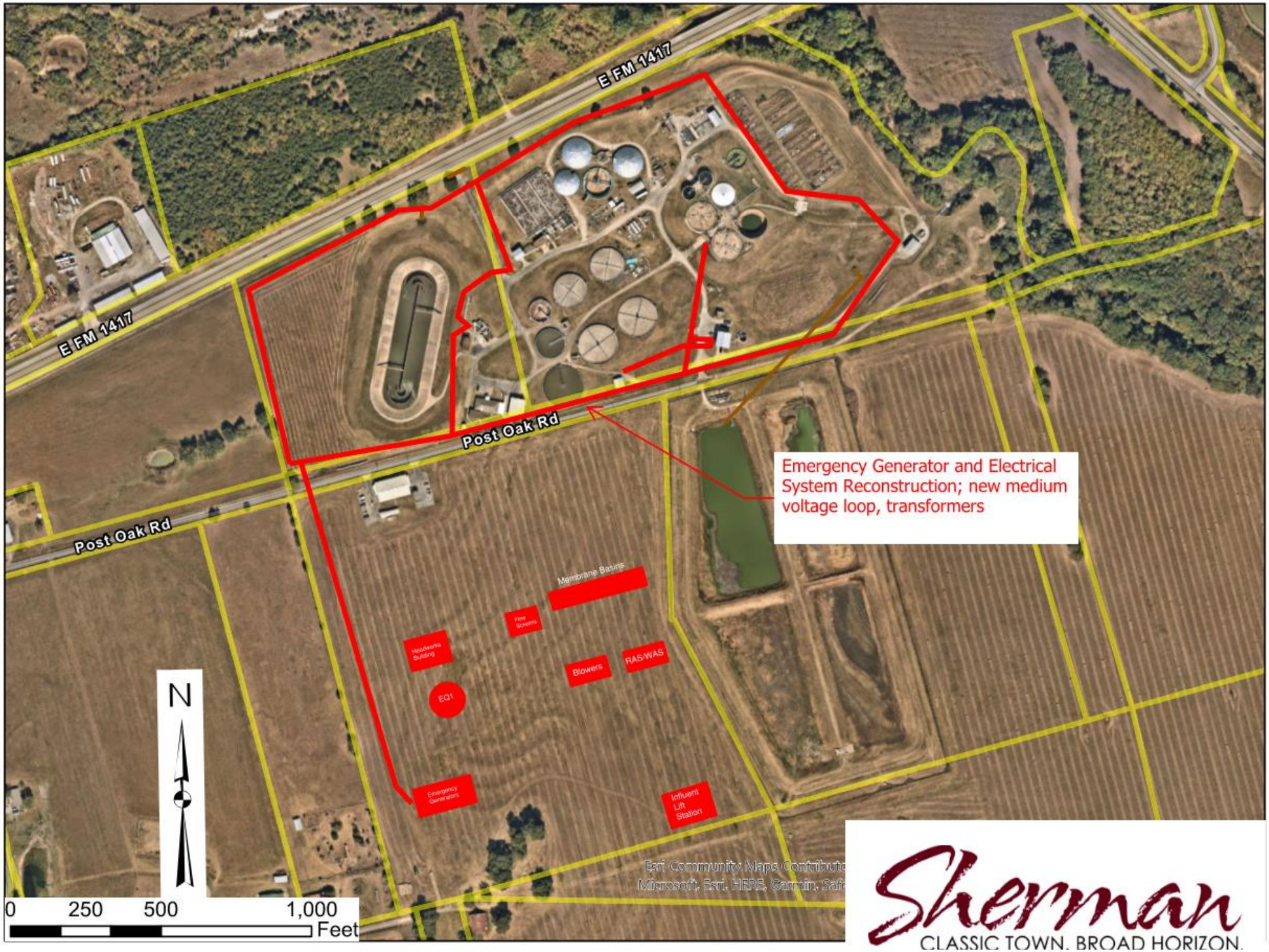
Sincerely,
PLUMMER ASSOCIATES, INC.

Patrick Moseley, P.E.

	Alterman	Elliott Electric Supply	Reynolds Company	McDonald Municipal & Industial
1A - Parelling Switchgear	$2,752,400			$2,800,000
1B - North Plant Generators	$1,379,100			$1,400,000
1C - South Plant Generator	$1,877,400			$2,081,969
Total	$6,008,900			$6,281,969

2A - North Plant Pad Mount Switches	$1,640,400	$1,436,262	$877,426	$1,676,000
2B - South Plant Pad Mount Switches	$464,500	$376,502	$230,131	$444,500
Total	$2,104,900	$1,812,764	$1,107,557	$2,120,500

3A - North Plant Transformers	$1,226,000	$859,121	$1,033,700	$1,850,000
3B - South Plant Transformers	$520,700	$429,394	$528,700	$700,000
Total	$1,746,700	$1,288,515	$1,562,400	$2,550,000


E FM 1417
E FM 1417
Post Oak Rd
Post Oak Rd
Emergency Generator and Electrical System Reconstruction; new medium voltage loop, transformers
Membrane Basins
Fine Screens
Headworks Building
Blowers
RAS/WAS
EQ1
Emergency Generators
Influent Lift Station
N
0
250
500
1,000
Feet
Esri Community Maps Contributo
Microsoft, Esri, HERE, Garmin, Safe
Sherman
CLASSIC TOWN. BROAD HORIZON.

ADVERTISEMENT FOR BIDS

The City of Sherman, Texas, is accepting sealed bids for the Post Oak Wastewater Treatment Plant - Emergency Backup Generator & Paralleling Switchgear Equipment Preprocurement in the City of Sherman, Texas, hereinafter called "City" or "Owner," in accordance with specifications and Contract Documents prepared by the City of Sherman. Sealed bids must be received at the office of City Engineering, City Hall, 220 W. Mulberry Street, Sherman, Texas no later than **2:00 p.m. on Wednesday, August 30, 2023**. Bids received on or before this deadline will be opened and read aloud. Any bids received after the deadline will be rejected as non-responsive.

This project consists of supplying backup generators, 15kV paralleling switchgear, and transformers, in accordance with the plans and specifications.

Each respondent shall identify its bid on the outside of the envelope by writing the words:

Enclosed Bid
Post Oak Wastewater Treatment Plant - Emergency Backup Generator & Paralleling Switchgear Equipment Preprocurement
For the
CITY OF SHERMAN, TEXAS
PUBLIC WORKS # 1514-U
Bid Number 2023-16
July 2023

Bids shall be accompanied by a cashier's check or certified check from a national or state bank in an amount not less than five percent (5%) of the total maximum bid price, payable without recourse to the City, or an original bid bond in the same amount from a surety company licensed by the State of Texas to act as a Surety and listed on the current U.S. Treasury Listing of Approved Sureties, or a Binder of Insurance executed by a surety company licensed by the State of Texas to act as a surety or its authorized agent as a guarantee that the respondent will enter into a contract and execute a Performance Bond within ten (10) days after notice of award of contract to respondent.

Plans, specifications and Contract Documents will be available at www.CivCastUSA.com. Bidders must register on this website in order to view and/or download specifications and plans for this project. There is NO charge to view or download documents. Respondents shall give contact information whether physical plans or digital plans are requested.

The City reserves the right to reject any and all bids and responses and to waive any informality in bids and responses received, as deemed to be in the best interest of the City.

The Respondent must supply all the information required herein. The City is not responsible for bids or responses labeled incorrectly or misdirected. By responding to this request, the respondent agrees to perform in accordance with the terms and conditions set forth herein and any resulting contract in the event that the respondent is selected for contract award.

The successful respondent shall furnish to the City upon notice of award a performance bond and a labor and material payment bond in conformance with statutory requirements. All bonds shall be submitted by a surety company specifically approved in writing from the City holding a permit from the State of Texas to act as a surety, or other sureties acceptable to the City. Said bonds should be issued by a company carrying a current Best Rating of "A" or better. The name of the surety company shall be clearly written on the exterior of the sealed bid. The City may consider informal any bid submitted where the bonding company has not been specifically approved in writing.

If there are any questions concerning the specifications, or other bid documents or any part thereof, questions must be submitted through the www.CivCastUSA.com Q&A portal. Questions must be received at least 7 calendar days prior to the bid deadline.

A Pre-Bid Conference will be held Tuesday, August 22, 2023, at 10:00 a.m. in the Wastewater Treatment Plant Conference Room at 288 Post Oak Rd, Sherman, TX 75090, Sherman, Texas 75090. This conference is for informational purposes only. Answers furnished will not be official until verified in writing by the City. Answers that change or substantially clarify the Advertisement for Bids will be affirmed in writing. Attendance at the pre-submittal conference is strongly recommended, as it may be the only opportunity to review the scope of work with the City. Failure to attend will not be cause for lack of knowledge of the project.

Bids received by the deadline will be publicly opened and respondent names will be read aloud at City Hall, 220 W. Mulberry Street, Sherman, Texas 75090, five minutes after the specified time for delivery.

Dated August 6, 2023, and August 14, 2023

CITY OF SHERMAN, TEXAS

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 14.**

Meeting Date: 09/18/2023
Prepared By: Tom Pruitt, Utility Engineer
Approved By: Robby Hefton, City Manager

Caption:

**** RESOLUTION NO. 7168***

Approving the Greater Texoma Utility Authority's Intention to Award Bid Package #1 to Alterman Electric for the Wastewater Treatment Plant Electrical Distribution & Generator

Issue:

Approving the Greater Texoma Utility Authority's (GTUA) Intention to Award Bid Package #1 to Alterman Electric for the Wastewater Treatment Plant Electrical Distribution & Generator

Background:

Material pre-procurement to provide generator(s) as required to provide emergency backup power for the existing Post Oak Wastewater Treatment Plant (Post Oak WWTP) and also necessary switchgear needed to connect the emergency generators to the existing Oncor overhead medium-voltage (15 KV) power lines.

Origination:

Wastewater Treatment Plant

Financial Consideration:

Funds for these projects will come from the 2023 and 2023A GTUA Open Market Bonds.

Staff Recommendation:

It is recommended that the City Council approve GTUA’s intention to award Bid Package #1 to Alterman Electric for the Wastewater Treatment Plant Electrical Distribution & Generator

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 7168
Recommend Award Letter
Bid Tabulation
Site Map
Ad for Bids

RESOLUTION NO. 7168

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO AWARD THE BID PACKAGE #1 TO ALTERMAN ELECTRIC FOR THE WASTEWATER TREATMENT PLANT ELECTRICAL DISTRIBUTION & GENERATOR; 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 of Sherman hereby approves the Greater Texoma Utility Authority's intention to award the Bid Package #1 (BP#1) to Alterman in the amount of Six Million Eight Thousand Nine Hundred Dollars and Zero Cents ($6,008,900.00) for the Wastewater Treatment Plant Electrical Distribution & Generator.

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 18th day of September 2023.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____ **BY:** _____

LINDA ASHBY, CITY CLERK **DAVID PLYLER, MAYOR**

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

BY: _____

RYAN D. PITMANN, CITY ATTORNEY

PLUMMER

1422-003-01

September 12, 2023

Mr. Tom Pruitt, P.E.
Utility Engineer
City of Sherman
220 W Mulberry St.
Sherman, TX 75091

Re: City of Sherman/ Greater Texoma Utility Authority
Post Oak Wastewater Treatment Plant
Emergency Backup Generator and Paralleling Switchgear Equipment Pre-Procurement
Public Works #1514-U, Bid Number 2023-16
Bid Package 1A, 1B, 1C: Generator and Paralleling Switchgear
Recommendation of Award

Dear Mr. Pruitt,

On Wednesday, August 28, 2023, two bids were received, opened, and publicly read aloud at the office of Engineering at City Hall, City of Sherman for the above-referenced project. The bids were as follows:

Bidder	Bid Item 1A	Bid Item 1B	Bid Item 1C	Total Bid
Alterman Electric, Inc	$2,752,400.00	$1,379,100.00	$1,877,400.00	$6,008,900.00
MM&I, Inc.	$2,800,000.00	$1,400,000.00	$2,081,969.00	$6,281,969.00

Alterman Electric was the apparent low bidder with a Total Bid of $6,008,900.00.

We have reviewed their bid. A bid bond was provided, and addendums acknowledged.

Since it appears to be in order and in accordance with the Agreement with City of Sherman and funding through the Greater Texoma Utility Authority, we recommend awarding the Total Bid to Alterman Electric, Inc. in the amount of $6,008,900.00.

Please call me if you have any questions. We look forward to working with you during the construction of this project.

Sincerely,
PLUMMER ASSOCIATES, INC.

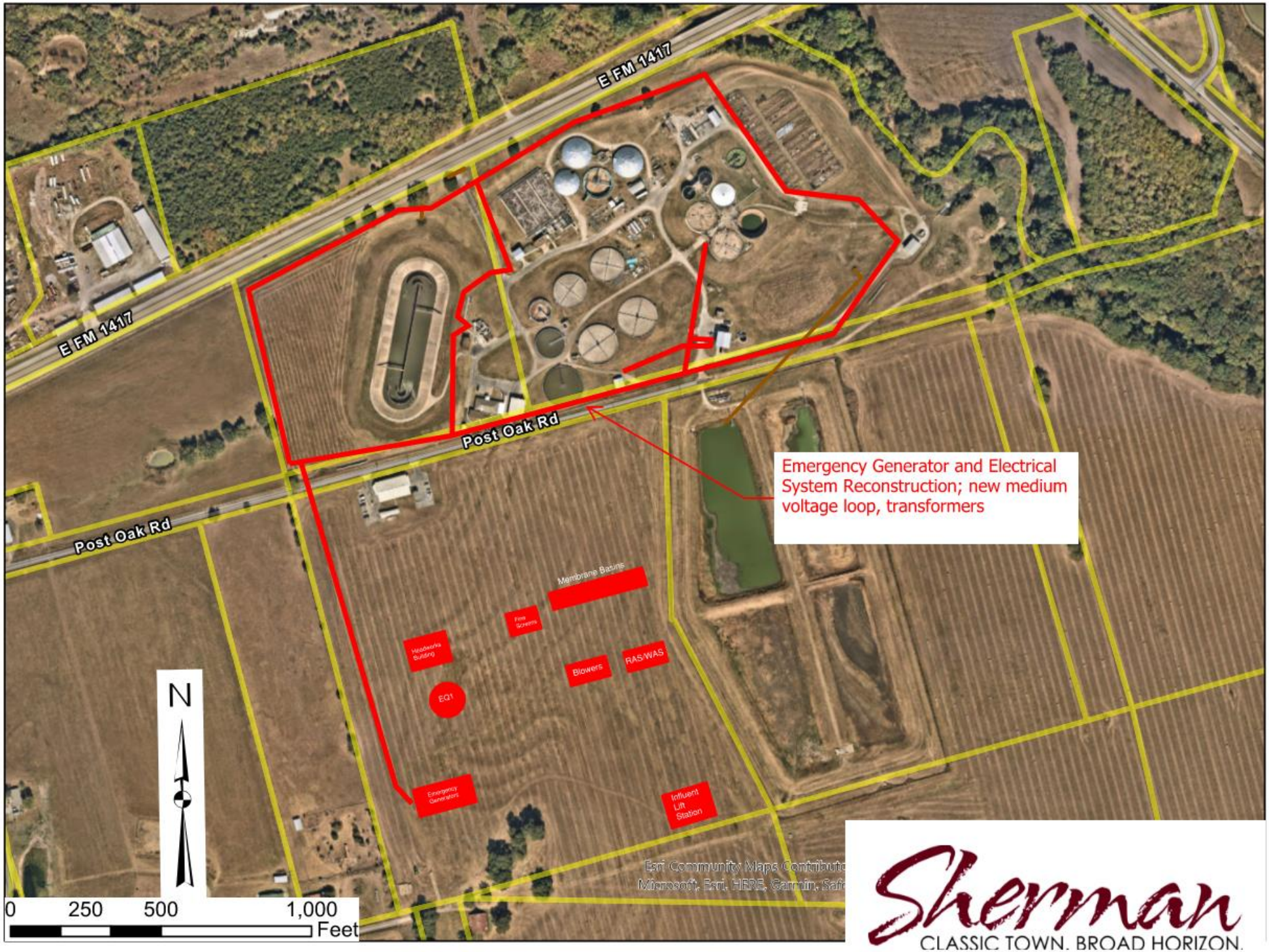
Patrick Moseley, P.E.

1320 South University Drive
Suite 300
Fort Worth, TX 76107
Phone: 817.806.1700
Fax: 817.870.2536
plummer.com
TBPE Firm No. 13

	Alterman	Elliott Electric Supply	Reynolds Company	McDonald Municipal & Industial
1A - Parelling Switchgear	$2,752,400			$2,800,000
1B - North Plant Generators	$1,379,100			$1,400,000
1C - South Plant Generator	$1,877,400			$2,081,969
Total	$6,008,900			$6,281,969

2A - North Plant Pad Mount Switches	$1,640,400	$1,436,262	$877,426	$1,676,000
2B - South Plant Pad Mount Switches	$464,500	$376,502	$230,131	$444,500
Total	$2,104,900	$1,812,764	$1,107,557	$2,120,500

3A - North Plant Transformers	$1,226,000	$859,121	$1,033,700	$1,850,000
3B - South Plant Transformers	$520,700	$429,394	$528,700	$700,000
Total	$1,746,700	$1,288,515	$1,562,400	$2,550,000


E FM 1417
E FM 1417
Post Oak Rd
Post Oak Rd
Emergency Generator and Electrical System Reconstruction; new medium voltage loop, transformers
Membrane Basins
Fine Screens
Headworks Building
Blowers
RAS/WAS
EQ1
Emergency Generators
Influent Lift Station
N
0
250
500
1,000
Feet
Esri Community Maps Contributo
Microsoft, Esri, HERE, Garmin, Safe
Sherman
CLASSIC TOWN. BROAD HORIZON.

ADVERTISEMENT FOR BIDS

The City of Sherman, Texas, is accepting sealed bids for the Post Oak Wastewater Treatment Plant - Emergency Backup Generator & Paralleling Switchgear Equipment Preprocurement in the City of Sherman, Texas, hereinafter called "City" or "Owner," in accordance with specifications and Contract Documents prepared by the City of Sherman. Sealed bids must be received at the office of City Engineering, City Hall, 220 W. Mulberry Street, Sherman, Texas no later than **2:00 p.m. on Wednesday, August 30, 2023**. Bids received on or before this deadline will be opened and read aloud. Any bids received after the deadline will be rejected as non-responsive.

This project consists of supplying backup generators, 15kV paralleling switchgear, and transformers, in accordance with the plans and specifications.

Each respondent shall identify its bid on the outside of the envelope by writing the words:

Enclosed Bid
Post Oak Wastewater Treatment Plant - Emergency Backup Generator & Paralleling Switchgear Equipment Preprocurement
For the
CITY OF SHERMAN, TEXAS
PUBLIC WORKS # 1514-U
Bid Number 2023-16
July 2023

Bids shall be accompanied by a cashier's check or certified check from a national or state bank in an amount not less than five percent (5%) of the total maximum bid price, payable without recourse to the City, or an original bid bond in the same amount from a surety company licensed by the State of Texas to act as a Surety and listed on the current U.S. Treasury Listing of Approved Sureties, or a Binder of Insurance executed by a surety company licensed by the State of Texas to act as a surety or its authorized agent as a guarantee that the respondent will enter into a contract and execute a Performance Bond within ten (10) days after notice of award of contract to respondent.

Plans, specifications and Contract Documents will be available at www.CivCastUSA.com. Bidders must register on this website in order to view and/or download specifications and plans for this project. There is NO charge to view or download documents. Respondents shall give contact information whether physical plans or digital plans are requested.

The City reserves the right to reject any and all bids and responses and to waive any informality in bids and responses received, as deemed to be in the best interest of the City.

The Respondent must supply all the information required herein. The City is not responsible for bids or responses labeled incorrectly or misdirected. By responding to this request, the respondent agrees to perform in accordance with the terms and conditions set forth herein and any resulting contract in the event that the respondent is selected for contract award.

The successful respondent shall furnish to the City upon notice of award a performance bond and a labor and material payment bond in conformance with statutory requirements. All bonds shall be submitted by a surety company specifically approved in writing from the City holding a permit from the State of Texas to act as a surety, or other sureties acceptable to the City. Said bonds should be issued by a company carrying a current Best Rating of "A" or better. The name of the surety company shall be clearly written on the exterior of the sealed bid. The City may consider informal any bid submitted where the bonding company has not been specifically approved in writing.

If there are any questions concerning the specifications, or other bid documents or any part thereof, questions must be submitted through the www.CivCastUSA.com Q&A portal. Questions must be received at least 7 calendar days prior to the bid deadline.

A Pre-Bid Conference will be held Tuesday, August 22, 2023, at 10:00 a.m. in the Wastewater Treatment Plant Conference Room at 288 Post Oak Rd, Sherman, TX 75090, Sherman, Texas 75090. This conference is for informational purposes only. Answers furnished will not be official until verified in writing by the City. Answers that change or substantially clarify the Advertisement for Bids will be affirmed in writing. Attendance at the pre-submittal conference is strongly recommended, as it may be the only opportunity to review the scope of work with the City. Failure to attend will not be cause for lack of knowledge of the project.

Bids received by the deadline will be publicly opened and respondent names will be read aloud at City Hall, 220 W. Mulberry Street, Sherman, Texas 75090, five minutes after the specified time for delivery.

Dated August 6, 2023, and August 14, 2023

CITY OF SHERMAN, TEXAS

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 15.**

Meeting Date: 09/18/2023

Prepared By: Clint Philpott, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

**** RESOLUTION NO. 7169***

Approving the Greater Texoma Utility Authority's Intention to Award Bid Package 2 Meters and Gauges to Vector Controls, LLC for the Water Treatment Plant - EDR Rehabilitation

Issue:

Approving the Greater Texoma Utility Authority's (GTUA) Intention to Award Bid Package #2 for the Water Treatment Plant EDR Rehabilitation Project

Background:

On August 2, 2023, Bid Package #2 for materials was advertised for proposals to be pre-procured for the EDR Rehabilitation project. This package includes needed meters and gauges for the EDR Rehabilitation Project. One proposal was received on August 31, 2023. The City staff are comfortable supporting GTUA's acceptance of their proposal for $161,957.16.

Origination:

Water Treatment Plant

Financial Consideration:

Funding is made available through the Greater Texoma Utility Authority 2023 and 2023A Open Market Bonds.

Staff Recommendation:

It is recommended that the City Council approve GTUA’s intention to award Bid Package #2 for the Water Treatment Plant EDR Rehabilitation project.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 7169
Recommendation
Bid Tab
Location Map

RESOLUTION NO. 7169

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO AWARD THE BID PACKAGE 2 METER AND GAUGES TO VECTOR CONTROLS, LLC FOR THE WATER TREATMENT PLANT – EDR REHABILITATION; 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 of Sherman hereby approves the Greater Texoma Utility Authority's intention to award the Bid Package 2 (BP-2) to Vector Controls, LLC in the amount of One Hundred Sixty-One Thousand Nine Hundred Fifty-Seven Dollars and Sixteen Cents ($161,957.16) for the Water Treatment Plant – EDR Rehabilitation Project.

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 18th day of September 2023.

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

PAPE-DAWSON ENGINEERS

September 8, 2023

GTUA/City of Sherman
220 W Mulberry St.
P.O. Box 1106
Sherman, TX 75091
(903) 892-7208

Re: EDR Rehab. BP-2 Meters, Gauges and Flowmeters

Dear GTUA/City of Sherman:

Request for Competitive Sealed Proposals "CSP" for the EDR Rehab. Project was received by the City of Sherman on August 31, 2023, from the proposer listed below. The program management team has reviewed and evaluated the CSP and made the following recommendation:

1) Vector Controls, LLC score 76/100

We recommend the award of the contract to Vector Controls, LLC., and that contract negotiations begin immediately to align contract terms and conditions, cost, quality, and schedule strategies listed in the proposal.

Sincerely,

Toby Flinn, PE
Vice President

Enclosures
1. Evaluation Tabulation of Scores

Greater Texoma Utility Authority- On Behalf of City of Sherman Major Infrastructure Improvements Program
Offeror Selection Worksheet
Tabulation of Scoring
EDR Rehab. BP- 2 Meters, Guages and Flowmeters

Vector Controls

Criteria	Criteria	Points	CMI M. Dwaynie
A	Compliance with Proposal submission requirements	5.0	4.0
B	Ability to Provide Bonds and Insurance	Pass/Fail	pass
C	Proposal Price	45	40.0
D	Ability to Meet Project Milestones	25	20.0
E	Qualifications	15	7.0
F	Similar Project Experience / Past Performance	10	5.0
Total Points		**100.0**	**76.00**

EXHIBIT A

00 41 13 .01 BID FORM Rev. 1

City of Sherman - Major Infrastructure Improvements Program
WTP EDR Rehabilitation
BP-2 Meters and Gauges
Basis of Offer

Item No.	Description	Size	Unit	Quantity	Unit Price	Extended Amount	Required Delivery date	Guaranteed Delivery Date for Equipment
1	**Deltabar M (PMD55-AA21BD67LGFHAJA1J+LR) Description:** Non-hazardous area, 2 Output: 4-20mA HART, NSF approved, LCD, push button on display/electronics, Housing: F30 Alu, glass window, Electrical Connection: Thread NPT1/2, IP66/67 NEMA4X/6P, Nominal Pressure PN: 70bar/7MPa/1015psi, Sensor Nominal Value: 16bar/1.6MPa/240psi, Process Connection: NPT1/4-18 IEC61518 UNF7/16-20, 316L, V1 Installation impulse line vertical Alignment 90deg, Membrane Material: 316L, Fill Fluid: Silicone oil Seal: PTFE,	N/A	ea.	8	1,515.59	12,124.72	12/11/2023	12/31/2023
2	**Liquilin CM444R, CM444R-1239 (CM444R-AAM41A3F01) Description:** Non-hazardous area, Sensor Input: 4x digital sensor, Digital Communication: HART, Analogue Output: 4x 0/4...20mA , Power Supply: 100...230VAC (50/60Hz), external, DIN rail mounting	N/A	ea.	4	4,353.29	17,413.16	12/11/2023	12/31/2023
3	**Cerabar M (PMP51-AA21JD1SGFRLJA1+LR) Description:** Non-hazardous area, Output: 4-20mA HART , NSF approved, LCD, push button on display/electronics, Housing: F31 Alu, glass window, Electrical Connection: Thread NPT1/2, IP66/68 NEMA4X/6P, Sensor Range: 40bar/4MPa/600psi gauge, 400mH2O/1334ftH2O/16000inH2O overload: 160bar/16MPa/2400psi, Process Connection: Thread ANSI MNPT1/2 FNPT1/4, 316L, Membrane Material: 316L, Fill Fluid: Silicone oil	N/A	ea.	16	1,164.05	18,624.80	12/11/2023	12/31/2023
4	**Promag W 400, 5W4C2H, DN200 8", (5W4C2H-AAELHA0DUA1KGA+L4EB). Description :** Non-hazardous area, Fixed flange, 100-240VAC/24VAC/DC, Input: 4-20mA HART, pulse/freq., switch output, Housing: Compact, alu, coated, Cable, Electrical Connection: Thread NPT1/2, Liner: Polyurethane, Process Connection: Cl.150, carbon steel, flange ASME B16.5, Electrodes: 1.4435/316L, bullet nose, Calibration Flow: 0.5% , NSF 61 drinking water approval	N/A	ea.	8	4,598.97	36,791.76	12/11/2023	1/19/2024

EXHIBIT A

00 41 13 .01 BID FORM Rev. 1

City of Sherman - Major Infrastructure Improvements Program
WTP EDR Rehabilitation
BP-2 Meters and Gauges
Basis of Offer

Item No.	Description	Size	Unit	Quantity	Unit Price	Extended Amount	Required Delivery date	Guaranteed Delivery Date for Equipment
5	**Promag, grounding disc/protection disc DK5GD-1867/0 (DK5GD-2HAUL) Description:** 2HA Nominal Diameter: DN200 8", 1.4435/316L, Liner: Polyurethane, Process Connection: Cl.150 ANSI B16.5	N/A	ea.	16	288.22	4,611.52	12/11/2023	12/31/2023
6	**Meas. cable CYK10 Memosens, CYK10-A101 Description:** Non-hazardous area, Cable Length: 10m, Cable Connection: Wire terminals	N/A	ea.	4	378.60	1,514.40	12/11/2023	12/31/2023
7	**Promag W 400, 5W4C1H, DN100 4", (5W4C1H-AAELHA0DUA1KGA+L4EB). Description:** Non-hazardous area, Fixed flange, Power Supply: 100-240VAC/24VAC/DC, Input: 4-20mA HART, pulse/freq., switch output, Housing: Compact, alu, coated, Cable, Electrical Connection: Thread NPT1/2, Liner: Polyurethane, Process Connection: Cl.150, carbon steel, flange ASME B16.5, Electrodes: 1.4435/316L, bullet nose, Calibration Flow: 0.5%, NSF 61 drinking water approval	N/A	ea.	4	3,564.99	14,259.96	12/11/2023	12/31/2023
8	**Promag, grounding disc/protection disc DK5GD-1530/0 (DK5GD-1HAUL) Description:** Nominal Diameter: DN100 4", 1.4435/316L, Liner: Polyurethane, Process Connection: Cl.150 ANSI B16.5	N/A	ea.	8	190.78	1,526.24	12/11/2023	12/31/2023
9	**Memosens CLS21E (CLS21E-AAGA11) Description:** Non-hazardous area, Process Connection: Thread NPT 1", Material: Sensor PES, electrodes Graphite	N/A	ea.	4	3,125.77	12,503.08	12/11/2023	12/31/2023
10	**FCA00401-M 1/2" COMPACT SIZE FLOWMETER w/ MAGNETIC FLOAT PVC TUBE EPDM SEALS 0.22 to 1.76 USGPM WATER SCALE**		ea.	64	267.88	17,144.32	12/11/2023	12/31/2023

EXHIBIT A

00 41 13 .01 BID FORM Rev. 1

City of Sherman - Major Infrastructure Improvements Program
WTP EDR Rehabilitation
BP-2 Meters and Gauges
Basis of Offer

Item No.	Description	Size	Unit	Quantity	Unit Price	Extended Amount	Required Delivery date	Guaranteed Delivery Date for Equipment
11	**LSFLO, LIMIT SWITCH FOR COMPACT VARIABLE AREA FLOWMETER, BISTABLE NORMALLY OPEN EACH FIRST 2 LINES ARE FOR FLOWMETER WITH LIMIT SWITCH**		ea.	64	211.86	13,559.04	12/11/2023	12/31/2023
12	**FCA00401, 1/2" COMPACT SIZE FLOWMETER, PVC TUBE EPDM SEALS 0.22 to 1.76 USGPM WATER SCALE**		ea.	64	185.69	11,884.16	12/11/2023	12/31/2023
	Total Amount - Sum of Extended Amounts for Each Line Items 1 through 12					**$ 161,957.16**		

Notes:

1. Provide initial submittal with technical proposal, formal submittal due no later than 10/30/2023
2. Manufacturer shall maintain manufacturing and delivery milestones outlined.
3. Each bidder shall submit one(1) hard copy of SOV and one (1) digital copy of SOV in excel format as specified in instructions to bidders

$250 Per day penalty for Not achieving Milestones		
Materials submittals	Milestone 1	10/30/2023
Materials Ready for Delivery	Milestone 2	12/11/2023

EDR Building
La Cima Rd
N
0 150 300 600
Feet
Esri Community Maps Contributo
© OpenStreetMap contributors
Sherman
CLASSIC TOWN. BROAD HORIZON.

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 16.**

Meeting Date: 09/18/2023
Prepared By: Tom Pruitt, Utility Engineer
Approved By: Robby Hefton, City Manager

Caption:

**** RESOLUTION NO. 7170***

Awarding a Bid to and Authorizing Execution of a Contract with Synagro of Texas - CDR, Inc., based on an Invitation to Bid, for the WTP Sludge Removal Project 2023

Issue:

To consider awarding a bid to and authorizing execution of a contract with Synagro of Texas - CDR. Inc of Baltimore, Maryland, based on an invitation to bid for the WTP Sludge Removal Project 2023

Background:

This project is to remove sludge that will be dredged and stockpiled on-site for removal to the landfill. As the Water Treatment Plant operates, it slowly fills a sludge pond that periodically must be cleaned out. This project is planned maintenance.

Five (5) bidders responded to the request for bids. The lowest, responsible, responsive bid in the amount of $155,057.00 was submitted by Synagro of Texas-CDR, Inc of Baltimore, Maryland. A bid tabulation is attached.

Origination:

Engineering Department

Financial Consideration:

The total cost of the project is $155,057.00 Funds are available through the WTP Maintenance Fund.

Staff Recommendation:

It is recommended that the bid be awarded for the WTP Sludge Removal Project 2023 to Synagro of Texas - CDR, Inc., in the amount of $155,057.00. It is also recommended that the City Manager be authorized to execute the required contract documents.

Alternatives:

As may be directed by City Council

Attachments

Resolution No. 7170
Unsigned - Agreement
Bid Tabulation
Site Map

RESOLUTION NO. 7170

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH SYNAGRO OF TEXAS-CDR, INC., BASED ON AN INVITATION TO BID FOR THE WTP SLUDGE REMOVAL PROJECT 2023; 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 Synagro of Texas-CDR, Inc., of Baltimore, Maryland, is hereby awarded the bid and the City of Sherman hereby approves the contract with Synagro of Texas-CDR, Inc., in the amount of One Hundred Fifty-Five Thousand Fifty-Seven Dollars and Zero Cents ($155,057.00) for the WTP Sludge Removal Project 2023; and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a contract with Synagro of Texas-CDR, Inc., for construction of the aforementioned improvements, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TX on this the 18th day of September 2023.

CITY OF SHERMAN, TEXAS

ATTEST:

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

AGREEMENT

THIS AGREEMENT is by and between the CITY OF SHERMAN, TEXAS, a home-rule municipality (the "CITY"), and Synagro of Texas–CDR Inc., a corporation (the "CONTRACTOR"). CITY and CONTRACTOR are sometimes referred to collectively as the "parties" or individually as a "party."

CITY and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, agree as follows:

Article 1. **WORK**

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents and shall furnish all personnel, labor, equipment, supplies and all other items necessary to provide the services and deliverables as specified by the terms and conditions of the Contract Documents. The Work project is generally described as follows:

WTP Sludge Removal Project 2023

Article 2. **ENGINEER**

The Project has been designed by the City of Sherman, who is hereinafter called ENGINEER and who is to act as CITY'S representative, assume all duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

Article 3. **CONTRACT TIME**

3.1 The Work will be substantially completed and ready for final payment within 120 calendar days from the date when the Contract Time commences to run, as provided in the General Conditions.

3.2 Liquidated Damages. CITY and CONTRACTOR recognize that time is of the essence of this Agreement and that CITY will suffer financial loss and actual damages if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the General Conditions. The parties also recognize the delays, expense and difficulties involved in proving in a legal or arbitration proceeding the actual loss and damages suffered by CITY if the Work is not completed on time. The exact amount of such loss and damages will be difficult to ascertain. Accordingly, instead of requiring any such proof, CITY and CONTRACTOR agree that CONTRACTOR shall pay CITY $ 255.00 for each calendar day in which the Work is not completed, not as a penalty but as liquidated damages for the loss and damages that would be suffered by CITY as a result of delay for each and every calendar day that the CONTRACTOR shall have failed to have completed the Work as required herein.

Liquidated Damages shall not apply if the delay or failure to perform is the result of or occasioned by a Force Majeure event. For the purposes of this document, the term "Force Majeure" means any event beyond the reasonable control of a party, including, without limitation, acts of God or the public enemy, war, terrorism, sabotage, threats of sabotage or terrorism, riot, civil commotion or disturbances, insurrection, pandemics, endemics, shortages of materials, equipment, supplies,

personnel or labor, government, quasi-governmental or de facto governmental action, inaction or shutdown, transportation disasters, whether by ocean, rail, land, or air, lightning, earthquakes, fires, mudslides, explosions or floods, strikes, slowdowns or work stoppages; provided, however, in no event shall Force Majeure include a party's financial inability to perform, and the party claiming delay or failure of performance as a result of any Force Majeure event must deliver written notice of the commencement of any such delay resulting from a Force Majeure event not later than seven (7) days after the claiming party becomes aware of or should have become aware of the same, and if the claiming party fails to so notify the other party of the occurrence of a Force Majeure event causing such delay, the claiming party shall not be entitled to avail itself of the provisions for the extension of performance contained in this provision with respect to such event

Article 4. **CONTRACT PRICE**

CITY shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents in current funds as follows:

At the unit prices shown on the Unit Price Bid Schedule included in the Contract Documents.

Article 5. **PAYMENT PROCEDURES**

CONTRACTOR shall submit Applications for Payment in accordance with the General Conditions. Applications for Payment will be processed by ENGINEER, as provided in the Special Provisions.

CONTRACTOR and CITY acknowledge and agree that the continuation of this Agreement after the close of any given fiscal year of CITY, which fiscal year ends on September 30th of each year, shall be subject to Sherman City Council approval. In the event that the Sherman City Council does not approve the appropriation of funds for this Agreement, the Agreement shall terminate at the end of the fiscal year for which funds were appropriated, and the parties shall have no further obligations hereunder, except that CITY shall be obligated to pay monies owed CONTRACTOR for Services it has provided pursuant to this Agreement through the end of that fiscal year provided that CONTRACTOR is not in breach of this Agreement.

The CITY shall retain 5% of the amount of each payment until final completion and acceptance of all Work covered by the Contract Documents. When the Work is substantially complete, the retained amount may be reduced to 2%, at the CITY'S discretion.

Article 6. **INTEREST**

If the contract amount of this contract is less than $5,000,000, no interest will be paid to the CONTRACTOR on retained money. When the contract amount exceeds $5,000,000, no interest will be paid unless required by law.

Article 7. **CONTRACTOR'S REPRESENTATIONS**

In order to induce CITY to enter into this Agreement, CONTRACTOR makes the following representations:

7.1 CONTRACTOR has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and Laws and Regulations that, in any manner, may affect cost, progress, performance or furnishing of the Work.

7.2 CONTRACTOR has carefully studied all reports of explorations and tests of subsurface conditions and drawings of physical conditions, if any, which are contained or identified in the Contract Documents, and accepts the determination set forth in the Contract Documents of the extent of the technical data contained in such reports and drawings upon which CONTRACTOR is entitled to rely.

7.3 CONTRACTOR has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports and studies in addition to, or to supplement, those referred to above, which pertain to the subsurface or physical conditions at or contiguous to the site, or otherwise may affect the cost, progress, performance or furnishing of the Work as CONTRACTOR considers necessary for the performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, and no additional examinations, investigations, explorations, tests, reports, studies or similar information or data are, or will be, required by CONTRACTOR for such purposes.

7.4 CONTRACTOR has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of all Underground Facilities, whether indicated in the Contract Documents, or not. No additional examinations, investigations, explorations, tests, reports, studies or similar information or data in respect of said Underground Facilities are, or will be, required by CONTRACTOR in order to perform and furnish the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents.

7.5 CONTRACTOR has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.

7.6 CONTRACTOR has given ENGINEER written notice of all conflicts, errors or discrepancies that he has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

7.7 CONTRACTOR has reviewed and fully agrees to the limitation of liability provisions included in the Special Provisions.

7.8 CONTRACTOR certifies that they are eligible to be awarded government contracts. CONTRACTOR also certifies that any agreement entered into with a subcontractor will contain a clause stating that the subcontractor is eligible to be awarded government contracts.

Article 8. **CONTRACT DOCUMENTS**

The "Contract Documents," which comprise the entire agreement between CITY and CONTRACTOR concerning the Work, consist of the following:

8.1 This Agreement
8.2 Advertisement for Bids
8.3 Instructions to Respondents
8.4 Certifications Required by Texas Law

8.5 Suspension and Debarment Certification
8.6 Bid Bond and Bid Bond POA
8.7 Statement of Respondent's Qualifications
8.8 Insurance Requirement Affidavit
8.9 Bid Submittal
8.10 Resolution of Award
8.11 Form 1295, Certificate of Interested Parties
8.12 Certificate of Insurance
8.13 Performance Bond and POA
8.14 Payment Bond and POA
8.15 Notice to Proceed
8.16 Closeout Documents
8.17 Davis-Bacon Wage Determinations
8.18 Special Provisions
8.19 Technical Specification prepared or issued by City of Sherman dated August 2023
8.20 Addenda numbers 1 to 2, inclusive.
8.21 Documentation submitted by CONTRACTOR prior to Notice of Award, identified as ___

8.22 The following, which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto:

> All written Amendments, change orders, and other documents amending, modifying, or supplementing the Contract Documents pursuant to the Special Provisions. The parties understand and agree that deviations or modifications to the scope of Work described in the Contract Documents, in the form of one or more written Contingency Change Allowance or also change orders, may be authorized from time to time by CITY ("Change Orders"). "Extra" work, "claims" invoiced as "extra" work or "claims" which have not been issued as a duly executed, written Change Orders by the Sherman City Manager or his designee will not be authorized for payment and/or shall not become part of this Agreement. A duly executed, written Change Order shall be preceded by the City Council's authorization for the City Manager to execute said Change Order. CONTRACTOR agrees that CITY'S project managers are authorized to issue Contingency Allowance Authorization but CITY'S project managers, superintendents and/or inspectors not authorized to issue verbal or written Change Orders.

There are no contract Documents other than those listed above in this Agreement. The Contract Documents may only be amended, modified or supplemented, as outlined in this Contract.

Article 9. **INDEMNITY**

CONTRACTOR HEREBY RELEASES AND SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS CITY AND ITS CITY COUNCIL MEMBERS, OFFICERS, AGENTS, REPRESENTATIVES AND EMPLOYEES (COLLECTIVELY REFERRED TO AS "CITY" FOR PURPOSES OF THIS SECTION) FROM AND AGAINST ALL DAMAGES, INJURIES (WHETHER IN CONTRACT OR IN TORT, INCLUDING PERSONAL INJURY AND DEATH), CLAIMS, PROPERTY DAMAGES (INCLUDING LOSS OF USE), LOSSES, DEMANDS, SUITS, ACTIONS, JUDGMENTS, LIENS, COSTS AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES AND EXPENSES (INCLUDING ATTORNEY'S FEES AND EXPENSES INCURRED IN ENFORCING THIS SECTION), THAT IN WHOLE OR IN PART ARISE OUT OF OR ARE CONNECTED WITH GOODS AND/OR SERVICES PROVIDED BY CONTRACTOR, ITS OFFICERS, AGENTS, REPRESENTATIVES,

EMPLOYEES, SUBCONTRACTORS, LICENSEES, INVITEES OR ANY OTHER THIRD PARTIES FOR WHOM CONTRACTOR IS LEGALLY RESPONSIBLE (COLLECTIVELY REFERRED TO AS "CONTRACTOR" FOR PURPOSES OF THIS SECTION) PURSUANT TO THIS AGREEMENT AND/OR THE NEGLIGENT, GROSSLY NEGLIGENT AND/OR INTENTIONAL WRONGFUL ACT AND/OR OMISSION OF CONTRACTOR IN ITS/THEIR PERFORMANCE OF THIS AGREEMENT, REGARDLESS OF THE JOINT OR CONCURRENT NEGLIGENCE OF CITY (COLLECTIVELY, "CLAIMS"). THIS INDEMNIFICATION PROVISION AND THE USE OF THE TERM "CLAIMS" IS ALSO SPECIFICALLY INTENDED TO APPLY TO, BUT IS NOT LIMITED TO, ANY AND ALL CLAIMS, WHETHER CIVIL OR CRIMINAL, BROUGHT AGAINST CITY BY ANY GOVERNMENT AUTHORITY OR AGENCY RELATED TO ANY PERSON PROVIDING SERVICES UNDER THIS AGREEMENT THAT ARE BASED ON ANY FEDERAL IMMIGRATION LAW AND ANY AND ALL CLAIMS, DEMANDS, DAMAGES, ACTIONS AND CAUSES OF ACTION OF EVERY KIND AND NATURE, KNOWN AND UNKNOWN, EXISTING OR CLAIMED TO EXIST, RELATING TO OR ARISING OUT OF ANY EMPLOYMENT RELATIONSHIP BETWEEN CONTRACTOR AND ITS EMPLOYEES OR SUBCONTRACTORS AS A RESULT OF THAT SUBCONTRACTOR'S OR EMPLOYEE'S EMPLOYMENT AND/OR SEPARATION FROM EMPLOYMENT WITH CONTRACTOR, INCLUDING BUT NOT LIMITED TO ANY DISCRIMINATION CLAIM BASED ON SEX, SEXUAL ORIENTATION OR PREFERENCE, RACE, RELIGION, COLOR, NATIONAL ORIGIN, AGE OR DISABILITY UNDER FEDERAL, STATE OR LOCAL LAW, RULE OR REGULATION, AND/OR ANY CLAIM FOR WRONGFUL TERMINATION, BACK PAY, FUTURE WAGE LOSS, OVERTIME PAY, EMPLOYEE BENEFITS, INJURY SUBJECT TO RELIEF UNDER THE WORKERS' COMPENSATION ACT OR WOULD BE SUBJECT TO RELIEF UNDER ANY POLICY FOR WORKERS COMPENSATION INSURANCE, AND ANY OTHER CLAIM, WHETHER IN TORT, CONTRACT OR OTHERWISE.

IN ITS SOLE DISCRETION, CITY SHALL HAVE THE RIGHT TO APPROVE OR SELECT DEFENSE COUNSEL TO BE RETAINED BY CONTRACTOR IN FULFILLING ITS OBLIGATION HEREUNDER TO DEFEND AND INDEMNIFY CITY, UNLESS SUCH RIGHT IS EXPRESSLY WAIVED BY CITY IN WRITING. CITY RESERVES THE RIGHT TO PROVIDE A PORTION OR ALL OF ITS OWN DEFENSE; HOWEVER, CITY IS UNDER NO OBLIGATION TO DO SO. ANY SUCH ACTION BY CITY IS NOT TO BE CONSTRUED AS A WAIVER OF CONTRACTOR'S OBLIGATION TO DEFEND CITY OR AS A WAIVER OF CONTRACTOR'S OBLIGATION TO INDEMNIFY CITY PURSUANT TO THIS AGREEMENT. CONTRACTOR SHALL RETAIN CITY-APPROVED DEFENSE COUNSEL WITHIN SEVEN (7) BUSINESS DAYS OF CITY'S WRITTEN NOTICE THAT CITY IS INVOKING ITS RIGHT TO DEFENSE OR INDEMNIFICATION UNDER THIS AGREEMENT. IF CONTRACTOR FAILS TO RETAIN COUNSEL WITHIN SUCH TIME PERIOD, CITY SHALL HAVE THE RIGHT TO RETAIN DEFENSE COUNSEL ON ITS OWN BEHALF, AND CONTRACTOR SHALL BE LIABLE FOR ALL COSTS INCURRED BY CITY.

THE RIGHTS AND OBLIGATIONS CREATED BY THIS SECTION SHALL SURVIVE TERMINATION OF THIS AGREEMENT.

Article 10. **LIABILITY**

To the fullest extent permitted by law, CONTRACTOR shall be fully and solely responsible and liable for its own acts and omissions, including those of its officers, agents, representatives, employees, subcontractors, licensees, invitees and all other parties performing services for or on behalf of CONTRACTOR under this Agreement, and for any and all damage to CONTRACTOR's equipment and other property. CITY assumes no such responsibility or liability. CITY shall have no such responsibility or liability to either CONTRACTOR or its officers, agents, representatives, employees, subcontractors, licensees, invitees or other persons.

Article 11. **TERMINATION**

CITY is entitled to terminate this Agreement at any time for any reason or for no reason by giving CONTRACTOR at least thirty (30) days' prior written notice of the termination date.

CITY is entitled to terminate this Agreement immediately on breach of any term or provision of the Contract Documents by CONTRACTOR. If at any time during the term of this Agreement, CONTRACTOR shall fail to commence the work in accordance with the provisions of the Contract Documents or fail to diligently perform the work in an efficient, timely and careful manner and in strict accordance with the provisions of the Contract Documents, then CITY shall have the right to terminate this Agreement. Any such act by CITY shall not be deemed a waiver of any other right or remedy of CITY.

The rights and remedies provided by this Agreement are cumulative, and the use of any one right or remedy by either party shall not preclude or waive its rights to use any or all other remedies. These rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise.

Article 12. **MISCELLANEOUS**

12.1 Terms used in the Agreement will have the meanings indicated in the Special Provisions.

12.2 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically, but without limitation, monies that may become due and monies that are due, may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

12.3 CONTRACTOR acknowledges and agrees that the existence of a prohibited interest during the term of this Agreement will render this Agreement voidable. CONTRACTOR further acknowledges and agrees that it also is aware of, and will abide by, the vendor disclosure requirements set forth in Chapter 176 of the Texas Local Government Code, as amended.

12.4 Each party represents and warrants to the other that it has the full power and authority to enter into and fulfill the obligations of this Agreement. The respective signatories to this Agreement, by affixing their signatures hereto, warrant and represent that they have the authority to bind their respective parties as duly authorized representatives thereof.

12.5 The parties acknowledge and agree that, in executing and performing this Agreement, CITY has not waived, nor shall be deemed 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.

12.6 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 included in this Agreement.

12.7 If either party files any action or brings any proceeding against the other arising from this Agreement, then as between CITY and CONTRACTOR, the prevailing party shall be entitled to recover as an element of its costs of suit, and not as damages, reasonable and necessary attorneys' fees and litigation expenses both at trial and on appeal, subject to the limitations set forth in TEX. LOC. GOV'T CODE § 271.153, as it exists or may be amended, if applicable.

12.8 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.

12.9 Waiver by either party of any breach of this Agreement, or the failure of either party to enforce any of the provisions of this Agreement, at any time, shall not in any way affect, limit, or waive such party's right thereafter to enforce and compel strict compliance.

12.10 CONTRACTOR covenants and agrees that CONTRACTOR is an independent contractor and not an officer, agent, servant or employee of CITY; that CONTRACTOR shall have exclusive control of and exclusive right to control the details of the work performed hereunder and all persons performing the same; that the doctrine of respondent superior shall not apply as between CITY and CONTRACTOR, its officers, agents, employees, contractors, subcontractors and consultants; and that nothing herein shall be construed as creating a partnership or joint enterprise between CITY and CONTRACTOR.

12.11 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.

12.12 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 and/or facsimile signature will also be deemed to constitute an original if properly executed and delivered to the other party.

12.13 CITY and CONTRACTOR each binds itself, its partners, successors, assign, and legal representatives to the other party hereto, its partners, successors, assign and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

Article 13. **OTHER PROVISIONS**

None.

IN WITNESS WHEREOF, CITY and CONTRACTOR have signed this Agreement in multiple copies. One counterpart each has been delivered to CITY, CONTRACTOR and ENGINEER. All portions of the Contract Documents have been signed or identified by CITY and CONTRACTOR or by ENGINEER on their behalf. 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 (the "Effective Date").

CITY: CITY OF SHERMAN, TEXAS	CONTRACTOR: Synagro of Texas–CDR, Inc.
_____	_____
By: _____	By: _____
Date: _____	Date: _____
	(Corporate Seal)
Attest: _____	Attest: _____
Address for giving notices:	Address for giving notices:
_____	_____
_____	_____

Bid Tabulation
Project: WTP Sludge Removal Project 2023
Number: 2023-19
CIP # 1531-U
Date: 9/6/2023

Item	Description	Estimated Quantity		Synagro of Texas - CDR, Inc. Unit Price	Synagro of Texas - CDR, Inc. Total Price	Lynn Vessels Construction, LLC Unit Price	Lynn Vessels Construction, LLC Total Price	Black Fox Services Unit Price	Black Fox Services Total Price
1	Provide Bid bond, Performance & Payment bonds, and all mobilization as necessary	1	LS	35,537.00	$35,537.00	6,540.00	$6,540.00	47,782.50	$47,782.50
2	Removal of built - up sediment in the East WTP settling pond	4,500	TON	9.88	$44,460.00	3.06	$13,770.00	21.60	$97,200.00
3	Removal of built-up sediment from East WTP settling pond site and transport to TASWA Landfill at 25090 Highway 56, Whitesboro, TX 76273	4,500	TON	16.68	$75,060.00	36.96	$166,320.00	60.65	$272,925.00
			Total Base Bid		**155,057.00**		**$186,630.00**		**$417,907.50**

Bid Tabulation
Project: WTP Sludge Removal Project 2023
Number: 2023-19
CIP # 1531-U
Date: 9/6/2023

Item	Description	Estimated Quantity		HK Dredging Unit Price	HK Dredging Total Price	Archer Western Construction, LLC Unit Price	Archer Western Construction, LLC Total Price	Unit Price	Total Price
1	Provide Bid bond, Performance & Payment bonds, and all mobilization as necessary	1	LS	17,800.00	$17,800.00	41,500.00	$41,500.00		$0.00
2	Removal of built - up sediment in the East WTP settling pond	4,500	TON	50.13	$225,585.00	91.50	$411,750.00		$0.00
3	Removal of built-up sediment from East WTP settling pond site and transport to TASWA Landfill at 25090 Highway 56, Whitesboro, TX 76273	4,500	TON	45.91	$206,595.00	54.50	$245,250.00		$0.00
			Total Base Bid		**449,980.00**		**$698,500.00**		

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 17.**

Meeting Date: 09/18/2023
Prepared By: Tom Pruitt, Utility Engineer
Approved By: Robby Hefton, City Manager

Caption:

**** RESOLUTION NO. 7171***

Approving the Greater Texoma Utility Authority's Intention to the Solicitation Set One (SS#1) to Garney Companies, Inc. For Bid Package 1.01 for Vertical Turbine Pumps and Bid Package 1.02 for Electrical Equipment for the Water Treatment Plant Concentrate Discharge System Project

Issue:

Approving the Greater Texoma Utility Authority's (GTUA) Intention to Award GMP4.00 - Solicitation Set One (SS#1) to Garney Companies, Inc. for the Water Treatment Plant Concentrate Discharge System

Background:

In order to mitigate delays due to long lead times for critical materials, pre-procurement for Concentrate System pumps and electrical equipment was solicited for the Water Treatment Plant Concentrate Discharge System project. The materials were advertised on Civcast on July 13th and Bids were opened on August 8th for Vertical Turbine Pumps and for Electrical Equipment. CMAR contractor, Garney, and the Design Engineer, Pape Dawson, have made recommendations to award this solicitation so these materials can be ordered.

This approval is concurrent with GTUA's intention to award this solicitation. This award establishes a progressive GMP4.00 - Solicitation Set 1.

Origination:

Engineering Department

Financial Consideration:

Based on the submitted proposals and evaluations, Garney has proposed to establish a GMP4.00 - Solicitation Set One (SS1) for this package per the terms of their CMAR contract at $990,700. Garney is required to prepare this GMP for the Owner's review and acceptance. The total CMAR contract price will increase by $1,178,933.00 [$29,407,579.68] to now be [$30,586,512.68]. This project is funded through the 2023 Greater Texoma Utility Authority (GTUA) Open Market Bonds.

Staff Recommendation:

It is recommended that the City Council approve GTUA's intention to award GMP4.00 - Solicitation Set One (SS#1) to Garney Companies, Inc. for the Water Treatment Plant Concentrate Discharge System.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 7171

Procurement Packages

Cost Summary

RESOLUTION NO. 7171

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO AWARD THE SOLICITATION SET ONE (SS#1) TO GARNEY COMPANIES, INC. FOR BID PACKAGE 1.01 FOR VERTICAL TURBINE PUMPS AND BID PACKAGE 1.02 FOR ELECTRICAL EQUIPMENT FOR THE WATER TREATMENT PLANT CONCENTRATE DISCHARGE SYSTEM PROJECT; 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 of Sherman hereby approves the Greater Texoma Utility Authority's intention to award the Solicitation Set One (SS#1) to Garney Companies, Inc in the amount of One Million One Hundred Seventy-Eight Thousand Nine Hundred Thirty-Three Dollars and Zero Cents ($1,178,933.00) for the Water Treatment Plant Concentrate Discharge System Project.

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 18th day of September, 2023.

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

1700 Swift Street, North Kansas City, MO 64116
Phone: 816.741.4600
www.garney.com

Tom Pruitt, P.E.
City of Sherman
220 W. Mulberry St.
Sherman, TX 75091

9/8/2023

RE: GMP 4.00 - Sherman Water Treatment Plant Concentrate Discharge System Solicitation Set 1.00

Mr. Pruitt,

In accordance with the Agreement between Garney Companies, Inc. and Greater Texoma Utility Authority (GTUA) on behalf of City of Sherman, Garney is pleased to provide the below information and attached documentation to establish the progressive Guaranteed Maximum Price for City of Sherman – Sherman Water Treatment Plant Concentrate Discharge System Solicitation Set 1.00 – Equipment Procurement Packages.

Garney proposes to establish the Guaranteed Maximum Price (GMP) for this bid package at $1,178,933.00. This GMP Proposal includes the supply of the following scopes to support future GMP proposals and the installation of the Concentrate Discharge System.

This GMP proposal is for the early material procurement listed above in adherence to the bid documents. The above procurement of equipment will be contracted by Garney Construction within the requirements of the Agreement for the CMAR Project. This scope may have coordination with future procurements in forthcoming GMP proposals. Also included in this proposal is the cost for the CMAR management.

The procurement scope included in this GMP proposal includes the above scope of supply as identified in the plans and specifications made available to Garney for the purpose of procurement. These plans and specifications are generally referred to as the "Sherman Water Treatment Plant Concentrate Discharge System – June 2023 – 100% Plans" and "Contract Documents and Specifications for Sherman Water Treatment Plant Concentrate Discharge System(Pump Station, Force Main, Discharge Channel) - June 2023 – 100% Draft Set" and "Greater Texoma Utility Authority on behalf of City of Sherman Bidding Documents for Concentrate Discharge System – Solicitation Set 1.00 July 2023."

These plans and specifications were not final at the time of procurement and were intended for the sole purpose of early procurement of the above referenced items. It is both possible and likely that design revisions will be made as the project progresses from the 100% Design through Final Design for Construction. Any revisions to these plans and specifications, and cost adjustments associated with those revisions, will be captured either in future GMP proposals or as a Change Order to the current GMP proposal, as directed by GTUA, City of Sherman, and in accordance with the Agreement.

This GMP includes the Construction Manager at Risk's Fees and Expenses, the estimated Cost of the Work, and expenditures as outlined in the Contract Documents and Agreement

Please contact Garney directly if there are any questions regarding this GMP Proposal.

Sincerely,
GARNEY COMPANIES, INC.

Kyle Puskas

Project Manager

CC: Toby Flinn – Pape Dawson
Mark Miner – Garney
Clint Philpott – City of Sherman
Paul Sigle – Greater Texoma Utility District

Bidding documents:

Advertisement for Bids – Sherman Water Treatment Plant Concentrate Discharge System SS#1
City of Sherman–WTP Concentrate Discharge System SS#1–Bid Documents
City of Sherman-WTP Concentrate Discharge System SS#1–Plans 100% Plans
City of Sherman-WTP Concentrate Discharge System SS#1–Technical Specs 100% Draft Set
Addendum 1 for Solicitation Set 1.00
Addendum 2 for Solicitation Set 1.00

Greater Texoma Utility Authority on behalf of City of Sherman

Sherman Water Treatment Plant Concentrate Discharge System

GMP 4.00 – Solicitation Set 1.00

Equipment Procurement Packages
Link to Bid Documents

CONFIDENTIAL

1700 Swift Street, North Kansas City, MO 64116
Phone: 816.741.4600
www.garney.com

Contract Documents per Solicitation Set 1.00

The Sherman Water Treatment Plant Concentrate Discharge System Solicitation Set 1.00 contract bid documents can be accessed via the following link. On this site, we have posted the following documents.

- 100% Not for Construction Drawings and Draft Set of Specifications
- Addendum 01
- Addendum 02

To access the Solicitation Set 1.00 Contract Documents:

1. Navigate to the following Website: https://www.civcastusa.com/
2. Click “Browse Bids”
3. In the filters drop down list to the right select “All (Archives)”
4. In the filters type the project name into the dialogue box
5. Select the link to the project documents.

Greater Texoma Utility Authority on behalf of City of Sherman

Sherman Water Treatment Plant Concentrate Discharge System

GMP 4.00 – Solicitation Set 1.00

Equipment Procurement Packages
GMP Clarifications

CONFIDENTIAL

1700 Swift Street, North Kansas City, MO 64116
Phone: 816.741.4600
www.garney.com

Description of Variations, Substitutions Proposed Solicitation Set 1.00

1. **Specifications** (See hyperlink provided to gain access to the contract documents that accompanied Solicitation Set 1.00). Per this Equipment Procurement Package GMP 4.00, submittal is "as per specifications" at time of Bid Package 1.01 and 1.02.
    a. Qualifications and Assumptions (See Below)
    b. Exclusions (See Below)

2. **Assumptions and Clarifications**
    a. This is strictly material procurement per plans and specifications available at time of bid.
    b. Owner and Engineer have reviewed the proposals received on 07/25/2023 and evaluated on 08/15/2023, including any exceptions/clarifications to the technical specifications as acknowledged in emails dated 08/23/2023 and 09/07/2023.
    c. GMP pricing exclusive of other Solicitation Sets.
    d. GMP pricing contingent upon GTUA and City of Sherman September 2023 Board Approval.
    e. Permits are to be provided by others.

3. **Value Analysis**
    a. Opportunities for value to the program can be negotiated based on team consensus. Items identified specifically with this bid package will be discussed, modified, and tracked through the start of construction.

4. **Allowance Schedule (Not applicable)**

5. **Schedule of Unit Prices**

    a. As included in the schedule of values provided by the proposers.

6. **All other information (Not applicable)**

Greater Texoma Utility Authority on behalf of City of Sherman

Sherman Water Treatment Plant Concentrate Discharge System

GMP 4.00 – Solicitation Set 1.00

Equipment Procurement Packages
Concurrence of Award/Evaluation

CONFIDENTIAL

1700 Swift Street, North Kansas City, MO 64116
Phone: 816.741.4600
www.garney.com

09/8/2023

RE: Greater Texoma Utility District on behalf of City of Sherman – Solicitation Set 1.00

In accordance with the Agreement between Garney Companies, Inc. and Greater Texoma Utility District on behalf of City of Sherman, Garney is providing the below information for the recommendation of award for the City of Sherman 36" West Water Main – Solicitation Set 1.00 – Equipment Procurement Packages. This includes the tabulation of bids received in response to the solicitation and associated scoring for each bid package.

Solicitation Set 1.00 included the following procurement items:
Bid Package 1.01 – Vertical Turbine Pumps
Bid Package 1.02 – Electrical Equipment: 480V MCC

The proposals for the above bid packages were received 7/25/2023 for review and evaluation. The City, GTUA, Program Manager, and CMAR evaluated the proposals received on 8/15/2023. A consensus was made, to award the above-mentioned scopes to the respective proposers.

Bid Package	Scope	Company	Total Awarded Points
1.01	Pumps	Pump Solutions Inc.	91.41
1.01	Pumps	Jersey Equipment Co.	90.63
1.01	Pumps	Smith Pump Company	75.33
1.02	MCC	Elliot Electric	90.00

City of Sherman - GMP 4.00 Summary

BID PACKAGE	SYSTEM / CONTRACT	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENSION
BP - 1.01	CDS	VERTICAL TURBINE PUMPS	1.00	Lump Sum	$ 570,000.00	$ 570,000.00
BP - 1.02	CDS	ELECTRICAL EQUIPMENT :480V MCC	1.00	Lump Sum	$ 420,700.00	$ 420,700.00
						$ -
						$ -
						$ -
					SUBTOTAL:	**$ 990,700.00**
	CMAR Contract					$ -
					SUBTOTAL:	**$ -**
					TOTAL DIRECT COST OF WORK AND ALLOWANCES	**$ 990,700.00**
	CMAR Contract	Construction Services (CMAR) GC Multiplier	6.50%	Percent	$ 990,700.00	$ 64,395.50
	CMAR Contract	Construction Services (CMAR) Fee	9.50%	Percent	$ 990,700.00	$ 94,116.50
	CMAR Contract	CMAR Contingency	3.00%	Percent	$ 990,700.00	$ 29,721.00
					GMP 4.00 TOTAL WITH ALLOWABLE FEES	**$ 1,178,933.00**

CMAR Tracking Summary						
Preconstruction	CMAR COSF - Preconstruction	Preconstruction Service Fee: COSF	1.00	Lump Sum	$ 396,248.00	$ 396,248.00
Procurement	CMAR COSF - Procurement	Procurement Service Fee: COSF	1.00	Lump Sum	$ 192,350.00	$ 192,350.00
Preconstruction	CMAR COSD - Preconstruction	Preconstruction Service Fee: COSD	1.00	Lump Sum	$ 183,000.00	$ 183,000.00
Procurement	CMAR COSD - Procurement	Procurement Service Fee: COSD	1.00	Lump Sum	$ 95,000.00	$ 95,000.00
GMP 1	COSF - Cost of Work	Direct Cost of Work / Material	1.00	Lump Sum	$ 928,480.00	$ 928,480.00
GMP 2	COSF - Cost of Work	Direct Cost of Work / Material	1.00	Lump Sum	$ 7,434,339.00	$ 7,434,339.00
GMP 3	COSF - Cost of Work	Direct Cost of Work / Material	1.00	Lump Sum	$ 15,621,199.22	$ 15,621,199.22
GMP 4	COSD - Cost of Work	Direct Cost of Work / Material	1.00	Lump Sum	$ 990,700.00	$ 990,700.00
CMAR	CMAR Contract - Construction	Construction Services (CMAR) GC Multiplier	1.00	Lump Sum	$ 1,623,356.68	$ 1,623,356.68
CMAR	CMAR Contract - Construction	Construction Services (CMAR) Fee	1.00	Lump Sum	$ 2,372,598.23	$ 2,372,598.23
CMAR	CMAR Contract - Construction	CMAR Contingency	1.00	Lump Sum	$ 749,241.55	$ 749,241.55
					TOTAL CONTRACT AMOUNT TO DATE	**$ 30,586,512.68**
					COS - Preconstruction Cost	**$ 866,598.00**
					COS - WWM Construction Cost	**$ 29,719,914.68**

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 1.**

Meeting Date: 09/18/2023
Prepared By: Teri Fine, Assistant to the City Manager
Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS
Receive Semi-Annual Report on the Sherman Cultural District

Issue:

To receive the Sherman Cultural District semi-annual report from Emilie Nelsen, the current President of the Sherman Cultural District

Background:

This update will provide the City Council with an overview of the Cultural District's activities and accomplishments during the March 2023 - August 2023 period as well as upcoming events they have planned.

Origination:

City Council

Financial Consideration:

This presentation is for informational purposes only and has no impact on the City's revenues or expenses.

Staff Recommendation:

No action is required of the City Council.

Alternatives:

None recommended

Attachments

Semi-Annual Report

Sherman CULTURAL DISTRICT

Sherman CD—An Official Texas Cultural District

September 2023 Report

ACTIVITY SUMMARY (March—Sept. 2023)

- Successful Jazz Classic weekend in April
- New grant proposal submitted in June and awarded in September!
- 10 Advisory Board and committee meetings
- Annual report filed to Texas Commission on the Arts
- New board members and officers elected (each August)

Coming Soon:

- February 2024 Art Dash
- Cultural District Strategic Plan update
- Sherman Public Library partnerships

....The Previous Grant

The 2023 Sherman Jazz Classic, held April 14-16, featured a weekend line-up of music with top community jazz bands, guest artists, and ensembles. New for the Cultural District: we used our TCA grant funds to place print and digital advertising in *Texas Highways Quarterly Calendar* and the *Dallas Observer*. We're happy to get the word out that Sherman is a jazz destination!

Special thanks goes to Bill, Susan, & Cathy Collins for the spectacular music line-up and special access to the Jazz Museum for the Douglass Distributing Speakeasy Gala; thanks also to other sponsors for supporting jazz in Sherman!

....The Next Grant

Our 2024 TCA funds support creation of a vinyl mural series on Travis Street to honor African-American business and arts heritage in Sherman. The placement on the west wall of the Travis Street Mall is especially significant because it's just around the corner from the historic Black Business District on Mulberry Street that thrived until it was destroyed in the 1930 race riot. Themes may include remembrance of those businesses and celebration of Motown artists who passed through Sherman in the 1960s and '70s. A call for artists will be issued this fall for 3-5 designs, and dedication will be in Spring 2024.

A Snapshot: Calendar Year 2022

63,085
in-person visitors attended events and activities in the SCD (estimated)

Restaurant Growth: THREE new eateries/ wineries

36
Events [concerts, parades, food - themed, plays), festivals]

2023-2024 Cultural District Advisory Council:
Emilie Nelson, Chair; Leslie Whelan, Vice Chair; Linda Walker, secretary; Holly Doncaster, MeLissa Eason, Veronica Ezell, Bonnie Koenig, Jason Lewis, Courtney Mitchell, Jody Perry, Lucas Ridley.
Ex-officio: Daron Holland, Sarah McRae - Treasurer, Terrence Steele, Cary Wacker.

Program support from **Austin College** and **Texas Commission on the Arts**.

Texas Commission on the Arts

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 2.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Replat of Colonial Virginia Addition, Lots 1 thru 9, Block A, consisting of 0.944 acres, being in the Samuel Blagg Survey, Abstract No. 56 being part of Block "B" of Staples Addition, and is currently zoned R-TH (Townhome Residential) District; David Ashley (Owner), Luis Moran (Representative) and Helvey-Wagner Surveying, Inc. (Surveyor) (1604 South Travis Street)

Issue:

To consider the Replat of Colonial Virginia Addition, Lots 1 thru 9, Block A, consisting of 0.944 acres, being in the Samuel Blagg Survey, Abstract No. 56 being part of Block "B" of Staples Addition, and is currently zoned R-TH (Townhome Residential) District; David Ashley (Owner), Luis Moran (Representative) and Helvey-Wagner Surveying, Inc. (Surveyor) (1604 South Travis Street)

Background:

The property is located at 1604 South Travis Street at the corner of West Staples Street and South Travis Street. The owner would like to plat the property into 9 lots for residential development.

The following has been approved for this location:

- November 11, 1986 - Specific Use Permit to allow a rehabilitation center with dormitory facilities in an R-1 (One Family Residential) District

Origination:

David Ashley (Owner)
Luis Moran (Representative)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

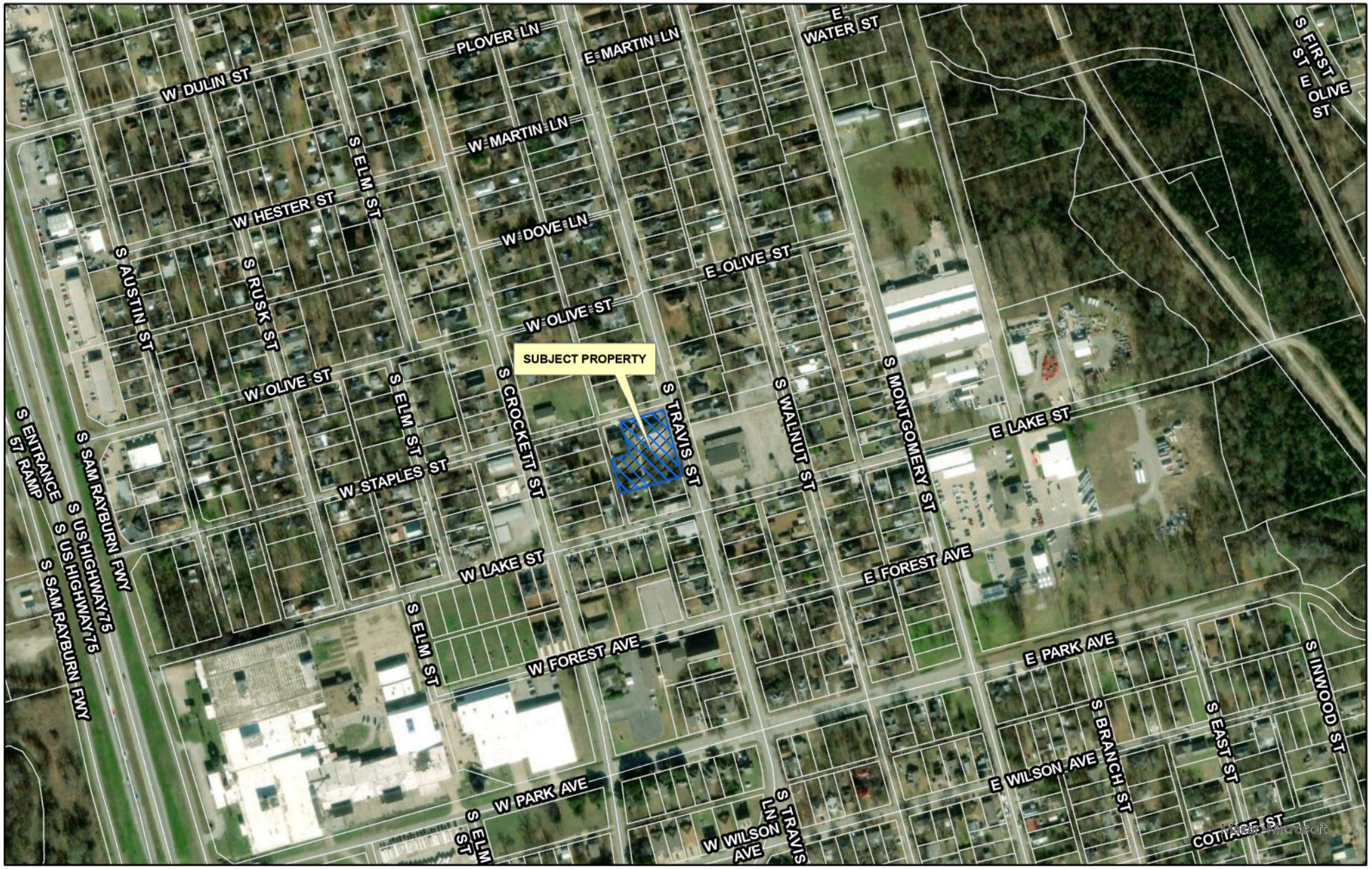
At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Replat
STAFF REVIEW LETTER - Engineering



dlagrone H:\PLANNING\Public Notification KT.aprx

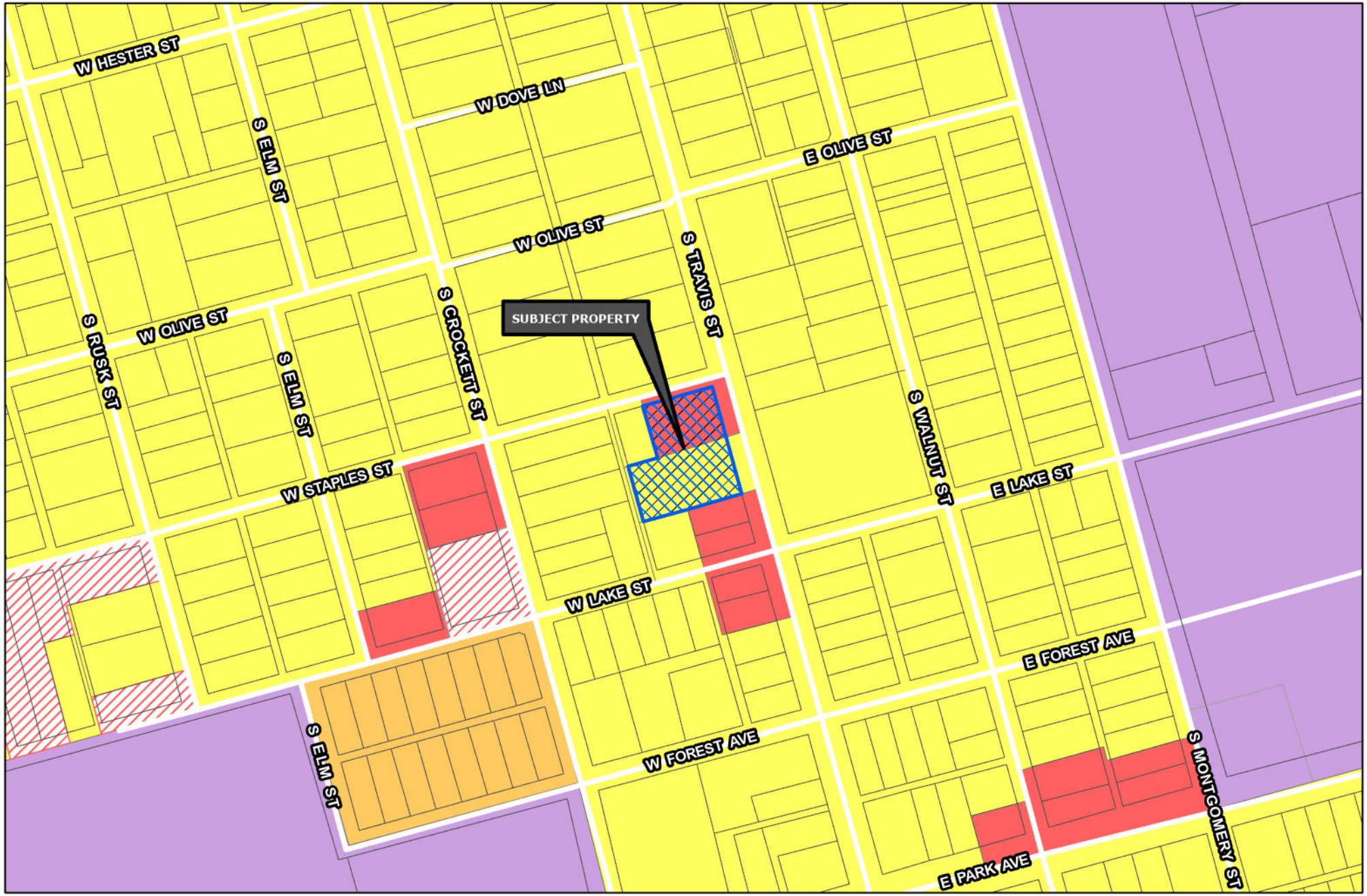
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
1604 S TRAVIS ST

N
W E
S

Date: 8/11/2023 4:44 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations

Road Names All

CITY OF SHERMAN
ZONING MAP
1604 S TRAVIS ST

N
W E
S

Date: 8/15/2023 10:27 AM

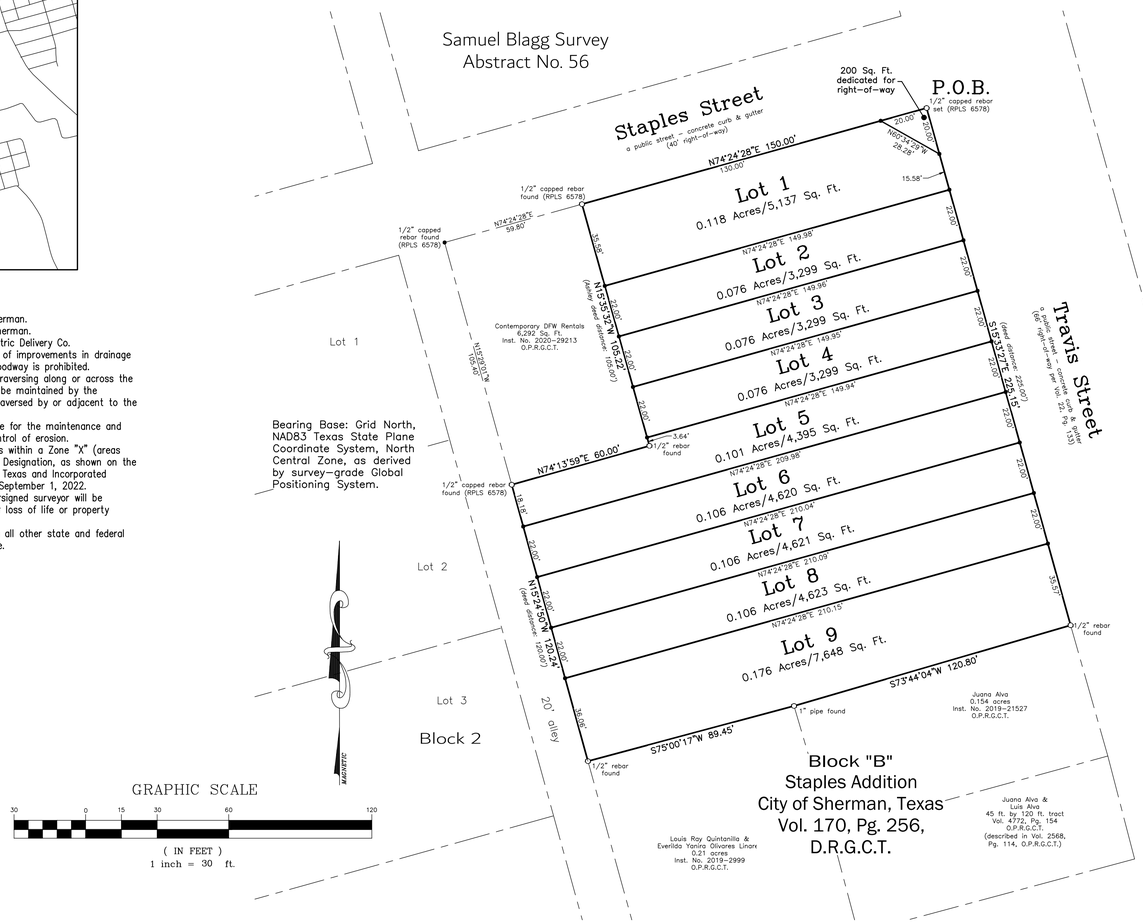
Shaman
NOTICE OF
PROPOSED ZONING
CHANGE
PROJECT # 23-004445
8/8/2023 at 12:54 P.M.

Sherman
NOTICE OF
PROPOSED ZONING
CHANGE
PROJECT #: 23-004445
FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229
8/8/2023 at 12:54 P.M.

Vicinity Map
(not to scale)

General Notes:

1. Water Supply to be provided by City of Sherman.
2. Sewer service to be provided by City of Sherman.
3. Electrical service is provided by Oncor Electric Delivery Co.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway 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. 48181C0405 G, Revised Date: September 1, 2022.
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.



LEGAL DESCRIPTION

SITUATED in the City of Sherman, State of Texas, being a part of the Samuel Blagg Survey, Abstract No. 56, being a part of Block "B" of Staples Addition to the City of Sherman, Texas, as per plat of record in Vol. 170, Pg. 256, Deed Records, Grayson County, Texas, and being the same 0.940 acres conveyed by Warranty Deed with Vendor's Lien from The Crisis Center, Inc. to David Ashley on October 22, 2004, as recorded in Vol. 3753, Pg. 425, 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 set (RPLS 6578) lying at the intersection of the South right–of–way line of Staples Street, a public street, with the West right–of–way line of Travis Street, a public street, being the Northeast corner of both said Block "B" and Ashley 0.940 ac.;

THENCE South 15 deg. 33 min. 27 sec. East, with the West line of said Travis Street and the East line of said Ashley 0.940 ac., a distance of 225.15 ft. to a 1/2 inch rebar found at the Northeast corner of 0.154 acre tract conveyed to Juana Alva, as recorded in Inst. No. 2019–21527, said Official Public Records and being the Southeast corner of said Ashley 0.940 ac.;

THENCE South 73 deg. 44 min. 04 sec. West, with the North line of said Alva 0.154 ac., a distance of 120.80 ft. to a 1–inch pipe found at the Northwest corner of said Alva 0.154 ac., and being the Northeast corner of 0.21 acres conveyed to Louis Ray Quintanilla and Everilda Yanira Olivares Linares, as recorded in Inst. No. 2019–2999, said Official Public Records;

THENCE South 75 deg. 00 min. 17 sec. West, with the North line of said Quintanilla & Linares 0.21 ac., a distance of 89.45 ft. to a 1/2 inch rebar found in the East line of a 20 ft. platted alley and being the Northwest corner of said Quintanilla & Linares 0.21 ac and the Southwest corner of said Ashley 0.940 ac.;

THENCE North 15 deg. 24 min. 50 sec. West, with the East line of said 20 ft. alley and the West line of said Block B, a distance of 120.24 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the Southwest corner of the 6,292 sq. ft. tract conveyed to Contemporary DFW Rentals, as recorded in Inst. No. 2020–29213, said Official Public Records and being the most Westerly Northwest corner of said Ashley 0.940 ac.;

THENCE North 74 deg. 13 min. 59 sec. East, with the South line of said Contemporary DFW Rentals tract, a distance of 60.00 ft. to a 1/2 inch rebar found at the Southeast corner of said Contemporary DFW Rentals tract and being an Ell corner of said Ashley 0.940 ac.;

THENCE North 15 deg. 35 min. 32 sec. West, with the East line of said Contemporary DFW Rentals tract, a distance of 105.22 ft. to a 1/2 inch capped rebar found (RPSL 6578) lying in the South line of said Staples Street, at the Northeast corner of said Contemporary DFW Rentals tract and being the most Northerly Northwest corner of said Ashley 0.940 ac.;

THENCE North 74 deg. 24 min. 28 sec. East, with the South line of said Staples Street and the North line of both said Block B and Ashley 0.940 ac.,, a distance of 150.00 ft. to the **PLACE OF BEGINNING** and containing **0.944 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:

STATE OF TEXAS
REGISTERED
KATE A. WAGNER
6578
PROFESSIONAL
LAND SURVEYOR

Job No. CGS420723

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

Owner:
David Ashley
12609 Montfort Drive
Dallas, Texas 75230

P:\Land Projects R2\1604–S–Travis–Street–Sherman\Civil 3D\1604 S.Travis Street.dwg 8/1/2023 8:51 AM

KNOW ALL MEN BY THESE PRESENTS:

I, David Ashley, sole owner of Colonial Virginia 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.

_____
David Ashley

AVIGATION RELEASE

WHEREAS, David Ashley, 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 Colonial Virginia Addition, 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 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 remiss 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 noises, 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 Colonial Virginia Addition, 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 _____, 2023.

By:_____

By: David Ashley, Owner

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared David Ashley, 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 _____, 2023.

_____
Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN. BROAD HORIZON.

This, the final plat of Colonial Virginia Addition to the City of Sherman, Texas is hereby approved this _____ day of _____, 2023, by the Planning and Zoning Commission of the City of Sherman, Texas.

_____ _____
Chairman Secretary

This, the final plat of Colonial Virginia Addition to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2023, 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 Colonial Virginia Addition to the City of Sherman, Texas, was submitted to the City Council of Sherman, Texas, on the _____ day of _____, 2023, 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 _____, 2023, BY _____
CITY CLERK, CITY OF SHERMAN, TEXAS

Replat
Lots 1 thru 9, Block A
Colonial Virginia Addition
Being a Replat of part of Block B, Staples Addition
to the
City of Sherman
Grayson County, Texas
0.944 Acres
in the
Samuel Blagg Survey
Abstract No. 56

Date of Preparation: July 25, 2023

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

August 14, 2023

David Ashley
12609 Montfort Drive
Dallas, TX 75230

Helvey-Wagner Surveying, Inc.
222 W. Main Street
Denison, TX 75020

Dear Applicants,

The request for approval of the Replat of Colonial Virginia Addition has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, August 22, 2023 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. Dedicate a 5' Right of Way Dedication along Staples Street 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)*
2. Dedicate a 12' Right of Way Dedication along Travis Street 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)*
3. Dedicate a 10' Utility Easement along Staples Street. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
4. Dedicate a 15' Utility, Landscape, & Sidewalk Easement along Travis Street. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
5. Modify Utility Easement on Northeast corner of proposed Lot 1 to parallel new right of way created by corner clip.
6. Dedication of Mutual Access Easement may be required to access rear parking for all lots. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12*
7. Residential drive approaches will not be permitted off of Minor Thoroughfare roads. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154; Chapter 3, Division 5, Sec. 3.10.156(b)*
8. 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*
9. Notary block for Owner's signature to be placed with Owner's Dedication. Avigation Release to require Owner's signature without notary acknowledgement. *Chapter 10.05, Section 6*

10. Rear access plan for all lots to be reviewed and approved by Engineering Department.
11. City wastewater is not directly available to proposed Lots 1-4. Extension of wastewater main by developer is required prior to building permit being issued or plat being filed. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
12. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
13. 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.
14. 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)*
15. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. 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,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Dillon Stewart, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 3.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Replat of 901 S. Throckmorton Addition, consisting of 0.165 acres, being in the George B. Pilant Survey, Abstract 963, being a Replat of Lots 1 and 2, in Block 18, W. Elliott's Addition and is currently zoned R-5 (Single-Family Residential) District; Roberto and Nancy Garcia (Owner), Chris Noah (Representative) and Preston Trail Land Surveying (Surveyor) (901 South Throckmorton Street)

Issue:

To consider the Replat of 901 S. Throckmorton Addition, consisting of 0.165 acres, being in the George B. Pilant Survey, Abstract 963, being a Replat of Lots 1 and 2, in Block 18, W. Elliott's Addition and is currently zoned R-5 (Single-Family Residential) District; Roberto and Nancy Garcia (Owner), Chris Noah (Representative) and Preston Trail Land Surveying (Surveyor) (901 South Throckmorton Street)

Background:

The property is located at 901 South Throckmorton Street at the corner of East Thomas Street and South Throckmorton Street. The owner is requesting to plat the property into one lot for residential development.

Origination:

Roberto and Nancy Garcia (Owner)
Chris Noah (Representative)
Preston Trail Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

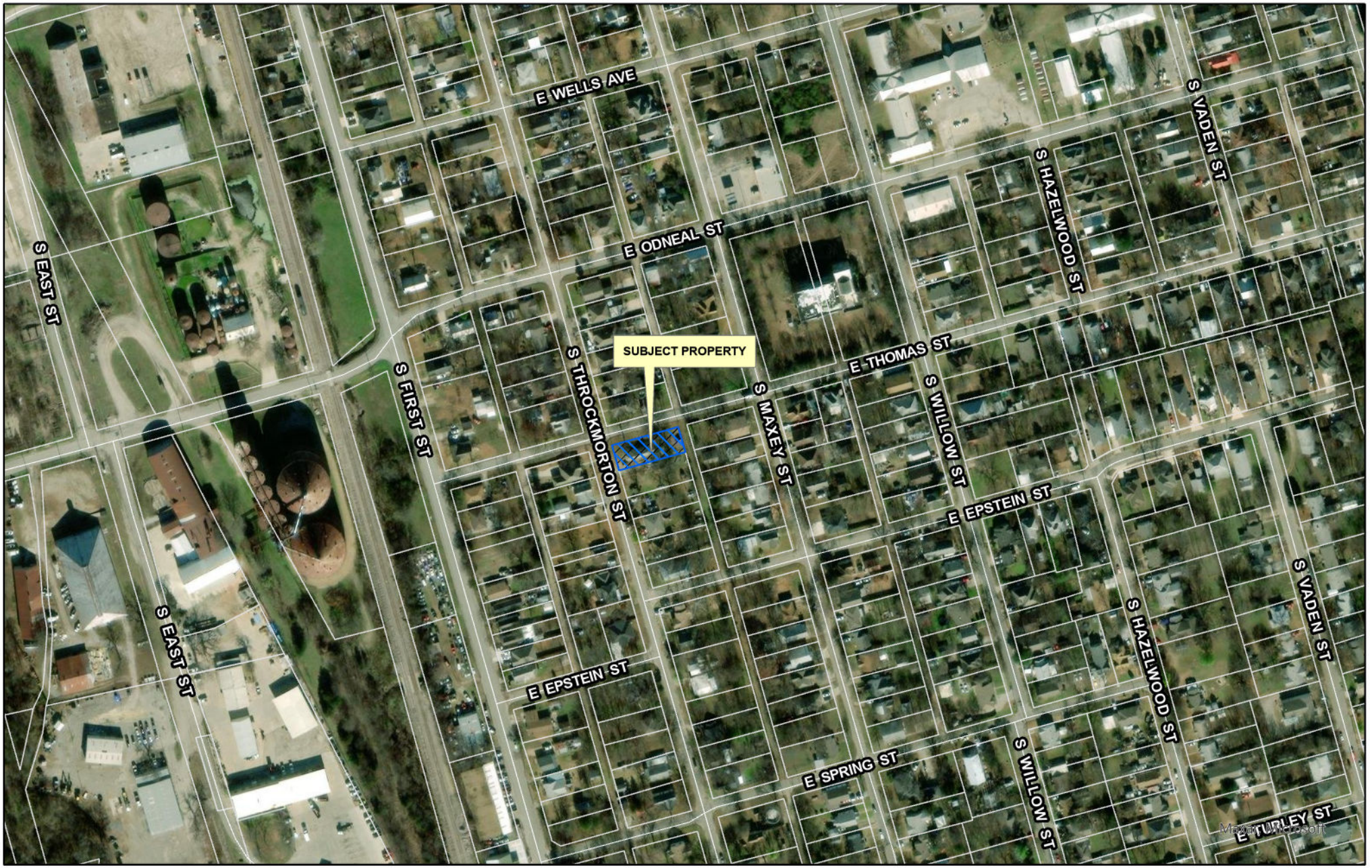
At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Replat
STAFF REVIEW LETTER - Engineering



dlagrone H:\PLANNING\Public Notification KT.aprx

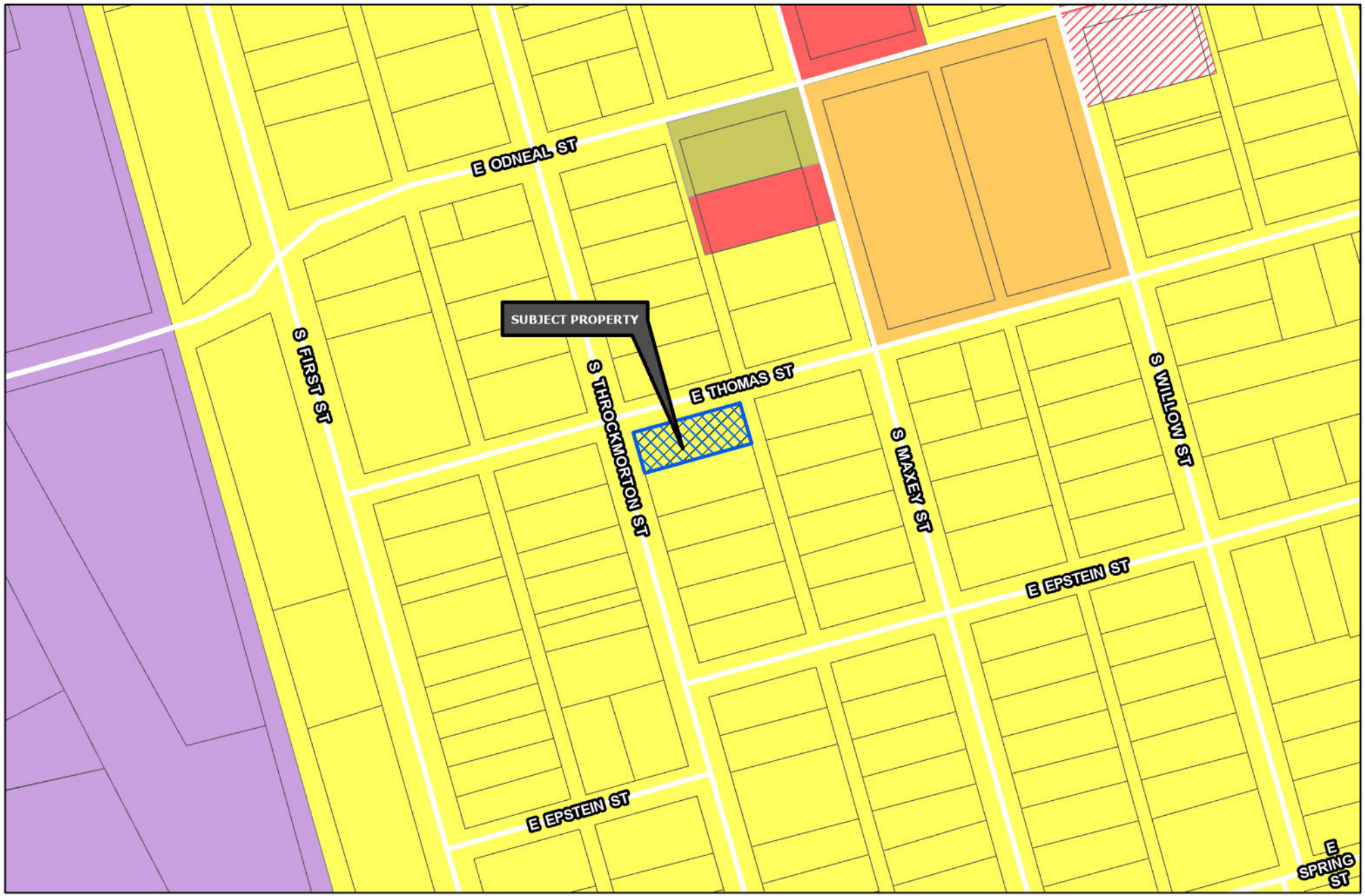
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
901 S THROCKMORTON ST

N
W E
S

Date: 8/15/2023 10:58 AM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations

Road Names All

CITY OF SHERMAN
ZONING MAP
901 S THROCKMORTON ST

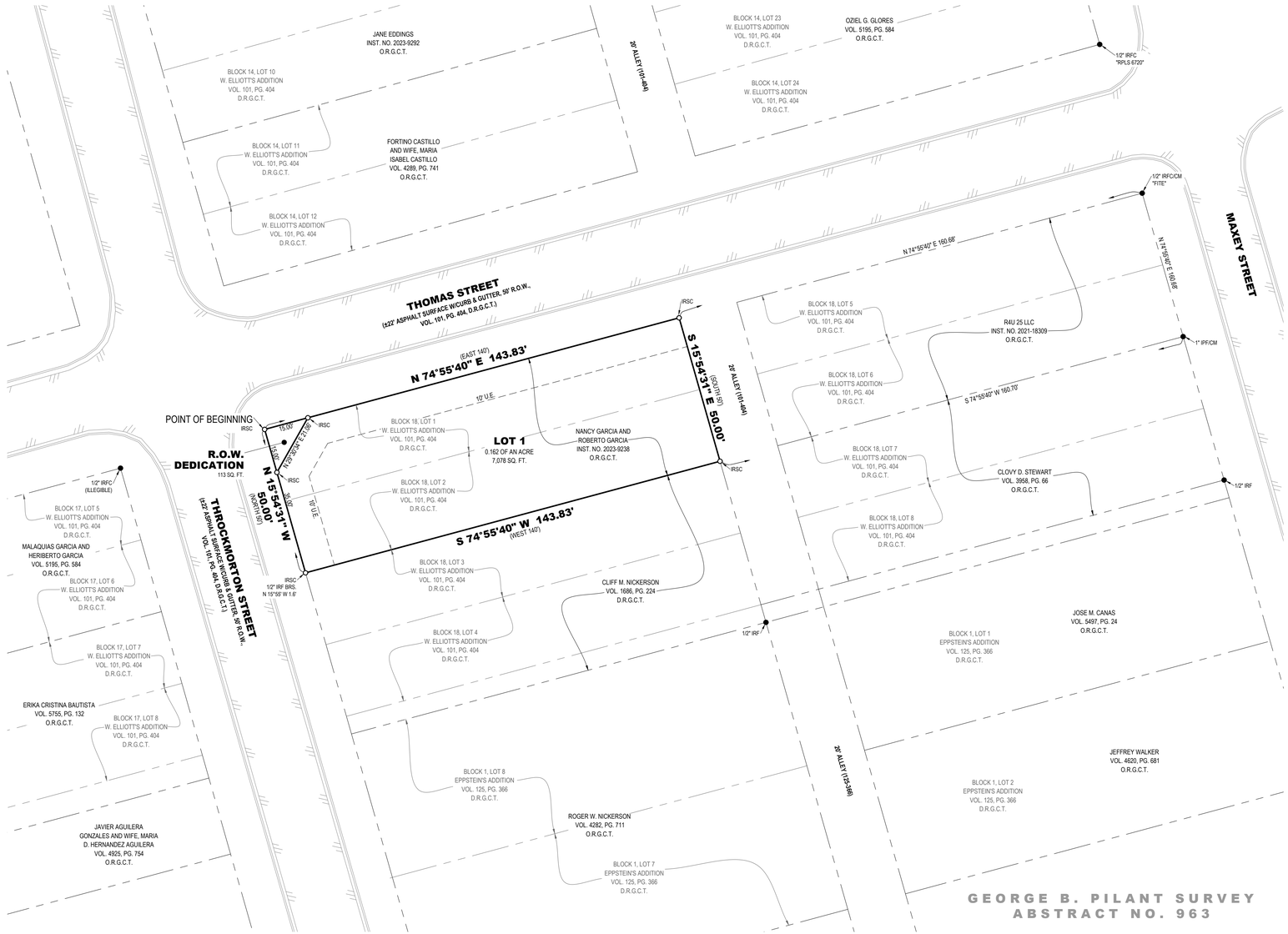
N
W E
S

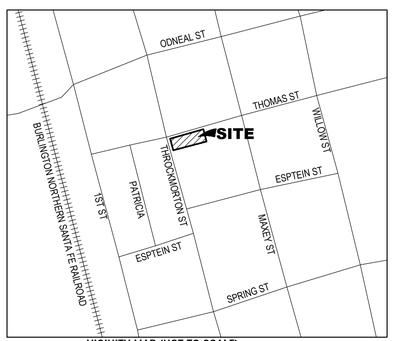
Date: 8/15/2023 10:59 AM

GRAPHIC SCALE IN FEET
0 10 20

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

FLOOD STATEMENT:
I have examined the F.E.M.A. Flood Insurance Rate Map for the City of Sherman, Grayson County, Texas, Community Number 485509, effective date 09/01/2022 and that map indicates that this property is within "Non-shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood" as shown on Panel 0290 G of said map. This flood statement does not imply that the property and/or 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.





VICINITY MAP (NOT TO SCALE)

LEGEND

●		FOUND MONUMENT
○		SET MONUMENT
IRSC		1/2" IRON ROD W/ "PRESTON TRAIL LAND SURVEYING, RPLS 6585" CAP SET
IRF		IRON ROD FOUND
IRFC		IRON ROD FOUND W/PLASTIC CAP
IPF		IRON PIPE FOUND
BRS		BEARS
CM		CONTROLLING MONUMENT
( )		DEED OR PLAT CALL
R.O.W.		RIGHT-OF-WAY
P.R.G.C.T.		PLAT RECORDS, GRAYSON COUNTY, TEXAS
D.R.G.C.T.		DEED RECORDS, GRAYSON COUNTY, TEXAS
O.R.G.C.T.		OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS
VOL., PG.		VOLUME, PAGE
INST. NO.		INSTRUMENT NO.
B.L.		BUILDING LINE
U.E.		UTILITY EASEMENT
		BOUNDARY LINE
		ADJOINER LINE
		EASEMENT
		BUILDING LINE
		ASPHALT

STATE OF TEXAS §
COUNTY OF GRAYSON §

OWNER'S CERTIFICATE

WHEREAS Roberto and Nancy Garcia are the owners of that certain tract or parcel of land situated in the George B. Pilant Survey, Abstract No. 963, the City of Sherman, Grayson County, Texas, and being all of Lots 1 and 2, in Block 18, of W. Elliott's Addition, an addition to the City of Sherman, Grayson County, Texas, according to the plat thereof recorded in Volume 101, Page 404, Deed Records, Grayson County, Texas, and being the same tract of land described in the deed to Nancy and Roberto Garcia, recorded in Instrument No. 2023-9238, Official Records, Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a plastic cap stamped "PRESTON TRAIL LAND SURVEYING RPLS 6585" (Hereinafter referred to as Capped Iron Rod) set for the northwest corner of said Garcia Tract, common to the northwest corner of said Lot 1, and at the intersection of the southerly right-of-way line of Thomas Street and the easterly right-of-way line of Throckmorton Street;

THENCE North 74°55'40" East, with the northerly line of said Garcia Tract, and with the northerly line of said Lot 1, and with the southerly right-of-way line of said Thomas Street, a distance of 143.83 feet to a Capped Iron Rod set for the northeast corner of said Garcia Tract, common to the northeast corner of said Lot 1, and common to the northwest corner of a called 20-foot alley, in said Block 18;

THENCE South 15°54'31" East, with the easterly line of said Garcia Addition, and with the easterly line of said Lot 1 part of the way, and with the easterly line of aforesaid Lot 2, and with the westerly line of said alley, a distance of 50.00 feet to a Capped Iron Rod set for the southeast corner of said Garcia Tract, common to the southeast corner of said Lot 2, and common to the northeast corner of a tract of land described in the deed to Cliff M. Nickerson, recorded in Volume 1686, Page 224, said Deed Records, and common to the northeast corner of Lot 3, in said Block 18;

THENCE South 74°55'40" West, with the southerly line of said Garcia Tract, and with the southerly line of said Lot 2, and with the northerly line of said Nickerson Tract, and with the northerly line of said Lot 3, a distance of 143.83 feet to a Capped Iron Rod set for the southwest corner of said Garcia Tract, common to the southwest corner of said Lot 2, and common to the northwest corner of said Nickerson Tract, and common to the northwest corner of said Lot 3, and on the easterly right-of-way line of aforesaid Throckmorton Street, and from which a found 1/2-inch iron rod bears North 15°55' West, a distance of 1.6 feet;

THENCE North 15°54'34" West, with the westerly line of said Garcia Tract, and with the westerly line of said Lot 2 part of the way, and with the westerly line of aforesaid Lot 1, and with the easterly right-of-way line of said Throckmorton Street, a distance of 50.00 feet to the POINT OF BEGINNING and enclosing 0.165 of an acre (7,191 square feet) of land, more or less.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS

That **Roberto and Nancy Garcia**, do hereby adopt this plat designating the hereinbefore described property as **901 S. THROCKMORTON ADDITION**, an Addition to the City of Sherman, Grayson County, Texas, and do hereby dedicate to the public use forever all streets, rights-of-way, alleys and easements shown thereon. The City or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Sherman, Texas.

BY:_____
Roberto Garcia

STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared **Roberto Garcia**, 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 considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20_____.

_____
Notary Public in and for the State of Texas

BY:_____
Nancy Garcia

STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared **Nancy Garcia**, 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 considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20_____.

_____
Notary Public in and for the State of Texas

CITY COUNCIL CERTIFICATE OF ACCEPTANCE

Accepted by the City Council of the City of Sherman, Texas:

_____ _____ _____
Mayor, City of Sherman, Texas Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing plat of **901 S. THROCKMORTON ADDITION,** to the City of Sherman 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 hereinabove subscribed.

Witness my hand this _____ day of _____, A.D. 20____.

_____
Clerk, City of Sherman, Texas

PLANNING AND ZONING COMMISSION CERTIFICATE OF ACCEPTANCE

Accepted this _____ day of _____, 20____, by the City Planning and Zoning Commission of the City of Sherman, Texas.

_____ _____ _____ _____
Chairman Secretary

AVIGATION RELEASE

STATE OF TEXAS §
COUNTY OF GRAYSON §

WHEREAS, **Roberto and Nancy Garcia**, hereinafter called OWNERS (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 **901 S. THROCKMORTON ADDITION**, an addition to the City of Sherman, Grayson County, Texas.

OWNERS 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 OWNERS 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 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 OWNERS does hereby fully remiss 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 noises, 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 OWNERS, his successors, heirs, executors, administrators and assigns, in interest with regard to said property located at **901 S. THROCKMORTON**, 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:_____
Roberto Garcia

BY:_____
Nancy Garcia

FINAL PLAT
901 S. THROCKMORTON ADDITION
0.165 OF AN ACRE
GEORGE B. PILANT SURVEY, ABSTRACT NO. 963
Being a Replat of Lots 1 and 2, Block 18
W. Elliott's Addition
City of Sherman, Grayson County, Texas

OWNER/DEVELOPER:
Roberto and Nancy Garcia
1505 East Lamar Street
Sherman, TX 75090

SURVEYOR:
Chris Noah, RPLS 6585
Preston Trail Land Surveying LLC
787 W FM 996
Pottsboro, TX 75076
Ph: 903-786-6029

Preston Trail LAND SURVEYING
787 W FM 996
Pottsboro, TX 75076
www.prestontraillandsurveying.com
903-786-6029

TBPLS Firm No. 10194175	Drawn by: LGT Checked by: CRN	Scale: 1"=20' Date: 07/24/2023	Project No. 23-0323 Sheet No. 1 of 1

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

August 14, 2023

Roberto and Nancy Garcia
1505 E. Lamar St.
Sherman, TX 75090

Preston Trail Land Surveying
787 W. FM 996
Pottsboro, TX 75076

Dear Applicants,

The request for approval of the Final Plat of 901 S. Throckmorton Addition has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, August 22, 2023 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. Dedicate a 10'x10' Right of Way corner clip on Northeast 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)*
2. Metes and bounds description for western boundary line does not match drawing. Correct appropriately. *Code of Ordinances Chapter 10, Exhibit A, Sec.6(B)(7)*
3. 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*
4. 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.
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. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. 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,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Dillon Stewart, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 4.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Final Plat of 607 East King Addition, consisting of 0.626 acres, being in the George B. Pilant Survey, Abstract No. 963 being a Replat of Lots 2, 3 & 4, in Block 1 of W. Elliott's Addition and currently zoned R-6 (Single Family Residential) District; Royal Legacy Homes, LLC (Owner) and Preston Trail Land Surveying (Surveyor) (607 East King Street)

Issue:

To consider Final Plat of 607 East King Addition, consisting of 0.626 acres, being in the George B. Pilant Survey, Abstract No. 963 being a Replat of Lots 2, 3 & 4, in Block 1 of W. Elliott's Addition and currently zoned R-6 (Single Family Residential) District; Royal Legacy Homes, LLC (Owner) and Preston Trail Land Surveying (Surveyor) (607 East King Street)

Background:

The property is located at 607 East King Street between South First Street and South Throckmorton Street. The property owner would like to plat the property into one lot for residential development.

August 22, 2023 - Variance to allow a 75' lot depth in lieu of the required 90' and a Variance to allow a 3000 square feet lot area in lieu of the required 4000 square feet in an R-4 District. Conditional on City Council approval of the zone change request.

Origination:

Royal Legacy Homes, LLC (Owner)
Preston Trail Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

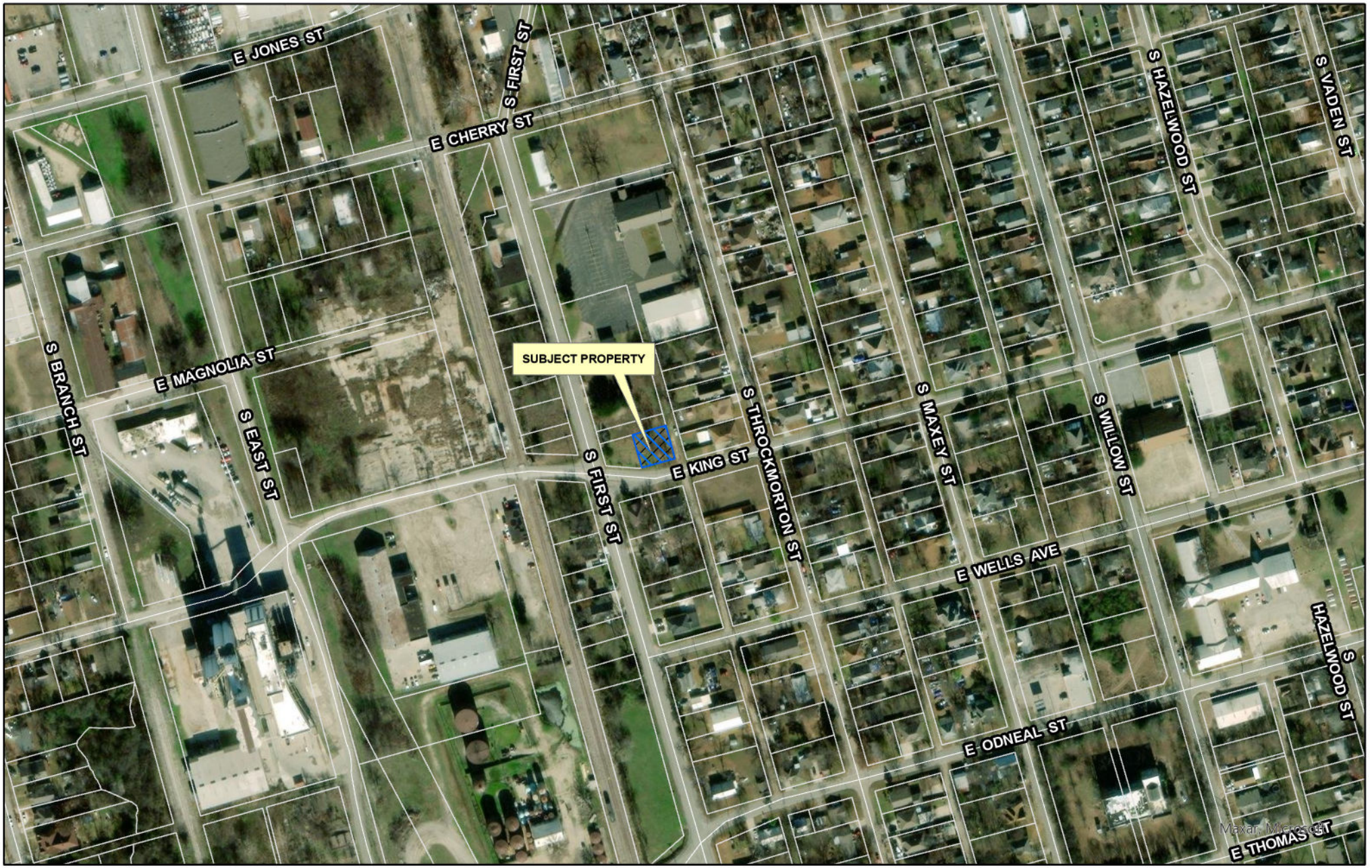
At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Final Plat
STAFF REVIEW LETTER - Engineering



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Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
607 E KING ST

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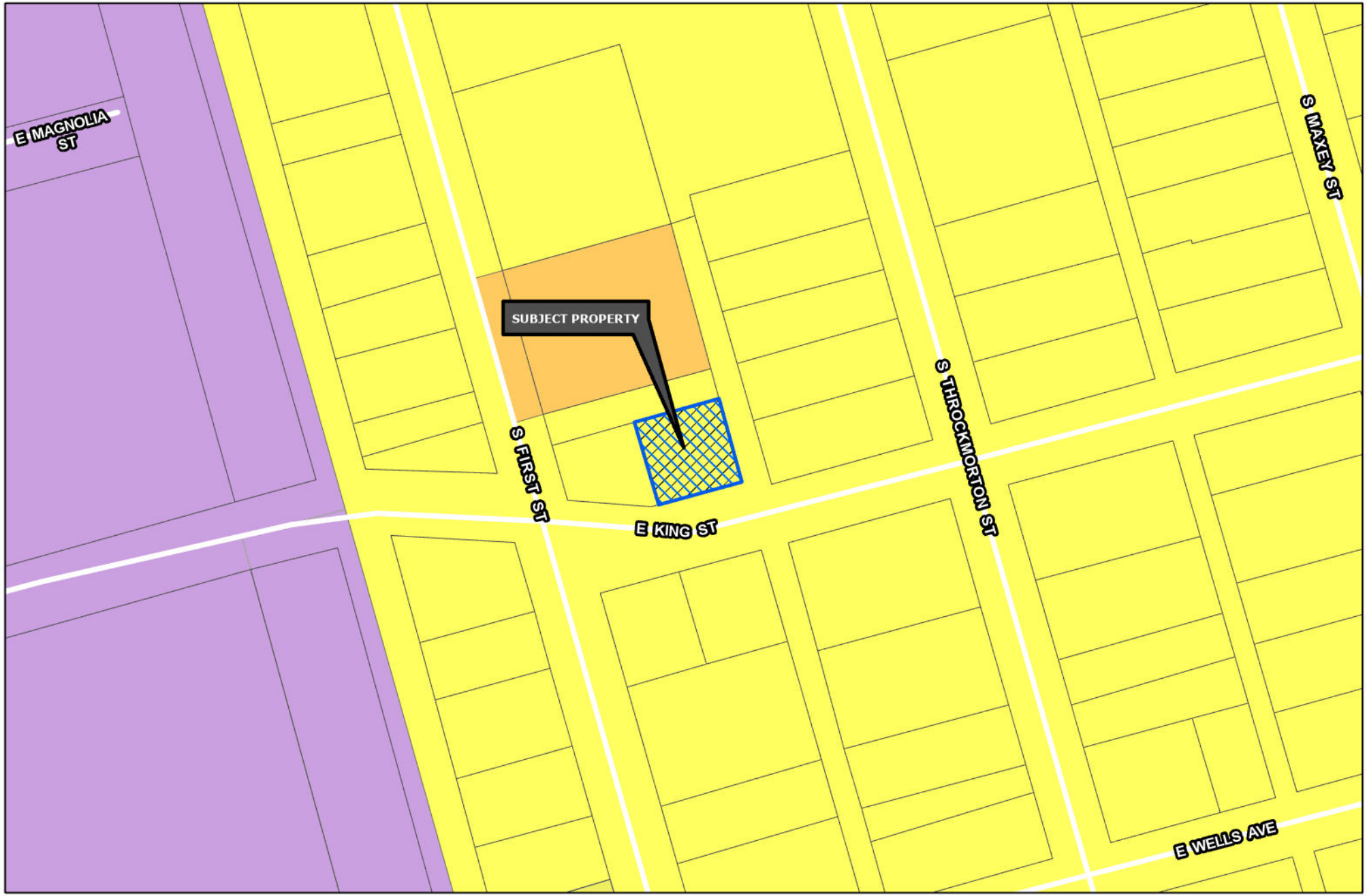

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations
- Road Names All

CITY OF SHERMAN ZONING MAP 607 E KING ST

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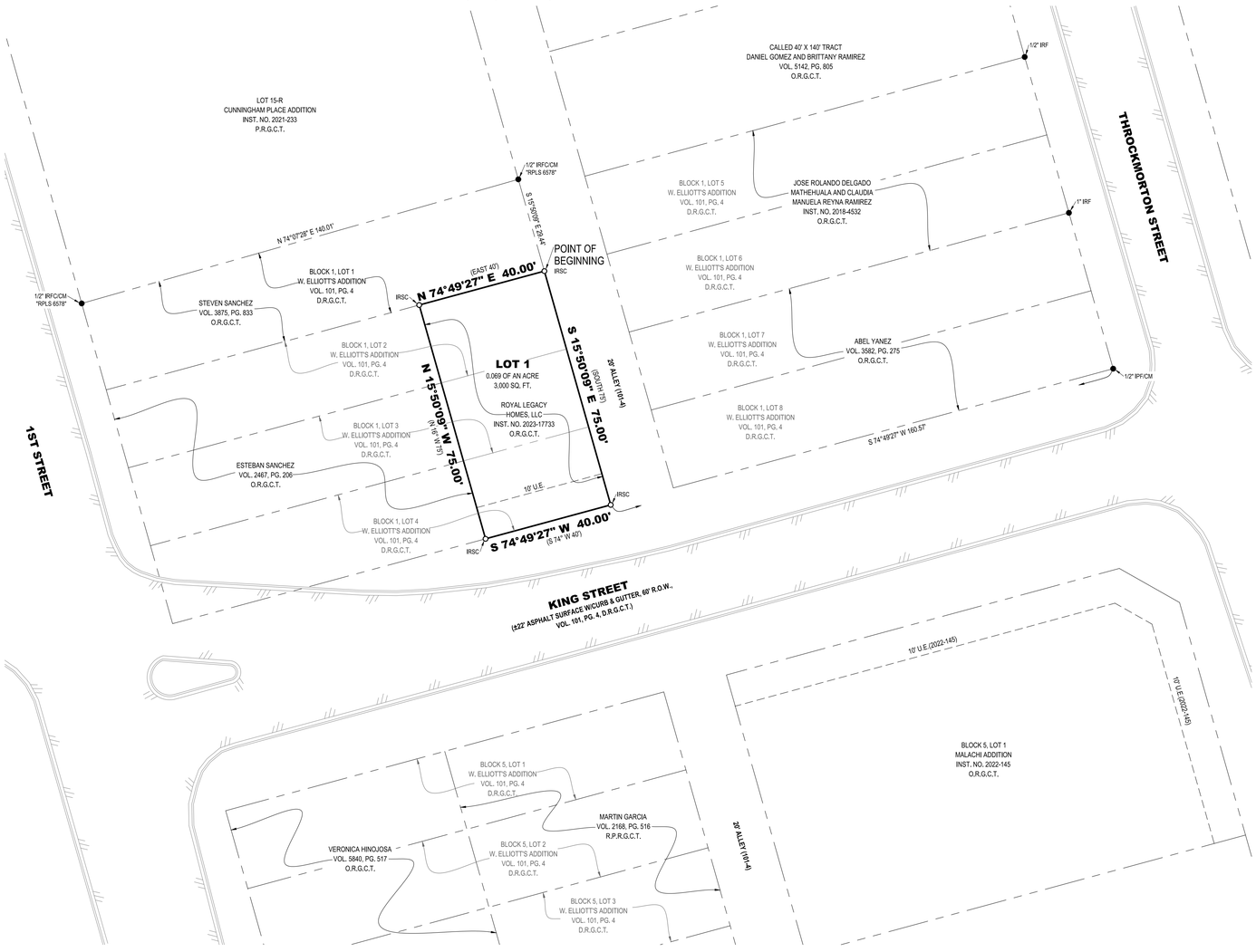
Date: 8/11/2023 4:38 PM

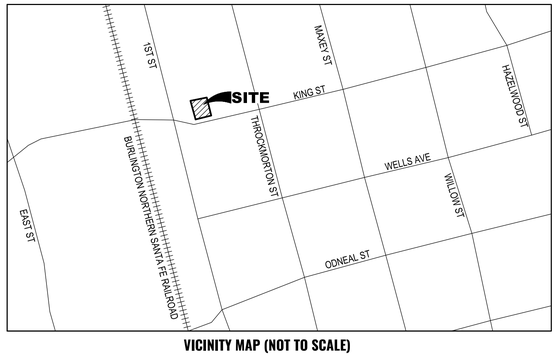
0 10 20
GRAPHIC SCALE IN FEET

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

FLOOD STATEMENT:

I have examined the F.E.M.A. Flood Insurance Rate Map for the City of Sherman, Grayson County, Texas, Community Number 485509, effective date 09/01/2022 and that map indicates that this property is within "Non-shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood" as shown on Panel 0290 G of said map. This flood statement does not imply that the property and/or 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.





VICINITY MAP (NOT TO SCALE)

LEGEND

●	FOUND MONUMENT
○	SET MONUMENT
IRSC	1/2" IRON ROD W/ "PRESTON TRAIL LAND SURVEYING, RPLS 6585" CAP SET
IRF	IRON ROD FOUND
IRFC	IRON ROD FOUND W/PLASTIC CAP
IPF	IRON PIPE FOUND
CM	CONTROLLING MONUMENT
( )	DEED OR PLAT CALL
R.O.W.	RIGHT-OF-WAY
P.R.G.C.T.	PLAT RECORDS, GRAYSON COUNTY, TEXAS
D.R.G.C.T.	DEED RECORDS, GRAYSON COUNTY, TEXAS
O.R.G.C.T.	OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS
R.P.R.G.C.T.	REAL PROPERTY RECORDS, GRAYSON COUNTY, TEXAS
VOL., PG.	VOLUME, PAGE
INST. NO.	INSTRUMENT NO.
B.L.	BUILDING LINE
U.E.	UTILITY EASEMENT
	BOUNDARY LINE
	ADJOINER LINE
	EASEMENT
	BUILDING LINE
	ASPHALT

STATE OF TEXAS §
COUNTY OF GRAYSON §

OWNER'S CERTIFICATE

WHEREAS Royal Legacy Homes, LLC are the owner of that certain tract or parcel of land situated in the George B. Pilant Survey, Abstract No. 963, the City of Sherman, Grayson County, Texas, and being part of Lots 2, 3 & 4, in Block 1, of W. Elliott's Addition, an addition to the City of Sherman, Grayson County, Texas, according to the plat thereof recorded in Volume 101, Page 4, Deed Records, Grayson County, Texas, and being the same tract of land described in the deed to Royal Legacy Homes LLC, recorded in Instrument No. 2023-17733, Official Records, Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a plastic cap stamped "PRESTON TRAIL LAND SURVEYING RPLS 6585" (Hereinafter referred to as Capped Iron Rod) set for the northeast corner of said Royal Legacy Homes, LLC Tract, common to the northeast corner of said Lot 2, and common to the southeast corner of a tract of land described in the deed to Steven Sanchez, recorded in Volume 3875, Page 833, Official Records, Grayson County, Texas, and common to the southeast corner of Lot 1, in said Block 1, and on the westerly line of a called 20-foot alley, in said Block 1;

THENCE South 15°50'09" East, with the easterly line of said Royal Legacy Homes, LLC Tract, and with the easterly line of said Lot 2 part of the way, and with the easterly line of aforesaid Lot 3 part of the way, and with the easterly line of aforesaid Lot 4, and with the westerly line of said alley, a distance of 75.00 feet to a Capped Iron Rod set for the southeast corner of said Royal Legacy Homes, LLC Tract, and common to the southeast corner of said Lot 4, and on the northerly right-of-way line of King Street;

THENCE South 74°49'27" West, with the southerly line of said Royal Legacy Homes, LLC Tract, and with the southerly line of said Lot 4, and with the northerly right-of-way line of said King Street, a distance of 40.00 feet to a Capped Iron Rod set for the southwest corner of said Royal Legacy Homes, LLC Tract, common to the southeast corner of a tract of land described in the deed to Esteban Sanchez, recorded in Volume 2467, Page 206, said Official Records;

THENCE North 15°50'09" West, with the westerly line of said Royal Legacy Homes, LLC Tract, and with the easterly line of said Esteban Sanchez Tract, and crossing said Lot 4, and crossing aforesaid Lot 3, and crossing aforesaid Lot 1, a distance of 75.00 feet to a Capped Iron Rod set for the northwest corner of said Royal Legacy Homes, LLC Tract, common to the northeast corner of said Esteban Sanchez Tract, on the southerly line of aforesaid Steven Sanchez Tract, and on the southerly line of aforesaid Lot 1;

THENCE North 74°49'27" East, with the northerly line of said Royal Legacy Homes, LLC Tract, and with the northerly line of said Lot 2, and with the southerly line of said Steven Sanchez Tract, and with the southerly line of said Lot 1, a distance of 40.00 feet to the POINT OF BEGINNING and enclosing 0.069 of an acre (3,000 square feet) of land, more or less.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS

That **Royal Legacy Homes, LLC**, does hereby adopt this plat designating the hereinbefore described property as **607 EAST KING ADDITION**, an Addition to the City of Sherman, Grayson County, Texas, and does hereby dedicate to the public use forever all streets, rights-of-way, alleys and easements shown thereon. The City or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Sherman, Texas.

BY: Royal Legacy Homes, LLC

_____
Alexis Jaramillo, Manager

STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared **Alexis Jaramillo**, 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 considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20_____.

_____
Notary Public in and for the State of Texas

CITY COUNCIL CERTIFICATE OF ACCEPTANCE

Accepted by the City Council of the City of Sherman, Texas:

_____ _____ _____
Mayor, City of Sherman, Texas Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing plat of **607 EAST KING ADDITION,** to the City of Sherman 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 hereinabove subscribed.

Witness my hand this _____ day of _____, A.D. 20____.

_____
Clerk, City of Sherman, Texas

PLANNING AND ZONING COMMISSION CERTIFICATE OF ACCEPTANCE

Accepted this _____ day of _____, 20____, by the City Planning and Zoning Commission of the City of Sherman, Texas.

_____ _____
Chairman Secretary

AVIGATION RELEASE

STATE OF TEXAS §
COUNTY OF GRAYSON §

WHEREAS, **Royal Legacy Homes, 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 **607 EAST KING ADDITION**, an addition to the City of Sherman, Grayson County, Texas.

OWNERS 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 OWNERS 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 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 OWNERS does hereby fully remiss 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 noises, 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 **607 EAST KING ADDITION**, 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: Royal Legacy Homes, LLC

_____
Alexis Jaramillo, Manager

SURVEYORS CERTIFICATE

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground and that all monuments shown hereon actually actually exist and that their location, size, and material are correctly shown.

_____ _____
Chris R. Noah Date
Registered Professional Land Surveyor No. 6585

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

OWNER/DEVELOPER:
Alexis Jaramillo
Royal Legacy Homes, LLC
1019 East Lake Street
Sherman, TX 75090

SURVEYOR:
Chris Noah, RPLS 6585
Preston Trail Land Surveying LLC
787 W FM 996
Pottsboro, TX 75076
Ph: 903-786-6029

ONE LOT FINAL PLAT
607 EAST KING ADDITION
0.069 OF AN ACRE
GEORGE B. PILANT SURVEY, ABSTRACT NO. 963
City of Sherman
Grayson County, Texas

Preston Trail LAND SURVEYING
787 W FM 996
Pottsboro, TX 75076
www.prestontraillandsurveying.com
903-786-6029

TBPLS Firm No. 10194175	Drawn by: LGT Checked by: CRN	Scale: 1"=20' Date: 07/21/2023	Project No. 23-0329 Sheet No. 1 of 1

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

August 14, 2023

Alexis Jaramillo
Royal Legacy Homes, LLC
1019 E. Lake St.
Sherman, TX 75090

Preston Trail Land Surveying, LLC
787 W. FM 996
Pottsboro, TX 75076

Dear Applicants,

The request for approval of the Final Plat of 607 East King Addition has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, August 22, 2023 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. Remove "One Lot" from "One Lot Final Plat" in title block.
2. Plat title block to read as "607 East King Addition, Being a Replat of …"
3. Dedicate a 10'x10' Right of Way corner clip on Southeast 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)*
4. 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*
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. 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. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. 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,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Dillon Stewart, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 5.**

Meeting Date: 09/18/2023
Prepared By: Rob Rae, Director of Development Services
Approved By: Robby Hefton, City Manager

Caption:

***** OTHER BUSINESS***

Replat of Atsar Storage Addition, consisting of 3.726 acres, being in the Elizabeth Jones Survey, Abstract No. 625, being all of Lot 3-R, Block 1, of the Replat of Lots 2 and 3, Block 1, Chief's Addition, and is currently located in the C-1 (Retail Business) District; Lighthouse for Kids, LLC (Owner) and Helvey Wagner Surveying (Surveyor) (920 South FM 1417 (Heritage Parkway))

Issue:

To consider the Replat of Atsar Storage Addition, consisting of 3.726 acres, being in the Elizabeth Jones Survey, Abstract No. 625, being all of Lot 3-R, Block 1, of the Replat of Lots 2 and 3, Block 1, Chief's Addition, and is currently located in the C-1 (Retail Business) District; Lighthouse for Kids, LLC (Owner) and Helvey Wagner Surveying (Surveyor) (920 South FM 1417 (Heritage Parkway))

Background:

The property is located at 920 South FM 1417 (Heritage Parkway) near the intersection of South FM 1417 (Heritage Parkway) and Quail Run Road and is zoned C-1 (Retail Business) District. The owner would like to plat the property into two lots for residential development.

The following has been approved for this location:

- December 13, 2022 - Specific Use Permit and Site Plan approval under Ordinance No. 6558 to allow a Mini-Warehouse and outdoor Recreational Vehicle (RV) Storage in a C-1 (Retail Business) District.
- Decemeber 13, 2022 - Variance under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow 6 parking spaces in lieu of the required 22 for a Mini-Warehouse in a C-1 (Retail Business) District.

Origination:

Lighthouse for Kids, LLC (Owner)
Helvey Wagner Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

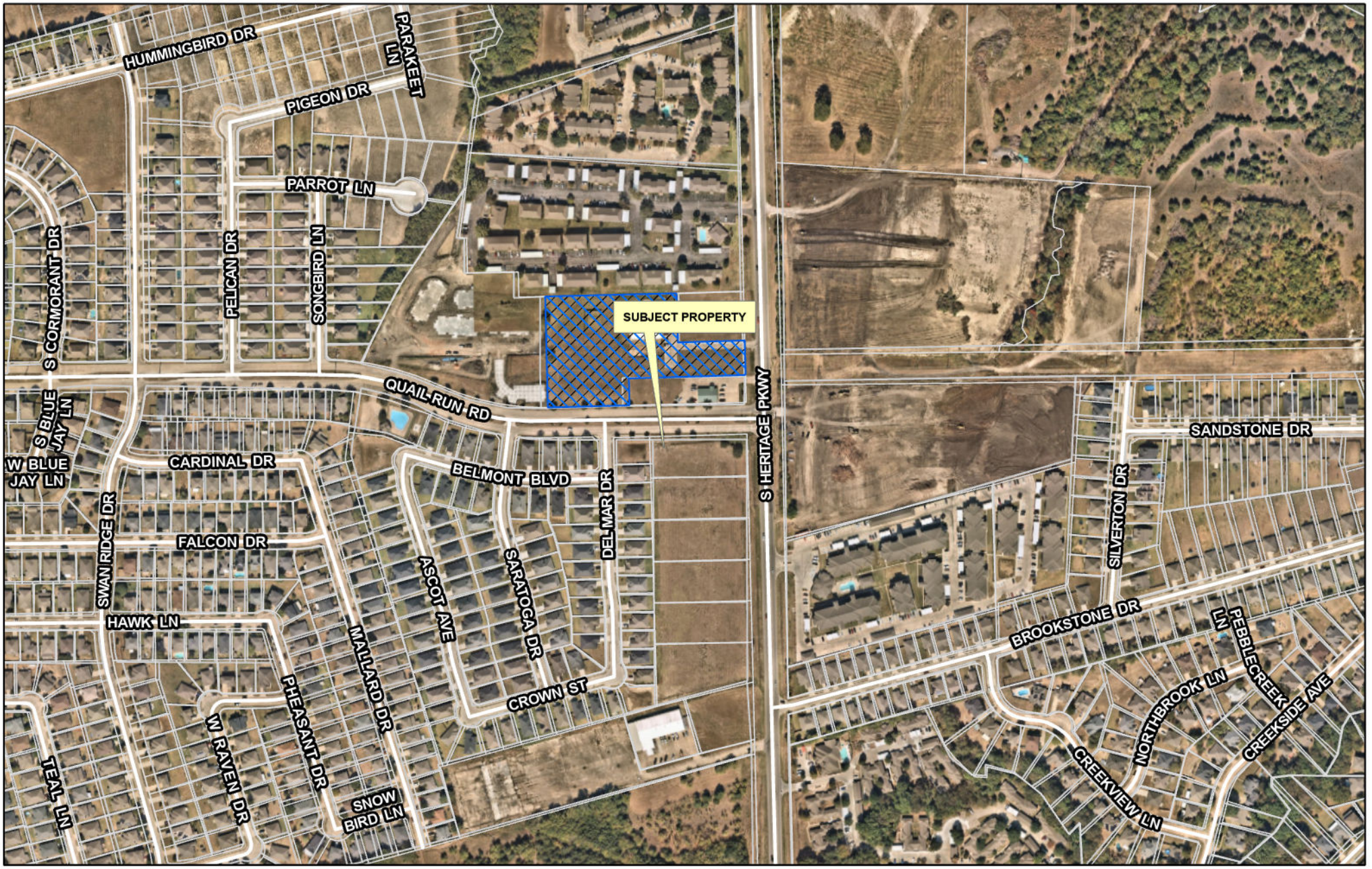
At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Replat
Site Plan
STAFF REVIEW LETTER - Engineering



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Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
920 S FM 1417 (HERITAGE PKWY)

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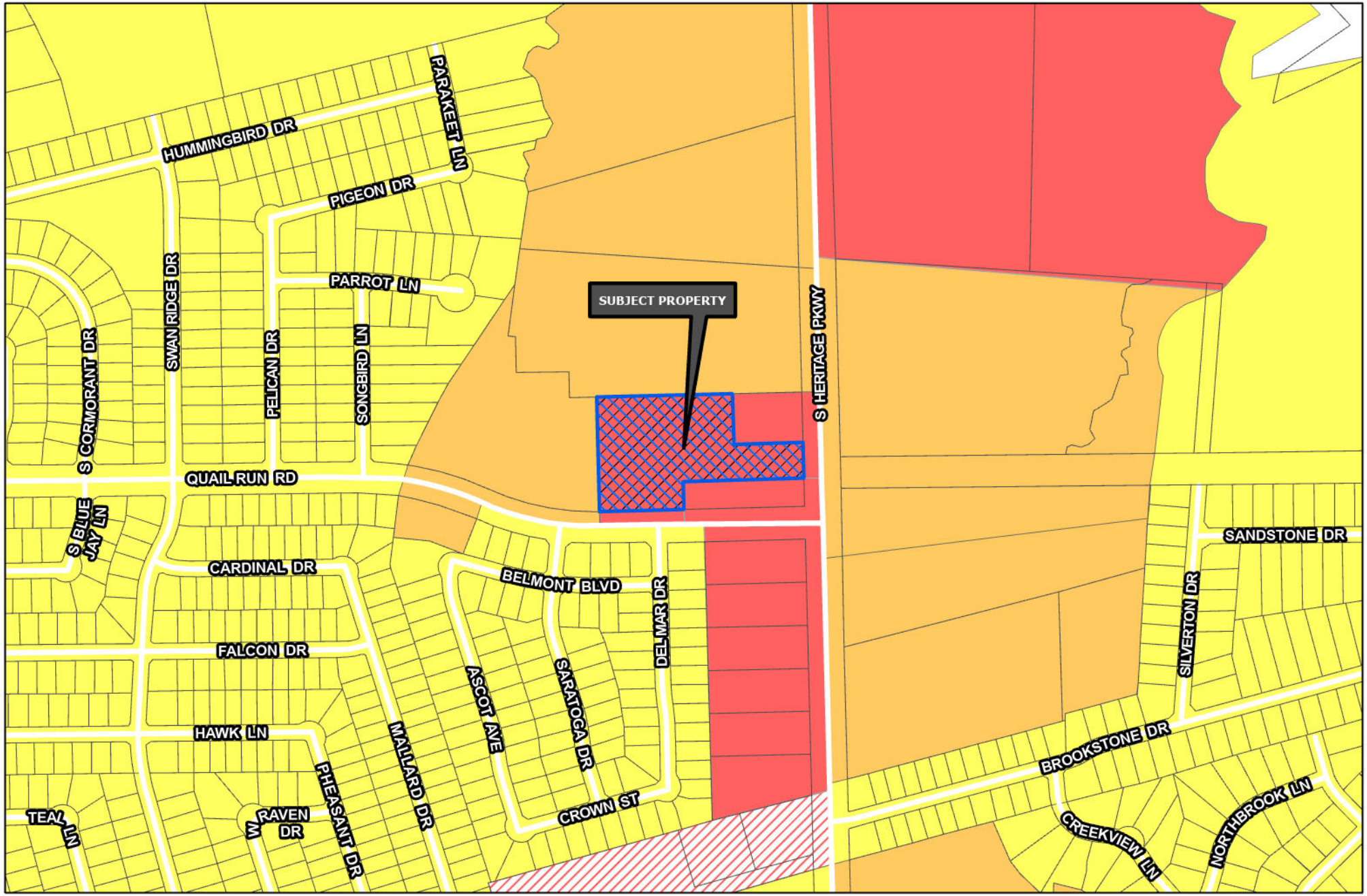
Date: 8/6/2023 1:34 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
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- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations
- Road Names All

CITY OF SHERMAN
ZONING MAP
920 S FM 1417 (HERITAGE PKWY)

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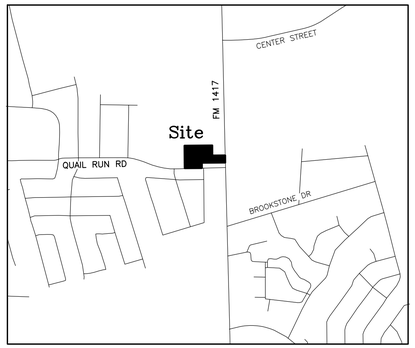
Date: 8/6/2023 5:02 PM

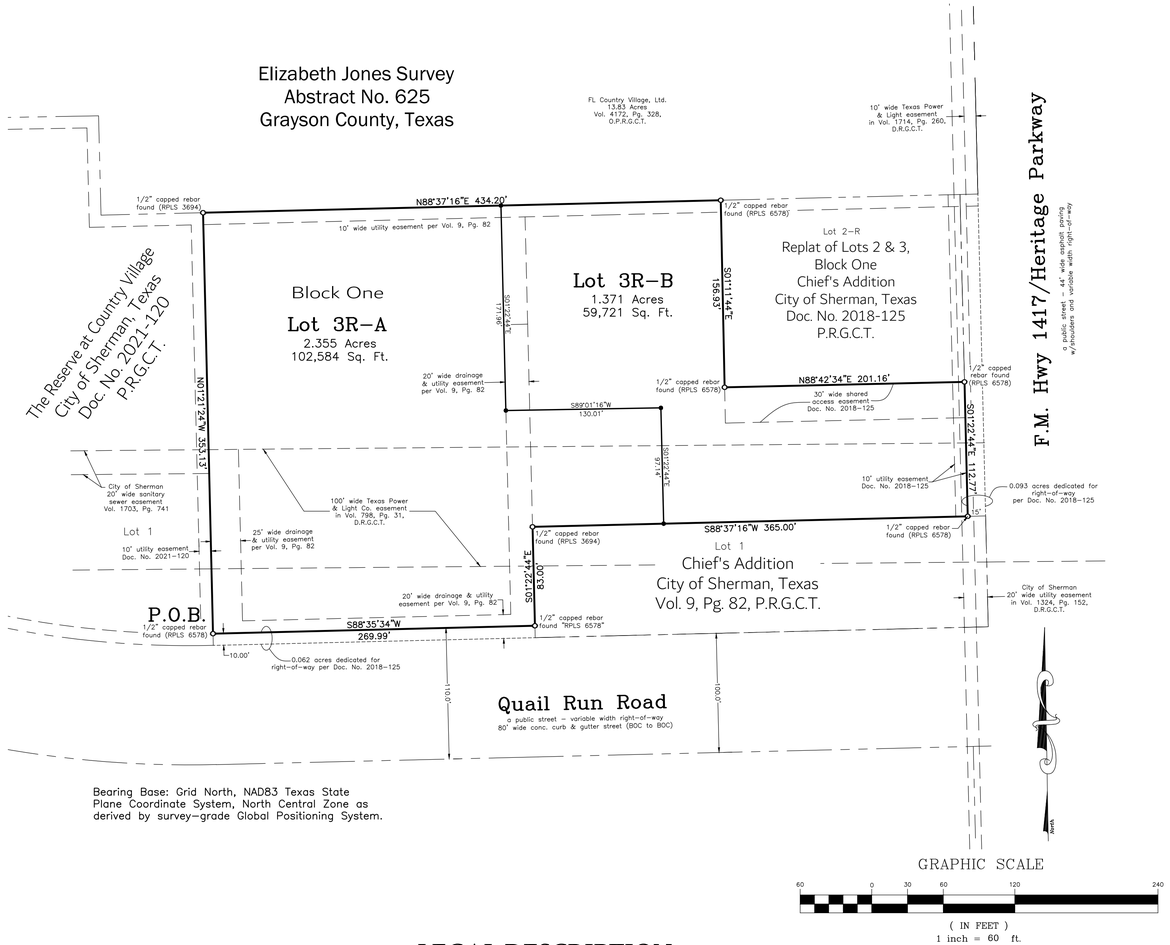
Vicinity Map

(not to scale)



General Notes:

1. Water Supply to be provided by City of Sherman.
2. Sewer service to be provided by City of Sherman.
3. Electrical service is provided by Oncor Electric Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway 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. 48181C0405 G, Revised Date: September 1, 2022.
8. Neither 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.



Bearing Base: Grid North, NAD83 Texas State Plane Coordinate System, North Central Zone as derived by survey-grade Global Positioning System.

LEGAL DESCRIPTION

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the Elizabeth Jones Survey, Abstract No. 625 and being all of Lot 3-R, Block One, of the Replat of Lots 2 and 3, Block One, Chief's Addition to the City of Sherman, Texas as per plat of record in Document No. 2018-125, Plat 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 (RPLS 6578) in the East line of Lot 1, The Reserve at County Village, an addition to the City of Sherman, Texas as per plat of record in Doc. No. 2021-120, said Plat Records and in the North right-of-way line of Quail Run Road (a public street), at the Southwest corner of said Lot 3-R;

THENCE North 01 deg. 21 min. 24 sec. West, with the West line of said Lot 3-R and the East line of said Lot 1, The Reserve at Country Village, a distance of 353.13 ft. to a 1/2 inch capped rebar found (RPLS 3694), at the most Easterly Northeast corner of said Lot 1, The Reserve at Country Village and in the South line of tue FL Country Village, Ltd. 13.83 acres, recorded in Vol. 4172, Pg. 328, Official Public Records, Grayson County, Texas, at the Northwest corner of said Lot 3-R;

THENCE North 88 deg. 37 min. 16 sec. East, with the South line of said FL Country Village, Ltd. 13.83 ac. and a North line of said Lot 3-R, a distance of 434.20 ft. to a 1/2 inch rebar found (RPLS 6578), at the most Northern Northeast corner of said Lot 3-R and the Northwest corner of Lot 2-R, Block One said Replat of Lots 2 and 3, Block One, Chief's Addition;

THENCE South 01 deg. 11 min. 44 sec. East, with an East line of said Lot 3-R and the West line of said Lot 2-R, a distance of 156.93 ft., to an Ell corner of said Lot 3-R and the Southeast corner of Lot 2-R;

THENCE North 88 deg. 42 min. 34 sec. East, with a North line of said Lot 3-R and the South line of said Lot 2-R, a distance of 201.16 ft. to a 1/2 inch rebar found (RPLS 6578), at the most Easterly Northeast corner of said Lot 3-R and the Southeast corner of said Lot 2-R, in the West right-of-way of F.M. Highway 1417 (a.k.a. Heritage Parkway);

THENCE South 01 deg. 22 min. 44 sec. East, with an East line of said Lot 3-R and the West right-of-way of said F.M. Highway 1417/Heritage Parkway, a distance of 112.77 ft. to a 1/2 inch rebar found (RPLS 6578), at the most Eastern Southeast corner of said Lot 3-R and the Northeast corner of Lot 1, Chief's Addition to the City of Sherman, Texas, recorded in Volume 9, Page 82, said Plat Records;

THENCE South 88 deg. 37 min. 16 sec. West, with a South line of said Lot 3-R and the North line of said Lot 1, a distance of 365.00 ft. to a 1/2 inch rebar found (RPLS 3694), at an Ell corner of said Lot 3-R and the Northwest corner of said Lot 1;

THENCE South 01 deg. 22 min. 44 sec. East, with the West line of said Lot 1 and an East line of said Lot 3-R, a distance of 83.00 ft. to a 1/2 inch rebar found (RPLS 6578), at the most Southerly Southeast corner of said Lot 3-R, in the North right-of-way line of said Quail Run Road;

THENCE South 88 deg. 55 min. 34 sec. West, with a South line of said Lot 3-R and the North right-of-way of said Quail Run Road, a distance of 269.99 ft. to the **POINT OF BEGINNING** and containing **3.726 ACRES** of land.

KNOW ALL MEN BY THESE PRESENTS:

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown hereon under my personal and direct supervision, and that the corner monumentation meets the standards set according to the Subdivision Regulations of the City of Sherman, Texas.

_____
Kate A. Wagner, R. P. L. S. No. 6578 Date:

STATE OF TEXAS REGISTERED KATE A. WAGNER 6578 PROFESSIONAL LAND SURVEYOR

Job No. CGS510723

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

Owner:
Lighthouse for Kids, LLC
920 Heritage Parkway
Sherman, Texas 75092

P:\Land Projects R2\920-Heritage-Pkwy-Sherman\dwg\Replat-2023.dwg 7/27/2023 9:57 AM

KNOW ALL MEN BY THESE PRESENTS:

I, Lighthouse for Kids, LLC, owners of Atsar Storage Addition to the City of Sherman, Texas, do hereby dedicate the streets and easements shown hereon to the public use forever.

_____
LorBeth Shaffer, Authorized Representative of Lighthouse for Kids, LLC

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Loribeth Shaffer, known to me to be the persons whose name are 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 _____, 2023.

_____
Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN. BROAD HORIZON.

This, the final plat of Atsar Storage Addition to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2023, by the Planning and Zoning Commission of the City of Sherman, Texas.

_____ _____
Chairman Secretary

This, the final plat of Atsar Storage Addition to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2023, 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 Atsar Storage Addition to the City of Sherman, Texas, was submitted to the city council of Sherman, Texas, on the _____ day of _____, 2023, and that the City Council, by formal action, then and there accepted the dedication of all easements, and other public areas, as shown and set forth in and upon said plat; and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as here above subscribed.

CERTIFIED THIS _____ DAY OF _____, 2023, BY _____
CITY CLERK, CITY OF SHERMAN, TEXAS

Atsar Storage Addition

Being a Replat of Lots 2 and 3, Block One, Chief's Addition

to the

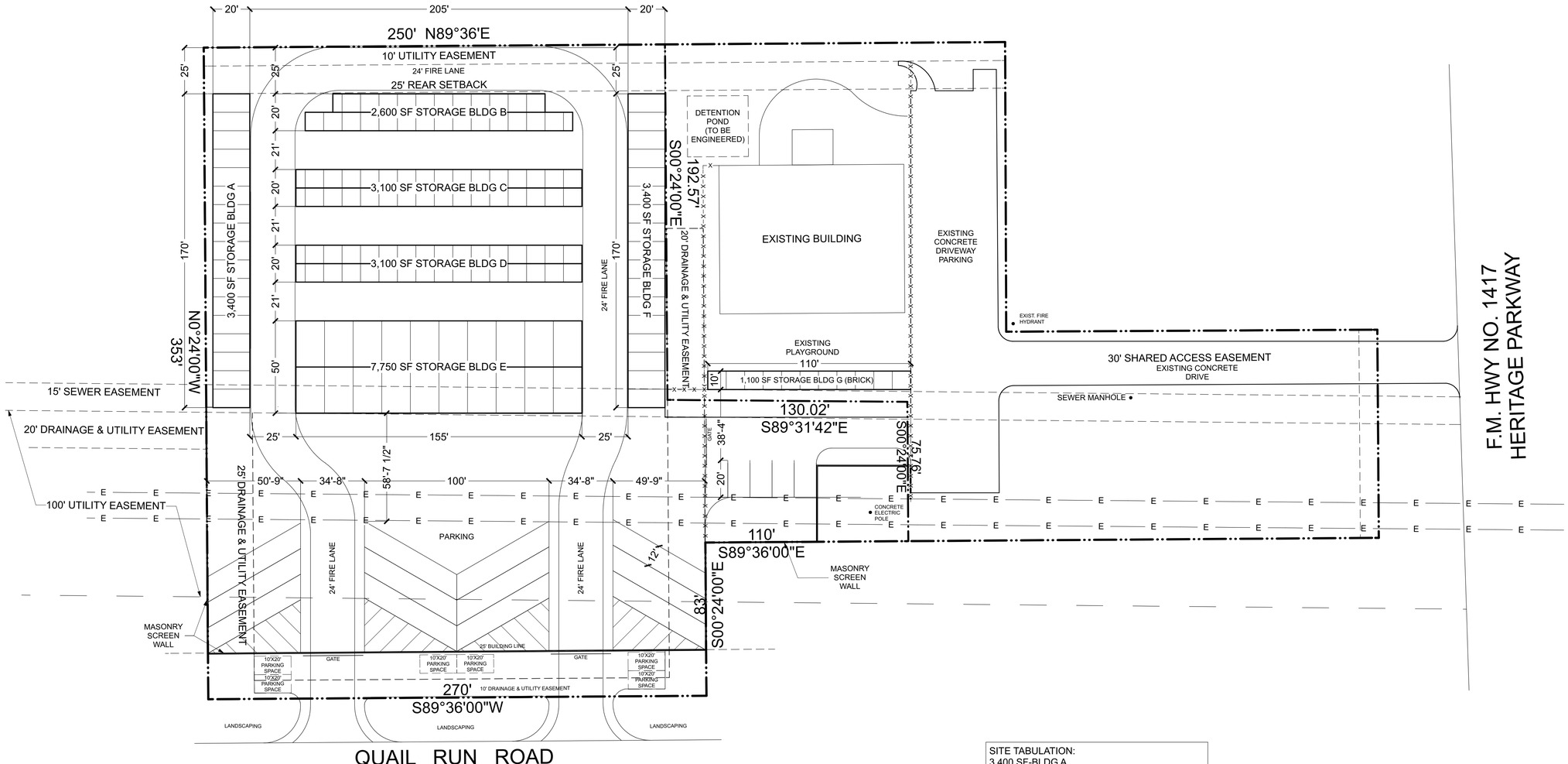
City of Sherman
Grayson County, Texas

3.726 Acres

in the

Elizabeth Jones Survey
Abstract No. 625

Date of Preparation: July 27, 2023



SITE PLAN
SCALE:1"=30'-0"

SITE TABULATION:
3,400 SF-BLDG A
2,600 SF-BLDG B
3,100 SF-BLDG C
3,100 SF -BLDG D
7,750 SF-BLDG E
3,400 SF-BLDG F
1,100 SF-BLDG G
21,350 SF-TOTAL BLDG

99,752-GROSS SF OF PROPERTY
6 SPACES-REQUIRED PARKING
6 SPACES-PARKING PROVIDED
C1-CURRENT ZONING
C1-PROPOSED ZONING
85,468 SF-HARD SURFACE/IMPERVIOUS AREA
1,885 SF-LANDSCAPED AREA
21.04%-FLOOR TO AREA RATIO

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

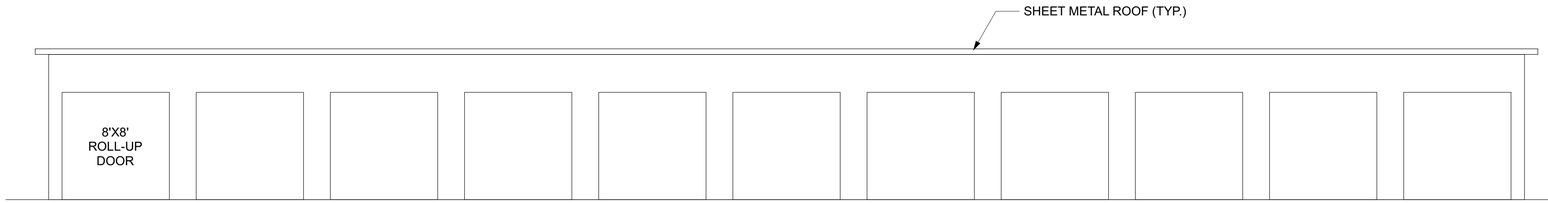
PROJECT DESCRIPTION:
SHAFFER STORAGE SITE PLAN

DRAWINGS PROVIDED BY:
NBS DRAFTING AND DESIGN
303 W. HOUSTON
SHERMAN, TEXAS 75090
903.892.5620

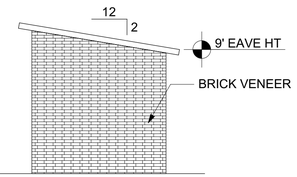
DATE:
6/16/2023

SCALE:

SHEET:
A-1



FRONT ELEVATION (TYP.)



SIDE ELEVATION

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

PROJECT DESCRIPTION:

SHAFFER STORAGE SITE PLAN

DRAWINGS PROVIDED BY:
NBS DRAFTING AND DESIGN
303 W. HOUSTON
SHERMAN, TEXAS 75090
903.892.5620

DATE:

6/16/2023

SCALE:

SHEET:

A-2

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

August 14, 2023

Lighthouse for Kids, LLC
920 Heritage Parkway
Sherman, TX 75092

Helvey-Wagner Surveying, Inc.
222 W. Main Street
Denison, TX 75020

Dear Applicants,

The request for approval of the Plat of Atsar Storage Addition has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, August 22, 2023 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. Dedicate a 15' Utility, Landscape, & Sidewalk Easement along FM 1417/Heritage Parkway. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
3. Dedicate a 20' Wastewater Easement along centerline of existing wastewater mains crossing proposed Lots. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
4. Graphically show edge of pavement on drawing. *Code of Ordinances, Chapter 10, Exhibit A, Sec. 6(B)(7)*
5. 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)*
6. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
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. 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)*
9. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. 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,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Dillon Stewart, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 6.**

Meeting Date: 09/18/2023
Prepared By: Rob Rae, Director of Development Services
Approved By: Robby Hefton, City Manager

Caption:

***** OTHER BUSINESS***

Final Plat of Crossroads – Springhill Addition, Lots 1 & 2, Block 1, consisting of 5.464 acres in the Preston Kitchen Survey, Abstract No. 667, being a portion of a 44.83 acre tract of land in the Blalock Industrial Park/Blalock Commercial Overlay District/Planned Development District); Jeff Harkinson (Owner), Jim Riley (Representative), TEKMAK Development Company (Developer), Brockette/Davis/Drake, Inc. (Engineers) (301 Block West Travis Street)

Issue:

To consider Final Plat of Crossroads – Springhill Addition, Lots 1 & 2, Block 1, consisting of 5.464 acres in the Preston Kitchen Survey, Abstract No. 667, being a portion of a 44.83 acre tract of land in the Blalock Industrial Park/Blalock Commercial Overlay District/Planned Development District); Jeff Harkinson (Owner), Jim Riley (Representative), TEKMAK Development Company (Developer), Brockette/Davis/Drake, Inc. (Engineers) (301 Block West Travis Street)

Background:

The property is located in the 301 Block West Travis Street between West Travis Street and Crossroads Boulevard. The owner would like to plat the property into 2 lots for commercial development.

The following has been approved for this location:

- May 16, 2023 - Public Hearing and Zoning Text Amendment to add regulations to allow a hotel use with a Specific Use Permit in the Blalock Commercial Overlay District.
- May 16, 2023 - Preliminary Plat of Crossroads – Springhill Suites, Lots 1 & 2, Block 1
- May 16, 2023 - Public Hearing, Site Plan and Specific Use Permit under Section 14.06.009 to allow a Hotel or motel in the Blalock Industrial Park/Blalock Commercial Overlay District/Planned Development District

Origination:

Jeff Harkinson (Owner)
Jim Riley (Representative)
TEKMAK Development Company (Developer)
Brockette/Davis/Drake, Inc. (Engineers)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

Final Plat

STAFF REVIEW LETTER - Engineering

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dlagrone H:\PLANNING\Public Notification KT.aprx

4/27/2023

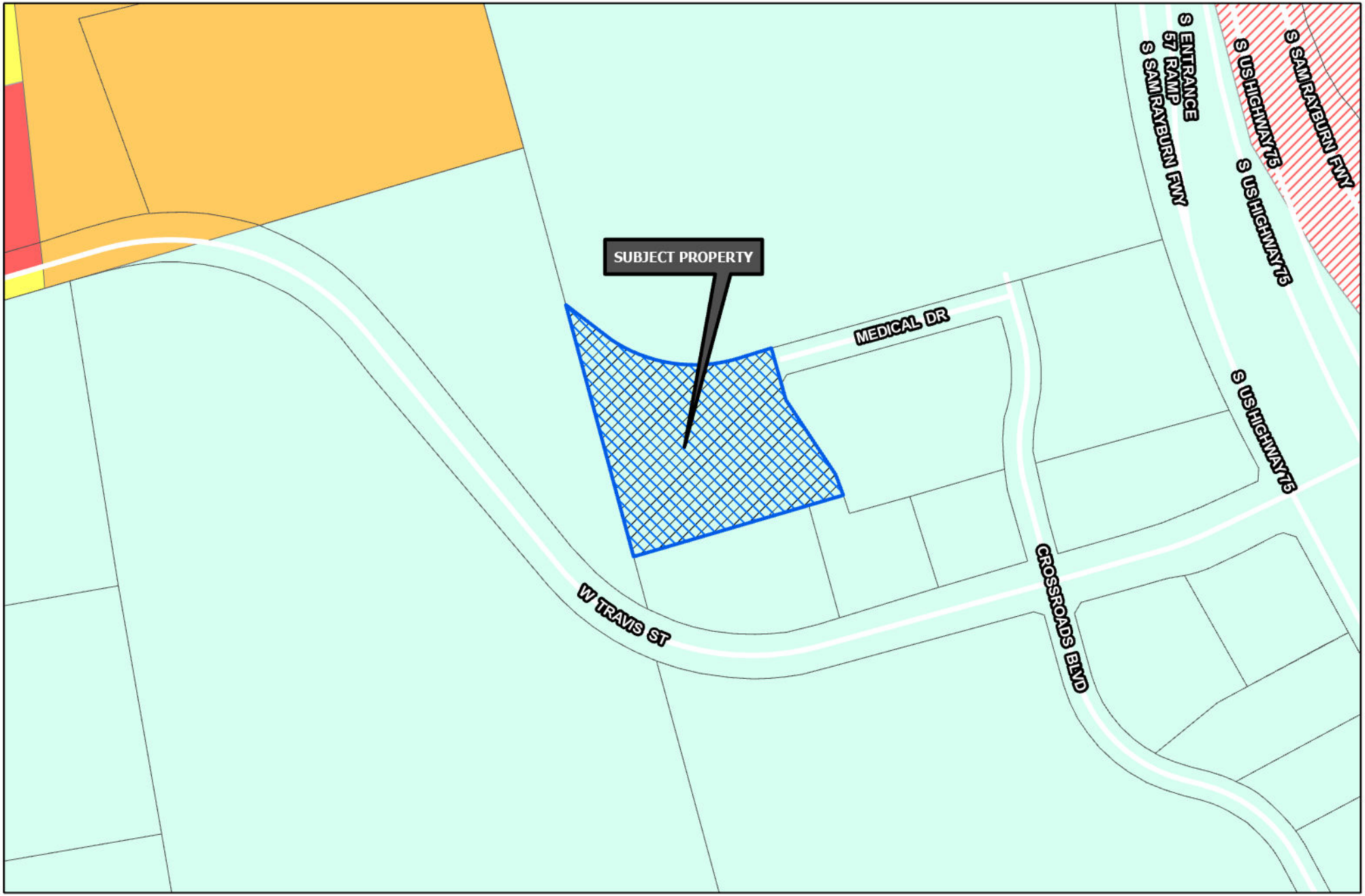
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
301 BLK W TRAVIS ST

N
W E
S

Date: 4/27/2023 11:48 AM



Sherman
CLASSIC TOWN. BROAD HORIZON.

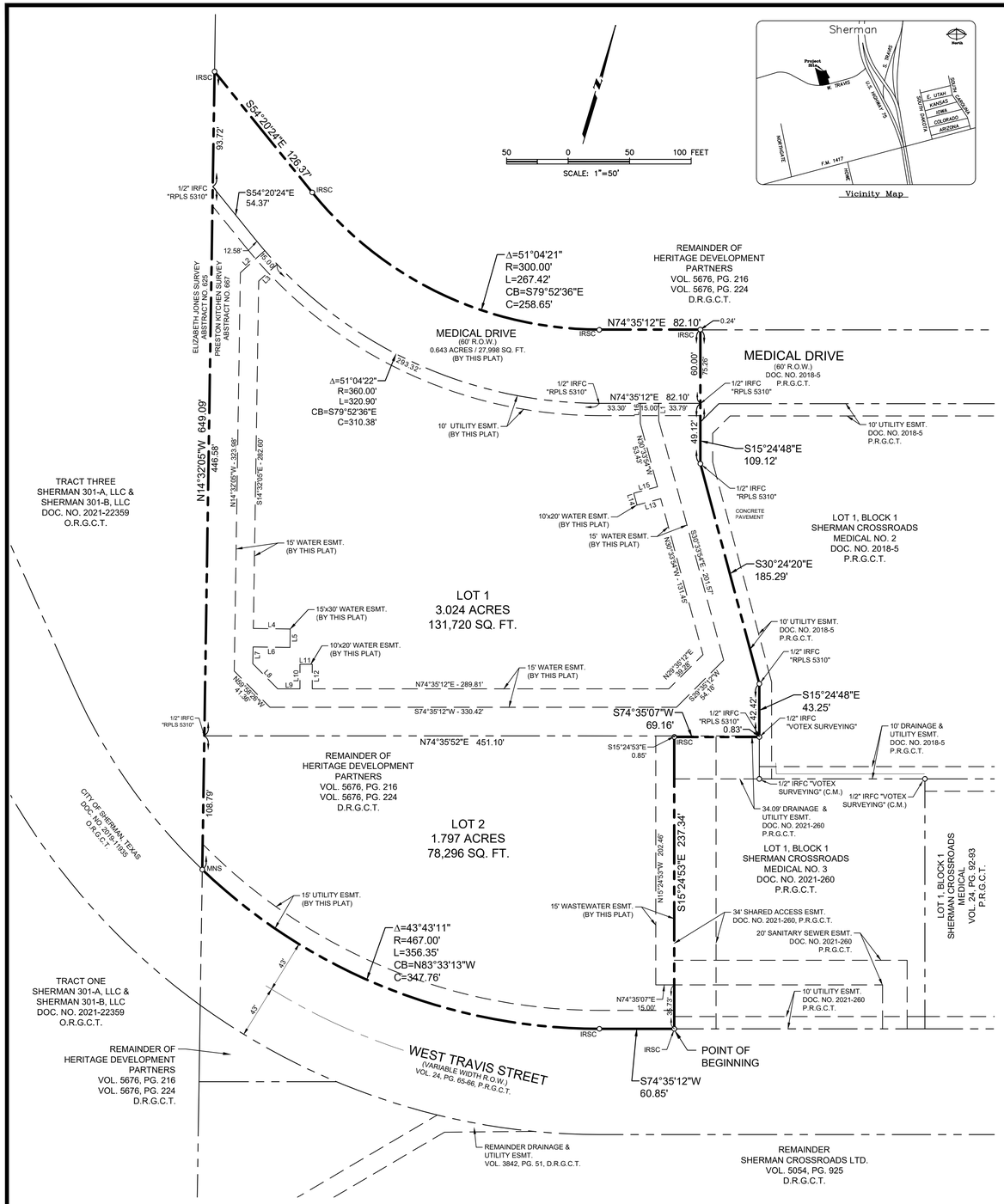
Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations
- Road Names All

CITY OF SHERMAN
ZONING MAP
301 BLK W TRAVIS ST

N
W E
S

Date: 5/6/2023 9:50 AM



LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	S15°24'48"E	14.31'	L9	N74°35'12"E	18.12'
L2	N32°27'48"E	26.71'	L10	N15°24'48"W	20.00'
L3	S32°27'48"W	20.19'	L11	N74°35'12"E	10.00'
L4	N75°27'55"E	30.00'	L12	S15°24'48"E	20.00'
L5	N14°32'05"W	15.00'	L13	S59°26'06"W	20.00'
L6	S75°27'55"W	30.00'	L14	N30°33'54"W	10.00'
L7	S14°32'05"E	13.58'	L15	N59°26'06"E	20.00'
L8	S59°58'26"E	28.80'	L16	N15°24'48"W	16.30'

NOTES:

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE STATE PLANE COORDINATE SYSTEM, NORTH TEXAS CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983. ADJUSTMENT REALIZATION 2011.

2. THE PURPOSE OF THIS PLAT IS TO ESTABLISH 2 LOTS FROM AN UNPLATTED TRACT.

3. NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN ANY AREA OF THE 100-YEAR FLOOD ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP NO. 485509 0405G, REVISED DATE SEPTEMBER 1, 2022. PROPERTY IS LOCATED IN "ZONE X" OTHER AREAS: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF GRAYSON §

WHEREAS Heritage Development Partners, LLC are the owners of a tract of land situated in the Preston Kitchen Survey, Abstract No. 667, City of Sherman, Grayson County, Texas and being a portion of that 44.83 acre tract of land conveyed to Heritage Development Partners, LLC by Special Warranty Deed recorded in Volume 5676, Page 216 and Volume 5676, Page 224 of the Deed Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" set for corner in the north right-of-way line of West Travis Street (a variable width right-of-way) at the southwest corner of Lot 1, Block 1, Sherman Crossroads Medical No. 3, an addition to the City of Sherman according to the plat recorded in Document No. 2021-260, Plat Records, Grayson County, Texas;

THENCE with said north right-of-way line of West Travis Street, the following courses and distances:

S 74°35'12" W, a distance of 60.85 feet to a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" set at the beginning of a tangent curve to the right;

In a northwesterly direction, with said curve to the right, having a central angle of 43°43'11", a radius of 467.00 feet, a chord that bears N 83°33'13" W, a distance of 347.76 feet and an arc distance of 356.35 feet to a mag nail with steel washer stamped "VOTEX SURVEYING" set for corner in the west line of said Heritage Development Partners tract at the southeast corner of a tract of land conveyed as Tract Three to Sherman 301-A, LLC and Sherman 301-B, LLC tract by deed recorded in Document No. 2021-22359, Official Records, Grayson County, Texas;

THENCE N 14°32'05" W, departing said north right-of-way line of West Travis Street and along the common line of said Sherman 301-A, LLC et al tract and said Heritage Development Partners tract, a distance of 649.09 feet to a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" set for corner;

THENCE departing said common line, over and across said Heritage Development Partners tract, the following courses and distances:

S 54°20'24" E, a distance of 126.37 feet to a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" set at the beginning of a non-tangent curve to the left;

In a southeasterly direction, with said curve to the left, having a central angle of 51°04'21", a radius of 300.00 feet, a chord that bears S 79°52'36" E, a distance of 258.65 feet and an arc distance of 267.42 feet to a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" set at the end of said curve;

N 74°35'12" E, a distance of 82.10 feet to a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" set for corner;

THENCE S 15°24'48" E, at a distance of 0.24 feet passing the northwest terminus of Medical Drive (a 60-foot wide right-of-way) as dedicated by the plat of Sherman Crossroads Medical No. 2 recorded in Document No. 2018-5, Plat Records, Grayson County, Texas; at a distance of 75.26 feet passing the southwest terminus of said Medical Drive and the southernmost northwest corner of Lot 1, Block 1 of said Sherman Crossroads Medical No. 2, and continuing for a total distance of 109.12 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 5310" found for corner;

THENCE S 30°24'20" E, with the southwest line of said Lot 1, Block 1, Sherman Crossroads Medical No. 2, a distance of 185.29 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 5310" found for corner;

THENCE S 15°24'48" E, continuing with the southwest line of said Lot 1, Block 1, Sherman Crossroads Medical No. 2, a distance of 43.25 feet to a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" set for the northernmost northwest corner of said Lot 1, Block 1, Sherman Crossroads Medical No. 3;

THENCE S 74°35'07" W, with the north line of said Lot 1, Block 1, Sherman Crossroads Medical No. 3, a distance of 69.16 feet to a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" set at the westernmost northwest corner of said Sherman Crossroads Medical No. 3;

THENCE S 15°24'53" E, a distance of 237.34 feet to the **POINT OF BEGINNING** and containing 238,014 square feet or 5.464 acres of land, more or less.

OWNER'S CERTIFICATE OF DEDICATION

That HERITAGE DEVELOPMENT PARTNERS, LLC, acting by and through its duly authorized agent, does hereby adopt this plat designating the herein described real property as CROSSROADS - SPRINGHILL ADDITION, an addition to the City of Sherman, Grayson County, Texas, Being 3.0063 acres situated in and being a portion of the Preston Kitchen Survey, Abstract No. 667, City of Sherman, Grayson County, Texas and does hereby dedicate to the public's use forever, the streets, alleys, parks, right-of-ways, school sites and other public places, easements shown thereon.

WITNESS, my hand at _____, _____ County, Texas, this __ day of _____, 2023.

HERITAGE DEVELOPMENT PARTNERS, LLC

By: _____
Richard Jelsma, Manager

STATE OF TEXAS §
COUNTY OF GRAYSON §

Before me, the undersigned authority, a Notary Public in and for the County and State on this day personally appeared Richard Jelsma, Manager, 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 purpose and consideration therein and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2023.

_____
Notary Public, State of Texas

_____
My Commission Expires On:

LEGEND

C.M.	CONTROLLING MONUMENT
IRFC	IRON ROD WITH CAP FOUND
IRSC	1/2" IRON ROD W/ YELLOW PLASTIC CAP STAMPED "VOTEX SURVEYING" SET
P.R.G.C.T.	PLAT RECORDS, GRAYSON COUNTY, TEXAS
D.R.G.C.T.	DEED RECORDS, GRAYSON COUNTY, TEXAS
O.R.G.C.T.	OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS

_____
OWNER
HERITAGE DEVELOPMENT PARTNERS, LLC
2600 N. U.S. HIGHWAY 75
SHERMAN, TEXAS 75090

SURVEYOR'S STATEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Candy Hone, a Registered Professional Land Surveyor, licensed by the State of Texas, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monument shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

Dated this the _____ day of _____, 2023.

PRELIMINARY

RELEASED 7/25/2023 FOR REVIEW PURPOSES ONLY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

Candy Hone, Registered Professional Land Surveyor, No. 5867
Votex Surveying Company - Firm No. 10013600 - (469) 333-8831

STATE OF TEXAS §
COUNTY OF DALLAS §

Before me, the undersigned, a Notary Public in and for the County and State on this day personally appeared Candy Hone, 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 purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ of _____, 2023.

_____
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF GRAYSON §

Approved this _____ day of _____ , 2023, by the City Planning and Zoning Commission of the City of Sherman, Texas.

_____ _____
Chairman Secretary

Accepted by the City Council of the City of Sherman:

_____
Mayor Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing final plat of CROSSROADS - SPRINGHILL ADDITION to the City of Sherman was submitted to the City Council on the ___ day of _____, 2023, 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 May to not the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this ___ day of _____, A.D. 2023.

_____
City Clerk, City of Sherman, Texas

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

WHEREAS, Heritage Development Partners, 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 in this plat.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas, a home-rule municipality, hereinafter called CITY, and the Sherman Municipal Airport, hereinafter called AIRPORT, and their respective successors and assigns, of and 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 any and all aircraft ("aircraft" being defined for the purpose of this instrument as any contrivance now known or hereinafter invented, including but not limited to jet, propeller-driven, civil, military, experimental or commercial aircraft and helicopters, regardless of existing or future noise levels, designed or used for the purpose of transporting persons or property through the air, by whoever owned or operated), in the airspace over OWNER's property. Such release shall include, but not be limited to, any damages to OWNER'S 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, taking off from, operating at or on, or being maintained at the Sherman Municipal Airport, whether such claim be for injury or death to person or persons or damages to or taking of property. This Release shall be binding upon OWNER and OWNER's successors, heirs, executors, administrators and assigns, and shall be a covenant running with the land.

Executed this _____ day of _____, AD, 2023.

_____
Richard Jelsma, Manager

FINAL PLAT

CROSSROADS-SPRINGHILL ADDITION

LOTS 1 & 2, BLOCK 1

AN ADDITION TO THE
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS
BEING A PORTION OF A 44.830 ACRE TRACT
SITUATED IN THE
PRESTON KITCHEN SURVEY, ABSTRACT NO. 667
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

VOTEX SURVEYING COMPANY – TBPLS FIRM NO. 10013600
10440 N. CENTRAL EXPWY, STE. 800 DALLAS, TEXAS 75231
PH. (469) 333-8831; candy@votexsurveying.com
PROJECT NO. 2023-005

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

August 14, 2023

Heritage Development Partners, LLC
2600 N. U.S. Highway 75
Sherman, TX 75090

Votex Surveying Company
10440 N. Central Expwy., Ste 800
Dallas, TX 75231

Dear Applicants,

The request for approval of the Final Plat of Crossroads-Springhill Addition has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, August 22, 2023 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. Acreage in Owner's Dedication block does not match drawing. Correct accordingly. *Code of Ordinances Chapter 10, Exhibit A, Sec.6(B)(7)*
2. The width of pavement for existing Medical Drive shall be shown on the plat. *Code of Ordinances Chapter 10, Exhibit A, Sec.6(B)(7)*
3. Graphically show edge of pavement of existing Medical Drive on drawing. *Code of Ordinances, Chapter 10, Exhibit A, Sec. 6(B)(7)*
4. Graphically show edge of pavement of existing West Travis Street on drawing. *Code of Ordinances, Chapter 10, Exhibit A, Sec. 6(B)(7)*
5. Rename 15' Utility Easement along West Travis Street to a 15' Utility, Landscape, and Sidewalk Easement. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
6. Water Easements by plat to be relocated per civil plan review.
7. Add "AVIGATION RELEASE" title to Avigation Release language on plat. *Code of Ordinances Chapter 14, Article 14.02*
8. 15' Wastewater Easement may require relocation and resizing upon civil review.
9. Internal water and wastewater lines will be privately owned and maintained.
10. 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*
11. Medical Drive to 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(B)*

12. 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)*
13. Wastewater main must be extended in accordance with City criteria to serve proposed Lot. Wastewater capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
14. Maintenance of Detention area is the responsibility of the Homeowner's Association or Property Owner's Association. In the event the Association is no longer active, the maintenance is the responsibility of the property owner(s) directly adjacent to said detention area.
15. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
16. 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.
17. 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)*
18. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. 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,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Dillon Stewart, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 7.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

***** OTHER BUSINESS***

Final Plat of Westmoor, Phase 2, consisting of 30.734 acres in the Elizabeth Jones Survey, Abstract 625, being a portion of a 67.25 acre tract of land and currently zoned R-6 (Single Family Residential) District; Meritage Homes of Texas, LLC (Owner), Frank Su (Representative) and Kimley-Horn and Associates (Engineer/Surveyor) (2000-2300 Blocks West Center Street)

Issue:

To consider Final Plat of Westmoor, Phase 2, consisting of 30.734 acres in the Elizabeth Jones Survey, Abstract 625, being a portion of a 67.25 acre tract of land and currently zoned R-6 (Single Family Residential) District; Meritage Homes of Texas, LLC (Owner), Frank Su (Representative) and Kimley-Horn and Associates (Engineer/Surveyor) (2000-2300 Blocks West Center Street)

Background:

The property is located in the 2000-2300 Blocks West Center Street between Shellbrooks and Binkley Park Drive. The owner would like to plat the property into 103 lots for residential development.

The following has been approved for this location:

- June 21, 2022 - Preliminary Plat of West Center Tract.
- June 21, 2023 - Specific Use Permit and Site Plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow Patio Homes in an R-1 (One-Family Residential) District.

Origination:

Meritage Homes of Texas, LLC (Owner)
Frank Su (Representative)
Kimley-Horn and Associates (Engineer/Surveyor)

Financial Consideration:

None

Staff Recommendation:

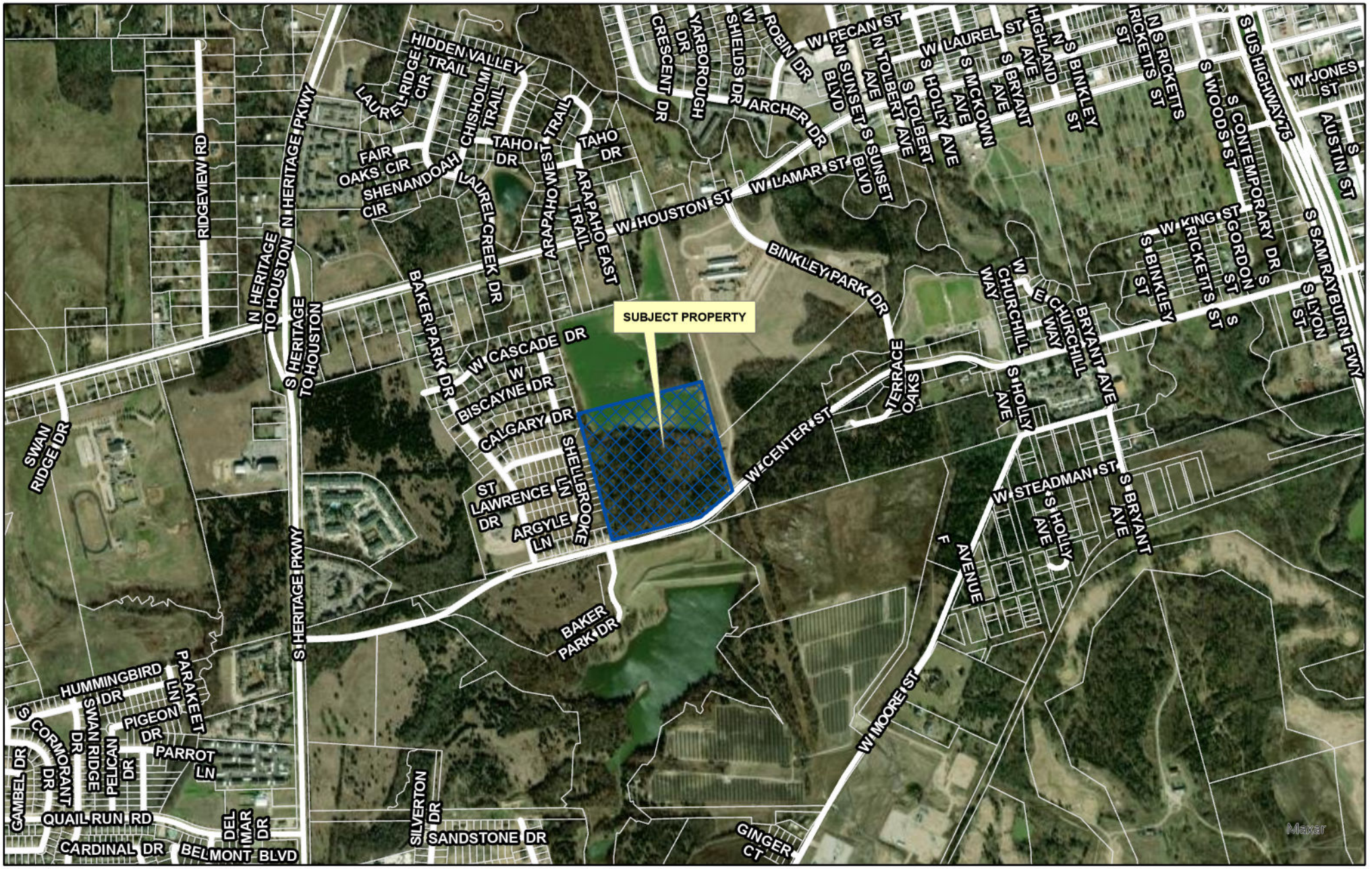
At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Final Plat
STAFF REVIEW LETTER - Engineering



dlagrone H:\PLANNING\Public Notification KT.aprx

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
2000-2300 BLKS W CENTER ST

N
W E
S

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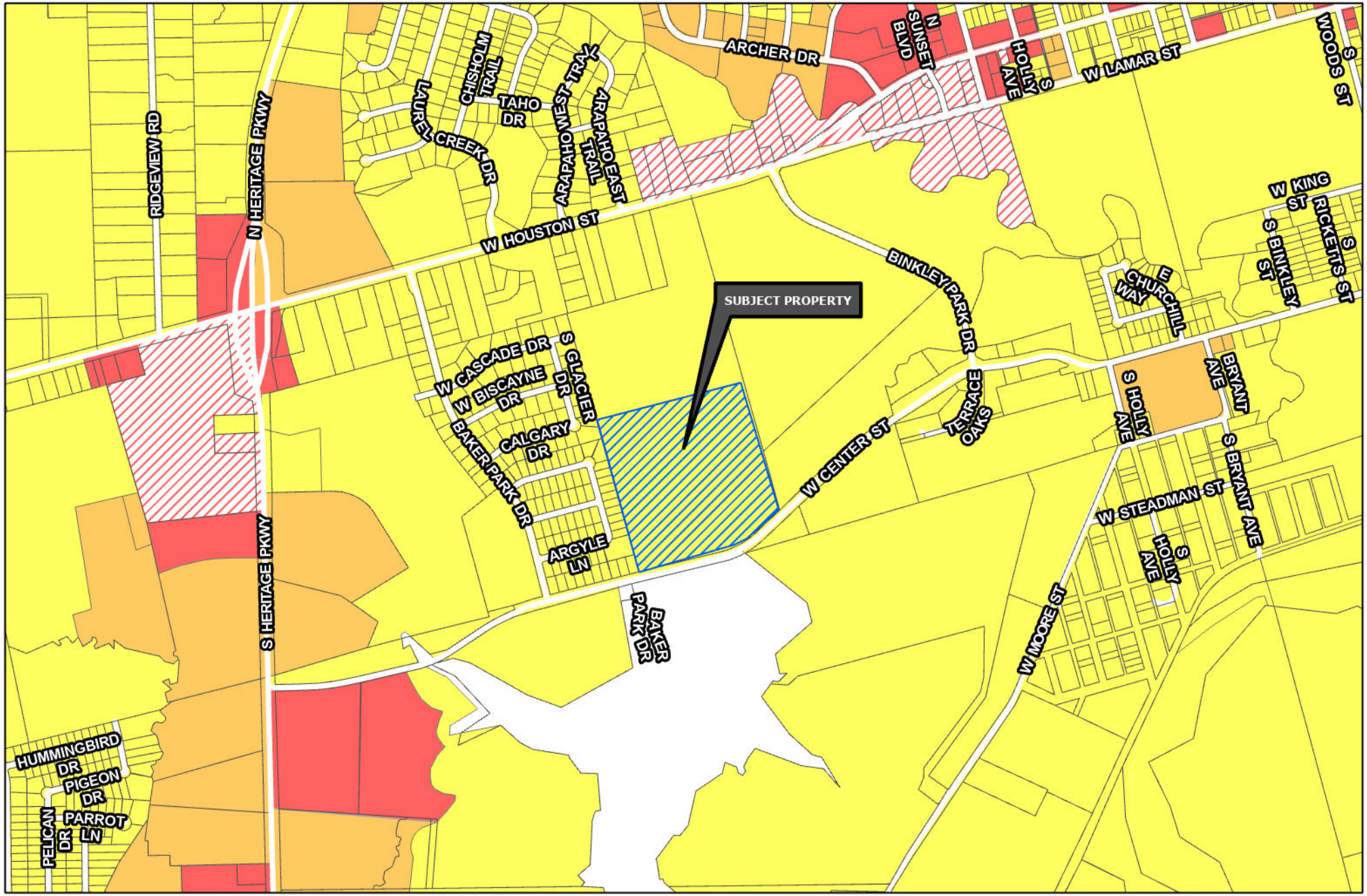

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations
- Road Names All

CITY OF SHERMAN
ZONING MAP
2000-2300 BLKS W CENTER ST

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W E
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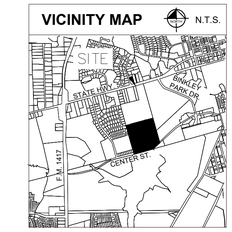
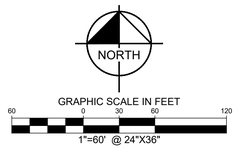
Date: 7/27/2023 3:01 PM





NOTES:

1. All corners are a 5/8-inch iron rod with plastic cap stamped "KHA" set, unless otherwise noted.
2. Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. Distances shown are Surface values. To obtain Grid values, multiply the distance by the Project Combined Scale Factor (PCF) of 0.999890661049.
3. Block A, Lot 47X, Block A, Lot 64X, Block E, Lot 1X, & Block F, Lots 1X are owned and maintained by the HOA
4. Maintenance of Detention area is the responsibility of the Homeowner's Association or Property Owner's Association. In the event the Association is no longer active, the maintenance is the responsibility of the property owner(s) directly adjacent to said detention area.
5. Line and curve table on sheet 2.

FLOOD STATEMENT: According to Federal Emergency Management Agency's Flood Insurance Rate Map No. 48181C0270F, for Grayson County, Texas and incorporated areas, dated September 29, 2010, this property is located within:

Zone X (unshaded) defined as "Areas determined to be outside the 0.2% annual chance floodplain"

If this site is not within an identified special flood hazard area, 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.

LINE TYPE LEGEND

	BOUNDARY LINE
	ADJACENT PROPERTY LINE
	EASEMENT LINE
	BUILDING LINE
	STORM SEWER LINE
OHE	OVERHEAD UTILITY LINE
	FENCE
	CONCRETE PAVEMENT
	ASPHALT PAVEMENT

LEGEND

	BOX OR PEDESTAL	C	COMMUNICATIONS
	HANDHOLE	E	ELECTRIC OR POWER
	MANHOLE	F	FIBER OPTIC
	MARKER SIGN	G	NATURAL GAS
	METER	P	PETROLEUM OR PIPELINE
	MARKER PINFLAG	R	RAILROAD
	POLE	S	SAN. SEWER OR WASTEWATER
	STORAGE TANK	D	STORM SEWER
	VALVE (EXCEPT WATER)	T	TELEPHONE
	VAULT	TR	TRAFFIC
	WELL	U	UNIDENTIFIED
TV	CABLE TV	W	WATER
	ELEVATION BENCHMARK		
	GUY ANCHOR	IRSC	5/8" IRON ROD W/ "KHA" CAP SET
	UTILITY POLE	IRFC	IRON ROD WITH CAP FOUND
T	ELECTRIC TRANSFORMER	IRF	IRON ROD FOUND
	SIGN	P.O.B.	POINT OF BEGINNING
	MARQUEE/BILLBOARD	DRGCT	DEED RECORDS, GRAYSON
	LIGHT STANDARD		COUNTY, TEXAS
	MAIL BOX	OPRGCT	OFFICIAL PUBLIC RECORDS,
	SANITARY SEWER CLEAN OUT		GRAYSON COUNTY, TEXAS
	STORM SEWER DRAIN	PRGCT	PLAT RECORDS, GRAYSON
W	WATER BOX		COUNTY, TEXAS
	FIRE HYDRANT	VOL.	VOLUME
	WATER VALVE	PG.	PAGE
	WATER WELL	INST.	INSTRUMENT No.

FINAL PLAT
WESTMOOR PHASE 2

BLOCK A, LOTS 47X, 48-63, 64X & 65-75;
BLOCK D, LOTS 15-28;
BLOCK E, LOTS 1X & 16-56;
BLOCK F, LOTS 1X & 2-22;

103 RESIDENTIAL LOTS
4 HOA LOTS

30.734 ACRES SITUATED IN THE
ELIZABETH JONES SURVEY, ABSTRACT NO. 625,
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

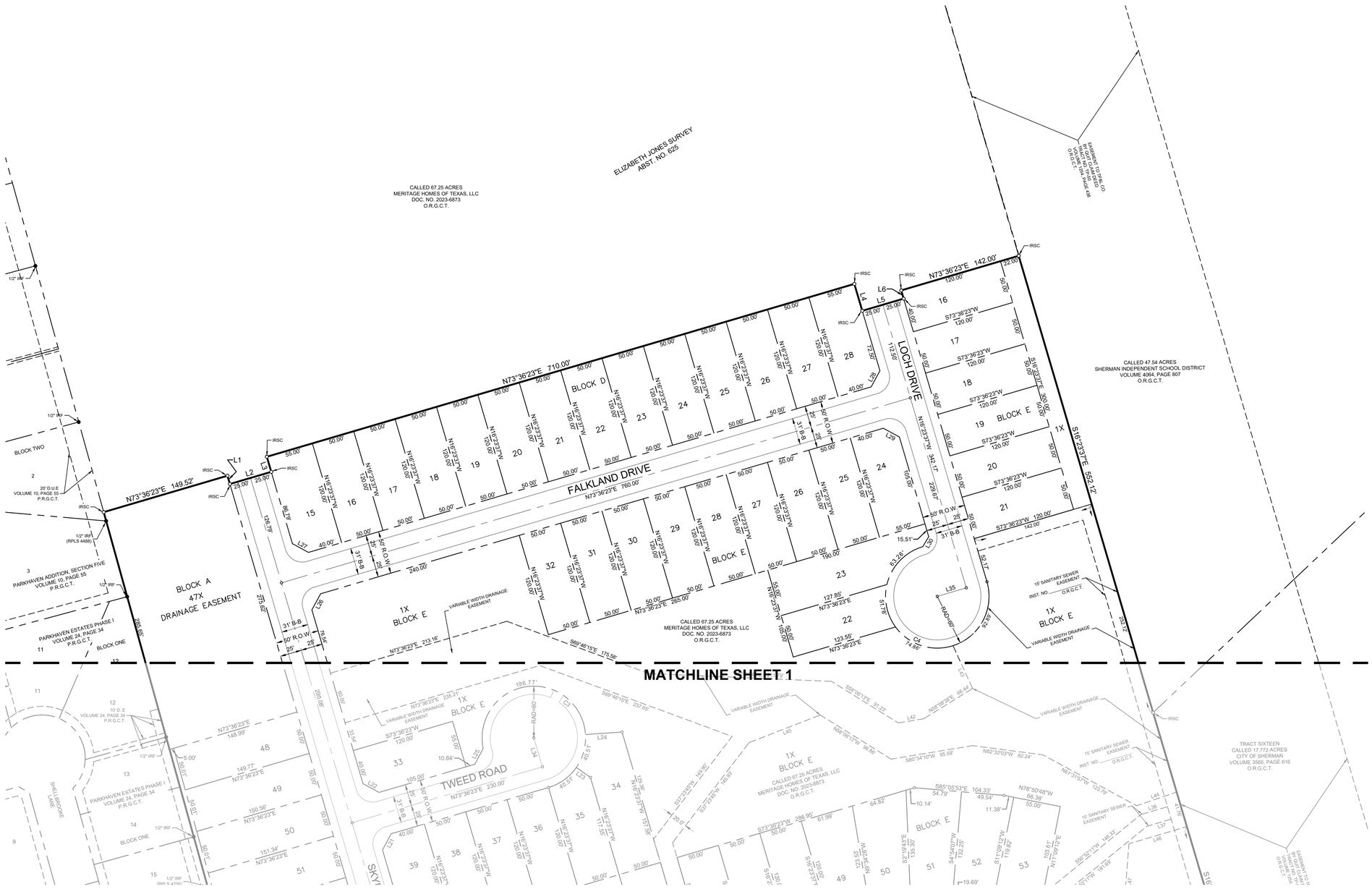
Kimley»Horn
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
Tel. No. (972) 335-3580
FIRM # 10193822
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	JCC	KHA	JUNE 2023	061179330	1 OF 3

OWNER / APPLICANT:
Meritage Homes of Texas, LLC
8840 Cypress Waters Blvd
Dallas, TX 76092
Tel: (847) 878-9439
Contact: Steven Cook

SURVEYOR / ENGINEER:
Kimley-Horn and Associates, Inc.
260 E. Davis Street, Suite 100
McKinney, TX 75069
Ph: (972) 335-3580
Contact: Michael Carlisle, PE

DWG NAME: K:\FRI_SURVEY\061179330-MERITAGE HOMES - SHERMAN\DWG\FINAL PLATS\061179330 PHASE 2 FP VER20.DWG PLOTTED BY: CRABLE, JEFF 8/13/2023 5:09 PM LAST SAVED: 8/13/2023 4:27 PM

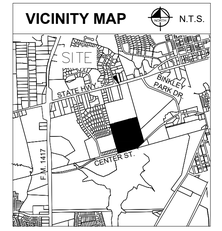


NORTH

GRAPHIC SCALE IN FEET
60 0 30 60 120
1"=60' @ 24"X36"

VICINITY MAP

N.T.S.



LINE TYPE LEGEND

	BOUNDARY LINE
	ADJACENT PROPERTY LINE
	EASEMENT LINE
	BUILDING LINE
	STORM SEWER LINE
OHE	OVERHEAD UTILITY LINE
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	CONCRETE PAVEMENT
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LEGEND

	BOX OR PEDESTAL	C	COMMUNICATIONS
	HANDHOLE	E	ELECTRIC OR POWER
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	STORAGE TANK	D	STORM SEWER
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	WELL	U	UNIDENTIFIED
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	SIGN	P.O.B.	POINT OF BEGINNING
	MARQUEE/BILLBOARD	DRGCT	DEED RECORDS, GRAYSON COUNTY, TEXAS
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	SANITARY SEWER CLEAN OUT		
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W	WATER BOX		
	FIRE HYDRANT	VOL.	VOLUME
	WATER VALVE	PG.	PAGE
	WATER WELL	INST.	INSTRUMENT No.

LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	S16°23'37"E	10.00'	L11	S35°05'24"E	20.34'	L21	S28°36'23"W	21.21'	L31	N75°29'01"E	22.35'	L41	S00°47'34"E	45.64'	L51	N77°46'13"W	22.49'	L61	S13°23'39"E	41.09'
L2	N73°36'23"E	50.00'	L12	S32°37'18"W	28.06'	L22	S61°23'37"E	21.21'	L32	S28°36'23"W	10.61'	L42	N80°34'10"E	30.03'	L52	S89°20'19"W	113.03'	L62	S25°36'44"E	73.81'
L3	N16°23'37"W	18.21'	L13	S50°52'11"W	36.07'	L23	N55°04'33"W	20.00'	L33	N57°25'39"E	10.57'	L43	N24°31'23"W	54.58'	L53	S77°46'13"E	18.10'			
L4	S16°23'37"E	32.50'	L14	N76°26'39"E	19.69'	L24	S86°14'32"W	42.48'	L34	N16°23'37"W	35.00'	L44	S71°06'41"W	48.96'	L54	S89°20'19"W	108.51'			
L5	N73°36'23"E	50.00'	L15	S28°36'23"W	21.21'	L25	N27°28'06"E	20.73'	L35	N73°36'23"E	35.00'	L45	S68°45'39"W	88.53'	L55	S74°30'12"W	5.00'			
L6	N16°23'37"W	10.00'	L16	S61°23'37"E	21.21'	L26	S28°36'23"W	21.21'	L36	N12°13'47"E	101.33'	L46	S73°30'33"W	70.00'	L56	N15°53'02"W	15.00'			
L7	N17°49'25"E	27.59'	L17	S61°23'37"E	21.21'	L27	S61°23'37"E	21.21'	L37	S73°36'23"W	29.29'	L47	S04°26'37"W	83.96'	L57	S74°06'58"W	10.70'			
L8	S74°57'36"E	27.59'	L18	N03°59'54"E	28.06'	L28	N28°36'23"E	21.21'	L38	S73°36'23"W	32.30'	L48	S16°29'27"E	39.21'	L58	S00°39'41"E	79.21'			
L9	N62°55'56"W	21.77'	L19	S62°27'49"W	14.13'	L29	N61°23'37"W	21.21'	L39	S21°36'12"E	48.00'	L49	S31°46'31"W	50.65'	L59	S47°35'31"E	119.21'			
L10	S32°02'31"W	22.44'	L20	N78°04'45"W	25.91'	L30	N30°58'48"E	13.53'	L40	S13°47'11"E	45.64'	L50	S00°39'41"E	19.35'	L60	S74°18'23"E	62.77'			

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	157°52'14"	50.00'	137.77'	N34°26'10"W	98.14'
C2	165°59'55"	50.00'	144.86'	S67°07'23"E	99.25'
C3	265°16'12"	60.00'	277.79'	N59°01'43"W	88.28'
C4	270°02'41"	60.00'	282.79'	S61°22'16"E	84.82'
C5	40°47'52"	350.00'	249.22'	S08°10'09"E	243.99'
C6	1°52'38"	350.00'	11.47'	S74°32'42"W	11.47'
C7	29°37'55"	350.00'	181.01'	S88°25'21"W	179.00'
C8	10°14'33"	705.00'	126.03'	N68°59'41"E	125.86'

FINAL PLAT
WESTMOOR PHASE 2

BLOCK A, LOTS 47X, 48-63, 64X & 65-75;
BLOCK D, LOTS 15-28;
BLOCK E, LOTS 1X & 16-56;
BLOCK F, LOTS 1X & 2-22;

103 RESIDENTIAL LOTS
4 HOA LOTS

30.734 ACRES SITUATED IN THE
ELIZABETH JONES SURVEY, ABSTRACT NO. 625,
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

Kimley»Horn
6160 Warren Parkway, Suite 210 Tel. No. (972) 335-3580
Frisco, Texas 75034 FIRM # 10193822 Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	JCC	KHA	JUNE 2023	061179330	2 OF 3

OWNER / APPLICANT:
Meritage Homes of Texas, LLC
8840 Cypress Waters Blvd
Dallas, TX 76092
Tel: (847) 878-9439
Contact: Steven Cook

SURVEYOR / ENGINEER:
Kimley-Horn and Associates, Inc.
260 E. Davis Street, Suite 100
McKinney, TX 75069
Ph: (972) 335-3580
Contact: Michael Carlisle, PE

DWG NAME: K:\FRI_SURVEY\061179330-MERITAGE HOMES - SHERMAN\DWG\FINAL PLAT\061179330 PHASE 2 FP VER20.DWG PLOTTED BY: CRABLE, JEFF 6/13/2023 5:09 PM LAST SAVED: 6/13/2023 4:27 PM

OWNER'S CERTIFICATE

STATE OF TEXAS §

COUNTY OF GRAYSON §

WHEREAS MERITAGE HOMES OF TEXAS, LLC, is the owner of a tract of land situated in the Elizabeth Jones Survey, Abstract No. 625, City of Sherman, Grayson County, Texas, and being a portion of a called 67.25 acre tract of land described in deed to Meritage Homes of Texas, LLC, recorded in Document No. 2023-6873 of the Official Public Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a at PK-nail (with shiner stamped "KHA") set for the southwest corner of said 67.25 acre tract, same being in West Center Street, a variable width right-of-way;

THENCE North 15°29'48" West, along the westerly line of said 67.25 acre tract, the easterly line of Block One of Parkhaven Addition Section Six, recorded in Volume 10, Page 56 of the Plat Records of Grayson County, Texas, the easterly line of Block One of Parkhaven Estates, Phase II, recorded in Document No. 2021-115 of the Plat records of Grayson County, Texas, the easterly line of Block One of Parkhaven Estates Phase I, recorded in Volume 24, Page 34 of the Plat Records of Grayson County, Texas, and the easterly line of Block Two of Parkhaven Addition, Section Five, recorded in Volume 10, Page 55 of the Plat Records of Grayson County, Texas, a distance of 1,209.27 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

THENCE departing the westerly line of said 67.25 acre tract and the easterly line of said Block Two of Parkhaven Addition, Section Five, and crossing said 67.25 acre tract, the following courses and distances:

North 73°36'23" East, a distance of 149.52 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 16°23'37" East, a distance of 10.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 73°36'23" East, a distance of 50.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 16°23'37" West, a distance of 18.21 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 73°36'23" East, a distance of 710.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 16°23'37" East, a distance of 32.50 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 73°36'23" East, a distance of 50.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 16°23'37" West, a distance of 10.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 73°36'23" East, a distance of 142.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner on the easterly line of said 67.25 acre tract, same being the westerly line of a called 47.54 acre tract of land described in a deed to Sherman Independent School District, recorded in Volume 4064, Page 807 of the Official Records of Grayson County, Texas;

THENCE South 16°23'37" East, along the easterly line of said 67.25 acre tract and along the westerly line of said 47.54 acre tract, a distance of 552.12 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for the southwest corner of said 47.54 acre tract, same being the northwest corner of a called 17.772 acre tract described as Tract Sixteen in a deed to the City of Sherman, recorded in Volume 3566, Page 616 of the Official Records of Grayson County, Texas;

THENCE South 16°29'27" East, continuing along the easterly line of said 67.25 acre tract, along the westerly line of said Tract Sixteen, and crossing said 67.25 acre tract, a distance of 450.00 feet to a PK-nail (with shiner stamped "KHA") set on the southerly line of said 67.25 acre tract, same being the northerly line of a called 2.042 acre tract of land described as Tract Seventeen in a deed to the City of Sherman, recorded in Volume 3566, Page 616 of the Official records of Grayson County, Texas;

THENCE South 46°08'55" West, along the southerly line of said 67.25 acre tract and along the northerly line of said Tract Seventeen, a distance of 111.37 feet to a PK-nail (with shiner stamped "KHA") set at the beginning of a non-tangent curve to the right with a radius of 811.79 feet, a central angle of 09°52'29", and a chord bearing and distance of South 50°22'00" West, 139.74 feet;

THENCE in a southwesterly direction, continuing along the southerly line of said 67.25 acre tract and the northerly line of said Tract Seventeen, with said non-tangent curve to the right, an arc distance of 139.91 feet to a PK-nail (with shiner stamped "KHA") set for the southwest corner of said Tract Seventeen, same being the northwest corner of said 112.637 acre tract;

THENCE South 74°00'49" West, continuing along the southerly line of said 67.25 acre tract and within the margins of said West Center Street, a distance of 894.16 feet to the **POINT OF BEGINNING** and containing 30.734 acres (1,338,785 square feet) of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, **MERITAGE HOMES OF TEXAS, LLC**, acting herein by and through its duly authorized officers, does hereby certify and adopt this plat designating the herein above described property as **WESTMOOR PHASE 2**, an addition to the City of Sherman, and does hereby dedicate to the public use forever, the streets and alleys shown thereon.

MERITAGE HOMES OF TEXAS, 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: **MERITAGE HOMES OF TEXAS, LLC**, a Texas limited partnership

By: _____
_____

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared _____, 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 _____, _____.

_____
Notary Public, State of Texas

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.

_____
Michael B. Marx
Registered Professional Land Surveyor No. 5181
Kimley-Horn and Associates, Inc.
6160 Warren Pkwy, Suite 210
Frisco, Texas 75034
Phone 972-335-3580

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

STATE OF TEXAS §

COUNTY OF GRAYSON §

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 _____, 2023.

_____
Notary Public, State of Texas

Approved this _____ day of _____, 20___, by the City Planning and Zoning Commission of the City of Sherman, Texas.

_____ _____
Chairman Secretary

Accepted by the City Council of the City of Sherman:

_____ _____
Mayor, City of Sherman, Texas Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing final _____ plat of Subdivision or Addition to the City of Sherman 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 hereinabove subscribed.

Witness my hand this _____ day of _____, A.D. 20___.

_____
City Clerk, City of Sherman, Texas

AVIGATION RELEASE

THE STATE OF TEXAS §

COUNTY OF GRAYSON §

WHEREAS, MERITAGE HOMES OF TEXAS, LLC, hereinafter called OWNER (whether one or more), are the owners of a certain parcel of land situated in the City of Sherman, Grayson County, Texas, being more particularly described as **WESTMOOR, PHASE 2**, 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 remiss 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 noises, 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 **WESTMOOR, PHASE 2**, 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, 20___.

BY: MERITAGE HOMES OF TEXAS, LLC., a Delaware limited liability company

By: _____
_____

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared _____, 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 _____, _____.

_____
Notary Public, State of Texas

Executed this _____ day of _____, AD, 20___.

FINAL PLAT
WESTMOOR PHASE 2

BLOCK A, LOTS 47X, 48-63, 64X & 65-75;
BLOCK D, LOTS 15-28;
BLOCK E, LOTS 1X & 16-56;
BLOCK F, LOTS 1X & 2-22;

103 RESIDENTIAL LOTS
4 HOA LOTS

30.734 ACRES SITUATED IN THE
ELIZABETH JONES SURVEY, ABSTRACT NO. 625,
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

Kimley»Horn
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
FIRM # 10193822
Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JCC	KHA	JUNE 2023	061179330	3 OF 3

OWNER / APPLICANT:
Meritage Homes of Texas, LLC
8840 Cypress Waters Blvd
Dallas, TX 76092
Tel: (847) 878-9439
Contact: Steven Cook

SURVEYOR / ENGINEER:
Kimley-Horn and Associates, Inc.
260 E. Davis Street, Suite 100
McKinney, TX 75069
Ph: (972) 335-3580
Contact: Michael Carlisle, PE

DWG NAME: K:\FRI_SURVEY\061179330-MERITAGE HOMES - SHERMAN\DWG\FINAL PLATS\061179330 PHASE 2 FP VER20.DWG PLOTTED BY: CRABLE, JEFF 6/13/2023 5:09 PM LAST SAVED: 6/13/2023 4:27 PM

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

August 14, 2023

Meritage Homes of Texas, LLC
Attn: Steven Cook
8440 Cypress Waters Blvd.
Dallas, TX 76092

Kimley-Horn and Associates, Inc.
Attn: Michael Carlisle, PE
260 E. Davis St., Ste. 100
McKinney, TX 75069

Dear Applicants,

The request for approval of the Final Plat of Westmoor Phase 2 has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, August 22, 2023 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. Metes and bounds must match drawing. *Code of Ordinances Chapter 10, Exhibit A, Sec.6(B)(7)*
2. Remove direction (West) from Center Street on drawing and in metes and bounds description.
3. Open Space X Lots to be owned and maintained by the Homeowner's Association or Property Owner's Association. In the event the Association is no longer active, the maintenance is the responsibility of the property owner(s) directly adjacent to said lots.
4. Dedicate a 25'x25' Right of Way corner clip on Southeast corner of proposed Lot 64X, Block A at the intersection of Center Street and Grand Fir Lane. *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 25'x25' Right of Way corner clip on Southwest corner of proposed Lot 1X, Block E at the intersection of Center Street and Grand Fir Lane. *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)*
6. Dedicate a 15' Utility, Landscape, & Sidewalk Easement along Center Street. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
7. Dedicate a 10' Utility Easement along all internal street rights-of-way. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
8. Modify 10' Utility Easement on street intersecting corners of proposed Lots to parallel new right of way created by corner clips.
9. Proposed 15' Sanitary Sewer Easement by separate instrument along eastern boundary line to be renamed to 15' Wastewater Easement and to be dedicated by this plat.
10. Show Instrument information of off-site Sanitary Sewer Easement.
11. Drainage Easement in Lot 47X, Block A to be shown as a Private Drainage Easement.

12. 25' Drainage Easement in Lot 64X, Block A to be shown as Private Drainage Easement.
13. Lot 1X, Block E to be shown as a Private Drainage Easement.
14. Skye Road to be renamed. There is already a Sky Drive in the City of Sherman. *Code of Ordinances Chapter 10, Exhibit A, Sec.5(B)(3)*
15. Proposed street names must be approved by the City of Sherman Development Services Department prior to filing the plat. Email planning@cityofsherman.com with proposed street name(s). *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(B)(1)(h)*
16. Water main must be extended in accordance with City criteria to serve proposed development. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
17. Wastewater main must be extended in accordance with City criteria to serve proposed development. Wastewater capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
18. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be requested by emailing engineering@cityofsherman.com. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
19. 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.
20. 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)*
21. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. 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,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Dillon Stewart, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 8.**

Meeting Date: 09/18/2023
Prepared By: Rob Rae, Director of Development Services
Approved By: Robby Hefton, City Manager

Caption:

***** OTHER BUSINESS***

Final Plat of Payette Addition, consisting of 10.732 acres in the George W. Lavalla Survey, Abstract No. 722, located in the ETJ (Extra Territorial Jurisdiction); James and Vicki Francis (Owner), Donnie Payette, Dream Builders (Developer) and Cox Land Surveying (Surveyor) (3786 Gibbons Road)

Issue:

To consider Final Plat of Payette Addition, consisting of 10.732 acres in the George W. Lavalla Survey, Abstract No. 722, located in the ETJ (Extra Territorial Jurisdiction); James and Vicki Francis (Owner), Donnie Payette, Dream Builders (Developer) and Cox Land Surveying (Surveyor) (3786 Gibbons Road)

Background:

The property is located at 3786 Gibbons Road near the intersection of Gibbons Road and Cundiff Drive and located in the ETJ (Extra Territorial Jurisdiction). The property owner would like to plat the property into two lots for residential development.

The following has been approved for this location:

- July 18, 2023 - Preliminary Plat of Payette Addition, Block 1, Lot 1 and 2

Origination:

James and Vicki Francis (Owner)
Donnie Payette, Dream Builders (Developer)
Cox Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

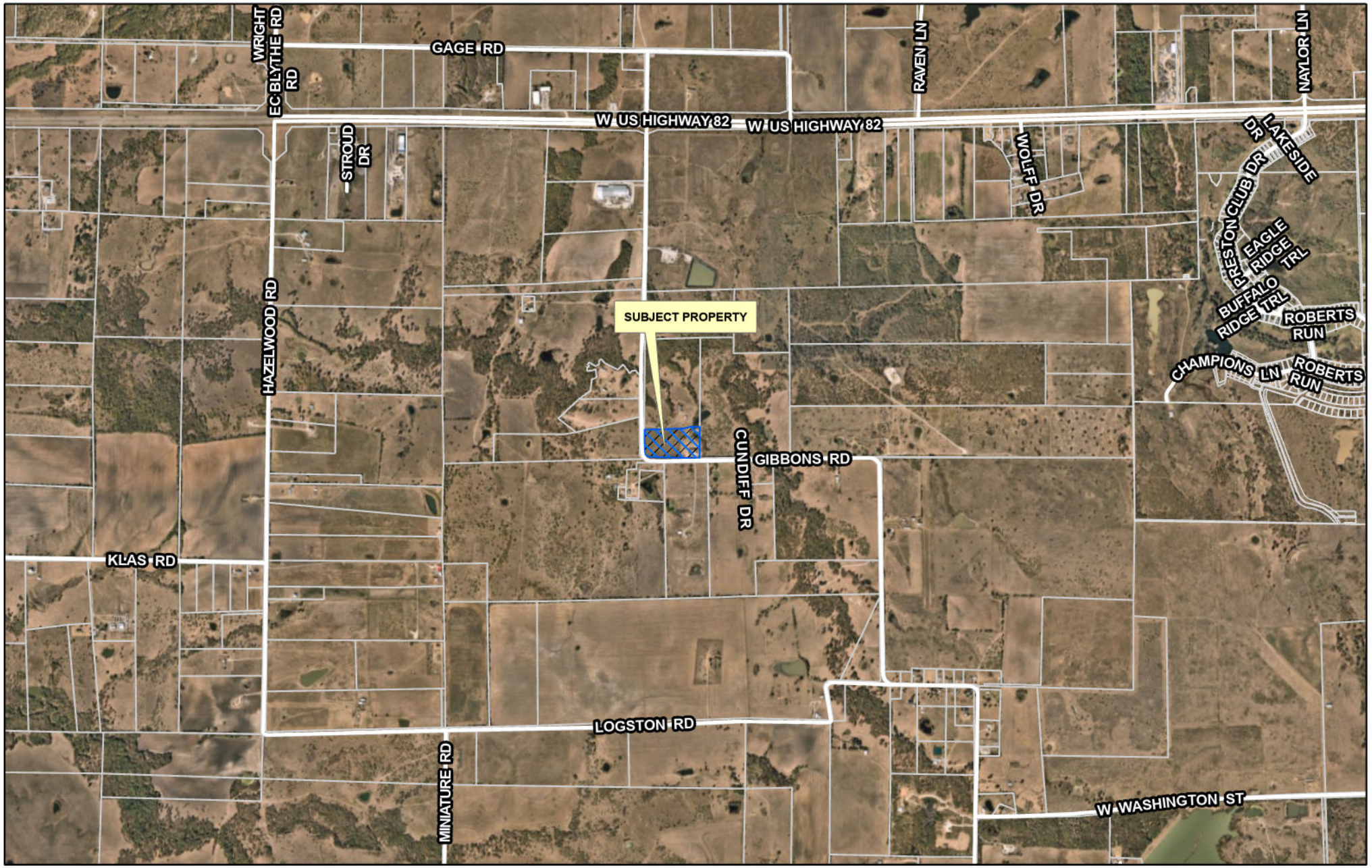
At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Final Plat
STAFF REVIEW LETTER - Engineering



dlagrone H:\PLANNING\Public Notification KT.aprx

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
3786 GIBBONS RD

N
W E
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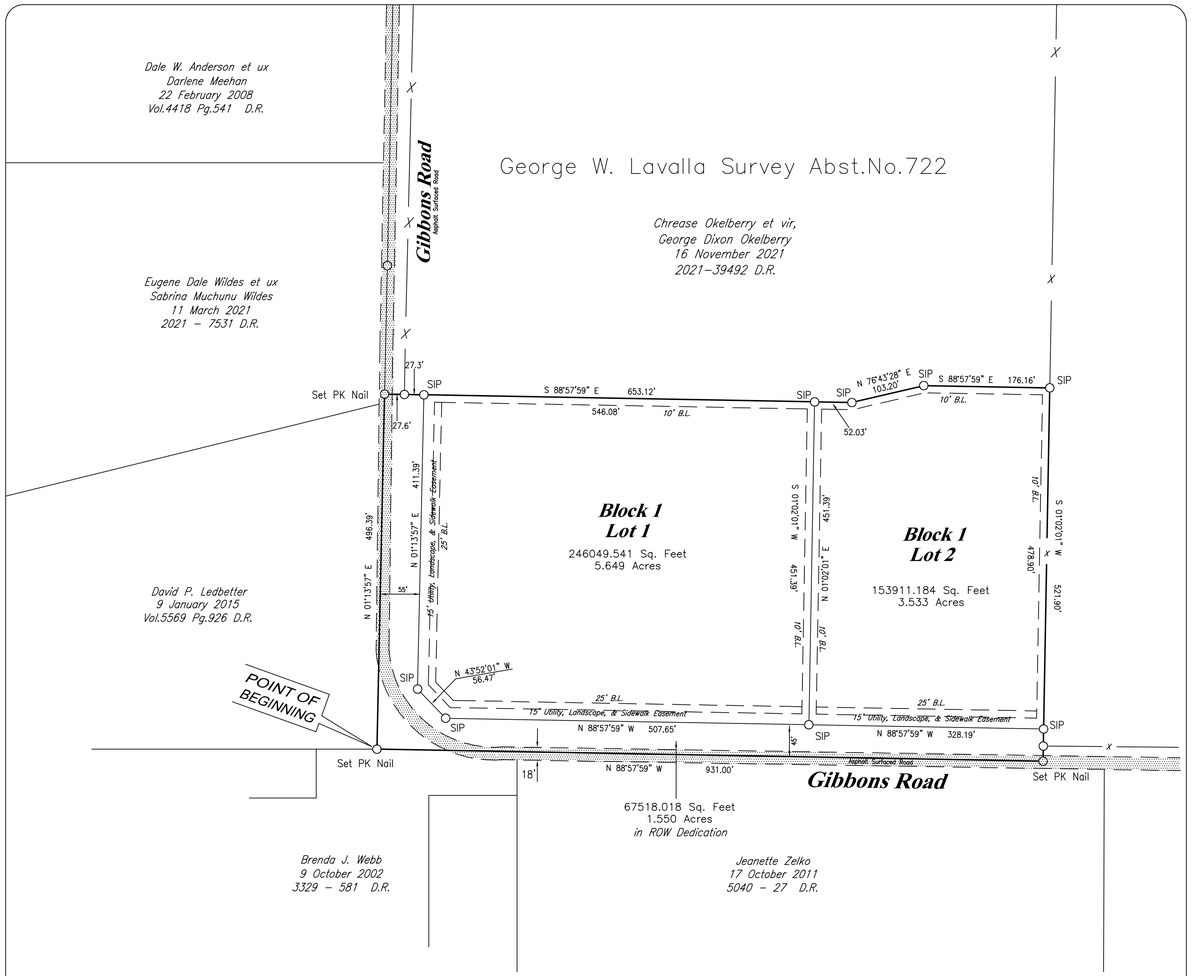
Date: 8/6/2023 1:34 PM

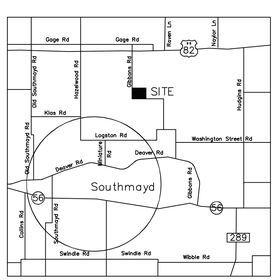


* * Basis of Bearing * *
Course along the east line
James H. Francis Deed
Vol. 2396 Pg. 887 D.R.

* * OWNER * *
James H. Francis et ux,
Vicki L. Francis
18 May 1995
Vol. 2396 Pg. 887 D.R.
4000 Gibbons Road
Sherman, Texas 75092

LEGEND

MH = Man Hole
ICV = Irrigation Sistem
SJR = Set 3/4" Rod
FIP = Found Rebar
SIP = Set 1/2" Sq.Tubing
FST = Fd 1/2" Sq.Tubing
FSR = Fd Sq. 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 = Undergd phone
FCP = Fence Corner Post
UE = Utility Easement
BC = Back of Curb



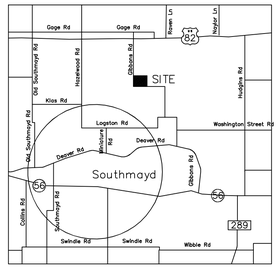
Location Map

SCALE: 1"= 100'

COX LAND SURVEYING CO.
P.O. BOX 597 108 N. MAIN ST,COLLINSVILLE, TEXAS 76233
COLLINSVILLE 903-429-6125 E-mail: CLSC108@aol.com
Gainesville 940-612-LAND Denton 940-381-5070
McKinney 469-952-5070

Final Plat of
Payette Additon
10.732 Acres in the
George W. Lavalla Survey Abst.No.722
County of Grayson
State of Texas

Drawn by: MJC	Job No. 23-15359-F	Date: 23 May 2023
Check by: DKC	Firm # 10005500	



Location Map

Final Plat of
Payette Addition
County of Grayson State of Texas

OWNERS DEDICATION

State of Texas
County of Grayson

Whereas, that James H. Francis and Vicki L. Francis are the owners of a tract or parcel of land situated in the George W. Lavalla Survey, Abstract Number 722, County of Grayson, State of Texas, said tract being part of a tract as described in Deed to James H. Francis et ux, Vicki L. Francis, filed 18 May 1995, and Recorded in Volume 2396 Page 887 of the Deed Records of the County of Grayson, State of Texas, and being more fully described as follows:

Beginning for the southwest corner of the tract being described herein at a set PK Nail, said nail being the southwest corner of said Francis tract, and the southeast corner of a tract as described in deed to David P. Ledbetter, filed 09 January 2015, and Recorded in Volume 5569 Page 926 of said Deed Records, said nail also being at a a tum in Gibbons Road;

Thence: North 01 degrees 13 minutes 57 seconds East, with the west line of said Francis tract, and in said road, a distance of 496.39 feet to a set PK Nail for the northwest corner of this tract, and the southwest corner of a tract as described in deed to Chrease Okelberry et vir, George Dixon Okelberry, filed 16 November 2021, Instrument Number 2021-39492 of said Deed Records;

Thence: South 88 degrees 57 minutes 59 seconds East, with the south line of said Okelberry tract, a distance of 653.12 feet to a set 1 2 inch Steel Square Tubing for a corner of this tract;

Thence: North 76 degrees 43 minutes 28 seconds East, with the south line of said Okelberry tract, a distance of 103.20 feet to a set $\frac{1}{2}$ inch Steel Square Tubing for a corner of this tract;

Thence: South 88 degrees 57 minutes 59 seconds East, with the south line of said Okelberry tract, a distance of 176.16 feet to a set $\frac{1}{2}$ inch Steel Square Tubing for a corner of this tract, and being on the east line of said Francis tract, said tubing also being the southeast corner of said Okelberry tract;

Thence: South 01 degrees 02 minutes 01 seconds West, with the east line of said Francis tract, a distance of 521.90 feet to a set PK Nail for the southeast corner of this tract, and being the southeast corner of said Francis tract, said nail also being in sad Gibbons Road;

Thence: North 88 degrees 57 minutes 59 seconds West, with the south line of said Francis tract, and in said Gibbons Road, a distance of 931.00 feet to the **POINT OF BEGINNING** and containing 10.732 **acres** of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That James H. Francis does hereby adopt this plat designating the herein described property as Lot 1 and Lot 2 Block One, of the Payette **Addition** to the City of Sherman, County of Grayson, State of Texas, and does hereby dedicate to the public use forever the easements for the same purpose and consideration expressed hereon. All and any public utilities shall have the full right to remove and keep removed all growths which may endanger or interfere with the construction maintenance or efficiency of its respective system on the utility easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

_____
James H. Francis

STATE OF TEXAS

Before me, the undersigned Notary Public for the State of Texas, on this day personally appeared James H. Francis, known to me to be the person whose name is subscribed to the forgoing 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 office this the ____ day of _____ 2023.

_____
Notary Public-State of Texas

Acceptance

Approved this _____ day of _____, 2023, *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

Certificate of Acceptance of Dedication

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, Final Plat of the Payette Addition, an addition to the City of Sherman, Texas was submitted to the City Council on the ____ day of _____ 2023, 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 _____, 2023

_____
Clerk, City of Sherman, Texas

NOTES:

Lot owner to furnish, and install septic systems according to the Standards of the County Grayson.

No City of Sherman water available to site. Property lies within City of Southmayd Water CCN. City Wastewater does not serve subject property. On-site sewage facility or extension of wastewater main by developer is required.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Vicki L. Francis does hereby adopt this plat designating the herein described property as Lot 1 and Lot 2 Block One, of the Payette **Addition** to the City of Sherman, County of Grayson, State of Texas, and does hereby dedicate to the public use forever the easements for the same purpose and consideration expressed hereon. All and any public utilities shall have the full right to remove and keep removed all growths which may endanger or interfere with the construction maintenance or efficiency of its respective system on the utility easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

_____
Vicki L. Francis

STATE OF TEXAS

Before me, the undersigned Notary Public for the State of Texas, on this day personally appeared Vicki L. Francis, known to me to be the person whose name is subscribed to the forgoing 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 office this the ____ day of _____ 2023.

_____
Notary Public-State of Texas

* * * 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.

23 May 2023

State of Texas Registered Don K. Cox 4577 Professional Land Surveyor

Don K. Cox, Texas Registered
Professional Land Surveyor
Number 4577

* * Basis of Bearing * *
Course along the east line
James H. Francis Deed
Vol. 2396 Pg. 887 D.R.

* * OWNER * *
James H. Francis et ux,
Vicki L. Francis
18 May 1995
Vol. 2396 Pg. 887 D.R.
4000 Gibbons Road
Sherman, Texas 75092

LEGEND

MH = Man Hole
ICV = Irrigation Sistem
SJR = Set 3/4" Rod
FIP = Found Rebar
SIP = Set 1/2" Sq.Tubing
FST = Fd 1/2" Sq.Tubing
FSR = Fd Sq. 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 = Undergd phone
FCP = Fence Corner Post
UE = Utility Easement
BC = Back of Curb

SCALE: 1"= 100'

COX LAND SURVEYING CO.
P.O. BOX 597 108 N. MAIN ST,COLLINSVILLE, TEXAS 76233
COLLINSVILLE 903-429-6125 E-mail: CLSC108@aol.com
Gainesville 940-612-LAND Denton 940-381-5070
McKinney 469-952-5070

Final Plat of
Payette Additon
10.732 Acres in the
George W. Lavalla Survey Abst.No.722
County of Grayson
State of Texas

Drawn by: MJC
Check by: DKC
Job No. 23-15359-F
Firm # 10005500
Date: 23 May 2023

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

August 14, 2023

James H. Francis
Vicki L. Francis
4000 Gibbons Road
Sherman, TX 75092

Cox Land Surveying Co.
P.O. Box 597
Collinsville, TX 76233

Dear Applicants,

The request for approval of the Final Plat of Payette Addition has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, August 22, 2023 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. No City of Sherman water available to site. Property lies within City of Southmayd Water CCN.
2. City wastewater does not serve subject property. On-site sewage facility or extension of wastewater main by developer is required. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
3. 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.
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. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. 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,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Dillon Stewart, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 9.**

Meeting Date: 09/18/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

***** OTHER BUSINESS***

Final Plat of 449 S. Farmington Addition, consisting of 5.255 acres, being in the William Martin Survey, Abstract No. 765, and is currently located in the ETJ (Extra Territorial Jurisdiction); John David Griffin (Owner) and Preston Trail Land Surveying (Surveyor) (449 South Farmington Road)

Issue:

To consider Final Plat of 449 S. Farmington Addition, consisting of 5.255 acres, being in the William Martin Survey, Abstract No. 765, and is currently located in the ETJ (Extra Territorial Jurisdiction); John David Griffin (Owner) and Preston Trail Land Surveying (Surveyor) (449 South Farmington Road)

Background:

The property is located at 449 South Farmington Road between Old Dorchester Road and Farmington Road and is located in the ETJ (Extra Territorial Jurisdiction). The owner would like to plat the property into one lot for residential development.

Origination:

John David Griffin (Owner)
Preston Trail Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 22, 2023 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Final Plat
STAFF REVIEW LETTER - Engineering

dlagrone H:\PLANNING\Public Notification KT.aprx

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
449 FARMINGTON RD

N
W E
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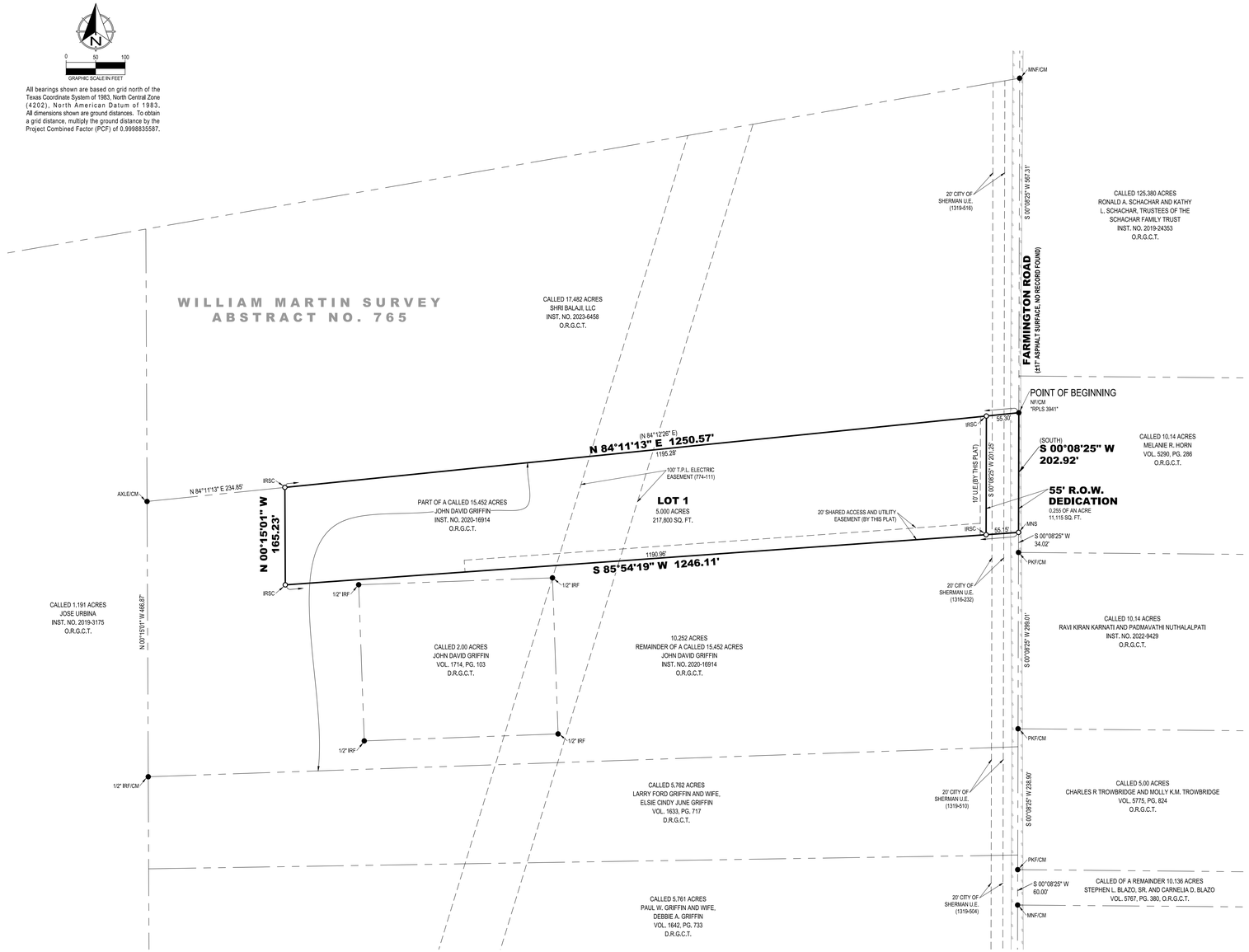
Date: 8/6/2023 5:02 PM



STATE OF TEXAS §
COUNTY OF GRAYSON §

OWNER'S CERTIFICATE

WHEREAS John David Griffin is the all of that certain tract or parcel of land situated in the William Martin Survey, Abstract No. 765, the Extra Territorial Jurisdiction of the City of Sherman, Grayson County, Texas, and being part of a called 15.452 acre tract of land described in the deed to John David Griffin, recorded in Instrument No. 2020-16914, Official Records, Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a Nail with an aluminum washer stamped "RPLS 3941" found for the northeast corner of said 15.452 acre tract, common to the southeast corner of a called 17.482 acre tract of land described in the deed to Shri Balaji, LLC, recorded in Instrument No. 2023-6458, said Official Records, and on the westerly line of a called 10.14 acre tract of land described in the deed to Melanie R. Horn, recorded in Volume 5290, Page 286, said Official Records, and in Farmington Road (No record found);

THENCE South 00°08'25" West, with the easterly line of said 15.452 acre tract, and with the westerly line of said 10.14 acre tract, and in said Farmington Road, a distance of 202.92 feet to a Mag Nail with an aluminum washer stamped "PRESTON TRAIL RPLS 6585" set for the southeast corner of the herein described tract of land;

THENCE South 85°54'19" West, crossing said 15.452 acre tract, a distance of 1246.11 feet to a 1/2-inch iron rod with a plastic cap stamped "PRESTON TRAIL LAND SURVEYING RPLS 6585" set for the southwest corner of the herein described tract of land;

THENCE North 00°15'01" West, continuing across said 15.452 acre tract, a distance of 165.23 feet to a 1/2-inch iron rod with a plastic cap stamped "PRESTON TRAIL LAND SURVEYING RPLS 6585" set for the northwest corner of the herein described tract of land, on the northerly line of said 15.452 acre tract, and on the southerly line of aforesaid 17.482 acre tract;

THENCE North 84°11'13" East, with the northerly line of said 15.452 acre tract, and with the southerly line of said 17.482 acre tract, a distance of 1250.57 feet to the POINT OF BEGINNING and enclosing 5.255 acres (228,915 square feet) of land, more or less.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS

That **John David Griffin**, does hereby adopt this plat designating the hereinbefore described property as **449 S. FARMINGTON ADDITION**, an Addition to the Extra Territorial Jurisdiction of the City of Sherman, Grayson County, Texas, and does hereby dedicate to the public use forever all streets, rights-of-way, alleys and easements shown thereon. The City or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Sherman, Texas.

BY:_____
John David Griffin

STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared **John David Griffin**, 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 considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ___ DAY OF _____, 20_____.

_____
Notary Public in and for the State of Texas

CITY COUNCIL CERTIFICATE OF ACCEPTANCE

Accepted by the City Council of the City of Sherman, Texas:

_____ _____ _____
Mayor, City of Sherman, Texas Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing plat of **449 S. FARMINGTON ADDITION,** to the City of Sherman 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 hereinabove subscribed.

Witness my hand this _____ day of _____, A.D. 20____.

_____
Clerk, City of Sherman, Texas

PLANNING AND ZONING COMMISSION CERTIFICATE OF ACCEPTANCE

Accepted this _____ day of _____, 20____, by the City Planning and Zoning Commission of the City of Sherman, Texas.

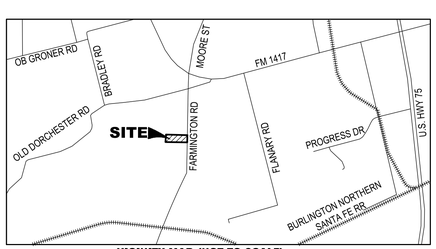
_____ _____
Chairman Secretary

SURVEYORS CERTIFICATE

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground and that all monuments shown hereon actually actually exist and that their location, size, and material are correctly shown.

_____
Chris R. Noah Date
Registered Professional Land Surveyor No. 6585

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



VICINITY MAP (NOT TO SCALE)

LEGEND

●	FOUND MONUMENT
○	SET MONUMENT
IRSC	1/2" IRON ROD W/ "PRESTON TRAIL LAND SURVEYING, RPLS 6585" CAP SET
MNS	MAG NAIL SET W/ "PRESTON TRAIL, RPLS 6585" ALUMINUM WASHER SET
IRF	IRON ROD FOUND
PKF	PK NAIL FOUND
MNF	MAG NAIL FOUND
CM	CONTROLLING MONUMENT
( )	DEED OR PLAT CALL
R.O.W.	RIGHT-OF-WAY
D.R.G.C.T.	DEED RECORDS, GRAYSON COUNTY, TEXAS
O.R.G.C.T.	OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS
VOL., PG.	VOLUME, PAGE
INST. NO.	INSTRUMENT NO.
U.E.	UTILITY EASEMENT
———	BOUNDARY LINE
——— - - ———	ADJOINER LINE
- - - - - -	EASEMENT
——— /// ———	ASPHALT

FLOOD STATEMENT:
I have examined the F.E.M.A. Flood Insurance Rate Map for Grayson County, Texas, Community Number 480829, effective date 09/01/2022 and that map indicates that this property is within "Non-shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood" as shown on Panel 0400 G of said map. This flood statement does not imply that the property and/or 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.

OWNER/DEVELOPER:
John David Griffin
451 Farmington Road,
Sherman, TX 75092
Ph: 903-814-1907

SURVEYOR:
Chris Noah, RPLS 6585
Preston Trail Land Surveying LLC
787 W FM 996
Pottsboro, TX 75076
Ph: 903-786-6029

FINAL PLAT
449 S. FARMINGTON ADDITION
5.255 ACRES
WILLIAM MARTIN SURVEY, ABSTRACT NO. 765
Extra-Territorial Jurisdiction of the City of Sherman
Grayson County, Texas

Preston Trail LAND SURVEYING
787 W FM 996
Pottsboro, TX 75076
www.prestontraillandsurveying.com
903-786-6029

TBPLS Firm No. 10194175	Drawn by: LGT Checked by: CRN	Scale: 1"=100' Date: 07/27/2023	Project No. 23-0343 Sheet No. 1 of 1

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

August 14, 2023

John David Griffin
451 Farmington Road
Sherman, TX 75092

Preston Trail Land Surveying
787 W. FM 996
Pottsboro, TX 75076

Dear Applicants,

The request for approval of the Final Plat of 449 S. Farmington Addition has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, August 22, 2023 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. Dedicate a 60' Right of Way Dedication along Farmington Road 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)*
2. Dedicate a 15' Utility, Landscape, & Sidewalk Easement along Farmington Road. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
3. City wastewater does not serve subject property. On-site sewage facility or extension of wastewater main by developer is required. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
4. 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.
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. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. 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,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Dillon Stewart, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **G.**

Meeting Date: 09/18/2023

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL COMMENTS

Issue:

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting

Meeting Date: 09/18/2023

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Issue:

Attachments

2023 Council Calendar

2023
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						
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26	27	28				

March						
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April						
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30						

May						
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June						
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July						
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August						
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September						
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October						
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29	30	31				

November						
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26	27	28	29	30		

December						
Su	Mo	Tu	We	Th	Fr	Sa
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24	25	26	27	28	29	30
31						

	Holiday
	Holiday for Firefighters/Police Only
	City Council Regular Meeting
	Special Called Meeting
	Budget Workshop
	Cancelled City Council Meeting

CALLED MEETINGS	
4/20/20223	Budget Planning Meeting
5/25/2023	CIP Work Session
6/15/2023	Budget Workshop Day 1
7/5/2023	Called City Council Meeting (Rescheduled)
6/9/2023	Called City Council Meeting
6/15/2023	Called City Council Meeting
6/26/2023	Called City Council Meeting
9/12/2023	SEDCO Joint Meeting
9/14/2023	Called City Council Meeting - Tree Ordinance Workshop