

**CITY OF SHERMAN
CITY COUNCIL CALLED MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
TUESDAY, SEPTEMBER 8, 2020
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER PAMELA L. HOWETH**
- A. 3. INVOCATION BY COUNCIL MEMBER PAMELA L. HOWETH**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 17, 2020**

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.

Public Hearing

C. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6316

Declaring as Elected the Unopposed Candidates for the Office of City Council Member for District 2 and for District 4; Finding that All Necessary and Required Legal Conditions have been Satisfied; Providing that the November 3, 2020 Regular Municipal Election for City Council Shall Not be Held; Providing for Posting of this Ordinance on Election Day, November 3, 2020

C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6317

Expanding Sherman Tax Increment Reinvestment Zone, Number Three (#3) (East of Intersection of U.S. Highway 75 and Loy Lake Road); Providing for Findings of Fact

C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6318

Accepting and Approving the Amended Project Plan and the Financing Plan for the Sherman Tax Increment Reinvestment Zone, Number Three (#3); Providing for Findings of Fact

- C. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6319**
Amending Section 6.11, Ordinance No. 2280, so as to Amend a Planned Development for Bel Air Village formerly known as Terra Perpetua Village (Ordinance No. 6232) in the 300-1000 blocks of East F.M. 1417 (Vietnam Veterans Parkway), to include 32.545 acres for a total of 278.313 acres in the Sherrod Dunman Survey, Abstract No. 329 (Terra Perpetua, LLC, Owners; Bryan Klein, ION Design Group, Representative; Bush Architects, LLC, Architect; and Underwood Drafting and Surveying, Inc., Surveyor); Providing for a Repealer Clause; Providing that this Planned Development shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- C. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6320**
Approving a Negotiated Settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division, Regarding the Company's 2020 Rate Review Mechanism Filing; Declaring Existing Rates to be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attached Exhibit Establishing a Benchmark for Pensions and Retiree Medical Benefits; Approving an Attached Exhibit Regarding Amortization of Regulatory Liability; Requiring the Company to Reimburse ACSC's Reasonable Ratemaking Expenses; Declaring an Effective Date; Requiring Delivery of this Ordinance to the Company and the ACSC's Legal Counsel
- C. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6321**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-1 (One Family Residential) District in the 900 block of North F.M. 1417 (Heritage Parkway), Tract 1 being 11.244 acres in the J.B. McAnair Survey, Abstract No. 763, and Tract 2 being 0.010 acres in the J.B. McAnair Survey, Abstract No. 763, for a total of 11.254 acres (Washington 1417 LP, Owners; Tim Pike, Wyldewood Homes, Prospective Buyer; and Preston Trail Land Surveying, Surveyor)
- C. 7. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6322**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Commercial Amusement Center (Indoor Gun Range) in a C-2 (General Commercial) District at 2926 Texoma Parkway, being 1.719 acres in the Reuben Hendrix Survey, Abstract No. 504 (Phillip S. Jennings, Jr. Family Trust, Owners; Steve Jennings, Representative; Blackbeard Armory & Range, LLC, Tenant; Tap Smith, Manager; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- C. 8. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6323**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-1 (One Family Residential) District and Section 8, Subsection (5)(a), Ordinance No. 2280 so as to Grant a Specific Use Permit to Allow up to Thirty-Nine (39) Patio Homes in the Proposed Cottages of Magnolia Village in an R-1 (One Family Residential) District in the 500 block of East Northcreek Drive, being 6.166 acres in the James H. Clark Survey, Abstract No. 273 (Young Enterprises, LP, Owners; Vincent Stanko, Jones/Carter, Civil Engineer; Dream to Life Designs, Designer; and Helvey-Wagner Surveying, Inc., Surveyor); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00
- C. 9. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6324**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District at 230 East Sycamore Street, being Lot 1, Ellison Addition (1303 Group, LLC, Owners; Vilbig & Associates, PLLC, Civil Engineer; and David Baca Studio, Architect)

- C. 10. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6325**
Providing for Permanent All Way "Stop" Signs at the Intersection of Case Road and Elliot Road within the City Limits of the City of Sherman, Texas; Providing for a Penalty Provision

Close Public Hearing and Consider Adoption of Ordinances

- C. 11. ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Numbers: 6316, 6317, 6318, 6319, 6320, 6321, 6322, 6323, 6324 and 6325
- C. 12. CONSENT AGENDA**
Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Resolutions

- D. 1. RESOLUTION NO. 6642**
Approving the Bylaws of the Sherman Economic Development Corporation; Providing for a Review of the Bylaws; Providing for an Effective Date
- D. 2. RESOLUTION NO. 6643**
Authorizing Execution of a Development Agreement between the City of Sherman and HP 2020 Joint Venture, a Texas Joint Venture, for the Construction of Public Facilities in Graham Addition, a 2.787-acre Development off of Hickory Street, north of Pelton Street in the City of Sherman
- D. 3. RESOLUTION NO. 6644**
Authorizing Execution of an Agreement with Gavin Mandt-Rauch under the City of Sherman's Central Business District Historic Building Restoration and Improvement Grant Program for Improvements to 224 East Houston Street
- D. 4. * RESOLUTION NO. 6645**
Authorizing Submission of an Application for a Grant Awarded by the Texas Department of Transportation under the Routine Airport Maintenance Program to Fund Improvements at the Sherman Municipal Airport; Designating the City Manager as the Authorized Official to Accept, Reject, Alter or Terminate the Grant on Behalf of the City
- D. 5. * RESOLUTION NO. 6646**
Authorizing Execution of an Agreement for Fire Protection Services between Grayson County, Texas and the City of Sherman, Texas for the Period of October 1, 2020 through September 30, 2021
- D. 6. * RESOLUTION NO. 6647**
Authorizing Execution of an Agreement for Ambulance Services with Grayson County for the Period of October 1, 2020 through September 30, 2021

D. 7. * RESOLUTION NO. 6648

Authorizing Execution of an Encroachment Easement to Face Value Productions, Inc. for the Installation of a Twelve Foot Wide Paved Access Drive within the Platted Public Alley running North and South between Highland Avenue and Binkley Street, South of Fairview Street in Northwest Heights 3rd Addition, Volume 2, Page 10, PRGCT, for Rear Entry Purposes for Lot 4, Block 1 of said Northwest Heights 3rd Addition in the City of Sherman, Grayson County, Texas, as shown in Exhibit "A" attached hereto and made a part hereof for all purposes

Other Business

E. 1. OTHER BUSINESS

Receive Bi-Annual Report on the Sherman Cultural District

E. 2. OTHER BUSINESS

Receive Presentation from Development Services Director Rob Rae, AICP on the 2020 Impact Fee Study and the Draft Impact Fee Ordinance

E. 3. * OTHER BUSINESS

Consider Request of True Options Pregnancy Center to Temporarily Close Certain Streets for the Fifth Annual "Turkey Trot 5K & Fun Run" on Saturday, November 21, 2020

F. MEDIA QUESTIONS

G. COUNCIL COMMENTS

Executive Session

H. 1. EXECUTIVE SESSION

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

Section 551.071	Consultation with City Attorney concerning Pending or Contemplated Litigation
Section 551.071	Consult with the City Attorney on a Matter in which the Duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter
Section 551.074	Personnel Matters: (a) Deliberate the Evaluation of a Public Officer or Employee (1) Annual Performance Evaluation of the City Manager (b) Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee

- (a) Deliberate Regarding Commercial or Financial Information that the City has Received from a Business Prospect and Deliberate any Offers or Incentives to the Business Prospect

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 Called 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 September 4, 2020 at 11:00 a.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 4th day of September, 2020.
City of Sherman, Texas

City Clerk

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

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

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

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

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

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

Mayor

David Plyler

Deputy Mayor

Willie Steele

Council Members

Willie Steele, Council-At-Large, PL #1
Sandra Melton, Council-At-Large, PL #2
Shawn C. Teamann, Council – District #1

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



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

A. 4.

Meeting Date: 09/08/2020

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 17, 2020

Attachments

August 17, 2020

Land Use and CIP

Impact Fee Study

August 17, 2020

**MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR WILLIE STEELE.
COUNCIL MEMBERS HOLLAND, HOWETH, MELTON,
STEVENSON, TEAMANN.**

CALL TO ORDER

CALL TO ORDER

APPROVE MINUTES

CITIZEN'S COMMENTS

CITIZEN'S COMMENTS

2020 IMPACT FEE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENT PROGRAM

IMPACT FEES

The first item is to review the Capital Improvement Plan and the Land Use Assumptions. Later in the meeting the actual recommendations for the amount of the Impact Fee will also be presented. The Capital Improvements Advisory Committee will meet tomorrow to hear the same presentation.

Council Members will hear comments on the Draft Study and will review a Draft Ordinance at the September 8, 2020 Council Meeting. An Ordinance for adoption of the Impact Fee Study will be presented for Council consideration at the September 21, 2020 Council Meeting.

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COUNCIL MINUTES – AUGUST 17, 2020

are one-time fees assessed to recover infrastructure costs required to serve new development and growth. They generate revenue for the City that can be used to grow the infrastructure that their development is causing. It uses “growth” to pay for “growth.”

There are five major components to an Impact Fee and the public hearing tonight covers three, Service Areas, Land Use Assumptions, and the Capital Improvement Plan. The maximum fee and the results will be presented at a future Council Meeting.

In designating service areas for Impact Fees, funds collected within a service area must be spent on projects within the same service area within 10 years. For water and wastewater, the service area is citywide. For roadways, the service area is considered a “six mile trip length limit.” Sherman is divided into four service areas for roadways.

In dividing roadways into service areas, Mr. Whitacre said they typically use major highway boundaries. For Sherman they used US Highway 75, US Highway 82, and West Travis Street.

The land use master plan is a 20-year projection, but land use fees are based on a 10-year projection. Growth really determines the need of the infrastructure. Therefore, it's critical to get the land use assumptions correct.

Mr. Whitacre said they looked at where Sherman is growing, but they also looked at planned developments, which are mostly in the south part of the City. They don't want to be too aggressive with the land use assumptions, but want to be sure they plan for the growth.

The City has a Five-Year CIP, but the Impact Fee CIP is a 10-year plan. This plan is used for the sole purpose of calculating Impact Fees. It includes “underway” projects and future projects. It does not include “maintenance” projects. It only includes new construction, widening of existing roadways, or expansion of existing waterlines.

He displayed a map with locations of various projects that would qualify for Impact Fees. Staff time cannot be included for payment with these fees. Projects included on the maps were existing projects today, as well as future projects.

There were no changes from the Budget Workshop, on projects for the water and wastewater systems. There were changes on the roadway projects from the Budget Workshop. Projects added include the US Hwy 75 Project to Service Area 4, the City's portion of the US Hwy 82 Frontage Roads, and the Plainview Road improvements and overpass.

Mr. Whitacre said today's actions include a public hearing on the Service Areas, Land Use (Growth), and Capital Improvement Plan.

COUNCIL MINUTES – AUGUST 17, 2020

No citizens appeared before the City Council to discuss the 2020 Impact Fee Land Use Assumptions and Capital Improvement Plan.

CAPITAL IMPROVEMENT PROGRAM 2020-2025

Mayor Plyler introduced a public hearing on the Capital Improvement Program 2020-2025.

**CAPITAL
IMPROVEMENT
PROGRAM
2020-2025**

Mary Lawrence, Director of Finance, said the City Charter requires the staff to prepare a Five-Year Capital Improvement Program each year. The first year of projects are included in the FY 2021 Budget.

The other four years are informational, but give the Council a look at what the City staff thinks might be coming up. The CIP is not an authorization to spend money or award a contract, and each contract will come to the Council for approval.

Ms. Lawrence said this version is different from the previous version on the last agenda. Projects amounting to about \$12 million for the Wastewater Treatment Plant were added in years two through five. This brought the five year total from \$66 million to \$78 million.

No citizens appeared before the City Council to discuss the Capital Improvement Program 2020-2025.

**FINAL STATEMENT/ACTION PLAN FOR PROGRAM YEAR
2020 COMMUNITY DEVELOPMENT BLOCK GRANT**

Mayor Plyler introduced a public hearing on the Final Statement/Action Plan for Program Year 2020 Community Development Block Grant.

**CDBG FINAL
STATEMENT &
ACTION PLAN
2020**

Ms. Lawrence said each year the City receives an entitlement grant, the Community Development Block Grant, from the Department of Housing and Urban Development. In past years, the funding has been used in Cherry Street Park, Martin Luther King Park, and to add a handicap accessible ramp for the Kidd-Key Auditorium.

This year, a large portion of the funds will be allocated for street improvements in the target area. Some of the funding will also be allocated to the various agencies in the community.

This year the grant is \$367,000, whereas last year it was about \$358,000.

No citizens appeared before the City Council to discuss the Final Statement/Action Plan for Program Year 2020 Community Development Block Grant.

Mayor Plyler introduced Ordinance No. 6309 and called for a public hearing:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION**

**ORD 6309
ANNUAL BUDGET**

OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; PROVIDING FOR A REPEALER.

Mayor Plyler said “this budget will raise more total property taxes than last year’s budget by \$1,785,000 and 11% and, of that amount, \$775,000 is revenue to be raised from new property to be added to the roll this year.”

Ms. Lawrence said the proposed budget is about \$97 million, which is about \$2.2 million more than the FY 2020 Budget. The increase is due to additional equipment, fleet purchases, and personnel costs.

The General, Utility, and Solid Waste Funds are all within their target range for days of fund balance, from 60 to 90 days. The Solid Waste Fund and the General Fund are both dependent on the distributions from the Texoma Area Solid Waste Authority, that were previously discussed.

No increases in the tax rate, the utility rate, or the solid waste rate are proposed. Money from the Marilee Special Utility District will be used to help fund Utility Fund operations, with that project now being funded by debt

Ms. Lawrence said the sales tax was great for August, however because of timing, it is not reflected in the proposed budget. If it had been included, it would have increased reserves by about 1.5 days.

No citizens appeared before the City Council to discuss Ordinance No. 6309.

Mayor Plyler introduced Ordinance No. 6310 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE LEVY OF AD VALOREM TAXES FOR THE CITY OF SHERMAN, TEXAS, FOR THE TAX YEAR 2020; DISTRIBUTING THE SAME AMONG THE VARIOUS FUNDS; PROVIDING FOR A PENALTY AND INTEREST FOR FAILURE TO PAY THE TAXES LEVIED WITHIN THE TIME PROVIDED BY LAW; PROVIDING FOR A REPEALER.

ORD 6310
AD VALOREM
TAX LEVY

Ms. Lawrence said the tax rate is unchanged at \$0.489, and the rate is below the voter approval rate of \$0.51. It is also below the voter approval rate as recalculated at 3.5% instead of the 8% that Senate Bill 2 allows the City to do when there is a declared disaster.

No citizens appeared before the City Council to discuss Ordinance No. 6310.

Mayor Plyler introduced Ordinance No. 6311 and called for a public hearing:

ORD 6311
REGULAR ELECTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 3RD DAY OF NOVEMBER, 2020, FOR THE PURPOSE OF ELECTING TWO (2) DISTRICT CITY COUNCIL MEMBERS FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

(NOVEMBER 3, 2020)

Brandon Shelby, City Attorney, said this is the annual ordinance calling an Election for the two District Council Members, on November 3, 2020. Today was the last day to “call” the Election.

No citizens appeared before the City Council to discuss Ordinance No. 6311.

Mayor Plyler introduced Ordinance No. 6312 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT AT 21180 WEST U.S. HIGHWAY 82, BEING 86.780 ACRES IN THE DANIEL BICKENBACK SURVEY, ABSTRACT NO. 128 AND THE J. McMULLEN AND MCGLOIN SURVEY, ABSTRACT NO. 762 (CHRISTOPHER REHMET AND CLAIRE TATE REHMET, OWNERS; CLAY BARNETT, P.E., REPRESENTATIVE; TCB ENGINEERING, LLC, CIVIL ENGINEER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER.

ORD 6312
ZONE CHANGE
(21180 W. HWY 82)

Mr. Rae said this is a zone change from R-A to R-1 for a single family development. This area was annexed in 2018.

Several citizens appeared at the Planning and Zoning Commission Meeting to express concern about the Site Plan and access through the existing neighborhood. However, this item was just for the zone change. The Planning and Zoning Commission recommended approval of the zone change, subject to the Staff Review Letter.

Laura Barnett, 3101 Redbud Trail

Ms. Barnett was representing Clay Barnett, TCB Engineering, who was unable to attend the meeting. She said they are requesting to rezone the property to C-1, for the portion adjacent to US Hwy 82, and to R-1 for the remainder of the property. They are not requesting site plan approval or preliminary plat approval at this time.

Ms. Barnett said they are requesting that the property be rezoned to be consistent with adjacent land uses. They also

COUNCIL MINUTES – AUGUST 17, 2020

intend to comply with the Staff Review Letter, and are not seeking any variances or exceptions.

No other citizens appeared before the City Council to discuss Ordinance No. 6312.

Mayor Plyler introduced Ordinance No. 6313 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AT 21180 WEST U.S. HIGHWAY 82, BEING 5.209 ACRES IN THE J. McMULLEN AND McGLOIN SURVEY, ABSTRACT NO. 762 (CHRISTOPHER REHMET AND CLAIRE TATE REHMET, OWNERS; CLAY BARNETT, P.E., REPRESENTATIVE; TCB ENGINEERING, LLC, CIVIL ENGINEER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER.

**ORD 6313
ZONE CHANGE
(21180 W. HWY 82)**

Mr. Rae said this item is for a zone change from R-A to C-1, for commercial retail, fronting US Hwy 82. This item was combined with the previous request at the Planning and Zoning Commission Meeting.

The Commission recommended approval of the zone change, subject to the Staff Review Letter.

No citizens appeared before the City Council to discuss Ordinance No. 6313.

Mayor Plyler introduced Ordinance No. 6314 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A COMMERCIAL AMUSEMENT CENTER (INDOOR GUN RANGE) IN A C-2 (GENERAL COMMERCIAL) DISTRICT/0-1.3 (F.M. HIGHWAY 691) OVERLAY DISTRICT AT 6400 TEXOMA PARKWAY, BEING 1.756 ACRES IN THE J.B. SHANNON SURVEY, ABSTRACT NO. 1085 (MONTGOMERY LIVING TRUST, OWNERS; CLIFF MONTGOMERY, REPRESENTATIVE; BEST PAWN, TENANT; F2M CONSTRUCTION, CONTRACTOR; AND FUSION TARGETS, SHOOTING RANGE DESIGNER/PROVIDER); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

**ORD 6314
SUP FOR COMMERCIAL
AMUSEMENT CENTER
(INDOOR GUN RANGE –
FM 691 & TEXOMA
PKWY)**

Mr. Rae said this item is for a Specific Use Permit to allow a commercial amusement center, an indoor gun range, in a C-2 District.

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

COUNCIL MINUTES – AUGUST 17, 2020

Cliff Montgomery, Representative, appeared to answer any questions the Council might have. Council Members did not have any questions.

No other citizens appeared before the City Council to discuss Ordinance No. 6314.

Mayor Plyler introduced Ordinance No. 6315 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280 SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW AN OFFICE/WAREHOUSE FACILITY IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 2450 NORTH FRISCO ROAD, BEING 2.814 ACRES IN THE G.W. MCGLOTHLIN SURVEY, ABSTRACT NO. 827 AND THE S. MCGLOTHLIN SURVEY, ABSTRACT NO. 808 (SHADOW TREE LANE, LLC, OWNERS; KENT HUGHLETT, ARCHITECT; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6315
ZONE CHANGE
(2450 N. FRISCO RD)

Mr. Rae said this item is for a zone change and a Specific Use Permit. The zoning is currently R-1 and they are requesting a change to C-2, and a Specific Use Permit to allow for office and warehouse in a C-2 District.

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

No citizens appeared before the City Council to discuss Ordinance No. 6315.

The Public Hearing was closed.

OTHER BUSINESS

PROVIDING FOR THE RATIFICATION OF THE PROPERTY TAX INCREASE

PROPERTY TAX

Ms. Lawrence said, as part of the budget process, the Local Government Code requires a separate vote if the City adopts a budget that raises more property tax revenue than the prior year. The rate is unchanged from last year, but revenue increased due to the increase in property values and new property added to the tax rolls.

Robby Hefton, City Manager, explained that the Council needed to vote on the property tax rate, prior to considering the adoption of the budget.

COUNCIL MINUTES – AUGUST 17, 2020

He said there was no increase in the property tax rate, but the Council should consider the ratification of the property tax increase prior to consideration of the proposed budget.

ACTION TAKEN.

Motion by Council Member Holland to ratify the property tax increase proposed in the budget in Ordinance 6309, as presented. Second by Deputy Mayor Steele.

Council Member Melton said she would like additional discussion and clarification, and would like the citizens to know whether or not the Council is raising property taxes.

Mr. Hefton said there is no increase in the property tax rate of \$0.489, which includes the maintenance and operations rate and the interest and sinking, or debt rate. That rate remains unchanged from the current year, based on the proposal.

The language included, is required because the property values have increased. The State requires that if a City gains any revenue from one year to the next, even \$1, you have to use this special clarification and motion to ratify a property tax increase. The State sees any increase in revenue as a property tax increase.

Mr. Hefton reiterated that there is no increase in the property tax rate, and the property tax rate is below the voter approval rate of 3.5% and 8%, both of which are allowed by law. It is not a property tax rate increase, it just ratifies that the City has more revenue, because property values have increased.

RESTATEMENT OF MOTION.

Motion by Council Member Holland to ratify the property tax increase proposed in the budget in Ordinance 6309, as presented. Second by Deputy Mayor Steele.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

ADOPTION OF ORDINANCES

Ordinance 6309

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; PROVIDING FOR A REPEALER.

ORD 6309
ANNUAL BUDGET

ACTION TAKEN.

Motion by Council Member Melton to adopt Ordinance No. 6309, as presented. Second by Council Member Howeth.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

Ordinance 6310

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE LEVY OF AD VALOREM TAXES FOR THE CITY OF SHERMAN, TEXAS, FOR THE TAX YEAR 2020; DISTRIBUTING THE SAME AMONG THE VARIOUS FUNDS; PROVIDING FOR A PENALTY AND INTEREST FOR FAILURE TO PAY THE TAXES LEVIED WITHIN THE TIME PROVIDED BY LAW; PROVIDING FOR A REPEALER.

ORD 6310
AD VALOREM
TAX LEVY

ACTION TAKEN.

Motion by Council Member Howeth that the property tax rate be increased by the adoption of a tax rate of \$0.489000 per \$100 of valuation, which is effectively a 6% increase in the tax rate. Second by Council Member Melton.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

Ordinance 6311

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 3RD DAY OF NOVEMBER, 2020, FOR THE PURPOSE OF ELECTING TWO (2) DISTRICT CITY COUNCIL MEMBERS FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

ORD 6311
REGULAR ELECTION
(NOVEMBER 3, 2020)

Ordinance 6312

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT AT 21180 WEST U.S. HIGHWAY 82, BEING 86.780 ACRES IN THE DANIEL BICKENBACK SURVEY, ABSTRACT NO. 128 AND THE J. McMULLEN AND McGLOIN SURVEY, ABSTRACT NO. 762 (CHRISTOPHER REHMET AND CLAIRE TATE REHMET, OWNERS; CLAY BARNETT, P.E., REPRESENTATIVE; TCB ENGINEERING, LLC, CIVIL ENGINEER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER.

ORD 6312
ZONE CHANGE
(21180 W. HWY 82)

Council Member Howeth asked about water and sewer to this area and when it should be completed. Wayne Lee, Director of Engineering, said the City is still actively engaged in acquiring easements and have about 80% of them. A critical one was acquired last week for the lift station. He said the entire project is an 18 month to two year project.

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Council Member Howeth asked if the homeowners in that area were being kept informed as to the status. Mr. Lee said they call in with questions and are being updated. Mr. Hefton said the staff is also in contact with the Homeowners Association for the development.

Mr. Hefton addressed the sewer project that will be needed prior to any significant growth in the development. There is plenty of water for them to grow, and tonight a zone change was all that was approved.

At some point in the future, they will submit a request for a site plan, for hundreds of single family homes. There is enough water to serve this many additional homes, and there will be plenty of sewer capacity once this project is complete.

Council Member Teamann verified that the development wouldn't be possible for another 18 to 24 months, because there is not adequate sewer. He said the homeowners that live in Preston Club say the HOA actually owns the road. The drawings show this new development using their roads.

Mr. Hefton said all the roads were constructed by the developer and are owned by the HOA. They are not City roads, nor are they City-maintained roads. He said presumably the other streets that will be constructed will be City streets. But that will be worked out through a Developer's Agreement, at a later date.

He said whether or not this new developer can use Preston Club's private road, is an issue between the HOA and the new developer, not the City.

Council Member Melton asked about the safety turning into Preston Club from US Hwy 82. Mr. Lee said when the developer presents their plans, they will be required to provide a traffic impact analysis and there will be communication with the Texas Department of Transportation concerning connections to Hwy 82 and the commercial property, as well as the residential property.

Council Member Melton asked why the developer wouldn't wait on the zone change until things are in place, such as the sewer. Council Member Stevenson said if a developer wants to put a project together, and borrow money to construct houses, the first step would be to assure that the zoning is correct for the project.

Council Member Teamann asked if they get residential zoning and then bring back a plat with standard residential lot sizes, can the Council deny it? Clint Philpott, Assistant City Manager, said that is true, without the exception of the sewer. Because there is no sewer capacity there, they would have to put in their own sewer system, approved by the City. Mr. Philpott said the City is currently not approving residential building permits in Preston Club.

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Mr. Hefton added that the City is assessing the current residents and any future residents in Preston Club for the water and sewer infrastructure. All of the new home that this developer builds will also be subject to the assessment and will help pay for the infrastructure.

Ordinance 6313

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AT 21180 WEST U.S. HIGHWAY 82, BEING 5.209 ACRES IN THE J. McMULLEN AND McGLOIN SURVEY, ABSTRACT NO. 762 (CHRISTOPHER REHMET AND CLAIRE TATE REHMET, OWNERS; CLAY BARNETT, P.E., REPRESENTATIVE; TCB ENGINEERING, LLC, CIVIL ENGINEER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER.

ORD 6313
ZONE CHANGE
(21180 W. HWY 82)

Ordinance 6314

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A COMMERCIAL AMUSEMENT CENTER (INDOOR GUN RANGE) IN A C-2 (GENERAL COMMERCIAL) DISTRICT/0-1.3 (F.M. HIGHWAY 691) OVERLAY DISTRICT AT 6400 TEXOMA PARKWAY, BEING 1.756 ACRES IN THE J.B. SHANNON SURVEY, ABSTRACT NO. 1085 (MONTGOMERY LIVING TRUST, OWNERS; CLIFF MONTGOMERY, REPRESENTATIVE; BEST PAWN, TENANT; F2M CONSTRUCTION, CONTRACTOR; AND FUSION TARGETS, SHOOTING RANGE DESIGNER/PROVIDER); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6314
SUP FOR COMMERCIAL
AMUSEMENT CENTER
(INDOOR GUN RANGE –
FM 691 & TEXOMA
PKWY)

Council Member Howeth said she didn't have any questions regarding the commercial amusement center, but was concerned with the look of the metal building.

Mr. Montgomery said the building will be demolished and the new building will match the current structure.

Council Member Stevenson asked about the timeline for the project. Mr. Montgomery said he was hoping to start construction in October 2020.

Ordinance 6315

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280 SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW AN OFFICE/ WAREHOUSE FACILITY IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 2450 NORTH FRISCO ROAD, BEING 2.814

ORD 6315
ZONE CHANGE
(2450 N. FRISCO RD)

ACRES IN THE G.W. MCGLOTHLIN SURVEY, ABSTRACT NO. 827 AND THE S. MCGLOTHLIN SURVEY, ABSTRACT NO. 808 (SHADOW TREE LANE, LLC, OWNERS; KENT HUGHLETT, ARCHITECT; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Ordinance Nos. 6311, 6312, 6313, 6314, and 6315, as presented.

Second by Council Member Howeth.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTION NO. 6636 – ADOPTING THE TEXAS COALITION FOR AFFORDABLE POWER, INC.'S PROFESSIONAL SERVICES AGREEMENT AND GEXA ENERGY'S COMMERCIAL ELECTRICITY SERVICE AGREEMENT FOR POWER TO BE PROVIDED ON AND AFTER JANUARY 1, 2023
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ADOPTING THE TEXAS COALITION FOR AFFORDABLE POWER, INC.'S PROFESSIONAL SERVICES AGREEMENT AND GEXA ENERGY'S COMMERCIAL ELECTRICITY SERVICE AGREEMENT FOR POWER TO BE PROVIDED ON AND AFTER JANUARY 1, 2023.

**RES 6636
ELECTRICITY
SERVICE
AGREEMENT**

Mr. Shelby said the Texas Coalition for Affordable Power is an organization of member cities that work together to assure favorable rates for electrical power. They are adopting a new program, Strategic Hedging Program, which will allow the City to purchase an annual supply each month, two years forward, year-to-year.

That means, next year, the City will start buying a monthly energy supply, for the City to use in 2023, on a month-by-month basis. This agreement allows TCAP to get the City the best possible energy rates, starting in 2023.

The contract also has an "out clause" that twice a year allows the City to return to the original fixed rate if the new rate is not working for them.

Council Member Howeth said some of the western states are experiencing "rolling blackouts" due to the heat. She asked if this contract would allow the City to have affordable energy and not have the blackouts.

Mr. Shelby said that issue is a “delivery of energy” issue and is an Oncor problem. It does not have anything to do with TCAP or the City’s rate for energy. He said Texas has a large energy grid system.

He said one reason TCAP is endorsing the Strategic Hedging Program is that they foresee the price of energy stabilizing and not fluctuating as much.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No. 6636, as presented. Second by Council Member Teamann.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6637 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH BRAD DRAKE CONSTRUCTION, LLC BASED ON AN INVITATION TO BID FOR CONSTRUCTION OF THE EAST PARK AVENUE ROADWAY EXTENSION

RES 6637
EAST PARK AVE
ROADWAY EXTENSION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH BRAD DRAKE CONSTRUCTION, LLC BASED ON AN INVITATION TO BID FOR CONSTRUCTION OF THE EAST PARK AVENUE ROADWAY EXTENSION.

Mr. Lee said in 2015, extreme weather caused the saturation and collapse of a portion of East Lake Avenue. The 2009 Comprehensive Master Plan calls for extending East Park to tie into East Lake Avenue, at a point east of the collapsed portion. Completing this connection would allow the failed portion of Lake Avenue to be abandoned in place.

This project will help establish that east – west connection. The new road would be a two-lane, concrete road.

There were six bidders, and the lowest responsive bidder was Brad Drake Construction, at \$1.72 million. The next two bidders were at \$1.78 million, so staff felt that it was a legitimate bid.

The bid was \$600,000 over the engineer’s estimate. It was determined that the engineer underestimated four box culverts and the cost of the fill dirt needed. The contractor is new to Sherman, and has been fully vetted.

ACTION TAKEN.

Motion by Council Member Howeth to adopt Resolution No. 6637, as presented. Second by Deputy Mayor Steele.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6638 – APPROVING AND ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF SHERMAN, TEXAS

**RES 6638
FIVE-YEAR CIP**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING AND ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF SHERMAN, TEXAS.

Ms. Lawrence said this is the actual vote on the Five-Year CIP, that was discussed earlier, and is required by the City Charter.

Council Member Teamann said he generally opposes the way the Five-Year CIP is set up, because he likes to have a strategy in place that is based on the tax rate increase. He said they have discussed some of the future projects, but not all of them, and he didn't like to approve a Five-Year strategy with no discussion on all the items.

He said each year they say they're going to do \$30 million to \$40 million worth of work, but they only complete \$10 million to \$15 million in projects. He said it was not really a good indication of the actual plan.

Ms. Lawrence said the Charter requires that the City complete a CIP. The first year is included in the budget, but the other four years are projects that the staff feels are needed. These projects are then reviewed with the budget each year. The plan is for one year at a time, so the City doesn't end up doing all the projects in the later years.

Mr. Hefton added that a Five-Year CIP is required by the Charter, so there is no option not to do it. However, it can be done differently. The Charter can be changed to not require a CIP, but that would have to be done by a vote of the citizens.

Or the City could have a separate work session, maybe half a day, to focus strictly on the CIP projects in years two through five, and to provide more detail. To do this at a budget work shop would expand the meeting to two days.

Council Member Teamann felt that the Council should look at realistic growth patterns and the percentage of increase in the tax base. Instead of "cherry picking" everything they want on the list, make sure the projects and the need are more realistic.

Mr. Hefton verified that Council Member Teamann would like to tie the projects to a financial impact in terms of a tax rate, just like is done with the first year of projects during the budget work shop. He doesn't want a "wish list" but a more realistic list of projects.

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Mayor Plyler said the Council and staff do a good job every year of looking through and vetting the projects for that year. He did feel it was a good planning tool to know what is coming up three years from now too, especially concerning infrastructure. He said the Council must know what is coming up in future years in order to plan for the projects. He felt everything could be incorporated into one work session.

Council Member Teamann said he appreciated a plan, he just felt there should be a more realistic approach.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No. 6638, as presented. Second by Council Member Howeth.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6639 – AUTHORIZING PUBLICATION OF THE PROPOSED FINAL STATEMENT/ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR PROGRAM YEAR 2020; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION OF CERTIFICATIONS OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR PROGRAM YEAR 2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING PUBLICATION OF THE PROPOSED FINAL STATEMENT/ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR PROGRAM YEAR 2020; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION OF CERTIFICATIONS OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR PROGRAM YEAR 2020.

**RES 6639
CDBG PROGRAM
YEAR**

Ms. Lawrence said this is the Council's consideration of the Community Development Block Grant that was discussed earlier.

Council Member Howeth said a good portion of the money this year will be spent on streets in low income areas. She asked how many miles of streets will the City be able to improve.

Mr. Philpott said it is hard to estimate because the City could do a complete rebuild or just a resurface. The goal is to see out to make the \$160,000 most impactful for the area, but the actual plan has not been determined yet.

Council Member Holland asked if sidewalks will also be added. Ms. Lawrence said that hasn't been determined yet. Mr. Hefton said, from a cost standpoint, anything that's within the right-of-way is okay to spend Federal grant dollars on. It could be anything from the right-of-way on one side to the right-of-way

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on the other side, which could include water lines, sidewalks, the roadway itself, curb and gutter, or drainage systems.

Council Member Melton confirmed that this grant money could also be combined with the street sales tax money. Mr. Hefton added that both the grant money and street sales tax money will be used for improvements on existing roads, not constructing new roads.

ACTION TAKEN.

Motion by Council Member Melton to adopt Resolution No. 6639, as presented. Second by Council Member Teamann.
VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6640 – AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH GRAYSON COUNTY, TEXAS, TO HOLD A JOINT ELECTION ON NOVEMBER 3, 2020
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH GRAYSON COUNTY, TEXAS, TO HOLD A JOINT ELECTION ON NOVEMBER 3, 2020.
CONSENT AGENDA.

RES 6640
JOINT ELECTION
AGREEMENT
(NOVEMBER 3, 2020)

RESOLUTION NO. 6641 – AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO LENNIE LUNDERVOLD FOR THE ENCROACHMENT OF A DETACHED SHED WITHIN THE PLATTED PUBLIC UTILITY EASEMENT RUNNING ALONG THE NORTH SIDE OF LOT 7, BLOCK C OF THE AMENDED PLAT OF MAGNOLIA VILLAGE, AS SHOWN IN INSTRUMENT NUMBER 2017-3272, PLAT RECORDS, GRAYSON COUNTY, TEXAS, LOCALLY KNOWN AS 413 CARNEROS DRIVE IN THE CITY OF SHERMAN, TEXAS
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO LENNIE LUNDERVOLD FOR THE ENCROACHMENT OF A DETACHED SHED WITHIN THE PLATTED PUBLIC UTILITY EASEMENT RUNNING ALONG THE NORTH SIDE OF LOT 7, BLOCK C OF THE AMENDED PLAT OF MAGNOLIA VILLAGE, AS SHOWN IN INSTRUMENT NUMBER 2017-3272, PLAT RECORDS, GRAYSON COUNTY, TEXAS, LOCALLY KNOWN AS 413 CARNEROS DRIVE IN THE CITY OF SHERMAN, TEXAS.
CONSENT AGENDA.

RES 6641
ENCROACHMENT
EASEMENT
(413 CARNEROS DR)

OTHER BUSINESS

SETTING A PUBLIC HEARING ON THE 2020 IMPACT FEE STUDY AND THE ADOPTION OF AN IMPACT FEE ORDINANCE FOR MONDAY, SEPTEMBER 21, 2020

IMPACT FEES

Mr. Rae said this presentation will give the maximum rate recommended, based on the Land Use Assumptions and the Capital Improvements Plan. After the presentation, they will ask for a motion to approve the Land Use Assumptions and

the Capital Improvement Plan and a motion to set the Public Hearing for September 21, 2020.

Mr. Whitacre said the maximum impact fee per service unit formula is determined by the recoverable cost of the CIP, divided by the new service units. For every existing project, there is an existing demand. The recoverable cost of the plan is the demand within the 10-year window. He said some of the projects have a 20-year lifecycle, but you can't charge beyond the 10-year window.

Mr. Whitacre divided the fee calculations into roadway, water, and wastewater. Roadway calculations were divided into the four service areas. The most money goes to Service Area 4, where the most growth is occurring.

State law requires you to cut that recoverable cost in half, to determine the percent that is recoverable by the fee. There is also a recoverable cost plus financing. That amount is divided by the service units to determine the maximum assessable impact fee per service unit per vehicle mile, then calculated to determine the maximum fee per single family. He outlined the calculated maximum fee for each service area.

The same principle applies to the water and wastewater service areas, except that Sherman is one service area for both of those designations. There are more water needs in the City than wastewater needs.

Mr. Whitacre said they calculated the maximum fees allowed and the actual fee assessed would be based on the ordinance that is passed by the City Council, but cannot exceed the maximum. The Council will set the rate and an effective date as to when the impact fees go into effect.

Mr. Whitacre outlined what the impact fees would be on five typical land uses, broken down by the type of fees, the number of units, and the service units, based on the maximum fee. He also showed the same calculations based on the staff recommended impact fees, which were less than the maximum allowed.

He also compared the maximum fee and the staff recommended fee, with Anna, Melissa, Princeton, Celina, McKinney, and Prosper. Sherman was on the low end of the comparisons. Mr. Rae added that Sherman's maximum rate was even lower than what many of the peer cities were charging. Mr. Whitacre clarified that the rates for the peer cities aren't the maximum rates, but are the rates they actually charge.

Deputy Mayor Steele asked, based on the rates, how much revenue should be generated. Mr. Rae said, they took the building permits from July 20, 2020 and then for the entire year of 2019, and based on the max rate of 2019, the City would have received \$3.5 million. Based on the staff

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recommendation, the City would have received \$2.1 million. Then on 2020, year-to-date, it would be \$1.5 million for the max, and \$870,000 for the staff recommended.

Deputy Mayor Steele asked if the rate is set now, how often can it be changed and what is the process to change it. Mr. Whitacre said it must be done every five years. As long as the maximum rate is not exceeded, it could be changed by an ordinance at any time.

Mr. Hefton confirmed that the study should be redone at least every five years, but it can be done more frequently. However, to change the rate between zero and the max, that can be done by ordinance, without the study. The rate can be changed, up to the max, as frequently as the Council would like.

Mr. Whitacre said redoing the study every five years would require a new public hearing, but it is a shorter process than the first time.

Deputy Mayor Steele asked how the staff determined their recommendation. Mr. Hefton said the staff wanted to be competitive with their rates and as it turns out, if they went with the \$6,941 maximum for a single-family residence, that would still be competitive. But they didn't want it to be an issue that stunted growth either. They just wanted to provide revenue for the infrastructure improvements. He explained how the staff calculations were determined.

He said the staff will present a draft ordinance, with a proposed fee structure, on September 8, 2020, for the Council's consideration. He asked for input from the City Council and said the CIAC will also make a recommendation at their August 18, 2020 meeting. Any changes the Council wants can be made before the final ordinance will be presented at the September 21, 2020 Council Meeting.

Mr. Whitacre presented revenue projections under different scenarios. The median home price is \$166,195 and the median listed price is \$223,520. Using the median listed price, \$2,000 per house is approximately 1%; \$4,000 per house is approximately 2%; and \$6,000 per house is approximately 3%.

Council Member Teamann verified that retail and industrial also has a cap. He suggested "not making it difficult" for a retail customer that would bring in a great value to the City through sales tax.

Council Member Stevenson asked about options for abatement to encourage retail development. Mr. Hefton said the fees would need to be applied equally and they can't be exempted from paying. However a business could be incentivized through a 380 Agreement, to rebate back an amount that would be equal to some of the Impact Fee.

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Council Member Howeth did not want to “cherry pick” who pays the fee. Council Member Teamann said some businesses bring the City a lot of money in sales tax.

As an example, Mr. Hefton said there are provisions and statutes that allow the City to exempt certain non-profits, such as schools, from the implementation of the storm water fee. Mr. Whitacre said schools and federally funded, affordable housing, are exempt from the Impact Fees. Mr. Whitacre said the water and wastewater fees are based on meter size.

Mr. Hefton asked for Council input on the rates to be included in the draft ordinance that will be brought back on September 8, 2020.

Council Member Stevenson suggested getting the maximum rate possible, that lets Sherman still be cheaper than the other comparison cities. He didn’t mean to go to the maximum, but just to go to the highest amount that still puts Sherman cheaper than the other cities. He said as long as Sherman was cheaper than the other cities, it would not run development out.

Council Member Howeth said that this was a starting point, and it can be changed with an ordinance. Maybe adopt this fee now and if it didn’t “run anyone off” it might be increased next year. Council Member Stevenson still recommended going with the higher amount, because it could still be reduced or increased as needed.

Mr. Hefton summed up the Council’s direction. As for single-family homes, the maximum cap is \$6,941. The \$3,600 maybe a little low. The Council doesn’t want to be the highest or the lowest, but somewhere in-between. He recommended increasing the fee on the water portion rather than the roadway portion, if the Council wanted to increase the fee.

Mr. Hefton said, for the September 8, 2020 Council Meeting, the staff will present two or three options for the Council to consider. The options will be higher than \$3,600 but lower than the cap. The options will also include the revenue that would have been generated for 2019 and for 2020 up to this time. He said the options will include the \$3,600, and three other options, that are not the maximum.

Mr. Whitacre said that when the City begins collecting that fee, they will be required to report back to the CIAC every six months, about the amount of revenue collected and how it is spent.

He presented a revenue projection chart to show projected revenue for a 10-year period. Anything that is already platted, at adoption time, has a one-year grace period.

ACTION TAKEN.

Motion by Deputy Mayor Steele to adopt the Land Use Assumptions and the Capital Improvements Plan, as presented. Second by Council Member Stevenson.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

ACTION TAKEN.

Motion by Council Member Teamann to set a Public Hearing on the 2020 Impact Fee Study, at the City Council Meeting on September 21, 2020, at 5:00 p.m., as presented. Second by Council Member Holland.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

AUTHORIZING EMERGENCY REPAIR OF A 6" DRAIN LINE IN THE ANAEROBIC DIGESTER COMPLEX AT THE SHERMAN WASTEWATER TREATMENT PLANT

**WWTP DRAIN
LINE REPAIR**

Mr. Lee said this item is for the emergency repair of a 6" drain line in the Anaerobic Digester Complex and the Wastewater Treatment Plant. Crews have been cleaning it on a regular bases because it clogs up. When they were unable to clean it, a contractor was called in and found that the cast iron line had collapsed in multiple places.

An emergency repair was initiated at a cost of approximately \$72,000.

ACTION TAKEN.

Motion by Council Member Stevenson to authorize the emergency repair of a 6" drain line in the Anaerobic Digester Complex at the Wastewater Treatment Plant, at a cost of \$72,000, as presented. Second by Deputy Mayor Steele.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

CONSIDER REQUEST OF DOWNTOWN SHERMAN NOW TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE "STROLL ON THE SQUARE & TEXOMA'S BEST BITES" ON SATURDAY, OCTOBER 3, 2020

**CLOSE STREETS
FOR STROLL ON
THE SQUARE &
TEXOMA'S BEST
BITES
(OCTOBER 3, 2020)**

The City Council approved the request of Downtown Sherman NOW to temporarily close certain streets for the "Stroll on the Square & Texoma's Best Bites" on October 3, 2020. They requested to close the 100 block of South Travis and South Crockett Streets, and the 200 block of South Travis from 1:00 p.m. to 11:00 p.m. for the event.

Barricades, cones, and waste receptacles will be provided by the City. They will work with the Police Department to arrange

for security officers. Emergency vehicle accessibility will be maintained throughout the closed streets at all times.
CONSENT AGENDA.

FINAL PLAT APPROVAL OF SCHMITZ ADDITION, BEING 27.418 ACRES IN THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765; JEREMY SCHMITZ, OWNER; UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR (5311 FARMINGTON ROAD)

The City Council approved the Final Plat of Schmitz Addition, a 27.418 acre tract, located at 5311 Farmington Road, between South FM 1417 and Shepherd Drive, just south of the railroad tracks.

The owner would like to plat the property into three lots for residential development. The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA.

APPROVE FINAL PLAT
SCHMITZ ADDITION
(5311 FARMINGTON
RD)

REPLAT APPROVAL OF JACKSON WALKER ADDITION, A REPLAT OF ALL OF LOT 7, BLOCK 1, GLECKLER PLAZA ADDITION AND ALL OF LOTS 5 AND 6, BLOCK 1 OF THE PARTIAL REPLAT OF GLECKLER PLAZA ADDITION, BEING 14.189 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763, ALSO BEING ALL OF LOT 7, BLOCK 1, GLECKLER PLAZA ADDITION AND ALL OF LOTS 5 AND 6, BLOCK 1 OF THE PARTIAL REPLAT OF GLECKLER PLAZA ADDITION; MPT OF SHERMAN ALECTO LLC, OWNERS; COVENANT DEVELOPMENT, LLC, DEVELOPER; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR (1111 GALLAGHER DRIVE)

The City Council approved the Replat of Jackson Walker Addition, a 14.189 acre tract, located at 1111 Gallagher Drive, at the northeast corner of Gallagher Drive and Calais Drive. The property was formerly Community Specialty Hospital. The property is zoned a C-1 (Retail Business) District. The owners would like to replat the property into two lots for commercial and residential development

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

APPROVE REPLAT
JACKSON WALKER
ADDITION
(1111 GALLAGHER DR)

FINAL PLAT APPROVAL OF REYNOSO BETHANY ROAD ADDITION IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION (ETJ), BEING 11.978 ACRES IN THE AARON BURLESON SURVEY, ABSTRACT NO. 161; RODOLFO V. REYNOSO, OWNER; PRESTON TRAIL LAND SURVEYING, LLC, SURVEYOR (2420 BETHANY ROAD)

The City Council approved the Final Plat of Reynoso Bethany Road Addition, an 11.978 acre tract, located at 2420 Bethany Road, in the City's Extra Territorial Jurisdiction.

APPROVE FINAL PLAT
REYNOSO BETHANY
ROAD ADDITION
(2420 BETHANY RD)

COUNCIL MINUTES – AUGUST 17, 2020

The owner would like to plat the property into two lots. The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA.

FINAL PLAT APPROVAL OF FROG KNOT POND ADDITION IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION (ETJ), BEING 2.297 ACRES IN THE J.W. BRADLEY SURVEY, ABSTRACT NO. 124; PHYLLIS A. BARROW LIVING TRUST, OWNER; PRESTON TRAIL LAND SURVEYING, LLC, SURVEYOR (100 AND 122 TRAILS END CIRCLE)

The City Council approved the Final Plat of Frog Knot Pond Addition, a 2.297 acre tract, located at 100 and 122 Trails End Circle, in the City's Extra Territorial Jurisdiction.

The owner would like to plat the property into two lots to sell the properties. The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA.

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

RECENT MARCH HELD IN SHERMAN

Council Member Holland thanked Terrence Steele, Assistant City Manager, for attending a recent march in Sherman. He said everything went well for the march.

THANKS TO CITY STAFF FOR BUDGET PROCESS

Council Member Teamann thanked the staff for the budget process this year. He said Council Members had received the information several times and been able to give input.

SCHOOL STARTED TODAY

Council Member Melton said school started today for the Sherman Independent School District. She urged everyone to watch when they drove through school zones.

ANNOUNCEMENTS

Mayor Plyler announced the following:

- Sherman Arts Fest will be held September 19, 2020.
- Coffee With the Mayor will be September 4, 2020, in the Municipal Ballroom. Sarah McRae, Tourism/Main Street Manager, will preview upcoming events, including a drone race.
- The Sherman Chamber of Commerce's Annual Golf Tournament will be held September 4, 2020, and is a great way to support the local business community.

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

APPROVE FINAL PLAT
FROG POND
ADDITION
(122 TRAILS END CR)

MEDIA QUESTIONS

RECENT MARCH
HELD IN SHERMAN

THANKS TO
CITY STAFF

SCHOOL STARTED
TODAY

ANNOUNCEMENTS

EXECUTIVE SESSION

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

SECTION 551.071 -- CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION

SECTION 551.071 -- CONSULT WITH THE CITY ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER

SECTION 551.074 -- PERSONNEL MATTERS: DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE

CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS:
TEXOMA COMMUNITY CENTER (1)

SECTION 551.087 -- DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM A BUSINESS PROSPECT AND DELIBERATE ANY OFFERS OR INCENTIVES TO THE BUSINESS PROSPECT

The Executive Session was not needed.

CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: TEXOMA COMMUNITY CENTER (1)
ACTION TAKEN.

Motion by Council Member Teamann to reappoint Margie Morris to the Texoma Community Center, for a term from

TEXOMA COMMUNITY
CENTER

COUNCIL MINUTES – AUGUST 17, 2020

August 31, 2020 to August 31, 2022. Second by Council Member Stevenson.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:44 p.m.

ADJOURNMENT

MAYOR

CITY CLERK



Land Use and CIP

Pubic Hearing

August 17, 2020

Overview



- Impact Fee Basics – Quick Recap
- Impact Fee Components
 - Land Use
 - Capital Improvement Plan
- Today's Actions
- Future Considerations
- Schedule

Impact Fee Basics



- What Are They?
 - One-time fee assessed to recover infrastructure costs required to serve new development
 - Governed by Chapter 395 of the Texas LGC
- Why impact fees?
 - Provides an additional funding tool for infrastructure systems
 - Allows for a balanced funding combination that recognizes the benefits of growth

Impact Fee Components



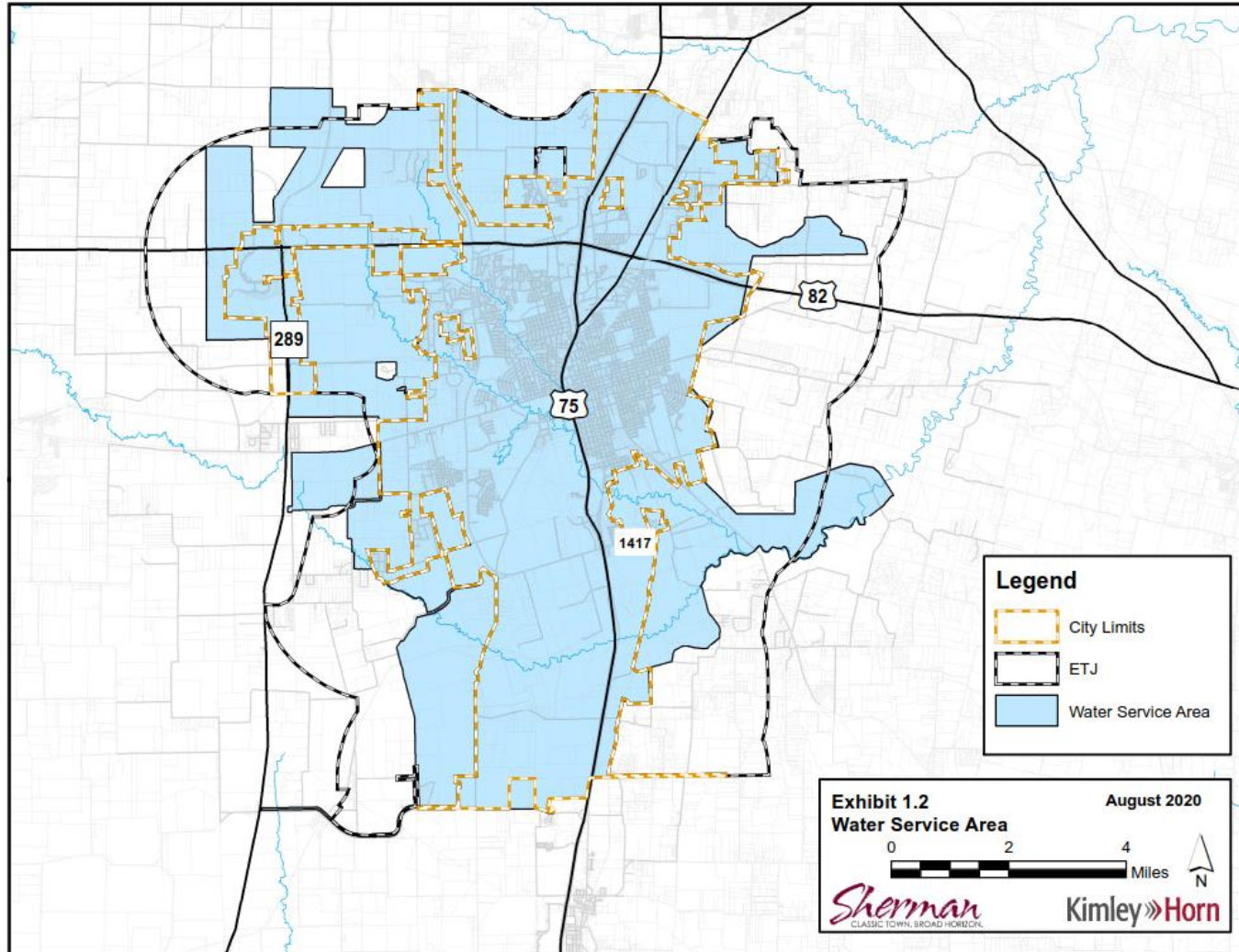
- Service Areas
- Land Use Assumptions
- Capital Improvements Plan
- Maximum Fee (Future)
- Results (Future)

Service Areas

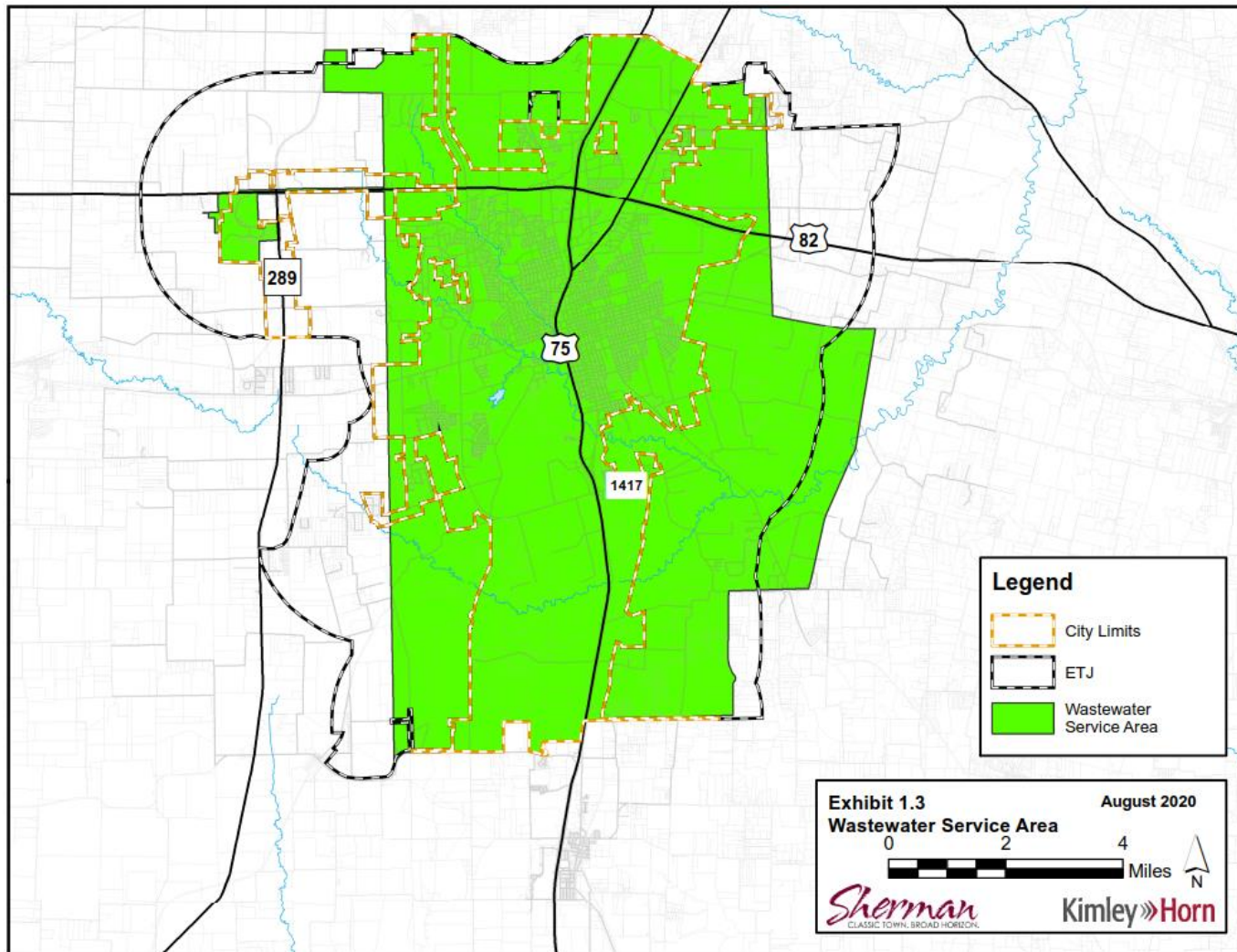


- Funds collected within a service area must be spent on projects within the same service area within 10 years
- Water (Service Area: Citywide)
- Sewer (Service Area: Citywide)
- Roadway - 6 mile trip length limit
 - ◆ Limited to Corporate Limits for roadways; Cannot include ETJ
 - ◆ Fort Worth = 27 Areas; Fate = 1 Area
 - ◆ Sherman - 4

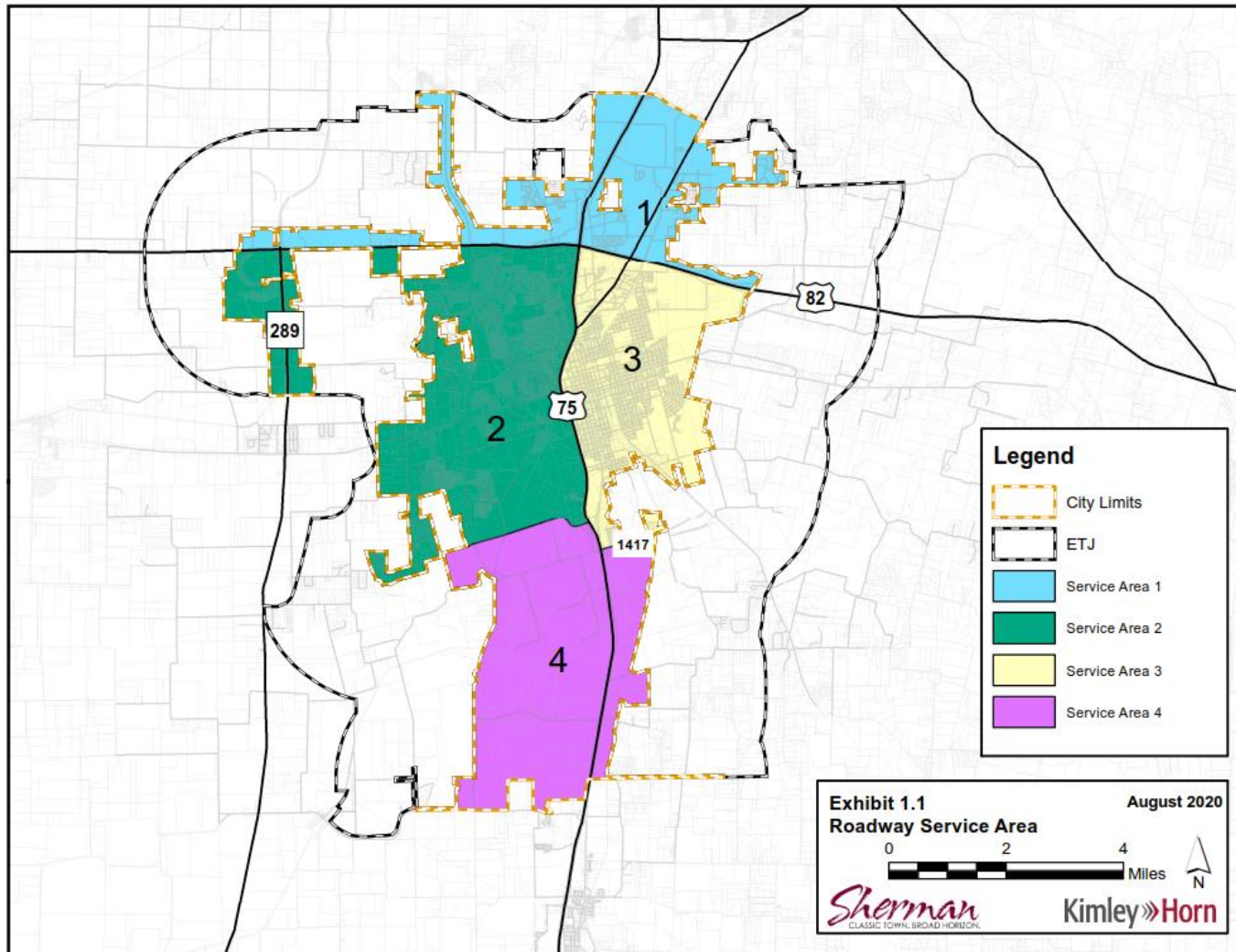
Service Areas Water



Service Areas Wastewater



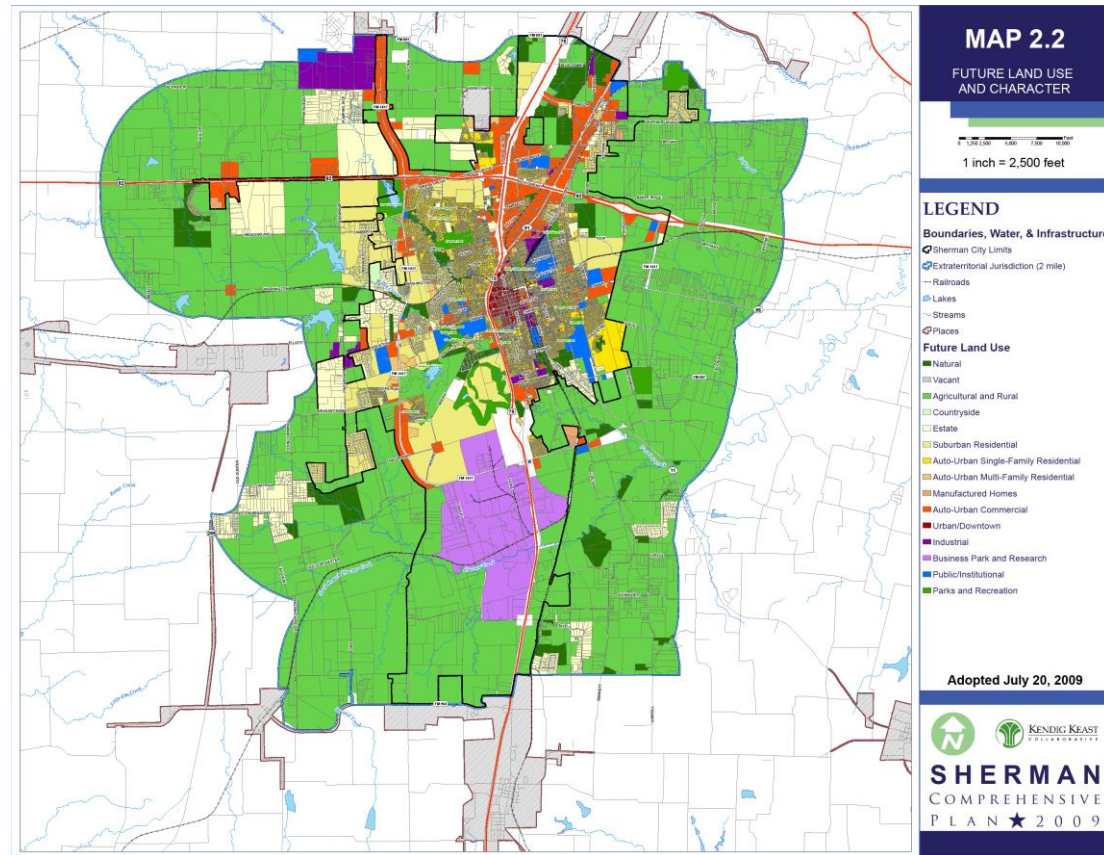
Service Areas Roadway



Land Use Assumptions



- Land Use Assumptions
 - Establishes Infrastructure Demands and Master Plans (20 years)
- Population and Employment Projections
- Sherman's Future Land Use Map



Land Use Assumptions



Service Area	Residential Units		Employment Units		
	Single Family	Multifamily	Basic Sq Ft	Service Sq Ft	Retail Sq Ft
1	550	521	154,000	77,000	889,000
2	1,250	938	98,000	5,000	535,000
3	100	-	66,000	3,000	136,000
4*	1,200	3,200	971,000	2,274,000	2,296,000
City Total	3,100	4,659	1,289,000	2,359,000	3,856,000
<i>Water ETJ</i>	<i>70</i>	-	-	-	-
<i>Wastewater ETJ</i>	<i>70</i>	-	-	-	-

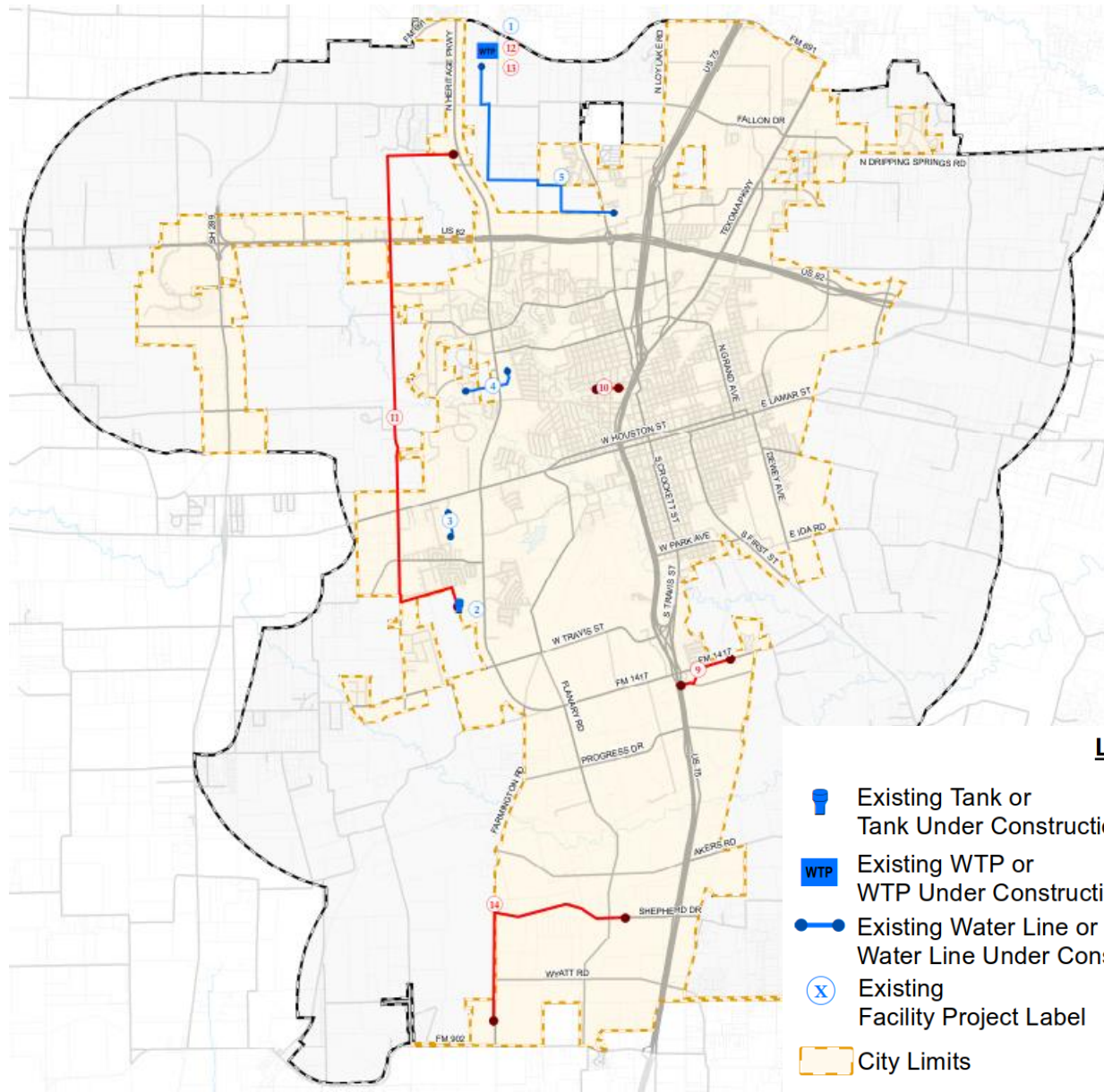
*Includes LUA for Terra Perpetua and The Village

Impact Fee CIP



- Capital Improvement Planning
 - Design, Construction, Legal, Fiscal, ROW, etc.
 - 5-yr CIP vs. **10-yr Impact Fee** CIP
 - Completed, Underway, and Future Projects
 - Development Ordinances
 - Zoning
 - Development Rules and Regulations
 - Construction Standards and Details
 - Impact Fee Ordinance

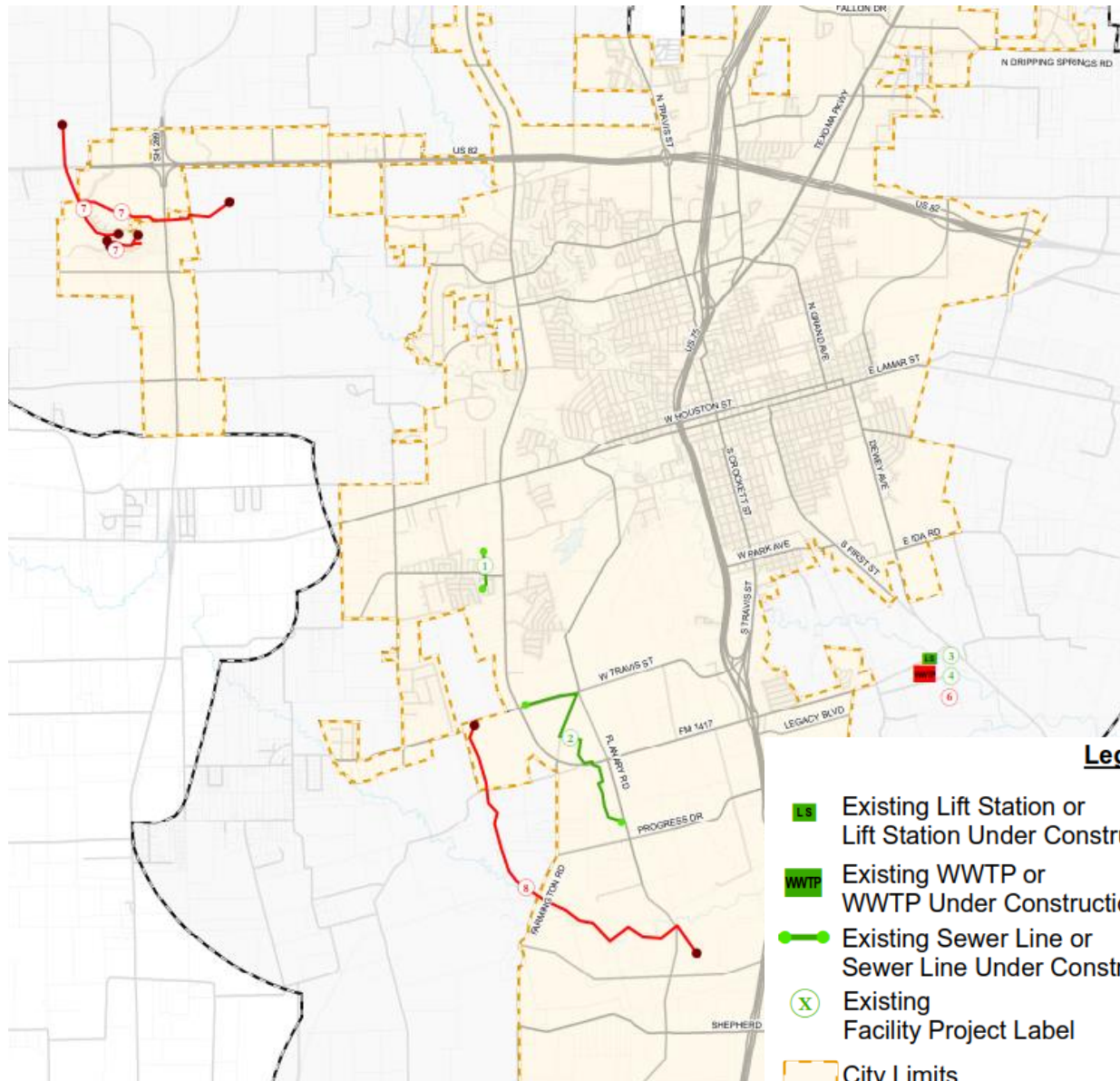
Water Impact Fee CIP



Legend

- | | |
|--|---------------------------------|
| Existing Tank or Tank Under Construction | Proposed 2020-2030 Tank |
| Existing WTP or WTP Under Construction | Proposed 2020-2030 WTP |
| Existing Water Line or Water Line Under Construction | Proposed 2020-2030 Water Line |
| Existing Facility Project Label | Proposed Facility Project Label |
| City Limits | City ETJ |

Wastewater Impact Fee CIP



Legend

- Existing Lift Station or Lift Station Under Construction
- Existing WWTP or WWTP Under Construction
- Existing Sewer Line or Sewer Line Under Construction
- Existing Facility Project Label
- City Limits

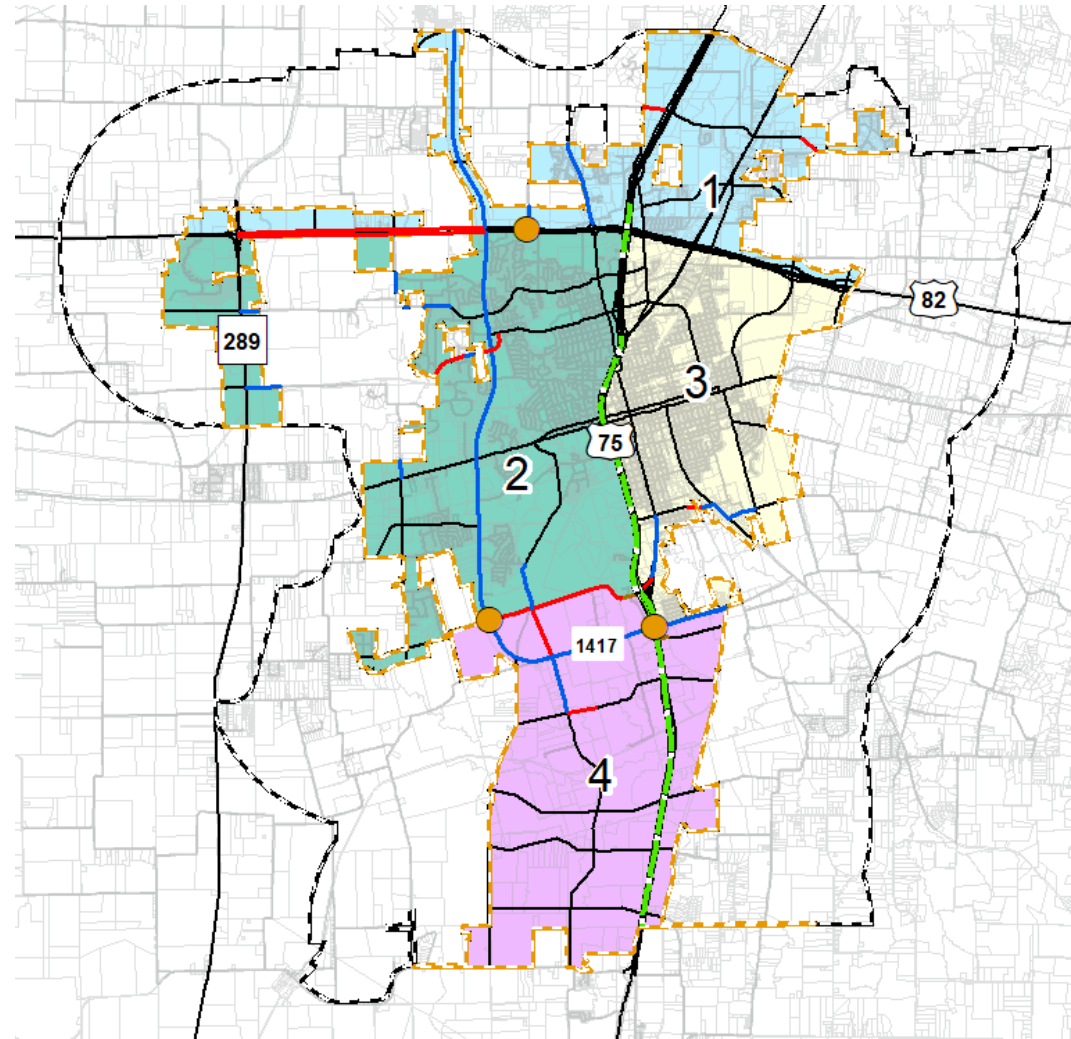
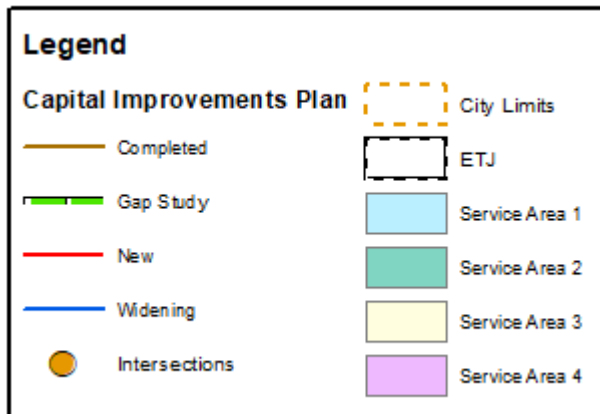
- Proposed 2020-2030 Lift Station
- Proposed 2020-2030 WWTP
- Proposed 2020-2030 Sewer Line
- Proposed Facility Project Label
- City ETJ

Roadway Impact Fee CIP



Changes since 6-25 Budget Workshop:

- ADD US 75 Project to SA 4
- ADD US 82 Frontage Roads
- ADD Planview and Overpass



Today's Actions



- Public Hearing:
 - Service Areas
 - Land Use (Growth)
 - Capital Improvement Plan

Schedule



- June 9: CIAC Kick-off LUA and Service Area
- July 6: Set Public Hearing Date
- July 21: CIAC LUA and CIP
- August 10: CIAC Comments Public Hearing LUA and CIP (8-17)
- August 17: Public Hearing
- August 17: Set 2nd Public Hearing (Full Study)
- August 18: CIAC Impact Fee
- September 14: CIAC Comments Public Hearing LUA and CIP (9-21)
- September 21: Council Public Hearing & Ordinance Adoption

Questions?

Jeff.Whitacre@kimley-horn.com

John.Atkins@kimley-horn.com



Impact Fee Study

City of Sherman

August 17, 2020

Sept. 21st Public Hearing

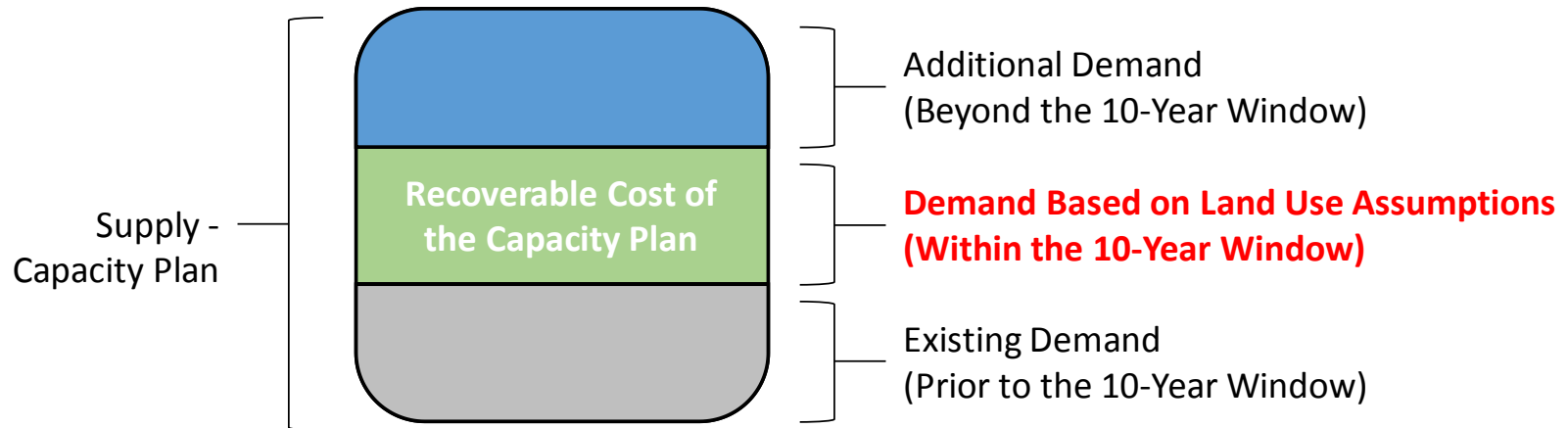


- Public Hearing to focus on the Impact Fee Study
 - Includes Recoverable Costs
 - Financing
 - Credit Calculation (50%)
 - Maximum Fee
- Ordinance – Direction for Rate
 - Ordinance to be considered October 5th

Impact Fee Calculations



$$\text{Maximum Impact Fee Per Service Unit} = \frac{\text{Recoverable Cost of CP (\$)}}{\text{New Service Units of Demand}}$$



Impact Fee Calculations



Determine the maximum assessable fee per service unit:

Max Fee Assessable Fee Calculation Components	Roadway			
	Service Area 1	Service Area 2	Service Area 3	Service Area 4
Cost of Total Impact Fee CIP Attributable to Growth	\$5,346,018	\$7,305,281	\$1,688,891	\$32,494,789
Percent of Fee Recoverable (from Chapter 395)	50%	50%	50%	50%
Recoverable Cost of Total Impact Fee CIP	\$2,673,009	\$3,652,641	\$844,446	\$16,247,395
Recoverable Cost of Total Impact Fee CIP + Financing*	\$3,484,802	\$4,761,947	\$1,100,904	\$21,181,728
Service Units	9,324	9,039	1,472	34,842
Max Assessable Impact Fee per Service Unit*	\$374 / vehicle-mile	\$527 / vehicle-mile	\$748 / vehicle-mile	\$608 / vehicle-mile
Max Assessable Impact Fee per Single Family*	\$1,111	\$1,565	\$2,222	\$1,806

Impact Fee Calculations



Determine the maximum assessable fee per service unit:

Max Fee Assessable Fee Calculation Components	Water	Wastewater
Cost of Total Impact Fee CIP Attributable to Growth	\$78,457,600	\$11,478,300
Financing (Debt Service)*	\$28,827,573	\$3,485,960
Pre Credit Recoverable Cost for Impact Fee	\$102,285,173	\$14,964,260
Percent of Fee Recoverable (from Chapter 395)	50%	50%
Recoverable Cost of Total Impact Fee CIP	\$51,142,587	\$7,482,130
10-Year Additional SFEs	11,421	11,392
Max Assessable Impact Fee per Single Family*	\$4,478	\$657

Overall Policy Decisions



- This study calculates the *maximum* impact fee. The actual collection rate will be set based on the ordinance, but cannot exceed the maximum.
- Council should consider the following decisions on policy:
 - **Rate Setting**
 - What percent of the calculated fee should be set? Average Cost?
 - Should the fee be the same in all Roadway Service Areas?
 - Should there be different fees for residential and non-residential?
 - **Effective Date**
 - When will the Impact Fees go into effect?

Sample Calculations



Determine the maximum assessable fee per service unit:

LAND USE	DEVELOPMENT UNITS	NUMBER OF UNITS	SERVICE UNITS	SA 1	SA 2	SA 3	SA 4	Water	WW	TOTAL (SA 4)
Single-Family Detached Housing (ITE #210)	Dwelling Units	1	2.97	\$1,111	\$1,565	\$2,222	\$1,806	\$4,478 (3/4")	\$657 (3/4")	\$6,941
Multi-Family (Mid-Rise) Housing (ITE #221)	Dwelling Units	148	1.32	\$73,065	\$102,955	\$146,129	\$118,779	\$217,900 (4" Water + 2" Irrigation)	\$28,468 (4")	\$365,147
Office (ITE #710)	5,000 Square Feet	5	3.45	\$6,452	\$9,091	\$12,903	\$10,488	\$7,478 (1")	\$1,097 (1")	\$19,063
Industrial (ITE #110)	50,000 Square Feet	50	3.16	\$59,092	\$83,266	\$118,184	\$96,094	\$104,472 (3")	\$15,328 (3")	\$215,894
Retail Strip Center (ITE #820)	10,000 Square Feet	10	7.03	\$26,292	\$37,048	\$52,584	\$42,742	\$23,868 (2")	\$3,502 (2")	\$70,112

Sample Calculations



Below is the staff recommended Impact Fee rate:

LAND USE	DEVELOPMENT UNITS	NUMBER OF UNITS	SERVICE UNITS	SA 1	SA 2	SA 3	SA 4	Water	WW	TOTAL (SA 4)
Single-Family Detached Housing (ITE #210)	Dwelling Units	1	2.97	\$1,111	\$1,500	\$1,500	\$1,500	\$1,500	\$600	\$3,600
Multi-Family (Mid-Rise) Housing (ITE #221)	Dwelling Units	148	1.32	\$73,065	\$98,667	\$98,667	\$98,667	\$72,990	\$25,998	\$197,655
Office (ITE #710)	5,000 Square Feet	5	3.45	\$6,452	\$8,712	\$8,712	\$8,712	\$2,505	\$1,002	\$12,219
Industrial (ITE #110)	50,000 Square Feet	50	3.16	\$59,092	\$79,798	\$79,798	\$79,798	\$34,995	\$13,998	\$128,791
Retail Strip Center (ITE #820)	10,000 Square Feet	10	7.03	\$26,292	\$35,505	\$35,505	\$35,505	\$7,995	\$3,198	\$46,698

Comparisons



Actual rates collected for:

LAND USE	SHERMAN (MAX SA 4)	SHERMAN (STAFF REC)	ANNA	MELISSA	PRINCETON	CELINA	MCKINNEY	PROSPER
Single-Family Detached Housing (ITE #210)	\$6,941	\$3,600	\$11,115	\$5,266	\$6,231	\$6,758	\$5,257	\$7,246
Multi-Family (Mid-Rise) Housing (ITE #221)	\$365,147	\$197,655	\$382,792	\$360,298	\$497,767	\$282,770	701,579	\$697,934
Office (ITE #710)	\$19,063	\$12,219	\$33,419	\$23,210	\$26,319	\$19,936	\$18,452	\$26,098
Industrial (ITE #110)	\$215,894	\$128,791	\$259,929	\$185,752	\$231,797	\$145,368	\$72,829	\$292,083
Retail Strip Center (ITE #820)	\$70,112	\$46,698	\$120,458	\$75,832	\$79,774	\$43,927	\$49,702	\$58,876

Revenue Projections

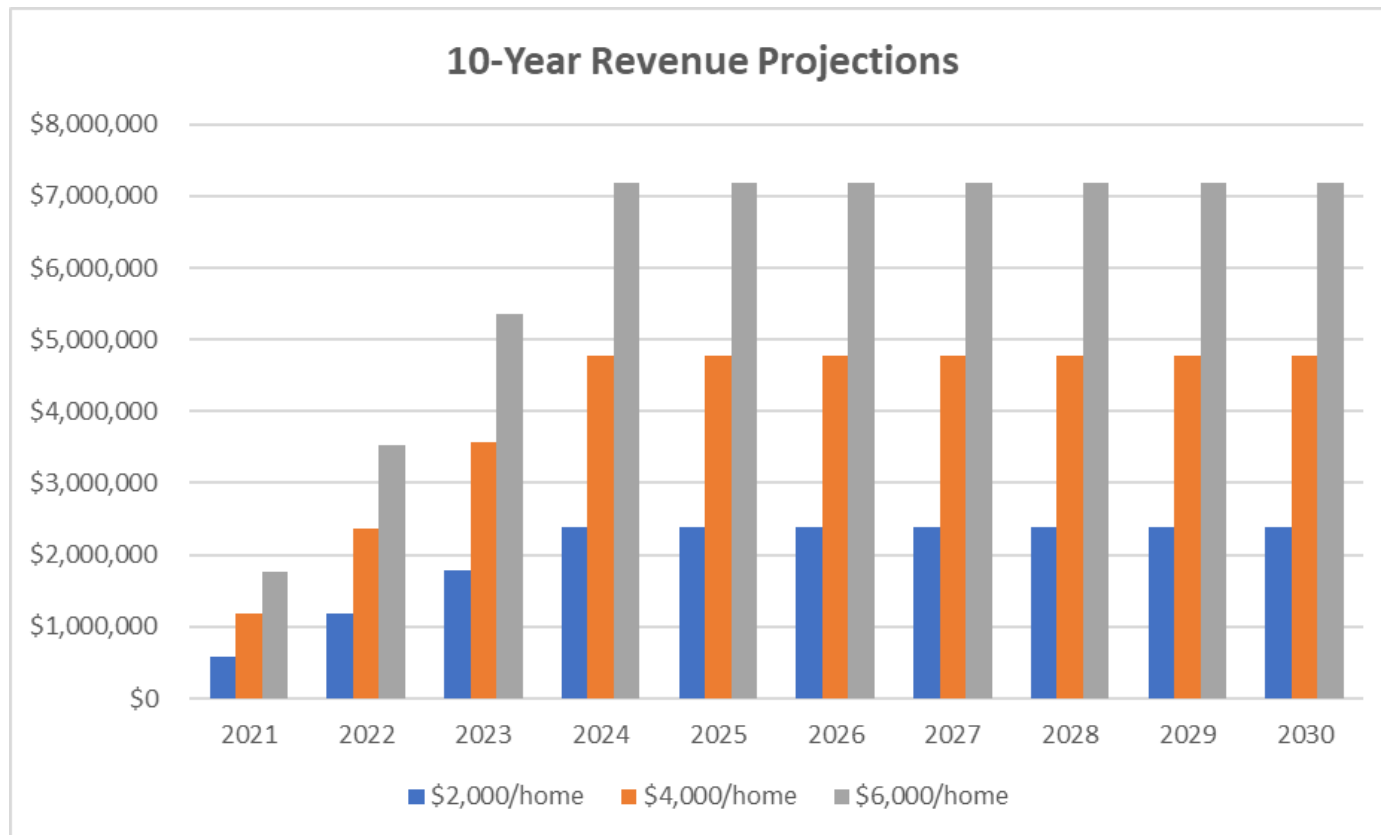


- Scenarios
 - Median Home Price \$166,195
 - Median Listed Price \$223,520
- Theoretical Scenarios
 - (Using Median Listed Price)
 - \$2,000 per house (~1%)
 - \$4,000 per house (~2%)
 - \$6,000 per house (~3%)

Revenue Projections



- Takes a few years to start to see true amount being recouped



Questions?

Jeff.Whitacre@kimley-horn.com

John.Atkins@kimley-horn.com



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C. 1.

Meeting Date: 09/08/2020

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6316

Declaring as Elected the Unopposed Candidates for the Office of City Council Member for District 2 and for District 4; Finding that All Necessary and Required Legal Conditions have been Satisfied; Providing that the November 3, 2020 Regular Municipal Election for City Council Shall Not be Held; Providing for Posting of this Ordinance on Election Day, November 3, 2020

Issue:

To consider an Ordinance canceling the November 3, 2020 Regular Municipal Election due to there being no opposed candidates for both of the races: Council Member, District 2 and Council Member, District 4

Background:

Section 2.053 of the Texas Election Code allows a City to cancel its Election if, after the regular filing deadline and the write-in filing deadline, there are no opposed races. The regular filing deadline ended at 5:00 p.m. on Monday, August 17, 2020; and the write-in filing deadline ended at 5:00 p.m. on Friday, August 21, 2020. There are no opposed races.

Origination:

The request originated with the City Clerk's Office.

Financial Consideration:

The 2019 Regular Municipal Election was also canceled due to no opposed candidates. There were two Special Elections, one for the reauthorization of Sales Tax for Street Maintenance and a Charter Amendment Election. The cost of the 2019 Special Municipal Elections was \$14,432.04, so this amount approximates the cost savings to the City by canceling the election.

Staff Recommendation:

It is the recommendation of the staff to accept the City Clerk's "Certification of Unopposed Candidates" to cancel the November 3, 2020 Regular Municipal Election and to declare the unopposed candidates duly elected.

Alternatives:

The Council could choose to hold the Election.

Attachments

Ordinance No. 6316

Certification of Unopposed Candidates

ORDINANCE NO. 6316

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING AS ELECTED THE UNOPPOSED CANDIDATES FOR THE OFFICE OF CITY COUNCIL MEMBER FOR DISTRICT 2 AND FOR DISTRICT 4; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT THE NOVEMBER 3, 2020 REGULAR MUNICIPAL ELECTION FOR CITY COUNCIL SHALL NOT BE HELD; PROVIDING FOR POSTING OF THIS ORDINANCE ON ELECTION DAY, NOVEMBER 3, 2020; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING 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 Council of the City of Sherman, Texas ("City Council"), adopted Ordinance 6311 on August 17, 2020, ordering that a Regular Municipal Election be held on November 3, 2020, for the purpose of electing a City Council Member for District 2 and for District 4, for full terms, as defined in the Charter of the City of Sherman, Texas; and

WHEREAS, pursuant to Sections 143.007 and 146.054 of the Texas Election Code, the deadlines for filing applications for a place on the ballot and for the declaration of write-in candidacy for the City's Regular Municipal Election have expired; and

WHEREAS, the Sherman City Council, in accordance with Section 2.052 of the Texas Election Code, has received from the City Clerk a "Certification of Unopposed Candidates" (see attached), certifying that Josh Stevenson and Daron Holland are unopposed for election to the positions of Council Member, District 2 and Council Member, District 4, respectively; and

WHEREAS, the City Council, upon receipt and review of such written certification, hereby finds and determines that the candidates whose names are to appear on the ballot in said Election for District City Council Members are unopposed, there are no declared write-in candidates, and no propositions are to appear on the ballot for said Election;

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

SECTION 1. FINDINGS INCORPORATED.

That the findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

SECTION 2. DECLARING CANDIDATES DULY ELECTED.

That, in accordance with Section 2.053(a) and (c) of the Texas Election Code, the following unopposed candidates are hereby declared duly elected to the respective office shown and shall be issued a Certificate of Election on or after Election Day:

Josh Stevenson, Council Member, District 2
Daron Holland, Council Member, District 4

SECTION 3. CANCELING REGULAR ELECTION.

That, in accordance with Section 2.053(b) of the Texas Election Code, the Regular Municipal Election for the City Council heretofore called and ordered for November 3, 2020 shall not be held and is hereby canceled.

SECTION 4. REQUIRING POSTING OF ORDINANCE.

That, in accordance with Section 2.053(b) of the Texas Election Code, the City Clerk is hereby directed to cause a copy of this Ordinance to be posted on Election Day, same being November 3, 2020, at all polling places that would have been used in such Election.

SECTION 5. REPEALER CLAUSE.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. SEVERABILITY CLAUSE.

That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 7. FINDING AND DETERMINING.

That it is hereby officially found and determined that the meeting at which this ordinance 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.

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)
*CERTIFICACIÓN DE CANDIDATOS ÚNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)***

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on November 3, 2020

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el November 3, 2020

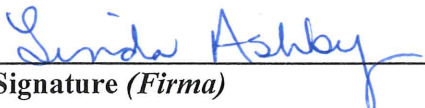
List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) Cargo(s)

City Council Member, District 2
City Council Member, District 4

Candidate(s) Candidato(s)

Josh Stevenson
Daron Holland


Signature (Firma)

Linda Ashby
Printed name (Nombre en letra de molde)

City Clerk
Title (Puesto)

August 24, 2020
Date of signing (Fecha de firma)

(Seal) (sello)

See reverse side for instructions
(Instrucciones en el reverso)

Instructions for certification of unopposed candidates:

The authority responsible for preparing the ballot must certify the unopposed status to the authority responsible for ordering the election. This document is filed with the presiding officer of the political subdivision. The governing body must meet, accept this certification, and issue an order or ordinance declaring the election cancelled and the unopposed candidates elected. To complete the cancellation process, a copy of the order or ordinance canceling the election must be posted on Election Day at each polling place that would have been used in the election. See sample Order of Cancellation and outlines for additional instructions.

An election* may be cancelled if:

- 1) The election is one in which a declaration of write-in candidacy is required; and
- 2) No opposed at-large race is on the ballot* within that election;*and
- 3) Each candidate whose name is to appear on the ballot* is unopposed, with some exceptions;

This means:

- In an all at-large election* (with no single-member districts), if there is one or more opposed at-large races, then all the races go on the ballot within that election.*
- In an election* in which any members of the governing body are elected from single-member districts, an election in a particular district may be cancelled if the candidate is unopposed and the election otherwise meets the above requirements (i.e., there is no at-large opposed race on the ballot).

Note: A general election (for full terms) or a special election (to fill a vacancy in an unexpired term) is considered a *separate election* with a *separate ballot* for purposes of these tests, even if held on the same election date. See our online Cancellation guide for details.

Instrucciones para la certificación de una elección con candidatos únicos:

La autoridad a cargo de preparar la boleta de votación debe certificar los candidatos únicos sin oposición a la autoridad encargada de ordenar la elección. Este documento se debe presentar al presidente de la subdivisión política. La entidad gobernante debe reunirse, aceptar esta certificación y emitir una orden o una ordenanza en la que declara la cancelación de la elección y la elección de los candidatos únicos sin oposición. Para completar el proceso de cancelación, se debe exhibir el Día de la Elección una copia de la orden u ordenanza de cancelación de la elección en todos los sitios de votación que se hubieran utilizado en la elección. Vea el ejemplo Orden de Cancelación y el resumen para más instrucciones.

Una elección* puede ser cancelada si:

- 1) la elección es una en la que se requiere una declaración de candidatos por escrito en la boleta de votación; y,
- 2) no hay oposición para la carrera por acumulación en la boleta* de votación dentro de esa elección* y
- 3) Todos los candidatos cuyos nombres deben aparecer en la boleta* de votación no tienen oposición, con unas excepciones;

Esto significa:

- En una elección* por acumulación (sin ningún distrito con miembro único), si se encuentra una o más de una carrera por acumulación con oposición, entonces todas las carreras estarán en la boleta dentro de esa elección*.
- En una elección* en la que cualquiera de los miembros de la entidad gobernante se eligen de distritos con un solo miembro, se puede cancelar una elección en un distrito específico si hay oposición para el candidato y la elección cumple con los requisitos que anteceden (ej. no hay oposición para la carrera por acumulación en la boleta).

Nota: Una elección general (con términos completos) o una elección especial (para llenar una vacante de un término no vencido) es considerada como una elección distinta con una boleta distinta con los propósitos de estas pruebas, aunque se lleven a cabo en la misma fecha electoral. Vea nuestra guía de cancelación en línea para más detalles.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C. 2.

Meeting Date: 09/08/2020

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6317

Expanding Sherman Tax Increment Reinvestment Zone, Number Three (#3) (East of Intersection of U.S. Highway 75 and Loy Lake Road); Providing for Findings of Fact

Issue:

This Ordinance enlarges Sherman Tax Increment Reinvestment Zone, Number Three (TIRZ #3) to include an additional approximate 42.68 acres south of the existing Zone.

Background:

TIRZ #3 was created by Ordinance No. 5424 at the November 6, 2006 City Council meeting and is comprised of the Sherman Commons Development and portions of Loy Lake Road. The City would like to encourage redevelopment of the area south of the current TIRZ #3 boundary to include the property located south of Sara Swamy Drive, west of North Calais Street, north of East Gallagher Drive, and east of North Loy Lake Road. The TIRZ #3 Board recommends the City Council approve the addition to the Zone to accelerate redevelopment. The composition of the TIRZ Board will not be affected by the enlargement of the Zone. If the Council adopts this Ordinance, the next step will be approval of the Amended Project and Financing Plan by the City Council in a separate agenda item.

Origination:

Mayor and City Council
City Manager Robby Hefton

Financial Consideration:

The increase produced by the enlarged area of the Zone after fiscal year 2020 will be dedicated to redeveloping the Zone. Cost of improvements will be from reserves and incremental tax revenues. The City will contribute 100% of its property tax rate. No other entities will participate. Current incremental revenues are about \$200,000 per year. Redevelopment is expected to add approximately \$75,000 per year in property tax revenues.

Staff Recommendation:

The staff recommends adopting this Ordinance.

Alternatives:

The City Council could change in direction and direct the staff to abandon the process to expand this Zone.

Attachments

Ordinance No. 6317

Ordinance No. 5424 adopted November 6, 2006 - Creation of TIRZ #3

Exhibit A - TIRZ #3 Survey

Aerial Location Map

ORDINANCE NO. 6317

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXPANDING SHERMAN TAX INCREMENT REINVESTMENT ZONE, NUMBER THREE (#3) (EAST OF INTERSECTION OF U.S. HIGHWAY 75 AND LOY LAKE ROAD); PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, on November 6, 2006, the City Council adopted Ordinance No. 5424, establishing Sherman Tax Increment Reinvestment Zone, Number Three (#3), which contained 82.41 acres of land, more or less; and

WHEREAS, it is desirous to expand the current Sherman Tax Increment Financing Reinvestment Zone, Number Three (#3) to promote future development;

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

SECTION 1. That the City Council hereby makes the following findings and determinations, which are true and correct:

- (a) That the development of the area described in Exhibit A, attached hereto and containing 42.68 acres of land, more or less, for the expansion of the Sherman Tax Increment Reinvestment Zone, Number Three (#3) would not occur in the foreseeable future solely through private investment.
- (b) That the area's present condition substantially impairs the city's growth, retards the provision of housing, or constitutes an economic or social liability to the public health, safety, morals, or welfare. Further, this condition exists because of the presence of one or more of the following conditions: a substantial number of substandard or deteriorating structures, inadequate sidewalks or street layout, faulty lot layouts, unsanitary or unsafe conditions, a tax or special assessment delinquency that exceeds the fair market value of the land, defective or unusual conditions of title, or that endanger life or property by fire or other cause; or be predominantly open or undeveloped and, because of obsolete platting, deterioration of the structures or site improvements, or other factors, substantially impair or arrest the sound growth of the municipality.
- (c) That the Sherman Tax Increment Reinvestment Zone, Number Three (#3) is in full compliance and meets all of the requirements of Section 311.005 of the Texas Tax Code.

- (d) That the improvements in the Zone will significantly enhance the value of all the taxable real property in the Zone and will be of general benefit to the municipality and its citizens.

SECTION 2. That the City Manager or his designee is hereby authorized and directed to immediately proceed with the necessary procedures to have declared the proposed real property for the expansion of the City of Sherman's Tax Increment Reinvestment Zone, Number Three (#3), making the revised area contained in the City of Sherman's Tax Increment Reinvestment Zone, Number Three (#3) 125.09 acres of land, more or less.

SECTION 3. That the provisions of this ordinance are servable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity of effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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.

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

Field Notes
Sherman Tax Increment Reinvestment Zone, Number Three (#3) Expanded Area

UNDERWOOD

DRAFTING & SURVEYING, INC.

Legal Description

Situated in the County of Grayson, State of Texas, being a part of the J. B. McAnair Survey, Abstract No. 763 and the Hillard Jennings Survey, Abstract No. 639, and being all of Lot 1, Prock Place, an addition to the City of Sherman Texas as recorded in Volume 9, Page 36, Plat Records, Grayson County, Texas; Lot 2, Block 2 of the Replat of Lot 1 and 2, Block 2, Heritage Park Addition, Phase One as recorded in Volume 18, Page 43 of said Plat Records; Lot 1, Block 1, Chasewood Addition, an addition to the City of Sherman as recorded in Volume 8, Page 86 of said Plat Records; Lots 1, 2 and 3, Block 1, Sherman Carwash Addition, an addition to the City of Sherman as recorded in Volume 24, Page 63 of said Plat Records; Lot 1, Block 2 of the Replat of Lot 1 and 2, Block 2, Heritage Park Addition, Phase One as recorded in Volume 18, Page 11 of said Plat Records; Texoma Dermatology Clinic Addition to the City of Sherman as recorded in Volume 16, Page 196; all of Block 1 Gleckler Plaza Addition to the City Sherman, Texas as recorded in Volume 8, Page 34 of said Plat Records; that tract of land conveyed to John and Elizabeth Sciortino as recorded in Volume 3049, Page 353, Official Public Records, Grayson County, Texas, that tract of land conveyed to Milissa Berg Dingle Living Trust as recorded in Volume 3783, Page 89 of said Official Public Records and portions of the Right of way for Sara Swampy Drive, Calais Street, Pecan Grove Road, and Gallagher Drive and being more particularly and being described by metes and bounds as follows:

Beginning at the intersection of the south right-of-way line of Gallagher Drive and the east right-of-way line of Loy Lake Road;

Thence along said east right-of-way the following calls and distances

North 07°19'53" West, a distance of 761.83 feet to a point,

North 07°55'30" West, a distance of 342.36 feet to a point,

North 07°08'48" West, a distance of 501.26 feet to a point,

Thence North 77°26'33" East, a distance of 221.54 feet to a point,

Thence South 07°41'39" East, a distance of 80.00 feet to a point,

Thence North 77°26'33" East, a distance of 580.49 feet to a point,

Thence North 08°02'24" West, a distance of 232.45 feet to a point,

Thence North 04°50'25" East, a distance of 60.69 feet to a point in the north right-of-way of Sara Swampy Dr;

Thence with said north right-of-way the following calls and distances

North 87°06'44" East, a distance of 60.04 feet to a point,

with a non-tangent curve to the right having a radius of 2,030.00 feet, (chord bears North 89°36'41"

East, 114.54 feet) an arc length of 114.55 feet to a point,

South 88°46'19" East, a distance of 402.70 feet to a point;

Thence with the easterly right-of-way of Calais Street the following calls and distances

South 01°12'46" West, a distance of 489.06 feet to a point,

South 01°12'00" West, a distance of 62.68 feet to a point,

with a curve to the right having a radius of 310.05 feet, (chord bears South 14°41'10" West, 144.61 feet) an arc length of 145.96 feet to a point,

with a reverse curve to the left having a radius of 250.08 feet, (chord bears South 08°21'06" West, 169.59 feet) an arc length of 173.02 feet to a point,

South 13°29'05" East, a distance of 63.30 feet to a point,

South 12°44'59" East, a distance of 305.51 feet to a point,

with a non-tangent curve to the right having a radius of 727.29 feet, (chord bears South 06°21'00"

West, 442.37 feet) an arc length of 449.49 feet to a point,

with a compound curve to the right having a radius of 230.00 feet, (chord bears South 38°31'58" West, 115.00 feet) an arc length of 116.23 feet to a point,

with a reverse curve to the left having a radius of 220.00 feet, (chord bears South 26°54'21" West,

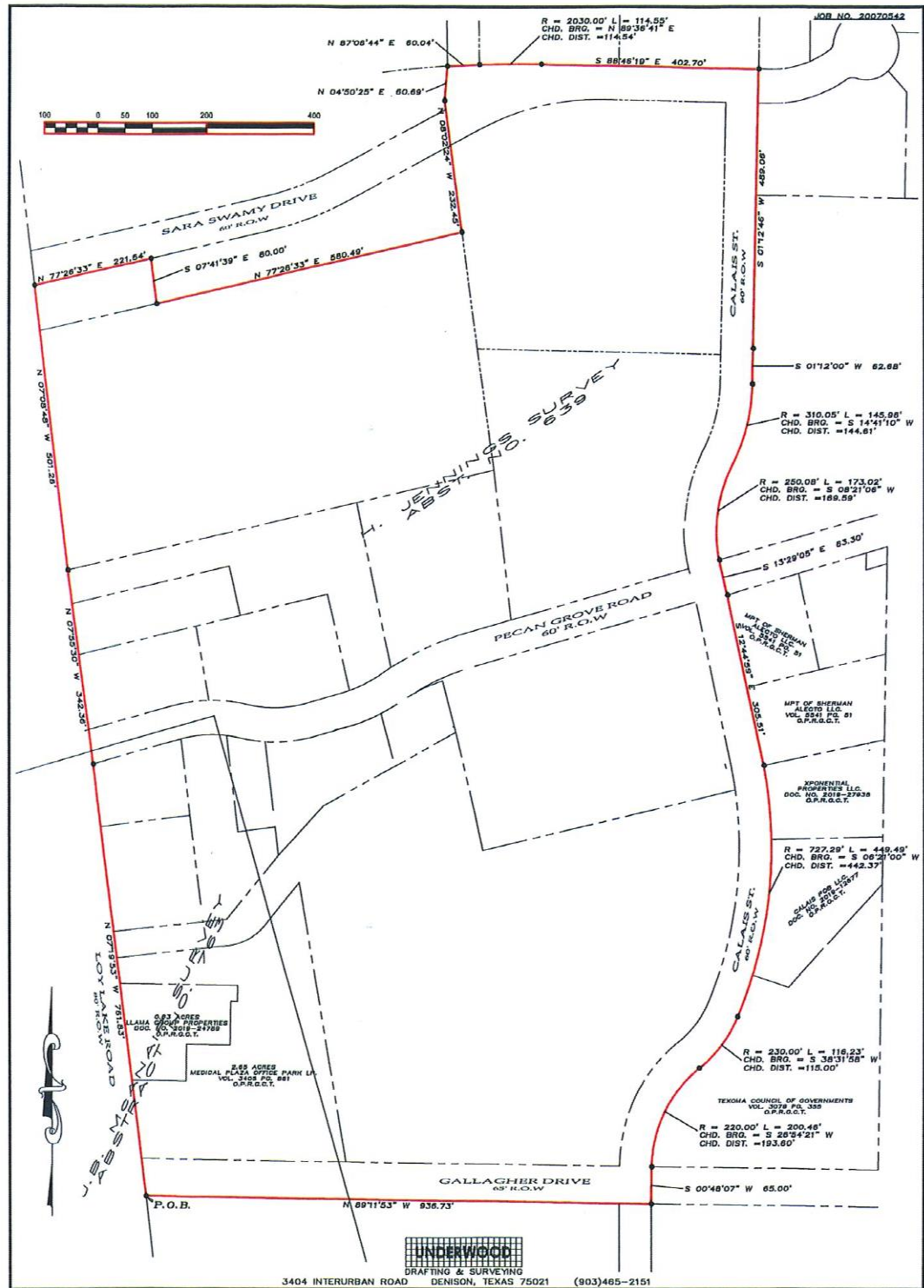
193.60 feet) an arc length of 200.46 feet to a point,

Thence South 00°48'07" West, a distance of 65.00 feet to a point in the south right-of-way line of Gallagher Drive;

Thence North 89°11'53" West with said south right-of-way, a distance of 936.73 feet to the Point of Beginning and containing 49.342 acres of land.

3404 INTERURBAN ROAD • DENISON, TEXAS 75021 • 903-465-2151 • FAX 903-465-2152

Location Map **Sherman Tax Increment Reinvestment Zone, Number Three (#3) Expanded Area**



ORDINANCE NO. 5424

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ESTABLISHING A TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER THREE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A BOARD OF DIRECTORS; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That there is hereby created a reinvestment zone to be named the Sherman Tax Increment Financing Reinvestment Zone Number Three ("TIF-3") to take effect immediately from and after the final passage of this ordinance, the boundaries of which are fully described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2. That the City Council hereby makes the following findings and determinations which are true and correct:

- (a) That the development of the area within the TIF-3 Zone would not occur in the foreseeable future solely through private investment.
- (b) That the area within the zone is predominantly open and, because of obsolete platting, deteriorating structures, or other factors (such as insufficient roads for traffic circulation, insufficient drainage facilities, and a hilly topography that retards orderly, cost-effective development), the area within the zone substantially impairs the growth of the City.
- (c) That the City of Sherman has fully complied with all of the applicable sections of Chapter 311 of the Texas Tax Code and specifically Section 311.003.
- (d) That the Sherman Tax Increment Financing Reinvestment Zone Three is in full compliance and meets all of the requirements of Section 311.005 of the Texas Tax Code.
- (e) That the County of Grayson, Grayson County College and the Sherman Independent School District, being all of the other taxing entities that levy taxes on the real property within the TIF-3, have received a formal presentation by the City on the Zone and each has waived the sixty (60) day notice period and their right to have a member sit on the TIF-3 Board of Directors.

- (f) That the improvements in the Zone will significantly enhance the value of all the taxable real property in the Zone and will be of general benefit to the municipality and its citizens. That the development of the area will promote local economic development and stimulate business and commercial activity in the City and significantly increase the City's tax base.

SECTION 3. That there is hereby established a tax increment fund for the Zone to be styled Sherman Tax Increment Financing Reinvestment Zone Number Three ("TIF-3"), which shall be placed with a local bank.

SECTION 4. That there is hereby established a five (5) member Board of Directors for the TIF-3 Zone to be composed of three (3) members of the City Council and two (2) members of the City staff, all to be chosen by the City Council for terms of two (2) years, with no term limitations, in accordance with Section 311.009 of the Texas Tax Code. The City Council does not delegate or grant any of its powers or authority to the Board of Directors. The City Council hereby restricts the authority of the Board of Directors under Chapter 311 of the Texas Tax Code to an advisory board to the City Council.

SECTION 5. The Zone shall terminate upon all City bonded indebtedness, interest on those bonds and project costs pertaining to the Zone being paid in full.

SECTION 6. That the provisions of this ordinance are severable and the invalidity of any word, phrase, sentence or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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.

INTRODUCED on this the 6th day of November, 2006.

ADOPTED on this the 6th day of November, 2006.

EFFECTIVE DATE on this the 6th day of November, 2006.

CITY OF SHERMAN, TEXAS

BY: 

BILL MAGERS, MAYOR

ATTEST:

BY: Linda Ashby
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

Doreen E. McGookey
**DOREEN E. MCGOOKEY,
CITY ATTORNEY**

EXHIBIT "A"

PARCEL DESCRIPTION

Situated in the City of Sherman, Grayson County, Texas, being a part of the J. B. McAnair Survey, Abstract No. 763, the Hillard Jennings Survey, Abstract No. 639, the John Jennings Survey, Abstract No. 647, and the T. J. Shannon Sr. Survey, Abstract No. 1137, and being all of the 12.86 acre tract of land conveyed by TPJ Properties, Ltd. to Woodmont Sherman, L.P. by deed dated March 31, 2005, recorded in Volume 3835, Page 166, Official Public Records, Grayson County, Texas, and also being all of the 0.42 acre tract of land conveyed by Beatrice Mathis to said Woodmont Sherman, L.P. by deed dated March 30, 2005, recorded in Volume 3835, Page 183, said Official Public Records, and also being all of the 8.26 acre tract, the 13.97 acre tract, and the 4.82 acre tract of land conveyed by Ganapathy Ltd. to said Woodmont Sherman, L.P. by deed dated March 30, 2005, recorded in Volume 3835, Page 177, said Official Public Records, said properties of Woodmont Sherman, L.P. now collectively known as Sherman Commons Addition to said City of Sherman, as shown by plat of record in Volume, Pages 18, 19, and 20, Plat Records, Grayson County, Texas, and being a part of the 0.9673 acre tract of land conveyed by Arthur Gleckler and William James Gleckler, Trustee to Ibrahim Abu Sarris by deed dated February 12, 1982, recorded in Volume 1592, Page 124, Deed Records, Grayson County, Texas, and being a part of the 3.140 acre of land conveyed by Soad Abu Sarris to said Ibrahim Abu Sarris by deed dated February 23, 1981, recorded in Volume 1548, Page 322, said Deed Records, and being a part of the 2.195 acre tract of land conveyed by Donald F. Fincher et al to Texoma Dermatology Clinic, P.A. by deed dated July 21, 1976, recorded in Volume 1353, Page 157, said Deed Records, and also being a part of the 0.79 acre tract of land previously severed from said 2.195 acre tract as conveyed by Texoma Dermatology Clinic, P.A., The Spencer Children Trust, and The Fincher Children Trust to Donald F. Fincher and Roy Edward Spencer by deed dated January 29, 2003, recorded in Volume 3391, Page 456, said Official Public Records, and being a portion of a public road now locally known as Sara Swamy Drive, a 60 foot wide right-of-way formerly known as Heritage Park Drive as dedicated by said plat of record of Sherman Commons Addition to the City of Sherman, shown on Sheet 2 of 3 in said Volume 18, Page 19, Plat Records, and also being an irregular strip of land lying within the limits of a public road locally known as Loy Lake Road, and also being a portion of the area of land embracing U. S. Highway No. 75, and being more particularly described as follows:

Beginning at a point for the most Southerly Southeast corner of the herein described tract at the intersection of the East line of said Loy Lake Road with the North right-of-way line of U. S. Highway No. 82, said point also being the Southwest corner of Town North Addition to said City of Sherman as shown by plat of record in Volume 2, Page 108, said Plat Records;

Thence North 59E29'53" West with said North right-of-way line of Highway No. 82 a distance of 6.64 feet to an angle point;

Thence North 76E26'02" West continuing with said North right-of-way line a distance of 75.28 feet to a point at the intersection of said North right-of-way line of Highway No. 82 with the West right-of-way line of said Loy Lake Road, said point also marking the Southeast corner of the 0.0037 acre tract dedicated to the City of Sherman as shown on A Replat Of Sherman Shopping Center recorded in Volume 8, Page 90, said Plat Records;

Thence North 02E07'32" West with the West right-of-way line of Loy Lake Road and the

East line of said Sherman Shopping Center a distance of 448.59 feet to the beginning of a curve to the left having a radius of 5689.65 feet;

Thence in a Northerly direction continuing with said West right-of-way line and curve, (chord bears North 02E58'04" West, 167.26 feet), an arc distance of 167.27 feet to the end of said curve;

Thence North 03E48'36" West continuing with said West right-of-way line a distance of 100.73 feet to the beginning of a curve to the left having a radius of 5689.65 feet;

Thence in a Northerly direction continuing with said West right-of-way line and curve, (chord bears North 04E54'54" West, 219.47 feet), an arc distance of 219.48 feet to the end of said curve;

Thence North 07E35'33" West continuing with said West right-of-way line a distance of 636.15 feet to the beginning of a curve to the left having a radius of 20.00 feet;

Thence in a Northwesterly direction continuing with said West right-of-way line and curve, (chord bears North 56E24'55" West, 30.11 feet), an arc distance of 34.09 feet to the end of said curve;

Thence North 15E14'18" West a distance of 10.00 feet to the Northeast corner of said Sherman Shopping Center in the South right-of-way line of a public road locally known as Pecan Grove Road;

Thence South 74E45'42" West with said South right-of-way line of Pecan Grove Road, passing the Northwest corner of said Sherman Shopping Center in the East right-of-way line of said U. S. Highway No. 75 and continuing across said highway for a total distance of 1182.35 feet to a point for the most Westerly Southwest corner of the herein described tract in the West right-of-way line of said Highway No. 75;

Thence in a Northerly direction with said West right-of-way line of Highway No. 75 the following calls and distances:

North 21E53'22" West, a distance of 15.76 feet;

North 06E52'28" East, a distance of 37.72 feet;

North 36E02'50" East, a distance of 112.83 feet;

North 09E19'42" East, a distance of 700.64 feet;

North 06E52'28" East, a distance of 423.82 feet;

North 01E32'34" East, a distance of 184.79 feet;

North 07E07'34" East, a distance of 952.17 feet;

North 25E21'44" East, a distance of 213.41 feet to a point for the most Westerly Northwest corner of the herein described tract;

Thence South 63E27'01" East a distance of 120.00 feet to an inside angle point;

Thence North 26E32'59" East a distance of 93.58 feet to a point for the most Northerly Northwest corner of the herein described tract;

Thence North 80E52'31" East, passing the Northwest corner of the both the said 12.86 acre tract and Sherman Commons Addition in the said East right-of-way line of Highway No. 75 and continuing for a total distance of 1164.32 feet to the most Northerly Northeast corner of the said 12.86 acre tract and Sherman Commons Addition;

Thence South 08E56'27" East a distance of 99.56 feet to an inside "L" corner in the North line of the said 12.86 acre tract and addition;

Thence North 81E02'46" East a distance of 198.26 feet to the most Easterly Northeast

corner of the said 12.86 acre tract and addition;

Thence South 00E49'05" West, passing the Southeast corner of the said 12.86 acre tract and the Northeast corner of the said 0.42 acre tract and continuing for a total distance of 772.10 feet to the Southeast corner of the said 0.42 acre tract and an outside "L" corner of said addition in the North end of a public 60 foot wide right-of-way known as Mathis Drive as shown on plat of Heritage Park Addition Phase One in Volume 16, Page 37, said Plat Records;

Thence North 88E39'13" West with said North end of Mathis Drive and the South line of the said 0.42 acre tract a distance of 50.08 feet to the Northeast corner of the said 8.26 acre tract and an inside "L" corner of said Sherman Commons Addition at the North end of the West right-of-way line of said Mathis Drive;

Thence South 00E40'48" East with said West right-of-way line a distance of 375.98 feet to the Southeast corner of the said 8.26 acre tract and an angle point in said East line of Sherman Commons Addition;

Thence South 04E49'28" West a distance of 60.69 feet to the Northeast corner of the said 4.82 acre tract and the Northwest corner of Lot 2 in Block 2 of said Heritage Park Addition Phase One;

Thence South 08E03'21" East with the West line of said Lot 2 and Block 2 a distance of 232.45 feet to the Southeast corner of the said 4.82 acre tract and a Southeast "L" corner of said Sherman Commons Addition, also being the Northeast corner of Chasewood Addition to said City of Sherman as shown by plat of record in Volume 8, Page 86, said Plat Records;

Thence South 77E25'36" West with the North line of said Chasewood Addition a distance of 580.49 feet to the most Southerly Southwest corner of the said 4.82 acre tract and a Southwest corner of said Sherman Commons Addition, also being the Southeast corner of Prock Place, an addition to said City of Sherman as shown by plat of record in Volume 9, Page 36, said Plat Records;

Thence North 07E42'36" West a distance of 80.00 feet to an inside "L" corner in the South line of the said 4.82 acre tract and Sherman Commons Addition and the Northeast corner of said Prock Place;

Thence South 77E25'36" West with the most Northerly South line of the said 4.82 acre tract and North line of said Prock Place a distance of 221.53 feet to a point for corner in the East line of said Loy Lake Road;

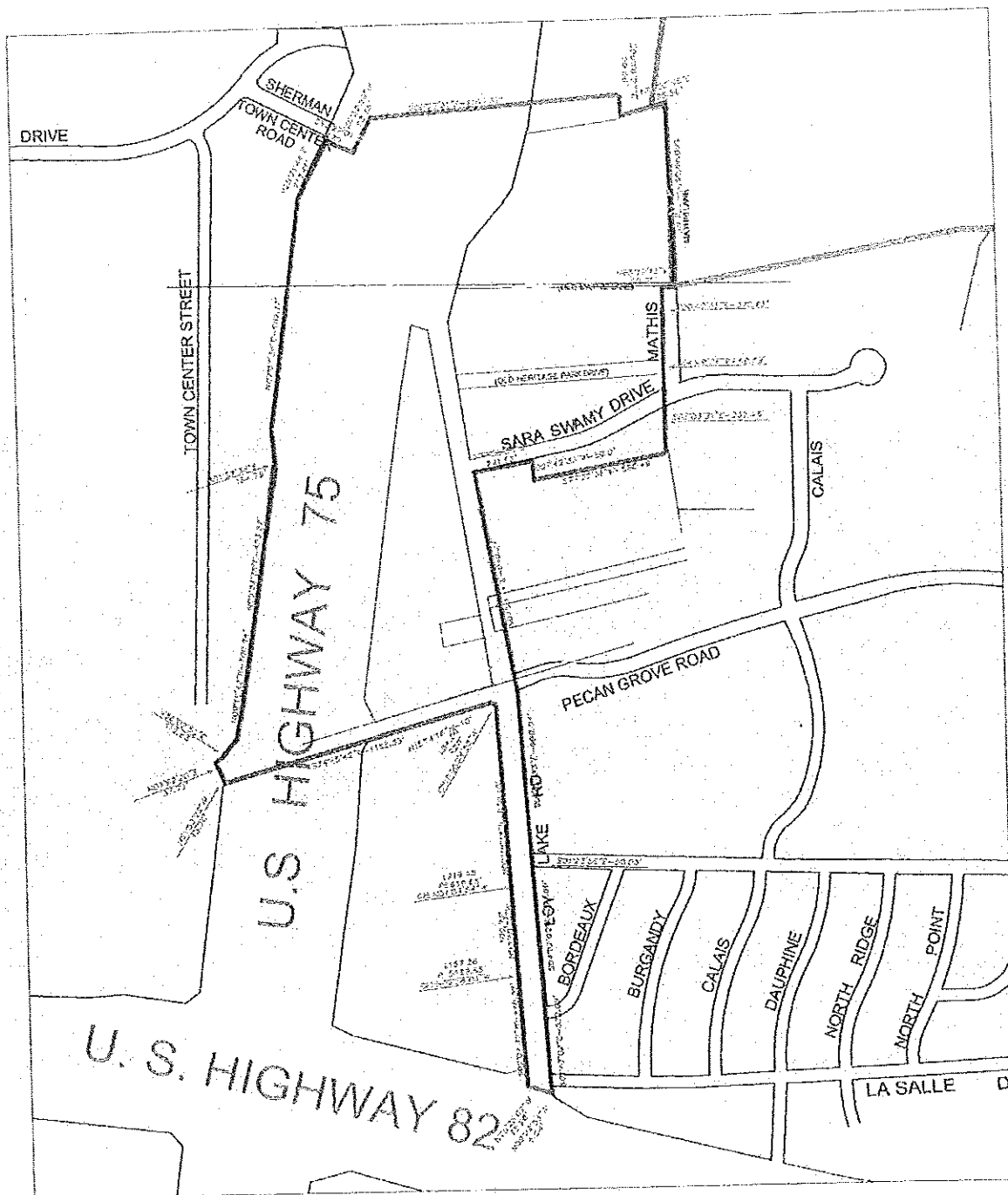
Thence South 07E24'14" East with said East line of Loy Lake Road a distance of 846.27 feet to an angle point;

Thence South 07E35'33" East continuing with said East line a distance of 698.84 feet to a point for angle in the North right-of-way line of Gallagher Drive;

Thence South 01E23'56" East crossing said Gallagher Drive a distance of 60.03 feet to the Northwest corner of said Town North Addition in the South right-of-way line of said Gallagher Drive;

Thence South 04E52'02" East continuing with said East line of Loy Lake Road and with the West line of said Town North Addition a distance of 371.60 feet to an angle point;

Thence South 01E47'02" East continuing with said East line of Loy Lake Road and West line of Town North Addition a distance of 532.09 feet to the Point-of-Beginning and containing 82.41 acres of land.....



TAX INCREMENT FINANCING ZONE NUMBER THREE
PROJECT PLAN - ATTACHMENT 1



FILE
copy to: giles

TIM MCGRAW
COUNTY JUDGE

October 2, 2006

Mr. L. Scott Wall
Sherman City Manager
P.O. Box 1106
Sherman, Tx 75091-1106

Re: Sherman Tax Increment Financing (TIF) Zone Number 3

Dear Scott:

In response to your letter dated September 19, 2006, Grayson County hereby exercises its option to waive the required sixty-day notice of the public hearing on the formation of Tax Increment Financing (TIF) Zone Number 3. We also waive our rights to a representative on the Board of Directors for this zone.

Additionally, the Grayson County elected official or staff member designated to discuss the zone with the City of Sherman will be the following:

Tim McGraw
Grayson County Judge
903-813-4228
mcgrawt@co.grayson.tx.us

Sincerely,

Tim McGraw
Grayson County Judge

PHONE (903) 813-4228
FAX (903) 892-4085

100 W. HOUSTON, SUITE #15
SHERMAN, TEXAS 75090-5958

E-MAIL
mcgrawt@co.grayson.tx.us



A New Dimension In Learning

October 18, 2006

Mr. L. Scott Wall
Sherman City Manager
P O Box 1106
Sherman, Texas 75091-1106

Re: Sherman Tax Increment Financing (TIF) Zone Number 3

Dear Mr. Wall:

In response to your letter dated September 19, 2006, Grayson County College hereby exercises its option to waive the required sixty-day notice of the public hearing on the formation of Tax Increment Financing (TIF) Zone Number 3. We also waive our rights to a representative on the Board of Directors for this zone.

Additionally, the Grayson County College staff member designated to discuss the zone with the City of Sherman will be the following:

Name: Dr. Alan Scheibmeir
Title: President
Phone: 903-463-8600
E-Mail: scheibmeir@grayson.edu

Sincerely,

Linda Blount
Executive Assistant
to the President

Grayson County College
Sherman - Denison
6101 Grayson Drive • Denison, Texas 75020-8299
(903) 465-6030 FAX (903) 463-5284

P.O. BOX 1176 SHERMAN, TEXAS 75091-1176



PHONE# (903)891-6400 FAX# (903)891-6407

October 17, 2006

Mr. L. Scott Wall
City of Sherman
P. O. Box 1106
Sherman, TX 75091-1106

Re: Tax Increment Financing Zone Number 3

Dear Mr. Wall:

At their October 16 meeting, the Board of Trustees approved the creation of Tax Increment Financing Zone (TIF Zone) Number 3, to waive the sixty-day notice of public hearing on the formation of the TIF Zone, and to waive our rights to a representative on the Board of Directors for this TIF Zone. Sherman ISD will not contribute any property tax revenues to the development of TIF Zone Number 3.

The Board of Trustees appointed Dr. Al Hambrick as the designated representative.

Enclosed please find the copies of the agenda cover page and your letter dated September 19, 2006.

Thank you for your assistance. If you have any questions, please contact me.

Bruce Barnett, CPA
Assistant Superintendent of Finance

enclosures

BOARD OF EDUCATION
SHERMAN INDEPENDENT SCHOOL DISTRICT
SHERMAN, TEXAS

AGENDA ITEM NO. 8. B. 2. DATE October 16, 2006
SUBJECT Consider Approval of Resolution RELATED PAGES _____
For Tax Increment Financing Zone Number 3 PRESENTED BY Bruce Barnett

ACTION

1. **BACKGROUND INFORMATION**

The City of Sherman is forming a Tax Increment Financing (TIF) Zone for the commercial area located south and east of the intersection of U. S. Highway 75 and Loy Lake Road. The City does not anticipate asking Grayson County, Grayson County College, or Sherman ISD to contribute any tax revenues to the development of the zone. Nevertheless, the law governing the formation of TIF Zones requires communication and coordination with all other taxing entities that have jurisdiction in the TIF Zone area.

The City of Sherman (City) has requested four items from Sherman ISD. First, the City has requested that Sherman ISD waive the required sixty-day notice of the public hearing on the formation of the TIF Zone. Second, the City requests that Sherman ISD appoint an elected official or staff member to be the designated representative to discuss the TIF Zone with the City. Third, the City requests that Sherman ISD waive our rights to a representative on the TIF Zone's Board of Directors. Finally, the City requests a date and time for City representatives to make a formal presentation to the School Board on this subject.

2. **ADMINISTRATIVE RECOMMENDATION**

The administrative recommendation is (1) to approve the creation of Tax Increment Financing Zone Number 3, (2) to waive the required sixty-day notice of public hearing on the formation of the TIF Zone, and (3) to waive our rights to a representative on the Board of Directors for this TIF Zone. Sherman ISD will not contribute any tax revenues to the development of TIF Zone #3.

3. **BOARD ACTION REQUESTED**

A motion to approve the administrative recommendation and to appoint Dr. Harbrick as the designated representative.

MOTION MB SECOND JH
For 5 Against 0

SHERMAN



MAYOR
BILL MAGERS
CITY MANAGER
L. SCOTT WALL

DEPUTY MAYOR
TERRENCE R. STEELE
CITY COUNCIL
CHIP ADAM

CURT HUGHES
JOHN MARKL
JOE N. SMITH
CAROLYN S. WACKER

September 19, 2006

Dr. Al Hambrick
Interim Superintendent of Schools
Sherman Independent School District
P. O. Box 1176
Sherman, Texas 75091-1176

Re: Sherman Tax Increment Financing (TIF) Zone Number 3

Dear Dr. Hambrick:

The City of Sherman is forming its third Tax Increment Financing (TIF) Zone. This one covers the area that includes the new Kohl's and Academy stores.

The City is seeking the same level of cooperation that the Sherman Independent School District Board has provided for the two prior zones. We do not seek any tax increment or monetary assistance. However, in accordance with State Law we do seek the following four items:

1. Please add the City of Sherman to the agenda of the next meeting of your official body so we can make a presentation concerning this zone;
2. Please name a representative to meet with the City of Sherman on matters pertaining to the TIF, should such a meeting prove necessary;
3. Please waive your rights to a representative on the Board of Directors of the TIF; and
4. Please waive your rights to a sixty-day notice of the City of Sherman's public hearing on the formation of the zone.

For your reference, I have enclosed a certified copy of Resolution No. 4869 that the City Council approved on September 18, 2006. This contains the Preliminary Project Plan and the Preliminary Financing Plan for the zone. For your convenience, I have also enclosed a sample letter and ask that you execute and return one similar to it to me.

Should you have any questions or need any additional information or my further assistance, please don't hesitate to call me at your convenience.

Sincerely,

L. Scott Wall
City Manager

LSW:pc

enclosures (as stated above)

October 16, 2006

Mr. L. Scott Wall
Sherman City Manager
P. O. Box 1106
Sherman, TX 75091-1106

Re: Sherman Tax Increment Financing (TIF) Zone Number 3

Dear Scott:

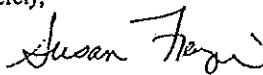
In response to your letter dated September 19, 2006, the Sherman Independent School District hereby exercises its option to waive the required sixty-day notice of the public hearing on the formation of Tax Increment Financing (TIF) Zone Number 3. We also waive our rights to a representative on the Board of Directors for this zone.

Additionally, the SISD elected official or staff member designated to discuss the zone with the City of Sherman will be the following:

Name:	<u>Dr. Al Hambrick</u>
Title:	<u>Superintendent</u>
Phone Number:	<u>903-891-6400</u>
E-Mail:	<u>ahambrick@shermanisd.net</u>

Finally, the earliest and most convenient date and time for a representative of the City of Sherman to make a formal presentation to the SISD Board on this matter is 7:00p.m. on Oct. 16th, 2006.

Sincerely,



Dr. Sue Frazier
Sherman ISD Board President

P.O. BOX 1176 SHERMAN, TEXAS 75091-1176



PHONE# (903)891-6400 FAX# (903)891-6407

October 19, 2006

Mr. L. Scott Wall
Sherman City Manager
P. O. Box 1106
Sherman TX 75091-1106

Mr. Giles Brown
Assistant City Manager
P. O. Box 1106
Sherman TX 75091-1106



Re: Sherman Tax Increment Financing (TIF) Zone Number 3

Gentlemen:

With regard to the TIF Zone Number 3, please find enclosed a copy of a letter signed by Dr. Sue Frazier, Sherman I.S.D. Board President, dated October 16, 2006, together with a copy of a letter from your office dated September 19, 2006.

If you have any questions or need anything additional in this regard, please feel free to contact me.

Sincerely,

Al Hambrick, Ed.D.

dhs
Enclosures



Legal Description

Situated in the County of Grayson, State of Texas, being a part of the J. B. McAnair Survey, Abstract No. 763 and the Hillard Jennings Survey, Abstract No. 639, and being all of Lot 1, Prock Place, an addition to the City of Sherman Texas as recorded in Volume 9, Page 36, Plat Records, Grayson County, Texas; Lot 2, Block 2 of the Replat of Lot 1 and 2, Block 2, Heritage Park Addition, Phase One as recorded in Volume 18, Page 43 of said Plat Records; Lot 1, Block 1, Chasewood Addition, an addition to the City of Sherman as recorded in Volume 8, Page 86 of said Plat Records; Lots 1, 2 and 3, Block 1, Sherman Carwash Addition, an addition to the City of Sherman as recorded in Volume 24, Page 63 of said Plat Records; Lot 1, Block 2 of the Replat of Lot 1 and 2, Block 2, Heritage Park Addition, Phase One as recorded in Volume 18, Page 11 of said Plat Records; Texoma Dermatology Clinic Addition to the City of Sherman as recorded in Volume 16, Page 196; all of Block 1 Gleckler Plaza Addition to the City Sherman, Texas as recorded in Volume 8, Page 34 of said Plat Records; that tract of land conveyed to John and Elizabeth Sciortino as recorded in Volume 3049, Page 353, Official Public Records, Grayson County, Texas, that tract of land conveyed to Milissa Berg Dingle Living Trust as recorded in Volume 3783, Page 89 of said Official Public Records and portions of the Right of way for Sara Swamy Drive, Calais Street, Pecan Grove Road, and Gallagher Drive and being more particularly and being described by metes and bounds as follows:

Beginning at the intersection of the south right-of-way line of Gallagher Drive and the east right-of-way line of Loy Lake Road;

Thence along said east right-of-way the following calls and distances

North 07°19'53" West, a distance of 761.83 feet to a point,

North 07°55'30" West, a distance of 342.36 feet to a point,

North 07°08'48" West, a distance of 501.26 feet to a point,

Thence North 77°26'33" East, a distance of 221.54 feet to a point,

Thence South 07°41'39" East, a distance of 80.00 feet to a point,

Thence North 77°26'33" East, a distance of 580.49 feet to a point,

Thence North 08°02'24" West, a distance of 232.45 feet to a point,

Thence North 04°50'25" East, a distance of 60.69 feet to a point in the north right-of-way of Sara Swamy Dr;

Thence with said north right-of-way the following calls and distances

North 87°06'44" East, a distance of 60.04 feet to a point,

with a non-tangent curve to the right having a radius of 2,030.00 feet, (chord bears North 89°36'41"

East, 114.54 feet) an arc length of 114.55 feet to a point,

South 88°46'19" East, a distance of 402.70 feet to a point;

Thence with the easterly right-of-way of Calais Street the following calls and distances

South 01°12'46" West, a distance of 489.06 feet to a point,

South 01°12'00" West, a distance of 62.68 feet to a point,

with a curve to the right having a radius of 310.05 feet, (chord bears South 14°41'10" West, 144.61

feet) an arc length of 145.96 feet to a point,

with a reverse curve to the left having a radius of 250.08 feet, (chord bears South 08°21'06" West,

169.59 feet) an arc length of 173.02 feet to a point,

South 13°29'05" East, a distance of 63.30 feet to a point,

South 12°44'59" East, a distance of 305.51 feet to a point,

with a non-tangent curve to the right having a radius of 727.29 feet, (chord bears South 06°21'00"

West, 442.37 feet) an arc length of 449.49 feet to a point,

with a compound curve to the right having a radius of 230.00 feet, (chord bears South 38°31'58" West,

115.00 feet) an arc length of 116.23 feet to a point,

with a reverse curve to the left having a radius of 220.00 feet, (chord bears South 26°54'21" West,

193.60 feet) an arc length of 200.46 feet to a point,

Thence South 00°48'07" West, a distance of 65.00 feet to a point in the south right-of-way line of Gallagher Drive;

Thence North 89°11'53" West with said south right-of-way, a distance of 936.73 feet to the Point of Beginning and containing 49.342 acres of land.

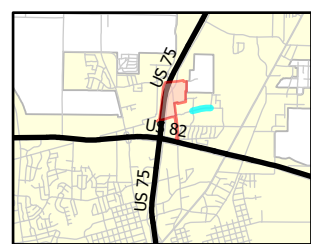
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-  TIRZ-3 (Proposed)
-  TIRZ-3 (Existing)
-  Parcels

CITY OF SHERMAN

TIRZ-3 Expansion





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C. 3.

Meeting Date: 09/08/2020

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6318

Accepting and Approving the Amended Project Plan and the Financing Plan for the Sherman Tax Increment Reinvestment Zone, Number Three (#3); Providing for Findings of Fact

Issue:

To approve Sherman Tax Increment Reinvestment Zone, Number Three (TIRZ #3) Amended Project and Financing Plans

Background:

After approving the expansion of the boundaries of TIRZ #3 to include 42.68 acres south of the existing zone for redevelopment, the next step is for the City Council to approve the Amended Project and Financing Plans. The Tax Increment Reinvestment Zone #3 Board has approved the amended plan that includes demolition of a dilapidated hospital structure and environmental remediation of the site. The City will contribute 100% of its tax rate on the Zone's increment on the additional property. No other entities will participate. The original property included in TIRZ #3 is not affected by the amended plans. The attached plans provide more detail on the redevelopment.

The amended plans takes effect on approval by the City Council.

Origination:

City Manager Robby Hefton
Tax Increment Reinvestment Board #3

Financial Consideration:

Estimated costs to the City of approximately \$400,000.00 included in the Plans will be paid from TIRZ increments.

Staff Recommendation:

The staff recommends approving this Ordinance.

Alternatives:

The City Council could deny this Ordinance or direct that changes be made in the Ordinance or to the project and financing plans.

Attachments

Ordinance No. 6318

Amended Project and Financing Plans for TIRZ #3

ORDINANCE NO. 6318

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING AND APPROVING THE AMENDED PROJECT PLAN AND THE FINANCING PLAN FOR THE SHERMAN TAX INCREMENT REINVESTMENT ZONE, NUMBER THREE (#3); PROVIDING FOR FINDINGS OF FACT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Council hereby finds and determines that the Board of Directors of the Sherman Tax Increment Reinvestment Zone, Number Three (#3) presented to the City Council an Amended Project Plan and a Financing Plan for the Sherman Tax Increment Reinvestment Zone, Number Three (#3), which the Board finds are feasible and conform to the City's Master Plan and recommends that the City Council accept and approve the Amended Project Plan and Financing Plan as presented, which are attached hereto.

SECTION 2. 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.

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



AMENDED
Project and Financing Plans
Tax Increment Reinvestment Zone #3

September 8, 2020

AMENDED PROJECT PLAN

TAX INCREMENT REINVESTMENT ZONE #3

The City of Sherman, Texas formed Tax Increment Reinvestment Zone (TIRZ) #3 by Ordinance 5424 on November 6, 2006. On November 20, 2006, TIRZ #3 Financing and Project Plans were approved by the City Council by Ordinance 5428.

DESCRIPTION

The original location of Tax Increment Reinvestment Zone #3 is located generally east of the intersection of U.S. Highway 75 and Loy Lake Road. It contains approximately 82.41 acres of land. The City would like to encourage accelerated development on the south side of the current zone bordered by N. Calais Dr. on the east, E. Gallagher Drive on the south, and Loy Lake on the west. The expansion tract contains about 42.68 acres with a taxable value of \$29,109,672. See Attachments A and B for a parcel list and map of the enlarged zone. Attachment E is a survey of the expansion.

ESTIMATED PROJECT COSTS

The original project plan called for improvements to Loy Lake Road in order to attract commercial development. The publicly funded portion of the project, as proposed, has been completed at a cost of about \$1.1 million to the zone and another \$685,000 of debt payments made by the zone.

The expansion area capital costs of \$1,000,000 includes demolition and remediation of conditions that contaminate public and private land and buildings. TIRZ participation will consist of available TIRZ #3 funds for up to two years, estimated at about \$400,000 for both years.

Additional redevelopment projects may also be implemented.

EXISTING USES AND CONDITIONS AND PROPOSED USES

The property contained within the original boundaries of TIRZ #3 is almost fully developed with over 240,000 square feet of retail and restaurants. Some mini anchor, small shop, restaurant and pad opportunities are still available.

The expansion tract is largely developed but contains a deteriorated hospital facility. The proposed use of increment funds is to demolish the facility and remediate environmental issues on the property.

No debt or participation from other entities is planned. Demolition and remediation is expected to occur within a year.

PROPOSED PLANNING AND ZONING CHANGES

The original zone is largely C-1, Retail Business District with an area of R-2, Multi-Family Residential which contains a senior living community, one business in a CO Office District parcel, and one site zoned C-2, General Commercial District that contains a restaurant. The expansion area is zoned C-1 Retail Business. Proposed zoning changes to the expansion area include a zone change to R-2 Multi-Family Residential and to CO Office District. Any changes to codes, ordinances, or master plan as a result of the creation or expansion of the TIRZ will be made through the existing processes and procedures of the City.

ESTIMATED NON-PROJECT COSTS

Non-project costs within the TIRZ are those development costs not paid for by the TIRZ. The non-project costs include the costs of new private development estimated at about \$15,000,000 which includes multi-family housing and offices.

RELOCATION OF DISPLACED PERSONS

No resident will be displaced by this zone.

AMENDED FINANCING PLAN

TAX INCREMENT REINVESTMENT ZONE #3

The Financing Plan provides information on the projected monetary impact that the formation of the Tax Increment Reinvestment Zone (TIRZ) could have on the property included in the zone.

LIST OF IMPROVEMENTS

The expansion improvements include the demolition of a dilapidated medical facility and environmental remediation of the site.

ECONOMIC FEASIBILITY STUDY

Only available cash in TIRZ #3 for up to two years will be used for the project costs related to the expansion.

The study finds that the plan is economically feasible.

No other taxing entities will participate.

ESTIMATED BONDED INDEBTEDNESS

The City funded the original project with TIRZ #3 increments and Tax Notes repaid using increments and Street Sales Tax revenues.

The improvements in the expansion area will be funded with available reserves in TIRZ #3 and incremental revenues generated by the zone for up to two years.

ESTIMATED TIMING OF COSTS

Project costs are expected to commence in fiscal year 2021 (October 1, 2020 – September 30, 2021).

METHOD OF FINANCING/SOURCES OF REVENUE

Attachment G shows the sources of revenue at 100% of the tax rate from the City of Sherman on the incremental value generated in the original and the expanded zone. Interest income from the fund may also be used to pay expenses of the zone.

CURRENT TOTAL ASSESSED VALUE OF REAL ESTATE IN THE ZONE

Attachment A shows the total current taxable assessed value of the real estate in the zone by tract.

ESTIMATED CAPTURED VALUE

Attachment H shows the estimated captured assessed value of the zone for each year of its projected existence.

DURATION

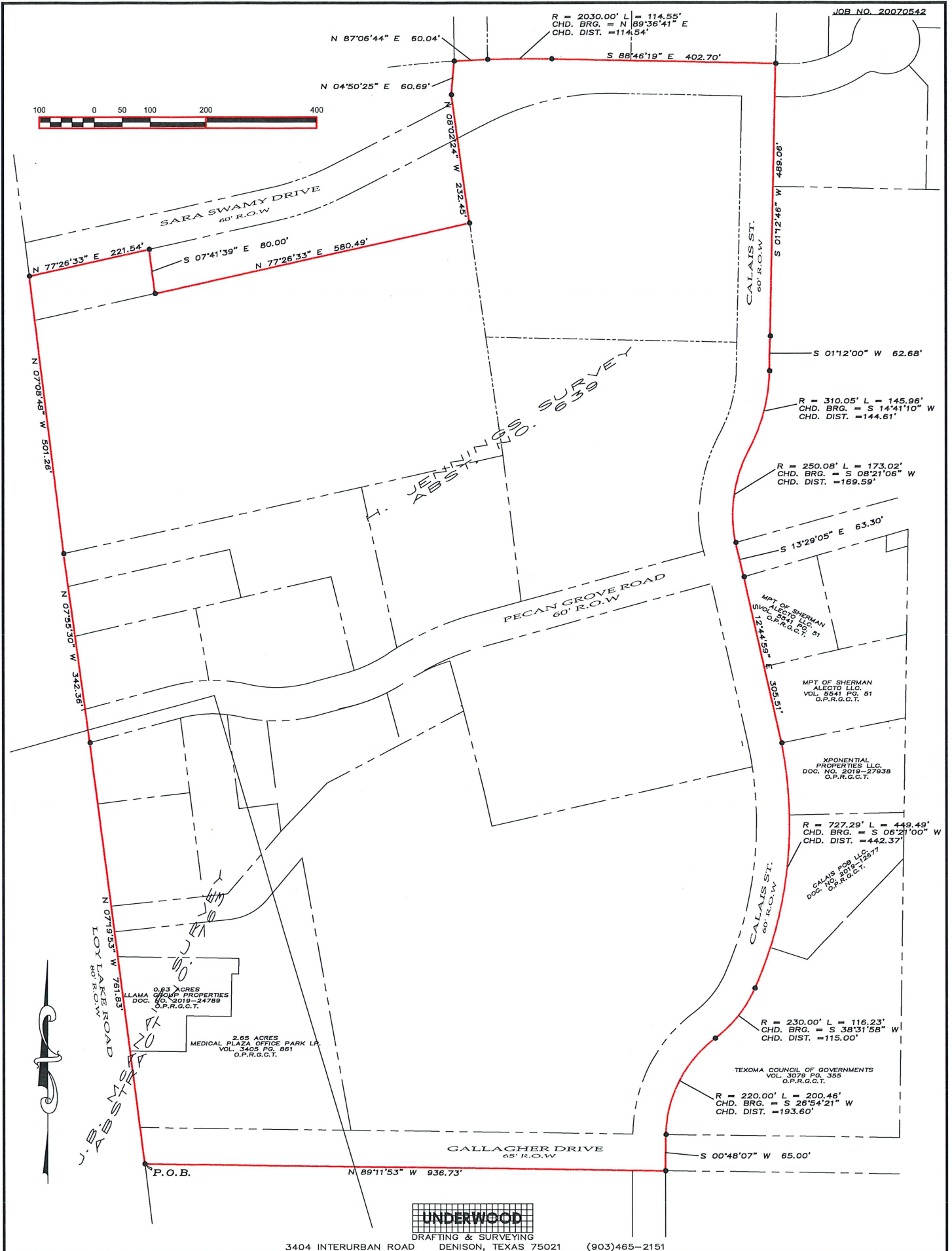
The Zone will terminate on the date that all project costs and project debt has been fully repaid.

DRAFT

City of Sherman
Tax Increment Reinvestment Zone #3
PARCEL LIST
Attachment A

Parcel ID	Owner	Total Acreage	Assessed Value	Exempt Property	Acreage in TIRZ	Taxable Value in TIRZ
ORIGINAL PARCELS AS OF JANUARY 1, 2006						
118634	Woodmont Sherman LP	13.27	3,468,249		13.27	3,468,249
118633	Woodmont Sherman LP	0.70	122,068		0.70	122,068
255410	Woodmont Sherman LP	8.26	1,743		8.26	1,743
255411	Woodmont Sherman LP	4.82	1,017		4.82	1,017
255412	Woodmont Sherman LP	0.42	73,181		0.42	73,181
118655	Woodmont Sherman LP	11.92	2,076,941		11.92	2,076,941
118659	Woodmont Sherman LP	0.94	163,786		0.94	163,786
118629	Ibrahim Abu Sarris	3.91	249,872		0.14	8,819
	Streets and Highways	41.94			41.94	-
Subtotal		86.18	6,156,857	-	82.41	5,915,804
EXPANSION PARCELS AS OF JANUARY 1, 2020						
118671	Prock, Steve D ETUX Carla	0.488	312,588		0.49	312,588
118672	Harvest Renaissance Sherman LLC	7.74	11,400,000		7.74	11,400,000
154694	Dingle Melissa Berg Living Trust	0.7	437,769		0.70	437,769
154695	Sciortino John ETUX Elizabeth	0.47	363,365		0.47	363,365
167440	Child Guidance Clinic of Texoma	0.743	574,894	574,894	0.74	-
167441	Diamond 808 Holdings LLC	0.256	224,917		0.26	224,917
167442	McGowen Russell B	0.672	345,000		0.67	345,000
167443	Prophecy Properties LLC	0.28	119,468		0.28	119,468
167444	MPT of Sherman Alecto LLC	13.3186	1,945,781		13.32	1,945,781
167446	Medical Plaza Office Park LP	2.65	1,220,988		2.65	1,220,988
167451	MPT of Sherman Alecto LLC	0.471	113,469		0.47	113,469
167452	MPT of Sherman Alecto LLC	0.3306	81,648		0.33	81,648
231141	Fincher & Spencer LTD	0.62	145,299		0.62	145,299
231142	Texoma Dermatology Clinic	0.92	474,769		0.92	474,769
255819	1011 E Pecan Grove Road LLC	3.72	4,664,586		3.72	4,664,586
259128	JS Sherman Realty LP	4.92	4,070,645		4.92	4,070,645
372672	Llama Group Properties LLC	0.63	912,364		0.63	912,364
386997	IMO US West LLC	1.57	1,190,530		1.57	1,190,530
386998	Tierra Fabrica Investments, LLC	1.558	286,261		1.56	286,261
386999	Sarris Ibrahim Aub Family LP	0.62	800,225		0.62	800,225
Subtotal		42.68	29,684,566	574,894	42.68	29,109,672
GRAND TOTAL		128.86	\$ 35,841,423	\$ 574,894	125.09	\$ 35,025,476

Attachment B



City of Sherman
Tax Increment Reinvestment Zone #3
CONSTRUCTION COSTS
Attachment C

Phase I Project Costs

Loy Lake Road - Hwy 82 to Hwy 75	\$ 1,073,793
----------------------------------	--------------

Phase I Project Costs	<u><u>\$ 1,073,793</u></u>
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Expansion Project Costs

Demolition and Abatement - TIRZ	400,000
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Demolition and Abatement - Developer	600,000
--------------------------------------	---------

Total Estimated Expansion Cost	<u><u>\$ 1,000,000</u></u>
---------------------------------------	----------------------------

City of Sherman
Tax Increment Reinvestment Zone #3
PROJECT COSTS
Attachment D

Fiscal Year	Capital Outlay	Debt Service	Total
2008	\$ -	\$ -	\$ -
2009	-	-	-
2010	-	-	-
2011	1,423	-	1,423
2012	32,261	-	32,261
2013	57,432	-	57,432
2014	131,408	-	131,408
2015	206,269	-	206,269
2016	645,000	-	645,000
2017	-	105,000	105,000
2018	-	190,000	190,000
2019	-	190,000	190,000
2020	-	200,000	200,000
2021	215,000	-	215,000
2022	185,000	-	185,000
2023	-	-	-
2024	-	-	-
2025	-	-	-
2026	-	-	-
2027	-	-	-
2028	-	-	-
2029	-	-	-
2030	-	-	-
	<u>\$ 1,473,793</u>	<u>\$ 685,000</u>	<u>\$ 2,158,793</u>



Legal Description

Situated in the County of Grayson, State of Texas, being a part of the J. B. McAnair Survey, Abstract No. 763 and the Hillard Jennings Survey, Abstract No. 639, and being all of Lot 1, Prock Place, an addition to the City of Sherman Texas as recorded in Volume 9, Page 36, Plat Records, Grayson County, Texas; Lot 2, Block 2 of the Replat of Lot 1 and 2, Block 2, Heritage Park Addition, Phase One as recorded in Volume 18, Page 43 of said Plat Records; Lot 1, Block 1, Chasewood Addition, an addition to the City of Sherman as recorded in Volume 8, Page 86 of said Plat Records; Lots 1, 2 and 3, Block 1, Sherman Carwash Addition, an addition to the City of Sherman as recorded in Volume 24, Page 63 of said Plat Records; Lot 1, Block 2 of the Replat of Lot 1 and 2, Block 2, Heritage Park Addition, Phase One as recorded in Volume 18, Page 11 of said Plat Records; Texoma Dermatology Clinic Addition to the City of Sherman as recorded in Volume 16, Page 196; all of Block 1 Gleckler Plaza Addition to the City Sherman, Texas as recorded in Volume 8, Page 34 of said Plat Records; that tract of land conveyed to John and Elizabeth Sciortino as recorded in Volume 3049, Page 353, Official Public Records, Grayson County, Texas, that tract of land conveyed to Milissa Berg Dingle Living Trust as recorded in Volume 3783, Page 89 of said Official Public Records and portions of the Right of way for Sara Swamy Drive, Calais Street, Pecan Grove Road, and Gallagher Drive and being more particularly and being described by metes and bounds as follows:

Beginning at the intersection of the south right-of-way line of Gallagher Drive and the east right-of-way line of Loy Lake Road;

Thence along said east right-of-way the following calls and distances

North 07°19'53" West, a distance of 761.83 feet to a point,

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North 07°08'48" West, a distance of 501.26 feet to a point,

Thence North 77°26'33" East, a distance of 221.54 feet to a point,

Thence South 07°41'39" East, a distance of 80.00 feet to a point,

Thence North 77°26'33" East, a distance of 580.49 feet to a point,

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City of Sherman
Tax Increment Reinvestment Zone #3
FEASIBILITY STUDY
Attachment F

Fiscal Year	Original Captured Value	Expansion Captured Value	Total Captured Value	City Property Tax	Interest Income/ Other	Street Sales Tax Revenue	Total Inflow
2008	14,796,091	-	14,796,091	59,184	1,193	-	60,377
2009	17,521,307	-	17,521,307	56,068	205	-	56,273
2010	18,132,639	-	18,132,639	58,024	244	-	58,268
2011	18,138,045	-	18,138,045	58,220	148	444,286	502,654
2012	16,720,414	-	16,720,414	53,505	456	-	53,961
2013	20,267,010	-	20,267,010	64,854	487	-	65,341
2014	27,853,800	-	27,853,800	69,677	618	-	70,295
2015	27,978,538	-	27,978,538	104,080	144	-	104,224
2016	30,982,102	-	30,982,102	115,253	-	-	115,253
2017	37,954,617	-	37,954,617	149,655	-	-	149,655
2018	43,961,632	-	43,961,632	187,848	867	-	188,715
2019	36,565,011	-	36,565,011	189,234	1,870	-	191,104
2020	36,443,136	-	36,443,136	178,207	350	-	178,557
2021	37,071,188	-	37,071,188	181,278	500	-	181,778
2022	37,715,993	-	37,715,993	184,431	100	-	184,531
2023	38,370,470	15,000,000	38,370,470	260,982	500	-	261,482
2024	39,034,764	15,450,000	54,034,764	264,230	501	-	264,731
2025	39,709,023	15,913,500	55,159,023	267,527	502	-	268,029
2026	40,393,395	16,390,905	56,306,895	270,874	503	-	271,377
2027	41,088,033	16,882,632	57,478,938	274,270	504	-	274,774
2028	41,793,091	17,389,111	58,675,723	277,718	505	-	278,223
2029	42,508,724	17,910,784	59,897,835	281,218	506	-	281,724
2030	43,235,092	18,448,108	61,145,876	284,770	507	-	285,277
				<u>\$ 3,891,108</u>	<u>\$ 11,210</u>	<u>\$ 444,286</u>	<u>\$ 4,346,604</u>

City of Sherman
Tax Increment Reinvestment Zone #3
FEASIBILITY STUDY
Attachment F

Fiscal Year	Capital Outlay	Debt Service	Total Outflow	Net Cashflow	Cumulative Cash Position
2008	-	-	-	60,377	60,377
2009	-	-	-	56,273	116,650
2010	-	-	-	58,268	174,918
2011	1,423	-	1,423	501,231	676,149
2012	32,261	-	32,261	21,700	697,849
2013	57,432	-	57,432	7,909	705,758
2014	131,408	-	131,408	(61,113)	644,645
2015	206,269	-	206,269	(102,045)	542,601
2016	645,000	-	645,000	(529,747)	12,854
2017	-	105,000	105,000	44,655	57,509
2018	-	190,000	190,000	(1,285)	56,224
2019	-	190,000	190,000	1,104	57,328
2020	-	200,000	200,000	(21,443)	35,885
2021	215,000	-	215,000	(33,222)	2,663
2022	185,000	-	185,000	(469)	2,194
2023	-	-	-	261,482	263,676
2024	-	-	-	264,731	528,407
2025	-	-	-	268,029	796,436
2026	-	-	-	271,377	1,067,813
2027	-	-	-	274,774	1,342,587
2028	-	-	-	278,223	1,620,811
2029	-	-	-	281,724	1,902,534
2030	-	-	-	285,277	2,187,811
	<u>\$ 1,473,793</u>	<u>\$ 685,000</u>	<u>\$ 2,158,793</u>		

City of Sherman
Tax Increment Reinvestment Zone #3
PROJECT REVENUE
Attachment G

Fiscal Year	Captured Value	Taxes On Captured Value	Interest Income	Street Sales Tax	Total Revenue
2008	\$ 14,796,091	\$ 59,184	\$ 1,193	\$ -	\$ 60,377
2009	17,521,307	56,068	205	-	56,273
2010	18,132,639	58,024	244	-	58,268
2011	18,138,045	58,220	148	444,286	502,654
2012	16,720,414	53,505	456	-	53,961
2013	20,267,010	64,854	487	-	65,341
2014	27,853,800	69,677	618	-	70,295
2015	27,978,538	104,080	144	-	104,224
2016	30,982,102	115,253	-	-	115,253
2017	37,954,617	149,655	-	-	149,655
2018	43,961,632	187,848	867	-	188,715
2019	36,565,011	189,234	1,870	-	191,104
2020	36,443,136	178,207	350	-	178,557
2021	37,071,188	181,278	500	-	181,778
2022	37,715,993	184,431	100	-	184,531
2023	38,370,470	260,982	500	-	261,482
2024	54,034,764	264,230	501	-	264,731
2025	55,159,023	267,527	502	-	268,029
2026	56,306,895	270,874	503	-	271,377
2027	57,478,938	274,270	504	-	274,774
2028	58,675,723	277,718	505	-	278,223
2029	59,897,835	281,218	506	-	281,724
2030	61,145,876	284,770	507	-	285,277
		\$ 3,891,108	\$ 11,210	\$ 444,286	\$ 4,346,604

City of Sherman
Tax Increment Reinvestment Zone #3
ESTIMATED CAPTURED APPRAISED VALUE
Attachment H

Fiscal Year	Estimated Captured Value
2008	\$ 14,796,091
2009	17,521,307
2010	18,132,639
2011	18,138,045
2012	16,720,414
2013	20,267,010
2014	27,853,800
2015	27,978,538
2016	30,982,102
2017	37,954,617
2018	43,961,632
2019	36,565,011
2020	36,443,136
2021	37,071,188
2022	37,715,993
2023	38,370,470
2024	54,034,764
2025	55,159,023
2026	56,306,895
2027	57,478,938
2028	58,675,723
2029	59,897,835
2030	61,145,876



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C. 4.

Meeting Date: 09/08/2020

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6319

Amending Section 6.11, Ordinance No. 2280, so as to Amend a Planned Development for Bel Air Village formerly known as Terra Perpetua Village (Ordinance No. 6232) in the 300-1000 blocks of East F.M. 1417 (Vietnam Veterans Parkway), to include 32.545 acres for a total of 278.313 acres in the Sherrod Dunman Survey, Abstract No. 329 (Terra Perpetua, LLC, Owners; Bryan Klein, ION Design Group, Representative; Bush Architects, LLC, Architect; and Underwood Drafting and Surveying, Inc., Surveyor); Providing for a Repealer Clause; Providing that this Planned Development shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of Terra Perpetua, LLC (Owners), Bryan Klein, ION Design Group (Representative), Bush Architects, LLC (Architect) and Underwood Drafting and Surveying, Inc. (Surveyor) concerning the property located in the 300-1000 blocks of East F.M. 1417 (Vietnam Veterans Parkway), to include 32.545 acres for a total of 278.313 acres in the Sherrod Dunman Survey, Abstract No. 329 for an Amended Planned Development for Bel Air Village formerly known as Terra Perpetua Village (Ordinance No. 6232)

Background:

The property is located in the 300-1000 blocks East F.M. 1417 (Vietnam Veterans Parkway), between U.S. Highway 75 and State Highway 11 (Dewey Avenue). A portion of the property (245.83 acres) was approved for a Planned Development for Terra Perpetua Village by Ordinance No. 6232 on August 5, 2019. The owners have purchased an additional 32.545 acres east of the development which is currently zoned an R-1 (One Family Residential) District. The owners would like to amend the planned development to include this acreage for a total of 278.313 acres and rename it to Bel Air Village.

The Planned Development Ordinance No. 6186 was approved by Council on March 18, 2019; Halff Associates, Inc., a Professional Engineering Service, was consulted to design the ordinance. The planned development district is intended to facilitate the planning, design, and development of integrated land uses on large tracts of land that cannot be adequately accommodated in other zoning districts. A Planned Development shall further the goals of the comprehensive plan, demonstrate enhanced and contextual design standards, present a well-organized and cohesive land plan, and contain clear and concise development regulations.

Origination:

Terra Perpetua, LLC (Owners)
Bryan Klein, ION Design Group (Representative)
Bush Architects, LLC (Architect)
Underwood Drafting and Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 18, 2020 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Amended Planned Development be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6319
Aerial Location Map
Zoning Map
Zoning Sign Photo
Ordinance No. 6232
Survey - 32 acres
Survey - 245 acres
Bel Air Village Planned Development
Halff & Associates Review
P&Z Communication

ORDINANCE NO. 6319

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 6.11, ORDINANCE NO. 2280, SO AS TO AMEND A PLANNED DEVELOPMENT FOR BEL AIR VILLAGE FORMERLY KNOWN AS TERRA PERPETUA VILLAGE (ORDINANCE NO. 6232) IN THE 300-1000 BLOCKS OF EAST F.M. 1417 (VIETNAM VETERANS PARKWAY), TO INCLUDE 32.545 ACRES FOR A TOTAL OF 278.313 ACRES IN THE SHERROD DUNMAN SURVEY, ABSTRACT NO. 329 (TERRA PERPETUA, LLC, OWNERS; BRYAN KLEIN, ION DESIGN GROUP, REPRESENTATIVE; BUSH ARCHITECTS, LLC, ARCHITECT; AND UNDERWOOD DRAFTING AND SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS PLANNED DEVELOPMENT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Planned Development; and

WHEREAS, the City Council finds that this Planned Development will complement or be compatible with the surrounding developments 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 Planned Development, 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 passage of this ordinance, Terra Perpetua, LLC (Owners), Bryan Klein, ION Design Group (Representative), Bush Architects, LLC (Architect) and Underwood Drafting and Surveying, Inc. (Surveyor) concerning the property located in the 300-1000 blocks of East F.M. 1417 (Vietnam Veterans Parkway) and that Section 6.11, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the County of Grayson, State of Texas, being a part of the Sherrod Dunman Survey, Abstract No. 329, and being the same tract of land described as 246.134 acres conveyed by Edward C. Greene, Trustee to Rolling Meadows Associates by deed dated September 28, 1984, recorded in Volume 1716, Page 384, Deed Records, Grayson County, Texas, and a tract of land conveyed to C. T.

Maddox and J. W. Maddox, by deed dated April 26th, 1965, recorded in Volume 1029, Page 551 Deed Records Grayson County, Texas being more particularly described by metes and bounds as follows:

BEGINNING at a point for the most Northerly Northwest corner of the said 246.134 acre tract in the South right-of-way line of F. M. Highway No. 1417 from which a ½" steel rod found bears North 15° 22' 34" West a distance of 0.36 feet, said point also being the Northeast corner of the same tract of land described as 0.84 acres conveyed by Richard J. Self and Brieta Self to Eric Popp and Kelly Popp by deed dated March 20, 2010, recorded in Volume 4809, Page 60, Official Public Records, Grayson County, Texas;

THENCE North 75° 03' 39" East with said right-of-way line a distance of 799.69 feet to a concrete monument at an angle point;

THENCE North 71° 14' 48" East continuing with said right-of-way line a distance of 300.67 feet to an angle point at the Southwest base of a concrete monument;

THENCE North 75° 03' 39" East continuing with said right-of-way line a distance of 814.42 feet to the beginning of a curve to the left having a radius of 11,519.16 feet;

THENCE in an Easterly direction continuing with said right-of-way line along said curve, (chord bears North 74° 41' 09" East, 150.78 feet) an arc distance of 150.79 feet to the end of said curve;

THENCE North 74° 18' 39" East continuing with said right-of-way line a distance of 391.99 feet to a point for the most Northerly Northeast corner of the said 246.134 acre tract at the Southwest base of a cross-tie corner post, said point also being the original Northwest corner of the same tract of land described as 32.55 acres conveyed by Frances Maddox to Ruth Ellen Green by deed dated October 8, 2002, recorded in Volume 3331, Page 760, said Official Public Records, also being the Northwest corner of the same tract of land described as 2.00 acres severed from said 32.55 acre tract as conveyed by said Ruth Ellen Green to said Frances Maddox by deed dated October 8, 2002, recorded in Volume 3331, Page 765, said Official Public Records;

THENCE North 74° 18' 25" East a distance of 243.59 feet to a concrete right-of-way marker; Thence North 80° 01' 17" East a distance of 803.99 feet to a ½" steel rod set at an angle point in said right-of-way;

THENCE North 74° 18' 39" East a distance of 95.31 feet to a ½" steel rod set at the intersection of the said right-of-way with the West right-of-way line of the Frisco Railroad;

THENCE South 06° 41' 02" West with said West right-of-way line a distance of 4,025.86 feet to an "L" corner;

THENCE North 83° 18' 58" West a distance of 75.00 feet to an "L" corner;

THENCE South 06° 41' 02" West continuing with said West right-of-way line a distance of 843.85 feet to a ½" steel rod set marking the Southeast corner of the said 246.134 acre tract and the Northeast corner of the same tract of land described as 82.032 acres conveyed by Sherman Development Partnership No. 1 to Sam H. Berry by deed dated October 1, 1993, recorded in Volume 2298, Page 258, Real Property Records, Grayson County, Texas, also being the original Easterly Northeast corner of the same tract of land described as 240.9284 acres conveyed by International Business Machines Corporation to Fisher Controls Company, Inc. by deed dated June 30, 1976, recoded in Volume 1349, Page 493, said Deed Records;

THENCE North 67° 19' 54" West with the Southwesterly line of the said 246.134 acre tract, passing the Northwest corner of the said 82.032 acre tract and continuing for a total distance of 1879.15 feet to a ½" steel rod found at an angle point;

THENCE North 49° 31' 48" West continuing with said Southwesterly line, passing the Northeast corner of Block 1, Lot 1, Blalock Industrial Park, an addition to the City of Sherman as shown by plat of record in Volume 8, Page 92, Plat Records, Grayson County, Texas, also being the Southeast corner of the same tract of land described as 25.264 acres conveyed by said Sherman Development Partnership No. 1 to Liberty Trust Company, Ltd. by deed dated February 7, 2017, recorded in Volume 5948, Page 836, said Official Public Records, and continuing for a total distance of 1553.66 feet to a ½" steel rod found at an angle point;

THENCE North 14° 46' 12" West now with the West line of the said 246.134 acre tract and East line of the said 25.264 acre tract, passing the Northeast corner of the said 25.264 acre tract and the Southeast corner of the same tract of land described as 12.166 acres conveyed by Anthony Aleman to Ramanujam K. Vangipuram and Samrajyam Kolluru by deed dated February 10, 2017, recorded in Volume 5948, Page 638, said Official Public Records, and continuing for a total distance of 1146.71 feet to a ½" steel rod found maintaining the most Westerly Northwest corner of the said 246.134 acre tract and the Southwest corner of the same tract of land described as 13.41 acres conveyed by Garcha Corporation to Sherman Economic Development Corporation by deed dated August 25, 2015, recorded in Volume 5680, Page 685, said official Public Records;

THENCE North 74° 28' 45" East a distance of 642.18 feet to a 1/2" steel rod found maintaining an inside "L" corner to the said 246.134 acre tract and the Southeast corner of the said 13.41 acre tract;

THENCE North 15° 22' 34" West with the Northerly West line of the said 246.134 acre tract a distance of 959.39 feet to the **POINT-OF-BEGINNING AND CONTAINING 278.313 ACRES OF LAND MORE OR LESS.....**

SECTION 2. That this specific use permit is granted on the following conditions:

Zoning

1. All aspects of the Planned Development Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903-892-7267).
3. A detailed site plan shall be submitted for approval within two (2) years from the approval of the Conceptual Plan for a minimum of 20 percent of the project area. If a Detailed Site Plan is not submitted within two (2) years or no progress toward completion of the project is made in a five-year period, then the previous approval of the Concept Plan and the Development Plan shall expire. Upon expiration, the land within the boundaries of the PD shall automatically revert to the zoning district in place prior to approval of the PD district. The City Council may elect to extend approval periods of a PD with justification as to why the plans should remain in place.
4. Platting of the property is required.
5. Street names will need to be approved by the Building and Zoning Department before the plat is filed at the Grayson County Courthouse.

Engineering:

6. Driveways and sidewalks must conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department.
7. Privately owned and maintained detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
8. Platting of the property is required.
9. Water and sewer shall be extended to serve the development. Sewer capacity shall be verified for proposed use.
10. Development Agreement required for public infrastructures.
11. Traffic Impact Analysis required.

SECTION 3. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 8, Subsection (5)(a), Ordinance No. 2280.

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.00.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. 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.

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



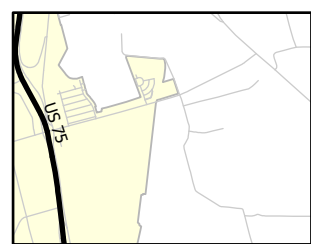
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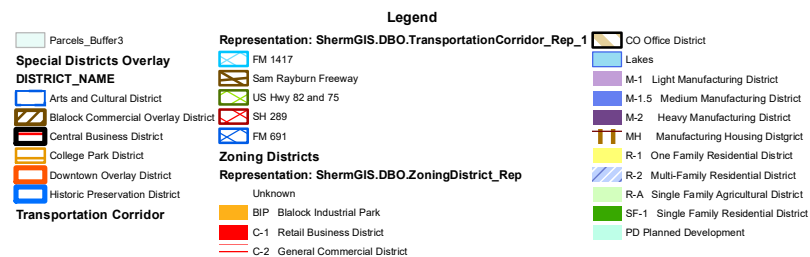


-  Bel Air Village Expansion
-  Bel Air Village

CITY OF SHERMAN

Bel Air Village Expansion





300-1000 Blocks East FM 1417 (Vietnam Veterans Parkway)

Jul 30, 2020 at 1:27 PM



ORDINANCE NO. 6232

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 6.11, ORDINANCE NO. 2280, SO AS TO GRANT A PLANNED DEVELOPMENT FOR TERRA PERPETUA VILLAGE IN THE 300-1000 BLOCKS OF EAST F.M. 1417 (VIETNAM VETERANS PARKWAY), BEING 245.83 ACRES IN THE SHERROD DUNMAN SURVEY, ABSTRACT NO. 329 (TERRA PERPETUA, LLC, OWNERS; BRYAN KLEIN, ION DESIGN GROUP, REPRESENTATIVE; BUSH ARCHITECTS, LLC, ARCHITECT; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS PLANNED DEVELOPMENT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Planned Development; and

WHEREAS, the City Council finds that this Planned Development will complement or be compatible with the surrounding developments 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 Planned Development, 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 passage of this ordinance, Terra Perpetua, LLC (Owners), Bryan Klein, ION Design Group (Representative), Bush Architects, LLC (Architect) and Underwood Drafting and Surveying (Surveyor) concerning the property located in the 300-1000 blocks of East F.M. 1417 (Vietnam Veterans Parkway) and that Section 6.11, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the County of Grayson, State of Texas, being a part of the Sherrod Dunman Survey, Abstract No. 329, and being the same tract of land described as 246.134 acres conveyed by Edward C. Greene, Trustee to Rolling Meadows Associates by deed dated September 28, 1984, recorded in Volume 1716, Page 384, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for the most Northerly Northwest corner of the said 246.134 acre tract in the South right-of-way line of F. M. Highway No. 1417 from which a 1/2" steel rod found bears North 15°22'34" West a distance of 0.36 feet, said point also being the Northeast corner of the same tract of land described as 0.84 acres conveyed by Richard J. Self and Brieta Self to Eric Popp and Kelly Popp by deed dated March 20, 2010, recorded in Volume 4809, Page 60, Official Public Records, Grayson County, Texas;

THENCE North 75°03'39" East with said right-of-way line a distance of 799.69 feet to a concrete monument at an angle point;

THENCE North 71°14'48" East continuing with said right-of-way line a distance of 300.67 feet to an angle point at the Southwest base of a concrete monument;

THENCE North 75°03'39" East continuing with said right-of-way line a distance of 814.42 feet to the beginning of a curve to the left having a radius of 11,519.16 feet;

THENCE in an Easterly direction continuing with said right-of-way line along said curve, (chord bears North 74°41'09" East, 150.78 feet) an arc distance of 150.79 feet to the end of said curve;

THENCE North 74°18'39" East continuing with said right-of-way line a distance of 391.99 feet to a point for the most Northerly Northeast corner of the said 246.134 acre tract at the Southwest base of a cross-tie corner post, said point also being the original Northwest corner of the same tract of land described as 32.55 acres conveyed by Frances Maddox to Ruth Ellen Green by deed dated October 8, 2002, recorded in Volume 3331, Page 760, said Official Public Records, also being the Northwest corner of the same tract of land described as 2.00 acres severed from said 32.55 acre tract as conveyed by said Ruth Ellen Green to said Frances Maddox by deed dated October 8, 2002, recorded in Volume 3331, Page 765, said Official Public Records;

THENCE in a Southerly direction with the general course of a fence along the Northerly East line of the said 246.134 acre tract and West line of the said Green and Maddox tracts the following calls and distances:

South 14°55'29" East a distance of 642.51 feet;

South 15°21'36" East a distance of 667.58 feet;

South 17°39'07" East a distance of 284.78 feet;

South 15°20'03" East a distance of 209.84 feet to a 1/2" steel rod set marking the Southwest corner of the said Maddox tract and an inside "L" corner to the said 246.134 acre tract;

THENCE North 75°18'02" East with a fence a distance of 430.04 feet to a 1/2" steel rod set marking the most Easterly Northeast corner of the said 246.134 acre tract and the Southeast corner of the said Maddox tract in the West right-of-way line of the St. Louis & San Francisco Railroad;

THENCE South 06°41'02" West with said West right-of-way line a distance of 2152.98 feet to an "L" corner;

THENCE North 83°18'58" West a distance of 75.00 feet to an "L" corner;

THENCE South 06°41'02" West continuing with said West right-of-way line a distance of 843.85 feet to a 1/2" steel rod set marking the Southeast corner of the said 246.134 acre tract and the Northeast corner of the same tract of land described as 82.032 acres conveyed by Sherman Development Partnership No. 1 to Sam H. Berry by deed dated October 1, 1993, recorded in Volume 2298, Page 258, Real Property Records, Grayson County, Texas, also being the original Easterly Northeast corner of the same tract of land described as 240.9284 acres conveyed by International Business Machines Corporation to Fisher Controls Company, Inc. by deed dated June 30, 1976, recoded in Volume 1349, Page 493, said Deed Records;

THENCE North 67°19'54" West with the Southwesterly line of the said 246.134 acre tract, passing the Northwest corner of the said 82.032 acre tract and continuing for a total distance of 1879.15 feet to a 1/2" steel rod found at an angle point;

THENCE North 49°31'48" West continuing with said Southwesterly line, passing the Northeast corner of Block 1, Lot 1, Blalock Industrial Park, an addition to the City of Sherman as shown by plat of record in Volume 8, Page 92, Plat Records, Grayson County, Texas, also being the Southeast corner of the same tract of land described as 25.264 acres conveyed by said Sherman Development Partnership No. 1 to Liberty Trust Company, Ltd. by deed dated February 7, 2017, recorded in Volume 5948, Page 836, said Official Public Records, and continuing for a total distance of 1553.66 feet to a 1/2" steel rod found at an angle point;

THENCE North 14°46'12" West now with the West line of the said 246.134 acre tract and East line of the said 25.264 acre tract, passing the Northeast corner of the said 25.264 acre tract and the Southeast corner of the same tract of land described as 12.166 acres conveyed by Anthony Aleman to Ramanujam K. Vangipuram and Samrajyam Kolluru by deed dated February 10, 2017, recorded in Volume 5948, Page 638, said Official Public Records, and continuing for a total distance of 1146.71 feet to a 1/2" steel rod found maintaining the most Westerly Northwest corner of the said 246.134 acre tract and the Southwest corner of the same tract of land described as 13.41 acres conveyed by Garcha Corporation to Sherman Economic Development Corporation by deed dated August 25, 2015, recorded in Volume 5680, Page 685, said official Public Records;

THENCE North 74°28'45" East a distance of 642.18 feet to a 1/2" steel rod found maintaining an inside "L" corner to the said 246.134 acre tract and the Southeast corner of the said 13.41 acre tract;

THENCE North 15°22'34" West with the Northerly West line of the said 246.134 acre tract a distance of 959.39 feet to the **POINT-OF-BEGINNING and containing 245.83 acres of land more or less.....**

SECTION 2. That this specific use permit is granted on the following conditions:

Zoning:

1. All aspects of the Planned Development Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903-892-7267).
3. A detailed site plan shall be submitted for approval within two (2) years from the approval of the Conceptual Plan for a minimum of 20 percent of the project area. If a Detailed Site Plan is not submitted within two (2) years or no progress toward completion of the project is made in a five-year period, then the previous approval of the Concept Plan and the Development Plan shall expire. Upon expiration, the land within the boundaries of the PD shall automatically revert to the zoning district in place prior to approval of the PD district. The City Council may elect to extend approval periods of a PD with justification as to why the plans should remain in place.

Engineering:

4. Platting of the property is required.
5. Street names must be approved by Building & Zoning Department.
6. Water and sewer shall be extended to serve the development. Sewer capacity shall be verified for proposed use.
7. Privately owned and maintained detention in accordance with City criteria will be required upon development.
8. All requirements of the Floodplain Ordinance should be followed.
9. Final site plans, utility, drainage and grading plan shall be provided and approved by the City Engineering Department.
10. New drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department.
11. Development Agreement required for all Public Infrastructures.

SECTION 3. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 8, Subsection (5)(a), Ordinance No. 2280.

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.00.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. 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.

INTRODUCED on this the 5th day of August, 2019.

ADOPTED on this the 5th day of August, 2019

EFFECTIVE DATE on this the 5th day of August, 2019.

CITY OF SHERMAN, TEXAS

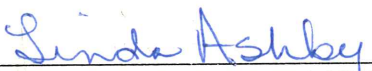
BY:



DAVID PLYLER, MAYOR

ATTEST:

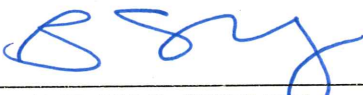
BY:



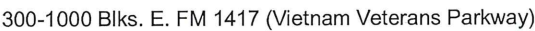
LINDA ASHBY, CITY CLERK

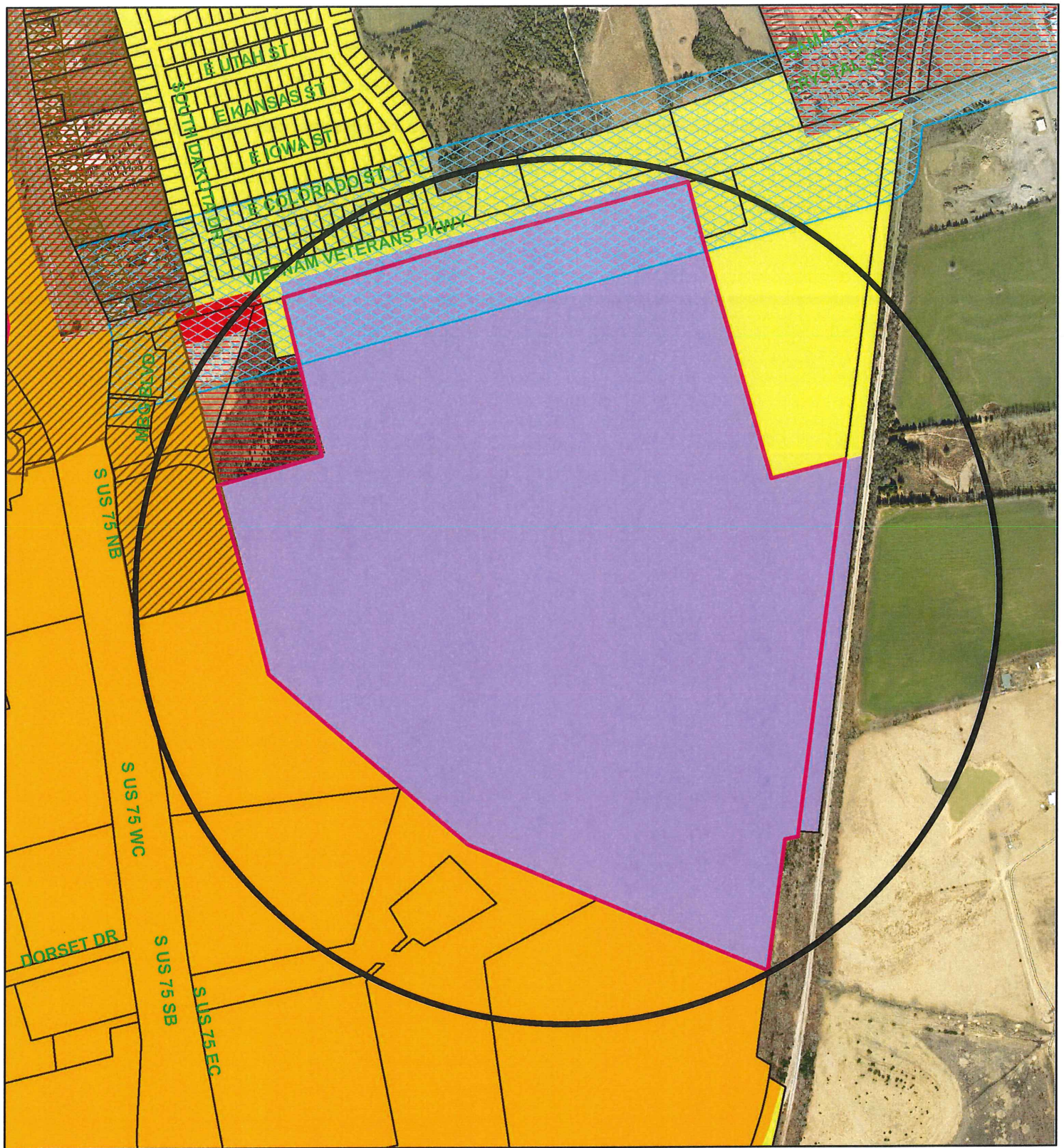
**APPROVED AS TO FORM
AND CONTENT:**

BY:



**BRANDON S. SHELBY,
CITY ATTORNEY**


$$1 \text{ in} = 1,270 \text{ ft}$$



Zoning - 300-1000 Blocks East FM 1417 (Vietnam Veterans Parkway)

Legend

Special Districts Overlay

DISTRICT_NAME
Arts and Cultural District
Blalock Commercial Overlay District
Central Business District
College Park District
Downtown Overlay District
Historic Preservation District
Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

FM 1417
Sam Rayburn Freeway
US Hwy 82 and 75
SH 289
FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

Unknown
BIP Blalock Industrial Park
C-1 Retail Business District

C-2 General Commercial District
CO Office District
Lakes
M-1 Light Manufacturing District
M-1.5 Medium Manufacturing District
M-2 Heavy Manufacturing District
MH Manufacturing Housing District
R-1 One Family Residential District
R-2 Multi-Family Residential District
R-A Single Family Agricultural District
SF-1 Single Family Residential District

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 800 ft

**300-1000 East FM 1417
(Vietnam Veterans Parkway)**



Situated in the County of Grayson, State of Texas, being a part of the Sherrod Dunham Survey, Abstract No. 328, and being the same tract of land described as 344.134 acres conveyed by Edward C. Greene, trustee to Rolling Meadows Associates by deed dated September 28, 1924, recorded in Volume 1718, Page 384, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point for the most Northeasterly Northwest corner of the said 240-134 acre tract in the South 1/4 of way in the N. 1/2 Highway No. 1417 from which a 1/2nd claim road found bears N. 151223° 34' West a distance of 0.30 feet, said point also being the Northeast corner of the same tract of land described as 0.84 acres conveyed by Richard J. Self and Brinle Self to Eric Papp and Kelly Papp by deed dated March 20, 2010, recorded in Volume 4809, Page 80, Official Public Records, Grayson County,

Thence North 75°03'39" East with said right-of-way line a distance of 793.64 feet to a concrete monument at an angle point.

Thence North 71°4'48" East continuing with said right-of-way line a distance of 300.67 feet to an angle point at the Southwest base of a concrete monument;

Thence North 78°03'38" East continuing with said right-of-way line a distance of 214.47 feet to the beginning of a curve to the left having a radius of 11,512.16 feet;

Thence in an Easterly direction continuing with said right-of-way line along said curve, (chord bears North 74°41'08" East, 100.74 feet) on arc distance of 100.78 feet to the end of said curve.

Thence North 74°03' East continuing with said right-of-way line a distance of 381.99 feet to a point for the most Northerly Northeast corner of the said 248.34 acre tract at the Southwest base of a cross-tie corner post, said point also being the original Northwest corner of the same tract of land as shown on the plat.

Auth Ellen Green by deed dated October 2, 1902, recorded in Volume 3331, Page 789 said Official Public Record, also being the Northwest corner of the same tract of land described as 2.00 acres covered from said 32.55 acre tract as conveyed by said Auth Ellen Green to said Frances Mosser by deed dated

Thence in a Southerly direction with the general course of a fence along the Northerly East line of the said 248.734 acre

South 14°25'30" East a distance of 642.51 feet;
South 10°21'10" East a distance of 287.18 feet;

Steel rod set marking the Southwest corner of the old Madden

Thence North 75°10'02" East with a fence a distance of 432.04 feet to a 1/2" steel rod set marking the most Easterly Northeast corner of the said 246.134 acre tract and the

Thence South 08°41'02" West with said West right-of-way line

3" Thence North 83°18'58" West a distance of 75.00 feet to an corner;
Thence South 08°41'03" West continuing with said West

right-of-way line a distance of 443.85 feet to a 1 1/2" steel rod
 set marking the Southeast corner of the 249.34 acre tract
 and the Northeast corner of the same tract of land described as
 22032 acres owned by Thomas Davidson, Northbrook, Minn.

1 to Sam H. Berry by deed dated October 1, 1923, recorded in Volume 2299, Page 220, Real Property Records, Grayson County, Texas, also being the original Eastern Northwest corner of the

same tract of land described as B40, B384 were conveyed by International Business Machines Corporation to Fisher Controls Company, Inc. by deed dated June 30, 1970, recorded in Volume 1349, Page 493, said Deed Records.

Thence North 07°19'34" West with the Southwesterly line of the said 340.134 acre tract, passing the Northwest corner of the said 82.032 acre tract and continuing for a total distance of 1878.15 feet to a 1/4" steel and brass pipe with a cap.

Thence North 40°31'48" West continuing with said Southwesterly line, passing the Northeast corner of Block 1, Lot 1, Block Industrial Park, an addition to the City of Sherman as

shown by plat of record in Volume 8, Page 92, Plat Records, Grayson County, Texas, also being the Southeast corner of the same tract of land described as 25.286 acres conveyed by said Chasmon Development Partnership No. 1 to Liberty Trust.

Company, Ltd. by deed dated February 7, 2017, recorded in Volume 8948, Page 838, said Official Public Records, and continuing for a total distance of 1553.66 feet to a 1/2" steel rod found at an angle north.

Thence North 14°40'12" West now with the West line of the said 246.134 acre trust and East line of the said 25.284 acre trust, passing the Northeast corner of the said 25.284 acre

Deci and the southern corner of the same tract of land described as 12.166 acres conveyed by Anthony Aleman to Ramon J. K. Varghese and Ramon J. K. Varghese by deed dated February 10, 2012, recorded in Volume 6948, Page 638, and

Official Public Records, and continuing for a total distance of 1149.71 feet to a 1/2" steel rod found marking the most Westerly Northwest corner of the said 268.134 acre tract and the

300 West corner of the same tract of land described as 1341
acres conveyed by Goreha Corporation to Sherman Economic
Development Corporation by deed dated August 25, 2016
recorded in Volume 5880, Page 885 and official Public Records.

Thence North 74°28'40" East a distance of 442.12 feet to a 1/2" steel rod found maintaining an inside 2" corner to the said 246.134 acre tract and the Southeast corner of the said 12.41 acre tract.

Thence North 13°22'34" West with the Northerly West line of the said 248.134 acre tract a distance of 832.39 feet to the Point-of-Beginning and containing 248.83 acres of land more or

[000]

I, James H. Marat, Registered Professional Land Surveyor,

hereby certify that this plat was prepared from an actual survey performed on the ground. Said survey was performed without benefit of Title Examination, and no certification is made regarding the existence or effect of any easements, debts of

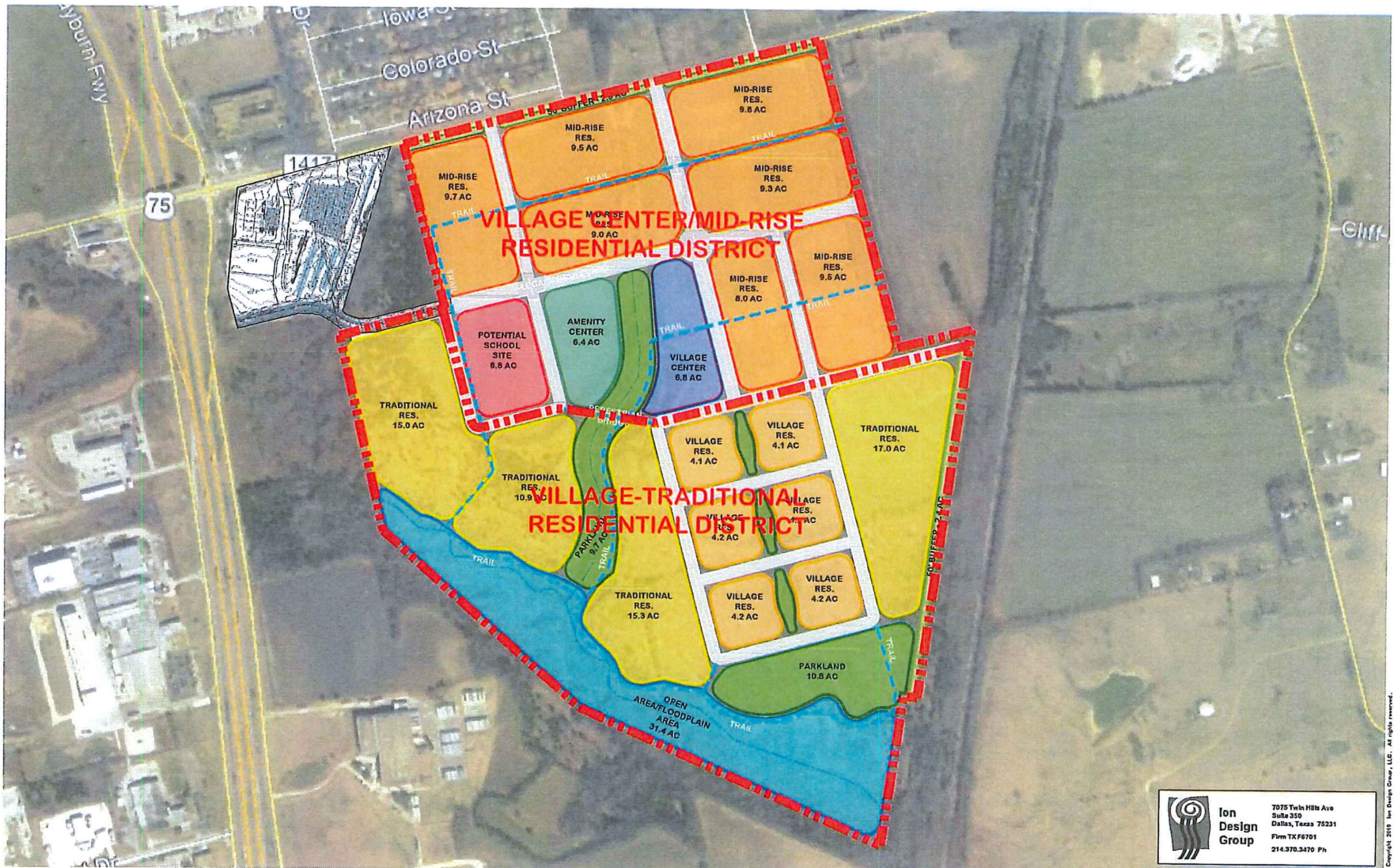
ways, covenants, appurtenances, or encumbrances embodied by
the subject property.

James R. Maru
Registered Professional

STATE OF ALABAMA
Land Surveyor No. 5433
of 24-2014



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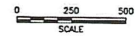




Ion Design Group

7075 Twin Hills Ave
Suite 350
Dallas, Texas 75231
Firm TX F6701
214.370.3470 Ph

TERRA PERPETUA DEVELOPMENT
DISTRICT MAP
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS



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JOB NO. 19090693

FW: JW - DFT: DWU

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE

Legal Description

Situated in the County of Grayson, State of Texas, being a part of the Sherrod Dunman Survey, Abstract no. 329, and being a part of the land conveyed by M. L. Maddox to C. T. Maddox and J. W. Maddox, by deed dated April 26th, 1965, recorded in Volume 1029, Page 551, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a cross-tie corner post at the intersection of the South right-of-way line of F. M. Highway No. 1417 and the West line of the said Maddox tract, said post being common to the Northeast corner of a 251.1845 acre tract of land conveyed by Edward C. Greene, Trustee, to Rolling Meadows Associates, by deed recorded in Volume 1716, Page 384, said Deed Records;

THENCE in an easterly direction with said right-of-way the following calls and distances:

North 74°18'25" East a distance of 243.59 feet to a concrete right-of-way marker;

North 80°01'17" East a distance of 803.99 feet to a 1/2" steel rod set at an angle point in said right-of-way;

North 74°18'39" East a distance of 95.31 feet to a 1/2" steel rod set at the intersection of the said right-of-way with the West right-of-way line of the Frisco Railroad;

THENCE South 06°41'02" West with said railroad right-of-way a distance of 1872.88 feet to a 1/2" steel rod set, said rod maintaining the Southeast corner of the said Maddox tract of land;

THENCE South 75°18'02" West with the South line of the said Maddox tract a distance of 430.04 feet to a 1/2" steel rod set at the Southwest corner of the said Maddox tract;

THENCE in a Northerly direction with an old fence maintaining the West line of the said Maddox tract the following calls and distances;

North 15°20'03" West a distance of 209.84 feet to a point;

North 17°39'07" West a distance of 284.78 feet to a point;

North 15°21'36" West a distance of 667.58 feet to a point;

North 14°55'29" West a distance of 642.51 feet to the Place-of-Beginning and containing 32.545 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.



Douglas W. Underwood
Registered Professional
Land Surveyor No. 4709
Firm No. 10006300
DATE OF SURVEY: 09/17/19

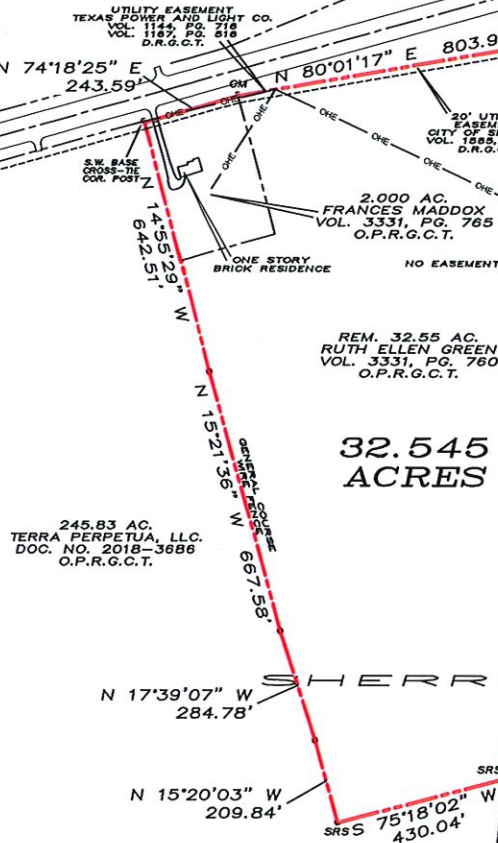
UNDERWOOD

DRAFTING & SURVEYING

3404 INTERURBAN ROAD

DENISON, TEXAS 75021

(903)465-2151



~ NOTE ~
"S" DENOTES
1/2" STEEL ROD SET
"S" DENOTES
1/2" STEEL ROD FOUND
"C" DENOTES
CONCRETE MONUMENT

I, James M. Worst, Registered Professional Land Surveyor, hereby certify that this plat was prepared from an actual survey performed on the ground. Said survey was performed without regard of Title Examination, and no certification is made as to the existence or effect of any economic rights or easements, usufructs, or encumbrances affecting or affecting the land.



James H. Ward
Residence: 1711 1/2
Chestnut Street, N.Y. 10012

3404 INTERURBAN ROAD DENISON, TEXAS 75021 (803)468-2181

BEL AIR VILLAGE

PLANNED DEVELOPMENT

CITY OF SHERMAN, TEXAS

DESIGN TEAM

ION DESIGN GROUP, LLC

7075 Twin Hills Avenue, Suite 350, Dallas, TX 75231

GFF ARCHITECTS

808 Fairmount St SUITE 300, Dallas, TX 75201

REVISED JULY 22, 2020

BEL AIR VILLAGE PLANNED DEVELOPMENT

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I. Components of Bel Air Village Planned Development

A. Introduction

Bel Air Village is a mixed-use community encompassing approximately 278.3 acres east of Highway 75 and immediately south of FM 1417. The Village offers a mix of commercial, residential, and recreational opportunities complemented by almost 14 percent of the land area set aside as parks, open space, trails, buffers, or other village amenities. The use and development regulations set forth in the Development Plan provide for and encourage development that contains a compatible mix of RESIDENTIAL and VILLAGE URBAN CENTER uses in proximity to one another.

Note: Words shown in all CAPITAL LETTERS are defined in VI. Definitions.

B. Village Development Objectives

The Bel Air Village addresses the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment through the following set of development objectives:

- Ensuring buildings relate appropriately to surrounding developments and streets to create cohesive visual identity and attractive street scenes;
- Offering a variety of housing types responsive to current and future residents' desire for a mix of product types based on their demographic and income needs;
- Siting land uses, streets, and pedestrian circulation in a cohesive and complementary layout supportive of the mix of uses and oriented towards the pedestrian realm to enhance and activate streetscapes;
- Applying residential and non-residential architectural FAÇADE elements and finishes;
- Ensuring creation of high quality street and sidewalk environments that are supportive of pedestrian mobility and appropriate to roadway context;
- Creating an enhanced pedestrian realm by the inclusion of wide sidewalks, vegetative avenues and a trail system interconnecting the respective development areas of the village; and,
- Preserving the natural resources of the site to the greatest extent practicable recognizing the value of the floodplain and stream channels as amenities to the development.

C. Key Village Elements

The following enumerates the key elements of the Bel Air Planned Development:

I. Components

A summary of key components covered in the Planned Development, acreages, and overall objectives.

II. Use and Building Envelope Standards

The USE and BUILDING ENVELOPE STANDARDS section establishes basic parameters for permitted and prohibited uses, building siting, lot widths, height, stories, and overall densities.

III. Architectural Standards

The ARCHITECTURAL STANDARDS section governs the VILLAGE URBAN CENTER and VILLAGE RESIDENTIAL DISTRICTS architectural elements and FAÇADE materials, windows, roofs, service areas and other standards.

IV. Lighting, Parking and Signage Standards

The LIGHTING, PARKING and SIGNAGE STANDARDS section establishes the standards for public/private space lighting, provision of adequate parking, and compatible signage.

V. Landscaping and Park/Open Space and Other Recreation Standards

The LANDSCAPING and PARK/OPEN SPACE and OTHER RECREATION STANDARDS section addresses required landscaping and other recreation amenities.

VI. Definitions

The DEFINITIONS section defines terms used within the Bel Air Village Planned Development.

VII. Appendices

The Appendices contain: Appendix A – CONCEPTUAL PLAN MAP; Appendix B – DEVELOPMENT DISTRICT MAP; and Appendix C – STREET CROSS SECTIONS.

D. Conceptual Plan and Development Districts Maps

The Bel Air Village Planned Development includes the CONCEPTUAL PLAN MAP depicting the respective land uses and the DEVELOPMENT DISTRICTS MAP identifying the two regulating districts.

1. Conceptual Plan Map

- The CONCEPTUAL PLAN MAP is a depiction of large land use categories that include residential, commercial, open space and major rights-of-way to be developed within the Bel Air Village Planned Development. (See Appendix A – CONCEPTUAL PLAN MAP)
- The allocation of land uses and proposed road network may be modified as specific development plans come forward at DETAILED SITE PLAN.
- The table below summarizes generalized land use acreages depicted on the CONCEPTUAL PLAN MAP:

Summary Table of Bel Air Village Acreages and Uses

	Acres	%	Units
RESIDENTIAL			
Single-Family Detached & Attached Residential	167.3	60.1	1,900
Mid-Rise Residential & Lagoon Area	51.2	18.4	3,000
COMMERCIAL			
Village Center	4.5	1.6	N/A
OPEN SPACE			
Parks, Open Space, Buffers & Flood Plain Areas	38.6	13.9	N/A
MAJOR RIGHTS-OF-WAY			
Collector Streets (does not include local residential streets)	16.7	6.0	N/A
Total Acres	278.3	100.0%	
<i>Note: Above acreages, units count and percentages are approximate and will be finalized at Site Plan Approval</i>			

2. Development Districts Map

The DEVELOPMENT DISTRICTS MAP consists of two districts, the VILLAGE URBAN CENTER DISTRICT and the VILLAGE RESIDENTIAL DISTRICT. (See Appendix B – DEVELOPMENT DISTRICTS MAP).

- VILLAGE URBAN CENTER DISTRICT – land designated for development of COMMERCIAL and MID-RISE RESIDENTIAL uses.
- VILLAGE RESIDENTIAL DISTRICT – land designated for development of a mix of DETACHED and ATTACHED SINGLE-FAMILY RESIDENTIAL uses.

II. Use and Building Envelope Standards

A. Village Urban Center District

1. Permitted and Prohibited Uses

a. Permitted uses

- (1) VILLAGE URBAN CENTER uses including BUSINESS SERVICE, OFFICE, PERSONAL SERVICE, RETAIL SERVICE, RETAIL SPECIALTY, RETAIL TRADE, STUDIO USES, restaurants, coffee shops, except where requiring a SPECIFIC USE PERMIT or prohibited by this Ordinance or the City of Sherman's Zoning Ordinance.
- (2) COMMERCIAL INDOOR AMUSEMENT
- (3) HOTEL, FULL-SERVICE or LIMITED-SERVICE
- (4) MID-RISE RESIDENTIAL
- (5) SENIOR/ASSISTED LIVING FACILITY
- (6) SCHOOL, PRIMARY OR SECONDARY
- (7) SKILLED NURSING HOME FACILITY
- (8) RECREATIONAL LAGOON

b. Permitted ACCESSORY USES

- (1) AFFILIATED RESIDENTIAL USES
- (2) AMENITY CENTER
- (3) Home Occupations
- (4) PARK/OPEN SPACE
- (5) Special events
- (6) STRUCTURED PARKING

c. Uses permitted upon review and approval of a SPECIFIC USE PERMIT

- (1) Alcoholic beverage sales and for any qualified restaurants serving alcoholic beverages on site
- (2) CIVIC BUILDING
- (3) Telephonic, radio, television or microwave, communication antennas and tower

d. Prohibited uses

- (1) Check cashing businesses, payday advance/loan businesses, car or motor vehicle title loan businesses, or credit access businesses as defined by applicable provisions of Texas Finance Code.
- (2) Gas wells
- (3) Industrial, manufacturing, and warehousing uses
- (4) Outside storage, unscreened
- (5) Sexually oriented business
- (6) Tattoo parlors
- (7) Vape businesses
- (8) Vehicle-related sales or repair

2. Building Lot Dimensional Standards

a. Dimensional Table

	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front Yard Setback (ft)	Min. Rear Yard Setback (ft)	Min. Side Yard Setback (ft)	Maximum Units /Ac.	Max. Stories	Max. Building Height (ft)	Max. Lot Coverage (%)
Village Urban Center	N/A	N/A	0	0	0	85	5	75'	80

b. Additional Dimensional Standards

- (1) Permitted lot coverage for uses not listed in the Dimensional Table shall be determined upon approval of a SPECIFIC USE PERMIT or DETAILED SITE PLAN.
- (2) Architectural embellishments not intended for human occupancy that are integral to the architectural style of the buildings, including spires, belfries, towers, cupolas, domes, and roof forms whose area in plain view is no greater than twenty-five percent (25%) of the first floor footprint may exceed the height limits by up to twenty (20) feet.
- (3) Mechanical equipment, including mechanical/elevator equipment enclosures, ventilation equipment, chimneys, exhaust stacks and flues, fire sprinkler tanks, and other similar constructions may extend up to twelve (12) feet above the actual building height, provided that:
 - (a) The equipment is set back from all exterior walls a distance at least equal to the vertical dimension that such item(s) extend(s) above the actual building height; or
 - (b) The exterior wall and roof surfaces of such items that are set back less than the vertical dimension above the actual building shall be constructed as architecturally integral parts of the building FAÇADE(S).

B. Village Residential District

1. Permitted and Prohibited Uses

a. Permitted uses

- (1) SINGLE-FAMILY DETACHED RESIDENTIAL (SFD)
- (2) SINGLE-FAMILY ATTACHED RESIDENTIAL (SFA)

b. Permitted ACCESSORY USES

- (1) ACCESSORY BUILDING or STRUCTURE
- (2) AFFILIATED RESIDENTIAL USES
- (3) AMENITY CENTER
- (4) Home Occupations
- (5) PARK/OPEN SPACE

c. Uses permitted upon review and approval of a SPECIFIC USE PERMIT

- (1) CIVIC BUILDING
- (2) SCHOOL, PRIMARY OR SECONDARY
- (3) SENIOR/ASSISTED LIVING FACILITY and/or SKILLED NURSING HOME FACILITY and any STRUCTURED PARKING
- (4) Special events

d. Prohibited uses

Any use that is not expressly set forth as a permitted use in this Subsection "VILLAGE RESIDENTIAL DISTRICT" or not considered incidental to the primary permitted use.

2. Building Lot Dimensional Standards

a. Dimensional Table

Description	Single-Family Residential Detached	Single-Family Residential Attached
Building Type	Detached	Attached
Minimum Lot Area	4000 square feet	1200 square feet
Maximum Density	12 units per acre	24 units per acre
Minimum Lot Width	40 feet	20 feet
Minimum Lot Depth	90 feet	50 feet
Front Yard Setback (Alley-Loaded)	10 feet	6 feet
Front Yard Setback (Front-Loaded)	10 feet (building); 25 feet (garage door)	N/A
Side Yard Setback		
Interior Lot	5 feet	0 feet (side abutting another unit); 5 feet (side not abutting another unit)
Interior Lot (Zero Lot Line)	1 foot one side, 9 feet other side	N/A
Corner Lot	10 feet	10 feet
Minimum Rear Yard Setback	10 feet	5 feet
Maximum Building Height	3 stories, 50 feet	3 stories, 50 feet

b. Additional Dimensional Standards

- (1) Zero lot line development shall have a five (5) foot maintenance easement within the lot that abuts the 1-foot side of adjacent lot for maintenance.
- (2) SINGLE-FAMILY ATTACHED RESIDENTIAL shall be alley-loaded with overall building length not to exceed two hundred (200) feet and a required building separation of not less than ten (10) feet between buildings.

III. Architectural Standards

A. Architectural Standards – Village Urban Center District

1. Building FAÇADE Materials

- a. Permitted primary building materials (which must cover not less than 85% of the area of the FAÇADE) shall be:
 - (1) MASONRY/STONE
 - (2) STUCCO/PLASTER
 - (3) Hardie-Plank™ equivalent or better siding
 - (4) Other primary building materials shall be required to obtain a SPECIAL EXCEPTION as a part of DETAILED SITE PLAN approval
- b. Accent building materials (no greater than 15% of the area of the FAÇADE) may be:
 - (1) Pre-cast masonry (for trim and cornice elements only)
 - (2) Gypsum reinforced fiber concrete (for trim elements only)
 - (3) Metal (for beams, lintels, trim elements and ornamentation only)
 - (4) Split-faced CMU block (only for piers, foundation walls and chimneys)
 - (5) EIFS

2. Building AWNINGS and CANOPIES

- a. Materials, Illumination and Location
 - (1) AWNINGS and CANOPIES shall be architectural and constructed with fully opaque materials that complement the building to which they are attached; provided, however, no shiny or reflective materials are permitted.
 - (2) AWNINGS and CANOPIES shall not be internally illuminated in a manner that illuminates the AWNINGS or CANOPY material; provided, however, downward lighting limited to lighting the building FAÇADE, sidewalk areas, and seating areas, is permitted to be installed beneath AWNINGS and CANOPIES.

3. Building Roofs

- a. Permitted Roof Materials
 - (1) Architectural asphalt shingles
 - (2) Tile, clay or concrete (faux clay)
 - (3) Slate (equivalent synthetic or better)
 - (4) Metal (standing seam, equivalent or better)
 - (5) Roofing material for flat roofs shall be monolithic Thermoplastic Polydefin (TPO) membrane or equivalent determined by BUILDING OFFICIAL
- b. Flat Roofs – roof material interior to the PARAPET shall not be visible from any adjacent ground-level areas.

4. Building Mechanical, Underground Utilities, and Solid Waste Facilities

- a. Mechanical Equipment
 - (1) Ground level transformers, HVAC equipment, lift stations, utility meters, and other machinery shall be located at the rear of the lot where practical
 - (2) Roof mounted equipment shall be screened from view from the PUBLIC SPACE where practical.
- b. All electrical, phone, cable and other similar types of facilities shall be underground except for service boxes which shall be approved at the time of DETAILED SITE PLAN.

c. Solid Waste Collection and Disposal

- (1) Location of solid waste facilities shall be approved at time of DETAILED SITE PLAN.
- (2) Solid waste facilities including trash compactors shall be screened by a MASONRY wall of a height that is at least one (1) foot above the height of the solid waste facility or trash compactor. Such screening wall shall be built with the same materials as used for the principal building, or an otherwise CITY approved material
- (3) Access to Solid waste facilities shall be provided by a metal gate or door equal in height of the wall and shall remain closed at all times when not being accessed for purpose of disposing solid waste into, or collecting for off-site disposal from, the facility.

B. Architectural Standards – Village Residential District**1. Architectural Diversity**

- a. Floor plans and front FAÇADES of the same PRIMARY BUILDING MATERIAL color for SINGLE-FAMILY DETACHED RESIDENTIAL shall be separated from one another by no fewer than three (3) lots for same floor plans and no fewer than four (4) lots for the same front FAÇADE.
- b. No combination of the same masonry color, mortar color, and sand color shall be repeated for SINGLE FAMILY DETACHED RESIDENTIAL buildings located on adjacent lots.
- c. The following list of architectural elements shall be incorporated into FAÇADES of SINGLE-FAMILY DETACHED RESIDENTIAL buildings with a choice of at least two (2) different elements occurring no more often than every fourth (4th) lot and be included in the DETAILED SITE PLAN:
 - (1) BALCONY
 - (2) Front Porch (may occur more often than every 4th lot)
 - (3) Chimney
 - (4) Patio courtyard
 - (5) MASONRY, stone, or cast stone accents
 - (6) Double entry doors
 - (7) Covered entry
 - (8) DORMERS
 - (9) Cedar shutters
 - (10) Natural stone (30% front FAÇADE)
 - (11) 10:12 or great roof pitch (may occur more often than every 4th lot)
 - (12) Gables with architecture feature
 - (13) Arch top windows
 - (14) Circle top windows
 - (15) Stained wood columns

2. Building FAÇADES

FAÇADE treatments are those portions of a building's STREET FRONTAGE FAÇADE elevation extending from the ground to the roof that consists of a single layer or architectural expression.

- a. RESIDENTIAL buildings shall have a finished floor elevation of not less than one (1) foot above the top of the front curb elevation.
- b. Wall openings shall not span vertically more than one story.

3. Building FAÇADE Materials

- a. Permitted primary building materials (which must cover not less than 85% of each area of the area of the FAÇADE) shall be:
 - (1) MASONRY/STONE
 - (2) STUCCO/PLASTER
 - (3) Hardie-Plank™ equivalent or better siding
 - (4) Other primary building materials shall be required to obtain a SPECIAL EXCEPTION as a part of SITE PLAN approval
- b. Accent building materials (which may cover no more than 15% of the area of the FAÇADE) may be:
 - (1) Pre-cast masonry (limited trim and cornice elements only)
 - (2) Gypsum reinforced fiber concrete (limited to trim elements only)
 - (3) Metal (limited to roofing, beams, lintels, trim elements and ornamentation only)
 - (4) Split-faced CMU block (but used only for piers, foundation walls and chimneys)
 - (5) EIFS
- c. Calculation of the percentage of the area of permitted building materials on a FAÇADE shall not include:
 - (1) The area occupied by windows and doors (including garage doors); and
 - (2) Other architectural features above the roofline, or areas not in plane with first-floor wall.

4. Building Windows

Windows shall conform to the following:

- a. Window Materials
 - (1) Specialty windows such as stained, opalescent, or glass block shall be permitted in limited amounts but in no case greater than fifteen (15) percent of the total window area of the FAÇADE.
 - (2) Solar screens are permitted only on FAÇADES not visible from the PUBLIC SPACE.
- b. Window Configurations
 - (1) The horizontal dimension of the window opening shall not exceed the vertical dimension except as provided in subparagraph b. (2), below.
 - (2) A maximum of five (5) windows may be mulled horizontally together to form a compound window which may be wider than it is tall if each grouping is separated by a mullion, column, pier or wall section that is not less than seven (7) inches wide.
- c. Alterations to these standards may be granted as part of a DETAILED SITE PLAN.

5. Building Roofs and PARAPETS

- a. Permitted Roof Materials
 - (1) 30-year dimensional shingles.
 - (2) Tile, clay or concrete (faux clay).
 - (3) Slate (equivalent synthetic or better).
 - (4) Metal on porches and accent roofs.
 - (5) Roofing material for flat roofs shall be monolithic Thermoplastic Polydefin (TPO) membrane or equivalent determined by BUILDING OFFICIAL.
 - (6) Roofing materials shall have a minimum 30-year rated warranty.
- b. Authorized Roof Configurations
 - (1) Pitched Roofs

Hip and gable roofs shall be symmetrically pitched 8:12 or greater.

(2) Flat Roofs

Roof material interior to the PARAPET shall not be visible from any adjacent ground-level areas.

c. Roofs, Dormers and Chimneys

(1) DORMERS and chimney chases above the roof structure shall be finished with a permitted PRIMARY BUILDING MATERIAL

(2) Fireplace flues shall be enclosed and finished to be complimentary of the building's exterior. Finished construction that provides for an exposed pre-fabricated metal flue piping (other than gas appliance vent stacks required by applicable construction codes) is prohibited

6. Underground Utilities

- a. All electrical, phone, cable and other similar types of facilities shall be underground except for service boxes which shall be approved at the time of DETAILED SITE PLAN.

IV. Lighting, Parking and Signage Standards

A. Lighting

1. STREET Lights

- a. STREET LIGHTS shall be install in accordance with the following:
 - (1) MAJOR STREETS – spaced a maximum of one hundred and fifty feet (150) feet including one (1) at each intersection.
 - (2) MINOR STREETS – spaced a maximum of one hundred feet (100) feet including one (1) at each intersection.
 - (3) LOCAL STREETS – lighting shall be at each intersection.
- b. STREET LIGHTS shall not cast a perceptively unnatural spectrum of light (such as low-pressure sodium) or project light skyward (dark sky friendly lighting).

2. VILLAGE URBAN CENTER Lighting

- a. An exterior Lighting Plan shall be approved as part of the DETAILED SITE PLAN for the VILLAGE URBAN CENTER.
- b. Lighting Standards
 - (1) Site lighting shall be of a design, height, and location to illuminate only the lot on which the light fixture is located unless illumination across lot lines is by a lighting fixture is authorized by the approved lighting plan included in the approved DETAILED SITE PLAN.
 - (2) Lighting elements shall not cast a clearly/perceptively unnatural spectrum of light (such as low pressure sodium). Lighting elements shall be limited to incandescent, metal halide, or halogen type fixtures.
 - (3) No flashing, traveling, animated, or intermittent lighting shall be visible from the exterior of any building whether such lighting is of temporary or long-term duration.

B. Parking

1. Parking Standards

- a. SINGLE-FAMILY RESIDENTIAL
 - (1) SINGLE-FAMILY RESIDENTIAL DETACHED and ATTACHED shall provide a minimum of two (2) garage parking spaces that shall remain usable for parking of two (2) passenger vehicles.
 - (2) Additional visitor parking (on or off street) shall be provided for SINGLE-FAMILY RESIDENTIAL uses at a rate of one (1) space per four (4) dwellings located within five hundred (500) feet for any SINGLE-FAMILY RESIDENTIAL lot providing parking for less than four (4) vehicles.
- b. MID-RISE RESIDENTIAL
 - (1) A minimum of 1.5 parking spaces shall be provided for each MID-RISE RESIDENTIAL unit.
 - (2) Additional onsite visitor parking shall be provided for MID-RISE RESIDENTIAL at a rate of one (1) space per six (6) units.
- c. VILLAGE URBAN CENTER
 - (1) For uses other than MID-RISE RESIDENTIAL, a Parking Plan prepared by a Texas professional engineer shall be submitted to the CITY that sets forth how the uses in the VILLAGE URBAN CENTER will accommodate parking demand. The Parking Plan shall be based on the parking standards set forth herein, or in the absence of a standard for a proposed use, shall be established as part of the approved DETAILED SITE PLAN.
 - (2) Required parking ratios for VILLAGE URBAN CENTER uses shall be:
 - (a) Office – 1 space per 300 square foot

- (b) Retail – 1 space per 250 square foot
- (c) Restaurant – 1 space per 150 square foot

2. On-Street Parking

- a. On-street parallel parking shall be eight (8) feet in depth and twenty-two (22) feet length.
- b. On-street parking may be counted towards meeting off-street parking requirements if authorized by the approved DETAILED SITE PLAN.

C. Signage

3. Signage Plan

- a. A Comprehensive Sign Plan shall be submitted to the CITY as part of the DETAILED SITE PLAN.
- b. Only individual lettering on a VILLAGE URBAN CENTER signage may be internally lit.
- c. Lettering on AWNINGS and CANOPIES shall be limited to six (6) inches tall located only on vertically hanging fabric at curbside.

4. Prohibited or Limited Signs

- a. Billboards, off-premises, pole signs, marquees, animated, flashing or intermittent signs, and roof and painted building FAÇADE signs are prohibited.
- b. Portable or wheeled signs and advertising devices located outside any building shall be prohibited.

V. Landscaping and Park/Open Space Standards

A. Landscaping

1. Landscaping – Trees

a. STREET TREES

- (1) MAJOR STREETS shall have STREET TREES planted along the PARKWAY with a spacing of no greater than one hundred (100) feet on center measured per BLOCK face or on a project by project basis, whichever is the smaller lineal dimension.
- (2) MINOR and LOCAL STREETS shall have STREET TREES planted along the PARKWAY with a spacing of no greater than seventy-five (75) feet on center measured per BLOCK face or on a project by project basis, whichever is the smaller lineal dimension.
- (3) For on-street parking spaces where bump-outs are utilized for parallel parking, one (1) STREET TREE shall be planted in each bump-out.
- (4) STREET TREES shall be at least three (3) caliper inches in diameter measured four (4) feet above grade and not less than ten (10) feet in height measured from the base of the main trunk showing at grade at time of planting.

b. VILLAGE URBAN CENTER TREES

- (1) Where the primary structure is located within twenty (20) feet of the front property line, the VILLAGE URBAN CENTER use shall be only responsible for planting STREET TREES in accordance with standards for STREET TREES on MAJOR STREETS.
- (2) Where the primary structure is located greater than twenty (20) feet from the front property line, the following tree planting shall be required:
 - (a) One tree at least three (3) caliper inches in diameter measured four (4) feet above grade and not less than ten (10) feet in height measured from the base of the main trunk showing at grade at time of planting for each fifty (50) feet of linear STREET FRONTAGE, which trees shall be planted within fifteen (15) feet of the front property line.
 - (b) Trees may be planted in groups with appropriate spacing for species.
 - (c) The trees required by this Subparagraph b. shall be in addition to the required STREET TREES.

c. SINGLE-FAMILY RESIDENTIAL TREES

(1) General

- (a) Required FRONT YARD TREES shall be in addition to the required STREET TREES
- (b) Required FRONT YARD TREES shall be at least three (3) inches in diameter measured four (4) feet above grade and not less than ten (10) feet in height measured from the base of the main trunk showing at grade at time of planting.

(2) Required FRONT YARD TREES

- (a) Lots having building setbacks of ten (10) feet or less no FRONT YARD TREES shall be required.
- (b) Lots having building setbacks of greater than ten (10) feet one (1) FRONT YARD TREES shall be required.

2. Landscaping – Yards

a. VILLAGE URBAN CENTER Yards

- (1) Required Landscaping shall be approved as a part of DETAILED SITE PLAN approval.

b. SINGLE-FAMILY RESIDENTIAL LOTS Yards

- (1) For lots widths of forty (40) feet or greater, no fewer than four (4) five (5) gallon shrubs and twelve (12) one (1) gallon shrubs shall be planted.

- (2) For lots widths twenty-five (25) feet and less than forty (40) feet, no fewer than three (3) five (5) gallon shrubs and eight (8) one (1) gallon shrubs shall be planted.
- (3) For lots widths less than twenty-five (25) feet, no fewer than two (2) five (5) gallon shrubs and six (6) one (1) gallon shrubs shall be planted.
- (4) SINGLE-FAMILY RESIDENTIAL lots shall have full sod installed within any portion of the front yard and side yard abutting a STREET not covered by walkways, driveways, trees, shrubbery, ground cover or planting beds, or other approved landscape materials.
- (5) Decorative rocks shall be permitted in limited amounts and within areas between structures where plant material is difficult to maintain.

3. Landscaping – Parking Lots

- a. Five (5) linear feet of landscaped evergreen screening and/or masonry wall at a height of three (3) feet shall be planted between the STREET right-of-way and the parking area in all parking areas within a parking lot abutting a STREET.
- b. The following interior landscaping shall be planted in off-street, surface parking that contains twenty (20) or more parking spaces:
 - (1) Twenty (20) square feet of landscaping for each parking space shall be installed within the paved boundaries of the parking area.
 - (2) Landscaped islands shall be located at the ends of all parking rows and one (1) landscaped island for each twenty (20) parking spaces in a parking row shall be located on the interior of each parking row. The location the landscape islands within parking areas shall be approved as part of the DETAILED SITE PLAN
 - (3) No fewer than one (1) tree, three-inch (3) caliper inch minimum as measured four (4) feet above grade and not less than ten (10) feet in height measured from the base of the main trunk showing at grade at time of planting shall be planted in each parking lot landscaped island.
 - (4) Landscaped islands shall be not less than six (6) feet wide, not less than ninety percent (90%) of the abutting parking space in length, and planted with approved ground cover.
 - (5) Landscaped areas shall be protected by a raised six (6) inch concrete curb with pavement placed no closer than three (3) feet from the trunk of a tree if no CITY-approved root barrier has been installed.

4. Landscaping – Fences/Walls

- a. Fences/Walls – General
 - (1) Metal fencing shall be ornamental metal, tubular steel or similar material with a consistent design and finished in black.
 - (2) MASONRY walls shall be constructed with MASONRY materials compatible with adjacent buildings.
 - (3) Wood fencing adjacent to STREETS shall be board-on-board with capping, pre-stained cedar, with steel posts.
 - (4) Fences and walls exceeding eight (8) feet in height are prohibited except to screen service areas of VILLAGE URBAN CENTER.
 - (5) Fence and wall materials and location shall be approved as part of the DETAILED SITE PLAN.
- b. Fencing/Walls – MAJOR STREETS
 - (1) WOOD fencing along MAJOR and MINOR STREETS is prohibited.
 - (2) MASONRY walls exceeding two (2) feet in height shall be designed with footings approved by a structural engineer or other appropriately licensed professional.
- c. Fences/Walls – RESIDENTIAL
 - (1) No fence or wall shall be permitted within front yards except on corner lots, wherein approved ornamental metal fences, not exceeding five (5) feet in height, may be installed within the front yard not serving as the main entry point to the dwelling (i.e. the side yard along the STREET).

- (2) On RESIDENTIAL lots abutting or facing a PARK/OPEN SPACE, only ornamental metal fencing shall be used on the side of the lot facing the PARK/OPEN SPACE unless another material approved as part of the DETAILED SITE PLAN.
- (3) Fences and walls consisting of materials or placed in locations not otherwise authorized by this Subparagraph may be approved as part of the approved DETAILED SITE PLAN.

5. Landscaping – Irrigation

Permanent automatic irrigation systems shall be designed, installed, and operated for all required landscaping.

6. Landscaping – Completion

- a. No certificate of occupancy for any building on any lot may be issued until all required irrigation systems, trees and other plant materials have been installed and/or planted on the lot.
- b. Due to on-going drought conditions, the CITY may authorize delay for planting of new landscape materials, in which case, a certificate of occupancy may be issued.
- c. In the event of such authorized delay, all landscape materials shall be planted not later than the date provided in the authorization. Failure to install all landscaping by the date set forth in the delay authorization shall be a violation of this Ordinance.

B. Park/Open Space

1. PARK/OPEN SPACE

- a. VILLAGE URBAN CENTER
 - (1) VILLAGE URBAN CENTER uses, other than MID-RISE RESIDENTIAL, shall not be required to set aside a percentage of lot area for PARK/OPEN SPACE.
 - (2) MID-RISE RESIDENTIAL shall allocate not less than ten percent (10%) of the lot area to PARK/OPEN SPACE.
 - (a) Landscaped parking areas, walkways, yards and entries shall be considered PARK/OPEN SPACE.
 - (b) Areas designated as PARK/OPEN SPACE shall be shown on the approved DETAILED SITE PLAN.
- b. VILLAGE RESIDENTIAL
 - (1) Areas designated as PARK/OPEN SPACE shall be shown on all approved DETAILED SITE PLANS.
 - (2) PARK/OPEN SPACE shall be maintained by either a property or homeowners association or by the CITY if designated public PARK/OPEN SPACE.

2. PEDESTRIAN PATHWAYS

- c. PEDESTRIAN PATHWAYS shall be a minimum of six (6) feet in width on MAJOR and MINOR STREETS and five (5) feet on LOCAL STREETS.
- d. PEDESTRIAN PATHWAYS shall be installed at all required locations on a lot prior to issuance of a certificate of occupancy of the first building constructed on the lot or, if the issuance of a certificate of occupancy is required, the commencement of the provision of utilities to any building on the lot.

VI. Definitions

A. Purpose

The words and phrases as used in this ORDINANCE shall have the following meanings unless the context of such use clearly indicates otherwise. Words and phrases not defined within the Definitions, but which are defined in the City of Sherman's Zoning Ordinance shall have the meaning provided such words and phrases in the Zoning Ordinance. Wherever a word or phrases is printed in CAPITAL LETTERS, it is being used as defined herein.

B. Terms Defined

ACCESSORY BUILDING OR STRUCTURE (RESIDENTIAL DISTRICT) – A subordinate building or structure, detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, tool house, lathe or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house, garden shelter or swimming pool, but not involving the conduct of a business.

ACCESSORY USE (see USE).

AFFILIATED RESIDENTIAL USES (see USE).

ALLEY – A public space or drive which affords secondary means of access to abutting property.

AMENITY CENTER – An OPEN SPACE area developed as a recreational center for the use by VILLAGE residents and their guests that may include pools, hot tubs, meeting rooms, workout spaces, bathrooms, playgrounds and similar uses.

AWNING – A cantilevered, projected or suspended cover over the sidewalk portion of the PUBLIC SPACE. This also includes roof-like coverings, usually of canvas or metal and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain.

BALCONY – An exterior platform attached to the building FAÇADE extending outward from an interior room located above a GROUND STORY.

BLOCK – An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the full length along the street between the intersection of two streets.

BUILDING HEIGHT – For VILLAGE URBAN CENTER uses, BUILDING HEIGHT is measured in STORIES; for SINGLE-FAMILY RESIDENTIAL uses, BUILDING HEIGHT is measured from the existing grade to the midpoint of a gabled roof line or the top of the PARAPET or mansard roof.

BUILDING OFFICIAL – The official appointed to enforce the ZONING ORDINANCE.

CANOPY – An architectural projection of canvas or similar material that provides weather protection over an area and is supported by the building to which it is attached and at the outer end by not less than two posts.

CITY – City of Sherman, Texas.

CIVIC BUILDING – Publicly- or privately-owned buildings that are open to the public for non-COMMERCIAL purposes.

COMMERCIAL INDOOR AMUSEMENT (see USE).

COMMERCIAL USE (see USE).

CONCEPTUAL PLAN – Proposed land uses as shown on the CONCEPTUAL PLAN.

DETAILED SITE PLAN – A site plan approved by the City of Sherman.

DEVELOPMENT DISTRICTS

VILLAGE URBAN CENTER – Land designated on the DEVELOPMENT DISTRICT MAP as VILLAGE URBAN CENTER intended for more flexible development standards allowing for VILLAGE URBAN CENTER uses ranging from single lot projects such as big-box stores and hotels to larger-scale shopping centers and business centers as well as MID-

RISE RESIDENTIAL uses.

VILLAGE RESIDENTIAL DISTRICT – Land designated on the DEVELOPMENT DISTRICT MAP as RESIDENTIAL intended for a mix of DETACHED and ATTACHED RESIDENTIAL.

DORMER – Small, roofed ancillary structures with windows providing light and air to habitable space within the roof.

EIFS (EXTERIOR INSULATION AND FINISH SYSTEM) – a no-load bearing, exterior wall cladding system that consists of an insulation board attached either adhesively or mechanically, or both, to the substrate; an integrally reinforced base coat; and a textured protective finish coat.

FAÇADE – Exterior building face.

FENESTRATION – Openings in the building wall allowing light and views between interior and exterior measured as glass area.

FRONT SETBACK LINE – The line at which the building FAÇADE shall be located adjacent to or behind.

FRONT YARD TREE (see TREE, FRONT YARD).

HEIGHT (see BUILDING HEIGHT)

HOTEL, FULL SERVICE – An establishment offering temporary lodging facilities consisting of regular rooms or suites suitable for short-term stays with one or more restaurants and lounges, food and beverage catering, conference meeting rooms, recreational amenities, and STRUCTURED PARKING.

HOTEL, LIMITED SERVICE – An establishment offering temporary lodging facilities consisting of regular rooms or suites suitable for short-term stays that may offer a business center, pool/whirlpool, workout room, a meeting room and a lobby marketplace for snacks and beverages; the establishment may offer restaurant services geared to primarily hotel guests.

LOT, CORNER – A lot that is bounded by intersecting STREETS.

LOT COVERAGE – The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot or the area determined as the maximum cross-sectional area of the building; eaves, drives, uncovered patios/porches, sidewalk, and similar improvements are excluded from LOT COVERAGE computations.

LOT LINE – The lines bounding a lot.

LOT WIDTH – The width of the lot as measured at the FRONT SETBACK LINE.

MAJOR STREET (see STREET, MAJOR).

MASONRY/STONE – Defined as construction material three (3) inches or thicker composed of natural stone, kiln fired clay brick, decorative concrete block or other masonry material approved by the CITY'S BUILDING OFFICIAL.

MINOR STREET (see STREET, MINOR).

OFFICE BUILDING – A building used to house OFFICE USES.

PARAPET – A low wall projecting from the edge of a platform, terrace, or roof.

PARAPET HEIGHT – Where used to limit building height, PARAPET HEIGHT is the distance measured at the top of the parapet, including any coping.

PARK (see OPEN SPACE).

PARK/OPEN SPACE – Land and water designed for active and/or passive recreational enjoyment, but also including small vegetative spaces, flood plains, AMENITY CENTERS, development entries, PEDESTRIAN PATHWAYS; areas located within a SINGLE-FAMILY RESIDENTIAL LOT or within a public right-of-way shall not be considered PARK/OPEN SPACE.

PARKWAY – An area located immediately between the street curb and sidewalk in which STREET TREES and street lights and other such infrastructure are placed.

PEDESTRIAN PATHWAY – A paved walkway/sidewalk that provides pedestrian access throughout a community to VILLAGE URBAN CENTER and RESIDENTIAL uses; PEDESTRIAN PATHWAYS are not considered appropriate for bicycle use.

PLANNING AND ZONING COMMISSION – The Planning and Zoning Commission of the City of Sherman, Texas.

PUBLIC SPACE – The public domain commonly referred to as the public STREETS, ALLEYS and rights-of-way but can include travel lanes, PARKWAYS, PEDESTRIAN PATHWAY, and PARK/OPEN SPACE.

REAR LOT LINES – Lot lines located at the rear of the property and often abutting ALLEYS.

RETAIL (see USE).

RESIDENTIAL (see USE)

SCHOOL, PRIMARY OR SECONDARY – A school operated by an independent school district, religious entity or private corporation providing a kindergarten, elementary and/or secondary curriculum.

SCHOOL, COLLEGE OR UNIVERSITY – An academic institution of higher learning, accredited or recognized by the State and offering a program or series of programs of academic study.

SENIOR/ASSISTED LIVING FACILITY – A residential living facility for older adults that may include independent living arrangements designed exclusively for seniors, generally those 55 years or older, to live independently within an apartment-style facility or freestanding home; it may also include, as an ACCESSORY USE, living facilities that offer a larger range of services for residents as their level of care expands, as long as the resident does not need skilled 24-hour nursing care.

SKILLED NURSING HOME FACILITY – State-licensed long-term care residential living facility offering 24-hour medical care provided by registered nurses, licensed practical nurses and/or certified nurse assistants for residents who are totally dependent on nursing care or short-term rehabilitation between hospital and home.

STORY – That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

STORY, GROUND – The first level of a building at or above grade.

STREET – A public thoroughfare used for vehicular traffic usually within dedicated right-of-way; this definition does not include ALLEYS, CITY fire lanes, driveways, or access aisles or easements.

STREET LIGHT – A luminaire installed on both sides of a STREET within the public right-of-way.

STREET, MAJOR – A STREET having four or more travel lanes with rights-of-way greater than seventy (70) feet.

STREET, MINOR – A STREET having three or less travel lanes with rights-of-way exceeding sixty (60) feet but not exceeding seventy (70) feet.

STREET, LOCAL – A STREET having two travel lanes with rights-of-way sixty (60) feet or less.

STREET FRONTAGE – That portion of the lot or building that is coincident with the FRONT SETBACK LINE.

STREET TREE (see TREE, STREET).

STUCCO/PLASTER – Stucco/Plaster material shall only be considered as meeting the masonry requirement when applied using a 3-step process over diamond metal lath mesh to a 7/8-inch thickness or by other processes producing comparable cement stucco finish with equal or greater strength, durability, and fire resistive specifications.

TREE, STREET – A tree planted in the PARKWAY.

TREE, FRONT YARD – A tree planted in a front yard area.

USES

ACCESSORY USE – A use of land or building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use; within a RESIDENTIAL DISTRICT this may include a pool, children's play equipment, gazebo, picnic table, etc.

AFFILIATED RESIDENTIAL USE – A use intended for the residents and their guests of a RESIDENTIAL use that includes a leasing office, fitness center, game room, laundry, pool, amenity center and other residential-related services and uses.

BUSINESS SERVICE USE – Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, including but not limited to advertising and mailing; building maintenance; employment service; management and consulting services; equipment rental and leasing (does not include outside storage or heavy construction equipment); commercial research; development and testing; photo finishing; and supplies services.

CIVIC USE – Community uses including the following: meeting halls; libraries; schools (kindergarten through college); police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; government functions open to the public; and, other similar uses.

COMMERCIAL INDOOR AMUSEMENT USE – Commercial establishments wholly contained within a building that provide amusement, entertainment or games of skill for a fee or admission charge including, but not limited to, billiards, bowling, video or game arcades, movie theaters, and skating rinks.

COMMERCIAL USE – Includes BUSINESS SERVICES, OFFICES, PERSONAL SERVICES, RETAIL SERVICES, RETAIL SPECIALTY USES, RETAIL TRADE USES, STUDIO USES, and RECREATIONAL LAGOON.

PERSONAL SERVICE USE – Establishments primarily engaged in providing services involving the care of a person or his or her apparel, including laundry, cleaning and garment services, garment pressing, coin operated laundries, beauty shops, barber shops, shoe repair, reducing salons and health clubs, clothing rental, doctors, dentists, chiropractors, veterinarians, etc.

OFFICE USE – Includes, but are not limited to lawyers, engineers, architects, landscape architects, accountants, insurance agencies, economic consultants, general business offices, or other similar professions.

RECREATIONAL LAGOON – A large, artificially-created recreational water body for swimming and other water-related activities (can be a COMMERCIAL or CIVIC use).

RESIDENTIAL USE – A range of housing uses that encompass SINGLE-FAMILY and MID-RISE uses, and SENIOR/ASSISTED and/or SKILLED NURSING HOME FACILITIES.

RESIDENTIAL, SINGLE-FAMILY ATTACHED – A SINGLE-FAMILY RESIDENTIAL use constructed in a group of two (2) or more attached units separated by property lines in which each unit extends from foundation to roof.

RESIDENTIAL, SINGLE-FAMILY DETACHED – A free-standing, SINGLE-FAMILY RESIDENTIAL use occupying a single lot not sharing any walls in common with adjacent SINGLE-FAMILY RESIDENTIAL use.

RESIDENTIAL, MID-RISE – A multi-storied residential building containing multiple separate housing units above one another for residential purposes within one building or complex, commonly referred to as “apartments;” this definition does not include a HOTEL or any short-term stay facility (stays of less than six months) but may include ground-floor commercial.

RESIDENTIAL, SINGLE-FAMILY – A residential dwelling occupied by persons living as a single household unit; this definition includes DETACHED and ATTACHED residential uses but does not include MID-RISE RESIDENTIAL.

RETAIL SERVICE USE – Establishments providing services, as opposed to products, to the general public, including restaurants, LIMITED and FULL SERVICE HOTELS, finance, real estate and insurance, travel agencies, health and educational services, and galleries.

RETAIL SPECIALTY USE – Include, but are not limited to the sale of gifts, antiques, flowers, books, jewelry, wearing apparel or craft shops making articles exclusively for sale at retail on the premises. Establishments selling used goods or merchandise and retail store sales consisting primarily of specialty and novelty items as defined by City of Sherman Resolution No. 77-028 are specifically excluded.

RETAIL TRADE USE – Establishments engaged in selling new goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Establishments primarily engaged in the selling of used goods or merchandise are specifically excluded.

STUDIO USE – Includes, but is not limited to dance, art, music, photography, radio or television and specifically excluding any type of sexually oriented business.

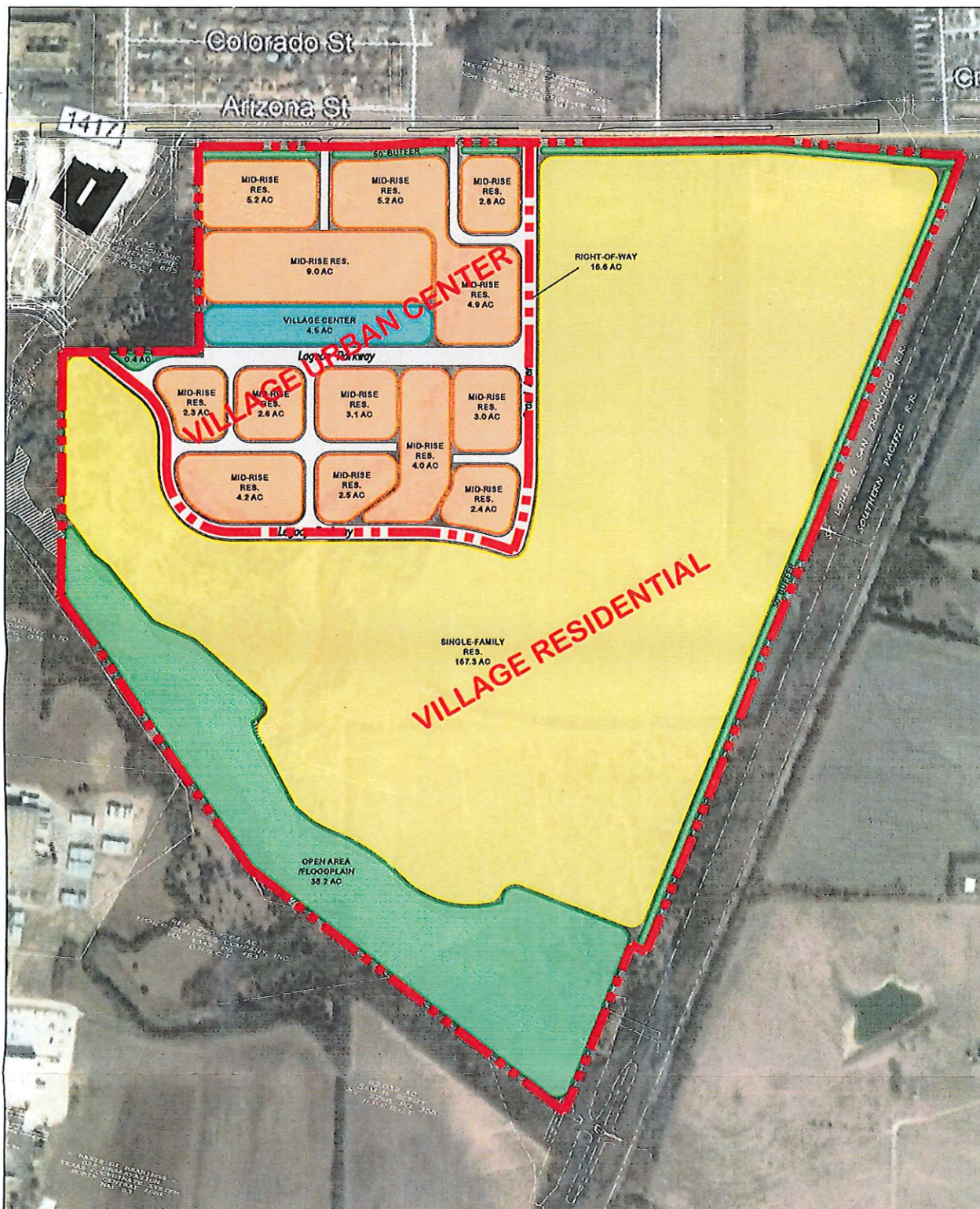
VILLAGE URBAN CENTER USE – Any use that is defined herein as a MID-RISE RESIDENTIAL, BUSINESS SERVICE, OFFICE, PERSONAL SERVICE, RETAIL SERVICE, RETAIL SPECIALTY, RETAIL TRADE, and STUDIO uses but specifically excluding any uses prohibited by this ORDINANCE.

VILLAGE URBAN CENTER USE (see USE).

ZONING ORDINANCE – The Zoning Ordinance of the City of Sherman, as amended from time to time, including any future codifications.

VII. Appendices

- A. Appendix – Conceptual Plan Map
- B. Appendix – Development Districts Map
- C. Appendix – Street Cross Sections



**Ion
Design
Group**

7075 Twin Hills Ave
Suite 300
Dallas, Texas 75231
Phone: 214.370.5470
Fax: 214.370.5470

BEL AIR VILLAGE Development Districts Map

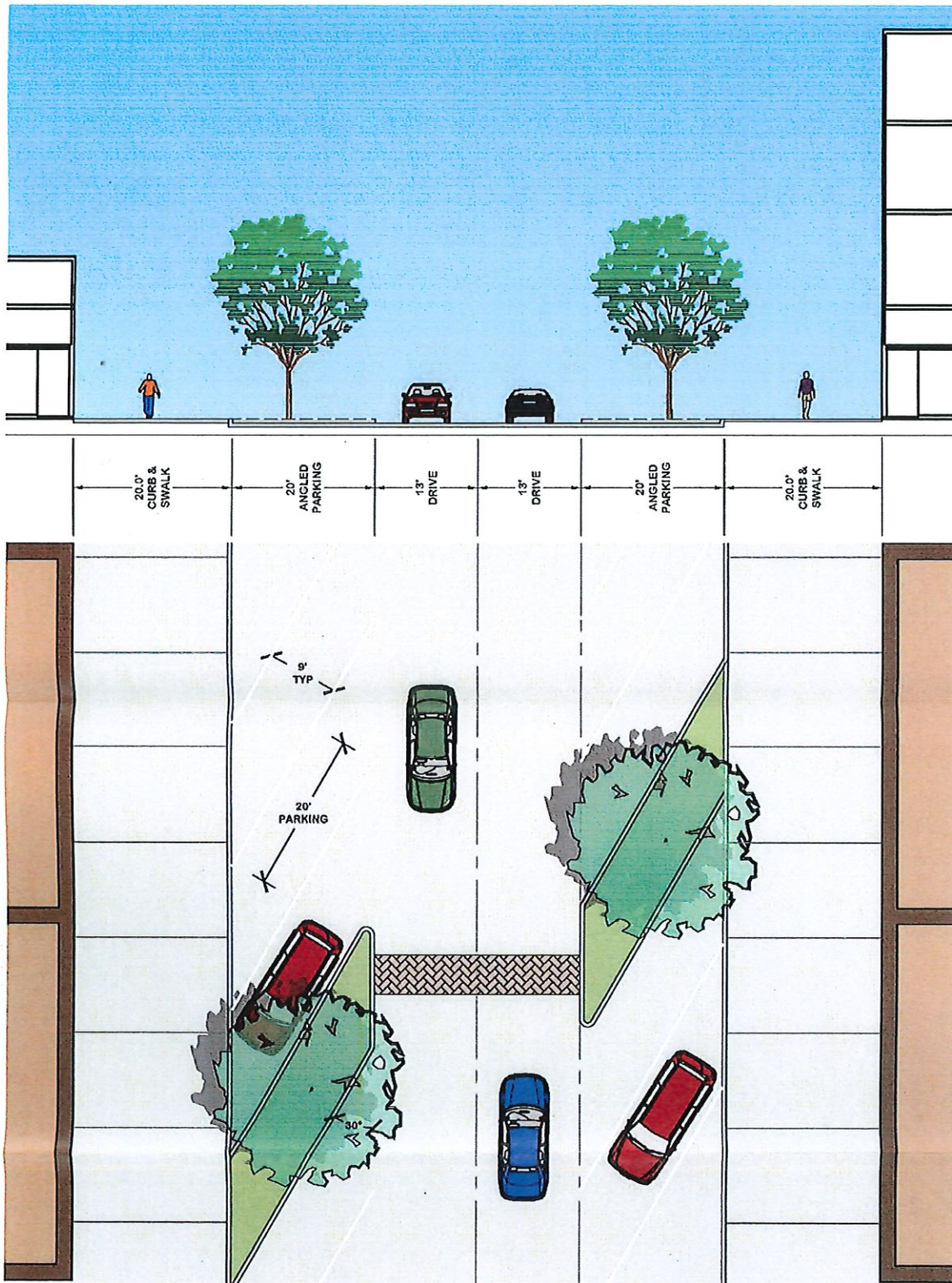
CITY OF SHERMAN, GRASS COUNTY, TEXAS

Print Date: 12/2/2025



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SCALE

LAGOON PARKWAY - 106' R.O.W.



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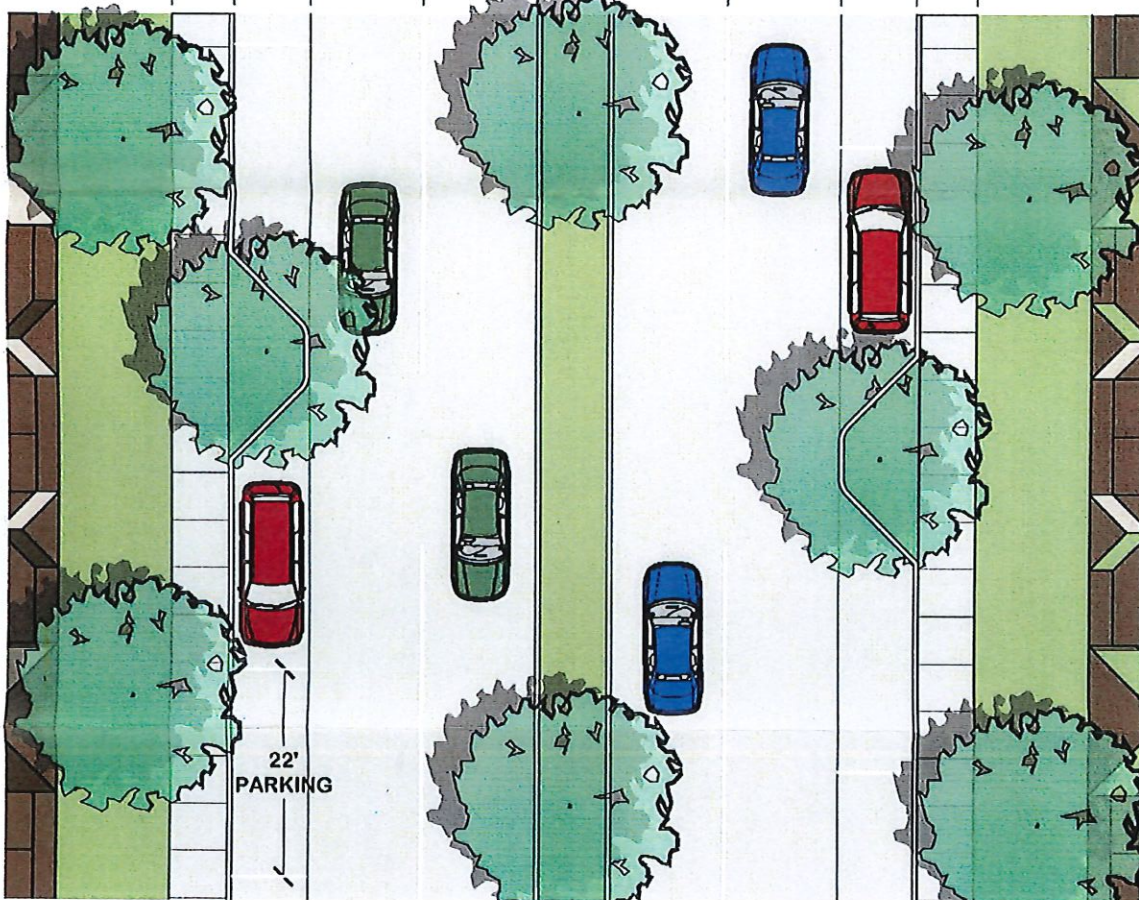
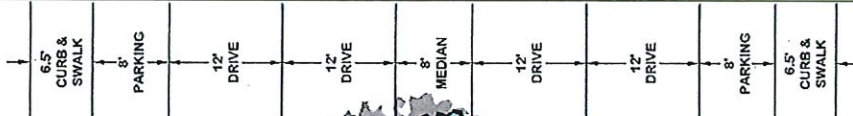
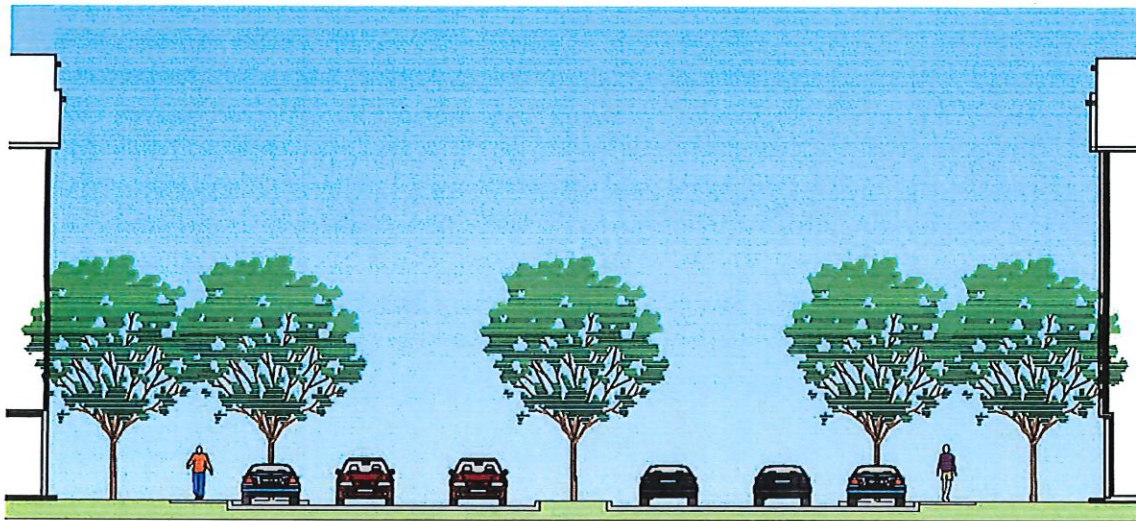
**BEL AIR VILLAGE
STREET SECTIONS**
SHERMAN, TEXAS
May 2020



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GRAND AVENUE - 85' R.O.W.



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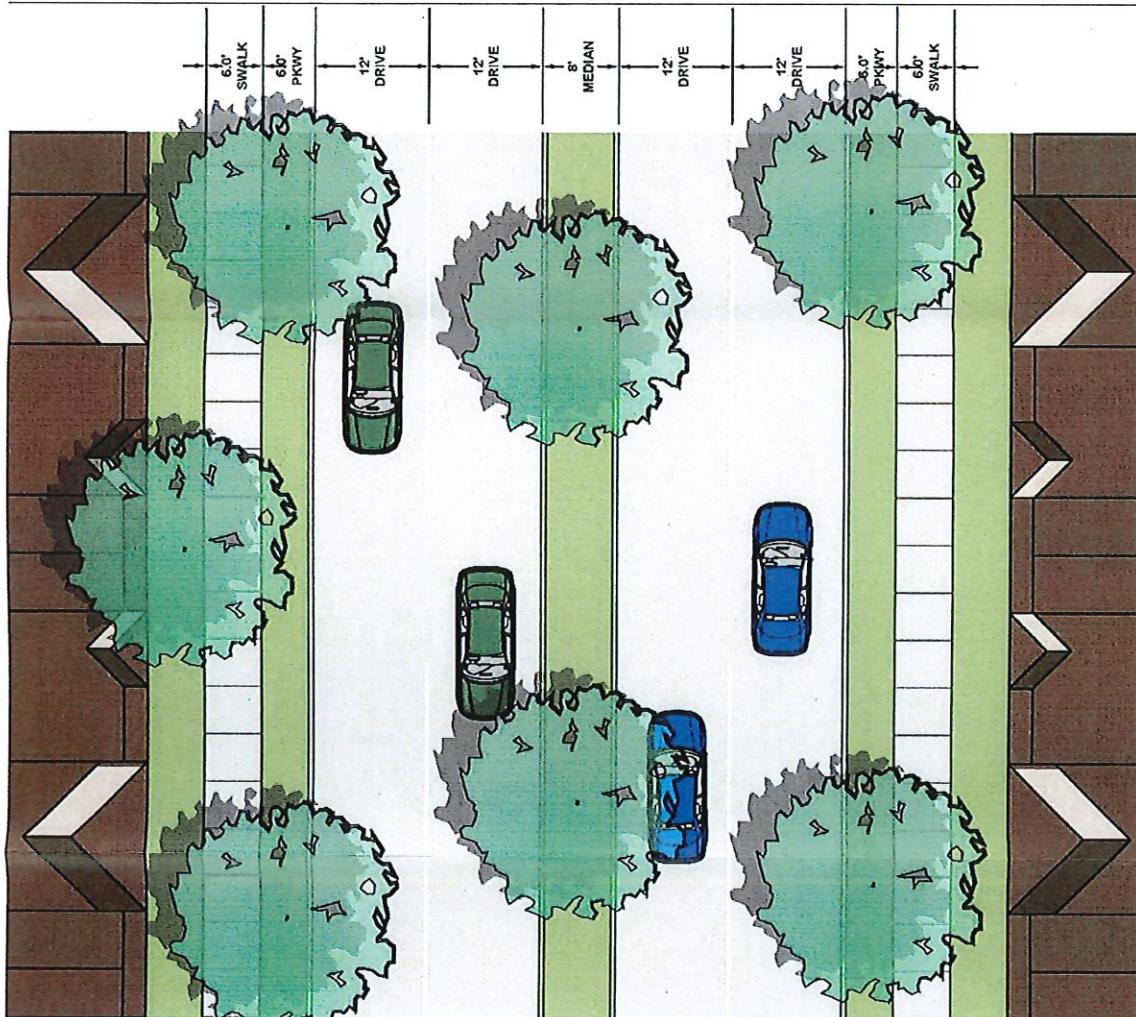
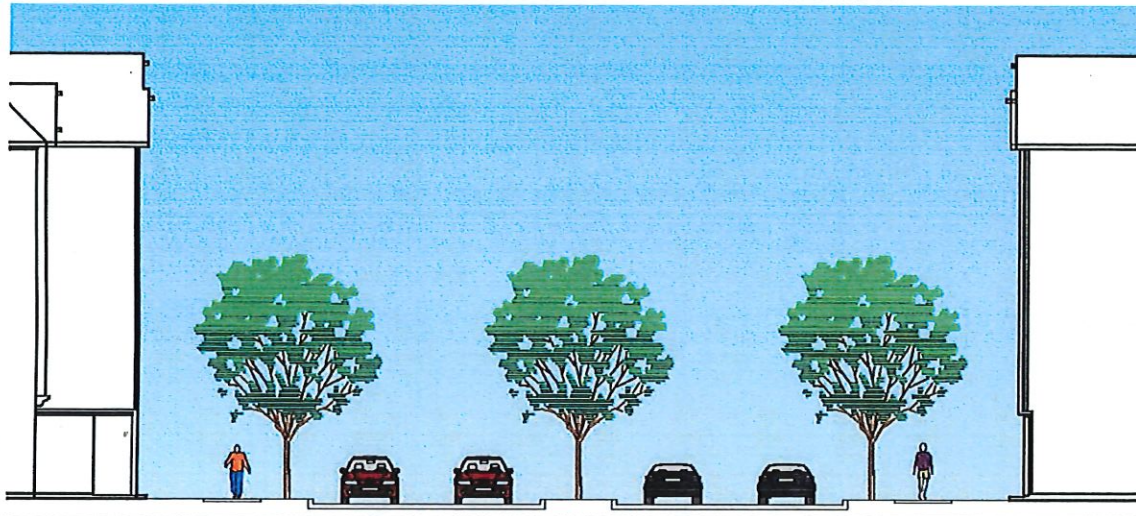
**BEL AIR VILLAGE
STREET SECTIONS**
SHERMAN, TEXAS
May 2020



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LEGACY PARKWAY - 80' R.O.W.



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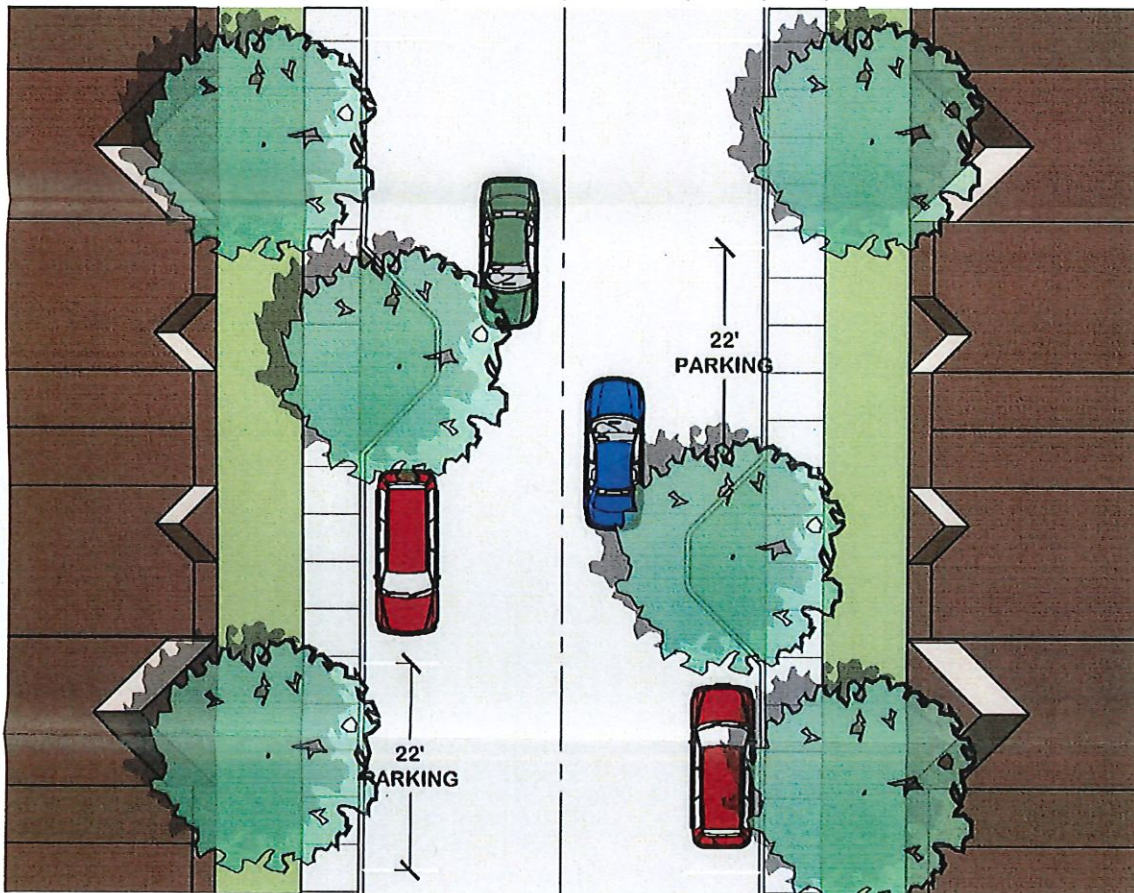
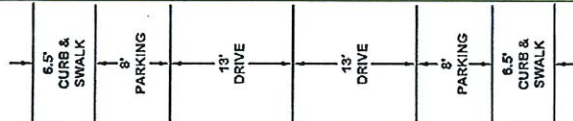
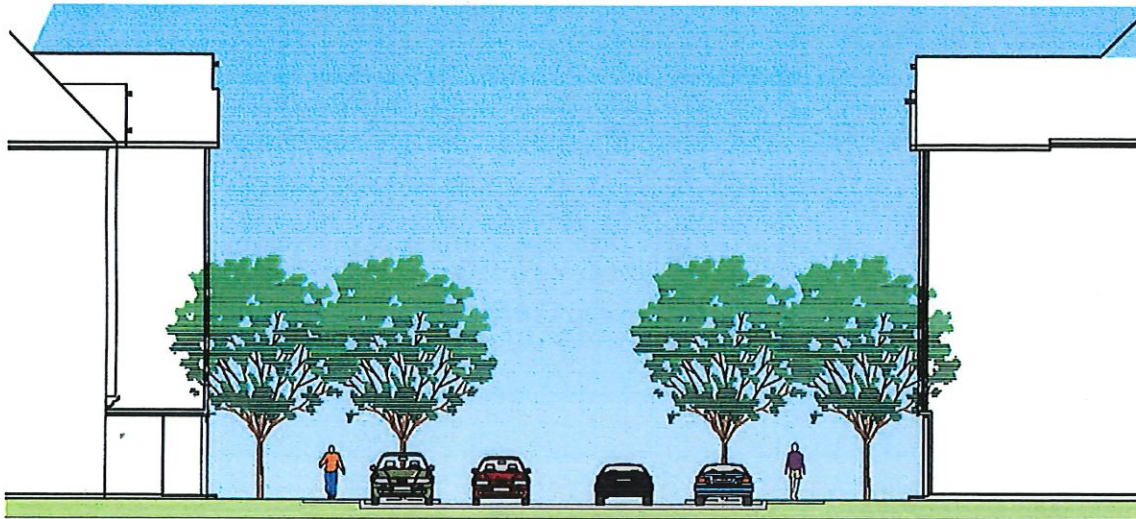
**BEL AIR VILLAGE
STREET SECTIONS**
SHERMAN, TEXAS
May 2020



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VILLAGE RESIDENTIAL - 55' R.O.W.



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**BEL AIR VILLAGE
STREET SECTIONS**

SHERMAN, TEXAS
May 2020



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Memo to: City of Sherman

July 23, 2020

Bel Air PD Review

C/O: Rob Rae, AICP, Director of Development Services

Rob,

Per the requested review of the revised Bel Air PD, Halff has completed a review of the revised language and discussed refinements with the applicants as of July 20, 2020.

To summarize the proposed revisions, the applicant has proposed increasing the property within the PD framework, adjusted the developments district framework and the focus of the project amenities around the recreational lagoon feature. The land uses and anticipated development characteristics have added definition and clarity to frame the expectations for this mixed-use, mixed-density development. Additionally, exhibits have been refined with additional design clarity and the PD has added sections with summary tables that communicate project requirements more clearly and concisely than before.

Halff's task was to review the revisions in the context of the PD ordinance to ensure that the changes were consistent with the approved PD and the City's ordinance. The ordinance intent is clear in its purpose statement - *"A PD district may be used to permit innovative and superior land utilization concepts not permitted by other zoning districts in this ordinance."* The Bel Air PD revisions set a clear framework for density, a public gathering space in the lagoon feature, and a mix of uses and housing opportunities, much of which could not be achieved under the zoning regulations and, thus, a PD is necessary to facilitate the project.

The minimum ordinance qualifications of multiple housing types, retail/employment, and a public destination are achieved. The components of the PD have been achieved as provided in the Development Plan and Conceptual Plan. The enhancements required in the ordinance, including examples of a cohesive mixed-use setting, variety of housing, pedestrian-friendly streets, architectural certainty, etc. are all presented in a manner that is understandable and supportive of the overarching theme of the project.

The only question that was outstanding after the review and conversation with the project team was the proposed public parkland in the original PD, which is no longer proposed in the revision. The proposal of the recreational lagoon is being presented instead as the public destination component. It should be noted that there is no specific requirement for a park in the PD ordinance. Therefore, there is no inconsistency with the ordinance, just a reviewer's note that the parkland has been replaced with the lagoon concept, which is less detailed at this time because the feature has not been designed or precisely located on the site.

After a thorough review and conversation with the project team, Halff has determined that the proposed revisions to the Bel Air PD are consistent and supportive of the elements of the City of Sherman PD ordinance and recommends approval.

Reviewed by:

Jordan Maddox, AICP

A handwritten signature in dark ink, appearing to read "Jordan Maddox", written over a horizontal line.

Planning Team Leader, Halff Associates, Inc.



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 11.

Meeting Date: 08/18/2020

Prepared by: Patsy Reeves, Developmental Services Coordinator
Scott Shadden, Director of Development Services
Rob Rae, Incoming Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Requested Action/Proposed Use:

300-1000 BLOCKS EAST FM 1417 (VIETNAM VETERANS PARKWAY)

The request of Terra Perpetua LLC (Owners), Bryan Klein, ION Design Group (Representative), Bush Architects, LLC (Architect) and Underwood Drafting and Surveying (Surveyor) concerning the property located in the 300-1000 Blocks East FM 1417 (Vietnam Veterans Parkway) to include 32.545 acres for a total of 278.313 acres in the Sherrod Dunman Survey Abstract No. 329, as follows:

Planning and Zoning Commission

Amending Planned Development and site plan approval under Ordinance No. 2280, Section 6.11, for Bel Air Village formerly known as Terra Perpetua Village (Ord No. 6232).

Background:

The property is located in the 300-1000 blocks East FM 1417 (Vietnam Veterans Parkway) between U.S. Highway 75 and State Highway 11 (Dewey Avenue). A portion of the property (245.83 acres) was approved for a Planned Development for Terra Perpetua Village by Ordinance 6232, August 5, 2019. The owner has purchased an additional 32.545 acres east of the development which is currently zoned an R-1 (One Family Residential) District. The owner would like to amend the planned development to include this acreage for a total of 278.313 acres and rename it to Bel Air Village.

The Planned Development Ordinance (No. 6186) was approved March 18, 2019; Halff Associates, Inc., a Professional Engineering Service, was consulted to design the ordinance. The planned development district is intended to facilitate the planning, design, and development of integrated land uses on large tracts of land that cannot be adequately accommodated in other zoning districts. A PD shall further the goals of the comprehensive plan, demonstrate enhanced and contextual design standards, present a well-organized and cohesive land plan, and contain clear and concise development regulations.

Adjacent Zoning:

R-1 (One Family Residential) District
C-2 (General Commercial) District
Blalock Industrial Park

Origination:

Terra Perpetua LLC (Owners)
Bryan Klein, ION Design Group (Representative)
Bush Architects, LLC (Architect)
Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

Suburban Residential – Increased density and closer building setbacks separate Suburban Residential from Countryside and Estate, but more landscaping and open space distinguish Suburban Residential from Urban and Auto-Urban categories. New suburban subdivisions typically have curvilinear streets and sidewalks, as well as curb and gutter.

Number of notices mailed:

25

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Ordinance 6232
Survey - 32 acres
Survey - 245 acres
Bel Air Village Planned Development
Halff & Associates Review
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C. 5.

Meeting Date: 09/08/2020

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6320

Approving a Negotiated Settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division, Regarding the Company's 2020 Rate Review Mechanism Filing; Declaring Existing Rates to be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attached Exhibit Establishing a Benchmark for Pensions and Retiree Medical Benefits; Approving an Attached Exhibit Regarding Amortization of Regulatory Liability; Requiring the Company to Reimburse ACSC's Reasonable Ratemaking Expenses; Declaring an Effective Date; Requiring Delivery of this Ordinance to the Company and the ACSC's Legal Counsel

Issue:

Ratification of a Negotiated Settlement between Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company")

Background:

The Rate Review Mechanism ("RRM") tariff was approved by ACSC Cities as part of the settlement agreement to resolve the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. The RRM allows cities to conduct a more comprehensive review of all of the information regarding changes to Atmos's revenues and expenses, as well as its invested capital. In 2018, the City adopted a renewed RRM tariff for an additional five years. ACSC and Atmos have reached a negotiated resolution addressing Atmos's seventh filing (the 2020 RRM rate increase) pursuant to the renewed RRM tariff.

The Ordinance reflects a negotiated settlement of Atmos's 2020 RRM filing, a rate increase of \$90 million from ACSC Cities, approximately \$9 million less than what the Company would have been entitled to receive under the Gas Reliability Infrastructure Program ("GRIP"), the statute that allows Atmos to bypass the City's rate regulatory authority to increase its rates annually to recover capital investments. The settlement includes a two-month delay in the effective date until December 1, 2020. The settlement also produces a result that is better than what would have been expected if the Company had appealed its case to the Railroad Commission. The Ordinance includes the new tariffs (Exhibit A), a revised schedule for Pensions and Benefits (Exhibit B), and an amortization schedule for the treatment of deferred taxes (Exhibit C).

The ACSC General Counsel recommends the City adopt the proposed ordinance approving the negotiated settlement agreement resolving the 2020 RRM filing and implementing the rate changes to take effect December 1, 2020.

Origination:

Geoffrey M. Gay, General Counsel to the ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C.

Financial Consideration:

Approval of this ordinance will result in rates that implement a \$90 million increase in Atmos's revenues effective December 1, 2020, and a monthly increase of \$5.15 or about 9.9% for the average residential customer, and a monthly increase of \$15.48 or about 6.56% for the average commercial customer.

Staff Recommendation:

It is recommended that the City Council adopt the ordinance and approve the Negotiated Settlement with Atmos Mid-Tex.

Alternatives:

As the ACSC Negotiation Team has negotiated the most beneficial settlement, no other alternatives are recommended.

Attachments

Ordinance No. 6320

Exhibits A, B and C to Ordinance

Staff Report

Attachments 1, 2 and 3 to Staff Report

ORDINANCE NO. 6320

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION, REGARDING THE COMPANY’S 2020 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; DECLARING AN EFFECTIVE DATE; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL; 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 of Sherman, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on or about March 31, 2020, Atmos Mid-Tex filed its 2020 RRM rate request with ACSC Cities based on a test year ending December 31, 2019; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2020 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$90 million applicable to ACSC Cities with an Effective Date of December 1, 2020; and

WHEREAS, ACSC agrees that Atmos plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the two-month delayed Effective Date from October 1 to December 1 will save ACSC ratepayers approximately \$9 million off new rates imposed by the attached tariffs (Exhibit A), the impact on ratepayers should approximate the reasonable value of the rate filing found by the ACSC Consultants' Report, which was \$81 million; and

WHEREAS, the attached tariffs (Exhibit A) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Exhibit B); and

WHEREAS, the settlement agreement establishes an amortization schedule for regulatory liability prepared by Atmos Mid-Tex (Exhibit C); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

SECTION 1. That the findings set forth in this Ordinance are hereby in all things approved.

SECTION 2. That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$90 million for ACSC Cities represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2020 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

SECTION 3. That, despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

SECTION 4. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. That the new tariffs, attached hereto and incorporated herein as Exhibit A, are just and reasonable and are designed to allow Atmos Mid-Tex to recover annually an additional \$90 million from customers in ACSC Cities over the amount allowed under currently approved rates. That such tariffs are hereby adopted.

SECTION 5. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Exhibit B, attached hereto and incorporated herein.

SECTION 6. That subject to any future settlement or decision regarding the balance of Excess Deferred Income Tax to be refunded to ratepayers, the amortization of regulatory liability shall be consistent with the schedule found in Exhibit C, attached hereto and incorporated herein.

SECTION 7. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2020 RRM filing.

SECTION 8. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

SECTION 9. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

SECTION 10. That consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after December 1, 2020.

SECTION 11. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

SECTION 12. 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.

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

Exhibit A
to 2020 RRM Resolution or Ordinance

Mid-Tex Tariffs
Effective December 1, 2020

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 20.25 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 20.30 per month
Commodity Charge – All <u>Ccf</u>	\$0.26651 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2020.

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 54.50 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 54.52 per month
Commodity Charge – All Ccf	\$ 0.11728 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2020.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,014.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4157 per MMBtu
Next 3,500 MMBtu	\$ 0.3044 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0653 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,014.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4157 per MMBtu
Next 3,500 MMBtu	\$ 0.3044 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0653 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where
 i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.

HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_i = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.73	0.1545	94.79	0.7284
Austin	9.53	0.1489	211.76	0.9405
Dallas	15.77	0.1792	199.74	0.9385
Waco	9.99	0.1341	145.27	0.7110
Wichita Falls	11.61	0.1402	120.34	0.5747

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

Exhibit B
to 2020 RRM Resolution or Ordinance

Mid-Tex
2020 Benchmark for Pensions
and Retiree Benefits

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2019

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Supplemental Executive Benefit Plan	Post-Employment Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Benefits Benchmark - Fiscal Year 2020 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 3,460,135	\$ 3,695,384	\$ 6,132,704	\$ 280,578	\$ 4,992,449	
2	Allocation to Mid-Tex	43.29%	43.29%	76.59%	100.00%	76.59%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 1,497,774	\$ 1,599,605	\$ 4,697,072	\$ 280,578	\$ 3,823,744	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	\$ 1,497,774	\$ 1,599,605	\$ 4,697,072	\$ 280,578	\$ 3,823,744	\$ 11,898,774
6							
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	79.55%	79.55%	37.83%	11.67%	37.83%	
11							
12							
13	Total Pension Account Plan	\$ 1,191,410		\$ 1,777,056			\$ 2,968,466
14	Total Post-Employment Benefit Plan		\$ 1,272,412			\$ 1,446,647	2,719,060
15	Total Supplemental Executive Benefit Plan				\$ 32,754		32,754
16	Total (Ln 13 + Ln 14 + Ln 15)	\$ 1,191,410	\$ 1,272,412	\$ 1,777,056	\$ 32,754	\$ 1,446,647	\$ 5,720,280

Notes:

1. Studies not applicable to Mid-Tex or Shared Services are omitted.
2. Mid-Tex is proposing that the Fiscal Year 2020 Willis Towers Watson actuarial amounts shown on WP_F-2.3 and WP_F-2.3.1, be approved by the RRM Cities as the benchmark amounts to be used to calculate the regulatory asset or liability for future periods. The benchmark amount approved by the RRM Cities for future periods includes only the expense amount. The amount attributable to capital is recorded to utility plant through the overhead process as described in the CAM.
3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.

Exhibit C
to 2020 RRM Resolution or Ordinance

Mid-Tex 2020 Schedule for
Amortization for Regulatory Liability

ATMOS ENERGY CORP., MID-TEX DIVISION
RATE BASE ADJUSTMENTS
TEST YEAR ENDING DECEMBER 31, 2019
AMORTIZATION OF REGULATORY LIABILITY

Line No.	Year Ended Dec. 31	Beginning of Year Rate Base Adjustment Amount	Annual Amortization (1)	End of Year Rate Base Adjustment Amount (2)	Corrected Balance for December 31, 2017 (3)
	(a)	(b)	(c)	(d)	(e)
1	2017		\$ -	\$ 292,268,881	\$ 292,268,881
2	2018	292,268,881	12,075,562	280,193,319	
3	2019	280,193,319	12,085,165	268,108,155	
4	2020	268,108,155	11,171,173	256,936,982	
5	2021	256,936,982	11,171,173	245,765,809	
6	2022	245,765,809	11,171,173	234,594,635	
7	2023	234,594,635	11,171,173	223,423,462	
8	2024	223,423,462	11,171,173	212,252,289	
9	2025	212,252,289	11,171,173	201,081,116	
10	2026	201,081,116	11,171,173	189,909,943	
11	2027	189,909,943	11,171,173	178,738,770	
12	2028	178,738,770	11,171,173	167,567,597	
13	2029	167,567,597	11,171,173	156,396,424	
14	2030	156,396,424	11,171,173	145,225,251	
15	2031	145,225,251	11,171,173	134,054,077	
16	2032	134,054,077	11,171,173	122,882,904	
17	2033	122,882,904	11,171,173	111,711,731	
18	2034	111,711,731	11,171,173	100,540,558	
19	2035	100,540,558	11,171,173	89,369,385	
20	2036	89,369,385	11,171,173	78,198,212	
21	2037	78,198,212	11,171,173	67,027,039	
22	2038	67,027,039	11,171,173	55,855,866	
23	2039	55,855,866	11,171,173	44,684,692	
24	2040	44,684,692	11,171,173	33,513,519	
25	2041	33,513,519	11,171,173	22,342,346	
26	2042	22,342,346	11,171,173	11,171,173	
27	2043	11,171,173	11,171,173	(0)	
28					
29	Revenue Related Tax Factor		7.16%	See WP_F-5.1	
	Revenue Related Taxes on Annual			Amortization * Tax	
30	Amortization		\$ 799,924	Factor	
31	Amortization Including Revenue		<u>\$ 11,971,097</u>	Amortization + Taxes	

Notes:

1. The annual amortization of a 26 year recovery period is based on the Reverse South Georgia Method.
2. The Regulatory Liability is recorded to FERC Account 253, Sub Account 27909.
3. This is the final Mid-Tex liability balance filing the Fiscal Year 2018 tax return.

August 17, 2020

STAFF REPORT

BACKGROUND AND SUMMARY

The City, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about March 31, 2020, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2019, entitled it to additional system-wide revenues of \$141.2 million. Application of the standards set forth in ACSC’s RRM Tariff required Atmos to reduce its request to \$136.3 million, \$98.7 million of which would be applicable to ACSC members. ACSC’s consultants concluded that the system-wide deficiency under the RRM regime should be \$111.5 million instead of the claimed \$136.3 million. The amount of the \$111.5 million deficiency applicable to ACSC members would be \$80.8 million.

After the Company reviewed ACSC’s consultants’ report, ACSC’s Executive Committee and the Company negotiated a settlement whereby the Company would receive an increase of \$90 million from ACSC Cities, but with a two-month delay in the Effective Date until December 1, 2020. This

should save ratepayers approximately \$9 million such that the case is functionally equivalent to ACSC's consultants' recommendation of \$80.8 million.

The Executive Committee recommends a settlement at \$90 million. The Effective Date for new rates is December 1, 2020. ACSC members should take action approving the Resolution before November 1, 2020.

PROOF OF REVENUES

Atmos generated proof that the rate tariffs attached to the Resolution will generate \$90 million in additional revenues from ACSC Cities. That proof is attached as Attachment 1 to this Staff Report. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

BILL IMPACT

The impact of the settlement on average residential rates is an increase of \$5.15 on a monthly basis, or 9.9 percent. The increase for average commercial usage will be \$15.48 or 6.56 percent. A bill impact comparison is attached as Attachment 2.

SUMMARY OF ACSC'S OBJECTION TO THE UTILITIES CODE SECTION 104.301 GRIP PROCESS

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow recovery of Cities' rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

RRM SAVINGS OVER GRIP

While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM. Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR. When new rates become effective on December 1, 2020, ACSC residents will maintain a slight economic monthly advantage over GRIP and DARR rates. See Attachment 3.

EXPLANATION OF “BE IT RESOLVED” PARAGRAPHS:

1. This section approves all findings in the Resolution.
2. This section adopts the RRM rate tariffs and finds the adoption of the new rates to be just, reasonable, and in the public interest.
3. This section makes it clear that Cities may challenge future costs associated with gas leaks like the explosion in North Dallas or the evacuation in Georgetown.
4. This section finds that existing rates are unreasonable. Such finding is a necessary predicate to establishment of new rates. The new tariffs will permit Atmos Mid-Tex to recover an additional \$90 million from ACSC Cities.
5. This section approves an exhibit that establishes a benchmark for pensions and retiree medical benefits to be used in future rate cases or RRM filings.
6. This section approves an exhibit to be used in future rate cases or RRM filings regarding recovery of regulatory liabilities, such as excess deferred income taxes.
7. This section requires the Company to reimburse the City for expenses associated with review of the RRM filing, settlement discussions, and adoption of the Resolution approving new rate tariffs.
8. This section repeals any resolution or ordinance that is inconsistent with the Resolution.

9. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Resolution. This section further directs that the remaining provisions of the Resolution are to be interpreted as if the offending section or clause never existed.
10. This section provides for an effective date upon passage. December 1, 2020 represents a two month delay in the Effective Date established by the RRM tariff.
11. This section directs that a copy of the signed Resolution be sent to a representative of the Company and legal counsel for ACSC.
12. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

CONCLUSION

The Legislature's GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex's claim that its historic cost of service should entitle it to recover \$141.2 million in additional system-wide revenues, the RRM settlement at \$90 million for ACSC Cities reflects substantial savings to ACSC Cities. ACSC's consultants produced a report indicating that Atmos had justified increased revenues for ACSC Cities of at least \$81 million. Settlement at \$90 million (equivalent to \$81 million with a two-month delay) is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Resolution before November 1, 2020. New rates become effective December 1, 2020.

**Attachment 1 to
Model Staff Report**

2020 RRM

Proof of Revenues

ATMOS ENERGY CORP., MID-TEX DIVISION
RRM CITIES RATE REVIEW MECHANISM
PROOF OF REVENUES - RRM CITIES
TEST YEAR ENDING DECEMBER 31, 2019

Line No.	Customer Class	Current	Proposed	Bills	Ccf/MmBtu	Current Revenues	Proposed Revenues	Increase
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
1	Residential							
2	Customer Charge	\$ 19.55	\$ 20.25	13,644,834		\$ 266,756,505	\$ 276,307,889	
3	Consumption Charge	0.17423	0.26651		608,491,998	106,017,561	162,169,202	
4	Revenue Related Taxes					26,692,882	31,397,617	
5	Total Class Revenue					<u>\$ 399,466,948</u>	<u>\$ 469,874,708</u>	<u>\$ 70,407,760</u>
6								
7	Commercial							
8	Customer Charge	\$ 46.50	\$ 54.50	1,115,081		\$ 51,851,267	\$ 60,771,915	
9	Consumption Charge	0.09924	0.11728		398,510,866	39,548,218	46,737,354	
10	Revenue Related Taxes					6,544,757	7,698,315	
11	Total Class Revenue					<u>\$ 97,944,242</u>	<u>\$ 115,207,584</u>	<u>\$ 17,263,342</u>
12								
13	Industrial & Transportation							
14	Customer Charge	\$ 845.50	\$ 1,014.50	7,272		\$ 6,148,476	\$ 7,377,444	
15	Consumption Charge Tier 1	\$ 0.3572	\$ 0.4157		7,769,155	2,775,142	3,229,638	
16	Consumption Charge Tier 2	\$ 0.2616	\$ 0.3044		8,666,094	2,267,050	2,637,959	
17	Consumption Charge Tier 3	\$ 0.0561	\$ 0.0653		13,696,172	768,355	894,360	
18	Revenue Related Taxes					856,339	1,012,467	
19	Total Class Revenue					<u>\$ 12,815,362</u>	<u>\$ 15,151,868</u>	<u>\$ 2,336,505</u>
20								
21	Total Excluding Other Revenue					<u>\$ 510,226,552</u>	<u>\$ 600,234,159</u>	<u>\$ 90,007,608</u>
22								
23								
24	Revenue Related Tax Factor	7.1606%						

**Attachment 2
to 2020 RRM Staff Report**

Bill Impact

ATMOS ENERGY CORP., MID-TEX DIVISION
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2019

Line No.						Current	Proposed	Change
1	Rate R @ 44.5 Ccf							
2	Customer charge					\$ 19.55		
3	Consumption charge	44.5	CCF	X \$ 0.17423	=	7.75		
4	Rider GCR Part A	44.5	CCF	X \$ 0.17750	=	7.90		
5	Rider GCR Part B	44.5	CCF	X \$ 0.29953	=	13.33		
6	Subtotal					\$ 48.53		
7	Rider FF & Rider TAX			X 0.07161	=	3.48		
8	Total					\$ 52.01		
9								
10	Customer charge						\$ 20.25	
11	Consumption charge	44.5	CCF	X \$ 0.26651	=		11.86	
12	Rider GCR Part A	44.5	CCF	X \$ 0.17750	=		7.90	
13	Rider GCR Part B	44.5	CCF	X \$ 0.29953	=		13.33	
14	Subtotal						\$ 53.34	
15	Rider FF & Rider TAX			X 0.07161	=		3.82	
16	Total						\$ 57.16	\$ 5.15
17								9.90%
18								
19	Rate C @ 357.4 Ccf							
20	Customer charge					\$ 46.50		
21	Consumption charge	357.4	CCF	X \$ 0.09924	=	35.47		
22	Rider GCR Part A	357.4	CCF	X \$ 0.17750	=	63.44		
23	Rider GCR Part B	357.4	CCF	X \$ 0.20954	=	74.89		
24	Subtotal					\$ 220.30		
25	Rider FF & Rider TAX			X 0.07161	=	15.77		
26	Total					\$ 236.07		
27								
28	Customer charge						\$ 54.50	
29	Consumption charge	357.4	CCF	X \$ 0.11728	=		41.91	
30	Rider GCR Part A	357.4	CCF	X \$ 0.17750	=		63.44	
31	Rider GCR Part B	357.4	CCF	X \$ 0.20954	=		74.89	
32	Subtotal						\$ 234.74	
33	Rider FF & Rider TAX			X 0.07161	=		16.81	
34	Total						\$ 251.55	\$ 15.48
35								6.56%

36	Rate I @ 4143 MMBTU					Current	Proposed	Change
37	Customer charge					\$ 845.50		
38	Consumption charge	1,500	MMBTU	X \$ 0.3572 =	535.80			
39	Consumption charge	2,643	MMBTU	X \$ 0.2616 =	691.54			
40	Consumption charge	0	MMBTU	X \$ 0.0561 =	-			
41	Rider GCR Part A	4,143	MMBTU	X \$ 1.7334 =	7,182.31			
42	Rider GCR Part B	4,143	MMBTU	X \$ 0.4531 =	1,877.54			
43	Subtotal				\$ 11,132.69			
44	Rider FF & Rider TAX		\$ 11,132.69	X 0.07161 =	797.17			
45	Total				<u>\$ 11,929.86</u>			
46								
47	Customer charge					\$ 1,014.50		
48	Consumption charge	1,500	MMBTU	X \$ 0.4157 =	623.55			
49	Consumption charge	2,643	MMBTU	X \$ 0.3044 =	804.68			
50	Consumption charge	0	MMBTU	X \$ 0.0653 =	-			
51	Rider GCR Part A	4,143	MMBTU	X \$ 1.7334 =	7,182.31			
52	Rider GCR Part B	4,143	MMBTU	X \$ 0.4531 =	1,877.54			
53	Subtotal				\$ 11,502.58			
54	Rider FF & Rider TAX		\$ 11,502.58	X 0.07161 =	823.65			
55	Total				<u>\$ 12,326.23</u>	\$ 396.37		
56								3.32%
57	Rate T @ 4143 MMBTU					Current	Proposed	Change
58	Customer charge				\$ 845.50			
59	Consumption charge	1,500	MMBTU	X \$ 0.3572 =	535.80			
60	Consumption charge	2,643	MMBTU	X \$ 0.2616 =	691.54			
61	Consumption charge	0	MMBTU	X \$ 0.0561 =	-			
62	Rider GCR Part B	4,143	MMBTU	X \$ 0.4531 =	1,877.54			
63	Subtotal				\$ 3,950.38			
64	Rider FF & Rider TAX		\$ 3,950.38	X 0.07161 =	282.87			
65	Total				<u>\$ 4,233.25</u>			
66								
67	Customer charge					\$ 1,014.50		
68	Consumption charge	1,500	MMBTU	X \$ 0.4157 =	623.55			
69	Consumption charge	2,643	MMBTU	X \$ 0.3044 =	804.68			
70	Consumption charge	0	MMBTU	X \$ 0.0653 =	-			
71	Rider GCR Part B	4,143	MMBTU	X \$ 0.4531 =	1,877.54			
72	Subtotal				\$ 4,320.27			
73	Rider FF & Rider TAX		\$ 4,320.27	X 0.07161 =	309.36			
74	Total				<u>\$ 4,629.63</u>	\$ 396.38		
75								9.36%

**Attachment 3
to 2020 RRM Staff Report**

RRM Monthly Savings Over GRIP and DARR Rates

**ATMOS ENERGY CORP., MID-TEX DIVISION
RESIDENTIAL AVERAGE RATE COMPARISON
TEST YEAR ENDING DECEMBER 31, 2019**

	ACSC Settled	DARR Filing	ATM Filing	Environs Filing
Cust Charge	\$20.25	\$23.75	\$26.40	\$24.60
Monthly Ccf	44.5	44.5	44.5	44.5
Cons Charge	\$0.26651	\$0.19336	\$0.14846	\$0.18653
Average Mo Bill	\$32.11	\$32.35	\$33.01	\$32.90
		-\$0.24	-\$0.90	-\$0.79



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C. 6.

Meeting Date: 09/08/2020

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6321

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-1 (One Family Residential) District in the 900 block of North F.M. 1417 (Heritage Parkway), Tract 1 being 11.244 acres in the J.B. McAnair Survey, Abstract No. 763, and Tract 2 being 0.010 acres in the J.B. McAnair Survey, Abstract No. 763, for a total of 11.254 acres (Washington 1417 LP, Owners; Tim Pike, Wyldewood Homes, Prospective Buyer; and Preston Trail Land Surveying, Surveyor)

Issue:

To consider the request of Washington 1417 LP (Owners), Tim Pike, Wyldewood Homes (Prospective Buyer), and Preston Trail Land Surveying (Surveyor) concerning the property in the 900 block of North F.M. 1417 (Heritage Parkway), Tract 1 being 11.244 acres in the J.B. McAnair Survey, Abstract No. 763, and Tract 2 being 0.010 acres in the J.B. McAnair Survey, Abstract No. 763, for a total of 11.254 acres, for a zone change from a C-1 (Retail Business) District to an R-1 (One Family Residential) District

Background:

The property is located in the 900 block of North F.M. 1417 (Heritage Parkway); the southeast corner of F.M. 1417 (Heritage Parkway) and Washington Street. The owners would like to change the zoning on a portion of the property from a C-1 (Retail Business) District to an R-1 (One Family Residential) District. The preliminary plan has 136 proposed lots for residential development.

Origination:

Washington 1417 LP (Owners)
Tim Pike, Wyldewood Homes (Prospective Buyer)
Preston Trail Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 18, 2020 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6321

Aerial Location Map

Zoning Map

Zoning Sign Photo

Survey

Preliminary Layout

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6321

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-1 (ONE FAMILY RESIDENTIAL) DISTRICT IN THE 900 BLOCK OF NORTH F.M. 1417 (HERITAGE PARKWAY), TRACT 1 BEING 11.244 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AND TRACT 2 BEING 0.010 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, FOR A TOTAL OF 11.254 ACRES (WASHINGTON 1417 LP, OWNERS; TIM PIKE, WYLDEWOOD HOMES, PROSPECTIVE BUYER; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, the following described property shall be in the R-1 (One-Family Residential) District in the 900 block of North FM 1417 (Heritage Parkway), and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

Tract 1

BEING all of that certain tract or parcel of land situated in the J.B. McAnair Survey, Abstract No. 763, City of Sherman, Grayson County, Texas, and being part of a called 50.990 acre tract of land described in the deed to Washington 1417, LP, recorded in Volume 4207, Page 907, Official Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a ½ inch iron rod with a plastic cap stamped "SUMMIT" found for the northeast corner of the herein described tract of land, common to the southeast corner of Lot 1 in Block 1 of Brookshire Addition, according to the plat thereof recorded in Volume 22, Page 62, Plat Records of Grayson County, Texas, and on the easterly line of said 50.990 acre tract, and on the westerly line of a called 30.96 acre tract of land described in the deed to West Sherman Baptist Church, Inc., recorded in Volume 3758, Page 847, said Official Records, and from which an "X" found scribed in concrete for the northeast corner of said Lot 1 bears North 13° 13' 08" West, a distance of 455.88 feet;

THENCE South 13° 13' 08" East, with the easterly line of said 50.990 acre tract, and with the westerly line of said 30.96 acre tract, a distance of 541.38 feet to a point for corner, said point falls in a creek;

THENCE South 13° 20' 33" East, continuing with the easterly line of said 50.990 acre tract, and with the westerly line of said 30.96 acre tract, a distance of 177.65 feet to the southeast corner of the herein described tract of land;

THENCE continuing across said 50.990-acre tract, the following four (4) courses:

- South 82° 33' 31" West, a distance of 871.63 feet to a point for corner;
- North 19° 44' 57" East, a distance of 361 .81 feet to a Capped Iron Rod set for corner at the beginning of a tangent curve to the left having a delta angle of 01° 40' 02", a radius of 3225.25 feet, and a chord bearing and distance of North 18° 54' 56" East, 93.85 feet;
- With said curve to the left, an arc distance of 93.86 feet to a Capped Iron Rod set for corner at the beginning of a non-tangent curve to the right having a delta angle of 09° 19' 41", a radius of 1795.23 feet, and a chord bearing and distance of North 82° 36' 19" East, 291.95 feet;
- With said curve to the right, an arc distance of 292.27 feet to a Capped Iron Rod set for corner on the easterly line of a called 0.3094 of an acre tract of land described in the deed to State of Texas, recorded in Instrument No. 2019-26143, said Official Records, and on the easterly right-of-way line of Farm to Market Road 1417;

THENCE North 21° 24' 08" East, continuing across said 50.990 acre tract, and with the easterly line of said 0.3094 acre tract, and with the easterly right-of-way line of said Farm to Market Road 1417, a distance of 50.45 feet to a 5/8-inch iron rod found for corner;

THENCE North 16° 49' 44" East, continuing across said 50.990 acre tract, and with the easterly line of said 0.3094 acre tract, and with the easterly right-of-way line of said Farm to Market Road 1417, a distance of 10.28 feet to a Capped Iron Rod set corner, and at the beginning of a non-tangent curve to the left having a delta angle of 09° 33' 13", a radius of 1735.23 feet, and a chord bearing and distance of South 83° 01' 00" East, 289.00 feet;

THENCE continuing across said 50.990-acre tract, the following four (4) courses:

- With said curve to the left, an arc distance of 298.33 feet to a Capped Iron Rod set for corner at the beginning of a non-tangent curve to the left having a delta angle of 07° 59' 44", radius of 3225.25 feet, and a chord bearing and distance of North 12° 58' 49" East, 449.71 feet;
- With said curve to the left, an arc distance of 450.08 feet to a Capped Iron Rod set for corner;
- North 82° 08' 48" East, a distance of 321.42 feet to a Capped Iron Rod set for corner at the beginning of a non-tangent curve to the left having a delta angle of 04° 21' 51", a radius of 275.00 feet, and a chord bearing and distance of North 09° 23' 29" East, 20.94 feet;

- With said curve to the left, an arc distance of 20.95 feet to a Capped Iron Rod set for the northernmost northwest corner of the herein described tract of land, and on the southerly line of aforesaid Lot 1;

THENCE North 82° 08' 48" East, continuing across of said 50.990 acre tract, and with the southerly line of said Lot 1, a distance of 179.89 feet to the **POINT OF BEGINNING and enclosing 11,244 acres (489,908 square feet) of land, more or less.....**

Tract 2

BEING all of that certain tract or parcel of land situated in the J.B. McAnair Survey, Abstract No. 763, City of Sherman, Grayson County, Texas, and being part of a called 50.990 acre tract of land described in the deed to Washington 1417, LP recorded in Volume 4207, Page 907, Official Records of Grayson County, Texas, and being more particularly described as follows:

COMMENCING at a ½ 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, and on the easterly line of a called 0.3094 of an acre tract of land described in the deed to State of Texas, recorded in Instrument No, 2019-26143, and on the easterly right-of-way line of Farm to Market Road 1417, at the beginning of a non-tangent curve to the left having a delta angle of 05° 54' 20", a radius of 2235.23 feet, and a chord bearing and distance of South 79° 18' 52" East, 230.39 feet, and from the point of commencement, an aluminum brass disk stamped "TXDOT" found for the southern-most corner of said 0.3094 acre tract and on the westerly line of said 50,990 acre tract bears South 18° 15' 50" West, a distance of 19.64 feet;

THENCE crossing said 50.990 acre tract, with said curve to the left, an arc distance of 230.39 feet to the westerly corner of the herein described tract of land, and at the **POINT OF BEGINNING** at the beginning of a tangent curve to the left having a delta angle of 01° 36' 55", a radius of 2235.23 feet, and a chord bearing and distance of South 83° 04' 29" East, 63.01 feet;

THENCE continuing across said 50.990 acre tract, with said curve to the left, an arc distance of 63.01 feet to a ½ inch iron rod with a plastic cap stamped "PRESTON TRAIL LAND SURVEYING RPLS 6585" set for the northeast corner of the herein described tract of land;

THENCE South 19° 43' 29" West, continuing across said 50.990 acre tract, a distance of 14.04 feet to the southeast corner of the herein described tract of land;

THENCE North 70° 12' 07" West, continuing across said 50.990 acre tract, a distance of 61.45 feet to the **POINT OF BEGINNING and enclosing 0.010 of an acre (422 square feet) of land, more or less.....**

SECTION 2. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 12, Ordinance No. 2280.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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.

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



900 Blk. N. FM 1417 (Heritage Parkway)



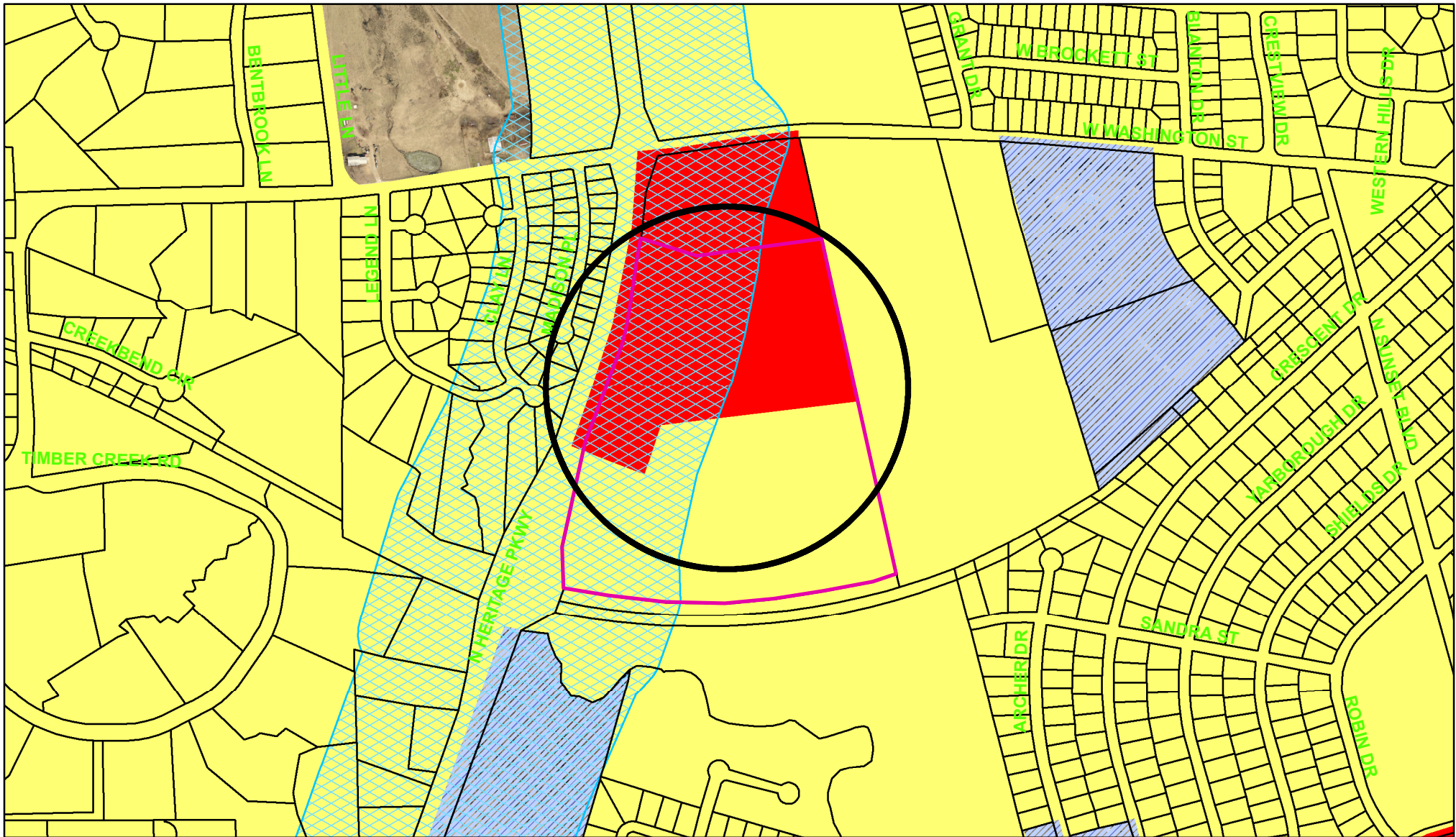
City of Sherman, Texas
Developmental Services Department

900 Blk. North FM 1417 (Heritage Parkway)



NOT TO SCALE

1 in = 500 ft



Zoning - 900 Block North FM 1417 (Heritage Parkway)

Legend

Parcels_Buffer3	Representation: SpermGIS.DBO.TransportationCorridor_Rep_1	CO Office District
Special Districts Overlay	FM 1417	Lakes
DISTRICT_NAME	Sam Rayburn Freeway	M-1 Light Manufacturing District
Arts and Cultural District	US Hwy 82 and 75	M-1.5 Medium Manufacturing District
Bialock Commercial Overlay District	SH 289	M-2 Heavy Manufacturing District
Central Business District	FM 691	MH Manufacturing Housing District
College Park District		R-1 One Family Residential District
Downtown Overlay District	Zoning Districts	R-2 Multi-Family Residential District
Historic Preservation District	Representation: SpermGIS.DBO.ZoningDistrict_Rep	R-A Single Family Agricultural District
Transportation Corridor	Unknown	SF-1 Single Family Residential District
	BIP Bialock Industrial Park	PD Planned Development
	C-1 Retail Business District	
	C-2 General Commercial District	



City of Sherman, Texas
Developmental Services Department



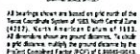
NOT TO SCALE

1 in = 600 ft

300-1000 Blocks East FM 1417 (Vietnam Veterans Parkway)

Jul 30, 2020 at 1:27 PM





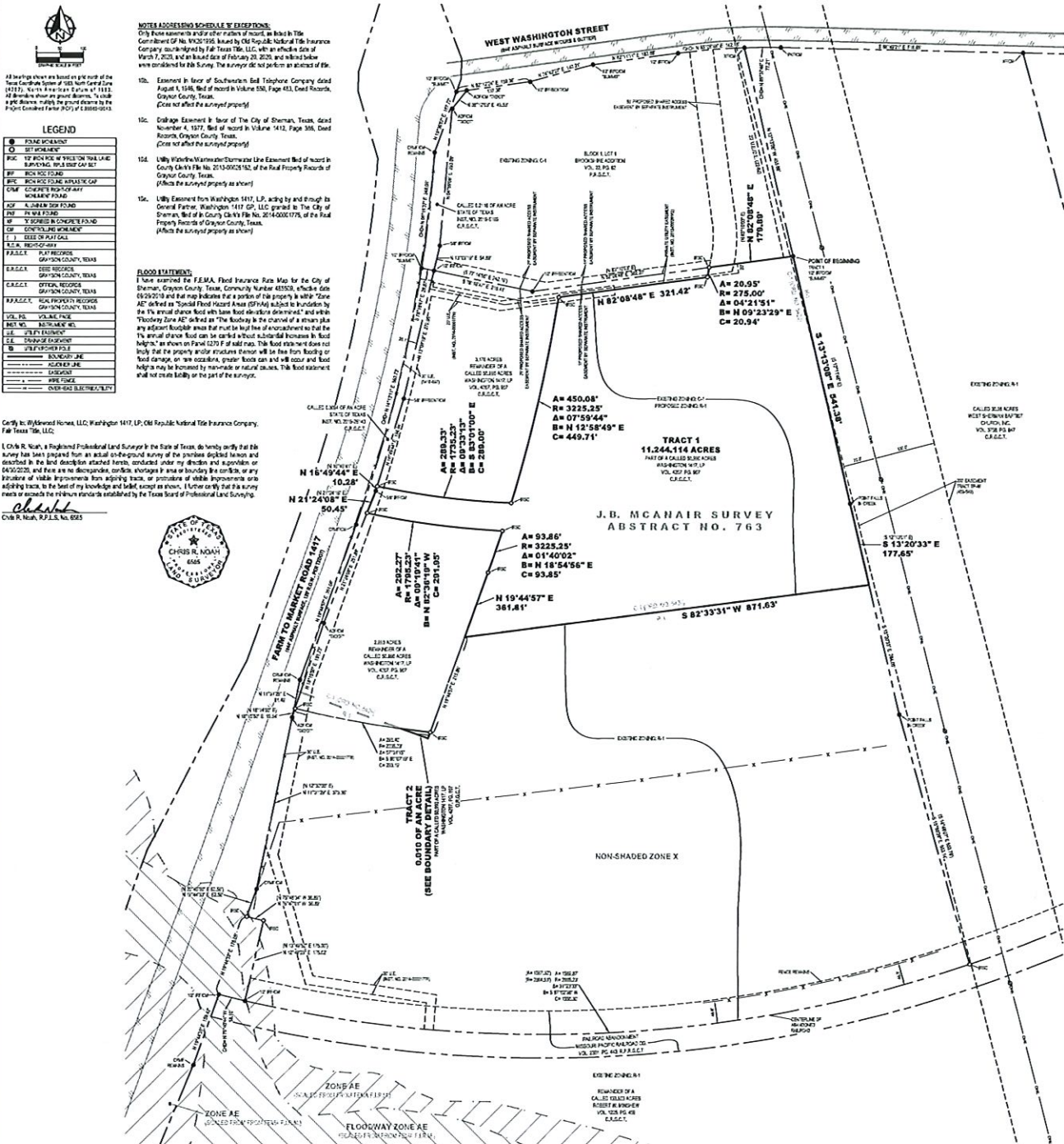
NOTES ADDRESSING SCHEDULE "B" EXCEPTIONS:
Only those statements and/or other matters of record, as listed in Title Commitment of PG No. VN261936, issued by Old Republic National Title Insurance Company, countersigned by Fair Texas Title, LLC, with an effective date of March 7, 2020, and an issued date of February 20, 2020, and referred below were considered for this Survey. The surveyor did not perform an abstract of title.

- 10b. Exemption in favor of Southern Bell Telephone Company dated August 1, 1948, filed of record in Volume 556, Page 433, Deed Records, Grayson County, Texas.
(Does not affect the surveyed property)
- 10c. Drainage Exemption in favor of The City of Sherman, Texas, dated November 4, 1977, filed of record in Volume 1412, Page 388, Deed Records, Grayson County, Texas.
(Does not affect the surveyed property)
- 10d. Utility Withholding Waiver/Disclaimer Line Exemption filed of record in Grayson Clerk's File No. 2013-00285182, of the Real Property Records of Grayson County, Texas.
(Affects the surveyed property as shown)
- 10e. Utility Exemption from Washington, D.C., acting as and through its

[illegible]

FLOOD STATEMENT:
I have examined the FEMA Flood Insurance Rate Map for the City of Sherman, Grayson County, Texas, Community Number 435353, effective date 05/20/2013, and map number 13010, and that a portion of this property is within "Zone A" flood hazard area. The Flood Hazard is defined as the area to be inundated by the 1% annual chance flood with base flood elevations determined and labeled as "Floodway Zone A" defined as "The floodway is the channel of a stream plus any adjacent floodplain areas that must be left free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights," as shown on Panel 12370 of said map. This flood risk does not imply that the property and/or structures therein will be free from flooding or flood damage, or in some 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.

I, **Chris R. Neat**, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey has been prepared from an actual on-the-ground survey of the parcels depicted hereon and as described in the land description attached hereto, conducted under my direction and supervision on 04/30/2020, and there are no discrepancies, conflicts, shortages in area or boundary line conflicts, or any variations of visible improvements from adjoining tract, or protrusions of visible improvements onto adjoining tract, to the best of my knowledge and belief, except as shown. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveyors.



TRACT 9:

BEING all of that certain tract or parcel of land situated in the J.B. McAnis Survey, Abstract No. 763, City of Sherman, Grayson County, Texas, and being part of a called 50.890 acre tract of land described in the deed to Washington 1417, LP, recorded in Volume 4207, Page 907, Official Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 12-inch iron rod with a plastic cap stamped "SUNVIT found for the northeast corner of the bench described tract of land, corner to the southeast corner of Lot 1 in Block 1 of the "Hawthorne Addition," according to the plat thereof entered in Volume 12, Page 62, Plat Records of the County of San Diego, California, and to the southeast corner of the lot described in the plat of a certain 36.35 acre tract of land described by the deed to Violet Shuman Baggett Church, Inc., recorded in Volume 3756, Page 847, said Official Records, and from which an "X" found round iron corner for the northeast corner of said Lot 1 bears North 11° 13' 08" West, a distance of 65.58 feet.

THENCE South 11° 13' 08" East, with the easterly line of said 36.35 acre tract, and with the westerly line of said 36.35 acre tract, a distance of 177.55 feet; to the southeast corner of the bench described tract of land;

THENCE South 12° 02' 37" East, complying with the easterly line of said 36.35 acre tract, and with the westerly line of said 36.35 acre tract, a distance of 177.55 feet; to the southeast corner of the bench described tract of land;

- [illegible]

BENG 41

of Sherman, Grayson County, Texas, and being part of a called 50.590 acre tract of land described in the deed to Washington 1417, LP, recorded in Volume 4257, Page 367, Official Records of Grayson County, Texas, and being more particularly described as follows:

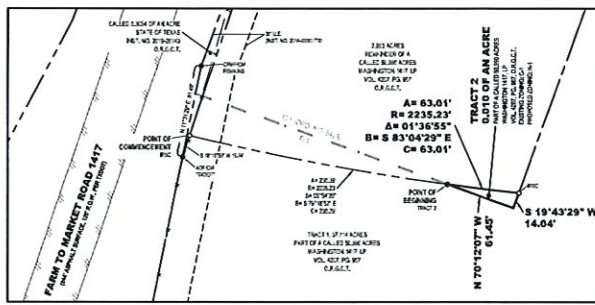
CONSIDERING at a 121/21/21 foot and with a plastic cap stamped "TRISTEON TRAIL AND SURVEYING
RPLS 5585" set for the southwest corner of the herein described tract of land, and on the eastern line
of lot 30504 of an acre tract of land described in the deed to State of Texas, recorded in Instrument No.
2013-08140, and on the easterly right-of-way line of Farm to Market Road 1417, at the beginning of
non-tangent curve to the left having a deflection angle of 65°54'07", a radius of 2206.23 feet, and a chord
bearing and distance of South 77°15'12" East, 230.39 feet, and from the point of commencement, set
an aluminum brass disk stamped "TICOT" for the southwest corner of said lot 30504 acre tract and

[illegible]

BOUNDARY DETAIL (SCALE 1"=50')
TRACT 2: 0.010 OF AN ACRE

TRACT 2: 0.010 OF AN ACRE
EXISTING ZONING: C-1 PROPOSED: M

EXISTING ZONING: C-1, PROPOSED: I

ZONING CHANGE EXHIBIT
LITTLE TRACT

TRACT 1: 11.244 ACRES

TRACT 1: 11.244 ACRES
 TRACT 2: 0.1 ACRES

TRICOT 2.010.05 IN 108

TRACT 2: 0.010 OF AN ACR
FIND TO HOLD: 0.1 PERCENT

TRAG ZUGLAGE: G-1, PROPOS
DAVID SUMMEL, ARTIST

CANCER SURVEY, ABSTRACT

Farm to Market Road 1714, St.

Grayson County, Texas

on Trail 82453 N. St.
Baltimore, TX

**Non Invasive
SURVEYING**

Drawn by SMI	Scale 1:400
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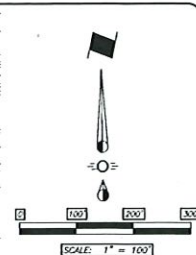
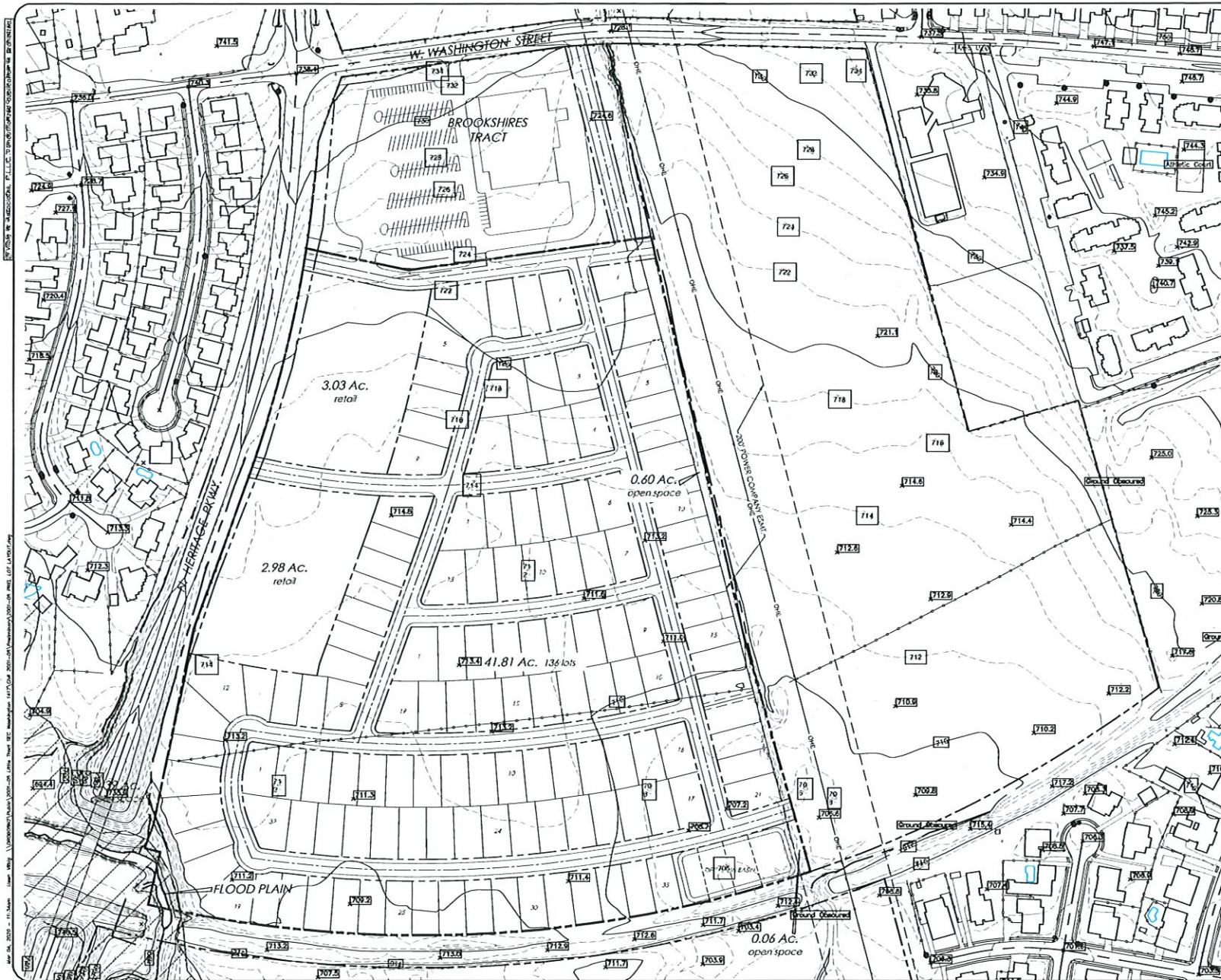
Checked by: CFE	Date: 05/24/2023
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Journal compilation © 2006 Blackwell Publishing Ltd

REVISION 07/27/2021

Preston Trail
LAND SURVEYING
83433 N. State Hwy 288, Suite 300
Patterson, TX 75067
www.prestontrailandsurveying.com
933-786-6229

WIS475	Checked by: CRH	Date: 05/14/2020	Sheet No. 1 of 1
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0-2 INCHES
 1/4" = 1' SCALE
 1/8" = 1' SCALE
 1/16" = 1' SCALE
 1/32" = 1' SCALE
 1/64" = 1' SCALE
 1/128" = 1' SCALE
 1/256" = 1' SCALE
 1/512" = 1' SCALE
 1/1024" = 1' SCALE
 1/2048" = 1' SCALE
 1/4096" = 1' SCALE
 1/8192" = 1' SCALE
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STAFF REVIEW LETTER

August 11, 2020

Washington 1417 LP
1650 W. Virginia
McKinney, TX 75069

Preston Trail Lane Surveying
83493 N. State Hwy. 289, Ste. 5
Pottsboro, TX 75076

Tim Pike
518 Bledsoe Rd.
Gunter, TX 75058

Dear Applicant,

The request for a zone change and site plan approval from a C-1 (Retail Business) District to an R-1 (One Family Residential) District for the property located in the 900 block of North FM 1417 (Heritage Parkway) has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, August 18, 2020 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the R-1 (One-Family Residential) District, the fence ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking is permitted on paved surfaces only (concrete or asphalt).
4. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9' x 20'
5. Any structures built over any of the easements on the property will require approval for an encroachment easement from the City Council.
6. Review the zoning and development ordinance for additional requirements.
7. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

8. Entrances/Exits off FM 1417 will be Right-in, Right-out only.
9. Platting of subject property required upon development.
10. Privately owned and maintained detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
11. All requirements of the Floodplain Ordinance shall be followed.
12. Verify fire lane requirements with Fire Marshall.
13. A utility, drainage, and grading plan shall be provided and approved by the City Engineering Department. A site development meeting is required.
14. Development Agreement required for public infrastructures.
15. Shared Access Easement off Washington will be privately owned and maintained. Easement document must be filed of record and filing information must be shown on plat.

16. Shared Access Easement off FM 1417 shall be dedicated as a public street and shall meet minimum right-of-way requirements.
17. Water and sewer shall be extended to serve the development. Sewer capacity shall be verified for proposed use.

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae
Incoming 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
Christopher Armstrong, Asst. City Engineer
Tom Pruitt, Utility Engineer

Billy Hartsfield, Fire Marshal
Brandon Shelby, City Attorney
Amber Doan, Engineering Coordinator
Scott Shadden, Director of Developmental Services



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 9.

Meeting Date: 08/18/2020

Prepared by: Patsy Reeves, Developmental Services Coordinator
Scott Shadden, Director of Development Services
Rob Rae, Incoming Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Requested Action/Proposed Use:

900 BLOCK NORTH FM 1417 (HERITAGE PARKWAY)

The request of Washington 1417 LP (Owners), Tim Pike, Wyldewood Homes (Prospective Buyer) and Preston Trail Land Surveying. (Surveyor) concerning the property in the 900 block of North FM 1417 (Heritage Parkway), Tract 1: being 11.244 acres in the J.B. McAnair Survey, Abstract No. 763, and Tract 2: being 0.010 acres in the J.B. McAnair Survey, Abstract No. 763, for a total of 11.254 acres, as follows;

Planning and Zoning Commission

Zone change and site plan approval under Ordinance No. 2280, Section 12, from a C-1 (Retail Business) District to an R-1 (One-Family Residential) District.

Background:

The property is located in the 900 block of North FM 1417 (Heritage Parkway); the southeast corner of FM 1417 (Heritage Parkway) and Washington Street. The property was zoned a C-1 (Retail Business) District in 2006 by Ordinance 5426. The owners would like to change the zoning on a portion of the property from a C-1 (Retail Business) District to an R-1 (One Family Residential) District. The preliminary plan has (136) one-hundred-thirty-six proposed lots for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

C-1 (Retail Business) District

Origination:

Washington 1417 LP (Owners)

Tim Pike, Wyldewood Homes (Prospective Buyer)

Preston Trail Land Surveying. (Surveyor)

Master Plan Designation:

Suburban Residential – Increased density and closer building setbacks separate Suburban Residential from Countryside and Estate, but more landscaping and open space distinguish Suburban Residential from Urban and Auto-Urban categories. New suburban subdivisions typically have curvilinear streets and sidewalks, as well as curb and gutter.

Number of notices mailed:

22

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Survey

Preliminary Layout

Building Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C. 7.

Meeting Date: 09/08/2020

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6322

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Commercial Amusement Center (Indoor Gun Range) in a C-2 (General Commercial) District at 2926 Texoma Parkway, being 1.719 acres in the Reuben Hendrix Survey, Abstract No. 504 (Phillip S. Jennings, Jr. Family Trust, Owners; Steve Jennings, Representative; Blackbeard Armory & Range, LLC, Tenant; Tap Smith, Manager; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of Phillip S. Jennings, Jr. Family Trust (Owners), Steve Jennings (Representative), Blackbeard Armory & Range, LLC (Tenant), Tap Smith (Manager), and Underwood Drafting and Surveying (Surveyor) concerning the property at 2926 Texoma Parkway, being 1.719 acres in the Reuben Hendrix Survey, Abstract No. 504 for a Specific Use Permit to allow a commercial amusement center (indoor gun range) in a C-2 (General Commercial) District

Background:

The property is located at 2926 Texoma Parkway between U.S. Highway 82 and Gallagher Drive. The property is zoned a C-2 (General Commercial) and is partially located in the O-1 (75 & 82) Overlay District. A Specific Use Permit to allow a commercial amusement center (indoor gun range) was approved October 2, 2000 (Ordinance No. 4894). The gun range closed down in April 2020; and the Specific Use Permit went away after sixty days. *"A specific use permit is an amendment to the district regulations of the zoning ordinance that permits the permanent establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure discontinue or be abandoned for a period of sixty (60) 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 granted."*

The owners are requesting a Specific Use Permit to allow an indoor shooting range for their business, Blackbeard Armory & Range, LLC. Their intent is to open the facility back up as a retail firearms store, indoor range and training facility. Any range equipment that needs to be renewed or decommissioned will be done by professional companies that are licensed and certified. All the range equipment going back in will be installed by several industry leaders. The range will have the latest in safety, sound reduction, air quality and responsible environmental standards; and it will be serviced regularly.

Origination:

Phillip S. Jennings, Jr. Family Trust (Owners)
Steve Jennings (Representative)
Blackbeard Armory & Range, LLC (Tenant)
Tap Smith (Manager)

Financial Consideration:

None

Staff Recommendation:

At the August 18, 2020 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6322
Aerial Location Map
Zoning Map
Zoning Sign Photo
Site Plan
Building Elevations
Staff Review Letter
P&Z Communication

ORDINANCE NO. 6322

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A COMMERCIAL AMUSEMENT CENTER (INDOOR GUN RANGE) IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 2926 TEXOMA PARKWAY, BEING 1.719 ACRES IN THE REUBEN HENDRIX SURVEY, ABSTRACT NO. 504 (PHILLIP S. JENNINGS, JR. FAMILY TRUST, OWNERS; STEVE JENNINGS, REPRESENTATIVE; BLACKBEARD ARMORY & RANGE, LLC, TENANT; TAP SMITH, MANAGER; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

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

SECTION 1. That, from and after the passage of this ordinance, Phillip S. Jennings, Jr. Family Trust (Owners), Steve Jennings (Representative), Blackbeard Armory & Range, LLC (Tenant), Tap Smith (Manager) and Underwood Drafting and Surveying (Surveyor) concerning the property at 2926 Texoma Parkway are granted a Specific Use Permit to allow a Commercial Amusement Center (indoor gun range) and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the City of Sherman, Grayson County, Texas, being a part of the Reuben Hendrix Survey, Abstract No. 504, and being the same tract of land described as 1.72 acres conveyed by Mitchell Enterprises, Inc. to Texoma Gun Club, Inc. by deed dated March 8, 2001, recorded in Volume 3042, Page 874,

Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" steel rod found maintaining the most Easterly Northeast corner of the said 1.72 acre tract in the West right-of-way line of State Highway No. 91, locally known as Texoma Parkway, said rod also maintaining the Southeast corner of Lot I of Aaron 's Addition to said City of Sherman as shown by plat of record in Volume 13, Page 21, Plat Records, Grayson County, Texas;

THENCE South 29° 38' 00" West with said right-of-way line a distance of 52.04 feet to a ½" steel rod found maintaining the Southeast corner of the said 1.72 acre tract and the Northeast corner of the 5.208 acre tract of land conveyed by Raymond A. Risk, Sr., Independent Administrator of the Estate of George Sophey to Raymond A. Risk, Sr. by deed dated January 21, 1999, recorded in Volume 2745, Page 826, said Official Public Records;

THENCE North 60° 22' 00" West a distance of 701.07 feet to a ½" steel rod found maintaining the Southwest corner of the said 1.72 acre tract and the Northwest corner of the said 5.208 acre tract in the East right-of-way line of the M. K. T. Railroad;

THENCE North 37° 38' 52" East with said railroad right-of-way line a distance of 131.46 feet to a ½" steel rod found maintaining the Northwest corner of the said 1.72 acre tract and the Southwest corner of Lot 2 of said Aaron 's Addition;

THENCE South 60° 35' 17" East a distance of 482.74 feet to a ½" steel rod found maintaining the most Northerly Northeast corner of the said 1.72 acre tract and the Southeast corner of said Lot 2 in the West line of said Lot 1;

THENCE South 29° 38' 00" West a distance of 80.00 feet to a ½" steel rod set marking an inside "L " corner of the said 1.72 acre tract and the Southwest corner of said Lot 1;

THENCE South 60° 22' 00" East a distance of 200.00 feet to the **POINT-OF-BEGINNING AND CONTAINING 1.719 ACRES OF LAND MORE OR LESS.....**

SECTION 2. That this specific use permit is granted on the following conditions:

Zoning:

1. All aspects of the C-2 (General Commercial) District, the sign ordinance, and the Commercial Tree and Landscaping Ordinance shall followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All parking shall be on private property and shall not encroach into the right-of-way.

4. Parking ratio is 1/200 sq. ft.
5. Parking is permitted on paved surfaces only (concrete or asphalt); a parking space is considered to be 9'x20'.
6. Shall comply with current adopted construction codes.
7. Shall comply with all OSHA, EPA, City, Federal and State regulations for this use.
8. Shall abide by the City of Sherman Noise Ordinance (Chapter 8, Article 8.07).
9. Hours of operation shall meet all City Regulations.
10. Review the zoning and development ordinance for additional requirements.
11. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

12. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit is required from Engineering Department.
13. Trash receptors must be approved by Public Works Department.

SECTION 3. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 8, Subsection (5)(a), Ordinance No. 2280.

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.00.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. 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.

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



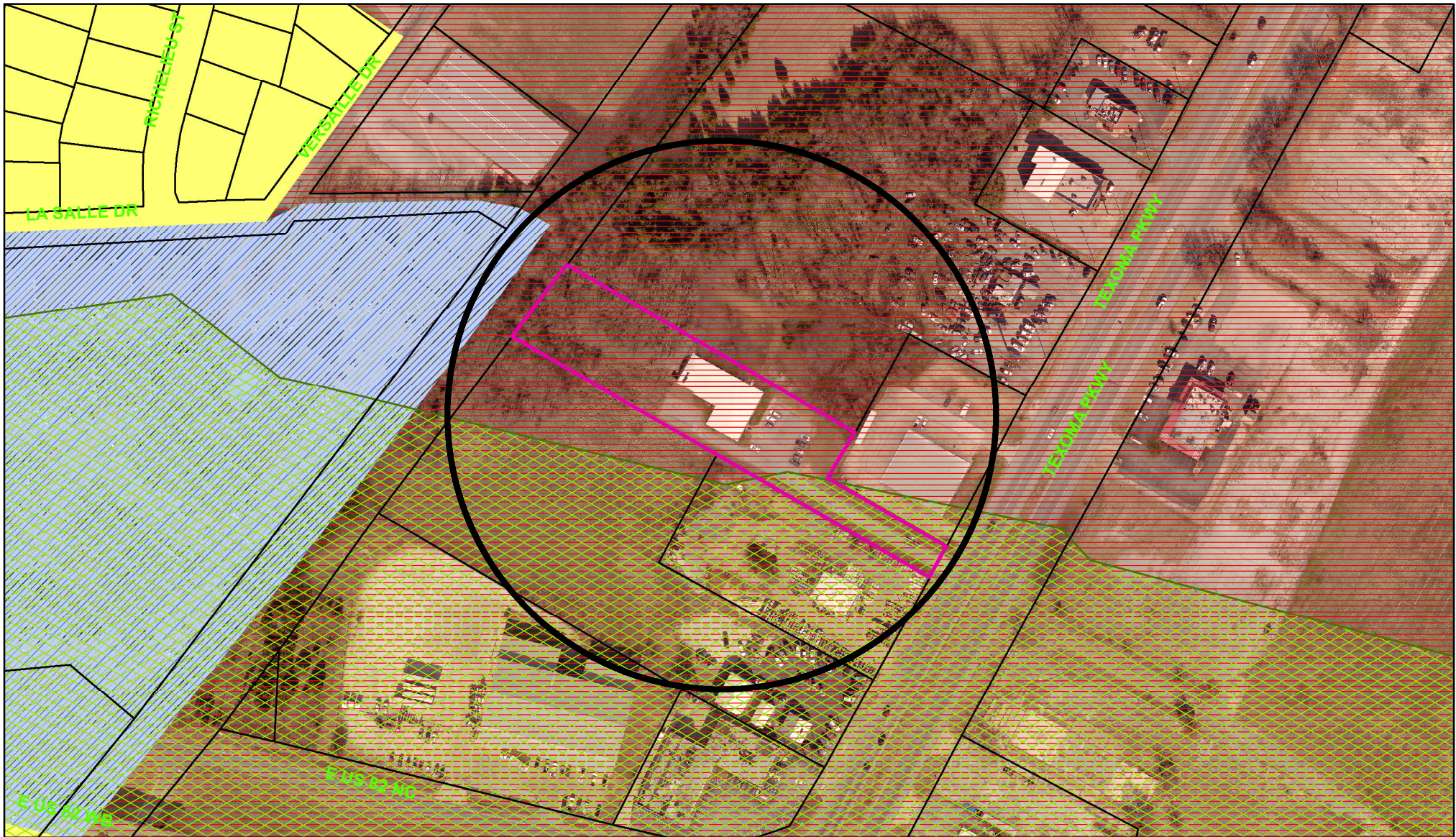
2926 Texoma Parkway

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 300 ft



Zoning - 2926 Texoma Parkway

Legend

Parcels_Buffer3	Representation: SpermGIS.DBO.TransportationCorridor_Rep_1	CO Office District
Special Districts Overlay	FM 1417	Lakes
DISTRICT_NAME	Sam Rayburn Freeway	M-1 Light Manufacturing District
Arts and Cultural District	US Hwy 82 and 75	M-1.5 Medium Manufacturing District
Bialock Commercial Overlay District	SH 289	M-2 Heavy Manufacturing District
Central Business District	FM 691	MH1 Manufacturing Housing District
College Park District	Zoning Districts	R-1 One Family Residential District
Downtown Overlay District	Representation: SpermGIS.DBO.ZoningDistrict_Rep	R-2 Multi-Family Residential District
Historic Preservation District	Unknown	R-A Single Family Agricultural District
Transportation Corridor	BIP Bialock Industrial Park	SF-1 Single Family Residential District
	C-1 Retail Business District	PD Planned Development
	C-2 General Commercial District	



City of Sherman, Texas
Developmental Services Department



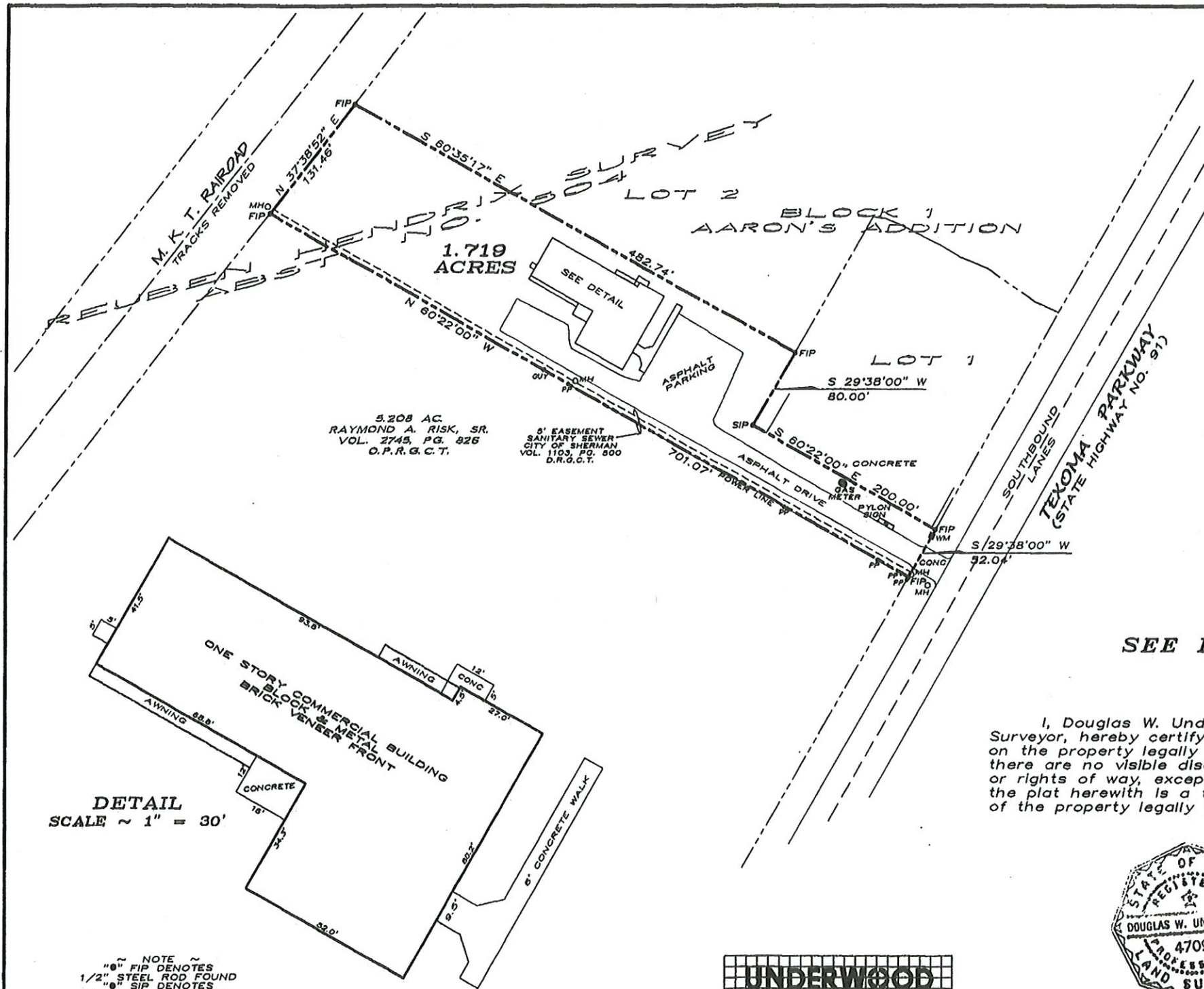
NOT TO SCALE

1 in = 200 ft

2926 Texoma Parkway

Jul 30, 2020 at 10:28 AM





I, Douglas W. Underwood, Registered Surveyor, hereby certify that a survey on the property legally described herein there are no visible discrepancies, or rights of way, except as shown on the plat herewith is a true, correct and reliable plat of the property legally described herein.



UNDERWOOD
 DRAFTING & SURVEYING





STAFF REVIEW LETTER

August 11, 2020

Phillip S. Jennings, Jr., Family Trust
226 Dublin Circle
Gordonville, TX 76245

Steve Jennings
226 Dublin Circle
Gordonville, TX 76245

Tap Smith
2219 Cordell Rd.
Sadler, TX 76264

Underwood Drafting & Surveying
3404 Interurban Road
Denison, TX 75020

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow an indoor shooting range in a C-2 (General Commercial) District at 2926 Texoma Parkway has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, August 18, 2020 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the C-2 (General Commercial) District, the sign ordinance, and the Commercial Tree and Landscaping Ordinance shall followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All parking shall be on private property and shall not encroach into the right-of-way.
4. Parking ratio is 1/200 sq. ft.
5. Parking is permitted on paved surfaces only (concrete or asphalt); a parking space is considered to be 9'x20'.
6. Shall comply with current adopted construction codes.
7. Shall comply with all OSHA, EPA, City, Federal and State regulations for this use.
8. Shall abide by the City of Sherman Noise Ordinance (Chapter 8, Article 8.07).
9. Hours of operation shall meet all City Regulations.
10. Review the zoning and development ordinance for additional requirements.
11. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

12. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit is required from Engineering Department.
13. Trash receptors must be approved by Public Works Department.

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae

Incoming 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
Christopher Armstrong, Asst. City Engineer
Tom Pruitt, Utility Engineer

Billy Hartsfield, Fire Marshal
Brandon Shelby, City Attorney
Amber Doan, Engineering Coordinator
Scott Shadden, Director of Developmental Services



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 16.

Meeting Date: 08/18/2020

Prepared by: Patsy Reeves, Developmental Services Coordinator
Scott Shadden, Director of Development Services
Rob Rae, Incoming Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Requested Action/Proposed Use:

2926 TEXOMA PARKWAY

The request of Phillip S. Jennings, Jr. Family Trust (Owners), Steve Jennings (Representative), Blackbeard Armory & Range, LLC (Tenant), Tap Smith (Manager) and Underwood Drafting and Surveyor (Surveyor) concerning the property at 2926 Texoma Parkway, being 1.719 acres in the Reuben Hendrix Survey, Abstract No. 504, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow an indoor shooting range in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District.

Background:

The property is located at 2926 Texoma Parkway between U.S. Highway 82 and Gallagher Drive. The property is zoned a C-2 (General Commercial) and partially located in the O-1 (75 & 82) Overlay District. A Specific Use Permit to allow a commercial amusement center (indoor gun range) was approved October 2, 2000 (Ord. 4894). The gun range closed down in April 2020 and the Specific Use Permit went away after sixty days. *"A specific use permit is an amendment to the district regulations of the zoning ordinance that permits the permanent establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure discontinue or be abandoned for a period of sixty (60) 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 granted."*

The owner is requesting a Specific Use Permit to allow a indoor shooting range for his business Blackbeard Armory & Range, LLC.

Adjacent Zoning:

C-2 (General Commercial) District

Origination:

Phillip S. Jennings, Jr. Family Trust (Owners)
Steve Jennings (Representative)
Blackbeard Armory & Range, LLC (Tenant)
Tap Smith (Manager)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

7

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Survey/Site Plan
Building Elevations
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C. 8.

Meeting Date: 09/08/2020

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6323

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-1 (One Family Residential) District and Section 8, Subsection (5)(a), Ordinance No. 2280 so as to Grant a Specific Use Permit to Allow up to Thirty-Nine (39) Patio Homes in the Proposed Cottages of Magnolia Village in an R-1 (One Family Residential) District in the 500 block of East Northcreek Drive, being 6.166 acres in the James H. Clark Survey, Abstract No. 273 (Young Enterprises, LP, Owners; Vincent Stanko, Jones/Carter, Civil Engineer; Dream to Life Designs, Designer; and Helvey-Wagner Surveying, Inc., Surveyor); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00

Issue:

To consider the request of Young Enterprises, LP (Owners), Vincent Stanko, Jones/Carter (Civil Engineer), Dream to Life Designs (Designer), and Helvey-Wagner Surveyor, Inc. (Surveyor) concerning the property in the 500 block of East Northcreek Drive, being 6.166 acres in the James H. Clark Survey, Abstract No. 273, for zone change approval from a C-1 (Retail Business) District to an R-1 (One-Family Residential) District and a Specific Use Permit to allow up to thirty-nine (39) patio homes in the proposed Cottages of Magnolia Village in an R-1 (One Family Residential) District

Background:

The property is located in the 500 block of East Northcreek Drive between Hilre Drive and Town Center Street; adjacent to residential on the west and Home Depot on the east. The owners would like to change the zoning on the property from a C-1 (Retail Business) District to an R-1 (One Family Residential) District and request a Specific Use Permit to allow patio homes on thirty-nine (39) lots.

Origination:

Young Enterprises, LP (Owners)
Vincent Stanko, Jones/Carter (Civil Engineer)
Dream to Life Designs (Designer)
Helvey-Wagner Surveyor, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 18, 2020 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the zone change and Specific Use Permit be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6323
Aerial Location Map
Zoning Map
Zoning Sign Photo
Preliminary Plat
Site Plan
Building Elevations
Color Building Elevations
Staff Review Letter
P&Z Communication

ORDINANCE NO. 6323

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280 SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW UP TO THIRTY-NINE (39) PATIO HOMES IN THE PROPOSED COTTAGES OF MAGNOLIA VILLAGE IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT IN THE 500 BLOCK OF EAST NORTHCREEK DRIVE, BEING 6.166 ACRES IN THE JAMES H. CLARK SURVEY, ABSTRACT NO. 273 (YOUNG ENTERPRISES, LP, OWNERS; VINCENT STANKO, JONES/CARTER, CIVIL ENGINEER; DREAM TO LIFE DESIGNS, DESIGNER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

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

SECTION 1. That, from and after the passage of this ordinance, the following described property shall be in the R-1 (One-Family Residential) District in the 500 block of East Northcreek Drive, and Young Enterprises, LP (Owners), Vincent Stanko, Jones/Carter (Civil Engineer), Dream to Life Designs (Designer) and Helvey-Wagner Surveyor, Inc. (Surveyor) are granted a Specific Use Permit to allow up to 39 (thirty-nine) patio homes in the proposed Cottages of Magnolia Village and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the City of Sherman, County of Grayson, State of Texas, and being a part of the James H. Clark Survey, Abstract No. 275 and being all of the 6.166 acre tract of land conveyed by Special Warranty Deed from Bountifull, L.P. and Vesta, L.P., to Young Enterprises, L.P., on April 2016, recorded in Volume 5796, Page 592, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a ½ inch capped rebar found stamped "RPLS 4488" on the North right-of-way line of North Creek Drive, the Southwest corner of said Young 6.166 ac., the Southeast corner of Lot 12, Block 1, North Creek Addition, Section Three, to the City of Sherman, Texas, as per plat of record in Volume 18, Page 71, Plat Records, Grayson County, Texas, the Southwest corner of the herein described tract;

THENCE North 00 deg. 09 min. 20 sec. East, with a West line of said Young 6.166 ac., an East line of said Lot 12, Block 1, North Creek Addition, a distance of 62.11 ft. to a ½ inch capped rebar found stamped "RPLS 4438" at an angle point of all said Lot 12, Young 6.166 ac., and the herein described tract;

THENCE North 14 deg. 21 min. 46 sec. West, with a West line of said Young 6.166 ac., an East line of said Block 1, North Creek Addition, a distance of 639.13 ft. to a ½ inch capped rebar found stamped "RPLS 4488" on the South line of Knollwood MHP, LP. 44.47 acre tract of land, recorded in Instrument No. 2019-9835, said Official Public Records, Grayson County, Texas, the Northeast corner of Lot 3, said Block 1, North Creek Addition, the Northwest corner of both said Young 6.166 ac. and the herein described tract;

THENCE South 88 deg. 31 min. 34 sec. East, with a North line of said Young 6.166 ac., the South line of said Knollwood 44.47 ac., a distance of 160.76 ft. to a 3/8 inch rebar found at the Southwest corner of Lot 10, Replat of Lot 4, Block 1, Sherman Town Center, Section Two, to the City of Sherman, Texas, as per plat of record in Volume 19, Pages 1 & 2, said Plat Records, Grayson County, Texas, the Southeast corner of said Knollwood 44.47 ac., an angle point of both said Young 6.166 ac. and the herein described tract;

THENCE South 88 deg. 25 min. 51 sec. East, with a North line of said Young 6.166 ac., the South line of said Lot 10, Replat of Lot 4, Block 1, Sherman Town Center, Section Two, a distance of 345.95 ft. to a ½ inch capped rebar found stamped "RPLS 4488" on the West line of Lot 3, Block 1, Sherman Town Center, to the City of Sherman, Texas, as per plat of record in Volume 16, Page 42, said Plat Records, Grayson County, Texas, the Southeast corner of said Lot 10, Replat of Lot 4, Block 1, Sherman Town Center, Section Two, the Northeast corner of both said Young 6.166 ac. and the herein described tract;

THENCE South 00 deg. 13 min. 49 sec. East, with the East line of said Young 6.166 ac., the West line of said Lot 3, Block 1, Sherman Town Center, a distance

of 582.54 ft. to a ½ inch Lot 3, Block 1, Sherman Town Center, the Southeast corner of both said Young 6.166 ac. and the herein rebar found on the North right-of-way line of said North Creek Drive, the Southwest corner of said described tract;

THENCE Southwesterly, with a curve to the left having a radius of 1,030.00 ft., a central angle of 08 deg. 01 min. 58 sec. (Chord Bears: South 76 deg. 58 min. 34 sec. West, 144.29 ft.) an arc distance of 144.40 ft. to a point at the end of said curve, on the North right-of-way line of said North Creek Drive, an angle point of both said Young 6.166 ac, and the herein described tract;

THENCE Southwesterly, with a curve to the right having a radius of 2,088.50 ft., a central angle of 05 deg. 56 min. 22 sec. (Chord Bears: South 75 deg. 55 min. 46 sec. West, 216.41 ft.) an arc distance of 216.50 ft. to the **PLACE OF BEGINNING and containing 6.166 acres of land.....**

SECTION 2. That this specific use permit is granted on the following conditions:

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the patio home ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Parking and service driveways are permitted on paved surfaces only; concrete or asphalt.
3. A parking space is considered to be 9'x20'.
4. Parking ratio required: one space per bedroom, minimum two per unit.
5. Side yard setbacks must be uniform for all homes within a given block.
6. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903-892-7267).
7. Review the zoning and development ordinance for additional requirements.
8. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

9. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from Engineering Department.
10. Platting of the subject property is required.
11. Privately owned and maintained detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
12. Water and sewer shall be extended to serve the development. Sewer capacity shall be verified for proposed use.
13. Development Agreement required for public infrastructures.
14. Variance required for lots with less than 40' street frontage.

SECTION 3. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 12, Ordinance No. 2280.

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.00.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. 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.

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

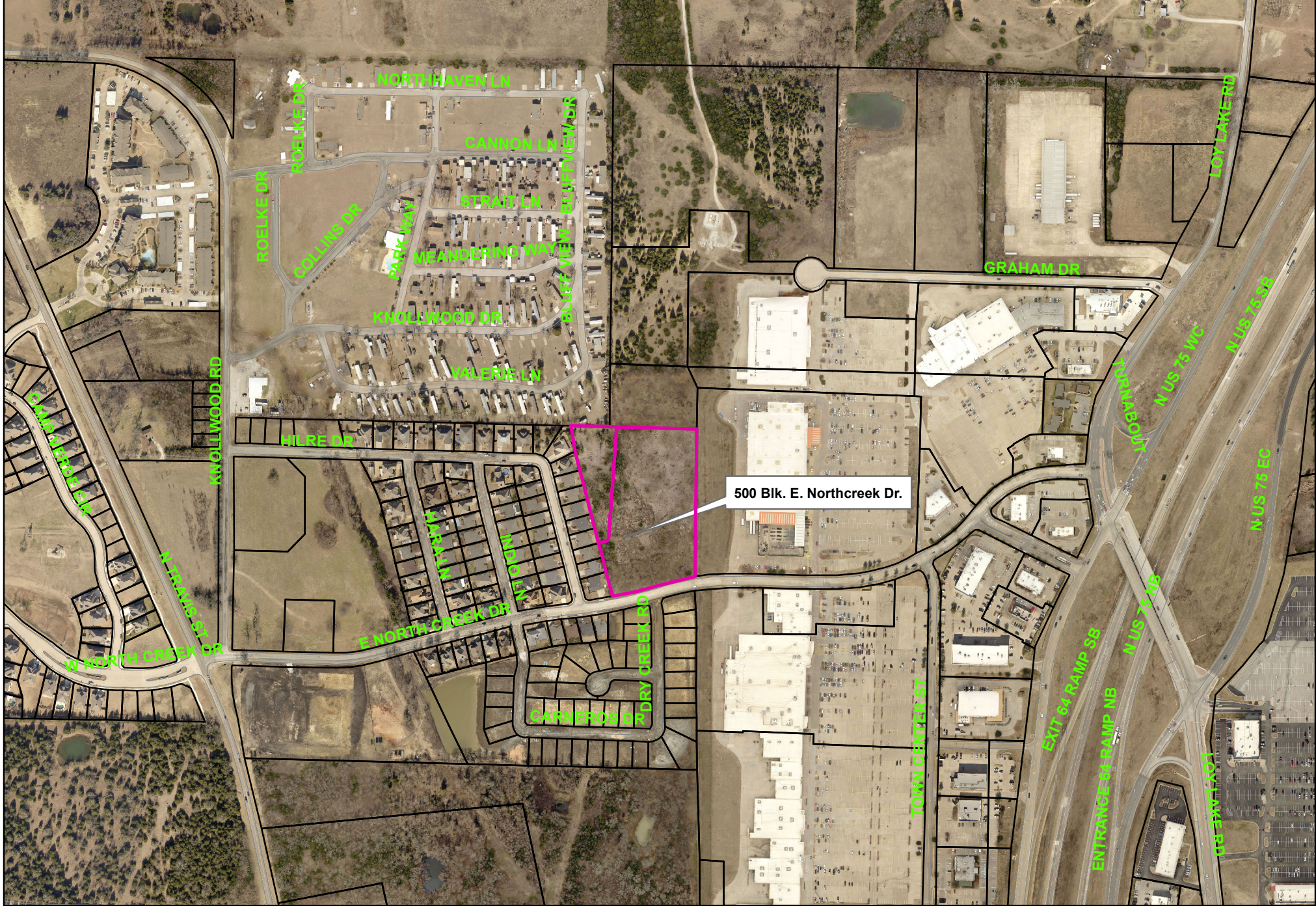
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



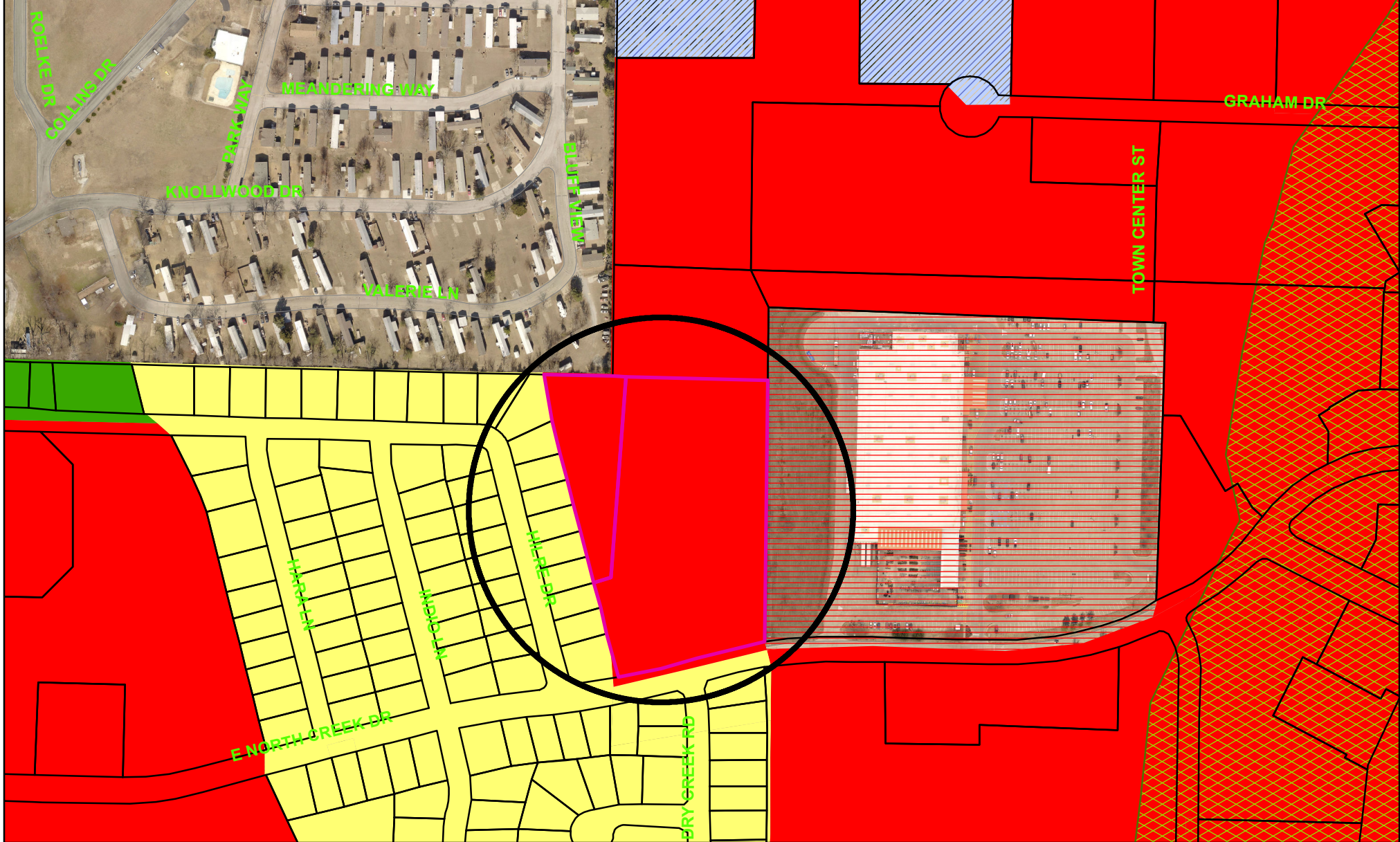
500 Blk. East Northcreek Drive

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 500 ft



Zoning - 500 Blk. East Northcreek Drive

Legend

Parcels	Zoning Districts	M-1.5 Medium Manufacturing District
Special Districts Overlay	Representation: ShermGIS.DBO.ZoningDistrict_Rep	M-2 Heavy Manufacturing District
DISTRICT_NAME	Unknown	MH Manufacturing Housing District
Arts and Cultural District	BIP Blalock Industrial Park	R-1 One Family Residential District
Blalock Commercial Overlay District	C-1 Retail Business District	R-2 Multi-Family Residential District
Central Business District	C-2 General Commercial District	R-A Single Family Agricultural District
College Park District	CO Office District	SF-1 Single Family Residential District
Downtown Overlay District	Lakes	PD Planned Development
Historic Preservation District	M-1 Light Manufacturing District	

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 300 ft

500 East Northcreek Drive



Bearing Base: Grid North, NAD83 Texas State Plane
Coordinate System, North Central Zone, as derived
by survey-grade Global Positioning System.
James H. Clark Survey
Abstract No. 273
Grayson County, Texas

Replat of Lot 4, Block 1
Sherman Town Center, Section Two
to the City of Sherman, Texas
Vol. 19, Pgs. 1 & 2, P.R.G.C.T.

Benchmark: Square
cut in conc.
Elevation: 810.10'

Symbols/Linework:

existing 15" sanitary sewer line
proposed 8" sanitary sewer line
proposed 8" water line
existing gas line as marked
70" drainage & utility easement per Vol. 16, Pg. 42

FIELD NOTES

SITUATED in the City of Sherman, County of Grayson, State of Texas, and being a part of the James H. Clark Survey, Abstract No. 273 and being all of the 6.166 acre tract of land conveyed by Special Warranty Deed from Bountiful, L.P. and Vesta, L.P., to Young Enterprises, L.P., on April 28, 2016, recorded in Volume 5786, Page 592, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BECDING at a 1/2 inch copped rebar found stamped "RPLS 4488" on the North right-of-way line of North Creek Drive, the Southeast corner of said Young 6.166 ac., the Southeast corner of Lot 12, Block 1, North Creek Addition, Section Three, to the City of Sherman, Texas, as per plot of record in Volume 18, Page 71, Plot Records, Grayson County, Texas, the Southwest corner of the herein described tract;

THENCE North 00 deg. 09 min. 20 sec. East, with a West line of said Young 6.166 ac., an East line of said Lot 12, Block 1, North Creek Addition, a distance of 62.11 ft. to a 1/2 inch copped rebar found stamped "RPLS 4488" at an angle point of all said Lot 12, Young 6.166 ac., and the herein described tract;

THENCE North 14 deg. 21 min. 46 sec. West, with a West line of said Young 6.166 ac., an East line of said Block 1, North Creek Addition, a distance of 639.13 ft. to a 1/2 inch copped rebar found stamped "RPLS 4488" on the South line of Knollwood MHP, L.P. 44.47 acre tract of land, recorded in Instrument No. 2019-9835, said Official Public Records, Grayson County, Texas, the Northeast corner of Lot 3, said Block 1, North Creek Addition, the Northeast corner of both said Young 6.166 ac. and the herein described tract;

THENCE South 88 deg. 31 min. 34 sec. East, with a North line of said Young 6.166 ac., the South line of said Knollwood 44.47 ac., a distance of 160.76 ft. to a 3/8 inch rebar found at the Southeast corner of Lot 10, Replat of Lot 4, Block 1, Sherman Town Center, Section Two, to the City of Sherman, Texas, as per plot of record in Volume 19, Page 1, said Plot Records, Grayson County, Texas, the Southeast corner of Lot 3, said Block 1, North Creek Addition, the Northeast corner of both said Young 6.166 ac. and the herein described tract;

THENCE South 88 deg. 25 min. 51 sec. East, with a North line of said Young 6.166 ac., the South line of said Lot 10, Replat of Lot 4, Block 1, Sherman Town Center, Section Two, a distance of 345.95 ft. to a 1/2 inch copped rebar found stamped "RPLS 4488" on the West line of Lot 3, Block 1, Sherman Town Center, to the City of Sherman, Texas, as per plot of record in Volume 16, Page 42, said Plot Records, Grayson County, Texas, the Southeast corner of said Lot 3, said Block 1, Sherman Town Center, Section Two, the Northeast corner of both said Young 6.166 ac. and the herein described tract;

THENCE South 00 deg. 13 min. 49 sec. East, with the East line of said Young 6.166 ac., the West line of said Lot 3, Block 1, Sherman Town Center, a distance of 582.54 ft. to a 1/2 inch rebar found on the North right-of-way line of said North Creek Drive, the Southwest corner of said Lot 3, Block 1, Sherman Town Center, the Southeast corner of both said Young 6.166 ac. and the herein described tract;

THENCE Southwesterly, with a curve to the left having a radius of 1,030.00 ft., a central angle of 08 deg. 01 min. 58 sec. (Chord Bears: South 76 deg. 58 min. 34 sec. West, 144.29 ft.) on arc distance of 144.40 ft. to a point at the end of said curve, on the North right-of-way line of said North Creek Drive, an angle point of both said Young 6.166 ac. and the herein described tract;

THENCE Southwesterly, with a curve to the right having a radius of 2,088.50 ft., a central angle of 05 deg. 58 min. 22 sec. (Chord Bears: South 75 deg. 55 min. 46 sec. West, 218.41 ft.) on arc distance of 218.50 ft. to the PLACE OF BEGINNING and containing 6.166 ACRES of land.

This, the preliminary plat of Cottages at Magnolia Village to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2020, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman

Secretary

This, the preliminary plat of Cottages at Magnolia Village to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2020, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS:

DATE

MAYOR, CITY OF SHERMAN, TEXAS

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing preliminary plat of Cottages at Magnolia Village to the City of Sherman, Texas, was submitted to the City Council of Sherman, Texas, on the _____ day of _____, 2020, 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.

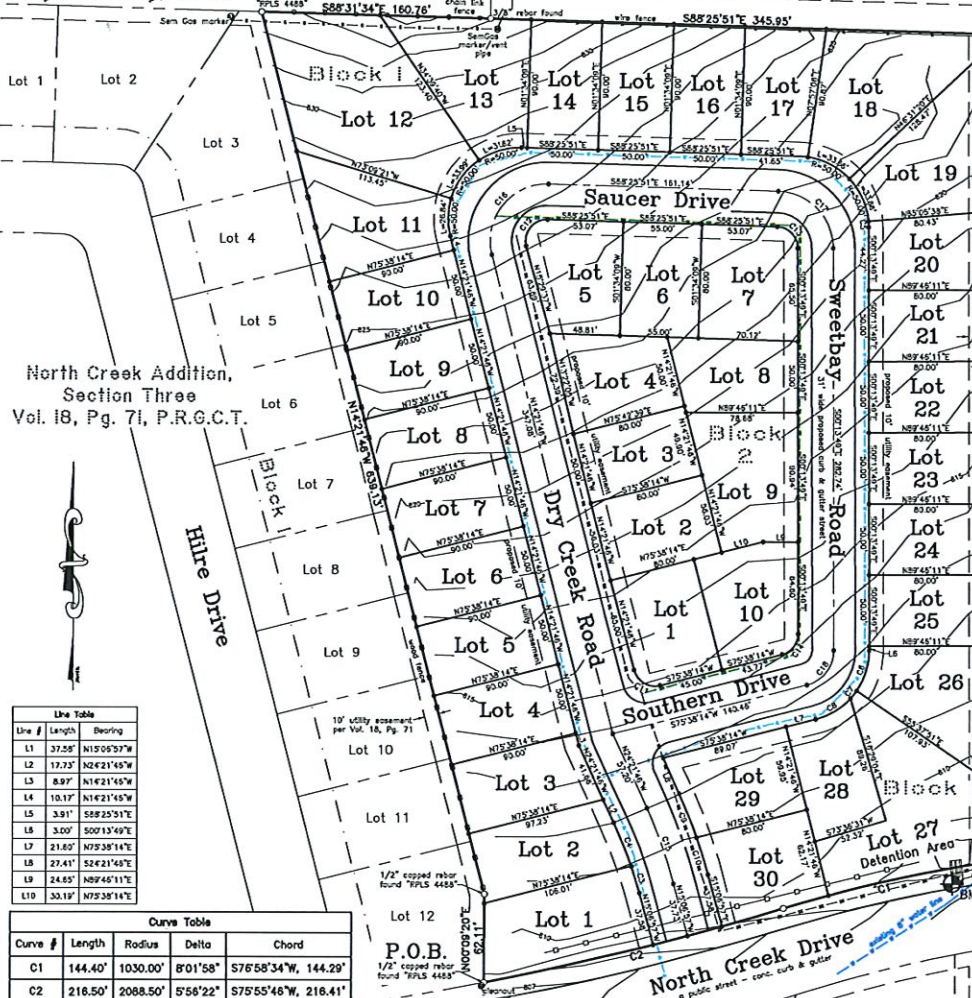
WITNESS MY HAND THIS _____ DAY OF _____, 2020, BY

SHERMAN, TEXAS

CITY CLERK, CITY OF

Preliminary Plat of Cottages at Magnolia Village City of Sherman, Texas

6.166 Acres
in the
James H. Clark Survey, Abstract No. 273



Line #	Length	Bearing
L1	37.56'	N15°05'37\"
L2	17.23'	N2°21'45\"
L3	8.97'	N1°21'45\"
L4	10.17'	N1°21'45\"
L5	3.91'	S89°25'51\"
L6	3.00'	S00°13'49\"
L7	21.65'	N73°38'14\"
L8	27.41'	S2°21'45\"
L9	24.85'	N89°48'11\"
L10	33.19'	N73°38'14\"

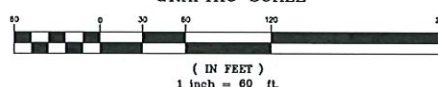
Curve #	Length	Radius	Delta	Chord
C1	144.40'	1030.00'	8°01'58\"	S76°58'34\"W, 144.29'
C2	218.50'	2088.50'	5°58'22\"	S75°55'46\"W, 218.41'

Curve #	Length	Radius	Delta	Chord
C3	19.84'	325.00'	32°7'45\"	N18°50'51\"W, 19.84'
C4	32.81'	325.00'	54°7'02\"	N21°28'15\"W, 32.79'
C5	4.06'	50.00'	4°40'33\"	N02°34'05\"W, 4.06'
C6	30.19'	50.00'	34°35'37\"	N17°04'10\"E, 29.74'
C7	7.03'	50.00'	8°03'25\"	N08°23'51\"E, 7.03'
C8	28.58'	50.00'	33°12'40\"	N09°01'54\"E, 28.58'
C9	33.23'	375.00'	5°04'50\"	N21°43'21\"W, 33.24'
C10	27.27'	375.00'	4°09'54\"	N17°11'56\"W, 27.28'
C11	23.58'	15.00'	92°00'00\"	S59°21'45\"E, 21.21'
C12	27.73'	15.00'	105°55'55\"	S58°35'11\"W, 23.95'
C13	23.00'	15.00'	89°12'02\"	N44°19'50\"W, 20.88'
C14	19.85'	15.00'	79°52'03\"	N37°42'13\"E, 18.64'
C15	56.47'	330.00'	9°14'48\"	N19°44'21\"W, 56.43'
C16	73.95'	40.00'	105°55'55\"	S58°35'12\"W, 63.85'
C17	61.58'	40.00'	89°12'03\"	N44°19'51\"W, 55.69'
C18	33.10'	25.00'	79°52'04\"	N37°42'12\"E, 30.74'

General Notes:

- Water Supply to be provided by the City of Sherman, Texas.
- Sewer service to be provided by the City of Sherman, Texas.
- Electric service to be provided by Greater Electric Delivery Coop.
- Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
- 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.
- The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
- The property shown on the plat herein 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. 4818100290 F, Revised Date: September 28, 2010.
- 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.
- The owners and builders must comply with all other state and federal regulations regarding developments of this type.

GRAPHIC SCALE

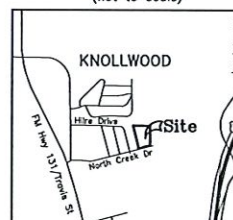


Job No. CGS730720

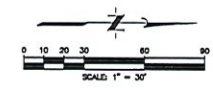
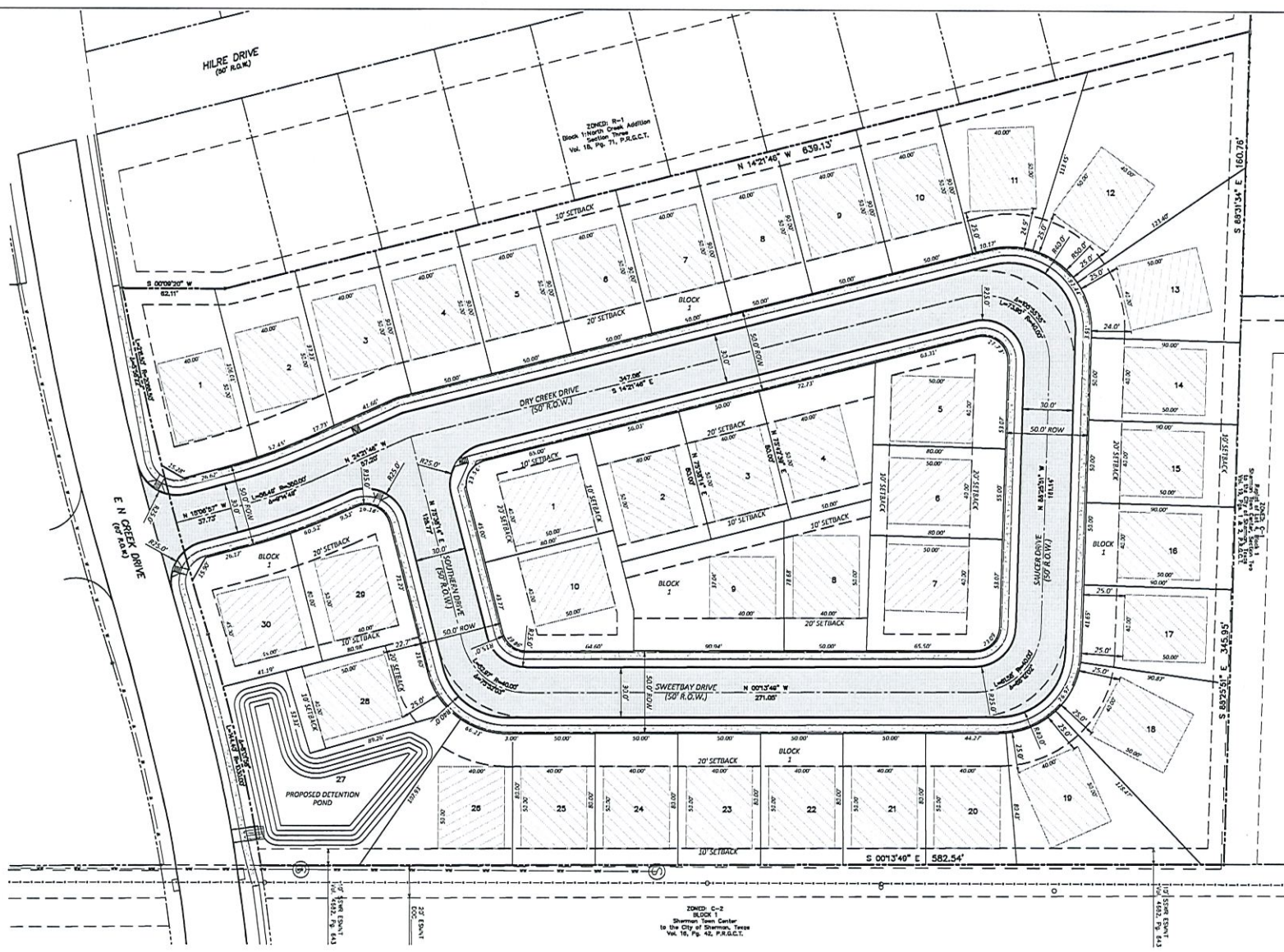
Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088
Email: kate@helveywagnersurveying.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100

Owner/Developer:
Young Enterprises, L.P.
5415 N. Highway 1417
Sherman, Texas

Vicinity Map (not to scale)



K:\15844\15844-0002-00\Plan\15844-0002-00_SUP_SitePlan.dwg AN 1/24/2020



ZONED: C-1
PATIO HOME LOTS: 39
TYPICAL LOT DIMENSIONS:
50'x80': 20 LOTS
50'x90': 19 LOTS

PROPOSED LEGEND

- PROPERTY LINE
- ROW LINE
- LOT LINE
- ROADWAY CENTERLINE
- CONCRETE SIDEWALK
- BUILDING PAD
- LOCAL STREET PER CITY OF SHERMAN DETAIL SD-P02

COTTAGES AT MAGNOLIA VILLAGE
S.U.P. SITE PLAN

JONES | CARTER
Texas Board of Professional Engineers Registration No. E-439
2401 Dallas Parkway, Suite 100 • Plano, Texas 75075 • (972) 498-5800
JOB NUMBER 15844-0002-00 7/22/2020

MAGNOLIA PLAN 3

NOTES:

- CONTRACTOR TO REVIEW AND APPROVE ALL PLANS PRIOR TO CONSTRUCTION.
- HOUSE TO BE BUILT BY DIMENSIONS WITH LINES, NOT BY DIMENSIONS ON ROOM LABELS.
- BUILDING TO BE BUILT PER 2015 IRC CODES.
- IF A DOOR OR WINDOW IS NOT DIMENSIONED, IT IS EITHER 6" OFF A WALL OR CENTERED IN A WALL.

SQUARE FOOTAGE:

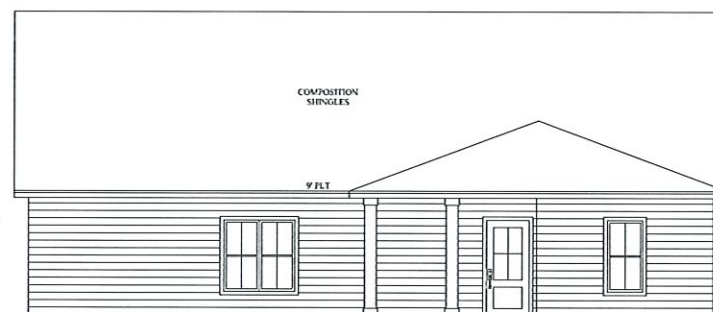
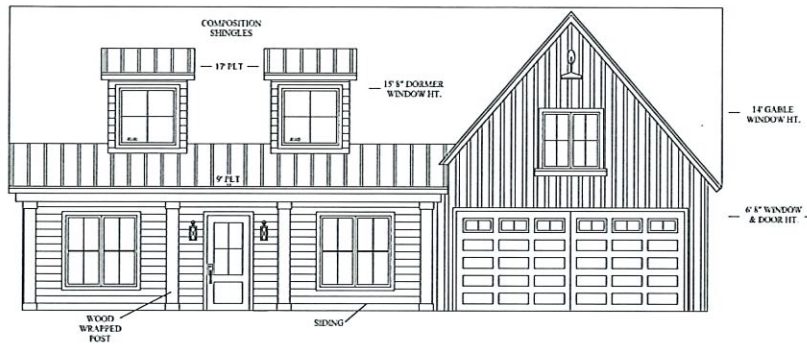
HEATED: 1673
FRONT PORCH: 173
BACK PORCH: 68
GARAGE: 461

MAXIMUM JOIST SPANS (16" O.C.)

2X8 10' 6"
2X10 15' 2"
2X12 18' 0"

PLAN DESIGNER:

DREAM TO LIFE DESIGNS
D2LDESIGNS@YAHOO.COM
903.267.1284



MAGNOLIA #3

MAGNOLIA SUBDIVISION
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
08/08/17

SHEET
ELEVATIONS

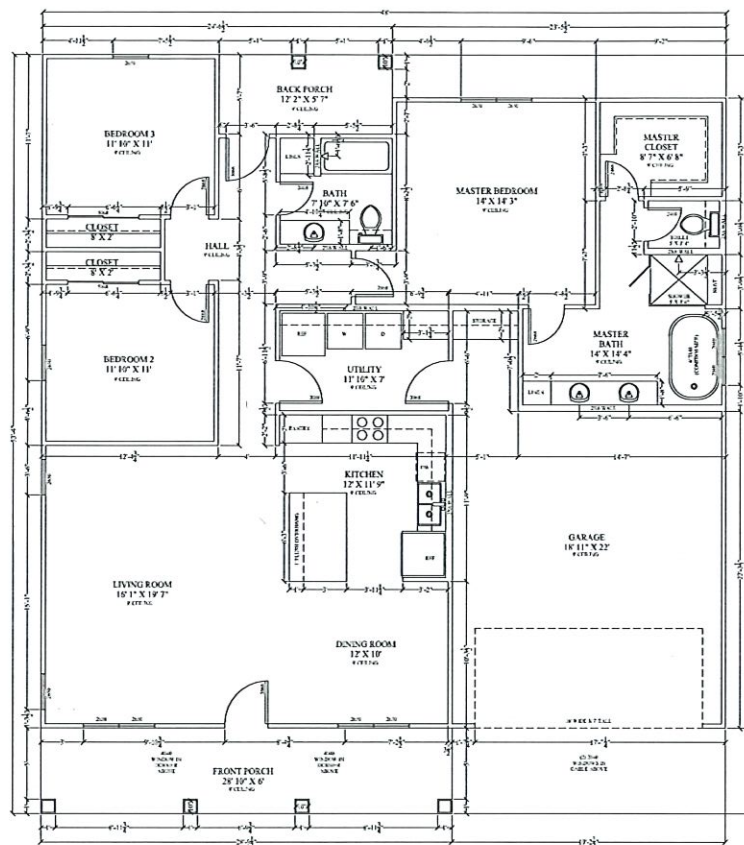
SCALE
1/4" = 1'



MAGNOLIA #3

MAGNOLIA SUBDIVISION
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM



DATE
08/08/17

SHEET
FLOOR PLAN

SCALE
1/4" = 1'



	CEILING FAN		DOOR INSET SWITCH
	CEILING FAN W/ LIGHT KIT		SWITCH
	HANGING FIXTURE		TURRET W/ SWITCH
	CEILING MOUNTED FIXTURE		TURRET w/ SWITCH
	WALL MOUNTED FIXTURE		CEILING w/ LIGHT KIT
	PENDANT		CEILING w/ LIGHT KIT
	RECESSED IN CEILING SWITCH		CEILING w/ LIGHT KIT
	RECESSED IN CEILING SWITCH		CEILING w/ LIGHT KIT
	JOCKEY PLUG LIGHTS		CEILING w/ LIGHT KIT
	UNDERCABINET FLUORESCENT		CEILING w/ LIGHT KIT
	RECESS LEDTING		CEILING w/ LIGHT KIT
	RECESSED LED		CEILING w/ LIGHT KIT
	RECESSED LED		CEILING w/ LIGHT KIT
	RECESSED LED		CEILING w/ LIGHT KIT
	RECESSED LED		CEILING w/ LIGHT KIT



MAGNOLIA SUBDIVISION
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
08/08/17

SHEET
ELECTRICAL

SCALE
1/4" = 1'



MAGNOLIA #3

MAGNOLIA SUBDIVISION
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

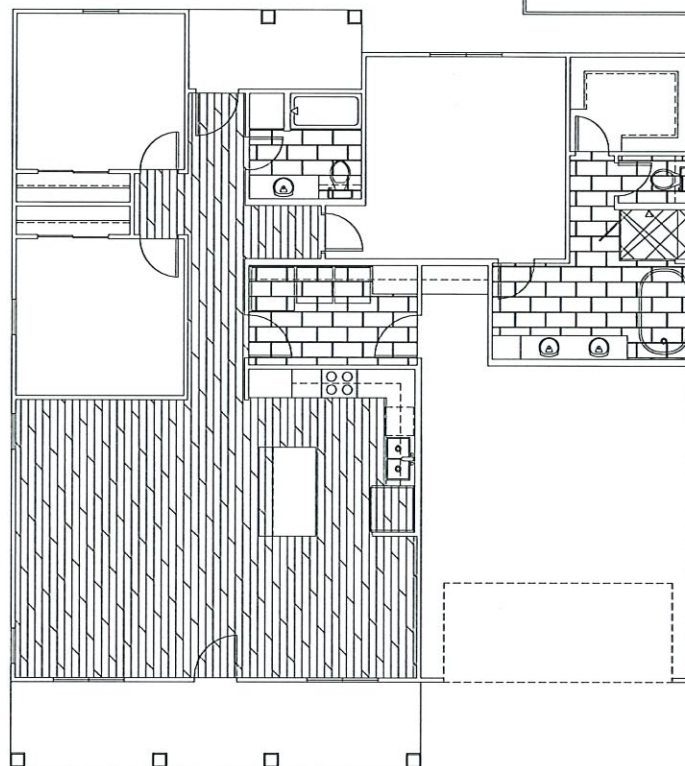
DATE
08/08/17

SHEET
FLOORING
& TILE

SCALE
1/4" = 1'

FLOORING LEGEND

	WOOD		TILE 1' X 2'		SUBWAY TILE 3' X 6'
	CARPET		DIAGONAL 18' X 18' TILE		MOSAIC TILE



SPLASH DESIGNS

MASTER SHOWER SPLASH		
MASTER VANITY SPLASH		
MASTER TUB SPLASH		
KITCHEN SPLASH		
2ND FLOOR VANITY SPLASH		
2ND FLOOR TUB SPLASH		

MAGNOLIA PLAN 2

NOTES:

- CONTRACTOR TO REVIEW AND APPROVE ALL PLANS PRIOR TO CONSTRUCTION.
- HOUSE TO BE BUILT BY DIMENSIONS WITH LINES, NOT BY DIMENSIONS ON ROOM LABELS.
- BUILDING TO BE BUILT PER 2015 IRC CODES.
- IF A DOOR OR WINDOW IS NOT DIMENSIONED, IT IS EITHER 6" OFF A WALL OR CENTERED IN A WALL.

SQUARE FOOTAGE:

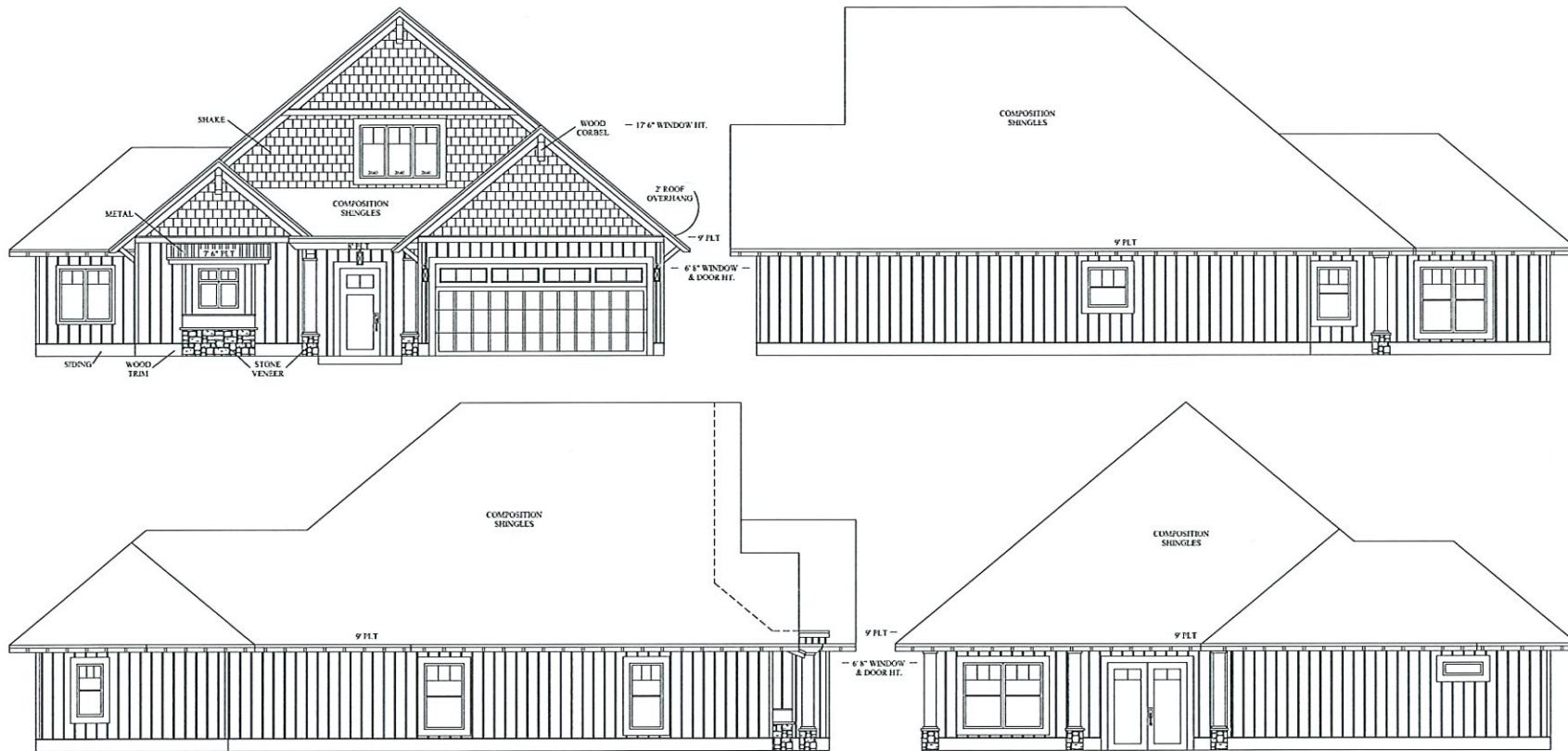
HEATED: 1601
FRONT PORCH: 44
BACK PORCH: 139
GARAGE: 388

MAXIMUM JOIST SPANS (16" O.C.)

2X8 10' 6"
2X10 15' 2"
2X12 18' 0"

PLAN DESIGNER:

DREAM TO LIFE DESIGNS
D2LDESIGNS@YAHOO.COM
903.267.1284

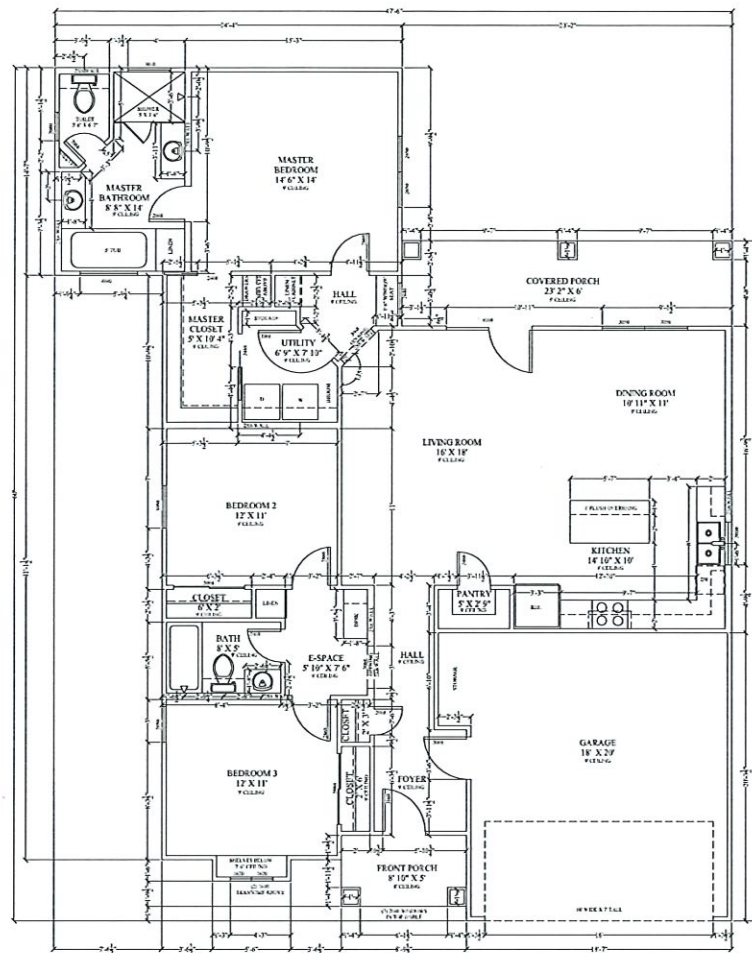


MAGNOLIA #2

MAGNOLIA SUBDIVISION
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
11/20/17
SHEET
ELEVATIONS
SCALE
1/4" = 1'



MAGNOLIA SUBDIVISION
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
11/20/17

SHEET
FLOOR PLAN

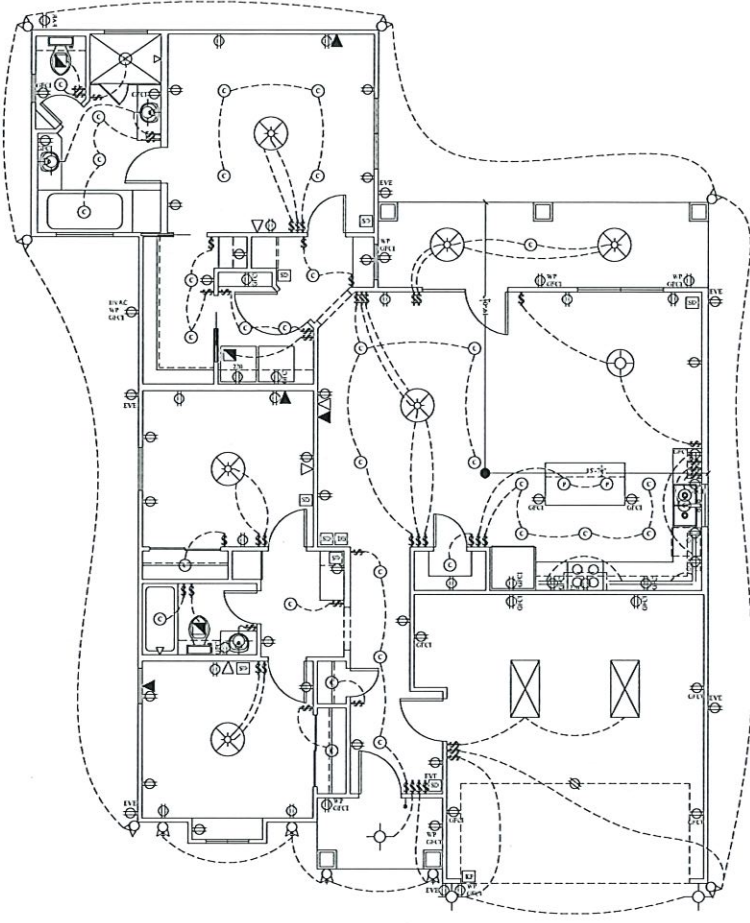
SCALE
1/4" = 1'



MAGNOLIA #2

MAGNOLIA SUBDIVISION
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM



ELECTRICAL SCHEDULE

	CEILING FAN		DOOR JAMMER SWITCH
	CEILING FAN W/ LIGHT KIT		TELLER WAY SWITCH
	RANGING FIXTURE		DOUBLE SWITCH
	EYE/BUG MOUNTED FIXTURE		AFC FAULT, 15A OUTLET
	WALL MOUNTED FIXTURE		GROUND FAULT, AFC MULT, 15A OUTLET
	PENDANT		WEATHER PROOF, AFC MULT, 15A OUTLET
	RECESSED IC CANISTER/LIGHT		EYE PLUG
	RECESSED IC CANISTER/EXTERNAL		QUADPLEX OUTLET
	LOCALLY PICKED LIGHTS		AFC MULT, 15A OUTLET
	UNDER CABINET FLUORESCENT		FLOOR, 15A OUTLET
	ROPE LIGHTING		CEILING, 15A OUTLET
	CEILING MOUNTED FLUORESCENT		EXHAUST FAN W/ LIGHT
	DOUBLE FLUORESCENT LIGHTS		EXHAUST FAN
	LANDSCAPE LIGHTS		DOORBELL
	POINT / DATA		DOORBELL CHIME
	TV / DATA		GARAGE DOOR KEY PAD
			VAULT DETECTOR
			SINK DISPOSAL

DATE
11/20/17

SHEET
ELECTRICAL

SCALE
1/4" = 1'

NOTE:-
* 2' ROOF OVERHANG
(UNLESS NOTED OTHERWISE)



MAGNOLIA #2

MAGNOLIA SUBDIVISION
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

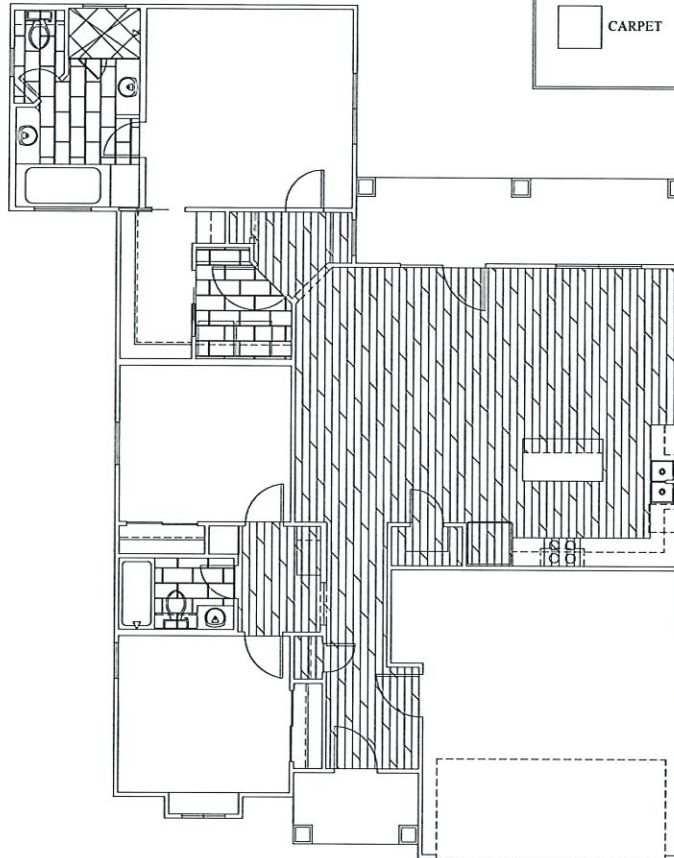
DATE
11/20/17

SHEET
FLOORING
& TILE

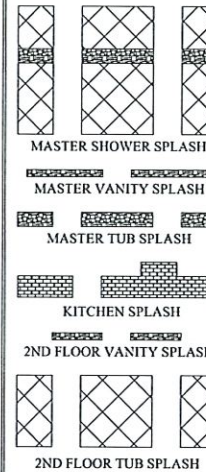
SCALE
1/4" = 1'

FLOORING LEGEND

	WOOD		TILE 1' X 2'		SUBWAY TILE 3" X 6"
	CARPET		DIAGONAL 18" X 18" TILE		MOSAIC TILE



SPLASH DESIGNS



MAGNOLIA PLAN 1

NOTES:

- CONTRACTOR TO REVIEW AND APPROVE ALL PLANS PRIOR TO CONSTRUCTION.
- HOUSE TO BE BUILT BY DIMENSIONS WITH LINES, NOT BY DIMENSIONS ON ROOM LABELS.
- BUILDING TO BE BUILT PER 2015 IRC CODES.
- IF A DOOR OR WINDOW IS NOT DIMENSIONED, IT IS EITHER 6" OFF A WALL OR CENTERED IN A WALL.

SQUARE FOOTAGE:

1ST FLOOR: 1226
2ND FLOOR: 559
TOTAL HEATED: 1785

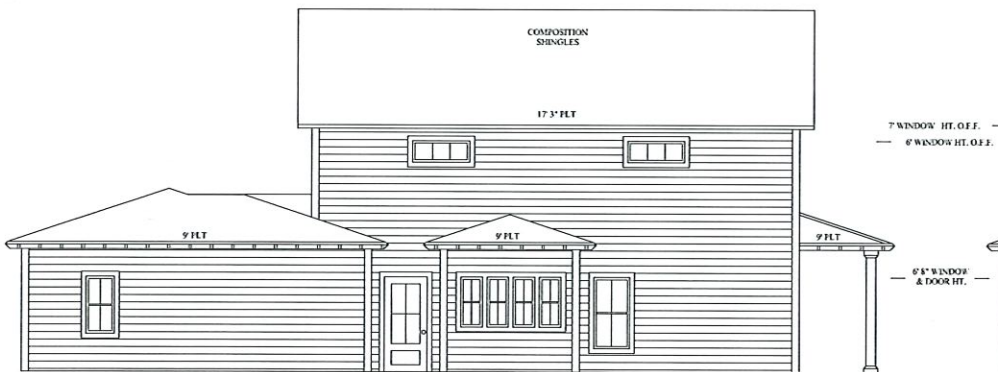
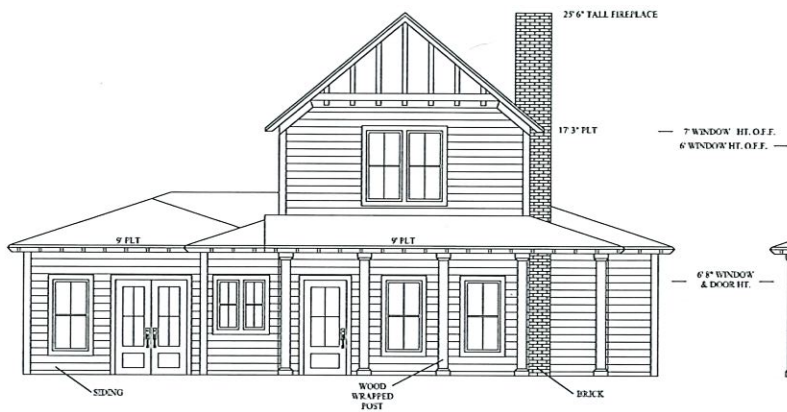
FRONT PORCH: 272
GARAGE: 452
STOOP: 20

MAXIMUM JOIST SPANS (16" O.C.)

2X8 10' 6"
2X10 15' 2"
2X12 18' 0"

PLAN DESIGNER:

DREAM TO LIFE DESIGNS
D2LDESIGNS@YAHOO.COM
903.267.1284



MAGNOLIA #1

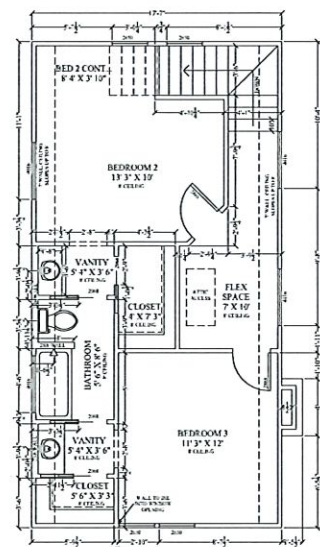
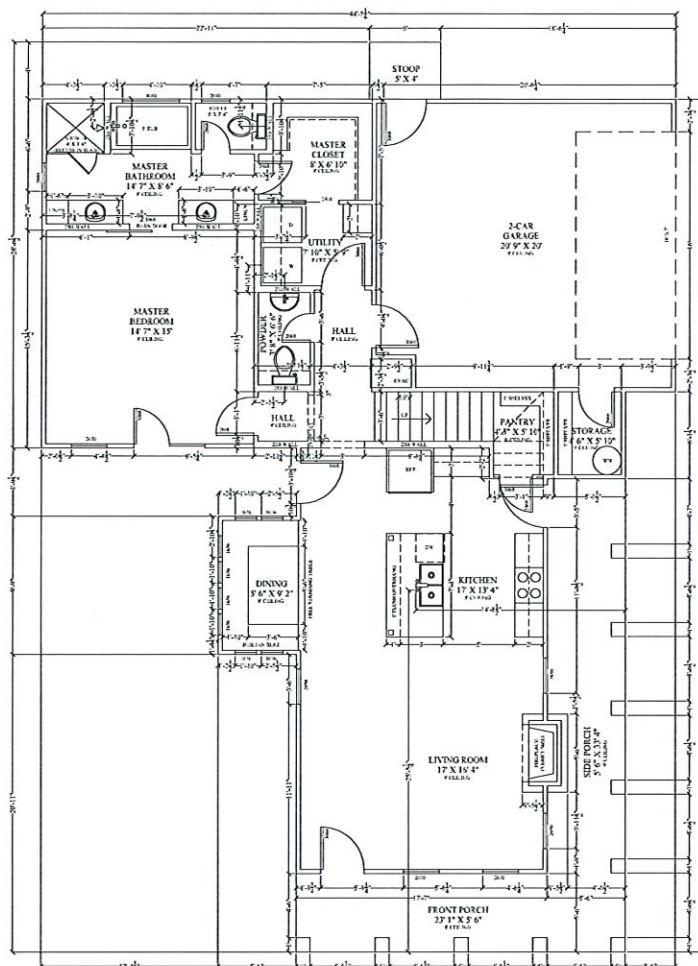
MAGNOLIA SUBDIVISION
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
11/14/17

SHEET
ELEVATIONS

SCALE
1/4" = 1'



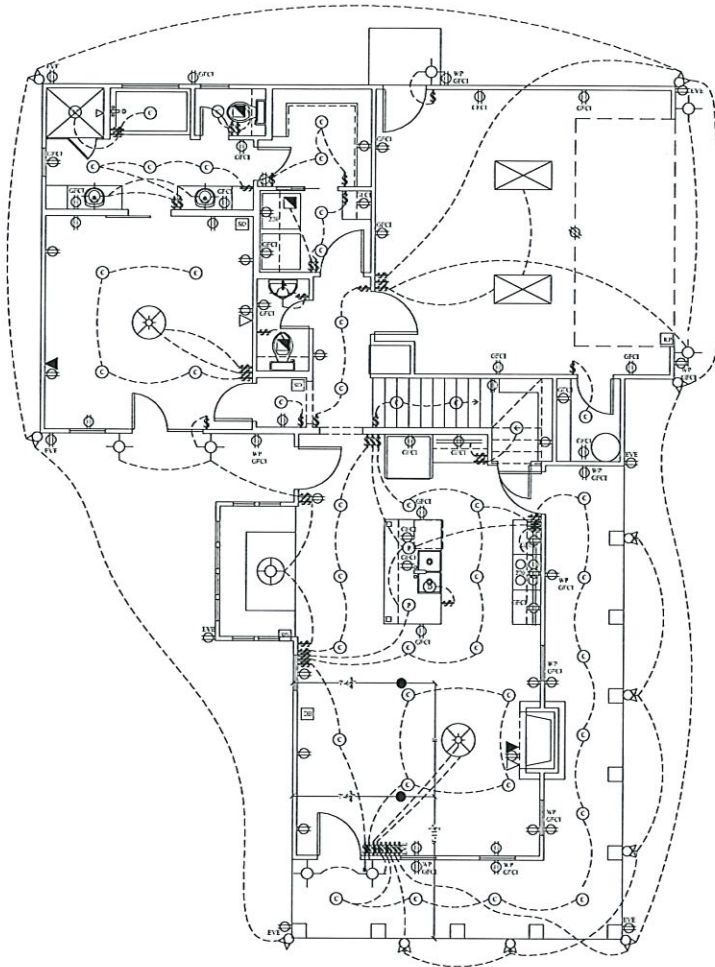
MAGNOLIA SUBDIVISION
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
11/14/17

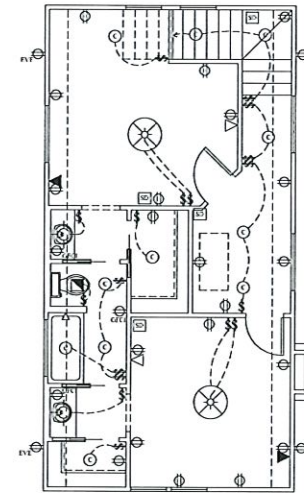
SHEET
FLOOR PLAN

SCALE
1/4" = 1'



ELECTRICAL SCHEDULE

	CEILING FAN		DOOR JAM SWITCH
	CEILING FAN W/ LIGHT		SWITCH
	HANGING FIXTURE		THREE WAY SWITCH
	CEILING MOUNTED FIXTURE		EJECTOR SWITCH
	WALL MOUNTED FIXTURE		ARC FAULT, 15A OUTLET
	PENDANT		GROUND FAULT, ARC FAULT, 15A OUTLET
	RECESSED INCANDESCENT		WEATHER PROOF, ARC FAULT, GROUND FAULT, 15A OUTLET, EYE PLUG
	RECESSED FLUORESCENT		QUAD P, 20A OUTLET
	ROCKEY PLUG LIGHTS		ARC FAULT, 20A OUTLET
	LINEAR FLUORESCENT		FLUOR, 15A OUTLET
	SPOT LIGHTING		CEILING, 15A OUTLET
	CEILING MOUNTED FLUORESCENT		EXHAUST FAN
	DOUBLE FLOOD LIGHTS		DOOR BELL
	EMERGENCY LIGHTS		DOORBELL CHIME
	PHONE/DATA		GARAGE DOOR OPENER PAD
	TV/DATA		SMOKE DETECTOR
			SMOKE DETECTOR



MAGNOLIA #1

MAGNOLIA SUBDIVISION
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
11/14/17

SHEET
ELECTRICAL

SCALE
1/4" = 1'

NOTE:
• T ROOF OVERHANG



MAGNOLIA #1

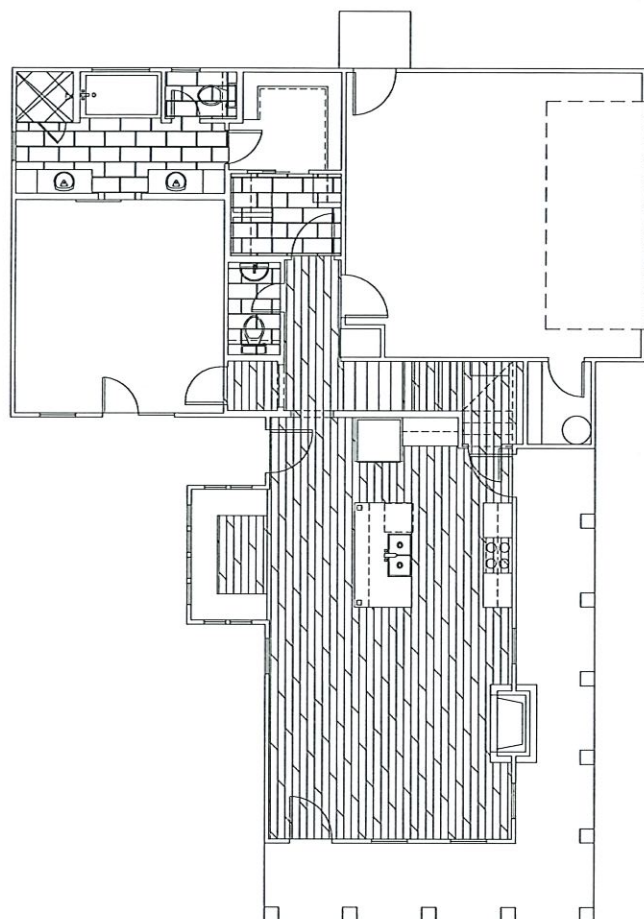
MAGNOLIA SUBDIVISION
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
11/14/17

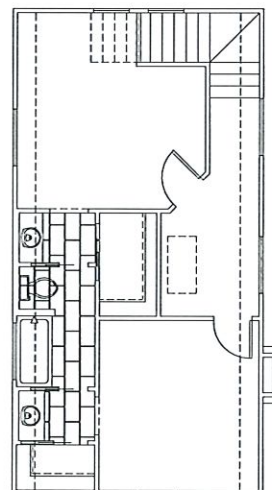
SHEET
FLOORING
& TILE

SCALE
1/4" = 1'

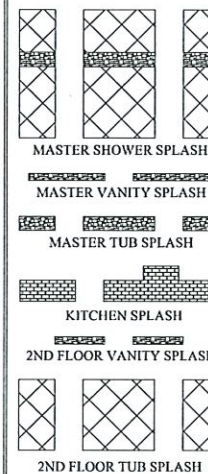


FLOORING LEGEND

	WOOD		TILE 1' X 2'		SUBWAY TILE 3' X 6"
	CARPET		DIAGONAL 18" X 18" TILE		MOSAIC TILE



SPLASH DESIGNS



MASTER SHOWER SPLASH

MASTER VANITY SPLASH

MASTER TUB SPLASH

KITCHEN SPLASH

2ND FLOOR VANITY SPLASH

2ND FLOOR TUB SPLASH



HILRE PLAN 1

NOTES:

- CONTRACTOR TO REVIEW AND APPROVE ALL PLANS PRIOR TO CONSTRUCTION.
- HOUSE TO BE BUILT BY DIMENSIONS WITH LINES, NOT BY DIMENSIONS ON ROOM LABELS.
- BUILDING TO BE BUILT PER 2015 IRC CODES.
- IF A DOOR OR WINDOW IS NOT DIMENSIONED, IT IS EITHER 6" OFF A WALL OR CENTERED IN A WALL.

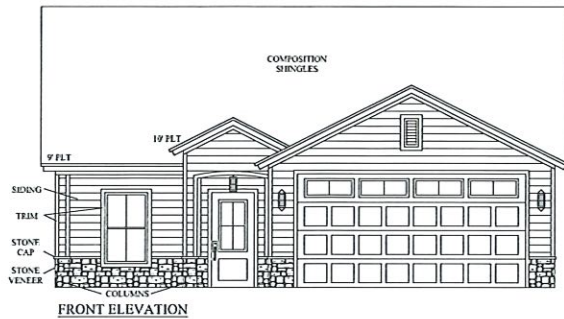
SQUARE FOOTAGE:

HEATED: 1289
FRONT PORCH: 96
GARAGE: 407

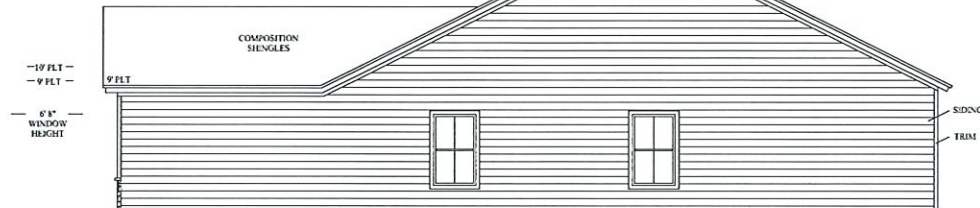
MAXIMUM JOIST SPANS (16" O.C.)

2X8 10' 6"
2X10 15' 2"
2X12 18' 0"

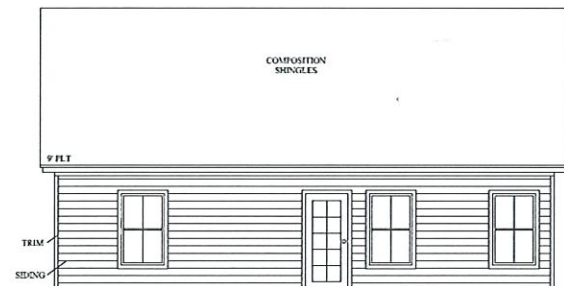
PLAN DESIGNER:
DREAM TO LIFE DESIGNS
D2LDESIGNS@YAHOO.COM
903.267.1284



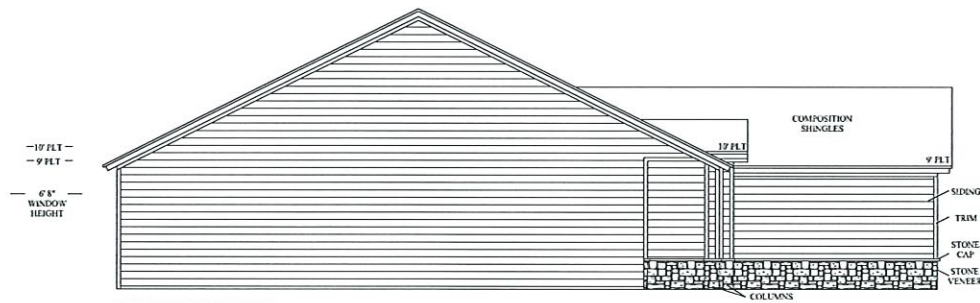
FRONT ELEVATION



RIGHT SIDE ELEVATION



BACK ELEVATION



LEFT SIDE ELEVATION

YOUNG ENTERPRISES

205 HILRE DRIVE
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
04/23/18
SHEET
ELEVATION
SCALE
1/4" = 1'



YOUNG ENTERPRISES

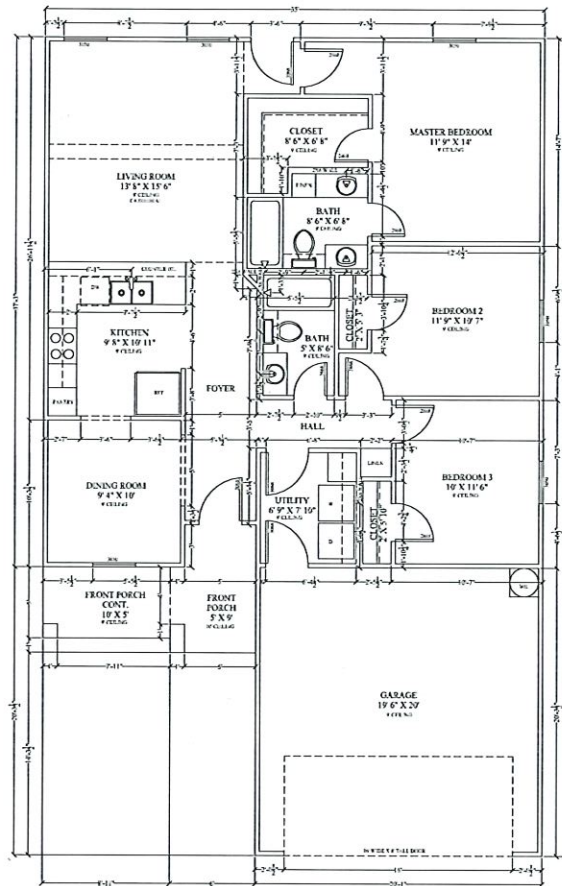
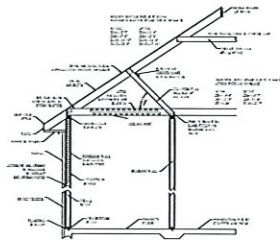
205 HILRE DRIVE
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
04/23/18

SHEET
FLOOR PLAN

SCALE
1/4" = 1'





YOUNG ENTERPRISES

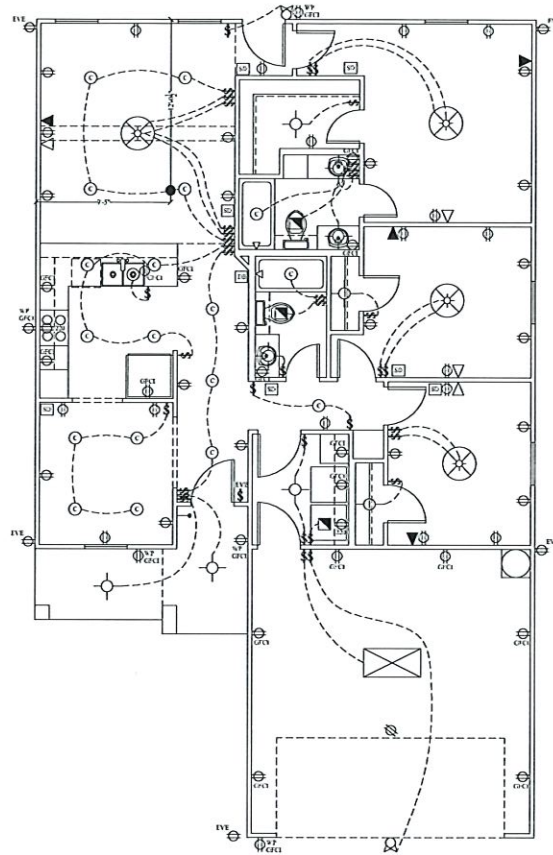
205 HILRE DRIVE
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
04/23/18

SHEET
ELECTRICAL

SCALE
1/4" = 1'



ELECTRICAL SCHEDULE

	CEILING FAN		DOOR JAM SWITCH
	CEILING FAN W/ LIGHT FIX		SWITCH
	RANGING FIXTURE		THREE WAY SWITCH
	CEILING OR WALL MOUNTED INT. L.P.		DANGER SWITCH
	PENDANT		ARC FAULT, 100A OUTLET
	RECESSED INCANDESCENT		GROUND FAULT, ARC FAULT, 100A OUTLET
	RECESSED INCANDESCENT LAY BALL		WEATHER PROOF, ARC FAULT, 100A OUTLET
	SOCKET PLUG LIGHTS		GROUND FAULT, 100A OUTLET
	UNDER CABINET FLUORESCENT		EVE PLUG
	ROPE LIGHTING		QUADPLEX OUTLET
	CEILING MOUNTED FLUORESCENT		ARC FAULT, 100A OUTLET
	DOUBLE FLOOR GFI'S		FLOOR, 100A OUTLET
	LANDSCAPE LIGHTS		CEILING, 100A OUTLET
	PHONE DATA		EXHAUST FAN W/ LIGHT
	TV/DATA		EXHAUST FAN
			DOORBELL
			DOORBELL CHIME
			GARAGE DOOR KEY PAD
			SMOKE DETECTOR
			SPARK DETECTOR



YOUNG ENTERPRISES

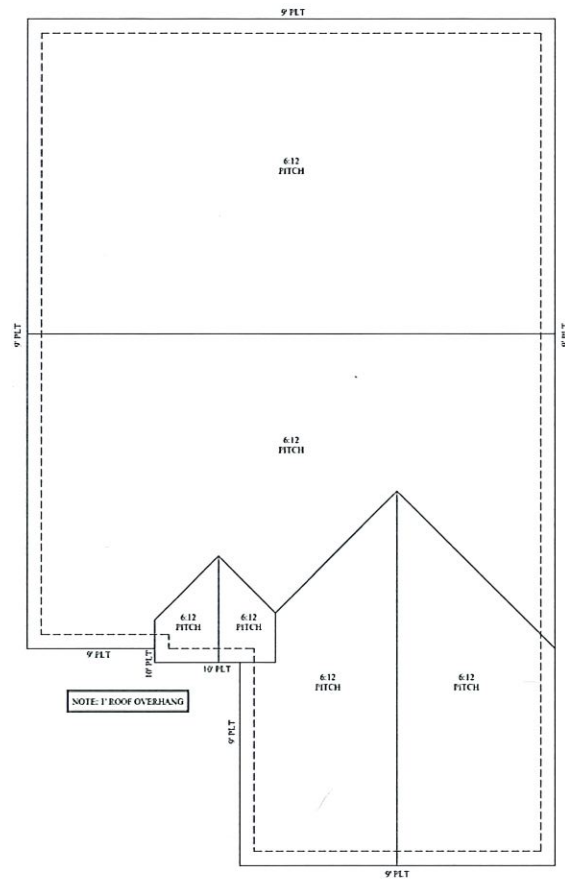
205 HILRE DRIVE
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
04/23/18

SHEET
ROOF

SCALE
1/4" = 1'

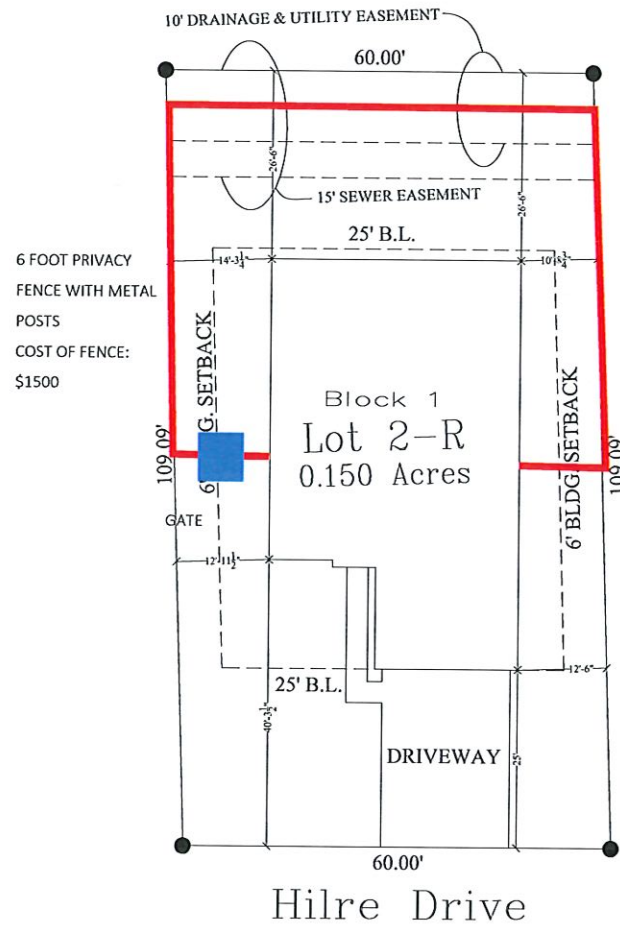




YOUNG ENTERPRISES

205 HILRE DRIVE
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM



DATE
04/23/18

SHEET
SITE - LOT 2R

SCALE
1/8" = 1'

HILRE PLAN 2

NOTES:

- CONTRACTOR TO REVIEW AND APPROVE ALL PLANS PRIOR TO CONSTRUCTION.
- HOUSE TO BE BUILT BY DIMENSIONS WITH LINES, NOT BY DIMENSIONS ON ROOM LABELS.
- BUILDING TO BE BUILT PER 2015 IRC CODES.
- IF A DOOR OR WINDOW IS NOT DIMENSIONED, IT IS EITHER 6" OFF A WALL OR CENTERED IN A WALL.

SQUARE FOOTAGE:

HEATED: 1356

FRONT PORCH: 26

BACK PORCH: 135

GARAGE: 372

MAXIMUM JOIST SPANS (16" O.C.)

2X8 10' 6"

2X10 15' 2"

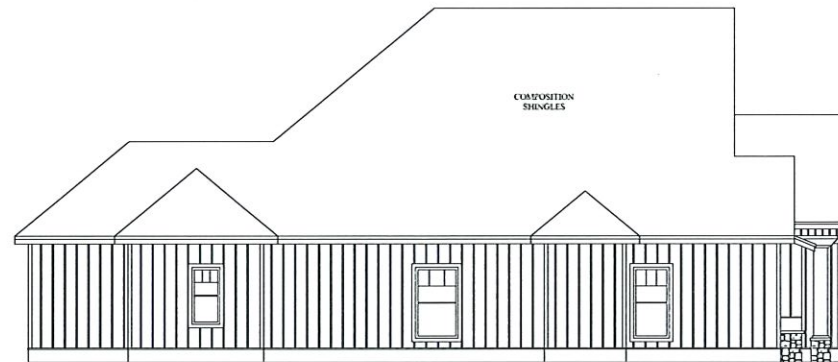
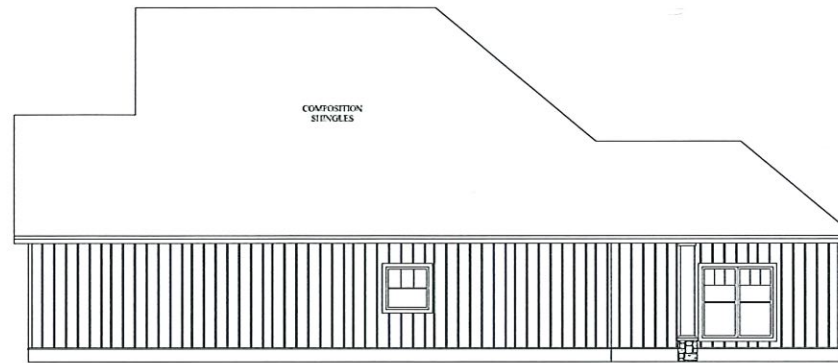
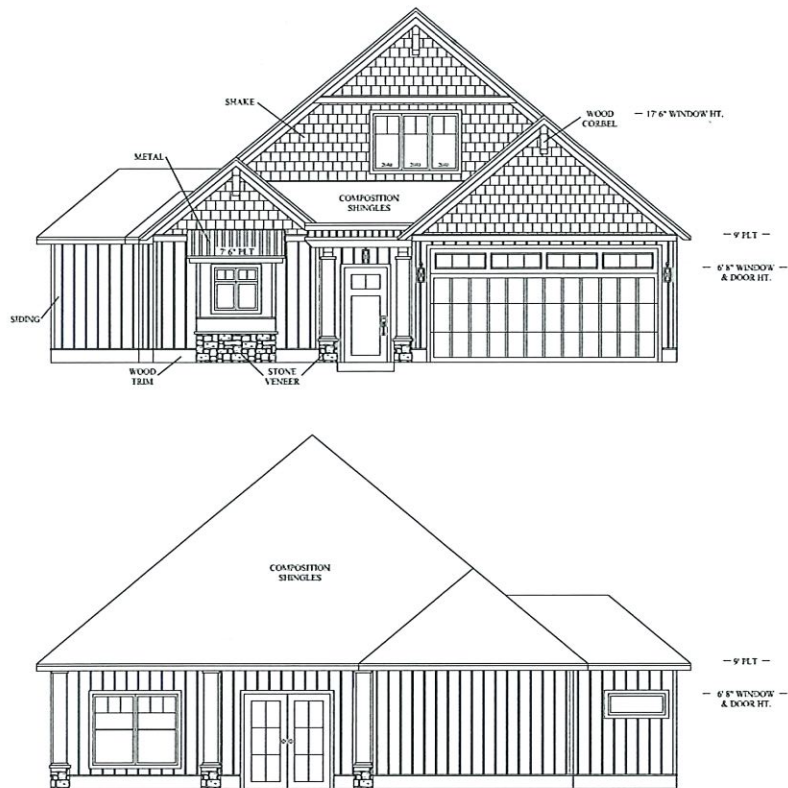
2X12 18' 0"

PLAN DESIGNER:

DREAM TO LIFE DESIGNS

D2LDESIGNS@YAHOO.COM

903.267.1284



YOUNG ENTERPRISES

201 HILRE DRIVE
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
04/20/18

SHEET
ELEVATIONS

SCALE
1/4" = 1'



YOUNG ENTERPRISES

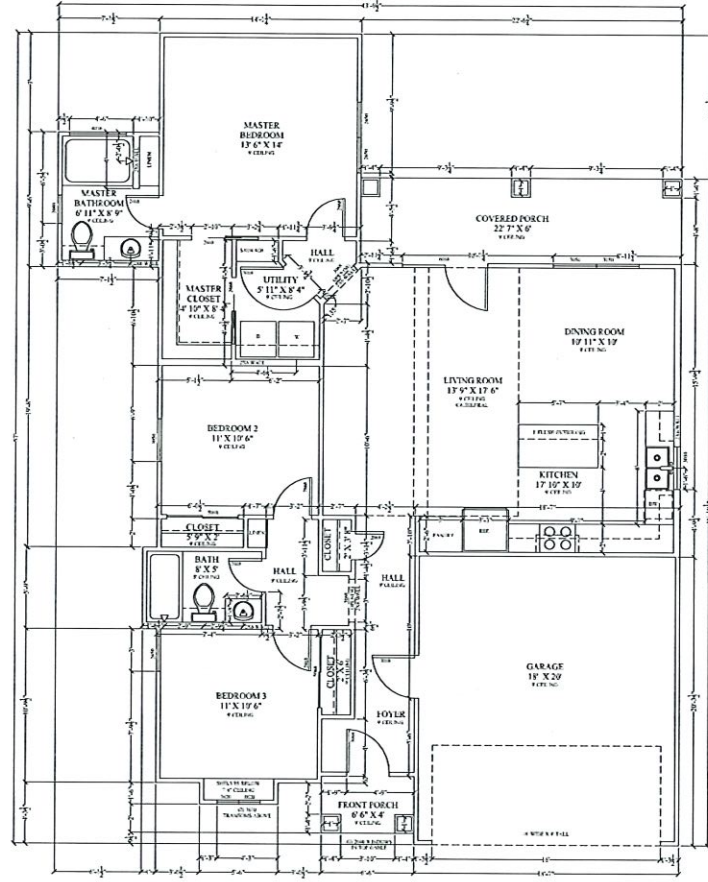
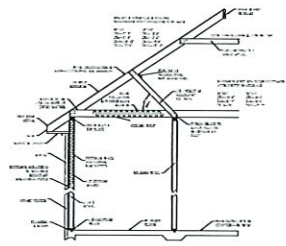
201 HILRE DRIVE
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
04/20/18

SHEET
FLOOR PLAN

SCALE
1/4" = 1'





YOUNG ENTERPRISES

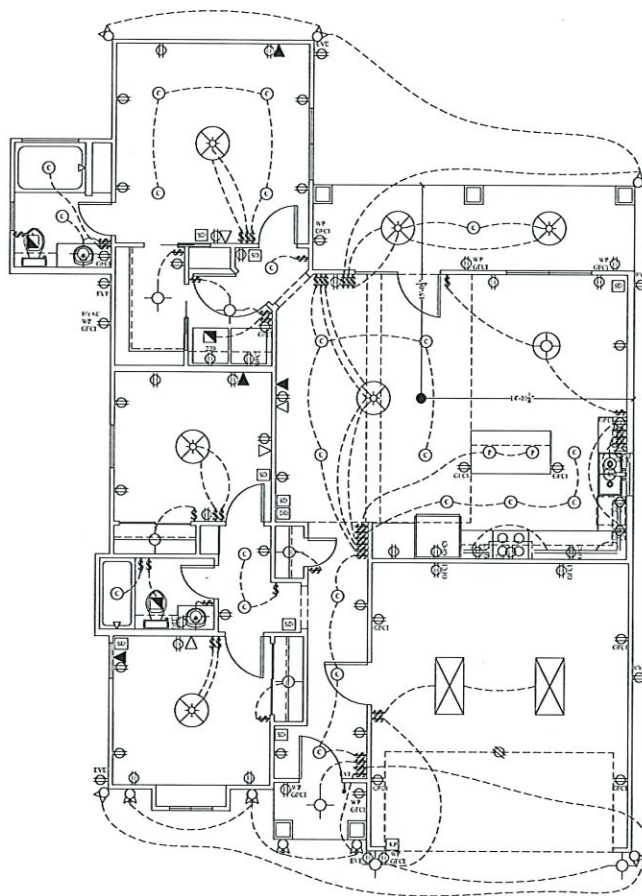
201 HIL RE DRIVE
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
04/20/18

SHEET
ELECTRICAL

SCALE
1/4" = 1'



ELECTRICAL SCHEDULE

	CEILING FAN		DOOR DASH SYSTEM
	CEILING FAN W/ LIGHT KIT		SWITCH
	HANGING POST, RF		THREE WAY SWITCH
	CEILING MOUNTED FIXTURE		DIMMER SWITCH
	WALL MOUNTED FIXTURE		ARC FAULT 15A OUTLET
	PENDANT		GROUND FAULT, ARC FAULT 15A OUTLET
	RECESSED IN CEILING		WEATHER PROOF, ARC FAULT GROUND FAULT 15A OUTLET 15A PLUG
	RECESSED IN CEILING EYE BALL		COMPLEX OUTLET
	100 WATT PLUG LIGHTS		ARC FAULT 25A OUTLET
	UNDER CABINET ILLUMINATION		FLOOR, 15A OUTLET
	RECESSED LIGHTING		CEILING, 15A OUTLET
	CEILING MOUNTED FLOOD LIGHT		CEILING FAN W/ LIGHT
	DOUBLE FLOOD LIGHT		EXHAUST FAN
	LANDSCAPE LIGHT		DOOR BELL
	PHONE / DATA		DRY WALL COVER
	TV / DATA		GARAGE DOOR KEY PAD
			SMOKE DETECTOR
			SMOKE DETECTOR



YOUNG ENTERPRISES

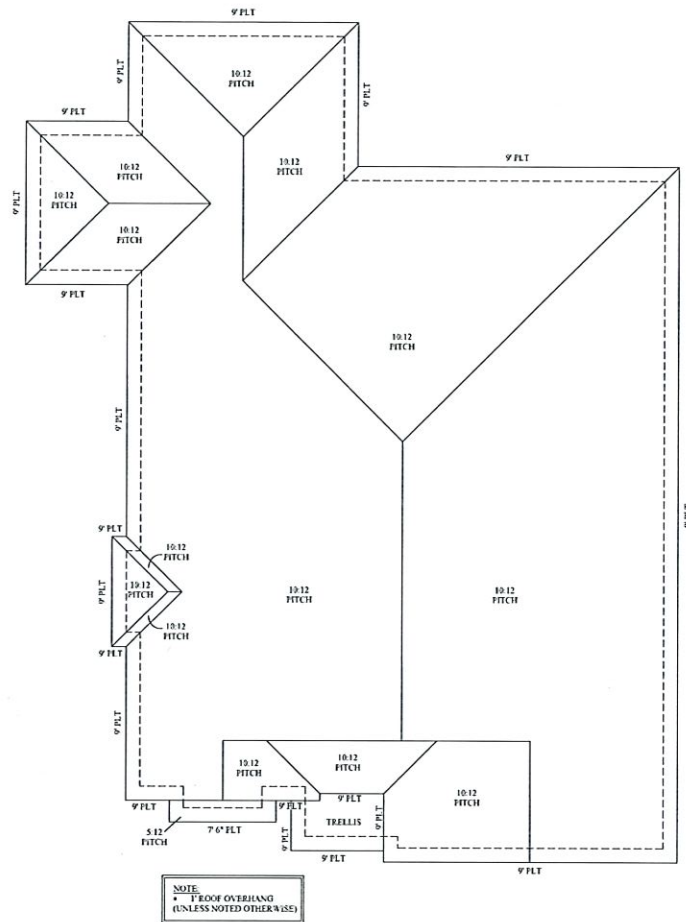
201 HILRE DRIVE
SHERMAN, TEXAS 75092

D2LDESIGNS@YAHOO.COM

DATE
04/20/18

SHEET
ROOF

SCALE
1/4" = 1'



About the Neighborhood

new affordable homes in Sherman TX at Magnolia Village

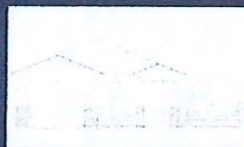
ABOUT MAGNOLIA VILLAGE

This is where the description of the neighborhood concept will go. Lorem ipsum do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat.

Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum.

Sed ut perspiciatis unde omnis iste natus error sit voluptatem accusantium doloremque laudantium, totam rem aperiam, eaque ipsa quae ab illo inven-

AVAILABLE HOMES



Single-Family Open Floor Plans

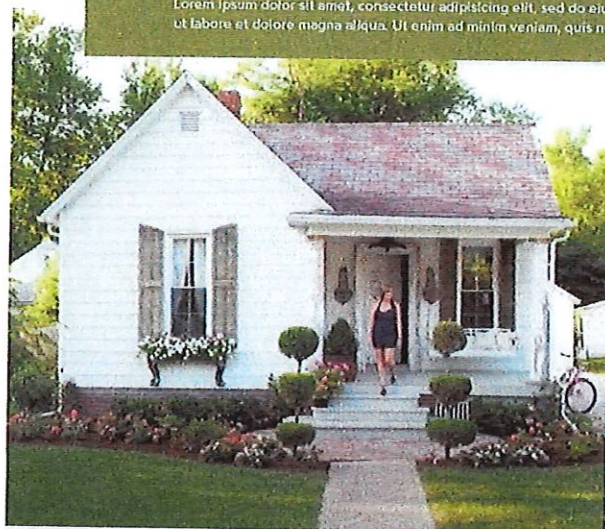
This is where the description of the architectural features of the village will go. cing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commo-

[EXPLORE FLOOR PLANS](#)

TIMESLESS DESIGN AT AN AFFORDABLE PRICE

Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercita-

[REQUEST MORE INFO](#)



leave a lasting impression with our Homeowners' Association

This is where the description of the HOA and other neighborhood information will go. Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercita-

Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident,

request more information from Magnolia Villages

1234 Street Address
Sherman, TX 12345

P: +1 (555) 555-555

F: +1 (555) 555-555

contact@magnoliavillage.com

FIRST

LAST

EMAIL

PHONE

MESSAGE

[CONTACT MAGNOLIA VILLAGES](#)



MAGNOLIA
VILLAGE



learn about
Magnolia Village

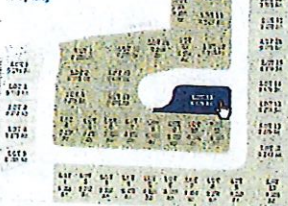
Discover the lifestyle and community at Magnolia Village. Our homes are designed to provide a sense of place and community. We offer a variety of home styles and sizes to meet your needs. Our homes are built with quality materials and craftsmanship. We are proud to be part of the Magnolia Village community.

More information

our site map
Discover the Neighborhood

Discover the location of our homes in the neighborhood. Our homes are located in a prime location with easy access to schools, shopping, and recreation.

Click on the map below to see all of our available homes. Map shows location of homes in the neighborhood.



LOT 12 - 0.179 AC.

Liberty House

1200 sq. ft. 3 bed 2 bath

Call: 1-800-333-3333

VIEW FLOOR PLAN

TIMELESS DESIGN AT AN AFFORDABLE PRICE

Our homes are built with quality materials and craftsmanship. We are proud to be part of the Magnolia Village community.

More information

available homes in
Magnolia Village

NEW HOMES IN THE \$100-\$250K PRICE RANGE

From a small starter home to a larger home, we have a variety of homes to meet your needs. Our homes are built with quality materials and craftsmanship. We are proud to be part of the Magnolia Village community.

LIBERTY

1200 sq. ft. 3 bed 2 bath
2000 sq. ft. 4 bed 3 bath
\$100,000

VIEW FLOOR PLAN

LIBERTY

1200 sq. ft. 3 bed 2 bath
2000 sq. ft. 4 bed 3 bath
\$100,000

VIEW FLOOR PLAN



we work with experienced
Builder Partners

Magnolia Village partners with experienced home builders to bring you new homes. Our homes are built with quality materials and craftsmanship. We are proud to be part of the Magnolia Village community.

- 1000 sq. ft. 3 bed 2 bath
- 1500 sq. ft. 3 bed 2 bath
- 2000 sq. ft. 4 bed 3 bath
- 2500 sq. ft. 4 bed 3 bath
- 3000 sq. ft. 4 bed 3 bath
- 3500 sq. ft. 4 bed 3 bath

request more information from
Magnolia Villages

1200 sq. ft. 3 bed 2 bath
2000 sq. ft. 4 bed 3 bath
\$100,000

contact: 1-800-333-3333

NAME: _____

EMAIL: _____

PHONE: _____

ADDRESS: _____

CITY: _____

STATE: _____

ZIP: _____

CONTACT: 1-800-333-3333













STAFF REVIEW LETTER

August 11, 2020

Young Enterprises, LP
5414 N. FM 1417 (Heritage Parkway)
Sherman, TX 75092

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Jones/Carter
Vince Stanko
2805 Dallas Parkway, Ste. 600
Plano, TX 75093

Dear Applicants,

The request for a zone change from a C-1 (Retail Business) District to an R-1 (One-Family Residential) District and Specific Use Permit and site plan approval to allow up to 39 patio homes in the proposed Cottages of Magnolia Village in an R-1 (One-Family Residential) District for the property located in the 500 block of East Northcreek Drive has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, August 18, 2020 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the patio home ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Parking and service driveways are permitted on paved surfaces only; concrete or asphalt.
3. A parking space is considered to be 9'x20'.
4. Parking ratio required: one space per bedroom, minimum two per unit.
5. Side yard setbacks must be uniform for all homes within a given block.
6. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903-892-7267).
7. Review the zoning and development ordinance for additional requirements.
8. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

9. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from Engineering Department.
10. Platting of the subject property is required.
11. Privately owned and maintained detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
12. Water and sewer shall be extended to serve the development. Sewer capacity shall be verified for proposed use.
13. Development Agreement required for public infrastructures.
14. Variance required for lots with less than 40' street frontage.

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae

Incoming 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
Christopher Armstrong, Asst. City Engineer
Tom Pruitt, Utility Engineer

Billy Hartsfield, Fire Marshal
Brandon Shelby, City Attorney
Amber Doan, Engineering Coordinator
Scott Shadden, Director of Developmental Services



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 13.

Meeting Date: 08/18/2020

Prepared by: Patsy Reeves, Developmental Services Coordinator
Scott Shadden, Director of Development Services
Rob Rae, Incoming Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Requested Action/Proposed Use:

500 BLOCK EAST NORTHCREEK DRIVE

The request of Young Enterprises, LP (Owners), Vincent Stanko, Jones/Carter (Civil Engineer), Dream to Life Designs (Designer) and Helvey-Wagner Surveyor, Inc. (Surveyor) concerning the property in the 500 block of East Northcreek Drive, being 6.166 acres in the James H. Clark Survey, Abstract No. 273, as follows:

Planning and Zoning Commission

- Zone change and site plan approval under Ordinance No. 2280, Section 12, from a C-1 (Retail Business) District to an R-1 (One-Family Residential) District.
- Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow up to (39) thirty-nine patio homes in the proposed Cottages of Magnolia Village in an R-1 (One-Family Residential) District.

Background:

The property is located in the 500 block of East Northcreek Drive between Hilre Drive and Town Center Street; adjacent to residential on the west and Home Depot on the east. The owners would like to change the zoning on the property from a C-1 (Retail Business) District to an R-1 (One Family Residential) District and request a Specific Use Permit to allow patio homes on (39) thirty-nine lots.

Adjacent Zoning:

R-1 (One Family Residential) District

C-1 (Retail Business) District

C-2 (General Commercial) District

Origination:

Young Enterprises, LP (Owners)
Vincent Stanko, Jones/Carter (Civil Engineer)
Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

31

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Preliminary Plat
Site Plan
Building Elevations
Color Building Elevations
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C. 9.

Meeting Date: 09/08/2020

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6324

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District at 230 East Sycamore Street, being Lot 1, Ellison Addition (1303 Group, LLC, Owners; Vilbig & Associates, PLLC, Civil Engineer; and David Baca Studio, Architect)

Issue:

To consider the request of 1303 Group, LLC (Owners), Vilbig & Associates, PLLC (Civil Engineer), and David Baca Studio (Architect) concerning the property at 230 East Sycamore Street, being Lot 1, Ellison Addition, for a zone change from a C-2 (General Commercial) District to a C-1 (Retail Business) District

Background:

The property is located at 230 East Sycamore Street between the Highway 75 access road and North Branch Street; the former American Legion. The property is zoned a C-2 (General Commercial) District and is located in the O-1 (75 & 82) Overlay District. The owners are requesting a zone change from a C-2 (General Commercial) District to a C-1 (Retail Business) District and site plan approval for a 30,714 square foot, three story (50'), mixed use office building. The exterior of the building will be brick with fiber cement panels. Parking will be provided for 134 spaces. An exception was approved to allow a 50' tall office building at the August 18, 2020, Planning and Zoning Commission Meeting.

Origination:

1303 Group, LLC (Owners)
Vilbig & Associates, PLLC (Civil Engineer)
David Baca Studio (Architect)

Financial Consideration:

None

Staff Recommendation:

At the August 18, 2020 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6324
Aerial Location Map
Zoning Map
Zoning Sign Photo
Plat
Site Plan
Building Elevations
Color Rendering
Staff Review Letter
P&Z Communication

ORDINANCE NO. 6324

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AT 230 EAST SYCAMORE STREET, BEING LOT 1, ELLISON ADDITION (1303 GROUP, LLC, OWNERS; VILBIG & ASSOCIATES, PLLC, CIVIL ENGINEER; AND DAVID BACA STUDIO, ARCHITECT); PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, the following described property shall be in the C-1 (Retail Business) District at 230 East Sycamore Street, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 1, Ellison Addition

SECTION 2. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 12, Ordinance No. 2280.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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.

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



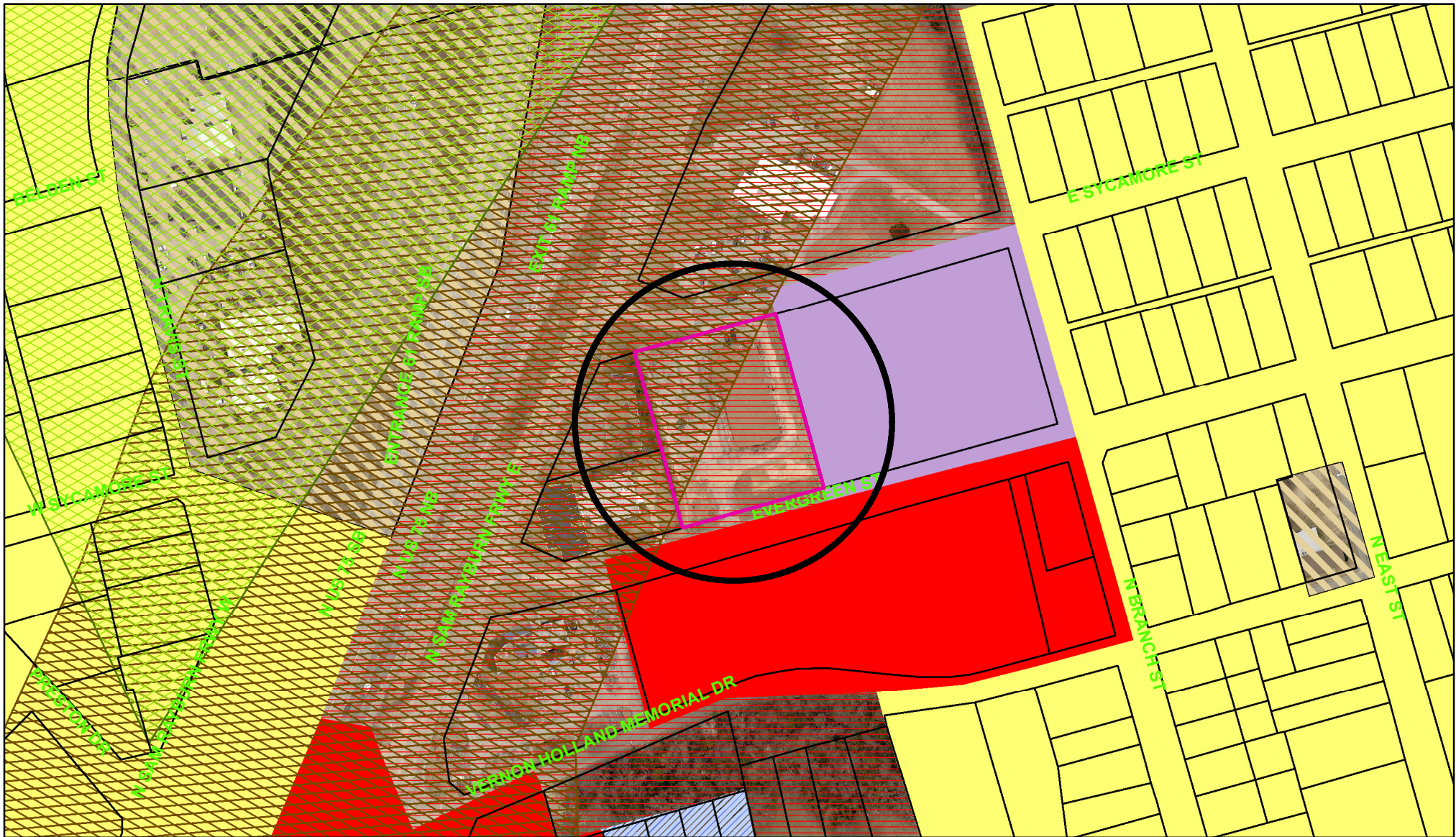
230 East Sycamore Street

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

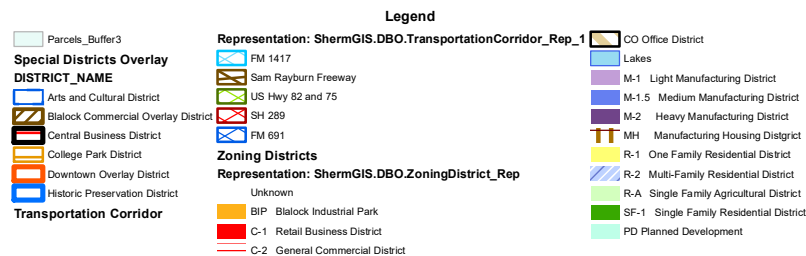
1 in = 242 ft



Zoning - 230 East Sycamore Street



City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 200 ft

230 East Sycamore Street



Jul 30, 2020 at 9:40 AM

LEGAL DESCRIPTION

Situated in the City of Sherman, Grayson County, Texas, being a part of the J. B. McAnair Survey, Abstract No. 763, and being all of the same tract of land described as 2.09 acres conveyed by Kenneth Jack Carroll and Nola Mae Carroll, Co-Trustees to Daryl Ellison, Josh Ellison, and Derek Ellison by deed dated November 1, 2013, recorded in Volume 5383, Page 135, Official Public Records, Grayson County, Texas, and being the 1.196 acre tract of land conveyed by James L. Mathis, II to Cool Water Development, LLP by deed of record in Volume 5874, Page 260 of said Official Public Records and being more particularly described by metes and bounds as follows:

Beginning at a 1" pipe found in the north line of Evergreen Street, said pipe maintaining the southeast corner of a 0.55 acre tract conveyed to JUST BLW3, LLC by deed of record in Volume 4706, Page 446 of said Official Public Records and continuing along the east line of said 0.40 acre tract for a total distance of 260.39 feet to point in the south line of Sycamore Street from which a found axle bears North 83° West, a distance of 1.3' feet;

Thence North 15°14'16" West, along the east line of said 0.55 acre tract passing the southeast corner of a 0.40 acre tract of land conveyed to JUST BLW3, LLC by deed of record in Volume 4706, Page 446 of said Official Public Records and continuing along the east line of said 0.40 acre tract for a total distance of 260.39 feet to point in the south line of Sycamore Street from which a found axle bears North 83° West, a distance of 1.3' feet;

Thence North 74°34'04" East, along the south line of said Sycamore Street, a distance of 550.10 feet to a chiseled hole in concrete found at the intersection of the south line of said Sycamore Street and the west line of Branch Street, said chiseled hole maintaining the northeast corner of said 2.09 acre tract;

Thence North 15°20'54" East, along the west line of said Branch Street, a distance of 260.23 feet to the corner of concrete found at the intersection of the west line of said Branch Street and the north line of said Evergreen Street, said corner of concrete maintaining the southeast corner of said 2.09 acre tract;

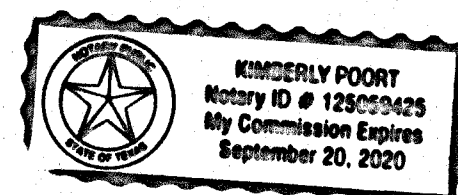
Thence South 74°33'04" West, along the north line of said Evergreen Street, a distance of 550.61 feet to the Point-of-Beginning and containing 3.289 acres of land.

STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared DARYL ELLISON known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 19th day of Dec, 2016.

Kimberly Poort
Notary Public in and for
the State of Texas
Commission Expires: 9/20/20

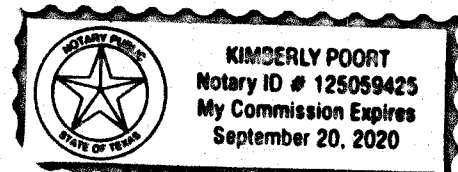


STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared JOSH ELLISON known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 19th day of Dec, 2016.

Kimberly Poort
Notary Public in and for
the State of Texas
Commission Expires: 9/20/20

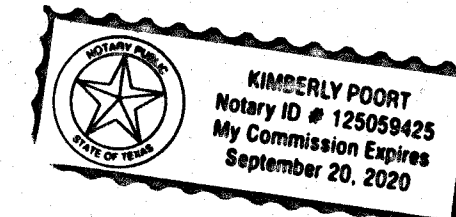


STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared DEREK ELLISON known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 19th day of Dec, 2016.

Kimberly Poort
Notary Public in and for
the State of Texas
Commission Expires: 9/20/20

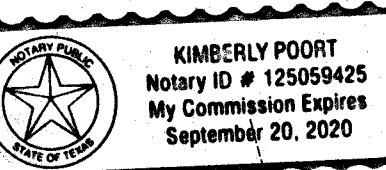


STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared BLAIR WEAVER known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 19th day of Dec, 2016.

Kimberly Poort
Notary Public in and for
the State of Texas
Commission Expires: 9/20/20



NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT WE, DARYL ELLISON, JOSH ELLISON, DEREK ELLISON and COOL WATER DEVELOPMENT, LLP do hereby adopt this plat designating the hereinabove property as the ELLISON ADDITION, an addition to the City of Sherman, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in anyway endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this 19th day of Dec, 2016.

Daryl Ellison
DARYL ELLISON
Josh Ellison
JOSH ELLISON
Derek Ellison
DEREK ELLISON
Blair Weaver
COOL WATER DEVELOPMENT, LLP
BLAIR WEAVER

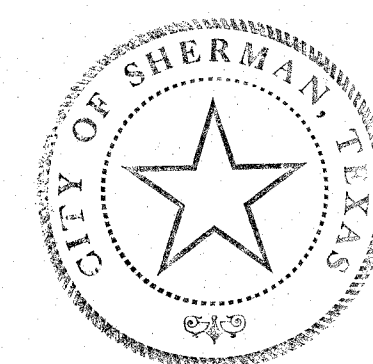
Accepted by the City Council of the City Sherman

John
Mayor, City of Sherman, Texas
Date 12/19/2016

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, ELLISON ADDITION, an addition to the City of Sherman, Texas, was submitted to the City Council on the 19th day of December, 2016, and the City Council, by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this 19th day of December, 2016.

Sinde Ashby
Clerk, City of Sherman, Texas



Approved this 22nd day of November, 2016, by the City Planning Commission to the City of Sherman, Texas.

John Chairman *Scott Shadden* Secretary

207070

FILED FOR RECORD

at 10:04 o'clock 2, 2016

Recorded in Vol. 24 Page 33

WILMA BLACKSHEAR BUSH

County Clerk, Grayson Co., Texas

By *Paul Miller* Deputy

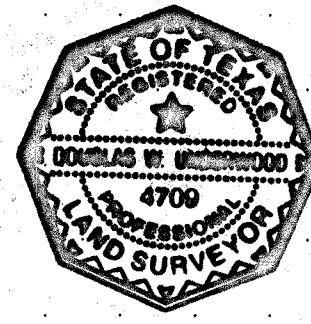
**FINAL PLAT
OF
ELLISON ADDITION
TO THE CITY OF
SHERMAN, TEXAS
3.289 ACRES
OUT OF THE
J. B. McANAIR SURVEY
ABST. NO. 763
GRAYSON COUNTY, TEXAS**

KNOWN ALL MEN BY THESE PRESENTS:

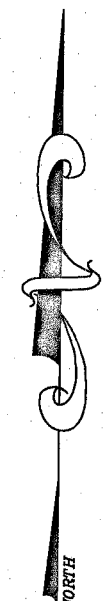
That I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon where properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

DLW
Douglas W. Underwood
Registered Professional
Land Surveyor, No. 4709
Firm No. 10006300

12/5/16
Date



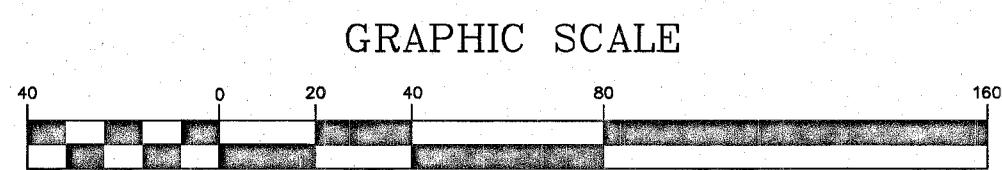
207070
FILED FOR RECORD
at 10:04 o'clock 2, 2016
Recorded in Vol. 24 Page 33
WILMA BLACKSHEAR BUSH
County Clerk, Grayson Co., Texas
By *Paul Miller* Deputy



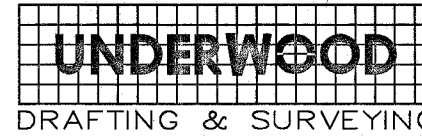
~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE

OWNERS/DEVELOPER
DARYL ELLISON
JOSH ELLISON
DEREK ELLISON
COOL WATER DEVELOPMENT, LLP
244 E. EVERGREEN ST.
SHERMAN, TEXAS 75090

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS



(IN FEET)
1 inch = 40 ft.



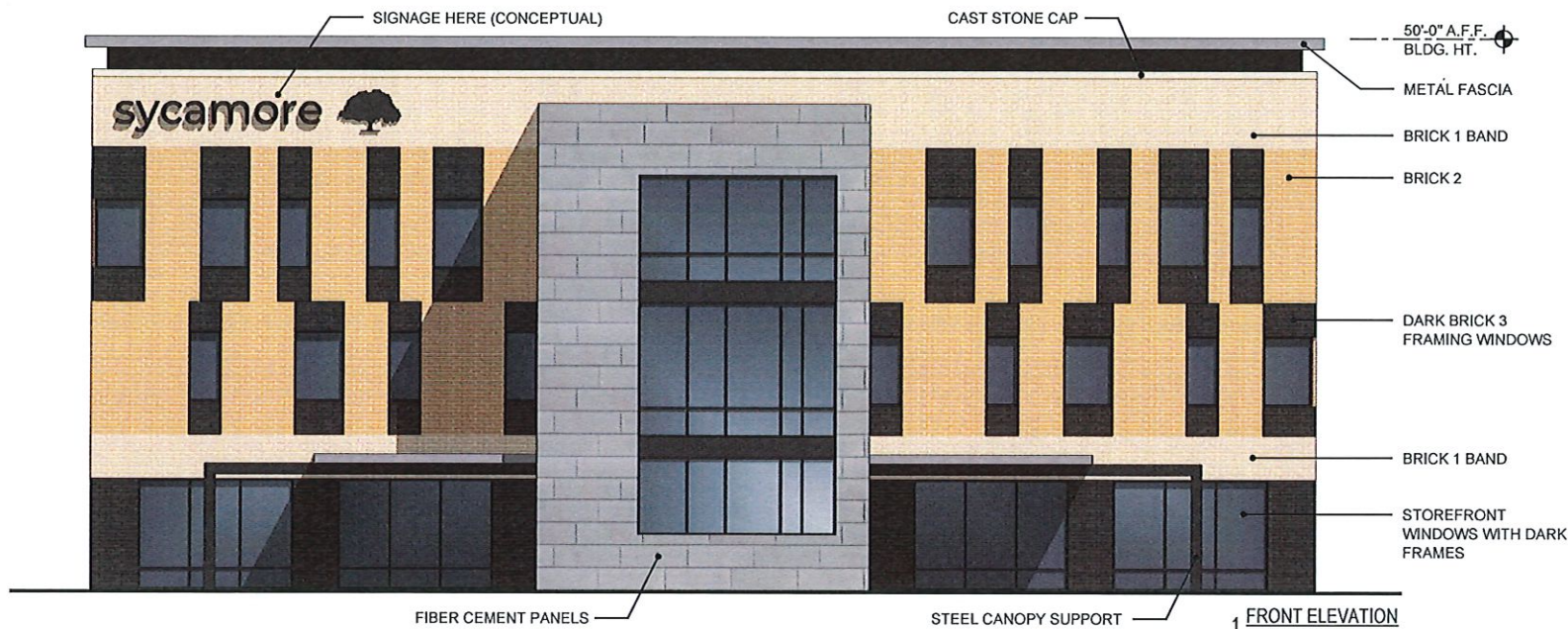
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

- ~ GENERAL NOTES ~
1. Water Supply to be provided by the City of Sherman.
 2. Sewer Service to be provided by the City of Sherman.
 3. Electrical service is provided by Oncor Electrical Delivery.
 4. Blocking the flow of water or construction of Improvements in drainage easements, and filling or obstruction of the 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 drainage easements for the control of erosion.
 7. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
 8. The owners and builders must comply with all other local, state and federal regulations regarding developments of this type.
 9. Bearings are based on the City of Sherman Control Monument Network.
 10. The City of Sherman reserves the right to require submission of Development Plat based on proposed use of each lot.
 11. The subject property is zoned Commercial.

20623

E-9-254

SITE PLAN



exterior elevations (conceptual)



david baca
STUDIO

100 NORTH TRAVIS STREET
SUITE 100-500A
SHERMAN, TEXAS 75090
903.893.5800
www.davidbacastudio.com

**SCHEMATIC
DESIGN
REVIEW**

NOT FOR REGULATORY
APPROVAL, PERMITTING, OR
CONSTRUCTION

REVISIONS	DATE

SYCAMORE OFFICE BUILDING

Sycamore Street
Sherman, Texas

PROJECT NUMBER
2019

DATE
07.22.20

SHEET NUMBER
SP1.0



exterior elevations (conceptual)



100 NORTH TRAVIS STREET
SUITE NO. 500A
SHERMAN, TEXAS 75090
903 893 5800
www.davidbacastudio.com

**SCHEMATIC
DESIGN
REVIEW**
NOT FOR REGULATORY
APPROVAL, PERMITTING, OR
CONSTRUCTION

REVISIONS	DESCRIPTION	DATE

SYCAMORE OFFICE BUILDING

Sycamore Street
Sherman, Texas

PROJECT NUMBER
2019
DATE
07.22.20
SHEET NUMBER
SP1.1



STAFF REVIEW LETTER

August 11, 2020

1303 Group, LLC
PO Box 193
Sherman, TX 75091

David Baca Studio
100 N. Travis, Ste. 500A
Sherman, TX 75090

Vilbig & Associates
Tommy Vilbig
517 W. Woodard St.
Denison, TX 75020

Underwood Drafting & Surveying
3404 Interurban Road
Denison, TX 75020

Dear Applicants,

The request for site plan approval for Sycamore Office Building for the property located at 230 East Sycamore Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, August 18, 2020 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the C-1 (Retail Business) District, the O-1 (75 & 82) Overlay District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Parking and service driveways are permitted on paved surfaces only; concrete or asphalt.
3. A parking space is considered to be 9'x20'.
4. The parking ratio is determined by use; an exception may be required before occupancy if parking is not provided.
5. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903-892-7267).
6. The trash dumpster will need to be located in the main building area.
7. Review the zoning and development ordinance for additional requirements.
8. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

9. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from Engineering Department.
10. Privately owned and maintained detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
11. The location of trash receptors must be approved by Public Works Department.
12. Verify adequate water pressure for 3-story building.
13. Verify airspace penetration with Engineering Department.

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae
Incoming 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 Christopher Armstrong, Asst. City Engineer Tom Pruitt, Utility Engineer	Billy Hartsfield, Fire Marshal Brandon Shelby, City Attorney Amber Doan, Engineering Coordinator Scott Shadden, Director of Developmental Services
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**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 15.

Meeting Date: 08/18/2020

Prepared by: Patsy Reeves, Developmental Services Coordinator
Scott Shadden, Director of Development Services
Rob Rae, Incoming Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Requested Action/Proposed Use:

230 EAST SYCAMORE STREET

The request of 1303 Group, LLC (Owners), Vilbig & Associates, P.L.L.C (Civil Engineer) and David Baca Studio (Architect) concerning the property at 230 East Sycamore Street, being Lot 1, Ellison Addition, as follows:

Board of Adjustments

Variance approval under Ordinance No. 2280, Section 6.4, Subsection (5)(c) to allow a 50' tall office building in lieu of the allowed 45' in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District.

Planning and Zoning Commission

- Zone change and site plan approval under Ordinance No. 2280, Section 12, from a C-2 (General Commercial) District to a C-1 (Retail Business) District.
- Site plan approval for Sycamore Office Building.

Background:

The property is located at 230 East Sycamore Street between the Highway 75 access road and North Branch Street; the former American Legion. The property is zoned a C-2 (General Commercial) District and located in the O-1 (75 & 82) Overlay District. The owners are requesting a zone change from a C-2 (General Commercial) District to a C-1 (Retail Business) District, variance and site plan approval for a 30,714 square foot, three story (50'), mixed use office building. The exterior of the building will be brick with fiber cement panels. Parking will be provided for 134 spaces.

Adjacent Zoning:

C-1 (Retail Business) District

M-1 (Light Manufacturing) District

Origination:

1303 Group, LLC (Owners)
Vilbig & Associates, P.L.L.C (Civil Engineer)
David Baca Studio (Architect)

Master Plan Designation:

Public/Institutional – The Public and Institutional character type includes schools, churches, and other public services for the City. Buildings may be designed to act as landmarks and this urban design adds flair to a neighborhood.

Number of notices mailed:

5

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Plat
Site Plan
Color Rendering
Building Elevations
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C. 10.

Meeting Date: 09/08/2020

Prepared By: Wayne Lee, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6325

Providing for Permanent All Way "Stop" Signs at the Intersection of Case Road and Elliot Road within the City Limits of the City of Sherman, Texas; Providing for a Penalty Provision

Issue:

To adopt an ordinance providing for permanent All Way "Stop" signs at the intersection of Case Road and Elliot Road

Background:

The Engineering Department reviewed the intersection based on the criteria set forth in the Texas Manual on Uniform Traffic Control Devices and determined that permanent All Way "Stop" signs are required at this location. The "Stop" signs have been up for 90 days to allow the staff to evaluate the issue. This intersection will now be an "All Way" stop.

Origination:

Engineering Department

Financial Consideration:

The City's cost for installing the sign is approximately \$300.00 for time and materials.

Staff Recommendation:

It is recommended that the City Council adopt the proposed ordinance.

Alternatives:

As directed by the Council

Attachments

Ordinance No. 6325

Aerial Location Map

ORDINANCE NO. 6325

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT ALL WAY “STOP” SIGNS AT THE INTERSECTION OF CASE ROAD AND ELLIOT ROAD WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN, TEXAS; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, permanent All Way “Stop” signs shall be placed at the following locations within the corporate limits of the City of Sherman, Texas:

All Way “Stop” Signs to be placed at the intersection of Case Road and Elliot Road as shown by the exhibit attached hereto and incorporated herein for all purposes.

SECTION 2. That the City Engineer is directed to designate this action by the appropriate markings and signs.

SECTION 3. That, from and after the erection of the stop signs herein authorized, it shall be unlawful for the driver of any vehicle approaching such stop signs to fail to bring such vehicle to a complete stop at a clearly marked stop line; but, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Violators of this ordinance shall be subject to fine as provided in Section 1-6 of the Code of Ordinances of the City of Sherman, Texas, codified.

SECTION 4. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. 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 the public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C. 11.

Meeting Date: 09/08/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6316, 6317, 6318, 6319, 6320, 6321, 6322, 6323, 6324 and 6325

Issue:

- C. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6316**
Declaring as Elected the Unopposed Candidates for the Office of City Council Member for District 2 and for District 4; Finding that All Necessary and Required Legal Conditions have been Satisfied; Providing that the November 3, 2020 Regular Municipal Election for City Council Shall Not be Held; Providing for Posting of this Ordinance on Election Day, November 3, 2020
- C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6317**
Expanding Sherman Tax Increment Reinvestment Zone, Number Three (#3) (East of Intersection of U.S. Highway 75 and Loy Lake Road); Providing for Findings of Fact
- C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6318**
Accepting and Approving the Amended Project Plan and the Financing Plan for the Sherman Tax Increment Reinvestment Zone, Number Three (#3); Providing for Findings of Fact
- C. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6319**
Amending Section 6.11, Ordinance No. 2280, so as to Amend a Planned Development for Bel Air Village formerly known as Terra Perpetua Village (Ordinance No. 6232) in the 300-1000 blocks of East F.M. 1417 (Vietnam Veterans Parkway), to include 32.545 acres for a total of 278.313 acres in the Sherrod Dunman Survey, Abstract No. 329 (Terra Perpetua, LLC, Owners; Bryan Klein, ION Design Group, Representative; Bush Architects, LLC, Architect; and Underwood Drafting and Surveying, Inc., Surveyor); Providing for a Repealer Clause; Providing that this Planned Development shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

C. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6320

Approving a Negotiated Settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division, Regarding the Company's 2020 Rate Review Mechanism Filing; Declaring Existing Rates to be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attached Exhibit Establishing a Benchmark for Pensions and Retiree Medical Benefits; Approving an Attached Exhibit Regarding Amortization of Regulatory Liability; Requiring the Company to Reimburse ACSC's Reasonable Ratemaking Expenses; Declaring an Effective Date; Requiring Delivery of this Ordinance to the Company and the ACSC's Legal Counsel

C. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6321

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-1 (One Family Residential) District in the 900 block of North F.M. 1417 (Heritage Parkway), Tract 1 being 11.244 acres in the J.B. McAnair Survey, Abstract No. 763, and Tract 2 being 0.010 acres in the J.B. McAnair Survey, Abstract No. 763, for a total of 11.254 acres (Washington 1417 LP, Owners; Tim Pike, Wyldewood Homes, Prospective Buyer; and Preston Trail Land Surveying, Surveyor)

C. 7. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6322

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Commercial Amusement Center (Indoor Gun Range) in a C-2 (General Commercial) District at 2926 Texoma Parkway, being 1.719 acres in the Reuben Hendrix Survey, Abstract No. 504 (Phillip S. Jennings, Jr. Family Trust, Owners; Steve Jennings, Representative; Blackbeard Armory & Range, LLC, Tenant; Tap Smith, Manager; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

C. 8. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6323

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-1 (One Family Residential) District and Section 8, Subsection (5)(a), Ordinance No. 2280 so as to Grant a Specific Use Permit to Allow up to Thirty-Nine (39) Patio Homes in the Proposed Cottages of Magnolia Village in an R-1 (One Family Residential) District in the 500 block of East Northcreek Drive, being 6.166 acres in the James H. Clark Survey, Abstract No. 273 (Young Enterprises, LP, Owners; Vincent Stanko, Jones/Carter, Civil Engineer; Dream to Life Designs, Designer; and Helvey-Wagner Surveying, Inc., Surveyor); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00

C. 9. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6324

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District at 230 East Sycamore Street, being Lot 1, Ellison Addition (1303 Group, LLC, Owners; Vilbig & Associates, PLLC, Civil Engineer; and David Baca Studio, Architect)

C. 10. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6325

Providing for Permanent All Way "Stop" Signs at the Intersection of Case Road and Elliot Road within the City Limits of the City of Sherman, Texas; Providing for a Penalty Provision



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

C. 12.

Meeting Date: 09/08/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

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:

D. 4. * RESOLUTION NO. 6645

Authorizing Submission of an Application for a Grant Awarded by the Texas Department of Transportation under the Routine Airport Maintenance Program to Fund Improvements at the Sherman Municipal Airport; Designating the City Manager as the Authorized Official to Accept, Reject, Alter or Terminate the Grant on Behalf of the City

D. 5. * RESOLUTION NO. 6646

Authorizing Execution of an Agreement for Fire Protection Services between Grayson County, Texas and the City of Sherman, Texas for the Period of October 1, 2020 through September 30, 2021

D. 6. * RESOLUTION NO. 6647

Authorizing Execution of an Agreement for Ambulance Services with Grayson County for the Period of October 1, 2020 through September 30, 2021

D. 7. * RESOLUTION NO. 6648

Authorizing Execution of an Encroachment Easement to Face Value Productions, Inc. for the Installation of a Twelve Foot Wide Paved Access Drive within the Platted Public Alley running North and South between Highland Avenue and Binkley Street, South of Fairview Street in Northwest Heights 3rd Addition, Volume 2, Page 10, PRGCT, for Rear Entry Purposes for Lot 4, Block 1 of said Northwest Heights 3rd Addition in the City of Sherman, Grayson County, Texas, as shown in Exhibit "A" attached hereto and made a part hereof for all purposes

E. 3. * OTHER BUSINESS

Consider Request of True Options Pregnancy Center to Temporarily Close Certain Streets for the Fifth Annual "Turkey Trot 5K & Fun Run" on Saturday, November 21, 2020



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D. 1.

Meeting Date: 09/08/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6642

Approving the Bylaws of the Sherman Economic Development Corporation; Providing for a Review of the Bylaws; Providing for an Effective Date

Issue:

Approval of amendments to the Bylaws of the Sherman Economic Development Corporation (SEDCO)

Background:

At its meeting of August 11, 2020, the SEDCO Board approved amendments to their Bylaws and formally adopted the amendments by Resolution No. SEDCO-2020.08. Substantial changes to the form and structure of the Bylaws document were made and are too significant to illustrate using highlighted language. Thus, the new Bylaws document approved at the SEDCO Board meeting on August 11, 2020, as well as the existing Bylaws document, amended and approved at the SEDCO Board meeting on November 9, 2010 and City Council meeting on December 6, 2010, are attached to allow for review and comparison.

More importantly, Texas has held five legislative sessions since the last amendments to the SEDCO Bylaws in November of 2010. It is commonly held in the field of Texas economic development that a best practice is to periodically review a Type A and/or a Type B municipal economic development corporation's bylaws to ensure compliance with state law and/or best practices developed since the last amendment to the bylaws of the corporation. Working in conjunction with the SEDCO Board of Directors, the SEDCO staff has identified sections in the SEDCO Bylaws amended on November 9, 2010 (and adopted by the City Council on December 6, 2010) which have been updated, enhanced or deleted to more accurately reflect any changes to state law since 2010 and to improve the operational environment of SEDCO for the Board of Directors and staff.

One major change to the new SEDCO Bylaws, amended and approved by the SEDCO Board on August 11, 2020, is increasing the length of terms of SEDCO Board Members from two, two-year terms (four years total) to two, three-year terms (six years total). Language has been added to clarify how the terms of existing SEDCO Board Members are adjusted and accounted for during the transition period from two-year terms to three-year terms. Use of three-year terms is consistent with the term lengths of other City related governing boards, such as the City Council and Planning and Zoning Commission.

Origination:

Janie Bates, SEDCO Board Chairman

Kent Sharp, President of the Sherman Economic Development Corporation

Financial Consideration:

There is no financial impact to approving the SEDCO Bylaws.

Staff Recommendation:

It is the staff's recommendation that the City Council approve the Resolution and the amended SEDCO Bylaws.

Alternatives:

The Council could suggest other amendments to the Bylaws.

Attachments

Resolution No. 6642

SEDCO Bylaws revised August 11, 2020

SEDCO Resolution Approving Amended Bylaws

Resolution No. 5547 with SEDCO Bylaws

RESOLUTION NO. 6642

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE BYLAWS OF THE SHERMAN ECONOMIC DEVELOPMENT CORPORATION; PROVIDING FOR A REVIEW OF THE BYLAWS; PROVIDING FOR AN EFFECTIVE DATE; 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 Sherman Economic Development Corporation (“Corporation”) has been chartered by the State of Texas under the provisions of the Texas Non-Profit Corporation Act; and

WHEREAS, the Development Corporation Act of 1979 requires that the initial Bylaws of the Corporation shall be adopted by the Board of Directors and approved by resolution of the City Council; and

WHEREAS, the initial Bylaws of the Corporation were approved by the City Council by Resolution No. 3351, passed and approved on May 6, 1996; and

WHEREAS, amendments to the Bylaws of the Corporation were last approved by the City Council by Resolution No. 5547, passed and approved on December 6, 2010; and

WHEREAS, the Bylaws of the Corporation require that any amendments, alterations or repeal thereof shall be adopted by an affirmative vote of three (3) Board members and approved by a majority vote of the City Council; and

WHEREAS, the Board of Directors approved amendments to the Bylaws of the Corporation at its meeting of August 11, 2020;

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

SECTION 1. That the City Council of the City of Sherman, Texas, hereby finds that the Bylaws of the Sherman Economic Development Corporation, a true copy of which is attached hereto as Exhibit “A” and made a part hereof for all purposes, have been adopted by the Board of Directors of the Corporation as required by the Development Corporation Act, Section 13, and should be approved by the City Council.

SECTION 2. That said Bylaws for the Corporation be, and the same are hereby, approved for the Corporation. That the Board of Directors is required to review these Bylaws within six (6) months of the date of this resolution and make recommendation to the City Council as to any necessary amendments or that the adopted Bylaws remain unchanged.

SECTION 3. That this resolution shall take effect immediately from and after its passage and it is accordingly so resolved.

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

PASSED AND APPROVED on this the ____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

**BYLAWS
OF
SHERMAN ECONOMIC DEVELOPMENT CORPORATION
A TEXAS NON-PROFIT CORPORATION**

SHERMAN, TEXAS

**SECTION I
OFFICES**

1.01 Registered Office and Registered Agent

The Sherman Economic Development Corporation (hereinafter referred to as the "Corporation") shall have and continuously maintain in the State of Texas a registered office, and a registered agent whose office is identical with such registered office, as required by the Texas Non-Profit Corporation Act. The Board of Directors may, from time to time, change the registered agent and/or the address of the registered office, provided that such change is appropriately reflected in these Bylaws and in the Articles of Incorporation.

The registered office of the Corporation is located at 307 West Washington, Suite 102, Sherman, Texas 75090.

1.02 Principal Office

The principal office of the Corporation in the State of Texas shall be located at 307 West Washington Street, Suite 102 in the City of Sherman, County of Grayson, and it may be, but need not be, identical with the registered office of the Corporation.

**SECTION II
PURPOSES**

2.01 Purposes

The Corporation is a Type A economic development corporation, and a Texas non-profit corporation specifically governed by the Texas Development Corporation Act, as defined in Chapters 501 and 504 of the Texas Local Government Code, as amended (formerly Art. 5190.6 of the Texas Revised Civil Statutes). The purpose of the Corporation is to promote, assist, and enhance economic development in accordance with the Articles of Incorporation.

**SECTION III
MEMBERS**

3.01 Members

The Corporation shall have no members.

**SECTION IV
BOARD OF DIRECTORS**

4.01 Board of Directors

The business and affairs of the Corporation and all corporate powers shall be exercised by or under authority of the Board of Directors (the "Board"), appointed by the governing body of the City of Sherman (the "City Council"), and subject to applicable limitations imposed by the Texas Development Corporation Act, Texas Non-Profit Corporation Act, the Texas Business Corporation Act, the Articles of Incorporation, or these Bylaws. The Board may, by contract, resolution, or otherwise, give general or limited or special power and authority to the officers and employees of the Corporation to transact the general business or any special business of the Corporation, and may give powers of attorney to agents of the Corporation to transact any special business requiring such authorization.

The Board may plan and direct its work through a President (the "CEO"), who will be charged with the responsibility of carrying out the Corporation's programs as may be adopted and planned by the Board. The Board may contract with another entity for the services of a CEO.

4.02 Number and Qualifications

The authorized number of Directors of this Board shall be five (5).

The Mayor shall appoint the Directors of the Corporation with the approval of the City Council. The number of Directors shall be five (5). Board members will be selected based on interest in the work of the Corporation, special expertise, and civil service. Special expertise includes, but is not limited to, business skills in finance, accounting, law, personal credibility, business accomplishments and interpersonal skills. All Board members must either maintain continuous residence in the city limits of Sherman or own, manage, or be employed by a business or entity that pays property taxes to the City of Sherman. No person can serve on the Board who is an employee of the City of Sherman or the Sherman Chamber of Commerce. Any Board member who files for public office or holds a public office, except a Board member from the Sherman City Council, must immediately resign from the Board. Directors shall serve at the pleasure of the City Council and may be removed by the City Council at any time without cause. Terms of office shall begin October 1st.

Each Director shall meet at least one (1) of the following qualifications:

1. serve, or have served as a President of a company; or
2. serve, or have served, in a position of executive management of a company; or
3. serve, or have served, in a professional capacity; or
4. have experience equivalent to any of the above qualifications.

The City Council shall consider an individual's experience, accomplishments, and educational background in appointing members to the Board to ensure that the interests and concerns of all segments of the community are considered.

4.03 Bonds

If the City of Sherman ceases to act as the fiscal agent for the Corporation, the President, Vice President, and Treasurer of the Board shall each give an official bond in the sum of not less than One Hundred Thousand Dollars (\$100,000.00). The bonds referred to in this section shall be considered for the faithful accounting of all monies and things of value coming into the hands of such officers. The bonds shall be procured from some regularly accredited surety company authorized to do business in the state. The premiums therefor shall be paid by the Corporation. A copy of each officer's bond shall be filed with the City Secretary.

4.04 General Duties of the Board

The Board is hereby required to perform the following duties:

1. The Board shall develop an overall economic development plan for the City which shall include and set forth intermittent and/or short-term goals which the Board deems necessary to accomplish compliance with its overall economic development plan. Such plan shall be communicated to City Council. The overall plan developed by the Board shall be one that includes the following elements:
 - a. An economic development strategy to permanently bolster the business climate throughout the City.
 - b. Strategies to fully utilize the assets of the City which enhance economic development.
 - c. Identification of strategies to coordinate public, private and academic resources to develop and enhance business opportunities for all citizens of Sherman. This plan shall include methods to improve communication and cooperation between the above-mentioned entities.
 - d. Assurance of accountability of all tax moneys expended for its implementation of the overall economic development plan.
 - e. Identification of strategies and provide for implementation of identified strategies for direct economic development as defined in this Section.
 - f. To assist the Board in the implementation of the overall economic development plan, the Board may seek out and employ a President (CEO). The CEO shall be responsible to the Board and shall act as the Board's administrator and shall assist the Board in carrying out the duties of the Board as set forth in this section. The Board shall, in the annual budget, make provisions for the compensation to be paid to the CEO and such compensation so established by the Board shall comprise the salary and benefits paid to the CEO for his/her services.
 - g. The Board may employ or contract for such personnel as may be necessary to discharge the Corporation's assigned duties. The compensation for all such employees shall be set by the Board in its annual budget and such compensation so established by the Board

shall comprise the salary and benefits for such employees, and provided further, no such employee shall be hired until such time as the Board has established such compensation for the position in question.

- h. The CEO shall be hired by the Board with the consent of the City Council and may be removed by a majority vote of the Board.
- 2. The Board shall expend, in accordance with State law, the tax funds received by it on direct economic development where such expenditures will have a direct benefit to the citizens of Sherman.

As used in this Section, "direct economic development" shall mean the expenditure of such tax funds for programs that directly accomplish or aid in the accomplishment of creating identifiable new jobs or retaining identifiable existing jobs including job training and/or planning and research activities necessary to promote said job creation and expand the tax base. The Corporation's focus will be primarily in the areas of:

- a. Business retention and expansion
- b. Formation of new businesses
- c. Business attraction

4.05 Implied Duties

The Corporation is authorized to do that which the Board deems desirable to accomplish any of the purposes or duties set out or alluded to in Section 4.04 of these Bylaws and in accordance with State law.

4.06 Tenure

No member of the Board shall serve more than two (2) consecutive terms. The Mayor shall appoint the Directors of the Corporation with the approval of the City Council. Directors shall be eligible to serve for two (2) - three (3) year terms. Directors shall be removable at any time by the City Council by a majority vote of the council members.

Notwithstanding the foregoing, as of the Effective Date of these Bylaws, the current Board shall serve their current two (2) year term and at the end of their current term shall be eligible for reappointment for one (1) additional three (3) year term of office. Thereafter, all terms of office shall be for three (3) years. Those Board members appointed to fill a vacancy when less than eighteen (18) months remain in the current term shall be eligible to serve two (2) additional three (3) year terms. In the event, a Board member is appointed to fill a vacancy when more than eighteen (18) months remain in the current term, the Board member shall be eligible to serve one (1) additional three (3) year term.

Those Board members who serve their two (2) terms of office, are eligible to be reappointed to serve on the Board after a one-year absence from the Board.

4.07 Vacancies

Any vacancy occurring shall be filled by appointment of the City Council.

4.08 Meetings

The Board shall meet at least once each month at a place and time to be determined by the Board Chair. All meetings of the Board shall be posted and conducted in accordance with the Texas Open Meetings Act, as set forth in Chapter 551 of the Texas Government Code, as amended. Any member of the Board may request that an item be placed on the agenda by delivering the same in writing to the secretary of the Board no later than ten (10) days prior to the date of the Board meeting. The Chair of the Board shall set regular meeting dates and times at the beginning of his/her term.

Notice of any meeting shall contain information regarding the particular time, date, and location of the meeting and the agenda to be considered.

The annual meeting of the Board of Directors shall be during the first regularly scheduled Board meeting of each calendar year.

4.09 Attendance

Regular attendance of the Board meetings is required of all Directors. The following number of absences may constitute the need for replacement of a Director: three (3) consecutive absences, or attendance reflecting absences constituting fifty percent (50%) of the meetings over a 12-month period. In the event replacement is indicated, the member will be counseled by the Chair and, subsequently, the Chair shall submit in writing to the City Secretary the need to replace the Board member in question.

4.10 Quorum and Voting

A majority of the Board of Directors shall constitute a quorum for the conduct of the official business of the Corporation. The act of a majority of the Directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board of Directors and of the Corporation unless the act of a greater number is required by law. A Director may not vote by proxy. Directors must be present in order to vote at any meeting.

4.11 Compensation

The duly appointed Directors of the Board shall serve without compensation, but shall be reimbursed for actual or commensurate cost of travel, lodging and incidental expenses while on official business of the Board in accordance with State law.

4.12 Conflicts of Interest

In the event that a Director is aware of a conflict of interest or potential conflict of interest, with regard to any particular vote, the Board's actions shall be governed by the Texas Business Organizations Code, Title 2 Corporations, Chapter 22 Non Profit Corporations, Section 22.230, as amended.

4.13 Board's Relationship with City Council

In accordance with State law, Section 501.073 of the Texas Local Government Code the City Council shall require that the Corporation be responsible to it for the proper discharge of its duties. All programs and expenditures shall be submitted for City Council approval, and the Board shall administer said programs accordingly. The Board shall determine its policies and direction within the limitations of the duties herein imposed by applicable laws, the Articles of Incorporation, these Bylaws, contracts entered into with the City, and budget and fiduciary responsibilities. The Corporation shall be regularly accountable to the City Council for all activities undertaken by them or on their behalf, and shall report on all significant activities of the Corporation to the City Council, whether discharged directly by the Board or by any person, firm, corporation, agency, association or other entity on behalf of the Corporation.

4.14 Board's Relationship with Administrative Departments of the City

Any request for services made to the administrative departments of the City shall be made by the Board or its designee in writing to the City Manager. The City Manager may approve such request for assistance from the Board when he finds such requested services are available within the administrative departments of the City and that the Board has agreed to reimburse the administrative department's budget for the costs of such services so provided.

Any requests for legal assistance shall be made by the Board or its designee to the City Attorney. The City Attorney may provide such assistance when such services are available and the Board has agreed to reimburse the City for cost providing the legal services.

SECTION V OFFICERS

5.01 Officers of the Corporation

The elected officers of the Corporation shall be a Chair, Vice Chair, Secretary, and Treasurer. The Board may resolve to elect one or more Assistant Secretaries or one or more Assistant Treasurers as it may consider desirable. Such officers shall have the authority and perform the duties of the office as the Board may from time to time prescribe or as the Secretary or Treasurer may from time to time delegate to his or her respective Assistant. One person may hold more than one office, except that the Chair shall not hold the office of Secretary.

5.02 Selection of the Officers

The initial Chair and Vice Chair shall be elected by the Board and shall serve a term of one (1) year. On the expiration of the term of office of the original Chair and Vice Chair, the Board shall select from among its members individuals to hold such office. The term of office of the Chair and Vice Chair shall

always be for a period of one year; provided, however, that the Chair and Vice Chair continue to serve until the election of their successors.

The Secretary and Treasurer shall be selected by the members of the Board and shall hold office for a period of one (1) year; provided, however, that they shall continue to serve until the election of their successors. Elections shall be held at the annual meeting of the Board.

5.03 Vacancies

Vacancies in any office which occur by reason of death, resignation, disqualification, removal, or otherwise, may be filled by the Board of Directors for the unexpired portion of the term of that office, in the same manner as other officers are elected to the Board.

5.04 Chair

The Chair shall be the presiding officer of the Board with the following authority:

1. Shall preside over all meetings of the Board.
2. Shall have the right to vote on all matters coming before the Board.
3. Shall have the authority, upon notice to the members of the Board, to call a special meeting of the Board when in his judgment such meeting is required.
4. Shall have the authority to appoint standing committees to aid and assist the Board in its business undertakings or other matters incidental to the operation and functions of the Board.
5. Shall have the authority to appoint ad hoc committees which may address issues of a temporary nature of concern or which have a temporary effect on the business of the Board.

In addition to the above-mentioned duties, the Chair shall sign with the Secretary of the Board any deed, mortgage, bonds, contracts, or other instruments which the Board of Directors has approved and unless the execution of said document has been expressly delegated to some other officer or agent of the Corporation by appropriate Board resolution, by a specific provision of these Bylaws, or by statute. In general, the Chair shall perform all duties incident to the office, and such other duties as shall be prescribed from time to time by the Board of Directors.

5.05 Vice Chair

In the absence of the Chair, or in the event of his or her inability to act, the Vice Chair shall perform the duties of the Chair. When so acting, the Vice Chair shall have all power of and be subject to all the same restrictions as upon the Chair. The Vice Chair shall also perform other duties as from time to time may be assigned to him or her by the Chair.

5.06 Secretary

The Secretary shall keep, or cause to be kept, at the registered office a record of the minutes of all meetings of the Board and of any committees of the Board. The Secretary shall also file a copy of said Minutes with the City and the same to be given, in accordance with the provisions of these Bylaws, or as required by the Texas Open Meetings Act or the Texas Public Information Act or other applicable law. The Secretary shall be custodian of the corporate records and seal of the Corporation, and shall keep a register of the mailing address and street address, if different, of each director.

5.07 Treasurer

If the City of Sherman ceases to act as the fiscal agent for the Corporation, the Treasurer shall be bonded for the faithful discharge of his/her duties with such surety or sureties and in such sum as the Board of Directors shall determine by Board resolution, but in no event shall the amount of such bond be less than an amount equal to the average of the sums which the Treasurer has access to and the ability to convert during a twelve (12) month period of time. The Treasurer shall have charge and custody of and be responsible for all funds and securities of the Corporation. The Treasurer shall receive and give receipt for money due and payable to the Corporation from any source whatsoever, and shall deposit all such moneys in the name of the Corporation in such bank, trust corporation, and/or other depositories as shall be specified in accordance with Section VII of these Bylaws. The Treasurer shall, in general, perform all the duties incident to that office, and such other duties as from time to time may be assigned to him by the President of the Board.

5.08 Assistant Secretaries and Assistant Treasurers

The Assistant Secretaries and Assistant Treasurers, if any, shall in general, perform such duties as may be assigned to them by the Secretary or the Treasurer, or by the President or the Board of Directors.

5.09 President

The Corporation may employ a President, the CEO of the Corporation, who shall oversee all administrative functions of the Corporation. The CEO shall develop policies and procedures for the Corporation including financial, accounting, and purchasing policies and procedures to be approved by the Board.

5.10 Other Employees and Benefits

The Corporation may employ, or contract for, such full or part-time employees as needed to carry out the programs of the Corporation. These employees shall perform those duties as are assigned to them by the CEO. The CEO shall hire, direct, and control the work of all Corporation employees.

In accordance with Section 501.067 of the Texas Local Government Code, and subject to City Council approval, the Corporation may obtain:

- a. health benefits coverage, liability coverage, workers' compensation coverage, and property coverage under the City's insurance policies, through self-funded coverage, or under coverage provided under an interlocal agreement with a political subdivision; or

- b. retirement benefits under a retirement program the City participates in or operates.

Health benefits coverage may be extended to the Directors and employees, and to the dependents of the Directors and employees. Workers' compensation benefits may be extended to the Directors, employees, and volunteers. Liability coverage may be extended to protect the Corporation and the Directors and employees. Retirement benefits may be extended to the Corporation's employees. The Corporation must reimburse the City for any expense in providing said benefits.

5.11 Contract for Services

The Corporation may contract with any qualified and appropriate person, association, corporation or governmental entity to perform and discharge designated tasks which will aid or assist the Board in the performance of its duties. However, no such contract shall ever be approved or entered into which seeks or attempts to divest the Board of Directors of its discretion and policy-making functions in discharging the duties herein above set forth in this section.

SECTION VI COMMITTEES

6.01 Committees

The Chair may designate not more than two (2) directors to constitute an official committee of the Board of Directors, with such other non-Board members of the committee as may be appointed by the Board, to exercise such authority of the Board as may be specified in the resolution. It is provided, however, that all final, official actions of the Corporation may be exercised only by the Board. Each committee so designated shall keep regular minutes of the transactions of its meetings and shall cause such minutes to be recorded in books kept for that purpose in the principal office of the Corporation.

6.02 Ex-Officio Members

The City Manager or his designee and the Mayor or his designee and the Superintendent of Sherman ISD may attend all meetings of the Board of Directors or Committees. These representatives shall not have the power to vote in the meetings they attend. Their attendance shall be for the purpose of ensuring that information about the meetings are accurately communicated to the City Council and to satisfy the City Council obligation to control the powers of the Corporation.

SECTION VII FINANCIAL ADMINISTRATION

The Corporation may contract with the City for financial and accounting services. The Corporation's financing and accounting records shall be maintained according to the following guidelines.

7.01 Fiscal Year

The fiscal year of Corporation shall begin on October 1 and end on September 30 of the following year.

7.02 Budget

A budget for the forthcoming fiscal year shall be submitted to, and approved by, the Board of Directors, and the City Council. In submitting the budget to the City Council, the Board of Directors shall submit the budget on forms prescribed by the City Manager and in accordance with the annual budget preparation schedule as set forth by the City Manager. The budget shall be submitted to the City Manager for inclusion of it in the annual budget presentation to the City Council. The budget proposed for adoption shall include the projected operating expenses, and such other budgetary information as shall be useful to or appropriate for the Board of Directors and the City Council.

7.03 Contracts

As provided in Section V above, the Chair and Secretary shall execute any contracts or other instruments which the Board has approved and authorized to be executed, provided, however, that the Board may by appropriate resolution, authorize any other officer or officers or any other agent or agents, including the CEO, to enter into contracts or execute and deliver any instrument in the name and on behalf of the Corporation. Such authority may be confined to specific instances or defined in general terms. When appropriate, the Board may grant a specific or general power of attorney to carry out some action on behalf of the Board, provided, however that no such power of attorney may be granted unless an appropriate resolution of the Board authorizes the same to be done.

7.04 Checks and Drafts

If the City of Sherman ceases to act as the fiscal agent for the Corporation, all checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be signed or bear the facsimile of the Chair or the Treasurer, or such other person as designated by the Board.

7.05 Deposits

All funds of the Corporation shall be deposited on a regular basis to the credit of the Corporation in a local bank which shall be federally insured and shall be selected following procedures and requirements for selecting a depository as set forth in Chapter 105 of the Texas Local Government Code.

7.06 Gifts

The Corporation may accept on behalf of the Corporation any contribution, gift, bequest, or device for the general purpose or for any special purposes of the Corporation.

7.07 Purchasing

All purchases made and contracts executed by the Corporation shall be made in accordance with the requirements of the Texas Constitution and statutes of the State of Texas.

7.08 Investments

Temporary and idle funds which are not needed for immediate obligations of the Corporation may be invested in any legal manner provided in the Public Funds Investment Act, Chapter 2256 of the Texas Government Code, as amended.

7.09 Bonds

Any bonds issued by the Corporation shall be in accordance with the statute governing this Corporation but in any event, no bonds shall be issued without approval of the City Council after review and comment by the City's bond counsel and financial advisor.

7.10 Uncommitted Funds

Any undesignated funds of the Corporation at the end of the fiscal year shall be considered a part of the Fund Balance. The Undesignated Fund Balance may be committed for any legal purpose.

SECTION VIII BOOKS AND RECORDS

8.01 Books and Records

The Corporation shall keep correct and complete books and records of all actions of the Corporation, including books and records of account and the minutes of meetings of the Board of Directors and of any committee having any authority of the Board and to the City Council. City Council is entitled to access of the Corporation's books and records at all times. All books and records of the Corporation may be inspected by Directors of the Corporation or his/her agent or attorney at any reasonable time; and any information which may be designated as public information by law shall be open to public inspection at any reasonable time. The Texas Public Information Act and Texas Open Meetings Act shall apply to disclosure of public information. The books, records, accounts, and financial statements of the Corporation shall be audited at least once each fiscal year by an outside, independent auditing and accounting firm approved by the Board of Directors. This audit may be prepared in conjunction with the annual financial audit of the City.

SECTION IX SEAL

9.01 Seal

The Board of Directors shall obtain a corporate seal which shall bear the words "Corporate Seal of Sherman Economic Development Corporation". The Board may thereafter use the corporate seal and may later alter the seal as necessary without changing the corporate name; but these Bylaws shall not be construed to require the use of the corporate seal.

SECTION X PROGRAM

10.01 Authorization

The Corporation shall carry out its program subject to its Articles of Incorporation and these Bylaws, and such resolutions as the Board may from time to time authorize.

10.02 Program

The program of the Corporation shall be to assist, stimulate, and enhance economic development for the City of Sherman, Texas, subject to applicable state and Federal law, these Bylaws, and the Articles of Incorporation.

SECTION XI PRELIMINARY AUTHORITY

11.01 Effective Date

These bylaws shall become effective upon the occurrence of all of the following events: the adoption of these bylaws by the Board of Directors; and the approval and adoption of these bylaws by the City Council.

11.02 Amendments to Bylaws

These bylaws may be amended or repealed and amended bylaws may be adopted by an affirmative vote of at least three (3) Directors present at any regular meeting or any special meeting, if at least three (3) days written notice is given of an intention to amend, repeal, and/or adopt new bylaws. Any bylaw amendments will be effective upon approval of the City Council by resolution.

SECTION XII DISSOLUTION

12.01 Dissolution

On petition of ten percent (10%) or more of the registered voters of the City of Sherman requesting an election on the dissolution of the Corporation, the City Council shall order an election on the issue. The election must be conducted according to the applicable provision of the Election Code and the Texas Development Corporation Act. The ballot for the election shall be printed to provide for voting for or against the proposition:

"Dissolution of the Sherman Economic Development Corporation."

If a majority of voters voting on the issue approve the dissolution, the Corporation shall continue operations only as necessary to pay the principal of and interest on its bonds and to meet obligations incurred before the date of the election and, to the extent practicable, shall dispose of its assets and apply the proceeds to satisfy those obligations. When the last of the obligations is satisfied, any remaining assets of the Corporation shall be transferred to the City, and the Corporation is dissolved.

SECTION XIII INDEMNITY

13.01 Indemnity

As provided in the Section 504.107 of the Texas Local Government Code, the Corporation is, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, Texas Civil Practices and Remedies Code), a governmental unit and its actions are governmental functions.

The Corporation shall indemnify each and every member or former member of the Board of Directors, its officers, its employees, its attorneys, each member of the City Council and each employee of the City, to the fullest extent permitted by law, against any and all liability or expense, including attorneys' fees incurred by any of such persons by reason of any actions or omissions that may arise out of the functions and activities of the Corporation.

The Board of Directors shall authorize the Corporation to pay or reimburse any current or former Director or Officer of the Corporation for any costs, expenses, fines, settlements, judgments, and other amounts, actually and reasonable incurred by such person in any action, suit, or proceeding to which he or she is made a party by reason of holding such position as Officer or Director; provided, however, that such Officer or Director shall not receive such indemnification if he/she be finally adjudicated in such instance to be liable for gross negligence or intentional misconduct in office. The indemnification herein provided shall also extend to good faith expenditures incurred in anticipation of, or preparation for, threatened or proposed litigation. The Board of Directors may, in proper cases, extend the indemnification to cover the good faith settlement of any such action, suit, or proceedings, whether formally instituted or not.

To the extent the Board of Directors authorize indemnification to Directors or Officers of the Corporation, City of Sherman shall also provide indemnity to said Directors and Officers. However, City of Sherman's indemnification shall only apply after Corporation's ability to indemnify has been exhausted. Nothing in this section creates personal liability on the part of Officers and Directors to any extent not otherwise provided by statute or case law.

Furthermore, the Corporation agrees to indemnify and hold harmless and defend the City of Sherman, its officers, agents, and its employees, from and against liability for any and all claims, liens, suits, demands, and/or actions for damages, injuries to persons (including death), property damage (including loss of use), and expenses, including court costs and attorneys' fees and other reasonable costs arising out of or resulting from Corporation's activities and from any liability arising out of or resulting from the intentional acts or negligence or intentional acts or omissions of Corporation, including but not limited to its officers, agents, employees, licensees, invitees, and other persons.

Corporation further agrees that it shall at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of its officers, agents, employees, licensees, invitees, and other persons, as well as their property, while in the vicinity where activities are being performed. It is expressly understood and agreed that City of Sherman shall not be liable or responsible for the negligence of Corporation including but not limited to its officers, agents, employees, licensees, invitees, and other persons.

It is further agreed with respect to the above indemnity, that city of Sherman and Corporation will provide the other prompt and timely notice of any event covered which in any way, directly or indirectly, contingently or otherwise, affects or might affect Corporation or City of Sherman, and City of Sherman shall have the right to compromise and defend the same to the extent of its own interests. It is further agreed this indemnity clause shall be an additional remedy to City of Sherman and not an exclusive remedy.

SECTION XIV

MISCELLANEOUS

14.01 Relation to Articles of Incorporation

These Bylaws are subject to, and governed by, the Articles of Incorporation and applicable State statutes under which the Corporation is organized.

RESOLUTION NO. SEDCO-2020.08

A RESOLUTION OF THE SHERMAN ECONOMIC DEVELOPMENT CORPORATION (SEDCO), SHERMAN, TEXAS APPROVING THE AMENDED BYLAWS OF THE SHERMAN ECONOMIC DEVELOPMENT CORPORATION.

WHEREAS, the original bylaws of the Sherman Economic Development Corporation were last amended on November 9, 2010, and;

WHEREAS, Texas has held five legislative sessions since the last amendments to the SEDCO bylaws in November of 2010; and,

WHEREAS, it is commonly held in the field of Texas economic development a best practice to periodically review a Type A and/or a Type B municipal economic development corporation's bylaws to ensure compliance with state law, and/or best practices developed since the last amendment to the bylaws of the corporation; and,

WHEREAS, working in conjunction with the SEDCO Board of Directors, the SEDCO staff has identified sections in the SEDCO bylaws amended on November 9, 2010 which have been updated, enhanced or deleted to more accurately reflect any changes to state law since 2010 and to improve the operational environment of SEDCO for the Board of Directors and staff; and,

WHEREAS, the SEDCO staff and a committee of the Board of Directors have met and consulted with a committee of Sherman City Council Members and Sherman City Staff to discuss any proposed amendments to the current SEDCO bylaws; and,

WHEREAS, the SEDCO staff requests the SEDCO Board of Directors approve the proposed Amended Bylaws August 11, 2020.

NOW THEREFORE, BE IT RESOLVED BY SHERMAN ECONOMIC DEVELOPMENT CORPORATION, SHERMAN, TEXAS, THAT:

PART 1. The SEDCO Board of Directors approves the proposed Amended Bylaws August 11, 2020.

PART 2. The approved Amended Bylaws August 11, 2020 will be submitted to the City Council of the City of Sherman for final approval.

ADOPTED this the 11th day of August 2020.

ATTEST:

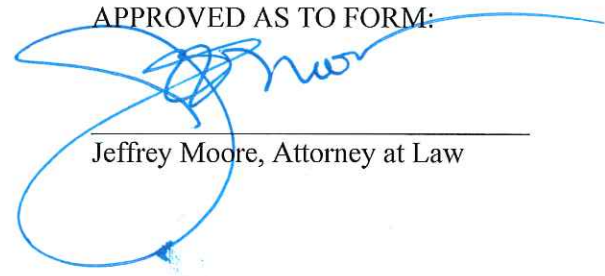


Scott Bandemir
Secretary/Treasurer



Janie Bates
Chair

APPROVED AS TO FORM:



Jeffrey Moore, Attorney at Law

RESOLUTION NO. 5547

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE BYLAWS OF THE SHERMAN ECONOMIC DEVELOPMENT CORPORATION; PROVIDING FOR A REVIEW OF THE BYLAWS; PROVIDING FOR AN EFFECTIVE DATE; 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 Sherman Economic Development Corporation ("Corporation") has been chartered by the State of Texas under the provisions of the Texas Non-Profit Corporation Act; and

WHEREAS, the Development Corporation Act of 1979 requires that the initial Bylaws of the Corporation shall be adopted by the Board of Directors and approved by resolution of the City Council; and

WHEREAS, the initial Bylaws of the Corporation were approved by the City Council by Resolution No. 3351, passed and approved on May 6, 1996; and

WHEREAS, the Bylaws of the Corporation require that any amendments, alterations or repeal thereof shall be adopted by an affirmative vote of three (3) Board members and approved by a majority vote of the City Council; and

WHEREAS, the Board of Directors approved amendments to the Bylaws of the Corporation at its meeting of November 9, 2010;

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

SECTION 1. That the City Council of the City of Sherman, Texas, hereby finds that the Bylaws of the Sherman Economic Development Corporation, a true copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, have been adopted by the Board of Directors of the Corporation as required by the Development Corporation Act, Section 13, and should be approved by the City Council.

SECTION 2. That said Bylaws for the Corporation be, and the same are hereby, approved for the Corporation. That the Board of Directors is required to review these Bylaws within six (6) months of the date of this resolution and make recommendation to the City Council as to any necessary amendments or that the adopted Bylaws remain unchanged.

SECTION 3. That this resolution shall take effect immediately from and after its passage and it is accordingly so resolved.

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

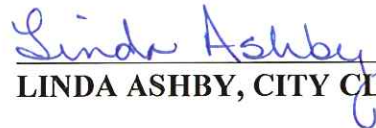
PASSED AND APPROVED on this the 6th day of December, 2010.

CITY OF SHERMAN, TEXAS

BY: 

BILL MAGERS, MAYOR

ATTEST:

BY: 

LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: 

**BRANDON S. SHELBY,
CITY ATTORNEY**

**BYLAWS
OF
THE SHERMAN ECONOMIC DEVELOPMENT CORPORATION**

These Bylaws (referred to as the "Bylaws") govern the affairs of the Sherman Economic Development Corporation, a public instrumentality and a non-profit corporation (hereinafter referred to as the "Corporation") created under Section 4A of the Development Corporation Act of 1979, Article 5190.6 of the Revised Civil Statutes of Texas (hereinafter referred to as the "Act").

**ARTICLE I
PURPOSE AND POWERS**

Section 1. Purpose. The specific and primary purpose is to operate and maintain an organization to promote, assist and enhance economic development for the City of Sherman, Texas.

The Corporation is incorporated on behalf of the City of Sherman, Texas (the "City"), as its duly constituted authority and instrumentality in accordance with the Development Corporation Act of 1979, as amended, Article 5190.6, Tex. Rev. Civ. Stat. Ann., as amended (the "Act"), and other applicable laws.

Section 2. Powers. In the fulfillment of its corporate purpose, the Corporation shall be governed by the Act, and shall have all of the powers set forth and conferred in its Articles of Incorporation, in the Act, and in other applicable law, subject to the limitations prescribed therein and to the provisions thereof. General enumerated powers of the Corporation shall include the following:

- 1) Develop policies and operating procedures that do not conflict with City policy;
- 2) Acquire or lease property (land or buildings) within the city limits (or the ETJ) or, with Council approval, outside the city limits;
- 3) Plan, develop, improve, and sell or lease land;
- 4) Build or rehabilitate buildings for sale or lease;
- 5) Sell or lease property by installment payments or otherwise;
- 6) Make secured or unsecured loans or loan guarantees;
- 7) May borrow funds and issue bonds with City Council approval;
- 8) Develop and implement financial/incentive programs to attract and retain business;
- 9) Sue or be sued in the Corporation's name;
- 10) Develop long-range goals and programs for the City and the Corporation;
- 11) Appoint standing or ad hoc committees, which may include individuals who are not members of the Board;
- 12) Employ personnel as may be needed to conduct the business of the Corporation;
- 13) Contract for support services with the Sherman Chamber of Commerce or other organizations necessary to conduct the business of the Corporation;
- 14) Market and promote the City and amenities consistent with the purposes and

- 15) duties set out in the Bylaws; and
Provide funding for or to develop infrastructure.

ARTICLE II BOARD OF DIRECTORS

Section 1. Powers, Number, and Term of Office.

(a) The property and affairs of the Corporation shall be managed and controlled by a Board of Directors (the "Board") and, subject to the restrictions imposed by law, by the Articles of Incorporation, and by these Bylaws, the Board shall exercise all of the powers of the Corporation.

(b) The Board shall consist of five (5) directors, **one** two of whom may be a Council person(s) selected by the Sherman City Council, each of whom shall be appointed by and serve at the pleasure of the City Council (the "Council") of the City.

(c) The directors constituting the first Board shall be those directors named in the Articles of Incorporation. Each successor member of the Board shall be appointed and shall serve for two (2) terms of two (2) years each or until his or her successor is appointed as hereinafter provided. Vacancies shall be appointed by the Council.

(d) Board members will be selected based on interest in the work of the Corporation, special expertise, and civil service. Special expertise includes, but is not limited to, business skills in finance, accounting, law, personal credibility, business accomplishments, and interpersonal skills. **All Board members must either maintain continuous residence in the city limits of Sherman or own, manage, or be employed by a business or entity that pays property taxes to the City of Sherman.** No member can serve concurrently on the Board and the Chamber of Commerce. No person can serve on the Board who is an employee of the City of Sherman or the Sherman Chamber of Commerce. Any Board member who files for public office or holds a public office, except a Board member from the Sherman City Council, must immediately resign from the Board.

(e) Directors serve at the pleasure of the City Council and may be removed by the City Council at any time without cause.

(f) Directors must have knowledge of and support for the purpose as defined in Article

(g) Terms of office shall begin on October 1st.

Section 2. Ex Officio Members of the Board of Directors. *The following individuals shall serve as ex officio members of the board by virtue of their position; The Mayor for The City of Sherman, Texas or his designated appointee, The City Manager for The City of Sherman, Texas or his designated appointee, The Superintendent for the Sherman Independent School District. The City of Sherman City Council will have the right to approve other ex officio members as they deem necessary. An ex officio member shall be allowed to deliberate with the directors, but does not have authority to vote. The ex officio member's term shall follow the term*

in Section 1(c) of this Article.

Section 3. Meetings of Directors. The directors may hold their meetings at such place or places *in the City accessible to the public* as the Board may from time to time determine; provided, however, in the absence of any such determination by the Board, the meetings shall be held at the principal office of the Corporation as specified in Article V of these Bylaws. *All meetings shall be held within the city limits.* Board members shall be expected to regularly attend all Board meetings. Special consideration can be granted for absences for good cause. The Council shall be advised of and may remove any Board member who is absent from three consecutive regular or special meetings.

Section 4. Notice of Meetings.

(a) Regular Meetings of the Board shall be held at such times and places as shall be designated from time to time by the Board, but not fewer than four (4) per year. The annual meeting shall be held in the last quarter of the fiscal year and will be held concurrently with a regular or special called meeting of the Council. Special Meetings of the Board shall be held whenever called by the chairperson, by the vice-chairperson, by the secretary, by a majority of the directors, or by a majority of the Council.

(b) The secretary shall give notice to each director of each Special Meeting in person or by mail, telephone, email or telegraph, at least seventy-two (72) hours before the meeting. Unless otherwise indicated in the notice thereof, any and all matters pertaining to the purposes of the Corporation may be considered and acted upon at a Special Meeting. At any meeting at which every director shall be present, even though without any notice, any matter pertaining to the purpose of the Corporation may be considered and acted upon consistent with applicable law.

(c) Whenever any notice is required to be given to the Board, said notice shall be deemed to be sufficient if given by depositing the same in a post office box in a sealed postpaid wrapper addressed to the person entitled thereto at his or her post office address as it appears on the books of the Corporation *or by e-mail as it appears on the books of the Corporation*, and such notice shall be deemed to have been given on the day of such mailing. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened. Neither the business to be transacted at nor the purpose of any Regular or Special Meeting of the Board need be specified in the notice or waiver of notice of such meeting, unless required by the Board. A waiver of notice in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 5. Open Meetings Act. All meetings and deliberations of the Board shall be called, convened, held and conducted, and notice shall be given to the public, in accordance with the Texas Open Meetings Act, Chapter 551, Texas Government Code.

Section 6. Quorum. A majority of the voting members shall constitute a quorum for the conduct of the official business of the Corporation. The act of a majority of the directors

present at a meeting at which a quorum is in attendance shall constitute the act of the Board and of the Corporation, unless the act of a greater number is required by law or these Bylaws. No action can be approved without the affirmative vote of at least three (3) members. A Board member may not vote by proxy.

Section 7. Conduct of Business.

(a) At the meetings of the Board, matters pertaining to the business of the Corporation shall be considered in accordance with rules of procedure as from time to time prescribed by the Board.

(b) At all meetings of the Board, the chairperson shall preside and, in the absence of the chairperson, the vice-chairperson or the secretary shall exercise the powers of the chairperson.

(c) The secretary of the Corporation shall act as secretary of all meetings of the Board but, in the absence of the secretary, the presiding officer may appoint any person to act as secretary of the meeting.

Section 8. Committees of the Board. The Board may designate two or more directors to constitute an official committee of the Board to exercise such authority of the Board as may be specified in the resolution. It is provided, however, that all final, official actions of the Corporation may be exercised only by the Board. Each committee so designated shall keep regular minutes of the transactions of its meetings and shall cause such minutes to be recorded in books kept for that purpose in the principal office of the Corporation.

Section 9. Compensation of Directors. Directors *and Ex Officio Members* shall not receive any salary or compensation for their services ~~as directors~~. However, they shall be reimbursed for their actual expenses incurred in the performance of their duties hereunder.

ARTICLE III OFFICERS

Section 1. Titles and Term of Office.

(a) The officers of the Corporation shall be a chairperson, a vice-chairperson, a secretary, a president and such other officers as the Board may from time to time elect or appoint. One person may hold more than one office, except that the chairperson shall not hold the office of secretary. The chairperson and all other officers of the corporation, except the office of the president, shall be elected from the Board of Directors by vote of the Board of Directors of the corporation. Terms of office shall be one (1) year with the right of an officer to be reelected.

(b) All officers shall be subject to removal from office at any time by a vote of a majority of the entire Board.

(c) A vacancy in the office of any officer shall be filled by a vote of a majority of the directors.

Section 2. Powers and Duties of the Chairperson. The chairperson shall preside at all meetings subject to the paramount authority of the Board. The chairperson shall be in general charge of the properties and affairs of the Corporation and may sign and execute all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments in the name of the Corporation.

Section 3. Vice-Chairperson. The vice-chairperson, in the absence of the chairperson and subject to the paramount authority of the Board, shall assume the duties of the chairperson as described in Section 2 above.

Section 4. Secretary. The secretary shall keep the minutes of all meetings of the Board in books provided for that purpose, shall give and serve all notices, may sign with the chairperson in the name of the Corporation and/or attest the signature thereto all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation, shall have charge of the corporate books, records, documents and instruments, except the books of account and financial records and securities, *and audio recordings of the boards meetings*, and such other books and papers as the Board may direct, all of which shall at all reasonable times be open to public inspection upon application at the office of the Corporation during regular business hours, and shall in general perform all duties incident to the office of secretary subject to the control of the Board.

Section 5. President. The president shall oversee and be responsible for the overall management and administration of the corporation and such other duties as may be required by the Board. The president will seek advice and counsel of the Board of Directors in making employment decisions concerning the staff. The president is also responsible for negotiating incentives with companies and shall do his best to obtain the maximum return of the taxpayer investment. The Board must approve any 4A Sales Tax incentive.

Section 6. Compensation. Officers who are members of the Board shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual expenses incurred in the performance of their duties hereunder. Other officers may be compensated as directed by the Board.

ARTICLE IV FUNCTIONAL CORPORATE DUTIES AND REQUIREMENTS

Section 1. General Development Plan.

(a) The Board shall research, develop, prepare, and submit to the Council for its approval, an annual work plan, which shall set out goals and objectives of the Corporation, including but not limited to short-term and long-term goals for the economic development of the

City, proposed methods for the elimination of unemployment and underemployment, goals and objectives for the utilization of funds to promote the expansion and development of a sound industrial and manufacturing base for and within the City, and any other similar goals including proposed methods and the expected costs of implementation.

(b) The Board shall conduct an *semi*-annual performance evaluation detailing the Corporation's achievement of its prior goals and objectives as well as review and update the annual work plan each year prior to submission of the annual budget required by other provisions of these Bylaws.

(c) Activity reports shall be submitted in writing to the Council at least *semi-annually quarterly* or as considered necessary.

Section 2. Annual Corporate Budget. At least thirty (30) days prior to the commencement of each fiscal year of the Corporation, the Board shall adopt a proposed budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the Council. The budget shall not be effective until the same has been approved by the Council.

Section 3. Books, Records, Audits.

(a) The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles, complete books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs.

(b) At the direction of the Council, the books, records, accounts and financial statements of the Corporation may be maintained for the Corporation by the accountants, staff and personnel of the City. In such event, the Corporation shall pay to the City reasonable compensation for such services.

(c) The Corporation, or the City if the option described in subsection (b) is selected, shall cause its books, records, accounts and financial statements to be audited at least once each fiscal year by an outside, independent auditing and accounting firm selected by the Corporation. Such audit shall be at the expense of the Corporation.

(d) All books, records, accounts, and financial statements shall be kept and administered in accordance with the Texas Public Information Act, Chapter 552, Texas Government Code.

Section 4. Deposit and Investment of Corporate Funds.

(a) All proceeds from the issuance of bonds, notes, or other debt instruments ("Obligations") issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to their issuance.

(b) All other monies of the Corporation shall be deposited, secured and/or invested in the manner provided for the deposit, security and/or investment of the public funds of the City. The Board shall designate the accounts and depositories to be created and designated for such purposes, and the methods of withdrawal of funds there from for use by and for the purposes of the Corporation, upon the signature of its treasurer and such other persons as the Board shall designate. The accounts reconciliation, and the investment of such funds and accounts, will be performed by the Finance Department of the City. The Corporation shall pay reasonable compensation for such services to the City.

Section 5. Expenditures of Corporate Money.

(a) The monies of the Corporation, including sales and use taxes collected pursuant to Section 4A of the Act, monies derived from the repayment of loans, rents received from the lease or use of property, the proceeds from the investment of funds of the Corporation, the proceeds from the sale of property, and the proceeds derived from the sale of Obligations, may be expended by the Corporation for any of the purposes authorized by the Act, subject to the following limitations:

- (i) Expenditures from the proceeds of Obligations shall be identified and described in the orders, resolutions, indentures or other agreements submitted to and approved by the Council prior to the sale and delivery of the Obligations to the purchaser thereof required by Section 6 of this Article;
- (ii) Expenditures that may be made from a fund created with the proceeds of Obligations, and expenditures of monies derived from sources other than the proceeds of Obligations, may be used for the purposes of financing or otherwise providing one or more "Projects", as defined in the Act. The specific expenditures shall be described in a resolution or order of the Board, and shall be made only after the approval thereof by the Council;
- (iii) All other proposed expenditures shall be made in accordance with and shall be set forth in the annual budget required by Section 2 of this Article.

Section 6. Issuance of Obligations. No Obligations, including refunding obligations, shall be sold and delivered by the Corporation unless the Council shall approve such Obligations by action taken no more than sixty (60) days prior to the date of sale of the Obligations.

ARTICLE V MISCELLANEOUS PROVISIONS

Section 1. Principal Office.

(a) The principal office of the Corporation shall be located at 307 West Washington Street, Suite 102, Sherman, Texas 75090.

(b) The Corporation shall have and shall continually designate a registered agent at its registered office, as required by the Act.

Section 2. Fiscal Year. The fiscal year of the Corporation shall be the same as the fiscal year of the City.

Section 3. Resignations. Any director or officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein or, if no time be specified, at the time of its receipt by the chairperson or secretary. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 4. Approval or Advice and Consent of the Council. To the extent that these Bylaws refer to any approval by the City or refer to advice and consent by the Council, such advice and consent shall be evidenced by a certified copy of a resolution, order, or motion duly adopted by the Council.

Section 5. Services of City Staff and Officers. Subject to the paramount authority of the City Manager under the Charter of the City, the Corporation shall have the right to utilize the services of the City Attorney, the City Clerk, and the staff and employees of the Finance Department of the City, provided that (i) the Corporation shall pay reasonable compensation to the City for such services, and (ii) the performance of such services does not materially interfere with the other duties of such personnel of the City.

Section 6. Indemnification of Directors, Officers, and Employees.

(a) As provided in the Act and in the Articles of Incorporation, the Corporation is, for the purposes of the Texas Tort Claims Act, Subchapter A, Chapter 101, Texas Civil Practices and Remedies Code, a governmental unit and its actions are governmental functions.

(b) The Corporation shall indemnify each and every member of the Board, its officers and its employees, and each member of the Council and each employee of the City, to the fullest extent permitted by law, against any and all liability or expense, including attorneys fees, incurred by any of such persons by reason of any actions or omissions that may arise out of the functions and activities of the Corporation. The Corporation may also purchase and maintain insurance on behalf of any Board member or employee. Copies of all insurance and bond policies will be filed with the City Clerk.

Section 7. Robert's Rules of Order. The rules and procedure as stated in Robert's Rules of Order, Newly Revised, or specific rules adopted by the Council or Board shall govern the proceedings of the Board or its committees unless in conflict with state law.

Section 8. Conflicts of Interest. No officer or employee of the Corporation shall have a financial interest, direct or indirect, in any contract with the Corporation, to the extent prohibited by Chapter 171 of the Texas Local Government Code, or shall be financially interested, directly or indirectly, in the sale to the Corporation of any land, materials, supplies, or

service where such financial interest is prohibited by state law. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit his or her office or position. Any violation of this section, with the knowledge, express or implied, of the person or corporation contracting with the Corporation shall render the contract involved voidable by the Council.

Section 9. **Legal Construction.** If any Bylaw provision is held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect any other provision and the Bylaws shall be construed as if the invalid, illegal or unenforceable provision had not been included in the Bylaws.

ARTICLE VI EFFECTIVE DATE, AMENDMENTS

Section 1. **Effective Date.** These Bylaws shall become effective upon the occurrence of the following events:

- (1) the approval of these Bylaws by the Council; and
- (2) the adoption of these Bylaws by the Board.

Section 2. **Amendments to Articles of Incorporation and Bylaws.** The Articles of Incorporation of the Corporation may be amended only in the manner provided in the Articles of Incorporation and the Act. The Bylaws may be amended, altered, or repealed by an affirmative vote of three (3) Board members, but such amendment, alteration, or repeal shall not be effective until approved by a majority vote of the entire Council.

Section 3. **Dissolution of the Corporation.** The Corporation is a non-profit corporation. Upon dissolution, all of the Corporation's assets shall be distributed to the City of Sherman.

APPROVED AND ADOPTED by the SEDCO Board of Directors on the 9th
day of November, 2010.

TODD THOMPSON, CHAIRMAN

Todd Thompson

JUSTON DOBBS, VICE CHAIRMAN

Juston Dobbs

RAD RICHARDSON, SECRETARY

Rad Richardson

DEAN GILBERT, JR.

Dean Gilbert, Jr.

BILL MAGERS

Bill Magers



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D. 2.

Meeting Date: 09/08/2020

Prepared By: Wayne Lee, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6643

Authorizing Execution of a Development Agreement between the City of Sherman and HP 2020 Joint Venture, a Texas Joint Venture, for the Construction of Public Facilities in Graham Addition, a 2.787-acre Development off of Hickory Street, north of Pelton Street in the City of Sherman

Issue:

The construction of public facilities for Graham Addition, a 2.787-acre development off of Hickory Street, north of Pelton Street in the City of Sherman

Background:

HP 2020 Joint Venture proposes to construct a 2.787-acre development off of Hickory Street, north of Pelton Street, which includes the construction of storm water, water main and sanitary sewer main.

Origination:

Engineering Department

Financial Consideration:

The development fee to be paid by the developer for public inspection will be \$2,086.05.

Staff Recommendation:

Staff recommends approval and execution of the Development Agreement.

Alternatives:

As directed by City Council

Attachments

Resolution No. 6643

Development Agreement

Proposed Plat

Aerial Location Map

RESOLUTION NO. 6643

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SHERMAN AND HP 2020 JOINT VENTURE, A TEXAS JOINT VENTURE, FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN GRAHAM ADDITION, A 2.787-ACRE DEVELOPMENT OFF OF HICKORY STREET, NORTH OF PELTON STREET IN THE CITY OF SHERMAN; 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 Development Agreement between the City of Sherman and HP 2020 Joint Venture, a Texas Joint Venture, for the construction of public facilities in Graham Addition, a 2.787-acre development off of Hickory Street, north of Pelton Street in the City of Sherman, 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.

PASSED AND APPROVED on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

**DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF SHERMAN AND HP 2020 JOINT VENTURE, A TEXAS JOINT
VENTURE**

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this 8th day of September, 2020 (the "Effective Date"), by and among the City of Sherman ("City"), a municipal corporation organized under the laws of the State of Texas, HP 2020 Joint Venture, a Texas Joint Venture ("Developer").

WITNESSETH:

WHEREAS, City recognizes the importance of its continued role in local economic development; and

WHEREAS, Developer is developing a portion of the City and making improvements to the City; and

WHEREAS, Developer owns or controls lands located in Sherman, Texas, and described to the City by the Developer as Graham Addition, and attached hereto and made a part hereof as if fully set out in this paragraph as Exhibit "A" and hereinafter referred to as the "Property", and Developer intends to develop the Property by constructing improvements thereon; and

WHEREAS, the Developer desires that the City accept the dedication of the utilities, and other improvements as reflected on the plans and specifications submitted by the Developer as a part of the public facilities of the City, as indicated in Paragraph 2 of Article I; and

WHEREAS, the CITY is willing to provide, in accordance with the provisions of this Agreement and the prevailing state and local laws, city services to the Property and thereafter operate applicable facilities so that the occupants of the improvements on the Property will receive City services;

NOW, THEREFORE, in consideration of the mutual covenants and obligations herein, the parties agree as follows:

**ARTICLE I.
SPECIFIC CONTRACT PROVISIONS**

1. **Assurance of Title:** At the time of execution of this Agreement, the Developer agrees to deliver to City a copy of a Title Insurance Policy, or an opinion of title from a qualified attorney-at-law addressed to the City in a form and substance satisfactory to City with respect to the Property, which opinion shall include a current report on the status of the title, setting out the name of the legal title holders, the outstanding mortgages, taxes, liens

and covenants. The provisions of this paragraph are for the purpose of evidencing Developer's legal right to grant the exclusive rights of service contained in this Agreement.

2. **Assurance of Accuracy of Documents:** Developer has caused the subdivision plat of the Property (the "plat") and all plans and specifications (the "plans") for the streets, utilities and other improvements to be developed on the Property (collectively the "Project") as part of the public facilities of the City, to be prepared by a Registered Professional Engineer and that Plat and Plans accurately depict such subdivision and the improvements comprising the Project. Developer understands that the City will rely on the accuracy of the Plat and Plans in making its determination as to whether the documents comply with all City ordinances, state and federal law.
3. **Development Documents:** Upon the execution of this Agreement, Plat, Plans, and orders of the City Planning and Zoning Commission and the City Council, made in connection with the approval of the subdivision depicted on the Plat (hereinafter the "Subdivision") are confirmed, ratified, and agreed upon by both parties. Developer agrees to comply with such orders and Ordinance No. 2684, and any amendments as of the date of the execution of the contract, as applicable to the Subdivision; and all of the work of the Project will be done under the supervision of the City Engineer (as defined in Paragraph 8 of this Article) to City standards, and in accordance with applicable City regulations. The Plat, Plans, orders of the City Planning and Zoning Commission, and the City Council and Ordinance No. 2684 (hereinafter collectively referred to as the "Development Documents") are incorporated into this Agreement a part thereof for all purposes.
4. **Delivery of Improvements:** The Developer will pay for and deliver to the City free and clear of all liens and costs, all of the improvements provided in the Development Documents.
5. **Performance Bond:** No work shall be performed within the Subdivision until the Developer presents to the City Manager a satisfactory Performance Bond and a Payment Bond, as provided by Chapter 2253 of the Texas Government Code, from the Contractor in favor of the Developer and the City. Such bond shall be made for 100% of the contract price for all streets and utilities and public works to be installed in the Subdivision, and shall be in a form containing all other provisions set forth in Chapter 2253 of the Texas Government Code, including, but not limited to, Section 2253.021 of that Chapter.
6. **Failure to Complete Development:** If the Developer does not complete the Improvements contained in the Development Documents on or before September 8, 2020, City may, at its election, use the Performance Bond to complete such Improvements. The date in this Paragraph may be extended by the mutual agreement of the parties. Such extension shall be in writing, as provided in Paragraph 13 of Article II.
7. **Availability of Public Facilities:** No public facilities will be made available to any lot within any segment of this Subdivision until the work on each segment is performed and approved as agreed upon in this Agreement.

8. **Registered Civil Engineer:** All of the plans and specifications for the improvements herein mentioned in the Development Documents, shall be prepared by a Registered Professional Civil Engineer, and all of the improvements shall be built under the supervision of such engineer, and the engineer shall certify to the City that, as each segment is built, such segment as built is true and correct in accordance with the plans and specifications, and that the same was built under his supervision, and the certificate shall be signed and sealed by such engineer. All of the expense of such engineering shall be paid for by the Developer.
9. **City Engineer:** Before work is begun on any improvement, the City Engineer shall designate a person, hereinafter identified as "City Engineer," who shall be notified and arrangements made for inspection by the City Engineer at such stages of construction as required by him, and no improvement constructed underground shall be covered by the Developer until inspected by the City Engineer and approved by him. At any time any construction is contrary to the plans and specifications, the City Engineer shall be, and is, empowered to stop construction and require correct construction and installation at the Developer's risk and without liability to the City.
10. **Coordination of Work:** The work will be coordinated between the City and the Developer so that the utilities will be in place before the permanent improvements are installed.
11. **Utility Arrangements:** The Developer will make its own arrangements with gas, electric, and telephone service providers for extensions of their utilities, and upon complying with this Agreement, the City utilities will be furnished.
12. **Fees:** Other fees normally charged by the City for building permits, water taps, service connections, and similar fees will be paid as required to the City by the Developer.
13. **Maintenance Bond:**
 - A. Developer shall provide a Maintenance Bond to the City at the time of final acceptance of the improvements by the City Engineer. The Bond shall name the City as an obligee under the bond and the bond shall provide a one (1) year guarantee on all the improvements contained in the Development Documents.
14. **WAIVER OF RIGHTS UNDER STATE LAW:**
 - A. Developer understands that, pursuant to Section 212.904 of the Texas Local Government Code, the developer is entitled to an apportionment of the municipal infrastructure cost and that such apportionment must be done by a professional engineer. Developer hereby agrees that any land or property it donates to the City, as reflected on the Final Plat, is roughly proportionate to the need for such land. Developer further acknowledges and agrees that all prerequisites to such a determination of rough proportionality have been met, and that any costs incurred relative to said donation are related both in nature and extent to the impact of the

development of the Property and its needs related thereto. BY MY SIGNATURE ON THIS AGREEMENT, DEVELOPER HEREBY FREELY, KNOWINGLY AND VOLUNTARILY WAIVES ITS RIGHTS UNDER SECTION 212.904 OF THE TEXAS LOCAL GOVERNMENT CODE, OR ANY OTHER RELATED CLAIMS. DEVELOPER AGREES THAT THE DEVELOPER'S AGREEMENT MAY PROCEED WITHOUT THE REQUIREMENTS IMPOSED ON THE CITY UNDER SECTION 212.904 OF THE TEXAS LOCAL GOVERNMENT CODE, EXCEPT DEVELOPER SPECIFICALLY RESERVES ITS RIGHT TO APPEAL THE APPORTIONMENT IN ACCORDANCE WITH SECTION 212.904 OF THE TEXAS LOCAL GOVERNMENT CODE. I CONSENT TO THIS WAIVER AFTER HAVING THE OPPORTUNITY TO REVIEW THIS AGREEMENT AND WAIVER PROVISION WITH MY ATTORNEY, OR IF I HAVE NOT REVIEWED THIS WITH AN ATTORNEY, THAT I HAVE HAD THE OPPORTUNITY TO DO SO AND HAVE VOLUNTARILY CHOSEN NOT TO SEEK THE ADVICE OF AN ATTORNEY.

- B. BOTH DEVELOPER AND THE CITY FURTHER AGREE TO WAIVE AND RELEASE ALL CLAIMS ONE MAY HAVE AGAINST THE OTHER RELATED TO ANY AND ALL ROUGH PROPORTIONALITY AND INDIVIDUAL DETERMINATION REQUIREMENTS MANDATED BY *DOLAN V. TOWN OF TIGARD*, 512 U.S. 374 (1994), AND ITS PROGENY, AND WELL AS ANY OTHER REQUIREMENTS OF A NEXUS BETWEEN THE DEVELOPMENT CONDITIONS AND THE PROJECTED IMPACT OF THE FOREGOING, INCLUDING ALL DEDICATIONS OF LAND, PARKLAND, AND ANY INFRASTRUCTURE REFERENCED HEREIN. I CONSENT TO THIS WAIVER AFTER HAVING THE OPPORTUNITY TO REVIEW THIS AGREEMENT AND WAIVER PROVISION WITH MY ATTORNEY, OR IF I HAVE NOT REVIEWED THIS WITH AN ATTORNEY, THAT I HAVE HAD THE OPPORTUNITY TO DO SO AND HAVE VOLUNTARILY CHOSEN NOT TO SEEK THE ADVICE OF AN ATTORNEY.

15. **Other Provisions:**

- A. Upon Completion of the Subdivision one electronic copy and one set of reproducible "Record" drawings will be supplied to the City.
- B. The Developer shall pay to the City an engineering plan review, inspection, and testing fee of \$2,086.05.
- C. Developer agrees that the development, as set forth in the Contract Documents, will comply with all federal, state and local laws relating to the discharge of storm water upon completion of the development.
- D. Developer and City agree that any and all goods and services relative to infrastructure dedicated to the City are exempt from state and local sales tax in accordance with Texas Tax Code §§151.309 and 151.311.

ARTICLE II.

GENERAL CONTRACT PROVISIONS

1. **Force Majeure.** If the performance of any of the parties hereto is delayed by reason of war, civil commotion, acts of God, inclement weather, unanticipated subsurface conditions, fire or other casualty, court injunction or any circumstances which are reasonably beyond the control of the party obligated or permitted under the terms of this Agreement to do or perform the same, regardless of whether any such circumstance is similar to any of those enumerated or not, the party so obligated or permitted shall be excused from doing or performing the same during such period of delay, so that the time period applicable to such design or construction requirement shall be extended for a period of time equal to the period such party was delayed. The terms above shall not apply to extend the time permitted for any payment obligations set forth in this Agreement.
2. **INDEMNIFICATION AND HOLD HARMLESS.** TO THE MAXIMUM EXTENT PERMITTED BY LAW, DEVELOPER OBLIGATES ITSELF TO THE CITY TO FULLY AND UNCONDITIONALLY PROTECT, INDEMNIFY AND DEFEND THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES, AND HOLD IT HARMLESS FROM AND AGAINST ANY AND ALL COSTS, EXPENSES, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITY FOR INJURIES TO PROPERTY, INJURIES TO PERSONS (INCLUDING DEVELOPERS EMPLOYEES), INCLUDING DEATH, AND FROM ANY OTHER COSTS, EXPENSES, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITIES OF ANY AND EVERY NATURE WHATSOEVER ARISING IN ANY MANNER, DIRECTLY OR INDIRECTLY, OUT OF OR IN CONNECTION HEREWITH, REGARDLESS OF CAUSE OR OF THE SOLE, JOINT, COMPARATIVE OR CONCURRENT NEGLIGENCE OR GROSS NEGLIGENCE OF DEVELOPER, ITS OFFICERS, AGENTS OR EMPLOYEES. THIS INDEMNIFICATION AND SAVE HARMLESS SHALL APPLY TO ANY IMPUTED OR ACTUAL JOINT ENTERPRISE LIABILITY. This indemnity does not waive any governmental immunity available to the City under Texas law and does not waive any defenses of the parties under Texas law.
3. **Authority to Bind.** Each general partner or member executing this Agreement on behalf the Developer represents that, by executing this Agreement in such capacity, it acts within the scope of its authority and does not exceed the bounds of its authority to act to bind such party regarding the obligations and assurances contained in this Agreement. City represents that the execution of this Agreement as provided below has been duly authorized by the City Council as provided in the Approval Resolution.
4. **Events of Default.** A default shall exist if either party fails to perform or observe any material covenant contained in this Agreement. The non-defaulting party shall immediately notify the defaulting party in writing upon becoming aware of any change in the existence of any condition or event which would constitute a default or, with the giving of notice or passage of time, or both, would constitute a default under this Agreement. Such notice shall specify the nature and the period of existence thereof and what action, if any, the notifying party requires or proposes to require with respect to curing the default.

5. **Remedies Available to City.** If a default by Developer shall occur and continue, after thirty (30) day's notice to cure default, City may, at its option, pursue any and all remedies it may be entitled to, at law or in equity, in accordance with Texas law and including using the Performance Bond to complete the work, without the necessity of further notice to or demand upon Developer. City shall not, however, have the right to exercise such remedies for so long as Developer proceeds in good faith and with due diligence to remedy and correct the default, provided that Developer has commenced to cure such default within thirty (30) days following notice, pursues such cure with reasonable diligence and completes such cure within one hundred eighty (180) days.
6. **No Waiver of Defenses.** Nothing in this Agreement shall be construed or intended to waive any defenses available to the City, including, but not limited to, governmental immunity.
7. **Venue and Governing Law.** This Agreement is performable in Grayson County, Texas and venue of any action arising out of this Agreement shall be exclusively in Grayson County. This Agreement shall be governed and construed in accordance with the laws of the State of Texas.
8. **Notices.** Any notice required by this Agreement shall be deemed to be properly served (i) three (3) days following deposit if deposited in the U.S. mail by certified letter, return receipt requested; (ii) on the next business day if sent by nationally recognized overnight delivery service; or (iii) upon receipt if transmitted by facsimile or electronic transmission, addressed to the recipient at the recipient's address shown below, subject to the right of either party to designate a different address by notice given in the manner just described.

CITY:

DESIGNEE: Wayne E. Lee, P.E., CFM
ADDRESS: 220 W. Mulberry Street
Sherman, TX 75090
PHONE: 903-892-7327
FAX: 903-870-7802

DEVELOPER: HP Joint Venture, a Texas Joint Venture

DESIGNEE: Joe Gilbert, Managing Member
ADDRESS: 801 E. Taylor St.
Sherman, TX 75090
PHONE: 903-893-5188
FAX: 903-892-1487

9. **Legal Construction.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such

invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be considered as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.

10. **Counterparts.** This Agreement may be executed in any number of counterparts, which may be transmitted originally or electronically, each of which shall be deemed an original and constitute one and the same instrument.
11. **Captions.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.
12. **Successors and Assigns.** The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto, provided, however, this Agreement shall not be assigned by Developer without prior written approval by the City Manager of the City, which approval shall not be unreasonably withheld or delayed. City may assign or delegate any of its rights or obligations under this Agreement but the same shall not constitute a novation.
13. **Entire Agreement.** This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Agreement, and except as otherwise provided herein cannot be modified without written agreement of the parties to be attached to and made a part of this Agreement.
14. **Interpretation of Agreement.** This is negotiated Agreement. If any part of this Agreement is in dispute, the parties stipulate that the Agreement shall not be construed more favorably for either party.

IN WITNESS WHEREOF, parties have caused this Agreement to be executed in duplicate this 8th day of September 2020, with an original to each party.

Developer: HP 2020 Joint Venture, a Texas Joint Venture

BY: _____
NAME: Joe Gilbert
TITLE: Managing Member

ATTEST: **BY:** _____
NAME: _____
TITLE: _____

CITY: CITY OF SHERMAN

BY: _____

NAME: Robby Hefton

TITLE: City Manager

ATTEST: BY: _____

NAME: Linda Ashby

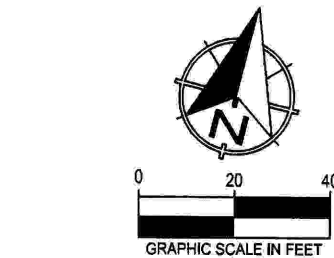
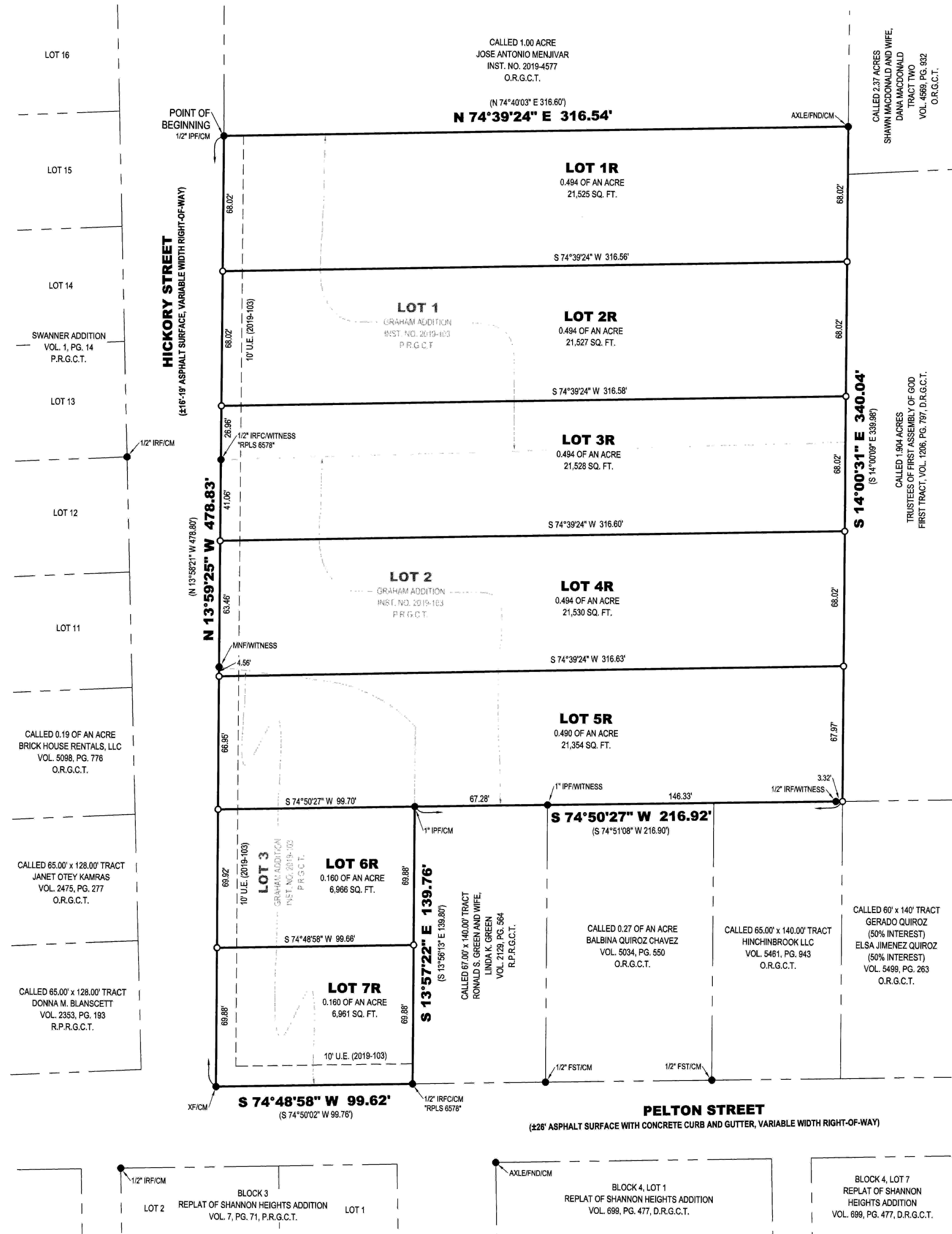
TITLE: City Clerk

APPROVAL RECOMMENDED:

Wayne E. Lee, P.E., CFM / Director Engineering

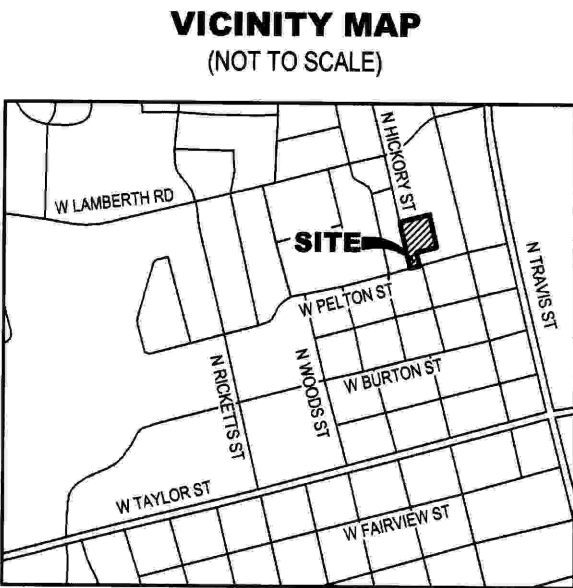
APPROVED AS TO FORM:

Brandon S. Shelby, City Attorney



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 0.9999857883. Vertical Datum NAVD 88 referenced to City of Sherman Geodetic Control Monument #1-105.

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
FST	FOUND SQUARE TUBE
IPF	IRON PIPE FOUND
MNF	MAG NAIL FOUND
XP	"X" SCRIBED IN CONCRETE FOUND
FND	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.
U.E.	UTILITY EASEMENT
---	BOUNDARY LINE
---	ADJOINER LINE
---	EASEMENT



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 09/29/2010 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 F 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:
Joe Gilbert
Dean Gilbert Realtors
801 East Taylor Street
Sherman, TX 75090
Ph: 903-893-5188

SURVEYOR:
Chris Noah, RPLS 6585
Preston Trail Land Surveying LLC
83493 N State Highway 289
Suite No. 5
Pottsboro, TX 75076
Ph: 903-786-6029

Preston Trail			
83493 N. State Hwy 289, Suite 5 Pottsboro, TX 75076 www.prestontrailandsurveying.com 903-786-6029			
TBPLS Firm No. 10194075	Drawn by: BNH Checked by: CRN	Scale: 1"=40' Date: 11/09/2019	Project No. 19-0508.1 Sheet No. 1 of 2

**RE-PLAT OF
GRAHAM ADDITION, LOTS 1R - 7R
2.787 ACRES
J.B. MCANAIR SURVEY, ABSTRACT NO. 763
Being all of Lots 1, 2, 3 of Graham Addition
City of Sherman, Grayson County, Texas**

OWNER'S CERTIFICATE
STATE OF TEXAS §
COUNTY OF GRAYSON §

WHEREAS JOE GILBERT is the owner of all of that certain tract or parcel of land situated in the J.B. McAnair Survey, Abstract No. 763, City of Sherman, Grayson County, Texas, and being all of Lots 1, 2 and 3 of Graham Addition, according to the plat thereof recorded in Volume 2019-103, Plat Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron pipe found for the northwest corner of said Lot 1, common to the southwest corner of a called 1.00 acre tract of land described in the deed to Jose Antonio Menjivar, recorded in Instrument No. 2019-4577, Official Records of Grayson County, Texas, and on the easterly right-of-way line of Hickory Street;

THENCE North 74°39'24" East, with the northerly line of said Lot 1, and with the southerly line of said 1.00 acre tract, a distance of 316.54 feet to an Axle found for the northeast corner of said Lot 1, common to the southeast corner of said 1.00 acre tract, and on the westerly line of a called 2.37 acre tract of land described as Tract Two in the deed to Shawn MacDonald and wife, Dana MacDonald, recorded in Volume 4569, Page 932, said Official Records;

THENCE South 14°00'31" East, with the easterly line of said Lot 1, and with the easterly line of aforesaid Lot 2, and with the westerly line of said 2.37 acre tract, and with the westerly line of a called 1.904 acre tract of land described as First Tract in the deed to Trustees of First Assembly of God, recorded in Volume 1206, Page 797, Deed Records of Grayson County, Texas, a distance of 340.04 feet to a 1/2-inch iron rod with a plastic cap stamped "PRESTON TRAIL LAND SURVEYING RPLS 6585" set for the southeast corner of said Lot 2, common to the southwest corner of said 1.904 acre tract, and common to the northwest corner of a called 69-foot by 140-foot tract of land described in the deed to Gerardo Quiroz (50% Interest) and Elsa Jimenez Quiroz (50% Interest), recorded in Volume 5499, Page 263, said Official Records, and common to the northeast corner of a called 65.00-foot by 140.00-foot tract of land described in the deed to Hinchinbrook LLC, recorded in Volume 5461, Page 943, said Official Records;

THENCE South 74°50'27" West, with a southerly line of said Lot 2, and with the northerly line of said Hinchinbrook Tract, passing en route at a distance of 3.32 feet a 1/2-inch iron rod found for witness, and continuing on said course, with the northerly line of said Hinchinbrook Tract, and with the northerly line of a called 0.27 of an acre tract of land described in the deed to Balbina Quiroz Chavez, recorded in Volume 5034, Page 550, said Official Records, passing en route at a distance of 149.65 feet a 1-inch iron pipe found for the northwest corner of said 0.27 acre tract, and continuing on said course, with the northerly line of a called 67.00-foot by 140.00-foot tract of land described in the deed to Ronald S. Green and wife, Linda K. Green, recorded in Volume 2129, Page 584, Real Property Records of Grayson County, Texas, a total distance of 216.92 feet to a 1-inch iron pipe found for the southern-most southwest corner of said Lot 2, and on the easterly line of aforesaid Lot 3;

THENCE South 13°57'22" East, with the easterly line of said Lot 3, and with the westerly line of said Green Tract, a distance of 139.76 feet to a 1/2-inch iron rod with a plastic cap stamped "RPLS 6578" found for the southeast corner of said Lot 3, common to the southwest corner of said Green Tract, and on the northerly right-of-way line of Pelton Street;

THENCE South 74°48'58" West, with the southerly line of said Lot 3, and with the northerly right-of-way line of said Pelton Street, a distance of 99.62 feet an "X" scribed in concrete found for the southwest corner of said Lot 3, and at the intersection of the northerly right-of-way line of said Pelton Street and the easterly right-of-way line of aforesaid Hickory Street;

THENCE North 13°59'25" West, with the westerly line of said Lot 3, and with the easterly right-of-way line of said Hickory Street, passing en route at a distance of 211.30 feet a mag nail found for the northwest corner of said Lot 3, and continuing on said course, with a westerly line of aforesaid Lot 2, passing en route at a distance of 315.82 feet a 1/2-inch iron rod with a plastic cap stamped "RPLS 6578" found for the northwest corner of said Lot 2, and continuing on said course, with the westerly line of aforesaid Lot 1, a total distance of 478.83 feet to the POINT OF BEGINNING and enclosing 2.787 acres (121,392 square feet) of land, more or less.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS

That Joe Gilbert, does hereby adopt this plat designating the hereinbefore described property as **RE-PLAT OF GRAHAM ADDITION, LOTS 1R - 7R**, 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: _____
Joe Gilbert

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 Joe Gilbert, 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 **RE-PLAT OF GRAHAM ADDITION, LOTS 1R - 7R** 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

**RE-PLAT OF
GRAHAM ADDITION, LOTS 1R - 7R
2.787 ACRES
J.B. MCANAIR SURVEY, ABSTRACT NO. 763
Being all of Lots 1, 2, 3 of Graham Addition
City of Sherman, Grayson County, Texas**

Preston Trail			
83493 N. State Hwy 289, Suite 5 Pottsboro, TX 75076 www.prestontrailandsurveying.com 903-786-6029			
TBPLS Firm No. 10194075	Drawn by: BNH Checked by: CRN	Scale: 1"=40' Date: 11/09/2019	Project No. 19-0508.1 Sheet No. 2 of 2

OWNER/DEVELOPER:
Joe Gilbert
Dean Gilbert Realtors
801 East Taylor Street
Sherman, TX 75090
Ph: 903-893-5188

SURVEYOR:
Chris Noah, RPLS 6585
Preston Trail Land Surveying LLC
83493 N State Highway 289
Suite No. 5
Pottsboro, TX 75076
Ph: 903-786-6029

Graham Addition



0 87.5 175 350 525 700 1 inch = 174 feet
Feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D. 3.

Meeting Date: 09/08/2020

Prepared By: Nate Strauch, Community & Support Services Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6644

Authorizing Execution of an Agreement with Gavin Mandt-Rauch under the City of Sherman's Central Business District Historic Building Restoration and Improvement Grant Program for Improvements to 224 East Houston Street

Issue:

An agreement with Gavin Mandt-Rauch under the City of Sherman's Central Business District Historic Building Restoration and Improvement Grant Program for Improvements to 224 East Houston Street in Downtown Sherman

Background:

The City Council had allocated \$50,000.00 of General Fund revenues for the 2019-2020 fiscal year for a Building Restoration and Improvement Grant Program designed to stimulate substantial, visible, and permanent improvements to historically significant commercial buildings and to spur interest in vacant and underutilized buildings of historical value in the Central Business District. Grants under the program are awarded at the City Council's sole discretion, in the maximum amount of \$25,000.00 per project.

This application is the second received in fiscal year 2019-2020 and the eighteenth received under the program. This is a request for reimbursement for restorations to the historic structure established in approximately 1900 and located at 224 East Houston Street in Downtown Sherman. The project will repair all exterior brick work and install new storefront glass, new roofing and rafters, and new garage doors to create the construction company office headquarters.

The expected qualified costs for the proposed renovation work are approximately \$165,000.00. The project would therefore qualify for a maximum matching grant of \$25,000.00.

Origination:

Community and Support Services Manager Nate Strauch

Financial Consideration:

Of the originally budgeted \$50,000.00 for FY 2019-2020, \$45,947.30 remains unallocated. A full grant approval of \$25,000.00 would leave \$20,947.30 for the remainder of the fiscal year.

Staff Recommendation:

As the application meets the requirements of the program, it is recommended that the City Council consider an award to Gavin Mandt-Rauch in the amount of \$25,000.00.

Alternatives:

As directed by Council

Attachments

Resolution No. 6644

Grant Agreement

Application

Estimate

Architect's Drawings

Survey

Photographs

Grant Program

Aerial Location Map

RESOLUTION NO. 6644

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH GAVIN MANDT-RAUCH UNDER THE CITY OF SHERMAN'S CENTRAL BUSINESS DISTRICT HISTORIC BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM FOR IMPROVEMENTS TO 224 EAST HOUSTON STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Gavin Mandt-Rauch for improvements to 224 East Houston Street under the City of Sherman's Central Business District Historic Building Restoration and Improvement Grant Program, 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.

PASSED AND APPROVED on this the ____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



**CITY OF SHERMAN
CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

AGREEMENT

THIS AGREEMENT is made and entered into on this the ____ day of _____, 2020, by and between the City of Sherman, a municipal corporation of the State of Texas, hereinafter referred to as “City”, and Gavin Mandt-Rauch, hereinafter referred to as “Applicant(s).”

WITNESSETH THAT, in consideration of the mutual promises and undertaking herein for the purpose of carrying out the restoration of a downtown property, thereby benefiting both the Applicants and the City;

THEREFORE, the Applicants and the City certify and agree to the terms and conditions as set forth below:

**I.
TERMS OF AGREEMENT**

1. **Ownership and Grant Program.** The Applicants represent and presented documentation that they are the owners of or tenants in good standing of a certain property located at 224 East Houston Street in the City of Sherman, Grayson County, Texas, hereinafter referred to as “Property,” lying within an area where the City is conducting a Central Business District Historic Building Restoration and Improvement Grant Program as described in the Program’s “Guidelines and Policies,” a copy of which has been provided to the Applicants and is attached hereto as Exhibit “A” and made a part of this Agreement for all purposes, a copy of which has been provided to the Applicants.
2. **Property Description and Eligibility.** The Property is of commercial, retail, service, professional and/or office use, and Applicants’ proposed improvements to the Property listed in the Central Business District Historic Building Restoration and Improvement Grant Program Application are eligible improvements as described in the Program’s Guidelines and Policies. Applicants state that all of the information contained in the application is truthful and discloses sufficient information so as not to be misleading. The submitted application is attached hereto as Exhibit “B” and incorporated into this Agreement for all purposes.
3. **Compliance with Codes.** All improvements to be undertaken will be consistent with all applicable Zoning and Building Codes.

4. **City Approval for Work.** Only the work that is agreed to by the City and the Applicants, which will be outlined in a formal written notice to proceed to be provided to the Applicants by the City upon Application approval, will be eligible for reimbursement. Any changes to the project that are not approved by the City in writing will not be eligible for reimbursement. Any work that is begun by the Applicants prior to receiving a written notice to proceed from the City will not be eligible for reimbursement.
5. **Rebate/Reimbursement.** The City will rebate a portion of the cost of eligible building improvements as described in the Program Guidelines. Reimbursement claims for all eligible expenses for completed improvements must be accompanied by the following supporting documents: applicable planning and building permits, canceled checks and paid invoices/receipts for eligible work.
6. **Lien.** Upon completion of the work, the City shall record a conditional lien on the property in the full amount of the City's monetary grant to Applicants and the Applicants consent to such lien. The lien shall remain in effect until the terms and conditions in Exhibit "A" have been fully complied with or the lien in favor of the City has been paid in full.
7. **Display of Sign.** After the work has been completed, Applicants shall display a sign or banner (provided by the City) indicating participation in the Central Business District Historic Building Restoration and Improvement Grant Program. The sign shall be displayed either on the exterior or in the front window of the building for a period of thirty (30) days.
8. **City Access to Building.** Applicants agree to allow the City or its agents access to buildings and improvements, when convenient for all parties, for inspection of the Central Business District Historic Building Restoration and Improvement Grant Program work.
9. **Work Payment and Personnel.** In accordance with the terms of this Agreement, the Applicants shall hire all personnel and pay for all labor, materials, tools, transportation, services, City licenses and permits necessary to perform or cause to have performed, and all work as specified in the Application. Applicants are aware of Labor Code Section 3700, which requires worker's compensation insurance or self insurance for employees.
10. **Time Period for Work.** Upon the signing of this Agreement, the Applicants shall have a period of ninety (90) days in which to take out a building permit. Work shall commence within sixty (60) of the approval date of the building permit and be completed within twelve (12) months thereafter. Extensions, if warranted, may be granted at the discretion of the City. No change to work without the written consent of both the City and Applicants will be permitted.
11. **Notice and Compliance with Laws.** The Applicants shall give all notices required and comply with all applicable laws, ordinances and codes and shall, at their expense, secure and pay all said fees and charges for the performance of the work.

12. **No City Liability.** Applicants understand and agree that the City and their officers, agents, and employees, shall have no responsibility or liability of any failure or inadequacy of performance or defective workmanship or materials in regard to the agreed-upon improvements.
13. **Proper Use of Hotel/Motel Tax Revenues.** Applicants acknowledge that they are aware that the money being provided to them through this agreement comes from the City's Hotel/Motel Tax revenues; and Applicants further acknowledge and agree that they have independently determined that the project contemplated by this agreement and the submitted application complies with the State law regarding the use and application of such money, as set forth in the Texas Tax Code at Chapter 351, Section 351.101 and, in particular, that the project will enhance and promote tourism by attracting visitors from outside the City and the project will enhance the historical restoration, rehabilitation, or preservation of a historic structure. Applicants further acknowledge and agree that, if the project is determined at any time not to comply with Chapter 351 of the Texas Tax Code, any and all money acquired from the City by Applicants for this project shall be immediately and fully reimbursed to the City.

II. GENERAL TERMS

Assignment of Agreement

No assignment by a party hereto of any rights under or interests in the Agreement will be binding on another party hereto without the written consent of the party sought to be bound 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 this Agreement.

INDEMNIFICATION

Applicants shall indemnify, release, defend and hold City, their officers, employees and agents, harmless from all claims, losses, liabilities, damages, suits, actions or proceedings by any person including Applicants, their employees and agents from personal injury, death or property damage from any cause whatsoever in whole or in part arising out of this Agreement or the activities completed hereunder by this indemnification shall not include the sole negligence or willful misconduct of City, their officers, employees or agents.

Successors and Assigns

City and Applicants each bind themselves, their partners, successors, assigns, and legal representatives to the other parties hereto, their partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in this Agreement.

Severability and Conflict

Any provision or part of the Agreement 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 City and the Applicants, who agree that the Agreement 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.

Captions

Section or other headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

Choice of Law: Venue

This Agreement, the entire relationship of the parties, and any litigation between the parties (whether grounded in contract, tort, statute, law or equity) shall be governed by, construed in accordance with, and interpreted pursuant to the laws of the State of Texas, without giving effect to its choice of laws principles. This Agreement is wholly performable in Grayson County, Texas. Exclusive venue for any litigation between the parties shall be brought in Grayson County, Texas, and shall be brought in the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas. The parties waive any challenge to personal jurisdiction or venue (including without limitation a challenge based on inconvenience) in Grayson County, Texas, and specifically consent to the jurisdiction of the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas, Sherman Division.

Binding Authority

By their signatures below, the individuals represent that they have reviewed this Agreement with their attorney and that the individuals have the express authority to enter into this Agreement.

Entire Agreement

This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Agreement, and except as otherwise provided herein cannot be modified without written agreement of both the parties to be attached to and made a part of this Agreement.

IN WITNESS WHEREOF, City and the Applicants have signed this Agreement in duplicate. One counterpart each has been delivered to City and the Applicants. All portions of the Agreement have been signed or identified by City and the Applicants or on their behalf.

EXECUTED on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS:

APPLICANTS:

GAVIN MANDT-RAUCH

By: _____
Robby Hefton, City Manager

By: _____
Name: Gavin Mandt-Rauch
Title: Property Owner

ATTEST:

Address: 327 Square Dance Road
Denison, Texas 75021

By: _____
Linda Ashby, City Clerk

Phone: 903.267.3267
E-Mail: gavin@buildingapex.com

APPROVED AS TO FORM
AND CONTENT:

By: _____
Brandon S. Shelby, City Attorney



CITY OF SHERMAN
City Manager's Office
220 West Mulberry Street
Sherman, Texas 75090
Tele: (903) 892-7201 Fax: (903) 892-7355

FOR OFFICE USE ONLY	
File # _____	
Assessment Role Number _____	Assessed Property Value _____
Property Address _____	
Date Application Received _____	Date Application Completed _____

**CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

Application

The information requested below will be used to process your application under the terms and conditions of the City of Sherman's Historic Building Restoration and Improvement Grant (Forgivable Loan) Program.

I. Applicant Information

1. Applicant(s) name: Gavin Mandt-Rauch
Mailing address: 327 Square dance Rd.
City: Denison State: TX Zip: 75021
2. Applicant's daytime telephone number: 903-267-3267
Cell # (903) 267-3267 Facsimile # ()
E-mail address: gavin@buildingapex.com
3. Status of applicant (please check one)
☒ Property owner with vacant facility
☒ Property owner with tenant business
☐ Property owner/operator of existing business on property
☐ Property tenant with property owner consent
4. Owner of property is a/an (please check one)
☒ Individual
☐ Partnership (attach copy of Partnership Agreement)
☒ Corporation/profit (attach copy of Articles of Incorporation)
☐ Corporation/nonprofit (attach list of officers and directors)
☐ Trust (attach copy of Trust Agreement)
☐ Other
5. Length of ownership: 3 months
Date purchased: 1/13/20

II. Property Information

1. Address of property to be improved: 224 E. Houston St.
2. Legal description of subject property: the original lots 2 & 4 block 13 of the original town plat
3. Tax Assessor Parcel Number(s): 5034-2181128
4. Year built: _____ Square footage: 5700 sq. ft.
5. Is this a National Register building? Yes ___ No ___ (check one)
Is this a building of known historical significance? Yes ___ No ___ (check one)
6. What are the current types of businesses occupying the building?
n/a
7. Name and phone number of tenant(s), if applicable: n/a
(Attach additional names/numbers, if needed)
8. Use of building after construction: Construction Company office headquarters.
9. Number of parking spaces provided: 2 Proposed: 6 Total: 8
10. Current zoning: historic business
11. Is a zoning amendment required? Yes ___ No ✓ (check one)
12. Attach architectural and elevation renderings.

III. Project Description

1. Description of Proposed Improvements. Please provide a detailed description of your proposed improvements. Attach a copy of your architectural or design plans. Identify the materials to be used, such as the type of paint or stain (i.e., exterior latex, color, etc.). Include details of new signs or awnings, etc. Provide color photos of the subject property and those adjacent prior to and after the improvements are made.

Please note: Applicants should carefully review the "City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program Guidelines and Policies", and discuss all proposed improvements with the City of Sherman's Developmental Services Department prior to completing this application. It is also

recommended that Applicants discuss their proposed improvements and any questions regarding the submission requirements with the Developmental Services Department and the City Manager's Office prior to completing the application form.

Description: Repair all exterior brick work.
Install new stone front glass.
Install new Roofing, and Rafters
Install new garage doors.

☒ Designs Attached

☒ Before Picture(s) Attached

2. How many jobs will be **retained** once the project is completed? 7
✓ Full-time positions _____ Part-time positions
3. How many **new positions** will result from this project? 0
_____ Full-time positions _____ Part-time positions

IV. Work Estimates

Please attach two (2) independent contractor estimates for each component of the proposed improvement. Please note that grant/forgivable loan funding shall be based on the lowest bid. Eligible costs shall be the cost of materials, equipment, and contracted labor to complete eligible improvements. Professional fees such as architects, engineers, and solicitors are not eligible costs. Labor provided by the Applicant or tenant of the building is not an eligible cost.

1. Name/Company and Phone Number of Preferred Contractor:

Apex Construction

Amount: 165,000.00

2. Name/Company and Phone Number of Second Contractor:

Amount: _____

3. Additional Estimates/Comments: (Please attach additional quotes, as required)

4. Total estimated costs of your improvements: 165,000 =
5. Estimated completion date for your improvements? 10/1/20

V. Historic Significance

The City's Program for improving the historic buildings of downtown Sherman is being funded through the City's Hotel/Motel Tax revenues, which require that this money may be spent only on historic buildings that would tend to attract tourists. Many factors may indicate a building's historic significance such as age, architectural design, building use, events or significant people. Some of this may be proved through deeds, pictures, books, newspaper articles and the like. Attach to this application all matters that would prove your claim that this is a historic building.

VI. Signature of Owner/Authorized Agent – Affidavit or Sworn Declaration

I/We, Gavin March - Ranch, of the City of Sherman, County of Grayson, State of Texas, make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the application is true.

I/We hereby authorize inspections of my/our property to be improved.

I/We acknowledge that any work carried out prior to written confirmation of grant approval may not be eligible.

I/We acknowledge receiving, understanding, and accepting the terms and conditions of the City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program.

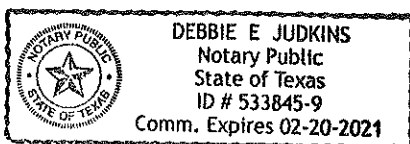
Sworn to (or declared before me), Debbie Judkins, a Notary Public in and for the State of Texas, on this the 30 day of April, 2020.

[Signature]

Applicant

Co-Applicant

Property Owner (if different from Applicant)



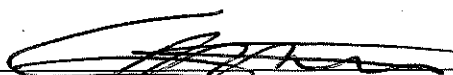
[Signature]

Notary Public, State of Texas

VII. Consent of the Owner to the Use and Disclosure of Personal Information

I/We, Garin Mandt,
am the owner of the land that is the subject of this Application and, for the purposes of the
Freedom of Information and Protection of Privacy Act, I/we authorize and consent to the use by
or the disclosure to any person or public body of any personal information that is collected under
the authority of the _____ for the purposes of processing this application.

4/29/2020
Date


Signature of Owner(s)

VIII. Authorization for Agent *(complete only if Applicant is not the registered Owner)*

I/We, _____,
the Owner(s) of the subject property, have reviewed and understand the guidelines and policies
for the City of Sherman Central Business District Historic Building Restoration and Improvement
Grant Program, including the requirement of a conditional property lien, and hereby authorize
_____ (Agent) to act on my/our behalf with respect to the
application.

Date

Signature of Owner(s)

Note: Information provided in this application will become part of a public record.

FOR OFFICE USE ONLY (Entire Page)

	Staff Initials	Comments
Ownership Confirmed		
Property Taxes Paid in Full		
Work Order Search (Building)		
Fire Code Conformity		
Master Plan Conformity		
Zoning Conformity		
Building Regulations Conformity		
Copy of Deed Attached		
Copy of Mortgage Attached		
Proof of Historical Significance		
Architectural Renderings		
Elevation Renderings		



Apex Construction
211 E Houston St STE#209
Sherman, TX 75090 US
(903)267-3267
gavin@buildingapex.com
<http://www.buildingapex.com>

ADDRESS

Gavin P Mandt
Rauch Enterprises LLC
211 E Houston St
Sherman, TX 75090 grayson

Estimate 1441

DATE 11/05/2019

DATE	ACTIVITY	QTY	RATE	AMOUNT
	Land 224 E Houston St. sale price of \$85,000.00 city of sherman to refund 25% of investment on \$100,000.on rehab towards property. maximum of \$25,000.	1		0.00
	Masonry Masonry repairs structural repairs to masonry on the East side & North side of building.	1	15,000.00	15,000.00
	Framing Structural beams installed into masonry for the new roof to be installed. office floor plan layout with 2x4 stick framing	1	20,000.00	20,000.00
	TPO Roofing TPO roofing commercial	1	14,625.00	14,625.00
	Electrical Commercial Service 3 Phase commercial wiring for city of sherman up-to code	1	10,000.00	10,000.00
	HVAC 5 ton RTU 16 seer	1	13,000.00	13,000.00
	Plumbing plumbing by rough opening	1	13,000.00	13,000.00
	window Window glazing store front allowing for 300 sq ft	300	30.00	9,000.00
	Insulation "spray foam" Open cell spray foam R-value 3.6 pr inch	2,100	2.65	5,565.00
	Drywall Drywall taped bed & texture	2,100	4.25	8,925.00

DATE	ACTIVITY	QTY	RATE	AMOUNT
	Flooring Vinyl snap lock 14mm vinyl flooring	2,100	4.50	9,450.00
	Cabinetry Custom solid wood cabinetry shaker style doors Drawers & doors will include full extension glides & soft close hinges	20	125.00	2,500.00
	Countertops Granite Countertops	50	33.00	1,650.00
	Trim "material" Base boards door casing interior doors	2,100	2.50	5,250.00
	Trim "labor" Trim labor to include the following; interior door install, door casings, base boards, pantry shelving, closet shelving, window stools, & window trim outs	2,100	2.50	5,250.00
	Paint "interior" Interior paint include the following; Sherwin-Williams products Latex for walls & ceilings Oilbase semig-gloss for trim, doors, & cabinets	2,100	3.50	7,350.00
	Paint "exterior" Paint exterior will include the following; Sherwin-Williams products exterior latex enamel for walls and trim Oil-base/stain for doors	5,600	1.25	7,000.00
	Garage door Coiling doors for both shop entrances	2	3,000.00	6,000.00
	Hardware Cabinet Hardware Interior/exterior door hardware towel rods	1	2,500.00	2,500.00
	Permits RES 5\$ on every \$1000 City of Sherman	225	5.00	1,125.00
	Drafter Drafting plans required MEP's	5,600	0.50	2,800.00
	Miscellaneous Miscellaneous utilities porta can sewer taps & meter tap dump fee's	1	5,000.00	5,000.00
TOTAL				\$164,990.00

Accepted By

Accepted Date



REVISION TABLE	
NUMBER	DATE
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**A Building Remodel For
APEX CONSTRUCTION**
224 East Houston
Sherman, Texas

DRAWINGS PROVIDED BY:
NBS DRAFTING AND DESIGN
303 W. HOUSTON
SHERMAN, TEXAS 75090
903.892.5620

DATE:

2/21/2020

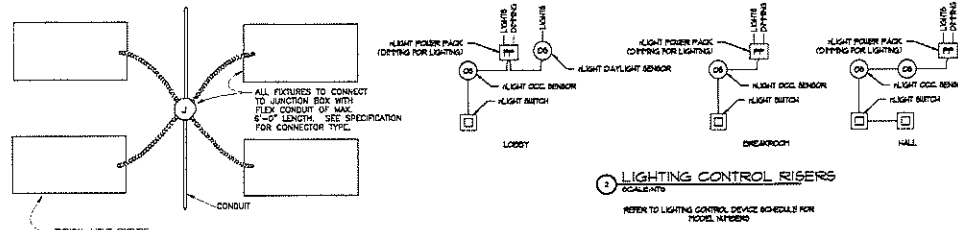
SCALE:

SHEET:

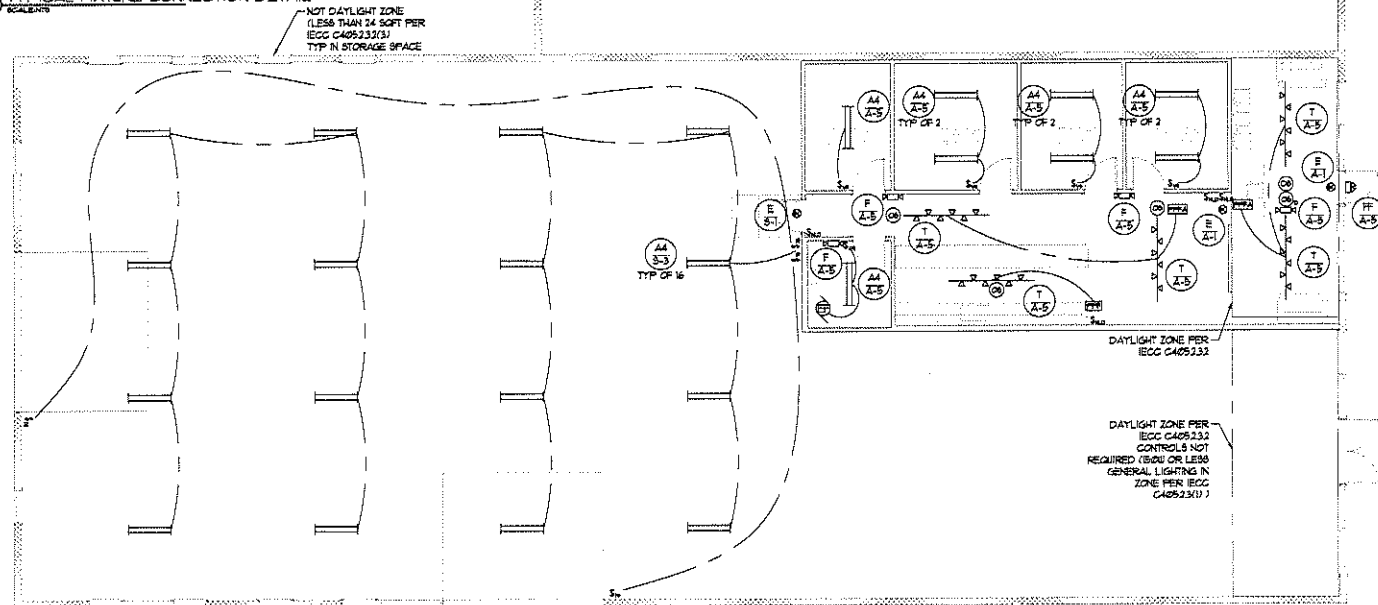
A-1

LIGHTING SCHEDULE					
Tag	Mount	Voltage	Lamp	Description	Manufacturer
AA	Surface	120 or 277	25W LED	4' LED recessed. Fixture to have 2 lenses. Adjusted 4,500 lumens, 4000K color temperature. Create with 10° beam angle (typ) if approved. Cavity to be recessed starting 1/2" into ceiling.	Lumina
E	Recessed	120 or 277	LED	4' x 8' high with adjustable mounting, white housing, 160 color kelvin, 1600K battery with 10000mAh capacity. 10000mAh battery with 10000mAh capacity. 10000mAh battery with 10000mAh capacity. 10000mAh battery with 10000mAh capacity.	ELLP
F	Surface	120 or 277	LED (5' x 1' 20W)	5' x 1' 20W emergency lighting unit with 10000mAh battery, 10000mAh battery with 10000mAh capacity. 10000mAh battery with 10000mAh capacity. 10000mAh battery with 10000mAh capacity.	Lumina
FF	Wall	120 or 277	2.4W	1.5' x 1' 20W emergency lighting unit with 10000mAh battery, 10000mAh battery with 10000mAh capacity. 10000mAh battery with 10000mAh capacity. 10000mAh battery with 10000mAh capacity.	ELLP
T	Track	120	100W trackhead	100W trackhead for 8' track with 5' trackhead track head (adjustable type 1700). Includes 1 5A circuit breaker per 4' track. (for emergency lighting unit with 10000mAh battery, 10000mAh battery with 10000mAh capacity. 10000mAh battery with 10000mAh capacity. 10000mAh battery with 10000mAh capacity.)	T100

LIGHT CONTROL SCHEDULE		
ITEM	DESCRIPTION	REFERENCE MODEL
1a	SINGLE RELAY, PASSIVE DUAL TECH SENSING WALL SWITCH, MANUAL ON SWITCHING.	SENSORSWITCH 100X PBT SA
1b	SINGLE RELAY, PASSIVE DUAL TECH SENSING WALL SWITCH, AUTOMATIC ON SWITCHING.	SENSORSWITCH 100X PBT
1c	NIGHT WALL SWITCH, SINGLE CHANNEL ON/OFF/DIMMING, WHITE.	ACQUITY CONTROLS 10000 - 00X - 100 - 100
2a	NIGHT OCCUPANCY SENSOR, CEILING MOUNT, PIR DUAL TECH, SMALL MOTION 360 DEG SENSOR.	ACQUITY CONTROLS 10000 PBT 10
2b	NIGHT OCCUPANCY SENSOR, CEILING MOUNT, PIR DUAL TECH, SMALL MOTION 360 DEG SENSOR WITH AUTOMATIC DIMMING CONTROL (FOR DAYLIGHTING) EG TO MOUNT 1' AFF.	ACQUITY CONTROLS 10000 PBT 10 ADOX
2c	NIGHT PHOTOCELL SENSOR / CONTROL, CEILING MOUNT, AUTOMATIC DIMMING, SINGLE ZONE.	ACQUITY CONTROLS 10000 ADOX - 1
3a	MANUAL ON / AUTOMATIC OFF DIMMING CAPABLE POWER PACK, EG TO FIELD CONFIRM MODEL COMPATIBILITY WITH LIGHTS.	(FOR BIDDING PURPOSES ONLY, VERIFY BEFORE ORDERING) ACQUITY CONTROLS 10000 PCD
3b	AUTOMATIC ON / OFF DIMMING CAPABLE POWER PACK, EG TO FIELD CONFIRM MODEL COMPATIBILITY WITH LIGHTS.	(FOR BIDDING PURPOSES ONLY, VERIFY BEFORE ORDERING) ACQUITY CONTROLS 10000 PCD
4a	THREE WALL SWITCH SET FOR 3P 10A NO OVERRIDE, 200V (200V MAX) OR 277V (200V MAX), 3-WAY CAPABLE.	SWITCHSTOPPER TS-400-2-4U VERIFY VOLTAGE



1 TYPICAL FIXTURE CONNECTION DETAIL
SCALE: 1/8" = 1'-0"



1 LIGHTING PLAN
SCALE: 3/16" = 1'-0"

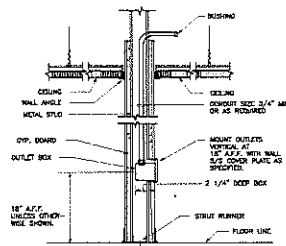
Root Engineering Services
Mechanical, Electrical & Plumbing Systems Consultant
303 W. HOUSTON, SUITE 1000
HOUSTON, TX 77002
936-592-5020
www.root-engineering.com



ARCHITECT
NBS DRAFTING & DESIGN
303 W. HOUSTON
SHERMAN, TX 75000
936-592-5020

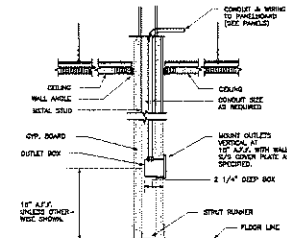
PROJECT
APEX CONSTRUCTION OFFICE BUILDING
224 EAST HOUSTON
SHERMAN, TX 75000

REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMIT
ELECTRICAL LIGHTING PLANS	
E1	



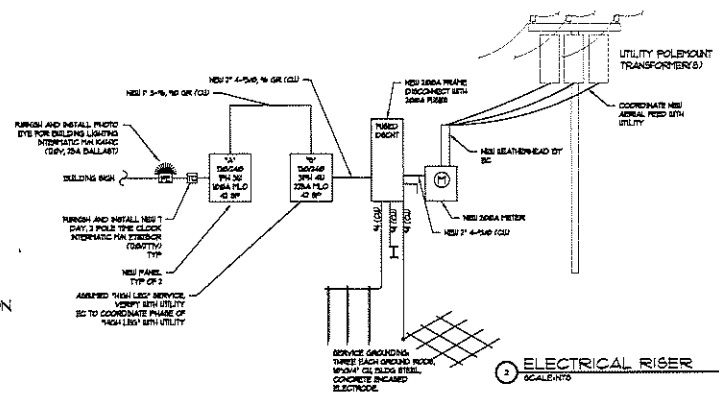
NOTE: INSTALLATION SHALL BE MODIFIED AS REQUIRED FOR CMU WALLS OR OTHER WALL OR CEILING TYPES ENCOUNTERED.

1 TYP. TEL, TV AND DATA OUTLET INSTALLATION
SCALE: NTS

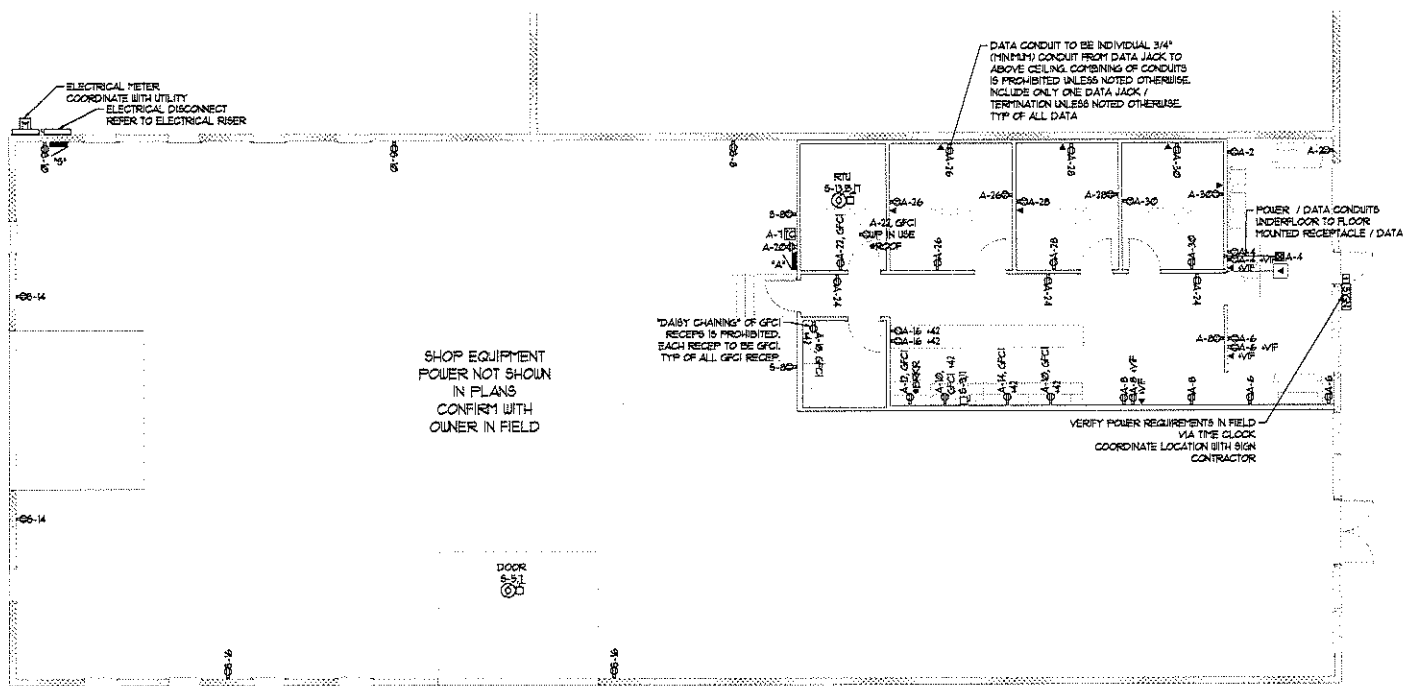


NOTE: INSTALLATION SHALL BE MODIFIED AS REQUIRED FOR CMU WALLS OR OTHER WALL OR CEILING TYPES ENCOUNTERED.

2 TYP. POWER RECEPTACLE INSTALLATION
SCALE: NTS



3 ELECTRICAL RISER
SCALE: NTS



4 POWER PLAN
SCALE: 3/8\"/>

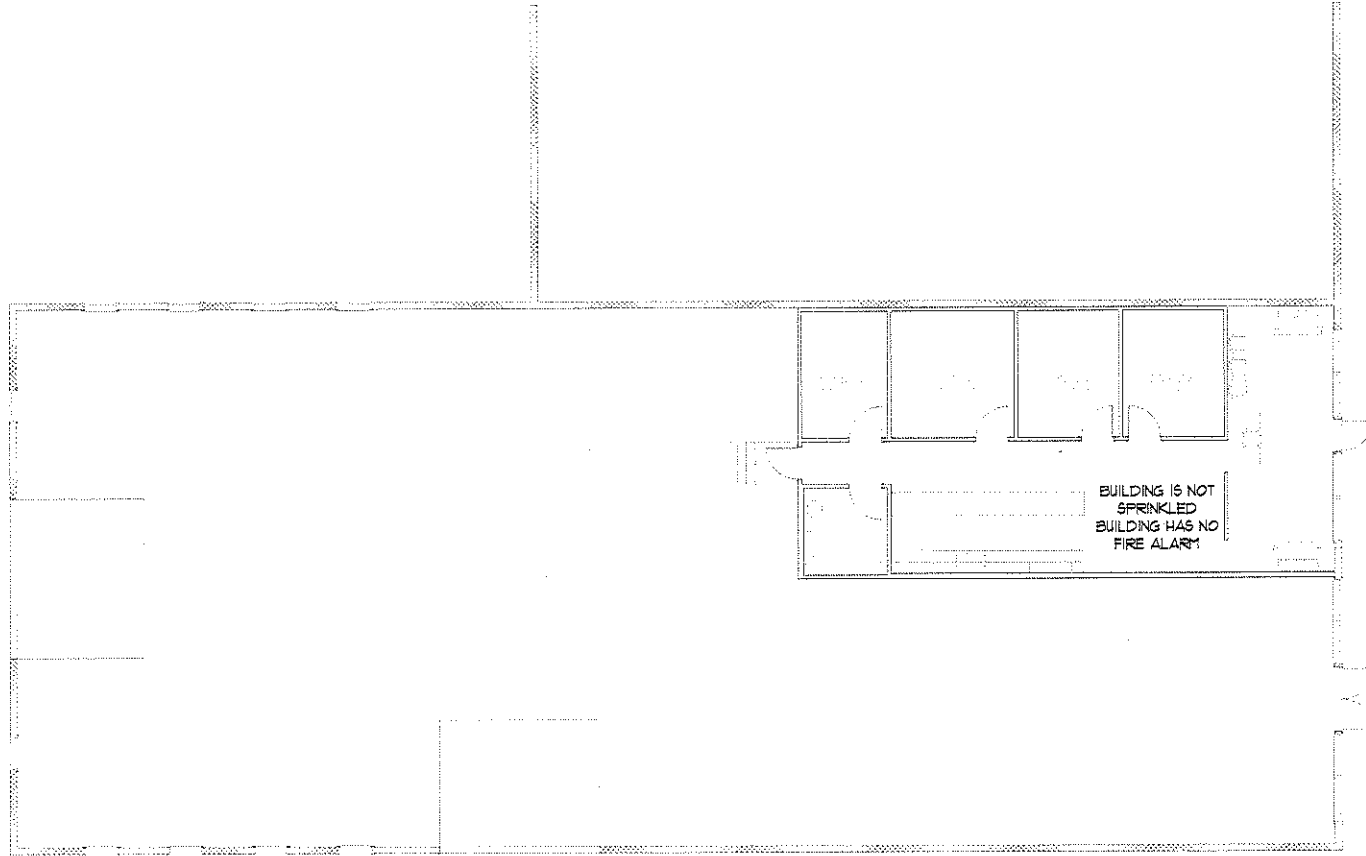
Root Engineering Services
Mechanical, Electrical & Plumbing Systems Consultant
4515 GUNTER AVE. SUITE 100, HOUSTON, TX 77055
PHONE: 832-240-8338 FAX: 832-278-1803
TOLL FREE: 800-391-8338
TELEPHONE: 832-278-1803
TELEFAX: 832-278-1803



ARCHITECT NBS DRAFTING & DESIGN
303 W. HOUSTON
SHERMAN, TX 75080
903-892-5620

PROJECT APEX CONSTRUCTION OFFICE BUILDING
224 EAST HOUSTON
SHERMAN, TX 75080

Drawing Information			
Sheet No.	1 of 1	Project No.	2020-001
Client	Apex Construction	Design	Root Engineering Services
ELECTRICAL POWER PLANS			
E2			
Scale	As Shown	Units	Feet
Notes	See Notes	Revisions	None



① FIRE PROTECTION PLAN
SCALE: 3/8" = 1'-0"

RES Root
Engineering
Services
Mechanical, Electrical & Plumbing Systems Consultant
1317 JOURNAL TWP. CIRCLE, TX 75041
PHOEN 817-504-4394 FAX 817-770-1893
FIDELITY 817-504-4394
TEAM PROFESSIONAL ENGINEERING DESIGN FIRM #10119



ARCHITECT
**NBS DRAFTING
& DESIGN**
303 W. HOUSTON
SHERMAN, TX 75080
903-992-5620

PROJECT
**APEX CONSTRUCTION
OFFICE BUILDING**
224 EAST HOUSTON
SHERMAN, TX 75080

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	9/13/2020
2	REVISION	
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100	REVISION	

FIRE PROTECTION PLANS
FP1

1 DUCT INSTALLATION DETAIL

2 DIFFUSER INSTALLATION DETAIL

CEILING MOUNTED EXHAUST FAN
INSTALLATION DETAIL

4 RTU INSTALLATION DETAIL

[illegible][illegible]

AIR DEVICE SCHEDULE						
MARK	TYPE	NECK SIZE	FACE SIZE	THROW PATTERN	MOUNTING	TITUS OR AS INDICATED
AD	DOUBLE DEFLECTION DIFFUSER	6"x6"	8"x8"	2-QUAT	SURFACE	306PL 6 6 126 AG-B
BD	DIRECTIONAL CEILING DIFFUSER	6"x6"	12"x12"	4-QUAT	LAY-IN	TM5 6 12x12 326 D-TB
C	CUBE CORE CEILING RETURN	22"x18"	24"x24"	-	LAY-IN	56F
D	9"Ø BALL RETURN GRILLE	12"x12"	14"x14"	-	SURFACE	33RL 12 12 126
ED	DIRECTIONAL CEILING DIFFUSER	6"x6"	24"x24"	4-QUAT	LAY-IN	TM5 6 24x24 326 D-TB

NOTES:

- MECHANICAL CONTRACTOR TO PROVIDE SQUARE TO ROUND TRANSITIONS AS REQUIRED. PROVIDE LAY-IN FRAME WHERE REQUIRED.
- ALL DEVICES SHALL BE METAL-AIR, TITUS T 4 B, OR APPROVED EQUAL (UNLESS NOTED OTHERWISE) COMPLETE WITH V-BOX.
- ALL FRAMING REQUIRED FOR DIFFUSER INSTALLATION SHALL BE BY THE GENERAL CONTRACTOR
- SEE MECHANICAL PLAN FOR DIFFUSER LOCATIONS

EXHAUST FAN SCHEDULE									
MARK	SP-1								
BRAND	GREENHECK								
MODEL NO.	SP-ASD								
CFM	75								
WATER (WPM)	25								
FLAT BONES	1								
VOLTAGE 1PH	220								
NOTES	1-1								
NOTES: 1. INCLUDE BACKDRAFT DAMPER 2. INCLUDE DISCONNECT ACCESSORY 3. FIELD VERIFY 1" CLEARANCE TO ANY OAL IF EXHAUST 4. PROVIDE ALUMINUM GELLS 5. PROVIDE IND V. FAN SPEED CONTROLLER, PRESSURE IF DIRECT SPEED FAN 6. PROVIDE BELT TENSIONER NOTARY IF BELT DRIVE 7. WITH VIBRATION ISOLATORS 8. TC TO FINISH AND INSTALL WITH 14" ROOF CURB AND CAP, IF EXHAUST, COORDINATE WITH GC									

VENTILATION SCHEDULE PER IMC 2015															
Project Name: APEX Condominium Office										Date: 4-2-2025					
ROOM NUMBER	ROOM NAME	AREA (SF)	OCCUPANCY CLASSIFICATION	APPLICABLE VENTILATION CODE	OCCUPANT COUNT	WATER CLOSET COUNT	BREATHING ZONE GA	ZONE AIR EFFECTIVENESS	ZONE OUTDOOR AIR FLOW	REQUIRED EXH	ROOM SUPPLY	ROOM EXHAUST	ACTUAL GA	SYSTEM	% OUTSIDE AIR
	Entrance	244	0-60	LOBBIES OFFICE	1	0	42	0	75	0	75	0	15	RTU-1	0%
	Kitchen + Restroom	405	PLWC	Corridor	1	0	25	0	305	0	305	0	30	RTU-1	0%
	Corridor	82	PLWC	TARGET ROOMS-Planned from this room	0	0	0	0	75	0	75	0	0	RTU-1	0%
	Office 1	118	Office	OFFICE SPACES	1	0	13	0	13	0	13	0	10	RTU-1	0%
	Office 2	118	Office	OFFICE SPACES	1	0	13	0	13	0	13	0	10	RTU-1	0%
	Office 2	118	Office	OFFICE SPACES	1	0	13	0	13	0	13	0	10	RTU-1	0%
UNIT	Q ₁ %	PRIMARY OR FRACTION	SYSTEM VENTILATION EFFICIENCY	UNCORRECTED Q ₁ INTAKE FLOW	CORRECTED Q ₁ INTAKE FLOW	Q ₂ (FPM)	MIXED AIR FLOW	Q ₃ (FPM)	ADDITIONAL FLOW	MIX FLOW 1	MIX FLOW 2	BREATHING ZONE	ACTION - SUPPLY		
WELL-1	25%	0.25	0.75	151.43	151.43	4	1629	1629	1629	2	2	1629	2		
			0.0	0.0	0.0	0	0.0	0.0	0.0	0	0	0.0	0		

CONTROL NOTES
CONTRACTOR SHALL PROVIDE NEW COMMERCIAL TSTAT
(TDAY PROGRAM MIN) FOR EACH UNIT. TSTAT SHALL
ENABLE CONTINUOUS FAN OPERATION DURING ALL
OCCUPIED HOURS. DURING UNOCCUPIED HOURS FAN SHALL
CYCLE WITH CALL FOR HEAT/COOL.

RES Root
Engineers Inc
Services

Mechanical, Electrical & Plumbing Systems Consultant

4515 CHERRY AVE GUNZITE, IL 60031
PHONE 708-345-1100 FAX 708-345-1803
P.O. BOX 1038 VAN ALSTINE, IL 75391
PHONE 903-876-8263 FAX 847-770-1803
TELE PROFESSIONAL ENGINEERING DESIGN FIRM #1014

**ARCHITECT
NBS DRAFTING
& DESIGN**

303 W. HOUSTON
SHERMAN, TX 75090
903-892-5620

PROJECT
APEX CONSTRUCTION
OFFICE BUILDING
224 EAST HOUSTON
SHERMAN, TX 75080

The Purchaser and others in his shop
intend that the above schedule be prepared
or altered at the expense of the purchaser
only on the sheet. Major repairs are
not covered by this contract. The seller will
be responsible for the maintenance of the
equipment.

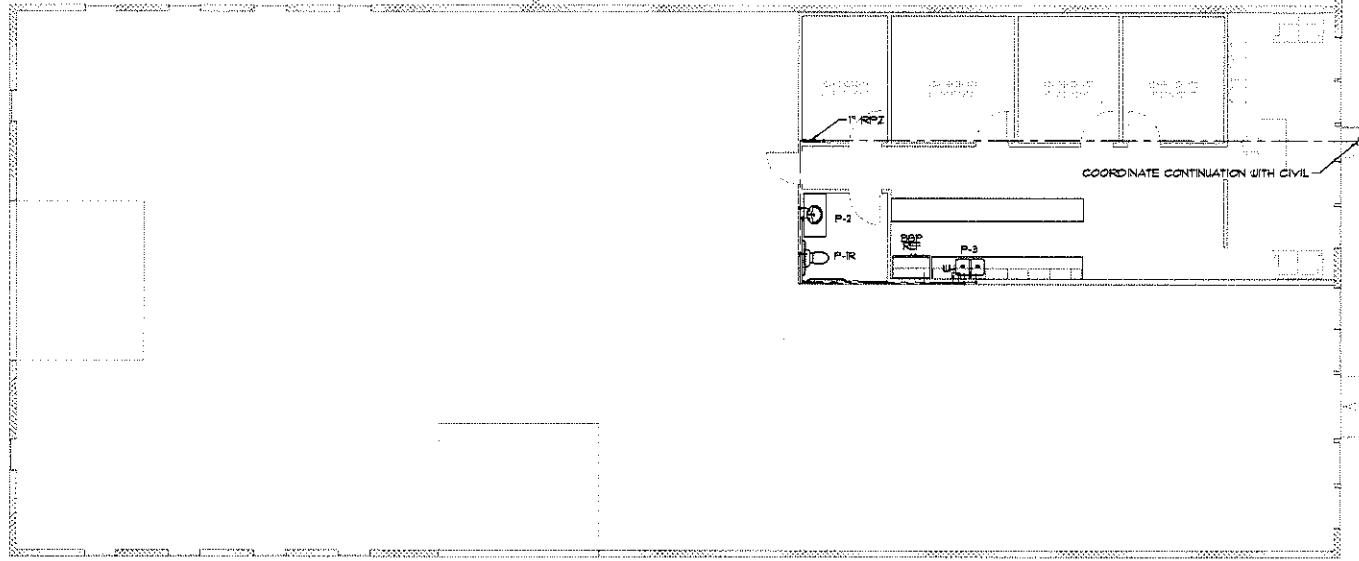
Copyright © 1980 AEC Engineering

M2

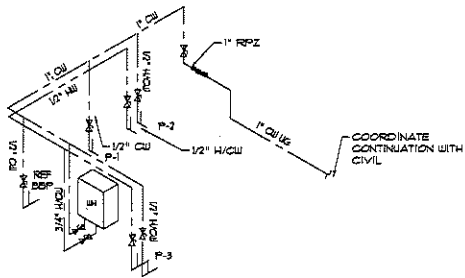
MECHANICAL SCHEDULES
NOTES AND DETAILS

DATE: _____
BY: _____
CHECKED BY: _____
APPROVED BY: _____

PLUMBING SYMBOLS	
----	SANITARY DRAIN PIPING
----	VENT PIPING
----	COLD WATER PIPING
----	HOT WATER PIPING
----	HOT WATER RETURN PIPING
----	NATURAL GAS PIPING
○	CHANGE IN PIPE ELEVATION
⊕	FLOOR DRAIN
⊕	FLOOR SINK
⊕	CLEANOUT
⊕	WALL CLEANOUT
⊕	FLOOR CLEANOUT
⊕	YARD CLEANOUT
HO	HOSE DSB
⊕	SHALL VALVE
⊕	PLUMBING FIXTURE DESIGNATION SEE PLUMB FIXTURE SCHEDULE
⊕	PLUMBING FIXTURE DESIGNATION SEE PLUMB FIXTURE SCHEDULE
P-1, P-2, ETC.	PLUMBING FIXTURE DESIGNATION
BF	BELOW FLOOR
UG	UNDER GRADE
AF	ABOVE FINISHED FLOOR
AC	ABOVE CEILING
⊕	ANK CHANGERS
⊕	NEW CONNECTION TO EXISTING



1 PLUMBING PLAN-WATER
SCALE: 1/4" = 1'



1 PLUMBING RISER-WATER
SCALE: 1/4" = 1'

RES
Res Engineering Services
Mechanical, Electrical & Plumbing Systems Consultant
4515 GRAVE AVE SUITE 100, HOUSTON, TX 77056
PHONE 832-315-4000 FAX 832-315-4003
FAX 832-315-4003 FAX 832-315-4003
FAX 832-315-4003 FAX 832-315-4003



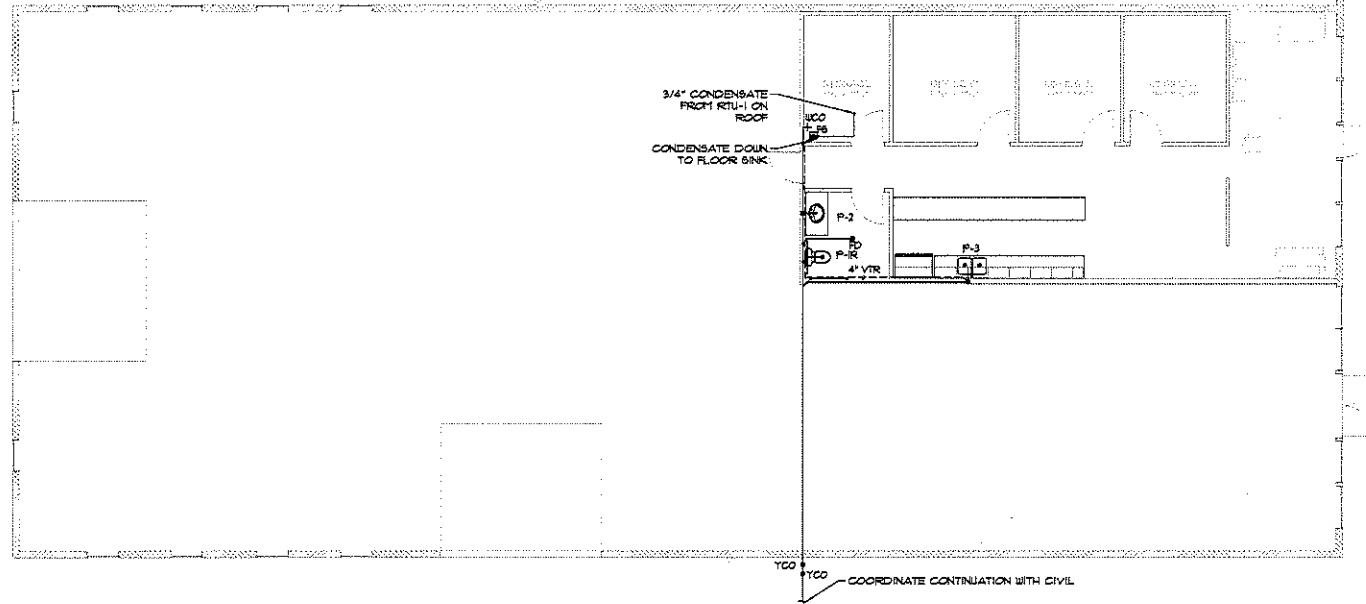
ARCHITECT
NBS DRAFTING & DESIGN
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SHERMAN, TX 75090
903-892-5620

PROJECT
APEX CONSTRUCTION OFFICE BUILDING
224 EAST HOUSTON
SHERMAN, TX 75090

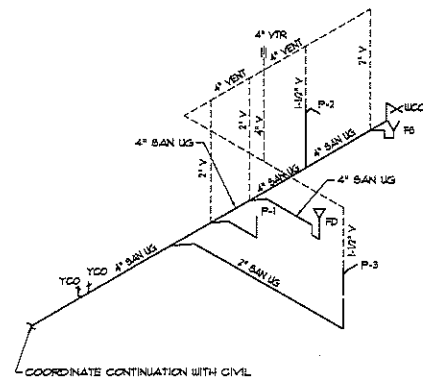
REVISIONS	
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P1

PLUMBING SYMBOLS	
----	SANITARY SEWER PIPING
----	VENT PIPING
----	COLD WATER PIPING
----	HOT WATER PIPING
----	HOT WATER RETURN PIPING
----	NATURAL GAS PIPING
○	CHANGE IN PIPE ELEVATION
⊕	FLOOR DRAIN
⊕	FLOOR SINK
+	CLEANOUT
+	WALL CLEANOUT
+	FLOOR CLEANOUT
+	THIRD CLEANOUT
+	HOSE BIB
+	SHALL VALVE
⊕	PLUMBING FIXTURE DESIGNATION SEE PLUMBING FIXTURE CONNECTION BOARD
⊕	PLUMBING FIXTURE DESIGNATION SEE PLUMBING FIXTURE CONNECTION BOARD
P-1, P-2, ETC.	PLUMBING FIXTURE DESIGNATION
BP	BELOW FLOOR
US	UNDER GRADE
AP	ABOVE FINISHED FLOOR
AC	ABOVE CEILING
⊕	AIR CHARGERS



1 PLUMBING PLAN-WASTE/VENT
SCALE: 1/8"=1'-0"



2 PLUMBING RISER-WASTE/VENT
SCALE: 1/8"=1'-0"

RES Heat Engineering Services
Mechanical, Electrical & Plumbing Systems Consultant
4415 GROVE AVE. SUITE 1000
HOUSTON, TX 77056
PHONE 800-578-1803 FAX 847-776-1803
FAX 847-776-1803
FAX 847-776-1803
FAX 847-776-1803



ARCHITECT
NBS DRAFTING & DESIGN
303 W. HOUSTON
SHERMAN, TX 75090
903-892-5620

PROJECT
APEX CONSTRUCTION OFFICE BUILDING
224 EAST HOUSTON
SHERMAN, TX 75090

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	10/1/03
2	FOR CONSTRUCTION	10/1/03
3	FOR CONSTRUCTION	10/1/03
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GENERAL PLUMBING NOTES

- THE PLUMBING SUBCONTRACTOR SHALL PROVIDE A COMPLETE AND USABLE SYSTEM WITH THE FRONT AND REAR OF THE BUILDING. THE PLUMBING SUBCONTRACTOR SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF THE BUILDING. THE PLUMBING SUBCONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN OF THE PLUMBING SYSTEM. THE PLUMBING SUBCONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN OF THE PLUMBING SYSTEM. THE PLUMBING SUBCONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN OF THE PLUMBING SYSTEM.
- THE PLUMBING SUBCONTRACTOR SHALL VERIFY THE PLACEMENT OF ALL EXISTING EXISTING PIPE, MECHANICAL EQUIPMENT, AND RELATED NEW ARCHITECTURAL, MECHANICAL, AND ELECTRICAL DRAINAGE AND TRACERS BEFORE RECORDING IN.
- IF DEVIATION OF EXISTING BUILDING COMPONENTS SUCH AS TO BE ACCEPTED, NOTIFY THE ENGINEER IN WRITING OF SIGNIFICANT CONSTRUCTION ISSUES.
- COORDINATE RESTORATION OF DISTURBED FROM WORK (E.G. FLOOR SLAB, FLOOR FINISHES, ETC.) WITH GC.
- LOCATIONS OF EXISTING PIPES INDICATED ON THIS DRAWING ARE BASED ON RECORDS WHICH MAY BE INACCURATE. THE PLUMBING SUBCONTRACTOR SHALL FIELD VERIFY ADJUST IF REQUIRED, AT NO ADDITIONAL COST.
- FIELD VERIFY EXISTING EXISTING PIPE SIZES AND ADEQUACY OF NEW WASTE PIPE. TALL, NOTIFY ENGINEER IN WRITING IF CONFLICTS EXIST.
- ALL MATERIALS SHALL BE NEW AND IN NEW CONDITION.
- THE PLUMBING SUBCONTRACTOR SHALL PREPARE A SUBMITTAL PACKAGE WHICH DETAILS PROPOSED EQUIPMENT (PIPE CORREL) AT THE SUBMITTAL PACKAGE WILL CONTAIN DETAILED DATA ON PLUMBING FIXTURES, VALVES, DEVICES AND ACCESSORIES, EQUAL EQUIPMENT TO THAT SPECIFIED WILL BE CONSIDERED IF PERFORMANCE, APPEARANCE, RELIABILITY, AND QUALITY ARE JUDGED BY THE ENGINEER AND/OR ARCHITECT TO BE EQUAL OR BETTER.
- ALL WORK SHALL COMPLY WITH CURRENT CODES, REGULATIONS, LAWS AND THE DETERMINATIONS OF THE LOCAL BUILDING OFFICIAL AT NO EXTRA COST. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IN WRITING OF ANY CONFLICT BETWEEN THE PLANS AND APPLICABLE CODES.
- IF NEW SYSTEMS ARE COMPLETE AND OPERATIONAL, A TIGHT LIST INSPECTION SHALL BE REQUIRED BY THE BUILDING OFFICIAL. AN INSPECTION SHALL NOT BE CONDUCTED ON INCOMPLETE OR NON-OPERATIONAL SYSTEMS.
- UPON COMPLETION OF WORK, SUBMIT FOUR COPIES OF OPERATION AND MAINTENANCE MANUALS AS BUILT DRAWINGS, GUARANTEED AND SANITIZED. AT THE END OF THE CONTRACT, THE CONTRACTOR SHALL GUARANTEE ALL WORK, EQUIPMENT AND MATERIALS FOR ONE YEAR FROM THE DATE OF COMPLETION OR SUBSTANTIAL COMPLETION.
- SUPPORT ALL PIPE PER CODE WITH CLIPS, HANGERS, UNITS OR SIMILAR PLUMBING TAPES. ALL SHALL BE ACCEPTED. CLIPS FOR WASTE PIPE SHALL BE COPPER.
- INSTALL ALL WATER PIPE WITH PENOSULAM PREPARED PIPE INSULATION AND ALL PURPOSE JACKET, TRUCK & POP FOR 1/2" - 1 1/2" PIPE SIZE, 1/2" TRUCK FOR 1 1/2" AND LARGER PIPE. JOINTS ON EQUAL.
- ALL WATER VALVES SHALL BE 2-Piece BALL VALVES, BRONZE BODY, 30 BALL, GATE VALVES SHALL BE STEEL, COOK, RATED FOR GAS SERVICE, STOCKHOLD OR, INSTALL, A LEAK STOP WITH EACH VALVE.
- ADDITIONAL FLOOR PLUMBING MATERIALS:
WATER PIPE SHALL BE OF MATERIAL LISTED IN TABLE BELOW.
WASTE/VENT PIPE SHALL BE OF MATERIAL LISTED IN TABLE BELOW.
- EXISTS EXISTING PLUMBING MATERIALS:
WATER PIPE SHALL BE OF MATERIAL LISTED IN TABLE BELOW.
WASTE/VENT PIPE SHALL BE OF MATERIAL LISTED IN TABLE BELOW WITH SELL AND SPOUT PLACED IN A CLEAN SAND BED.
MINIMUM UNDERGROUND BUILDING DRAIN SIZE IS TO BE 4".
- MINIMUM BUILDING DRAIN SIZE IS TO BE 4".
- COLORS: PIPING AND COLORED GLASS SHALL BE USED ON ALL PVC PIPING OR A STACK TEST SHALL BE PERFORMED.
- NO PVC BASTS OR VENT PIPING MAY BE INSTALLED IN A PLUMBING CEILING.
- NO WATER PIPES TO BE INSTALLED IN ATTIC OR OTHER UNCONDITIONED SPACES.
- PEX PIPING (IF LISTED IN ALLOWABLE MATERIALS) SHALL BE INSTALLED AS A SYSTEM PIPE. FITTING, TENSAR SHALL ALL BE FROM THE SAME MANUFACTURER (SEE GENERAL NOTE, PAGES 10 OR 11).

ALLOWABLE WATER MATERIALS

USE	PVC SCH 40	COPPER K	COPPER L	PEX	POLY
SERVICE LINE	YES	YES	YES	YES	YES
DR ABOVE FLOOR	NO	NO	YES	YES	YES
DR BELOW GRADE	NO	NO	NO	YES	NO
DR ABOVE FLOOR	NO	NO	YES	YES	YES
DR BELOW GRADE	NO	NO	NO	YES	NO

ALLOWABLE WASTE/VENT MATERIALS

USE	CAST IRON	PVC DWV	PVC SOLID CORE	COPPER DWV
WASTE ABOVE FLOOR	NO	YES	YES	NO
WASTE BELOW GRADE	NO	NO	YES	NO
VENT ABOVE FLOOR	NO	YES	YES	YES
VENT BELOW GRADE	NO	NO	YES	YES
CONDENSATE	NO	NO	NO	YES

- NOTES:
- NO SUBSTITUTIONS, NO MATERIALS NOT LISTED.
 - PEX PIPING TO BE JOINED IN A PRESSURE-WITING WELD AND PIPING.
 - ALL PIPING TO HAVE COPPER FLEXIBLE - BUSH OR END OR EQUIVALENT.
 - CONDENSATE TO INCLUDE 1" FLEXIBLE INSULATION.
 - COPPER PIPE TO BE SOLDERED LEAD FREE SOLDER ON PROPOSED FITTING.
 - PEX SHALL BE FROM THE SAME MANUFACTURER.

PLUMBING FIXTURE CONNECTION SCHEDULE

MARK	DESCRIPTION	CU	IN	VENT	WASTE
P-1	WATER CLOSET (TANK)	1/2"	---	2"	4"
P-2	LAVATORY	1/2"	1/2"	1-1/2"	2"
P-3	SINK	1/2"	1/2"	1-1/2"	2"

PLUMBING FIXTURE SCHEDULE

- P-1R ADA ADULT WC, STANDARD CONSUMPTION FLOOR MOUNT, ELONGATED BOWL, PRESSURE ASSISTED FLUSH TANK WATER CLOSET, AMERICAN STANDARD "CADET" 2467016, TRIP LEVER TO BE LEFT MOUNTED, FURNISH AND INSTALL WITH 1/2" BALL VALVE SUPPLY STOP, BEHNS SOLID PLASTIC ANTIBACTERIAL OPEN FRONT SEAT, TOP OF SEAT 18" AFF.
- P-2 ADA LAVATORY, AMERICAN STANDARD 18" ROUND COUNTERTOP VITREOUS CHINA LAVATORY MODEL 2491019 "RONDALE" WITH POLISHED CHROME CENTERSET FAUCET WITH URISTBLADES AMERICAN STANDARD "MONTEREY" FAUCET M/N 9502110202, 1-1/4" H.C. STYLE TAILPIECE WITH GRID STRAINER, IT GA C/P, P-TRAP, TWO 1/2" ANGLE SUPPLIES/STOPS, TUBERO HC INSULATION, TOP OF RIM 33" AFF, INCLUDE UNDER SINK ASSE TEMPER VLV, WATTS USG-B OR EQ, SET AT 110F
- P-3 DOUBLE BOWL SINK, DOUBLE BOWL SINK 33 1/2" OVERALL DIMENSION, ELKAY S/S SINK WITH PULLOUT SPRING ARM FAUCET, BASKET STRAINER, CP P-TRAP, 1/2" CP 1/2" SUPPLIES ELKAY SINK LRAD03319 (SINGLE HOLE, 6" DEEP), AMERICAN STANDARD FAUCET 10741020 "COLONY PRO", 1/4 TURN SUPPLIES/STOPS TUBERO HC INSULATION, INCLUDE UNDER SINK ASSE TEMPER VLV, WATTS USG-B OR EQ, SET AT 110F
- PD FLOOR DRAIN, JR SMITH M/N 2010A, SQUARE N-BR TOP, 4" TRAP, INCLUDE TRAP GUARD.
- W4 ELECTRIC WATER HEATER, ELECTRIC TANKLESS WATER HEATER, INCLUDE 3/8" W/ ELEMENT, 208V 15, 80W, EXHST
- RFZ REDUCED PRESSURE ZONE VALVE, WATTS LF005 WITH STRAINER, SIZE TO MATCH WATER LINE
- BBF BEVERAGE BACKFLOW PREVENTOR, WATT 50-2
- S6 FLOOR SINK, JR SMITH MODEL 31013, INCLUDE TRAP GUARD.
- REF REFRIGERATOR WATER SUPPLY WALL BOX, RECESSED WALL WATER SUPPLY BOX FOR REFRIGERATOR ICE MAKER, SIOUX CHIEF OR EQ
- FCO FLOOR CLEANOUT, JR SMITH M/N 4001, NICKEL BRONZE TOP.
- YCO YARD CLEANOUT, FOR PAVEMENT JR SMITH M/N 4261C OR 4263S, C/ TOP, SET IN CONCRETE FROM SITE WORK, IF NO SITEWORK, SET IN 18"x18"x6 PAD

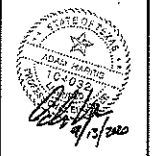
PLUMBING FIXTURE CONNECTION SCHEDULE									
ITEM	DESCRIPTION	CU	IN	VENT	WASTE	CU	IN	VENT	WASTE
P-1	WATER CLOSET (TANK)	1/2"	---	2"	4"	1/2"	---	2"	4"
P-2	LAVATORY	1/2"	1/2"	1-1/2"	2"	1/2"	1/2"	1-1/2"	2"
P-3	SINK	1/2"	1/2"	1-1/2"	2"	1/2"	1/2"	1-1/2"	2"

PLUMBING PRESSURE CALCULATIONS (SEE P. 10)									
ITEM	DESCRIPTION	CU	IN	VENT	WASTE	CU	IN	VENT	WASTE
P-1	WATER CLOSET (TANK)	1/2"	---	2"	4"	1/2"	---	2"	4"
P-2	LAVATORY	1/2"	1/2"	1-1/2"	2"	1/2"	1/2"	1-1/2"	2"
P-3	SINK	1/2"	1/2"	1-1/2"	2"	1/2"	1/2"	1-1/2"	2"

BUILDING WATER FIXTURE UNITS (TABLE 6103.3.2)									
ITEM	DESCRIPTION	CU	IN	VENT	WASTE	CU	IN	VENT	WASTE
P-1	WATER CLOSET (TANK)	1/2"	---	2"	4"	1/2"	---	2"	4"
P-2	LAVATORY	1/2"	1/2"	1-1/2"	2"	1/2"	1/2"	1-1/2"	2"
P-3	SINK	1/2"	1/2"	1-1/2"	2"	1/2"	1/2"	1-1/2"	2"

RES
Root Engineering Services
Mechanical, Electrical & Plumbing Systems Consultant

CELESTINE, ARIZONA
PHONE: 520-338-0000
FAX: 520-338-0000
WWW.ROOTENGINEERING.COM



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903-892-5620

PROJECT
APEX CONSTRUCTION
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224 EAST HOUSTON
SHERMAN, TX 75090

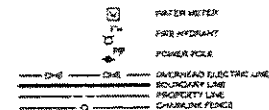
PLUMBING SCHEDULES
NOTES AND DETAILS

P3

PROPERTY ADDRESS -
224 E. HOUSTON
SHERMAN, TEXAS

- BASIS OF BEARINGS -
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE (4202)

Legend



Legal Description

Situated in the City of Sherman, County of Grayson, State of Texas being a part of Lots 2 & 4, Block 13 of the Original Town Plat of Sherman as shown by plat of record in Volume B, Page 1, Deed Records, Grayson County, Texas, and being the same tract of land conveyed to Vanderveer Group, LLC by deed of record in Volume 5756, Page 774, Official Public Records, Grayson County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a point 0.4 east of the corner of a brick building at the intersection of the south line of Houston Street and the west line of Montgomery Street said corner being the northeast corner of said Block 13;

Thence South $15^{\circ}00'26''$ East, along the west line of said Montgomery Street, a distance of 125.00 feet to a 1" steel rod found maintaining the southeast corner of said Vanderveer Tract and the north line of a 25' alley (not platted).

Thence South $74^{\circ}59'34''$ West, along the south line of said Vanderveer Tract and north line of said alley, a distance of 52.22 feet to a 1/2" steel rod found maintaining the southwest corner of said Vanderveer tract and the southeast corner of a 25' x 125' tract of land conveyed to Ronald L. Aycock in Volume 1995, Page 337, Real Property Records, Grayson County, Texas;

Thence North $15^{\circ}00'26''$ West, along the west line of said Vanderveer Tract and the east line of said Aycock Tract, a distance of 125.00 feet to a point that falls in a party wall in the south line of said Houston Street;

Thence North $74^{\circ}59'34''$ East, along the south line of said Houston Street, a distance of 52.22 feet to the Point-of-Beginning and containing 0.150 acres of land.

I, John C. Copley, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property legally described herein, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

John C. Copley
Registered Professional
Land Surveyor No. 6720
Firm No. 10194429
DATE OF SURVEY 12/30/19

C&L Job# 10120340

Copley Land Surveying

1702 Verba Ln., Sherman, Texas 75076
TX 903-415-0643, TX 560-960-0181
john@copleylandsurveying.com

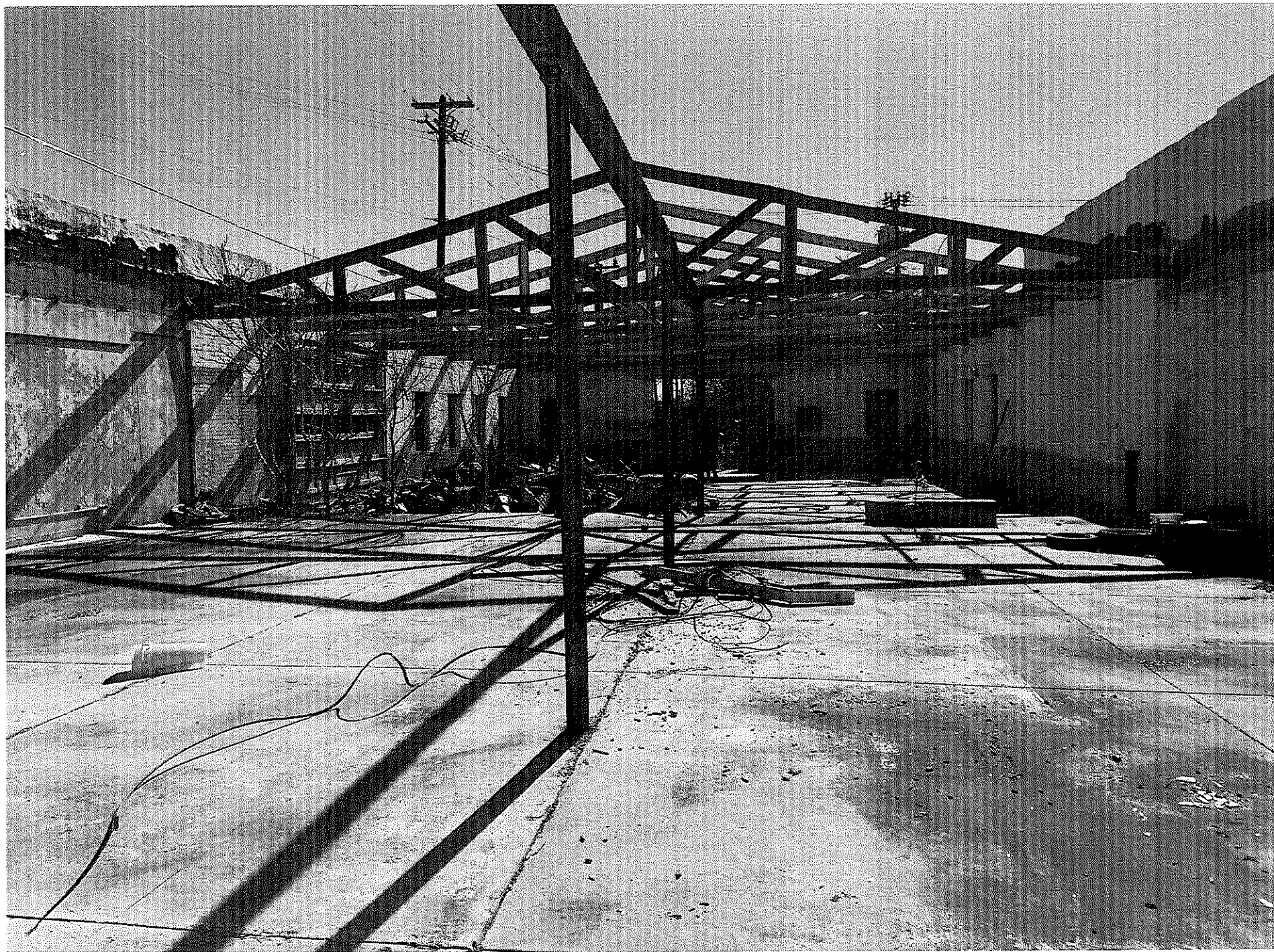






THE NURSERY

CONSTRUCTION





**CITY OF SHERMAN
CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

GUIDELINES AND POLICIES

The Building Restoration and Improvement Grant Program is designed to stimulate improvements to existing historically significant buildings in the Central Business District of the City of Sherman, Texas, to promote tourism, to enhance the physical appearance and economic vitality of downtown Sherman, and to promote joint public/private investment to complement ongoing historical revitalization efforts.

Program Objectives and Available Assistance

- To make positive, high-impact visual improvements to historically significant commercial buildings by providing an overall enhanced image for downtown Sherman, thereby attracting visitors to shop, dine, and do business in the Central Business District
- To provide a maximum of \$25,000.00 per project as a matching monetary incentive, a grant packaged as a forgivable loan with a conditional lien placed on the subject property, to the owners of historically significant commercial properties in the Central Business District for high-quality improvements to their properties
- In all cases, for every \$4.00 the applicant invests in the renovation or improvement of the subject property, the City will reimburse \$1.00 of qualified expenditures, up to the maximum grant authorized by the City Council not to exceed \$25,000.00 per project

Eligibility Requirements

- Assistance under this program will be considered subject to the availability of funding.
- Historic buildings within the downtown improvement area (map attached) that are of a commercial, retail, service, or professional use are eligible to participate in the program.
- For mixed-use historic buildings, only the portion of the building that is commercial, retail, service, or professional is eligible.
- The building to be improved must have historical significance either from an architectural point of view or a historical use or event that would tend to attract tourists to the buildings location.

Minimum Guidelines

- Buildings improved with funds from this program must remain open, operative, and free of graffiti and blight for a period of five (5) years from the date of agreement and until the lien is released.
- Tax payments for the subject property shall be up-to-date at the time of application and kept current throughout the five-year grant period.
- Outstanding work orders for the City's Developmental Services Department and/or the City's Fire Department and requests to comply therewith must be addressed prior to grant approval. Any noncompliance or outstanding violations will disqualify the applicant.

- **Grants will be approved at the sole discretion of the City.**
- To be accepted into the program, projects must make a substantial visible improvement to the appearance of the building, at the discretion of City staff. Repainting a building its same colors is considered maintenance, not an improvement.
- Building improvements should maintain the character of the downtown area; and the design drawings must be approved by the City in order to access funding for improvement.
- Improvements to be undertaken shall conform to the City's Codes and any other policies and regulations applying to the subject property.
- **Retroactive applications will not be accepted.** Applicants must consult with City staff before work begins to define a project scope.
- Program funds shall be made available only to projects that enhance and are sensitive to the historical nature of the structure.
- For properties with multiple storefronts, it is recommended that the façade treatment provide a cohesive theme while also allowing for some distinctive design elements to the various businesses, such as signage, exposing transom windows, lighting, flower boxes, murals, etc., to provide better street visibility and promote economic development downtown.
- For corner buildings fronting more than one street, improvements must be made to each frontage if determined necessary by City staff.

Application Prioritization

Funding is limited, and project applications will be prioritized on a first-come, first-served basis.

Eligible Improvements

Eligible improvements must be permanent in nature as determined exclusively by the City of Sherman. All improvements must be consistent with the City of Sherman Master Plan, Zoning Ordinance, Building Regulations, and other applicable laws. Eligible costs include the cost of materials, equipment, and contracted labor to complete eligible improvements, including, but not limited to, the following:

- New commercial or mixed-use construction
- Commercial code compliance renovations
- Permanent commercial interior remodeling improvements
- Permanent commercial site (exterior) improvements
- Compliance with Americans with Disabilities Act (ADA) for commercial properties
- Work necessary to bring the structure up to life-safety code standards
- Installation, repair, and replacement of exit (exterior) doors and hardware
- Repair, replacement, or addition of exterior shutters and awnings/canopies
- Repair, replacement or purchase of signs (when performed as part of an overall façade improvement)
- Repair and replacement or installation of interior and exterior stairs, porches, railings, and exit facilities
- Repair and rebuilding of interior and exterior walls, including cleaning, sealing, tuck pointing and painting
- Repair or replacement of frames, sills, glazing, replacement of glass and installation of new windows
- Installation of permanently affixed landscaping, such as stone or brick planters

- Installation, repair, or replacement of exterior lighting
- Mechanical, including rewiring, replumbing, insulation, mechanical systems/climate control

The City will prioritize projects. Consideration will be given to (1) threats to the survival of the structure, (2) importance of the structure to the overall goals of the program, (3) structural integrity and condition, and (4) cost effectiveness of the proposed work. In determining the grant amount, the City will also consider the time required to complete the project. Applicants are requested to limit their requests to projects that can be completed in a twelve (12) month period.

Ineligible Improvements

- No structural addition that would enlarge the residential (livable) space of the project is to be financed with these funds – nor an area not originally a livable space made livable.
- Residential structures
- Real estate or building purchases
- Furnishings and equipment purchases
- Working capital
- Inventory financing
- Title reports and legal fees
- Professional fees such as architects, engineers, and solicitors
- Labor provided by the Applicant or tenant of the building
- Extermination of insects, rodents, vermin and other pests
- Improvements that do not comply with City of Sherman Master Plan, Zoning Ordinance, Building Regulations, and other applicable laws
- Expenses incurred prior to grant application approval. Improvements cannot be undertaken before grant application approval.

Property Lien

Once the work is completed, the City will record a conditional lien on the property to ensure that the property improved with funds from this program remains open, operative, and free of graffiti and blight for a period of five (5) years from the date of agreement. If the Applicant fails to maintain the funded improvements for the entire five-year period, the City will recover its costs through the lien. If the Applicant satisfactorily fulfills the program requirements, the lien will be released at the end of five (5) years from the date of agreement.

Application Process

Program Application and Agreement forms are available in the City Manager's Office in the Sherman City Hall, 220 West Mulberry Street, Sherman, Texas 75091-1106, telephone (903) 892-7201. The application process is as follows:

- After reviewing the program guidelines, the Applicant will meet with City staff to discuss the desired work to be undertaken. If the proposed work is within the program guidelines, as determined exclusively by City staff, a completed application is submitted to the City. Written bids, sketches, color samples, and material supplies should be included.

- The Applicant is responsible for submitting plans and specifications to the City and obtaining all required planning and building permits, and any other applicable approvals, with the assistance of City staff.
- The Sherman City Council will consider the recommendations made by the City staff and will make its decision in a public meeting. The Council's decision will be made by adopting a resolution, which will authorize the City Manager to enter into a grant agreement with the Applicant.
- With the Council's authorization, the City Manager will cause the necessary documents to be drawn up and will sign the grant agreement.
- Upon approval, the City will send a "Notice to Proceed" to the Applicant. The Applicant may proceed with the planned building improvements pursuant to the approved design and issued permits. All payments for the work should be made by the Applicant and supported by clearly defined invoices outlining eligible work. Work shall commence within ninety (90) days of the approval date of the building permits. Extensions may be granted solely at the discretion of City staff.
- City staff will monitor the ongoing progress during construction to ensure that the work is performed according to the approved application and plans. No changes to work shall be made without the written consent of both the Applicant and the City. Approved "Change in Work" forms will be attached to the original application, dated and signed by the City Manager.
- Deviations from approved plans and specifications may disqualify the Applicant from this grant program.
- Once the work is completed, the City will record a conditional lien, good for five (5) years, on the subject property to be released upon completion of the program requirements.
- Funds will be disbursed upon completion of the project. City staff will conduct a final inspection before the grant funds will be disbursed to the Applicant. A Certificate of Approval will be issued to the Applicant.
- Reimbursement claims for all eligible expenses must be submitted with the following supporting documents.
 - A completed Rebate Claim form supplied by the City of Sherman
 - Any applicable planning and building permits
 - Cancelled checks and paid invoices/receipts for eligible work

After final approval of the improvements, the rebate reimbursement will be processed. Allow thirty (30) days for receipt of the rebate check.

- After the work is completed, Applicant shall display a sign or banner (provided by the City) indicating participation in the City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program. The sign or banner shall be displayed either on the exterior or in the front window of the building for a period of thirty (30) days.

Loan Applications

The loan application requires:

- Information summarizing the project, including complete construction plans and specifications

- The project cost and the amount of other dollars being brought to the project
- Preliminary commitment of private funds
- Specific uses of all funds
- Current financial and/or profit and loss statements
- Amount of grant requested and proposed term being requested
- Current lien/title report on the subject property

All applications must be made on forms provided by the City of Sherman. For further information, please contact:

Robby Hefton
City Manager
City of Sherman

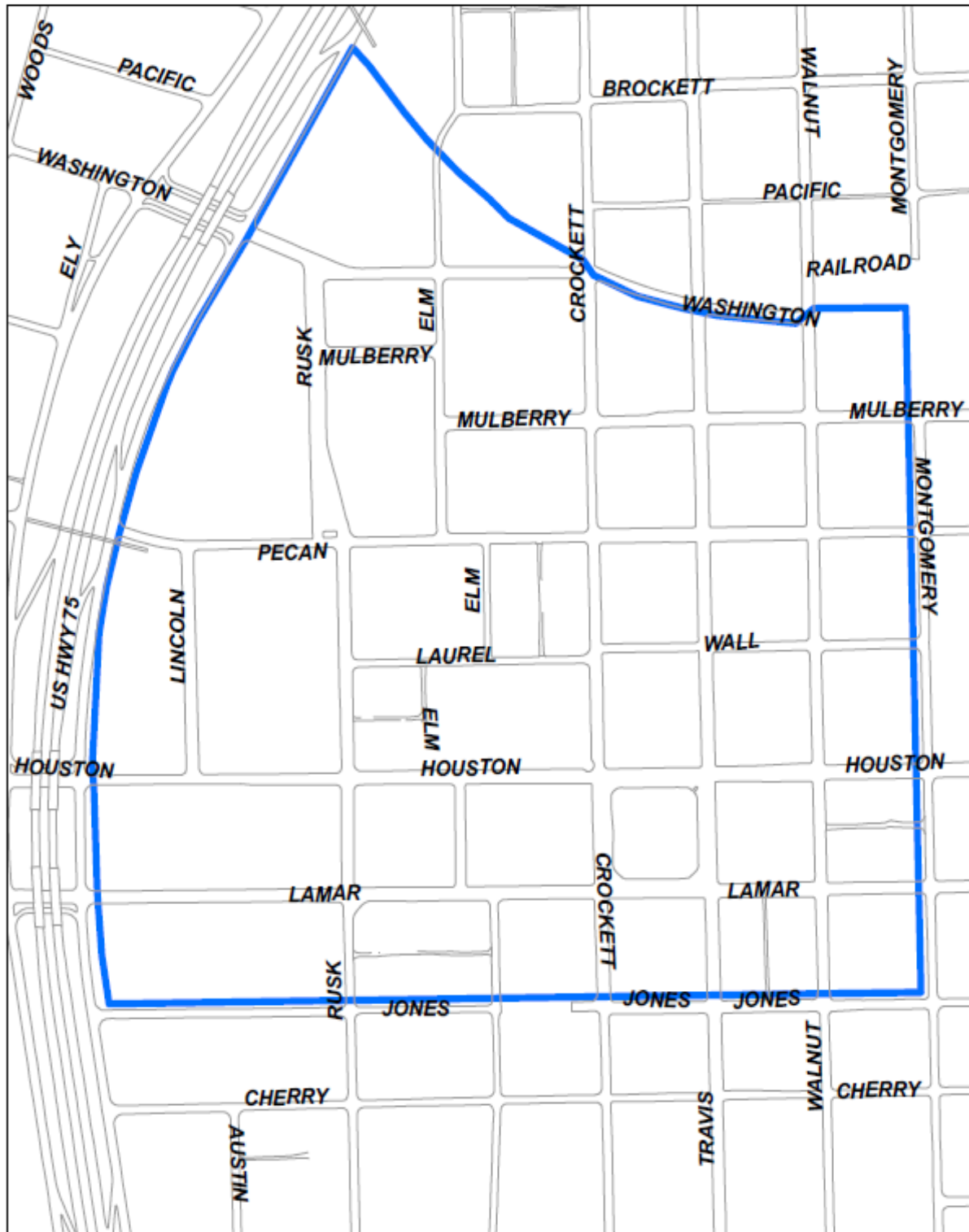
Scott Shadden
Developmental Services Director
City of Sherman

Physical Address:
Sherman City Hall, City Manager's Office
220 West Mulberry Street
Sherman, Texas 75090
or
Mailing Address:
P. O. Box 1106
Sherman, Texas 75091-1106

Physical Address:
Sherman City Hall, Building Inspection
220 West Mulberry Street
Sherman, Texas 75090
or
Mailing Address:
P. O. Box 1106
Sherman, Texas 75091-1106

Telephone: (903) 892-7201
Facsimile: (903) 892-7355
E-Mail: robbyh@ci.sherman.tx.us

Telephone: (903) 892-7333
Facsimile: (903) 892-7274
E-Mail: scotts@ci.sherman.tx.us



Sherman
ENGINEERING DEPT.
220 W. MULBERRY
SHERMAN, TX 75090

Central Business District





**CITY OF SHERMAN
CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

Submission Requirements

It is strongly recommended that all Applicants carefully review the “City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program Guidelines and Policies” prior to completing an application.

It is also recommended that Applicants discuss their proposed improvements and any questions regarding the submission requirements with the Developmental Services Department and the City Manager’s Office prior to completing the application form.

Please ensure that the following items have been included in your submission. Failure to provide the necessary documentation will delay the processing of your application.

Application Checklist:

- ☐ Copy of deed included
- ☐ Copy of mortgage (if applicable) included
- ☐ Description of proposed improvements – designs/drawings attached
- ☐ Pictures attached
- ☐ Estimate of costs/quotes or other details
- ☐ Signature of owner/authorized agent
- ☐ Application complete
- ☐ Are improvements in compliance with the City of Sherman Master Plan, Zoning Ordinance, Building Regulations, and other applicable laws?
- ☐ All material, pictures, drawings, newspaper articles, original deeds, etc. that will help identify the building as a historically significant structure through architectural design, building use or events that have taken place in or around it.
- ☐ Architectural and elevation renderings.

FOR OFFICE USE ONLY (Entire Page)

	Staff Initials	Comments
Ownership Confirmed	_____	_____
Property Taxes Paid in Full	_____	_____
Work Order Search (Building)	_____	_____
Fire Code Conformity	_____	_____
Master Plan Conformity	_____	_____
Zoning Conformity	_____	_____
Building Regulations Conformity	_____	_____
Copy of Deed Attached	_____	_____
Copy of Mortgage Attached	_____	_____
Proof of Historical Significance	_____	_____
Architectural Renderings	_____	_____
Elevation Renderings	_____	_____



**CITY OF SHERMAN
CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

AGREEMENT

THIS AGREEMENT is made and entered into on this the _____ day of _____, 20____, by and between the City of Sherman, a municipal corporation of the State of Texas, hereinafter referred to as “City”, and _____, hereinafter referred to as “Applicants.”

WITNESSETH THAT, in consideration of the mutual promises and undertaking herein for the purpose of carrying out the restoration of a downtown property, thereby benefiting both the Applicants and the City;

THEREFORE, the Applicants and the City certify and agree to the terms and conditions as set forth below:

**I.
TERMS OF AGREEMENT**

1. **Ownership and Grant Program.** The Applicants represent and presented documentation that they are the owners of or tenants in good standing of a certain property located at _____ in the City of Sherman, Grayson County, Texas, hereinafter referred to as “Property,” lying within an area where the City is conducting a Central Business District Historic Building Restoration and Improvement Grant Program as described in the Program’s “Guidelines and Policies,” a copy of which has been provided to the Applicants and is attached hereto as Exhibit “A” and made a part of this Agreement for all purposes, a copy of which has been provided to the Applicants.
2. **Property Description and Eligibility.** The Property is of commercial, retail, service, professional and/or office use, and Applicants’ proposed improvements to the Property listed in the Central Business District Historic Building Restoration and Improvement Grant Program Application are eligible improvements as described in the Program’s Guidelines and Policies. Applicants state that all of the information contained in the application is truthful and discloses sufficient information so as not to be misleading. The submitted application is attached hereto as Exhibit “B” and incorporated into this Agreement for all purposes.
3. **Compliance with Codes.** All improvements to be undertaken will be consistent with all applicable Zoning and Building Codes.
4. **City Approval for Work.** Only the work that is agreed to by the City and the Applicants, which will be outlined in a formal written notice to proceed to be provided to the Applicants by the City upon Application approval, will be eligible for reimbursement. Any changes to the project that are not approved by the City in writing will not be eligible for reimbursement. Any work that is

begun by the Applicants prior to receiving a written notice to proceed from the City will not be eligible for reimbursement.

5. **Rebate/Reimbursement.** The City will rebate a portion of the cost of eligible building improvements as described in the Program Guidelines. Reimbursement claims for all eligible expenses for completed improvements must be accompanied by the following supporting documents: applicable planning and building permits, canceled checks and paid invoices/receipts for eligible work.
6. **Lien.** Upon completion of the work, the City shall record a conditional lien on the property in the full amount of the City's monetary grant to Applicants and the Applicants consent to such lien. The lien shall remain in effect until the terms and conditions in Exhibit "A" have been fully complied with or the lien in favor of the City has been paid in full.
7. **Display of Sign.** After the work has been completed, Applicants shall display a sign or banner (provided by the City) indicating participation in the Central Business District Historic Building Restoration and Improvement Grant Program. The sign shall be displayed either on the exterior or in the front window of the building for a period of thirty (30) days.
8. **City Access to Building.** Applicants agree to allow the City or its agents access to buildings and improvements, when convenient for all parties, for inspection of the Central Business District Historic Building Restoration and Improvement Grant Program work.
9. **Work Payment and Personnel.** In accordance with the terms of this Agreement, the Applicants shall hire all personnel and pay for all labor, materials, tools, transportation, services, City licenses and permits necessary to perform or cause to have performed, and all work as specified in the Application. Applicants are aware of Labor Code Section 3700, which requires worker's compensation insurance or self insurance for employees.
10. **Time Period for Work.** Upon the signing of this Agreement, the Applicants shall have a period of ninety (90) days in which to take out a building permit. Work shall commence within sixty (60) days of the approval date of the building permit and be completed within twelve (12) months thereafter. Extensions, if warranted, may be granted at the discretion of the City. No change to work without the written consent of both the City and Applicants will be permitted.
11. **Notice and Compliance with Laws.** The Applicants shall give all notices required and comply with all applicable laws, ordinances and codes and shall, at their expense, secure and pay all said fees and charges for the performance of the work.
12. **No City Liability.** Applicants understand and agree that the City and their officers, agents, and employees, shall have no responsibility or liability of any failure or inadequacy of performance or defective workmanship or materials in regard to the agreed-upon improvements.
13. **Proper Use of Hotel/Motel Tax Revenues.** Applicants acknowledge that they are aware that the money being provided to them through this agreement comes from the City's Hotel/Motel Tax revenues; and Applicants further acknowledge and agree that they have independently determined that the project contemplated by this agreement and the submitted application complies with the State law regarding the use and application of such money, as set forth in the Texas Tax Code at Chapter 351, Section 351.101 and, in particular, that the project will enhance and promote tourism by attracting visitors from outside the City and the project will enhance the

historical restoration, rehabilitation, or preservation of a historic structure. Applicants further acknowledge and agree that, if the project is determined at any time not to comply with Chapter 351 of the Texas Tax Code, any and all money acquired from the City by Applicants for this project shall be immediately and fully reimbursed to the City.

II. GENERAL TERMS

Assignment of Agreement

No assignment by a party hereto of any rights under or interests in the Agreement will be binding on another party hereto without the written consent of the party sought to be bound 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 this Agreement.

INDEMNIFICATION

Applicants shall indemnify, release, defend and hold City, their officers, employees and agents, harmless from all claims, losses, liabilities, damages, suits, actions or proceedings by any person including Applicants, their employees and agents from personal injury, death or property damage from any cause whatsoever in whole or in part arising out of this Agreement or the activities completed hereunder by this indemnification shall not include the sole negligence or willful misconduct of City, their officers, employees or agents.

Successors and Assigns

City and Applicants each bind themselves, their partners, successors, assigns, and legal representatives to the other parties hereto, their partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in this Agreement.

Severability and Conflict

Any provision or part of the Agreement 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 City and the Applicants, who agree that the Agreement 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.

Captions

Section or other headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

Choice of Law: Venue

This Agreement, the entire relationship of the parties, and any litigation between the parties (whether grounded in contract, tort, statute, law or equity) shall be governed by, construed in accordance with, and interpreted pursuant to the laws of the State of Texas, without giving effect to its choice of laws principles. This Agreement is wholly performable in Grayson County, Texas.

Exclusive venue for any litigation between the parties shall be brought in Grayson County, Texas, and shall be brought in the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas. The parties waive any challenge to personal jurisdiction or venue (including without limitation a challenge based on inconvenience) in Grayson County, Texas, and specifically consent to the jurisdiction of the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas, Sherman Division.

Binding Authority

By their signatures below, the individuals represent that they have reviewed this Agreement with their attorney and that the individuals have the express authority to enter into this Agreement.

Entire Agreement

This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Agreement, and except as otherwise provided herein cannot be modified without written agreement of both the parties to be attached to and made a part of this Agreement.

IN WITNESS WHEREOF, City and the Applicants have signed this Agreement in duplicate. One counterpart each has been delivered to City and the Applicants. All portions of the Agreement have been signed or identified by City and the Applicants or on their behalf.

EXECUTED on this the _____ day of _____, 2____.

CITY OF SHERMAN, TEXAS:

APPLICANTS:

By: _____
Robby Hefton, City Manager

By: _____
Name: _____
Address: _____

Phone: _____

By: _____
Name: _____
Address: _____

Phone: _____

**APPROVED AS TO FORM
AND CONTENT:**

By: _____
**Brandon S. Shelby,
City Attorney**



**CITY OF SHERMAN
CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

Rebate Claim Form

Program Participant(s): _____

Project Address: _____

Interior Improvements:

Type: _____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Sub-Total	\$ _____

Exterior Improvements:

Type: _____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Sub-Total	\$ _____

Total Rebate Amount (per Program Guidelines): \$ _____

I/We hereby make a formal claim for reimbursement of the above-indicated expenses incurred in improving the interior and exterior of the subject property under the City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program. I/We certify that the expenses incurred are as listed and have attached invoices marked “paid” and copies of cancelled checks in support of the claim.

Date: _____

Applicant

Applicant





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D. 4.

Meeting Date: 09/08/2020

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6645**

Authorizing Submission of an Application for a Grant Awarded by the Texas Department of Transportation under the Routine Airport Maintenance Program to Fund Improvements at the Sherman Municipal Airport; Designating the City Manager as the Authorized Official to Accept, Reject, Alter or Terminate the Grant on Behalf of the City

Issue:

Seeking approval to apply for a grant from the Texas Department of Transportation (TxDOT), under the Routine Airport Maintenance Program (RAMP), for improvements at the Sherman Municipal Airport. In addition, requesting designation of the City Manager as the authorized official to accept, reject, alter or terminate the grant on behalf of the City.

Background:

TxDOT offers a matching grant each year for airport improvements such as pavement, signage, drainage, lighting, utility infrastructure, fencing, fuel systems, hangars, security, and other routine maintenance. Improvements must be completed by August 31, 2021 unless otherwise approved by the State.

Origination:

Finance Department

Financial Consideration:

The City will be reimbursed 50% of eligible expenses, up to a maximum reimbursement of \$50,000.00. The expenses will be paid from the Airport Fund.

Staff Recommendation:

City staff recommends submitting the grant application to TxDOT under the Routine Airport Maintenance Program.

Alternatives:

The Council could decline this grant opportunity.

Attachments

Resolution No. 6645

TxDOT RAMP Grant Agreement

Aerial Location Map

RESOLUTION NO. 6645

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING SUBMISSION OF AN APPLICATION FOR A GRANT AWARDED BY THE TEXAS DEPARTMENT OF TRANSPORTATION UNDER THE ROUTINE AIRPORT MAINTENANCE PROGRAM TO FUND IMPROVEMENTS AT THE SHERMAN MUNICIPAL AIRPORT; DESIGNATING THE CITY MANAGER AS THE AUTHORIZED OFFICIAL TO ACCEPT, REJECT, ALTER OR TERMINATE THE GRANT ON BEHALF OF THE CITY; 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, finds it to be in the best interest of the citizens of Sherman, Texas, to seek grant funds for improvements at the Sherman Municipal Airport; and

WHEREAS, the City Council understands the expected total grant application is estimated at Fifty Thousand Dollars and No Cents (\$50,000.00); and there is a fifty percent (50%) match required by the Texas Department of Transportation; and

WHEREAS, the City Council designates the City Manager as the grantee's authorized official, who is given the power to accept, reject, alter or terminate the grant on behalf of the City;

NOW, THEREFORE, 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 documents being properly completed and approved as to form and content by the City Attorney, to submit a grant application with the Texas Department of Transportation to fund airport maintenance and improvements under the Routine Airport Maintenance Program.

SECTION 2. That the City Manager be and is hereby designated as the City of Sherman's authorized official to accept, reject, alter or terminate the grant on behalf of the City.

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

PASSED AND APPROVED on this the ____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

**TEXAS DEPARTMENT OF TRANSPORTATION
GRANT FOR ROUTINE AIRPORT MAINTENANCE PROGRAM
(State Assisted Airport Routine Maintenance)**

TxDOT Project ID: M2101SHRM

Part I - Identification of the Project

TO: The City of Sherman, Texas

FROM: The State of Texas, acting through the Texas Department of Transportation

This Grant is made between the Texas Department of Transportation, (hereinafter referred to as the "State"), on behalf of the State of Texas, and the City of Sherman, Texas, (hereinafter referred to as the "Sponsor").

This Grant Agreement is entered into between the State and the Sponsor shown above, under the authority granted and in compliance with the provisions of the Transportation Code Chapter 21.

The project is for **airport maintenance** at the SHERMAN - SHERMAN MUNI Airport.

Part II - Offer of Financial Assistance

1. For the purposes of this Grant, the annual routine maintenance project cost, Amount A, is estimated as found on Attachment A, Scope of Services, attached hereto and made a part of this grant agreement.

State financial assistance granted will be used solely and exclusively for airport maintenance and other incidental items as approved by the State. Actual work to be performed under this agreement is found on Attachment A, Scope of Services. State financial assistance, Amount B, will be for fifty percent (50%) of the eligible project costs for this project or \$50,000.00, whichever is less, per fiscal year and subject to availability of state appropriations.

Scope of Services, Attachment A, of this Grant, may be amended, subject to availability of state funds, to include additional approved airport maintenance work. Scope amendments require submittal of an Amended Scope of Services, Attachment A.

Services will not be accomplished by the State until receipt of Sponsor's share of project costs.

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

Work shall be accomplished by August 31, 2021, unless otherwise approved by the State.

2. The State shall determine fair and eligible project costs for work scope. Sponsor's share of estimated project costs, Amount C, shall be as found on Attachment A and any amendments.

It is mutually understood and agreed that if, during the term of this agreement, the State determines that there is an overrun in the estimated annual routine maintenance costs, the State may increase the grant to cover the amount of the overrun within the above stated percentages and subject to the maximum amount of state funding.

The State will not authorize expenditures in excess of the dollar amounts identified in this Agreement and any amendments, without the consent of the Sponsor.

3. Sponsor, by accepting this Grant certifies and, upon request, shall furnish proof to the State that it has sufficient funds to meet its share of the costs. The Sponsor grants to the State the right to audit any books and records of the Sponsor to verify expended funds.

Upon execution of this Agreement and written demand by the State, the Sponsor's financial obligation (Amount C) shall be due in cash and payable in full to the State. State may request the Sponsor's financial obligation in partial payments. Should the Sponsor fail to pay their obligation, either in whole or in part, within 30 days of written demand, the State may exercise its rights under Paragraph V-3. Likewise, should the State be unwilling or unable to pay its obligation in a timely manner, the failure to pay shall be considered a breach and the Sponsor may exercise any rights and remedies it has at law or equity.

The State shall reimburse or credit the Sponsor, at the financial closure of the project, any excess funds provided by the Sponsor which exceed Sponsor's share (Amount C).

4. The Sponsor specifically agrees that it shall pay any project costs which exceed the amount of financial participation agreed to by the State. It is further agreed that the Sponsor will reimburse the State for any payment or payments made by the State which are in excess of the percentage of financial assistance (Amount B) as stated in Paragraph II-1.

5. Scope of Services may be accomplished by State contracts or through local contracts of the Sponsor as determined appropriate by the State. All locally contracted work must be approved by the State for scope and reasonable cost. Reimbursement requests for locally contracted work shall be submitted on forms provided by the State and shall include copies of the invoices for materials or services. Payment shall be made for no more than 50% of allowable charges.

The State will not participate in funding for force account work conducted by the Sponsor.

6. This Grant shall terminate upon completion of the scope of services.

Part III - Sponsor Responsibilities

1. In accepting this Grant, if applicable, the Sponsor guarantees that:
 - a. it will, in the operation of the facility, comply with all applicable state and federal laws, rules, regulations, procedures, covenants and assurances required by the State in connection with this Grant; and
 - b. the Airport or navigational facility which is the subject of this Grant shall be controlled by the Sponsor for a period of at least 20 years; and
 - c. consistent with safety and security requirements, it shall make the airport or air navigational facility available to all types, kinds and classes of aeronautical use without discrimination between such types, kinds and classes and shall provide adequate public access during the period of this Grant; and
 - d. it shall not grant or permit anyone to exercise an exclusive right for the conduct of aeronautical activity on or about an airport landing area. Aeronautical activities include, but are not limited to scheduled airline flights, charter flights, flight instruction, aircraft sales, rental and repair, sale of aviation petroleum products and aerial applications. The landing area consists of runways or landing strips, taxiways, parking aprons, roads, airport lighting and navigational aids; and
 - e. through the fence access shall be reviewed and approved by the State; and
 - f. it shall not permit non-aeronautical use of airport facilities without prior approval of the State; and

- g. the Sponsor shall submit to the State annual statements of airport revenues and expenses when requested; and
- h. all fees collected for the use of the airport shall be reasonable and nondiscriminatory. The proceeds from such fees shall be used solely for the development, operation and maintenance of the airport or navigational facility; and
- i. an Airport Fund shall be established by resolution, order or ordinance in the treasury of the Sponsor, or evidence of the prior creation of an existing airport fund or properly executed copy of the resolution, order, or ordinance creating such a fund, shall be submitted to the State. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole. All fees, charges, rents, and money from any source derived from airport operations must be deposited in the Airport Fund and shall not be diverted to the general revenue fund or another revenue fund of the Sponsor. All expenditures from the Airport Fund shall be solely for airport purposes. Sponsor shall be ineligible for a subsequent grant or loan by the State unless, prior to such subsequent grant or loan, Sponsor has complied with the requirements of this subparagraph; and
- j. the Sponsor shall operate runway lighting at least at low intensity from sunset to sunrise; and
- k. insofar as it is reasonable and within its power, Sponsor shall adopt and enforce zoning regulations to restrict the height of structures and use of land adjacent to or in the immediate vicinity of the airport to heights and activities compatible with normal airport operations as provided in Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Sponsor shall also acquire and retain aviation easements or other property interests in or rights to use of land or airspace, unless sponsor can show that acquisition and retention of such interest will be impractical or will result in undue hardship to Sponsor. Sponsor shall be ineligible for a subsequent grant or loan by the State unless Sponsor has, prior to subsequent approval of a grant or loan, adopted and passed an airport hazard zoning ordinance or order approved by the State.
- l. mowing services will not be eligible for state financial assistance. Sponsor will be responsible for 100% of any mowing services.

2. The Sponsor, to the extent of its legal authority to do so, shall save harmless the State, the State's agents, employees or contractors from all claims and liability due to activities of the Sponsor, the Sponsor's agents or employees performed under this agreement. The Sponsor, to the extent of its legal authority to do so, shall also save harmless the State, the State's agents, employees or contractors from any and all expenses, including attorney fees which might be incurred by the State in litigation or otherwise resisting claim or liabilities which might be imposed on the State as the result of those activities by the Sponsor, the Sponsor's agents or employees.
3. The Sponsor's acceptance of this Offer and ratification and adoption of this Grant shall be evidenced by execution of this Grant by the Sponsor. The Grant shall comprise a contract, constituting the obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the project and the operation and maintenance of the airport.

If it becomes unreasonable or impractical to complete the project, the State may void this agreement and release the Sponsor from any further obligation of project costs.

4. Upon entering into this Grant, Sponsor agrees to name an individual, as the Sponsor's Authorized Representative, who shall be the State's contact with regard to this project. The Representative shall receive all correspondence and documents associated with this grant and shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor, and coordinate schedule for work items as required.
5. By the acceptance of grant funds for the maintenance of eligible airport buildings, the Sponsor certifies that the buildings are owned by the Sponsor. The buildings may be leased but if the lease agreement specifies that the lessee is responsible for the upkeep and repairs of the building no state funds shall be used for that purpose.
6. Sponsor shall request reimbursement of eligible project costs on forms provided by the State. All reimbursement requests are required to include a copy of the invoices for the materials or services. The reimbursement request will be submitted no more than once a month.
7. The Sponsor's acceptance of this Agreement shall comprise a Grant Agreement, as provided by the Transportation Code, Chapter 21, constituting the contractual obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the airport maintenance and compliance with the assurances and conditions as provided. Such Grant Agreement shall become effective upon the State's written Notice to Proceed issued following execution of this agreement.

Part IV - Nomination of the Agent

1. The Sponsor designates the State as the party to receive and disburse all funds used, or to be used, in payment of the costs of the project, or in reimbursement to either of the parties for costs incurred.
2. The State shall, for all purposes in connection with the project identified above, be the Agent of the Sponsor. The Sponsor grants the State a power of attorney to act as its agent to perform the following services:
 - a. accept, receive, and deposit with the State any and all project funds granted, allowed, and paid or made available by the Sponsor, the State of Texas, or any other entity;
 - b. enter into contracts as necessary for execution of scope of services;
 - c. if State enters into a contract as Agent: exercise supervision and direction of the project work as the State reasonably finds appropriate. Where there is an irreconcilable conflict or difference of opinion, judgment, order or direction between the State and the Sponsor or any service provider, the State shall issue a written order which shall prevail and be controlling;
 - d. receive, review, approve and pay invoices and payment requests for services and materials supplied in accordance with the State approved contracts;
 - e. obtain an audit as may be required by state regulations; the State Auditor may conduct an audit or investigation of any entity receiving funds from TxDOT directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
 - f. reimburse sponsor for approved contract maintenance costs no more than once a month.

Part V - Recitals

1. This Grant is executed for the sole benefit of the contracting parties and is not intended or executed for the direct or incidental benefit of any third party.
2. It is the intent of this grant to not supplant local funds normally utilized for airport maintenance, and that any state financial assistance offered under this grant be in addition to those local funds normally dedicated for airport maintenance.

3. This Grant is subject to the applicable provisions of the Transportation Code, Chapters 21 and 22, and the Airport Zoning Act, Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Failure to comply with the terms of this Grant or with the rules and statutes shall be considered a breach of this contract and will allow the State to pursue the remedies for breach as stated below.
 - a. Of primary importance to the State is compliance with the terms and conditions of this Grant. If, however, after all reasonable attempts to require compliance have failed, the State finds that the Sponsor is unwilling and/or unable to comply with any of the terms of this Grant, the State, may pursue any of the following remedies: (1) require a refund of any financial assistance money expended pursuant to this Grant, (2) deny Sponsor's future requests for aid, (3) request the Attorney General to bring suit seeking reimbursement of any financial assistance money expended on the project pursuant to this Grant, provided however, these remedies shall not limit the State's authority to enforce its rules, regulations or orders as otherwise provided by law, (4) declare this Grant null and void, or (5) any other remedy available at law or in equity.
 - b. Venue for resolution by a court of competent jurisdiction of any dispute arising under the terms of this Grant, or for enforcement of any of the provisions of this Grant, is specifically set by Grant of the parties in Travis County, Texas.
4. The State reserves the right to amend or withdraw this Grant at any time prior to acceptance by the Sponsor. The acceptance period cannot be greater than 30 days after issuance unless extended by the State.
5. This Grant constitutes the full and total understanding of the parties concerning their rights and responsibilities in regard to this project and shall not be modified, amended, rescinded or revoked unless such modification, amendment, rescission or revocation is agreed to by both parties in writing and executed by both parties.
6. All commitments by the Sponsor and the State are subject to constitutional and statutory limitations and restrictions binding upon the Sponsor and the State (including Sections 5 and 7 of Article 11 of the Texas Constitution, if applicable) and to the availability of funds which lawfully may be applied.

Part VI - Acceptances

Sponsor

The City of Sherman, Texas, does ratify and adopt all statements, representations, warranties, covenants, agreements, and all terms and conditions of this Grant.

The City of Sherman, Texas

Sponsor

Sponsor Signature

City Manager

Sponsor Title

08/31/2020

Date

Acceptance of the State

Executed by and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs and grants heretofore approved and authorized by the Texas Transportation Commission.

STATE OF TEXAS

TEXAS DEPARTMENT OF TRANSPORTATION

Signature

Title

Date

Attachment A

Scope of Services
TxDOT Project ID: M2101SHRM

Eligible Scope Item	Estimated Costs Amount A	State Share Amount B	Sponsor Share Amount C
GENERAL MAINTENANCE	\$100,000.00	\$50,000.00	\$50,000.00
TOTAL	\$100,000.00	\$50,000.00	\$50,000.00

Sponsor Signature

City Manager

Sponsor Title

08/31/2020

Date

GENERAL MAINTENANCE: As needed, Sponsor may contract for services / purchase materials for routine maintenance / improvement of airport pavements, signage, drainage, AWOS systems, approach aids, lighting systems, utility infrastructure, fencing, herbicide / application, sponsor owned and operated fuel systems, hangars, terminal buildings and security systems; professional services for environmental compliance, approved project design. Special projects to be determined and added by amendment.

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

CERTIFICATION OF AIRPORT FUND

TxDOT Project ID:

M2101SHRM

The City of Sherman, Texas, does certify that an Airport Fund has been established for the Sponsor, and that all fees, charges, rents, and money from any source derived from airport operations will be deposited for the benefit of the Airport Fund and will not be diverted for other general revenue fund expenditures or any other special fund of the Sponsor and that all expenditures from the Fund will be solely for airport purposes. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole.

Sponsor Signature

City Manager

Sponsor Title

08/31/2020

Date

Certification of State Single Audit Requirements

I, Robby Hefton, do certify that the City of Sherman, Texas, will comply with all requirements of the State of Texas Single Audit Act if the City of Sherman, Texas, spends or receives more than the threshold amount in any grant funding sources during the most recently audited fiscal year. And in following those requirements, the City of Sherman, Texas, will submit the report to the audit division of the Texas Department of Transportation. If your entity did not meet the threshold in grant receivables or expenditures, please submit a letter indicating that your entity is not required to have a State Single Audit performed for the most recent audited fiscal year.

Sponsor Signature

City Manager

Sponsor Title

08/31/2020

Date

DESIGNATION OF SPONSOR'S AUTHORIZED REPRESENTATIVE

TxDOT Project ID: M2101SHRM

The City of Sherman, Texas, designates,
, Robby Hefton, City Manager as the Sponsor's authorized
(Name, Title)

representative, who shall receive all correspondence and documents associated with this grant and who shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor.

Sponsor Signature

City Manager

Sponsor Title

08/31/2020

Date

DESIGNATED REPRESENTATIVE

Robby Hefton

First Name, Last Name

City Manager

Title

220 W Mulberry St.

Sherman, Texas 75090

Address

903-892-7204

Phone Number

robbyh@cityofsherman.com

Email Address





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D. 5.

Meeting Date: 09/08/2020

Prepared By: Danny Jones, Fire Chief

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6646**

Authorizing Execution of an Agreement for Fire Protection Services between Grayson County, Texas and the City of Sherman, Texas for the Period of October 1, 2020 through September 30, 2021

Issue:

To consider approval of an agreement between the City of Sherman and Grayson County regarding firefighting services in Grayson County

Background:

The Sherman Fire Department provides fire protection for certain areas of Grayson County, per an annual contract. This annual contract is unchanged from the current contract, including the amount of reimbursement paid by the County to the City.

Origination:

Grayson County and the City of Sherman

Financial Consideration:

The City will receive \$9,629.33 each month during the period beginning October 1, 2020 and ending September 30, 2021. The total amount due the City will be \$115,551.96 for the fiscal year (FY) 2021.

Staff Recommendation:

It is recommended that the Council approve the agreement to provide firefighting services to the County.

Alternatives:

As directed by the Council

Attachments

Resolution No. 6646

Request for Agreement for Fire Protection Services FY2021

Agreement for Fire Protection Services FY2021 with Exhibit A

RESOLUTION NO. 6646

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT FOR FIRE PROTECTION SERVICES BETWEEN GRAYSON COUNTY, TEXAS AND THE CITY OF SHERMAN, TEXAS FOR THE PERIOD OF OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the Mayor be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an Agreement for Fire Protection Services between Grayson County and the City of Sherman for the period of October 1, 2020 through September 30, 2021, pursuant to the terms and provisions of the contract document 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.

PASSED AND APPROVED on this the ____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



Office of Emergency Management
100 W Houston, Third Floor • Sherman, TX 75090

August 21, 2020

Sherman Fire Department
Attn: Chief Jones
P.O. Box 1106
Sherman, TX 75091

Chief Jones:

Please find enclosed two original Agreements for Emergency Medical Services and Fire Protection Services between Grayson County, Texas and the Sherman Fire Department. Please execute and return both copies, obtaining any required governing body approval, for acceptance by Commissioners Court. We will send one original with the County Judge's signature back to you when that has been obtained.

We appreciate the service you provide to the visitors, motorists, businesses and residents of Grayson County and its cities. May the coming year strengthen our partnership to provide those services safely and well.

Kind regards,

Sarah Somers
Director
SES:sa

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

FISCAL YEAR 2021

**AGREEMENT FOR FIRE PROTECTION SERVICES BETWEEN GRAYSON COUNTY, TEXAS
AND THE CITY OF SHERMAN, TEXAS**

WHEREAS, this Agreement is made between Grayson County, Texas ["COUNTY"] and the City of SHERMAN, Texas ["CITY"] under and pursuant to the Interlocal Cooperation Act, Chapter 791, Texas Government Code and under Section 352 of the Texas Local Government Code;

WHEREAS, COUNTY and CITY represent that each is independently authorized to perform the functions contemplated by this Agreement; and

WHEREAS, the COUNTY currently has a need for fire protection for Grayson County residents who live in portions of the COUNTY outside the municipalities;

WHEREAS, each party has sufficient funds available from current revenues to perform the functions contemplated by this Agreement and this Agreement is conditioned upon appropriation of sufficient revenue by Grayson County Commissioners Court for payment of the consideration named herein for the COUNTY fiscal year named; and

NOW, THEREFORE, in consideration of the recitals, mutual benefits and promises each to the other made herein, the parties named above do hereby agree as follows:

PUBLIC PURPOSE

The purpose of this contract is to provide public fire protection services within the area of the COUNTY that lies outside the boundaries of any municipal government. The COUNTY has no authority to provide fire protection within the territorial limits of incorporated municipalities and by this contract does not attempt to usurp the authority of municipalities to manage, regulate and provide fire protection and emergency response services within their boundaries.

CITY OBLIGATIONS

The CITY, as part of this Agreement, and as a condition of the payment by COUNTY of any and all sums called for under this Agreement, agrees that:

- (A) The CITY's fire department will provide fire protection services for all persons and property within the unincorporated area of said COUNTY that lies within the CITY's designated primary service area as set out in the map attached to this Agreement as Exhibit "A" and incorporated

herein by reference. Additionally, the CITY's Fire Department agrees that it shall respond to all mutual aid calls from any other fire department in Grayson County for fire protection services at any location within the unincorporated area of the COUNTY upon request of other fire department or upon request of the Grayson County Judge or Emergency Management Coordinator. Said request may be made on behalf of any of these authorized agents by telephone or through the Grayson County Sheriff's Office Communications Center.

- (B) The CITY's Fire Department shall use reasonable diligence and effort to provide the fire protection services it has contracted to provide by this contract and to provide immediate and direct supervision of the CITY's Fire Department members, volunteers, employees, agents, contractors, sub-contractors, and/or laborers, if any, in the furtherance of the purposes, terms, and conditions of this Agreement.
- (C) The CITY's Fire Department agrees to cause its members and personnel providing fire protection services in performance of this Agreement, when performing said services, to conduct themselves in a professional manner and to comply with all applicable laws, regulations and standards. All paid fire fighters must comply with all requirements of the Texas Commission on Fire Protection. All fire fighters, whether paid or volunteer, must be properly trained and equipped to perform fire protection duties as determined by applicable laws, regulations and standards, including local departmental regulations and standards. The CITY's Fire Department agrees to maintain all equipment necessary for the performance of this Agreement in good repair. Radio communications will be conducted in accordance with any rules, procedures or directives of the Grayson County Sheriff and/or the Grayson County Emergency Management Coordinator.
- (D) The CITY's Fire Department shall cooperate and coordinate with the Grayson County Fire Marshal pursuant to the provisions of the Local Government Code, Chapter 352.
- (E) The CITY's Fire Department shall provide notice to the Grayson County EOC at 903-818-7694 prior to or concurrent with deployment of resources outside of Grayson County for response other than mutual aid to the counties contiguous to Grayson County.
- (F) Upon request from the Grayson County Judge, his designee or the Grayson County Emergency Management Coordinator, the CITY's Fire Department shall:
 - a. Cooperate in a coordinated response, or prioritization of assets, during a locally declared disaster;
 - b. Respond to reasonable data requests relevant to services provided under this Agreement;

- c. Participate in at least one exercise, per fiscal year, if requested by the Grayson County Office of Emergency Management;
 - d. Participate in local planning, briefings or trainings as requested by the Grayson County Fire Marshal or Grayson County Emergency Management Coordinator; and
 - e. Participate in After Action Reviews as requested by the Grayson County Emergency Management Coordinator of emergency incidents involving a response of the CITY's Fire Department in the unincorporated area pursuant to this contract. Participation shall be defined to include participation by personnel actually involved in the incident; and
 - f. Provide current contact information for the Chief and Assistant Chief of the CITY's Fire Department, to include active email addresses and telephone contact information, for use by the Grayson County EOC, Sheriff's Office Communication Center and Fire Marshal.
- (G) The CITY's Fire Department warrants that in carrying out the terms of this Agreement, no person under the age of eighteen years will be utilized in the performance of the services to be provided under this Agreement.
- (H) The CITY's Fire Department shall comply with any rules, procedures or directives of the Grayson County Sheriff and/or Grayson County Fire Marshal for determining which fires warrant investigation and shall cooperate with any such investigation made by the appropriate County Official or the designated agent of the County Sheriff, Grayson County Fire Marshal, State Fire Marshal, and/or other law enforcement agencies or their designees.
- (I) The books and records maintained in operation of the CITY's Fire Department shall be open to inspection by the COUNTY or its designated representative during normal business hours, upon reasonable notice.
- (J) The CITY's Fire Department shall file a TXFIRS report with the State Fire Marshal's Office within two weeks of the end of the month that an incident occurred. The Grayson County Emergency Management Coordinator is authorized to review all fire incident reports filed by the CITY Fire Department with the State Fire Marshal's Office.
- (K) The CITY's Fire Department shall file an incident report with the Texas Interagency Coordination Center (Texas A&M Forest Service) via Texas FireConnect Portal, or any successor system, for each wildland fire incident to which the department responded within fourteen (14) days of the incident.

(L) The CITY's Fire Department shall adopt, and take all necessary steps to implement, the National Incident Management System (NIMS) at the local level. NIMS compliance for the term of this contract must be achieved by completing required actions as outlined by FEMA, the Texas Forest Service and the Texas Division of Emergency Management. NIMS compliance shall be demonstrated by:

- a. Completion and certification of NIMS compliance via any tool requested by the Grayson County Office of Emergency Management in writing within thirty (30) days of the request;
- b. Verification of NIMS compliance by providing information and records upon thirty days request of the Grayson County Judge or Emergency Management Coordinator.

(M) The CITY's Fire Department acknowledges and understands that it is anticipated that the COUNTY may require in future Agreements that any fire department which is not also a licensed emergency medical service provider maintain a "current" status throughout the term of future Agreements as a First Responder Organization (FRO) as defined by the Texas Administrative Code 157.14. *This is not a requirement of this Agreement at the time of its execution and this Paragraph is provided for planning and notice only.*

(N) The CITY's Fire Department certifies that it: *[check one]*

- ☐ IS a First Responder Organization as defined by the Texas Administrative Code 157.14?
- ☐ IS NOT a First Responder Organization as defined by the Texas Administrative Code 157.14?
- ☐ IS a licensed emergency medical service provider?

CONSIDERATION

For the services provided above, the COUNTY shall provide to the CITY:

- (1) The sum of \$9,629.33 per month, during the term of this Agreement, is due and payable by the 10th day of each month. The first payment shall be due on or before October 10, 2020. All sums to be paid under this Agreement by the COUNTY shall be made from current revenues available to the COUNTY.
- (2) Recovery of any additional sums or consideration *from county residents* by the CITY for response to grass or wildfire is strictly prohibited by this Agreement. Inasmuch as the CITY acts as the County's agent for response, the CITY agrees to provide the fire protection services for grass or wildfire for the consideration in Paragraph 1 above. This provision is included to prohibit the recovery of additional compensation directly from county residents by CITY only and shall not

preclude the COUNTY and CITY from seeking state or federal assistance in the event of disaster or extraordinary response due to extreme wildfire threat.

- (3) In addition to all available remedies pursuant to the default and termination provisions of this Agreement, the Parties agree that the COUNTY may withhold payment of any sums due and payable as set out in Paragraph 1 above upon written notice of failure of the CITY to perform the services contemplated in this Agreement until such deficiency is cured.

NOTICE OF EFFECT OF NONAPPROPRIATION

If, for any fiscal year, the Grayson County Commissioners Court does not authorize funds in amounts sufficient to pay or perform its obligations under this Agreement, the County shall endeavor to provide thirty (30) days notice. If funds are not authorized, this Agreement shall be null and void for the COUNTY fiscal year for which funds are not appropriated and any future fiscal years.

GENERAL APPORTIONMENT OF RESPONSIBILITY AND IMMUNITY; AGENCY

In the event of joint or concurrent negligence of the parties, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to either party individually under Texas law. The CITY shall be responsible for its sole negligence. The COUNTY shall be responsible for its sole negligence. The provisions of this paragraph are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person.

Pursuant to Section 352.004 of the Texas Local Government Code, the act of a person or an employee of a municipality providing fire protection services pursuant to this Agreement in the unincorporated areas of the COUNTY, is considered to be the act of an agent of the COUNTY. A municipality is not liable for the reasonable acts of its employee in fighting fires outside the municipality under this Agreement.

The COUNTY and the CITY understand and agree that Section 352.004 of the Texas Local Government Code applies to the services performed by the CITY for the COUNTY under this Agreement and that when the CITY is engaged in the scope of its duty to provide fire protection services in any part of the area of the COUNTY that lies outside the limits of any municipality, the CITY acts as an agent of COUNTY to the *limited* extent said law mandates. However, it is understood that the CITY is not an agent of the COUNTY for any other purpose.

BASIC SAFEGUARDING OF CONTRACTOR INFORMATION SYSTEMS

- (1) The Contractor shall apply basic safeguarding requirements and procedures to protect the Contractor's information systems whenever the information systems store, process or transmit any information, not intended for public release, which is provided by or generated for the County. This requirement does not include information provided by the County to the public or simple transactional information, such as that necessary to process payments. These requirements and procedures shall include, at a minimum, security control requirements reflective of actions a prudent business person would employ.
- (2) Contractor shall include the substance of this clause in subcontracts under this contract, including information management contracts with billing and other service provider, (and including subcontracts for the acquisition of commercial items other than commercially available off-the-shelf items) in which the subcontractor may have County contract information residing in or transiting through its information system.

DEFAULT

In the event either party shall fail to keep, observe or perform any provision of this Agreement, the breaching party shall be deemed in default. If such default shall continue for a period of thirty days after notice thereof by the non-breaching party to the other, then the non-breaching party shall be entitled to all available options under the Termination provisions of this Agreement.

EFFECTIVE DATE, TERM AND RENEWAL

The effective date of this Agreement shall be October 1, 2020, and this Agreement shall expire at midnight on September 30, 2021.

The COUNTY is expressly prohibited by the Constitution of the State of Texas from creating a debt without providing for a tax to pay the debt. "Debt" means any obligation to be paid for with future rather than current revenues. Any Agreement that would provide for automatic renewal of this Agreement would necessarily provide for payments that would have to be made from future revenues. Without a special tax, there can be no lawful automatic renewal of this Agreement. Instead, it is understood by both Parties that a new contract must be executed for each fiscal year. The fiscal year of the COUNTY is from October 1 through September 30 of the next calendar year.

Accordingly, this Agreement contains no automatic renewal provisions. It is agreed that continuation of fire protection services between the COUNTY and the CITY must be by execution of a new contract for each fiscal year on or before October 1 of the fiscal year covered by the contract that is expiring.

AUTHORITY TO CONTRACT

Each party has the full power and authority to enter into and perform this Agreement and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement.

GOVERNING LAW/VENUE

This Agreement shall be interpreted in accordance with the laws of the State of Texas and Grayson County is the proper venue for any action regarding this Agreement.

ENTIRE AGREEMENT

This Agreement represents the entire Agreement of the Parties and supersedes any verbal or written representations of, to or by the Parties to each other.

AMENDMENT

If the Parties desire to modify this Agreement during its term, any modifications may be either incorporated herein by written amendment or set forth in an entirely new written agreement. Any modifications must be properly approved and signed by authorized representatives of the Parties.

TERMINATION

By Mutual Agreement: This Agreement may be terminated by mutual agreement of the CITY and the COUNTY, as evidenced by written termination agreement.

For Nonappropriation of Funds: As mentioned above, if the County does not authorize funds necessary for performance of the obligations under this Agreement, the County may terminate this Agreement.

By Either Party: This Agreement may be terminated at any time for convenience or fault upon sixty (60) days written notice to the other party.

NOTICES

By City to County:

Any notice permitted or required to be given to the COUNTY hereunder must be in writing and mailed by United States Postal Service, first class mail AND Certified Mail, Return Receipt Requested, postage prepaid and addressed to:

*Grayson County Judge
100 W. Houston, Suite 15
Sherman, Texas 75090*

By County to City:

Any notice permitted or required to be given to the CITY hereunder must be in writing and mailed by United States Postal Service, first class mail AND Certified Mail, Return Receipt Requested, postage prepaid and addressed to:

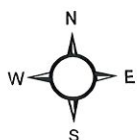
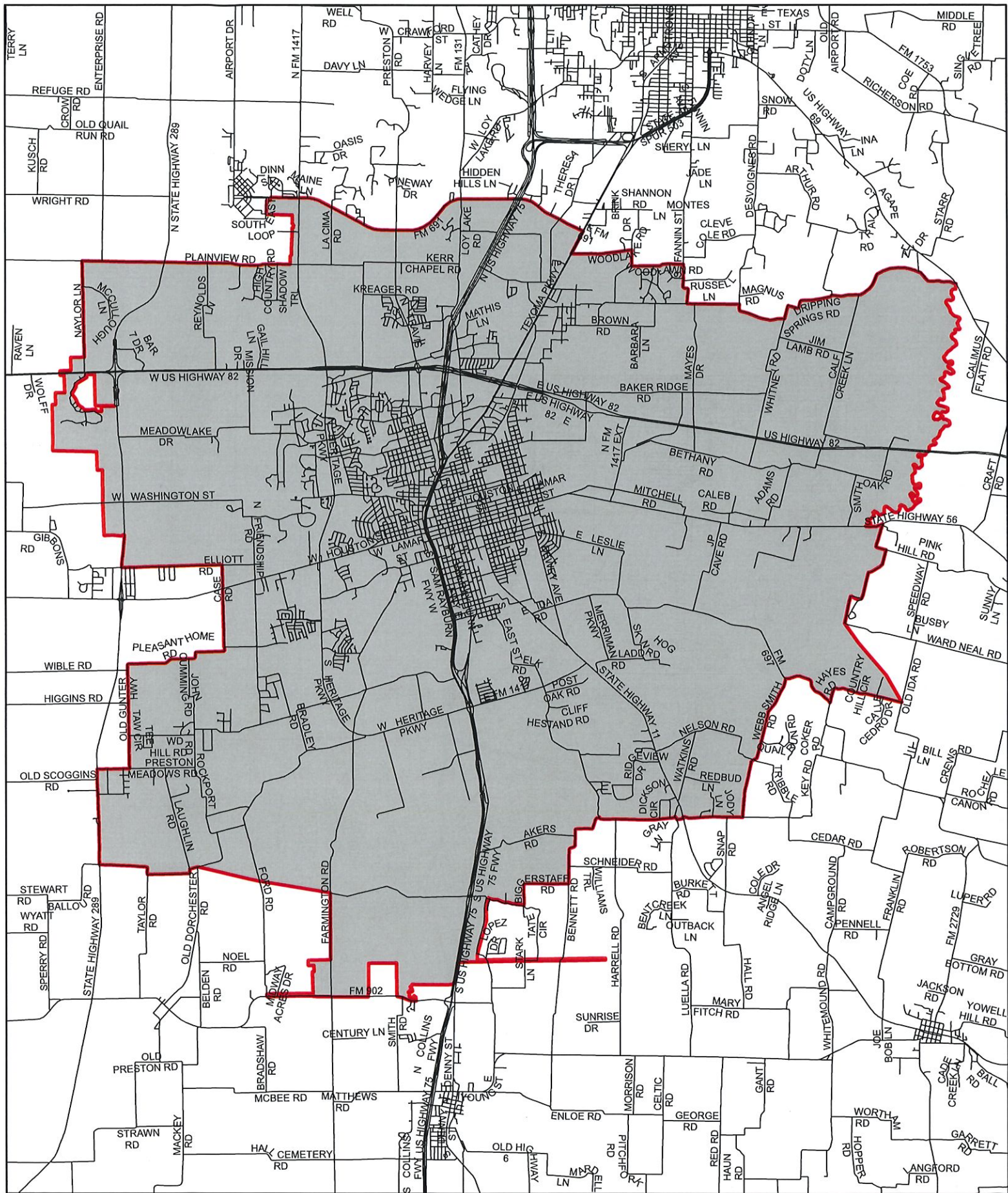
City of SHERMAN

EXECUTED this ____ day of _____, 2020

Grayson County Judge
Printed Name: Bill Magers

EXECUTED this ____ day of _____, 2020

Mayor, City of SHERMAN
Printed Name: _____



8/19/2020



Sherman FD Boundary Exhibit A

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes, and are intended for general information purposes only. It does not represent an on-the-ground survey and represents only approximate relative location of the property boundaries. All data provided represents current information as of the date shown and is believed to be accurate, but the accuracy is not warranted.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D. 6.

Meeting Date: 09/08/2020

Prepared By: Danny Jones, Fire Chief

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6647**

Authorizing Execution of an Agreement for Ambulance Services with Grayson County for the Period of October 1, 2020 through September 30, 2021

Issue:

To consider approval of an agreement between the City of Sherman and Grayson County regarding the provision of Emergency Medical Services during the period of October 1, 2020 through September 30, 2021

Background:

The Sherman Fire-Rescue Department provides Emergency Medical Services within certain areas of Grayson County, per an annual contract. This contract remains unchanged from the current contract, including the amount of reimbursement by the County for these services.

Origination:

Grayson County and the City of Sherman

Financial Consideration:

The City will receive \$120,339.00 for fiscal year (FY) 2021. The County will pay the City the annual amount in equal quarterly payments of \$30,084.75 after receipt of the required quarterly data report.

Staff Recommendation:

It is recommended that the Council approve the Agreement for Ambulance Services for the period of October 1, 2020 through September 30, 2021.

Alternatives:

As directed by Council

Attachments

Resolution No. 6647

Request for Agreement for Ambulance Services FY2021

Agreement for Ambulance Services FY2021 with Exhibit A

RESOLUTION NO. 6647

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT FOR AMBULANCE SERVICES WITH GRAYSON COUNTY FOR THE PERIOD OF OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the Mayor be and is hereby authorized and directed, subject to any and all documentation being properly completed and approved as to form and content by the City Attorney, to enter into an Agreement for Ambulance Services with Grayson County for the period of October 1, 2020 through September 30, 2021, pursuant to the terms and provisions of the contract document 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.

PASSED AND APPROVED on this the ____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



Office of Emergency Management
100 W Houston, Third Floor • Sherman, TX 75090

August 21, 2020

Sherman Fire Department
Attn: Chief Jones
P.O. Box 1106
Sherman, TX 75091

Chief Jones:

Please find enclosed two original Agreements for Emergency Medical Services and Fire Protection Services between Grayson County, Texas and the Sherman Fire Department. Please execute and return both copies, obtaining any required governing body approval, for acceptance by Commissioners Court. We will send one original with the County Judge's signature back to you when that has been obtained.

We appreciate the service you provide to the visitors, motorists, businesses and residents of Grayson County and its cities. May the coming year strengthen our partnership to provide those services safely and well.

Kind regards,

Sarah Somers
Director
SES:sa

STATE OF TEXAS §
COUNTY OF GRAYSON §

FISCAL YEAR 2021

AGREEMENT FOR AMBULANCE SERVICES

This Agreement for Ambulance Services (the "Agreement") by and between Grayson County, Texas, (the "County"), and the City of Sherman, a duly licensed Texas Emergency Medical Services and ambulance provider (the "Contractor").

Whereas, County has a tradition of Contractor and other providers being important participants in the Emergency Medical Services ("EMS") system in Grayson County;

Whereas, the County currently has a need for emergency medical services in the unincorporated areas of Grayson County;

Whereas, Contractor desires to provide emergency medical services in the unincorporated area of the County; and

Whereas, Contractor desires certain funding from the County to enable it to provide such emergency medical services;

Whereas, each party has sufficient funds available from current revenues to perform the functions contemplated by this Agreement and this Agreement is conditioned upon appropriation of sufficient revenue by Grayson County Commissioners Court for payment of the consideration named herein for the County fiscal year named; and

NOW, THEREFORE, in consideration of the premises and the mutual promises herein contained, the parties agree as follows:

I. Description of Contractor Services and Services Area

During the term of this Agreement, Contractor agrees to furnish ambulance and emergency medical services in the City of Sherman ambulance district as the service area shown in the attached Exhibit A. It understood and agreed that the Contractor *may* provide ambulance and emergency medical services 7 days a week, 24 hours a day to persons requiring service within the municipal boundaries of any city within the District, and shall for persons requiring services in the unincorporated County portions of the District service area. However, this Agreement and the consideration therefore, are solely for response in the unincorporated areas of Grayson County unless services are requested for mutual aid or for response during disaster.

The Contractor shall manage all day-to-day operations, including field operations, dispatch, billing, collections, purchasing and other operational functions. The Contractor will negotiate all mutual aid agreements, maintain all facilities and equipment, hire/fire and provide or arrange for in-service training of all field personnel, manage all billing and collection functions, provide reports to the County, cooperate with and respond to the County on matters related to patient care, and generally manage all aspects of the ambulance system operations. The services to be provided will comply with all applicable county, state, and federal laws, regulations and ordinances in effect on the date that such Emergency Medical Services are performed by Contractor.

II. Employee Certifications

All persons employed or used by the Contractor in the performance of work under this Agreement shall hold all required and appropriate professional certifications, permits and/or licenses as required by all state and federal laws and regulations and shall conduct themselves in a professional manner.

III. Contractor Responsibilities

Contractor shall:

Maintain and meet current vehicle specifications as specified by the *Federal Specification Ambulance Emergency Medical Care Vehicle* as published by the *General Service Administration, Department of Transportation Federal Specification KKK 1822*, requirements as set forth by the *Texas Department of Health*;

Equip each ambulance and vehicle utilized to provide emergency medical services pursuant to this Agreement with all items for operations as required for the licensed level of service by the *Texas Department of Health*;

Provide motor vehicles used for providing ambulance service designed to transport ill, sick, or injured persons in comfort and safety;

Vehicles shall be maintained in a clean, sanitary and first class mechanical condition at all times, in compliance with all applicable state and federal standards for ambulances;

Respond to reasonable data requests relevant to services provided under this Agreement;

Participate in at least one exercise per fiscal year if conducted by the Grayson County Office of Emergency Management;

Participate in reasonable and necessary local planning, briefing or trainings as requested by the Grayson County Office of Emergency Management;

Participate in After Action Reviews as requested by the Grayson County Office of Emergency Management of emergency incidents involving a response of the Contractor. Participation shall be defined to include participation by personnel actually involved in the incident under review;

Provide, and maintain current, contact information for the Contractor to include active email addresses and telephone contact information for use by the Grayson County EOC and Sheriff's Office Communication Center; and

Adopt the National Incident Management System ("NIMS") and take all necessary steps to implement NIMS including required NIMS training for all personnel contemplated to provide response services pursuant to this contract.

IV. Disaster Assistance

During a time of disaster, declared or otherwise, local or in a neighboring jurisdiction, Contractor shall follow the County Emergency Management Plans and commit such resources as are necessary and appropriate given the nature of the disaster and upon request of the Grayson County Judge or Emergency Management Coordinator.

V. Outside Work

Contractor shall not be prohibited from doing other work provided the services do not interfere with Contractor's primary responsibility pursuant to this Agreement to provide EMS response and transport within the Contractor's primary area of response as set out in the map attached hereto as Exhibit A.

VI. Medical Director

Contractor shall be responsible for State requirements for provider organizations regarding Medical Directors and their role in purchasing controlled drugs and other controlled supplies, as well as for issuing and signing written standing orders.

VII. Consideration

For consideration of the provision of ambulance and emergency medical services delineated in this agreement, the County agrees to pay, for the duration of this Agreement \$120,339.00, payable in quarterly installments upon receipt of the *required quarterly data report on the following dates*:

January 15, 2021	\$30,084.75
April 15, 2021	\$30,084.75
July 15, 2021	\$30,084.75
October 15, 2021	\$30,084.75
Total for Fiscal Year:	\$120,339.00

VIII. Charges for Services

Any billing and collection procedures used will be developed by the Contractor. The County does not require nor shall it be responsible for any billing or collection for services provided under this Agreement.

The service rate for all 911 and non-emergency transports shall be set by the Contractor without consideration and approval from the County. Rates for services and collection rates will be provided to the County by the Contractor upon request.

IX. County Ambulance Data Requirements

Contractor shall provide to the County monthly operating reports including all data set out in Exhibit B attached to the Agreement and in the format shown. The reports shall be provided to the County by email to emsreports@co.grayson.tx.us or other email as designated by the County in writing. The first report under this Agreement for FY21 shall be due on or before the 15th day of November 2020.

X. Insurance

Throughout the term of this agreement, and any extensions thereof, Contractor shall procure, pay for, and maintain insurance coverage for the provision of ambulance service. Copies of this insurance shall be evidenced by delivery to the County of certificates of insurance, including general and professional medical and automobile liability. Said proof of coverage shall be delivered by email at emsreports@co.grayson.tx.us on or before October 30, 2020.

XI. Cooperation with Other EMS Providers

Contractor agrees to exchange appropriate and pertinent information with other EMS providers, including service areas, primary locations and numbers of ambulances available for immediate response.

XII. Term of Agreement and Renewal Provisions

Unless terminated earlier pursuant to the terms hereof, this Agreement shall commence at **12:01 A.M. on October 1, 2020** and terminate at **midnight, September 30, 2021**.

It is understood and agreed that this Agreement may be extended for additional one-year terms by agreement of the parties.

XIII. Amendment and Modification

Any alterations or deletions to the terms of this Agreement shall be by written amendment executed by both parties to this agreement. Any alterations, additions, or deletions to the terms of this agreement that are required by changes in Federal, State, or local law, or regulations, will be automatically incorporated into this Agreement without written amendment, and shall become effective on the date designated by such law or regulation.

XIV. Miscellaneous Provisions

The following miscellaneous provisions apply to this Agreement:

Compliance with Applicable Laws, Rules and Regulations — All services furnished by Contractor shall be rendered in full compliance with all applicable federal, state and local laws, rules and regulations;

Non-Transferable Agreement — Neither party may assign this agreement or any rights, interest, or obligations under this agreement without the prior written approval of the other party.

Permits — Contractor shall be the holder of the state Ambulance license and of all state and local vehicle permits, and shall make all necessary payments for those licenses and permits;

This Agreement shall be interpreted in accordance with the laws of the State of Texas and Grayson County is the proper venue for any action regarding this Agreement.

This Agreement represents the entire Agreement of the Parties and supersedes any verbal or written representations of, to or by the Parties to each other.

XV. EMS Safeguarding of Contractor Information Systems

- A. The Contractor shall apply basic safeguarding requirements and procedures to protect the Contractor's information systems whenever the information systems store, process or transmit any information, not intended for public release, which is provided by or generated for the County. This requirement does not include information provided by the County to the public or simple transactional information, such as that necessary to process payments. These requirements and procedures shall include, at a minimum, security control requirements reflective of actions a prudent business person would employ.

- B. Contactor shall include the substance of this clause in subcontracts under this contract, including information management contracts with billing and other service provider, (and including subcontracts for the acquisition of commercial items other than commercially available off-the-shelf items) in which the subcontractor may have County contract information residing in or transiting through its information system

XVI. Notice and Addresses of Parties

Any notice required under this Agreement shall be delivered by certified mail, return receipt requested, addressed to the proper party, at the following addresses:

To the County: Grayson County Judge
100 W. Houston, Suite 15
Sherman, Tx 75090

To Contractor: City of _____
Honorable Mayor
_____, TX _____

XVII. Independent Contractor

It is expressly understood and agreed that Contractor is an independent contractor in its relationship with the County. The County is interested only in the results obtained under this Agreement; the manner and means of conducting the work are under the sole control of the Contractor. None of the benefits provided by the County to their employees are available to Contractor employees, agents, or representatives. Contractor is solely and entirely responsible for its acts and for the acts of its agents, employees, representatives and sub-contractors under this Agreement. Nothing in this Agreement at any time or in any manner shall be construed to 1) effect an agreement of partnership or joint venture, or 2) render the County the employer or master of Contractor, its employees, agents or representatives.

XVIII. Termination of Contract

Either party may terminate this agreement by giving sixty (60) days written notice to the address as provided in Article XV Notice and Addresses of parties.

If the County does not authorize funds necessary for performance of the obligations under this Agreement, this Agreement shall be null and void.

XIX. Governmental Immunity

This Agreement does not waive, nor shall it be deemed to waive, any immunity or defense, including, but not limited to, governmental immunity, that would otherwise be available to the parties against claims arising from the exercise of governmental powers and functions.

XX. Severability

In the event any provisions of this Agreement are for any reason held invalid, illegal, or unenforceable, they shall not affect any other provision, and this Agreement shall be construed as if such invalid, illegal, or unenforceable they shall not affect any other provision, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.

XXI. Effective Date, Term, Renewal and Notice of Effect of Nonappropriation

The effective date of this Agreement shall be October 1, 2020, and this Agreement shall expire at midnight on September 30, 2021.

The County is expressly prohibited by the Constitution of the State of Texas from creating a debt without providing for a tax to pay the debt. "Debt" means any obligation to be paid for with future rather than current revenues. Any Agreement that would provide for automatic renewal of this Agreement would necessarily provide for payments that would have to be made from future revenues. Without a special tax, there can be no lawful automatic renewal of this Agreement. Instead, it is understood by both parties that a new contract must be executed for each fiscal year. The fiscal year of the County is from October 1 through September 30 of the next calendar year.

Accordingly, this Agreement contains no automatic renewal provisions. It is agreed that continuation of services between the County and Contractor must be by execution of a new contract for each fiscal year on or before October 1 of each year.

If, for the FY2021 fiscal year, the Grayson County Commissioners Court does not authorize funds in amounts sufficient to pay or perform its obligations under this Agreement the County shall endeavor to provide thirty (30) days notice. If funds are not authorized, this Agreement shall be null and void.

XXII. Applicable Law

This agreement shall be construed under and in accordance with the laws of the State of Texas, and all of this Agreement's obligations are performable in Grayson County, Texas.

Signed this _____ day of _____, 2020

Signed this _____ day of _____, 2020

City of Sherman, Texas

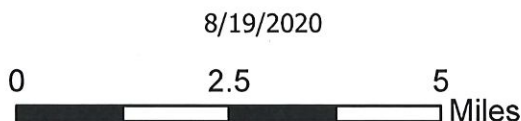
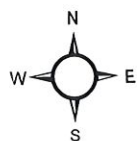
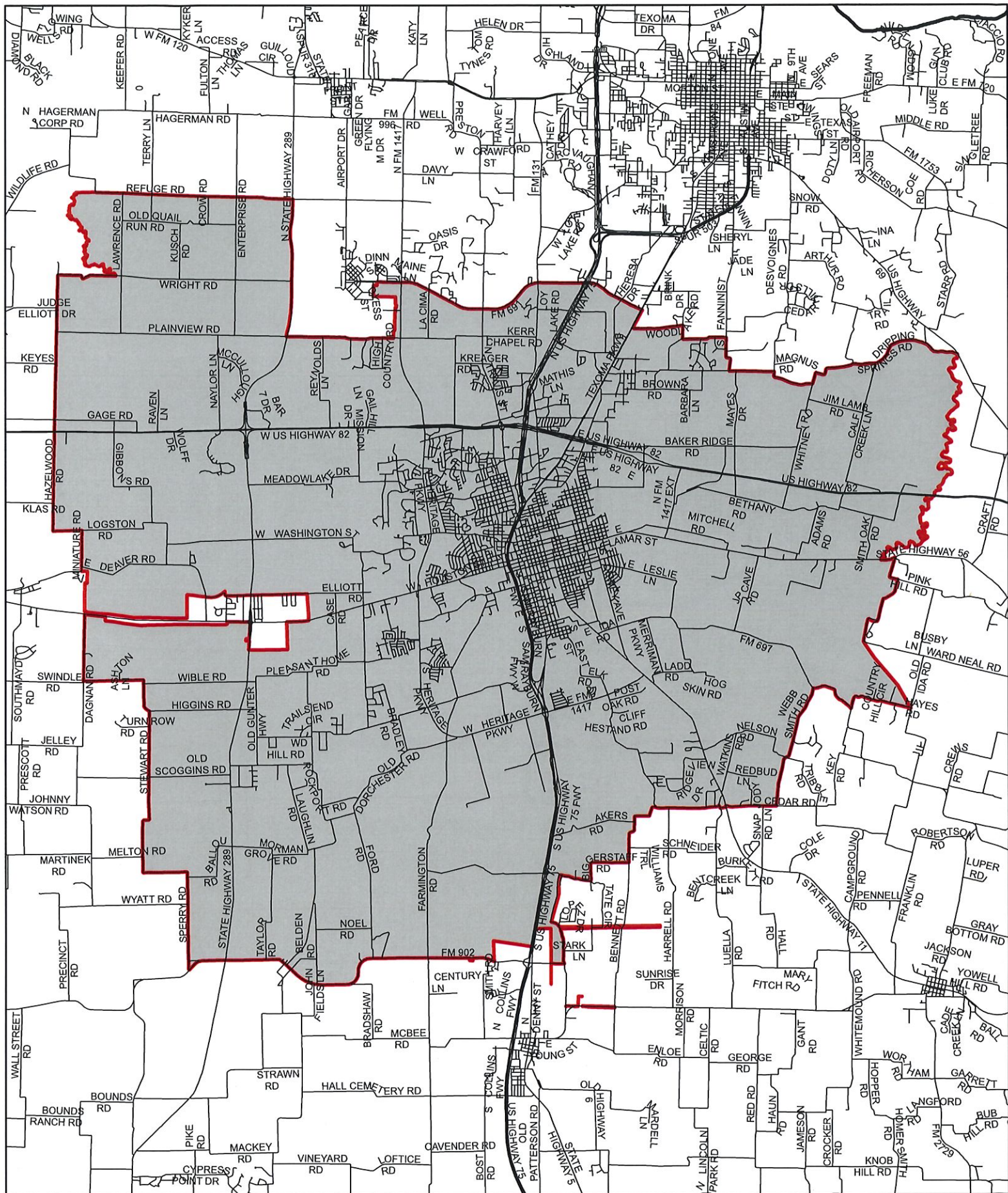
Grayson County, Texas

By: _____

Mayor

By: _____

Grayson County Judge



8/19/2020

Sherman EMS Boundary Exhibit A

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes, and are intended for general information purposes only. It does not represent an on-the-ground survey and represents only approximate relative location of the property boundaries. All data provided represents current information as of the date shown and is believed to be accurate, but the accuracy is not warranted.

Monthly Grayson County OEM Report Ambulance Data Requirements

District: _____ Report mmm/yyyy: _____
 Date of Report: _____ Number of FTSA:¹ _____

Run Type	Number of Calls
9-1-1 CALLS:²	
<u>9-1-1 Transports:³</u>	
Transports by FTSA	_____
Transports by non-FTSA:	_____
<u>9-1-1 Non-Transports:⁴</u>	
Treatment/ No Transport:	_____
No Treatment/ No Transport:	_____
Public Assist/ Welfare Check:	_____
Emergency Stand-by: ⁵	_____
Cancelled:	_____
DOS	_____
Other: (explain)	_____
<u>9-1-1 Transfer to Air Medical:⁶</u>	
a _____	_____
b _____	_____
c _____	_____
TOTAL 9-1-1 CALLS	0
NON 9-1-1 CALLS:⁷	
Transfers by FTSA:	_____
Transfers by non-FTSA:	_____
Non-emergency Stand-by:	_____
TOTAL NON-9-1-1 CALLS	0
GRAND TOTAL CALLS THIS MONTH	0
MUTUAL AID REPORT⁸	
9-1-1 Responded in Mutual Aid capacity:	
a _____	_____
b _____	_____
RESPONSE TIME REPORT⁹	
9-1-1 Ambulance Response Time	
This month last year:	
This month this year:	

Monthly Grayson County OEM Report Definitions

- ¹ Full Time Staffed Ambulance, ambulances staffed with full-time personnel.
- ² Number of 9-1-1 generated calls this month; includes walk ups.
- ³ Number of 9-1-1 generated calls in which the patient was transported to appropriate
- ⁴ Number of 9-1-1 generated calls in which the patient was not transported (patient refusal,
- ⁵ Number of 9-1-1 generated calls in which EMS was requested to stand-by or stage from
- ⁶ Number of 9-1-1 generated calls in which the patient was transferred to Air Medical for
- ⁷ Number of 9-1-1 calls generated by means other than 9-1-1; scheduled/ non-scheduled
- ⁸ Calls in which this agency responded to another district for mutual aid; list the district(s) and
- ⁹ Average response time for 9-1-1 calls for the same report month in the previous year and



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

D. 7.

Meeting Date: 09/08/2020

Prepared By: Wayne Lee, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6648**

Authorizing Execution of an Encroachment Easement to Face Value Productions, Inc. for the Installation of a Twelve Foot Wide Paved Access Drive within the Platted Public Alley running North and South between Highland Avenue and Binkley Street, South of Fairview Street in Northwest Heights 3rd Addition, Volume 2, Page 10, PRGCT, for Rear Entry Purposes for Lot 4, Block 1 of said Northwest Heights 3rd Addition in the City of Sherman, Grayson County, Texas, as shown in Exhibit "A" attached hereto and made a part hereof for all purposes

Issue:

To consider granting an encroachment easement into the platted public alley running north and south between Highland Avenue and Binkley Street, south of Fairview Street in Northwest Heights 3rd Addition in Sherman, Grayson County, Texas

Background:

On August 18, 2020, the Planning & Zoning Commission approved variances for 1725 North Highland Avenue. The approved site plan consists of rear entry parking. The Developer has agreed to create a twelve foot (12') wide paved access drive within the platted public alley and maintain as needed in order to provide rear entry to said lot. As the twelve foot (12') wide paved access drive lies within the platted public alley, an Encroachment Agreement is required.

Origination:

Developer and Engineering Department

Financial Consideration:

Installation and maintenance of the twelve foot (12') wide paved access drive will be the financial responsibility of the Developer and any successors and/or assigns.

Staff Recommendation:

City staff has no objections to the proposed encroachment; and it is recommended that the encroachment be granted.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6648

Encroachment Easement

Exhibit "A" as noted in both documents

Northwest Heights 3rd Addition Plat

Aerial Location Map

RESOLUTION NO. 6648

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO FACE VALUE PRODUCTIONS, INC. FOR THE INSTALLATION OF A TWELVE FOOT WIDE PAVED ACCESS DRIVE WITHIN THE PLATTED PUBLIC ALLEY RUNNING NORTH AND SOUTH BETWEEN HIGHLAND AVENUE AND BINKLEY STREET, SOUTH OF FAIRVIEW STREET IN NORTHWEST HEIGHTS 3RD ADDITION, VOLUME 2, PAGE 10, PRGCT, FOR REAR ENTRY PURPOSES FOR LOT 4, BLOCK 1 OF SAID NORTHWEST HEIGHTS 3RD ADDITION IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES; 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 documents being properly completed and approved as to form and content by the City Attorney, to execute an Encroachment Easement to Face Value Productions, Inc. for the installation of a twelve foot (12') wide paved access drive within the platted public alley running north and south between Highland Avenue and Binkley Street, south of Fairview Street in Northwest Heights 3rd Addition, Volume 2, Page 10, PRGCT, for rear entry purposes for Lot 4, Block 1 of said Northwest Heights 3rd Addition in the City of Sherman, Grayson County, Texas, as shown on the sketch marked Exhibit "A" attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

**BY: _____
DAVID PLYLER, MAYOR**

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

ENCROACHMENT EASEMENT

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

That the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter called "GRANTOR," in consideration of TEN DOLLARS AND NO CENTS (\$10.00) and other good and valuable consideration to it, in hand paid, hereby grants to **FACE VALUE PRODUCTIONS, INC.** of Sherman, Texas, hereinafter called "GRANTEE," an encroachment easement to install a twelve foot wide paved access drive within the platted public alley running North and South between Highland Avenue and Binkley Street, South of Fairview Street in Northwest Heights 3rd Addition, Volume 2, Page 10, PRCGT, for rear entry purposes for Lot 4, Block 1 of said Northwest Heights 3rd Addition, Sherman, Texas, as shown on the sketch marked Exhibit "A," attached hereto and incorporated herein for all purposes. Said encroachment easement shall be inferior, subordinate, and subject to the GRANTOR'S rights herein.

This instrument shall be construed as conveying an encroachment easement to GRANTEE, its heirs, successors and assigns, for the limited purpose of installing a twelve foot wide paved access drive within the herein described encroachment area, as shown on the attached exhibit. GRANTEE agrees that all maintenance of the access drive shall be the responsibility of the GRANTEE without cost, fees or expense to GRANTOR.

That GRANTEE shall fully and completely indemnify and hold harmless the GRANTOR from any and all damages, actions, suits, claims, demands, liabilities, executions and judgments, whether liquidated or unliquidated, absolute or contingent, direct or indirect, at law or in equity, together with attorney fees which may occur in any manner by reason of any manner, fact, or thing arising from this conveyance and use of the area.

The GRANTEE agrees to and shall allow any and all franchised utilities to continue uninterrupted use of the encroachment area described herein for their operations without cost, fees, or expense.

In the event it becomes necessary for the GRANTOR or any public utility to utilize the encroachment area for the purpose of installing new utilities, removing or repairing any public utilities located therein, GRANTEE hereby releases GRANTOR and any public utility from any and all claims for damages, costs or expenses, and shall include, but specifically not be limited to, the cost of repair, relocation, or removal of twenty foot wide paved access drive and loss of use of such area.

In the event it becomes necessary for the GRANTOR to revoke and rescind this encroachment easement, GRANTEE agrees and consents to such revocation and rescission by GRANTOR unilaterally passing a resolution to that effect and filing the same in the Deed Records of Grayson County, Texas, all without the joinder or consent of GRANTEE herein.

TO HAVE AND TO HOLD the above described encroachment easement unto the said GRANTEE, its heirs, successors and assigns, until the use of such encroachment is no longer necessary.

EXECUTED this the _____ day of _____, 2020.

Approved as to Form and Content:

CITY:

CITY OF SHERMAN, a Texas home-rule
municipal corporation

By: _____

Brandon Shelby,
City Attorney

BY: _____

Robby Hefton,
City Manager

Attest: _____

Linda Ashby,
City Clerk

STATE OF TEXAS §

§

COUNTY OF GRAYSON §

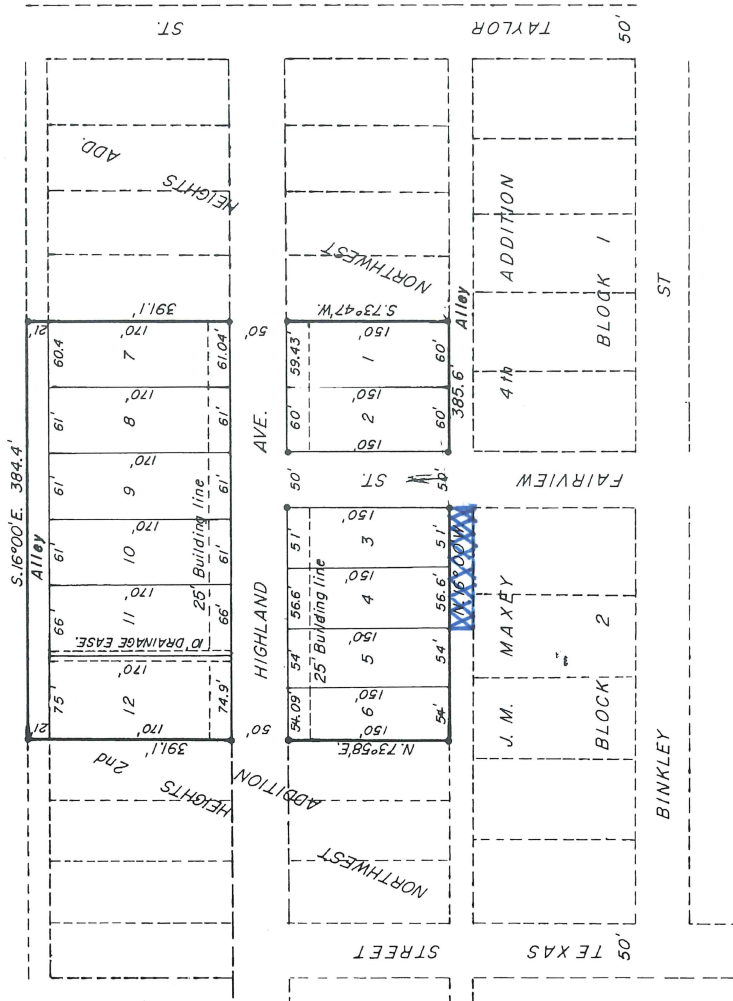
THIS INSTRUMENT was subscribed, sworn to and acknowledged before me on _____, 2020, by Robby Hefton, City Manager of the **CITY OF SHERMAN**, a Texas home-rule municipal corporation, on behalf of said corporation.

Notary Public, State of Texas

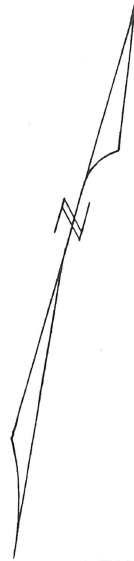
Printed Name of Notary: _____

My Commissions Expires: _____

● Denotes Monuments placed at property line deflections



Area of Encroachment Easement



SCALE: 1 inch = 100 feet

1961

2 10

NORTHWEST HEIGHTS 3rd ADDITION TO SHERMAN, TEXAS

Owner: Lloyd D. Green and J.Q. Thomson

The streets, alleys and easements shown on this plat of NORTHWEST HEIGHTS 3rd ADDITION are hereby dedicated to the public use forever.

"FIELD NOTES"

Situated in the City of Sherman, Grayson County, Texas, and being 3.4575 acres out of the J.B. McAnair Survey, and described by metes and bounds as follows:

Beginning at a point, an iron pipe in the ground, which maintains the SE corner of Lot 4, Northwest Heights Addition to the City of Sherman, the plat thereof being of record in Vol. 646, page 363, Deed Records, Grayson County, Texas, said pipe being 240', S. 16°00' E., along the West line of a 21' alley, from the NE corner of Lot 1 of said Northwest Heights Addition, said NE corner of Lot 1 being in the South line of Taylor St.;

Thence S. 16°00' E., 385.6' to a pipe in the ground which maintains the NE corner of Lot 3 of the Northwest Heights 2nd Addition to the City of Sherman, the plat thereof being of record in Vol. 1, page 5, Plat Records, Grayson County, Texas;

Thence S. 73°58' W., 391.1' to a pipe in the West line of a 21' alley;

Thence N. 16°00' W., 384.4' to a pipe in the ground;

Thence N. 73°47' E., 391.1' to the place of beginning, containing 3.4575 acres of land, more or less.

KNOW ALL MEN BY THESE PRESENTS:

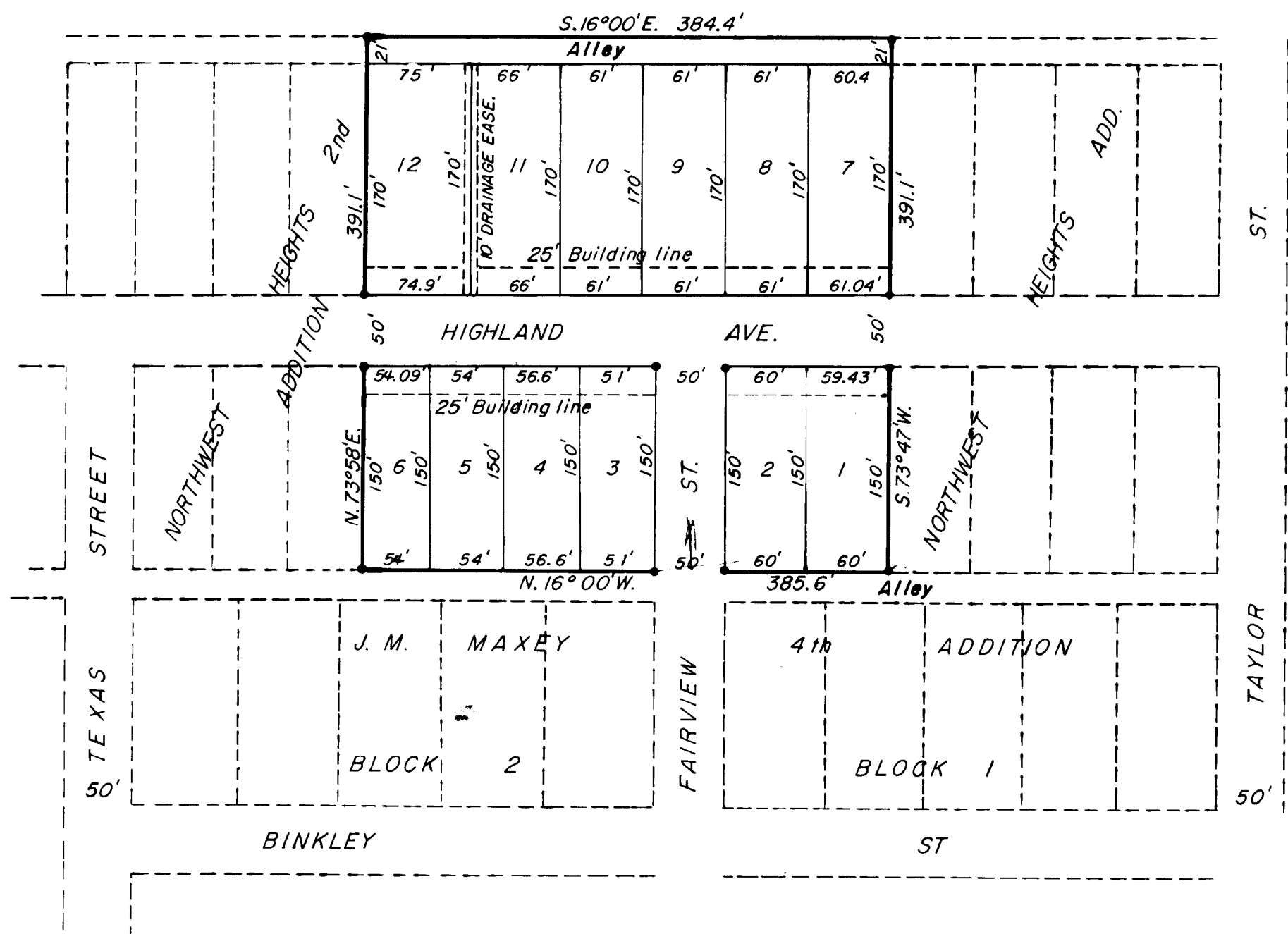
THAT I, Salem G. Kumler, a Registered Professional Engineer, do hereby certify that this plat was prepared from an actual survey made on the ground and that the corner monuments were placed under my personal supervision.

Salem G. Kumler 3-22-1961
Salem G. Kumler Date

● Denotes Monuments placed at property line deflections

FILED FOR RECORD
March 22, 1961
J. C. BUCHANAN
County Clerk, Grayson Co., Texas

SCALE: 1 inch = 100 feet



**NORTHWEST HEIGHTS 3rd ADDITION
TO
SHERMAN, TEXAS**

Owner: Lloyd D. Green and J.Q. Thomson

The streets, alleys and easements shown on this plat of NORTHWEST HEIGHTS 3rd ADDITION are hereby dedicated to the public use forever.

WITNESS MY HAND THIS 29th DAY OF March, 1961

Lloyd D. Green J. Q. Thomson
Lloyd D. Green J. Q. Thomson

THE 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 Lloyd D. Green and J.Q. Thomson, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 29th day of March, 1961.

Samuel Hensley
Notary Public in and for Grayson County, Texas

Approved: [Signature] 3-24-61
Chairman, City Planning Commission Date

Accepted: [Signature] 4-10-61
Mayor, City of Sherman Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that this plat of NORTHWEST HEIGHTS 3rd ADDITION to the City of Sherman was submitted to the City Commission on the 10th day of April, 1961, and the City Commission by formal action then and there authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this 10th day of April, 1961

[Signature]
City Clerk, City of Sherman

Encroachment Easement



0 50 100 200 300 400 1 inch = 100 feet
Feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

E. 1.

Meeting Date: 09/08/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Receive Bi-Annual Report on the Sherman Cultural District

Issue:

To receive the Sherman Cultural District semi-annual report from Ms. Cary Wacker, Associate Vice President for Institutional Advancement & Director of the Center for Community & Regional Development at Austin College

Background:

This update will provide the City Council with an overview of the Cultural District's activities and accomplishments during the March 2020-August 2020 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

Bi-Annual Report of September 3, 2020

September 2020 Report



ACTIVITY SUMMARY (March-August)

- 6 Cultural District Advisory Council & committee meetings
- Presented “Life of the Ghost Town” exhibition with Ghost Town Arts Collective
- Revised Focalpoint(!) Project plan to extend through September 30
- Submitted grant application to Texas Commission on the Arts for Downtown wayfinding signage*
- Updated Cultural District logo and revamped website (www.shermanarts.org)
- Hosted CommUnity Vision Day—workshop to develop a public art vision plan
- Featured on “Fully Loaded” podcast (David Gunn and Knight Furniture)
- Hosted August photography workshops with Sherman Parkes & Rec
- Currently hosting Sher-Town Taco Tour August-September (13 restaurants)

A NEW LOOK FOR THE CULTURAL DISTRICT

We’re excited about TWO big announcements:

First, the Cultural District/Downtown Sherman will soon see new “wayfinding” signage*—thanks to a \$4200 grant from the Texas Commission on the Arts’ Cultural District grant program. The suggested designs will be produced by the City’s Street Department, and will replace the current 25-year-old, not-so-user-friendly signage for downtown destinations.



Out with the old, in with the new (proposed, far right)



Second, several community partners are working under the banner of the NEA grant-funded Focalpoint Project to produce a vision plan for a formal Public Art program for Sherman. Thanks to City support, consultants with the Fort Worth Council for the Arts met with local leaders and artists in July. The resulting ideas and community survey information will be incorporated into a report to guide our next steps as a cultural community. By the way, murals and ‘local art’ tied as top choices for public art projects in our survey, followed by sculpture, performing arts, and painting & photography (another tie).



COMING EVENTS

- ▶ **September**—Create prototype book featuring images from Focalpoint(!); NEA grant concludes
 - ▶ Arts Fest 2020!
 - ▶ Final presentation on Public Art Plan from consultants
- ▶ **October**—National Arts & Humanities Month—watch for virtual events & social media stories!
 - ▶ Wayfinding sign project begins
- ▶ **November**—Public Art Project #1 reveal
- ▶ **December**—Christmas Parade

Cultural District Advisory Council: Eddie Brown, Chair; Leigh-Ellen Romm, Vice Chair; Ginger Nye, secretary; Odee Ayala; Dan Dominick, Daron Holland, Christopher Maniet, Sarah McRae, Heidi Rushing, Terrence Steele, Karen Tooley, Jared Tredway, Cary Wacker. Program support from **Austin College** and **Texas Commission on the Arts**.

▶ Sending a special thank you to Jim Bob McMillan, Deputy Director of TCA, upon his retirement after 20 years with the agency. His wisdom and guidance were invaluable in helping Sherman successfully compete for state designation as an official Texas Cultural District.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

E. 2.

Meeting Date: 09/08/2020

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Receive Presentation from Development Services Director Rob Rae, AICP on the 2020 Impact Fee Study and the Draft Impact Fee Ordinance

Issue:

Receive a brief presentation on the 2020 Impact Fee Study and the draft Impact Fee Ordinance

Background:

At the February 12, 2020 meeting, the City Council approved Resolution No. 6592 and a Professional Services Agreement with Kimley-Horn and Associates, Inc. for Impact Fee Studies, as authorized by Chapter 395 of the Texas Local Government Code. The Capital Improvements Advisory Committee (CIAC), created by the Council, consists of the entire Planning & Zoning Commission and David Baca as a representative from the extra territorial jurisdiction (ETJ). The CIAC is charged with reviewing land use assumptions and the capital improvements program as they relate to the 2020 Impact Fee Study.

Pursuant to the schedule below for the Impact Fee Study process, staff will provide the Council with a proposed Impact Fee schedule along with a draft ordinance to adopt the Impact Fees. The full schedule is shown below:

- June 9: CIAC Kick-off LUA and Service Area
- July 6: Set Council Public Hearing Date
- July 21: CIAC LUA and CIP (coordinated with P&Z meeting)
- August 10: CIAC Comments Public Hearing LUA and CIP (8-17)
- August 17: Council Public Hearing - LUA and CIP
- August 17: Set Council Public Hearing Date
- August 18: CIAC Impact Fee (coordinated with P&Z meeting)
- **September 8: Council (Other Business) Impact Fee Discussion and Draft Ordinance**
- **September 21: Council Public Hearing and Ordinance Adoption**

Origination:

Assistant City Manager Clint Philpott, P.E.

Director of Development Services Rob Rae, AICP

Financial Consideration:

There is no financial impact to be considered.

Staff Recommendation:

It is the staff's recommendation that the Council provide comments and direction on the draft ordinance and the proposed Impact Fee schedule.

Alternatives:

No alternatives are recommended.

Attachments

Draft Impact Fee Ordinance
August 18, 2020 CIAC Draft Minutes
CIAC Committee Member Comments

DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES TO ADD A NEW CHAPTER 15 TO BE ENTITLED “IMPACT FEES”; ESTABLISHING WATER, WASTEWATER, AND ROADWAY IMPACT FEES PER SERVICE UNIT; ESTABLISHING PROCEDURES FOR THE ASSESSMENT, COLLECTION, COMPUTATION, EXPENDITURE, REFUND AND GENERAL ADMINISTRATION OF IMPACT FEES; PROVIDING FOR THE ESTABLISHMENT OF ACCOUNTS FOR IMPACT FEES; ESTABLISHING AN APPEAL PROCEDURE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Chapter 395, Texas Local Government Code (the Statute) provides the requirements and procedures for the adoption of Land Use Assumptions, a Capital Improvements plan, and Impact Fees; and

WHEREAS, after notice of a public hearing was given as required by the Statute, the City Council held a public hearing on August 17, 2020, and by a 6-0 vote approved the Land Use Assumptions and Capital Improvements plan; and

WHEREAS, the Capital Improvement Advisory Committee of the City of Sherman (CIAC), created pursuant to Texas Local Government Code Chapter 395, filed its written comments on the proposed Impact Fees before the fifth business day before the date of the public hearing on the imposition of the Impact Fees; and

WHEREAS, after notice of a public hearing was given as required by the Statute, the City Council held a public hearing on September 21, 2020, to discuss the imposition of the Impact Fees by this ordinance; and

WHEREAS, the City Council finds that the City has fully complied with the Statute in adopting and imposing the Impact Fees in this ordinance; and

WHEREAS, the City Council finds it to be in the best interest of the citizens of the City of Sherman to adopt and approve the Impact Fees and related administrative processes described herein;

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

SECTION 1. That the recitals stated above are hereby adopted and approved and incorporated into the body of this Ordinance as if fully set forth herein, and the Impact Fees set forth in this ordinance are hereby approved.

SECTION 2. That the Sherman City Code shall be amended by adding Chapter 15, to be entitled “Impact Fees”, which Chapter shall read as follows:

15.01.001. Short Title

This Chapter may be known and may be cited as “Impact Fees”.

15.01.002. Purpose.

This Chapter is intended to assure the provision of adequate public facilities to serve New Development in the City by requiring each such development to pay its share of the costs of such improvements necessitated by and attributable to such New Development.

15.01.003. Authority.

This Chapter is adopted pursuant to Texas Local Government Code Chapter 395 and the Sherman City Charter. Chapter 395 supplements this Chapter to the extent that its provisions may be applicable hereto and, to such extent, its provisions are incorporated herein by reference. The provisions of the Chapter shall not be construed to limit the power of the City to utilize other methods under State law or pursuant to other City powers to accomplish the purposes set forth herein, either in substitution or in conjunction with this Chapter. Guidelines may be developed by ordinance, resolution or otherwise to implement and administer this Chapter.

15.01.004. Definitions.

Terms defined herein are specific to this Chapter and shall not be construed as conflicting with similar terms in other parts of the Code.

- a. *Assessment means the determination of the amount of the Maximum Impact Fee per Service Unit which can be imposed on New Development pursuant to this article.*
- b. *Capital Improvement means any water supply, treatment, and distribution; wastewater collection and treatment; and roadway that have a life expectancy of three or more years and are owned and operated by or on behalf of the City including the City’s share of costs for infrastructure and associated improvements designated on a City’s master plan but constructed by another entity.*
- c. *Capital Improvement Plan means a plan approved by the City Council that identifies Capital Improvements or Facility Expansions for which Impact Fees may be assessed. This is different from the Council approved 5-year CIP plan.*
- d. *City means the City of Sherman, Texas.*

- e. City Council means the City Council of the City of Sherman, Texas.
- f. City Manager means the City Manager of the City of Sherman, Texas, or his or her designee.
- g. Credit means an amount equal to 50 percent of the total projected cost of implementing the Capital Improvements plans. This 50 percent Credit reduction is an alternative to determining an amount equal to the portion of ad valorem tax revenues and utility revenues generated by new Service Units during the program period that is used for the payment of improvements, including the payment of debt, that are included in the Capital Improvements plan. (Credit is not to be confused with Offset which is defined below.)
- h. Development unit(s) is the expression of the size of each land use planned within a particular development and used for the calculation of Roadway Impact Fees to compute the number of Service Units consumed by each individual land use application.
- i. Effective date means MONTH DAY, 2019.
- j. Facility Expansion means the expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new Capital Improvement, in order that the existing facility may serve New Development. The term does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.
- k. Final plat approval means the point at which the plat has been signed and released for filing with the County. This term applies to both original plats and replats.
- l. Impact Fee means a charge or Assessment imposed as set forth in this Chapter against New Development in order to generate revenue for funding or recouping the costs of Capital Improvements or Facility Expansions necessitated by and attributable to the New Development.

The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction and any other fee that functions as described by this article. The term is inclusive of both the maximum assessable Impact Fee and the Impact Fee collection rate as herein described.

This term does not include dedication of rights-of-way or easements or construction or dedication of on-site or off-site water distribution, wastewater collection or drainage facilities, or streets, sidewalks, or curbs if the dedication or construction is required by a valid ordinance and is necessitated by and attributable to the New Development.

- m. Land Use Assumptions means a description of the Service Area and projections of changes in land uses, densities, intensities, and population in the Service Area over at least a 10-year period and approved by the City Council, as may be amended from time to time.
- n. Land Use Vehicle-Mile Equivalency Table or LUVMET are tables set forth in the Impact Fee Study that provide the standardized measure of consumption or use of Roadway Facilities attributable to a New Development. The LUVMET expresses the number of Service Units consumed by each individual land use application as vehicle miles per development unit.
- o. Maximum Assessable Impact Fee means the Impact Fee that is established for each service area computed by calculating the total projected costs of Capital Improvements necessitated by and attributable to New Development and subtracting a Credit to be generated by new Service Units, including the payment of debt, associated with the Impact Fee Capital Improvement Plans, and then dividing that amount by the total number of Service Units anticipated within the service area based upon the Land Use Assumptions. The Maximum Impact Fee shall be established and reflected in **15.01.007**, attached hereto and incorporated herein. The City may adopt an Impact Fee collection rate that is less than this amount, but in no instance shall the Impact Fee exceed the Maximum Assessable Impact Fee except by amendment of this article.
- p. New Development means a project involving the subdivision of land and/or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of the use of land which has the effect of increasing the requirements for Capital Improvements, measured by an increase in the number of Service Units to be generated by such activity, and which requires either the approval and filing with the county of a plat pursuant to the City's subdivision ordinance or the issuance of a building permit.
- q. Owner means an Owner of real property, or an agent, employee, applicant or representative thereof who is authorized to act on the real property Owner's behalf, or a person who is subject to and/or has paid an Impact Fee.
- r. Offset or Offsets means the amount of the reduction of an Impact Fee reflecting the value of any construction of, contributions to, or dedications of a system facility agreed to or required by the City as a condition of development approval, pursuant to rules herein established or pursuant to administrative guidelines which value shall be credited on an actual cost basis against Capital Improvements. Impact Fees otherwise due from the development. (Offset is not to be confused with "Credit", which is defined above).
- s. Recoupment means the imposition of an Impact Fee that shall be paid to the City for Capacity Improvements which the City has previously oversized to serve New Development.

- t. Roadway Facilities means a roadway that has been designated on an officially adopted roadway plan of the City, together with all necessary appurtenances (excluding rights-of-way). The term includes the City's share of costs for roadways and associated improvements designated on the federal or Texas highway system, including local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances, and rights-of-way.
- u. Service Area means the area within the corporate boundaries of the City. For water and Wastewater Impact Fees, one Service Area covers the entire corporate limits. For Roadway Impact Fees, it means the geographic area(s) within the City's corporate limits, which do not exceed six miles and within which geographic area(s) Roadway Impact Fees for Capital Improvements will be collected for New Development occurring within such area, and within which fees so collected will be expended for those Capital Improvements identified in the roadway improvements plan to be located within each roadway Service Area. The map is contained within the Impact Fee Study.
- v. Service Unit means a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards and based on historical data and trends applicable to the City during the previous 10 years. For water and wastewater, this is meter size and, for roadway, this means one vehicle mile of travel in the afternoon peak hour of traffic and is also referred to as a "vehicle mile".
- w. Site-Related Facility means an improvement or facility which is for the primary use or benefit of a New Development or which is for the primary purpose of safe and adequate provision of roadway, water, or wastewater facilities to serve the New Development, and which is not included in the Capital Improvements Plan and for which the Owner is solely responsible under subdivision or other applicable regulations or which is located at least partially on the plat which is being considered for Impact Fee Assessment.
- x. System-Related Facility means a Capital Improvement or Facility Expansion which is designated in the Capital Improvements Plan and which is not a Site-Related Facility. This term may include a Capital Improvement which is located off-site or within or on the perimeter of the development site.
- y. Wastewater Facility means a wastewater interceptor or main, lift station or other facility or improvement used for providing wastewater collection and treatment included within the City's collection system for wastewater as illustrated on the master plan. This term includes land, easements or structures associated with such facilities. This term excludes a Site-Related Facility.

- z. Water Facility means a water interceptor or main, pump station, storage tank or other facility or improvement used for providing water supply, treatment and distribution service included within the City's water storage or distribution system as illustrated on the master plan. This term includes, but is not limited to, land, easements or structures associated with such facilities. This term excludes site-related facilities.

15.01.005. Study Adopted.

The Impact Fee Study dated **September 21, 2020** is hereby approved and adopted for all purposes consistent with this Chapter. Copy of the Impact Fee Study can be acquired through the City Clerk's office.

15.01.006. Service Areas.

For Water and Wastewater Impact Fees, the City is included as one Service Area. For Roadway Impact Fees, the City is hereby divided into four Service Areas as shown on the official Service Area map. The official Service Area maps which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter. The official Service Area maps shall be identified in the study adopted.

15.01.007. Impact Fees Adopted.

(A) A Water Impact Fee shall be assessed and charged against New Development in the Service Area as set forth below.

Meter Size (Based on Water Meter)	Maximum Impact Fee	Collection Rate
3/4"	\$4,478	\$2,200.00
1"	\$7,478	\$3,673.87
1-1/2"	\$14,912	\$7,326.13
2"	\$23,868	\$11,726.13
3"	\$104,472	\$51,326.13
4"	\$194,032	\$95,326.13
6"	\$417,932	\$205,326.13
8"	\$716,480	\$352,000.00
10"	\$1,044,852	\$513,326.13
16"	\$1,940,452	\$953,326.13

(B) A Wastewater Impact Fee shall be assessed and charged against New Development in the Service Area as set forth below.

Meter Size (Based on Water Meter)	Maximum Impact Fee	Collection Rate
3/4"	\$657	\$600
1"	\$1,097	\$1,002
1-1/2"	\$2,188	\$1,998
2"	\$3,502	\$3,198
3"	\$15,328	\$13,998
4"	\$28,468	\$25,998
6"	\$61,318	\$55,998
8"	\$105,120	\$96,000
10"	\$153,298	\$139,998
16"	\$284,698	\$259,998

(C) A Roadway Impact Fee shall be assessed and charged against New Development in the Service Area as set forth below.

Service Area	Maximum Fee Per Service Unit (per Vehicle-Mile)	Collection Rate Per Service Unit (per Vehicle-Mile)
1	\$374	\$374
2	\$527	\$505.05
3	\$748	\$505.05
4	\$608	\$505.05

15.01.008. Impact Fees Required.

No final plat for New Development shall be released for recordation and no building permit shall be issued without the Assessment of applicable Impact Fees pursuant to this Chapter. Except as otherwise provided in this Chapter, no building permit shall be issued until the Owner has paid the City of Sherman all applicable Impact Fees due.

15.01.009. Assessment of Impact Fees

- a. Assessment of the Impact Fees for any New Development shall be based on the applicable Impact Fees per Service Unit in the applicable Service Area in effect at the time of Assessment. No act by the City is required to assess Impact Fees.
- b. For a New Development which has received final plat approval before the Effective date, Assessment of Impact Fees shall occur on the Effective date and shall be the amount of the Maximum Impact Fee.

- c. *For land which is not required to be platted at time of the application for a building permit or water meter, Assessment of Impact Fees shall occur at the time of application for building permit or water meter and shall be the amount of the Maximum Assessable Impact Fee per Service Unit then in effect.*
- d. *For a New Development which has received final plat approval on or after the Effective date, Assessment of Impact Fees shall occur at the time of recordation of the final plat.*
- e. *After Assessment of the Impact Fees attributable to a New Development or execution of an agreement for payment of Impact Fees, additional Impact Fees or increases in fees may not be assessed against the tract unless the number of Service Units to be developed on the tract increases. In the event of the increase in the number of Service Units, the Impact Fees to be imposed are limited to the amount attributable to the additional Service Units.*
- f. *The City Manager shall compute the Impact Fees for New Development. The total amount of Impact Fees for the New Development shall be attached to the development application as a condition of approval.*

15.01.010. Credits and Offsets Against Impact Fees.

The City may Offset the improvements or funding for construction of any system facility included on the identified Impact Fee Capital Improvements Plan that is required or agreed to by the City, pursuant to rules established in this section and administrative guidelines.

- a. *General Credit.* *The City shall apply against assessed Impact Fees a Credit equal to 50 percent of the total projected cost of implementing the Impact Fee Capital Improvements Plan. This Credit is already reflected in the Maximum Assessable Impact Fee.*
- b. *Offsets by developer.* *Before Impact Fees can be reduced by Offsets authorized under this section, the Owner of the property shall apply for Offsets based on actual costs with the City. Unless the agreement specifies otherwise, an Offset associated with a plat shall be applied when the first building permit is submitted and to each subsequent building permit application to reduce the Impact Fees due until the amount associated with Offset is exhausted.*
- c. *Roadway Offsets.* *Any construction of, contributions to, or dedications of Roadway Facilities that are system-related facilities included on the identified capacity plans and that are agreed to or required by the City as a condition of development approval shall be Offset against assessed Roadway Impact Fees. To the extent that a Credit under this subsection exceeds the Roadway Impact Fees for Service Units attributable to an Owner's New Development, the Offset shall be applied against the Roadway Impact Fees for Service Units attributable to each New Development of the Owner that is located on a tract of land that was contained in the same preliminary plat of the New Development for which the Offset was granted unless there is a specific agreement as identified in **15.01.009f**.*

- d. Water Offsets. Any construction of, contributions to, or dedications of water facilities that are system-related facilities included on the identified Impact Fee Capital Improvements Plan and that are agreed to or required by the City as a condition of development approval shall be Offset against assessed Water Impact Fees. To the extent that a Credit under this subsection exceeds the Water Impact Fees for Service Units attributable to an Owner's New Development, the Offset shall be applied against the Water Impact Fees for Service Units attributable to each other New Development of the Owner that is located on a tract of land that was contained in the same preliminary plat of the New Development for which the Credit was granted.
- e. Wastewater Offsets. Any construction of, contributions to, or dedications of wastewater facilities that are system-related facilities included on the identified Impact Fee Capital Improvements Plan and that are agreed to or required by the City as a condition of development approval shall be Offset against assessed Wastewater Impact Fees. To the extent that a Credit under this subsection exceeds the Wastewater Impact Fees for Service Units attributable to an Owner's New Development, the Offset shall be applied against the Wastewater Impact Fees for Service Units attributable to each other New Development of the Owner that is located on a tract of land that was contained in the same preliminary plat of the New Development for which the Credit was granted.
- f. No Offsets for rights-of-way or easements. Rights-of-way and easements are not included in the study, and no Offsets shall be granted for the dedication of rights-of-way or easements. Rights-of-way and easements are dedicated as required by the ordinances of the City, necessitated by and attributable to a New Development, and do not exceed the amount required for infrastructure improvements that are roughly proportionate to the New Development

15.01.011. Collection of Impact Fees.

- a. Impact Fees shall be collected and paid at the time of issuance of a building permit or water meter for a New Development.
- b. For a New Development that received Final plat approval before the effective date, Impact Fees may not be collected on any Service Unit for which a valid building permit is issued within one year after the effective date; provided, however, that such a Service Unit shall be subject to the collection of Impact Fees upon the submission of a subsequent application for a building permit if the subsequent application is not submitted and approved within one year after the effective date. For land that does not have to be platted, Impact Fees may not be collected on any Service Unit for which a valid building permit is issued within one year after the effective date.
- c. The City shall compute the Roadway Impact Fees to be paid and collected for the New Development in the following manner:

1. *Determine the number of Development units for each land use category in the New Development using the land use equivalency table (LUVMET) then in effect.*
 2. *Multiply the number of Development units for each land use category in the New Development by the vehicle miles (per Development unit) for each such land use category also found in land use equivalency table (LUVMET) then in effect to determine the number of Service Units attributable to the New Development.*
 3. *The amount of Roadway Impact Fees to be collected shall be determined by multiplying the number of Service Units for the New Development by the Roadway Impact Fee per Service Unit for the applicable Service Area and applicable land use and shall be calculated at the time of application for and in conjunction with the issuance of a building permit.*
 4. *If an agreement as described in **15.01.009** providing for Offsets exists, the amount of the Offsets based on actual costs shall be deducted from the Roadway Impact Fees as calculated above.*
- d. *Where an application for a building permit is for a “shell” or speculative building, the amount of the Roadway Impact Fee shall be calculated assuming that the entire building will be used as either “General Office”, “Light Industrial”, or “Shopping Center” as shown in the land use equivalency table (LUVMET). Where a subsequent application for a building permit is made for the finish-out of the shell building, or portion thereof, for the ultimate use, an additional Roadway Impact Fee shall be charged and paid if the ultimate use is different from “General Office”, “Light Industrial”, or “Shopping Center”.*
 - e. *An applicant may submit an alternative Service Unit computation based upon a trip generation study as defined by the Institute of Transportation Engineers for the proposed land use not included in the land use equivalency table (LUVMET).*
 - f. *The City shall compute the Water and Wastewater Impact Fees by water meter size.*
 - g. *Master planned projects, including subdivisions containing multiple phases, and whether approved before or after the effective date of the impact fee regulations, may apply for Offsets against impact fees for the entire project based upon improvements or funds toward construction of system facilities, or other Capital Improvements supplying excess capacity. Offsets shall be spent within the same Service Area utilizing a methodology approved by the City and be approved via developer agreement.*

15.01.012. Impact Fee Exemptions.

- a. *Pursuant to Texas Local Government Code Chapter 395, a public school district is not required to pay an Impact Fee imposed under this Chapter unless the board of trustees of the district consents to the payment of the fees by entering a contract with the City imposing the fees.*

- b. *For Roadway Impact Fees, existing occupied buildings ~~who~~ which are not being demolished and the total square footage is modified by less than 1,000 additional square feet will not be charged a Roadway Impact Fee for the original square footage and expansion of up to 1,000 square feet.*
- c. *Affordable housing, Development that qualifies as affordable housing under 42 U.S.C. § 12745, as amended, and is participating in an affordable housing development program such as HOME, Housing Trust Fund, Low Income Housing Tax Credit, or Habitat for Humanity, is exempt from roadway impact fee collection. An applicant for affordable housing exemption shall make application for same by letter to the planning director. The letter shall describe the development, its location and number of housing units, and shall include written verification from the responsible agency that the subject property is an active participant in an affordable housing development program as described above. If the fee is not paid and the affordable housing is not built or the development subsequently is not qualified as affordable housing, the City shall assess and collect the roadway impact fee that was applicable at the time of the issuance of the building permit(s) for the development.*

15.01.013. Administration of Impact Fees

- a. *The Impact Fees collected within each Service Area may be used to finance, pay for or to recoup the costs of any Capital Improvements identified in the Impact Fee Capital Improvements Plan for the Service Area, including the construction contract price, surveying and engineering fees.*
- b. *Impact Fees may be used to pay for the contract services of an independent qualified engineer or financial consultant preparing or updating the Impact Fee Capital Improvements Plan who is not an employee of the political subdivision.*
- c. *Impact Fees also may be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such Capital Improvements in the Impact Fee Capital Improvements Plan.*
- d. *The City's Finance Department shall establish an account to which interest is allocated for each Service Area which interest earned on the Impact Fees shall be considered funds of the account and shall be used solely for the purposes authorized in this Chapter.*
- e. *The City's Finance Department shall maintain and keep financial records for Impact Fees which shows the source and disbursement of all fees collected in or expended from each Service Area to be provided in the semiannual report to the Capital Improvements Advisory Committee.*
- f. *The City will present the financial records for Impact Fees to the Capital Improvements Advisory Committee twice a year and shall be open for public inspection.*

15.01.014. Impact Fees as Additional and Supplemental Regulation

Impact Fees established by this Chapter are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or certificates of occupancy. Such Impact Fees are intended to be consistent with and to further the policies of the Subdivision Regulations, and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land. This Chapter shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations and policies of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

15.01.015. Update to Plans and Revision of Fees.

The City shall update its Land Use Assumptions and Impact Fee Capital Improvements Plan based in accordance with Texas Local Government Code Chapter 395.

The collection rates in 15.01.007 may be amended without revising the Land Use Assumptions and Impact Fee Capital Improvements Plan at any time provided via ordinance amendments and that the collection rates do not exceed the Maximum Assessable Impact Fees.

15.01.016. Refunds, Rebates, and Appeals

- a. Refunds. *Upon payment of an Impact Fee, any portion that is not expended in the Service Area within ten (10) years from the date of payment shall be refunded to the record Owner of the property at the time the refund is paid (LGC 395.025). Impact Fees shall be accounted for and expended on a first-in, first-out basis.*
- b. Rebates. *If the building permit for a New Development for which no vertical construction has occurred, an Impact Fee has been paid has expired, and a modified or new application has not been filed within six (6) months of such expiration, the City shall, upon written request, rebate the amount of the Impact Fee to the record Owner of the property for which the Impact Fee was paid. If no request for rebate pursuant to this subsection has been filed within this period, no rebate shall become due.*
- c. Appeals. *The Owner for New Development may appeal the applicability or amount of the Impact Fee or the availability of Offsets or Refunds to the City Manager or his/her designee using the following:*
 1. Burden of proof. *The burden of proof shall be on the Owner to demonstrate that the Owner is entitled to relief.*
 2. Notice of appeal. *Within 30 days following the decision being appealed, the Owner shall submit to the City Manager a written notice of appeal that states the basis for*

the appeal with particularity. To the extent the Owner relies on any studies or other documents as evidence that the Owner is entitled to relief, the Owner shall submit such studies and documents with the notice of appeal.

3. Resolution of appeal. *The City Manager or his/her designee will respond to the appeal within 30 days of receipt of completed appeal packet as described above.*
4. Consideration of Appeal by City Council. *After the determination of the City Manager, the Owner may petition the City Council. The appeal should be filed within 30 days of the City Manager or his/her designee's decision. To the extent that the City Council's action on the appeal requires the Owner to pay an impact fee, the Owner shall promptly pay the impact fee within five business days after the City Council's action on the appeal. The City Council's action on the appeal shall constitute the City's final decision on the matter appealed.*
5. Costs. *An Owner shall bear all costs of the Owner's appeal under this Chapter.*

SECTION 3. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 4. That, if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sherman hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 5. That the provisions of any ordinance which are inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION 6. That the City Clerk is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

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.

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

STATE OF TEXAS §

August 18, 2020

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the Capital Improvements Advisory Committee (CIAC) and Planning and Zoning Commission of the City of Sherman, was begun and held on August 18, 2020.

MEMBERS PRESENT: CHAIRMAN MAHONE
COMMISSION MEMBERS: DOWNTAIN, WOOD, MANLEY,
BACA, SIMS, DAVIS AND WHITAKER

MEMBERS ABSENT:

STAFF PRESENT: SCOTT SHADDEN, DIRECTOR OF DEVELOPMENTAL
SERVICES ROB RAE, INCOMING DIRECTOR OF
DEVELOPMENTAL SERVICES; CLINT PHILPOTT,
ASSISTANT CITY MANAGER; WAYNE LEE, DIRECTOR OF
ENGINEERING; ROBBY HEFTON, CITY MANAGER,
TERRENCE STEELE, ASSISTANT CITY MANAGER; AND
PATSY REEVES, DEVELOPMENTAL SERVICES
COORDINATOR

CALL TO ORDER

Chairman Mahone of the Capital Improvement Advisory Committee and Planning and Zoning Commission called the meeting to order at 4:07 p.m.

CALL TO ORDER

APPROVE MINUTES

The Capital Improvements Advisory Committee reviewed the minutes of the July 21, 2020 meeting. Motion by Commission Member Davis to approve the Minutes as written. Second by Commission Member Wood. All present voted AYE.

MOTION CARRIED.

APPROVE MINUTES

RECEIVE PRESENTATION FROM KIMLEY-HORN AND ASSOCIATES, INC. ON THE DRAFT 2020 ROADWAY, WATER AND WASTEWATER IMPACT FEE STUDY

Jeff Whitacre, Vice President of Kimley-Horn and Associates, Inc., updated the Committee on the City Council Meeting from August 17, 2020. "We presented the public hearing from the land use assumptions and capital improvements plan that was looked at last time; the City Council approved that. Through the comments we rewrote a little of the assumptions from your comments, same numbers just to make it clearer; we adjusted the tables and we gave them a preview of the same presentation you will receive today."

We will go over the impact fee components, the maximum fee calculations and the results with sample calculations,

**2020 DRAFT
ROADWAY, WATER
& WASTEWATER
IMPACT FEE STUDY
PRESENTATION**

the overall fee decisions, comparisons, today's actions and the schedule.

Your responsibility is to advise and assist the City Council in adopting land use assumptions, review the capital improvements plans and file written comments on the proposed impact fees.

The impact fee components are: service areas, land use assumptions and capital improvements plans; which have all been completed. The maximum fee calculation and results with sample calculations are where we are today.

The formula used for the maximum fee calculation is a simple formula but takes a lot of detail to get there; it is the recoverable cost of capacity plans divided by the new service units of demand; so it is cost divided by growth. The capital improvement plans is cost and the land assumptions are growth. Every project is broken down into three costs; there is an existing cost, a ten-year growth cost and a beyond ten-year cost.

An example is an elevated storage tank, you might need ten percent of an elevated storage tank today, but we cannot charge future development that ten percent, there might be sixty percent you need in the next ten years, that sixty percent is what we included in the impact fee calculation, then there is another forty percent that is beyond the ten-year window.

The maximum fee calculation determines the maximum assessable fee per service unit; it is the amount of roadway infrastructure you will need in ten years for growth. Service Area 1 is to the north, Service Area 4 is the south, Service Area 4 is where you expect to have the most need for infrastructure because that is where the most growth is to occur; that is where the Planned Developments are.

Mr. Whitacre provided tables showing the maximum assessable fee per service area for roadways, water and wastewater. The cost of total impact fee for capital improvements plans attributable to growth, the percent of fee recoverable (50%, per State Law requirements, Chapter 395), the recoverable cost of total impact fee capital improvements plan, the recoverable cost of total impact fee for capital improvements plans plus financing, the service units, the maximum assessable impact fee per service unit per vehicle mile, water and wastewater meters providing the maximum assessable impact fee per land use; single family housing, multi-family, office, industrial and commercial.

This study calculates the maximum impact fee. The actual collection rate will be set based on the ordinance, but cannot exceed the maximum. The City Council should consider the following decisions on policy; rate setting – what percent of the calculated fee should be set, the average cost, should the fee be the same in all roadway services areas, should there be different fees for residential

and non-residential and when will the impact fees go into effect.

Mr. Whitacre provided some sample calculations to determine the maximum assessable fee per service unit in all service areas; staff recommended impact fees and comparisons for actual rates for Anna, Melissa, Princeton, Celina, McKinney and Prosper.

The staff recommendation is to charge \$1,500 for roadway, \$1,500 for water and \$600 for wastewater for single-family detached housing for all Service Areas except Service Area 1 for a total impact fee of \$3,600.

The City Council direction was to come back with something closer to Melissa (\$5,266) and McKinney's (\$5,257) rate or something in the middle.

Commissioner Manley asked if the staff recommended values were ever set up for single-family detached housing on a sliding scale based on square footage of the development or unit or has it always been a flat rate.

Mr. Whitacre explained, right now there is not a city in Texas that has an impact fee by square footage, there is one city that is looking at calculating square footage, what that city chose to do is charge a maximum fee, plus your smaller square footage and giving a reduction.

Rob Rae, Director of Development Services informed the committee that your concerns were brought up to the City Council yesterday that were shared at the last meeting. One of the comments from one of the Council Members was the traffic impact is the same whether they are an \$800,000 house or a \$100,000 house; the traffic impact is the same no matter what the value is.

Commissioner Downtain stated on the square footage, you might have more vehicles.

Mr. Whitacre explained, research has shown on single-family detached homes, there is another category for multi-family, apartments and duplexes, and sometimes when you have small cottage homes, we would suggest that those be calculated less than 1,200 square feet, more like a townhome, there is a townhome category that we could use. A single-family is more of a 1,500 to 2,000 square foot so they generate more than what State Law allows, because they have younger two working parents, a child that is in high school perhaps. From a technical standpoint, it makes sense what the Council stated the traffic is the same, but the City is not looking at doing this as an economic affordable housing policy. To my knowledge, no other city has adopted that based on square footage.

Commissioner Wood asked about the different service areas and cost. I thought Service Area 4 would be the most expensive, but it looks like it is Service Area 3.

Mr. Whitacre explained Service Area 4 has the most dollar projects, it has the most growth; it also has a few TXDOT projects. If you think about your cost per growth, the City is not paying one hundred percent on TXDOT projects; they are only paying a portion of that project so they are actually getting some benefit from that side; this actually helps to calculate the benefits in those Service Areas.

Commissioner Davis stated, "I guess I was wrong, because I figured in Service Area 3 there wasn't much happening so the few people that did get to incur a bigger cost. For example in Service Area 4, you have a 1,000 people incurring it instead of 100.

Mr. Whitacre explained Service Area 3 has some developable land, most of it is in the downtown area, but they are paying the average cost.

Chairman Mahone explained in Service Area 3, the downtown area is pretty much developed.

Mr. Whitacre explained if you look at the growth, Service Areas 1 and 2 are about the same, Service Area 3 has the lowest and Service Area 4 has the highest growth.

Mr. Rae explained the other thing that increased it is the U.S. Highway 75 project is split between Areas 2 and 3; that is a large project that is counted towards that calculation and when you have small growth in that same area you have that offset to cost.

Mr. Whitacre explained we are here today for comments to pass along to the City Council on the Impact Fee Study and on the Impact Fee Rate itself. The tables are a summation of the study.

Commissioner Manley stated, "this applies to new growth, right, green field sites, square footage that hasn't been developed previously, if someone tears down an old home in east Sherman and rebuilds it, this fee does not apply."

Mr. Whitacre responded, correct, or if someone tears down a home and builds two homes, they would pay for one home. If someone is renovating, it does not apply. This is for new development only; new traffic or new water usage generated.

Commissioner Manley stated, a perfect example would be there use to be a grocery store right across the street from Presco and now it is a fertilizer plant, they have different water needs than when it was a grocery store.

Mr. Whitacre explained the City Council has asked us to come back with an alternative recommendation.

Mr. Rae explained the City Council wants us to look at things higher. They thought the Staff recommendation was low.

Chairman Mahone explained where we end up or somewhere in between, that is totally up to the Council.

Mr. Whitacre explained we plan to brief the City Council on September 8, 2020 about the ordinance, so we would like to give them your comments before then. You could do as you did last time, give comments tonight or email Rob Rae directly and he will pass them to the City Council. The public hearing is September 21, 2020.

Chairman Mahone commented, I think it is important that we have these fees, I think it is important that new growth pays for new growth, that it is not put on all the existing taxpayers, but at the same time I think it is also important we stay competitive and still keep attracting new growth for that reason I would like to see it closer to what the Staff has recommended rather than the maximum side. We do have a review process where we can raise it later if we want to. I do not see a problem starting low and see what the market will bear and adjust as needed.

Commissioner Davis commented, "Sherman was running at 96 capacity for places to live about four years ago, if we are full up and people are trying to get here, you do not give them a deal, you charge them, but if we are at fifty percent and have empty houses everywhere, we need to cut some fees. I think we would need to look at you can charge fees if you have a desirable place to live; Sherman is because we do not have many vacancies. I do not want to run people off."

Chairman Mahone explained the reason we do not have many vacancies is that people are building. We want to continue to attract new buildings and new developments.

Commissioner Wood agreed, I like the conservative side a little more, just to maintain that attraction if they are teetering on the side to bring the growth to Anna rather than Denison or us and we can always adjust it later.

Mr. Whitacre explained if this is adopted September 21, 2020, we are required by law to review every six months to see what is going on, there is no action required every six months, but you get a chance to review.

Commissioner Davis asked Mr. Whitacre how often he saw the fees change.

Mr. Whitacre explained they are required by law to do a study every five years; that is often the time we see fee changes; many cities do not have fee changes. McKinney was one of the cities that has done what you suggested, starting low and move up. It is more common to adjust fees every five years.

Commissioner Davis asked if tax abatements become a negotiating thing with the City to get someone here; is that normal or is it set in stone.

Mr. Whitacre explained impact fees are a common discussion when negotiating.

Mr. Rae explained a discussion that happened last night was we will always require the impact fee, no matter what, but we cannot control Council or City Management from making other arrangements outside the impact fee. Our department and the water department will still collect the fees no matter what.

Mr. Whitacre explained sometimes they agree to get a credit towards their impact fee when infrastructure is built through an economic development agreement.

Commissioner Downtain asked to allow more time for their formal comments like we did last time; I would like more time to review.

Chairman Mahone explained like last time, the comments could be forwarded to Rob Rae or Patsy before the meeting on September 4th.

Commissioner Baca commented, I feel very strongly about having some type of sliding fee on the houses because I think that charging the same amount on a 1,200 square foot house and a 5,000 square foot house is a larger burden with the person on the small house, maybe other cities don't do it but they are paying a much larger percentage on a smaller house. I would like to see Council going that direction figuring out what that fee may look like.

Commissioner Davis commented, if I have a sixty-foot wide lot whether I build a 10,000 square foot house or a 1,000 square foot house, I have sixty foot of road in front of this house that needs built.

Commissioner Baca responded, that is true, but also someone with a 100,000 square foot house pays far less in City taxes than someone with a larger house; that is just how the taxes work.

Commissioner Manley commented, if I am a developer building a \$225,000 house, \$5,000, \$6,000 impact fee cuts into my profit margin.

Commissioner Davis commented, every house is going to have it, so it is what it is. Nobody is going to under bid you because everybody has that fee.

Commissioner Manley commented, it is an incentive if they build it at all.

Chairman Mahone explained to be clear we do not all have to agree on the fee.

Mr. Whitacre agreed, the requirement is for comments from this group to the City Council.

Chairman Mahone thought they have all made very good points; they are all going to be on the record, you do not necessarily have to agree with those points, but at least the City Council will review those.

Commissioner Manley commented, focusing on single-family homes, I believe there ought to either be a sliding scale or a step function of some kind based on the square footage of the home or home value, so you don't run into a situation where you have a lower cost home that is paying a fee that makes it questionable if it is really a profitable project anymore. However, if someone is building a \$750,000 house, the City can afford to recoup more funds out of that. I have no issue with fees on the higher end for industrial development, multi-family development, even for commercial strip centers erring on the higher end because we do have a lot of downtown available space for commercial development that it would be nice to incentive people to use opposed to building new.

Chairman Mahone agreed with David and Paul's comments based on a sliding scale for single family.

Commissioner Davis commented, we need to go up in fees.

Commissioner Downtain commented, and then reduce those on maybe the smaller square footage.

Commissioner Davis commented; go buy a house on the east side. I live in an older neighborhood that the streets are above the curb, my tax dollars are going to be spread to the new building or maybe I get to save some and bust my road down and make me a good road again; I am still paying taxes on it. What was the breakdown for an apartment building; it was ridiculously low?

Mr. Whitacre responded, \$2,400. One thing to know it is not all apartment buildings; you have four-inch meters or different size meters.

Commissioner Davis stated it is on the high side, it is \$2,400, and a four-inch meter drops it to unique amounts. Therefore, a person living in a three-bedroom apartment, he is just paying rent, the person that owns it pays the fee, but it reduces its significantly.

Commissioner Downtain did not understand the road number, if there are 148 dwelling units in apartments, is that not equivalent to 148 single-family dwellings.

Mr. Whitacre explained apartments have different work hours, the typical house generates ten trips a day, the typical apartment unit generates six trips a day, it would make sense the apartment would be sixty percent of what a single family would be; it captures the trip characteristics of an apartment and generates less trips. The trip generation comes from a national standard.

Commissioner Downtain stated maybe in more urban settings.

Commissioner Davis explained you do not have to run to the gas station to get gas for your mower or a box of nails because you are fixing a door.

Chairman Mahone asked if there were any other comments or a motion.

Mr. Rae explained they could make the same motion that was made the last time to provide the comments that were made in this meeting through the minutes and forward any other comments by August 31st to Rob Rae.

Commissioner Wood commented, I like the idea of being more conservative with single-family dwellings, but I would not mind seeing some more aggressive fees on revenue generating growth.

Mr. Rae explained the City Council meeting is September 8th. I believe the packet goes out on September 3rd so we may want to send an email out to get comments back from you by August 31st.

ACTION TAKEN.

Motion by Commission Member Wood to use the official minutes of this meeting as our comments to the City Council and anyone that has further comments may submit them by August 31, 2020 to the Development Services Department. Second by Commission Member Davis.

VOTING AYE: DAVIS, MAHONE, DOWNTAIN, MANLEY, SIMS, BACA, WOOD AND WHITAKER.

VOTING NAY: NONE

MOTION CARRIED

ANNOUNCEMENTS

Rob Rae explained this would be the last CIAC meeting until it is adopted. After it is adopted, we will meet six months after that.

ANNOUNCEMENTS

CAPITAL IMPROVEMENTS ADVISORY COMMITTEE (CIAC) MINUTES – AUGUST 18, 2020

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at
4:47 p.m.

ADJOURNMENT

CHAIRMAN



SECRETARY

Comments from CIAC Committee to City Council Regarding Impact Fees

Committee Member	Date	Time	Source	Comments
Clay Mahone	8/18/2020	4:00 p.m.	CIAC Meeting Minutes	• I think it is important that we have these fees, I think it is important that new growth pays for new growth, that it is not put on all the existing taxpayers, but at the same time I think it is also important we stay competitive and still keep attracting new growth for that reason I would like to see it closer to what the Staff has recommended rather than the maximum side. We do have a review process where we can raise it later if we want to. I do not see a problem starting low and see what the market will bear and adjust as needed. • The reason we do not have many vacancies is that builders are not building as fast as we would hope. There are more people needing housing than the market is supplying. We want to continue to attract new building and new developments to meet the demand we currently have.
Shawn Davis	8/18/2020	4:00 p.m.	CIAC Meeting Minutes	• Sherman was running at 96 capacity for places to live about four years ago, if we are full up and people are trying to get here, you do not give them a deal, you charge them, but if we are at fifty percent and have empty houses everywhere, we need to cut some fees. I think we would need to look at you can charge fees if you have a desirable place to live; Sherman is because we do not have many vacancies. I do not want to run people off. • We need to go up in fees. • If I have a sixty-foot wide lot whether I build a 10,000 square foot house or a 1,000 square foot house, I have sixty foot of road in front of this house that needs built. • Every house is going to have it, so it is what it is. Nobody is going to under bid you because everybody has that fee.
Paul Manley	8/18/2020	4:00 p.m.	CIAC Meeting Minutes	• If I am a developer building a \$225,000 house, \$5,000, \$6,000 impact fee cuts into my profit margin. • Focusing on single-family homes, I believe there ought to either be a sliding scale or a step function of some kind based on the square footage of the home or home value, so you don't run into a situation where you have a lower cost home that is paying a fee that makes it questionable if it is really a profitable project anymore. However, if someone is building a \$750,000 house, the City can afford to recoup more funds out of that. I have no issue with fees on the higher end for industrial development, multi-family development, even for commercial strip centers erring on the higher end because we do have a lot of downtown available space for commercial development that it would be nice to incentive people to use opposed to building new. • It is an incentive if they build it at all.
David Baca	8/18/2020	4:00 p.m.	CIAC Meeting Minutes	I feel very strongly about having some type of sliding fee on the houses because I think that charging the same amount on a 1,200 square foot house and a 5,000 square foot house is a larger burden with the person on the small house, maybe other cities don't do it but they are paying a much larger percentage on a smaller house. I would like to see Council going that direction figuring out what that fee may look like.
Trish Wood	8/18/2020	4:00 p.m.	CIAC Meeting Minutes	• I like the idea of being more conservative with single-family dwellings, but I would not mind seeing some more aggressive fees on revenue generating growth. • I like the conservative side a little more, just to maintain that attraction if they are teetering on the side to bring the growth to Anna rather than Denison or us and we can always adjust it later.
Glenn Whitaker	8/20/2020	2:32 p.m.	Email	I support the idea of the proposed impact fees and feel a more conservative approach starting out might be best. I view the initial impact fees proposed as a competitive place to start with developers seeking to build in Sherman. While I agree with these fees I would like to look for a method that would work best both for the \$150k home and the \$600k home. The impact on the budgets would be obviously different.
David Downtain	8/28/2020	3:33 p.m.	Email	I'm fine with the comments as they are
Leigh Ann Sims				No comment



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

E. 3.

Meeting Date: 09/08/2020

Prepared By: Sarah McRae, Tourism/Main Street Manager

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of True Options Pregnancy Center to Temporarily Close Certain Streets for the Fifth Annual "Turkey Trot 5K & Fun Run" on Saturday, November 21, 2020

Issue:

True Options Pregnancy Center will host the fifth annual "Turkey Trot 5K & Fun Run" on Saturday, November 21st, and is requesting the City of Sherman's assistance with traffic control and street closures.

Background:

True Options Pregnancy Center will hold the fifth annual "Turkey Trot 5K & Fun Run" on Saturday, November 21st. The race will begin at 8:00 a.m. and will follow the route displayed on the attached map. The run will require traffic control assistance and cones from the City of Sherman.

True Options is also requesting the closure of Rusk Street in front of the Municipal Building from 7:00 a.m. to 11:00 a.m. Barricades will be provided by the City of Sherman Street Department.

Origination:

Bri Berry, Development Director, True Options Pregnancy Center

Financial Consideration:

Labor and equipment to provide traffic control assistance and place/remove barricades and cones

Staff Recommendation:

It is recommended that the City Council approve this request and authorize the necessary traffic control and assistance to accommodate the event.

Alternatives:

As directed by Council

Attachments

Request Letter dated February 20, 2020

Special Event Application 2020

Turkey Trot 5K Map 2020

Turkey Trot Fun Run Map 2020

105 W. Pecan, Post Office Box 3237
Sherman, TX 75091
Tel 903.893.9099 Fax 903.813.1855
www.shermanpregnancy.com



February 20, 2020

City of Sherman
220 W. Mulberry St.
Sherman, TX 75090-5832

To Whom It May Concern:

This year marks True Options Pregnancy Center's 5th annual Turkey Trot 5K and Fun Run. True Options Pregnancy Center is excited and ready to put this event on for the City of Sherman! All proceeds from this event will be given to True Options so that they can continue providing free medical care, counseling, and resources for women and men living in Texoma. Join us as we gobble, gallop, and give thanks during this family friendly event! Come join the fun by participating in our 5k race or try to beat the dressed up turkey in our fun run/walk and win a special prize!

We are requesting from the city, traffic support and cones to be placed along the course. We are estimating two hundred runners to participate. Please find below the details and attached the proposed course map.

What: True Options Turkey Trot 5K & Fun Run
Who: True Options Pregnancy Center
When: Saturday, November 21st, 2020
Time: Race start 8:00 AM finish at 11:00AM
Where: Piner Middle School

We want to thank you in advance for your consideration of this event. If we can be of any assistance please give me a call at 903.893.9099.

Sincerely,

Bri Berry
Development Director
True Options Pregnancy Center



**Special Event
Date Request Form**

Name of Event:	5th Annual Turkey Trot
Type of Event (i.e. Carnival, Circus, Festival, 1 Mile/5 K Run, etc.):	1 mile / 5K Fundraiser
Location of Event:	Piner Middle School
Date of Event:	11-21- 2020 2020
Event Contact Name:	Bri Berry
Event Contact Address:	105 W. Pecan St., Sherman
Event Contact Phone:	903-893-9099
Event Contact Email:	B bri@shermanpregnancy.com

Completion and approval of the Special Event Date Request Form does not guarantee event approval. The Community and Support Services Department must receive the completed Special Event Application 60 days prior to the event date. If the application is not received the date will be released 60 days prior to the event.

Requester Signature:	Brianne Berry	Date:	1-16-2020
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*Office Use Only	
Date Request Received:	
Event Date Hold Approved: YES NO	
If NO, reason:	
Date 60 Days Prior to the Event Date:	
Date Special Event Application Received:	
Requested Event Date Released: YES NO Date:	
Community and Support Services Department Signature:	

-
- Ensure that any manure is quickly and thoroughly cleaned up, and appropriately discarded. Straw and sawdust bedding should be replaced at least daily.
 - Staff/Volunteers must report all animal bites or scratches, or other injuries resulting from animal contact to Sherman Police Dispatch at 903-892-7290.

Animals:

- Potentially dangerous animals should not be included in a petting zoo. Reptiles and amphibians are not recommended.
- All animals must be in good health, and any animals with diarrhea must be excluded from display immediately.
- All animals must have up to date vaccinations for diseases applicable to the region. Vaccination records must be readily available when requested.
- All animals must have a friendly disposition, and must be comfortable with extensive petting or handling.

Signs:

- Ensure signs are erected at the entrance of the petting zoo or farm encouraging the act of washing hands upon leaving the animal area and before eating.



Special Event Application

This agreement is between the City of Sherman, hereinafter referred to as City, and an event/event coordinator, hereinafter referred to as event, for the cooperation of planning and operating a Special Event.

City reserves the right to close down or cancel any Event that is in violation of any City Ordinance or deviation from this agreement. The City also reserves the right to close down or cancel the Event if public safety or affected department supervisors deem the event unsafe for public participation.

- Application must be submitted at least 60 days prior to the event date.
- The Event must carry property, bodily injury and municipal liability insurance of \$1,000,000.00 per occurrence. The City of Sherman must be shown as an additional named insured on the insurance declaration. One (1) original copy of insurance must be submitted 30 days prior to event date.
- Alcohol distribution or consumption in any City Park and/or street is prohibited, unless approval is granted by motion and order by the City Council. A special event permit for alcohol on private property in conjunction with a Sherman private club may be permitted with a T.A.B.C license. Certain city-owned properties may allow for the consumption of alcohol.
- Please provide all information pertaining to the event as accurately as possible.

General Event Information

Official Name of Event: 5th Annual Turkey Trot

Type of Event: (i.e. Carnival, Circus, 1 Mile/5 K Run, etc.) 1 mile / 5K race

Event Date: November 21st Event Times: 7am - 11am

Alternate Date: — Event Times: —

*Alternate date required in case of weather delays

Location of Event: Piner Middle School
Event Contact Name: Bri Berry
Event Contact Address: 105 W. Pecan St.
Event Contact Phone: 903-893-9099
Event Contact Email: bn@shermanpregnancy.com
Alternate Event Contact Name: Courtney Lovell
Alternate Event Contact Address: Same
Alternate Event Contact Phone: Same
Alternate Event Contact Email: courtney@shermanpregnancy.com
Event Day Emergency Contact: Bri Berry Phone: 903-718-4529
Event Day Emergency Contact: _____ Phone: _____
Estimated # of Participants: 200 Spectators: 100
Is Event Private or Open to the Public? _____ Private Event ☒ Public Event

Description of Event

Include background/history of this event or type of event and a timeline of event. Maps and site plans are required; site plans should include location of concessions, port-a-lets and dumpsters; description of routes to be used, severe weather emergency plan, etc. Clean-up deposit may be required.

Public Services

Will event take place at a public park/facility? _____ Yes _____ No

If yes, which park/facility? Piner Middle School

*Park and/or facility reservation(s) required prior to completing this application.

Will you need any public street closures? ☒ Yes ☐ No

If Yes, which streets? parts of travis, crockett + rusk
per attached map

*Closure of TxDOT controlled streets will need prior approval by TxDOT.

*Police and Fire vehicles must have access through street closures if the need arises.

Street closure time: 7:45am Time closure removed: 9:45am

*Barricades will be provided by the City for the listed street closures. Fees may be required for additional barricade requests.

Where are the parking areas located: (Include on site plan) Piner, Municipal,
Presby church

Does your event require special/additional support? (Fee may be required)

☒ Police
(crowd control, traffic control, etc.)
If yes, contact Jarena Capps, Police
Department, 903-892-7397

☐ Fire Department
(EMT Support, etc.)
If yes, contact Chief Jones, Fire
Department, 903-892-7263

☐ Other
(provide detail)

If any special/additional support is checked above it is the responsibility of the event coordinator to contact the person listed above, prior to approval. If no contact is made by the event coordinator, the approval process for your special event will cease.

Number of trash containers and size requested over and above the current level: 0

*Per city ordinance, all solid waste services must be provided by the city. Additional fees are possible for solid waste services.

Concessions

Will food concessions be present at the event? _____ Yes ☒ No

Name, Address & Phone Number for Food Vendors: _____

*All food vendors are required to have the appropriate permits required by the city or the county.

Fire Prevention

Will you have any tents at the event? _____ Yes ☒ No

Will any tents be over 200sq. ft.? _____ Yes ☒ No

*No smoking signs and 5lb. ABC extinguishers are required in all tents over 200sq. ft.

Will any tents be enclosed? _____ Yes ☒ No

*A permit (\$50.00 fee) must be obtained from the Developmental Services Department for enclosed tents.

*A flame certificate for the tent and a site plan showing the setback from the property lines will be required to obtain this permit.

Will you have bounce houses? _____ Yes ☒ No Number: _____

Will you have other air supported structures? _____ Yes ☒ No

Will there be fireworks? _____ Yes ☒ No

Will there be any temporary structures built or placed on site? _____ Yes ☒ No

If Yes, describe: _____

Miscellaneous

Will you need the use of city water and/or electricity? _____ Yes ☒ No

*Additional fees will apply to the usage of city utilities

Where will restroom facilities be located? inside Piner Middle School

*Depending on accessibility of restroom facilities, city may require portable toilets to be used

Will there be music or any other use of a loudspeaker? ☒ Yes ☐ No

If Yes, please fill out the following:

Type of loudspeakers: _____ How many: _____

Type of Amplifiers: _____ How many: _____

Type of electrical devices: _____ How many: _____

Date and time loudspeakers/amplifiers/electrical devices will be in use: 8:45am - 11am

*Loudspeakers/Amplifiers/Electrical Devices cannot be used during the hours of 9pm to 8am

Will you have any animals at the event? ☒ Yes ☐ No

If yes, are any prohibited/regulating animals? possibly dogs but
will be w/ owners & leashed

*All pet owners must abide by Grayson County leash law

Public Information

Describe signage that will be used for the event, to include placement of signs: _____

Routes will be marked with signs.

Describe how you will notify residents affected by the event either living on the route/course or nearby. _____

*Proof of notification may be required

Overnight Accommodation Needs

Will event produce overnight stays in Sherman hotels, motels or bed and breakfasts? If so, how many rooms potentially? N/A

* The Sherman Chamber of Commerce is available for assistance with hotel information and accommodation needs for the event.

Agreement:

Initial BB

I hereby attest that the information contained in this application is true and correct. I understand that this is only an application and not a guarantee that a permit will be issued. If a permit is issued, I agree that: (1) if any of the information contained in this application is found to be false: or (2) should my conduct, or the conduct of any participants or guests, not adhere to the Special Event Policies and Procedures: or (3) should any applicable city, county, state or federal rules, regulations, codes or laws be violated, any permit issued shall automatically become null and void and any activity associated with this permit will immediately cease.

Initial BB

Applicant agrees to assume the defense of and indemnify and save harmless the City, its council members, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the City may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such temporary street closure and the activities permitted in connection therewith. The city may require, as a condition of issuance of a permit, that the applicant obtain insurance to serve this end, in such an amount and with such terms as the City determines to be appropriate under the circumstances. This shall be a continuing release and shall remain in effect until revoked in writing.

Initial BB

In case of emergency or for reasons beyond the City's control, the City reserves the right to cancel the permit prior to scheduled use without liability. Refunds will be made if cancellation by the City is necessary.

Initial BB

Alcohol must be confined to private property. Alcohol consumed on Public property is a violation of city Ordinance and is prohibited.

Signature:

I the undersigned representative have read the policies and procedures with reference to this application. The information contained herein is complete and accurate.

Brianne Berry
Signature

1-16-2020
Date

For Office Use Only

DEPARTMENT APPROVALS

DEPARTMENT	DATE	SIGNATURE
City Council Approval		
Fire Department		
Police Department		
Public Works Department		
Solid Waste & Recycling Department		
Parks & Recreation Department		

PINER MIDDLE SCHOOL

START

FINISH

SECURITY

W HOUSTON ST

E LAMAR ST

VOLUNTEER

KING ST

N RUSK ST

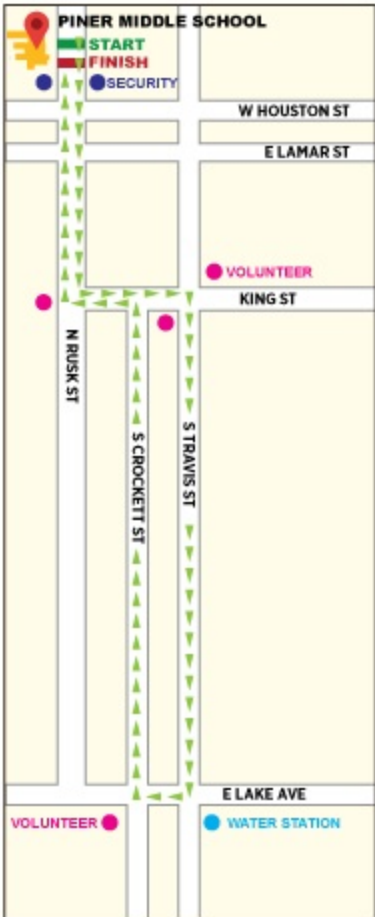
S CROCKETT ST

S TRAVIS ST

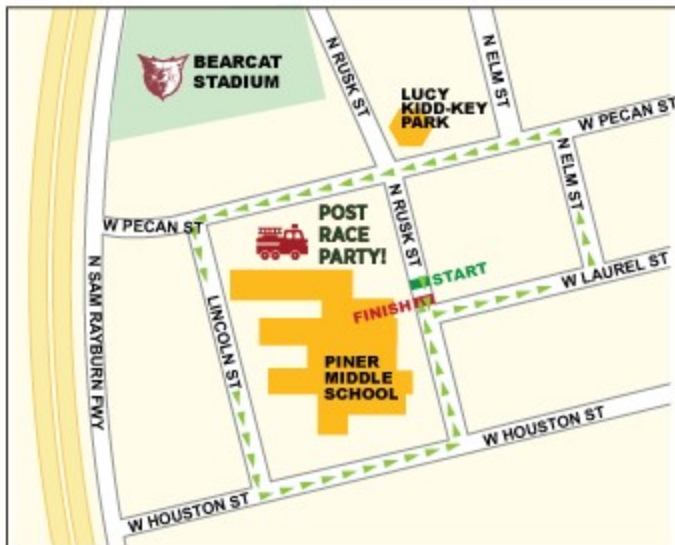
E LAKE AVE

VOLUNTEER

WATER STATION



FAMILY FRIENDLY FUN RUN



BEGINNING AND ENDING IN PINER MIDDLE SCHOOL'S PARKING LOT.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Meeting Date: 09/08/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2020 Council Calendar

2020

JANUARY						
S	M	T	W	T	F	S
			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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MARCH						
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APRIL						
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MAY						
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31						

JUNE						
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28	29	30				

JULY						
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AUGUST						
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30	31					

SEPTEMBER						
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27	28	29	30			

OCTOBER						
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NOVEMBER						
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29	30					

DECEMBER						
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20	21	22	23	24	25	26
27	28	29	30	31		

1/20/2020	Martin Luther King, Jr. Day/Called City Council Meeting on 1/21/2020
2/12/2020	Called Council Meeting - Training Session for Council Members
3/30/2020	Called Council Meeting - Intro and PH of Ordinance No. 6288, Extending Declaration of Public Health Disaster Indefinitely and Other Matters related to COVID-19
4/6/2020	City Council Meeting - Cancelled
6/25/2020	Called Budget Workshop in the Municipal Ballroom - Rescheduled
6/26/2020	Called Budget Workshop in the Municipal Ballroom - Rescheduled
9/7/2020	Labor Day/Called City Council Meeting on 9/8/2020

9/11/2020	Called Joint Meeting of City Council and SEDCO Board in the Sherman Municipal Ballroom