

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, JULY 19, 2010
5:00 P.M.**

- A.1 [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN](#)
- A.2 [PLEDGE OF ALLEGIANCE](#)
- A.3 [INVOCATION BY COUNCIL MEMBER CHIP ADAMI](#)
- A.4 [APPROVE MINUTES OF THE CALLED CITY COUNCIL \(BUDGET WORKSHOP\) MEETING OF JUNE 17, 2010 AND THE REGULAR CITY COUNCIL MEETING OF JUNE 21, 2010](#)

Public Hearing

- B.1 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5656](#)
Closing and Abandoning Three Alley Segments within the Mildred Heights Addition to the City of Sherman, Texas, Bounded by Grand Avenue, Luckett Street, Dugan Street and Dorchester Street, Portions of Said Property to be Maintained as a Utility Easement; Conveying the Interest in Said Right-of-Way to the Abutting and Adjacent Property Owner, Austin College
- B.2 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5657](#)
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District in the 1100-1200 Blocks of North Grand Avenue and the 1100-1200 Blocks of North Luckett Street; Block 1 - being 1.68 acres in the Charles Carter Survey, Abstract No. 220; Block 2 - being all of Lots 1-4, Block 3, Mildred Heights Addition, containing 0.70 acres; Block 3 - being all of Lots 6-8, Block 3, Mildred Heights Addition, containing 0.50 acres; Block 4 - being all of Lots 4-7, Block 6, Mildred Heights Addition, containing 0.99 acres, for a total of 3.87 acres (Austin College, Owners; Heidi Ellis, Austin College Representative; Todd Williams, Kangaroo Housing Investors, LLC, Developer/Applicant; Matthew Cain, Cain Consulting and Engineering Services, Engineers; Architecture Demarest, Architect; and Sartin & Associates, Inc., Surveyors)
- B.3 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5658](#)
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District in the 900 Blocks of East Brockett and East Pacific Streets and the 600 Blocks of North Willow and North Porter Streets, being 1.69 acres in the J.B. McAnair Survey, Abstract No. 763 (Hubert McIntosh and Austin

College, Owners; Heidi Ellis, Austin College Representative; Todd Williams, Kangaroo Housing Investors, LLC, Developer/Applicant; Matthew Cain, Cain Consulting and Engineering Services, Engineers; Architecture Demarest Architect; and Sartin & Associates, Inc., Surveyors)

Close Public Hearing and Consider Adoption of Ordinances

B.4 [ADOPTION OF ORDINANCES](#)

Consider Adoption of Ordinance Numbers:

- (a) 5656
- (b) 5657
- (c) 5658

B.5 [CONSENT AGENDA](#)

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

Resolutions

C.1 [RESOLUTION NO. 5503](#)

Authorizing Execution of a Deed Without Warranty to Austin College for the Conveyance of Three Alley Segments within the Mildred Heights Addition to the City of Sherman, Texas, Bounded by Grand Avenue, Luckett Street, Dugan Street and Dorchester Street, Portions of Said Property to be Maintained as a Utility Easement

C.2 [RESOLUTION NO. 5504](#)

Relating to Greater Texoma Utility Authority Contract Revenue Bonds, Series 2010 (Lake Texoma Water Storage Project); Approving the Issuance Thereof and the Project being Financed by the Authority to Acquire, Develop and Utilize Surface Water Rights and Water Storage Facilities in Lake Texoma for Use by the City

C.3 [* RESOLUTION NO. 5505](#)

Approving the Greater Texoma Utility Authority's Intention to Contract with Jerry Paul Higgins, Ltd. for Sherman Wastewater Treatment Plant Peak Flow Storage Improvements, Phase I

C.4 [* RESOLUTION NO. 5506](#)

Authorizing Execution of a Development Agreement with Grayson County Physicians Property, LLC for the Construction of Public Facilities in the Heritage Park Addition, Phase 2 to the City of Sherman

C.5 [* RESOLUTION NO. 5507](#)

Authorizing Execution of an Encroachment Easement to Frank Purdom for the Construction of an Attached Garage in the Utility Easement at 2108 Joni Circle

C.6 [* RESOLUTION NO. 5508](#)

Abandoning a Twenty Foot (20') City Utility and Drainage Easement located through Lots 11-14, Block D of the North Haven Addition and Described in Volume 2046, Page 729 of the Real Property Records of Grayson County, Texas

C.7 [* RESOLUTION NO. 5509](#)

Authorizing the Filing and Acceptance of a Grant Application with the Texoma Council of Governments (TCOG), in Cooperation with the Texas Commission on Environmental Quality (TCEQ), for a Fiscal Year 2010-2011 Regional Solid Waste Grant; Authorizing the Executive Director of Planning and Public Works to Act on Behalf of the City of Sherman in all Matters Related to the Application; Pledging that, if a Grant is Received, the City of Sherman will Comply with the Grant Requirements of TCOG, TCEQ, and the State of Texas

Change Order

D.1 [* CHANGE ORDER NO. 1](#)

Brents Street Sewer Replacement; Dickerson Construction Co., Inc.; \$18,084.50, Decrease

Other Business

D.2 [OTHER BUSINESS](#)

Receive Quarterly Progress Report from Sherman Economic Development Corporation Board Vice Chairman Rad Richardson and SEDCO President John Boswell

D.3 [OTHER BUSINESS](#)

Final Plat Approval of Grand N Addition, being part of a Replat of Blocks 3 & 6, Mildred Heights Addition; Austin College, Owners; Heidi Ellis, Austin College Representative; Todd Williams, Kangaroo Housing Investors, LLC, Developer/Applicant; Matthew Cain, Cain Consulting and Engineering Services, Engineers; Architecture Demarest, Architect; and Sartin & Associates, Inc., Surveyors (1100-1200 Blocks of North Grand Avenue and 1100-1200 Blocks of North Lockett Street)

D.4 [OTHER BUSINESS](#)

Final Plat Approval of Brockett SW Addition; Hubert McIntosh and Austin College, Owners; Heidi Ellis, Austin College Representative; Todd Williams, Kangaroo Housing Investors, LLC, Developer/Applicant; Matthew Cain, Cain Consulting and Engineering Services, Engineers; Architecture Demarest, Architect; and Sartin & Associates, Inc., Surveyors (900 Blocks of East Brockett and East Pacific Streets and 600 Blocks of North Willow and North Porter Streets)

D.5 [* OTHER BUSINESS](#)

Final Plat Approval of Crescent Oaks Plaza; ET Joint Venture, Owners; and Sartin and Associates, Inc., Surveyors (1600-1700 Blocks of U.S. Highway 75 North)

- D.6** [CITIZEN REQUESTS](#)
- D.7** [MEDIA QUESTIONS](#)
- D.8** [COUNCIL COMMENTS](#)
- D.9** [ADJOURNMENT](#)
- [COUNCIL CALENDAR](#)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Chip Adami, Council Member



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER CHIP ADAMI



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. A.4

APPROVE MINUTES

**OF THE CALLED CITY COUNCIL (BUDGET WORKSHOP) MEETING OF
JUNE 17, 2010 AND THE REGULAR CITY COUNCIL MEETING OF JUNE 21, 2010**

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Motion by Council Member Smith to amend his motion to include that Council Member Wacker would be appointed to serve as Sherman's Representative on the Texoma Council of

**Governments Governing Board for the remainder of the term of the current sitting Mayor.
Second by Deputy Mayor Steele.**

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED AS AMENDED.

OPENING COMMENTS

Mayor Magers shared information with the City Council that has recently transpired because he felt it affects the City's Budget.

At the initial Budget Meeting this year, the City Council challenged the staff to bring back a balanced Budget and to look for cost free ways to drive progress for the citizens of Sherman without raising property taxes. With a lot of ingenuity, the staff has achieved those goals and the proposed Budget is balanced with the same property tax rate.

Unfortunately, the City may need to increase water and solid waste rates. Approximately \$2 million has been lost in annualized water revenue and the staff is recommending a 6% rate increase, which would get about 50% or \$900,000 of the losses back. Mayor Magers said he wanted to review the past few years of water rates in relation to the Consumer Price Index (CPI).

Mayor Magers said, based on recent positive developments at the Texoma Area Solid Waste Authority (TASWA), he felt the City may be facing an increase of \$2.50 to \$3.00 per ton, which will equate to a rate increase of about \$0.25 to \$0.30 per month, per household.

Mayor Magers said he has had concerns about TASWA from the beginning, especially about long term liabilities. Sherman is an equal partner in TASWA with four other entities, however Sherman delivers over 50% of the municipal trash and about 45% of the overall trash. If debt is incurred and there are lawsuits in the future, he felt the City of Sherman would be the one sued.

Since its inception in 2005, TASWA has never "paid as it goes." The landfill is divided into cells and each cell has a useful life of about five years. In 2005, to open the landfill, financing of the first cell was wrapped into 20 year bonds. When the second cell was opened, TASWA issued debt for five years. In 2008-2009, costs remained the same, but because of the poor economy and a reduction in volume, revenues were reduced.

TASWA will soon need to open the third cell and the proposal for financing was to refinance part of the bonds and finance the third cell by extending the payments over 20 years. The end result was to have eight years of useful life in the landfill and pay it out with over 20 years of debt. While this keeps rates low, Mayor Magers said he could not finance eight years of use over 20 years. TASWA has never generated enough revenue to keep the cells moving forward.

A discussion on financing was held during a recent TASWA Board of Directors Meeting and at the end of the day everyone understood that this type of financing cannot continue. Mayor Magers said he was proud to serve on the TASWA Board of Directors and they are working on a plan to "blend" the two ideas, which are to raise rates over several years and finance the debt load. Hopefully, by the opening of the fourth cell, TASWA will be self-sustaining, to pay for itself, and the cities involved will not be incurring on-going debt and liabilities.

He felt that Sherman would see a slight rate increase this year, with a plan where the City staff can see the highs and lows for three to five years in the future and plan rates and activities accordingly.

Mayor Magers reiterated that the meeting with the TASWA Board was non-political and was straight business. Everyone was trying to find a solution to the issue. He also praised Robby Hefton, Assistant City Manager/CFO, for representing the City of Sherman during the TASWA Meetings.

Mayor Magers said he felt there was a lot of uncertainty for 2010 and 2011. He stressed that the Council needs to focus on essentials for this year. This Fall the City will be holding long term planning sessions to see where Sherman is going. The last strategic planning session was held in 2005 and the Council has accomplished almost everything included in that plan. At the end of the planning session, the Council should have a final definition of what are essential services and necessities and things they would like to do.

Today the City Council needs to look at the upcoming fiscal year, keep taxes at the current rate, and keep fees as low as possible. The current issues are not cost issues. The City of Sherman is not spending money frivolously. The issues are revenue issues. He added that the City of Sherman has clean water, clean air, is next to one of the fastest growing metropolitan areas in the country, and next to one of the wealthiest counties in the country. The community must find businesses and attract jobs and use these assets that are unique to Sherman's location.

George Olson, City Manager, said there is not a lot of discussion about the 2011 Budget and the staff and Council are doing what they can with what they have. The agenda includes an update on the Comprehensive Master Plan. The City committed to following this Plan to move forward and even tough times don't mean we stop moving forward. Last year the theme of the Budget was to finish what was started, and that continues.

There will also be a report on the Tourism Department and there are positive things to discuss. Mr. Hefton will then discuss the Budget process and present the proposed FY 2010-2011 Budget, as well as recommendations for long term planning needs.

Mr. Olson said the City of Sherman has been lucky, but we are in the same position as most other cities and the staff is trying to manage the resources as best they can. It is serious and there is a lot of work ahead.

Mr. Olson said they are proposing a balanced Budget where all major funds are balanced and the current \$0.32 tax rate is maintained. The staff continues to perform the essential / non-essential analysis and together with the City Council will prepare a long term plan for funding the on-going City operations. He added that the City cannot maintain the way they are operating now. Something must change.

However, Mr. Olson said today's meeting is not a platform to begin long term planning. Council Members must stick with the proposed FY 2010-2011 Budget today and the long term planning will be considered in the Fall.

Mr. Olson thanked the staff for their hard work preparing for the Budget. We continue to do more with less and still maintain a commitment of service to the citizens that is probably unmatched by any City in North Texas. We will take care of the City of Sherman and the citizens.

DISCUSSION OF COMPREHENSIVE MASTER PLAN

Don Keene, Executive Director – Planning and Public Works, explained that the Comprehensive Master Plan was adopted a year ago and is a framework to guide the future growth and development for the next 20 years and beyond. He presented a report on the top nine priorities of the Comprehensive Master Plan and outlined the progress made and the plans for each priority.

➤ Updated and enhanced development regulations

A major accomplishment was the designation of a Blalock Commercial Overlay District, which regulates development at the southern gateway to Sherman. An irrigation ordinance and an updated oil/gas well drilling Specific Use Permit ordinance are also pending Council approval.

The staff is also considering the evaluation and modification of other existing development ordinances, and additional ordinances such as character based ordinances, solar / wind power, flood water detention plans, and commercial overlay districts.

➤ **City Geographic Information System (GIS) enhancements**

The GIS project is an on-going process of optimizing the system that is already used in multiple ways. The database is used for property searches and the information is shared with the Grayson Appraisal District.

There are multiple layers of maps within the system and the possibilities are endless. Maps include flood plains, parks, child "safe zones," contours, elevations, and water facilities. The storm water infrastructure mapping continues and three of the six phases required by the Texas Commission on Environmental Quality (TCEQ) have been completed. The entire project must be completed by 2012.

Mayor Magers verified that at the current time, citizens would need to come to the City of Sherman to access this information, however the plan is to make this available on the City's website in the future.

Fifteen locator monuments have also been placed within the City which serve as points of reference in the system. The system will link project drawings and plans, and scanning is 75% complete. Mr. Keene said the value of the GIS system is to gain efficiency and provide additional information to the citizens in the location of the infrastructure. Future plans are to include utility lines, fire hydrants, and other infrastructure in the GIS.

➤ **Storm drainage studies and planning**

The City selected Espey Consultants, Inc. to assist in creating a unique, comprehensive Watershed Management Plan. The study will be comprised of more than just flood control and the staff is working with the consultants to identify the scope of work. A proposal will be presented to the City Council later in the year. Besides completing the Plan, Espey will also help the City locate funding, usually through Federal grants. The result should be a prioritized Capital Improvement Plan with affordable implementation. The Plan should also be a sustainable approach with a long term plan for Watershed Management.

➤ **Revitalization of older neighborhoods**

The City continues to offer ad valorem property tax abatements, has a substandard structure ordinance and demolitions, street enhancements, and water and sewer improvements. Mr. Keene recognized the Brockett Street project as an older neighborhood enhancement. Plans include maximizing the Community Development Block Grant Funding, which was actually increased this year.

➤ **Maintenance and enhancement initiative for existing parks**

Mr. Keene said the City is not only building new parks, but they are making improvements in older parks. Center Street is a new park with fields, a trail, playground, and pavilion. Two practice fields have also been added at Hawn Park. Many improvements have been made at Old Settlers Park and the only park improvement project proposed for next year's CIP Budget is the replacement of the shade structure on the quad. Martin Luther King, Jr. Park improvements include leveling, goal reorientation, and turf revitalization. All bleachers throughout town have also been replaced with aluminum bleachers.

Plans for the future include the shade replacement at Old Settlers Park, field lighting at Rosedale Park, basketball court and playground improvements at Fielder Park, and a new playground at Cherry Street Park.

Council Member Howeth asked about the equipment that is left at the Hawn Skate Park. Mr. Olson said those types of parks have a high rate of vandalism, however he felt skate parks were good for the community. Kevin Winkler, Parks and Recreation Administrator, said much of the original equipment was deteriorated and has been removed. The CIP includes a five year plan to add more equipment at the Skate Park.

➤ **Strategic annexation planning**

Mr. Keene said part of the Comprehensive Master Plan was the adoption of a Future Land Use Plan. Areas of particular interest include Washington Street, Lamberth Road, and Highway 289. He added that Highway 289 and Highway 82 will become the western gateway to Sherman and will be a critical area.

➤ **Downtown development / revitalization**

Water lines for the Travis Street Project have been replaced and the staff is combining two projects, the Travis Street mill and overlay and the Downtown Square Tax Increment Financing (TIF) Streetscape Project in order to get a better cost on the projects and for efficiency. Brockett Street has also been rebuilt and increased connectivity to Downtown. If the Texas Department of Transportation (TxDOT) approves the grant request, then the Houston and Lamar Streets Gateway Streetscape Project will move forward. Mayor Magers confirmed that the announcement on the TxDOT grant should occur in the fourth quarter of 2010.

➤ **Trail, Bikeway and Greenway Master Plan and initial trail network development**

A big project over the past year is the connectivity of the hike and bike trails at Baker Park, Center Street Park, and Binkley Park. These parks feature over two miles of trails that are available to citizens. There are also plans for additional parks, trails, and greenway networking.

➤ **Roadway system maintenance, upgrades, and safety improvements**

Mr. Keene listed projects that have been completed including the drainage and drivability of Taylor Street; intersection improvements at Loy Lake Road and Texoma Parkway; the Canyon Creek Drive Extension; the Brockett Street Rebuild; and extensive street mill and overlay projects.

Plans include the Downtown Streetscape Projects; ramp reversals on U.S. Highway 75 near Sherman Town Center; improvements to Loy Lake Road, between U.S. Highway 82 and Pecan Grove Road; and ongoing maintenance programs. He added that there are plans to “re-visit” the street sales tax in 2012.

Mayor Magers said the street sales tax was originally passed in 2007 and part of the promise to taxpayers was to do what the Council said they would do with that plan, and that has been done. He felt this was the best tax that the City uses because 50% is not even paid by Sherman citizens. He felt the sales tax for streets had been a tremendous asset for Sherman and if the Council wants to continue he would support adding it to the ballot in 2012.

Mr. Hefton said the Election itself would be held in November of 2011 and the tax would start in 2012, so it would be “seamless” with the current tax. Mayor Magers recommended that the Council start putting plans together now to include the question on the ballot. At this point it would not be a tax increase but a tax continuation. Deputy Mayor Steele verified that if the measure failed on the 2011 ballot, it could not be brought back for 12 months, which would end up being even longer because of the process required.

2010-2011 BUDGET REVIEW

Tourism Update

April Patterson, Tourism Director, said the tourism industry in Sherman is still doing okay even with the poor economy. She has recently had visits from hotel buyers because Sherman's hotels stay filled. Because of that, Sherman is able to offer programs that are usually free to residents and visitors, however it is very important to communicate with local residents about the events.

Ms. Patterson said there are plans to begin the branding process in-house to help maintain cohesiveness between the City of Sherman, Chamber of Commerce, and the Sherman Economic Development Corporation (SEDCO).

Updates also need to be made to the website and Council Member Smith confirmed that \$75,000 has been included in the proposed Budget for the City and Tourism website. The funding will be from the Hotel/Motel Tax. Mr. Hefton added that part of the plan for the website is to consider how it's managed. The goal, probably for 2012, will be to have a usable website that might include an in-house person whose primary function is the website. Mayor Magers added that SEDCO has some funding that might be available for the project.

Ms. Patterson listed various tourism sponsored events such as the National Travel and Tourism Week, Hot Summer Nights, U.S. Hwy 82 Yard Sale, and the Christmas Parade and Snowflake Festival. This year the Sherman Council for the Arts and Humanities was unable to find anyone to handle food and

retail vendors for the Annual Sherman Arts Festival. The Tourism Department was already supposed to handle marketing, communication, and advertising for 2010 but now they will also be handling food and retail vendors. Mr. Hefton explained that Sue Malnory usually spearheaded the event, but she was unable to do it this year and no one stepped up to help. Therefore, the Tourism Department will handle the duty for now. Mr. Olson said the event will be evaluated to determine what happens in the future. Mayor Magers expressed concern that the event would end up being the City's event every year instead of being run by volunteers.

Potential events might include motorcycle events, a Jazz Festival in conjunction with the new Jazz Museum, and sports tournaments for youth, adult, and professional. Ms. Patterson also listed community partnerships that either receive grants or to which she dedicates time or marketing services.

"Lights on the Lake" will be held on Saturday, July 3, 2010, starting at 7 p.m. and will include the ribbon cutting for Pecan Grove Park, a fireworks display, and a concert. The park will open at 4 p.m. and the event is sponsored by Landmark Bank.

Council Member Adami asked about the future use of Pecan Grove Park and whether Hot Summer Nights might eventually be moved to that location. Ms. Patterson said she has not planned to move Hot Summer Nights at this point. She felt that the downtown merchants would prefer to have the event remain on the Municipal Building Grounds, but felt that staff should consider resident feedback too. Council Member Wacker agreed that moving the event would change the nature of the event. Ms. Patterson added that there could be another concert series held at a different time at Pecan Grove Park.

Ms. Patterson updated the Council on the Visitor's Center at A Touch of Class Antique Mall. There is a "Welcome to Sherman" sign on the outside of the building that advertises local events. The Visitor's Center is open seven days a week, however the atmosphere is not always conducive to visitors, especially if they have small children or for those visitors that don't enjoy antique shopping. She added that with more events, it would be nice to have a manned facility where event registration could also be handled.

The Tourism Department also handled tourist, community, and relocation contacts. They foster relationships with hotels, the Chamber of Commerce, SEDCO, Downtown Sherman Preservation and Revitalization, Sherman Council for the Arts and Humanities, Hagerman National Wildlife Refuge, Texas Travel Information Centers, neighboring communities, and tourism associations.

In April 2010, the Tourism Department took over rental for Kidd-Key Auditorium, the Municipal Ballroom, and Gazebo and Grounds. There have been changes in policy and they have been received well. She also recommended consideration of facility improvements such as a "full-service" kitchen renovation, wheelchair accessibility for the Auditorium, projector and screens in the Auditorium and Ballroom, signage for interior and parking lot, and Ballroom lighting to provide dimmer switches.

Council Member Adami was familiar with one community that had a "blow-up" screen and showed Disney movies in the park. He felt that was a good tourism event and said it was very well attended. Ms. Patterson hoped that maybe the Sherman Community Players or Theatricks might be interested in presenting a play in the amphitheater at Pecan Grove Park.

City Council Members took a break from 10:04 a.m. to 10:28 p.m.

Essential / Complementary Discussion

Mr. Hefton explained that this year the staff changed the mindset of how they approach managing the activities. The essence is to focus on the things that the City should be providing to citizens, both at a "high level" and at a department level. This process compares both essential and complementary services and has caused some changes to this year's proposed Budget. The staff looked at recouping costs on complimentary services, which are defined as services that benefit one person or maybe a family, instead of the entire community.

For example, the Cemetery is good for the City to have available, but the burial plot is complimentary because it benefits one citizen or his family. The proposed Budget includes fee increases for the Cemetery services based on a direct cost analysis of the actual charges for services such as opening/closing a grave and weekend burials. Charges were also compared to other cemeteries in surrounding communities and Sherman's fee increases should bring the charges more in line with what other cities are charging.

Mayor Magers asked who would pay for the maintenance and operating costs after the Cemetery is filled up and no longer selling lots. Mr. Hefton said the City would pay. Mr. Winkler explained that there is a portion of the lot cost that is designated for perpetual care. Council Member Adami added that this perpetual care amount is put into an escrow account and the earned income from the account is used for future maintenance and operation costs. Mr. Hefton said this is a process and the approach taken this year is to cover the direct costs not necessarily to bring the service up to the market rate.

Council Member Adami felt that the Cemetery should have a presentable facility and he was concerned about the look of the metal building on Lamar Street. There is a future project in the CIP for upgrade of the building and he realized that this year probably was not the year to schedule the project, however he wanted to be sure that project was included in the future.

Deputy Mayor Steele verified that the City does not currently charge for police escorts for funeral processions. Mr. Hefton said he felt that was a complementary service and said the service could either be reduced if more officers are needed on the street, or possibly there could be a charge for the service. The staff is not proposing any changes at this time, but that could be an efficiency change at a later date. Council Member Wacker felt that in a City the size of Sherman, that would be perceived as a "big negative." Mr. Hefton added that the cost is only about \$10,000 to \$15,000 annually.

Mr. Hefton said the staff has reviewed many areas for possible fee increases and those will be brought back to the City Council at a later date, prior to the beginning of next fiscal year.

Mr. Hefton said the staff also looked at areas that might be a duplication of services. Several years ago the City closed the Day Care Center because it was a duplication of services that could be performed more efficiently by the private sector. He did not say they were recommending closing the Glennie O. Ham Center, however some of those services are being duplicated either through the Parks Department or the School District.

Mr. Olson added that the Glennie O. Ham Center and the Senior Citizens Center are now under the Parks and Recreation Department. The goal would be to utilize those staff members in the overall Parks and Recreation planning. Mr. Hefton said the proposed Budget includes a reduction from four full-time employees to three full-time employees in those areas.

Water Issues

Mr. Hefton addressed water issues including the recent purchase of additional Lake Texoma water rights and how that affects the City and can be used as an asset, especially in long term planning.

MEMC and Folgers are expected to close in the first or second quarter of 2011. Currently they represent \$2 million annually in water and sewer revenue. Therefore the staff will be proposing a 6% increase in water and sewer rates to get about half of that money back for the coming year. The long term effect will be discussed at the planning session scheduled for the Fall.

Water is a relatively high fixed cost business and the debt must be paid no matter how much water is pumped and sold. About 65% to 75% of the costs are fixed and include personnel, maintenance costs, and collection and distribution costs. Variable costs include utilities, chemicals, and other supplies.

Mr. Hefton said the City does have a lot of strengths in that they are providing water services to existing customers and potential customers. He referenced the Texas Municipal League Utility Rate Comparison Chart to show Sherman's ranking with the current rate and the proposed rate. Even with the 6%

increase, Sherman would still be in the middle of other Texas cities with similar population. Sherman has an incredible availability of water in terms of raw water that is stored in Lake Texoma. Currently the Water Treatment Plant can treat 10 million gallons of water per day, but can be expanded to treat 25 mgd, and with the most recent purchase of water rights, Sherman has about 35 mgd stored in Lake Texoma. Sherman also has a ground water production capacity of 13 mgd, for a total of 48 mgd of water. Currently the City is using only 8 to 10 mgd.

Sherman also has the ability to use either or both ground or surface water for all current needs. In February the City shut down the surface water system and supplied ground water to the entire City. This is an incredible feature that the City can meet all current water needs with either system if needed.

Mr. Hefton said the City has the capability to sell treated surface water, ground water, raw water, and treated effluent which is the discharge from the Waste Water Treatment Plant. He said the City has high availability, high quality, high reliability, and many types of water to offer. As the water resources are marketed to potential customers, Sherman could become the regional purveyor of treated water for Grayson County. This is definitely a long term asset for Sherman.

Mr. Hefton added that Sherman has a major gas trunk line running through the City, 48 mgd capacity of water, a power plant that is still on track to build in Sherman, and clean air. Council Member Adami said these assets need to be utilized and the City needs to find businesses that replace the water use that will be lost with the closing of MEMC and Folgers. He wanted to be sure that SEDCO also works to bring these types of businesses to Sherman. Mr. Hefton added that Sherman also has rail service and all the needed infrastructure that an industry would need.

Mayor Magers said Panda Energy would bring \$600,000 annually, but that will be dwarfed by the loss of MEMC and Folgers. Because a portion of the lost revenue from Folgers is from a high industrial surcharge for the Waste Water Treatment Plant instead of water flowing through the lines, the City will be losing about 8% or 9% of volume and 12% of revenue. Mr. Hefton added that MEMC has been the largest industrial water user for Sherman for many years and was either the number one or number two water user for ten years.

Mr. Hefton said the staff is proposing to continue working with the Greater Texoma Utility Authority (GTUA) on the plan to become a regional purveyor of water both through water availability and plant capacity, and to continue focusing on industrial recruitment through SEDCO and the City. The staff is proposing a 6% increase which will amount to approximately \$900,000 annually.

Council Member Adami reiterated that the Budget is not an expense problem, it's a revenue problem, and he felt the City should be more proactive in looking at rates. He felt in past years the Council has been "reacting" to events that cause the cost to increase. For the long term approach he felt the City should get out of the reactionary thinking and become proactive with rates. Since fixed costs increase, there should be some method of planning to increase rates, maybe at a slower pace, to get to where they need to be to account for future costs.

Mayor Magers said one way to de-politicize the issue is to tie increases to some other measure, such as the Consumer Price Index (CPI). Council Member Adami said when the cost of service increases the increase should be tied to the actual cost of providing the service. He was not sure the CPI was the correct measure to tie the increase too. He questioned if the City was getting adequate reserves for other things or are there other needs that the rates need to pay for. He also asked if the proposed 6% increase was enough this year.

Mr. Hefton said at the end of the discussion today, the Council will be discussing long term planning and will get an idea of financing for the next five years. It will include known debt service and known "other costs" and will give the Council a better view of the whole picture. He also said the Council may want to look at the financial policy and how the CIP projects are funded. Some people think a fixed cost is static, but as it relates to personnel, it varies with changes in the cost of providing services.

Mayor Magers reiterated that the 6% increase will get the City through the upcoming year. He did not feel there was enough information in hand today to support a larger rate increase. The Council is looking at the 2011 Budget to be balanced without increasing taxes. A long term planning session will be held in the Fall to determine the plan for next year. Mr. Olson said the staff and Council are working to take a longer view at the situation and plan farther in advance. They are trying to change from being reactionary and to think ahead.

Council Member Adami said if during the long term planning session, the Council determines that the rate increase should be larger than 6%, he would support a Budget amendment to increase the rate rather than wait until next year. Council Member Smith agreed that if the rates need to increase, he felt the citizens would appreciate just doing it. Council Member Wacker felt increasing the rate over a period of time would be better. Mr. Hefton said as the day proceeds, he felt the Council would see the plan for the rate increase a little better.

Financial Presentation – FY 2011

Mr. Hefton said the proposed Budget is balanced in the major operating funds, by using the savings account and anticipated revenues. This plan is not sustainable for the future, only for FY 2011. At the end of 2011, the City will still have reserves on hand. The reserves are slightly lower than he would like to see, said Mr. Hefton, however they are still “healthy” and are more than the Charter requires. There is no tax rate increase in the proposed Budget but it does include a 6% water and sewer increase.

TASWA rates are also increasing to the City by about \$2.50 to \$3.00 per ton, so Mr. Hefton said there will probably need to be a rate increase to citizens of about \$0.25 to \$0.30 per month on the residential bill. The solid waste increase is currently not included in the proposed Budget.

Mr. Hefton said this proposed Budget is “cut very close” and there is no contingency. He expected that there would probably need to be a Budget amendment near the end of the year. Normally the City includes a contingency for things that happen that are not anticipated by the staff. This year that contingency is not included.

The staff is proposing very few CIP projects and there are no new fleet purchases planned this year. The plan is to extend the life of the assets by providing major repairs for fleet instead of replacing it. There are proposed fee increases and more fund transfers than usual.

The Health Insurance Fund is doing well now and will need no extra cash infusion. The City expects to have a \$1 million fund balance in the fund at the end of 2011. Two years ago the City was “upside down” in the fund but now the claims history is back to normal and even performing better than what a normal year would be. Mr. Hefton said claims are expected to be \$3.1 million in 2010, as opposed to two years ago when the claims were \$4.9 million. The fund is building reserves.

Several years ago, the Council wanted to begin “paring down” the fund balance on the Hotel / Motel Fund and the staff has done that. A portion of the fund balance will be spent on one-time items such as the website for \$75,000, the Municipal Ballroom kitchen remodeling for \$65,000, and increasing the grant amounts.

The City is also proposing a one-time payment to employees in 2011 of \$500 to each employee. The cost will be less than \$200,000 to the General Fund. This payment will be made out of fund balance.

Mr. Hefton said the main goal this year is to maintain what is being done and to provide essential services with no tax rate increase using the reserves on hand while still maintaining reserves well above what is required by the Charter. He reiterated that the plans for 2011 are not sustainable for the future but get the City to a long term planning stage where the situation can be considered three to five years in the future.

He added that Panda Energy is still coming to Sherman but it has been extended one year from the original expectation, so the financials will need to be modified to reflect that extension.

City Council Members took a lunch break from 11:31 a.m. to 12:13 p.m.

General Fund

Mr. Hefton presented a closer look at some of the major funds. The General Fund is projected to have an ending fund balance of \$4.4 million at the end of 2011, or 55 to 57 days of reserves. The Charter calls for 36 days, however Mr. Hefton said he felt the City should have 60 days of reserves. The transfers into the General Fund are higher than normal because some one-time transfers are being made from the Airport Fund and the General CIP Fund to help balance this year's Budget. A detailed schedule of transfers is included in the Budget documentation.

He did expect a "bump" in property taxes this year based on new value and additional value. Mayor Magers verified that Wilson N. Jones Hospital and Carrus Medical Center will be added to the tax role. The staff is projected "flat" sales tax with no growth next year. The City did realize about 1% of growth this year versus last year. Fines and forfeitures are expected to increase due to collection activities for corporation court fines.

Expenses are being held fairly close with \$28 million listed expenses. There are hardly any transfers out on equipment or buildings. That only includes equipment in excess of \$5,000 and does not include fleet. The City has cut back on capital spending and transfers out.

The General Fund will have a cushion of approximately \$463,000. Mr. Hefton added that includes only the current \$0.32 tax rate and the increase on property taxes is truly value and not on rate.

Utility Fund

Mr. Hefton said the Utility Fund will have an ending fund balance of \$3.9 million, or 70 to 71 days in reserves. The fund includes additional transfers in of \$1.1 million, with \$1 million of that coming from a one-time transfer in from the CIP Fund. The Fund also includes the 6% rate increase for water and sewer rates and the loss of MEMC and Folgers.

As for expenses, Mr. Hefton said maintenance and repair is down \$250,000 because the staff budgeted for only one well repair. Well repairs cost \$250,000 to \$300,000 each and the City had two this year. A Budget amendment will be needed if additional repairs are needed.

Mayor Magers asked for clarification on the water and sewer rate increase. Mr. Hefton said the staff budgeted for a "normal" summer, with the increase for the proposed water and sewer rates, and a decrease for the loss of MEMC and Folgers.

Variances include a \$200,000 increase for utilities and a \$400,000 increase in debt service for the additional Lake Texoma water rights. There were some open positions in 2010 that were budgeted as fully funded. Capital expenses are also down significantly because the staff is trying to extend the useful life of many items with additional repairs.

Mr. Hefton said there is a transfer out to the General Fund that is lower than in the past, which is calculated on revenues and expenses. There is an adequate fund balance for 2011 with the 6% increase and the transfers in.

Solid Waste Fund

Mr. Hefton said there is no rate increase for the TASWA expenses included in the proposed Budget. A 3% rate increase would equate to \$0.30 per month on the residential rate or \$130,000 in total expenses that would be spread out between commercial and residential customers. That should be "a wash" between revenues and expenses.

In the Solid Waste Fund, vehicle usage is hard to project and more susceptible to variations. A heavy part of the expense in this fund is fuel costs and if the cost of gas increases \$1 per gallon, the reserves would be depleted.

Mr. Hefton said the TASWA volume is down and costs used to be about \$1.4 million. With the fee increase, costs will be at the same level. Last year there was a \$2.00 residential rate increase and a 9% to 10% increase on the commercial rate. This was the first ever increase in commercial rates.

There are also transfers out to the General Fund and Utility Fund to cover things those funds do for the Solid Waste Fund. This is basically a “cost of doing business,” similar to a franchise fee. The Solid Waste Fund also repaid the General Improvement Fund for the rebuilding of the Transfer Station Wall two years ago. Mr. Hefton said the State allows reimbursement of costs to a City with a franchise fee. Mayor Magers reiterated that a franchise fee would be an expense to the Solid Waste Fund but a revenue to the General Fund. The “franchise fee” is still 8% plus a portion of the revenue stream. Mr. Hefton added that there are State statutes that govern the amount that can be charged for a franchise fee.

Mayor Magers asked if the \$2.00 solid waste rate increase to Sherman citizens last year actually covered the lower volume and the increase in rates that TASWA charged the City. Mr. Hefton verified that the rate increase more than made up for the decrease in the tipping fees. He added that the City has also realized an increase of about \$100,000 for the sale of recycling materials and the majority of that amount is due to the sale of cardboard. Paper mills are out of pulp or raw materials and are paying premiums of \$80.00 to \$90.00 per ton for cardboard.

Insurance Fund

Mr. Hefton said in the Insurance Fund, the projected fund balance at the end of next year is expected to be \$1.2 million, or about one-third of the premium expenses or about 30% of the total net expenses. He explained that on this fund it doesn't make sense to set the projected fund balance at 60 days because it depends on the claims for that year. There is a cushion in the Insurance Fund, but another bad claims year could make a big difference in the fund balance. No transfers are needed this year for the Insurance Fund.

Mr. Hefton said the City has not raised retiree insurance for many years. The cost of providing insurance coverage to retirees is \$400 per month and the retiree is paying \$310 per month. The goal is to cover the cost by the retiree and not the City. He added that there are some retirees this will not apply too such as firefighters that received a “fixed cost” during collective bargaining negotiations and some retirees that retired between 1984 and 1989. Retirees not under another agreement would be affected. Council Member Smith verified that the cost to the City is about \$10,000.

Council Member Howeth asked if any decisions should be made prior to the Federal Government's health care program. Mr. Hefton said the health care program could affect the City's plan, but he did not know what the changes might be at this time.

Mayor Magers recommended tying the increase to the CPI so it would de-politicize the rate increase and felt that should be discussed during the long range planning later this year.

General Improvement Fund

Mr. Hefton said there are only a few projects in the General Improvement Fund including the Canyon Grove Road relocation, which is located at Travis Street on the back side of Wal-Mart. He did not know a start date or cost on this project but the City is working with TxDOT.

Another project is the third lane on Highway 75 North from Highway 82 to Loy Lake Road. A few years ago money was budgeted for ramp reversals along that same area but TxDOT decided to pay for the project from another fund. Some of this money will be used for the third lane on the highway.

Originally Woodmont was supposed to pay for the third lane but that is no longer an option. Between all these projects, the third lane on Highway 75, Travis Street behind Wal-Mart, and the ramp reversal should be completed. The only project left is the Loy Lake Road Bridge over Highway 75, which will be a multi-million dollar TxDOT project. Mr. Hefton said there is currently \$225,000 funded for the third lane project, however it can be used for whichever of the four projects are scheduled first.

Council Member Adami asked if the sales tax to improve existing streets could be used for the Highway 82 Bridge at Travis Street. Mr. Hefton said it is supposed to be used to improve existing streets.

The General Improvement Fund also includes drainage improvements and the geographic information system (GIS) system, which are high priorities. There is a transfer in for the Solid Waste Interior Driveway Rebuild project so there is a zero net effect. The final project is the Old Settlers Park Shade Structure Repairs. After all projects, the remaining fund balance will be \$170,000 which gives a little flexibility.

Utility Improvement Fund

Mr. Hefton said besides the transfer out, the only money set aside is a contingency for utility oversizing. The ending fund balance will be approximately \$600,000 for projects next year. There is about \$2 million left at GTUA from project savings over the past couple of years. Plans are to use this money for projects in 2011.

Hotel / Motel Tax Fund

Several years ago, the City Council directed the staff to reduce the fund balance in the Hotel / Motel Fund. At the end of 2009 the fund balance was \$403,000 and is projected to be \$150,000 at the end of 2011. One-time costs for the kitchen remodel and the website will help reduce that fund balance. Some grants were also increased. The fund also includes money for projects such as Hot Summer Nights, the Lights on the Lake, and the Red River Bike Rally.

Airport Fund

Mr. Hefton said the Council previously directed the staff to reduce the fund balance in the Airport Fund. This fund balance was reduced by \$400,000 with a transfer to the General Fund. Council Members discussed the cost of fuel and the revenue generated from fuel sales.

Mr. Hefton explained that when the City accepts grant money from the Federal Aviation Administration (FAA) funneled through TxDOT for the Airport, the requirement to keep the Airport open for 20 years starts over. If the Airport is closed prior to that 20 year period, the City would have to refund the grant money. The last grant accepted was in 2005.

Mr. Olson said the current Airport Advisory Board is developing a long term business model for the Airport that they will soon be presenting to the City Council. There are some issues that will need to be addressed at that time. Mr. Hefton added since the City is moving \$400,000 from the Airport Fund, there will not be money to build hangars. Council Member Smith said they originally decided to let the private sector build hangars and since they have not done that, there must not be a market for the hangars. Mr. Hefton added that the request is not coming from the staff, it is coming from the Airport Advisory Board.

DISCUSSION OF LONG-RANGE PLANNING

Financial Presentation – Long Term

Mr. Hefton addressed long term planning issues. Pressures on the Utility Fund include the loss of MEMC and Folgers. Pressures on the General Fund include the Texas Municipal Retirement System (TMRS) changes that the City is about through implementing; revenue decreases of \$1.1 million per year from flat sales tax and struggling franchise fees; an extensive capital improvement program over the last few years; and employee compensation of \$350,000 per year.

Mr. Hefton said the staff needs some long term planning meetings with the Council in the Fall to plan for the next five years. Mayor Magers said the City has met most of the goals of the previous Strategic Plan from 2005. Mr. Hefton added that they want to continue to focus on essential services and to be efficient on what services are delivered and how they are delivered. They also need to discuss revenue enhancements. Mayor Magers felt that managing water sales should be a “revenue enhancement” bullet point and should be a strategic goal for the City of Sherman.

The staff has taken known things and factored them into five year projects along with revenue assumptions. For 2011, essentially all the City's debt service is being paid from savings on the projects, according to Mr. Hefton.

Mr. Hefton presented TML Tax and Debt Surveys and felt that they showed that if the City of Sherman is providing the same services and amenities as other cities her size, then Sherman is doing it for a lot less tax money than other cities.

He also presented Utility Fund Revenue Projections including the effects of MEMC and Folgers, which is about \$2 million per year. For 2012 they also included Panda Energy water usage, however that probably needs to move out one more year. Mayor Magers said Panda's problem is that electric rates are so low, they can't "lock in" customers for long term contracts at a higher rate than they can get today. According to Mr. Hefton, most plants are gas-fired plants and regardless of what plant your power is generated at, the price you pay is based on the cost of gas-fired plants. So customers are paying electric costs based on the price of gas. Historically gas prices are higher, however for the last year and a half, they are at about half the normal rate.

According to Panda Energy there are not immediate market forces that will be driving gas rates back up. Therefore, customers can't save a lot of money by locking in a rate that is higher than the current market rate.

Mr. Hefton said there is still some uncertainty about the need for projects and which year they might fall into. He said they will provide several scenarios for the long term planning meetings.

The Solid Waste Fund appears to have a large fund balance, but the projections do not include increased TASWA rates or increased fuel costs. The fund should be evaluated on an on-going basis.

He also presented detail on the debt service requirements through 2015.

Council Direction

Council Member Adami asked about transfers out in the Solid Waste Fund and what portion relates to franchise fees or to a specific project. Mr. Hefton said he will break out those costs at the next presentation for all funds, but especially the Solid Waste Fund. Mayor Magers also wanted to look at this after TASWA decides how they will handle their rate increase.

Council Member Adami said it is hard to evaluate when you are comparing "actual 2008-2009" and "projected 2009-2010" to next year. He asked to have a five year past history of the budgeted amounts too. Mr. Hefton will prepare a five year look back and a five year look forward.

Council Member Wacker felt there were still very positive things in this year's Budget and for the future. Sherman is reaping her past benefits and still holding her own. She felt good about what had been done and felt that things would get better two or three years in the future.

Mr. Hefton praised the staff for their hard work during this tight Budget year. He asked the City Council about the proposals that were presented for the FY 2010-2011 Budget.

Mayor Magers said the Council understood that there would not be excess revenue for projects. The proposed Budget is balanced with the same tax rate, which is what the Council requested. He felt they should take a hard look at increasing fees or taxes for the future. When times are good, the Council doesn't have to make hard decisions. At the end of the long term planning sessions, the City Council needs to agree to take steps to make the City viable and moving forward, with things such as fee increases.

He did not feel that increasing property taxes is the answer to Sherman's situation. The key things that need to be looked at are the water, solid waste, and business development. Mayor Magers felt it was

very important to put a plan in place to sell Sherman water. Sherman needs to find the revenues, but it is too early to increase taxes.

Council Member Adami said the City Council committed to voters that if they passed the sales tax for streets they would lower property taxes. The lower property taxes need to remain in place for the current term of the sales tax for streets. Mayor Magers agreed and said the Council does what they say they will do and they have credibility with the taxpayers. He asked to see scenarios with and without the sales tax continuing.

Council Member Adami said the Council appreciates the work done by the staff and he wished the economy was better so they could consider a cost of living adjustment.

ADJOURNMENT

There being no further business to come before the City Council today, motion was duly made and approved to adjourn the Called meeting at 1:44 p.m. Documentation for the Budget Work Session is held in the General File "Budget Work Sessions FY 2010-2011" in the City Clerk's Office.

MAYOR

ATTEST

CITY CLERK

STATE OF TEXAS

§

June 21, 2010

COUNTY OF GRAYSON

§

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on June 21, 2010.

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

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Magers called the meeting to order at 5:01 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Cary Wacker.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of June 7, 2010. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5655 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CREATING A CHARTER REVIEW COMMISSION IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5655
CHARTER REVIEW
COMMISSION

Brandon Shelby, City Attorney, explained the procedure for amending the City Charter and why it is necessary to review the Charter and adapt it to the City's evolving needs. The Council is allowed to review the Charter once every two years and the last review was completed in May 2007.

Under State law there are two ways to amend the Charter. One is initiated by petition and in Sherman that requires the signature of 10% of the registered voters. The Charter can also be amended by order of the City Council, or Council initiated.

Later in this meeting the Mayor will be asked to designate a Charter Review Commission and their recommendations will be presented to the Council on August 2, 2010. The Election must be called at least 70 days prior to the Election, which would mean the Ordinance calling the Election must be on the August 16, 2010 Agenda. Election Day will be November 2, 2010.

Mr. Shelby said a proposed Amendment is adopted if approved by a majority of qualified voters at the Election and would be effective at the next Council Meeting when an order would be approved declaring the Amendments effective.

No citizens appeared before the City Council to discuss Ordinance 5655.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5655

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CREATING A CHARTER REVIEW COMMISSION IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5655
CHARTER REVIEW
COMMISSION**

Mayor Magers said there are housekeeping items that must be changed in a Charter and sometimes State law changes and the Charter must be updated. The Charter Review Commission will allow three Council Members to meet without a quorum and review possible changes to the Charter.

Mayor Magers also recognized Council Member Cary Wacker who was recently elected President of the Texoma Council of Governments Governing Board.

He added that in the Charter Amendment process the Council will consider moving the City's Election Day to November. An Election in Sherman currently costs approximately \$30,000 and he felt it was important to expand the number of citizens that vote in an Election. One way to do this is to include the City Election on the November ballot.

Mayor Magers said he would like to ask Council Member Adami and Council Member Howeth to serve with him on the Charter Review Commission. He added that there would also be interaction with the Council. Mr. Shelby said the Commission is scheduled to bring their findings to the Council on August 2, 2010, but it can also be presented at meetings prior to that time.

Mayor Magers wanted the procedure to be open and transparent.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5655, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Deputy Mayor Steele asked to remove Item D-1, entitled "Request to Advertise – Reconstruction of Travis Street from Washington Street to Jones Street" from the Consent Agenda for consideration in its regular order of business.

Council Member Adami moved to approve the Consent Agenda, with the exception of Item D-1, which will be considered in its regular order of business. Second by Council Member Wacker. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5497 – AUTHORIZING THE EXPENDITURE OF THREE THOUSAND DOLLARS (\$3,000.00) IN MATCHING FUNDS TO THE TEXOMA COUNCIL OF GOVERNMENTS FOR TRANSPORTATION PLANNING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXPENDITURE OF THREE THOUSAND DOLLARS (\$3,000.00) IN MATCHING FUNDS TO THE TEXOMA COUNCIL OF GOVERNMENTS FOR TRANSPORTATION PLANNING.

CONSENT AGENDA.

RESOLUTION NO. 5498 – AUTHORIZING SUBMISSION OF A JOINT GRANT APPLICATION WITH THE CITY OF DENISON AND GRAYSON COUNTY FOR AND THE ACCEPTANCE OF THE GRANT AWARDED UNDER THE 2010 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – CFDA #16.738

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING SUBMISSION OF A JOINT GRANT APPLICATION WITH THE CITY OF DENISON AND GRAYSON COUNTY FOR AND THE ACCEPTANCE OF THE GRANT AWARDED UNDER THE 2010 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – CFDA #16.738.

Council Member Adami verified that the grant would be used for the new vehicle. George Olson, City Manager, said the grant was for \$14,000 and the City would make up the other \$6,000 to purchase the new vehicle.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5498, as presented. Second by Council Member Howeth.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5499 – AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN, THE CITY OF DENISON, AND GRAYSON COUNTY FOR GRANT FUNDING TO BE AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE 2010 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – CFDA #16.738

CONSENT AGENDA

RES 5497
TRANSPORTATION
PLANNING

RES 5498
JAG GRANT

RES 5499
JAG GRANT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN, THE CITY OF DENISON, AND GRAYSON COUNTY FOR GRANT FUNDING TO BE AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE 2010 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – CFDA #16.738.

RESOLUTION NO. 5500 – AUTHORIZING THE PURCHASE OF TWO AUTOMATIC LICENSE PLATE READER (ALPR) SYSTEMS FOR THE SHERMAN POLICE DEPARTMENT FROM PIPS TECHNOLOGY USING FUNDS AWARDED UNDER THE RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM DISTRIBUTED BY THE U.S. DEPARTMENT OF JUSTICE (PASS-THROUGH FROM STATE) AND THE 2009 DIRECT JAG PROGRAM DISTRIBUTED BY THE U.S. DEPARTMENT OF JUSTICE

RES 5500
JAG GRANT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF TWO AUTOMATIC LICENSE PLATE READER (ALPR) SYSTEMS FOR THE SHERMAN POLICE DEPARTMENT FROM PIPS TECHNOLOGY USING FUNDS AWARDED UNDER THE RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM DISTRIBUTED BY THE U.S. DEPARTMENT OF JUSTICE (PASS-THROUGH FROM STATE) AND THE 2009 DIRECT JAG PROGRAM DISTRIBUTED BY THE U.S. DEPARTMENT OF JUSTICE.

Council Member Adami said during the Budget Work Session, the Council decided to make the City's assets last longer with repairs and maintenance. He asked if there was a City match to this grant.

Tom Watt, Police Chief, said there was no match required for the grant. Council Member Adami asked about maintenance and operating money that might be required. Chief Watt said the price paid would include the first year's maintenance agreement and any information technology problems that might occur could probably be taken care of in-house.

He added that the Council was briefed on this grant six months ago, but a portion of the funds were being held at the State level. Council Member Smith verified that the grant is Federal money for cities to use. Council Member Adami felt it was good to use Federal government money when it is available, but the Council must also consider the on-going maintenance and operation cost.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution Nos. 5499 and 5500, as presented. Second by Council Member Softly.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

**RESOLUTION NO. 5501 – APPROVING THE GREATER
TEXOMA UTILITY AUTHORITY’S INTENTION TO CONTRACT
WITH J.R. SHELDON & COMPANY, INC. FOR WASTEWATER
TREATMENT PLANT PRIMARY CLARIFIER NO. 2
IMPROVEMENTS**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY’S INTENTION TO CONTRACT WITH J.R. SHELDON & COMPANY, INC. FOR WASTEWATER TREATMENT PLANT PRIMARY CLARIFIER NO. 2 IMPROVEMENTS.
CONSENT AGENDA.

RES 5501
WWTP
IMPROVEMENTS

**RESOLUTION NO. 5502 – AUTHORIZING EXECUTION OF AN
ENCROACHMENT EASEMENT TO FAIRVIEW BAPTIST
CHURCH FOR THE CONSTRUCTION OF AN ENCLOSED
WALKWAY IN THE SEWER EASEMENT AT 220 WEST
TAYLOR STREET**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO FAIRVIEW BAPTIST CHURCH FOR THE CONSTRUCTION OF AN ENCLOSED WALKWAY IN THE SEWER EASEMENT AT 220 WEST TAYLOR STREET.
CONSENT AGENDA.

RES 5502
ENCROACHMENT
EASEMENT
(220 W. TAYLOR)

**REQUEST TO ADVERTISE
RECONSTRUCTION OF TRAVIS STREET FROM WASHINGTON
STREET TO JONES STREET**

Deputy Mayor Steele asked to remove Item D-1 from the Consent Agenda for consideration in its regular order of business. The Council considered the request to advertise for bids to reconstruct Travis Street from Washington Street to Jones Street.

REQ TO ADVERTISE
RECONSTRUCTION
OF TRAVIS STREET

Deputy Mayor Steele verified that the mill and overlay project for Travis Street will be included in the streetscape project around the Court House square. Don Keene, Executive Director – Planning and Public Works, said there was a project to mill and overlay Travis Street from Washington Street to Jones Street. The water lines have been replaced for that project.

At about the same time, along came the Tax Increment Financing (TIF) Downtown Streetscape Project which includes Travis Street and around the Court House Square. Houston and Lamar Street will be included in the project financed by the Texas Department of Transportation grant, if the City receives the grant funding.

The staff felt the two projects could be combined and the City would get a better final project in a more timely manner and at a better cost. Deputy Mayor Steele confirmed that the proposed island cut-outs and the curb will all be completed at the same time.

Mayor Magers reiterated that the Travis Street Mill and Overlay Project was funded from the sales tax initiative for street improvements. The Streetscape Project will be funded by the TIF.

Council Member Howeth asked when the project would begin. Mr. Keene said the staff plans to advertise for bids in early July, begin construction later in the summer, and complete the project by winter.

Mr. Keene said the project will be better off and it will be a better use of taxpayer dollars to complete the two projects together.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve the request to advertise for the reconstruction of Travis Street from Washington Street to Jones Street, as presented.

Second by Council Member Wacker.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

OTHER BUSINESS

MAYOR'S APPOINTMENTS TO CHARTER REVIEW COMMISSION

Mayor Magers asked Council Member Adami and Council Member Howeth to serve with him on the Charter Review Commission.

**CHARTER REVIEW
COMMISSION**

Council Member Adami asked for input from the other Council Members on issues for proposed Charter Amendments. Mayor Magers asked Council Members to send all correspondence to Mr. Shelby and he will send it to the Commission. He felt this would make for more efficient government.

CITIZENS REQUESTS

There were no citizens requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

UPCOMING RIBBON CUTTINGS

Council Member Softly said he was looking forward to the upcoming ribbon cuttings on the Brockett Street Project and on Pecan Grove Park.

**UPCOMING
RIBBON CUTTINGS**

UPCOMING RIBBON CUTTINGS

Mayor Magers reminded citizens that the dedication of Brockett Street would be held on July 1, 2010, at 9 a.m. at the intersection of Brockett and Porter Streets.

**UPCOMING
RIBBON CUTTINGS**

The dedication of Pecan Grove Park will be held on July 3, 2010 during the "Lights on the Lake" event, which will include a live band and fireworks.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:23 p.m.

ADJOURNMENT

MAYOR

CITY CLERK

Amending the City Charter





Why?

Ways To Amend

① Petition Initiated

Ways To Amend

② Council Initiated

Timeline...

June 21

Form Charter Review Commission



August 2



Present Commission
Recommendations

August 16

Call Election



November 2

Election Day

Questions?



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5656

Closing and Abandoning Three Alley Segments within the Mildred Heights Addition to the City of Sherman, Texas, Bounded by Grand Avenue, Luckett Street, Dugan Street and Dorchester Street, Portions of Said Property to be Maintained as a Utility Easement; Conveying the Interest in Said Right-of-Way to the Abutting and Adjacent Property Owner, Austin College

Issue

To consider approving the closure and abandonment of three alley segments for sale and conveyance to Austin College

Background

Austin College has made a request to purchase three alley segments as part of a project to construct new student housing and is a part of the planned expansion of the Austin College campus. Austin College currently owns all property adjacent to the alley segments except for one property at the intersection of alley "B" and Dorchester Street. However, the property owner has agreed in writing to the abandonment of the alley and dedication to Austin College (letter attached). This Ordinance will perform the necessary administrative action to officially close and abandon the alley segments and prepare them for sale to Austin College.

Origination

Austin College

Financial Consideration

The cost of the required appraisal was covered by Austin College. Based upon the appraised value of the alley segments, their sale would yield \$6,550.00. Maintenance of these alley segments will revert to Austin College.

Staff Recommendation

It is recommended that the City Council approve the Ordinance closing and abandoning these alley segments and permitting their sale to Austin College.

Alternatives

As may be directed by the City Council

Attachments

Ordinance No. 5656; Austin College request letter; Landowner Letter, Appraisals and Surveys; Location Map

Prepared by:

Don Keene, Exec. Director - Planning & Public Works

Approved by:

George Olson, City Manager

ORDINANCE NO. 5656

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING THREE ALLEY SEGMENTS WITHIN THE MILDRED HEIGHTS ADDITION TO THE CITY OF SHERMAN, TEXAS, BOUNDED BY GRAND AVENUE, LUCKETT STREET, DUGAN STREET AND DORCHESTER STREET, PORTIONS OF SAID PROPERTY TO BE MAINTAINED AS A UTILITY EASEMENT; CONVEYING THE INTEREST IN SAID RIGHT-OF-WAY TO THE ABUTTING AND ADJACENT PROPERTY OWNER, AUSTIN COLLEGE; 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 hereinafter described alley segments in the City of Sherman, Grayson County, Texas, shall be closed and abandoned, save and except the entire 16' alley "4/B" right-of-way shall be reserved as an easement for public and franchise utilities for the right of ingress and egress to same for purposes of operation, maintenance or removal of such utilities or until such utilities shall be abandoned and relocated:

**ALLEY 4 / "A" – 15 FOOT ALLEY ALONG THE SOUTH LINE OF
BLOCK SIX (6) OF MILDRED HEIGHTS ADDITION**

SITUATED in the County of Grayson, State of Texas, being all of the 15 foot alley lying along the South line of Block SIX (6) of MILDRED HEIGHTS ADDITION to the City of Sherman, Texas as shown by plat of record in volume 191 Page 1, Deed Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at the Southeast corner of Lot Seven in said Block Six at the intersection of the North line of said alley with the West line of Luckett Street;

THENCE South 16 deg. 00 min. 00 sec. East, with the West line of said Luckett Street, a distance of 15.00 feet to a set ½ inch capped rebar stamped SARTIN-3694 at the intersection of the West line of said Luckett Street with the North line of Dugan Street;

THENCE South 74 deg. 00 min. 00 sec. West, with the North line of said Dugan Street, a distance of 205.00 feet to a set ½ inch capped rebar stamped SARTIN-3694;

THENCE North 16 deg. 00 min. 00 sec. West, a distance of 15.00 feet to the Southwest corner of said Lot Seven;

THENCE North 74 deg. 00 min. 00 sec. East, with the South line of said Lot Seven, a distance of 205.00 feet to the **PLACE OF BEGINNING** and containing **3075 SQUARE FEET OF LAND** more or less.

**ALLEY 2 / “B” – 16 FOOT ALLEY BEING PART OF AN ALLEY
RUNNING THROUGH BLOCK (3) OF MILDRED HEIGHTS ADDITION**

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the CHARLES CARTER SURVEY, Abstract No. 220, being a part of a North/South 16 foot alley running through Block THREE (3) of MILDRED HEIGHTS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 191 Page 1, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at the Northeast corner of Lot Five in said Block Three, at the intersection of the West line of said alley with the South line of Dorchester Street;

THENCE North 74 deg. 25 min. 33 sec. East, with the South line of said Dorchester Street, a distance of 16.00 feet to the Northwest corner of Lot One in said Block Three at the intersection of the East line of said alley with the South line of said Dorchester Street;

THENCE South 16 deg. 00 min. 00sec. East, with the West line of Lots One through Four in said Block Three, a distance of 211.08 feet to the Southwest corner of said Lot Four at the intersection of the East line of said alley with the North line of an East/West alley running along the South side of said Block Three;

THENCE South 74 deg. 00 min. 00 sec. West, a distance of 16.00 feet to the Southwest corner of Lot eight in said Block Three, at the intersection of the West line of said alley with the North line of said East/ West alley;

THENCE North 16 deg. 00 min. 00 sec. West, with the East line of Lots Eight, Seven, Six and Five in said Block Three, a distance of 211.20 feet to the **PLACE OF BEGINNING** and containing **3378 SQUARE FEET OF LAND** more or less.

**ALLEY 1 / “C” – 15 FOOT ALLEY ALONG THE SOUTH LINE OF
BLOCK THREE (3) OF MILDRED HEIGHTS ADDITION**

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the CHARLES CARTER SURVEY, Abstract No. 220, being a part of the East/West 15 foot alley lying along the South line of Block THREE (3) of MILDRED HEIGHTS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 191 Page 1, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a found ½ inch rebar maintaining the Southwest corner of Lot Eight in said Block Three, at the intersection of the North line of said East/West alley with the East line of Luckett Street;

THENCE North 74 deg. 00 min. 00 sec. East, with the South line of said Lot Eight, at a distance of 145.00 feet passing its Southeast corner at the intersection of the North line of said alley with the West line of a 16 foot alley running North through said Block Three and continuing for a total distance of 161.00 feet to the Southwest corner of Lot Four in said Block Three, at the intersection of the North line of said East/West alley with the East line of said alley running North;

THENCE South 19 deg. 42 min. 57 sec. East, a distance of 14.43 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northwest corner of a 69.5 x 150 foot tract of land conveyed by James Earl Thrasher, et al to Dorothy Calhoun Fowler by deed dated January 13, 1976, recorded in Volume 1332, Page 770, Deed Records, Grayson County, Texas, the Northeast corner of an 0.4 acre tract conveyed by American Bank of Texas to Austin College by deed dated February 15, 2000, recorded in Volume 2890, Page 404, Official Public Records, Grayson County, Texas, on the South line of said East/West alley;

THENCE South 73 deg. 49 min. 56 sec. West, with the North line of said 0.40 acre tract, the South line of said alley, a distance of 156.49 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northwest corner of said 0.40 acre tract, on the East line of said Luckett Street;

THENCE North 36 deg. 00 min. 44 sec. West, with the East line of said Luckett Street, a distance of 15.83 feet to the **PLACE OF BEGINNING** and containing **2324 SQUARE FEET OF LAND** more or less.

SECTION 2. That it is the intent of the City Council that the right and interest in such right-of-way herein closed and vacated shall vest to the abutting property owner by appropriate conveyance of said right-of-way herein described.

SECTION 3. 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 _____, 2010.

ADOPTED on this the _____ day of _____, 2010.

EFFECTIVE DATE on this _____ day of _____, 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**



June 24, 2010

Mr. Jeff Miller
Director of Public Works
P.O. Box 1106
Sherman, TX 75091-1106

Dear Mr. Miller:

Per our discussion yesterday, the college is interested in purchasing some alley ways from the city. I have enclosed four (4) separate appraisals; one for each of four sections of alley on the north side of Austin College's campus. These alley ways are in the student housing development area you learned about at last night's planning and zoning meeting. I have labeled the appraisals "A", "B", "C" & "D", and included an overview map to cross-walk you though the area. For the alleyways outlined in green, the college already owns all the adjacent property.

In summary:

- The College owns all the adjacent property referred to in appraisal "A" and "C" (alley outlined in green).
- The College owns all the adjacent land (alley outlined in green) except the area behind one house on Luckett St. in "B" (this portion of the alley outlined in red). However, the owner has signed a letter agreeing to abandonment, which he has already sent directly to the city (copy enclosed).
- The College owns the land north of the alley in appraisal "D" (alley shown in red). We have begun discussion with the property owner on Grand Ave., south of the alley, however if we don't purchase this property or they don't agree to abandonment, I may need to withdraw this section of alley from consideration at this time.

A survey has been completed by Sartin and Associates, Inc. in Sherman and the survey is included in the appraisal by Walcott Black & Associates.

In summary, Austin College is willing to pay the appraised values as follows:

- Appraisal "A" valued at \$2,300
- Appraisal "B" valued at \$2,500
- Appraisal "C" valued at \$1,750
- Appraisal "D" valued at \$1,600

Please contact me if you or the Council need any further information. Thank you for your consideration.

Regards,

A handwritten signature in cursive script, reading 'Heidi B. Ellis'.

Heidi Ellis
Vice President for Business Affairs
Austin College
900 North Grand Avenue | Sherman, Texas 75090-4400
Phone 903.813.2000 | austincollege.edu

APPRAISAL OF

A 205' X 15' X 205' X 15' CITY OF SHERMAN ALLEY (NORTH SIDE OF DUGAN STREET & WEST SIDE OF LUCKETT STREET)

LOCATED AT:

NORTH SIDE OF DUGAN STREET & WEST SIDE OF LUCKETT STREET
SHERMAN, TEXAS 75090

FOR:

CLIENT AUSTIN COLLEGE
900 NORTH GRAND AVENUE
SHERMAN, TEXAS 75090

BORROWER:

CLIENT AUSTIN COLLEGE

AS OF:

JUNE 11, 2010 (DATE OF VALUE)

BY:

WALCOTT G. BLACK, SRA
WALCOTT G. BLACK, SRA & ASSOCIATES (903-893-7998)

**WALCOTT G. BLACK, SRA & ASSOCIATES
LAND APPRAISAL REPORT**

File No. **LAC ALLEY 2010**

SUBJECT	Property Address NORTH SIDE OF DUGAN STREET Census Tract 0014.00		LENDER DISCRETIONARY USE	
	City SHERMAN County GRAYSON State TX Zip Code 75090	Sale Price \$ MARKET VALUE		Date N/A
	Legal Description SEE ATTACHED SARTIN SURVEY & FIELD NOTES		Mortgage Amount \$ N/A	
	Owner/Occupant AUSTIN COLLEGE / CITY OF SHERMAN Map Reference 63		Mortgage Type N/A	
NEIGHBORHOOD	Sale Price \$ MARKET VALUE Date of Sale N/A		Property Rights Appraised ☒ Fee Simple	
	Loan charges/concessions to be paid by seller N/A		☐ Leashold	
	R.E. Taxes N/A Tax Year 2010 HOA \$/Mo. N/A		☐ Condominium (HUD/VA)	
	Lender/Client CLIENT AUSTIN COLLEGE		☐ PUD	
	900 NORTH GRAND AVENUE SHERMAN, TEXAS 75090		Source AUSTIN COLLEGE	
	LOCATION ☒ Urban ☐ Suburban ☐ Rural	NEIGHBORHOOD ANALYSIS		
	BUILT UP ☒ Over 75% ☐ 25-75% ☐ Under 25%	Employment Stability ☐ Good ☒ Avg ☐ Fair ☐ Poor		
	GROWTH RATE ☐ Rapid ☐ Stable ☒ Slow	Convenience to Employment ☐ ☒ ☐ ☐		
	PROPERTY VALUES ☐ Increasing ☒ Stable ☐ Declining	Convenience to Shopping ☐ ☒ ☐ ☐		
	DEMAND/SUPPLY ☐ Shortage ☒ In Balance ☐ Over Supply	Convenience to Schools ☐ ☒ ☐ ☐		
MARKETING TIME ☐ Under 3 Mos. ☒ 3-6 Mos. ☒ Over 6 Mos.	Adequacy of Public Transportation ☐ ☒ ☐ ☐			
SITE	PRESENT LAND USE % ☐ Single Family ☐ 2-4 Family ☐ Multi-Family ☐ Commercial ☐ Industrial ☐ Vacant	LAND USE CHANGE ☐ 60% Not Likely ☐ Likely ☐ In process ☒ To SEE HIGHEST AND BEST USE ☐ 40% ANALYSIS	PREDOMINANT OCCUPANCY ☐ Owner ☒ Tenant ☐ Vacant (0-5%) ☒ Vacant (over 5%)	SINGLE FAMILY HOUSING PRICE \$000 AGE (yrs) 30,000 Low 10YRS High 90YRS Predominant 40,000 - 70 YRS
	Note: Race or the racial composition of the neighborhood are not considered reliable appraisal factors. COMMENTS See Attached Addendum			
	Dimensions 205' X 15' X 205' X 15' - MARSHALL SARTIN SURVEY			
	Site Area ABOUT 3,075 Sq. Ft. +/- (SURVEY) Corner Lot YES			
	Zoning Classification RESIDENTIAL R - 1 Zoning Compliance YES			
	HIGHEST & BEST USE Present Use City of Sherman Alley Other Use N/A			
	UTILITIES Public ☒ Other ☐	SITE IMPROVEMENTS Type Public ☒ Private ☐		
	Electricity ☒ T X U	Street CONCRETE		
	Gas ☒ ATMOS	Curb/Gutter CONCRETE		
	Water ☒ CITY	Sidewalk ☐		
Sanitary Sewer ☒ CITY	Street Lights ELECTRIC			
Storm Sewer ☒ CITY	Alley Subject is an alley.			
Comments (Apparent adverse easements, encroachments, special assessments, slide areas, etc.) SEE ATTACHED				
SALES COMPARISON ANALYSIS	The undersigned has reviewed three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.			
	ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2
	Address	N/S DUGAN ST SHERMAN, TEX	LOT 3, BLK 31, N. BRENTS AV SHERMAN, TEXAS	LOT 9, BLK 2, EAST ALMA ST SHERMAN, TEXAS
	Proximity to Subject		About 8 Blocks Northeastward	About 10 Blocks Northeastward
	Sales Price	\$ MARKET VAL	\$ 7,500	\$ 5,000
	Price	\$ N/A	\$ 1.00 / Sq Ft	\$ 0.65 / Sq Ft
	Data Source	Site Visit	Braeswood Realty - MLS	H.T. Morris Company - MLS
	VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	DESCRIPTION
	Sales or Financing		CASH SALE	CASH SALE
	Concessions		NO SELLER PTS	NO SELLER PTS
	Date of Sale/Time	N/A	FEBRUARY 2010	JUNE 2008
	Location	AVERAGE	AVERAGE	AVERAGE
	Site/View	3,075 SQ FT	7,500 SQ FT	7,405 SQ FT
	TOPOGRAPHY	MOST LEVEL	MOST LEVEL	MOST LEVEL
	CONFIGURATION	CIGARETTE	RECTANGULAR	RECTANGULAR
RECONCILIATION	Net Adj. (total)			
	Gross: 4000.0	Gross: 10000.0	Gross: 5128.2	
	Indicated Value of Subject	Net: -1000.0 \$0.90 / SQ FT	Net: 2307.7 \$0.80 / SQ FT	Net: -1282.1 \$0.68 / SQ FT
	Comments of Sales Comparison: THE COMPARABLES OFFER A VALUE RANGE PER SQUARE FOOT (AFTER ADJUSTMENT) FOR THIS SUBJECT OF \$00.68 TO \$00.90. THE SUBJECT AND COMPARABLE VISITS PLUS MARKET ANALYSIS INDICATES A VALUE PER SQUARE FOOT FOR THIS ALLEY OF \$00.75. THEN, THE SUBJECT'S 3,075 SQUARE FEET X \$00.75 = A FINAL VALUE OPINION			
	Comments and Conditions of Appraisal: OF \$2,300 (RND) FOR THE SUBJECT AS OF THE PROPERTY VISIT DATE.			
	Final Reconciliation: THIS SALES APPROACH WILL CARRY THE WEIGHT IN THIS APPRAISAL. THERE ARE NO IMPROVEMENTS ON THIS PARCEL SO A COST APPROACH WAS NOT DEVELOPED. THE INCOME METHOD WAS NOT UTILIZED AS THIS LOT DOES NOT PRODUCE INCOME. THE SALES APPROACH IS USUALLY THE BEST VALUE REFLECTOR FOR SELLERS AND BUYERS.			
	(WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF JUNE 11, 2010 (Date of Value) to be \$ 2,300.			
	I (We) certify that to the best of my (our) knowledge and belief, the facts and data used herein are true and correct; that I (we) personally inspected the subject property and inspected all comparable sales cited in this report; and that I (we) have no undisclosed interest, present or prospective therein.			
	Appraiser(s)	Review Appraiser (if applicable)		
	WALCOTT G. BLACK, SRA			

Proprietary Land Form 04/88

Produced using ACI software, 800.234.5127 www.aciweb.com

Walcott G. Black, SRA & Associates

SARTIN & ASSOCIATES, INC.

REGISTERED PROFESSIONAL LAND SURVEYORS

P.O. Box 1843 * 109 S. Travis * Sherman, Texas 75091-1843

Ph (903) 892-8003 * Fax (903) 868-2970 * Email - msartin@gccisp.com

ALLEY 4

SITUATED in the County of Grayson, State of Texas, being all of the 15 foot alley lying along the South line of Block SIX (6) of MILDRED HEIGHTS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 191 Page 1, Deed Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at the Southeast corner of Lot Seven in said Block Six at the intersection of the North line of said alley with the West line of Luckett Street;

THENCE South 16 deg. 00 min. 00 sec. East, with the West line of said Luckett Street, a distance of 15.00 feet to a set ½ inch capped rebar stamped SARTIN-3694 at the intersection of the West line of said Luckett Street with the North line of Dugan Street;

THENCE South 74 deg. 00 min. 00 sec. West, with the North line of said Dugan Street, a distance of 205.00 feet to a set ½ inch capped rebar stamped SARTIN-3694;

THENCE North 16 deg. 00 min. 00 sec. West, a distance of 15.00 feet to the Southwest corner of said Lot Seven;

THENCE North 74 deg. 00 min. 00 sec. East, with the South line of said Lot Seven, a distance of 205.00 feet to the **PLACE OF BEGINNING** and containing **3075 SQUARE FEET OF LAND** more or less.....

APPRAISAL OF

A 16' X 211.08' X 16' X 211.20' CITY OF SHERMAN ALLEY (SOUTH SIDE OF EAST DORCHESTER STREET - 1400 BLOCK)

LOCATED AT:

"SOUTH SIDE OF EAST DORCHESTER STREET"
SHERMAN, TEXAS 75090

FOR:

CLIENT AUSTIN COLLEGE
900 NORTH GRAND AVENUE
SHERMAN, TEXAS 75090

BORROWER:

CLIENT AUSTIN COLLEGE

AS OF:

JUNE 11, 2010 (DATE OF VALUE)

BY:

WALCOTT G. BLACK, SRA
WALCOTT G. BLACK, SRA & ASSOCIATES (903-893-7998)

WALCOTT G. BLACK, SRA & ASSOCIATES
LAND APPRAISAL REPORT

File No. **ALLEY DORCHESTER 20**

Property Address "SOUTH SIDE OF EAST DORCHESTER STREET"		Census Tract 0014.00	LENDER DISCRETIONARY USE	
City SHERMAN	County GRAYSON	State TX	Zip Code 75090	Sale Price \$ MARKET VALUE
Legal Description SEE ATTACHED SARTIN SURVEY & FIELD NOTES				Date N/A
Owner/Occupant AUSTIN COLLEGE / CITY OF SHERMAN		Map Reference 63	Mortgage Amount \$ N/A	
Sale Price \$ MARKET VALUE		Date of Sale N/A	Mortgage Type N/A	
Loan charges/concessions to be paid by seller \$ N/A		Properly Rights Appraised ☒	Discount Points and Other Concessions \$ N/A	
R.E. Taxes \$ N/A	Tax Year 2010	HOA \$/Mo N/A	Paid by Seller \$ N/A	
Lender/Client CLIENT AUSTIN COLLEGE		☐ Fee Simple	Source AUSTIN COLLEGE	
900 NORTH GRAND AVENUE, SHERMAN, TX 75090		☐ Leashold		
		☐ Condominium (HUD/VA)		
		☐ PUD		
LOCATION	☒ Urban	☐ Suburban	☐ Rural	
BUILT UP	☒ Over 75%	☐ 25-75%	☐ Under 25%	
GROWTH RATE	☐ Rapid	☐ Stable	☒ Slow	
PROPERTY VALUES	☐ Increasing	☒ Stable	☐ Declining	
DEMAND/SUPPLY	☐ Shortage	☒ In Balance	☐ Over Supply	
MARKETING TIME	☐ Under 3 Mos.	☐ 3-6 Mos.	☒ Over 6 Mos.	
PRESENT LAND USE %	LAND USE CHANGE	PREDOMINANT OCCUPANCY	SINGLE FAMILY HOUSING	NEIGHBORHOOD ANALYSIS
Single Family 60%	Not Likely ☐	Owner ☒	PRICE AGE	Employment Stability ☒
2-4 Family ☐	Likely ☐	Tenant ☐	\$(000) (yrs)	Convenience to Employment ☐
Multi-Family ☐	In process ☒	Vacant (0-5%) ☒	30,000 Low 10YRS	Convenience to Shopping ☐
Commercial ☐	To SEE HIGHEST	Vacant (over 5%) ☐	90,000 High 90YRS	Convenience to Schools ☒
Industrial ☐	AND BEST USE		Predominant	Adequacy of Public Transportation ☐
Vacant 40%	ANALYSIS		40,000 - 70 YRS	Recreation Facilities ☐
				Adequacy of Facilities ☐
				Property Compatibility ☐
				Protection from Detrimental Cond. ☐
				Police & Fire Protection ☐
				General Appearance of Properties ☐
				Appeal to Market ☒

Note: Race or the racial composition of the neighborhood are not considered reliable appraisal factors. COMMENTS **See Attached Addendum**

Dimensions 16' X 211.08' X 16' X 211.20' - MARSHALL SARTIN SURVEY		Topography FAIRLY LEVEL
Site Area ABOUT 3,378 Sq.Ft. +/-	Corner Lot NO	Size APPX 3,378 SQ FT +/-
Zoning Classification RESIDENTIAL R - 1	Zoning Compliance YES	Shape CIGARETTE (SLENDER)
HIGHEST & BEST USE: Present Use City of Sherman Alley	Other Use N/A	Drainage GRADED TO LOT LINE
UTILITIES	SITE IMPROVEMENTS	VIEW
Electricity ☒ Public ☐ Other	Street ☒ ASPHALT	Landscaping NONE
Gas ☒ ATMOS	Curb/Gutter ☒ CONCRETE	Driveway NONE
Water ☒ CITY	Sidewalk ☐ NONE	Apparent Easements REFER TO NEW SURVEY
Sanitary Sewer ☒ CITY	Street Lights ☒ ELECTRIC	FEMA Flood Hazard Yes* ☐ No ☒
Storm Sewer ☒ CITY	Alley ☐ Subject is an alley	FEMA Map/Zone 48181C0145 E
Comments (Apparent adverse easements, encroachments, special assessments, slide areas, etc.) SEE ATTACHED		

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered them in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	S/S DORCHESTER SHERMAN, TEX	LOT 3, BLK 31, N. BRENTS AV SHERMAN, TEXAS	LOT 9, BLK 2, EAST ALMA ST SHERMAN, TEXAS	300 WEST KING STREET SHERMAN, TEXAS
Proximity to Subject		About 8 Blocks Northeastward	About 10 Blocks Northeastward	Across Town Southwestward
Sales Price	\$ MARKET VAL	\$ 7,500	\$ 5,000	\$ 5,750
Price/Sq Ft	\$ N/A	\$ 1.00 / Sq Ft	\$ 0.65 / Sq Ft	\$ 0.78 / Sq Ft
Data Source	Site Visit	Braeswood Realty - MLS	H.T. Morris Company - MLS	Sher-Den Realty - MLS
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
Sales or Financing Concessions		CASH SALE NO SELLER PTS	CASH SALE NO SELLER PTS	CASH SALE NO SELLER PTS
Date of Sale/Time	N/A	FEBRUARY 2010	JUNE 2008	OCTOBER 2008
Location	AVERAGE	AVERAGE	INFERIOR	AVERAGE
Site/View	3,378 SQ FT	7,500 SQ FT	7,666 SQ FT	7,405 SQ FT
TOPOGRAPHY	MOST LEVEL	MOST LEVEL	MOST LEVEL	MOST LEVEL
CONFIGURATION	CIGARETTE	RECTANGULAR	RECTANGULAR	RECTANGULAR
Net Adj. (total)		+ \$ 10	+ \$ 15	+ \$ 10
Indicated Value of Subject		Gross: 4000.0 Net: -1000.0 \$0.90 / SQ FT	Gross: 10000.0 Net: 2307.7 \$0.80 / SQ FT	Gross: 5128.2 Net: -1282.1 \$0.68 / SQ FT

Comments of Sales Comparison: THE COMPARABLES OFFER A VALUE RANGE PER SQUARE FOOT (AFTER ADJUSTMENT) FOR THIS SUBJECT OF \$00.68 TO \$00.90. THE SUBJECT AND COMPARABLE VISITS PLUS MARKET ANALYSIS INDICATES A VALUE PER SQUARE FOOT FOR THIS ALLEY OF \$00.75. THEN, THE SUBJECT'S 3,378 SQUARE FEET X \$00.75 = A FINAL VALUE OPINION

Comments and Conditions of Appraisal: OF \$2,500 (RND) FOR THE SUBJECT AS OF THE PROPERTY VISIT DATE.

Final Reconciliation: THIS SALES APPROACH WILL CARRY THE WEIGHT IN THIS APPRAISAL. THERE ARE NO IMPROVEMENTS ON THIS PARCEL SO A COST APPROACH WAS NOT DEVELOPED. THE INCOME METHOD WAS NOT UTILIZED AS THIS LOT DOES NOT PRODUCE INCOME. THE SALES APPROACH IS USUALLY THE BEST VALUE REFLECTOR FOR SELLERS AND BUYERS.

(WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF **JUNE 11, 2010** (Date of Value) to be **\$ 2,500.**

I (We) certify: that to the best of my (our) knowledge and belief, the facts and data used herein are true and correct; that I (we) personally inspected the subject property and inspected all comparable sales cited in this report; and that I (we) have no undisclosed interest, present or prospective therein.

Appraiser(s) **WALCOTT G. BLACK, SRA** Review Appraiser (if applicable) ☒ Did ☐ Did Not Inspect Property

Voluntary Land Form 5048B

Produced using SCI Software 800.234.8727 www.sciweb.com

Walcott G. Black, SRA & Associates

SARTIN & ASSOCIATES, INC.
REGISTERED PROFESSIONAL LAND SURVEYOR'S

P.O. Box 1843 * 109 S. Travis Street * Sherman, Texas 75091-1843
Ph (9023) 892-8003 * Fax (903-868-2970 * Email - msartin@gceecisp.com

ALLEY 2

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the CHARLES CARTER SURVEY, Abstract No. 220, being a part of a North/South 16 foot alley running through Block THREE (3) of MILDRED HEIGHTS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 191 Page 1, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at the Northeast corner of Lot Five in said Block Three, at the intersection of the West line of said alley with the South line of Dorchester Street;

THENCE North 74 deg. 25 min. 33 sec. East, with the South line of said Dorchester Street, a distance of 16.00 feet to the Northwest corner of Lot One in said Block Three at the intersection of the East line of said alley with the South line of said Dorchester Street;

THENCE South 16 deg. 00 min. 00 sec. East, with the West line of Lots One through Four in said Block Three, a distance of 211.08 feet to the Southwest corner of said Lot Four at the intersection of the East line of said alley with the North line of an East/West alley running along the South side of said Block Three;

THENCE South 74 deg. 00 min. 00 sec. West, a distance of 16.00 feet to the Southeast corner of Lot Eight in said Block Three, at the intersection of the West line of said alley with the North line of said East/ West alley;

THENCE North 16 deg. 00 min. 00 sec. West, with the East line of Lots Eight, Seven, Six and Five in said Block Three, a distance of 211.20 feet to the **PLACE OF BEGINNING** and containing **3378 SQUARE FEET OF LAND** more or less.....

"B"

May 24, 2010

Mr. Scott Shadden
Director of Development Services
City of Sherman Development Services Department
220 W. Mulberry Street
Sherman, Texas 75091

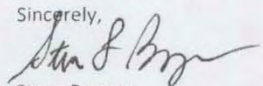
RE: Letter of Consent for Alley right-of-way abandonment
Austin College – Grand N Addition

Dear Mr. Shadden;

I, Steve Bunger, have been approached by Austin College in regards to their request to abandon the existing alley rights-of-way for the alley along my eastern property line. Based on our discussion I agree and provide my consent that the alley may be abandoned and dedicated to Austin College.

Please feel free to contact me if you have any questions or comments.

Sincerely,



Steve Bunger

APPRAISAL OF

A 15.83' X 161' X 14.43' X 156.49' CITY OF SHERMAN ALLEY (EAST SIDE OF LUCKETT STREET - 1200 BLOCK)

LOCATED AT:

"EAST SIDE OF NORTH LUCKETT STREET"
SHERMAN, TEXAS 75090

FOR:

CLIENT AUSTIN COLLEGE
900 NORTH GRAND AVENUE
SHERMAN, TEXAS 75090

BORROWER:

CLIENT AUSTIN COLLEGE

AS OF:

JUNE 11, 2010 (DATE OF VALUE)

BY:

WALCOTT G. BLACK, SRA
WALCOTT G. BLACK, SRA & ASSOCIATES (903-893-7998)

WALCOTT G. BLACK, SRA & ASSOCIATES
LAND APPRAISAL REPORT

File No. L LUCKETT ALLEY 2010

Property Address: "EAST SIDE OF NORTH LUCKETT STREET"		Census Tract: 0014 00		LENDER DISCRETIONARY USE																																																																																	
City: SHERMAN County: GRAYSON State: TX Zip Code: 75090		Sale Price: \$ MARKET VALUE		Date: N/A																																																																																	
Legal Description: SEE ATTACHED SARTIN SURVEY & FIELD NOTES		Mortgage Amount: \$ N/A		Mortgage Type: N/A																																																																																	
Owner/Occupant: AUSTIN COLLEGE / CITY OF SHERMAN Map Reference: 63		Discount Points and Other Concessions		Paid by Seller: \$ N/A																																																																																	
Sale Price \$ MARKET VALUE Date of Sale: N/A		Property Rights Appraised: ☒ Fee Simple		Leashold: ☐																																																																																	
Loan charges/concessions to be paid by seller: \$ N/A		Condominium (HUD/A): ☐		PUD: ☐																																																																																	
R.E. Taxes \$ N/A Tax Year: 2010 HOA \$/Mo: N/A		Source: AUSTIN COLLEGE																																																																																			
Lender/Client: CLIENT AUSTIN COLLEGE																																																																																					
900 NORTH GRAND AVENUE SHERMAN, TX 75090																																																																																					
LOCATION ☒ Urban ☐ Suburban ☐ Rural ☒ Over 75% ☐ 25-75% ☐ Under 25% GROWTH RATE ☐ Rapid ☒ Stable ☐ Slow PROPERTY VALUES ☐ Increasing ☒ Stable ☐ Declining DEMAND/SUPPLY ☐ Shortage ☒ In Balance ☐ Over Supply MARKETING TIME ☐ Under 3 Mos. ☒ 3-6 Mos. ☐ Over 6 Mos.		NEIGHBORHOOD ANALYSIS Employment Stability ☐ ☒ ☐ Convenience to Employment ☐ ☒ ☐ Convenience to Shopping ☐ ☒ ☐ Convenience to Schools ☐ ☒ ☐ Adequacy of Public Transportation ☐ ☒ ☐ Recreation Facilities ☐ ☒ ☐ Adequacy of Facilities ☐ ☒ ☐ Property Compatibility ☐ ☒ ☐ Protection from Delinquent Cond. ☐ ☒ ☐ Police & Fire Protection ☐ ☒ ☐ General Appearance of Properties ☐ ☒ ☐ Appeal to Market ☐ ☒ ☐																																																																																			
PRESENT LAND USE % Single Family 60% 2-4 Family Multi-Family Commercial Industrial Vacant 40%		LAND USE CHANGE Not Likely ☐ Likely ☐ In process ☒ To: SEE HIGHEST AND BEST USE ANALYSIS		PREDOMINANT OCCUPANCY Owner ☒ Tenant ☐ Vacant (0-5%) ☒ Vacant (over 5%) ☐																																																																																	
SINGLE FAMILY HOUSING PRICE AGE \$000 (yrs) 30,000 Low 10YRS 90,000 High 90YRS Predominant 40,000 - 70 YRS		Note: Race or the racial composition of the neighborhood are not considered reliable appraisal factors. COMMENTS See Attached Addendum																																																																																			
SITE Dimensions: 15.63' X 161' X 14.43' X 156.49' - MARSHALL SARTIN SURVEY Site Area: ABOUT 2,324 Sq.Ft. +/- Corner Lot: NO Zoning Classification: RESIDENTIAL R-1 Zoning Compliance: YES HIGHEST & BEST USE: Present Use: City of Sherman Alley Other Use: N/A UTILITIES: Public Other Electricity: ☒ T X U Gas: ☒ ATMOS Water: ☒ CITY Sanitary Sewer: ☒ CITY Storm Sewer: ☒ CITY SITE IMPROVEMENTS Type: Public Private Street: ASPHALT ☒ Curb/Gutter: CONCRETE ☒ Sidewalk: NONE ☐ Street Lights: ELECTRIC ☒ Alley: Subject is an alley. ☐ Topography: FAIRLY LEVEL - TREES Size: APPX 2,324 SQ FT +/- Shape: CIGARETTE (SLENDER) Drainage: GRADED TO LOT LINE View: HOMES & VACANT LOTS Landscaping: NONE Driveway: NONE Apparent Easements: REFER TO NEW SURVEY. FEMA Flood Hazard: Yes* No X FEMA Map/Zone: 48181C0145 E																																																																																					
Comments (Apparent adverse easements, encroachments, special assessments, slide areas, etc.): SEE ATTACHED																																																																																					
The undersigned has reviewed three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject. If a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.																																																																																					
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Appraiser(s): WALCOTT G. BLACK, SRA		Review Appraiser (if applicable):		☒ Did Not Inspect Property ☐ Did Inspect Property																																																																																	

Proprietary Lend Form 548B

Walcott G. Black, SRA & Associates

SARTIN & ASSOCIATES, INC.

REGISTERED PROFESSIONAL LAND SURVEYORS

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

ALLEY 1

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the CHARLES CARTER SURVEY, Abstract No. 220, being a part of the East/West 15 foot alley lying along the South line of Block THREE (3) of MILDRED HEIGHTS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 191 Page 1, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a found ½ inch rebar maintaining the Southwest corner of Lot Eight in said Block Three, at the intersection of the North line of said East/West alley with the East line of Luckett Street;

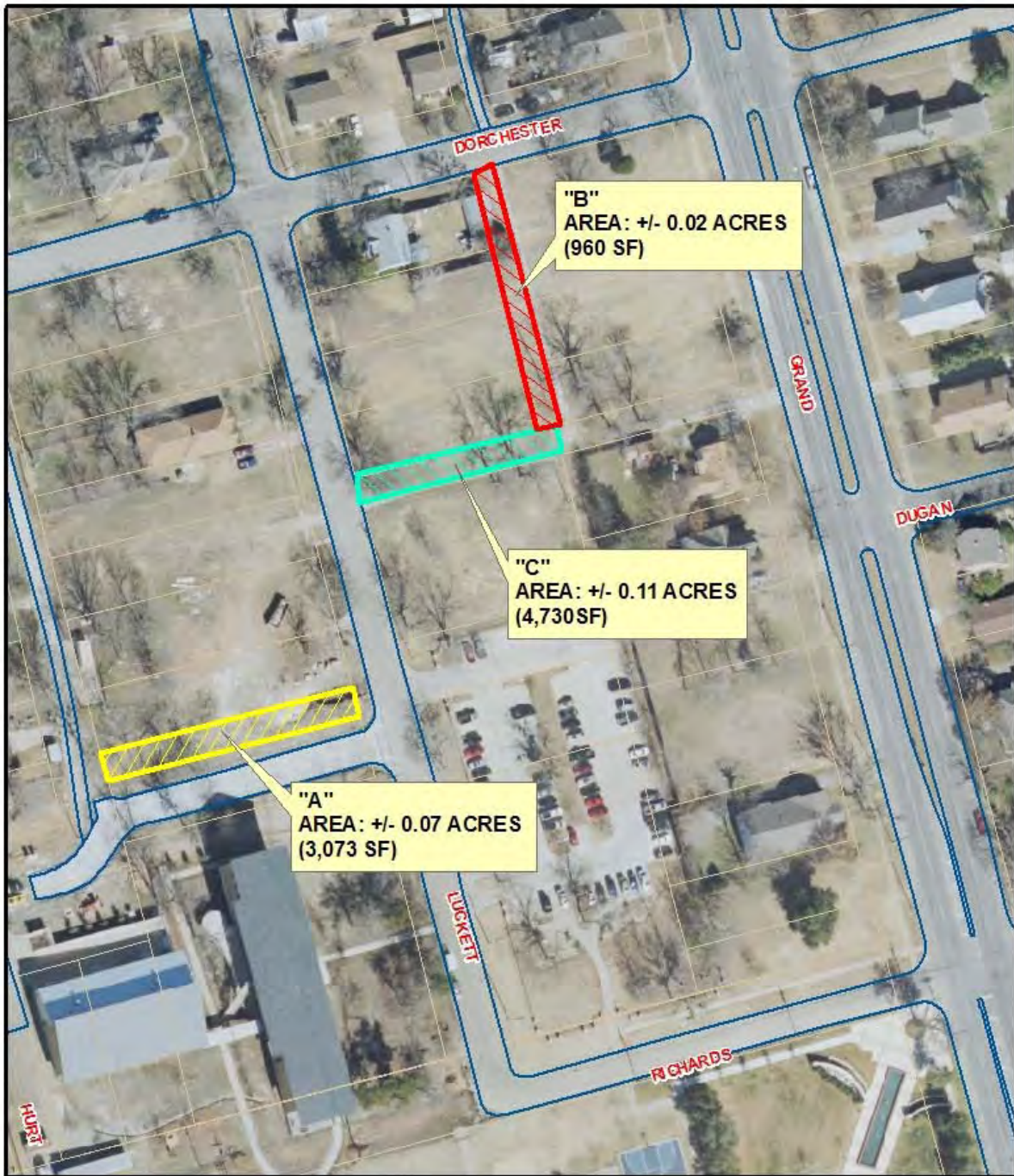
THENCE North 74 deg. 00 min. 00 sec. East, with the South line of said Lot Eight, at a distance of 145.00 feet passing its Southeast corner at the intersection of the North line of said alley with the West line of a 16 foot alley running North through said Block Three and continuing for a total distance of 161.00 feet to the Southwest corner of Lot Four in said Block Three, at the intersection of the North line of said East/West alley with the East line of said alley running North;

THENCE South 19 deg. 42 min. 57 sec. East, a distance of 14.43 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northwest corner of a 69.5 x 150 foot tract of land conveyed by James Earl Thrasher, et al to Dorothy Calhoun Fowler by deed dated January 13, 1976, recorded in Volume 1332, Page 770, Deed Records, Grayson County, Texas, the Northeast corner of an 0.4 acre tract conveyed by American Bank of Texas to Austin College by deed dated February 15, 2000, recorded in Volume 2890, Page 404, Official Public Records, Grayson County, Texas, on the South line of said East/West alley;

THENCE South 73 deg. 49 min. 56 sec. West, with the North line of said 0.40 acre tract, the South line of said alley, a distance of 156.49 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northwest corner of said 0.40 acre tract, on the East line of said Luckett Street;

THENCE North 36 deg. 06 min. 44 sec. West, with the East line of said Luckett Street, a distance of 15.83 feet to the **PLACE OF BEGINNING** and containing **2324 SQUARE FEET OF LAND** more or less.....





City of Sherman, Texas
Engineering Department

PROPOSED PURCHASE OF ALLEYS AUSTIN COLLEGE



SCALE: 1 IN. = 100 FT.



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5657

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District in the 1100-1200 Blocks of North Grand Avenue and the 1100-1200 Blocks of North Luckett Street; Block 1 - being 1.68 acres in the Charles Carter Survey, Abstract No. 220; Block 2 - being all of Lots 1-4, Block 3, Mildred Heights Addition, containing 0.70 acres; Block 3 - being all of Lots 6-8, Block 3, Mildred Heights Addition, containing 0.50 acres; Block 4 - being all of Lots 4-7, Block 6, Mildred Heights Addition, containing 0.99 acres, for a total of 3.87 acres (Austin College, Owners; Heidi Ellis, Austin College Representative; Todd Williams, Kangaroo Housing Investors, LLC, Developer/Applicant; Matthew Cain, Cain Consulting and Engineering Services, Engineers; Architecture Demarest, Architect; and Sartin & Associates, Inc., Surveyors)

Issue

To consider the request of Austin College (Owners), Heidi Ellis (Austin College Representative), Todd Williams, Kangaroo Housing Investors, LLC (Developer/Applicant), Matthew Cain, Cain Consulting and Engineering Services (Engineers), Architecture Demarest (Architect), and Sartin & Associates, Inc. (Surveyors) concerning the property in the 1100-1200 Blocks of North Grand Avenue and the 1100-1200 blocks of North Luckett Street:

- Block 1 - being 1.68 acres in the Charles Carter Survey, Abstract No. 220
- Block 2 - being all of Lots 1-4, Block 3, Mildred Heights Addition, containing 0.70 acres
- Block 3 - being all of Lots 6-8, Block 3, Mildred Heights Addition, containing 0.50 acres
- Block 4 - being all of Lots 4-7, Block 6, Mildred Heights Addition, containing 0.99 acres

for a total of 3.87 acres, to change the zoning from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District

Background

The property is located in the 1100-1200 blocks of North Grand Avenue and the 1100-1200 blocks of North Luckett Street, between Richards and Dorchester Streets. The owners would like to plat the property into four lots for the construction of 22 cottage style homes for the purpose of student housing for a total of 88 beds. Parking will be provided for 98 spaces.

Origination

Austin College (Owners), Heidi Ellis (Austin College Representative), Todd Williams, Kangaroo Housing Investors, LLC (Developer/Applicant), Matthew Cain, Cain Consulting and Engineering Services (Engineers), Architecture Demarest (Architect), and Sartin & Associates, Inc. (Surveyors)

Board Recommendation

At the June 22, 2010 regular meeting, the Planning and Zoning Board voted 6/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Attachments

Ordinance No. 5657

Location Map

Photograph

Letters

Site Plan

Elevations

P&Z Communication Form

Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5657

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT IN THE 1100-1200 BLOCKS OF NORTH GRAND AVENUE AND THE 1100-1200 BLOCKS OF NORTH LUCKETT STREET; BLOCK 1 - BEING 1.68 ACRES IN THE CHARLES CARTER SURVEY, ABSTRACT NO. 220; BLOCK 2 - BEING ALL OF LOTS 1-4, BLOCK 3, MILDRED HEIGHTS ADDITION, CONTAINING 0.70 ACRES; BLOCK 3 - BEING ALL OF LOTS 6-8, BLOCK 3, MILDRED HEIGHTS ADDITION, CONTAINING 0.50 ACRES; BLOCK 4 - BEING ALL OF LOTS 4-7, BLOCK 6, MILDRED HEIGHTS ADDITION, CONTAINING 0.99 ACRES, FOR A TOTAL OF 3.87 ACRES (AUSTIN COLLEGE, OWNERS; HEIDI ELLIS, AUSTIN COLLEGE REPRESENTATIVE; TODD WILLIAMS, KANGAROO HOUSING INVESTORS, LLC, DEVELOPER/APPLICANT; MATTHEW CAIN, CAIN CONSULTING AND ENGINEERING SERVICES, ENGINEERS; ARCHITECTURE DEMAREST, ARCHITECT; AND SARTIN & ASSOCIATES, INC., SURVEYORS); 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-2 (Multi-Family Residential) District in the 1100-1200 Blocks of North Grand Avenue and the 1100-1200 Blocks of North Lockett Street, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BLOCK ONE

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the CHARLES CARTER SURVEY, Abstract No. 220, being all of the following tracts of land: **(i)** a 75 x 150 foot tract conveyed by Kenneth B. Walden, et ux to Austin College by deed dated March 27, 1990, recorded in Volume 2089, Page 721, Real Property Records, Grayson County, Texas, **(ii)** a 50 x 150 foot tract conveyed by W. D. Narramore, Jr., et ux to Austin College by deed dated March 20, 1987, recorded in Volume 1908, Page 364, Real Property Records, Grayson County, Texas, **(iii)** a 97 x 150 foot tract conveyed by Dorothy Calhoun Fowler, et al to Austin College by deed dated August 13, 1988, recorded in Volume 1996, Page 738, Real Property Records, Grayson County, Texas, **(iv)** a 65 x 150 foot tract conveyed by Mary Elizabeth Lockhart to Austin College by deed dated August 1, 2005, recorded in Volume 3907, Page 478, Official Public Records, Grayson County, Texas, **(v)** a 50 x 150 foot tract conveyed by Paul W. Beardsley, et ux to Austin College by deed dated June 23, 1967, recorded in Volume 1084, Page

631, Deed Records, Grayson County, Texas, **(vi)** a 35 x 150 foot tract conveyed by Lena Kolb McCutchen, et vir to Austin College by deed dated September 17, 1980, recorded in Volume 1529, Page 425, Deed Records, Grayson County, Texas and **(vii)** an 0.4 acre tract conveyed by American Bank of Texas to Austin College by deed dated February 15, 2000, recorded in Volume 2890, Page 404, Official Public Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a found 1-1/2 inch pipe maintaining the Southeast corner of a the above mentioned 35 x 150 foot tract (vi), at the intersection of the West line of Grand Avenue with the North line of Richards Street;

THENCE South 74 deg. 25 min. 33 sec. West, with the North line of said Richards Street, a distance of 150.02 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Southwest corner of said 35 x 150 foot tract, the Southeast corner of a 210-1/3 x 156-1/2 foot tract of land conveyed by Jean H. Campbell and Martha Sue Dunn Campbell to Austin College by deed dated November 29, 1993, recorded in Volume 2309, Page 897, Real Property Records, Grayson County, Texas;

THENCE North 15 deg. 36 min. 16 sec. West, with the West line of said 35 x 150 foot tract, said 50 x 150 foot tract (v), said 65 x 150 foot tract (iv), said 97 x 150 foot tract (iii), said 50 x 150 foot tract (ii) and said 75 x 150 foot tract (i), the East line of said 210-1/3 x 156-1/2 foot tract, passing its Northeast corner, the Southeast corner of a 68 x 156-1/2 foot tract conveyed by C. H. Gillespie, Jr., et ux to Austin College by deed dated June 26, 1985, recorded in Volume 1756, Page 792, Deed Records, Grayson County, Texas and continuing with the East line of said 68 x 156-1/2 foot tract, passing its Northeast corner, the Southeast corner of a 50 x 156-1/2 foot tract conveyed by Bobby Leon Perkins, et ux to Austin College by deed dated October 12, 1987, recorded in Volume 1943, Page 649, Real Property Records, Grayson County, Texas and continuing with the East line of said 50 x 156-1/2 foot tract for a total distance of 330.59 feet to a found ½ inch capped rebar stamped "KOCH" maintaining the Southeast corner of said 0.4 acre tract (vii), on the West line of said 50 x 156-1/2 foot tract (I);

THENCE South 73 deg. 52 min. 48 sec. West, with the North line of said 50 x 156-1/2 foot tract (vii), the South line of said 0.4 acre tract, a distance of 156.50 feet to a found ½ inch rebar maintaining the Northwest corner of said 50 x 156-1/2 foot tract, the Southwest corner of said 0.4 acre tract, on the East line of Luckett Street;

THENCE North 15 deg. 34 min. 27 sec. West, with the West line of said 0.4 acre tract, the East line of said Luckett Street, a distance of 111.30 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northwest corner of said 0.4 acre tract, at the intersection of the East line of said Luckett Street with the South line of a 15 foot wide alley lying on the South side of Block Three of Mildred Heights Addition to the City of Sherman, Texas as shown by plat of record in Volume 191, Page 1, Deed Records, Grayson County, Texas;

THENCE North 73 deg. 49 min. 56 sec. East, with the South line of said alley, a distance of 156.49 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northeast corner of said 0.4 acre tract, the Northwest corner of a 69.5 x 150 foot tract of land conveyed by James

Earl Thrasher, et al to Dorothy Calhoun Fowler by deed dated January 13, 1976, recorded in Volume 1332, Page 770, Deed Records, Grayson County, Texas;

THENCE South 15 deg. 36 min. 16 sec. East, with the West line of said 69.5 x 150 foot tract, a distance of 69.50 feet to a chain link fence corner post maintaining its Southwest corner, the Northwest corner of the above mentioned 75 x 150 foot tract (I);

THENCE North 74 deg. 25 min. 33 sec. East, with the South line of said 69.5 x 150 foot tract, a distance of 150.00 feet to a set ½ inch capped rebar stamped SARTIN-3694 for its Southeast corner, the Northeast corner of said 75 x 150 foot tract (i);

THENCE South 15 deg. 36 min. 16 sec. East, with the West line of said Grand Avenue, a distance of 372.39 feet to the **PLACE OF BEGINNING** and containing **1.68 ACRES OF LAND** more or less.....

BLOCK TWO

SITUATED in the County of Grayson, State of Texas, being all of Lots ONE (1), TWO (2), THREE (3) and FOUR (4) in Block THREE (3) of MILDRED HEIGHTS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 191 Page 1, Deed Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a set ½ inch capped rebar stamped SARTIN-3694 for the Northeast corner of said Lot One, at the intersection of the West line of Grand Avenue with the South line of Dorchester Street;

THENCE South 16 deg. 00 min. 00 sec. East, with the West line of said Grand Avenue, a distance of 210.00 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Southeast corner of said Lot Four, at the intersection of the West line of said Grand Avenue with the North line of a 15 foot wide alley;

THENCE South 74 deg. 00 min. 00 sec. West, with the North line of said alley, a distance of 145.00 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Southwest corner of said Lot Four, at the intersection of the North line of said alley with the East line of a 16 foot wide alley running North;

THENCE North 16 deg. 00 min. 00 sec. West, with the East line of said alley, a distance of 211.08 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northwest corner of said Lot One, at the intersection of the East line of said alley with the South line of said Dorchester Street;

THENCE North 74 deg. 25 min. 33 sec. East, with the South line of said Dorchester Street, a distance of 145.00 feet to the **PLACE OF BEGINNING** and containing **0.70 ACRES OF LAND** more or less.....

BLOCK THREE

SITUATED in the County of Grayson, State of Texas, being all of Lots SIX (6), SEVEN (7) and EIGHT (8) in Block THREE (3) of MILDRED HEIGHTS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 191 Page 1, Deed Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a found 1 inch pipe maintaining the Northwest corner of said Lot Six, the Southwest corner of Lot Five in said Block Three, on the East line of Luckett Street;

THENCE North 74 deg. 40 min. 16 sec. East, with the South line of said Lot Five, a distance of 145.01 feet to a set ½ inch capped rebar stamped SARTIN-3694 for its Southeast corner, the Northeast corner of said Lot Six, on the West line of a 16 foot wide alley;

THENCE South 16 deg. 00 min. 00 sec. East, with the West line of said alley, a distance of 150.00 feet to a found ½ inch capped rebar stamped SARTIN-3694 for the Southeast corner of said Lot Eight, at the intersection of the West line of said alley with the North line of a 15 foot wide alley;

THENCE South 74 deg. 00 min. 00 sec. West, with the North line of said alley, a distance of 145.00 feet to a found ½ inch rebar maintaining the Southwest corner of said Lot Eight, on the East line of said Luckett Street;

THENCE North 16 deg. 00 min. 00 sec. West, with the East line of said Luckett Street, a distance of 152.38 feet to the **PLACE OF BEGINNING** and containing **0.50 ACRES OF LAND** more or less.....

BLOCK FOUR

SITUATED in the County of Grayson, State of Texas, being all of Lots FOUR (4), FIVE (5), SIX (6) and SEVEN (7) in Block SIX (6) of MILDRED HEIGHTS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 191 Page 1, Deed Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a set ½ inch capped rebar stamped SARTIN-3694 for the Northeast corner of said Lot Four, the Southeast corner of Lot Three, on the West line of Luckett Street;

THENCE South 16 deg. 00 min. 00 sec. East, with the West line of said Luckett Street, a distance of 211.08 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Southeast corner of said Lot Seven, at the intersection of the West line of said Luckett Street with the North line of a 15 foot wide alley;

THENCE South 74 deg. 00 min. 00 sec. West, with the North line of said alley, a distance of 205.00 feet to a set ½ inch capped rebar stamped SARTIN-3694;

THENCE North 16 deg. 00 min. 00 sec. West, with the East line of said alley, a distance of 211.08 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northwest corner of said Lot Four, the Southwest corner of said Lot Three;

THENCE North 74 deg. 00 min. 00 sec. East, a distance of 205.00 feet to the **PLACE OF BEGINNING** and containing **0.99 ACRES 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 _____, 2010.

ADOPTED on this the _____ day of _____, 2010.

EFFECTIVE DATE on this the _____ day of _____, 2010.

CITY OF SHERMAN, TEXAS

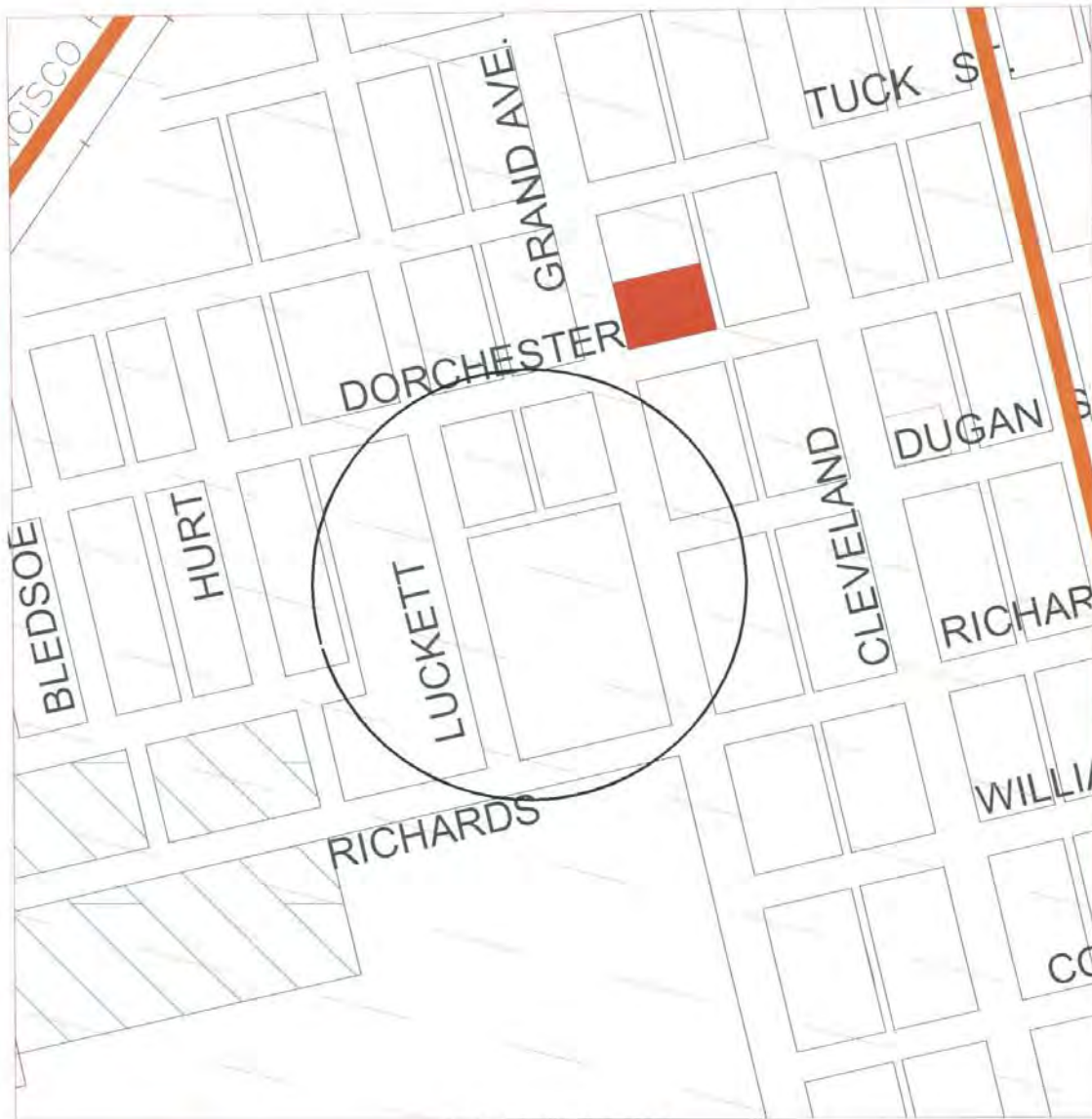
BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



LEGEND

	R-A	SINGLE FAMILY AGRICULTURAL DISTRICT		M-2	HEAVY MANUFACTURING DISTRICT
	SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT		M-H	MANUFACTURED HOUSING DISTRICT
	R-1	ONE FAMILY RESIDENTIAL DISTRICT			BLALOCK INDUSTRIAL PARK
	R-2	MULTI-FAMILY RESIDENTIAL DISTRICT		O-1	OVERLAY DISTRICT - 75 & 82
	C-1	RETAIL BUSINESS DISTRICT		O-1.1	OVERLAY DISTRICT - 1417
	C-2	GENERAL COMMERCIAL DISTRICT		O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
	CO	OFFICE DISTRICT		CPO	COLLEGE PARK OVERLAY
	M-1	LIGHT MANUFACTURING DISTRICT		A&C	ARTS & CULTURAL OVERLAY DISTRICT
	M-1.5	MEDIUM MANUFACTURING DISTRICT		CBD	CENTRAL BUSINESS DISTRICT



Grand N Addition

Department of Developmental Services





City of Sherman, Texas
Developmental Services Department

1100-1200- Blocks North Grand

0 140 280 560 Feet



1100 Block N. Grand



1200 Block N. Grand



1100 Block N. Lockett, East Side of Street



1200 Block E. Lockett, East side of Street



1100 Block E. Lockett, West Side of Street



1300 Block E. Dugan





May 24, 2010

Mr. Scott Shadden
Director of Development Services
City of Sherman Department of Development Services
220 West Mulberry Street
Sherman, Texas 75091

Re Request for Zoning Change and Exception
Project Narrative
Austin College – Grand N Addition

Dear Mr. Shadden:

On behalf of Austin College and Kangaroo Housing Investors, LLC, we are formally submitting this request for the change of zoning for 4.1 acres, consisting of 2 separate properties, located along Grand Avenue and Luckett Street, between Richards and Dorchester Streets. The requested zoning change is from R-1 to R-2 for the purpose of student housing. Kangaroo Housing Investors, LLC is acting as a private developer to construct approximately 22 cottage style homes for the purpose of student housing (88 beds). The property is currently owned by Austin College, and development will occur through a long term lease agreement between Kangaroo Housing Investors, LLC and Austin College.

The proposed development consists of multiple cottage homes, parking and associated improvements. The cottages' façades evoke the Victorian style of the surrounding area through the selection of materials, use of color and application of trims and decorative elements. The material palette will consist of masonry siding materials (i.e. HardiPlank) with an asphalt composition shingle roof. The building elevations provided with this submittal provide a conceptual illustration of the dimensions, materials and colors to be utilized. The final building façade and appearance will be established throughout the design process. Parking will be provided in accordance with City standards at a rate of 1 parking stall per bedroom.

We believe the proposed development is in general conformance with the surrounding campus use and will provide a much needed addition to existing on-campus housing. The proposed development has been designed to conform to the City of Sherman Zoning and Subdivision Ordinances, with the following exceptions.

We are requesting an exception to sections 6.3-7, and 7-13 of the City Zoning Ordinance, both of which require screening; with the more restrictive being Section 6.3-7, which requires a 6-foot masonry screen wall around the proposed development. It is our opinion the use of a screen wall or other screening materials, in this case, does not demonstrate the intent of the ordinance. The existing campus facility is an open pedestrian friendly facility, and the use of the screening wall

CAIN CONSULTING AND ENGINEERING SERVICES, INC.
6136 Frisco Square Blvd., Suite 400, Frisco, Texas 75034
972.284.9916 (Tel) 866.275.7330 (Toll)



CAIN CONSULTING AND ENGINEERING SERVICES

Mr. Scott Shadden, May 24, 2010, Page 2 of 2

or fences would close off and segregate the proposed development from the surrounding campus facilities.

If you have any questions, comments, or need additional information please feel free to contact me.

Very truly yours,

CAIN CONSULTING AND ENGINEERING SERVICES

Matthew A. Cain, P.E.

Cc Heidi Ellis, Austin College
Todd Williams/Ron Cibulka, Kangaroo Housing Investors, LLC

20100324 for zoning change request-grand.dcoz



Marjorie Hass, Ph.D.
President

JUN 15 1972

*City of Sherman Planning and Zoning Commission
June 15, 2010
Page Two*

We are committed to developing and maintaining these residences to a high standard. In order to reduce on-street parking that might detract from the beauty of Grand Avenue, we are designing parking areas to the rear of the residences. Porches and yards will also face the rear so that student activity is aimed internally towards campus rather than towards the street. The project will benefit from the landscape design of Tycher and Associates, the same firm who designed the College's Founders Plaza and entrance on Grand Avenue. Visually we want a beautiful, residential development that showcases the best of Austin College: a residential community of talented, engaged, and civic-minded students.

We could not contemplate a project of this scope right now were it not for the generosity of a committed group of college supporters who have formed Kangaroo Housing, LLC for the purpose of developing student housing that meets the College's goals. Our unique arrangement with the Kangaroo Housing consortium is that they will build and own the housing on land leased (but still owned) by the College. The College will repay the investment and a small supplement to cover part of the interest the consortium members will lose by tying up their capital in this project. The College will have the option to purchase the buildings at cost at any point. We have received independent confirmation that the plan is "below market" and one that is beneficial to the College from a variety of perspectives. It is my understanding that, were we capitalizing the project on our own balance sheet, we would not need to seek zoning variances. Thus, this zoning request comes before you because of the unusual nature of the financing and the consequent fact that until the College purchases it, the housing will be owned by Kangaroo Housing, LLC, a consortium of friends of the College.

My travel schedule conflicts with the Zoning Commission hearing and so I will not be present. Heidi Ellis, Vice President for Business Affairs, and Tim Millerick, Vice President for Student Affairs, will both be on hand to represent the College and answer any questions the commissioners may have for us. In the meantime, please feel free to contact me if I can provide any further insight into the College's plans. We are deeply appreciative to the planning and zoning commission for considering this re-zoning request.

As the new President of Austin College, I want to express my commitment to working productively and happily with the City of Sherman. Austin College is blessed to be located in such a welcoming community, and I am eager to do all I can to preserve and enhance the good community relationships that have been fostered over the years.

Best,



Marjorie Hass
President

GRAND N ADDITION SUBDIVISION

Owner:
Austin College
Heidi Ellis
903-813-2234
903-813-2378 fax
900 North Grand, Suite 6F
Sherman, Texas 75090-4400
hellis@austincollege.edu

Developer/Applicant:
Kangaroo Housing Investors, LLC
Todd Williams
3119 Seneca
Dallas, Texas 75209
williamstodd@kmac.com

Engineer/Representative:
Cain Consulting and Engineering Services, Inc.
Matthew A. Cain, P.E.
972-284-9916
866-275-7330 fax
6136 Frisco Square Blvd., Suite 400
Frisco, Texas 75034
Matt.cain@ccesinc.com

Surveyor:
Sartin and Associates, Inc.
Marshall Sartin
903-802-8001
903-808-2970 fax
109 S. Travis Street, PO Box 1843
Sherman, Texas 75091-1843
msartin@gccchp.com

Architect:
Architecture Demarest
David Demarest
214-748-0655
214-748-5060 fax
801 Core Street, Suite B
Dallas, Texas 75207
ddemarest@architecturedemarest.com



ARCHITECTURE **DEMAREST**
101 LAWYER STREET, SUITE 200 • DALLAS, TEXAS 75201 • 214.748.0655



GRAND N ADDITION-SITE PLAN
SCALE: 1"=40'-0"

UNIT TYPE	NET S.F.	NUMBER	TOTAL NET S.F.	BEDS
4B+1 BATH	1,672	22	36,784	88
PARKING REQUIRED	1 SPACE/RED	88 SPACES		
PARKING PROVIDED:	92 SPACES			

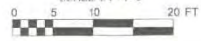
AUSTIN COLLEGE STUDENT HOUSING

SHERMAN, TX
06/11/2019



GRAND N ADDITION CONCEPTUAL MANSION A FRONT ELEVATION

SCALE: 1/4"=1'-0"



GENERAL NOTE:
BUILDINGS TO EMPLOY A MIXTURE OF
BRICK, FIBER CEMENT SIDING AND TRIM,
COMP. SHINGLE ROOF AND PAINTED
WOOD ACCENTS.



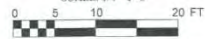
ARCHITECTURE **DEMAREST**
801 GOWEN ROAD, SUITE 100, DALLAS, TX 75202-1000
P: 214.766.8800 F: 214.766.8800

AUSTIN COLLEGE STUDENT HOUSING

SHERMAN, TX
06/11/2010



GRAND N ADDITION CONCEPTUAL COTTAGE A FRONT ELEVATION
SCALE: 1/4"=1'-0"



GENERAL NOTE:
BUILDINGS TO EMPLOY A MIXTURE OF
FIBER CEMENT SIDING AND TRIM,
COMP. SHINGLE ROOF AND PAINTED
WOOD ACCENTS.

AUSTIN COLLEGE STUDENT HOUSING

SHERMAN, TX
06/02/2010



ARCHITECTURE DEMAREST
801 Third St. Suite 200 Dallas, TX 75202 T: 214.464.8877 F: 214.464.8885



GRAND N ADDITION CONCEPTUAL COTTAGE B FRONT ELEVATION

SCALE: 1/4"=1'-0"
 0 5 10 20 FT

GENERAL NOTE:
 BUILDINGS TO EMPLOY A MIXTURE OF
 FIBER CEMENT SIDING AND TRIM,
 COMP. SHINGLE ROOF AND PAINTED
 WOOD ACCENTS.



ARCHITECTURE **DEMAREST**
901 South W. Street, Suite 100, Sherman, TX 75081 P: 940.241.1800 F: 940.241.1801

AUSTIN COLLEGE STUDENT HOUSING
 SHERMAN, TX
 06/02/2010



GRAND N ADDITION CONCEPTUAL COTTAGE A FRONT ELEVATION

SCALE: 1/4"=1'-0"
0 5 10 20 FT

GENERAL NOTE:
BUILDINGS TO EMPLOY A MIXTURE OF
FIBER CEMENT SIDING AND TRIM,
COMP. SHINGLE ROOF AND PAINTED
WOOD ACCENTS.



ARCHITECTURE DEMAREST
801 East 9th Street, Suite 200, Dallas, TX 75207 P: (214) 742-4891 F: (214) 742-3000

AUSTIN COLLEGE STUDENT HOUSING
SHERMAN, TX
06/02/2010

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
June 22, 2010
Lawrence Davis, Chairman

Jim Jacobs, Vice Chairman
Robin Atherton, Commissioner
Ron Barton, Commissioner
Commissioner
Don Hicks, Commissioner

Brad Morgan, Commissioner
David Plyler, Commissioner
Darren Tankersley,
Vacant, Commissioner

1100-1200 Blks. N. Grand Avenue & 1100-1200 Blks. N. Luckett Street
Being: Block 1 - Being 1.68 acres in the Charles Carter Survey, Abstract No. 220
Block 2 - Being all of Lots 1-4, Blk 3, Mildred Heights Addn, containing 0.70 ac.
Block 3 - Being all of Lots 6-8, Blk 3, Mildred Heights Addn, containing 0.50 ac.
Block 4 - Being all of Lots 4-7, Blk 6, Mildred Heights Addn, containing 0.99 ac.
Plat, Plat, Zone Change, Site Plan & Exception

Requested Action/Proposed Use:

Planning and Zoning Commission

Final Plat Approval of Grand N Addition, Being part of a Replat of Blocks 3 & 6, Mildred Heights Addition

Planning and Zoning Commission

Zone Change from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District and site plan approval for student housing.

Board of Adjustments

Exception to not require a masonry perimeter wall/screen in an R-2 (Multi-Family Residential)/College Park Overlay District.

Background:

The property is located in the 1100-1200 Blocks of North Grand Avenue and the 1100-1200 Blocks of North Luckett Street between Richards and Dorchester Streets. The owner would like to plat the property into four lots for construction of 22 cottage style homes for the purpose of student housing for a total of 88 beds. Parking will be provided for 98 spaces.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Austin College (Owners), Heidi Ellis, (Austin College Representative), Todd Williams, Kangaroo Housing Investors, LLC (Developer/ Applicant), Matthew Cain, Cain Consulting and Engineering Services, (Engineers), Architecture Demarest (Architect) and Sartin & Associates, Inc. (Surveyors)

Master Plan Designation:

Public/Institutional

Number of notices mailed:

72

Objections received:

0

Attachments:

Location map, Photographs, Site Plan and Staff Review Letter

Prepared By:

Patsy Reeves

Developmental Services Secretary

Approved By:

Scott Shadden,

Director of Developmental Services

STAFF REVIEW LETTER

June 16, 2010

Austin College
Heidi Ellis
900 N. Grand, Ste. 6F
Sherman, TX 75090

Kangaroo Housing Investors, LLC
Todd Williams
5119 Seneca
Dallas, TX 75209
Sartin & Associates, Inc.
PO Box 1843
Sherman, TX 75091

Architecture Demarest
David Demarest
801 Core Street, Ste. B
Dallas, TX 75207

Cain Consulting & Engineering Services
Matthew Cain
6136 Frisco Square Blvd., Ste. 400
Frisco, TX 75034

Dear Applicants,

The request for a Zone Change from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District site plan approval for student housing for the property located 1100-1200 Blocks of North Grand Avenue and the 1100-1200 Blocks of North Lockett Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 22, 2010 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-2 (Multi-Family Residential) District, the College Park Overlay District and the Residential Tree Preservation and Landscaping Ordinance must be followed. All wall finishes must be masonry or masonry veneer.
2. Approval of the site plan will require encroachment or abandonment of alleys by the City Council.
3. Approval from the City Council is needed to abandon the two alleys before any structures, parking, etc. may be constructed over alleys.
4. Fire lanes shall be coordinated with the Fire Marshal, (903.892.7267)
5. 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

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 and Zoning Commission.

You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

Scott Shadden
Secretary, Planning and Zoning Board and Board of Adjustment

cc:	George Olson, City Manager	Danny Fuller, Fire Marshal
	Mark Gibson, Director Utilities & Engineering Services	Jeff Miller, Director of Public Works
	Brandon Shelby, City Attorney	Don Keene, Exec. Dir. of Planning & Public Works
	Lisa Whitfield, Engineering & Development Coordinator	



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5658

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District in the 900 Blocks of East Brockett and East Pacific Streets and the 600 Blocks of North Willow and North Porter Streets, being 1.69 acres in the J.B. McAnair Survey, Abstract No. 763 (Hubert McIntosh and Austin College, Owners; Heidi Ellis, Austin College Representative; Todd Williams, Kangaroo Housing Investors, LLC, Developer/Applicant; Matthew Cain, Cain Consulting and Engineering Services, Engineers; Architecture Demarest Architect; and Sartin & Associates, Inc., Surveyors)

Issue

To consider the request of Hubert McIntosh and Austin College (Owners), Heidi Ellis (Austin College Representative), Todd Williams, Kangaroo Housing Investors, LLC (Developer/Applicant), Matthew Cain, Cain Consulting and Engineering Services (Engineers), Architecture Demarest (Architect), and Sartin & Associates, Inc. (Surveyors) concerning the property in the 900 Blocks of East Brockett and East Pacific Streets and the 600 Blocks of North Willow and North Porter Streets, being 1.69 acres in the J.B. McAnair Survey, Abstract No. 763, to change the zoning from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District

Background

The property is located in the 900 Blocks of East Brockett and East Pacific Streets and the 600 Blocks of North Willow and North Porter Streets. The owners would like to plat the property into one lot for construction of a 94 bed, three-story student apartment building. Parking will be provided for 99 spaces.

Origination

Hubert McIntosh and Austin College (Owners); Heidi Ellis (Austin College Representative); Todd Williams, Kangaroo Housing Investors, LLC (Developer/Applicant); Matthew Cain, Cain Consulting and Engineering Services (Engineers); Architecture Demarest (Architect); and Sartin & Associates, Inc. (Surveyors)

Board Recommendation

At the June 22, 2010 regular meeting, the Planning and Zoning Board voted 6/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Attachments

Ordinance No. 5658, Location Map, Photograph, Letter, Site Plan, Elevation, P&Z Communication Form and Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5658

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT IN THE 900 BLOCKS OF EAST BROCKETT AND EAST PACIFIC STREETS AND THE 600 BLOCKS OF NORTH WILLOW AND NORTH PORTER STREETS, BEING 1.69 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763 (HUBERT MCINTOSH AND AUSTIN COLLEGE, OWNERS; HEIDI ELLIS, AUSTIN COLLEGE REPRESENTATIVE; TODD WILLIAMS, KANGAROO HOUSING INVESTORS, LLC, DEVELOPER/APPLICANT; MATTHEW CAIN, CAIN CONSULTING AND ENGINEERING SERVICES, ENGINEERS; ARCHITECTURE DEMAREST, ARCHITECT; AND SARTIN & ASSOCIATES, INC., SURVEYORS); 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-2 (Multi-Family Residential) District in the 900 Blocks of East Brockett and East Pacific Streets and the 600 Block of North Willow and North Porter Streets, and that Section 12, 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, being a part of the J.B. McAnair Survey, Abstract No. 763 and being all of the following tracts of land: (i) a 70x120 foot tract conveyed by Raymond R. Polk, Sr. to Austin College by deed dated July 26, 1994, recorded in Volume 2350, Page 189, Real Property Records, Grayson County, Texas, (ii) a 75x120 foot tract conveyed by Barbara Harvison to Austin College by deed dated April 8, 1986, recorded in Volume 1819, Page 644, Real Property Records, Grayson County, Texas, (iii) a 60x100 foot tract conveyed by Bruce N. Spencer to Austin College by deed dated February 21, 1989, recorded in Volume 2025, Page 445, Real Property Records, Grayson County, Texas, (iv) a 90x100 foot tract conveyed by E. Kathryn Harris to Austin College by deed dated January 12, 2000, recorded in Volume 2881, Page 368, Official Public Records, Grayson County, Texas, (v) a 70x105 foot tract conveyed by Rodger D. Bateman and I.E. Isaacs to Austin College by deed dated August 27, 1987, recorded in Volume 1935, Page 728, Real Property Records, Grayson County, Texas, (vi) a 75x105 foot tract conveyed by Alfred J. Bowman and Cheryl Bowman to Austin College by deed dated December 13, 1996, recorded in Volume 2513, Page 61, Official Public Records, Grayson County, Texas, (vii) a 100x150 foot tract of land conveyed by Jean McElvaney Cooley and Lonie L. Spiegel to Dinah C. McIntosh and Hubert McIntosh by deed dated May 17, 1972, recorded in Volume 1219, Page 150, Deed Records, Grayson County, Texas, being a part of the tract of land described in deed from Keith Roland, et ux to Austin College, dated November 17, 1987, recorded in Volume 1950, Page 735, Real Property Records,

Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a found 3/8 inch rebar maintaining the Southwest corner of said 90x100 foot tract (iv), at the intersection of the North line of Pacific Street with the East line of Willow Street;

THENCE North 16 deg. 00 min. 00 sec. West, with the East line of said Willow Street, at a distance of 150.00 feet passing the Northwest corner of said 60x100 foot tract (iii), the Southwest corner of said 100x150 foot tract (vii), from which a found 3 inch pipe bears South 63 deg. 25 min. West, a distance of 0.62 feet and continuing for a total distance of 300.00 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northwest corner of said 100x150 foot tract, at the intersection of the East line of Willow Street with the South line of Brockett Street;

THENCE North 74 deg. 00 min. 00 sec. East, with the South line of said Brockett Street, a distance of 245.00 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northeast corner of said 70x120 foot tract (i), at the intersection of the South line of said Brockett Street with the West line of Porter Street;

THENCE South 16 deg. 00 min. 00 sec. East, with the West line of said Porter Street, at a distance of 120.34 feet passing a found ½ inch rebar and continuing for a total distance of 300.00 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Southeast corner of said 75x105 foot tract (vi), at the intersection of the West line of said Porter Street with the North line of said Pacific Street;

THENCE South 74 deg. 00 min. 00 sec. West, with the North line of said Pacific Street, a distance of 245.00 feet to the PLACE OF BEGINNING and containing 1.69 ACRES 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 _____, 2010.

ADOPTED on this the _____ day of _____, 2010.

EFFECTIVE DATE on this the _____ day of _____, 2010.

CITY OF SHERMAN, TEXAS

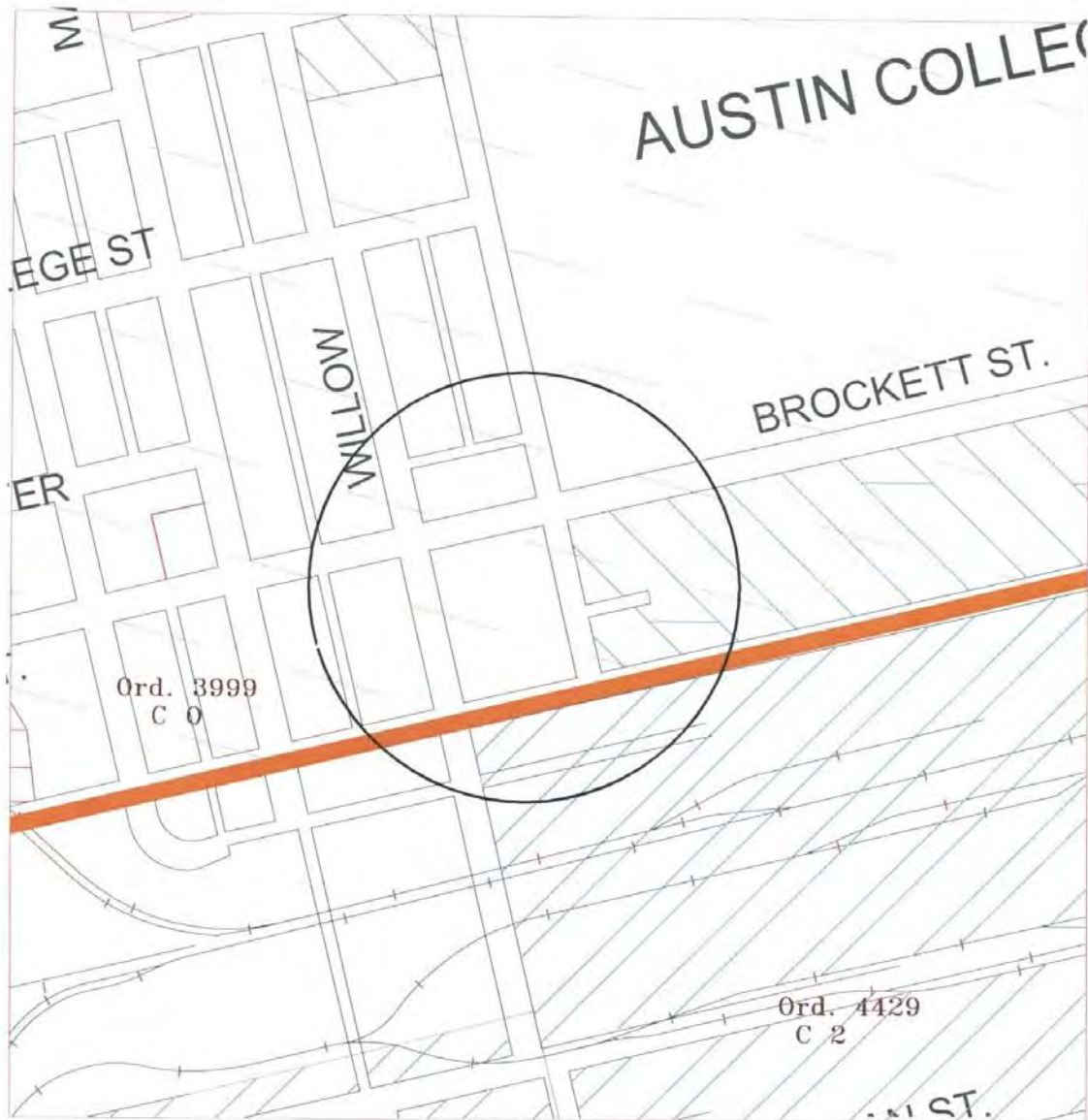
BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	M-H	MANUFACTURED HOUSING DISTRICT
R-1	ONE FAMILY RESIDENTIAL DISTRICT		BLALOCK INDUSTRIAL PARK
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	O-1	OVERLAY DISTRICT - 75 & 82
C-1	RETAIL BUSINESS DISTRICT	O-1.1	OVERLAY DISTRICT - 1417
C-2	GENERAL COMMERCIAL DISTRICT	O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
C-0	OFFICE DISTRICT	CPO	COLLEGE PARK OVERLAY
M-1	LIGHT MANUFACTURING DISTRICT	A&C	ARTS & CULTURAL OVERLAY DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT	CBD	CENTRAL BUSINESS DISTRICT



Brockett SW Addition

Department of Developmental Services





City of Sherman, Texas
Developmental Services Department

900 Blocks E. Brockett & E. Pacific Streets

0 80 160 320 Feet



900 Block E. Brockett



600 Block N. Willow





AUSTIN
COLLEGE

Office of the President

Marjorie Hass, Ph.D.
President

June 15, 2010

JUN 15 2010

City of Sherman Planning and Zoning Commission
c/o Mr. Scott Shadden
Director of Development Services
220 West Mulberry Street
Sherman, Texas 75091

Dear Commissioners,

I am writing to express my support for the proposed student housing project and to explain a bit about why we are approaching it this way. I am sure you are particularly interested in our hopes for the Grand Avenue section of the housing proposal, so I will explore that in some detail.

Our need for additional student housing is three-fold: we want to bring more of our students, especially those returning from international study, back onto campus in order to enhance campus life; we want to create attractive, innovative independent housing options that will enhance our student recruitment efforts; and, we want to create a revenue stream to stabilize the College's budget. The latter is particularly pressing for us given that the stock market drop has limited the amount of income we have available from our endowment.

As we looked at our master plan, we became convinced that to continue developing new apartment/suite style residences on Brockett Street and to create more attractive, residential style housing along Grand Avenue would best meet these three goals. Another positive feature of the Grand Avenue location is that it draws students north towards the retail and restaurant opportunities available just over the bridge. We want students to make use of these opportunities and to see this area as easily accessible by foot or bike from campus.

The attractiveness of Grand Avenue is of significant importance to Austin College. In many ways that route serves as our "front drive" since it is the way that most visitors approach the campus. As you are no doubt aware, over the years the College has purchased properties as they became available. The College has been more successful on the west side of Grand Avenue. Many of the houses have been torn down and some have been rented to faculty or staff members. We now own enough of the properties there to allow us to determine a use for this area. We do not want to leave the area as green space since this would separate, rather than integrate the campus and the neighborhood. And, we do not want to use this space for classroom or administrative facility purposes since that would detract from the neighborhood feel of the area.

*City of Sherman Planning and Zoning Commission
June 15, 2010
Page Two*

We are committed to developing and maintaining these residences to a high standard. In order to reduce on-street parking that might detract from the beauty of Grand Avenue, we are designing parking areas to the rear of the residences. Porches and yards will also face the rear so that student activity is aimed internally towards campus rather than towards the street. The project will benefit from the landscape design of Tycher and Associates, the same firm who designed the College's Founders Plaza and entrance on Grand Avenue. Visually we want a beautiful, residential development that showcases the best of Austin College: a residential community of talented, engaged, and civic-minded students.

We could not contemplate a project of this scope right now were it not for the generosity of a committed group of college supporters who have formed Kangaroo Housing, LLC for the purpose of developing student housing that meets the College's goals. Our unique arrangement with the Kangaroo Housing consortium is that they will build and own the housing on land leased (but still owned) by the College. The College will repay the investment and a small supplement to cover part of the interest the consortium members will lose by tying up their capital in this project. The College will have the option to purchase the buildings at cost at any point. We have received independent confirmation that the plan is "below market" and one that is beneficial to the College from a variety of perspectives. It is my understanding that, were we capitalizing the project on our own balance sheet, we would not need to seek zoning variances. Thus, this zoning request comes before you because of the unusual nature of the financing and the consequent fact that until the College purchases it, the housing will be owned by Kangaroo Housing, LLC, a consortium of friends of the College.

My travel schedule conflicts with the Zoning Commission hearing and so I will not be present. Heidi Ellis, Vice President for Business Affairs, and Tim Millerick, Vice President for Student Affairs, will both be on hand to represent the College and answer any questions the commissioners may have for us. In the meantime, please feel free to contact me if I can provide any further insight into the College's plans. We are deeply appreciative to the planning and zoning commission for considering this re-zoning request.

As the new President of Austin College, I want to express my commitment to working productively and happily with the City of Sherman. Austin College is blessed to be located in such a welcoming community, and I am eager to do all I can to preserve and enhance the good community relationships that have been fostered over the years.

Best,



Marjorie Hass
President

BROCKETT SW ADDITION SUBDIVISION

Owner:
Austin College
Hendy Hill
903-813-2234
903-813-2178 fax
900 North Grand, Suite 6F
Sherman, Texas 75090-4400
hella@austincollege.edu

Developer/Applicant:
Kangaroo Housing Investors, LLC
Todd Williams
5119 Seneca
Dallas, Texas 75209
williams@khi.com

Engineer/Representative:
Cain Consulting and Engineering Services, Inc.
Matthew A. Cain, P.E.
972-284-9916
856-275-7330 fax
6136 Finco Square Blvd., Suite 400
Frisco, Texas 75034
Matt.cain@ccsinc.com

Surveyor:
Sartin and Associates, Inc.
Marshall Sartin
903-802-8003
903-808-2970 fax
109 S. Travis Street, PO Box 1843
Sherman, Texas 75091-1843
msartin@sartin.com

Architect:
Architecture Demarest
David Demarest
214-748-6655
214-748-5969 fax
801 Core Street, Suite B
Dallas, Texas 75207
ddemarest@architecturedemarest.com

UNIT TYPE	NET S.F.	NUMBER	TOTAL NET S.F.	BEDS	PERCENT RENT #
DRIFT BATH	1,363	21	28,623	84	81%
DRIFT BATH	299	5	1,495	15	15%
TOTAL		26	30,118	99	100%

UNIT AVERAGE SIZE: 1,158 S.F.
COMMUNITY SPACE: 796 S.F.

PARKING REQUIRED: 1 SPACE/UNIT = 26 SPACES
PARKING PROVIDED: 97 SPACES



BROCKETT SW ADDITION

SITE PLAN

SCALE: 1"=20'-0"



AUSTIN COLLEGE STUDENT HOUSING

SHERMAN, TX
06/02/2010



ARCHITECTURE DEMAREST
8000 N. Stem Fwy, Suite 2100 • Dallas, TX 75241-1000



ARCHITECTURE DEMAREST
4601 East 11th Street, Suite 100, Dallas, TX 75209 P: 214.768.0000 F: 214.768.0000

BROCKETT SW ADDITION CONCEPTUAL APARTMENT FRONT ELEVATION

SCALE: 1/8"=1'-0"
0 5 10 20 40 FT

GENERAL NOTE:
BUILDING TO EMPLOY A MIXTURE OF
BRICK, FIBER CEMENT SIDING AND TRIM,
COMP. SHINGLE ROOF AND PAINTED
WOOD ACCENTS.

AUSTIN COLLEGE STUDENT HOUSING

SHERMAN, TX
06/02/2010

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
June 22, 2010
Lawrence Davis, Chairman

Jim Jacobs, Vice Chairman
Robin Atherton, Commissioner
Ron Barton, Commissioner
Don Hicks, Commissioner

Brad Morgan, Commissioner
David Plyler, Commissioner
Darren Tankersley, Commissioner
Vacant, Commissioner

900 Blks. E. Brockett & E. Pacific Streets & 600 Blk N. Willow & N. Porter Streets
Being 1.69 acres in the J.B. McAnair Survey, Abstract No. 763
Plat, Zone Change, Site Plan & Exception

Requested Action/Proposed Use:

Planning and Zoning Commission

Final Plat Approval of Brockett SW Addition

Planning and Zoning Commission

Zone Change from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District and site plan approval for student apartments.

Board of Adjustments

Exception to not require a masonry perimeter wall/screen in an R-2 (Multi-Family Residential)/College Park Overlay District.

Background:

The property is located in the 900 Blocks of East Brockett and East Pacific Streets and the 600 Block of North Willow and North Porter Streets. The owner would like to plat the property into one lot for construction of a 94 bed, three-story student apartment building. The owners are planning to come back to the Planning & Zoning Commission in July for a variance for the height of the building. Parking will be provided for 99 spaces.

Adjacent Zoning:

R-1 (One Family Residential) District, R-2 (Multi-Family Residential) District and M-2 (Heavy Manufacturing) District,

Origination:

Hubert McIntosh and Austin College (Owners), Heidi Ellis, (Austin College Representative), Todd Williams, Kangaroo Housing Investors, LLC (Developer/ Applicant), Matthew Cain, Cain Consulting and Engineering Services, (Engineers), Architecture Demarest (Architect) and Sartin & Associates, Inc. (Surveyors)

Master Plan Designation:

Public/Institutional

Number of notices mailed:

6

Objections received:

0

Attachments:

Location map, Photographs, Site Plan and Staff Review Letter

Prepared By:

Patsy Reeves

Developmental Services Secretary

Approved By:

Scott Shadden,

Director of Developmental Services

STAFF REVIEW LETTER

June 16, 2010

Austin College
Heidi Ellis
900 N. Grand, Ste. 6F
Sherman, TX 75090

Kangaroo Housing Investors, LLC
Todd Williams
5119 Seneca
Dallas, TX 75209
Sartin & Associates, Inc.
PO Box 1843
Sherman, TX 75091

Architecture Demarest
David Demarest
801 Core Street, Ste. B
Dallas, TX 75207

Cain Consulting & Engineering Services
Matthew Cain
6136 Frisco Square Blvd., Ste. 400
Frisco, TX 75034

Dear Applicants,

The request for a Zone Change from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District and site plan approval for student apartments for the property located in the 900 Blocks of East Brockett and East Pacific Streets and the 600 Block of North Willow and North Porter Streets has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 22, 2010 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-2 (Multi-Family Residential) District, the College Park Overlay District and the Residential Tree Preservation and Landscaping Ordinance must be followed. All wall finishes must be masonry or masonry veneer.
2. Variance approval is needed from the Board of Adjustments for the building to exceed 45 feet in height.
3. Fire lanes shall be coordinated with the Fire Marshal, (903.892.7267)
4. 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

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 and Zoning Commission.

You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

Scott Shadden
Secretary, Planning and Zoning Board and Board of Adjustment

cc: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator

Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works
Don Keene, Exec. Dir. of Planning & Public Works



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. B.4

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5656, 5657 and 5658

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5656

Closing and Abandoning Three Alley Segments within the Mildred Heights Addition to the City of Sherman, Texas, Bounded by Grand Avenue, Luckett Street, Dugan Street and Dorchester Street, Portions of Said Property to be Maintained as a Utility Easement; Conveying the Interest in Said Right-of-Way to the Abutting and Adjacent Property Owner, Austin College

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5657

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District in the 1100-1200 Blocks of North Grand Avenue and the 1100-1200 Blocks of North Luckett Street; Block 1 - being 1.68 acres in the Charles Carter Survey, Abstract No. 220; Block 2 - being all of Lots 1-4, Block 3, Mildred Heights Addition, containing 0.70 acres; Block 3 - being all of Lots 6-8, Block 3, Mildred Heights Addition, containing 0.50 acres; Block 4 - being all of Lots 4-7, Block 6, Mildred Heights Addition, containing 0.99 acres, for a total of 3.87 acres (Austin College, Owners; Heidi Ellis, Austin College Representative; Todd Williams, Kangaroo Housing Investors, LLC, Developer/Applicant; Matthew Cain, Cain Consulting and Engineering Services, Engineers; Architecture Demarest, Architect; and Sartin & Associates, Inc., Surveyors)

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5658

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District in the 900 Blocks of East Brockett and East Pacific Streets and the 600 Blocks of North Willow and North Porter Streets, being 1.69 acres in the J.B. McAnair Survey, Abstract No. 763 (Hubert McIntosh and Austin College, Owners; Heidi Ellis, Austin College Representative; Todd Williams, Kangaroo Housing Investors, LLC, Developer/Applicant; Matthew Cain, Cain Consulting and Engineering Services, Engineers; Architecture Demarest Architect; and Sartin & Associates, Inc., Surveyors)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. B.5

CONSENT AGENDA

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

C.3 * RESOLUTION NO. 5505

Approving the Greater Texoma Utility Authority's Intention to Contract with Jerry Paul Higgins, Ltd. for Sherman Wastewater Treatment Plant Peak Flow Storage Improvements, Phase I

C.4 * RESOLUTION NO. 5506

Authorizing Execution of a Development Agreement with Grayson County Physicians Property, LLC for the Construction of Public Facilities in the Heritage Park Addition, Phase 2 to the City of Sherman

C.5 * RESOLUTION NO. 5507

Authorizing Execution of an Encroachment Easement to Frank Purdom for the Construction of an Attached Garage in the Utility Easement at 2108 Joni Circle

C.6 * RESOLUTION NO. 5508

Abandoning a Twenty Foot (20') City Utility and Drainage Easement located through Lots 11-14, Block D of the North Haven Addition and Described in Volume 2046, Page 729 of the Real Property Records of Grayson County, Texas

C.7 * RESOLUTION NO. 5509

Authorizing the Filing and Acceptance of a Grant Application with the Texoma Council of Governments (TCOG), in Cooperation with the Texas Commission on Environmental Quality (TCEQ), for a Fiscal Year 2010-2011 Regional Solid Waste Grant; Authorizing the Executive Director of Planning and Public Works to Act on Behalf of the City of Sherman in all Matters Related to the Application; Pledging that, if a Grant is Received, the City of Sherman will Comply with the Grant Requirements of TCOG, TCEQ, and the State of Texas

D.1 * CHANGE ORDER NO. 1

Brents Street Sewer Replacement; Dickerson Construction Co., Inc.; \$18,084.50, Decrease

D.5 * OTHER BUSINESS

Final Plat Approval of Crescent Oaks Plaza; ET Joint Venture, Owners; and Sartin and Associates, Inc., Surveyors (1600-1700 Blocks of U.S. Highway 75 North)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. C.1

RESOLUTION NO. 5503

Authorizing Execution of a Deed Without Warranty to Austin College for the Conveyance of Three Alley Segments within the Mildred Heights Addition to the City of Sherman, Texas, Bounded by Grand Avenue, Luckett Street, Dugan Street and Dorchester Street, Portions of Said Property to be Maintained as a Utility Easement

Issue

To authorize the City Manager to convey three alley segments to Austin College at their appraised values and reserve one alley segment as a utility easement

Background

Austin College will soon begin development of new student housing along Grand Avenue. As a part of the project Austin College has submitted a request to purchase three alley segments within the Mildred Heights Addition, situated between Grand Avenue and Luckett Street and bordered by Dugan Street on the south side and Dorchester Street on the north side. Austin College currently owns all property along the length of the alley segments except on the north end of alley "B". In this case, the property owner has given his permission for the alley to be abandoned (see the attached letter). Alley segment "D", as referenced in the attached letter from Austin College, will not be included with this conveyance because the College has not reached agreement with the owner about abandonment of the alley. Under this conveyance, the entire width (16') of alley "B" shall be retained as an easement to provide for existing utilities.

Origination

Austin College

Financial Consideration

Austin College has provided appraisals and property surveys for the alleys at the following values:

Alley "A"	\$2,300.00
Alley "B"	\$2,500.00
Alley "C"	\$1,750.00

Staff Recommendation

It is recommended that the three alley segments be sold to Austin College at the appraised value and that an easement be reserved for the existing utilities in alley "B".

Alternatives

The City Council could reject the request and retain the property.

Attachments

Resolution No. 5503

Deed Without Warranty

Request letter from Austin College

Property Appraisals/Surveys

Copy of letter from adjacent landowner

Copy of Mildred Heights Addition plat

Location Map

Prepared by:

Don Keene, Exec. Director - Planning & Public Works

Approved by:

George Olson, City Manager

RESOLUTION NO. 5503

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO AUSTIN COLLEGE FOR THE CONVEYANCE OF THREE ALLEY SEGMENTS WITHIN THE MILDRED HEIGHTS ADDITION TO THE CITY OF SHERMAN, TEXAS, BOUNDED BY GRAND AVENUE, LUCKETT STREET, DUGAN STREET AND DORCHESTER STREET, PORTIONS OF SAID PROPERTY TO BE MAINTAINED AS A UTILITY EASEMENT; 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 a Deed Without Warranty to Austin College for the conveyance of three alley segments within the Mildred Heights Addition to the City of Sherman, Texas, bounded by Grand Avenue, Luckett Street, Dugan Street and Dorchester Street, while reserving portions of said property as a utility easement, for the consideration of Six Thousand Five Hundred Fifty Dollars and No Cents (\$6,550.00), in accordance with the documents attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2010.

CITY OF SHERMAN

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
BILL MAGERS, MAYOR

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

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

**ALLEY 4 / "A" – 15 FOOT ALLEY ALONG THE SOUTH LINE OF
BLOCK SIX (6) OF MILDRED HEIGHTS ADDITION**

THENCE North 74 deg. 00 min. 00 sec. East, with the South line of said Lot Seven, a distance of 205.00 feet to the **PLACE OF BEGINNING** and containing **3075 SQUARE FEET OF LAND** more or less.

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the CHARLES CARTER SURVEY, Abstract No. 220, being a part of a North/South 16 foot alley running through Block THREE (3) of MILDRED HEIGHTS ADDITION to the City of

Sherman, Texas as shown by plat of record in Volume 191 Page 1, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at the Northeast corner of Lot Five in said Block Three, at the intersection of the West line of said alley with the South line of Dorchester Street;

THENCE North 74 deg. 25 min. 33 sec. East, with the South line of said Dorchester Street, a distance of 16.00 feet to the Northwest corner of Lot One in said Block Three at the intersection of the East line of said alley with the South line of said Dorchester Street;

THENCE South 16 deg. 00 min. 00sec. East, with the West line of Lots One through Four in said Block Three, a distance of 211.08 feet to the Southwest corner of said Lot Four at the intersection of the East line of said alley with the North line of an East/West alley running along the South side of said Block Three;

THENCE South 74 deg. 00 min. 00 sec. West, a distance of 16.00 feet to the Southwest corner of Lot eight in said Block Three, at the intersection of the West line of said alley with the North line of said East/ West alley;

THENCE North 16 deg. 00 min. 00 sec. West, with the East line of Lots Eight, Seven, Six and Five in said Block Three, a distance of 211.20 feet to the **PLACE OF BEGINNING** and containing **3378 SQUARE FEET OF LAND** more or less.

**ALLEY 1 / "C" – 15 FOOT ALLEY ALONG THE SOUTH LINE
OF BLOCK THREE (3) OF MILDRED HEIGHTS ADDITION**

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the CHARLES CARTER SURVEY, Abstract No. 220, being a part of the East/West 15 foot alley lying along the South line of Block THREE (3) of MILDRED HEIGHTS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 191 Page 1, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a found ½ inch rebar maintaining the Southwest corner of Lot Eight in said Block Three, at the intersection of the North line of said East/West alley with the East line of Luckett Street;

THENCE North 74 deg. 00 min. 00 sec. East, with the South line of said Lot Eight, at a distance of 145.00 feet passing its Southeast corner at the intersection of the North line of said alley with the West line of a 16 foot alley running North through said Block Three and continuing for a total distance of 161.00 feet to the Southwest corner of Lot Four in said Block Three, at the intersection of the North line of said East/West alley with the East line of said alley running North;

THENCE South 19 deg. 42 min. 57 sec. East, a distance of 14.43 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northwest corner of a 69.5 x 150 foot tract of land conveyed by James Earl Thrasher, et al to Dorothy Calhoun Fowler by deed dated January 13, 1976, recorded in Volume 1332, Page 770, Deed Records, Grayson County, Texas, the Northeast corner of an 0.4 acre tract conveyed by American Bank of Texas to Austin College by deed dated February 15, 2000, recorded in Volume 2890, Page 404, Official Public Records, Grayson County, Texas, on the South line of said East/West alley;

THENCE South 73 deg. 49 min. 56 sec. West, with the North line of said 0.40 acre tract, the South line of said alley, a distance of 156.49 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northwest corner of said 0.40 acre tract, on the East line of said Luckett Street;

THENCE North 36 deg. 006 min. 44 sec. West, with the East line of said Luckett Street, a distance of 15.83 feet to the **PLACE OF BEGINNING** and containing **2324 SQUARE FEET OF LAND** more or less.

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the above described property and premises unto the said Grantee, its legal representatives, successors and assigns forever, without express or implied warranty, so that neither Grantor nor Grantor's successors, legal representatives or assigns shall have claim or demand any right or title to the aforesaid property, premises or appurtenances or any part thereof, **SAVE AND EXCEPT** that these properties are to be reserved as easements for any and all existing utilities as may be now located in said above described property, with the right of ingress and egress to same for the purpose of operation, construction, repair, reconstruction, improvement maintenance, or removal of such utilities until such shall be abandoned or relocated. All warranties that might arise by common law as well as the warranties in Section 5.023 of the Texas Property Code (or its successor) are excluded.

This conveyance is made and accepted subject to and all conditions and restrictions, if any, relating to the here above described property, shown of record in the office of the County Clerk of Grayson County, Texas.

Release. In accepting the conveyance of this property, Grantee expressly accepts the property in its "as is" condition, with all of its faults and encumbrances, if any. GRANTEE RELEASES AND FOREVER DISCHARGES THE GRANTOR, ITS OFFICERS, AGENTS AND EMPLOYEES FROM ALL RIGHTS, CLAIMS, DEMANDS, OR CAUSES OF ACTION, AT LAW OR IN EQUITY, GRANTEE PRESENTLY HAS, OR EVEN CAN, SHALL, OR MAY HAVE IN THE FUTURE IN CONNECTION WITH THIS TRANSACTION, INCLUDING HAZARDOUS MATERIALS OR ENVIRONMENTAL ISSUES IN, ON OR UPON THE PROPERTY, IF ANY. GRANTEE STATES THAT IT IS NOT RELYING UPON ANY REPRESENTATIONS OR DISCLOSURES BY THE GRANTOR AND NONE HAVE BEEN MADE IN CONNECTION WITH THE ACQUISITION OF THIS PROPERTY. THIS RELEASE SHALL BE BINDING UPON GRANTEE'S LEGAL REPRESENTATIVES, ASSIGNS AND SUCCESSORS IN INTEREST.

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the above described property and premises subject to the aforesaid, unto the said Grantee, its legal representatives, successors and assigns forever, so that the Grantor, its legal representatives, successors and assigns shall not have, claim or demand any right, title or interest to the aforesaid property, premises or appurtenances of any part thereof.

Grantor acknowledges and confesses that this conveyance is made pursuant to the authority of the Resolution No. 5503 of the City of Sherman, Texas, passed and approved on the 19th day of July, 2010.

IN WITNESS WHEREOF, the City of Sherman, Texas, a municipal corporation of Grayson County, Texas, has caused this instrument to be executed by its City Manager on this the _____ day of _____, 2010.

CITY OF SHERMAN, TEXAS

BY:

**GEORGE OLSON,
CITY MANAGER**

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, in and for the State of Texas, on this day personally appeared George Olson, City Manager, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said City of Sherman, a municipal corporation of the State of Texas, and that he executed the same as the act of such corporation for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____, 2010, by George Olson, City Manager of the City of Sherman.

Notary Public, State of Texas
Commission Expires: _____



June 24, 2010

Mr. Jeff Miller
Director of Public Works
P.O. Box 1106
Sherman, TX 75091-1106

Dear Mr. Miller:

Per our discussion yesterday, the college is interested in purchasing some alley ways from the city. I have enclosed four (4) separate appraisals; one for each of four sections of alley on the north side of Austin College's campus. These alley ways are in the student housing development area you learned about at last night's planning and zoning meeting. I have labeled the appraisals "A", "B", "C" & "D", and included an overview map to cross-walk you through the area. For the alleyways outlined in green, the college already owns all the adjacent property.

In summary:

- The College owns all the adjacent property referred to in appraisal "A" and "C" (alley outlined in green).
- The College owns all the adjacent land (alley outlined in green) except the area behind one house on Luckett St. in "B" (this portion of the alley outlined in red). However, the owner has signed a letter agreeing to abandonment, which he has already sent directly to the city (copy enclosed).
- The College owns the land north of the alley in appraisal "D" (alley shown in red). We have begun discussion with the property owner on Grand Ave., south of the alley, however if we don't purchase this property or they don't agree to abandonment, I may need to withdraw this section of alley from consideration at this time.

A survey has been completed by Sartin and Associates, Inc. in Sherman and the survey is included in the appraisal by Walcott Black & Associates.

In summary, Austin College is willing to pay the appraised values as follows:

- Appraisal "A" valued at \$2,300
- Appraisal "B" valued at \$2,500
- Appraisal "C" valued at \$1,750
- Appraisal "D" valued at \$1,600

Please contact me if you or the Council need any further information. Thank you for your consideration.

Regards,

A handwritten signature in dark ink, appearing to read 'Heidi B. Ellis'.

Heidi Ellis
Vice President for Business Affairs
Austin College

900 North Grand Avenue | Sherman, Texas 75090-4400
Phone 903.813.2000 | austincollege.edu

APPRAISAL OF

A 205' X 15' X 205' X 15' CITY OF SHERMAN ALLEY (NORTH SIDE OF DUGAN STREET & WEST SIDE OF LUCKETT STREET)

LOCATED AT:

NORTH SIDE OF DUGAN STREET & WEST SIDE OF LUCKETT STREET
SHERMAN, TEXAS 75090

FOR:

CLIENT AUSTIN COLLEGE
900 NORTH GRAND AVENUE
SHERMAN, TEXAS 75090

BORROWER:

CLIENT AUSTIN COLLEGE

AS OF:

JUNE 11, 2010 (DATE OF VALUE)

BY:

WALCOTT G. BLACK, SRA
WALCOTT G. BLACK, SRA & ASSOCIATES (903-893-7998)

WALCOTT G. BLACK, SRA & ASSOCIATES
LAND APPRAISAL REPORT

File No. **LAC ALLEY 2010**

SUBJECT	Property Address	NORTH SIDE OF DUGAN STREET		Census Tract	0014.00	LENDER DISCRETIONARY USE	
	City	SHERMAN	County	GRAYSON	State	TX Zip Code 75090	
	Legal Description	SEE ATTACHED SARTIN SURVEY & FIELD NOTES					
	Owner/Occupant	AUSTIN COLLEGE / CITY OF SHERMAN		Map Reference	63		
	Sale Price \$	MARKET VALUE	Date of Sale	N/A	Property Rights Appraised		
	Loan charges/concessions to be paid by seller \$	N/A		☒ Fee Simple			
	R.E. Taxes \$	N/A	Tax Year	2010	HOA \$/Mo	N/A	
	Lender/Client	CLIENT AUSTIN COLLEGE		☐ Leasehold	☐ Condominium (HUD/VA)	☐ PUD	
900 NORTH GRAND AVENUE SHERMAN, TEXAS 75090						Source	AUSTIN COLLEGE

NEIGHBORHOOD	LOCATION	☒ Urban	☐ Suburban	☐ Rural	NEIGHBORHOOD ANALYSIS	Employment Stability	☐	☐	☐	☐
	BUILT UP	☒ Over 75%	☐ 25-75%	☐ Under 25%		Convenience to Employment	☐	☐	☐	☐
	GROWTH RATE	☐ Rapid	☐ Stable	☒ Slow		Convenience to Shopping	☐	☐	☐	☐
	PROPERTY VALUES	☐ Increasing	☒ Stable	☐ Declining		Convenience to Schools	☒	☐	☐	☐
	DEMAND/SUPPLY	☐ Shortage	☒ In Balance	☐ Over Supply		Adequacy of Public Transportation	☐	☐	☐	☐
	MARKETING TIME	☐ Under 3 Mos.	☐ 3-6 Mos.	☒ Over 6 Mos.		Recreation Facilities	☐	☐	☐	☐
	PRESENT LAND USE %	Single Family 60%	Not Likely			Adequacy of Facilities	☐	☐	☐	☐
	LAND USE CHANGE	2-4 Family	Likely			Property Compatibility	☐	☐	☐	☐
	PREDOMINANT OCCUPANCY	Multi-Family	In process	☒ Tenant		Protection from Detrimental Cond.	☐	☐	☐	☐
	SINGLE FAMILY HOUSING	Commercial	To SEE HIGHEST AND BEST USE	Vacant (0-5%)		Police & Fire Protection	☐	☐	☐	☐
PRICE	Industrial		Vacant (over 5%)	General Appearance of Properties	☐	☐	☐	☐		
AGE	Vacant	40%	ANALYSIS	Appeal to Market	☒	☐	☐	☐		

Note: Race or the racial composition of the neighborhood are not considered reliable appraisal factors. COMMENTS See Attached Addendum

SITE	Dimensions	205' X 15' X 205' X 15' - MARSHALL SARTIN SURVEY		Topography	FAIRLY LEVEL - TREES	
	Site Area	ABOUT 3,075 Sq. Ft. +/- (SURVEY)		Size	APPX 3,075 SQ FT +/-	
	Zoning Classification	RESIDENTIAL R - 1		Shape	CIGARETTE (SLENDER)	
	HIGHEST & BEST USE	Present Use	City of Sherman Alley	Drainage	GRADED TO LOT LINE	
	UTILITIES	Public	Other	SITE IMPROVEMENTS	Public	Private
	Electricity	☒ T X U		Street	CONCRETE	☒
	Gas	☒ ATMOS		Curb/Gutter	CONCRETE	☒
	Water	☒ CITY		Sidewalk	NONE	☐
	Sanitary Sewer	☒ CITY		Street Lights	ELECTRIC	☒
	Storm Sewer	☒ CITY		Alley	Subject is an alley	☐
Comments (Apparent adverse easements, encroachments, special assessments, slide areas, etc.) SEE ATTACHED						

The undersigned has inspected three recent sales of properties most similar and proximate in subject and has considered those in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject. If a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	N/S DUGAN ST SHERMAN, TEX	LOT 3, BLK 31, N. BRENTS AV SHERMAN, TEXAS	LOT 9, BLK 2, EAST ALMA ST SHERMAN, TEXAS	300 WEST KING STREET SHERMAN, TEXAS
Proximity to Subject		About 8 Blocks Northeastward	About 10 Blocks Northeastward	Across Town Southwestward
Sales Price	\$ MARKET VAL	\$ 7,500	\$ 5,000	\$ 5,750
Price/sq	\$ N/A	\$ 1.00 / Sq Ft	\$ 0.65 / Sq Ft	\$ 0.78 / Sq Ft
Data Source	Site Visit	Braeswood Realty - MLS	H.T. Morris Company - MLS	Sher-Den Realty - MLS
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
Sales or Financing		CASH SALE	CASH SALE	CASH SALE
Concessions		NO SELLER PTS	NO SELLER PTS	NO SELLER PTS
Date of Sale/Time	N/A	FEBRUARY 2010	JUNE 2008	OCTOBER 2008
Location	AVERAGE	AVERAGE	INFERIOR	AVERAGE
Site/View	3,075 SQ FT	7,500 SQ FT	7,666 SQ FT	7,405 SQ FT
TOPOGRAPHY	MOST LEVEL	MOST LEVEL	MOST LEVEL	MOST LEVEL
CONFIGURATION	CIGARETTE	RECTANGULAR	RECTANGULAR	RECTANGULAR
Net Adj. (total)		10	15	10
Indicated Value of Subject		Gross: 4000.0 Net: -1000.0 \$0.90 / SQ FT	Gross: 10000.0 Net: 2307.7 \$0.80 / SQ FT	Gross: 5128.2 Net: -1282.1 \$0.68 / SQ FT

Comments of Sales Comparison: THE COMPARABLES OFFER A VALUE RANGE PER SQUARE FOOT (AFTER ADJUSTMENT) FOR THIS SUBJECT OF \$0.68 TO \$0.90. THE SUBJECT AND COMPARABLE VISITS PLUS MARKET ANALYSIS INDICATES A VALUE PER SQUARE FOOT FOR THIS ALLEY OF \$0.75. THEN, THE SUBJECT'S 3,075 SQUARE FEET X \$0.75 = A FINAL VALUE OPINION

Comments and Conditions of Appraisal: OF \$2,300 (RND) FOR THE SUBJECT AS OF THE PROPERTY VISIT DATE.

RECONCILIATION	Final Reconciliation: THIS SALES APPROACH WILL CARRY THE WEIGHT IN THIS APPRAISAL. THERE ARE NO IMPROVEMENTS ON THIS PARCEL SO A COST APPROACH WAS NOT DEVELOPED. THE INCOME METHOD WAS NOT UTILIZED AS THIS LOT DOES NOT PRODUCE INCOME. THE SALES APPROACH IS USUALLY THE BEST VALUE REFLECTOR FOR SELLERS AND BUYERS.
	(WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF JUNE 11, 2010 (Date of Value) to be \$ 2,300.
	(We) certify that to the best of my (our) knowledge and belief, the facts and data used herein are true and correct, that I (we) personally inspected the subject property and inspected all comparable sales cited in this report, and that I (we) have no undisclosed interest, present or prospective therein.
	Appraiser(s) <u>WALCOTT G. BLACK, SRA</u> Review Appraiser (if applicable) ☒ Did ☐ Did Not Inspect Property
	Proprietary Land Form 2488B

SARTIN & ASSOCIATES, INC.

REGISTERED PROFESSIONAL LAND SURVEYOR

P.O. Box 1843 * 109 S. Travis * Sherman, Texas 75091-1843
Ph (903) 892-8003 * Fax (903) 868-2970 * Email - msartin@gccisp.com

ALLEY 4

SITUATED in the County of Grayson, State of Texas, being all of the 15 foot alley lying along the South line of Block SIX (6) of MILDRED HEIGHTS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 191 Page 1, Deed Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at the Southeast corner of Lot Seven in said Block Six at the intersection of the North line of said alley with the West line of Luckett Street;

THENCE South 16 deg. 00 min. 00 sec. East, with the West line of said Luckett Street, a distance of 15.00 feet to a set ½ inch capped rebar stamped SARTIN-3694 at the intersection of the West line of said Luckett Street with the North line of Dugan Street;

THENCE South 74 deg. 00 min. 00 sec. West, with the North line of said Dugan Street, a distance of 205.00 feet to a set ½ inch capped rebar stamped SARTIN-3694;

THENCE North 16 deg. 00 min. 00 sec. West, a distance of 15.00 feet to the Southwest corner of said Lot Seven;

THENCE North 74 deg. 00 min. 00 sec. East, with the South line of said Lot Seven, a distance of 205.00 feet to the **PLACE OF BEGINNING** and containing **3075 SQUARE FEET OF LAND** more or less.....

APPRAISAL OF

A 16' X 211.08' X 16' X 211.20' CITY OF SHERMAN ALLEY (SOUTH SIDE OF EAST DORCHESTER STREET - 1400 BLOCK)

LOCATED AT:

"SOUTH SIDE OF EAST DORCHESTER STREET"
SHERMAN, TEXAS 75090

FOR:

CLIENT AUSTIN COLLEGE
900 NORTH GRAND AVENUE
SHERMAN, TEXAS 75090

BORROWER:

CLIENT AUSTIN COLLEGE

AS OF:

JUNE 11, 2010 (DATE OF VALUE)

BY:

WALCOTT G. BLACK, SRA
WALCOTT G. BLACK, SRA & ASSOCIATES (903-893-7998)

WALCOTT G. BLACK, SRA & ASSOCIATES
LAND APPRAISAL REPORT

File No. ALLEY DORCHESTER 20

Property Address "SOUTH SIDE OF EAST DORCHESTER STREET" Census Tract 0014.00		LENDER DISCRETIONARY USE																																																																																	
City SHERMAN County GRAYSON State TX Zip Code 75090		Sale Price \$ MARKET VALUE																																																																																	
Legal Description SEE ATTACHED SARTIN SURVEY & FIELD NOTES		Date N/A																																																																																	
Owner/Occupant AUSTIN COLLEGE / CITY OF SHERMAN Map Reference 63		Mortgage Amount \$ N/A																																																																																	
Sale Price \$ MARKET VALUE Date of Sale N/A		Mortgage Type N/A																																																																																	
Loan charges/concessions to be paid by seller \$ N/A		Discount Points and Other Concessions																																																																																	
R.E. Taxes \$ N/A Tax Year 2010 HOA \$/Mo. N/A		Paid by Seller \$ N/A																																																																																	
Lender/Client CLIENT AUSTIN COLLEGE		Source AUSTIN COLLEGE																																																																																	
900 NORTH GRAND AVENUE, SHERMAN, TX 75090																																																																																			
LOCATION ☒ Urban ☐ Suburban ☐ Rural ☒ Over 75% ☐ 25-75% ☐ Under 25% GROWTH RATE ☐ Rapid ☐ Stable ☒ Slow PROPERTY VALUES ☐ Increasing ☒ Stable ☐ Declining DEMAND/SUPPLY ☐ Shortage ☒ In Balance ☐ Over Supply MARKETING TIME ☐ Under 3 Mos. ☐ 3-6 Mos. ☒ Over 6 Mos.		NEIGHBORHOOD ANALYSIS Employment Stability ☐ Good ☒ Avg ☐ Fair ☐ Poor Convenience to Employment ☐ ☒ ☐ ☐ Convenience to Shopping ☐ ☒ ☐ ☐ Convenience to Schools ☒ ☐ ☐ ☐ Adequacy of Public Transportation ☐ ☒ ☐ ☐ Recreation Facilities ☐ ☒ ☐ ☐ Adequacy of Facilities ☐ ☒ ☐ ☐ Property Compatibility ☐ ☒ ☐ ☐ Protection from Delinquent Cond. ☐ ☒ ☐ ☐ Police & Fire Protection ☐ ☒ ☐ ☐ General Appearance of Properties ☐ ☒ ☐ ☐ Appeal to Market ☐ ☒ ☐ ☐																																																																																	
PRESENT LAND USE % Single Family 60% Not Likely ☐ 2-4 Family ☐ Likely ☐ Multi-Family ☐ In process ☒ Commercial ☐ To: SEE HIGHEST Industrial ☐ AND BEST USE Vacant 40% ANALYSIS		PREDOMINANT OCCUPANCY Owner ☒ Tenant ☐ Vacant (0-5%) ☒ Vacant (over 5%) ☐																																																																																	
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Topography FAIRLY LEVEL Size APPX 3,378 SQ FT +/- Shape CIGARETTE (SLENDER) Drainage GRADED TO LOT LINE View HOMES & VACANT LOTS Landscaping NONE Driveway NONE Apparent Easements REFER TO NEW SURVEY. FEMA Flood Hazard Yes* No ☒ FEMA Map/Zone 48181C0145 E																																																																																			
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Site/View	3,378 SQ FT	7,500 SQ FT +15/SQ FT	7,666 SQ FT +15/SQ FT	7,405 SQ FT +15/SQ FT																																																																															
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I (We) certify: that to the best of my (our) knowledge and belief, the facts and data used herein are true and correct; that I (we) personally inspected the subject property and inspected all comparable sales cited in this report; and that I (we) have no undisclosed interest, present or prospective therein.																																																																																			
Appraiser(s) WALCOTT G. BLACK, SRA		Review Appraiser (if applicable) ☒ Did ☐ Did Not Inspect Property																																																																																	

SARTIN & ASSOCIATES, INC.

REGISTERED PROFESSIONAL LAND SURVEYOR'S

P.O. Box 1843 * 109 S. Travis Street * Sherman, Texas 75091-1843
Ph (9023) 892-8003 * Fax (903-868-2970 * Email – msartin@gcecisp.com

ALLEY 2

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the CHARLES CARTER SURVEY, Abstract No. 220, being a part of a North/South 16 foot alley running through Block THREE (3) of MILDRED HEIGHTS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 191 Page 1, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at the Northeast corner of Lot Five in said Block Three, at the intersection of the West line of said alley with the South line of Dorchester Street;

THENCE North 74 deg. 25 min. 33 sec. East, with the South line of said Dorchester Street, a distance of 16.00 feet to the Northwest corner of Lot One in said Block Three at the intersection of the East line of said alley with the South line of said Dorchester Street;

THENCE South 16 deg. 00 min. 00 sec. East, with the West line of Lots One through Four in said Block Three, a distance of 211.08 feet to the Southwest corner of said Lot Four at the intersection of the East line of said alley with the North line of an East/West alley running along the South side of said Block Three;

THENCE South 74 deg. 00 min. 00 sec. West, a distance of 16.00 feet to the Southeast corner of Lot Eight in said Block Three, at the intersection of the West line of said alley with the North line of said East/ West alley;

THENCE North 16 deg. 00 min. 00 sec. West, with the East line of Lots Eight, Seven, Six and Five in said Block Three, a distance of 211.20 feet to the **PLACE OF BEGINNING** and containing **3378 SQUARE FEET OF LAND** more or less.....

"B"

May 24, 2010

Mr. Scott Shadden
Director of Development Services
City of Sherman Development Services Department
220 W. Mulberry Street
Sherman, Texas 75091

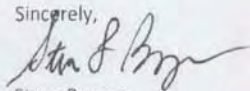
RE: Letter of Consent for Alley right-of-way abandonment
Austin College – Grand N Addition

Dear Mr. Shadden;

I, Steve Bungler, have been approached by Austin College in regards to their request to abandon the existing alley rights-of-way for the alley along my eastern property line. Based on our discussion I agree and provide my consent that the alley may be abandoned and dedicated to Austin College.

Please feel free to contact me if you have any questions or comments.

Sincerely,



Steve Bungler

WALCOTT G. BLACK, SRA & ASSOCIATES

"C"

File No. L LUCKETT ALLEY 20

APPRAISAL OF

A 15.83' X 161' X 14.43' X 156.49' CITY OF SHERMAN ALLEY (EAST SIDE OF LUCKETT STREET - 1200 BLOCK)

LOCATED AT:

"EAST SIDE OF NORTH LUCKETT STREET"
SHERMAN, TEXAS 75090

FOR:

CLIENT AUSTIN COLLEGE
900 NORTH GRAND AVENUE
SHERMAN, TEXAS 75090

BORROWER:

CLIENT AUSTIN COLLEGE

AS OF:

JUNE 11, 2010 (DATE OF VALUE)

BY:

WALCOTT G. BLACK, SRA
WALCOTT G. BLACK, SRA & ASSOCIATES (903-893-7998)

WALCOTT G. BLACK, SRA & ASSOCIATES
LAND APPRAISAL REPORT

File No. L LUCKETT ALLEY 2010

SUBJECT Property Address: "EAST SIDE OF NORTH LUCKETT STREET" City: SHERMAN County: GRAYSON State: TX Zip Code: 75090 Legal Description: SEE ATTACHED SARTIN SURVEY & FIELD NOTES Owner/Occupant: AUSTIN COLLEGE / CITY OF SHERMAN Sale Price: MARKET VALUE Date of Sale: N/A Loan charges/concessions to be paid by seller: N/A R.E. Taxes: N/A Tax Year: 2010 HOA \$/Mo: N/A Lender/Client: CLIENT AUSTIN COLLEGE 900 NORTH GRAND AVENUE SHERMAN, TX 75090		LENDER DISCRETIONARY USE Sale Price: \$ MARKET VALUE Date: N/A Mortgage Amount: \$ N/A Mortgage Type: N/A Discount Points and Other Concessions: N/A Paid by Seller: \$ N/A Source: AUSTIN COLLEGE																																																																																	
NEIGHBORHOOD LOCATION: ☒ Urban ☐ Suburban ☐ Rural BUILT UP: ☒ Over 75% ☐ 25-75% ☐ Under 25% GROWTH RATE: ☐ Rapid ☐ Stable ☒ Slow PROPERTY VALUES: ☐ Increasing ☒ Stable ☐ Declining DEMAND/SUPPLY: ☒ Shortage ☐ In Balance ☐ Over Supply MARKETING TIME: ☐ Under 3 Mos. ☐ 3-6 Mos. ☒ Over 6 Mos.		NEIGHBORHOOD ANALYSIS Employment Stability: ☒ Convenience to Employment: ☒ Convenience to Shopping: ☒ Convenience to Schools: ☒ Adequacy of Public Transportation: ☒ Recreation Facilities: ☒ Adequacy of Facilities: ☒ Property Compatibility: ☒ Protection from Delinquent Cond.: ☒ Police & Fire Protection: ☒ General Appearance of Properties: ☒ Appeal to Market: ☒																																																																																	
PRESENT LAND USE % Single Family: 60% 2-4 Family: ☐ Likely Multi-Family: ☐ In process Commercial: ☐ To: SEE HIGHEST Industrial: ☐ AND BEST USE Vacant: 40% ANALYSIS		PREDOMINANT OCCUPANCY Owner: ☒ Tenant: ☐ Vacant (0-5%): ☒ Vacant (over 5%): ☐																																																																																	
LAND USE CHANGE Single Family: ☐ Not Likely 2-4 Family: ☐ Likely Multi-Family: ☐ In process Commercial: ☐ To: SEE HIGHEST Industrial: ☐ AND BEST USE Vacant: 40% ANALYSIS		SINGLE FAMILY HOUSING PRICE: \$0000 (yrs) AGE: 30,000 Low 10YRS 90,000 High 90YRS Predominant: 40,000 - 70 YRS																																																																																	
Note: Race or the racial composition of the neighborhood are not considered reliable appraisal factors. COMMENTS: See Attached Addendum																																																																																			
SITE Dimensions: 15.83' X 161' X 14.43' X 156.49' - MARSHALL SARTIN SURVEY Site Area: ABOUT 2,324 Sq.Ft. +/- Corner Lot: NO Zoning Classification: RESIDENTIAL R - 1 Zoning Compliance: YES HIGHEST & BEST USE: Present Use: City of Sherman Alley Other Use: N/A UTILITIES: Public: ☒ T X U Other: ☐ Electricity: ☒ ATMOS Gas: ☒ CITY Water: ☒ CITY Sanitary Sewer: ☒ CITY Storm Sewer: ☒ CITY SITE IMPROVEMENTS: Type: Public: ☒ Private: ☐ Street: ASPHALT Curb/Gutter: CONCRETE Sidewalk: NONE Street Lights: ELECTRIC Alley: Subject is an alley Topography: FAIRLY LEVEL - TREES Size: APPX 2,324 SQ FT +/- Shape: CIGARETTE (SLENDER) Drainage: GRADED TO LOT LINE View: HOMES & VACANT LOTS Landscaping: NONE Driveway: NONE Apparent Easements: REFER TO NEW SURVEY. FEMA Flood Hazard: Yes* No X FEMA Map/Zone: 48181C0145 E																																																																																			
Comments (Apparent adverse easements, encroachments, special assessments, slide areas, etc.): SEE ATTACHED																																																																																			
The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject. If a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.																																																																																			
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Appraiser(s): WALCOTT G. BLACK, SRA Review Appraiser: ☒ Did ☐ Did Not (if applicable) Inspect Property																																																																																			

SARTIN & ASSOCIATES, INC.

REGISTERED PROFESSIONAL LAND SURVEYORS

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ALLEY 1

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the CHARLES CARTER SURVEY, Abstract No. 220, being a part of the East/West 15 foot alley lying along the South line of Block THREE (3) of MILDRED HEIGHTS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 191 Page 1, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a found ½ inch rebar maintaining the Southwest corner of Lot Eight in said Block Three, at the intersection of the North line of said East/West alley with the East line of Lockett Street;

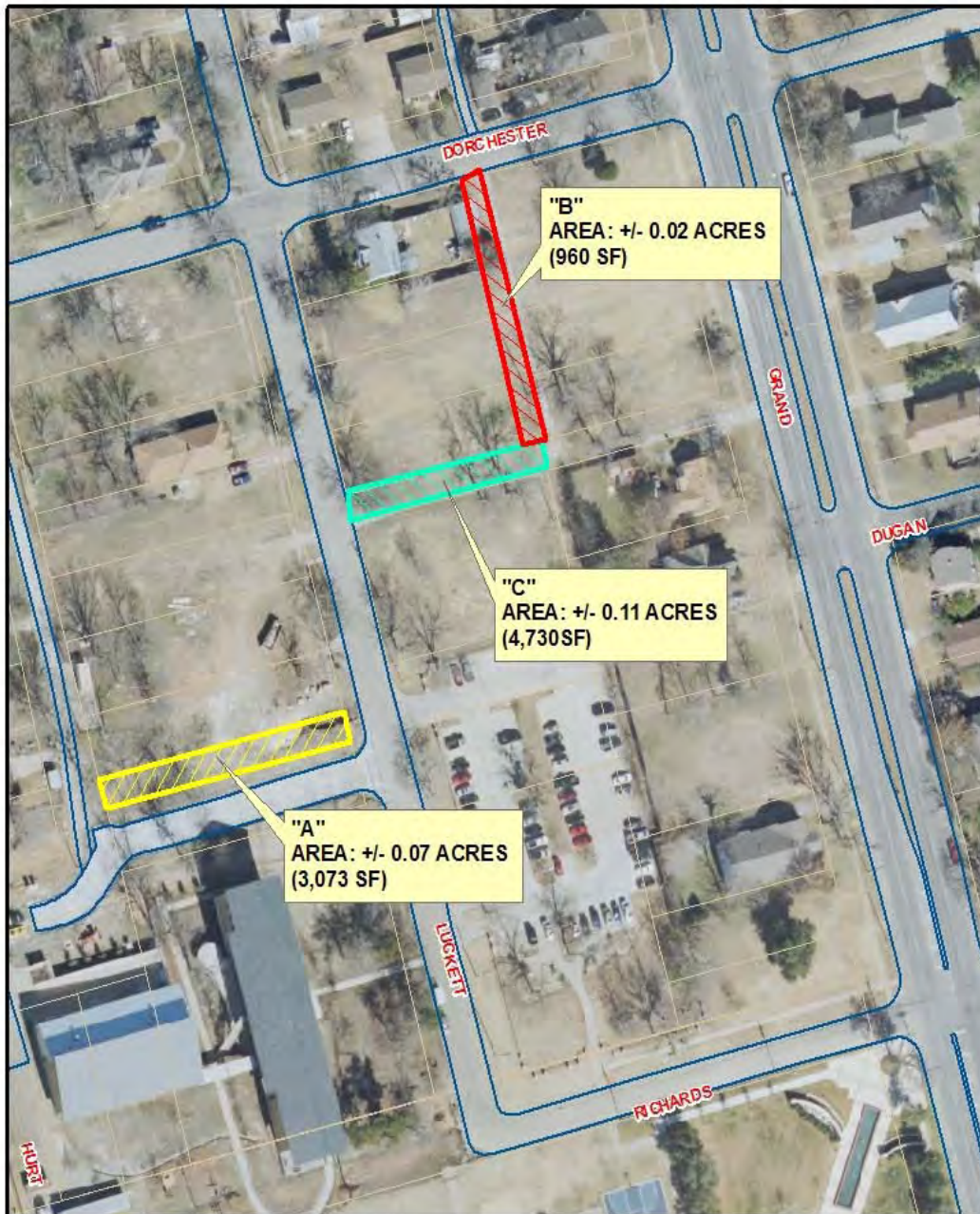
THENCE North 74 deg. 00 min. 00 sec. East, with the South line of said Lot Eight, at a distance of 145.00 feet passing its Southeast corner at the intersection of the North line of said alley with the West line of a 16 foot alley running North through said Block Three and continuing for a total distance of 161.00 feet to the Southwest corner of Lot Four in said Block Three, at the intersection of the North line of said East/West alley with the East line of said alley running North;

THENCE South 19 deg. 42 min. 57 sec. East, a distance of 14.43 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northwest corner of a 69.5 x 150 foot tract of land conveyed by James Earl Thrasher, et al to Dorothy Calhoun Fowler by deed dated January 13, 1976, recorded in Volume 1332, Page 770, Deed Records, Grayson County, Texas, the Northeast corner of an 0.4 acre tract conveyed by American Bank of Texas to Austin College by deed dated February 15, 2000, recorded in Volume 2890, Page 404, Official Public Records, Grayson County, Texas, on the South line of said East/West alley;

THENCE South 73 deg. 49 min. 56 sec. West, with the North line of said 0.40 acre tract, the South line of said alley, a distance of 156.49 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northwest corner of said 0.40 acre tract, on the East line of said Lockett Street;

THENCE North 36 deg. 06 min. 44 sec. West, with the East line of said Lockett Street, a distance of 15.83 feet to the **PLACE OF BEGINNING** and containing **2324 SQUARE FEET OF LAND** more or less.....





City of Sherman, Texas
Engineering Department

PROPOSED PURCHASE OF ALLEYS AUSTIN COLLEGE



SCALE: 1 IN. = 100 FT.

Exhibit "A"



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. C.2

RESOLUTION NO. 5504

Relating to Greater Texoma Utility Authority Contract Revenue Bonds, Series 2010 (Lake Texoma Water Storage Project); Approving the Issuance Thereof and the Project being Financed by the Authority to Acquire, Develop and Utilize Surface Water Rights and Water Storage Facilities in Lake Texoma for Use by the City

Issue

Approving Bond issuance through Greater Texoma Utility Authority (GTUA) for \$21,230,000 for Lake Texoma water storage projects (City's portion \$4.52 million)

Background

The City constructs many of its major water and sewer improvements with debt issued by GTUA on the City's behalf. This proposed debt issuance relates to financing the costs associated with GTUA's purchase of an additional 50,000 acre-feet of water storage through the U.S. Army Corps of Engineers. In May of 2010, the Council approved a contract with GTUA for the purchase of an additional 10,600 acre-feet, of the 50,000 total, for use by the City of Sherman.

The City will be responsible for its pro-rata portion of the \$21.23 million, which will equate to about \$4.52 million. These bonds are being issued through a Texas Water Development Board program, which will provide very favorable interest rates for this debt issuance.

GTUA General Manager Jerry Chapman will be on hand to answer any questions or offer additional information as needed.

Origination

City Council and GTUA

Financial Consideration

Debt service on these bonds will be paid by the City to GTUA in accordance with the Contract for Water Supply and Sewer Service between the two entities. Funds for this contractual debt repayment are generated through the City's water and sewer revenues, debt service of which is included in the proposed fiscal year (FY) 2011 budget to be approved by the Council in September, 2010.

Staff Recommendation

It is recommended that the resolution be passed as presented.

Alternatives

No viable alternatives can be suggested at this time.

Attachments

GTUA General Manager Jerry Chapman's Letter of July 13, 2010

Resolution No. 5504

Exhibit A – Texas Water Development Board's Commitment

Prepared by:

Robby Hefton, Assistant City Manager/CFO

Approved by:

George Olson, City Manager



GREATER TEXOMA UTILITY AUTHORITY

5100 AIRPORT DRIVE
DENISON, TEXAS 75020-8448
903/786-4433
FAX: 903/786-8211
www.gtua.org

July 13, 2010

Mr. George Olson
City of Sherman
PO Box 1106
Sherman, TX 75091

RE: \$21.3 million bond series for Lake Texoma Water Storage

Dear George:

As you are aware, the Authority has been proceeding during the last several months to secure additional water resources for member cities from Lake Texoma. In order to finance the acquisition of the storage space, the Authority has applied for and received a commitment from the Texas Water Development Board through the Water Infrastructure Fund. The interest rate on the bond series will be 1.898%. This is substantially lower than the market at the present time and is the result of the State Legislature's desire to assist local communities in improving water infrastructure.

The Authority's contract with its member cities requires that the issuance of debt must receive concurrence from each city participating in this bond series. A copy of a proposed ordinance is attached for the Council's consideration, along with the debt service schedule for the City's portion of the bond issue. You will be pleased to note that the annual debt service requirements are less than was originally estimated earlier this year.

The Authority respectfully requests the Council to confirm the bond sale by a passage of the attached ordinance. If you have any questions, please contact me.

Sincerely,

Jerry W. Chapman
General Manager

JWC:cc

Attachment

RESOLUTION NO. 5504

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2010 (LAKE TEXOMA WATER STORAGE PROJECT); APPROVING THE ISSUANCE THEREOF AND THE PROJECT BEING FINANCED BY THE AUTHORITY TO ACQUIRE, DEVELOP AND UTILIZE SURFACE WATER RIGHTS AND WATER STORAGE FACILITIES IN LAKE TEXOMA FOR USE BY 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 Greater Texoma Utility Authority (the "Authority") and the City of Sherman, Texas (the "City"), have previously executed and delivered a Contract for Water Supply Services, dated May 17, 2010 (the "Contract"), whereby the Authority is to provide additional water rights and storage facilities in Lake Texoma to the City; and

WHEREAS, under Section 4.14 of the Contract, it is provided that the City shall approve the issuance by the Authority of any bonds that are to be payable (in whole or in part) from certain moneys that the City has contracted to pay under the provisions of the Contract; and

WHEREAS, in connection with the proposed "Greater Texoma Utility Authority Contract Revenue Bonds, Series 2010 (Lake Texoma Water Storage Project)" (the "Bonds"), the Texas Water Development Board (the "Board") has agreed, pursuant to an Application Requesting Financial Assistance (the "Application"), to purchase the Bonds and, therefore, it is neither necessary nor advisable for the Authority to prepare a Notice of Sale because, insofar as the City is concerned, the Application contains sufficient information to accomplish the purpose of a Notice of Sale; and

WHEREAS, the net effective interest rate on the Bonds will not exceed the maximum permitted by law (as defined in Chapter 1204, Texas Government Code, as amended) and it is now appropriate for this Council to approve the Application (in lieu of approving a Notice of Sale with respect to the Bonds) as well as the issuance and delivery of the Bonds and the Lake Texoma Water Storage Project as described and defined in the Resolution of the Authority authorizing the Bonds (the "Bond Resolution");

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

SECTION 1. That the Lake Texoma Water Storage Project is hereby approved. The use of the proceeds of the Bonds, as described in the Bond Resolution, is hereby approved. The Bond Resolution is approved as to form and content, and the City acknowledges that the payment of principal of and interest on the Bonds is payable, in whole or in part, from payments to be made by the City under and pursuant to the Contract. The City agrees to provide the

reports described in the Bond Resolution within the times specified therein, in compliance with the Board's commitment. The City agrees with the obligations and conditions set forth in the Board's Commitment 10-12. A copy of such commitment is attached hereto as **Exhibit A**.

SECTION 2. That it is the purpose and intent of the City Council of the City to approve the Bond Resolution and the Lake Texoma Water Storage Project in full accordance with the provisions of the Contract mentioned in the preamble hereof. To the extent required by the Board or the Office of the Attorney General of Texas or otherwise required to accomplish the delivery of the Bonds, the Authority is authorized by this City Council to make changes and revisions to the Bond Resolution from the form approved by this Resolution in order to expedite the delivery of the Bonds. It is the intent of the City to authorize the Authority to proceed with the Lake Texoma Water Storage Project at the earliest possible date.

SECTION 3. That in all respects the Contract is re-approved and shall be and remain in full force as the agreement of the parties.

SECTION 4. That the findings and determinations of the City Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Resolution for all purposes as if the same were restated in full in this Section.

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

PASSED AND APPROVED on this the _____ day of _____, 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

EXHIBIT A

COMMITMENT OF THE TEXAS WATER DEVELOPMENT BOARD

A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD
APPROVING AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE WATER
INFRASTRUCTURE FUND THROUGH THE PROPOSED PURCHASE OF \$21,230,000
GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS,
PROPOSED SERIES 2010

(10-12)

WHEREAS, Greater Texoma Utility Authority (the "Authority"), located in Grayson County, Texas, has filed an application for financial assistance in the amount of \$21,230,000 from the Water Infrastructure Fund ("WIF") in accordance with §§15.973 and 15.974, Water Code, to finance the implementation of a water supply project identified in the 2007 State Water Plan and regional water plan; and

WHEREAS, the Authority seeks financial assistance from the Texas Water Development Board (the "Board") through the Board's proposed purchase of \$21,230,000 Greater Texoma Utility Authority Contract Revenue Bonds, Proposed Series 2010, (the "Obligations"), as is more specifically set forth in the application and in recommendations of the Board's Project Finance and Construction Assistance staff, to which documents express reference is made; and

WHEREAS, in accordance with §15.975, Water Code, the Board hereby finds:

1. that the taxes and/or revenues pledged by the Authority will be sufficient to meet the all of the obligations assumed by the Authority;
2. that the project will meet water needs in a manner consistent with the state and regional water plans as required by §16.053(j), Water Code;
3. that the project is a recommended water management strategy in a Board-approved regional water plan adopted pursuant to §16.053, Water Code, and/or in the State Water Plan adopted in accordance with §16.051, Water Code;
4. that the Authority has adopted a water conservation program for the more efficient use of water that will meet reasonably anticipated local needs and conditions and that incorporates practices, techniques or technology prescribed by the Texas Water Code and the Board's rules; and
5. that the application and financial assistance requested meet the requirements of Chapter 15, Subchapter Q and Chapter 17, Subchapter E, Water Code, and the Board's rules set forth in 31 Tex. Admin.Code (TAC) Chapter 363, Subchapters A and L.

NOW THEREFORE, based on these considerations and findings, the Texas Water Development Board resolves as follows:

A commitment is made by the Board to Greater Texoma Utility Authority for financial assistance in the amount of \$21,230,000 from the Water Infrastructure Fund, to be

evidenced by the Board's proposed purchase of \$21,230,000 Contract Revenue Bonds, Proposed Series 2010. This commitment will expire on January 31, 2011.

Such commitment is conditioned as follows:

1. this commitment is contingent on a future sale of bonds by the Board or on the availability of funds on hand;
2. this commitment is contingent upon the issuance of a written approving opinion of the Attorney General of the State of Texas stating that all of the requirements of the laws under which said obligations were issued have been complied with; that said obligations were issued in conformity with the Constitution and laws of the State of Texas; and that said obligations are valid and binding obligations of the issuer;
3. this commitment is contingent upon the Authority's compliance with all applicable requirements contained in the rules, regulations and policies of the Board;
4. the Authority's bond counsel opinion must include an opinion that the interest on the obligations is excludable from gross income or is exempt from federal income taxation. Bond counsel may rely on covenants and representations of the Authority when rendering this opinion;
5. the Authority's bond counsel opinion must include an opinion that the obligations are not "private activity bonds." Bond counsel may rely on covenants and representations of the issuer when rendering this opinion;
6. the ordinance/resolution authorizing the issuance of these obligations, (hereinafter referred to as the "*Authorizing Document*"), must include a provision prohibiting the Authority from using the proceeds of this loan in a manner that would cause the obligations to become "private activity bonds";
7. the Authorizing Document must include that the issuer will comply with the provisions of Section 148 of the Internal Revenue Code of 1986 (relating to arbitrage);
8. the Authorizing Document must include a provision requiring the Authority to make any required rebate to the United States of arbitrage earnings;
9. the Authorizing Document must include a provision prohibiting the Authority from taking any action that would cause the interest on the obligations to be includable as gross income for federal income tax purposes;
10. the Authorizing Document must provide that the Authority will not cause or permit the obligations to be treated as "federally guaranteed" obligations within the meaning of §149(b) of the Internal Revenue Code;
11. the bond transcript must include a No Arbitrage Certificate or similar Federal Tax Certificate setting forth the Authority's reasonable expectations regarding the use, expenditure and investment of the proceeds of the obligations;

-
12. the bond transcript must include evidence that the information reporting requirements of §149(e) of the Internal Revenue Code of 1986 will be satisfied. This requirement is currently satisfied by filing IRS Form 8038 with the Internal Revenue Service. A completed copy of IRS Form 8038 must be provided to the Executive Administrator of the Board prior to the release of funds;
 13. the Authorizing Document must state that obligations can be called for early redemption only in inverse order of maturity, and on any date beginning on or after the first interest payment date which is 10 years from the dated date of the obligations, at a redemption price of par, together with accrued interest to the date fixed for redemption;
 14. the Authority, or an obligated person for whom financial or operating data is presented to the Board in the application for financial assistance either individually or in combination with other issuers of the Authority's obligations or obligated persons, will, at a minimum, covenant to comply with requirements for continuing disclosure on an ongoing basis substantially in the manner required by Securities and Exchange Commission ("SEC") rule 15c2-12 and determined as if the Board were a Participating Underwriter within the meaning of such rule, such continuing disclosure undertaking being for the benefit of the Board and the beneficial owner of the Authority's obligations, if the Board sells or otherwise transfers such obligations, and the beneficial owners of the Board's bonds if the Authority is an obligated person with respect to such bonds under SEC rule 15c2-12;
 15. the Authorizing Document must include a provision requiring the Authority to use any surplus proceeds from the obligations remaining after completion of the water supply project, to redeem, in inverse annual order, the obligations owned by the Board;
 16. the Executive Administrator of the Board may require that the Authority execute a separate financing agreement in form and substance acceptable to the Executive Administrator;
 17. prior to closing, the Authority shall execute an escrow agreement or trust agreement, approved as to form and substance by the Executive Administrator, and shall submit that executed form to the Board when any portion of loan proceeds are to be held in escrow or in trust;
 18. the Authorizing Document must contain a provision requiring the Authority to maintain rates and charges sufficient to meet the debt service requirements on the outstanding debt obligations that are being supported by the pledged contract revenues and will further require its customers to maintain rates and charges sufficient to pay all of their revenue obligations arising from the operation of the water and sewer system;
 19. if a bond insurance policy or surety policy in lieu of a cash reserve are utilized:
 - (a) thirty (30) days before closing, the Authority shall submit a draft of the policy to the Board's Executive Administrator for a determination on whether the policy provides appropriate security in accordance with Board policies;

-
- (b) prior to closing, the Authority shall provide the executed underlying documents of the policy (e.g. commitment letter, specimen policy) in a form and substance that is satisfactory to the Board's Executive Administrator; and
 - (c) prior to closing, the Attorney General of the State of Texas must have considered the use of said policy as a part of its approval of the proposed bond issue.
- 20. prior to closing, and if not previously provided with the application, the Authority shall submit an executed engineering contract for design and construction, an executed financial advisor contract, and an executed bond counsel contract in a form and substance that are satisfactory to the Board's Executive Administrator;
 - 21. loan proceeds shall not be used by the Authority when sampling, testing, removing or disposing of contaminated soils and/or media at the project site. The Authorizing Document shall include an environmental indemnification provision wherein the Authority agrees to indemnify, hold harmless and protect the Board from any and all claims, causes of action or damages to the person or property of third parties arising from the sampling, analysis, transport, storage, treatment and disposition of any contaminated sewage sludge, contaminated sediments and/or contaminated media that may be generated by the Authority, its contractors, consultants, agents, officials and employees as a result of activities relating to the project to the extent permitted by law;
 - 22. loan proceeds are public funds and, as such, these proceeds shall be held in escrow or in trust at a designated state depository institution or other properly chartered and authorized institution in accordance with the Public Funds Investment Act, Chapter 2256, Government Code, (the "PFIA"), and the Public Funds Collateral Act, Chapter 2257, Government Code, (the "PFCA");
 - 23. should one or more of the provisions in this resolution be held to be null, void, voidable or, for any reason whatsoever, of no force and effect, such provision(s) shall be construed as severable from the remainder of this resolution and shall not affect the validity of all other provisions of this resolution which shall remain in full force and effect.

PROVIDED, however, the Authorizing Document is subject to the following special conditions:

- 24. this the loan is approved for funding under the Board's pre-design funding option, as specified in 31 TAC §363.1206 of the Board's rules, and initial and future releases of funds are subject to all of the Board's rules relating to such funding option;
- 25. upon request by the Executive Administrator, the Authority shall submit annual audits of contracting parties for the Executive Administrator's review;
- 26. prior to the release of funds for planning, engineering and design for that portion of a project that proposes groundwater or surface water development, the Board's Executive Administrator must either (a) issue a written finding that the Authority has the right to appropriate and use the water required by the project being financed by the Board; or (b) a

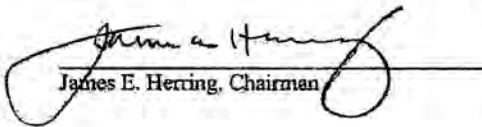
written determination that a reasonable expectation exists that such a finding will be made before any release of funds for construction;

27. prior to the release of construction funds for that portion of a project that proposes groundwater or surface water development, the Executive Administrator must issue a written finding that the Authority has the right to appropriate and use the water required by the project being financed by the Board;

APPROVED and ordered of record this, the 21st day of January, 2010.

TEXAS WATER DEVELOPMENT BOARD

ATTEST:


James E. Herring, Chairman


J. Kevin Ward
Executive Administrator



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. C.3

*** RESOLUTION NO. 5505**

**Approving the Greater Texoma Utility Authority's Intention to Contract
with Jerry Paul Higgins, Ltd. for Sherman Wastewater Treatment Plant
Peak Flow Storage Improvements, Phase I**

Issue

Approving the intention of the Greater Texoma Utility Authority (GTUA) to administer an agreement for construction of the first phase of the Sherman Wastewater Treatment Peak Flow Storage Improvements

Background

The current Capital Improvement Program contains a project to construct piping improvements at the Sherman Wastewater Treatment Plant to improve the peak flow storage. Three (3) competitive bids were received in response to the request for bids. A bid tabulation is attached. It is proposed to award the contract to the low bidder, Jerry Paul Higgins, Ltd.

Origination

Department of Utilities Administration

Financial Consideration

Funds for this project will be paid through GTUA.

Staff Recommendation

It is recommended that the City Council approve GTUA's intention to contract with the low bidder, Jerry Paul Higgins, Ltd. in the amount of \$46,114.91.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5505
Greater Texoma Utility Authority Letter
Engineer's Recommendation with Bid Tabulation
Location Map

Prepared by:
Mark Gibson, Engineering & Public Works Director

Approved by:
George Olson, City Manager

RESOLUTION NO. 5505

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH JERRY PAUL HIGGINS, LTD. FOR SHERMAN WASTEWATER TREATMENT PLANT PEAK FLOW STORAGE IMPROVEMENTS, PHASE I; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City of Sherman hereby approves the Greater Texoma Utility Authority's intention to enter into an agreement with Jerry Paul Higgins, Ltd. in the total amount of Forty-Six Thousand One Hundred Fourteen Dollars and Ninety-One Cents (\$46,114.91) for the first phase of Peak Flow Storage Improvements at the Sherman Wastewater Treatment Plant.

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 _____, 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**



GREATER TEXOMA UTILITY AUTHORITY

5100 AIRPORT DRIVE
DENISON, TEXAS 75020-8448
903/786-4433
FAX: 903/786-8211
www.gtua.org

June 25, 2010

Mr. George Olson
City of Sherman
PO Box 1106
Sherman, TX 75091

RE: Sherman WWTP Peak Flow Storage Improvements Phase I Project Award

Dear George:

The Authority recently received bids on the Sherman WWTP Peak Flow Storage Improvements Phase I project. The project was less than \$50,000, so no formal advertisements were required. David Gattis, the project engineer, solicited three bids from local contractors. Mr. Gattis recommends the award of contract go to Jerry Paul Higgins, Ltd at a cost of \$46,114.91. Funds are available from the 2009 bond series for this construction.

As you know, the contract between the City and the Authority requires the concurrence of both parties prior to execution of award of contract. Please place this item on your next agenda to seek the Council's concurrence.

Sincerely,

Jerry W. Chapman
General Manager

JWC:cc

Attachment

cc: Mark Gibson, Director of Utilities



J. TERRY MILLICAN, P.E.
RICHARD A. DORMIER, P.E.
JOHN D. GATTIS, A.I.A.
DAMIR LULO, P.E.
MICHAEL K. STACEY, P.E.
LARRY J. FREEMAN, P.E.

June 15, 2010

Mr. Jerry W. Chapman
General Manager
Greater Texoma Utility Authority
5100 Airport Drive
Denison, Texas 75020

Re: Sherman WWTP Peak Flow Storage Improvements Phase 1 Award

Dear Mr. Chapman:

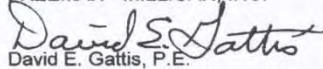
Written bids were solicited from four contractors and three bids were received on the WWTP Peak Flow Storage Improvements Phase 1 project on June 14, 2010. A tabulation of the bids is attached. The project includes 739 feet of 15" sewer from the biosolids storage basin decant wet well to an existing 42" sewer to permit routing partially treated wastewater from temporary storage back through the treatment plant. Also included is 89 feet of 8" sewer force main to the new 15" sewer.

Three competitive bids were received. The low bid at \$46,114.91 is about 6% lower than the 2nd bidder and about 28% under the 3rd bidder.

The low bidder, Jerry Paul Higgins, Ltd has successfully completed many water and sewer projects for Sherman and has just completed a Brockett Street water line project. We are aware of the low bidder's very positive experience record.

We recommend that the Greater Texoma Utility Authority award the contract to Jerry Paul Higgins, Ltd based on the low bid of \$46,114.91 and authorize execution of the required contract documents.

Sincerely,
FREEMAN - MILLICAN, INC.



David E. Gattis, P.E.

Enclosure (1)

Copy:

Sherman, Mark Gibson, Director of Engineering and Utilities
Terry Millican

Bid Tabulation: Sherman WWTP Peak Flow Storage Improvements - Phase 1

Owner: Greater Texoma Utility Authority

Bids Received: June 14, 2010, 2:00 PM

Engineer: Freeman-Millican, Inc. - Texas Registered Engineering Firm F-2827

CONTRACTOR	AMOUNT BID	TIME BID
Jerry Paul Higgins, Ltd.	\$ 46,114.91	30 days
J.R. Sheldon Co., Inc.	48,859.00	45 days
Lynn Vessels Construction, LLC	59,186.91	60 days
Dickerson Construction Co.	no bid	



A handwritten signature in cursive script that reads "David E. Gattis".

The seal appearing on this document was authorized by
David E. Gattis, P.E. No. 36563 on June 15, 2010.



City of Sherman, Texas

WASTEWATER TREATMENT PLANT

PROJECT LOCATION MAP





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. C.4

*** RESOLUTION NO. 5506**

**Authorizing Execution of a Development Agreement with
Grayson County Physicians Property, LLC for the Construction of Public Facilities
in the Heritage Park Addition, Phase 2 to the City of Sherman**

Issue

The construction of public facilities in the Heritage Park Addition, Phase 2 to the City of Sherman

Background

Grayson County Physicians Property, LLC proposes to construct medical facilities in the Heritage Park Addition, Phase 2, which includes the construction of a water main extension.

Origination

Department of Engineering & Utilities

Financial Consideration

None

Staff Recommendation

Staff recommends approval of the Development Agreement.

Alternatives

As directed by the City Council

Attachments

Resolution No. 5506

Development Agreement

Location Map

Prepared by:
Mark Gibson, Engineering & Public Works Director

Approved by:
George Olson, City Manager

RESOLUTION NO. 5506

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH GRAYSON COUNTY PHYSICIANS PROPERTY, LLC FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN THE HERITAGE PARK ADDITION, PHASE 2 TO 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 with Grayson County Physicians Property, LLC for the construction of public facilities in the Heritage Park Addition, Phase 2 to the City of Sherman, Grayson County, Texas, in the same or substantially same form as the contract documents to be attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 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

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

**DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF SHERMAN AND GRAYSON COUNTY PHYSICIANS PROPERTY, LLC**

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2010 (the "Effective Date"), by and among City of Sherman ("City"), a municipal corporations organized under the laws of the State of Texas, and Grayson County Physicians Property, LLC ("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 in the final plat of **the Heritage Park Phase 2 Subdivision** submitted to the City by the Developer 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 streets, 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; and

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 and attached hereto as Exhibit "B". 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 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 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 December 31, 2010, City may, at its election, use the Performance Bond to complete such Improvements. The date in this Paragraph maybe 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. **Guarantee or Maintenance Bond:**
 - a. If, within one year the acceptance, defects should appear in the materials or workmanship, the Developer shall have such defects promptly repaired at its own expense, and shall leave the work as intended by the plans and specifications. This guarantee will apply to all parts of the work which have been accepted by the City.
 - b. Instead of the Guarantee set for in subparagraph (a) of this paragraph, Developer may 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. **WAIVER OF RIGHTS:**
 - b. **Section 212.904 of the Texas Local Government Code**
 - (i.) 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 DEVELOPER'S SIGNATURE ON THIS AGREEMENT, I CONTRACT ON ITS EXECUTION; DEVELOPER HEREBY FREELY, KNOWINGLY AND VOLUNTARILY WAIVES ITS RIGHTS UNDER SECTION 212.904 OF THE TEXAS LOCAL GOVERNMENT CODE, OR ANY OTHER RELATED CLAIMS. I AGREE, 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.

- (ii.) 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, AS 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:
Developer Build Water and Sewer**

- a. The Developer will construct the water extension to serve the subdivision in accordance with the plans and specifications prepared by Vilbig & Associates, Inc. and approved by the City of Sherman.
- b. The Developer shall pay to the City an engineering plan review, inspection, and testing fee of \$558.00.
- c. Upon the completion of construction of any public improvements associated with the subdivision or any portion of the subdivision one electronic copy and one reproducible set of "Record" drawings will be supplied to the City.

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 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: Mark Gibson

ADDRESS: 220 W. Mulberry St.
Sherman, TX 75090

PHONE: 903-892-7210

FAX: 903-870-7802

DEVELOPER:

DESIGNEE: Mr. Tim Michaud

ADDRESS: 3601 Calais Drive
Sherman, Texas 75090

PHONE: 903-

FAX: n/a

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 a 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 _____ day of _____ 2010, with an original to each party.

DEVELOPER: Grayson County Physicians Property, LLC

BY: _____

NAME: Tim Michaud

ATTEST:

BY: _____

NAME: _____

TITLE: _____

CITY: CITY OF SHERMAN

BY: _____

NAME: George Olson

TITLE: City Manager

ATTEST:

BY: _____

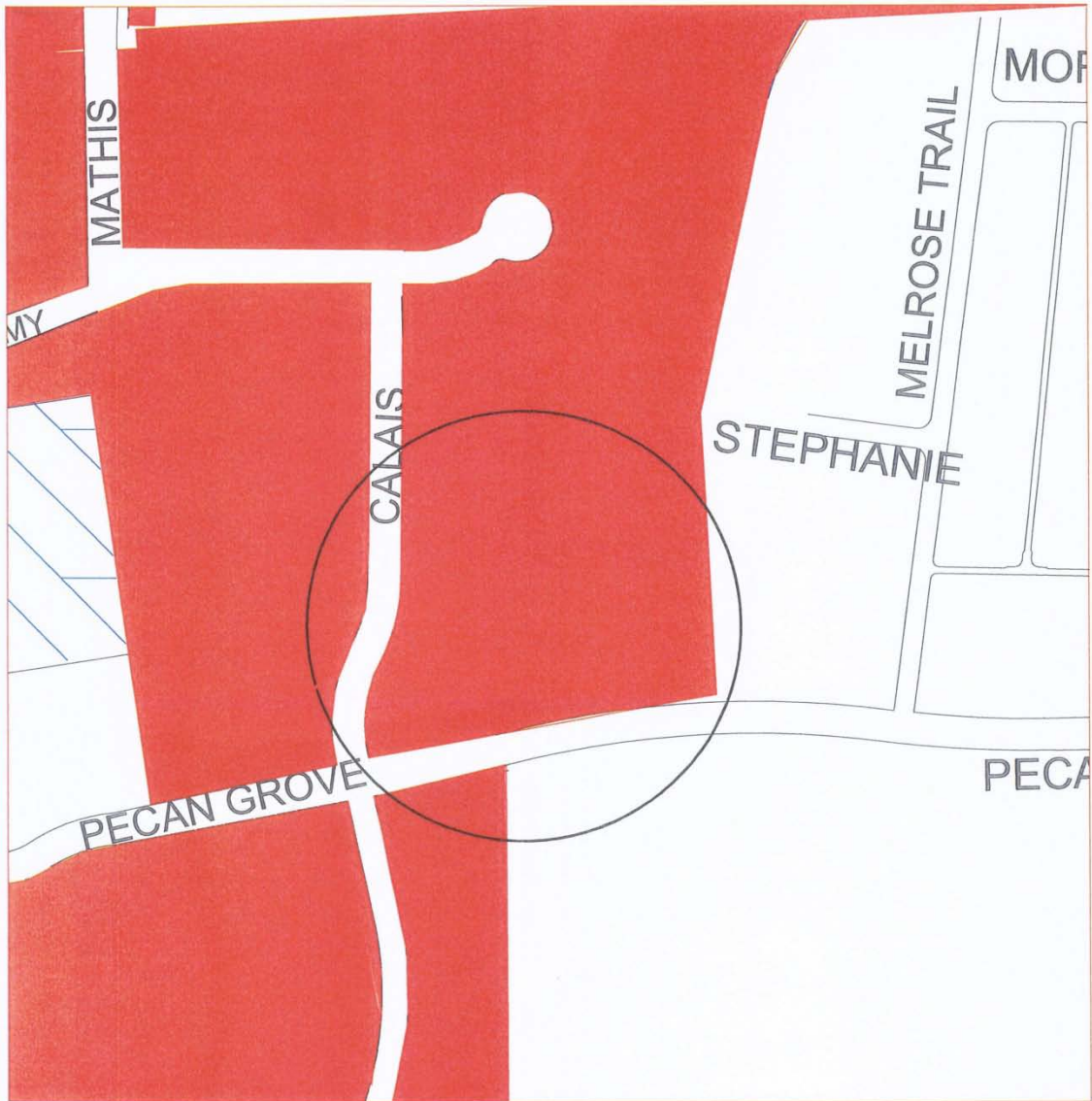
NAME: Linda Ashby

TITLE: City Clerk

APPROVED AS TO FORM:

CITY ATTORNEY: _____

Brandon Shelby, City Attorney



LEGEND

	R-A	SINGLE FAMILY AGRICULTURAL DISTRICT		M-2	HEAVY MANUFACTURING DISTRICT
	SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT		M H	MANUFACTURED HOUSING DISTRICT
	R-1	ONE FAMILY RESIDENTIAL DISTRICT		O-1	BLALOCK INDUSTRIAL PARK OVERLAY DISTRICT - 75 & 82
	R-2	MULTI-FAMILY RESIDENTIAL DISTRICT		O-1.1	OVERLAY DISTRICT - 1417
	C-1	RETAIL BUSINESS DISTRICT		O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
	C-2	GENERAL COMMERCIAL DISTRICT		CPO	COLLEGE PARK OVERLAY
	CO	OFFICE DISTRICT		A&C	ARTS & CULTURAL OVERLAY DISTRICT
	M-1	LIGHT MANUFACTURING DISTRICT		CBD	CENTRAL BUSINESS DISTRICT
	M-1.5	MEDIUM MANUFACTURING DISTRICT			



3601 AND 3603 CALAIS DRIVE

ENGINEERING DEPARTMENT





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. C.5

*** RESOLUTION NO. 5507**

**Authorizing Execution of an Encroachment Easement to Frank Purdom
for the Construction of an Attached Garage in the Utility Easement at 2108 Joni Circle**

Issue

To authorize an encroachment of two feet (2') into a ten foot (10') Utility Easement at 2108 Joni Circle

Background

Mr. Frank Purdom contacted the City of Sherman Engineering Department and asked permission to place an attached garage within a utility easement at 2108 Joni Circle.

Origination

Frank Purdom (Owner)

Financial Consideration

None

Staff Recommendation

City Staff has no objections to the proposed encroachment and recommends approval.

Alternatives

None recommended

Attachments

Resolution No. 5507

Encroachment Easement with Exhibit "A"

Utility Letters

Location Map

Prepared by:
Mark Gibson, Engineering & Public Works Director

Approved by:
George Olson, City Manager

RESOLUTION NO. 5507

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO FRANK PURDOM FOR THE CONSTRUCTION OF AN ATTACHED GARAGE IN THE UTILITY EASEMENT AT 2108 JONI CIRCLE; 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 a two foot (2') Encroachment Easement to Frank Purdom in substantially the same form as presented at this meeting, for the construction of an attached garage in the ten foot (10') utility easement at 2108 Jones Circle as shown on the sketch marked Exhibit "A", approved by the City Engineer and the City Attorney, 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 _____, 2010.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON SHELBY,
CITY ATTORNEY

ENCROACHMENT EASEMENT

THE 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 ONE DOLLAR AND NO CENTS (\$1.00) and other good and valuable consideration to it, in hand paid, hereby grants to **FRANK PURDOM** of Sherman, Texas, hereinafter called "GRANTEE", a 2' encroachment easement to construct an enclosed walkway within the sewer easement at 2108 Jones Circle 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 a 2' encroachment easement to GRANTEE, its successors and assigns, for the limited purpose of constructing an attached garage in the 10' utility easement within the herein described encroachment area, as shown on the attached exhibit. GRANTEE agrees that all maintenance of the attached garage in the easement shall be the responsibility of GRANTEE without cost, fees or expense to GRANTOR.

The GRANTOR shall not be responsible for any damages to the attached garage resulting from the failure of any utility located within the easement area.

The GRANTEE shall be responsible for all costs or expenses related to damages and repair of any utility located within the easement resulting from any type of failure of the enclosed walkway.

The GRANTEE shall be solely responsible for any and all maintenance activities required to keep the enclosed walkway in a sound and safe condition.

THAT GRANTEE SHALL FULLY AND COMPLETELY INDEMNIFY AND HOLD HARMLESS THE GRANTOR FROM ANY AND ALL DAMAGES, ACTIONS, SUITS, DEMANDS, LIABILITIES, EXECUTIONS AND JUDGMENTS, WHETHER LIQUIDATED OR UNLIQUIDATED, ABSOLUTE OR CONTINGENT, DIRECT OR INDIRECT, AT LAW OR IN EQUITY, TOGETHER WITH ATTORNEYS FEES WHICH MAY OCCUR IN ANY MANNER BY REASON OF ANY MATTER, FACT, OR THING ARISING FROM THIS CONVEYANCE AND USE OF THE AREA.

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 damages, costs or expenses, and shall include, but specifically not be limited to, the cost of repair, relocation, or removal of the attached garage and loss of use of such area.

TO HAVE AND TO HOLD the above described encroachment easement unto the said GRANTEE, its successors and assigns, until the use of such encroachment is no longer necessary.

EXECUTED this the _____ day of _____, A.D., 2010.

CITY OF SHERMAN, TEXAS

BY: _____
GEORGE OLSON,
CITY MANAGER

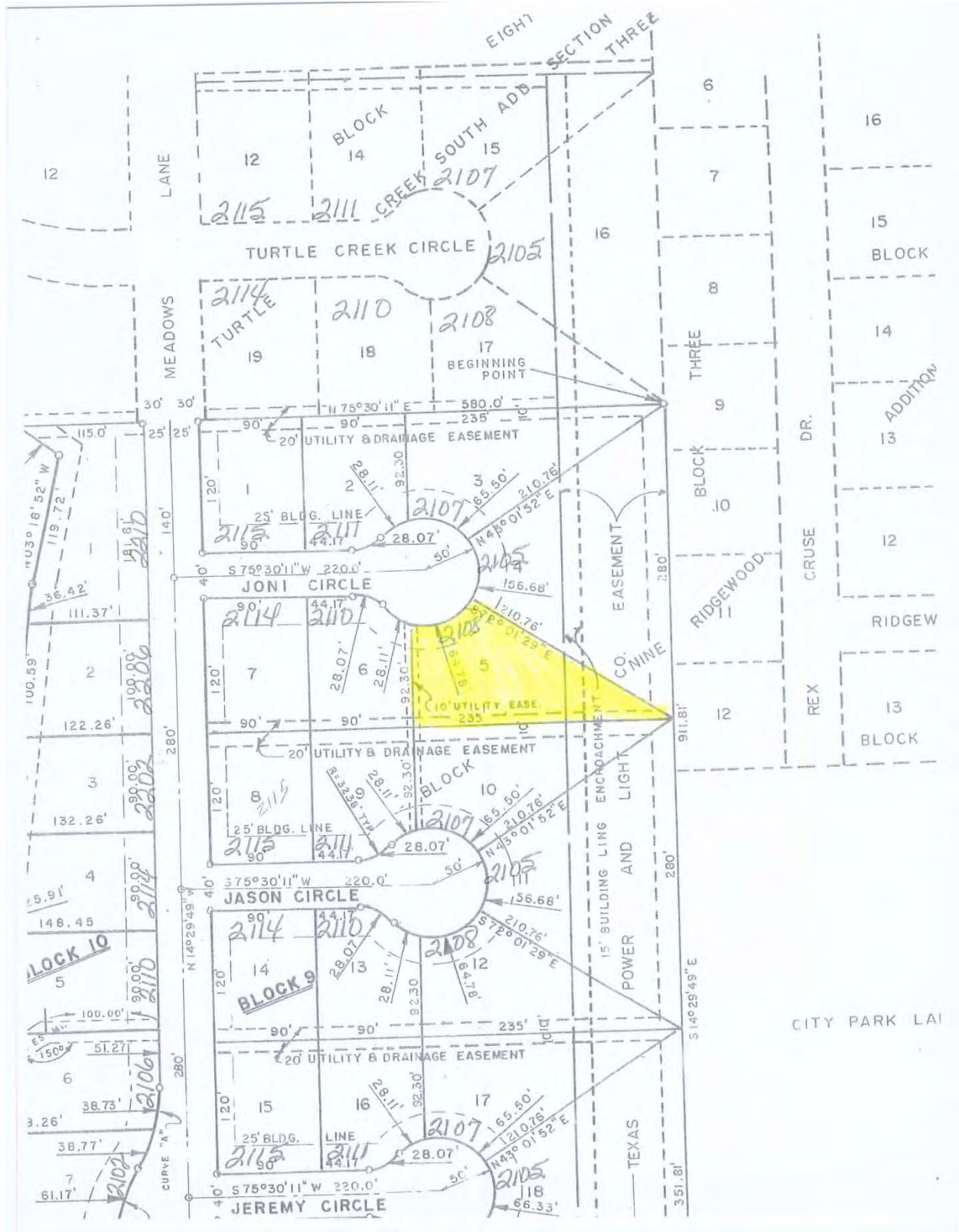
THE STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, in and for said county and state, on this day personally appeared **George Olson**, City Manager, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said City of Sherman, Texas, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day
of _____, A.D., 2010.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

EXHIBIT "A"





June 21, 2010

Mr. Frank Purdom
2108 Joni Circle
Sherman, Texas 75092

Re: Atmos Energy Corporation no objection to abandonment of 20' utility easement
for construction of a garage and outdoor kitchen
Lot 5, Block 9 of Turtle Creek South Addition, Section Four
2108 Joni Circle, Sherman, Tx – Grayson County

Dear Mr. Purdom:

After review of the subject request, Atmos Energy Corporation has no objection to the abandonment of the 20' utility easement located on your property per the attached plat for the construction of a garage and outdoor kitchen.

Please be informed that we have no existing facilities or plans for future facilities within the area of your proposed garage and outdoor kitchen.

Atmos Energy Corporation offers no objections to the abandonment of the utility easement shown by plat. This letter may be used as Atmos Energy's approval for such permission as required by the City of Sherman.

Please do not hesitate to call me at 214.206.2941 should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "LJ Robinson".

LJ Robinson
Right of Way Agent
214.206.2941

Atmos Energy Corporation
5420 LBJ FRWY, Dallas TX 75240

Frank Purdom

From: Stephen.Meek@oncor.com
Sent: Tuesday, June 22, 2010 10:35 AM
To: fpurdom@goodwillnorthtexas.org
Subject: FW: Easement encroachment

Attachments: DOC001.PDF



DOC001.PDF (40 KB)

Subject: Re: Easement encroachment

Easement Encroachment
2108 Joni Circle

I have field checked the location at 2108 Joni Circle and ONCOR Electric Delivery will agree with this encroachment if the owner provides truck access to the existing overhead pole from the back of his property. The structure to be erected is at least 8 feet horizontally away from the center line of the existing overhead electric power line. The existing overhead service line that serves the residence is relocated to the new proposed structure to provide proper overhead clearance.

Stephen Meek
Sr. Project Manager
ONCOR ELECTRIC DELIVERY

2201 Woodlake Rd
Denison, Texas 75021
903-868-8287
<http://www.xerox.com>

Confidentiality Notice: This email message, including any attachments, contains or may contain confidential information intended only for the addressee. If you are not an intended recipient of this message, be advised that any reading, dissemination, forwarding, printing, copying or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply message and delete this email message and any attachments from your system.



2201 Avenue I
Plano, TX 75074
Ofc: 972/578-3311
Fax: 972/578-3396

June 22, 2010

Frank Purdom
2108 Joni Circle
Sherman, TX, 75092

RE: Request encroachment into the easement

Mr. Purdom:

After review of the subject request, Verizon has no objections to your proposed encroachment into the easement at 2108 Joni Circle in Sherman, Grayson County, Texas. It is your responsibility to contact 1-800-Dig-Tess (1-800-344-8377) to locate any facilities before digging. Please be aware that we have an underground cable in the area that could be as shallow as 30" depending on how much the elevation has changed from the time the cable was placed until the present. Please take extra precautions to avoid damage to our cable as any damage to our cable will be billed backed to you.

This letter allows an encroachment only and Verizon retains its rights in full and effect of all remaining and existing ROW/utility easements affecting the property. Should Verizon be required to repair the existing facilities in that portion of the ROW/utility easement or install new facilities, we would not accept responsibility for any damages to the encroaching structure during the repair and/or installation process. Also, the owner of the encroaching structure is responsible for the relocation/removal of the structure that may interfere with access to the ROW/easement.

If you have any questions please do not hesitate to contact me at 972/578-3311.

Sincerely,

Chris W. Smith
Section Manager - Network Engineering & Planning
Twin Cities & Eastern Districts
Plano, Texas



3720 TEXOMA PARKWAY
P.O. Box 1223
SHERMAN, TX 75090
TEL 903-893-6548
FAX 903-868-2754

18-Jun-10

From: Rod Ralls
903-815-0127

To: Frank Purdon
Fax: 903-892-0764

Re: Variance approval for 2108 Joni Circle, Sherman, TX. 75092 from Sherman Planning and Zoning Commission.

Cable has no objection to the requested encroachment into the easement at the above referenced address.

Rod Ralls

A handwritten signature in black ink, appearing to read "Rod Ralls".

Technical Operations Manager



LEGEND

	R-A	SINGLE FAMILY AGRICULTURAL DISTRICT		M-2	HEAVY MANUFACTURING DISTRICT
	SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT		M H	MANUFACTURED HOUSING DISTRICT
	R-1	ONE FAMILY RESIDENTIAL DISTRICT		O-1	BLALOCK INDUSTRIAL PARK OVERLAY DISTRICT - 75 & 82
	R-2	MULTI-FAMILY RESIDENTIAL DISTRICT		O-1.1	OVERLAY DISTRICT - 1417
	C-1	RETAIL BUSINESS DISTRICT		O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
	C-2	GENERAL COMMERCIAL DISTRICT		CPO	COLLEGE PARK OVERLAY
	CO	OFFICE DISTRICT		A&C	ARTS & CULTURAL OVERLAY DISTRICT
	M-1	LIGHT MANUFACTURING DISTRICT		CBD	CENTRAL BUSINESS DISTRICT
	M-1.5	MEDIUM MANUFACTURING DISTRICT			



2108 Joni Circle

Department of Developmental Services





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. C.6

*** RESOLUTION NO. 5508**

Abandoning a Twenty Foot (20') City Utility and Drainage Easement located through Lots 11-14, Block D of the North Haven Addition and Described in Volume 2046, Page 729 of the Real Property Records of Grayson County, Texas

Issue

To consider the abandonment of a 20' wide utility and drainage easement lying within Lots 11-14, Block D of the North Haven Addition to the City of Sherman, Texas

Background

The existing sewer line has been rerouted; and a new utility and drainage easement has been dedicated by plat. The easement along the abandoned line is not being utilized and is no longer deemed necessary.

Origination

Department of Engineering and Utilities

Financial Consideration

None

Staff Recommendation

Staff recommends approval of the abandonment of the utility and drainage easement.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5508

Plat - Exhibit "A"

Utility and Drainage Easement recorded in Volume 2046, Page 729

Location Map

Prepared by:
Mark Gibson, Director of Engineering & Utilities

Approved by:
George Olson, City Manager

RESOLUTION NO. 5508

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ABANDONING A TWENTY FOOT (20') CITY UTILITY AND DRAINAGE EASEMENT LOCATED THROUGH LOTS 11-14, BLOCK D OF THE NORTH HAVEN ADDITION AND DESCRIBED IN VOLUME 2046, PAGE 729 OF THE REAL PROPERTY RECORDS OF GRAYSON COUNTY, TEXAS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council is of the opinion that the abandoning, vacating and closing of said drainage and utility easement as depicted on the attached map is in the public interest and is approved;

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

SECTION 1. That only the twenty foot (20') City utility and drainage easement located through Lots 11-14, Block D of the North Haven Addition, as depicted in Exhibit "A", and described in Volume 2046, Page 729 of the Real Property Records of Grayson County, Texas, as attached hereto, is hereby extinguished, vacated, closed, and permanently abandoned as an easement for public use.

SECTION 2. That such abandonment described in Section 1 herein does not apply to the drainage and utility easements dedicated by Plat of Record Volume 18, Page 171-172, also depicted in Exhibit "A".

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 _____, 2010.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

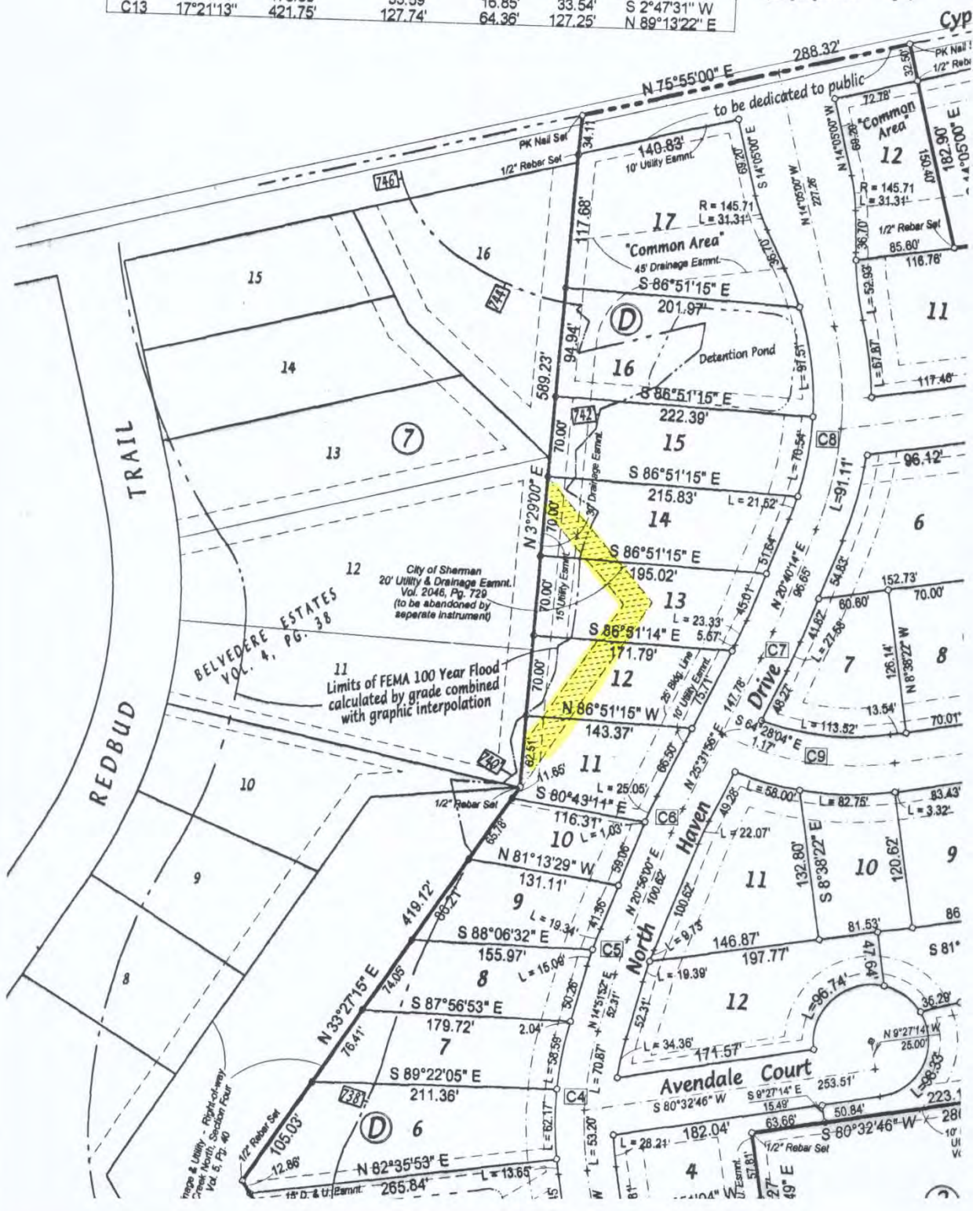
BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

C11	17°44'42"	300.00'	92.91'	46.83'	92.54'	S 0°34'53" E
C12	10°59'53"	175.00'	33.59'	16.85'	33.54'	S 2°47'31" W
C13	17°21'13"	421.75'	127.74'	64.36'	127.25'	S 2°47'31" W
						N 89°13'22" E

Exhibit "A"



003112

VOL 2046 PAGE 729

UTILITY AND DRAINAGE EASEMENT

THE STATE OF TEXAS }
COUNTY OF GRAYSON }

KNOW ALL MEN BY THESE PRESENTS:

That Charles M. Cooper, III, hereinafter called Grantor, of the County of Grayson, State of Texas, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable considerations to it, cash in hand paid by the City of Sherman, Texas, a municipal corporation, hereinafter called Grantee, the receipt of which is hereby acknowledged and confessed and the further benefits to be derived by the remaining property as a result of the utility improvements, has granted, sold, and conveyed, and by these presents does GRANT, SELL and CONVEY unto the said City of Sherman, Grayson County, Texas, an easement for all utility and drainage purposes over, through, and across all that certain lot, tract, or parcel of land situated in the County of Grayson, State of Texas, and described as follows, to-wit:

SITUATED in the J. B. McAnair Survey, Abstract 763, Grayson County, Texas, and part of a 21.85 acre tract conveyed to Charles M. Cooper, Jr., by deed of record in Volume 2104, Page 256, of the Deed of Records of Grayson County, Texas, and being a 20.0 foot wide utility and drainage easement, 10.0 feet each side of the following described easement centerline, to-wit:

BEGINNING at a stake set that lies N $03^{\circ} 29'$ E a distance of 15.27 feet from a rod that maintains the Southeast corner of Lot 11, Block 7 of Belvedere Estates as recorded in Volume 4, Page 38 of the Plat Records of Grayson County, Texas, and also the Southwest corner of said 21.85 acre tract;

THENCE N $33^{\circ} 14' 06''$ E with said centerline a distance of 177.07 feet to a stake set for a corner;

THENCE N $41^{\circ} 05' 32''$ W with said centerline a distance of 125.20 feet to a stake set in the West property line of said 21.85 acre tract at a point approximately 309.1 feet

UTILITY & DRAINAGE EASEMENT

PAGE #2

S $03^{\circ} 29'$ W a distance of 31.05 feet from the Southeast property corner of Lot 13 and Lot 16, Block 7, of said Belvedere Estates and also being the end of said utility easement.

In addition to the above described 20.0 foot wide permanent easement, there shall be a 40.0 foot wide temporary construction easement adjacent to the permanent easement. The temporary easement shall expire and become void upon completion of the initial construction and acceptance of the sewer main by the City of Sherman.

As further consideration for the easement herein granted, Grantee shall allow Grantor, his heirs, successors and assigns, the right to a sewer tap without assessment of the City pro-rata charges.

Grantee shall restore the surface of the easement area to the same or better condition that existed prior to the installation of the sewer improvement.

TO HAVE AND TO HOLD THE SAME, together with all and singular, the rights and appurtenances thereto in anywise belonging to the said City of Sherman, its successors and assigns forever, and Grantor does hereby bind himself, his heirs, successors and assigns to Warrant and Forever Defend, all and singular, the said easement unto the said City of Sherman, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

This instrument shall be construed as conveying an easement to the City of Sherman for all utility and drainage purposes and

UTILITY & DRAINAGE EASEMENT

PAGE #3

fee title is reserved by Grantor, his heirs, successors, and assigns, subject to such easement. The payment of the purchase price of said easement shall be considered full compensation for the land taken and for any damages that may be claimed or asserted by virtue of the use of said easement by the City of Sherman for the purposes herein granted, except as otherwise herein stated.

WITNESS my hand, this 10th day of July, 1989.

Charles M. Cooper, III
CHARLES M. COOPER, III

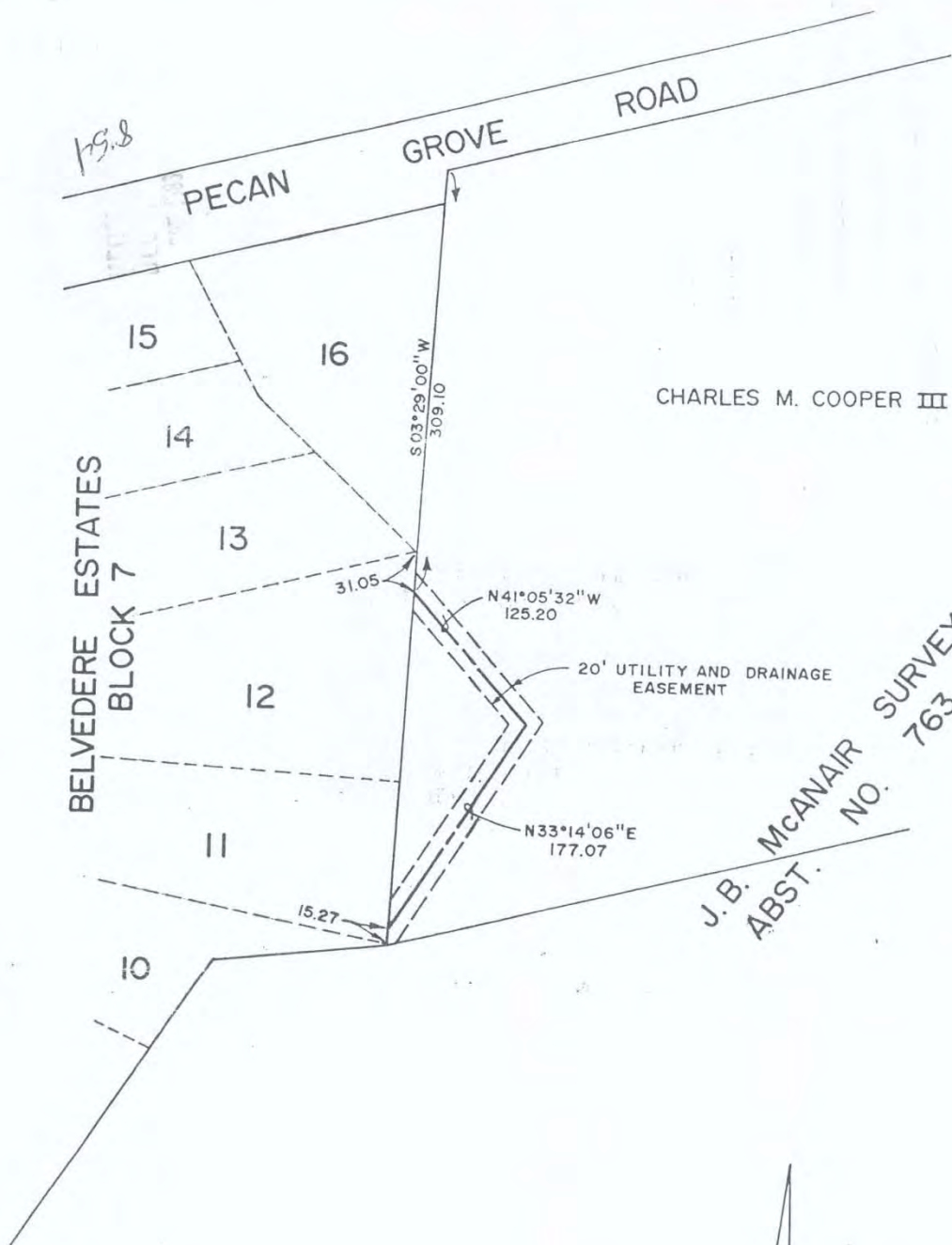
THE STATE OF TEXAS }
COUNTY OF GRAYSON }

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, on this day personally appeared CHARLES M. COOPER, III, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 10th day of July, 1989.

Kay J. Nielsen
Notary Public in and for the
State of Texas





J.B. McANAIR SURVEY
ABST. NO. 763





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SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. C.7

*** RESOLUTION NO. 5509**

**Authorizing the Filing and Acceptance of a Grant Application
with the Texoma Council of Governments (TCOG), in Cooperation with the
Texas Commission on Environmental Quality (TCEQ), for a Fiscal Year 2010-2011
Regional Solid Waste Grant; Authorizing the Executive Director of Planning and Public
Works to Act on Behalf of the City of Sherman in all Matters Related to the Application;
Pledging that, if a Grant is Received, the City of Sherman will Comply with the
Grant Requirements of TCOG, TCEQ, and the State of Texas**

Issue

To approve a resolution providing for a Texoma Council of Governments (TCOG) regional solid waste grant

Background

Residents of Sherman attain a high level of curbside, single-stream recycling. The Public Works Department, in cooperation with the Parks and Recreation Department, believes the City can also attain a high level of beverage container recycling (aluminum cans and plastic/glass bottles) in the parks and at public events with conveniently placed recycling receptacles that are clearly labeled and specially designed for beverage containers.

The Public Works Department has placed blue recycling carts at public events in the past; but they are used mistakenly as trash containers as well. Some park locations currently have beverage container recycling receptacles purchased by non-profit organizations that use the facilities; however, all locations do not. The budget does not provide enough funding to purchase containers and installation for all locations. The TCOG regional solid waste grant would provide funds to purchase additional recycling receptacles.

Origination

Department of Public Works and the Parks and Recreation Department

Financial Consideration

If awarded, the TCOG solid waste grant would be approximately \$16,650. There is no matching requirement. Existing City staff will service the recycling receptacles. If the grant is not awarded, the special containers will not be purchased.

Staff Recommendation

Approve the resolution authorizing the submission of the solid waste grant application to TCOG and execution of the grant project to purchase beverage container recycling receptacles for Sherman parks and public events.

Alternatives

Those as may be recommended by the City Council

Attachments

Resolution No. 5509

TCOG Request for Applications

Grant Application

Prepared by:

Don Keene, Exec. Director – Planning & Public Works

Approved by:

George Olson, City Manager

RESOLUTION NO. 5509

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE FILING AND ACCEPTANCE OF A GRANT APPLICATION WITH THE TEXOMA COUNCIL OF GOVERNMENTS (TCOG), IN COOPERATION WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ), FOR A FISCAL YEAR 2010-2011 REGIONAL SOLID WASTE GRANT; AUTHORIZING THE EXECUTIVE DIRECTOR OF PLANNING AND PUBLIC WORKS TO ACT ON BEHALF OF THE CITY OF SHERMAN IN ALL MATTERS RELATED TO THE APPLICATION; PLEDGING THAT, IF A GRANT IS RECEIVED, THE CITY OF SHERMAN WILL COMPLY WITH THE GRANT REQUIREMENTS OF TCOG, TCEQ, AND THE STATE OF TEXAS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Texoma Council of Governments (TCOG) is directed by the Texas Commission on Environmental Quality (TCEQ) to administer solid waste grant funds for implementation of the TCOG's adopted regional solid waste management plan; and

WHEREAS, the City of Sherman in the State of Texas is qualified to apply for grant funds under the Request for Applications;

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

SECTION 1. That the Executive Director of Planning and Public Works is authorized to request grant funding under the TCOG Request for Applications of the Regional Solid Waste Grants Program and act on behalf of the City of Sherman in all matters related to the grant application and any subsequent grant contract and grant project that may result.

SECTION 2. That, if the project is funded, the City of Sherman will comply with the grant requirements of TCOG, TCEQ, and the State of Texas.

SECTION 3. That the grant funds and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant.

SECTION 4. That activities will comply with and support the adopted regional and local solid waste management plans adopted for the geographical area in which the activities are performed.

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

PASSED AND APPROVED on this the ____ day of _____, 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**

Hon. Bill Lindsay
President
Governing Body

Susan B. Thomas, PhD
Executive Director



Municipal Solid Waste
1117 Gallagher Dr
Suite 300
Sherman, TX 75090

Phone: (903) 813-3550
Fax: (903) 813-3539
www.texoma.cog.tx.us

May 18, 2010

From: David Trout, Environmental Coordinator
Subject: Request for Applications – FY 2011 Regional Solid Waste Grant Program
To: Texoma Region Local Governments
School Districts
Law Districts Responsible for Solid Waste Management
Natural Resources Advisory Committee

The Texas Commission on Environmental Quality provides the planning regions of the state with funds to support local and regional activities related to the implementation of the Regional Solid Waste Management Plan. The funds are made available to eligible local entities through the Texoma Council of Governments and the Regional Solid Waste Grant Program and are intended to support projects that reduce the amount of municipal solid waste introduced to local landfills by establishing recycling programs, waste minimization programs, and composting projects.

Eight project categories are available for funding and are listed below.

1. Local Enforcement
2. Litter and Illegal Dumping Cleanup and Community Collection Event
3. Source Reduction and Recycling
4. Local Solid Waste Management Plans
5. Citizens Collection Stations and "Small" Registered Transfer Stations
6. Household Hazardous Waste Management
7. Technical Studies
8. Educational and Training Projects

Grant funding will be awarded on a competitive basis. Applications must be received at the TCOG office by July 23, 2010. An electronic version of the application may be downloaded from the TCOG website at www.texoma.cog.tx.us

Regards,

A handwritten signature in cursive script that reads 'David Trout'.

David Trout
Environmental Coordinator



May 2010

**FY 2010/2011
REGIONAL SOLID WASTE
GRANTS PROGRAM
ADMINISTRATIVE PROCEDURES**

Request For Applications

This document contains an **example** format for *Requests for Applications* (RFAs) for Grant-Funded Implementation Projects.

printed on
recycled paper

Waste Permits Division
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

The Texoma Council of Governments
In Cooperation with the Texas Commission on Environmental Quality
Announces Availability of Municipal Solid Waste
Grant Funding for Fiscal Year 2010/2011

☐ *Request for Applications* ☐

PURPOSE

The purpose of this program is to provide funding for eligible local and regional municipal solid waste management projects in support of the goals and objectives of the adopted Regional Solid Waste Management Plan (RSWMP) for the Regional Council of Governments (COG) region. Funding for this program is provided through a grant from the Texas Commission on Environmental Quality (TCEQ), under the authority of §361.014, Texas Health and Safety Code.

HOW TO APPLY

A grant application form is available from the COG at the address below. A separate application form must be submitted for each individual project proposed. In completing your application, read the instructions carefully, you will need to be concise, and provide a sufficient level of detail to facilitate informed consideration of your proposed project.

The solid waste coordinator at the COG is available to assist interested parties during the application process and may be contacted at the following telephone number:

David Trout
(903) 813-3550
Monday thru Friday, 8 am – 5 pm

***Return your completed application form(s) to
the following address:***

David Trout
Texoma Council of Governments
1117 Gallagher Drive
Sherman, TX 75090

APPLICATION DEADLINE: To be considered for funding,
submit application by 5:00 p.m. on

July 23, 2010

ELIGIBLE RECIPIENTS

Only those local and regional political subdivisions located within the State of Texas are eligible to receive funding from the COG as a pass-through grant. Eligible entities are outlined below.

- Cities
- Counties
- Public schools and school districts (excluding universities and other post-secondary educational institutions)
- General and special law districts created in accordance with state law, and with the authority and responsibility for water quality protection or municipal solid waste management, to include river authorities
- Regional Councils of Governments

Private and non-profit companies and organizations are not eligible to receive grant funding. However, recipients of a grant may contract with private and non-profit entities to provide specific grant-funded services.

Entities that are subject to the payment of state solid waste disposal fees and whose payments are delinquent are not eligible to receive a grant. In addition, entities that are barred from participating in state contracts by the Texas Comptroller of Public Accounts, under the provisions of §2155.077, Government Code, are not eligible to receive a grant.

APPLICABLE STATUTES AND REGULATIONS

The conduct of projects funded under this program shall be in accordance with all applicable state and local statutes, rules, regulations, and guidelines. The main governing standards, include, but are not be limited to, the following:

1. Section 361.014(b), Texas Health and Safety Code;
2. Title 30 Texas Administrative Code Chapter 330, Suchapter O, TCEQ MSW Regulations (30 TAC Chapter 330, Suchapter O);
3. Chapter 14 of the TCEQ Regulations (30 TAC Chapter 14);
4. The Grant Contract between the Council of Governments and the TCEQ; and
5. The Uniform Grant and Contract Management Act, Texas Government Code, §§783.001 et. seq., and the Uniform Grant Management Standards, 1 TAC §§5.141 et. seq. (collectively, "UGMS").

AUTHORIZED PROJECT CATEGORIES

The following project categories are eligible for funding. Under each category heading is a brief description of the purpose of that category, as well as special requirements pertaining to that project category.

1. Local Enforcement

Funds may be used for projects that contribute to the prevention of illegal dumping of municipal solid waste, including liquid wastes. Funding recipients may investigate illegal dumping problems; enforce laws and regulations pertaining to the illegal dumping of municipal solid waste, including liquid waste; establish a program to monitor the collection and transport of municipal liquid wastes through administration of a manifesting system; and educate the public on illegal dumping laws and regulations.

2. Litter and Illegal Dumping Cleanup and Community Collection Events

Funds may be used for ongoing and periodic activities to clean up litter and illegal dumping of municipal solid waste. Projects may include support for Lake and River Cleanup events, conducted in conjunction with the TCEQ's and Keep Texas Beautiful's Lake and Waterway Cleanup Program. Funded activities may include: waste removal; disposal or recycling of removed materials; fencing and barriers; and signage. Placement of trash collection receptacles in public areas with chronic littering problems may also be funded. Reuse or recycling options should be considered for managing the materials cleaned up under this program, to the extent feasible. Funds may also be used for periodic community collection events, held not more frequently than four times per year, to provide for collection of residential waste materials for which there is not a readily-available collection alternative, such as large and bulky items that are not picked up under the regular collection system.

3. Source Reduction and Recycling

Funds may be used for projects that provide a direct and measurable effect on reducing the amount of municipal solid waste going into landfills, by diverting various materials from the municipal solid waste stream for reuse or recycling, or by reducing waste generation at the source. Funded activities may include: diversion from the waste stream and/or collection, processing for transport, and transportation of materials for reuse and/or recycling; implementation of efficiency improvements in order to increase source reduction and recycling, to include full-cost accounting systems and cost-based rate structures, establishment of a solid waste services enterprise fund, and mechanisms to track and assess the level of recycling activity in the community on a regular basis; and educational and promotional activities to increase source reduction and recycling.

4. Local Solid Waste Management Plans

Funds may be used for projects to develop local solid waste management plans in accordance with Texas Health & Safety Code, Chapter 363, as implemented by state rule in Title 30 Texas Administrative Code (30 TAC), Chapter 330. It is recommended that at least one year be allowed for the completion and adoption of a local plan. Local Solid Waste Management Plans must meet the goals and objectives of the RSWMP.

5. Citizens' Collection Stations and "Small" Registered Transfer Stations

Funds may be used for projects to construct and equip citizens' collection stations, as these facilities are defined under 30 TAC §330.3, TCEQ Regulations. Projects funded for these types of facilities shall include consideration of an integrated approach to solid waste management, to include providing recycling services at the site, if appropriate to the management system in place. The following MSW facilities may qualify on a case by case basis for funding:

- Notification tier municipal solid waste transfer stations that qualify under 30 TAC 330.11(g).
- Registered municipal solid waste transfer stations that qualify under 30 TAC 330.9(b)(1) through (3), or (f).
- Notification tier citizens' collection stations that qualify under 30 TAC 330.11(e)(1).
- Exempt local government recycling facilities as provided for under 30 TAC 328(a)(1).
- Notification tier recycling facilities that qualify under 30 TAC 330.11(e)(2).
- Notification tier composting facilities which qualify under 30 TAC 332.21 – 332.23.
- Notification tier liquid waste temporary storage facilities which qualify under 30 TAC 330.11(e)(5).
- Liquid waste transfer stations which qualify for registration in 30 TAC 330.9(g) and (o).
- Notification tier used oil collection facilities which qualify under 30 TAC 324.71(1) or (3).

6. Household Hazardous Waste Management

Funds may be used for projects that provide a means for the collection, recycling or reuse, and/or proper disposal of household hazardous waste, including household chemicals, electronic wastes, and other materials. Funded activities may include: collection events; consolidation and transportation costs associated with collection activities; recycling or reuse of materials; proper disposal of materials; permanent collection facilities, and education and public awareness programs.

7. Technical Studies

Funds may be used for projects which include the collection of pertinent data, analysis of issues and needs, evaluation of alternative solutions, public input, and recommended actions, to assist in making solid waste management decisions at the local level. Projects may also include research and investigations to determine the location, boundaries, and contents of closed municipal solid waste landfills and sites, and to assess possible risks to human health or the environment associated with those landfills and sites.

8. Educational and Training Projects

Educational components are encouraged under the other categories in order to better ensure public participation in projects; those educational components should be funded as part of those projects and not separately under this category. Funds may also be used for "stand-alone" educational projects dealing with a variety of solid waste management topics. Projects may include funding for information-exchange activities, subject to the other limitations on travel expenses.

9. Other

(Per the grant contract, the COG may include in the regional funding plan or regional solid waste management plan other types of projects that are not specifically prohibited in the detailed funding standards. If accepted by TCEQ, the COG must then request an amendment to the grant contract to include authorization for the additional project or category of projects. If the request is approved by the TCEQ and authorization provided, the COG may then include the additional project category in the list of eligible projects.)

ELIGIBLE EXPENSES

The following categories of expenses may be eligible for funding under this program. All expenses must directly relate to the conduct of the proposed project.

- 1. Personnel.** Appropriate salaries and fringe benefits for employees working directly on the funded project may be authorized under most of the grant categories.
- 2. Travel.** Travel expenses directly related to the conduct of the funded program may be authorized. Only the employees of the pass-through grant recipient assigned to the project should receive reimbursement for travel expenses. In accordance with the UGMS, in those instances where grantees do not have an established organization-wide written travel policy approved by the governing board of the local jurisdiction, all employee-related travel expenses must be claimed at no higher than the same rates allowed by the State of Texas for its employees. For authorized reimbursement through the Regional Solid Waste Grants Contract, all travel authorized for pass-through recipients must comply with State travel regulations as required by §392.0115, Local Government Code, 1 Texas Administrative Code Chapter §5.86, Governor's Office Regulations and Article IX of the General Appropriations Act, 79th Legislative Session.
- 3. Supplies.** Expenses for supplies necessary for the conduct of the funded project may be authorized. Expenses included under the Supplies expense category of a project budget should be for non-construction related costs for goods and materials having a unit acquisition cost (including freight) of less than \$5,000. Such expenditures must generally relate to the routine purchase of office supplies (paper, pencils, and staplers) or other goods which are consumed in a relatively short period of time, in the regular performance of the general activities of the proposed project.

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4. **Equipment.** Equipment necessary and appropriate for the proposed project may be authorized. The COG must carefully evaluate all requests for equipment to determine appropriateness of the equipment for the project. No equipment is to be purchased by a pass-through grant recipient unless approved in advance by the COG. Expenses included under the Equipment expense category should be for non-construction related, tangible, personal property having a unit acquisition cost of \$5,000 or more (including freight and set up costs) with an estimated useful life of over one year. Any equipment that will be used for other projects or activities, in addition to the funded project, may only be funded at an amount reflecting the appropriate percentage of time that the equipment will be directly used for the funded project. The special conditions and requirements set forth in the grant Contract (relating to Title to and Management of Equipment and Constructed Facilities), also apply to equipment purchased with pass-through grant funding.
 5. **Construction.** Appropriate construction costs may be authorized. Expenses budgeted under this category should be for costs related to the enhancement or building of permanent facilities. No construction costs may be incurred by a pass-through grant recipient unless the construction details are approved in advance by the COG. Appropriate costs that may be included are:
 - a. The cost of planning the project;
 - b. The cost of materials and labor connected to the construction project;
 - c. The cost of equipment attached to the permanent structure; and
 - d. Any subcontracts, including contracts for services, performed as part of the construction.
 6. **Contractual Expenses.** Professional services or appropriate tasks provided by a firm or individual who is not employed by the pass-through grant recipient for conducting the funded project may be authorized for subcontracting by the funds recipient. No contractual costs should be incurred by a pass-through grant recipient unless the subcontract is approved in advance by the COG. *Applicable laws and regulations concerning bidding and contracting for services must be followed.* Any amendment to a subcontract which will result in or require substantive changes to any of the tasks required to be performed must be approved in writing by the COG.
 7. **Other Expenses.** Other expenses, not falling under the main expense categories, may be included, if connected with the tasks and activities of the proposed project. The restrictions set forth in the UGMS and the main grant Contract apply. The COG must ensure that expenses budgeted under this "Other" category are itemized by the grant recipient, and are fully considered and evaluated by the COG. Some expenses that may be appropriate include:
 - a. Postage/delivery
 - b. Telephone/FAX
 - c. Utilities
 - d. Printing/reproduction
 - e. Advertising/public notices
 - f. Signs
 - g. Training
 - h. Office space
 - i. Basic office furnishings

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- j. Computer Hardware (under \$5,000 and not listed under the Equipment category)
 - k. Computer Software

8. **Indirect.** Indirect costs may be funded, if applicable to the project. In accordance with the UGMS, indirect charges may be authorized if the applicant has a negotiated indirect cost rate Contract signed within the past 24 months by a federal cognizant agency or state single audit coordinating agency. Alternatively, the applicant may be authorized to recover up to 10% of direct salary and wage costs (excluding overtime, shift premiums, and fringe benefits) as indirect costs, subject to adequate documentation. If the Applicant has an approved cost allocation plan, enclose documentation of the approved indirect rate with the project application.

**TYPES OF EXPENSES THAT MAY BE APPROPRIATE
UNDER EACH PROJECT CATEGORY**

Following are *examples of some of the types* of expenses that may be appropriate under each of the project categories.

1. Local Enforcement

- Equipment, such as vehicles, communications equipment, and surveillance equipment (NOTE: this does not include local code enforcement officer firearms nor ammunition)
- Program administration expenses, such as salaries/fringe benefits, office supplies and equipment, travel, training, and vehicle maintenance
- Protective gear and supplies (NOTE: this does not include self contained breathing apparatus equipment)
- Education and outreach materials

2. Litter and Illegal Dumping Cleanup and Community Collection Events

- Equipment, such as trailers and trucks
- Program administration expenses, such as, salaries/fringe benefits, office supplies and equipment, travel, training, and vehicle maintenance
- Subcontract expenses
- Protective gear and supplies
- Fencing, barriers, and signage
- Education and outreach materials
- Promotional items for volunteers (e.g., T-shirts, caps, etc.)

3. Source Reduction and Recycling

- Facility design and construction
- Equipment, such as chippers, balers, crushers, recycling and composting containers, trailers, forklifts, and trucks
- Program administration expenses, such as salaries/fringe benefits, office supplies and equipment, travel, training, and equipment maintenance
- Education and outreach materials
- Printing and advertisement expenses

4. Local Solid Waste Management Plans

- Consultant services
- Printing and advertising expenses
- Program administration expenses, such as salaries/fringe benefits, office supplies, and travel

5. Citizens' Collection Stations, Recycling Facilities and "Small" Registered Transfer Stations

- Facility design and construction
- Equipment, such as dumpsters or roll-off containers, trailers, compactors, crushers, scales, and recycling containers
- Protective gear
- Education and outreach materials
- Printing and advertisement expenses

6. Household Hazardous Waste Management

- Design and construction of permanent collection facilities
- Equipment for permanent collection facilities, such as recycling containers, trailers, forklifts, and crushers
- Protective gear
- Contractual services for special collection events
- Education and outreach materials
- Printing and advertising expenses
- Promotional items for volunteers (e.g., T-shirts, caps, etc.)

7. Technical Studies

- Consultant services
- Printing and advertising expenses
- Program administration expenses, such as salaries/fringe benefits, office supplies, and travel

8. Educational and Training Projects

- Education and outreach materials
- Printing and advertising expenses
- Contractual services
- Program administrative expenses, such as salaries/fringe benefits, office supplies, and travel

9. Other *{If the COG obtains authorization for additional project categories, include examples of expenses that would be appropriate under that category.}*

FUNDING STANDARDS

In addition to the standards set forth in applicable law and regulations, the standards outlined below apply to all uses of the FY 2010/2011 solid waste grant funds. *(The COG should adjust this list, as appropriate, to apply to the types of projects selected by the COG for funding.)*

General Standards

1. The provisions of the Uniform Grant Management Standards (UGMS) issued by the Office of the Governor apply to the use of these funds, as well as the supplement financial administration provided in the program Administrative Procedures.
2. Recipients of funds under this Contract, including the COG, pass-through grant recipients, and subcontractors shall comply with all applicable state and local laws and regulations pertaining to the use of state funds, including laws concerning the procurement of goods and services and competitive purchasing requirements.
3. Funds may not be provided through a pass-through grant or subcontract to any public or private entity that is barred from participating in state contracts by the Texas General Services Commission, under the provisions of §2155.077, Government Code, and 1 TAC §113.02, GSC Regulations.
4. Public and private entities subject to payment of state solid waste disposal fees and whose payments are in arrears may not receive funds under this Contract through either a pass-through grant or subcontract.
5. In accordance with §361.014(b), Texas Health and Safety Code, and 30 TAC §330.649(d), TCEQ Regulations, a project or service funded under this Contract must promote cooperation between public and private entities and may not be otherwise readily available or create a competitive advantage over a private industry that provides recycling or solid waste services. Under this definition, the term private industry included non-profit and not-for-profit non-governmental entities.
6. All equipment and facilities purchased or constructed with funds provided under this Contract shall be used for the purposes intended in the funding Contract.
7. A project or service funded under this Contract must be consistent with the COG's RSWMP, and must be intended to implement the goals, objectives, and priorities established in the regional plan.
8. Funds may not be used to acquire land or an interest in land.

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9. Funds may not be used to supplant existing funds. In particular, staff positions where the assigned functions will remain the same and that were active at the time of the funding application or proposal, and were funded from a source other than a previous solid waste grant, may not be funded.
 10. Funds may not be used for food or entertainment expenses, including refreshments at meetings and other functions. This provision does not apply to authorized employee per diem expenses for food costs incurred while on travel status.
 11. Funds may not be used for payment of salaries to any employee who uses alcoholic beverages on active duty. Funds may not be used for the purchase of alcoholic beverages, including travel expenses reimbursed with these funds.
 12. Funds may not be used for employment, contracts for services of a lobbyist, or for dues to an organization, which employs or otherwise contracts for the services of a lobbyist.
 13. Funds may only be used for projects or programs for managing municipal solid waste.
 14. Except as may be specifically authorized, funds may not be used for projects or facilities that require a permit from the TCEQ and/or that are located within the boundaries of a permitted facility, including landfills, wastewater treatment plants, or other facilities. This restriction may be waived by the TCEQ, at its discretion, for recycling and other eligible activities that will take place within the boundaries of a permitted facility. The applicant and/or the COG must request a preliminary determination from the TCEQ as to the eligibility of the project prior to the project being considered for funding by the COG.
 15. Projects or facilities requiring a registration from the TCEQ, and which are otherwise eligible for funding, must have received the registration before the project funding is awarded.
 16. Except as may be specifically authorized, funds may not be used for activities related to the collection or disposal of municipal solid waste. This restriction includes: solid waste collection and transportation to a disposal facility; waste combustion (incineration or waste-to-energy); processing for reducing the volume of solid waste which is to be disposed of; landfills and landfill-related facilities, equipment, or activities, including closure and post-closure care of a permitted landfill unit; or other activities and facilities associated with the disposal of municipal solid waste.
 17. Funds may not be used to assist an entity or individual to comply with an existing or pending federal, state, or local judgment or enforcement action. This restriction includes assistance to an entity to comply with an order to clean up and/or remediate problems at an illegal dumpsite. However, the TCEQ may waive this restriction, at its discretion and on a limited case-by-case basis, to address immediate threats to human health or the environment, and where it is demonstrated that the responsible party does not have the resources to comply with the order.

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18. Funds may not be used to pay penalties imposed on an entity for violation of federal, state, or local laws and regulations. This restriction includes expenses for conducting a supplemental environmental project (SEP) under a federal or state order or penalty. Funds may be used in conjunction with SEP funds to support the same project.

Local Enforcement

19. As provided by the General Appropriations Act (80th Leg. R.S.) funds may not be provided to any law enforcement agency regulated by Chapter 1701 Texas Occupational Code, unless: (a) the law enforcement agency is in compliance with all rules on Law Enforcement Standards and Education; or (b) the Commission on Law Enforcement Officer Standards and Education certifies that the requesting agency is in the process of achieving compliance with such rules.
20. When funding is to be provided for salaries of local enforcement officers, the funds recipient must certify that at least one of the officers has attended or will attend within the term of the funding the TCEQ's Criminal Environmental Law Enforcement Training or equivalent training.
21. Local enforcement vehicles and related enforcement equipment purchased entirely with funds provided under this Contract may only be used for activities to enforce laws and regulations pertaining to littering and illegal dumping, and may not be used for other code enforcement or law enforcement activities. Vehicles and equipment that are only partially funded must be dedicated for use in local enforcement activities for a percentage of time equal to the proportion of the purchase expense funded.
22. Entities receiving funds for a local enforcement officer, enforcement vehicles, and/or related equipment for use by an enforcement officer, must investigate major illegal dumping problems, on both public and private property, in addition to investigating general litter problems on public property.
23. Entities receiving funds to conduct a local enforcement program must cooperate with the TCEQ's regional investigative staff in identifying and investigating illegal dumping problems. Lack of cooperation with the TCEQ staff may constitute a reason to withhold future funding to that entity for local enforcement activities.
24. Funds may not be used for investigation and enforcement activities related to the illegal dumping of industrial and/or hazardous waste. Instances where industrial or hazardous waste is discovered at a site do not preclude the investigation of that site, so long as the intent and focus of the investigation and enforcement activities are on the illegal dumping of municipal solid waste.
25. Funds may not be used for purchase of weapons, ammunition, and/or HazMat gear.

Litter and Illegal Dumping Cleanup and Community Collection Events

26. Lake and Waterway Cleanup events must be coordinated with the TCEQ's Small Business and Environmental Assistance Division/or the Keep Texas Beautiful organization, which is contracted by the TCEQ to administer the Lake and Waterway Cleanup program.
27. Projects funded to clean up litter or illegal dumping on private property must be conducted through a local government sponsor or the COG. Funds may not be provided directly to a private landowner or other private responsible party for cleanup expenses. The local government sponsor or the COG must either contract for and oversee the cleanup work, or conduct the work with its own employees and equipment.
28. The costs for cleanup of hazardous waste that may be found at a municipal solid waste site must be funded from other sources, unless a waiver from this restriction is granted by the TCEQ to deal with immediate threats to human health or the environment.
29. The costs for cleanup of Class 1 nonhazardous industrial waste that may be found at a municipal solid waste site must be funded from other sources, unless a waiver from this restriction is granted by the TCEQ to deal with immediate threats to human health or the environment. The cleanup of Class 2 and 3 nonhazardous industrial waste that may be found at a municipal solid waste site may be funded in conjunction with the cleanup of the municipal solid waste found at a site.
30. All notification, assessment, and cleanup requirements pertaining to the release of wastes or other chemicals of concern, as required under federal, state, and local laws and regulations, including 30 TAC Chapter 330, TCEQ's MSW Regulations, and 30 TAC Chapter 350, TCEQ's Risk Reduction Regulations, must be complied with as part of any activities funded under this Contract.
31. All materials cleaned up using grant funds must be properly disposed of or otherwise properly managed in accordance with all applicable laws and regulations. To the extent feasible, it is recommended that materials removed from a site be reused or recycled. For projects to clean up large amounts of materials, the COG should consider withholding at least ten (10) percent of the reimbursements under a pass-through grant or subcontract, until documentation is provided that the cleanup work has been completed and the materials properly managed.
32. Periodic community collection events, to provide for collection and proper disposal of non-recyclable residential waste materials for which there is not a readily-available collection alternative, may be funded. This type of project may not include regular solid waste collection activities, such as weekly waste collection. Funded collection events may be held no more frequently than four times per year, and must only be intended to provide residents an opportunity to dispose of hard-to-collect materials, such as large and bulky items that are not picked up under the regular collection system, and might otherwise be illegally dumped by residents. To the extent practicable, community collection events should make every effort to divert wastes collected from area landfills, e.g., contain a recycling component.

Source Reduction and Recycling

33. Any program or project funded with the intent of demonstrating the use of products made from recycled and/or reused materials shall have as its primary purpose the education and training of residents, governmental officials, private entities, and others to encourage a market for using these materials.

Local Solid Waste Management Plans

34. All local solid waste management plans funded under this Contract must be consistent with the COG's RSWMP, and prepared in accordance with 30 TAC Subchapter O, Chapter 330, TCEQ Regulations, and the Content and Format Guidelines provided by the TCEQ.
35. In selecting a local solid waste management plan project for funding, the COG shall ensure that at least one year is available for the completion and adoption of the local plan.

Citizens' Collection Stations and "Small" Registered Transfer Stations

36. The design and construction of citizens' collection stations, as those facilities are defined under 30 TAC Chapter 330, TCEQ Regulations, may be funded. The costs associated with operating a citizens' collection station once it is completed may not be funded.
37. The design and construction of small municipal solid waste and liquid waste transfer stations that qualify for registration under 30 TAC 330, MSW Rules, may be funded. Other permitted or registered transfer stations may not be funded. A municipal solid waste transfer facility may be eligible for a registration if it serves a municipality with a population of less than 50,000, or a county with a population of less than 85,000, or is used in the transfer of 125 tons or less of municipal solid waste per day. A liquid waste transfer station may qualify for a registration if it will receive less than 32,000 gallons or less per day. The costs associated with operating a transfer station once it is completed may not be funded. The following MSW facilities may be funded:
- Notification tier municipal solid waste transfer stations that qualify under 30 TAC 330.11(g).
 - Registered municipal solid waste transfer stations that qualify under 30 TAC 330.9(b)(1) through (3), or (f).
 - Notification tier citizens' collection stations that qualify under 30 TAC 330.11(e)(1).
 - Exempt local government recycling facilities as provided for under 30 TAC 328(a)(1).
 - Notification tier recycling facilities that qualify under 30 TAC 330.11(e)(2).
 - Notification tier composting facilities which qualify under 30 TAC 332.21 – 332.23.
 - Notification tier liquid waste temporary storage facilities which qualify under 30 TAC 330.11(e)(5).
 - Liquid waste transfer stations which qualify for registration in 30 TAC 330.9(g) and (o).
 - Notification tier used oil collection facilities which qualify under 30 TAC 324.71(1) or (3).

Household Hazardous Waste Management

38. All household hazardous waste collection, recycling, and/or disposal activities must be coordinated with the TCEQ's HHW program staff, and all applicable laws, regulations, guidelines, and reporting requirements must be followed.

Technical Studies

40. All technical studies funded must be consistent with the COG's regional solid waste management plan, and prepared in accordance with Administrative Procedures provided by the TCEQ.

Educational and Training Projects

41. Educational and training programs and projects funded under this Contract must be primarily related to the management of municipal solid waste, and funds applied to a broader education program may only be used for those portions of the program pertaining to municipal solid waste.

Other Types of Projects

42. If the TCEQ authorizes the COG to fund additional types of projects, the authorization incorporated into the grant Contract may include additional standards and restrictions that will apply to use of funds for that project or type of project.

NOTIFICATION OF PRIVATE INDUSTRY REQUIRED

According to state law (*Section 361.014 (b) TX Health & Safety Code*), a project or service funded under this program must promote cooperation between public and private entities, and the grant-funded project or service may not be otherwise readily available or create a competitive advantage over a private industry that provides recycling or solid waste services. In accordance with grant requirements established by the TCEQ, an applicant for funding under one of the listed project categories below must adhere to the notification requirements listed below.

Applicable Categories

1. Source Reduction and Recycling
2. Citizens' Collection Stations and/or "Small" Registered Transfer Stations
3. A demonstration project under the Educational and Training Projects category
4. Other *{If the COG receives authorization to fund additional types of projects, that authorization may include requirements for notification of private industry. When applicable, those additional project categories should be listed here.}*

Applicant Notification Requirements

1. Contact in person or in writing the known private service providers of similar services which, at the time of the application development, are providing services within the geographic service area that the project intends to serve, prior to making the application. A list of private service providers within the region is available from the COG.
2. Inform the private service providers of the basic details of the proposed project and consider any input and concerns from the private service providers about the project when completing the project proposal.
3. Consider, where appropriate, meeting directly with private service providers that may have a concern about the proposed project to attempt to resolve any concerns before an application is submitted.
4. Complete applicable information on the grant application forms to provide documentation that private service providers were notified of the project prior to submission of the application and submit written comments provided by any private service provider.

HOW PROPOSALS WILL BE CONSIDERED

Proposals will be reviewed by the Solid Waste Advisory Committee of the COG, using screening and selection criteria developed in cooperation with the TCEQ. The committee consists of representatives of various interests involved in solid waste management in the region, according to the TCEQ guidelines.

Screening Criteria. In order for any proposed project to be considered, the following screening criteria must be met. If these screening criteria are not met, the proposed project will receive no further consideration for grant funding.

1. The application must be complete and all application requirements and procedures followed, including requirements to notify private service providers of the proposed project, when applicable.
2. The proposed project must conform to eligible standards, eligible recipient standards, and allowable expense and funding standards, as established by the TCEQ and the COG and under all applicable laws and regulations.
3. The applicant must agree to document the results of the project as required by the COG.
4. The proposed project must be technically feasible, and there must be a reasonable expectation that the project can be satisfactorily completed within the required time frames.
5. The proposed project activities and expenses must be reasonable and necessary to accomplish the goals and objectives of the project. One factor in determining reasonableness of expenses shall be whether comparable costs are proposed for comparable goods and services.
6. The proposed project must be consistent with the approved regional solid waste management plan, and must directly support implementation of the regional plan.

Selection Criteria. If a proposed project meets all of the applicable screening criteria, it will be evaluated by the Solid Waste Advisory Committee of the COG, using the following selection criteria. There are four sets of selection criteria, each worth up to 25 points, for a possible total score of 100 points.

- A. PROJECT DESCRIPTION (25 Points)
 - Is there an adequate explanation as to why the proposed project is needed?
 - Is the overall goal or objective of the proposed project clearly stated?
 - Is there an estimate of the number of people who would be served or benefited by the proposed project?
 - Is the geographic area affected by the proposed project clearly described?
 - Is the specific waste stream targeted by the project identified?

-
- Does the project include adequate levels of customer incentives, public education, or public input, as appropriate to the particular project?
 - Are all aspects of the proposed project described in sufficient detail to ensure its overall feasibility? If the proposed project includes equipment, has the applicant shown that the specified equipment is appropriate for the work to be performed?
 - Are the expected benefits of the proposed project adequately described?
- B. WORK PROGRAM (25 Points)
- Are all of the major steps or tasks involved in the proposed project clearly presented and adequately described?
 - Are responsible entities for accomplishing each step or task identified?
 - Is each step or task described in terms of its affect on the total project budget?
 - Is a specific timeframe for completing each step or task provided?
- C. PROJECT COST EVALUATION (25 Points)
- Are the total related costs of the proposed project (not just grant expenditures) adequately considered?
 - Are the costs of the proposed project presented in unit terms, such as cost per ton, cost per customer, or cost per capita, as applicable?
 - Are the costs of the proposed project compared to any established averages, or to normal costs for similar projects?
 - Will the proposed project result in a measurable cost savings, or are the costs of the proposed project otherwise reasonably justified?
- D. LEVEL OF COMMITMENT OF THE APPLICANT (25 Points)
- Is the applicant providing any level of matching funds or in-kind services?
 - To what extent is the applicant requesting funding for salaries or operational expenses?
 - If an ongoing service is proposed, to what extent has the applicant demonstrated the ability to sustain the program beyond the term of the grant?
 - To what extent do the appropriate governing bodies support the proposed project? Are formal resolutions of support attached?
 - Has the applicant previously demonstrated a commitment to preferred solid waste management practices, such as implementing other solid waste management projects, being involved in a local or subregional solid waste management plan or study, or becoming a Keep Texas Beautiful member?
 - If the proposed project has received previous grant funding under this program, to what extent does the proposal involve expansion of current services or operations? Has the applicant presented quantifiable documentation of the success of the project in order to warrant further funding? Does the applicant have a good record of past grant contractual performance? Poor performance on past grants may also be considered in reducing the number of points awarded.

GRANT CONTRACTS

Grant recipients will be required to enter into standard legal Contracts with the COG, to ensure that the approved work program of the project is followed. Among other provisions, the legal Contracts will include the following:

- Grant funding will be provided on a reimbursement basis only, and all requests for reimbursement must be handled through the COG.
- Grant recipients must agree to provide data related to the results of the project to the COG and/or the TCEQ. As appropriate to the project, the grant recipient will also be asked to commit to monitoring the results of the project beyond the grant term, and periodically provide the COG and/or the TCEQ additional reports on the status of the project.
- Grant recipients must agree to allow staff of the COG and/or the TCEQ to perform on-site visits to monitor the progress of projects.



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. D.1

*** CHANGE ORDER NO. 1**

**Brents Street Sewer Replacement;
Dickerson Construction Co., Inc.; \$18,084.50, Decrease**

Issue

Change Order No. 1 is a final reconciliatory change order to adjust final project quantities for the Brents Street Sewer Replacement Project.

Background

The change order results in a decrease of \$18,084.50 to the contract amount.

Origination

Department of Utility Services

Financial Consideration

The change order results in an \$18,084.50 decrease in the contract amount, yielding a final contract price of \$27,885.00.

Staff Recommendation

It is recommended that Change Order No. 1 be approved.

Alternatives

As may be directed by the City Council

Attachments

Change Order No. 1

Location Map

Prepared by:
Mark Gibson, Engineering & Public Works Director

Approved by:
George Olson, City Manager

CHANGE ORDER

No. 1

PROJECT Brents Street Sewer

DATE OF ISSUANCE 6/28/10

EFFECTIVE DATE _____

OWNER City of Sherman

OWNER's Contract No. _____

CONTRACTOR Dickerson Construction Company, Inc.

ENGINEER Morris Engineers

You are directed to make the following changes in the Contract Documents:

Description: See attached schedule of changes

Reason for Change Order: Job completion

Attachments: Schedule of changes

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price \$ 45,969.50	Original Contract Times Substantial Completion: Ready for Final Payment:
Net changes from previous Change Orders No. <u> </u> to <u> </u> \$ 0.0	Net change from previous Change Orders No. <u> </u> to <u> </u> Days
Contract Price prior to this Change Order \$ 45,969.50	Contract times prior to this Change Order Substantial Completion: Ready for Final Payment:
Net Decrease of this Change Order \$ 18,084.50	Net Increase (Decrease) of this Change Order Days
Contract Price with all approved Change Orders \$ 27,885.00	Contract Times with all approved Change Orders Substantial Completion: Ready for Final Payment:

RECOMMENDED:
Morris Engineers

APPROVED:
City of Sherman

ACCEPTED:
Dickerson Construction Co. Inc.

By: [Signature]
Engineer (Authorized Signature)

By: _____
Owner (Authorized Signature)

By: [Signature]
Contractor (Authorized Signature)

Date: 6/28/10

Date: _____

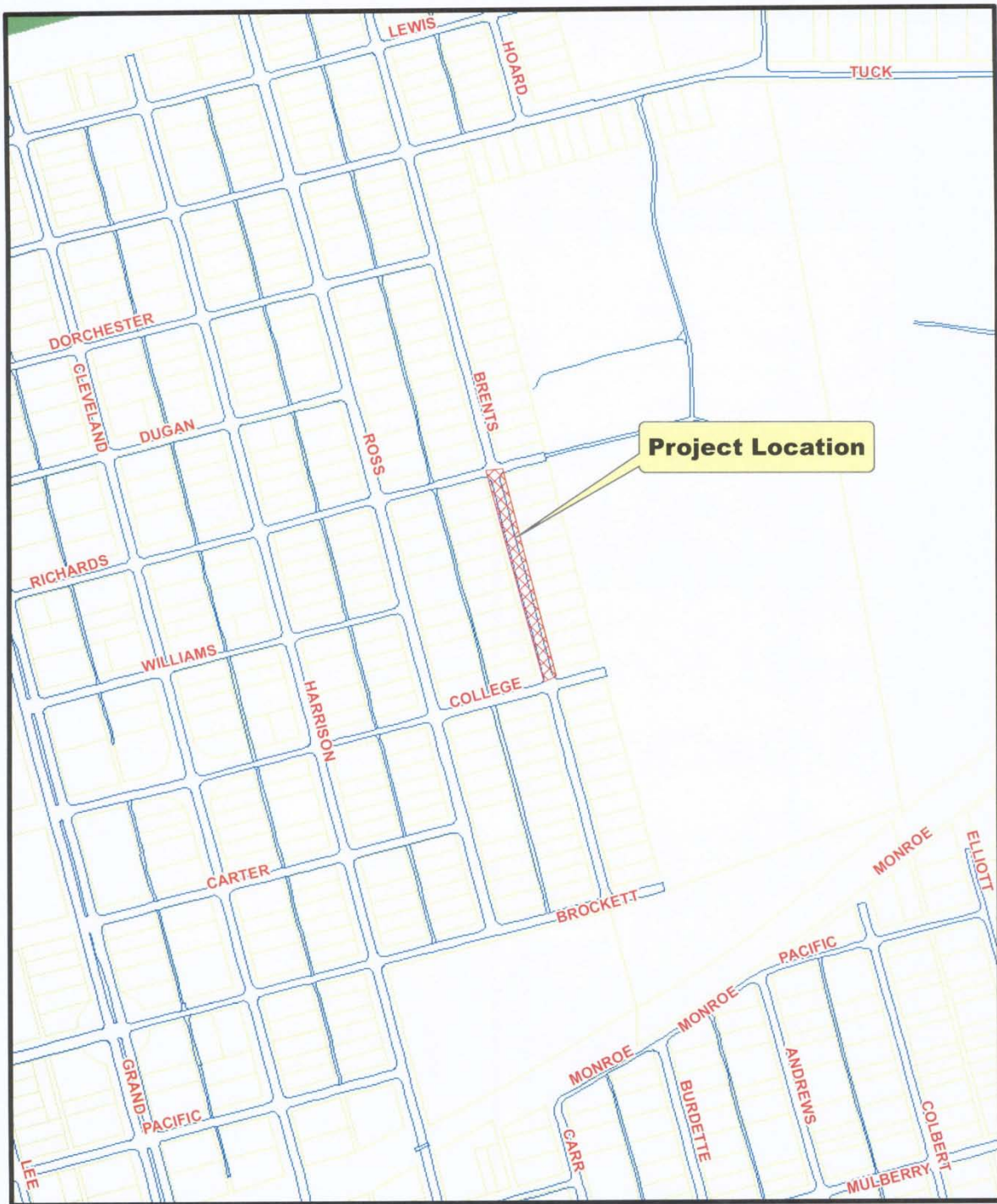
Date: 6-29-10

EJCDC No. 1910-8-B (1990 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by the Associated General Contractors of America.

CHANGE ORDER TO RECONCILE CONTRACT TO FINAL CONSTRUCTION AMOUNTS
CITY OF SHERMAN
DICKERSON CONSTRUCTION CO., INC.
BRENTS STREET SEWER

[illegible]



0 100 200 400 600 800 Feet





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. D.2

OTHER BUSINESS

**Receive Quarterly Progress Report from Sherman Economic Development Corporation
Board Vice Chairman Rad Richardson and SEDCO President John Boswell**

Issue

To receive the Sherman Economic Development Corporation's (SEDCO's) quarterly progress report from Board Vice Chairman Rad Richardson and President John Boswell

Background

The brief presentation by the SEDCO Board Vice Chairman and President will provide the City Council with an overview of SEDCO's activities and accomplishments during the last three months. SEDCO's last progress report was presented at the April 19, 2010 regular City Council meeting.

Origination

City Council

Financial Consideration

None

Attachments

SEDCO's Quarterly Progress Report

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

REPORTING FORM FOR BOARDS AND COMMISSIONS

Name of Board: Sherman Economic Development Corporation

Name of Chairman: Greg Kirkpatrick

Name of Vice Chairman: Rad Richardson

Date of Report to City Council: July 19, 2010

1. In simple terms and as briefly as possible, please describe the mission of your board.
The mission of the Sherman Economic Development Corporation (SEDCO) is to grow and diversify the Sherman and surrounding area economies through the addition of new jobs and investment.

2. Please list the top accomplishments of your board within the past quarter. (please limit the list to five or fewer items).

1. The Corporation continues to work closely with Grayson County and the Denison Development Alliance to promote the North Texas Regional Airport.
2. The board discussed potential incentives for prospects.

3. What are your plans for this board in the next quarter?

The Board and staff are working with several prospects (new and existing businesses) that will add new investment and jobs to Sherman.

4. How often did this board meet in the last quarter?

The SEDCO Board held two regular scheduled meetings.

5. In what percentage of those meeting was a quorum of board members present?

100%.

6. Did any member attend less than 75% of those meetings? If so, which member and how often did they attend.

Yes. The Board met twice over the past quarter. Both Todd Thompson and Kelly Bickerstaff missed one of those meetings.

7. What other information would your board like to communicate to the City Council? (please be concise in your response).

The SEDCO Board looks forward to working with the City on the implementation of the Comprehensive Master Plan.



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. D.3

OTHER BUSINESS

Final Plat Approval of Grand N Addition, being part of a Replat of Blocks 3 & 6, Mildred Heights Addition; Austin College, Owners; Heidi Ellis, Austin College Representative; Todd Williams, Kangaroo Housing Investors, LLC, Developer/Applicant; Matthew Cain, Cain Consulting and Engineering Services, Engineers; Architecture Demarest, Architect; and Sartin & Associates, Inc., Surveyors (1100-1200 Blocks of North Grand Avenue and 1100-1200 Blocks of North Lockett Street)

Issue

To consider Final Plat approval of the Grand N Addition, being part of a Replat of Blocks 3 & 6, Mildred Heights Addition

Background

The property is located in the 1100-1200 Blocks of North Grand Avenue and the 1100-1200 Blocks of North Lockett Street, between Richards and Dorchester Streets. The owners would like to plat the property into four lots for construction of 22 cottage style homes for the purpose of student housing.

Origination

Austin College (Owners); Heidi Ellis (Austin College Representative); Todd Williams, Kangaroo Housing Investors, LLC (Developer/Applicant); Matthew Cain, Cain Consulting and Engineering Services (Engineers); Architecture Demarest (Architect); and Sartin & Associates, Inc. (Surveyors)

Board Recommendation

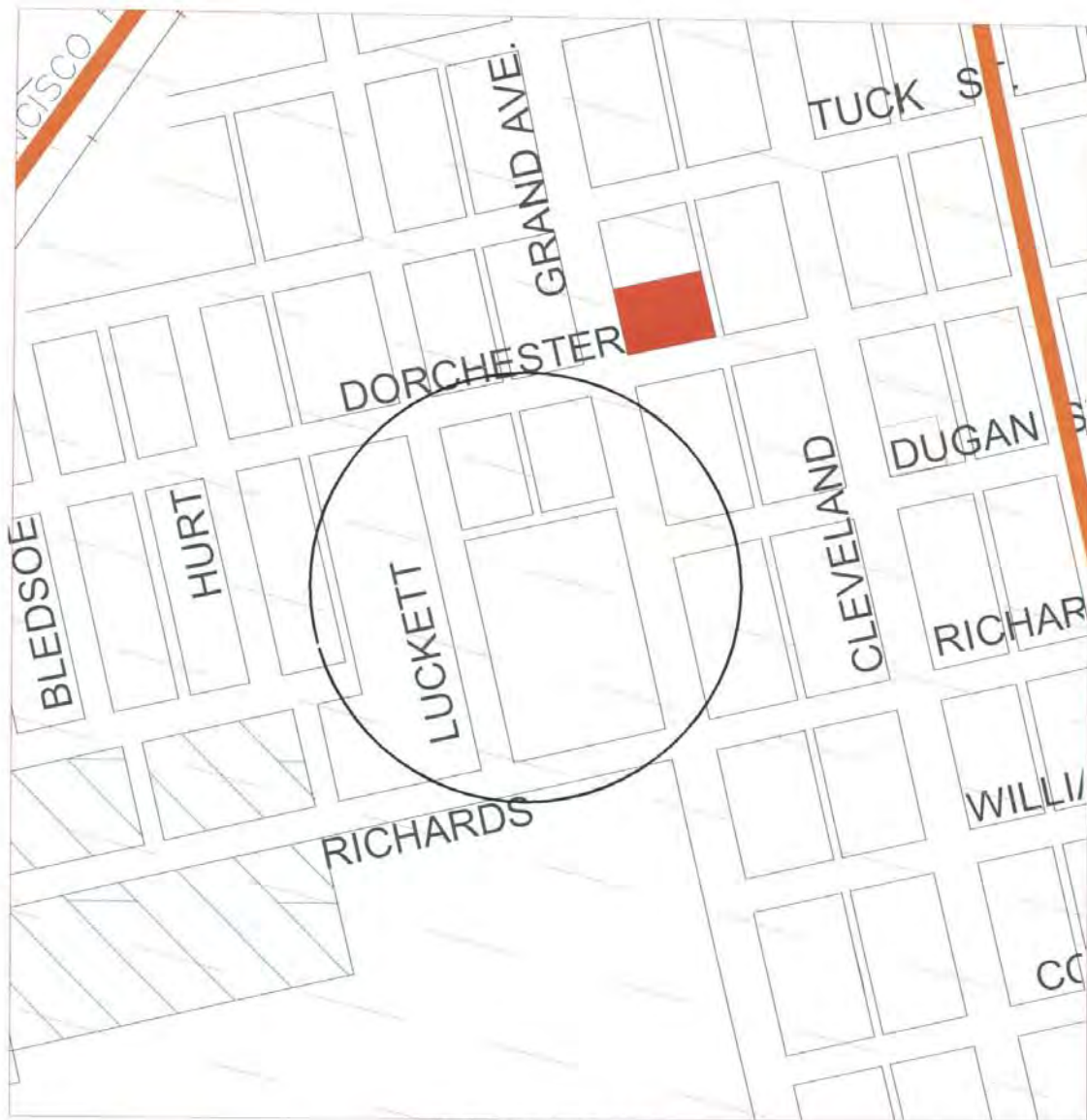
At the June 22, 2010 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments

Location Map, Photos, Letter, Plat, P&Z Communication, Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



LEGEND

	R-A	SINGLE FAMILY AGRICULTURAL DISTRICT		M-2	HEAVY MANUFACTURING DISTRICT
	SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT		M-H	MANUFACTURED HOUSING DISTRICT
	R-1	ONE FAMILY RESIDENTIAL DISTRICT			BLALOCK INDUSTRIAL PARK
	R-2	MULTI-FAMILY RESIDENTIAL DISTRICT		O-1	OVERLAY DISTRICT - 75 & 82
	C-1	RETAIL BUSINESS DISTRICT		O-1.1	OVERLAY DISTRICT - 1417
	C-2	GENERAL COMMERCIAL DISTRICT		O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
	CO	OFFICE DISTRICT		CPO	COLLEGE PARK OVERLAY
	M-1	LIGHT MANUFACTURING DISTRICT		A&C	ARTS & CULTURAL OVERLAY DISTRICT
	M-1.5	MEDIUM MANUFACTURING DISTRICT		CBD	CENTRAL BUSINESS DISTRICT



Grand N Addition

Department of Developmental Services





1100-1200- Blocks North Grand



City of Sherman, Texas
Developmental Services Department

0 140 280 560 Feet





Office of the President

Marjorie Hass, Ph.D.
President

June 15, 2010

JUN 15 2010

City of Sherman Planning and Zoning Commission
c/o Mr. Scott Shadden
Director of Development Services
220 West Mulberry Street
Sherman, Texas 75091

Dear Commissioners,

I am writing to express my support for the proposed student housing project and to explain a bit about why we are approaching it this way. I am sure you are particularly interested in our hopes for the Grand Avenue section of the housing proposal, so I will explore that in some detail.

Our need for additional student housing is three-fold: we want to bring more of our students, especially those returning from international study, back onto campus in order to enhance campus life; we want to create attractive, innovative independent housing options that will enhance our student recruitment efforts; and, we want to create a revenue stream to stabilize the College's budget. The latter is particularly pressing for us given that the stock market drop has limited the amount of income we have available from our endowment.

As we looked at our master plan, we became convinced that to continue developing new apartment/suite style residences on Brockett Street and to create more attractive, residential style housing along Grand Avenue would best meet these three goals. Another positive feature of the Grand Avenue location is that it draws students north towards the retail and restaurant opportunities available just over the bridge. We want students to make use of these opportunities and to see this area as easily accessible by foot or bike from campus.

The attractiveness of Grand Avenue is of significant importance to Austin College. In many ways that route serves as our "front drive" since it is the way that most visitors approach the campus. As you are no doubt aware, over the years the College has purchased properties as they became available. The College has been more successful on the west side of Grand Avenue. Many of the houses have been torn down and some have been rented to faculty or staff members. We now own enough of the properties there to allow us to determine a use for this area. We do not want to leave the area as green space since this would separate, rather than integrate the campus and the neighborhood. And, we do not want to use this space for classroom or administrative facility purposes since that would detract from the neighborhood feel of the area.

Austin College is an Equal Opportunity Institution. We are committed to providing a safe and healthy environment for all students, faculty, and staff.

*City of Sherman Planning and Zoning Commission
June 15, 2010
Page Two*

We are committed to developing and maintaining these residences to a high standard. In order to reduce on-street parking that might detract from the beauty of Grand Avenue, we are designing parking areas to the rear of the residences. Porches and yards will also face the rear so that student activity is aimed internally towards campus rather than towards the street. The project will benefit from the landscape design of Tycher and Associates, the same firm who designed the College's Founders Plaza and entrance on Grand Avenue. Visually we want a beautiful, residential development that showcases the best of Austin College: a residential community of talented, engaged, and civic-minded students.

We could not contemplate a project of this scope right now were it not for the generosity of a committed group of college supporters who have formed Kangaroo Housing, LLC for the purpose of developing student housing that meets the College's goals. Our unique arrangement with the Kangaroo Housing consortium is that they will build and own the housing on land leased (but still owned) by the College. The College will repay the investment and a small supplement to cover part of the interest the consortium members will lose by tying up their capital in this project. The College will have the option to purchase the buildings at cost at any point. We have received independent confirmation that the plan is "below market" and one that is beneficial to the College from a variety of perspectives. It is my understanding that, were we capitalizing the project on our own balance sheet, we would not need to seek zoning variances. Thus, this zoning request comes before you because of the unusual nature of the financing and the consequent fact that until the College purchases it, the housing will be owned by Kangaroo Housing, LLC, a consortium of friends of the College.

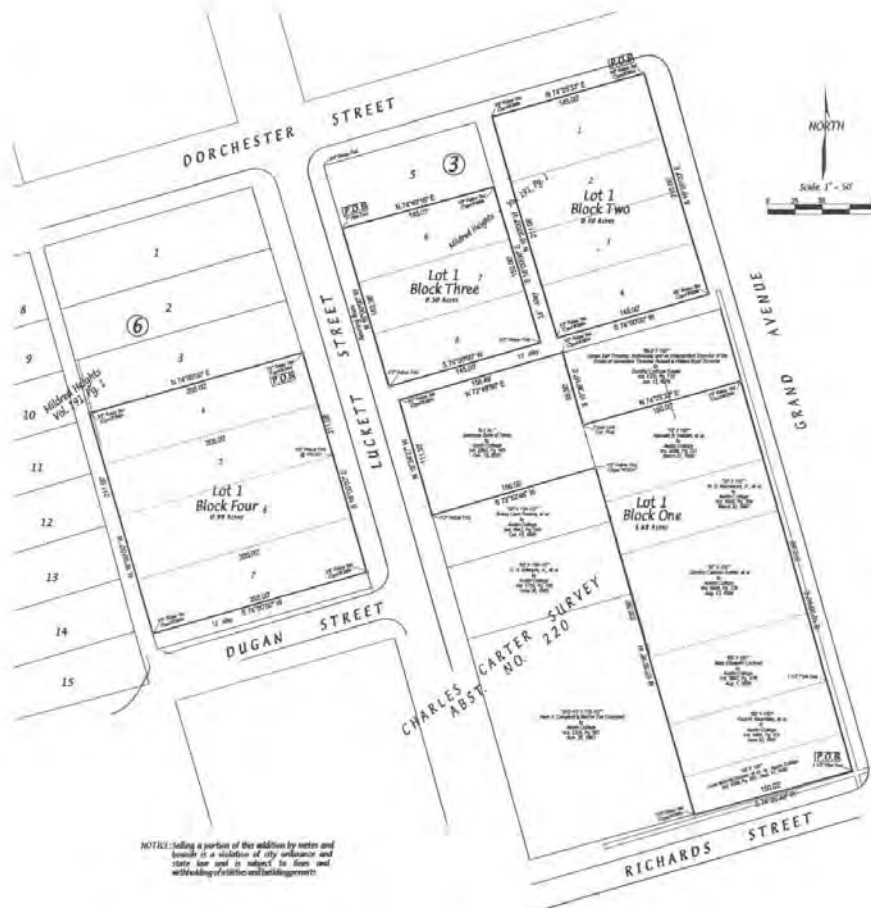
My travel schedule conflicts with the Zoning Commission hearing and so I will not be present. Heidi Ellis, Vice President for Business Affairs, and Tim Millerick, Vice President for Student Affairs, will both be on hand to represent the College and answer any questions the commissioners may have for us. In the meantime, please feel free to contact me if I can provide any further insight into the College's plans. We are deeply appreciative to the planning and zoning commission for considering this re-zoning request.

As the new President of Austin College, I want to express my commitment to working productively and happily with the City of Sherman. Austin College is blessed to be located in such a welcoming community, and I am eager to do all I can to preserve and enhance the good community relationships that have been fostered over the years.

Best,



Marjorie Hass
President



NOTE: Adding a portion of this addition by notes and bounds is a violation of city ordinance and state law and is subject to fines and withdrawal of title and building permits.

GRAND N ADDITION to the CITY of SHERMAN, TEXAS being 4.12 Acres

Owner & Developer

Austin College, Corp.
Held Elin, Vice President of Business Affairs
909 N. Grand Ave.
Sherman, Texas 75090-4400



SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
109 S. Travis, P.O. Box 1863 Sherman, Texas 75091-1863
Ph: (800) 892-6003 Fax: (800) 848-2170

SHEET 1 OF 1
6/24/91 pjs

AGENDA ITEM #12

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
June 22, 2010
Lawrence Davis, Chairman

Jim Jacobs, Vice Chairman
Robin Atherton, Commissioner
Ron Barton, Commissioner
Don Hicks, Commissioner

Brad Morgan, Commissioner
David Plyler, Commissioner
Darren Tankersley, Commissioner
Vacant, Commissioner

1100-1200 Blks. N. Grand Avenue & 1100-1200 Blks. N. Luckett Street
Being: Block 1 – Being 1.68 acres in the Charles Carter Survey, Abstract No. 220
Block 2 – Being all of Lots 1-4, Blk 3, Mildred Heights Addn, containing 0.70 ac.
Block 3 – Being all of Lots 6-8, Blk 3, Mildred Heights Addn, containing 0.50 ac.
Block 4 – Being all of Lots 4-7, Blk 6, Mildred Heights Addn, containing 0.99 ac.
Plat, Plat, Zone Change, Site Plan & Exception

Requested Action/Proposed Use:

Planning and Zoning Commission

Final Plat Approval of Grand N Addition, Being part of a Replat of Blocks 3 & 6, Mildred Heights Addition

Planning and Zoning Commission

Zone Change from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District and site plan approval for student housing.

Board of Adjustments

Exception to not require a masonry perimeter wall/screen in an R-2 (Multi-Family Residential)/College Park Overlay District.

Background:

The property is located in the 1100-1200 Blocks of North Grand Avenue and the 1100-1200 Blocks of North Luckett Street between Richards and Dorchester Streets. The owner would like to plat the property into four lots for construction of 22 cottage style homes for the purpose of student housing for a total of 88 beds. Parking will be provided for 98 spaces.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Austin College (Owners), Heidi Ellis, (Austin College Representative), Todd Williams, Kangaroo Housing Investors, LLC (Developer/ Applicant), Matthew Cain, Cain Consulting and Engineering Services, (Engineers), Architecture Demarest (Architect) and Sartin & Associates, Inc. (Surveyors)

Master Plan Designation:

Public/Institutional

Number of notices mailed:

72

Objections received:

0

Attachments:

Location map, Photographs, Site Plan and Staff Review Letter

Prepared by:

**Patsy Reeves,
Developmental Services Secretary**

Approved by:

**Scott Shadden,
Director of Developmental Services**

STAFF REVIEW LETTER

June 15, 2010

Austin College
Heidi Ellis
900 N Grand, Suite 6F
Sherman, TX 75090

Sartin & Associates, Inc.
P.O. Box 1843
Sherman, TX 75091

Kangaroo Housing Investors, LLC
Todd Williams
5119 Seneca
Dallas, TX 75209

Architecture Demarest
David Demarest
801 Core Street, Ste B
Dallas, TX 75207

Cain Consulting & Engineering Services
Matthew Cain
6136 Frisco Square Blvd., Suite 400
Frisco, TX 75034

Dear Applicants,

The request for approval of a Final Plat of the Grand N Addition for the property located in the 1100-1200 Blocks of North Grand Avenue and the 1100-1200 Blocks of North Luckett Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 22, 2010 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Letters from the various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Detention in accordance with City criteria is required.
4. Drive approaches shall conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
5. The plat shall show 20' easements centered over the City sewer main.
6. No permanent structures are to be built over the utility mains.
7. The title shall show this as a Final Plat.
8. Any other changes made to the final plat 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.

The Board will not consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

Mark Gibson
Dir. of Engineering & Public Works

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works

Scott Shadden, Director of Development Services
Don Keene, Exec. Dir. of Planning & Public Works
Lisa Whitfield, Engineering & Development Coordinator



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. D.4

OTHER BUSINESS

Final Plat Approval of Brockett SW Addition; Hubert McIntosh and Austin College, Owners; Heidi Ellis, Austin College Representative; Todd Williams, Kangaroo Housing Investors, LLC, Developer/Applicant; Matthew Cain, Cain Consulting and Engineering Services, Engineers; Architecture Demarest, Architect; and Sartin & Associates, Inc., Surveyors (900 Blocks of East Brockett and East Pacific Streets and 600 Blocks of North Willow and North Porter Streets)

Issue

To consider Final Plat approval of the Brockett SW Addition

Background

The property is located in the 900 Blocks of East Brockett and East Pacific Streets and the 600 Blocks of North Willow and North Porter Streets. The owners would like to plat the property into one lot for construction of a 94 bed, three-story student apartment building.

Origination

Hubert McIntosh and Austin College (Owners); Heidi Ellis (Austin College Representative); Todd Williams, Kangaroo Housing Investors, LLC (Developer/Applicant); Matthew Cain, Cain Consulting and Engineering Services (Engineers); Architecture Demarest (Architect); and Sartin & Associates, Inc. (Surveyors)

Board Recommendation

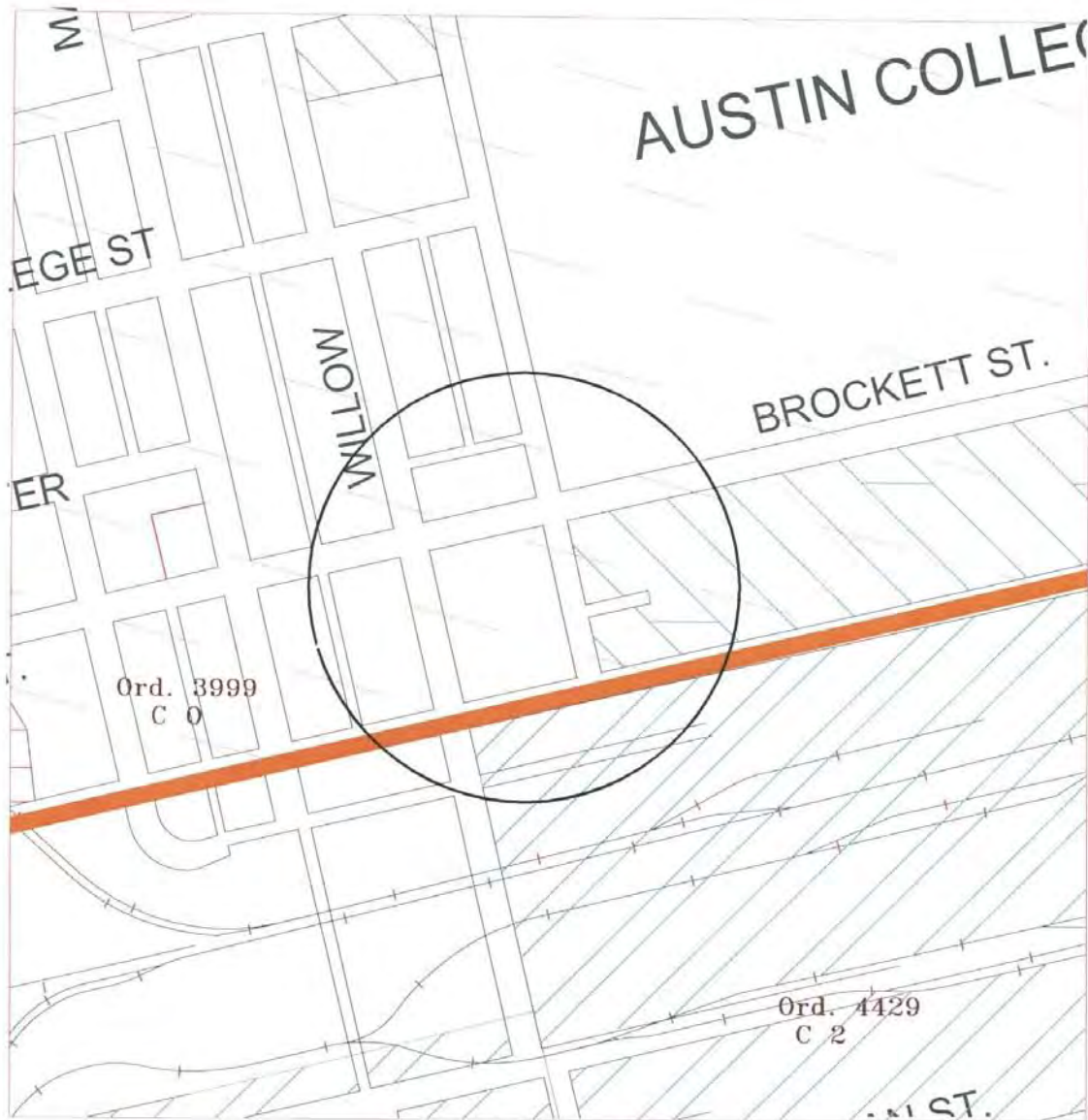
At the June 22, 2010 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments

Location Map
Photos
Letter
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	M-H	MANUFACTURED HOUSING DISTRICT
R-1	ONE FAMILY RESIDENTIAL DISTRICT		BLALOCK INDUSTRIAL PARK
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	O-1	OVERLAY DISTRICT - 75 & 82
C-1	RETAIL BUSINESS DISTRICT	O-1.1	OVERLAY DISTRICT - 1417
C-2	GENERAL COMMERCIAL DISTRICT	O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
C-0	OFFICE DISTRICT	CPO	COLLEGE PARK OVERLAY
M-1	LIGHT MANUFACTURING DISTRICT	A&C	ARTS & CULTURAL OVERLAY DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT	CBD	CENTRAL BUSINESS DISTRICT



Brockett SW Addition

Department of Developmental Services





City of Sherman, Texas
Developmental Services Department

900 Blocks E. Brockett & E. Pacific Streets

0 80 160 320 Feet





Marjorie Hass, Ph.D.
President

JUN 15 1972

*City of Sherman Planning and Zoning Commission
June 15, 2010
Page Two*

We are committed to developing and maintaining these residences to a high standard. In order to reduce on-street parking that might detract from the beauty of Grand Avenue, we are designing parking areas to the rear of the residences. Porches and yards will also face the rear so that student activity is aimed internally towards campus rather than towards the street. The project will benefit from the landscape design of Tycher and Associates, the same firm who designed the College's Founders Plaza and entrance on Grand Avenue. Visually we want a beautiful, residential development that showcases the best of Austin College: a residential community of talented, engaged, and civic-minded students.

We could not contemplate a project of this scope right now were it not for the generosity of a committed group of college supporters who have formed Kangaroo Housing, LLC for the purpose of developing student housing that meets the College's goals. Our unique arrangement with the Kangaroo Housing consortium is that they will build and own the housing on land leased (but still owned) by the College. The College will repay the investment and a small supplement to cover part of the interest the consortium members will lose by tying up their capital in this project. The College will have the option to purchase the buildings at cost at any point. We have received independent confirmation that the plan is "below market" and one that is beneficial to the College from a variety of perspectives. It is my understanding that, were we capitalizing the project on our own balance sheet, we would not need to seek zoning variances. Thus, this zoning request comes before you because of the unusual nature of the financing and the consequent fact that until the College purchases it, the housing will be owned by Kangaroo Housing, LLC, a consortium of friends of the College.

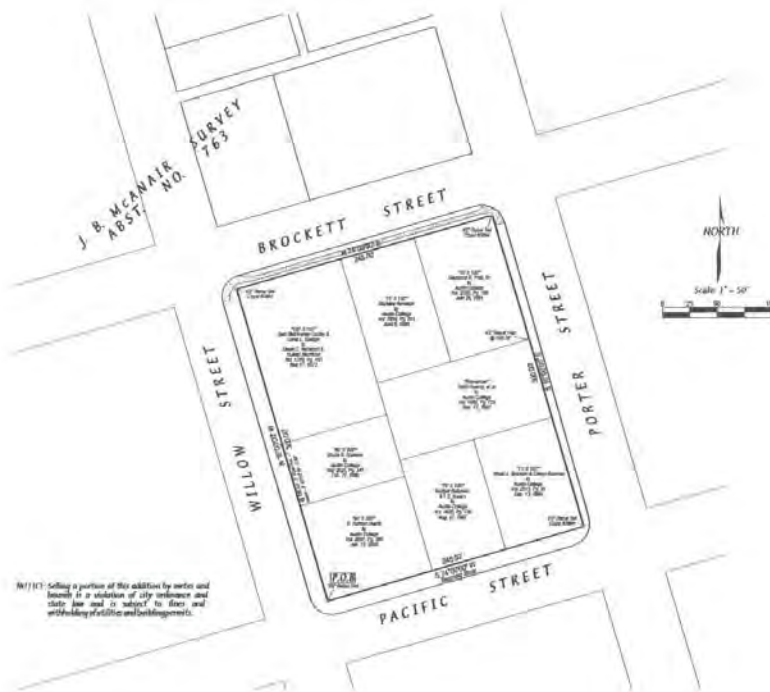
My travel schedule conflicts with the Zoning Commission hearing and so I will not be present. Heidi Ellis, Vice President for Business Affairs, and Tim Millerick, Vice President for Student Affairs, will both be on hand to represent the College and answer any questions the commissioners may have for us. In the meantime, please feel free to contact me if I can provide any further insight into the College's plans. We are deeply appreciative to the planning and zoning commission for considering this re-zoning request.

As the new President of Austin College, I want to express my commitment to working productively and happily with the City of Sherman. Austin College is blessed to be located in such a welcoming community, and I am eager to do all I can to preserve and enhance the good community relationships that have been fostered over the years.

Best,



Marjorie Hass
President



BROCKETT SW ADDITION
to the
CITY of SHERMAN, TEXAS
being 1.69 Acres



Owner & Developer
Austin College, Corp.
Held Eble, Vice President of Business Affairs
500 N. Grand Ave.
Sherman, Texas 75090-4400

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
(1973) Texas P.O. No. 1883 Sherman, Texas 75091-1849
Ph. (903) 892-8001 Fax (903) 868-2970

SHEET 1 OF 2
AUSTIN TEXAS

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
June 22, 2010
Lawrence Davis, Chairman

Jim Jacobs, Vice Chairman
Robin Atherton, Commissioner
Ron Barton, Commissioner
Don Hicks, Commissioner

Brad Morgan, Commissioner
David Plyler, Commissioner
Darren Tankersley, Commissioner
Vacant, Commissioner

900 Blks. E. Brockett & E. Pacific Streets & 600 Blk N. Willow & N. Porter Streets
Being 1.69 acres in the J.B. McAnair Survey, Abstract No. 763
Plat, Zone Change, Site Plan & Exception

Requested Action/Proposed Use:

Planning and Zoning Commission

Final Plat Approval of Brockett SW Addition

Planning and Zoning Commission

Zone Change from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District and site plan approval for student apartments.

Board of Adjustments

Exception to not require a masonry perimeter wall/screen in an R-2 (Multi-Family Residential)/College Park Overlay District.

Background:

The property is located in the 900 Blocks of East Brockett and East Pacific Streets and the 600 Block of North Willow and North Porter Streets. The owner would like to plat the property into one lot for construction of a 94 bed, three-story student apartment building. The owners are planning to come back to the Planning & Zoning Commission in July for a variance for the height of the building. Parking will be provided for 99 spaces.

Adjacent Zoning:

R-1 (One Family Residential) District, R-2 (Multi-Family Residential) District and M-2 (Heavy Manufacturing) District,

Origination:

Hubert McIntosh and Austin College (Owners), Heidi Ellis, (Austin College Representative), Todd Williams, Kangaroo Housing Investors, LLC (Developer/ Applicant), Matthew Cain, Cain Consulting and Engineering Services, (Engineers), Architecture Demarest (Architect) and Sartin & Associates, Inc. (Surveyors)

Master Plan Designation:

Public/Institutional

Number of notices mailed:

6

Objections received:

0

Attachments:

Location map, Photographs, Site Plan and Staff Review Letter

Prepared By:

Patsy Reeves

Developmental Services Secretary

Approved By:

Scott Shadden,

Director of Developmental Services

STAFF REVIEW LETTER

June 15, 2010

Austin College
Heidi Ellis
900 N Grand, Suite 6F
Sherman, TX 75090

Sartin & Associates, Inc.
P.O. Box 1843
Sherman, TX 75091

Kangaroo Housing Investors, LLC
Todd Williams
5119 Seneca
Dallas, TX 75209

Architecture Demarest
David Demarest
801 Core Street, Ste B
Dallas, TX 75207

Cain Consulting & Engineering Services
Matthew Cain
6136 Frisco Square Blvd., Suite 400
Frisco, TX 75034

Dear Applicants,

The request for approval of a Final Plat of the Brockett SW Addition for the property located in the 900 Blocks of East Brockett and East Pacific Streets and the 600 Block of North Willow and North Porter Streets has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 22, 2010 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Letters from the various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Detention in accordance with City criteria is required.
4. Drive approaches shall conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
5. Sewer inside the property line will be the ownership and maintenance of Austin College.
6. Lot and block numbers shall be placed on the plat.
7. The title shall show this as a Final Plat.
8. Any other changes made to the final plat 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.

The Board will not consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

Mark Gibson
Dir. of Engineering & Public Works

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works

Scott Shadden, Director of Development Services
Don Keene, Exec. Dir. of Planning & Public Works
Lisa Whitfield, Engineering & Development Coordinator



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. D.5

*** OTHER BUSINESS**

**Final Plat Approval of Crescent Oaks Plaza; ET Joint Venture, Owners;
and Sartin and Associates, Inc., Surveyors
(1600-1700 Blocks of U.S. Highway 75 North)**

Issue

To consider Final Plat approval of Crescent Oaks Plaza

Background

The property is located in the 1600-1700 Blocks of U.S. Highway 75 North, between Texoma Parkway and Taylor Street. The owners would like to plat the property into four lots for commercial development.

Origination

ET Joint Venture (Owners); and Sartin and Associates, Inc. (Surveyors)

Board Recommendation

At the June 22, 2010 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments

Location Map

Photos

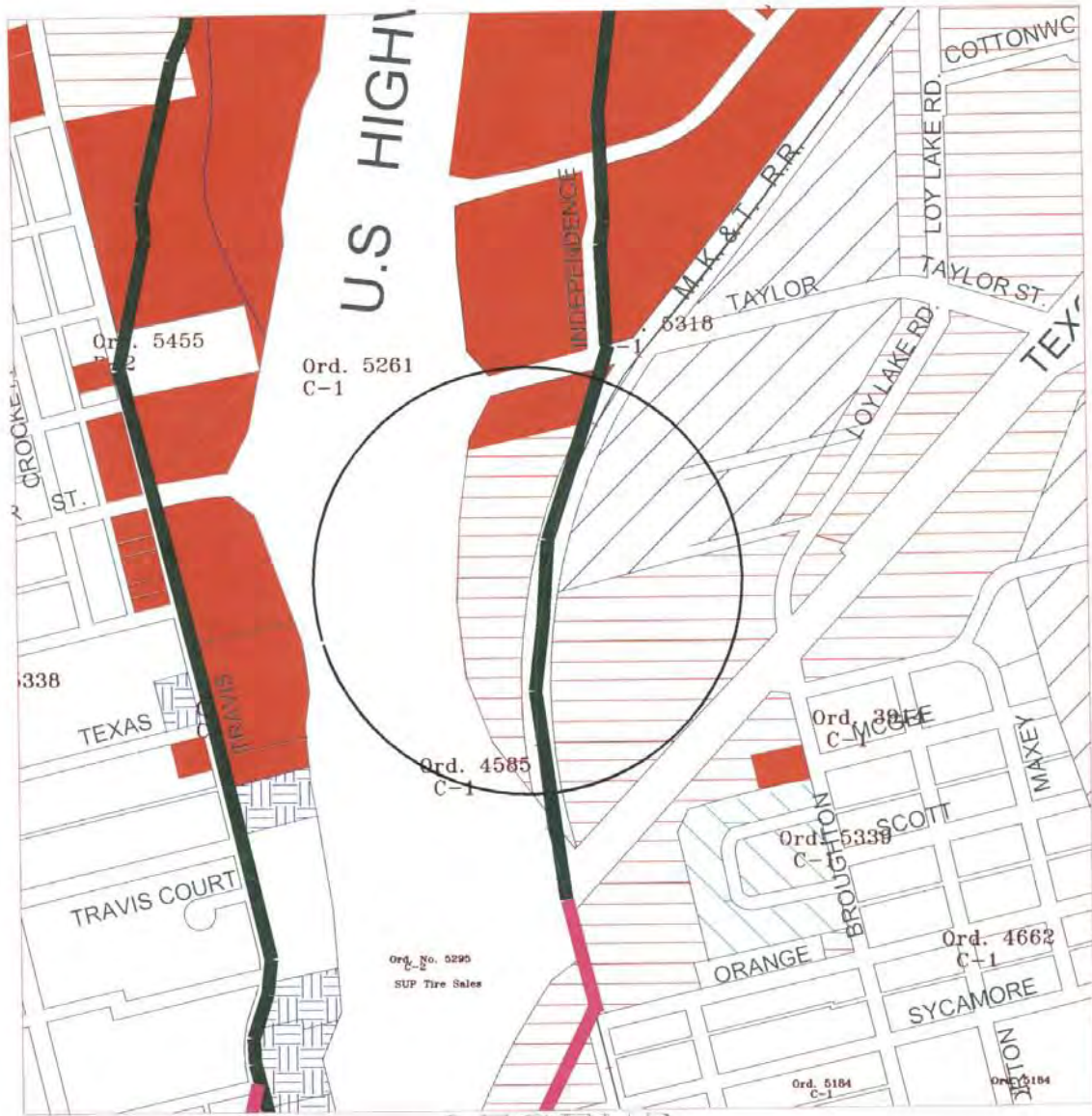
Plat

P&Z Communication

Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



R-A	SINGLE FAMILY AGRICULTURAL DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-1	ONE FAMILY RESIDENTIAL DISTRICT
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT
C-1	RETAIL BUSINESS DISTRICT
C-2	GENERAL COMMERCIAL DISTRICT
CO	OFFICE DISTRICT
M-1	LIGHT MANUFACTURING DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT

M-2	HEAVY MANUFACTURING DISTRICT
M-H	MANUFACTURED HOUSING DISTRICT
O-1	BLALOCK INDUSTRIAL PARK OVERLAY DISTRICT - 75 & 82
O-1.1	OVERLAY DISTRICT - 1417
O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
CPO	COLLEGE PARK OVERLAY
A&C	ARTS & CULTURAL OVERLAY DISTRICT
CBD	CENTRAL BUSINESS DISTRICT



1600-1700 Blks. U.S. Highway 75 North

Department of Developmental Services

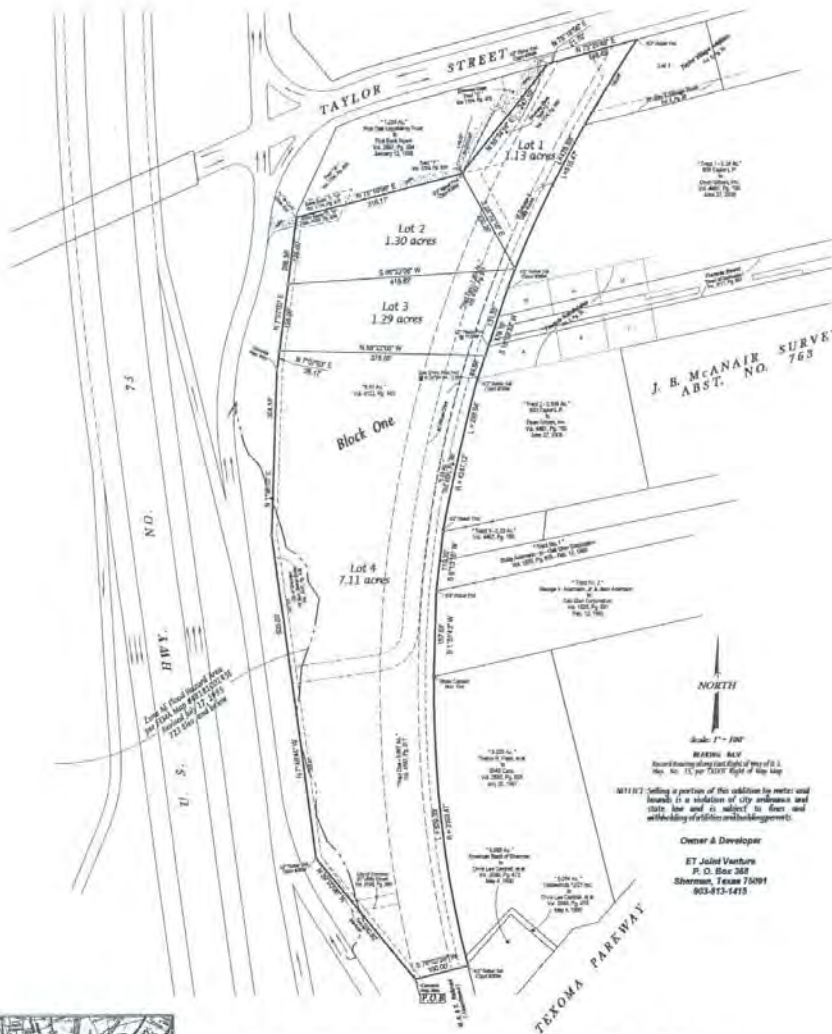


City of Sherman, Texas
Developmental Services Department

1600-1700 Blocks U.S. Highway 75 North

0 250 500 1,000 Feet





CRESCENT OAKS PLAZA (Being 10.83 Acres) to The CITY of SHERMAN, TEXAS

SARTIN & ASSOCIATES, INC.
 Registered Professional Land Surveyors
 109 S. Travis, P. O. Box 1883 Sherman, Texas 75091-1883
 Ph: (903) 893-8003 Fax: (903) 866-2970

SHEET 1 OF 2
 CRESCENT OAKS PLAZA

Owner & Developer
 ET Joint Venture
 P. O. Box 363
 Sherman, Texas 75091
 903-813-1415

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
June 22, 2010
Lawrence Davis, Chairman

Jim Jacobs, Vice Chairman
Robin Atherton, Commissioner
Ron Barton, Commissioner
Don Hicks, Commissioner

Brad Morgan, Commissioner
David Plyler, Commissioner
Darren Tankersley, Commissioner
Vacant, Commissioner

1600-1700 Blocks of U.S. Highway 75 North
Being 10.83 acres in the
J.B. McAnair Survey, Abstract No. 763
Preliminary and Final Plat

Requested Action/Proposed Use:

Preliminary and Final Plat approval of Crescent Oaks Plaza Addition.

Background:

This is redevelopment of existing property that has never been platted.

Adjacent Zoning:

C-1 (Retail Business) District, C-2 (General Commercial) District, and M-1 (Light Manufacturing) District.

Origination:

ET Joint Venture (Owners) and Sartin and Associates, Inc. (Surveyors)

Master Plan Designation:

Auto-Urban Commercial

Attachments:

Location map, Photographs, Preliminary Plat and Final Plat, Staff Review Letter

Prepared by:
Lisa Whitfield,
Engineering & Development Coordinator

Approved by:
Scott Shadden,
Director of Developmental Services

STAFF REVIEW LETTER

June 14, 2010

ET Joint Venture
PO Box 368
Sherman, TX 75091

Dear Applicants,

The request for approval of a Preliminary and Final Plat of the Crescent Oaks Plaza for the property located in the 1600-1700 Blocks of U.S. Highway 75 North has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 22, 2010 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:

Preliminary Plat

1. Water and sewer service layout plan shall be provided to the City Engineer for approval.
2. Detention in accordance with City criteria is required.
3. Drive approaches shall conform to TxDOT and City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. Driveway access easements shall be noted as being private in nature.
5. As lots develop, water shall be extended to the south end of Lot 4.
6. An easement shall be dedicated along the north end of Lot 2 to serve sewer to Lot 1.
7. Any other changes made to the preliminary plat 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.

Final Plat

1. Letters from the various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Detention in accordance with City criteria is required.
4. Drive approaches shall conform to TxDOT and City of Sherman standards and a permit is required from City of Sherman Engineering Department.
5. Driveway access easements shall be noted as being private in nature.
6. As lots develop, water shall be extended to the south end of Lot 4.
7. Sewer to be extended to serve Lot 1.
8. An easement shall be dedicated along the north end of Lot 2 to serve sewer to Lot 1.
9. Any other changes made to the final plat 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.

The Board will not consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

Mark Gibson
Dir. of Engineering & Public Works

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities and Engineering
Lisa Whitfield, Engineering & Development Coordinator
Sartin & Associates, PO Box 1843, Sherman, Texas 75090



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. D.6

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. D.7

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. D.8

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 7-19-2010

Subject: Agenda Item No. D.9

ADJOURNMENT

The Honorable Bill Magers, Mayor



Date: 7-19-2010

COUNCIL CALENDAR