

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, JULY 16, 2018
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY MAYOR DAVID PLYLER**
- A. 3. INVOCATION BY MAYOR DAVID PLYLER**
- A. 4. APPROVE MINUTES OF THE CALLED CITY COUNCIL MEETING (BUDGET WORKSHOP) OF JUNE 14, 2018 AND THE REGULAR CITY COUNCIL MEETING OF JUNE 18, 2018**

Proclamations

- B. 1. PROCLAMATION**
"Professional Engineers Day" – August 1, 2018

Public Hearing

- C. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6129**
Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 6.8, entitled "O-1 (75 & 82) Overlay District"
- C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6130**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-O (Office) District at 2607 Loy Lake Road, being Lots 2 and 3, Bob Allen Addition (Trinity Baptist Church, Owners; Department of Family & Protective Services, Tenant; Robert Minshew, Representative; Scales Engineering, Engineer; and Goodwin/Lasiter/Strong, Architect/Surveyor)
- C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6131**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District at 4070 Loy Lake Road, being 10 acres in the T.J. Shannon Survey, Abstract No. 1137 (Southwest Premier Properties, LLC, Owners; and Kyle Boothe, Bluestone Partners, Representative)
- C. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6132**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Patio Homes in an R-1 (One Family Residential) District at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court, being Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-21, Block C, Magnolia Village Addition (CeCi Bates Ventures, LLC, Homes by JLS of Texoma and Magnolia Village, LP, Owners; and Helvey-Wagner Surveying, Inc., Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

- C. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6133**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Patio Homes in an R-1 (One Family Residential) District in the 2300 block of Peggy's Cove, 3300-3500 blocks of Hanan Street and 2300-2400 blocks of Southridge Lane, being Lots 19-39, Block E and Lots 38-42, Block G, Pebblebrook South, Phase III (Zakiah US LLC and Wyldewood Homes, LLC, Owners); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- C. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6134**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Parking Lot in an R-1 (One Family Residential) District at 1111 North Ricketts Street, being Lot 50, Block 1, Birge-Fairview Addition (Sherman Montessori Preschool Inc., Owners; and Allison West, Representative); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- C. 7. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6135**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Micro-Blading, Permanent Make-Up (Tattoo Studio) in a C-1 (Retail Business) District/O-1.1 (FM 1417 Overlay) District at 2121 North F.M. 1417 (Heritage Parkway), Suite O, being part of Block 4, Western Hills Addition, Section 5 (Owen Central, LLC, Owners; Amanda's Nails, Tenant; and Katie Campbell, Applicant); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Close Public Hearing and Consider Adoption of Ordinances

- C. 8. ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Numbers: 6129, 6130, 6131, 6132, 6133, 6134 and 6135
- C. 9. CONSENT AGENDA**
Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Resolutions

- D. 1. RESOLUTION NO. 6382**
Finding and Determining a Public Purpose and Public Necessity Exists for Construction of City Project Lamberth Road from S.H. 289 to Shady Oaks Lane Extension Project; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations
- D. 2. RESOLUTION NO. 6383**
Finding and Determining a Public Purpose and Public Necessity Exists for Construction of the Sherman Northwest Sewer Line, Lift Station, and Force Main Improvements; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations
- D. 3. RESOLUTION NO. 6384**
Authorizing Execution of an Advance Funding Agreement between the City of Sherman and the State of Texas, Acting By and Through the Texas Department of Transportation, for an Improved Pedestrian Curb Ramp Locally Funded Project On-System [SH 56 (Lamar Street) and Rusk Street PED Improvement]

D. 4. * RESOLUTION NO. 6385

Authorizing Execution of an Encroachment Easement to Young Enterprises, LP for the Installation of Two (2) 9-square foot Subdivision Signs within a 10' Utility Easement on the Northeast Corner of Lot 20, Block C and the Northwest Corner of Lot 19, Block B of Magnolia Village in the City of Sherman, Texas

D. 5. * RESOLUTION NO. 6386

Authorizing Execution of an Encroachment Easement to Cupid Investments, Inc. for the Installation of a Sanitary Sewer Service Lateral Line within the Platted Public Right-of-Way running East and West along Block 1 of the Epstein at Hazelwood Addition for Sanitary Sewer Services at 1000 East Epstein Street and 1004 East Epstein Street in the City of Sherman, Texas

D. 6. * RESOLUTION NO. 6387

Appointing and Authorizing the Execution of an Agreement with Pattillo, Brown and Hill, LLP to Perform the Fiscal Year 2018 Audit

D. 7. RESOLUTION NO. 6388

Authorizing Execution of an Agreement with Sean Vanderveer d/b/a Vanderveer Group, LLC under the City of Sherman's Central Business District Historic Building Restoration and Improvement Grant Program for Improvements to 124 North Walnut Street

Other Business

E. 1. OTHER BUSINESS

Site Plan Approval and Exception for Sherman Economic Development Corporation and GlobiTech, Inc., Owners; and Justin Walton, Teague, Nall and Perkins, Engineers/Representative under Ordinance No. 2252, Article IV, Sections 410 (2)(j) and (2)(g)(l) for Globitech Fab 3 Expansion and to Allow a Retaining Wall, Security Fence and Plant Screening to have a 38' Setback along a Portion of Howe Drive in the Blalock Industrial Park at 200 West F.M. 1417 (Heritage Parkway)

E. 2. * OTHER BUSINESS

Replat Approval of Northgate Technology Park Addition, Lot 1R, Block 1, being 26.801 acres in the Sherod Dunman Survey, Abstract No. 329 and all of Lot 1, Block 1 in the Northgate Technology Park and in Tract 2 of the Blalock Industrial Park; Sherman Economic Development Corporation and GlobiTech, Inc., Owners; and Teague, Nall and Perkins, Engineers/Surveyor [200 West F.M. 1417 (Heritage Parkway)]

E. 3. * OTHER BUSINESS

Replat Approval of Lots 2 and 3, Block A, Dr. Swamy Addition, being 2.761 acres in the William Milligan Survey, Abstract No. 875, also being Lots 2 and 3, Block A, Dr. Swamy Addition; One Ganesha Ltd., Owners; Dean Gilbert, Developer; and Helvey-Wagner Surveying, Surveyor (6100 block of North U.S. Highway 75)

E. 4. * OTHER BUSINESS

Replat Approval of Hughes Turtle Creek West Addition, a Replat of a part of Lot 7, Block C, Turtle Creek West Addition and a part of Lots 1 and 2, Block 1, Tom L. Sullivan's Replat of a part of the Replat – Valley View Addition, being 0.819 acres in the J.B. McAnair Survey, Abstract No. 763 and being a part of Lot 7, Block C, Turtle Creek West Addition and part of Lots 1 and 2, Block 1, Tom C. Sullivan's Replat and a part of the Replat of Valley View Addition, Lots 1 and 2; Steven and Lisa Hughes, Owners; and Helvey-Wagner Surveying, Surveyor (2208 Post Oak Drive)

E. 5. * OTHER BUSINESS

Replat Approval of Lots 16-27, Block 5, all of Blocks 6 and 7, and Lots 1-6, Block 8 and the Unopen Portion of Copley Street and all of Ray Street and Lila Street, Copley Addition, being 10.704 acres in the G.B. Pilant Survey, Abstract No. 963; Mitchell Enterprises, Inc., Owners; and Helvey-Wagner Surveying, Inc., Surveyor (700 block of Copley Street)

E. 6. * OTHER BUSINESS

Final Plat Approval of KAZ Addition, Phase 2 in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 2.013 acres in the Aaron Burelson Survey, Abstract No. 61; Kazem and Zohreh Ganji, Owners; and Preston Trail Land Surveying, LLC, Surveyor (10739 State Highway 56)

E. 7. * OTHER BUSINESS

Final Plat Approval of Hancock Ranch Subdivision in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 36.79 acres in the W.D. Wooley Survey, Abstract No. 1335 and the Winfred Bailey Survey, Abstract No. 66; Mike Cross and Robert Scoggins, Owners; Plain and Simple Investments, LLC, Prospective Buyer; Related Solutions, LLC, Developer; and Helvey-Wagner Surveying, Surveyor (1400-1600 blocks of F.M. 697)

F. CITIZEN REQUESTS

G. MEDIA QUESTIONS

H. COUNCIL COMMENTS

Executive Session

I. 1. EXECUTIVE SESSION

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

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

Section 551.087	Deliberation Regarding Economic Development Negotiations:
(a)	Deliberate Regarding Commercial or Financial Information that the City has Received from a Business Prospect and Deliberate any Offers or Incentives to the Business Prospect

The Council reconvenes into General Session

J. 1. OPEN MEETING

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

K. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on July 11, 2018 at 4:30 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 11th day of July, 2018
City of Sherman, Texas

City Clerk

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

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

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

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

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

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

Mayor

David Plyler

Deputy Mayor

Pamela L. Howeth

Council Members

Willie Steele, Council-At-Large, PL #1

Jason Sofey, Council-At-Large, PL #2

Shawn C. Teamann, Council – District #1

Josh Stevenson, Council – District #2

Pamela L. Howeth, Council – District #3

Daron Holland, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

A.4.

Meeting Date: 07/16/2018

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

**APPROVE MINUTES OF THE CALLED CITY COUNCIL MEETING (BUDGET WORKSHOP)
OF JUNE 14, 2018 AND THE REGULAR CITY COUNCIL MEETING OF JUNE 18, 2018**

Attachments

June 14, 2018 - Called Budget Work Session

June 18, 2018

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He thanked the City Council for their support, saying they set the tone for the day-to-day activities of the City.

Mr. Hefton said the rate of growth in Sherman is increasing and he discussed several indicators and told how they show the growth in the community. Good indicators of growth include an increase in residential building permits, new utility connections, property tax revenue, sales tax revenue, Sherman Independent School District enrollment, and 911 calls for service. The unemployment rate in Sherman has also decreased greatly, as has the number of months that available housing is in inventory. Currently the unemployment rate in Sherman is at about 3.4%, which effectively means that everyone that wants a job, has a job. A map showed that development is taking place in all areas of Sherman, and he outlined the specific projects.

Mr. Hefton updated the Council on last year's Council initiatives that were developed from the Budget Workshop. Almost all the initiatives were either completed or in process. Capital Improvement Projects normally are long-term projects and many times span multiple years.

There were also some additional initiatives that came up after last year's Budget Workshop, including the Schulman Project, Sherman Crossroads, Sherman Landing, Legacy Boulevard, Pecan Grove Ballfields – Phase II, the Hwy 75 Ramp Reversal, Moore Street Development, and the FM 1417 / Travis Land Sale. He outlined these projects.

There were also some very big projects that were started pre 2018 and continued on through 2018. He discussed these projects, such as the Water Treatment Plant, the Preston Club Water System, and several Thoroughfare Projects. The staff is also working with the Texas Department of Transportation and the Metropolitan Planning Organization to assist with funding on several projects to move them up on the schedule.

Other long-term initiatives include the Fire Department Relocation, Pecan Grove Ballfields, Library Renovation, Substandard Structure, Stormwater Management and Planning, and the Downtown Streetscape – Phase 2. He also outlined several critical issues for FY 2019 that have been identified by the City Council.

Mr. Hefton said the focus for FY 2019 in the proposed budget, includes 16 proposed staff positions in the General Fund alone, and 21 throughout the City. These positions would be funded through the existing rates and the additional revenue. There is no proposed tax rate increase for the upcoming budget, mainly because of the growth.

Another way the City is saving money is to use existing staff to handle the remodeling of City facilities. Of the remodels that are not being completed by staff, Mike Grant, Facilities Manager, is still helping to manage the projects, which are being completed by outside contractors. These duties are in addition to the normal building maintenance for which the department is also responsible. By completing the remodels in-house, the City is saving thousands of dollars.

The City Council has also identified some critical issues that they would like to have addressed in FY 2019. These include a continued focus on code enforcement and sub-standard structures, employee compensation, Pecan Grove West basketball courts, and re-evaluation of the bulk waste pick-up. As for development, critical issues include strategic annexations; land acquisition for industrial growth, mainly through the Sherman Economic Development Corporation; and a continued focus on growth and development.

Mr. Hefton reminded the Council that when the population reaches 50,000, the City will be required to take over the maintenance and operation of all TxDOT signalization, including that on

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highways. He anticipated that this population marker would probably be reached in three years. The staff is already beginning to think in terms of “staffing up” for that change. The staff is addressing ways to extend the life of asphalt streets through a chip seal process and extending concrete streets through a crack seal process.

Mr. Hefton said the City is a cleaner place than it was several years ago, but there are some weaknesses in the program. The weaknesses stem from non-compliance and the way citations have been issued. If trash is put out late, it sits on the curb for a month before it is picked up again. This looks terrible throughout the City. He said the program helps keep the City clean, but the weaknesses in the program cause some undesirable effects.

Mr. Hefton presented the first of several drone “flyovers” that will be shown during the Budget Workshop and will be used as visual indicators of what’s going on. The first one covered “development.”

Parks

Theresa Hutchinson, Parks and Recreation Manager, presented an update on projects that have been completed, projects that are “in the works,” and ones they want to continue in the future. New playground equipment has been installed at Ely Park, replacing some that had been in place since the 1950’s or 1960’s. The Fairview Park Walking Trail has been replaced, made both wider and safer. Lighting was also added to a dark area on the north side of the park.

The Hawn Rotary Playground was completed in early 2018 through a donation from the Rotary Club, a discount from a playground company, and funding from the PRIDE Fund. They are also expecting another \$10,000 donation from the Rotary Club, which will be used at Cherry Street Park, per the organization’s request. They would like to keep the money in a lower income area, and that park does have some equipment that needs to be replaced.

Money was budgeted this year for some upgrades at the Senior Citizen’s Center and one of the projects was to update the restrooms at the center. Other upgrades to the center include flooring and work on the front door and back patio. This project was contracted out, with the help of the Building Maintenance Department.

Ms. Hutchinson said City crews started the demolition of the Skate Park last week and construction will begin in the next couple of weeks. She said the staff was very pleased with the public input that they received for the design of the facility. Several designs were presented and, after public input, the company incorporated the desired features from a couple of the designs into the design that was selected.

A new bridge will also be installed to replace a deteriorating one at Baker Park and it will allow bicycling across the bridge. Deputy Mayor Howeth said the bridge at Cherry Street Park has always been built by Boy Scouts, but it looks worn out and she felt it probably needs to be replaced. Ms. Hutchinson said the staff will look at the bridge to see if it needs to be replaced.

She said the staff continues to work on clearing out the area for the Lamar Street Green Space, where the old trailer park was located. She said it is a crucial part of the link with Binkley Park and will eventually need a bridge to help increase the connectivity. Ms. Hutchinson said cleared acreage requires a higher level of maintenance than raw acreage.

Currently there is eight miles of trail at Binkley Park and connects with the trail and Baker Park. A skills area has also been added to Binkley Park to help smaller children learn how to ride the trails, with supervision from their parents.

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Council Member Holland expressed concern about citizens getting lost on the Binkley Park Trail. Ms. Hutchinson said there is signage on the trail and Council Member Teamann added that there are plenty of areas to “dump out of the trail” and identify your location. The volunteer group also maintains the trail and Ms. Hutchinson said the City spent maybe \$1,000 on the trail, to provide materials for bridges.

She said the easement to the south of Baker Park has already been donated and they are looking at an easement to the east of Baker Park, along Moore Street and the new solar farm. This property is important to provide a north-south connection throughout Sherman. The staff will continue to evaluate the connectivity of the parks so as not to miss an opportunity. She displayed a map showing the current park connectivity in Sherman. The City recently added signage and street markings for the new bicycle lanes. She felt it was important to continue to look at connectivity to parks and retail areas, and to not miss out on any opportunities. It should be considered as part of the infrastructure.

Steve Ayers, Assistant City Manager, confirmed that the planner has not completed the Master Plan for the trails. Ms. Hutchinson said there have been some questions about easements that need additional research.

She discussed improvements to several parks, including MLK Park and Rex Cruse Park. Community Development Block Grant money will be used in the park area where the old Hannah Field was previously located. This area will be a playground and a pavilion.

A Dog Park will be added behind Veteran’s Field at Fairview Park, and should be installed by Fall 2018. The City has earmarked \$30,000 for the project. They are currently working with Animal Control to develop some guidelines and set up some policies and procedures for use of the park. The park will include an area designed for larger dogs and an area designed for smaller dogs. They have also researched grant and sponsorship activities for the project.

Dunkin Simms Stoffels, Inc. has completed the design plan for the Pecan Grove Athletic Complex and the City has contracted with Dean Construction to serve as the construction-manager-at-risk for the project. They are currently working on preliminary cost estimates for the earth work and the concrete plaza. An upcoming meeting will be held to discuss parts of the project which will be completed in-house, such as the parking lots, the perimeter trails, utilities, and the concession building. This part will be phase 1 of the project. Phase 2 will include the lighting on the sports fields, spray ground, playground, and pavilion.

The Pecan Grove Basketball Courts will be similar to the Old Settler’s Basketball Courts. Two of the courts will be lit and will be in close proximity to the rest of the park.

Ms. Hutchinson said another project for this upcoming year is to light the south “Welcome to Sherman” entrance sign. The project calls for solar lighting and some landscaping. They are also requesting funding to replace the scoreboards at Old Settlers Park. They have had to replace burned out light bulbs with LED lights and they do not work as well in the sign. They also plan to sell “sponsorships” for the sign to assist with funding.

Council Member Steele verified that the City would still use Old Settler’s Park even after the new Pecan Grove Athletic Complex is operational. Council Member Holland asked if parking would be expanded at Old Settler’s Park. Ms. Hutchinson said that park is pretty “landlocked.”

However, based on field usage, they do expect to continue to use both Athletic Complexes. She said it would also open up the practice options. Mr. Ayers said parking is an issue at Fairview

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Park too. He felt the additional fields should help with scheduling and take pressure off the other parks. Ms. Hutchinson added that there is “a fine line” in recreation, between parking lots and amenities. Parking lots are expensive to build and they take space away from the amenities, however they are needed.

The Library Park will be located on the southeast part of the property of the new Library. Melissa Eason, Library Services Administrator, has requested a pavilion, some playground equipment, and possibly some more creative equipment, such as musical instruments to provide opportunities for the children’s programs. Deputy Mayor Howeth asked about a butterfly garden around the gazebo.

Ms. Hutchinson said there are also some sidewalk projects, such as on East Street, near the Parks and Recreation Office. Mr. Ayers said there is a possibility of CDBG money being used for this project.

The staff is also requesting funding to remodel and expand the West Hill Cemetery and Maintenance Office. The remodel will increase the area where customers enter and the training room. It will decrease their storage area, however they would also add a 20’ bay addition. They would also enclose a storage shed, giving them additional storage for equipment. The remodeled office would be stucco and brick and offer an upgrade to the exterior.

Ms. Hutchinson said there is approximately 4.65 acres west of Country Ridge that is proposed as Quail Run Park. Plans include a perimeter trail, playground features, a pavilion, benches, and greenspace. The greenspace should help alleviate some of the drainage issues in Setting Suns Addition and provide practice field space. The park includes property currently owned by the City and some that would be donated by the developer.

Mr. Hefton emphasized that the park would be a “neighborhood park,” with a smaller footprint, and it would be a joint project with the cost shared between the City and the developer. He added that, hopefully, this would be a model going forward, for other developers. Clint Philpott, Director of Engineering, added that it also solved a pretty large drainage issue.

Besides the previously mentioned playground equipment for Cherry Street Park, a perimeter walking trail will be added.

Ms. Hutchinson said the staff would also like to begin the process of changing out the current sports field lighting to LED lighting, which will save energy and maintenance costs. The industry standard is changing to all LED lighting. The project will cover several years to switch out all the lighting. She said the cost to switch out three fields will be \$600,000. Mr. Ayers said the cost may decrease in the next few years for LED lighting.

The City is proposing a complete renovation of Hillcrest Park to make it fully inclusive. It would include a rubberized surface, suitable for wheelchairs, Mr. Ayers said the City is “shifting emphasis” on the Community Development funding, and some of these funds might be available for community parks, especially to make them handicap accessible. If made handicap accessible, this park would be a good project for those funds.

A renovation of The Splash was done in 2017, and the amenities and the pool were found to be “structurally sound.” In April 2018 the pool was filled for a leak test, and the technician “stopped counting when he reached 20 leaks.” There is a considerable leak on the east side of the pool where the wall meets the floor. Last year the pool was losing two to three inches of water daily. Ms. Hutchinson said they are researching ways to repair the leaks, including either patching or

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adding a liner. The water loss is continuing to increase. She said the repair will be a “considerable repair” in the future.

Council Member Teamann said one type of repair might be to build fiberglass over the gunnite. He said this is a less expensive repair option.

Deputy Mayor Howeth said she would like to see the City incorporate butterfly gardens into some of the parks. Ms. Hutchinson said one of the positions they are requesting is for a horticulturist to help with those types of projects.

Council Member Teamann said he has had a developer ask him about donating some power line easements to the Parks Department. He asked if they would be interested or if it would be more of a maintenance concern. She said it depends on the location and she would like to keep the option open. Mr. Hefton said if they are within the alignment that the City has for proposed trails through town, then the City would be interested.

Mr. Hefton presented the second drone “flyover” covering “parks.”

City Council Members took a break from 10:04 a.m. to 10:26 a.m.

Police Department

Zach Flores, Police Chief, outlined the state of the department and emphasized their “wins” during the past year. In order to be proactive, the department has initiated Project HELP, which allows caretakers to register their loved ones with the department. This allows officers to have additional information about a person if a call is made to their home. This is a way to focus on the community that they serve.

They have also reduced response time from about 10 to 11 minutes to seven minutes, and hope to reduce it even lower. Chief Flores said if the dispatcher doesn’t get the call right or it takes the police and fire a longer time to respond, they can do everything else right, but they have already “lost the customer.”

The Texas Police Chiefs Association has a “Best Practices” Program, which offers a level of accountability for the department, outside themselves, to assure they are handling things professionally. There are 168 standards that must be met and the Sherman Police Department has “met all of them on paper.” The Association will perform a site visit in August 2018, and if recognized, they will then present the award at a City Council Meeting.

The department has also met all the pre-requisites for a Police Academy, and have applied to the State for the designation. They have also implemented a citizen satisfaction and concern survey. Citizen satisfaction is different for a business owner than it is for a citizen, and they have received some interesting comments that will help the department.

They are also continuing with the Citizens Police Academy and have seen a reduction in junk vehicles in Sherman. Chief Flores said one of Sherman’s priorities is cleaning up the City, and reducing the junk vehicles is a part of that goal. Since 2017, they have dealt with 141 junk vehicles resulting from 81 complaints. Only 20 of these vehicles are still out of compliance.

The two main complaints from citizens are drugs and traffic. Traffic stops, whether or not a citation or warning is issued, has a significant impact on accidents. In 2017, the department made less traffic stops and the number of accidents increased. The activity of the officers does

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have an effect. He said they want to do what's appropriate for the circumstances, and making contact with the drivers is important.

Council Member Steele asked if there was a new policy on the way accidents were worked. He said the officers don't complete a report, but give the individuals a form to complete themselves. Chief Flores said it's not really a different policy, but the form that the officers previously completed for those involved, is not wanted by the State. He explained that officers still respond to accidents, but where there is no injury and both parties remained at the scene, as far as the State is concerned, the drivers should exchange information. He emphasized that the change in procedure was at the State level.

Mr. Hefton clarified that officers still respond and would stay if vehicles were blocking an intersection or if traffic control is needed. Chief Flores said, even if it's not a "workable accident" the officers would stay and make sure the highway is clear and everyone gets the things they need.

To help enforce the traffic laws, the City purchased a motorcycle and traffic trailer. It's now illegal to have distracted drivers and it's illegal to be texting on your phone. He said they will be enforcing these traffic laws to help combat some of the problems. He said they also get a lot of complaints about speeding along residential streets. But officers just don't have time to park on the residential street to watch for speeders, and if they did, their presence would deter the speeding, only when they were present.

The new traffic trailer has many uses and can help deter speeding or offer informational directions. It also has a license plate reader that captures license plates. The trailer can be parked along a residential street and is less obtrusive. It will download data about speeds and can offer a more accurate assessment of the situation. There is no enforcement from the trailer.

Chief Flores discussed the School Resource Officer Program. In the past, there has been an officer at Sherman High School, Piner Middle School, DAEP (Disciplinary Alternative Education Program) Campus, and Dillingham Intermediate School. These officers are not always Sherman officers and work on a contract basis for the school. Usually it is a different officer every day.

The School District would like to see the same officer every day in order to develop a rapport with the kids and to know who is and isn't supposed to be at the school. They would also know the schedule and be more likely to notice any unusual situations. It would also allow the officers to have a role in counseling or mentoring some of the kids, which is an intangible benefit.

Chief Flores said they have proposed a program to the School District where one officer would be assigned as a School Resource Officer, SRO, supplemented with contract officers at other campuses. They would still have the same amount of coverage, but one would be the same officer every day.

The School District would pay for 70% of the salary and benefits, and half the cost of a patrol vehicle, over three years. The City would pay the remaining 30% of the salary and benefits. To do this, the City would need to add one additional officer.

Currently, on-duty officers still make calls to the schools if an arrest is needed, because the SRO's drive their own vehicles. This would reduce the ancillary calls to the school for assistance. One of the older vehicles could be used for this program. If this proposal moves forward, there will be additional "action items" that will be presented to the Council.

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Mr. Hefton said he has discussed the SRO Program with Dr. David Hicks, Sherman Independent School District Superintendent, and their vision is to have several SRO's, at least five or six. They don't really need an officer at the elementary school campuses. However, this will cost them more than they are currently paying for the program. Mr. Hefton said he did not feel that the City should be paying 50-50 for the program and felt the City was being a "good neighbor" by paying 30%.

He said unless the Council directs otherwise, the staff will continue to look at the SRO Program, with the SISD paying the "lion's share" of the cost. There is some benefit to the City from a response standpoint and a keeping peace standpoint. He reiterated that this is the first step for the program. The goal of the SISD is that by the 2020 school year, the SRO Program is fully implemented. He added that, conversations are ongoing.

Deputy Mayor Howeth emphasized that the SRO's are not in the schools to enforce dress codes, or tardiness, and she felt that there needed to be some education to the school staff about the duties of the officers. Chief Flores said an officer dealing with school matters can quickly escalate the situation, and that is not what is needed.

Chief Flores said their personnel requests this year are focused on the support functions and include the proposed SRO and personnel in Records and Communications. Initially they did not intend to ask for any officers this year. They have had several hires and have three recruits waiting to enter the Academy. He said they currently have 68 or 69 officers.

Currently they need support personnel. The department has one supervisor and one specialist in the Records Department. They have a mandate, that by 2020, they change the reporting system of criminal activity to the Federal Bureau of Investigation. The current system, Unified Crime Reporting, UCR, is very "high-level" and the crimes are not broken down into many categories.

The new reporting system, National Incident-Based Reporting System, NIBRS, reports criminal offenses at the incident level and is much more detailed and intensive. This new process will be labor intensive for the department, however it is mandated by the government.

He said there is also a fairly large deficit of cases that have been filed with the District Attorney's Office. The City's Records Department is the last one to get the case paperwork to the DA and they are not getting the cases to them as quickly as they would like. Chief Flores said they are currently interviewing for a part-time, temporary position to help get "caught up." Once they are caught up they will determine if they need a full-time person or not.

He said they also are proposing to hire two new employees, which would allow for three dispatchers on all shifts. The emergency dispatchers are also medical emergency dispatchers and bridge the gap between a medic and the paramedics showing up. This means they are on the telephone longer trying to help until help arrives. Most of the time, there are only two Communications Officers on duty at a time.

Mr. Hefton said they take over 30,000 calls annually, and that has grown by 15% to 20%, over the last couple of years. He said one Communication Officer is in the proposed budget. The need for the position is from a growing call volume, which won't decrease, as the City continues to grow.

Chief Flores went on to discuss the police facilities and showed a photo of the Impound Lot and Building. He spoke about the importance of looking and being professional. He emphasized the need for a new Impound Lot. Last year the discussion centered around a different facility that

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would need remodeling. The issues included evidence and security. Instead, the staff decided to look at the processes and the current facility and what it would take to extend the life of the building, while addressing the issues of concern.

Since that time, some personnel changes were made within the department to address how evidence was handled, and it was an “overwhelming success.” As of today, he said the staff has already destroyed over twice as much evidence as had been destroyed the previous year, and the same amount that was destroyed the year before. The process with evidence has definitely become more efficient.

Chief Flores introduced Aaron Babcock, Architect, Hidell & Associates, who assessed the Police Department Building in the areas of security, efficiency, and evidence. Several remodeling projects have already been completed or are in process at the department.

Mr. Babcock said he would discuss both facilities, but especially the Police Department Building. When they started looking at the building, they looked at advantages, limitations, and what a renovation would include. They also looked at bringing it up to current ADA standards.

He also addressed the Impound Lot, siting two options. The first option is to tear off part of the building, because they don’t need the amount of square footage that it currently is. The “skin” would be stripped off and minor repairs would be done to the steel structure, which seems to be in pretty good shape. A new skin would be put on to secure the building. The second option is to tear the current facility down and start over.

As for the Police Department Building itself, the basement and ground floor were completed in 1965 and the third floor was added in 1988. The entire building is about 18,000 square feet. There have been minor renovations over the years, but it mostly remains consistent with the original configuration. As the department has grown, the facility has not remained as efficient or as secure as it should be.

He added that the existing restrooms and door configurations do not meet ADA standards, so any renovations over \$50,000 will need to include bringing the entire building up to those standards. There is also some asbestos in the building that would need to be abated.

The drive-up area in front is a key security issue for the building. Mr. Babcock also addressed how the public enters the building. Currently visitors can park under the awning which houses the administration part of the building, and over the basement which houses some of the systems, including data. This is a vulnerability.

As visitors enter the building, they enter directly into the “vertical circulation” of the building, with the stairs and an elevator before they ever encounter a staff member. This is also a vulnerability. With any kind of reconfiguration, he said they would want to set up a perimeter for the building where visitors aren’t parking underneath the building and where they enter into a secured lobby area. The visitor would only gain access to the building by being allowed past the secure access area.

Mr. Babcock said the priorities would be security, efficiency, and an improved image. He said the building is not letting the department be as efficient as they could. The evidence is stored in multiple locations, which complicates its handling. It should really be in a centralized location. He outlined the proposed reconfiguration of all three floors, emphasizing security and the 24 hour use of the building. It also featured evidence storage in a central location and a streamlined process for evidence processing.

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Since dispatch was recently renovated and the configuration works, Mr. Babcock said it would be “left alone.” He outlined changes to the rest of the building including ADA compliance. Mr. Hefton said the end goal of the renovation is to update and expand the capacity of the Police Department, and to use the space more efficiently. Some of the changes gain the department more storage capacity and some gain more personnel capacity.

Many of the renovations for the third floor are office-type renovations and the City might use their own maintenance personnel to do these, in order to save some money. They have already started to work on some of these changes.

Mr. Babcock said the plan would be for the police to continue use of the building during the renovation process. The City could complete the third floor prior to the other renovations, which would give them use of that floor during renovations. He showed a diagram outlining which areas would receive heavy renovation, moderate construction, no renovation, or new construction. New construction would be on the ground level and would enclose the drive-up area to make it more secure and to gain additional space. They would also “sprinkle” the building, there would be a new fire alarm system, LED lighting, and it would be brought up to code for energy efficiency.

Mr. Hefton said the administrative offices have already been remodeled, using the Building Maintenance staff. Those areas would not be included in the current remodeling. Mr. Babcock said, with the internal changes, the exterior of the building will also be upgraded and will present a better image. The front will be brick and stone.

As for cost, Mr. Babcock presented several options. Construction of a completely new building, approximately 17,000 square foot, would be about \$8 million. The proposed renovation on the current building, through a contractor would be about \$4.6 million. If City crews performed some of the renovation, the cost would be about \$4.1 million.

Mr. Hefton said, as the City grows and expands, the question is, do they expand what they already have or build something new. Space for 40 patrol officers isn't enough. The proposed plan would allow expansion for 40 to 58 officers. The basement renovation would not be to gain space but for the more efficient use of space. Changes to the third floor do add additional space for personnel, including four in CID, for a total new space for about 20 employees.

He said the remodel is not only about making the space more useful and efficient, but it's also to add more capacity for additional staff in the future. He estimated it would give from 10 to 17 years of additional use from the building. At that point, an addition might be a substation and not a new police headquarters. One possibility is combining a police substation with a fire station, such as Fire Station #4.

Mayor Plyler said when a facility is remodeled, many cities are taking an opportunity to address sustainability with items such as lighting. Are they considering sustainability with this remodel? Mr. Babcock said they were considering sustainability. Code regulations are requiring that a building be more efficient and with that, manufacturers have made the components more cost effective. Therefore, they are able to consider some efficiencies without the cost being prohibitive. He outlined several items that could easily be done to make the building more efficient.

Council Member Teamann asked about the difference between the cost per square foot of a residential construction and the Police Department construction. Mr. Babcock said in some areas there is a very specialized wall system to create a secure perimeter. The systems that will be installed in the records area to store the records will also be more expensive. There will also be a

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ventilation system. A contractor bringing his crews into a working facility increases the cost because there are some liability and logistics issues. The third floor will be closer to a regular office building and will not cost as much for construction. Ms. Babcock added that the estimate does include the façade, fire sprinklers, and the abatement. There is also a small building in the parking lot that would be “revived.”

Council Member Steele asked if it would be possible to add another floor to that building in the future, if the City wanted too. Mr. Babcock said the structure could probably support the weight of another floor, but that analysis has not been done. There might be some issues with “vertical circulation” of the building.

He added that the Police Department is currently at maximum capacity for parking. They may want to consider an agreement with a neighboring entity or use some of the parking across the street. Mr. Hefton said there might be some private options with surrounding entities to help alleviate the parking situation.

Mr. Babcock addressed the renovation of the Impound Yard. Because of the size and shape of the facility, reskinning it becomes a little cost prohibitive. The estimated cost to renovate the existing building is \$321,000, while the cost of a new building is estimated at \$470,000. It would be a little cheaper to reskin it, but the new building might provide a better configuration for what is actually needed. A new building could also be located at a different location.

He addressed the project schedule, saying that the option included the City crews doing the third floor. They would like to design the basement and the ground floor concurrently with the third floor to make informed decisions. It is estimated that the project would take a little over a year, but the police would stay in the building during construction.

Mr. Hefton said \$500,000 was earmarked for renovation in the current budget. Part of that money has been used to start the renovation of the third floor, both in the administration and CID areas. The staff will continue to use that funding on the design phase and the architectural and engineering pieces of the project. Funding for other aspects of the project would be proposed for a Summer 2019 bond issue. Most of those costs would be in the 2019-2020 fiscal year. If approved, the bond would be issued in 2019 but the results wouldn't be felt until 2020. There is currently enough money for the engineering, architectural, and design work, but the actual \$4 million plus would be part of the late FY 2019 bonds.

Council Member Teamann said a similar project was presented last year but the cost was a lot cheaper. He asked what the difference was between the two projects. Chief Flores said last year the project was mainly only a façade renovation. One of the options was to leave the drive-through open at the front of the building. Most of the feedback from that meeting was that the drive-through really needed to be closed.

When they looked at closing the drive-through, it became a “domino effect.” They had to look at filling that area, at the stairway and elevator, and security, and the pieces started falling. They started looking at efficiencies and the possibility that they didn't need a separate facility for evidence, but could rework the current station. They also asked, at what point should you invest in a partial project instead of one to extend the life of the building.

City Council Members took a lunch break from 11:57 a.m. to 12:22 p.m.

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Public Works

Kevin Winkler, Public Works Manager, said his presentation would touch on areas that are aging and help the City prepare and plan for future growth. He said a lot of the buildings and equipment are getting to the end of their ability to function. He wanted to increase efficiency and reduce the cost, and try to do things a little better than they have in the past.

Last year, Mr. Winkler said he asked for a lot of equipment so their departments could do more to save the City money. The Council agreed and added equipment and a couple of people. Purchase of the concrete machine was delayed and the Street Department employees are building the Public Library parking lot by hand. He discussed several of the projects that they have completed in-house, thus saving money.

The milling equipment allows the City to resurface streets, but to also remove some of the old layers in order to extend their life. He said 90% of streets in Sherman are asphalt and when they began to “break down” they can add chip seal to extend its life. The street was originally designed with an elevation that allows the gutters to carry water off the street. When layers are added to the street, it takes away the capability of the gutters to carry the water off the street. The milling machine has allowed the City to remove those extra layers. The asphalt that is milled off is recycled and reused on another street.

Mr. Winkler said in 2017, the Street Department took on the responsibility for approximately 25 miles of additional streets, which was an increase of about 10%. He also mentioned projects at the Schulman development, Finisar, and the Library, as well as other roads.

Council Member Steele said if the City maintains a County road, does the City continue to maintain it or is it still technically maintained by the County. Mr. Hefton said the City does work with the County and in areas of annexation or development, the City may take over maintenance of the road and mowing of the right-of-way. It is done as development occurs, but not before there is development to warrant it.

Mr. Winkler discussed some of the equipment that was purchased last year, including a mechanical street sweeper, wheeled excavator, 5-ton steel wheel, a spray rig and thermo unit, and the 15-ton dump truck.

In conjunction with the Storm Water Program, Mr. Winkler said they are asking to add two employees. As needs arise on larger jobs, these employees could be supplemented from Street Department employees. He referenced a project at Rosedale Park where the silt that had built up was removed to get better drainage through the park. Prior to this project, water north of the crossing was being held to about 2.5 feet. He said eventually, they would like to have a “stand alone crew” for the Storm Water Program.

In the Solid Waste Department, the facilities are old, especially the transfer station. When a new area is annexed, the trash accounts increase immediately. When Preston Club was annexed, they began serving 104 additional customers the next day. They had not budgeted for the additional customers through the annexations. He said over the last 10 years, the trash accounts have increased by about 20%. They also did not previously offer recycling or commercial pick-up.

Last year, the department purchased the Route Smart software, which increased efficiency and capabilities by allowing them to redesign their routes. They also plan to implement new routes in the coming months, which should help increase their efficiency.

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Mr. Winkler said they are requesting to add two new employees, one for residential and one for commercial, and to purchase one additional truck above the normal purchase. This would allow the addition of one new route, due to current and future growth in the City. When Preston Club was annexed, it also added a 22 mile round trip to their job. This is a lot of miles for a trash truck.

He said, with the addition of the proposed new route, the fifth, this would be 25 routes, or five routes per day over five days. This would require a new truck and a new driver. This would allow for growth in the City.

This year's budget request also includes iPads and software to add to the trash trucks for route information and changes. These would be used with the Route Smart software the City has already purchased and would allow for immediate route changes if necessary. This would also reduce the amount of training time for new drivers and would increase efficiency.

Deputy Mayor Howeth asked, since they are putting iPads in the trucks, could the drivers also add notification of code violations they see such as tall grass, trash that is put curbside on the wrong week, or junked vehicles. Mr. Winkler said there will be the ability to contact the office through the iPad, but he did not know how many options would be available. They won't be able to stop and type information into the iPad. It would have to be a selectable option. There will be solid waste type issues that are pre-programmed in as selectable options.

Mr. Ayers said it is important for the route to run efficiently and timely. He also expressed concern, since the biggest cause of accidents is distracted drivers. He felt the City should be very careful about what the message is and what they are asking the drivers to do.

Council Member Steele asked how many times the residential trash trucks went to the Texoma Area Solid Waste Landfill during their route. Mr. Winkler said the residential trash trucks dump their trucks into a transfer truck at the South Plant. They do that several times a day, depending on the volume of trash they pick up.

Mr. Winkler said they have a recycling transfer truck and a trash transfer truck. The recycling transfer truck goes 110 miles to the recycling drop off, which takes about three hours driving time, plus dumping time. The trash transfer truck takes about 40 to 45 minutes to get to the drop off, but they sometimes have to wait in line 30 minutes to dump.

He also discussed the transfer station, which was constructed in the mid to late 1960s. The trash trucks drive up a hill to a transfer station where they dump their load into an 18-wheel transfer truck below the station. This facility is near the end of its life and will need to be addressed in the next few years. They might also want to add a new location since the trip to Preston Club is 22 miles.

He said the new style of transfer stations are not elevated and don't require the loaded trash truck to back up a hill to dump their load. The transfer truck is pulled into a tunnel so the trash trucks are actually dumping at ground level. It also allows more than one trash truck to dump into a transfer trailer at the same time. This is much more efficient for a larger operation, such as what Sherman is moving too.

Mr. Winkler reviewed the Equipment Services Department saying the City had tremendously increased the number of vehicles and equipment in the last few years and it is much more advanced. The equipment is more specialized and the mechanics need additional training to service it.

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The building was originally a car dealership that was built in the 1950's. The City moved into the building in 1976, when the level of equipment was probably about half what it is now. There is a huge need for additional space and some of the larger pieces of equipment won't fit into the building for maintenance. It's also hard to rotate the vehicles in and out for service, due to the lack of physical space.

He said as growth continues, the City will have to look at a different location for Equipment Services. This year, two positions were added to the department because of the volume of equipment they had to service. However there was no physical space to put the employees. They rehabilitated an existing building used as a cart barn, located at the Solid Waste Department to be used as an Equipment Services Annex. This facility now houses two mechanics and is used for vehicle and equipment maintenance.

By using this Annex, which is on-site at the Solid Waste Department, the large trash trucks are more easily serviced without having to take up the limited space at the Equipment Services Department. This is much more efficient for repairing the larger equipment. The facility has high ceilings and is better suited for maintenance on the larger equipment. Mr. Winkler said this has also reduced the turn-around time for maintenance on the Solid Waste trucks.

Several years ago, Napa added a "store" to the Equipment Service Center that would supply parts for repairs. It has now been used for about 3.5 years. The staff is beginning to review the process for efficiency and will make a recommendation to the City Council at a later date on whether or not it should continue in the same manner.

Thoroughfare Plan

Mr. Philpott said the County-wide Thoroughfare Plan was approved by the City Council several weeks ago. The goal of the plan is to identify key transportation issues and plan for growth. The area is currently seeing a lot of growth. He said the plan is updated every five to seven years. In 2009, the Thoroughfare Plan was included in the Comprehensive Master Plan. The advantage now is that it is a County-wide plan.

He discussed the various types of roads, including their sizes and standards. Types of roads include major arterials, such as SH 56, SH 289, and FM 1417; minor arterials, such as Loy Lake Road, Lamberth Road, and West Travis Street; collectors, such as Crossroads Boulevard, Northgate Drive, and Canyon Creek Drive; and residential or local streets. As the amount of traffic grows, the roads grow too.

Mr. Philpott said major arterial roads are generally funded by the Texas Department of Transportation and are generally located where development happens. Widening roads in residential areas is challenging because of the many driveways. Because of that, in areas that are not developed, the City has started acquiring additional right-of-way ahead of time

FM 1417 is proposed to be a six-lane, median divided road, with underground storm drains, and curb and gutter. Schematic plans are completed for the portion from US Hwy 82 to O.B. Groner Road, and funding has been secured through the City, TxDOT, and the Metropolitan Planning Organization for the portion from US Hwy 82 to SH 56.

The area south of SH 56 is now very important because the new high school will be located in that area. However, it wasn't planned two years ago when the plan was being designed. The City is working with TxDOT to leverage City money to help "push forward" this portion of FM 1417, which has now become very important. Mr. Philpott said there is currently no funding for that project.

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He said the challenge is where the homes have been built that face FM 1417, because it is hard to acquire additional right-of-way to take a two-lane road and make it a six-lane road. Currently the plan is to only build four of the six lanes, with the median being extra wide until the demand arises for the additional lanes.

He discussed development of the minor arterial roads, including Lamberth Road. Plans are to extend the road to SH 289, as development warrants. The City would fund and maintain this street. West Travis Street will be a four-lane median divided road, which currently starts at US Hwy 75. The south intersection which connects Travis Street with West Travis Street is part of TxDOT's 75 GAP Project and will be a "full intersection" connecting the two streets. The plan is for West Travis Street to connect with FM 1417. Hopefully the portion between Moore Street and FM 1417 will be under construction within the next 60 days.

Collector streets are generally two-lane roads with no median and are typically main roads through subdivisions. He discussed several examples, such as Northgate Drive, near the new fire station. This project is funded by the Sherman Economic Development Corporation.

He said residential or local streets are almost always constructed by developers. He said much of the residential construction in a subdivision is built by one builder and not individual custom homes. The demand for housing is so high that someone is willing to buy all the lots and have half of them sold before they even start building. Mr. Philpott said there is a lot of development in Sherman, and it is typically the smaller developers.

As developers come to town, Mr. Philpott said the City will partner with them on roads, regional detention areas, and right-of-way acquisition, and this helps with land planning. The key is, that the City is taking a phased approach to look at ways they can help with the infrastructure, but not do it ahead of time. This means working with the developer's engineer to design roads and make sure everything is tied together.

The Thoroughfare Plan that was approved is a County-wide plan. He said local developers are looking at the north and west part of Sherman, while outside developers are looking at development in the south part of town, especially along the US Hwy 75 corridor. As development continues, the staff may ask for funding to move forward with some of the planned roads. In some areas, half of the street will be constructed with plans for the other half at a later date. This was how Center Street was constructed.

Mr. Philpott said the goal is to help encourage planned growth throughout the City. Coordination with TxDOT is also important, such as through the GAP Project and other MPO issues. Grayson County is beginning to realize that there is value in the local match, or leveraging the local money on TxDOT projects. This helps "push" those projects up on the list and get them done sooner.

The City's match on the GAP Project will be between \$6 million and \$7 million in the next year and a half to two years. The County has also agreed to put in about that same amount. Total cost of the project is \$162 million.

The City's match on the FM 1417 Project is about \$2 million and the total cost is \$26 million. When those projects are done ahead of time, he said it saves everyone money. Mayor Plyler asked if the GAP Project included the intersection at US Hwy 75 and US Hwy 82. Mr. Philpott said it did include that intersection. The main issues for the City are FM 1417, the Hwy 75/Hwy 82 intersection, the North Travis Street intersection with US Hwy 82, and West Travis Street at Crossroads. Mr. Philpott said all those projects are included either in the FM 1417 Project or the GAP Project.

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He said they will add another lane, in all directions, at the US Hwy 75 and US Hwy 82 intersection, and add U-turns on Hwy 82. They will not do a “direct connect” at this time. They will also redo a lot of entrance ramps in that area.

Mr. Philpott said that, once the population of Sherman reaches 50,000, the City will be required to take over maintenance of all traffic signals in town. The oldest ones are in the GAP area and will be replaced with this project. This will be an advantage when Sherman takes them over. Mr. Hefton felt the 50,000 mark would be met about the time the GAP Project is completed. The GAP Project is supposed to start construction in the first quarter of 2020, and it will be a 2.5 year project. They discussed scheduling of the project.

Mr. Hefton presented the third drone “flyover” covering “TxDOT projects and City streets.”

City Council Members took a break from 2:29 p.m. to 2:38 p.m.

Utilities

Mark Gibson, Director of Utilities, said several years ago, the staff made a proposal to add a utility line crew to the department. They hired an operator and three laborers. The crew works on new utility projects and are available to help the regular crews when needed. The plan has been really good for the City and there are many completed projects. Some of the completed projects include the water line from Baker Road to Skaggs Road, which opens up the area for development; the Carriage Estates water system; the Gallagher Water Storage Tank; and the Preston Club water system.

Mr. Gibson said the cost of the projects that have been completed by the City is \$1,463,761, and includes everything. The estimated contractor cost for those projects is \$1,996,680, and does not include the valves, fittings, fire hydrants, connections to the service lines, or sodding the yards and repairing driveways. This is a cost savings of 27% over the contractor's price. Timing of the project and the flexibility of working on the project are also in the City's favor. They are not at the contractor's mercy for scheduling the projects.

Mr. Hefton said that labor and equipment costs were also included in the City's cost estimate, so the City's cost is “fully loaded” and the contractor's cost is probably understated. Therefore the 27% savings is fairly conservative. When the utility line crew was originally proposed, several years ago, the staff estimated a 23% savings over the contractor's cost. He said the project is working out as the staff thought it would, and is providing relief when there is not a major project going on. He said it also doesn't include the Panda Project. Between seven and eight miles of pipe was installed during this time.

Future projects include Legacy Village, West Travis/Moore Street, West Lamberth Road, Preston Club, Swan Ridge, and Sherman Corners.

Council Member Steele confirmed that there are approximately 22 employees in that department.

CDBG / Environmental Code

Mr. Ayers discussed funding for the Community Development Block Grant and Environmental Code. This year there will be a big shift away from individual rehabilitation of owner-occupied homes. However, there is \$90,000 retained in that line item that will be used for that purpose. There has been public input and public hearings on the program to help notify the public of the plan.

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The emphasis of the program is being shifted away from individual rehabilitation to a focus on community impact. Each year the plan is re-evaluated and if it doesn't have the impact you want, you reallocate those funds elsewhere. The largest part of this proposed budget will be \$183,000 for park improvements and community spaces.

Mr. Ayers explained that the funding can be used for adding handicapped access to Kidd-Key Auditorium, for making a park handicap accessible, for the senior center, or for a community center, as long as the focus is in the target area. The Public Library is also located in the target area. He added these projects will have a good community impact.

Funding has also been increased for the demolition / clean-up program, which is consistent with Council priorities. A new substandard structure expert has also been hired. Forty structures were demolished this past year, and Mr. Ayers felt that would probably increase to 100 or more for the upcoming budget year and will continue to grow. He also felt the program might grow into commercial demolitions too.

He presented the action plan, which includes park improvement, demolition, and program administration. Two employees currently dedicate at least half of their time to this program. He also outlined the other community entities that receive funding from the grant, some of which increased from last year's allocation. Mr. Ayers said he felt the program was "heading in the right direction."

Mr. Hefton said the City is really heading from an individual focus of the program to a communitywide focus. The individual housing rehab is about helping individuals, families, or property owners rehabilitate their property. The staff felt they could reach a broader section of the community changing the focus to communitywide projects. The shift is for one year and will be re-evaluated every year. He said they wanted to use the funds in a way that had a broader community approach.

Council Member Teamann asked about the \$90,000 that was left from last year for the owner-occupied housing rehab. Mr. Ayers said a lot of money was spent for that line item, but the spending slowed down as the staff moved to other projects.

Council Member Stevenson asked if the plan had to be resubmitted if the spending parameters changed. Mr. Hefton said the program must be submitted every year. He added that the \$90,000 was money specifically earmarked for housing rehab in previous years that accumulated. A City uses the earliest year's money first.

Council Member Steele confirmed that it is a Federal calculation that allots the CDBG money each year. Mary Lawrence, Director of Finance, said the City was told they might not get any funding for 2019, and they ended up getting the most they have every received.

Deputy Mayor Howeth asked how homeowners were made aware of the funding available for housing rehabilitation. Mr. Ayers said it has been advertised over the years and many citizens in the target area are aware of the program.

Staffing

Mr. Hefton presented a 10 year look at staffing in the General Fund. In FY 2008-2009 there were 275 General Fund employees and the staff is proposing to be at 316 employees now. He said they started adding employees about three years ago, when they started seeing the growth happen. Most of the growth during the last three years has been in the Police and Fire Departments.

COUNCIL MINUTES – JUNE 14, 2018

Staffing for all funds is proposed to be at 457 employees. The staff is proposing to add 22 employees, 16 of those in the General Fund. The majority of the new employees would be in the public safety area.

To pay for the new employees in the General Fund, Mr. Hefton said the total net change from FY 2018 to FY 2019 would be about \$1.26 million. That amount includes new employees, market adjustments, the “across-the-board” pay increases of 3%, and the savings from the group health program. The net effect is \$1.26 million.

Every year the City does a survey to compare every job salary with salaries from a range of peer cities to make sure that Sherman’s employees are in the middle to upper range. These salary adjustments are handled through market adjustments. The 3% cost-of-living increase is based on the Consumer Price Index change for the Dallas-Ft. Worth area. Mr. Hefton said the group health savings reduced the cost to the General Fund about \$500,000 this year. The other funds have a similar reduction, based on the number of employees.

Mr. Hefton said generally there are two ways to pay for personnel cost increases, depending on the nature of the increase. You would expect that increases such as cost-of-living, market adjustments, and on-going operational items, would be paid from increases in the tax base for new value and valuation, and increases in sales tax revenue. For new positions and program expansions, funding would come from tax rates or cost savings.

In 2019, there is no rate adjustment for funding. The City is doing everything through revenues or cost savings. There has been significant revenue growth in the General Fund and the majority of the costs are being borne by that growth and through the group health cost savings. He reiterated that 70% of the personnel cost changes are being funded through growth, not through a tax increase.

Financials and Capital

Ms. Lawrence discussed the budget highlights for 2019, adding that the proposal is to leave the tax rate unchanged at \$0.4273 per \$100 valuation. The components of the property tax rate will change and will move about \$0.015 from the operations portion to the debt service portion. There are also 16 additional employees proposed for the General Fund.

In the Utility Fund, the staff is proposing to leave the rate unchanged and one additional person is proposed for Water Quality Services. The functions of the position are currently being handled through overtime.

In the Solid Waste Fund, the staff is proposing to hire two additional drivers, adding an additional piece of equipment, and a 2.5% rate increase to fund additional routes.

Ms. Lawrence said the General Improvement Fund will see the results of the 2018 budgeting for the Certificates of Obligation proceeds. She said all funds will see across-the-board increases, market adjustments, and pay adjustments.

In the Storm Water Fund, the staff is proposing to hire two additional staff to take the burden off the storm water clean-up crew and purchase some equipment. The program will be evaluated next year.

The City will also need about \$2.4 million from the 2018 Certificates of Obligation for the infrastructure at Legacy Village.

COUNCIL MINUTES – JUNE 14, 2018

As for fund balances, Ms. Lawrence said there was good performance in the General Fund, due to sales tax. There was also some revenue from the property tax increase in value, the ambulance supplemental payment program, and engineering fees and permit fees.

There is a fund balance in the Utility Fund of about \$200,000 more than the 2018 adjusted budget, mainly because the Pro-Rata Fund was consolidated with the Utility Fund. Revenues have increased some.

The fund balance in the Solid Waste Fund is about the same as in the 2018 adjusted budget, after the increase.

All three major funds are balanced. Ms. Lawrence said non-recurring items are things that are not typically purchased every year, such as 10-year equipment. Recurring items are things like police cars, pick-up trucks, or dump trucks.

Mr. Hefton said, while revenues versus expenses are an important number to look at, fund balances are a more important number, and tells whether the City's revenues are covering the expenses. He said they are, in the major funds. He said the City is intentionally spending down the fund balance for projects, yet keeping it at a reasonable level, which is about 70 days.

Ms. Lawrence said about a third of the costs, across all funds, are for personnel. The debt service, funds capital expenses, so they are related. She added that, in the General Fund, there is a "service heavy" nature with the personnel expense being about 70%. Fire and Police are really a service.

Council Member Steele confirmed that the large increase in grant revenue in the General Fund is from reimbursements from the Sherman Economic Development Corporation, for the Northgate Project and the FM 1417 / US Hwy 75 Ramp Reversal Project. Mr. Hefton added that the grant is the firefighter's Staffing for Adequate Fire and Emergency Response (SAFER) grant.

She added that a portion of the "transfers out" is a transfer of funds to the General Improvement Fund for projects.

Ms. Lawrence said not all staff requests were funded this year. She outlined several projects that were not funded with the budget including the Police Department renovation and some park improvements.

She said sales tax has performed nicely and the staff is budgeting a 2.3% increase for next year. So far this year, sales tax is up about 3.5% to 4%. She said sales tax will be received from QuikTrip and is being received from J.P. Hart Lumber.

Ms. Lawrence discussed how the City pays for debt service. For debt issues in 2016 and 2017, the property tax rate was increased to fund 39%; revenues from the Tax Increment Reinvestment Zone funded about 19%; and revenue and expense changes are funding most of the debt service at 42%.

Council Member Steele asked what the debt service was on the \$25.7 million, per fiscal year. Ms. Lawrence said it was about \$1.3 million or \$1.5 million. Mr. Hefton said normally a City can't do major expansions without debt, and you can't do debt without a change in the tax rate. But the staff has done all they can to keep the major impact from "hitting" the tax rate. Only 40% of the debt service is being borne by the tax rate. In this case, the staff has worked hard to make sure the majority of the impact is borne by growth in the City and not the tax rate.

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Ms. Lawrence compared Sherman's tax supported debt and revenue bond supported debt with other peer cities. Even so, Sherman is different from the other cities in that they have a Water Treatment Plant, water wells, a distribution system, a collection system, and a Waste Water Treatment Plant. The other cities have the same services, but another entity does it for them. Sherman may pay debt service, but other cities pay for it through their rate. The same survey shows that Sherman has a very low tax per capita.

Ms. Lawrence said the Utility Fund is showing an increase in water sales, due to Finisar. They are not showing the same increase in sewer sales. Unfunded projects in the Utility Fund include the brine line, which is the line that takes the waste from the Water Treatment Plant process to the Red River. The project has been delayed another year. She added that in 2021, a significant amount of the debt service, almost \$1 million will be "rolling off the debt service fund." She outlined the history of the water and sewer revenues.

The Solid Waste Fund is seeing the effect of a 2.5% increase, which is about \$60,000, and the health benefit savings is another \$60,000. The City is also funding another piece of equipment. This fund will also be evaluated next year to determine what equipment and people are needed.

She addressed projects in the General Improvement Fund and how the City planned to use the proceeds from all three of the issuances of the Certificates of Obligation. Mr. Hefton said most of the proceeds would be for projects related to streets, either directly or indirectly. Ms. Lawrence presented a bond project summary, including projects planned for 2019.

Council Member Steele confirmed that the ideal fund balance is a range between 60 to 90 days. The City is mostly at about 70 days. He added that the rating agencies look for a fund balance from 70 to 75 days.

Mr. Hefton added that, historically the City has done a 20 year term on their debt, however on the 2018 issue, they are looking at doing 25 years. They will consider the 2019 issuance in a year's time. He said this would give the City some "wiggle room" to have more debt if certain things come up. He added that, this time last year, the staff was not expecting to have a \$19 million issuance for 2018, however some of the projects have come forth because of the development that's going on.

2019 Council Initiatives

Mr. Hefton presented the 2019 Council Initiatives and asked for Council direction on these items presented. From here, they will develop a draft budget to bring back for consideration in July. When the Council is happy with the draft budget, the staff will develop the budget ordinances and prepare for adoption of the tax rate.

- **Compensation and Staffing**
 - Add full time employees as presented (*22 total, 16 in General Fund*)
 - Adjust Public Safety and other pay (*market adjustments*)
 - Provide a Cost of living pay increase of 3% for all City employees
- **Fleet**
 - Purchase necessary fleet/equipment (*includes replacement fleet*)
- **Rate Adjustments**
 - Implement Utility CIP projects (*no increase to utility rates or tax rate*)
 - Adjust solid waste rates to finance program expansion (*2.5% increase to fund two positions and the equipment that goes with the positions*)

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- **Street/Storm Water Program**
 - Additional personnel for FY 2019 for Storm Water, evaluate program for FY 2020 (*two new employees – evaluate in a year*)
 - Additional funding for equipment (*no change to storm water fee*)
- **Parks and Recreation**
 - Design and begin Phase II of Pecan Grove West ballfields (*hope most cost funded through Texoma Health*)
- **Police Department Renovation**
 - Phased renovation for FY 2019 and FY 2020 (*continue with in-house renovation, issue debt for renovation in 2019 and beyond*)
- **General CIPs and Related Debt**
 - Implement CIP projects
 - No change in property tax rate for FY 2019
 - Phased approach to issue bonds to support CIP General projects
- **Additional Resources for a Cleaner City**
 - Additional resources for Environmental Code, Substandard Structures program, and storm water program (*add another code officer*)

Mr. Hefton asked if there were any changes that need to be made or if anything else needed to be added.

Council Member Stevenson said he would like to see a traffic signal study. Since there would be major construction on US Hwy 75 and on FM 1417, he felt the traffic patterns would be changing and he wanted to be sure the signalization was optimized. Mr. Hefton reiterated that the City wanted to be sure that citizens could move as quickly as possible and as efficiently as possible in these detoured areas. Mayor Plyler felt the access roads would be the main roads that would be affected.

Mr. Winkler reminded Council Members that when the City takes over the TxDOT traffic signals when the population reaches 50,000, they will be taking over 45 additional signals. Currently the City has 15 traffic signals. Mr. Hefton said they estimate that will be in three or four years. At that time, the City will need more staffing and everything, but they need to start thinking about it now.

Council Member Steele asked if the staff could find about \$2,000 for the Keep Sherman Beautiful Commission to help fund some of their projects. Nate Strauch, Community and Support Services Manager, said the staff is trying to provide some additional support to several boards, including the Main Street Advisory Board and Keep Sherman Beautiful Commission. He said they have demonstrated their effectiveness in the last few years and the City is trying to help fund some of their projects with money set aside in the General Fund.

Deputy Mayor Howeth asked about the bulk trash pick-up and a study that was going to be performed. Mr. Hefton said he felt the City would be “headed toward a call-in system” where a residence gets a specific number per year, maybe four. Then if trash is on the curb when it’s not supposed to be, the enforcement officer will take a photograph of it, and if the resident doesn’t remove it in the specified number of days, the City will remove it and charge the resident’s water bill. Mr. Hefton said that would probably require another employee to take the calls for bulk trash pick-up.

COUNCIL MINUTES – JUNE 14, 2018

Council Member Steele asked if the City could separate the expenses for bulk trash pick-up from the other expenses in the budget. He wanted to see the number of pick-ups that are made and the number of trucks used. He felt there would be a huge cost savings if the City went to a once a month pick-up, once a quarter pick-up, or a call-in program. Mr. Hefton said a separate presentation will be made to the City Council at a later date.

Council Member Teamann said last year the Council was presented with several options on the Police Department renovation. Chief Flores said the staff did start with multiple options, but since they talked about enclosing the front drive-through, the question became what to do with that space. They also talked about keeping the evidence in-house instead of off-site. Council Member Teamann verified that this item just allows the staff to move forward with the budget. Specifics for the impound lot can still be discussed later.

Council Member Steele asked about Kessler Street, near Woods Street. The street is still closed to traffic. Mr. Hefton confirmed that the sewer line needs to be moved and it is actually being designed at the present time. After the sewer line is moved, the project can be finalized.

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 4:07 p.m. Documentation for the Budget Work Session is held in the General File "Budget Work Session FY 2018-2019" in the City Clerk's Office.

ATTEST

MAYOR

CITY CLERK

STATE OF TEXAS §
 June 18, 2018
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 18, 2018.

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

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Plyler called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Council Member Daron Holland.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of June 4, 2018. Council Member Stevenson moved to approve the Minutes as presented; Second by Council Member Teamann. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Plyler introduced Ordinance No. 6125 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 1522 NORTH BROUGHTON STREET, BEING 0.558 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763 AND ALSO BEING LOT 2, BLOCK 1 OF THE PROPOSED CHEN ADDITION (SHOU-HUNG CHEN AND TAO-MIN CHEN, OWNERS; DREAM TO LIFE DESIGNS, DESIGNER/DRAFTSMAN; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER.

ORD 6125
ZONE CHANGE
(1522 N. BROUGHTON)

Scott Shadden, Director of Development Services, said the owners want to construct three duplexes on the lot. The request is in compliance with the City's Master Plan. The Planning and Zoning Commission recommended approval, subject to the Staff Review Letter.

No citizens appeared before the City Council to discuss Ordinance No. 6125.

Mayor Plyler introduced Ordinance No. 6126 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-1 (ONE FAMILY RESIDENTIAL) DISTRICT IN THE PRESTON

ORD 6126
ZONE CHANGE
(PRESTON CLUB)

CLUB SUBDIVISION, BEING PRESTON CLUB, THE CLASSICS SUBDIVISION, LOTS 1-28, BLOCK 1, LOTS 1-5, BLOCK 2, LOTS 1-4, BLOCK 3, LOTS 1-3, BLOCK 4, LOTS 1-6, BLOCK 5 AND LOTS 1-5, BLOCK 6; PRESTON CLUB, THE CLASSICS, PHASE TWO, LOTS 1-19; PRESTON CLUB, THE CLASSICS, PHASE TWO, REPLAT LOTS 13 & 14, LOTS 13-R AND 14-R; PRESTON CLUB, THE CLASSICS, PHASE THREE, LOTS 1-39, BLOCK 1, LOTS 1-29, BLOCK 2; PRESTON CLUB, THE CLASSICS, PHASE FOUR, LOTS 1-2, BLOCK 1, LOTS 1-37, BLOCK 2, LOTS 1-24, BLOCK 3, LOTS 1-24, BLOCK 4, LOTS 1-2, BLOCK 5 AND LOT 1, BLOCK 6; PRESTON CLUB, THE LEGENDS SUBDIVISION, PHASE ONE, LOTS 1-25, BLOCK 11 AND LOTS 1-3, BLOCK 13; PRESTON CLUB, THE LEGENDS PHASE 1, REPLAT LOTS 11, 12 & 13, BLOCK 11, LOTS 11-R AND 13-R; PRESTON CLUB, THE LEGENDS SUBDIVISION, PHASE TWO, LOTS 1-12, BLOCK 10; PRESTON CLUB, THE LEGENDS, PHASE 3, LOTS 1-15; NORTHERN CHALLENGE, PHASE 1, LOTS 1-2, BLOCK A, LOTS 1-12, BLOCK B, LOTS 1-5, BLOCK C, LOTS 1-13, BLOCK D AND LOT 1, BLOCK E, PROVIDING FOR A REPEALER.

Mr. Shadden said this area was newly annexed and covers 315 lots. The City's ordinance requires that property be annexed as R-A (Agricultural) because normally the land is undeveloped.

This subdivision was already platted and when people came in for permits they couldn't meet the setback requirements. The request is to change the zoning from R-A to R-1. The Planning and Zoning Commission recommended approval of the zone change.

No citizens appeared before the City Council to discuss Ordinance No. 6126.

Mayor Plyler introduced Ordinance No. 6127 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW AN AMENITY CENTER INCLUDING COMMUNITY CLUBHOUSE, POOL AND PLAYGROUND IN AN SF-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT AT 604 WEST NORTHCREEK DRIVE, BEING LOT 21, BLOCK O, AUSTIN LANDING, PHASE 2A-1 (STONEHOLLOW HOMES LLC, OWNERS; LEO BOWLER, REPRESENTATIVE; AND TPS CUSTOM HOMES, DESIGNER); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6127
SUP FOR AMENITY
CENTER, CLUBHOUSE,
POOL & PLAYGROUND

Mr. Shadden said the ordinance requires a Specific Use Permit to locate an amenity center in a residential neighborhood. The Planning and Zoning Commission recommended approval, subject to the Staff Review Letter.

COUNCIL MINUTES – JUNE 18, 2018

No citizens appeared before the City Council to discuss Ordinance No. 6127.

Mayor Plyler introduced Ordinance No. 6128 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A PRESCHOOL IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 600 SOUTH DEWEY AVENUE, BEING LOTS 3-10, BLOCK 4, JC LINNSTEAD ADDITION (CRUTCHFIELD HEIGHTS BAPTIST CHURCH, OWNERS; MASTERKEY MINISTRIES OF GRAYSON COUNTY, TENANT; AND JULIE RICKEY, REPRESENTATIVE); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6128
SUP FOR
PRESCHOOL
(600 S. DEWEY)

Council Member Sofey entered the Council Meeting at 5:06 p.m.

Mr. Shadden said this item required a Specific Use Permit to locate a pre-school in a church building. There were comments from the neighbors that addressed parking and traffic due to the pre-school. They plan for the pick-up and drop-off to be scheduled different from the times for Crutchfield School.

The Planning and Zoning Commission recommended approval, subject to the Staff Review Letter and with a limit of 48 students.

No citizens appeared before the City Council to discuss Ordinance No. 6128.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6125

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 1522 NORTH BROUGHTON STREET, BEING 0.558 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763 AND ALSO BEING LOT 2, BLOCK 1 OF THE PROPOSED CHEN ADDITION (SHOU-HUNG CHEN AND TAO-MIN CHEN, OWNERS; DREAM TO LIFE DESIGNS, DESIGNER/DRAFTSMAN; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER.

ORD 6125
ZONE CHANGE
(1522 N. BROUGHTON)

Ordinance 6126

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

ORD 6126
ZONE CHANGE
(PRESTON CLUB)

R-1 (ONE FAMILY RESIDENTIAL) DISTRICT IN THE PRESTON CLUB SUBDIVISION, BEING PRESTON CLUB, THE CLASSICS SUBDIVISION, LOTS 1-28, BLOCK 1, LOTS 1-5, BLOCK 2, LOTS 1-4, BLOCK 3, LOTS 1-3, BLOCK 4, LOTS 1-6, BLOCK 5 AND LOTS 1-5, BLOCK 6; PRESTON CLUB, THE CLASSICS, PHASE TWO, LOTS 1-19; PRESTON CLUB, THE CLASSICS, PHASE TWO, REPLAT LOTS 13 & 14, LOTS 13-R AND 14-R; PRESTON CLUB, THE CLASSICS, PHASE THREE, LOTS 1-39, BLOCK 1, LOTS 1-29, BLOCK 2; PRESTON CLUB, THE CLASSICS, PHASE FOUR, LOTS 1-2, BLOCK 1, LOTS 1-37, BLOCK 2, LOTS 1-24, BLOCK 3, LOTS 1-24, BLOCK 4, LOTS 1-2, BLOCK 5 AND LOT 1, BLOCK 6; PRESTON CLUB, THE LEGENDS SUBDIVISION, PHASE ONE, LOTS 1-25, BLOCK 11 AND LOTS 1-3, BLOCK 13; PRESTON CLUB, THE LEGENDS PHASE 1, REPLAT LOTS 11, 12 & 13, BLOCK 11, LOTS 11-R AND 13-R; PRESTON CLUB, THE LEGENDS SUBDIVISION, PHASE TWO, LOTS 1-12, BLOCK 10; PRESTON CLUB, THE LEGENDS, PHASE 3, LOTS 1-15; NORTHERN CHALLENGE, PHASE 1, LOTS 1-2, BLOCK A, LOTS 1-12, BLOCK B, LOTS 1-5, BLOCK C, LOTS 1-13, BLOCK D AND LOT 1, BLOCK E, PROVIDING FOR A REPEALER.

Ordinance 6127

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW AN AMENITY CENTER INCLUDING COMMUNITY CLUBHOUSE, POOL AND PLAYGROUND IN AN SF-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT AT 604 WEST NORTHCREEK DRIVE, BEING LOT 21, BLOCK O, AUSTIN LANDING, PHASE 2A-1 (STONEHOLLOW HOMES LLC, OWNERS; LEO BOWLER, REPRESENTATIVE; AND TPS CUSTOM HOMES, DESIGNER); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6127
SUP FOR AMENITY
CENTER, CLUBHOUSE,
POOL & PLAYGROUND

Council Member Stevenson asked who would own the facility and would the pool be considered public or private. Mr. Shadden said it would be private and would belong to the developer.

Ordinance 6128

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A PRESCHOOL IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 600 SOUTH DEWEY AVENUE, BEING LOTS 3-10, BLOCK 4, JC LINNSTEAD ADDITION (CRUTCHFIELD HEIGHTS BAPTIST CHURCH, OWNERS; MASTERKEY MINISTRIES OF GRAYSON COUNTY, TENANT; AND JULIE RICKEY, REPRESENTATIVE); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6128
SUP FOR
PRESCHOOL
(600 S. DEWEY)

ACTION TAKEN.

Motion by Council Member Steele to adopt Ordinance Nos. 6125, 6126, 6127, and 6128, as presented. Second by Deputy Mayor Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 6380 – APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

**RES 6380
CERTIFICATES OF
OBLIGATION**

A RESOLUTION APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.

Mary Lawrence, Director of Finance, said this resolution approves the publication of the notice to issue up to \$19.5 million in Certificates of Obligation, consistent with discussions held at the Budget Work Shop.

Projects supported by the bond issue include roads, Legacy Village infrastructure, and Pecan Grove Ballfields. The bonds would be issued for 25 years and the debt service is already included in the FY 2019 Budget.

Ms. Lawrence said it is a competitive bid in the market that would be overseen by the City's financial advisors. Approval of the sale of bonds would come back to the Council as an ordinance, after the debt is issued. The City would receive the proceeds a few weeks later. Ms. Lawrence said it would be the first week in September 2018.

ACTION TAKEN.

Motion by Deputy Mayor Howeth to approve Resolution No. 6380, as presented. Second by Council Member Holland.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6381 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH M&G HOME BUILDERS, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1911 EAST COLE AVENUE

**RES 6381
AD VALOREM
PROPERTY TAX
ABATEMENT
(1911 E. COLE AVE)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH M&G HOME BUILDERS, LLC FOR THE

ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1911 EAST COLE AVENUE.
CONSENT AGENDA.

OTHER BUSINESS

AMENDED SITE PLAN APPROVAL AND EXCEPTION FOR HERITAGE DEVELOPMENT PARTNERS, LLC, OWNERS; BROCKETTE/DAVIS/DRAKE, INC., CIVIL ENGINEERS/SURVEYOR; AND CURTIS GROUP ARCHITECTS, LTD. ARCHITECT UNDER ORDINANCE NO. 2252, ARTICLE IV, SECTION 410(2)(J) TO ALLOW A MEDICAL OFFICE AND A PREVIOUSLY APPROVED EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.4, SUBSECTION (4) TO ALLOW 196 PARKING SPACES IN LIEU OF THE REQUIRED 206 SPACES FOR A MEDICAL OFFICE BUILDING IN THE BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT AT 204 MEDICAL DRIVE

SITE PLAN &
EXCEPTION FOR
MEDICAL OFFICE
(204 MEDICAL DR)

Mr. Shadden said the request is for 196 parking spaces at the medical office facility at 204 Medical Drive, in front of the old Johnson & Johnson facility. The Planning and Zoning Commission recommended approval, subject to the Staff Review Letter.

Council Member Stevenson asked if space constraints prohibited the 206 parking spaces. Mr. Shadden said they used “every inch” of space they had.

ACTION TAKEN.

Motion by Council Member Stevenson to approve the amended Site Plan and Exception for Heritage Development Partners, LLC, for a Medical Office at 204 Medical Drive, as presented. Second by Council Member Sofey.

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

VOTING NAY: None.

MOTION CARRIED.

SITE PLAN APPROVAL AND VARIANCE FOR SHERMAN ECONOMIC DEVELOPMENT CORPORATION AND GLOBITECH, INC., OWNERS, AND JUSTIN WALTON, TEAGUE, NALL AND PERKINS, ENGINEERS/REPRESENTATIVE UNDER ORDINANCE NO. 2252, ARTICLE IV, SECTIONS 410 (2)(J) AND (2)(G)(2) TO ALLOW A GLOBITECH POWER GENERATION FACILITY AND CHAIN LINK FENCE WITH A 13' REAR SETBACK IN LIEU OF THE REQUIRED 55.7' IN THE BLALOCK INDUSTRIAL PARK AT 200 WEST F.M. 1417 (HERITAGE PARKWAY)

SITE PLAN &
VARIANCE FOR
GLOBITECH
POWER GENERATION
FACILITY
(200 W. FM 1417)

Mr. Shadden said this is a power generation facility that will be located behind GlobiTech. The request is for a shorter setback for the facility. The Planning and Zoning Commission recommended approval, subject to the Staff Review Letter.

COUNCIL MINUTES – JUNE 18, 2018

Council Member Steele verified that this is not for the building itself, but for a separate facility.

Deputy Mayor Howeth asked if granting the exception would set a precedent. Mr. Shadden said it can, but this is a unique request because they want to maintain the drainage and the tree lines. He added that they are purchasing the land from the Sherman Economic Development Corporation.

ACTION TAKEN.

Motion by Deputy Mayor Howeth to approve the Site Plan and Variance for Sherman Economic Development Corporation and GlobiTech, Inc. for a Power Generation Facility and Chain Link Fence at 200 West F.M. 1417, as presented. Second by Council Member Teamann.

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

VOTING NAY: None.

MOTION CARRIED.

CONSIDER REQUEST OF THE POTTSBORO ISD EDUCATION FOUNDATION TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE FIRST ANNUAL “MOONLIGHTING FOR THE CARDS 5K & FUN RUN” ON SATURDAY, SEPTEMBER 29, 2018

**CLOSE STREETS FOR
POTTSBORO ISD
5K & FUN RUN
(SEPT. 23, 2018)**

Nate Strauch, Community and Support Services Manager, said the only reason this item is not on the Consent Agenda is because the event is “changing hands” this year. Previously this event benefited the Crisis Center, but they transferred the event to the Pottsboro ISD Education Foundation.

The organizers have been told that, since this is an organization outside of Sherman, they will be required to pay for their own security or police officers.

Council Member Steele questioned why the Pottsboro ISD Education Foundation would hold an event in Sherman.

ACTION TAKEN.

Motion by Council Member Steele to approve the request of the Pottsboro ISD Education Foundation to temporarily close certain streets for the First Annual “Moonlighting for the Cards 5K & Fun Run”, as presented. Second by Council Member Stevenson.

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

VOTING NAY: None.

MOTION CARRIED.

CONSIDER CANCELLATION OF THE MONDAY, JULY 2, 2018 REGULAR CITY COUNCIL MEETING

**CANCEL CITY
COUNCIL MTG.
(JULY 2, 2018)**

ACTION TAKEN.

Motion by Council Member Sofey to cancel the Monday, July 2, 2018 Regular City Council Meeting, as presented. Second by Council Member Teamann.

COUNCIL MINUTES – JUNE 18, 2018

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

VOTING NAY: None.

MOTION CARRIED.

CITIZENS REQUESTS

There were no citizen's requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

HOT SUMMER NIGHTS

Council Member Steele said there was a large crowd at the last Hot Summer Nights event. He said he heard it was the largest crowd ever, at the event.

HOT SUMMER NIGHTS

MASTERKEY MINISTRIES

Council Member Steele recognized several people in the audience that were representatives of Masterkey Ministries. He said they fulfill a very good need in the community. He thanked them for their service.

MASTERKEY MINISTRIES

COUNCIL BUDGET WORK SHOP

Council Member Teamann said he appreciated all the work that went into the recent Budget Work Shop, and all the staff members that represented their departments. He said "a lot of thought" went into the budgets.

COUNCIL BUDGET WORKSHOP

COUNCIL BUDGET WORK SHOP

Council Member Holland added that the Budget Work Shop was a lot of work, but was well presented.

COUNCIL BUDGET WORKSHOP

JUNETEENTH ACTIVITIES

Council Member Holland thanked the staff for the work that was put into the Juneteenth activities.

JUNETEENTH ACTIVITIES

ANNOUNCEMENTS

Mayor Plyler announced the following:

ANNOUNCEMENTS

- He thanked everyone that attended Hot Summer Nights last Thursday, saying it was the largest crowd ever. The next two weeks will be fun with Memphis Soul and then Havana Energy. The event is held on Thursdays at 7:00 p.m.
- Coffee With the Mayor will be July 6, 2018, at Old Iron Post. Drone footage from the recent Budget Work Shop will be shown. The event starts at 8:00 a.m.
- The Sherman Community Players are presenting "Grease" through June 24, 2018. He encouraged everyone to support the local theater.

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

EXECUTIVE SESSION

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

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

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

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

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:22 p.m.

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

OPEN MEETING

OPEN MEETING

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

COUNCIL MINUTES – JUNE 18, 2018

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:15 p.m.

ADJOURNMENT

MAYOR

CITY CLERK



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.1.

Meeting Date: 07/16/2018

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

PROCLAMATION

"Professional Engineers Day" – August 1, 2018

Issue:

To present a proclamation designating August 1, 2018 as "Professional Engineers Day" in Sherman

Background:

The National Society of Professional Engineers and the Texas Society of Professional Engineers represent the interests of more than 31,000 licensed professional engineers and those on the path to licensure. Each year, they designate a "Professional Engineers Day" to recognize members of this profession.

Origination:

The request originated with the Department of Engineering.

Financial Consideration:

There is no financial consideration.

Staff Recommendation:

It is recommended that the City Council present a proclamation designating August 1, 2018 as "Professional Engineers Day" in Sherman.

Alternatives:

The Council could choose not to present the proclamation.

Attachments

Professional Engineers Day



Proclamation

WHEREAS, licensed professional engineers are dedicated to applying scientific knowledge, mathematics, and ingenuity to develop solutions for technical, societal, and commercial problems while holding paramount the public health, safety, and welfare, and

WHEREAS, Sherman licensed professional engineers have made significant contributions on a local and national scale, and

WHEREAS, Sherman's economy has grown, in part, because its licensed professional engineers are instrumental to our community, and

WHEREAS, August 1, 2018, has been declared "Professional Engineers Day" by the Texas Society of Professional Engineers in conjunction with the National Society of Professional Engineers, an organization founded in 1934 that represents the interests of more than 31,000 licensed professional engineers and those on the path to licensure, who show the highest level of dedication to their profession in all 50 states and U.S. territories.

NOW THEREFORE, I, David Pyle, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim August 1, 2018

PROFESSIONAL ENGINEERS DAY

in the City of Sherman and encourage all citizens to join me in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed this the 16th day of July, 2018.

Mayor

ATTEST:

Linda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.1.

Meeting Date: 07/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6129

Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 6.8, entitled "O-1 (75 & 82) Overlay District"

Issue:

To consider updating the O-1 (75 & 82) Overlay District Ordinance

Background:

The (75 & 82) Overlay District development areas are those areas adjacent to U.S. Highway 75 and being five hundred (500) feet on either side of said right-of-way, from the intersection of U.S. Highway 75 with Highway 91 north to F.M. 691, and from the south city limits, north to the south boundary of Tract 1 and Tract 2 of the Blalock Industrial Park and along and adjacent to U.S. Highway 82 and being five hundred (500) feet on either side of said right-of-way, extending from east F.M. 1417 to its intersection with west F.M. 1417.

The City of Sherman has annexed several properties to the west of F.M. 1417 since the O-1 (75 & 82) Overlay District was last updated; this would include all properties inside the City Limits along and adjacent to U.S. Highway 82 and being five hundred (500) feet on either side of said right-of-way. The proposed ordinance would replace Ordinance No. 5511 adopted at the February 4, 2008 City Council meeting.

Origination:

Developmental Services Staff

Financial Consideration:

None

Staff Recommendation:

At the June 19, 2018 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the updates be approved.

Alternatives:

The City Council could modify or deny the updates.

Attachments

Ordinance No. 6129

Location Map

Zoning Sign Photos

P&Z Communication

ORDINANCE NO. 6129

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED “GENERAL ZONING ORDINANCE”, AT SECTION 6.8, ENTITLED “O-1 (75 & 82) OVERLAY DISTRICT”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 14, Exhibit “A”, Section 6.8 of the General Zoning Ordinance No. 2280 of the City of Sherman, Texas, be and is hereby amended so that such section shall read as follows:

- (1) Introduction.
 - (a) The development of new and existing highways offers significant economic opportunities for the city and its citizens. Local highways provide easy access linkages within the city to nearby communities and to the entire U.S. highway system. The development standards will make the city a more desirable place to live and conduct business.
 - (b) It is important that the development of our highways be controlled through careful planning and foresight to achieve the greatest positive benefits for the city. The intent of the overly [overlay] district development area standards is to ensure that highway development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.
- (2) Intent and purpose.
 - (a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the city as a whole, or, if carefully and properly designed, that same use can be an attractive and welcome activity. This emphasis on how uses are designed and developed is the focus of the overlay district development standards. The following design elements are addressed by the standards. A statement of intent accompanies each element, the planning and zoning commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.

- (b) Building design: Nonresidential. Design standards for nonresidential buildings shall ensure that the design, color, materials and basis for proportion of structures within the overlay district development area are harmonious with the intent of the ordinance.
 - (c) Building placement: Nonresidential. Visual continuity and compatibility shall be achieved through the appropriate placement of buildings and related site features, such as parking and loading areas.
 - (d) Landscaping. Landscaping standards are used to promote a flexible framework of planting and green areas that enhance and safeguard property values while aiding in erosion control, noise abatement, glare and reflection control, buffering between land uses of different character and atmospheric purification.
 - (e) Screening. Required screening shall accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between nonresidential and residential uses, and serve as a psychological separation between uses which encourages the peace and repose of residents. Toward this goal, landscaping shall be used to break up the view and to aesthetically enhance screening devices.
 - (f) Glare and illumination. Site lighting is to provide safety and security and enhance the architectural and natural features of this site. Glare and illumination standards shall ensure that the mechanisms providing light do not negatively impact on the appearance of the site and ensure that light is contained to the extent that adjacent [areas] are not detrimentally affected.
- (3) Boundary areas.
- (a) Area boundaries. Overlay district development areas are those areas adjacent to U.S. Highway 75 and being five hundred (500) feet on either side of said right-of-way, from the intersection of U.S. Highway 75 with Highway 91 north to F.M. 691, and from the south city limits, north to the south boundary of Tract 1 and Tract 2 of the Blalock Industrial Park and along and adjacent to U.S. Highway 82 and being five hundred (500) feet on either side of said right-of-way, ~~extending from east F.M. 1417 to its intersection with west F.M. 1417.~~
 - (b) Compliance required. All property within the boundaries of the overly [overlay] district development areas shall adhere to the overlay district development standards and shall be subject to site plan approval by the planning and zoning commission.
 - (c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the designated overlay district development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process. The planning and zoning

commission shall review the plans for compliance with the development standards and make a determination of approval or disapproval as submitted.

(4) Nonresidential building design.

- (a) General provisions. All nonresidential buildings shall comply with the zoning ordinance, building code and related construction codes of the city.
- (b) Exterior walls. Building materials must be specified and consistent with the intent of these standards. Wall finishes shall be masonry, or masonry veneer, or concrete siding. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the planning and zoning commission.
- (c) Windows. Reflective glass with an exterior reflectance percentage in excess of twenty-seven (27) percent, as certified through the manufacturer's specifications, shall not be used as an exterior building material on any building or structure. Windows and window walls shall not be glazed or reglazed with mirrored glass.
- (d) Fire escapes. Exterior fire escapes shall not be permitted on the front side of a building.
- (e) Mechanical Equipment. Exposed duct shall not be permitted on any side of the building visible from the highway.
- (f) All buildings shall have at least four architectural features from the following list.
 - Canopies, awnings, or porticos
 - Recesses/projections
 - Arcades (recessed porches)
 - Peaked roof forms
 - Arches
 - Outdoor patios
 - Display windows
 - Architectural details (such as tile work and moldings) integrated into the building facade
 - Articulated cornice line
 - Integrated planters or wing walls that incorporate landscape and sitting areas
 - Offsets, reveals or projecting rib used to express architectural or structural bays
 - Accent materials, such as stone, stucco, etc. (minimum 15% of exterior facade)
 - Varied roof heights
- (g) Retaining wall. Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.

(5) Nonresidential building placement.

- (a) Setbacks from property lines adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines, except with approval by variance where parcels are of an irregular shape such that development in accordance with these setbacks is not feasible.
 - (1) Forty (40) feet from the highway right-of-way or twenty-five (25) feet plus the height of the building, whichever is greater;
 - (2) Fifteen (15) feet from right-of-way of all other streets intersecting with the highway.
- (b) Setbacks from property lines not adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines:
 - (1) Five (5) feet from rear and side property lines;
 - (2) Forty (40) feet from any residential dwelling that is zoned R for single-story buildings not exceeding thirty (30) feet in height;
 - (3) All other buildings shall be set back from residential district lines not less than twice the height of the highest point on the building above grade. No setback shall be required in excess of one hundred (100) feet.
- (c) Loading docks. Loading docks, overhead doors and service bays shall not be located on the parkway side of any building.
- (d) Parking areas. Parking areas and driveways shall be concrete and with curb and gutter along state highways adjacent to open drainage areas. Alternative parking materials may be used to reduce impervious cover when parking is provided that exceeds city requirements and approved by the zoning board. Cross access driveways are required adjacent to commercial zoned tracts.

(6) Landscaping.

- (a) Landscaping definition. Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.
- (b) Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

- (c) Compliance. Landscaping shall conform to the following:
 - (1) Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy;
 - (2) Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way;
 - (3) All landscaping shall be installed so as to avoid hazards;
 - (4) An effort shall be made to preserve existing trees.
- (7) Screening.
 - (a) Screening of nonresidential uses from residential uses. Side yards, rear yards and service sides of nonresidential uses abutting residential uses shall be screened.
 - (b) Screening height. Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.
 - (1) In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy-forming trees where the nonresidential use is at a much lower grade than the residential use).
 - (2) All landscaping shall be installed so as [to] avoid hazards.
 - (c) Materials and methods. The materials and methods used in screening under this section shall conform to the following:
 - (1) Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble or the built-up panels of these materials designed for exterior use.
 - (2) Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.
 - (3) Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.
 - (4) Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height; constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and

workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way.

- (5) To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.
- (d) Screening of site features. Site features hereinafter shall be screened in accordance with (c) above.
 - (1) Rear yards and service yards. Where the rear yard, side yard or service side of a nonresidential use is adjacent to a public thoroughfare and screening of the use is not specifically addressed elsewhere in this section, it shall be screened according to (c) above.
 - (2) Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.
 - (3) Outdoor storage area. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.
 - (4) Refuse areas. All refuse areas shall be screened on three sides. Gates are not required.
 - (5) Ground-mounted equipment. All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.
- (8) Glare and illumination.
 - (a) Parking area lighting. Standard, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.
 - (b) Walkway lighting. Walkway lighting with standard, pole, bollard and wall-mounted fixtures are allowed.

- (c) Accent lighting. Floodlighting and spotlighting of architecture, graphics or natural features shall not create spillage of light onto adjacent properties.
- (9) Utilities. No building shall have service wires or cable of any kind attached to the front fifty (50) percent of a building facing the highway and adjacent to the required front yard.
- (10) Procedures and notice.
 - (a) The planning and zoning commission shall review the specific elements of site and building plans for development within the overlay district development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.
 - (b) The planning and zoning commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.
 - (c) If the planning and zoning commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.
 - (d) Any applicant aggrieved by a decision of the planning and zoning commission may appeal the commission's action to the city council by filing a request for appeal with the city clerk within ten (10) days of the commission's decision. Such appeal shall be heard at a time convenient to the city council and to its procedures and practices for the scheduling of business before the council.

SECTION 2. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the General Zoning Ordinance of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

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

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

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

INTRODUCED on this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

CITY OF SHERMAN
Extend US 82 / US 75 Overlay Districts
500 Foot Buffer Map

Source: City of Sherman
Date: May 2018



Scale in Feet:
1"= 7000'

Extend US 82 / US 75 Overlay District

US 82

US 75

FM 691

Texoma Pkwy

Original US 82 / US 75 Overlay District

SH 289

Heritage Pkwy

Houston St

W FM 1417



500ft Buffer Overlay



Existing US Hwy 82 and 75



Sherman City Limits

Sherman
ENGINEERING DEPT.
320 W MULBERRY
SHERMAN, TX 75060

O-1 (75 & 82 Overlay) District

1417 (west side)



S.H. 289 (east side)



W. Naylor



S.H. 289 (southwest)



Lamberth & W. Highway 82 (south side)





**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 24.

Meeting Date: 06/19/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

OTHER BUSINESS

Consider Updates to the O-1 (75 & 82) Overlay District Ordinance for recommendation to the City Council.

Background:

The (75 & 82) Overlay District development areas are those areas adjacent to U.S. Highway 75 and being five hundred (500) feet on either side of said right-of-way, from the intersection of U.S. Highway 75 with Highway 91 north to F.M. 691, and from the south city limits, north to the south boundary of Tract 1 and Tract 2 of the Blalock Industrial Park and along and adjacent to U.S. Highway 82 and being five hundred (500) feet on either side of said right-of-way, extending from east F.M. 1417 to its intersection with west F.M. 1417.

The City of Sherman has annexed several properties to the west of FM 1417 since the O-1 (75 & 82) Overlay District was last updated; this would include all properties along and adjacent to U.S. Highway 82 and being five hundred (500) feet on either side of said right-of-way. The proposed ordinance would replace Ordinance No. 5511 adopted at the February 4, 2008 City Council meeting.

Adjacent Zoning:

Various

Origination:

Staff

Master Plan Designation:

Various

Number of notices mailed:

72

Objections Received:

0

Attachments

Draft Ordinance

Location Map

Zoning Sign Photo



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.2.

Meeting Date: 07/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6130

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-O (Office) District at 2607 Loy Lake Road, being Lots 2 and 3, Bob Allen Addition (Trinity Baptist Church, Owners; Department of Family & Protective Services, Tenant; Robert Minshew, Representative; Scales Engineering, Engineer; and Goodwin/Lasiter/Strong, Architect/Surveyor)

Issue:

To consider the request of Trinity Baptist Church (Owners), Department of Family & Protective Services (Tenant), Robert Minshew (Representative), Scales Engineering (Engineer) and Goodwin/Lasiter/Strong (Architect/Surveyor) concerning the property located at 2607 Loy Lake Road, being Lots 2 and 3, Bob Allen Addition, for a zone change from an R-1 (One Family Residential) District to a C-O (Office) District

Background:

The property is located at 2607 Loy Lake Road between Lamberth and U.S. Highway 82. The property is zoned an R-1 (One Family Residential) District. Trinity Baptist Church would like to rezone the property to a C-O (Office) District to sell the property to construct an 18,000 square foot, brick office building for the Department of Family & Protective Services. Parking will be provided for sixty-five (65) spaces.

Origination:

Trinity Baptist Church (Owners)
Department of Family & Protective Services (Tenant)
Robert Minshew (Representative)
Scales Engineering (Engineer)
Goodwin/Lasiter/Strong (Architect/Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the June 19, 2018 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6130

Location Map

Zoning Map

Zoning Sign Photo

Plat

Site Plan

Building Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6130

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-O (OFFICE) DISTRICT AT 2607 LOY LAKE ROAD, BEING LOTS 2 AND 3, BOB ALLEN ADDITION (TRINITY BAPTIST CHURCH, OWNERS; DEPARTMENT OF FAMILY & PROTECTIVE SERVICES, TENANT; ROBERT MINSHEW, REPRESENTATIVE; SCALES ENGINEERING, ENGINEER; AND GOODWIN/LASITER/STRONG, ARCHITECT/SURVEYOR); PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, the following described property shall be in the C-O (Office) District at 2607 Loy Lake Road, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lots 2 and 3, Bob Allen Addition

SECTION 2. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 12, Ordinance No. 2280.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

INTRODUCED on this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY:

DAVID PLYLER, MAYOR

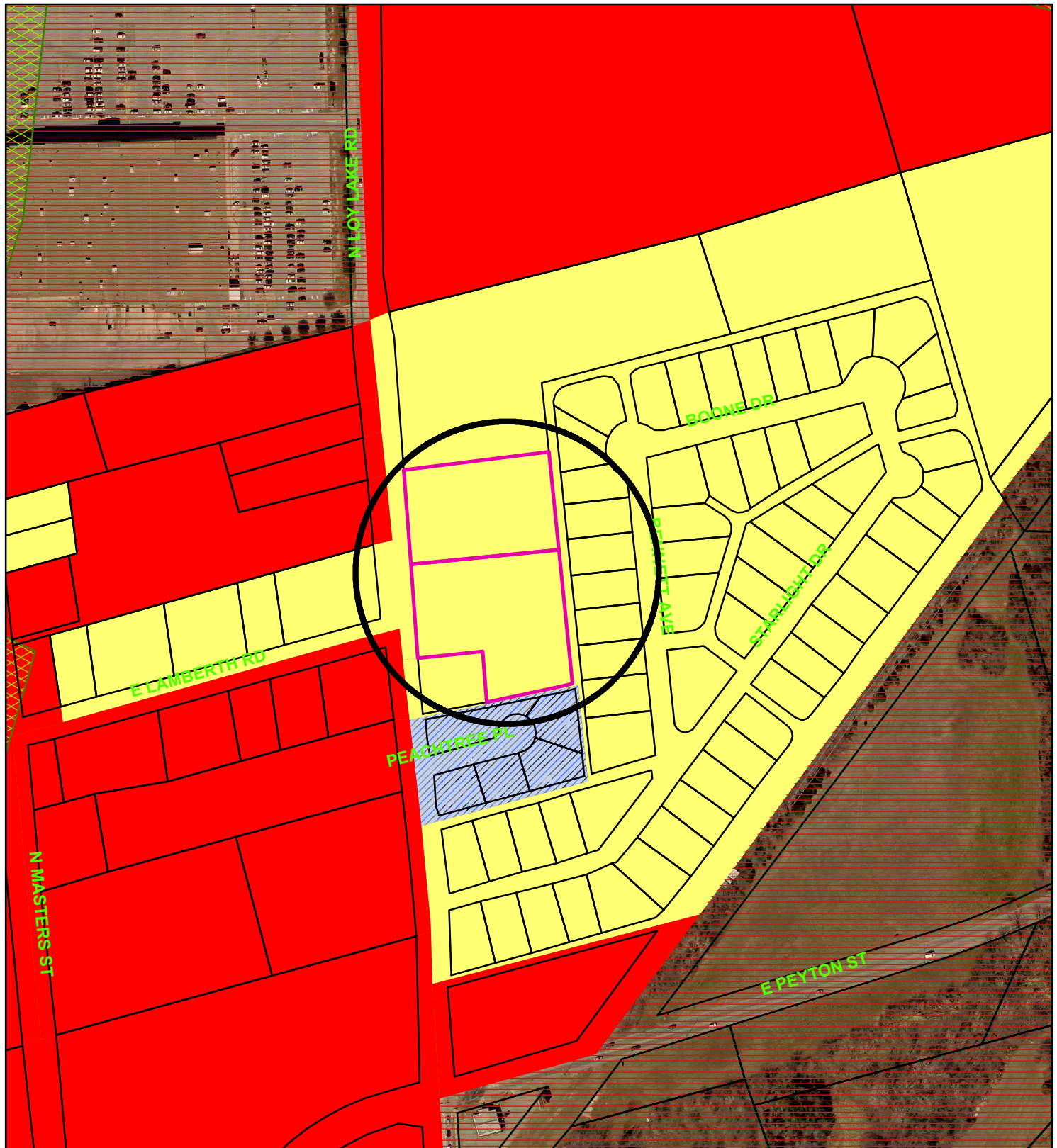
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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





Zoning - 2607 Loy Lake Road

Legend

Special Districts Overlay

DISTRICT_NAME

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District

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



NOT TO SCALE

1 in = 269 ft

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department

2607 Loy Lake Road



Bearing Base:

Grid North, as derived from a "Survey Grade" global positioning (GPS), operated in the Texas State Plane coordinate system, North Central Texas Zone. The distances shown hereon are ground distances.

Replat of Texoma Crossing Add.
City of Sherman, Texas
Vol. 18, Pg. 46
P.R.G.C.T.

Lot 2R
owner: FNB Financial Services, Inc.
Replat of Lots One and Two
of Bentley Addition
City of Sherman, Texas
Vol. 20, Pgs. 125 & 126
P.R.G.C.T.

Owner: R&S SHAW, LLC
Lot 1, Block 1
Emily Addition
City of Sherman, Texas
Vol. 17, Pgs. 1 & 2
D.R.G.C.T.
Owner: SMH Diversified, LLC
Lot 2, Block 1

Owner: Buss Investments, LLC
Lot 2, Block 1
Replat of Lots 3 and 4
of Emily Addition
City of Sherman, Texas
Vol. 17, Pgs. 128 & 129
D.R.G.C.T.

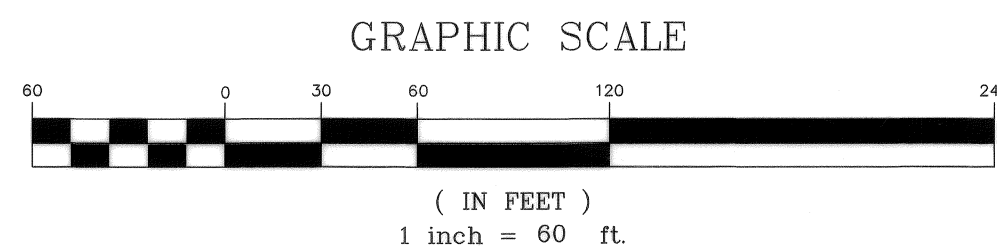
Owner: Robert Gattis and others
(East part of Lot 1)
Lot 1
Block No. 2
Dr. J.H. Carraway's Sub-Division
City of Sherman, Texas
Vol. 414, Pg. 125
D.R.G.C.T.

Owner: Grayson Management, LLC
(Part of Lot 4)
0.344 acres (Tract Seven)
Vol. 2106, Pg. 445
D.P.R.G.C.T.
Lot 4
Block No. 1
Dr. J.H. Carraway's Sub-Division
City of Sherman, Texas
Vol. 414, Pg. 125
D.R.G.C.T.

General Notes:

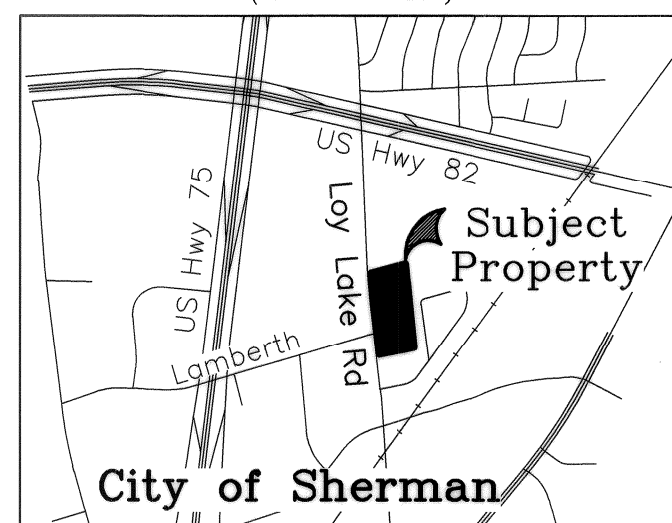
1. Water Supply to be provided by City of Sherman.
2. Sewer service to be provided by City of Sherman.
3. Electrical service is provided by Oncor Electric Delivery Company.
4. The property shown on the plat hereon lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0290 F, Revised Date: September 29, 2010.
5. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
6. The owners and builders must comply with all other state and federal regulations regarding developments of this type.
7. Current zoning for subject property is commercial.

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph: (903) 463-6191 Fax: (903) 463-4088
Email: helveysurvey@comcast.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100



Bob Allen Addition to City of Sherman, Texas 7.96 Acres in the J.B. McAnair Survey, Abst. No. 763

Vicinity Map (not to scale)



Grayson Baptist Association
Owner
P.O. Box 1806
Sherman, Texas 75090

Trustees of Trinity Baptist Church
Owner
2627 Loy Lake Road
Sherman, Texas 75090
Phone: 903-892-1568

SITUATED in the City of Sherman, County of Grayson, being a part of the J.B. McAnair Survey, Abstract No. 763, and being all of the following tracts of land: 1) 6 acre tract of land conveyed from Hazel A. Fisher to Trustees of Trinity Baptist Church, and their successors in office and assigns on April 19, 1978 as recorded in Volume 1452, Page 380, Deed Records, Grayson County, Texas; 2) 2.0 acre tract of land conveyed from North Park Baptist Church to Trinity Baptist Church on May 5, 1966 as recorded in Volume 1054, Page 531, said Deed Records; 3) 0.285 acre tract of land conveyed from Grayson Baptist Association to Grayson Baptist Association, a non-profit corporation on December 17, 1984 as recorded in Volume 1727, Page 134, said Deed Records (said 0.285 ac. tract being out of the Southwestern portion of the Trinity Baptist Church 6 ac.) and being more particularly described as one tract by metes and bounds as follows to-wit:

BEGINNING at a 1/2 inch rebar found in a West line of Starlight Meadows Addition to the City of Sherman, Texas as per plat of record in Volume 3, Page 23, Plat Records, Grayson County, Texas, at the Northeast corner of Lot 4, Replat of Block 7, Starlight Meadows Addition to the City of Sherman, Texas as per plat of record in Volume 6, Page 45-A, said Plat Records, at the Southeast corner of said Trinity Baptist 6 ac. and the most Southern Southeast corner of the herein described tract;

THENCE South 78 deg. 49 min. 28 sec. West, with the South line of said Trinity Baptist 6 ac. and the North line of said Lot 4, passing a 1/2 inch rebar found at 69.1 ft. to a common property corner, continuing and passing a 1/2 inch rebar found at 130.4 ft. at the Northwest corner of said Lot 4 and the Northeast corner of Lot 5, said Replat of Block 7, Starlight Meadows Addition, continuing now with the North line of said Lot 5, passing a point at the Southeast corner of said Grayson Baptist Assoc. 0.285 ac. at 171.22 ft. and continuing now with the South line of said Grayson Baptist Assoc. 0.285 ac., passing the Southwest corner of said 0.285 ac. and the Northeast of said Lot 5 at 296.22 ft. and continuing now with the South line of said Trinity Baptist Church 6 ac. for a TOTAL distance of 336.67 ft. to a mag-nail set in the pavement of Loy Lake Road, a public street, at the Southwest corner of both said Trinity Baptist 6 ac. and the herein described tract;

THENCE North 06 deg. 11 min. 15 sec. West, with the pavement of said Loy Lake Road and with the West line of said Trinity Baptist 6 ac., a distance of 754.38 ft. to an angle point in said road, at the Northwest corner of said Trinity Baptist 6 ac. and the most Western Southwest corner of said Trinity Baptist 2.0 ac.;

THENCE North 01 deg. 54 min. 00 sec. West, continuing with the pavement of said Loy Lake Road and with the a West line of said Trinity Baptist 2.0 ac., a distance of 40.00 ft. to a mag-nail set in said road, at the Southwest corner of the 28.6 acre tract of land conveyed to Sherman Independent School District in Volume 842, Page 376, said Deed Records, at the Northwest corner of both said Trinity Baptist 2.0 ac. and the herein described tract, SAID nail being North 75 deg. 05 min. 14 sec. East, 39.66 ft. from a 1/2 inch rebar found at the Southeast corner of the Replat of Texoma Crossing Addition to the City of Sherman, Texas as per plat of record in Volume 18, Page 46, said Plat Records and the Northeast corner of the Replat of Lots One and Two of Bentley Addition to the City of Sherman, Texas as per plat of record in Volume 20, Pages 125 and 126, said Plat Records;

THENCE North 75 deg. 06 min. 00 sec. East, with the North line of said Trinity Baptist 2.0 ac. and the South line of said Sherman ISD 28.6 ac., a distance of 680.81 ft. to a 5/8 inch rebar found at the Northwest corner of the 8.236 acre tract of land (Tract #1) conveyed to Ridge, Inc. in Volume 2881, Page 693, Official Public Records, Grayson County, Texas, at the Northeast corner of both said Trinity Baptist 2.0 ac. and the herein described tract;

THENCE South 15 deg. 18 min. 00 sec. East, with the West line of said Ridge, Inc. 8.236 ac. and the East line of said Trinity Baptist 2.0 ac., a distance of 208.93 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" in a North line of said Starlight Meadows Addition, at the Southwest corner of said Ridge, Inc. 8.236 ac. and the Southeast corner of said Trinity Baptist 2.0 ac., at the most Eastern Southeast corner of the herein described tract;

THENCE South 74 deg. 58 min. 18 sec. West, with the South line of said Trinity Baptist 2.0 ac. and the North line of said Starlight Meadows Addition, a distance of 374.11 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" in the East line of said Trinity Baptist 6 ac., at a Northwest corner of said Starlight Meadows Addition, the most Southern Southwest corner of said Trinity Baptist 2.0 ac. and an Ell corner of the herein described tract;

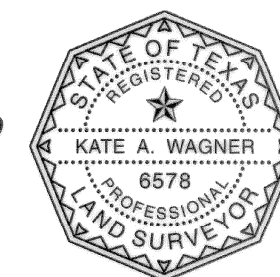
THENCE South 05 deg. 48 min. 39 sec. East, with a West line of said Starlight Meadows Addition and the East line of said Trinity Baptist 6 ac., a distance of 604.35 ft. to the **PLACE OF BEGINNING** and containing **7.96 ACRES** of land.

Surveyor's Certification:

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown hereon under my personal and direct supervision, and that the corner monumentation meets the standards set according to the Subdivision Regulations of the City of Sherman, Texas.

Kate A. Wagner, R. P. L. S. No. 6578

Date:



Owner's Dedication:

We, Representatives for Trinity Baptist Church and Grayson Baptist Association, owners of Bob Allen Addition, to City of Sherman, Texas, do hereby dedicate the streets and easements shown hereon to the public use forever.

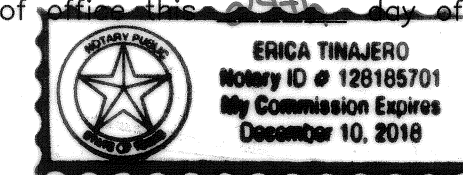
Authorized Agent for Trinity Baptist Church

Authorized Agent for Grayson Baptist Association

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Jay James, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 24th day of May, 2016.

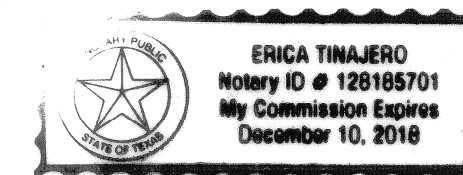
Erica Tinajero
Notary Public, Grayson County, Texas



Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Bobby Fletcher, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 24th day of May, 2016.

Erica Tinajero
Notary Public, Grayson County, Texas



City of Sherman

This, the final plat of Bob Allen Addition to City of Sherman, Texas, is hereby approved this 17th day of May, 2016, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman

Secretary

This, the final plat of Bob Allen Addition to City of Sherman, Texas, is hereby approved this 6th day of June, 2016, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: JP MAYOR, CITY OF SHERMAN, TEXAS 06/13/2016 DATE

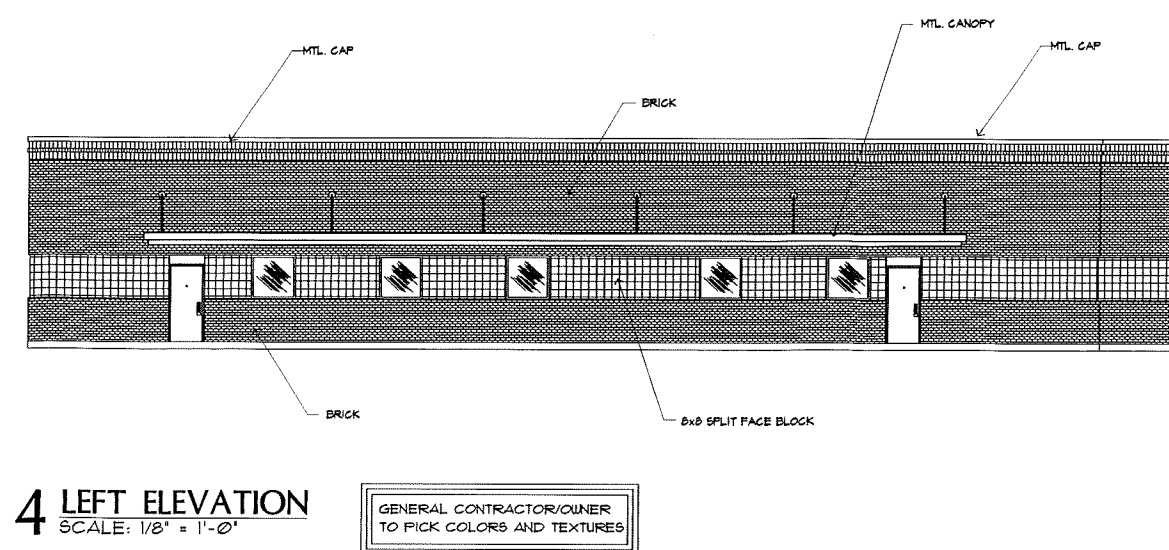
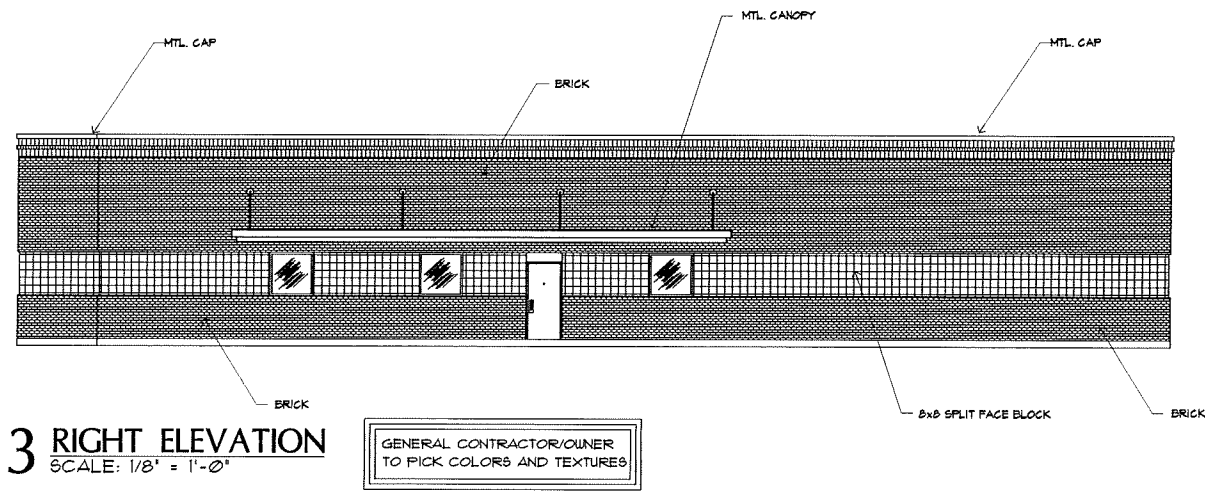
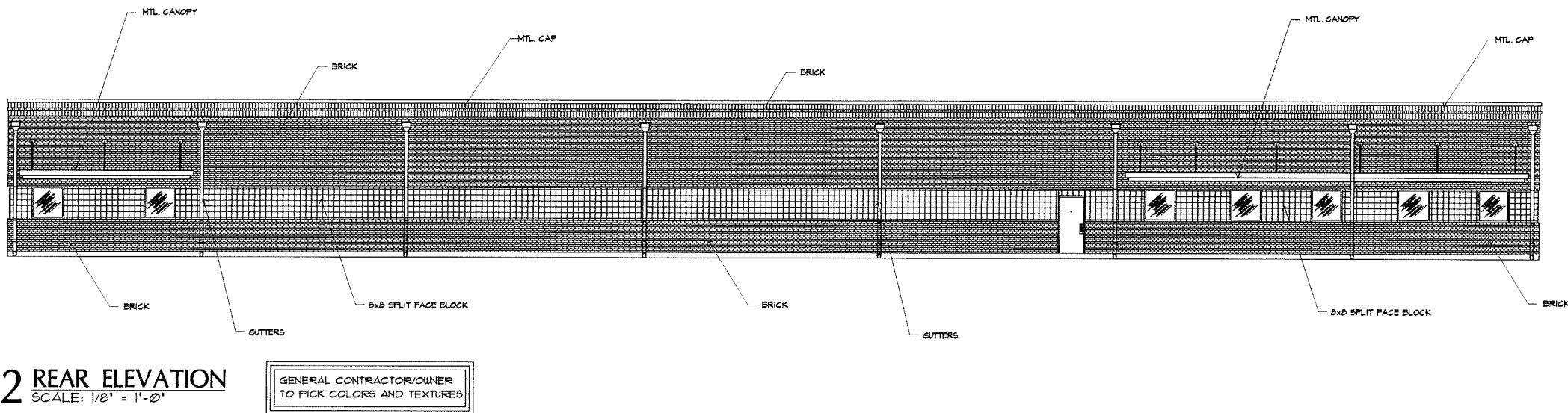
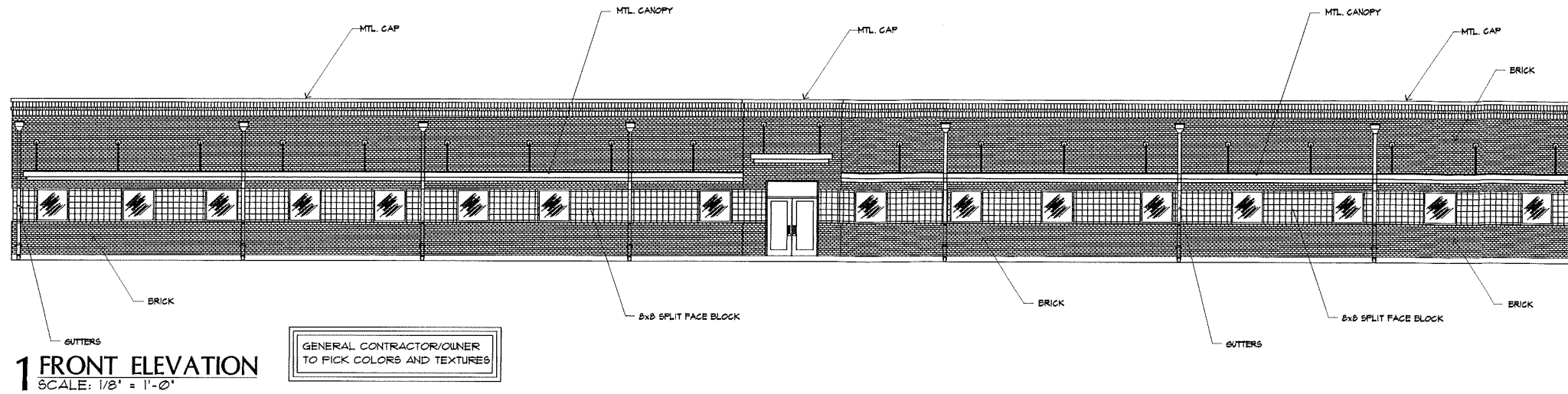
The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing final plat of Bob Allen Addition to the City of Sherman, Texas, was submitted to the city council of Sherman, Texas, on the 13th day of June, 2016, and that the City Council, by formal action, then and there accepted the dedication of all easements, and other public areas, as shown and set forth in and upon said plat; and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as here above subscribed.

CERTIFIED THIS 13th DAY OF June, 2016, BY Sandra Ashby CITY CLERK, CITY OF SHERMAN, TEXAS



FILED FOR RECORD
at 3:15 o'clock PM
Recorded in Vol. 23 Page 137
WILMA BLACKSHEAR BUSH
County Clerk, Grayson County, Texas
By [Signature] Deputy

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph: (903) 463-6191 Fax: (903) 463-4088
Email: helveysurvey@comcast.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100



THE DESIGN AS SHOWN ON THESE PLANS SHALL NOT BE SIGNIFICANTLY CHANGED BY THE OWNER OR THE CONTRACTOR WITHOUT THE PRIOR APPROVAL OF THE ENGINEER AND THE REGULATING AUTHORITY. ALL COST ASSOCIATED WITH CHANGES MADE WITHOUT PRIOR APPROVAL WILL BE THE RESPONSIBILITY OF THE CONTRACTOR.

SCALES ENGINEERING

PH. 254/498-6431
FAX # F-4159

WACO, TEXAS
76770

1124 CLIFFVIEW ROAD

DEPARTMENT OF FAMILY & PROTECTIVE SERVICES (DFPS)

SHERMAN, TEXAS

DRAWN
CHECKED
DATE
REVISED
JOB NUMBER

A3.1

SHEET: OF

STAFF REVIEW LETTER

June 12, 2018

Trinity Baptist Church
2627 Loy Lake Rd.
Sherman, TX 75090

Scales Engineering
1124 Cliffview Road
Waco, TX 76710

Goodwin Lasiter Strong
1609 S. Chestnut Dr., Ste. 202
Lufkin, TX 75901

Texas Dept. of Family and Protective Services
PO Box 149030
Austin, TX 78714-9030

Dear Applicants,

The request for Site plan approval for Department of Family & Protective Services Office for the property located at 2607 Loy Lake Road has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 19, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the C-O (Office) District, the sign ordinance, the screening ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All parking shall be on private property and shall not encroach into Loy Lake Road right-of-way.
4. The exterior façade is required to be masonry or equivalent on the sides of the buildings visible from front street right-of-way unless an exception is approved.
5. The setback along Loy Lake Road shall be twenty-five (25) feet; the side and rear setbacks shall not be less than fifteen (15) feet abutting a residential district.
6. Screening shall be provided and maintained abutting any residential districts.
7. Parking is permitted on paved surfaces only (concrete or asphalt).
8. Any structures built over any of the easements on the property will require approval for an encroachment easement from the City Council.
9. Replatting of the property is required.
10. Review the zoning and development ordinance for additional requirements.
11. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

12. Platting of the subject property is required.
13. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from the City of Sherman Engineering Department.
14. The location of trash receptors must be approved by the Public Works Department.
15. Privately owned and maintained detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
16. Verify fire lane requirements with Fire Marshall.

17. Water and Sewer Pro-Rata will be due at the time of development.
18. Internal water and sewer lines will be privately owned and maintained.

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request 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,

A handwritten signature in cursive script, reading "Scott Shadden". The signature is written in black ink and is positioned below the word "Respectfully,".

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

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 8.

Meeting Date: 06/19/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

2607 LOY LAKE ROAD

The request of Trinity Baptist Church (Owners), Department of Family & Protective Services (Tenant), Robert Minshew (Representative), Scales Engineering (Engineer) and Goodwin/Lasiter/Strong (Architect/Surveyor) concerning the property located at 2607 Loy Lake Road, being Lots 2 & 3, Bob Allen Addition, as follows:

Planning and Zoning Commission

- Zone change and site plan approval under Ordinance No. 2280, Section 12, from an R-1 (One Family Residential) District to a C-O (Office) District.
- Site plan approval for Department of Family & Protective Services Office

Background:

The property is located at 2607 Loy Lake Road between Lamberth and U.S. Highway 82. The property is zoned an R-1 (One Family Residential) District. Trinity Baptist Church would like to rezone the property to a C-O (Office) District to sell the property to construct an 18,000 square foot brick office building for the Department of Family & Protective Services. Parking will be provided for 65 spaces.

Adjacent Zoning:

R-1 (One Family Residential) District

R-2 (Multi-Family Residential) District

C-1 (Retail Business) District

Origination:

Trinity Baptist Church (Owners)

Department of Family & Protective Services (Tenant)

Robert Minshew (Representative)

Scales Engineering (Engineer)

Goodwin/Lasiter/Strong (Architect/Surveyor)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

27

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Plat

Site Plan

Building Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.3.

Meeting Date: 07/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6131

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District at 4070 Loy Lake Road, being 10 acres in the T.J. Shannon Survey, Abstract No. 1137 (Southwest Premier Properties, LLC, Owners; and Kyle Boothe, Bluestone Partners, Representative)

Issue:

To consider the request of Southwest Premier Properties, LLC (Owners) and Kyle Boothe, Bluestone Partners (Representative) concerning the property located at 4070 Loy Lake Road, being 10 acres in the T.J. Shannon Survey, Abstract No. 1137, for a zone change from an R-1 (One Family Residential) District to a C-1 (Retail Business) District

Background:

The property is located at 4070 Loy Lake Road between Graham Drive and Kerr Chapel Road; Central Freight is the tenant. The applicant would like to change the zoning on the property to a C-1 (Retail Business) District to match the surrounding properties and the City's Master Plan.

Origination:

Southwest Premier Properties, LLC (Owners)
Kyle Boothe, Bluestone Partners (Representative)

Financial Consideration:

None

Staff Recommendation:

At the June 19, 2018 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6131

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Building Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6131

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AT 4070 LOY LAKE ROAD, BEING 10 ACRES IN THE T.J. SHANNON SURVEY, ABSTRACT NO. 1137 (SOUTHWEST PREMIER PROPERTIES, LLC, OWNERS; AND KYLE BOOTHE, BLUESTONE PARTNERS, REPRESENTATIVE); PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, the following described property shall be in the C-1 (Retail Business) District at 4070 Loy Lake Road, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the County of Grayson, State of Texas, being a part of the T. J. Shannon Survey, Abstract No. 1137, being a part of a 60.430 acre tract of land described in deed from Graham International, Inc. to Jimmie C. Graham, et ux, dated July 26, 1983, recorded in Volume 1654, Page 502, Deed Records, Grayson County, Texas, and being more particularly described as follows, to-wit;

BEGINNING at a ½ inch steel rod on the North line of said Shannon Survey, said rod maintaining the most Northerly Northeast corner of said 60.430 acre tract, the Northwest corner of a 7.0 acre tract of land described in deed from M.H. Norman, et ux to Bob Essin and Don T. Wallace, dated May 19, 1980, recorded in Volume 1515, Page 461 of said Deed Records;

THENCE South 01 deg. 13 min. 56 sec. West, a distance of 641.96 feet to a ½ inch steel rod at the base of a fence corner post, said rod maintaining an ell corner of said 60.430 acre tract, the Southwest corner of said 7.0 acre tract;

THENCE South 87 deg. 57 min. 14 sec. East with a fence, the South line of said 7 acre tract, a distance of 313.14 feet to a ½ inch steel rod at the intersection of the South line of said 7.0 acre tract with the West right-of-way line of U.S. Highway No. 75;

THENCE South 28 deg. 50 min. 04 sec. West, with the West right-of-way line of said U.S. Highway No. 75, a distance of 156.56 feet to a concrete right-of-way monument;

THENCE South 38 deg. 53 min. 02 sec. West, continuing with the West right-of-way line of said Highway, a distance of 11.85 feet to a ½ inch steel rod;

THENCE North 87 deg. 57 min. 14 sec. West a distance of 732.36 feet to a ½ inch steel rod;

THENCE North 01 deg. 13 min. 56 sec. East, a distance of 790.71 feet to a ½ inch steel rod on the North line of said Shannon Survey, a North line of said 60.430 acre tract;

THENCE South 88 deg. 00 min. 44 sec. East, with the North line of said survey, the North line of said 60.430 acre tract, a distance of 499.00 feet to the **PLACE OF BEGINNING AND CONTAINING 10.000 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 _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

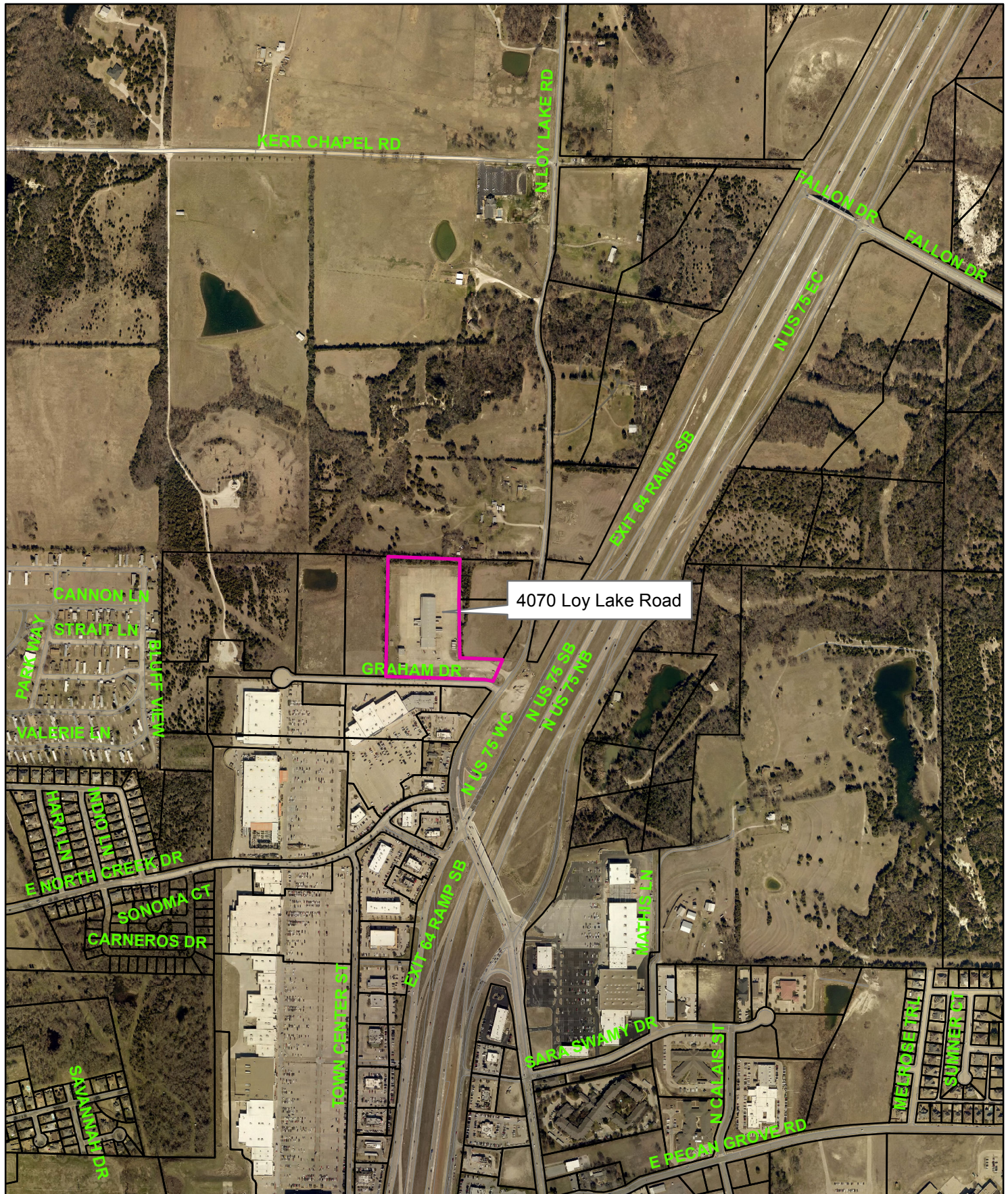
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



4070 Loy Lake Road

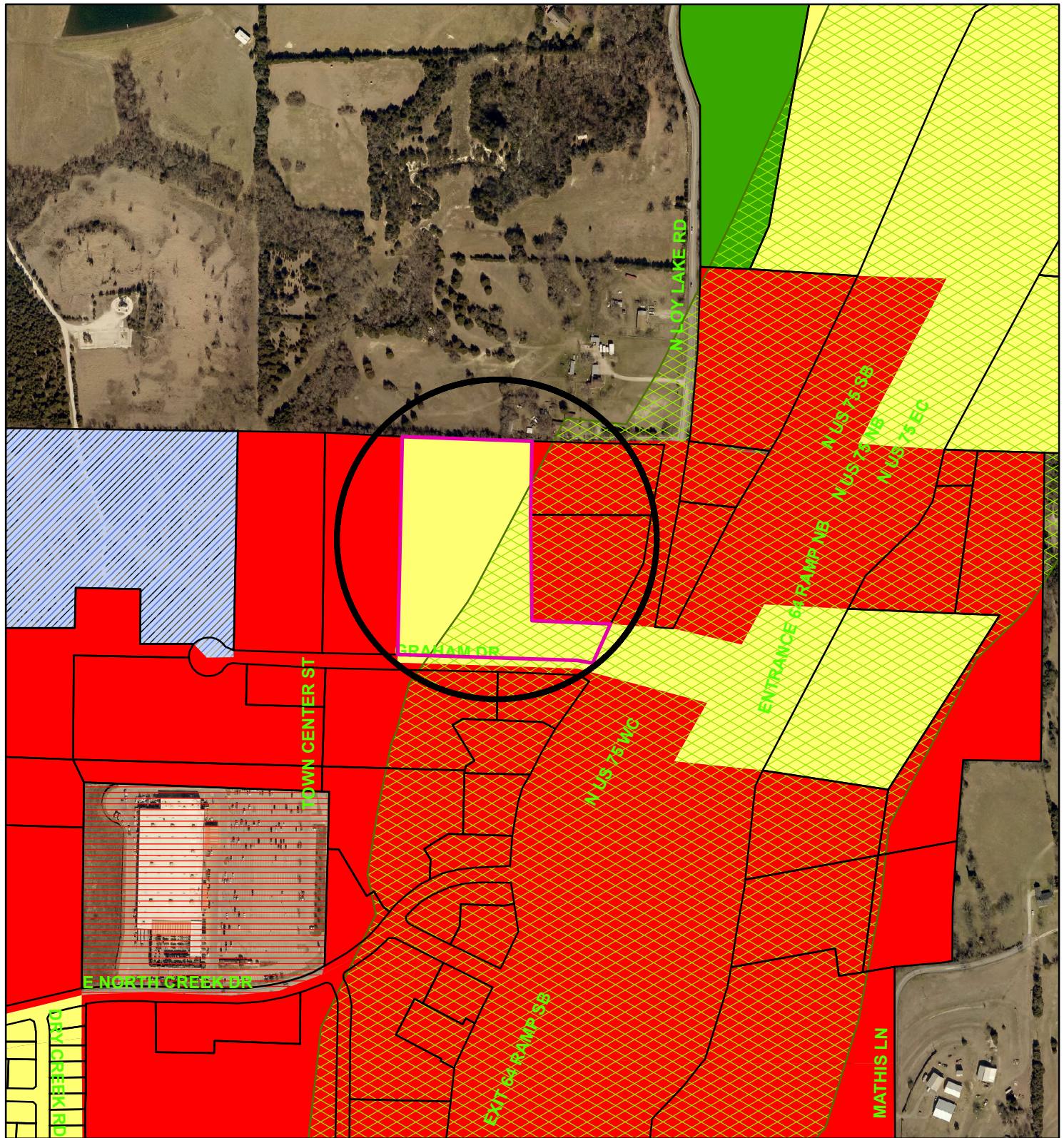


4070 Loy Lake Road



1 in = 861 ft

City of Sherman, Texas
Developmental Services Department



Zoning - 4070 Loy Lake Road

Legend

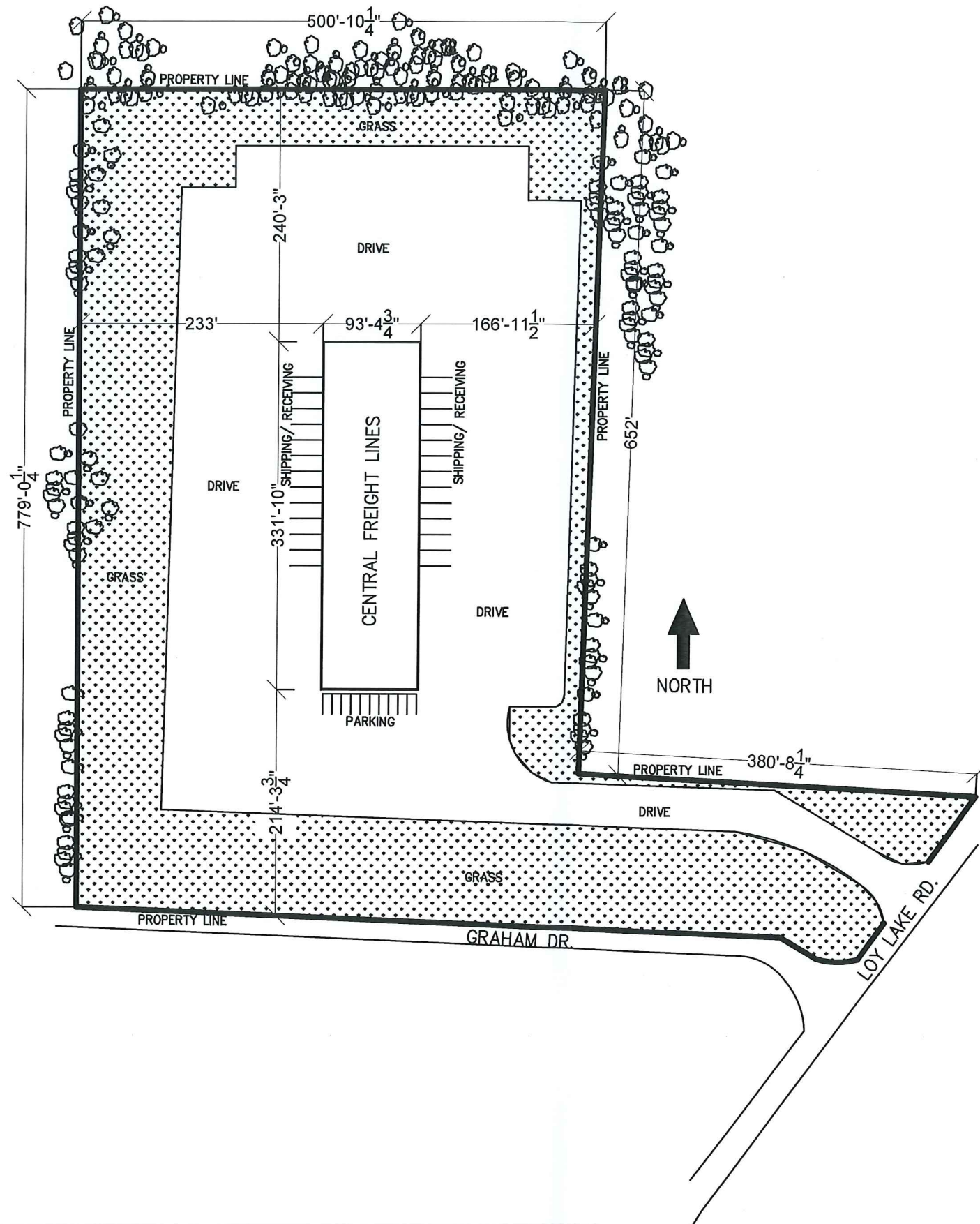
Special Districts Overlay DISTRICT_NAME Arts and Cultural District Blalock Commercial Overlay District Central Business District College Park District Downtown Overlay District Historic Preservation District Transportation Corridor	Representation: ShermGIS.DBO.TransportationCorridor_Rep FM 1417 Sam Rayburn Freeway US Hwy 82 and 75 SH 289 FM 691 Zoning Districts Representation: ShermGIS.DBO.ZoningDistrict_Rep Unknown BIP Blalock Industrial Park C-1 Retail Business District	C-2 General Commercial District CO Office District Lakes M-1 Light Manufacturing District M-1.5 Medium Manufacturing District M-2 Heavy Manufacturing District MH Manufacturing Housing District R-1 One Family Residential District R-2 Multi-Family Residential District R-A Single Family Agricultural District SF-1 Single Family Residential District
--	---	--



1 in = 500 ft

4070 Loy Lake Road





4708 N. FM. 1417, SHERMAN, TEXAS 75092
P: 903.813.1415 F: 903.893.2124 WWW.BLUESTONE.WS

JOB TITLE:
4070 LOY LAKE RD., SHERMAN TEXAS 75092
SITE PLAN

REVISION:

SCALE:
1/128" = 1'-0"

DATE:
5/24/2018

SHEET NO.:
A0.0
SITE

4070 Loy Lake Rd.
Sherman, Texas 75092



West and North Property Lines (Facing NW)



East and South Property Lines (Facing SE)



West and South Property Lines (Facing SW)



Entrance (facing W)



North Property Line



East Property Line



South Property Line



West Side



South Side Bldg.



Facing South



Facing South



Facing West



Facing Southeast

STAFF REVIEW LETTER

June 12, 2018

Southwest Premier Properties, LLC
PO Box 1397
Tolleson, AZ 85353

Kyle Boothe
4708 N. FM 1417 (Heritage Parkway)
Sherman, TX 75092

Dear Applicants,

The request for a zone change and site plan approval from an R-1 (One Family Residential) District to a C-1 (Retail Business) District for the property located at 4070 Loy Lake Road has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 19, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the C-1 (Retail Business) District, the O-1 (75 & 82 Overlay) District, the sign ordinance, the screening ordinance, and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All parking shall be on private property and shall not encroach into Loy Lake Road right-of-way.
4. The exterior façade is required to be masonry unless an exception is approved.
5. Screening shall be provided and maintained abutting any residential districts.
6. Parking is permitted on paved surfaces only (concrete or asphalt).
7. No outside parking or storage of dismantled, junk or inoperable vehicles, wrecks, tires or parts is allowed.
8. Review the zoning and development ordinance for additional requirements.
9. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

10. New drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from the City of Sherman Engineering Department.
11. Detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
12. Verify fire lane requirements with Fire Marshall.
13. Verify parking space requirements with Building & Zoning Department. Typical parking space size is 9'x20.'

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request 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,

A handwritten signature in black ink, reading "Scott Shadden". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

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

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 17.

Meeting Date: 06/19/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

4070 LOY LAKE ROAD

The request of Southwest Premier Properties, LLC (Owners) and Kyle Boothe, Bluestone Partners (Representative) concerning the property located at 4070 Loy Lake Road, being 10 acres in the T.J. Shannon Survey, Abstract No. 1137, as follows:

Planning and Zoning Commission

Zone change and site plan approval under Ordinance No. 2280, Section 12, from an R-1 (One Family Residential) District to a C-1 (Retail Business) District.

Background:

The property is located at 4070 Loy Lake Road between Graham Drive and Kerr Chapel Road; Central Freight is the tenant. The property was annexed into the City in 1967 as an R-1 (One Family Residential) District. The applicant would like to change the zoning on the property to a C-1 (Retail Business) District to match the surrounding properties and the City's Master Plan.

Adjacent Zoning:

C-1 (Retail Business) District

Origination:

Southwest Premier Properties, LLC (Owners)
Kyle Boothe, Bluestone Partners (Representative)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.4.

Meeting Date: 07/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6132

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Patio Homes in an R-1 (One Family Residential) District at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court, being Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-21, Block C, Magnolia Village Addition (CeCi Bates Ventures, LLC, Homes by JLS of Texoma and Magnolia Village, LP, Owners; and Helvey-Wagner Surveying, Inc., Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of CeCi Bates Ventures, LLC, Homes by JLS of Texoma and Magnolia Village, LP (Owners) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court, being Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-21, Block C, Magnolia Village Addition, for a Specific Use Permit to allow patio homes in an R-1 (One Family Residential) District

Background:

The property is located at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court in the Magnolia Village Subdivision off Northcreek Drive. The owners would like to construct patio homes on the lots. A patio home development is intended to provide for areas of detached, zero-lot-line, single-family development in a clustered lot pattern with a common usable open space system that is an integral part of the development.

Origination:

CeCi Bates Ventures, LLC, Homes by JLS of Texoma and Magnolia Village, LP (Owners)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the June 19, 2018 regular meeting, the Planning and Zoning Board voted 6/1 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter. Commission Member Davis voted against the request.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6132

Location Map

Zoning Map

Zoning Sign Photo

Plat

Site Plan

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6132

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW PATIO HOMES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 502 EAST NORTHCREEK DRIVE, 4706-4723 INDIO LANE, 400-516 CARNEROS DRIVE, 4701-4733 DRY CREEK ROAD AND 400-505 SONOMA COURT, BEING LOTS 1-5, BLOCK A, LOTS 1-19, BLOCK B, LOTS 1-21, BLOCK C, MAGNOLIA VILLAGE ADDITION (CECI BATES VENTURES, LLC, HOMES BY JLS OF TEXOMA AND MAGNOLIA VILLAGE, LP, OWNERS; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

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

SECTION 1. That, from and after the passage of this ordinance, CeCi Bates Ventures, LLC, Homes by JLS of Texoma and Magnolia Village LP (Owners) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-21, Block C, Magnolia Village Addition

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

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the patio home ordinance, the screening ordinance, and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Side yard setbacks must be uniform for all homes within a given block.
4. All aspects of the Flood Plain Ordinance must be followed.
5. Parking shall be provided for one space per bedroom; a parking space is considered to be 9'x20.
6. Parking is permitted on paved surfaces only (concrete or asphalt).
7. Violation of the conditions of the SUP will terminate the Specific Use Permit.
8. Review the zoning and development ordinance for additional requirements.
9. 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.

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

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

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

SECTION 6. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY:

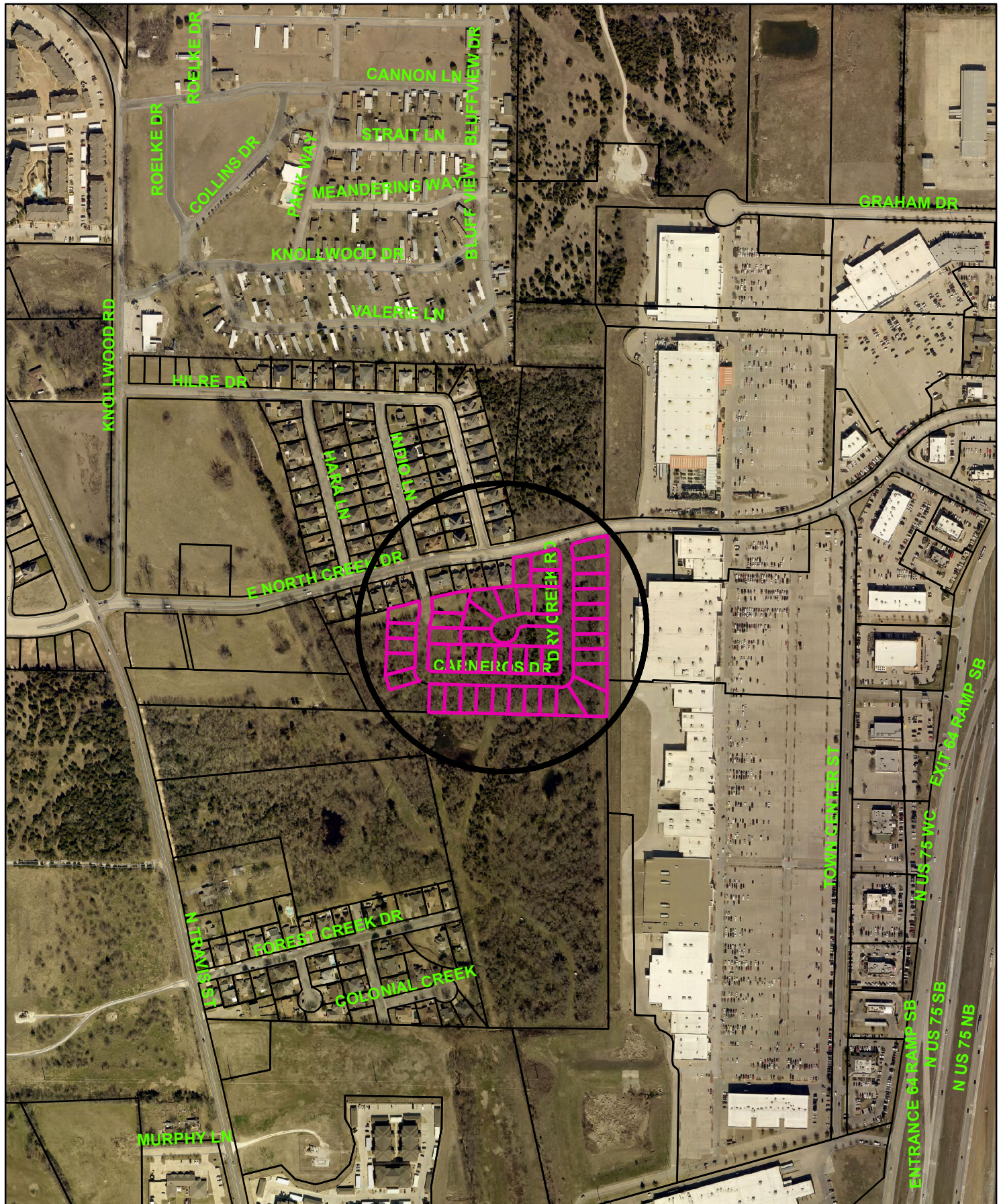
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

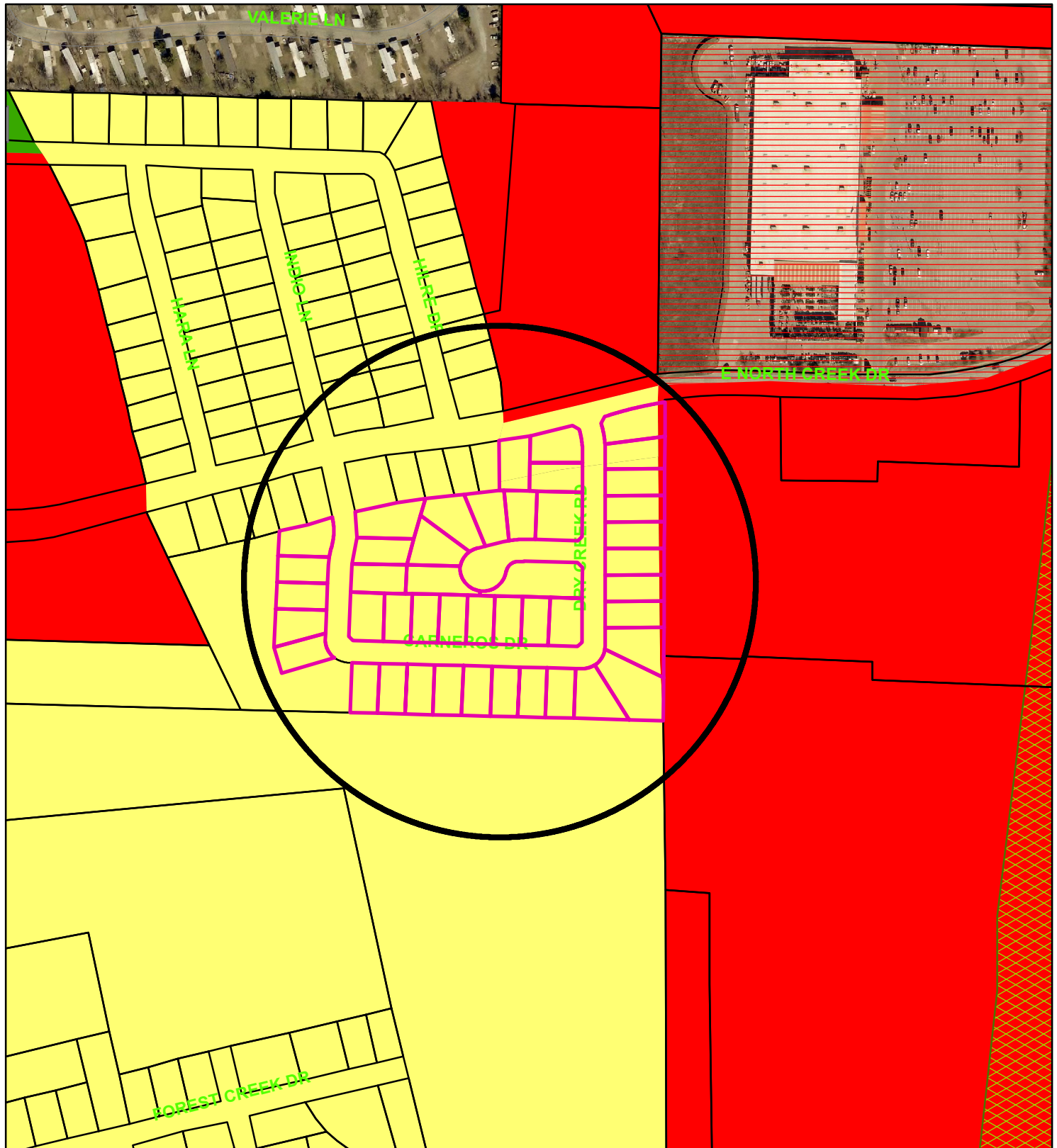
BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



Magnolia Village - SUP - Patio Homes



1 in = 500 ft



Zoning - Magnolia Village SUP - Patio Homes

Legend

Special Districts Overlay

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

Unknown
BIP Bialock Industrial Park
C-1 Retail Business District

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



City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 300 ft

Magnolia Village – SUP – Patio Homes

400-516 Carneros

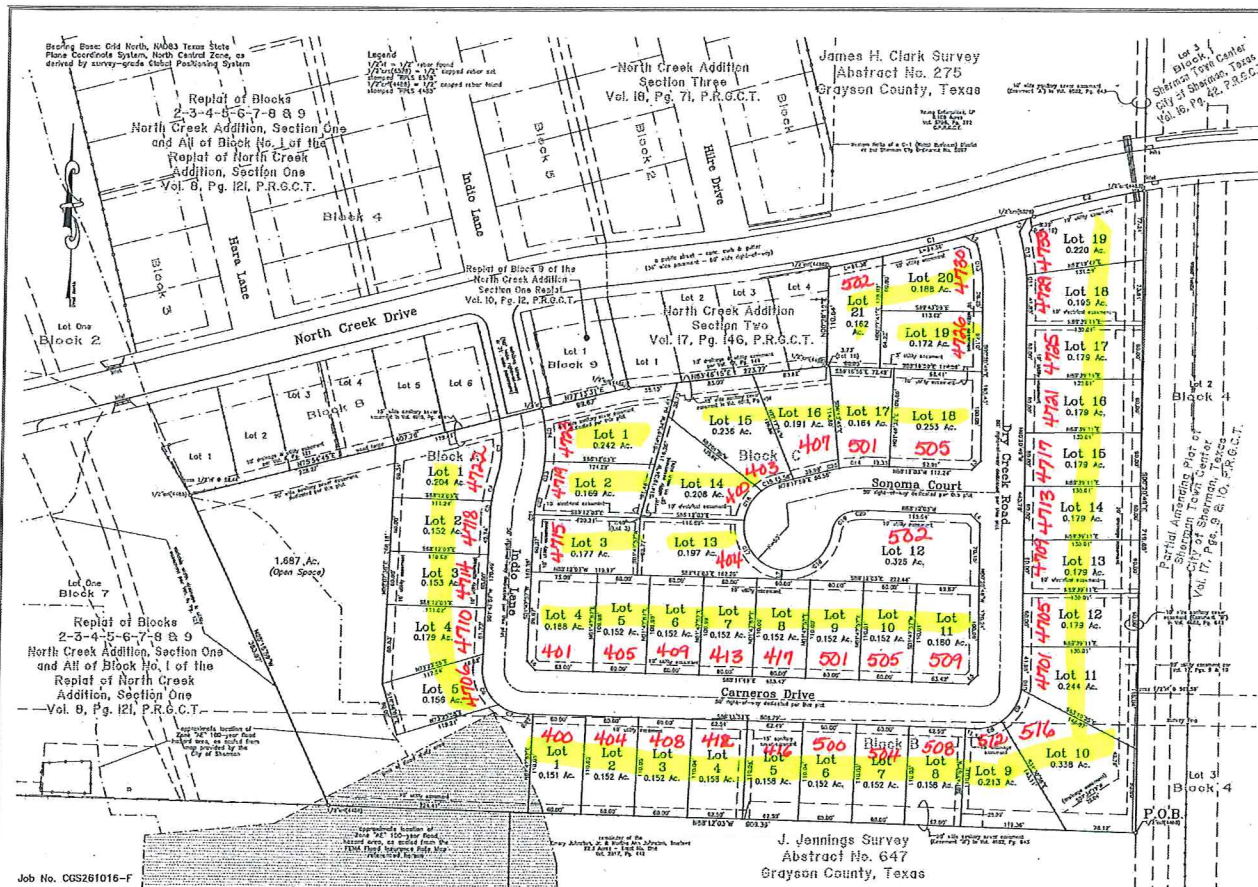


4706-4723 Indio Lane



4701-4733 Dry Creek Road





SITUATION In the County of Grayson, State of Texas, and being a part of the James H. Clark Survey, Abstract No. 275, and being a part of the J. Jennings Survey, Abstract No. 647, and being all of the 12,000 acre tract of land conveyed by Emory, L.P. (aka: Emory, L.P.) and Veto, L.P. to Young Enterprises, L.P., by Special Warranty Deed, dated April 28, 2010 and recorded in Volume 5796, Page 592, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEING all of a 1/2 inch capped rebar found stamped "RPLS 4488" in the West line of Lot 3, Block 4, Sherman Town Center to the City of Sherman, Texas, as per plot of record in Volume 16, Page 43, Plat Records, Grayson County, Texas, at the Northwest corner of the 22.3 cc, tract of land (Tract No. One) conveyed to Emory Enterprises, L.P. and Martha Ann Johnston, Trustees in Volume 2017, Page 442 said Official Public Records, of the Southeast corner of said Young 12,000 cc;

THENCE North 03 deg. 12 min. 03 sec. West, with the North line of said Subdivision 22.3 cc, and the South line of said Young 12,000 cc, a distance of 509.35 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" at the Southeast corner of Lot One, Block 7, Replat of Blocks 2-3-4-5-6-7-8 & 9, North Creek Addition, Section One and All of Block No. 1 of the Replat of North Creek Addition, Section One, Vol. 8, Pg. 121, P.R.G.C.T., as per plot of record in Volume 8, Page 121, said Plat Records, of the Southeast corner of said Young 12,000 cc;

THENCE North 25 deg. 15 min. 59 sec. West, with the East line of said Lot One and an East line of said Young 12,000 cc, a distance of 353.97 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" at the Southwest corner of Lot 1, Block 9, said North Creek Addition Replat, at the most Westerly Northwest corner of said Young 12,000 cc;

THENCE North 75 deg. 34 min. 45 sec. East, with the North line of said Young 12,000 cc, and the South line of said Lot 1, passing a 1/2 inch rebar found at the Southeast corner of said Lot 1 and the Southeast corner of Lot 2 at 58.44 ft. and continuing with the South line of said Lot 2 and Lots 3, 4, 5 and 6, said Block 9, passing the Southeast corner of said Lot 4 and continuing for a total distance of 407.70 ft. to a 1/2 inch rebar found at the Southwest corner of Lot 1, Block 9, Replat of Block 9 of the North Creek Addition Section One Replat to the City of Sherman, Texas, as per plot of record in Volume 10, Page 12, said Plat Records, at an angle point in a North line of said Young 12,000 cc;

THENCE North 77 deg. 13 min. 31 sec. East, continuing with a North line of said Young 12,000 cc, and now with the South line of said Lot 1, Block 9, a distance of 59.67 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" at the Southwest corner of Lot 1, North Creek Addition, Section Two to the City of Sherman, Texas, as per plot of record in Volume 17, Page 148, said Plat Records, at the Southwest corner of said Lot 1, Block 9, of said Replat, at an angle point in a North line of said Young 12,000 cc;

THENCE North 81 deg. 46 min. 15 sec. East, continuing with a North line of said Young 12,000 cc, and now with the South line of said Lot 1, said North Creek Addition, Section Two, passing the Southeast corner of said Lot 1 and the Southwest corner of Lot 2 and continuing with the South line of said Lot 2, passing the Southeast corner of said Lot 2 and the Southwest corner of Lot 3 and continuing with the South line of said Lot 3, passing a 1/2 inch rebar found at the Southwest corner of said Lot 3 and the Southwest corner of Lot 4 at 161.60 ft. and continuing with the South line of said Lot 4 for a total distance of 223.77 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" at the Southwest corner of said Lot 4, at an angle point in a North line of said Young 12,000 cc;

THENCE North 00 deg. 29 min. 12 sec. East, with the East line of said Lot 4, a distance of 110.64 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" in the South line of North Creek Drive, a public street, at the Northwest corner of said Lot 4, at the most Northerly Northwest corner of said Young 12,000 cc;

THENCE East, with the South line of said North Creek Drive and a North line of said Young 12,000 cc, and with a non-bore curve to the left having a radius of 2,148.50 ft. and a central angle of 56 deg. 19 min. 10 sec. (chord bears North 75 deg. 49 min. 44 sec. East, 218.63 ft.), an arc distance of 216.97 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" at the end of said curve, at the beginning of another curve;

THENCE East, continuing with the South line of said North Creek Drive and a North line of said Young 12,000 cc, and with a reverse curve to the right having a radius of 970.00 ft. and a central angle of 57 deg. 27 min. 52 sec. (chord bears North 75 deg. 24 min. 05 sec. East, 126.28 ft.), an arc distance of 128.37 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" at the Northwest corner of Lot 2, Block 4, Partial Amending Plat of Sherman Town Center to the City of Sherman, Texas, as per plot of record in Volume 17, Pages 9 & 10, said Plat Records, of the Northwest corner of said Young 12,000 cc;

THENCE South 00 deg. 20 min. 49 sec. East, with the West line of said Lot 2, Block 4, said Amending Plat, and the East line of said Young 12,000 cc, passing a 1/2 inch rebar found at the Southwest corner of said Lot 2, and the Northwest corner of said Lot 3, Block 4, said Sherman Town Center of 562.59 ft. and continuing with the West line of said Lot 3 for a total distance of 719.69 ft. to the PLACE OF BEGINNING and containing 12,000 ACRES of land.

Job No. CS261016-F

Magnolia Village, LP
Owner/Developer
5144N FM 1017
Sherman, Texas 75092
Phone: 903-892-1508

General Notes:

1. Refer Survey to be provided by City of Sherman.
2. Draw notes to be provided by City of Sherman.
3. Electrical service is provided by Greer Electric Delivery Company.
4. A portion of the property shown on the plot herein lies within a Zone 2C 100-Year Flood Hazard Area. The location of the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. HRC00019, is dated September 23, 2008.
5. Proposed land use of lots are restricted.

Mohr-Wagner Surveying, Inc.
212 W. Main St., Sherman, Texas 75002
Ph: (903) 433-4191 Fax: (903) 463-4503
Email: haysurvey@earthlink.net
Texas Board of Professional Land Surveyors
Registration No. 10068109

FILED FOR RECORD
October 23, 2017
Deanna M. 2017-3248
Grayson County, Texas

21814

Magnolia Village
to the
City of Sherman, Texas
12,000 Acres
In the
James H. Clark Survey
Abstract No. 275
& the **J. Jennings Survey**
Abstract No. 647

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown herein under my personal and direct supervision, and that the same measurement meets the standards set according to the Subdivision Regulations of the City of Sherman, Texas.

Kate A. Wagner 10/10/17
Kate A. Wagner, R. P. L. S. No. 8578

I, Authorized Representative for Magnolia Village, LP, owner of Magnolia Village, to the City of Sherman, Texas, do hereby dedicate the street and easements shown herein to the public use forever.

Todd E. Wang 10/10/17
Authorized Representative of Magnolia Village, LP

Before me, the undersigned, a notary public in and for said County and State, on this day personally appeared Authorized Representative for Magnolia Village, LP, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 18th day of October, 2017.

Notary Public
Notary Public, Grayson County, Texas

AMERICAN
Notary Public, State of Texas
Commission Expires 08/01/2024
Survey ID: 15457254

City of Sherman

This, the final plat of Magnolia Village to the City of Sherman, Texas is hereby approved this 18th day of October, 2017, by the Mayor and City Council of the City of Sherman, Texas.

Mayor *City Clerk*

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS, 10/18/2017
MAYOR, CITY OF SHERMAN, TEXAS

DATE

The undersigned, the City Clerk of the City of Sherman, Texas, do hereby certify that the foregoing final plat of Magnolia Village to the City of Sherman, Texas, was submitted to the City Council of Sherman, Texas, on the 18th day of October, 2017, and that the City Council, by formal action, then and there accepted the dedication of all easements, and other public areas, as shown and set forth in and upon said plat; and said City Council further authorized the Mayor to make the acceptance thereof by signing his name to this certificate.

18th day of October, 2017, BY
City Clerk
CITY CLERK OF SHERMAN, TEXAS

E-7-307

Bearing Base: Grid North, NAD83 Texas State
Plane Coordinate System, North Central Zone, as
derived by survey-grade Global Positioning System

Legend
1/2" r/f = 1/2" rebar found
1/2" crf(6578) = 1/2" capped rebar set
stamped "RPLS 6578"
1/2" crf(4488) = 1/2" capped rebar found
stamped "RPLS 4488"

North Creek Addition
Section Three
Vol. 18, Pg. 71, P.R.G.C.T.

James H. Clark Survey
Abstract No. 273
Grayson County, Texas

Young Enterprises, LP
6166 Acres
Vol. 5786, Pg. 592
O.P.R.C.T.

Western limits of a C-1 (Retail Business) District
as per Sherman City Ordinance No. 5097

10' wide sanitary sewer easement
(Easement "A") in Vol. 4682, Pg. 643

Lot 3
Block 1
Sherman Town Center
City of Sherman, Texas
Vol. 16, Pg. 42, P.R.G.C.T.

Replat of Blocks
2-3-4-5-6-7-8 & 9
North Creek Addition, Section One
and All of Block No. 1 of the
Replat of North Creek
Addition, Section One
Vol. 8, Pg. 121, P.R.G.C.T.

Indio Lane

Hire Drive

North Creek Drive

Replat of Block 9 of the
North Creek Addition
Section One Repat.
Vol. 10, Pg. 12, P.R.G.C.T.

North Creek Addition
Section Two
Vol. 17, Pg. 146, P.R.G.C.T.

5' Min Side Setback

5' Min Side Setback

5' Min Side Setback

5' Min Side Setback

5' Side Yard Setback

5' Side Yard Setback

Replat of Lot One, Block 6 &
Lot One, Block 7 of the
Replat of Blocks
2-3-4-5-6-7-8 & 9
North Creek Addition, Section One
and All of Block No. 1 of the
Replat of North Creek
Addition, Section One
Vol. 24, Pg. 30, P.R.G.C.T.

1.687 Ac.
(Open Space)

5' Min Side Setback

5' Min Side Setback

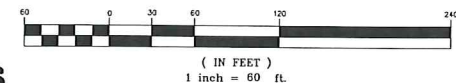
J. Jennings Survey
Abstract No. 647
Grayson County, Texas

approximate location of
Zone "AE" 100-year flood
hazard area, as scaled from
FEMA Flood Insurance Rate Map
referenced herein

remainder of the
Emery Johnson, Jr. & Martha Ann Johnson, Trustees
22.3 Acres - Tract No. One
Vol. 2817, Pg. 442

Amended Plat of Magnolia Village to the City of Sherman, Texas

GRAPHIC SCALE



Job No. CGS261016-F

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph: (903) 463-6191 Fax: (903) 463-4088
Email: helveysurvey@comcast.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100

Note: The purpose of this amended
plat is to correct a scrivener's
error and update the vesting deed
for subject property and West
adjainer plat filing information.

STAFF REVIEW LETTER

June 12, 2018

CeCi Bates Ventures, LLC
Tom CeCi
PO Box 2163
Pottsboro, TX 75076

Magnolia Village, LP
5414 N. FM 1417 (Heritage Parkway)
Sherman, TX 75092

Homes by JLS of Texoma
5022 S. S.H. 91
Denison, TX 75020

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow patio homes in an R-1 (One Family Residential) District for the property located at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 19, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the patio home ordinance, the screening ordinance, and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Side yard setbacks must be uniform for all homes within a given block.
4. All aspects of the Flood Plain Ordinance must be followed.
5. Parking shall be provided for one space per bedroom; a parking space is considered to be 9'x20.
6. Parking is permitted on paved surfaces only (concrete or asphalt).
7. Violation of the conditions of the SUP will terminate the Specific Use Permit.
8. Review the zoning and development ordinance for additional requirements.
9. 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 & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request 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,

A handwritten signature in black ink, reading "Scott Shadden". The signature is fluid and cursive, with the first name "Scott" and last name "Shadden" clearly legible.

Scott Shadden

Secretary, Planning and Zoning Board and Board of Adjustment

CC:

Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 10.

Meeting Date: 06/19/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

**502 E. NORTHCREEK DRIVE, 4706-4723 INDIO LANE, 400-516 CARNEROS DRIVE,
4701-4733 DRY CREEK ROAD AND 400-505 SONOMA COURT**

The request of CeCi Bates Ventures, LLC, Homes by JLS of Texoma and Magnolia Village LP (Owners) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court, being Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-21, Block C, Magnolia Village Addition, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow patio homes in an R-1 (One Family Residential) District.

Background:

The property is located at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court in the Magnolia Village Subdivision off Northcreek Drive. The owners would like to construct patio homes on the lots. A patio home development is intended to provide for areas of detached, zero-lot-line, single-family development in a clustered lot pattern with a common usable open space system that is an integral part of the development.

Adjacent Zoning:

R-1 (One Family Residential) District

C-1 (Retail Business) District

Origination:

CeCi Bates Ventures, LLC, Homes by JLS of Texoma and Magnolia Village LP (Owners)
Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.
and

Natural – Natural areas are wooded or vegetated lands which are essentially untouched by development and still retain significant resources.

Number of notices mailed:

23

Objections Received:

1

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Plat

Site Plan

Letter from Earl McKinney

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.5.

Meeting Date: 07/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6133

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Patio Homes in an R-1 (One Family Residential) District in the 2300 block of Peggey's Cove, 3300-3500 blocks of Hanan Street and 2300-2400 blocks of Southridge Lane, being Lots 19-39, Block E and Lots 38-42, Block G, Pebblebrook South, Phase III (Zakiah US LLC and Wyldewood Homes, LLC, Owners); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of Zakiah US LLC and Wyldewood Homes, LLC (Owners) concerning the property located in the 2300 block of Peggey's Cove, 3300-3500 blocks of Hanan Street and 2300-2400 blocks of Southridge Lane, being Lots 19-39, Block E and Lots 38-42, Block G, Pebblebrook South, Phase III, for a Specific Use Permit to allow patio homes in an R-1 (One Family Residential) District

Background:

The property is located in the 2300 block of Peggey's Cove, 3300-3500 blocks of Hanan Street and 2300-2400 blocks of Southridge Lane in the Pebblebrook Subdivision. The owners would like to construct patio homes on the lots. A patio home development is intended to provide for areas of detached, zero-lot-line, single-family development in a clustered lot pattern with a common usable open space system that is an integral part of the development.

Origination:

Zakiah US LLC and Wyldewood Homes, LLC (Owners)

Financial Consideration:

None

Staff Recommendation:

At the June 19, 2018 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6133

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Setback Exhibit

Staff Review Letter

P&Z Communication

Letter from Timothy & Teresa Monson

ORDINANCE NO. 6133

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW PATIO HOMES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT IN THE 2300 BLOCK OF PEGGEY'S COVE, 3300-3500 BLOCKS OF HANAN STREET AND 2300-2400 BLOCKS OF SOUTHRIDGE LANE, BEING LOTS 19-39, BLOCK E AND LOTS 38-42, BLOCK G, PEBBLEBROOK SOUTH, PHASE III (ZAKIAH US LLC AND WYLDEWOOD HOMES, LLC, OWNERS); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

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

SECTION 1. That, from and after the passage of this ordinance, Zakiah US LLC and Wyldewood Homes, LLC (Owners) concerning the property located in the 2300 Block of Peggey's Cove, 3300-3500 Blocks of Hanan Street and 2300-2400 Blocks of Southridge Lane and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lots 19-39, Block E and Lots 38-42, Block G, Pebblebrook South, Phase III

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

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the patio home ordinance, the screening ordinance, and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Side yard setbacks must be uniform for all homes within a given block.
4. Parking shall be provided for one space per bedroom; a parking space is considered to be 9'x20.
5. Parking is permitted on paved surfaces only (concrete or asphalt).
6. Violation of the conditions of the SUP will terminate the Specific Use Permit.
7. Review the zoning and development ordinance for additional requirements.
8. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

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

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

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

SECTION 6. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY:

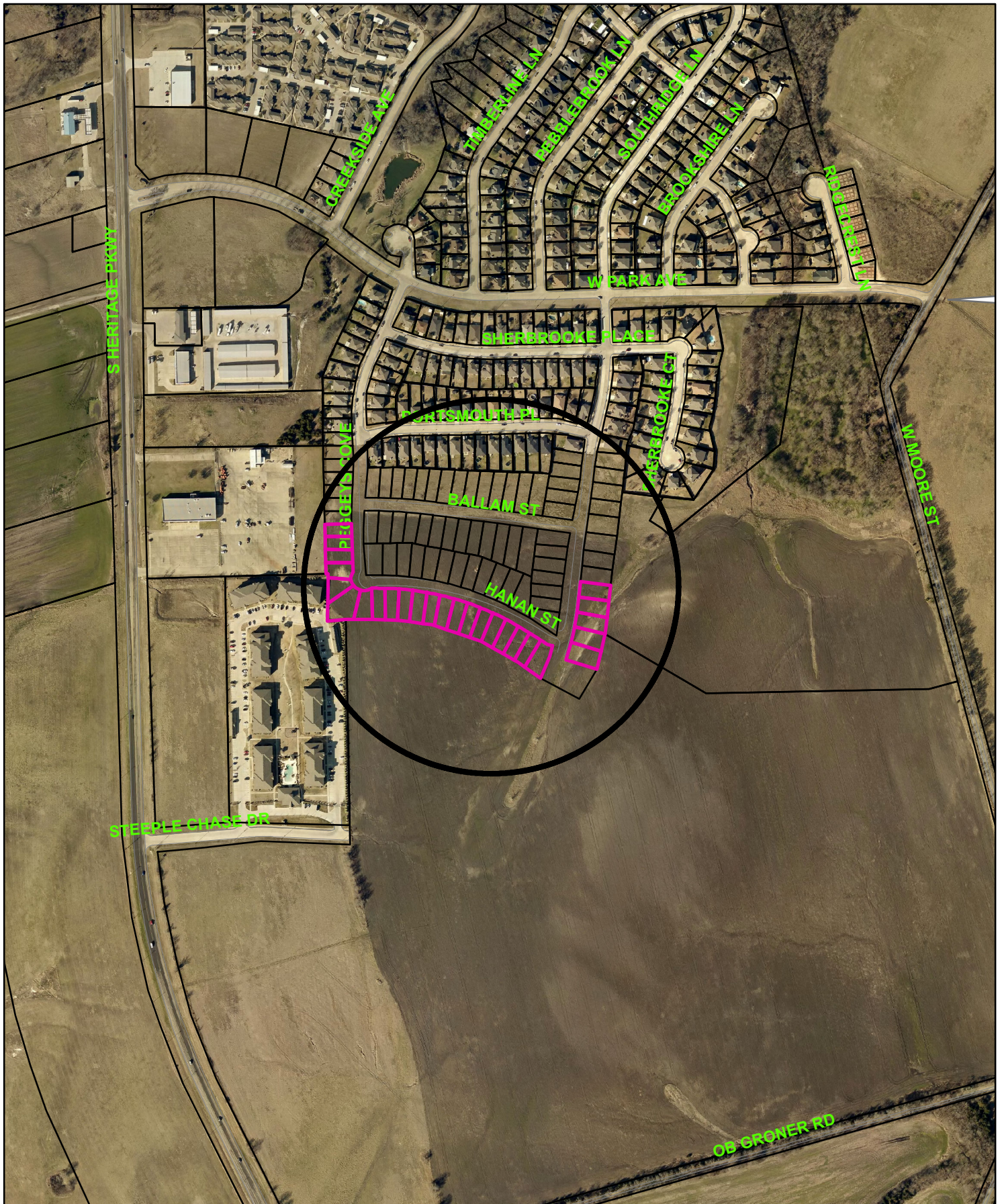
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



Sherman
CLASSIC TOWN. BROAD HORIZON.

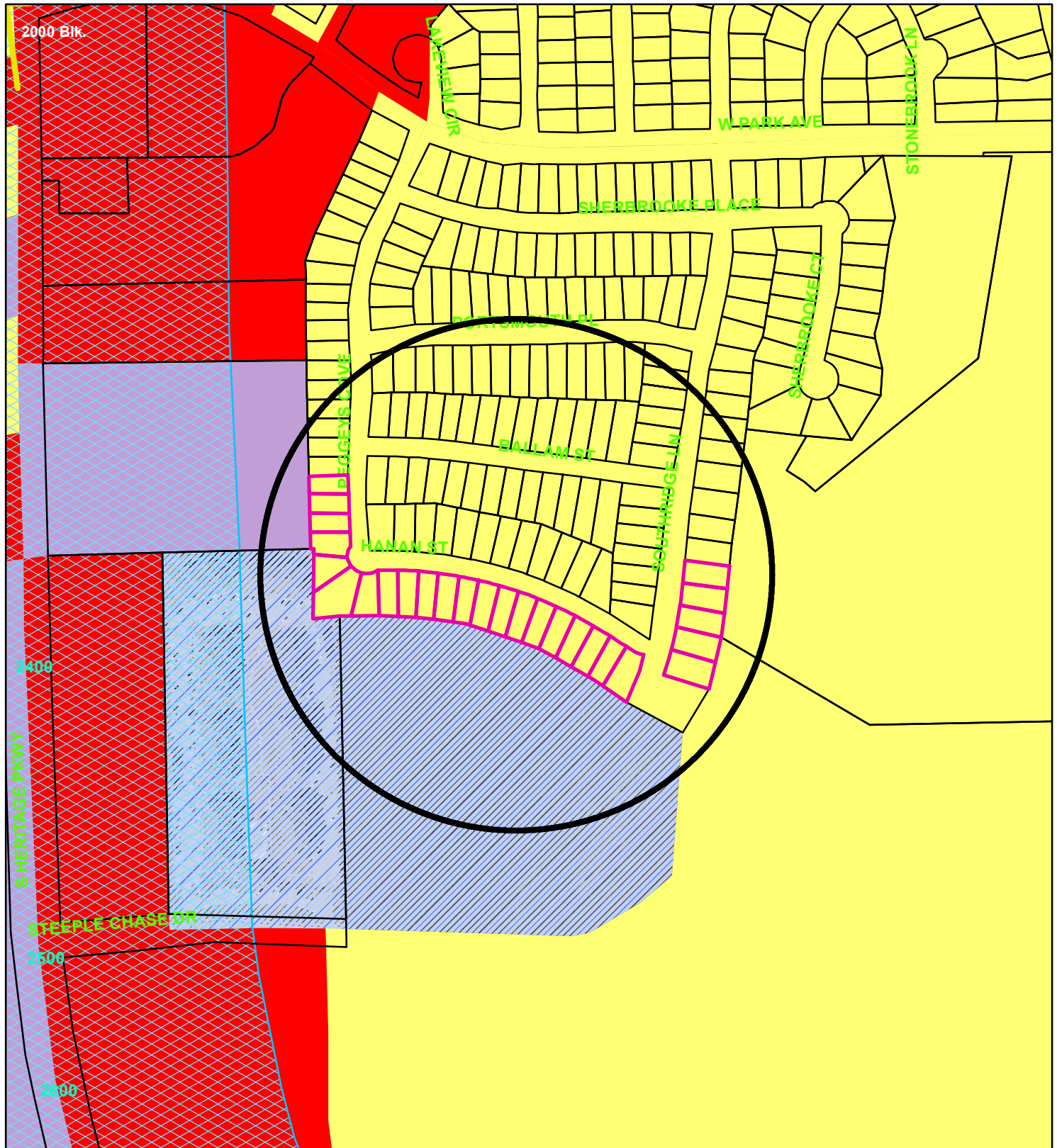
City of Sherman, Texas
Developmental Services Department

**2300 Blk. Peggy's Cove,
3300-3500 Blks. Hanan St.
& 2300-2400 Blks. Southridge Ln.
SUP - Patio Homes**



NOT TO SCALE

1 in = 500 ft



Zoning - 2300 Blk. Peggy's Cove, 3300-3500 Blks. Hanan St., & 2300-2400 Blks. Southridge Ln. SUP - Patio Homes



City of Sherman, Texas
Developmental Services Department

Special Districts Overlay

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

Unknown
BIP - Blalock Industrial Park
C-1 - Retail Business District

Legend

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



NOT TO SCALE

1 in = 359 ft

2300 Block Peggey's Cove



3300-3500 Blocks Hanan Street

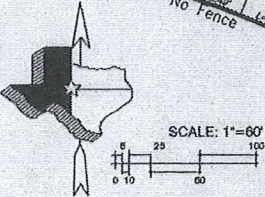


2300-2400 Block Southridge Lane





Walter H. Deronde et ux,
Mary T. Deronde
16 Oct. 2006 (155.036 Ac.)
Vol. 4134 Pg. 565 D.R.



OWNER:
Yousef B. Al-Ballam
Zakiah US, LLC
12034 Midway Road, Suite 2103
Dallas, TX 75244

DEVELOPER:
Zakiah US, LLC
GEES, Inc.
Project Manager: Greg Edwards
1621 Amanda Court
Ponder, TX 76259

ENGINEER:
Greg Edwards
Greg Edwards Engineering, Inc.
1621 Amanda Court
Ponder, TX 76259

LEGEND

BL = Building Line
CL = Chain Link
DE = Drainage Easement
FOP = Fence Corner Post
FIR = Found 1/2" Rebar
FST = Fd 1/2" Sq. Tubing
SP = Set 1/2" Sq. Tubing
UE = Utility Easement
-X- = Fence Line

• • Basis of Bearing • •
South line, Block 'C'
Pebblebrook South Phase I
Vol. 15 Pg. 38 P.R.

THE PURPOSE OF THIS AMENDING FINAL
PLAT IS TO CORRECT SCRIVENER ERRORS.

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	241.12'	1213.92'	11°22'50"	S 13°15'26" W	240.72'
C2	532.53'	955.97'	31°55'01"	N 74°32'55" W	525.67'
C3	31.52'	150.00'	12°02'19"	S 63°47'59" E	31.46'

COX LAND SURVEYING CO.

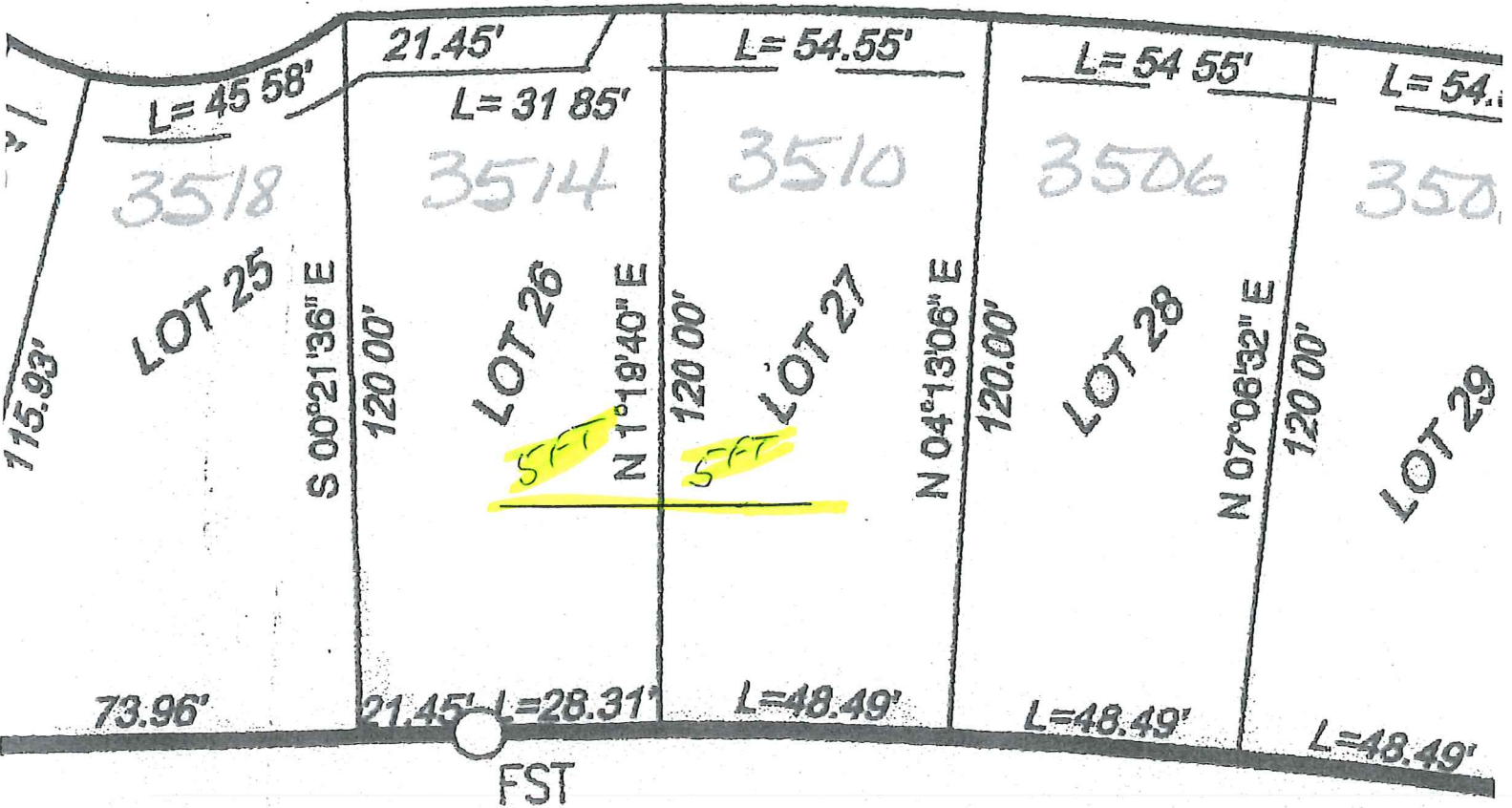
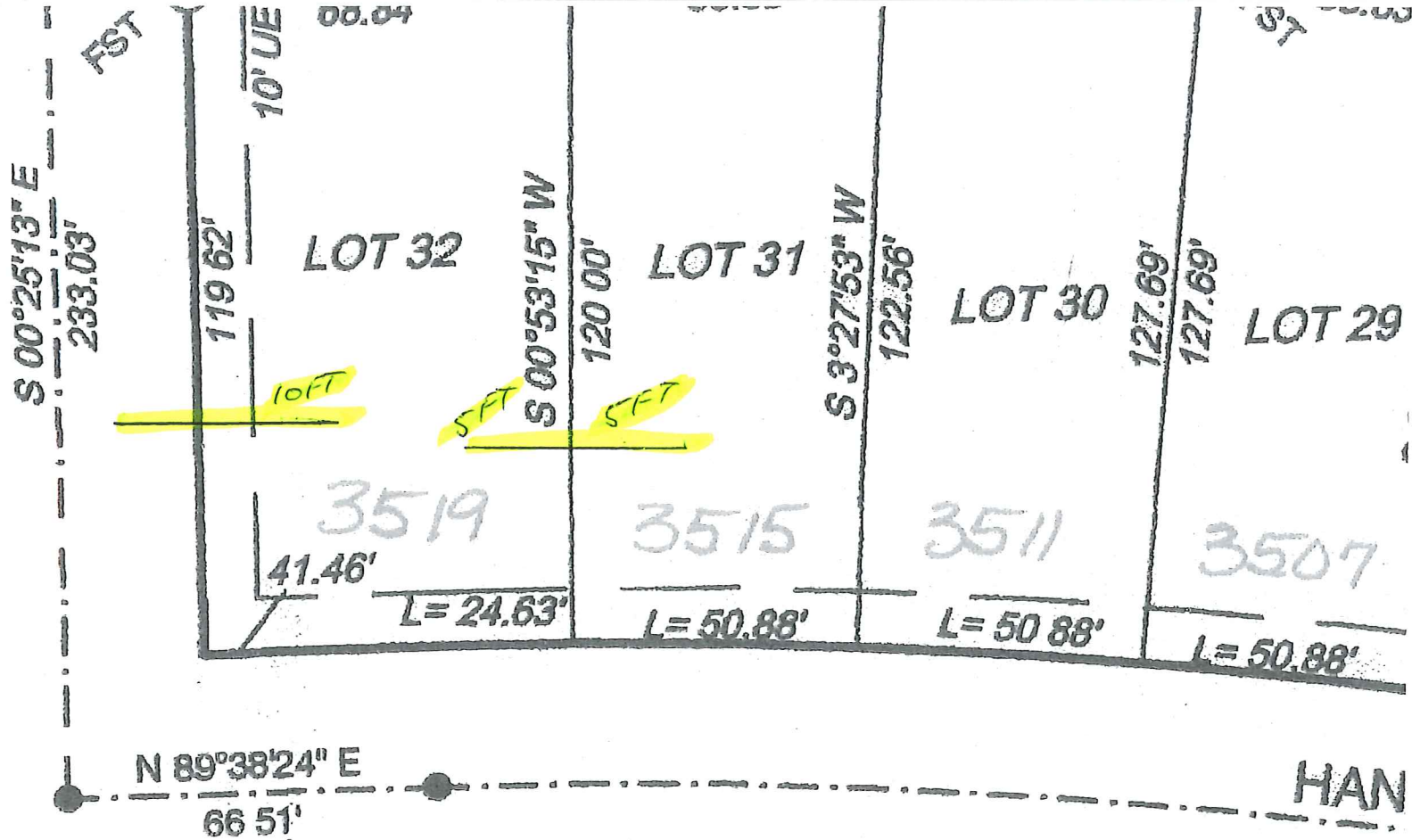
P.O. BOX 567 108 N. MAIN ST. COLLINSVILLE, TEXAS 76233
 COLLINSVILLE 803-428-6125 FAX 803-423-6971 E-mail: CLSC@cox.com
 Georgetown 940-612-LAND Denton 940-381-5070 McKinney 469-952-5070

Amending Final Plat of
Pebblebrook South, Phase III
 8.989 Acres in the
 Elizabeth Jones Survey Abstr. No. 625
 City of Sherman
 County of Grayson
 State of Texas

Drawn by: gka Job No. 13-9951-2
 Check by: DKC PAGE 1 OF 2

Registered Professional
 Land Surveyor
 State of Texas
 No. 457

Date: 03 MAR 2007



STAFF REVIEW LETTER

June 12, 2018

Zakiah US LLC
5055 Addison Circle #717
Addison, TX 75001

Tim Pike
PO Box 911688
Sherman, TX 75091

Wyldeewood Homes, LLC
PO Box 911688
Sherman, TX 75091

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow patio homes in an R-1 (One Family Residential) District for the property located in the 2300 Block of Peggy's Cove, 3300-3500 Blocks of Hanan Street and 2300-2400 Blocks of Southridge Lane has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 19, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the patio home ordinance, the screening ordinance, and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Side yard setbacks must be uniform for all homes within a given block.
4. Parking shall be provided for one space per bedroom; a parking space is considered to be 9'x20.
5. Parking is permitted on paved surfaces only (concrete or asphalt).
6. Violation of the conditions of the SUP will terminate the Specific Use Permit.
7. Review the zoning and development ordinance for additional requirements.
8. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request 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,

A handwritten signature in black ink, reading "Scott Shadden". The signature is fluid and cursive, with the first name "Scott" and last name "Shadden" clearly legible.

Scott Shadden

Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 11.

Meeting Date: 06/19/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

**2300 BLOCK PEGGEY'S COVE, 3300-3500 BLOCKS HANAN STREET, AND 2300-2400
BLOCK OF SOUTHRIDGE LANE**

The request of Zakiah US LLC and Wyldewood Homes, LLC (Owners) concerning the property located in the 2300 Block of Peggy's Cove, 3300-3500 Block of Hanan Street and 2300-2400 Block of Southridge Lane, being Lots 19-39, Block E and Lots 38-42, Block G, Pebblebrook South, Phase III, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow patio homes in an R-1 (One Family Residential) District.

Background:

The property is located in the 2300 Block of Peggy's Cove, 3300-3500 Blocks of Hanan Street and 2300-2400 Blocks of Southridge Lane in the Pebblebrook Subdivision. The owner would like to construct patio homes on the lots. A patio home development is intended to provide for areas of detached, zero-lot-line, single-family development in a clustered lot pattern with a common usable open space system that is an integral part of the development.

Adjacent Zoning:

R-1 (One Family Residential) District

R-2 (Multi-Family Residential) District

M-1 (Light Manufacturing) Sign

Origination:

Zakiah US LLC and Wyldewood Homes, LLC (Owners)

Master Plan Designation:

Suburban Residential – Increased density and closer building setbacks separate Suburban Residential from Countryside and Estate, but more landscaping and open space distinguish Suburban Residential from Urban and Auto-Urban categories. New suburban subdivisions typically have curvilinear streets and sidewalks, as well as curb and gutter.

and

Auto-Urban Multi-Family – Multi-Family residential consists of residential apartment buildings and duplexes, in which the lot carries very similar characteristics as Auto-Urban Single-Family. The parking requirements mandate that the automobile becomes an important feature of the landscape.

Number of notices mailed:

9

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Setback Diagram

Staff Review Letter

3519 Hanan St.

Sherman, TX 75092

903-401-3435

June 11, 2018

Dear Scott Shadden and the Planning and Zoning Board of the city of Sherman,

I am sending this letter in regards to the public hearing being held on June 19th which will review the request of Zakiah US LLC and Wyldewood Homes, LLC concerning the property located in the 2300 block of Peggy's Cove, 3300-3500 block of Hanan St. and 2300-2400 block of Southridge Lane which are requesting the permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow patio homes in an already established R-1 (One Family Residential) District.

I object to the approval of this proposal in an area that already has an established R-1 community present. The construction of patio homes in the Pebblebrook development will create a contrast to the existing construction styles of the area and change the residential density that would normally be attributed to the R-1 theme.

I appreciate your consideration of my letter in the review of permit and site plan approval.

Sincerely,



Timothy Monson



Teresa Monson

RECEIVED

JUN 14 2018



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.6.

Meeting Date: 07/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6134

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Parking Lot in an R-1 (One Family Residential) District at 1111 North Ricketts Street, being Lot 50, Block 1, Birge-Fairview Addition (Sherman Montessori Preschool Inc., Owners; and Allison West, Representative); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of Sherman Montessori Preschool Inc. (Owners) and Allison West (Representative) concerning the property located at 1111 North Ricketts Street, being Lot 50, Block 1, Birge-Fairview Addition, for a Specific Use Permit to allow a parking lot in an R-1 (One Family Residential) District

Background:

The property is located at 1111 North Ricketts Street between Belden and Hunt Streets. The property is zoned an R-1 (One Family Residential) District. Belden Street Montessori School is a small non-profit pre-school; they have been in the community since 1985 at 618 West Belden Street. They own the vacant lot at 1111 North Ricketts Street and would like to use the lot to create a small parking lot for ten cars for parents and staff. The plan is to use recycled asphalt to pave the area. A small parking lot would help alleviate any congestion that the school might cause in the area. Screening will be provided on the north side of the property between the residential property.

Origination:

Sherman Montessori Preschool Inc. (Owners)
Allison West (Representative)

Financial Consideration:

None

Staff Recommendation:

At the June 19, 2018 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and the condition there could be an optional fence on the south adjacent to City-owned property.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6134

Location Map

Zoning Map

Zoning Sign Photo

Narrative

Site Plan

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6134

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A PARKING LOT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1111 NORTH RICKETTS STREET, BEING LOT 50, BLOCK 1, BIRGE-FAIRVIEW ADDITION (SHERMAN MONTESSORI PRESCHOOL INC., OWNERS; AND ALLISON WEST, REPRESENTATIVE); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

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

SECTION 1. That, from and after the passage of this ordinance, Sherman Montessori Preschool Inc. (Owners) and Allison West (Representative) concerning the property located at 1111 North Ricketts Street and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 50, Block 1, Birge-Fairview Addition

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

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the screening ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. The parking lot must be maintained at all times.

3. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
4. A minimum six (6) foot screening is required abutting any residentially zoned property.
5. Violation of the conditions of the SUP will terminate the Specific Use Permit.
6. Review the zoning and development ordinance for additional requirements.
7. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

8. New drive approaches and sidewalks must conform to City standards and a permit is required from the City of Sherman Engineering Department.
9. Parking spaces should be on North side of parking lot. Coordinate with City of Sherman Engineering Department for better traffic flow.
10. Drive approach should be a minimum of 2 feet off of the South property line.
11. Verify fire lane requirements with Fire Marshall.
12. Parking will be permitted on improved surfaces only.
13. Verify parking space requirements with Building & Zoning Department. Typical parking space size is 9'x20.'

Planning & Zoning Commission:

14. The fence on the south property line adjacent to City owned property may be optional.

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

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

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

SECTION 6. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

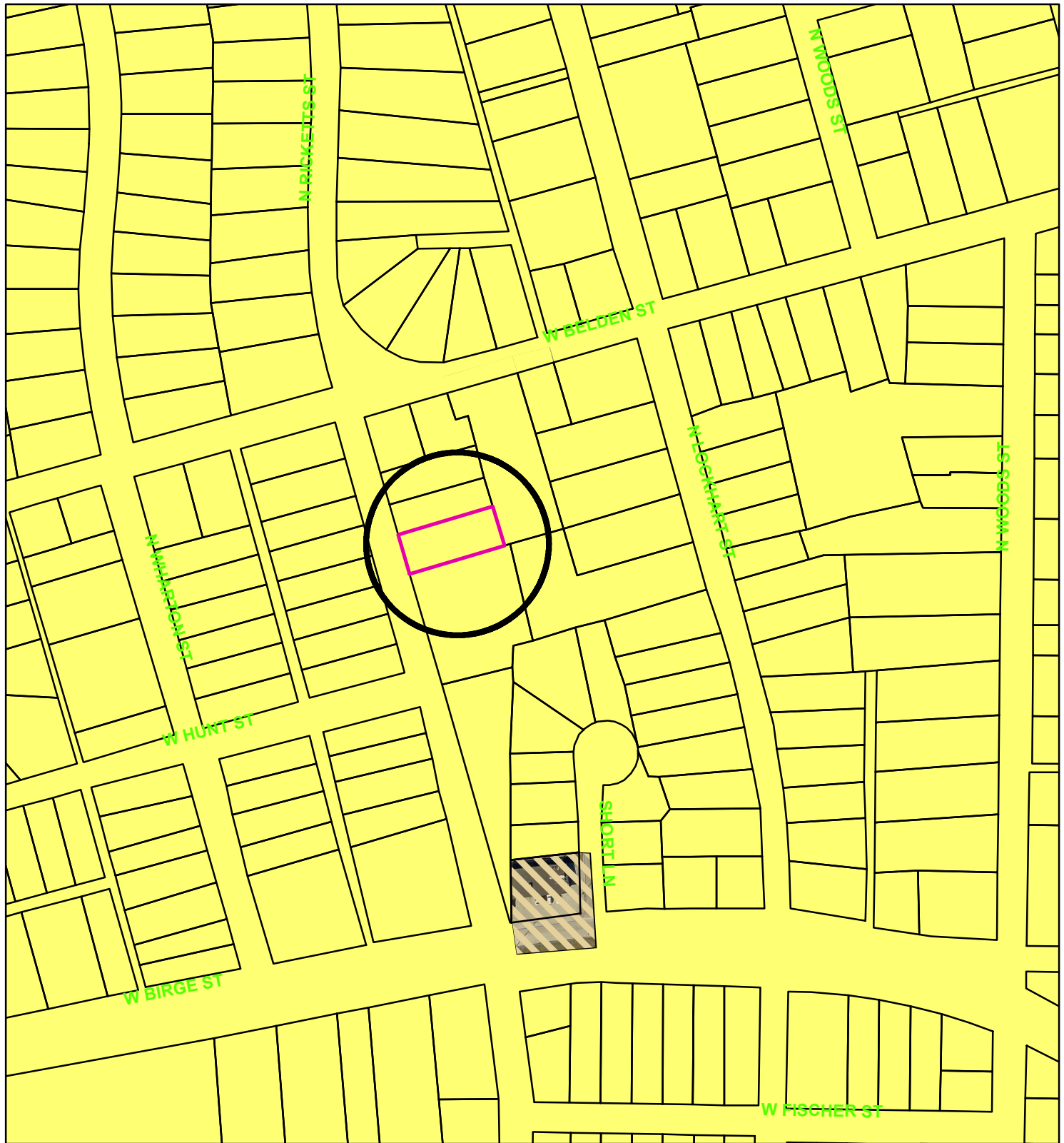


1111 N. Ricketts



1 in = 224 ft

City of Sherman, Texas
Developmental Services Department



Zoning - 1111 N. Ricketts

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- BIP - Blalock Industrial Park
- C-1 Retail Business District

Representation: ShermGIS.DBO.ZoningDistrict_Rep

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



City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 224 ft

1111 North Ricketts Street



Belden Street Montessori School Parking

Belden Street Montessori School is a small non-profit pre-school in Sherman. We have been in this community since 1985. With more mothers entering the workforce over the past 20 years, the school hours have changed to meet the communities need. In 2008, the school expanded the toddler program to meet further need and in 2014, the school created an infant program to meet even further need. We have no plans of an expansion in the near future.

As the programs expanded, so did staff numbers. We are lucky to have staff members who live in the neighborhood and can walk to work. Our cars are stacked in the driveway. We would like our parents to feel free to come observe their children, but there is no available parking. Occasionally, parents will park on the street and get their children out of the car to bring them in. It would be much safer for the children to get out of the car on our property. Parking for staff members is becoming more and more difficult.

Our goal is to use our lot on Ricketts to create a small (10 parking spot) lot. We would leave as much green and greenery as possible. Our plan is to use recycled asphalt to pave the area. The area will need to be rocked and it will need to sit for several days to settle, before they can put down the asphalt.

A small parking lot would alleviate any congestion that our school might cause in the area.

One of the Sherman Fire inspectors visited our campus and concluded that we would not need a fire lane. Our back building is under 150 feet from Belden Street.

We would build a 6ft privacy fence on the North side of the property, between our property and the residence.

The lot is currently zoned as residential (R1.) We are asking for a specific use permit.

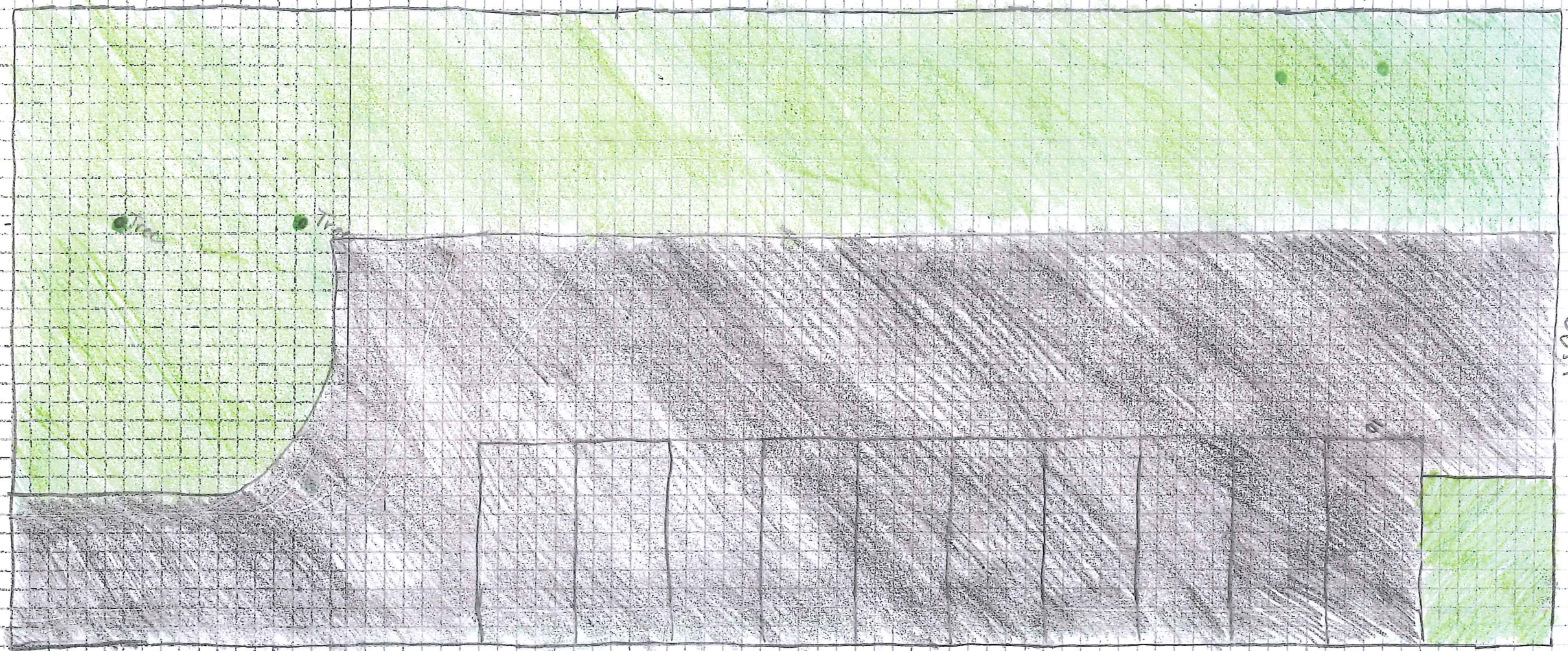
D = 2 ft

Belden Street Montessori School Parking Lot

68ft

164ft

N Ricketts



1A

15

STAFF REVIEW LETTER

June 12, 2018

Belden Street Montessori, LLC
618 W. Belden St.
Sherman, TX 75092

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow a parking lot in R-1 (One Family Residential) District for the property located at 1111 North Ricketts Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 19, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the screening ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. The parking lot must be maintained at all times.
3. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
4. A minimum six (6) foot screening is required abutting any residentially zoned property.
5. Violation of the conditions of the SUP will terminate the Specific Use Permit.
6. Review the zoning and development ordinance for additional requirements.
7. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

8. New drive approaches and sidewalks must conform to City standards and a permit is required from the City of Sherman Engineering Department.
9. Parking spaces should be on North side of parking lot. Coordinate with City of Sherman Engineering Department for better traffic flow.
10. Drive approach should be a minimum of 2 feet off of the South property line.
11. Verify fire lane requirements with Fire Marshall.
12. Parking will be permitted on improved surfaces only.
13. Verify parking space requirements with Building & Zoning Department. Typical parking space size is 9'x20.'

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request 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:

Robby Hefton, City Manager

Mark Gibson, Director of Utilities

Clint Philpott, P.E., Director of Engineering

Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal

Brandon Shelby, City Attorney

Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 14.

Meeting Date: 06/19/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

1111 N. RICKETTS STREET

The request of Sherman Montessori Preschool Inc. (Owners) and Allison West (Representative) concerning the property located at 1111 North Ricketts Street, being Lot 50, Block 1, Birge-Fairview Addition, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a parking lot in R-1 (One Family Residential) District.

Background:

The property is located at 1111 North Ricketts Street between Belden and Hunt Streets. The property is zoned an R-1 (One Family Residential) District. Belden Street Montessori School is a small non-profit pre-school; they have been in the community since 1985 located at 618 West Belden Street. They own the vacant lot at 1111 North Ricketts Street which adjoins their property and would like to use the lot to create a recycled asphalt parking lot for ten cars for parents and staff to help alleviate any congestion that the school might cause in the area. Screening will be provided on the north side of the property between the residential property.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Sherman Montessori Preschool Inc. (Owners)
Allison West (Representative)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

17

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Narrative

Site Plan

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.7.

Meeting Date: 07/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6135

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Micro-Blading, Permanent Make-Up (Tattoo Studio) in a C-1 (Retail Business) District/O-1.1 (FM 1417 Overlay) District at 2121 North F.M. 1417 (Heritage Parkway), Suite O, being part of Block 4, Western Hills Addition, Section 5 (Owen Central, LLC, Owners; Amanda's Nails, Tenant; and Katie Campbell, Applicant); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of Owen Central, LLC (Owners), Amanda's Nails (Tenant) and Katie Campbell (Applicant) concerning the property located at 2121 North F.M. 1417 (Heritage Parkway), Suite O, being part of Block 4, Western Hills Addition, Section 5, for a Specific Use Permit to allow micro-blading, permanent make-up (Tattoo Studio) in a C-1 (Retail Business) District/O-1.1 (FM 1417 Overlay) District

Background:

The property is located at 2121 North F.M. 1417 (Heritage Parkway), Suite O; the southeast corner of F.M. 1417 (Heritage Parkway) and West Lamberth Road. The applicant is requesting a Specific Use Permit to allow micro-blading and permanent make-up at this location. Micro-blading is a semi-permanent tattoo; a small blade made from micro-needles is used to create hair like strokes, giving a very natural look. The blade is dipped into pigment to deposit color into the skin.

Origination:

Owen Central, LLC (Owners)

Amanda's Nails (Tenant)

Katie Campbell (Applicant)

Financial Consideration:

None

Staff Recommendation:

At the June 19, 2018 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and limited to Katie Campbell.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6135

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Building Elevation

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6135

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW MICRO-BLADING, PERMANENT MAKE-UP (TATTOO STUDIO) IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1.1 (FM 1417 OVERLAY) DISTRICT AT 2121 NORTH F.M. 1417 (HERITAGE PARKWAY), SUITE O, BEING PART OF BLOCK 4, WESTERN HILLS ADDITION, SECTION 5 (OWEN CENTRAL, LLC, OWNERS; AMANDA'S NAILS, TENANT; AND KATIE CAMPBELL, APPLICANT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

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

SECTION 1. That, from and after the passage of this ordinance, Owen Central, LLC (Owners) Amanda's Nails (Tenant) and Katie Campbell (Applicant) concerning the property located at 2121 North FM 1417 (Heritage Parkway), Suite O and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING part of Block 4, Western Hills Addition, Section 5

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

Zoning:

1. All aspects of the C-1 (Retail Business) District, the O-1.1 (FM 1417 Overlay) District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Shall comply with all EPA, City, Federal and State regulations for this use.
4. Violation of the conditions of the SUP will terminate the Specific Use Permit.
5. Review the zoning and development ordinance for additional requirements.
6. 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.

Planning & Zoning Commission:

7. Limited to Katie Campbell

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

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

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

SECTION 6. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY:

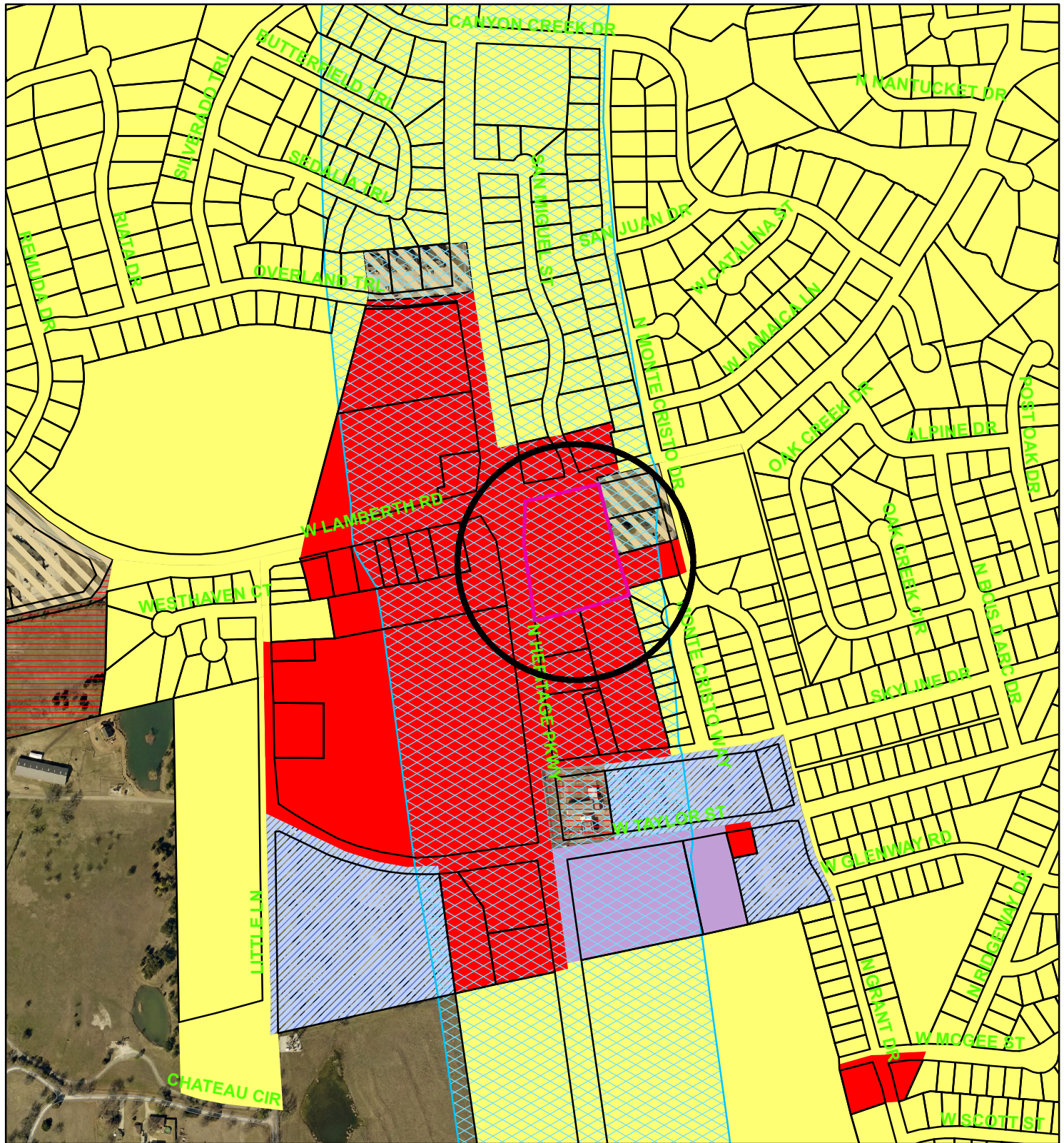
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



2121 N. FM 1417 (Heritage Parkway), Suite O

Legend

Special Districts Overlay

DISTRICT_NAME

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP - Blalock Industrial Park
- C-1 Retail Business District

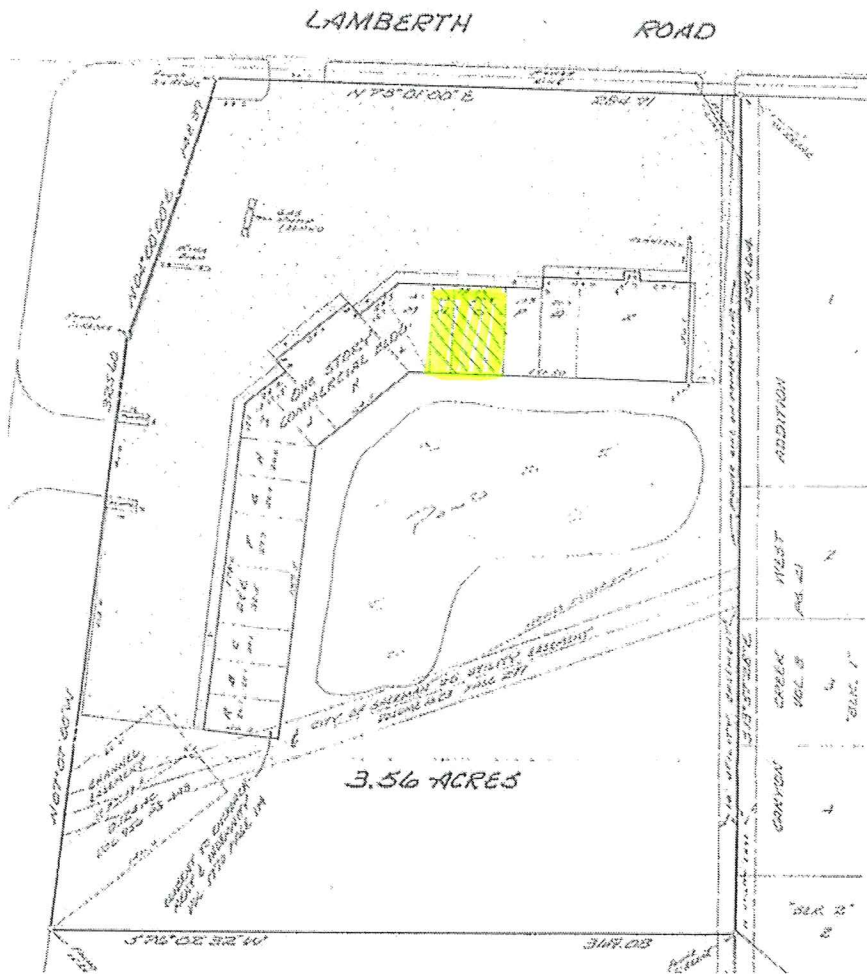
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family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



1 in = 538 ft

**2121 N. FM 1417 (Heritage Parkway),
Suite O**







STAFF REVIEW LETTER

June 12, 2018

Owen Central, LLC
5566 W. Main St., Ste. 203
Frisco, TX 75033-3673

Katie Campbell
2 Circle Dr.
Denison, TX 75021

Owen Central
706 Valencia
Dallas, TX 75223

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow micro-blading, permanent make-up (Tattoo Studio) in a C-1 (Retail Business) District/O-1.1 (FM 1417 Overlay) District for the property located at 2121 North FM 1417 (Heritage Parkway), Suite O has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 19, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the C-1 (Retail Business) District, the O-1.1 (FM 1417 Overlay) District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Shall comply with all EPA, City, Federal and State regulations for this use.
4. Violation of the conditions of the SUP will terminate the Specific Use Permit.
5. Review the zoning and development ordinance for additional requirements.
6. 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 & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request 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,

A handwritten signature in black ink, reading "Scott Shadden". The signature is fluid and cursive, with the first name "Scott" and last name "Shadden" clearly legible.

Scott Shadden

Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 12.

Meeting Date: 06/19/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

2121 N. FM 1417 (HERITAGE PARKWAY) SUITE O

The request of Owen Central, LLC (Owners) Amanda's Nails (Tenant) and Katie Campbell (Applicant) concerning the property located at 2121 North FM 1417 (Heritage Parkway), Suite O, being part of Block 4, Western Hills Addition, Section 5, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow micro-blading, permanent make-up (Tattoo Studio) in a C-1 (Retail Business) District/O-1.1 (FM 1417 Overlay) District.

Background:

The property is located at 2121 North FM 1417 (Heritage Parkway), Suite O; the southeast corner of FM 1417 (Heritage Parkway) and West Lamberth Road. The applicant is requesting a Specific Use Permit to allow micro-blading and permanent make-up at this location. Micro-blading is a semi-permanent tattoo; a small blade made from micro-needles is used to create hair like strokes, giving a very natural look. The blade is dipped into pigment to deposit color into the skin.

Adjacent Zoning:

C-O (Office) District

C-1 (Retail Business) District

Origination:

Owen Central, LLC (Owners)

Amanda's Nails (Tenant)

Katie Campbell (Applicant)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

13

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Building Elevation

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.8.

Meeting Date: 07/16/2018

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6129, 6130, 6131, 6132, 6133, 6134 and 6135

Issue:

- C. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6129**
Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 6.8, entitled "O-1 (75 & 82) Overlay District"
- C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6130**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-O (Office) District at 2607 Loy Lake Road, being Lots 2 and 3, Bob Allen Addition (Trinity Baptist Church, Owners; Department of Family & Protective Services, Tenant; Robert Minshew, Representative; Scales Engineering, Engineer; and Goodwin/Lasiter/Strong, Architect/Surveyor)
- C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6131**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District at 4070 Loy Lake Road, being 10 acres in the T.J. Shannon Survey, Abstract No. 1137 (Southwest Premier Properties, LLC, Owners; and Kyle Boothe, Bluestone Partners, Representative)
- C. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6132**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Patio Homes in an R-1 (One Family Residential) District at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court, being Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-21, Block C, Magnolia Village Addition (CeCi Bates Ventures, LLC, Homes by JLS of Texoma and Magnolia Village, LP, Owners; and Helvey-Wagner Surveying, Inc., Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

C. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6133

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Patio Homes in an R-1 (One Family Residential) District in the 2300 block of Peggey's Cove, 3300-3500 blocks of Hanan Street and 2300-2400 blocks of Southridge Lane, being Lots 19-39, Block E and Lots 38-42, Block G, Pebblebrook South, Phase III (Zakiah US LLC and Wyldewood Homes, LLC, Owners); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

C. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6134

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Parking Lot in an R-1 (One Family Residential) District at 1111 North Ricketts Street, being Lot 50, Block 1, Birge-Fairview Addition (Sherman Montessori Preschool Inc., Owners; and Allison West, Representative); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

C. 7. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6135

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Micro-Blading, Permanent Make-Up (Tattoo Studio) in a C-1 (Retail Business) District/O-1.1 (FM 1417 Overlay) District at 2121 North F.M. 1417 (Heritage Parkway), Suite O, being part of Block 4, Western Hills Addition, Section 5 (Owen Central, LLC, Owners; Amanda's Nails, Tenant; and Katie Campbell, Applicant); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.9.

Meeting Date: 07/16/2018

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

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

Issue:

D. 4. * RESOLUTION NO. 6385

Authorizing Execution of an Encroachment Easement to Young Enterprises, LP for the Installation of Two (2) 9-square foot Subdivision Signs within a 10' Utility Easement on the Northeast Corner of Lot 20, Block C and the Northwest Corner of Lot 19, Block B of Magnolia Village in the City of Sherman, Texas

D. 5. * RESOLUTION NO. 6386

Authorizing Execution of an Encroachment Easement to Cupid Investments, Inc. for the Installation of a Sanitary Sewer Service Lateral Line within the Platted Public Right-of-Way running East and West along Block 1 of the Epstein at Hazelwood Addition for Sanitary Sewer Services at 1000 East Epstein Street and 1004 East Epstein Street in the City of Sherman, Texas

D. 6. * RESOLUTION NO. 6387

Appointing and Authorizing the Execution of an Agreement with Pattillo, Brown and Hill, LLP to Perform the Fiscal Year 2018 Audit

E. 2. * OTHER BUSINESS

Replat Approval of Northgate Technology Park Addition, Lot 1R, Block 1, being 26.801 acres in the Sherod Dunman Survey, Abstract No. 329 and all of Lot 1, Block 1 in the Northgate Technology Park
and in Tract 2 of the Blalock Industrial Park; Sherman Economic Development Corporation and GlobiTech, Inc., Owners; and Teague, Nall and Perkins, Engineers/Surveyor [200 West F.M. 1417
(Heritage Parkway)]

E. 3. * OTHER BUSINESS

Replat Approval of Lots 2 and 3, Block A, Dr. Swamy Addition, being 2.761 acres in the William Milligan Survey, Abstract No. 875, also being Lots 2 and 3, Block A, Dr. Swamy Addition; One Ganesha Ltd., Owners; Dean Gilbert, Developer; and Helvey-Wagner Surveying, Surveyor (6100 block of North U.S. Highway 75)

E. 4. * OTHER BUSINESS

Replat Approval of Hughes Turtle Creek West Addition, a Replat of a part of Lot 7, Block C, Turtle Creek West Addition and a part of Lots 1 and 2, Block 1, Tom L. Sullivan's Replat of a part of the Replat – Valley View Addition, being 0.819 acres in the J.B. McAnair Survey, Abstract No. 763 and being a part of Lot 7, Block C, Turtle Creek West Addition and part of Lots 1 and 2, Block 1, Tom C. Sullivan's Replat and a part of the Replat of Valley View Addition, Lots 1 and 2; Steven and Lisa Hughes, Owners; and Helvey-Wagner Surveying, Surveyor (2208 Post Oak Drive)

E. 5. * OTHER BUSINESS

Replat Approval of Lots 16-27, Block 5, all of Blocks 6 and 7, and Lots 1-6, Block 8 and the Unopen Portion of Copley Street and all of Ray Street and Lila Street, Copley Addition, being 10.704 acres in the G.B. Pilant Survey, Abstract No. 963; Mitchell Enterprises, Inc., Owners; and Helvey-Wagner Surveying, Inc., Surveyor (700 block of Copley Street)

E. 6. * OTHER BUSINESS

Final Plat Approval of KAZ Addition, Phase 2 in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 2.013 acres in the Aaron Burelson Survey, Abstract No. 61; Kazem and Zohreh Ganji, Owners; and Preston Trail Land Surveying, LLC, Surveyor (10739 State Highway 56)

E. 7. * OTHER BUSINESS

Final Plat Approval of Hancock Ranch Subdivision in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 36.79 acres in the W.D. Wooley Survey, Abstract No. 1335 and the Winfred Bailey Survey, Abstract No. 66; Mike Cross and Robert Scoggins, Owners; Plain and Simple Investments, LLC, Prospective Buyer; Related Solutions, LLC, Developer; and Helvey-Wagner Surveying, Surveyor (1400-1600 blocks of F.M. 697)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.1.

Meeting Date: 07/16/2018

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6382

Finding and Determining a Public Purpose and Public Necessity Exists for Construction of City Project Lamberth Road from S.H. 289 to Shady Oaks Lane Extension Project; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations

Issue:

To consider granting authority to negotiate for property rights on the City's Right-of-Way Project, Lamberth Road from S.H. 289 to Shady Oaks Lane Extension Project and, if necessary, to begin condemnation proceedings

Background:

The Professional Services Agreement for the Preliminary Engineering and Right-of-Way and Easement documents was approved by City Council on August 1, 2016 in Resolution No. 6112 for the Lamberth Road from S.H. 289 to Shady Oaks Lane Extension Project. The design and documents were prepared and acquisition steps began on the affected properties in the summer of 2016. While preliminary contacts with a certain property owner has been successful, after over two (2) years of contact and negotiation with the property owner, the City has yet to obtain the Right-of-Way and Easement documents. It is anticipated that this property owner will not execute documents for this project. To prevent any undue delay in the project, City Council's authorization to negotiate, make final offers, employ an appraiser and, if necessary, begin condemnation proceedings as required by law is requested.

Origination:

Engineering Department

Financial Consideration:

Property acquisition costs, along with costs for appraisals, surveys, maps and photos.

Staff Recommendation:

Staff recommends approval.

Alternatives:

As may be directed by the Council

Attachments

Resolution No. 6382

Warranty Deed for Right-of-Way

Exhibit "A" for Warranty Deed

Utility Easement

Exhibit "A" for Utility Easement

Plat

Location Map

Location Map for Powerpoint

RESOLUTION NO. 6382

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, FINDING AND DETERMINING A PUBLIC PURPOSE AND PUBLIC NECESSITY EXISTS FOR CONSTRUCTION OF CITY PROJECT LAMBERTH ROAD FROM S.H. 289 TO SHADY OAKS LANE EXTENSION PROJECT; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas has previously authorized the employment of Huitt-Zollars, Inc. to plan for the construction of the Lamberth Road from S.H. 289 to Shady Oaks Extension Project; and

WHEREAS, this project was recommended by the City Staff in order to provide a four-lane divided thoroughfare through Lamberth Road from State Highway 289 to Shady Oaks Lane and recommended the acquisition of all necessary property rights; and

WHEREAS, the City Council has considered the Lamberth Road from S.H. 289 to Shady Oaks Lane Extension Project and has determined that a public purpose and public necessity exists for the acquisition of all necessary and appropriate property rights for the Lamberth Road from S.H. 289 to Shady Oaks Lane Extension Project; and

WHEREAS, the City Council has funded and approved the Lamberth Road from S.H. 289 to Shady Oaks Lane Extension Project;

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

SECTION 1. That the City Council hereby finds and determines that a public purpose and public necessity exists for the City of Sherman to acquire all necessary and appropriate property rights in those certain lots, tracts, or parcels of land deemed necessary for the construction of the Lamberth Road from S.H. 289 to Shady Oaks Lane Extension Project and does further determine the public purpose and public necessity of the City of Sherman acquiring said property together with all necessary and appropriate appurtenances, additions and improvements on, over, under and through those certain lots, tracts and parcels of land.

SECTION 2. That the City Manager or his designee is authorized and directed to acquire all appropriate property rights for the Lamberth Road from S.H. 289 to Shady Oaks Lane Extension

Project for the City of Sherman, and to acquire said rights in compliance with State and Federal law. The City Manager, or his designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts and, when necessary, to institute proceedings in eminent domain.

SECTION 3. That the City Manager or his designee is hereby appointed as “negotiator” for the acquisition of the Lamberth Road from S.H. 289 to Shady Oaks Lane Extension Project property and, as such, the City Manager or his designee is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference. Subject to the availability of funds appropriated by the City Council for such purposes and with the advice and recommendation of the City Attorney and the City’s appointed appraiser, the City Manager is specifically authorized to establish the just compensation for the acquisition of this property. If the City Manager or his designee determines that an agreement with the property owner(s) as to just compensation cannot be reached, then the City Attorney is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the property, proceedings in eminent domain to acquire the above stated interest in the property.

SECTION 4. That a qualified appraiser shall be designated the appraiser of the property to be acquired as necessary.

SECTION 5. That the findings of fact, recitations and provisions set out in the preamble of this resolution are adopted and made a part of the body of this resolution, as if the same were fully set forth herein.

SECTION 6. 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 _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

General Warranty Deed

Date: November 3, 2017

Grantors: Eugene Morales et ux Gloria Morales

Grantor's Mailing Address: 3111 W LAMBERTH
SHERMAN, TX 75092

Grantee: City of Sherman, Texas

Grantee's Mailing Address: P.O. Box 1106
Sherman, TX 75091

Consideration: For and in consideration of Six Hundred Sixty Dollars (\$660.00) by the **CITY OF SHERMAN**

Property: See Attached Exhibit "A"

Reservations from Conveyance:

Exceptions to Conveyance and Warranty:

Grantor, for the Consideration expressed and subject to easements of record grants, sells and conveys to grantee the Property described in Exhibit "A", together with all singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever.

Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the easements of record.

GRANTOR:

Eugene Morales

ACKNOWLEDGEMENT

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF _____

§

§

BEFORE ME, the undersigned authority, on this day personally appeared **Eugene Morales**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the _____ day of _____, 2017.

NOTARY PUBLIC, STATE OF TEXAS

Notary's commission expires: _____

GRANTOR:

Gloria Morales

ACKNOWLEDGEMENT

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

BEFORE ME, the undersigned authority, on this day personally appeared **Gloria Morales**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the _____ day of _____, 2017.

NOTARY PUBLIC, STATE OF TEXAS

Notary's commission expires: _____

ATTEST:

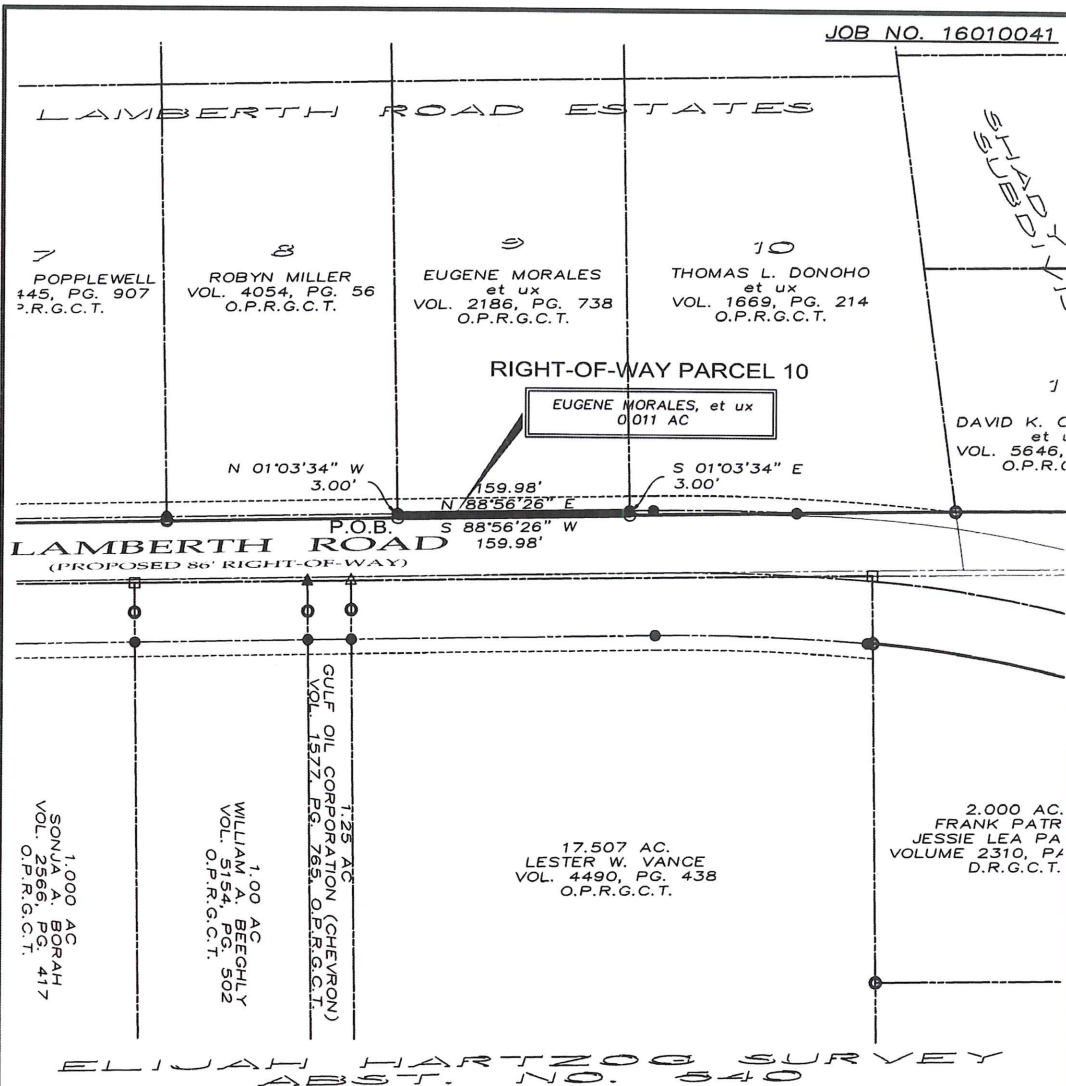
GRANTEE:
CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON SHELBY, CITY ATTORNEY



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

LEGAL DESCRIPTION

Situated in the City of Sherman, County of Grayson, State of Texas, being a part of Lot 9 of Lamberth Road Estates, as shown by plat of record in Volume 5, Page 26, Plat Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 3/8" steel rod found in the north right-of-way line of Lamberth Road maintaining the southwest corner of said Lot 9;

Thence North 01°03'34" West, along the west line of said Lot 9, a distance of 3.00 feet to a 1/2" steel rod set;

Thence North 88°56'26" East, a distance of 159.98 feet to a 1/2" steel rod set in the east line of said Lot 9;

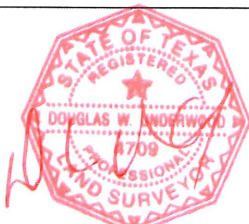
Thence South 01°03'34" East, along the east line of said Lot 9, a distance of 3.00 feet to a 3/8" steel rod found in the north line of said Lamberth Road also being the southeast corner of said Lot 9;

Thence South 88°56'26" West, along the south line of said Lot 9, a distance of 159.98 feet to the Point-of-Beginning and containing 0.011 acres of land.

LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- 3/8" STEEL ROD FOUND
- RAILROAD SPIKE FOUND
- ▲ P/K NAIL SET
- △ P/K NAIL FOUND

PARCEL 10
EXHIBIT "A"
TOTAL PERMANENT
RIGHT-OF-WAY
(0.011 ACRES)



DOUGLAS W. UNDERWOOD,
R.P.L.S. NO. 4709
SURVEYED ON THE GROUND
JANUARY 2016

CITY OF SHERMAN
TEXAS

DATE: 4/7/16
DRAWN BY: JCC
APPROVED BY: DWU
SCALE: 1" = 100'

UNDERWOOD

DRAFTING & SURVEYING, INC.
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
(903) 465-2151 FAX: (903) 465-2152

RIGHT-OF-WAY WIDENING LAMBERTH ROAD
LOT 9, LAMBERTH ROAD ESTATES
CITY OF SHERMAN, TEXAS
GRANTOR: EUGENEN MOREALES et ux

UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT EUGENE MORALES ET UX GLORIA (hereinafter called "Grantor" whether one or more), in consideration of the sum of Two Hundred Thirty Dollars and No Cents (\$230.00), and the further consideration of the benefit to be derived on account of the construction, reconstruction and maintenance by the City of Sherman of utilities, and other good and valuable consideration paid by the City of Sherman, (hereinafter called "Grantee"), the receipt and sufficiency of which is hereby acknowledged, do hereby give, grant and convey to said Grantee, 220 W. Mulberry Street, Sherman, Texas, its successors, and assigns, a perpetual easement with the right to erect, construct, install, and lay and thereafter use, operate, inspect, repair, maintain, replace, remove, upgrade and construct utilities together with necessary appurtenances, in and through Grantors' land, more particularly described in instrument recorded in **Volume 2186, Page 738, Grayson County Official Public Records**, together with the right of ingress and egress over Grantors' adjacent lands for the purpose for which the above mentioned rights are granted. The permanent easement hereby granted shall be approximately ten feet (10') in width as shown and described in Exhibit "A" for all utility purposes, including, but not limited to the inspection, operation, patrol, removal, repair, replacement, construction, reconstruction, installation, improvement, enlargement and maintenance of such utility improvements, over, under, through, and across the tract of land described.

This agreement, together with the other provisions of this grant, shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns. GRANTOR reserves, retains, and shall continue to enjoy the use of the surface of the herein granted easement for any and all purposes which do not interfere with and prevent the use by GRANTEE of the easement rights granted herein, including the right to pave over and otherwise use the surface of the herein granted easement for private and public thoroughfares, roads, driveways, alleys, walks, parking areas, and other like uses.

Upon the removal, repair, replacement, construction, reconstruction, installation, improvement, enlargement, and maintenance of the utility improvements, GRANTEE shall replace and restore all fences, walls, streets, roads, driveways, parking areas, walks, or any other improvements which may have been relocated or removed by GRANTEE and shall otherwise restore the surface of the easement area to the same or better condition it was in immediately prior to such removal, repair, replacement, construction, reconstruction, installation, improvement, enlargement or maintenance.

THE CONSIDERATION recited herein shall constitute the City of Sherman to grant the waiver of one residential (1) water pro-rata charge for the subject tract and Two Hundred Thirty Dollar and No Cents (\$230.00).

TO HAVE AND TO HOLD THE SAME, together with, all and singular, the rights and appurtenances thereto in anywise belonging to the said GRANTEE, 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 GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

This instrument shall be constructed as conveying an easement to the GRANTEE for utility purposes, and fee title is reserved by GRANTOR, his heirs, successors and assigns, subject to such easement.

IN WITNESS WHEREOF the said Grantors has executed this instrument this ____ day of _____, 2017.

GRANTOR:
Eugene Morales

BY: _____

ADDRESS: _____

ACKNOWLEDGEMENT

STATE OF _____ *

*

COUNTY OF _____ *

*

BEFORE ME, the undersigned authority, on this day personally appeared **Eugene Morales**, 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, on this the _____ day of _____, 2017.

NOTARY SIGNATURE: _____

COMMISSION EXPIRES: _____

GRANTOR:
Gloria Morales

BY: _____

ADDRESS: _____

ACKNOWLEDGEMENT

STATE OF _____ *

*

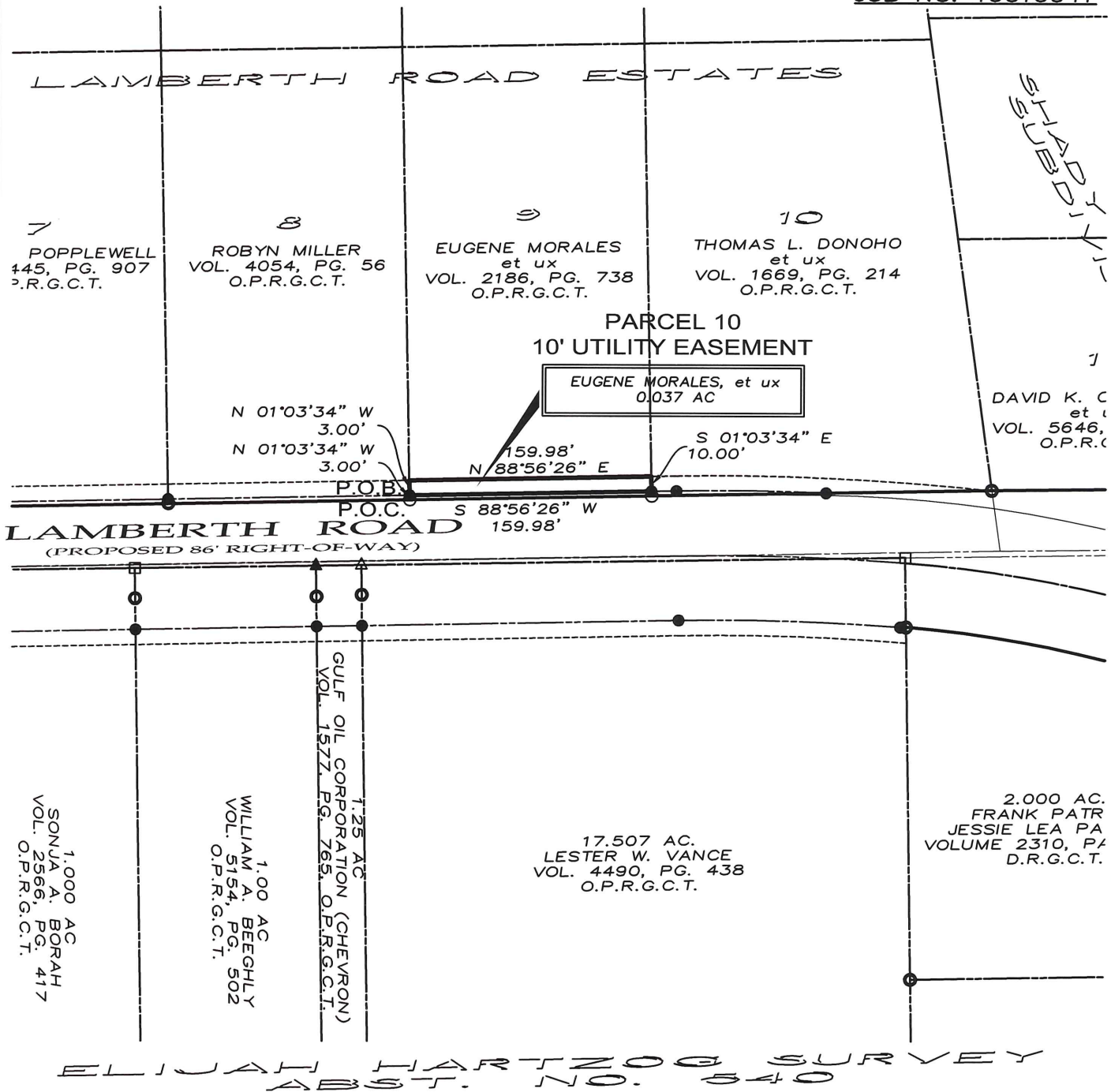
COUNTY OF _____ *

BEFORE ME, the undersigned authority, on this day personally appeared **Gloria Morales**, 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, on this the _____
day of _____, 2017.

NOTARY SIGNATURE: _____

COMMISSION EXPIRES: _____



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

LEGAL DESCRIPTION

Situated in the City of Sherman, County of Grayson, State of Texas, being a part of Lot 9 of Lamberth Road Estates, as shown by plat of record in Volume 5, Page 26, Plat Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a 3/8" steel rod found in the north right-of-way line of Lamberth Road maintaining the southwest corner of said Lot 9;

Thence North 01°03'34" West, along the west line of said Lot 9, a distance of 3.00 feet to a 1/2" steel rod set for the True Point-of-Beginning;

Thence North 01°03'34" West, continuing along the west line of said Lot 9, a distance of 10.00 feet to a point;

Thence North 88°56'26" East, a distance of 159.98 feet to a point in the east line of said Lot 9;

Thence South 01°03'34" East, along the east line of said Lot 9, a distance of 10.00 feet to a 1/2" steel rod set;

Thence South 88°56'26" West, a distance of 159.98 feet to the Point-of-Beginning and containing 0.037 acres of land.

LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- 3/8" STEEL ROD FOUND
- RAILROAD SPIKE FOUND
- ▲ P/K NAIL SET
- △ P/K NAIL FOUND

PARCEL 10
EXHIBIT "A"
TOTAL PERMINANT
UTILITY EASEMENT
(0.037 ACRES)



DOUGLAS W. UNDERWOOD,
R.P.L.S. NO. 4709
SURVEYED ON THE GROUND
JANUARY 2016

CITY OF SHERMAN
TEXAS

DATE: 4/7/16
DRAWN BY: JCC
APPROVED BY: DWU
SCALE: 1" = 100'



DRAFTING & SURVEYING, INC.
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
(903) 465-2151 FAX: (903) 465-2152

RIGHT-OF-WAY WIDENING LAMBERTH ROAD
LOT 9, LAMBERTH ROAD ESTATES
CITY OF SHERMAN, TEXAS
GRANTOR: EUGENEN MOREALES et ux

FIELD NOTES

Situated in the County of Grayson, State of Texas being part of the J. H. Vaden Survey, Abstract No. 1288, and also being the 39.7081 acre tract of land described as Tract No. 1 and the 53 ft. x 210 ft. tract described as Tract No. 2 conveyed by J. D. McMakin to W. A. Dorler by deed dated March 11, 1966, recorded in Volume 1049, Page 446, Deed Records, Grayson County, Texas and described as one tract by metes and bounds as follows to-wit:

BEGINNING at a railroad spike in the center of a public road, said point being in the South line of the James H. Vaden Survey at the Southwest corner of said 39.7081 acre tract;

THENCE North 00 deg. 25 min. 23 sec. West with a fence line maintaining the West line of said 39.7081 acre tract, a distance of 1039.22 ft. to a steel rod at corner post, the Northwest corner of said 39.7081 acre tract;

THENCE North 88 deg. 21 min. 31 sec. East with the North line of said 39.7081 acre tract, passing the Northeast corner of said tract, now with the North line of said 53 ft. x 210 ft. tract, a total distance of 1772.36 ft. to a spike nail in the center of a public road, said point being the Northeast corner of said 53 ft. x 210 ft. tract;

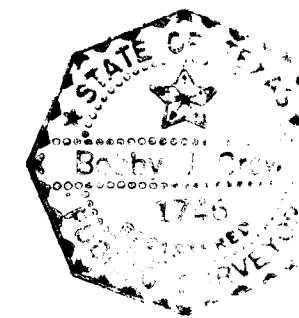
THENCE South 07 deg. 05 min. 50 sec. East with the center of said public road and with the East line of said 53 ft. x 210 ft. tract, a distance of 52.97 ft. to a spike nail, the Southeast corner of said 53 ft. x 210 ft. tract;

THENCE South 88 deg. 08 min. 16 sec. West with the South line of said 53 ft. x 210 ft. tract, a distance of 209.74 ft. to a steel rod;

THENCE South 07 deg. 08 min. 16 sec. East with the East line of said 39.7081 acre tract, a distance of 1037.58 ft. to a railroad spike in the center of a public road;

THENCE South 89 deg. 57 min. 54 sec. West with the center of said public road and with the South line of said 39.7081 acre tract and the South line of said Vaden Survey, a distance of 1689.79 ft. to the place of beginning and containing 39.869 acres of land, of which 0.800 acres lies within the limits of the existing public road.

I Bobby J. Crow, Registered Public Surveyor, hereby certify that the above Field Notes were prepared from an actual survey made on the ground and are true and correct to the best of my knowledge.



Bobby J. Crow
Bobby J. Crow R.P.S.
1-30-76
Date

I Robert J. Tate owner and developer of Lamberth Road Estates being no part of my homestead, hereby dedicate to the public use forever the Streets and Easements shown on this plat of said Addition.

WITNESS MY HAND this 30 day of January, 1976.

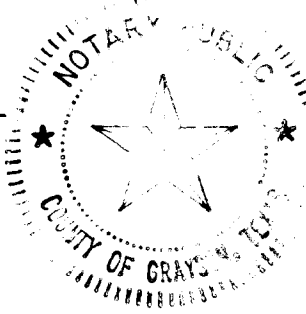
Robert J. Tate
Robert J. Tate

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 Robert J. Tate, 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 30th day of January, 1976.

Jean Kunitz
Notary Public in and for Grayson County Texas
Jean Kunitz



Approved this 11th day of April, 1976 by the City Planning and Zoning Commission to the City of Sherman, Texas.

Jan R. Newman
VICE Chairman

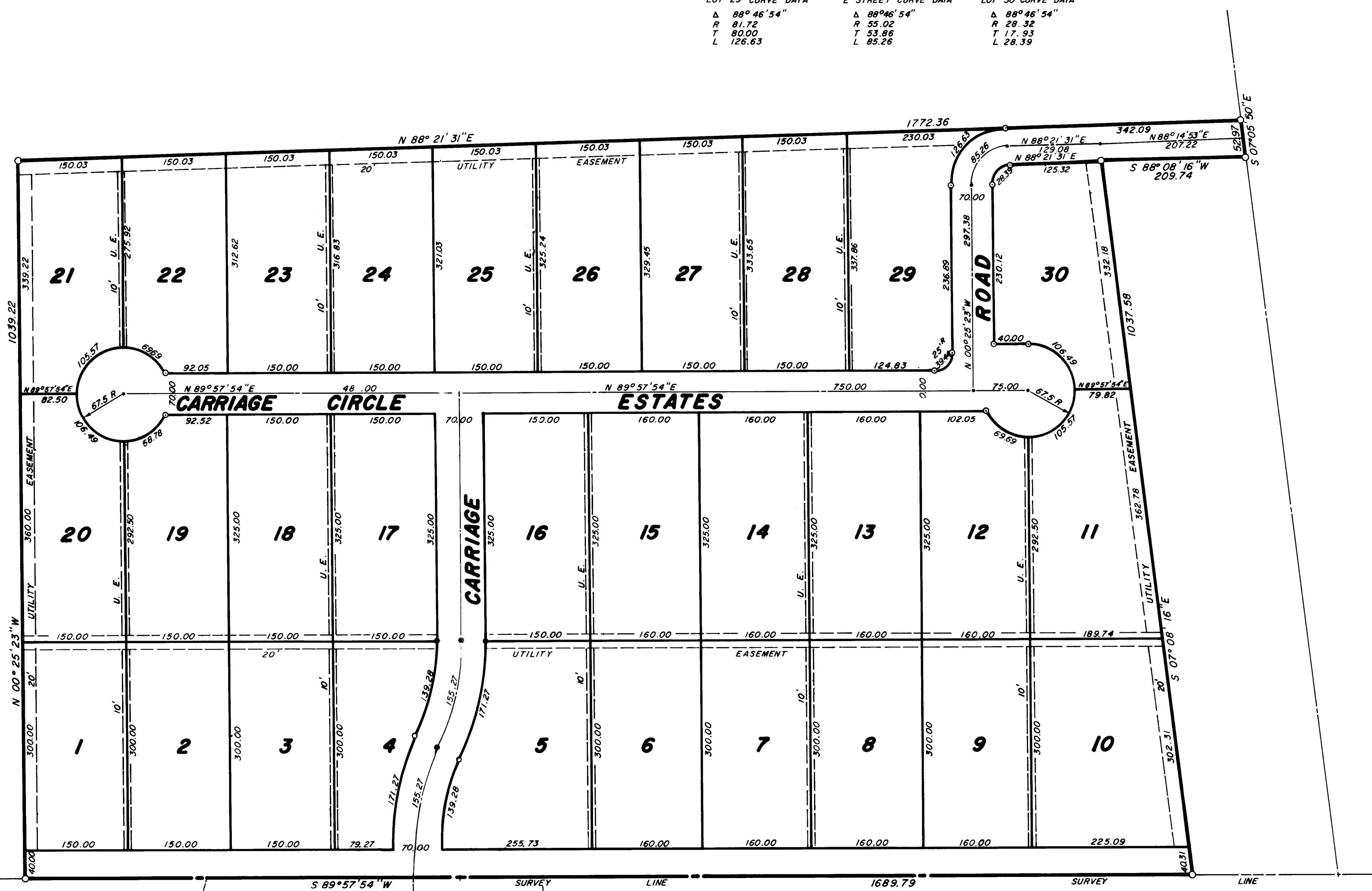
Secretary

Accepted by the City Council of the City of Sherman on this 15th day of MARCH, 1976.



Jack Spears
City Clerk, City of Sherman

Marion Baker
Mayor, City of Sherman



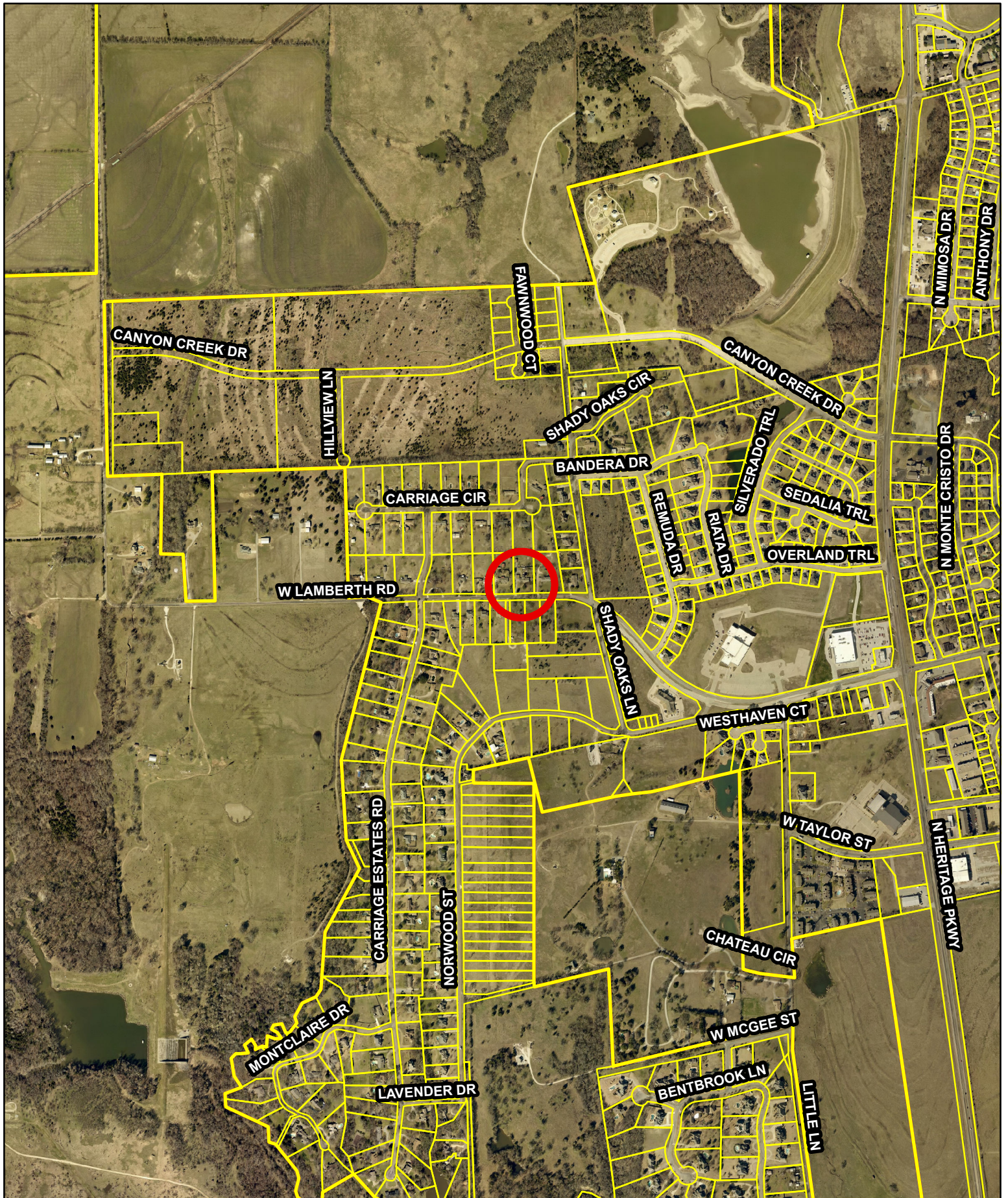
LAMBERTH ROAD ESTATES
TO
GRAYSON COUNTY, TEXAS

NORTH

SCALE 1"=100'

FILED FOR RECORD

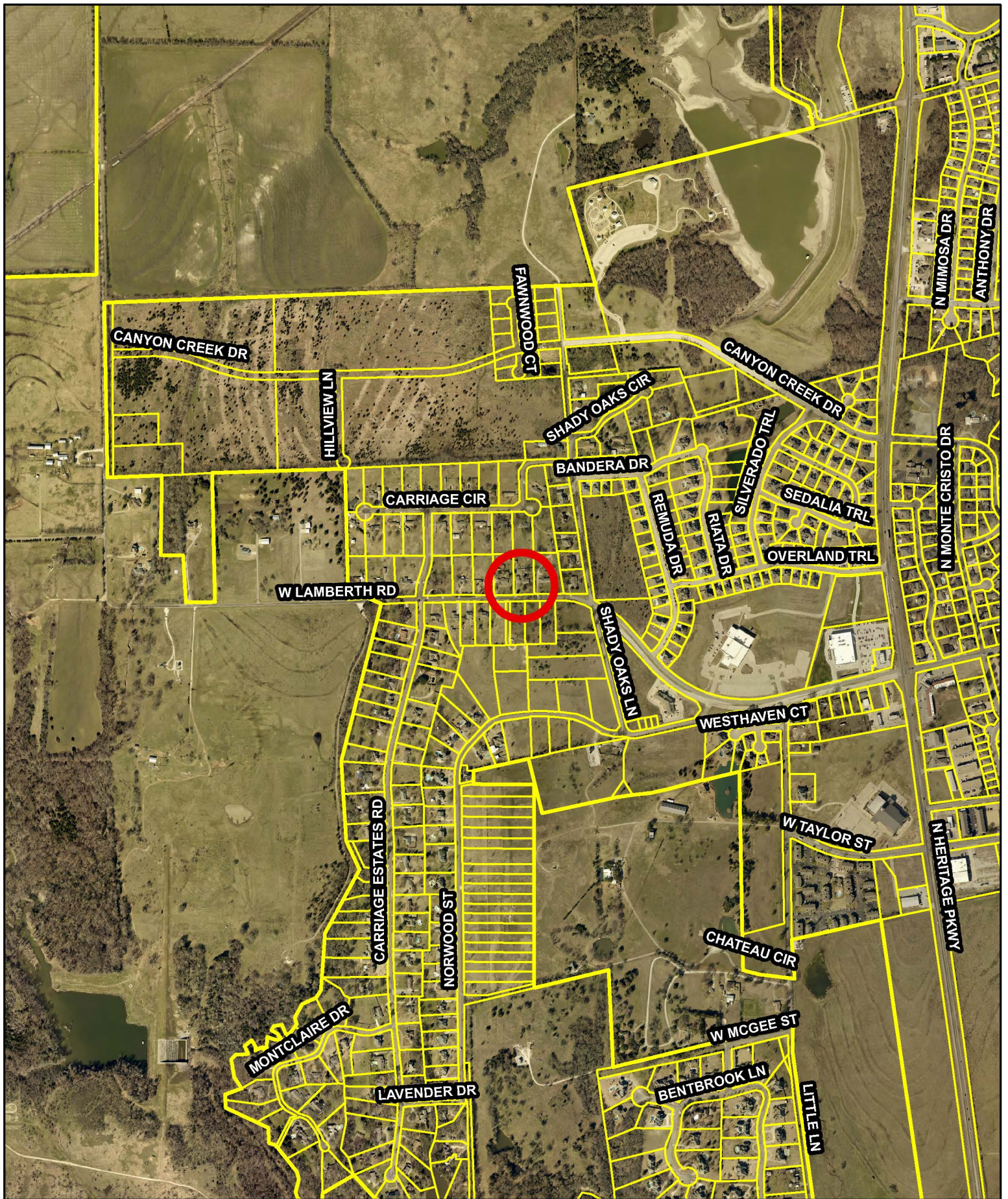
March 16, 1976
at 12:50 o'clock P.M.
Recorded in Vol. 5, Page 26
Paul E. Lee
County Clerk, Grayson Co., Texas
By *Debra L. McLean*
Deputy



Sherman
ENGINEERING DEPT.
220 W. MULBERRY
SHERMAN, TX 75090



1 inch = 974 feet



Sherman
ENGINEERING DEPT.
220 W. MULBERRY
SHERMAN, TX 75090



1 inch = 974 feet



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.2.

Meeting Date: 07/16/2018

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6383

Finding and Determining a Public Purpose and Public Necessity Exists for Construction of the Sherman Northwest Sewer Line, Lift Station, and Force Main Improvements; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations

Issue:

To consider granting authority to negotiate for property rights on the City's Northwest Sewer Line, Lift Station and Force Main project and, if necessary, to begin condemnation proceedings

Background:

In order to provide sewer service to the Preston Club subdivision and surrounding areas in northwest Sherman, a lift station, force main and gravity sewer must be constructed. It is possible that one or more affected property owners may contest the proposed improvements. An appraiser will be retained to obtain appraisals of the easement areas, which will be submitted to the property owners. It is anticipated that these property owners may not execute easements for this project in a timely manner. To prevent any undue delay in the project, City Council's authorization to negotiate, make final offers and, if necessary, begin condemnation proceedings as required by law is requested.

Origination:

Director of Utilities

Financial Consideration:

Property acquisition costs, along with costs for appraisals, surveys, maps and photos

Staff Recommendation:

Staff recommends approval.

Alternatives:

As may be directed by the Council

Attachments

Resolution No. 6383

Aerial Location Map

RESOLUTION NO. 6383

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, FINDING AND DETERMINING A PUBLIC PURPOSE AND PUBLIC NECESSITY EXISTS FOR CONSTRUCTION OF THE SHERMAN NORTHWEST SEWER LINE, LIFT STATION, AND FORCE MAIN IMPROVEMENTS; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas has previously authorized the employment of Freeman-Millican, Inc. to plan for construction of the Sherman Northwest Sewer Line, Lift Station and Force Main Improvements Project; and

WHEREAS, this project was recommended by the City Staff in order to upgrade sewer service for the City and recommended the acquisition of all necessary property rights; and

WHEREAS, the City Council has considered the Sherman Northwest Sewer Line, Lift Station and Force Main Improvements Project and has determined that a public purpose and public necessity exists for the acquisition of all necessary and appropriate property rights for the Sherman Northwest Sewer Line, Lift Station and Force Main Improvements Project; and

WHEREAS, the City Council has funded and approved the Sherman Northwest Sewer Line, Lift Station and Force Main Improvements Project;

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

SECTION 1. That the City Council hereby finds and determines that a public purpose and public necessity exists for the City of Sherman to acquire all necessary and appropriate property rights in those certain lots, tracts, or parcels of land deemed necessary for construction of the Sherman Northwest Sewer Line, Lift Station and Force Main Improvements Project and does further determine the public purpose and public necessity of the City of Sherman acquiring said property together with all necessary and appropriate appurtenances, additions and improvements on, over, under and through those certain lots, tracts and parcels of land.

SECTION 2. That the City Manager or his designee is authorized and directed to acquire all appropriate property rights for the Sherman Northwest Sewer Line, Lift Station and Force Main Improvements Project for the City of Sherman, and to acquire said rights in compliance with State and Federal law. The City Manager, or his designee, is specifically authorized and directed to do

each and every act necessary to acquire the needed property rights including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts and, when necessary, to institute proceedings in eminent domain.

SECTION 3. That the City Manager or his designee is hereby appointed as “negotiator” for the acquisition of the Sherman Northwest Sewer Line, Lift Station and Force Main Improvements Project property and, as such, the City Manager or his designee is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference. Subject to the availability of funds appropriated by the City Council for such purposes and with the advice and recommendation of the City Attorney and the City’s appointed appraiser, the City Manager is specifically authorized to establish the just compensation for the acquisition of this property. If the City Manager or his designee determines that an agreement with the property owner(s) as to just compensation cannot be reached, then the City Attorney is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the property, proceedings in eminent domain to acquire the above stated interest in the property.

SECTION 4. That a qualified appraiser shall be designated the appraiser of the property to be acquired as necessary.

SECTION 5. That the findings of fact, recitations and provisions set out in the preamble of this resolution are adopted and made a part of the body of this resolution, as if the same were fully set forth herein.

SECTION 6. 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 _____, 2018.

CITY OF SHERMAN, TEXAS

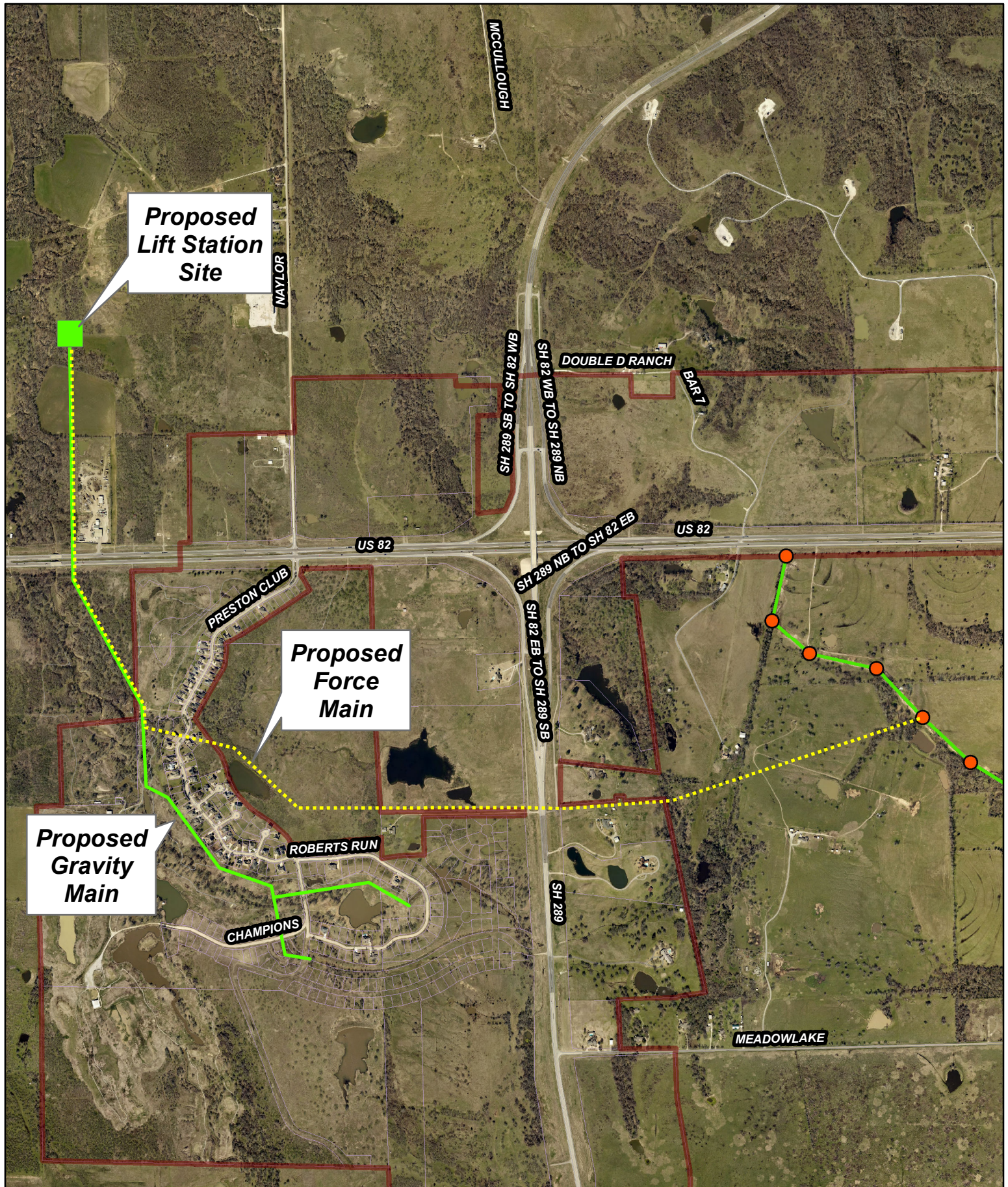
ATTEST:

BY: _____
LINDA ASHBY,
CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.3.

Meeting Date: 07/16/2018

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6384

Authorizing Execution of an Advance Funding Agreement between the City of Sherman and the State of Texas, Acting By and Through the Texas Department of Transportation, for an Improved Pedestrian Curb Ramp Locally Funded Project On-System [SH 56 (Lamar Street) and Rusk Street PED Improvement]

Issue:

To execute an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) for an Improved Pedestrian Curb Ramp Locally Funded Project On-System [SH 56 (Lamar Street) and Rusk Street PED Improvement]

Background:

This downtown sidewalk and curb ramp improvement will be paid through funds budgeted in the Tax Increment Financing Zone #2. This area of the sidewalk is in need of improving. The proposed layout will look similar to the parking and pedestrian facilities around the Grayson County Courthouse. This will provide more defined parking along Lamar Street and provide a safer pedestrian crossing. An AFA is required for each project in order to specify the financial requirement for each party. All funding for this project is locally provided.

Origination:

Engineering Department

Financial Consideration:

Funding for this project is through the Capital Improvement Program.

Staff Recommendation:

It is the staff's recommendation that the Council authorize the execution of the Advance Funding Agreement with TxDOT.

Alternatives:

Those as may be directed by the City Council

Attachments

Resolution No. 6384

Advance Funding Agreement

Plan Layout

Location Map

RESOLUTION NO. 6384

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR AN IMPROVED PEDESTRIAN CURB RAMP LOCALLY FUNDED PROJECT ON-SYSTEM [SH 56 (LAMAR STREET) AND RUSK STREET PED IMPROVEMENT]; 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 by and is hereby authorized and directed, subject to all document being properly completed and approved as to form and content by the City Attorney, to execute an Advance Funding Agreement between the City of Sherman and the State of Texas, acting by and through the Texas Department of Transportation, for an Improved Pedestrian Curb Ramp Locally Funded Project On-System [SH 56 (Lamar Street) and Rusk Street PED Improvement], in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

TxDOT:		Federal Highway Administration:	
CSJ #	0045-03-050	CFDA No.	20.205
District #	01-PAR	CFDA Title	Highway Planning and Construction
Code Chart 64 #	39200		
Project Name	SH 56 & Rusk PED Improvement	AFA Not Used For Research & Development	

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
For An Improve Pedestrian Curb Ramp Locally Funded Project
On-System**

THIS AGREEMENT is made by and between the State of Texas, acting by and through the **Texas Department of Transportation** called the "State", and the **City of Sherman**, acting by and through its duly authorized officials, called the "Local Government". The State and Local Government shall be collectively referred to as "the parties" hereinafter.

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

WHEREAS, the Texas Transportation Commission passed Minute Order Number **115005** authorizing the State to undertake and complete a highway improvement generally described as **Improve Pedestrian Curb Ramp at the intersection of SH 56 and Rusk Street in Sherman** (Project), and

WHEREAS, the Governing Body of the Local Government has approved entering into this Agreement by resolution or ordinance dated **07/16/2018**, which is attached to and made a part of this Agreement as Attachment A, Resolution or Ordinance, for the improvement covered by this Agreement. A map showing the Project location appears in Attachment B, Location Map Showing Project (Attachment B), which is attached to and made a part of this Agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this Agreement, it is agreed as follows:

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AGREEMENT

1. Responsible Parties:

The parties shall be responsible for the following work as stated in the article of the Agreement referenced in the table below:

1	Local Government	Utilities	Article 8
2.	Local Government	Environmental Assessment and Mitigation	Article 9
3.	Local Government	Architectural and Engineering Services	Article 11
4.	Local Government	Construction Responsibilities	Article 12
5.	Local Government	Right of Way and Real Property	Article 14

2. Period of the Agreement

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided below.

3. Scope of Work

Improve pedestrian curb ramp at the intersection of SH 56 and Rusk Street in Sherman by providing a buffer area to allow for a clear delineation off the parallel parking spots and the through lanes. This will also allow for a shorter walk across the pavement for pedestrians wishing to cross SH 56 and provide a refuge area while they are waiting on the pedestrian signal to change

4. Project Sources and Uses of Funds

The total estimated cost of the Project is **\$37,015.74** as shown in Attachment C, Project Budget, (Attachment C) which is attached to and made a part of this Agreement.

- A. If the Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training. If federal funds are being used, the training must be completed before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled "Local Government Project Procedures and Qualification for the Texas Department of Transportation" and retains qualification in accordance with applicable TxDOT procedures. Upon request, the Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.
- B. The expected cash contributions from the federal government, the State, the Local Government, or other parties are shown in Attachment C. The State will pay for only those Project costs that have been approved by the Texas Transportation Commission.

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- The State and the federal government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration (FHWA). After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- C. Attachment C shows, by major cost categories, the cost estimates and the party responsible for performing the work for each category. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
 - D. The State will be responsible for securing the federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
 - E. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, unless otherwise provided for in this Agreement or approved otherwise in an amendment to this Agreement. Where Special Approval has been granted by the State under 43 TAC §15.52, the Local Government shall only in that instance be responsible for overruns in excess of the amount specified in Attachment C to be paid by the Local Government.
 - F. If the Project has been approved for a specified percentage or a periodic payment non-standard funding or payment arrangement under 43 TAC §15.52, the budget in Attachment C will clearly state the specified percentage or the periodic payment schedule.
 - G. When Special Approval has been granted by the State so that the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from the receipt of the State's written notification of those amounts.
 - H. Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment C. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering performed or reviewed by the State for the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.
 - I. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this Agreement.
 - J. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation" or may use the State's Automated Clearing House (ACH) system for electronic transfer of funds in accordance with instructions provided

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- by TxDOT's Finance Division. The funds shall be deposited and managed by the State and may only be applied by the State to the Project.
- K. The State will not pay interest on any funds provided by the Local Government.
 - L. If a waiver for the collection of indirect costs for a service project has been granted under 43 TAC §15.56, the State will not charge the Local Government for the indirect costs the State incurs on the local Project, unless this Agreement is terminated at the request of the Local Government prior to completion of the Project.
 - M. If the Local government is an Economically Disadvantaged County (EDC) and if the State has approved adjustments to the standard financing arrangement, this Agreement reflects those adjustments.
 - N. Where the Local Government is authorized to perform services under this Agreement and be reimbursed by the State, the Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice in a form and containing all items required by the State no more frequently than monthly, and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
 - O. Upon completion of the Project, where Special Approval has been granted by the State under 43 TAC 15.52, the State will perform a final accounting of the Project costs. Any funds due by the Local Government, the State, or the federal government will be promptly paid by the owing party.
 - P. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
 - Q. Payment under this Agreement beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this Agreement shall be terminated immediately with no liability to either party.

5. Termination of This Agreement

This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless:

- A. The Agreement is terminated in writing with the mutual consent of the parties;
- B. The Agreement is terminated by one party because of a breach, in which case any costs incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or

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D. The Project is inactive for thirty-six (36) consecutive months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this Agreement.

6. Amendments

Amendments to this Agreement due to changes in the character of the work, terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

7. Remedies

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

8. Utilities

The party named in Article 1, Responsible Parties, under AGREEMENT shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable state laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or State funds for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is completed.

9. Environmental Assessment and Mitigation

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects. The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. The identification and assessment of any environmental problems associated with the development of a local project governed by this Agreement.
- B. The cost of any environmental problem's mitigation and remediation.
- C. Providing any public meetings or public hearings required for the environmental assessment process. Public hearings will not be held prior to the approval of the Project schematic.
- D. The preparation of the NEPA documents required for the environmental clearance of this Project.

If the Local Government is responsible for the environmental assessment and mitigation, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

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10. Compliance with Accessibility Standards

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

11. Architectural and Engineering Services

The party named in Article 1, Responsible Parties, under AGREEMENT has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable State's *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the State highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the State highway system, the design shall, at a minimum, conform to applicable American Association of State Highway and Transportation Officials (AASHTO) design standards.

In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the Project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters. If the Local Government is the responsible party, the Local Government shall submit its procurement selection process for prior approval by the State. All professional services contracts must be reviewed and approved by the State prior to execution by the Local Government.

12. Construction Responsibilities

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. Advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. If the State is the responsible party, the State will use its approved contract letting and award procedures to let and award the construction contract.
- C. If the Local Government is the responsible party, the Local Government shall submit its contract letting and award procedures to the State for review and approval prior to letting.
- D. If the Local Government is the responsible party, the State must concur with the low bidder selection before the Local Government can enter into a contract with the vendor.
- E. Upon completion of the Project, the party constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion and

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submit certification(s) sealed by a professional engineer(s) licensed in the State of Texas.

- F. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

13. Project Maintenance

The Local Government shall be responsible for maintenance of locally owned roads and locally owned facilities after completion of the work. The State shall be responsible for maintenance of the State highway system after completion of the work if the work was on the State highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

14. Right of Way and Real Property

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the provision and acquisition of any needed right of way or real property.

The Local Government shall be responsible for the following:

- A. Right of way and real property acquisition shall be the responsibility of the Local Government. Title to right of way and other related real property must be acceptable to the State before funds may be expended for the improvement of the right of way or real property.
- B. If the Local Government is the owner of any part of the Project site under this Agreement, the Local Government shall permit the State or its authorized representative access to occupy the site to perform all activities required to execute the work.
- C. All parties to this Agreement will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Local Government and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to the State and its representatives for review and inspection.
- D. The Local Government shall assume all costs and perform necessary requirements to provide any necessary evidence of title or right of use in the name of the Local Government to the real property required for development of the Project. The evidence of title or rights shall be acceptable to the State, and be free and clear of all encroachments. The Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop the Project according to the approved Project plans. The Local Government shall be responsible for securing any additional real property required for completion of the Project.
- E. In the event real property is donated to the Local Government after the date of the State's authorization, the Local Government will provide all documentation to the State

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regarding fair market value of the acquired property. The State will review the Local Government's appraisal, determine the fair market value and credit that amount towards the Local Government's financial share. If donated property is to be used as a funding match, it may not be provided by the Local Government. The State will not reimburse the Local Government for any real property acquired before execution of this Agreement and the obligation of federal spending authority.

- F. The Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to the State for approval prior to the Local Government acquiring the real property. Tracings of the maps shall be retained by the Local Government for a permanent record.
- G. The Local Government agrees to make a determination of property values for each real property parcel by methods acceptable to the State and to submit to the State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations shall list the parcel numbers, ownership, acreage and recommended compensation. Compensation shall be shown in the component parts of land acquired, itemization of improvements acquired, damages (if any) and the amounts by which the total compensation will be reduced if the owner retains improvements. This tabulation shall be accompanied by an explanation to support the determined values, together with a copy of information or reports used in calculating all determined values. Expenses incurred by the Local Government in performing this work may be eligible for reimbursement after the Local Government has received written authorization by the State to proceed with determination of real property values. The State will review the data submitted and may base its reimbursement for parcel acquisitions on these values.
- H. Reimbursement for real property costs will be made to the Local Government for real property purchased in an amount not to exceed eighty percent (80%) of the cost of the real property purchased in accordance with the terms and provisions of this Agreement. Reimbursement will be in an amount not to exceed eighty percent (80%) of the State's predetermined value of each parcel, or the net cost of the parcel, whichever is less. In addition, reimbursement will be made to the Local Government for necessary payments to appraisers, expenses incurred in order to assure good title, and costs associated with the relocation of displaced persons and personal property as well as incidental expenses.
- I. If the Project requires the use of real property to which the Local Government will not hold title, a separate agreement between the owners of the real property and the Local Government must be executed prior to execution of this Agreement. The separate agreement must establish that the Project will be dedicated for public use for a period of not less than 10 (ten) years after completion. The separate agreement must define the responsibilities of the parties as to the use of the real property and operation and maintenance of the Project after completion. The separate agreement must be approved by the State prior to its execution. A copy of the executed agreement shall be provided to the State.

15. Insurance

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the

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State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

16. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	State:
Robby Hefton ATTN: Sherman – City Manager 220 W Mulberry Street Sherman, TX 75090	Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11 th Street Austin, TX 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this Agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

17. Legal Construction

If one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

18. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party, and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

19. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State in the form of photocopy reproduction on a monthly basis as required by the State. The originals shall remain the property of the Local Government. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

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20. Compliance with Laws

The parties to this Agreement shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

21. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

22. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the cost principles established in 2 CFR 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

23. Procurement and Property Management Standards

The parties to this Agreement shall adhere to the procurement standards established in Title 49 CFR §18.36, to the property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.

24. Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for three (3) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

25. Civil Rights Compliance

The parties to this Agreement are responsible for the following:

- A. Compliance with Regulations: Both parties will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this Agreement.

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- B. **Nondiscrimination:** The Local Government, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the Agreement covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- C. **Solicitations for Subcontracts, Including Procurement of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this Agreement and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
- D. **Information and Reports:** The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. **Sanctions for Noncompliance:** In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
 2. cancelling, terminating, or suspending of the Agreement, in whole or in part.
- F. **Incorporation of Provisions:** The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

26. Pertinent Non-Discrimination Authorities

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

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- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (49 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

27. Disadvantaged Business Enterprise (DBE) Program Requirements

If federal funds are used:

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.

TxDOT:		Federal Highway Administration:	
CSJ #	0045-03-050	CFDA No.	20.205
District #	01-PAR	CFDA Title	Highway Planning and Construction
Code Chart 64 #	39200		
Project Name	SH 56 & Rusk PED Improvement	AFA Not Used For Research & Development	

- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.
- C. The Local Government shall incorporate into its contracts with subproviders an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall submit its proposed scope of services and quantity estimates to the State to allow the State to establish a DBE goal for each Local Government contract with a subprovider. The Local Government shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.*

28. Debarment Certifications

If federal funds are used, the parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, the Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under

TxDOT:		Federal Highway Administration:	
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Executive Order 12549. The parties to this Agreement shall require any party to a subcontract or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

If state funds are used, the parties are prohibited from making any award to any party that is debarred under the Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter G, Rule §20.585 and the Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

29. Lobbying Certification

If federal funds are used, in executing this Agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

30. Federal Funding Accountability and Transparency Act Requirements

If federal funds are used, the following requirements apply:

- A. Any recipient of funds under this Agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This Agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
- B. The Local Government agrees that it shall:
 1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>

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2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows federal government to track the distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and
3. Report the total compensation and names of its top five executives to the State if:
 - i. More than 80% of annual gross revenues are from the federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

31. Single Audit Report

If federal funds are used:

- A. The parties shall comply with the single audit report requirements stipulated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division by email at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the Project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the Agreement, unless otherwise amended or the Project has been formally closed out and no charges have been incurred within the current fiscal year.

32. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this Agreement on behalf of the entity represented.

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THIS AGREEMENT IS EXECUTED by the State and the Local Government.

THE STATE OF TEXAS

THE LOCAL GOVERNMENT

Signature

Signature

Kenneth Stewart

Robby Hefton

Typed or Printed Name

Typed or Printed Name

Director of Contract Services

Sherman – City Manager

Typed or Printed Title

Typed or Printed Title

Date

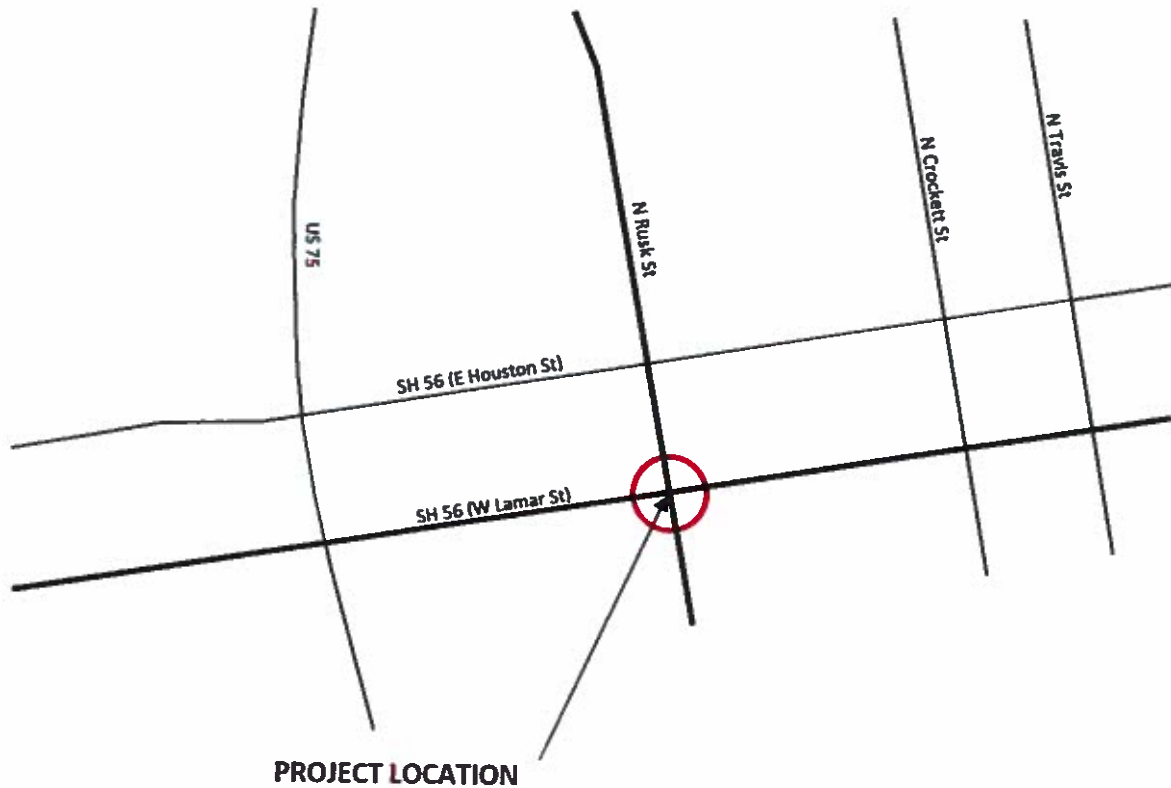
Date

TxDOT:		Federal Highway Administration:	
CSJ #	0045-03-050	CFDA No.	20.205
District #	01-PAR	CFDA Title	Highway Planning and Construction
Code Chart 64 #	39200		
Project Name	SH 56 & Rusk PED Improvement	<i>AFA Not Used For Research & Development</i>	

ATTACHMENT A
RESOLUTION OR ORDINANCE

TxDOT:		Federal Highway Administration:	
CSJ #	0045-03-050	CFDA No.	20.205
District #	01-PAR	CFDA Title	Highway Planning and Construction
Code Chart 64 #	39200		
Project Name	SH 56 & Rusk PED Improvement	AFA Not Used For Research & Development	

ATTACHMENT B LOCATION MAP SHOWING PROJECT



TxDOT:		Federal Highway Administration:	
CSJ #	0045-03-050	CFDA No.	20.205
District #	01-PAR	CFDA Title	Highway Planning and Construction
Code Chart 64 #	39200		
Project Name	SH 56 & Rusk PED Improvement	AFA Not Used For Research & Development	

ATTACHMENT C PROJECT BUDGET

The Local Government is responsible for 100% of costs as identified in the table below, including overruns. However, the State is only responsible for all direct and indirect State costs.

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Engineering (by Local Government)	\$4,128.00	0%	\$0	0%	\$0	100%	\$4,128.00
Construction (by Local Government)	\$25,887.74	0%	\$0	0%	\$0	100%	\$25,887.74
Subtotal	\$30,015.74		\$0		\$0		\$30,015.74
Environmental Direct State Costs	\$0	0%	\$0	0%	\$0	0%	\$0
Right of Way Direct State Costs	\$0	0%	\$0	0%	\$0	0%	\$0
Engineering Direct State Costs	\$1,000.00	0%	\$0	0%	\$1,000.00	0%	\$0
Utility Direct State Costs	\$0	0%	\$0	0%	\$0	0%	\$0
Construction Direct State Costs	\$5,000.00	0%	\$0	100%	\$5,000.00	0%	\$0
Indirect State Costs	\$1,783.00	0%	\$0	100%	\$1,783.00	0%	\$0
TOTAL	\$37,798.74		\$0		\$7,783.00		\$30,015.74

Initial payment by the Local Government to the State: \$0.00

Payment by the Local Government to the State before construction: \$0.00

Estimated total payment by the Local Government to the State \$0.00 This is an estimate. The final amount of Local Government participation will be based on actual costs.





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.4.

Meeting Date: 07/16/2018

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6385**

Authorizing Execution of an Encroachment Easement to Young Enterprises, LP for the Installation of Two (2) 9-square foot Subdivision Signs within a 10' Utility Easement on the Northeast Corner of Lot 20, Block C and the Northwest Corner of Lot 19, Block B of Magnolia Village in the City of Sherman, Texas

Issue:

To consider granting an encroachment easement on the northeast corner of Lot 20, Block C and the northwest corner of Lot 19, Block B of Magnolia Village in the City of Sherman, Texas

Background:

Young Enterprises has requested to place two (2) approximately 9-square foot subdivision signs on the northeast corner of Lot 20, Block C and the northwest corner of Lot 19, Block B of Magnolia Village to show entrance into their new residential addition. The proposed location of said subdivision signs will encroach into a 10' Utility Easement. An Encroachment Easement is required in order for the sign to be installed in the proposed locations.

Origination:

Young Enterprises, LP, Developer

Financial Consideration:

None

Staff Recommendation:

City staff and franchise utilities have no objections to the proposed encroachment; and it is recommended that the encroachment be granted.

Alternatives:

As may be directed by City Council

Attachments

Resolution No. 6385

Encroachment Easement

Exhibit "A" as noted in both Resolution and Encroachment Easement

Plat - Magnolia Village

Location Map

Map for Powerpoint

RESOLUTION NO. 6385

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO YOUNG ENTERPRISES, LP FOR THE INSTALLATION OF TWO (2) 9-SQUARE FOOT SUBDIVISION SIGNS WITHIN A 10' UTILITY EASEMENT ON THE NORTHEAST CORNER OF LOT 20, BLOCK C AND THE NORTHWEST CORNER OF LOT 19, BLOCK B OF MAGNOLIA VILLAGE IN THE CITY OF SHERMAN, TEXAS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an encroachment easement to install two (2) 9-square foot subdivision signs within a 10' utility easement on the northeast corner of Lot 20, Block C and the northwest corner of Lot 19, Block B of Magnolia Village in the City of Sherman, Texas, as shown on the sketch marked Exhibit "A" attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

ENCROACHMENT EASEMENT

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

That the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter called "GRANTOR," in consideration of ONE DOLLAR AND NO CENTS (\$1.00) and other good and valuable consideration to it, in hand paid, hereby grants to **Young Enterprises, LP**, hereinafter called "GRANTEE," an encroachment easement to construct two (2) 9-square foot subdivision signs within a 10' Utility Easement on the Northeast corner of Lot 20, Block C and the Northwest corner of Lot 19, Block B of Magnolia Village, filed of record in Document No. 2017-3268, Plat Records, Grayson County, Texas, as shown on the sketch marked Exhibit "A," attached hereto and incorporated herein for all purposes. Said encroachment easement shall be inferior, subordinate, and subject to the GRANTOR'S rights herein.

This instrument shall be construed as conveying an encroachment easement to GRANTEE, its heirs, successors and assigns, for the limited purpose of constructing a monument sign within the herein described encroachment area. GRANTEE agrees that all maintenance of the monument sign shall be the responsibility of the GRANTEE without cost, fees or expense to GRANTOR.

That GRANTEE shall fully and completely indemnify and hold harmless the GRANTOR from any and all damages, actions, suits, claims, demands, liabilities, executions and judgments, whether liquidated or unliquidated, absolute or contingent, direct or indirect, at law or in equity, together with attorney fees which may occur in any manner by reason of any manner, fact, or thing arising from this conveyance and use of the area.

In the event it becomes necessary for the GRANTOR or any public utility to utilize the encroachment area for the purpose of installing new utilities, removing or repairing any public utilities located therein, GRANTEE hereby releases GRANTOR and any public utility from any and all claims for damages, costs or expenses, and shall include, but specifically not be limited to, the cost of repair, relocation, or removal of said monument sign and loss of use of such area.

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

EXECUTED this the _____ day of _____, 2018.

CITY:

CITY OF SHERMAN, a Texas home-rule
municipal corporation

OWNER:

Young Enterprises, LP

BY: _____

Robby Hefton,
City Manager

BY: _____

Eddie Young,
CEO

Approved as to Form and Content:

By: _____

Brandon Shelby,
City Attorney

Attest: _____

Linda Ashby,
City Clerk

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

THIS INSTRUMENT was subscribed, sworn to and acknowledged before me on _____, 2018, by Robby Hefton, City Manager of the **CITY OF SHERMAN**, a Texas home-rule municipal corporation, on behalf of said corporation.

Notary Public, State of Texas
Printed Name of Notary: _____
My Commissions Expires: _____

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

THIS INSTRUMENT was subscribed, sworn to and acknowledged before me on _____, 2018, by Eddie Young, CEO of **Young Enterprises, LP**, on behalf of said limited partnership.

Notary Public, State of Texas
Printed Name of Notary: _____
My Commissions Expires: _____

Bearing Base: Grid North, NAD83 Texas State
Plane Coordinate System, North Central Zone, as
derived by survey-grade Global Positioning System

North Creek Drive
a public street — conc. curb & gutter
P.O.B.

Scale:
1"=30'

P.O.B.

Sign Easement
No. 1
261 Sq. Ft.

Lot
21

Lot 20

Lot 19

Block C

Dry Creek Road

Sign Easement
No. 2
272 Sq. Ft.

Block B

Lot 18

Amended Plat of
Magnolia Village
City of Sherman, Texas
Doc. No. 2017-3272
P.R.G.C.T.

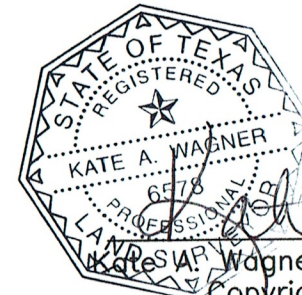
Sign Easements
for: Magnolia Village, LP

Job No. CGS16318

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088
Email: helveysurvey@cablone.net
Texas Board of Professional Land Surveying
Firm Registration No. 1008810

Line	Length	Bearing
L1	35.88'	N60°05'15"W
L2	16.04'	S60°05'15"E
L3	37.80'	S27°55'28"W
L4	16.88'	N27°55'28"E

Curve Table				
Curve	Length	Radius	Chord	
C1	14.17'	2148.50'	N75°01'30"E	14.17'
C2	14.01'	175.65'	S14°31'24"E	14.00'
C3	14.78'	225.30'	N14°39'04"W	14.78'
C4	8.39'	2148.50'	N72°46'51"E	8.39'
C5	5.78'	970.00'	N72°50'23"E	5.78'



Wagner, R. P. L. S. / No. 6578
Copyright Date: March 6, 2018

Helvey-Wagner Surveying, Inc.

222 West Main Street · Denison, Texas 75020

Ph: (903) 463-6191 · Fax: (903) 463-4088 · Email: helveysurvey@cableone.net

TBPLS Firm Registration No. 10088100

Billy F. Helvey, RPLS No. 4488 – Kate A. Wagner, RPLS No. 6578 – Kenneth N. Russell, RPLS No. 4409

SIGN EASEMENT NO. 1 261 SQ. FT.

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the James H. Clark Survey, Abstract No. 273 and being an easement upon, over and across a part of Lot 20, Block C, Amended Plat of Magnolia Village to the City of Sherman, Texas as per plat of record in Document No. 2017-3272, Plat Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a 1/2 inch capped rebar set, stamped “RPLS 6578” at the intersection of the South line of North Creek Drive, a public street, with the West line of Dry Creek Road, a public street, at the most Northern Northeast corner of both said Lot 20 and the herein described easement;

THENCE South 60 deg. 05 min. 15 sec. East, with the West line of said Dry Creek Road and the Northeast line of said Lot 20, a distance of 16.04 ft. to a 1/2 inch capped rebar set, stamped “RPLS 6578” at the most Eastern Northeast corner of both said Lot 20 and the herein described easement;

THENCE Southeasterly, along the East line of said Lot 20 and the West line of said Dry Creek Road, with a curve to the right, having a radius of 175.65 ft. and an arc length of 14.01 ft. (*Chord bears South 14 deg. 31 min. 24 sec. East, 14.00 ft.*) to a point at the most Southern corner of the herein described easement;

THENCE North 60 deg. 05 min. 15 sec. West, over and across said Lot 20, a distance of 35.88 ft. to a point in the South line of said North Creek Drive and the North line of said Lot 20, at the Northwest corner of the herein described easement;

THENCE Northeasterly, along the North line of said Lot 20 and the South line of said North Creek Drive, with a non-tangent curve to the left, having a radius of 2,148.50 ft. and an arc length of 14.17 ft. (*Chord bears North 75 deg. 01 min. 30 sec. East, 14.17 ft.*) to the **PLACE OF BEGINNING** and containing **261 SQUARE FEET** of land.




Kate A. Wagner, R.P.L.S. No. 6578
March 6, 2018

Helvey-Wagner Surveying, Inc.

222 West Main Street · Denison, Texas 75020

Ph: (903) 463-6191 · Fax: (903) 463-4088 · Email: helveysurvey@cableone.net

TBPLS Firm Registration No. 10088100

Billy F. Helvey, RPLS No. 4488 – Kate A. Wagner, RPLS No. 6578 – Kenneth N. Russell, RPLS No. 4409

SIGN EASEMENT NO. 2

272 SQ. FT.

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the James H. Clark Survey, Abstract No. 273 and being an easement upon, over and across a part of Lot 19, Block B, Amended Plat of Magnolia Village to the City of Sherman, Texas as per plat of record in Document No. 2017-3272, Plat Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a 1/2 inch capped rebar set at the intersection of the South line of North Creek Drive, a public street, with the East line of Dry Creek Road, a public street, at the most Northern Northwest corner of both said Lot 19 and the herein described easement;

THENCE Northeasterly, with the North line of said Lot 19 and the South line of said North Creek Drive, the following calls and distances:

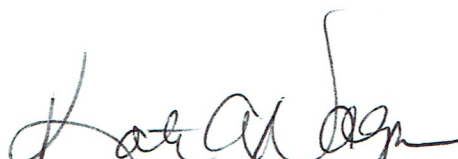
1. With a non-tangent curve to the left, having a radius of 2,148.50 ft. and an arc length of 8.39 ft. (*Chord bears North 72 deg. 46 min. 51 sec. East, 8.39 ft.*) to a 1/2 inch capped rebar set, stamped “RPLS 6578” at an angle point, at the end of said curve and the beginning of another curve;
2. With a reverse curve to the right, having a radius of 970.00 ft. and an arc length of 5.78 ft. (*Chord bears: North 72 deg. 50 min. 23 sec. East, 5.78 ft.*) to a point at the Northeast corner of the herein described easement;

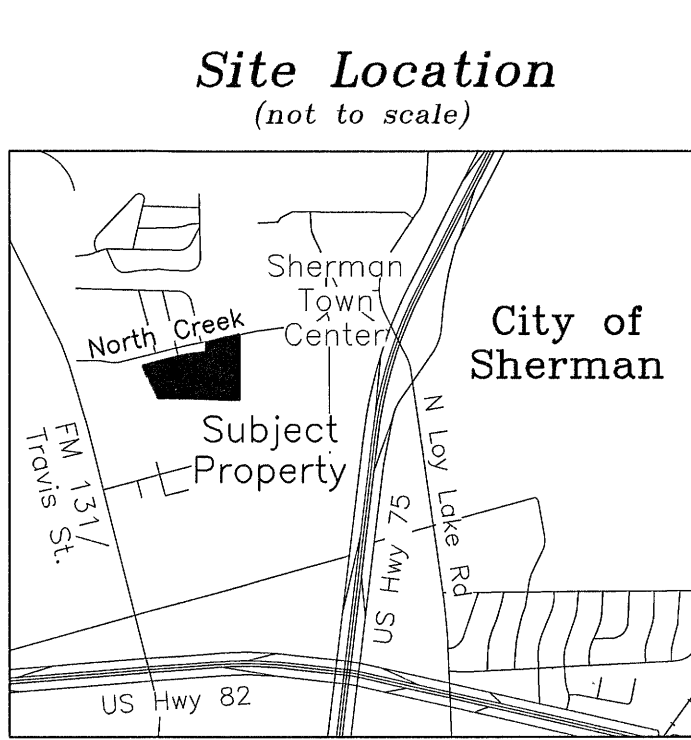
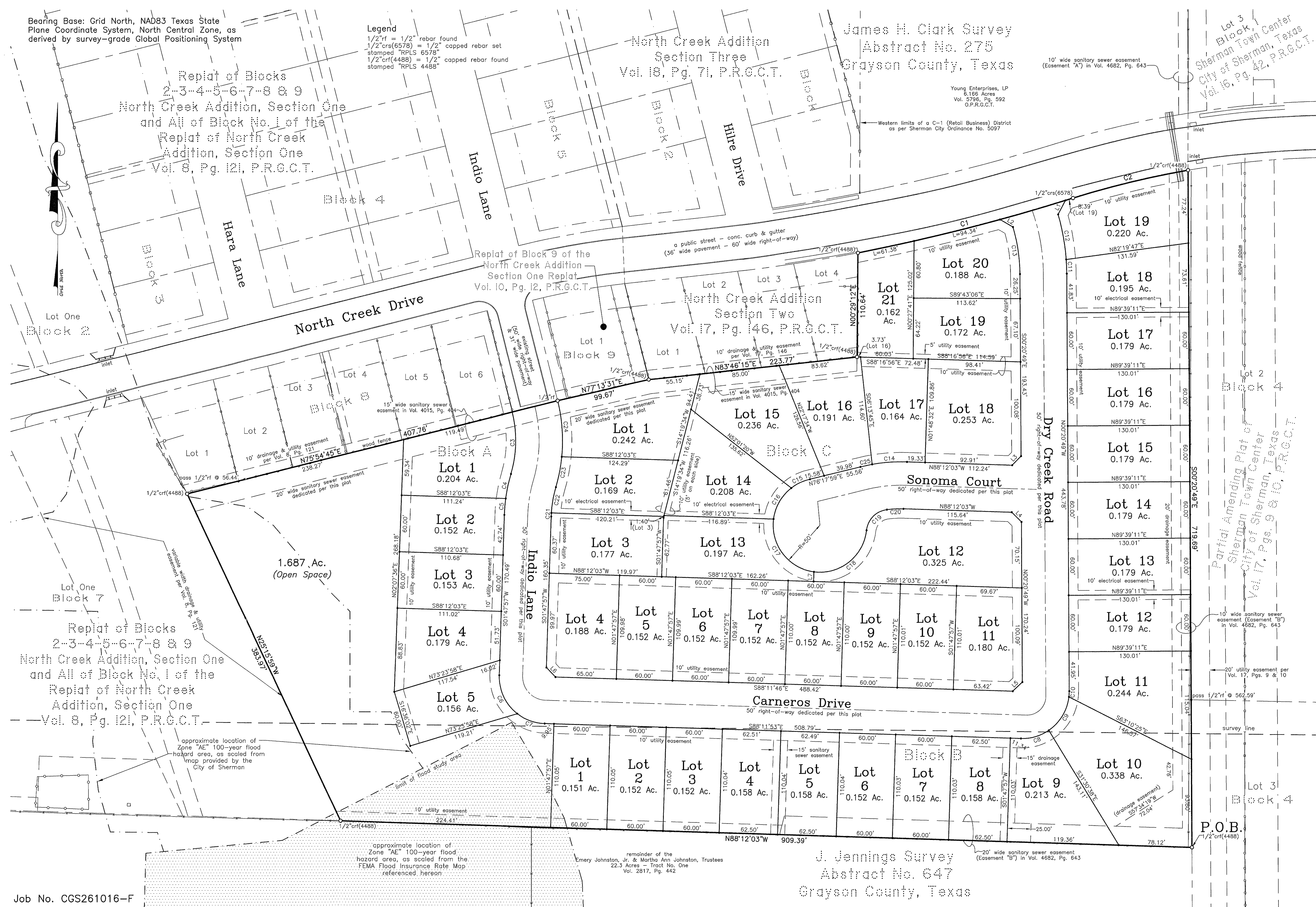
THENCE South 27 deg. 55 min. 28 sec. West, over and across said Lot 19, a distance of 37.80 ft. to a point in the East line of said Dry Creek Road and the West line of said Lot 19, at the most Southern corner of the herein described easement;

THENCE Northwesterly, along with the East line of said Dry Creek Road and the West line of said Lot 19, with a curve to the left, having a radius of 225.30 ft. and an arc length of 14.78 ft. (*Chord bears: North 14 deg. 39 min. 04 sec. West, 14.78 ft.*) to a 1/2 inch capped rebar set, stamped “RPLS 6578” at the most Western Northwest corner of both said Lot 19 and the herein described easement;

THENCE North 27 deg. 55 min. 28 sec. East, continuing with the East line of said Dry Creek Road and a Northwest line of said Lot 19, a distance of 16.88 ft. to the **PLACE OF BEGINNING** and containing **272 SQUARE FEET** of land.




Kate A. Wagner, R.P.L.S. No. 6578
March 6, 2018



SITUATED in the County of Grayson, State of Texas, and being a part of the James H. Clark Survey, Abstract No. 275, and being a part of the J. Jennings Survey, Abstract No. 647, and being all of the 12,000 acre tract of land conveyed by Bountiful, L.P. (aka: Bountiful, L.P.) to Young Enterprises, L.P., by Special Warranty Deed dated April 28, 2016 and recorded in Volume 5796, Page 592, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch capped rebar found stamped "RPLS 4488" in the West line of Lot 3, Block 4, Sherman Town Center to the City of Sherman, Texas, as per plat of record in Volume 16, Page 42, Plat Records, Grayson County, Texas, at the Northeast corner of the 22.3 ac. tract of land (Tract No. One) conveyed to Emery Johnson, Jr. and Martha Ann Johnston, Trustees in Volume 2817, Page 442 said Official Public Records, at the Southeast corner of said Young 12,000 ac.;

THENCE North 88 deg. 12 min. 03 sec. West, with the North line of said Johnston 22.3 ac. and the South line of said Young 12,000 ac., a distance of 909.39 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" at the Southeast corner of Lot One, Block 7, Replat of Blocks 2-3-4-5-6-7-8 & 9, North Creek Addition, Section One and All of Block No. 1 of the Replat of North Creek Addition, Section One to the City of Sherman, Texas, as per plat of record in Volume 8, Page 121, said Plat Records, at the Southwest corner of said Young 12,000 ac.;

THENCE North 25 deg. 15 min. 59 sec. West, with the East line of said Lot One and an East line of said Young 12,000 ac., a distance of 383.97 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" at the Southwest corner of Lot 1, Block 8, said North Creek Addition Replat, at the most Westerly Northwest corner of said Young 12,000 ac.;

THENCE North 75 deg. 54 min. 45 sec. East, with a North line of said Young 12,000 ac. and the South line of said Lot 1, passing a 1/2 inch rebar found at the Southeast corner of said Lot 1 and the Southwest corner of Lot 2 at 56.44 ft. and continuing now with the South line of said Lot 2 and Lots 3, 4, 5 and 6, said Block 8, passing the Southeast corner of said Lot 6 and continuing for a total distance of 407.76 ft. to a 1/2 inch rebar found at the Southwest corner of Lot 1, Block 9, Replat of Block 9 of the North Creek Addition Section One Replat to the City of Sherman, Texas, as per plat of record in Volume 10, Page 12, said Plat Records, at an angle point in a North line of said Young 12,000 ac.;

THENCE North 77 deg. 13 min. 31 sec. East, continuing with a North line of said Young 12,000 ac. and now with the South line of said Lot 1, Block 9, a distance of 99.67 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" at the Southwest corner of Lot 1, North Creek Addition, Section Two to the City of Sherman, Texas, as per plat of record in Volume 17, Page 146, said Plat Records, at the Southeast corner of said Lot 1, Block 9, of said Replat, at an angle point in a North line of said Young 12,000 ac.;

THENCE North 83 deg. 46 min. 15 sec. East, continuing with a North line of said Young 12,000 ac. and now with the South line of said Lot 1, said North Creek Addition, Section Two, passing the Southeast corner of said Lot 1 and the Southwest corner of Lot 2 and continuing now with the South line of said Lot 2, passing the Southeast corner of said Lot 2 and the Southwest corner of Lot 3 and continuing now with the South line of said Lot 3, passing a 1/2 inch rebar found at the Southeast corner of said Lot 3 and the Southwest corner of Lot 4 at 181.68 ft. and continuing now with the South line of said Lot 4 for a total distance of 223.77 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" at the Southeast corner of said Lot 4, at an Ell corner of said Young 12,000 ac.;

THENCE North 00 deg. 29 min. 12 sec. East, with the East line of said Lot 4, a distance of 110.64 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" in the South line of North Creek Drive, a public street, at the Northeast corner of said Lot 4, at the most Northerly Northwest corner of said Young 12,000 ac.;

THENCE Easterly, with the South line of said North Creek Drive and a North line of said Young 12,000 ac., and with a non-tangent curve to the left having a radius of 2,148.50 ft. and a central angle of 06 deg. 19 min. 10 sec. (chord bears North 75 deg. 49 min. 44 sec. East, 236.85 ft.), an arc distance of 236.97 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" at the end of said curve, at the beginning of another curve;

THENCE Easterly, continuing with the South line of said North Creek Drive and a North line of said Young 12,000 ac., and with a reverse curve to the right having a radius of 970.00 ft. and a central angle of 07 deg. 27 min. 52 sec., (chord bears North 76 deg. 24 min. 05 sec. East, 126.28 ft.), an arc distance of 126.37 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" at the Northwest corner of Lot 2, Block 4, Partial Amending Plat of Sherman Town Center to the City of Sherman, Texas, as per plat of record in Volume 17, Pages 9 & 10, said Plat Records, at the Northeast corner of said Young 12,000 ac.;

THENCE South 00 deg. 20 min. 49 sec. East, with the West line of said Lot 2, Block 4, said Amending Plat and the East line of said Young 12,000 ac., passing a 1/2 inch rebar found at the Southwest corner of said Lot 2, and the Northwest corner of said Lot 3, Block 4, said Sherman Town Center at 562.59 ft. and continuing now with the West line of said Lot 3 for a total distance of 719.69 ft. to the PLACE OF BEGINNING and containing 12,000 ACRES of land.

City of Sherman

This, the final plat of Magnolia Village to the City of Sherman, Texas is hereby approved this 20th day of December, 2017, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman Secretary

This, the final plat of Magnolia Village to City of Sherman, Texas, is hereby approved this 16th day of January, 2017, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: Mayor, City of Sherman, Texas

DATE

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing final plat of Magnolia Village to the City of Sherman, Texas, was submitted to the city council of Sherman, Texas, on the 16th day of January, 2017, and that the City Council, by formal action, then and there accepted the dedication of all easements, and other public areas, as shown and set forth in and upon said plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereabove subscribed.

CERTIFIED THIS 18th DAY OF October, 2017, BY

TEXAS E-9-307

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown hereon under my personal and direct supervision, and that the corner monumentation meets the standards set according to the Subdivision Regulations of the City of Sherman, Texas.

Kate A. Wagner, R. P. L. S. No. 6578 Date: 10/10/17

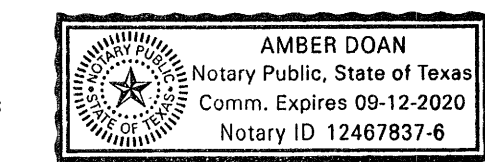
I, Authorized Representative for Magnolia Village, LP, owner of Magnolia Village, to the City of Sherman, Texas, do hereby dedicate the streets and easements shown hereon to the public use forever.

Todd Young 10/18/17 Authorized Representative for Magnolia Village, LP

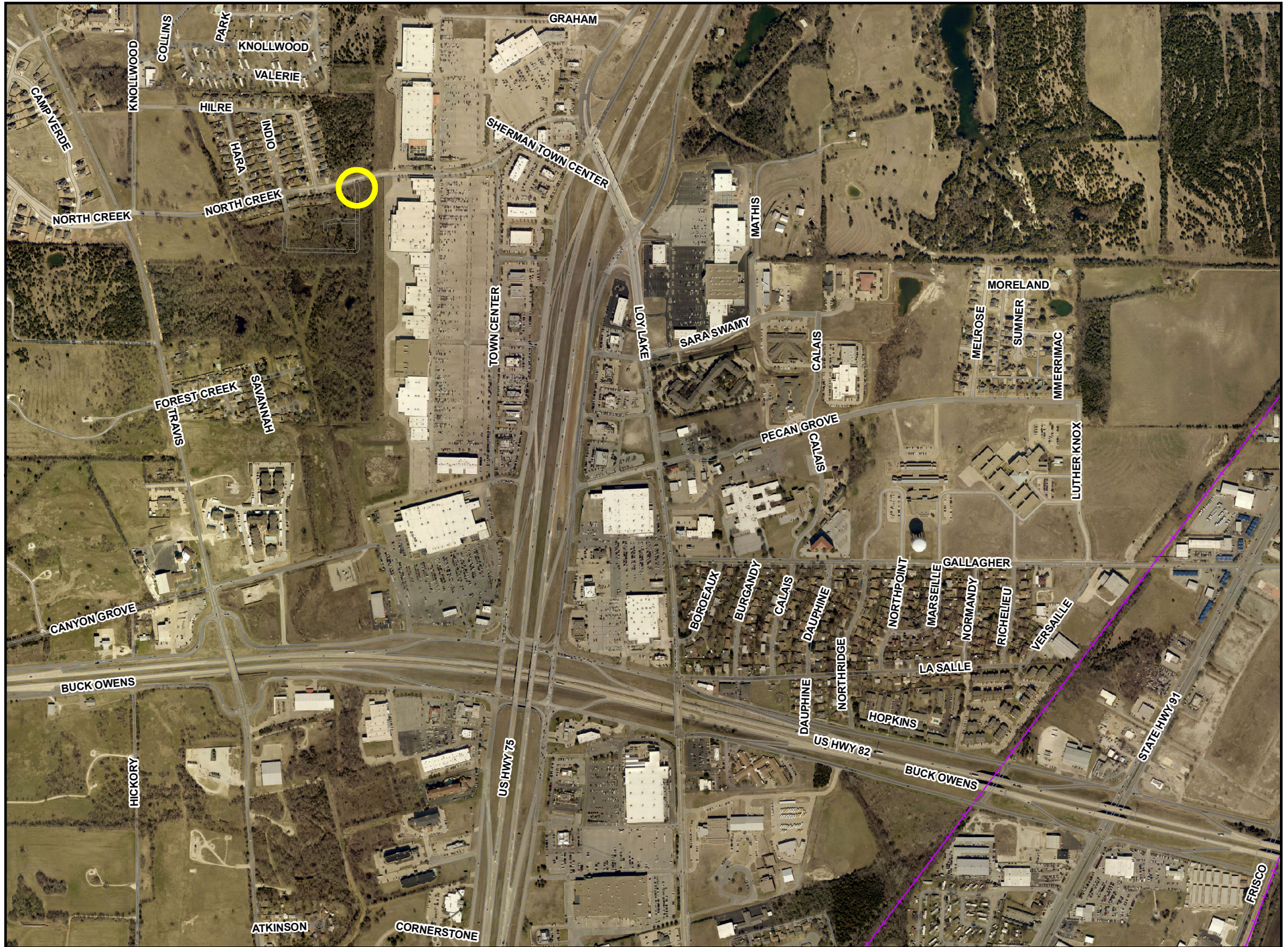
Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Authorized Representative for Magnolia Village, LP, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 18th day of October, 2017.

Notary Public, Grayson County, Texas



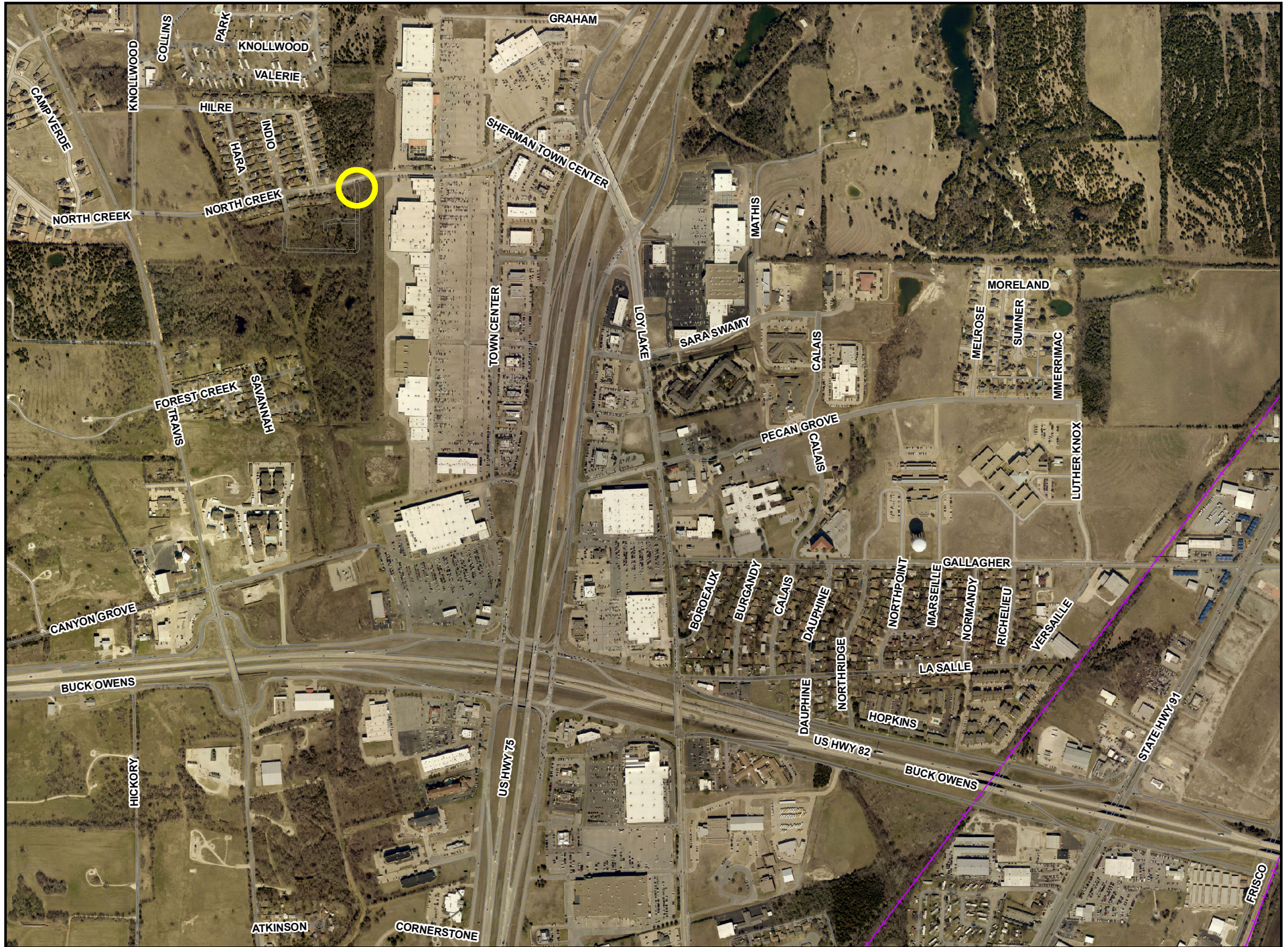
Magnolia Village



0 250 500 1,000
Feet

1 inch = 1,000 feet

Magnolia Village



0 250 500 1,000
Feet

1 inch = 1,000 feet



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.5.

Meeting Date: 07/16/2018

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6386**

Authorizing Execution of an Encroachment Easement to Cupid Investments, Inc. for the Installation of a Sanitary Sewer Service Lateral Line within the Platted Public Right-of-Way running East and West along Block 1 of the Epstein at Hazelwood Addition for Sanitary Sewer Services at 1000 East Epstein Street and 1004 East Epstein Street in the City of Sherman, Texas

Issue:

To consider granting an encroachment easement into the platted public right-of-way running east and west along Block 1 of the Epstein at Hazelwood Addition in the City of Sherman, Texas

Background:

The subject properties have no access to the public sewer utilizing existing platted easements. To access the City sewer, it will be necessary to install a private sanitary service lateral in a platted right-of-way along Block 1 of the Epstein at Hazelwood Addition.

Origination:

Cupid Investments, Inc., property owners and builders

Financial Consideration:

None

Staff Recommendation:

City staff has no objections to the proposed encroachment and, upon receiving approval from the franchised utilities, it is recommended that the encroachment be granted.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6386

Encroachment Easement - 1000 and 1004 East Epstein

Exhibit "A" as noted in both documents

Plat Epstein at Hazelwood Addition

Request Letter

Location Map

Map for Powerpoint

RESOLUTION NO. 6386

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO CUPID INVESTMENTS, INC. FOR THE INSTALLATION OF A SANITARY SEWER SERVICE LATERAL LINE WITHIN THE PLATTED PUBLIC RIGHT-OF-WAY RUNNING EAST AND WEST ALONG BLOCK 1 OF THE EPSTEIN AT HAZELWOOD ADDITION FOR SANITARY SEWER SERVICES AT 1000 EAST EPSTEIN STREET AND 1004 EAST EPSTEIN STREET IN THE CITY OF SHERMAN, TEXAS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an encroachment easement to install a sanitary sewer service lateral line within the platted public right-of-way running east and west along Block 1 of the Epstein at Hazelwood Addition for sanitary sewer services for 1000 East Epstein Street and 1004 East Epstein Street in the City of Sherman, Texas, as shown on the sketch marked Exhibit "A" attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

ENCROACHMENT EASEMENT

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

That the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter called "GRANTOR," in consideration of ONE DOLLAR AND NO CENTS (\$1.00) and other good and valuable consideration to it, in hand paid, hereby grants to **CUPID INVESTMENTS, INC.** of Sherman, Texas, hereinafter called "GRANTEE," an encroachment easement to install a sanitary sewer service lateral line within, over, upon, and across the platted public right-of-way running East and West along Block 1 of the Epstein at Hazelwood Addition for sanitary sewer services for 1000 E. Epstein Street and 1004 E. Epstein Street, Sherman, Texas, as shown on the sketch marked Exhibit "A," attached hereto and incorporated herein for all purposes. Said encroachment easement shall be inferior, subordinate, and subject to the GRANTOR'S rights herein.

This instrument shall be construed as conveying an encroachment easement to GRANTEE, its heirs, successors and assigns, for the limited purpose of installing a sanitary sewer service lateral line within the herein described encroachment area, as shown on the attached exhibit. GRANTEE agrees that all maintenance of the sanitary sewer later line shall be the responsibility of the GRANTEE without cost, fees or expense to GRANTOR.

That GRANTEE shall fully and completely indemnify and hold harmless the GRANTOR from any and all damages, actions, suits, claims, demands, liabilities, executions and judgments, whether liquidated or unliquidated, absolute or contingent, direct or indirect, at law or in equity, together with attorney fees which may occur in any manner by reason of any manner, fact, or thing arising from this conveyance and use of the area.

The GRANTEE shall restore the surface of the encroachment area to the same or better condition that existed prior to the installation of the sanitary sewer service lateral line.

The GRANTEE agrees to and shall allow any and all franchised utilities to continue uninterrupted use of the encroachment area described herein for their operations without cost, fees, or expense.

In the event it becomes necessary for the GRANTOR or any public utility to utilize the encroachment area for the purpose of installing new utilities, removing or repairing any public utilities located therein, GRANTEE hereby releases GRANTOR and any public utility from any and all claims for damages, costs or expenses, and shall include, but specifically not be limited to, the cost of repair, relocation, or removal of sanitary sewer lateral line and loss of use of such area.

In the event it becomes necessary for the GRANTOR to revoke and rescind this encroachment easement, GRANTEE agrees and consents to such revocation and rescission by GRANTOR unilaterally passing a resolution to that effect and filing the same in the Deed Records of Grayson County, Texas, all without the joinder or consent of GRANTEE herein.

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

EXECUTED this the _____ day of _____, 2018.

Approved as to Form and Content:

CITY:

CITY OF SHERMAN, a Texas home-rule
municipal corporation

By: _____

Brandon Shelby,
City Attorney

BY: _____

Robby Hefton,
City Manager

Attest: _____

Linda Ashby,
City Clerk

STATE OF TEXAS §

§

COUNTY OF GRAYSON §

THIS INSTRUMENT was subscribed, sworn to and acknowledged before me on _____, 2018, by Robby Hefton, City Manager of the **CITY OF SHERMAN**, a Texas home-rule municipal corporation, on behalf of said corporation.

Notary Public, State of Texas

Printed Name of Notary: _____

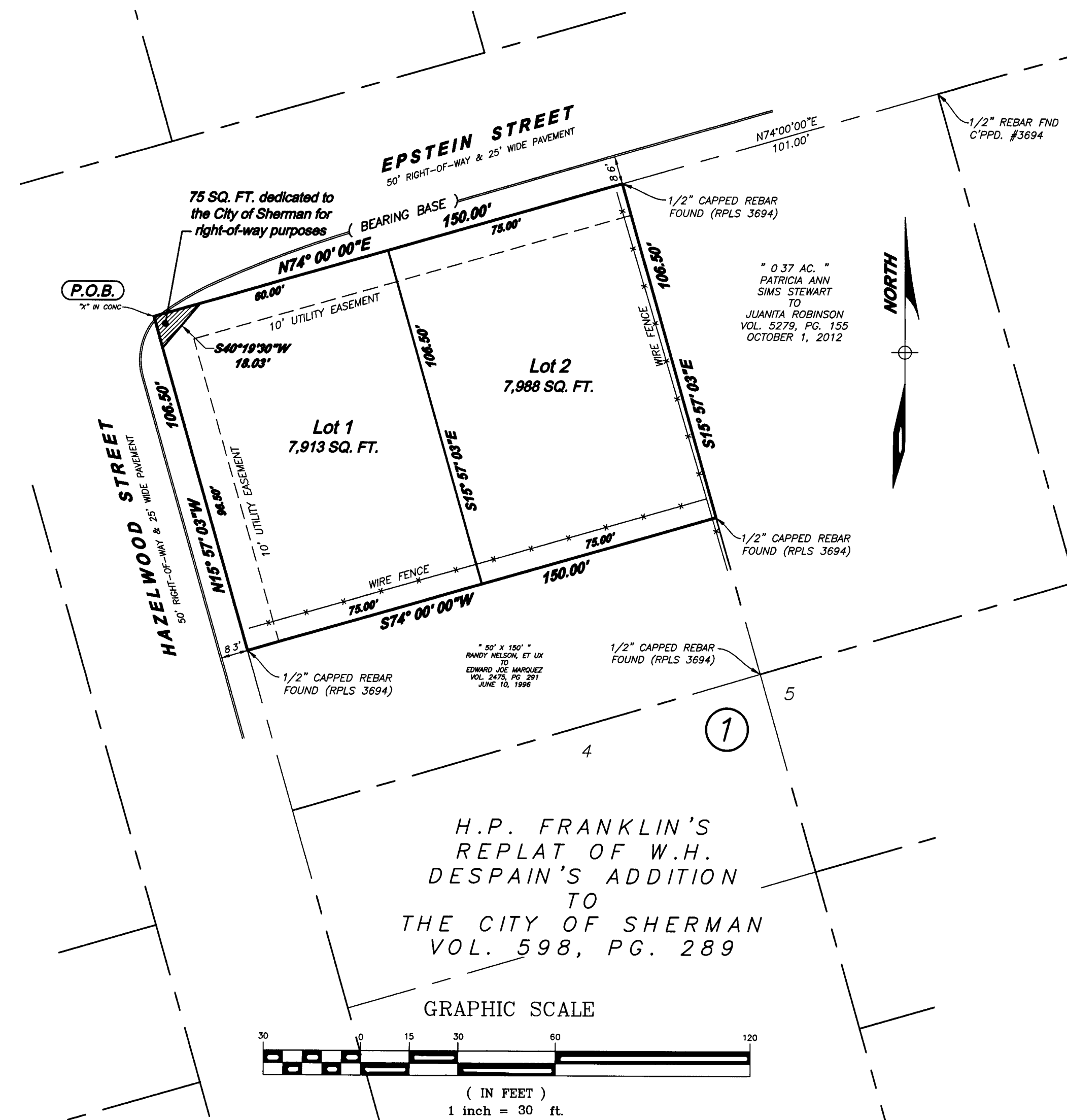
My Commissions Expires: _____

Exhibit "A" - Encroachment Easement - 1000 & 1004 E. Epstein



0 25 50 100 1 inch = 50 feet
Feet





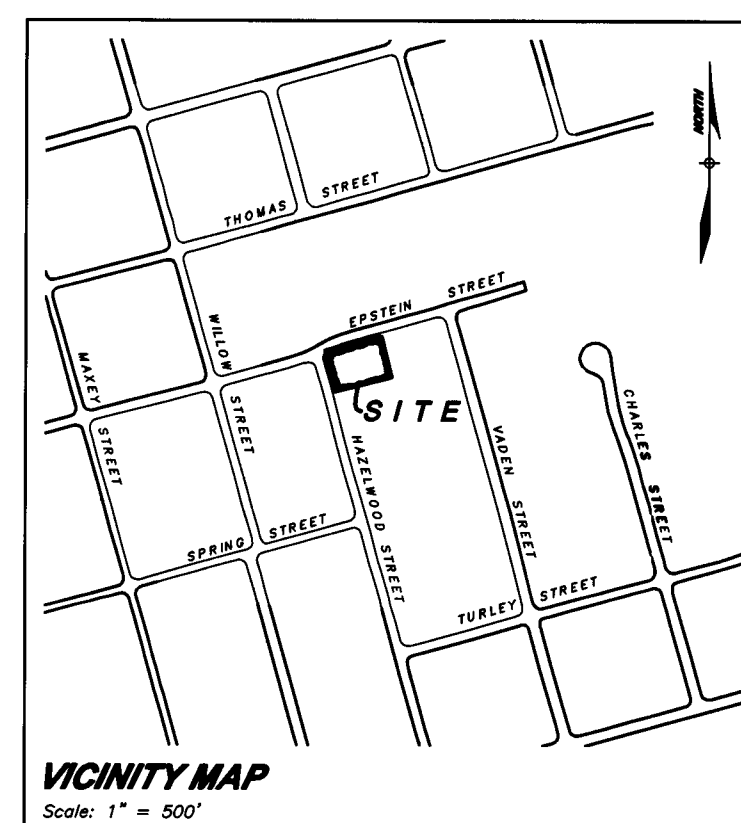
FINAL PLAT
OF
EPSTEIN AT
HAZELWOOD ADDITION
TO
THE CITY OF SHERMAN, TEXAS
BEING 0.37 ACRES OUT OF THE
G.B. PILANT SURVEY ABSTRACT NO. 963
TO THE CITY OF SHERMAN

General Notes:

1. Water Supply to be provided by City of Sherman.
2. Sewer service to be provided by City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery Co.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or any other cause.
8. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

Cupid Investments, Inc.
OWNER/DEVELOPER
715 S. US. Hwy. 75
Sherman, Texas 75090

Filed for Record
in the Official Records Of:
Grayson County Clerk
On: 11/16/2017 10:24:04 AM
In the PLAT Records
EPSTEIN AT HAZELWOOD ADDITION FINAL PLAT
Doc Number: 2017 - 3279
Number of Pages: 2
Amount: 32.00
Order#: 20171116000043
By: JM



SARTIN & ASSOCIATES, INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
 FIRM Headquarters - #10081100
 109 S. Travis • Sherman, TX 75090
 Phone: (903)892-8003 • Fax: (903)463-4088 • Email: sartinsurveying@gmail.com

FIELD NOTES

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the G. B. PILANT SURVEY, Abstract No. 963, being the same, 106.5 by 150 foot tract of land conveyed by Barton Capital, LTD to Cupid Investments, Inc. by Warranty Deed dated August 25, 2016 recorded in Volume 5865, Page 493, Official Public Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a cut "X" in concrete at the intersection of the East line of Hazelwood Street, a public street, with the South line of Epstein Street, a public street, at the Northwest corner of said Barton tract;

THENCE North 74 deg. 00 min. 00 sec. East, with the South line of said Epstein Street, a distance of 150.00 feet to a found ½ inch capped rebar stamped SARTIN-3694 maintaining the Northwest corner of an 0.37 acre tract conveyed by Patricia Ann Sims Stewart to Juanita Robinson by deed dated October 1, 2012, recorded in Volume 5279, Page 155, Official Public Records, Grayson County, Texas and the Northeast corner of said Barton tract;

THENCE South 15 deg. 57 min. 03 sec. East, with the West line of said 0.37 acre tract, a distance of 106.50 feet to a found $\frac{1}{8}$ inch capped rebar stamped SARTIN-3694 at the Northeast corner of a 50 by 150 foot tract conveyed by Randy Nelson, et ux to Edward Joe Marquez, III by deed dated June 10, 1996, recorded in Volume 2475, Page 291, Official Public Records, Grayson County, Texas and the Southwest corner of said Robinson 0.37 ac., at the Southeast corner of said Barton tract;

THENCE South 74 deg. 00 min. 00 sec. West, with the North line of said Marquez tract, a distance of 150.00 feet to a found ½ inch capped rebar stamped SARTIN-3694 at the Northwest corner of said Marquez tract and the Southeast corner of said Barton tract, on the East line of said Hazelwood Street;

THENCE North 15 deg. 57 min. 03 sec. West, with the East line of said Hazelwood Street, a distance of 106.50 feet to the
PLACE OF BEGINNING and containing 0.37 ACRES OF LAND more or
less.....

I, KATE A. WAGNER, REGISTERED PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND, AND THAT THE CORNER MONUMENTS SHOWN HEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SHERMAN, TEXAS

Kate A. Wagner, R.P.L.S. # 657



THAT, I, RON BARTON, AUTHORIZED REPRESENTATIVE FOR CUPID INVESTMENTS, INC., OWNER OF THE FINAL PLAT OF EPSTEIN AT HAZELWOOD ADDITION TO THE CITY OF SHERMAN, TEXAS, DO HEREBY DEDICATE THE STREETS AND EASEMENTS SHOWN HEREON TO THE PUBLIC USE FOREVER.

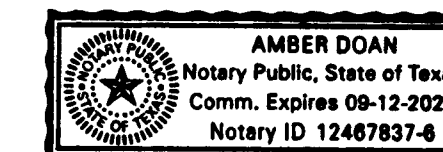
RON BARTO

11/15/2017
DATE:

**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 ^{AS} ~~THE~~ ~~PERSON~~ ~~WHOSE~~ ~~NAME~~ ~~IS~~ ~~SUBSCRIBED~~ ~~TO~~ ~~THE~~ ~~FOREGOING~~ ~~INSTRUMENT~~ ~~AND~~ ~~ACKNOWLEDGED~~ ~~TO~~ ~~ME~~ ~~THAT~~ ~~HE~~ ~~EXECUTED~~ ~~THE~~ ~~SAME~~ ~~FOR~~ ~~THE~~ ~~PURPOSES~~ ~~AND~~ ~~CONSIDERATION~~ ~~THEREIN~~ ~~EXPRESSED~~ ~~AND~~ ~~IN~~ ~~THE~~ ~~CAPACITY~~ ~~THEREIN~~ ~~STATED~~.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 15th DAY OF November, 2017.



Amber Doan
NOTARY PUBLIC, STATE OF TEXAS

APPROVED THIS 19th DAY OF September, 2017 BY THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF SHERMAN, TEXAS.

Chas. F. Webb
CHAIRMAN

Scott Snadden
SECRETARY

ACCEPTED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS



11/08/2017
MAYOR, CITY OF SHERMAN

THE UNDERSIGNED, THE CITY CLERK OF THE CITY OF SHERMAN, TEXAS, HEREBY CERTIFIES THAT THE FOREGOING FINAL PLAN OF EPSTEIN AT HAZELWOOD ADDITION TO THE CITY OF SHERMAN, WAS SUBMITTED TO THE CITY COUNCIL ON THE 16th DAY OF October, 1977 AND THE CITY AND CITY COUNCIL BY FORMAL ACTION THEN AND THERE ACCEPTED THE DEDICATION OF STREETS, ALLEYS, EASEMENTS AND PUBLIC PLACES AS SHOWN AND SET FORTH IN THE FOREGOING SAID PLAN, AND SAID CITY COUNCIL FURTHER AUTHORIZED THE MAYOR TO NOTE THE ACCEPTANCE THEREOF BY SIGNING HIS NAME AS HEREIN SUBSCRIBED.

WITNESS MY HAND THIS 8th DAY OF November, 2017

Sinda Ashby
CITY CLERK, City of Sherman, Texas

FINAL PLAT
OF
EPSTEIN AT
HAZELWOOD ADDITION

Filed for Record
in the Official Records Of:
Grayson County Clerk
On: 11/16/2017 10:24:04 AM
In the PLAT Records
EPSTEIN AT HAZELWOOD ADDITION FINAL PLAT
Doc Number: 2017 - 3279
Number of Pages: 2
Amount: \$2.00
Order#: 20171116000043
By: JM





Cupid Homes™

715 S. Sam Rayburn Fwy. Sherman, Texas 75090 903-868-4201 Fax 903-868-4422

June 18, 2018

Ms. Amber Doan
Engineering Coordinator
City of Sherman
220 W. Mulberry Street
Sherman, Texas 750910

Re: Encroachment Easement

Dear Ms. Doan:

Cupid Homes is requesting an easement to encroach into the City Right of Way to install a private sanitary sewer service line to 1000 and 1004 E. Epstein Street.

We respectfully request that this be added to the July 16, 2018 City Council Meeting Agenda.

Thank you for your assistance in this matter.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Ronald C. Barton', is written over the 'Sincerely yours,' and extends upwards and to the right.

Ronald C. Barton
Vice-President
(903) 819-4098

1000 & 1004 E. Epstein



0 105 210 420 1 inch = 200 feet
Feet



1000 & 1004 E. Epstein



0 105 210 420 1 inch = 200 feet
Feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.6.

Meeting Date: 07/16/2018

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6387**

Appointing and Authorizing the Execution of an Agreement with Pattillo, Brown and Hill, LLP to Perform the Fiscal Year 2018 Audit

Issue:

Independent audit services for fiscal year (FY) 2018

Background:

By Charter, we are required to annually appoint an independent auditor to perform a financial audit for the City. For the past five years, Adami, Lindsey & Company, LLP has performed the annual audit. Since that contract does not have any more renewals, Requests for Proposal were solicited from certified public accounting firms. Three proposals were received, with Patillo, Brown & Hill (PBH) offering the best value to the City. PBH has performed the audit for the City and the Sherman Economic Development Corporation (SEDCO) in the past; and the City Council and staff were pleased with their performance.

Origination:

Council Audit Committee

Mary Lawrence, Director of Finance

Financial Consideration:

The fee estimate for these services is \$45,000.00 for the City and \$5,000.00 for SEDCO. Funds have been allocated in the FY 2019 budget for this expenditure.

Staff Recommendation:

The staff recommends the City Council accept the recommendation of the Council Audit Committee to appoint Pattillo, Brown and Hill, LLP to perform the annual audit for the fiscal year ending September 30, 2018.

Alternatives:

The City Council could reject all the proposals and direct staff to re-advertise for additional proposals.

Attachments

Resolution No. 6387

Memo to Audit Committee dated July 5, 2018

2018 Audit Engagement Letter

RESOLUTION NO. 6387

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPOINTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PATTILLO, BROWN & HILL, LLP TO PERFORM THE FISCAL YEAR 2018 AUDIT; 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 Council hereby appoints Pattillo, Brown & Hill, LLP to perform the annual audit for the City of Sherman for fiscal year ending September 30, 2018.

SECTION 2. That the City Manager be and is hereby authorized and directed, subject to all agreement documents being properly completed and approved as to form and content by the City Attorney, to execute a contract with Pattillo, Brown & Hill, LLP to perform the annual audit for the City of Sherman for the fiscal year ending September 30, 2018.

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 _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY,
CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

DATE: Thursday, July 5, 2018

TO: The Council Audit Committee
The Honorable David Plyler, Mayor
The Honorable Shawn Teamann, Council Member
The Honorable Daron Holland, Council Member

CC: Sherman City Council Members
Robby Hefton, City Manager

FROM: Mary Lawrence, Director of Finance 

SUBJECT: **Appointment of Pattillo, Brown & Hill, LLP as Independent Auditor for the Fiscal Year Ended September 30, 2018 Audit**

Since 2013, Adami Lindsey & Company, LLP (ALC), a certified public accounting firm in Sherman, has performed the annual audit for the City of Sherman and the Sherman Economic Development Corporation (SEDCO). The initial contract with ALC expired after the most recent audit, for fiscal year ended September 30, 2017.

The City publicly advertised and sent Requests for Proposals to various certified public accounting firms. Three proposals were received with Pattillo, Brown & Hill (PBH) offering the best value to the City. PBH, a certified public accounting firm in Waco, has performed the audit for the City and SEDCO in the past and the staff was pleased with their past performance. The Finance Department staff has worked with PBH to develop an agreement to perform these services for the upcoming fiscal year, and for several subsequent years at the consent of both parties.

PBH has agreed to provide audit services for the upcoming year for \$50,000.00, including the audit of SEDCO. This fee is in line with fees paid to the prior auditor for similar services. Audit field work is expected to begin in August and the audit is expected to be completed with the report draft received by January 31, 2019.

The appointment of PBH and engagement letter will be on the July 16, 2018, council agenda for approval. If you have any questions prior to the council meeting, please let me know.



PATILLO, BROWN & HILL, L.L.P.
CERTIFIED PUBLIC ACCOUNTANTS ■ BUSINESS CONSULTANTS

June 21, 2018

City of Sherman, Texas
405 North Rusk Street, 3rd Floor
Sherman, Texas 75091-1106

Dear City Council and Director of Finance:

You have requested that we audit the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of City of Sherman, Texas, as of September 30, 2018, and for the year then ended, and the related notes to the financial statements, which collectively comprise City of Sherman, Texas' basic financial statements as listed in the table of contents.

In addition, we will audit the entity's compliance over major federal award programs for the period ended September 30, 2018. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audits will be conducted with the objectives of our expressing an opinion on each opinion unit and an opinion on compliance regarding the entity's major federal award programs.

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, budgetary comparison information, and pension related information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by accounting principles generally accepted in the United States of America. This RSI will be subjected to certain limited procedures but will not be audited:

- Management's Discussion and Analysis
- Budgetary Comparison Schedule

WACO, TX
401 West Highway 6
Waco, Texas 76710
254.772.4901
www.pbhpa.com

HOUSTON, TX
281.671.6259

RIO GRANDE VALLEY, TX
956.544.7778

TEMPLE, TX
254.791.3460

ALBUQUERQUE, NM
505.266.5904


**Governmental Audit
Quality Center**

- Schedules of Changes in Net Pension and OPEB Liability and Related Ratios.
- Schedules of Contributions – TMRS Pension and OPEB Plan

Supplementary information other than RSI will accompany City of Sherman, Texas' basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

- Combining and Individual Fund Financial Statements and Schedules

Schedule of Expenditures of Federal Awards

We will subject the schedule of expenditures of federal awards to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the schedule to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on whether the schedule of expenditures of federal awards is presented fairly in all material respects in relation to the financial statements as a whole.

Also, the document we submit to you will include the following other additional information that will not be subjected to the auditing procedures applied in our audit of the financial statements:

- Introductory Section
- Statistical Section

Data Collection Form

Prior to the completion of our engagement, we will complete the sections of the Data Collection Form that are our responsibility. The form will summarize our audit findings, amounts and conclusions. It is management's responsibility to submit a reporting package including financial statements, schedule of expenditure of federal awards, summary schedule of prior audit findings and corrective action plan along with the Data Collection Form to the federal audit clearinghouse. The financial reporting package must be text searchable, unencrypted, and unlocked. Otherwise, the reporting package will not be accepted by the federal audit clearinghouse. We will assist you in the electronic submission and certification. You may request from us copies of our report for you to include with the reporting package submitted to pass-through entities.

The Data Collection Form is required to be submitted within the *earlier* of 30 days after receipt of our auditors' reports or nine months after the end of the audit period, unless specifically waived by a federal cognizant or oversight agency for audits. Data Collection Forms submitted untimely are one of the factors in assessing programs at a higher risk.

Audit of the Financial Statements

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS), the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America; the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. If appropriate, our procedures will therefore include tests of documentary evidence that support the transactions recorded in the accounts and direct confirmation of cash, investments, and certain other assets and liabilities by correspondence with creditors and financial institutions. As part of our audit process, we will request written representations from your attorneys, and they may bill you for responding. At the conclusion of our audit, we will also request certain written representations from you about the financial statements and related matters.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements or noncompliance (whether caused by errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations) may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America.

In making our risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit. Our responsibility as auditors is, of course, limited to the period covered by our audit and does not extend to any other periods.

We will issue a written report upon completion of our audit of City of Sherman, Texas' basic financial statements. Our report will be addressed to the governing body of City of Sherman, Texas. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

Audit of Major Program Compliance

Our audit of City of Sherman, Texas' major federal award program(s) compliance will be conducted in accordance with the requirements of the Single Audit Act, as amended; and the Uniform Guidance, and will include tests of accounting records, a determination of major programs in accordance with the Uniform Guidance and other procedures we consider necessary to enable us to express such an opinion on major federal award program compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the entity has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major federal award programs. Our procedures will consist of determining major federal programs and performing the applicable procedures described in the U.S. Office of Management and Budget *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the entity's major programs. The purpose of those procedures will be to express an opinion on the entity's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Also, as required by the Uniform Guidance, we will perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the entity's major federal award programs. However, our tests will be less in scope than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the entity's major federal award programs, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

Management's Responsibilities

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
2. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements;

3. For safeguarding assets;
4. For identifying all federal awards expended during the period including federal awards and funding increments received prior to December 26, 2014, and those received in accordance with the Uniform Guidance generally received after December 26, 2014;
5. For preparing the schedule of expenses of federal awards (including notes and noncash assistance received) in accordance with the Uniform Guidance requirements;
6. For the design, implementation, and maintenance of internal control over compliance;
7. For identifying and ensuring that the entity complies with laws, regulations, grants, and contracts applicable to its activities and its federal award programs;
8. For following up and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
9. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
10. For submitting the reporting package and data collection form to the appropriate parties;
11. For making the auditor aware of any significant vendor relationships where the vendor is responsible for program compliance;
12. To provide us with:
 - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements, and relevant to federal award programs, such as records, documentation, and other matters;
 - b. Additional information that we may request from management for the purpose of the audit; and
 - c. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
13. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;
14. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets; and
15. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria, (b) to provide us with the appropriate written representations regarding supplementary information, (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information, and (d) to present the supplementary information with the audited financial statements, or if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

With respect to any nonattest services we perform, such as preparation of financial statements and related note disclosures and the schedule of expenditures of federal awards, the entity's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*.

Government Auditing Standards require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the financial statements and related schedules or disclosures as these actions are deemed a non-audit service.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit.

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Engagement Administration, Fees and Timing

We will schedule the engagement based in part on deadlines, working condition, and the availability of your key personnel. We will plan the engagement based on the assumption that your personnel will cooperate and provide assistance by performing tasks such as preparing requested schedules, retrieving supporting documents, and preparing confirmations. If for whatever reason your personnel are unavailable to provide the necessary assistance in a timely manner, it may substantially increase the work we have to do to complete the engagement within the established deadlines, resulting in an increase in fees over our original fee estimate.

The timing of our audit will be scheduled for performance and completion as follows:

Document internal control and preliminary tests	August 2018
Mail confirmations	October 2018
Perform year-end audit procedures	December 2018
Issue audit reports	March 2019

John K. Manning is the engagement partner for the audit services specified in this letter. His responsibilities include supervising Pattillo, Brown & Hill, L.L.P.'s services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Our fees for these services will be at our standard hourly rates plus out-of-pocket cost (such as reports reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$45,000. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional cost.

Other Matters

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

Our firm may transmit confidential information that you provided us to third parties in order to facilitate delivering our services to you. For example, such transmissions might include, but not be limited to investment information. We have obtained confidentiality agreements with all our service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have the appropriate procedures in place to prevent the unauthorized release of confidential information to others. We will remain responsible for the work provided by any third-party service providers used under this agreement. By your signature below, you consent to having confidential information transmitted to entities outside the firm. Please feel free to inquire if you would like additional information regarding the transmission of confidential information to entities outside the firm.

The audit documentation for this engagement is the property of Pattillo, Brown & Hill, L.L.P. and constitutes confidential information. However, we may be requested to make certain audit documentation available to federal agencies and the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Pattillo, Brown & Hill, L.L.P.'s personnel. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies. We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

During the course of the audit, we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

You agree to inform us of facts that may affect the financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

At the conclusion of our audit engagement, we will communicate to management and those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of our latest external peer review report of our firm for your consideration and files.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements compliance over major federal award programs including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Respectfully,

Pattillo, Brown & Hill, L.L.P.

A handwritten signature in black ink that reads "John K. Manning". The signature is written in a cursive, flowing style.

John K. Manning, CPA
Waco, Texas

RESPONSE:

This letter correctly sets forth our understanding.

Acknowledged and agreed on behalf of City of Sherman, Texas by:

Name: _____

Title: _____

Date: _____

SYSTEM REVIEW REPORT

October 21, 2016

To the Partners of
Pattillo, Brown & Hill, LLP
and the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Pattillo, Brown & Hill, LLP (the firm) in effect for the year ended May 31, 2016. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards*, audits of employee benefit plans, and audits performed under FDICIA.

In our opinion, the system of quality control for the accounting and auditing practice of Pattillo, Brown & Hill, LLP in effect for the year ended May 31, 2016, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Pattillo, Brown & Hill, LLP has received a peer review rating of *pass*.

Haddox Reid Eubank Betts PLLC



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.7.

Meeting Date: 07/16/2018

Prepared By: Nate Strauch, Community & Support Services Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6388

Authorizing Execution of an Agreement with Sean Vanderveer d/b/a Vanderveer Group, LLC under the City of Sherman's Central Business District Historic Building Restoration and Improvement Grant Program for Improvements to 124 North Walnut Street

Issue:

An agreement with Sean Vanderveer d/b/a Vanderveer Group, LLC for a Building Restoration and Improvement Grant for improvements to a historically significant, Central Business District property at 124 North Walnut Street

Background:

The City Council has allocated \$50,000.00 of General Fund revenues for the 2017-2018 fiscal year for a Building Restoration and Improvement Grant Program designed to stimulate substantial, visible, and permanent improvements to historically significant commercial buildings and to spur interest in vacant and underutilized buildings of historical value in the Central Business District. Grants under the program are awarded at the City Council's sole discretion, in the maximum amount of \$25,000.00 per project.

This application is the third received in fiscal year 2018 and the fourteenth received under the program. The project is to restore the historic structure established in approximately 1900 and located at 124 North Walnut Street in Downtown Sherman. The project will restore and renovate the interior and exterior of a portion of the 28,500 square foot structure. The expected qualified costs for the proposed renovation work are approximately \$234,350.00. The project qualifies for the maximum matching grant of \$25,000.00.

Origination:

Community and Support Services Manager Nate Strauch

Financial Consideration:

Of the originally budgeted \$50,000.00 for FY 2018, \$15,009.00 remains unallocated.

Staff Recommendation:

As the application meets the requirements of the program, it is recommended that the City Council consider an award to Sean Vanderveer d/b/a Vanderveer Group, LLC in the amount of \$15,009.00.

Alternatives:

As directed by Council

Attachments

Resolution No. 6388

Agreement

Grant Application

Cost Estimate

Historical Image 1

Historical Image 2

Current Image 1

Current Image 2

Current Image 3

Aerial Location Map

RESOLUTION NO. 6388

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH SEAN VANDERVEER D/B/A VANDERVEER GROUP, LLC UNDER THE CITY OF SHERMAN'S CENTRAL BUSINESS DISTRICT HISTORIC BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM FOR IMPROVEMENTS TO 124 NORTH WALNUT STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Sean Vanderveer d/b/a Vanderveer Group, LLC for improvements to 124 North Walnut Street under the City of Sherman's Central Business District Historic Building Restoration and Improvement Grant Program, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



**CITY OF SHERMAN
CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

AGREEMENT

THIS AGREEMENT is made and entered into on this the ____ day of _____, 2018, by and between the City of Sherman, a municipal corporation of the State of Texas, hereinafter referred to as “City”, and Sean Vanderveer d/b/a Vanderveer Group, LLC, hereinafter referred to as “Applicant(s).”

WITNESSETH THAT, in consideration of the mutual promises and undertaking herein for the purpose of carrying out the restoration of a downtown property, thereby benefiting both the Applicants and the City;

THEREFORE, the Applicants and the City certify and agree to the terms and conditions as set forth below:

**I.
TERMS OF AGREEMENT**

1. **Ownership and Grant Program.** The Applicants represent and presented documentation that they are the owners of or tenants in good standing of a certain property located at 124 North Walnut Street in the City of Sherman, Grayson County, Texas, hereinafter referred to as “Property,” lying within an area where the City is conducting a Central Business District Historic Building Restoration and Improvement Grant Program as described in the Program’s “Guidelines and Policies,” a copy of which has been provided to the Applicants and is attached hereto as Exhibit “A” and made a part of this Agreement for all purposes, a copy of which has been provided to the Applicants.
2. **Property Description and Eligibility.** The Property is of commercial, retail, service, professional and/or office use, and Applicants’ proposed improvements to the Property listed in the Central Business District Historic Building Restoration and Improvement Grant Program Application are eligible improvements as described in the Program’s Guidelines and Policies. Applicants state that all of the information contained in the application is truthful and discloses sufficient information so as not to be misleading. The submitted application is attached hereto as Exhibit “B” and incorporated into this Agreement for all purposes.
3. **Compliance with Codes.** All improvements to be undertaken will be consistent with all applicable Zoning and Building Codes.

4. **City Approval for Work.** Only the work that is agreed to by the City and the Applicants, which will be outlined in a formal written notice to proceed to be provided to the Applicants by the City upon Application approval, will be eligible for reimbursement. Any changes to the project that are not approved by the City in writing will not be eligible for reimbursement. Any work that is begun by the Applicants prior to receiving a written notice to proceed from the City will not be eligible for reimbursement.
5. **Rebate/Reimbursement.** The City will rebate a portion of the cost of eligible building improvements as described in the Program Guidelines. Reimbursement claims for all eligible expenses for completed improvements must be accompanied by the following supporting documents: applicable planning and building permits, canceled checks and paid invoices/receipts for eligible work.
6. **Lien.** Upon completion of the work, the City shall record a conditional lien on the property in the full amount of the City's monetary grant to Applicants and the Applicants consent to such lien. The lien shall remain in effect until the terms and conditions in Exhibit "A" have been fully complied with or the lien in favor of the City has been paid in full.
7. **Display of Sign.** After the work has been completed, Applicants shall display a sign or banner (provided by the City) indicating participation in the Central Business District Historic Building Restoration and Improvement Grant Program. The sign shall be displayed either on the exterior or in the front window of the building for a period of thirty (30) days.
8. **City Access to Building.** Applicants agree to allow the City or its agents access to buildings and improvements, when convenient for all parties, for inspection of the Central Business District Historic Building Restoration and Improvement Grant Program work.
9. **Work Payment and Personnel.** In accordance with the terms of this Agreement, the Applicants shall hire all personnel and pay for all labor, materials, tools, transportation, services, City licenses and permits necessary to perform or cause to have performed, and all work as specified in the Application. Applicants are aware of Labor Code Section 3700, which requires worker's compensation insurance or self insurance for employees.
10. **Time Period for Work.** Upon the signing of this Agreement, the Applicants shall have a period of ninety (90) days in which to take out a building permit. Work shall commence within ninety (90) days of the approval date of the building permit and be completed within twelve (12) months thereafter. Extensions, if warranted, may be granted at the discretion of the City. No change to work without the written consent of both the City and Applicants will be permitted.
11. **Notice and Compliance with Laws.** The Applicants shall give all notices required and comply with all applicable laws, ordinances and codes and shall, at their expense, secure and pay all said fees and charges for the performance of the work.

12. **No City Liability.** Applicants understand and agree that the City and their officers, agents, and employees, shall have no responsibility or liability of any failure or inadequacy of performance or defective workmanship or materials in regard to the agreed-upon improvements.
13. **Proper Use of Hotel/Motel Tax Revenues.** Applicants acknowledge that they are aware that the money being provided to them through this agreement comes from the City's Hotel/Motel Tax revenues; and Applicants further acknowledge and agree that they have independently determined that the project contemplated by this agreement and the submitted application complies with the State law regarding the use and application of such money, as set forth in the Texas Tax Code at Chapter 351, Section 351.101 and, in particular, that the project will enhance and promote tourism by attracting visitors from outside the City and the project will enhance the historical restoration, rehabilitation, or preservation of a historic structure. Applicants further acknowledge and agree that, if the project is determined at any time not to comply with Chapter 351 of the Texas Tax Code, any and all money acquired from the City by Applicants for this project shall be immediately and fully reimbursed to the City.

II. GENERAL TERMS

Assignment of Agreement

No assignment by a party hereto of any rights under or interests in the Agreement will be binding on another party hereto without the written consent of the party sought to be bound and, unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

INDEMNIFICATION

Applicants shall indemnify, release, defend and hold City, their officers, employees and agents, harmless from all claims, losses, liabilities, damages, suits, actions or proceedings by any person including Applicants, their employees and agents from personal injury, death or property damage from any cause whatsoever in whole or in part arising out of this Agreement or the activities completed hereunder by this indemnification shall not include the sole negligence or willful misconduct of City, their officers, employees or agents.

Successors and Assigns

City and Applicants each bind themselves, their partners, successors, assigns, and legal representatives to the other parties hereto, their partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in this Agreement.

Severability and Conflict

Any provision or part of the Agreement held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon City and the Applicants, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

Captions

Section or other headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

Choice of Law: Venue

This Agreement, the entire relationship of the parties, and any litigation between the parties (whether grounded in contract, tort, statute, law or equity) shall be governed by, construed in accordance with, and interpreted pursuant to the laws of the State of Texas, without giving effect to its choice of laws principles. This Agreement is wholly performable in Grayson County, Texas. Exclusive venue for any litigation between the parties shall be brought in Grayson County, Texas, and shall be brought in the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas. The parties waive any challenge to personal jurisdiction or venue (including without limitation a challenge based on inconvenience) in Grayson County, Texas, and specifically consent to the jurisdiction of the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas, Sherman Division.

Binding Authority

By their signatures below, the individuals represent that they have reviewed this Agreement with their attorney and that the individuals have the express authority to enter into this Agreement.

Entire Agreement

This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Agreement, and except as otherwise provided herein cannot be modified without written agreement of both the parties to be attached to and made a part of this Agreement.

IN WITNESS WHEREOF, City and the Applicants have signed this Agreement in duplicate. One counterpart each has been delivered to City and the Applicants. All portions of the Agreement have been signed or identified by City and the Applicants or on their behalf.

EXECUTED on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS:

APPLICANTS:

SEAN VANDERVEER

D/B/A VANDERVEER GROUP, LLC

By: _____
Robby Hefton, City Manager

By: _____
Name: Sean Vanderveer
Title: Property Owner

ATTEST:

Address: 113 North Travis Street
Sherman, Texas 75090

By: _____
Linda Ashby, City Clerk

Phone: 903.815.5143

APPROVED AS TO FORM
AND CONTENT:

By: _____
Brandon S. Shelby, City Attorney



**CITY OF SHERMAN
CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

GUIDELINES AND POLICIES

The Building Restoration and Improvement Grant Program is designed to stimulate improvements to existing historically significant buildings in the Central Business District of the City of Sherman, Texas, to promote tourism, to enhance the physical appearance and economic vitality of downtown Sherman, and to promote joint public/private investment to complement ongoing historical revitalization efforts.

Program Objectives and Available Assistance

- To make positive, high-impact visual improvements to historically significant commercial buildings by providing an overall enhanced image for downtown Sherman, thereby attracting visitors to shop, dine, and do business in the Central Business District
- To provide a maximum of \$25,000.00 per project as a matching monetary incentive, a grant packaged as a forgivable loan with a conditional lien placed on the subject property, to the owners of historically significant commercial properties in the Central Business District for high-quality improvements to their properties
- In all cases, for every \$4.00 the applicant invests in the renovation or improvement of the subject property, the City will reimburse \$1.00 of qualified expenditures, up to the maximum grant authorized by the City Council not to exceed \$25,000.00 per project

Eligibility Requirements

- Assistance under this program will be considered subject to the availability of funding.
- Historic buildings within the downtown improvement area (map attached) that are of a commercial, retail, service, or professional use are eligible to participate in the program.
- For mixed-use historic buildings, only the portion of the building that is commercial, retail, service, or professional is eligible.
- The building to be improved must have historical significance either from an architectural point of view or a historical use or event that would tend to attract tourists to the buildings location.

Minimum Guidelines

- Buildings improved with funds from this program must remain open, operative, and free of graffiti and blight for a period of five (5) years from the date of agreement and until the lien is released.
- Tax payments for the subject property shall be up-to-date at the time of application and kept current throughout the five-year grant period.
- Outstanding work orders for the City's Developmental Services Department and/or the City's Fire Department and requests to comply therewith must be addressed prior to grant approval. Any noncompliance or outstanding violations will disqualify the applicant.

- **Grants will be approved at the sole discretion of the City.**
- To be accepted into the program, projects must make a substantial visible improvement to the appearance of the building, at the discretion of City staff. Repainting a building its same colors is considered maintenance, not an improvement.
- Building improvements should maintain the character of the downtown area; and the design drawings must be approved by the City in order to access funding for improvement.
- Improvements to be undertaken shall conform to the City's Codes and any other policies and regulations applying to the subject property.
- **Retroactive applications will not be accepted.** Applicants must consult with City staff before work begins to define a project scope.
- Program funds shall be made available only to projects that enhance and are sensitive to the historical nature of the structure.
- For properties with multiple storefronts, it is recommended that the façade treatment provide a cohesive theme while also allowing for some distinctive design elements to the various businesses, such as signage, exposing transom windows, lighting, flower boxes, murals, etc., to provide better street visibility and promote economic development downtown.
- For corner buildings fronting more than one street, improvements must be made to each frontage if determined necessary by City staff.

Application Prioritization

Funding is limited, and project applications will be prioritized on a first-come, first-served basis.

Eligible Improvements

Eligible improvements must be permanent in nature as determined exclusively by the City of Sherman. All improvements must be consistent with the City of Sherman Master Plan, Zoning Ordinance, Building Regulations, and other applicable laws. Eligible costs include the cost of materials, equipment, and contracted labor to complete eligible improvements, including, but not limited to, the following:

- New commercial or mixed-use construction
- Commercial code compliance renovations
- Permanent commercial interior remodeling improvements
- Permanent commercial site (exterior) improvements
- Compliance with Americans with Disabilities Act (ADA) for commercial properties
- Work necessary to bring the structure up to life-safety code standards
- Installation, repair, and replacement of exit (exterior) doors and hardware
- Repair, replacement, or addition of exterior shutters and awnings/canopies
- Repair, replacement or purchase of signs (when performed as part of an overall façade improvement)
- Repair and replacement or installation of interior and exterior stairs, porches, railings, and exit facilities
- Repair and rebuilding of interior and exterior walls, including cleaning, sealing, tuck pointing and painting
- Repair or replacement of frames, sills, glazing, replacement of glass and installation of new windows
- Installation of permanently affixed landscaping, such as stone or brick planters

- Installation, repair, or replacement of exterior lighting
- Mechanical, including rewiring, replumbing, insulation, mechanical systems/climate control

The City will prioritize projects. Consideration will be given to (1) threats to the survival of the structure, (2) importance of the structure to the overall goals of the program, (3) structural integrity and condition, and (4) cost effectiveness of the proposed work. In determining the grant amount, the City will also consider the time required to complete the project. Applicants are requested to limit their requests to projects that can be completed in a twelve (12) month period.

Ineligible Improvements

- No structural addition that would enlarge the residential (livable) space of the project is to be financed with these funds – nor an area not originally a livable space made livable.
- Residential structures
- Real estate or building purchases
- Furnishings and equipment purchases
- Working capital
- Inventory financing
- Title reports and legal fees
- Professional fees such as architects, engineers, and solicitors
- Labor provided by the Applicant or tenant of the building
- Extermination of insects, rodents, vermin and other pests
- Improvements that do not comply with City of Sherman Master Plan, Zoning Ordinance, Building Regulations, and other applicable laws
- Expenses incurred prior to grant application approval. Improvements cannot be undertaken before grant application approval.

Property Lien

Once the work is completed, the City will record a conditional lien on the property to ensure that the property improved with funds from this program remains open, operative, and free of graffiti and blight for a period of five (5) years from the date of agreement. If the Applicant fails to maintain the funded improvements for the entire five-year period, the City will recover its costs through the lien. If the Applicant satisfactorily fulfills the program requirements, the lien will be released at the end of five (5) years from the date of agreement.

Application Process

Program Application and Agreement forms are available in the City Manager's Office in the Sherman City Hall, 220 West Mulberry Street, Sherman, Texas 75091-1106, telephone (903) 892-7201. The application process is as follows:

- After reviewing the program guidelines, the Applicant will meet with City staff to discuss the desired work to be undertaken. If the proposed work is within the program guidelines, as determined exclusively by City staff, a completed application is submitted to the City. Written bids, sketches, color samples, and material supplies should be included.

- The Applicant is responsible for submitting plans and specifications to the City and obtaining all required planning and building permits, and any other applicable approvals, with the assistance of City staff.
- The Sherman City Council will consider the recommendations made by the City staff and will make its decision in a public meeting. The Council's decision will be made by adopting a resolution, which will authorize the City Manager to enter into a grant agreement with the Applicant.
- With the Council's authorization, the City Manager will cause the necessary documents to be drawn up and will sign the grant agreement.
- Upon approval, the City will send a "Notice to Proceed" to the Applicant. The Applicant may proceed with the planned building improvements pursuant to the approved design and issued permits. All payments for the work should be made by the Applicant and supported by clearly defined invoices outlining eligible work. Work shall commence within ninety (90) days of the approval date of the building permits. Extensions may be granted solely at the discretion of City staff.
- City staff will monitor the ongoing progress during construction to ensure that the work is performed according to the approved application and plans. No changes to work shall be made without the written consent of both the Applicant and the City. Approved "Change in Work" forms will be attached to the original application, dated and signed by the City Manager.
- Deviations from approved plans and specifications may disqualify the Applicant from this grant program.
- Once the work is completed, the City will record a conditional lien, good for five (5) years, on the subject property to be released upon completion of the program requirements.
- Funds will be disbursed upon completion of the project. City staff will conduct a final inspection before the grant funds will be disbursed to the Applicant. A Certificate of Approval will be issued to the Applicant.
- Reimbursement claims for all eligible expenses must be submitted with the following supporting documents.
 - A completed Rebate Claim form supplied by the City of Sherman
 - Any applicable planning and building permits
 - Cancelled checks and paid invoices/receipts for eligible work

After final approval of the improvements, the rebate reimbursement will be processed. Allow thirty (30) days for receipt of the rebate check.

- After the work is completed, Applicant shall display a sign or banner (provided by the City) indicating participation in the City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program. The sign or banner shall be displayed either on the exterior or in the front window of the building for a period of thirty (30) days.

Loan Applications

The loan application requires:

- Information summarizing the project, including complete construction plans and specifications

- The project cost and the amount of other dollars being brought to the project
- Preliminary commitment of private funds
- Specific uses of all funds
- Current financial and/or profit and loss statements
- Amount of grant requested and proposed term being requested
- Current lien/title report on the subject property

All applications must be made on forms provided by the City of Sherman. For further information, please contact:

Robby Hefton
City Manager
City of Sherman

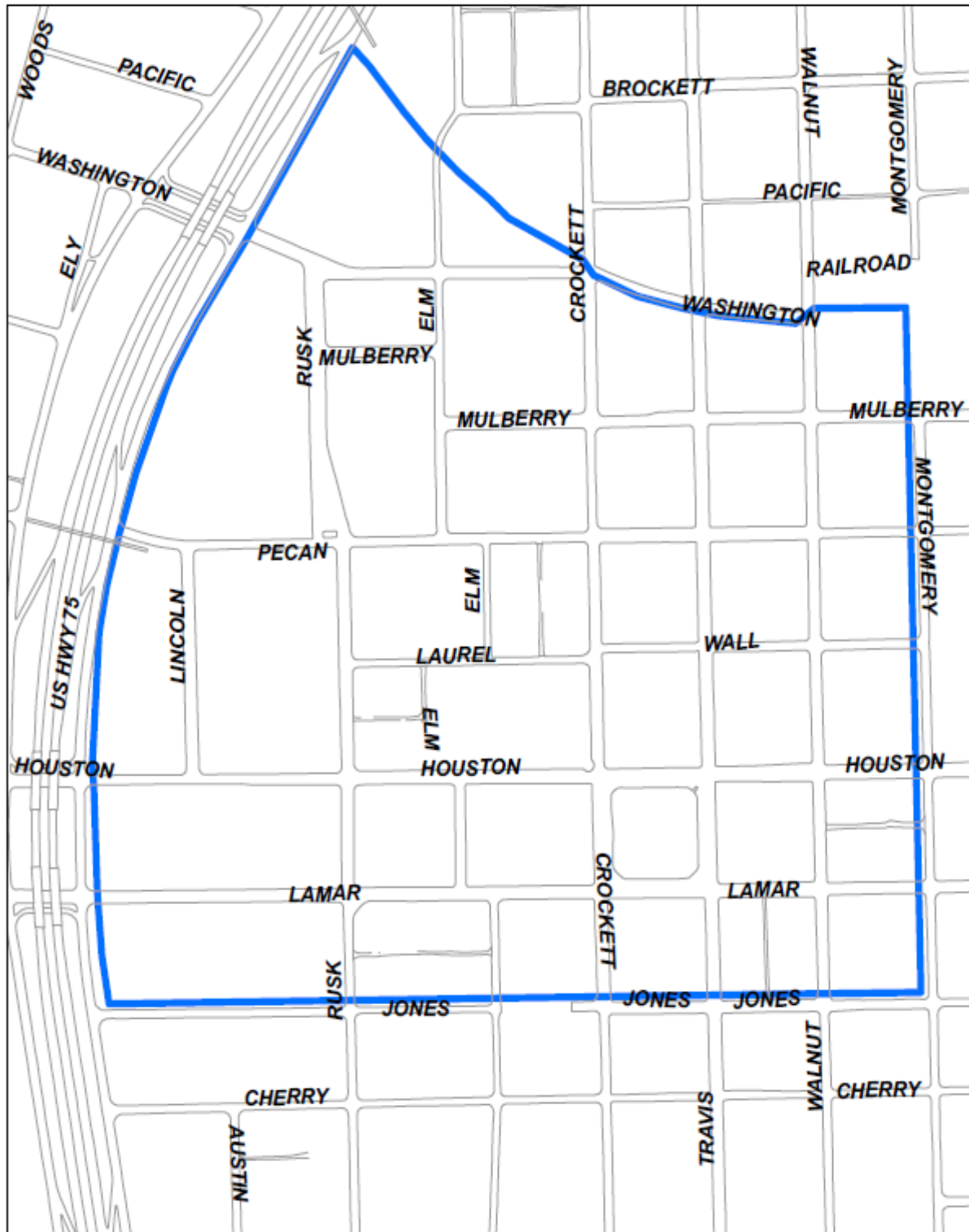
Scott Shadden
Developmental Services Director
City of Sherman

Physical Address:
Sherman City Hall, City Manager's Office
220 West Mulberry Street
Sherman, Texas 75090
or
Mailing Address:
P. O. Box 1106
Sherman, Texas 75091-1106

Physical Address:
Sherman City Hall, Building Inspection
220 West Mulberry Street
Sherman, Texas 75090
or
Mailing Address:
P. O. Box 1106
Sherman, Texas 75091-1106

Telephone: (903) 892-7201
Facsimile: (903) 892-7355
E-Mail: robbyh@ci.sherman.tx.us

Telephone: (903) 892-7333
Facsimile: (903) 892-7274
E-Mail: scotts@ci.sherman.tx.us



Sherman
ENGINEERING DEPT.
220 W. MULBERRY
SHERMAN, TX 75090

Central Business District





**CITY OF SHERMAN
CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

Submission Requirements

It is strongly recommended that all Applicants carefully review the “City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program Guidelines and Policies” prior to completing an application.

It is also recommended that Applicants discuss their proposed improvements and any questions regarding the submission requirements with the Developmental Services Department and the City Manager’s Office prior to completing the application form.

Please ensure that the following items have been included in your submission. Failure to provide the necessary documentation will delay the processing of your application.

Application Checklist:

- ☐ Copy of deed included
- ☐ Copy of mortgage (if applicable) included
- ☐ Description of proposed improvements – designs/drawings attached
- ☐ Pictures attached
- ☐ Estimate of costs/quotes or other details
- ☐ Signature of owner/authorized agent
- ☐ Application complete
- ☐ Are improvements in compliance with the City of Sherman Master Plan, Zoning Ordinance, Building Regulations, and other applicable laws?
- ☐ All material, pictures, drawings, newspaper articles, original deeds, etc. that will help identify the building as a historically significant structure through architectural design, building use or events that have taken place in or around it.
- ☐ Architectural and elevation renderings.



CITY OF SHERMAN
City Manager's Office
220 West Mulberry Street
Sherman, Texas 75090
Tele: (903) 892-7201 Fax: (903) 892-7355

FOR OFFICE USE ONLY	
File # _____	
Assessment Role Number _____	Assessed Property Value _____
Property Address _____	

Date Application Received _____	Date Application Completed _____

**CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

Application

The information requested below will be used to process your application under the terms and conditions of the City of Sherman's Historic Building Restoration and Improvement Grant (Forgivable Loan) Program.

I. Applicant Information

1. Applicant(s) name: Vanderveer Group, LLC - Sean Vanderveer, Principal
Mailing address: 113 N Travis, Ste 300
City: Sherman State: TX Zip: 75090
2. Applicant's daytime telephone number: 903-815-5143
Cell # (____) Same Facsimile # (____) _____
E-mail address: rsvanderveer@yahoo.com
3. Status of applicant (please check one)
☒ x Property owner with vacant facility
☐ Property owner with tenant business
☐ Property owner/operator of existing business on property
☐ Property tenant with property owner consent
4. Owner of property is a/an (please check one)
☐ Individual
☐ Partnership (attach copy of Partnership Agreement)
☒ x Corporation/profit (attach copy of Articles of Incorporation)
☐ Corporation/nonprofit (attach list of officers and directors)
☐ Trust (attach copy of Trust Agreement)
☐ Other
5. Length of ownership: 4 years
Date purchased: Feb 2014

II. Property Information

1. Address of property to be improved:
124 North Walnut, Sherman

2. Legal description of subject property:
OTP SHERMAN, BLOCK 3, LOT 8 & 10, 150X150 22500 SF

3. Tax Assessor Parcel Number(s):
161856

4. Year built: 1900 Square footage: 28,530
5. Is this a National Register building? Yes___ No x (check one)
Is this a building of known historical significance? Yes x No___ (check one)
6. What are the current types of businesses occupying the building?
The property is currently vacant.

7. Name and phone number of tenant(s), if applicable: N/A

(Attach additional names/numbers, if needed)
8. Use of building after construction: Event Venue

9. Number of parking spaces provided: 48 Proposed: _____ Total: _____
10. Current zoning: C-1, Retail Business District
11. Is a zoning amendment required? Yes___ No x (check one)
12. Attach architectural and elevation renderings.

III. Project Description

1. Description of Proposed Improvements. Please provide a detailed description of your proposed improvements. Attach a copy of your architectural or design plans. Identify the materials to be used, such as the type of paint or stain (i.e., exterior latex, color, etc.). Include details of new signs or awnings, etc. Provide color photos of the subject property and those adjacent prior to and after the improvements are made.

Please note: Applicants should carefully review the “City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program Guidelines and Policies”, and discuss all proposed improvements with the City of Sherman’s Developmental Services Department prior to completing this application. It is also

recommended that Applicants discuss their proposed improvements and any questions regarding the submission requirements with the Developmental Services Department and the City Manager's Office prior to completing the application form.

Description: Mechanical, electrical and plumbing installations as well as a fire suppression system. Necessary aesthetic upgrades, awnings, lighting, signage and planter boxes will be installed while honoring the history of the structure in order to establish a Downtown Event Venue.

☐ Designs Attached	☐ Before Picture(s) Attached
--	--

2. How many jobs will be **retained** once the project is completed? _____
_____ Full-time positions _____ Part-time positions
3. How many **new positions** will result from this project? 5
1 Full-time positions 4 Part-time positions

IV. **Work Estimates**

Please attach two (2) independent contractor estimates for each component of the proposed improvement. Please note that grant/forgivable loan funding shall be based on the lowest bid. Eligible costs shall be the cost of materials, equipment, and contracted labor to complete eligible improvements. Professional fees such as architects, engineers, and solicitors are not eligible costs. Labor provided by the Applicant or tenant of the building is not an eligible cost.

1. Name/Company and Phone Number of Preferred Contractor:
AttaBray Construction 903-647-8685
Amount: \$234,350
2. Name/Company and Phone Number of Second Contractor:
Sean Vanderveer 903-815-5143
Amount: \$216,050
3. Additional Estimates/Comments: (Please attach additional quotes, as required)
See attachments

4. Total estimated costs of your improvements: \$325,000
This includes estimated cost of tuck pointing bricks.
5. Estimated completion date for your improvements? October 2018

V. Historic Significance

The City's Program for improving the historic buildings of downtown Sherman is being funded through the City's Hotel/Motel Tax revenues, which require that this money may be spent only on historic buildings that would tend to attract tourists. Many factors may indicate a building's historic significance such as age, architectural design, building use, events or significant people. Some of this may be proved through deeds, pictures, books, newspaper articles and the like. Attach to this application all matters that would prove your claim that this is a historic building.

VI. Signature of Owner/Authorized Agent – Affidavit or Sworn Declaration

I/We, Sean Vanderveer, Vanderveer Group, LLC, of the City of Sherman, County of Grayson, State of Texas, make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the application is true.

I/We hereby authorize inspections of my/our property to be improved.

I/We acknowledge that any work carried out prior to written confirmation of grant approval may not be eligible.

I/We acknowledge receiving, understanding, and accepting the terms and conditions of the City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program.

Sworn to (or declared before me), _____, a Notary Public in and for the State of Texas, on this the _____ day of _____, 20____.

Applicant

Co-Applicant

Property Owner (if different from Applicant)

Notary Public, State of Texas
My Commission Expires: _____

VII. Consent of the Owner to the Use and Disclosure of Personal Information

I/We, Sean Vanderveer, Vanderveer Group, LLC,
am the owner of the land that is the subject of this Application and, for the purposes of the
Freedom of Information and Protection of Privacy Act, I/we authorize and consent to the use by
or the disclosure to any person or public body of any personal information that is collected under
the authority of the _____ for the purposes of processing this application.

Date

Signature of Owner(s)

VIII. Authorization for Agent *(complete only if Applicant is not the registered Owner)*

I/We, _____,
the Owner(s) of the subject property, have reviewed and understand the guidelines and policies
for the City of Sherman Central Business District Historic Building Restoration and Improvement
Grant Program, including the requirement of a conditional property lien, and hereby authorize
_____ (Agent) to act on my/our behalf with respect to the
application.

Date

Signature of Owner(s)

Note: Information provided in this application will become part of a public record.

FOR OFFICE USE ONLY (Entire Page)

	Staff Initials	Comments
Ownership Confirmed		
Property Taxes Paid in Full		
Work Order Search (Building)		
Fire Code Conformity		
Master Plan Conformity		
Zoning Conformity		
Building Regulations Conformity		
Copy of Deed Attached		
Copy of Mortgage Attached		
Proof of Historical Significance		
Architectural Renderings		
Elevation Renderings		



**CITY OF SHERMAN
CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

AGREEMENT

THIS AGREEMENT is made and entered into on this the _____ day of _____, 20____, by and between the City of Sherman, a municipal corporation of the State of Texas, hereinafter referred to as “City”, and _____, hereinafter referred to as “Applicants.”

WITNESSETH THAT, in consideration of the mutual promises and undertaking herein for the purpose of carrying out the restoration of a downtown property, thereby benefiting both the Applicants and the City;

THEREFORE, the Applicants and the City certify and agree to the terms and conditions as set forth below:

**I.
TERMS OF AGREEMENT**

1. **Ownership and Grant Program.** The Applicants represent and presented documentation that they are the owners of or tenants in good standing of a certain property located at _____ in the City of Sherman, Grayson County, Texas, hereinafter referred to as “Property,” lying within an area where the City is conducting a Central Business District Historic Building Restoration and Improvement Grant Program as described in the Program’s “Guidelines and Policies,” a copy of which has been provided to the Applicants and is attached hereto as Exhibit “A” and made a part of this Agreement for all purposes, a copy of which has been provided to the Applicants.
2. **Property Description and Eligibility.** The Property is of commercial, retail, service, professional and/or office use, and Applicants’ proposed improvements to the Property listed in the Central Business District Historic Building Restoration and Improvement Grant Program Application are eligible improvements as described in the Program’s Guidelines and Policies. Applicants state that all of the information contained in the application is truthful and discloses sufficient information so as not to be misleading. The submitted application is attached hereto as Exhibit “B” and incorporated into this Agreement for all purposes.
3. **Compliance with Codes.** All improvements to be undertaken will be consistent with all applicable Zoning and Building Codes.
4. **City Approval for Work.** Only the work that is agreed to by the City and the Applicants, which will be outlined in a formal written notice to proceed to be provided to the Applicants by the City upon Application approval, will be eligible for reimbursement. Any changes to the project that are not approved by the City in writing will not be eligible for reimbursement. Any work that is

begun by the Applicants prior to receiving a written notice to proceed from the City will not be eligible for reimbursement.

5. **Rebate/Reimbursement.** The City will rebate a portion of the cost of eligible building improvements as described in the Program Guidelines. Reimbursement claims for all eligible expenses for completed improvements must be accompanied by the following supporting documents: applicable planning and building permits, canceled checks and paid invoices/receipts for eligible work.
6. **Lien.** Upon completion of the work, the City shall record a conditional lien on the property in the full amount of the City's monetary grant to Applicants and the Applicants consent to such lien. The lien shall remain in effect until the terms and conditions in Exhibit "A" have been fully complied with or the lien in favor of the City has been paid in full.
7. **Display of Sign.** After the work has been completed, Applicants shall display a sign or banner (provided by the City) indicating participation in the Central Business District Historic Building Restoration and Improvement Grant Program. The sign shall be displayed either on the exterior or in the front window of the building for a period of thirty (30) days.
8. **City Access to Building.** Applicants agree to allow the City or its agents access to buildings and improvements, when convenient for all parties, for inspection of the Central Business District Historic Building Restoration and Improvement Grant Program work.
9. **Work Payment and Personnel.** In accordance with the terms of this Agreement, the Applicants shall hire all personnel and pay for all labor, materials, tools, transportation, services, City licenses and permits necessary to perform or cause to have performed, and all work as specified in the Application. Applicants are aware of Labor Code Section 3700, which requires worker's compensation insurance or self insurance for employees.
10. **Time Period for Work.** Upon the signing of this Agreement, the Applicants shall have a period of ninety (90) days in which to take out a building permit. Work shall commence within sixty (60) days of the approval date of the building permit and be completed within twelve (12) months thereafter. Extensions, if warranted, may be granted at the discretion of the City. No change to work without the written consent of both the City and Applicants will be permitted.
11. **Notice and Compliance with Laws.** The Applicants shall give all notices required and comply with all applicable laws, ordinances and codes and shall, at their expense, secure and pay all said fees and charges for the performance of the work.
12. **No City Liability.** Applicants understand and agree that the City and their officers, agents, and employees, shall have no responsibility or liability of any failure or inadequacy of performance or defective workmanship or materials in regard to the agreed-upon improvements.
13. **Proper Use of Hotel/Motel Tax Revenues.** Applicants acknowledge that they are aware that the money being provided to them through this agreement comes from the City's Hotel/Motel Tax revenues; and Applicants further acknowledge and agree that they have independently determined that the project contemplated by this agreement and the submitted application complies with the State law regarding the use and application of such money, as set forth in the Texas Tax Code at Chapter 351, Section 351.101 and, in particular, that the project will enhance and promote tourism by attracting visitors from outside the City and the project will enhance the

historical restoration, rehabilitation, or preservation of a historic structure. Applicants further acknowledge and agree that, if the project is determined at any time not to comply with Chapter 351 of the Texas Tax Code, any and all money acquired from the City by Applicants for this project shall be immediately and fully reimbursed to the City.

II. GENERAL TERMS

Assignment of Agreement

No assignment by a party hereto of any rights under or interests in the Agreement will be binding on another party hereto without the written consent of the party sought to be bound and, unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

INDEMNIFICATION

Applicants shall indemnify, release, defend and hold City, their officers, employees and agents, harmless from all claims, losses, liabilities, damages, suits, actions or proceedings by any person including Applicants, their employees and agents from personal injury, death or property damage from any cause whatsoever in whole or in part arising out of this Agreement or the activities completed hereunder by this indemnification shall not include the sole negligence or willful misconduct of City, their officers, employees or agents.

Successors and Assigns

City and Applicants each bind themselves, their partners, successors, assigns, and legal representatives to the other parties hereto, their partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in this Agreement.

Severability and Conflict

Any provision or part of the Agreement held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon City and the Applicants, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

Captions

Section or other headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

Choice of Law: Venue

This Agreement, the entire relationship of the parties, and any litigation between the parties (whether grounded in contract, tort, statute, law or equity) shall be governed by, construed in accordance with, and interpreted pursuant to the laws of the State of Texas, without giving effect to its choice of laws principles. This Agreement is wholly performable in Grayson County, Texas.

Exclusive venue for any litigation between the parties shall be brought in Grayson County, Texas, and shall be brought in the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas. The parties waive any challenge to personal jurisdiction or venue (including without limitation a challenge based on inconvenience) in Grayson County, Texas, and specifically consent to the jurisdiction of the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas, Sherman Division.

Binding Authority

By their signatures below, the individuals represent that they have reviewed this Agreement with their attorney and that the individuals have the express authority to enter into this Agreement.

Entire Agreement

This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Agreement, and except as otherwise provided herein cannot be modified without written agreement of both the parties to be attached to and made a part of this Agreement.

IN WITNESS WHEREOF, City and the Applicants have signed this Agreement in duplicate. One counterpart each has been delivered to City and the Applicants. All portions of the Agreement have been signed or identified by City and the Applicants or on their behalf.

EXECUTED on this the _____ day of _____, 2____.

CITY OF SHERMAN, TEXAS:

APPLICANTS:

By: _____
Robby Hefton, City Manager

By: _____
Name: _____
Address: _____

Phone: _____

By: _____
Name: _____
Address: _____

Phone: _____

**APPROVED AS TO FORM
AND CONTENT:**

By: _____
**Brandon S. Shelby,
City Attorney**



**CITY OF SHERMAN
CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

Rebate Claim Form

Program Participant(s): _____

Project Address: _____

Interior Improvements:

Type:	\$
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
Sub-Total	_____

Exterior Improvements:

Type:	\$
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
Sub-Total	_____

Total Rebate Amount (per Program Guidelines): \$ _____

I/We hereby make a formal claim for reimbursement of the above-indicated expenses incurred in improving the interior and exterior of the subject property under the City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program. I/We certify that the expenses incurred are as listed and have attached invoices marked “paid” and copies of cancelled checks in support of the claim.

Date: _____

Applicant

Applicant



AttaBray

Construction and Remodel LLC

PROJECT NAME: RS&T Event Venue
DATE: April 23, 2018

PRICE PER SQUARE FOOT: \$93.74
AREA IN SQUARE FEET: 2500
MONTHS REQ'D FOR CONSTRUCTION: 4

DESCRIPTION	AMOUNT	SQ. FOOT	SUBTOTALS
General Conditions:			
Permits and Fees	\$500	\$0.20	
Survey, Layout	\$0	\$0.00	
Testing Allowance	\$0	\$0.00	
Insurance Requirements	\$350	\$0.14	
Temporary Utilities, Rents and Lessons	\$2,000	\$0.80	
General Conditions Subtotal:			\$2,850
Sitework:			
Site preparation / Demo	\$2,000	\$0.80	
Parking / Driveways / Sidewalks (includes striping)	\$0	\$0.00	
Mailbox	\$0	\$0.00	
Utility Fees Allowance	\$3,500	\$1.40	
Sitework Subtotal:			\$5,500
Foundation:			
Foundation Subcontract	\$5,000	\$2.00	
Foundation Subtotal			\$5,000
Masonry Exterior:			
Face Material (repair existing)	\$15,000	\$6.00	
New Face Material	\$5,000	\$2.00	
Structure Labor	\$3,000	\$1.20	
Structure Package	\$2,250	\$0.90	
Exterior decking and pavers	\$0	\$0.00	
Landscaping / Irrigation	\$0	\$0.00	

Exterior fencing and handrails	\$0	\$0.00	
Awnings	\$6,250	\$2.50	
Roofing Material and Labor	\$32,500	\$13.00	
Insulation	\$0	\$0.00	
Fireplace and surround	\$0	\$0.00	
Gutters and Downspouts Allowance	\$2,500	\$1.00	
Sheetmetal / Flashings	\$2,500	\$1.00	
Windows and Storefront Doors	\$7,500	\$3.00	
Other Exterior Doors	\$6,500	\$2.60	
Masonry Exterior Subtotal			\$83,000
Interior:			
Sheetrock / Ceiling Labor and Material	\$6,500	\$2.60	
Trim Material / Doors	\$2,000	\$0.80	
Trim Carpentry Labor	\$3,750	\$1.50	
Stair Subcontract	\$2,000	\$0.80	
Finish Hardware	\$2,500	\$1.00	
Cabinets	\$4,500	\$1.80	
Countertops	\$3,000	\$1.20	
Painting / Wall Finish	\$7,500	\$3.00	
Flooring	\$5,000	\$2.00	
Wall tile	\$4,250	\$1.70	
Interior glass and mirrors allowance	\$1,000	\$0.40	
Misc. Labor	\$3,500	\$1.40	
Appliances Allowance	\$2,000	\$0.80	
Plumbing Contract and Fixtures	\$13,500	\$5.40	
HVAC Contract	\$21,250	\$8.50	
Electrical Contract and Fixtures	\$32,000	\$12.80	
Alarm System / Fire Sprinkler	\$18,750	\$7.50	
Signage Allowance	\$1,250	\$0.50	
Blinds / Shutters Allowance	\$0	\$0.00	
Construction Related Clean Up and Maintenance	\$3,750	\$1.50	
Interior Subtotal			\$138,000
JOB TOTAL		\$93.74	\$234,350.00

South Corner



Valmont St. front 193 1/2' showing front entrance with this door.



all. on Wall St.

North side of R. St. to 140' on Wall St.



HOME OF
ROBERTSON & TAYLOR CO.
WHOLESALE HARDWARE
ESTABLISHED 1880 CHERMAN, TEX.

Lupita's
World Famous
Tamales
Mexican Food
AHEAD ON LEFT

W. M. TAYLOR CO.
HARDWARE
ESTABLISHED 1881
GERMAN, TEX.

Lupe's
World Famous
Tamales
Mexican Food
AHEAD ON LEFT









SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.1.

Meeting Date: 07/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Site Plan Approval and Exception for Sherman Economic Development Corporation and GlobiTech, Inc., Owners; and Justin Walton, Teague, Nall and Perkins, Engineers/Representative under Ordinance No. 2252, Article IV, Sections 410 (2)(j) and (2)(g)(l) for Globitech Fab 3 Expansion and to Allow a Retaining Wall, Security Fence and Plant Screening to have a 38' Setback along a Portion of Howe Drive in the Blalock Industrial Park at 200 West F.M. 1417 (Heritage Parkway)

Issue:

Site plan approval for Globitech Fab 3 Expansion for Sherman Economic Development Corporation and GlobiTech, Inc., Owners; and Justin Walton, Teague, Nall and Perkins, Engineers/Representative and an exception to allow a retaining wall, security fence and plant screening to have a 38' setback along a portion of Howe Drive in the Blalock Industrial Park at 200 West F.M. 1417 (Heritage Parkway)

Background:

The property is located at 200 West F.M. 1417 (Heritage Parkway); the southeast corner of F.M. 1417 (Heritage Parkway) and Howe Drive; GlobiTech is the tenant. Globitech is nearing capacity on their existing fabrication facility and would like to expand by adding an additional Fab 3 which is similar in size to the existing Fabs 1 and 2. Parking will be provided for 142 spaces.

Origination:

Sherman Economic Development Corporation and GlobiTech Inc. (Owners)
Justin Walton, Teague, Nall and Perkins (Engineers/Representative)

Financial Consideration:

None

Staff Recommendation:

At the June 19, 2018 regular meeting, the Planning & Zoning Board voted 7/0 to recommend to the City Council that the site plan and variance be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

Zoning Sign Photo

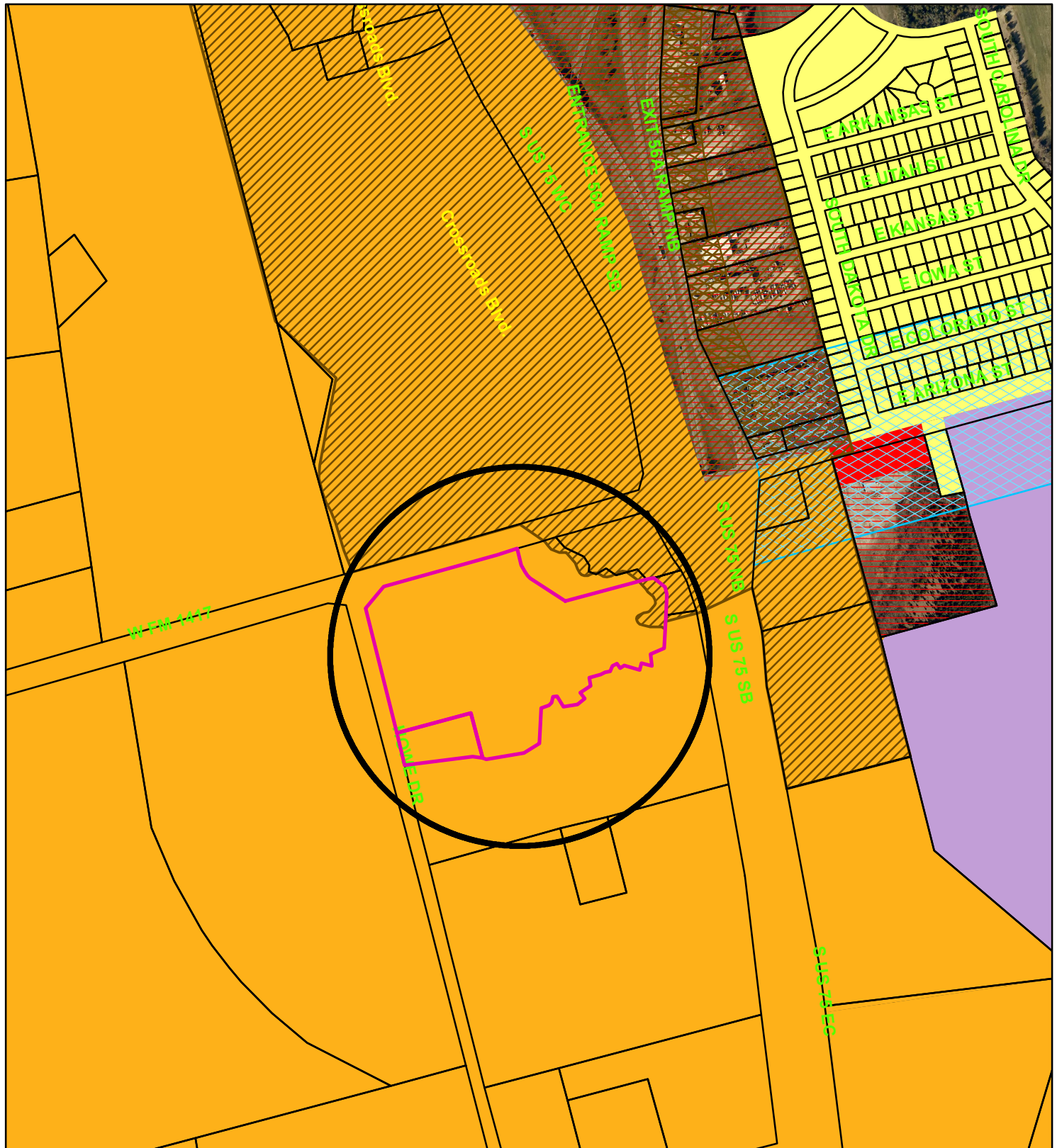
Site Plan

Building Elevations

Landscape Plan

Variance Exhibit

Staff Review Letter



Zoning - 200 West FM 1417 (Heritage Parkway)

Legend

Special Districts Overlay

DISTRICT_NAME

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District

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



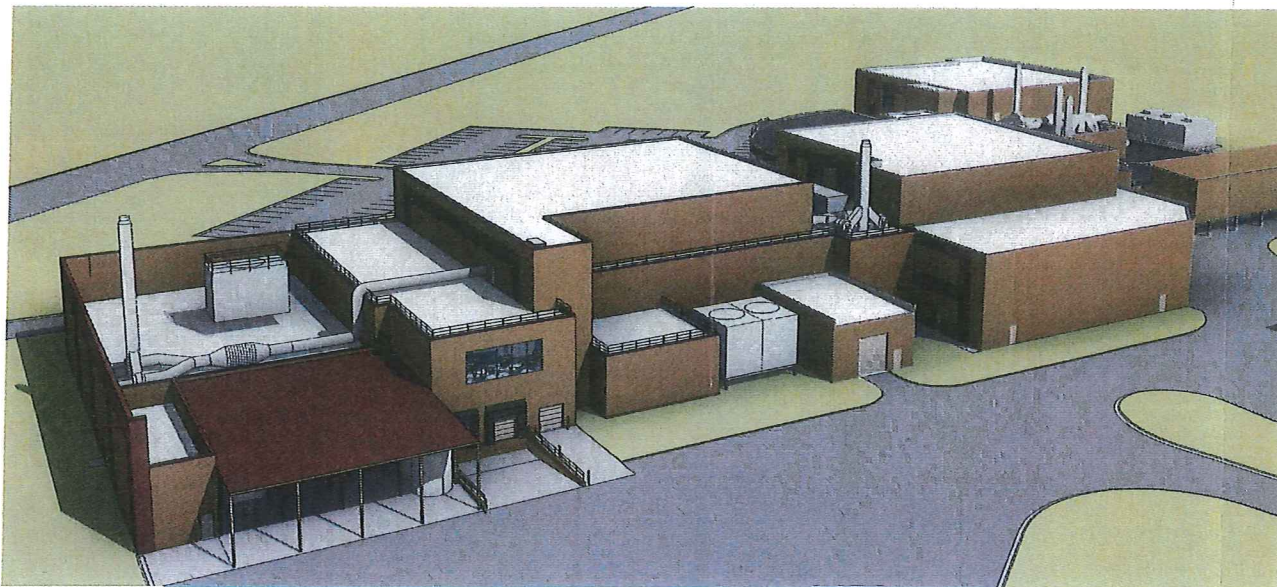
NOT TO SCALE

1 in = 718 ft

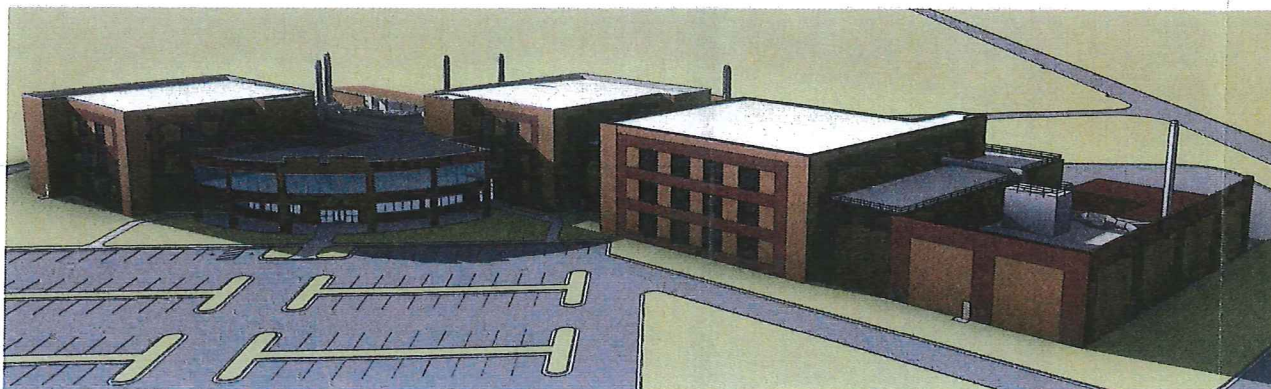


200 W. FM 1417 (Heritage Parkway)





2 REAR PERSPECTIVE
A3.2



1 FRONT PERSPECTIVE

PROJECT
RESOURCES

QUESTIONS

GLOBIT
GLOBE OF INFORMATION TECHNOLOGY

CLASSIC
225 PINE BLVD
SHERMAN, CT 06482

[illegible]

DUNHAM

Dunham Associates, Inc.
50 South Main Street / Suite 110
Merrimack, New Hampshire 03001
phone 603.465.7510
fax 603.465.7511
e-mail dunham@comcast.net
mechanical & electrical
consulting engineering

COAG.FIN.20



POPE
FOR BUREAU

POPE ASSOCIATES, INC.
400 Westmoreland Ave., Suite 100
St. Paul, MN 55102-3000
612/291-1100 • Fax: 612/291-1101
www.pape.com

CONFIDENTIAL

NOT FOR
CONSTRUCTION

AB-2000

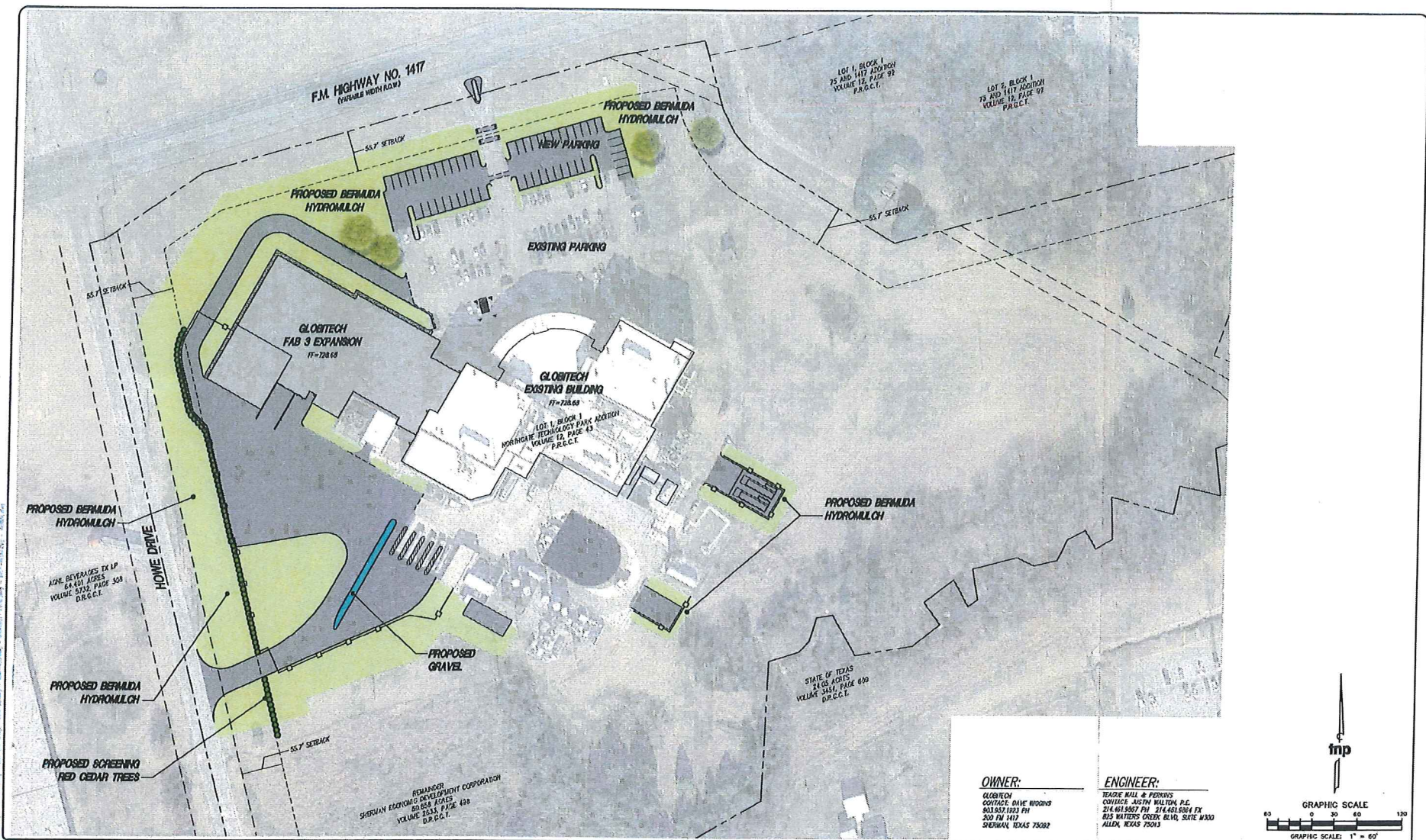
[illegible]

THIS SHEET MAY BE A REPRODUCED COPY. THE BAR ABOVE IS 1" LONG ON A FULL SIZE 8-1/2" DRAWING. SCALES APPLY TO FULL SIZE SHEETS.

Date: 5/20/11
Drawn: APR
Checked: Only

SHEET 50A

PERSPECTIVES



OWNER:

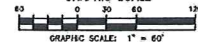
GLOBITECH
CONTACT: DAVID WOODS
801.637.1223 PH
200 PM HWY
SHERMAN, TEXAS 75082

ENGINEER:

TEAGUE NALL & PERKINS
CONTACT: JUSTIN WALTON, P.E.
214.461.9867 PH 214.461.9864 FX
815 WATERS CREEK BLVD, SUITE M300
ALLEN, TEXAS 75013

tnp

GRAPHIC SCALE



NO.	REVISION	BY	DATE

teague nall and perkins, inc

815 Waters Creek Blvd., Suite 800
Allen, Texas 75013
214.461.9867 ph 214.461.9864 fx
www.tnplc.com
TBP: F-237; TBP15: 10011600, 10011601, 10194381



scale
when not in
1 inch long
1"=60'
N/A
MAY 2018



This document is for interim review and is not
intended for construction, bidding or permit
purposes.
Justin N. Walton, P.E. Date: MAY 2018
Tx. Reg. # 97267

City of Sherman, Texas Improvements for GlobiTech Fab 3 Expansion LANDSCAPE CONCEPT PLAN	tnp project DMM 18163 sheet L1.01
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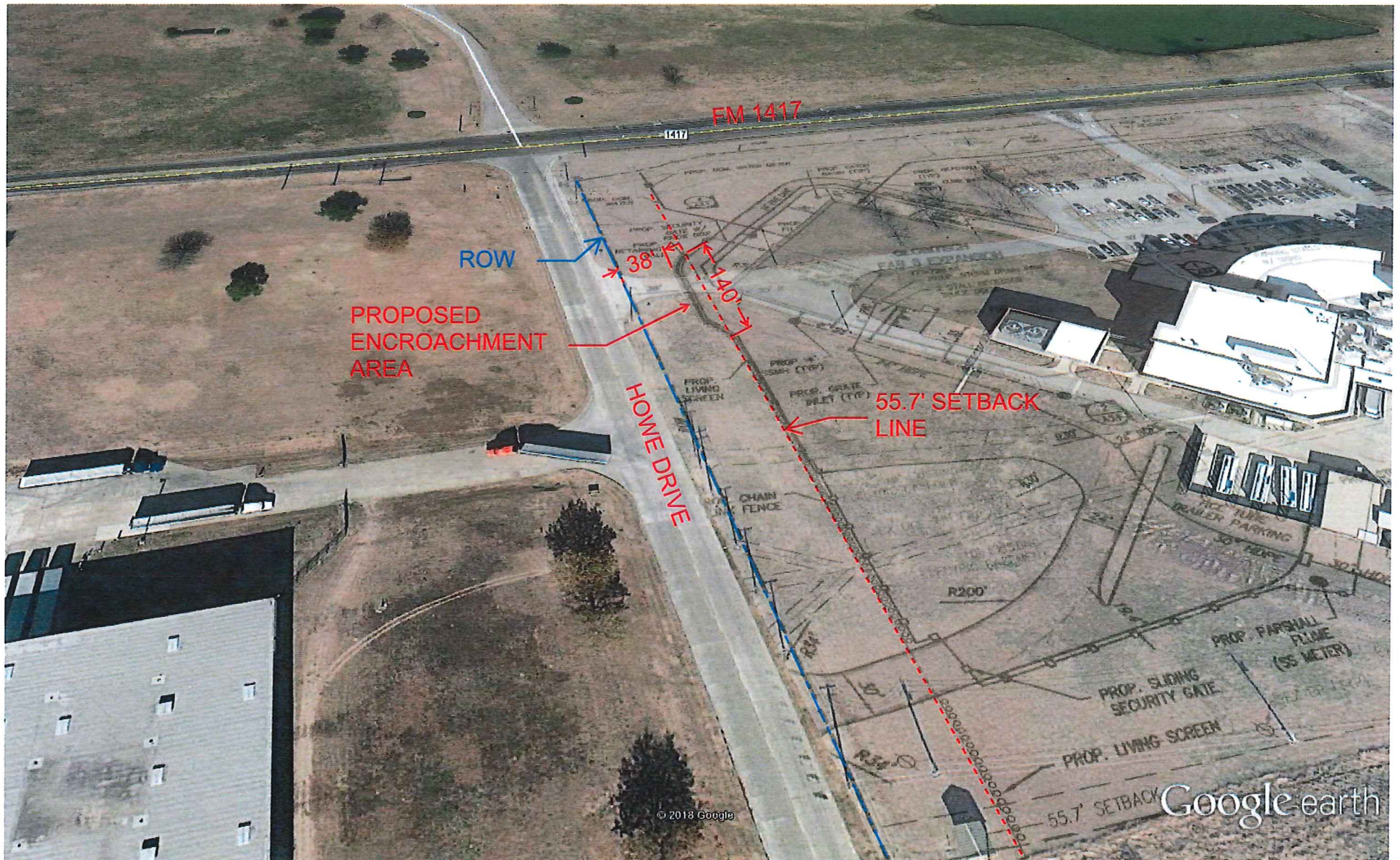


EXHIBIT A

STAFF REVIEW LETTER

June 12, 2018

SEDCO
307 W. Washington, Ste. 102
Sherman, TX 75090

Teague, Nall & Perkins
Justin Walton, P.E.
825 Watters Creek Blvd., Ste. M300
Allen, TX 75013

GlobiTech
200 W. FM 1417 (Heritage Parkway)
Sherman, TX 75092

Dear Applicants,

The request for site plan approval for Globitech Fab 3 Expansion and an exception to allow a retaining wall, security fence and plant screening to have a 38' setback along a portion of Howe Drive in the Blalock Industrial Park for the property located at 200 West FM 1417 (Heritage Parkway) has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 19, 2018 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 Blalock Industrial Park Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903-892-7267).
3. All parking shall be on private property and shall not encroach into Howe Drive or FM 1417 (Heritage Parkway) right-of-way.
4. Parking and service driveways are permitted on paved surfaces only; concrete or asphalt.
5. A parking space is considered to be 9'x20'.
6. No structures shall be built over any easements.
7. Shall comply with all EPA, City, Federal and State regulations for this use.
8. Review the zoning and development ordinance for additional requirements.
9. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

10. Platting of the property is required.
11. New Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from the City of Sherman Engineering Department.
12. Detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
13. Internal water and sewer lines will be privately owned and maintained.
14. Coordinate with City of Sherman Engineering Department for proposed retaining wall.
15. Verify fire lane requirements with Fire Marshall.
16. Additional Right-of-Way may be required for expansion of F.M. 1417.

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request 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,

A handwritten signature in black ink, appearing to read "Scott Shadden", written in a cursive style.

Scott Shadden

Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.2.

Meeting Date: 07/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Northgate Technology Park Addition, Lot 1R, Block 1, being 26.801 acres in the Sherod Dunman Survey, Abstract No. 329 and all of Lot 1, Block 1 in the Northgate Technology Park and in Tract 2 of the Blalock Industrial Park; Sherman Economic Development Corporation and GlobiTech, Inc., Owners; and Teague, Nall and Perkins, Engineers/Surveyor [200 West F.M. 1417 (Heritage Parkway)]

Issue:

To consider Replat approval of Northgate Technology Park Addition, Lot 1R, Block 1, being 26.801 acres in the Sherod Dunman Survey, Abstract No. 329 and all of Lot 1, Block 1 in the Northgate Technology Park and in Tract 2 of the Blalock Industrial Park, located at 200 West F.M. 1417 (Heritage Parkway)

Background:

The property is located at 200 West F.M. 1417 (Heritage Parkway); the southeast corner of F.M. 1417 (Heritage Parkway) and Howe Drive; GlobiTech is the tenant. The owners would like to Replat the property into one lot for industrial development.

Origination:

Sherman Economic Development Corporation and GlobiTech, Inc. (Owners)
Teague, Nall and Perkins (Engineers/Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the June 19, 2018 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

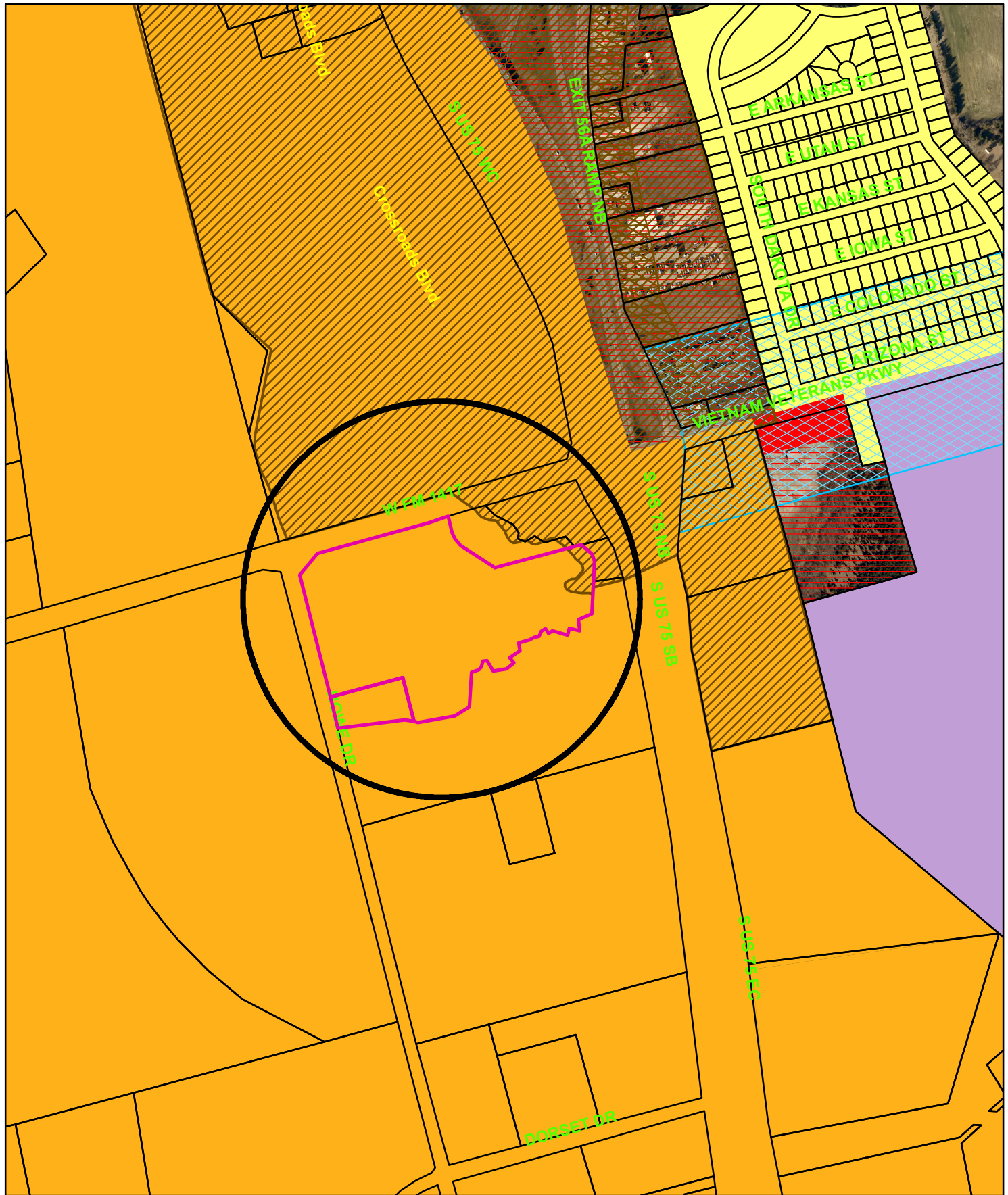
Location Map

Zoning Map

Replat

Staff Review Letter

P&Z Communication



 **tnp**

SURVEYOR
825 Waiters Creek Boulevard, Suite M300
Allen, Texas 75013
214.461.9867 ph 214.461.9864 fx
TBPLA Registration No. 10194381
www.tnpinc.com

STAFF REVIEW LETTER

June 11, 2018

Sherman Economic Development Corp.
307 W. Washington St., Suite 102
Sherman, TX 75090

Globitech, Incorporated
1414 W. Houston St.
Sherman, TX 75090

Teague Nall and Perkins, Inc.
825 Watters Creek Blvd., Ste. M300
Allen, TX 75013

Dear Applicants,

The request for approval of the Replat Northgate Technology Park Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 19, 2018 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 various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. New drive approaches and sidewalks must conform to City criteria and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
6. 40' Right-of-Way Dedication along Howe Drive should be deducted from total acreage and Dedicated by Plat.
7. Dedicate a 10' Utility Easement along Howe Drive.
8. All requirements of the Floodplain Ordinance should be followed.
9. Internal water and sewer lines will be privately maintained.
10. Entrances/Exits off of F.M. 1417 will be Right-in, Right-out only.
11. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
12. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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 Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 19.

Meeting Date: 06/19/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 200 W. FM 1417 (HERITAGE PARKWAY)**

The request of Sherman Economic Development Corporation and GlobiTech Inc. (Owners) and Teague, Nall and Perkins (Engineers/Surveyor) concerning the property located at 200 West F.M. 1417 (Heritage Parkway), being 26.801 acres in the Sherod Dunman Survey, Abstract No. 329 and all of Lot 1, Block 1 in the Northgate Technology Park and in Tract 2 of the Blalock Industrial Park, as follows:

Planning and Zoning Commission

Replat approval for Northgate Technology Park Addition Lot 1R, Block 1

Background:

The property is located at 200 West FM 1417 (Heritage Parkway); the southeast corner of FM 1417 (Heritage Parkway) and Howe Drive; GlobiTech is the tenant. The owners would like to Replat two tracts into one lot for industrial development.

Adjacent Zoning:

Blalock Industrial Park

Origination:

Sherman Economic Development Corporation and GlobiTech Inc. (Owners)
Teague, Nall and Perkins (Engineers/Surveyor)

Master Plan Designation:

Business Park and Research – Business Park designation allows for compatibility with the use of the roadway and rail system for frequent truck and rail traffic. Industrial and office uses are the most appropriate and compatible land uses adjacent to a truck route and the state road and/or rail system. Typical tenants of a business park and research center include light industrial manufacturing, wholesaling, warehouse facilities, light assembly plants, research and development firms and distribution centers.

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Replat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.3.

Meeting Date: 07/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Lots 2 and 3, Block A, Dr. Swamy Addition, being 2.761 acres in the William Milligan Survey, Abstract No. 875, also being Lots 2 and 3, Block A, Dr. Swamy Addition; One Ganesha Ltd., Owners; Dean Gilbert, Developer; and Helvey-Wagner Surveying, Surveyor (6100 block of North U.S. Highway 75)

Issue:

To consider Replat approval of Lots 2 and 3, Block A, Dr. Swamy Addition, being 2.761 acres in the William Milligan Survey, Abstract No. 875, also being Lots 2 and 3, Block A, Dr. Swamy Addition, located in the 6100 block of North U.S. Highway 75

Background:

The property is located in the 6100 block of North U.S. Highway 75; the southeast corner of F.M. 691 and U.S. Highway 75. The owners would like to replat Lots 2 and 3, moving lot lines for commercial development.

Origination:

One Ganesha Ltd. (Owners)
Dean Gilbert (Developer)
Helvey-Wagner Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the June 19, 2018 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

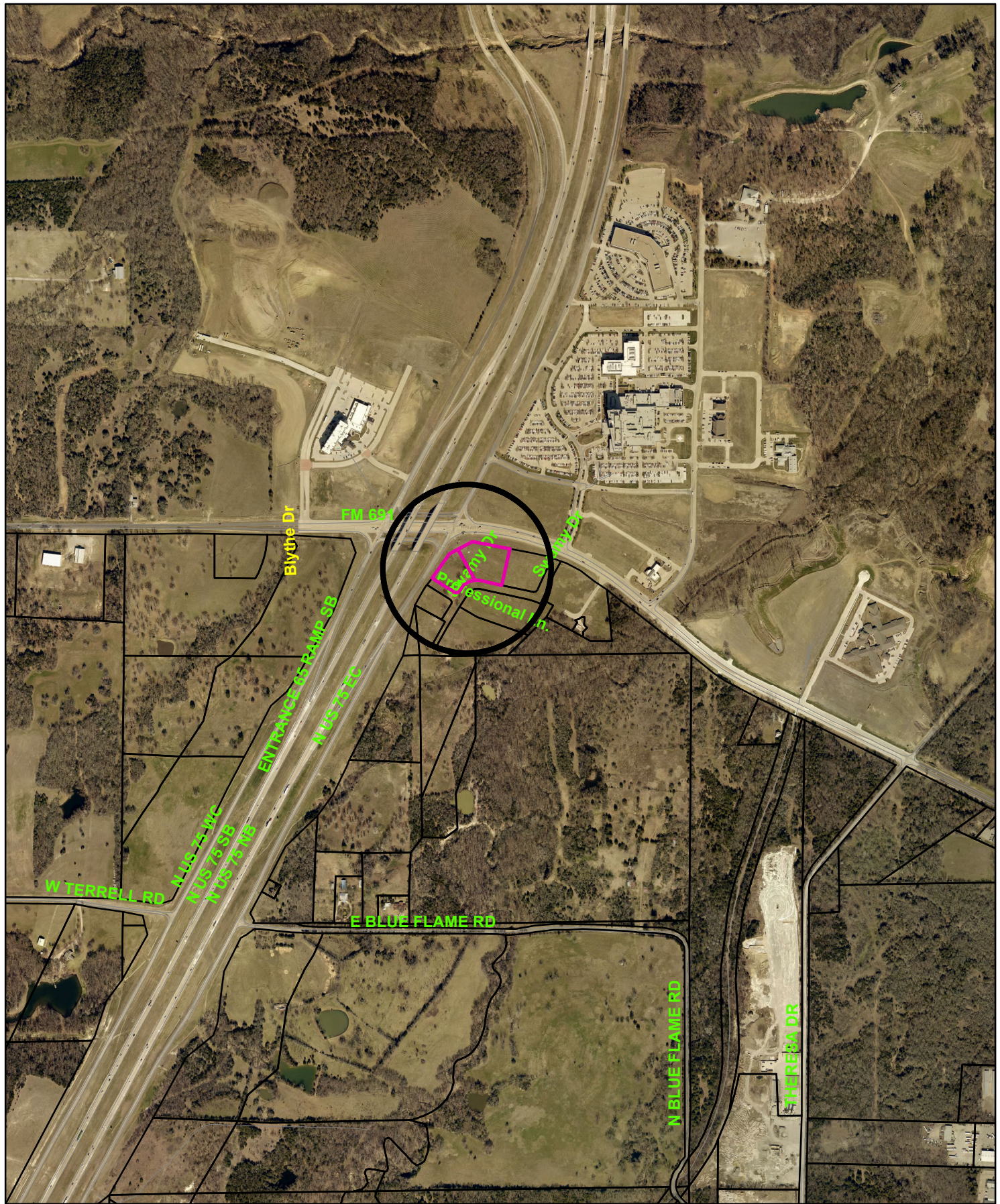
Location Map

Zoning Map

Replat

Staff Review Letter

P&Z Communication

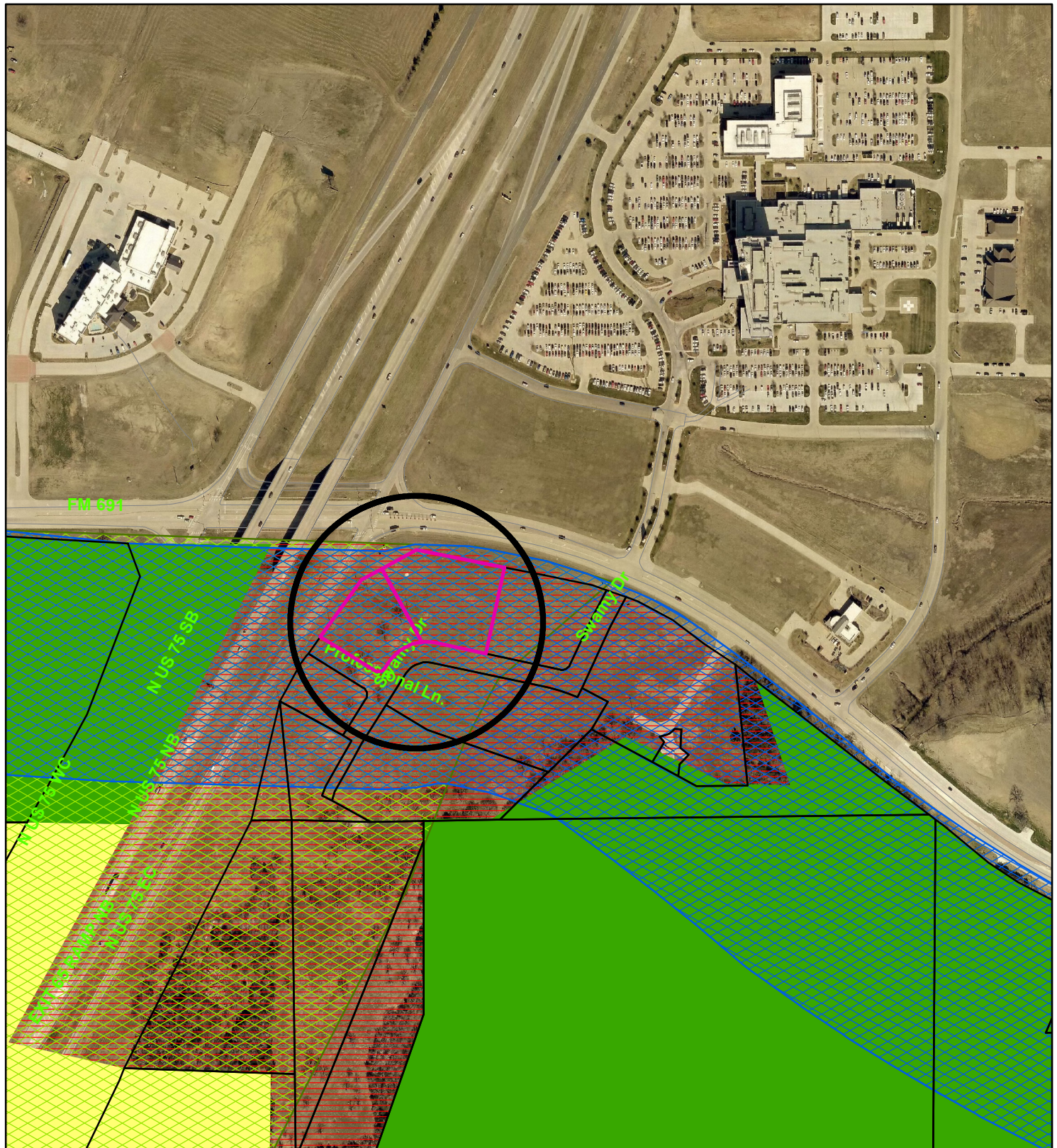


6100 Block N. U.S. Highway 75



NOT TO SCALE

1 in = 897 ft



Zoning - 6100 Block N. Highway 75

Legend

Special Districts Overlay

DISTRICT_NAME

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP - Blalock Industrial Park
- C-1 Retail Business District

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

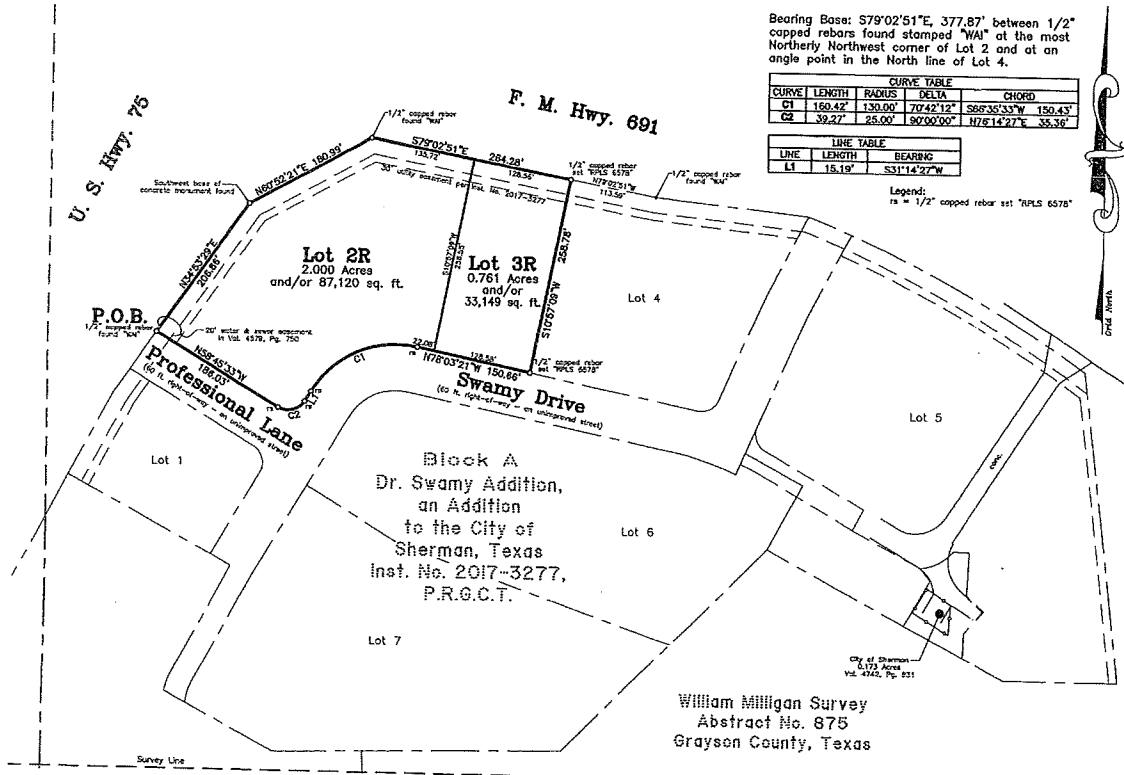


City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 400 ft



Bearing Base: S79°02'51"E, 377.87' between 1/2" capped rebar found stamped "WAI" at the most Northerly Northwest corner of Lot 2 and at an angle point in the North line of Lot 4.

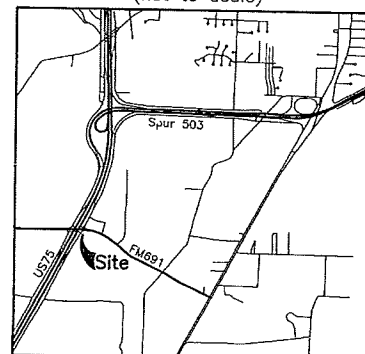
CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	150.42'	130.00'	70°42'12"	S86°35'33"W 150.43'
C2	39.27'	25.00'	90°00'00"	N78°14'27"E 35.36'

LINE	LENGTH	BEARING
L1	15.19'	S31°14'27"W

Legend:
rs = 1/2" capped rebar set "RPLS 6578"

**Replat of Lots 2 and 3, Block A,
Dr. Swamy Addition
to
the City of Sherman, Texas
2.761 Acres
in the
William Milligan Survey
Abstract No. 875**

Location Map
(not to scale)



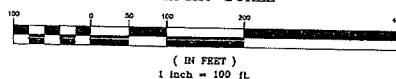
General Notes:

1. Water Supply to be provided by the City of Sherman.
2. Sewer service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electric Delivery Co.
4. The property shown on the plat hereon lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as scaled from the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0280 F, Revised Date: September 29, 2010.
5. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088
Email: helveysurvey@cableone.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100

One Ganesha, Ltd.
Owner

Job No. CGS60518
GRAPHIC SCALE



STAFF REVIEW LETTER

June 11, 2018

One Ganesha, Ltd.
1111 Sara Swamy Dr.
Sherman, TX 75090-1779

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Dear Applicants,

The request for approval of the Replat of Lots 2 and 3, Block A, Dr. Swamy Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 19, 2018 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 various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from the City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Show owner address on plat.
6. Show all easements with recording information on plat and show abandonment information on plat, if applicable.
7. Metes and bounds description must match drawing.
8. Water and sewer Pro-Rata will be due upon development.
9. Entrances/Exits off of FM 691 and Hwy. 75 Service Road will be Right-in, Right-out only.
10. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
11. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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 Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 9.

Meeting Date: 06/19/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 6100 BLOCK N. U.S. HIGHWAY 75**

The request of One Ganesha Ltd. (Owners), Dean Gilbert (Developer) and Helvey-Wagner Surveying (Surveyor) concerning the property located in the 6100 Block of North U.S. Highway 75, being 2.761 acres in the William Milligan Survey, Abstract No. 875, and Lots 2 and 3, Block A, Dr. Swamy Addition, as follows:

Planning and Zoning Commission

Replat approval of Lots 2 and 3, Block A, Dr. Swamy Addition

Background:

The property is located in the 6100 block of North U.S. Highway 75; the southeast corner of FM 691 and Highway 75. The owners would like to replat Lots 2 and 3, moving lot lines for commercial development.

Adjacent Zoning:

C-2 (General Commercial) District

Origination:

One Ganesha Ltd. (Owners)

Dean Gilbert (Developer)

Helvey-Wagner Surveying (Surveyor)

Master Plan Designation:

Suburban Commercial - Suburban character primarily from reduced site coverage relative to more auto-oriented commercial development. Especially at key community entries and along high-profile corridors, may also involve other criteria to yield less intensive and more attractive development outcomes relative to auto-oriented areas, including higher standards for landscaping (along street frontages and within parking areas), signs, and building design. Range of commercial retail and service uses, at varying scales and intensities depending on the site.

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Replat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.4.

Meeting Date: 07/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Hughes Turtle Creek West Addition, a Replat of a part of Lot 7, Block C, Turtle Creek West Addition and a part of Lots 1 and 2, Block 1, Tom L. Sullivan's Replat of a part of the Replat – Valley View Addition, being 0.819 acres in the J.B. McAnair Survey, Abstract No. 763 and being a part of Lot 7, Block C, Turtle Creek West Addition and part of Lots 1 and 2, Block 1, Tom C. Sullivan's Replat and a part of the Replat of Valley View Addition, Lots 1 and 2; Steven and Lisa Hughes, Owners; and Helvey-Wagner Surveying, Surveyor (2208 Post Oak Drive)

Issue:

To consider Replat approval of Hughes Turtle Creek West Addition, a Replat of a part of Lot 7, Block C, Turtle Creek West Addition and a part of Lots 1 and 2, Block 1, Tom L. Sullivan's Replat of a part of the Replat – Valley View Addition, being 0.819 acres in the J.B. McAnair Survey, Abstract No. 763 and being a part of Lot 7, Block C, Turtle Creek West Addition and part of Lots 1 and 2, Block 1, Tom C. Sullivan's Replat and a part of the Replat of Valley View Addition, Lots 1 and 2, located at 2208 Post Oak Drive

Background:

The property is located at 2208 Post Oak Drive north of Alpine Drive and is zoned an R-1 (One Family Residential) District. The owners would like to Replat their two lots into one lot.

Origination:

Steven and Lisa Hughes (Owners)

Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the June 19, 2018 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

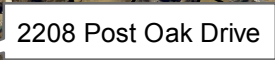
Zoning Map

Zoning Sign Photo

Replat

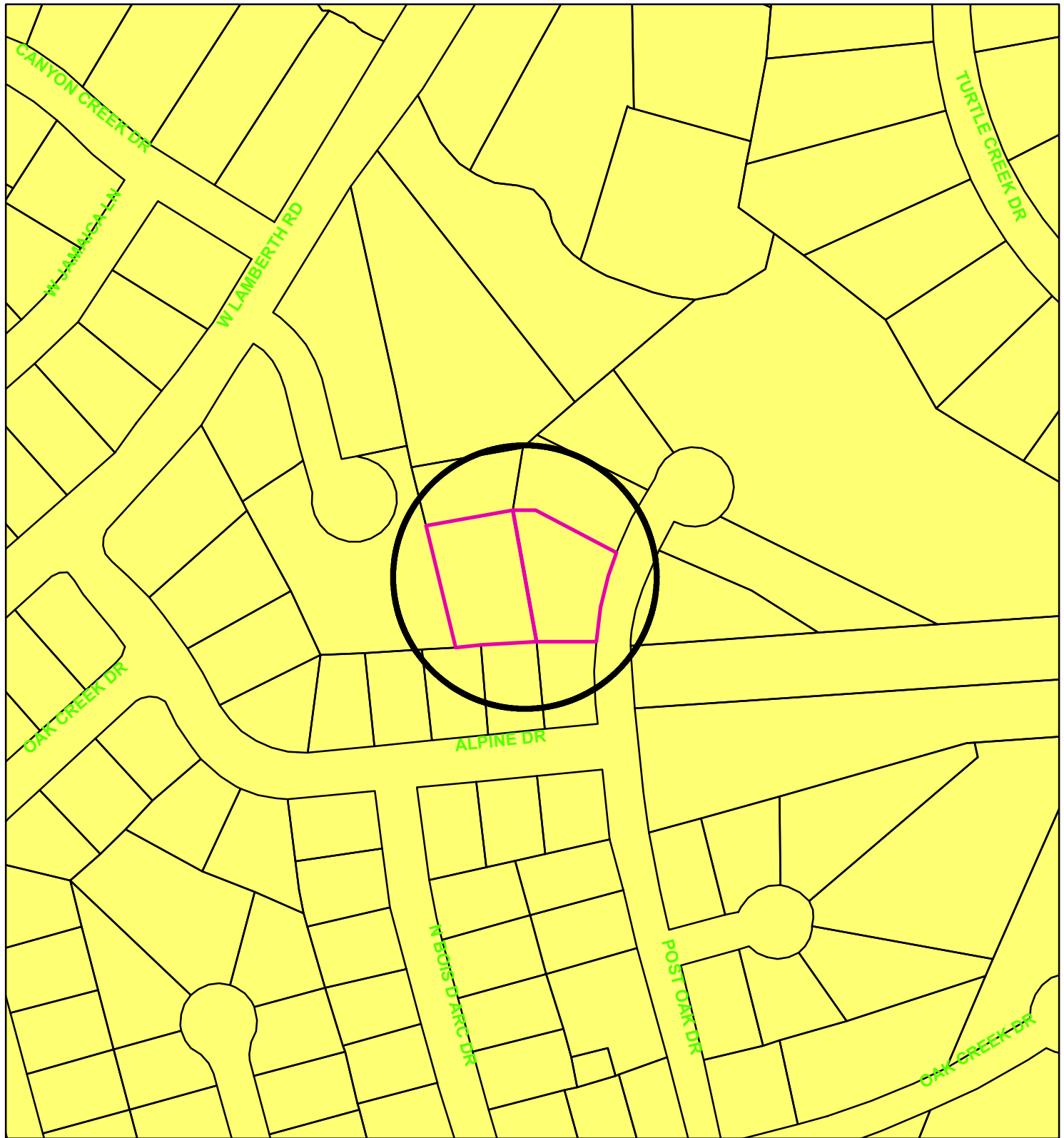
Staff Review Letter

P&Z Communication



2208 Post Oak Drive


$$1 \text{ in} = 500 \text{ ft}$$



Zoning - 2208 Post Oak Drive

Legend

Special Districts Overlay

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep

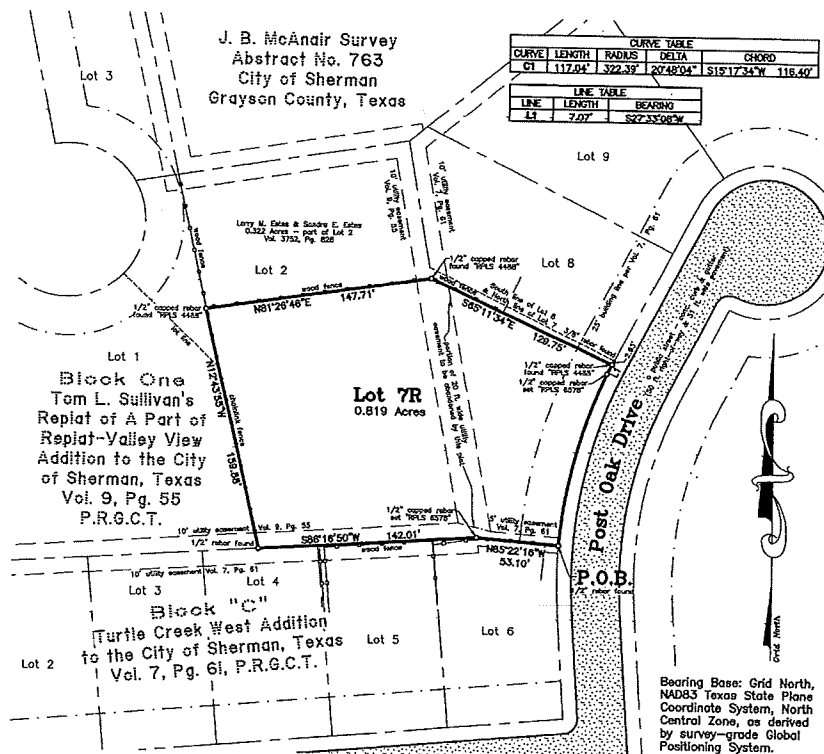
- FM 1417
 - Sam Rayburn Freeway
 - US Hwy 82 and 75
 - SH 289
 - FM 691
- Zoning Districts**
- Representation: ShermGIS.DBO.ZoningDistrict_Rep**
- Unknown
 - BIP Blalock Industrial Park
 - C-1 Retail Business District

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



2208 Post Oak Drive





Hughes Turtle Creek West Add.
(being a Replat of a part of Lot 7, Block "C", Turtle Creek West
Addition in Vol. 7, Pg. 61, P.R.G.C.T. and a part of Lots 1 and 2,
Block One, Tom L. Sullivan's Replat of a part of the
Replat-Valley View Addition in Vol. 9, Pg. 55)

to
the City of Sherman, Texas
0.819 Acres

in the
J. B. McAnair Survey
Abstract No. 763

Steven E. Hughes & Lisa C. Hughes
Owner

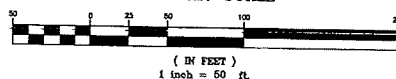
General Notes:

1. Water Supply to be provided by the City of Sherman.
2. Sewer service to be provided by the City of Sherman.
3. Electrical service is provided by Onor Electric Delivery Co.
4. The property shown on the plot herein lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 4818100210 F, Revised Date: September 23, 2010.
5. Neither Grayson County nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.

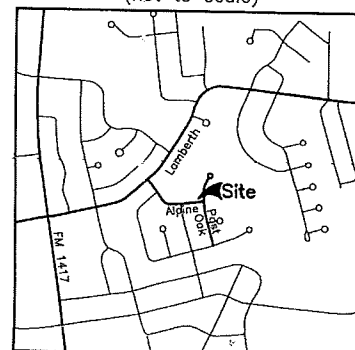
Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph (803) 463-6191 Fax (903) 463-4088
Email: helveysurveying@comcast.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100

Job No. CGS58518

GRAPHIC SCALE



Location Map
(not to scale)



STAFF REVIEW LETTER

June 11, 2018

Steven E. Hughes
Lisa Hughes
2208 Post Oak Dr.
Sherman, TX 75092

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Dear Applicants,

The request for approval of the Final Plat of Hughes Turtle Creek West Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 19, 2018 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 various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. New drive approaches and sidewalks must conform to City criteria and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Show owner address on plat.
6. Remove building line from plat.
7. Metes and bounds description must match drawing.
8. Written approvals from franchise utility companies approving abandonment of 2-10' Utility Easements on subject property must be submitted to City of Sherman Engineering Department.
9. Dedicate a 10' Utility Easement along Post Oak Drive.
10. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
11. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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 Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 16.

Meeting Date: 06/19/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 2208 POST OAK DRIVE**

The request of Steven and Lisa Hughes (Owners) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 2208 Post Oak Drive, being 0.819 acres in the J.B. McAnair Survey, Abstract No. 763 and being a part of Lot 7, Block C, Turtle Creek West Addition and part of Lots 1 and 2, Block 1, Tom C. Sullivan's Replat and a part of the Replat of Valley View Addition, Lots 1 and 2, as follows:

Planning and Zoning Commission

Replat approval of the Hughes Turtle Creek West Addition, a Replat of a part of Lot 7, Block C, Turtle Creek West Addition and a part of Lots 1 and 2, Block 1, Tom L. Sullivan's Replat of a part of the Replat – Valley View Addition.

Background:

The property is located at 2208 Post Oak Drive north of Alpine Drive and is zoned an R-1 (One Family Residential) District. The owners would like to Replat their two lots into one lot.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Steven and Lisa Hughes (Owners)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

59

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.5.

Meeting Date: 07/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Lots 16-27, Block 5, all of Blocks 6 and 7, and Lots 1-6, Block 8 and the Unopen Portion of Copley Street and all of Ray Street and Lila Street, Copley Addition, being 10.704 acres in the G.B. Pilant Survey, Abstract No. 963; Mitchell Enterprises, Inc., Owners; and Helvey-Wagner Surveying, Inc., Surveyor (700 block of Copley Street)

Issue:

To consider Replat approval of Lots 16-27, Block 5, all of Blocks 6 and 7, and Lots 1-6, Block 8 and the unopen portion of Copley Street and all of Ray Street and Lila Street, Copley Addition, being 10.704 acres in the G.B. Pilant Survey, Abstract No. 963, located in the 700 block of Copley Street

Background:

The property is located in the 700 block of Copley Street between Wells Avenue and Leslie Lane. The property is zoned an R-1 (One Family Residential) District. The owners would like to Replat the property into thirty-five (35) lots for residential development.

Origination:

Mitchell Enterprises, Inc. (Owners)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the June 19, 2018 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

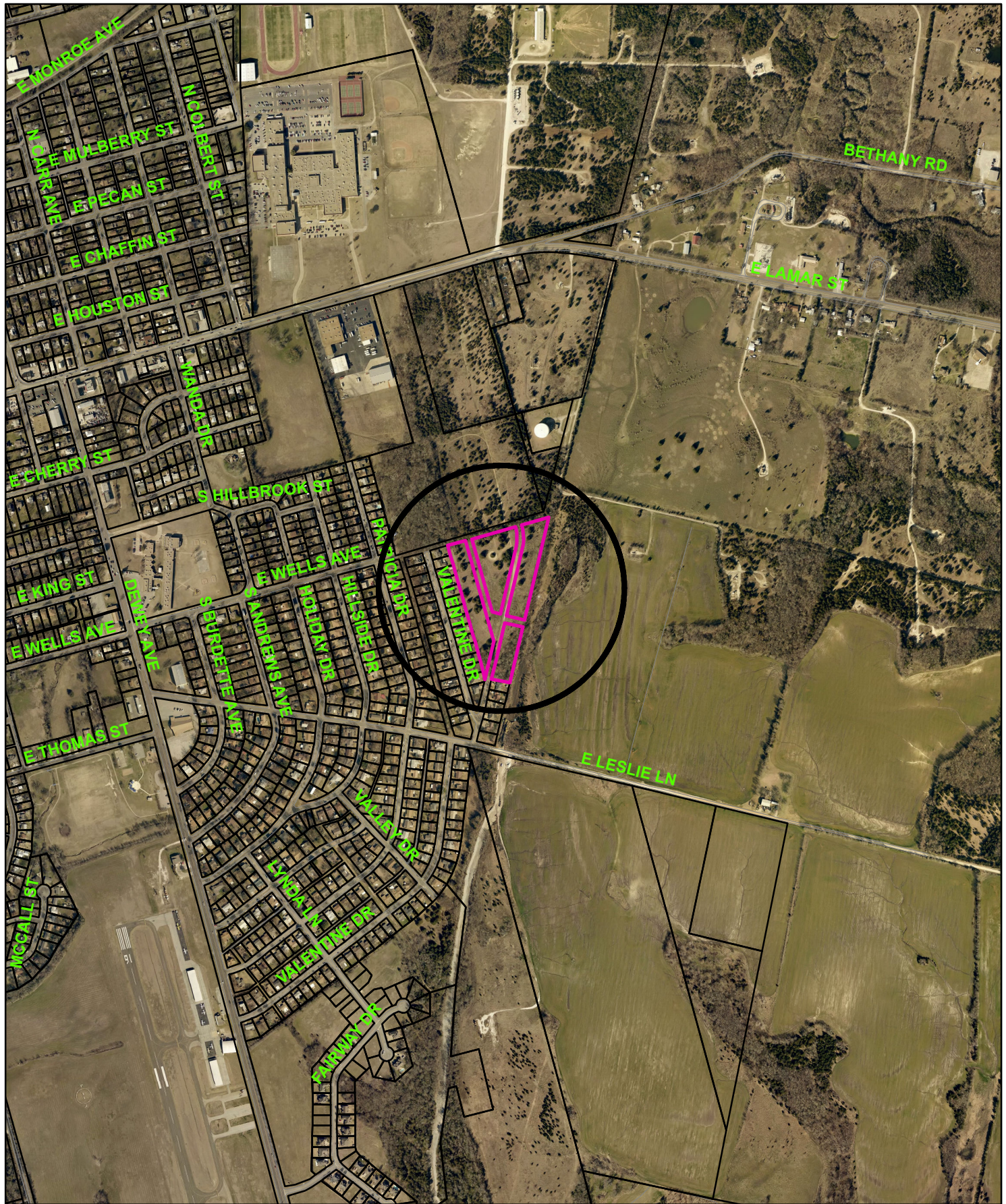
Location Map

Zoning Map

Replat

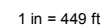
Staff Review Letter

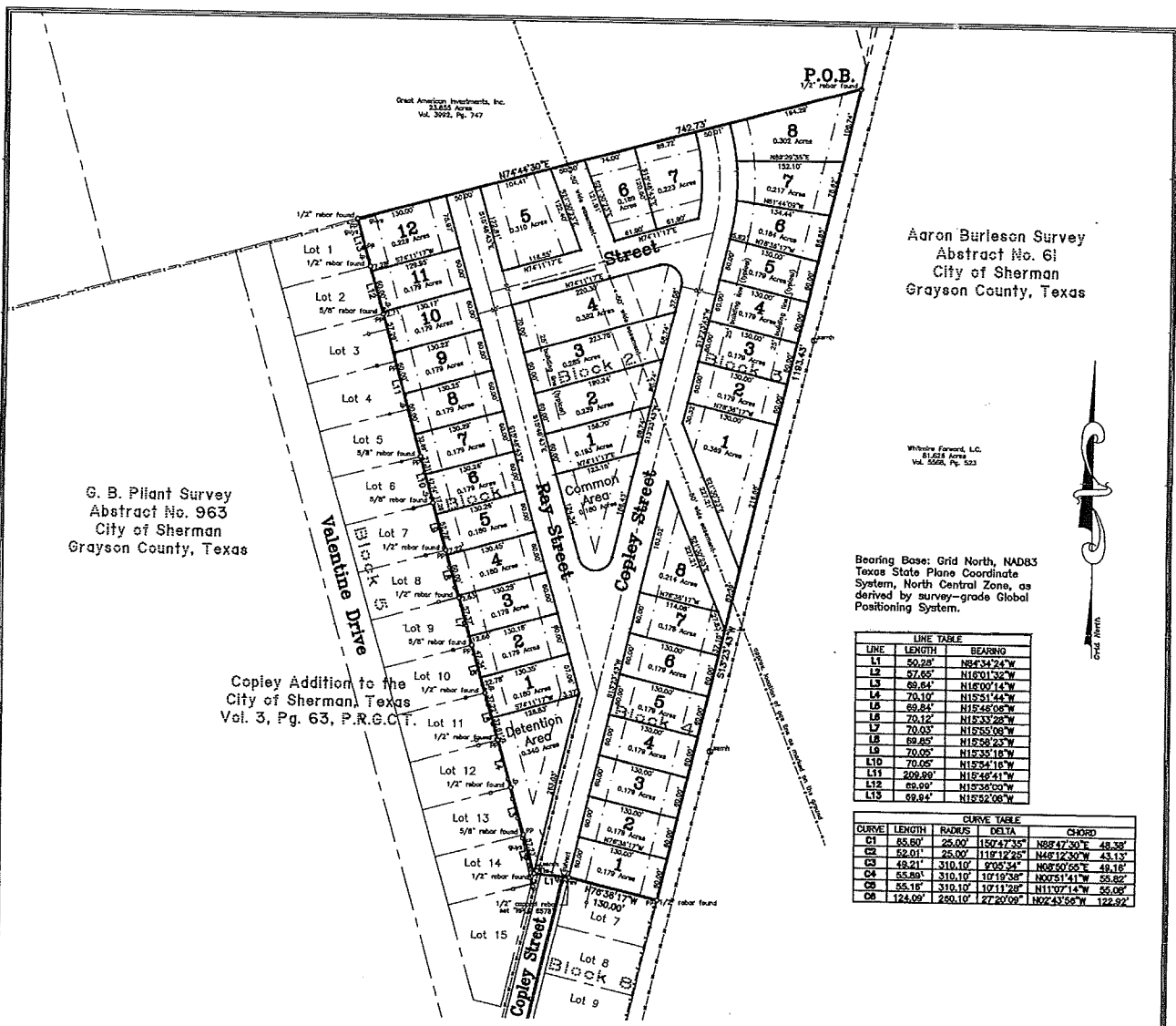
P&Z Communication



Copley Addition Replat







G. B. Pilant Survey
Abstract No. 963
City of Sherman
Grayson County, Texas

Copley Addition to the
City of Sherman, Texas
Vol. 3, Pg. 63, P.R.G.C.T.

Aaron Burleson Survey
Abstract No. 61
City of Sherman
Grayson County, Texas

Whitaker Foreman, L.C.
81,622 Acres
Vol. 5268, Pg. 253

Bearing Base: Grid North, NAD83
Texas State Plane Coordinate
System, North Central Zone, as
derived by survey-grade Global
Positioning System.

LINE	LENGTH	BEARING
L1	50.28'	N84°34'24"W
L2	57.85'	N16°01'32"W
L3	89.84'	N18°00'14"W
L4	70.10'	N12°51'44"W
L5	69.84'	N18°48'08"W
L6	70.12'	N18°33'28"W
L7	70.03'	N18°33'08"W
L8	69.85'	N18°38'23"W
L9	70.05'	N18°35'18"W
L10	70.05'	N18°54'18"W
L11	208.89'	N18°48'41"W
L12	69.84'	N18°30'03"W
L13	69.84'	N18°52'08"W

CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	85.80'	25.00'	150°47'35"	N84°47'30"E 48.38'
C2	52.01'	25.00'	118°12'25"	N48°12'30"W 43.13'
C3	49.21'	310.10'	7°05'34"	N08°50'55"E 49.18'
C4	55.88'	310.10'	10°10'35"	N08°50'55"E 55.88'
C5	55.18'	310.10'	10°11'28"	N11°07'14"W 55.08'
C6	124.09'	260.10'	27°20'09"	N02°43'58"W 122.92'

**Replat of Lots 16 through 27, Block 5,
All of Blocks 6 & 7, and Lots 1 through 6, Block 8,
and the unopen portion of Copley Street and
all of Ray Street and Lila Street, Copley Addition
to**

the City of Sherman, Texas

10.704 Acres

in the

**G. B. Pilant Survey
Abstract No. 963**

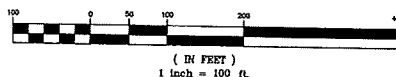
Mitchell Enterprises, Inc.
Owner

General Notes:

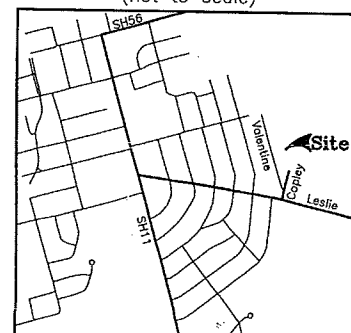
1. Water Supply to be provided by the City of Sherman.
2. Sewer service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electric Delivery Co.
4. The property shown on the plat herein lies within a Zone "X" (areas determined to be outside 500-year Floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 4518100290 F, Revised Date: September 28, 2010.
5. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088
Email: helveysurvey@cableone.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100

GRAPHIC SCALE



Location Map
(not to scale)



STAFF REVIEW LETTER

June 11, 2018

Mitchell Enterprises, Inc.
700 N. Crockett Street
Sherman, TX 75090-4978

Helvey-Wagner Surveying, Inc.
222 W. Main Street
Denison, TX 75020

Dear Applicants,

The request for approval of the Replat of Lots 16 through 27, Block 5, all of Blocks 6 & 7, and Lots 1 through 6, Block 8, and the unopen portion of Copley Street and all of Ray Street and Lila Street, Copley Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 19, 2018 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 various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. New drive approaches and sidewalks must conform to City criteria and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
6. Owner Address should be added to plat.
7. Lila Street must be properly abandoned. Coordinate with City of Sherman Engineering Department.
8. Street names shall be on the plat and approved by Developmental Services Department before filing.
9. Lots must have a minimum 60' lot width at street frontage.
10. Remove building line from plat.
11. Dedicate a 10' Utility Easement along all street frontage of all lots.
12. Water and sewer shall be extended to serve the development. Sewer capacity shall be verified for proposed use.
13. Development Agreement required for Public Infrastructures.
14. Common Area must have a Lot and Block Number and must be owned and maintained by HOA.
15. Right of Way between Block 4, Lot 8 and Block 3, Lot 1 and between Block 2, Lots 5 & 6 must be named and end in cul-de-sacs or must be incorporated into adjacent lots and shown as private property.
16. Copley Street must end in cul-de-sac or extend ____ Street into Wells Street.

17. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
18. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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 Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 22.

Meeting Date: 06/19/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 700 BLOCK COPLEY STREET**

The request of Mitchell Enterprises, Inc. (Owners) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located in the 700 block of Copley Street, being 10.704 acres in the G.B. Pilant Survey, Abstract No. 963, as follows:

Planning and Zoning Commission

Replat approval of Lots 16-27, Block 5, all of Blocks 6 & 7, and Lots 1-6, Block 8 and the Unopen portion of Copley Street and all of Ray Street and Lila Street, Copley Addition.

Background:

The property is located in the 700 Block of Copley Street between Wells Avenue and Leslie Lane. The property is zoned an R-1 (One Family Residential) District. The owners would like to Replat the property into (35) thirty-five lots for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Mitchell Enterprises, Inc. (Owners)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

123

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat

SRL



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.6.

Meeting Date: 07/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of KAZ Addition, Phase 2 in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 2.013 acres in the Aaron Burelson Survey, Abstract No. 61; Kazem and Zohreh Ganji, Owners; and Preston Trail Land Surveying, LLC, Surveyor (10739 State Highway 56)

Issue:

To consider Final Plat approval of the KAZ Addition, Phase 2 in the City of Sherman's ETJ, being 2.013 acres in the Aaron Burelson Survey, Abstract No. 61, located at 10739 State Highway 56

Background:

The property is located at 10739 State Highway 56 between Northeast F.M. 1417 and Pecan Valley Court in the City of Sherman's ETJ. The owners would like to plat the property into two (2) lots.

Origination:

Kazem & Zohreh Ganji (Owners)

Preston Trail Land Surveying, LLC (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the June 19, 2018 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Final Plat

Staff Review Letter

P&Z Communcation

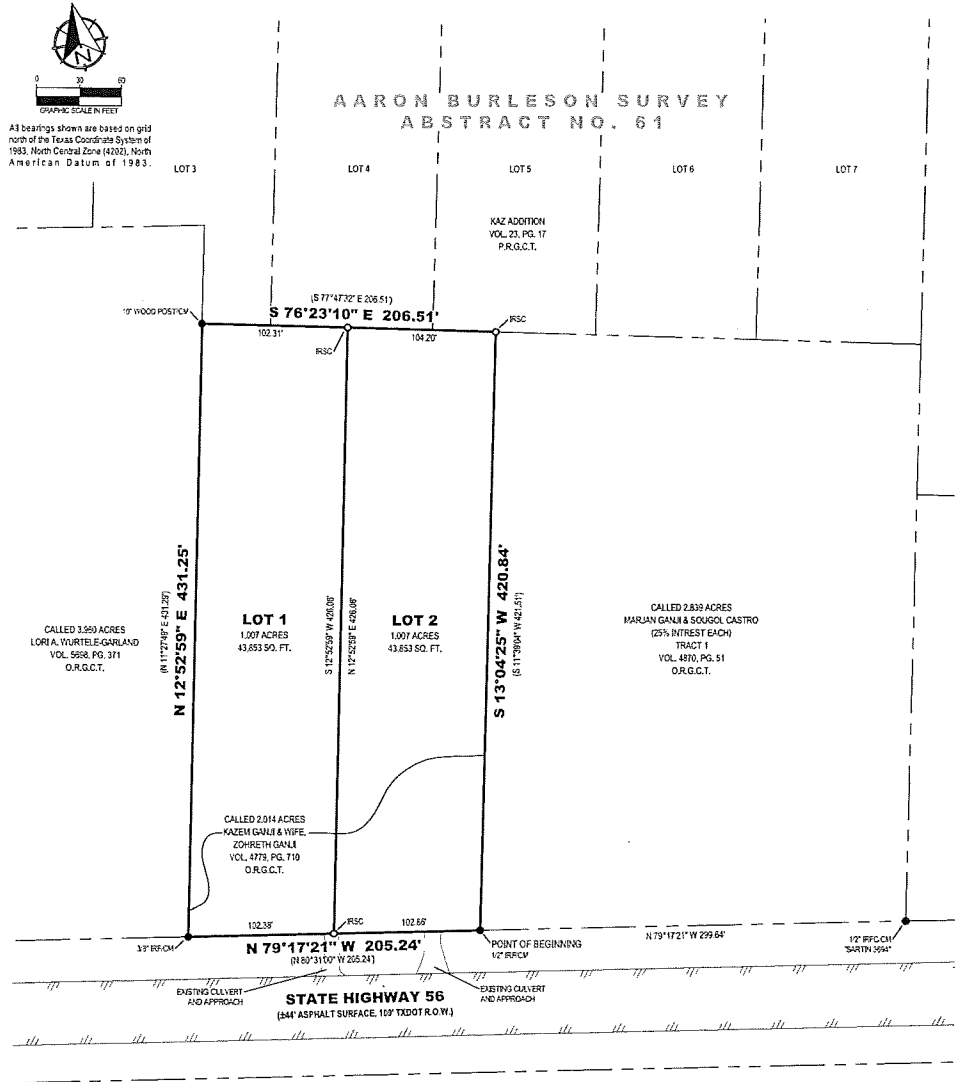


KAZ Addition



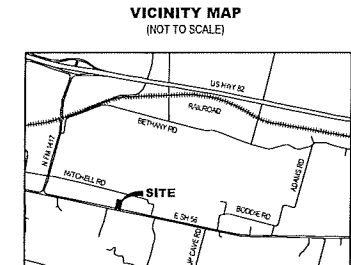
NOT TO SCALE

1 in = 1,938 ft



LEGEND	
● FOUND MONUMENT	R.O.W. RIGHT-OF-WAY
○ SET MONUMENT	P.L.G.C.T. PLAT RECORDS, GRAYSON COUNTY, TEXAS
IRSC 1/2" IRON ROD IN "PRESTON TRAIL LAND SURVEYING, RPLS 6585" CAP SET	O.R.G.C.T. OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS
IRF IRON ROD FOUND	VOL. PG. VOLUME, PAGE
IRFC IRON ROD FOUND W/PLASTIC CAP	BOUNDARY LINE
CM CONTROLLING MONUMENT	ADJONER LINE
() DEED OR PLAT CALL	

FLOOD STATEMENT:
I have examined the F.E.M.A. Flood Insurance Rate Map for Grayson County, Texas, Community Number 490829, effective date 09/28/2010 and that map indicates that this property is within "Non-shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood" as shown on Panel 0295 F of said map. This flood statement does not imply that the property and/or structures thereon will be free from flooding or flood damage, on rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.



OWNER'S CERTIFICATE

WHEREAS Kazem Ganji, Zohreh Ganji, Marjan Ganji, and Sougol Castro are the rightful owners of all of that certain tract or parcel of land situated in the Aaron Burleson Survey, Abstract No. 61, Extra Territorial Jurisdiction of the City of Sherman, Grayson County, Texas, and being all of a called 2.014 acre tract of land described in the deed to Kazem Ganji and wife, Zohreh Ganji, recorded in Volume 4779, Page 710, Official Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found for the southeast corner of said 2.014 acre tract, common to the southwest corner of a called 2.839 acre tract of land described as Tract 1 in the deed to Marjan Ganji and Sougol Castro, (an undivided 25% interest each) recorded in Volume 4870, Page 51, said Official Records, and on the northerly right-of-way line of State Highway 56;

THENCE North 79°17'21" West, with the southerly line of said 2.014 acre tract, and with the northerly right-of-way line of said State Highway 56, a distance of 205.24 feet to a 3/8-inch iron rod found for the southwest corner of said 2.014 acre tract, common to the southeast corner of a called 3.980 acre tract of land described in the deed to Lori A. Wurtele-Garland, recorded in Volume 5698, Page 371, said Official Records;

THENCE North 12°52'59" East, with the westerly line of said 2.014 acre tract, and with the easterly line of said 3.980 acre tract, a distance of 431.25 feet to a 10-inch wood post found for the northwest corner of the herein described tract of land, common to the southern-most southwest corner of Lot 3 of Kaz Addition, according to the plat thereof in Volume 23, Page 17, Plat Records of Grayson County, Texas;

THENCE South 76°23'10" East, with the northerly line of said 2.014 acre tract, and with a southerly line of said Kaz Addition, a distance of 208.51 feet to a 1/2-inch iron rod with a plastic cap stamped "PRESTON TRAIL LAND SURVEYING RPLS 6585" set for the northeast corner of said 2.014 acre tract, common to the northwest corner of aforesaid 2.839 acre tract;

THENCE South 13°04'25" West, with the easterly line of said 2.014 acre tract, and with the westerly line of said 2.839 acre tract, a distance of 420.84 feet to the POINT OF BEGINNING and enclosing 2.013 acres (87,875 square feet) of land, more or less.

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

FINAL PLAT
KAZ ADDITION, PHASE 2
2.013 ACRES
AARON BURLESON SURVEY, ABSTRACT NO. 61
EXTRA-TERRITORIAL JURISDICTION
OF THE CITY OF SHERMAN
Grayson County, Texas



OWNER/DEVELOPER:
Kazem Ganji
404 Flint Ridge Court
Norman, OK 75072
Ph: 713-825-5666

SURVEYOR:
Chris Noah, RPLS 6585
Preston Trail Land Surveying, LLC
83493 N State Highway 289
Suite No. 5
Pottsville, TX 75076
Ph: 903-786-6029

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS

That Kazem Ganji, Zohreh Ganji, Marjan Ganji, and Sougol Castro, do hereby adopt this plat designating the hereinbefore described property as KAZ ADDITION, PHASE 2, an Addition to the Extra Territorial Jurisdiction of the City of Sherman, Grayson County, Texas, and do hereby dedicate to the public use forever all streets, rights-of-way, alleys and easements shown thereon. The City or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Sherman, Texas.

By: Kazem Ganji

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 Kazem Ganji, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF ____, 20__.

Notary Public in and for the State of Texas

By: Zohreh Ganji

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 Zohreh Ganji, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF ____, 20__.

Notary Public in and for the State of Texas

By: Marjan Ganji

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 Marjan Ganji, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF ____, 20__.

Notary Public in and for the State of Texas

By: Sougol Castro

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 Sougol Castro, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF ____, 20__.

Notary Public in and for the State of Texas

CITY COUNCIL CERTIFICATE OF ACCEPTANCE

Accepted by the City Council of the City of Sherman, Texas:

Mayor, City of Sherman, Texas Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing plat of KAZ ADDITION, PHASE 2 to the City of Sherman was submitted to the City Council on the ____ day of ____, 20__, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places as shown and set forth in and upon said map or plat and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this ____ day of ____, A.D. 20__.

Clerk, City of Sherman, Texas

PLANNING AND ZONING COMMISSION CERTIFICATE OF ACCEPTANCE

Accepted this ____ day of ____, 20__, by the City Planning and Zoning Commission of the City of Sherman, Texas.

Chairman

Secretary

SURVEYORS CERTIFICATE

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground and that all monuments shown hereon actually exist and that their location, size, and material are correctly shown.

Chris R. Noah Date
Registered Professional Land Surveyor No. 6585

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

FINAL PLAT
KAZ ADDITION, PHASE 2
2.013 ACRES
AARON BURLESON SURVEY, ABSTRACT NO. 61
EXTRA-TERRITORIAL JURISDICTION
OF THE CITY OF SHERMAN
Grayson County, Texas



OWNER/DEVELOPER:
Kazem Ganji
404 Flint Ridge Court
Norman, OK 75072
Ph: 713-825-5666

SURVEYOR:
Chris Noah, RPLS 6585
Preston Trail Land Surveying, LLC
83493 N State Highway 289
Suite No. 5
Pottsville, TX 75076
Ph: 903-786-6029



STAFF REVIEW LETTER

June 11, 2018

Kazem Ganji
404 Flint Ridge Court
Norman, OK 75072

Preston Trail Land Surveying, LLC
83493 N. State Highway 289, Ste. 5
Pottsboro, TX 75076

Dear Applicants,

The request for approval of the Final Plat of Kaz Addition, Phase 2 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 19, 2018 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 various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. New drive approaches and sidewalks must conform to TxDOT criteria.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
6. City of Sherman Water and Sewer is not available to this property.
7. Require 55' Right of Way Dedication along State Highway 56.
8. Dedicate a 10' Utility Easement along State Highway 56.
9. Show offsite easements on plat.
10. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
11. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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 Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 23.

Meeting Date: 06/19/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 10739 STATE HIGHWAY 56**

The request of Kazem & Zohreh Ganji (Owners) and Preston Trail Land Surveying, LLC (Surveyor) concerning the property located at 10739 State Highway 56, being 2.013 acres in the Aaron Burelson Survey, Abstract No. 61, as follows:

Planning and Zoning Commission

Final Plat approval of the KAZ Addition, Phase 2 in the City of Sherman's extra territorial jurisdiction (ETJ).

Background:

The property is located at 10739 State Highway 56 between Northeast FM 1417 and Pecan Valley Court in the City of Sherman's extra territorial jurisdiction (ETJ). The owners would like to plat the property into two (2) lots.

Adjacent Zoning:

Outside City

Origination:

Kazem & Zohreh Ganji (Owners)

Preston Trail Land Surveying, LLC (Surveyor)

Master Plan Designation:

Not a part of the Master Plan

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Final Plat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.7.

Meeting Date: 07/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Hancock Ranch Subdivision in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 36.79 acres in the W.D. Wooley Survey, Abstract No. 1335 and the Winfred Bailey Survey, Abstract No. 66; Mike Cross and Robert Scoggins, Owners; Plain and Simple Investments, LLC, Prospective Buyer; Related Solutions, LLC, Developer; and Helvey-Wagner Surveying, Surveyor (1400-1600 blocks of F.M. 697)

Issue:

To consider Final Plat approval of the Hancock Ranch Subdivision in the City of Sherman's ETJ, being 36.79 acres in the W.D. Wooley Survey, Abstract No. 1335 and the Winfred Bailey Survey, Abstract No. 66, located in the 1400-1600 blocks of F.M. 697

Background:

The property is located in the 1400-1600 blocks of F.M. 697 between Hogg Skin Road and JP Cave Road in the City of Sherman's ETJ. The owners would like to plat the property into fourteen (14) lots.

Origination:

Mike Cross and Robert Scoggins (Owners)
Plain and Simple Investments, LLC (Prospective Buyer)
Related Solutions, LLC (Developer)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the June 19, 2018 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

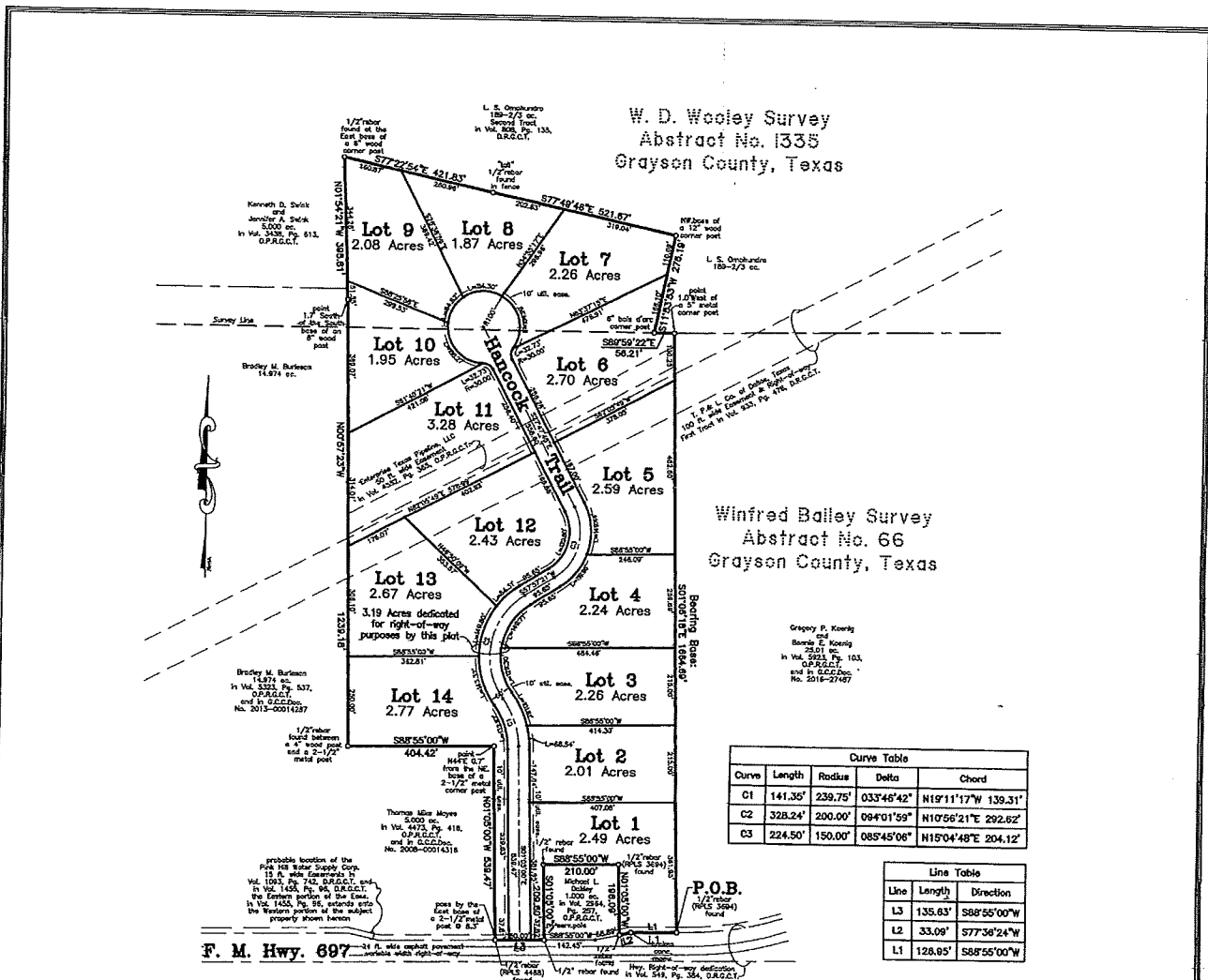
Location Map

Plat

Staff Review Letter

P&Z Communication





Hancock Ranch Subdivision to **the City of Sherman, Texas** **36.79 Acres** in the **Winfred Bailey & W. D. Wooley Surveys** **Abstract Nos. 66 & 1335**

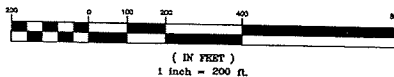
General Notes:

1. Water Supply to be provided by Pink Hill Water Supply Corp.
2. Sewer service to be provided by on-site septic systems, approved by Grayson County.
3. Electrical service is provided by Onco Electric Delivery Co.
4. The property shown on the plat hereon lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 4818100425 F, Revised Date: September 29, 2010.
5. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.

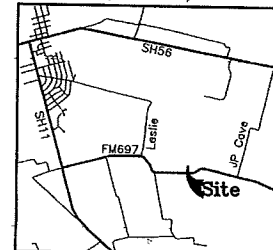
Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088
Email: helveysurvey@cablone.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100

Plain and Simple Investments, LLC
Owner

Job No. CGS59518
GRAPHIC SCALE



Location Map (not to scale)





STAFF REVIEW LETTER

June 11, 2018

Plain and Simple Investments, Inc.
1018 Creekwood Dr.
Garland, TX 75044-2410

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Dear Applicants,

The request for approval of the Final Plat of Hancock Ranch Subdivision has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 19, 2018 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 various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. The width of the right-of-way and pavement for streets shall be shown on the plat.
4. Require a 55' Right-of-Way dedication from the center of F.M. 697 along F.M. 697.
5. Dedicate 15' Utility Easement along new Right-of-Way location off of F.M. 697.
6. Metes and bounds description must match drawing.
7. Coordinate with Grayson County Development Services regarding Hancock Trail.
8. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
9. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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 Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 15.

Meeting Date: 06/19/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 1400-1600 BLOCKS FM 697**

The request of Mike Cross and Robert Scoggins (Owners), Plain and Simple Investments, LLC (Prospective Buyer), Related Solutions, LLC (Developer) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located in the 1400-1600 blocks of FM 697, being 36.79 acres in the W.D. Wooley Survey, Abstract No. 1335 and the Winfred Bailey Survey, Abstract No. 66, as follows:

Planning and Zoning Commission

Final Plat approval of the Hancock Ranch Subdivision in the City of Sherman's extra territorial jurisdiction (ETJ).

Background:

The property is located in the 1400-1600 Blocks of FM 697 between Hogg Skin Road and JP Cave Road in the City of Sherman's extra territorial jurisdiction (ETJ). The owners would like to plat the property into fourteen (14) lots.

Adjacent Zoning:

Outside City

Origination:

Mike Cross and Robert Scoggins (Owners)
Plain and Simple Investments, LLC (Prospective Buyer)
Related Solutions, LLC (Developer)
Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Not a part of the Master Plan

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Plat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Meeting Date: 07/16/2018

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2018 Council Calendar

2018

JANUARY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
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FEBRUARY						
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MARCH						
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APRIL						
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JULY						
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OCTOBER						
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NOVEMBER						
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DECEMBER						
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23	24	25	26	27	28	29
30	31					

1/1/2018	New Year's Day/Regular City Council Meeting on 01/02/2018
2/28/2018	Called Council Meeting - Training Session for Council Members
4/27/2018	Called Budget Planning Mtg in Council Chambers
6/14/2018	Called Budget Workshop in Council Chambers
6/15/2018	Called Budget Workshop in Council Chambers - Cancelled
7/2/2018	City Council Meeting - Cancelled
9/3/2018	Labor Day/Regular City Council Meeting on 09/04/2018

[illegible]