CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, APRIL 17, 2023
5:00 P.M.

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

A. 2. **PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER DARON HOLLAND**

A. 3. **INVOCATION BY COUNCIL MEMBER DARON HOLLAND**

A. 4. **APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 3, 2023.**

Special Presentations

B. 1. **SPECIAL PRESENTATION**
The Camp Presentation of Sending a Potential Competitor to the Next Olympics.

Citizen Comments

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

Consent Agenda

D. 1. **CONSENT AGENDA**
Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

D. 2. **CONSENT AGENDA**
Double Asterisked (**) items are considered to be routine and will be enacted in one motion, subject to staff review letter, without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Public Hearing

E. 1. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6583**
Abandoning One (1) Twenty Foot (20') Sanitary Sewer Easement Located in the S. Dunman Survey, Abstract No. 329 and the W. Bailey Survey, Abstract No. 64, and Being More Particularly Described on the Exhibit "A" Attached Hereto and Made a Part Hereof for all Purposes, which Sanitary Sewer Easement is Established in Volume 1042, Page 429 of the Deed Records of Grayson County, Texas

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

E. 2. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6584**

Closing and Abandoning a Platted Alley Adjacent to Lots 8-13 of Parkview Addition in the City of Sherman, Grayson County, Texas, said Alley Being Established in Vol. 306, Pg. 155, Deed Records, Grayson County, Texas, said Property Shall be Reserved as an Easement for Public and Franchise Utilities for the Right of Ingress and Egress to Same for Purposes of Operation, Maintenance or Removal of such Utilities or until such Utilities shall be Abandoned or Relocated

E. 3. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6585**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land Consisting of 0.238 acres, being a part of George B. Pilant Survey, Abstract No. 963, being all of Lots 13, 14, and 15 in Block 14 of Continuation of W. Elliotts Addition, City of Sherman, Grayson County, Texas, Located at 800 Maxey Street, Heretofore Zoned C-1 (Retail Business) District; Rezoning and Placing the Tract in the an R-2F (Duplex Residential) District Zoning Classification, (Manuel Dejesus Ochoa, Owner and Underwood Drafting & Surveying, Inc., Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

E. 4. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6586**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow an Automobile Laundry, Carwash, in a C-2 (General Commercial) District/75 & 82 Overlay District, Located at 2901 Block Texoma Parkway, Consisting of 1.119 acres in the Reuben Hendrix Survey, Abstract 504, City of Sherman, Grayson County, Texas (Sherman NEC Texoma & 82, LP Owner, Clay Cristy Representative; and Eagle Surveying, LLC., Surveyor); Prescribing Conditions to the Specific Use Permit; Providing A Penalty Not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

E. 5. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6587**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow a School, Commercial or Trade, in an M-1 (Light Manufacturing) District, Located at 4800 Texoma Parkway, consisting of 42.8134 acres in the John Hendrix Survey, Abstract No. 503, the W.F. Patterson Survey, Abstract No. 969, The Daniel Shelp Survey, Abstract No. 1097 and the T.J. Shannon Survey, Abstract No. 1136, Lots 1 and 3, Block 1, Midway Mall, City of Sherman, Grayson County, Texas (Star Midway, LLC, Owner, Adam McGregor (Passage Education, LLC), Tenant/Representative; and David Petree, Surveyor); Prescribing Conditions to the Specific Use Permit; Providing A Penalty Not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

E. 6. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6588**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land Consisting 28.665 acres in the Fielding Bacon Survey, Abstract No.119, City of Sherman, Grayson County, Texas, Located at 4441 West Houston Street, Heretofore Zoned R-A (Residential Agriculture) District; Rezoning and Placing the Tract in the MF-15 (Multi-Family Residential) District Zoning Classification, (Charles Branch, Owners; and Underwood Drafting & Surveying, Inc., Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

Close Public Hearing and Consider Adoption of Ordinances

E. 7. **ADOPTION OF ORDINANCES**

Consider Adoption of Ordinance Numbers 6583, 6584, 6585, 6586, 6587 & 6588.

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

Resolutions

F. 1. RESOLUTION NO. 7056

Approving the Greater Texoma Utility Authority's Intention to Award the Guaranteed Maximum Price One (GMP 1.00) for Garney Companies, Inc. for the 36-Inch West Sherman Water Main Project.

F. 2. RESOLUTION NO. 7057

Authorizing Execution of Certain Documents in Connection With The Bel Air Village Public Improvement District, including, without Limitation, First Amendment to Bel Air Village Public Improvement District Phase #1 Reimbursement Agreement

F. 3. ** RESOLUTION NO. 7058*

Authorizing Submission of a Grant Application to the AKC Reunite Adopt A K-9 Cop Matching Grant for the Funding Purchase of a K-9 Dog for the Sherman Police Department

Requests to Advertise

G. 1. REQUEST TO ADVERTISE

Sale of Approximately 12 Acres of Land Located in the 2400-2500 Blocks of South East Street in Sherman's Extra-territorial Jurisdiciton(ETJ)

Change Orders

H. 1. CHANGE ORDER

Change Order No. 1 for Professional Services Agreement with M. Arthur Gensler Jr. & Associates, Inc for Additional Services

H. 2. CHANGE ORDER

Change Order No. 1 for Contract with EMR Elevator for Cylinder Replacement

Other Business

I. 1. OTHER BUSINESS

Receive Quarterly Progress Report from Sherman Economic Development Corporation President Kent Sharp

I. 2. ** OTHER BUSINESS*

Approve Quarterly Investment Report for Quarter Ended March 31, 2023

I. 3. * OTHER BUSINESS***

Final Plat of Texoma Vet Hospital, consisting of 2.354 acres in the A. Hume Survey, Abstract No. 522, and currently zoned C-2 (General Commercial) District; Kenneth and Mary Lawrence, Owner and Windrose Land Services, Surveyor (5005 North FM 1417 (Heritage Parkway))

I. 4. * OTHER BUSINESS***

Replat of Rockhill Corner Addition, consisting of 1.985 acres, being a part of the William C. Atchison Survey, Abstract No. 23, being all of Lot 7, Block One of Choctaw Estates No. II and currently in the ETJ (Extraterritorial Jurisdiction); Robert and Nancy Dobbs, Owner; Helvey-Wagner Surveying, Inc., Surveyor (121 Rockport Road)

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

I. 5. ***** OTHER BUSINESS***

Final Plat of Hickory Hill Garden Apartments Addition, Lots 1 and 2, Block 1, consisting of 22.330 acres in the Ralston W. Adams Survey, Abstract No. 18 and currently zoned PD (Planned Development) District; Sherman Hickory Hill, LLC, Owner and Bohler Engineering, Surveyor (2100-2300 Block West Lamberth Road)

I. 6. ***** OTHER BUSINESS***

Public Hearing and Replat for Fielder Addition, consisting of 0.492 acres in the J.B. McAnair Survey, Abstract No. 763, being a part of Block 29, Chaffin's Second Addition and currently zoned R-6 (Single-Family Residential) District; Paul Terrell, La Cima Contracting, Owner; and Copley Land Surveying, Surveyor (1104 East Chaffin Street)

I. 7. ***** OTHER BUSINESS***

Replat of Ochoa Addition, consisting of 0.238 acres, being a part of George B. Pilant Survey, Abstract No. 963, being all of Lots 13,14, and 15 in Block 14 of Continuation of W. Elliotts Addition and currently zoned C-1 (Retail Business) District; Manuel Dejesus Ochoa, Owner; Underwood Drafting & Surveying, Inc., Surveyor (800 Maxey Street)

J. COUNCIL COMMENTS

Executive Session

K. 1. EXECUTIVE SESSION

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

Tex. Gov't Code § 551.071	Seeking the advice of its attorney about pending or contemplated litigation, settlement offers or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. (a) Receive legal advice regarding the possible expansion of the Grayson County Jail
Tex. Gov't Code § 551.072	Deliberating the purchase, exchange, lease or value of real property if deliberation in an Open Meeting would have a detrimental effect on the position of the City in negotiations with a third person.
Tex. Gov't Code § 551.073	Deliberating a negotiated contract for a prospective gift or donation to the City if deliberation in an Open Meeting would have a detrimental effect on the position of the City in negotiations with a third person.
Tex. Gov't Code § 551.074	Deliberating the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

Tex. Gov't Code § 551.076	Deliberating the deployment, or specific occasions for implementation, of security personnel or devices or a security audit.
Tex. Gov't Code § 551.087	Discussing or deliberating commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay or expand in or near the City and with which the City is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. (a) Hospital Project
Tex. Gov't Code § 551.089	Deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementation of security personnel, critical infrastructure or security devices.

The Council reconvenes into General Session

L. 1. OPEN MEETING

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

M. ADJOURNMENT

COUNCIL CALENDAR

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

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on Friday, April 14, 2023 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 14th day of April 2023.
City of Sherman, Texas

_____
City Clerk

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

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

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

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

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

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

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

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SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **A. 4.**

Meeting Date: 04/17/2023

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 3, 2023.

Attachments

April 3, 2023

GTUA Revenue Bonds Offering Summary

STATE OF TEXAS §

April 3, 2023

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 April 3, 2023.

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

MEMBERS ABSENT: **COUNCIL MEMBER MARROQUIN.**

CALL TO ORDER — **CALL TO ORDER**

Mayor Plyler called the meeting to order at 5:02 p.m. The Pledge of Allegiance and Invocation were led by Mayor David Plyler.

APPROVE MINUTES — **APPROVE MINUTES**

The Council reviewed the Minutes of the Regular City Council Meeting of March 20, 2023. Council Member Teamann moved to approve the Minutes, as presented; Second by Council Member Dobbs; All present voted AYE.
MOTION CARRIED.

PROCLAMATION
"ACHIEVEMENT OF EXCELLENCE IN LIBRARIES AWARD" - 2022 — **ACHIEVEMENT OF EXCELLENCE IN LIBRARIES AWARD**

Mayor Plyler presented a proclamation to Melissa Eason, Library Services Administrator, recognizing the Library's "Achievement of Excellence in Libraries Award" for 2022.

Ms. Eason thanked the Mayor and Council for the proclamation and for their support. She said Sherman has a great Library, and she thanked her staff, and the many community organizations that offer their support. She said the Library has a lot to offer

Library staff that also accepted the award were Susan McGinn, Administrative Assistant; Sonia Pereira, Library Assistant; and Cassie Wickline, Youth Librarian.

CITIZEN'S COMMENTS
ANNUAL EARTH DAY FESTIVAL — **ANNUAL EARTH DAY FESTIVAL**

Amy Hoffman-Shehan, 1503 S. Travis, said the 15th Annual Earth Day Festival will be held on April 22, 2023. The event will be held in the Municipal Ballroom and on the grounds. Ms. Hoffman-Shehan outlined the schedule and events that will be held, and the many recycling opportunities that will be available.

CONSENT AGENDA — **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.

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

ORD 6580 GTUA REVENUE BONDS FOR SHERMAN PROJECTS

Mayor Plyler introduced Ordinance No. 6580 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2023 (CITY OF SHERMAN PROJECT); AND APPROVING THE ISSUANCE THEREOF AND THE FACILITIES TO BE CONSTRUCTED OR ACQUIRED BY SUCH AUTHORITY.

Mary Lawrence, Director of Finance, said Thursday, the Greater Texoma Utility Authority sold the City's utility bonds. She introduced Garry Kimball, President at Specialized Public Finance, Inc., to update the Council.

Mr. Kimball said the sale began several months ago, where the water and sewer revenue pledge was rated, and the "A" rating was reaffirmed. There are four separate installments of bonds, the first of which took place last year. These installments of bonds will accomplish all the water and sewer projects required to help accommodate the Texas Instruments project, and other similar projects for the City.

They locked rates last Thursday, and the anticipated closing will be on April 27, 2023.

It was originally budgeted to be an approximately $138.5 million issue, but ended up being just over $137 million. The estimated issuance cost came in at half what they were anticipating, primarily because of the very aggressive bond insurance bid.

He said they put the bond issuance out for the market, and try to get it enhanced. They put it out for bid to companies that will "rent" the City a higher bond rating, than what the City has. The City pays a premium, and they turn an "A" bond into an "AA" bond, resulting in lower rates for the City. If the lower rates offset the cost of the premium, they buy the insurance.

Mr. Kimball said the City of Sherman has an incredible story to tell, with the Texas Instruments expansion, and with GlobiTech. That really resonated with the insurance providers, and their bid was significantly lower than was expected. Between that, and the capitalized interest, because of lower interest rates, they were able to lock in a 4.29% true interest cost, instead of the anticipated 4.55%.

He added that, with the recent banking crisis, even though the market had been very turbulent the last few weeks, it benefited this transaction tremendously. The total interest expense, as a result of the lower interest rate, came in over $13 million lower than budget.

Mr. Kimball said they were able to shorten the call option from the standard 10 years, to a 9 year call, which gives the City added flexibility with regards to repayment. It was an incredibly strong showing. He added that, in historical terms, Municipal Bond Rates have been higher 74.26% of the time, over the last 20 years versus the current market.

No other citizens appeared before the City Council to discuss Ordinance No. 6580.

Mayor Plyler introduced Ordinance No. 6581 and called for a public hearing:

ORD 6581 SEX OFFENDER RESIDENCY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHERMAN, TEXAS, CHAPTER 8 (OFFENSES AND NUISANCES), ARTICLE 8.02 (OFFENSES INVOLVING PUBLIC SAFETY), SECTION 8.02.005 (SEX OFFENDER RESIDENCY), TO REVISE DEFINITIONS AS SET FORTH IN THE TEXAS PENAL CODE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

Zach Flores, Executive Director of Public Safety, said the City has an ordinance designating where a sex offender cannot live in the City of Sherman. As the City grows, there are some properties that are no longer prudent to those restrictions, because they centered around where children gathered.

He said the proposed ordinance removes some of the places that are no longer prudent, adds terminology and offenses that are consistent with the last legal update, and will mirror State law.

No citizens appeared before the City Council to discuss Ordinance No. 6581.

Mayor Plyler introduced Ordinance No. 6582 and called for a public hearing:

ORD 6582 DELINQUENT UTILITY BILLING LIEN AGAINST PROPERTY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHERMAN, TEXAS, CHAPTER 13 (UTILITIES), ARTICLE 13.08 (UTILITY BILLING), SECTION 13.08.002 (UTILITY BILLING), TO IMPOSE A LIEN AGAINST AN OWNER'S PROPERTY FOR DELINQUENT UTILITY BILLS IN ACCORDANCE WITH SECTION 552.0025 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING A PENALTY CLAUSE WITH A MAXIMUM FINE OF $500, SAVINGS, REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

Mr. Flores said the staff continues to work towards the Council's initiative of cleaning up the City, and are trying to hold Multi-Family and Commercial, Hotel/Motel Properties, to a higher standard that is desired for the City. This is not intended for the Single-Family Residential customer.

It seems that these issues run parallel, and these substandard properties seem to also have delinquent utility accounts. This is meant to be a measure that will help protect some of the residents that utilize these facilities.

No citizens appeared before the City Council to discuss Ordinance No. 6582.

The Public Hearing was closed.

Ordinance 6580 — **ORD 6580 GTUA REVENUE BONDS FOR SHERMAN PROJECTS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2023 (CITY OF SHERMAN PROJECT); AND APPROVING THE ISSUANCE THEREOF AND THE FACILITIES TO BE CONSTRUCTED OR ACQUIRED BY SUCH AUTHORITY.

Ordinance 6581 — **ORD 6581 SEX OFFENDER RESIDENCY**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHERMAN, TEXAS, CHAPTER 8 (OFFENSES AND NUISANCES), ARTICLE 8.02 (OFFENSES INVOLVING PUBLIC SAFETY), SECTION 8.02.005 (SEX OFFENDER RESIDENCY), TO REVISE DEFINITIONS AS SET FORTH IN THE TEXAS PENAL CODE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

Council Member Howeth asked if any specific place has changed in Sherman. Mr. Flores said the City's former Youth Center no longer fits the definition, and there would be no reason to restrict a sex offender from that location. The ordinance will also add other offenses that the Legislation has added to the State Penal Code.

Ordinance 6582 — **ORD 6582 DELINQUENT UTILITY BILLING LIEN AGAINST PROPERTY**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHERMAN, TEXAS, CHAPTER 13 (UTILITIES), ARTICLE 13.08 (UTILITY BILLING), SECTION 13.08.002 (UTILITY BILLING), TO IMPOSE A LIEN AGAINST AN OWNER'S PROPERTY FOR DELINQUENT UTILITY BILLS IN ACCORDANCE WITH SECTION 552.0025 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING A PENALTY CLAUSE WITH A MAXIMUM FINE OF $500, SAVINGS, REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

Council Member Holland verified that the intent of this ordinance was to hold the owners of the property liable for the payment of their utilities. Mr. Flores said the City did not want to penalize tenants, but there have recently been property owners that have failed to pay their utilities and then the tenants are at risk for having their utilities cut off.

The City wants to capture those monies, but not at the expense of the resident. This is a tool to ensure that the City will get those funds without having to "punish" those that have no fault at all. State law allows this action, but it does require this ordinance as a prerequisite.

ACTION TAKEN.

Motion by Council Member Teamann to adopt Ordinance Nos. 6580, 6581, and 6582, as presented. Second by Deputy Mayor Stevenson.

VOTING AYE: Dobbs, Holland, Howeth, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RES 7051
NEW CITY HALL

RESOLUTION NO. 7051 -- AWARDING A BID TO AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH THOS. S. BYRNE, INC, DBA BYRNE CONSTRUCTION SERVICES, AS CONSTRUCTION MANAGER-AT-RISK (CMAR), FOR SERVICES IN CONNECTION WITH THE EVALUATION OF WHETHER A NEW CITY HALL IS APPROPRIATE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH THOS. S. BYRNE, INC. DBA BYRNE CONSTRUCTION SERVICES, AS CONSTRUCTION MANAGER-AT-RISK (CMAR), FOR SERVICES IN CONNECTION WITH THE EVALUATION OF WHETHER A NEW CITY HALL FACILITY IS APPROPRIATE.

Mr. Flores said, earlier this year, the City contracted with Gensler Architecture to look at the feasibility and space needs that would go into a new City Hall. In conjunction with that, the staff has gone through the competitive process to select a Construction-Manager-At-Risk, to help on the estimating side of the project to get a cost.

Byrne Construction has recently completed the new Police Department, and the staff is familiar with, and able to work well with them.

Mr. Flores said Byrne Construction was also selected for Resolution 7952, for renovations and additions to Fire Station No. 1, however these selections were made independently. He reiterated that the City has a history with Byrne Construction and also went through the competitive process.

Council Member Teamann said he did not remember the Council approving that project for advertisement. Mr. Flores said it was done in January 2023.

Robby Hefton, City Manager, said the plan is to bring all of this back to Council at the Budget Workshop in June 2023. There will be a fuller discussion about the results of this preliminary information, from both Byrne Construction and from Gensler Architect. He said the decision tonight is not to build a new City Hall, but to move forward with pricing one and scoping one, and to have more discussion in June.

ACTION TAKEN.
Motion by Council Member Howeth to approve Resolution No. 7051, as presented. Second by Council Member Teamann.
VOTING AYE: Dobbs, Holland, Howeth, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RES 7052 FIRE STATION NO. 1 RENOVATIONS

RESOLUTION NO. 7052 -- AWARDING A BID TO AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH THOS S. BYRNE, INC. DBA BYRNE CONSTRUCTION SERVICES, AS CONSTRUCTION MANAGER-AT-RISK, FOR SERVICES IN CONNECTION WITH THE EVALUATION OF WHETHER RENOVATIONS AND ADDITIONS TO FIRE STATION NO. 1 ARE APPROPRIATE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH THOS. S. BYRNE, INC. DBA BYRNE CONSTRUCTION SERVICES, AS CONSTRUCTION MANAGER-AT-RISK (CMAR), FOR SERVICES IN CONNECTION WITH THE EVALUATION OF WHETHER RENOVATIONS AND ADDITIONS TO FIRE STATION NO. 1 ARE APPROPRIATE.

Billy Hartsfield, Fire Chief, said they engaged with Hidell and Associates several months ago to determine what can be done with Station No. 1. He said they needed to hire a Construction-Manager-at-Risk to estimate the cost of the project to help Council make determinations.

There were four bids that came back, and after a thorough review, it was determined that Byrne had an excellent resume in regards to Fire Stations. He asked the Council for permission to move forward with the project.

If they do choose to do renovations to Fire Station No. 1, he said they are fortunate that they currently have the facilities to move people around and continue to provide services to all areas of the City.

Council Member Dobbs said his question was related to both Resolution 7051 and 7052. He said the CMAR fee for Resolution 7051 is 2.45% of the construction phase total cost, and the CMAR fee for Resolution 7052 is 3.45%. He asked why one fee was so much more than the other. Mayor Plyler said it is based on the size of the project.

ACTION TAKEN.
Motion by Council Member Howeth to approve Resolution No. 7052, as presented. Second by Council Member Holland.
VOTING AYE: Dobbs, Holland, Howeth, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RES 7053 EMINENT DOMAIN FOR 36" WEST WATER EXTENSION

RESOLUTION NO. 7053 -- DETERMING A PUBLIC NECESSITY TO ACQUIRE BY EMINENT DOMAIN CERTAIN PROPERTY INTERESTS FOR PUBLIC USE, INCLUDING PERMANENT WATER EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE

PROJECT

CONSTRUCTION, EXPANSION, ACCESS, REPAIR AND MAINTENANCE OF PUBLIC WATER AND OTHER UTILITY IMPROVEMENTS, FROM THE LOCATION SHOWN IN EXHIBIT "A", AS DEEMED NECESSARY BY THE CITY MANAGER OR HIS DESIGNEE; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE CERTAIN PROPERTY INTERESTS FOR PUBLIC USE BY EMINENT DOMAIN FOR SUCH USES; AUTHORIZING THE CITY MANAGER OF THE CITY OF SHERMAN, TEXAS TO ESTABLISH PROCEDURES FOR ACQUIRING THE EASEMENT, OFFERING TO ACQUIRE THE EASEMENTS, VOLUNTARILY, FROM THE LANDOWNER(S) THROUGH THE MAKING OF BONA FIDE OFFERS AND APPROPRIATING FUNDS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DETERMING A PUBLIC NECESSITY TO ACQUIRE BY EMINENT DOMAIN CERTAIN PROPERTY INTERESTS FOR PUBLIC USE, INCLUDING PERMANENT WATER EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION, EXPANSION, ACCESS, REPAIR AND MAINTENANCE OF PUBLIC WATER AND OTHER UTILITY IMPROVEMENTS, FROM LOCATION SHOWN IN EXHIBIT "A", AS DEEMED NECESSARY BY THE CITY MANAGER OR HIS DESIGNEE; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE DOMAIN FOR SUCH USES; AUTHORIZING THE CITY MANAGER OF THE CITY OF SHERMAN, TEXAS, TO ESTABLISH PROCEDURES FOR ACQUIRING THE EASEMENTS, OFFERING TO ACQUIRE THE EASEMENTS, VOLUNTARILY, FROM THE LANDOWNER(S) THROUGH THE MAKING OF BONA FIDE OFFERS; APPROPRIATING FUNDS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Hefton said there are currently no properties identified yet, but because the project will be on a short time-frame, the staff wanted to get it approved to use eminent domain, if necessary, to secure the easements. He added that they do not know of any properties at this time, that will, for sure, go to eminent domain.

Wayne Lee, Director of Engineering, said because of the industrial development to the south, the infrastructure needs will require a 36" water main from the Water Treatment Plant, in north Sherman, to the industry and planned development in south Sherman. He displayed a map showing parcels where the easements are needed.

The proposed resolution authorizes Mr. Hefton to set up a process acquiring the easements, and negotiations for voluntary easements.

Mr. Lee said Freese & Nichols is the engineering firm on the job, and a subcontractor is obtaining appraisals for each property. At which time, a bona fide offer will be made to each property owner. They are required by law to give an initial offer, and after 45 days, they can give a final offer. If the final offer is not accepted, after two weeks, the City can move to eminent domain, if a resolution cannot be made with the property owner.

The City does want to avoid eminent domain, and a couple of properties have already been obtained, and the property owners have signed voluntarily. The staff also has verbal agreement from a couple of other property owners.

The staff is asking for authority to pursue eminent domain, if they cannot come to a timely resolution with a property owner. This project needs to be installed and in-service in two years.

Council Member Teamann said they discussed eminent domain on a project a while back and the staff said there would not be any more of these in the future. He said it seems to be the standard for 32 properties along this path. He felt that eminent domain should be the last resort for property owners. They should have their fair opportunity to sell their property at the right value.

He asked if this resolution is approved, would the staff have to bring back to Council for the approval of every eminent domain property in the path of this line or will staff have the ultimate authority to approve the eminent domain action.

Mr. Lee said this resolution would authorize the staff to proceed with eminent domain.

Mr. Hefton said, depending on the dollar amount, the staff would bring it back anyway. Any "large" amount would be brought back to Council anyway. He added that the staff does not want any of these easements to be through eminent domain. That process takes months to complete, which we don't have on this project. He said he hoped that the staff could come to an agreement with each of these property owners, ahead of time. He said the appraisals are the starting point for the negotiations.

Mr. Hefton said, historically, the staff has been extremely successful in avoiding eminent domain. This has actually been done only in rare cases. However, sometimes it must be done, especially in this project, because there is such pressure on the project time frame. They need that "weapon in their arsenal."

Council Member Teamann said there are a lot of weeks that go into a negotiation, and he felt since the Council meets every two weeks, it could be an agenda item each time.

Mr. Lee outlined the process for negotiations and what was done prior to going to eminent domain. He said it would possibly cost a months' time if they had to get it on the Council agenda. Getting the process on the Commissioner's Court document could take months. He said, even the loss of a month, could mean the project is not in service.

Council Member Teamann asked Ryan Pittman, City Attorney, if a stipulation could be added that Council would have to approve any eminent domain issue. Mr. Pittman said that could be made a part of the motion, and the resolution would need to be revised to make it effective.

Mr. Hefton said the staff has also discussed setting a dollar amount. If Council wants to know "what is going on," they could approve every issue. But they could also set a dollar amount that they "feel comfortable" with that could be approved by staff. Anything over $50,000 would have to be brought back to Council anyway. He said there might be an amount between $0 and $50,000 that they might feel comfortable with giving the staff authority to approve.

Mayor Plyler said this project has a critical timeline, and he would be comfortable with anything over $50,000 coming back for Council approval.

Council Member Teamann asked if staff would have to come back to Council with anything over $50,000 anyway. Mr. Pittman said the way the resolution is written it gives the staff the authority to go forward, and this would be the approval process for that.

Mayor Plyler said this project is too critical, and he didn't want it to wait for any reason.

Council Member Teamann said on the smaller projects, he could support that, if it's anything over $50,000, that's fine.

Mr. Hefton asked what the width is of the easement that is needed. Mr. Lee said it is typically a 45' wide easement, and there is an additional temporary construction easement that they are requiring that is another 40' to 50' in width.

ACTION TAKEN.
Motion by Council Member Teamann to approve Resolution No. 7053, with the stipulation that anything over $50,000 would need to come back for Council approval.

Mr. Pittman reminded Council that there is specific wording that must be used for this motion.

ACTION TAKEN.
Motion by Council Member Teamann to move that the City Council of the City of Sherman, Texas, authorize the use of the power of eminent domain to acquire property shown on Exhibit "A" for the construction, expansion, acquisition, repair, and maintenance, of public water and other utilities under the dollar amount of $50,000, anything over $50,000 will come back for Council approval. Second by Council Member Howeth.
VOTING AYE: Dobbs, Holland, Howeth, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

Council Members discussed the possibility of calling a Special Council Meeting if they need to consider an eminent domain action over $50,000, due to the importance of this project.

RESOLUTION NO. 7054 -- AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE FINLEY CULTURAL CENTER UNDER THE CITY OF SHERMAN'S CENTRAL BUSINESS DISTRICT HISTORIC **RES 7054 DOWNTOWN HISTORIC GRANT FOR**

FINLEY CULTURAL CENTER (500 N. ELM ST)

BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM FOR IMPROVEMENTS TO 500 N ELM STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE FINLEY CULTURAL CENTER UNDER THE CITY OF SHERMAN'S CENTRAL BUSINESS DISTRICT HISTORIC BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM FOR IMRPOVEMENTS TO 500 N. ELM STREET.

Nate Strauch, Community and Support Services Manager, introduced a request for the Downtown Building Improvement Grant, for the Finley Cultural Center.

He said this was the first time the City has been approached by a non-profit organization about using this grant, but there is nothing in the rules to prohibit that request, and the building does qualify for a roof replacement.

Teri Fine, Sherman Service League, was available to answer any questions the Council might have.

ACTION TAKEN.

Motion by Deputy Mayor Stevenson to approve Resolution No. 7054, as presented. Second by Council Member Teamann.

VOTING AYE: Dobbs, Holland, Howeth, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RES 7055 DEVELOPMENT SERVICES SOFTWARE

RESOLUTION NO. 7055 -- AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH TYLER TECHNOLOGIES, INC., A DELAWARE CORPORATION, FOR MUNICIPAL PERMIT SOFTWARE SERVICES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH TYLER TECHNOLOGIES, INC., A DELAWARE CORPORATION, FOR MUNICIPAL PERMIT SOFTWARE SERVICES. CONSENT AGENDA.

REQ TO ADVERTISE PLAYGROUND & PARK EQUIPMENT FOR NORTHCREEK SUBDIVISION PARK

REQUEST TO ADVERTISE PURCHASE OF PLAYGROUND EQUIPMENT AND PARK EQUIPMENT TO BE LOCATED IN A PARK LOCATED IN NORTHCREEK SUBDIVISION

The City Council approved the purchase of playground equipment and park equipment to be located in a park in Northcreek Subdivision.

The project is part of the 2022-2023 Capital Improvement Program Budget, and will include bids for playground equipment, pavilion, tables, benches, and a water fountain for the park. The Sherman Rotary Club will also be donating funding for the playground and benches.
CONSENT AGENDA.

OTHER BUSINESS

CLOSE STREETS FOR EARTH DAY

CONSIDER REQUEST OF THE 2023 EARTH DAY PLANNING COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS FOR

FESTIVAL

THE 14TH ANNUAL "TEXOMA EARTH DAY FESTIVAL" ON SATURDAY, APRIL 22, 2023

The City Council approved the request of the 2023 Earth Day Planning Committee to temporarily close certain streets for the 14th Annual "Texoma Earth Day Festival," which will be held on the Municipal Grounds, on April 22, 2023, from 9:00 am until 4:00 pm.

They are requesting barricades for two street closures and closure of the City Hall parking lot. They are also requesting delivery and pick-up for the barricades.
CONSENT AGENDA.

CLOSE STREETS FOR CRAFT THE NIGHT AWAY

CONSIDER REQUEST OF DOWNTOWN SHERMAN NOW TO TEMPORARILY CLOSE CERTAIN STREETS FOR "CRAFT THE NIGHT AWAY" ON SATURDAY, MAY 13, 2023

The City Council approved the request of Downtown Sherman NOW to temporarily close certain streets for "Craft the Night Away," which will be held on May 13, 2023, in Downtown Sherman.

The are requesting to close Crockett Street and Travis Street, between Lamar Street and Houston Street, from 1:00 pm to 11:00 pm for the event. The event will feature craft beer from 30 Texas breweries for sampling, food trucks, artisan crafters, and musicians.

Downtown Sherman NOW will obtain the necessary permits from the Texas Tobacco and Alcohol Commission for the sale of the craft beer. They are requesting barricades, traffic cones, and solid waste receptacles from the City.

They will also work with the Police Department to arrange for security officers, and they have been instructed that emergency vehicle accessibility must be maintained throughout the closed streets at all times.
CONSENT AGENDA.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

PARKS & REC BOARD

PARKS AND RECREATION ADVISORY BOARD (1)

ACTION TAKEN.

Motion by Deputy Mayor Stevenson to appoint Christy Baca to the Parks and Recreation Advisory Board for a term from April 4, 2023 to April 4, 2025. Second by Council Member Howeth.

VOTING AYE: Dobbs, Holland, Howeth, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

COUNCIL COMMENTS

ADVISORY BOARD VACANCIES

ADVISORY BOARD VACANCIES

Deputy Mayor Stevenson asked if the staff would prepare a list of vacancies on the City's advisory board. Mr. Hefton said the staff will prepare a list.

VISITORS TO COUNCIL MEETING

VISITORS TO COUNCIL MEETING

Council Member Howeth said she was impressed with the young people in the audience. Members of The Camp - Sports and

Recreation Llc/Legends Inc., were in attendance at the Council Meeting. She thanked them for attending. They are members of Andre Luper's Boxing Camp.

CONGRATULATIONS TO SHERMAN PUBLIC LIBRARY

CONGRATULATIONS TO THE SHERMAN PUBLIC LIBRARY
Council Member Howeth congratulated the Sherman Public Library on receiving the "Achievement of Excellence in Libraries Award" for 2022. She said people no longer go to the library just to check out a book. They have many different items to check out and they also have a lot of activities.

DOWNTOWN INFORMATIONAL MEETING

DOWNTOWN INFORMATIONAL MEETING
Council Member Howeth thanked Mr. Strauch and Sarah McRae, Tourism/Main Street Manager, for arranging the Downtown Informational Meeting for the merchants and other interested individuals. She said she was pleased with the attendance, and they were pleased with the information provided.

VISITORS TO COUNCIL MEETING

VISITORS TO COUNCIL MEETING
Council Member Holland also said he was glad the young people from The Camp attended the Council Meeting. He said they are the future.

RIBBON CUTTING FOR THE NEW POLICE DEPARTMENT

RIBBON CUTTING FOR POLICE DEPT
Council Member Holland commended the Police Department staff for the great job they did hosting the ribbon cutting for the new facility.

CONGRATULATIONS TO THE SHERMAN PUBLIC LIBRARY

CONGRATULATIONS TO SHERMAN PUBLIC LIBRARY
Council Member Dobbs congratulated the Sherman Public Library on receiving the "Achievement of Excellence in Libraries Award" for 2022.

RIBBON CUTTING FOR THE NEW POLICE DEPARTMENT

RIBBON CUTTING FOR POLICE DEPT
Council Member Dobbs congratulated the Police Department on their new facility, and said it was obvious that Sherman supports and funds the Police, and always will. He said he was proud of the ribbon cutting and offered his congratulations.

ANNOUNCEMENTS

ANNOUNCEMENTS
Mayor Plyler announced the following:

- **Coffee With the Mayor will be held on April 7, 2023, at Schulman's Movie Bowl Grille. The lineup for Hot Summer Nights and Lights on the Lake will be released.**

- **First Annual Cinco de Mayo event will be held downtown on May 5, 2023, at 6:00 p.m. It will feature live music, food, drink options, and fun for the entire family.**

- **Craft the Night Away will be held downtown on May 14, at 5:00 p.m. Adult beverages will be available from area breweries, as well as some great entertainment.**

Mr. Hefton added that the City offices will be closed on Friday, April 7, 2023, in recognition of Good Friday.

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

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

TEX. GOV'T CODE § 551.071 --
SEEKING THE ADVICE OF ITS ATTORNEY ABOUT PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS OR ANY MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE TEXAS OPEN MEETINGS ACT

a) **Received legal advice regarding possible expansion of the Grayson County Jail**

TEX. GOV'T CODE § 551.072 --
DELIBERATING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON

TEX. GOV'T CODE § 551.073 --
DELIBERATING A NEGOTIATED CONTRACT FOR A PROSPECTIVE GIFT OR DONATION TO THE CITY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON

TEX. GOV'T CODE § 551.074 --
DELIBERATING THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE; OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE UNLESS THE OFFICER OR EMPLOYEE WHO IS THE SUBJECT OF THE DELIBERATION OR HEARING REQUESTS A PUBLIC HEARING

TEX. GOV'T CODE § 551.076 –
DELIBERATING THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES OR A SECURITY AUDIT

TEX. GOV'T CODE § 551.087 –
DISCUSSING OR DELIBERATING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE CITY SEEKS TO HAVE LOCATE, STAY OR EXPAND IN OR NEAR THE CITY AND WITH WHICH THE CITY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS; OR DELIBERATING THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT

a) **Sherman Hospital Project**

TEXAS GOV'T CODE § 551.089 --

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

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:41 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:52 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.

ADJOURNMENT **ADJOURNMENT**

On Motion duly made and carried, the meeting adjourned at 6:54 p.m.

MAYOR

CITY CLERK

Final

GREATER TEXOMA UTILITY AUTHORITY (City of Sherman Projects)

Series 2023 Contract Revenue Bond Offering Summary

SPECIALIZED PUBLIC FINANCE INC.
FINANCIAL ADVISORY SERVICES

New Money Bonds to Fund: 2nd Installment of Water & Sewer System Capital Improvements Plan

Key Dates

February 24, 2023 - First Draft of Offering Documents circulated by Specialized Public Finance (FA)
March 8, 2023 - Rating Agency Discussion with Standard & Poor's ("A" Bond Rating Affirmed)
March 30, 2023 - Rates on 2023 Contract Revenue Bonds Locked
April 27, 2023 - Anticipated Closing - Bond Proceeds to be wired to GTUA

Financial Update

	Original Budget	*Final Pricing*
Total Par Amount of Bonds Issued	$ 138,455,000	$ 137,070,000
Estimated Net Proceeds	$ 117,965,562	$ 117,965,562
Estimated Issuance + Bond Insurance Costs	$ 1,414,169	$ 756,292
True Interest Cost (TIC)	4.55%	4.29%
Total Interest Expense (1)	$ 144,744,467	$ 131,594,347

Transaction Highlights

Standard 10-Year Call Option Reduced to 9-Year Call without Penalty (increases budgeting flexibility).
Bond Offering was +4 Times Oversubscribed, which Allowed Yields to be Reduced on Date of Rate Lock. Indicates Strong Market Reception.
In Historical Terms, Municipal Bond Rates have been Higher 74.26% of the Time over the last 20 Years vs. Current Market.

(1) Exclusive of capitalized interest funded at closing.

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **B. 1.**

Meeting Date: 04/17/2023

Approved By: Robby Hefton, City Manager

Caption:

SPECIAL PRESENTATION

The Camp Presentation of Sending a Potential Competitor to the Next Olympics.

Issue:

Sending a competitor to the next Olympics.

Background:

The Camp is a Faith-Based 501c3 Non-Profit organization formed in 2013. More than 100 youths have enrolled since The Camp opened its doors.

The Camp is excited to announce that the City of Sherman and Gryason County have the potential of sending one of its own to the 2024 Olympics in Paris, France. This boxer was born and raised in Sherman, Texas. He has had a love for the sport of boxing since the age of nine. He began his training with the Camp in 2015. He is a 2-time Golden Glove champion (2017 & 2019).

Origination:

The Camp Boxing Gym

Financial Consideration:

The Camp has a fundraising goal of $16,338.48.

Staff Recommendation:

None

Alternatives:

None

Attachments

Camp Letter

The Camp
503 N. Travis St.
Sherman, Texas 75090
(903) 819-9668
thecampsports@gmail.com

Dear Sir or Madam,

The Camp is excited to announce that the City of Sherman and Grayson County have the potential of sending one of its own to the 2024 Olympics in Paris, France. This proven champion is currently in training and must first participate in (15) pre-qualification matches located in multiple cities and states to earn the selection. Qualifiers for the 2024 Olympics will be announced in December 2023.

This young boxer was born and raised in Sherman, Texas. He has had a love for the sport of boxing since the age of nine. He began his training with The Camp in 2015. He is a 2-time Golden Glove champion (2017 & 2019).

The fundraising goal to cover the expenses associated with these pre-qualification matches is $16,338.48. These funds will be used for travel, lodging, food, and registration fees.

You may donate online through Givelify, Google Givelify and search The Camp. To donate through Zelle enter thecampsports@gmail.com or 903-819-9668 or by check made payable to The Camp.

The Camp is a Faith-Based 501©3 Non-Profit organization formed in 2013. It was founded by Andre Luper, a Marine veteran. At The Camp, we utilize boxing as a vehicle to prepare our youth for tomorrow's challenges. We believe that our focus on life skills will reduce drug and alcohol use, school dropout rates and disciplinary actions. Youth starting at age (3) can take advantage of this program. More than 100 youths have enrolled since The Camp opened its doors.

Please partner with The Camp to make this 2 time Golden Glove champion's dream a reality by achieving a medal at the 2024 olympics, and paving a way for the up and coming youth.

Feel free to contact me should you have any questions or need additional information.

Thank you in advance for your donation.

Respectfully,

Andre Luper Owner
903-819-9668
Latrica Lagway Manager
682-331-3434
~~**lucylagway197@gmail.com**~~ lucylagway1972@Gmail.com
The Camp

SHERMAN CITY COUNCIL
Agenda Communication Form

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

Meeting Date: 04/17/2023

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

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

Issue:

F. 3. **** RESOLUTION NO. 7058***

Authorizing Submission of a Grant Application to the AKC Reunite Adopt A K-9 Cop Matching Grant for the Funding Purchase of a K-9 Dog for the for the Sherman Police Department

I. 2. **** OTHER BUSINESS***

Approve Quarterly Investment Report for Quarter Ended March 31, 2023

SHERMAN CITY COUNCIL
Agenda Communication Form

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

Meeting Date: 04/17/2023

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

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

Issue:

I. 3. ***** OTHER BUSINESS***

Final Plat of Texoma Vet Hospital, consisting of 2.354 acres in the A. Hume Survey, Abstract No. 522, and currently zoned C-2 (General Commercial) District; Kenneth and Mary Lawrence, Owner and Windrose Land Services, Surveyor (5005 North FM 1417 (Heritage Parkway))

I. 4. ***** OTHER BUSINESS***

Replat of Rockhill Corner Addition, consisting of 1.985 acres, being a part of the William C. Atchison Survey, Abstract No. 23, being all of Lot 7, Block One of Choctaw Estates No. II and currently in the ETJ (Extraterritorial Jurisdiction); Robert and Nancy Dobbs, Owner; Helvey-Wagner Surveying, Inc., Surveyor (121 Rockport Road)

I. 5. ***** OTHER BUSINESS***

Final Plat of Hickory Hill Garden Apartments Addition, Lots 1 and 2, Block 1, consisting of 22.330 acres in the Ralston W. Adams Survey, Abstract No. 18 and currently zoned PD (Planned Development) District; Sherman Hickory Hill, LLC, Owner and Bohler Engineering, Surveyor (2100-2300 Block West Lamberth Road)

I. 6. ***** OTHER BUSINESS***

Public Hearing and Replat for Fielder Addition, consisting of 0.492 acres in the J.B. McAnair Survey, Abstract No. 763, being a part of Block 29, Chaffin's Second Addition and currently zoned R-6 (Single-Family Residential) District; Paul Terrell, La Cima Contracting, Owner; and Copley Land Surveying, Surveyor (1104 East Chaffin Street)

I. 7. ***** OTHER BUSINESS***

Replat of Ochoa Addition, consisting of 0.238 acres, being a part of George B. Pilant Survey, Abstract No. 963, being all of Lots 13,14, and 15 in Block 14 of Continuation of W. Elliotts Addition and currently zoned C-1 (Retail Business) District; Manuel Dejesus Ochoa, Owner; Underwood Drafting & Surveying, Inc., Surveyor (800 Maxey Street)

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 1.**

Meeting Date: 04/17/2023

Prepared By: Wayne Lee, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6583

Abandoning One (1) Twenty Foot (20') Sanitary Sewer Easement Located in the S. Dunman Survey, Abstract No. 329 and the W. Bailey Survey, Abstract No. 64, and Being More Particularly Described on the Exhibit "A" Attached Hereto and Made a Part Hereof for all Purposes, which Sanitary Sewer Easement is Established in Volume 1042, Page 429 of the Deed Records of Grayson County, Texas

Issue:

To consider the abandonment of one (1) 20' Sanitary Sewer Easement located in the S. Dunman Survey and the W. Bailey Survey in the City of Sherman ETJ, to the County of Grayson, Texas

Background:

Said easement, which is filed of record in Volume 1042, Page 429 of the Deed Records of Grayson County, Texas, is not being utilized and is no longer deemed necessary.

Origination:

Property Owner

Financial Consideration:

None

Staff Recommendation:

Staff recommends approval of the one (1) 20' sanitary sewer easement abandonment

Alternatives:

As may be directed by City Council

Attachments

Ordinance No. 6583

Filed Sanitary Sewer Easement Vol. 1042, Pg. 429, DRGCT

Location Map

ORDINANCE NO. 6583

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ABANDONING ONE (1) TWENTY FOOT (20′) SANITARY SEWER EASEMENT LOCATED IN THE S. DUNMAN SURVEY, ABSTRACT NO. 329 AND THE W. BAILEY SURVEY, ABSTRACT NO. 64, AND BEING MORE PARTICULARLY DESCRIBED IN THE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES, WHICH SANITARY SEWER EASEMENT IS ESTABLISHED IN VOLUME 1042, PAGE 429 OF THE DEED RECORDS OF GRAYSON COUNTY, TEXAS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Sherman, Texas has received a request to abandon one (1) twenty foot (20′) Sanitary Sewer Easement, as described herein; and

WHEREAS, the City Council has held a public hearing on the proposed abandonment and the abutting property owner(s) of the proposed abandonment have been notified; and

WHEREAS, the City Council has investigated and determined that all persons who own property adjacent to the easement concur and agree with the proposed abandonment; and

WHEREAS, the City Council has investigated and determined that the easement is no longer needed; and

WHEREAS, the City Council finds that it is in the best interest of the City and its citizens to abandon the City's right and interest in the easement, and that such action will benefit the public generally.

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

SECTION 1. That the 20' Sanitary Sewer Easement located in the S. Dunman Survey, Abstract No. 329 and the W. Bailey Survey, Abstract No. 64, and being more particularly described on the Exhibit "A" attached hereto and made a part hereof for all purposes, which Sanitary Sewer Easement is established in Volume 1042, Page 429 of the Deed Records of Grayson County, Texas, shall be abandoned.

SECTION 2. That it is the intent of the City Council that the City's rights and interests in such easement is hereby vacated.

SECTION 3. The abandonment approved by this Ordinance does not relinquish any right arising other than from the plat or other instrument creating the public easement or right-of-way, nor does this Ordinance create new rights.

SECTION 4. That the City Clerk is hereby directed to file and record this Ordinance after its adoption in the Official Public Records of Grayson County, Texas.

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.

SECTION 6. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 8. This Ordinance shall become effective immediately upon its passage and adoption.

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

INTRODUCED on this the 17th day of April 2023.

ADOPTED on this the 17th day of April 2023.

EFFECTIVE DATE on this the 17th day of April 2023.

CITY OF SHERMAN, TEXAS

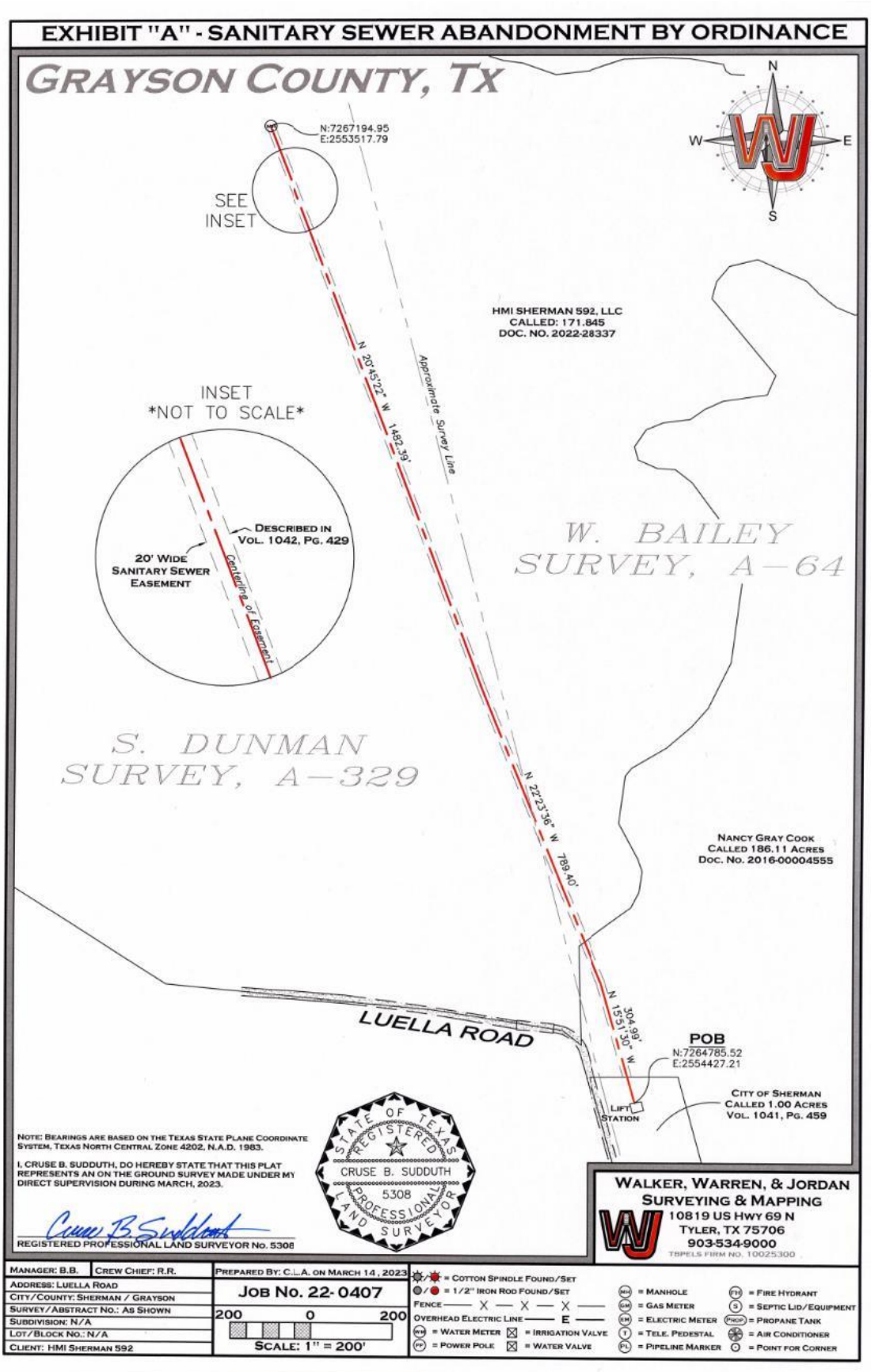
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

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

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY


EXHIBIT "A" - SANITARY SEWER ABANDONMENT BY ORDINANCE
GRAYSON COUNTY, TX
N:7267194.95
E:2553517.79
SEE INSET
N 20°45'22" W 1482.39'
Approximate Survey Line
HMI SHERMAN 592, LLC
CALLED: 171.845
DOC. NO. 2022-28337
INSET
NOT TO SCALE
DESCRIBED IN VOL. 1042, PG. 429
20' WIDE SANITARY SEWER EASEMENT
Centerline of Easement
W. BAILEY SURVEY, A-64
S. DUNMAN SURVEY, A-329
N 22°23'36" W 789.40'
N 15°51'30" W 304.99'
NANCY GRAY COOK
CALLED 186.11 ACRES
DOC. No. 2016-00004555
LUELLA ROAD
POB
N:7264785.52
E:2554427.21
LIFT STATION
CITY OF SHERMAN
CALLED 1.00 ACRES
VOL. 1041, PG. 459
NOTE: BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, N.A.D. 1983.
I, CRUSE B. SUDDUTH, DO HEREBY STATE THAT THIS PLAT REPRESENTS AN ON THE GROUND SURVEY MADE UNDER MY DIRECT SUPERVISION DURING MARCH, 2023.
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5308
STATE OF TEXAS REGISTERED CRUSE B. SUDDUTH 5308 PROFESSIONAL LAND SURVEYOR
WALKER, WARREN, & JORDAN
SURVEYING & MAPPING
10819 US HWY 69 N
TYLER, TX 75706
903-534-9000
TBPELS FIRM NO. 10025300
MANAGER: B.B. | CREW CHIEF: R.R.
ADDRESS: LUELLA ROAD
CITY/COUNTY: SHERMAN / GRAYSON
SURVEY/ABSTRACT NO.: AS SHOWN
SUBDIVISION: N/A
LOT/BLOCK NO.: N/A
CLIENT: HMI SHERMAN 592
PREPARED BY: C.L.A. ON MARCH 14, 2023
JOB No. 22-0407
200 0 200
SCALE: 1" = 200'
= COTTON SPINDLE FOUND/SET
= 1/2" IRON ROD FOUND/SET
FENCE
OVERHEAD ELECTRIC LINE
= WATER METER
= IRRIGATION VALVE
= POWER POLE
= WATER VALVE
= MANHOLE
= GAS METER
= ELECTRIC METER
= TELE. PEDESTAL
= PIPELINE MARKER
= FIRE HYDRANT
= SEPTIC LID/EQUIPMENT
= PROPANE TANK
= AIR CONDITIONER
= POINT FOR CORNER

WALKER, WARREN, & JORDAN
SURVEYING & MAPPING
10819 US HWY 69 N
TYLER, TX 75706
903-534-9000
TBPELS FIRM NO. 10025300

SURVEYED: ABANDONED SANITARY SEWER LINE
S. DUNMAN SURVEY, A-329
W. BAILEY SURVEY, A-64
GRAYSON COUNTY, TEXAS
22-0407

February 16, 2023

Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, N.A.D. 1983.

ABANDONED SANITARY SEWER LINE

Being an existing Sanitary Sewer Line situated in the S. Dunman Survey, Abstract No. 329 and the W. Bailey Survey, Abstract No. 64, Grayson County, Texas. The centerline of which being more particularly described as follows:

BEGINNING at a point in the north side of an existing Lift Station, said point having State Plane Coordinates: North 7264785.52, East 2554427.21;

THENCE North 15°51'30" West, a distance of 304.99 feet to an angle break to the left in the herein described Sanitary Sewer Line;

THENCE North 22°23'36" West, a distance of 789.40 feet to an angle break to the right in the herein described Sanitary Sewer Line;

THENCE North 20°45'22" West, a distance of 1482.39 feet to an existing Sanitary Sewer Manhole having State Plane Coordinates: North 7267194.95, East 2553517.79 and being the end of the herein described Sanitary Sewer Line.

I, Cruse B. Sudduth, do hereby certify that these Field Notes represent an on the ground survey made under my supervision in February, 2023, and is being submitted along with a Plat of said tract herein described.

Cruse B. Sudduth
Registered Professional Land Surveyor
State of Texas No. 5308

STATE OF TEXAS
REGISTERED
CRUSE B. SUDDUTH
5308
PROFESSIONAL
LAND SURVEYOR

Page 1 of 1

THE STATE OF TEXAS|

COUNTY OF GRAYSON|

11878

KNOW ALL MEN BY THESE PRESENTS: That I or we Floyd R. Bell and wife, Mrs. Floyd R. Bell and Wm. F. Bell and wife, Mrs. Wm. F. Bell in consideration of one dollar to us in hand paid by the City of Sherman and other valuable considerations to us moving have this day granted and do by these presents grant to the said City of Sherman the right and privilege of laying, constructing, repairing and maintaining a sanitary sewer line over, across and along the tract of land described to-wit: Located in the City of Sherman, Grayson County, Texas: A lot, tract or parcel of land situated in County of Grayson, State of Texas and being out of the following surveys: Winfred Bailey A-64 and Sherrod Dunman A-329 and being more particularly described as follows to wit:

A 20 foot wide strip of land, 10 feet on each side of a center line for a permanent utility easement and a 50 foot wide strip of land, 25 feet on each side of said center line for a temporary working easement.

Beginning at an existing man hole on an existing 18" sanitary sewer line located on William F. Bell's 240-acre tract in the Dunman Survey, as recorded in Vol. 1007, Page 553 of the Grayson County Deed Records.

Thance south 17° 40' east crossing the west line of the Bailey Survey and Choctaw Creek to the north line of a one-acre tract conveyed to the City of Sherman by W.F. Bell in November of 1965, having a total distance of 2520 feet.

Easement shown by attached sketch.

Witness our signature this the 24th day of November 196 5

Floyd R Bell

Mrs Floyd Bell

William F Bell

Christine O. Bell

THE STATE OF TEXAS|

COUNTY OF GRAYSON|

Before me, the undersigned authority, this day personally appeared Floyd R. Bell and Wm. F. Bell and wives Mrs. Floyd R. Bell and Mrs. Wm. F. Bell personally known to me to be the person whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations expressed therein:

And the said Mrs. Floyd R. Bell and Mrs. Wm. F. Bell wives of said Floyd R. Bell and Wm. F. Bell having been examined by me privily and apart from her husband, and having the said instrument fully explained to her by me, the said Mrs. Floyd R. Bell & Mrs. Wm. F. Bell acknowledged such instrument to be their act and deed, and declared that they willingly signed the same for the purposes and considerations therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office this the 24th day of November 1965.

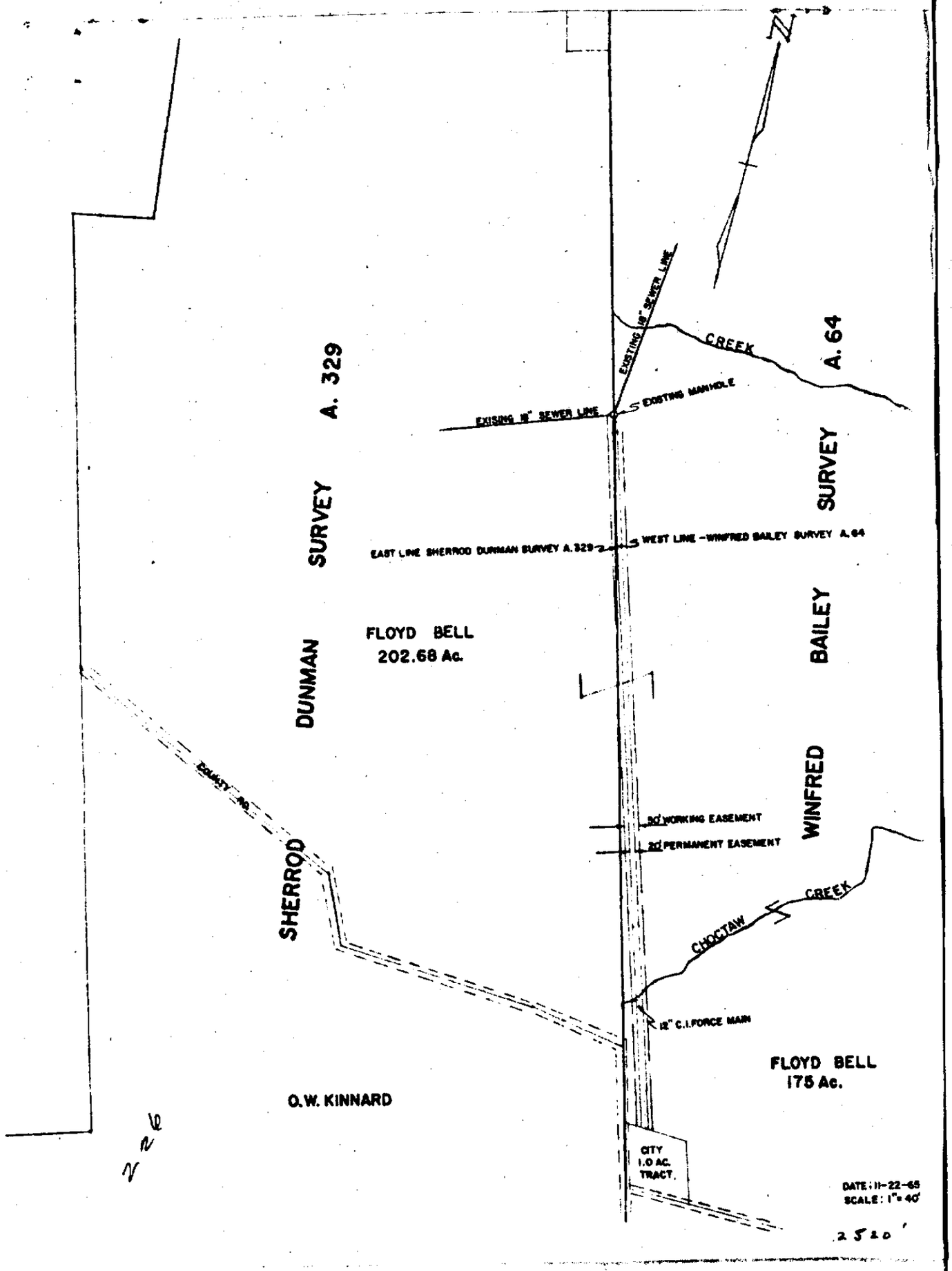
Sue Nations

Notary Public, Grayson County, Tex.

It is further stipulated as a part of this easement that the City of Sherman and/or their contractors will be responsible for replacing to their present condition 1 levee, 2 terraces, a nd any fences that will by necessity be cut in the laying of this sanitary sewer line.

S. Dunman Survey
Abst. # 329
2 acres 324-1 (Tax Account No.)
139 acres 324-2 (Tax Account No.)

VOL 1042 PAGE 429



Filed for record the 26th of November 1965 at 2:26 P.M.
Recorded the 29th of November 1965
Paul E. Lee, County Clerk By Patsy Norman Deputy

Sanitary Sewer Easement Abandonment



SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 2.**

Meeting Date: 04/17/2023

Prepared By: Wayne Lee, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6584

Closing and Abandoning a Platted Alley Adjacent to Lots 8-13 of Parkview Addition in the City of Sherman, Grayson County, Texas, said Alley Being Established in Vol. 306, Pg. 155, Deed Records, Grayson County, Texas, said Property Shall be Reserved as an Easement for Public and Franchise Utilities for the Right of Ingress and Egress to Same for Purposes of Operation, Maintenance or Removal of such Utilities or until such Utilities shall be Abandoned or Relocated

Issue:

To consider approving the closure and abandonment of a platted alley adjacent to Lots 8-13 of Parkview Addition

Background:

This Ordinance will perform the necessary action to officially close and abandon a platted alley adjacent to Lots 8-13 of Parkview Addition. The adjoining owner will be incorporating the abandoned alley into a replat of the surrounding properties.

Origination:

David Baca, Jose Luis Hernandez, Felix Osorio, and Andrea Yepez, surrounding property owners

Financial Consideration:

None

Staff Recommendation:

Staff recommends that the City Council approve the Ordinance closing and abandoning the alley

Alternatives:

As may be directed by City Council

Attachments

Ordinance No. 6584
Parkview Addition Filed Plat
Location Map

ORDINANCE NO. 6584

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING A PLATTED ALLEY ADJACENT TO LOTS 8-13 OF PARKVIEW ADDITION IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, SAID ALLEY BEING ESTABLISHED IN VOL. 306, PG. 155, DEED RECORDS, GRAYSON COUNTY, TEXAS, SAID PROPERTY SHALL BE RESERVED AS AN EASEMENT FOR PUBLIC AND FRANCHISE UTILITIES FOR THE RIGHT OF INGRESS AND EGRESS TO SAME FOR PURPOSES OF OPERATION, MAINTENANCE, OR REMOVAL OF SUCH UTILITIES OR UNTIL SUCH UTILITIES SHALL BE ABANDONED OR RELOCATED; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the platted alley adjacent to Lots 8-13 of Parkview Addition in the City of Sherman, Grayson County, Texas, said alley being established in Vol. 306, Pg. 155, Deed Records, Grayson County, Texas, shall be closed and abandoned, save and except the property shall be reserved as an easement for public and franchise utilities for the right of ingress and egress to same for purposes of operation, maintenance or removal of such utilities or until such utilities shall be abandoned or relocated:

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

SECTION 3. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place, and purpose of said meetings were given all as required by law.

INTRODUCED on this the 17th day of April 2023.

ADOPTED on this the 17th day of April 2023.

EFFECTIVE DATE on this the 17th day of April 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

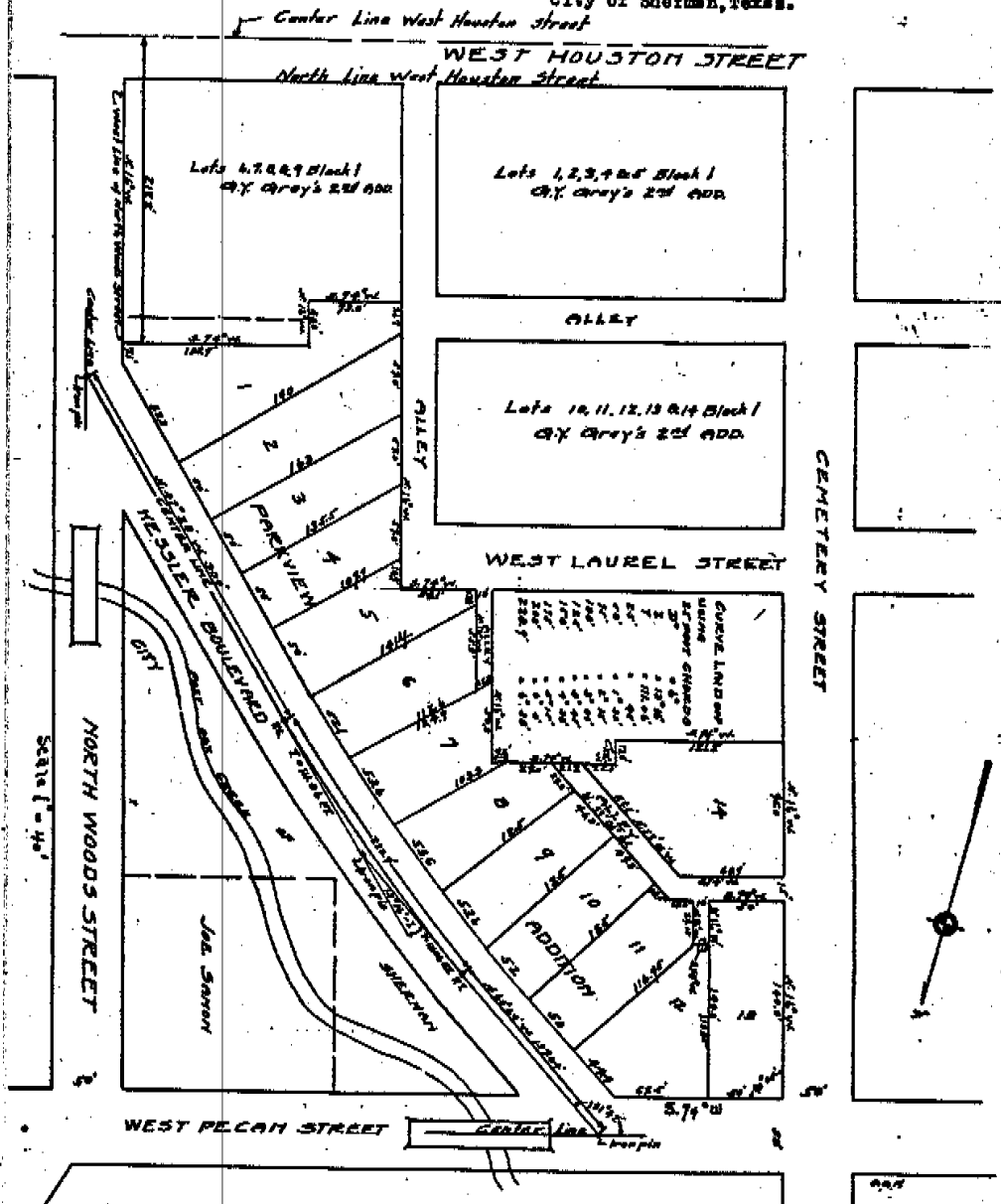
APPROVED AS TO FORM AND CONTENT:
THE LAW FIRM OF ABERNATHY, ROEDER, BOYD & HULLETT, P.C.

BY: _____
NAME: _____
CITY ATTORNEY

PARKVIEW ADDITION TO SHERMAN TEXAS

I hereby certify that the below lines and figures, given on the below plat, are true and correct as surveyed by me. This Sept.12th.1924.

A.A.McMillen, City Engineer,
City of Sherman, Texas.



THE STATE OF TEXAS
COUNTY OF GRAYSON

We, Bowen Mills and Charles Batsell, of Grayson County, Texas, hereby designate the parcel of land shown by the foregoing Plat (which is made a part hereof), as Parkview Addition to the City of Sherman, Texas. The Addition contains 14 Lots Numbered from 1 to 14 inclusive, and are the size as indicated in the Plat. Said Addition comprising Seven tracts of land conveyed to Bowen Mills and Charles Batsell, as follows: T.L. Tennison by deed recorded in Vol.253 page 522; Herman Voigt by deed recorded in Vol.252 page 579; Fred Voigt and wife, Edith by deed recorded in Vol.252 page 581; Frank M. Voigt and wife, Mody Voigt, by deed recorded in Vol.252 page 580; Israel Barnes and wife, Susie Barnes, by deed recorded in Vol.252 Page 582; United Realty and Investment Co., by deed recorded in Vol.252 Page 583; Mrs. Arizona Bryant, by Deed Recorded in Vol.252 Page 582, Deed Records of Grayson County, Texas.

The South-east corner of Lot No.1 of said Addition is 217.2 feet North 16 deg. West from a point where the West line of Woods Street intersects the center line of West Houston Street. The streets and alleys shown on the above plat are hereby dedicated to public use.

Witness our hands this the 18th. day of Sept. A.D. 1924.

Bowen Mills- Chas. Batsell

THE STATE OF TEXAS
COUNTY OF GRAYSON

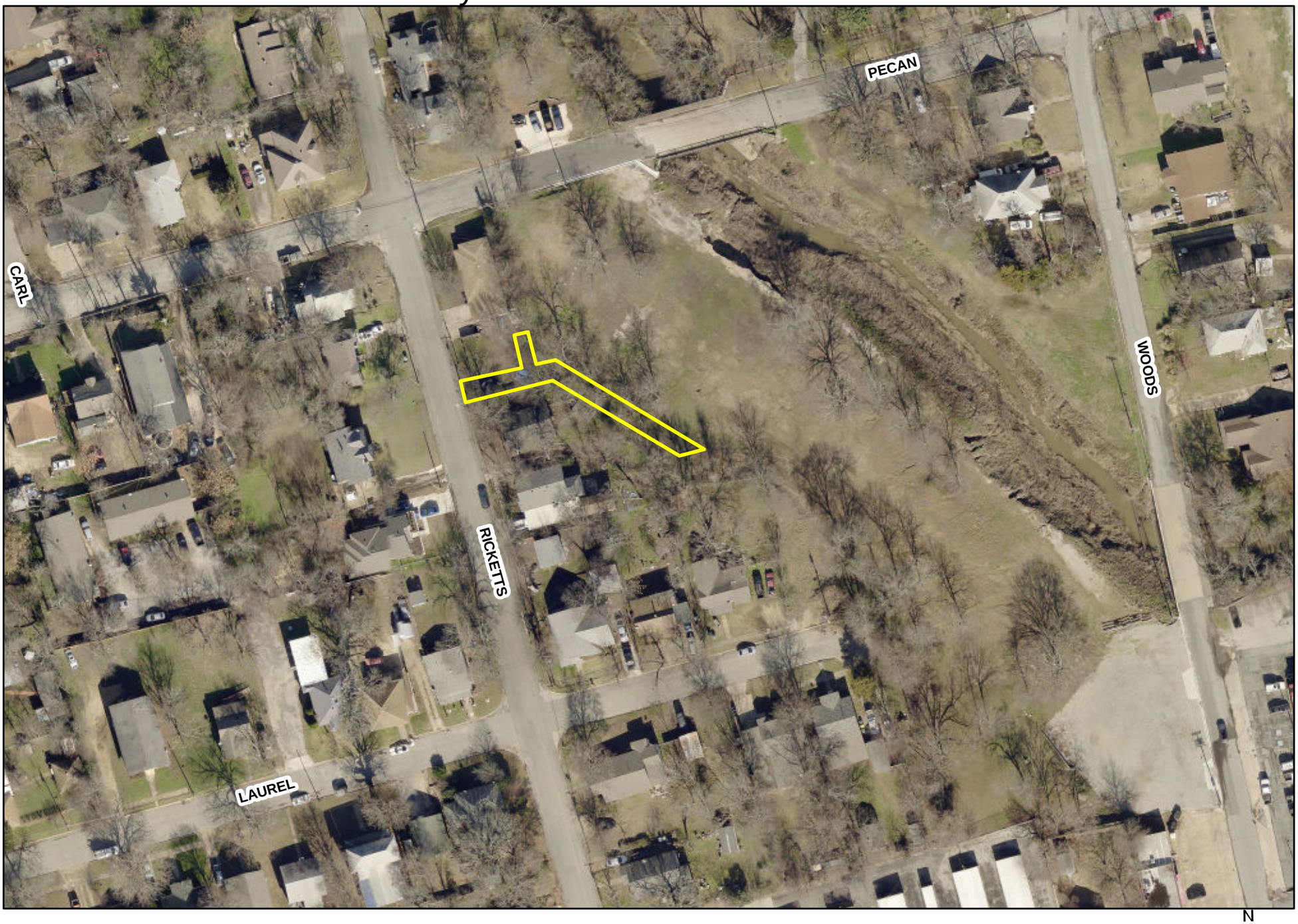
Before me, the undersigned authority, on this day personally appeared Bowen Mills and Charles Batsell, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

(L.S.) Given under my hand and official seal, this the 12th day of Sept. A.D. 1924.
Sophie Krueger, Notary Public,
Grayson Co. Texas.

Filed for record Sept 24, 1924, at 7 A.M.
Recorded Sept. 24, 1924.
C.M. Cole, Clerk
By _____ Deputy

***

Alley Abandon - Parkview Addition



SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 3.**

Meeting Date: 04/17/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6585

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land Consisting of 0.238 acres, being a part of George B. Pilant Survey, Abstract No. 963, being all of Lots 13, 14, and 15 in Block 14 of Continuation of W. Elliotts Addition, City of Sherman, Grayson County, Texas, Located at 800 Maxey Street, Heretofore Zoned C-1 (Retail Business) District; Rezoning and Placing the Tract in the an R-2F (Duplex Residential) District Zoning Classification, (Manuel Dejesus Ochoa, Owner and Underwood Drafting & Surveying, Inc., Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

Issue:

To consider the request of Manuel Dejesus Ochoa (Owner) and Underwood Drafting & Surveying, Inc. (Surveyor) concerning the property located at 800 Maxey Street, consisting of 0.238 acres, being a part of George B. Pilant Survey, Abstract No. 963, being all of Lots 13,14, and 15 in Block 14 of Continuation of W. Elliotts Addition, City of Sherman, Grayson County, Texas, Heretofore Zoned C-1 (Retail Business) District; Rezoning and Placing the Tract in the an R-2F (Duplex Residential) District Zoning Classification

Background:

The property is located at 800 Maxey Street between East Odneal Street and East Thomas Street. The owner is requesting a Zone Change to an R-2F (Duplex Residential) District and to plat the property into one lot to build a duplex.

Origination:

Manuel Dejesus Ochoa (Owner)
Underwood Drafting & Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the March 21, 2023 regular meeting, the Planning and Zoning Commission voted 7/0 to recommend to the City Council that the Zone Change be approved subject to the Staff Review Letter. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6585
Exhibit A - Replat
Location Map
Zoning Map
Zoning Sign Photo
Narrative
Elevation / Floor Plan
Staff Review Letter
P&Z Communication

ORDINANCE NO. 6585

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, TO REZONE A TRACT OF LAND CONSISTING OF 0.238 ACRES, BEING A PART OF GEORGE B. PILANT SURVEY, ABSTRACT NO. 963, BEING ALL OF LOTS 13, 14, AND 15 IN BLOCK 14 OF CONTINUATION OF W. ELLIOTTS ADDITION, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, LOCATED AT 800 MAXEY STREET, HERETOFORE ZONED C-1 (RETAIL BUSINESS) DISTRICT; REZONING AND PLACING THE TRACT IN THE R-2F (DUPLEX RESIDENTIAL) DISTRICT ZONING CLASSIFICATION, (MANUEL DEJESUS OCHOA, OWNER AND UNDERWOOD DRAFTING & SURVEYING, INC., SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED $2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

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

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

WHEREAS, the City Council finds that it is in the public interest to rezone the property as described in this Ordinance.

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

SECTION 1. That, from and after the effective date of this Ordinance, the property described in **Exhibit A – Replat and Legal Description**, attached hereto, located at 800 Maxey Street, and all streets, roads and alleyways contiguous and/or adjacent thereto, shall be rezoned and placed in the R-2F (Duplex Residential) District, and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, is hereby amended so as to hereafter include such property.

SECTION 2. That this Ordinance shall be entered upon the Official Zoning Map as provided in Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

SECTION 3. That no person shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed or amended by the City Council in the manner provided for by law.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS ($2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 5. That the Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this Ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

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

INTRODUCED on this the 17th day of April 2023.

ADOPTED on this the 17th day of April 2023.

EFFECTIVE DATE on this the 17th day of April 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

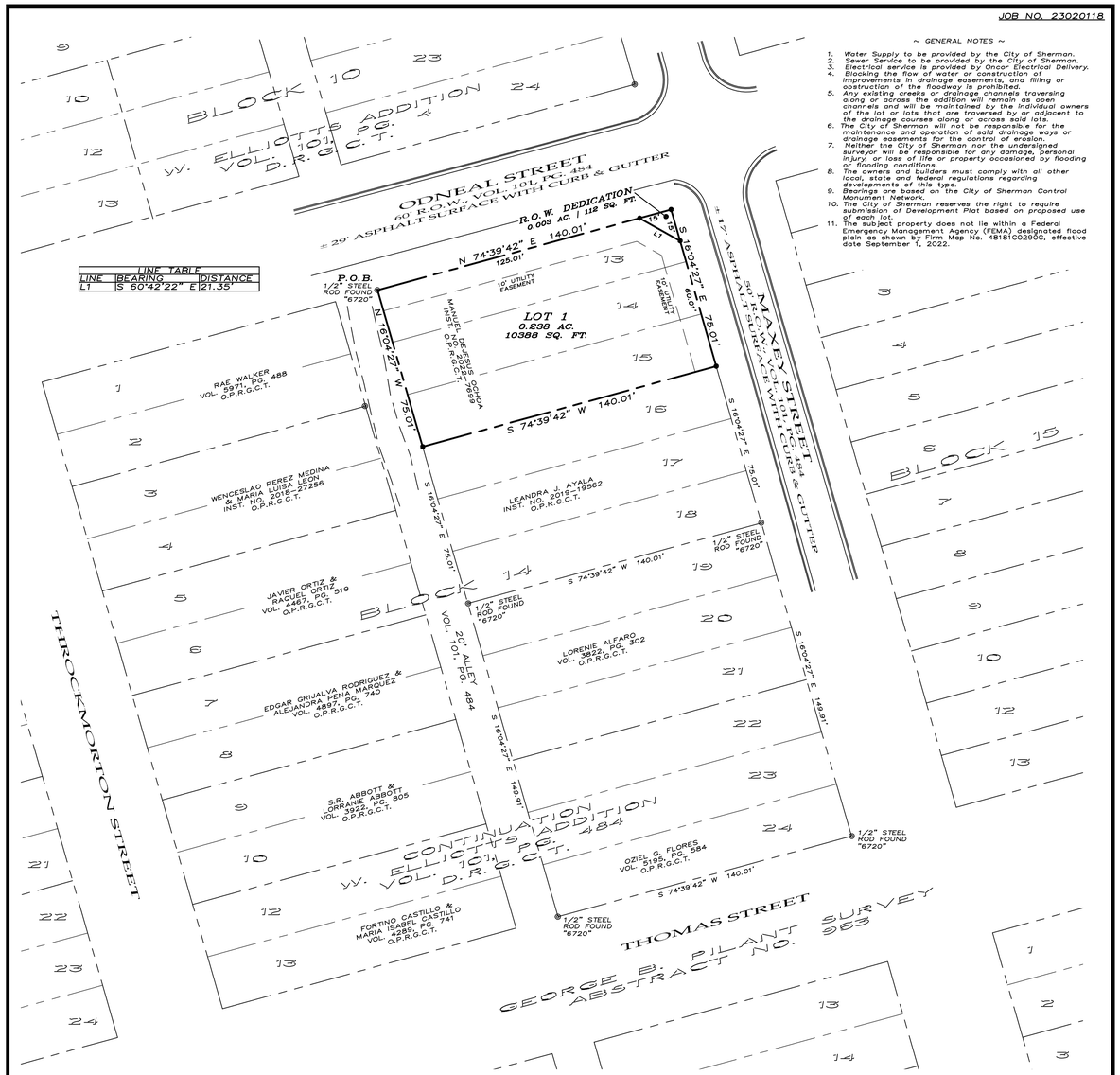
BY: _____
LINDA ASHBY, CITY CLERK

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

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT A

JOB NO. 23020118



~ GENERAL NOTES ~

1. Water Supply to be provided by the City of Sherman.
2. Sewer Service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or drainage easements for the control of erosion.
7. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
8. The owners and builders must comply with all other local, state and federal regulations regarding developments of this type.
9. Bearings are based on the City of Sherman Control Monument Network.
10. The City of Sherman reserves the right to require submission of Development Plat based on proposed use of each lot.
11. The subject property does not lie within a Federal Emergency Management Agency (FEMA) designated flood plain as shown by Firm Map No. 48181C0290G, effective date September 1, 2022.

NORTH

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

LEGEND

●	1/2" STEEL ROD SET
◎	1/2" STEEL ROD FOUND
	BOUNDARY LINE
	PROPERTY LINE
	EASEMENT LINE

REPLAT
OCHOA ADDITION
Being a Replat of Block 14, Lots 13, 14, & 15
Continuation W. Elliotts Addition
Being a part of the George B. Pilant Survey,
Abstract Number 963
Being in the City of Sherman
Grayson County, Texas
Containing 0.241 acres of land

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

OWNERS/DEVELOPER
MANUEL DEJESUS OCHOA
9540 GARLAND ROAD STE. 381-178
DALLAS, TX 75218

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS

02/15/2023

UNDERWOOD
DRAFTING & SURVEYING
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

SHEET 1 OF 2

JOB NO. 23020118

LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being a part of George B. Pilant Survey, Abstract No. 963, and being all of Lots 13, 14, and 15 in Block 14 of Continuation of W. Elliotts Addition, according to the plat thereof recorded in Volume 101, Page 484, Deed Records, Grayson County, Texas, and being the same tract of land described in the deed to Manuel DeJesus Ochoa, recorded in Instrument No. 2022-7699, Official Public Records, Grayson County, Texas, and being described by metes and bounds as follows:

Beginning at a 1/2" steel rod stamped "6720" found for the northeast corner of said Lot 13, and at the intersection of the easterly line of a 20-foot alley in Block 14 and the southerly right-of-way line of Odneal Street;

Thence North 74°39'42" East, with the northerly line of said Lot 13, and with the southerly right-of-way line of said Odneal Street, a distance of 140.01 feet to a 1/2" steel rod set stamped "4709", and at the intersection of the southerly right-of-way line of said Odneal Street and the westerly right-of-way line of Maxey Street;

Thence South 16°04'27" East, with the easterly lines of Lots 13, 14, and 15, and with the westerly right-of-way line of said Mzxey Street, a distance of 75.01 feet to a 1/2" steel rod set for the southeast corner of said Lot 15, common to the northeast corner of Lot 16 in aforesaid Block 14, and from which a 1/2" steel rod stamped "6720" found for the southeast corner of Lot 18 bears South 16°04'27" East, a distance of 75.01 feet;

Thence South 74°39'42" West, with the southerly line of said Lot 15, and with the northerly line of said Lot 16, a distance of 140.01 feet to a 1/2" steel rod set for the southwest corner of said Lot 15, common to the northwest corner of said Lot 16, and on easterly line of aforesaid 20-foot alley, and from which a 1/2" steel rod stamped "6720" found for the southwest corner of said Lot 18 bears South 16°04'27" East, a distance of 75.01 feet;

Thence North 16°04'27" West, with the westerly lines of said Lots 15, 14, and 13, and with the easterly line of said 20-foot alley, a distance of 75.01 feet to the Point of Beginning and containing 0.241 acres (10,501 square feet) of land, more or less.

CERTIFICATE OF COMPLIANCE

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, OCHOA ADDITION, an addition to the City of Sherman, Texas, was submitted to the City Council on the _____day of _____, 2023, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this_____day of _____, 2023.

_____
Clerk, City of Sherman, Texas

SURVEYOR'S CERTIFICATION

KNOWN ALL MEN BY THESE PRESENTS:

That I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon where properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

_____ _____
Douglas W. Underwood
Registered Professional
Land Surveyor, No. 4709
Date

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED, VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

ACCEPTANCE

Approved this _____ day of _____, 2023, by the City Planning Commission to the City of Sherman, Texas.

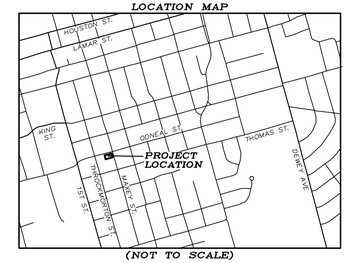
_____ _____
Chairman Secretary

CERTIFICATE OF ACCEPTANCE OF DEDICATION

Accepted by the City Council of the City of Sherman

_____ _____
Mayor, City of Sherman, Texas Date

LOCATION MAP



(NOT TO SCALE)

OWNERS DEDICATION

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT I, MANUEL DEJESUS OCHOA, do hereby adopt this plat designating the hereinabove property as the OCHOA ADDITION, an addition to the City of Sherman, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part or any buildings, fences, trees, shrubs or other improvements or growths which in anyway endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this_____day of_____, 2023.

_____
MANUEL DEJESUS OCHOA

STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared, MANUEL DEJESUS OCHOA known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this___day of_____, 2023.

_____
Notary Public in and for
the State of Texas
Commission Expires: _____

AVIGATION RELEASE

THE STATE OF TEXAS
COUNTY OF GRAYSON

WHEREAS, MANUEL DEJESUS OCHOA, hereinafter called OWNER (whether one or more), is the owner of a certain parcel of land situated in the City of Sherman, Grayson County, Texas, being more particularly described as OCHOA ADDITION, an addition to the City of Sherman, Grayson County, Texas.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas, a municipal corporation, hereinafter called CITY, and Sherman Municipal Airport, hereinafter called AIRPORT, from any and all claims for damages of any kind that OWNER may now have or may hereinafter have in the future by reason of the passage of all aircraft (aircraft being defined for the purposes of this instrument as any contrivance now known or hereinafter invented, used or designed or navigation of or flight in the air) by whomsoever owned and operated, in the airspace above OWNER'S property. Such release shall include, but not be limited to, any damages to the OWNER'S described property, such as noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at or taking off from or operating at or on the Sherman Municipal Airport, whether such claim be for injury or death to person or persons damages to or taking off of property and OWNER does hereby fully remise and release any right or cause of action which it may now have or which it may in the future have against the CITY or AIRPORT, whether such claims be for injury or death to persons or damage to property due to noises, vibration, fumes, dust, fuel and lubricant particles, and all the other effects that may be caused or may have been caused by the operation and/or maintenance of aircraft or aircraft engines at or on said Sherman Municipal Airport.

It is agreed that this Release shall be binding upon OWNER, his successors, heirs, executors, administrators and assigns, in interest with regard to said property located at OCHOA ADDITION, an addition to the City of Sherman, Texas, and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the Deed Records of Grayson County, Texas.

EXECUTED THIS_____DAY OF_____, 2023

_____
MANUEL DEJESUS OCHOA

REPLAT
OCHOA ADDITION
Being a Replat of Block 14, Lots 13, 14, & 15
Continuation W. Elliotts Addition
Being a part of the George B. Pilant Survey,
Abstract Number 963
Being in the City of Sherman
Grayson County, Texas
Containing 0.241 acres of land

OWNERS/DEVELOPER
MANUEL DEJESUS OCHOA
9540 GARLAND ROAD STE. 381-178
DALLAS, TX 75218

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS

02/15/2023

UNDERWOOD
DRAFTING & SURVEYING
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

SHEET 2 OF 2



dlagrone H:\PLANNING\Public Notification KT.aprx

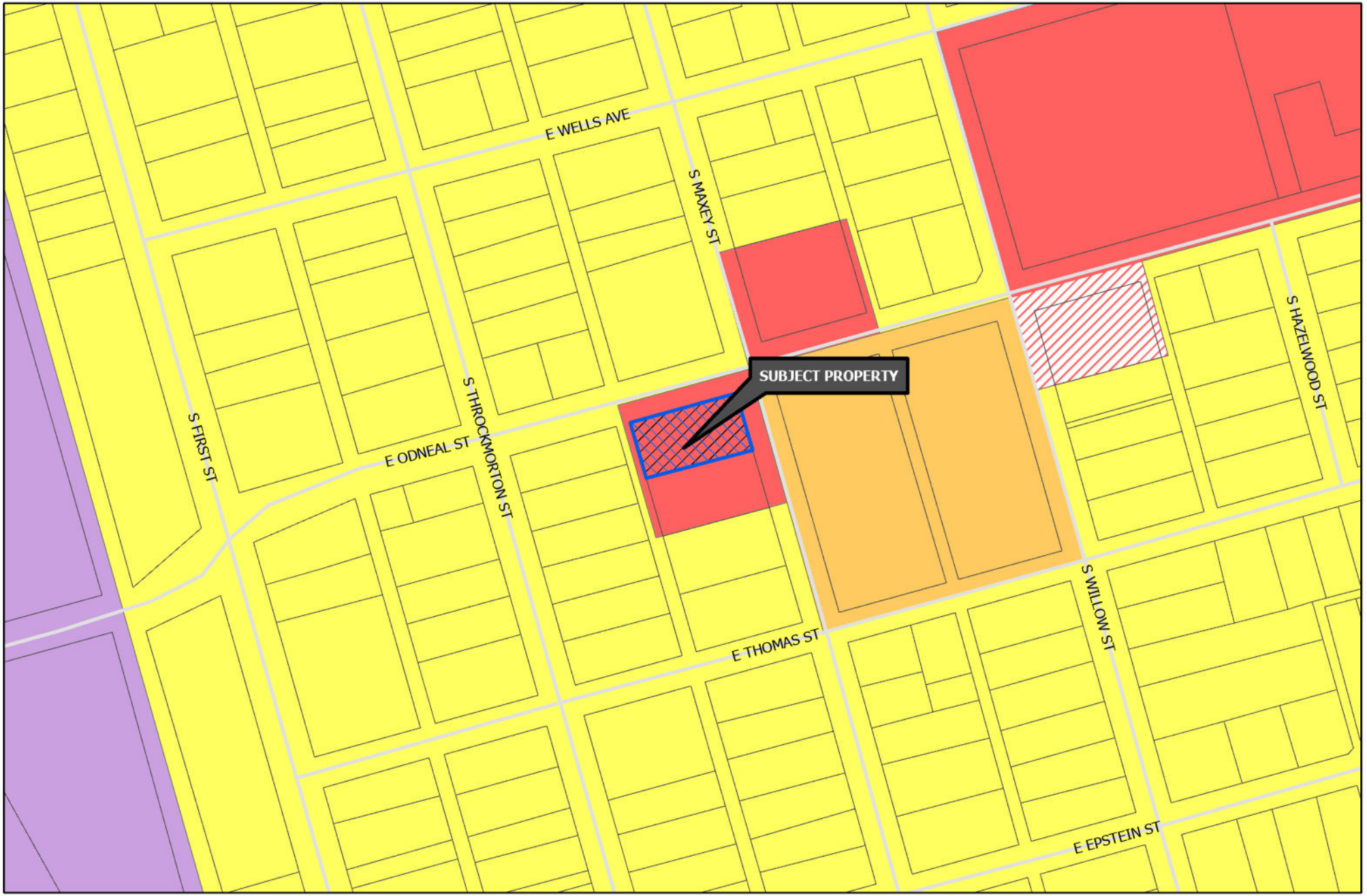
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
800 S MAXEY ST

N
W E
S

Date: 2/27/2023 12:06 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations

CITY OF SHERMAN ZONING MAP 800 S MAXEY ST

N
W E
S

Date: 2/27/2023 12:08 PM

Sherman
CLASSIC TOWN. BROAD HORIZON.

NOTICE OF PROPOSED ZONING CHANGE

PROJECT #: **23-000517**

FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229

03/06/2023 at 11:07 am

Sherman
CLASSIC TOWN, BROAD HORIZON.

NOTICE OF PROPOSED ZONING CHANGE

PROJECT #: 23-000517

FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229

03/06/2023 at 11:07 am

Project Narrative

Duplex House Plan, architectural features:

This 2-story duplex house plan has 3 bedrooms and 2.5 bathrooms and a single car garage. The main roof line has a simple gable roof and an individual gable over each master suite. This duplex plan also has different exterior materials that include board and batt siding, horizontal siding and stone accents at the garages. The covered porches are also very desirable.

Duplex House Plan, main floor:

This level features a large open living area that includes the kitchen, and dining room. The kitchen design has a large open eating bar perfect for entertaining guests while in the kitchen. The main level also includes a one car garage, large coat closet, powder bath and sliding glass door to exterior patio. This duplex house plan also has a mirrored layout with center garages providing privacy for each unit. At 42 ft wide this design is perfect for a narrow lot.

Duplex House Plan, upper floor:

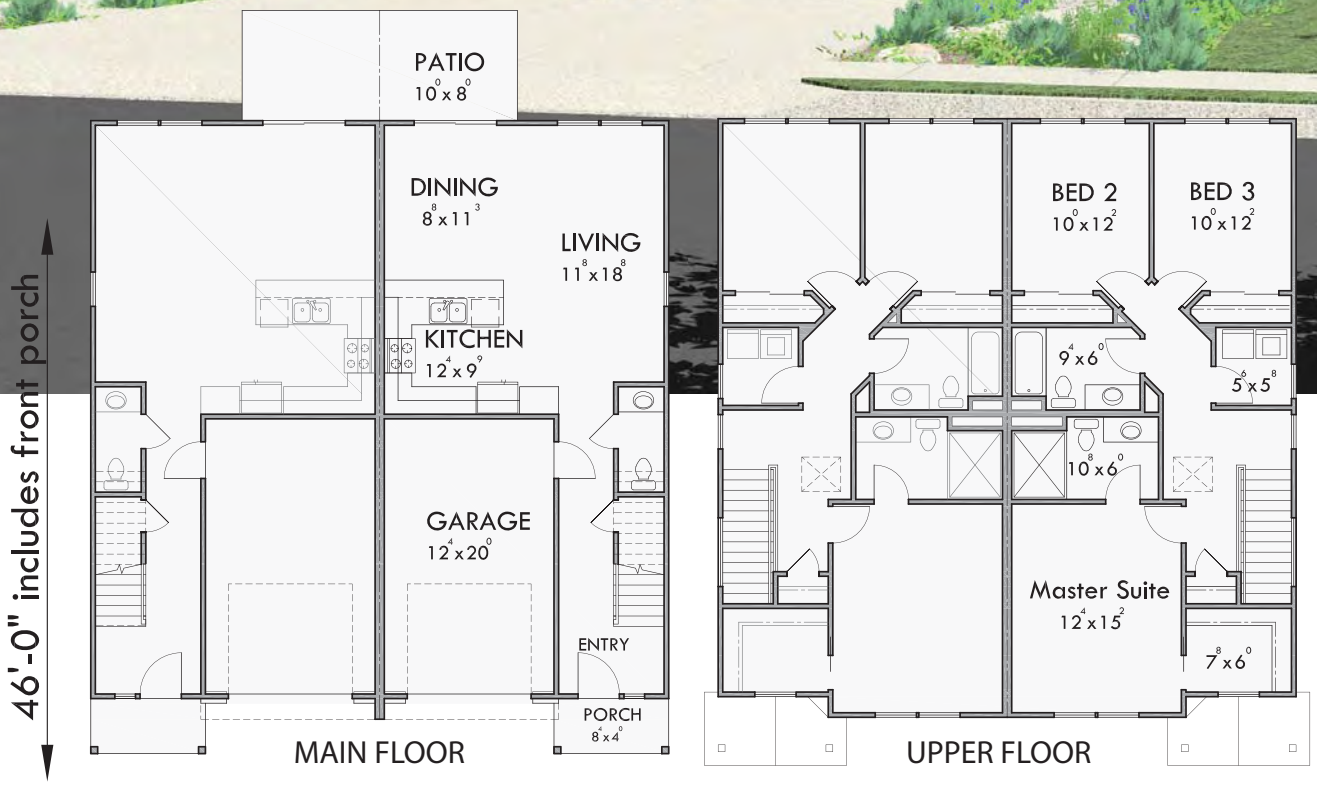
This compact design includes 3 bedrooms. The master bedroom is over the garage and captures the front view and has a walk in closet and large bathroom with walk in shower. The second and third bedrooms are equal in size and share the second upstairs bathroom. The bathrooms are back-to-back keeping the plumbing centralized and cost efficient. This level also has a nice size laundry room with a window.

The intended use for the duplex is to provide housing for 2 families.

PLAN #D-602

MAIN FLR.	624 SQ. FT.
UPPER FLR.	857 SQ. FT.
TOTAL	1481 SQ. FT.
GARAGE	258 SQ. FT.





www.houseplans.pro

Bruinier & associates, inc. building designers ©

1304 SW Bertha Blvd. Portland, Oregon 97219 (503-246-3022)

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

March 14, 2023

Manuel Dejesus Ochoa
720 South Maxey
Sherman, TX 75090

Underwood Drafting & Surveying, Inc.
3404 Interurban Road
Denison, TX 75021

Dear Applicants,

The request of a Public Hearing and Zone Change from a C-1 (Retail Business) District to an R-2F (Duplex Residential) District located at 800 Maxey Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, March 21, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267). *(Code of Ordinances Chapter 3.02(c))*
3. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
4. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
5. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

It is the policy of Planning and Zoning Commission and Board of Adjustment not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

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

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Billy Hartsfield, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 18.

Meeting Date: 03/21/2023

Prepared by: Lauren Marlow, Administrative Assistant
Rob Rae, Director of Development Services

Clay Mahone, Chairman	
David Downtain, Vice Chairman	Paul Manley, Commissioner
Shawn Davis, Commissioner	Glenn Whitaker, Commissioner
Leigh Ann Sims, Commissioner	Bryan Blagg, Commissioner

Requested Action/Proposed Use:

800 MAXEY STREET

The request of Manuel Dejesus Ochoa (Owner) and Underwood Drafting & Surveying, Inc. (Surveyor) concerning the property located at 800 Maxey Street, consisting of 0.238 acres, being a part of George B. Pilant Survey, Abstract No. 963, being all of Lots 13,14, and 15 in Block 14 of Continuation of W. Elliotts Addition and currently zoned C-1 (Retail Business) District, as follows:

Planning and Zoning Commission

A. Public Hearing and Zone Change from a C-1 (Retail Business) District to an R-2F (Duplex Residential) District.
B. Replat for Ochoa Addition

Background:

The property is located at 800 Maxey Street between East Odneal Street and East Thomas Street. The owner is requesting a Zone Change to an R-2F (Duplex Residential) District and to plat the property into one lot to build a duplex.

Adjacent Zoning:

R-6 (Single-Family Residential) District
C-1 (Retail Business) District
MF-30 (Multi-Family Residential) District

Origination:

Manuel Dejesus Ochoa (Owner)
Underwood Drafting & Surveying, Inc. (Surveyor)

Master Plan Designation:

This proposed use is compatible with the City of Sherman Comprehensive Plan.

Core Neighborhood - The Core Neighborhood category is intended to protect and enhance the existing residential areas of Sherman. This area is generally located in the center of the city, east and west of US-75. A majority of the Core Neighborhood category encompasses what is known as east Sherman. This category encourages infill development that maintains the existing character, while increasing the aesthetic appeal of the community. In certain areas, an increase in density can be appropriate through the development of single-family attached products, like townhomes or quad-plexes.

Number of notices mailed:
24

Objections Received:
0

Development Review Meeting:
No

Attachments

Location Map
Zoning Map
Zoning Sign Photo
FLUM
Narrative
Replat
Site Plan
Elevations
Elevations / Floor plan
STAFF REVIEW LETTER - Engineering
STAFF REVIEW LETTER

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 4.**

Meeting Date: 04/17/2023
Prepared By: Rob Rae, Director of Development Services
Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6586
Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow an Automobile Laundry, Carwash, in a C-2 (General Commercial) District/75 & 82 Overlay District, Located at 2901 Block Texoma Parkway, Consisting of 1.119 acres in the Reuben Hendrix Survey, Abstract 504, City of Sherman, Grayson County, Texas (Sherman NEC Texoma & 82, LP Owner, Clay Cristy Representative; and Eagle Surveying, LLC., Surveyor); Prescribing Conditions to the Specific Use Permit; Providing A Penalty Not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

Issue:

To consider granting a Specific Use Permit for an Automobile laundry, carwash, in a C-2 (General Commercial) District/75 & 82 Overlay District, Located at 2901 Block Texoma Parkway, consisting of 1.119 acres in the Reuben Hendrix Survey, Abstract 504, City of Sherman, Grayson County, Texas (Sherman NEC Texoma & 82, LP Owner, Clay Cristy Representative; and Eagle Surveying, LLC., Surveyor)

Background:

The property is located at 2901 Block Texoma Parkway between East US Highway 82 and Gallagher Drive. The owner is requesting a Specific Use Permit for a Carwash.

The following has been approved for this location:

- March 21, 2023 - Variance to allow a 5' side yard setback in lieu of the required 15' for a canopy structure in a C-2 (General Commercial) District/ 75 & 82 Overlay District.

Origination:

Sherman NEC Texoma & 82, LP (Owner)
Clay Cristy (Representative)
Finkle + Williams Architecture (Architect)
Clay Moore Engineering (Engineer)
Eagle Surveying, LLC (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the March 21, 2023 regular meeting, the Planning and Zoning Commission voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6586
Exhibit A - Survey
Exhibit B - Site Plan
Exhibit C - Landscape Plans
Location Map
Zoning Map
Zoning Sign Photo
FLUM
Narrative
Elevations
STAFF REVIEW LETTER
P&Z Communication

ORDINANCE NO. 6586

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14 AND GRANTING A SPECIFIC USE PERMIT TO ALLOW AN AUTOMOBILE LAUNDRY, CARWASH IN A C-2 (GENERAL COMMERCIAL) DISTRICT/75 & 82 OVERLAY DISTRICT, LOCATED AT 2901 BLOCK TEXOMA PARKWAY, CONSISTING OF 1.119 ACRES IN THE REUBEN HENDRIX SURVEY, ABSTRACT 504, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS (SHERMAN NEC TEXOMA & 82, LP OWNER, CLAY CRISTY REPRESENTATIVE; AND EAGLE SURVEYING, LLC., SURVEYOR); PRESCRIBING CONDITIONS TO THE SPECIFIC USE PERMIT; PROVIDING A PENALTY NOT TO EXCEED $2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

WHEREAS, the City Council finds that it is in the public interest to grant this Specific Use Permit, subject to certain conditions.

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

SECTION 1. That, from and after the effective date of this Ordinance, the property located at 2901 Block Texoma Parkway, consisting of 1.119 acres in the Reuben Hendrix Survey, Abstract 504, City of Sherman, Grayson County, Texas is/are granted a Specific Use Permit to allow an Automobile laundry, carwash in a C-2 (General Commercial) District/75 & 82 Overlay District, subject to the conditions described in this Ordinance and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14 is hereby amended so as to hereafter include property on **Exhibit A – Survey**.

SECTION 2. That this Specific Use Permit is granted on the following conditions:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's Zoning Ordinance/Code of Ordinance Chapter 14.

2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267). *(Code of Ordinances Chapter 3.02(c))*
3. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004 and 14.03.001)*
4. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07 and 14.03.001)*
5. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
6. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
7. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering

8. Platting of the property is required. Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004
9. Parking adjacent to Texoma Parkway may encroach into Easement which will be require by plat. Coordinate with Engineering Department upon civil submittal.
10. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154
11. Wastewater main must be extended in accordance with City criteria to serve proposed Lot. Wastewater capacity shall be verified for proposed use. Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)
12. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.
13. Three Party Agreement required for Public Infrastructure.
14. The location of the trash receptors must be approved by the Public Works Department.
15. Verify fire requirements and code compliance with Fire Marshal. Code of Ordinances Chapter 3.02.002(c)

Additional Conditions:

16. The property shall be developed and used in accordance with all City Ordinances and the Site Plan shown in **Exhibit B.**
17. The property shall be developed and used in accordance with the Landscape Plan show in **Exhibit C.**

SECTION 3. That this Ordinance shall be entered upon the official zoning map as provided in Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

SECTION 4. That after holding a properly noticed public hearing, the City Council may amend, change, or rescind the Specific Use Permit if any of the conditions set forth in Zoning Ordinance/Code of Ordinances Chapter 14, Section 14.06.009(1)(g), apply or exist.

SECTION 5. That the Specific Use Permit shall be effective from and after the effective date of this Ordinance. Upon termination of the Specific Use Permit, the property shall cease to

be used as provided herein unless another Specific Use Permit or appropriate zoning has been obtained.

SECTION 6. That it shall be unlawful for any person to make use of the property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS ($2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 7. That the Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 9. That it is hereby officially found and determined that the meetings at which this Ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

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

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

INTRODUCED on this the 17th day of April 2023.

ADOPTED on this the 17th day of April 2023.

EFFECTIVE DATE on this the 17th day of April 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

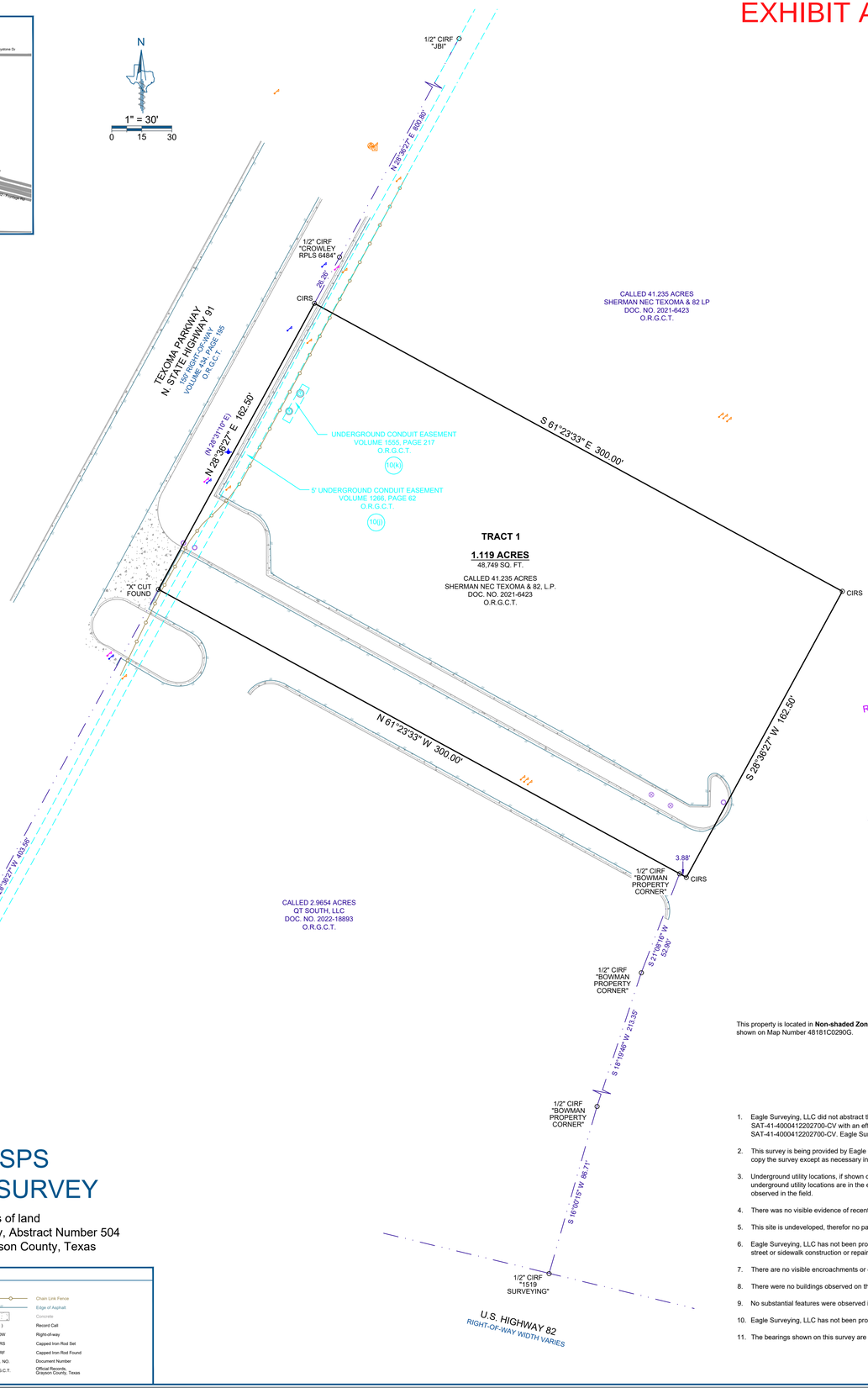
APPROVED AS TO FORM:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT A

VICINITY MAP
NOT TO SCALE





ALTA / NSPS LAND TITLE SURVEY

Being 1.119 Acres of land
out of the Reuben Sendrix Survey, Abstract Number 504
in the City of Sherman, Grayson County, Texas

LEGEND

Bollard		Chain Link Fence	
2" Metal Pipe		Edge of Asphalt	
Gas Valve		Concrete	
Gas Utility Mark	( )	Record Call	
Gas Test Station	ROW	Right-of-way	
Fire Hydrant	CIRS	Capped Iron Rod Set	
Water Utility Mark	CIRF	Capped Iron Rod Found	
Cable Utility Mark	DOC. NO.	Document Number	
Telecommunications Manhole	O.R.G.C.T.	Official Records, Grayson County, Texas	
Boundary Monumentation			

LEGAL DESCRIPTION

TRACT 1

Being a 1.119 acre tract of land out of the Reuben Hendrix Survey, Abstract No. 504, situated in the City of Sherman, Grayson County, Texas, being a portion of a called 41.235 acre tract of land conveyed to Sherman NEC Texoma & 82 LP by deed of record in Document Number 2021-6423 of the Official Records of Grayson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING, at an X-cut found in the East right-of-way line of Texoma Parkway (State Highway 91), being the Northwest corner of a called 2.9654 acre tract of land conveyed to QT South, LLC by deed of record in Document Number 2022-18893 of said Official Records, for the Southwest corner hereof;

THENCE, N28°36'27"E, along the East right-of-way line of Texoma Parkway, being the common West line of said 41.235 acre tract, a distance of 162.50 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set for the Northwest corner hereof, from which a 1/2 inch iron rod with yellow plastic cap stamped "JBI" found bears N28°36'27"E, a distance of 800.80 feet;

THENCE, leaving the East right-of-way line of Texoma Parkway, over and across said 41.235 acre tract, the following two (2) courses and distances:
1. S61°23'33"E, a distance of 300.00 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set for the Northeast corner hereof;
2. S28°36'27"W, a distance of 162.50 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set for the Southeast corner hereof;

THENCE, N61°23'33"W, continuing over and across said 41.235 acre tract, and in part, along the North line of said 2.9654 acre tract, passing at a distance of 3.88 feet a 1/2 inch iron rod with green plastic cap stamped "BOWMAN PROPERTY CORNER" found for the Northeast corner of said 2.9654 acre tract, and continuing a total distance of 300.00 feet to the POINT OF BEGINNING, and containing an area of 1.119 acres (48,749 square feet) of land, more or less

TRACT 2
Non-Exclusive easement estate created in Reciprocal Access, Drainage and Grading Easement and Development Agreement and Use Restrictions, dated March 10, 2022, by and between Sherman NEC Texoma & 82 LP and QT South, LLC, filed March 10, 2022, recorded under Clerk's File No. 2022-7994 and Correction filed under Clerk's File No. 2022-18894, Real Property Records, Grayson County, Texas.

SCHEDULE B EXCEPTIONS OF COVERAGE

Subject to the easements as shown on Schedule "B" of the title commitment provided by Fidelity National Title Insurance Company with G.F. No. SAT-41-4000412202700-CV as listed below:

10. (d.) Easement(s) and rights incidental thereto, as granted in a document:
Granted to: State of Texas
Purpose: As provided in said document
Recording Date: May 6, 1948
Recording No: Volume 556, Page 482, Real Property Records, Grayson County, Texas
Does not affect.

10. (e.) Easement(s) and rights incidental thereto, as granted in a document:
Granted to: The Texas Pipe Line Company
Purpose: As provided in said document
Recording Date: July 1, 1949
Recording No: Volume 584, Page 352, Real Property Records, Grayson County, Texas; As affected by Amendments recorded in Volume 1129, Page 790 and Volume 1137, Page 9, Real Property Records, Dallas County, Texas.
Does not affect.

10. (f.) Easement(s) and rights incidental thereto, as granted in a document:
Granted to: City of Sherman
Purpose: As provided in said document
Recording Date: March 18, 1964
Recording No: Volume 1002, Page 335, Real Property Records, Grayson County, Texas
Does not affect.

10. (g.) Easement(s) and rights incidental thereto, as granted in a document:
Granted to: City of Sherman, Texas
Purpose: As provided in said document
Recording Date: November 7, 1969
Recording No: Volume 1147, Page 341, Real Property Records, Grayson County, Texas
Does not affect.

10. (h.) Easement(s) and rights incidental thereto, as granted in a document
Granted to: City of Sherman, Texas
Purpose: As provided in said document
Recording Date: July 30, 1970
Recording No: Volume 1166, Page 644, Real Property Records, Grayson County, Texas
Unable to locate from description in document.

10. (i.) Easement(s) and rights incidental thereto, as granted in a document:
Granted to: Lone Star Gas Company
Purpose: As provided in said document
Recording Date: August 20, 1970
Recording No: Volume 1168, Page 643, Real Property Records, Grayson County, Texas
Does not affect.

10(j) **10. (j.)** Easement(s) and rights incidental thereto, as granted in a document:
Granted to: General Telephone Company of the Southwest
Purpose: As provided in said document
Recording Date: November 13, 1973
Recording No: Volume 1266, Page 62, Real Property Records, Grayson County, Texas
Affects as shown.

10(k) **10. (k.)** Easement(s) and rights incidental thereto, as granted in a document:
Granted to: General Telephone Company of the Southwest
Purpose: As provided in said document
Recording Date: April 24, 1981
Recording No: Volume 1555, Page 217, Real Property Records, Grayson County, Texas
Affects as shown.

10. (l.) Easement(s) and rights incidental thereto, as granted in a document:
Granted to: City of Sherman, Texas
Purpose: As provided in said document
Recording Date: December 9, 1982
Recording No: Volume 1626, Page 426, Real Property Records, Grayson County, Texas
Does not affect.

10. (v.) Matters contained in that certain document Entitled: Reciprocal Access, Drainage and Grading Easement and Development Agreement and Use Restrictions
Dated: March 10, 2022
Executed by: Sherman NEC Texoma & 82 LP and QT South, LLC
Recording Date: March 10, 2022
Recording No: under Clerk's File No. 2022-7994, Real Property Records, Grayson County. Texas;
Correction recorded under Clerk's File No. 2022-18894, Real Property Records, Grayson County, Texas
Affects, no plottable easements.

10. (w.) Terms, conditions and provisions contained in that certain document Entitled: Reciprocal Access, Drainage and Grading Easement and Development Agreement and Use Restrictions
Dated: March 10, 2022
Executed by: Sherman NEC Texoma & 82 LP and QT South, LLC
Recording Date: March 10, 2022
Recording No: under Clerk's File No. 2022-7994, Real Property Records, Grayson County, Texas;
Correction recorded under Clerk's File No. 2022-18894, Real Property Records, Grayson County, Texas
Affects, no plottable easements.

FLOOD NOTE

This property is located in **Non-shaded Zone "X"** as scaled from the F.E.M.A. Flood Insurance Rate Map dated September 01, 2022 and is located in Community Number 485509 as shown on Map Number 48181C0290G.

GENERAL NOTES

1. Eagle Surveying, LLC did not abstract the subject property. This survey was based off of a Legal description provided by Fidelity National Title Insurance Company, with G.F. No. SAT-41-4000412202700-CV with an effective date of November 29, 2022 at 8:00 AM and issued on December 12, 2022 at 8:00 AM. This survey is only valid for G.F. No. SAT-41-4000412202700-CV. Eagle Surveying, LLC does not intend to express an opinion regarding ownership or title of the subject property.
2. This survey is being provided by Eagle Surveying, LLC solely for the use of the parties to whom the survey is certified and no license has been created, express or implied to copy the survey except as necessary in conjunction with this transaction.
3. Underground utility locations, if shown on this survey, are approximate and are based on above-ground evidence and utility markings. The surveyor makes no representation that underground utility locations are in the exact location indicated, but does certify that they are located as accurately as is reasonably practicable from the information provided and observed in the field.
4. There was no visible evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.
5. This site is undeveloped, therefor no parking spaces were observed in the process of conducting the fieldwork.
6. Eagle Surveying, LLC has not been provided any documentation regarding proposed changes in street right of way lines, furthermore there was no visible evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.
7. There are no visible encroachments or overlapping of improvements except as shown hereon.
8. There were no buildings observed on the subject property in the process of conducting the fieldwork.
9. No substantial features were observed in the process of conducting the fieldwork except as shown hereon.
10. Eagle Surveying, LLC has not been provided a zoning report or letter at the time this survey was prepared.
11. The bearings shown on this survey are based on GPS observations utilizing the AllTerra RTK Network. North American Datum of 1983 (Adjustment Realization 2011).

ALTERATIONS AND ERRORS

This survey is the work product of the signing surveyor and may not be altered or modified in any manner, except by the signing surveyor. Any alteration or modification performed to this survey by any party except for the signing surveyor will be prosecuted to the fullest extent of the law. The surveyor will not be responsible to the client for any typos or errors for which a correction is not requested by the client within thirty days following the issuance of this survey.

SURVEYORS CERTIFICATION

This survey is certified to Fidelity National Title Insurance Company, Club Car Wash Operating, LLC, a Delaware limited liability company & Sherman NEC Texoma & 82 LP, a Texas limited partnership and is only valid for G.F. No. SAT-41-4000412202700-CV with an effective date of November 29, 2022 at 8:00 AM and issued on December 12, 2022 at 8:00 AM.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a) & (b), 7(a), 8, 9, 11(a), 11(b), 16, 17 & 18 of Table A thereof. The fieldwork was completed on January, 22th, 2023.

This map or plat was prepared on _____.

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

Matthew Raabe
R.P.L.S. # 6402

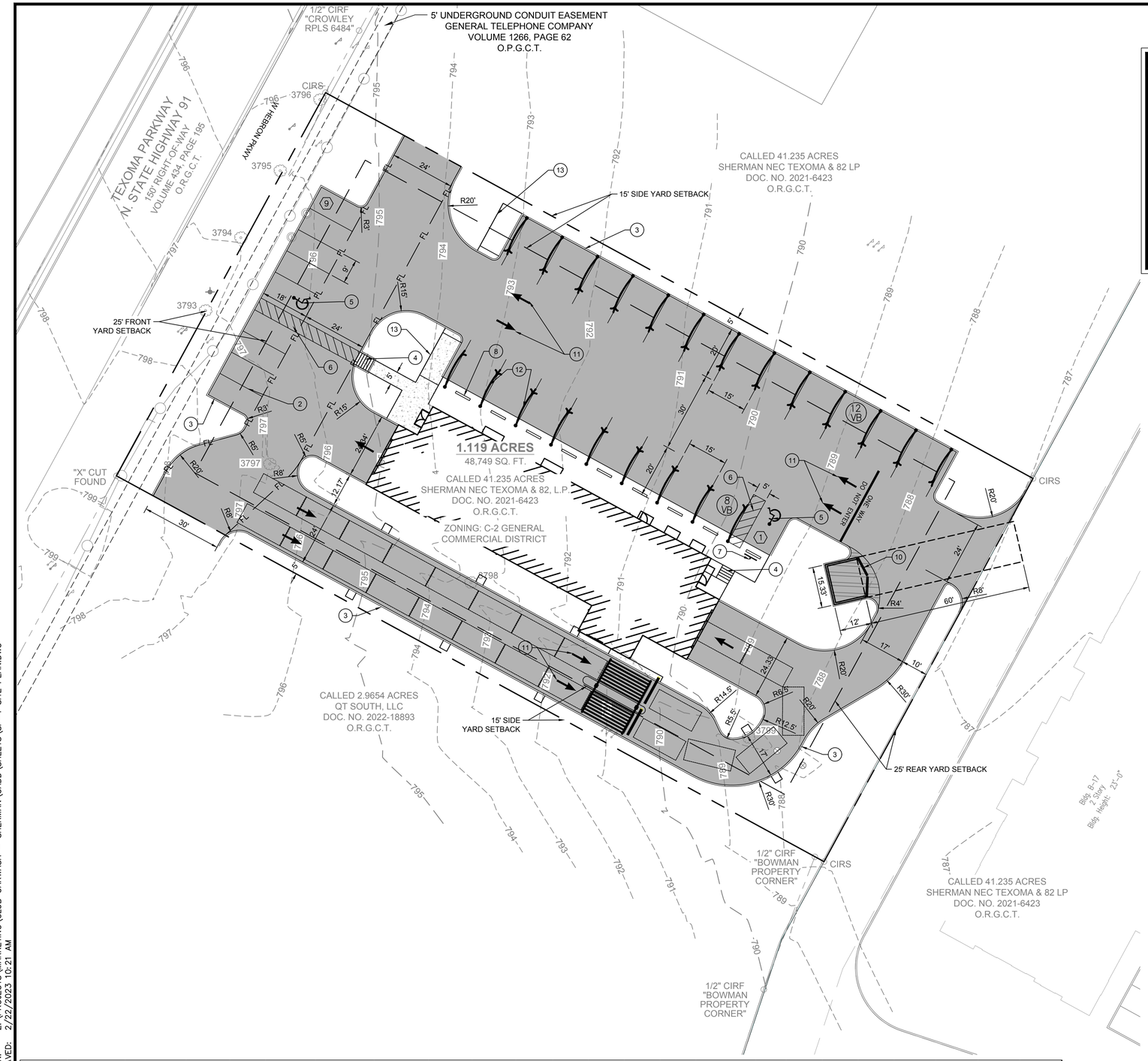
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2301.032-02
DATE
1/26/2023
UPDATE
2/02/2023
DRAWN BY
CF

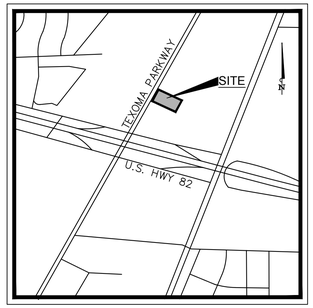
EAGLE SURVEYING
Eagle Surveying, LLC
222 South Elm Street
Suite: 200
Denton, TX 76201
940.222.3009
www.eaglesurveying.com
TX Firm # 10194177

PROPERTY ADDRESS

Texas State Highway 91
Texoma Parkway
Sherman, Texas
75090

EXHIBIT B





VICINITY MAP
N.T.S.

GRAPHIC SCALE
20 0 10 20 40
1 inch = 20 ft.

LEGEND	
	HEAVY DUTY CONCRETE PAVEMENT
	DUMPSTER AREA CONCRETE PAVEMENT
	PROPOSED CONCRETE SIDEWALK
	PROPOSED CONCRETE CURB AND GUTTER
X	PARKING COUNT
	FULL-DEPTH SAWCUT
FL	PROPOSED FIRE LANE STRIPPING
12 VB	PROPOSED VACUUM SPACES

CONSTRUCTION SCHEDULE	
1	SAW CUT FULL DEPTH EXISTING PAVEMENT
2	4" PARKING STALL STRIPING COLOR: WHITE (TYP)
3	CURB & GUTTER
4	PROPOSED PEDESTRIAN RAMP
5	HANDICAP SYMBOL
6	PAVEMENT STRIPING
7	HANDICAP SIGN
8	CURB STOP PER DETAIL
9	PROPOSED SIDEWALK
10	PROPOSED DUMPSTER AND ENCLOSURE
11	TRAFFIC ARROWS
12	VACUUM CANOPIES
13	VACUUM ENCLOSURE

NOTES:
1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. REFER TO ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS AND EXACT DOOR LOCATIONS.

SITE DATA SUMMARY

LOT	ZONING	PROPOSED USE	LOT SIZE (ACRES)	LOT SIZE (SQ. FT.)	BLDG. AREA (SQ. FT.)	COVERED PATIO (SQ. FT)	TOTAL AREA (COMBINED)	BLDG HGT.	PATIO HGT. (FT)	# OF STORIES	LOT COVERAGE		FLR AREA RATIO		PARKING			HANDICAP SP.		TOTAL IMPERVIOUS		TOTAL PERVIOUS	
											REQ.	PROV.	REQ.	PROV.	REQ. RATIO	REQ.	PROV.	REQ.	PROV.	(SQ FT)	(%)	(SQ FT)	(%)
PROPOSED LOT 1	C-2 GENERAL COMMERCIAL DISTRICT	CARWASH	1.12	48,749	5,444	N/A	5,444	1-STORY	N/A	1	50% MAX	11.2%	0.5 MAX	0.11	1 SPACE PER EMPLOYEE (8 EMPLOYEES PER DAY MAX.)	8	10	2	2	33,803	69%	14,946	31%

OWNER:
QT SOUTH LLC
1120 NORTH INDUSTRIAL BOULEVARD
EULESS, TX 76039
PH: CONTACT NAME:

APPLICANT/ENGINEER:
CLAYMOORE ENGINEERING, INC.
1903 CENTRAL DR., SUITE #406
BEDFORD, TX 76021
PH: 817.281.0572 CONTACT NAME: CLAY CRISTY

ARCHITECT:
FINKLE + WILLIAMS ARCHITECTURE
8787 RENNER BLVD. SUITE 100
LENEXA, KS. 66219
PH: 913.498.1550 CONTACT NAME: HOLLY BERGMAN

SURVEYOR:
EAGLE SURVEYING LLC
222 SOUTH ELM STREET
DENTON, TX 76201 CONTACT NAME: TYLER RANK
PH: 940.222.3009

LEGAL DESCRIPTION:
BEING A 1.119 ACRE TRACT OF LAND OUT OF THE REUBEN HENDRIX SURVEY

CITY:	STATE:	
SHERMAN	TEXAS	
COUNTY	SURVEY:	ABSTRACT NO.
GRAYSON	REUBEN HENDRIX	504

TEXAS REGISTRATION #14199
CLAYMOORE ENGINEERING
1903 CHERK SPARGER RD, SUITE #1
COLLEYVILLE, TX 76034
PHONE: 817.281.0572
WWW.CLAYMOORENG.COM

PRELIMINARY
FOR REVIEW ONLY
Not for construction purposes.
CLAYMOORE ENGINEERING
ENGINEERING AND PLANNING CONSULTANTS
Engineer: CLAY CRISTY
P.E. No. 109800 Date 1/23/2023

CLUB CARWASH SHERMAN
NORTH EAST INTERSECTION
HWY 91 (TEXOMA PKWY) & HWY 82
SHERMAN, TEXAS

No.	REVISION	DATE	BY

SITE PLAN

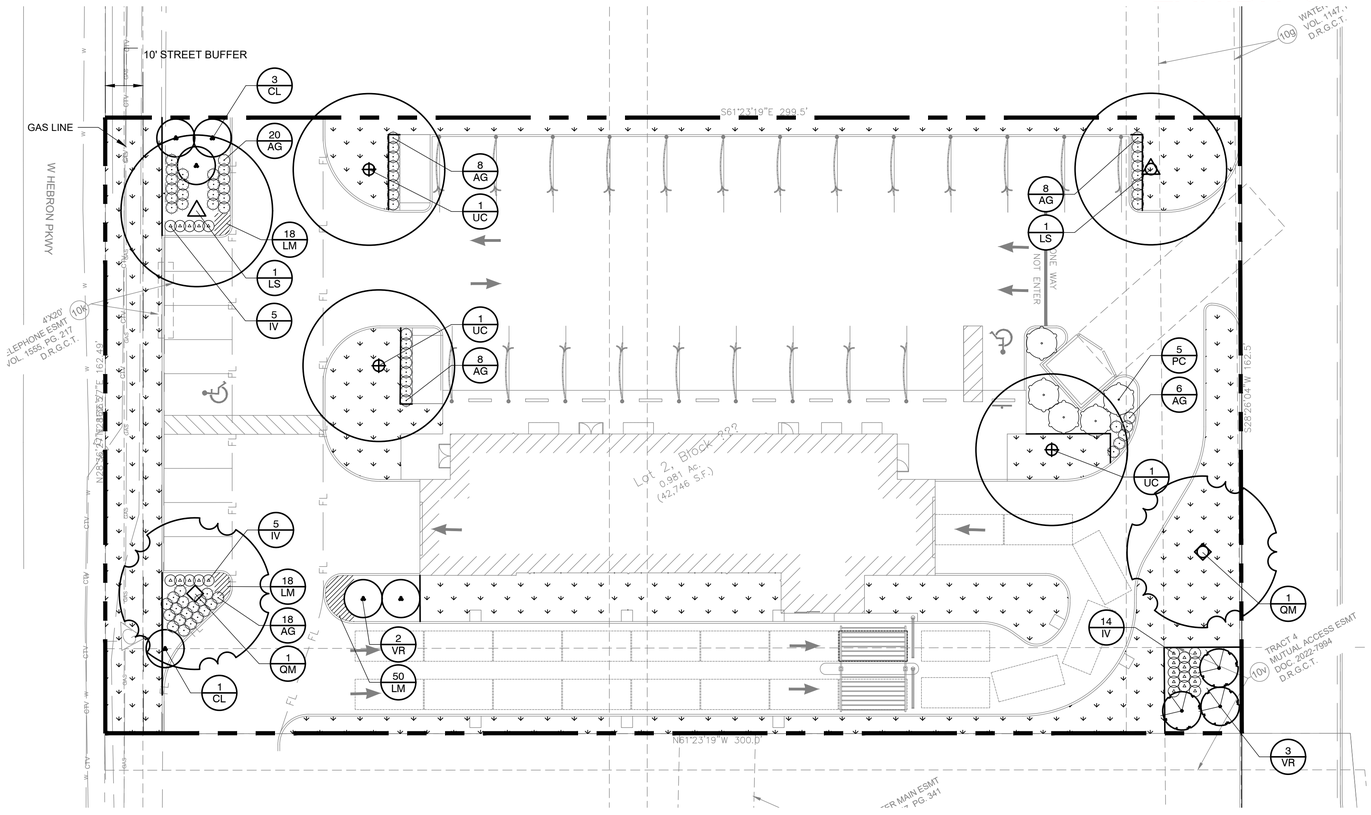
DESIGN:	MAL
DRAWN:	MAL
CHECKED:	CC
DATE:	2/13/2019

SHEET
SP-1

File No. 2019-017

PLOTTED BY: MAX LANTANO
PLOT DATE: 2/27/2023 2:46 PM
LOCATION: Z:\PROJECTS\MARKETING\CLUB CARWASH – SHERMAN\CADD\SHEETS\SP-1 SITE PLAN.DWG
LAST SAVED: 2/22/2023 10:21 AM

EXHIBIT C



NORTH

0' 10' 20' 40'

Scale 1" = 20'

NOTE: PRINTED DRAWING SIZE MAY HAVE CHANGED FROM ORIGINAL. VERIFY SCALE USING BAR SCALE ABOVE.

LANDSCAPE CALCULATIONS

ZONING: C-2 GENERAL COMMERCIAL
OVERLAY DISTRICT: HWY 75 & 82 OVERLAY DISTRICT

STREET BUFFER, 10' MIN. WIDTH
NOTE: A 10' BUFFER IS PROVIDED. IT IS PLANTED WITH LAWN DUE TO THE PRESENCE OF A GAS LINE. TREES AND SHRUBS ARE PLANTED IN THE PARKING ISLANDS ADJACENT TO THE BUFFER.

SCREENING
TRASH RECEPTACLE AREA: SCREENING WALL AND SHRUBS AT THE BASE OF THE WALL

PARKING LANDSCAPING
AREA OF PARKING AND DRIVES: 27873 SF
LANDSCAPING AREA REQUIRED: 2,787 SF (10% OF PARKING AND DRIVES)
LANDSCAPING AREA PROVIDED: 3,785 SF
ISLAND AREA REQUIRED: 1,115 SF (40% OF REQUIRED LANDSCAPE AREA)
ISLAND AREA PROVIDED: 2,900 SF

PLANT SCHEDULE

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	NOTES
TREES						
CL	4	CHILOPSIS LINEARIS	DESERT WILLOW	8'-10' HT.	PER PLAN	MULTI-STEM
LS	2	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	1.5" CAL. MIN.; 6'-8' HT.	PER PLAN	SPECIMEN
QM	2	QUERCUS MUEHLENBERGII	CHINQUAPIN OAK	1.5" CAL. MIN.; 6'-8' HT.	PER PLAN	SPECIMEN
UC	3	ULMUS CRASSIFOLIA	CEDAR ELM	1.5" CAL. MIN.; 6'-8' HT.	PER PLAN	SPECIMEN
VR	5	VIBURNUM RUDIFULUM	RUSTY BLACKHAW VIBURNUM	8'-10' HT.	PER PLAN	MULTI-STEM
SHRUBS						
AG	68	ABELIA GRANDIFLORA 'CONFETTI'	DWARF ABELIA	3 GAL.	30" O.C.	
IV	24	ILEX VOMITORIA 'SCHELLINGS DWARF'	DWARF YAUPON HOLLY	3 GAL.	30' O.C.	
PC	5	PRUNUS CAROLINANA 'MONUS'	BRIGHT & TIGHT CHERRY LAUREL	3 GAL.	5' O.C.	
GROUNDCOVER						
LM	86	LIRIOPE MUSCARI 'BIG BLUE'	LILY TURF	1 GAL.	15" O.C.	
		SOD: TIFWAY 419 BERMUDA GRASS		SOD		

GENERAL GRADING AND PLANTING NOTES

1. BY SUBMITTING A PROPOSAL FOR THE LANDSCAPE PLANTING SCOPE OF WORK, THE CONTRACTOR CONFIRMS THAT HE HAS READ, AND WILL COMPLY WITH, THE ASSOCIATED NOTES, SPECIFICATIONS, AND DETAILS WITH THIS PROJECT.
2. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL EXISTING VEGETATION (EXCEPT WHERE NOTED TO REMAIN).
3. IN THE CONTEXT OF THESE PLANS, NOTES, AND SPECIFICATIONS, "FINISH GRADE" REFERS TO THE FINAL ELEVATION OF THE SOIL SURFACE (NOT TOP OF MULCH) AS INDICATED ON THE GRADING PLANS.
   a. BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE ROUGH GRADES OF ALL LANDSCAPE AREAS ARE WITHIN +/-0.1' OF FINISH GRADE. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTION ON TURF AREA AND PLANTING BED PREPARATION.
   b. CONSTRUCT AND MAINTAIN FINISH GRADES AS SHOWN ON GRADING PLANS, AND CONSTRUCT AND MAINTAIN SLOPES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT AND ON THE GRADING PLANS, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING POTENTIAL.
   c. THE LANDSCAPE CONTRACTOR SHALL DETERMINE WHETHER OR NOT THE EXPORT OF ANY SOIL WILL BE NEEDED, TAKING INTO ACCOUNT THE ROUGH GRADE PROVIDED, THE AMOUNT OF SOIL AMENDMENTS TO BE ADDED (**BASED ON A SOIL TEST**, PER SPECIFICATIONS), AND THE FINISH GRADES TO BE ESTABLISHED.
   d. ENSURE THAT THE FINISH GRADE IN SHRUB AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES, AFTER INSTALLING SOIL AMENDMENTS, IS 3" BELOW THE ADJACENT FINISH SURFACE, IN ORDER TO ALLOW FOR PROPER MULCH DEPTH. TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 18" AWAY FROM THE WALKS.
   e. ENSURE THAT THE FINISH GRADE IN TURF AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES, AFTER INSTALLING SOIL AMENDMENTS, IS 1" BELOW THE FINISH SURFACE OF THE WALKS. TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 18" AWAY FROM THE WALKS.
   f. SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GRADING PLANS, GEOTECHNICAL REPORT, THESE NOTES AND PLANS, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT, GENERAL CONTRACTOR, AND OWNER.
4. ALL PLANT LOCATIONS ARE DIAGRAMMATIC. ACTUAL LOCATIONS SHALL BE VERIFIED WITH THE LANDSCAPE ARCHITECT OR DESIGNER PRIOR TO PLANTING. THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT ALL REQUIREMENTS OF THE PERMITTING AUTHORITY ARE MET (I.E., MINIMUM PLANT QUANTITIES, PLANTING METHODS, TREE PROTECTION METHODS, ETC.).
   a. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR DETERMINING PLANT QUANTITIES; PLANT QUANTITIES SHOWN ON LEGENDS AND CALLOUTS ARE FOR GENERAL INFORMATION ONLY. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLAN AND THE PLANT LEGEND, THE PLANT QUANTITY AS SHOWN ON THE PLAN (FOR INDIVIDUAL SYMBOLS) OR CALLOUT (FOR GROUNDCOVER PATTERNS) SHALL TAKE PRECEDENCE.
   b. NO SUBSTITUTIONS OF PLANT MATERIALS SHALL BE ALLOWED WITHOUT THE WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT. IF SOME OF THE PLANTS ARE NOT AVAILABLE, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING (VIA PROPER CHANNELS).
   c. THE CONTRACTOR SHALL, AT A MINIMUM, PROVIDE REPRESENTATIVE PHOTOS OF ALL PLANTS PROPOSED FOR THE PROJECT. THE CONTRACTOR SHALL ALLOW THE LANDSCAPE ARCHITECT AND THE OWNER/OWNER'S REPRESENTATIVE TO INSPECT, AND APPROVE OR REJECT, ALL PLANTS DELIVERED TO THE JOBSITE. REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS FOR SUBMITTALS.
5. THE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE IN A HEALTHY CONDITION FOR 90 DAYS AFTER ACCEPTANCE BY THE OWNER. REFER TO SPECIFICATIONS FOR CONDITIONS OF ACCEPTANCE FOR THE START OF THE MAINTENANCE PERIOD, AND FOR FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD.
6. SEE SPECIFICATIONS AND DETAILS FOR FURTHER REQUIREMENTS.

IRRIGATION CONCEPT

1. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED AND OPERATIONAL BY THE TIME OF FINAL INSPECTION. THE ENTIRE IRRIGATION SYSTEM SHALL BE INSTALLED BY A LICENSED AND QUALIFIED IRRIGATION CONTRACTOR.
2. THE IRRIGATION SYSTEM WILL OPERATE ON POTABLE WATER, AND THE SYSTEM WILL HAVE APPROPRIATE BACKFLOW PREVENTION DEVICES INSTALLED TO PREVENT CONTAMINATION OF THE POTABLE SOURCE.
3. ALL NON-TURF PLANTED AREAS SHALL BE DRIP IRRIGATED. SODDED AND SEEDED AREAS SHALL BE IRRIGATED WITH SPRAY OR ROTOR HEADS AT 100% HEAD-TO-HEAD COVERAGE.
4. ALL PLANTS SHARING SIMILAR HYDROZONE CHARACTERISTICS SHALL BE PLACED ON A VALVE DEDICATED TO PROVIDE THE NECESSARY WATER REQUIREMENTS SPECIFIC TO THAT HYDROZONE.
5. THE IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED, TO THE MAXIMUM EXTENT POSSIBLE, TO CONSERVE WATER BY USING THE FOLLOWING DEVICES AND SYSTEMS: MATCHED PRECIPITATION RATE TECHNOLOGY ON ROTOR AND SPRAY HEADS (WHEREVER POSSIBLE), RAIN SENSORS, AND MULTI-PROGRAM COMPUTERIZED IRRIGATION CONTROLLERS FEATURING SENSORY INPUT CAPABILITIES.

ROOT BARRIERS

THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL NEWLY-PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PAVING OR CURBS. ROOT BARRIERS SHALL BE "CENTURY" OR "DEEP-ROOT" 24" DEEP PANELS (OR EQUAL). BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. INSTALL PANELS PER MANUFACTURER'S RECOMMENDATIONS. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENCIRCLE THE ROOTBALL.

MULCHES

AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 3" THICK LAYER OF 1-1/2" SHREDDED WOOD MULCH, NATURAL (UNDYED), OVER LANDSCAPE FABRIC IN ALL PLANTING AREAS (EXCEPT FOR TURF AND SEEDED AREAS). CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO CONSTRUCTION. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED (SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THE "GENERAL GRADING AND PLANTING NOTES" AND SPECIFICATIONS).

TEXAS REGISTRATION #14199
CLAY MOORE ENGINEERING
PHONE: 817.281.0572
WWW.CLAYMOOREENG.COM
1105 CHEEK SPARGER RD. SUITE #1
COLLEYVILLE, TX 76034

REGISTERED LANDSCAPE ARCHITECT
LISA CUTSHALL
3770
STATE OF TEXAS

CLUB CARWASH SHERMAN
NORTH EAST INTERSECTION
HWY 91 (TEXOMA PKWY) & HWY 82
SHERMAN, TEXAS

No.	DATE	REVISION	BY

LANDSCAPE PLANTING PLAN

DESIGN:	MAL
DRAWN:	MAL
CHECKED:	CC
DATE:	2/13/2019

SHEET
LP-1

File No. 2019-017

PLOTTED BY: ADMINISTRATOR
PLOT DATE: 2/21/2023 2:44 PM
LOCATION: C:\USERS\ADMINISTRATOR\DOCUMENTS\PROJECTS\2023\EVERGREEN DESIGN GROUP\CLUB CARWASH - SHERMAN TX\CAD\CLUB CARWASH - SHERMAN TX - PLTG.DWG
LAST SAVED: 2/21/2023 2:35 PM

PLANTING SPECIFICATIONS

GENERAL

A. QUALIFICATIONS OF LANDSCAPE CONTRACTOR
   1. ALL LANDSCAPE WORK SHOWN ON THESE PLANS SHALL BE PERFORMED BY A SINGLE FIRM SPECIALIZING IN LANDSCAPE PLANTING.
   2. A LIST OF SUCCESSFULLY COMPLETED PROJECTS OF THIS TYPE, SIZE AND NATURE MAY BE REQUESTED BY THE OWNER FOR FURTHER QUALIFICATION MEASURES.
   3. THE LANDSCAPE CONTRACTOR SHALL HOLD A VALID NURSERY AND FLORAL CERTIFICATE ISSUED BY THE TEXAS DEPARTMENT OF AGRICULTURE, AS WELL AS OPERATE UNDER A COMMERCIAL PESTICIDE APPLICATOR LICENSE ISSUED BY EITHER THE TEXAS DEPARTMENT OF AGRICULTURE OR THE TEXAS STRUCTURAL PEST CONTROL BOARD.

B. SCOPE OF WORK
   1. WORK COVERED BY THESE SECTIONS INCLUDES THE FURNISHING AND PAYMENT OF ALL MATERIALS, LABOR, SERVICES, EQUIPMENT, LICENSES, TAXES AND ANY OTHER ITEMS THAT ARE NECESSARY FOR THE EXECUTION, INSTALLATION AND COMPLETION OF ALL WORK, SPECIFIED HEREIN AND / OR SHOWN ON THE LANDSCAPE PLANS, NOTES, AND DETAILS.
   2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE LAWS, CODES AND REGULATIONS REQUIRED BY AUTHORITIES HAVING JURISDICTION OVER SUCH WORK, INCLUDING ALL INSPECTIONS AND PERMITS REQUIRED BY FEDERAL, STATE AND LOCAL AUTHORITIES IN SUPPLY, TRANSPORTATION AND INSTALLATION OF MATERIALS.
   3. THE LANDSCAPE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITY LINES (WATER, SEWER, ELECTRICAL, TELEPHONE, GAS, CABLE, TELEVISION, ETC.) PRIOR TO THE START OF ANY WORK.

PRODUCTS

A. ALL MANUFACTURED PRODUCTS SHALL BE NEW.
B. CONTAINER AND BALLED-AND-BURLAPPED PLANTS:
   1. FURNISH NURSERY-GROWN PLANTS COMPLYING WITH ANSI Z60.1-2014. PROVIDE WELL-SHAPED, FULLY BRANCHED, HEALTHY, VIGOROUS STOCK FREE OF DISEASE, INSECTS, EGGS, LARVAE, AND DEFECTS SUCH AS KNOTS, SUN SCALD, INJURIES, ABRASIONS, AND DISFIGUREMENT. ALL PLANTS WITHIN A SPECIES SHALL HAVE SIMILAR SIZE, AND SHALL BE OF A FORM TYPICAL FOR THE SPECIES. ALL TREES SHALL BE OBTAINED FROM SOURCES WITHIN 200 MILES OF THE PROJECT SITE, AND WITH SIMILAR CLIMACTIC CONDITIONS.
   2. ROOT SYSTEMS SHALL BE HEALTHY, DENSELY BRANCHED ROOT SYSTEMS, NON-POT-BOUND, FREE FROM ENCIRCLING AND/OR GIRDLING ROOTS, AND FREE FROM ANY OTHER ROOT DEFECTS (SUCH AS J-SHAPED ROOTS).
   3. TREES MAY BE PLANTED FROM CONTAINERS OR BALLED-AND-BURLAPPED (B&B), UNLESS SPECIFIED ON THE PLANTING LEGEND. BARE-ROOT TREES ARE NOT ACCEPTABLE.
   4. ANY PLANT DEEMED UNACCEPTABLE BY THE LANDSCAPE ARCHITECT OR OWNER SHALL BE IMMEDIATELY REMOVED FROM THE SITE AND SHALL BE REPLACED WITH AN ACCEPTIBLE PLANT OF LIKE TYPE AND SIZE AT THE CONTRACTOR'S OWN EXPENSE. ANY PLANTS APPEARING TO BE UNHEALTHY, EVEN IF DETERMINED TO STILL BE ALIVE, SHALL NOT BE ACCEPTED. THE LANDSCAPE ARCHITECT AND OWNER SHALL BE THE SOLE JUDGES AS TO THE ACCEPTABILITY OF PLANT MATERIAL.
   5. ALL TREES SHALL BE STANDARD IN FORM, UNLESS OTHERWISE SPECIFIED. TREES WITH CENTRAL LEADERS WILL NOT BE ACCEPTED IF LEADER IS DAMAGED OR REMOVED. PRUNE ALL DAMAGED TWIGS AFTER PLANTING.
   6. CALIPER MEASUREMENTS FOR STANDARD (SINGLE TRUNK) TREES SHALL BE AS FOLLOWS: SIX INCHES ABOVE THE ROOT FLARE FOR TREES UP TO AND INCLUDING FOUR INCHES IN CALIPER, AND TWELVE INCHES ABOVE THE ROOT FLARE FOR TREES EXCEEDING FOUR INCHES IN CALIPER.
   7. MULTI-TRUNK TREES SHALL BE MEASURED BY THEIR TOTAL HEIGHT, MEASURED FROM THE TOP OF THE ROOT BALL. WHERE CALIPER MEASUREMENTS ARE USED, THE CALIPER SHALL BE CALCULATED AS ONE-HALF OF THE SUM OF THE THREE LARGEST TRUNKS.
   8. ANY TREE OR SHRUB SHOWN TO HAVE EXCESS SOIL PLACED ON TOP OF THE ROOT BALL, SO THAT THE ROOT FLARE HAS BEEN COMPLETELY COVERED, SHALL BE REJECTED.
C. SOD: PROVIDE WELL-ROOTED SOD OF THE VARIETY NOTED ON THE PLANS. SOD SHALL BE CUT FROM HEALTHY, MATURE TURF WITH SOIL THICKNESS OF 3/4". EACH PALLET OF SOD SHALL BE ACCOMPANIED BY A CERTIFICATE FROM SUPPLIER STATING THE COMPOSITION OF THE SOD.
D. TOPSOIL: SANDY TO CLAY LOAM TOPSOIL, FREE OF STONES LARGER THAN ½ INCH, FOREIGN MATTER, PLANTS, ROOTS, AND SEEDS.
E. COMPOST: WELL-COMPOSTED, STABLE, AND WEED-FREE ORGANIC MATTER, pH RANGE OF 5.5 TO 8; MOISTURE CONTENT 35 TO 55 PERCENT BY WEIGHT; 100 PERCENT PASSING THROUGH 3/4-INCH SIEVE; SOLUBLE SALT CONTENT OF 5 TO 10 DECISIEMENS/M; NOT EXCEEDING 0.5 PERCENT INERT CONTAMINANTS AND FREE OF SUBSTANCES TOXIC TO PLANTINGS. NO MANURE OR ANIMAL-BASED PRODUCTS SHALL BE USED.
F. FERTILIZER: GRANULAR FERTILIZER CONSISTING OF NITROGEN, PHOSPHORUS, POTASSIUM, AND OTHER NUTRIENTS IN PROPORTIONS, AMOUNTS, AND RELEASE RATES RECOMMENDED IN A SOIL REPORT FROM A QUALIFIED SOIL-TESTING AGENCY (SEE BELOW).
G. MULCH: SIZE AND TYPE AS INDICATED ON PLANS, FREE FROM DELETERIOUS MATERIALS AND SUITABLE AS A TOP DRESSING OF TREES AND SHRUBS.
H. TREE STAKING AND GUYING
   1. STAKES: 6' LONG GREEN METAL T-POSTS.
   2. GUY AND TIE WIRE: ASTM A 641, CLASS 1, GALVANIZED-STEEL WIRE, 2-STRAND, TWISTED, 0.106 INCH DIAMETER.
   3. STRAP CHAFING GUARD: REINFORCED NYLON OR CANVAS AT LEAST 1-1/2 INCH WIDE, WITH GROMMETS TO PROTECT TREE TRUNKS FROM DAMAGE.
I. STEEL EDGING: PROFESSIONAL STEEL EDGING, 14 GAUGE THICK X 4 INCHES WIDE, FACTORY PAINTED DARK GREEN. ACCEPTABLE MANUFACTURERS INCLUDE COL-MET OR APPROVED EQUAL.
J. PRE-EMERGENT HERBICIDES: ANY GRANULAR, NON-STAINING PRE-EMERGENT HERBICIDE THAT IS LABELED FOR THE SPECIFIC ORNAMENTALS OR TURF ON WHICH IT WILL BE UTILIZED. PRE-EMERGENT HERBICIDES SHALL BE APPLIED PER THE MANUFACTURER'S LABELED RATES.

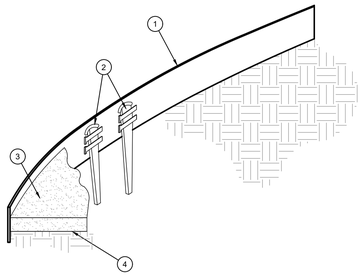
METHODS

A. SOIL PREPARATION
   1. BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE GRADE OF ALL LANDSCAPE AREAS ARE WITHIN +/-0.1' OF FINISH GRADE. THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY SHOULD ANY DISCREPANCIES EXIST.
   2. SOIL TESTING:
      a. AFTER FINISH GRADES HAVE BEEN ESTABLISHED, CONTRACTOR SHALL HAVE SOIL SAMPLES FROM THE PROJECT'S LANDSCAPE AREAS TESTED BY AN ESTABLISHED SOIL TESTING LABORATORY. EACH SAMPLE SUBMITTED TO THE LAB SHALL CONTAIN NO LESS THAN ONE QUART OF SOIL, TAKEN FROM BETWEEN THE SOIL SURFACE AND 6" DEPTH. IF NO SAMPLE LOCATIONS ARE INDICATED ON THE PLANS, THE CONTRACTOR SHALL TAKE A MINIMUM OF THREE SAMPLES FROM VARIOUS REPRESENTATIVE LOCATIONS FOR TESTING.
      b. THE CONTRACTOR SHALL HAVE THE SOIL TESTING LABORATORY PROVIDE RESULTS FOR THE FOLLOWING: SOIL TEXTURAL CLASS, GENERAL SOIL FERTILITY, pH, ORGANIC MATTER CONTENT, SALT (CEC), LIME, SODIUM ADSORPTION RATIO (SAR) AND BORON CONTENT.
      c. THE CONTRACTOR SHALL ALSO SUBMIT THE PROJECT'S PLANT LIST TO THE LABORATORY ALONG WITH THE SOIL SAMPLES.
      d. THE SOIL REPORT PRODUCED BY THE LABORATORY SHALL CONTAIN RECOMMENDATIONS FOR THE FOLLOWING (AS APPROPRIATE): SEPARATE SOIL PREPARATION AND BACKFILL MIX RECOMMENDATIONS FOR GENERAL ORNAMENTAL PLANTS, XERIC PLANTS, TURF, AND NATIVE SEED, AS WELL AS PRE-PLANT FERTILIZER APPLICATIONS AND RECOMMENDATIONS FOR ANY OTHER SOIL RELATED ISSUES. THE REPORT SHALL ALSO PROVIDE A FERTILIZER PROGRAM FOR THE ESTABLISHMENT PERIOD AND FOR LONG-TERM MAINTENANCE.
   3. THE CONTRACTOR SHALL INSTALL SOIL AMENDMENTS AND FERTILIZERS PER THE SOILS REPORT RECOMMENDATIONS. ANY CHANGE IN COST DUE TO THE SOIL REPORT RECOMMENDATIONS, EITHER INCREASE OR DECREASE, SHALL BE SUBMITTED TO THE OWNER WITH THE REPORT.
   4. FOR BIDDING PURPOSES ONLY, THE SOIL PREPARATION SHALL CONSIST OF THE FOLLOWING:
      a. TURF: INCORPORATE THE FOLLOWING AMENDMENTS INTO THE TOP 8" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSS-RIPPING:
         i. NITROGEN STABILIZED ORGANIC AMENDMENT - 4 CU. YDS. PER 1,000 S.F.
         ii. PREPLANT TURF FERTILIZER (10-20-10 OR SIMILAR, SLOW RELEASE, ORGANIC) - 15 LBS PER 1,000 S.F.
         iii. "CLAY BUSTER" OR EQUAL - USE MANUFACTURER'S RECOMMENDED RATE
      b. TREES, SHRUBS, AND PERENNIALS: INCORPORATE THE FOLLOWING AMENDMENTS INTO THE TOP 8" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSS-RIPPING:
         i. NITROGEN STABILIZED ORGANIC AMENDMENT - 4 CU. YDS. PER 1,000 S.F.
         ii. 12-12-12 FERTILIZER (OR SIMILAR, ORGANIC, SLOW RELEASE) - 10 LBS. PER CU. YD.
         iii. "CLAY BUSTER" OR EQUAL - USE MANUFACTURER'S RECOMMENDED RATE
         iv. IRON SULPHATE - 2 LBS. PER CU. YD.
   5. IN THE CONTEXT OF THESE PLANS, NOTES, AND SPECIFICATIONS, "FINISH GRADE" REFERS TO THE FINAL ELEVATION OF THE SOIL SURFACE (NOT TOP OF MULCH) AS INDICATED ON THE GRADING PLANS.
      a. BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE ROUGH GRADES OF ALL LANDSCAPE AREAS ARE WITHIN +/-0.1' OF FINISH GRADE. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTION ON TURF AREA AND PLANTING BED PREPARATION.
      b. CONSTRUCT AND MAINTAIN FINISH GRADES AS SHOWN ON GRADING PLANS, AND CONSTRUCT AND MAINTAIN SLOPES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT AND ON THE GRADING PLANS, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING POTENTIAL.
      c. THE LANDSCAPE CONTRACTOR SHALL DETERMINE WHETHER OR NOT THE EXPORT OF ANY SOIL WILL BE NEEDED, TAKING INTO ACCOUNT THE ROUGH GRADE PROVIDED, THE AMOUNT OF SOIL AMENDMENTS TO BE ADDED (**BASED ON A SOIL TEST**, PER SPECIFICATIONS), AND THE FINISH GRADES TO BE ESTABLISHED.
      d. ENSURE THAT THE FINISH GRADE IN SHRUB AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES, AFTER INSTALLING SOIL AMENDMENTS, IS 3" BELOW THE ADJACENT FINISH SURFACE, IN ORDER TO ALLOW FOR PROPER MULCH DEPTH. TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 18" AWAY FROM THE WALKS.
      e. ENSURE THAT THE FINISH GRADE IN TURF AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES, AFTER INSTALLING SOIL AMENDMENTS, IS 1" BELOW THE FINISH SURFACE OF THE WALKS. TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 18" AWAY FROM THE WALKS.
      f. SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GRADING PLANS, GEOTECHNICAL REPORT, THESE NOTES AND PLANS, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT, GENERAL CONTRACTOR, AND OWNER.
   6. ONCE SOIL PREPARATION IS COMPLETE, THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT THERE ARE NO DEBRIS, TRASH, OR STONES LARGER THAN 1" REMAINING IN THE TOP 6" OF SOIL.

B. SUBMITTALS
   1. THE CONTRACTOR SHALL PROVIDE SUBMITTALS AND SAMPLES, IF REQUIRED, TO THE LANDSCAPE ARCHITECT, AND RECEIVE APPROVAL IN WRITING FOR SUCH SUBMITTALS BEFORE WORK COMMENCES.
   2. SUBMITTALS SHALL INCLUDE PHOTOS OF PLANTS WITH A RULER OR MEASURING STICK FOR SCALE, PHOTOS OR SAMPLES OF ANY REQUIRED MULCHES, AND SOIL TEST RESULTS AND PREPARATION RECOMMENDATIONS FROM THE TESTING LAB (INCLUDING COMPOST AND FERTILIZER RATES AND TYPES, AND OTHER AMENDMENTS FOR TREE/SHRUB, TURF, AND SEED AREAS AS MAY BE APPROPRIATE).
   3. SUBMITTALS SHALL ALSO INCLUDE MANUFACTURER CUT SHEETS FOR PLANTING ACCESSORIES SUCH AS TREE STAKES AND TIES, EDGING, AND LANDSCAPE FABRICS (IF ANY).
   4. WHERE MULTIPLE ITEMS ARE SHOWN ON A PAGE, THE CONTRACTOR SHALL CLEARLY INDICATE THE ITEM BEING CONSIDERED.
C. GENERAL PLANTING
   1. REMOVE ALL NURSERY TAGS AND STAKES FROM PLANTS.
   2. EXCEPT IN AREAS TO BE PLANTED WITH ORNAMENTAL GRASSES, APPLY PRE-EMERGENT HERBICIDES AT THE MANUFACTURER'S RECOMMENDED RATE.
   3. WHEN WORKING NEAR EXISTING TREES:
      a. CONTRACTOR SHALL NOT DISTURB ROOTS 1-1/2" AND LARGER IN DIAMETER WITHIN THE CRITICAL ROOT ZONE (CRZ) OF EXISTING TREES, AND SHALL EXERCISE ALL POSSIBLE CARE AND PRECAUTIONS TO AVOID INJURY TO TREE ROOTS, TRUNKS, AND BRANCHES. THE CRZ IS DEFINED AS A CIRCULAR AREA EXTENDING OUTWARD FROM THE TREE TRUNK, WITH A RADIUS EQUAL TO 1' FOR EVERY 1" OF TRUNK DIAMETER-AT-BREAST-HEIGHT (4.5' ABOVE THE AVERAGE GRADE AT THE TRUNK).
      b. ALL EXCAVATION WITHIN THE CRZ SHALL BE PERFORMED USING HAND TOOLS. NO MACHINE EXCAVATION OR TRENCHING OF ANY KIND SHALL BE ALLOWED WITHIN THE CRZ.
      c. ALTER ALIGNMENT OF PIPE TO AVOID TREE ROOTS 1-1/2" AND LARGER IN DIAMETER. WHERE TREE ROOTS 1-1/2" AND LARGER IN DIAMETER ARE ENCOUNTERED IN THE FIELD, TUNNEL UNDER SUCH ROOTS. WRAP EXPOSED ROOTS WITH SEVERAL LAYERS OF BURLAP AND KEEP MOIST. CLOSE ALL TRENCHES WITHIN THE CANOPY DRIP LINES WITHIN 24 HOURS.
      d. ALL SEVERED ROOTS SHALL BE HAND PRUNED WITH SHARP TOOLS AND ALLOWED TO AIR-DRY. DO NOT USE ANY SORT OF SEALERS OR WOUND PAINTS.
D. TREE PLANTING
   1. TREE PLANTING HOLES SHALL BE EXCAVATED TO MINIMUM WIDTH OF TWO TIMES THE WIDTH OF THE ROOTBALL, AND TO A DEPTH EQUAL TO THE DEPTH OF THE ROOTBALL LESS TWO TO FOUR INCHES.
   2. SCARIFY THE SIDES AND BOTTOM OF THE PLANTING HOLE PRIOR TO THE PLACEMENT OF THE TREE. REMOVE ANY GLAZING THAT MAY HAVE BEEN CAUSED DURING THE EXCAVATION OF THE HOLE.
   3. FOR CONTAINER AND BOX TREES, TO REMOVE ANY POTENTIALLY GIRDLING ROOTS AND OTHER ROOT DEFECTS, THE CONTRACTOR SHALL SHAVE A 1" LAYER OFF OF THE SIDES AND BOTTOM OF THE ROOTBALL OF ALL TREES JUST BEFORE PLACING INTO THE PLANTING PIT. DO NOT "TEASE" ROOTS OUT FROM THE ROOTBALL.
   4. INSTALL THE TREE ON UNDISTURBED SUBGRADE SO THAT THE TOP OF THE ROOTBALL IS TWO TO FOUR INCHES ABOVE THE SURROUNDING GRADE.
   5. BACKFILL THE TREE HOLE UTILIZING THE EXISTING TOPSOIL FROM ON-SITE. ROCKS LARGER THAN 1" DIA. AND ALL OTHER DEBRIS SHALL BE REMOVED FROM THE SOIL PRIOR TO THE BACKFILL. SHOULD ADDITIONAL SOIL BE REQUIRED TO ACCOMPLISH THIS TASK, USE STORED TOPSOIL FROM ON-SITE OR IMPORT ADDITIONAL TOPSOIL FROM OFF-SITE AT NO ADDITIONAL COST TO THE OWNER. IMPORTED TOPSOIL SHALL BE OF SIMILAR TEXTURAL CLASS AND COMPOSITION IN THE ON-SITE SOIL.
   6. TREES SHALL NOT BE STAKED UNLESS LOCAL CONDITIONS (SUCH AS HEAVY WINDS OR SLOPES) REQUIRE STAKES TO KEEP TREES UPRIGHT. SHOULD STAKING BE REQUIRED, THE TOTAL NUMBER OF TREE STAKES (BEYOND THE MINIMUMS LISTED BELOW) WILL BE LEFT TO THE LANDSCAPE CONTRACTOR'S DISCRETION. SHOULD ANY TREES FALL OR LEAN, THE LANDSCAPE CONTRACTOR SHALL STRAIGHTEN THE TREE, OR REPLACE IT SHOULD IT BECOME DAMAGED. TREE STAKING SHALL ADHERE TO THE FOLLOWING GUIDELINES:

a.	1"-2" TREES	TWO STAKES PER TREE	
b.	2-1/2"-4" TREES	THREE STAKES PER TREE	
c.	TREES OVER 4" CALIPER	GUY AS NEEDED	
d.	MULTI-TRUNK TREES	THREE STAKES PER TREE MINIMUM, QUANTITY AND POSITIONS AS NEEDED TO STABILIZE THE TREE	

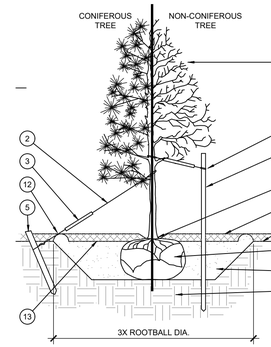
   7. UPON COMPLETION OF PLANTING, CONSTRUCT AN EARTH WATERING BASIN AROUND THE TREE. COVER THE INTERIOR OF THE TREE RING WITH THE WEED BARRIER CLOTH AND TOPDRESS WITH MULCH (TYPE AND DEPTH PER PLANS).
E. SHRUB, PERENNIAL, AND GROUNDCOVER PLANTING
   1. DIG THE PLANTING HOLES TWICE AS WIDE AND 2" LESS DEEP THAN EACH PLANT'S ROOTBALL. INSTALL THE PLANT IN THE HOLE. BACKFILL AROUND THE PLANT WITH SOIL AMENDED PER SOIL TEST RECOMMENDATIONS.
   2. INSTALL THE WEED BARRIER CLOTH, OVERLAPPING IT AT THE ENDS. UTILIZE STEEL STAPLES TO KEEP THE WEED BARRIER CLOTH IN PLACE.
   3. WHEN PLANTING IS COMPLETE, INSTALL MULCH (TYPE AND DEPTH PER PLANS) OVER ALL PLANTING BEDS, COVERING THE ENTIRE PLANTING AREA.
F. SODDING
   1. SOD VARIETY TO BE AS SPECIFIED ON THE LANDSCAPE PLAN.
   2. LAY SOD WITHIN 24 HOURS FROM THE TIME OF STRIPPING. DO NOT LAY IF THE GROUND IS FROZEN.
   3. LAY THE SOD TO FORM A SOLID MASS WITH TIGHTLY FITTED JOINTS. BUTT ENDS AND SIDES OF SOD STRIPS - DO NOT OVERLAP. STAGGER STRIPS TO OFFSET JOINTS IN ADJACENT COURSES.
   4. ROLL THE SOD TO ENSURE GOOD CONTACT OF THE SOD'S ROOT SYSTEM WITH THE SOIL UNDERNEATH.
   5. WATER THE SOD THOROUGHLY WITH A FINE SPRAY IMMEDIATELY AFTER PLANTING TO OBTAIN AT LEAST SIX INCHES OF PENETRATION INTO THE SOIL BELOW THE SOD.
G. MULCH
   1. INSTALL MULCH TOPDRESSING, TYPE AND DEPTH PER MULCH NOTE, IN ALL PLANTING AREAS AND TREE RINGS.
   2. DO NOT INSTALL MULCH WITHIN 6" OF TREE ROOT FLARE AND WITHIN 24" OF HABITABLE STRUCTURES, EXCEPT AS MAY BE NOTED ON THESE PLANS. MULCH COVER WITHIN 6" OF CONCRETE WALKS AND CURBS SHALL NOT PROTRUDE ABOVE THE FINISH SURFACE OF THE WALKS AND CURBS. MULCH COVER WITHIN 12" OF WALLS SHALL BE AT LEAST 3" LOWER THAN THE TOP OF WALL.
H. CLEAN UP
   1. DURING LANDSCAPE PREPARATION AND PLANTING, KEEP ALL PAVEMENT CLEAN AND ALL WORK AREAS IN A NEAT, ORDERLY CONDITION.
   2. DISPOSED LEGALLY OF ALL EXCAVATED MATERIALS OFF THE PROJECT SITE.
I. INSPECTION AND ACCEPTANCE
   1. UPON COMPLETION OF THE WORK, THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE SITE CLEAN, FREE OF DEBRIS AND TRASH, AND SUITABLE FOR USE AS INTENDED. THE LANDSCAPE CONTRACTOR SHALL THEN REQUEST AN INSPECTION BY THE OWNER TO DETERMINE FINAL ACCEPTABILITY.
   2. WHEN THE INSPECTED PLANTING WORK DOES NOT COMPLY WITH THE CONTRACT DOCUMENTS, THE LANDSCAPE CONTRACTOR SHALL REPLACE AND/OR REPAIR THE REJECTED WORK TO THE OWNER'S SATISFACTION WITHIN 24 HOURS.
   3. THE LANDSCAPE MAINTENANCE PERIOD WILL NOT COMMENCE UNTIL THE LANDSCAPE WORK HAS BEEN INSPECTED BY THE OWNER AND FOUND TO BE ACCEPTABLE. AT THAT TIME, A WRITTEN NOTICE OF FINAL ACCEPTANCE WILL BE ISSUED BY THE OWNER, AND THE MAINTENANCE AND GUARANTEE PERIODS WILL COMMENCE.
J. LANDSCAPE MAINTENANCE
   1. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL WORK SHOWN ON THESE PLANS FOR 90 DAYS BEYOND FINAL ACCEPTANCE OF ALL LANDSCAPE WORK BY THE OWNER. LANDSCAPE MAINTENANCE SHALL INCLUDE WEEKLY SITE VISITS FOR THE FOLLOWING ACTIONS (AS APPROPRIATE): PROPER PRUNING, RESTAKING OF TREES, RESETTING OF PLANTS THAT HAVE SETTLED, MOWING AND AERATION OF LAWNS, WEEDING, TREATING FOR INSECTS AND DISEASES,REPLACEMENT OF MULCH, REMOVAL OF LITTER, REPAIRS TO THE IRRIGATION SYSTEM DUE TO FAULTY PARTS AND/OR WORKMANSHIP, AND THE APPROPRIATE WATERING OF ALL PLANTINGS. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE IRRIGATION SYSTEM IN PROPER WORKING ORDER, WITH SCHEDULING ADJUSTMENTS BY SEASON TO MAXIMIZE WATER CONSERVATION.
   2. SHOULD SODDED AREAS NOT BE COVERED BY AN AUTOMATIC IRRIGATION SYSTEM, THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING THESE AREAS AND OBTAINING A FULL, HEALTHY STAND OF PLANTS AT NO ADDITIONAL COST TO THE OWNER.
   3. TO ACHIEVE FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD, ALL OF THE FOLLOWING CONDITIONS MUST OCCUR:
      a. THE LANDSCAPE SHALL SHOW ACTIVE, HEALTHY GROWTH (WITH EXCEPTIONS MADE FOR SEASONAL DORMANCY). ALL PLANTS NOT MEETING THIS CONDITION SHALL BE REJECTED AND REPLACED BY HEALTHY PLANT MATERIAL PRIOR TO FINAL ACCEPTANCE.
      b. ALL HARDSCAPE SHALL BE CLEANED PRIOR TO FINAL ACCEPTANCE.
      c. SODDED AREAS MUST BE ACTIVELY GROWING AND MUST REACH A MINIMUM HEIGHT OF 1 1/2 INCHES BEFORE FIRST MOWING. BARE AREAS LARGER THAN TWELVE SQUARE INCHES MUST BE RESODDED PRIOR TO FINAL ACCEPTANCE. ALL SODDED TURF SHALL BE NEATLY MOWED.
K. WARRANTY PERIOD, PLANT GUARANTEE AND REPLACEMENTS
   1. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL TREES, SHRUBS, PERENNIALS, SOD, AND IRRIGATION SYSTEMS FOR A PERIOD OF ONE YEAR FROM THE DATE OF THE OWNER'S FINAL ACCEPTANCE (90 DAYS FOR ANNUAL PLANTS). THE CONTRACTOR SHALL REPLACE, AT HIS OWN EXPENSE AND TO THE SATISFACTION OF THE OWNER, ANY PLANTS WHICH DIE IN THAT TIME, OR REPAIR ANY PORTIONS OF THE IRRIGATION SYSTEM WHICH OPERATE IMPROPERLY.
   2. AFTER THE INITIAL MAINTENANCE PERIOD AND DURING THE GUARANTEE PERIOD, THE LANDSCAPE CONTRACTOR SHALL ONLY BE RESPONSIBLE FOR REPLACEMENT OF PLANTS WHEN PLANT DEATH CANNOT BE ATTRIBUTED DIRECTLY TO OVERWATERING OR OTHER DAMAGE BY HUMAN ACTIONS.
L. PROVIDE A MINIMUM OF (2) COPIES OF RECORD DRAWINGS TO THE OWNER UPON COMPLETION OF WORK. A RECORD DRAWING IS A RECORD OF ALL CHANGES THAT OCCURRED IN THE FIELD AND THAT ARE DOCUMENTED THROUGH CHANGE ORDERS, ADDENDA, OR CONTRACTOR/CONSULTANT DRAWING MARKUPS.



1. ROLLED-TOP STEEL EDGING PER PLANS.
2. TAPERED STEEL STAKES.
3. MULCH, TYPE AND DEPTH PER PLANS.
4. FINISH GRADE.

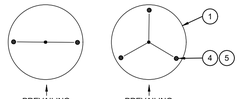
NOTES:
1) INSTALL EDGING SO THAT STAKES WILL BE ON INSIDE OF PLANTING BED.
2) BOTTOM OF EDGING SHALL BE BURIED A MINIMUM OF 1" BELOW FINISH GRADE.
3) TOP OF MULCH SHALL BE 1" LOWER THAN TOP OF EDGING.

D STEEL EDGING
SCALE: NOT TO SCALE



1. TREE CANOPY.
2. CINCH-TIES (24" BOX/2" CAL. TREES AND SMALLER) OR 12 GAUGE GALVANIZED WIRE WITH NYLON TREE STRAPS AT TREE AND STAKE (36" BOX/2.5" CAL. TREES AND LARGER). SECURE TIES OR STRAPS TO TRUNK JUST ABOVE LOWEST MAJOR BRANCHES.
3. 24" X 3/4" P.V.C. MARKERS OVER WIRES.
4. GREEN STEEL T-POSTS. EXTEND POSTS 12" MIN. INTO UNDISTURBED SOIL.
5. PRESSURE-TREATED WOOD DEADMAN, TWO PER TREE (MIN.). BURY OUTSIDE OF PLANTING PIT AND 18" MIN. INTO UNDISTURBED SOIL.
6. TRUNK FLARE.
7. MULCH, TYPE AND DEPTH PER PLANS. DO NOT PLACE MULCH WITHIN 6" OF TRUNK.
8. FINISH GRADE.
9. ROOT BALL.
10. BACKFILL. AMEND AND FERTILIZE ONLY AS RECOMMENDED IN SOIL FERTILITY ANALYSIS.
11. UNDISTURBED NATIVE SOIL.
12. 4" HIGH EARTHEN WATERING BASIN.
13. FINISH GRADE.

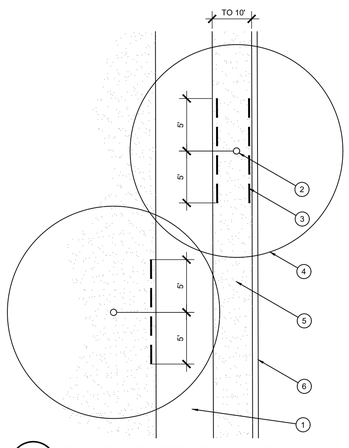
STAKING EXAMPLES (PLAN VIEW)



NOTES:
1. SCARIFY SIDES OF PLANTING PIT PRIOR TO SETTING TREE.
2. REMOVE EXCESS SOIL APPLIED ON TOP OF THE ROOTBALL THAT COVERS THE ROOT FLARE. THE PLANTING HOLE DEPTH SHALL BE SUCH THAT THE ROOTBALL RESTS ON UNDISTURBED SOIL, AND THE ROOT FLARE IS 2"-4" ABOVE FINISH GRADE.
3. FOR B&B TREES, CUT OFF BOTTOM 1/3 OF WIRE BASKET BEFORE PLACING TREE IN HOLE, CUT OFF AND REMOVE REMAINDER OF BASKET AFTER TREE IS SET IN HOLE. REMOVE ALL NYLON TIES, TWINE, ROPE, AND OTHER PACKING MATERIAL. REMOVE AS MUCH BURLAP FROM AROUND ROOTBALL AS IS PRACTICAL.
4. REMOVE ALL NURSERY STAKES AFTER PLANTING.
5. FOR TREES 36" BOX/2.5" CAL. AND LARGER, USE THREE STAKES OR DEADMEN (AS APPROPRIATE), SPACED EVENLY AROUND TREE.
6. STAKING SHALL BE TIGHT ENOUGH TO PREVENT TRUNK FROM BENDING, BUT LOOSE ENOUGH TO ALLOW SOME TRUNK MOVEMENT IN WIND.

A TREE PLANTING
SCALE: NOT TO SCALE

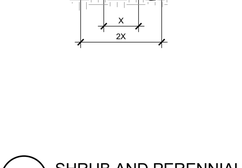
OPEN LANDSCAPE — PARKWAY OR ISLAND



1. TYPICAL WALKWAY OR PAVING
2. TREE TRUNK
3. LINEAR ROOT BARRIER MATERIAL. SEE PLANTING NOTES FOR TYPE AND MANUFACTURER. INSTALL PER MANUFACTURER'S SPECIFICATIONS.
4. TREE CANOPY
5. TYPICAL PLANTING AREA
6. TYPICAL CURB AND GUTTER

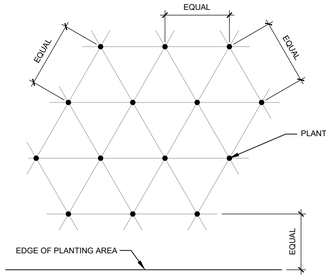
NOTES:
1) INSTALL ROOT BARRIERS NEAR ALL NEWLY-PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PAVING OR CURBS.
2) BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENCIRCLE THE ROOTBALL.

E ROOT BARRIER - PLAN VIEW
SCALE: NOT TO SCALE



1. SHRUB, PERENNIAL, OR ORNAMENTAL GRASS.
2. MULCH, TYPE AND DEPTH PER PLANS. PLACE NO MORE THAN 1" OF MULCH WITHIN 6" OF PLANT CENTER.
3. FINISH GRADE.
4. ROOT BALL.
5. BACKFILL. AMEND AND FERTILIZE ONLY AS RECOMMENDED IN SOIL FERTILITY ANALYSIS.
6. UNDISTURBED NATIVE SOIL.
7. 3" HIGH EARTHEN WATERING BASIN.
8. WEED FABRIC UNDER MULCH.

B SHRUB AND PERENNIAL PLANTING
SCALE: NTS



NOTE: ALL PLANTS SHALL BE PLANTED AT EQUAL TRIANGULAR SPACING (EXCEPT WHERE SHOWN ON PLANS AS INFORMAL GROUPINGS). REFER TO PLANT LEGEND FOR SPACING DISTANCE BETWEEN PLANTS.

1) STEP 1: DETERMINE TOTAL PLANTS F



dlagrone H:\PLANNING\Public Notification KT.aprx

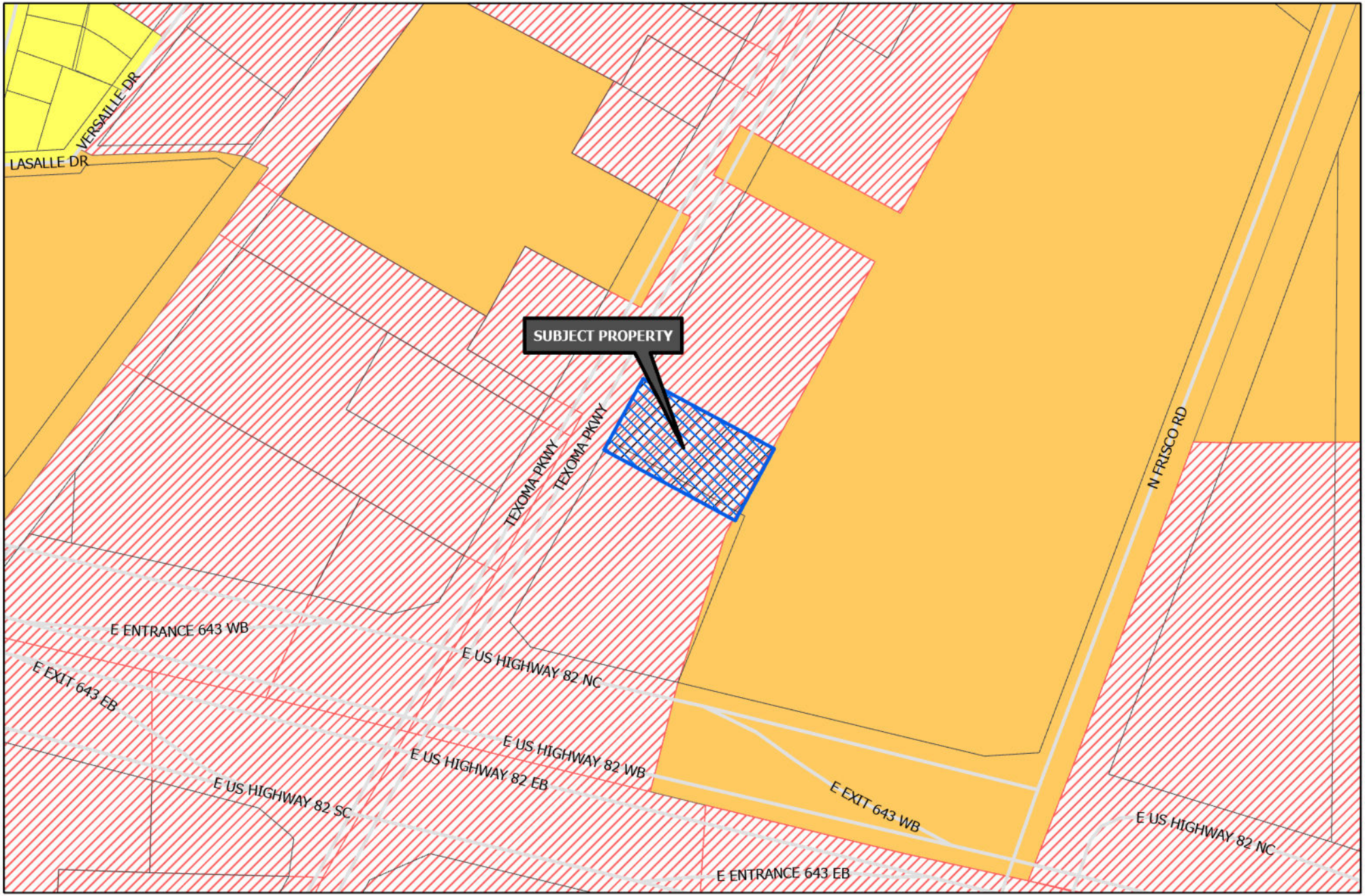
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
2901 BLK TEXOMA PKWY

N
W E
S

Date: 2/27/2023 4:21 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations

CITY OF SHERMAN
ZONING MAP
2901 BLK TEXOMA PKWY

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Date: 2/27/2023 4:24 PM

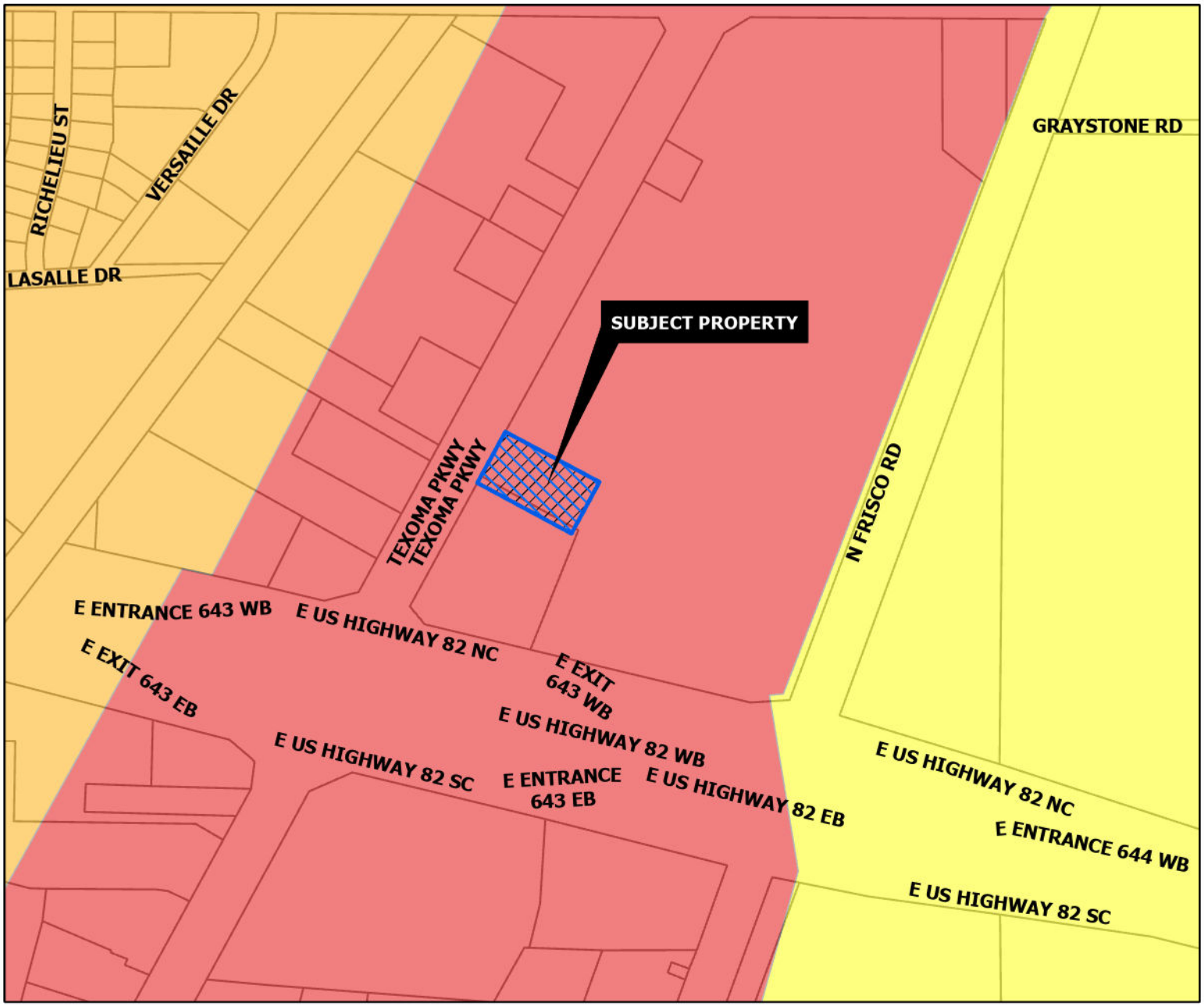
Sherman
CLASSIC TOWN, BROAD HORIZON.

NOTICE OF REQUESTED
VARIANCE OR
SPECIAL EXCEPTION

PROJECT #: 23-000572

FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229

3/07/2023 at 4:08 pm



REGIONAL COMMERCIAL

Intent & Character

The Regional Commercial category is intended to promote large-scale commercial development along US-75, while promoting community character through design. US-75 serves as the major gateway to and through the community; therefore, aesthetics and design should be promoted in this corridor. This category should allow large-scale commercial uses that serve the region and the community alike. A mix of uses and inter-connectivity between parcels should be encouraged.

Appropriate Land Use Types

- Retail and Restaurants
- Multi-Family Living
- Office Complex
- Medical
- Mixed Use
- Indoor Entertainment

Compatible Zoning Districts

- Retail Business
- General Commercial
- Office
- Multi-Family Residential (MF-15 and MF-30)
- Planned Development (for larger tracts)

Considerations

- Site design considerations should be given to parking, landscaping, and building articulation.
- Where possible, parking should be screened from view or well-landscaped with native, drought-tolerant plants.
- All buildings facades fronting a public street or within significant public view should have aesthetically-pleasing horizontal and vertical articulation.
- Signage should be multi-tenant, where possible, and should match the character of the primary structure.
- High density residential should be included in mixed use developments.
- High density residential is appropriate behind commercial areas, with inter-connectivity.
- If high density is stand alone, the surrounding uses and connectivity should be considered to avoid an "island."

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
2901 BLK TEXOMA PKWY

N
W E
S

Date: 2/27/2023 4:26 PM

February 28, 2023

City of Sherman
Planning Department
Development Services Department

Re: SUP Request – Club Carwash – Texoma Parkway

Planning Department:

Please let this letter serve as a request for a Specific Use permit for the proposed Car Wash Facility known as Club Carwash located at along Texoma Parkway in Sherman, Texas.

Summary of Project:
We are requesting the approval of a Carwash Facility that will be a part of a larger retail and restaurant development. The proposed Car Wash Facility will include a 5,444 sf Car Wash Facility with 20 Vacuum Bays. The proposed site is 1.119 acres. The SUP will address allowing the use of a car wash facility. The proposed development will be harmonious with the surrounding area as the property and will provide service to the surrounding areas. The activities associated with the car wash will fall in line with the surround redevelopment and is appropriate within the area shown. This should not create a negative impact to the surrounding area.

Variance Request
There is one variance request with the development of the facility. It is requested to allow the canopies of the vacuum bays and entrance canopies to encroach into the side yard setback. These secondary structures will maintain a minimum 5' of clearance from the property. Allowing for this variance will allow patrons to be protected from weather and extreme heat while being able to utilize the services onsite. We kindly ask for this request as this will not impede or impact the developing properties on either side in the future.

Club Carwash is very excited to bring their development into the Town of Sherman. Please let us know if you need additional information for this request. Should you have any questions or concerns, please contact me at 817-281-0572.

Sincerely,

Clay Cristy, P.E.

EXTERIOR COLOR PALETTE

ARCHITECTURAL 8" CMU SMOOTH FACE BLOCK WITH COLORED MORTAR
COLOR: Ivory

ARCHITECTURAL 8" CMU SPLIT FACE BLOCK
COLOR: Slate

STOREFRONT
COLOR: Black Painted

SCUPPERS, DOWNSPOUTS, AND METAL COPINGS
COLOR: Kynar Finish Matte Black

METAL AWNINGS
COLOR: Matte Black

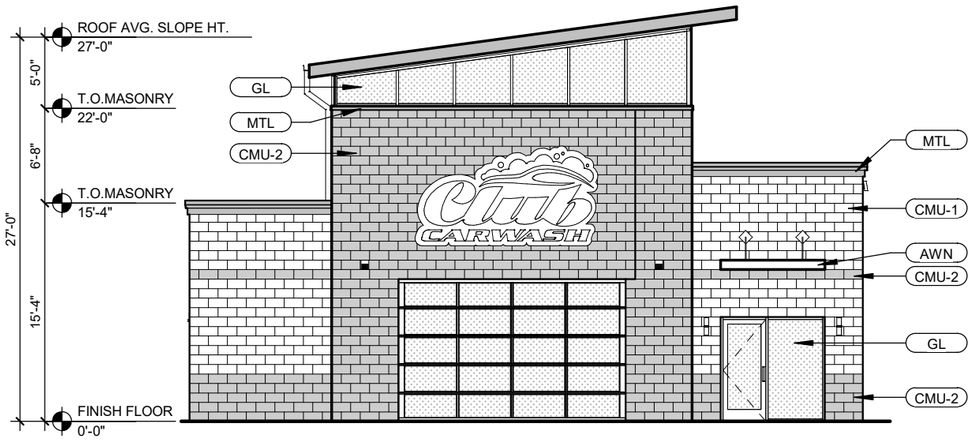


CLUB CAR WASH RENDERING

FINKLE + WILLIAMS © 2023



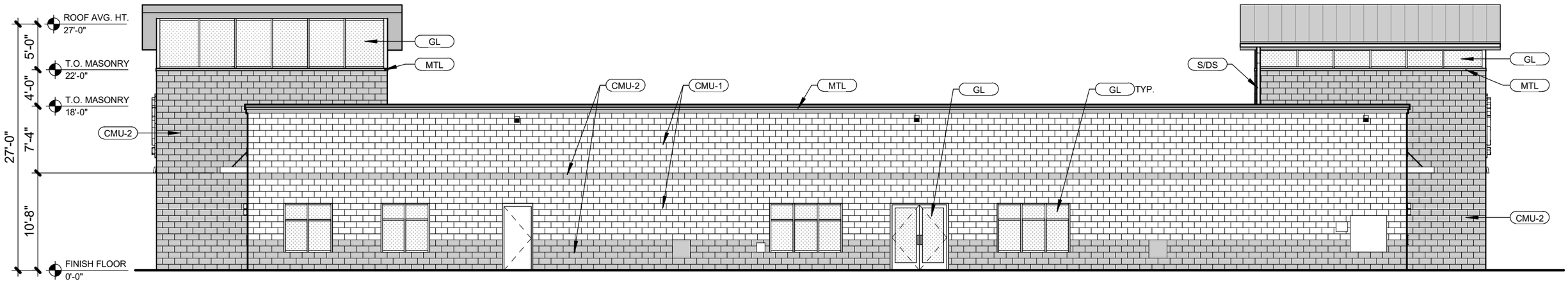
WEST ELEVATION | 3/32" = 1'-0"



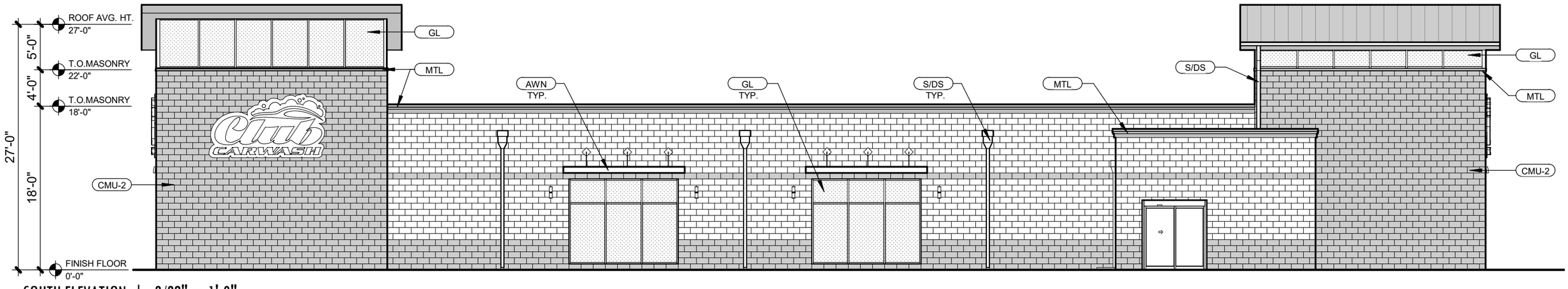
EAST ELEVATION | 3/32" = 1'-0"

EXTERIOR MATERIAL LEGEND

CMU-1	ARCHITECTURAL 8" CMU SMOOTH FACE BLOCK WITH COLORED MORTAR (COLOR: Ivory)
CMU-2	ARCHITECTURAL 8" CMU SPLIT FACE BLOCK (COLOR: Slate)
GL	ALUMINUM STOREFRONT GLAZING SYSTEM 2"x4 1/2" Thermal Storefront Framing in Black Painted Aluminum, w/ 1" Insulated LOW-E Tinted Glazing Unit
AWN	PREFABRICATED PAINTED FLAT METAL AWNING (COLOR: Matte Black)
S/DS	PREFINISHED KYNAR-COATED SHEET METAL SCUPPER AND DOWNSPOUTS (COLOR: Matte Black)
MTL	PREFINISHED KYNAR COATED METAL COPING (COLOR: Matte Black)
ROOF	SINGLE PLY TPO OVER TAPERED INSULATION (COLOR: White) STANDING SEAM METAL ROOF WITH METAL FASCIA (COLOR: Matte Black)



NORTH ELEVATION | 3/32" = 1'-0"



SOUTH ELEVATION | 3/32" = 1'-0"

FINKLE + WILLIAMS
ARCHITECTURE

CLUB CAR WASH - Sherman,TX | 02.22.2023 | As indicated

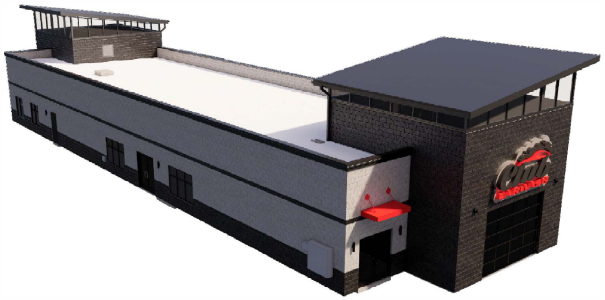
FINKLE + WILLIAMS © 2023













CLUB CAR WASH

Project No.:	20015.51
Date:	06/10/2022
Issued For:	CONSTRUCTION SET

REVISIONS

No.	Date	Description

REGISTRATION

LICENSED ARCHITECT
KIMBALL LEE HALES
001-019804

PROJECT TEAM

ARCHITECT	FINKLE+WILLIAMS ARCHITECTURE
CIVIL	
LANDSCAPE	
FOUNDATIONS	CROCKETT ENGINEERING
STRUCTURAL	CROCKETT ENGINEERING
PLUMBING	TIMBERLAKE ENGINEERING
MECHANICAL	TIMBERLAKE ENGINEERING
ELECTRICAL	TIMBERLAKE ENGINEERING
FIRE PROTECTION	N/A
CONTRACTOR	

FINKLE + WILLIAMS
ARCHITECTURE
8787 RENNER BLVD., SUITE 100
LENEXA, KANSAS 66219
913 .498.1550
www.finklewilliams.com

SHEET TITLE

3D VIEWS

SHEET NUMBER

A10.01

C:\Users\jlee\Documents\DDW_Mdnell_lbergmanN5b1.rvt

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

March 14, 2023

Clay Cristy
1903 Central Drive, Ste 406
Bedford, TX 76021

Clay Moore Engineering
1105 Cheek Sparger Road, Suite #1
Colleyville, TX 76034

Sherman NEC Texoma & 82, LP
7500 San Jacinto
Plano, TX 75074

Eagle Surveying, LLC
222 South Elm Street, Suite 200
Denton, TX 76201

Finkel + Williams Architecture
8787 Renner Blvd, Suite 100
Lenexa, KS 66219

Dear Applicants,

The request of a Public Hearing and Variance under Section 14.02.017 to allow a 5' side yard setback in lieu of the required 15' for a Canopy Structure in a C-2 (General Commercial) District/ 75 & 82 Overlay District and Public Hearing, Site Plan and Specific Use Permit under Section 14.06.009 to allow an Automobile laundry, carwash in a C-2 (General Commercial) District/75 & 82 Overlay District located in the 2901 Block Texoma Parkway has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, March 21, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267). *(Code of Ordinances Chapter 3.02(c))*
3. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004 and 14.03.001)*
4. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07 and 14.03.001)*
5. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
6. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
7. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering

8. Platting of the property is required. Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004
9. Parking adjacent to Texoma Parkway may encroach into Easement which will be require by plat. Coordinate with Engineering Department upon civil submittal.
10. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154
11. Wastewater main must be extended in accordance with City criteria to serve proposed Lot. Wastewater capacity shall be verified for proposed use. Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)
12. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.
13. Three Party Agreement required for Public Infrastructure.
14. The location of the trash receptors must be approved by the Public Works Department.
15. Verify fire requirements and code compliance with Fire Marshal. Code of Ordinances Chapter 3.02.002(c)

It is the policy of Planning and Zoning Commission and Board of Adjustment not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

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

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Billy Hartsfield, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 21.

Meeting Date: 03/21/2023

Prepared by: Lauren Marlow, Administrative Assistant
Rob Rae, Director of Development Services

Clay Mahone, Chairman	
David Downtain, Vice Chairman	Paul Manley, Commissioner
Shawn Davis, Commissioner	Glenn Whitaker, Commissioner
Leigh Ann Sims, Commissioner	Bryan Blagg, Commissioner

Requested Action/Proposed Use:

2901 BLOCK TEXOMA PARKWAY

The request of Sherman NEC Texoma & 82, LP (Owner), Clay Cristy (Representative), Finkle + Williams Architecture (Architect), Clay Moore Engineering (Engineer) and Eagle Surveying, LLC (Surveyor) concerning the property located in the 2901 Block Texoma Parkway, consisting of 1.119 acres in the Reuben Hendrix Survey, Abstract 504, as follows:

Board of Adjustment

A. Public Hearing and Variance under Section 14.02.017 to allow a 5' side yard setback in lieu of the required 15' for a Canopy Structure in a C-2 (General Commercial) District/75 & 82 Overlay District.

Planning and Zoning

B. Public Hearing, Site Plan and Specific Use Permit under Section 14.06.009 to allow an Automobile laundry, carwash in a C-2 (General Commercial) District/75 & 82 Overlay District.

Background:

The property is located at 2901 Block Texoma Parkway between East US Highway 82 and Gallagher Drive. The owner is requesting a Variance for the side setback, Specific Use Permit and Site Plan for a Carwash.

Adjacent Zoning:

C-2 (General Commercial) District
MF-30 (Multi-Family Residential) District

Origination:

Sherman NEC Texoma & 82, LP (Owner)
Clay Cristy (Representative)
Finkle + Williams Architecture (Architect)
Clay Moore Engineering (Engineer)
Eagle Surveying, LLC (Surveyor)

Master Plan Designation:

Regional Commercial category is intended to promote large-scale commercial development along US-75, while promoting community character through design. US-75 serves as the major gateway to and through the community; therefore, aesthetics and design should be promoted in this corridor. This category should allow large-scale commercial uses that serve the region and the community alike. A mix of uses and inter-connectivity between parcels should be encouraged.

Number of notices mailed:

6

Objections Received:

0

Development Review Meeting:

Yes

Attachments

Location Map
Zoning Map
Zoning Sign Photo
FLUM
Narrative
Survey
Site Plan
Elevations
Landscape Plan
STAFF REVIEW LETTER

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 5.**

Meeting Date: 04/17/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6587

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow a School, Commercial or Trade, in an M-1 (Light Manufacturing) District, Located at 4800 Texoma Parkway, consisting of 42.8134 acres in the John Hendrix Survey, Abstract No. 503, the W.F. Patterson Survey, Abstract No. 969, The Daniel Shelp Survey, Abstract No. 1097 and the T.J. Shannon Survey, Abstract No. 1136, Lots 1 and 3, Block 1, Midway Mall, City of Sherman, Grayson County, Texas (Star Midway, LLC, Owner, Adam McGregor (Passage Education, LLC), Tenant/Representative; and David Petree, Surveyor); Prescribing Conditions to the Specific Use Permit; Providing A Penalty Not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

Issue:

To consider granting a Specific Use Permit for a School, Commercial or Trade, in an M-1 (Light Manufacturing) District, Located at 4800 Texoma Parkway, consisting of 42.8134 acres in the John Hendrix Survey, Abstract No. 503, the W.F. Patterson Survey, Abstract No. 969, The Daniel Shelp Survey, Abstract No. 1097 and the T.J. Shannon Survey, Abstract No. 1136, Lots 1 and 3, Block 1, Midway Mall, City of Sherman, Grayson County, Texas (Star Midway, LLC, Owner, Adam McGregor (Passage Education, LLC), Tenant/Representative; and David Petree, Surveyor)

Background:

The property is located at 4800 Texoma Parkway between North Frisco Road and Fallon Drive.The owner is requesting a Specific Use Permit for a CDL (Commercial Driver's License) school.

Origination:

Star Midway, LLC (Owner)
Adam McGregor (Passage Education, LLC) (Tenant/Representative)
David Petree (Land Surveyor)
Old Republic (Site Management Services)

Financial Consideration:

None

Staff Recommendation:

At the April 21, 2023 regular meeting, the Planning and Zoning Commission voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6587
Exhibit A - Survey
Exhibit B - Site Plan
Location Map
Zoning Map
Zoning Sign Photo
FLUM
Narrative
STAFF REVIEW LETTER
P&Z Communication

ORDINANCE NO. 6587

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14 AND GRANTING A SPECIFIC USE PERMIT TO ALLOW A SCHOOL, COMMERCIAL OR TRADE IN A M-1 (LIGHT MANUFACTURING) DISTRICT, LOCATED AT 4800 TEXOMA PARKWAY, CONSISTING OF 42.8134 ACRES IN THE JOHN HENDRIX SURVEY, ABSTRACT NO. 503, THE W.F. PATTERSON SURVEY, ABSTRACT NO. 969, THE DANIEL SHELP SURVEY, ABSTRACT NO. 1097 AND THE T.J. SHANNON SURVEY, ABSTRACT NO. 1136, LOTS 1 AND 3, BLOCK 1, MIDWAY MALL, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS (STAR MIDWAY, LLC, OWNER, ADAM MCGREGOR (PASSAGE EDUCATION, LLC), TENANT/REPRESENTATIVE; AND DAVID PETREE, SURVEYOR); PRESCRIBING CONDITIONS TO THE SPECIFIC USE PERMIT; PROVIDING A PENALTY NOT TO EXCEED $2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

WHEREAS, the City Council finds that it is in the public interest to grant this Specific Use Permit, subject to certain conditions.

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

SECTION 1. That, from and after the effective date of this Ordinance, the property located at 4800 Texoma Parkway, consisting of 42.8134 acres in the John Hendrix Survey, Abstract No. 503, the W.F. Patterson Survey, Abstract No. 969, They Daniel Shelp Survey, Abstract No. 1097 and the T.J. Shannon Survey, Abstract No. 1136, Lots 1 and 3, Block 1, Midway Mall, City of Sherman, Grayson County, Texas is/are granted a Specific Use Permit to a School, Commercial or Trade, subject to the conditions described in this Ordinance and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14 is hereby amended so as to hereafter include property highlighted in orange on **Exhibit A – Survey**.

SECTION 2. That this Specific Use Permit is granted on the following conditions:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267). *(Code of Ordinances Chapter 3.02(c))*
3. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004)*
4. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07)*
5. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
6. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
7. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Additional Conditions:

8. The property shall be developed and used in accordance with all City Ordinances and the Site Plan shown in **Exhibit B.**
9. Notwithstanding anything to the contrary herein, the Specific Use Permit granted in this Ordinance shall automatically expire, terminate and be rescinded in the event that a person or entity other than Passage Education, LLC is the lessee of the Property.

SECTION 3. That this Ordinance shall be entered upon the official zoning map as provided in Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

SECTION 4. That after holding a properly noticed public hearing, the City Council may amend, change, or rescind the Specific Use Permit if any of the conditions set forth in Zoning Ordinance/Code of Ordinances Chapter 14, Section 14.06.009(1)(g), apply or exist.

SECTION 5. That the Specific Use Permit shall be effective from and after the effective date of this Ordinance. Upon termination of the Specific Use Permit, the property shall cease to be used as provided herein unless another Specific Use Permit or appropriate zoning has been obtained.

SECTION 6. That it shall be unlawful for any person to make use of the property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS ($2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 7. That the Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 9. That it is hereby officially found and determined that the meetings at which this Ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

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

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

INTRODUCED on this the 17th day of April 2023.

ADOPTED on this the 17th day of April 2023.

EFFECTIVE DATE on this the 17th day of April 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

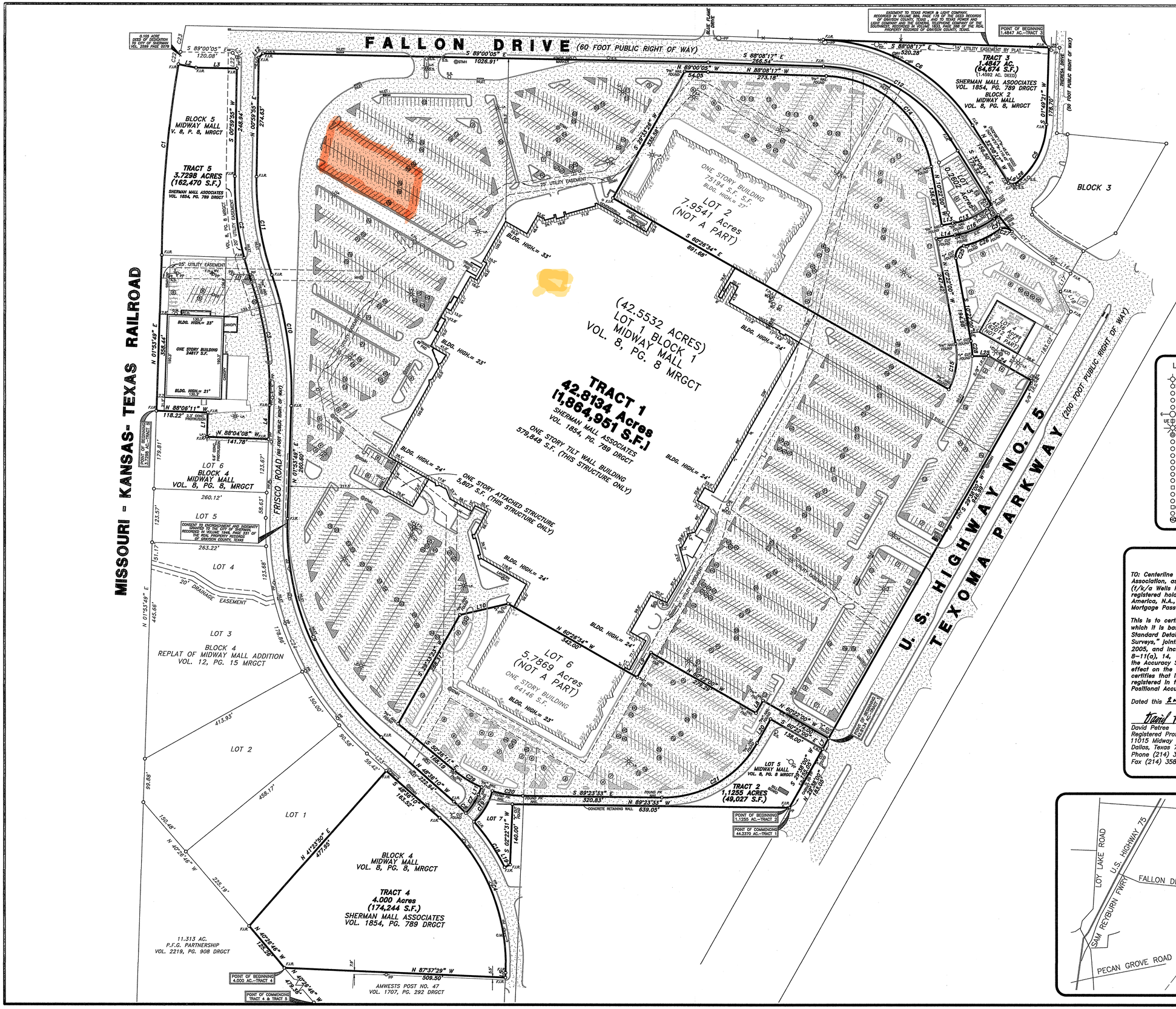
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

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

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT A



LEGEND

F.H.	FIRE HYDRANT
X SET	CHISELED "X" SET
F.X.	CHISELED "X" FOUND
F.I.R.	5/8" FOUND IRON ROD W/ PLASTIC CAP
S.I.R.	IRON ROD SET (SIZE AS NOTED)
PP	OVERHEAD UTILITY POLE W/ GUY
UE UT	UNDERGROUND ELECTRIC OR TELEPHONE
L.P.	LIGHT POLE
SSMH	SANITARY SEWER MANHOLE
C.O.	SAN. SWR. CLEAN OUT
G.V.	GAS VALVE
W.V.	WATER VALVE
A.S.	AUTO SPRINKLER
E.B.	ELECTRIC BOX
S.S.	STREET SIGN
C.M.	CABLE MARKER
W.M.B.	WATER METER BOX
G.V.	GAS VALVE
G	GRATE
CB	CABINET
V	VAULT
	HANDICAP PARKING SPACE

CERTIFICATION

TO: Centerline Servicing, Inc., and U.S. Bank National Association, as successor in interest to Wells Fargo Bank, N.A. (f/k/a Wells Fargo Bank Minnesota, N.A.) as Trustee for the registered holders of First Union National Bank–Bank of America, N.A., Commercial Mortgage Trust, Commercial Mortgage Pass–Through Certificates, Series 2001–C–1.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes items 1, 2, 3, 4, 6, 7(a), 7(b)(1), 7(c), 8–11(a), 14, 16, 17 and 18 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Texas, the maximum Relative Positional Accuracy is 0.1 feet.

Dated this 2ND *day of* SEPTEMBER, 2009.

David Petree
Registered Professional Land Surveyor No.1890
11015 Midway Road
Dallas, Texas 75229
Phone (214) 358–4500
Fax (214) 358–4600

STATE OF TEXAS
REGISTERED
DAVID PETREE
1890
PROFESSIONAL
LAND SURVEYOR

DRAWN BY: BVN
CHECKED BY: DRP

REVISION

NO.	DATE	REVISION
1.	7/20/09	REVISIONS PER COMMENTS FULBRIGHT & JAWORSKI REV1/LINE2
2.	8/23/09	ADDED PLAT REFERENCE TO TRACT 5 EASEMENT REV2/LINE2
3.	9/02/09	REV3/LINE1 REMOVE LOT 4 REV3/LINE2
4.	DATE	REV4/LINE1 REV4/LINE2
5.	DATE	REV5/LINE1 REV5/LINE2

ALTA/ACSM LAND TITLE SURVEY

SHERMAN MALL ASSOCIATES, L.P.

MIDWAY MALL SITE

CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

OLD REPUBLIC SITE MANAGEMENT SERVICES
A MEMBER OF THE OLD REPUBLIC TITLE INSURANCE GROUP
17330 Preston Road, Suite 150A
Dallas, Texas 75252
P:(469) 737–7000 F:(469) 737–7070

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SHEET 1 OF 3

PROJECT NUMBER
0R090362

LEGAL DESCRIPTION

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of property described as follows:

PARCEL 1

BEING 53.1534 acres of land situated in the John Hendrix Survey, Abstract Number 503, the W.F. Paterson Survey, Abstract Number 969, the Daniel Shelp Survey, Abstract Number 1097, and the T.J. Shannon Survey, Abstract Number 1136, City of Sherman, Grayson County, Texas, and being a portion of Blocks 1, 2 and 4 and all of Block 5, of Midway Mall, an addition to the City of Sherman, as recorded in Volume 8, Page 8, County Records, Grayson County, Texas said 53.1534 acres of land consisting of 5 tracts as described individually by metes and bounds as follows:

TRACT 1 (42.8134 ACRES)

BEING all that certain lot, tract or parcel of land situated in the John Hendrix Survey, Abstract Number 503, the W.F. Patterson Survey, Abstract Number 969, the Daniel Shelp Survey, Abstract Number 1097, and the T.J. Shannon Survey, Abstract Number 1136, all of Grayson County, Texas, and being all of Lots 1 and 3 of Block 1, Midway Mall, an addition to the City of Sherman, as recorded in Volume 8, Page 8, of the Map records of Grayson County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found in the Westerly right–of–way line of U.S. Highway No. 75 (200 foot right of way), said point being the most Easterly Southeast corner of Lot 5 in Block 1 of said Midway Mall;

THENCE North 29° 38' 00" East and following along the Westerly right–of–way line of said U.S. Highway No. 75 for a distance of 183.05 feet to an "x" cut found in the top of a concrete curb for the Northeast corner of Lot 6 in Block 1, same being the Southeast corner of Lot 1, Block 1, said Midway Mall, for the POINT OF BEGINNING for this tract;

THENCE North 60° 22' 00" West and departing the Westerly right–of–way line of said U.S. Highway 75, and following the common line of said Lots 1 and 6, for a distance of 174.00 feet to a p.k. nail found in asphalt.

THENCE South 29° 38' 00" West and following the common line of said Lots 1 and 6, for a distance of 32.45 feet to a p.k. nail found in asphalt;

THENCE North 60° 22' 00" West and following the common line of said Lots 1 and 6, for a distance of 279.29 feet to a p.k. nail found in asphalt;

THENCE South 29° 33' 26" West and following the common line of said Lots 1 and 6, for a distance of 64.97 feet to a p.k. nail found in asphalt;

THENCE North 60° 26' 34" West and following the common line of said Lots 1 and 6, for a distance of 342.00 feet to an x–cut found on the top of a brick wall;

THENCE South 76° 55' 38" West and following the common line of said Lots 1 and 6, for a distance of 114.17 feet to a p.k. nail found in asphalt;

THENCE South 29° 33' 23" West and following the common line of said Lots 1 and 6, for a distance of 288.31 feet to a p.k. nail found in asphalt;

THENCE South 50° 36' 11" East and following the common line of said Lots 1 and 6, for a distance of 168.19 feet to a p.k. nail found in asphalt and the beginning of a curve to the left;

THENCE Southeasterly along said curve to the left, and following the common line of said Lots 1 and 6, through a central angle of 16° 31' 20" with a radius of 252.36 feet an arc length of 72.77 feet and a long chord bearing South 58° 51' 51" East at a distance of 72.52 feet to a p.k. nail found in asphalt, the end of said curve;
t
THENCE South 22° 52' 29" West and following the common line of said Lots 1 and 6, for a distance of 18.57 feet to a p.k. nail found in asphalt for the beginning of a curve to the right;

THENCE in a Southwesterly direction along said curve to the right, and following the common line of said Lots 1 and 6, through a central angle of 22° 42' 10" with a radius of 131.00 feet an arc length of 51.91 feet and a long chord bearing South 34° 13' 34" West at a distance of 51.57 feet to a x–cut found in the top of a concrete curb at the end of said curve, and being in the Easterly right–of–way line of Frisco Road, said point also being the beginning of a non–tangent curve to the left;

THENCE Northwesterly along the Easterly right of way line of said Frisco Road and along said non–tangent curve to the left, through a central angle of 04° 20' 01" with a radius of 500.00 feet an arc length of 37.82 feet and a long chord bearing North 46° 26' 14" West at a distance of 37.81 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found at the end of said curve;

THENCE North 48° 36' 10" West for a distance of 222.94 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found, for the beginning of a curve to the right;

THENCE Northwesterly along the Easterly right of way line of said Frisco Road and continuing along said curve to the right, through a central angle of 50° 30' 00" with a radius of 640.00 feet an arc length of 564.09 feet and a long chord bearing North 23° 21' 11" West at a distance of 546.01 feet to a 5/8" iron rod found at the end of said curve;

THENCE North 01° 53' 49" East and continuing along the Easterly right of way line of said Frisco Road for a distance of 260.60 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the beginning of a curve to the left;

THENCE Northwesterly and continuing along the Easterly right of way line of said Frisco Road along said curve to the left, through a central angle of 20° 49' 05" with a radius of 841.56 feet an arc length of 305.78 feet and a long chord bearing North 08° 30' 43" West at a distance of 304.10 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the end of said curve and the beginning of a reverse curve to the right;

THENCE Northwesterly and continuing along the Easterly right of way line of said Frisco Road with said reverse curve to the right, through a central angle of 19° 55' 11" with a radius of 660.80 feet an arc length of 229.74 feet and a long chord bearing North 08° 57' 41" West at a distance of 228.58 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the end of said curve;

THENCE North 00° 59' 55" East and continuing along the Easterly right of way line of said Frisco Road for a distance of 274.63 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found at a cut back line for the intersection of said Frisco Road and Fallon Drive;

THENCE North 45° 59' 55" East and departing the Easterly right–of–way line of said Frisco Road along said cut–back line for Fallon Road for a distance of 14.14 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found in the Southerly right–of–way line of said Fallon Drive;

THENCE South 89° 00' 05" East along the Southerly right–of–way line of said Fallon Drive for a distance of 1026.91 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found;

THENCE South 88° 08' 17" East and continuing along the Southerly right of way line of said Fallon Drive for a distance of 266.54 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the beginning of a curve to the right;

THENCE Southeasterly and continuing along the Southerly right of way line of said Fallon Drive along said curve to the right, through a central angle of 56° 00' 00" with a radius of 360.00 feet an arc length of 351.86 feet and a long chord bearing South 60° 08' 17" East at a distance of 338.02 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found at the end of said curve;

THENCE South 32° 08' 17" East and continuing along the Southerly right of way line of said Fallon Drive for a distance of 175.32 (174.68) feet to an "x"–cut found in the concrete gutter for the beginning of a non–tangent curve to the right;

THENCE Southwesterly along said curve to the right and departing the Southerly right–of–way line of said Fallon Drive, through a central angle of 31 ° 23' 18" with a radius of 20.00 feet an arc length of 10.96 feet and a long chord bearing South 36° 41' 10" West at a distance of 10.82 feet to an x–cut found in concrete gutter, for the end of said curve and the beginning of a compound curve to the right;

THENCE Southwesterly along said compound curve to the right, through a central angle of 27° 15' 11" with a radius of 188.14 feet an arc length of 89.49 and a long chord bearing South 66 ° 00' 25" West at a distance of 88.65 feet to a p.k. nail found in asphalt for the end of said curve;

THENCE South 79° 38' 00" West along the common line of Lots 1 and 2 in Block 1 of said Midway Mall for a distance of 25.64 feet to a p.k. nail found in asphalt;

THENCE North 10° 22' 00" West and continuing along the common line of Lots 1 and 2 in Block 1 of said Midway Mall for a distance of 136.64 feet to a p.k. nail found in asphalt for the beginning of a curve to the left;

THENCE Northwesterly along said curve to the left and continuing along the common line of Lots 1 and 2 in Block 1 of said Midway Mall, through a central angle of 77° 46' 17" with a radius of 254.94 feet an arc length of 346.05 feet and a long chord bearing North 49° 15' 08" West at a distance of 320.09 feet to a p.k. nail found in asphalt for the end of said curve;

THENCE North 88° 08' 17" West and continuing along the common line of Lots 1 and 2 in Block 1 of said Midway Mall for a distance of 273.18 feet to a p.k. nail found in asphalt;

THENCE North 89° 00' 05" West and continuing along the common line of Lots 1 and 2 in Block 1 of said Midway Mall for a distance of 54.05 feet to a p.k. nail found in asphalt;

THENCE South 29° 33' 26" West and continuing along the common line of Lots 1 and 2 in Block 1 of said Midway Mall for a distance of 335.58 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found in an expansion joint between concrete slabs;

THENCE South 60° 26' 34" East and continuing along the common line of Lots 1 and 2 in Block 1 of said Midway Mall for a distance of 891.68 feet to a p.k. nail found in asphalt for the beginning of a non–tangent curve to the left;

THENCE Northeasterly along said non–tangent curve to the left and continuing along the common line of Lots 1 and 2 in Block 1 of said Midway Mall through a central angle of 38° 03' 51"with a radius of 162.00 feet an arc length of 107.62 feet and a long chord bearing North 08° 39' 55" East at a distance of 105.66 feet to a p.k. nail found in asphalt for the end of said curve;

THENCE North 10° 22' 00" West and continuing along the common line of Lots 1 and 2 in Block 1 of said Midway Mall for a distance of 247.42 feet to a "x"–cut found on the top of a concrete curb;

THENCE North 79° 38' 00" East and continuing along the common line of Lots 1 and 2 in Block 1 of said Midway Mall for a distance of 43.64 feet to a "y"–cut found on the top of a concrete curb, and the beginning of a curve to the left;

THENCE Northeasterly along said curve to the left and continuing along the common line of Lots 1 and 2 in Block 1 of said Midway Mall through a central angle of 26° 03' 02" with a radius of 216.14 feet an arc length of 98.27 feet and a long chord bearing North 66° 36' 29" East at a distance of 97.43 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the end of said curve;

THENCE North 51° 50' 36" East for a distance of 13.11 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found, said point being in the Southerly right–of–way line of Fallon Drive, and also being the beginning of a non–tangent curve to the left;

THENCE Southeasterly along said non–tangent curve to the left and following along the Southerly right of way line of said Fallon Road through a central angle of 06° 56' 46" with a radius of 405.00 feet an arc length of 49.10 feet and a long chord bearing South 39° 50' 02" East at a distance of 49.07 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found, at the end of said curve, also being the beginning of a non–tangent curve to the right, same being the common corner of aforementioned Lot 1 and Lot 4 of Block 1 of Midway Mall Addition, an addition to the City of Sherman, as recorded in Volume 8, Page 8, of the Map records of Grayson County, Texas

THENCE leaving Southerly right of way line of said Fallon Road, along the common line of said Lot 1 and Lot 4, through a central angle of 63° 44' 10" with a radius of 25.00 feet, an arc length of 27.81 feet and a long chord bearing North 75° 10' 31" West at a distance of 26.40 feet to a x–cut found at the top of a concrete curb at the end of said curve, also being the beginning of a non–tangent curve to the right;

THENCE continuing along the common line of said Lot 1 and Lot 4, through a central angle of 22° 14' 05" with a radius of 244.14 feet, an arc length of 94.74 feet and a long chord bearing South 64° 49' 00" West at a distance of 94.15 feet to a x–cut found at the top of a concrete curb at the end of said curve, also being the beginning of a non–tangent curve to the left;

THENCE continuing along the common line of said Lot 1 and Lot 4, through a central angle of 86° 18' 54" with a radius of 25.00 feet, an arc length of 37.66 feet and a long chord bearing South 32° 47' 25" West at a distance of 34.20 feet to a x–cut found at the top of a concrete curb, at the end of said curve,

THENCE South 10° 22' 00" East, continuing along the common line of said Lot 1 and Lot 4, for a distance of 194.98 feet to a x–cut found at the top of a concrete curb for corner, also being the beginning of a non–tangent curve to the right,

THENCE continuing along the common line of said Lot 1 and Lot 4, through a central angle of 10° 03' 39" with a radius of 198.00 feet, an arc length of 34.77 feet and a long chord bearing South 05° 20' 14" East at a distance of 34.72 feet to a x–cut found at the top of a concrete curb, at the end of said curve;

THENCE North 89° 41' 34" East, continuing along the common line of said Lot 1 and Lot 4, for a distance of 37.42 feet to a 5/8" iron rod set for corner;

THENCE South 60° 22' 00" East, continuing along the common line of said Lot 1 and Lot 4, for a distance of 114.00 feet to a 5/8" iron rod set corner in the Westerly right–of–way line of the aforementioned U.S. Highway No. 75;

THENCE South 29° 38' 00" West, along said Westerly right–of–way line for a distance of 946.99 feet to the POINT OF BEGINNING AND CONTAINING 42.8134 ACRES OF LAND, more or less.

TRACT 2 (1.1255 ACRES)

BEING all that certain lot, tractor parcel of land situated in the John Hendrix Survey Abstract Number 503 and the W.F. Patterson Survey, Abstract Number 969, all of Grayson County, Texas, and being all of Lots 5 and 7, Block 1, Midway Mall, an addition to the City of Sherman as recorded in Volume 8, Page 8, said County Records, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found in the Westerly right–of–way line of U.S. Highway No. 75, said point being the most Easterly Southeast corner of Midway Mall;

THENCE North 89° 23' 33" West for a distance of 639.05 feet to an "x"–cut found on the top of a concrete wall;

THENCE South 02° 22' 31" West for a distance of 140.00 feet to a 5/8" iron rod with plastic cap stamped "Carter &Burgess" found;

THENCE South 63° 30' 00" West for a distance of 13.90 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found in the Easterly right–of–way line of Frisco Road, said point being the beginning of a non–tangent curve to the left;

THENCE Northwesterly along said non–tangent curve to the left, through a central angle of 14° 33' 31" with a radius of 500.00 feet an arc length of 127.05 feet and a long chord bearing North 33° 46' 52" West at a distance of 126.71 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the end of said curve and the beginning of a non–tangent curve to the left;

THENCE Northeasterly along said non–tangent curve to the left through a central angle of 30° 14' 08", with a radius of 159.00 feet an arc length of 83.91 feet and a long chord bearing North 30° 46' 10" East at a distance of 82.94, feet to a p.k. nail found in asphalt for the end of said curve and the beginning of a non–tangent curve to the left;

THENCE Easterly along said non–tangent curve to the left through a central angle of 16° 11' 06" with a radius of 252.36 feet an arc length of 71.29 feet and a long chord bearing South 81 ° 18' 00" East at a distance of 71.05 feet to a p.k.. nail found in asphalt, to the end of said curve;

THENCE South 89° 23' 33" East 320.83 feet to a p.k. nail found in asphalt for the beginning of a curve to the left;

THENCE Northwesterly along said curve to the left, through a central angle of 60° 50' 23" with a radius of 250.00 feet an arc length of 265.46 feet and a long chord bearing North 60° 18' 55" East at a distance of 253.17 feet to a p.k. nail found in asphalt for the end of said curve;

THENCE North 29° 38' 00" East 62.71 feet to a p.k. nail found in asphalt;

THENCE South 60° 22' 00" East for a distance of 138.00 feet to an "x"–cut found on the top of a concrete curb, said being in the Westerly right–of–way line of the aforementioned U.S. Highway No. 75;

THENCE South 29° 38' 00" West along said Westerly right–of–way line, for a distance of 155.05 feet to the POINT OF BEGINNING AND CONTAINING 1.1255 ACRES OF LAND, more or less.

TRACT 3 (1.4847 ACRES)

BEING all that certain lot, tract or parcel of land situated in the Daniel Shelp Survey, Abstract Number 1097, Grayson County, Texas, and being a portion of Block 2, Midway Mall, an addition to the City of Sherman, as recorded in Volume 8, Page 8, said County Records, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found in the Westerly right–of–way line of Thersea Drive, said point being North 88° 08' 17" West at a distance of 25.00 feet from the most Northerly Northeast corner of said Midway Mall;

THENCE South 01° 49' 21" West along said Westerly right–of–way line of Thersea Drive for a distance of 178.70 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the beginning of a curve to the right;

THENCE Southwesterly along said curve to the right, and continuing along said Westerly right–of–way line of Thersea Drive, through a central angle of 51° 45' 35" (49° 29' 19" per deed) with a radius of 175.00 feet, an arc length of 158.09 feet (151.16 feet per deed) and a long chord bearing South 27° 42' 10" West (South 26° 34' 01" West per deed) at a distance of 152.77 feet (146.50 feet per deed) to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found at a cut back line at the intersection of Frisco Road and Fallon Drive;

THENCE South 53° 34' 58" West and continuing along the Westerly right of way line of said Thersea Drive for a distance of 3.09 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for corner for cut–back line for Fallon Drive;

THENCE North 79° 35' 30" West along said cut back line for a distance of 13.54 feet (13.52 feet per deed) to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found in the Northerly right–of–way line of Fallon Drive;

THENCE North 32° 08' 17" West along said Northerly right–of–way line for a distance of 156.50 feet (45.63 feet and North 31° 19' 57" West for a distance of 110.45 feet per deed) to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found at the beginning of a non–tangent curve to the left;

THENCE Northwesterly along said non–tangent curve to the left, and along said Northerly right–of–way line, through a central angle of 56° 00' 00" with a radius of 422.76 feet an arc length of 413.20 feet and a long chord bearing North 60° 08' 17" West at a distance of 396.95 feet to a 5/8" rod with plastic cap stamped "Carter & Burgess found in the Northerly line of the aforementioned Midway Mall;

THENCE South 88° 08' 17" East along the Northerly line of said Midway Mall for a distance of 520.28 feet to the POINT OF BEGINNING AND CONTAINING 1.4847 ACRES OF LAND (1.4592 acres per deed) more or less.

TRACT 4 (4.000 ACRES)

BEING all that certain lot, tract or parcel of land situated in the W.R. Patterson Survey, Abstract Number 969, Grayson County, Texas and being a portion of Block 4, Midway Mall, an addition to the City of Sherman as recorded in Volume 8, Page 8, said County Records and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the most Southerly corner of said Midway Mall, said point also being the most Southerly corner of that certain tract of land, as described by deed to Amvets Post #47 as recorded in Volume 1707 at Page 292 of the Deed Records of Grayson County, Texas.

THENCE North 40° 26' 46" West along the Westerly line of said Amvets Tract, and the Westerly line of said Block 4 for a distance of 479.36 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the POINT OF BEGINNING for this description;

THENCE North 40° 26' 46" West and continuing along the Westerly line of said Block 4 for a distance of 125.26 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found, and being the most Southerly corner of Lot 1 in Block 4 of the Replat of Midway Mall Addition, an addition to the City of Sherman, Texas, according to the plat thereof recorded in Volume 12 at Page 15 of the Map Records of Grayson County, Texas;

THENCE North 41° 23' 50" East and departing the Westerly line of said Block 4 and following along the Southeasterly line of said Lot 1 in Block 4 of the Replat of Midway Mall Addition for a distance of 477.95 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found in the Westerly right–of–way line of Frisco Road;

THENCE South 48° 36' 10" East along said Westerly right–of–way line of Frisco Road for a distance of 163.52 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the beginning of a curve to the right;

THENCE Southeasterly along said curve to the right, and continuing along said Westerly right–of–way line of Frisco Road through a central angle of 50° 58' 41" with a radius of 450.00 feet an arc length of 400.38 feet and a long chord bearing South 23° 06' 49" East at a distance of 387.30 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found;

THENCE South 02° 22' 36" West and continuing along said Westerly right–of–way line of Frisco Road for a distance of 10.63 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found, said point being in the Northerly line of the aforementioned Amvets Tract;

THENCE North 87° 37' 29" West along the Northerly line of said Amvets Tract and departing said Westerly right–of–way line for a distance of 509.50 feet to the POINT OF BEGINNING AND CONTAINING 4.000 ACRES OF LAND, more or less.

TRACT 5 (3.7298 ACRES)

BEING all that certain lot, tract or parcel of land situated in the W.F. Patterson Survey, Abstract Number 969 and the T.J. Shannon Survey, Abstract Number 1136, Grayson County, Texas, and being a portion of Block 4 and Block 5, Midway Mall, an addition to the City of Sherman as recorded in Volume 8, Page 8, County Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the most Southerly corner of Midway Mall, said point also being the most Southerly corner of that certain tract of land described by Deed to Amvets Post #47, and recorded in Volume 1707, Page 292, said County Records;

THENCE North 40° 26' 46" West and following along the Westerly line of said Amvets Tract, the Westerly line of Block 4, Midway Mall and the Westerly line of Sherman East Ltd. Tract, as recorded in Volume 1792 at Page 410 of the Deed Records of Grayson County, Texas for a distance of 980.09 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for a point in the Easterly right–of–way line of Missouri–Kansas–Texas Railroad (M–K–T Railroad);

THENCE North 01° 53' 49" East and following along the Westerly line of said Sherman East Ltd. Tract, also the Westerly line of said Block 4 and the Easterly right–of–way line of said M–K–T Railroad for a distance of 900.09 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the Northwest corner of said Sherman East Ltd. Tract and being the POINT OF BEGINNING for this description;

THENCE North 01° 53' 49" East and continuing along the Westerly right–of–way line of said M–K–T Railroad and the Westerly line of said Midway Mall, for a distance of 358.44 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the beginning of a curve to the right;

THENCE Northerly along said curve to the right, and continuing along the Westerly line of said Midway Mall and the Easterly right–of–way line of said M–K–T Railroad, through a central angle of 09° 27' 02" with a radius of2675.73 feet an arc length of 441.34 feet and a long chord bearing North 04° 56' 10" East at a distance of 440.84 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found bearing North 28°12' 21" West at a distance of 2.42 feet from a 5/8" found iron rod;

THENCE South 79° 09' 43" East and departing the Easterly right–of–way line of said M–K–T Railroad for a distance of 41.35 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found bearing North 02° 13' 48" West at a distance of 3.34 feet from a brass monument found in concrete;

THENCE South 89° 00' 24" East for a distance of 93.85 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found in the Westerly right–of–way line of said Frisco Road;

THENCE South 00° 59' 55" West along the Westerly right of way line of Frisco Road for a distance of 248.94 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the beginning of a curve to the left;

THENCE Southerly along said curve to the left and continuing along the Westerly line of said Frisco Road through a central angle of 19° 55' 11" with a radius of 710.80 feet an arc length of 247.12 feet and a long chord bearing South 08° 57' 41" East at a distance of 245.88 feet to a p.k. nail found in asphalt for the end of said curve and the beginning of a reverse curve to the right;

THENCE Southerly along said reverse curve to the right and continuing along the Westerly right of way line of said Frisco Road through a central angle of 20° 49' 05" with a radius of 791.56 feet an arc length of 287.61 feet and a long chord bearing South 08° 30' 44" East for a distance of 286.03 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the end of said curve;

THENCE South 01° 53' 49" West and continuing along the Westerly line of said Frisco Road for a distance of 78.29 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found for the Northwest corner of the aforementioned Sherman East Ltd. Tract;

THENCE North 88° 04' 08" West and departing the Westerly right–of–way line of said Frisco Road and following along the Northerly line of said Sherman East Ltd. Tract, for a distance of 141.78 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found;

THENCE North 01° 55' 52" East and continuing along the Northerly line of said Sherman tract for a distance of 56.21 feet to a 5/8" iron rod with plastic cap stamped "Carter & Burgess" found;

THENCE North 88° 06' 11" West and continuing along the Northerly line of said Sherman tract for a distance of 118.22 feet to the POINT OF BEGINNING AND CONTAINING 3.7298 ACRES OF LAND, more or less.

DRAWN BY: BVN
CHECKED BY: DRP

REVISION

NO.	DATE	
1.	7/09/09	REVISED PER COMMENTS FULBRIGHT & JAWORSKI REV1/LINE2
2.	8/20/09	REVISED AMENDING TRACT 4 DESCRIPTION REV2/LINE2
3.	8/23/09	REVISED AMENDING MISC DESCRIPTIONS REV3/LINE2
4.	9/02/09	REV4/LINE1 REMOVE LOT 4 REV4/LINE2
5.	DATE	REV5/LINE1 REV5/LINE2

ALTA/ACSM LAND TITLE SURVEY

SHERMAN MALL ASSOCIATES, L.P.

MIDWAY MALL SITE

CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

OLD REPUBLIC SITE MANAGEMENT SERVICES
A MEMBER OF THE OLD REPUBLIC TITLE INSURANCE GROUP
17330 Preston Road, Suite 150A
Dallas, Texas 75252
P:(469) 737–7000 F:(469) 737–7070

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SHEET 2 OF 3

PROJECT NUMBER
OR090362

NUMBER	DIRECTION	DISTANCE
L1	N 01°55'52" E	56.21'
L2	S 79°09'43" E	41.35'
L3	S 89°00'24" E	93.85'
L4	S 01°53'49" W	78.29'
L5	S 02°22'36" W	10.63'
L6	N 79°35'30" W	13.54'
L7	N 29°38'00" E	28.00'
L8	S 29°38'00" W	32.45'
L9	S 29°33'26" W	64.97'
L10	S 76°55'38" W	114.17'
L11	S 22°52'29" W	18.57'
L12	N 45°59'55" E	14.14'
L13	S 79°38'00" W	25.64'
L14	N 79°38'00" E	43.64'
L15	N 51°50'36" E	13.11'
L16	S 60°22'00" E	47.06'
L17	S 29°05'05" W	48.20'
L18	S 27°44'44" E	51.84'
L19	S 63°30'00" W	13.90'
L20	N 29°38'00" E	62.71'
L21	S 44°00'05" E	14.14'
L22	S 00°59'55" W	25.69'
L23	S 48°36'10" E	59.42'
L24	S 60°22'00" E	14.00'
L25	N 89°41'34" E	37.42'
L26	S 53°34'58" W	3.09'

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD DIRECTION
C1	09°27'02"	2675.73	441.34	440.84	N 04°56'10" E
C2	19°55'11"	710.80	247.12	245.88	S 08°57'41" E
C3	20°49'05"	791.56	287.61	286.03	S 08°30'44" E
C4	50°58'41"	450.00	400.38	387.30	S 23°06'49" E
C5	51°45'35"	175.00	158.09	152.77	S 27°42'10" W
C6	56°00'00"	422.76	413.20	396.95	N 60°08'17" W
C7	22°42'10"	131.00	51.91	51.57	S 34°13'34" W
C8	04°20'01"	500.00	37.82'	37.81'	N 46°26'14" W
C9	50°30'00"	640.00	564.09	546.01	N 23°21'11" W
C10	20°49'05"	841.56	305.78	304.10	N 08°30'43" W
C11	19°55'11"	660.80	229.74	228.59	N 08°57'41" W
C12	56°00'00"	360.00	351.86	338.02	S 60°08'17" E
C13	27°15'11"	188.14	89.49	88.65	S 66°00'25" W
C14	77°46'17"	254.94	346.05	320.09	N 49°15'08" W
C15	38°03'51"	162.00	107.62	105.66	N 08°39'55" E
C16	26°07'02"	216.14	98.27	97.43	N 66°36'29" E
C17	24°00'21"	405.00	169.69	168.45	S 48°21'50" E
C18	14°33'31"	500.00	127.05	126.71	N 33°46'52" W
C19	30°14'08"	159.00	83.91	82.94	N 30°46'10" E
C20	16°11'06"	252.36	71.29	71.05	S 81°18'00" E
C21	60°59'23"	250.00	265.46	253.17	N 60°18'55" E
C22	00°37'14"	2675.72	28.99	28.99	N 09°58'18" E
C23	01°18'16"	2675.72	60.91	60.91	N 10°56'03" E
C24	50°30'00"	690.00	608.16	588.66	S 23°21'11" E
C25	86°18'54"	25.00	37.66	34.20	S 32°47'25" W
C26	22°14'05"	24414	94.74	94.15	S 64°49'00" W
C27	63°44'10"	25.00	27.81	26.40	N 75°10'31" W
C28	10°03'39"	198.00	34.77	34.72	S 05°20'14" E
C29	16°31'20"	252.36	72.77	72.52	S 58°51'51" E
C30	31°23'18"	20.00	10.96	10.82	S 36°41'10" W
C31	06°56'46"	405.00'	49.10'	49.07'	S 39°50'02" E

GENERAL NOTES:

(1) FROM FIELD INSPECTION MADE ON THE DATE OF THIS SURVEY, THE UNDERSIGNED FOUND NO EVIDENCE OF CEMETERY OR BURIAL PLOTS ON THIS SITE.

(2) NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.

(3) NO CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED, AVAILABLE FROM THE CONTROLLING JURISDICTION AND NO OBSERVABLE EVIDENCE OF RECENT OR SIDEWALK CONSTRUCTION OR REPAIR.

(4) NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

(5) ALL BUILDINGS TO BE SET BACK A MINIMUM 25' FROM ALL STREET RIGHT OF WAY LINES PER PLAT VOLUME 8, PAGE 8,.

STATEMENT OF ENCROACHMENTS

FROM FIELD INSPECTION MADE ON THE DATE OF THIS SURVEY, THE UNDERSIGNED FOUND ENCROACHMENTS, CONFLICTS OR PROTRUSIONS ON SUBJECT PROPERTY AS NOTED ON SURVEY:

(1) CONCRETE PAVEMENT PROTRUSION ALONG SOUTH PROPERTY LINE OF TRACT 5.

(2) BUILDING PROTRUSION ALONG WESTERLY PORTION OF TRACT 1 ONTO 25 FOOT UTILITY EASEMENT.

GRAYSON COUNTY TAX PARCELS OWNERSHIP IDENTIFICATION

(1) Sherman Mall Associates– 31.97 acres in Lot 3 and Part of Lots 1 & 2 in Block 1 of Midway Mall Addition. PIDN 167413
(2) Sherman Mall Associates– 11.97 acres in Lot 5 and Part of Lots 7 in Block 1 of Midway Mall Addition. PIDN 167415
(3) Sherman Mall Associates– 1.46 acres in Block 2 of Midway Mall Addition. PIDN 167421
(4) Sherman Mall Associates– 1.78 acres in Block 4 of Midway Mall Addition. PIDN 167423
(5) Sherman Mall Associates– 4.45 acres in Block 4 of Midway Mall Addition. PIDN 167425
(6) Sherman Mall Associates– 1.95 acres in Block 5 of Midway Mall Addition. PIDN 167427

PARKING TABULATION

TRACT 1
NORMAL PARKING = 2429
HANDICAP PARKING = 37
TOTAL PARKING = 2466

TRACT 2
NORMAL PARKING = 0
HANDICAP PARKING = 0
TOTAL PARKING = 0

TRACT 3
NORMAL PARKING = 0
HANDICAP PARKING = 0
TOTAL PARKING = 0

TRACT 4
NORMAL PARKING = 44
HANDICAP PARKING = 4
TOTAL PARKING = 48

TRACT 5
NORMAL PARKING = 47
HANDICAP PARKING = 0
TOTAL PARKING = 47

LOT 6
NORMAL PARKING = 299
HANDICAP PARKING = 11
TOTAL PARKING = 310

LOT 2
NORMAL PARKING = 613
HANDICAP PARKING = 13
TOTAL PARKING = 626

COMPOSITE TRACTS
NORMAL PARKING = 3,432
HANDICAP PARKING = 65
TOTAL PARKING = 3,497

BASIS OF BEARINGS PER PLAT OF MIDWAY MALL ADDITION RECORDED IN VOLUME 8 AT PAGE 8 OF THE MAP RECORDS OF GRAYSON COUNTY, TEXAS.

LAND AREA

THE PROPERTY DESCRIBED AS TRACTS 1, 2, 3, 4 & 5 HEREON CONTAINS 53.1534 ACRES OR 2,315,362 SQUARE FEET OF LAND, MORE OR LESS.

PROPERTY IS ZONED COMMERCIAL, RETAIL AND CENTRAL BUSINESS DISTRICT

CONTACT SCOTT SHADDEN (DIRECTOR OF DEVELOPMENT SERVICES) PLANNING AND ZONING DEPARTMENT P.O. BOX 1106 SHERMAN TEXAS 75091 PHONE: 903–892–7333 FAX: 903–892–7274

According to the General Zoning Ordinance Plan and Map provided by the City Of Sherman, Texas, the property hereon is Zoned for General Commercial Use (C–2 District) and accordingly the following regulations apply to this site:

(1) Floor area. The total floor area of any building or buildings on a lot in the C– 2 District shall not exceed the number of square feet in the lot.

(2) Height regulations. No building shall exceed 35 feet or 2 stories in height.

(3) Minimum requirements for lot area, width and setback:
(i) Lot Area = 5,000 SF
(ii) Lot Width = 50'
(iii) Setback Front = 15'
(iv) Setback Rear = 10'
(v) Setback Side = 0'

(4) Where the side yards of lots in the C–2 District are abutting a residential district, the side yard setback shall not be less than 15 feet.

(5) Rear yard. Where the rear yards of lots in the C–2 District are abutting a Residential or C–1 District, the rear yard setback shall not be less than 15 feet.

TITLE NOTES

The property hereon was prepared with the benefit of Commitment for Title Insurance issued by Old Republic National Title Insurance Company, GF No. 32996, effective date of May 4, 2009 and issued date of May 14, 2009, the following matters of record are listed as exceptions to title coverage as outlined on Schedule B thereof:

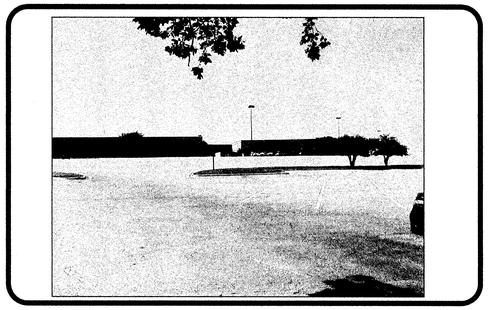
(d) Easements, roadways, setback lines as revealed by plat recorded in Volume 8 at Page 8 of the Plat Records of Grayson County, Texas. (As shown on survey).

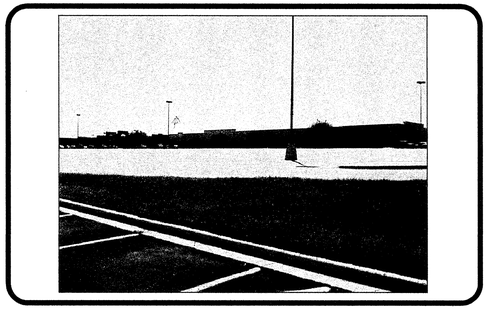
(o) Easement in favor of Texas Power & Light Company, recorded in Volume 889, Page 175 of the Deed Records of Grayson County, Texas, and easement in favor of Texas Power and Light Company and the General Telephone Company of the Southwest, recorded in Volume 1833, Page 288 of the Real Property Records of Grayson County, Texas. (As shown along the North line of Block 2).

(p) Appurtenant easements created by and described in that certain Construction Operation and Reciprocal Easement Agreement by and between Sherman Partnership, a Texas general partnership, Dillard Department Stores, Inc., a Delaware corporation, Construction Developers, Inc., an Arkansas corporation and Mervyn's, a California corporation, dated January 12, 1985, recorded in Volume 1854, Page 659, Real Property Records of Grayson County, Texas, and First Amendment thereto, by and between Sherman Partnership, a Texas general partnership, Dillard Department Stores, Inc., a Delaware corporation, Construction Developers, Inc., an Arkansas corporation and Mervyn's, a California corporation, dated February 11, 1985, recorded in Volume 1740, Page 167 of the Real Property Records of Grayson County, Texas, Assignment and Assumption of Reciprocal Easement Agreement to Sherman Mall Associates, an Indiana limited partnership, dated August 25, 1986, recorded in Volume 1854, Page 798, Real Property Records of Grayson County, Texas, Second Amendment to Construction, Operation and Reciprocal Easement Agreement by and between Sherman Mall Associates limited partnership, an Indiana limited partnership, Dillard Department Stores, Inc., a Delaware corporation, Construction Developers, Inc., an Arkansas corporation and Mervyn's, a California corporation, dated November 6, 1989, recorded in Volume 2072, Page 486, Real Property Records of Grayson County, Texas, Assignment and Assumption of Operating Agreements by and between Construction Developers, Inc., an Arkansas corporation and Dillard Texas Operating Limited Partnership, a Texas limited partnership, dated February 2, 1996, recorded in Volume 2444, Page 366 and Volume 2444, Page 371, Real Property Records of Grayson County, Texas. (Affects subject property and contains some graphically plottable matters within common area of mall)

(q) Consent to Encroachment and Indemnity granted to the City of Sherman, dated November 2, 1987, recorded in Volume 1946, Page 231 of the Real Property Records of Grayson County, Texas. (As shown on survey along East right of way line of Frisco Road).

(r) Deed of Dedication from Sherman Mall Associates, L.P., an Indiana limited partnership, for pubic use, dated December 12, 1997, recorded in Volume 2599, Page 79 of the Real Property Records of Grayson County, Texas. (This is dedication widening for Fallon Road right of way along the North portion of Block 5 (Tract 5) as shown, and does not affect subject property)





FLOOD NOTATION

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN ZONE X, AREAS OF MINIMAL FLOODING, OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48181C0135 E WHICH BEARS AN EFFECTIVE DATE OF JULY 17, 1995, DOES NOT LIE WITHIN A SPECIAL FLOOD HAZRD AREA. BY TELEPHONE CALL DATED MAY 20, 2009, TO THE NATIONAL FLOOD INSURANCE PROGRAM (800–638–6620) WE HAVE LEARNED THAT THIS COMMUNITY DOES PARTICIPATE IN THE PROGRAM. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY AGENCY.

DRAWN BY: BVN
CHECKED BY: DRP

REVISION

NO.	DATE	REVISIONS PER COMMENTS FULBRIGHT & JAWORSKI
1.	7/20/09	REV1/LINE2
2.	9/02/09	REV2/LINE1 REMOVE LOT 4 REV2/LINE2
3.	DATE	REV3/LINE1 REV3/LINE2
4.	DATE	REV4/LINE1 REV4/LINE2
5.	DATE	REV5/LINE1 REV5/LINE2

ALTA/ACSM LAND TITLE SURVEY

SHERMAN MALL ASSOCIATES, L.P.

MIDWAY MALL SITE

CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

OLD REPUBLIC SITE MANAGEMENT SERVICES
A MEMBER OF THE OLD REPUBLIC TITLE INSURANCE GROUP
17330 Preston Road, Suite 150A
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SHEET
3 OF 3

PROJECT NUMBER
0R090362

EXHIBIT B

Site Plan

Passage Education (dba Passage CDL School)

Midway Mall - 4800 Texoma Pkwy, Sherman, TX 75090

Site Plan Exhibit A



Interior Office Space (Marked with Orange Square on Site Plan Exhibit A): Suite to be determined. Space Size ~750sqft. Interior space to be furnished and outfitted with desks and computers for administrative functions.

Exterior Parking lot Space (Marked with Red Square on Site Plan Exhibit A): Commercial driver training to be located in the rear northwest corner of the mall parking lot. Space Size: 240ft x 90ft which is 0.50 acres. Space will be sectioned off using portable orange street cones. Driver training in this area includes instructor supervised pre-trip inspection on a parked truck and basic parking maneuvers (straight backing, off-set backing, parallel parking). Trucks will be parked in Green Square depicted in Exhibit A.

Midway Mall Outdoor Parking lot Site Pics (2/23/23)

Truck Parking Maneuvers Training Area – Rear-side of Mall, Northwest corner






EXPO HALL


Dillard's





Rear Street Entrance/Exit to Mall - Fallon Drive





dlagrone H:\PLANNING\Public Notification KT.aprx

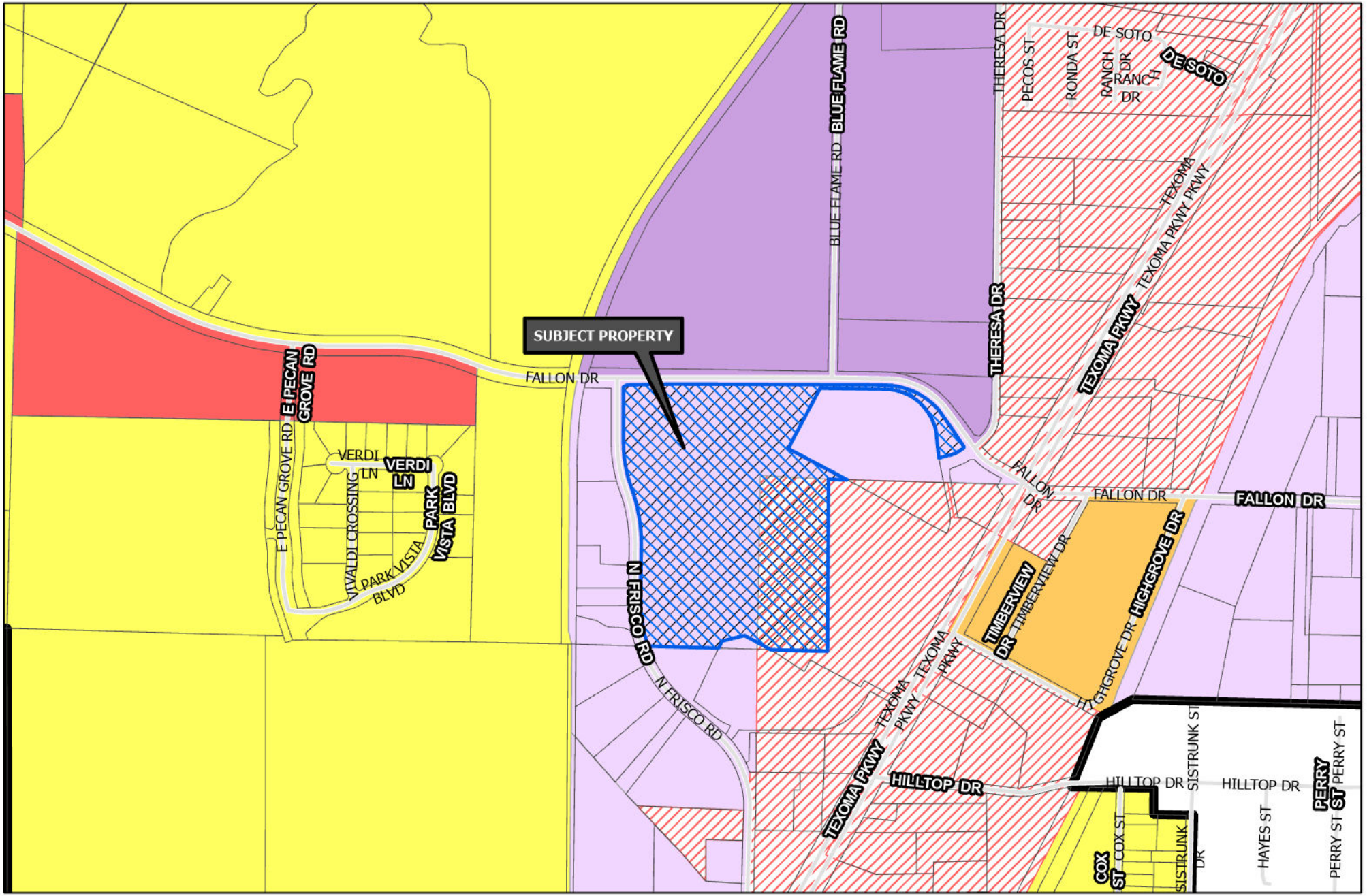
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
4800 TEXOMA PKWY

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Date: 2/27/2023 4:37 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations
- Road Names All

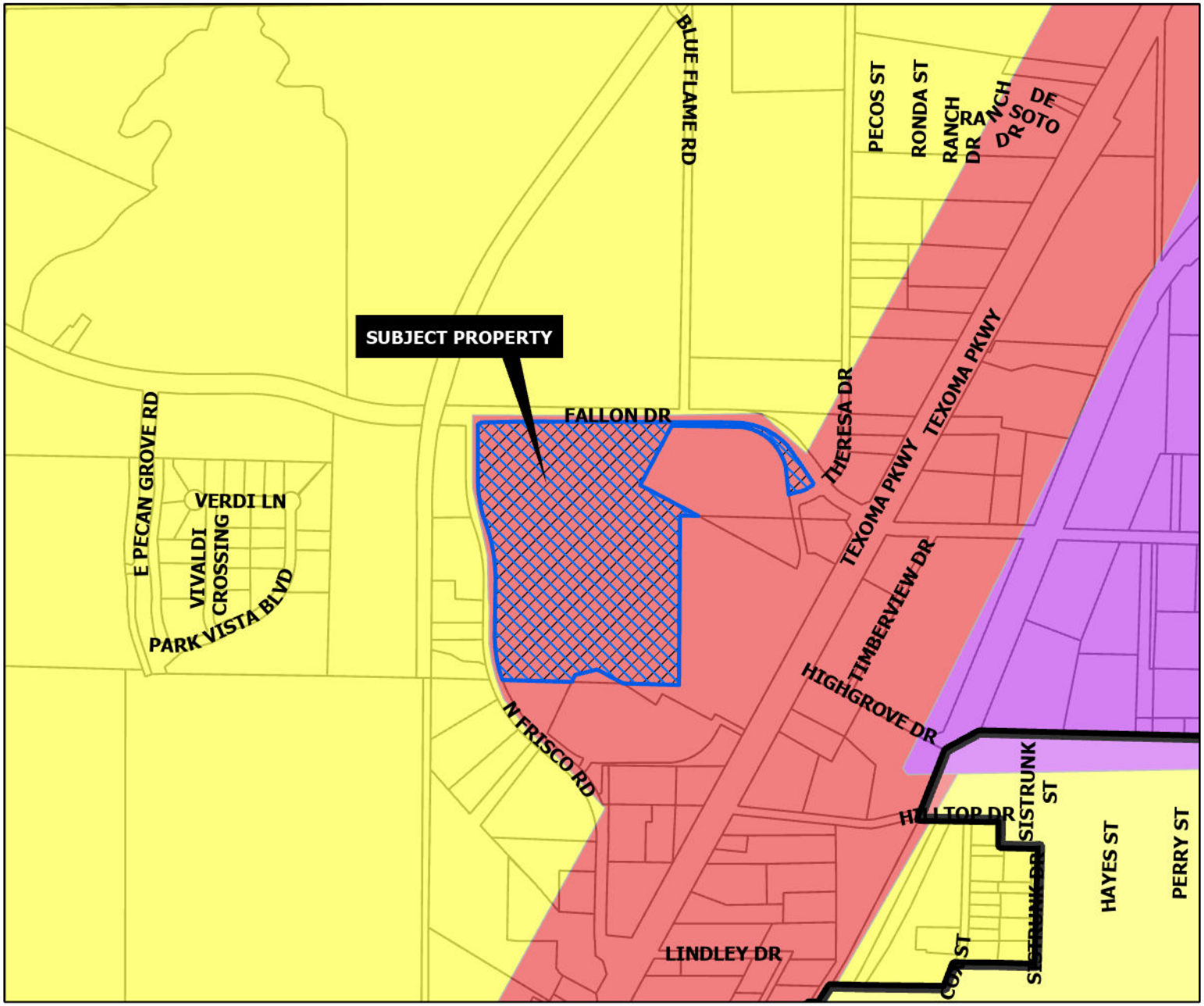
CITY OF SHERMAN ZONING MAP 4800 TEXOMA PKWY

N W E S

Date: 2/27/2023 4:40 PM

03/06/23

5000 N Frisco Rd.
2100 E Fallon Dr.
Sherman
NOTICE OF
SPECIFIC USE
PERMIT REQUEST
PROJECT #: 23-000582
FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229



REGIONAL COMMERCIAL

Intent & Character

The Regional Commercial category is intended to promote large-scale commercial development along US-75, while promoting community character through design. US-75 serves as the major gateway to and through the community; therefore, aesthetics and design should be promoted in this corridor. This category should allow large-scale commercial uses that serve the region and the community alike. A mix of uses and inter-connectivity between parcels should be encouraged.

Appropriate Land Use Types

- Retail and Restaurants
- Multi-Family Living
- Office Complex
- Medical
- Mixed Use
- Indoor Entertainment

Compatible Zoning Districts

- Retail Business
- General Commercial
- Office
- Multi-Family Residential (MF-15 and MF-30)
- Planned Development (for larger tracts)

Considerations

- Site design considerations should be given to parking, landscaping, and building articulation.
- Where possible, parking should be screened from view or well-landscaped with native, drought-tolerant plants.
- All buildings facades fronting a public street or within significant public view should have aesthetically-pleasing horizontal and vertical articulation.
- Signage should be multi-tenant, where possible, and should match the character of the primary structure.
- High density residential should be included in mixed use developments.
- High density residential is appropriate behind commercial areas, with inter-connectivity.
- If high density is stand alone, the surrounding uses and connectivity should be considered to avoid an "island."

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
4800 TEXOMA PKWY

N
W E
S

Date: 2/27/2023 4:42 PM

PASSAGE EDUCATION

Project Narrative

Passage Education (dba: Passage CDL School) is a commercial driver's license training school that trains drivers to attain their commercial driver's license (CDL).Passage Education will be licensed by the Texas Workforce Commission as a Career School. We are looking to lease a small interior office space (~750sqft) and exterior parking lot space (240ft x 90ft) to train students on vehicle inspection and basic vehicle parking maneuvers, known as behind-the-wheel training (BTW), including straight line backing, offset backing, and parallel parking. CDL students are required to complete the written portion of the CDL test, obtain their Commercial Learners Permit, and have knowledge of operating a commercial vehicle prior to performing the BTW training. An experienced CDL instructor must be on-site and present when performing the BTW training and will monitor the students at all times.

Lease:

- Interior Office Space – ~750sqft
    - Will have 1 to 2 administrative employees performing office work and process/check-in students.
- Exterior Parking Space – 240ft x 90ft
    - Sectioned off with parking cones or similar boundary objects

Midway Mall at 4800 Texoma Pkwy in Sherman, TX is zoned M-1 which allows for "School, commercial or trade" with approval of a Special Use Permit. The exterior northwest corner rear parking lot space (depicted in Site Plan) would be ideal since its not located directly in front of any of the mall or store entrances and it's close to a non-primary rear road exit/entrance onto Fallon Drive. This parking lot space is positioned furthest away from the mall so the CDL training will not interfere with the normal mall operations. This space represents 1.8% of the total 26.8 acres of parking lot space surrounding Midway Mall.

CDL Training Operations:

- The CDL School will perform student training, instruction, and testing (120 Hour BTW CDL Training Course)
- Training Personnel – One to two CDL instructors minimum
- Vehicles - Two semi-trucks with 28ft to 45ft trailers (will likely be 28ft trailers)
- Scheduled every week, Monday – Friday, during normal working hours

We would like to store the trucks and trailers onsite overnight. Use of parking cones in the designated area will be utilized for training. We may also use a retractable/packable canopy for shade and foldable/packable chairs for students to sit in. We expect to have between 5 – 20 students training at any given time (5 to 10 students on average).

Adam McGregor
Director, Passage Education

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

March 14, 2023

Star Midway, LLC
900 Linden Ave, Suite 100
Rochester, NY 14625

David Petree
11015 Midway Road
Dallas, TX 75229

Passage Education, LLC
Adam McGregor
15300 US Highway 75
Van Alstyne, TX 75495

Old Republic
17330 Preston Road, Suite 150A
Dallas, TX 75252

Dear Applicants,

The request of a Public Hearing and Specific Use Permit under Section 14.06.009 to allow a School, Commercial or Trade in a M-1 (Light Manufacturing) District located at 4800 Texoma Parkway has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, March 21, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267). *(Code of Ordinances Chapter 3.02(c))*
3. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004)*
4. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07)*
5. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
6. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
7. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

It is the policy of Planning and Zoning Commission and Board of Adjustment not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

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

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Billy Hartsfield, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 23.

Meeting Date: 03/21/2023

Prepared by: Lauren Marlow, Administrative Assistant
Rob Rae, Director of Development Services

Clay Mahone, Chairman
David Downtain, Vice Chairman
Shawn Davis, Commissioner
Leigh Ann Sims, Commissioner
Paul Manley, Commissioner
Glenn Whitaker, Commissioner
Bryan Blagg, Commissioner

Requested Action/Proposed Use:

4800 TEXOMA PARKWAY (Project No. 23-000582)

The request of Star Midway, LLC (Owner), Adam McGregor (Passage Education, LLC) (Tenant/Representative), David Petree (Land Surveyor) and Old Republic (Site Management Services) concerning the property located at 4800 Texoma Parkway, consisting of 42.8134 acres in the John Hendrix Survey, Abstract No. 503, the W.F. Patterson Survey, Abstract No. 969, They Daniel Shelp Survey, Abstract No. 1097 and the T.J. Shannon Survey, Abstract No. 1136, Lots 1 and 3, Block 1, Midway Mall, as follows:

Planning and Zoning Commission

Public Hearing, Site Plan and Specific Use Permit under Section 14.06.009 to allow a School, Commercial or Trade in a M-1 (Light Manufacturing) District.

Background:

The property is located at 4800 Texoma Parkway between North Frisco Road and Fallon Drive.The owner is requesting a Specific Use Permit for a CDL (Commercial Driver's License) school.

Adjacent Zoning:

C-2 (General Commercial) District
M-1 (Light Manufacturing) District

Origination:

Star Midway, LLC (Owner)
Adam McGregor (Passage Education, LLC) (Tenant/Representative)
David Petree (Land Surveyor)
Old Republic (Site Management Services)

Master Plan Designation:

Regional Commercial category is intended to promote large-scale commercial development along US-75, while promoting community character through design. US-75 serves as the major gateway to and through the community; therefore, aesthetics and design should be promoted in this corridor. This category should allow large-scale commercial uses that serve the region and the community alike. A mix of uses and inter-connectivity between parcels should be encouraged.

Number of notices mailed:

10

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map
Zoning Map
Zoning Sign Photo
FLUM
Narrative
Survey
Site Plan
STAFF REVIEW LETTER

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 6.**

Meeting Date: 04/17/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6588

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land Consisting 28.665 acres in the Fielding Bacon Survey, Abstract No.119, City of Sherman, Grayson County, Texas, Located at 4441 West Houston Street, Heretofore Zoned R-A (Residential Agriculture) District; Rezoning and Placing the Tract in the MF-15 (Multi-Family Residential) District Zoning Classification, (Charles Branch, Owners; and Underwood Drafting & Surveying, Inc., Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

Issue:

To consider the request of Charles Branch (Owner), Pacheco Koch (Engineer) and Underwood Drafting & Surveying (Surveyor) concerning the property located at 4441 West Houston Street, consisting of being 28.665 acres in the Fielding Bacon Survey, Abstract No.119, City of Sherman, Grayson County, Texas, Heretofore Zoned R-A (Residential Agriculture) District; Rezoning and Placing the Tract in the MF-15 (Multi-Family Residential) District Zoning Classification

Background:

The property is located at 4441 West Houston Street between North Friendship Road and Ridgeview Road. The owner is requesting a Zone Change from a R-A (Residential Agriculture) District to an MF-15 (Multi-Family Residential) District and Site Plan approval for a multi-family development, consisting of 420 units.

Origination:

Charles Branch (Owner)
Pacheco Koch (Engineer)
Underwood Drafting & Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the March 21, 2023 regular meeting, the Planning and Zoning Commission voted 7/0 to recommend to the City Council that the Zone Change be approved subject to the Staff Review Letter. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6588
Exhibit A - Survey
Location Map
Zoning Map
Zoning Sign Photo
FLUM
STAFF REVIEW LETTER
P&Z Communication

ORDINANCE NO. 6588

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, TO REZONE A TRACT OF LAND CONSISTING OF BEING 28.665 ACRES IN THE FIELDING BACON SURVEY, ABSTRACT NO. 119, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, LOCATED IN THE 4441 WEST HOUSTON STREET, HERETOFORE ZONED R-A (RESIDENTIAL AGRICULTURE) DISTRICT; REZONING AND PLACING THE TRACT IN THE MF-15 (MULTI-FAMILY RESIDENTIAL) DISTRICT ZONING CLASSIFICATION, (CHARLES BRANCH, OWNERS; AND UNDERWOOD DRAFTING & SURVEYING, INC., SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED $2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

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

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

WHEREAS, the City Council finds that it is in the public interest to rezone the property as described in this Ordinance.

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

SECTION 1. That, from and after the effective date of this Ordinance, the property described in **Exhibit A – Survey and Legal Description**, attached hereto, located at 4441 West Houston Street, and all streets, roads and alleyways contiguous and/or adjacent thereto, shall be rezoned and placed in the MF-15 (Multi-Family Residential) District, and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, is hereby amended so as to hereafter include such property.

SECTION 2. That this Ordinance shall be entered upon the Official Zoning Map as provided in Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

SECTION 3. That no person shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed or amended by the City Council in the manner provided for by law.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS ($2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 5. That the Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this Ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

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

INTRODUCED on this the 17th day of April 2023.

ADOPTED on this the 17th day of April 2023.

EFFECTIVE DATE on this the 17th day of April 2023.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

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

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT A

SCALE
1" = 250'

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

This survey contains information that is proprietary to Underwood Drafting & Surveying, Inc. Its use or disclosure in whole or part without the express written permission of Underwood Drafting & Surveying, Inc. is prohibited.

This survey is also unpublished work protected under the copyright laws of the United States of America. If this work becomes published, the following notice shall apply:

Copyright ©2022
Underwood Drafting & Surveying, Inc.
All rights reserved.

JOB NO. 22040458
FW: ASU – DFT: BH

LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- WOOD FENCE CORNER POST FOUND
- PP POWER POLE
- W WATER METER
- FH FIRE HYDRANT
- BOUNDARY LINE
- PROPERTY LINE
- EASEMENT LINE
- BARBWIRE FENCE
- CHAINLINK FENCE
- STOCKAID FENCE
- OHE OVERHEAD ELECTRIC LINE

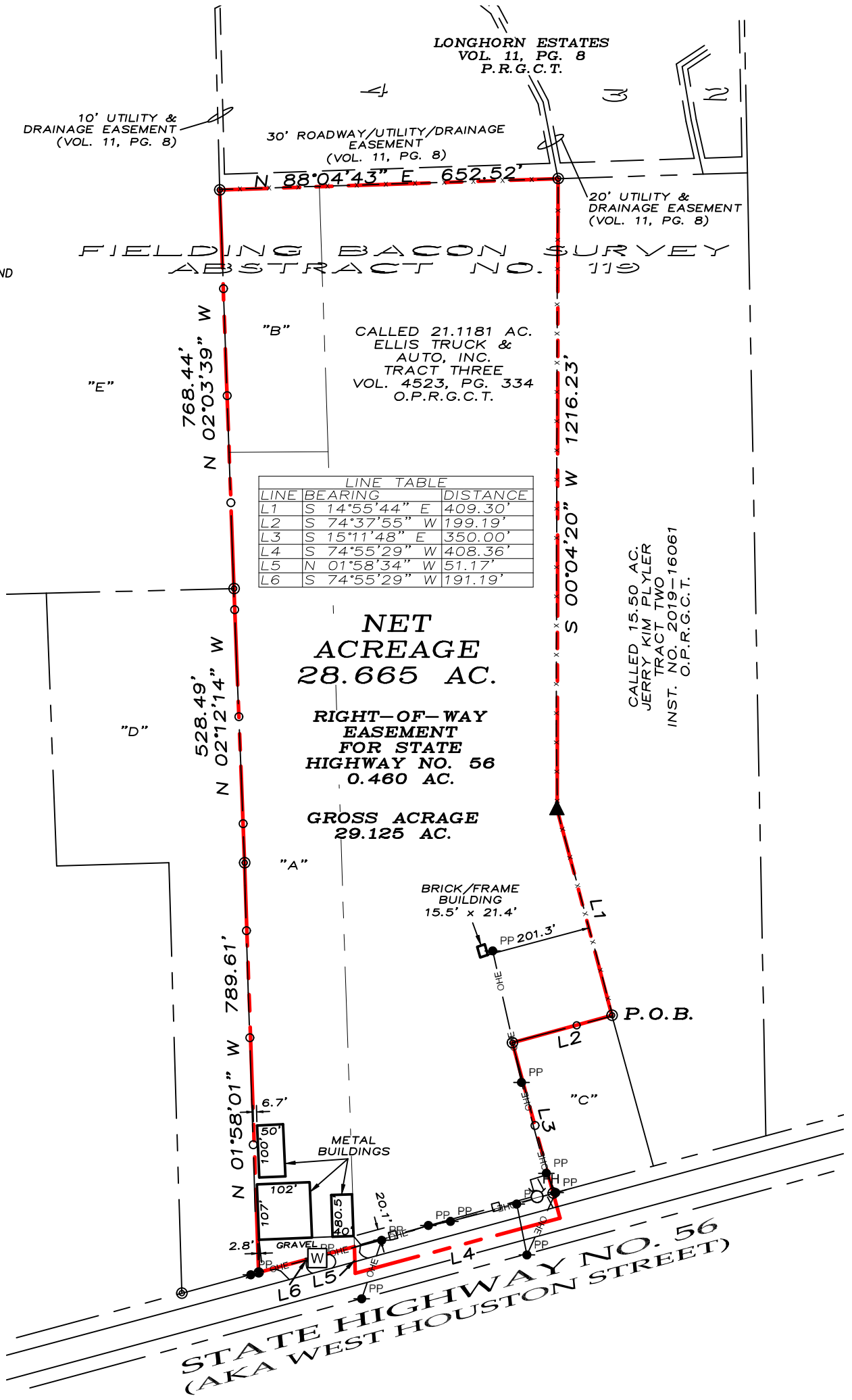
"A"
CALLED 6.75 AC.
ELLIS TRUCK & AUTO, INC.
TRACT ONE
VOL. 4523, PG. 334
O.P.R.G.C.T.

"B"
CALLED 2.278 AC.
ELLIS TRUCK & AUTO, INC.
TRACT TWO
VOL. 4523, PG. 334
O.P.R.G.C.T.

"C"
CALLED 1.607 AC.
JERRY KIM PLYLER
TRACT ONE
INST. NO. 2019–16061
O.P.R.G.C.T.

"D"
CALLED 7.141 AC.
RTK INVESTMENTS, LLC
VOL. 5848, PG. 41
O.P.R.G.C.T.

"E"
CALLED 57.587 AC.
SHELBY D. BARNETTE
FAMILY LIVING TRUST
SHELBY D. BARNETTE & LESLIE
McCONNELL, CO–TRUSTEES
INST. NO. 2021–25067
O.P.R.G.C.T.



SEE LEGAL ATTACHED

I, Douglas W. Underwood, Registered Professional Land Surveyor, hereby certify that a survey was made on the ground on the property legally described herein, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

STATE OF TEXAS
REGISTERED
DOUGLAS W. UNDERWOOD
4709
PROFESSIONAL
LAND SURVEYOR

Douglas W. Underwood
Registered Professional
Land Surveyor No. 4709
Firm No. 10006300
DATE OF SURVEY: 05/10/22
DATE OF REVISION: 06/03/22

UNDERWOOD
DRAFTING & SURVEYING
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465–2151

UNDERWOOD

DRAFTING & SURVEYING, INC.

Legal Description
Job No. 22040458
(REVISION)

Situated in the County of Grayson, State of Texas, being a part of Fielding Bacon Survey, Abstract No. 119, and being all of a called 6.75 acre tract of land described as Tract One in the deed to Ellis Truck & Auto, Inc., recorded in Volume 4523, Page 334, Official Public Records, Grayson County, Texas, and all of a called 2.278 acre tract of land described as Tract Two in said deed to Ellis Truck & Auto, Inc., and part of a called 21.1181 acre tract of land described as Tract Three in said deed to Ellis Truck & Auto, Inc., and being described by metes and bounds as follows:

Beginning at a to a 1/2" steel rod found for the eastern-most southeast corner of said 21.1181 acre tract, common to the northeast corner of a called 1.607 acre tract of land described as Tract One in the deed to Jerry Kim Plyler, recorded in Instrument No. 2019-16061, and on the westerly line of a called 15.50 acre tract of land described as Tract Two in said deed to Jerry Kim Plyler;

Thence South 74°37'55" West, with a southerly line of said 21.1181 acre tract, and with the northerly line of said 1.607 acre tract, along or near a fence, a distance of 199.19 feet to a 1/2" steel rod found a re-entrant corner on the southerly line of said 21.1181 acre tract, common to the northwest corner of said 1.607 acre tract;

Thence South 15°11'48" East, with an easterly line of said 21.1181 acre tract, and with the westerly line of said 1.607 acre tract, passing en route at a distance of 300.17 feet a found 1/2" steel rod, and continuing on said course, crossing State Highway No. 56 (West Houston Street), a total distance of 350.00 feet to the southern-most southeast corner of said 21.1181 acre tract;

Thence South 74°55'29" West, with the southerly line of said 21.1181 acre tract, and in said State Highway No. 56, a distance of 408.36 feet to the southwest corner of said 21.1181 acre tract;

Thence North 01°58'34" West, with the westerly line of said 21.1181 acre tract, and crossing said State Highway No. 56, a distance of 51.17 feet to the southeast corner of aforesaid 6.75 acre tract, and on the northerly right-of-way line of said State Highway No. 56;

Thence South 74°55'29" West, with the southerly line of said 6.75 acre tract, and with the northerly right-of-way line of said State Highway No. 56, a distance of 191.19 feet to a 1/2" steel rod set for the southwest corner of said 6.75 acre tract, common to the southeast corner of a called 7.141 acre tract of land described in the deed to RTK Investments, LLC, recorded in Volume 5848, Page 41, said Official Public Records;

Thence with the westerly line of said 6.75 acre tract, and with the easterly line of said 7.141 acre tract, the following 2 courses:

1. North 01°58'01" West, a distance of 789.61 feet to a found 1/2" steel rod;

2. North 02°12'14" West, along or near a fence, a distance of 528.49 feet to a 1/2" steel rod found for the northeast corner of said 7.141 acre tract, common to the southeast corner of a called 57.587 acre tract of land described in the deed to Shelby D. Barnette Family Living Trust, Shelby D. Barnette and Leslie McConnell, Co-Trustees, recorded in Instrument No. 2021-25067, said Official Public Records;

Thence North 02°03'39" West, continuing with the westerly line of said 6.75 acre tract, and with the westerly line of aforesaid 2.278 acre tract, and with the easterly line of said 57.587 acre tract, along or near a fence, a distance of 768.44 feet to a 1/2" steel rod found for the northwest corner of said 2.278 acre tract, common to the southwest corner of Longhorn Estates, according to the plat thereof recorded in Volume 11, Page 8, Plat Records, Grayson County, Texas;

Thence North 88°04'43" East, with the northerly line of said 2.278 acre tract, and with the northerly line of aforesaid 21.1181 acre tract, and with the southerly line of said Longhorn Estates, along or near a fence, a distance of 652.52 feet to a 1/2" steel rod found for the northeast corner of said 21.1181 acre tract, common to the northeast corner of aforesaid 15.50 acre tract;

Thence with an easterly line of said 21.1181 acre tract, and with the westerly line of said 15.50 acre tract, along or near a fence, the following 2 courses:

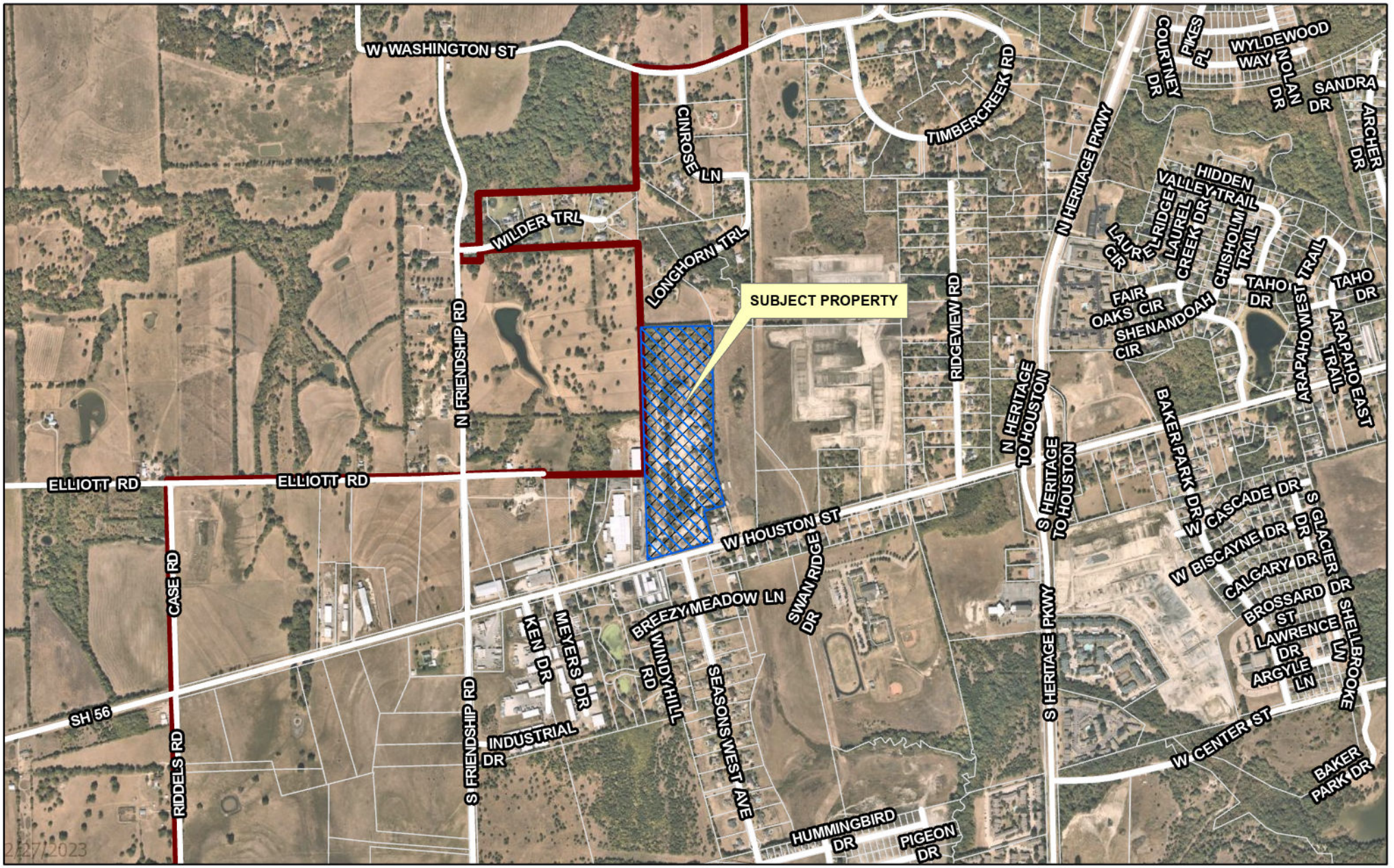
1. South 00°04'20" West, a distance of 1216.23 feet to a found 6" wood fence corner post;

2. South 14°55'44" East, a distance of 409.30 feet to the Point of Beginning and containing a gross acreage of 29.125 acres of land (0.460 acres being in the Right-of-way for State Highway No. 56, leaving a total net acreage of 28.665 acres), more or less.....

06/03/22

STATE OF TEXAS
REGISTERED
DOUGLAS W. UNDERWOOD
4709
PROFESSIONAL
LAND SURVEYOR

Douglas W. Underwood
Registered Professional
Land Surveyor No. 4709
Firm No. 1006300



dlagrone H:\PLANNING\Public Notification KT.aprx

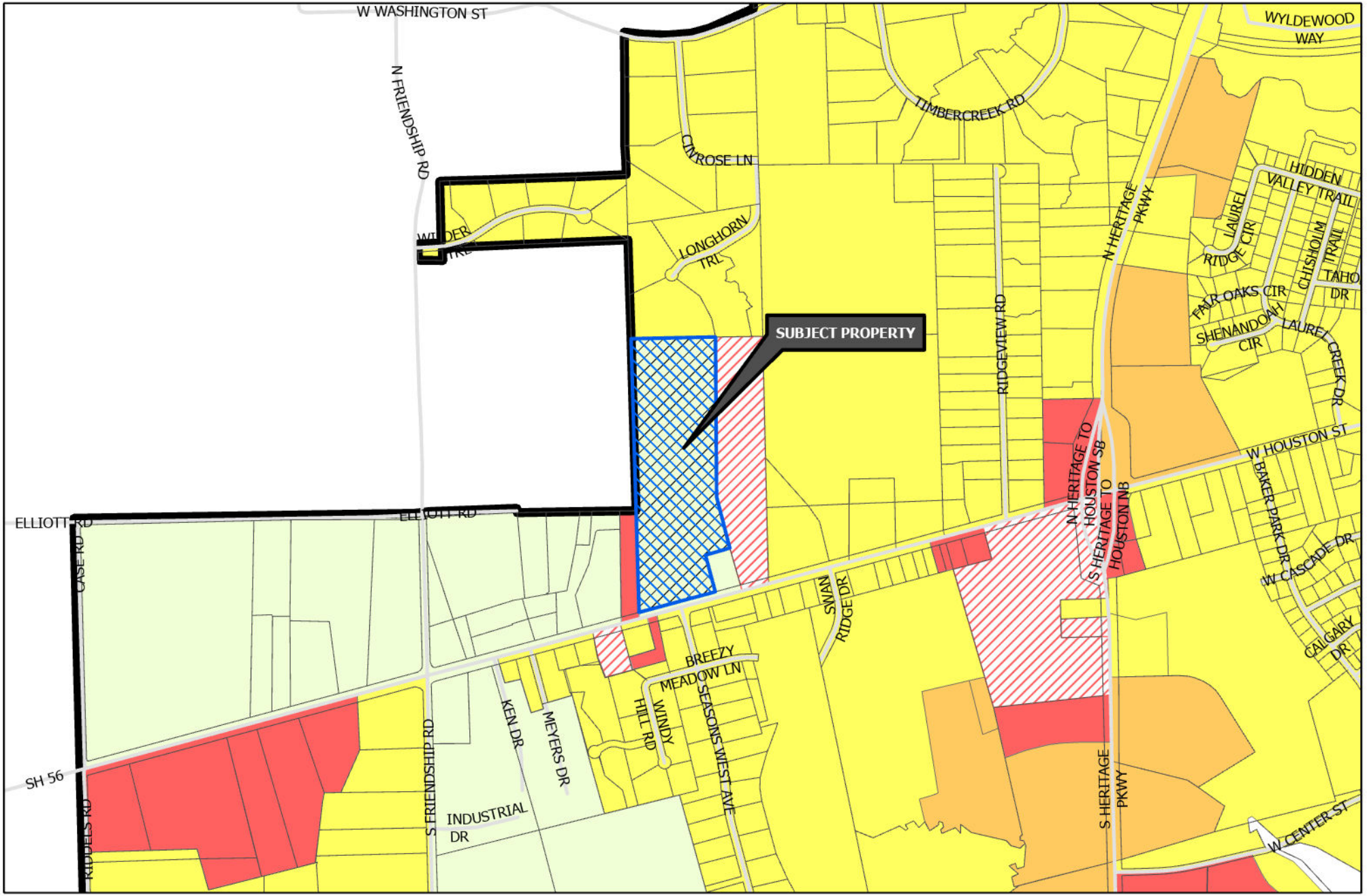
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
4441 W HOUSTON ST

N
W E
S

Date: 2/27/2023 1:03 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations

CITY OF SHERMAN ZONING MAP 4441 W HOUSTON ST

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Date: 2/27/2023 1:07 PM

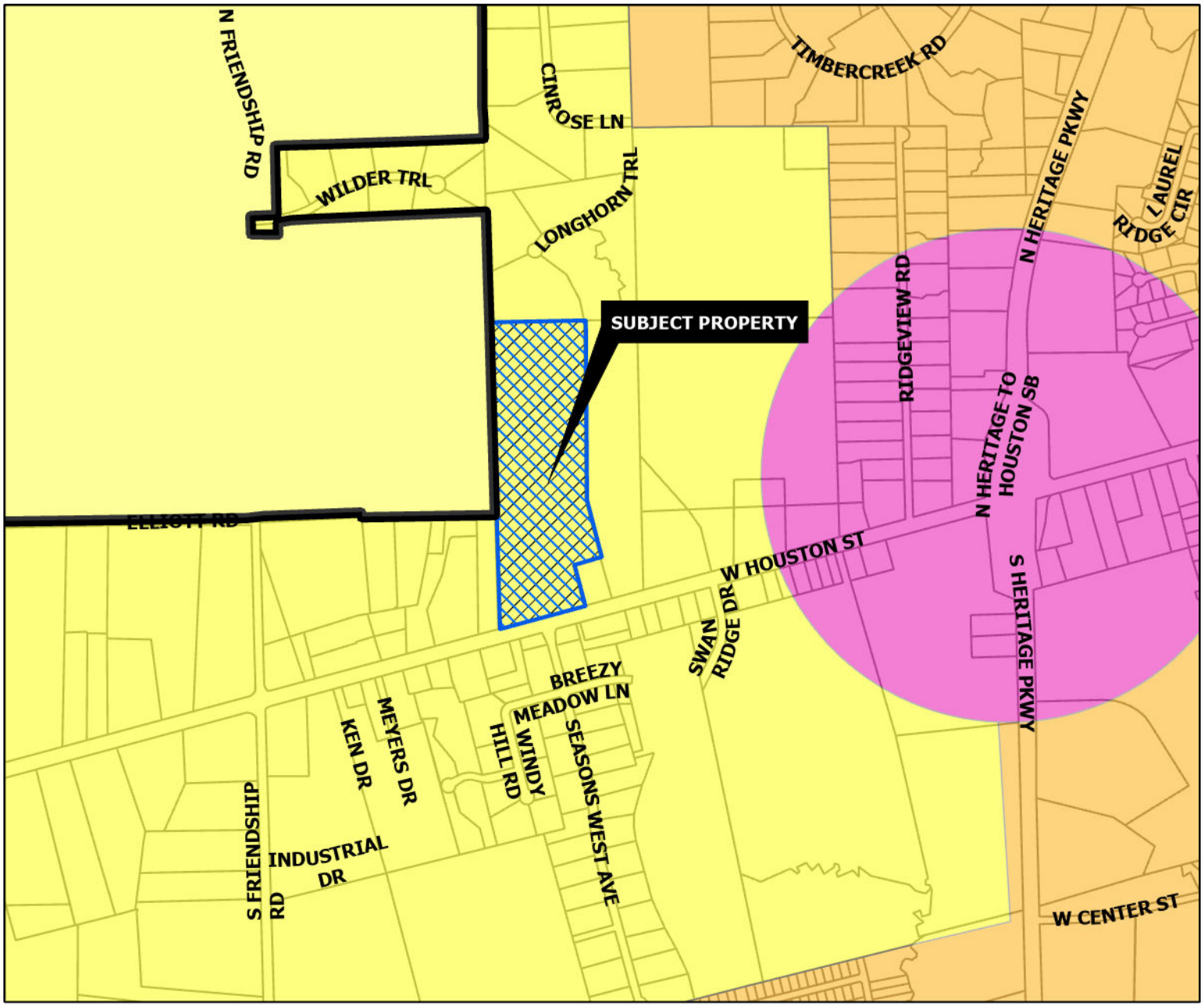
ELLIS AUTO PARTS

Sherman
CLASSIC TOWN. BROAD HORIZON.

NOTICE OF PROPOSED ZONING CHANGE

PROJECT #: 23-000580

FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229



SUBURBAN NEIGHBORHOOD

Intent & Character

The Suburban Neighborhood category is intended to allow primarily single-family detached in a "complete neighborhood" setting. New subdivisions should include a mix of housing products and lot sizes. Areas of supporting local commercial should be integrated into the neighborhoods, primarily along major streets near the entrance of neighborhoods. Community amenities such as parks, trails, open spaces, and civic uses should also be included in the creation of new subdivisions. This category gives flexibility for the creation of master-planned neighborhoods that are compatible with the surrounding area.

Appropriate Land Use Types

- Single-family detached (primary land use type)
- Single-family attached (duplexes and townhomes)
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Estate Residential
- Single-Family Residential (R-12, R-6, R-5, and R-4)
- Multi-Family Residential (MF-15 and MF-30)
- Manufactured Housing
- Neighborhood Commercial
- Planned Development

Considerations

- Street connections to existing and future developments.
- Smaller lots and denser development can serve as a transition from the local commercial areas.

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Technology Hub
- Subject Locations

CITY OF SHERMAN
FUTURE LAND USE MAP
4441 W HOUSTON ST

N
W E
S

Date: 2/27/2023 1:07 PM

STAFF REVIEW LETTER

March 14, 2023

Charles Branch
5900 S Lakeforest Blvd, Ste 300
McKinney, TX 75070

Sherman Real Estate Ventures, LLC
5465 Stone Hill Dr.
El Paso, TX 79334

Pacheco Koch
7557 Rambler Road, Suite 1400
Dallas, TX 75231

Westwood Professional Services, Inc
Matthew Lee
2901 Dallas Parkway, Suite 400
Plano, TX 75093

Underwood Drafting & Surveying
3404 Interurban Road
Denison, TX 75021

Dear Applicants,

The request of a Public Hearing, Site Plan and Zone Change from a R-A (Residential Agriculture) District to an MF-15 (Multi-Family Residential) District located at 4441 West Houston Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, March 21, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request and the following items need to be noted/addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's Zoning Ordinance/Code of Ordinance Chapter 14.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267). *(Code of Ordinances Chapter 3.02(c))*
3. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Sec. 14.04.004)*
4. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. *(Article 14.07)*
5. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
6. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
7. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering

8. Platting of the property is required. Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004
9. Eastern exit only drive approach will not be permitted. Must be a dead end.
10. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154
11. Privately owned and maintained detention in accordance with City criteria may be required. Engineering documentation shall be provided to the City of Sherman Engineering Department for review and approval. If detention is required, Ownership and Maintenance information to be shown on plat. Code of Ordinances Chapter 10, Exhibit A, Sec. 12(I)
12. City wastewater does not serve subject property. On-site sewage facility or extension of wastewater main by developer is required. Wastewater capacity shall be verified for proposed use. Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)
13. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.
14. Three Party Agreement required for Public Infrastructure.
15. Verify fire requirements and code compliance with Fire Marshal. Code of Ordinances Chapter 3.02.002(c)
16. The location of the trash receptors must be approved by the Public Works Department.
17. Internal water and wastewater lines will be privately owned and maintained.

It is the policy of Planning and Zoning Commission and Board of Adjustment not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

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

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Billy Hartsfield, Fire Chief
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 22.

Meeting Date: 03/21/2023

Prepared by: Lauren Marlow, Administrative Assistant
Rob Rae, Director of Development Services

Clay Mahone, Chairman
David Downtain, Vice Chairman
Shawn Davis, Commissioner
Leigh Ann Sims, Commissioner
Paul Manley, Commissioner
Glenn Whitaker, Commissioner
Bryan Blagg, Commissioner

Requested Action/Proposed Use:

4441 WEST HOUSTON STREET

The request of Charles Branch (Owner), Pacheco Koch (Engineer) and Underwood Drafting & Surveying (Surveyor) concerning the property located at 4441 West Houston Street, being 28.665 acres in the Fielding Bacon Survey, Abstract No.119, as follows:

Planning and Zoning Commission

Public Hearing, Site Plan and Zone Change from a R-A (Residential Agriculture) District to an MF-15 (Multi-Family Residential) District.

Background:

The property is located at 4441 West Houston Street between North Friendship Road and Ridgeview Road. The owner is requesting a Zone Change from a R-A (Residential Agriculture) District to an MF-15 (Multi-Family Residential) District and Site Plan approval for a multi-family development, consisting of 420 units.

Adjacent Zoning:

C-2 (General Commercial) District
R-A (Residential Agriculture) District
C-1 (Retail Business) District
R-6 (Single Family Residential) District
ETJ (Extra Territorial Jurisdiction)

Origination:

Charles Branch (Owner)
Pacheco Koch (Engineer)
Underwood Drafting & Surveying (Surveyor)

Master Plan Designation:

Suburban Neighborhood category is intended to allow primarily single-family detached in a "complete neighborhood" setting. New subdivisions should include a mix of housing products and lot sizes. Areas of supporting local commercial should be integrated into the neighborhoods, primarily along major streets near the entrance of neighborhoods. Community amenities such as parks, trails, open spaces, and civic uses should also be included in the creation of new subdivisions. This category gives flexibility for the creation of master-planned neighborhoods that are compatible with the surrounding area.

Number of notices mailed:

14

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map
Zoning Map
Zoning Sign Photo
FLUM
Narrative
Site Plan
Survey
Landscape Plan
Elevations
Traffic Impact Analysis
STAFF REVIEW LETTER

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 7.**

Meeting Date: 04/17/2023

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers 6583, 6584, 6585, 6586, 6587 & 6588.

Issue:

E. 1. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6583**
Abandoning One (1) Twenty Foot (20') Sanitary Sewer Easement Located in the S. Dunman Survey, Abstract No. 329 and the W. Bailey Survey, Abstract No. 64, and Being More Particularly Described on the Exhibit "A" Attached Hereto and Made a Part Hereof for all Purposes, which Sanitary Sewer Easement is Established in Volume 1042, Page 429 of the Deed Records of Grayson County, Texas

E. 2. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6584**
Closing and Abandoning a Platted Alley Adjacent to Lots 8-13 of Parkview Addition in the City of Sherman, Grayson County, Texas, said Alley Being Established in Vol. 306, Pg. 155, Deed Records, Grayson County, Texas, said Property Shall be Reserved as an Easement for Public and Franchise Utilities for the Right of Ingress and Egress to Same for Purposes of Operation, Maintenance or Removal of such Utilities or until such Utilities shall be Abandoned or Relocated

E. 3. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6585**
Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land Consisting of 0.238 acres, being a part of George B. Pilant Survey, Abstract No. 963, being all of Lots 13, 14, and 15 in Block 14 of Continuation of W. Elliotts Addition, City of Sherman, Grayson County, Texas, Located at 800 Maxey Street, Heretofore Zoned C-1 (Retail Business) District; Rezoning and Placing the Tract in the an R-2F (Duplex Residential) District Zoning Classification, (Manuel Dejesus Ochoa, Owner and Underwood Drafting & Surveying, Inc., Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

E. 4. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6586**
Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow an Automobile Laundry, Carwash, in a C-2 (General Commercial) District/75 & 82 Overlay District, Located at 2901 Block Texoma Parkway, Consisting of 1.119 acres in the Reuben Hendrix Survey, Abstract 504, City of Sherman, Grayson County, Texas (Sherman NEC Texoma & 82, LP Owner, Clay Cristy Representative; and Eagle Surveying, LLC., Surveyor); Prescribing Conditions to the Specific Use Permit; Providing A Penalty Not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

E. 5. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6587**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, and Granting a Specific Use Permit to Allow a School, Commercial or Trade, in an M-1 (Light Manufacturing) District, Located at 4800 Texoma Parkway, consisting of 42.8134 acres in the John Hendrix Survey, Abstract No. 503, the W.F. Patterson Survey, Abstract No. 969, The Daniel Shelp Survey, Abstract No. 1097 and the T.J. Shannon Survey, Abstract No. 1136, Lots 1 and 3, Block 1, Midway Mall, City of Sherman, Grayson County, Texas (Star Midway, LLC, Owner, Adam McGregor (Passage Education, LLC), Tenant/Representative; and David Petree, Surveyor); Prescribing Conditions to the Specific Use Permit; Providing A Penalty Not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

E. 6. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6588**

Amending Sherman's Zoning Ordinance/Code of Ordinances Chapter 14, to Rezone a Tract of Land Consisting 28.665 acres in the Fielding Bacon Survey, Abstract No.119, City of Sherman, Grayson County, Texas, Located at 4441 West Houston Street, Heretofore Zoned R-A (Residential Agriculture) District; Rezoning and Placing the Tract in the MF-15 (Multi-Family Residential) District Zoning Classification, (Charles Branch, Owners; and Underwood Drafting & Surveying, Inc., Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 1.**

Meeting Date: 04/17/2023
Prepared By: Tom Pruitt, Utility Engineer
Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 7056

Approving the Greater Texoma Utility Authority's Intention to Award the Guaranteed Maximum Price One (GMP 1.00) for Garney Companies, Inc. for the 36-Inch West Sherman Water Main Project.

Issue:

Approving the Greater Texoma Utility Authority's (GTUA) Intention to Award a Guaranteed Maximum Price One (GMP 1.00) for Garney Companies, Inc. for the 36-Inch West Sherman Water Main Project.

Background:

To serve the fast-growing needs of the City's industrial, commercial, and residential users, a 36-inch water main needs to be installed from the water treatment plant on the north side of the City to the south side of the City by 2025. In an effort to construct this main in such a short timeframe, GTUA and the City of Sherman selected Garney as Construction Manager At Risk (CMAR) for project.

On February 22, 2023 three packages of materials were advertised for proposals to be pre-procured for this project. Proposals were received on March 21, 2023. The City staff, the City's Program Manager, the City's design engineer, GTUA and the CMAR evaluated and scored the proposals on March 27, 2023. The consensus of the scoring team agreed to rebid one of the bid package items and award two the other two bid package items.

This award establishes a progressive GMP beginning with Bid Package 1.00 - Pipeline Material Supply. Approval will give authorization to the CMAR Contractor to purchase butterfly and transfer valves from Ferguson Waterworks in Bid Package 1.02 and to purchase combination air valves from Fortiline, Inc. in Bid Package 1.03.

Origination:

Engineering Department

Financial Consideration:

Based on the submitted proposals and evaluations, Garney has proposed to establish a Guaranteed Maximum Price (GMP) for this package per the terms of their CMAR contract at $1,104,891.20. Garney is required to prepare this GMP for the Owner's review and acceptance. The total CMAR contract price will increase to $1,693,489.20. This project is funded through the Greater Texoma Utility Authority (GTUA) Open Market Bonds.

Staff Recommendation:

It is recommended that the City Council approve GTUA's intention to award the Guaranteed Maximum Price One (GMP 1.00) for Garney Companies, Inc. for the 36-Inch West Sherman Water Main project.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 7056
Cost Summary
CMAR Recommendation Letter
Location Map

RESOLUTION NO. 7056

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO AWARD THE GUARANTEED MAXIMUM PRICE ONE (GMP 1.00) FOR GARNEY COMPANIES, INC. FOR THE 36-INCH WEST SHERMAN WATER MAIN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City of Sherman hereby approves the Greater Texoma Utility Authority's intention to award the Guaranteed Maximum Price One (GMP 1.00) for Garney Companies, Inc in the amount of One Million One Hundred Four Thousand Eight Hundred Ninety-One Dollars and Twenty Cents ($1,104,891.20) for the 36-Inch West Sherman Water Main.

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

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this the 17th day of April 2023.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____ **BY:** _____

LINDA ASHBY, CITY CLERK **DAVID PLYLER, MAYOR**

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

BY: _____

RYAN D. PITTMAN, CITY ATTORNEY

City of Sherman - GMP 1.00 Summary

BID PACKAGE	SYSTEM / CONTRACT	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENSION
BP - 1.02	COSF	Butterfly and Transfer Valves	1.00	Lump Sum	$ 845,900.00	$ 845,900.00
BP - 1.03	COSF	Flow Control Valves	1.00	Lump Sum	$ 82,580.00	$ 82,580.00
						$ -
					SUBTOTAL:	**$ 928,480.00**
	CMAR Contract					$ -
					SUBTOTAL:	**$ -**
					TOTAL DIRECT COST OF WORK AND ALLOWANCES	**$ 928,480.00**
	CMAR Contract	Construction Services (CMAR) GC Multiplier	6.50%	Percent	$ 928,480.00	$ 60,351.20
	CMAR Contract	Construction Services (CMAR) Fee	9.50%	Percent	$ 928,480.00	$ 88,205.60
	CMAR Contract	CMAR Contingency	3.00%	Percent	$ 928,480.00	$ 27,854.40
					GMP 1.00 TOTAL WITH ALLOWABLE FEES	**$ 1,104,891.20**

CMAR Tracking Summary						
Preconstruction	CMAR Contract - Preconstruction	Preconstruction Service Fee: COSF	1.00	Lump Sum	$ 396,248.00	$ 396,248.00
Procurement	CMAR Contract - Procurement	Procurement Service Fee: COSF	1.00	Lump Sum	$ 192,350.00	$ 192,350.00
GMP 1	Cost of Work	Direct Cost of Work / Material	1.00	Lump Sum	$ 928,480.00	$ 928,480.00
GMP 1	CMAR Contract - Construction	Construction Services (CMAR) GC Multiplier	1.00	Lump Sum	$ 60,351.20	$ 60,351.20
GMP 1	CMAR Contract - Construction	Construction Services (CMAR) Fee	1.00	Lump Sum	$ 88,205.60	$ 88,205.60
GMP 1	CMAR Contract - Construction	CMAR Contingency	1.00	Lump Sum	$ 27,854.40	$ 27,854.40
					TOTAL CONTRACT AMOUNT TO DATE	**$ 1,693,489.20**
					COS - WWM Preconstruction Cost	**$ 588,598.00**
					COS - WWM Construction Cost	**$ 1,104,891.20**

1700 Swift Street, North Kansas City, MO 64116
Phone: 816.741.4600
www.garney.com

Tom Pruitt, P.E.
City of Sherman
220 W. Mulberry St.
Sherman, TX 75091

4/10/2023

RE: 36" West Water Main – GMP 1.00

Mr. Pruitt,

In accordance with the Agreement between Garney Companies, Inc. and Greater Texoma Utility Authority (GTUA) on behalf of City of Sherman, Garney is pleased to provide the below information and attached documentation to establish the progressive Guaranteed Maximum Price for City of Sherman – 36" West Water Main– Bid Package 1.00 – Pipeline Material Supply.

Garney proposes to establish the Guaranteed Maximum Price (GMP) for this bid package at $1,104,891.20. The scope of work included in this GMP Proposal includes the procurement of the following materials to support future GMP proposals and the installation of the Raw Water Pipeline.
SOV 1.02 – Butterfly and Transfer Valves
SOV 1.03 – Combination Air Valves

This GMP proposal is for procurement of materials only and does not include unloading, handling, or installation of any of the above item(s) except for receiving and storing Combination Air Release Valves. The above material item(s) will be purchased and paid for by Garney Construction within the requirements of the Agreement for the CMAR Project. These materials will be provided, or assigned, to the Installation Contractors for unloading, handling, and installation, through a future procurement and GMP proposal process. Also included in this proposal is the cost for the CMAR management.

The procurement scope included in this GMP proposal includes the above materials as identified in the plans and specifications made available to Garney for the purpose of material procurement. These plans and specifications are generally referred to as the "36-inch West Sherman Water Main – February 2023 – Bid Package 01 Procurement Set" and "Greater Texoma Utility Authority on behalf of City of Sherman Bidding Documents for 36-in West Sherman Water Main – Bid Package 1.00 – February 2023."

These plans and specifications were not final at the time of procurement and were intended for the sole purpose of early procurement of the above referenced items. It is both possible and likely that design revisions will be made as the project progresses from the 60% Design through Final Design for Construction. Any revisions to these plans and specifications, and cost adjustments associated with those revisions, will be captured either in future GMP proposals or as a Change Order to the current GMP proposal, as directed by GTUA, City of Sherman, and in accordance with the Agreement.

This GMP includes the Construction Manager at Risk's Fees and Expenses, the estimated Cost of the Work, and expenditures as outlined in the Contract Documents and Agreement.

CONFIDENTIAL

Please contact Garney directly if there are any questions regarding this GMP Proposal.

Sincerely,
GARNEY COMPANIES, INC.



Sam Marston
Preconstruction Manager

CC: VT Madhaven – Pape Dawson
Bill Williams – Garney
Wayne Lee – City of Sherman
Paul Sigle – Greater Texoma Utility Authority

Bidding documents:

36-inch West Sherman Water Main – February 2023 – Bid Package 01 Procurement Set
Greater Texoma Utility Authority on behalf of City of Sherman Bidding Documents for 36-in West Sherman Water Main – Bid Package 1.00 – February 2023
Addendum 1 and 2 for Bid Package 1.00

Greater Texoma Utility Authority on behalf of City of Sherman

36" West Sherman Water Main

GMP 1.00 - Bid Package 1.00

Material Procurement
Link to Bid Documents

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1700 Swift Street, North Kansas City, MO 64116
Phone: 816.741.4600
www.garney.com

Contract Documents per Bid Package 1.00

The West Water Main Bid Package 1.00 contract bid documents can be accessed via the following link. On this site, we have posted the following documents.

- 60% Drawings and Specifications
- Addendum 1 and 2

60% Drawings and Specifications utilized at time of Bid.

To access the Bid Package 1.00 Contract Documents:

1. Navigate to the following Website: https://www.civcastusa.com/
2. Click “Browse Bids”
3. In the filters drop down list to the right select “All (Archives)”
4. In the filters type the project name into the dialogue box
5. Select the link to the project documents

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Greater Texoma Utility Authority on behalf of City of Sherman

36" West Sherman Water Main

GMP 1.00 - Bid Package 1.00

Material Procurement
GMP Clarifications

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Phone: 816.741.4600
www.garney.com

Description of Variations, Substitutions Proposed Bid Package 1.00

1. **Specifications** (See hyperlink provided to gain access to the contract documents that accompanied Bid Package 1.00). Per this Early Work GMP 1.00, submittal is "as per specifications" at time of Bid Package 1.00.
    a. Qualifications and Assumptions (See Below)
    b. Exclusions (See Below)

2. **Assumptions and Clarifications**
    a. This is strictly material procurement per plans and specifications available at time of bid.
    b. GMP pricing exclusive of installation costs.
    c. GMP pricing contingent upon GTUA and City of Sherman April 2023 Board Approval.
    d. There are no contingencies included to facilitate material storage at manufacturer

3. **Value Analysis (Not applicable)**

4. **Allowance Schedule (Not applicable)**

5. **Schedule of Unit Prices (Not applicable)**

6. **All other information (Not applicable)**

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Greater Texoma Utility Authority on behalf of City of Sherman

36" West Sherman Water Main

GMP 1.00 - Bid Package 1.00

Material Procurement
Concurrence of Award/Evaluation

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1700 Swift Street, North Kansas City, MO 64116
Phone: 816.741.4600
www.garney.com

4/10/2023

RE: Greater Texoma Utility Authority on behalf of City of Sherman – Bid Package 1.00

In accordance with the Agreement between Garney Companies, Inc. and Greater Texoma Utility Authority on behalf of City of Sherman, Garney is providing the below information for the recommendation of award for the City of Sherman 36" West Water Main – Bid Package 1.00 – Water Pipeline Material Supply. This includes the tabulation of bids received in response to the solicitation and associated scoring for each bid package.

Bid package 1.00 included the following procurement items:
SOV 1.01 – Large Diameter Pipe
SOV 1.02 – Butterfly and Transfer Valves
SOV 1.03 – Combination Air Release Valves

The proposals for the above bid packages were received 3/21/2023 for review and evaluation. The City, Program Manager, and CMAR evaluated the proposals received on 3/27/2023. A consensus was made, in the best interest for the program, to re-bid the Pipe Material Package based on take requirements provided by the end user.

SOV	Scope	Company	Total Awarded Points
1.01	Steel Pipe	American Spiral Weld Pipe	Re-bid
1.01	Steel Pipe	Northwest Pipe Company	Re-bid
1.01	Steel Pipe	Thompson Pipe Company	Re-bid
1.02	Butterfly and Transfer Valves	Ferguson Waterworks	72.77
1.02	Butterfly and Transfer Valves	Fortiline, Inc.	71.83
1.03	Combination Air Valves	Fortiline, Inc.	98.17
1.03	Combination Air Valves	Ferguson Waterworks	84.82

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Sherman WTP

110

GRAYSON COUNTY AIRPORT

75

91

82

112

111

107

CITY OF SHERMAN, TX

36-INCH WEST SHERMAN WATER MAIN

1234

109

Connect at Shepherd Drive

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 2.**

Meeting Date: 04/17/2023

Prepared By: Clint Philpott, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 7057

Authorizing Execution of Certain Documents in Connection With The Bel Air Village Public Improvement District, including, without Limitation, First Amendment to Bel Air Village Public Improvement District Phase #1 Reimbursement Agreement

Issue:

To authorize execution of documents in connection with the Bel Air Village Public Improvement District (PID). Documents include the First Amendment to Bel Air Village PID Phase #1 Reimbursement Agreement

Background:

The City and Bel Air Communities, LLC, a Delaware limited liability company (the "Original Developer") entered into that certain Bel Air Village Master Development Agreement on December 18, 2020 (the "MDA"), as approved by the City Council pursuant to Resolution No. 6676, whereby the MDA provides for the terms and conditions for, among other things, the formation of the Bel Air Village Public Improvement District (the "PID") and the construction and development of certain public improvements (the "Authorized Improvements") by the Original Developer that are subject to reimbursement from assessments levied by the PID.

On April 04, 2022, the City Council held a public hearing on the advisability of the public improvements and services described in the petition as required by Sec. 372.009 of the PID Act and made the findings required by Sec. 372.009(b) of the PID Act and, repealed the 2021 Ordinance No. 6711 authorized and replaced with Ordinance No. 6470. This repeal changed the total levied assessment amount from $7.2 million to $9.1 million for all the public infrastructure.

The documents covered by this Resolution relate specifically to the PID, not just to the Bel Air project. The original Reimbursement Agreement was required to be adopted as part of wrapping up the final creation of the PID and included a total reimbursement amount matching the original $7.2 million.

The First Amendment to the Reimbursement Agreement sets out the commitment of the PID to reimburse the developer for eligible costs under the Updated Service and Assessment Plan of a total of $9.1 million for all public infrastructure.

Origination:

Bel Air Communities, LLC
City Manager's Office

Financial Consideration:

The Landowner will be reimbursed exclusively from assessments levied on property owners in the Bel Air PID for Phase #1 improvements. No other City revenues will be used under these Agreements to reimburse PID expenses to the developer.

Staff Recommendation:

Staff recommends approval of the First Amendment to the Reimbursement agreement.

Alternatives:

As directed by the City Council

Attachments

Resolution No.

Reimbursement Agreement

RESOLUTION NO. 7057

A RESOLUTION OF THE CITY COUNCIL OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION WITH THE BEL AIR VILLAGE PUBLIC IMPROVEMENT DISTRICT, INCLUDING, WITHOUT LIMITATION, FIRST AMENDMENT TO BEL AIR VILLAGE PUBLIC IMPROVEMENT DISTRICT PHASE #1 REIMBURSEMENT AGREEMENT; FINDING AND DETERMING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

RECITALS

WHEREAS, the City and Bel Air Communities, LLC, a Delaware limited liability company (the "Original Developer") entered into that certain Bel Air Village Master Development Agreement on December 18, 2020 (the "MDA"), as approved by the City Council pursuant to Resolution No. 6676, whereby the MDA provides for the terms and conditions for, among other things, the formation of the Bel Air Village Public Improvement District (the "PID") and the construction and development of certain public improvements (the "Authorized Improvements") by the Original Developer that are subject to reimbursement from assessments levied by the PID; and

WHEREAS, the Original Developer's interest and obligations in and to the MDA have been assigned to Terra Perpetua, LLC, a Delaware limited liability company (the "Developer"); and

WHEREAS, on March 15, 2021, after due notice, the City Council of the City (the "City Council") held a public hearing in the manner required by law on the advisability of the public improvements and services described in the petition as required by Sec. 372.009 of the PID Act and made the findings required by Sec. 372.009(b) of the PID Act and, by Resolution No. 6711 adopted by a majority of the members of the City Council, authorized and created the PID in accordance with its finding as to the advisability of the Authorized Improvements; and

WHEREAS, the Developer and the City further desire to enter into that certain First Amendment to Bel Air Village Public Improvement District Phase #1 Reimbursement Agreement (the "Reimbursement Agreement") attached hereto and incorporated herein for all purposes, which such Reimbursement Agreement establishes the process by which the Developer may be reimbursed by the funds from the PID for Developer's construction and development of the Authorized Improvements.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City

Attorney, to execute the Landowner Agreement and the Reimbursement Agreement, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

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

PASSED AND APPROVED on this the 17th day of April 2023

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

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

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

FIRST AMENDMENT TO BEL AIR VILLAGE PUBLIC IMPROVEMENT DISTRICT PHASE #1 REIMBURSEMENT AGREEMENT

This First Amendment to Bel Air Village Public Improvement District Phase #1 Reimbursement Agreement (this "First Amendment") is executed by and between the **City of Sherman, Texas** (the "City") and **Terra Perpetua, LLC**, a Delaware limited liability company (the "Developer") (individually referred to as a "Party" and collectively as the "Parties") to be effective April 17, 2023 (the "Effective Date").

RECITALS

WHEREAS, the Parties have entered into that certain Bel Air Village Public Improvement District Phase #1 Reimbursement Agreement, effective as of May 3, 2021 (the "Reimbursement Agreement"); and

WHEREAS, capitalized terms used in this First Amendment shall have the meanings given to them in this First Amendment or in the Bel Air Village Public Improvement District Service and Assessment Plan, dated April 4, 2022, as amended on December 5, 2022, and as the same may be further amended, supplemented, and updated from time to time (the "SAP"); and

WHEREAS, on March 15, 2021 the City Council passed and approved Resolution No. 6711 authorizing the creation of the Bel Air Village Public Improvement District (the "District") covering approximately 278 acres of land in Sherman, Texas described by metes and bounds in said Resolution (the "District Property"); and

WHEREAS, the purpose of the District is to finance public improvements (the "Authorized Improvements") as provided by Chapter 372, Texas Local Government Code, as amended (the "PID Act") that promote the interests of the City and confer a special benefit on the Assessed Property within the District; and

WHEREAS, the District Property is being developed in phases, and Assessments for each phase have been or will be levied against the Assessed Property (as defined in the SAP) within such phase to pay the costs of Authorized Improvements (as defined in the SAP) that confer a special benefit on the Assessed Property within such phase; and

WHEREAS, on May 3, 2021, after notice in accordance with the PID Act, the City Council passed and approved Ordinance No. 6377 (the "2021 Phase #1 Assessment Ordinance") which, among other things, levied $7,168,000 in assessments against Phase #1 of the District Property; and

WHEREAS, on April 4, 2022, after notice in accordance with the PID Act, the City Council passed and approved Ordinance No. 6470 (the "2022 Phase #1 Assessment Ordinance") which among other things, repealed the 2021 Phase #1 Assessment Ordinance and levied $9,060,054 in Assessments against Phase #1 of the District Property (the "Phase #1 Assessed Property") for the Phase #1 Improvements in accordance with the Phase #1 Assessment Roll attached as Appendix F to the SAP; and

WHEREAS, the SAP established $9,060,054 as the cost of the Phase #1 Improvements to be assessed against Phase #1 of the District Property (the "Phase #1 Improvements Costs"); and

WHEREAS, the Parties desire to enter into this First Amendment to allow reimbursement to the Developer from the Phase #1 Assessments levied pursuant to the 2022 Phase #1 Assessment Ordinance and to amend certain provisions of the Reimbursement Agreement in connection with the 2022 Phase #1 Assessment Ordinance;

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS OF THE PARTIES SET FORTH IN THIS FIRST AMENDMENT AND FOR VALUABLE CONSIDERATION THE RECEIPT AND ADEQUACY OF WHICH ARE ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

I. RECITALS

1.01. Recitals Incorporated. The above recitals are incorporated herein and made a part of this First Amendment to the same extent as if set forth herein in full.

II. AMENDMENT

2.01. Reimbursement Amount. Section 2 of the Reimbursement Agreement is hereby amended to define "Reimbursement Amount" as a principal amount not to exceed $9,060,054.

2.02 Assessment Collection. Section 2(a)(i) of the Reimbursement Agreement is hereby deleted and replaced in its entirety as follows:

> "i. Calculation of the Phase #1 Assessments and the first Annual Installments for lots or parcels of property within the District shall begin as provided for in the SAP and the 2022 Phase #1 Assessment Ordinance, or a subsequent amendment to either."

2.03 Interest Rates. Section 2(a)(iv) of the Reimbursement Agreement is hereby deleted and replaced in its entirety as follows:

> "iv. The unpaid Reimbursement Amount shall bear simple interest per annum at the rates of 7.95% for years one (1) through five (5) from the date of the 2022 Phase #1 Assessment Ordinance and 4.95% thereafter, provided that, in the event Future Phase #1 Bonds are issued, the per annum interest rate on the Reimbursement Amount shall not exceed, and shall be limited to, the per annum interest rate on such bonds. The interest rate has been approved by the City Council and is authorized by the PID Act and was determined based upon *The Bond Buyer*, a daily publication that publishes this interest rate index, which the highest average index rate for tax-exempt bonds reported in the month before the 2022 Phase #1 Assessment Ordinance was _____%. The interest rates of 7.95% and 4.95%

contained herein comply with Subsections 372.023(e)(1) and (e)(2) of the PID Act."

2.04 Term. Section 22 of the Reimbursement Agreement is deleted and replaced in its entirety as follows:

"22. Term. The term of this Reimbursement Agreement is thirty (30) years from the 2022 Phase #1 Assessment Ordinance, or until the Unpaid Balance is paid in full, whichever occurs first. If the Developer defaults under this Reimbursement Agreement, this Reimbursement Agreement shall not terminate with respect to the costs of the Phase #1 Improvements that have been approved by the City pursuant to an approved Certification for Payment prior to the date of default."

III. GENERAL PROVISIONS

3.01. Capitalized Terms. Any capitalized term that is used in this First Amendment and is not otherwise defined herein shall have the meaning that is ascribed to it in the SAP.

3.02. Amendment of Reimbursement Agreement. Except as specifically amended by this First Amendment, the terms and provisions stated in the Reimbursement Agreement shall continue to govern the rights and obligations of the Parties, and all provisions and covenants of the Reimbursement Agreement, as amended by this First Amendment, shall remain in full force and effect. The terms and provisions of the Reimbursement Agreement, as hereby amended by this First Amendment, are hereby ratified and confirmed. In the event of any inconsistency, the terms and provisions of this First Amendment shall control over and modify the terms and provisions of the Reimbursement Agreement.

3.03. Entire Agreement. This First Amendment and the Reimbursement Agreement, constitute the entire agreement between the Parties with respect to the subject matter stated therein, and may not be amended except by a writing signed by the Parties and dated subsequent to the date hereof.

3.04. Captions. The captions preceding the text of each section and paragraph hereof, if any, are included only for convenience of reference and shall be disregarded in the construction and interpretation of this First Amendment.

3.05. Authority. Each party hereto has the full legal authority to execute and deliver this First Amendment. In addition, the individual who executes this First Amendment on behalf of each party hereto is authorized to act for and on behalf of such party and to bind such party to the terms and provisions hereof.

3.06. Severability. If any provision of this First Amendment shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable, unless enforcement of this First Amendment as so invalidated would be unreasonable or grossly inequitable under the circumstances or would frustrate the purpose of this First Amendment.

3.07. Anti-Boycott Verification. To the extent this First Amendment constitutes a contract for goods or services within the meaning of Section 2271.002 of the Texas Government Code, as amended, solely for purposes of compliance with Chapter 2271 of the Texas Government Code, and subject to applicable Federal law, Developer represents that neither Developer nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of Developer (i) boycotts Israel or (ii) will boycott Israel through the term of this First Amendment. The terms "boycotts Israel" and "boycott Israel" as used in this paragraph have the meanings assigned to the term "boycott Israel" in Section 808.001 of the Texas Government Code, as amended.

3.08. Iran, Sudan and Foreign Terrorist Organizations. To the extent this First Amendment constitute a governmental contract within the meaning of Section 2252.151 of the Texas Government Code, as amended, solely for purposes of compliance with Chapter 2252 of the Texas Government Code, and except to the extent otherwise required by applicable federal law, Developer represents that Developer nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of Contractor is a company listed by the Texas Comptroller of Public Accounts under Sections 2270.0201, or 2252.153 of the Texas Government Code.

3.09. Anti-Boycott Verification – Energy Companies. The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott energy companies and will not boycott energy companies during the term of this First Amendment. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, and to the extent such Section is not inconsistent with a governmental entity's constitutional or statutory duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds. As used in the foregoing verification, "boycott energy company" means, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company: (A) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or (B) does business with a company described by the preceding statement in (A).

3.10. Anti-Discrimination Verification – Firearm Entities and Firearm Trade Associations. The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association during the term of this First Amendment. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code. As used in the foregoing verification, "discriminate against a firearm entity or firearm trade association" means: (i) refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association; (ii) refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or (iii) terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; but does not include (a)

the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; or (b) a company's refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency; or for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity's or association's status as a firearm entity or firearm trade association.

3.11. Form 1295. Submitted herewith is a completed Form 1295 in connection with the Developer's participation in the execution of this First Amendment generated by the Texas Ethics Commission's (the "TEC") electronic filing application in accordance with the provisions of Section 2252.908 of the Texas Government Code and the rules promulgated by the TEC (the "Form 1295"). The City hereby confirms receipt of the Form 1295 from the Developer. The Developer and the City understand and agree that, with the exception of information identifying the City and the contract identification number, neither the City nor its consultants are responsible for the information contained in the Form 1295; that the information contained in the Form 1295 has been provided solely by the Developer; and, neither the City nor its consultants have verified such information.

3.12. Multiple Counterparts. Multiple copies of this First Amendment may be executed by the Parties hereto. Each such executed copy shall have the full force and effect of an original executed instrument.

IN WITNESS WHEREOF, the Parties have caused this First Amendment to be executed as of the date and year first above written.

[SIGNATURE PAGES TO FOLLOW]

Executed by Developer and City to be effective on the Effective Date written above.

CITY OF SHERMAN

By: _____
David Plyler, Mayor

ATTEST:

_____
Linda Ashby, City Clerk

APPROVED AS TO FORM

_____
Ryan D. Pittman, Attorney for the City

DEVELOPER

TERRA PERPETUA, LLC,
a Delaware limited liability company

By: _____
Name: Ronny Guerrero
Its: President & CEO

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 3.**

Meeting Date: 04/17/2023

Prepared By: Jana Garner, Grants Coordinator

Approved By: Robby Hefton, City Manager

Caption:

**** RESOLUTION NO. 7058***

Authorizing Submission of a Grant Application to the AKC Reunite Adopt A K-9 Cop Matching Grant for the Funding Purchase of a K-9 Dog for the Sherman Police Department

Issue:

Seeking approval to submit an application through the AKC Reunite Adopt A K-9 Cop Matching Grant for the purchase of a K-9 dog

Background:

The Sherman Police Department plans to use the funds to purchase a K-9 dog to replace the current K-9 dog being retired

Origination:

Sherman Police Department

Financial Consideration:

There is a matching funds requirement of $2,500 by the Sherman Police Department. The total cost of purchasing a K-9 is $17,000. The grant will fund up to $7,500, making the total cost to the City $9,500.

Staff Recommendation:

The staff recommends submitting the application to the AKC Reunite Adopt A K-9 Cop Matching Grant program

Alternatives:

The City Council may decide to decline this grant opportunity

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Attachments

Resolution No. 7058

K-9 Grant Guidelines

RESOLUTION NO. 7058

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO AKC REUNITE ADOPT A K-9 COP MATCHING GRANT FOR FUNDING THE PURCHASE OF A K-9 DOG FOR THE SHERMAN POLICE DEPARTMENT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, The City Council of the City of Sherman, Texas, finds it in the best interest of the citizens of Sherman, Texas, to purchase a K-9 dog for the Sherman Police Department; and

WHEREAS, the City Council understands there is a matching requirement of $2,500 for said project by the AKC Reunite Adopt A K-9 Cop Matching Grant; and

WHEREAS, the City Council agrees that in the event of loss or misuse of the AKC Reunite Adopt A K-9 Cop Matching Grant funds, the City of Sherman assures that the funds will be returned to the AKC Reunite Adopt A K-9 Cop Matching Grant in full.

WHEREAS, the City Council designates the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the City.

NOW THEREFORE, BE IT RESOLVED that City Council of the City of Sherman approves submission of the grant application for purchase of a K-9 dog to the AKC Reunite Adopt A K-9 Cop Matching Grant.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, on this 17th day of April 2023.

CITY OF SHERMAN, TEXAS

BY:_____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

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

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

AKC Reunite/USPCA

Adopt a K-9 Cop

Matching Grant Program

Guidelines and Application

The United States Police Canine Association, Inc. (USPCA) and the American Kennel Club (AKC) have agreed to form an alliance. One of the benefits of this alliance is the AKC Reunite, **Adopt a K-9 Cop matching grant**. Our association with AKC allows us to sponsor **USPCA members** for grants to purchase canines. **A maximum of one grant per department and a total of 250 grants will be awarded in 2023**. How this works:

1. Limited to Law Enforcement
2. Departments must agree to display the AKC Reunite car logo on their police vehicle.
3. ***The USPCA can sponsor your requests, but you must be a member of the USPCA***. You may have your representative or designee join initially, and then if you let us know, we can switch this membership over to the handler. YOU CANNOT JOIN AS A DEPARTMENT. Membership must follow a handler or administrator. If a handler has not been selected yet, please have an administrator join, and then the membership can be moved to the handler down the road as needed. IF YOU KNOW WHO THE HANDLER IS GOING TO BE, PLEASE HAVE THE HANDLER FILL OUT THE APPLICATION. PLEASE DO NOT FILL OUT AN APPLICATION FOR THE HANDLER IF YOU KNOW WHO THE HANDLER IS GOING TO BE.
4. If your department commits to funding at least $2500, AKC Reunite Adopt a K9 Cop will grant your department up to 75% of your requested amount, to a maximum amount of $7500.00 to assist you with the purchase of your new K9. (Example: maximum request of $10,000 could result in a grant amount to you of $7500.00)
5. **A letter on department letterhead is needed confirming you have/will be committing $2500 toward the cost of the police K9**.
6. You must include the following documentation with your application:
    1. Completed W-9
    2. Proof of 501 C-3 status, if applicable

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **G. 1.**

Meeting Date: 04/17/2023
Prepared By: Kerri Turner, Planning Technician
Approved By: Robby Hefton, City Manager

Caption:

REQUEST TO ADVERTISE
Sale of Approximately 12 Acres of Land Located in the 2400-2500 Blocks of South East Street in Sherman's Extra-territorial Jurisdiciton(ETJ)

Issue:

Seeking permission to advertise for bids for the sale of approximately 12 Acres of land located in the 2400-2500 Blocks of South East Street in Sherman's Extra-territorial Jurisdiciton(ETJ)

Background:

Staff is recommending to proceed with the sale of approximately 12 acres of land located in the 2400-2500 Blocks of South East Street in Sherman's Extra-territorial Jurisdiciton(ETJ). Staff is proposing to solicit sealed bids for the sale of this property, with a minimum "reserve" to be attached to the sale. Staff will advertise the sale of this property locally, will solicit offerings to known developers/investors who have already expressed interest in the property. Staff is requesting a qualified proposal seeking ways to enhance parks and trails in the vicinity of the subject property.

Staff is accumulating documentation needed on the property (boundary survey, topographic rendering, Phase I Environmental Study, etc.) to allow the sell of the property in a timely manner. We expect to have this ready to advertise by the end of February 2023, with bids due back in March 2023. Staff expects to award the sale of the property by March 20, 2023.

Origination:

City Manager's Office

Financial Consideration:

The cost of advertising is expected to amount to approximately $1,200.00. The sale of the property will generate revenue for the City that will be used to fund various general capital improvements.

Staff Recommendation:

It is recommended that the City Council authorize Staff to advertise the project for bid.

Alternatives:

As may be directed by the City Council

Attachments

Subject Property Map



Sherman
CLASSIC TOWN. BROAD HORIZON.

SUBJECT PROPERTY MAP

N

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **H. 1.**

Meeting Date: 04/17/2023

Prepared By: Zachary Flores, Executive Director of Public Safety

Approved By: Robby Hefton, City Manager

Caption:

CHANGE ORDER

Change Order No. 1 for Professional Services Agreement with M. Arthur Gensler Jr. & Associates, Inc for Additional Services

Issue:

Change Order No. 1 for Professional Services Agreement with M. Arthur Gensler Jr. & Associates, Inc for Additional Services

Background:

Staff have been working with Gensler to develop a space needs assessment for a new City Hall. We have come to a point that necessitates us adding the below-mentioned services to have a more complete picture to bring to the council in June at the budget workshop.

This change authorizes Gensler to perform the following services:

1. High-level analysis of the existing conditions
2. Conceptual land use diagram that organizes general land uses in a bubble diagram format
3. Aspirational placemaking imagery

Origination:

City Manager's Office

Financial Consideration:

This change order is for an additional $48,000, being funded by monies already in the FY23 budget for City Hall.

Staff Recommendation:

Staff Recommends approval of this change order

Alternatives:

As directed by City Council.

Attachments

Change Order No. 1

Gensler

WORK AUTHORIZATION FOR ADDITIONAL SERVICES NUMBER **1**

Project: Sherman City Hall	**Date:** 3/28/2023
Project Location: Sherman, Texas	**Project Number:** 027.8251.000
Client: City of Sherman, Texas	**File:** 1 WA **This Page** 1 of 2

Services to be performed pursuant to the Original or Master Agreement, date

Master Agreement, dated 1/17/2023

If there is no Original or Master Agreement referenced above Gensler's current Standard Terms and Conditions ("STC") shall apply. A copy of the STC is attached or available upon request.

Other References

Services not included (this list is not exhaustive)

Fee and Basis	☒ Lump Sum of $ __48,600.00___	☒ Plus Reimbursable Expenses
	☐ Hourly	☐ Plus Consultants which are not listed as included in fee (15% adminstrative fee)
	☐ Hourly, not to exceed $ _____without prior authorization	☐ Other: _____
Date Services to Begin	☐ _____ (specify date)	
	☐ Immediately after Work Authorization approval	
Services projected to be completed no later than the following, if indicated	☐ _____ (specify date)	
	☐ _____ Working days after Work Authorization approval	

Services requested by:	Brian Nicodemus	**Date of Request:**	3/28/2023
Gensler Authorization by:	_____ Barry Hand, Principal	**Date Signed:**	
Client Authorization by:	_____ Robby Hefton, City Manager	**Date Signed:**	

Authorization is confirmed for Gensler to perform the following services:

1. High-level analysis of the existing conditions
2. Conceptual land use diagram that organizes general land uses in a bubble diagram format
3. Aspirational placemaking imagery

This conceptual land use diagram is based on initial impressions and industry best practices within a boundary of Rusk St. to Walnut St. along Mulberry St. For the pricing meeting on June 15 the scope of work does not include an extensive existing conditions analysis or market assessment. It also does not include at looking at the larger Central Business Districts for other opportunities or synergies.

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **H. 2.**

Meeting Date: 04/17/2023
Prepared By: Chuck Carlisle, Facilities Manager
Approved By: Robby Hefton, City Manager

Caption:

CHANGE ORDER
Change Order No. 1 for Contract with EMR Elevator for Cylinder Replacement

Issue:

Change Order No. 1 for Contract with EMR Elevator for Cylinder Replacement

Background:

The elevator at the former Police Department building has been inoperable for several months. As part of the repair process, the repair company, EMR Elevator, performed a finishing modernization elevator load test at 25% over the maximum load rate. During this test, the elevator dropped, indicating a leak in the cylinder. This repair needs to be done prior to opening the building to meet ADA requirements.

Veterans Drilling will be contracted to remove the existing hydraulic cylinder, piston, and cylinder head and replace them with a new double-bottom design cylinder with sealed PVC encasement, new piston, and new cylinder head.

Origination:

Building Maintenance

Financial Consideration:

This change order is for an additional $50,025.

Staff Recommendation:

Staff Recommends approval of this change order

Alternatives:

As directed by City Council.

Attachments

Change Order No. 1

Sherman Police Department
Charles Carlisle
CCarlisle@cityofsherman.com

CO-01

EMR ELEVATOR CHANGE ORDER PROPOSAL

REQUESTED BY: **Charles Carlisle** DATE REQUESTED: 3/8/2023

✓ OWNER	☐ GENERAL CONTRACTOR	☐ARCHITECT	☐EMR ELEVATOR

RE: Contract #657-21, PO 22-02788 – CHANGE ORDER 01 Cylinder Replacement

Description: Veterans Drilling will be contracted to remove the existing hydraulic cylinder, piston, and cylinder head and replace them with a new double-bottom design cylinder with sealed PVC encasement, new piston, and new cylinder head.

Cost Breakout:

QTY	UNIT	UNIT COST	TOTAL COST
1	Cylinder Replacement	$43,500.00	$43,500.00
		Profit Margin Including Mark Up, and Fees	**$6,525.00**
		Total Change Order Cost for The Work Proposed Above	**$50,025.00**

General Contractor: _____

Approved By: _____

Do not hesitate to contact me if you have any questions regarding this change order.

Sincerely,

Lauren Bartleson

Lauren Bartleson
Project Manager
lauren.bartleson@emrelevator.com

O: 682-219-0914

Change Proposal Detail Sheet

Rev. 1.12

Project No. & Name: Sherman Police Department / PR-188573
Contractor Name: EMR Elevator, Inc.
Prepared By: Lauren Bartleson
Change Proposal No. 01
Change Proposal Date 8-Mar-23
Description of Change: Veterans Drilling will be contracted to remove the existing hydraulic cylinder, piston and cylinder head and replace with a new double bottom design cylinder with sealed PVC encasement, new piston, and new cylinder head.

Line Item	Description	Quantity	Units	Unit Labor Cost	Approved Labor Burden Rate: 0.000%				Mat/Equip Unit Cost	Material Equipment Total	Subcontract
					Labor Hours	Labor Rate	Labor Total	Labor Burden Total			
1	Cylinder Replacement	1.00	EA				0.00	0.00		0.00	43,500.00
2							0.00	0.00		0.00	
3							0.00	0.00		0.00	
4							0.00	0.00		0.00	
5							0.00	0.00		0.00	
6							0.00	0.00		0.00	
7							0.00	0.00		0.00	
8							0.00	0.00		0.00	
9							0.00	0.00		0.00	
10							0.00	0.00		0.00	
11							0.00	0.00		0.00	
12							0.00	0.00		0.00	
13							0.00	0.00		0.00	
14							0.00	0.00		0.00	
15							0.00	0.00		0.00	
16							0.00	0.00		0.00	
17							0.00	0.00		0.00	
18							0.00	0.00		0.00	
19							0.00	0.00		0.00	
20							0.00	0.00		0.00	
21							0.00	0.00		0.00	
22							0.00	0.00		0.00	
23							0.00	0.00		0.00	
24							0.00	0.00		0.00	
25							0.00	0.00		0.00	
26							0.00	0.00		0.00	
27							0.00	0.00		0.00	
28							0.00	0.00		0.00	
29							0.00	0.00		0.00	
30							0.00	0.00		0.00	
31							0.00	0.00		0.00	
32							0.00	0.00		0.00	
33							0.00	0.00		0.00	
34							0.00	0.00		0.00	
35							0.00	0.00		0.00	
36							0.00	0.00		0.00	
37							0.00	0.00		0.00	
38							0.00	0.00		0.00	
39							0.00	0.00		0.00	
40							0.00	0.00		0.00	
41							0.00	0.00		0.00	
42							0.00	0.00		0.00	
43							0.00	0.00		0.00	
44							0.00	0.00		0.00	
45							0.00	0.00		0.00	
				SUBTOTAL	0		0	0		0	43,500

Work Performed by Contractor	**Work preformed by Contractors own employees (per Contract) SUBTOTAL**		$ -
15% Work Performed by Contractor	FEE (includes Profit and Overhead)		$ -
	Managing subcontracted work (per Contract)	**SUB TOTAL**	$ 43,500.00
Managed Subcontracted Work	FEE (includes Profit and Overhead)		$ 6,525.00
15% Managed Subcontractor Work		**SUB TOTAL**	$ 50,025.00
	Bond Rate % if applicable:	0.000%	$ -
		TOTAL FOR THIS CHANGE PROPOSAL	**$ 50,025**

VETERANS DRILLING and HYDRAULIC REPAIR

DATE: **March 7, 2023**

TO: **Travis Pace**
EMR Elevator
100 Ezell Dr
DeSoto, Texas 75115

PROJECT LOCATION:

Sherman Police Station
317 S Travis St
Sherman, Texas 75090

ELEV NUMBER: **PROPOSAL NUMBER:** J03072023-001

Cylinder Replacement

Remove the existing underground hydraulic cylinder, piston and cylinder head and replace with a new double bottom design cylinder with sealed PVC encasement, new piston and new cylinder head.

General Scope Description and Provisions:

The new cylinder being proposed for installation is a sealed, double-bottom, PVC-protected design, which offers protection from corrosion, as well as permitting monitoring and evacuation of liquids to ensure the cylinder does not come in contact with water. This design will also help contain oil in the unlikely event of a cylinder leak. The sealed PVC protection can help protect your property against possible environmental contamination and associated clean-up costs and penalties.

In certain cases, the installation of the sealed PVC design cylinder may require significant additional work. Such situations include:

1. when an existing well casing must be removed in order to achieve the proper clearance for the installation of the sealed PVC cylinder
2. when such an installation would require modifications to the building or hoist way (i.e., the required drill rig does not fit in the building through an existing entrance or implies the need to move the existing rails)

The scope of work will include the following:

- ✓ Secure the elevator cab at the top floor
- ✓ Remove the existing piston
- ✓ Remove the existing cylinder
- ✓ Re-drill the existing cylinder hole and prepare it for installation of a new PVC-encased cylinder
- ✓ Install A17.1-compliant PVC cylinder, specifically designed for underground use
- ✓ Install a new double bottom cylinder with sealed PVC encasement
- ✓ Plumb the cylinder to the vertical
- ✓ Install a new platen plate isolation
- ✓ Install a new cylinder head
- ✓ Install new piston
- ✓ Install new packing
- ✓ Install new pit channels and buffers
- ✓ Install new shutoff valve
- ✓ Removal of spoils as outlined herein
- ✓ Replenishment of oil reservoir
- ✓ Perform Pre-Acceptance Inspection
- ✓ Perform QEI acceptance inspections.
- ✓ NOTE: Existing well casing may be present, removal or reuse is not known, so well casing removal/replacement it is not included in this proposal.

New Cylinder and Sealed PVC Protection Warranty:

The cylinder and PVC protection used for this project is warranted against product and installation defect for 90 days.

Clarifications:

1. Removal of Cylinder: There will be an additional cost of $395.00 per team hour to remove existing cylinder if site conditions prevent its removal within Twelve (12) working hours. A change order will be created to include additional costs and must be paid before scope of work will be completed and inspection by the AHJ requested. (Per Elevator)
2. "Rock Clause" -- Cylinder Well Hole Drilling: There will be an additional cost of $395.00 per hour (driller) to drill the new hole if site conditions (such as rock, water or other unanticipated conditions) prevent completion of the hole drilling within Forty (40) drilling hours. VETERANS DRILLING shall be reimbursed for all costs incurred subsequent to encountering the physical obstruction or hindrance, including the cost of the special equipment, and any time and material that we have to provide. A change order will be created to include additional costs and must be paid before scope of work will be completed and inspection by the AHJ requested. (Per Elevator)
3. Well Casing: A well casing is believed to be present and is required. If the casing is not present or requires replacement a change order will be created to include material, labor and additional spoils disposal. The additional material and spoils disposal will be at market price, labor at $395.00 per hour and must be paid before scope of work will be completed and inspection by the AHJ requested.
4. Installation, Alignment and Vertical Plumbing of New Cylinder: This proposal's price includes Sixteen (16) straight time crew hours per elevator to insert and set the new PVC outer casing and steel piston cylinder. Should the time to perform this function exceed Sixteen (16) straight time crew hours per elevator, the additional time will be billed at $395.00 per hour. A change order will be created to include additional costs and must be paid before scope of work will be completed and inspection by the AHJ requested.

5. Spoils Removal: The spoils generated during the completion of this project (primarily during the drilling phase) must be removed from the site. The spoils may or may not be contaminated, the contamination being attributed to the existing ground soil condition, oil introduced from a leak in the underground cylinder, or both.

   The removal of contaminated soil and drilling spoils must be performed by certified, authorized agents whose methods and processes are compliant with existing hazardous waste transportation and disposal laws.

   The company contracting VETERANS DRILLING assumes all responsibility for the proper disposal of all spoils and other waste associated with the replacement of the piston/cylinder, beyond Ten (10) 55 Gallon drums, per elevator, which, will be considered part of Veterans Drilling scope of work.

NOTES:

Proposal is valid for sixty (60) days.

All work is to be completed during the regular working hours of the elevator trade.

Where conditions require it, we will provide protection for floors, walls and the elevator entrances for the normal activities associated with this work. Building protection associated with special or unusual drilling or excavation procedures is the responsibility of the building owner.

This proposal is based on the building owner/contractor agreeing to provide the following:

- ✓ Electric power for light, tools, hoists, welding, drilling rig, etc. required for the duration of this project.
- ✓ Water supply for use in well hole remediation
- ✓ Full access to the work area for professionals completing this work during the agreed-upon work hours for the duration of the project.
- ✓ On-site storage (clear and in close proximity to the work area) for materials associated with the completion of the project, including cylinder, piston, oil, tools, etc. during the project.
- ✓ Permits required for the use of welding and gas-burning and cutting in the elevator hoist way.
- ✓ Plan Review or Installation permits as required by State or Local jurisdictions.
- ✓ Deactivation and reactivation of all fire, smoke and/or combustion sensors in the work area that may be activated by the effects of the procedures required to complete this work.

*****Please note, materials cannot be ordered, and work cannot be started until all down-payments are received.**

PRICE: **FORTY-THREE THOUSAND FIVE HUNDRED** and 00/100 dollars

($43,500.00)

This price is based on a fifty percent (50%) down payment.

This proposal, including the provisions printed on the last page(s), and the specifications and other provisions attached hereto shall, when accepted by you below and approved by our authorized representative, constitute the entire contract between us, and all prior representations or agreements not incorporated herein are superseded.

Submitted by: David Baucom

Accepted in Duplicate

CUSTOMER	**VETERANS DRILLING**
Approved by Authorized Representative	Approved by Authorized Representative
Date: _____	Date: _____
Signed: X _____	Signed: _____
Print Name: _____	Print Name: _____
Title: _____	Title: _____

Name of Company: _____

Remit to address:

Veterans Drilling
211 Naples Dr
Duncanville, Texas 75116

TERMS AND CONDITIONS

1. This quotation is subject to change or withdrawal by us prior to acceptance by you.

2. The work shall be performed for the agreed price plus any applicable sales, excise or similar taxes as required by law. In addition to the agreed price, you shall pay to us any future applicable tax imposed on us, our suppliers or you in connection with the performance of the work described.

3. Prevailing Wage rates are not considered within this proposal unless specifically included above.

4. Payments shall be made as follows: A down payment of fifty percent (50%) of the price shall be paid by you upon your signing of this document. Full payment shall be made on completion if the work is completed within a thirty day period. If the work is not completed within a thirty day period, monthly progress payments shall be made based on the value of any equipment ready or delivered, if any, and labor performed through the end of the month less a five percent (5%) retainage and the aggregate of previous payments. The retainage shall be paid when the work is completed. We reserve the right to discontinue our work at any time until payments shall have been made as agreed and we have assurance satisfactory to us that subsequent payments will be made when due. Payments not received within thirty (30) days of the date of invoice shall be subject to interest accrued at the rate of eighteen percent (18%) per annum or at the maximum rate allowed by applicable law, whichever is less. We shall also be entitled to reimbursement from you of the expenses, including attorney's fees, incurred in collecting any overdue payments.

5. Our performance is conditioned upon your securing any required governmental approvals for the installation of any equipment provided hereunder and your providing our workmen with a safe place in which to work. Additionally, you agree to notify us if you are aware or become aware prior to the completion of the work of the existence of asbestos or other hazardous material in any elevator hoistway, machine room, hallway or other place in the building where VETERANS DRILLING personnel are or may be required to perform their work. In the event it should become necessary to abate, encapsulate or remove asbestos or other hazardous materials from the building, you agree to be responsible for such abatement, encapsulation or removal, and in such event VETERANS DRILLING shall be entitled to delay its work until it is determined to our satisfaction that no hazard exists and compensation for delays encountered if such delay is more than sixty (60) days. In any event, we reserve the right to discontinue our work in the building whenever in our opinion this provision is being violated.

6. Unless otherwise agreed in writing, it is understood that the work shall be performed during our regular working hours of our regular working days. If overtime work is mutually agreed upon and performed, an additional charge therefor, at our usual rates for such work, shall be added to the contract price. The performance of our work hereunder is conditioned on your performing the preparatory work and supplying the necessary data specified on the front of this proposal or in the attached specification, if any. Should we be required to make an unscheduled return to your site to begin or complete the work due to your request, acts or omissions, then such return visits shall be subject to additional charges at our then current labor rates.

7. Title to any material to be furnished hereunder shall pass to you when final payment for such material is received. In addition, we shall retain a security interest in all material furnished hereunder and not paid for in full. You agree that a copy of this Agreement may be used as a financing statement for the purpose of placing upon public record our interest in any material furnished hereunder, and you agree to execute a UCC-1 form or any other document reasonably requested by us for that purpose.

8. VETERANS DRILLING assumes your equipment may be covered by a maintenance or service contract, it is agreed that we will make no examination of your equipment other than that necessary to do the work described in this contract and assume no responsibility for any part of your equipment except that upon which work has been done under this contract.

9. Neither party shall be liable to the other for any loss, damage or delay due to any cause beyond either parties reasonable control, including but not limited to acts of government, strikes, lockouts, other labor disputes, fire, explosion, theft, weather damage, flood, earthquake, riot, civil commotion, war, mischief or act of God.

10. We warrant that all services furnished will be performed in a workmanlike manner. We also warrant that any equipment provided hereunder shall be free from defects in workmanship and material. Our sole responsibility under this warranty shall be at our option to correct any defective services and to either repair or replace any component of the equipment found to be defective in workmanship or material provided that written notice of such defects shall have been given to us by you within ninety (90) days after completion of the work or such longer period as may be indicated on the front of this form. All defective parts that are removed and replaced by us shall become our property. We do not agree under this warranty to bear the cost of repairs or replacements due to vandalism, abuse, misuse, neglect, normal wear and tear, modifications not performed by us, improper or insufficient maintenance by others, or any causes beyond our control.

We shall conduct, at our own expense, the entire defense of any claim, suit or action alleging that, without further combination, the use by you of any equipment provided hereunder directly infringes any patent, but only on the conditions that (a) we receive prompt written notice of such claim, suit or action and full opportunity and authority to assume the sole defense thereof, including settlement and appeals, and all information available to you for such defense; (b) said equipment is made according to a specification or design furnished by us; and (c) the claim, suit or action is brought against you. Provided all of the foregoing conditions have been met, we shall, at our own expense, either settle said claim, suit or action or shall pay all damages excluding consequential damages and costs awarded by the court therein and, if the use or resale of such equipment is finally enjoined, we shall, at our option, (i) procure for you the right to use the equipment, (ii) replace the equipment with equivalent noninfringing equipment, (iii) modify the equipment so it becomes noninfringing but equivalent, or (iv) remove the equipment and refund the purchase price (if any) less a reasonable allowance for use, damage and obsolescence.

THE EXPRESS WARRANTIES SET FORTH IN THIS ARTICLE 9 ARE THE EXCLUSIVE WARRANTIES GIVEN; WE MAKE NO OTHER WARRANTIES EXPRESS OR IMPLIED, AND SPECIFICALLY MAKE NO WARRANTY OF MERCHANTABILITY OR OF FITNESS FOR ANY PARTICULAR PURPOSE; AND THE EXPRESS WARRANTIES SET FORTH IN THIS ARTICLE ARE IN LIEU OF ANY SUCH WARRANTIES AND ANY OTHER OBLIGATION OR LIABILITY ON OUR PART.

11. Under no circumstances shall either party be liable for special, indirect, liquidated, or consequential damages in contract, tort, including negligence, warranty or otherwise, notwithstanding any indemnity provision to the contrary. Notwithstanding any provision in any contract document to the contrary, our acceptance is conditioned on being allowed additional time for the performance of the Work due to delays beyond our reasonable control.

Your remedies set forth herein are exclusive and our liability with respect to any contract, or anything done in connection therewith such as performance or breach thereof, or from the manufacture, sale, delivery, installation, repair or use of any equipment furnished under this contract, whether in contract, in tort (including negligence), in warranty or otherwise, shall not exceed the price for the equipment or services rendered.

12. To the fullest extent permitted by law, you agree to hold us harmless, and defend us and indemnify us against any claim or suit for personal injury or property damage arising out of this contract unless such damage or injury arises from our sole negligence.

13. It is agreed that after completion of our work, you shall be responsible for ensuring that the operation of any equipment being furnished hereunder is periodically inspected. The interval between such inspections shall not be longer than what may be required by the applicable governing safety code. Notwithstanding any other provisions hereof, if any part delivered hereunder incorporates software, the transaction is not a sale of such software; rather, you are hereby granted merely a license to use such software solely for operating the equipment for which such part was ordered. By accepting delivery of such part, you agree not to copy or let others copy such software for any purpose whatsoever, to keep such software in confidence as a trade secret, and not to transfer possession of such part to others except as a part of a transfer of ownership of the equipment in which such part is installed, provided that you inform us in writing about such ownership transfer and the transferee agrees in writing to abide by the above license terms.

14. This Agreement constitutes the entire understanding between the parties regarding the subject matter hereof and may not be modified by any terms on your order form or any other document, and supersedes any prior written or oral communication relating to the same subject. Any amendment or modifications to this Agreement shall not be binding upon either party unless agreed to in writing by an authorized representative of each party.

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **I. 1.**

Meeting Date: 04/17/2023

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Receive Quarterly Progress Report from Sherman Economic Development Corporation President Kent Sharp

Issue:

To receive the Sherman Economic Development Corporation (SEDCO) quarterly progress report from President Kent Sharp

Background:

The brief presentation by the SEDCO President will provide the City Council with an overview of SEDCO's activities and accomplishments during the period from January 2023 to the end of March 2023. SEDCO's last update was presented at the Regular City Council Meeting of Tuesday, January 17, 2023

Origination:

City Council

Financial Consideration:

This presentation is for informational purposes only and has no impact on the City's revenues or expenses.

Staff Recommendation:

No action is required of the City Council.

Alternatives:

None recommended

Attachments

SEDCO Quarterly Progress Report

REPORTING FORM FOR BOARDS AND COMMISSIONS

Name of Board: **Sherman Economic Development Corporation**

Name of Chair: Janie Bates
Name of Vice-Chair: Scott Bandemir

Date of Report to City Council: April 17, 2023

- **In simple terms and as briefly as possible, please describe the mission of your board.**
  - *The mission of the Sherman Economic Development Corporation (SEDCO) is to grow and diversify the economy of Sherman and the surrounding area through the addition of new jobs and investment of primary employers.*

- **Please list the top accomplishments of your board within the past quarter. (Please limit the list to five or fewer items).**
  - *SEDCO received the Texas Economic Development Council's (TEDC) 2022 Economic Excellence Recognition Award.*
  - *Kent and Mark England, President of GlobiTech, visited the Governor's Mansion to honor Texas' achievement in Economic Development and to celebrate Texas winning its 11th consecutive Governor's Cup.*
  - *SEDCO hosted the Sherman Women-Owned and Minority-Owned (WOMO) Kick-off event at the Finley 502. Eighty-four people were in attendance and took part in business questions, signed up for the WOMO directory, networked, and made connections with new resources.*
  - *The 2023 Raising Innovative Sherman Entrepreneurs (RISE) Challenge application closed in February with nine applicants. The program partners – SEDCO, Austin College, PQD Design & Manufacturing, and Grayson SBDC – advanced four of the nine applicants to Round 2. The competitors completed orientation and SBDC Training, submitted draft business plans and financials, and pitched their business to the RISE judges, comprised of local business leaders. All four competitors advanced to Round 3 where they submitted their final business plans and hosted site visits for the judges. Final presentations were completed, and the judges chose three finalists to receive a RISE award. We will announce the winners and their award amounts on April 21st at the RISE Awards Ceremony at Austin College.*
  - *SEDCO hired a new Executive Assistant – April Day. April previously worked in the Center for Workplace Learning at Grayson College.*
  - *Kent received the 2022 Community Leader of the Year award from the Sherman Chamber of Commerce.*

- **What are your plans for this board in the next quarter?**
  - *Compete aggressively for the attraction of new jobs and investments to the city by narrowing our focus to those companies that align with our semiconductor cluster, both nationally and internationally.*
  - *Through the Business Retention and Expansion (BRE) Program, we will continue our BRE visits to the Sherman industries and work closely with companies that have*

announced new investments in Sherman to ensure they have the support to meet their goals and receive the incentives as identified in the performance agreements.
- *Continue updating the job listings on shermantxjobs.com with new listings boosted on social media.*
- *Continue to add contacts to the Sherman WOMO business directory.*
- *Shannon will attend the Industrial Asset Management Council's (IAMC) Spring Forum in Biloxi, Mississippi. SEDCO will also co-host a Texas dinner for site selectors and brokers during the forum.*
- *Staff will attend a Taiwan Delegation Meeting hosted by the Dallas Regional Chamber.*
- *Host the second Sherman WOMO Small Group Breakout and start planning the first workshop.*
- *Co-host the AMP End of Year Event on April 20th.*
- *Host the RISE Awards Ceremony on April 21st.*
- *Host the Spring Leadership Lunch on April 26th.*
- *Sponsor a tee box at the Sherman Chamber's Golf Tournament on May 5th.*
- *Co-sponsor the Career Connection Job Fair on May 25th.*
- *Attend the TEDC Mid-Year Conference in Allen on June 21st-23rd.*

- **How often did this board meet in the last quarter?**
  - *The SEDCO Board meets on the second Tuesday of each month and holds special called meetings when needed. Since our last report, the SEDCO Board has held three regularly scheduled meetings (January 10th, February 14th, March 14th).*

- **In what percentage of those meetings was a quorum of board members present?**
  - *100%*

- **Did any member attend less than 75% of those meetings? If so, which member and how often did they attend?**
  - *No*

- **What other information would your board like to communicate to the City Council? (please be concise in your response).**
  - *Presently working five active projects with an estimated $4.06 Billion CAPEX and approximately 5,215 new jobs.*
  - *Completed a site visit with a company interested in relocating and/or expanding their operations to Sherman.*
  - *Completed five BRE meetings with The Charlotte Letter, Eaton B-Line, Coherent, Panda Power, and Sunny Delight.*
  - *During the last quarter, the SEDCO Board approved the following:*
    - *Resolution No. SEDCO 2023.01 accepting and adopting the City of Sherman employee handbook and personnel policy for SEDCO.*
    - *Resolution No. SEDCO 2023.02 authorizing a Second Amended and Restated Performance Agreement for 903 Brewers.*
    - *Resolution No. SEDCO 2023.03 authorizing an Amended and Restated Performance Agreement with GlobalWafers.*
    - *Resolution No. SEDCO 2023.04 authorizing the sale of land in Progress Park III to Arctic Bracing, LLC.*
    - *Resolution No. SEDCO 2023.07 approving an amendment to SEDCO's Articles of Incorporation.*

    - *Resolution No. SEDCO 2023.08 authorizing a contract with Sabrina T. Brown for legislative and state agency consulting services.*
    - *Resolution No. SEDCO-2023.06 authorizing and approving a real estate sales contract, right of first refusal, and right of repurchase for the sale and conveyance of approx. 10.308 acres at the corner of Howe Drive and Dorsett Drive to HPI Acquisition, LLC.*
    - *Resolution No. SEDCO-2023.05 approving a $109,702.88 incentive to Eaton B-Line towards the company's $1,990,096 capital investment in a new hydraulic turret and tooling. Eaton B-Line estimates this project will create up to 35 new jobs over the next five years.*
    - *Ineligible Section 457(f) Deferred Compensation Plan for Tax Exempt and Governmental Organizations*
- *Closed on the acreage in Progress Park I for 903 Brewers and GlobalWafers.*
- *Presented a $36,511.47 incentive payment to Eaton B-Line. The company has maintained an annual average of 200 employees and invested $772,590.87 in qualified expenditures at their facility at 4901 Marshall Steet.*
- *Worked with Via Rail, BNSF, Progress Rail, city staff, and project engineers on Project Wrap's rail extension and spur cost breakdown.*
- *Hosted the Plant Manager and Safety Leader forum at Coherent with 11 industries in attendance.*
- *Met with the WOMO Committee to recap the Kick-off event and discuss future events, training, and small groups.*
- *Trinity One Records hosted the first Sherman WOMO small group breakout session to discuss their unique business, and the attendees' shared updates, announcements, and business challenges.*
- *Attended the Workforce Solutions Texoma meeting where Eric Batten from Texas Instruments gave a presentation on the upskilling stackable credentials for Electrical Engineering Technology AAS Degree that will begin in June at Grayson College.*
- *Co-hosted with Workforce Solutions Texoma an Electrical Engineering Technician (EET) program lunch with the Sherman manufacturing partners.*
- *Kent and Ashton toured the Sherman High School CTE wing with Eric Batten and Sherman ISD staff to discuss how the new EET Program could provide opportunities for the high school students.*
- *Hosted an appreciation lunch for the employees of Douglass Distributing.*
- *Shannon met with Hope Kramer, the Workforce Career and Education Specialist, Lynda Anderson, the Whitesboro Economic Development Director, and Janie Bates, the Workforce Solutions Executive Director regarding the Advanced Manufacturing Program (AMP) program.*
- *Kent attended two Retail Recruitment meetings with City Staff.*
- *Updated the job listings on ShermanTXJobs.com.*
- *Continued the partnership with Grayson College CWL to offer no-cost training to full-time employees of Sherman-based, Type A businesses.*
- *Continued working with 2x2 Media on videos that highlight Sherman and Grayson County's amenities and assets, as well as videos that showcase the RISE finalists.*
- *Kent spoke at the Denison Development Alliance's (DDA) 21st Annual Economic Development Summit.*
- *Staff provided an economic update, discussed the RISE Challenge, and promoted the WOMO Kick-off event at Coffee with the Mayor.*
- *SEDCO met with members of the Dallas Regional Chamber's (DRC) Inclusion & Community Engagement team and the Senior Vice President of Research and*

Innovation to discuss SEDCO programs (RISE and WOMO) and ways to promote Sherman in the Dallas area.

- *Kent participated in conversations with various organizations and representatives to advocate for the Chapter 313 replacement – HB 5.*
- *Continued working on the aerial map update with Flyer View Group.*
- *Kent and Shannon attended TEDC's Legislative Conference in Austin. While at the conference, the staff met with Senator Hughes to discuss HB 5. Shannon participated in the Future Leaders Training (FLT) Seminar.*
- *Ashton and Shannon attended the DRC's 25th Women's Business Conference in Dallas, Texas. The Zen Bar, a WOMO business, participated in the marketplace.*
- *Met with Flint and Genesee Economic Alliance and Munday Township representatives to share lessons learned attracting large semiconductor investments.*
- *Ashton and Shannon completed webinars through various economic development partners.*
- *Sponsored eight ads on social media highlighting RISE, WOMO, the Sherman industries, and the Sherman community:*
    - *Total Reach: 40,248*
    - *Total Link Clicks: 1,090*
    - *Total Post Engagement: 10,702*
    - *Total Event Responses: 64*
    - *Total Video Thru Plays: 9,117*
- *Attended the following meetings and events: Sherman Chamber of Commerce's Unplug Event, Sherman Young Professionals (SYP) Coffee & Connections, Dallas Regional Chamber Marketing Team Kickoff, the Middle Ground & SYP SISD Bond Meeting, and the TEDC Political Action Committee (PAC), Communications, and Education meetings.*

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **I. 2.**

Meeting Date: 04/17/2023

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

**** OTHER BUSINESS***

Approve Quarterly Investment Report for Quarter Ended March 31, 2023

Issue:

To approve the Investment Report for the quarterly period ended March 31, 2023

Background:

These reports are being presented in accordance with the state law that requires at least a quarterly presentation to the Council. A separate report is included for the debt proceeds as required by the Investment Policy. The reports were given to the Investment Committee prior to submittal to the Council.

The total operating portfolio book value of about $41.6 million increased by about $12.5 million from the previous quarter due to purchases of $3.0 million in U.S. Agency Securities, $1.0 million in U.S. Treasury Notes, $4.8 million in State of Texas political subdivision obligations, $1.5 million in Certificates of Deposit, $2.5 million in Local Government Investment Pools (LGIP), and $0.5 million in deposits into an FDIC Insured Investment Account combined with maturities of $0.8 million of State of Texas political subdivision obligations. The underlying investments were adequately diversified among six different types of securities. The portfolio's weighted-average maturity of 412 days increased from 397 days last quarter. The portfolio yield of 3.35% was 129 basis points below our benchmark 1-year Constant Maturity Treasury Index. Book value slightly exceeds market value ($0.6 million).

The debt proceeds portfolio balance of $13.2 million had decreased by about $3.3 million due to payments for capital projects. The portfolio includes a Local Government Investment Pool, an FDIC insured investment account and U.S. Agencies. The portfolio's weighted-average maturity of 86 days increased from 80 days last quarter. The portfolio yield of 3.62% was 112 basis points below the benchmark yield for this portfolio, the 4-week Constant Maturity Index of 4.74%. Book value approximated market value.

Origination:

Finance Department

Financial Consideration:

None

Staff Recommendation:

It is recommended that the Council accept the Investment Report as presented.

Alternatives:

The Council could offer suggestions for improvement or could request more frequent reporting.

Attachments

2023-03-31 Investment Reports

Sherman
CLASSIC TOWN. BROAD HORIZON.

memorandum

DATE: Tuesday, April 11, 2023

TO: The City of Sherman Investment Committee
Councilman Juston Dobbs
Deputy Mayor Pam Howeth
Robby Hefton, City Manager

FROM: Mary Lawrence, Director of Finance ml

SUBJECT: Investment Reports for the Quarter Ended March 31, 2023

Enclosed is a copy of the quarterly investment reports for March 31, 2023. As of that date, the City followed all applicable state laws and internal policies for the portfolio.

The total operating portfolio book value of about $41.6 million increased by about $12.5 million from the previous quarter due to purchases of $3.0 million in U.S. Agency Securities, $1.0 million in U.S. Treasury Notes, $4.8 million in State of Texas political subdivision obligations, $1.5 million in Certificates of Deposit, $2.5 million in Local Government Investment Pools (LGIP), and $0.5 million in deposits into an FDIC Insured Investment Account combined with maturities of $0.8 million of State of Texas political subdivision obligations. The underlying investments were adequately diversified among six different types of securities. The portfolio's weighted-average maturity of 412 days increased from 397 days last quarter. The portfolio yield of 3.35% was 129 basis points below our benchmark 1-year Constant Maturity Treasury Index. Book value slightly exceeds market value ($0.6 million).

The debt proceeds portfolio balance of $13.2 million had decreased by about $3.3 million due to payments for capital projects. The portfolio includes a Local Government Investment Pool, an FDIC insured investment account and U.S. Agencies. The portfolio's weighted-average maturity of 86 days increased from 80 days last quarter. The portfolio yield of 3.62% was 112 basis points below the benchmark yield for this portfolio, the 4-week Constant Maturity Index of 4.74%. Book value approximated market value.

The investment reports will be on the April 17, 2023 City Council agenda for their review and approval. Please call me if you have any questions about this item.

attachment (as stated above)

Sherman
CLASSIC TOWN. BROAD HORIZON.

CITY OF SHERMAN, TEXAS
INVESTMENT PORTFOLIO SUMMARY
For the Quarter Ending March 31, 2023

Total Portfolio Summary

	Current Quarter 3/31/2023	Prior Quarter 12/31/2022	Change From Prior Quarter
Book Value	$ 41,611,845	$ 29,135,489	$ 12,476,356
Market Value	$ 41,004,079	$ 28,426,395	$ 12,577,684
Weighted Average Maturity - Days	412	397	15
Weighted Average Yield	3.35%	2.44%	0.91%
Earned Income	$ 271,036	$ 143,845	$ 127,191
Earned Income - Year-to-Date	$ 414,881	$ 143,845	$ 271,036

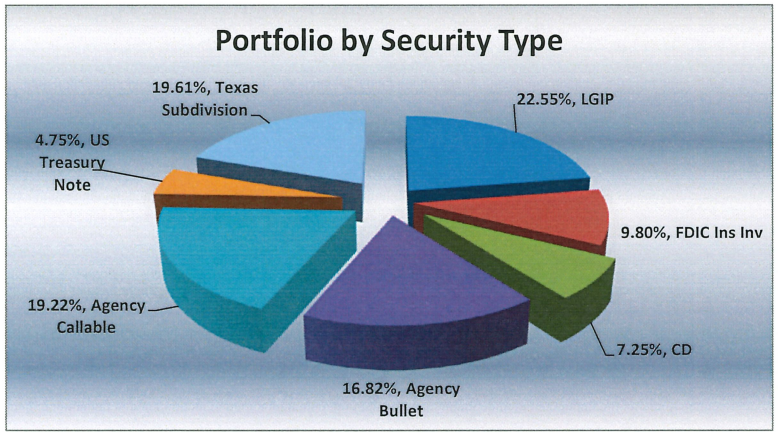
This report complies with the requirements of the public funds investment law and covers all the funds of the City of Sherman that are subject to that law.

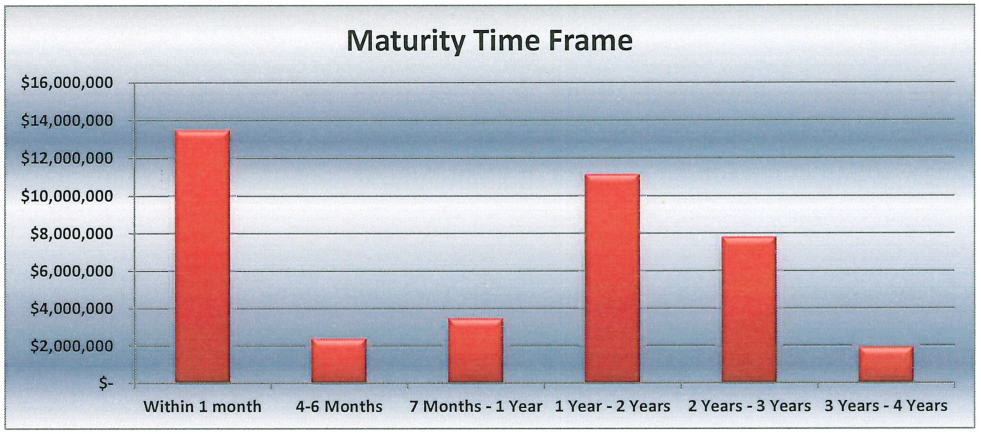
As of March 31, 2023, the City's portfolio had a book value of $41.6 million and a market value of $41.0 million. Of this amount, approximately $9.3 million was held in Local Government Investment Pools (LGIP), $4.1 million was held in an FDIC Insured Investment Account, $3.0 million was held in Certificates of Deposit (CD), $15.0 million was held in U.S. Agency Securities, $2.0 million was held in U.S. Treasury Notes and $8.2 million was held in State of Texas political subdivision obligations.

The portfolio value increased by $12.5 million from the previous quarter due to purchases of $3.0 million in US Agency Securities, $1.0 million in U.S. Treasury Notes, $4.8 million in State of Texas political subdivision obligations, $1.5 million in Certificates of Deposit, $2.5 million in Local Government investment Pools (LGIP) and $0.5 million into FDIC Insured Investment Accounts. Withdrawals included maturities of $0.8 million in State of Texas Political subdivision obligations.

The weighted average yield of the portfolio was 3.35%, which is 129 basis points less than the 1-year Constant Maturity Treasury Index of 4.64%, and 91 basis points above the previous quarter.

The weighted average maturity of the portfolio increased from 397 days at December 31, 2022, to 412 days at March 31, 2023.





Mary Lawrence

Mary Lawrence, Finance Director and City of Sherman Investment Officer

Jana Walker

Jana Walker, Controller and City of Sherman Investment Officer

Sherman
CLASSIC TOWN. BROAD HORIZON.

CITY OF SHERMAN, TX
Investments Outstanding
As of 3/31/2023

CUSIP	Settlement Date	Security Type	Security Description	CPN Rate	Maturity Date	Credit Rating	Par Value	Purchase Price	Original Cost	Book Value	Market Price	Market Value	Days to Maturity	YTM
TexPool		LGIP	TexPool		4/1/2023	AAAm	$ 5,092,902	100.00	$ 5,092,902	$ 5,092,902	100.00	$ 5,092,902	1	4.45%
TexStar		LGIP	TexSTAR		4/1/2023	AAAm	114,138	100.00	114,138	114,138	100.00	114,138	1	4.45%
TexPool ARPA		LGIP	TexPool ARPA		4/1/2023	AAAm	4,175,601	100.00	4,175,601	4,175,601	100.00	4,175,601	1	4.45%
Landing Rock		FDIC Ins Inv	Landing Rock		4/1/2023		4,079,402	100.00	4,079,402	4,079,402	100.00	4,079,402	1	4.05%
CD 197831662	12/13/22	CD	Simmons Bank	3.50%	6/13/2023		1,516,360	100.00	1,503,386	1,516,360	100.00	1,516,360	74	3.50%
CDARS 1026654471	01/05/23	CDARS	Bank of Texas	4.50%	1/4/2024		1,500,000	100.00	1,500,000	1,500,000	100.00	1,500,000	279	4.60%
3130ASPB9	07/28/22	Agency Callable	FHLB	3.10%	7/28/2023	AA+	1,000,000	99.98	999,750	999,917	99.48	994,787	119	3.13%
448474TM8	12/17/20	Texas Subdivision	City of Hutto, TX Ref Series B	2.00%	8/1/2023	AA	400,000	104.17	416,676	402,120	99.10	396,388	123	0.40%
340405MW6	12/22/20	Texas Subdivision	City of Floresville TX Elec Light Ref	4.00%	8/15/2023	A+	525,000	109.30	573,841	531,919	100.42	527,183	137	0.46%
413946PC2	06/25/20	Texas Subdivision	Harris Cnty TX MUD #278 Ref	4.00%	9/1/2023	AA	420,000	108.17	457,439	424,966	100.49	422,051	154	1.14%
02301EED9	06/16/21	Texas Subdivision	Amarillo Potter TX	4.00%	11/15/2023	AA+	445,000	108.73	483,826	455,053	100.79	448,515	229	0.37%
3134GXXQ2	07/19/22	Agency Callable	Freddie Mac	3.30%	12/28/2023	AA+	500,000	99.42	497,725	498,505	98.94	494,687	272	3.39%
9128CBM2	02/22/21	US Treasury Note	US Treasury Note B Class	0.13%	2/15/2024	AA+	1,000,000	99.76	997,578	999,304	96.09	960,938	321	0.21%
3133EMVD1	04/05/21	Agency Callable	FFCB	0.33%	4/5/2024	AA+	1,000,000	100.00	1,000,000	1,000,000	95.60	956,028	371	0.33%
3130ARPN5	04/26/22	Agency Bullet	FHLB	2.61%	4/26/2024	AA+	1,000,000	100.00	1,000,000	1,000,000	97.73	977,303	392	2.61%
3130AMLM2	06/07/21	Agency Callable	FHLB	0.38%	6/7/2024	AA+	500,000	100.00	500,000	500,000	95.01	475,044	434	0.38%
442349EL6	03/24/23	Texas Subdivision	Houston Tx aprt Sys Rev	1.27%	7/1/2024	AA	1,000,000	100.00	968,714	966,091	95.59	955,920	458	4.10%
811275HB5	11/23/21	Texas Subdivision	Scurry Rosser TX ISD	3.00%	8/15/2024	Aa3	205,000	106.91	219,155	212,135	100.41	205,839	503	0.45%
3130AV3D2	03/06/23	Agency Callable	FHLB	5.45%	9/6/2024	AA	1,000,000	100.00	1,000,000	1,000,000	100.20	1,002,037	525	5.45%
3136G43H4	03/29/21	Agency Callable	FHLB	0.40%	9/16/2024	AA+	1,000,000	99.850	998,500	999,367	94.18	941,841	535	0.44%
3130APNE1	11/18/21	Agency Callable	FHLB	0.90%	11/18/2024	AA+	1,000,000	100.000	1,000,000	1,000,000	94.51	945,060	598	0.90%
3130AUZ56	03/24/23	Agency Callable	FHLB	5.25%	12/20/2024	AA	1,000,000	100.000	1,005,562	1,000,743	99.78	997,797	630	4.75%
386166JC7	02/24/22	Texas Subdivision	Grand Praire TX TXbl Ref	3.00%	1/1/2025	AA	310,000	103.887	322,050	317,392	96.98	300,634	642	1.60%
983064YX8	03/11/21	Texas Subdivision	City of Wylie, TX GO	3.00%	2/15/2025	AA	250,000	110.740	276,852	262,819	100.81	252,015	687	0.25%
3133ENPY0-A	02/25/22	Agency Bullet	FFCB	1.75%	2/25/2025	AA+	1,000,000	99.966	999,660	999,784	95.38	953,767	697	1.76%
3133ENPY0-B	03/11/22	Agency Bullet	FFCB	1.75%	2/25/2025	AA+	1,000,000	99.513	995,913	997,648	95.38	953,767	697	1.92%
882806ES7	03/24/23	Texas Subdivision	Texas St. Tech Univ Rev	2.96%	2/15/2025	AA+	885,000	98.381	870,672	870,798	97.21	860,273	687	3.86%
88213AKC8	01/24/23	Texas Subdivision	Texas St. A&M Univ R	2.69%	5/15/2025	AA	510,000	96.496	492,130	493,570	96.41	491,711	776	4.30%
88213ABW4	03/24/23	Texas Subdivision	Texas St A&M Univ R	2.88%	5/15/2025	AA	115,000	97.770	113,668	112,463	96.81	111,328	776	3.98%
91282CEY3	01/23/23	US Treasury Note	US Treasury	3.00%	7/15/2025	AA	1,000,000	97.740	977,431	979,126	97.79	977,930	837	3.97%
2487757W2	02/07/23	Texas Subdivision	Denton Cnty TX	0.77%	7/15/2025	AA	1,335,000	92.332	1,233,264	1,238,812	92.54	1,235,393	837	4.11%
87638QQW2	03/24/23	Texas Subdivision	Tarrant Cnty TX Cult Hosp Rev	1.39%	9/1/2025	AA	100,000	93.750	93,854	93,792	92.23	92,233	885	4.12%
3130ARCN9	03/29/22	Agency Bullet	FHLB	2.00%	9/29/2025	AA+	1,000,000	100.000	1,000,000	1,000,000	94.57	945,722	913	2.00%
3134GX3U6	10/24/22	Agency Bullet	Freddie Mac	5.15%	10/24/2025	AA+	1,000,000	100.000	1,000,000	1,000,000	99.48	994,775	938	5.15%
3130AUBX1	12/29/22	Agency Bullet	FFCB	5.00%	12/29/2025	AA+	1,000,000	100.000	1,000,000	1,000,000	99.57	995,675	1,004	5.00%
79625GFC2	04/13/22	Texas Subdivision	San Antonio Tx Elec & Gas TXBl	3.15%	2/1/2026	AA+	350,000	100.000	350,000	350,000	96.01	336,043	1,038	3.15%
232769JW0	09/02/22	Texas Subdivision	Cypress-Fairbanks TX Ind Sch	5.00%	2/15/2026	AA+	500,000	104.770	523,031	519,859	101.55	507,774	1,052	3.52%
3134GYH96	02/27/23	Agency Bullet	FHLMC	5.20%	2/24/2026	AA	1,000,000	100.000	1,000,000	1,000,000	99.56	995,574	1,061	5.20%
3130AMMJ8	06/06/21	Agency Callable	FHLB	0.40%	6/9/2026	AA+	1,000,000	100.000	1,000,000	1,000,000	91.95	919,494	1,166	0.40%
876448DY4	01/24/23	Texas Subdivision	Tarrant Tx Regl Water Dist	0.75%	9/1/2026	AA	400,000	89.195	356,780	359,179	88.37	353,483	1,250	4.00%
4637778E5	02/07/23	Texas Subdivision	Irving Tx Table	1.47%	9/15/2026	AA	600,000	91.000	549,467	548,080	91.11	546,669	1,264	4.18%
Total							**$ 41,828,403**		**$ 41,738,966**	**$ 41,611,845**		**$ 41,004,079**		

Sherman
CLASSIC TOWN. BROAD HORIZON.

CITY OF SHERMAN, TX
Market Value Summary
As of 3/31/2023

CUSIP	Settle Date	Security Description	Maturity Date	Market Value 12/31/2022	Change in Market Value	Market Value 3/31/2023
TexPool		TexPool		$ 2,545,882	$ 2,547,020	$ 5,092,902
TexStar		TexStar		112,895	1,243	114,138
Landing Rock		Landing Rock		3,542,116	537,286	4,079,402
TexPool ARPA		TexPool ARPA		4,130,120	45,481	4,175,601
CD 197831662		Simmons Bank	6/13/2023	1,503,385	12,975	1,516,360
CDARS 1026654471		CDARS	1/4/2024	-	1,500,000	1,500,000
977810JU5	1/5/2021	City of Wolfforth, TX GO	2/15/2023	250,255	(250,255)	-
498730AX8	3/9/2021	Klondike, TX ISD GO	2/15/2023	358,784	(358,784)	-
639285PW9	2/10/2022	Navarro ISD GO	2/15/2023	200,449	(200,449)	-
3130ASPB9	7/28/2022	FHLB	7/28/2023	991,361	3,426	994,787
448474TM8	12/17/2020	City of Hutto, TX GO	8/1/2023	394,327	2,061	396,388
340405MW6	12/22/2020	City of Floresville, TX Electr	8/15/2023	527,668	(485)	527,183
413946PC2	6/25/2020	Harris Cnty, TX MUD #278 GO	9/1/2023	422,444	(393)	422,051
02301EED9	6/16/2021	Amarillo Potter TX	11/15/2023	448,832	(317)	448,515
3134GXXQ2	7/19/2022	Freddie Mac	12/28/2023	493,315	1,372	494,687
9128CBM2	2/22/2021	US Treasury Note B Class	2/15/2024	950,313	10,625	960,938
3133EMVD1	4/5/2021	FHLB	4/5/2024	943,474	12,554	956,028
3130ARPN5	4/26/2022	FHLB	4/26/2024	969,733	7,570	977,303
3130AMLM2	6/7/2021	FHLB	6/7/2024	468,563	6,481	475,044
442349EL6	3/24/2023	Houston Tx Aprt Sys rev	7/1/2024	-	955,920	955,920
811275HB5	11/23/2021	Scurry Rosser TX ISD	8/15/2024	205,043	796	205,839
3130AV3D2	3/6/2023	FHLB	9/6/2024	-	1,002,037	1,002,037
3136G43H4	3/29/2021	FHLB	9/16/2024	928,230	13,611	941,841
3130APNE1	11/18/2021	FHLB	11/18/2024	927,530	17,530	945,060
3130AUZ56	3/24/2023	FHLB	12/20/2024	-		997,797
386166JC7	2/24/2022	Grand Praire TX Txbl Ref	1/1/2025	298,985	1,649	300,634
983064YX8	3/11/2021	City of Wylie, TX GO	2/15/2025	251,195	820	252,015
882806ES7	3/24/2023	Texas St Tech Univ Rev	2/15/2025	-	860,273	860,273
3133ENPY0-A	2/25/2022	FFCB	2/25/2025	946,336	7,431	953,767
3133ENPY0-B	3/11/2022	FFCB	2/25/2025	943,952	9,815	953,767
88213AKC8	1/24/2023	Texas St A&M Univ R	5/15/2025	-	491,711	491,711
88213ABW4	3/24/2023	Texas St A&M Univ R	5/15/2025	-	111,328	111,328
91282CEY3	1/23/2023	US Treasury	7/15/2025	-	977,930	977,930
2487757W2	2/7/2023	Denton Cnty TX	7/15/2025	-	1,235,393	1,235,393
87638QQW2	3/24/2023	Tarrant Cnty TX Cultural Hosp Rev	9/1/2025	-	92,233	92,233
3130ARCN9	3/29/2022	FHLB	9/29/2025	934,495	11,227	945,722
3134GX3U6	10/24/2022	Freddie Mac	10/24/2025	997,740	(2,965)	994,775
3130AUBX1	12/29/2022	FHLB	12/29/2025	998,244	(2,569)	995,675
79625GFC2	4/13/2022	San Antonio Tx Elec & Gas TXBl	2/1/2026	331,212	4,831	336,043
232769JW0	9/2/2022	Cypress-Fairbanks TX Ind Sch	2/15/2026	506,028	1,746	507,774
3130AMMJ8	6/6/2021	FHLB	6/9/2026	903,489	16,005	919,494
876448DY4	1/24/2023	Tarrant Tx Regl WD	9/1/2026	-	353,483	353,483
3134GYH96	2/27/2023	FHLMC	2/24/2026	-	995,574	995,574
4637778E5	2/7/2023	Irving Tx Table	9/15/2026	-	546,669	546,669
Total				**$ 28,426,395**	**$ 11,579,887**	**$ 41,004,079**

Sherman
CLASSIC TOWN. BROAD HORIZON.

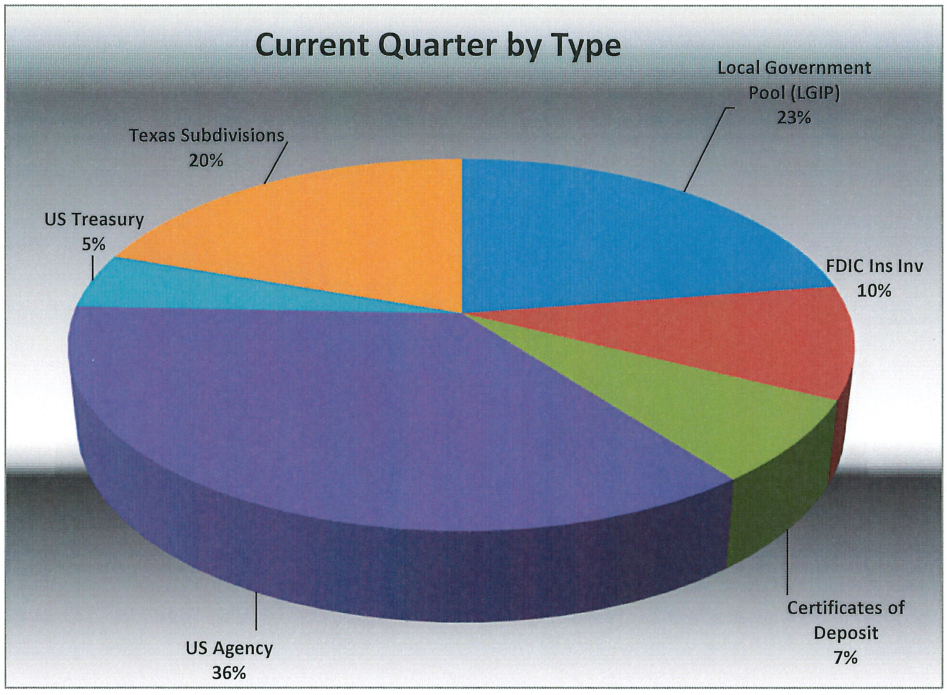
CITY OF SHERMAN, TX
Investment Transaction Report
As of 3/31/2023

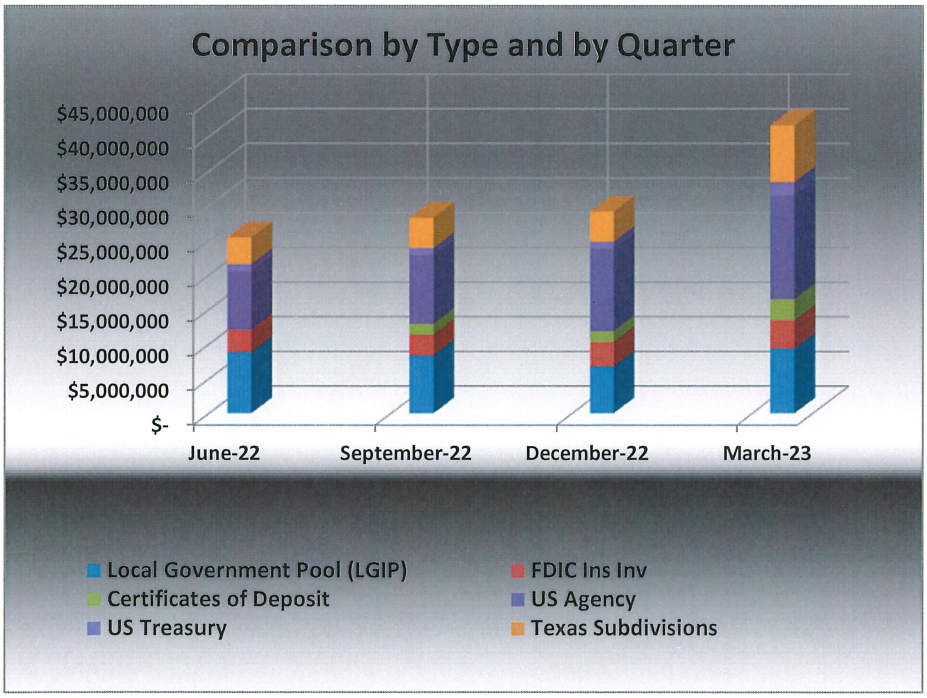
Trade Date	Settle Date	CUSIP	Security Description	Coupon	Maturity Date	Call Date	Par Value	Principal Amount	Interest Purchased/ Received	Total Amount	YTM
Maturities, Calls and Withdrawals											
	2/15/2023	498730AX8	Klondike TX ISD GO	1.00%	2/15/2023		360,000	360,000	1,800	361,800	0.10%
	2/15/2023	977810JU5	City of Wolforth TX GO	4.00%	2/15/2023		250,000	250,000	5,000	255,000	0.39%
	2/15/2023	639285PW9	Navarro ISD GO	5.00%	2/15/2023		200,000	200,000	5,000	205,000	0.46%
Purchases											
	1/19/2023	Texpool	LGIP	4.24%	3/31/2023		1,500,000	1,500,000	-	1,500,000	4.24%
	2/13/2023	Texpool	LGIP	4.50%	2/28/2023		1,000,000	1,000,000	-	1,000,000	4.50%
	2/14/2023	Landing Rock	FDIC Ins Inv	4.05%	2/28/2023		500,000	500,000	-	500,000	4.05%
	1/5/2023	CDARS 1026654471	Bank of Texas	4.50%	1/4/2024		1,500,000	1,500,000	15,931	1,515,931	3.50%
	1/23/2023	91282CEY3	US Treasury	3.00%	7/15/2025		1,000,000	977,431	663	978,094	3.97%
	1/24/2023	88213AKC8	Texas St A&M Univ R	2.69%	5/15/2025		510,000	492,130	2,626	494,756	4.30%
	1/24/2023	876448DY4	Tarrant Tx Reg WD	0.75%	9/1/2026		400,000	356,780	1,192	357,972	4.00%
	2/7/2023	2487757W2	Denton Cnty TX	0.77%	7/15/2025		1,335,000	1,232,632	631	1,233,263	4.11%
	2/8/2023	4637778E5	Irving Tx Table	1.47%	9/15/2026		600,000	546,000	3,467	549,467	4.18%
	2/27/2023	3134GYH96	FHLMC	5.20%	2/24/2026		1,000,000	1,000,000	-	1,000,000	5.20%
	3/6/2023	3130AV3D22	FHLB	5.45%	9/6/2024		1,000,000	1,000,000	-	1,000,000	5.45%
	3/24/2023	882806ES7	Texas St Tech Univ Rev	2.96%	2/15/2025		885,000	870,672	3,130	873,802	3.86%
	3/24/2023	87638QQW2	Tarrant Cnty Tx Cult Hosp Rev	1.39%	9/1/2025		100,000	93,750	104	93,854	4.12%
	3/24/2023	88213ABW4	Texas St A&M Univ R	2.88%	5/15/2025		115,000	112,444	1,225	113,669	3.98%
	3/24/2023	3130AUYZ56	FHLB	5.25%	12/20/2024		1,000,000	1,000,749	4,813	1,005,562	4.75%
	3/24/2023	442349EL6	Houston Tx aprt Sys Rev	1.27%	7/1/2024		1,000,000	965,640	3,074	968,714	4.10%
Income Payments											
	3/31/2023	TexPool	LGIP	4.61%					47,020	47,020	4.61%
	3/31/2023	TexStar	LGIP	4.61%					1,243	1,243	4.61%
	3/31/20203	Landing Rock	FDIC Ins Inv	4.30%					37,286	37,286	4.30%
	3/31/2023	TexPool-ARPA	LGIP	4.61%					45,482	45,482	4.61%
	3/3/2023	CD 197850662	Simmons	3.50%	6/13/2023				12,974	12,974	3.50%
	1/1/2023	386166JC7	Grand Prairie Tx TXbl Ref	3.00%	1/1/2025				4,650	4,650	1.60%
	1/25/2023	3130ASPB9	FHLB	3.10%	7/28/2023				15,500	15,500	3.13%
	2/1/2023	44874TM8	City of Hutto, TX GO	2.00%	8/1/2023				4,000	4,000	0.40%
	2/1/20223	79625GFC2	San Antonio Tx Elec & Gas Txbi	3.15%	2/1/2026				5,506	5,506	3.15%
	2/15/2023	811275HB5	Scurry Rosser TX ISD	3.00%	8/15/2024				3,075	3,075	0.45%
	2/15/2023	23769JW0	Cypress Fairbanks TX IS	5.00%	2/15/2026				12,500	12,500	3.52%
	2/15/2023	340405MW6	City of Floresville,TX Elec	4.00%	8/15/2023				10,500	10,500	0.46%
	2/15/2023	9128CBM2	US Treasury Note B Class	0.13%	2/15/2024				625	625	0.21%
	2/15/2023	983064YX8	City of Wylie GO	3.00%	2/15/2025				3,750	3,750	0.25%
	2/25/2023	3133ENPY0-A	Federal Farm Credit Bank	1.75%	2/25/2022				8,750	8,750	1.76%
	2/25/2023	3133ENPY0-B	FFCB 1 3/7	1.75%	2/25/2025				8,750	8,750	1.92%
	3/1/2023	413946PC2	Harris Cnty TX MUD#278 GO	4.00%	9/1/2023				8,400	8,400	1.14%
	3/16/2023	3136G43H4	Fannie Mae	0.40%	3/16/2024				2,000	2,000	0.44%
	3/29/2023	3130ARCN9	FHLB	2.00%	9/29/2025				10,000	10,000	2.02%
Total									**$ 290,667**		

Sherman
CLASSIC TOWN. BROAD HORIZON.

CITY OF SHERMAN, TX
Comparison by Type
As of 3/31/2023

Cash/Investment Type	Balance 6/30/2022	Balance 9/30/2022	Balance 12/31/2022	Balance 3/31/2023	Percent of Portfolio	Portfolio Cap
Local Government Pool (LGIP)	$ 8,858,725	$ 8,394,635	$6,788,897	$ 9,382,641	23%	50.00%
FDIC Ins Inv	3,211,569	3,019,052	3,542,116	4,079,402	10%	50.00%
Certificates of Deposit	-	1,501,701	1,503,386	3,016,360	7%	50.00%
US Agency	8,495,157	9,993,000	11,994,111	14,995,964	36%	50.00%
US Treasury	998,694	998,899	999,104	1,978,430	5%	50.00%
Texas Subdivisions	3,831,384	4,332,150	4,307,875	8,159,048	20%	50.00%
Total	**$ 25,395,529**	**$ 28,239,437**	**$ 29,135,489**	**$ 41,611,845**	**100.00%**	



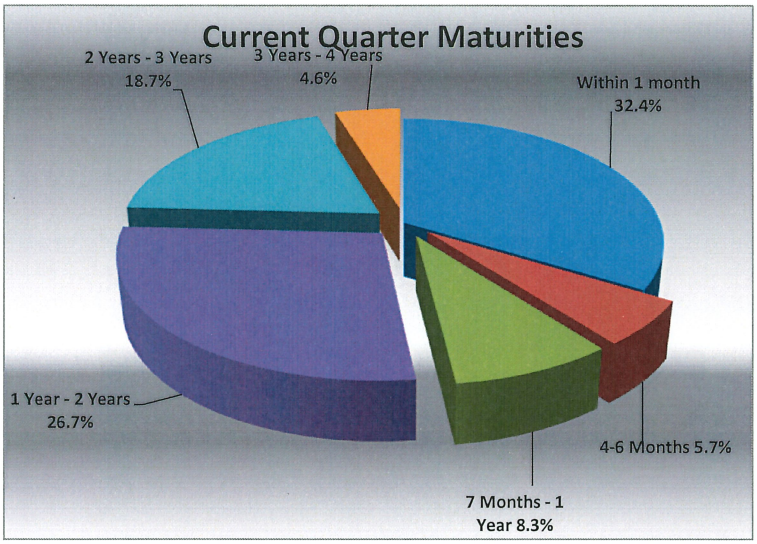


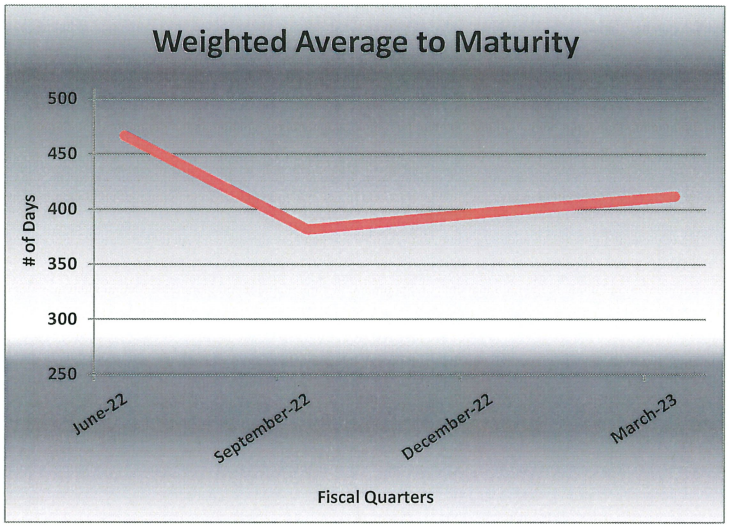
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CITY OF SHERMAN, TX
Portfolio by Maturity
As of 3/31/2023

Maturity Time Frame	Balance 6/30/2022	Balance 9/30/2022	Balance 12/31/2022	Balance 3/31/2023	Percent of Portfolio
Within 1 month	$ 12,070,294	$ 11,413,687	$ 10,331,013	$ 13,462,043	32.4%
2-3 Months	-	-	812,660	1,516,360	3.6%
4-6 Months	-	2,319,683	1,503,386	2,358,922	5.7%
7 Months - 1 Year	823,303	2,377,082	3,325,079	3,452,862	8.3%
1 Year - 2 Years	5,352,242	5,673,377	5,711,796	11,126,777	26.7%
2 Years - 3 Years	4,799,689	4,582,295	5,579,969	7,787,622	18.7%
3 Years - 4 Years	1,350,000	1,873,313	1,871,586	1,907,259	4.6%
4 Years - 5 Years	1,000,000	-	-	-	0.0%
	$ 25,395,528	**$ 28,239,437**	**$ 29,135,489**	**$ 41,611,845**	**100.00%**

Liquidity Indicator					Maximum Allowable
Weighted Average Maturity	**420.97**	**381.64**	**397.41**	**412.08**	**500.00**

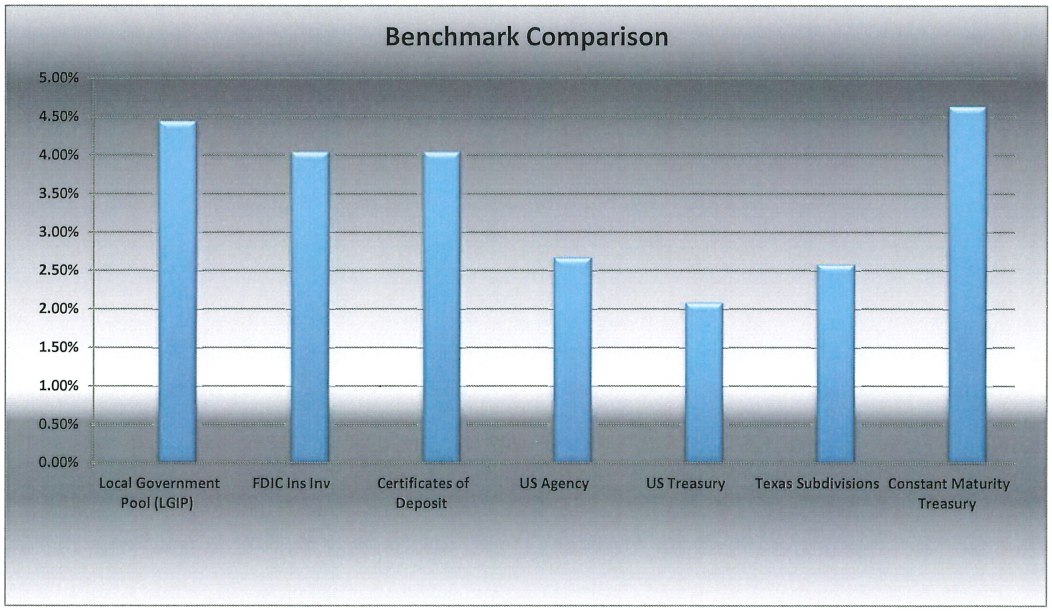




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CITY OF SHERMAN, TX
Earned Income
As of 3/31/2023

Date Received/ Purchased	CUSIP	Security Description	Coupon	YTM	Interest Purchased/ Received	Accrued Interest/ Amortization	Income Earned
3/31/2023	TexPool	TexPool			$ 47,020	$ -	$ 47,020
3/31/2023	TexStar	TexStar			1,243	-	1,243
3/31/2023	Landing Rock	Landing Rock			37,286	-	37,286
3/31/2023	TexPool-ARPA	TexPool			45,482	-	45,482
3/3/2023	CD 197850662	Simmons Bank	0.45%	0.45%	12,974	(397)	12,577
3/31/2023	CDARS 1026654471	Bank of Texas	4.50%	4.60%	15,931	-	15,931
1/1/2023	386166JC7	Grand Praire TX TXbl Ref	3.00%	1.60%	4,650	(3,381)	1,269
1/23/2023	91282CEY3	US Treasury	3.00%	3.97%	663	6,619	7,282
1/24/2023	88213AKC8	Texas ST A&M Univ R	2.69%	4.29%	2,626	1,326	3,952
1/24/2023	876448DY4	Tarrant TX Reg WD	0.75%	4.00%	1,192	1,766	2,958
1/28/2023	3130ASPB9	FHLB	3.10%	3.13%	15,500	(7,775)	7,725
2/1/2023	448474TM8	City of Hutto, TX GO	2.00%	0.40%	4,000	(3,589)	411
2/1/2023	79625GFC2	San Antonio Tx Elec & Gas TXBl	3.15%	3.15%	5,506	(2,753)	2,753
2/7/2023	2487757W2	Denton Cnty TX	0.77%	4.11%	631	7,031	7,662
2/8/2023	4637778E5	Irving TX Table	1.47%	4.18%	3,467	(226)	3,241
2/15/2023	340405MW6	City of Floresville, TX Elec Light Re	4.00%	0.46%	10,500	(9,862)	638
2/15/2023	237269JWO	Cypress-Fairbanks Tx Ind Sch	5.00%	3.52%	12,500	(7,977)	4,523
2/15/2023	811275HB5	Scurry Rosser TX ISD	3.00%	0.45%	3,075	(2,835)	240
2/15/2023	983064YX8	City of Wylie, TX GO	3.00%	0.25%	3,750	(3,584)	166
2/15/2023	639285PW9	Navarro ISD GO	5.00%	0.46%	5,000	(4,884)	116
2/15/2023	498730AX8	Klondike TX ISD GO	1.00%	0.10%	1,800	(1,754)	46
2/15/2023	977810JU5	City of Wolfforth TX GO	4.00%	0.39%	5,000	(4,872)	128
2/15/2023	9128CBM2	US Treasury Note B Class	0.13%	0.21%	625	(122)	503
2/25/2023	3133ENPY0-A	FFCB	1.75%	1.76%	8,750	(4,347)	4,403
2/25/2023	3133ENPY0-B	FFCB	1.75%	1.92%	8,750	(3,964)	4,786
3/1/2023	413946PC2	Harris Cnty TX MUD #278 GO	4.00%	1.14%	8,400	(7,140)	1,260
3/16/2023	3136G43H4	FMNA	0.40%	0.44%	2,000	(892)	1,108
3/24/2023	87638QQW2	Tarrant Cnty Tx Cultural Hosp Rev	1.39%	4.12%	104	(54)	50
3/24/2023	88213ABW4	Texas ST A&M Univ R	2.83%	3.98%	1,225	(1,187)	38
3/24/2023	3130AUZ56	FHLB	5.25%	4.75%	4,813	(4,383)	430
3/24/2023	882806ES7	Texas St Tech Univ Rev	2.96%	3.86%	3,130	(2,886)	244
3/24/2023	442349EL6	Houston Tx Apt Sys Rev	1.27%	4.10%	3,074	(2,552)	522
3/29/2023	3130ARCN9	FHLB	2.00%	2.00%	10,000	(5,000)	5,000
3/31/2023	3134GYH96	FHLMC	5.20%	5.20%	-	4,911	4,911
3/31/2023	3130ARPN5	FHLB	2.61%	2.61%	-	6,525	6,525
3/31/2023	3133EMVD1	FFCB	0.33%	0.33%	-	825	825
3/31/2023	02301EED9	Amarillo Potter TX	4.00%	0.37%	-	429	429
3/31/2023	3130APNE1	FHLB	0.90%	0.90%	-	2,250	2,250
3/31/2023	3130AMLM2	FHLB	0.38%	0.38%	-	468	468
3/31/2023	3130AMMJ8	FHLB	0.40%	0.40%	-	1,000	1,000
3/31/2023	3134GXXQ2	Freddie Mac	2.25%	3.39%	-	4,627	4,627
3/31/2022	3130AUBX1	FHLB	5.00%	5.00%	-	12,500	12,500
3/31/2023	3134AGX3UG	Freddie Mac	5.15%	5.15%	-	12,875	12,875
3/31/2023	3130AV3D22	FHLB	5.45%	5.45%		3,633	3,633
					$ 290,667	**$ (19,631)**	**$ 271,036**



Sherman
CLASSIC TOWN. BROAD HORIZON.

CITY OF SHERMAN, TEXAS
DEBT PROCEEDS PORTFOLIO SUMMARY
For the Quarter Ending March 31, 2023

Total Portfolio Summary

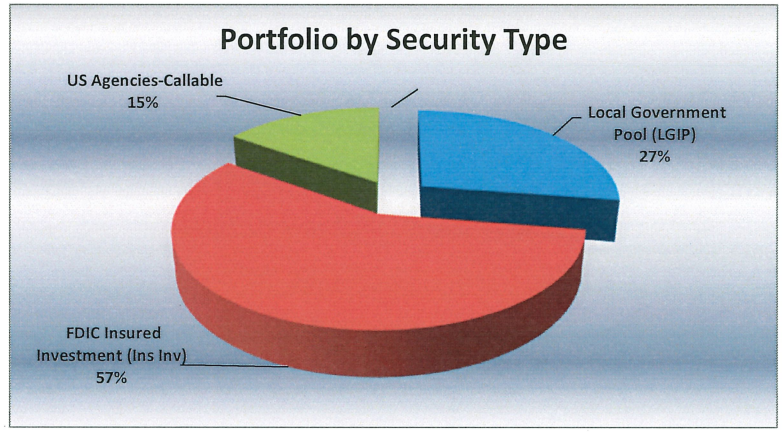
	Current Quarter 3/31/2023	Prior Quarter 12/31/2022	Change From Prior Quarter
Book Value	$ 13,195,436	$ 16,484,681	$ (3,289,245)
Market Value	$ 13,078,030	$ 16,337,672	$ (3,259,642)
Weighted Average Maturity - Days	86	80	6
Weighted Average Yield	3.62%	2.99%	0.63%
Earned Income	$ 137,215	$ 147,496	$ (10,281)
Earned Income - Year-to-Date	$ 284,711	$ 147,496	$ 137,215

This report complies with the requirements of the public funds investment law and covers all the funds of the City of Sherman that are subject to that law.

As of March 31, 2023, the City of Sherman's debt proceeds portfolio had a book value of about $13.2 million, which approximates the market value. Of this amount, $3.6 million was held in Local Government Investment Pools (LGIP), $7.6 million was held in FDIC Insured Investment Accounts (Ins Inv), and $2 million was held in U.S. Agency Securities.

The portfolio value decreased by $3.3 million from the previous quarter due to draws for project payments.

The weighted average yield on the portfolio was 3.62%, 112 basis points below the 4-week Constant Maturity Treasury Index of 4.74%, and 63 basis points above the previous quarter.



Mary Lawrence, Finance Director and City of Sherman Investment Officer

Jana Walker, Controller and City of Sherman Investment Officer

Sherman
CLASSIC TOWN. BROAD HORIZON.

CITY OF SHERMAN, TX
Investments Outstanding
AS of 3/31/2023

Name/CUSIP	Debt Issuance	Settlement Date	Security Type	Security Description	Maturity Date	Par Value	Purchase Price	Original Cost	Book Value	Market Price	Market Value	Days to Maturity	YTM
TexPool	2017A Stormwater Certificates of Obligation		LGIP	TexPool	4/1/2023	$ 188,437	100.00	$ 188,437	$ 188,437	100.00	$ 188,437	1	4.45%
TexPool	2021 Certificates of Obligation		LGIP	TexPool	4/1/2023	3,431,930	100.00	3,431,930	3,431,930	100.00	3,431,930	1	4.45%
Landing Rock	2017 Certificates of Obligation		Ins Inv	Landing Rock	4/1/2023	2,458,363	100.00	2,458,363	2,458,363	100.00	2,458,363	1	4.05%
Landing Rock	2021 Certificates of Obligation		Ins Inv	Landing Rock	4/1/2023	5,116,706	100.00	5,116,706	5,116,706	100.00	5,116,706	1	4.05%
31300AMZQ8	2021 Certificates of Obligation	06/30/21	US Agency-Callable	FHLB	8/30/2024	1,000,000	100.00	1,000,000	1,000,000	94.48	944,766	518	0.51%
3130AMHGO	2021 Certificates of Obligation	05/27/21	US Agency-Callable	FHLB	11/26/2024	1,000,000	100.00	1,000,000	1,000,000	93.78	937,828	606	0.48%
Total						**$ 13,195,436**		**$ 13,195,436**	**$ 13,195,436**		**$ 13,078,030**		

Sherman
CLASSIC TOWN. BROAD HORIZON.

CITY OF SHERMAN, TX
Market Value Summary
AS of 3/31/2023

CUSIP	Security Type / Description	Maturity Date	Market Value 12/31/2022	Change in Market Value	Market Value 3/31/2023
TexPool 2017A Stormwater CO	LGIP		$ 186,384	$ 2,053	$ 188,437
TexPool 2021 CO	LGIP		6,796,744	(3,364,814)	3,431,930
Landing Rock 2017 CO	Ins Inv		2,434,505	23,858	2,458,363
Landing Rock 2021 CO	Ins Inv		5,067,048	49,658	5,116,706
31300AMZQ8-FHLB 2021 CO	US Agency-Callable	8/30/2024	930,826	13,940	944,766
3130AMHGO-FHLB 2021 CO	US Agency-Callable	11/26/2024	922,165	15,663	937,828
Total			**$ 16,337,672**	**$ (3,259,642)**	**$ 13,078,030**

Sherman
CLASSIC TOWN. BROAD HORIZON.

CITY OF SHERMAN, TX
Investment Transaction Report
AS of 3/31/2023

Settle Date	Name	Security Description	Coupon	Maturity Date	Par Value	Price	Principal Amount	Interest Purchased/ Received	Total Amount	YTM
Project Payments/Draws										
1/27/2023	TexPool 2021 CO	LGIP			$ 1,634,431		$ 1,634,431	$ -	$ 1,634,431	
2/27/2023	TexPool 2021 CO	LGIP			489,087		489,087		489,087	
3/28/2023	TexPool 2021 CO	LGIP			1,300,390		1,300,390		1,300,390	
Deposits/Purchases										
Income Payments										
1/31/2023	Landing Rock 2017 CO	Ins Inv	4.30%					$ 7,844	7,844	4.30%
1/31/2023	Landing Rock 2021 CO	Ins Inv	4.30%					16,326	16,326	4.30%
1/31/2023	TexPool 2017A Stormwater CO	LGIP	4.61%					672	672	4.61%
1/31/2023	TexPool 2021 CO	LGIP	4.61%					23,537	23,537	4.61%
2/28/2023	Landing Rock 2017 CO	Ins Inv	4.05%					7,504	7,504	4.05%
2/28/2023	Landing Rock 2021 CO	Ins Inv	4.05%					15,619	15,619	4.05%
2/28/2023	TexPool 2017A Stormwater CO	LGIP	4.50%					646	646	4.50%
2/28/2023	TexPool 2021 CO	LGIP	4.50%					17,777	17,777	4.50%
3/31/2023	Landing Rock 2017 CO	Ins Inv	3.80%					8,511	8,511	3.80%
3/31/2023	Landing Rock 2021 CO	Ins Inv	3.80%					17,714	17,714	3.80%
3/31/2023	TexPool 2017A Stormwater CO	LGIP	4.24%					735	735	4.24%
3/31/2023	TexPool 2021 CO	LGIP	4.24%					17,780	17,780	4.24%
Total								**$ 134,664**		

Sherman
CLASSIC TOWN. BROAD HORIZON.

CITY OF SHERMAN, TX
Comparison by Type
AS of 3/31/2023

Cash / Investment Type	Balance 6/30/2022	Balance 9/30/2022	Balance 12/31/2022	Balance 3/31/2023	Percent of Portfolio	Portfolio Cap
Local Government Pool (LGIP)	$ 18,988,918	$ 12,716,717	$ 6,983,128	$ 3,620,367	27.44%	100.00%
FDIC Insured Investment (Ins Inv)	7,417,170	7,445,175	7,501,553	7,575,069	57.41%	100.00%
US Agency-Callable	2,000,000	2,000,000	2,000,000	2,000,000	15.16%	100.00%
Total	**$ 28,406,088**	**$ 22,161,892**	**$ 16,484,681**	**$ 13,195,436**	**100.00%**	

Sherman
CLASSIC TOWN. BROAD HORIZON.

CITY OF SHERMAN, TX
Portfolio by Maturity
AS of 3/31/2023

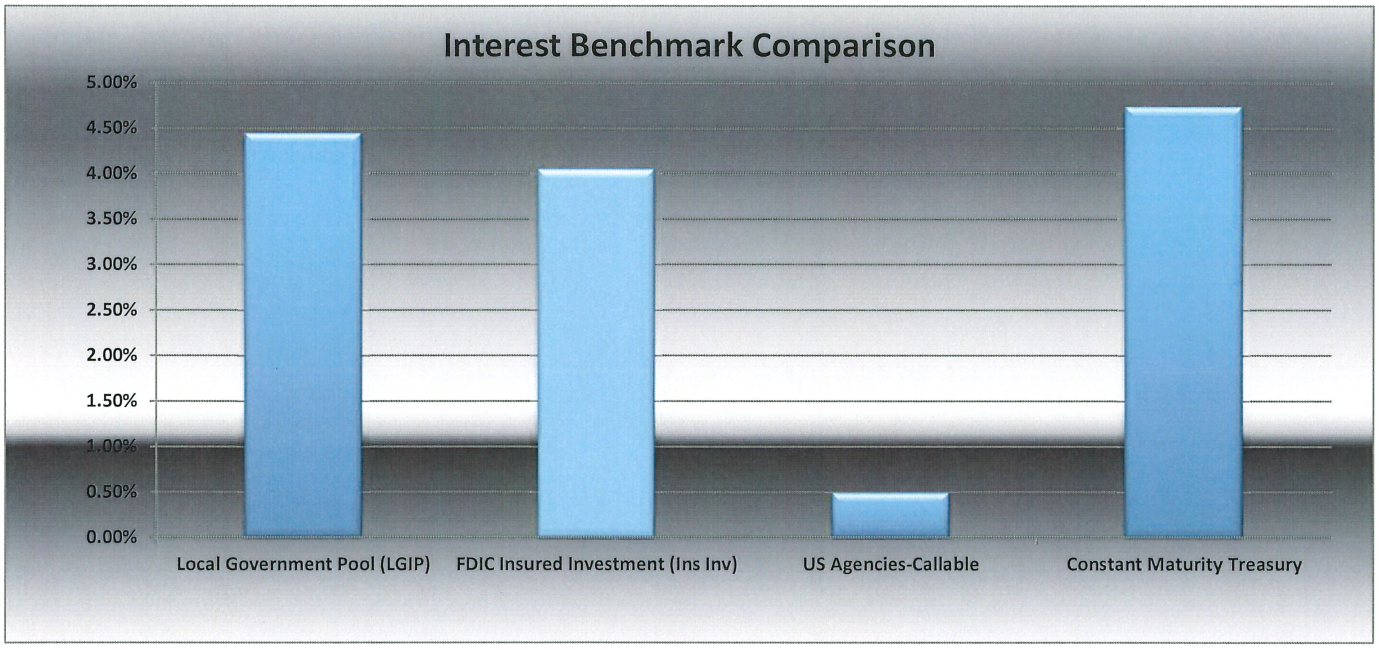
Maturity Time Frame	Balance 6/30/2022	Balance 9/30/2022	Balance 12/31/2022	Balance 3/31/2023	Percent of Portfolio	Maximum Allowable
Within 1 month	$ 26,406,088	$ 20,161,892	$ 14,484,681	$ 11,195,436	84.8%	100%
1 year - 2 years	$ -	$ 1,000,000	$ 2,000,000	$ 2,000,000	15.2%	
2 years - 3 years	2,000,000	1,000,000		-	0.0%	
3 years - 4 years	-			-	0.0%	
	$ 28,406,088	**$ 22,161,892**	**$ 16,484,681**	**$ 13,195,436**		

Liquidity Indicator				
Weighted Average Maturity	**59.79**	**68.05**	**79.98**	**86.03**

Sherman
CLASSIC TOWN. BROAD HORIZON.

CITY OF SHERMAN, TX
Earned Income
AS of 3/31/2023

Date Received/ Purchased	Name	Security Description	Coupon	YTM	Interest Purchased/ Received	Accrued Interest/ Amortization	Income Earned
1/31/2023	Landing Rock 2017 CO	Insured Investment		4.30%	$ 7,844	$ -	$ 7,844
1/31/2023	Landing Rock 2021 CO	Insured Investment		4.30%	16,326	-	16,326
1/31/2023	TexPool 2017A Stormwater CO	LGIP		4.61%	672	-	672
1/31/2023	TexPool 2021 CO	LGIP		4.61%	23,537	-	23,537
2/28/2023	Landing Rock 2017 CO	Insured Investment		4.05%	7,504	-	7,504
11/30/2022	Landing Rock 2021 CO	Insured Investment		4.05%	15,619	-	15,619
2/28/2023	TexPool 2017A Stormwater CO	LGIP		4.50%	646	-	646
2/28/2023	TexPool 2021 CO	LGIP		4.50%	17,777	-	17,777
3/31/2023	Landing Rock 2017 CO	Insured Investment		4.30%	8,511	-	8,511
3/31/2023	Landing Rock 2021 CO	Insured Investment		4.30%	17,714	-	17,714
3/31/2023	TexPool 2017A Stormwater CO	LGIP		4.61%	735	-	735
3/31/2023	TexPool 2021 CO	LGIP		4.61%	17,780	-	17,780
3/31/2023	3130AMHGO-FHLB 2021 CO	US Agency-Callable		0.48%	-	1,187	1,187
3/31/2023	31300AMZQ8-FHLB 2021 CO	US Agency-Callable		0.51%	-	1,275	1,275
					$ 134,664	**$ 2,462**	**$ 137,127**



SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **I. 3.**

Meeting Date: 04/17/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

***** OTHER BUSINESS***

Final Plat of Texoma Vet Hospital, consisting of 2.354 acres in the A. Hume Survey, Abstract No. 522, and currently zoned C-2 (General Commercial) District; Kenneth and Mary Lawrence, Owner and Windrose Land Services, Surveyor (5005 North FM 1417 (Heritage Parkway))

Issue:

To consider Final Plat of Texoma Vet Hospital, consisting of 2.354 acres in the A. Hume Survey, Abstract No. 522, and currently zoned C-2 (General Commercial) District; Kenneth and Mary Lawrence, Owner and Windrose Land Services, Surveyor (5005 North FM 1417 (Heritage Parkway))

Background:

The property is located at 5005 North FM 1417 (Heritage Parkway) near the Southeast corner of FM 1417 (Heritage Parkway) and Plainview Road. The owner would like to plat the property into one lot for commercial development.

Origination:

Kenneth and Mary Lawrence (Owners)
LANGAN (Engineer)
Windrose Land Services (Surveyor)

Financial Consideration:

None

Staff Recommendation:

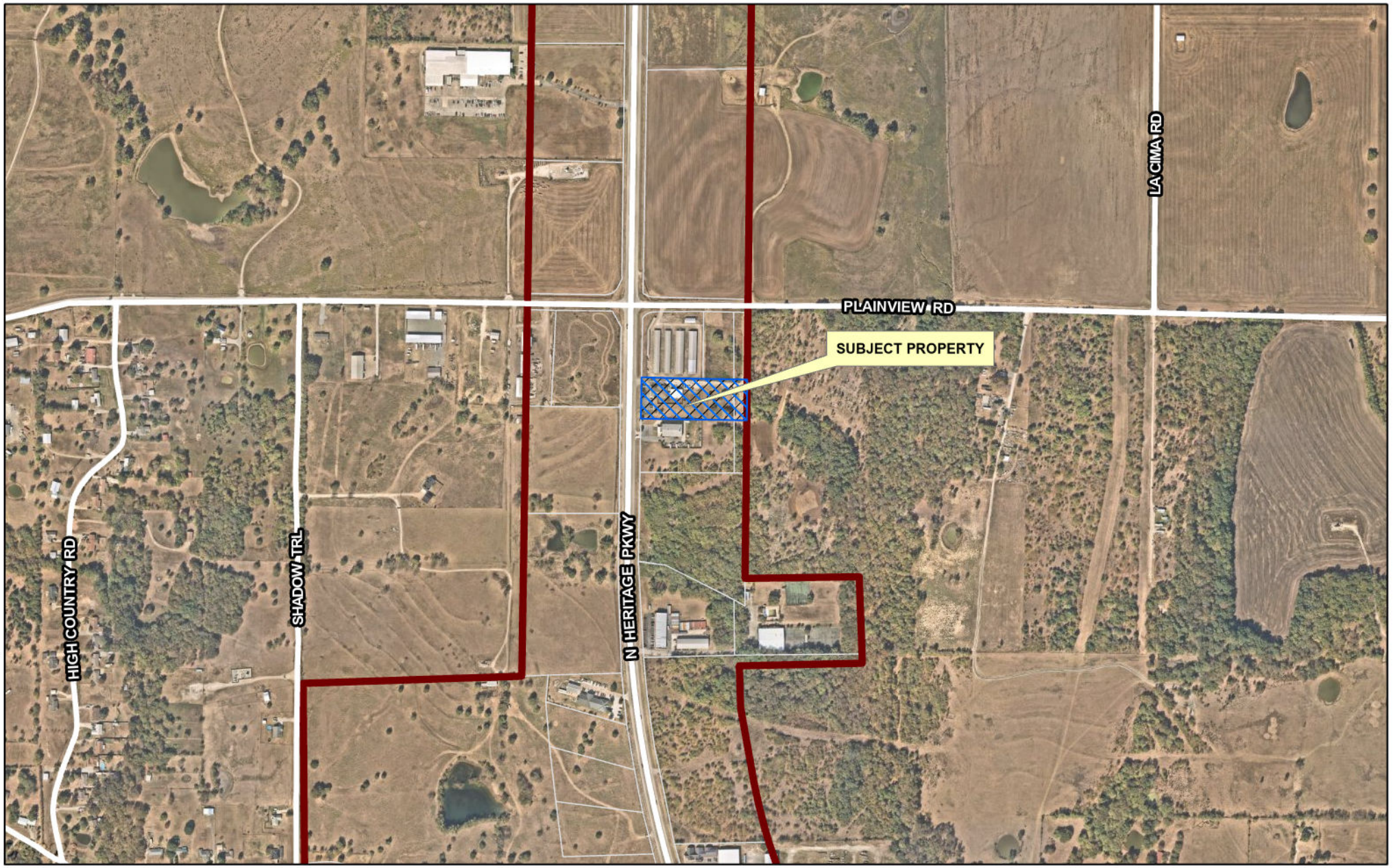
At the March 21, 2023 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Final Plat
STAFF REVIEW LETTER - Engineering



dlagrone H:\PLANNING\Public Notification KT.aprx

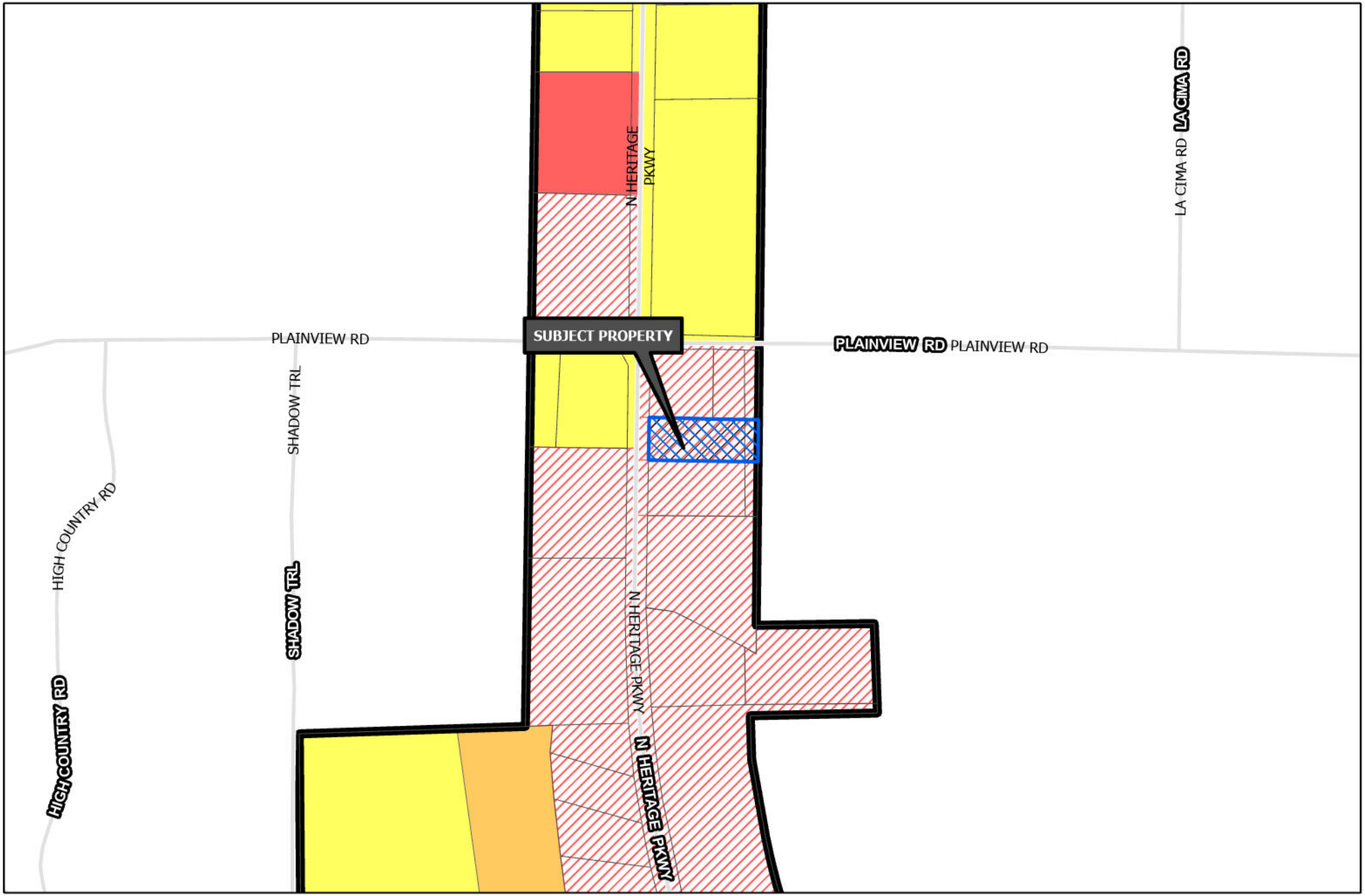
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
5005 N FM 1417 (HERITAGE PKWY)

N
W E
S

Date: 3/3/2023 8:59 AM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

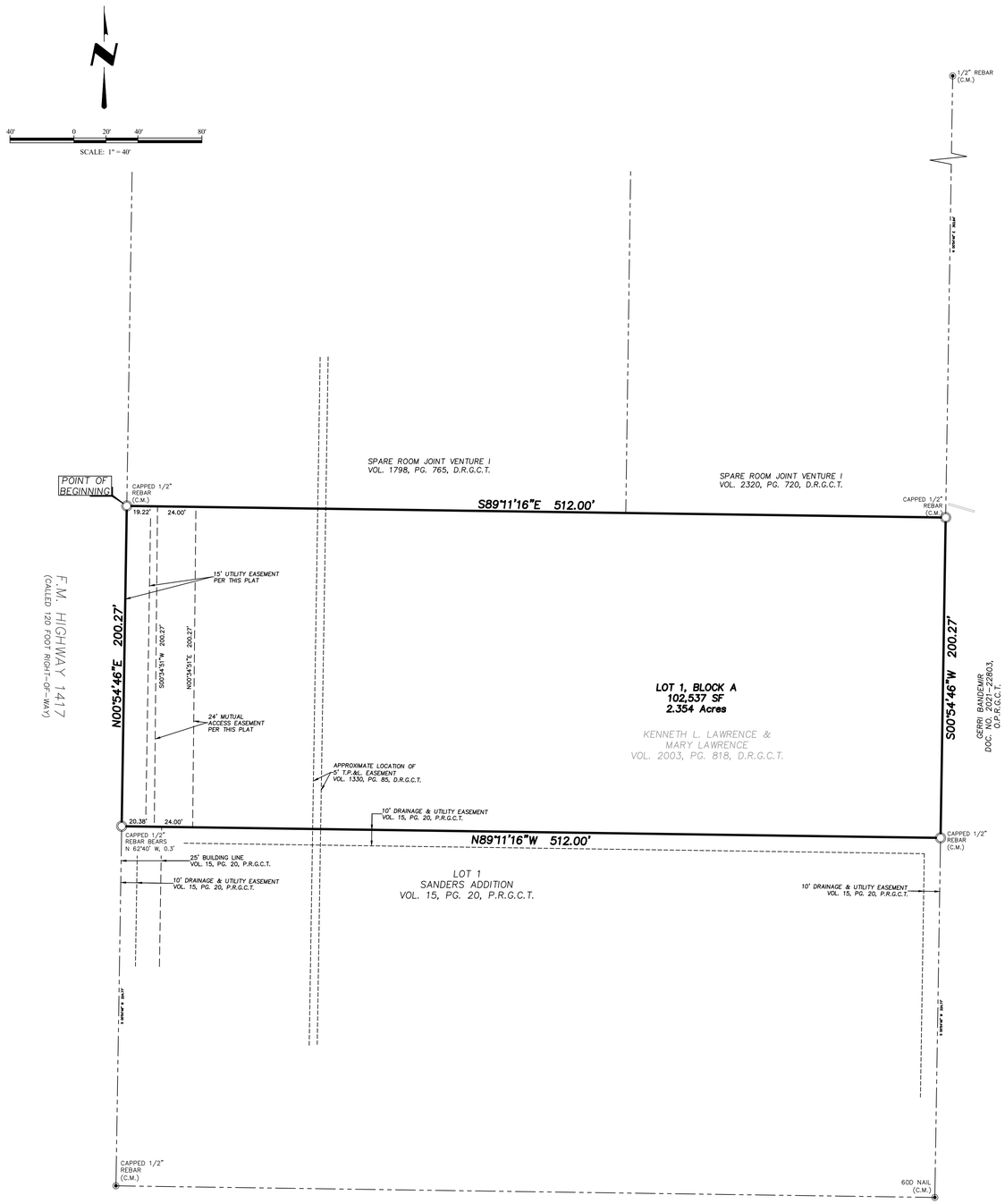
- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations

Road Names All

CITY OF SHERMAN
ZONING MAP
5005 N FM 1417 (HERITAGE PKWY)

N
W E
S

Date: 3/3/2023 9:49 AM



SURVEYOR'S NOTES:

1. Bearings and distances are based on Texas State Plane Coordinate System, Texas North Central Zone 4202 North American Datum of 1983 (NAD 83) (U.S. Foot) with a combined scale factor of 1.00012.
2. This property lies within Zone "X" Unshaded of the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, map no. 48181C0275G, dated September 01, 2022, via scaled map location and graphic plotting.
3. Notice: Selling a portion of this addition by metes and bounds is a violation of City subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building certificates.
4. The purpose of this plat is to create one lot from a tract of land.

ENGINEER
LANGAN
1101 E SE Loop 323, Suite 101
Tyler, Texas 75701

OWNER/DEVELOPER
Kenneth L. Lawrence and wife, Mary Lawrence
5005 Highway 1417
Sherman, Texas 75090

WINDROSE
LAND SURVEYING | PLATTING
1955 LAKEWAY DRIVE, SUITE 220 | LEWISVILLE, TX 75057 | 214.217.2544
FIRM REGISTRATION NO. 10194331 | WINDROSESERVICES.COM

DRAWN BY: G.L.C. DATE: 11/10/2022 CHECKED BY: M.P. JOB NO.: DS8263

FINAL PLAT
TEXOMA VET HOSPITAL
LOT 1, BLOCK A
Being a 2.354 Acre tract of land
Situated in the Alfred Hume Survey,
Abstract Number 522
City of Sherman, Grayson County, Texas

-- 2022 --

STATE OF TEXAS §
COUNTY OF GRAYSON §

WHEREAS Kenneth L. Lawrence and Mary Lawrence are the owners of a 2.354 acre tract of land situated in the A. Hume Survey, Abstract Number 522, Grayson County, Texas, being all of that tract of land described to Kenneth L. Lawrence & Mary Lawrence in Warranty Deed recorded in Volume 2003, Page 818, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows: (Bearings and Distances are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD83)(US Foot) with no combined scale factor):

BEGINNING at a 1/2-inch capped rebar found for the northwest corner of said Lawrence tract and the southwest corner of a tract of land described to Spare Room Joint Venture I in Warranty Deed recorded in Volume 1798, Page 765, Deed Records, Grayson County, Texas, said point lying on the east right-of-way line of F.M. Highway 1417 (called 120 foot right-of-way);

THENCE South 89 degrees 11 minutes 16 seconds East, with the north line of said Lawrence tract, the south line of said Joint Venture tract, and the south line of a tract of land described to Spare Room Joint Venture I in Warranty Deed recorded in Volume 2320, Page 720, Deed Records, Grayson County, Texas., a distance of 512.00 feet to a 1/2-inch capped rebar found for the northeast corner of said Lawrence tract and the southeast corner of said second-referenced Joint Venture tract, said point lying on the west line of a tract of land described to Gerri Bandemir in General Warranty Deed recorded in Document Number 2021-22803, Deed Records, Grayson County, Texas;

THENCE South 00 degrees 54 minutes 46 seconds West, with the east line of said Lawrence tract and the west line of said Bandemir tract, a distance of 200.27 feet to a 1/2-inch capped rebar found for the southeast corner of said Lawrence tract and the northeast corner of Lot 1, Sanders Addition, an addition to the City of Sherman, Grayson County, Texas, according to the map or plat thereof recorded in Volume 15, Page 20, Plat Records, Grayson County, Texas;

THENCE North 89 degrees 11 minutes 16 seconds West, with the south line of said Lawrence tract and the north line of said Lot 1, a distance of 512.00 feet to a point for the southwest corner of said Lawrence tract and the northwest corner of said Lot 1, said point lying on the east right-of-way line of said F.M. Highway 1417, from said point a 1/2-inch capped rebar bears North 62 degrees 40 minutes West, a distance of 0.3 feet;

THENCE North 00 degrees 54 minutes 46 seconds East, with the west line of said Lawrence tract and the east right-of-way line of said F.M. Highway 1417, a distance of 200.27 feet to the POINT OF BEGINNING, and containing 2.354 acres, or 102,537 square feet of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

We, Kenneth L. Lawrence and Mary Lawrence, the sole owners of Texoma Vet Hospital, an Addition to the City of Sherman, Texas, do hereby dedicate the streets, easements, alleys, rights-of-way, parks, school sites and other public places shown hereon to the public use forever.

_____
Kenneth L. Lawrence

_____
Mary Lawrence

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Kenneth L. Lawrence, 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 this _____day of _____ 20____.

_____
Notary Public in and for the State of Texas

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mary Lawrence, 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 this _____day of _____ 20____.

_____
Notary Public in and for the State of Texas

STATE OF TEXAS §
COUNTY OF DENTON §

This is to certify that I, Mark N. Peeples, a Registered Professional Land Surveyor of the State of Texas, have platted the subdivision from an actual survey on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision.

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT
DATED **12/19/2022**

_____
Mark N. Peeples, R.P.L.S.
No. 6443

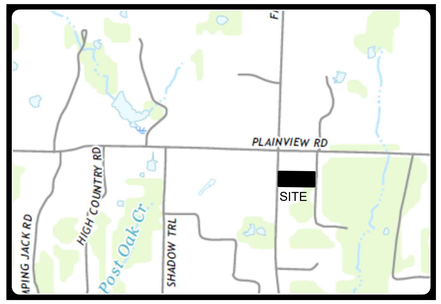
STATE OF TEXAS §
COUNTY OF DENTON §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mark N. Peeples, 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 _____day of _____ 20____.

_____
Notary Public in and for the State of Texas

VICINITY MAP
NOT TO SCALE



APPROVAL:
This, the Final Plat of Austin Landing, Phase IV, an Addition to the Cit of Sherman, Texas, is hereby approved this ____ day of _____, 20____, 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 Austin Landing to the City of Sherman, Texas, was submitted t the City Council of Sherman, Texas on the ____ day of _____, 20____ and the City Council 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 described.

WITNESS MY HAND THIS _____ DAY of _____, 20____

_____
City Clerk, City of Sherman, Texas

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

_____
Chairman

_____
Secretary

ENGINEER
LANGAN
1101 E SE Loop 323, Suite 101
Tyler, Texas 75701

OWNER/DEVELOPER
Kenneth L. Lawrence and wife, Mary Lawrence
5005 Highway 1417
Sherman, Texas 75090

WINDROSE
LAND SURVEYING | PLATTING
1955 LAKEWAY DRIVE, SUITE 220 | LEWISVILLE, TX 75057 | 214.217.2544
FIRM REGISTRATION NO. 10194331 | WINDROSESERVICES.COM

DRAWN BY: G.L.C. DATE: 11/10/2022 CHECKED BY: M.P. JOB NO.: DS8263

Point of Contact:
Grayson CeBallos
972-370-5871
grayson.ceballos@windroseservices.com
Last Revision Date: 12/19/2022

FINAL PLAT
TEXOMA VET HOSPITAL
LOT 1, BLOCK A
Being a 2.354 Acre tract of land
Situated in the Alfred Hume Survey,
Abstract Number 522
City of Sherman, Grayson County, Texas

-- 2022 --

V:\WRD SITE MGN\DS8263 – Texoma Veterinary Hospital – Sherman\Drawings

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

March 13, 2023

Kenneth L. Lawrence
Mary Lawrence
5005 Highway 1417
Sherman, TX 75090

Langan
1101 E SE Loop 323, Ste. 101
Tyler, TX 75701

Windrose Land Surveying / Platting
Attn: Grayson Ceballos
1955 Lakeway Drive, Ste. 220
Lewisville, TX 75057

Dear Applicants,

The request for approval of the Final Plat of Texoma Vet Hospital has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, March 21, 2023 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Graphically show edge of pavement on drawing.
2. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
3. City wastewater does not serve subject property. On-site sewage facility or extension of wastewater main by developer is required. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
4. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
5. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
6. Original tax certificates with $0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11)*

7. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. CAD file must be submitted digitally at time of final approval. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Dillon Stewart, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **I. 4.**

Meeting Date: 04/17/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

***** OTHER BUSINESS***

Replat of Rockhill Corner Addition, consisting of 1.985 acres, being a part of the William C. Atchison Survey, Abstract No. 23, being all of Lot 7, Block One of Choctaw Estates No. II and currently in the ETJ (Extraterritorial Jurisdiction); Robert and Nancy Dobbs, Owner; Helvey-Wagner Surveying, Inc., Surveyor (121 Rockport Road)

Issue:

To consider the Replat of Rockhill Corner Addition, consisting of 1.985 acres, being a part of the William C. Atchison Survey, Abstract No. 23, being all of Lot 7, Block One of Choctaw Estates No. II and currently in the ETJ (Extraterritorial Jurisdiction); Robert and Nancy Dobbs, Owner; Helvey-Wagner Surveying, Inc., Surveyor (121 Rockport Road)

Background:

The property is located at 121 Rockport Road at the intersection of WD Hill Road and Rockport Road. The owner would like to plat the property into two lots for residential development.

Origination:

Robert and Nancy Dobbs (Owner)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the March 21, 2023 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Final Plat
STAFF REVIEW LETTER - Engineering



dlagrone H:\PLANNING\Public Notification KT.aprx

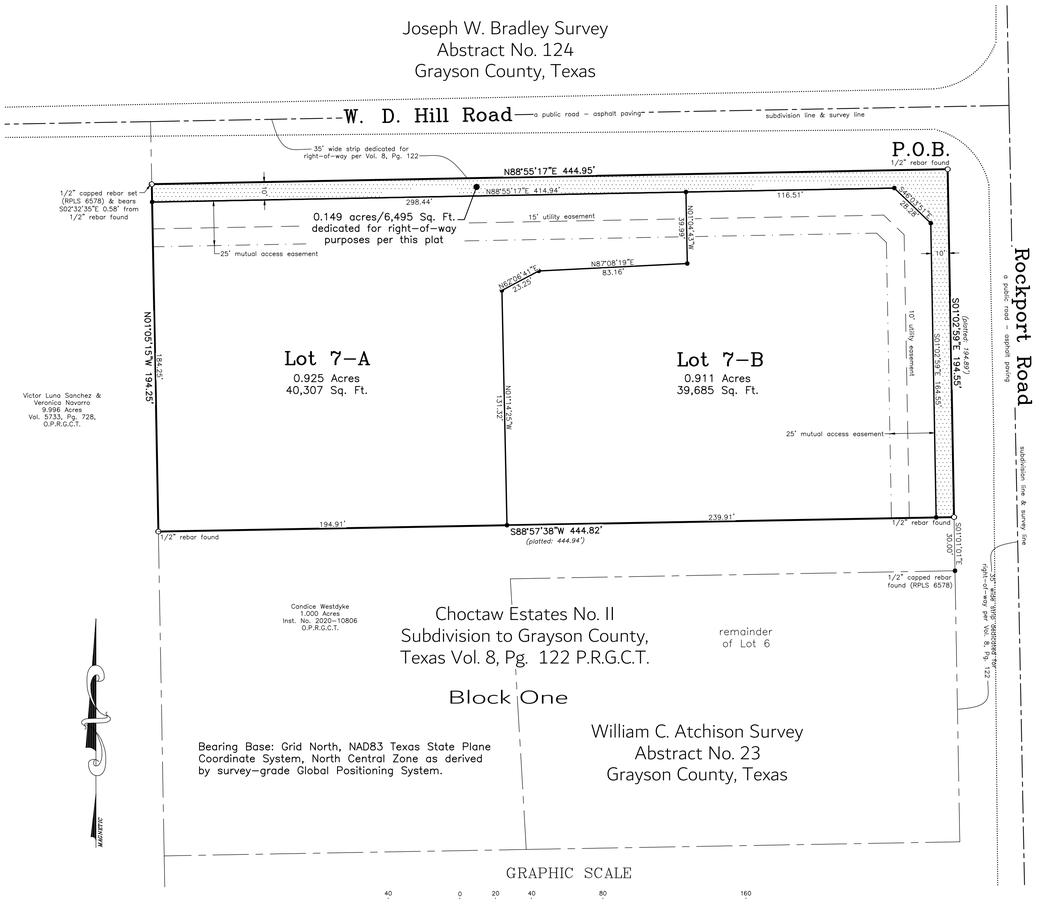
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

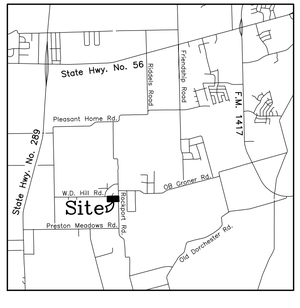
CITY OF SHERMAN
LOCATION MAP
121 ROCKPORT RD

N
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Date: 3/3/2023 11:17 AM



Vicinity Map
(not to scale)



General Notes:

1. Water Supply to be provided by Dorchester Water Supply
2. Sewer service to be provided by on-site sewer system.
3. Electrical service is provided by Grayson-Collin Electric Cooperative.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat hereon lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0400 G, Revised Date: September 29, 2010.
8. Neither The City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

Rockhill Corner Addition
being a Replat of Lot 7, Choctaw Estates No. II Subdivision to Grayson County, Texas inside the ETJ of the City of Sherman
1.985 Acres
in the
William C. Atchison Survey
Abstract No. 23

Date of Preparation: February 23, 2023

Job No. CGS410223

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

Owners:
Robert W. Dobbs &
Nancy S. Dobbs
121 Rockport Road
Sherman, Texas 75092

X:\Shared Projects\121-Rockport-Road-Sherman\Civil 3D\121 Rockport Road.dwg 2/22/2023 3:37 PM

FIELD NOTES

SITUATED in the County of Grayson, State of Texas, being a part of the William C. Atchison, Abstract No. 23, being all of Lot 7, Block One of Choctaw Estates No. II, a subdivision to Grayson County, Texas, as per plat of record in Vol. 8, Pg. 122, Plat Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch rebar found lying at the intersection of the South line of W. D. Hill Road, a public street, with the West line of Rockport Road, a public street, being the Northeast corner of said Lot 7;

THENCE South 01 deg. 02 min. 59 sec. East, with the West line of said Rockport Road and the East line of said Lot 7, a distance of 194.55 ft. to a 1/2 inch rebar found at the Northeast corner of both Lot 6, said Block One, Choctaw Estates No. 11 and the 1.000 ac. conveyed to Candice Westdyke, as recorded in Inst. No. 2020-10806, Official Public Records, Grayson County, Texas, and being the Southeast corner of said Lot 7;

THENCE South 88 deg. 57 min. 38 sec. West, with the North line of both said Lot 6 and Westdyke 1.000 ac., and the South line of said Lot 7, a distance of 444.82 ft. to a 1/2 inch rebar found lying in the East line of the 9.996 ac. conveyed to Victor Luna Sanchez and Veronica Navarro, as recorded in Vol. 5733, Pg. 728, said Official Public Records, being the Northwest corner of both said Lot 6 and Westdyke 1.000 ac. and the Southwest corner of said Lot 7;

THENCE North 01 deg. 05 min. 15 sec. West, with the East line of said Sanchez & Navarro 9.996 ac. and the West line of said Lot 7, a distance of 194.25 ft. to a 1/2 inch capped rebar set (RPLS 6578) in the South line of said W.D. Hill Road, at the Northwest corner of said Lot 7, from which point bears South 02 deg. 32 min. 35 sec. East, 0.58 ft. from a 1/2 inch rebar found;

THENCE North 88 deg. 55 min. 17 sec. East, with the South line of said W. D. Hill Road and the North line of said Lot 7, a distance of 444.95 ft. to the **PLACE OF BEGINNING** and containing **1.985 ACRES** of land.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

_____
Kate A. Wagner, R. P. L. S. No. 6578 Date:

STATE OF TEXAS
REGISTERED
KATE A. WAGNER
6578
PROFESSIONAL
LAND SURVEYOR

We, Robert W. Dobbs & Nancy S. Dobbs, sole owner of <Subdivision name> to the City of Sherman, Texas, do hereby dedicate the streets, easements, alleys, rights-of-way, parks, school sites and other public places shown hereon to the public use forever.

_____ _____
Robert W. Dobbs Nancy S. Dobbs

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

Given under my hand and seal of office this _____ day of _____, 2023.

_____
Notary Public, Grayson County, Texas

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

Given under my hand and seal of office this _____ day of _____, 2023.

_____
Notary Public, Grayson County, Texas

_____
Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN. BROAD HORIZON.

This, the final plat of <Subdivision name> to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2023, by the Planning and Zoning Commission of the City of Sherman, Texas.

_____ _____
Chairman Secretary

This, the final plat of <Subdivision name> to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2023, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: _____
MAYOR, CITY OF SHERMAN, TEXAS DATE

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing final plat of <Subdivision name> to the City of Sherman, Texas, was submitted to the City Council of Sherman, Texas, on the _____ day of _____, 2023, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

WITNESS MY HAND THIS _____ DAY OF _____, 2023, BY _____
CITY CLERK, CITY OF SHERMAN, TEXAS

Rockhill Corner Addition
being a Replat of Lot 7, Choctaw Estates No. II Subdivision to Grayson County, Texas inside the ETJ of the City of Sherman
1.985 Acres
in the
William C. Atchison Survey
Abstract No. 23
Date of Preparation: February 23, 2023

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

Owners:
Robert W. Dobbs &
Nancy S. Dobbs
121 Rockport Road
Sherman, Texas 75092

X:\Shared Projects\121-Rockport-Road-Sherman\Civil 3D\121 Rockport Road.dwg 2/22/2023 3:37 PM

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

March 13, 2023

Robert W. Dobbs
Nancy S. Dobbs
121 Rockport Rd.
Sherman, TX 75092

Helvey-Wagner Surveying, Inc.
222 W. Main
Denison, TX 75020

Dear Applicants,

The request for approval of the Plat of Rockhill Corner Addition has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, March 21, 2023 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Dedicate a 40'x40' Right of Way corner clip on Northeast corner of proposed Lot 7-B. *Code of Ordinances Chapter 10, Exhibit A, Secs. 5(B)(5), (10); 5(C)(1); 6(B)(7)-(8), (14)-(15); 12(B)(1)(a); 12(B)(1)(k)(1)-(3); 12(B)(5)*
2. Dedicate a 15' Utility, Landscape, & Sidewalk Easement along Rockport Road. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
3. Subdivision Name to be inserted into standard dedication and signature language.
4. No City of Sherman water available to site. Property lies within City of Dorchester Water CCN.
5. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
6. Original tax certificates with $0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11)*
7. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. CAD file must be submitted digitally at time of final approval. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Dillon Stewart, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **I. 5.**

Meeting Date: 04/17/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

***** OTHER BUSINESS***

Final Plat of Hickory Hill Garden Apartments Addition, Lots 1 and 2, Block 1, consisting of 22.330 acres in the Ralston W. Adams Survey, Abstract No. 18 and currently zoned PD (Planned Development) District; Sherman Hickory Hill, LLC, Owner and Bohler Engineering, Surveyor (2100-2300 Block West Lamberth Road)

Issue:

To consider Final Plat of Hickory Hill Garden Apartments Addition, Lots 1 and 2, Block 1, consisting of 22.330 acres in the Ralston W. Adams Survey, Abstract No. 18 and currently zoned PD (Planned Development) District; Sherman Hickory Hill, LLC, Owner and Bohler Engineering, Surveyor (2100-2300 Block West Lamberth Road)

Background:

The property is located in the 2100-2300 Block West Lamberth Road at the corner of West Lamberth Road and Meadowlake Lane and is zoned PD (Planned Development) District. The owner would like to plat the property into one lot for commercial development.

Origination:

Sherman Hickory Hill, LLC (Owner)
Sylvan Schurwanz, Allen Harrison Company (Representative)
Bohler Engineering (Surveyor)

Financial Consideration:

None

Staff Recommendation:

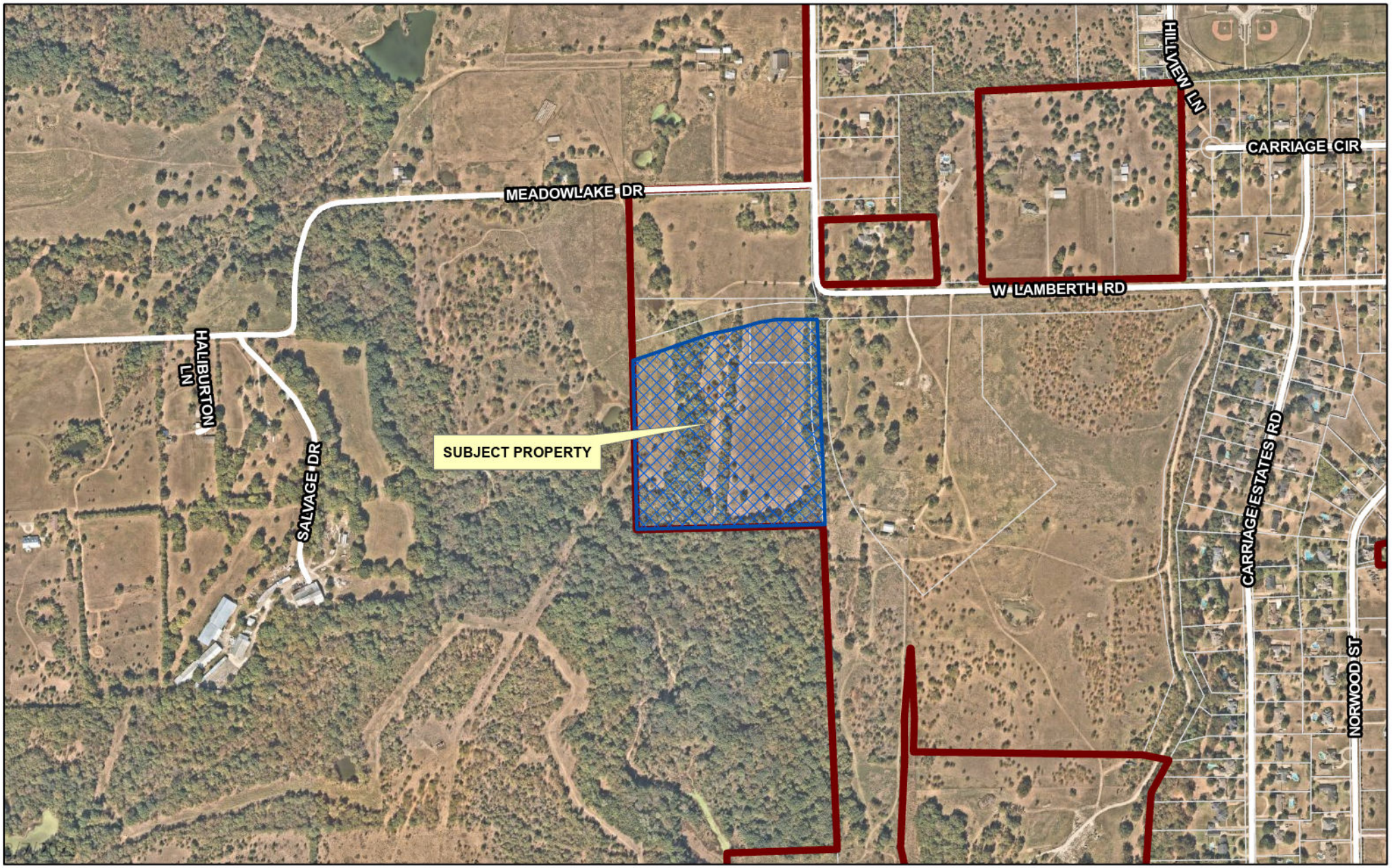
At the March 21, 2023 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Final Plat
STAFF REVIEW LETTER - Engineering



dlagrone H:\PLANNING\Public Notification KT.aprx

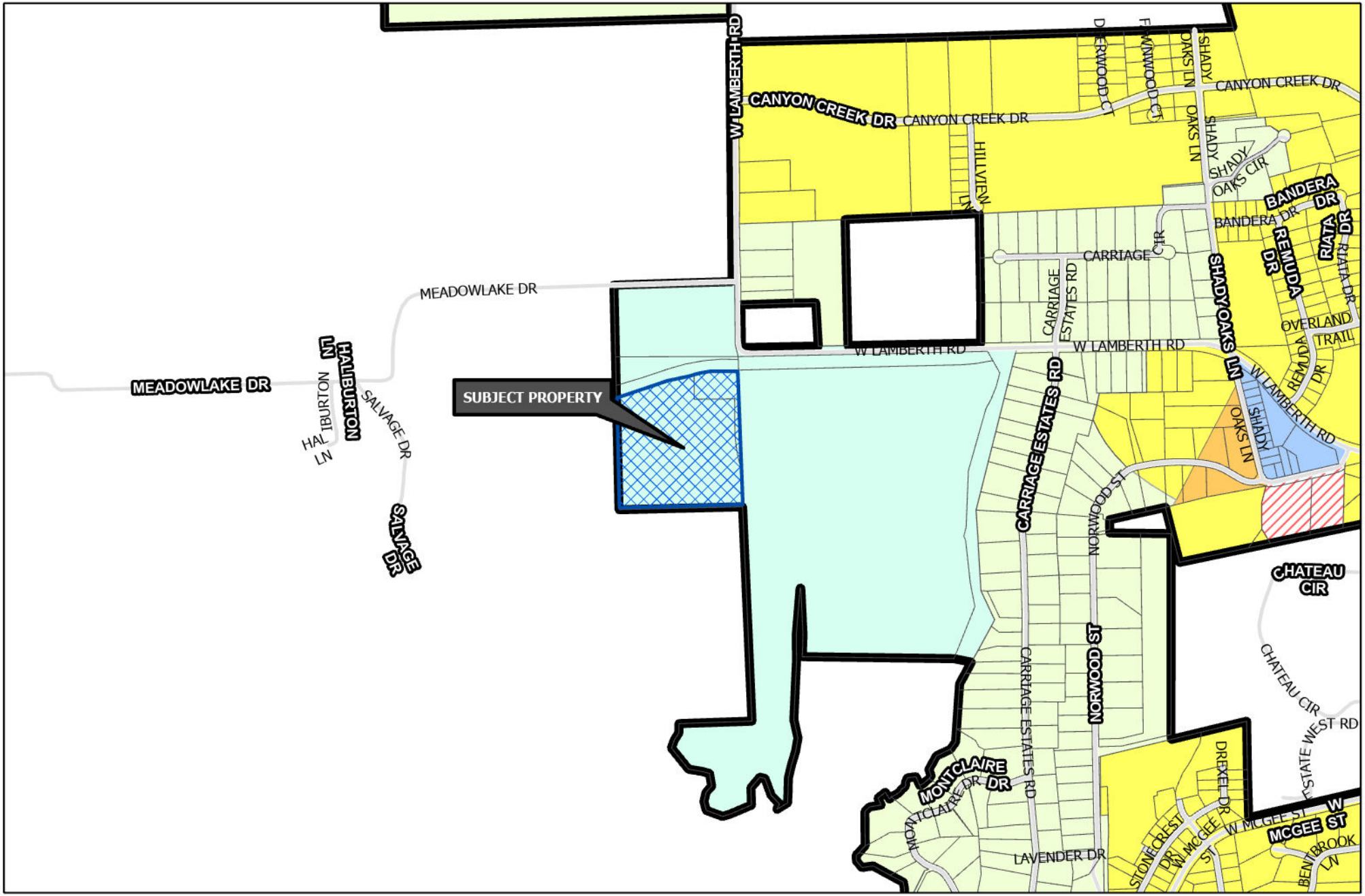
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
2100-2300 BLKS W LAMBERTH RD

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Date: 3/7/2023 4:07 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

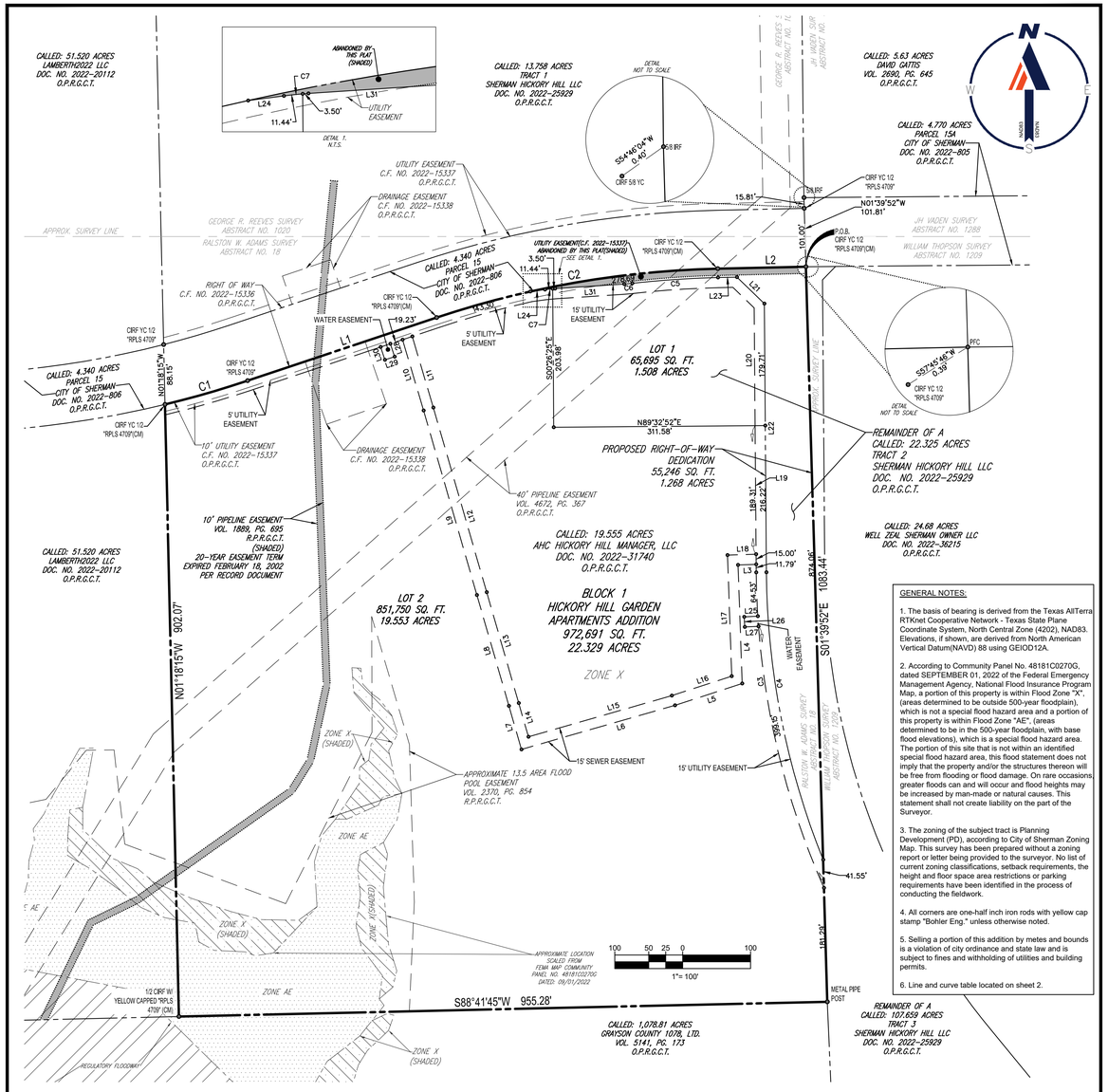
Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations
- Road Names All

CITY OF SHERMAN
ZONING MAP
2100-2300 BLKS W LAMBERTH RD

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W E
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Date: 3/8/2023 5:05 PM



GENERAL NOTES:

1. The basis of bearing is derived from the Texas AllTerra RTKnet Cooperative Network - Texas State Plane Coordinate System, North Central Zone (4202), NAD83. Elevations, if shown, are derived from North American Vertical Datum(NAVD) 88 using GEIOD12A.

2. According to Community Panel No. 48181C0270G, dated SEPTEMBER 01, 2022 of the Federal Emergency Management Agency, National Flood Insurance Program Map, a portion of this property is within Flood Zone "X", (areas determined to be outside 500-year floodplain), which is not a special flood hazard area and a portion of this property is within Flood Zone "AE", (areas determined to be in the 500-year floodplain, with base flood elevations), which is a special flood hazard area. The portion of this site that is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This statement shall not create liability on the part of the Surveyor.

3. The zoning of the subject tract is Planning Development (PD), according to City of Sherman Zoning Map. This survey has been prepared without a zoning report or letter being provided to the surveyor. No list of current zoning classifications, setback requirements, the height and floor space area restrictions or parking requirements have been identified in the process of conducting the fieldwork.

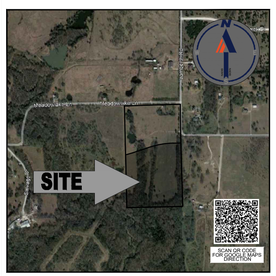
4. All corners are one-half inch iron rods with yellow cap stamp "Bohler Eng." unless otherwise noted.

5. Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits.

6. Line and curve table located on sheet 2.

LEGEND

P.O.B.	POINT OF BEGINNING
IRF	IRON ROD FOUND
CIRF	CAPPED IRON ROD FOUND STAMPED "_____"
CIRS	CAPPED IRON ROD SET STAMPED "BOHLER ENG."
PFC	POINT FOR CORNER
MAGF	MAG NAIL FOUND
R.P.R.C.C.T.	REAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS
SQ. FT.	SQUARE FEET
DOC. NO.	DOCUMENT NUMBER
VOL. PG.	VOLUME PAGE
(CM)	CONTROLLING MONUMENT



LOCATION MAP
SCALE: N.T.S.

APPLICANT:
ALLEN HARRISON COMPANY
9805 KATY FREEWAY, STE. 550
HOUSTON, TX 77024
PHONE: (713) 808-1234
CONTACT: SYLVAN SCHURWANZ

OWNER:
AHC HICKERY HILL MANAGER, LLC
9805 KATY FREEWAY, SUITE 550
HOUSTON, TX 77024
PHONE: (713) 808-1234
CONTACT: SYLVAN SCHURWANZ

SURVEYOR:
BOHLER ENGINEERING
2600 NETWORK BLVD., STE. 310
FRISCO, TX 75034
PHONE: (469) 458-7300
CONTACT: AARON ANDREE

OWNER:
SHERMAN HICKERY HILL LLC
4100 SPRING VALLEY RD., SUITE 465
DALLAS, TX 75244

FINAL PLAT

HICKORY HILL GARDEN APARTMENTS ADDITION

LOTS 1 AND 2, BLOCK 1

22.330 ACRES OUT OF THE
RALSTON W. ADAMS SURVEY, ABSTRACT NO. 18;

CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

BOHLER
2600 NETWORK BLVD., SUITE 310
FRISCO, TEXAS 75034
469.458.7300
www.bohlerengineering.com
TBPE No. 18065
TBPELS No. 10194413

SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING | PROGRAM MANAGEMENT | LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN | PERMITTING SERVICES | TRANSPORTATION SERVICES

FILE NO.	DATE	DRAWN	REVIEWED	APPROVED	SCALE	DWG. NO.
TXA220081.00	09/16/22	JG	ASA	ASA	1" = 100'	1 OF 2

BOHLER ENGINEERING, ALL RIGHTS RESERVED
THE COPYRIGHTS TO THIS DOCUMENT, OR PORTIONS THEREOF, FOR OTHER THAN THE ORIGINAL PROJECT OR THE PURPOSE ORIGINALLY INTENDED, WITHOUT THE WRITTEN PERMISSION OF BOHLER ENGINEERING IS PROHIBITED

LEGAL DESCRIPTION

STATE OF TEXAS §

COUNTY OF GRAYSON §

WHEREAS, AHC HICKORY HILL MANAGER, LLC and SHERMAN HICKORY HILL LLC are the owners of all that certain tract of land situated in the City of Sherman, Grayson County, Texas, being a part of the Ralston W. Adams Survey, Abstract No. 18, being all of a called 19.555 acre tract of land described in Special Warranty Deed to AHC Hickory Hill Manager, LLC, recorded in Document No. 2022-31740, Official Public Records, Grayson County, Texas (O.P.R.G.C.T.), being part of a called 22.325 acre tract of land described as Tract 2 in a Special Warranty Deed to Sherman Hickory Hill LLC, recorded in Document No. 2022-25929, O.P.R.G.C.T. and being more particularly described as follows:

BEGINNING at a point for the southeast corner of called 4.340 acre tract of land described as Parcel 15 in a Right-of-Way Deed to the City of Sherman, Texas, recorded in Document No. 2022-806, O.P.R.G.C.T. and the southwest corner of a called 4.770 acre tract of land described as Parcel 15A in a Right-of-Way Deed to the City of Sherman, Texas, recorded in Document No. 2022-805, O.P.R.G.C.T., said point being in the east line of said Tract 2 and the west line of a called 107.659 acre tract of land described as Tract 3 in said Document No. 2022-25929, from which a one-half inch iron rod with yellow plastic cap stamped "RPLS 4709" (herein after called "capped iron rod") found bears South 57 degrees 45 minutes 46 seconds West a distance of 0.39 feet;

THENCE South 01 degrees 39 minutes 52 seconds East, a distance of 1,083.44 feet along the west line of said Tract 3 to a metal pipe post found at the southeast corner of said 19.555 acre tract of land and the northeast corner of a called 1,078.81 acre tract of land described in a Special Warranty Deed to Grayson County 1078, LTD., recorded in Volume 5141, Page 173, O.P.R.G.G.T.;

THENCE South 88 degrees 41 minutes 45 seconds West, a distance of 955.28 feet along the south line of said 19.555 acre tract of land and the north line of said 1,078.81 acre tract of land to a capped iron rod found at the southwest corner of said 19.555 acre tract of land and the southeast corner of a called 51.520 acre tract of land described in a General Warranty Deed with Vendor's Lien to Lamberth2022 LLC, recorded in Document No. 2022-20112, O.P.R.G.C.T.;

THENCE North 01 degrees 18 minutes 15 seconds West, a distance of 902.07 feet along the west line of said 19.555 acre tract of land and the east line of said 51.520 acre tract of land to a capped iron rod found at the intersection of the south line of said 4.340 acre tract of land, the west line of said 19.555 acre tract of land and the east line of said 51.418 acre tract of land, from which a capped iron rod found at the northwest corner of said 4.340 acre tract of land bears North 01 degrees 18 minutes 15 seconds West a distance of 88.15 feet;

THENCE along the south line of said 4.340 acre tract of land, the following courses and distances;

In a northeasterly direction, a distance of 126.49 feet, having a central angle of 04 degrees 51 minutes 15 seconds, a radius of 1,493.00 feet, a tangent length of 63.28 feet and whose chord bears North 73 degrees 57 minutes 50 seconds East a distance of 126.45 feet to a capped iron rod found for corner;

North 71 degrees 32 minutes 12 seconds East, a distance of 293.59 feet to a capped iron rod found at the beginning of a tangent curve to the right;

In a northeasterly direction, a distance of 421.99 feet, having a central angle of 17 degrees 11 minutes 03 seconds, a radius of 1,407.00 feet, a tangent length of 212.59 feet and whose chord bears North 80 degrees 07 minutes 44 seconds East a distance of 420.41 feet to a capped iron rod found for corner;

North 88 degrees 43 minutes 16 seconds East, a distance of 129.93 feet to the **POINT OF BEGINNING** and containing 972,691 square feet or 22.329 acres of land.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

KNOW ALL MEN BY THESE PRESENTS:
THAT I, Aaron Andree, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

"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".

Signature: _____
Date: _____

_____
Aaron S. Andree
Registered Professional Land Surveyor No. 6920

Date: _____

STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Aaron S. Andree, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed and in the capacity thereon stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ day of _____, 2023.

_____
Notary Public in and for the State of Texas

WE, **AHC HICKORY HILL MANAGER, LLC and SHERMAN HICKORY HILL LLC,** the sole owners of Final Plat of **HICKORY HILL GARDEN APARTMENTS ADDITION** to the City of Sherman, Texas, do hereby dedicate the streets, easements, alleys, rights-of-way, parks, school sites and other public places shown hereon to the public use forever.

_____
Authorized Representative for AHC Hickory Hill Manager, LLC

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed and in the capacity thereon stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ day of _____, 2023.

_____
Notary Public in and for the State of Texas

_____
Authorized Representative for Sherman Hickory Hill, LLC

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed and in the capacity thereon stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ day of _____, 2023.

_____
Notary Public in and for the State of Texas

AVIGATION RELEASE

WHEREAS, **AHC HICKORY HILL MANAGER, LLC and SHERMAN HICKORY HILL LLC**, hereinafter called OWNER (whether one or more), is the owner of a certain parcel of land situated in the City of Sherman, Grayson County, Texas, being more particularly described in this plat.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas, a home-rule municipality, hereinafter called CITY, and the Sherman Municipal Airport, hereinafter called AIRPORT, and their respective successors and assigns, of and from any and all claims for damages of any kind that OWNER may now have or may hereinafter have in the future by reason of the passage of any and all aircraft ("aircraft" being defined for the purpose of this instrument as any contrivance now known or hereinafter invented, including but not limited to jet, propeller-driven, civil, military, experimental or commercial aircraft and helicopters, regardless of existing or future noise levels, designed or used for the purpose of transporting persons or property through the air, by whoever owned or operated), in the airspace over OWNER'S property. Such release shall include, but not be limited to, any damages to OWNER'S property, such as noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at, taking off from, operating at or on, or being maintained at the Sherman Municipal Airport, whether such claim be for injury or death to person or persons or damages to or taking of property.
This Release shall be binding upon OWNER and OWNER'S successors, heirs, executors, administrators and assigns, , and shall be a covenant running with the land.

Executed this _____ day of _____, AD, 2023.

_____
(OWNER)**AHC HICKORY HILL MANAGER, LLC**

_____
(OWNER)**SHERMAN HICKORY HILL LLC**

CERTIFICATE OF APPROVAL BY THE CITY PLANNING AND ZONING COMMISSION:

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

_____ _____
Chairman Secretary

CERTIFICATE OF ACCEPTANCE BY THE CITY COUNCIL:

Certificate of acceptance by the city council:
Accepted by the City Council of the City of Sherman:

_____ _____
Mayor, City of Sherman, Texas Date

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing Final Plat of **HICKORY HILL GARDEN APARTMENTS ADDITION** to the City of Sherman, Texas was submitted to the City Council of Sherman, Texas 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 futher authorized the Mayor to note the acceptance thereof by signing his name as hereinabove described.

WITNESS MY HAND THIS _____DAY OF _____, 20__, BY _____
CITY CLERK, CITY OF SHERMAN, TEXAS

CURVE TABLE

NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD
C1	126.49'	004°51'15"	1493.00'	63.28'	N73°57'50"E	126.45'
C2	421.99'	017°11'03"	1407.00'	212.59'	N80°07'44"E	420.41'
C3	478.68'	023°19'19"	1176.00'	242.70'	S12°06'48"E	475.39'
C4	434.08'	021°25'19"	1161.00'	219.60'	S11°09'48"E	431.55'
C5	126.36'	005°11'37"	1394.00'	63.22'	S86°08'09"W	126.32'
C6	12.11'	002°39'29"	261.00'	6.06'	N84°52'05"E	12.11'
C7	14.94'	003°34'54"	239.00'	7.47'	S84°24'23"W	14.94'

LINE TABLE

NO.	BEARING	LENGTH
L1	N71°32'12"E	293.59'
L3	S88°19'27"W	26.74'
L4	S02°01'39"E	174.77'
L5	S72°02'37"W	104.16'
L6	S73°58'07"W	235.24'
L7	N16°06'19"W	66.72'
L8	N16°06'19"W	169.94'
L9	N16°06'19"W	283.04'
L10	N16°32'53"W	108.84'
L11	S16°32'53"E	109.40'
L12	S16°06'19"E	283.10'
L13	S16°06'19"E	169.94'
L14	S16°06'19"E	51.74'
L15	N73°58'07"E	219.72'
L16	N72°02'57"E	92.88'

LINE TABLE

NO.	BEARING	LENGTH
L17	N02°01'39"W	178.54'
L18	N88°19'27"E	42.15'
L19	S00°27'08"E	216.22'
L20	S00°27'08"E	173.44'
L21	S45°50'56"E	56.06'
L22	S00°27'08"E	395.93'
L23	S88°43'57"W	28.08'
L24	N82°36'56"E	21.89'
L25	S87°21'14"W	19.93'
L26	S02°38'46"E	15.00'
L27	N87°21'14"E	20.27'
L28	S18°27'46"E	20.00'
L29	S71°32'14"W	15.00'
L30	N18°27'46"W	20.00'
L31	N86°11'50"E	102.06'

FINAL PLAT

HICKORY HILL GARDEN APARTMENTS ADDITION

LOTS 1 AND 2, BLOCK 1

22.329 ACRES OUT OF THE
RALSTON W. ADAMS SURVEY, ABSTRACT NO. 18;

CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

BOHLER
2600 NETWORK BLVD., SUITE 310
FRISCO, TEXAS 75034
469.458.7300
www.bohlerengineering.com
TBPE No. 18065
TBPELS No. 10194413

SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING | PROGRAM MANAGEMENT | LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN | PERMITTING SERVICES | TRANSPORTATION SERVICES

FILE NO.	DATE	DRAWN	REVIEWED	APPROVED	SCALE	DWG. NO.
TXA220081.00	09/16/22	JG	ASA	ASA	1" = 100'	2 OF 2

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

March 13, 2023

AHC Hickery Hill Manager, LLC
Attn: Sylvan Schurwanz
9805 Katy Freeway, Ste. 550
Houston, TX 77024

Bohler Engineering
Attn: Aaron Andree
2600 Network Blvd., Ste. 310
Frisco, TX 75034

Sherman Hickery Hill, LLC
4100 Spring Valley Rd., Ste. 465
Dallas, TX 75244

Dear Applicants,

The request for approval of the Final Plat of Hickory Hill Garden Apartments Addition has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, March 21, 2023 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Dedicate a 15' Utility, Landscape, & Sidewalk Easement over existing 10' and proposed 5' Utility Easement along Lamberth Road. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
2. Dedicate a 15' Utility, Landscape, & Sidewalk Easement along Friendship Road. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
3. Coordinate with Engineering Department for possible dedication of Sidewalk Easement for walking trail.
4. L2 missing from line table. Metes and bounds must match drawing. *Code of Ordinances Chapter 10, Exhibit A, Sec.6(B)(7)*
5. Utility Easement (C.F. 2022-15337) to be abandoned by separate instrument. Remove "Abandoned by this Plat" comment from plat. Coordinate with Engineering Department for abandonment process.
6. All requirements of the Floodplain Ordinance shall be followed. *Code of Ordinances Chapter 3, Article 3.12*
7. Water main must be extended in accordance with City criteria to serve proposed development. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
8. Wastewater main must be extended in accordance with City criteria to serve proposed development. Wastewater capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*

9. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
10. Three Party Agreement required for Public Infrastructure.
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. Original tax certificates with $0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11)*
13. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. CAD file must be submitted digitally at time of final approval. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Dillon Stewart, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **I. 6.**

Meeting Date: 04/17/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

***** OTHER BUSINESS***

Public Hearing and Replat for Fielder Addition, consisting of 0.492 acres in the J.B. McAnair Survey, Abstract No. 763, being a part of Block 29, Chaffin's Second Addition and currently zoned R-6 (Single-Family Residential) District; Paul Terrell, La Cima Contracting, Owner; and Copley Land Surveying, Surveyor (1104 East Chaffin Street)

Issue:

To consider the Public Hearing and Replat for Fielder Addition, consisting of 0.492 acres in the J.B. McAnair Survey, Abstract No. 763, being a part of Block 29, Chaffin's Second Addition and currently zoned R-6 (Single-Family Residential) District; Paul Terrell, La Cima Contracting, Owner; and Copley Land Surveying, Surveyor (1104 East Chaffin Street)

Background:

The property is located at 1104 East Chaffin between North Vaden Street and North Gribble Street. The owner would like to plat the property into two lots for residential development.

Origination:

Paul Terrell, La Cima Contracting (Owner)
Copley Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

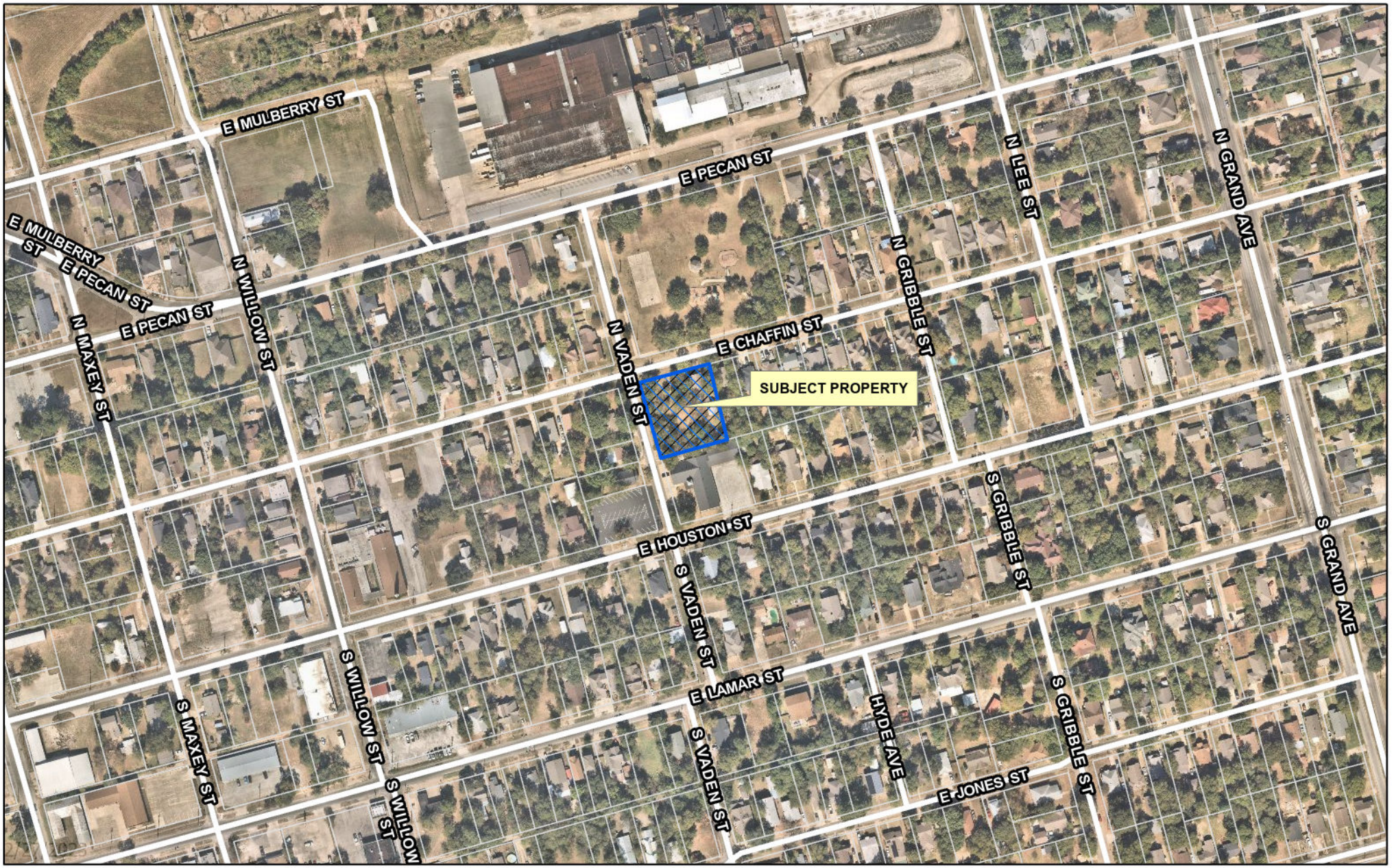
At the March 21, 2023 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Final Plat
STAFF REVIEW LETTER - Engineering



dlagrone H:\PLANNING\Public Notification KT.aprx

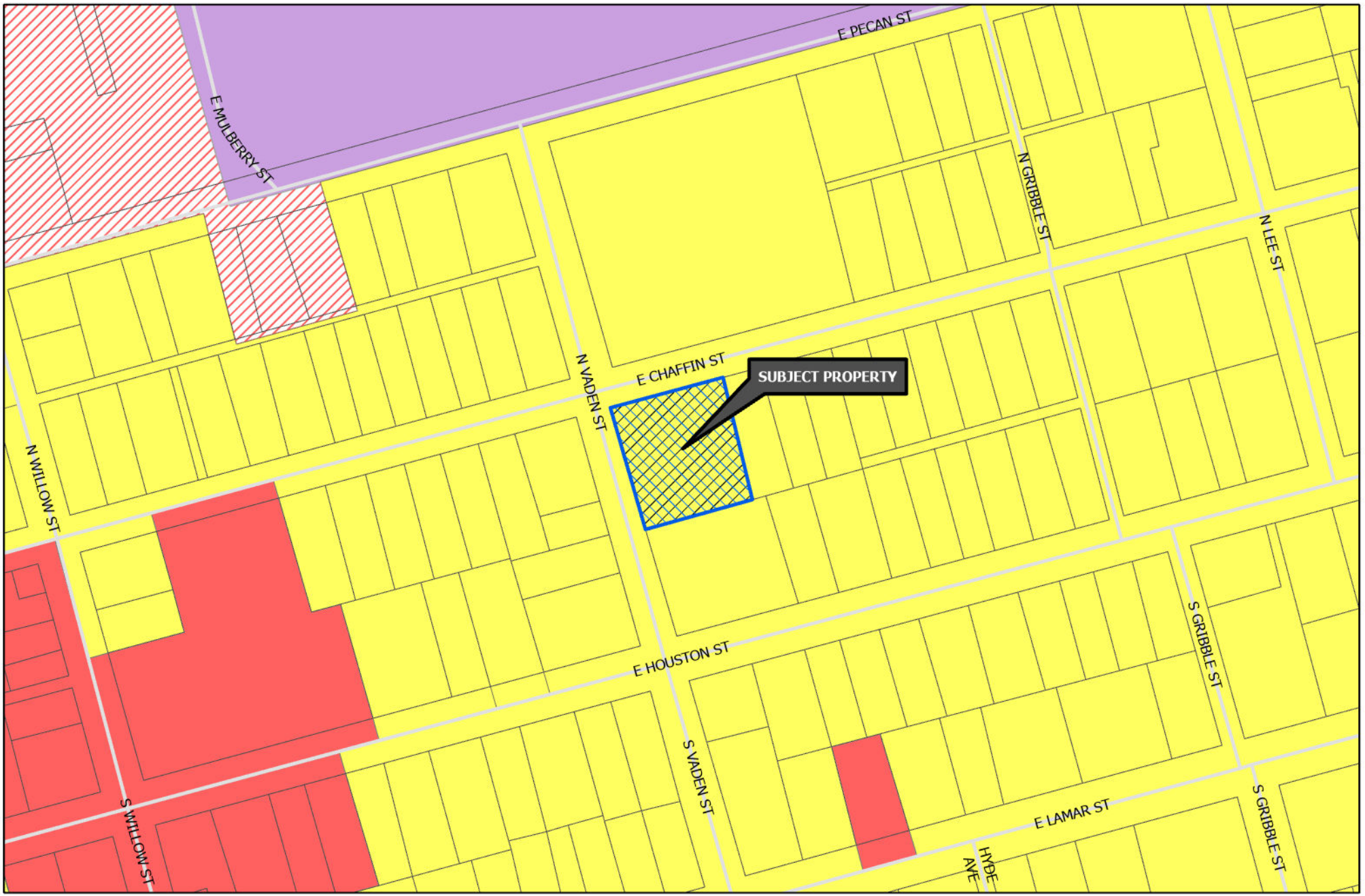
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
1104 E CHAFFIN ST

N
W E
S

Date: 2/27/2023 10:34 AM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations

CITY OF SHERMAN
ZONING MAP
1104 E CHAFFIN ST

N
W E
S

Date: 2/27/2023 10:36 AM

Sherman
CLASSIC TOWN. BROAD HORIZON.

NOTICE OF PROPOSED REPLAT

PROJECT #: 23-000569

FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229

3/7/2023 at 5:17 pm

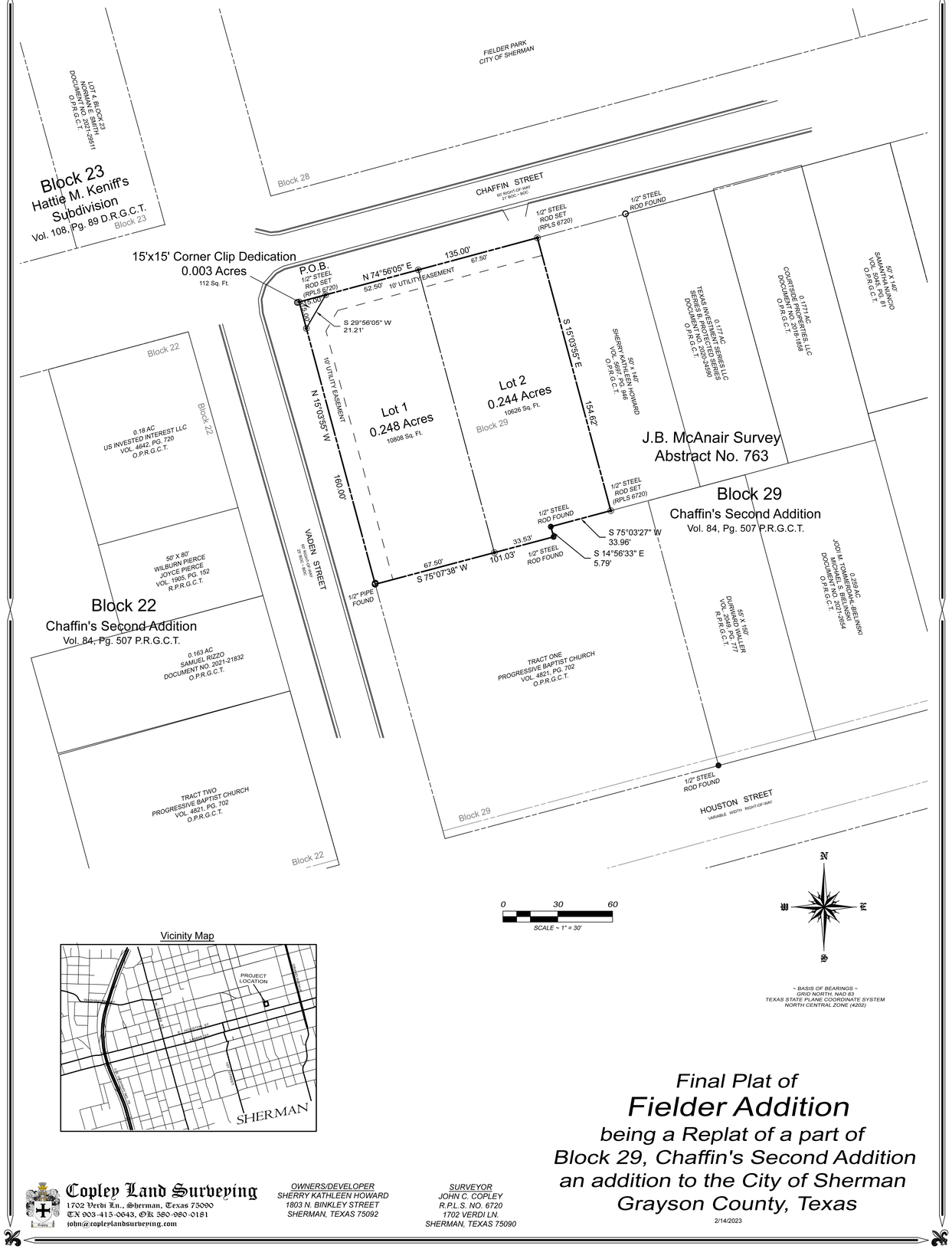
Sherman
CLASSIC TOWN. BROAD HORIZON.

NOTICE OF PROPOSED REPLAT

PROJECT #: 23-000569

FOR INFORMATION CONTACT:
DEVELOPMENT SERVICES
903-892-7229

3/7/2023 at 5:17 pm



Vicinity Map

Final Plat of
Fielder Addition
being a Replat of a part of Block 29, Chaffin's Second Addition an addition to the City of Sherman Grayson County, Texas

2/14/2023

Copley Land Surveying
1702 Verdi Ln., Sherman, Texas 75090
TX 903-415-0643, OK 580-980-0181
john@copleylandsurveying.com

OWNERS/DEVELOPER
SHERRY KATHLEEN HOWARD
1803 N. BINKLEY STREET
SHERMAN, TEXAS 75092

SURVEYOR
JOHN C. COPLEY
R.P.L.S. NO. 6720
1702 VERDI LN.
SHERMAN, TEXAS 75090

Legal Description

Situated *in the City of Sherman, County of Grayson, State of Texas, being a part of the J.B. McAnair Survey, Abstract No. 763, and being a part of Block 29, Chaffin's Second Addition, an addition to the City of Sherman, as shown by plat of record in Volume 84, Page 507, Plat Records, Grayson County, Texas and being all of the First Tract and Second Tract of lands conveyed to Sherry Kathleen Howard by deed of record in Document No. 2020-23491, Official Public Records, Grayson County, Texas and being more particularly described by metes and bounds as follows:*

Beginning *at a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 for the shared northwest corner of said Block 29 and said Second Tract, and being the intersection of the south line of Chaffin Street and the east line of Vaden Street;*

Thence ***North 74°56'05" East****, along the south line of said Chaffin Street and the north line of said Block 29 and the North line of said First and Second Tract, a distance of* ***135.00 feet*** *to a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 for the northeast corner of said First Tract and the northwest corner of a 50' x 140' Tract of land conveyed to Sherry Kathleen Howard by deed of record in Volume 5697, Page 946 of said Official Public Records;*

Thence ***South 15°03'55" East****, along the east line of said First Tract and the west line of said 50' x 140' Tract, a distance of* ***154.62 feet*** *to a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 for the southeast corner of said First Tract, the southwest corner of said 50' x 140' Tract and being in the north line of a Tract of land conveyed to Progressive Baptist Church;*

Thence westerly along the north line of said Progressive Baptist Church and the south line of said First and Section Tract the following calls and distances;
South 75°03'27" West*, a distance of* ***33.96 feet*** *to a 1/2" steel rod found;*
South 14°56'33" East*, a distance of* ***5.79 feet*** *to a 1/2" steel rod found;*
South 75°07'38" West*, a distance of* ***101.03 feet*** *to a 1/2" pipe found maintaining the southwest corner of said Second Tract and the northwest corner of said Progressive Baptist Church Tract and being in the west line of said Block 29 and the east line of said Vaden Street;*

Thence ***North 15°03'55" West****, along the east line of said Vaden Street and the west line of said Block 29, a distance of* ***160.00 feet*** *to the* ***Point-of-Beginning*** *and containing* ***0.492 acres*** *of land.*

KNOWN ALL MEN BY THESE PRESENTS:

That I, John C. Copley, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon where properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

John C. Copley
Registered Professional
Land Surveyor No. 6720
Firm No. 10194429

Date

AVIGATION RELEASE

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

WHEREAS, SHERRY KATHLEEN HOWARD, hereinafter called OWNER (whether one or more), is the owner of a certain parcel of land situated in the City of Sherman, Grayson County, Texas, being more particularly described as Fielder Addition, an addition to the City of Sherman, Grayson County, Texas.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas, a municipal corporation, hereinafter called CITY, and Sherman Municipal Airport, hereinafter called AIRPORT, from any and all claims for damages of any kind that OWNER may now have or may hereinafter have in the future by reason of the passage of all aircraft (aircraft being defined for the purposes of this instrument as any contrivance now known or hereinafter invented, used or designed or navigation of or flight in the air) by whomsoever owned and operated, in the airspace above OWNER'S property. Such release shall include, but not be limited to, any damages to the OWNER's described property, such as noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at or taking off from or operating at or on the Sherman Municipal Airport, whether such claim be for injury or death to person or persons damages to or taking off of property; and OWNER does hereby fully remiss and release any right or cause of action which it may now have or which it may in the future have against the CITY or AIRPORT, whether such claims be for injury or death to persons or damage to property due to noises, vibration, fumes, dust, fuel and lubricant particles, and all the other effects that may be caused or may have been caused by the operation and/or maintenance of aircraft or aircraft engines at or on said Sherman Municipal Airport.

It is agreed that this Release shall be binding upon OWNER, his successors, heirs, executors, administrators and assigns, in interest with regard to said property located at Fielder Addition, an addition to the City of Sherman, Texas, and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the Deed Records of Grayson County, Texas.

Executed this ____ day of _____, 2023.

By:_____
SHERRY KATHLEEN HOWARD

~ GENERAL NOTES ~

1. Water Supply to be provided by the City of Sherman.
2. Sewer service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
8. The owners and builders must comply with all other local, state and federal regulations regarding developments of this type.
9. Bearings are based on the City of Sherman Control Monument Network.
10. The City of Sherman reserves the right to require submission of Development Plat based on proposed use of each lot.

Purpose:
The purpose of this is to re-plat part of block 29.

Owners Certificate & Dedication

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

That I, SHERRY KATHLEEN HOWARD, Owner and Developer, do hereby adopt this plat designating the hereinabove property as the Final Plat of FIELDER ADDITION, an addition to the City of Sherman, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part or any buildings, fences, trees, shrubs or other improvements or growths which in anyway endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this ____day of _____ _____, 2023.

SHERRY KATHLEEN HOWARD

STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared SHERRY KATHLEEN HOWARD known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this__ _day of_____, 2023.

Notary Public in and for
the State of Texas

Acceptance of Dedication

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, the Final Plat of FIELDER ADDITION, an addition to the City of Sherman, Texas, was submitted to the City Council on the_ ____day of _____, 2023, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this____day of _____, _____ ,2023.

Clerk, City of Sherman, Texas

Approved this _____ day of _____,2023, by the City Planning Commission to the City of Sherman, Texas.

Chairman *Secretary*

Accepted by the City Council of the City Sherman.

Mayor, City of Sherman, Texas *Date*

Final Plat of
Fielder Addition
being a Replat of a part of Block 29, Chaffin's Second Addition an addition to the City of Sherman Grayson County, Texas

2/14/2023

Copley Land Surveying
1702 Verdi Ln., Sherman, Texas 75090
TX 903-415-0643, OK 580-980-0181
john@copleylandsurveying.com

OWNERS/DEVELOPER
SHERRY KATHLEEN HOWARD
1803 N. BINKLEY STREET
SHERMAN, TEXAS 75092

SURVEYOR
JOHN C. COPLEY
R.P.L.S. NO. 6720
1702 VERDI LN.
SHERMAN, TEXAS 75090

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

March 13, 2023

Sherry Kathleen Howard
1803 N. Binkley Street
Sherman, TX 75092

Copley Land Surveying
1702 Verdi Lane
Sherman, TX 75090

Dear Applicants,

The request for approval of the Final Plat of Fielder Addition has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, March 21, 2023 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Dedicate a 15' Wastewater Easement along centerline of existing wastewater main along southern boundary line of proposed Lots 1 and 2. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
2. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
3. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
4. Original tax certificates with $0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11)*
5. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. CAD file must be submitted digitally at time of final approval. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Dillon Stewart, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **I. 7.**

Meeting Date: 04/17/2023

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

***** OTHER BUSINESS***

Replat of Ochoa Addition, consisting of 0.238 acres, being a part of George B. Pilant Survey, Abstract No. 963, being all of Lots 13,14, and 15 in Block 14 of Continuation of W. Elliotts Addition and currently zoned C-1 (Retail Business) District; Manuel Dejesus Ochoa, Owner; Underwood Drafting & Surveying, Inc., Surveyor (800 Maxey Street)

Issue:

To consider the Replat of Ochoa Addition, consisting of 0.238 acres, being a part of George B. Pilant Survey, Abstract No. 963, being all of Lots 13,14, and 15 in Block 14 of Continuation of W. Elliotts Addition and currently zoned C-1 (Retail Business) District; Manuel Dejesus Ochoa, Owner; Underwood Drafting & Surveying, Inc., Surveyor (800 Maxey Street)

Background:

The property is located at 800 Maxey Street between East Odneal Street and East Thomas Street. The owner is requesting a Zone Change to an R-2F (Duplex Residential) District and to plat the property into one lot to build a duplex.

Origination:

Manuel Dejesus Ochoa (Owner)
Underwood Drafting & Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the March 21, 2023 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Replat
STAFF REVIEW LETTER - Engineering



dlagrone H:\PLANNING\Public Notification KT.aprx

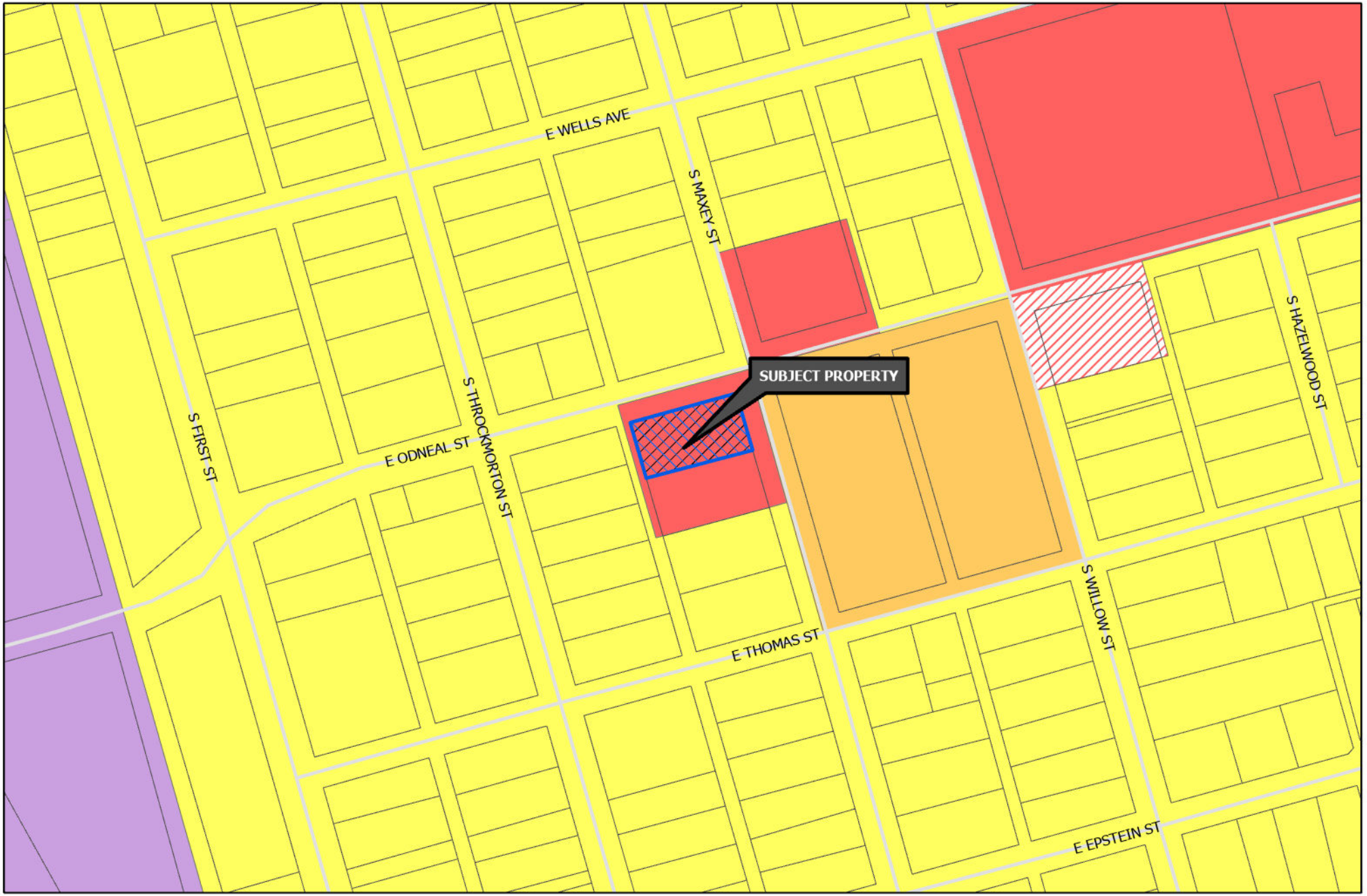
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
LOCATION MAP
800 S MAXEY ST

N
W E
S

Date: 2/27/2023 12:06 PM



Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services Department

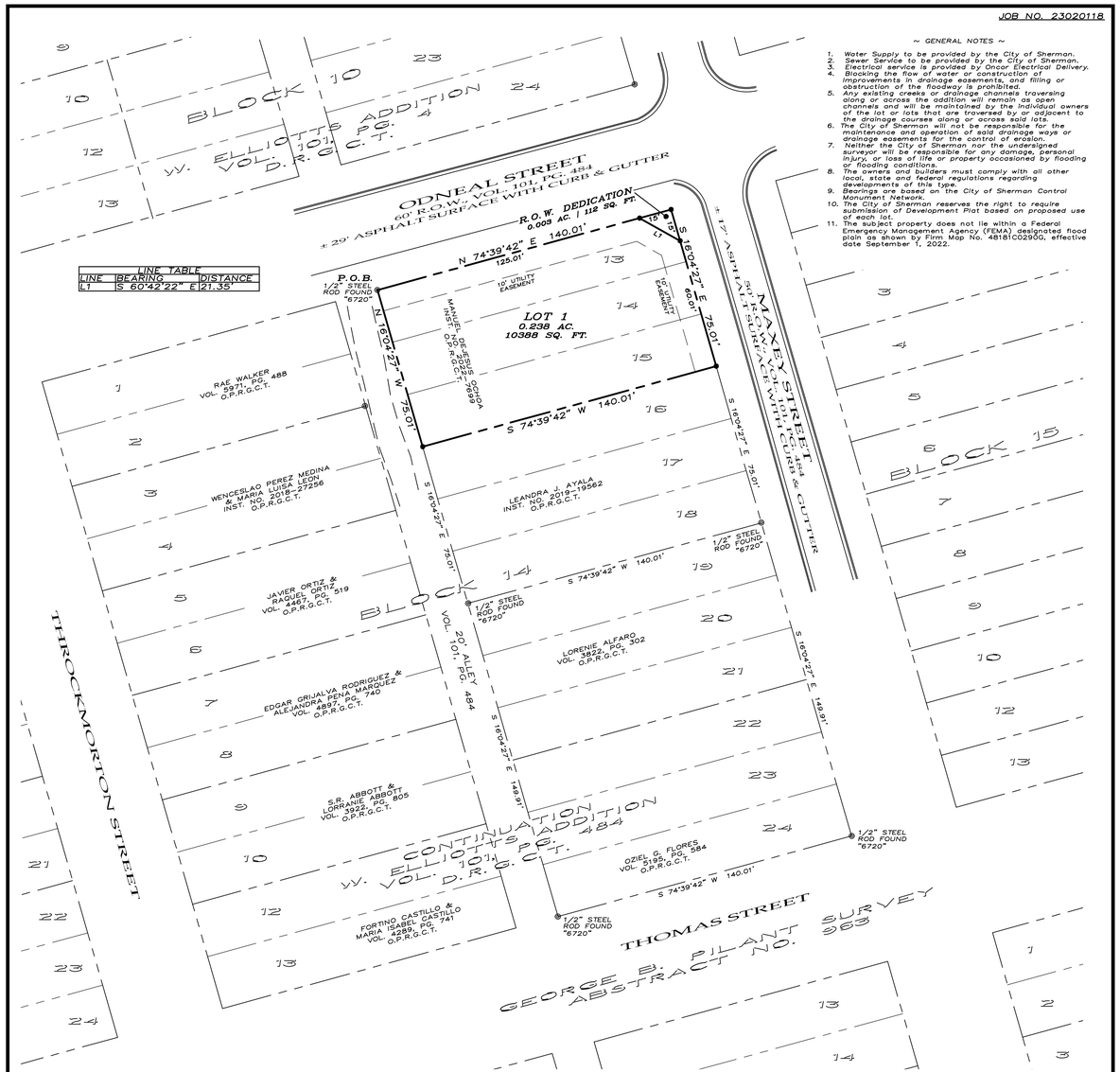
- R-A Residential Agricultural
- R-E Estate Residential
- R-12 Single Family Residential
- R-6 Single Family Residential
- R-5 Single Family Residential
- R-4 Patio Home Residential
- R-2F Duplex Residential
- R-TH Townhome Residential
- MF-15 Multi-Family Residential
- MF-30 Multi-Family Residential
- MH Manufactured Housing
- C-N Neighborhood Commercial
- C-O Office
- C-1 Retail Business
- C-2 General Commercial
- M-1 Light Manufacturing
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Subject Locations

CITY OF SHERMAN ZONING MAP 800 S MAXEY ST

N
W E
S

Date: 2/27/2023 12:08 PM

JOB NO. 23020118



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 60°42'22" E	21.35'

~ GENERAL NOTES ~

1. Water Supply to be provided by the City of Sherman.
2. Sewer Service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or drainage easements for the control of erosion.
7. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
8. The owners and builders must comply with all other local, state and federal regulations regarding developments of this type.
9. Bearings are based on the City of Sherman Control Monument Network.
10. The City of Sherman reserves the right to require submission of Development Plat based on proposed use of each lot.
11. The subject property does not lie within a Federal Emergency Management Agency (FEMA) designated flood plain as shown by Firm Map No. 48181C0290G, effective date September 1, 2022.

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

LEGEND

●	1/2" STEEL ROD SET
◎	1/2" STEEL ROD FOUND
	BOUNDARY LINE
	PROPERTY LINE
	EASEMENT LINE

REPLAT
OCHOA ADDITION
Being a Replat of Block 14, Lots 13, 14, & 15
Continuation W. Elliotts Addition
Being a part of the George B. Pilant Survey,
Abstract Number 963
Being in the City of Sherman
Grayson County, Texas
Containing 0.241 acres of land

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

OWNERS/DEVELOPER
MANUEL DEJESUS OCHOA
9540 GARLAND ROAD STE. 381-178
DALLAS, TX 75218

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS

02/15/2023

UNDERWOOD
DRAFTING & SURVEYING
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

SHEET 1 OF 2

JOB NO. 23020118

LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being a part of George B. Pilant Survey, Abstract No. 963, and being all of Lots 13, 14, and 15 in Block 14 of Continuation of W. Elliotts Addition, according to the plat thereof recorded in Volume 101, Page 484, Deed Records, Grayson County, Texas, and being the same tract of land described in the deed to Manuel DeJesus Ochoa, recorded in Instrument No. 2022-7699, Official Public Records, Grayson County, Texas, and being described by metes and bounds as follows:

Beginning at a 1/2" steel rod stamped "6720" found for the northeast corner of said Lot 13, and at the intersection of the easterly line of a 20-foot alley in Block 14 and the southerly right-of-way line of Odneal Street;

Thence North 74°39'42" East, with the northerly line of said Lot 13, and with the southerly right-of-way line of said Odneal Street, a distance of 140.01 feet to a 1/2" steel rod set stamped "4709", and at the intersection of the southerly right-of-way line of said Odneal Street and the westerly right-of-way line of Maxey Street;

Thence South 16°04'27" East, with the easterly lines of Lots 13, 14, and 15, and with the westerly right-of-way line of said Mzxey Street, a distance of 75.01 feet to a 1/2" steel rod set for the southeast corner of said Lot 15, common to the northeast corner of Lot 16 in aforesaid Block 14, and from which a 1/2" steel rod stamped "6720" found for the southeast corner of Lot 18 bears South 16°04'27" East, a distance of 75.01 feet;

Thence South 74°39'42" West, with the southerly line of said Lot 15, and with the northerly line of said Lot 16, a distance of 140.01 feet to a 1/2" steel rod set for the southwest corner of said Lot 15, common to the northwest corner of said Lot 16, and on easterly line of aforesaid 20-foot alley, and from which a 1/2" steel rod stamped "6720" found for the southwest conrer of said Lot 18 bears South 16°04'27" East, a distance of 75.01 feet;

Thence North 16°04'27" West, with the westerly lines of said Lots 15, 14, and 13, and with the easterly line of said 20-foot alley, a distance of 75.01 feet to the Point of Beginning and containing 0.241 acres (10,501 square feet) of land, more or less.

CERTIFICATE OF COMPLIANCE

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, OCHOA ADDITION, an addition to the City of Sherman, Texas, was submitted to the City Council on the _____day of _____, 2023, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this_____day of _____, 2023.

_____
Clerk, City of Sherman, Texas

SURVEYOR'S CERTIFICATION

KNOWN ALL MEN BY THESE PRESENTS:

That I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon where properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

_____ _____
Douglas W. Underwood
Registered Professional
Land Surveyor, No. 4709
Date

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED, VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

ACCEPTANCE

Approved this _____ day of _____, 2023, by the City Planning Commission to the City of Sherman, Texas.

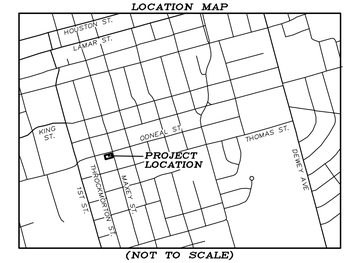
_____ _____
Chairman Secretary

CERTIFICATE OF ACCEPTANCE OF DEDICATION

Accepted by the City Council of the City of Sherman

_____ _____
Mayor, City of Sherman, Texas Date

LOCATION MAP



(NOT TO SCALE)

OWNERS DEDICATION

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT I, MANUEL DEJESUS OCHOA, do hereby adopt this plat designating the hereinabove property as the OCHOA ADDITION, an addition to the City of Sherman, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part or any buildings, fences, trees, shrubs or other improvements or growths which in anyway endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this_____day of_____, 2023.

_____
MANUEL DEJESUS OCHOA

STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared, MANUEL DEJESUS OCHOA known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this___day of_____, 2023.

_____
Notary Public in and for
the State of Texas
Commission Expires: _____

AVIGATION RELEASE

THE STATE OF TEXAS
COUNTY OF GRAYSON

WHEREAS, MANUEL DEJESUS OCHOA, hereinafter called OWNER (whether one or more), is the owner of a certain parcel of land situated in the City of Sherman, Grayson County, Texas, being more particularly described as OCHOA ADDITION, an addition to the City of Sherman, Grayson County, Texas.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas, a municipal corporation, hereinafter called CITY, and Sherman Municipal Airport, hereinafter called AIRPORT, from any and all claims for damages of any kind that OWNER may now have or may hereinafter have in the future by reason of the passage of all aircraft (aircraft being defined for the purposes of this instrument as any contrivance now known or hereinafter invented, used or designed or navigation of or flight in the air) by whomsoever owned and operated, in the airspace above OWNER'S property. Such release shall include, but not be limited to, any damages to the OWNER'S described property, such as noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at or taking off from or operating at or on the Sherman Municipal Airport, whether such claim be for injury or death to person or persons damages to or taking off of property and OWNER does hereby fully remise and release any right or cause of action which it may now have or which it may in the future have against the CITY or AIRPORT, whether such claims be for injury or death to persons or damage to property due to noises, vibration, fumes, dust, fuel and lubricant particles, and all the other effects that may be caused or may have been caused by the operation and/or maintenance of aircraft or aircraft engines at or on said Sherman Municipal Airport.

It is agreed that this Release shall be binding upon OWNER, his successors, heirs, executors, administrators and assigns, in interest with regard to said property located at OCHOA ADDITION, an addition to the City of Sherman, Texas, and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the Deed Records of Grayson County, Texas.

EXECUTED THIS_____DAY OF_____, 2023

_____
MANUEL DEJESUS OCHOA

REPLAT
OCHOA ADDITION
Being a Replat of Block 14, Lots 13, 14, & 15
Continuation W. Elliotts Addition
Being a part of the George B. Pilant Survey,
Abstract Number 963
Being in the City of Sherman
Grayson County, Texas
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OWNERS/DEVELOPER
MANUEL DEJESUS OCHOA
9540 GARLAND ROAD STE. 381-178
DALLAS, TX 75218

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS

02/15/2023

UNDERWOOD
DRAFTING & SURVEYING
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

SHEET 2 OF 2

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

March 13, 2023

Manuel Dejesus Ochoa
9540 Garland Rd., Ste. 381-178
Dallas, TX 75218

Underwood Drafting & Surveying
3404 Interurban Rd
Denison, TX 75021

Dear Applicants,

The request for approval of the Plat of Ochoa Addition has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, March 21, 2023 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
2. 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.
3. Original tax certificates with $0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11)*
4. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. CAD file must be submitted digitally at time of final approval. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Dillon Stewart, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting

Meeting Date: 04/17/2023

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2023 Council Calendar

2023
Council Calendar

January

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
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11	12	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March

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26	27	28	29	30	31	

April

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30						

May

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28	29	30	31			

June

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25	26	27	28	29	30	

July

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30	31					

August

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20	21	22	23	24	25	26
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September

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17	18	19	20	21	22	23
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October

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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November

Su	Mo	Tu	We	Th	Fr	Sa
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

	Holiday
	Holiday for Firefighters/Police Only
	City Council Regular Meeting
	Special Called Meeting
	Budget Workshop
	Cancelled City Council Meeting

CALLED MEETINGS	
4/20/20223	Budget Planning Meeting
5/25/2023	CIP Work Session
6/15/2023	Budget Workshop Day 1
6/16/2023	Budget Workshop Day 2
7/5/2023	Called City Council Meeting (Rescheduled)