CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, MARCH 5, 2007
5:00 P.M.

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

A.2 PLEDGE OF ALLEGIANCE

A.3 INVOCATION BY MAYOR BILL MAGERS

A.4 APPROVE MINUTES OF THE CALLED CITY COUNCIL MEETINGS OF FEBRUARY 19, 2007, FEBRUARY 20, 2007, AND FEBRUARY 28, 2007

Introduction and Public Hearing of Ordinances

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5447
Amending Chapter 14 of the Code of Ordinances, Entitled "General Zoning Ordinance", at Section 8, Entitled "Administration and Enforcement; Building Permits, Certificates of Zoning Compliance, Temporary Use Permits, and Specific Use Permits", Subsection (4), to Add a Subsection for Requirements for Mobile Food Vendors

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5448
Providing for Permanent "Stop" Signs at the Intersection of Brents Avenue and Lewis Street within the City Limits of the City of Sherman

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5449
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to BJH, Inc. and Grover Tuggle (Owners) to Allow Automobile Sales and Repair in a C-1 (Retail Business) District and the O-1 (75 & 82) Overlay District at 1804 U. S. Highway 75 North and 1917 North Travis; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

B.4 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5450
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Bob Utter (Owner), T-Mobile (Developer), and Re-Zoning, Inc. (Agent) to Allow a Telecommunication Tower in a C-2 (General Commercial) District and the O-1 (75 & 82) Overlay District at 2525 Texoma Parkway; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

B.5 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5451
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Shafer Plaza XX LTD (Owner), Dean Gilbert Jr. (Representative), to Allow Patio Homes in an SF-1 (Single Family Residential) District in the 2400 Block of West Lamberth Road; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

B.6 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5452
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-O (Office) District in the 0-1.1 (1417 Overlay) District in the 2200-2800 Blocks of F. M. 1417 North and the 2300-2400 Blocks of West Lamberth Road (Shafer Plaza XX LTD, Owner)

B.7 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5453
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the SF-1 (Single Family Residential) District in the 2200-2800 Blocks of F. M. 1417 North and the 2300-2400 Blocks of West Lamberth Road (Shafer Plaza XX LTD, Owner)

B.8 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5454
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the M-1 (Light Manufacturing) District at 1024 South First Street (Miken Holden, Owner)

B.9 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5455
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District in the 500 Block of East Graham Drive (Nell Graham, Trustee for the Estate of the Jimmie C. Graham Testamentary Trust, Owners)

Close Public Hearing and Consider Adoption of Ordinances

B.10 ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers:

a)	5447	f)	5452
b)	5448	g)	5453
c)	5449	h)	5454
d)	5450	i)	5455
e)	5451		

B.11 CONSENT AGENDA
Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Resolutions

C.1 RESOLUTION NO. 4972
Authorizing Execution of a Lease Agreement with the Sherman Independent School istrict (SISD) for a Bus Loop

C.2 ** RESOLUTION NO. 4973*
Amending the Authorized Representatives to Invest City of Sherman Funds with the Texas Local Government Investment Pool (TexPool)

C.3 ** RESOLUTION NO. 4974*
Amending the Authorized Representatives to Invest City of Sherman Funds with Wells Fargo Brokerage Services, LLC

C.4 RESOLUTION NO. 4975
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1105 North Branch Street

C.5 RESOLUTION NO. 4976
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single Family Residence at 1205 North Throckmorton Street

Requests to Advertise

D.1 REQUEST TO ADVERTISE
Solicit Proposals for the Construction of T-Hangars at the Sherman Municipal Airport

D.2 ** REQUEST TO ADVERTISE*
Seal Coat Cover Stone and Emulsified Asphalt Oil

Change Orders

D.3 ** CHANGE ORDER NO. 1*
Jerry Paul Higgins, Ltd.; Northwest Sherman Water Replacement, Phase II; $423.00 Decrease

D.4 ** CHANGE ORDER NO. 1*
Sludge Technology, Inc.; 2006 Biosolids Project; $22,851.00 Decrease

Other Business

D.5 OTHER BUSINESS
Consider Approving the Employment of Karen Tracy of the Law Offices of Karen J. Tracy for Legal Issues Related to Employment Matters

D.6 ** OTHER BUSINESS*
Consider Approval of the Annexation Scheduling Plan for Adoption of the 82.75 Acres of Land at the Intersection of U.S. Highways 82 and 289 and Directing the Department of Developmental Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

D.7 ***[* OTHER BUSINESS]***

Consider Approval of the Annexation Scheduling Plan for Adoption of the 102.12 Acres of Land on Leslie Lane and Directing the Department of Developmental Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

D.8 ***[* OTHER BUSINESS]***

Consider Approval of the Annexation Scheduling Plan for Adoption of the 18.46 Acres of Land known as the Friendship Ranch on Friendship Road and Directing the Department of Developmental Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

D.9 OTHER BUSINESS

Receive Fairview Pool Update from Parks and Recreation Administrator Ben Uselton and Staff

D.10 OTHER BUSINESS

Presentation by Developmental Services Director Scott Shadden regarding Water Distribution Materials

D.11 ****** OTHER BUSINESS***

Consider the Designation of a Representative to the Sherman-Denison Metropolitan Planning Organization Intermodal Urban Transportation Planning Policy Board

D.12 ****** OTHER BUSINESS***

Final Plat Approval of the Barton-Vestal Addition; Ron Barton, Owner (929 South Montgomery Street)

D.13 ****** OTHER BUSINESS***

Final Plat Approval of the Barton-Zelaya Addition; Ron Barton, Owner (422 South Montgomery Street)

D.14 ****** OTHER BUSINESS***

Final Plat Approval of the Bob Utter Addition; Bob Utter, Owner (2525 Texoma Parkway)

D.15 ****** OTHER BUSINESS***

Final Plat Approval of the G & T Addition; Patcha Corporation, Owners (700 Block of West Houston Street)

D.16 ****** OTHER BUSINESS***

Replat Approval of Lot 11, Block 1, Forest Glen Addition; Mike Minukhin, Owner (2807 Wellington Drive)

D.17 **** OTHER BUSINESS***
Replat Approval of Lot 1A and Lot 1B, Sherman Town Center, Section Two, being a Replat of Sherman Town Center, Section Two, Lot 1 and Lot 2; Nell Graham, Trustee for the Estate of the Jimmie C. Graham Testamentary Trust, Owners (500 Block of East Graham Drive)

D.18 **** OTHER BUSINESS***
Replat Approval of Lots 1 & 2 of Bentley Addition; Woods Street Group and Bank, Owners (2600 Block of Loy Lake Road and Masters Street)

D.19 **** OTHER BUSINESS***
Replat Approval of Lots 10 and 12 of Block 3 of the Greenmount Addition; Joe P. Bethel and Kenneth Wayne Day, Owners (1201 and 1205 West Houston Street)

D.20 CITIZEN REQUESTS

D.21 MEDIA QUESTIONS

D.22 COUNCIL COMMENTS

Executive Session

E.1 EXECUTIVE SESSION
In Accordance with Chapter 551, Government Code, V.T.C.S. (Open Meetings Law), "The City Council Will Now Hold a Closed Executive Meeting Pursuant to the Provisions of the Open Meetings Law, Chapter 551, Government Code, Vernon's Texas Codes Annotated, in Accordance with the Authority Contained in the Following Sections."

Section 551.071

a) Consultation with the City Attorney Concerning Legal Matters or Contemplated Litigation

b) Consultation with the City Attorney Concerning Pending Litigation:
   i) City of Sherman, Texas v. Creighton Lemoyne Escoe, et al.; Cause No. 03-0617

The Council reconvenes into General Session

F.1 OPEN MEETING
Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session

F.2 ADJOURNMENT

COUNCIL CALENDAR

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. A.3

INVOCATION BY MAYOR BILL MAGERS

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. A.4

APPROVE MINUTES
THE CALLED CITY COUNCIL MEETINGS OF FEBRUARY 19, 2007, FEBRUARY 20, 2007, AND FEBRUARY 28, 2007

STATE OF TEXAS §

February 19, 2007

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Called Meeting of the Sherman City Council was begun and held in the City Council Chambers on February 19, 2007.

COUNCIL MEMBERS PRESENT:	Mayor Bill Magers; Deputy Mayor Terrence Steele. Council Members Adami, Hughes, Markl, Smith, Wacker.
COUNCIL MEMBERS ABSENT:	None.
CITY STAFF PRESENT:	L. Scott Wall, City Manager; Giles Brown, Assistant City Manager; Doreen McGookey, City Attorney; Tom Watt, Police Chief; Jeff Jones, Fire Chief; Lisa Whitfield, Legal Assistant; Rita Gaither, Development Coordinator; Pam Cloer, Administrative Assistant; Linda Ashby, City Clerk.
PURPOSE:	**Call to Order, Quorum Determined, Meeting Declared Open** **Executive Session** **Section 551.074 – Personnel Matters:** **Evaluation and any Related Personnel Action Regarding the City Manager** **Open Meeting** **Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session** **Resolution No. 4971 – Authorizing Execution of a Resignation/Separation/Consulting Agreement with L. Scott Wall, City Manager** **Other Business** **Consider the Appointment of an Interim City Manager** **Adjournment**

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

Mayor Magers called the meeting to order at 12:30 p.m., declared a quorum present, and opened the City Council Meeting.

EXECUTIVE SESSION

IN ACCORDANCE WITH CHAPTER 551. GOV. CODE, V.T.C.S., (OPEN MEETINGS LAW)

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

SECTION 551.074 – PERSONNEL MATTERS:
EVALUATION AND ANY RELATED PERSONNEL ACTION REGARDING THE CITY MANAGER

Mayor Magers asked the Council Members to read the proposed agreement and if they had no questions, there would be no need for an Executive Session. Council Members did not have questions about the agreement, so no Executive Session was needed.

RESOLUTION NO. 4971 – AUTHORIZING EXECUTION OF A RESIGNATION/SEPARATION/ CONSULTING AGREEMENT WITH L. SCOTT WALL, CITY MANAGER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A RESIGNATION / SEPARATION / CONSULTING AGREEMENT BETWEEN L. SCOTT WALL AND THE CITY OF SHERMAN.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Resolution 4971 and accept the settlement agreement with City Manager L. Scott Wall, with regrets. Second by Council Member Markl.

VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

OTHER BUSINESS
CONSIDER THE APPOINTMENT OF AN INTERIM CITY MANAGER

Mayor Magers explained that according to the City Charter, Article IV, Section 2(c), "The assistant city manager shall, subject to the approval of the council, exercise the powers and perform the duties of city manager during an absence or disability of the city manager." He asked if there was any discussion about the consideration of the appointment of Giles Brown as Acting City Manager.

ACTION TAKEN.

Motion by Council Member Smith to appoint Assistant City Manager Giles Brown to serve as Acting City Manager for the City of Sherman. Second by Council Member Wacker.

VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

ADJOURNMENT

There being no further business to come before the City Council, motion was duly made and approved to adjourn the Called Meeting at 12:35 p.m.

____
MAYOR

ATTEST

____
CITY CLERK

STATE OF TEXAS §

February 20, 2007

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Called 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 February 20, 2007.

MEMBERS PRESENT: MAYOR BILL MAGERS; DEPUTY MAYOR TERRENCE STEELE. COUNCIL MEMBERS ADAMI, HUGHES, MARKL, SMITH, WACKER.

MEMBERS ABSENT: NONE.

CALL TO ORDER

CALL TO ORDER

Mayor Bill Magers called the meeting to order at 5:02 p.m. The Pledge of Allegiance was led by Phillip Daniel, Boy Scout with Troop 66, and the Invocation was given by Council Member John Markl.

APPROVE MINUTES

APPROVE MINUTES

The Council reviewed the Minutes of the Called Meeting of January 30, 2007 and the Regular Meeting of February 5, 2007. Council Member Hughes moved to approve the Minutes as presented; Second by Council Member Markl. All present voted AYE.
MOTION CARRIED.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 5444
REGULAR ELECTION
MAY 12, 2007

Mayor Magers introduced Ordinance 5444 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 12TH DAY OF MAY, 2007, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO AT-LARGE CITY COUNCIL MEMBERS FOR SAID CITY. PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH THE SHERMAN INDEPENDENT SCHOOL DISTRICT. DESIGNATING ELECTION PRECINCTS. APPOINTING ELECTION OFFICIALS. PROVIDING FOR NOTICE OF SAID ELECTION. PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT. PROVIDING FOR EARLY VOTING.

No citizens appeared before the City Council to discuss Ordinance 5444.

ORD 5445
SPECIAL ELECTION
MAY 12, 2007

Mayor Magers introduced Ordinance 5445 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CALLING A SPECIAL ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 12TH DAY OF MAY, 2007, FOR THE PURPOSE OF

AMENDING THE CITY CHARTER OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR NOTICE OF SAID ELECTION. DESIGNATING ELECTION PRECINCTS. APPOINTING ELECTION OFFICIALS. PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT. PROVIDING FOR EARLY VOTING.

No citizens appeared before the City Council to discuss Ordinance 5445.

ORD 5446
CENTRAL BUSINESS DISTRICT USE OF SIDEWALKS

Mayor Magers introduced Ordinance 5446 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, "BUILDING REGULATIONS," AT ARTICLE 3.10, "STREETS AND SIDEWALKS," TO AMEND SECTION 3.10.002, "OBSTRUCTIONS GENERALLY" AND TO ADD SECTION 3.10.0021, "USE OF PUBLIC WAY IN THE CENTRAL BUSINESS DISTRICT." PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES. PROVIDING A REPEALER CLAUSE.

No citizens appeared before the City Council to discuss Ordinance 5446.

CLOSE
PUBLIC HEARING

The Ordinances were introduced and the Public Hearing was closed.

<u>ADOPTION OF ORDINANCES</u>

ORD 5444
REGULAR ELECTION
MAY 12, 2007

Ordinance 5444
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 12TH DAY OF MAY, 2007, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO AT-LARGE CITY COUNCIL MEMBERS FOR SAID CITY. PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH THE SHERMAN INDEPENDENT SCHOOL DISTRICT. DESIGNATING ELECTION PRECINCTS. APPOINTING ELECTION OFFICIALS. PROVIDING FOR NOTICE OF SAID ELECTION. PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT. PROVIDING FOR EARLY VOTING.

ACTION TAKEN.
Motion by Council Member Wacker to approve Ordinance No. 5444, as presented. Second by Deputy Mayor Steele.
VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

ORD 5445
SPECIAL ELECTION
MAY 12, 2007

Ordinance 5445
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CALLING A SPECIAL ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 12TH DAY OF MAY, 2007, FOR THE PURPOSE OF

AMENDING THE CITY CHARTER OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR NOTICE OF SAID ELECTION. DESIGNATING ELECTION PRECINCTS. APPOINTING ELECTION OFFICIALS. PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT. PROVIDING FOR EARLY VOTING.

Doreen McGookey, City Attorney, described the proposed Charter Amendments that were previously discussed by the City Council. She presented an amended version with four consecutive terms instead of six consecutive terms, which would correspond to the change to two consecutive three year terms.

In general, Amendment 1 allowed language for staggered elections with three year terms. With this proposal, District 1 and District 3 would continue on a two year term of office and District 2 and District 4 would have a three year term of office. This would achieve staggered terms for all offices over a three year period. Amendment 2 changes the terms of office in accordance with the staggering schedule.

Amendment 3 makes the change in the terms of office contiguous throughout the Charter. Amendment 4 changes the portion of the Charter that prohibited Council Members from talking with City employees or officers to permit inquiries. This allows Council Members to ask questions but not direct employees.

Amendment 5 and Amendment 6 would allow a majority vote of the City Council to remove the City Manager and the City Attorney, respectively, instead of a "super majority."

Amendment 7 requires that if an employee or officer of the City has a business relationship with the City, any work done should be approved by the City Council prior to being done. It does not apply if it is in the normal scope of the employees' duties, such as a reimbursement.

Council Member Adami verified that the proposed amendment would not allow any business relationship for any amount of money. He and Council Member Smith felt that there should be a specific amount designated such as "anything over $500." Ms. McGookey said several amounts were previously discussed, however the last direction the Council made was for the approval of any amount.

Council Member Adami asked if that would put the Council in a position of making management decisions. Ms. McGookey did not believe that would cause the Council to make management decisions but would allow for the transparency they previously discussed.

Deputy Mayor Steele agreed that a small dollar amount should be included for services that are under a specific

amount. Council Members agreed that a $500 minimum amount should be included before the Council would be required to approve the expenditure.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Ordinance No. 5445, as presented. Second by Council Member Smith.

VOTING AYE: Adami, Hughes, Smith, Steele, Wacker.
VOTING NAY: Markl.
MOTION CARRIED.

Council Member Markl voted against the passage of Ordinance 5445, however he said his opposition was to Amendments 1, 2, 3, 5, and 6.

Ordinance 5446

ORD 5446 CENTRAL BUSINESS DISTRICT USE OF SIDEWALKS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, "BUILDING REGULATIONS," AT ARTICLE 3.10, "STREETS AND SIDEWALKS," TO AMEND SECTION 3.10.002, "OBSTRUCTIONS GENERALLY" AND TO ADD SECTION 3.10.0021, "USE OF PUBLIC WAY IN THE CENTRAL BUSINESS DISTRICT." PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES. PROVIDING A REPEALER CLAUSE.

Council Member Smith explained that the ordinance was designed to assist downtown merchants. Currently they are not allowed to place signs in front of their businesses to advertise sales. In addition, a restaurant downtown could not place tables and chairs on the sidewalk to provide outside dining.

He felt the downtown merchants wanted the changes and felt it would be an asset to the area.

Council Member Markl verified that the signs would be limited by size and would be located only in front of the specific business. Council Member Wacker verified that vendors could still be located on the sidewalk and that the ordinance includes accommodations for special events.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5446, as presented. Second by Council Member Hughes.

VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member Adami asked to remove Item D-1 entitled "Request to Advertise – Purchase of Five Police Patrol Vehicles" from the Consent Agenda for consideration in its regular order of

business. Council Member Wacker asked to remove Item D-2 entitled "Request to Advertise – Highway 82 West Water Main Construction" and Item D-4 entitled "Request to Advertise – Fairview Park and Martin Luther King, Jr. Park Hike/Bike Trail Projects" form the Consent Agenda for consideration in its regular order of business.

Council Member Markl moved to approve the Consent Agenda, except for Items D-1, D-2, and D-4, which will be considered in their regular order of business. Second by Deputy Mayor Steele. All present voted AYE.

<u>RESOLUTIONS</u>

<u>RESOLUTION NO. 4963 – OPPOSING THE EFFORTS OF THE TCEQ TO MANDATE A GROUNDWATER CONSERVATION DISTRICT IN GRAYSON COUNTY BASED ON AN INADEQUATE DRAFT REPORT</u>

RES 4963 TCEQ RECOMMENDATION OF GROUND WATER CONSERVATION DISTRICT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, OPPOSING THE EFFORTS OF THE TCEQ TO MANDATE A GROUNDWATER CONSERVATION DISTRICT IN GRAYSON COUNTY BASED ON AN INADEQUATE DRAFT REPORT.

Jerry Chapman, Executive Director of the Greater Texoma Utility Authority, said he just attended a meeting where the Texas Agricultural Extension Service had been invited to discuss how to create a ground water district in the adjoining counties.

The issue is very important and Sherman, as a large water user, would be impacted by creation of the district. He plans to meet with other area water providers to formulate a strategy to respond to the Texas Commission on Environmental Quality.

They would also like to invite the writers of the Draft Report to Grayson County to ask questions about the information contained in the report and to give them additional information that was omitted from the report.

Mr. Chapman added that there was a substantial amount of information that was not considered in the Draft Report. For example, the report did not take into account the Texas Water Development Board's recent Ground Water Availability Model which states in its conclusion that there is about the same amount of water in the Trinity Aquifer today as there was 50 years ago. The artesian effect has diminished the pressure over the years.

Sherman is also taking only 4.4 million gallons per day instead of 10 or 11 million gallons per day which should make a difference. Council Member Smith wanted to be sure that all the past water planning to supply Sherman's needs was not lost.

Mayor Magers verified that the proposed resolution was to offer opposition to a ground water district.

ACTION TAKEN.

Motion by Council Member Markl to approve Resolution 4963, as presented. Second by Deputy Mayor Steele.

VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 4964 JOINT ELECTION AGREEMENT WITH SISD

RESOLUTION NO. 4964 – AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH THE CITY OF SHERMAN AND THE SHERMAN INDEPENDENT SCHOOL DISTRICT TO HOLD A JOINT ELECTION ON MAY 12, 2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH THE CITY OF SHERMAN AND THE SHERMAN INDEPENDENT SCHOOL DISTRICT TO HOLD A JOINT ELECTION ON MAY 12, 2007.

CONSENT AGENDA.

RES 4965 AVIATION RAMP GRANT

RESOLUTION NO. 4965 – AUTHORIZING ACCEPTANCE AND EXECUTION OF AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR AN AVIATION DIVISION ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT FOR THE SHERMAN MUNICIPAL AIRPORT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING ACCEPTANCE AND EXECUTION OF AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR AN AVIATION DIVISION ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT FOR THE SHERMAN MUNICIPAL AIRPORT.

Mayor Magers verified that the grant included keeping the Airport open for 20 years. Jeff Miller, Director of Public Works and Engineering, explained that the grant would be used for routine maintenance including building additional perimeter fence for security, adding a pitched roof to a currently flat roof building, and trimming trees to meet FAA compliance in the safety zones around the runway.

The total amount of the agreement is $60,000 and the State will reimburse the City for $30,000. The City's portion will be paid from the Airport budget.

ACTION TAKEN.

Motion by Council Member Hughes to approve Resolution 4965, as presented. Second by Council Member Markl.

VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RESOLUTION NO. 4966 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH DUN-ALL CLEANING FOR PARK RESTROOM CLEANING SERVICES

RES 4966 PARK RESTROOM CLEANING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH DUN-ALL CLEANING FOR PARK RESTROOM CLEANING SERVICES.
CONSENT AGENDA.

RESOLUTION NO. 4967 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH HOWARD CONSTRUCTION, INC. FOR THE DEXTER STREET WATER MAIN REPLACEMENT

RES 4967 DEXTER STREET WATER MAIN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH HOWARD CONSTRUCTION, INC. FOR THE DEXTER STREET WATER MAIN REPLACEMENT.
CONSENT AGENDA.

RESOLUTION NO. 4968 – APPROVING GREATER TEXOMA UTILITY AUTHORITY TO ENTER INTO A CONTRACT WITH MORRIS ENGINEERS FOR ENGINEERING SERVICES AND UNDERWOOD DRAFTING AND SURVEYING, INC. FOR SURVEYING SERVICES ON THE LOCKHART STREET WATER MAIN REPLACEMENT PROJECT

RES 4968 LOCKHART STREET WATER MAIN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING GREATER TEXOMA UTILITY AUTHORITY TO ENTER INTO A CONTRACT WITH MORRIS ENGINEERS FOR ENGINEERING SERVICES AND UNDERWOOD DRAFTING AND SURVEYING, INC. FOR SURVEYING SERVICES ON THE LOCKHART STREET WATER MAIN REPLACEMENT PROJECT.
CONSENT AGENDA.

RESOLUTION NO. 4969 – ABANDONING A TWENTY FOOT (20') DRAINAGE & UTILITY EASEMENT LOCATED AT LOTS 1 AND 2 OF THE PARK PLAZA ADDITION

RES 4969 ABANDON DRAINAGE & UTILITY EASEMENT (PARK PLAZA ADDITION)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ABANDONING A CITY DRAINAGE AND UTILITY EASEMENT, VOLUME 1940, PAGE 60, BEING LOT 1 AND LOT 2 OF THE PARK PLAZA ADDITION.
CONSENT AGENDA.

RESOLUTION NO. 4970 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NOE LOPEZ FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF TWO NEW TWO-FAMILY DUPLEXES AT 704 AND 706 NORTH HARRISON STREET

RES 4970 RESIDENTIAL TAX ABATEMENT (704 & 706 N. HARRISON)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NOE LOPEZ FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION

OF TWO NEW TWO-FAMILY DUPLEXES AT 704 AND 706 NORTH HARRISON STREET.
CONSENT AGENDA.

REQ TO ADVERTISE POLICE PATROL VEHICLES

<u>REQUEST TO ADVERTISE</u>
<u>PURCHASE OF FIVE POLICE PATROL VEHICLES</u>
Council Member Adami asked to remove Item D-1 from the Consent Agenda for consideration in its regular order of business. At an earlier meeting, the Council pulled the item until they reviewed changes that might need to be made to the Police and Fire salary structure.

He added that the vehicles are subject to wear and tear and need to be replaced. He originally suggested delaying the request to advertise and the purchase of the vehicles for nine months, which would move the purchase to the next budget year. This would allow flexibility in the current budget to address salary or compensation issues.

Council Member Adami asked committee members if they planned to address these salary issues during the current budget year or during next budget year. Mayor Magers said they would probably be addressed during the next budget year.

Mayor Magers said he previously asked how the staff determined when to replace a police car. In the past, the vehicles have been replaced at approximately 100,000 miles. He cited two studies, one from the Illinois State Police and one from Police Fleet Manager, which state the standard is that most police vehicles are replaced between 75,000 and 100,000 miles.

Based on the studies and the recommendation that compensation issues be addressed during the next budget year, Mayor Magers supported moving forward with advertising for new police vehicles.

Council Member Markl added that while the Council considers taking the vehicles out of police service at 100,000 miles, they are still rotated to other departments before they are finally sold at auction.

Council Member Adami verified that the average cost for the vehicles is approximately $22,000 to $25,000 each. This purchase does include one Tahoe, which might be more expensive. According to Acting City Manager Giles Brown, the total cost for the vehicles will be $125,000 to $140,000.

ACTION TAKEN.
> **Motion by Council Member Wacker to approve the request to advertise for the purchase of five police patrol vehicles, as presented. Second by Council Member Markl.**

VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

HIGHWAY 82 WEST WATER MAIN CONSTRUCTION

HWY 82 WATER MAIN

Council Member Wacker asked to remove Item D-2 from the Consent Agenda for consideration in its regular order of business.

She asked the staff to provide background on what the benefit will be to the City to expand facilities in the direction of Highway 82 West prior to expanding in other directions. She expressed concern that there are other areas with higher growth at the current time.

Council Member Markl said they are "breaking ground" on the Highway 289 extension in that same area.

Mayor Magers verified that phase 1 of the project will be to construct the water main to Lamberth Road. Future phases of the project would need to be approved and would move the water main farther west. He added that the Council has recently received a request to annex an area of land at the intersection of what will be Highway 289 and S.H. 82.

Council Member Wacker asked the staff to anticipate development in that area and how long they felt it would be before the City could see a return on their investment.

Mr. Brown felt the proposed development at S.H. 82 and Highway 289 would probably happen. The staff proposal was to fund the first phase of the water main extension. A report will be presented during the next budget work sessions to discuss various corridors and the criteria that would drive development in those areas.

Council Member Wacker wanted to be sure the Council prioritized the projects to best benefit the City of Sherman. Council Member Adami verified that the three phase project covered one mile for each phase and if totally completed would take water service to Highway 289.

ACTION TAKEN.

> **Motion by Council Member Smith to approve the request to advertise for the construction of the Highway 82 West water main, as presented. Second by Council Member Hughes.**

VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CITY-WIDE BOULEVARD AND RIGHT-OF-WAY MOWING

R-O-W MOWING

The City Council approved the request to advertise for the annual mowing of City boulevards, islands, and street right-of-ways. The FY 2006-2007 Budget includes funding to privatize the mowing of certain street islands and

thoroughfares, and collector and boulevard streets. The professional mowing of the entrances into the City and the highly traveled streets will help enhance the City's image. CONSENT AGENDA.

<u>FAIRVIEW PARK AND MARTIN LUTHER KING, JR. PARK HIKE/BIKE TRAIL PROJECTS</u>

HIKE/BIKE TRAILS

Council Member Wacker asked to remove Item D-4 from the Consent Agenda for consideration in its regular order of business.

She asked about the width of the proposed trail. George Olson, Director of Community Services and Maintenance, said the project will add 5,000 linear feet and the trail will be eight feet wide. The current trail is about five feet wide and drops to four feet when sidewalks are used.

Council Member Wacker asked if the other trail needed to be upgraded to eight feet in width. Mr. Olson said with a bike trail, the eight feet width is really needed. The trail will have a low water crossing for bicycle traffic and a pedestrian bridge for walking. Mayor Magers verified that the new trail would tie into the existing trail.

Mr. Olson added that both trails will be lighted but with directional lights so they don't encroach on the neighborhood.

ACTION TAKEN.

Motion by Council Member Smith to approve the request to advertise for the Fairview Park and Martin Luther King, Jr. Park Hike/Bike Trail Projects, as presented. Second by Council Member Markl.

VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>FAIRVIEW PARK SOCCER FIELD IRRIGATION/RENOVATION PROJECT</u>

SOCCER FIELD IRRIGATION/ RENOVATION

The City Council approved the request to advertise for the Fairview Park Soccer Field Irrigation/Renovation Project. The FY 2006-2007 Budget includes funds for the irrigation and renovation of the soccer field areas north of the primary park road, POW/MIA Lane, as well as to Field #6, which is the lighted field immediately west of Veteran's Baseball Field. CONSENT AGENDA.

<u>OTHER BUSINESS</u>

<u>CONSIDER REQUEST OF AUSTIN COLLEGE STUDENT MARIELLE REMILLARD TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE FIRST ANNUAL "WATERCAN WALK FOR WATER" EVENT ON SATURDAY, MARCH 24, 2007</u>

CLOSE STREETS FOR AUSTIN COLLEGE WATERCAN WALK FOR WATER

The City Council approved a request from Austin College to close the intersection of Center Street and Binkley Park Drive for the first annual "WaterCan Walk for Water" on Saturday, March 24, 2007.

The charitable event will be held at Herman Baker Park and will include a 6K fun run/walk between Binkley Park and Herman Baker Park. The City will provide traffic control assistance, barricades, and emergency medical support.
CONSENT AGENDA.

QUARTERLY FINANCIAL REPORT

APPROVE QUARTERLY FINANCIAL REPORT FOR PERIOD ENDING DECEMBER 31, 2006
Keith Dagen, Director of Finance, presented the Quarterly Financial Report for the period ending December 31, 2006.

Revenues are presented on a cash basis in the General Fund, General Improvement Fund, and the Hotel/Motel Tax Fund. The Utility Fund, Utility Improvement Fund, and the Solid Waste Fund are presented on a modified accrual basis.

Mayor Magers asked about the City's assumption of bad debt for the utilities. Mr. Dagen said bad debt is evaluated annually and an assumption is made at that time.

Mr. Dagen said currently revenues and expenses are about where expected. Revenues for the General Fund are at about 27.20% of the budget, while expenses are at 23.32%.

Currently court fines are low and are projected to end about $235,000 below the budgeted amount. This is mainly due to staffing issues in the Police Department and probably will not be corrected until the staff can be brought to full force.

Mr. Brown added that the Police Department has not been able to write the amount of tickets that was expected through the Traffic Safety Unit. Council Member Adami asked if expenses are also lagging. Mr. Brown said they are lagging somewhat, however there is a lot of overtime. Expenses are expected to meet the budgeted amount, however the revenue is not expected to meet the budgeted amount.

Mr. Dagen added that, in the Utility Fund, the City has not been billed for electrical costs for the pumps at Lake Texoma for the first three months of the year, which will be approximately $60,000.

Expenses are also higher in the Solid Waste Fund, but it is mainly a timing issue with the purchase of automated containers.

ACTION TAKEN.

> **Motion by Council Member Markl to approve the Quarterly Financial Report for the period ending December 31, 2006, as presented. Second by Deputy Mayor Steele.**

VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

There were no media questions.

TABLED AT JANUARY 16, 2007 COUNCIL MEETING: APPOINT/REMOVE OR CONSIDER THE QUALIFICATIONS, TO BOARDS AND COMMISSIONS: AIRPORT ADVISORY BOARD (4)

AIRPORT ADVISORY BOARD

ACTION TAKEN.

> **Motion by Council Member Hughes to remove from table the item to appoint/remove or consider the qualifications to the Airport Advisory Board. Second by Council Member Adami.**

VOTING AYE: Adami, Hughes, Markl, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED TO REMOVE FROM TABLE.

ACTION TAKEN.

> **Motion by Council Member Markl to reappoint Ross Richardson and Robert G. "Bob" Nunn to the Airport Advisory Board for a term from January 18, 2007 to January 18, 2009 and to appoint Donald Makinson, Luke Motley IV, and W. Cody Stapp to the Airport Advisory Board for a term from February 21, 2007 to February 21, 2009. Second by Council Member Wacker.**

VOTING AYE: Adami, Hughes, Markl, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

COUNCIL COMMENTS

TXU COAL PLANT

TXU COAL PLANT

Council Member Wacker addressed letters she has received from citizens that are in favor of the construction of the coal plant in Savoy because they are concerned about a possible shortage of electricity. She told citizens that the Council is carefully considering both sides of the issue, but at this time they don't really have a direct voice in the process. She thanked citizens for writing to Council Members to tell them their feelings on the issue.

BOYS CLUB BASKETBALL TOURNAMENT

BOYS CLUB BASKETBALL TOURNAMENT

Mayor Magers said he and Council Member Hughes were at opposite sides in a recent Boys Club Basketball Tournament, and he praised the sportsmanship at the game. He added that Council Member Hughes spends a lot of time coaching Boys Club basketball and he commended him for his dedication.

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

EXECUTIVE SESSION

THE CITY COUNCIL WILL NOW HOLD AN EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS LAW, CHAPTER 551, GOVERNMENT CODE,

VERNONS TEXAS CODES ANNOTATED, IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN THE FOLLOWING SECTIONS.

SECTION 551.071 -- **CONSULTATION WITH THE CITY ATTORNEY CONCERNING LEGAL MATTERS OR CONTEMPLATED LITIGATION**

SECTION 551.071 -- **CONSULTATION WITH THE CITY ATTORNEY CONCERNING PENDING LITIGATION: CITY OF SHERMAN, TEXAS v. CREIGHTON LEMOYNE ESCOE, ET AL.; CAUSE NO. 03-0617**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:47 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:03 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 6:04 p.m.

____
MAYOR

____
CITY CLERK

AMENDED VERSION WITH FOUR (4) CONSECUTIVE TERMS INSTEAD OF SIX (6) CONSECUTIVE TERMS.

ORDINANCE NO. 5445

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CALLING A SPECIAL ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 12th DAY OF MAY, 2007, FOR THE PURPOSE OF AMENDING THE CITY CHARTER OF THE CITY OF SHERMAN, TEXAS; PROVIDING FOR NOTICE OF SAID ELECTION; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING; AND 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, in compliance with the Charter of the City of Sherman, Texas, and in accordance with the laws and the Constitution of the State of Texas, there is hereby ordered a special election to be participated in by the qualified voters of the City of Sherman, Texas, to be held on the second Saturday in May, 2007, the same being the 12th day of said month, for the purpose of holding an election for the submission of amendments to the existing City Charter of the City of Sherman, Texas, which City Charter was adopted by the people, pursuant to Article X, Section 15 of the Home Rule Charter for the City of Sherman, Texas, and V.T.C.A., Local Government Code § 9.004.

SECTION 2. That said election shall be held jointly with the Sherman Independent School District in accordance with the Joint Election Agreement executed pursuant to the authority of Resolution No. 4964, passed and approved on the 20th day of February, 2007.

SECTION 3. That the City Clerk of said City shall prepare electronic ballots for early and election day voting and paper ballots for mail ballots and provisional ballots to be used in said election and shall label same *"Official Ballot"*, on which ballot shall be printed the names of the candidates and the positions of At-Large Council Members. The designation of each position on the official ballot shall be Mayor, Council Member At-Large, Place 1, and Council Member At-Large, Place 2, respectively.

SECTION 4. That the following are the proposed amendments to the Home Rule Charter for the City of Sherman, Texas, to be voted upon:

Amendment No. 1

To amend Article II "City Council" at Section 1(a)(4) "Membership" to provide:

~~(4) In even numbered years, council members shall be elected for Districts 1, 2, 3, and 4, and in odd numbered years, a mayor and two (2) council members at large shall be elected.~~

(4) The terms of office will be staggered as follows:

(A) Commencing with the regular election in May 2008, District 1 and District 3 will be elected to one two (2) year term of office and thereafter at the next regular election, the terms of office for District 1 and District 3 will be for three (3) years.

(B) Commencing with the regular election in May 2008, District 2 and District 4 shall have three (3) year terms of office.

(C) Commencing with the regular election in May of 2009, the mayor and the two council members at-large shall have three (3) year terms of office.

Amendment No. 2

To amend Article II "City Council" at Section 1(a)(5) "Membership" to provide:

(5) All terms of office shall be for ~~two (2)~~ *three (3)* years, or until the successor has been elected and qualified. Service in office for more than twelve (12) months of a ~~two (2)~~ *three(3)* year term, shall constitute a full term. *This provision will take effect in accordance with the terms specified in Article II, Section 1 (a)(4) of this Charter.*

Amendment No. 3

To amend Article II "City Council" at Section 1(a)(6) "Membership" to provide:

(6) A council member or mayor may serve a maximum of ~~three (3)~~ two (2) consecutive terms in the same office or ~~six (6)~~ *four (4)* consecutive terms in any combination of offices, *unless the previous term of office for the mayor or council member seat was for two (2) years under Article II, Section 1(a)(4) of this Charter, then the council member or mayor may serve of maximum of three (3) consecutive terms of office. After a council member or mayor has served their maximum term of office,* ~~after which~~ a one (1) year (360 day) absence from office is required before that person will be eligible to hold another elective office.

Amendment No. 4

To amend Article II "City Council" at Section 5(c) "Prohibitions" to provide:

(c) Interference with administration. Except for the purpose of inquiries ~~and investigations under Section 8 (of this article)~~, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager only through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately. *Nothing in this Section should be interpreted to limit the council's power of investigation and inquiry under Section 8 of this Article.*

Amendment No. 5

To amend Article IV at Section 2(b) "City manager" to provide:

(b) Removal. The city council may contract with the city manager. However, the city manager shall not be employed or appointed for a definite term, but may be removed at the will of the council by ~~five (5) affirmative votes for removal~~ *a majority vote of all members of the council.* If removed at any time after having served six (6) months, the city manager may, within ten (10) days of the order of removal, demand written charges specifying the grounds of the removal, and the right to be heard thereon at a public meeting of the council. Such hearing shall be at a time and on a date set by the council within thirty (30) days from the date of the issuance of the order of the removal of the city manager. Regardless of whether or not a hearing is demanded, the action of the council in removing the city manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such removal in the council.

Amendment No. 6

To amend Article IV at Section 5 "Legal officer" to provide:

From among nominations made by the city manager, the city council shall appoint an attorney currently admitted to practice law before the State Supreme Court, who is not the subject of any ongoing disciplinary investigation or trial, and who possesses the necessary legal transactional and trial training, experience and ability to successfully represent the city in all matters. The city council may contract with the city attorney. However, the city attorney shall not be employed or appointed for a definite term and shall serve at the will of the city council and may be removed by ~~five (5) affirmative votes for removal~~ *a majority vote of all members of the council.* The city attorney shall perform such services as the council may direct and shall be responsible and report directly to the city council and shall timely coordinate with and inform the city manager of all activities of the office. The city attorney shall serve as the parliamentarian for all city council meetings.

The city attorney shall be the legal advisor of and attorney for the city, the city council or any member of the council, and all of the officers and departments of the city, in the matters affecting the conduct of city business, and shall represent the city in all legal proceedings, including the collection of taxes, assist in all civil service disciplinary matters and internal affairs investigations, and may, with the approval of the city council, employ outside legal counsel as the need may arise. The city attorney shall aid the city council in any investigations it may conduct. Before the city shall act as a plaintiff or petitioner in any suit and during the defense of any suit, the city attorney shall investigate the facts and legal issues involved and report the findings, conclusions and recommendations to the city council, provided the time to conduct such a process would not cause irreparable harm to the city. The city attorney shall always act in accordance with the promulgated rules, regulations and ethics of the State Bar of Texas.

There shall be such assistant city attorneys as may be authorized by the council and appointed by the city attorney with the approval of the city manager, and such assistant city attorneys shall be authorized to act for and on behalf of the city attorney.

Amendment No. 7

To amend Article X "General Provisions" at Section 1 "Personal Financial Interests" to provide:

Section 1. Personal financial interests.

(a) In this section, a "substantial business interest" exists if a "substantial interest in business entity" exists for purposes of Section 171.002 of the Texas Local Government Code, as amended.

~~(a)~~ *(b)* No officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, to the extent prohibited by state law, or shall be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies, or service where such financial interest is prohibited by state law.

(c) Restrictions relating to city business. An officer or employee may not, while in the service or employment of the city, either individually or as the officer or principal of a business entity:

(1) Enter into any business relationship with the city in which the officer or employee has a substantial business interest, whether or not the relationship is required by state law to be competitively bid, unless such relationship is authorized in advance by a majority vote of the council present and voting, and duly recorded.

(2) Exceptions. This restriction does not apply:

(A) To a member of:

(1) A board that functions only in an advisory or study capacity and that does not have the power to make findings as to the rights of specific parties; or

(2) A board of a nonprofit development corporation that acts as an instrumentality of the city;

(B) To any transactions by the officer or employee related to their official duties for the city or any reimbursements received by the officer or employee as a result of their official duties for the city.

(d) Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit his or her office or position. Any violation of this section, with the knowledge, express or implied, of the person or corporation contracting with the city, shall render the contract involved voidable by the city manager or the council.

SECTION 5. That each and every of the above described amendments in Section 4 above shall be submitted separately and in such manner that the voter may vote "FOR" or "AGAINST" on any amendment or amendments without voting "FOR" or "AGAINST" on all of said amendments.

SECTION 6. That notice of said election shall be given by the Mayor of the City of Sherman by causing an election notice to be posted at City Hall not later than the twenty-first (21st) day before election day, and by publishing this ordinance at least one time, not more than thirty (30) days nor less than ten (10) days prior to the election date, in at least one daily newspaper published in the City of Sherman in accordance with the provisions of the Election Code of the State of Texas, as amended.

SECTION 7. That the polling places for this election and the names of the officers who are to hold the same, except insofar as the officers may be changed by the City Council of the City of Sherman, shall be as follows:

PRECINCT NO.	LOCATION	JUDGES
1-20-21-65	Fairview School 501 West Taylor Street Sherman, Texas	TBA, Presiding TBA, Alternate
2-3-4-8-23	Piner Middle School 402 West Pecan Sherman, Texas	Diane Curran, Presiding 2311 Chandler Court, Sherman Mary Larabee, Alternate 406 Colorado, Sherman
5-32-36-53	Crutchfield School 521 South Dewey	Ruby Sprinkle, Presiding 1034 Idlewild, Sherman

Sherman, Texas	Oleta Owen, Alternate 408 N. Andrews, Sherman

SECTION 8. That Direct Recording Electronic Voting Equipment shall be used for voting at the foregoing election precincts.

SECTION 9. That the polls shall be kept open from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. on Election Day, and that due return shall be made to the City Council showing the number of votes cast "FOR" or "AGAINST" each amendment.

SECTION 10. That the qualified voters, eligible to cast their ballots early under the laws of this State, shall be permitted to so cast their vote in the Municipal Ballroom (North Entrance), 405 North Rusk Street, Sherman, Texas, during regular office hours from eight o'clock (8:00) a.m. to five o'clock (5:00) p.m. on weekdays from April 30, 2007, to May 4, 2007, and from seven o'clock (7:00) a.m. to seven o'clock (7:00) p.m. on May 7, 2007 and May 8, 2007.

SECTION 11. That the Presiding Judge for early voting shall be Linda Ashby, the Alternate Judge shall be Pat Vestal, and two (2) Voting Clerks shall be appointed.

SECTION 12. That an Early Voting Ballot Board for verifying Early Voting ballots shall be appointed, consisting of Presiding Judge Diane Curran and two (2) Clerks.

SECTION 13. That the rate of pay set by Subchapter E, Sections 32.091 and 32.092 of Title 3 of the Election Code for Election Judges and Clerks shall be at an amount fixed by the appropriate authority, which is at least the federal minimum hourly wage. The judge who delivers the election returns may be paid an amount not to exceed $25.00 for that service. No judge may be paid for more than one (1) hour of work before the polls open.

SECTION 14. That Linda Ashby, City Clerk, is hereby appointed Counting Station Presiding Judge.

SECTION 15. That the canvass of the Election Returns will be held in the Council Chambers of City Hall, 220 West Mulberry, Sherman, Texas, at the Called Council Meeting of May 22, 2007.

SECTION 16. That each proposed amendment, if approved by a majority of the qualified voters voting at said election, shall become a part of the Charter of the City of Sherman, Texas.

SECTION 17. That no amendment shall be considered adopted until an official order has been entered upon the records of the City of Sherman, Texas, by the City Council of such City declaring the same adopted.

SECTION 18. That, by approving and signing this ordinance, the Mayor officially confirms as his action all matters recited in the ordinance which, by law, come within his jurisdiction.

SECTION 19. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the ____________ day of ________________, 2007.

ADOPTED on this the ______________ day of ________________, 2007.

EFFECTIVE DATE on this the ________ day of ________________, 2007.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: ____________________________
LINDA ASHBY, CITY CLERK

BY: ____________________________
BILL MAGERS, MAYOR

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

EFFECT OF CHARTER AMENDMENTS FOR STAGGERED TERMS ON CONSECUTIVE TERMS OF OFFICE

KEY:

These abbreviations indicate what would happen if the council person or mayor is not reelected.

MYR = Mayor
D1X = District 1
D2X = District 2
D3X = District 3
D4X = District 4
AL1X = At-Large Place 1
AL2X = At-Large Place 2↓

The parenthesis indicates the number of terms served:

(1) = One term served
(2) = Two terms served
out = Term limits served

2007	2008	2009	2010	2011	2012	2013	2014	2015
Mayor Two-At-Large	District 1 District 2 District 3 District 4	Mayor Two-At-Large	District 1 District 3	District 2 District 4	Mayor Two-At-Large	District 1 District 3	District 2 District 4	Mayor Two-At-Large
Magers (1) MYR Markl (1) AL1X Wacker (1) AL2X	Smith (1) D1X Steele- out D2X Hughes (2) D3X Adami (2) D4X	Magers (2) MYR (1) Markl (2) AL1X(1) Wacker (2) AL2X (1)	Smith (2) Hughes – out D1X-(1) D3X (1)	D2X (1) Adami –out D4X (1)	Magers – out MYR–out Markl - out AL1X – out Wacker –out AL2X-out	Smith – out D1X-out D3X - out	D2X – out D4X-out	

Potential seven (7) year seats:
Magers
Wacker
Adami
Smith
Markl

Five (5) year seats:

D1X	D3X
AL1X	AL2 X
MYR	

Potential or Regular six (6) year seats:
Hughes
D2X (Steele's seat)
D4X

EXPLANATION:

The top chart indicates the staggered rotation for elections under the proposed amended charter language.

The second chart shows what will happen to current council members if they serve consecutive terms. For example, if Mayor Magers is reelected, then he will serve two more years and will not be termed limited by the amended charter provision; however, if he serves a third term, that term will be for three years, thereby making his total term seven years instead of six. This would also occur for Markl and Wacker.

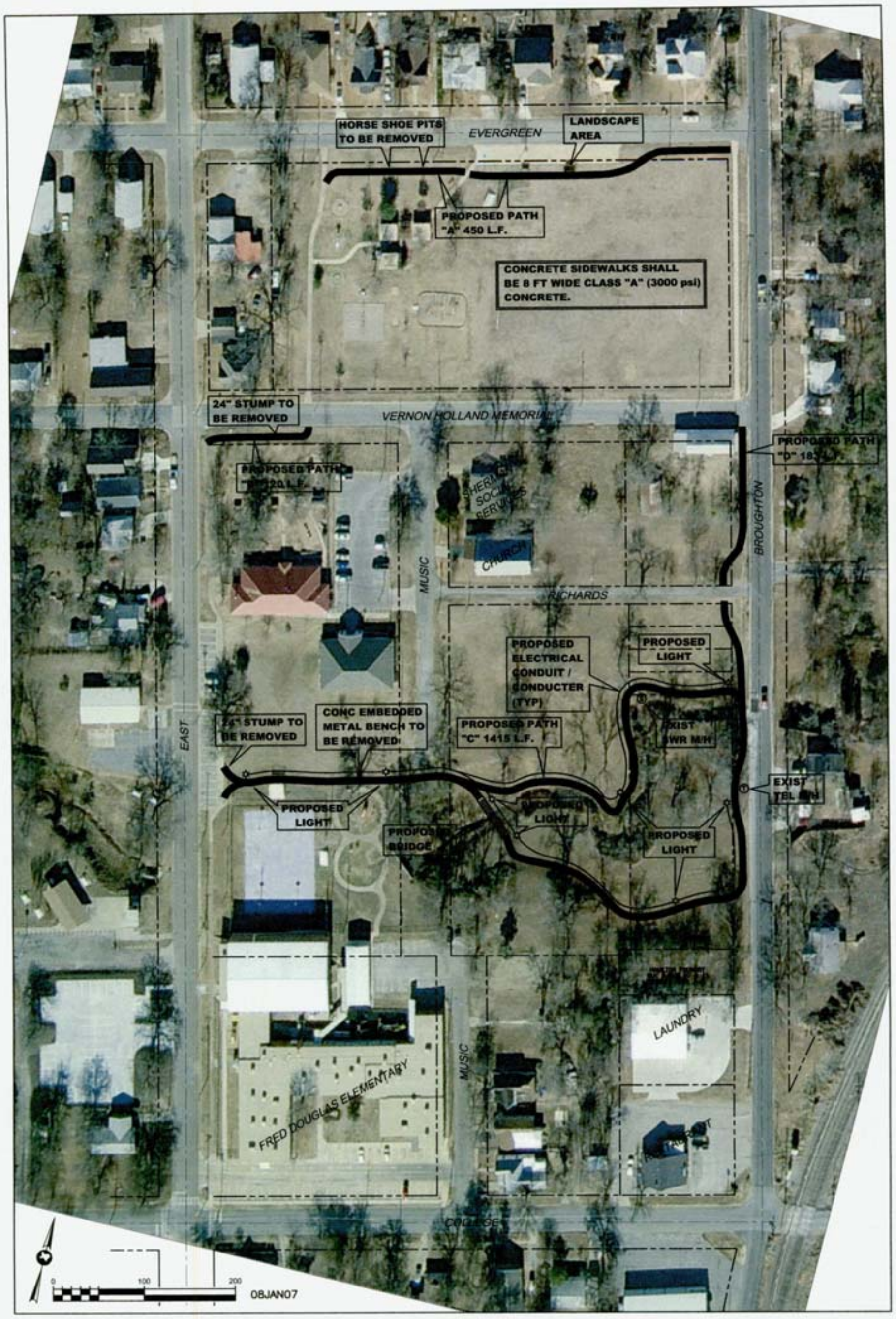
In 2008, Adami will have served two terms for a four year total. If he is reelected in 2008, then he will serve a three year term and be term limited out by the new charter language. He would have served a total of seven years.

Smith will have served one term for two years in 2008. If reelected, he will serve another two year term due to the staggered schedule and be eligible for a third consecutive term per the amended charter provision. If elected a third time, he will begin the three year term for his seat, thereby serving a total of seven years.

Hughes, on the other hand, has already served two terms for a total of four years. If he is reelected in 2008, then he will serve another two years instead of three due to the staggered schedule. He will be term limited out pursuant to the new charter language (he would also be term limited out under the current charter).

If either the Mayor, Wacker, or Markl are not reelected (or choose not to run for their seat), then whoever fills in their seat will serve a two year term of office. If that person is reelected, then they will serve three years and be term limited out by the new charter provision (since they served a three year term) and unable to run for that seat. Therefore, they will have served for five years.

06/07 CIP: Fairview Park Hike/Bike Trail Expansion



06/07 CIP: Martin Luther King Jr. Park Hike/Bike Trail

STATE OF TEXAS §

February 28, 2007

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Called Meeting of the Sherman City Council was begun and held in the City Council Chambers on February 28, 2007.

COUNCIL MEMBERS PRESENT:	Mayor Bill Magers; Deputy Mayor Terrence Steele. Council Members Adami, Hughes, Markl, Smith, Wacker.
COUNCIL MEMBERS ABSENT:	None.
CITY STAFF PRESENT:	Giles Brown, Acting City Manager; Doreen McGookey, City Attorney; George Olson, Director of Community Services and Maintenance; Jeff Miller, Director of Public Works and Engineering; Keith Dagen, Director of Finance; Tom Watt, Police Chief; Jeff Jones, Fire Chief; Jacqueline Banfield, Library Services Administrator; Ben Uselton, Parks and Recreation Administrator; Wayne Kuse, Wastewater Superintendent; Lisa Whitfield, Legal Assistant; Rita Gaither, Development Coordinator; Pam Cloer, Assistant to the City Manager; Linda Ashby, City Clerk.

PURPOSE:

Call to Order, Quorum Determined, Meeting Declared Open

Other Business
Consider, for Possible Action, the Appointment of an Acting or Interim City Manager

Executive Session
Section 551.071 – Consultation with the City Attorney
Section 551.074 – Personnel Matters:
Consider, for Possible Action, the Appointment of an Acting or Interim City Manager

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

Adjournment

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

Mayor Magers called the meeting to order at 12:00 p.m., declared a quorum present, and opened the City Council Meeting.

OTHER BUSINESS

CONSIDER, FOR POSSIBLE ACTION, THE APPOINTMENT OF AN ACTING OR INTERIM CITY MANAGER

Mayor Magers explained that the Council Members would go into Executive Session first prior to considering any action on the appointment of an Acting City Manager.

EXECUTIVE SESSION

IN ACCORDANCE WITH CHAPTER 551, GOV. CODE, V.T.C.S., (OPEN MEETINGS LAW)

THE CITY COUNCIL WILL NOW HOLD AN EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS LAW, CHAPTER 551, GOVERNMENT CODE, VERNONS

TEXAS CODES ANNOTATED, IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN THE FOLLOWING SECTIONS.

SECTION 551.071 – CONSULTATION WITH THE CITY ATTORNEY

SECTION 551.074 – PERSONNEL MATTERS:
CONSIDER, FOR POSSIBLE ACTION, THE APPOINTMENT OF AN ACTING OR INTERIM CITY MANAGER

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 12:01 p.m.

On Motion duly made and carried, the Executive Session recessed at 12:37 p.m. and reconvened in Open Meeting.

OPEN MEETING
RECONVENE INTO OPEN MEETING AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION, INCLUDING THE POSSIBLE APPOINTMENT OF AN ACTING OR INTERIM CITY MANAGER
Deputy Mayor Steele expressed concern about the City Manager leaving, the Interim City Manager leaving, and now the consideration of George Olson, Director of Community Services and Maintenance, as new Interim City Manager. He added that Mr. Olson already has many job duties as Parks and Recreation Manager and he did not want to hear that the Parks and Recreation Department could not get everything done because of the added responsibilities with the Interim position. He said his concerns have been addressed and he recommended that Mr. Olson be appointed Acting City Manager.

ACTION TAKEN.
Motion by Deputy Mayor Steele to appoint George Olson as Acting City Manager, effective March 21, 2007. Second by Council Member Wacker.
VOTING AYE: Adami, Hughes, Magers, Smith, Steele, Wacker.
VOTING NAY: Markl.
MOTION CARRIED.

Mayor Magers said Giles Brown, Acting City Manager, has accepted a position as Vice President of Business Services at Grayson County College. He said Mr. Brown will be greatly missed by the City of Sherman, however he is glad he will be staying locally. He wished Mr. Brown good luck and thanked him for his years of service.

Council Member Adami also offered his congratulations to Mr. Brown and wished him and his family the best. He urged Mr. Olson to seek any assistance needed from Mr. Brown and others that are excellent referrals.

ADJOURNMENT
There being no further business to come before the City Council, motion was duly made and approved to adjourn the Called Meeting at 12:40 p.m.

____
MAYOR

ATTEST

____
CITY CLERK

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5447
Amending Chapter 14 of the Code of Ordinances, Entitled "General Zoning Ordinance", at Section 8, Entitled "Administration and Enforcement; Building Permits, Certificates of Zoning Compliance, Temporary Use Permits, and Specific Use Permits", Subsection (4), to Add a Subsection for Requirements for Mobile Food Vendors

Issue
To consider revising the requirements for Temporary Use Permits for Mobile Food Vendors at Chapter 14 of the Code of Ordinances, "General Zoning Ordinance", at Section 8, Subsection (4)

Background
At the August 22, 2006 Planning and Zoning Commission Meeting, Chairman Willie Steele appointed a committee to review the requirements for Temporary Use Permits. The committee members included: John Nix, Jason Sofey, Jim Jacobs, and Willie Steele. The committee met September 14, 2006 to discuss and evaluate the requirements for Temporary Use Permits and Mobile Food Vendors. Some of the regulations the committee proposed for mobile food vendors were: they are permitted in a C-1 (Retail Business) District or C-2 (General Commercial) District; shall be located on private property where an existing permanent business operates in a building with a Certificate of Occupancy Permit; may operate only during business hours of the primary business on the property; shall not operate in driveways, fire lanes, or public roads; no chairs, tables or awnings shall be permitted on the same premises; and temporary connections to potable water are prohibited. The Committee's attached recommendation was submitted to the Planning and Zoning Commission for their consideration.

Origination
Planning and Zoning Commission

Planning & Zoning Commission Recommendation
At the February 20, 2007 meeting, the Planning and Zoning Commission voted 8/0 to recommend to the City Council that the proposed revisions to the Temporary Use Permit code provisions be enacted.

Alternatives
The City Council could choose not to enact the ordinance.

Attachments
Ordinance No. 5447
Location Map
Letters
P&Z Communication

Prepared by:
Scott Shadden, Director of Developmental Services

Approved by:
Giles Brown, Acting City Manager

ORDINANCE NO. 5447

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 8, ENTITLED "ADMINISTRATION AND ENFORCEMENT; BUILDING PERMITS, CERTIFICATES OF ZONING COMPLIANCE, TEMPORARY USE PERMITS, AND SPECIFIC USE PERMITS", SUBSECTION (4), TO ADD A SUBSECTION FOR REQUIREMENTS FOR MOBILE FOOD VENDORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 14 of the Code of Ordinances of the City of Sherman, entitled "General Zoning", be amended at Section 8, Subsection (4) to read as follows:

(4) **Temporary Use Permits***:*

(a) In addition to the zoning permit called for in subsection (3) above, a temporary use permit shall be required before the following temporary uses can be permitted in the district or districts indicated where the time limit of occupancy exceeds two (2) weeks:

Parking Ratio	Temporary Use	District
none	Automobile parking lot; for a special event	R
none	Batching plant, Portland cement, concrete, noncommercial	R, C
1/500	Carnival or circus	R, C, M
None	Christmas trees and wreaths, retail	R
none	Retail and wholesale of agricultural products not raised on the premises and sold from vehicles parked off-street, not over 500 square feet of retail and wholesale storage and sales area	R, C, M

None	*Snow cone stand*	*R*
2	Temporary real estate sales offices in model homes	R

(b) A temporary use permit is an exception to the zoning ordinance and allowable where the facts and conditions prescribed and detailed in the ordinance as those upon which a temporary use permit may be granted are determined by the board of adjustment to exist.

(c) The applicant, in applying to the board of adjustment for a temporary use permit or exception, shall simply demonstrate that he meets the requirements of the particular use and district and need not show unnecessary hardship.

(d) The building official shall not issue a zoning permit for such uses that are hereafter created, changed, converted or enlarged, either wholly or in part, until a temporary use permit has been obtained from the board of adjustment in accordance with the exceptions procedures set forth in section 9 paragraph (2)(b).

(e) The purpose of the regulations described in this subsection is to allow the proper integration into the city of uses which may be suitable only in specific locations in a zoning district and only for limited periods of time.

(f) Application for a temporary use permit shall be made by the property owner or certified agent thereof to the board of adjustment on forms prescribed for this purpose by the city council. Such application shall be accompanied by a site plan as set forth in subsection (7). Temporary use permits, revocable, conditional and valid for a term period not to exceed 12 months, may be issued by the board of adjustment for any of the uses or purposes for which such permits are required or permitted by the terms of this ordinance. Granting of a temporary use permit does not exempt the applicant from complying with the requirements of the building code or other ordinances.

(g) The fee to cover administrative costs of a temporary use permit application shall be as established by the city council, no part of which shall be refundable.

(h) In considering any application for a temporary use permit, the board of adjustment shall give due regard to the nature and condition of all adjacent uses and structures. The board of adjustment may deny an application for a temporary use permit, and, in granting or renewing a temporary use permit, the board of adjustment may impose such requirements and conditions with respect to location, construction, maintenance, and operation, in addition to those expressly stipulated in this ordinance for the particular use, as they may deem necessary for the protection of adjacent properties, and the public interest.

(i) Provided that the board of adjustment finds:

(1) That the proposed structure or use conforms to the requirements and intent of this ordinance and the comprehensive plan,

(2) That any additional conditions stipulated by the board of adjustment as deemed necessary in the public interest have been met, and

(3) That such use will not under the circumstances of the particular case constitute a nuisance or be detrimental to the public welfare of the community.

The board of adjustment shall issue a temporary use permit therefor.

(j) Following the issuance of a temporary use permit by the board of adjustment the building official shall issue a zoning permit, as provided in subsection (3) above, and shall ensure that development is undertaken and completed in compliance with said permits.

(4.1) Mobile Food Vendor *- Any person or persons who operates or sells food from a stationary cart or trailer mounted on chassis or other structure designed to be readily moveable, but without an engine for period of 15 days or greater per year.*

(a) Mobile food vendors are subject to the following additional regulations:

1. *Mobile food vendors are permitted in a C-1 (Retail Business) District or C-2 (General Commercial) District.*

2. *Mobile food vendors shall be located on private property where an existing permanent business operates in a building with a Certificate of Occupancy.*

3. *Mobile food vendors may operate only during the business hours of the primary business on the property.*

4. *Mobile food vendors shall not operate in required parking spaces, driveways, fire lanes or public roads.*

5. *The firm name, address, and phone number must be on both sides of the vehicle with at least 2" letters in a contrasting color.*

6. *No chairs, tables or awnings shall be permitted on the same premises.*

7. *Signage: Maximum signage shall be 12 square feet and shall be attached securely and flat against the wall of the to the mobile food unit at all times. No temporary, portable or A-Frame type signs shall be permitted.*

8. *Mobile food vendors shall be located within 50 feet of an entrance of a primary building that holds the Certificate of Occupancy.*

9. *Temporary connections to potable water are prohibited. Water shall be from an internal tank with a minimum capacity of 50 gallons and a holding tank with a minimum capacity of 75 gallons, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the City of Sherman.*

10. *Mobile food vendors shall operate from a stationary cart or trailer mounted on chassis, but without an engine. Sales of food from a stationary vehicle excludes catering trucks*

11. *A site plan drawn to scale depicting the location of the mobile food vendor on the property shall be submitted.*

12. *A drive through is not permitted in conjunction with the mobile food vendor.*

13. *Mobile food vendors shall provide a minimum of 2 off-street parking spaces per employee.*

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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

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

INTRODUCED on this the ______________ day of __________________, 2007.

ADOPTED on this the _________________ day of __________________, 2007.

EFFECTIVE DATE on this the _________ day of __________________, 2007.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

AGENDA ITEM # 30

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

February 20, 2007

Willie Steele, Chairman

Jim Jacobs, Vice Chairman	**John Nix, Commissioner**
Jason Bethel, Commissioner	**Jason Sofey, Commissioner**
John Cernero, Commissioner	**Kelsel Thompson, Commissioner**
Lawrence Davis, Commissioner	**Steve Jones, Commissioner**

Temporary Use Permit Amendment

Requested Action/Proposed Use:

To forward a recommendation to the City Council to modify the requirements for Temporary Use Permits and Mobile Food Vendors.

Origination:

Staff

Background:

At the August 22, 2006 Planning and Zoning Commission Meeting, Chairman Steele appointed a committee to review the requirements for Temporary Use Permits. The committee members included: John Nix, Jason Sofey, Jim Jacobs, and Willie Steele. The committee met September 14, 2006 to discuss and evaluate the requirements for Temporary Use Permits and Mobile Food Vendors. Some of the regulations the committee proposed for mobile food vendors were: they are permitted in C-1 (Retail Business) District or C-2 (General Commercial) District; shall be located on private property where an existing permanent business operates in a building with a Certificate of Occupancy Permit; may operate only during business hours of the primary business on the property; shall not operate in required parking spaces, driveways, fire lanes, or public roads; no chairs, tables or awnings shall be permitted on the same premises; and temporary connections to potable water is prohibited. At the December 19, 2006 Planning and Zoning Commission Meeting, a recommendation was approved to be forward to the City Council, however, after consideration of the draft ordinance, changes have been made so that the holder of the Temporary Use Permit for Mobile Food Vendors does not have to renew the permit yearly.

Attachments:

Proposed Requirements for Temporary Use Permits (DRAFT Ordinance)

Approved By:
Scott Shadden,
Developmental Services Director

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5448
Providing for Permanent "Stop" Signs at the Intersection of Brents Avenue and Lewis Street within the City Limits of the City of Sherman

Issue
The installation of permanent "stop" signs at the intersection of Brents Avenue and Lewis Street

Background
At the Deputy Mayor's request, "stop" signs were installed at the intersection of Brents Avenue and Lewis Street, stopping traffic on Brents. The signs were installed on November 8, 2006, and have been in place for over 90 days. There have been no known complaints or problems caused from the installation of these signs.

Origination
Deputy Mayor Terrence R. Steele

Financial Consideration
The cost of material and labor to install two stops signs at this intersection is $230.00. Funds for installing and maintaining signs were appropriated in the FY 2006-2007 Street Department budget.

Staff Recommendation
It is recommended that the City Council adopt the proposed ordinance to provide for permanent "stop" signs at the intersection of Brents Avenue and Lewis Street.

Alternatives
As may be recommended by the City Council

Attachments
Ordinance No. 5448
Exhibit "A" – Location Map

Prepared by:
Jeff Miller, Public Works/Engineering Director

Approved by:
Giles Brown, Acting City Manager

ORDINANCE NO. 5448

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “STOP” SIGNS AT THE INTERSECTION OF BRENTS AVENUE AND LEWIS STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, permanent “Stop” signs shall be in place at the following location within the corporate limits of the City of Sherman, Texas:

> At the intersection of Brents Avenue and Lewis Street, stopping northbound and southbound traffic at Lewis Street, as shown by Exhibit “A”, attached hereto and incorporated herein for all purposes.

SECTION 2. That the Director of Public Works and Engineering is directed to designate this action by the appropriate markings and signs.

SECTION 3. That, from and after the erection of the “Stop” sign herein authorized, it shall be unlawful for the driver of any vehicle approaching such “Stop” sign to fail to bring such vehicle to a complete stop at a clearly-marked stop line; but, if there is not a clearly-marked stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Violators of this ordinance shall be subject to fine as provided in Section 1.01.009 of the Code of Ordinances of the City of Sherman, Texas, codified.

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

SECTION 5. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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

INTRODUCED on this the ______________ day of __________________, 2007.

ADOPTED on this the _________________ day of __________________, 2007.

EFFECTIVE DATE on this the __________ day of __________________, 2007.

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

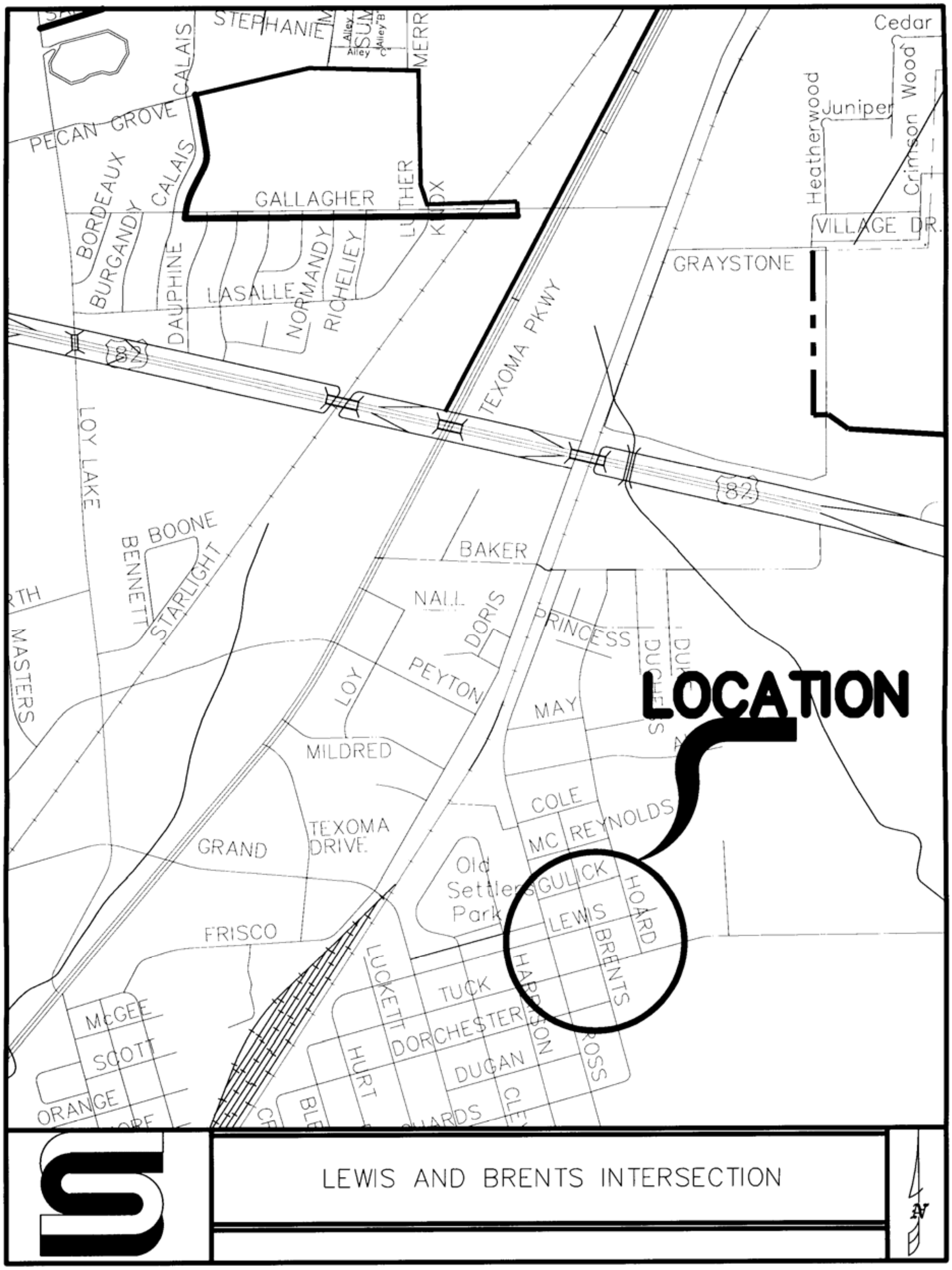
ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ________________________________
DOREEN E. MCGOOKEY,
CITY ATTORNEY

Exhibit "A"



STEPHANIE
CALAIS
MERR
PECAN GROVE
GALLAGHER
LUTHER
KNOX
BORDEAUX
BURGANDY
DAUPHINE
LASALLE
NORMANDY
RICHELIEY
82
TEXOMA PKWY
LOY LAKE
BOONE
BENNETT
STARLIGHT
MASTERS
BAKER
NALL
DORIS
PRINCESS
PEYTON
LOY
MAY
MILDRED
COLE
MC REYNOLDS
GRAND
TEXOMA DRIVE
Old Settlers Park
GULICK
LEWIS
HOARD
BRENTS
FRISCO
LUCKETT
TUCK
HARDISON
DORCHESTER
HURT
DUGAN
ROSS
McGEE
SCOTT
ORANGE
Cedar
Juniper
Heatherwood
Crimson Wood
VILLAGE DR.
GRAYSTONE
LOCATION
LEWIS AND BRENTS INTERSECTION
N

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5449
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to BJH, Inc. and Grover Tuggle (Owners) to Allow Automobile Sales and Repair in a C-1 (Retail Business) District and the O-1 (75 & 82) Overlay District at 1804 U. S. Highway 75 North and 1917 North Travis; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

Issue
To consider a Specific Use Permit to BJH, Inc. (Owner) concerning the property located at 1917 North Travis Street and 1804 U. S. Highway 75 North, to allow automobile sales with repair in a C-1 (Retail Business) District and the O-1 (75 & 82) Overlay District

Background
The property is located at 1917 North Travis Street and 1804 U.S. Highway 75 North. Brian Heiser would like to operate a temporary sales office for All State Suzuki at this location until the permanent structure for the car dealership can be built on Highway 75 North.

Origination
BJH, Inc. and Grover Tuggle (Owners)

Board Recommendation
At the February 20, 2007 regular meeting, the Planning and Zoning Board voted 8/0 to recommend to the City Council that the Specific Use Permit be approved subject to the staff review letter.

Attachments
Ordinance No. 5449
Location Map
Photograph
Site Plan
P&Z Communication Form
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager

ORDINANCE NO. 5449

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO BJH, INC. AND GROVER TUGGLE (OWNERS) TO ALLOW AUTOMOBILE SALES AND REPAIR IN A C-1 (RETAIL BUSINESS) DISTRICT AND THE O-1 (75 & 82) OVERLAY DISTRICT AT 1804 U.S. HIGHWAY 75 NORTH AND 1917 NORTH TRAVIS; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000; 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 zoning and planning commission and the city council, in accordance with the state law, and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this specific use permit; and

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

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

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

SECTION 1. That from and after the passage of this ordinance, BJH, Inc. And Grover Tuggle (Owners) are granted a Specific Use Permit to allow automobile sales and repair in a C-1 (Retail Business) District and O-1 (75 & 82) Overlay District at 1804 U.S. Highway 75 North and 1917 North Travis, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

LOT 1, BLOCK 1 of the James Plaza Addition and a .44 acre tract **SITUATED** in the County of Grayson, State of Texas, being a part of the J.B. McAnair Survey, Abstract No. 763, also being a part of those tracts of land as shown in Volume 2041, Page 462 and Volume 2041, Page 491, Deed Records, Grayson County, Texas and being described by metes and bounds as follows:

BEGINNING at a point in the East boundary line of Travis Street, same being the most Westerly Northwest corner of the 3.023 acre tract described in Deed of Trust executed by Joydon Group-Westgrove, Ltd., by Donald R. James dated July

29, 1993 as recorded in Volume 2286, Page 149, Real Property Records, Grayson County, Texas;

THENCE North 75°25’47” East 140 feet to stake for corner;

THENCE South ±4°50’42” West 135.40 feet to stake for corner, same being the East terminus point of a party wall;

THENCE South 74°46’42” West with said party wall 140 feet to a p/k nail set in the East Right-of-way line of Travis Street;

THENCE North 14°43’58” West with the East Right-of-way line of Travis Street 131.49 (135.40) as appears on plat to the place of beginning.

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

1. Proposed fire lane is not acceptable. Additional fire lane needs to be installed closer to the building on the east and south sides of the structure, running from the north fire lane on the east side to connect to the west fire lane via the south side of the structure. Please contact the Fire Marshal at (903) 892-7267 for clarification on this requirement.
2. If the proposed building is 30 feet in height or greater, then a 26 feet wide fire lane is required along the proposed north side of the structure per the above stated code sections D105.1, D105.2 and D105.3. It shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to the entire north side of the building.
3. Provide the minimum required fire flow and flow duration for the proposed building per Appendix B of the 2003 ICC fire codes.
4. Provide the minimum number and distribution of fire hydrants for this proposed structure.
5. Temporary sales office may not be used for automobile repairs.
6. Existing water and sewer shall be shown along with easements. Permanent structures shall not be constructed within dedicated utility easements.
7. Provide drainage plan including detention.
8. A corrected site plan needs to be submitted.
9. The location of the drive access for this tract to U.S. Highway 75 is not ideal considering the nearby location of the drive entrance to the north. This entrance will be allowed by TxDOT under the stipulation that the owner will make all efforts to work with the property owners to the north as their property develops to provide a joint access drive and cross access easements.
10. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

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

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

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

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

INTRODUCED on this the _____________ day of _________________, 2007.

ADOPTED on this the ________________ day of _________________, 2007.

EFFECTIVE DATE on this the _________ day of _________________, 2007.

CITY OF SHERMAN, TEXAS

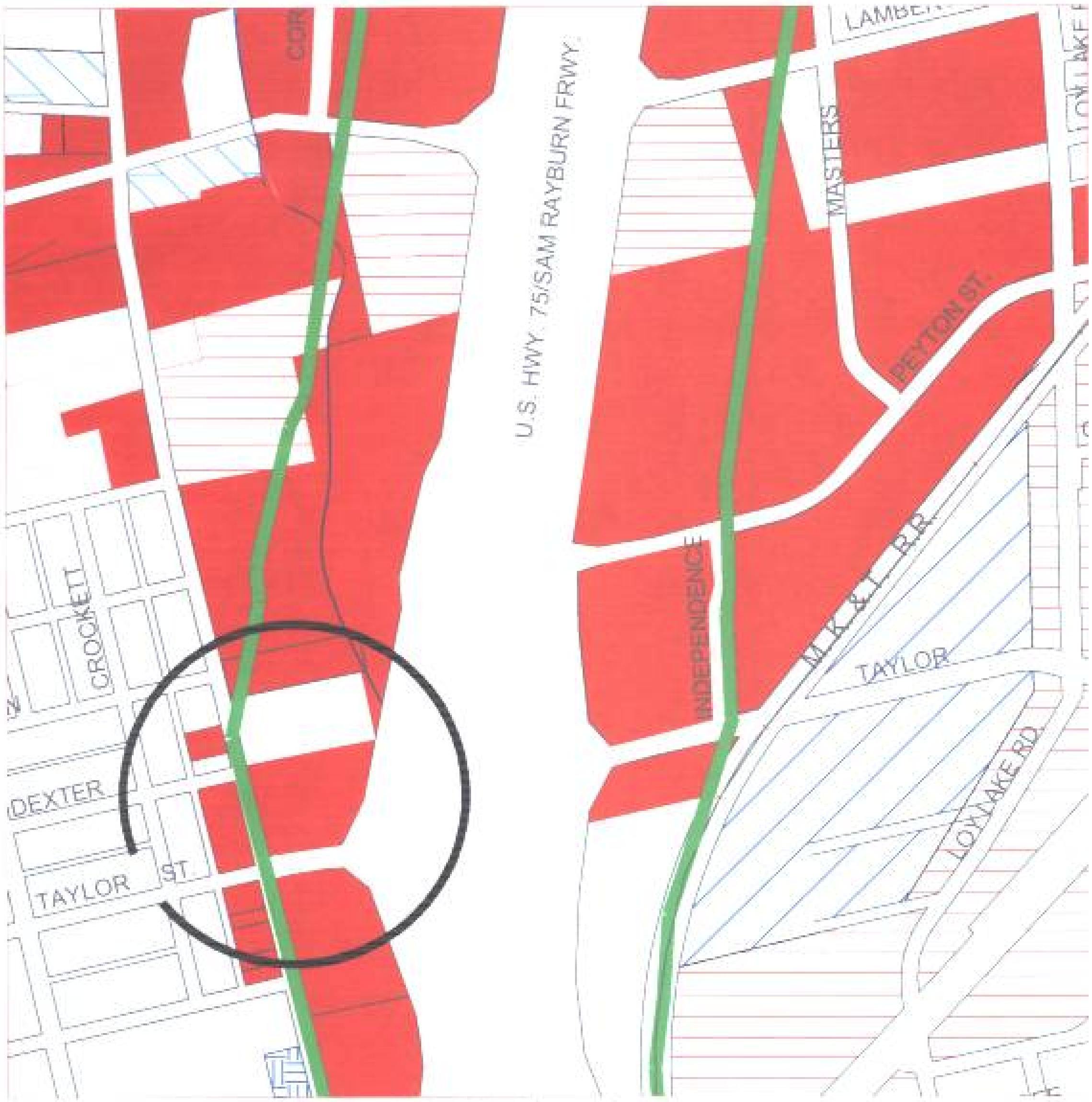
BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ___________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



R-A	SINGLE FAMILY AGRICULTURAL DISTRICT		M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT		M-H	MANUFACTURED HOUSING DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT			BLALOCK INDUSTRIAL PARK
R-2	MULTI FAMILY RESIDENTIAL DISTRICT		O-1	OVERLAY DISTRICT 75 & 82
C-1	RETAIL BUSINESS DISTRICT		O-1.1	OVERLAY DISTRICT 1417
C-2	GENERAL COMMERCIAL DISTRICT		A&C	ARTS & CULTURAL OVERLAY DISTRICT
C-O	OFFICE DISTRICT		CBD	CENTRAL BUSINESS DISTRICT
M-1	LIGHT MANUFACTURING DISTRICT			CITY LIMITS
M-1.5	MEDIUM MANUFACTURING DISTRICT			

City of Sherman, Texas

1804 US Hwy 75 and 1917 N TRAVIS

Specific Use Permit

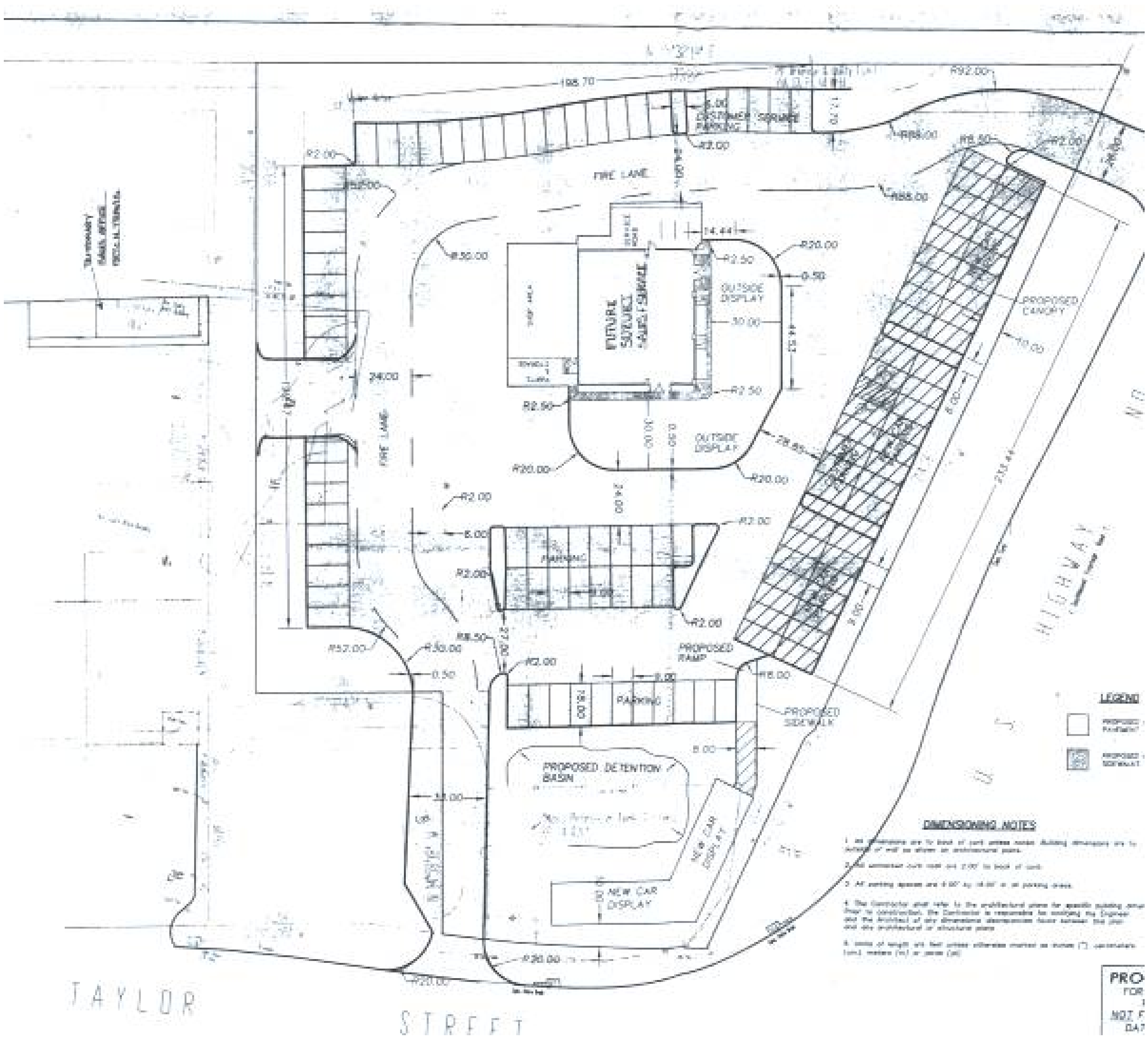
Department of Developmental Services

Travis
Taylor
Average Scale: 1 inch = 65.8 feet

1804 Hwy. 75 N.


800.667.6396
COOK
ZONING
REQUESTED
AT THIS LOCATION
ADDITIONAL
INFORMATION
903-892-7232
02/05/2007

1917 N. Travis


FIRE LANE
CUSTOMER SERVICE PARKING
FUTURE SUBARU SALES/SERVICE
OUTSIDE DISPLAY
OUTSIDE DISPLAY
PROPOSED CANOPY
PARKING
PARKING
PROPOSED RAMP
PROPOSED SIDEWALK
PROPOSED DETENTION BASIN
NEW CAR DISPLAY
NEW CAR DISPLAY
TAYLOR STREET
HIGHWAY
LEGEND
DIMENSIONING NOTES

AGENDA ITEM #6

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

February 20, 2007

Willie Steele, Chairman

Jim Jacobs, Vice Chairman	**John Cernero, Commissioner**
Jason Bethel, Commissioner	**Kelsel Thompson, Commissioner**
John Nix, Commissioner	**Jason Sofey, Commissioner**
Lawrence Davis, Commissioner	**Steve Jones, Commissioner**

1804 U. S. Highway 75 North and 1917 North Travis Street
Lot 1, Block 1 of the James Plaza Addition and
a .44 acre tract in the J.B. McAnair Survey, Abstract No. 763
Specific Use Permit and Site Plan

Requested Action/Proposed Use:
Specific Use Permit and Site Plan Approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow automobile sales and repair in a C-1 (Retail Business) District and O.1 (75 & 82) Overlay District.

Adjacent Zoning:
R-1 (One and Two Family Residential) District, C-1 (Retail Business) District

Origination:
BJH Inc. and Grover Tuggle (Owners) and Vilbig and Associates (Engineers)

Considerations:
Master Plan Designation: Retail/Commercial

Number of notices mailed:
13

Objections Received:
0

Attachments:
Location map; Photographs; Site Plan; and Staff Review Letter

Prepared By:	**Approved By:**
Rita Gaither,	**Scott Shadden,**
Development Coordinator	**Developmental Services Director**

STAFF REVIEW LETTER

February 15, 2007

Brain Heiser
P.O. Box 1750
Sherman, Texas 75091

Grover Tuggle
1913 N. Travis
Sherman, Texas 75092

Dear Applicant,

The request for approval of a Specific Use Permit and Site Plan concerning the property located at 1804 U. S. North Highway 75 and 1917 North Travis, has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, February 20, 2007 at 6:00 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. Proposed fire lane is not acceptable. Additional fire lane needs to be installed closer to the building on the east and south sides of the structure, running from the north fire lane on the east side to connect to the west fire lane via the south side of the structure. Please contact the Fire Marshal at (903) 892-7267 for clarification on this requirement.
2. If the proposed building is 30 feet in height or greater, then a 26 feet wide fire lane is required along the proposed north side of the structure per the above stated code sections D105.1, D105.2 and D105.3. It shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to the entire north side of the building.
3. Provide the minimum required fire flow and flow duration for the proposed building per Appendix B of the 2003 ICC fire codes.
4. Provide the minimum number and distribution of fire hydrants for this proposed structure.
5. Temporary sales office may not be used for automobile repairs.
6. Existing water and sewer shall be shown along with easements. Permanent structures shall not be constructed within dedicated utility easements.
7. Provide drainage plan including detention.
8. A corrected site plan needs to be submitted.
9. The location of the drive access for this tract to U.S. Highway 75 is not ideal considering the nearby location of the drive entrance to the north. This entrance will be allowed by TxDOT under the stipulation that the owner will make all efforts to work with the

property owners to the north as their property develops to provide a joint access drive and cross access easements.

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

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

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

cc: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
TxDOT
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Vilbig and Associates

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. B.4

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5450
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Bob Utter (Owner), T-Mobile (Developer), and Re-Zoning, Inc. (Agent) to Allow a Telecommunication Tower in a C-2 (General Commercial) District and the O-1 (75 & 82) Overlay District at 2525 Texoma Parkway; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

Issue
To consider a Specific Use Permit to Bob Utter (Owner), T-Mobile (Developer), and Re-Zoning, Inc. (Agent) concerning the property located at 2525 Texoma Parkway to allow a telecommunication tower in a C-2 (General Commercial) District and the O-1 (75 & 82) Overlay District

Background
The property is located at the corner of Texoma Parkway and U. S. Highway 82 East. Mr. Utter would like to lease the property behind the Bob Utter Ford to T-Mobile to erect a monopole telecommunications tower. The lease agreement is for 30 years.

Origination
Bob Utter (Owner), T-Mobile (Developer), and Re-Zoning, Inc. (Agent)

Board Recommendation
At the February 20, 2007 regular meeting, the Planning and Zoning Board voted 8/0 to recommend to the City Council that the Specific Use Permit be approved subject to the staff review letter.

Attachments
Ordinance No. 5450
Location Map
Photograph
Site Plan
P&Z Communication Form
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager

ORDINANCE NO. 5450

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO BOB UTTER (OWNER), T-MOBILE (DEVELOPER), AND RE-ZONING, INC. (AGENT) TO ALLOW A TELECOMMUNICATION TOWER IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND THE O-1 (75 & 82) OVERLAY DISTRICT AT 2525 TEXOMA PARKWAY; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000; 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 zoning and planning commission and the city council, in accordance with the state law, and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this specific use permit; and

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

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

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

SECTION 1. That from and after the passage of this ordinance, Bob Utter (Owner) T-Mobile (Developer) and Re-Zoning, Inc. (Agent) is granted a Specific Use Permit to Allow a Telecommunication Tower in a C-2 (General Commercial) District and O-1 (75 & 82) Overlay District at 2525 Texoma Parkway, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

> **BEING** a 9.957 acre tract and being all that certain lot, tract or parcel of land situated in the R. Hendrix Survey, Abstract No. 504, City of Sherman, Grayson County, Texas, and being all of a called 3.40 acre tract, all of a called 1.501 acre tract, all of a called 0.2312 acre tract and all of a called 1.031 acre tract described as Tracts One, Two, Three and Four, respectively, in a deed from 3B Realty, Ltd. To Utter Properties, Ltd. As recorded in Volume 4067, Page 504, Deed Records of Grayson County, Texas; and all of a called 1.87 acre tract described in a deed from Walker-Robinson, Inc. to Robert S. Utter as recorded in Volume 2460, Page

457, Deed Records of Grayson County, Texas; and all of a called 2.11 acre tract described in a deed from Alcoholic Services of Texoma, Inc. to Robert S. Utter as recorded in Volume 3177, Page 485, Deed Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a ½ inch iron rod found at the southeast corner of said 2.11 acre tract, for a corner;

THENCE N 86°25’11” W along the south lines of said 2.11 acre tract, said Tract Four and said 1.87 acre tract a distance of 803.53 feet to a 3/8 inch iron rod found at the southwest corner of said 1.87 acre tract, on the east line of Texoma Parkway (State Highway No. 91), for a corner;

THENCE N 28°32’33” E along the west lines of said 1.87 acre tract, said Tract One and said Tract Two, and along the east line of said Texoma Parkway a distance of 613.31 feet to a concrete monument at the southerly most northwest corner of said Tract Two, for a corner;

THENCE N 65°43’13” E along the northwest line of said Tract Two a distance of 127.56 feet to a concrete monument at the northerly most northwest corner of said Tract Two, on the south line of East Buck Owens Freeway (U.S. Highway No. 82), for a corner;

THENCE S 76°21’52” E along the north lines of said Tract Two and said Tract Three, and along the south line of said East Buck Owens Freeway a distance of 561.28 feet to a ½ inch iron rod found at the northeast corner of said Tract Three, for a corner;

THENCE S 04°14’28” W along the east lines of said Tract Three and said Tract One a distance of 240.86 feet to a fence corner post set in concrete at the southeast corner of said Tract One and the northeast corner of said 2.11 acre tract, for a corner;

THENCE S 26°39’38” W along the east line of said 2.11 acre tract a distance of 300.87 feet to the point of beginning and containing 9.957 acres of land.

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

1. Any and all driving and parking surfaces shall have a concrete or asphalt surface.
2. Gate to the facility must have a knox pad lock. If structures have metal doors, then a knox box must be installed at the site for access into the buildings. Contact the fire Marshal at (903) 892-7267 for help in obtaining these items.
3. Appropriate signage for hazards and contact information must be located at the site and visible at all times. Contact the Fire Marshall for direction on this.
4. Appropriate fire extinguishers will be required to be located and maintained at this site.

5. All aspects of the Telecommunications antennas and towers ordinance shall be followed.
6. All aspects of the O-1 (75-82) Overlay District shall be followed.
7. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

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

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

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

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

INTRODUCED on this the _____________ day of _________________, 2007.

ADOPTED on this the ________________ day of _________________, 2007.

EFFECTIVE DATE on this the _________ day of _________________, 2007.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ___________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

LEGEND

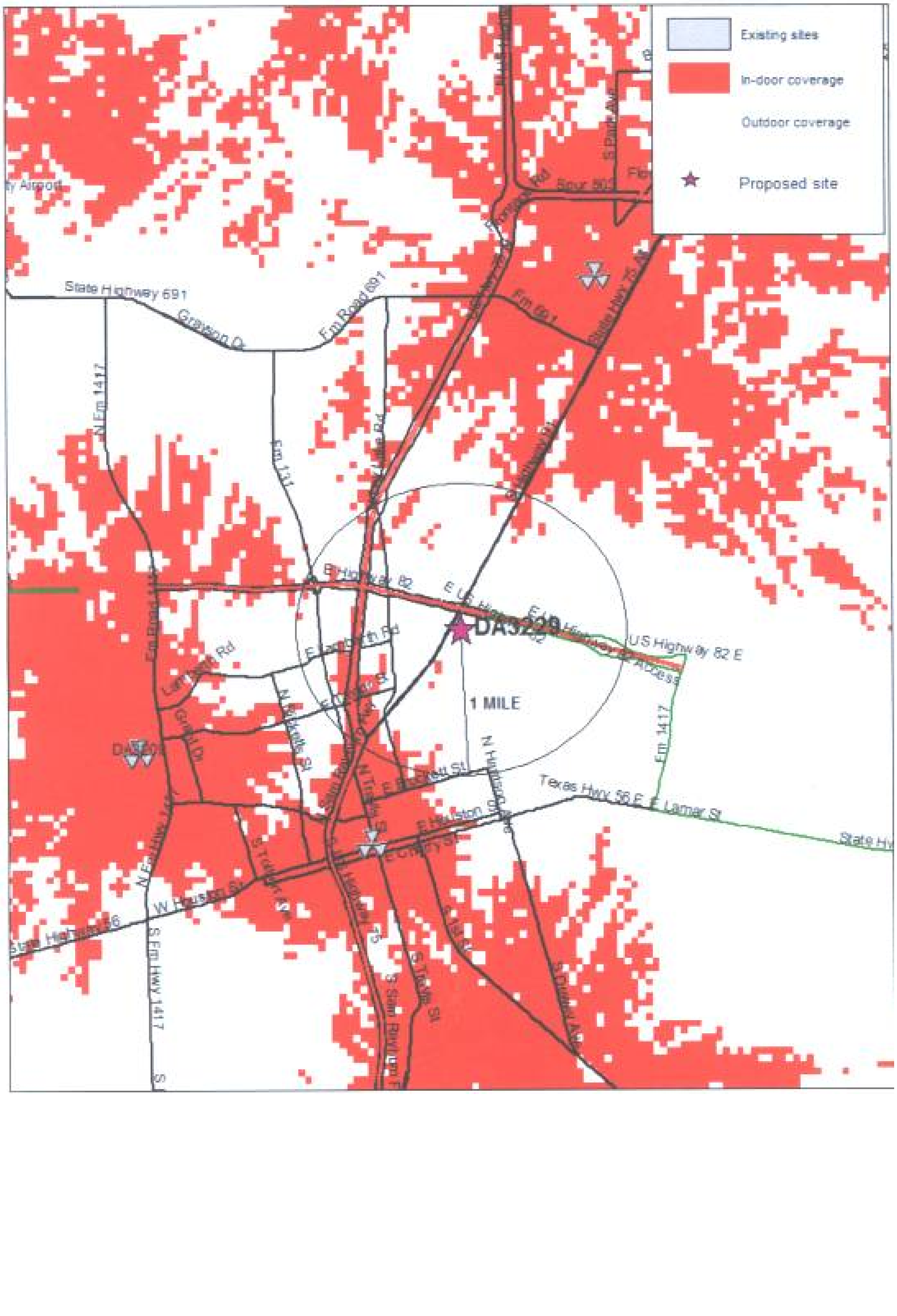
R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	M H	MANUFACTURED HOUSING DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT		BLALOCK INDUSTRIAL PARK
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	O-1	OVERLAY DISTRICT - 75 & 82
C-1	RETAIL BUSINESS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

City of Sherman
2525 TEXOMA PARKWAY
SPECIFIC USE PERMIT

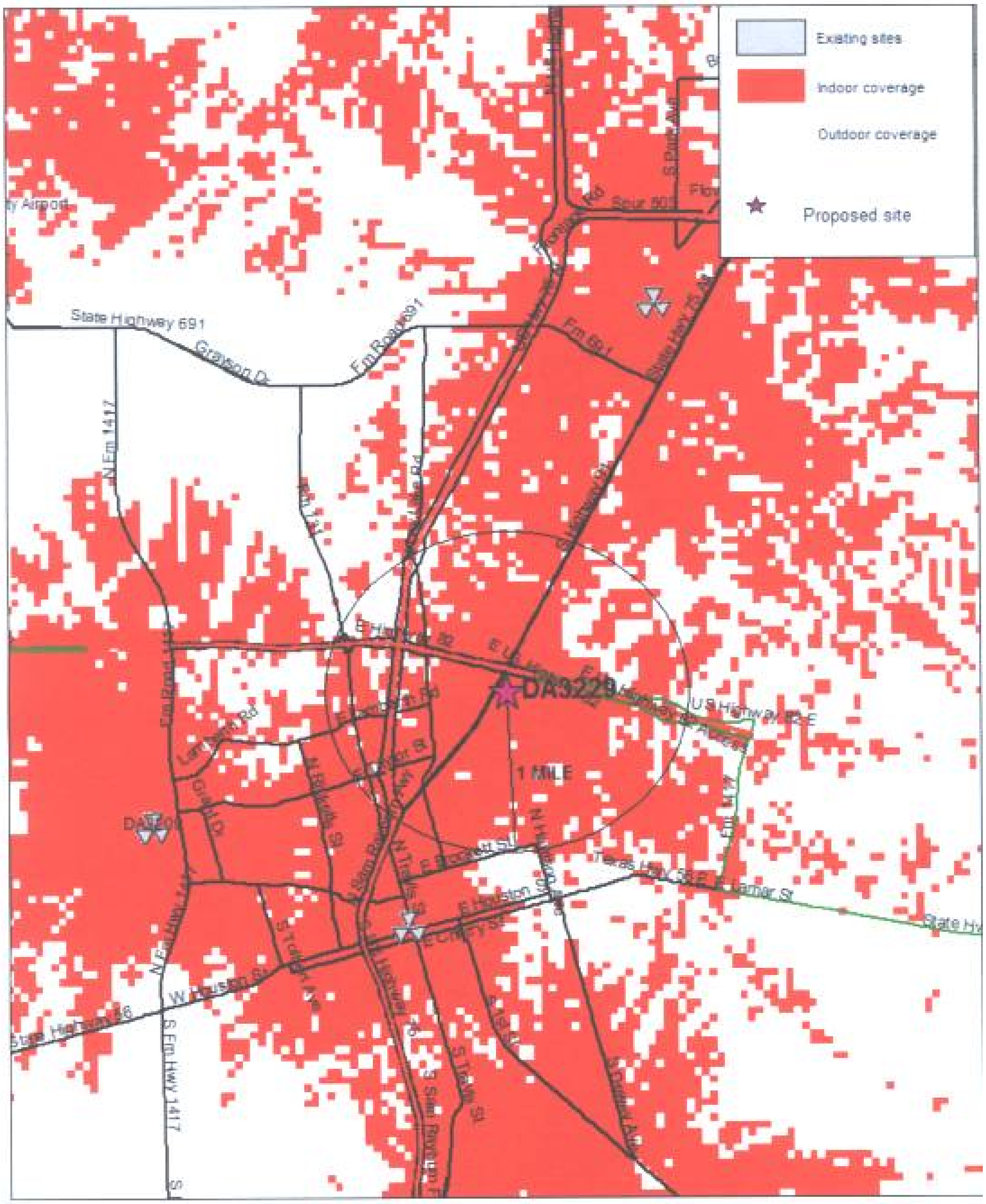
Department of Developmental Services

2525 Texoma Pky.

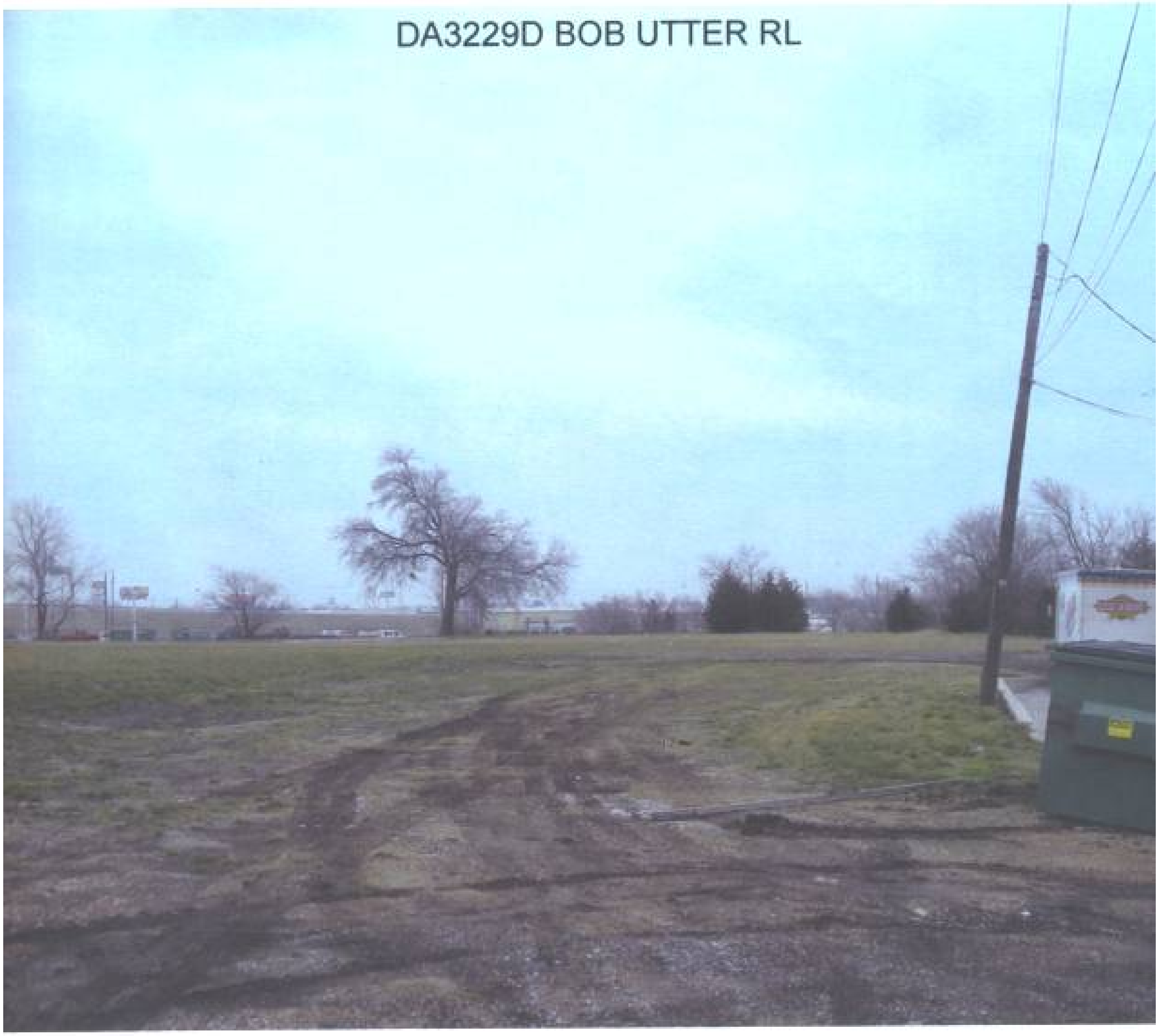
DA03229 Existing coverage

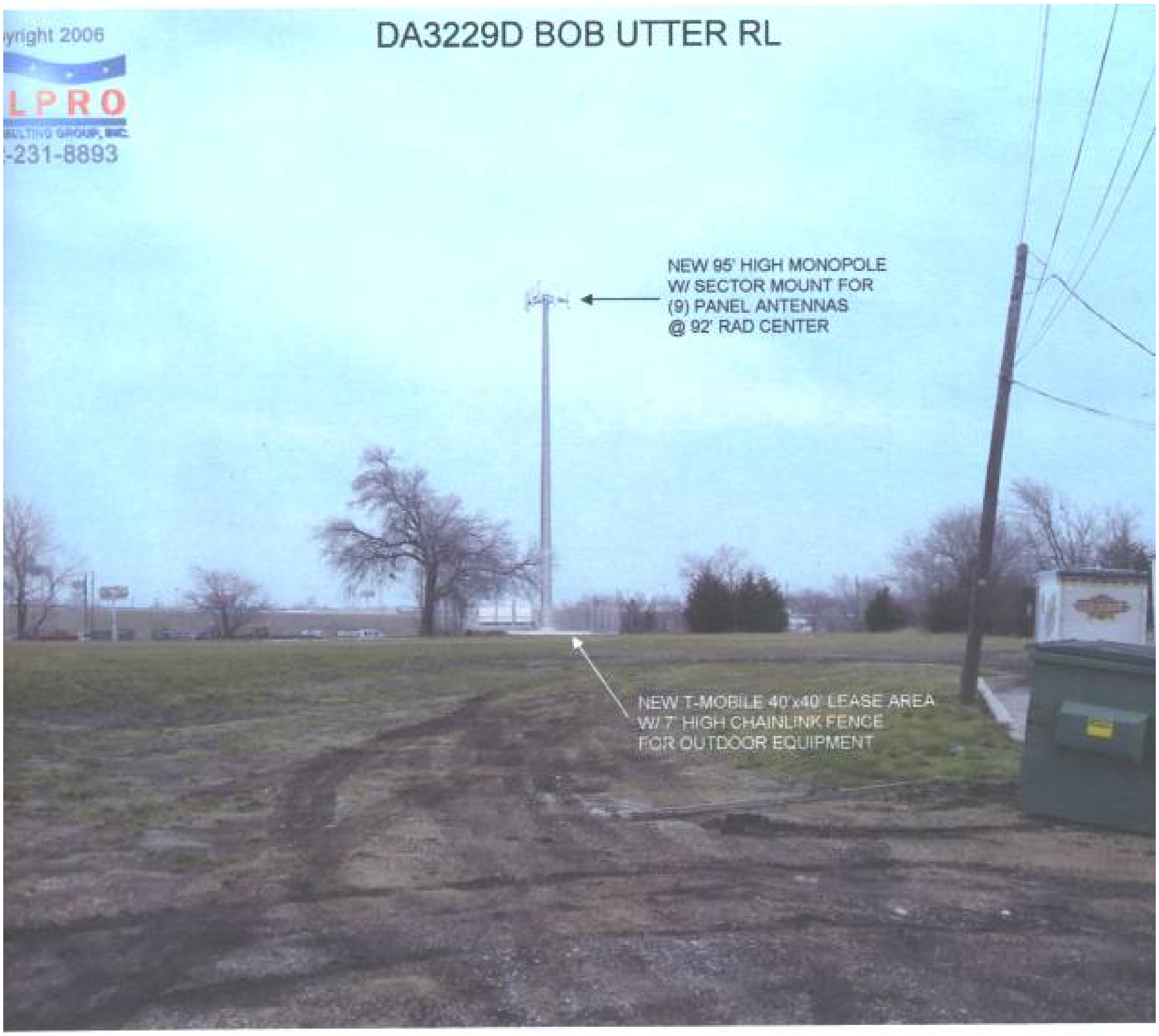


DA03229 on air coverage

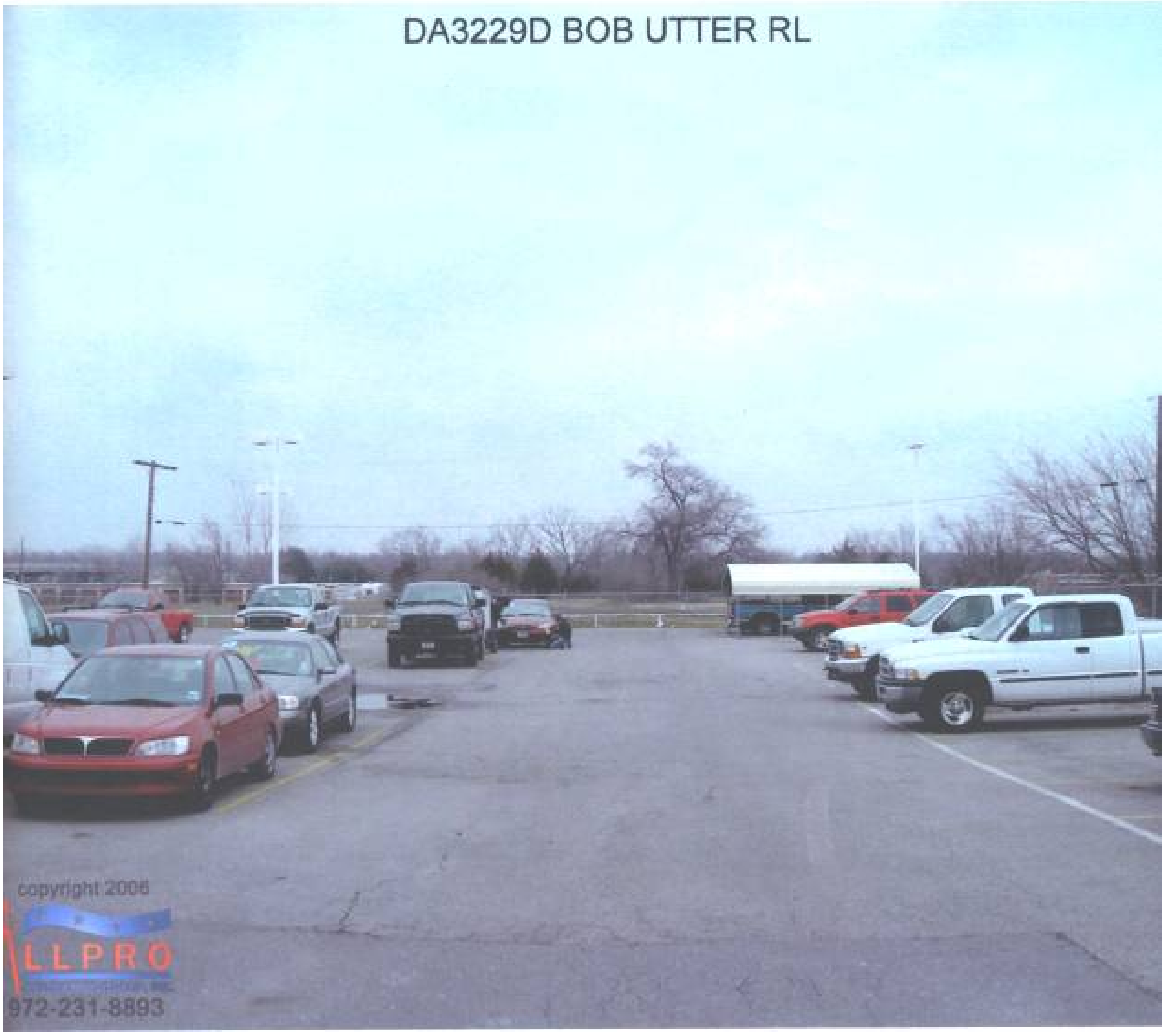


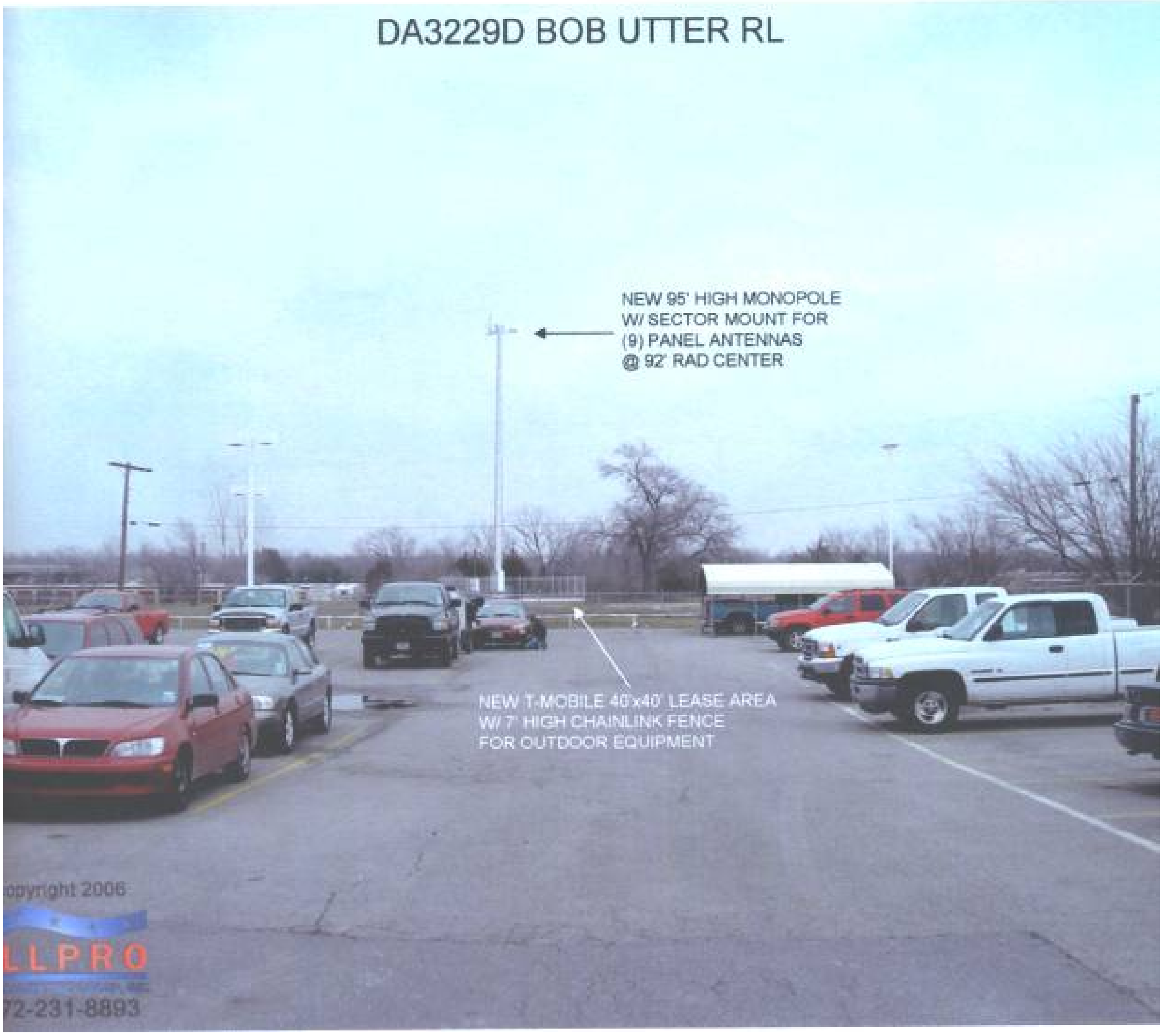

US HWY 82
EXOMA
ARKWAY
Scale: 1 inch = 120.0 feet
(c) Copyright


DA3229D BOB UTTER RL



yright 2006
LPRO
SULTING GROUP, INC.
-231-8893
DA3229D BOB UTTER RL
NEW 95' HIGH MONOPOLE
W/ SECTOR MOUNT FOR
(9) PANEL ANTENNAS
@ 92' RAD CENTER
NEW T-MOBILE 40'x40' LEASE AREA
W/ 7' HIGH CHAINLINK FENCE
FOR OUTDOOR EQUIPMENT


DA3229D BOB UTTER RL
copyright 2006
LLPRO
972-231-8893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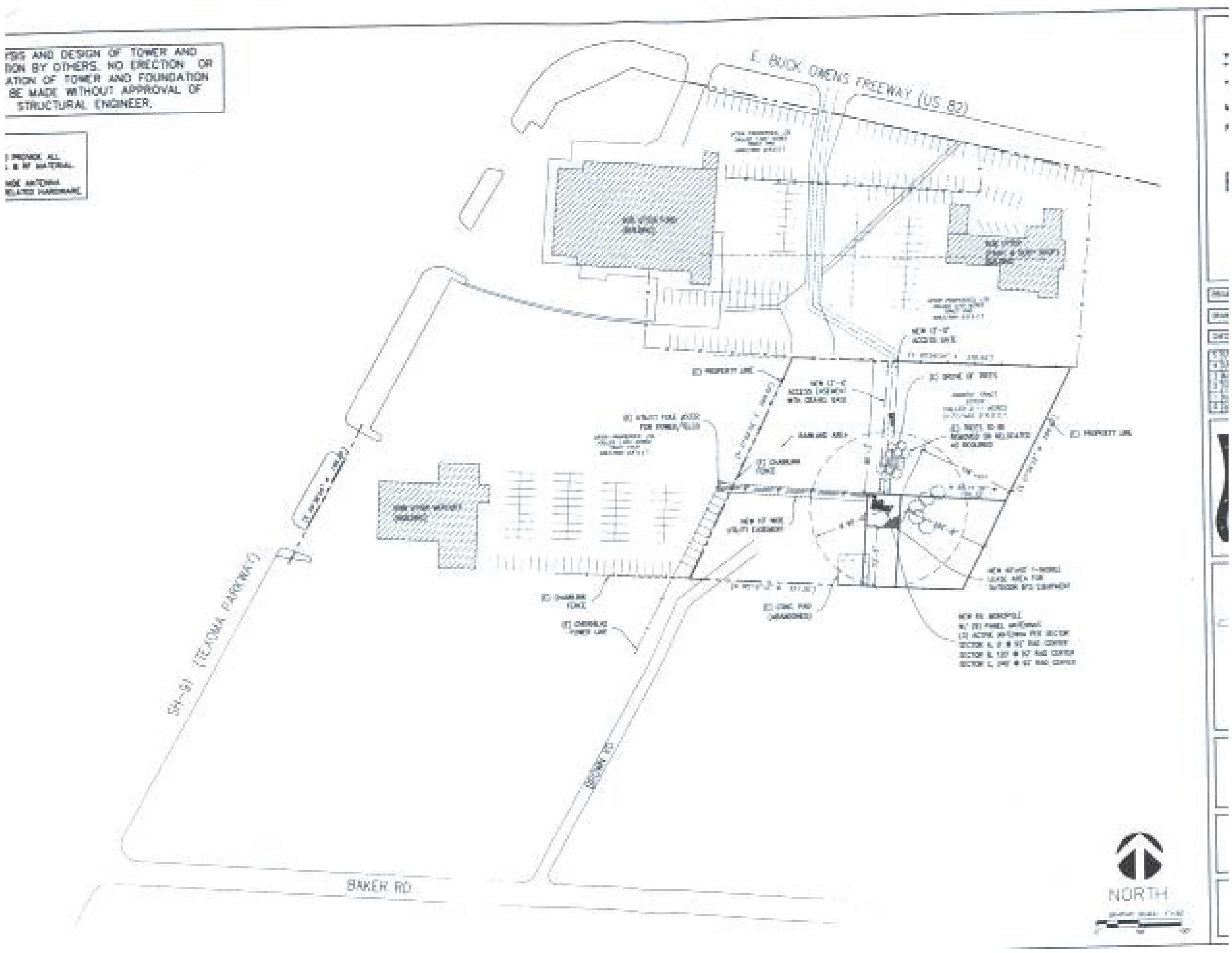
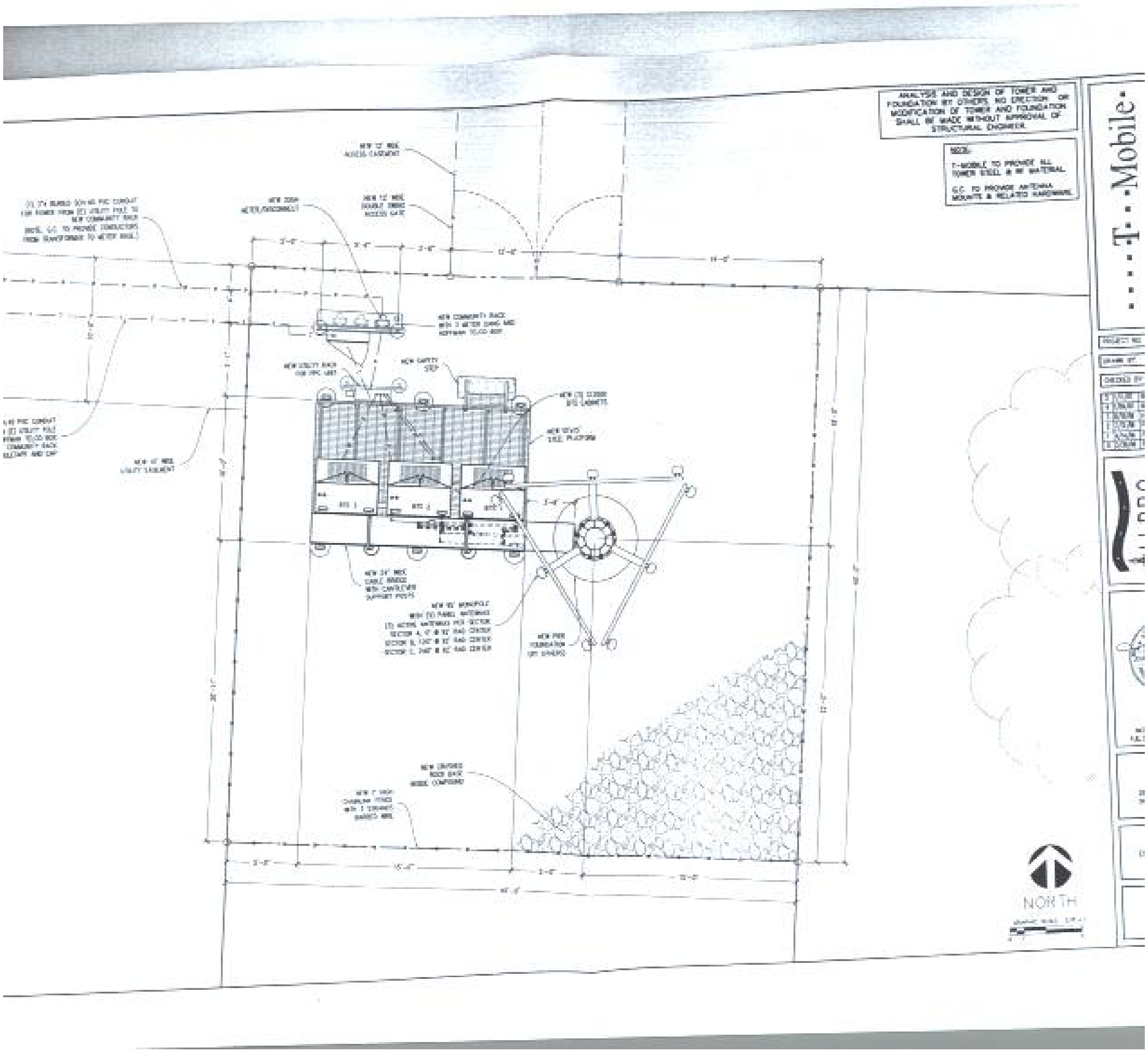
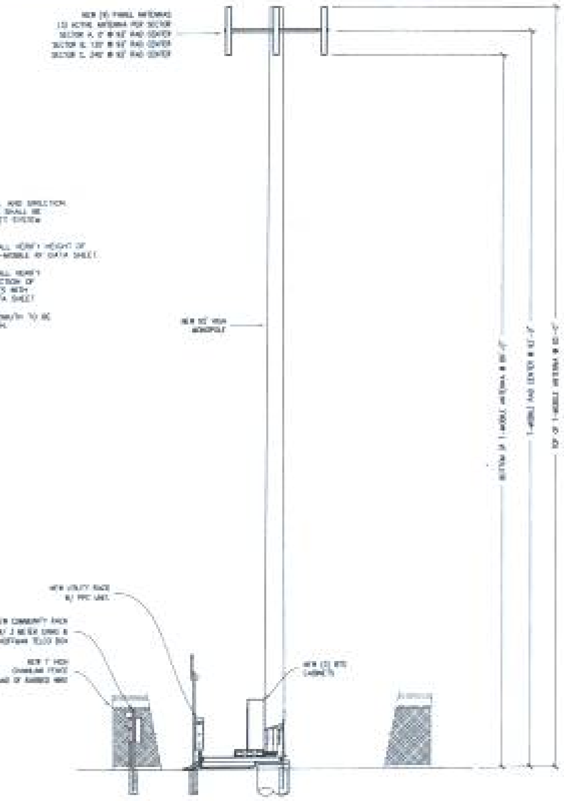


YSIS AND DESIGN OF TOWER AND
TION BY OTHERS. NO ERECTION OR
ATION OF TOWER AND FOUNDATION
BE MADE WITHOUT APPROVAL OF
STRUCTURAL ENGINEER.
E. BUCK OWENS FREEWAY (US 82)
(E) PROPERTY LINE
(E) CHAINLINK FENCE
(E) OVERHEAD POWER LINE
(E) CONC. PAD (ABANDONED)
SH-91 (TEXOMA PARKWAY)
BAKER RD
NORTH


ANALYSIS AND DESIGN OF TOWER AND FOUNDATION BY OTHERS. NO ERECTION OR MODIFICATION OF TOWER AND FOUNDATION SHALL BE MADE WITHOUT APPROVAL OF STRUCTURAL ENGINEER.
NOTE:
T-MOBILE TO PROVIDE ALL TOWER STEEL & RF MATERIAL.
G.C. TO PROVIDE ANTENNA MOUNTS & RELATED HARDWARE.
T · · Mobile ·
NORTH

ANALYSIS AND DESIGN OF TOWER AND FOUNDATION BY OTHERS. NO ERECTION OR MODIFICATION OF TOWER AND FOUNDATION SHALL BE MADE WITHOUT APPROVAL OF STRUCTURAL ENGINEER.



NOTES:

1.) THE SIZE, HEIGHT, AND DIRECTION OF THE ANTENNA SHALL BE ADJUSTED TO MEET SYSTEM REQUIREMENTS.

2.) CONTRACTOR SHALL VERIFY HEIGHT OF ANTENNA WITH T-MOBILE RF DATA SHEET.

3.) CONTRACTOR SHALL VERIFY HEIGHT AND DIRECTION OF MICROWAVE DISHES WITH T-MOBILE RF DATA SHEET.

4.) ALL ANTENNA AZIMUTH TO BE FROM TRUE NORTH.

ELEVATION
LOOKING EAST

COAX CABLE IDENTIFICATION

CONTRACTOR MUST PROVIDE EASY IDENTIFICATION AND UNIFOR[...] OF ANTENNA CABLING, PER THE FOLLOWING INSTRUCTIONS:

1. LOCATION: MARKINGS SHALL BE MADE USING COLOR TAPE [...] COVERAGE AFFIXED AT THREE PLACES ON THE COAX CABLE AS FOLLOWS:

FIRST: ON THE COAX AT THE CONNECTOR NEAREST THE ANTENNA (WHERE THE COAX AND JUMPER ARE CONNEC[...]

SECOND – AT THE BASE OF THE TOWER STRUCTURE. (FOR TOWERS ONLY)

THIRD – AT A POINT OUTSIDE THE BTS (JUST PRIOR TO [...]

2. SECTOR IDENTIFICATION: NORMALLY A SITE WILL HAVE UP T[...] THREE SECTORS. SECTORS SHALL BE DESIGNATED IN A CLOCKWISE MANNER. THE ALPHA SECTOR IS CLOSEST TO ZERO DEGREES (NORTH). THE BETA AND GAMM[...] FOLLOW CLOCKWISE IN SEQUENCE.

ALPHA SECTOR – RED
BETA SECTOR – BLUE
GAMMA SECTOR – WHITE

SEE SHEET C-3

3. OMNI IDENTIFICATION: FOR OMNI SITES, WHICH NORMALLY C[...] OF THREE ANTENNA, IT IS SUGGESTED THAT THE ORIENTAT[...] THE OBSERVER ALSO BE THAT OF LOOKING IN A NORTHER[...]

COAX CABLE
IDENTIFICATION CHART

COAX BEND TABLE				
CABLE SIZE	ANDREW CABLE TYPE #	MANUF. MIN BEND RADIUS	HANGER ANDREW CAT. #	CABLE T[...] CABLE SPACING
1/2"	LDF4-50A	5"	206706-1	1/2"
7/8"	LDF5-50A	10"	206706-2	1/2"
1-5/8"	LDF7-50A	20"	206706-4	1/2"
1/2"	FSJ4-50B	1-1/4"	206706-1	1/2"

NOTE: PM/RF ENGINEER TO VERIFY

COAXIAL CABLE TABLE				
SECTOR	AZIMUTH	CABLE LENGTH	CABLE SIZE	LO[...]
A	0°	130'	7/8"	1
B	120°	130'	7/8"	1
C	240°	130'	7/8"	1

(MAXIMUM 18 LINES, 2 LINES PER SECTOR)
TOTAL COAX LENGTH: 2,340'±

COAX
SPECIFICATION TABLE

AGENDA ITEM #15

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
February 20, 2007
Willie Steele, Chairman

2525 Texoma Parkway
9.957 acres in the R. Hendrix Survey, Abstract No. 504
Specific Use Permit

Requested Action/Proposed Use:
Specific Use Permit and Site Plan Approval under Ordinance No. 2280, Section 8 to allow a Telecommunication Tower in a C-2 (General Commercial) District.

Adjacent Zoning:
C-2 (General Commercial) District

Origination:
Bob Utter (Owner), T-Mobile (Developer) and Re-Zoning, Inc. (Agent)

Considerations:
Master Plan Designation: Retail/Commercial

Number of notices mailed:
13

Objections Received:
0

Attachments:
Location map
Photographs
Site Plan
Staff Review Letter

Prepared By:	**Approved By:**
Rita Gaither,	**Scott Shadden,**
Development Coordinator	**Developmental Services Director**

STAFF REVIEW LETTER

February 15, 2007

Bob Utter
2525 Texoma Parkway
Sherman, Texas 75090

Dave Kirk
Re/Zoning Inc.
3708 Bishop Hill
Carrolton, Texas 75007

Dear Applicants,

The request for approval of the Specific Use Permit and Site Plan, for the property located at 2525 Texoma Parkway has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, February 20, 2007 at 6:00 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. Any and all driving and parking surfaces shall have a concrete or asphalt surface.
2. Gate to the facility must have a knox pad lock. If structures have metal doors, then a knox box must be installed at the site for access into the buildings. Contact the fire Marshal at (903) 892-7267 for help in obtaining these items.
3. Appropriate signage for hazards and contact information must be located at the site and visible at all times. Contact the Fire Marshall for direction on this.
4. Appropriate fire extinguishers will be required to be located and maintained at this site.
5. All aspects of the Telecommunications antennas and towers ordinance shall be followed.
6. All aspects of the O-1 (75-82) Overlay District shall be followed.
7. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

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

cc: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
T-Mobile Texas, LP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. B.5

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5451
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Shafer Plaza XX LTD (Owner), Dean Gilbert Jr. (Representative), to Allow Patio Homes in an SF-1 (Single Family Residential) District in the 2400 Block of West Lamberth Road; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

Issue
To consider a Specific Use Permit to Shafer Plaza XX LTD (Owner), Dean Gilbert Jr. (Representative), concerning the property located in the 2400 Block of West Lamberth Road, to allow patio homes in an SF-1 (Single Family Residential) District

Background
The property is located on West Lamberth Road west of F. M. 1417 North in the O'Hanlon Ranch Estates Subdivision. The prospective buyer would like to construct patio homes on this tract, which requires a Specific Use Permit.

Origination
Shafer Plaza XX LTD (Owner), Dean Gilbert Jr. (Representative), and Sartin and Associates, Inc. (Surveyors)

Board Recommendation
At the February 20, 2007 regular meeting, the Planning and Zoning Board voted 7/1 to recommend to the City Council that the Specific Use Permit be approved subject to the staff review letter. Planning and Zoning Commissioner Cernero voted against the Specific Use Permit.

Attachments
Ordinance No. 5451
Location Map
Photograph
Site Plan
P&Z Communication Form
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager

ORDINANCE NO. 5451

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO SHAFER PLAZA XX LTD (OWNER), DEAN GILBERT JR. (REPRESENTATIVE), TO ALLOW PATIO HOMES IN AN SF-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT IN THE 2400 BLOCK OF WEST LAMBERTH ROAD; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000; 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 zoning and planning commission and the city council, in accordance with the state law, and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this specific use permit; and

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

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

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

SECTION 1. That from and after the passage of this ordinance, Shafer Plaza XX LTD (Owner) and Dean Gilbert Jr. (Representative) is granted a Specific Use Permit to allow patio homes in an SF-1 (Single Family Residential) District in the 2400 Block of West Lamberth Road, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

> **SITUATED** in the County of Grayson, State of Texas, being a part of the Fielding Bacon Survey, Abstract No. 120, and the Elijah Hartzog Survey, Abstract No. 540, being a part of a 112.66 acre tract of land conveyed by George A. O'Hanlon, Trustee to Shafer Plaza XX, Ltd. by deed dated February 15, 2000, recorded in Volume 2891, Page 658, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to wit:

BEGINNING at a found ½ inch rebar maintaining the most Southerly Southwest corner of said 112.66 acre tract, the Southeast corner of a 22.734 acre tract of land conveyed by American Bank of Texas to Charles H. Fellenbaum and Rosario C. Fellenbaum by deed dated December 23, 1993, recorded in Volume 2310, Page 397, Real Property Records, Grayson County, Texas at the center line intersection of the original location of a public road known as Lamberth Road;

THENCE North 12 deg. 48 min. 57 sec. West, with an East line of said 22.734 acre tract, at a distance of 30.12 feet passing a found spike nail maintaining the Southeast corner of a 17.507 acre tract of land previously conveyed out of said 22.734 acre tract by deed from Charles H. Fellenbaum and Rosario C. Fellenbaum to Blue Coral Investments, Ltd., dated September 19, 1996, recorded in Volume 2494, Page 772, Official Public Records, Grayson County, Texas, and continuing with an East line of said 17.507 acre tract, at a distance of 94 feet with the center of said Lamberth Road, passing the most Easterly Northeast corner of both said 17.507 acre tract, and 22.734 acre tract, the Southeast corner of a 2.000 acre tract of land conveyed by American Bank of Texas to Frank Patrick, et ux by deed dated December 28, 1993, recorded in Volume 2310, Page 912, Real Property Records, Grayson County, Texas and continuing with the East line of said 2.000 acre tract for a total distance of 930.48 feet to a set ½ inch rebar for the most Westerly Southwest corner of a 4.014 acre tract of land dedicated for new location of a portion of a public road known as Lamberth Road in Dedicatory Certificate of record in Volume 2816, Page 691, Official Public Records, Grayson County, Texas;

THENCE in a Northeasterly, and Southeasterly direction with the South right-of-way line of said new location of Lamberth Road, the following calls and distances:

North 77 deg. 08 min. 15 sec. East, a distance of 25.00 feet to a set ½ inch rebar;

North 54 deg. 40 min. 52 sec. East, a distance of 19.10 feet to a set ½ inch rebar;

With a curve to the right having a radius of 807.50 feet, (chord bears South 54 deg. 44 min. 48 sect. East, 60.37 ft.), a distance of 60.37 feet to a set ½ inch rebar at the end of said curve;

With a curve to the right having a radius of 1057.50 feet, (chord bears South 46 deg. 03 min. 29 sec. East, 241.14 ft.), a distance of 241.67 feet to a set ½ inch rebar at the end of said curve;

South 39 deg. 30 min. 40 sec. East, a distance of 224.94 feet to a set ½ inch rebar;

With a curve to the left having a radius of 992.50 feet, (chord bears South 52 deg. 42 min. 45 sec. East, 453.33 ft.), a distance of 457.36 feet to a set ½ inch rebar at the end of said curve;

South 11 deg. 49 min. 16 sec. East, a distance of 149.33 feet to a set ½ inch rebar in the center of the original location of Lamberth Road, and on the most Southerly South line of said 112.66 acre tract, the North line of a 6.85 acre tract of land conveyed by American Bank of Texas to Dennis Wyatt by deed dated March 31, 1994, recorded in Volume 2327, Page 531, Real Property Records, Grayson County, Texas;

THENCE South 77 deg. 49 min. 58 sec. West, with the center of the original location of said Lamberth Road, and with the most Southerly South line of said 112.66 acre tract, the North line of said Wyatt 6.85 acre tract, Texas, leaving said Lamberth Road at a turn to the North, passing the Northwest corner of said 6.85 acre tract, and continuing for a total distance of 604.43 feet to the place of beginning, and containing 7.53 acres of land more or less.

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

1. The site plan is preliminary in nature and a more detailed site plan will need to be presented in the future.
2. If the subdivision is to be developed with private streets the following items shall be considered and reviewed in more detail prior to the final plat and the developer shall agree to provide the city a copy of an agreement with these terms:
    a) Streets shall be built under the same standards and guidelines as if they were public streets.
    b) A subdivision developed with private streets must have a mandatory property owners association which includes all property served by private streets. This association shall be responsible for the maintenance of the private streets and appurtenances.
    c) The street itself must be a lot owned by the association and must provide an easement to the city and all utility providers for access.
    d) The city shall not pay for any portion of the cost of construction or maintaining private streets. All other requirements and fees related to development are still applicable and must be paid by the developer.
    e) Entrances to all private streets must be manned 24 hours a day or must provide an alternative means of ensuring access to the subdivision by the city and other utility service providers with appropriate identification.
    f) There shall be language on the final plat, property deeds and property owner association documents that cover items such as a waiver of certain city services such as routine police patrols, enforcement of traffic and parking ordinances and preparation of accident reports.
        a. There shall also be a clause to allow the association to request the City to accept the streets as public streets in the future.
        b. There shall also be Hold Harmless language on the subdivision plat whereby the Property Owners Association shall release the city, governmental entities and public utilities for damage and injuries.
3. All cul-de-sac turning radii must be one hundred feet (100’).
4. Meet all requirements of Appendix D, Fire Apparatus Access Roads, per the 2003 ICC Fire Codes.

5. Provide the minimum number and distribution of fire hydrants as required per Appendix C of the 2003 ICC fire codes.
6. No hydrants shall be located in the bulb of the cul-de-sac or alcoves.
7. All requirements of the patio home ordinance shall be followed.
8. A plat is required to be recorded on this property.
9. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

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

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

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

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

INTRODUCED on this the ______________ day of __________________, 2007.

ADOPTED on this the _________________ day of __________________, 2007.

EFFECTIVE DATE on this the _________ day of __________________, 2007.

CITY OF SHERMAN, TEXAS

BY: ________________________________

BILL MAGERS, MAYOR

ATTEST:

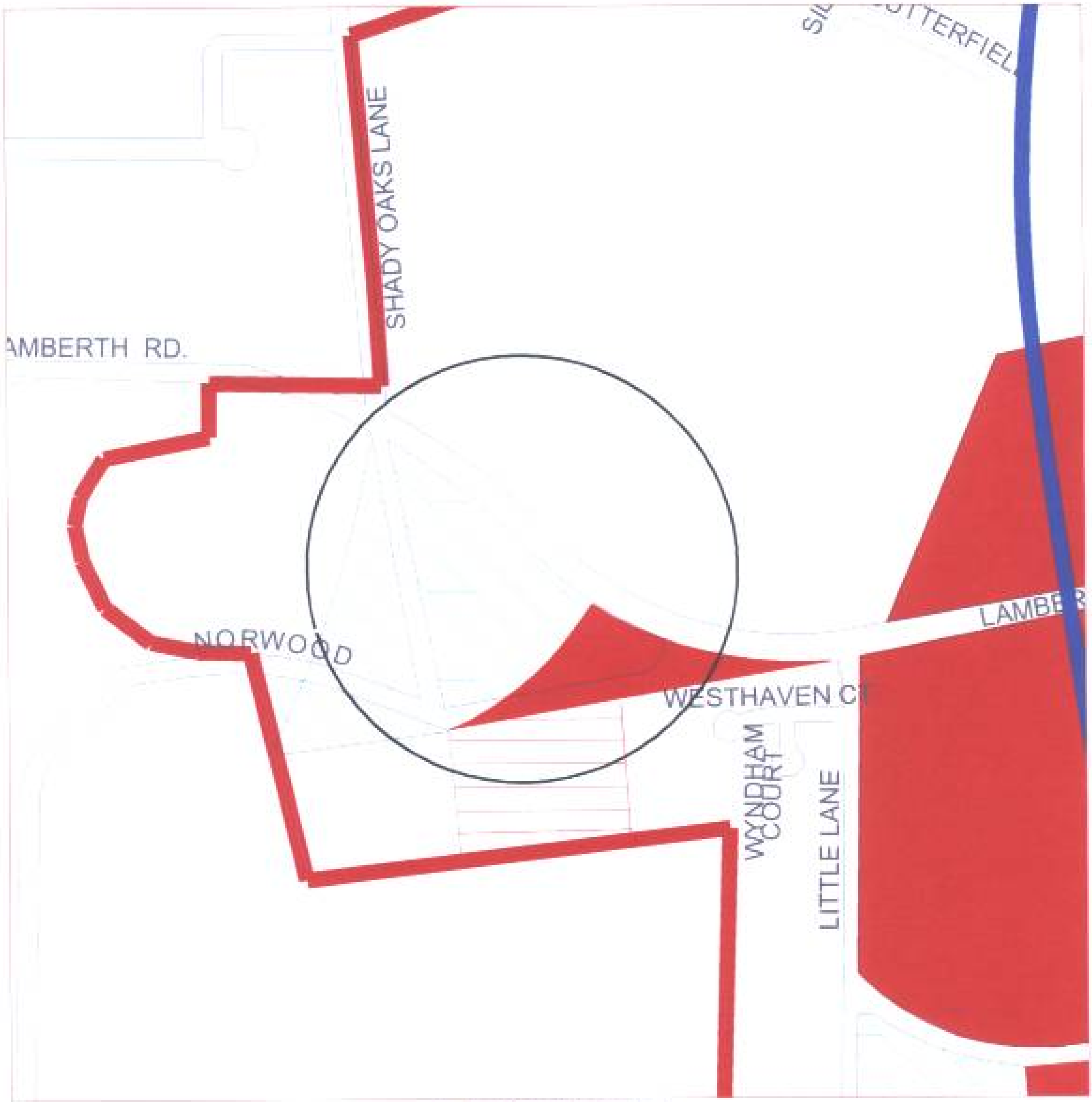
BY: ______________________________________

LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____

DOREEN E. MCGOOKEY,
CITY ATTORNEY



LEGEND

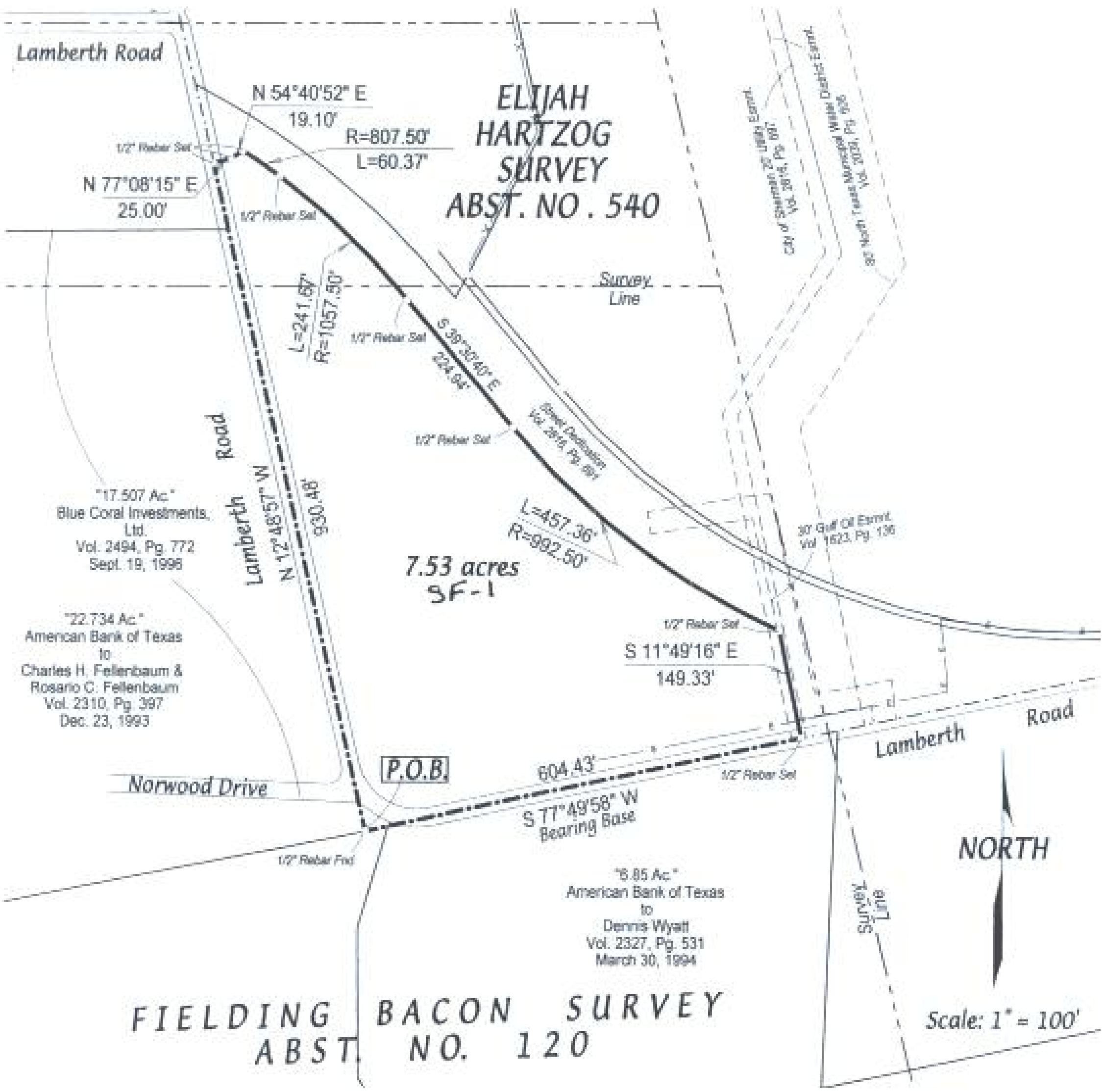
R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	M H	MANUFACTURED HOUSING DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT		BLALOCK INDUSTRIAL PARK
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	O-1	OVERLAY DISTRICT - 75 & 82
C-1	RETAIL BUSINESS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

City of Sherman
2400 BLK OF WEST LAMBERTH
SPECIFIC USE PERMIT

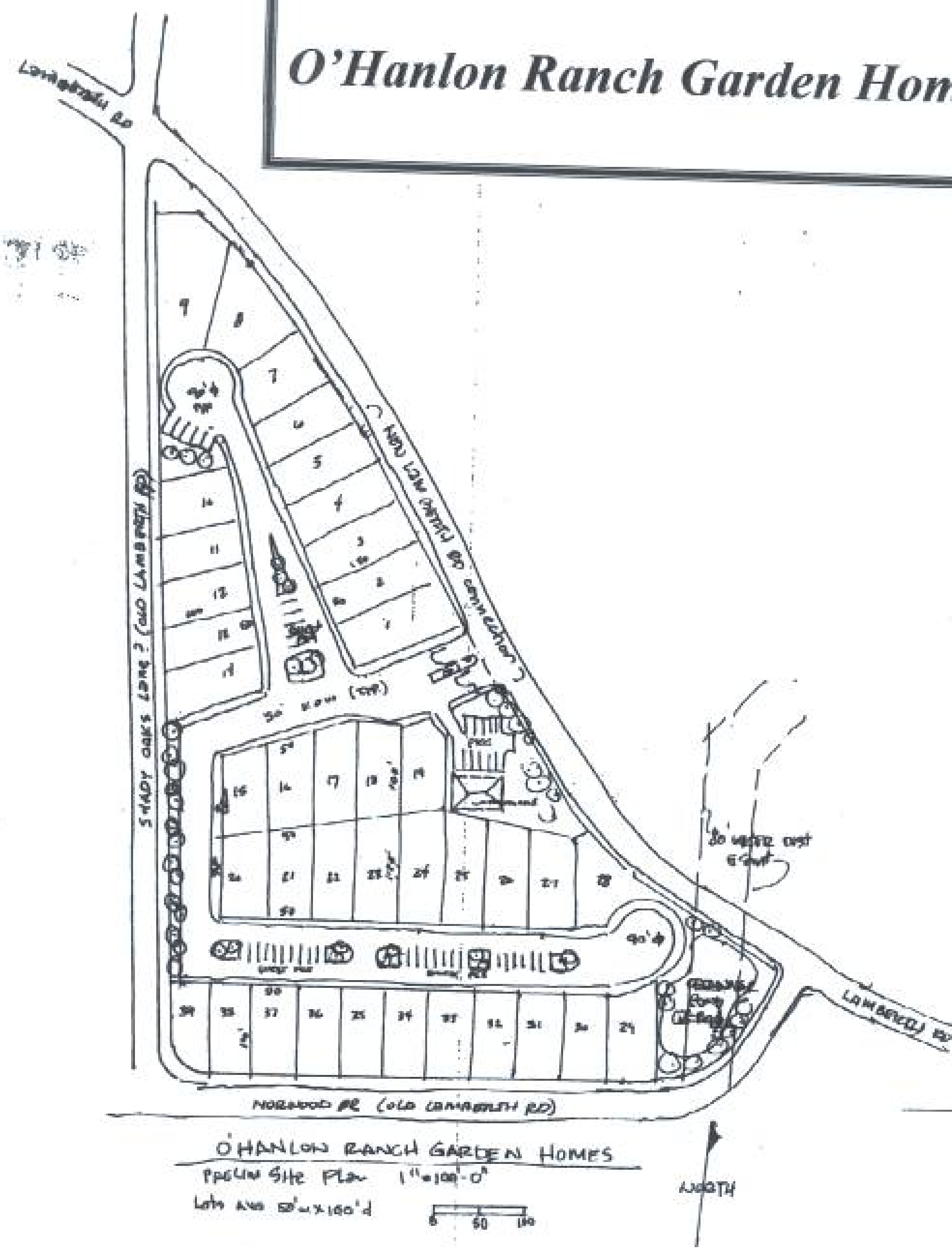
Department of Developmental Services


Scale: 1 inch = 200.0 feet
(c) Copyright 2006,

2300-2400 W. Lamberth 2.


Lamberth Road
N 54°40'52" E
19.10'
R=807.50'
L=60.37'
ELIJAH
HARTZOG
SURVEY
ABST. NO . 540
1/2" Rebar Set
N 77°08'15" E
25.00'
1/2" Rebar Set
Survey
Line
L=241.67'
R=1057.50'
1/2" Rebar Set
S 39°30'40" E
224.94'
1/2" Rebar Set
Street Dedication
Vol. 2616, Pg. 691
Lamberth Road
N 12°48'57" W
930.48'
"17.507 Ac."
Blue Coral Investments,
Ltd.
Vol. 2494, Pg. 772
Sept. 19, 1996
L=457.36'
R=992.50'
7.53 acres
SF-1
30' Gulf Oil Esmnt.
Vol. 1623, Pg. 136
"22.734 Ac."
American Bank of Texas
to
Charles H. Fellenbaum &
Rosario C. Fellenbaum
Vol. 2310, Pg. 397
Dec. 23, 1993
1/2" Rebar Set
S 11°49'16" E
149.33'
Lamberth Road
Norwood Drive
P.O.B.
604.43'
S 77°49'58" W
Bearing Base
1/2" Rebar Set
1/2" Rebar Fnd.
NORTH
"6.85 Ac."
American Bank of Texas
to
Dennis Wyatt
Vol. 2327, Pg. 531
March 30, 1994
Survey
Line
FIELDING BACON SURVEY
ABST. NO. 120
Scale: 1" = 100'

O'Hanlon Ranch Garden Homes



AGENDA ITEM #24

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

February 20, 2007

Willie Steele, Chairman

2400 Block of West Lamberth
7.53 acres in the Fielding Bacon Survey, Abstract No. 120
and Elijah Hartzog Survey, Abstract No. 540
Specific Use Permit

Action/Proposed Use:
Specific Use Permit and Site Plan Approval under Ordinance No. 2280, Section 8 (9) to allow Patio Homes in an SF-1 (Single Family Residential) District.

Adjacent Zoning:
R-1 (One and Two Family Residential) District and R-2 (Multi-Family Residential) District and C-1 (Retail Business) District

Origination:
Shafer Plaza XX LTD (Owner), Dean Gilbert, Jr. (Representative) Vilbig and Associates (Engineers) and Sartin and Associates, Inc. (Surveyors)

Considerations:
Master Plan Designation: Residential

Number of notices mailed:
39

Objections Received:
0

Attachments:
Location map, Photographs, Site Plats and Staff Review Letter

Prepared By:
Rita Gaither,
Development Coordinator

Approved By:
Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

February 15, 2007

Shafer Plaza XX LTD
% K.E. Andrews & Co.
PO Box 870849
Mesquite, TX 75187-0849

Dean Gilbert, Jr.
801 East Taylor
Sherman, Texas 75090

Dear Applicants,

The request for approval of a Specific Use Permit and Site Plan Approval in the 2400 Block of West Lamberth has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, February 20, 2007 at 6:00 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. The site plan is preliminary in nature and a more detailed site plan will need to be presented in the future.
2. If the subdivision is to be developed with private streets the following items shall be considered and reviewed in more detail prior to the final plat and the developer shall agree to provide the city a copy of an agreement with these terms:
   a) Streets shall be built under the same standards and guidelines as if they were public streets.
   b) A subdivision developed with private streets must have a mandatory property owners association which includes all property served by private streets. This association shall be responsible for the maintenance of the private streets and appurtenances.
   c) The street itself must be a lot owned by the association and must provide an easement to the city and all utility providers for access.
   d) The city shall not pay for any portion of the cost of construction or maintaining private streets. All other requirements and fees related to development are still applicable and must be paid by the developer.
   e) Entrances to all private streets must be manned 24 hours a day or must provide an alternative means of ensuring access to the subdivision by the city and other utility service providers with appropriate identification.
   f) There shall be language on the final plat, property deeds and property owner association documents that cover items such as a waiver of certain city services

such as routine police patrols, enforcement of traffic and parking ordinances and preparation of accident reports.

   a. There shall also be a clause to allow the association to request the City to accept the streets as public streets in the future.
   b. There shall also be Hold Harmless language on the subdivision plat whereby the Property Owners Association shall release the city, governmental entities and public utilities for damage and injuries.

3. All cul-de-sac turning radii must be one hundred feet (100’).
4. Meet all requirements of Appendix D, Fire Apparatus Access Roads, per the 2003 ICC Fire Codes.
5. Provide the minimum number and distribution of fire hydrants as required per Appendix C of the 2003 ICC fire codes.
6. No hydrants shall be located in the bulb of the cul-de-sac or alcoves.
7. All requirements of the patio home ordinance shall be followed.
8. A plat is required to be recorded on this property.
9. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

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

cc:
Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Sartin and Associates, Inc.
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Vilbig and Associates

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. B.6

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5452
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-O (Office) District in the 0-1.1 (1417 Overlay) District in the 2200-2800 Blocks of F. M. 1417 North and the 2300-2400 Blocks of West Lamberth Road (Shafer Plaza XX LTD, Owner)

Issue
To consider the request of Shafer Plaza XX LTD (Owner) concerning the property located in the 2200-2800 Blocks of F. M. 1417 North and the 2300-2400 Blocks of West Lamberth Road, from an R-1 (One and Two Family Residential) District and C-1 (Retail Business) District to a C-O (Office) District in the O-1.1 (1417 Overlay) District

Background
The property is located at the corner of West Lamberth Road and F. M. 1417 North. The prospective buyer would like to change the zoning for an office use.

Origination
Shafer Plaza XX LTD, (Owner); Dean Gilbert, Jr. (Representative); and Sartin and Associates (Surveyors)

Board Recommendation
At the February 20, 2007 regular meeting, the Planning and Zoning Board voted 7/1 to recommend to the City Council that the Zone Change be approved subject to the staff review letter. Planning and Zoning Commissioner Cernero voted against the zone change.

Attachments
Ordinance No. 5452
Location Map
Photograph
Site Plan
P&Z Communication Form
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager

ORDINANCE NO. 5452

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-O (OFFICE) DISTRICT IN THE O-1.1 (1417 OVERLAY) DISTRICT IN THE 2200-2800 BLOCKS OF F.M. 1417 NORTH AND THE 2300-2400 BLOCKS OF WEST LAMBERTH ROAD; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That from and after the passage of this ordinance, the following described property shall be in the C-O (Office) District in the O-1.1 (1417 Overlay) District, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING a 1.40 acre tract of land situated in the J.B. McNair Survey, Abstract 763, Grayson County, Texas and being a portion of that certain tract described in deed to Shafer Plaza XX LTD. as recorded in Volume 2891, Page 658, of the Deed Records, Grayson County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at the intersection for the north right of way line of Lamberth Road and the west right of way line of F.M. Highway No. 1417;

THENCE North 11°01’30” East, with said right of way line, a distance of 138.67 feet;

THENCE North 07°07’00” West, with said right of way line, a distance of 495.50 feet to the beginning of a curve to the right and a having a radius of 5789.58 feet;

THENCE Northerly a distance of 195.01 feet along the curve to the east, and a central angle of 1°55’48” to the POINT OF BEGINNING;

THENCE South 84°45’13” West, a distance of 221.18 feet;

THENCE South 82°42’14” West, a distance of 53.95 feet;

THENCE North 88°43’42” West, a distance of 9.70 feet to the beginning of a curve to the right;

THENCE westerly a distance of 86.90 feet along the curve to the north, having a radius of 725.00 feet and a central angle of 6°52’02”;

THENCE North 03°51’34” West, a distance of 156.14 feet;

THENCE North 85°57’44” East, a distance of 369.03 feet to a point in said right of way line and the beginning of a non-tangent curve to the left which the radius point bears North 86°25’27” East, 5789.58 feet;

THENCE with said right of way line and curve southerly an arc distance of 162.79 feet and a central angle of 1°36’40” to the Point of Beginning and containing 61,144 square feet or 1.40 acres of land.

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

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

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

INTRODUCED on this the _____________ day of _________________, 2007.

ADOPTED on this the ________________ day of _________________, 2007.

EFFECTIVE DATE on this the _________ day of _________________, 2007.

CITY OF SHERMAN, TEXAS

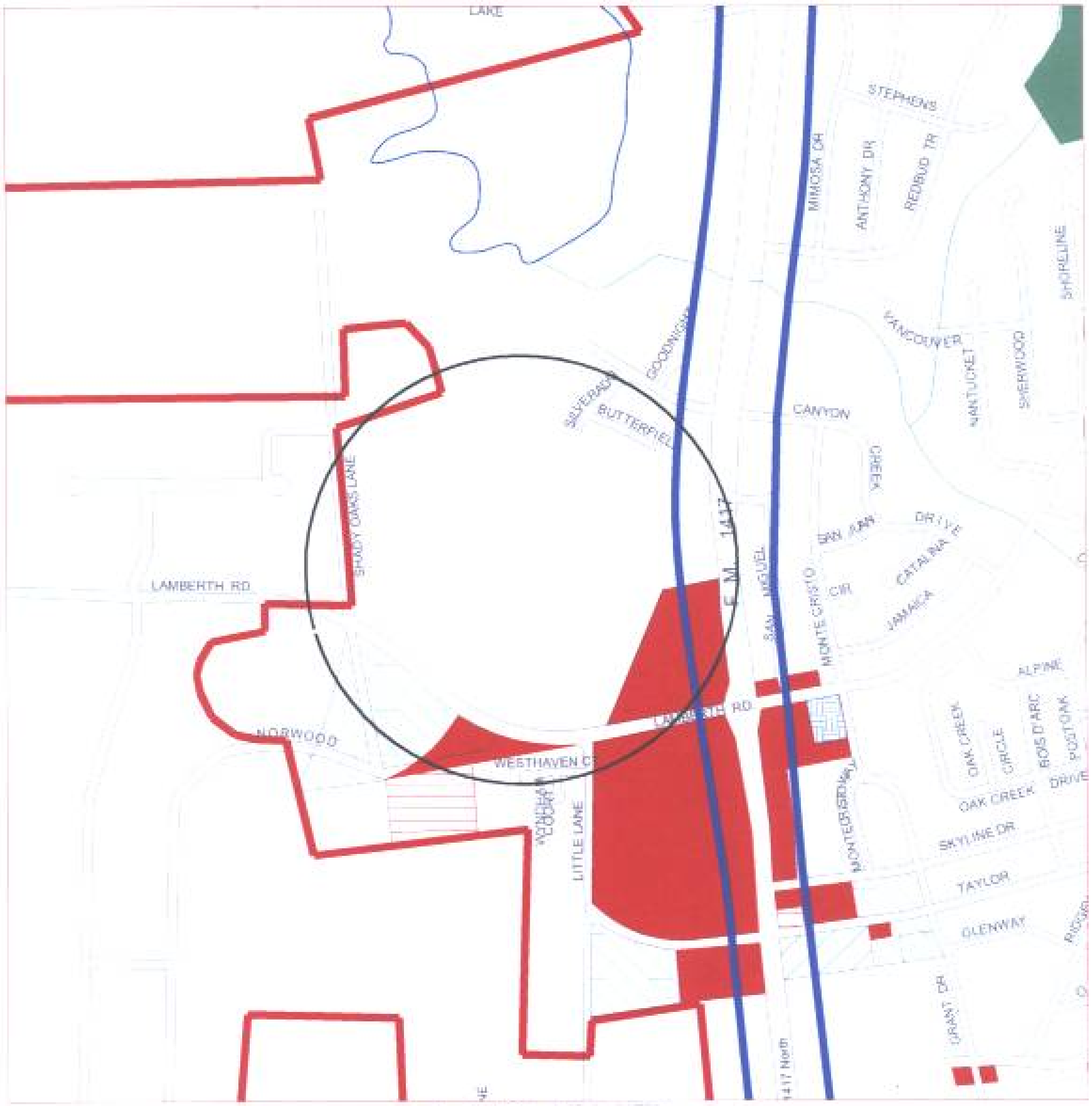
BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ___________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



LEGEND

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

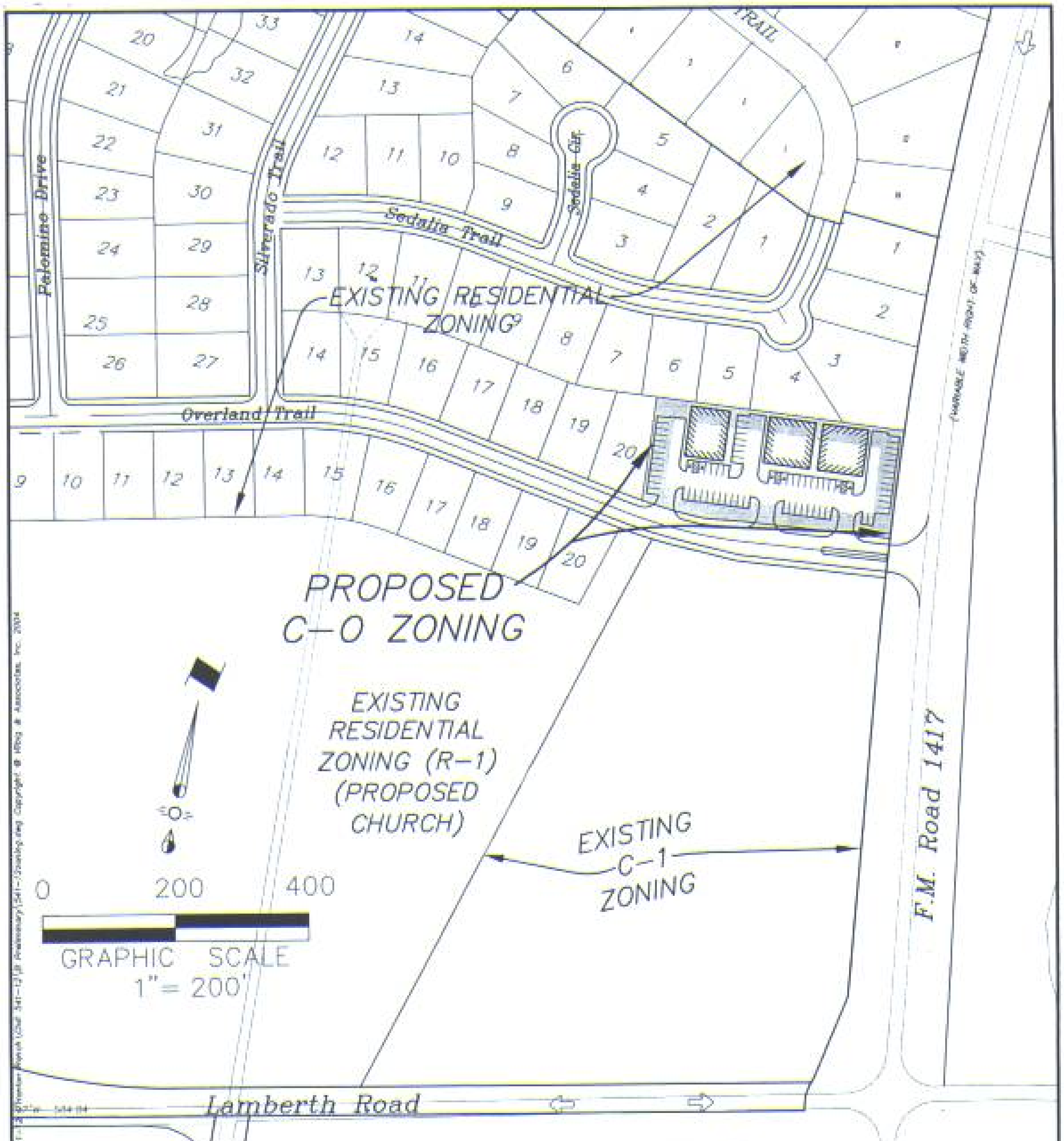
City of Sherman

2200-2800 FM 1417 & 2300-2400 W LAMBERTH ZONE CHANGE

Department of Developmental Services

Scale: 1 inch = 300.1 feet

2200-2800 F.M. 1417 N.



ZONING SITE PLAN

O'HANLON RANCH PHASE II
PROPOSED C–O OFFICE TRACT

Job No. 541–12
Scale 1"= 200'
Date 02–06–07

DEVELOPER
DEAN GILBERT, INC.
801 E. Taylor
Sherman, Texas 75090
(903) 893–5188

ENGINEER
VILBIG & ASSOCIATES, INC.
10132 Monroe Drive
Dallas, Texas 75229
(214) 352–7333

Sheet 1 of 1

AGENDA ITEM #23

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

February 20, 2007

Willie Steele, Chairman

2200-2800 Blocks of FM 1417 North and the 2300-2400 Blocks of West Lamberth
11.4 acres in the J. B. McAnair Survey, Abstract No. 763,
and 7.53 acres in the Fielding Bacon Survey, Abstract, No. 120
and Elijah Hartzog Survey, Abstract No. 540
Zone Change

Action/Proposed Use:

(Tract 1) 1.40 acres in the J. B. McAnair Survey, Abstract No. 763
Zone Change and Site Plan Approval under Ordinance No. 2280, Section 12, from an R-1 (One and Two Family Residential) District and C-1 (Retail Business) District to a C-O (Office) District in the O1.1 (1417 Overlay) District.

(Tract 2) 7.53 acres in the Fielding Bacon Survey, Abstract No. 120 and Elijah Hartzog, Abstract No. 540
Zone Change and Site Plan Approval under Ordinance No. 2280, Section 12, from an R-2 (Multi-Family Residential) District and C-1 (Retail Business) District to an SF-1 (Single Family Residential) District.

Adjacent Zoning:

R-1 (One and Two Family Residential) District and R-2 (Multi-Family Residential) District
And C-1 (Retail Business) District

Origination:

Shafer Plaza XX LTD (Owner), Dean Gilbert, Jr. (Representative) and Sartin and Associates, Inc. (Surveyors)

Considerations:

Master Plan Designation: Retail/Commercial and Residential

Number of notices mailed:

39

<u>Objections Received:</u>
0

<u>Attachments:</u>
Location map
Photographs
Site Plats
Staff Review Letter

Prepared By:
Rita Gaither,
Development Coordinator

Approved By:
Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

February 15, 2007

Shafer Plaza XX LTD
% K.E. Andrews & Co.
PO Box 870849
Mesquite, TX 75187-0849

Dean Gilbert, Jr.
801 East Taylor
Sherman, Texas 75090

Dear Applicants,

The request for approval of a zone change in the 2200-2800 Blocks of FM 1417 North and the 2300-2400 Blocks of West Lamberth has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, February 20, 2007 at 6:00 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:

7. The site plan for the C-O (Office) District is conceptual in nature and will require a more detailed site plan to be resubmitted to the P&Z at the time of development.
8. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

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

cc: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Sartin and Associates, Inc.
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Vilbig and Associates

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. B.7

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5453
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the SF-1 (Single Family Residential) District in the 2200-2800 Blocks of F. M. 1417 North and the 2300-2400 Blocks of West Lamberth Road (Shafer Plaza XX LTD, Owner)

Issue
To consider the request of Shafer Plaza XX LTD (Owner) and Dean Gilbert Jr. (Representative) concerning the property located in the 2200-2800 Blocks of F.M. 1417 North and the 2300-2400 Blocks of West Lamberth Road, from an R-2 (Multi-Family Residential) District and C-1 (Retail Business) District to an SF-1 (Single Family Residential) District

Background
The property is located at the northwest corner of West Lamberth Road and F. M. 1417 North. The prospective buyer would like to change the zoning to single family residences.

Origination
Shafer Plaza XX LTD, (Owner); Dean Gilbert, Jr. (Representative); and Sartin and Associates (Surveyors)

Board Recommendation
At the February 20, 2007 regular meeting, the Planning and Zoning Board voted 7/1 to recommend to the City Council that the zone change be approved subject to the staff review letter. Planning and Zoning Commissioner Cernero voted against the zone change.

Attachments
Ordinance No. 5453
Location Map
Photograph
Site Plan
P&Z Communication Form
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager

ORDINANCE NO. 5453

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE SF-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT IN THE 2200-2800 BLOCKS OF F.M. 1417 NORTH AND THE 2300-2400 BLOCKS OF WEST LAMBERTH ROAD; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That from and after the passage of this ordinance, the following described property shall be in the SF-1 (Single Family Residential) District, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the County of Grayson, State of Texas, being a part of the Fielding Bacon Survey, Abstract No. 120, and the Elijah Hartzog Survey, Abstract No. 540, being a part of a 112.66 acre tract of land conveyed by George A. O’Hanlon, Trustee to Shafer Plaza XX, Ltd. by deed dated February 15, 2000, recorded in Volume 2891, Page 658, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to wit:

BEGINNING at a found ½ inch rebar maintaining the most Southerly Southwest corner of said 112.66 acre tract, the Southeast corner of a 22.734 acre tract of land conveyed by American Bank of Texas to Charles H. Fellenbaum and Rosario C. Fellenbaum by deed dated December 23, 1993, recorded in Volume 2310, Page 397, Real Property Records, Grayson County, Texas at the center line intersection of the original location of a public road known as Lamberth Road;

THENCE North 12 deg. 48 min. 57 sec. West, with an East line of said 22.734 acre tract, at a distance of 30.12 feet passing a found spike nail maintaining the Southeast corner of a 17.507 acre tract of land previously conveyed out of said 22.734 acre tract by deed from Charles H. Fellenbaum and Rosario C. Fellenbaum to Blue Coral Investments, Ltd., dated September 19, 1996, recorded in Volume 2494, Page 772, Official Public Records, Grayson County, Texas, and continuing with an East line of said 17.507 acre tract, at a distance of 94 feet with the center of said Lamberth Road, passing the most Easterly Northeast corner of both said 17.507 acre tract, and 22.734 acre tract, the Southeast corner of a 2.000 acre tract of land conveyed by American Bank of Texas to Frank Patrick, et ux by deed dated December 28, 1993, recorded in Volume 2310, Page 912, Real Property Records, Grayson County, Texas and continuing with the East line of said 2.000 acre tract for a total distance of 930.48 feet to a set ½ inch rebar for the most

Westerly Southwest corner of a 4.014 acre tract of land dedicated for new location of a portion of a public road known as Lamberth Road in Dedicatory Certificate of record in Volume 2816, Page 691, Official Public Records, Grayson County, Texas;

THENCE in a Northeasterly, and Southeasterly direction with the South right-of-way line of said new location of Lamberth Road, the following calls and distances:

North 77 deg. 08 min. 15 sec. East, a distance of 25.00 feet to a set ½ inch rebar;

North 54 deg. 40 min. 52 sec. East, a distance of 19.10 feet to a set ½ inch rebar;

With a curve to the right having a radius of 807.50 feet, (chord bears South 54 deg. 44 min. 48 sect. East, 60.37 ft.), a distance of 60.37 feet to a set ½ inch rebar at the end of said curve;

With a curve to the right having a radius of 1057.50 feet, (chord bears South 46 deg. 03 min. 29 sec. East, 241.14 ft.), a distance of 241.67 feet to a set ½ inch rebar at the end of said curve;

South 39 deg. 30 min. 40 sec. East, a distance of 224.94 feet to a set ½ inch rebar;

With a curve to the left having a radius of 992.50 feet, (chord bears South 52 deg. 42 min. 45 sec. East, 453.33 ft.), a distance of 457.36 feet to a set ½ inch rebar at the end of said curve;

South 11 deg. 49 min. 16 sec. East, a distance of 149.33 feet to a set ½ inch rebar in the center of the original location of Lamberth Road, and on the most Southerly South line of said 112.66 acre tract, the North line of a 6.85 acre tract of land conveyed by American Bank of Texas to Dennis Wyatt by deed dated March 31, 1994, recorded in Volume 2327, Page 531, Real Property Records, Grayson County, Texas;

THENCE South 77 deg. 49 min. 58 sec. West, with the center of the original location of said Lamberth Road, and with the most Southerly South line of said 112.66 acre tract, the North line of said Wyatt 6.85 acre tract, Texas, leaving said Lamberth Road at a turn to the North, passing the Northwest corner of said 6.85 acre tract, and continuing for a total distance of 604.43 feet to the place of beginning, and containing 7.53 acres of land more or less.

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

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

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

INTRODUCED on this the ______________ day of __________________, 2007.

ADOPTED on this the _________________ day of __________________, 2007.

EFFECTIVE DATE on this the _________ day of __________________, 2007.

CITY OF SHERMAN, TEXAS

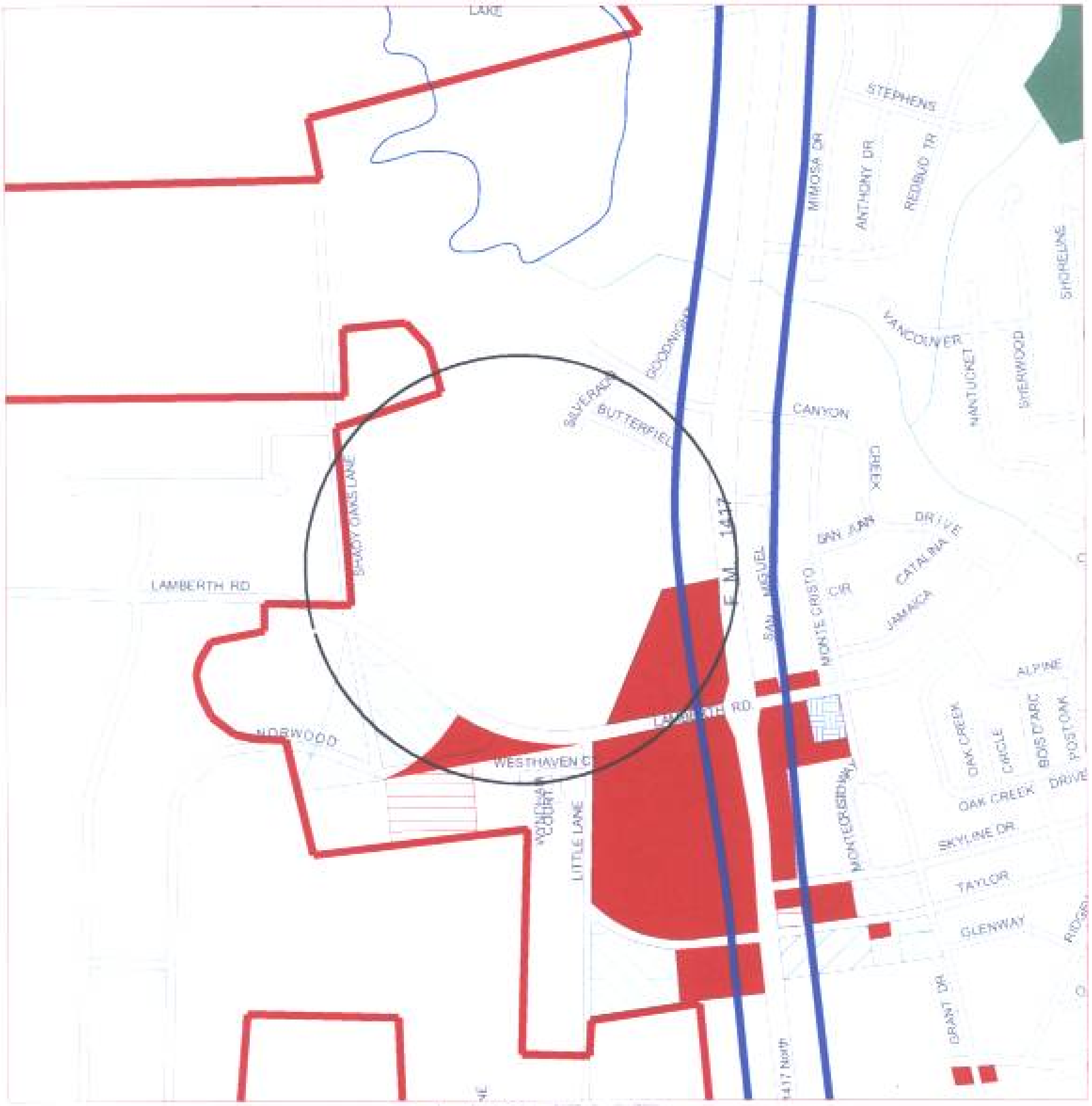
BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



LEGEND

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

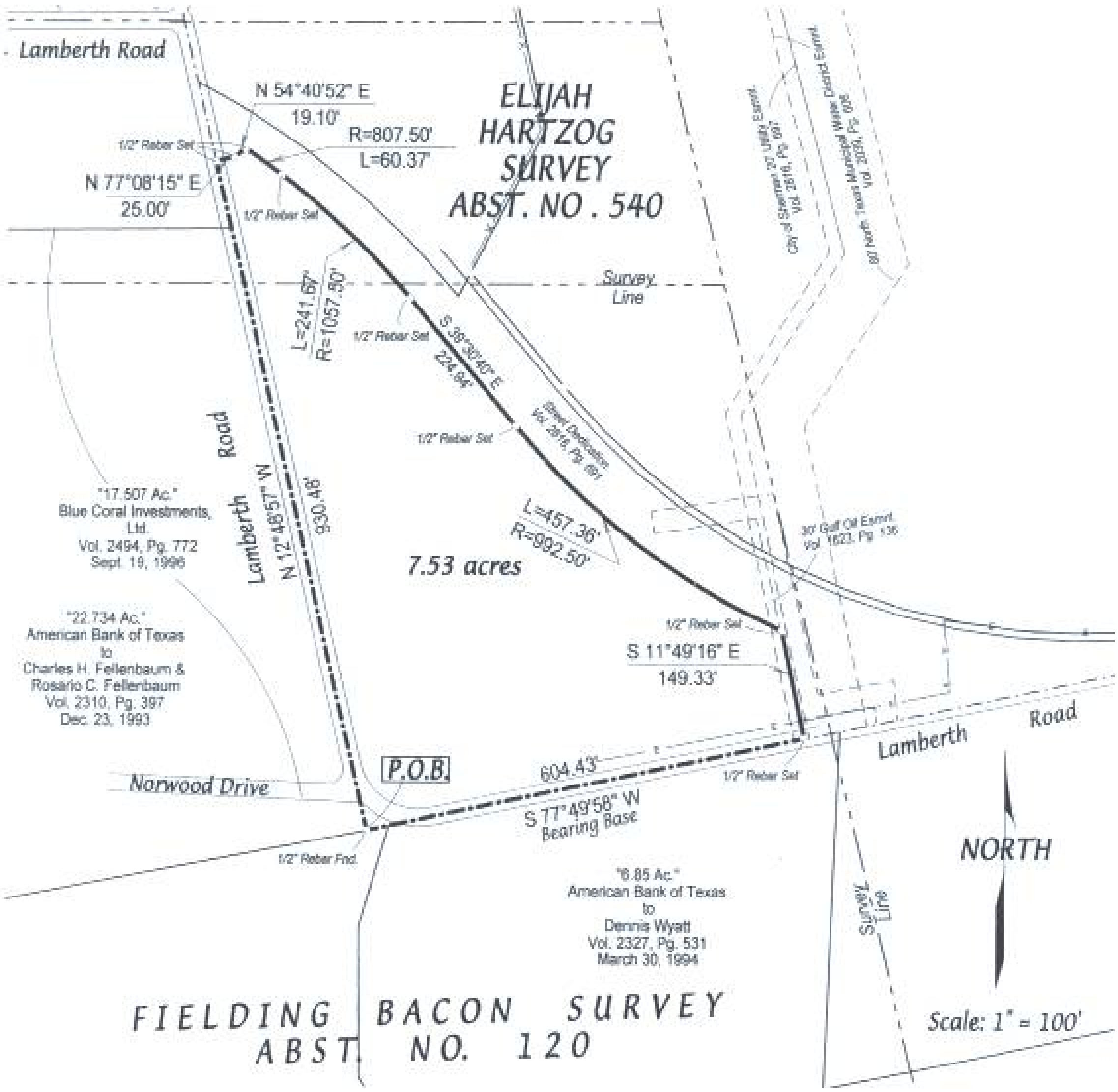
City of Sherman

2200-2800 FM 1417 & 2300-2400 W LAMBERTH ZONE CHANGE

Department of Developmental Services

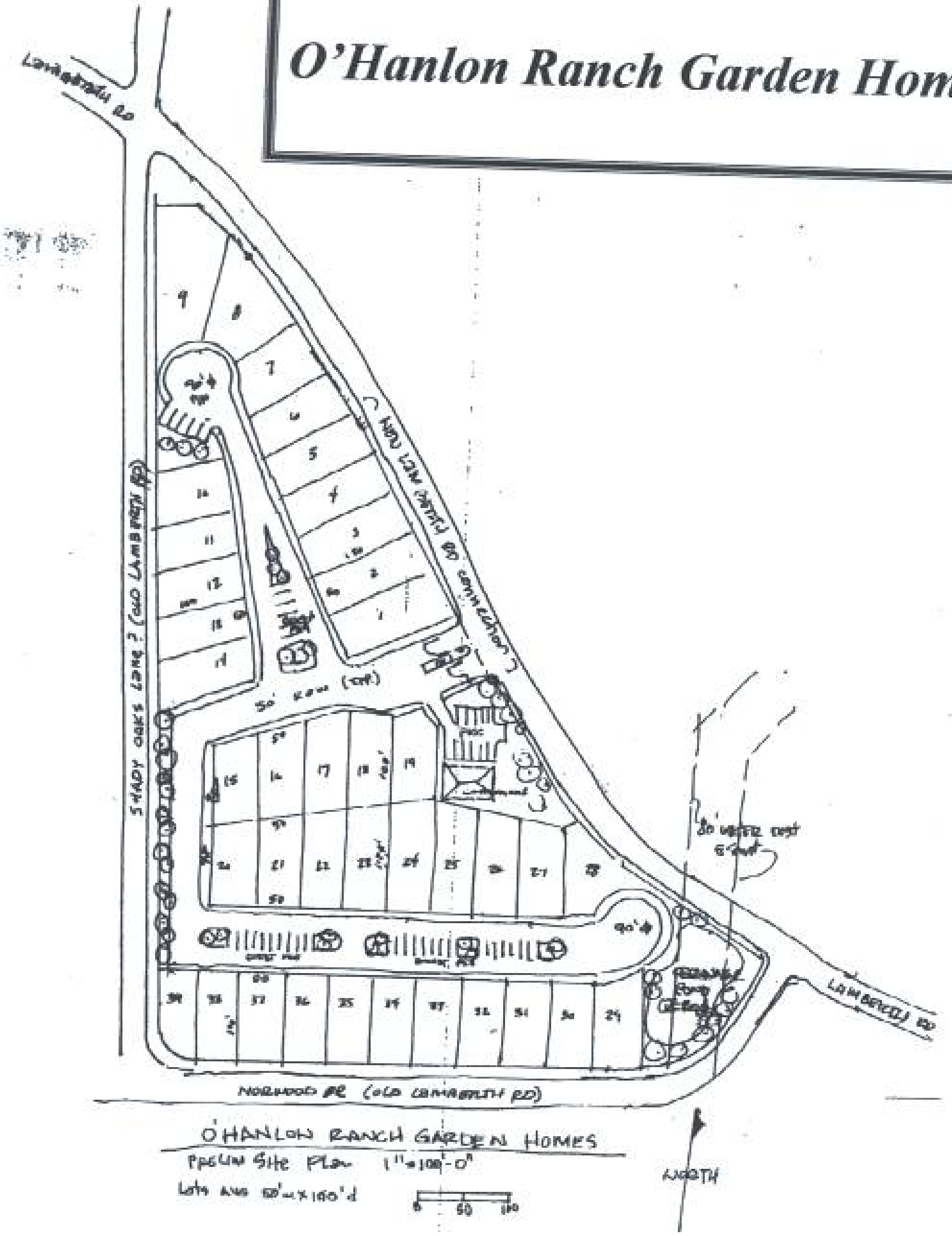
2300-2400 W. Lamberth

Scale: 1 inch = 300.1 feet



Lamberth Road
N 54°40'52" E
19.10'
R=807.50'
L=60.37'
ELIJAH HARTZOG SURVEY ABST. NO. 540
1/2" Rebar Set
N 77°08'15" E
25.00'
L=241.67'
R=1057.50'
Survey Line
S 38°30'40" E
224.94'
Street Dedication Vol. 2616, Pg. 691
City of Sherman 20' Utility Esmnt. Vol. 2616, Pg. 691
30' North Texas Municipal Water District Esmnt. Vol. 2039, Pg. 606
Lamberth Road
N 12°46'57" W
930.48'
"17.507 Ac." Blue Coral Investments, Ltd. Vol. 2494, Pg. 772 Sept. 19, 1996
L=457.36'
R=992.50'
7.53 acres
30' Gulf Oil Esmnt. Vol. 1623, Pg. 136
"22.734 Ac." American Bank of Texas to Charles H. Fellenbaum & Rosario C. Fellenbaum Vol. 2310, Pg. 397 Dec. 23, 1993
S 11°49'16" E
149.33'
Lamberth Road
Norwood Drive
P.O.B.
604.43'
S 77°49'58" W
Bearing Base
1/2" Rebar Fnd.
NORTH
"6.85 Ac." American Bank of Texas to Dennis Wyatt Vol. 2327, Pg. 531 March 30, 1994
Survey Line
FIELDING BACON SURVEY ABST. NO. 120
Scale: 1" = 100'

O'Hanlon Ranch Garden Homes



AGENDA ITEM #23

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

February 20, 2007

Willie Steele, Chairman

2200-2800 Blocks of FM 1417 North and the 2300-2400 Blocks of West Lamberth
11.4 acres in the J. B. McAnair Survey, Abstract No. 763,
and 7.53 acres in the Fielding Bacon Survey, Abstract, No. 120
and Elijah Hartzog Survey, Abstract No. 540
Zone Change

Action/Proposed Use:

(Tract 1) 1.40 acres in the J. B. McAnair Survey, Abstract No. 763
Zone Change and Site Plan Approval under Ordinance No. 2280, Section 12, from an R-1 (One and Two Family Residential) District and C-1 (Retail Business) District to a C-O (Office) District in the O1.1 (1417 Overlay) District.

(Tract 2) 7.53 acres in the Fielding Bacon Survey, Abstract No. 120 and Elijah Hartzog, Abstract No. 540
Zone Change and Site Plan Approval under Ordinance No. 2280, Section 12, from an R-2 (Multi-Family Residential) District and C-1 (Retail Business) District to an SF-1 (Single Family Residential) District.

Adjacent Zoning:

R-1 (One and Two Family Residential) District and R-2 (Multi-Family Residential) District
And C-1 (Retail Business) District

Origination:

Shafer Plaza XX LTD (Owner), Dean Gilbert, Jr. (Representative) and Sartin and Associates, Inc. (Surveyors)

Considerations:

Master Plan Designation: Retail/Commercial and Residential

Number of notices mailed:

39

Objections Received:
0

Attachments:
Location map
Photographs
Site Plats
Staff Review Letter

Prepared By:
Rita Gaither,
Development Coordinator

Approved By:
Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

February 15, 2007

Shafer Plaza XX LTD
% K.E. Andrews & Co.
PO Box 870849
Mesquite, TX 75187-0849

Dean Gilbert, Jr.
801 East Taylor
Sherman, Texas 75090

Dear Applicants,

The request for approval of a zone change in the 2200-2800 Blocks of FM 1417 North and the 2300-2400 Blocks of West Lamberth has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, February 20, 2007 at 6:00 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:

9. The site plan for the C-O (Office) District is conceptual in nature and will require a more detailed site plan to be resubmitted to the P&Z at the time of development.
10. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

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

cc: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Sartin and Associates, Inc.
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Vilbig and Associates

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. B.8

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5454
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the M-1 (Light Manufacturing) District at 1024 South First Street (Miken Holden, Owner)

Issue
To consider the request of Miken Holden (Owner) concerning the property located at 1024 South First Street, from an R-1 (One and Two Family Residential) District to an M-1 (Light Manufacturing) District

Background
The property is located on South First Street and has been operating for a number of years as an existing nonconforming use. This will bring the property into compliance. The owner would like to sell the property to F&N Construction Company, which specializes in wood laminated beams. The company will begin with six employees; and they intend to eventually grow to 15-30 employees. They intend to fence and screen the property.

Origination
Miken Holden (Owner) and Jim Andrews (Representative)

Board Recommendation
At the February 20, 2007 regular meeting, the Planning and Zoning Board voted 8/0 to recommend to the City Council that the zone change be approved subject to the staff review letter.

Attachments
Ordinance No. 5454
Location Map
Photograph
Site Plan
P&Z Communication Form
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager

ORDINANCE NO. 5454

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE M-1 (LIGHT MANUFACTURING) DISTRICT AT 1024 SOUTH FIRST STREET; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That from and after the passage of this ordinance, the following described property shall be in the M-1 (Light Manufacturing) District, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the County of Grayson, State of Texas, being part of the G.B. Pilant Survey Abstract No. 963, and also being a part of the tract of land conveyed by J. Tip Newell and E.B. Chapman to Red River Mud Company, Inc., by deed dated February 15, 1959, recorded in Volume 886, Page 492, Deed Records, Grayson County, Texas, and described by metes and bounds as follows to wit:

BEGINNING at a steel rod in the West line of South First Street, said point being South 16 deg. 00 min. East a distance of 635.95 feet from the Northeast corner of the above referenced tract;

THENCE South 16 deg. 00 min. East with the West line of South First Street a distance of 269.0 feet to a steel rod;

THENCE South 74 deg. 00 min. West a distance of 102.22 feet to a steel rod in the East right-of-way line of the Houston & Texas Central Railroad;

THENCE North 27 deg. 40 min. West with said railroad right-of-way line, a distance of 21.21 feet to a steel rod;

THENCE North 15 deg. 45 min. West, continuing with the East right-of-way line of said railroad, a distance of 248.35 feet to a steel rod at the Southwest corner of the J.B. Carter tract, a distance of 105.60 feet to the place of beginning and containing 0.656 acre of land.

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

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

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

INTRODUCED on this the ______________ day of ___________________, 2007.

ADOPTED on this the _________________ day of ___________________, 2007.

EFFECTIVE DATE on this the __________ day of ___________________, 2007.

CITY OF SHERMAN, TEXAS

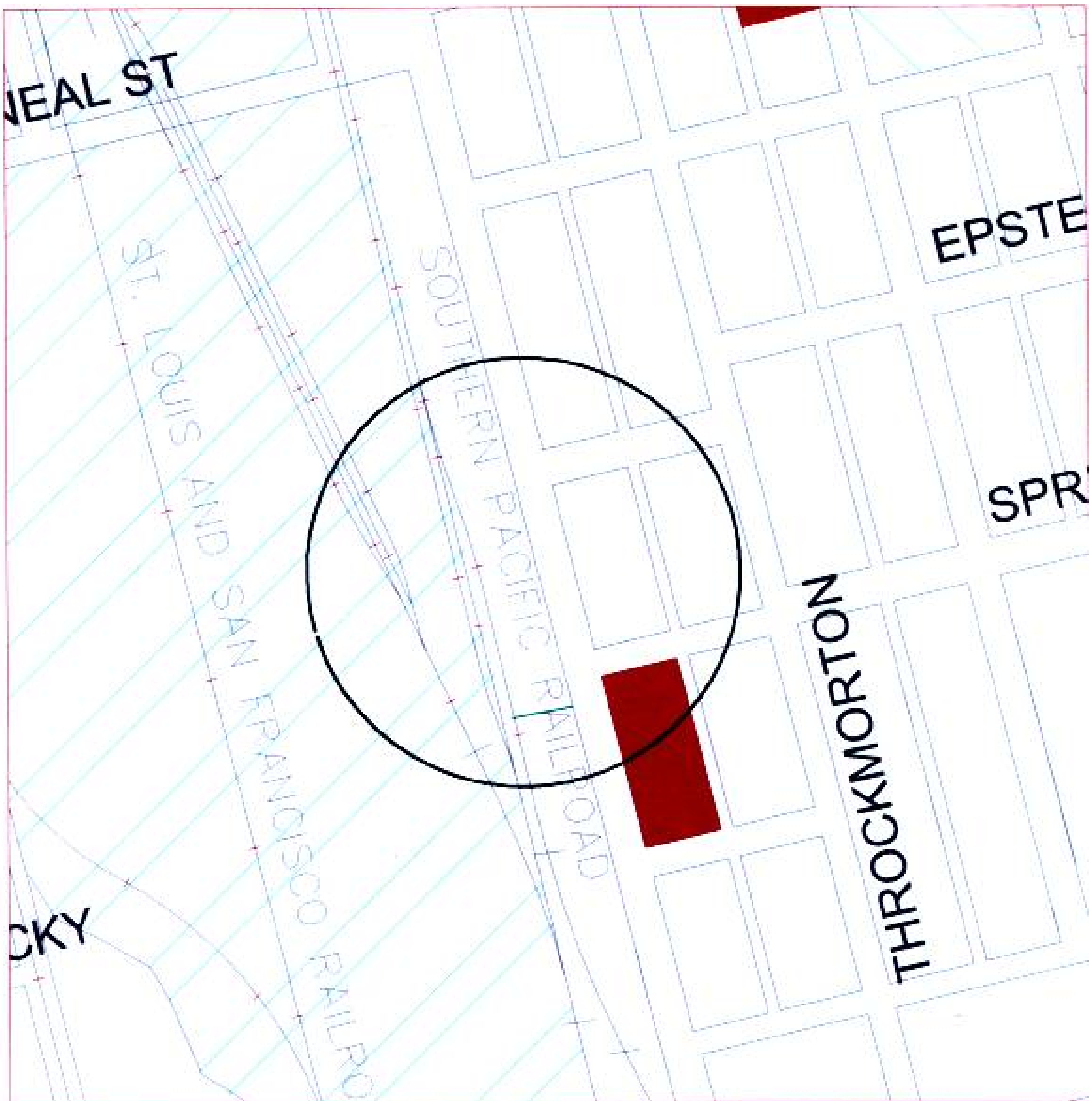
BY: _________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: _______________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



LEGEND

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

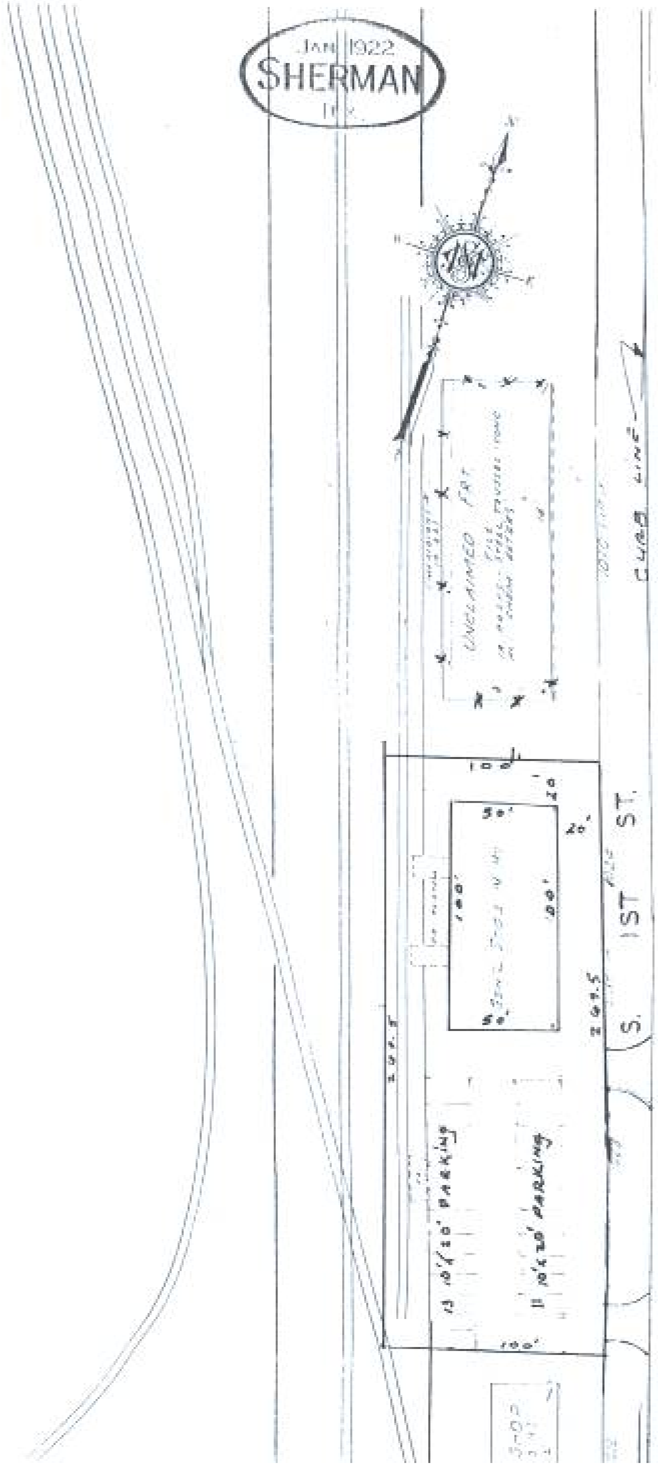
City of Sherman
1024 SOUTH FIRST
ZONE CHANGE

Department of Developmental Services


Scale: 1 inch = 60.0 feet
(c) Copyrig

1024 S. First


FOR INFORMATION
5,000 Sq. Ft.
SHOP/WAREHOUSE
Dean Gilbert,
892-8177
ZONING
REQUESTED
02/05/2007


JAN 1922
SHERMAN
TEX.
UNCLAIMED FAT
CURB LINE
S. 1ST ST.
13 10'x20' PARKING
11 10'x20' PARKING
100'
209.5

AGENDA ITEM #20

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

February 20, 2007

Willie Steele, Chairman

1024 South First
0.656 acres in the G. B. Pilant Survey, Abstract No. 963
Zone Change

Requested Action/Proposed Use:
Zone Change and Site Plan Approval under Ordinance No. 2280, Section 12, from an R-1 (One and Two Family Residential) District to an M-1 (Light Manufacturing) District.

Adjacent Zoning:
R-1 (One and Two Family Residential) District and M-2 (Heavy Manufacturing) District

Origination:
Miken Holden, Mike Wible (Owner) and Jim Andrews (Representative)

Considerations:
Master Plan Designation: Industrial

Number of notices mailed:
14

Objections Received:
0

Attachments:
Location map
Photographs
Site Plan
Staff Review Letter

Prepared By:	**Approved By:**
Rita Gaither,	**Scott Shadden,**
Development Coordinator	**Developmental Services Director**

STAFF REVIEW LETTER

February 15, 2007

Miken Holden
Mike Wible
1611 Lamberth Circle
Sherman, Texas 75092

Jim Andrews
424 N. Rusk
Sherman, Texas 75090

Dear Applicants,

Your request for approval of a zone change for the property located at 1024 South First Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, February 20, 2007 at 6:00 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. Screening is required between Manufacturing and Residential zoned property.
2. Driveway and parking surfaces shall be a dust free surface; asphalt or concrete.
3. A screened trash receptor will be required.
4. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rita Gaither, Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

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

cc: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. B.9

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5455
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District in the 500 Block of East Graham Drive (Nell Graham, Trustee for the Estate of the Jimmie C. Graham Testamentary Trust, Owners)

Issue
To consider the request of Nell Graham, Trustee for the Estate of the Jimmie C. Graham Testamentary Trust, Owner, concerning the property located in the 500 Block of East Graham Drive, from a C-1 (Retail Business) District to an R-2 (Multi-Family Residential) District

Background
The property is located in the Sherman Town Center, west of Loy Lake Road and U. S. Highway 75 North. The owner is re-platting the tract into two lots and selling one of the lots to a developer to construct an apartment complex.

Origination
Nell Graham, Trustee for the Estate of the Jimmie C. Graham Testamentary Trust (Owner); R.P. Shaw Investments, LLC and CRF & Associates (Developers); and ISG Architects, (Architects)

Board Recommendation
At the February 20, 2007 regular meeting, the Planning and Zoning Board voted 8/0 to recommend to the City Council that the zone change be approved subject to the staff review letter.

Attachments
Ordinance No. 5455
Location Map
Photograph
Site Plan
Letter from A-S 71 Sherman Phase III LP
P&Z Communication Form
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager

ORDINANCE NO. 5455

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT IN THE 500 BLOCK OF EAST GRAHAM DRIVE; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That from and after the passage of this ordinance, the following described property shall be in the R-2 (Multi-Family Residential) District, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 1, Block 1, Sherman Town Center, Section Two.

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

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

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

INTRODUCED on this the ______________ day of __________________, 2007.

ADOPTED on this the _________________ day of __________________, 2007.

EFFECTIVE DATE on this the _________ day of __________________, 2007.

CITY OF SHERMAN, TEXAS

BY: ________________________________

BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________________

LINDA ASHBY, CITY CLERK

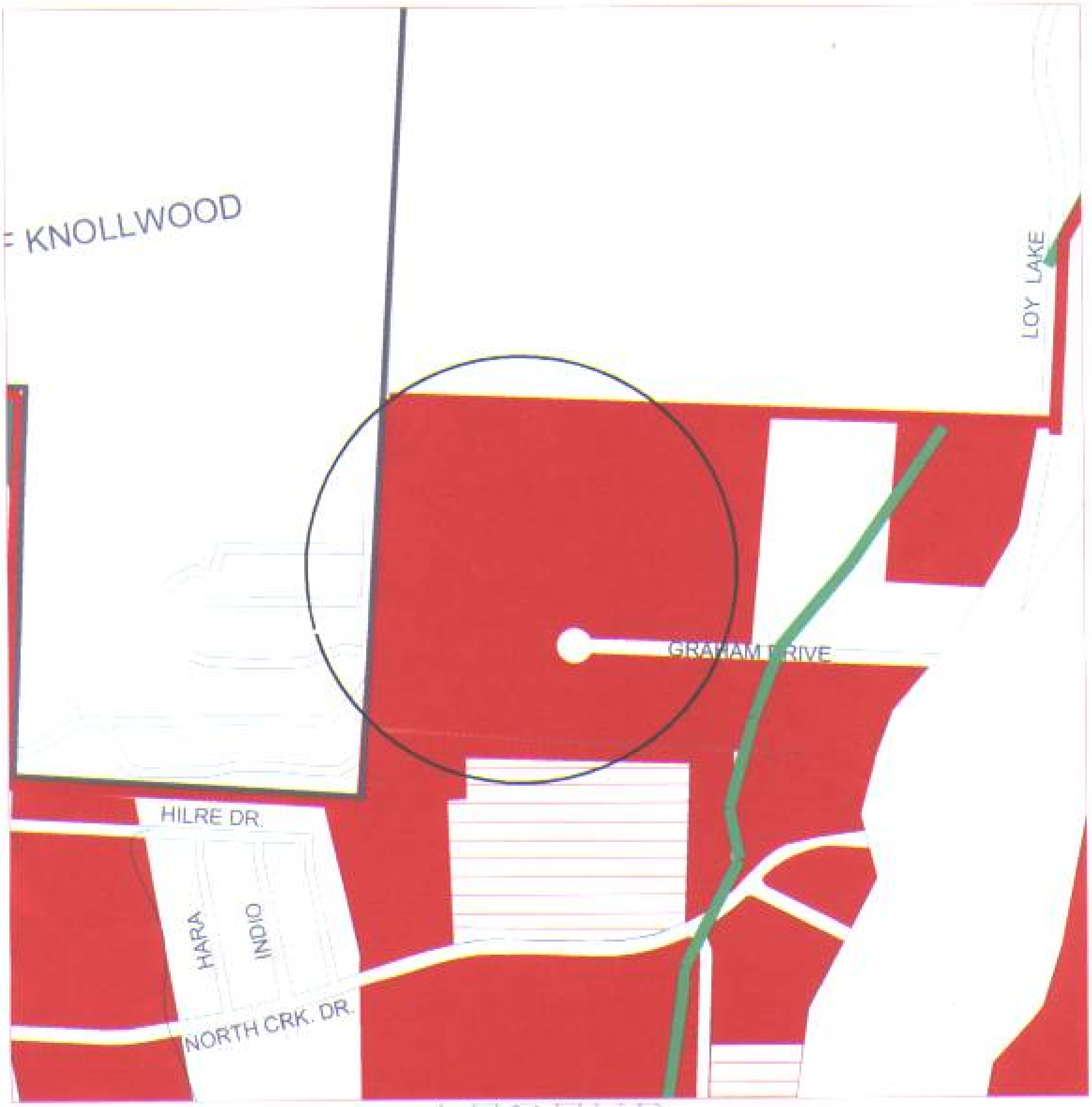
APPROVED AS TO FORM AND CONTENT:

____

DOREEN E. MCGOOKEY,
CITY ATTORNEY

Original TIF 1	**118.537**
Addition to TIF 1	**57.645**
Total Acreage in TIF 1	**176.182**

R-2 (Multi-Family Residential) District Zoning	14.33%
Percent of TIF that will be Zoned Residential	8.13%



LEGEND

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

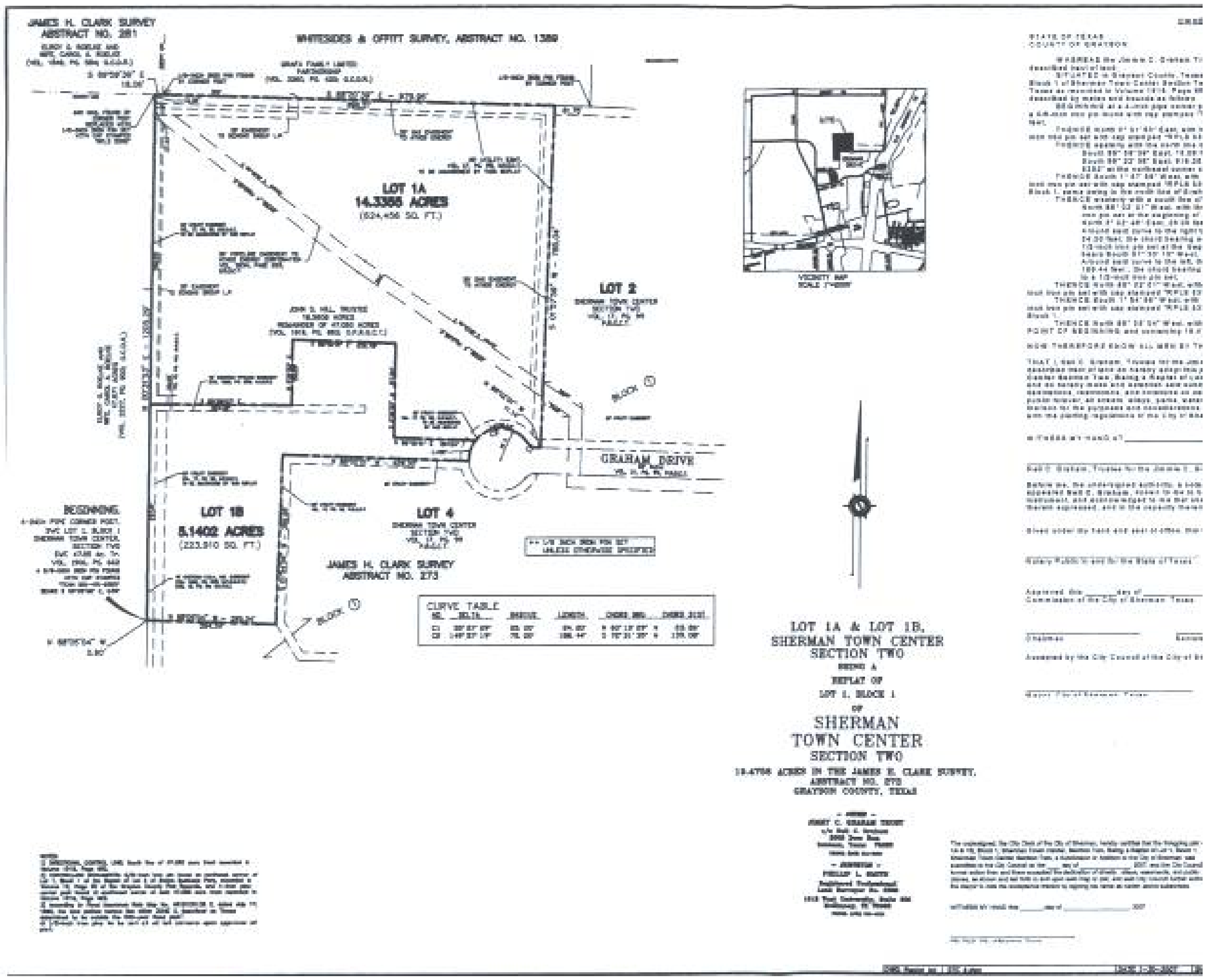
City of Sherman
500 BLK EAST GRAHAM DRIVE
ZONE CHANGE

N

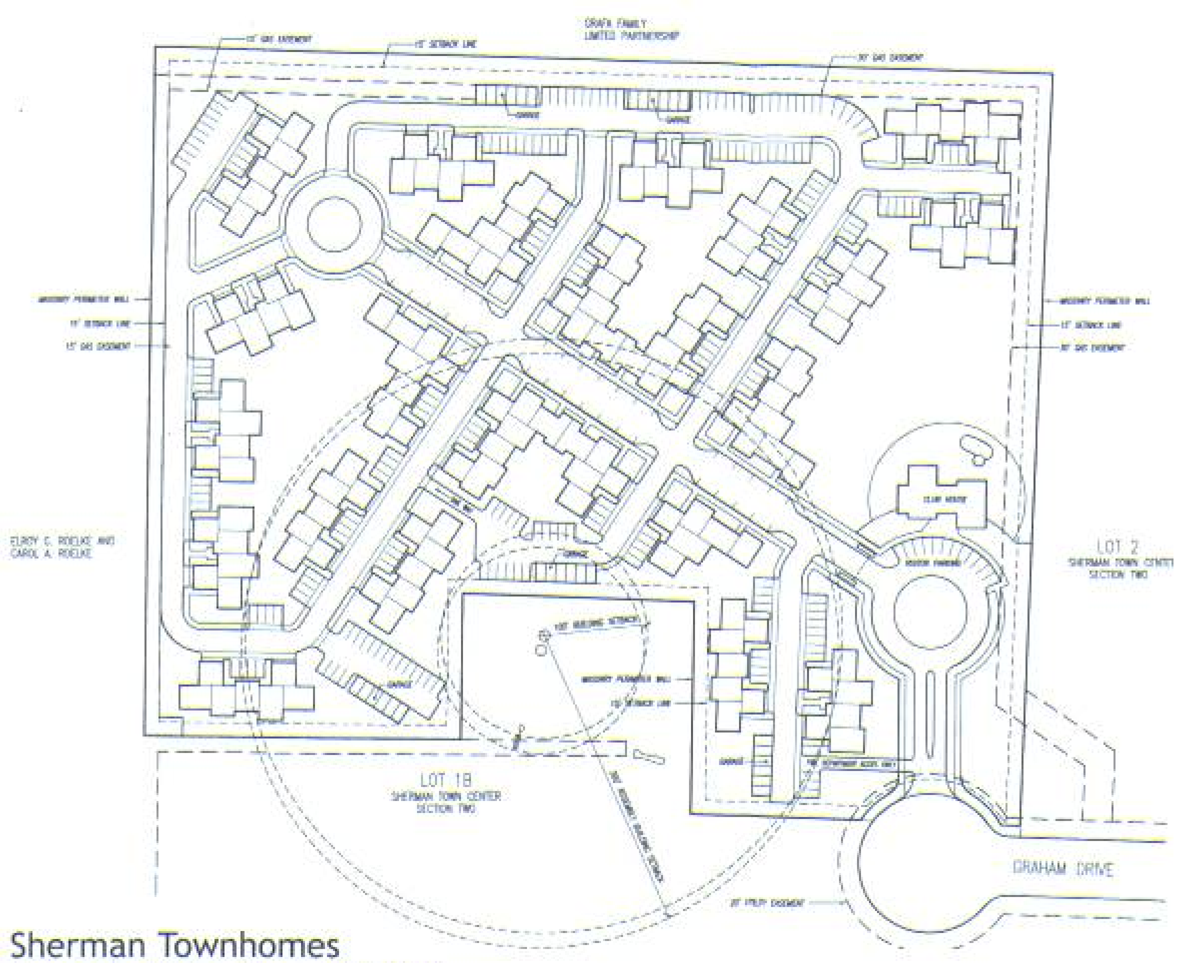
Department of Developmental Services

500 Blk E. Graham

Scale: 1 inch = 300.0 feet



WHITESIDES & OFFITT SURVEY, ABSTRACT NO. 1389
JAMES H. CLARK SURVEY
LOT 1A
14.3355 ACRES
LOT 2
LOT 1B
5.1402 ACRES
LOT 4
JAMES H. CLARK SURVEY
ABSTRACT NO. 273
GRAHAM DRIVE
BEGINNING
BLOCK
CURVE TABLE
VICINITY MAP
LOT 1A & LOT 1B,
SHERMAN TOWN CENTER
SECTION TWO
SHERMAN
TOWN CENTER
SECTION TWO
GRAYSON COUNTY, TEXAS



Sherman Townhomes

Conceptual Site Plan - 01/30/07

SHERMAN

FEB 07 2007

PLANNING AND ZONING BOARD
BUILDING INSPECTION DEPARTMENT
Telephone No. (903) 892-7229
FAX No. (903) 892-7274

February 5, 2007

A-S 71 Sherman Phase III LP
8807 W. Sam Houston Pkwy. N.
Suite 200
Houston, TX 77040

FEB 19 REC'D

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, February 20, 2007 at 6:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Nell Graham, Trustee for the Estate of the Jimmie C. Graham Testamentary Trust (Owners), R. P. Shaw Investments, LLC and CRF & Associates (Developers) and ISG Architects, (Architects) concerning the property in the 500 Block of East Graham Drive, being Lot 1, Block 1, Sherman Town Center, Section Two

The request is as follows:

Zone Change and Site Plan Approval under Ordinance No. 2280, Section 12, from a C-1 (Retail Business) District to an R-2 (Multi-Family Residential) District

As a property owner within two hundred feet (200') of this property, you are invited to attend. You are not required to be present, but all interested parties wishing to speak should appear at the time and place stated above. If you can not attend the public hearing, but wish to have your views presented to the Board, you may do so in the space provided below or by a separate letter and mailed to:

Scott Shadden
Secretary, Planning and Zoning Board
P.O. Box 1106
Sherman, Texas 75091-1106

Scott Shadden
Secretary, Planning & Zoning Board

I would not object so long As the City would Ask the developer to Not in Any way use the Sherman Town Center Name.

Unless this notice is delivered in an envelope that has the "City of Sherman" logo and is affixed with postage as required by the U.S. Postal Service, it is NOT an official notice sent to you by the City of Sherman.

AGENDA ITEM #26

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

February 20, 2007

Willie Steele, Chairman

500 Block of East Graham Drive
Lot 1, Block 1, Sherman Town Center, Section Two,
Zone Change

Action/Proposed Use:
Zone Change and Site Plan Approval under Ordinance No. 2280, Section 12, from a C-1 (Retail Business) District to an R-2 (Multi-Family Residential) District

Adjacent Zoning:
C-1 (Retail Business) District and C-2 (General Commercial) District

Origination:
Nell Graham, Trustee for the Estate of the Jimmie C. Graham Testamentary Trust (Owners), R. P. Shaw Investments, LLC and CRF & Associates (Developers) and ISG Architects, (Architects)

Considerations:
Master Plan Designation: Residential

Number of notices mailed:
4

Objections Received:
0

Attachments:
Location map
Photographs
Site Plans
Staff Review Letter

Prepared By:	**Approved By:**
Rita Gaither,	**Scott Shadden,**
Development Coordinator	**Developmental Services Director**

STAFF REVIEW LETTER

February 15, 2007

Jimmie Graham Estate
2005 Deer Run
Denison, TX 75020

Dear Applicant,

The request for approval of a zone change concerning the property in the 500 Block of Graham Drive has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, February 20, 2007 at 6:00 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. This site plan is conceptual in nature and a more detail site plan is required prior to development.
2. Meet all requirements of Appendix D, Fire Apparatus Access Roads, per the 2003 ICC Fire Codes.
3. If the proposed buildings are 30 feet in height or greater, then a 26 foot wide fire lane is required as required per Appendix D section D105.1, D105.2 and D105.3 of the 2003 ICC Fire Codes. It shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
4. Provide the minimum required fire flow and flow duration for the proposed building per Appendix B of the 2003 ICC fire codes.
5. Provide the minimum number and distribution of fire hydrants for the proposed structure per Appendix C of the 2003 ICC fire codes.
6. Fire department connections are required to be within twenty-five (25') of the fire access road and on the same side of the fire access road as the hydrant dedicated for such connection and within seventy-five feet (75') of the hydrant**.** Contact the Fire Marshal at (903) 892-7267 for clarification on this requirement.
7. Carports/garages are required to have at least twenty feet (20') separation or be considered as aggregate square footage of the adjacent building(s) and meet all requirements, therein.
8. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

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

cc: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Hank Feddern
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Phil Smith, Surveyos
R. P. Shaw Investments, LLC

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. B.10

ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers:
5447, 5448, 5449, 5450, 5451, 5452, 5453, 5454 and 5455

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5447
Amending Chapter 14 of the Code of Ordinances, Entitled "General Zoning Ordinance", at Section 8, Entitled "Administration and Enforcement; Building Permits, Certificates of Zoning Compliance, Temporary Use Permits, and Specific Use Permits", Subsection (4), to Add a Subsection for Requirements for Mobile Food Vendors

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5448
Providing for Permanent "Stop" Signs at the Intersection of Brents Avenue and Lewis Street within the City Limits of the City of Sherman

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5449
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to BJH, Inc. and Grover Tuggle (Owners) to Allow Automobile Sales and Repair in a C-1 (Retail Business) District and the O-1 (75 & 82) Overlay District at 1804 U. S. Highway 75 North and 1917 North Travis; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

B.4 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5450
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Bob Utter (Owner), T-Mobile (Developer), and Re-Zoning, Inc. (Agent) to Allow a Telecommunication Tower in a C-2 (General Commercial) District and the O-1 (75 & 82) Overlay District at 2525 Texoma Parkway; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

B.5 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5451
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Shafer Plaza XX LTD (Owner), Dean Gilbert Jr. (Representative), to Allow Patio Homes in an SF-1 (Single Family Residential) District in the 2400 Block of West Lamberth Road; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

B.6 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5452
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-O (Office) District in the 0-1.1 (1417 Overlay) District in the 2200-2800 Blocks of F. M. 1417 North and the 2300-2400 Blocks of West Lamberth Road (Shafer Plaza XX LTD, Owner)

B.7 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5453
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the SF-1 (Single Family Residential) District in the 2200-2800 Blocks of F. M. 1417 North and the 2300-2400 Blocks of West Lamberth Road (Shafer Plaza XX LTD, Owner)

B.8 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5454
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the M-1 (Light Manufacturing) District at 1024 South First Street (Miken Holden, Owner)

B.9 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5455
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District in the 500 Block of East Graham Drive (Nell Graham, Trustee for the Estate of the Jimmie C. Graham Testamentary Trust, Owners)

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager Date: 3-5-2007

Subject: Agenda Item No. B.11

CONSENT AGENDA

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

C.2 **** RESOLUTION NO. 4973***
Amending the Authorized Representatives to Invest City of Sherman Funds with the Texas Local Government Investment Pool (TexPool)

C.3 **** RESOLUTION NO. 4974***
Amending the Authorized Representatives to Invest City of Sherman Funds with Wells Fargo Brokerage Services, LLC

D.2 **** REQUEST TO ADVERTISE***
Seal Coat Cover Stone and Emulsified Asphalt Oil

D.3 **** CHANGE ORDER NO. 1***
Jerry Paul Higgins, Ltd.; Northwest Sherman Water Replacement, Phase II; $423.00 Decrease

D.4 **** CHANGE ORDER NO. 1***
Sludge Technology, Inc.; 2006 Biosolids Project; $22,851.00 Decrease

D.6 **** OTHER BUSINESS***
Consider Approval of the Annexation Scheduling Plan for Adoption of the 82.75 Acres of Land at the Intersection of U.S. Highways 82 and 289 and Directing the Department of Developmental Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

D.7 **** OTHER BUSINESS***
Consider Approval of the Annexation Scheduling Plan for Adoption of the 102.12 Acres of Land on Leslie Lane and Directing the Department of Developmental Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

D.8 **** OTHER BUSINESS***
Consider Approval of the Annexation Scheduling Plan for Adoption of the 18.46 Acres of Land known as the Friendship Ranch on Friendship Road and Directing the

Department of Developmental Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

D.11 * OTHER BUSINESS

Consider the Designation of a Representative to the Sherman-Denison Metropolitan Planning Organization Intermodal Urban Transportation Planning Policy Board

D.12 * OTHER BUSINESS

Final Plat Approval of the Barton-Vestal Addition; Ron Barton, Owner (929 South Montgomery Street)

D.13 * OTHER BUSINESS

Final Plat Approval of the Barton-Zelaya Addition; Ron Barton, Owner (422 South Montgomery Street)

D.14 * OTHER BUSINESS

Final Plat Approval of the Bob Utter Addition; Bob Utter, Owner (2525 Texoma Parkway)

D.15 * OTHER BUSINESS

Final Plat Approval of the G & T Addition; Patcha Corporation, Owners (700 Block of West Houston Street)

D.16 * OTHER BUSINESS

Replat Approval of Lot 11, Block 1, Forest Glen Addition; Mike Minukhin, Owner (2807 Wellington Drive)

D.17 * OTHER BUSINESS

Replat Approval of Lot 1A and Lot 1B, Sherman Town Center, Section Two, being a Replat of Sherman Town Center, Section Two, Lot 1 and Lot 2; Nell Graham, Trustee for the Estate of the Jimmie C. Graham Testamentary Trust, Owners (500 Block of East Graham Drive)

D.18 * OTHER BUSINESS

Replat Approval of Lots 1 & 2 of Bentley Addition; Woods Street Group and Bank, Owners (2600 Block of Loy Lake Road and Masters Street)

D.19 * OTHER BUSINESS

Replat Approval of Lots 10 and 12 of Block 3 of the Greenmount Addition; Joe P. Bethel and Kenneth Wayne Day, Owners (1201 and 1205 West Houston Street)

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. C.1

RESOLUTION NO. 4972
Authorizing Execution of a Lease Agreement
with the Sherman Independent School District (SISD) for a Bus Loop

Issue
This resolution would provide for a lease of City-owned real property to the Sherman Independent School District (SISD).

Background
The Henry Sory Elementary School, which is under construction by SISD, needs access to Center Street across City-owned real estate. The traditional means of granting passage would be an easement. However, this will not work for the SISD because of prohibitions on spending school district money on property that is not owned or leased by the district.

Origination
Mayor Bill Magers and the Sherman Independent School District's Superintendent of Schools, Al Hambrick

Financial Consideration
The City would receive a nominal fee from this lease.

Staff Recommendation
The staff recommends approval of this resolution.

Alternatives
The City Council could deny this resolution.

Attachments
Resolution No. 4972
Lease Agreement
Legal Description and Survey

Prepared and Approved by:
Giles Brown, Acting City Manager

RESOLUTION NO. 4972

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH THE SHERMAN INDEPENDENT SCHOOL DISTRICT (SISD) FOR A BUS LOOP; 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 Acting City Manager be and is hereby authorized and directed, subject to all lease documents being properly completed and approved as to form and content by the City Attorney, to execute a Lease Agreement with Sherman Independent School District, for a bus loop on City of Sherman property as depicted in Exhibit "A" of the Lease Agreement, in the same or substantially same form as the lease documents attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the _____ day of ________________, 2007.

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ________________________________
DOREEN E. MCGOOKEY,
CITY ATTORNEY

LEASE AGREEMENT

STATE OF TEXAS §
§
COUNTY OF GRAYSON §

This Lease of Property is made this the ____ day of _________, 2007 in Sherman, Texas by and between the City of Sherman, Texas a Texas home-rule municipality and political subdivision of the State of Texas organized pursuant to the Texas Constitution, hereafter called "Lessor," whose address for purposes of notice under this Lease is P.O. Box 1106, Sherman, Texas 75091-1106, and the Sherman Independent School District, a political subdivision and public school district of the State of Texas, hereafter called "Lessee," whose address for purposes of notice under this Lease is 120 West King Street, Sherman, Texas 75090.

The Lessor and the Lessee agree that there is a public necessity that land owned by the City of Sherman be used by the Sherman Independent School District as part of a current school construction project.

The subject of this Lease is the parcel of land described in Exhibit "A" which is attached hereto and incorporated herein for any and all purposes. The parcel of land described in Exhibit "A" is hereinafter referred to in this Agreement as the "Property".

The parties agree as follows:

1. AGREEMENT TO LEASE: DESCRIPTION OF THE PROPERTY. The Lessor leases to the Lessee, and the Lessee rents from the Lessor, the Property described in Exhibit "A".

2. TERMS OF LEASE. The term of the Lease are as follows:
The term of this Lease shall be a period of ninety-nine (99) years, commencing on the execution of this lease agreement, and ending at midnight on January 1, 2105. Lessee shall have the right to renew this Lease for an additional term of ninety-nine (99) years, on like terms and conditions, by delivering a written notice of intention to renew Lease to Lessor within 90 days from the end of the term.

3. RENTAL.
a. Lessee shall pay to Lessor as rent at the address set forth above, or at any other address that Lessor may designate, rent in the amount of $10 in lawful money of the United States of America, which shall cover the first ninety-nine (99) year term of the Lease.

4. HOLD OVER. Lessee has the right to hold over at the end on the initial term of this Lease. If at the end of the initial ninety-nine (99) year terms

of this Lease, Lessee continues its possession and use of the Property, this Lease shall not terminate, and it shall be considered that Lessee has held over under the terms of this Lease for the additional ninety-nine (99) year period. During the period of this hold over, the Lease terms recited in this Lease Agreement shall continue to govern the relationship between the parties. If Lessee elects to hold over, Lessee shall owe Lessor rent in the amount of $10 in lawful money of the United States of America.

5. LESSEE'S COVENANTS AND RIGHTS. Lessee further covenants and agrees as follows:

a. To pay the rent; to use the Property in a careful and proper manner for educational functions; to commit or permit no waste or damages to the Property; to conduct or permit no business or act that is a nuisance or may be in violation of any federal, state, or local law or ordinance; to surrender the Property on expiration or termination of this Lease in clean condition and good repair, normal wear and tear expected, provided, however, that all alterations, additions, and improvements permanently attached and made by Lessee, its successors, sub lessees, and assigns (excepting movable furniture, equipment, supplies, inventory, and special air-conditioning equipment installed by Lessee) shall become and remain the property of Lessor on the termination of Lessee's occupancy of the Property.

b. It is expressly agreed among the parties that Lessee shall have the right to construct permanent improvements on the leased Property, as Lessee deems necessary. Namely, among other improvements, Lessee shall be allowed to construct a permanent roadway on the leased Property to be used as a bus loop, and any signs traffic control devices, barricades or any other improvements incident to the construction of a bus loop. Lessee hereby agrees to provide and pay for all necessary services and materials to construct improvements on the leased Property and to accommodate anticipated increased use.

c. At Lessee's expense, Lessee shall perform all maintenance and repair required to keep the leased Property in good condition during the term of this Lease and any renewal term.

d. Lessee shall in no case or situation be denied access to the leased premises.

6. TERMINATION OF LEASE. Lease shall be terminable by Lessee at its discretion, provided however that Lessee must provide Lessor with ninety (90) days written notice of Lessee's intent to terminate Lease.

7. ADDRESSES FOR PAYMENTS AND NOTICES. Rent payments and notices to Lessor and Lessee shall be mailed or delivered to the address set forth on the first page of this Lease, unless the parties advice each other of a change of address in writing. All notices to either party shall be sent by certified or registered mail, return receipt.

8. CAPTIONS. The captions and paragraphs or letters appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe, or describe the scope or intent of the sections or articles of this Lease or affect this Lease in any way.

9. TEXAS LAW. This Lease will be governed by the laws of the State of Texas, as to both interpretations and performance. The parties expressly agree that should any dispute arise involving this Lease, said dispute shall be adjudicated in the courts of the county where the leased Property is located. If either party files an action to enforce any covenant of this Agreement, then the prevailing party is entitled to recover its reasonable attorney's fees to be fixed by the Court. This Agreement shall benefit and bind the respective heirs, legal representatives, successors and assignees of the parties herein. No modifications or amendments of this Agreement shall be binding unless in writing and duly signed by the parties or their authorized representatives. If any provision of this Agreement is found to be invalid or unenforceable, such invalidity will not affect the remainder of the Agreement and the remainder of the Agreement shall continue in full force and effect.

10. ENTIRE AGREEMENT. This Lease sets forth all the promises, agreements, conditions, and understandings between Lessor and Lessee relative to the leased Property. There are no other promises, agreements, conditions, or understandings, either oral or written, between them. No subsequent alteration, amendment, change, or addition to this Lease will be binding on Lessor or Lessee unless in writing and signed by them and made a part of this Lease by direct reference.

11. TERMS INCLUSIVE. As used herein, the terms "Lessor" and "Lessee" include the plural whenever the context requires or admits.

12. REPRESENTATIVES BOUND HEREBY. The terms of this Lease will be binding on the respective successors, representatives, and assigns of the parties.

13. LESSEE TO COMPLY WITH ALL LAWS. Lessee and its agents, guests, licenses, invitees, sub lessees, assignees, and successors shall at all times comply with all applicable laws, ordinances, and governmental regulations in the use of the Property.

14. TRANSFER OF INTEREST IN PROPERTY. Except as provided in paragraph 6, Lessor and Lessee agree not to transfer any interest the parties hold in the Property or any part of or any right or privilege connected with the Property, absent written consent of all parties to this Agreement.

15. **INDEMNIFICATION:** LESSEE shall defend, indemnify and hold harmless LESSOR, its officers and employees from and against all claims, loss, liability, suits and damages, including attorney's fees, caused in whole or in part by either LESSEE'S negligent acts, errors or omissions, willful misconduct, or anyone directly or indirectly employed by LESSEE, that are related to the use of the Property .

16. EXECUTION OF NECESSARY DOCUMENTS. Both City and District agree to execute and deliver any instruments in writing necessary to carry out any agreement, term, or conditions within this Agreement whenever needed.

17. PARTIES HAVE READ AND UNDERSTAND ENTIRE AGREEMENT. By executing this Agreement, each party represents that such party has full capacity and authority to grand all rights and assume all obligations that have been granted and assumed under this Agreement, and that the governing body of the respective party has authorized this Agreement. Each party warrants that they had access to legal counsel prior to entering into this Agreement.

18. GOVERNMENTAL IMMUNITY. Neither the Lessor nor the Lessee waive any governmental immunities. Any provision herein interpreted by a court of law to waive either party's governmental immunity is void.

Executed in multiple originals the day and year first above written.

Sherman Independent School District	**City of Sherman**
By: ____________________________	By: ____________________________
Dr. Al Hambrick, Superintendent Sherman Independent School District By Action of the Board of Trustees	Giles Brown, Acting City Manager City of Sherman By Action of the City of Sherman

APPROVED:

____
Doreen E. McGookey
City Attorney

STATE OF TEXAS §
§
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, a Notary Public in the State of Texas, on this day personally appeared Mr. Giles Brown, Acting City Manager of CITY OF SHERMAN, known to me to be the person whose name is subscribed to the foregoing Interlocal Agreement for Lease of Property, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

____
City of Sherman

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ________ day of __________, 2007.

____
Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, a Notary Public in the State of Texas, on this day personally appeared Dr. Al Hambrick, Superintendent of SHERMAN INDEPENDENT SCHOOL DISTRICT, known to me to be the person whose name is subscribed to the foregoing Interlocal Agreement for Lease of Property, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

____
Sherman Independent School District

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ________ day of __________, 2007.

____
Notary Public, State of Texas

UNDERWOOD

DRAFTING & SURVEYING, INC.

Legal Description
Job No. A7010017

Situated in the City of Sherman, Grayson County, Texas, being a part of the Elizabeth Jones Survey, Abstract No. 625, and being a part of the 17.772 acre tract of land conveyed to the City of Sherman (Tract 16) by Deed of Dedication of record in Volume 3566, Page 616, of the Official Public Records, Grayson County, Texas, and being more particularly described as follows:

Commencing at a ½" steel rod previously set at the southwest corner of the 47.54 acre tract of land conveyed to the Sherman Independent School District by deed of record in Volume 4064, Page 807, of said Official Public Records, said rod being the northwest corner of said 17.772 acre tract;

Thence North 47°23'00" East with the south line of said 47.54 acre tract, a distance of 176.91 feet to the northwest corner of the herein described tract;

Thence North 47°23'00" East continuing with said south line, a distance of 47.68 feet to the northeast corner of the herein described tract;

Thence in a southerly direction over and across said 17.772 acre tract the following calls and distances:

South 15°39'32" East a distance of 33.26 feet;

A curve to the right having a radius of 279.50 feet and an arc length of 112.17 feet (chord bears South 04°09'42" East 111.42 feet);

South 07°20'08" West a distance of 177.78 feet;

A curve to the left having a radius of 244.50 feet and an arc length of 98.12 feet (chord bears South 04°09'42" East 97.47 feet);

South 15°39'32" East a distance of 104.61 feet to the southeast corner of the herein described tract lying in the north right-of-way line of Center Street;

Thence South 47°23'00" West with said north right-of-way line, a distance of 51.85 feet to the southwest corner of the herein described tract;

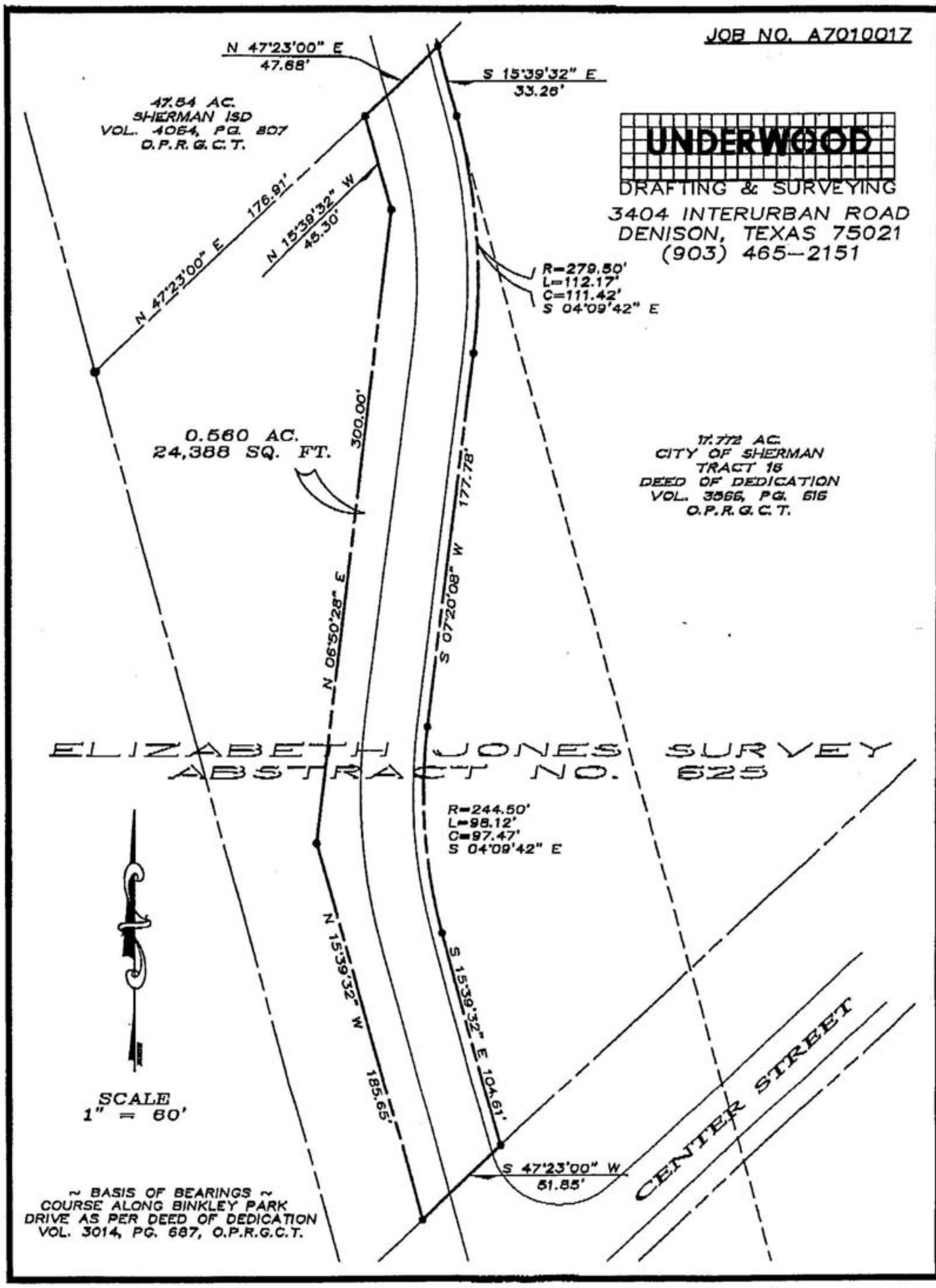
Thence in a northerly direction over and across said 17.772 acre tract the following calls and distances:

North 15°39'32" West a distance of 185.65 feet;

North 06°50'28" East a distance of 300.00 feet;

North 15°39'32" West a distance of 45.30 feet to the **Point-of-Beginning** and containing **0.560 acres** (24,388 Square Feet) of land.

EXHIBIT A


JOB NO. A7010017
N 47°23'00" E
47.68'
S 15°39'32" E
33.26'
47.64 AC.
SHERMAN ISD
VOL. 4064, PG. 807
O.P.R.G.C.T.
UNDERWOOD
DRAFTING & SURVEYING
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
(903) 465-2151
N 47°23'00" E 176.91'
N 15°39'32" W
45.30'
R=279.50'
L=112.17'
C=111.42'
S 04°09'42" E
0.560 AC.
24,388 SQ. FT.
300.00'
177.78'
17.772 AC.
CITY OF SHERMAN
TRACT 16
DEED OF DEDICATION
VOL. 3566, PG. 616
O.P.R.G.C.T.
N 06°50'28" E
S 07°20'08" W
ELIZABETH JONES SURVEY
ABSTRACT NO. 625
R=244.50'
L=98.12'
C=97.47'
S 04°09'42" E
N 15°39'32" W
185.65'
S 15°39'32" E 104.61'
CENTER STREET
SCALE
1" = 60'
S 47°23'00" W
51.85'
~ BASIS OF BEARINGS ~
COURSE ALONG BINKLEY PARK
DRIVE AS PER DEED OF DEDICATION
VOL. 3014, PG. 687, O.P.R.G.C.T.

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. C.2

**** RESOLUTION NO. 4973***
Amending the Authorized Representatives to Invest City of Sherman Funds with the Texas Local Government Investment Pool (TexPool)

Issue
This resolution updates the City officials who are authorized to do business on the City of Sherman's behalf with TexPool.

Background
TexPool is a pooled investment fund used by cities, counties, and school districts throughout Texas. The update is necessary to reflect the change in the City's Finance Director and City Management.

Origination
Director of Finance

Financial Consideration
There is no financial consideration to updating the TexPool authorized representatives.

Staff Recommendation
The staff recommends approval.

Alternatives
The City Council could deny this request, but that would hinder the Finance Department in the execution of their duties.

Attachments
Resolution No. 4973

Prepared by:
Keith Dagen, Director of Finance

Approved by:
Giles Brown, Acting City Manager

RESOLUTION NO. 4973

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE AUTHORIZED REPRESENTATIVES TO INVEST CITY OF SHERMAN FUNDS WITH THE TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL); FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Sherman ("Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool"), a public funds investment pool, was created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act;

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

<u>SECTION 1.</u> That the individuals, whose signatures appear in this resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

<u>SECTION 2.</u> That an Authorized Representative of the Participant may be deleted by a written instrument signed by all remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool account or (2) is no longer employed by the Participant.

<u>SECTION 3.</u> That the Participant may, by Amending Resolution signed by the Participant, add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant.

SECTION 4. That the following named individuals are the Authorized Representatives of the Participant, and each will be issued P.I.N. numbers:

1. Name: Robby Hefton — Title: Director of Administration

   Signature: ___________________________ Direct Phone No.: (903) 892-7203

2. Name: Keith Dagen — Title: Director of Finance

   Signature: ___________________________ Direct Phone No.: (903) 892-7218

SECTION 5. That the following named individual will have authority for inquiring about account activity and balances and receiving confirmations and monthly statements under the Participation Agreement:

Name: None

SECTION 6. That this resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool receives a copy of any such amendment or revocation.

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

PASSED AND APPROVED on this the _____ day of ________________, 2007.

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ____________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. C.3

RESOLUTION NO. 4974
Amending the Authorized Representatives to Invest City of Sherman Funds with Wells Fargo Brokerage Services, LLC

Issue
This resolution updates the City officials who are authorized to do business on the City of Sherman's behalf with Wells Fargo Brokerage Services, LLC.

Background
The City entered into a custodial agreement with Wells Fargo Brokerage Services, LLC in August 2003 for the safekeeping of the investment securities owned by the City. The update is necessary to reflect the change in the City's Finance Director and City Management.

Origination
Director of Finance

Financial Consideration
There is no financial consideration to updating the Wells Fargo Brokerage Services, LLC authorized representatives.

Staff Recommendation
The staff recommends approval.

Alternatives
The City Council could deny this request, but that would hinder the Finance Departments in the execution of their duties.

Attachments
Resolution No. 4974

Prepared by:
Keith Dagen, Finance Director

Approved by:
Giles Brown, Acting City Manager

RESOLUTION NO. 4974

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE AUTHORIZED REPRESENTATIVES TO INVEST CITY OF SHERMAN FUNDS WITH WELLS FARGO BROKERAGE SERVICES, LLC; 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 individuals, whose signatures appear in this resolution, are Authorized Representatives of the City and are each hereby authorized to make transactions with Wells Fargo Brokerage Securities, LLC, to designate other authorized representatives and to take all other action required or permitted by the City deemed necessary or appropriate for the investment of local funds.

SECTION 2. That the following named individuals are the Authorized Representatives of the City, each authorized to give notices and instructions to Wells Fargo Brokerage Securities, LLC:

1.	Name: Robby Hefton	Title: Director of Administration
	Signature: ____________________	Direct Phone No.: (903) 892-7203
2.	Name: Keith Dagen	Title: Director of Finance
	Signature: ____________________	Direct Phone No.: (903) 892-7218

SECTION 3. That this resolution and its authorization shall continue in full force and effect until amended or revoked by the City and written notice of the amendment or revocation is delivered to Wells Fargo Brokerage Securities.

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

PASSED AND APPROVED on this the _____ day of ________________, 2007.

CITY OF SHERMAN, TEXAS

BY: ________________________________

BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. C.4

RESOLUTION NO. 4975
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1105 North Branch Street

Issue
This item is to consider property tax abatement for the construction of a new single-family residence at 1105 North Branch Street.

Background
Several years ago, the City Council began a residential tax abatement program to encourage the redevelopment of older sections of town. This application is for the construction of a new single-family residence at this location. This lot is in the designated zone for residential tax abatements.

Origination
Barton Capital, LTD., Applicant

Financial Consideration
A $75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately $248.00 annually.

Staff Recommendation
The staff recommends approval of this abatement since it meet the requirements of the process.

Alternatives
The City Council could decide against granting this abatement.

Attachments
Resolution No. 4975
Residential Tax Abatement Agreement
Application
Building Permit Application
Survey
Location Map

Prepared and Approved by:
Giles Brown, Acting City Manager

RESOLUTION NO. 4975

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1105 NORTH BRANCH STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the Acting City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Barton Capital, Ltd., and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Barton Capital, Ltd. for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 1105 North Branch Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the _____ day of ________________, 2007.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
§
COUNTY OF GRAYSON §

AGREEMENT

THIS AGREEMENT, entered into by and between the **CITY OF SHERMAN, TEXAS**, a home rule city and municipal corporation of the State of Texas, duly acting herein by and through its City Manager, hereinafter referred to as CITY and **BARTON CAPITAL, LTD.**, a corporation of the State of Texas, hereinafter referred to as OWNER.

WITNESSETH:

WHEREAS, on the 16th day of June, 2003, the City Council of Sherman, Texas, passed Ordinance No. 5136 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 4685) stating that it elects to be eligible to participate in a residential tax abatement program; and

WHEREAS, the CITY desires to create the proper economic and social environment to induce the investment of private resources in real estate construction located in incorporated areas of the CITY; and

WHEREAS, the CITY hereby finds that it may effectively encourage and assist the creation of such an environment by participating in tax abatement pursuant to the CITY; and

WHEREAS, the CITY has created a reinvestment zone within its jurisdiction to induce the investment of private resources in real estate construction located in incorporated areas of the CITY, and OWNER has agreed to construct certain real property improvements; and

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 16th day of June, 2003;

NOW, THEREFORE, WITNESS THIS TAX ABATEMENT AGREEMENT which provides as follows:

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2007, and continuing for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2007, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

TAX YEAR	ABATEMENT
2007	100%
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	80%
2014	60%
2015	40%
2016	20%

II.

2.01 OWNER warrants and represents that the real property upon which OWNER has constructed or will construct improvements is qualified property within the meaning of that Act, and that such has been and will remain eligible for tax abatement under the provisions of the Property Redevelopment and Tax Abatement Act, Sections 312.001, et seq., Texas Tax Code.

2.02 To continue to qualify for tax abatement under the terms of this Agreement, OWNER hereby warrants and represents that the improvements made by OWNER on the real property described herein are for residential use.

2.03 The tax abatement granted under the terms of the Agreement shall only be implemented if appraised value of all real property and improvements located thereon owned by OWNER and lying within designated zone exceeds the base year value. The OWNER agrees that Grayson Appraisal District shall, at reasonable times upon reasonable notice, have access to the property made the subject of this Agreement, and that the above set forth inspectors shall be able to inspect the property to insure that the improvements are being made in accordance with the terms and conditions hereof and utilized in accordance with this Agreement.

III.

3.01 The term of this Agreement shall be for tax years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, as indicated above in paragraph 1.01.

IV.

4.01 The kind, number and location of all proposed property improvements are set forth as follows:

Construction of one (1) new single-family residence at the following locations:

Being Part of Lot 17, Block 1 of the JQA Carter Addition to the City of Sherman, Grayson County, Texas, and being more commonly known as 1105 North Branch Street.

V.

5.01 OWNER agrees that, should he fail to make improvements substantially as described or fail to perform any other term or covenant hereof, CITY shall have the right, after giving notice and opportunity to cure as hereinafter set out, to recapture all tax revenue on said property in the zone lost as a result of this Agreement for the entire term of the Agreement. Such recapture shall mean that all of such property shall be taxed at the full improved value as assessed by the Grayson Appraisal District for all years this Agreement has been in effect. The payment of such recaptured taxes minus any taxes paid by OWNER during the years this Agreement has been in force shall be due January 1 of the next following year and shall be delinquent if not paid on or prior to January 31st. Penalties and interest shall be calculated thereafter as if all taxes had become due in the same year. The CITY agrees prior to enforcement of the terms of this paragraph to give 120 days written notice to the address shown below of OWNER'S default in completing the improvements called for in this Agreement, and OWNER shall have the right to cure such default within the 120-day period.

VI.

6.01 This Agreement shall injure to the benefit of CITY and OWNER, and shall be binding upon them, their heirs, successors and assigns. It is specifically provided and agreed that the right to tax abatement shall inure to the benefit of subsequent owners so long as the term and conditions of this Agreement are in effect.

VII.

7.01 CITY agrees that this Agreement may be assigned and the improvements leased or sub-leased, without any further necessity for consent, by the OWNER to any person, firm or corporation.

VIII.

8.01 At any time before the expiration of the term hereof, this Agreement may be modified by the mutual action of the parties hereto to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. Such modification must be in writing and signed by all the parties hereto and made by the same procedure by which the original Agreement was approved and executed. In no event may the original Agreement be modified so as to extend the term beyond the original term of this Agreement.

IX.

9.01 This Agreement shall be construed subject to the laws of the State of Texas, and particularly to the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code.

9.02 All appraisal values for real property shall be made by the Grayson Appraisal District or such other entity as may succeed or replace such District.

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 205 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

10.01 This Agreement is subject to all provisions of all outstanding bond issues of CITY. To the extent that this Tax Abatement Agreement conflicts with any of the provisions of such bond issues, such bond issues and attendant documents thereto shall control.

XI.

11.01 This Tax Abatement Agreement is specifically subject to present laws of the State of Texas and any future laws enacted subsequent to the execution of this Agreement which may provide retroactively for a modification of Agreements of this type as a matter of law. Upon the effective date of any such law, then this Agreement shall automatically be so modified.

XII.

12.01 Notices required by this Agreement shall be mailed to the following addresses as same may be in the future changed by either party upon written notice to the other:

City of Sherman PO Box 1106 Sherman, Texas 75091-1106 (903) 892-7200	Barton Capital, Ltd. 715 Hwy 75 South Sherman, Texas 75090 (903) 868 - 4201

Copy to: Grayson Appraisal District
205 North Travis Street
Sherman, Texas 75090
(903) 893-9673

This Agreement is performable in Grayson County, Texas. Witness our hands on this the _____ day of _________________________, 2007.

CITY:	OWNER:
CITY OF SHERMAN, TEXAS	BARTON CAPITAL, LTD.
BY: ______________________	BY: ______________________
L. SCOTT WALL	NAME: Ron Barton
CITY MANAGER	TITLE: Pres
	(CORPORATE SEAL)
ATTEST:	ATTEST:
BY: ______________________	BY: ______________________
LINDA ASHBY	NAME: Ron Barton
CITY CLERK	TITLE: Pres

APPROVED AS TO FORM
AND CONTENT:

____

DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: Cupid . Investments

Mailing Address: 715 S. HWY 75 SHERMAN, TX 75090

Telephone Number: 903 - 868 - 4201

Contact (if different than owner):

Name: Ron Barton

Mailing Address: SAME

Telephone Number: SAME

Property:

Physical Address: 1105 N. BRANCH

Summary Legal Description: Lot: 17 Block: 1 Addition: JQA CARTER

Full Legal Description: Include as an attachment a full legal description with metes and bounds.

Improvements:

Type of Improvements (please check one): New Construction: ✓ Remodeling: ______

Estimated Value of Improvements: $61,750

Estimated Date of Start of Construction: 2/13/07

Estimated Date of Completion of Project: 4/13/07

Description of Project: NEW SINGLE FAMILY DWELLING

Applicant(s): [signature] Date: ______

SHERMAN

P.O. BOX 1106, SHERMAN, TEXAS 75091-1106

BUILDING PERMIT APPLICATION

PERMIT NUMBER 76
OCCUPANCY NUMBER

PLEASE NOTE - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING

STREET NUMBER AND NAME	SUBDIVISION OR SURVEY	LOT	BLOCK	CENSUS TRACT
1105 N. BRANCH	JQA CARTER	17	1	

FLOOD ZONE ______ E. ZONING ______ TIME TO COMPLETE 180 DAYS

BASE FLOOD ELE. ______ FIRE ZONE ______

1ST FLOOR ELE. ______ PLANS ______

II TYPE AND COST OF BUILDING

A. TYPE OF IMPROVEMENT
1 ☑ NEW BUILDING
2 ☐ ALTERATION
3 ☐ REPAIR, Replacement
4 ☐ MOVING (relocation)
5 ☐ FOUNDATION ONLY

B. OWNERSHIP
1 ☑ PRIVATE (Individual, corporation, non profit institution, etc.)
2 ☐ PUBLIC (Federal, state, or local government)

C. COST $ 61, 950.00

D. FEE 25.00

Sq. Ft. Main Bldg. ______ Accs. Bldg. ______

DESCRIPTION OF REPAIRS:
Construct - Single Family Dwelling
Electrical - Barry Beste
HVAC - Markl & Son
Plumbing - Red River Plumbing

#25 Stormwater

III BUILDING SPECS.

New Buildg. and Additions - Fill Out Parts F. - M.
Wrecking - Fill Out Part K Only
All Others Skip to IV

F. PRINCIPAL TYPE OF FRAME
☐ MASONRY (wall bearing)
☑ WOOD FRAME
☐ STRUCTURAL STEEL
☐ REINFORCED CONCRETE
☐ OTHER - SPECIFY ______

G. Principal Type of Heating Fuel
☐ GAS ☐ OIL
☐ ELECTRICITY ☐ COAL
☐ OTHER ______

H. TYPE OF SEWAGE DISPOSAL
☑ PUBLIC OR PRIVATE CO.
☐ INDIVIDUAL (Septic tank, etc.)

I. TYPE OF WATER SUPPLY
☑ PUBLIC OR PRIVATE CO.
☐ INDIVIDUAL (well, cistern)

J. ADDITIONAL INFO
RESIDENTIAL TAX ABATEMENT ☑ YES ☐ NO
WILL THERE BE AN ELEVATOR? ☐ YES ☐ NO

K. DIMENSIONS
Number of Stories 1
TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS 1108
TOTAL LAND AREA SQ. FT. 6300

L. No. OFF-STREET PARKING SPACES
ENCLOSED ______
OUTDOORS 3

M. RESIDENTIAL BLDG. ONLY
No. of Bedrooms ____ No. of Bathrooms Full ____ Partial ____

IV IDENTIFICATION

	NAME	MAILING ADDRESS	PHONE
1. OWNER	Cupid Investments	715 S Hwy 75 SHERMAN, TX 75090	868-4201 819-4098 818-6180
2. CONT.			
3. Architect			

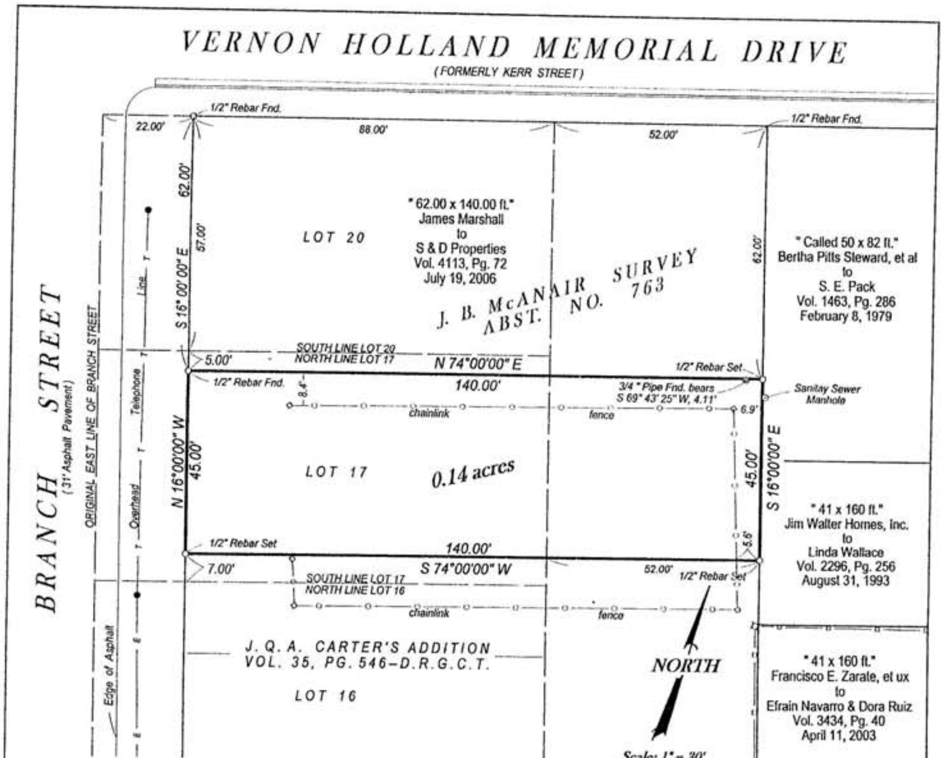
The Owner Of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman

SIGNATURE OF APPLICANT ______ ADDRESS ______ DATE 2/9/07

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

APPROVED ______ 20 ____ DENIED ______ 20 ____ BUILDING OFFICIAL SIGNATURE ______

127-015-88 White - File Pink - Owners Application Yellow - Tax Office Green - File



SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
P.O. Box 1843 - 109 S. Travis - Sherman, Texas 75091-1843
phone (903)892-8003 - fax (903)868-2970

SURVEY FOR: BARTON CAPITAL, LTD.

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 28 th day of November, 2006 of the following described property:

(LEGAL DESCRIPTION ATTACHED)

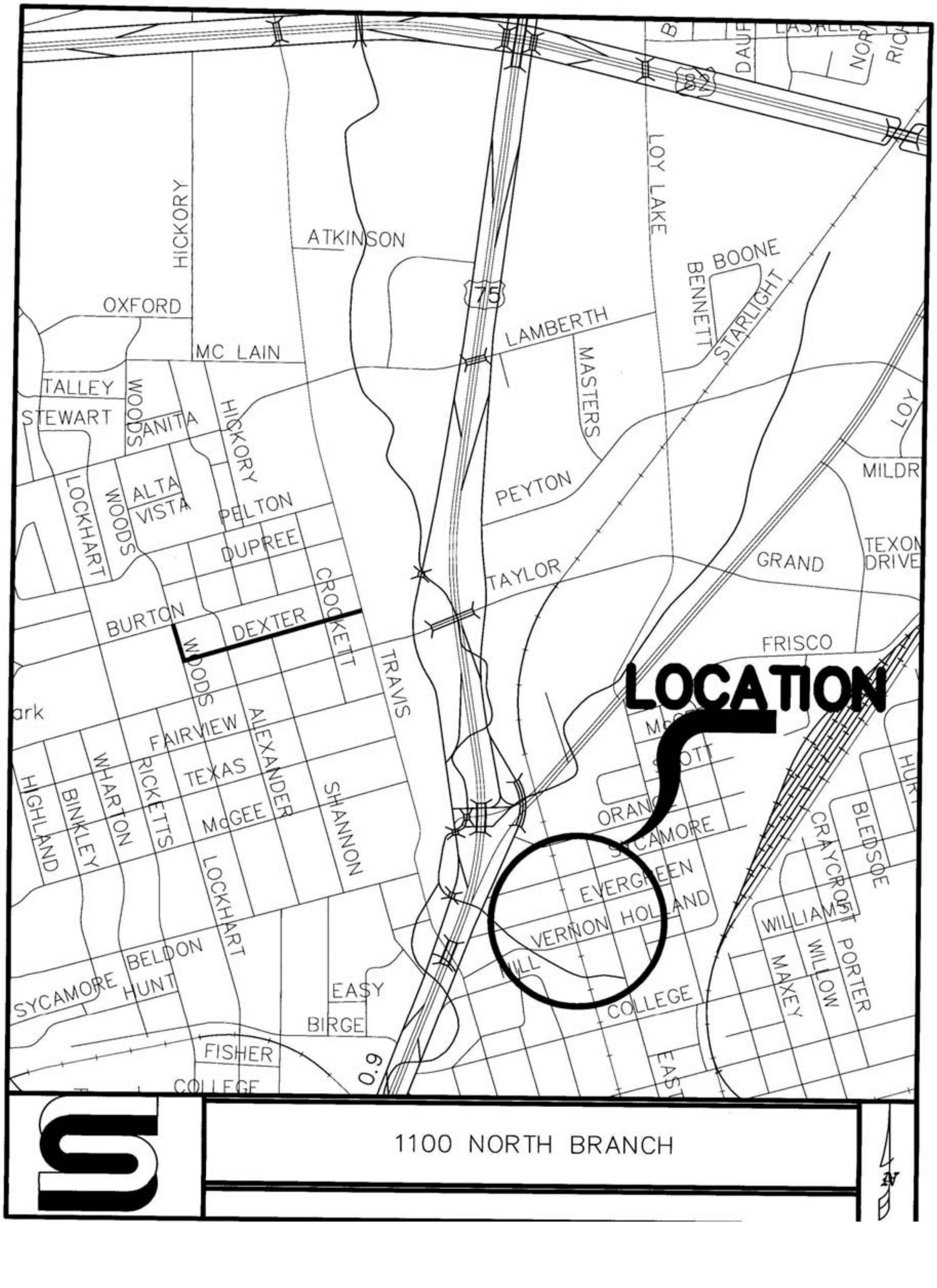
That the improvements located on said property are known as **1105 N. BRANCH STREET, SHERMAN, TEXAS** and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

THIS SURVEY PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE DATE SHOWN HEREON FOR THE CLIENT NAMED HEREINABOVE AND FOR THE TRANSACTION TAKING PLACE AT THE TIME OF THIS SURVEY. THIS SURVEY PLAT IS NOT TO BE USED IN CONNECTION WITH ANY FUTURE TRANSACTIONS WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE UNDERSIGNED SURVEYOR AND THE UNDERSIGNED SURVEYOR ACCEPTS NO LIABILITY FOR ANY FUTURE UNAUTHORIZED USE OF THIS SURVEY PLAT.

Marshall Sartin
R.P.L.S. # 3694

STATE OF TEXAS
REGISTERED
MARSHALL SARTIN
3694
PROFESSIONAL LAND SURVEYOR

1105BRAN.PCS


LOCATION
1100 NORTH BRANCH
HICKORY
ATKINSON
OXFORD
MC LAIN
LAMBERTH
LOY LAKE
BOONE
BENNETT
STARLIGHT
MASTERS
TALLEY
STEWART
WOODS
ANITA
LOCKHART
ALTA VISTA
PELTON
DUPREE
PEYTON
TAYLOR
GRAND
TEXON DRIVE
MILDR
LOY
BURTON
DEXTER
CROCKETT
TRAVIS
FRISCO
FAIRVIEW
ALEXANDER
TEXAS
SHANNON
HIGHLAND
BINKLEY
WHARTON
RICKETTS
McGEE
ORAN
SYCAMORE
EVERGREEN
VERNON
HOLLAND
MILL
COLLEGE
EAST
CRAYCROFT
BLEDSOE
WILLIAMS
WILLOW
PORTER
MAXEY
BELDON
HUNT
EASY
BIRGE
FISHER
0.9
75
82
DAUF
LASALLE
N

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. C.5

RESOLUTION NO. 4976
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single Family Residence at 1205 North Throckmorton Street

Issue
This item is to consider property tax abatement for the construction of a new single family residence at 1205 North Throckmorton Street.

Background
Several years ago, the City Council began a residential tax abatement program to encourage the redevelopment of older sections of town. This application is for the construction of a new single family residence at this location. This lot is in the designated zone for residential tax abatements.

Origination
Barton Capital, LTD., Applicant

Financial Consideration
A $75.00 application fee has been received for the residential lot. If granted, the initial abatement for this lot will be approximately $264.00 each annually.

Staff Recommendation
The staff recommends approval of this abatement since it meet the requirements of the process.

Alternatives
The City Council could decide against granting this abatement.

Attachments
Resolution No. 4976
Residential Tax Abatement Agreement
Application
Building Permit Application
Survey
Location Map

Prepared and Approved by:
Giles Brown, Acting City Manager

RESOLUTION NO. 4976

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1205 NORTH THROCKMORTON STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the Acting City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Barton Capital, Ltd., and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Barton Capital, Ltd. for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 1205 North Throckmorton Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the _____ day of ________________, 2007.

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
§
COUNTY OF GRAYSON §

AGREEMENT

THIS AGREEMENT, entered into by and between the **CITY OF SHERMAN, TEXAS**, a home rule city and municipal corporation of the State of Texas, duly acting herein by and through its City Manager, hereinafter referred to as CITY and **BARTON CAPITAL, LTD.**, a corporation of the State of Texas, hereinafter referred to as OWNER.

WITNESSETH:

WHEREAS, on the 16th day of June, 2003, the City Council of Sherman, Texas, passed Ordinance No. 5136 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 4685) stating that it elects to be eligible to participate in a residential tax abatement program; and

WHEREAS, the CITY desires to create the proper economic and social environment to induce the investment of private resources in real estate construction located in incorporated areas of the CITY; and

WHEREAS, the CITY hereby finds that it may effectively encourage and assist the creation of such an environment by participating in tax abatement pursuant to the CITY; and

WHEREAS, the CITY has created a reinvestment zone within its jurisdiction to induce the investment of private resources in real estate construction located in incorporated areas of the CITY, and OWNER has agreed to construct certain real property improvements; and

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 16th day of June, 2003;

NOW, THEREFORE, WITNESS THIS TAX ABATEMENT AGREEMENT which provides as follows:

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2007, and continuing for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2007, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

TAX YEAR	ABATEMENT
2007	100%
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	80%
2014	60%
2015	40%
2016	20%

II.

2.01 OWNER warrants and represents that the real property upon which OWNER has constructed or will construct improvements is qualified property within the meaning of that Act, and that such has been and will remain eligible for tax abatement under the provisions of the Property Redevelopment and Tax Abatement Act, Sections 312.001, et seq., Texas Tax Code.

2.02 To continue to qualify for tax abatement under the terms of this Agreement, OWNER hereby warrants and represents that the improvements made by OWNER on the real property described herein are for residential use.

2.03 The tax abatement granted under the terms of the Agreement shall only be implemented if appraised value of all real property and improvements located thereon owned by OWNER and lying within designated zone exceeds the base year value. The OWNER agrees that Grayson Appraisal District shall, at reasonable times upon reasonable notice, have access to the property made the subject of this Agreement, and that the above set forth inspectors shall be able to inspect the property to insure that the improvements are being made in accordance with the terms and conditions hereof and utilized in accordance with this Agreement.

III.

3.01 The term of this Agreement shall be for tax years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, as indicated above in paragraph 1.01.

IV.

4.01 The kind, number and location of all proposed property improvements are set forth as follows:

Construction of one (1) new single-family residence at the following locations:

Being Lots 26 - 28, Block 9 of the WP Carters Addition to the City of Sherman, Grayson County, Texas, and being more commonly known as 1205 North Throckmorton Street.

V.

5.01 OWNER agrees that, should he fail to make improvements substantially as described or fail to perform any other term or covenant hereof, CITY shall have the right, after giving notice and opportunity to cure as hereinafter set out, to recapture all tax revenue on said property in the zone lost as a result of this Agreement for the entire term of the Agreement. Such recapture shall mean that all of such property shall be taxed at the full improved value as assessed by the Grayson Appraisal District for all years this Agreement has been in effect. The payment of such recaptured taxes minus any taxes paid by OWNER during the years this Agreement has been in force shall be due January 1 of the next following year and shall be delinquent if not paid on or prior to January 31st. Penalties and interest shall be calculated thereafter as if all taxes had become due in the same year. The CITY agrees prior to enforcement of the terms of this paragraph to give 120 days written notice to the address shown below of OWNER'S default in completing the improvements called for in this Agreement, and OWNER shall have the right to cure such default within the 120-day period.

VI.

6.01 This Agreement shall injure to the benefit of CITY and OWNER, and shall be binding upon them, their heirs, successors and assigns. It is specifically provided and agreed that the right to tax abatement shall inure to the benefit of subsequent owners so long as the term and conditions of this Agreement are in effect.

VII.

7.01 CITY agrees that this Agreement may be assigned and the improvements leased or sub-leased, without any further necessity for consent, by the OWNER to any person, firm or corporation.

VIII.

8.01 At any time before the expiration of the term hereof, this Agreement may be modified by the mutual action of the parties hereto to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. Such modification must be in writing and signed by all the parties hereto and made by the same procedure by which the original Agreement was approved and executed. In no event may the original Agreement be modified so as to extend the term beyond the original term of this Agreement.

IX.

9.01 This Agreement shall be construed subject to the laws of the State of Texas, and particularly to the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code.

9.02 All appraisal values for real property shall be made by the Grayson Appraisal District or such other entity as may succeed or replace such District.

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 205 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

10.01 This Agreement is subject to all provisions of all outstanding bond issues of CITY. To the extent that this Tax Abatement Agreement conflicts with any of the provisions of such bond issues, such bond issues and attendant documents thereto shall control.

XI.

11.01 This Tax Abatement Agreement is specifically subject to present laws of the State of Texas and any future laws enacted subsequent to the execution of this Agreement which may provide retroactively for a modification of Agreements of this type as a matter of law. Upon the effective date of any such law, then this Agreement shall automatically be so modified.

XII.

12.01 Notices required by this Agreement shall be mailed to the following addresses as same may be in the future changed by either party upon written notice to the other:

City of Sherman PO Box 1106 Sherman, Texas 75091-1106 (903) 892-7200	Barton Capital, Ltd. 715 Hwy 75 South Sherman, Texas 75090 (903) 868 - 4201

Copy to: Grayson Appraisal District
205 North Travis Street
Sherman, Texas 75090
(903) 893-9673

This Agreement is performable in Grayson County, Texas. Witness our hands on this the _____ day of __________________________, 2007.

CITY: **CITY OF SHERMAN, TEXAS**	**OWNER:** **BARTON CAPITAL, LTD.**
BY: ____________________ **L. SCOTT WALL** **CITY MANAGER**	**BY:** ____________________ **NAME:** Ron Barton **TITLE:** Pres
	(CORPORATE SEAL)
ATTEST:	**ATTEST:**
BY: ____________________ **LINDA ASHBY** **CITY CLERK**	**BY:** ____________________ **NAME:** Ron Barton **TITLE:** Pres

APPROVED AS TO FORM
AND CONTENT:

____
DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: BARTON CAPITAL :

Mailing Address: 715 S. HWY 75 SHERMAN, TX 75090

Telephone Number: 903 - 868 - 4201

Contact (if different than owner):

Name: Ron Barton

Mailing Address: SAME

Telephone Number: SAME

Property:

Physical Address: 1205 N. Throckmorton

Summary Legal Description: Lot: 26/27/28 Block: 9 Addition: WP CARTERS

Full Legal Description: Include as an attachment a full legal description with metes and bounds.

Improvements:

Type of Improvements (please check one). New Construction: ✓ Remodeling: ______

Estimated Value of Improvements: #65,950

Estimated Date of Start of Construction: 2-19-07

Estimated Date of Completion of Project: 4-19-07

Description of Project: NEW SINGLE FAMILY DWELLING

Applicant(s): [signature] Date: ______

SHERMAN

P.O. BOX 1106, SHERMAN, TEXAS 75091-1106

BUILDING PERMIT APPLICATION

PERMIT NUMBER 77
OCCUPANCY NUMBER

PLEASE NOTE - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING

STREET NUMBER AND NAME	SUBDIVISION OR SURVEY	LOT	BLOCK	CENSUS TRACT
1205 N. THROCKMORTON	WP CARTER	26/27/28	9	

FLOOD ZONE ______ E. ZONING ______ TIME TO COMPLETE 180 DAYS

BASE FLOOD ELE. ______ FIRE ZONE ______

1ST FLOOR ELE. ______ PLANS ______

II TYPE AND COST OF BUILDING

A. TYPE OF IMPROVEMENT
1 ☑ NEW BUILDING
2 ☐ ALTERATION
3 ☐ REPAIR, Replacement
4 ☐ MOVING (relocation)
5 ☐ FOUNDATION ONLY

B. OWNERSHIP
1 ☑ PRIVATE (Individual, corporation, non profit institution, etc.)
2 ☐ PUBLIC (Federal, state, or local government)

C. COST $ 65,950

D. FEE 25.00

Sq. Ft. { Main Bldg. ______ Accs. Bldg. ______

DESCRIPTION OF REPAIRS:
Construct - Single Family Dwelling
Electrical - Barry Beste
HVAC - MARKL + SON
Plumbing - Red River Plumbing
#25 Stormwater

III BUILDING SPECS.

New Buldg. and Additions - Fill Out Parts F. - M.

Wrecking - Fill Out Part K Only

All Others Skip to IV

F. PRINCIPAL TYPE OF FRAME
☐ MASONRY (wall bearing)
☑ WOOD FRAME
☐ STRUCTURAL STEEL
☐ REINFORCED CONCRETE
☐ OTHER - SPECIFY ______

H. TYPE OF SEWAGE DISPOSAL
☑ PUBLIC OR PRIVATE CO.
☐ INDIVIDUAL (Septic tank, etc.

I. TYPE OF WATER SUPPLY
☑ PUBLIC OR PRIVATE CO.
☐ INDIVIDUAL (well, cistern)

K. DIMENSIONS
Number of Stories 1
TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS 1108
TOTAL LAND AREA SQ. FT. 9000

L. No. OFF-STREET PARKING SPACES
ENCLOSED ______
OUTDOORS 3

G. Principal Type of Heating Fuel
☐ GAS ☐ OIL
☑ ELECTRICITY ☐ COAL
☐ OTHER ______

J. ADDITIONAL INFO
RESIDENTIAL TAX ABATEMENT ☑ YES ☐ NO
WILL THERE BE AN ELEVATOR? ☐ YES ☐ NO

M. RESIDENTIAL BLDG. ONLY
No. of Bedrooms ____ No. of Bathrooms Full ______ Partial ______

IV IDENTIFICATION

	NAME	MAILING ADDRESS	PHONE
1. OWNER	Cupid Investments	715 S HWY 75 SHERMAN, TX 75090	868-4201 819-4098 818-6180
2. CONT.			
3. Architect			

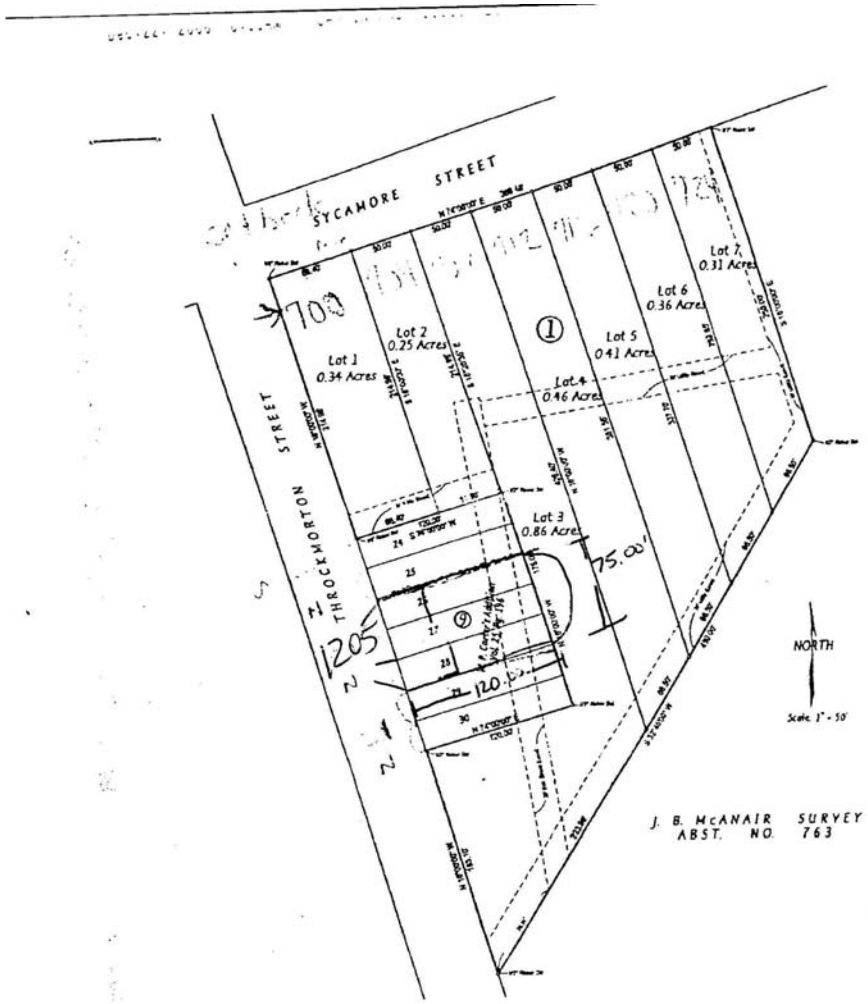
The Owner Of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman

SIGNATURE OF APPLICANT ______ ADDRESS 715 S HWY 75 SHERMAN TX DATE 2/9/07

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

APPROVED ______ 20 ____ DENIED ______ 20 ____ ______ BUILDING OFFICIAL SIGNATURE

127-015-88 White - File Pink - Owners Application Yellow - Tax Office Green - File



CUPIDS CORNER ADDITION
to the
CITY of SHERMAN,
GRAYSON COUNTY, TEXAS

a replat of Lots 16 (sixteen) thru 23 (thirty), of Block 9 (nine),
W. P. CARTER'S ADDITION
Volume 25, Page 196,
Deed Records, Grayson County, Texas

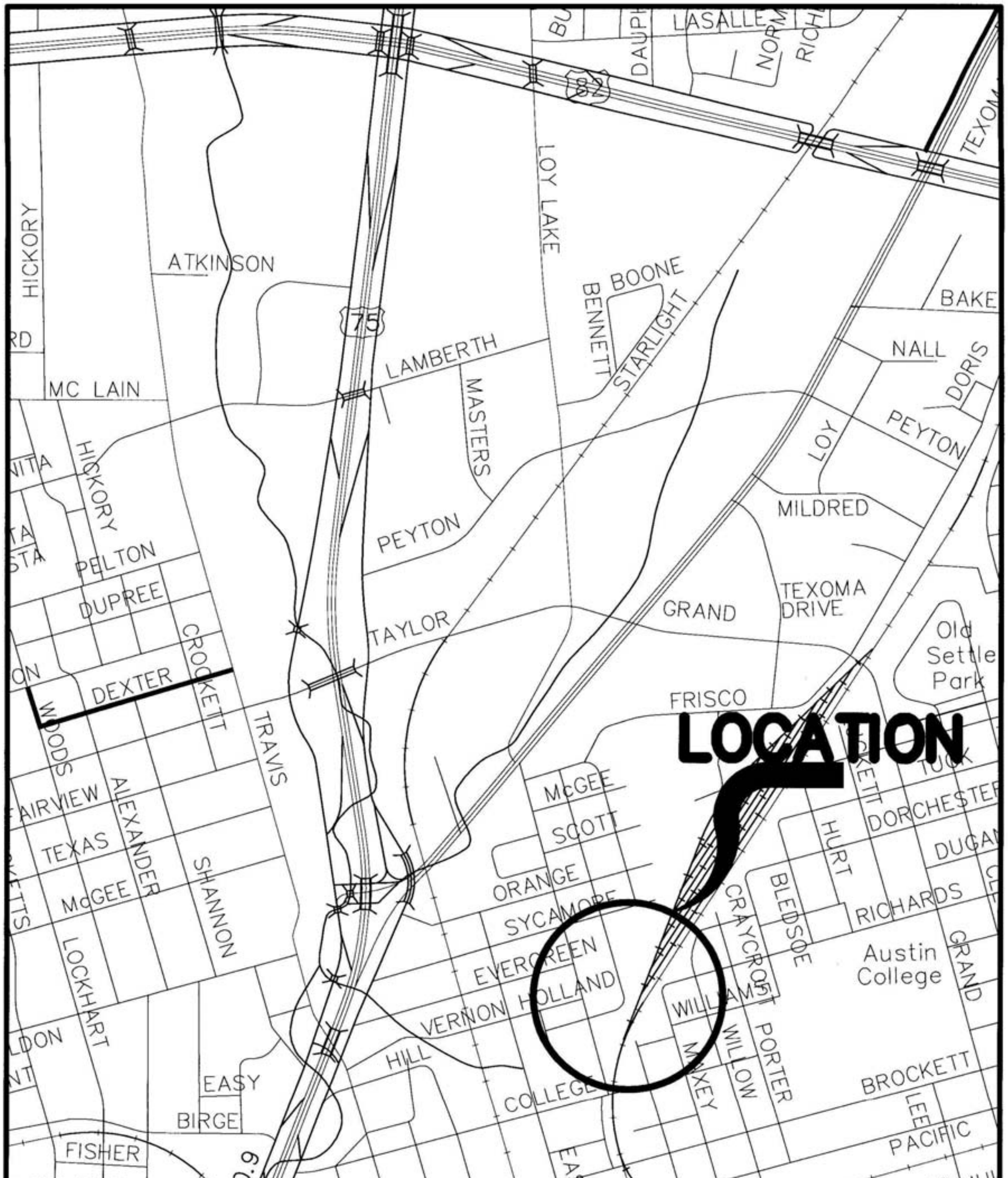
Owner & Developer

Barton Capital, Ltd.
Ron Barton, President
715 S. U.S. Hwy 75
Sherman, Texas 75090
903-819-4098

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
309 S. Travis, P.O. Box 1843 Sherman, Texas 75091-1843
Ph. (903) 892-8003 Fax. (903) 868-7970

868-4422

SHEET 1 OF
CUP10501.pcs



1200 NORTH THROCKMORTON

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.1

REQUEST TO ADVERTISE
Solicit Proposals for the Construction of T-Hangars at the Sherman Municipal Airport

Issue
To request permission to advertise for the construction of T-Hangers at the Sherman Municipal Airport

Background
The Airport Advisory Board has examined the option of constructing additional T-Hangers for a number of years. The Airport Advisory Board believes the additional T-Hangers will benefit the Airport with increased flight activity, aircraft operations, and fuel sales. Additionally, increased aircraft traffic could lead to interest from aircraft-related businesses to relocate/locate at the Sherman Municipal Airport. The Board has recommended to the City Council that the T-Hangers be built by a private investor and have outlined criteria for a ground lease. The criteria for the ground lease have been reviewed by the City Attorney for the development of a Ground Lease Contract.

Origination
Airport Advisory Board and Department of Public Works

Financial Consideration
The small cost associated with advertising the request for proposal has been provided for in the current fiscal year airport budget.

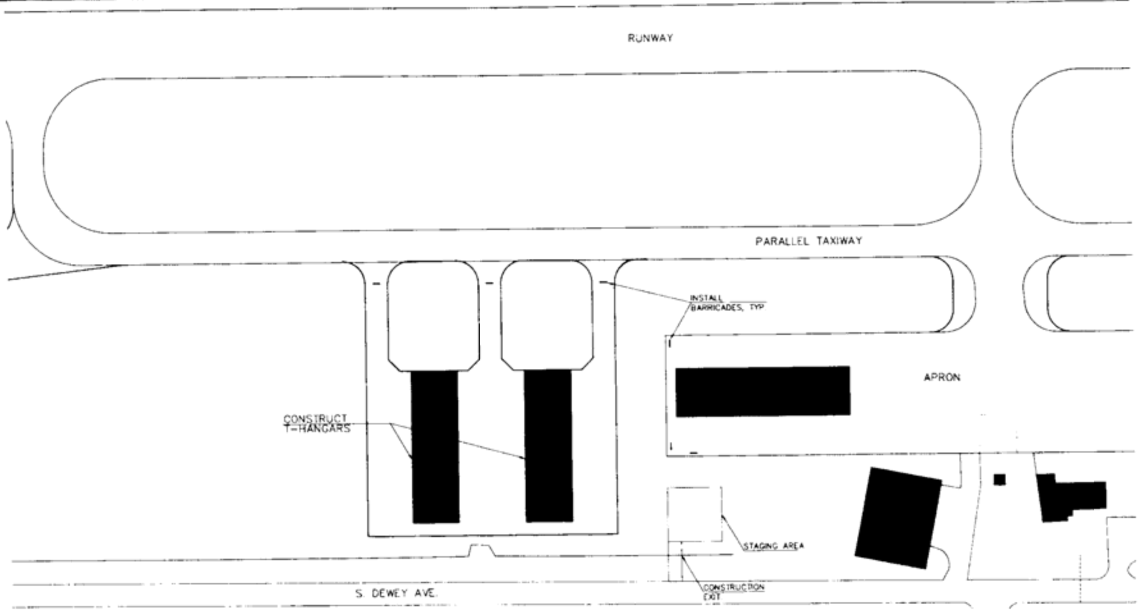
Staff Recommendation
It is recommended that the Sherman City Council authorize staff to advertise for the construction of two (2) 7-unit T-Hangers for public bid.

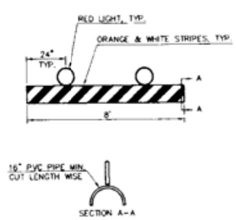
Alternatives
As may be directed by the Sherman City Council

Attachments
Site Map
Request for Proposals

Prepared by:
Jeffrey R. Miller, Director of
Public Works and Engineering

Approved by:
Giles Brown, Acting City Manager





BARRICADE DETAIL
NO SCALE

BARRICADE NOTES:

1. Barricades shall be lightweight and collapsible upon contact with an aircraft.
2. Barricades shall have a low-profile and not exceed 18" in height.
3. Barricades shall have alternating diagonal orange and white stripes.
4. Barricades shall have red lights (flashing or steady burning).
5. Barricades shall be weighted or secured to the pavement.
6. Barricades shall be spaced not more than 25' apart.

SAFETY NOTES:

1. Prior to commencement of the work, the Contractor shall review Federal Aviation Administration Advisory Circular 150/5370-2E (Operational Safety on Airports During Construction), and FAA Southwest Region Order 5200.5B (Airport Safety During FAA-Funded Airport Construction and FAA Facilities Maintenance) which is included in the General Construction Contract Provisions.

2. When construction operations require men and equipment working within 125 feet of an active runway, the affected runway shall be temporarily closed. Runway and taxiway closures shall be coordinated through the Engineer and shall be in accordance with the details shown on the plans. The Contractor shall notify the Engineer a minimum of 48 hours prior to closing any pavement areas so that NOTAM's can be issued, as needed.

3. All temporary closed runway markings and procedures that may be required during construction shall be in accordance with the Federal Aviation Administration Advisor Circulars 150/5340-1H and 150/5370-2E and FAA Southwest Region Order 5200.5B. Payment for said markings and procedures shall be made under the lump sum bid item "Temporary Marking, Lighting, and Barricades."

4. Flasher barricades shall be used to delineate closed areas of pavement. See details, this sheet.

5. All construction vehicles shall be flagged or lighted for high visibility in accordance with AC 150/5370-2E.

6. The Contractor shall be responsible for the safe storage of materials and equipment when not in use.

7. Waste materials resulting from this Project, with the exception of excavation, shall be disposed of off-site.

8. The Contractor shall keep the project area free from loose or blowable debris at all times. The Contractor shall sweep all closed pavements prior to reopening them.

9. The Contractor shall provide the name and telephone number of a person to act as the Contractor's representative, available 24 hours per day, should problems pertaining to the construction work arise which would require the Contractor's immediate attention.

10. Phasing and construction sequence shall be as detailed on this sheet.

11. The existing utilities shown are approximate locations. The contractor shall contact 1-800-DIG-TESS at least 24 hours prior to excavation for utility locations.

12. The Contractor shall construct a construction exit as shown on the plans. The exit shall consist of open graded coarse aggregate with cobbles ranging from 4" to 8". The Contractor shall also furnish and install a temporary gate that shall be kept closed. Following construction, the Contractor shall remove the gate and exit, and return the site to its original condition. Likewise, the Contractor shall also return the staging area to its original condition.

NO.	DATE	REVISIONS	BY	CHECKED

SHERMAN, TX

SHERMAN MUNICIPAL AIRPORT
GENERAL PROJECT &
SAFETY PLAN

BUCHER, WILLIS & RATLIFF CORPORATION
ONE GLEN LAKES 8140 WALNUT HILL LN DALLAS, TX 75231 214-373-7873

DESIGNED BY PTS	DATE 10-17-05	PROJECT NO.
DRAWN BY BMN	DATE 10-31-05	JOB NO. 2004-0218.02
CHECKED BY PTS	DATE 3-10-06	SCALE AS SHOWN · SHEET 2 OF 6

SHERMAN

City of Sherman

Request for Proposals
T-hanger Construction with Ground Lease
for the Sherman Municipal Airport

The City of Sherman, Texas is soliciting proposals from qualified companies interested in constructing and leasing two (2) 7-unit, pre-designed T-hangers at the City's Municipal Airport. The contract will include a 30-year ground lease for use of airport property for the new hangers. All expenses associated with the new hangers will be the responsibility of selected company.

The City of Sherman will only entertain proposals that meet the qualifications outlined in the RFP. Proposals must address each item listed in the "Proposal Requirements" section of the RFP. Proposals should not exceed ten (10) pages.

The proposal requirements and the Ground Lease Contract are included. Please review all information. If you have any questions or need clarification please contact Jeff Miller, Director of Public Works and Engineering by mail or fax.

City of Sherman
Director of Public Works and Engineering
Attn: Jeff Miller
P.O. Box 1106
Sherman, TX 75091
Fax: 903.870.7802

The RFP will be submitted to the local paper, *The Herald Democrat*, and be posted at City Hall and on the city's website.

Thank you for your interest.

Sincerely,

Jeffrey R. Miller

Jeffrey R. Miller, Director of Public Works and Engineering

City of Sherman

Background and Site Description

The City of Sherman is located approximately 60 miles north of Dallas. The City's Municipal Airport provides a friendly, general aviation airport located at 1200 South Dewey Ave. which is on the southeast edge of Sherman. The Airport has been in existence since 1931. The Municipal Airport is a "hot spot" for pilots because we offer 24-hour access to the terminal, 24-hour automated fuel service along with low fuel prices, and a courtesy car. The airport is also home to J&S Aviation the top aircraft maintenance facilities in north Texas. The airport averages 300 aircraft operations per month.

The Airport has two (2) existing 9-unit T-hangers for a total of 18 hangers. The 18 hangers are consistently full with a waiting list. The city has received great interest in the expansion of the airport and its amenities to accommodate interested parties. Recently, the city was able to extended the main taxiway, add taxiways to the hanger construction pad area, and construct more ramp space for airport parking.

Now, the city wants to add two (2) 7-unit T-hangers to be built on the existing prepared pads connected to the taxiway. The new hanger construction has not only been requested, but is consistent with the 2003 Airport Action Plan approved by Sherman City Council and TxDOT. These improvements are a part of the goals identified in the 20 year action plan.

City Goals

- Increase flight activity at the Sherman Municipal Airport
- Increase aircraft-related services
- Increase opportunities for choice from among competing services available to aircraft owners and pilots
- Maximize the contributions of the Sherman Municipal Airport to the City's economic base

Scope of Services

The selected company will be required to provide the following services including, but not limited to, the following:

1. Contractor shall provide all supervision, labor, materials, and equipment necessary for the construction and maintenance of two (2) 7-unit T-hangers for the term of the ground lease (30 years—see attached document).
2. Contractor shall maintain sufficient labor, materials, and equipment to accommodate the timely and efficient completion of the T-hangers. The project shall start no later than 120 days after the ground lease is signed and construction completed within 180 days from the construction start date.
3. Specific plans for design of the T-hangers are attached.
4. All site plan approval must be secured from the City's Planning and Zoning Board. All construction activities must comply with the ICC Building Codes and will be subject to inspection by city staff.

5. Selected company will be responsible for all costs associated with the new hangers.

Terms of Ground Lease

- A copy of the ground lease contract is enclosed
- The ground lease is a contractual obligation by the Proposer
- Local On-Site Management is required
- Awarded Proposer is subject to the Sherman Municipal Airport rules and regulations as referenced in the ground lease

Pre-Proposal Tour

An optional pre-proposal conference and tour of the Sherman Municipal Airport, existing T-hangers, and the new T-hangers location will be __________________. The purpose of the conference and tour is to allow potential Proposers an opportunity to present questions and obtain clarification relative to any facet of this RFP.

Proposal Requirements

Proposal Format:

Cover Letter

Each response should include a cover letter, signed by an officer of your company, indicating the length of time the proposal is valid for and that the officer is legally able to contractually bind your firm. The cover letter should summarize your proposal.

Company Qualifications

a. Provide information describing your company's financial condition including audited financial files and tax returns.
b. Provide information regarding your firm's background and experience in constructing hangers or similar structures.
c. Describe any relevant changes to your firm within the past two (2) years, or anticipated changes, that may affect your capability to perform the services being requested.
d. Submit Business and Taxpayer Identification information for entity that will sign agreement including Articles of Incorporation or Partnership Agreement.
e. Identify five (5) references, preferably governmental entities, where your company provides similar services.

Project Approach

a. Description of the proposed construction
b. Rates proposed for T-hanger rental
c. Highlight any exceptions or upgrades from standard specifications

Staffing Plan

a. Provide the location, address, and contact information for the office that will provide the services to the City. (On-site management is required for the successful proposer.)
b. Indicate the names, titles, roles, locations, phone numbers, fax

numbers, and email addresses, of the member(s) who will serve as the day-to-day contact for the City.

Insurance

Proposer shall provide the City with insurance certification(s) including Hanger Keeper's Insurance as identified in the Ground Lease, meeting the minimum required coverage, which names the City of Sherman as an additional insured.

Presentation and Length

All Proposals should be organized in the order outlined in the Proposal Requirements section. All pages of the proposal should be numbered. Proposals and all required information shall not exceed ten (10) pages. Other supporting data or information shall be bound separately and enclosed with proposal.

Submittal Requirements:

Four (4) copies of the proposal shall be submitted to Jeff Miller, Director of Public Works and Engineering **no later than _____time______ on __date_______**

City of Sherman
Public Works and Engineering Department
Attn: Jeff Miller
P.O. Box 1106
Sherman, TX 75091

Bid opening will be______________________________

Presentations

The City retains the right to create a shortlist and invite Proposers who make the list to deliver a presentation of its proposal to the Evaluation Team.

Confidentiality Statement

Proposals received shall be considered confidential and not available for public review until after a vendor has been selected.

RFP Evaluation

RFP's will be evaluated based on the following criteria (not listed in any order of importance):

- Company's capacity to perform
- Company's proven track record of quality performance and construction of comparable structures
- Proposers understanding of the project and its approach to providing the required services including proposed upgrades or deviations from standard specifications
- The financial strength and condition of proposal
- Evaluation Team may inspect company's previous projects

Final Selection Process

Finalist(s) will be selected by an Evaluation Team. The Evaluation Team will select two or more proposals deemed fully qualified and best suited among the submitted proposals. The proposal that is most advantageous to the City, considering the evaluation factors set forth in the RFP, will be negotiate with the Selected Proposer. If an agreement is reached between the Evaluation Team and the Selected Proposer, a recommendation will be presented to the City Council; the recommended Proposer is subject to the approval of the City Council and will be awarded at their determination.

Execution of the Award/Agreement
The successful Proposer shall sign (execute) the necessary agreements for entering into the contract and return such signed agreements to the City, along with fully executed payment and performance bonds with a certificate of insurance(s), within ten (10) calendar days from the date mailed or otherwise delivered to the successful bidder.

Failure to Execute Agreement
Failure of the successful Proposer to execute the agreement within ten (10) calendar days from the date mailed or otherwise delivered to the successful Proposer shall be just cause for cancellation of the award.

Cancellation of Award
The City reserves the right to cancel the award without liability to the Proposer at any time before a contract has been fully executed by all parties and is approved by the City.

Other Matters

Changes in the RFP

Any communication from the City to a Proposer will be transmitted simultaneously to all Proposers including all questions and answers submitted via fax.

Verbal Agreements

No verbal agreement or conversation with any officer, agent, or employee of the city either before or after execution of the Contract shall affect or modify any of the terms or obligations contained in the Contract. Any such verbal agreement or conversation shall be considered as unofficial information and in no way binding upon the City or the Contractor.

Withdrawal of Proposals

Proposals may be withdrawn up to three (3) days prior to the opening date upon written or faxed request of the Proposer to Jeff Miller, Director of Public Works and Engineering.

Other Matters (cont.)

Clarifications

Proposers are notified to examine thoroughly the instructions, specifications and the service requirements as set forth in this RFP. If there is any doubt or uncertainty as to the meaning of the same, Proposers may ask for any explanation or clarification before submitting their proposal. All requests for explanation or clarification must be presented to the City in written form—may fax or mail to the following:

City of Sherman
Director of Public Works and Engineering
Jeffrey Miller
P.O. Box 1106
Sherman, TX 75091
Fax: 903.870.7802

Reservation of Rights

The City reserves and holds at its discretion the following rights and options:

a. Issue addenda to the Request for Proposals, including extending or otherwise revising the timeline for submittals;
b. Withdraw the Request for Proposals;
c. Request clarification and/or additional information from the Proposer at any point in the procurement process;
d. Execute a Contract on the sole basis of the original proposal or any addition to proposal submissions;
e. Reject any or all proposals, waive irregularities in any proposal, accept or reject all or any part of any proposal, waive any requirements of the Request for Proposals, as may be deemed to be in the best interest of the City;
f. Reissue the RFP or modify the RFP;
g. Hold a pre-proposal meeting with tour of the airport pad site.

In order to be considered for selection, responses must be received by The City of Sherman, Public Works and Engineering Department on or before the date and time specified. Companies mailing responses should allow normal mail delivery time to ensure timely receipt by the city. Proposals received after the stated time shall not be considered. No fax transmittals will be accepted.

Disposition of Proposals

All materials submitted in response to this RFP will become the property of the City of Sherman. One (1) copy of each proposal will be retained for official files and will become a public record after the award and open to public inspection. It is understood that the proposal will become part of the official file on this matter without obligation on the part of the City of Sherman.

Disclosure Statements

Non-Exclusive Right

It is not the intent of the proposed agreement to grant to the Awarded Proposer/Lesee the exclusive right to provide any services at any time during the term of the proposed agreement. The City of Sherman/Lessor reserves the right, at its sole discretion, to grant others certain rights and

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.2

**** REQUEST TO ADVERTISE***
Seal Coat Cover Stone and Emulsified Asphalt Oil

Issue
Approve advertising for bids that will provide the City with street seal coat stone and emulsified asphalt oil

Background
Each year, the Street Department evaluates and ranks all city streets to determine their need for maintenance. From the street evaluation process, a priority list of streets to be seal coated is prepared. The Street Department's goal each year is to seal coat in the range of 25-30 miles of streets depending on material costs and the annual budget. Advertising for seal coat materials early in the construction season helps assure that adequate materials are available and can be purchased at the lowest possible price.

Origination
Department of Public Works and Engineering

Financial Consideration
Funds to purchase seal coat stone and emulsified asphalt oil are provided in this year's Street Department budget.

Staff Recommendation
Proceed with advertising for vendors to provide seal coat stone and emulsified asphalt oil for the 2007 street maintenance program.

Alternatives
As may be directed by the City Council

Attachments
None

Prepared by:
Jeff Miller, Public Works and Engineering Director

Approved by:
Giles Brown, Acting City Manager

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.3

**** CHANGE ORDER NO. 1***
Jerry Paul Higgins, Ltd.; Northwest Sherman Water Replacement, Phase II; $423.00 Decrease

Issue
The proposed Change Order No. 1 is a final closeout change order to adjust the final contract amount.

Background
Construction of the project resulted in $360.00 in increases and $783.00 in deductions. A net decrease of $423.00 resulted. A copy of Change Order No. 1 is attached with a detailed listing of the changes.

Origination
Department of Utilities Administration

Financial Consideration
The change order results in a net decrease of $423.00 to the original contract amount of $86,426.80, yielding a final contract price of $86,003.80.

Staff Recommendation
It is recommended that the City Council approve this proposed change order.

Alternatives
As may be directed by the City Council

Attachments
Proposed Change Order No. 1

Prepared by:
Mark Gibson, Director of Utilities

Approved by:
Giles Brown, Acting City Manager

CITY OF SHERMAN
CONTRACT CHANGE ORDER

Contract No.____________ Date: February 15, 2007

Change Order No. One Project: Northwest Sherman Water Main Replacement
Location: Sherman, Texas

To: (Contract) Jerry Paul Higgins, Ltd.
You are hereby requested to comply with the following changes from the contract plans and specifications:

Item Number (1)	Description of Changes, Quantities Units, Unit Prices, change in completion schedule, etc. (2)	Decrease in Contract Price (3)	Increase in Contract Price (4)
1	Delete 28 LF of 6" SDR 18 PVC Water Pipe @ $26.00/LF	$728.00	
6	Add 6 S.Y. of Asphalt Repair @ $60.00/S.Y.		$360.00
7	Delete 1 S.Y. of Concrete Drive Repair @ $55.00/S.Y.	$ 55.00	
		$783.00 xxxxxxxxxxxxxxx $423.00	xxxxxxxxxxxxxxx $360.00

The sum of **$ 423.00** is hereby **deleted from** the total contract price, **$ 86,426.80** and the total adjusted contract price to date thereby is **$ 86,003.80** .

The time provided for completion in the contract is **unchanged**. This document shall become an amendment to the contract, and all provisions of the contract will apply hereto.

Accepted By: Don Charles Whitley Date: 2/16/2007
Jerry Paul Higgins

Recommended By: Mark Gibson, P.E. Date 2/16/07
Mark Gibson, City Engineer

Approved By:______________________ Date:______________
L. Scott Wall, City Manager

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.4

*** CHANGE ORDER NO. 1**
Sludge Technology, Inc.; 2006 Biosolids Project; $22,851.00 Decrease

Issue
Change Order No. 1 is a final reconciliatory change order to adjust the final contract amount.

Background
The amount of biosolids processed resulted in a decrease of the estimated biosolids processing and associated lime quantities. The decreased biosolids processing and lime quantities were slightly offset by an increase in biosolids spreading costs.

Origination
Department of Utilities Administration

Financial Consideration
The change order results in a net decrease of $22,851.00 to the original contract amount of $203,500.00, yielding a final contract price of $180,649.00.

Staff Recommendation
It is recommended that the City Council approve this proposed change order.

Alternatives
As may be directed by the City Council

Attachments
Proposed Change Order No. 1

Prepared by:
Mark Gibson, Director of Utilities

Approved by:
Giles Brown, Acting City Manager

CITY OF SHERMAN
CONTRACT CHANGE ORDER

Contract No._____________ Date: February 20, 2006

Change Order No. 1 Project: 2006 Biosolids Project
Location: Sherman, Texas

To: (Contract) Sludge Technology, Inc.
You are hereby requested to comply with the following changes from the contract plans and specifications: This Change Order No.1 reduces the contract based on final quantities.

Item Number (1)	**Description of Changes, Quantities Units, Unit Prices, change in completion schedule, etc. (2)**	**Decrease in Contract Price (3)**	**Increase in Contract Price (4)**
PA.1 Processing	Delete 914 C.Y. @ $8.00/C.Y.	$ 7,312.00	
PA.2 Lime	Delete 215.12 Tons @ $100.00/Ton	$ 21,512.00	
PA.3 Spreading	Add 1086 C.Y. @ $5.50/C.Y.		$ 5,973.00
	Totals	$ 28,824.00	$ 5,973.00
	Net Decrease	$ 22,851.00	

The sum of **$ 22,851.00** is hereby **deleted from** the total contract price, **$ 203,500.00** and the total adjusted contract price to date thereby is **$ 180,649.00** .

The time provided for completion in the contract is **unchanged**. This document shall become an amendment to the contract, and all provisions of the contract will apply hereto.

Accepted By:_____________________________ Date:_________________________
Sludge Technology, Inc.

Recommended By:___________________________ Date_________________________
Mark Gibson, Director of Utilities

Approved By:_____________________________ Date:_________________________
Giles Brown, Interim City Manager

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.5

OTHER BUSINESS
Consider Approving the Employment of Karen Tracy of the Law Offices of Karen J. Tracy for Legal Issues Related to Employment Matters

Issue
To consider approving the employment of Karen Tracy of the Law Offices of Karen J. Tracy for legal issues related to employment matters

Background
Due to current legal demands, outside legal services are needed for issues that have arisen related to employment matters. Therefore, the City Attorney has sought the services of Karen Tracy, an attorney with experience in employment matters regarding civil service employees and regular city employees. Pursuant to Sherman City Charter, that action must be approved by the City Council. The approval can be done by motion and order.

Origination
City Attorney's Office

Financial Consideration
The cost of the legal services: Ms. Tracy will bill the City at $150.00 per hour.

Council Action Requested
Approval by motion and order

Alternatives
The City Council could decide not to approve Ms. Tracy's legal services.

Attachments
None

Prepared and Approved by:
Doreen E. McGookey, City Attorney

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.6

**** OTHER BUSINESS***

Consider Approval of the Annexation Scheduling Plan for Adoption of the 82.75 Acres of Land at the Intersection of U.S. Highways 82 and 289 and Directing the Department of Developmental Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

Issue

To consider approval of the schedule for annexation of the property at the intersection of U.S. Highways 82 and 289 in the City's extra territorial jurisdiction (ETJ), in accordance with state law and the City Charter

Background

On February 16, 2007, Jim Stabler, representing United Commercial Development, requested annexation into the city limits for their property located on U.S. Highway 82 and Future Highway 289. They would like to develop the property for a commercial retail development. State law requires the City Council to conduct two (2) public hearings on its intent to annex and the provision of services no later than forty (40) days nor earlier than twenty (20) days before the introduction of the annexation ordinance. Publication of notice of these hearings must be no later than twenty (20) days nor earlier than ten (10) days before each hearing. State law also requires that the City Council shall direct its planning department to develop a service plan for the proposed annexation area. The City Charter requires at least seventy-two (72) hours public notice of the annexation ordinance before its adoption.

Origination

United Commercial Development

Financial Consideration

City accepts maintenance. A cost-benefit analysis will be provided prior to final action on this item.

Staff Recommendation

It is recommended that the schedule for annexation be approved and that the required public hearings be set for April 16, 2007, May 7, 2007, and June 4, 2007.

Alternatives

The City Council could choose not to consider this request for annexation; however, since the sale of water is a Council strategic goal, this action is not recommended.

Attachments

Annexation Scheduling Plan, Annexation Application, and Location Sketch

Prepared by:
Doreen E. McGookey, City Attorney

Approved by:
Giles Brown, Acting City Manager

U.S. HIGHWAY 82 & HIGHWAY 289

ANNEXATION SCHEDULING PLAN

Thursday, March 15, 2007………	Send written notice to property owners in the area to be annexed, public or private entities that provide services in that area, and any railroads with a right of way in the area to be annexed. The Department of Developmental Services will prepare a service plan that details the specific Municipal Services that will be provided to the area after it is annexed.
Thursday, April 5, 2007……	Post notice on City's website, newspaper and City Hall for City Council's 1st Public Hearing on intent to annex. Send written notice to each public school district in the area to be annexed. Send by certified mail a second written notice to any railroads with a right of way in the area to be annexed. Obtain required affidavit of publication from newspaper.
Thursday, April 12, 2007 ……	Post notice of 1st public hearing under the Open Meetings Act.
Monday, April 16, 2007………	City Council's 1st Public Hearing on intent to annex and service plan.*
Friday, April 20, 2007……..…	Post notice on City's website, newspaper and City Hall for City Council's 2nd Public Hearing on intent to annex. Obtain required affidavit of publication from newspaper.
Thursday, May 3, 2007………	Post notice of 2nd public hearing under the Open Meetings Act.
Monday, May 7, 2007……	City Council's 2nd Public Hearing on intent to annex and service plan.*
Thursday, May 31, 2007 ……	Post notice on City's website, newspaper and City Hall for introduction of annexation ordinance and adoption of the ordinance. Posting will also be in compliance with the Open Meetings Act.
Monday, June 4, 2007………	City Council Public Hearing for introduction and consideration of adoption of annexation ordinance.

* If more than twenty adults who are residents of the area to be annex protest within ten (10) days of the notice by publication, then one of the public hearings must be held in the area to be annexed.

UCD
UNITED
COMMERCIAL
DEVELOPMENT

RECEIVED
FEB 2007
City Manager's
Office

February 16, 2007

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

Re: Annexation of 104 acres at SWC of Hwy. 89 and Hwy. 82

Dear Wall,

Our investment group purchased 104 ± acres in August of 2005. We have just completed with the counties and states the sale of 21.25 acres to them for the right-of-way for the expansion of Hwy. 289 and the intersection of Hwy. 82.

We would like to request that the City of Sherman annex this remaining 82.75 ± acres in to the city limits. I have enclosed for your review a copy of the survey that was done on the property when we acquired it. If there is any information I need to provide you, please feel free to call at anytime.

Sincerely Yours,

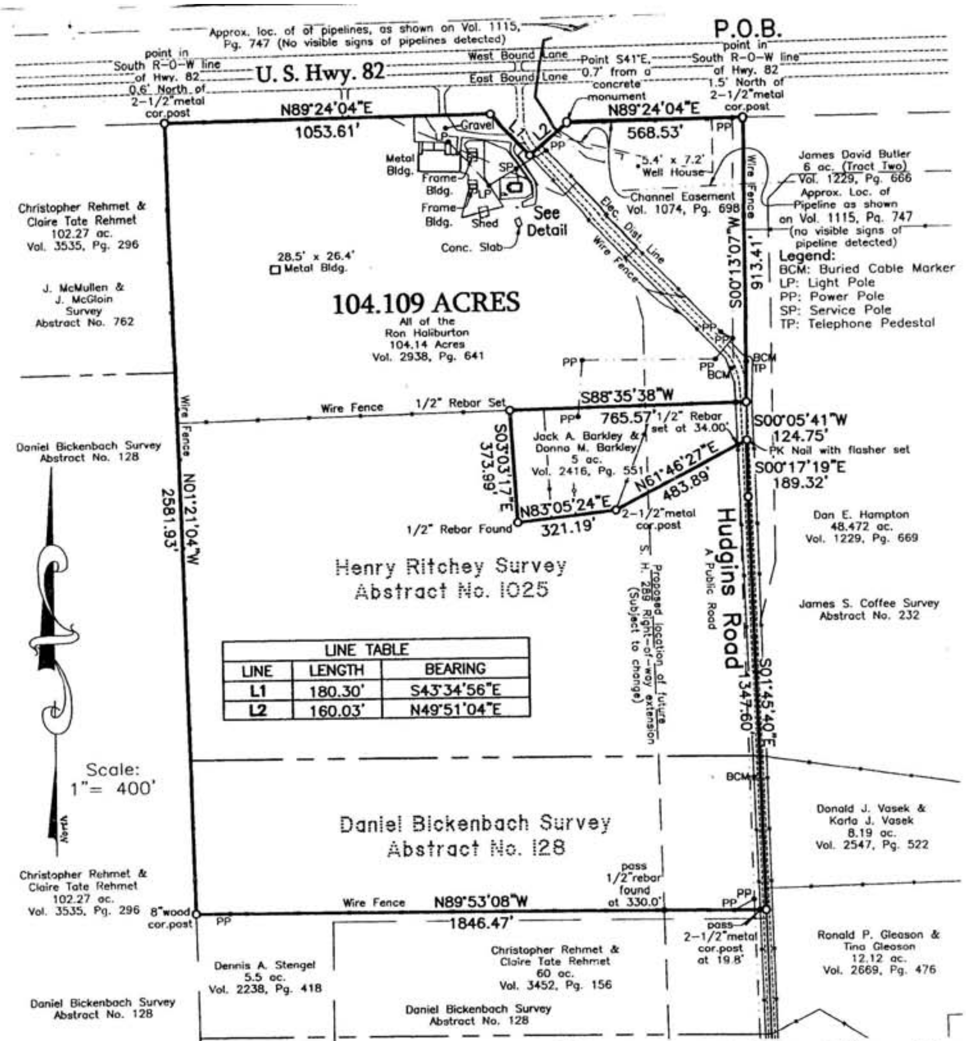
Jim Stabler

Jim Stabler
Consultant for United Commercial Development

encl.

JS/djm

7001 Preston Road, Suite 500 Dallas, Texas 75205 (214) 224-4600 Fax (214) 219-2080



LINE TABLE		
LINE	LENGTH	BEARING
L1	180.30'	S43°34'56"E
L2	160.03'	N49°51'04"E

Christopher Rehmet & Claire Tate Rehmet 60 ac. Vol. 3452, Pg. 156

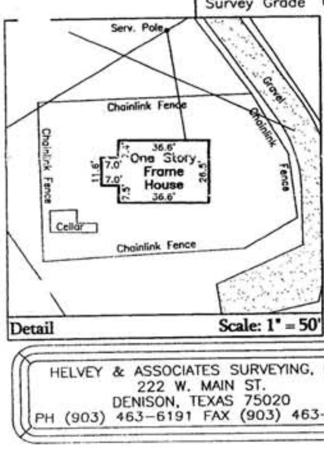
J. M. Thomas Survey Abstract No. 1234

Owner: Ron Haliburton

Bearing Base:
Geodetic North; as derived from a Survey Grade "GPS" System.

Easement Certification

1. The instruments (deeds) recorded in Vol. 283, Pg. 285, D.R.G.C.T. are not a right-of-way easement, therefore, do not affect the subject property.
2. The location of the easement granted to Texas Pipe Line Co. in Vol. 816, Pg. 150, D.R.G.C.T., amended in Vol. 1115, Pg. 745, D.R.G.C.T. and assigned to another entity in Vol. 1505, Pgs. 250 & 273, D.R.G.C.T. do affect the subject property and are shown on the plat hereon.
3. The location of the easement granted to Lone Star Gas Co. in Vol. 217, Pg. 545, D.R.G.C.T. cannot be determined.
4. The location of the easement granted to Grayson-Collin Electric Coop., Inc. in Vol. 2042, Pg. 518, R.P.R.G.C.T. does affect, however, the exact location of the easement is not sufficiently described in said instrument.



I, BILLY F. HELVEY, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT A SURVEY WAS PERFORMED ON THE GROUND OF THE PROPERTY SHOWN HEREINABOVE UNDER MY PERSONAL AND DIRECT SUPERVISION, THAT VISIBLE AND OBSERVABLE EVIDENCE OF EASEMENTS OR RIGHTS-OF-WAY THAT WERE DETECTED DURING THE COURSE OF THIS SURVEY ARE SHOWN HEREON, THAT THE PLAT SUBSTANTIALLY COMPLIES WITH THE CURRENT MINIMUM STANDARDS FOR PROFESSIONAL LAND SURVEYORS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING AND IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY SHOWN HEREON.

THE SUBJECT PROPERTY SHOWN HEREON DOES NOT LIE WITHIN THE LIMITS OF ANY DESIGNATED FLOOD HAZARD AREAS, AS SHOWN ON THE "FEMA" FLOOD INSURANCE RATE MAPS FOR GRAYSON COUNTY, TEXAS, MAP NO. 48181C0130 D, EFFECTIVE DATE: MAY 18, 1992, AND MAP NO. 48181C0140 E, REVISED DATE: JULY 17, 1995.

STATE OF TEXAS
REGISTERED
BILLY F. HELVEY
4488
PROFESSIONAL
LAND SURVEYOR

HELVEY & ASSOCIATES SURVEYING, INC.
222 W. MAIN ST.
DENISON, TEXAS 75020
PH (903) 463-6191 FAX (903) 463-4088

Billy F. Helvey, R. P. L. S. No. 4488
Copyright Date: July 21, 2005

C:\Land Projects\Haliburton-104ac\dwg\Haliburton-104ac.dwg 7/21/2005 3:09:18 PM PM CDT

VICE PRESIDENT
KENNETH N. RUSSELL R.P.L.S.

PRESIDENT
BILLY F. HELVEY R.P.L.S

Boundary Surveys - Topographic Surveys - Sub-Divisions
Residential - Commercial - Oil Well Site Locations
Construction Staking

Helvey And Associates Surveying, Inc.

222 WEST MAIN STREET, DENISON, TEXAS 75020 PHONE (903)463-6191 FAX (903)463-4088

104.109 Acres

SITUATED in the County of Grayson, State of Texas, and being a part of the Henry Ritchey Survey, Abstract No. 1025, and being a part of the Daniel Bickenbach Survey, Abstract No. 128, and being all of the 104.14 ac. tract of land conveyed to Ron Haliburton by Glenn A. Mull and wife, Elaine M. Mull by Warranty Deed with Vendor's Lien dated October 6, 1998 and recorded in Volume 2938, Page 641, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point in the South right-of-way line of U. S. Highway No. 82, in the East line of said Ritchey Survey, in the West line of the James S. Coffee Survey, Abstract No. 232, at the Northeast corner of said Haliburton 104.14 ac., at the Northwest corner of the 6 ac. tract of land (Tract Two) conveyed to James David Butler in Volume 1229, Page 666, Deed Records, Grayson County, Texas, said beginning point being 1.5 ft. North of a 2½ inch metal fence corner post;

THENCE South 00 deg. 13 min. 07 sec. West, with the general course of a wire fence maintaining the West line of said Butler 6 ac. and the East line of said Haliburton 104.14 ac., passing the Southwest corner of said Butler 6 ac. and the Northwest corner of the 48.472 ac. tract of land conveyed to Dan E. Hampton in Volume 1229, Page 669, said Deed Records, and continuing now with the West line of said Hampton 48.472 ac., crossing the edge of the pavement of Hudgins Road, a public road, at about 871 ft., and continuing for a total distance of 913.41 ft. to a point at the Northeast corner of the 5 ac. tract of land conveyed to Jack A. Barkley and Donna M. Barkley in Volume 2416, Page 551, Real Property Records, Grayson County, Texas, at a Southeast corner of said Haliburton 104.14 ac.;

THENCE South 88 deg. 35 min. 38 sec. West, with the North line of said Barkley 5 ac., passing a power pole for fence corner at about 34 ft. and continuing now with the general course of a wire fence for a total distance of 765.57 ft. to a 1/2 inch rebar set at the Northwest corner of said Barkley 5 ac.;

THENCE South 03 deg. 03 min. 17 sec. East, with the West line of said Barkley 5 ac., a distance of 373.99 ft. to a 1/2 inch rebar found at the Southwest corner of said Barkley 5 ac.;

THENCE North 83 deg. 05 min. 24 sec. East, with the South line of said Barkley 5 ac., a distance of 321.19 ft. to 2½ inch metal fence corner post at an angle point in the South line of said Barkley 5 ac.;

THENCE North 61 deg. 46 min. 27 sec. East, continuing with the South line of said Barkley 5 ac., a distance of 483.89 ft. to a PK nail with flasher set in the center of said Hudgins Road, in the West line of said Hampton 48.472 ac., at the Southeast corner of said Barkley 5 ac., at a Northeast corner of said Haliburton 104.14 ac.;

THENCE South 00 deg. 17 min. 19 sec. East, with the center of said Hudgins Road, the West line of said Hampton 48.472 ac. and the East line of said Haliburton 104.14 ac., a distance of 189.32 ft. to an angle point in the East line of said Haliburton 104.14 ac. and the West line of said Hampton 48.472 ac.;

THENCE South 01 deg. 45 min. 40 sec. East, continuing with the center of said Hudgins Road, the West line of both said Hampton 48.472 ac. and said Coffee Survey and the East line of both said Haliburton 104.14 ac. and said Ritchey Survey, passing the Southwest corner of said Hampton 48.472 ac., the Northwest corner of the 8.19 ac. tract of land conveyed to Donald J. Vasek and Karla J. Vasek in Volume 2547, Page 522, said Official Public Records, a Southeast corner of said Ritchey Survey, and a Northeast corner of said Bickenbach Survey, and continuing now with the West line of said Vasek 8.19 ac. and the East line of said Bickenbach Survey, passing the Southwest corner of said Vasek 8.19 ac. and the Northwest corner of the 12.12 ac. tract of land conveyed to Ronald P. Gleason and Tina Gleason in Volume 2669, Page 476, said Official Public Records, and continuing now with the West line of said Gleason 12.12 ac. for total distance of 1,347.60 ft. to a point at the Northeast corner of the 5.5 ac. tract of land conveyed to Dennis A. Stengel in Volume 2238, Page 418, said Real Property Records, at the Southeast corner of said Haliburton 104.14 ac.;

Continued On Page Two

Continued From Page One

THENCE North 89 deg. 53 min. 08 sec. West, with the North line of said Stengel 5.5 ac. and the South line of said Haliburton 104.14 ac., passing a 2½ inch metal fence corner post at 19.8 ft. and continuing now with the general course of a wire fence for a total distance of 1,846.47 ft. to an 8 inch wood corner post in an East line of the 102.27 ac. tract of land conveyed to Christopher Rehmet and Claire Tate Rehmet in Volume 3535, Page 296, said Official Public Records, at the Northwest corner of said Stengel 5.5 ac., and the Southwest corner of said Haliburton 104.14 ac.;

THENCE North 01 deg. 21 min. 04 sec. West, with an East line of said Rehmet 102.27 ac., passing the Southwest corner of said Ritchey Survey, an Ell corner of said Bickenbach Survey, and continuing now with a West line of said Ritchey Survey for a total distance of 2,581.93 ft. to a point in the South right-of-way line of said U. S. Highway No. 82, at a Northeast corner of said Rehmet 102.27 ac., at the Northwest corner of said Haliburton 104.14 ac., said point being 0.6 ft. North of a 2½ inch metal fence corner post;

THENCE North 89 deg. 24 min. 04 sec. East, with the South right-of-way line of said U. S. Highway No. 82, a distance of 1,053.61 ft. to an angle point in the South right-of-way line of said U. S. Highway No. 82;

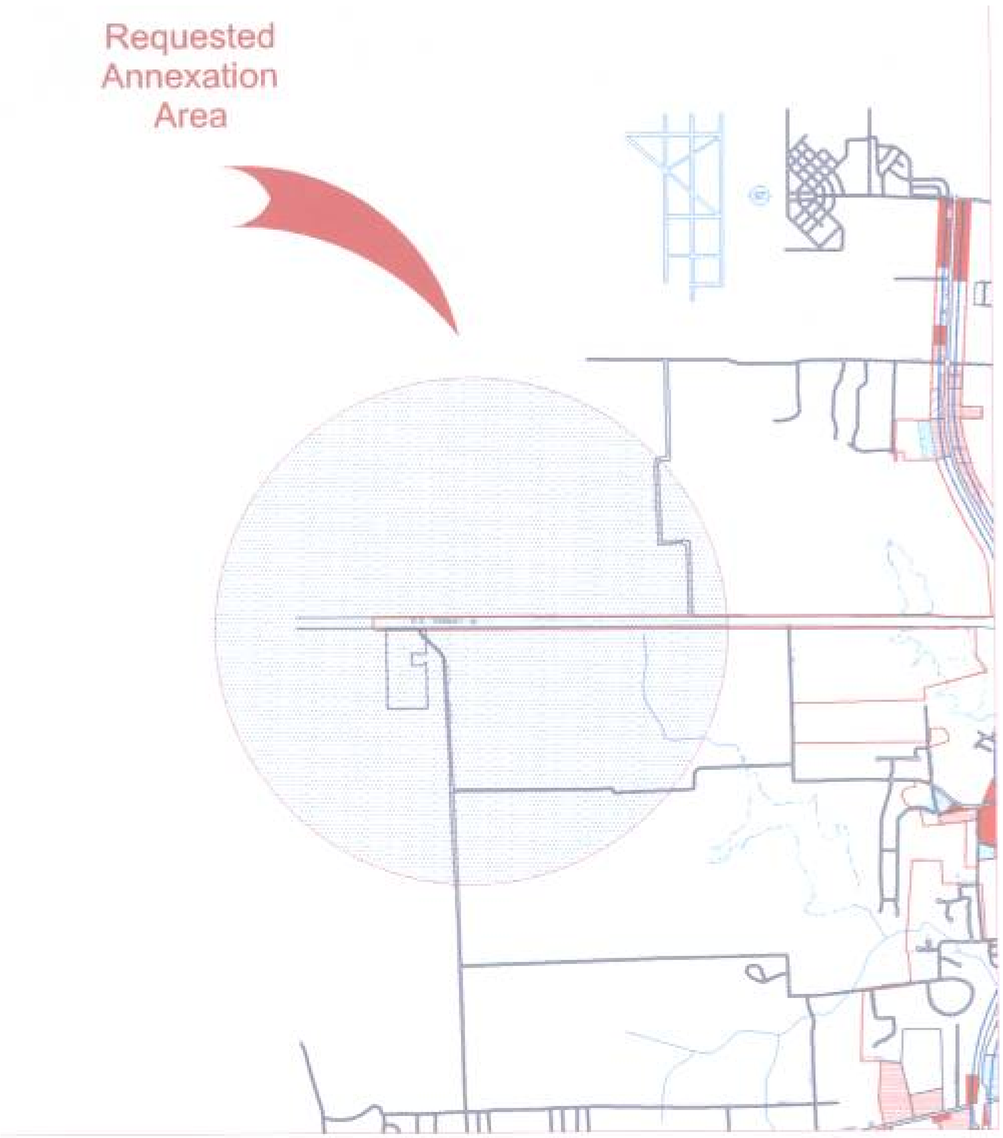
THENCE South 43 deg. 34 min. 56 sec. East, continuing with the South right-of-way line of said U. S. Highway No. 82, a distance of 180.30 ft. to an angle point in the South right-of-way line of said U. S. Highway No. 82;

THENCE North 49 deg. 51 min. 04 sec. East, continuing with the South right-of-way line of said U. S. Highway No. 82, a distance of 160.03 ft. to an angle point in the South right-of-way line of said U. S. Highway No. 82, said point ng South 41 deg. East, 0.7 ft. from a concrete monument found;

THENCE North 89 deg. 24 min. 04 sec. East, continuing with the South right-of-way line of said U. S. Highway No. 82, a distance of 568.53 ft. to the **PLACE OF BEGINNING** and containing **104.109 ACRES** of land.

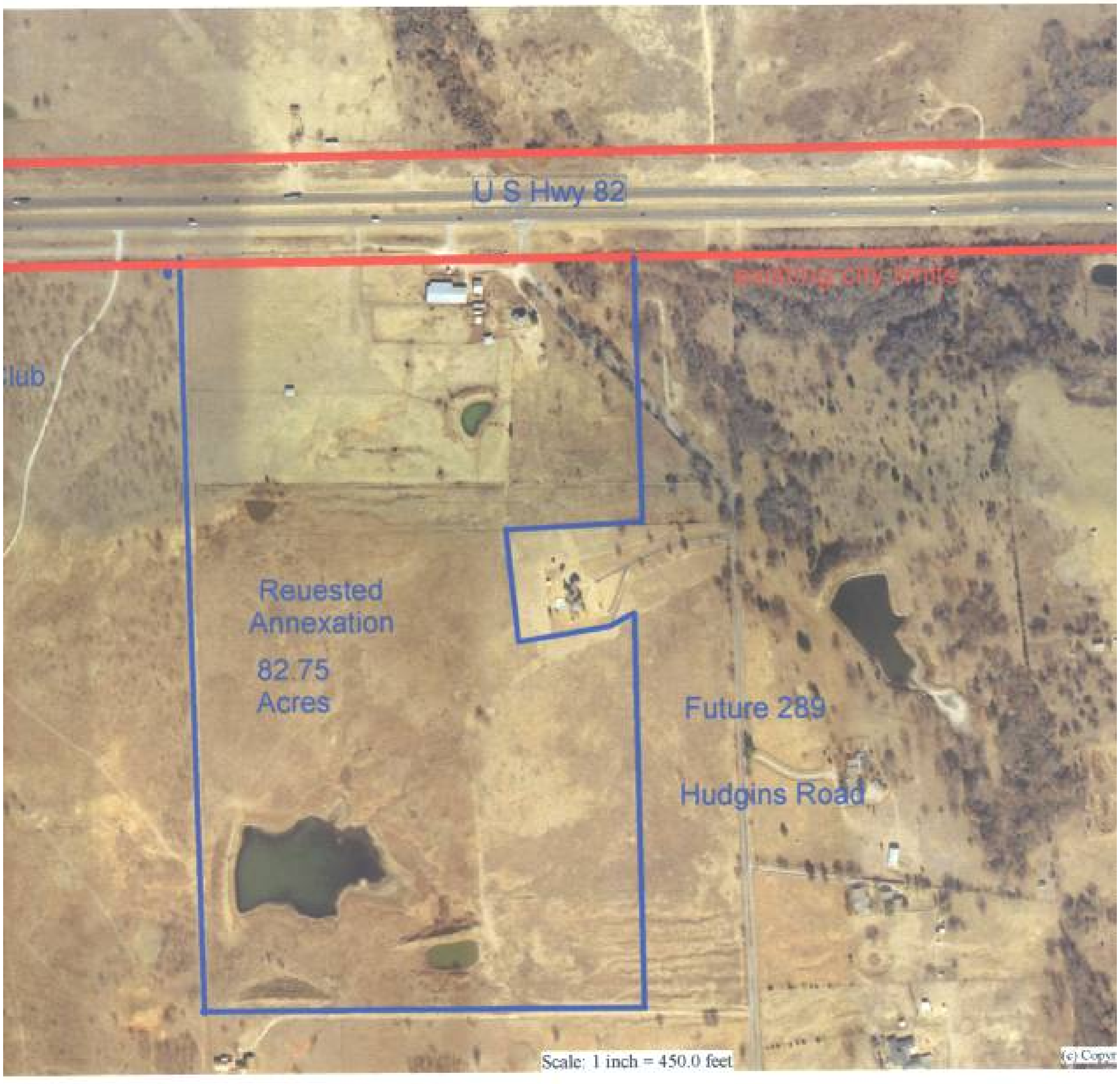
Billy F. Helvey, R. P. L. S. No. 4488
May 26, 2005

STATE OF TEXAS
REGISTERED
BILLY F. HELVEY
4488
PROFESSIONAL
LAND SURVEYOR



City of Sherman, Texas
Annexation of 82.75 Acres
Southwest corner of US 82 and Hwy 289

Department of Developmental Services


U S Hwy 82
existing city limits
Reuested
Annexation
82.75
Acres
Future 289
Hudgins Road
Scale: 1 inch = 450.0 feet

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.7

OTHER BUSINESS

Consider Approval of the Annexation Scheduling Plan for Adoption of the 102.12 Acres of Land on Leslie Lane and Directing the Department of Developmental Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

Issue

To consider approval of the schedule for annexation on Leslie Lane in the City's extra territorial jurisdiction (ETJ), in accordance with state law and the City Charter

Background

On September 14, 2006, Mr. E. C. Green, representing Leslie Lane LLC, requested annexation into the city limits for their property located on Leslie Lane. They would like to develop the property for a residential subdivision. Mr. Green asked that the item be removed from the October agenda until further notice. Mr. Green has contacted the City and is ready to move forward with the annexation. State law requires the City Council to conduct two (2) public hearings on its intent to annex and the provision of services no later than forty (40) days nor earlier than twenty (20) days before the introduction of the annexation ordinance. Publication of notice of these hearings must be no later than twenty (20) days nor earlier than ten (10) days before each hearing. State law also requires that the City Council shall direct its planning department to develop a service plan for the proposed annexation area. The City Charter requires at least seventy-two (72) hours public notice of the annexation ordinance before its adoption.

Origination

Leslie Lane LLC

Financial Consideration

City accepts maintenance. A cost-benefit analysis will be provided prior to final action on this item.

Staff Recommendation

It is recommended that the schedule for annexation be approved and that the required public hearings be set for April 16, 2007, May 7, 2007, and June 4, 2007.

Alternatives

The City Council could choose not to consider this request for annexation; however, since the sale of water is a Council strategic goal, this action is not recommended.

Attachments

Annexation Scheduling Plan, Annexation Application, Location Sketch, and Aerial Maps

Prepared by:
Doreen E. McGookey, City Attorney

Approved by:
Giles Brown, Acting City Manager

LESLIE LANE

ANNEXATION SCHEDULING PLAN

Thursday, March 15, 2007………	Send written notice to property owners in the area to be annexed, public or private entities that provide services in that area, and any railroads with a right of way in the area to be annexed. The Department of Developmental Services will prepare a service plan that details the specific Municipal Services that will be provided to the area after it is annexed.
Thursday, April 5, 2007……	Post notice on City's website, newspaper and City Hall for City Council's 1st Public Hearing on intent to annex. Send written notice to each public school district in the area to be annexed. Send by certified mail a second written notice to any railroads with a right of way in the area to be annexed. Obtain required affidavit of publication from newspaper.
Thursday, April 12, 2007 ……	Post notice of 1st public hearing under the Open Meetings Act.
Monday, April 16, 2007………	City Council's 1st Public Hearing on intent to annex and service plan.*
Friday, April 20, 2007……..…	Post notice on City's website, newspaper and City Hall for City Council's 2nd Public Hearing on intent to annex. Obtain required affidavit of publication from newspaper.
Thursday, May 3, 2007………	Post notice of 2nd public hearing under the Open Meetings Act.
Monday, May 7, 2007……	City Council's 2nd Public Hearing on intent to annex and service plan.*
Thursday, May 31, 2007 ……	Post notice on City's website, newspaper and City Hall for introduction of annexation ordinance and adoption of the ordinance. Posting will also be in compliance with the Open Meetings Act.
Monday, June 4, 2007………	City Council Public Hearing for introduction and consideration of adoption of annexation ordinance.

* If more than twenty adults who are residents of the area to be annex protest within ten (10) days of the notice by publication, then one of the public hearings must be held in the area to be annexed.

E.C. GREEN

Attorney at Law

230 West Main
Denison, Texas 75020
Phone: 903-463-3882 or 903-465-8580
Fax: 903-465-8637
email: ecgreenatty@aol.com

September 14, 2006

VIA HAND DELIVERY

L. Scott Wall
City Manager
City of Sherman
220 W. Mulberry
Sherman, Texas 75091-1106

Dear Mr. Wall:

I represent Leslie Lane LLC in connection with the proposed development of property which is legally described in the enclosed Warranty Deed Exhibit "A." I am also enclosing Tax Certificates for your use in identification of the subject property.

Please consider this as a formal request for annexation of the property within the municipal limits of the City of Sherman. Please advise me of any further action which I must take on behalf of my client.

Thank you for your assistance in this matter. Please feel free to contact me if you have any questions or comments.

Sincerely,

E. C. Green

EG:cs

Enclosures

NOTICE OF CONFIDENTIALITY RIGHTS: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security Number or your Driver's License Number.

WARRANTY DEED

Date: August 21, 2006

Grantor: **DOMINICK SCHIFENO**

Grantor's Mailing Address (including county): 13A Holbrook Avenue, Yonkers, NY 10710 (Westchester County)

Grantee: **LESLIE LANE LLC**

Grantee's Mailing Address (including county): 230 W. Main Street, Denison, TX 75020 (Grayson)

Consideration: The sum of TEN AND NO/100 DOLLARS ($10.00) and other valuable consideration to the Grantor herein paid by the Grantee herein named, the receipt of which is hereby acknowledged, and no lien is hereby retained, expressed or implied.

Property (including any improvements):

All that certain tract or parcel of land situated in the County of Grayson, State of Texas, being apart of the GEORGE B. PILANT SURVEY, Abstract No. 963, and the WILLIAM H. PULLIAM SURVEY, Abstract No. 958, containing **104.068 acres of land**, more or less, and being more particularly described by metes and bounds as shown in Exhibit "A" attached hereto and made a part hereof for all purposes.

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made subject to, and there is hereby excepted from the warranties hereof and the estate conveyed, any and all prior reservations or conveyances of oil, gas and/or other minerals, building restrictions, easements, oil and gas leases, and any other conditions, if any, to the extent, and only to the extent, that the same may still be in force and effect as of the date of this conveyance, as shown of record in the office of the County Clerk of Grayson County, Texas.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

DOMINICK SCHIFENO

(Acknowledgment)

STATE OF TEXAS §

COUNTY OF GRAYSON §

This instrument was acknowledged before me on the 21st day of August, 2006, by DOMINICK SCHIFENO.

CHARLOTTE A. JORDAN
NOTARY PUBLIC
STATE OF TEXAS
COMMISSION EXPIRES
OCTOBER 25, 2009

Charlotte A. Jordan
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

PREPARED IN THE LAW OFFICE OF:

E.C. GREEN
Attorney at Law
230 West Main Street
Denison, Texas 75020

EXHIBIT "A"

Situated in the County of Grayson State of Texas, being a part of the George B. Pilant Survey, Abstract No. 963, and the William H. Pulliam Survey, Abstract No. 958, and being all of the same tract of land described as 103.871 acres referred to as Tract 3 conveyed by Bank of Texas, N.A. to Karl S. Morris et al by deed dated November 27, 2000, recorded in Volume 3016, Page 707, Official Public Records, Grayson County, Texas, and being further described as being all of First Tract and part of Second Tract and Third Tract of the land conveyed by C. C. Mayhew to Texas Nursery Company recorded in Volume 693, page 287, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" steel rod found maintaining the Northwest corner of both the said 130.871 acre tract and First Tract in the center of a public road locally known as Leslie Lane and North line of the said Pilant Survey;

Thence South 77□36'31" East with said center of road and North line a distance of 2437.06 feet to a 1/2" steel rod set marking the Northeast corner of the said 130.871 acre tract and the Northwest corner of the 67.871 acre tract of land conveyed by Robert H. Tollison to Danny Joe Tollison by deed dated December 18, 2001, recorded in Volume 3209, Page 268, said Official Public Records;

Thence South 12□23'29" West, passing a 1/2" steel rod set in the South line of said road at 25 feet and continuing, passing the called for Southeast corner of said 130.871 acre tract and Southwest corner of said 67.871 acre tract (both established in error), and continuing for a total distance of 2678.87 feet to a 1/2" steel rod set for the Southeast corner of the herein described tract in the South line of said Second Tract and North line of the 57.312 acre tract of land conveyed by Cap Care Of Arkansas, Inc. to Michael Lee Oakley by deed dated October 1, 1994, recorded in Volume 2361, Page 922, Real Property Records, Grayson County, Texas;

Thence North 76□29'28" West, entering and continuing with a fence for a total distance of 965.37 feet to a 1/2" steel rod found maintaining the Southwest corner of both said 130.871 acre tract and Second Tract, the Northwest corner of the said 57.312 acre tract, and an angle point in the East line of the same tract of land described as the remainder of 176.141 acres as conveyed by Nick Douthat to Sherman Investment Company by deed dated January 26, 1996, recorded in Volume 2440, Page 745, said Real Property Records;

Thence North 16□33'12" West with the West line of the said 103.871 acre tract, also being the West line of said First Tract and Second Tract, a distance of 2971.52 feet to a 1/2" steel rod found maintaining the Northeast corner of the said 176.141 acre tract;

Thence North 17□05'17" West a distance of 68.59 feet to the Point-of-Beginning and containing 104.068 acres of land...

Issue Date : 11/16/2005

TAX CERTIFICATE

John Ramsey Assessor-Collector
100 W. Houston, Suite 11
P O Box 2107
Sherman, TX 75091-2107
Ph: (903)892-8297 Fax: (903)893-4973

This certificate includes tax years up to 2005

Entities to which this certificate applies:
CHW - Choctaw Watershed
GRA - Grayson County
JRC - Grayson College
SSH - Sherman School

Property Information | **Owner Information**

Property ID : 152-0958002
Quick-Ref ID : R355620

PULIAM W H A-G0958, AC
33 24, .

Value Information

Land HS	:	$0 00
Land NHS	:	$0.00
Imp HS	:	$0.00
Imp NHS	:	$0 00
Ag Mkt	:	$6,378.00
Ag Use	:	$877.00
HS Cap Adj	:	$0.00
Assessed	:	$877 00

Owner ID : O0015187

MORRIS KARL S
PO BOX 93431
LUBBOCK, TX 794933431

Ownership: 100%

This Document is to certify that after a careful check of the Tax Records of this Office, the following Current or Delinquent Taxes, Penalties, and Interest are due on the Property for the Taxing Entities described above:

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
CHW	2005	0.07	0.00	0.00	0.00	0.07
GRA	2005	4 31	0.00	0 00	0.00	4.31
JRC	2005	1.23	0.00	0 00	0.00	1.23
SSH	2005	14.74	0.00	0.00	0.00	14.74

Total for current bills if paid by 11/30/2005 : $20.35
Total due on all bills 11/30/2005 : $20.35
2005 taxes paid for entity CHW $0 00
2005 taxes paid for entity GRA $0.00
2005 taxes paid for entity JRC $0.00
2005 taxes paid for entity SSH $0 00
2005 Total Taxes Paid : $0.00

ASSESSOR AND COLLECTOR OF TAXES GRAYSON COUNTY

If applicable, the above-described property is receiving special valuation based on its use Additional rollback taxes that may become due based on the provisions of the special valuation are not indicated in this document

This certificate does not clear abuse of granted exemptions as defined in Section 11.43, Paragraph (i) of the Texas Property Tax Code

EV

Signature of Authorized Officer of the Tax Office

Date of Issue	:	11/16/2005
Requestor	:	SECURITY TITLE,
Ref Number	:	SH-2005-23097
Fee Paid	:	$10 00
Payer	:	SECURITY TITLE

This certificate is issued on real estate only. It does not include minerals and/or personal property.

Issue Date : 11/16/2005

TAX CERTIFICATE

John Ramsey Assessor-Collector
100 W. Houston, Suite 11
P O Box 2107
Sherman, TX 75091-2107
Ph: (903)892-8297 Fax: (903)893-4973

This certificate includes tax years up to 2005

Entities to which this certificate applies:
CHW - Choctaw Watershed
GRA - Grayson County
JRC - Grayson College
SSH - Sherman School

Property Information

Property ID : 152-095800201
Quick-Ref ID : R365621

PULIAM W H A-G0958, AC 12.01, ,

Value Information

Land HS	:	$0.00
Land NHS	:	$0 00
Imp HS	:	$0.00
Imp NHS	:	$0.00
Ag Mkt	:	$3,138 00
Ag Use	:	$317.00
HS Cap Adj	:	$0.00
Assessed	:	$317.00

Owner Information

Owner ID : O0015188

DUNCAN ROSEMARY ANN
808 CR 438
SWEETWATER, TX 79556

Ownership: 100%

This Document is to certify that after a careful check of the Tax Records of this Office, the following Current or Delinquent Taxes, Penalties, and Interest are due on the Property for the Taxing Entities described above:

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTALS
CHW	2005	0.03	0 00	0 00	0 00	0.03
GRA	2005	1.56	0 00	0.00	0.00	1.56
JRC	2005	0.44	0.00	0.00	0.00	0 44
SSH	2005	5.33	0.00	0.00	0.00	5.33

ASSESSOR AND COLLECTOR OF TAXES GRAYSON COUNTY

Total for current bills if paid by 11/30/2005 : $7.36
Total due on all bills 11/30/2005 : $7.36
2005 taxes paid for entity CHW $0.00
2005 taxes paid for entity GRA $0 00
2005 taxes paid for entity JRC $0 00
2005 taxes paid for entity SSH $0.00
2005 Total Taxes Paid : $0.00

If applicable, the above-described property is receiving special valuation based on its use Additional rollback taxes that may become due based on the provisions of the special valuation are not indicated in this document

This certificate does not clear abuse of granted exemptions as defined in Section 11 43, Paragraph (i) of the Texas Property Tax Code

EV
Signature of Authorized Officer of the Tax Office

Date of Issue	:	11/16/2005
Requestor	:	SECURITY TITLE,
Ref. Number	:	SH-2005-23102
Fee Paid	:	$10.00
Payer	:	SECURITY TITLE

This certificate is issued on real estate only. It does not include minerals and/or personal property.

Issue Date : 11/16/2005

TAX CERTIFICATE

John Ramsey Assessor Collector
100 W. Houston, Suite 11
P O Box 2107
Sherman, TX 75091-2107
Ph: (903)892-8297 Fax: (903)893-4973

This certificate includes tax years up to 2005

Entities to which this certificate applies:
CHW - Choctaw Watershed
GRA - Grayson County
JRC - Grayson College
SSH - Sherman School

Property Information

Property ID : 153-0963272
Quick-Ref ID : R365622

PILANT G B A-G0963, AC 58.62, ,

Value Information

Land HS	:	$0.00
Land NHS	:	$0.00
Imp HS	:	$0.00
Imp NHS	:	$0.00
Ag Mkt	:	$25,646.00
Ag Use	:	$1,546.00
HS Cap Adj	:	$0.00
Assessed	:	$1,546.00

Owner Information

Owner ID : O0015188

DUNCAN ROSEMARY ANN
808 CR 438
SWEETWATER, TX 79556

Ownership: 100%

This Document is to certify that after a careful check of the Tax Records of this Office, the following Current or Delinquent Taxes, Penalties, and Interest are due on the Property for the Taxing Entities described above:

Entity	Year	Taxes	Discount	P&I	Atty Fee	TOTALS
CHW	2005	0.13	0.00	0.00	0.00	0.13
GRA	2005	7.59	0.00	0.00	0.00	7.59
JRC	2005	2.16	0.00	0.00	0.00	2.16
SSH	2005	25.97	0.00	0.00	0.00	25.97

ASSESSOR AND COLLECTOR OF TAXES GRAYSON COUNTY

Total for current bills if paid by 11/30/2005 : $35.85
Total due on all bills 11/30/2005 : $35.85
2005 taxes paid for entity CHW $0.00
2005 taxes paid for entity GRA $0.00
2005 taxes paid for entity JRC $0.00
2005 taxes paid for entity SSH $0.00
2005 Total Taxes Paid : $0.00

If applicable, the above-described property is receiving special valuation based on its use. Additional rollback taxes that may become due based on the provisions of the special valuation are not indicated in this document

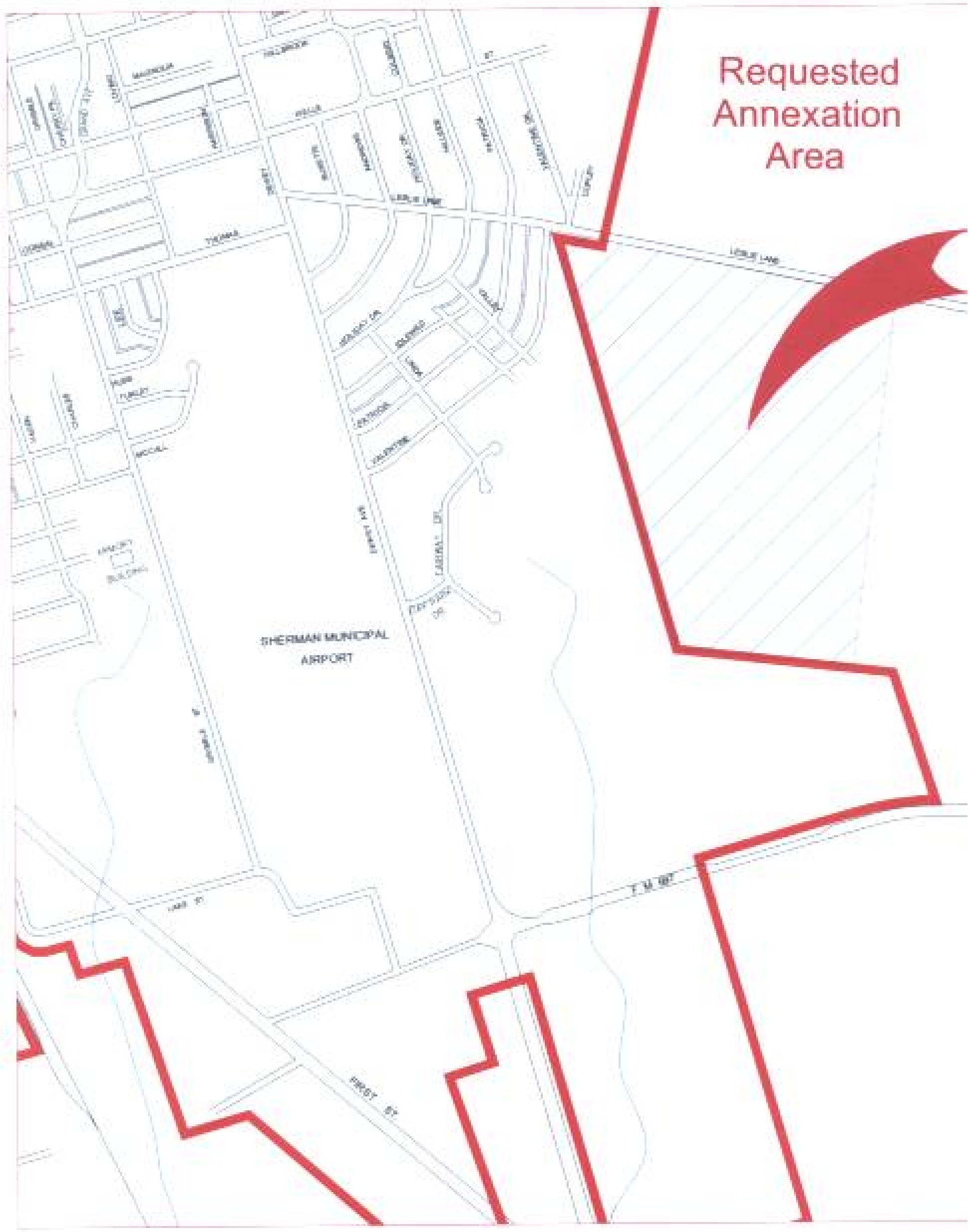
This certificate does not clear abuse of granted exemptions as defined in Section 11 43, Paragraph (i) of the Texas Property Tax Code

EV

Signature of Authorized Officer of the Tax Office

Date of Issue	:	11/16/2005
Requestor	:	SECURITY TITLE,
Ref Number	:	SH-2005-23096
Fee Paid	:	$10.00
Payer	:	SECURITY TITLE

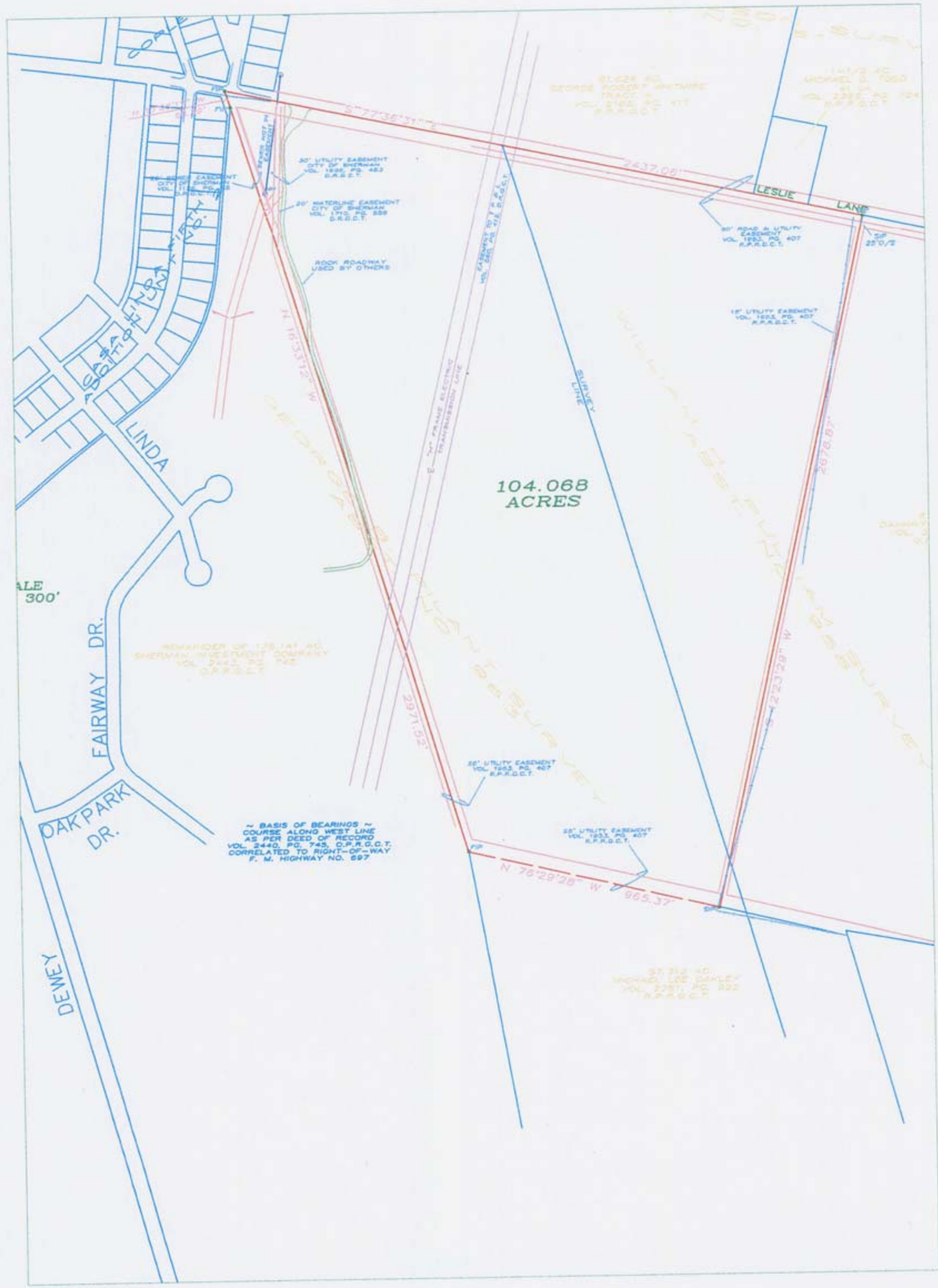
This certificate is issued on real estate only. It does not include minerals and/or personal property.



City of Sherman, Texas
Annexation Request
102.12 Acres on Leslie Lane

Department of Developmental Services


LESLIE
LANE
102.12 ACRES
CITY LIMITS
DEWEY


104.068
ACRES
LESLIE
LANE
LINDA
FAIRWAY DR.
OAK PARK
DR.
DEWEY
N 16°33'12" W
2971.52'
2437.06'
N 76°29'28" W
965.37'
2676.87'
~ BASIS OF BEARINGS ~
COURSE ALONG WEST LINE
AS PER DEED OF RECORD
VOL. 2440, PG. 745, O.P.R.G.C.T.
CORRELATED TO RIGHT-OF-WAY
F. M. HIGHWAY NO. 697

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.8

**** OTHER BUSINESS***

Consider Approval of the Annexation Scheduling Plan for Adoption of the 18.46 Acres of Land known as the Friendship Ranch on Friendship Road and Directing the Department of Developmental Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

Issue
To consider approval of the schedule for annexation on Friendship Road in the City's extra territorial jurisdiction (ETJ), in accordance with state law and the City Charter

Background
On January 25, 2007, Mr. Nat McClure, representing Friendship Ranch Joint Venture, requested annexation into the city limits for their property located on Friendship Road. They would like to develop the property for a gated rural subdivision. State law requires the City Council to conduct two (2) public hearings on its intent to annex and the provision of services no later than forty (40) days nor earlier than twenty (20) days before the introduction of the annexation ordinance. Publication of notice of these hearings must be no later than twenty (20) days nor earlier than ten (10) days before each hearing. State law also requires that the City Council shall direct its planning department to develop a service plan for the proposed annexation area. The City Charter requires at least seventy-two (72) hours public notice of the annexation ordinance before its adoption.

Origination
Nat McClure, Friendship Ranch Joint Venture

Financial Consideration
City accepts maintenance. A cost-benefit analysis will be provided prior to final action on this item.

Staff Recommendation
It is recommended that the schedule for annexation be approved and that the required public hearings be set for April 16, 2007, May 7, 2007, and June 4, 2007.

Alternatives
The City Council could choose not to consider this request for annexation; however, since the sale of water is a Council strategic goal, this action is not recommended.

Attachments
Annexation Scheduling Plan, Annexation Application, Location Sketch, and Aerial Map

Prepared by:
Doreen E. McGookey, City Attorney

Approved by:
Giles Brown, Acting City Manager

FRIENDSHIP RANCH

ANNEXATION SCHEDULING PLAN

Thursday, March 15, 2007………	Send written notice to property owners in the area to be annexed, public or private entities that provide services in that area, and any railroads with a right of way in the area to be annexed. The Department of Developmental Services will prepare a service plan that details the specific Municipal Services that will be provided to the area after it is annexed.
Thursday, April 5, 2007……	Post notice on City's website, newspaper and City Hall for City Council's 1st Public Hearing on intent to annex. Send written notice to each public school district in the area to be annexed. Send by certified mail a second written notice to any railroads with a right of way in the area to be annexed. Obtain required affidavit of publication from newspaper.
Thursday, April 12, 2007 ……	Post notice of 1st public hearing under the Open Meetings Act.
Monday, April 16, 2007………	City Council's 1st Public Hearing on intent to annex and service plan.*
Friday, April 20, 2007……..…	Post notice on City's website, newspaper and City Hall for City Council's 2nd Public Hearing on intent to annex. Obtain required affidavit of publication from newspaper.
Thursday, May 3, 2007………	Post notice of 2nd public hearing under the Open Meetings Act.
Monday, May 7, 2007……	City Council's 2nd Public Hearing on intent to annex and service plan.*
Thursday, May 31, 2007 ……	Post notice on City's website, newspaper and City Hall for introduction of annexation ordinance and adoption of the ordinance. Posting will also be in compliance with the Open Meetings Act.
Monday, June 4, 2007………	City Council Public Hearing for introduction and consideration of adoption of annexation ordinance.

* If more than twenty adults who are residents of the area to be annex protest within ten (10) days of the notice by publication, then one of the public hearings must be held in the area to be annexed.

Friendship Ranch
1528 Crescent Drive
Sherman, TX 75092

January 25, 2007

Scott Wall, City Manager
City of Sherman
P.O. Box 1106
Sherman, TX 75092

Mr. Wall:

It is with great pleasure that I am now in a position to request city annexation of our residential development, Friendship Ranch.

The preliminary plat was recently approved by your planning and zoning board. Our engineer, Chris Schmitt, is working with your staff to make sure we meet or exceed all city standards for a gated rural subdivision. He will submit his drawings this week. Jason Armstrong of Underwood Drafting and Surveying will provide you with boundary information soon.

Please let me know if you have questions. Thanks for your assistance.

Respectfully,

Nat McClure
Friendship Ranch

Friendship Ranch Annexation Description

Situated in the County of Grayson, State of Texas, being a part of the Fielding Bacon Survey, Abstract No. 119, and being all of the 17.930 acre tract of land conveyed to Friendship Ranch Joint Venture by deed of record in Volume 4083, Page 918, of the Official Public Records, Grayson County, Texas and all of the 0.684 acre tract of land conveyed to Friendship Ranch Joint Venture by deed of record in Volume 4083, Page 924, of said Official Public Records, and being more particularly described by metes and bounds as follows:

Beginning at a ½"steel rod found at the southeast corner of said 17.930 acre tract and the northeast corner of the 57.587 acre tract of land conveyed to Bobby W. Barnette by deed of record in Volume 2408, Page 505, of said Official Public Records, said rod being in the west line of Lot 5, Longhorn Estates, an addition to the City of Sherman, as shown by plat of record in Volume 11, Page 8, of the Plat Records, Grayson County, and in an existing City Limits Line by Ordinance #4608 dated June 21, 1997;

Thence South 87°43'16" West with the North line of the said 57.587 acre tract a distance of 1,470.17 feet to a ½" steel rod found in the east line of said 0.684 acre tract at the southwest corner of said 17.930 acre tract;

Thence South 02°04'42" East with said east line, a distance of 85.22 feet to a ½" steel rod found for the southeast corner of said 0.684 acre tract;

Thence North 88°17'12" West a distance of 161.07 feet to a set ½" steel rod;

Thence North 01°36'00" West a distance of 156.75 feet to a ½" steel rod set in the south line of the Friendship Methodist Church Property as described in deed of record in Volume 99, Page 214, of the Deed Records, Grayson County, Texas, said rod being the northwest corner of said 0.684 acre tract;

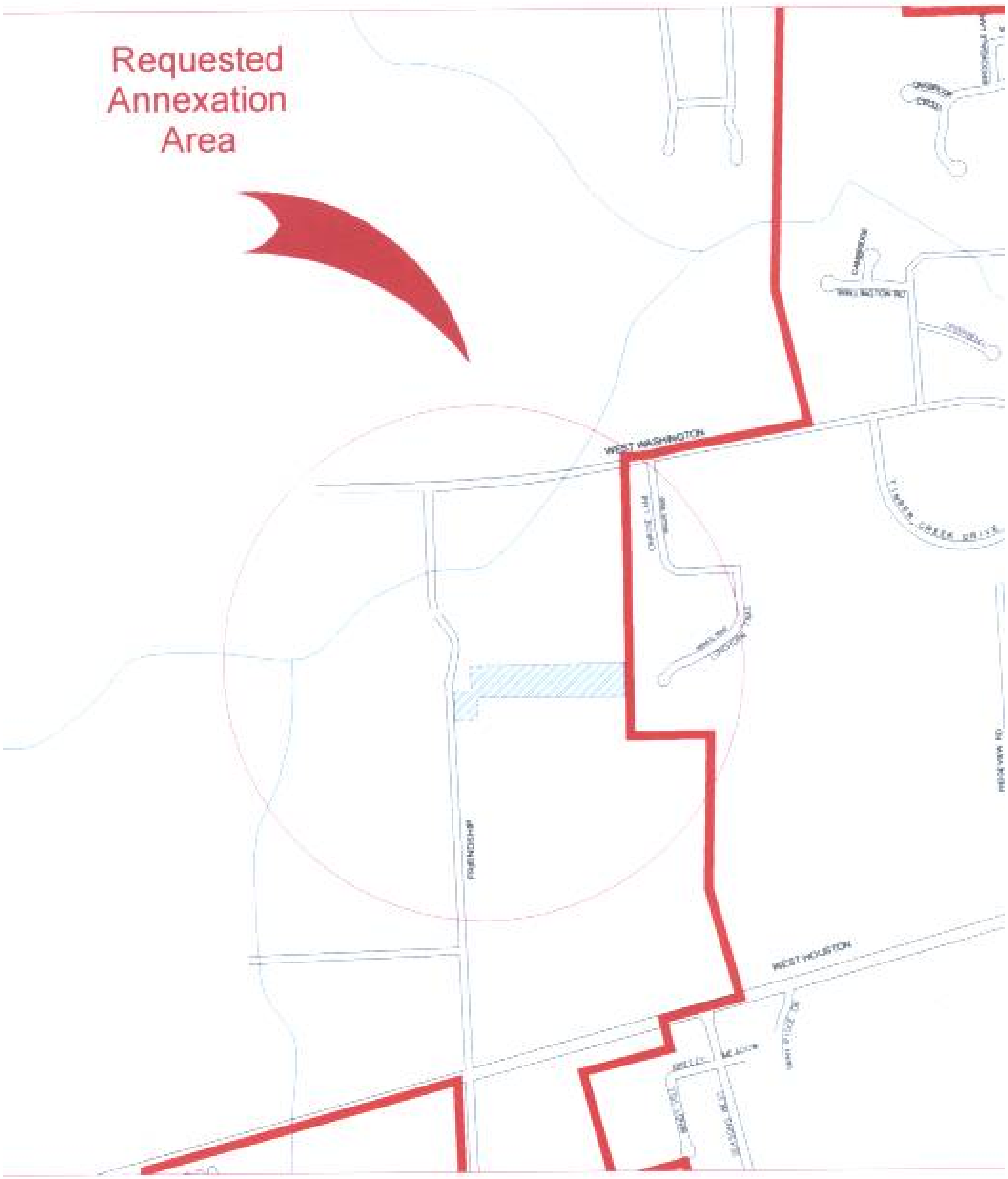
Thence South 88°17'12" East a distance of 146.74 feet to a ½" steel rod found in the west line of said 17.930 acre tract for the southeast corner of said Church tract and the northeast corner of said 0.684 acre tract;

Thence North 02°04'42" West with the East line of said Church tract a distance of 466.67 feet to a ½" steel rod found in the south line of that tract of land conveyed to David W. Osterman, et ux, by deed of record in Volume 2507, Page 630, of said Official Public Records, said rod marking the northwest corner of said 17.930 acre tract;

Thence North 88°08'43" East with said south line, a distance of 1,455.03 feet to a ½" steel rod set at the base of a fence corner post in the West line of a 3.497 acre tract of land conveyed to Tom L. Johnson et ux, by deed of record in Volume 3582, Page 459, of the Official Public Records, Grayson County, Texas and said City Limits Line established by Ordinance #4608;

Thence South 04°41'27" East with said west line and existing City Limit line, a distance of 378.75 feet to a 1/2" steel rod found maintaining the southwest corner of the said 3.497 acre tract and the northwest corner of Lot 5 of Longhorn Estates, an addition to the City of Sherman, as shown by plat of record in Volume 11, Page 8, of the Plat Records, Grayson County, Texas;

Thence South 01°15'55" East with the west line of said Lot 5, a distance of 149.11 feet to the **Point-of-Beginning** and containing **18.460 acres** of land.



City of Sherman, Texas
Annexation Request
Friendship Ranch

Department of Developmental Services


Washington St.
Friendship Rd.
CITY LIMITS
FRIENDSHIP RANCH
18.46 ACRES

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.9

OTHER BUSINESS
Receive Fairview Pool Update
from Parks and Recreation Administrator Ben Uselton and Staff

Issue

Parks and Recreation Administrator Ben Uselton and his staff will provide the Council with an update on the Fairview Pool renovation project.

Background

The Sherman City Council approved $2,329,000.00 in Capital Improvement Funds for the renovation of Fairview Pool. With approximately three (3) months before the highly anticipated opening of this renovated facility, we will update the Sherman City Council on the status of the renovation as it relates to the on-going construction, the established operating hours, entry fees/season passes/rentals and other planned programs, as well as our marketing plan leading us to the Grand Opening.

Origination

George Olson, Director of Community Services and Maintenance

Financial Consideration

There is no financial impact to this agenda item.

Action Requested

The Council need take no action on this agenda item.

Attachments

Fairview Pool Brochure

Prepared by:
George Olson, Director of
Community Services and Maintenance

Approved by:
Giles Brown, Acting City Manager

The Splash

Open Swim Hours

Monday & Tuesday	12:00-8:00pm
Wednesday	12:00-6:00pm
Thursday & Friday	12:00-8:00pm
Saturday	10:00am-6:00pm
Sunday	1:00-6:00pm

Rentals Available

Wednesday	7:00-9:00pm
Saturday & Sunday	6:00-8:00pm

Open Swim Daily Fees

Up to 15 years	$3
16 & Up	$4

Under 5 years-one free per each paying adult.

Season Passes

Individual	$50/resident	$75 non-resident
Family	$75/resident	$100 non-resident
10X	$20/resident	$30/non-residnt

Rentals

$200/resident $300/non-resident

Party Cabana

$20/resident $30/non-resident

Group Rates

Group Rates are available for groups of ten or more. The group rate is only available by contacting the Parks and Recreation Office at 903-892-7344 Monday-Friday 8:00am-5:00pm. Arrangements must be made at least 48 hours in advance and are subject to availability.

Resident Discounts

Residents of the City of Sherman will be offered a discount rate for passes and rentals. A resident is defined as one who either resides, or owns real estate within the City of Sherman. In order to receive the resident discount, please bring proof of residency when purchasing passes or reserving The Splash or the Party Cabana.

CITY OF SHERMAN
PARKS AND RECREATION
PO Box 1106
Sherman, TX 75091

Sherman Parks and Recreation

The Splash
Family Aquatic Center at Fairview

903-892-7307

903-892-7344

Introduction

Are the winter blues already setting in? Can't wait to catch some sun while spending quality time with the family? Well, hold on to your mittens because The Splash- Family Aquatic Center at Fairview is coming to meet all of your family aquatic fun needs. The Splash will take over Sherman this summer in a frenzy of fun! What is The Splash you ask? The Splash is a 323,000 gallon family aquatic center filled with lots of fun, interactive features that will keep the whole family entertained for hours on end. There will be two waterslides, one open-flume and one closed-flume. There will be a drop slide and a half-meter diving board. There will be a 120 foot current channel and basketball goals. And for the little ones, there will be a zero-depth, beach style entrance with spray features and a toddler slide. There is also five lap lanes for those of you who are interested in the physical fitness of swimming. There is an ample amount of shade available to allow swimmers and non-swimmers to take a break from the hot sun. The new bathhouse will feature new dressing areas, showers, family restrooms, locker facilities, and a new concession stand. So we hope you and your family will spend the summer with us, at The Splash!

Passes

Pool passes are available for purchase at the Parks and Recreation office located at the Sherman Youth Center at 407 W. Washington. Individual and Family passes are good for the entire summer. Pass holders will be presented with a photo id that must be presented for admission to The Splash. We are also offering a 10X pass. This pass allows you entrance into The Splash 10 times during the 2007 summer. This pass is transferable. Pass holders will be given a punch card that must be presented for admission to The Splash. The punch card will be punched once per admission. All passes will go on sale April 2, 2007.

Private Rentals

The Splash is available for private rentals Wednesdays 7:00-9:00pm and Saturdays and Sundays 6:00-8:00pm. The cost of each rental is $200/residents and $300/non-residents. This fee includes the cost of the lifeguards to supervise and maintain a safe environment. Reservations for rentals must be made at the Parks and Recreation Office at least 14 days in advance. No reservations will be taken prior to May 1.

Party Cabana

The Party Cabana is a covered pavilion with two ten-foot picnic tables. It is available for all your party needs during regular pool hours. The cost of $20/residents or $30/non-residents includes exclusive use of the Party Cabana for two hours. Fee does **not** include admission into The Splash. For reservations, you must contact the Parks and Recreation Office at least 48 hours in advance.

Learn to Swim Program

Sherman Parks and Recreation offers the largest and most economical Learn to Swim Program in the area. Each class meets for 45 minutes Monday-Thursday for two weeks. If a class is cancelled due to weather, classes will be made up on Friday. Registration for Learn to Swim closes ten days prior to the start of each session. Please refer to the schedule for class times and dates. Class size is limited, so register early. Registration will be accepted at the Parks and Recreation Office beginning April 2, 2007. Participants may only register for one session at a time. The cost of each class is only $20.

Session 1 June 18-28		Session 2 July 9-19		Session 3 July 23-Aug 2	
8:30am	Level 3	8:30am	Level 1	8:30am	Level 1
	Level 4		Level 2		Level 2
	Level 5		Level 3		Level 4
9:30am	Level 1	9:30am	Level 1	9:30am	Level 1
	Level 2		Level 2		Level 3
	Level 3				Level 5
10:30am	Level 1	10:30am	Level 1	10:30am	Level 1
	Level 2		Level 4		Level 2
	Level 3		Level 5		Level 3
6:00pm	Level 1	6:00pm	Level 2	6:00pm	Level 1
	Level 2		Level 3		Level 4

Parent & Tot Swimming

Children ages 6 months through 3 years learn basic swim instruction with the aid of at least one parent. Instruction will focus on water adjustment, comfort in the water, and lots of fun. Parents will learn basic water safety. Classes meet Monday-Thursday. If a class is cancelled, the class will be made up on Friday. Space is limited, so don't hesitate. Register at the Parks and Recreation Office at the Sherman Youth Center at 407 W. Washington beginning April 2, 2007.

Sessions:	June 4-7	6:00-6:45pm
	June 11-14	6:00-6:45pm
	June 18-21	6:00-6:45pm
	June 25-28	6:00-6:45pm
	July 9-12	9:30-10:15am
	July 16-19	9:30-10:15am

Cost: $10

Adult Learn to Swim

Learn to swim in a comfortable atmosphere with other adults. This class is for beginner and intermediate swimmers and will cover floating, rhythmic breathing, and crawl stroke. Register at the Parks and Recreation Office at the Sherman Youth Center at 407 W. Washington.

Dates:	Tuesdays & Thursdays July 10-Aug 2
Time:	7:00-7:45pm
Cost:	$20

Guard Start

Guard Start is a program designed to guide youth (11-14 years old) to the American Red Cross Lifeguarding Program by building a foundation of knowledge, attitudes and skills for future lifeguards. Participants will get training and experience in swimming, leadership, and rescue skills including CPR and first aid. Guard Start participants will be involved in classroom activities, fitness and swimming skills development, in-water personal and community water safety skills, lifeguarding and rescue techniques, and exercises designed to develop leadership skills and team work. Participants must demonstrate the ability to swim 25 yards, tread water for 1 minute and submerge and swim 10 feet underwater. Register at the Parks and Recreation Office at the Sherman Youth Center at 407 W. Washington.

Dates:	Tuesdays & Thursdays June 5-28, 2007
Time:	7:00-9:00pm
Cost:	$40
Deadline:	May 30, 2007

Employment Opportunities

Are you at least 15 years old and tired of sitting at home all summer with no money? If so, then do something about it! Apply for a job at The Splash—Family Aquatic Center at Fairview. Besides being fun, working at The Splash can be a rewarding experience that will prepare you for your future endeavors. We have lead lifeguard, lifeguard, cashier and concession positions available, so what are you waiting for? Applications can be picked up at the Parks and Recreation Office at the Sherman Youth Center at 407 W. Washington. Don't wait until summer to get certified as a lifeguard. Classes will be offered throughout the spring. For more information on certification, please call 903-892-7344.

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.10

OTHER BUSINESS
Presentation by Developmental Services Director Scott Shadden regarding Water Distribution Materials

Issue
Receive presentation from Developmental Services Director Scott Shadden regarding water distribution materials.

Background
P.E.X (Cross-linked Polyethylene Pipe) is a cheaper alternative to copper for water distribution systems.

Origination
City Council Member Chip Adami

Council Action Requested
The Council need take no action on this agenda item.

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.11

**** OTHER BUSINESS***

Consider the Designation of a Representative to the Sherman-Denison Metropolitan Planning Organization Intermodal Urban Transportation Planning Policy Board

Issue

A new representative from the City of Sherman needs to be designated to serve on the Sherman-Denison Metropolitan Planning Organization (MPO) Intermodal Urban Transportation Planning Policy Board.

Background

The City of Sherman holds a long-standing leadership role within the MPO and, with the departure of City Manager L. Scott Wall, a new representative needs to be designated. Public Works and Engineering Director Jeffrey R. Miller is willing to serve as the City of Sherman's representative.

Origination

Gene Short, Chairman Sherman-Denison MPO, Grayson County Commissioner, Precinct 4

Financial Consideration

There is no financial impact to this agenda item.

Staff Recommendation

It is recommended that the City Council designate Public Works and Engineering Director Jeffrey R. Miller as the City of Sherman's representative to the MPO.

Alternatives

An elected official could serve as the City of Sherman's representative to the MPO.

Attachments

Letter from the Sherman-Denison MPO Chairman dated February 20, 2007

Prepared and Approved by:
Giles Brown, Acting City Manager

SHERMAN-DENISON
METROPOLITAN PLANNING ORGANIZATION
INTERMODAL URBAN TRANSPORTATION PLANNING
www.sdmpo.org

RECEIVED
FEB 2007
City Manager's Office

February 20, 2007

Mayor Bill Magers
City of Sherman
P.O. Box 1106
Sherman Texas 75091-1106

Dear Mayor Magers:

I have recently learned that Scott Wall is no longer the city manager of Sherman. Mr. Wall was Sherman's selected representative to the Sherman - Denison Metropolitan Planning Organization (MPO). The MPO represents local involvement in the Federal and State transportation planning process as provided by federal law: Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU). The MPO is also responsible for establishing the priority for funding of all federal transportation projects within the 20 year planning boundary of the MPO.

Sherman is one of the core cities within this area. The MPO Policy Board consists of 5 voting members: one from each of the core cities (Sherman and Denison), Grayson County, a rotating small cities representative (Howe, Knollwood, Pottsboro, and Van Alstyne) and the Texas Department of Transportation District Engineer.

The criteria for your representative is that he or she will have the overall transportation needs for our combined urban community at heart, will be able to represent the City of Sherman's interest in this federally mandated cooperative program and be appointed by the city council. The representative for Sherman has not been restricted to locally elected officials, since our MPO was formed prior to 1991, thereby being "grand-fathered" before the original MPO act. However, Sherman should consider that their representative following federal legislation concerning MPO structure:

Title 23 U.S.C. Para 134 (b):
(2) STRUCTURE. Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area, when designated or re-designated under this subsection, shall consist of
(A) local elected officials;
(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization as of June 1, 1991); and
(C) appropriate State officials.

We look forward to meeting with Sherman's new representative. Please provide the MPO Policy Board with written notice of the city's selection. The MPO's staff stands ready to explain all the intricacies of SAFETEA-LU. Our next meeting is scheduled at 11:00 am on April 11, 2006 at the Grayson County Court House. Should you have any questions please call Robert Wood our Director of Transportation at 903-813-3534 or me at 903-813-4318.

Sincerely,

Gene Short

Gene Short
Chairman Sherman - Denison MPO
Grayson County Commissioner, Precinct 4

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.12

**** OTHER BUSINESS***

Final Plat Approval of the Barton-Vestal Addition; Ron Barton, Owner
(929 South Montgomery Street)

Issue

To consider the Final Plat of the Barton-Vestal Addition located at 929 South Montgomery Street

Background

The property is located at the northeast corner of South Montgomery and Spring Streets. The owner would like to plat the property into two lots for residential development.

Origination

Ron Barton (Owner) and Sartin & Associates, Inc. (Surveyors)

Board Recommendation

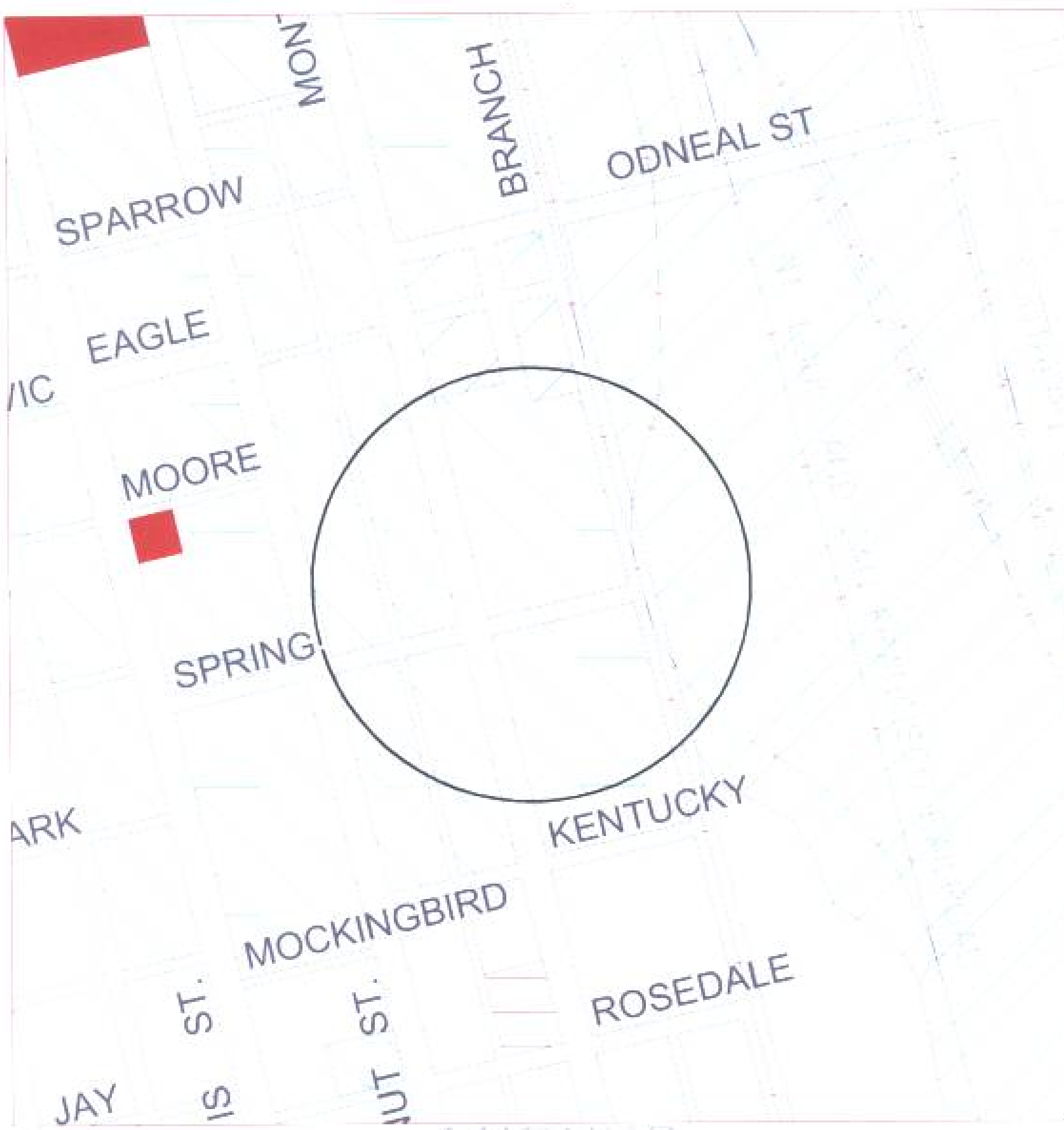
At the February 20, 2007 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager



LEGEND

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

City of Sherman

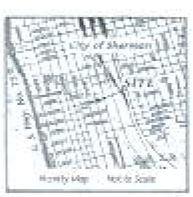
929 SOUTH MONTGOMERY
FINAL PLAT

Department of Developmental Services

(c) Copy

Scale: 1 inch = 80.0 feet

BARTON - VESTAL ADDITION
to the
CITY of SHERMAN, TEXAS



Owner & Developer

Ron Barton
718 S. Hwy 75
Sherman, Texas 75090
903-868-4201

SARTIN & ASSOCIATES, INC
Registered Professional Land Surveyors
129 S. Travis, P.O. Box 1953 Sherman, Texas 75091-1953
Ph. (903) 893-8063 Fax (903) 868-7058

SHEET 1 OF 2
99SMONT.PCX

AGENDA ITEM #10

City of Sherman

Planning and Zoning Commission
Board of Adjustments

Agenda Communication Form

February 20, 2007

Willie Steele, Chairman

929 South Montgomery
0.31 acres of land in the Samuel A. Blagg Survey, Abstract #56
Final Plat

Requested Action/Proposed Use:
Final Plat of Barton-Vestal Addition

Adjacent Zoning:
R-2 (Multi-Family Residential) District

Origination:
Barton Capital LTD (Owners) and Sartin and Associates, Inc. (Surveyors)

Considerations:
Master Plan Designation: Residential

Recommendations:
It is recommended that the final plat be approved and forwarded to the City Council for final action.

Attachments:
Location map
Photographs
Final Plat
Staff Review Letter

Prepared By:
Rita Gaither,
Development Coordinator

Approved By:
Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

February 15, 2007

Barton Capital, LTD
1715 S. Sam Rayburn
Sherman, Texas 75090

Dear Applicants,

The request for approval of the Final Plat of Barton-Vestal, for the property located at 929 South Montgomery Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, February 20, 2007 at 6:00 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. The east end of each proposed lot may lie within the 100 yr. floodplain. The finished floor elevation of any structure located within the floodplain must be at least two (2) feet above the base floodplain elevation. Fill shall not be imported into the floodplain.
2. An easement across the proposed southern lot for sanitary sewer service to the proposed northern lot is required.
3. Lots shall have a lot and block number.
4. A variance is required to allow 58.22 feet widths in lieu of 60 feet.
5. Letters from the various utility companies are required verifying availability of service. (Contacts to be made by the City).
6. Original tax certificates for the property must be furnished prior to recording of the plat.
7. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

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

cc: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Sartin and Associates, Inc.

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.13

**** OTHER BUSINESS***

Final Plat Approval of the Barton-Zelaya Addition; Ron Barton, Owner
(422 South Montgomery Street)

Issue

To consider the Final Plat of the Barton-Zelaya Addition located at 422 South Montgomery Street

Background

The property is located on South Montgomery Street between Cherry and King Streets. The owner would like to plat the property into two lots for residential development.

Origination

Ron Barton (Owner) and Sartin & Associates, Inc. (Surveyors)

Board Recommendation

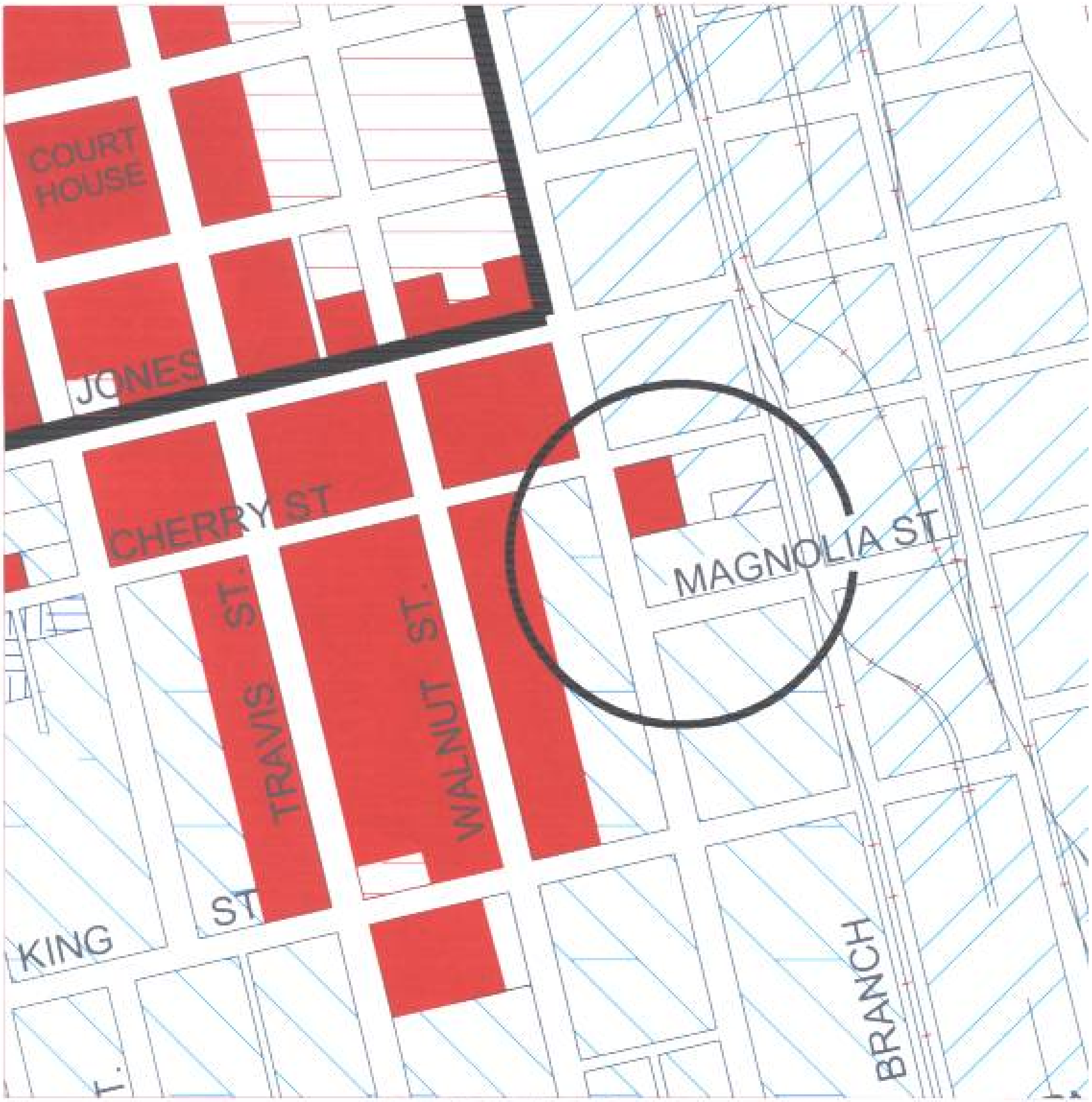
At the February 20, 2007 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager



LEGEND

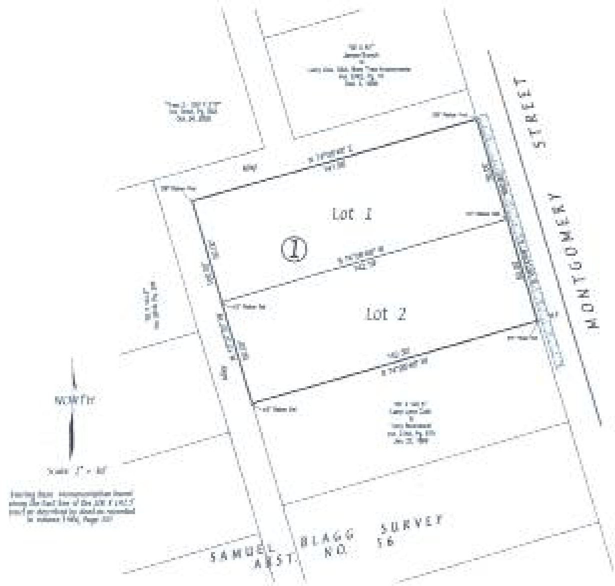
R-A	SINGLE FAMILY AGRICULTURAL DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT
C-1	RETAIL BUSINESS DISTRICT
C-2	GENERAL COMMERCIAL DISTRICT
C-O	OFFICE DISTRICT
M-1	LIGHT MANUFACTURING DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT
M-2	HEAVY MANUFACTURING DISTRICT
M-H	MANUFACTURED HOUSING DISTRICT
	BLALOCK INDUSTRIAL PARK
O-1	OVERLAY DISTRICT - 75 & 82
O-1.1	OVERLAY DISTRICT - 1417
A&C	ARTS & CULTURAL OVERLAY DISTRICT
CBD	CENTRAL BUSINESS DISTRICT
	CITY LIMITS

City of Sherman, Texas

422 SOUTH MONTGOMERY
FINAL PLAT

Department of Developmental Services

Scale: 1 inch = 70.0 feet



BARTON - ZELAYA ADDITION
to the
CITY of SHERMAN, TEXAS

Owner & Developer

Ron Barton
715 S. Hwy 75
Sherman, Texas 75090
903-868-4201

Vicinity Map - Not to Scale

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
1093 Travis P.O. Box 1843 Sherman, Texas 75091-1843

AGENDA ITEM #12

City of Sherman

Planning and Zoning Commission
Board of Adjustments

Agenda Communication Form

February 20, 2007

Willie Steele, Chairman

422 South Montgomery
0.33 acres of land in the Samuel A. Blagg Survey, Abstract No. 56
Final Plat

Requested Action/Proposed Use:
Final Plat of Barton-Zelaya Addition

Adjacent Zoning:
R-2 (Multi-Family Residential) District and C-1 (Retail Business) District

Origination:
Barton Capital LTD (Owners) and Sartin and Associates, Inc. (Surveyors)

Considerations:
Master Plan Designation: Residential

Recommendations:
It is recommended that the final plat be approved and forwarded to the City Council for final action.

Attachments:
Location map
Photographs
Final Plat
Staff Review Letter

Prepared By:
Rita Gaither,
Development Coordinator

Approved By:
Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

February 15, 2007

Barton Capital, LTD
1715 S. Sam Rayburn
Sherman, Texas 75090

Dear Applicants,

The request for approval of the Final Plat of Barton-Zelaya Addition, for the property located at 422 South Montgomery has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, February 20, 2007 at 6:00 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 The bearing shown on the drawing for the east side of the property is in conflict with the field notes.
2. A variance is required to allow 50 foot lot widths in lieu of 60 feet.
3. Letters from the various utility companies are required verifying availability of service. (Contacts to be made by the City).
4. Original tax certificates for the property must be furnished prior to recording of the plat.
5. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

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

cc: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Sartin and Associates, Inc.

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.14

**** OTHER BUSINESS***

Final Plat Approval of the Bob Utter Addition; Bob Utter, Owner (2525 Texoma Parkway)

Issue
To consider the Final Plat of the Bob Utter Addition located at 2525 Texoma Parkway

Background
The property is located at the southeast corner of Texoma Parkway and U.S. Highway 82 East. The owner would like to plat the property into one lot for commercial development.

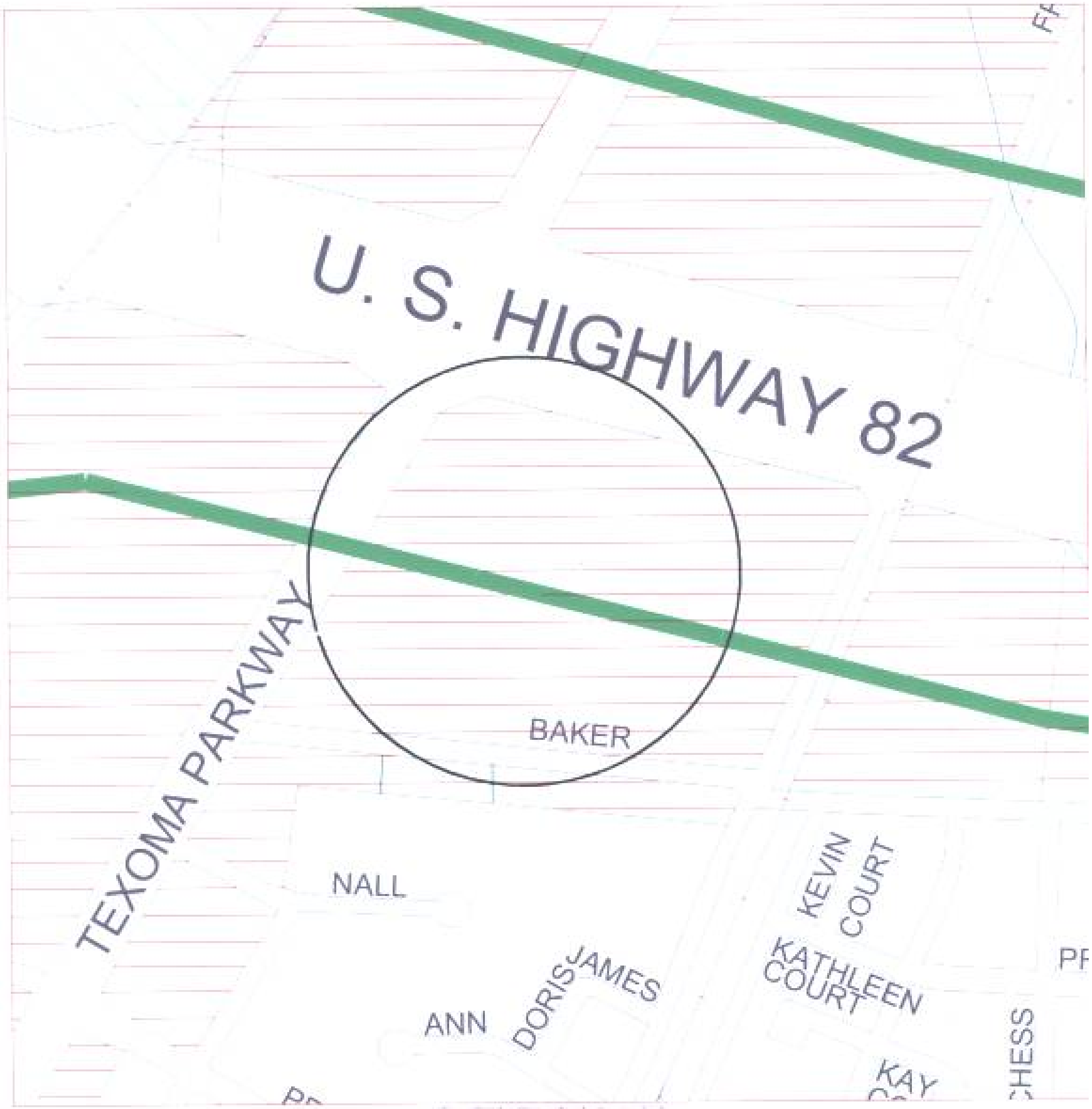
Origination
Bob Utter (Owner); Re-Zoning, Inc. (Agent); and Eagle Lake, Surveying (Surveyors)

Board Recommendation
At the February 20, 2007 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments
Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager



LEGEND

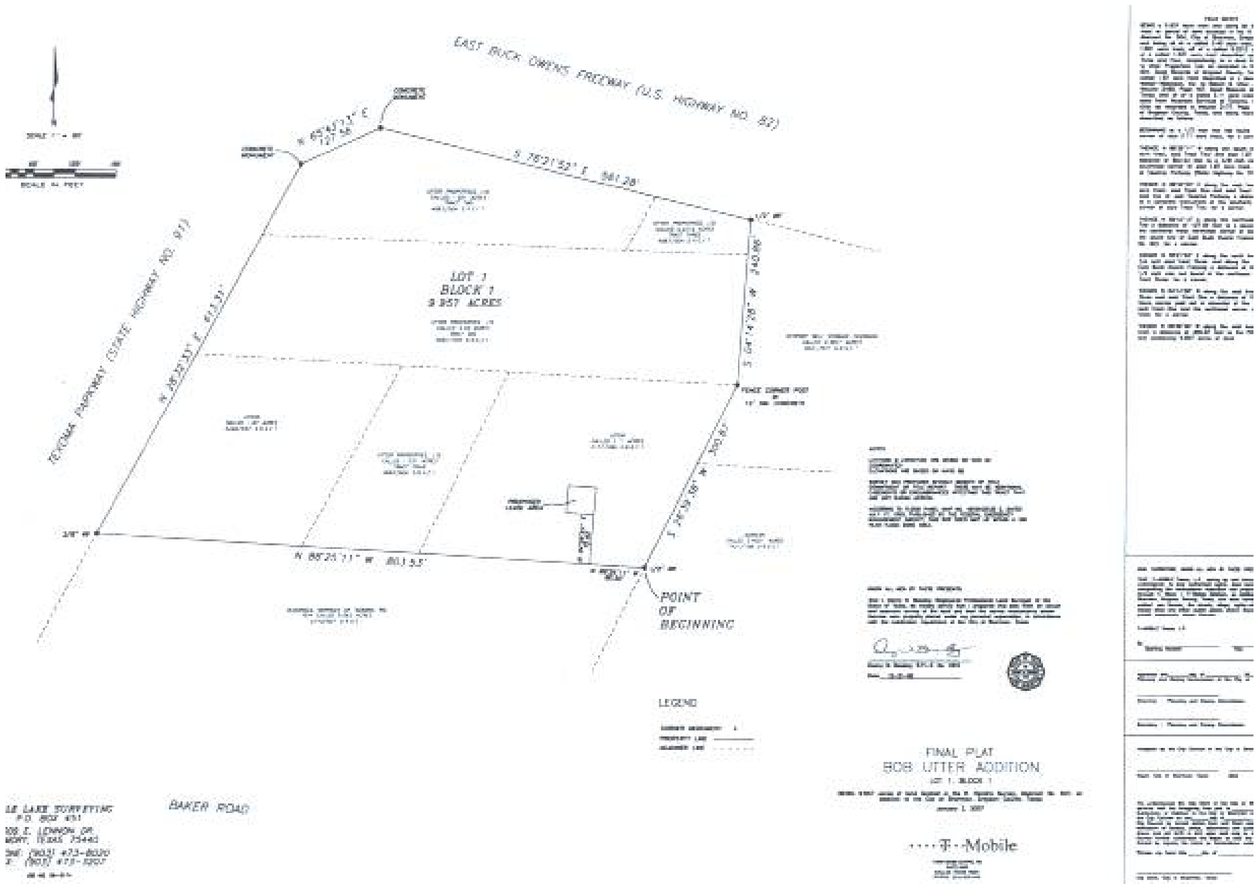
R-A	SINGLE FAMILY AGRICULTURAL DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT
C-1	RETAIL BUSINESS DISTRICT
C-2	GENERAL COMMERCIAL DISTRICT
CO	OFFICE DISTRICT
M-1	LIGHT MANUFACTURING DISTRICT
M-1.5	MEDIUM MANUFACTURING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

City of Sherman
2525 TEXOMA PARKWAY
FINAL PLAT

Department of Developmental Services

N


US HWY 82
XOMA
RKWAY
Scale: 1 inch = 120.0 feet
(c) Copyright 200


EAST BUCK OWENS FREEWAY (U.S. HIGHWAY NO. 82)
TEXOMA PARKWAY (STATE HIGHWAY NO. 91)
LOT 1
BLOCK 1
9.957 ACRES
S 76°21'52" E 561.28'
POINT
OF
BEGINNING
LEGEND
FINAL PLAT
BOB UTTER ADDITION
LOT 1, BLOCK 1
T-Mobile
BAKER ROAD
SCALE IN FEET

AGENDA ITEM #14

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

February 20, 2007

Willie Steele, Chairman

2525 Texoma Parkway
9.957 acres in the R. Hendrix Survey, Abstract No. 504
Final Plat

Requested Action/Proposed Use:
Final Plat of Bob Utter Addition

Adjacent Zoning:
C-2 (General Commercial) District

Origination:
Bob Utter (Owner), Re-Zoning, Inc. (Agent) and Eagle Lake Surveying (Surveyors)

Considerations:
Master Plan Designation: Retail/Commercial

Recommendations:
It is recommended that the final plat be approved and forwarded to the City Council for final action.

Attachments:
Location map
Photographs
Final Plat
Staff Review Letter

Prepared By:
Rita Gaither,
Development Coordinator

Approved By:
Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

February 15, 2007

Bob Utter
2525 Texoma Parkway
Sherman, Texas 75090

Duane Kingma
7668 Warren Parkway
Frisco, TX 75034

Dear Applicants,

The request for approval of the Final Plat of Bob Utter Addition, for the property located at 2525 Texoma Parkway has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, February 20, 2007 at 6:00 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. The name of the owner and developer shall be indicated on the preliminary plat.
2. Existing utilities and easements shall be indicated on the plat. It appears that a sanitary sewer is located on the property.
3. The leased area shall be removed from the final plat.
4. Letters from the various utility companies are required verifying availability of service. (Contacts to be made by the City).
5. Original tax certificates for the property must be furnished prior to recording of the plat.
6. A corrected preliminary plat shall be submitted.
7. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

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

cc: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Re/Zoning Inc.
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
T-Mobile Texas, LP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.15

OTHER BUSINESS

Final Plat Approval of the G & T Addition; Patcha Corporation, Owners
(700 Block of West Houston Street)

Issue
To consider the Final Plat of the G & T Addition located in the 700 Block of West Houston Street

Background
The property is located on West Houston Street, between Woods Street and the Highway 75 access road. Watsonburger, a used car lot, and Hot and Creamy Donuts occupy the property. The owners would like to plat the property into three lots so that they can sell the most southern lot.

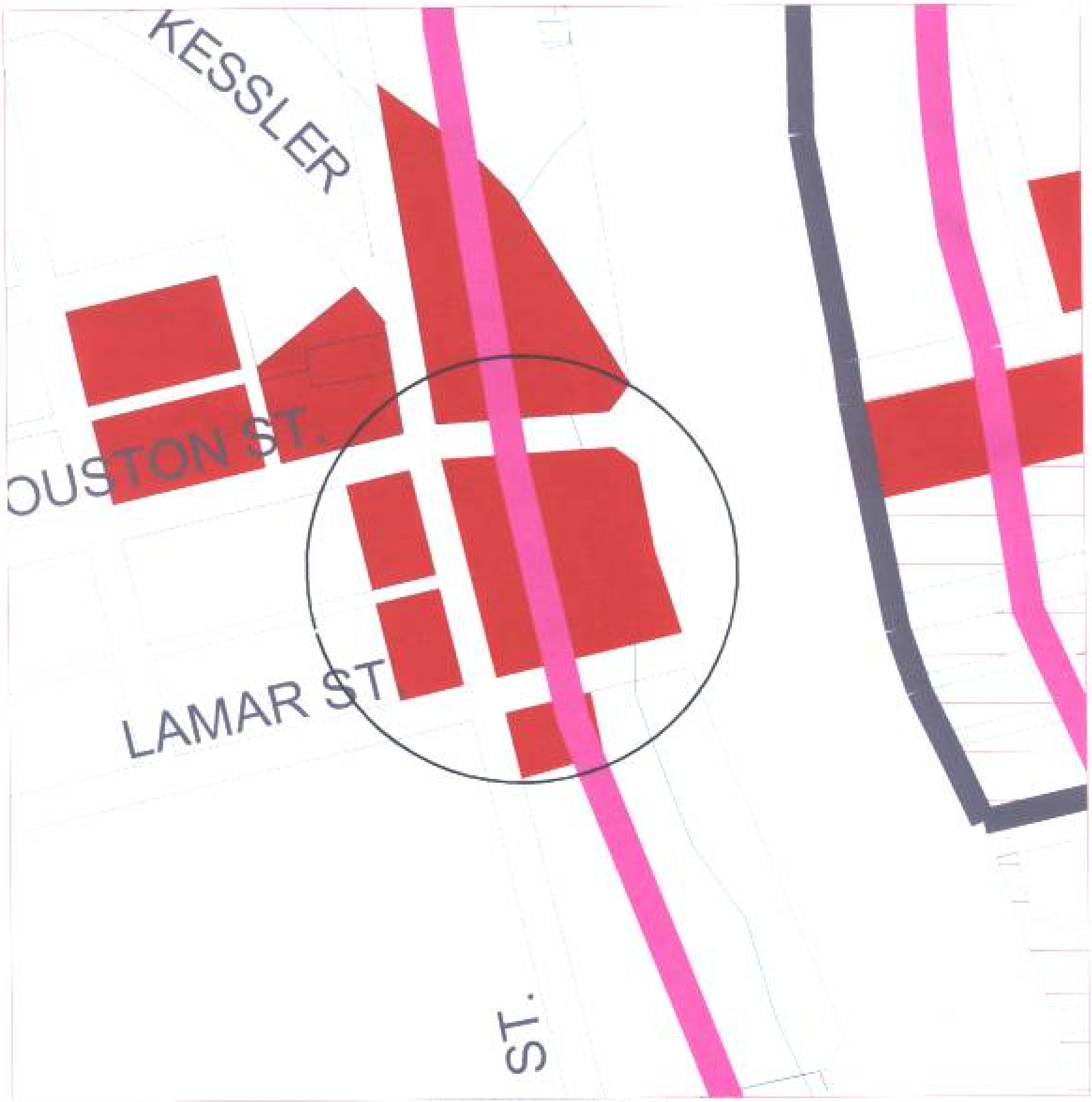
Origination
Patcha Corporation (Owners); Gary and Tana Morgan (Developers); and Underwood Drafting and Surveying (Surveyors)

Board Recommendation
At the February 20, 2007 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments
Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager



LEGEND

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

City of Sherman
700 BLK WEST HOUSTON & LAMAR
FINAL PLAT

Department of Developmental Services

(c) Cop

Scale: 1 inch = 80.0 feet

LEGAL DESCRIPTION

...ated in the City of Sherman, Grayson County, Texas, ...art of the J. N. McAnair Survey, Abstract No. 763, and ...of Tract One, described as 1.043 acres, Tract Two, ...as 0.40 acres, and Tract Three, described as 0.046 ...conveyed by Charles E. Watson Enterprises, Inc. to ...rporation by deed dated October 23, 1990, recorded in ...124, Page 874, Real Property Records, Grayson County ...d being more particularly described by metes and bounds ...:

...inning at a spike-nail set marking the Southwest corner ...ract Two at the intersection of the East line of Woods ...h the North line of Lamar Street.
...ce North 16°00'00" West with said East line of Woods ...ssing the Northwest corner of said Tract Two and the ...corner of said Tract One at 100 feet and continuing for ...distance of 320.31 feet to a spike nail set marking the ...corner of said Tract One at the intersection of said ...of Woods Street with the South line of Houston Street. ...ce in an Easterly direction with said South line of ...Street and the North line of said Tract One the following ...distances:
North 79°44'12" East, a distance of 70.00 feet to a ...set.
North 80°28'38" East, a distance of 70.00 feet to an ...set.
North 83°05'52" East a distance of 36.80 feet to a ...the Northeast corner of said Tract One in the center ...Creek.
...ce in a Southerly direction with the general center of ...Oak Creek and East line of sid Tract One the following ...distances:
South 11°02'43" East, a distance of 32.43 feet.
South 03°22'14" East, a distance of 46.50 feet.
South 12°03'28" West, a distance of 42.88 feet.
South 03°38'24" West, a distance of 33.23 feet.
South 03°02'06" East a distance of 32.88 feet to the ...corner of said Tract Three.
...ce North 74°00'00" East a distance of 27.48 feet to a ...rod set marking the Northeast corner of said Tract ...

...ce South 17°22'00" East a distance of 126.38 feet to a ...rod set marking the Southeast corner of said Tract ...he said North line of Lamar Street.
...ce South 74°00'00" West, passing the most Southerly ...corner of said Tract Three and the Southeast corner of ...Two at 12.5 feet and continuing for a total distance ...feet to the Point-of-Beginning and containing 1.57 ...and more or less.........................

...L MEN BY THESE PRESENTS:

...mes R. Maret, do hereby certify that I prepared this ...om actual and accurate survey of the land and that ...monuments thereon where properly placed under ...al supervision, in accordance with the subdivision ...s of the City of Sherman, Texas.

James R. Maret
Registered Professional
Land Surveyor, No. 3433

...TEXAS
...F GRAYSON

...E, the undersigned authority, a Notary Public in and for ...y and State, on this day personally appeared James R. ...wn to me to be the person whose name is subscribed to ...ng instrument, and acknowledged to me that he executed ...for the purpose and consideration therein expressed.

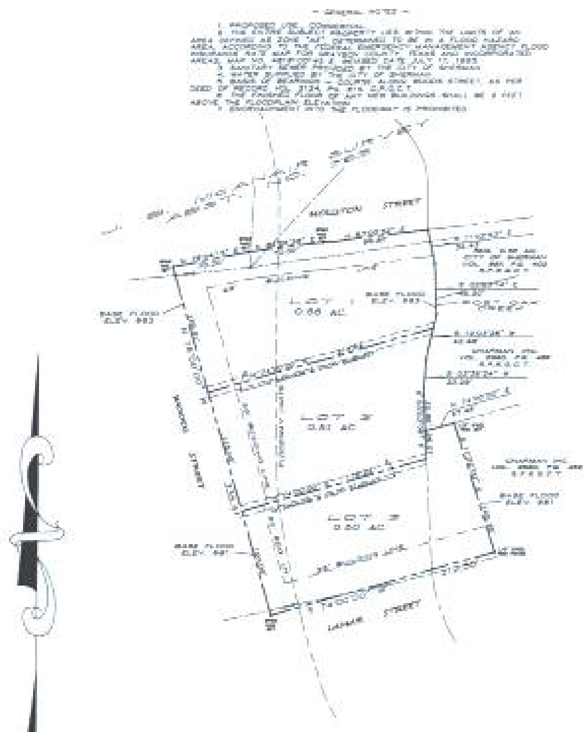
...ER MY HAND AND SEAL OF OFFICE this_____day of__________

Notary Public in and for
the State of Texas

Commission Expires

GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.



FINAL PLAT
G & T MORGAN ADDITION

TO THE CITY OF
SHERMAN, TEXAS
1.57 ACRES
OUT OF THE
J. N. McANAIR SURVEY
ABST. NO. 763
GRAYSON COUNTY, TEXAS
1-30-07

OWNERS -- DEVELOPERS
GARY MORGAN
TANA MORGAN
4040 SHADOW CIRCLE
DENISON, TEXAS 75020

UNDERWOOD
DRAFTING & SURVEYING

SURVEYOR
JAMES R. MARET
R.P.L.S. NO. 3433
3404 INTERURBAN ROAD
DENISON, TEXAS 75021

3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

NOW THEREFORE ...

THAT WE, Gary Mo... designating the he... to the City of She... public use forever... for the mutual us... utilities desiring t... utility shall have t... part of any buildi... improvements or g... with the construct... respective systems... public or private u... ingress and egress... for the purpose of... patrolling, maintai... its respective syst... approval subject... resolutions of the...

WITNESS MY HAND...

WITNESS MY HAND...

STATE OF TEXAS
COUNTY OF GRAY...

BEFORE ME, the u... said County and ... Morgan, known to... the foregoing inst... the same for the...

GIVEN UNDER MY... 2007

STATE OF TEXAS
COUNTY OF GRAY...

BEFORE ME, the u... said County and ... Morgan, known to... the foregoing inst... the same for the...

GIVEN UNDER MY... 2007

Approved this___... the City Planning... Texas

Chair...

Accepted by the...

Mayor, City of Sh...

The undersigned... certifies that the... the City of Sher... the_________ day... formal action the... alleys, easements... and upon said m... authorized the M... his name as here...

Witness my hand...

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
February 20, 2007
Willie Steele, Chairman

700 Block of West Houston and West Lamar
1.55 acres in the J. B. McAnair Survey, Abstract No. 763
Final Plat

Action/Proposed Use:
Final Plat of the G & T Addition

Adjacent Zoning:
C-1 (Retail Business) District

Origination:
Patcha Corporation (Owners) Gary and Tana Morgan (Developers) and Underwood Drafting & Surveying, Inc. (Surveyors)

Considerations:
Master Plan Designation: Retail/Commercial

Recommendation:
It is recommended that the final plat be approved and forwarded to the City Council for final action.

Attachments:
Location map
Photographs
Final Plat
Staff Review Letter

Prepared By:
Rita Gaither,
Development Coordinator

Approved By:
Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

February 15, 2007

Patcha Corporation
4040 Shadow Circle
Denison, TX 75020

Dear Applicants,

The request for approval of the Final Plat of G&T Addition, for the property located in the 700 Block of West Houston and West Lamar Streets has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, February 20, 2007 at 6:00 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. Houston Street is designated as a "special building setback" street and shall have a 25 foot building setback. Any new construction will be required to comply with the 25 foot setback.
2. The floodway line and 100 year floodplain elevations shall be shown on the plat.
3. The finished floor of any new building shall be 2' above the floodplain elevation.
4. Encroachment into the floodway is prohibited.
5. The proposed 20' wide and proposed 40' wide drainage easement shall be removed from the plat.
6. Letters from the various utility companies are required verifying availability of service. (Contacts to be made by the City).
4. Original tax certificates for the property must be furnished prior to recording of the plat.
5. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

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

cc: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Underwood Drafting & Surveying, Inc.

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.16

**** OTHER BUSINESS***

Replat Approval of Lot 11, Block 1, Forest Glen Addition; Mike Minukhin, Owner (2807 Wellington Drive)

Issue

To consider the Replat of Lot 11, Block 1, Forest Glen Addition, located at 2807 Wellington Drive

Background

The property is located off of West Washington Street in the Forest Glen Addition. The owner would like to replat the property because the previous homeowner to the east built a fence over the property line in the residential development.

Origination

Mike Minukhin (Owner) and Underwood Drafting & Surveying (Surveyors)

Board Recommendation

At the February 20, 2007 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager

LEGEND

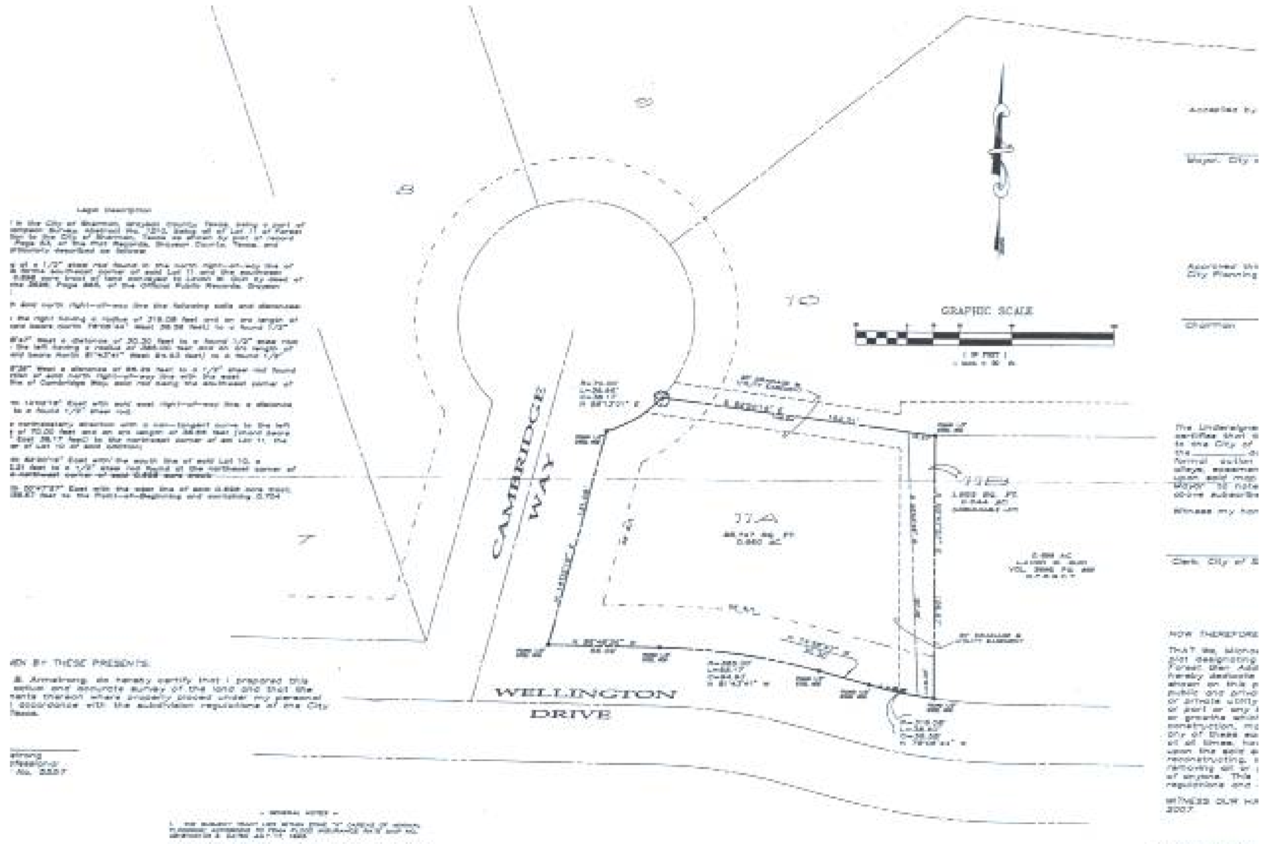
R-A	SINGLE FAMILY AGRICULTURAL DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT
C-1	RETAIL BUSINESS DISTRICT
C-2	GENERAL COMMERCIAL DISTRICT
CO	OFFICE DISTRICT
M-1	LIGHT MANUFACTURING DISTRICT
M-1.5	MEDIUM MANUFACTURING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

City of Sherman
2807 WELLINGTON DRIVE
REPLAT

Department of Developmental Services

2801 Wellington Dr.


WELLINGTON
Scale: 1 inch = 50.0 feet
(c) Copyr



REPLAT OF
LOT 11, FOREST GLEN ADDITION
AN ADDITION TO SHERMAN, TEXAS
BEING 0.704 ACRES SITUATED IN THE
WILLIAM THOMPSON SURVEY, ABST. NO. 1210
GRAYSON COUNTY, TEXAS

UNDERWOOD

AGENDA ITEM #28

City of Sherman

Planning and Zoning Commission
Board of Adjustments

Agenda Communication Form

February 20, 2007

Willie Steele, Chairman

Jim Jacobs, Vice Chairman	**John Cernero, Commissioner**
Jason Bethel, Commissioner	**Kelsel Thompson, Commissioner**
John Nix, Commissioner	**Jason Sofey, Commissioner**
Lawrence Davis, Commissioner	**Steve Jones, Commissioner**

2807 Wellington Drive
Lot 11, Block 1, Forest Glen Addition
Replat

Requested Action/Proposed Use:
Replat of Lot 11, Block 1, Forest Glen Addition

Adjacent Zoning:
R-1 (One and Two Family Residential) District

Origination:
Mike Minukhin (Owners) and Underwood Drafting & Surveying, Inc.(Surveyors)

Considerations:
Master Plan Designation: Residential

Recommendation:
It is recommended that the replat be approved and forwarded to the City Council for final action.

Number of notices mailed:
11

Objections Received:
0

Attachments:
Location map; Photographs; Replat and Staff Review Letter

Prepared By:	**Approved By:**
Rita Gaither,	**Scott Shadden,**
Development Coordinator	**Developmental Services Director**

STAFF REVIEW LETTER

February 15, 2007

Mike Minukhin
2807 Wellington Drive
Sherman, Texas 75092

Dear Applicant,

The request for approval of the Replat of Lot 11, Block 1, Forest Glen Addition concerning the property located at 2807 Wellington Drive has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, February 20, 2007 at 6:00 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. The brick fence lying in the easement and street right-of-way will require an encroachment easement from the City Council.
2. A note shall be placed on the plat stating that Lot 1B is unbuildable and shall be joined with the tract to the east.
3. The Letters from the various utility companies are required verifying availability of service. (Contacts to be made by the City).
4. Original tax certificates for the property must be furnished prior to recording of the plat.
5. Any other changes made to the replat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

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

cc: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Underwood Drafting & Surveying

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.17

**** OTHER BUSINESS***

Replat Approval of Lot 1A and Lot 1B, Sherman Town Center, Section Two, being a Replat of Sherman Town Center, Section Two, Lot 1 and Lot 2; Nell Graham, Trustee for the Estate of the Jimmie C. Graham Testamentary Trust, Owners (500 Block of East Graham Drive)

Issue
To consider the Replat of Lot 1A and Lot 1B, Sherman Town Center, Section Two, being a Replat of Sherman Town Center, Section Two, Lot 1 and Lot 2, located in the 500 Block of East Graham Drive

Background
The property is located in the Sherman Town Center on Graham Drive, which is off of Loy Lake Road and U. S. Highway 75 North. The owners would like to replat the property into two lots to sell one of the lots for a multi-family residential development for an apartment complex. The other lot will remain in the Graham Estate.

Origination
Nell Graham, Trustee for the Estate of the Jimmie C. Graham Testamentary Trust (Owners); R.P. Shaw Investments, LLC and CRF & Associates (Developers); and Phil Smith Surveying (Surveyors)

Board Recommendation
At the February 20, 2007 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved.

Attachments
Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager

LEGEND

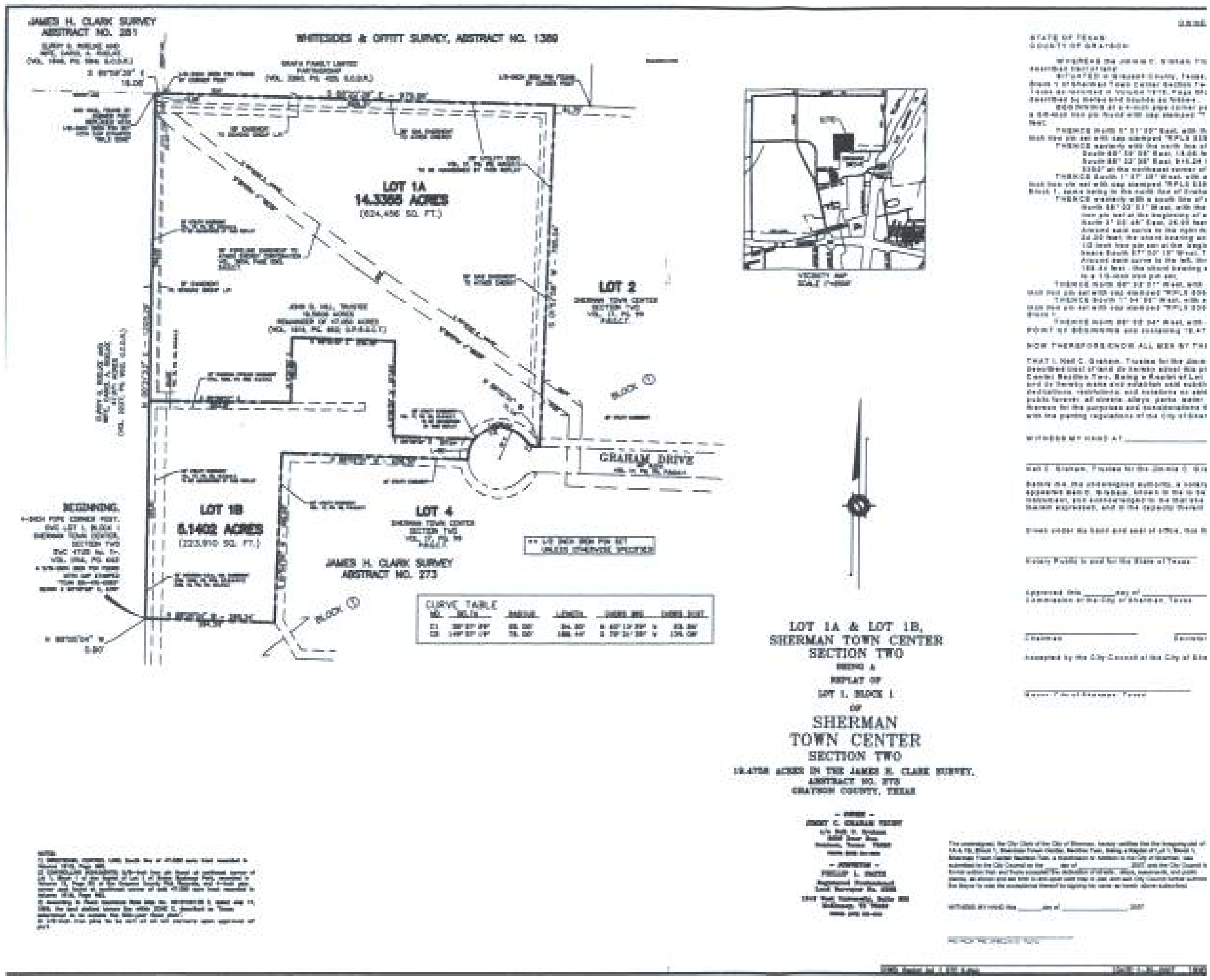
R-A	SINGLE FAMILY AGRICULTURAL DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT
C-1	RETAIL BUSINESS DISTRICT
C-2	GENERAL COMMERCIAL DISTRICT
CO	OFFICE DISTRICT
M-1	LIGHT MANUFACTURING DISTRICT
M-1.5	MEDIUM MANUFACTURING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

City of Sherman
500 BLK EAST GRAHAM DRIVE
REPLAT

Department of Developmental Services

N

Scale: 1 inch = 300.0 feet


JAMES H. CLARK SURVEY
ABSTRACT NO. 281
WHITESIDES & OFFITT SURVEY, ABSTRACT NO. 1389
LOT 1A
14.3365 ACRES
(624,456 SQ. FT.)
LOT 2
SHERMAN TOWN CENTER
SECTION TWO
BLOCK 1
GRAHAM DRIVE
LOT 1B
5.1402 ACRES
(223,910 SQ. FT.)
LOT 4
SHERMAN TOWN CENTER
SECTION TWO
BEGINNING
JAMES H. CLARK SURVEY
ABSTRACT NO. 273
CURVE TABLE
VICINITY MAP
LOT 1A & LOT 1B,
SHERMAN TOWN CENTER
SECTION TWO
REPLAT OF
LOT 1, BLOCK 1
OF
SHERMAN
TOWN CENTER
SECTION TWO
GRAYSON COUNTY, TEXAS
STATE OF TEXAS
COUNTY OF GRAYSON

City of Sherman

Planning and Zoning Commission
Board of Adjustments

Agenda Communication Form

February 20, 2007

Willie Steele, Chairman

500 Block of East Graham Drive
Lot 1, Block 1, Sherman Town Center, Section Two
Replat

Requested Action/Proposed Use:
Lot 1A and Lot 1B Sherman Town Center, Section Two, Being a Replat of Sherman Town Center Section Two, Lot 1 and Lot 2

Adjacent Zoning:
C-1 (Retail Business) District and C-2 (General Commercial) District

Origination:
Nell Graham, Trustee for the Estate of the Jimmie C. Graham Testamentary Trust (Owners) R. P. Shaw Investments, LLC and CRF & Associates (Developers) and Phil Smith Surveying (Surveyors)

Considerations:
Master Plan Designation: Residential

Recommendation:
It is recommended that the replat be approved and forwarded to the City Council for final action.

Attachments:
Location map
Photographs
Replat
Staff Review Letter

Prepared By:
Rita Gaither,
Development Coordinator

Approved By:
Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

February 15, 2007

Jimmie Graham Estate
2005 Deer Run
Denison, TX 75020

Dear Applicant,

The request for approval of the Replat of Lot1, Block 1, Sherman Town Center, Section Two concerning the property in the 500 Block of Graham Drive has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, February 20, 2007 at 6:00 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. The bearing and distance shown on the final plat does not agree with the bearing and distance in the field notes for the north property line.
2. Scale is not indicated on the final plat.
3. Previously dedicated easement cannot be vacated by replatting.
4. Letters from the various utility companies are required verifying availability of service. (Contacts to be made by the City).
5. Original tax certificates for the property must be furnished prior to recording of the plat.
6. Any other changes made to the replat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

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

cc:

Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Hank Feddern

Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Phil Smith, Surveyos
R. P. Shaw Investments, LLC

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.18

**** OTHER BUSINESS***

Replat Approval of Lots 1 & 2 of Bentley Addition; Woods Street Group and Bank, Owners (2600 Block of Loy Lake Road and Masters Street)

Issue

To consider the Replat of Lots 1 & 2 of the Bentley Addition located in the 2600 Block of Loy Lake Road and Masters Street

Background

The property is located between Masters Street and Loy Lake Road. The owners would like to replat the property into two lots for commercial development.

Origination

Woods Street Group and Bank (Owners); and Sartin & Associates, Inc. (Surveyors)

Board Recommendation

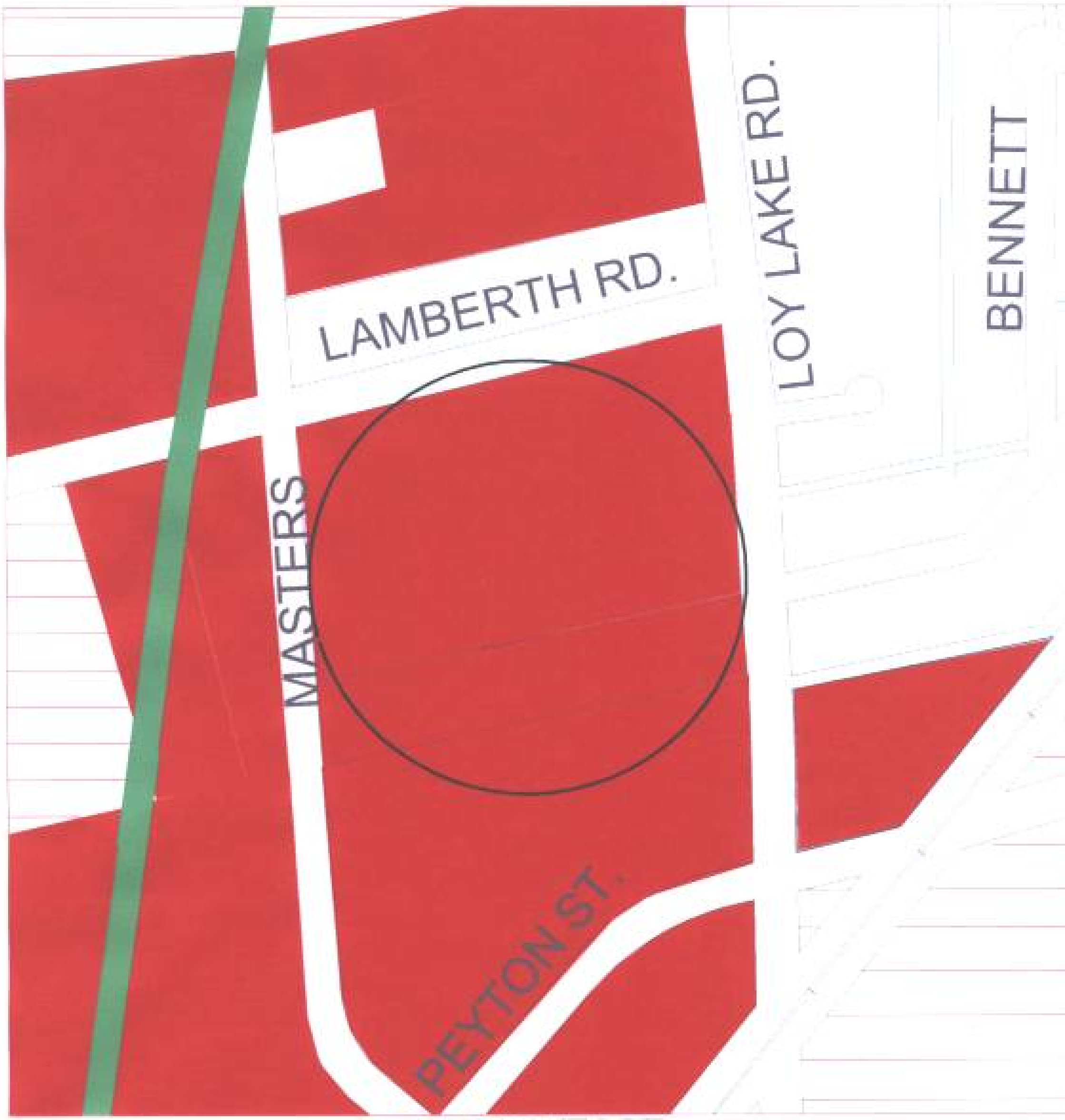
At the February 20, 2007 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager

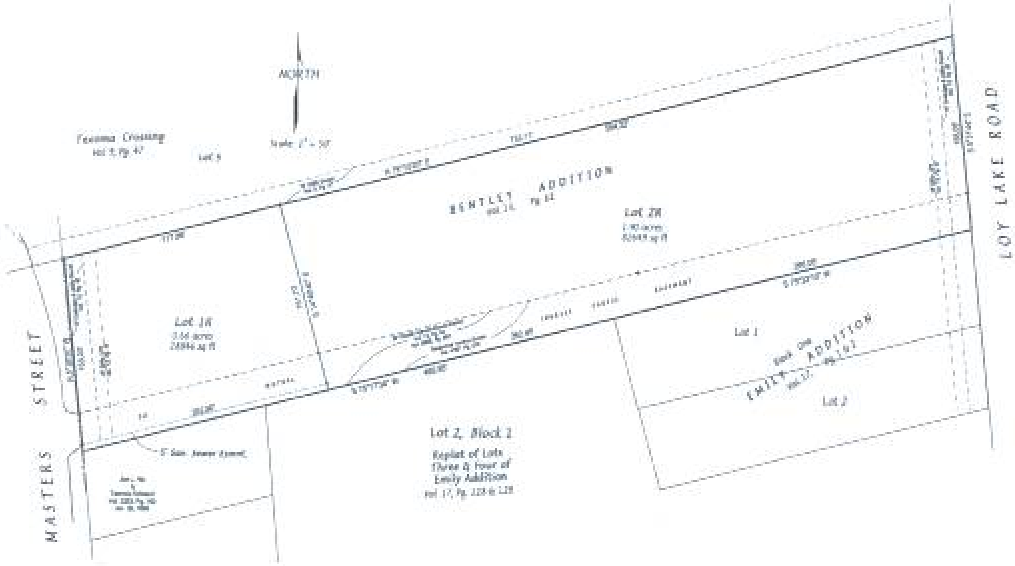


LEGEND

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

City of Sherman
2600 BLK LOY LAKE AND MASTERS
REPLAT

Department of Developmental Services



REPLAT of LOTS ONE(1) and TWO(2)
OF
BENTLEY ADDITION
(Volume 13, Page 62)
to the
CITY of SHERMAN

Vicinity Map (No Scale)

Owner & Developer

Woods Street Joint Venture
Dean Gilbert, Jr., Managing Joint Venturer
801 E. Taylor
Sherman, Texas 75090

Texoma Asset Management, L.P.
& First Texoma Bank
James W. Caudle, President
P.O.Box 1455
Durant, Oklahoma 74702

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors

AGENDA ITEM #18

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

February 20, 2007

Willie Steele, Chairman

2600 Block of Loy Lake Road and Masters Street
Lot 1 and Lot 2 of Bentley Addition
Replat

Requested Action/Proposed Use:
Replat of Lot 1 and Lot 2 of Bentley Addition

Adjacent Zoning:
C-1 (Retail Business) District

Origination:
Woods Street Group and Bank (Owners) and Sartin and Associates, Inc. (Surveyors)

Considerations:
Master Plan Designation: Retail/Commercial

Recommendation:
It is recommended that the replat be approved and forwarded to the City Council for final action.

Attachments:
Location map
Photographs
Replat
Staff Review Letter

Prepared By:
Rita Gaither,
Development Coordinator

Approved By:
Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

February 15, 2007

Texoma Asset Management, LP
James W. Caudle
PO Box 1455
Durant, OK 74702

Dear Applicants,

The request for approval of the Replat of Lot 1 and Lot 2 of Bentley Addition, for the property located in the 2600 Block of Loy Lake Road and Masters Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, February 20, 2007 at 6:00 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. The proposed five (5) foot sanitary sewer easement located on Lot 1R appears to be private in nature. The recording information for the private easement shall be shown on the plat.
2. Letters from the various utility companies are required verifying availability of service. (Contacts to be made by the City).
4. Original tax certificates for the property must be furnished prior to recording of the plat.
5. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

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

cc: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Sartin and Associates, Inc.

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.19

**** OTHER BUSINESS***
Replat Approval of Lots 10 and 12 of Block 3 of the Greenmount Addition;
Joe P. Bethel and Kenneth Wayne Day, Owners (1201 and 1205 West Houston Street)

Issue
To consider the Replat of Lots 10 and 12, Block 3 of the Greenmount Addition, located at 1201 and 1205 West Houston Street

Background
The property is located at the corner of West Houston Street and Bryant Street. The owners would like to plat the property into two lots for future development.

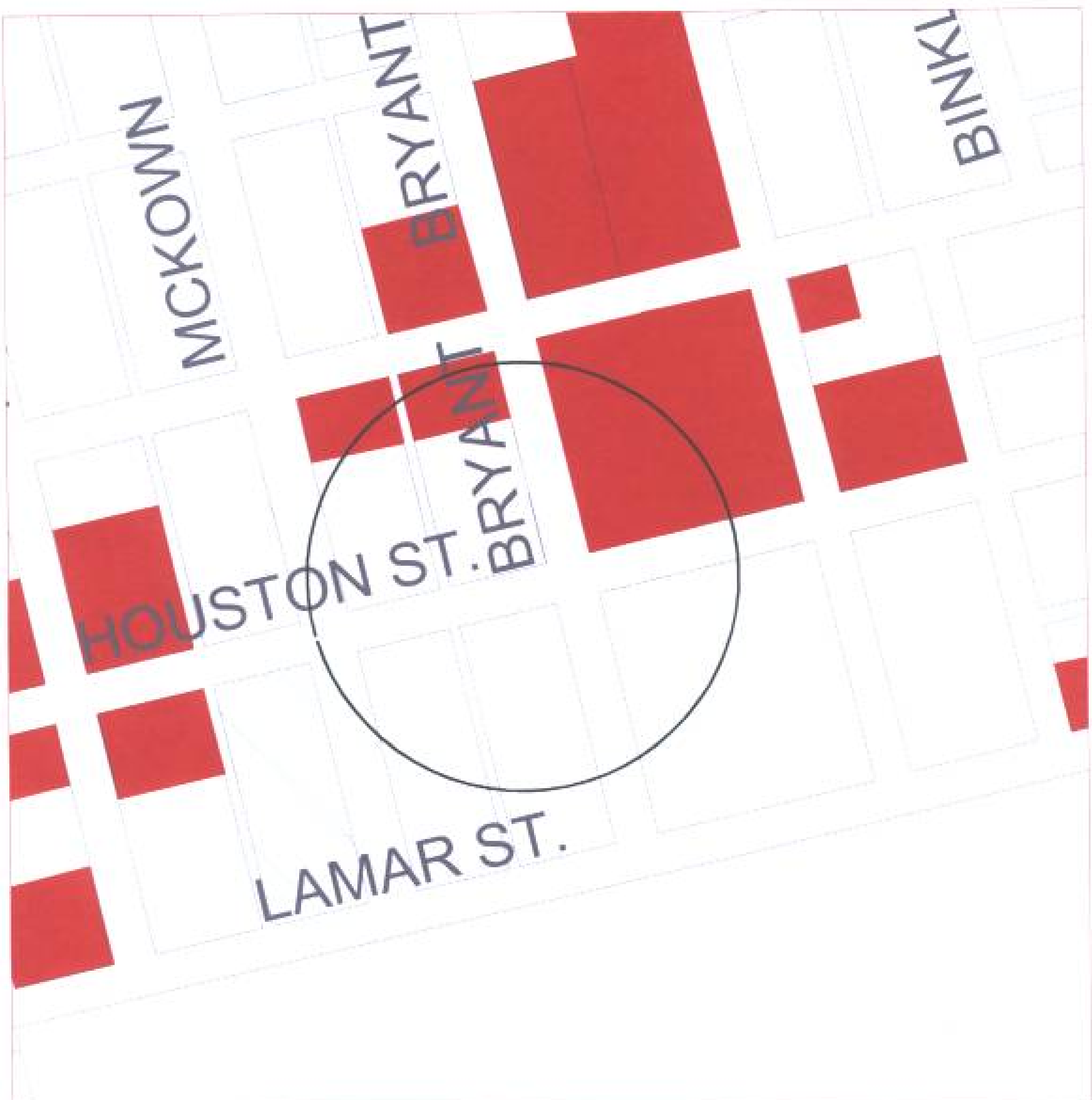
Origination
Joe P. Bethel and Kenneth Wayne Day (Owners); and Sartin & Associates, Inc. (Surveyors)

Board Recommendation
At the February 20, 2007 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments
Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
Giles Brown, Acting City Manager



LEGEND

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

City of Sherman
1201 & 1205 WEST HOUSTON
Replat

Department of Developmental Services

N

Scale: 1 inch = 40.0 feet

1205 W. Houston

REPLAT of LOTS TEN and TWELVE, BLOCK THREE GREEN MOUNT ADDITION to the CITY of SHERMAN, TEXAS

Owner & Developer

Joey P. Bethel & Jolly Joy Bethel
1709 Lake Bluff Dr.
Garland, Texas 75043

&

Kenneth Wayne Day & Mitzi Lou Day
1208 W. Houston
Sherman, Texas 75092

AGENDA ITEM #5

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

February 20, 2007

Willie Steele, Chairman

1201 and 1205 West Houston
Lots Ten and Twelve of Block 3 of the Greenmount Addition
Replat

Requested Action/Proposed Use:
Replat of Lots Ten and Twelve of Block 3 of the Greenmount Addition

Adjacent Zoning:
R-1 (One and Two Family Residential) District and C-1 (Retail Business) District

Origination:
Joe P. Bethel and Kenneth Wayne Day (Owners) and Sartin and Associates, Inc. (Surveyors)

Considerations:
Master Plan Designation: Residential
This property has been divided by previous owners and houses have been built over property lines.

Number of notices mailed:
102

Objections Received:
0

Attachments:
Location map
Photographs
Replat
Staff Review Letter

Prepared By:	**Approved By:**
Rita Gaither,	**Scott Shadden,**
Development Coordinator	**Developmental Services Director**

STAFF REVIEW LETTER

February 15, 2007

Kenneth Wayne Day
1205 West Houston
Sherman, Texas 75092

Joe Bethel
1709 Lake Bluff Dr.
Garland, TX 75043

Dear Applicants,

The request for approval of the Replat of Lots 10 and 12 of Block 3 of Greenmount Addition, to the property located 1201 and 1205 West Houston Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, February 20, 2007 at 6:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility companies are required verifying availability of service. (Contacts to be made by the City).
2. Original tax certificates for the property must be furnished prior to recording of the plat.
3. The sewer service line that serves Lot 2 crosses Lot 1. A private sewer easement is required to be provided from Lot 1 to Lot 2, recorded and noted on the plat.
4. Any other changes made to the replat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

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

cc: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Sartin and Associates, Inc.

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.20

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.21

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. D.22

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. E.1

EXECUTIVE SESSION

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

Section 551.071

a) Consultation with the City Attorney Concerning Legal Matters or Contemplated Litigation

b) Consultation with the City Attorney Concerning Pending Litigation:

i) City of Sherman, Texas v. Creighton Lemoyne Escoe, et al.; Cause No. 03-0617

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. F.1

OPEN MEETING
Reconvene into Open Meeting and consider action,
if any, on items discussed in Executive Session

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. F.2

ADJOURNMENT

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 3-5-2007

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2007
CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	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

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				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**			

MARCH

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				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

APRIL

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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					

MAY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		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		

JUNE

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					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

JULY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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				

AUGUST

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			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	

SEPTEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						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						

OCTOBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	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			

NOVEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				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	

DECEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						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					

01/01/07 - New Year's Day Holiday - Council Meeting Not Called for 01/02/07
01/15/07 - M.L.K., Jr. Birthday - Called Council Meeting on 01/16/07
01/30/07 - 12:00 Noon Called Meeting for City Charter Briefing
02/19/07 - 12:30 PM Called Meeting re: City Manager's Employment
02/19/07 - Washington's Birthday - Called Council Meeting on 02/20/07
02/28/07 - 12:00 Noon Called Meeting to Appoint Acting City Manager
05/12/07 - City Council Election
05/22/07 - 12:00 Noon Called Meeting to Canvass Election Results
09/03/07 - Labor Day - Called Council Meeting on 09/04/07