



AGENDA

REGULAR MEETING OF THE CITY COUNCIL

City of Garland
Council Chambers, City Hall
William E. Dollar Municipal Building
200 North Fifth Street
Garland, Texas
Tuesday, May 7, 2019
7:00 p.m.

The City Council extends to each visitor a sincere welcome. We value your interest in your community and your participation in the meetings of this governing body. Regular meetings of the City Council are held the 1st and 3rd Tuesdays of each month, beginning at 7:00 p.m.; the City Council meets regularly in work sessions at 6:00 p.m. the Monday preceding each regular meeting.

Garland City Hall and Council Chambers is wheelchair accessible. Special parking is available on the east side of City Hall and on Austin & State Street west of City Hall.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2404 at least two working days prior to the meeting so that appropriate arrangements can be made.
BRAILLE IS NOT AVAILABLE.



LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

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MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

The Mayor may present proclamations and recognize attendees or award winners, and may make announcements regarding upcoming City events and matters of interest to citizens. There will be no Council deliberations or votes on these matters.

CONSENT AGENDA

All items under this section are recommended for approval by a single motion of Council, without discussion. Council has had the opportunity to review each of these items at a previous work session and approval of the consent agenda authorizes the City Manager to implement each item. The Mayor will announce the agenda and provide an opportunity for members of the audience and the City Council to request that an item be removed and considered separately.

1. Consider approval of the minutes of the April 16, 2019 Regular Meeting.
2. Consider approval of the following bids:
 - a. Dent Road 138kV Switch Station Construction Bid No. 0532-19

Sayers Construction, LLC \$861,725.05

This request is for construction of the Dent Road Transmission Switch Station to provide 138kV sources to the Greenville Electric Utility transmission system.

b. GP&L McCree Substation Phase I Upgrades **Bid No. 0778-19**

Black & Veatch **\$422,40000**

This request is to provide professional engineering services for the McCree Substation Phase I upgrades which include an additional autotransformer.

c. Fleet Services Building Exterior Renovations **Bid No. 0823-19**

Concord Commercial Services **\$249,710.15**
Optional Contingency **15,000.00**
TOTAL: **\$264,710.15**

This request is to provide exterior renovations of the Fleet Services building metal panels, which have deteriorated over time. An Optional Contingency is included for any unforeseen additional work that may be required.

d. Golf Carts and Beverage Carts **Bid No. 0820-19**

Mission Golf Cars **\$375,650.00**

This request is to purchase one hundred thirty golf carts and two beverage carts for the Firewheel Golf Course.

e. Wynn Joyce to Ben Davis 138kV Transmission Line Rebuild **Bid No. 0838-19**

Burns & McDonnell **\$576,500.00**

This request is to provide professional engineering design services for the partial rebuild of the Wynn Joyce to Ben Davis 138kV transmission line.

f. Stroud Lane Street Replacement, Water Main Replacement, and Storm Sewer Extension **Bid No. 0652-19**

GRod Construction, LLC **\$1,323,557.70**

This request is to provide street replacement for Stroud Lane as well as water main replacement and storm sewer extension from Valley Mills Drive to Chestnut Place.

9. Design Services for Paving Reconstruction at Various Railroad Crossings

Bid No. 0843-19

R-Delta Engineers, Inc.

\$117,300.00

This request is to provide professional engineering design, surveying, and permitting services for paving construction at various railroad crossings.

- 3. Consider an ordinance amending Chapter 31, "Engineering" of the Code of Ordinances of the City of Garland, Texas, to harmonize Chapter 31 with the Garland Development Code; amending multiple provisions; repealing multiple provisions; providing a Savings Clause; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Severability Clause; and setting an effective date.**

At the April 15, 2019 Work Session, Council considered adopting a resolution authorizing the proposed amendments to Chapter 31 of the Code of Ordinances and Chapters 1, 3 and 4 of the Garland Development Code.

- 4. Consider an ordinance amending Chapter 10, "Administration," of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date.**

Council is requested to approve an ordinance amending Sec. 10.33 of the Code of Ordinances revising the name of the Citizens Environmental and Neighborhood Advisory Committee to the Environmental and Community Advisory Board and making technical and conforming changes to that section.

- 5. Consider a resolution of the City Council of the City of Garland, Texas, supporting the U.S. Census Bureau 2020; and providing an effective date.**

Council is requested to approve a resolution supporting the partnership with the U.S. Census Bureau and the Community Multicultural Commission's role as the Complete Count Committee.

- 6. Consider a resolution of the City of Garland finding that Oncor Electric Delivery Company, LLC's application for approval of a Distribution Cost Recovery Factor pursuant to 16 Tex. Admin. Code 25.243 to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; requiring notice of this resolution to the company and legal counsel; and setting an effective date.**

On April 8, 2019, Oncor Electric Delivery Company LLC ("Oncor" or "Company") filed an Application for Approval to Amend its Distribution Cost Recover Factor ("DCRF") to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of

\$29,433,804.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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7. **Consider an ordinance amending Article II of Chapter 40, "Taxation," of the Code of Ordinances of the City of Garland, Texas; amending Chapter 32; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date.**

Council is requested to consider amendments to the Code of Ordinances relating to hotel taxes and lodging establishments, in particular amendments relating to short term rentals. At the April 15, 2019 Work Session, the City Attorney briefed Council on the amendments, explaining that most of the text of the draft ordinance (1) makes technical and conforming changes to the Code of Ordinances to bring the City's hotel tax program into line with current state law and, (2) updates provisions relating to multifamily and lodging establishment permits.

8. **Consider a resolution of the City of Garland, Texas finding and determining that the public necessity and convenience require the acquisition of property rights for the construction and operation of a high voltage transmission line in Hunt County, Texas for the Dent Road to Shelby 138kV Transmission Line Project (Parcels 702, 703, 704, 705, 706, 707, 708, 709, 710, 713, 714, 715, 716, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728); providing authorizations to acquire such property rights by purchase or condemnation and making certain findings pertaining thereto; providing further authorizations as may be necessary to carry out the purposes of this resolution; and providing an effective date.**

This matter was submitted to the Council by written briefing on the April 15, 2019 Work Session agenda. Garland Power & Light was authorized and directed by the Texas Public Utility Commission to construct a 5.7 mile transmission line in Hunt County, Texas connecting the Greenville load area to an endpoint owned by Rayburn Electric Coop. The routing of the line was agreed to by the participating parties as part of the Public Utility Commission's approval of the line. It is believed that most of the necessary property interests will be acquired through negotiation. For those easements that cannot be purchased the City will need to use its powers of eminent domain. Public convenience and necessity require the acquisition of property rights necessary to build this electric transmission project, which will provide greater reliability for the ERCOT electric grid and the Greenville area in particular.

9. Hold public hearings on:

- a. Consider the application of Kimley-Horn, requesting approval of 1) an amended Concept Trail Master Plan and 2) a Detail Plan for Restaurant on a property zoned Planned Development (PD) District 17-28 for Mixed Uses with Restaurant Use on Tract 5. This property is located at 4595 North Garland Avenue. (File No. Z 19-04, District 7)**

BEING an approximate 15.7-acre tract of land situated in the Onefre Alvarado Survey, Abstract No. 2, City of Garland, Dallas County, Texas, and being part of a called 141.653-acre tract described in Special Warranty Deed with Vendors Lien to The Woodlands of Spring Creek, LP, recorded in Instrument No. 201700226933, Official Public Records of Dallas County, Texas. The applicant proposes to develop a restaurant on an undeveloped tract of land.

- b. Consider the application of RPGA Design Group, Inc., requesting approval of a Change in Zoning from Agriculture (AG) District and Planned Development (PD) District 83-39 to Community Retail (CR) District. This property is located at 1501 Rowlett Road. (File No. Z 19-05, District 3)**

BEING a 0.96-acre tract of land situated in the John Little Survey, Abstract Number 761 in the City of Garland, Dallas County, Texas, same being that tract of land conveyed to Excelsior SG Investments, LLC, a Texas Limited Liability Company, by deed recorded in Instrument Number 20070290629, Official Public Records, Dallas County, Texas. The applicant requests to rezone an unimproved site to allow commercial uses with Community Retail (CR) District zoning.

- c. Consider the application of Tavacon, LLC, requesting approval of 1) a Detail Plan for Car Wash, Automated/Rollover and 2) a Specific Use Provision (SUP) for Car Wash, Automated/Rollover on a property zoned Planned Development (PD) District 13-28 for Community Retail Uses. This property is located at 2620 Arapaho Road. (File No. Z 19-06, District 7)**

BEING an approximate 0.97-acre tract of land identified as Lot 4, Block 1, of the ILT HS Addition, an addition to the City of Garland, as recorded in Instrument No. 201300387716, M.R.D.C.T., City of Garland, Dallas County, Texas. The applicant proposes to develop an automated/rollover car wash on an undeveloped tract of land.

10. Consider appointments to Boards and Commissions.

Board members are selected for two-year terms by the City Council. Terms are usually staggered whereby at least half of the membership has board experience. Board members are appointed based on qualifications.

Council Appointment

- North Texas Municipal Water District

Council Member David Gibbons

- Christopher Alvarez - Community Multicultural Commission

11. Citizen comments.

Persons wishing to address issues not on the agenda may have three minutes to address Council at this time. Council is prohibited from discussing any item not posted according to the Texas Open Meetings Act.

12. Adjourn.

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GARLAND

City Council Regular Session Agenda

1.

Meeting Date: 05/07/2019

Item Title: Minutes April 16

Submitted By: Rene Dowl, City Secretary, City Secretary

Summary:

Consider approval of the minutes of the April 16, 2019 Regular Meeting.

Attachments

Minutes April 16



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on DAY, April 16, 2019, in the Goldie Locke Room at The Duckworth Building, 217 North Fifth Street, Garland, Texas, with the following members present:

Present: Mayor Lori Barnett Dodson
Council Member David Gibbons
Council Member Deborah Morris
Council Member Jerry A. Nickerson
Council Member Jim Bookhout
Council Member Rich Aubin
Council Member Robert Vera
Council Member Scott LeMay
Council Member Robert John Smith

Staff Present: City Manager Bryan Bradford
Assistant City Manager John Baker
City Attorney Brad Neighbor

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MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

The Mayor may present proclamations and recognize attendees or award winners, and may make announcements regarding upcoming City events and matters of interest to citizens. There will be no Council deliberations or votes on these matters.

Mayor Dodson presented a Special Recognition to Said Said for his dedication and work in the community.

CONSENT AGENDA

All items under this section are recommended for approval by a single motion of Council, without discussion. Council has had the opportunity to review each of these items at a previous work session and approval of the consent agenda authorizes the City Manager to implement each item. The Mayor will announce the agenda and provide an opportunity for members of the audience and the City Council to request that an item be removed and considered separately.

Motion was made by Deputy Mayor Pro Tem Scott LeMay to approve the consent agenda as presented, seconded by Council Member Rich Aubin.

Vote: 9 - 0

1. Consider approval of the minutes of the April 2, 2019 Regular Meeting.

Motion to Approve

Vote: 9 - 0

2. Consider approval of the following bids:

Motion to Approve

Vote: 9 - 0

a. Sanitary Sewer Line Rehabilitation

Bid No. 0700-19

Insituform Technologies, LLC

\$1,052,765.00

This request is to provide trenchless rehabilitation of a 48-inch sanitary sewer line that has been in service for 48 years.

Motion to Approve

Vote: 9 - 0

**b. Engineering Services for Ben Davis Substation
Autotransformer Replacement**

Bid No. 0679-19

Black & Veatch

\$354,046.00

This request is to provide professional engineering services for the replacement of Autotransformer No. 1 at the TMPA Ben Davis Substation.

Motion to Approve

Vote: 9 - 0

- c. **Engineering Services for a Pedestrian Path from Forest/Jupiter DART Station to Marie Curie Boulevard** **Bid No. 0738-19**

Huitt-Zollars, Inc. **\$179,923.00**

This request is to provide professional engineering services for a pedestrian path from Forest/Jupiter DART Station to Marie Curie Boulevard.

Motion to Approve

Vote: 9 - 0

- d. **GP&L Right-of-Way Tree Trimming Services** **Bid No. 0692-19**

Nelson Tree Service **\$235,000.00**

This request is to obtain backup tree trimming services for GP&L transmission line rights-of-way. This is a Term Agreement with four optional renewals.

Motion to Approve

Vote: 9 - 0

- e. **King Mountain/Roadrunner 345kV Transmission Line Tubular Poles** **Bid No. 0578-19**

Techline, Inc. **\$1,992,737.00**

This request is to purchase twenty-nine steel poles and anchor bolts to connect the Roadrunner Solar Farm into the new King Mountain Switch Station.

Motion to Approve

Vote: 9 - 0

- f. **Dent Road to Shelby 138kV Transmission Line Materials** **Bid No. 0558-19**

Techline, Inc. **\$710,414.42**

This request is for the purchase of materials for construction of the Dent Road to Shelby 138kV Transmission Line.

Motion to Approve

Vote: 9 - 0

- g. **Dent Road Switch Station Materials** **Bid No. 0555-19**

KBS Electrical Distributors, Inc. **\$362,773.58**

This request is for the purchase of materials for construction of the Dent Road Switch Station.

Motion to Approve

Vote: 9 - 0

h. Raised Pavement Marker Installation

Bid No. 0395-19

Road Master Striping, LLC

\$304,425.00

This request is to install and maintain raised pavement markers for various types of lane markings throughout the city. This is a Term Agreement with four optional renewals.

Motion to Approve

Vote: 9 - 0

**i. TMPA McCree to Centerville 345kV Transmission
Line Relocation**

Bid No. 0600-19

Primoris T&D Services, LLC

\$1,916,140.83

Optional Contingency

191,614.00

TOTAL:

\$2,107,754.83

This request is to provide construction services for the relocation of three dead-end structures on the T20 McCree to Centerville 345kV transmission line. Due to the complex nature of the project, an Optional Contingency is included for any additional construction services that may be required.

Motion to Approve

Vote: 9 - 0

j. Concrete Finish Work

Bid No. 6008-16

Tri-Con Services, Inc.

\$2,000,000.00

This request is to approve Change Order No. 2 to provide additional funding for replacement or repair of concrete paving and structures throughout the city.

Motion to Approve

Vote: 9 - 0

k. Front-Loader Trucks

Bid No. 0748-19

East Texas Mack Sales, LLC

\$502,202.00

This request is for the purchase of two additional front-loader trucks to be used by EWS in their daily operations.

Motion to Approve

Vote: 9 - 0

3. **Resolution No. 10383 authorizing the City Manager to execute an Interlocal Agreement with the North Texas Tollway Authority for the construction, use and maintenance of North Texas Tollway Authority property for a public trail; and providing an effective date.**

At the April 15, 2019 Work Session, Council considered entering into an Interlocal Agreement (ILA) with the North Texas Tollway Authority (NTTA) allowing the City to construct, own and maintain hike and bike trails crossing the NTTA right-of-way in three separate locations.

Motion to Approve

Vote: 9 - 0

4. **Resolution No. 10384 approving and authorizing publication of Notice of Intention to Issue Certificates of Obligation**

At the April 1, 2019 Work Session, Council considered authorizing the publication of a Notice of Intent to Issue Certificates of Obligation in an amount of approximately \$30 million to fund a portion of the CIP and pay related issuance costs of approximately \$150,000.

Motion to Approve

Vote: 9 - 0

5. **Ordinance No. 7051 amending Chapter 21, "Fire Prevention and Protection," of the Code of Ordinances of the City of Garland, Texas; providing for a Charity Care Policy for Emergency Ambulance Services provided by the Fire Department; providing a Savings Clause and a Severability Clause; and providing an effective date.**

At the April 1, 2019 Work Session, Council considered amending the City of Garland Code of Ordinances, Chapter 21, Article II, Emergency Ambulance Service, Sec. 21.26, to include a Charity Care Policy.

Motion to Approve

Vote: 9 - 0

6. **Resolution No. 10385 adopting and approving the amendment to the One Year Plan of Action for the 2019/2020 Community Development Block Grant, Home Investment Partnership and Emergency Solutions Grant Programs; and approving an effective date.**

At the April 15, 2019 Work Session, Council considered approval of the 2019-2020 CDBG, HOME and ESG Programs.

Motion to Approve

Vote: 9 - 0

7. **Resolution No. 10386 authorizing the submission of a grant application to the Office of the Governor of the State of Texas for Law Enforcement Specific Homeland Security Project; and providing an effective date.**

At the April 15, 2019 Work Session, Council considered approving a resolution authorizing the Office of Emergency Management to accept the State Homeland Security Grant funding.

Motion to Approve

Vote: 9 - 0

8. **Minute action approving the purchase of four single family homes with HOME funding to meet the national objective of furthering affordable housing.**

This request is for the acquisition of four new single family homes at 1425 Blanco Lane, 2121 McIntosh, 1934 Geary Drive , and 4938 Creekridge Lane using HOME infill federal grant funding. HOME funding may be utilized to further affordable housing within a community for low to moderate income qualified buyers in accordance with HUD's national objectives for HOME funding.

Motion to Approve

Vote: 9 - 0

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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9. **Hold a Public Hearing on, and consider adopting, a resolution regarding reconstruction of the Bass Pro/IH 30 Interchange**

Council is requested to hold a public hearing on proposed Alternatives for the Bass Pro/IH30 Interchange and thereafter consider adopting a resolution regarding reconstruction of the Interchange.

Mayor Dodson opened the public hearing at 7:10 p.m.

The Staff report was presented by John Baker, Assistant City Manager. Speakers on this item were: Jason Estridge, Texas Department of Transportation, Dilip Patel and Stephen Stanley.

Mayor Dodson closed the public hearing at 7:56 p.m.

Motion was made by Mayor Pro Tem Aubin, seconded by Council Member Vera, approving Alternative A for reconstruction of the Bass Pro/IH 30 Interchange and adopting Resolution No. 10387.

Motion to Approve
Mayor Dodson (Nay)

Vote: 8 - 1

10. Hold a public hearing on:

- a. Consider the application of Kirkman Engineering, requesting approval of a Change in Zoning from Community Retail (CR) District to Heavy Commercial (HC) District. This property is located at 722 West Centerville Road. (File No. Z 19-02, District 4)**

BEING a 1.29-acre tract of land on a portion of Lot 2, Block 1, Enterprises Shopping Center No. 3, an addition in the City of Garland, Dallas County, Texas, according to the plat recorded under Document Number 201600129707, Official Public Records, Dallas County, Texas. The applicant requests to rezone a developed site (an area of approximately 1.29 acres with a building and parking area) to Heavy Commercial (HC) District which would allow for more intense non-residential uses than currently allowed under Community Retail (CR) District.

The staff report was presented by Nabiha Ahmed, Development Planner. Speakers on this item were Patrick Floson, for the applicant, Ray Johnson, Debbie Perrone, Daniel Bazaldua, George Nolan, Frances Hiner and B. J. Williams. The following persons registered a position against the application but did not speak: Edgar Gray, Gail Belton, Dianne Eskind and Keith Lewis.

There was commentary by Council Member Bookhout. Motion was made by Council Member Bookhout to deny the application, seconded by Council Member Smith.

Motion to Approve

Vote: 9 - 0

11. Citizen comments.

Persons wishing to address issues not on the agenda may have three minutes to address Council at this time. Council is prohibited from discussing any item not posted according to the Texas Open Meetings Act.

There were no citizen comments.

12. Adjourn

There being no further business to come before the City Council, Mayor Dodson adjourned the meeting at 8:27 p.m.

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CITY OF GARLAND, TEXAS

/s/ Lori Barnett Dodson, Mayor

/s/ Eloyce René Dowl, City Secretary



GARLAND PURCHASING REPORT

City Council Regular Session Agenda

2.a.

Meeting Date: 05/07/2019

Item Title: Dent Road 138kV Switch Station Construction

Submitted By: Ross Owen, Director of Transmission & Distr

Bid Number: 0532-19

Purchase Justification:

This request is for construction of the Dent Road Transmission Switch Station to provide 138kV sources to the Greenville Electric Utility transmission system. This is part of the approved Dent Road Substation CIP project.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Six bids were received and evaluated with Sayers Construction, LLC, submitting the Straight Low Bid.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Sayers Construction, LLC	All	\$861,725.05
TOTAL:		\$861,725.05

Basis for Award: Straight Low Bid

Purchase Requisition #: 41187

Fiscal Impact

Total Project/Account:	\$8,778,160
Expended/Encumbered to Date:	6,996,448
Balance:	\$1,781,712
This Item:	861,725
Proposed Balance:	\$919,987
Account #:	210-3799-3177401-7111

Fund/Dept/Project – Description and Comments:Electric CIP / 2019 Substations Upgrades Program

AttachmentsBid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2019

Document Location: Page E10

Budget Director Approval: Ron Young

Approval Date: 04/23/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 04/17/2019



GARLAND PURCHASING REPORT

City Council Regular Session Agenda

2.b.

Meeting Date: 05/07/2019

Item Title: GP&L McCree Substation Phase I Upgrades

Submitted By: Ross Owen, Director of Transmission & Distr

Bid Number: 0778-19

Purchase Justification:

This request is to provide professional engineering services for the McCree Substation Phase I upgrades which include an additional autotransformer. This addition will require reconfiguration of the Crist, Shiloh, and Centerville transmission lines to terminate at new A-frame structures. The Substation will be converted from a ring bus to a breaker-and-a-half configuration with the addition of several upgrades to bus, switches, and circuit breakers. A control enclosure will also be added to house new protection panels. Phase I will include engineering design services to support the tie-in of the Crist transmission line in the final breaker-and-a-half position. These services are part of the approved McCree Substation Autotransformer CIP project.

Evaluation:

Black & Veatch was selected as the Most Qualified firm for this project from the short list of Engineers evaluated and ranked in RFQ 5771-15.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Black & Veatch	All	\$422,400.00
TOTAL:		\$422,400.00

Basis for Award: Most Qualified

Purchase Requisition #: 41493

Fiscal Impact

Total Project/Account: \$2,100,000

Expended/Encumbered to Date: 771

Balance: \$2,099,229

This Item: 422,400

Proposed Balance: \$1,676,829

Account #: 210-3799-3178401-7111

Fund/Dept/Project – Description and Comments:

Electric CIP / 2019 Substations Upgrades Program

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2019

Document Location: Page E10

Budget Director Approval: Ron Young

Approval Date: 04/23/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 04/22/2019



GARLAND PURCHASING REPORT

City Council Regular Session Agenda

2.c.

Meeting Date: 05/07/2019

Item Title: Fleet Services Building Exterior Renovations

Submitted By: Ginny Holliday, Facilities Management Director

Bid Number: 0823-19

Purchase Justification:

This request is to provide exterior renovations of the Fleet Services building metal panels, which have deteriorated over time. The lower portion of the panels have holes large enough to allow opossums and rodents to enter the building, creating further damage and nuisance. Because the existing panels are no longer manufactured, a four-foot-tall stone veneer will be installed on the lower section of the building and the remaining panels will be repainted to protect them from further deterioration due to the elements. An Optional Contingency is included for any unforeseen additional work that may be required.

Evaluation:

The renovations are being provided by Concord Commercial Services through an Interlocal Agreement with the City of Mesquite RFB 2018-037G.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Concord Commercial Services	All	\$249,710.15
Optional Contingency		15,000.00
TOTAL:		\$264,710.15

Basis for Award: Cooperative Purchase

Purchase Requisition #: 41582

Fiscal Impact

Total Project/Account: \$293,978

Expended/Encumbered to Date: 13,304

Balance: \$280,674

This Item: 264,710
Proposed Balance: \$15,964
Account #: 446-4749-1903418-9002
Fund/Dept/Project – Description and Comments:
Miscellaneous Revenue Supported & Internal Service / Fleet Services Exterior Restoration

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2019

Document Location: Page M11

Budget Director Approval: Ron Young

Approval Date: 04/23/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 04/22/2019



GARLAND PURCHASING REPORT

City Council Regular Session Agenda

2.d.

Meeting Date: 05/07/2019

Item Title: Golf Carts and Beverage Carts

Submitted By: Doug Swenson, Operations Financial Coordinator

Bid Number: 0820-19

Purchase Justification:

This request is to purchase one hundred thirty (130) golf carts and two (2) beverage carts for the Firewheel Golf Course. Pricing reflects a trade-in credit for one hundred twenty (120) golf carts.

Evaluation:

The carts are available from Mission Golf Cars through the BuyBoard Cooperative Purchasing Contract 529-17.

Award Recommendation:

	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
	Mission Golf Cars	All	\$375,650.00
		TOTAL:	\$375,650.00

Basis for Award: Cooperative Purchase

Purchase Requisition #: 41576

Fiscal Impact

Total Project/Account:	\$379,610
Expended/Encumbered to Date:	0
Balance:	\$379,610
This Item:	375,650
Proposed Balance:	\$3,960

Account #: 256-4419-3653118-9007

Fund/Dept/Project – Description and Comments:

Municipal Facilities & Miscellaneous Tax Supported / Firewheel Golf Park Cart Replacements

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2019

Document Location: Page MF09

Budget Director Approval: Ron Young

Approval Date: 04/23/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 04/22/2019



GARLAND PURCHASING REPORT

City Council Regular Session Agenda

2.e.

Meeting Date: 05/07/2019

Item Title: Wynn Joyce to Ben Davis 138kV Transmission Line Rebuild

Submitted By: Ross Owen, Director of Transmission & Distr

Bid Number: 0838-19

Purchase Justification:

This request is to provide professional engineering design services for the partial rebuild of the Wynn Joyce to Ben Davis 138kV transmission line. The rebuild will consist of replacing Transmission Structures #25 through #30 and #34 through #38 as well as replacing a portion of the circuit that transverses Lake Ray Hubbard. These services are part of the approved Wynn Joyce to Miller Road Lake Crossing CIP project.

Evaluation:

Burns & McDonnell was selected as the Most Qualified firm for this project from the short list of Engineers evaluated and ranked in RFQ 5771-15.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Burns & McDonnell	All	\$576,500.00
TOTAL:		\$576,500.00

Basis for Award: Most Qualified

Purchase Requisition #: 41417

Fiscal Impact

Total Project/Account:	\$12,288,000
Expended/Encumbered to Date:	2,794
Balance:	\$12,285,206
This Item:	576,500

Proposed Balance: \$11,708,706
Account #: 210-3599-31389-01-7111
Fund/Dept/Project – Description and Comments:
Electric CIP / 2019 Transmission Lines Program

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP
Fiscal Year: 2019
Document Location: Page E01

Budget Director Approval:	Ron Young	Approval Date: 04/23/2019
Purchasing Director Approval:	Gary L. Holcomb	Approval Date: 04/23/2019



GARLAND PURCHASING REPORT

City Council Regular Session Agenda

2.f.

Meeting Date: 05/07/2019

Item Title: Stroud Lane Street Replacement, Water Main Replacement, and Storm Sewer Extension

Submitted By: Steve Oliver, Streets Director

Bid Number: 0652-19

Purchase Justification:

This request is to provide street replacement for Stroud Lane as well as water main replacement and storm sewer extension from Valley Mills Drive to Chestnut Place. The project includes the installation of a new water main along the entire project limits. The project is adjacent to Price Elementary School, which is owned and operated by the Mesquite Independent School District (MISD). The solicitation included an alternate bid for reconstruction of the school's parking that is in poor condition and drains into Stroud Lane. MISD supports the reconstruction of the parking lot and will pay the cost of the alternate bid through an Interlocal Agreement between the City and MISD. The Interlocal Agreement will be submitted to City Council for approval at a future meeting.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Fourteen (14) bids were received and evaluated with GRod Construction, LLC, submitting the Straight Low Bid.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
GRod Construction, LLC	All	\$1,323,557.70
TOTAL:		\$1,323,557.70

Basis for Award: Straight Low Bid

Purchase Requisition #: 41612

Fiscal Impact

Total Project/Account: \$25,416,937
Expended/Encumbered to Date: 17,719,186
Balance: \$7,697,751
This Item: 1,323,558
Proposed Balance: \$6,374,193
Account #: 692-4699-3981800-7111, 220-4049-3019200-9214, &
 230-4149-3215700-9305

Fund/Dept/Project – Description and Comments:

Street/Transportation CIP / Street Reconstruction and Improvements Program	\$1,194,621
Water CIP / Relocation of Mains Prior to Paving Program	118,722
Wastewater CIP / Relocation of Mains Prior to Paving Program	<u>10,215</u>
Total	\$1,323,558

Attachments

Bid Recap 1 of 3
 Bid Recap 2 of 3
 Bid Recap 3 of 3

Fiscal Reference:

Budget Type: CIP
 Fiscal Year: 2019
 Document Location: Page ST32, W03, & WW07

Budget Director Approval:	Ron Young	Approval Date: 04/25/2019
Purchasing Director Approval:	Gary L. Holcomb	Approval Date: 04/23/2019



GARLAND PURCHASING REPORT

City Council Regular Session Agenda

2.g.

Meeting Date: 05/07/2019

Item Title: Design Services for Paving Reconstruction at Various Railroad Crossings

Submitted By: Steve Oliver, Streets Director

Bid Number: 0843-19

Purchase Justification:

This request is to provide professional engineering design, surveying, and permitting services for paving construction at various railroad crossings. Services include assistance to obtain approval from the various railroad companies and development of street improvement plans for the reconstruction of the existing concrete pavement approaches for seven (7) at-grade railroad crossings. The identified crossings are: Forest Lane east of Shiloh Road, Forest Lane between Kirby Street and S. International Drive, N. First Street between Castle Drive and Travis Street, W. Kingsley Road between Shiloh Road and Market Street, W. Kingsley Road between National Drive and Industrial Lane, W. Miller Road between Shiloh Road and Sherwin Street, and E. Buckingham Road west of S.H. 78.

Evaluation:

R-Delta Engineers, Inc., was selected as the Most Qualified firm for this project from the short list of Engineers evaluated and ranked in RFQ 0212-19.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
R-Delta Engineers, Inc.	All	\$117,300.00
TOTAL:		\$117,300.00

Basis for Award: Most Qualified

Purchase Requisition #: 41611

Fiscal Impact

Total Project/Account: \$25,288,000

Expended/Encumbered to Date: 18,913,807

Balance: \$6,374,193

This Item: 117,300

Proposed Balance: \$6,256,893

Account #: 692-4699-3981800-7101

Fund/Dept/Project – Description and Comments:

Street/Transportation CIP / Street Reconstruction and Improvements Program

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2019

Document Location: Page ST32

Budget Director Approval: Ron Young

Approval Date: 04/25/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 04/23/2019



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3.

Meeting Date: 05/07/2019

Item Title: Amendments to Chapter 31 of the Code of Ordinances and Chapters 1, 3 & 4 of the Garland Development Code

Submitted By: Michael Polocek, Engineering Director

Summary of Request/Problem

With the passing and adoption of the Garland Development Code (GDC) in 2015, many sections of Chapter 31 of the Code of Ordinances are obsolete. The City operated under the GDC for the past few years and determined all processes and procedures are clear and understandable as well as all requirements are covered in the GDC. Having worked through the development process utilizing the GDC, the obsolete sections of Chapter 31 can now be removed. Some of the verbiage in Sections 1, 3 & 4 of the GDC require minor adjustments for better clarification of the intended ordinance. Additionally, some sections of Chapter 31 have been modified to reflect current practices of the City.

This item was considered by Council at the April 15, 2019 Work Session.

Recommendation/Action Requested and Justification

Approve the proposed amendments to Chapter 31 of the Code of Ordinances and Chapters 1, 3 and 4 of the Garland Development Code.

Attachments

Proposed Ordinance to Amend Chapter 31

Proposed Ordinance to Amend the GDC

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 31, "ENGINEERING" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS, TO HARMONIZE CHAPTER 31 WITH THE GARLAND DEVELOPMENT CODE; AMENDING MULTIPLE PROVISIONS; REPEALING MULTIPLE PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UNDER THE PROVISIONS OF SECTION 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

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

Section 1

That Article I, "Subdivisions - General", of Chapter 31 "Engineering," of the Code of Ordinances of the City of Garland, Texas, is hereby renamed as follows:

"Article I "General".

Section 2

That Section 31.01, "Purpose of article", of Article I, "General", of Chapter 31 "Engineering," of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.01 Purpose of Chapter

This Chapter establishes the procedures and standards for the development, layout and design of subdivisions of land within the corporate limits of the City and for a distance of five (5) miles surrounding such corporate limits. As prescribed in this chapter, they are intended to:

(A) In an expeditious manner, guide and assist developers in correct procedures to be followed and to inform developers of the standards which the City shall require.

(B) Protect the public interests by controlling the location, design, class, and type of streets, sidewalks, utilities, drainage, and other essential services required.

(C) Provide, for the public welfare, the essential areas required for residential purposes."

Section 3

That Section 31.02, "Definitions", of Article I, "General", of Chapter 31 "Engineering," of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"For the purpose of this Chapter 31, the following terms used herein are defined as follows:

"Alleys" shall mean minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

"Chapter" shall mean this Chapter 31 of the Garland Code of Ordinances.

"Drainage Project" shall mean either Drainage Improvement District or Drainage Participation Project.

"GDC" or "Garland Development Code" or "Development Code" shall mean the latest official version of the Garland Development Code duly enacted by the Garland City Council.

"Lot" shall mean an undivided tract or parcel of land under one ownership having access to a street, either occupied or to be occupied by a building or building group together with accessory buildings, which parcel of land is designated as a separate and distinct tract and is identified by a tract or lot number or symbol in a duly approved subdivision plat filed of record.

"May" means a requirement or action is discretionary in nature.

"Opinion of Probable Cost" ("OPC") shall mean the cost estimate, determined by the City, to complete an individual Drainage Project. The OPC includes costs for surveying, geotechnical evaluation, design, construction, and all other costs necessary to complete the Project. The term "Paving" shall mean the improved base and surface constructed for the use of vehicular and pedestrian traffic.

"Plan Commission" shall refer to the Plan Commission of the City.

"Shall" means a requirement or action is mandatory in nature.

"Standards" shall mean the official maps, master plans, ordinances and specifications of the City and shall include the specific exhibits adopted hereby and made a part of this chapter.

"Street" shall mean a way for vehicular traffic, whether designed as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

"Subdivision" shall mean the division of a parcel of land into two (2) or more parcels for the purpose of transfer of ownership or building development, provided that a division of land for agricultural purposes into lots or parcels of five (5) acres or more and not involving a new street or alley shall not be deemed a "subdivision." The term "subdivision" includes resubdivision and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided."

Section 4

That Section 31.12, "'Compliance with chapter requisite to final inspection of buildings", of Article I, "General", of Chapter 31 "Engineering," of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.12 Compliance with chapter requisite to final inspection of buildings

No final approval on a building for occupancy, as required by the Building, Plumbing, Electrical, Mechanical Codes and other provisions of this Code and the Garland Development Code, shall be issued on a newly subdivided parcel of land until all the applicable requirements of this Chapter 31 and of the Garland Development Code have been complied with, including the installation of and acceptance by the City of all waterworks, sewerage and paving improvements

for the area designated in the approved plans and specifications submitted in accord with this Chapter and the Garland Development Code."

Section 5

That Article I, "General", of Chapter 31 "Engineering," of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding a new Section 31.18, "Garland Development Code", to read as follows:

"Section 31.18 Garland Development Code

It being the intent of the City of Garland to consolidate ordinances regarding or related to property development in the City into a comprehensive set of development ordinances apart from the City Code, to the extent that any portion of this Chapter 31 conflicts with the most recent iteration of the GDC, the provision contained in the GDC shall control."

Section 6

That the following Sections 31.03 - 31.11 and Sections 31.13 - 31.17 of Article I, "General", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, are hereby repealed:

- a) Section 31.03 "Preliminary Plats - Generally";
- b) Section 31.04 "Same-Size, scale and contents".
- c) Section 31.05 "Final Plats - Generally";
- d) Section 31.06 "Same-Size, scale, contents, etc.";
- e) Section 31.07 "Deed restrictions to be submitted to Planning Department";
- f) Section 31.08 "Fee required for street-name sign assemblies";
- g) Section 31.09 "Duties of City officials, departments, etc. to check subdivision features";
- h) Section 31.10 "Compliance with zoning ordinance; lot requirements";

- i) Section 31.11 "Monuments";
- j) Section 31.13 "Variances";
- k) Section 31.14 "Extraterritorial jurisdiction over plats and subdivisions of land";
- l) Section 31.15 "Engineering review and inspection fee";
- m) Section 31.16 "Objections to conditions of plat approval"; and
- n) Section 31.17 "Maps and data service fees".

Section 7

That the following Sections of Article II, "Paving and Drainage Improvements", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, are hereby repealed:

- a) Section 31.20 "Duty of developer to construct";
- b) Section 31.21 "Pavement construction within a subdivision";
- c) Section 31.22 "Payment of paving costs of substandard road";
- d) Section 31.23 "Plans and Specifications";
- e) Section 31.27 "Alleys";
- f) Section 31.28 "Sidewalks";
- g) Section 31.29 "Development criteria - Existing drainage ways";
- h) Section 31.30 "Storm Sewers - Generally";
- i) Section 31.31 "Storm sewers and drainage systems - Constructions costs";
- j) Section 31.32 "Cleaning up streets and alleys when construction completed";
- k) Section 31.33 "Special regulations for prescribed area";

- l) Section 31.34 "Contractor's maintenance bond and contract prices";
- m) Section 31.35 "Inspection and acceptance by City"; and
- n) Section 31.36 "Stormwater detention and retention; ponds".

Section 8

That Section 31.24, "Grading and drainage", of Article II, "Paving and Drainage Improvements", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.24 Grading and drainage

(A) Grading and drainage plans for other than one- to two-family residential developments shall be provided to the City by the developer prior to building permit issuance on all projects.

(B) No person shall alter, change, modify, excavate or fill any lot, subdivision or development except in compliance with the GDC and the Technical Standards Manual issued by the City of Garland Department of Engineering. When any lot, development or subdivision has been altered, changed or modified without compliance with the GDC and the Technical Standards Manual issued by the City of Garland Department of Engineering, the Director of Engineering or Building Official may require the developer, at its own expense, to submit of proof of compliance, certified by a licensed engineer."

Section 9

That Section 31.25, "General street requirements", of Article II, "Paving and Drainage Improvements", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.25 General street requirements

Any paving or drainage improvements shall be subject to Article VIII of this Chapter."

Section 10

That Section 31.26 of Article II, "Paving and Drainage Improvements", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.26 Paving requirements in street right-of-way

(A) New pavement which does not meet the minimum requirements as outlined in the City of Garland Technical Standards Manual and Standard Construction Details shall be replaced at the discretion of the Director of Engineering. The Director of Engineering may establish an allowable penalty policy in lieu of requiring total removal and replacement.

(B) The contractor shall be responsible for furnishing all laboratory tests necessary for testing new pavement. The testing laboratory used shall be under the management of a registered professional engineer."

Section 11

That the following Sections of Article III, "Water and Sanitary Sewer Systems", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, are hereby repealed:

- a) Section 31.45 "Duty of developer to install";
- b) Section 31.46 "Plans and specifications";
- c) Section 31.47 "Standards for design and construction";
- d) Section 31.48 "Water system requirements";
- e) Section 31.49 "Sanitary Sewer System Requirements;
- f) Section 31.50 "Fees to be paid City; temporary water services";
- g) Section 31.51 "Contractor's maintenance bond"; and
- h) Section 31.52 "Inspection and acceptance by City".

Section 12

That the following Sections of Article IV, "Extension of Water and Sanitary Sewer Mains (Pro Rata)", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, are hereby repealed:

- a) Section 31.55 "Definitions";
- b) Section 31.56 "Authority to make extensions";
- c) Section 31.57 "Pro rata charge established";
- d) Section 31.58 "Purpose of article; variation of method of determining charges";
- e) Section 31.59 "Extension for property subdivided or platted for development - Basis";
- f) Section 31.60 "Same - Methods of construction";
- g) Section 31.61 "Check and backflow valves; indemnity agreement";
- h) Section 31.62 "City not obligated to make extension";
- i) Section 31.63 "Time limit on City's obligation to refund charges"; and
- j) Section 31.64 "Disposition of charges".

Section 13

That Section 31.75, "Street improvement and paving assessments", of Article V, "Street Improvements and Assessments", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.75 Street improvement and paving assessments

Assessments for street improvements shall be made pursuant to article XVI of the Charter and chapter 313, V.T.C.A., Transportation Code, as amended, and may be initiated by either of the following methods:

(A) Initiation by property owner. Upon the application of one or more property owners, the Director of Engineering shall provide the applicant with a petition form to be circulated by the applicant among the other owners of property abutting the proposed improvements. If the petition is returned to the Director of Engineering and signed by either at least fifty-one percent (51%) of the abutting property owners or the owners of at least fifty-one percent (51%) of the abutting frontage, then the Director of Engineering may approach the City Council with an estimate of the cost of such improvements and request the initiation of a street or alley improvement project. The City Council may then determine the necessity for, and order, the proposed improvements. Improvement projects consisting of streets and alleys may be initiated by petition only in block-length segments. Improvement projects consisting of sidewalks or curbs and gutters separate from an improvement project to a street may be initiated by petition in smaller segments.

(B) Initiation by City. Upon the presentation of a proposed improvement project, including an estimate of the cost of such improvements, by the Director of Engineering, the City Council may determine the necessity for, and order, the proposed improvements."

Section 14

That Section 31.76, "Cost sharing policy; limitations", of Article V, "Street Improvements and Assessments", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 31.76 Cost sharing policy; limitations

(A) The City shall share in the costs of the improvements with the owners of the abutting property as provided in subsection (B) below. In this section, "developed residential a property" shall mean any abutting residential property, including duplexes and townhomes, but excluding other developments, including but not limited to, any otherwise qualifying residential property being used primarily as a house of worship, a school, or a commercial business..

(B) Abutting property and the owners thereof shall be assessed the following share of the cost of the improvements as follows:

Type of Improvement	Share of Costs (Per Linear Foot of Improvements)
---------------------	---

(1) Street improvements:

(a) Developed residential property

(i) Improvements initiated by petition
under section 31.75(A)

Front	33%
Side	16%
Rear	7%

(ii) Improvements initiated by City under
section 31.75(B) No Assessment

(b) Property other than developed residential
property 33%

(2) Alley improvements 33%"

Section 15

That Section 31.77, "Payment of assessments", of Article V, "Street Improvements and Assessments", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 31.77 Payment of assessments

Assessments shall be due and payable upon final inspection and acceptance of the improvements by the City. Assessments may be paid in whole or in installment payments in accordance with the schedule set forth in Section 31.78. Installment payments shall include both principle and interest at an interest rate not to exceed the maximum rate allowed by state law."

Section 16

That Article V, "Street Improvements and Assessments" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is amended by adding a new Section 31.78 titled "Schedule of installment payments" which shall read as follows:

"Sec. 31.78 Schedule of installment payments

Property owners opting to pay the assessments described in this Article V in installments shall make said payments in accordance with the following schedule:

Property Owner's Share	Monthly Payments
\$ 2,000.00 - \$2,999.99	36 equal monthly payments
\$ 3,000.00 - \$3,999.99	48 equal monthly payments
\$ 4,000.00 or more	60 equal monthly payments"

Section 17

That Article VI, "Drainage Improvement Districts", of Chapter 31 "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby renamed as follows:

"Article VI "Drainage Improvement Districts and Drainage Participation Projects"."

Section 18

That Section 31.90, "Purpose of article; scope", of Article VI, "Drainage Improvement Districts and Drainage Participation Projects" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 31.90 Purpose of article; scope

In order to provide for the building, construction, modification and improvement of storm sewers, drainage channels and watercourses, and in order to provide a fair and equitable apportionment and assessment of the costs of such improvements against the property specially and directly benefited and enhanced in value by the making of

such improvements, the City and affected property owners may, under the procedures set forth in this article, establish "Drainage Improvement Districts" or "Drainage Participation Projects" (hereinafter referred to as "Drainage Improvements") within and without the City. The City may, within its discretion, issue assignable or negotiable certificates, as it deems advisable, covering the costs of the Drainage Improvements."

Section 19

That Section 31.91, "Initiation of Study", of Article VI, "Drainage Improvement Districts and Drainage Participation Projects" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 31.91 Initiation of study

(A) Drainage Improvement Districts

(1) Application for creation of a Drainage Improvement District. Upon the application of one or more interested property owners whose properties are not contiguous, the City shall determine a preliminary scope of work, prepare an Opinion of Probable Cost ("OPC"), and determine the boundaries of a drainage improvement district. The City shall provide this preliminary information to the applicants for their use. If the preliminary OPC is specified to expire after a certain time period, the City reserves the right to require an updated estimate. When a preliminary determination has been made, the City shall provide the applicant with:

(a) A list of the names and last known addresses of all property owners within the proposed drainage improvement district.

(b) A list of total abutting footage for each property owner, total proportional area for each property owner, or other estimate of the proportionate share of the drainage improvement project for each property owner.

(c) An OPC per property.

(2) Circulation of list; presentation of petition.

(a) It shall be the responsibility of the applicants to make contact with other property owners within the boundaries of the proposed Drainage Improvement District as established by the City. Said applicants shall circulate a petition containing spaces where each affected property owner may sign the petition indicating their approval and financial commitment of that property owner for the proposed Drainage Improvement District.

(b) If the petition is returned to the Director of Engineering and is signed by the lesser of fifty-one percent (51%) of the abutting property owners or the owners of at least fifty-one percent (51%) of the abutting frontage, then the Director of Engineering or more of the owners of the property to be included within the district, or at least fifty-one (51) percent of the abutting property footage, then the Director of Engineering may approach the City Council for the initiation of a Drainage Improvement District.

(3) Initiation by City. Upon the presentation of a proposed Drainage Improvement Project, including an OPC for the project, and the recommendation of the Director of Engineering, the City Council may order the creation of a drainage improvement district. The City may then proceed with creating an actual design plan and specifications for the proposed Drainage Improvement Project. The proposed Drainage Improvement Project must meet the design requirements and limitations specified in Section 31.92.

(B) Drainage Participation Projects

(1) Application for the creation of a Drainage Participation Project

(a) Upon the application of a single property owner, or upon the application of multiple property owners whose properties are contiguous, the City shall determine a scope of work and cost for the Drainage Participation Project. The OPC shall include costs for surveying, geotechnical evaluation, design, construction and all other costs necessary to complete the project. This scope and cost shall be provided to the applicant(s) for their use. The City reserves the right to require an updated OPC if the property owner neglects to respond within thirty (30) days of the date of the proposal.

(b) Upon receiving the applicant(s) signed commitment to proceed with the project, the City shall prepare a cost-sharing agreement to be executed by the City and the aforementioned applicants. For projects involving multiple abutting properties, a separate agreement shall be prepared for each applicant and the project shall not proceed until all applicants have executed their respective cost-sharing agreements. The City may then proceed with the design plan and specifications for the drainage participation project. The design must meet the requirements and fall within the limitations specified in Section 31.92."

Section 20

That Section 31.92, "Design and cost sharing policy; limitations", of Article VI, "Drainage Improvement Districts and Drainage Participation Projects" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows: "Section 31.92 Design requirements and limitations

(A) Design. The design of drainage improvements shall be in accordance with this Chapter and with the GDC, where

applicable. Any materials used in the improvements must be pre-approved by the City. Failure to obtain pre-approval may result in the City, at its sole discretion, requiring the improvement, in whole or in part, to be removed and replaced at the applicants' expense.

(B) Limitations. Drainage Improvement Projects are specifically intended to protect private property from erosion loss due to the flow of water in natural or manmade watercourses within the City. Approval of proposed Drainage Improvement Projects shall be governed by the following conditions:

(1) The proposed cost of the Drainage Improvement Project must be no greater than fifty (50) percent of the total property value, as determined by the Dallas County Central Appraisal District ("DCAD").

(2) The proposed Drainage Improvement Project must be located entirely within properties owned by participants in a Drainage Improvement District, or upon an easement voluntarily granted by a property owner not participating in the Drainage Improvement Project.

(3) No Drainage Improvement Project shall be approved which create any increase in 100-year water surface elevations, whether the watercourse in question is located within a Special Flood Hazard Area as delineated on the current Flood Insurance Rate Maps issued by the United States Federal Emergency Management Agency ("FEMA") or not. All Drainage Improvement Projects must conform to the requirements of Chapter 31, Article VII of the Ordinances of the City of Garland, Texas, as well as to any and all applicable requirements of FEMA and the United States Army Corps of Engineers (the "Corps"). Any costs associated with the review and/or mitigation of any FEMA and/or Corps will be shared on the same cost share basis as the original contract. The City, at its sole discretion, reserves the right to require the applicants to hire a Texas-licensed Professional Engineer to conduct a study verifying that the proposed project will meet this requirement. The

cost of any such study shall be borne in its entirety by the applicants.

(4) Applications intended to address erosion loss due to sheet flow across a lot (as opposed to flow in a watercourse) shall not be approved.

(5) Applications arising due to the normal settlement of soil on a property (whether due to settlement over time or to normal soil movement from variable moisture content or seasonal shifting) shall not be approved.

(6) Applications arising due to the failure of existing retaining walls (due to age or structural deficiency not related to erosion) shall not be approved. The City shall make the final determination as to whether or not an existing wall failure is due to erosion or some other cause.

(7) Before a Drainage Improvement Project is approved, it must be demonstrated that a structure to be protected must be located a horizontal distance of no further than three times the maximum vertical height of the proposed wall as measured from the top of the wall. By way of example, a proposed wall ten (10) feet high must have a structure to be protected no further than thirty (30) feet from the top of the wall. For the purposes of this Article VI, a "structure to be protected" shall be defined as a residential or commercial building, swimming pool, non-moveable storage building, detached garage, non-movable machinery serving a building, or other similar structure. Fences, trees, landscaping, amenities and similar features do not qualify as "structures to be protected".

(8) The City reserves the right to disapprove any project which, as determined by the Director of Engineering, exposes the City to potential liability due to risk of damage to existing structures."

Section 21

That Section 31.93, "Completion of study; solicitation of bids", of Article VI, "Drainage Improvement Districts and Drainage Participation Projects", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, be hereby renamed and amended to read as follows:

"Section 31.93 Cost-sharing policy and limitations; completion of design; solicitation of bids

(A) Cost-sharing policy and limitations.

(1) Assessment determinations. Alternative methods for determining the apportionment of the costs associated with the Drainage Improvement Project include the following:

(a) By determining the amount of linear feet of property abutting the proposed Drainage Improvement Project.

(b) By determining the square footage of property within the Drainage Improvement District.

(c) By such other method calculated to produce a substantial equity of benefits received and burdens imposed.

(2) Share. For commercial properties, including multifamily residential properties, the City shall bear thirty-three percent (33%) of the direct costs of the improvements associated with the drainage improvement district and the property owners within the drainage improvement district shall be assessed for the remaining sixty-seven percent (67%) of those costs. For single-family residential properties, or non-profit, non-residential uses such as buildings of worship, the City shall bear fifty percent (50%) of the direct costs of the improvements associated with the Drainage Improvement District shall be assessed for the other fifty percent (50%) of those costs. A proportionate reduction in the costs of the improvements to be assumed by

property owners within the drainage improvement district may be allowed for the abutting footage, area or other appropriate unit of measurement of the streets, alleys, parks or other City property contained within the Drainage Improvement District.

(3) For purposes of this Section, a property is considered to be "non-profit" if it is owned by an individual or entity with tax exempt status pursuant to 26 U.S.C. § 501.

(B) Completion of design.

(1) In the case of projects initiated by multiple property owners with non-contiguous frontage, after the design for the proposed Drainage Improvement Project has been completed, an OPC for those improvements shall be prepared. If the estimated cost of the improvement project is within or below the range submitted to the property owners in response to the application or to the City Council, as the case may be, then the City may solicit bids for the construction and implementation of the drainage improvements. In the event that either the OPC or the bid for the project, or both, is above the submitted range, then at least 51% of the property owners within the improvement district must affirm the increased costs. Should the property owners choose to opt out of the project, they will be responsible for proportional costs incurred up to that date.

(2) If less than 51% of those property owners affirm the project, then the project may, at the discretion of the City, be suspended or terminated. If the improvement project, with the increased costs, is reaffirmed by 51% or more of the property owners within the district, then the City may solicit bids for the project. For projects initiated by the City, in the event the OPC is above the submitted range, then the City Council may affirm and continue the project, or the project may be suspended or terminated.

(C) Solicitation of bids. Bids for the Drainage Improvement Project shall be solicited in accordance with applicable state law. When a responsive bid or responsive bids from a responsible bidder or responsible bidders has or have been tendered, then the bid or bids, as the case may be, shall be submitted to the City Council for consideration."

Section 22

That the existing Section 31.94, "Assessment hearing; notice", of Article VI, "Drainage Improvement Districts and Drainage Participation Projects", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.94 Assessment hearing; notice

(A) No assessment shall be made against any property within a drainage improvement district, or its owners, until after reasonable notice and opportunity for hearing. No assessment shall be made against such property, or its owners, by reason of the drainage improvements other than the property owner's appropriate proportionate share.

(B) Reasonable notice of the hearing on the Drainage Improvement Project's assessments shall be provided by advertisement in a newspaper having a general circulation in the City at least 14 days before the date of the hearing, and by depositing in the United States mail, postage prepaid, a written notice of the hearing addressed to the owners of the respective properties located within the Drainage Improvement District as the names and addresses of the respective owners appear on the then-current tax rolls of the City.

(C) The notice, as provided in subsection (B) above shall include the following information:

- (1) The date, time and place of the hearing;
- (2) The general nature of the proposed improvements;
- (3) The total estimated cost of the improvements;

(4) The boundaries of the drainage improvement district;

(5) The proposed apportionment of cost between the City and the drainage improvement district as a whole; and

(6) That written and oral comments and objections will be considered at the hearing.

(D) The hearing shall be held by and before the City Council. The appropriate department or departments of the City shall present testimony and other evidence before the City Council as to the property owner's proportionate share of the Drainage Improvement Project value accruing to the property within the Drainage Improvement District by reason of the improvements. At such hearing the owners, lienholders and other interested parties may address and contest the bid or bids to be considered, the amounts of the proposed assessments, the lien and liability of the proposed assessments,. If the proportionate share is based on the frontage, all project costs, including labor, materials, permits, engineering, design, obtaining easements, obtaining construction easements, and any other cost incurred through this Drainage Improvement Project shall be included in determining the amount of a property owner's proportionate share. The City Council may then correct any errors, inaccuracies, and irregularities and may determine the appropriateness of any bid or bids, the amounts of assessments, and all other necessary matters.

(E) At the close of the hearing, the City Council may then award such bid or bids on the drainage improvement project as it deems appropriate and may determine the amounts, if any, to be assessed so as to produce substantial justice. The City Council shall levy such assessments by ordinance."

Section 23

That the existing Section 31.95 of Article VI, "Drainage Improvement Districts and Drainage Participation Projects", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended as follows:

"Section 31.95 Assessment lien; enforcement; payment

(A) An assessment levied under this article shall constitute a personal charge against the owner of the property assessed, and shall be secured by a lien on such property having priority over all other liens, claims or titles except for taxes. Such personal liability and lien may be enforced either by suit in a court of competent jurisdiction or by enforcement of the lien as provided by law.

(B) Assessments may be paid in full at the completion of the Drainage Improvement Project or as indicated on the following chart. If the amount is not paid in full at the completion of the Drainage Improvement Project, it may bear interest not to exceed the maximum rate allowed by state law. Any property owner may discharge the whole amount assessed against the owner, or any installment, at any time before maturity, upon payment with accrued interest. Upon payment of an assessment in full, the City shall cause to be executed, by the City Manager, a release of the lien of assessment, duly acknowledged and suitable for filing of record.

(C) City participation. The City may participate in the reconstruction provided monies are available for this program from bond funds. If monies are available, City participation in the cost of improvements will be on a cost share basis with the abutting property owner as provided for in this Article VI. If the property owner's share of the cost of improvements is equal to or greater than the amounts shown below, payment may be made in not more than the corresponding number of equal monthly payments for that amount as shown below at an interest rate not to exceed the maximum interest rate paid by the City on the bond funds from which the reconstruction monies are obtained:

(1) If the property owner's share is between \$2,000.00 and \$9,999.99 (inclusive), the payment plan may extend to not more than thirty-six (36) months.

(2) If the property owner's share is between \$10,000.00 and \$19,999.99 (inclusive), the payment plan may extend to not more than forty-eight (48) months.

(3) If the property owner's share is \$20,000.00 or more, the payment plan may extend to not more than sixty (60) months."

Section 24

That the existing Section 31.98, "Maintenance of completed improvements and Drainage Participation Projects", of Article VI, "Drainage Improvement Districts" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.98 Maintenance of completed improvements

(A) Upon substantial completion of any Drainage Improvement Projects under the provisions of this Article VI, the City shall provide drainage and erosion control maintenance for the structural improvements to the drainage ways for a period of not more than 10 years after substantial completion. At the end of the 10 year maintenance period, the ownership and maintenance responsibilities become that of the adjacent property owners and the City's maintenance obligation shall terminate. Upon completion and acceptance of any Drainage Improvement Projects under this article, the property owner on whose property the channel improvements lie, or whose property directly abuts such channel improvements, shall be responsible for any necessary mowing, irrigation, weeding, picking up litter, fertilizing and such other maintenance as is required to maintain a healthy stand of grass or other ground cover as approved by the Director of Engineering.

(B) If, subsequent to the completion and acceptance of any improvements constructed under the provisions of this Article, the property owner, or subsequent property owner, constructs subsequent additional improvements to the property which damage said erosion wall or subject it to additional loading which could result in damage or failure, or undertakes any change to the property which, in the opinion of the City, causes damage to the wall, the City may, at its discretion, terminate its maintenance obligation. The City shall not be responsible for any damage to any structure or property improvements that were constructed subsequent to the completion and acceptance of the erosion wall.

(C) No obstruction to the flow of stormwater runoff shall be permitted by filling or by construction of any type of dam, building, fence, bridge, walkway, or any other structure within the drainage easement unless approved by the City."

Section 25

That Section 31.101, "Definitions", of Article VII, "Flood Damage Prevention", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.101 Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

Area of shallow flooding means a designated AO, AH,, AR/AO, AR/AH, or VO zone on the community's flood insurance rate map (FIRM) with a 1% chance or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard means the land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, the area, Zone A, usually is refined into Zones A, AO, AH, A1-30, AE, AH, AO, A1-99A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of this ordinance, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Base flood means the flood having a 1% chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year. Also called the base flood.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Developed area means an area of the City that is:

(a) A primarily urbanized, built-up area that is a minimum of 20 contiguous acres, has basic urban infrastructure, including roads, utilities, communications, and public facilities, to sustain industrial, residential, and commercial activities, and

(1) Within which 75 percent or more of the parcels, tracts, or lots contain commercial, industrial, or residential structures or uses; or

(2) Is a single parcel, tract, or lot in which 75 percent of the area contains existing commercial or industrial structures or uses; or

(3) Is a subdivision developed at a density of at least two residential structures per acre within which 75 percent or more of the lots contain existing residential structures at the time the designation is adopted.

(b) Undeveloped parcels, tracts, or lots, the combination of which is less than 20 acres and contiguous on at least 3 sides to areas meeting the criteria of paragraph (a) at the time the designation is adopted.

(c) A subdivision that is a minimum of 20 contiguous acres that has obtained all necessary government approvals, provided that the actual "start of construction" of structures has occurred on at least 10 percent of the lots or remaining lots of a subdivision or 10 percent of the maximum building coverage or remaining building coverage allowed for a single lot subdivision at the time the designation is adopted and construction of structures is underway. Residential subdivisions must meet the density criteria in paragraph (a)(3).

Development means any man-made change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Elevated building means a nonbasement building: (1) built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water; and (2) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, D, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zones V1-30, VE, or V, elevated building also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of section 60.3(e)(5) of the National Flood Insurance Program regulations.

Existing construction means for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the City.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood fringe means the area between the floodway and the boundary of the base or 100-year flood.

Flood or flooding means

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland and tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source; or
- (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of

erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition. a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; or (3) mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in part (a)(1) of this definition.

Flood insurance rate map (FIRM) means the official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the City. A FIRM that has been made available digitally is called a "Digital Flood Insurance Rate Map" or "DFIRM".

Flood insurance study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map. Also known as a "flood elevation study".

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the

areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain or floodprone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Habitable floor any floor usable for the following purposes; which include working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a habitable floor.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting

the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary [of the Interior] to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in states without approved programs.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term manufactured home does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the City and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City.

Person means an individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Principally above ground means a structure is principally above ground if at least 51% of the actual cash value of the structure, less land value, is above ground.

Recreational vehicle. A vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projections;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Start of construction for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means (for floodplain management purposes) a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. Structure can also mean any physical body which is capable of diverting floodwaters.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred.
- (c) For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - (2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Variance means a grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this article. (For full requirements, see section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the City's floodplain management regulations. A structure or other development without the elevation certificate, other

certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas."

Section 26

That subpart (9) of Subsection (B), "Duties of the floodplain administrator", of Section 31.103, "Administration", of Article VII, "Flood Damage Prevention", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

". . .

(9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30, and AE on the City's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

". . ."

Section 27

That Section 31.107, "Floodplain fees assessed for elevation certificates and letters of map amendments", of Article VII, "Flood Damage Prevention", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby renamed and amended in its entirety to read as follows:

"Section 31.107 Floodplain fees assessed for letters of map amendments

Federal Emergency Management Agency (FEMA) letter of map amendment (LOMA). Upon request by a property owner, the Engineering Department may prepare a FEMA compliant LOMA for the individual property. The property owner will provide the City with a FEMA-compliant elevation certificate. The property owner shall pay the City a nonrefundable fee in the amount of \$100.00 for single-family residential property. For property other than single-family residential, the fee will be \$100.00 per structure on the property. The fee is due before the City begins work. The work will be accomplished within the City's typical operating schedule."

Section 28

That Section 31.117, "Licenses for minor or temporary encroachments", of Article VIII, "Work on Public Property or Easements", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.117 Licenses for minor or temporary encroachments.

(A) The Director of Engineering may grant a license for minor or temporary encroachments into a street, alley, easement or other property of the City. The license shall be in a form prescribed by the City's Technical Standards Manual. For the purposes of this section, a "minor or temporary encroachment" means a use that will not:

- (1) Significantly affect the public interest;
- (2) Unreasonably interfere with the paramount and primary purposes for which the street, alley, easement or other property interest exists; or
- (3) Unreasonably interfere with existing uses within the area of the proposed license.

(B) The Director of Engineering may, even if a proposed encroachment otherwise constitutes a minor or temporary

encroachment within the meaning of this section, refer the granting of a license to the City Council for formal action."

Section 29

That the following Sections of Article IX, "Construction or Repair of Sidewalks", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, are hereby repealed:

- a) Section 31.122 "Construction required in new development"; and
- b) Section 31.132 "Duty to construct curb when driveway abandoned".

Section 30

That Section 31.120, "Definition", of Article IX, "Construction or Repair of Sidewalks" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.120 Definitions

The term "sidewalk," as used in this Article, shall apply to the repair or construction of any sidewalk other than a sidewalk constructed as part of a new development, and shall include curbs, combination curb and gutter, driveways and head-in parking; providing, in such case, that the article shall state the kind of curb, or curb and gutter, and sidewalk to be constructed, reconstructed, or repaired, or may merely direct the construction, reconstruction or repair of a curb or curb and gutter or sidewalk alone."

Section 31

That Section 31.121, "Council to determine nature and extent of improvements", of Article IX, "Construction or Repair of Sidewalks" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby renamed and amended to read as follows:

"Section 31.121 Nature and extent of improvements

The nature and extent of sidewalk improvements and the kind of material and construction in such improvements shall conform to the City of Garland Technical Standards Manual. Any such improvement shall conform to the appropriate provisions in the City's Technical Standards Manual and Standard Construction Details. All sidewalks in new developments shall be governed by the Garland Development Code, the City's Technical Standards Manual, and the City's Standard Construction Details."

Section 32

That Section 31.126, "Specifications", of Article IX, "Construction or Repair of Sidewalks" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.126 Specifications

Sidewalks shall be constructed, reconstructed or repaired in accordance with division 8, Miscellaneous Construction of the Standard Specifications for Public Works Construction, North Central Texas Council of Governments and the City of Garland Technical Standards Manual and City of Garland Standard Construction Details."

Section 33

That Section 31.128, "Approval of Materials", of Article IX, "Construction or Repair of Sidewalks" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.128 Approval of materials

Upon request of the Engineering Department, no materials of any kind shall be used in the construction, alteration or repair of any sidewalks until they have been examined and approved and found to be compliant with the Garland Development Code, the City's Technical Standards Manual and the City's Standard Construction Details, and the person performing such work shall furnish such samples as may be

required for making tests and examinations in sufficient time prior to the use of same."

Section 34

That Section 31.130, "Traffic-control and warning devices required for protection of traffic", of Article X, "Construction or Repair of Sidewalks", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.130 Traffic-control and warning devices required for protection of traffic.

During construction for which a permit is required by this article, the holder of the permit shall see that the necessary traffic-control and warning devices are placed so that pedestrian or vehicle traffic shall not be endangered. All traffic-control and warning devices shall conform to the provisions of the Manual on Uniform Traffic Control Devices."

Section 35

That Section 31.134, "Duty to keep sidewalks in safe condition", of Article X, "Driveway Approach Standards", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.134. Duty to keep sidewalks in safe condition

It shall be the duty of any abutting property owner to keep the sidewalk, parkway, curb and driveway abutting such property in a good and safe condition, free from any defects and hazards of whatsoever kind and character. By way of example and not of limitation, a sidewalk is hazardous under any of the following conditions:

- (1) there is a difference in elevation between adjoining sections of sidewalk or opposing edges of any fissures (cracks) on the sidewalk surface of two (2) inches or more;

(2) an unstable walking surface exists due to defects on the surface such as fissures that have created a gap of one and one half (1½) inches or more;

(3) a spalled finish condition creates an unstable walking surface;

(4) some sections of the sidewalk are incomplete due to missing corners or pieces of the sidewalk section;

(5) the sidewalk has an excessive cross-slope greater than 5 percent;

(6) portions of the sidewalk are sunken or slanted, creating excessive ponding of water; or

(7) an uplifted or sunken sidewalk causing longitudinal grades in excess of 5 percent or exceeding the adjacent street top of curb slope, whichever is greater."

Section 36

That Section 31.138, "City participation in sidewalk/curb and gutter reconstruction", of Article X, "Construction or Repair of Sidewalks", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.138 City participation in sidewalk/curb and gutter reconstruction

(A) The City may participate in the reconstruction provided monies are available for this program from bond funds. If monies are available, City participation in the cost of improvements will be shared with the abutting property owner on a 50/50 basis-shared with the abutting property owner as follows:

(1) Sidewalk improvements (when those costs are not included in a street improvement project)
50%;

(2) Curb and gutter improvements (when those costs are not included in a street improvement project) 50%

(B) If the property owner's share of the cost of improvements is equal to or greater than the amounts shown below, payment may be made in not more than the corresponding number of equal monthly payments for that amount as shown below at an interest rate not to exceed the maximum interest rate allowed by law.

Property Owner's Share	Monthly Payment
\$250.00-\$499.00	36 equal monthly payments
\$500.00-\$999.00	48 equal monthly payments
\$1,000.00 and more	60 equal monthly payments"

Section 37

That Section 31.146, "Permit required", of Article X, "Driveway Approach Standards", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.146 Permit required

(A) No person, firm or corporation shall construct, reconstruct, maintain, alter or repair, remove or replace any curb, gutter, driveway or other concrete work on any public property within the City without first obtaining all applicable permits, including but not limited to a Right-of-Way Permit, and a Sidewalk and Driveway Approach Permit. No work shall be undertaken on City right-of-way until the executed permit has been approved by City.

(B) There shall be no residential driveways permitted off of any arterial street as so designated by the City thoroughfare map as type A, B, or C thoroughfares."

Section 38

That Section 31.147, "Permit fees", of Article X, "Driveway Approach Standards", of Chapter 31, "Engineering", of the

Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.147 Permit fees

(A) For the construction of a new (or modification of an existing) driveway there shall, in addition to any other applicable permit(s) and fee(s), be a permit fee charge as set forth in Section 30.301, chapter 30, "Building Inspection," of this Code.

(B) The contractor will be held responsible for conducting the construction in an orderly and safe manner. Proper barricades as specified in the manual on uniform traffic control devices, shall be used. The City's Director of Transportation, or his appointee, shall determine if proper barricading and signing is utilized."

Section 39

That Section 31.148, "Driveway approach standards", of Article X, "Driveway Approach Standards", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.148 Driveway approach standards

Driveway approach standards must conform to the applicable provisions set forth in the City's Technical Standards Manual."

Section 40

That the following Sections of Article XI, "Impact Fees" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, are hereby repealed:

- a) Section 31.150, "Purpose";
- b) Section 31.151, "Authority";
- c) Section 31.152, "Definitions";
- d) Section 31.153, "Applicability";
- e) Section 31.154, "Impact fee as a condition of development approval";

- f) Section 31.155, "Impact fees per service unit";
- g) Section 31.156, "Assessment of impact fees";
- h) Section 31.157, "Payment and collection of impact fees";
- i) Section 31.158, "Offsets and credits against impact fees";
- j) Section 31.159, "Establishment of accounts";
- k) Section 31.160, "Appeals";
- l) Section 31.161, "Refunds";
- m) Section 31.162, "Updates to plans and revision of fees";
- n) Section 31.164, "Development agreements";
- o) Section 31.165, "Exceptions and exemptions";
- p) Section 31.166, "Impact fee as additional and supplemental regulation"; and
- q) Section 31.167, "Petition for relief".

Section 41

That subpart (67), "Waters of the United States", of subsection (D), "Definitions", of Section 31.170, "General provisions", of Article X, "Stormwater Quality", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(67) Waters of the United States. All waters falling within the federal definition of "Waters of the United States" set forth at 140 C.F.R. § 122.2."

Section 42

That Chapter 31 of the Code of Ordinances for the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 43

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 44

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 45

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the ____ day of _____, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UNDER THE PROVISIONS OF SECTION 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

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

Section 1

That Section 1.21, "Technical Review Meeting," of Chapter 1, "General Provisions" of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 1.21 Technical Review Meeting

(A) Requirement. Following a Pre-Submittal Meeting and the official submission of an administratively complete zoning, development, redevelopment or land subdivision application (as applicable), the applicant(s) shall attend a required Technical Review Meeting with the DRC, including the responsible official.

(B) Purpose. The purpose of the Technical Review Meeting is to allow the applicant to review his development application with the DRC. Comments compiled from each City department as part of their review of the application shall be provided to the applicant at the meeting. Such comments shall provide information about necessary modifications needed for the development application to meet City codes, development regulations and processes that are applicable to the application.

(C) Applications Requiring Technical Review Meeting. Applications that require a Technical Review Meeting (unless otherwise determined as unnecessary by the City) include any application for:

- (1) Specific Use Provision;
- (2) Concept Plan or Detail Plan (submitted as part of a Planned Development application);

- (3) Preliminary Development Plan;
- (4) Alternative compliance development process (if applicable);
- (5) House conversions (such as conversion from residential to nonresidential use); or
- (6) Any other application as determined by the Planning Director.

(D) Effect. Following the Technical Review Meeting with the DRC, the applicant may proceed with making the necessary modifications discussed. Once all modifications have been made and the revised development application has been re-submitted to the Planning Department and reviewed by appropriate City departments, the development application may continue through the development process, including being acted upon by the appropriate responsible official, board, commission or City Council as provided for each type of application in this GDC."

Section 2

That Section 1.22, "Pre-Construction Meeting", of Chapter 1, "General Provisions" of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 1.22 Pre-Construction Meeting

(A) Purpose. The purpose of a Pre-Construction Meeting is to discuss administrative, communication and operating procedures for project construction prior to the issuance of a Site Permit (see Chapter 4, Article 1, Division 3) or Building Permit (see Chapter 4, Article 1, Division 4). A list of typical inspection items, procedures and acceptance criteria for items in public right-of-way and easements will be also be furnished to the applicant.

(B) Requirement. Following the approval of required Site Engineering Drawings and prior to commencement of any construction, the applicant(s) shall attend a required Pre-Construction Meeting with the Engineering Department. Applicants must begin construction within sixty (60) days of any Pre-Construction Meeting. If an applicant fails to

begin construction within sixty (60) days, an additional Pre-Construction Meeting shall be held and the deadline for commencement of construction shall be extended an additional sixty (60) days from said meeting to begin construction. Projects that require a Pre-Construction Meeting are those for which a Site Permit or a Building Permit is required.

(C) Notice.

(1) When the applicant receives notice from the City that the required Site Engineering Drawings have been approved, the project will then be eligible for the required Pre-Construction Meeting.

(2) If appropriate, a single Pre-Construction Meeting may be held for the issuance of both a Site Permit and a Building Permit. However, if the applicant chooses to begin construction of the project prior to approval of a Building Permit, two separate Pre-Construction Meetings shall be required.

(D) Written Records. Written records of Pre-Construction Meetings shall be kept in the office of the Engineering Department as part of the record for each development application or project. A copy of the written record of the Pre-Construction Meeting shall also be provided to any applicant participating in such meeting upon written request by such participant.

(E) Effect. Following the Pre-Construction Meeting, and provided that all other City pre-construction requirements have been met, the applicant shall be issued a Site Permit (and possibly also a Building Permit, if applicable and if all City requirements for a Building Permit have also been met) which allows the applicant to commence with construction of the project."

Section 3

That Chapter 1, "General Provisions" of the Garland Development Code of the City of Garland, Texas, is hereby amended by adding a new Article titled "Fees", and shall read as follows:

"Article 3: Fees

Division One: General provisions

Section 1.40 Fees not exclusive

The fees set forth herein are in addition to any other fees imposed by city ordinance, by state law, or by any other source.

Section 1.41 Non-refundable

Unless otherwise indicated, all fees are non-refundable.

Sections 1.42-1.49 Reserved

Division Two: Engineering fees

Section 1.50 Maps and data service fees

The following schedule of fees for maps and other engineering data apply as follows:

Street map: 24"x36"	Color	\$ 25.00
	Black & White	\$ 5.00
Subdivision map: 5' x 5'	Color	\$125.00
	Black & White	\$ 20.00
Subdivision map: 2' x 3'	Color	1 st - no charge; then \$25.00
	Black & White	\$ 5.00
Standard Construction Details	Book (8½ x 11")	\$ 50.00
	PDF on CD	\$ 25.00
GPS Exhibits	Book (8½ x 11")	\$ 50.00
	PDF on CD	\$ 25.00
Digital data on CD	\$ 25.00 + 1.00 / MB of data	

Section 1.51. Engineering review and inspection fees

(A) Generally. All improvements and facilities placed or constructed in public rights-of-way, access, pedestrian, utility, drainage, and traffic-control easements requiring future maintenance by the City shall be assessed an engineering review and inspection fee to recover administration and inspection costs based on the total construction cost of the improvements including, but not limited to, street paving, alley paving, traffic signals, screening walls, landscaping, storm sewers, sanitary sewers, lift stations, water lines, meters, fire hydrants, drainage structures, channels and appurtenances. The Director of Engineering shall collect the fee in an amount equal to 4% of the value of the improvements as determined from the total contract amount (including change orders) or the probable estimate of construction cost of such improvements and facilities as certified by the developer's engineer of record. All collections will be made payable to the City and shall be deposited by the Director of Engineering in the general fund. The minimum [fee] per development shall be \$100.00. The fee shall be paid in full by the developer prior to the release of engineering plans for construction by the Director of Engineering. True and correct copies of actual construction costs shall be provided in order to verify costs.

(B) Cost overruns; additional fees. If the actual cost of the improvements is 10% or more over the estimate of probable cost, then a significant cost overrun has occurred. In the event of a significant cost overrun, additional Engineering Review and Inspection Fees shall be calculated by multiplying the amount of the cost overrun by 4%."

Section 1.52 Temporary water service fees

(A) A fee as set forth in Section 50.33 of the Garland Code of Ordinances shall be paid by the builder for the setting of a water meter in a subdivision. Such fee shall be paid at the time of the application for the building permit.

(B) Temporary water service for house construction shall be provided after a water meter is set (direct connection

to the water tap is not allowed). A fee as set forth in Section 30.301 of the Garland Code of Ordinances shall be paid for each temporary service. Temporary water service shall not continue more than one hundred twenty (120) days from the date of its initial installation. Temporary water service shall also be removed when final inspection is made on the house.

Section 1.53 Street sign fees

The fee for each street sign assembly required by a subdivision is one hundred fifty dollars (\$150.00) per assembly for standard nine inch (9") blank signs for street names.

Section 1.54 Sidewalk construction permit fee

The fee for a sidewalk permit under this GDC shall be as set forth in the Building Inspection provisions of the Garland Code of Ordinances, and specifically, 30.301.

Sections 1.55-1.69 *Reserved*

Division 3: Impact fees

Section 1.70 Purpose

This Division is intended to assure the provision of adequate public facilities to serve new development in the City by requiring each new development to pay its share of the costs of such improvements necessitated by and attributable to such new development.

Section 1.71 Authority

This Division is adopted pursuant to Chapter 395 of the Texas Local Government Code, the Texas Constitution, and the City Charter. The provisions of this Division shall not be construed to limit the power of the City to utilize other methods authorized under state law or pursuant to other City powers to accomplish the purposes set forth

herein, either in substitution or in conjunction with this Division and the Garland Code of Ordinances. Guidelines may be developed by ordinance, resolution, or otherwise to implement and administer this Division.

Section 1.72 Definitions

For the purposes of this Division, the following definitions shall apply:

(A) *Assessment* means the determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this Division.

(B) "Capital improvements" means either a water facility or a roadway facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the City.

(C) "Capital Improvements Advisory Committee" means the City Planning and Zoning Commission, together with such ad hoc representatives as may be appointed from time to time, to fulfill the composition mandated by Texas Local Government Code § 395.058.

(D) "Capital improvements plan" means the capital improvements plan adopted by the City Council, as updated and amended pursuant to this article. The capital improvements plan identifies those capital improvements for which impact fees may be imposed by the City, service areas, the maximum fee rate allowed in accordance with Chapter 395 of the Texas Local Government Code, and other pertinent information.

(E) "City" means the City of Garland, Texas.

(F) "Credit" means the amount of the reductions of an impact fee for fees, payments or charges for the same type of capital improvements for which the fee has been assessed.

(G) "Facilities expansion" means either a water facility expansion or a roadway facility expansion.

(H) "Final plat approval" or "approval of a final plat" means the point at which the applicant has complied with

all conditions of approval and the plat has been released for filing with Dallas County.

(I) "Impact fee" means either a fee for water facilities or a fee for roadway facilities imposed on new development by the City pursuant to this Division in order to generate revenue to fund or recoup all or part of the costs of capital improvements or facility expansion necessitated by and attributable to such new development. Impact fees do not include the dedication of property, rights-of-way or easements for such facilities, or the construction of such improvements, imposed pursuant to the City zoning or subdivision regulations, nor do impact fees include fees placed in trust or escrow funds for the purpose of reimbursing developers for oversizing or constructing water or pro rata fees for reimbursement of the City's costs for extending water mains. Impact fees also do not include charges for water services to a wholesale customer such as a water district, political subdivision or the state, or other wholesale utility customer.

(J) "Impact fee capital improvements plan" means either a water improvements plan or a roadway capital improvements plan adopted or revised pursuant to this Division.

(K) "Land use assumptions" means the projections of population and employment growth and associated changes in land uses, densities and intensities adopted by the City, as may be amended from time to time, upon which the impact fee capital improvements plan are based.

(L) "Land use equivalency table" means a table converting the demands for capital improvements generated by various land uses to numbers of service units, as may be amended from time to time and which is presented in Section 2.33(D) of this GDC.

(M) "New development" means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any subdivision, development, use or extension of land, that:

(1) Has the effect of increasing the requirements for capital improvements or facility expansions, measured by the number of service units to be generated by such activity;

(2) Requires either the approval and filing of a plat pursuant to the City's subdivision regulations, the issuance of a building permit, or connection to the City water system; and

(3) Has not been exempted from the application of this Division by provisions contained herein.

(N) "Offset" means the amount of the reduction, in accordance with this Division or administrative guidelines promulgated under this Division, of an impact fee to fairly reflect the value of system facilities provided by a developer pursuant to the City's zoning and subdivision ordinances, regulations or requirements.

(O) "Plat" means any final subdivision plat or final subdivision replat of any lot or tract within the territorial boundaries of the City approved by the Plan Commission under the provisions of chapter 212 of the Texas Local Government Code, Chapter 31 of the Garland Code of Ordinances, or this GDC, excluding, however, any subdivision plat or replat solely for any of the purposes described in Texas Local Government Code § 212.016(a)(1) through (9) (relating to corrections of errors and similar matters). A plat shall be considered approved on the date reflected on the plat as the date of approval by the Plan Commission.

(P) "Property owner" means any person, corporation, legal entity or agent thereof having a legal or equitable interest in the land for which an impact fee becomes due. The term property owner includes the developer of a new development.

(Q) "Roadway" means any principal or minor arterial or collector roadway designated in the City's adopted thoroughfare plan, as may be amended from time to time, and includes any roadway designated as a numbered highway of the official federal or state highway system, to the extent that the City incurs capital improvement costs for such facility.

(R) "Roadway facility" means an improvement or appurtenance to a roadway including, without limitation, rights-of-way (whether conveyed in fee or by easement); intersection improvements; traffic signals and control

devices; turn and deceleration lanes; medians and median cuts; gutters and other drainage facilities associated with the roadway; street lighting; and curbs. Roadway facility also includes any improvement or appurtenance to an intersection with a roadway officially enumerated in the federal or state highway system, and to any improvements or appurtenances to such federal or state highway system, and to any improvements or appurtenances to such federal or state highway, to the extent that the City has incurred capital costs for such facilities, including without limitation local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances and rights-of-way. Roadway facility does not include those improvements or appurtenances to a roadway that constitutes a site-related facility.

(S) "Roadway facility expansion" means the expansion of the capacity of an existing roadway in the City, but does not include the repair, maintenance, modernization, or expansion of an existing roadway to better serve existing development.

(T) "Schedule" or "schedules" means the approved roadway impact fee rate schedule 1 (max fee), the roadway impact fee rate schedule 2 (collection rates), the water impact fee rate schedule 1 (max fee), the water impact fee rate schedule 2 (collection rate), and the official maps of service areas for roadway impact fees and water impact fees, as applicable, then current and in effect as of the date of assessment of impact fees pursuant to this GDC.

(U) "Service area" means either a water service area or a roadway service area within the corporate limits of the City, as identified on the service area map in the capital improvements plan, within which impact fees for capital improvements or facility expansions may be collected for new development occurring within such area.

(V) "Service unit" means, for water facilities, a living unit equivalent based upon a 5/8 displacement type water meter; for roadway facilities, the term means a vehicle mile.

(W) "Site-related facility" means an improvement or facility substantially benefiting or substantially used, or to be used, by a new development, that is not included in

the capital improvements plan, and for which the property owner is solely responsible under subdivision or other applicable regulations governing the new development.

(X) "System facility" means a capital improvement or facility expansion that is designated in the capital improvements plan and is not a site-related facility. System facility may include a capital improvement that is located off site, or within or on the perimeter of the site of the new development.

(Y) "Water facility" means a water transmission line or main, pump station, storage tank, water supply facility, treatment facility or other facility included within and comprising an integral component of the City's water storage or distribution system. Water facility includes land, easements or structures associated with such facilities but excludes site-related facilities.

(Z) "Water facility" expansion means the expansion of the capacity of any existing water facility for the purpose of serving new development, but does not include the repair, maintenance, modernization, or expansion of an existing water improvement to serve existing development.

Section 1.73 Applicability

The provisions of this Division apply to all new, nonexempt development within the corporate boundaries of the City. The provisions of this Division apply uniformly within each service area.

Section 1.74 Impact fee as a condition of development approval

No application for new development shall be approved within the City without assessment of an impact fee pursuant to the article, and no building permit shall be issued unless the applicant has paid the impact fee imposed by and calculated hereunder, unless a different time or method of payment has been authorized by agreement between the City and the property owner.

Section 1.75 Impact Fees per service unit

(A) Impact fees per service unit for each service area shall be calculated, determined, and assessed in accordance with the approved schedules.

(1) Calculate the total projected costs of capital improvements necessitated by and attributable to new development in the service area identified in the capital improvements plan for each category of capital improvements;

(2) Divide the resultant amount by the total number of service units anticipated within the service area, based upon the land use assumptions for that service area; and

(3) From such amount, subtract a credit equal to fifty percent (50%) of the total projected costs.

(B) As an alternative to the calculation made pursuant to subsection (A)(3), the City may, but is not obligated to, incorporate within the capital improvements plan for any category of capital improvements a discount against the total cost of capital improvements, in the amount of the portion of ad valorem tax and utility service revenues, if any, including the payment of debt, to be generated by new service units during the period the capital improvements plan is in effect, including the payment of debt, associated with the capital improvements in the plan.

(C) The impact fee per service unit to be paid by each new development within a service area shall be that established by this article, as such may be amended from time to time, and shall be an amount less than or equal to the maximum impact fee per service unit established in subsection (A), and shall in no event exceed the maximum fee per service unit provided by Texas Local Government Code § 395.015.

(D) The amount of the impact fees to be assessed by water meter type and size or by vehicle mile shall be as set forth in Schedule 1. The amount of the impact fees to be paid by water meter type and size or by vehicle mile shall be as set forth in schedule 2. Impact fee schedules may be amended from time to time utilizing an amendment procedure set forth in this article.

Section 1.76 Assessment of impact fees

(A) Assessment of the impact fee for any new development shall be made as follows:

(1) For land that is unplatted at the time of application for a building permit or utility connection, or for a new development that received final plat approval prior to April 16, 1991, and for which no replatting is necessary pursuant to the City subdivision regulations prior to development, assessment of impact fees shall occur at the time application is made for the building permit or utility connection, whichever first occurs, and shall be the amount of the maximum impact fee per service unit as set forth in schedule 1 then in effect.

(2) For a new development submitted for approval pursuant to the City's subdivision regulations on or after April 16, 1991, or for which replatting results in an increase in the number of service units after such date, assessment of impact fees shall be at the time of final plat approval, and shall be the amount of the maximum impact fee per service unit as set forth in schedule 1 then in effect.

(B) Following assessment of the impact fee, the amount of the impact fee assessment per service unit for that development cannot be increased, unless the owner proposes to change the approved development by the submission of a new application for final plat approval or other development application, that results in approval of additional service units, in which case a new assessment shall occur at the schedule 1 rate then in effect for such additional service units.

(C) Following the vacating of any plat or submittal of any replat, a new assessment must be made in accordance with subsection (A)(2).

(D) Approval of an amended plat pursuant to Texas Local Government Code § 212.016 and the City's subdivision regulations is not subject to reassessment for an impact fee.

Section 1.77 Payment and collection of impact fees

(A) Impact fees shall be collected at the time the City issues a building permit.

(B) The impact fees to be paid and collected by water meter size or by vehicle mile shall be the amount listed in schedule 2. The City may enter into an agreement with a developer for a different time and manner of payment of impact fees, in which case the agreement shall determine the time and manner of payment.

(C) The City shall compute the impact fees for the new development in the following manner:

(1) The amount of each impact fee shall be determined by multiplying the number of service units generated by the new development by the impact fee per service unit for the service area using schedule 2. The number of service units shall be determined by using the land equivalency table shown in attachment 1.

(2) The amount of each impact fee shall be reduced by any allowable offsets or credits for that category of capital improvements, in the manner provided in section 1.178 of this GDC.

(3) The total amount of the impact fees for the new development shall be calculated and attached to the development application as a condition of approval.

(D) If the building permit for which an impact fee has been paid has expired, and a new application is thereafter filed, the impact fees shall be computed using schedule 2 then in effect, with credits for previous payment of fees being applied against the new fees due.

(E) If the property owner proposes to increase the number of service units for a development, the additional impact fees collected for such new service units shall be determined by using schedule 2 then in effect, and such additional fee shall be collected at the times prescribed by this section.

Section 1.78 Offsets and credits against impact fees

(A) Under the provisions of this section and pursuant to administrative guidelines promulgated by the City, the present value of any system facility dedicated to the City by the person against whom impact fees were assessed, which has been approved and accepted by the City, may be offset or credited against the amount of the impact fee due for that category of capital improvement. The offset or credit may not be transferred, applied or assigned to another development.

(B) All offsets or credits against impact fees shall be based upon the standards contained in the City's administrative guidelines. No offset or credit shall be given for the dedication or construction of site-related facilities.

(C) No offset or credit shall be given for an oversized facility that is not identified within the applicable capital improvements plan, unless the City agrees that such improvement supplies capacity to new developments other than the development paying the impact fee and provisions for offsets or credits are incorporated in an agreement for capital improvements pursuant to a development agreement.

(D) In no event will the City reimburse the property owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to these impact fee regulations or otherwise, or for any amount exceeding the total impact fees due for the development for that category of capital improvements, unless expressly agreed to by the City in writing.

(E) The City may participate in the costs of a system improvement to be dedicated to the City, including costs that exceed the amount of the impact fees due for the development for that category of capital improvements, in accordance with policies and rules established under the City's subdivision regulations or the administrative guidelines. The amount of any offset shall not include the amount of the City's participation.

(F) Offsets and credits created after September 30, 2004 shall expire ten years from the date the offset or credit

was created. Offsets or credits arising prior to that date shall expire ten years from that date.

Section 1.79 Establishment of accounts

(A) An account or accounts shall be established to which interest is allocated for each service area for each category of capital facility for which an impact fee is imposed pursuant to this Division. Each impact fee collected within the service area shall be deposited in such account.

(B) Interest earned on the account into which the impact fees are deposited shall be considered funds of the account and shall be used solely for the purposes authorized in this Division.

(C) The City shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized in this Division. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Division; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten years from the date the fee is deposited into the account.

(D) Financial records for impact fees shall be kept and maintained showing the source and disbursement of all fees collected in or expended from each service area. The records of the account into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours. I

Section 1.80 Appeals

(A) The property owner or applicant for new development may appeal the following administrative decisions to the City Council:

- (1) The applicability of an impact fee to the development;
- (2) The amount of the impact fee due;

- (3) The availability of, the amount of, or the expiration of an offset or credit;
- (4) The application of an offset or credit against an impact fee due;
- (5) The amount of the impact fee in proportion to the benefit received by the new development; or
- (6) The amount of a refund due, if any.

(B) The burden of proof is on the property owner/applicant to demonstrate the basis of the appeal. A notice of appeal must be submitted in writing and shall be filed with the Director of Planning within thirty days following the assessment of impact fees under this Division. If the appeal pertains to assessments on non-residential development, the Director of Planning shall forward a copy of the notice of appeal to the Director of Economic Development who shall promptly provide any recommendations on the merits of the appeal to the Director of Planning prior to submission of the appeal to the City Council.

Section 1.81 Refunds

(A) Upon written application submitted to the Director of Planning, any impact fee or portion thereof collected pursuant to this Division that has not been recouped or expended within the service area prior to or within ten years from the date of payment, shall be refunded to the record owner of the property for which the impact fee was paid or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in chapter 302.002, Texas Finance Code or its successor statute. An application for refund pursuant to this section shall be submitted within sixty days after the expiration of the ten-year period for expenditure of the fee. an impact fee shall be considered expended on a first-in, first-out basis.

(B) An impact fee collected pursuant to this Division shall be considered expended if the total expenditures for

capital improvements or facility expansion for the service area prior to or within ten years following the date of payment exceeds the total fees collected within the service area for such improvements or expansions during such period.

(C) Upon application, any impact fee or portion thereof collected pursuant to this Division shall be refunded if:

(1) Existing service is available and service is denied;

(2) Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two years of fee payment; or

(3) Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.

(D) If a refund is due under this section, the City shall divide the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

(E) If the building permit for a new development for which an impact fee has been paid has expired, no tap purchases for that category of capital improvements have been made to the development, and a modified or new application has not been filed within six months of such expiration, the City shall, upon written application, rebate the amount of the impact fee to the record owner of the property for which the impact fee was paid. If no application for rebate pursuant to this subsection has been filed within this period, no rebate shall become due.

Section 1.82 Updates to plans and revisions of fees

(A) The City shall update its land use assumptions and capital improvements plan at least every five years, commencing from the date of adoption of such plans, and shall recalculate the impact fees based thereon in accordance with the procedures set forth in Chapter 395 of the Texas Local Government Code.

(B) The City may review its land use assumptions, impact fees, capital improvements plan and other factors such as market conditions more frequently than provided in subsection (A) to determine whether the land use assumptions and capital improvements plan should be updated and the impact fee recalculated accordingly, or whether schedules 1 or 2 should be changed. Schedule 2 may be amended without revising land use assumptions and capital improvements plan at any time prior to the update provided for in subsection (A), provided that the impact fees to be collected under schedule 2 do not exceed the impact fees assessed under schedule 1.

(C) If, at the time an update is required pursuant to subsection (A), the City Council determines that no change to the land use assumptions, capital improvements plan or impact fee is needed, it may dispense with such update by following the procedures provided in Texas Local Government Code § 395.0575.

(D) The City may amend the land use equivalency table (attachment 1) at any time prior to the update provided for in subsection (A); provided that the number of service units associated with a land use already identified on the land use equivalency table shall not be increased.

Section 1.83 Functions of Capital Improvements Advisory Committee

(A) The Capital Improvements Advisory Committee shall perform the following functions:

- (1) Advise and assist the City in adopting land use assumptions;
- (2) Review the capital improvements plan and file written comments on impact fees;

(3) Monitor and evaluate implementation of the capital improvements plan;

(4) Advise the City of the need to update or revise the land use assumptions, capital improvements plan and impact fees; and

(5) File a semiannual report evaluating the progress of the capital improvements plan and identifying any perceived inequities in implementing the plans or administering the impact fees.

(B) The City shall make available to the Capital Improvements Advisory Committee any professional reports prepared in the development or implementation of the capital improvements plan.

Section 1.84 Development Agreements

(A) An owner of a new development may construct or finance a capital improvement or facility expansion designated in the impact fee capital improvements plan, if required or authorized by the City, by entering into an agreement with the City prior to the issuance of any building permit for the development. The agreement shall identify the estimated cost of the improvement or expansion, the schedule for initiation and completion of the improvement or expansion, a requirement that the improvement be designed and completed to City standards, a requirement as to performance and payment bonds ensuring the proper and timely completion of the improvement or expansion, and such other terms and conditions as deemed necessary by the City. The agreement shall provide for the method to be used to determine the amount of the offset or credit to be given against impact fees due for the development.

(B) The City and such owner either may agree that the costs incurred or funds advanced will be offset or credited against the impact fees otherwise due from the new development, or they may agree that the City shall reimburse the owner for such costs from impact fees paid from other new developments that will use such capital improvements or facility expansions, or from other funding sources. In the event that the City elects to reimburse an owner for the dedication, construction or financing of a

capital improvement or facility expansion designated in the capital improvements plan, the terms of reimbursement shall be incorporated in the agreement required by subsection (A). An agreement under this section shall be in all respects subject to the availability of City funds, including current and projected impact fee fund accounts.

Section 1.85 Exceptions and Exemptions

Notwithstanding anything to the contrary in this article, no impact fees shall be payable in any of the following circumstances:

(A) The new development consists of an irrigation system connected to a new water meter located on residential property on which existing single-family or duplex dwellings are already served through a separate water meter and the new meter is used primarily for landscape irrigation; or

(B) If the City Council determines that a waiver of impact fees for the new development will result in significant economic benefits for the City that substantially exceed the likely amount of impact fees that would otherwise be payable by providing an incentive for capital investment in the City and the creation or retention of jobs.

Section 1.86 Impact fee as additional and supplemental regulation

(A) Impact fees established by this Article are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of buildings permits, the connection of water taps, or certificates of occupancy. Impact fees are intended to be consistent with and to further the policies of the City's comprehensive land use plan, the capital improvements plan, the zoning ordinance, subdivision regulations and other City ordinances, resolutions, and policies by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

(B) This Article shall not affect, in any manner, the permissible use of property, density of development,

design, and improvement standards and requirements, or any other aspect of the development of land or the provision of public improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

(C) Except as otherwise provided in this article, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment that is or may be lawfully imposed on and due against the property.

Section 1.87 Petition for relief

Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the City Council to determine whether any duty required by this article has not been performed within the time so prescribed. The petition shall be in writing and shall state specifically the nature of the unperformed duty and request that the duty be performed within sixty days of the request. If the City Council determines that the duty is required pursuant to the article and is late in being performed, it shall cause the duty to commence within sixty days of the date of the request and to continue until completion. This subsection is not applicable to matters which may be appealed pursuant to Section 1.80.

Section 1.88 Impact Fee Schedule 1

(A) Roadway Impact Fee Rate Schedule (Max Fee)

Land Use Category	ITE Land Use Code	Development Unit	Veh-Mi Per Dev- Unit		2016 Maximum Fee SAA	2016 Maximum Fee SAB	2016 Maximum Fee SAC	2016 Maximum Fee SAD
PORT AND TERMINAL								
Truck terminal	030	Acre	39.30		\$40,558	\$81,783	\$104,577	\$58,400
INDUSTRIAL								
General light industrial	110	1,000 SF GFA	5.82		\$6,006	\$12,111	\$15,487	\$8,649
General heavy industrial	120	1,000 SF GFA	4.08		\$4,211	\$8,490	\$10,857	\$6,063
Industrial park	130	1,000 SF GFA	5.10		\$5,263	\$10,613	\$13,571	\$7,579

Warehousing	150	1,000 SF GFA	1.92		\$1,981	\$3,996	\$5,109	\$2,853
Mini-warehouse	151	1,000 SF GFA	1.56		\$1,610	\$3,246	\$4,151	\$2,318
RESIDENTIAL								
Single-family detached housing	210	Dwelling unit	4.90		\$5,057	\$10,197	\$13,039	\$7,281
Apartment/multifamily	220	Dwelling unit	3.03		\$3,127	\$6,305	\$8,063	\$4,503
Residential condominium/townhome	230	Dwelling unit	2.55		\$2,632	\$5,307	\$6,786	\$3,789
Mobile home park/manufactured housing	240	Dwelling unit	2.89		\$2,982	\$6,014	\$7,690	\$4,295
Senior adult housing-detached	251	Dwelling unit	1.32		\$1,362	\$2,747	\$3,513	\$1,962
Senior adult housing-attached	252	Dwelling unit	1.22		\$1,259	\$2,539	\$3,246	\$1,813
Assisted living	254	Beds	1.08		\$1,115	\$2,247	\$2,874	\$1,605
LODGING								
Hotel	310	Room	1.93		\$1,992	\$4,016	\$5,136	\$2,868
Motel/other lodging facilities	310	Room	1.51		\$1,558	\$3,142	\$4,018	\$2,244
RECREATIONAL								
Golf driving range	432	Tee	4.91		\$5,067	\$10,218	\$13,066	\$7,296
Golf course	430	Acre	1.18		\$1,218	\$2,456	\$3,140	\$1,753
Recreational community center	495	1,000 SF GFA	10.77		\$11,115	\$22,412	\$28,659	\$16,004
Ice skating rink	465	1,000 SF GFA	9.27		\$9,567	\$19,291	\$24,667	\$13,775
Miniature golf course	431	Hole	1.30		\$1,342	\$2,705	\$3,459	\$1,932
Multiplex movie theater	445	Screens	53.61		\$55,326	\$111,562	\$142,656	\$79,664
Racquet/tennis club	491	Court	13.17		\$13,591	\$27,407	\$35,045	\$19,571
INSTITUTIONAL								
Church	560	1,000 SF GFA	2.29		\$2,363	\$4,765	\$6,094	\$3,403
Day-care center	565	1,000 SF GFA	12.06		\$12,446	\$25,097	\$32,092	\$17,921
Primary/middle school (1–8)	522	Students	0.28		\$289	\$583	\$745	\$416
High school	530	Students	0.23		\$237	\$479	\$612	\$342
Junior/community college	540	Students	0.63		\$650	\$1,311	\$1,676	\$936
University/college	550	Students	0.89		\$918	\$1,852	\$2,368	\$1,323
MEDICAL								
Clinic	630	1,000 SF GFA	25.51		\$26,326	\$53,086	\$67,882	\$37,908
Hospital	610	1,000 SF GFA	4.58		\$4,727	\$9,531	\$12,187	\$6,806
Nursing home	620	Beds	1.08		\$1,115	\$2,247	\$2,874	\$1,605

Animal hospital/veterinary clinic	640	1,000 SF GFA	16.25		\$16,770	\$33,816	\$43,241	\$24,148
OFFICE								
Corporate headquarters building	714	1,000 SF GFA	8.46		\$8,731	\$17,605	\$22,512	\$12,572
General office building	710	1,000 SF GFA	8.94		\$9,226	\$18,604	\$23,789	\$13,285
Medical-dental office building	720	1,000 SF GFA	17.58		\$18,143	\$36,584	\$46,780	\$26,124
Single tenant office building	715	1,000 SF GFA	10.44		\$10,774	\$21,726	\$27,781	\$15,514
Office park	750	1,000 SF GFA	8.88		\$9,164	\$18,479	\$23,630	\$13,196
COMMERCIAL								
Automobile related								
Automobile care center	942	1,000 SF Occ. GLA	4.16		\$4,293	\$8,657	\$11,070	\$6,182
Automobile parts sales	843	1,000 SF GFA	7.59		\$7,833	\$15,795	\$20,197	\$11,279
Gasoline/service station	944	Vehicle fueling position	4.82		\$4,974	\$10,030	\$12,826	\$7,163
Gasoline/service station w/conv market	945	Vehicle fueling position	3.56		\$3,674	\$7,408	\$9,473	\$5,290
Gasoline/service station w/conv market and carwash	946	Vehicle fueling position	3.66		\$3,777	\$7,616	\$9,739	\$5,439
New car sales	841	1,000 SF GFA	4.67		\$4,819	\$9,718	\$12,427	\$6,940
Quick lubrication vehicle shop	941	Servicing positions	6.92		\$7,141	\$14,401	\$18,414	\$10,283
Self-service carwash	947	Stall	1.99		\$2,054	\$4,141	\$5,295	\$2,957
Automated carwash	948	Stall	5.08		\$5,243	\$10,571	\$13,518	\$7,549
Tire store	848	1,000 SF GFA	6.65		\$6,863	\$13,839	\$17,696	\$9,882
Dining								
Fast food restaurant with drive-thru window	934	1,000 SF GFA	46.05		\$47,524	\$95,830	\$122,539	\$68,430
Fast food restaurant without drive-thru window	933	1,000 SF GFA	36.89		\$38,070	\$76,768	\$98,164	\$54,819
High turnover (sit-down) restaurant	932	1,000 SF GFA	17.03		\$17,575	\$35,439	\$45,317	\$25,307
Quality restaurant	931	1,000 SF GFA	12.72		\$13,127	\$26,470	\$33,848	\$18,902
Coffee/donut shop with drive-thru window	937	1,000 SF GFA	29.08		\$30,011	\$60,515	\$77,382	\$43,213
Other retail								
Freestanding discount store	815	1,000 SF GFA	9.77		\$10,083	\$20,331	\$25,998	\$14,518
Nursery (garden center)	817	1,000 SF GFA	13.61		\$14,046	\$28,322	\$36,216	\$20,224
Home improvement superstore	862	1,000 SF GFA	3.39		\$3,498	\$7,055	\$9,021	\$5,038

Pharmacy/drugstore w/o drive-thru window	880	1,000 SF GFA	11.06		\$11,414	\$23,016	\$29,431	\$16,435
Pharmacy/drugstore w/drive-thru window	881	1,000 SF GFA	14.14		\$14,592	\$29,425	\$37,627	\$21,012
Shopping center	820	1,000 SF GFA	6.86		\$7,080	\$14,276	\$18,254	\$10,194
Supermarket	850	1,000 SF GFA	17.00		\$17,544	\$35,377	\$45,237	\$25,262
Toy/children's superstore	864	1,000 SF GFA	9.77		\$10,083	\$20,331	\$25,998	\$14,518
Department store	875	1,000 SF GFA	3.67		\$3,787	\$7,637	\$9,766	\$5,454
SERVICES								
Walk-in bank	911	1,000 SF GFA	16.20		\$16,718	\$33,712	\$43,108	\$24,073
Drive-in bank	912	Drive-in lanes	39.20		\$40,454	\$81,575	\$104,311	\$58,251
Hair salon	918	1,000 SF GLA	2.27		\$2,343	\$4,724	\$6,040	\$3,373

(B) Water Impact Fee Schedule 1 (Max Fee)

Meter Size*	Maximum Continuous Operating Capacity (GPM)**	Service Unit Equivalent	Maximum Assessable Fee
5/8" x 3/4" PD	10	1	\$593.00
3/4" PD	15	1.5	\$890.00
1" PD	25	2.5	\$1,483.00
1-1/2" PD	50	5	\$2,965.00
2" PD	80	8	\$4,744.00
2" Compound	80	8	\$4,744.00
2" Turbine	160	16	\$9,488.00
3" Compound	175	17.5	\$10,378.00
3" Turbine	350	35	\$20,755.00
4" Compound	300	30	\$17,790.00
4" Turbine	650	65	\$38,545.00
6" Compound	675	67.5	\$40,028.00
6" Turbine	1,400	140	\$83,020.00
8" Compound	900	90	\$53,370.00
8" Turbine	2,400	240	\$142,320.00
10" Turbine	3,500	350	\$207,550.00

*PD = Positive Displacement Meter (Typical Residential Water Meter)

** Operating capacities obtained from American Water Works (AWWA) C-700, C-701 & C-702

Section 1.89 Impact fee Schedule 2.

(A) Roadway Impact Rate Schedule 2 (Collection Rates)

	ITE Land Use Code	Developme nt Unit	Veh- Mi Per Dev- Unit	Percent of Max. Collecte d	2016 Collecti on Rate SAA	Percent of Max. Collecte d	2016 Collecti on Rate SAB	Percent of Max. Collecte d	2016 Collecti on Rate SAC	Percent of Max. Collecte d	2016 Collecti on Rate SAD
PORT AND TERMINAL											
Truck terminal	030	Acre	39.30	45%	\$18,251	22%	\$18,251	17%	\$18,251	31%	\$18,251
INDUSTRIAL											
General light industrial	110	1,000 SF GFA	5.82	15%	\$901	7%	\$901	6%	\$901	10%	\$901
General heavy industrial	120	1,000 SF GFA	4.08	15%	\$632	7%	\$632	6%	\$632	10%	\$632
Industrial park	130	1,000 SF GFA	5.10	15%	\$789	7%	\$789	6%	\$789	10%	\$789
Warehousing	150	1,000 SF GFA	1.92	15%	\$297	7%	\$297	6%	\$297	10%	\$297
Mini-warehouse	151	1,000 SF GFA	1.56	15%	\$241	7%	\$241	6%	\$241	10%	\$241
RESIDENTIAL											
Single-family detached housing	210	Dwelling unit	4.90	60%	\$3,034	30%	\$3,034	23%	\$3,034	42%	\$3,034
Apartment/multifamily	220	Dwelling unit	3.03	60%	\$1,876	30%	\$1,876	23%	\$1,876	42%	\$1,876
Residential condominium/townhome	230	Dwelling unit	2.55	60%	\$1,579	30%	\$1,579	23%	\$1,579	42%	\$1,579
Mobile home park/manufactured housing	240	Dwelling unit	2.89	60%	\$1,789	30%	\$1,789	23%	\$1,789	42%	\$1,789
Senior adult housing-detached	251	Dwelling unit	1.32	60%	\$817	30%	\$817	23%	\$817	42%	\$817
Senior adult housing-attached	252	Dwelling unit	1.22	60%	\$755	30%	\$755	23%	\$755	42%	\$755
Assisted living	254	Beds	1.08	60%	\$669	30%	\$669	23%	\$669	42%	\$669
LODGING											
Hotel	310	Room	1.93	45%	\$896	22%	\$896	17%	\$896	31%	\$896
Motel/other lodging facilities	320	Room	1.51	45%	\$701	22%	\$701	17%	\$701	31%	\$701
RECREATIONAL											

Golf driving range	432	Tee	4.91	45%	\$2,280	22%	\$2,280	17%	\$2,280	31%	\$2,280
Golf course	430	Acre	1.18	45%	\$548	22%	\$548	17%	\$548	31%	\$548
Recreational community center	495	1,000 SF GFA	10.77	45%	\$5,002	22%	\$5,002	17%	\$5,002	31%	\$5,002
Ice skating rink	465	1,000 SF GFA	9.27	45%	\$4,305	22%	\$4,305	17%	\$4,305	31%	\$4,305
Miniature golf course	431	Hole	1.30	45%	\$604	22%	\$604	17%	\$604	31%	\$604
Multiplex movie theater	445	Screens	53.61	45%	\$24,896	22%	\$24,896	17%	\$24,896	31%	\$24,896
Racquet/tennis club	491	Court	13.17	45%	\$6,116	22%	\$6,116	17%	\$6,116	31%	\$6,116
INSTITUTIONAL											
Church	560	1,000 SF GFA	2.29	45%	\$1,063	22%	\$1,063	17%	\$1,063	31%	\$1,063
Day-care center	565	1,000 SF GFA	12.06	45%	\$5,601	22%	\$5,601	17%	\$5,601	31%	\$5,601
Primary/middle school (18)	522	Students	0.28	45%	\$130	22%	\$130	17%	\$130	31%	\$130
High school	530	Students	0.23	45%	\$107	22%	\$107	17%	\$107	31%	\$107
Junior/community college	540	Students	0.63	45%	\$293	22%	\$293	17%	\$293	31%	\$293
University/college	550	Students	0.89	45%	\$413	22%	\$413	17%	\$413	31%	\$413
MEDICAL											
Clinic	630	1,000 SF GFA	25.51	45%	\$11,847	22%	\$11,847	17%	\$11,847	31%	\$11,847
Hospital	610	1,000 SF GFA	4.58	45%	\$2,127	22%	\$2,127	17%	\$2,127	31%	\$2,127
Nursing home	620	Beds	1.08	45%	\$502	22%	\$502	17%	\$502	31%	\$502
Animal hospital/veterinary clinic	640	1,000 SF GFA	16.25	45%	\$7,547	22%	\$7,547	17%	\$7,547	31%	\$7,547
OFFICE											
Corporate headquarters building	714	1,000 SF GFA	8.46	45%	\$3,929	22%	\$3,929	17%	\$3,929	31%	\$3,929
General office building	710	1,000 SF GFA	8.94	45%	\$4,152	22%	\$4,152	17%	\$4,152	31%	\$4,152
Medical-dental office building	720	1,000 SF GFA	17.58	45%	\$8,164	22%	\$8,164	17%	\$8,164	31%	\$8,164
Single tenant office building	715	1,000 SF GFA	10.44	45%	\$4,848	22%	\$4,848	17%	\$4,848	31%	\$4,848
Office park	750	1,000 SF GFA	8.88	45%	\$4,124	22%	\$4,124	17%	\$4,124	31%	\$4,124
COMMERCIAL											
Automobile related											
Automobile care center	942	1,000 SF Occ. GLA	4.16	45%	\$1,932	22%	\$1,932	17%	\$1,932	31%	\$1,932
Automobile parts sales	843	1,000 SF GFA	7.59	45%	\$3,525	22%	\$3,525	17%	\$3,525	31%	\$3,525
Gasoline/service	944	Vehicle	4.82	45%	\$2,238	22%	\$2,238	17%	\$2,238	31%	\$2,238

station		fueling position									
Gasoline/service station w/conv market	945	Vehicle fueling position	3.56	45%	\$1,653	22%	\$1,653	17%	\$1,653	31%	\$1,653
Gasoline/service station w/conv market and carwash	946	Vehicle fueling position	3.66	45%	\$1,700	22%	\$1,700	17%	\$1,700	31%	\$1,700
New car sales	841	1,000 SF GFA	4.67	45%	\$2,169	22%	\$2,169	17%	\$2,169	31%	\$2,169
Quick lubrication vehicle shop	941	Servicing positions	6.92	45%	\$3,214	22%	\$3,214	17%	\$3,214	31%	\$3,214
Self-service carwash	947	Stall	1.99	45%	\$924	22%	\$924	17%	\$924	31%	\$924
Automated carwash	948	Stall	5.08	45%	\$2,359	22%	\$2,359	17%	\$2,359	31%	\$2,359
Tire store	848	1,000 SF GFA	6.65	45%	\$3,088	22%	\$3,088	17%	\$3,088	31%	\$3,088
Dining											
Fast food restaurant with drive-thru window	934	1,000 SF GFA	46.05	45%	\$21,386	22%	\$21,386	17%	\$21,386	31%	\$21,386
Fast food restaurant without drive-thru window	933	1,000 SF GFA	36.89	45%	\$17,132	22%	\$17,132	17%	\$17,132	31%	\$17,132
High turnover (sit-down) restaurant	932	1,000 SF GFA	17.03	45%	\$7,909	22%	\$7,909	17%	\$7,909	31%	\$7,909
Quality restaurant	931	1,000 SF GFA	12.72	45%	\$5,907	22%	\$5,907	17%	\$5,907	31%	\$5,907
Coffee/donut shop with drive-thru window	937	1,000 SF GFA	29.08	45%	\$13,505	22%	\$13,505	17%	\$13,505	31%	\$13,505
Other retail											
Freestanding discount store	815	1,000 SF GFA	9.77	45%	\$4,537	22%	\$4,537	17%	\$4,537	31%	\$4,537
Nursery (garden center)	817	1,000 SF GFA	13.61	45%	\$6,320	22%	\$6,320	17%	\$6,320	31%	\$6,320
Home improvement superstore	862	1,000 SF GFA	3.39	45%	\$1,574	22%	\$1,574	17%	\$1,574	31%	\$1,574
Pharmacy/drugstore w/o drive-thru window	880	1,000 SF GFA	11.06	45%	\$5,136	22%	\$5,136	17%	\$5,136	31%	\$5,136
Pharmacy/drugstore w/ drive-thru window	881	1,000 SF GFA	14.14	45%	\$6,567	22%	\$6,567	17%	\$6,567	31%	\$6,567
Shopping center	820	1,000 SF GLA	6.86	45%	\$3,186	22%	\$3,186	17%	\$3,186	31%	\$3,186
Supermarket	850	1,000 SF GFA	17.00	45%	\$7,895	22%	\$7,895	17%	\$7,895	31%	\$7,895
Toy/children's superstore	864	1,000 SF GFA	9.77	45%	\$4,537	22%	\$4,537	17%	\$4,537	31%	\$4,537
Department store	875	1,000 SF GFA	3.67	45%	\$1,704	22%	\$1,704	17%	\$1,704	31%	\$1,704
SERVICES											
Walk-in bank	911	1,000 SF	16.2	45%	\$7,523	22%	\$7,523	17%	\$7,523	31%	\$7,523

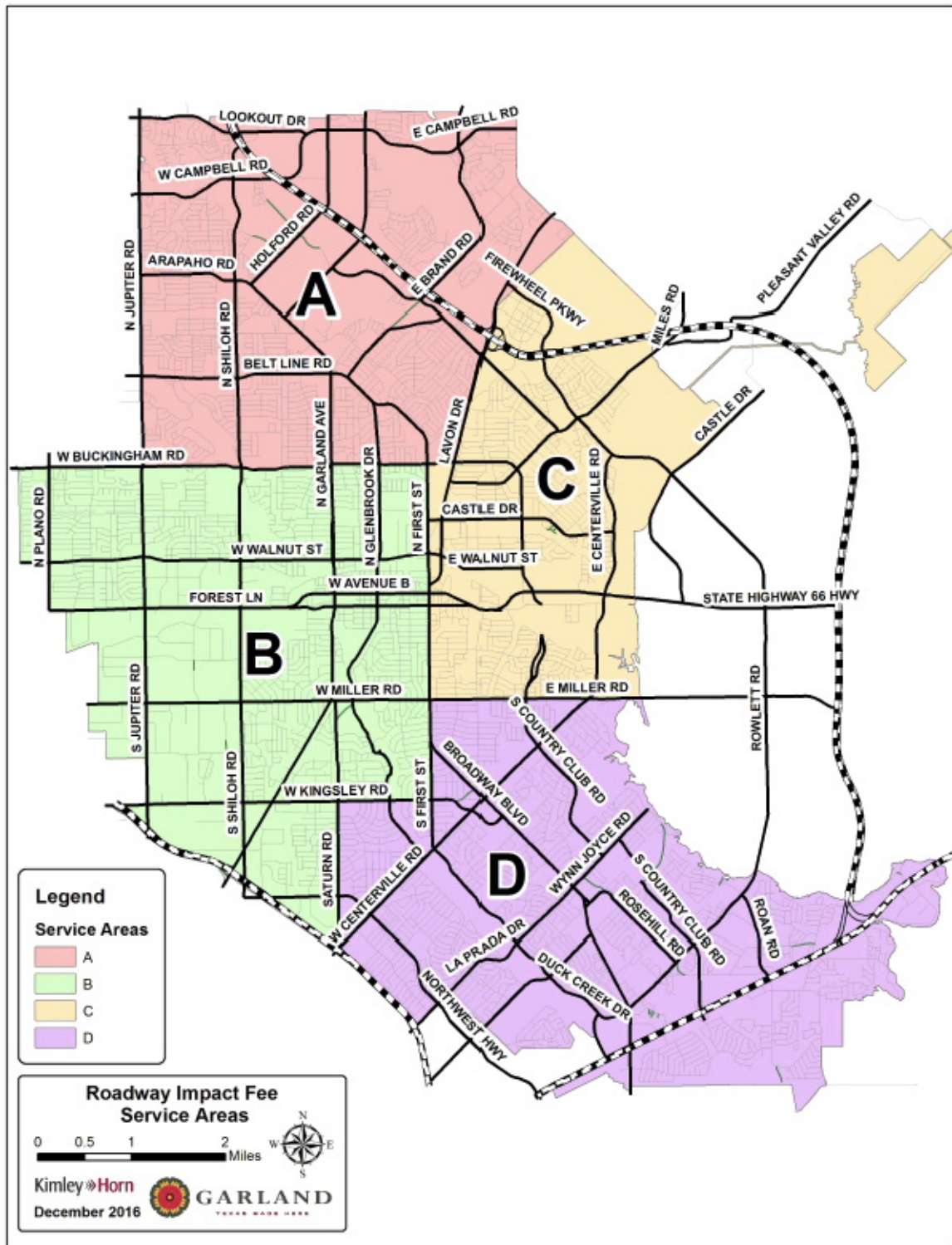
		GFA	0								
Drive-in bank	912	Drive-in lanes	39.20	45%	\$18,204	22%	\$18,204	17%	\$18,204	31%	\$18,204
Hair salon	918	1,000 SF GLA	2.27	45%	\$1,054	22%	\$1,054	17%	\$1,054	31%	\$1,054

(B) Water Impact Fee Rate Schedule 2 (Collection Rate)

Meter Size*	Maximum Continuous Operating Capacity (GPM)**	Service Unit Equivalent	Maximum Assessable Fee
5/8" x 3/4" PD	10	1	\$593.00
3/4" PD	15	1.5	\$890.00
1" PD	25	2.5	\$1,483.00
1-1/2" PD	50	5	\$2,965.00
2" PD	80	8	\$4,744.00
2" Compound	80	8	\$4,744.00
2" Turbine	160	16	\$9,488.00
3" Compound	175	17.5	\$10,378.00
3" Turbine	350	35	\$20,755.00
4" Compound	300	30	\$17,790.00
4" Turbine	650	65	\$38,545.00
6" Compound	675	67.5	\$40,028.00
6" Turbine	1,400	140	\$83,020.00
8" Compound	900	90	\$53,370.00
8" Turbine	2,400	240	\$142,320.00
10" Turbine	3,500	350	\$207,550.00
*PD = Positive Displacement Meter (Typical Residential Water Meter)			
** Operating capacities obtained from American Water Works (AWWA) C-700, C-701 & C-702			

(C) Consult the service area maps in Sections 1.90-1.91 to determine the service area.

Section 1.90 Garland Roadway Impact Fee Service Areas



Section 1.91 Garland Water System Service Area



Section 4

That Section 3.01, "Applicability", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.01 Applicability.

(A) Applicability.

(1) No Building Permit shall be issued for any building or structure on a property until a plat has been approved and filed for record, unless specifically exempted herein.

(2) The provisions of this Chapter 3 shall apply to the following forms of land subdivision and development activity within the City's limits and its extraterritorial jurisdiction (ETJ):

(a) Any non-exempt (see Section 3.03 of this Chapter 3) division of land into two or more tracts, lots, sites or parcels;

(b) Any combination or re-subdivision of separate land parcels;

(c) Any construction of, addition to, or relocation of any structure for which a Building Permit is required, if the property is not already platted (replatting a property may be necessary to add or modify easements, to shift or change lot lines, or other similar changes to the property's recorded plat);

(d) Any development or use of land that does not involve construction or use of a permanent building (one that only uses a temporary building or no building at all), except when the only change to the use of the land or buildings is a change of user, a change of Certificate of Occupancy, or an interior-only remodel; and

(e) Any development or use of land that

will require the construction, or the reconstruction, of any required public improvement(s).

(3) The subdivision of a property, or the sale of a portion of a property, by metes and bounds rather than as a platted lot of record is a violation of this GDC and state law unless specifically exempted in Section 3.03 of this Chapter 3. An unauthorized subdivision of land may be grounds for the City to withhold or deny connection to utilities, construction and Building Permits, and Certificates of Occupancy until the property is properly platted in accordance with this GDC.

(B) Subdivision Rules. The provisions of this Chapter 3, the standards governing constructed facilities applicable to plats in other portions of this GDC and the City Code, and the City's Technical Standards, as adopted by the City Council, as may be amended and approved by the Director of Engineering, constitute the City's rules for the subdivision and development of land that lies within the City's corporate limits and within its ETJ.

(C) Technical Standards. The City's Technical Standards are those as defined in Chapter 6 of this GDC.

(D) Conflict Among Technical Standards. The City's Technical Standards shall control and prevail to the extent of any conflict with the provisions of the NCTCOG's Standard Specifications for Public Works Construction in North Central Texas, latest edition."

Section 5

That subsection (A), "Exemptions" of Section 3.03, "Exemptions", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.03 Exemptions

(A) Exemptions. The following land divisions are exempt from the requirements of this GDC that apply to plats:

(1) Existing cemeteries that comply with all state and local laws governing the establishment, operation, and maintenance of cemeteries, to the extent of individual sales and conveyances of burial plots within the cemetery; and

(2) A division of land created by an order of a court of competent jurisdiction, provided however, that prior to construction of improvements on any portion of the parcels created by the court order, a plat meeting the requirements of this GDC shall be approved and recorded prior to the issuance of permits; and

(3) A division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated."

Section 6

That Section 3.06, "General Application Requirements & Processing", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.06 General Application Requirements & Processing

(A) Pre-Submittal Meeting. Prior to the official submission of a complete plat application or Site Engineering Drawings, the applicant(s) shall attend a Pre-Submittal Meeting as provided by Section 1.15 of Chapter 1, unless such meeting is waived by the Planning Director and by the Director of Engineering.

(B) Application Contents. Submittal requirements for all types of plat and development applications are set forth in the City's Development Application Packet, as amended. It is the applicant's responsibility to be familiar with, and to fully comply with, the City's requirements for submission, review, and approval of any plat or development application.

(C) General Plat Application Requirements. For all types of plats, a Working Plat shall be submitted through the City Engineering Department for review and shall achieve acceptable status. Once acceptable status is achieved, the

applicant shall submit a complete plat application in accordance with Section 1.16 of Chapter 1 that meets all requirements of the City's Development Application Packet, as amended.

(D) Review and Approval Process. The review and approval process for all plat applications shall be administered in accordance with the City's *Development Application Packet*, as amended.

(E) Utility Providers. Prior to the approval and filing of a Final Plat, the applicant shall contact all utility providers (including gas, telephone, electric and cable television providers servicing the site) and shall provide on the proposed Plat any utility service easements a utility provider may require to serve the area contained in the proposed Plat. Such utility service easements shall be included in and depicted on the Final Plat. Approval of a Final Plat is subject to the correct placement and depiction of both on-site and off-site easements required by the utility providers that will provide utility services to the area contained in the Plat. If no response is provided by a utility provider(s) regarding the establishment of easements for the provider's facilities, then the Final Plat may be approved without such utility easements, and future acquisition of such easements shall be the responsibility of the applicant or of the utility provider(s), as applicable. The applicant shall provide, along with the Final Plat application, documentation of the reasonable attempts by the applicant, prior to submission of the Final Plat, to obtain all utility providers' comments regarding necessity for easements."

Section 7

That Section 3.08, "Application & Procedures", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.08 Application & Procedures

(A) Application Submission and Processing. A completed application for Preliminary Plat approval must be submitted, and will be processed, in accordance with Section 3.06 of this Chapter 3 and the procedures set forth

in the City's *Development Application Packet*, as amended.

(B) Pre-Submittal Meeting. All applicants intending to submit a Preliminary Plat application shall attend a Pre-Submittal Meeting with the Development Review Committee (DRC) in accordance with Chapter 1, Section 1.15.

(C) Accompanying Applications. Before filing an application for a Preliminary Plat, the applicant must submit full Site Engineering Drawings and a Working Plat. The Working Plat shall be reviewed and must achieve acceptable status prior to submission of the Plat application. However, approval of the Plat application and approval of the Site Engineering Drawings are separate approvals. The approvals are governed by Division 2 of Article 2 of this Chapter 3 for the Preliminary Plat, and by Division 1 of Article 6 of this Chapter 3 for the Site Engineering Drawings.

(D) Review Process. A Preliminary Plat application shall be reviewed by the Development Review Committee (DRC) and the Planning Director. The standards of review and approval process for a Preliminary Plat are set forth in the City's *Development Application Packet*, as amended."

Section 8

That Section 3.15, "Application & Procedures", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.15 Application & Procedures

(A) Application Submission and Processing. A complete application for Final Plat approval shall be submitted and will be processed in accordance with Section 3.06 of this Chapter 3 and the City's Development Application Packet, as amended.

(B) Review Process. A Final Plat application shall be reviewed by the DRC and the Planning Director, in accordance with the procedures set forth in the City's Development Application Packet, as amended. The Planning Director shall schedule the Final Plat application for Plan Commission consideration in accordance with Section 3.04 of

this Chapter 3.

(C) Accompanying Documents. Before filing an application for a Final Plat, an applicant must submit required Site Engineering Drawings and a Working Plat. The Working Plat shall be reviewed and must have achieved acceptable status in accordance with the procedures set forth in the City's Development Application Packet, as amended. Approval of the Final Plat application and approval of the Site Engineering Drawings are separate approvals. The approvals are governed by Division 3 of Article 2 of this Chapter 3 for the Final Plat, and by Division 1 and Division 3 of Article 6 of this Chapter 3 for the Site Engineering Drawings and Subdivision Improvement Agreements, respectively.

(D) Prior Approved Preliminary Plat. The Final Plat and all accompanying data shall conform to the Preliminary Plat (if one was required) as approved, incorporating all conditions imposed or required by the Planning Director (or by the Plan Commission on appeal), if applicable."

Section 9

That Section 3.22, "Purpose and Applicability", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.22 Purpose & Applicability

(A) Purpose. The purpose of a Minor Plat is to facilitate divisions of land under the circumstances described in Section 212.0065 of the Texas Local Government Code.

(B) Applicability. An application for a Minor Plat may be approved under the following circumstances:

(1) The proposed plat or replat results in four or fewer lots;

(2) All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this GDC; and

(3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision, however, right-of-way dedication and the establishment of new on-site easements (or off-site easements, via separate instrument) are allowed as part of, and shall be shown on, a Minor Plat."

Section 10

That Section 3.40, "Amending Plat (administrative approval)", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.40 Amending Plat (administrative approval)

(A) Purpose. The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with state law.

(B) Applicability. The procedures for amending plats apply only if the sole purpose of the amending plat is for one or more of the following purposes:

(1) Correct an error in a course or distance shown on the preceding plat;

(2) Add a course or distance that was omitted on the preceding plat;

(3) Correct an error in a real property description shown on the preceding plat;

(4) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

(5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(6) Correct any other type of scrivener or clerical error or omission previously approved by

the City, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

(7) Correct an error in courses and distances of lot lines between two adjacent lots if:

(a) Both lot owners join in the application for amending the plat;

(b) Neither lot is abolished;

(c) The amendment does not attempt to remove recorded covenants or restrictions; and

(d) The amendment does not have a material adverse effect on the property rights of the other owners in the plat;

(8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

(9) Relocate one or more lot lines between one or more adjacent lots if:

(a) The owners of all those lots join in the application for amending the plat;

(b) The amendment does not attempt to remove recorded covenants or restrictions; and

(c) The amendment does not increase the number of lots;

(10) Make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

(a) The changes do not affect applicable zoning and other regulations of the City;

(b) The changes do not attempt to amend or remove any covenants or restrictions; and

(c) The area covered by the changes is

located in an area that the Plan Commission or City Council has approved, after a public hearing, as a residential improvement area;
or

(11) Replat one or more lots fronting on an existing street if:

(a) The owners of all those lots join in the application for amending the plat;

(b) The amendment does not attempt to remove recorded covenants or restrictions;

(c) The amendment does not increase the number of lots; and

(d) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(C) Application Submission and Processing. A complete application for approval of an Amending Plat shall be submitted, and will be processed, in accordance with the procedures set forth in the City's Development Application Packet, as amended, and Section 3.06 of this Chapter 3. An Amending Plat application must comply with all application and recordation requirements of a Final Plat.

(D) Review Process. An Amending Plat application shall be reviewed by the DRC and the Planning Director, in accordance with the procedures set forth in the City's Development Application Packet, as amended. The Planning Director shall take action on the Amending Plat application, or shall schedule the application for Plan Commission consideration, in accordance with Section 3.04 of this Chapter 3.

(E) Partial Amending Plat Application. For an Amending Plat that involves only a portion of the lots in an original subdivision, such Amending Plat shall show enough of the surrounding original subdivision lots and streets to clearly depict where the affected lot(s) is situated. The Planning Director may determine how much of, or if all of, the original subdivision shall be shown on an Amending Plat. All Amending Plats shall clearly cite the specific

lot(s) that is being changed, along with a detailed "Purpose for Amending Plat" statement.

(F) Notice. In accordance with state law, the approval of an Amending Plat does not require notice, public hearing, or approval of other lot owners.

(G) Review and Determination. The Planning Director shall review the Amending Plat application, the findings of the DRC, and any other information submitted with the application. From all such information, the Planning Director shall determine whether the Amending Plat application complies with the regulations of this GDC.

(H) Action by Planning Director. The Planning Director shall either approve the Amending Plat as submitted by the applicant, or shall refer the Amending Plat to the Plan Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with Section 3.04 of this Chapter 3.

(I) Appeal. The applicant may appeal any decision of the Plan Commission (upon referral by the Planning Director) to deny an Amending Plat application to the City Council. The appeal shall be processed and decided in accordance with applicable provisions of Article 1, Division 1 of Chapter 5 of this GDC.

(J) Criteria for Approval. The Director shall decide whether to approve or to refer approval of an Amending Plat application by determining whether the Amending Plat makes only those changes to the recorded plat that are allowed under Subsection (B) above and by state law.

(K) Effect of Approval. The approval of an Amending Plat authorizes the applicant to seek approval of a Site Permit (refer to Article 1, Division 3 in Chapter 4 of this GDC) or a Building Permit (refer to Article 1, Division 4 in Chapter 4 of this GDC).

(L) Recordation.

(1) *Same as Final Plat*. Recordation procedures are the same as those for the recordation of a Final Plat in Section 3.19 of this Chapter 3.

(2) *Controlling.* Upon recordation at the applicable county, an Amending Plat is controlling over the previously recorded plat without vacation of the previously recorded plat.

(M) Expiration.

(1) *No Expiration after Recordation.* An Amending Plat does not expire after it is approved by the City and recorded with the applicable county.

(2) *Expiration if not Recorded.* If an approved Amending Plat is not timely recorded pursuant to Section 3.19 of this Chapter 3, then it is null and void.

(N) Replat or Amending Plat. Revisions to an Amending Plat may only be approved as a REPLAT (Section 3.39 of this Chapter 3) or as another Amending Plat (this Section 3.40)."

Section 11

That Section 3.42, "General Policies", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.42 General Policies

(A) Adequate Service for Areas Proposed for Development. Land proposed for development in the City and in the City's ETJ must be adequately served by essential public facilities and services, including water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities. Land shall not be approved for platting or development unless and until adequate public facilities necessary to serve the development exist or until provision has been made for the facilities, whether the facilities are to be located within the property being developed or off-site.

(1) *Street Access.* A Plat will not be approved unless:

(a) All of the proposed lots have street

access that complies with the City's Technical Standards Manual; and

(b) All of the proposed lots have direct access to a public or private street that is improved to the City's minimum design and paving standards (or to a public street that will be improved to the City's standards during construction of the proposed development), or to an approved public access easement, improved to public street standards and that is connected to an improved public street. The Planning Director may waive or amend the street access requirements where improved street access is not practical due to the physical characteristics of the land.

(2) *Water.* A Plat will not be approved unless all of the proposed lots have direct access to a public water system in a manner capable of providing adequate water for health and emergency purposes to the development and all lots within the development.

(a) All lots shall be provided with the ability to directly connect to a looped water main providing water flow from at least two directions or sources.

(b) Water service shall be sufficient to meet the fire flow requirements for all lots within the proposed development, except where a suitable alternative means of fire protection is approved by the Fire Department.

(3) *Wastewater.* A Plat will not be approved unless all of the proposed lots are served by, or have direct access to, an approved means of wastewater collection and treatment. The projected wastewater discharge of a proposed development shall not exceed the proposed capacity of the wastewater system as provided in the Technical Standards.

(4) *Storm Drainage.* Increased stormwater runoff

attributable to new development may not be allowed to cause impacts to adjoining, upstream or downstream properties and shall not exceed the existing capacity of the downstream drainage system. Impacts include an increase in runoff - in volume and velocity - between pre- and post-development conditions, and erosion on another property. Where the projected runoff from a new development exceeds runoff from pre-development conditions, the City may require the phasing of development, the use of control methods such as retention or detention, or may require the developer to obtain off-site drainage easements or to construct off-site drainage improvements as means of mitigation.

(B) Developer Responsibility for Adequate Facilities. The developer shall be responsible for the following:

(1) Phasing of development or improvements in order to ensure the provision of adequate public facilities; each phase must be capable of existing as an independent unit each of which separately conform to the requirements in the City's Technical Standards.

(2) Extensions of public facilities and roadways (including any necessary on-site and off-site facilities) to connect to existing public facilities;

(3) Providing and procuring all necessary property interests, including rights-of-way and easements, for the facilities (whether on-site or off-site);

(4) Providing proof to the City of adequate public facilities through a capacity analysis for water, wastewater and drainage facilities;

(5) Making reasonable provisions for future expansion of the public facilities that serve the development in order to accommodate future developments by extending water, wastewater and drainage lines to the

limits of the development which may include complying with the City's oversize and pro rata participation program requirements, if applicable;

(6) Providing for the future operation and maintenance of facilities that serve a public purpose but that will not be dedicated to the public;

(7) Providing monetary or other form of approved security to ensure full performance for the completion of construction of public facilities for the development;

(8) Obtaining approvals from utility providers (other than the City) that will provide utility services to the development; and

(9) Complying with the requirements, which may include obtaining permits and other approvals, of authorities and non-City utility providers that may have jurisdiction over or which will serve the project or an aspect of the project. A non-exclusive example is the necessity of obtaining approvals from a railroad or the Dallas Area Rapid Transit Authority for a railroad crossing that will serve the project. The City is not responsible for ensuring compliance with such requirements or for obtaining or issuing such permits and approvals unless otherwise provided by law. Proof of compliance with such requirements (including copies of permit and other authorizations) shall be submitted by the developer to the City."

Section 12

That Section 3.43, "Conformance to Plans", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.43 Conformance to Plans

(A) Capital Improvements Generally. Proposed capital improvements serving new development shall conform to and be properly related to the public facilities elements of the City's adopted Comprehensive Plan, other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans.

(B) Major Thoroughfare Plan. No Final Plat shall be approved for any subdivision within the City or its ETJ until there is adequate provision for thoroughfares as shown on the Major Thoroughfare Plan, as approved by the City.

(1) *No Amendment Necessary.* Subject to approval of the Director of Transportation, whenever a street connection or alignment is made, whether or not it is similar to the exact alignment shown on the Major Thoroughfare Plan, no other Major Thoroughfare Plan amendment shall be necessary. The design and construction of the proposed thoroughfare shall be in conformance with the City's master plans for thoroughfares and with the Technical Standards, and shall be subject to approval by the Directors of Transportation and Engineering. Such approvals shall be required prior to Final Plat approval.

(2) *Amendment Necessary.* If a different roadway type is proposed or if the connection is not proposed to be made, then the Major Thoroughfare Plan shall be amended prior to Final Plat approval, and upon provision of a Traffic Impact Analysis (TIA) of the proposed amendment in accordance with Article 5, Division 5 of this Chapter 3.

(C) Water and Wastewater Plans.

(1) *Construction Requirements.*

(a) All public water and wastewater mains shall be located in the frontage along streets, or in easements adjacent to the development, in order to provide service to adjacent property.

(b) Water and wastewater lines shall be extended along the entire frontage of the development adjacent to a street. If the development is not adjacent to a street, water and wastewater lines shall be extended in such a manner as to allow convenient future connections to new developments. If new developments will never be constructed beyond the development under construction due to physical constraints, the Director of Engineering may waive this requirement.

(c) Public water and wastewater mains shall not be located within a private street, drive or access easement unless a city utility easement is provided for the mains.

(d) No portion of a building or structure shall encroach over or into any public easement.

(e) A utility easement for water or wastewater between two lots must be entirely contained within a single lot.

(f) When it is necessary to relocate or replace an existing water or wastewater facility to accommodate a proposed subdivision, the developer is responsible for all costs associated with the relocation including the acquisition of necessary easements, except for oversize participation.

(2) *Construction Plans.* Plans for construction of all water and wastewater facilities required by this GDC shall be prepared in accordance with the requirements and specifications contained in the City's Technical Standards, the regulations of the Texas Commission on Environmental Quality (TCEQ) or its successor agency, and the City's current adopted Fire Code. Plans for the improvements shall be prepared by an engineer licensed in the State of Texas, and shall be in a form and format acceptable to the Director of Engineering.

(3) *Acquisition of Easements.* The developer shall be responsible for the acquisition of all required off-site easements.

(4) *No Warranty of Availability.* The City makes no representations or warranties that water supply or wastewater capacity will be available at any particular time or place.

(5) *Lines Generally.* Water or wastewater service lines shall not cross any adjacent lot. The public main shall be extended so as not to require the service to extend across another lot. Public water and wastewater mains adjacent to a roadway owned by a governmental entity other than the City shall be constructed outside the right-of-way in a separate easement unless otherwise agreed by those entities and the City."

Section 13

That Section 3.45, "Responsibilities of the Developer", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby renamed and amended in its entirety to read as follows:

"Section 3.45 Responsibilities of the Developer

(A) General Dedication and Construction Requirements. The developer of a proposed development has an obligation to dedicate such land and interests in land, and to construct water, wastewater, road, and storm drainage facilities needed to adequately serve the proposed development.

(B) Facilities Impact Studies and Schematic Engineering Drawings.

(1) The City may require that a developer submit one or more public facilities studies and Schematic Engineering Drawings, as defined in the Technical Standards Manual, regarding the proposed development in order to assist the City in determining whether the proposed development will be supported with adequate levels of public facilities and services concurrent with the

demand for the facilities created by the development.

(2) The study shall identify, at a minimum, the adequacy of existing facilities, the nature and extent of any deficiencies, and the capital improvements needed to meet the adopted level of service, assuming development at the intensity proposed in the development application.

(3) The City may require, at the time of approval of a subsequent development application (such as a Final Plat), an update of a public facilities study approved in connection with a prior development application (such as a Preliminary Plat)."

Section 14

That Section 3.46, "Timing and Relief", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.46 Timing & Relief

(A) Timing of Dedication & Construction.

(1) Initial Provision for Dedication or Construction. The developer shall submit for approval Schematic Engineering Drawings that demonstrate a proposed development will be adequately served by public facilities and services at the time for approval of the first development application that portrays a specific plan of development, including:

- (a) An application for a change in zoning for the property (including establishing a Specific Use Provision (SUP), a Planned Development (PD) zoning district, or an overlay zoning district);
- (b) A petition for an annexation agreement or an annexation development agreement;
- (c) An application for any type of plat;

- (d) A Detail Plan;
- (e) A Preliminary Development Plan; or
- (f) A Downtown Development Plan.

*As a condition of approval of the development application, the City may require the dedication of rights-of-way or easements for, and construction of, capital improvements to serve the proposed development.

(2) Deferral of Obligation.

(a) The obligation to dedicate rights-of-way for, and to construct, one or more capital improvements to serve a new phased development may be deferred by the Director of Engineering, upon written request by the applicant, until approval of a subsequent development application for a later phase of a phased development. However, each separate phase of a development must be adequately served by all required public facilities such that each phase can exist independently without reliance upon a future phase for such facilities.

(b) As a condition of deferring the obligation, the City may require that the developer enter into a Subdivision Improvement Agreement pursuant to Article 6, Division 3 of this Chapter 3, specifying the time for dedication of rights-of-way for, or construction of, capital improvements serving the development.

(B) Relief from Obligations. In order to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, the City may participate in the costs of capital improvements, credit or offset the obligations against payment of impact fees (see Article 3, Division 3 in Chapter 1 of this GDC), or relieve the property owner of some or part of the obligations in response to a petition for relief from a dedication or

construction requirement pursuant to Article 1, Division 2 in Chapter 5 of this GDC."

Section 15

That Section 3.47, "Roadway Participation - Improvement of Adjacent (Perimeter) Roads and Utilities", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.47 Roadway Participation - Improvement of Adjacent (Perimeter) Roads and Utilities

(A) Improvement of the Proportional Share of an Adjacent Road.

(1) When an area within a proposed development, whether residential or nonresidential:

(a) Abuts on one or both sides of an existing road or City utility facility, or a planned or future road, drainage or City utility facility as shown on the City's Major Thoroughfare Plan or adopted plans related to water and wastewater; and

(b) Improvements to an adjacent road are necessitated by and attributable to the development, the developer shall bring the following facilities to City standards, or replace them such that they meet City standards, according to the development's proportional share:

i. Road facilities, including but not limited to adjacent and appurtenant sidewalks, bike lanes, barrier-free ramps, storm drainage facilities, medians, median openings, left turn lanes, and water quality or erosion controls;

ii. Traffic mitigation facilities, including but not limited to signalization, medians, access and

deceleration lanes; and

iii. City utility facilities.

(2) If the developer of a project disputes the City's proportional share calculation, the Developer shall prepare and submit a proportional share study to the City at the developer's sole expense (see Article 1, Division 2 in Chapter 5 of this GDC).

(B) Calculation of Minimum Proportional Share.

(1) Subject to Section 3.44 of this Chapter 3, the developer's share of improvements to a perimeter road is at minimum the equivalent of one-half of any adjacent street, along the entire front footage of the subdivision, depending upon the type of the abutting street as shown on the City's Major Thoroughfare Plan.

(2) Subject to Section 3.44 of this Chapter 3, the developer's minimum share of improvements to a roadway when a subdivision is to be located on both sides of a roadway is the full width of a local roadway, including the curbs and other roadway appurtenances. The roadway shall be improved by the developer on each side of the road along the entire length of the subdivision.

(3) The City may participate in the costs of perimeter roads in excess of the developer's proportional share obligations, in cases where perimeter road costs are not borne by another public entity, and in cases where the application of the standards in this Section 3.47 result in a disproportional burden on the development, as determined in accordance with Article 1, Division 2 in Chapter 5 of this GDC.

(C) Participation in Construction of Other Necessary Facilities. Adjustments shall be made to the developer's proportionate share to the extent that the developer is required to participate in the construction or cost of construction of region-serving public facilities such as highways, major bridges, and drainage projects that serve a drainage basin rather than local drainage.

(D) Improvements. All streets abutting a development shall be improved, and rights-of-way platted, in accordance with the standards prescribed herein. If the developer widens existing pavement, the existing pavement shall be cut back a distance required by the Director of Engineering to assure adequate sub-base and pavement joint before additional paving material is placed.

(1) Existing Boundary Streets. For boundary streets existing to some degree, for example, by previous partial dedication or prescriptive easement, the following standards apply.

(a) For all classifications of such streets, the developer shall dedicate, to the extent of whatever interest the developer may have in the area to be dedicated, one-half of the additional right-of-way necessary to comprise the full street width required. Dedication of more than half of this additional increment may be required, in some instances, to maximize use of existing roadway and to ensure a consistent street alignment with a minimum of undesirable curvature.

(b) For all streets classified as A, B, C, D, E, F, or G, except highways to be completed by others, the developer is required to pave one-half the additional portion of street right-of-way remaining to be paved, according to the adopted Major Thoroughfare Plan. If the Director of Engineering determines that unusual circumstances exist such that the present construction of required improvements should be deferred, in lieu of constructing the required improvements at the time of developing the project, the developer may request one of the following options:

i. The developer may contribute to the City its proportional share of an amount of money necessary to complete all paving, curbing, storm drainage facilities, traffic improvements, and

associated City utilities required but not installed as part of the development project. These funds shall be held, and eventually disposed of, in the manner described within Article 4, Division 3 of this Chapter 3 (Escrow Policies and Procedures) for the City to construct at a later date;

ii. The developer may, by written request to the Director of Engineering, defer the obligation to a later date until approval of a subsequent application for a later phase of a phased development. If approved, the developer's obligations shall be set forth in a Subdivision Improvement Agreement per Article 6, Division 3 of this Chapter 3;

iii. The developer may, with City Council approval, execute a Development Agreement, prior to development, that runs with the ownership of the land and that obligates the person who owns the land to place into a City cash escrow fund (see Article 4, Division 3 of this Chapter 3) the amount of money necessary to cover the developer's proportional share of the cost of all required public street improvements. The Development Agreement shall be in a City-approved form, signed by the property owner, notarized, and filed with the official property records of the applicable county;

iv. If the adjacent street is not part of a pending capital improvement project, in lieu of construction the developer must pay the additional roadway impact fees as provided on Schedule 1 in Section 1.88 of this GDC. Any previously paid roadway impact fees or other offset or credits under Section 1.78 of this GDC will be credited to the developer. The

remaining balance must be paid prior to issuance of a Site Permit and will be collected as additional roadway impact fees.

(2) *New Boundary Streets.* For new boundary streets forming part of the subdivision boundary, the following standards apply:

(a) *Local Streets.* Where a local street forms part of the subdivision boundary, the developer shall dedicate right-of-way sufficient to make such street conform to requirements of Article 5, Division 4 of this Chapter 3. The developer shall also improve such street in conformance with all standards and specifications of the City, including installation of curbs on both sides of the street. Local street sections and specifications can be found in the Technical Standards.

(b) *Other Streets.* Where a proposed thoroughfare (other than a local street) forms part of a subdivision boundary, the developer shall dedicate one-half of the additional right-of-way necessary to comprise the full street width required by Article 5, Division 4 of this Chapter 3. Dedication of more than half of this additional increment may be required, in some instances, to maximize the use of existing streets and to ensure a consistent street alignment with a minimum of undesirable curvature in accordance with the Technical Standards. The developer shall also improve such street in conformance with all standards and specifications of the City, including installation of curbs on both sides of the street (minimum width allowable is that of a local street section).

(c) *Highway.* If the right-of-way for a highway lies adjacent to or forms part of the subdivision boundary and the highway will be completed by authorities other than

the City, no paving improvements for such shall be required of the developer."

Section 16

That Section 3.49(A), "Escrow Deposit", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"(A) Amount & Responsibility. If the City Council agrees to accept escrow deposits, or if a developer voluntarily elects to deposit funds in escrow under Section 3.48(B) above, in lieu of construction by the property owner, the property owner shall deposit in escrow with the City cash in an amount equal to the owner's share of the costs of design, construction, permits, reviews and approvals, inspections, any additional land acquisition, and an appropriate inflation factor as per the Engineering News-Record, based upon an average of the previous five years' inflation rates projected over the following two years, to ensure that the actual "future dollar" costs will be covered when actual construction occurs in the future.

(1) The amount shall be reviewed by the Director of Engineering and, if approved, shall be paid prior to issuance of a Site Permit.

(2) The obligations and responsibilities of the property owner shall become those of the property owner's transferees, successors and assigns; and the liability therefor shall be joint and several.

. . ."

Section 17

That Section 3.52, "Pro Rata Charge Established", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.52 Pro Rata Charge Established

(A) Application of Charges & Calculation. A pro rata charge shall be assessed for the land to be served by the extension of water or wastewater mains, and shall be paid prior issuance of a Site Permit. Subject to the provisions contained in Sections 3.53 and 3.57 of this GDC, the pro rata charge shall be calculated by determining one-half the average actual cost of eight-inch water and wastewater lines accepted by the City during the most current twelve-month period of October 1 through September 30. Average actual costs shall be revised annually on October 1 of each year using the cost of developer-installed lines in the average. The Director of Engineering shall compute the actual charge on an annual basis, and shall make such computation available to the public.

(B) Independent Payment. The payment of pro rata charges is independent of, and shall be paid in addition to, any applicable tap charges and water or sewer impact fees (see Division 3 of Chapter 1, Article 1 of this GDC). Provided however, if a developer would be entitled to a pro rata refund under this Division 4, the developer may disclaim that right to a refund and assign that right to the City in exchange for a credit against applicable tap charges and impact fees, as applicable."

Section 18

That Section 3.53, "Extension for Property Subdivided or Platted for Development - Basis", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.53 Extension for Property Subdivided or Platted for Development - Basis

(A) Platting Required. Where extensions of water and wastewater systems are required to serve property which has been subdivided or platted for development, water and wastewater facilities may be extended to the property on the following basis and in accordance with minimum standards and procedures described in this Section 3.53. It shall be unlawful to serve or connect any lot, tract or land parcel, or any part thereof, or for the use of the owner or purchaser of such land, or any part thereof, with water and sewer connections, unless and until such lot,

tract, or land parcel shall be platted in conformance with the platting requirements of the City, and until a Final Plat (or other recordable plat) has been approved by the Plan Commission and filed for record at the applicable county. Where future extension is anticipated, lines shall be constructed to the limits of the development.

(B) Extensions within Property To Be Developed.

(1) *Refund of Oversize.* Developers of property shall defray the entire cost of water and wastewater systems within the boundaries of the subdivision, except that the City will refund the oversized cost of any water main or sewer main inside such subdivided area larger than eight inches in size, unless such larger size is required to serve the development in question. Such size of water main and wastewater main for adequate service shall be determined by the developer and reviewed by the Director of Engineering, whose decision shall be final. Refunds of oversize cost will be made upon acceptance of the system by the City (refer to Article 6, Division 4 of this Chapter 3).

(2) *Size of Mains.* Mains lying along one or more sides of a subdivided tract which serve property other than the subdivision for which the extensions are made:

(a) For mains eight inches and smaller, the developers will be refunded upon request one-half of the current average actual cost of the size main constructed when the adjacent property is developed.

(b) For mains larger than eight inches in size, the developer will be refunded the difference between cost of the larger main required and the cost of an eight-inch main, the difference to be determined from the prices bid on the contract for installing utilities in this addition. Payment on the City's part will be due upon completion of the utilities in the project and acceptance by the City (refer to Article 6, Division 4 of this Chapter 3).

(c) Where water or wastewater mains lie along one or more sides of a development and serve that development exclusively, such mains will be considered "on-site mains."

(d) Where good planning dictates it is to the advantage of the City to require any property owner or developer to plat his lots so that houses will back up to a street or thoroughfare, then the water or sewer lines will be located in the street and will serve only one side of the street, and the City will pay one-half of the construction cost of these water and/or sewer lines.

(C) Where Main Is In Place, In or Adjacent to the Property To Be Developed.

(1) If an existing water main or sewer main lies in a street, alley or easement in or along an area or tract of land to be subdivided and developed for resale that does not have an existing meter or wastewater service tap, before extensions from or connections to such line will be made by a developer, the developer shall pay into the water utility fund the current average actual cost per lineal foot of water line and sewer line. If such main lies along the development and serves one side only, one-half these costs shall be paid unless such lines serve the development in question exclusively. Such money shall be paid to the water utility fund and will constitute a charge for use of such water or wastewater main in place.

(2) An exception to the normal pro rata charge for water or sewer may be made on any existing water or sewer line that runs along one or more sides of a five-acre or larger sized land tract that has not been subdivided. An exception may also be made for a single residential user on land tracts that have not been subdivided and that lie largely (more than seventy-five percent by area) within an official 100-year floodplain as defined in this GDC. Before any connection to such line shall be made, the applicant shall pay

a charge based on sixty feet of frontage and in accordance with the above rates. Such payment does not exempt the remainder of the property from being charged pro rata charges under this Division 4 at such time as it is platted or developed."

Section 19

That Section 3.57, "Time Limit on City's Obligation to Refund Charges", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.57 Time Limit on City's Obligation to Refund Charges

(A) Time Period. A pro rata refund account established under this Division 4 shall be maintained by the City for a period of ten years following the date the completed extension was accepted by the City. If qualifications for a refund have not been met within such ten year period, the funds remaining in the pro rata refund account shall revert to the City and the City shall have no further obligation with respect to the refunding of or accounting for such funds.

(B) Original Developer. A pro rata refund shall be made only to the developer who originally incurred the installation costs to which the refund pertained where pro rata fees have actually been collected by the City from subsequent developers. The refund shall be based upon the amount of pro rata fees actually collected by the subsequent developers for the subject line(s).

(C) Extension By Developer. If an extension is installed by a developer in or adjacent to an existing subdivision to serve the subdivision being developed by the developer, no pro rata charge shall be collected from any lot within the existing subdivision and no pro rata refund shall be due to the developer making the extension."

Section 20

That Section 3.62, "Plan Review", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.62 Schematic Drainage Plan Review

A Schematic Stormwater Plan (SSP) shall be submitted to the City for review prior to submission of a Detail Plan, Preliminary Development Plan, or any type of plat that involves construction pursuant to Subsection 3.61(B) above (whichever occurs first). Schematic Drainage Plan requirements are in the Technical Standards, and basic information regarding the site shall be provided including, but not limited to, the following:

(A) An engineer-scaled drawing showing the topography of the property on and within fifty feet of the development.

(B) An estimate of the proposed increase/decrease in pervious area.

(C) Existing and proposed drainage patterns, storm sewer layout, sizes, inlets and retaining walls on the site.

(D) One-hundred-year runoff entering and leaving the site and disposition of the stormwater runoff before and after development.

(E) Existing stormwater controls on the site.

(F) A brief description of any proposed stormwater controls that will be designed for the site (such as whether runoff will be conveyed through a storm sewer system, whether there be a detention pond(s), or whether runoff will be conveyed to an existing system). The description must show the location and preliminary sizing of off-site improvements required to connect to the public drainage system, including any easement needs where applicable."

Section 21

That Section 3.69, "Plan Review", of Chapter 3, "Subdivision Regulations", of the Garland Development Code

of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.69 Wastewater System Requirements

(A) Site Engineering Drawings & Details. The location of all wastewater improvements shall be shown on the Site Engineering Drawings.

(B) Wastewater System Layout.

(1) The layout shall be designed in such a manner that the sewers may not be laid on less than the minimum grade specified by the TCEQ, and in accordance with the Technical Standards.

(2) Profiles of sewers showing the grades and depths shall be submitted to the City as part of Preliminary Plat and Final Plat approval requirements, and shall be subject to review and approval by the Director of Engineering.

(C) Manholes. Manholes shall be located according to the City's Technical Standards.

(D) Branches. Branch sewer services, one for each lot and not less than four inches in inside diameter (or per the Technical Standards, as applicable), shall be installed.

(E) Lift Stations. All lift stations shall be designed and constructed in conformance with the latest TCEQ regulations. Detailed design data and plans and specifications of lift stations shall be submitted to the City as part of Preliminary Plat and Final Plat approval requirements, and shall be subject to review and approval by the Director of Engineering and by the Water Department.

(F) On-Site Wastewater Facilities.

(1) *Location.* For those areas where the City determines that a connection to the central sewer system is not available, then the City may approve an on-site treatment system that complies with local, county, state and federal regulations.

(2) *Approval by County.* Plans for an on-site wastewater facility, as well as actual installation of such, shall be subject to approval by the applicable county's health department prior to Preliminary Plat approval.

(3) *Standards.* On-site wastewater facilities shall be provided in accordance with the applicable county's health department standards and controlling local, state and federal regulations.

(4) *Soil Considerations.* Wastewater disposal facilities requiring soil absorption systems may be prohibited where such systems will not function properly due to high groundwater, flooding, or unsuitable soil characteristics.

(5) *Water Service & Lot Size.* Platted subdivisions served by a public water supply, having lots using individual subsurface methods for wastewater disposal shall have a surface area of at least one acre. Platted subdivisions served by an individual water supply well and an individual wastewater disposal system shall maintain a minimum of a one hundred and fifty foot radius around the well in which no subsurface wastewater system may be constructed, and each lot shall contain not less than one acre.

(6) *Existing & Future Systems.* Existing on-site sewerage facilities shall be upgraded by the owner, at the owner's expense, if the operation of the facility does not comply with current government regulations or results in objectionable odors, unsanitary conditions or groundwater pollution. All new development and construction, either in the City or its ETJ, shall conform to these requirements."

Section 22

That Section 3.74, "General Requirements", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its

entirety to read as follows:

"Section 3.74 General Requirements

(A) Design & Construction. All paving within a street right-of-way in a subdivision shall be reinforced concrete and streets shall be designed and constructed according to the City's Technical Standards.

(B) Consideration of Natural Features. The streets in a subdivision shall be platted with regard to the creeks, wooded areas, and other topographical features lending themselves to attractive design.

(C) Intersections & Block Lengths. Intersecting cross-streets shall be a maximum of twelve hundred feet apart, thus requiring the length of blocks to be a maximum of twelve hundred feet, unless otherwise approved by the Director of Transportation and the Director of Engineering.

(D) Extension of Existing Streets.

(1) The arrangement of streets shall provide for the continuation and extension of streets of the width and right-of-way shown on the Major Thoroughfare Plan of the City, or as recommended by the Plan Commission.

(2) All new street extensions shall be continuations of existing streets at the same or greater width and bearing the same street names.

(3) Wherever the right-of-way width of a street transitions to a greater or lesser width, the transition shall not occur within an intersection but within the street right-of-way so that the right-of-way shall be the same on both sides of a street intersection.

(E) Dedication Minimum. No right-of-way dedication shall be less than fifty feet in width, unless otherwise approved by the Director of Transportation and the Director of Engineering.

(F) Intersection Street Angles. No intersecting street shall be platted with the angle included between adjoining streets lines less than eighty degrees nor more than one hundred degrees. Minimum tangency for intersecting streets

and alleys will be in accordance with the City's Technical Standards.

(G) Dead-End Streets & Cul-De-Sacs. Dead-end streets shall be platted where the subdivision adjoins property not subdivided, in which case the streets shall be carried to the boundaries thereof. Where dead-end streets are otherwise necessary, a cul-de-sac will be required with a maximum length of seven hundred and fifty feet and an end turnaround radius of not less than that required by the Fire Code.

(H) Street Signs.

(1) Street signs shall be installed by the developer at all intersections within and abutting the subdivision. These signs shall be of a type approved by the City, and shall be installed according to the Technical Standards.

(2) Upon filing a final subdivision plat, the developer shall pay a fee for street name sign assemblies, in accordance with Section 1.53 of this GDC."

Section 23

That Section 3.80, "Requirements", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.80 Requirements

(A) Design & Construction. Alleys shall be designed and constructed according to the City's Technical Standards Manual.

(B) Alleys Required. Alleys are required for all residential subdivisions of two (2) or more lots.

(C) Waiver. The Director of Engineering may authorize an Alley Waiver only for a subdivision having four or fewer lots, or the Plan Commission may authorize a Development Variance (in accordance with Article 1, Division 4 in Chapter 5 of this GDC) to the requirement for alleys. The

requirement for alleys may be waived or varied only if each of the following conditions are met:

(1) A minimum ten-foot wide utility easement (or other size, as determined by the Director of Engineering or by the applicable utility provider) is provided on each lot adjacent to the street right-of-way, in accordance with Chapter 5, [Article 1,] Division 4 of this GDC;

(2) No lot-to-lot surface drainage exists or will result within the subdivision;

(3) The subdivision design allows for an efficient solid waste collection pattern;

(4) Adequate area is dedicated for drainage facilities and utilities;

(5) Adequate on- and off-street parking is provided; and

(6) Waiver or variance from the requirement for alleys will not adversely affect other properties.

(D) Alley Width.

(1) Alleys shall be not less than twenty feet in right-of-way width and paved with reinforced concrete, in accordance with the City's Technical Standards.

(2) Additional paving width shall be provided at all intersections and turns in the alley alignment, per the Technical Standards. Curves or turns in alleys shall be in accordance with the Technical Standards such that they will accommodate turning movements of sanitation trucks, fire apparatus and other large vehicles.

(E) Alley Length. Alleys may not exceed the maximum length set forth in the City's Technical Standards Manual, as measured along the centerline of the alley and between intersections with other alleys or entrances onto streets (at the right-of-way line of the street at the alley entrance). A request for a Development Variance of alley length may be considered based on the following:

(1) The effect of alley length upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in accessing rear driveways and in driving around to the front of their homes; and

(2) Means of mitigation, including but not limited to additional mid-block alley turnouts, limitation on the number of lots to be served along a single alley segment, temporary points of access, and additional fire protection measures.

(F) Alley Design.

(1) Alley intersections shall be perpendicular as described in the Technical Standards Manual.

(2) Intersection pavement design shall be of sufficient width and inside radius to accommodate waste collection and emergency vehicles.

(3) Intersections shall be three-way wherever possible, and four-way intersections are prohibited. No alley intersection serving more than four directions is allowed.

(G) Dead-End Alleys.

(1) "Hammerhead" alleys are prohibited. Alleys must have adequate turnouts and street entrances such that vehicular traffic flow is continuous and efficient. Where a temporary dead-end alley situation is unavoidable, a temporary turnaround bulb or turnout onto a street, either of which will need a temporary easement for street or alley purposes, shall be provided as determined by the Director of Transportation. Pavement within the easement must be constructed per the reinforced concrete alley section as shown in the *City's Technical Standards*.

(2) Permanent dead-end alleys are prohibited.

(3) Four-way, alley-to-alley intersections are prohibited."

Section 24

That Section 3.83, "Uniformity", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.83 Uniformity

(A) Design & Construction. Driveways shall be designed, constructed and provided according to the City's Technical Standards.

(B) Restrictions. Residential driveways are not permitted off of any arterial street as so designated by the City's Major Thoroughfare Plan as Type A, B, C or D thoroughfares. The Director of Transportation may modify the design of, or may prohibit the location of, any driveway due to safety considerations.

(C) Permit Required. No person shall construct, reconstruct, maintain, alter or repair, remove or replace any curb, gutter, driveway or other concrete work on any public property within the City without first obtaining a Sidewalk and Driveway Approach Permit.

(D) Fire Lanes. Fire lanes are to be designed in accordance with the City's Fire Code. Fire lanes shall be shown in the Site Engineering Drawings, and shall be maintained to the City's standards by the property owner. For safety and emergency accessibility reasons during construction, developments other than single-family detached or two-family residential subdivisions may not proceed with vertical structural construction above the foundation prior to completion and City inspection of all fire lanes and fire hydrants on the site (unless otherwise approved by the Fire Chief).

(E) Duty to Construct Curb When Driveway Abandoned. Whenever any curb is removed, or where no curb is present, in order to provide a driveway and the use of such driveway is at any time abandoned and not used for ingress and egress to the property, it is the duty of the property owner of such property to restore or construct the curb in accordance with the City's Technical Standards."

Section 25

That Section 3.85, "Grading & Drainage", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.85 Grading & Drainage

(A) General. No person shall alter, change, modify, excavate or fill any lot, subdivision or development in a manner that causes a material adverse impact from surface runoff or stormwater to adjoining property. An appropriate plan submittal and permit from the Building Inspections Department shall be required for any land disturbing activity exceeding 5,000 square feet up to one (1) acre, or changing the grade elevation by cut or fill in excess of 1' from existing grade. Disturbance of over one acre shall require Site Engineering Drawings, as set forth in Section 3.95 of Chapter 3 of this GDC. Any unpermitted fill piles shall be removed or spread to within allowed grades within thirty (30) days of the initial pile being placed on the property. The Director of Engineering or the Building Official may require submission of proof of compliance with the provisions of this Division, certified by an engineer who is licensed in the State of Texas.

(B) Improvements Required. Grading and drainage improvements must conform with the applicable provisions of this Division and with the City's Technical Standards. Grading and drainage plans submitted to the Engineering Department shall be prepared under the direction of, and shall be sealed by, a professional engineer who is licensed in the State of Texas.

(C) Plan Submittal. Grading and drainage plans for all developments shall be provided as part of the Site Engineering Drawings unless no Site Permit is required, in which case grading and drainage plans shall be submitted with the Building Permit submittal documents. If no Building Permit is required, mass grading plans shall be submitted for a Site Permit to the Engineering Department."

Section 26

That Section 3.86, "Existing Drainageways - Development

Criteria", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.86 Existing Drainageways - Development Criteria

(A) Purpose. The City acknowledges the wide diversity of existing creeks and drainageways throughout the City and states its intention that overall drainage patterns and features shall be disrupted as little as possible in the process of development, provided that a development must provide adequate drainage through a stable, easily maintainable manner.

(B) Floodplain Development Requirements. All development proposed adjacent to or within the 100-year floodplain shall conform with the City's Flood Damage Prevention Ordinance (Article VII of Chapter 31 of the City Code).

(C) Designated on Plat. Any dedications and easements required by this Chapter 3 shall be designated on the Preliminary Plat and Final Plat.

(1) Final Plat Inscription. Every Final Plat of a subdivision which contains a drainageway as regulated by this Chapter 3 shall contain special language as set forth in the City's Technical Standards Manual, as amended.

(2) Notice of Inscription to Grantee. In addition, the developer shall include with or in the deed of each lot of the subdivision which abuts or contains a drainageway, a notice of the foregoing language sufficient to inform the grantee of the deed of the requirement contained within the language.

(D) Creeks and Natural Drainageways. The following provisions shall apply to all proposed development in relation to creeks.

(1) All creeks that have designated floodplains and Flood Insurance Study (F.I.S.) floodways, and any other natural drainage course, as identified by the most current Flood Insurance Rate Maps (FIRM) or by the Director of Engineering, may be

left in a natural state, if so approved by the Director of Engineering.

(a) In order for the Director of Engineering to approve a creek to be left in its natural state, the natural channel along with the encompassing drainage easement shall be of sufficient width and depth to carry the 100-year storm, plus one foot of freeboard and ten-foot accessway on both sides of the channel. Disturbance of a natural channel is prohibited except that prior to acceptance by the City, the developer shall perform general maintenance such as clearing underbrush, debris dam removal, litter pick-up, and the removal of other undesirable items, as directed by the Director of Engineering.

(b) In these cases, the entire 100-year floodplain shall be platted out separately as a drainage easement, and the developer shall provide a means of acceptable access for city stormwater personnel. An erosion hazard setback (per the Technical Standards) may also be included in the drainage easement dedication. The drainage easement shall be dedicated on the Final Plat as a separate lot to be owned and maintained by a Homeowners' or Property Owners' Association (as applicable for residential or nonresidential). At no time shall any portion of the 100-year floodplain exist or be within any single-family or two-family residential lot unless the lot is not within a Homeowners or Property Owners Association or a subdivision containing four (4) or more lots, unless it is contained in a subdivision consisting of fewer than four lots. A minimum ten-foot wide accessway shall be provided along each side of the drainageway and included in the drainage easement with a traverse slope, all in accordance with the Technical Standards Manual.

i. Such access shall be subject to

review and approval by the Director of Engineering, and streets or alleys may be required between dedicated properties and adjacent development.

ii. Other undeveloped floodplain may also be dedicated as a drainage easement, pursuant to Subsection (b) above, at the time of platting.

(2) Responsibility for drainage maintenance shall be set forth in the drainage easement.

(3) So as to meet the stability and maintenance provisions in Subsection (a) [(1)] above, the City may require improvements to creek or creek banks, in accordance with the Technical Standards, before issuance of a Letter of Final Acceptance in accordance with Section 3.111 of this Chapter 3.

(4) In order to negate or mitigate the need to obtain flood insurance, all portions of residential lots shall be removed from designated floodplains in accordance with the Technical Standards. In all cases, the developer shall adhere to the requirements set forth in the City Code regarding flood damage prevention, and shall furnish engineering plans prepared by a professional engineer who is licensed in the State of Texas to the Director of Engineering for review and approval.

(5) The following provisions shall apply to all proposed development within the Rowlett and Spring Creek 100-year floodplains, as more particularly described on the Albert H. Halff Associates, Inc., November 1988, Rowlett and Spring Creek Flood Plain Management Study:

(a) Base flood elevations (BFE) for the 100-year flood event that reflect ultimate development land use throughout the watershed shall be used for design and planning of floodplain development.

(b) Development within the floodplain shall

be permitted only if it can be demonstrated that there will be no rise in the base flood elevation.

(c) Fill volumes shall be balanced (+/- 15%) by excavation volumes to preserve overall valley storage within the floodplain. Areas excavated shall be landscaped to restore a natural cover.

(d) The bed and banks of Rowlett and Spring Creeks shall be left in a natural state to control erosive velocities, prevent excessive downstream discharges, and preserve the natural effect of the stream. Exceptions are permitted for major bridge crossings, public welfare, and safety.

(e) Increases to existing average velocities shall be allowed to a maximum average velocity of no greater than six feet per second.

(f) Significant stands of trees and other environmental features within the floodplain shall be preserved.

(6) All lots adjacent to a creek or drainageway shall have minimum finished floor elevations defined on the subdivision plat a minimum of two feet above the FEMA F.I.S. one-hundred-year water surface elevation. Where available, the fully developed watershed water surface elevation shall be used to establish minimum finished floor elevations.

(7) Paved stormwater access driveways with removable bollards shall be provided from a public street right-of-way to drainage easements incorporating creeks or drainageways as directed by the Director of Engineering.

(E) All development shall comply with Article VII (Flood Damage Prevention) of Chapter 31 of the City Code. It shall be the responsibility of the developer to obtain a Conditional Letter of Map Revision (CLOMR) issued by the Federal Emergency Management Agency (FEMA) prior to approval of Site Engineering Drawings (and subsequent

issuance of a Site Permit) and a Letter of Map Revision (LOMR) prior to issuance of a Letter of Final Acceptance in accordance with Section 3.111 of this Chapter 3.

(F) Upon completion and a Letter of Final Acceptance (Section 3.111 of this Chapter 3) being issued for any drainageway channel improvements as set forth within this Section 3.86 of this Division 8, the property owner on whose property the channel improvements lie, or whose property directly abuts such channel improvements, shall be responsible for necessary mowing, irrigation, weeding, litter pick-up, fertilizing, and such other maintenance as is required to maintain a healthy stand of grass or other groundcover.

(G) No obstruction to the flow of stormwater runoff shall be permitted.

(H) Additional Studies. Upon request by the City, the property owner shall submit additional studies, including but not limited to the following, as deemed appropriate and necessary by the City, as part of the Preliminary Plat (if applicable) or Final Plat submittal requirements. These studies shall be considered during review and approval of the Preliminary or Final Plat, as applicable.

- (1) Wetland Delineation and Waters of the U.S. Study;
- (2) Erosion Hazard Setback Study;
- (3) Storm Drainage Study;
- (4) Flood Study; and
- (5) Downstream Assessment Study."

Section 27

That Section 3.87, "Storm Sewers - General Requirements", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.87 Storm Sewers - General Requirements

(A) Erosion Control. Erosion control shall comply with the City's Technical Standards, as amended.

(B) Requirement. Underground storm sewer systems are required, as defined in the Technical Standards, to prevent excessive stormwater runoff from entering the public street or rights-of-way or private streets.

(C) Public underground storm sewer systems shall be contained in the public street right-of-way or within a drainage easement that is in accordance with the City's Technical Standards Manual. At low points on grade, a concrete-lined positive overflow path shall be provided. The positive overflow path shall be contained in a drainage easement of sufficient width to convey the 100-year storm runoff.

(D) Calculation of Runoff. The calculation of stormwater runoff shall comply with the Technical Standards. Stormwater runoff calculations shall be made anticipating a fully developed watershed, prepared and sealed by a professional engineer licensed in Texas, and submitted for review and approval by the Director of Engineering. The Comprehensive Plan, existing land use, and zoning maps shall be used to determine fully developed conditions. The Director of Engineering reserves the right to review the determination of fully developed conditions and may require revisions.

(E) Detention. If stormwater runoff from a proposed development exceeds the capacity of the existing downstream system, detention of stormwater runoff in a manner prescribed by Section 3.89 of this Division 8 shall be provided for the excess runoff. Easement and maintenance responsibilities for the detention system shall be inscribed on the Preliminary Plat and Final Plat.

(F) Easements. Drainage easements shall be dedicated for public drainage features in accordance with requirements of this GDC. Drainage easements and features shall be included as a portion of buildable (such as habitable structure) lot(s) and not as a separate self-standing lot unless specifically authorized by the Director of Engineering. If a large development-related feature is authorized on a separate lot, a Homeowners' Association is required to assume maintenance responsibilities for the feature(s). Storm drainage easements shall be located along side

property lines, and such easements shall be contained fully on one lot or tract, and shall not be split across the property line between two lots or tracts.

(G) Minimum Finished Floor Elevations. The Director of Engineering may require minimum finished floor elevations (FFE) to provide flood protection on certain lots within a development. The FFEs shall be shown on the Final Plat. These elevations shall incorporate the most current floodplain management criteria or other criteria as necessary to avoid damages. FFEs shall be two feet above the fully developed 100-year water surface elevation where an FFE is associated with a natural major creek or open channel. When an FFE is necessitated by situations other than a natural major creek or open channel, the FFE shall be set by the developer's engineer and shall be subject to the approval of the City.

(H) Off-Site Drainage. When a proposed development requires off-site grading where stormwater runoff has been collected or concentrated, it shall not be allowed to drain onto adjacent property except into existing major creeks, channels, storm sewers or streets unless a notarized letter of permission is obtained from the owner of the property onto which the drainage will drain. The letter shall state that the permission shall bind the owner of the affected property and shall be a covenant running with the land. It shall also refer to the plans for the improvements creating the need for the permission. The letter shall be filed for record with the applicable county.

(I) Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this section, shall have the following meanings:

(1) "Amenity pond" means a permanent pool of a pre-determined volume of stormwater kept or maintained purely for aesthetic purposes and that is not designed to provide additional capacity for the temporary storage of stormwater required for detention.

(2) "Capacity" means the maximum stormwater rate allowed in any portion of the MS4 that will not result in a surcharge of the system, or, as

determined by the managing director, the maximum stormwater rate that can be allowed in any portion of the MS4.

(3) "Development" means any manmade change to real property, whether previously improved or unimproved, including, without limitation, filling, grading, paving, the installation of infrastructure such as water lines, storm sewers or sanitary sewers, or the construction of buildings or other structures.

(4) "Discharge" means the addition or introduction of stormwater into the MS4 or into waters of the United States.

(5) "Detention" means the temporary storage of stormwater to be released at a pre-determined and controlled rate.

(6) "Extended dry detention facility" means a detention basin constructed in a manner so as to retain stormwater for a time sufficient for sediments and particulate pollutants to settle and designed so that no stormwater is intended to remain in the basin after the discharge is complete.

(7) "Facility" or "facilities" means a detention, retention, or other stormwater storage or handling measure as described in this section and may, depending on the context in which the term is used, include an amenity pond.

(8) "Managing Director" means the Managing Director of Engineering, Transportation, Streets, and Stormwater, or a designee of that person.

(9) "Municipal separate storm sewer system" or "MS4" means the system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sanitary sewage.

(10) "One-hundred-year storm" means a storm event having a one-percent chance of occurring in any given year.

(11) "Retention facility" is a facility that provides a permanent pool of a pre-determined volume of stormwater and that is designed to provide additional capacity for the temporary storage of stormwater that may be required for detention purposes.

(12) "Stabilized cover" means a uniform perennial vegetative cover established and maintained with a density of 70% or greater, or an approved equivalent stabilization measure (such as rip-rap, gabions, etc.)."

Section 28

That Section 3.89, "Stormwater Detention & Retention Facilities", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.89 Stormwater Detention & Retention Facilities

(A) Purpose. The purpose of this Section is:

(1) To protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff associated with land development within the City.

(2) To minimize damage to public and private property, reduce flooding, ensure a functional drainage system, and reduce land and channel erosion.

(3) To provide minimum construction standards for detention and retention facilities and amenity ponds and to facilitate long-term care and the function of those structures by establishing maintenance responsibilities.

(4) To assist in the attainment and maintenance of stormwater quality standards.

(B) Detention Requirements.

(1) *Developments Requiring Detention.* Stormwater detention shall be addressed in the design, and implemented in the construction of, any new development or re-development having additional impervious cover of one acre or more, including any previous additions or modifications that increased the amount of imperviousness, and if the site of the development is located in an area where any of the following situations exist:

(a) If the 100-year stormwater runoff release rate from the proposed development exceeds the existing or programmed capacity of the MS4, then detention in such cases shall be designed and implemented to limit stormwater runoff to a rate that does not exceed the existing or programmed capacity of the MS4 for that site.

(b) If a proposed development is in an area where the MS4 is under-capacity by current design standards and the proposed 100-year stormwater runoff exceeds the existing stormwater runoff for the site of the development, then detention in such cases shall be designed and implemented to limit stormwater runoff rates to the pre-development runoff rate.

(c) If the proposed development is within the drainage area abutting the ecological boundary of the Spring Creek Forest Preserve or within the drainage area abutting the Spring Creek Forest Preserve boundary as defined by the Technical Standards, then detention in such cases shall be designed and implemented to conform to those provisions of the Technical Standards.

(2) *Means of Detention.* Required detention shall be achieved through a means consistent with sound

engineering practices and in a manner approved by the Director of Engineering. Such means may include extended dry detention, retention, underground storage and parking lot storage.

(3) *Design and Construction.* The design and construction of all detention and retention facilities shall include provisions relating to functionality, stormwater quality, and maintenance as set forth within this Section 3.89 of this Division 8.

(4) *Alternative - Storm Sewer System.* As an alternative to the provisions of this Section 3.89, a developer may elect to fund and construct an approved storm sewer system that will provide free outfall flow for the 100-year storm without negative impacts to the MS4 or to downstream or adjacent owners, in which event - upon completion and acceptance of the system in accordance with Article 3, Division 4 [Article 6, Division 4] of this Chapter - the developer shall not have to otherwise comply with this Section 3.89 for those parts of the development that are served by the system.

(C) *Reserved.*

(D) Retention Facilities & Amenity Ponds.

(1) *Provisions.* A retention facility shall be designed and constructed to provide a permanent water storage volume and may provide additional volume as may be needed to temporarily store stormwater for detention purposes. A retention facility shall provide an outfall structure having a predetermined release rate.

(2) *Amenity Ponds.* Amenity ponds may be constructed for aesthetic purposes, provided the amenity pond will not produce any adverse impacts to adjacent or downstream properties or to the MS4. Amenity ponds are not required to provide stormwater quality enhancement measures. However, if the amenity pond is used for any flood or stormwater quality purpose, then it shall be construed as a detention or retention pond, as

applicable, and must comply with the applicable detention or retention pond provisions.

(3) *Design & Construction.* Unless approved by the Director of Engineering, the design and construction of all retention facilities shall provide for flood control, stormwater quality, stabilized emergency overflow, and maintenance as set forth below and shall provide a minimum of one foot of freeboard.

(4) *Minimal Accumulation.* All retention facilities and amenity ponds shall be designed to minimize the accumulation of unwanted vegetation, insect and algal growth, stagnant water, and odors. The Director of Engineering may require a retention facility or amenity pond to have a minimum pool depth or to be equipped with aeration devices or other measures designed to minimize nuisance conditions.

(E) Design Criteria.

(1) *Professional Engineer.* All detention and retention facilities and all amenity ponds shall be designed by a professional engineer licensed to practice in the State of Texas.

(2) *Design & Construction Approval Process.* A proposed detention or retention facility or an amenity pond shall be incorporated into the overall concept, planning, site development, and drainage plans for the development. The facility shall include appropriate landscaping and screening and be integrated into the development in a manner that enhances overall appearance and function of the site, especially in relation to the view from public streets. The design and construction aspects of all detention or retention facilities and amenity ponds shall be included in the landscaping plans and Site Engineering Drawings submitted to the City along with supporting calculations, documentation and such other plans, specifications and other information as may be needed for an appropriate review. Approval of the design and construction of facilities shall be accomplished through the

City's development review process and construction inspection process which will include the Development Review Committee.

(3) *No Adverse Impact.* Detention or retention facilities and amenity ponds shall be designed so as not to cause any adverse impact to any property adjacent to, draining towards, or draining away from, the facility.

(4) *Public Safety.* Detention and retention facilities and amenity ponds shall be designed and constructed taking into consideration the safety of the public and others. Items of site safety to be considered include the stability of embankments or cut slopes, temporary and permanent water depths, accessibility, fencing, and the compatibility of the facility with surrounding land uses.

(5) *No Fences or Obstructions.* No fence or obstruction shall be located within a detention or retention facility, or within an amenity pond site without approval of the City.

(6) *Design Capacity.* Detention and retention facilities and amenity ponds shall be designed so that the maximum release rate of all flood frequencies up to and including the 100-year storm shall not exceed the programmed capacity of the MS4 for the area. If the existing MS4 for the area is already under-capacity, then the facility shall be designed so that the maximum rate of stormwater runoff shall be no greater after development than prior to development.

(7) *Additional Freeboard.* Unless otherwise approved by the Director of Engineering, all open detention or retention facilities shall provide an additional one foot of freeboard above the maximum water surface elevation together with a stabilized emergency overflow structure.

(8) *Maintenance.* Detention and retention facilities shall be designed and constructed to include sufficient land and open space to provide for adequate maintenance of the facility

consistent with this Section and other provisions of this GDC. A permanent detention pond easement containing the facility and the area surrounding the facility needed for maintenance of the facility shall be granted to the City. The acceptance of the easement by the City shall not obligate the City to provide care or maintenance for the facility in any manner. The City may require, but is not limited to:

- (a) An all-weather access drive of at least ten feet in width with acceptable cross and longitudinal slopes from the facility to an adjoining public right-of-way or access easement;

- (b) An all-weather access ramp to the bottom of the facility with acceptable cross and longitudinal slopes; and

- (c) A level surface of a minimum of ten feet in width with acceptable cross and longitudinal slopes along the top of the facility, unencumbered by landscaping or other physical impediments.

(9) *Slopes and Barriers.*

- (a) Earthen side slopes for detention and retention facilities and amenity ponds shall be constructed with a slope no steeper than 4:1 (horizontal-to-vertical). The Director of Engineering may require a slope stability study to be performed by a licensed engineer for any slope having an unusual height or in soils having unstable characteristics.

- (b) A steeper side slope or wall may be allowed if approved structural measures are implemented to stabilize the slope and a handrail, fence, wall, or other barrier is constructed adjacent to the facility at a location and of a height, material, manner of construction, and appearance approved by the Director of Engineering and provided the barrier complies with other applicable codes and zoning requirements.

(c) The Director of Engineering may approve an alternative design to the requirements of this Subsection (E)(9) if strict adherence would unduly alter an existing natural feature such as a creek, waterway, natural pond, or stand of trees, and an acceptable alternative is proposed.

(d) Extended dry detention facilities shall include paved concrete flumes having a minimum slope of one-half percent for low-flow conditions. Unless otherwise approved by the Director of Engineering, a flume shall be installed between all inlet and outlet structures, and between point discharge locations (such as curb or swale outlets) and the bottom of the facility.

(10) *Other Jurisdictional Requirements.* The design, construction, and operation of all detention and retention facilities and amenity ponds shall comply with all applicable federal, state, and local requirements regarding the design, construction, and operation of lakes, dams or other impoundments of water.

(11) *Permanent Irrigation.* Unless otherwise approved by the Director of Engineering, every detention and retention facility and amenity pond shall be equipped with a permanent irrigation system having sufficient coverage to ensure the establishment and continued viability of living portions of the stabilized cover for the facility.

(F) Stormwater Quality.

(1) *Improvement.* Detention and retention facilities shall be designed and constructed to improve stormwater quality. Detention and retention facilities shall be designed and constructed to detain the first one inch of a rainfall event for a minimum of twenty-four hours. This volume may be incorporated into, or operated in combination with, any additional storage volume needed for larger storm events.

(2) *Alternative Methods for Improvement.* The Director of Engineering may approve alternate methods for detention and for achieving improved stormwater quality. Alternate methods may include utilization of mechanical filters, traps, or other pre-fabricated systems provided that the alternative methods prevent seventy percent or more of the total suspended solids, down to a one hundred micron-sized particle, from passing through the outlet structure and entering the MS4 and so long as the intent of the provisions contained in this article are met. Water quality enhancement measures shall be designed using the one-year, six-hour duration storm as defined in the most current NCTCOG "Integrated Stormwater Design Manual for Site Development." If using a prefabricated stormwater screening device, the applicant shall provide supporting literature/data from the manufacturer indicating that the selected unit is properly sized for the project and that it complies with the intent of this GDC.

(G) Maintenance Responsibilities.

(1) *Recurrent & Consistent Maintenance.* Detention and retention facilities and amenity pond[s] shall be adequately maintained on a recurrent and consistent basis by mowing, removing trash and debris, removing silt and sedimentation, grading, establishing and maintaining grass or other vegetation in order to provide stability for the structure, structural repair, mechanical repair, and such other activities as may be required to keep a facility covered by this Section 3.89 functioning in accordance with its original purpose and design. The affirmative defenses provided by Subsection 3.89(J)(3) do not apply to the requirements of this Subsection (G).

(2) *Program for Permanent Maintenance.* The owner of a development containing a detention or retention facility, specifically including amenity ponds, shall establish a program that will provide for the permanent maintenance of the

facility.

(a) The program may, for example, include the creation of a homeowners' association or other permanently established entity having the ability to levy assessments or other means of providing a permanent source of revenue to fund the maintenance program and to perform, or cause to be performed, the activities required under the maintenance program.

(b) The maintenance program and the responsibilities to be undertaken pursuant to that program shall be described in a final operations and maintenance manual, a copy of which shall be provided to the City. The manual shall define the need for and purposes of the facility, describe the major components of the facility, create and mandate an inspection program and the ongoing maintenance procedures, identify all of the operational elements and features of the facility, and shall authorize the City to inspect the facilities for compliance. The contents of the manual shall be at least equivalent to the guidelines established in the "Garland Pond Operations and Maintenance Manual" (see the City's Technical Standards).

(c) Additional requirements may be imposed due to unique or unusual circumstances as determined by the Director of Engineering.

(d) Any type of subdivision plat required for a particular development that contains a detention or retention facility shall delineate the maintenance responsibilities for the facilities.

(e) If a homeowners' association is to provide maintenance for the facility, the maintenance responsibilities and a reference to the operations manual shall be included in the deed restrictions and covenants of the association.

(f) A signed and notarized Maintenance Acknowledgement is an integral part of the Operations & Maintenance (O&M) Manual required for all developments containing a detention, retention, or amenity pond. The party signing the document acknowledges and agrees to be responsible for the performance and maintenance of the detention, retention or amenity pond defined in the O&M Manual. A new, signed, and notarized Maintenance Acknowledgement shall be provided to the City any time there is a change in the responsible party.

(H) Construction Practices.

(1) *Constructed During Initial Phases of Development.* If a detention or retention facility or amenity pond will be part of a development, the developer shall construct the facility during the initial phases of construction of the development, unless otherwise directed by the Director of Engineering, and shall ensure that the facility is fully functional as designed, prior to any paving activities, including the establishment of a stabilized cover, the living portions of which shall be maintained in a live, growing condition throughout the remaining phases of construction.

(2) *Maintenance During Construction.* The developer shall adequately maintain the facility during construction including mowing, removing trash, debris, silt and sedimentation, grading, and maintaining all living components of the facility in a stable, growing condition.

(3) *Letter of Conformance.* As a condition of, and prior to, a Letter of Final Acceptance being issued (Article 6, Division 4 of this Chapter 3) for a development containing a facility covered by this Section 3.89, the developer shall submit to the Director of Engineering a Letter of Conformance prepared by a professional engineer licensed in the State of Texas. The letter of conformance shall state that each facility within

the development has been constructed in accordance with the lines and grades as approved on the design drawings and is functioning in accordance with the intent and purpose of the approved design.

(4) *Adequate Stabilized Vegetative Cover.* No Building Permits (for a residential development) or Certificate of Occupancy (for a nonresidential development) for any development containing a facility covered by this Section 3.89 shall be issued until an adequate stabilized vegetative cover is in place on all completed facilities within the development. Any living portion of the stabilized cover shall be in a stable, growing condition.

(5) *Funds Provided.* If, due to soil conditions, heartiness of seed or sod, unusually severe weather, inadequate or sporadic maintenance activities or similar circumstances, the long-term viability of a stabilized vegetative cover is questionable, the Director of Engineering may require the developer to deposit with the City a sum of money sufficient to fund the estimated costs of repairing, replacing, and maintaining the stabilized cover for a period of one year, to be used to establish a stabilized cover for the facility as originally contemplated. Costs may be estimated based upon the use of non-City equipment and labor. The City shall not be obligated to provide City-owned equipment or labor for such purposes. The deposit shall be submitted by the developer prior to the issuance of Building Permits or Certificates of Occupancy for the development, and shall be deposited in the City's Stormwater Fund. Any portion of the deposit remaining after a period of one year shall be refunded, without interest, to the developer.

(6) *No Alteration Without Approval.* Following construction, a facility shall not be altered without the written approval of the Director of Engineering.

(I) Landscaping Standards.

(1) *General.* Detention and retention facilities and amenity ponds shall, through appropriate landscaping and screening, be integrated into the design of a development site in a manner that enhances the overall appearance and function of the site, especially in relation to the view from public streets.

(2) *Review & Approval.*

(a) Landscaping and screening of detention and retention facilities and amenity ponds shall be shown on plans required by applicable site development regulations. These plans shall be integrated into the Site Engineering Drawings (refer to Article 6, Division 1 of this Chapter 3) for the site.

(b) If a facility is to be constructed where there are no established landscaping or screening standards, then a landscape and screening plan will be required that is consistent with those required in other areas of the City.

(c) Approval of the design and construction of landscaping and screening shall be accomplished through the City's development review process and construction inspection process which will include, but not be limited to, the Development Review Committee.

(3) *Methods & Materials.* Methods and materials used for landscaping and screening shall be compatible with methods and materials used to meet site landscaping and screening requirements. Such facilities shall be landscaped using plant materials of a species, size, and spacing appropriate to the surrounding landscape and that do not result in blockage or impairment of the stormwater management function of the facility or associated maintenance activities.

(4) *Open Space.* Detention and retention

facilities and amenity ponds shall, where appropriate, be designed to serve an open space function in addition to the primary function of stormwater management. Organic shapes that blend into the natural landscape are preferred.

(5) *Screening.* Detention and retention facilities and amenity ponds, and any associated fencing or barriers, shall be appropriately screened from the view of adjacent public streets or public ways. The material, height, construction, and appearance of the rail, fence, wall, or barrier, shall be approved by the Director of Engineering, shall be compatible with the overall character of the development, and shall be consistent with that allowed by other applicable codes or zoning requirements.

Trees, ornamental grasses, shrubs and groundcover shall be provided around the perimeter of detention and retention ponds within one hundred feet of a Type D or larger thoroughfare to minimize the visual impact from the street. The screening of the detention and retention ponds may be waived by the Planning Director based on site evaluation.

(J) Enforcement Remedies.

(1) *Civil Remedies.* Pursuant to Sec. 54.012(5) [54.012(4)] of the Texas Local Government Code, Subchapter B of Chapter 54, Texas Local Government Code, providing for the enforcement of certain ordinances through the imposition of civil penalties and injunction, is hereby made applicable to any violation of this Section 3.89.

(2) *Criminal Penalties.* A person who violates any provision of this Section shall be strictly liable for such violation regardless of the presence or absence of a culpable mental state and shall, upon conviction, be subject to a fine of not more than \$2,000 per violation, per day.

(3) *Affirmative Defenses.* Unless otherwise provided in this Section, it shall be an affirmative defense to a prosecution under this

Section if:

(a) The detention facility, retention facility, or amenity pond that is the basis of the violation existed or was under construction prior to May 1, 2002; or

(b) The facility is located on property used primarily for agricultural purposes if the facility is at least three hundred feet from any public street, park, or property zoned for residential or commercial uses."

Section 29

That Section 3.90, "Easements", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.90 Easements

(A) Type, Size, and Location. If not otherwise specified within this GDC, the type, size, and location of easements shall be determined by the City's Technical Standards Manual and the Director of Engineering. The location of utility easements shall be in accordance with Division 3 of this Article 5.

(B) Maintenance. Any easements established shall be maintained by the property owner unless otherwise stated on the plat or in the specified language on a separate instrument.

(C) Designated on Plat. For new development and redevelopment, all necessary on-site easements shall be established on the Preliminary Plat, Final Plat or Replat, and not by separate instrument except as permitted by the City's Technical Standards Manual. Easements that were previously established and recorded as separate instruments shall be shown on the Plat with correct filing information before Plan Commission's consideration of the plat. Easements shall be labeled on the plat and labeled for the specific purpose for which they are being provided. Examples include a City Utility Easement (CUE) (not simply a "utility" easement which would allow franchise utilities in City easements), or a drainage easement, or an access

easement.

(D) Lot Area in Relation to Easements. The area of a lot shall be computed inclusive of all required public and utility easements.

(E) Easements for Utility Providers. The applicant is responsible for contacting all utility providers prior to submission of a plat application or Site Engineering Drawings, whichever occurs first, and for securing all necessary easements for same prior to Final Plat approval and recordation. The applicant shall provide the Director of Engineering with written certification that all necessary utility providers have been notified, and such secured easements shall be shown on the Final Plat with the recording information for each.

(F) Off-Site Easements. All necessary off-site easements required for installation of required off-site public improvements to serve the development shall be acquired by the applicant prior to approval and recordation of the Final Plat. Off-site easements shall be conveyed and recorded at the applicable county by an instrument approved by the City, and shall be shown on the Final Plat along with the recording information for each."

Section 30

That Section 3.92, "Minimum Monumentation Standards", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to rename and read as follows:

"Section 3.92 Monuments - Minimum Standards

All survey monumentation shall conform to the minimum monumentation standards contained herein and the standard monumentation details contained in the City's Technical Standards Manual, unless the City Surveyor approves alternative monumentation. Consult the City's Technical Standards Manual for materials and specifications."

Section 31

That Section 3.93, "Sidewalks in New Developments", of

Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.93 Sidewalks in New Developments

(A) Requirement. Sidewalks shall be required on both sides of all streets within new subdivisions and on the subdivision side of all streets which are adjacent to or which abut the subdivision being developed.

(B) Design & Construction. The width, design and construction of all sidewalks shall comply with the City's Technical Standards.

(C) Location. The sidewalk shall be located between the street curb or pavement edge and the right-of-way line. The standard placement of sidewalks shall be one foot from the right-of-way line, but may be varied with the written approval of the Director of Engineering, provided the sidewalk remains within a street right-of-way or within platted pedestrian easements adjacent to street rights-of-way. Rights-of-way or platted pedestrian easements shall be provided throughout the radius of all cul-de-sac or flared streets to allow the construction of sidewalks a uniform distance from the street curb for the entire extent of the street.

(D) Construction Prior to Letter of Final Acceptance. The following sidewalks shall be constructed prior to the issuance of a Letter of Final Acceptance (refer to Article 6, Division 4, Section 3.111 of this Chapter 3) of the subdivision:

(1) Along all streets (including the subdivision side of boundary streets) upon which no lot abuts or which are or will be separated from the subdivision by a screening wall; and

(2) Along any other portions of streets (including the subdivision side of boundary streets) which do not or will not abut the front or side of a buildable lot.

(E) Permit for Construction. Application for permits to construct sidewalks in a subdivision shall be made to the City Building Inspection Department if installation of a

sidewalk(s) is not included as part of the Site Engineering Drawings for a development (or redevelopment) project. All sidewalks shall be constructed in accordance with this Division 13 and other applicable provisions of this GDC. The fee for this permit is set forth in Article 3 of Chapter 1 of this GDC.

(F) Waiver or Alteration by Plan Commission.

(1) Sidewalk requirements may be waived or altered as a Development Variance (see Article 1, Division 4 in Chapter 5 of this GDC) by the Plan Commission for any of the following reasons:

(a) The terrain makes construction of sidewalks impractical.

(b) The sidewalk or portion thereof would serve no useful purpose at the time of building construction.

(c) The cost of construction is prohibitive when compared with the benefits to the immediate neighborhood.

(2) In each instance where a request to waive a sidewalk is approved by the Plan Commission, the applicant securing such approval shall pay to the City a sidewalk improvement fee in an amount equal to the estimated cost of constructing a standard width sidewalk on straight and level terrain, equal to the linear footage waived. For single or two family residential lots with large amounts of frontage, the maximum amount of the sidewalk improvement fee shall be based upon the lot width prescribed by the lot's zoning district. The estimate of cost shall be determined by the Director of Engineering, and that estimate shall be made available to the applicant.

(3) The amount shall be rendered to the Director of Engineering, placed by the City in a fund designated "Street Improvement Fund," prior to the issuance of a Site Permit, and shall be specifically used for the construction of the sidewalk waived.

(4) On the request of an owner of the property on which a sidewalk improvement fee has been paid into the Street Improvement Fund, the City shall refund the sidewalk improvement fee [if] the City has failed to commence construction within two years or service is not available within a reasonable period considering the type of capital improvement or facility expansion to be constructed, but in no event later than five years from the date of payment.

(5) Escrow amounts, or portions of escrowed amounts, which have been placed with the City and which have been held for a period of ten years from the date of such payment or agreement shall be returned to the record property owner at the time the refund is paid.

(6) Any refund shall bear interest calculated from the date of collection to the date of refund at the statutory rate set forth in Section 395.025 of the Texas Local Government Code, as amended.

(7) Notwithstanding any provision contained herein to the contrary, if the sidewalk improvement fees were paid by another political subdivision or governmental entity, payment shall be made to the political subdivision or governmental entity.

(8) A refund of escrow amounts does not remove any obligations of the property owner for construction of the required facilities if a Site Permit has not been issued on the subject lot or if application for a new Site Permit is made."

Section 32

That Section 3.96, "Applications & Procedures", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.96 Application & Procedures

(A) General Site Engineering Drawings Review & Approval Process. The Engineering Department maintains requirements, checklists and procedures for review and approval of Site Engineering Drawings (also reference the City's Development Application Packet and Technical Standards for further information and submittal requirements).

(B) Application Completeness. Incomplete plans shall not be accepted for review and shall not be considered officially submitted; such plans shall be returned to the applicant.

(C) Engineering Review and Inspection Fee. A fee shall be required for engineering review and inspection, in accordance with Division 2 of Article 3 of Chapter 1 of this GDC.

(D) Director of Engineering Review. The Director of Engineering shall be the responsible official for review and approval of Site Engineering Drawings."

Section 33

That Section 3.104, "Obligations of Agreement", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

Section 3.104 Obligations of Agreement

(A) Obligations Under Agreement. Whenever public improvements to serve the development are deferred as described in Section 3.103 above, the property owner shall enter into a Subdivision Improvement Agreement by which the applicant:

- (1) Covenants to complete the improvements;
- (2) Covenants to warranty the improvements for two years (that is, 730 calendar days) following acceptance by the City;
- (3) Covenants to provide a maintenance bond for such period in the amount set forth in Section 3.111;

(4) Provides provisions for participation in the costs of the improvements by the City, if authorization has been obtained from the City Council, and a performance bond for such improvements from the contractor, with the City as a co-obligee;

(5) Provides provisions for securing the obligations of the Agreement consistent with Section 3.106 of this Division 3; and

(6) Outlines other terms and conditions as are agreed to by the applicant and the City, or as may be required by this GDC.

(B) Agreement to Run with the Land. The Subdivision Improvement Agreement shall provide that the covenants and other items of agreement contained therein shall run with the land and bind all successors, heirs and assignees of the applicant. All existing owners shall be required to execute the Agreement or provide written consent to the covenants and other items contained in the Agreement. The City shall deliver a release to bona-fide, third-party purchasers of individual lots when all required public improvements have been accepted by the City.

Section 34

That Section 3.111, "Acceptance Following Construction", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

Section 3.111 Acceptance Following Construction

(A) Submission of As-Built Plans or Record Drawings.

(1) As-Built Plan Submission. The City shall not accept dedication of required public improvements until the applicant's engineer has certified to the Director of Engineering, through submission of a detailed as-built/record drawings of the property and any off-site easements, the location, dimensions, materials, and other information establishing that the public improvements have been built in accordance with the approved Site Engineering Drawings. Each as-

built or record drawing sheet shall show all changes made in the plans during construction, and on each sheet, there shall be an "as-built" or "record" stamp bearing the signature of the engineer of record and date. Detailed requirements for such drawings shall be in accordance with the requirements set forth in the City's Technical Standards Manual.

(B) Public Utility Survey & Easement Adjustments. The City shall not accept dedication of required public improvements until the applicant's surveyor has certified to the Director of Engineering, through a certification letter and submission of a Public Utility Survey establishing that the visible public utility improvements have been installed within the Final Plat dedicated easements. See the Technical Standards Manual for requirements for the Public Utility Survey and certification letter.

If improvements are installed outside of the dedicated easements, at the discretion of the Director of Engineering, the improvements shall be reconstructed within the utility easements or additional easement(s) by separate instrument shall be provided and recorded along with a subsequent Amending Plat or Replat of the property at the developer's expense. A letter of acceptance shall not be issued until the approved recorded separate instrument is received by the Director of Engineering.

(C) Acceptance or Rejection of Improvements by Director of Engineering.

(1) Responsible Official. The Director of Engineering shall be responsible for certifying acceptance of completed subdivision improvements intended for dedication to the City.

(2) Final Inspection. After completion of all improvements, franchise utilities, grading, and erosion control, the Director of Engineering will perform a final inspection before recommending acceptance of the improvements.

(3) Letter of Final Acceptance. Upon a recommendation of acceptance, and a maintenance bond being executed in conformance with Subsection (F), the Director of Engineering shall

issue a Letter of Final Acceptance to the applicant, thereby notifying the applicant of the acceptance.

(4) Meaning of Acceptance. If the Director of Engineering accepts such improvements, the City shall execute all the necessary documents to release the full amount of security, including any retainage (when applicable). Acceptance of the improvements shall mean that the applicant has transferred all rights to all the public improvements to the City for title, use and maintenance.

(5) Rejection. The Director of Engineering shall reject such improvements if they fail to comply with standards and specifications of the City.

(D) Disclaimer. Approval of a Preliminary Plat or Final Plat by the Plan Commission, or approval of the Site Engineering Drawings by the Director of Engineering, shall not constitute acceptance of any of the public improvements required to serve the subdivision or development. No public improvements shall be accepted for dedication by the City except in accordance with this Section.

(E) Acceptance of Improvements for Land in Extraterritorial Jurisdiction. Where the facilities to be constructed under the Subdivision Improvement Agreement are located within the City's extraterritorial jurisdiction, and are to be dedicated to the applicable county, the Director of Engineering shall inform a county representative that the public improvements have been constructed in accordance with the approved Site Engineering Drawings, and are ready for acceptance by the applicable county.

(F) Maintenance Bond Following Acceptance. The owner shall covenant to warranty the required public improvements for two years (that is, 730 calendar days) following acceptance by the City of all required public improvements and shall provide a maintenance bond for that period of time in an amount equal to 100% of the actual cost of construction. All improvements located within an easement or right-of-way shall be bonded. A Letter of Final Acceptance (Subsection (C)(3) above) shall be conditioned upon execution of the maintenance bond."

Section 35

That Section 4.08, "Purpose & Applicability", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 4.08 Purpose & Applicability

(A) Purpose. A Site Permit allows work to begin on the site, including the construction of public improvements that are generally located outside of the building pad or footprint. The site work is generally authorized prior to work on the actual building(s).

(B) Applicability. A Site Permit is required prior to commencement of any site improvements on any land within the City limits. A Site Permit may, at the Director of Engineering's discretion, be required for any land within the City's extraterritorial jurisdiction. Site improvements may include (but are not limited to) grading, paving, utilities, stormwater management facilities, landscaping, irrigation, and screening as may be reflected on the approved Site Engineering Drawings.

(C) Responsible Official. The Director of Engineering is the official responsible for issuing Site Permits."

Section 36

That Section 4.10, "Effect of Issuance", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 4.10 Effect of Issuance

(A) Purpose. A Building Permit allows work to commence on a building or other building components. The City reviews a Building Permit application for compliance with all applicable codes and ordinances related to the construction of proposed buildings and appurtenances.

(B) Validity. A Site Permit becomes null and void if work on the site improvements has not commenced within three hundred and sixty-five (365) calendar days following the

Site Permit date of issuance. A site permit shall also expire three hundred and sixty-five (365) calendar days following the date of the most recent inspection reflecting progress on the public infrastructure improvements.

(C) Responsible Official. The Building Official is the official responsible for issuance of a Building Permit."

Section 37

That Section 4.15, "Issuance", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 4.15 Issuance

(A) Issuance. A Certificate of Occupancy may be obtained from the Building Inspection Department following determination by the Building Official that all construction has been completed on the building; all final inspections have been approved; all violations have been cured; all citations and any related fines have been paid; and all applicable fees have been paid. The final review and inspection may also involve other appropriate departments (such as, the City's Health Department and Fire Department), depending on the application and type of intended occupancy.

(1) In order to obtain a Certificate of Occupancy for new construction (see Subsection 4.14(B)(1) above), all final construction approvals by all departments must be completed prior to submission of an application for a C.O.

(2) When occupancy change in an existing structure occurs (see Subsections 4.14(B)(2) through (B)(4) above), only the Building Inspection Department's approval is necessary, unless the change involves circumstances that necessitate involvement and approval by other City departments.

(B) General Timing. A Certificate of Occupancy is generally issued after all construction on a building is complete, all Building Permit requirements have been satisfied, and all final inspections have been completed

and approved.

(C) Review & Inspection. The Building Inspection Department will review all Certificate of Occupancy applications, and provide related inspection services.

(D) Application. All applications must be submitted on a form provided in the City's Development Application Packet, as amended, along with any other information as may be requested by the Building Official."

Section 38

That Section 4.20, "Off-Street Parking Requirements", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 4.20 Off-Street Parking Requirements

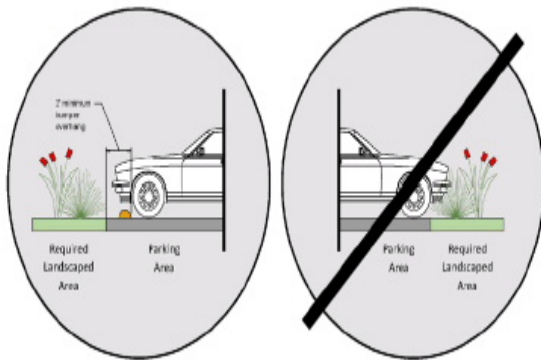
(A) Off-Street Parking Ratios. All uses of land and buildings in the City of Garland, except for within the Downtown district, must provide off-street parking at the ratios set forth within the Land Use Matrix (Section 2.51 in Chapter 2 of this GDC). Land uses within the Downtown district must provide parking in accordance with that district (see Chapter 7 of this GDC). In any district, when more than one use occurs on a site, the required off-street parking must be prorated according to the requirements of each use. In computing the total required parking, a fraction in the final figure must be rounded to the next highest whole number.

(B) Stall and Aisle Dimensions. A person, property owner, or developer must comply with the minimum dimensions of parking stalls and aisles, including full-size parking spaces and compact car parking spaces specified in the City's Technical Standards Manual, as amended.

(C) Vehicle Stopping Devices, Overhangs, Curbing.

(1) Vehicle Stopping Devices. Parking and vehicle sales areas must have a vehicle stopping device (including, but not limited to, raised curbs, wheel stops, and bollards) installed to prevent parking of motor vehicles in any required

landscaped areas, and to prevent any parked vehicle from overhanging a public right-of-way line, public sidewalk, or adjacent property.



(2) *Vehicle Overhang*. A sidewalk can accommodate vehicle overhangs provided that a minimum four-foot unobstructed sidewalk area is maintained (see [Chapter 3](#) for required sidewalks). This requirement applies only where spaces are adjacent to the walks, right-of-way, and landscaping. In any event, parking may not be allowed to overhang public right-of-way.

(D) Access. Vehicular access to nonresidential uses from alleys serving residential areas is prohibited.

(E) Materials. All parking for land uses and buildings, including required parking and any additional parking that are provided on- or off-site, must be constructed of concrete (in accordance with the City's *Technical Standards*). Other paving materials for parking areas may be proposed for non-required parking using the alternative compliance process outlined in Article 1, Division 2 of this Chapter 4.

(F) Location. All parking for land uses and buildings, including required parking and any additional parking that are provided on- or off-site, must be located within a zoning district that allows the use for which the parking is required.

(G) Shared and Off-Site Parking. A portion of the required off-street parking for different buildings, structures, or uses may be shared (up to 50%). In addition, a portion of the required off-street parking for different buildings, structures, or uses may be provided off-site (up to 25%). Both are subject to the following requirements:

(1) Shared and off-site parking must be on an immediately contiguous lot or tract, and all shared parking spaces must be located within three hundred feet of the property boundary of the use(s) the shared parking serves.

(2) The Planning Director is responsible for the approval or denial of a request for shared or off-site parking as part of the appropriate development application.

(3) Each property owner must execute an irrevocable mutual parking agreement (granting parking easements necessary to assure retention of the shared or off-site parking spaces), in a form acceptable to the City, file this document with the County, and provide a copy of the filed document to the City prior to issuance of a Site Permit, Building Permit or Certificate of Occupancy (as applicable, and whichever occurs first) for any use that relies upon the shared or off-site parking arrangement.

(4) For shared parking, the peak parking demand for any of the buildings, structures, or uses will generally occur at a different time of day than the peak parking demand of other adjacent buildings, structures, or uses. The developer is responsible for providing parking demand data to support the request for a reduction in total parking space requirement due to joint use. Parking requirements are determined based on parking demand for the peak parking period. If at some time the peak parking demand changes, or if a shared parking arrangement becomes inadequate to accommodate the parking generated by the uses or a nuisance to surrounding property owners, the Planning Director has the authority to require the uses sharing the parking to submit a parking study prepared by a licensed transportation engineer for review and, if deemed necessary, the Director may place limitations or other safeguards on the parking arrangement to protect the public health, safety, or welfare.

(H) Use of Required Parking and Loading Spaces. Required

off-street parking and loading spaces may be used only for parking and loading spaces. Use for any other purpose is prohibited.

(I) Off-Street Stacking Requirements for Drive-Throughs. Persons, property owners, or business owners must comply with the following off-street stacking requirements, as applicable, for drive-throughs:

(1) *General.* A stacking space is an area on a site measuring eight feet by twenty-two feet with direct forward access to a service window or station of a drive-through facility that does not constitute space for any other circulation driveway, parking space, or maneuvering area, and that does not include the area where a vehicle is actually being served from a drive-through window. An escape lane of at least eight feet in width and with negotiable geometric design must be provided to allow vehicles to exit the stacking lane in the event of a stalled vehicle, emergency, or accidental entry.

(2) *Banks/Financial Institutions.* For financial institutions with drive-through facilities, each teller window or station, human or mechanical, requires a minimum of five stacking spaces. One escape lane must be provided.

(3) *Restaurants.* For each service window of a drive-through restaurant, a minimum of five stacking spaces is required for the first vehicle stop (usually the menu/order board), and two stacking spaces is required for each additional vehicle stop (such as order/pick-up windows). One escape lane is required from the beginning of the stacking lane to the first stop (that is, the menu/order board).

(4) *Other Retail Uses.* For other retail operations (other than restaurants, banks, or those operations specifically cited in this section) and kiosks that provide drive-through or drive-up service (such as pharmacies or dry cleaners), a minimum of two stacking spaces for each service window are required.

(5) *Car Wash, Full-Service/Detail.* For a full-service car wash, each vacuum or gas pump lane requires a minimum of four stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space is required to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.

(6) *Car Wash, Automated/Rollover.* For each automated self-service (drive-through/rollover) car wash bay, a minimum of three stacking spaces, in addition to the wash bay itself, are required. One stacking space is required at the exit end of each wash bay for window-drying and other detailing.

(7) *Car Wash, Self-Service.* For each manually operated, wand-type self-service (open) car wash bay, a minimum of two stacking spaces, in addition to the wash bay itself, are required. One stacking space is required at the exit end of each wash bay for window-drying and other detailing, unless a separate area or shade structure is provided outside of circulation aisles for these activities.

(8) *Automobile Repair (with drive-through).* For drive-through automobile repair establishments (such as, 20-minute oil and lube maintenance stations), a minimum of one stacking space is required for each service bay in addition to the service bay itself.

(J) Storage of Recreational Vehicles and Boats. Recreational vehicles and boats that are being stored may not occupy parking required by this Article 2. Spaces and areas dedicated to recreational vehicle storage must be paved in accordance with the City's paving standards for parking areas, and must not be directly visible from any public right-of-way or single-family property line (see Section 32.57 of the Code).

(K) Deviation of Required Spaces. The maximum amount of required parking spaces for a particular nonresidential or multifamily use (as set forth in the [Land Use Matrix](#) in Section 2.51 of Chapter 2) may be increased, as identified below. Deviations (that is, an increase in parking) in

excess of the ratio shown for a particular sized project (maximum fifteen percent) may be submitted for approval using the alternative compliance process outlined in [Article 1, Division 2 of this Chapter 4](#), and the request must be accompanied by a parking generation study prepared by a licensed transportation engineer. A request for a parking deviation in excess of the applicable amount shown below for a project may also be submitted using the alternative compliance process, except that any request for deviation that exceeds fifteen percent of the maximum parking requirement shall be processed, reviewed, and decided as a Zoning Variance by the Board of Adjustments in accordance with the procedures set forth in [Section 2.25](#) of this GDC. Any type of deviation, regardless of degree, must be mitigated. Mitigation can be achieved by the use of pervious parking, increased landscaping (see Section 4.35 of this GDC), increased stormwater controls (see Section 3.63 of this GDC), or other method to reduce the impact of the increased parking.

Deviation of Required Off-Street Parking Spaces

Size of Structures (square feet)	Percent of Deviation
0 to 40,000 sf	up to 5%
40,001 to 85,000 sf	up to 10%
greater than 85,000 sf	up to 15%

“

Section 39

That Section 4.22, “Loading Requirements”, of Chapter 4, “Site Development”, of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

“Section 4.22 Loading Requirements

(A) General Criteria. A person, property owner, or business owner must comply with the following loading requirements:

- (1) Driveways, aisles, maneuvering areas, and

heavy load vehicle berths must be designed to accommodate the largest vehicles normally expected to use those particular driveways, aisles, maneuvering areas, and heavy load vehicle berths.

(2) All parking, loading, and maneuvering of heavy load vehicles must be conducted off-street and on private property. All drives and approaches must provide adequate space and clearances to allow the maneuvering of heavy load vehicles off-street.

(3) Required vehicle parking is prohibited within the heavy load vehicle dock apron space or maneuvering areas.

(4) The minimum dimensions of a loading area (or heavy load vehicle loading berth) are provided in the City's Technical Standards Manual, as amended, and incorporated herein.

(B) Loading Ratios & Area. All nonresidential uses must provide and maintain off-street parking facilities for the loading and unloading of merchandise and goods at ratios consistent with Table 4-1 below, based on square feet of gross floor area, or fraction thereof.

Table 4-1: Number of Required Off-Street Loading Spaces (Heavy Load Vehicle Loading Spaces)

Retail, Restaurants and Commercial Structures (Square Feet)	Hotels, Office Buildings, Industrial and Similar Establishments (Square Feet)	Minimum Number of Loading Spaces
0 to 10,000 sf	0 to 50,000 sf	1 loading space
10,001 to 150,000 sf	50,001 to 200,000 sf	2 loading spaces
150,001 to 200,000 sf	200,001 to 500,000 sf	3 loading spaces
each additional 100,000 sf	each additional 200,000 sf	1 additional loading space

(C) Loading Area Location.

(1) Heavy load vehicle loading spaces and apron space must not be located on the street side of a building, except as approved by the Planning Director in accordance with Division 6 of this

Article 2.

(2) Heavy load vehicle loading spaces and apron space must not be located within a required setback or landscape buffer strip, except as approved by the Planning Director as an alternative compliance request in accordance with Division 6 of this Article 2.

(3) See Article 3 (Screening & Landscaping) for additional screening requirements for loading areas.

(D) Waiver. The Planning Director has the authority to waive all or a portion of the loading space requirement if, upon receipt and review of data prepared by a transportation engineer licensed in the state of Texas, it is demonstrated that the requirement is excessive or unnecessary for the proposed use."

Section 40

That Section 4.104, "Setback Requirements Generally", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 4.104 Setback Requirements Generally

(A) No fence may be built within a required front yard, as defined in this GDC, except in the Agriculture (AG) and Industrial (IN) zoning districts, and except as provided below:

(1) *Type 1*. A fence less than three and one-half feet in height, and:

(a) Made of wood or ornamental metal; and

(b) Provides at least a four-inch wide vertical space for each linear foot and at least a one-foot wide horizontal space between horizontal portions of the fence; or

(2) *Type 2*. A fence less than two and one-half feet in height, and made of brick or masonry,

excluding cinder block.

(B) No fence may be built within a required front yard or any closer than the front edge of the building in nonresidential and mixed-use zoning districts.

(C) No barbed wire fence may be built within a required side or rear yard adjacent to a street except in the Industrial (IN) or Heavy Commercial (HC) zoning districts.

(D) No fence may be installed within a required visibility area, as defined in the City's Technical Standards Manual."

Section 41

That Garland Development Code for the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 42

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 43

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 44

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the ____ day of _____,
2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

4.

Meeting Date: 05/07/2019

Item Title: Consider an ordinance amending Sec. 10.33 of the Code of Ordinances relating to renaming and revising the duties of the Citizens Environmental and Neighborhood Advisory Committee

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

The Citizens Environmental and Neighborhood Advisory Committee (CENAC) was established by ordinance in 1990 and charged with providing recommendations relating to such matters as overseeing the City's Keep Garland Beautiful program, encouraging recycling efforts, and promoting well-kept neighborhoods. At the behest of members of CENAC, the Administrative Services Committee was given an assignment to review CENAC's duties and functions. At the April 15, 2019 work session, the Administrative Services Committee reported out a recommendation of making certain changes to the ordinance that governs CENAC, including a name change from the Citizens Environmental and Neighborhood Advisory Committee to the Environmental and Community Advisory Board (ECAB). The changes do not substantively alter the scope of the board's duties, as reflected in the attached ordinance.

Recommendation/Action Requested and Justification

Approve an ordinance amending Sec. 10.33 of the Code of Ordinances revising the name of the Citizens Environmental and Neighborhood Advisory Committee to the Environmental and Community Advisory Board and making technical and conforming changes to that section.

Attachments

CENAC/ECAB 2019

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10, "ADMINISTRATION", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Citizens Environmental and Neighborhood Advisory Committee was established by ordinance in September, 1990 to assist the City Council in establishing sound public policy as it relates to environmental matters and neighborhood issues; and

WHEREAS, members of the committee have dutifully performed such functions on behalf of the citizens of Garland; and

WHEREAS, it is the desire of the City Council to continue the Citizens Environmental and Neighborhood Advisory Committee under a revised name and with additional and revised duties thus, for purposes of Art. IV, Sec. 1(F) of the City Charter, neither abolishing nor creating the committee;

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

Section 1

That Sec. 10.33 of Chapter 10, "Administration", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 10.33 Environmental and Community Advisory Board

(A) Appointment of members. There shall be an Environmental and Community Advisory Board consisting of nine members appointed by the City Council. The Mayor and City Council may each appoint a member to the board who shall serve a term to coincide with that of the appointing member of the City Council. Members shall serve without compensation. The mission of the board shall generally be to enhance the quality of life for Garland's citizens by promoting efforts to maintain and improve both the overall environment and the physical conditions of neighborhoods.

(B) Qualifications. The members of the board shall possess the same qualifications as are required for members of the City Council.

(C) Staff liaison. The City Manager shall designate a staff member who shall serve as staff liaison to the board but who shall have no vote.

(D) Responsibilities and duties. The board shall serve the City Council as an advisory board and in that capacity the board shall:

(1) Maintain a relationship with the Keep Garland Beautiful program and promote its efforts.

(2) Encourage increased citizen participation in recycling.

(3) Promote neighborhood quality and improvement efforts with city residents, including individuals and neighborhood groups.

(4) Aid staff in promoting strategies that maintain well-kept neighborhoods in an excellent condition.

(5) Promote the household hazardous waste (HHW) management program (through the City's membership in the Dallas Area HHW Network or through an independent program).

(6) Work with the City's staff and community groups using Keep America Beautiful Community Appearance Index methodology and data, as well as other technologies, to identify areas that need litter abatement, including the control and prevention of illegal dumping, and devise a plan for remedies.

(7) Maintain as a board and on an individual basis through regular communication with the member of the City Council who appointed the board member, ongoing relationships pertaining to the responsibilities, duties and activities of the board."

Section 2

That Chapter 10, "Administration", of the Code of Ordinances of the City of Garland, Texas, as amended, shall

be and remain in full force and effect save and except as amended by this Ordinance.

Section 3

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 4

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the ____ day of _____, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

5.

Meeting Date: 05/07/2019

Item Title: Census 2020 Resolution

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Council is requested to approve a resolution supporting the partnership with the U.S. Census Bureau and the Community Multicultural Commission's role as the Complete Count Committee.

Recommendation/Action Requested and Justification

Approve a resolution in support of Census 2020.

Attachments

Census 2020 Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, SUPPORTING THE U.S. CENSUS BUREAU 2020; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population which provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy;

WHEREAS, the City of Garland is committed to ensuring every resident is counted;

WHEREAS, federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing;

WHEREAS, census data helps determine how many seats each state will have in the U.S. House of Representatives and is necessary for the an accurate and fair redistricting of state legislative seats, county and city councils, and voting districts; and

WHEREAS, information from the 2020 Census and American Community Survey are vital tools for economic development and increased employment.

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

SECTION 1

That the City Council supports the goals and ideals for the 2020 Census and directs that the City will assist in:

- Disseminating 2020 Census information.
- Encouraging City residents to participate in events and initiatives that will raise the overall awareness of the need for and importance of the 2020 Census and increase participation in the conduct of the census.
- Encouraging census advocates to speak to community organizations.
- Supporting census takers as they help our City obtain an accurate count.
- Striving to achieve a complete and accurate count of all persons within the City.

Section 2

That this Resolution shall be and become effective immediately upon and after its adoption and approval.

PASSED AND APPROVED this the _____ day of March, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

6.

Meeting Date: 05/07/2019

Item Title: Oncor Rate Case Denial

Submitted By: Matt Watson, Finance Director

Summary of Request/Problem

On April 8, 2019, Oncor Electric Delivery Company LLC (“Oncor” or “Company”) filed an Application for Approval to Amend its Distribution Cost Recover Factor (“DCRF”) to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of \$29,433,804.

The resolution authorizes the City to join the Steering Committee of Cities Served by Oncor (“OCSC”) to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Recommendation/Action Requested and Justification

Approve Resolution denying Oncor Rate Case Application.

Attachments

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF GARLAND FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY, LLC'S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Garland, Texas ("COG") is an electric utility customer of Oncor Electric Delivery Company, LLC ("Oncor"), and a regulatory authority with an interest in the rates and charges of Oncor;

WHEREAS, COG is a member of the Steering Committee of Cities Served by Oncor ("OCSC"), a membership of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area;

WHEREAS, on or about April 8, 2019 Oncor filed with the COG an Application for Approval of a Distribution Cost Recovery Factor ("DCRF"), PUC Docket Number 49427, seeking to increase electrical distribution rates by approximately \$29,433,804;

WHEREAS, all electric utility customers residing in the COG will be impacted by this ratemaking proceeding if it is granted;

WHEREAS, members of OCSC are coordinating a review of Oncor's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application;

WHEREAS, OCSC's members and attorneys recommend that members deny the DCRF;

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

Section 1

That the City of Garland is authorized to participate with OCSC in PUC Docket Number 49427;

Section 2

That subject to the right to terminate employment at any time, the City of Garland hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with Oncor, make recommendations to the COG regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

Section 3

That the rates proposed by Oncor to be recovered through its DCRF charged to customers located within the city limits of the COG are hereby found to be unreasonable and shall be denied.

Section 4

That Oncor shall continue to charge its existing rates to customers within the city limits of the COG.

Section 5

That the COG's reasonable rate case expense shall be reimbursed in full by Oncor within thirty (30) days of presentation of an invoice to Oncor;

Section 6

That the COG hereby officially finds and determines that the meeting at which this Resolution is passed was open to the public as required by law, and that the COG gave public notice of the time, place, and purpose of said meeting as required by law.

Section 7

That, upon passage by the COG, a copy of this Resolution shall be sent to Matthew C. Henry, 1616 Woodall Rogers Freeway, Dallas, Texas 75202 and to Thomas Brocato, General Counsel to the OCSC's member cities, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

Section 8

That this Resolution shall be and become effective immediately upon and after its adoption and approval.

PASSED AND APPROVED this the ____ day of _____,
2019.

CITY OF GARLAND, TEXAS

Lori Barnett Dodson
Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

7.

Meeting Date: 05/07/2019

Item Title: Consider adopting amendments to the Code of Ordinances relating to hotel taxes and lodging establishments, with amendments governing short term rentals

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

Council is requested to consider amendments to the Code of Ordinances relating to hotel taxes and lodging establishments, in particular amendments relating to short term rentals. At the April 15, 2019 Work Session, the City Attorney briefed Council on the amendments, explaining that most of the text of the draft ordinance (1) makes technical and conforming changes to the Code of Ordinances to bring the City's hotel tax program into line with current state law and, (2) updates provisions relating to multifamily and lodging establishment permits.

One particular provision in the proposed ordinance would allow some short term rentals to operate without the need of a lodging establishment permit. The provision as currently drafted allows short term rentals without the need of a lodging establishment permit if the premises are not rented for more than 5 consecutive days or more than 30 days in a calendar year. The sentence that will need to be changed if the Council directs is shown on the last page of the attached ordinance.

Recommendation/Action Requested and Justification

Council is requested to approve the proposed ordinance after determining whether or how to address non-permanent short term rentals.

Attachments

hotel tax lodging establishment short term rental

ORDINANCE NO.

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 40, "TAXATION", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; AMENDING CHAPTER 32, "; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Article II, "Hotel Occupancy Tax" of Chapter 40, "Taxation", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 40.10 Definitions

As used in this article, the following words, terms, and phrases are defined as follows:

(1) Consideration means the price of or value received for the right to use all or a portion of a hotel, but does not include the cost of any food served or personal services rendered to the occupant not related to cleaning and readying the room or space for occupancy, and does not include any tax assessed by any other governmental agency for occupancy of the room or space.

(2) Hotel means any building, complex of buildings, trailer, or any other facility in which the public may, for a consideration, obtain sleeping accommodations. The term includes hotels, motels, tourist homes, houses or courts, lodging houses, cabins, inns, rooming houses, trailer houses, trailer motels, dormitories where bed space is rented, apartments not occupied by permanent residents, short-term rentals, and all other facilities where rooms or sleeping facilities or space are furnished for consideration. The term "hotel" does not include hospitals, sanitariums, nursing homes, jails, prisons or detention centers, dormitories or housing facilities of the type described in Section 156.001(2) of the Texas Tax Code or an oilfield portable unit, as defined by Section 152.001 of the Texas Tax Code.

(3) Monthly period means the regular calendar months of the year.

(4) Occupancy means the use or possession of, or the exclusive right to the use or possession, of a sleeping space, room, or facility in a hotel.

(5) Occupant means any person who has paid consideration for the exclusive right to use a sleeping space, room, or facility in a hotel.

(6) Permanent resident means any occupant who has occupied or has paid for the exclusive right to occupy a particular sleeping space, room, or facility in a hotel for at least thirty consecutive days so long as there is no interruption of payment for the period.

(7) Residential property means a property zoned AG, SF-E, SF-10, SF-7, SF-5, SFA, 2F or MF under the Garland Development Code and on which is located a building used for residential purposes.

(8) Short-term rental means the rental of all or part of a residential property to a person who is not a permanent resident.

(9) Tax means the hotel occupancy tax levied in this article pursuant to Chapter 351 of the Texas Tax Code.

Sec. 40.11 Tax authorized; tax rate; exceptions to tax

(A) A tax upon the cost of or consideration paid by a person who, under a lease, concession, permit, right of access, license, contract, or agreement, has the use or possession or the right to the use or possession of a room that is in a hotel is hereby levied at the rate of seven percent of the total price to include all goods and services provided by the hotel which are not ordinarily subject to sales tax.

(B) The following are exceptions to the tax:

(1) There is no tax on the cost of or consideration paid for occupancy of a hotel sleeping space, room, or facility priced at less than \$2.00 per day.

(2) The cost of or consideration paid for a hotel space, room, or facility not ordinarily used for sleeping, such as a conference space or a meeting room, is not subject to this tax.

(3) The cost of or consideration paid for a sleeping space, room, or facility occupied by a permanent resident is not subject to this tax.

(4) A person described in Section 156.101, Section 156.103(a), or Section 156.103(d) of the Texas Tax Code is exempt from the payment of the tax imposed under this article.

(5) A state governmental entity described in Section 156.103(b) or a person described in Section 156.103(c) of the Texas Tax Code shall pay the tax imposed by this article, but the state governmental entity is entitled to a refund of the tax paid.

Sec. 40.12 Collection; reporting

(A) Every person owning, operating, managing, or controlling any hotel shall collect the tax imposed under this article and pay same to the City together with the report required in this article.

(B) The tax shall be reported and submitted to the City not later than ten days from the last day of March, June, September, and December of each year, on forms provided by the City.

(C) Each person required to collect the tax must make records relating to the tax available for inspection by the City. The City shall, upon reasonable notice, have access to books and records necessary to determine the correctness of a report filed under this article or the amount of taxes due under this article. The City shall have authority to require additional information to determine the correctness of a report filed under this article or the amount of taxes due under this article.

(D) If a person who is liable for the payment of a tax under this article is the owner of the hotel and sells the hotel, the successor to the sale or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the tax due until the seller provides a receipt from the City showing that the amount has been paid or a certificate showing that no tax is due.

(1) The purchaser of a hotel who fails to withhold an amount of the purchase price as required by this subsection is liable for the amount required to be withheld to the extent of the value of the purchase price.

(2) The purchaser of a hotel may request that the City issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The City shall issue the certificate or statement not later than sixty days after receiving the request. If the City fails to issue the certificate or statement within the time period, the purchaser is released from the obligation to withhold the purchase price or pay the amount due (but not from the obligation to pay any tax that may be due).

Sec. 40.13 Rules and regulations

The tax collector shall have the power to make any rules and regulations necessary to effectively collect the tax, penalty or interest levied herein. The tax collector is authorized to issue rules and regulations necessary to effectuate the full intent and purpose of this article concerning the information required on reports, the collection reporting periods, audits, the retention of records, the forcible seizure of records for auditing purposes, as allowed by law.

Sec. 40.14 Penalties

(A) A person commits an offense if a person:

- (1) Fails to collect the tax imposed by this article;
- (2) Fails to file a report as required by this article;
- (3) Fails to pay the tax when payment is due;
- (4) Files a false report; or

(5) Fails to comply with this article when purchasing a hotel.

(B) An offense committed under subsection (A) of this section is punishable by a fine not to exceed \$500 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(C) In addition to any criminal penalties imposed under subsection (B), a person shall pay fifteen percent of the tax due as a penalty if the person fails to pay the tax or file the report as required by this article by the due date. Delinquent taxes shall accrue interest at the rate of ten percent per annum beginning sixty days from the date the tax was due.

Sec. 40.15 Tax collection suit

(A) The City Attorney or other attorney authorized by the City may bring suit against a person who is required to collect the tax imposed by this article and who has failed file a tax report or pay the tax when due. The City may collect the tax not paid or enjoin the person from operating a hotel in the City until the tax is paid or the report is filed, as applicable, as provided by the court's order. In addition to any amount of any tax owed under this article, the person is liable to the City for:

- (1) Reasonable attorney's fees;

(2) The cost of an audit conducted under subsection (B), as determined by the City using a reasonable rate, but only if the tax has been delinquent for at least two complete municipal fiscal quarters at the time the audit is conducted;

(3) A penalty equal to fifteen percent of the total amount of the tax owed; and

(4) Interest on the delinquent taxes at the rate of ten percent per annum.

(B) If a person is required to file a tax report under this article does not file the report as required by this article, the City Attorney or other attorney authorized by the City may determine the amount of tax due under this article by:

(1) Conducting an audit of each hotel in relation to which the person did not file the report as required by this article; or

(2) Using the tax report filed for the appropriate reporting period under Section 156.151 of the Texas Tax Code in relation to that hotel.

(C) If the person did not file a tax report under Section 156.151 of the Texas Tax Code for that reporting period in relation to that hotel, the City Attorney or other attorney authorized by the City may estimate the amount of tax due by using the tax reports in relation to that hotel filed during the previous calendar year under this article or Section 156.151 of the Texas Tax Code. An estimate made under this subsection is prima facie evidence of the amount of the tax due for that period in relation to that hotel.

(D) The authority to conduct an audit under this section is in addition to any other audit authority provided by State law, charter, or ordinance.

(E) The remedies provided by this section are in addition to other available remedies.

Sec. 40.16 Compatibility and reconciliation with other ordinances and laws

Nothing contained in this article shall be construed as authorizing the use of any property in a manner contrary to any provision of this Code of Ordinances, the Garland Development Code, or other law. A premises may constitute a hotel for purposes of taxation under this article even though the premises are not zoned for hotel

uses under the Garland Development Code. Similarly, a hotel for taxation purposes may be regulated as a lodging establishment, a single family rental unit or as a multifamily dwelling under the provisions of Chapter 32 of this Code of Ordinances, as appropriate to the actual land use and notwithstanding the use of the term "hotel" in this article. A building designed, intended, and zoned as a hotel for purposes of the Garland Development Code may not be converted into a multifamily use merely by renting some or all of the sleeping rooms to "permanent residents" as that term is used in this article unless the premises are appropriately zoned and are licensed as a multifamily dwelling."

Section 2

That Sec. 32.01 of Chapter 32, "Property Sanitation and Housing Services", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by amending the definition of "lodging establishment" to read as follows:

"Lodging establishment" means any building, complex of buildings, trailer, or any other facility in which the public may, for a consideration, obtain sleeping accommodations. The term includes hotels, motels, tourist homes, houses or courts, lodging houses, cabins, inns, rooming houses, trailer houses, trailer motels, dormitories where bed space is rented, apartments not occupied by permanent residents, short-term rentals, and all other facilities where rooms or sleeping facilities or space are furnished for consideration. The term "hotel" does not include hospitals, sanitariums, nursing homes, jails, prisons or detention centers, dormitories or housing facilities of the type described in Section 156.001(2) of the Texas Tax Code or an oilfield portable unit, as defined by Section 152.001 of the Texas Tax Code. For purposes of this article, the term "lodging establishment" does not include a short term rental if the premises are occupied by the owner as the primary, permanent residence of the owner and the premises are not used as a short term rental for more than five days consecutive days in any 30 day period, or for more than 30 days in any calendar year."

Section 3

That Sec. 32.01 of Chapter 32, "Property Sanitation and Housing Services", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding a definition of "short term rental" to read as follows:

"Short term rental means the rental of all or part of a residential property to a person who is not a permanent resident."

Section 4

That Sec. 32.07(B)(1) of Chapter 32, "Property Sanitation and Housing Services", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(1) An application for a license, whether an original or a renewal, must be made to the Director of Code Compliance by the intended operator of the multifamily dwelling or lodging establishment. A signed, completed application form (which may, if allowed by the Director of Code Compliance, be in electronic form and electronically signed) shall be filed with the Director of Code Compliance. An unsigned or incomplete application will not be processed. The application shall require, and the applicant shall provide, the following information:

(a) The full name of the owner (whether or not the owner intends to directly operate the multifamily dwelling or lodging establishment) and the full name of the property manager or other intended operator (if the multifamily dwelling or lodging establishment will be operated by a third-party).

(b) The owner's and the property manager's or operator's (if any) street address, mailing address (if different), and telephone number.

(c) The trade name under which the multifamily dwelling or lodging establishment is or will be operated.

(d) The address of the premises on which the multifamily dwelling or lodging establishment is or will be located.

(e) The name, mailing address, and telephone number of a person who will act as the applicant's agent and liaison with the Director of Code Compliance for matters relating to inspections of the premises as required by this section, and to receive notices and other communications provided in this article. The applicant shall provide a telephone number at which a representative of the owner may be contacted at any time in emergencies. Notices sent to the address provided shall be considered as notice to the owner unless the owner provides new information as required in this subsection to the Director of Code Compliance.

(f) For multifamily dwellings that contain individually-owned condominium units that are managed by a homeowners

association or third-party property management company, the name, address, and telephone number of the homeowners association or third party management company."

Section 5

That Sec. 32.07(B)(2) of Chapter 32, "Property Sanitation and Housing Services", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(B) (2) The original application shall be accompanied by the following:

(a) Payment in full, by certified check, cashier's check, money order or other same-day funds of the required license fee;

(b) A statement under oath or certified under penalty of perjury attesting to:

(1) the assumed name of the multifamily dwelling or lodging establishment it is operated under an assumed name;

(2) the current owner of the fee simple interest in the premises on which the multifamily dwelling or lodging establishment is located; and

(3) such other information as required by the Director of Code Compliance necessary to the enforcement of the provisions of this article."

Section 6

That Sec. 32.07(B)(3) of Chapter 32, "Property Sanitation and Housing Services", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(3) Except for new construction, the applicant shall submit evidence with the application that the multifamily dwelling or lodging establishment has been treated for insects, rodents, and vermin within the preceding six (6) months by a person licensed under the Texas Structural Pest Control Act."

Section 7

That Sec. 32.07(B)(5) of Chapter 32, "Property Sanitation and Housing Services", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(5) The applicant shall certify that each multifamily or lodging dwelling unit for which the application is submitted is equipped,

in accordance with the provisions of section 32.03(3), with properly working smoke alarms and, if the premises are equipped with a cooling tower for air conditioning, a certification of testing for the presence of *Legionella pneumophila* as required by section 32.04(D)(6); and"

Section 8

That Sec. 32.07(D) of Chapter 32, "Property Sanitation and Housing Services", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(D) Posting required; non-transferable; new license required on transfer.

(1) A license issued pursuant to this section shall be posted and displayed in the multifamily dwelling or lodging establishment office or a conspicuous place to which occupants have access. A replacement license may be issued for one lost, destroyed, or mutilated upon application on the form provided by the City. A replacement license shall have the word "replacement" stamped across the face and shall bear the same number as the one it replaces.

(2) A multifamily dwelling or lodging establishment license is not assignable or transferrable.

(3) A new license must be obtained whenever there is a change in the ownership of the premises on which the multifamily dwelling or lodging establishment is located; a change in the management or operation of the premises occurs; or when other changes affecting the material terms or information contained in the application for the present license renders that information materially inaccurate."

Section 9

That Sec. 32.07(E)(2) of Chapter 32, "Property Sanitation and Housing Services", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(2) The annual permit fee for a lodging establishment is \$200.00. A late fee of 1/12th of the annual license fee is due for each month the payment of the annual fee is delinquent. A fee of \$10.00 shall be paid for the issuance of a replacement license."

Section 10

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 11

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 12

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

PUBLISHED:

City Secretary

For purposes of this article, the term "lodging establishment" does not include a short term rental if the premises are occupied by the owner as the primary, permanent residence of the owner and the premises are not used as a short term rental for more than ____ days consecutive days in any __ day period, or for more than 30 days in any calendar year."



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

8.

Meeting Date: 05/07/2019

Item Title: Consider a resolution authorizing the use of eminent domain for the acquisition of ROW for the Greenville transmission line

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

Council is requested to approve a resolution authorizing the acquisition of property rights in and to the following-described properties by purchase or by condemnation through the exercise of eminent domain for use as electric transmission right of way and related purposes.

This matter was submitted to the Council by written briefing on the April 15, 2019 Work Session agenda. Garland Power & Light was authorized and directed by the Texas Public Utility Commission to construct a 5.7 mile transmission line in Hunt County, Texas connecting the Greenville load area to an endpoint owned by Rayburn Electric Coop. The routing of the line was agreed to by the participating parties as part of the Public Utility Commission's approval of the line. It is believed that most of the necessary property interests will be acquired through negotiation. For those easements that cannot be purchased the City will need to use its powers of eminent domain. Public convenience and necessity require the acquisition of property rights necessary to build this electric transmission project, which will provide greater reliability for the ERCOT electric grid and the Greenville area in particular.

Recommendation/Action Requested and Justification

Approve a resolution authorizing the acquisition of the property rights described in the proposed resolution. There are approximately 20 property owners against whom proceedings in eminent domain may need to be instituted. A single resolution may be adopted for all of the units of property to be potentially condemned if: (1) the motion to approve is made in a manner specified in the Texas Government Code; and (2) the minutes of the meeting reflect that the vote applies to all of the units of property to be condemned. State law requires particular wording to be used in a motion to adopt a resolution authorizing the initiation of condemnation proceedings. The City Attorney will provide in written form the appropriate wording of the motion.

The motion and resolution will authorize the acquisition of easements in the following properties located in Greenville, Hunt County, Texas:

- 6.975 acres, located West of Dent Road at the Northern terminus of Lafayette Drive;
- 3.822 acres, located East of State Hwy. 34 and North of FM 1570;

- 0.586 acres, located at 8917 Wesley Street;
- 0.817 acres, located at 2800 Rodeo Road;
- 1.775 acres, located Southwest of the intersection of IH-30 and State Hwy. 34;
- 4.161 acres, located West of State Hwy. 34, and North of Rodeo Drive;
- 1.945 acres, located at State Hwy. 34 at the Western terminus of Rodeo Drive;
- 4.015 acres, located at the Northwest corner of FM 1570 and State Hwy. 34;
- 0.825 acres, located on the North side of County Road 2126, East of Monty Stratton Pkwy;
- 1.459 acres, located on the South side of County Road 2126, East of Monty Stratton Pkwy;
- 2.282 acres, located on the South side of County Road 2126, East of Hallmark Street;
- 5.172 acres, more or less, located on the North side of County Road 2126, West of Monty Stratton Pkwy.;
- 1.044 acres, located on the Southwest side of IH-30 and West of Hallmark Street;
- 14.386 acres, located on the Northwest side of IH-30 and East of FM 1570;
- 4.528 acres, located South of the intersection of Ablowich Drive and Mason Street;
- 5.152 acres, located at the northwest corner of Gussie Nell Davis Drive and Mason Street;
- 3.977 acres, located on the West side of Mason Street, South of County Road 2100;
- 3.825 acres, located on the East side of Mason Drive, South of County Road 2100;
- 1.525 acres, located South of the intersection of County Road 2100, the Old Dallas Hwy, and County Road 2102; and
- 5.553 acres, located at the Northwest corner of the intersection of Ablowich Drive and Mason Street.

Attachments

Eminent Domain Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF GARLAND, TEXAS FINDING AND DETERMINING THAT THE PUBLIC NECESSITY AND CONVENIENCE REQUIRE THE ACQUISITION OF PROPERTY RIGHTS FOR THE CONSTRUCTION AND OPERATION OF A HIGH VOLTAGE TRANSMISSION LINE IN HUNT COUNTY, TEXAS FOR THE DENT ROAD TO SHELBY 138-KV TRANSMISSION LINE PROJECT(PARCELS 702, 703, 704, 705, 706, 707, 708, 709, 710, 713, 714, 715, 716, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728); PROVIDING AUTHORIZATIONS TO ACQUIRE SUCH PROPERTY RIGHTS BY PURCHASE OR CONDEMNATION AND MAKING CERTAIN FINDINGS PERTAINING THERETO; PROVIDING FURTHER AUTHORIZATIONS AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Garland, by and through its municipally owned utility, Garland Power & Light ("Garland"), has found and determined the need to acquire property rights necessary to develop, construct, own, operate, and maintain a 138-kV electric transmission line from the new Dent Road substation to the existing Shelby substation in Hunt County, Texas (the "Project");

WHEREAS, the Public Utility Commission of Texas (the "PUC") approved the "Application of the City of Garland to Amend a Certificate of Convenience and Necessity for the Dent Road to Shelby 138-kV Transmission Line in Hunt County" in its Order dated June 29, 2018 in PUC Docket No. 47379;

WHEREAS, public convenience and necessity requires acquisition of easement rights over the properties described and depicted in Exhibits 1 through 20 (referred to collectively as the "Easement Properties"), which exhibits are attached hereto and incorporated herein by reference, for the construction, operation, and maintenance of the Project;

WHEREAS, the Easement Properties are located in Greenville, Hunt County, Texas as described below, and the fee owners of the Easement Properties are as follows:

- Exhibit 1 (Parcel 702): 6.975 acres, more or less, located West of Dent Road at the Northern terminus of Lafayette Drive, owned by Estex Homes, Inc.;
- Exhibit 2 (Parcel 703): 3.822 acres, more or less, located East of SH 34/Wesley Street, North of FM 1570/W. Jack Finney Blvd., owned by Joe N. Peters;

- Exhibit 3 (Parcel 704): 0.586 acres, more or less, located at 8917 Wesley Street, owned by Mary Louise Satterwhite;
- Exhibit 4 (Parcels 705-706): 0.817 acres, more or less, located at 2800 Rodeo Road, owned by Grace Community Fellowship;
- Exhibit 5 (Parcel 707): 1.775 acres, more or less, located Southwest of the intersection of Ih-30 and State Hwy. 34, owned by Joseph L. Davis, Dennis C. Davis, and GrnTX100, LLC;
- Exhibit 6 (Parcel 708): 4.161 acres, more or less, located West of SH34/Wesley Street, and North of Rodeo Drive, owned by Collins Propane Company;
- Exhibit 7 (Parcel 709): 1.945 acres, more or less, located at SH 34 at the Western terminus of Rodeo Drive, owned by Virginia Coleman;
- Exhibit 8 (Parcel 710): 4.015 acres, more or less, located at the Northwest corner of FM 1570 and SH 34, owned by Joe Kailukaitis;
- Exhibit 9 (Parcel 713): 0.825 acres, more or less, located on the North side of CR 2126/Coyote Crossing, East of Monty Stratton Pkwy, owned by Robert L. Bihir;
- Exhibit 10 (Parcel 714): 1.459 acres, more or less, located on the South side of CR 2126/Coyote Crossing, East of Monty Stratton Pkwy, owned by Linda Jo Wineinger Swanson, individually and as Independent Executrix of the Estate of Mamie Jo Wineinger, Robert Carl Putnam, and Gary Don Wineinger;
- Exhibit 11 (Parcel 715): 2.282 acres, more or less, located on the South side of CR 2126/Coyote Crossing, East of Hallmark Street, owned by Wanda F. Bird;
- Exhibit 12 (Parcel 716): 5.172 acres, more or less, located on the North side of CR 2126/Coyote Crossing, West of Monty Stratton Pkwy, owned by DFW Distributor Petroleum, Inc.;

- Exhibit 13 (Parcel 719): 1.044 acres, more or less, located on the Southwest side of IH-30 and West of Hallmark Street, owned by Don V. Ingram;
- Exhibit 14 (Parcels 720-722): 14.386 acres, more or less, located on the Northwest side of IH-30 and East of FM 1570, owned by Green 554 Investors, Ltd.;
- Exhibit 15 (Parcel 723): 4.528 acres, more or less, located South of the intersection of Ablowich Drive and Mason Street, owned by GF Partners, Ltd.;
- Exhibit 16 (Parcel 725): 5.152 acres, more or less, located at the Northwest corner of Gussie Nell Davis Drive/CR 2120 and Mason Street/CR 2118, owned by Frank Kirk Jones, Anita Ruth Wall, Andrea Lynn Garcia, and Anita Kate Wall;
- Exhibit 17 (Parcel 726): 3.977 acres, more or less, located on the West side of CR 2118/Mason Street, South of CR 2100, owned by Hineni, LLC;
- Exhibit 18 (Parcel 727): 3.825 acres, more or less, located on the East side of CR 2118/Mason Drive, South of CR 2100, owned by Pamela Brown Stanley a/k/a Pamela Bowen Stanley;
- Exhibit 19 (Parcel 728): 1.525 acres, more or less, located South of the intersection of CR 2100, the Old Dallas Hwy, and CR 2102, owned by Frank Kirk Jones and Jeanne Elizabeth Jones; and
- Exhibit 20 (Parcel 724): 5.553 acres, more or less, located at the Northwest corner of the intersection of Ablowich Drive and Mason Street/CR 2118, owned by Donald Ray Clinard.

WHEREAS, Garland, through agents or representatives employed by or contracted with Garland, has entered into good faith negotiations with the owners of the Easement Properties in order to acquire necessary property rights on the Easement Properties for the Project, and has been unsuccessful in acquiring the necessary property rights on the Easement Properties; and

WHEREAS, in conjunction with the enactment of this Resolution, Garland authorized the initiation of eminent domain proceedings to acquire easement rights on the Easement Properties at a

public meeting by a record vote, and the notice for the public meeting included all required information, including the consideration of the use of eminent domain to condemn property as an agenda item;

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

Section 1

That Garland, its staff, and its attorneys are specifically authorized to purchase easement rights on the Easement Properties; that the public convenience and necessity requires the acquisition of easement rights on the Easement Properties for the public purpose of the Project; that Garland has made a good faith effort to negotiate a voluntary acquisition of easement rights on the Easement Properties; that it appears to Garland that further negotiations to purchase easement rights on the Easement Properties voluntarily would be futile; that the public necessity requires the condemnation of easement rights on the Easement Properties for the Project; and that Garland, its staff, and its attorneys are hereby authorized and directed to institute proceedings in eminent domain against the owners of the Easement Properties, and against all other owners, lienholders, or holders of an interest in the Easement Properties, in order to acquire easement rights on the Easement Properties.

Section 2

That Garland, its staff, and its attorneys are hereby authorized to do all things necessary and proper to carry out the intent and purpose of this Resolution, including determination of the property rights that are proper and necessary for the Project.

Section 3

That this Resolution shall take effect immediately from and after its adoption.

PASSED AND APPROVED this the _____ day of _____, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Exhibit 1 to Resolution
Description of Parcel 702

EXHIBIT 'A'
6.975 ACRES OR 303,847 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN THE JOEL ODELL SURVEY, ABSTRACT NO. 811, HUNT COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED IN A DEED TO ESTEX HOMES, INC., RECORDED IN INSTRUMENT NO. 2018-16148 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS (O.P.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN THE NORTH LINE OF SAID ESTEX HOMES TRACT AND A SOUTH LINE OF THE JOE N. PETERS TRACT RECORDED IN VOLUME 175, PAGE 16 OF THE DEED RECORDS OF HUNT COUNTY, TEXAS (D.R.H.C.T.), FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID ESTEX HOMES TRACT, SAME BEING AT AN ELL CORNER OF SAID PETERS TRACT BEARS SOUTH 88 DEGREES 24 MINUTES 51 SECONDS WEST, A DISTANCE OF 371.29 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7084712.50, E:2701831.93;

THENCE NORTH 88 DEGREES 24 MINUTES 51 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 120.17 FEET, TO AN ANGLE POINT IN THE NORTH LINE OF SAID ESTEX HOMES TRACT AND AT A SOUTHEAST CORNER OF SAID PETERS TRACT AND THE SOUTHWEST CORNER OF THE JOE NEWMAN PETERS AND WIFE, CHARLA J. PETERS TRACT, RECORDED IN VOLUME 196, PAGE 35, D.R.H.C.T.;

THENCE NORTH 88 DEGREES 57 MINUTES 55 SECONDS EAST, ALONG THE NORTH LINE OF SAID ESTEX HOMES TRACT AND THE SOUTH LINE OF SAID JOE NEWMAN PETERS AND WIFE, CHARLA J. PETERS TRACT (VOLUME 196, PAGE 35) AND THE SOUTH LINE OF THE JOE NEWMAN PETERS AND WIFE, CHARLA J. PETERS TRACT, RECORDED IN VOLUME 206, PAGE 266, D.R.H.C.T., A DISTANCE OF 1,717.91 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE SOUTH 00 DEGREES 31 MINUTES 57 SECONDS WEST, LEAVING SAID LINES AND ACROSS SAID ESTEX HOMES TRACT, A DISTANCE OF 751.62 FEET, TO A CALCULATED POINT FOR CORNER IN THE EAST LINE OF SAID ESTEX HOMES TRACT AND THE ORIGINAL WEST LINE OF LOT 1, BLOCK 1, PECAN GROVE CHURCH OF CHRIST ADDITION, RECORDED IN VOLUME 400, PAGE 762 OF THE PLAT RECORDS OF HUNT COUNTY, TEXAS, SAID LINES ARE DESCRIBED IN A BOUNDARY LINE AGREEMENT ESTABLISHING THE CENTERLINE OF DENT ROAD AS THE COMMON BOUNDARY BETWEEN TRACTS, RECORDED IN VOLUME 830, PAGE 413, D.R.H.C.T.;

THENCE SOUTH 43 DEGREES 50 MINUTES 07 SECONDS WEST, ALONG SAID COMMON LINES, A DISTANCE OF 174.96 FEET, TO A CALCULATED POINT FOR CORNER, FROM WHICH AN IRON ROD BEARS SOUTH 43 DEGREES 50 MINUTES 07 SECONDS WEST, A DISTANCE OF 15.16 FEET;

THENCE LEAVING SAID LINES AND ACROSS SAID ESTEX HOMES TRACT AS FOLLOWS:

NORTH 00 DEGREES 31 MINUTES 57 SECONDS EAST, A DISTANCE OF 755.62 FEET, TO A CALCULATED POINT FOR CORNER;

SOUTH 88 DEGREES 57 MINUTES 55 SECONDS WEST, A DISTANCE OF 1,720.00 FEET, TO A CALCULATED POINT FOR CORNER;

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 702-ESTEX HOMES, INC.

43444-ESMT-702
SAM JOB NO. 43444
SHEET 02 OF 03

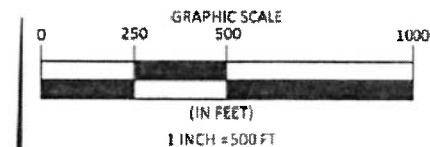
NORTH 01 DEGREES 29 MINUTES 49 SECONDS EAST, A DISTANCE OF 118.96 FEET, TO THE POINT OF
BEGINNING AND CONTAINING 303,847 SQUARE FEET OR 6.975 ACRES OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202)
DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

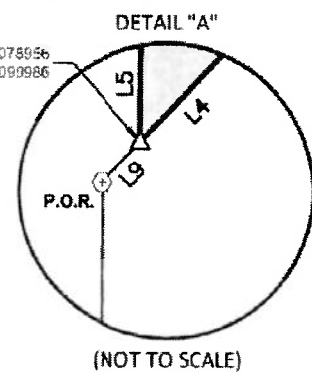
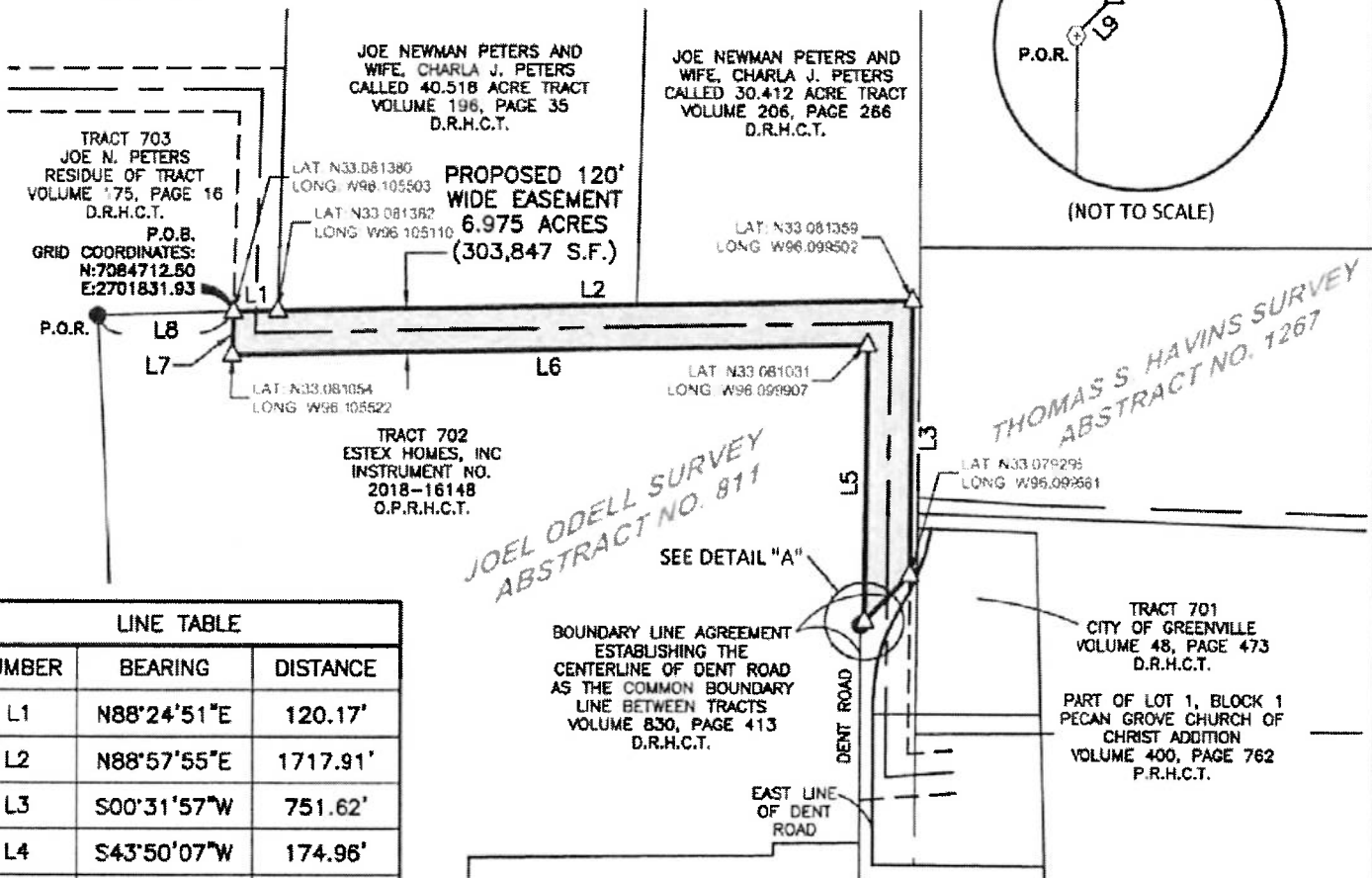
SKETCH OF GIVEN DATE ACCOMPANIES THIS DESCRIPTION.

 1-25-19
JUSTIN D. HYSROUD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

EXHIBIT 'A'



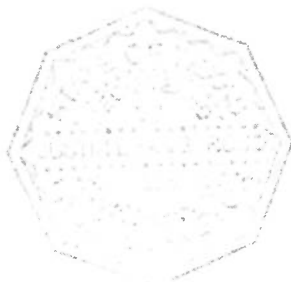
N



LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N88°24'51"E	120.17'
L2	N88°57'55"E	1717.91'
L3	S00°31'57"W	751.62'
L4	S43°50'07"W	174.96'
L5	N00°31'57"E	755.62'
L6	S88°57'55"W	1720.00'
L7	N01°29'49"E	118.96'
L8	S88°24'51"W	371.29'
L9	S43°50'07"W	15.16'

LEGEND

- D.R.H.C.T. DEED RECORDS
- O.P.R.H.C.T. HUNT COUNTY, TEXAS OFFICIAL PUBLIC RECORDS
- P.R.H.C.T. HUNT COUNTY, TEXAS PLAT RECORDS
- P.O.B. HUNT COUNTY, TEXAS POINT OF BEGINNING
- P.O.R. HUNT COUNTY, TEXAS POINT OF REFERENCE
- ▲ CALCULATED POINT
- 1/2" IRON ROD FOUND
- ⊙ IRON ROD FOUND
- PROPOSED EASEMENT
- - - PROPOSED TRANSMISSION LINE
- ... APPROXIMATE LOCATION
- OF ABSTRACT LINE
- PROPERTY LINE



JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL AND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300
NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR, 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC.. SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 03 OF 03

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/10/2019
SCALE: 1"=500'
TRACT ID: 702
DRAWN BY: COF

CITY OF GARLAND
6.975 ACRES, 303,847 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
JOEL ODELL SURVEY
ABSTRACT NO. 811
HUNT COUNTY, TEXAS



7101 Envoy Court, Dallas, TX 75247
Ph: (214) 631-7888 Fax: (214) 631-7103
EMAIL: SAM@SAM.BIZ

Exhibit 2 to Resolution
Description of Parcel 703

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 703-JOE N. PETERS

43444-ESMT-703
SAM JOB NO. 43444
SHEET 01 OF 03

EXHIBIT 'A'
3.822 ACRES OR 166,500 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN THE JOEL ODELL SURVEY, ABSTRACT NO. 811, HUNT COUNTY, TEXAS AND BEING A PART OF THE RESIDUE OF A TRACT OF LAND DESCRIBED IN A DEED TO JOE N. PETERS, RECORDED IN VOLUME 175, PAGE 16 OF THE DEED RECORDS OF HUNT COUNTY, TEXAS (D.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN A WEST LINE OF SAID PETERS TRACT AND THE EAST LINE OF THE MARY LOUISE SATTERWHITE TRACT RECORDED IN VOLUME 1401, PAGE 54 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS (O.P.R.H.C.T.), WHICH IS DESCRIBED IN SAID DEED AS BEING THE EAST LINE OF THE ABANDONED SOUTHERN PACIFIC RAILROAD, AND SAID RAILROAD IS DESCRIBED IN A DISCLAIMER FROM SOUTHERN PACIFIC TRANSPORTATION COMPANY, ABANDONING ANY RIGHT, TITLE OR INTEREST IN OR TO THE PROPERTY DESCRIBED IN PARCEL FOUR, RECORDED IN VOLUME 477, PAGE 859, D.R.H.C.T., SAID PARCEL FOUR FURTHER DESCRIBED IN A DEED FROM PAT BOYLES TO TEXAS MIDLAND RAILROAD COMPANY, RECORDED IN VOLUME 80, PAGE 22 D.R.H.C.T., FROM WHICH A 5/8-INCH IRON ROD FOUND AT AN ELL CORNER OF SAID PETERS TRACT AND AT THE SOUTHEAST CORNER OF SAID SATTERWHITE 0.475 ACRE TRACT BEARS SOUTH 03 DEGREES 07 MINUTES 01 SECONDS WEST, A DISTANCE OF 225.56 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7085257.71, E:2701123.40;

THENCE NORTH 03 DEGREES 07 MINUTES 01 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 120.20 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE NORTH 89 DEGREES 49 MINUTES 33 SECONDS EAST, LEAVING SAID LINES AND ACROSS SAID JOE PETERS TRACT, A DISTANCE OF 839.60 FEET, TO A CALCULATED POINT FOR CORNER IN AN EAST LINE OF SAID JOE PETERS TRACT AND THE WEST LINE OF THE JOE NEWMAN PETERS AND WIFE, CHARLA J. PETERS TRACT, RECORDED IN VOLUME 196, PAGE 35, D.R.H.C.T.;

THENCE SOUTH 01 DEGREES 29 MINUTES 49 SECONDS WEST, ALONG SAID COMMON LINES, A DISTANCE OF 664.76 FEET, TO A CALCULATED POINT FOR CORNER AT A SOUTHEAST CORNER OF SAID PETERS TRACT, SAME BEING IN THE NORTH LINE OF THE ESTEX HOMES, INC. TRACT, RECORDED IN INSTRUMENT NO. 2018-16148, O.P.R.H.C.T.;

THENCE SOUTH 88 DEGREES 24 MINUTES 51 SECONDS WEST, ALONG SAID COMMON LINES, A DISTANCE OF 120.17 FEET, TO A CALCULATED POINT FOR CORNER, FROM WHICH A 1/2-INCH IRON ROD FOUND AT AN ELL CORNER OF SAID PETERS TRACT, SAME BEING THE NORTHWEST CORNER OF SAID ESTEX HOMES TRACT, BEARS SOUTH 88 DEGREES 24 MINUTES 51 SECONDS WEST, A DISTANCE OF 371.29 FEET;

THENCE NORTH 01 DEGREES 29 MINUTES 49 SECONDS EAST, LEAVING SAID LINES AND ACROSS SAID JOE PETERS TRACT, A DISTANCE OF 547.67 FEET, TO A CALCULATED POINT FOR CORNER;

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 703-JOE N. PETERS

43444-ESMT-703
SAM JOB NO. 43444
SHEET 02 OF 03

THENCE SOUTH 89 DEGREES 49 MINUTES 33 SECONDS WEST, CONTINUING ACROSS SAID JOE PETERS TRACT
A DISTANCE OF 722.95 FEET, TO THE **POINT OF BEGINNING** AND CONTAINING 166,500 SQUARE FEET OR 3.822
ACRES OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202).
DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

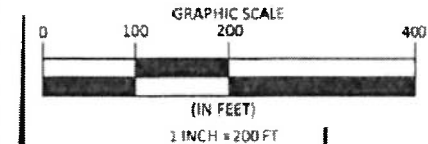
SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION


JUSTIN DEAN STROUB
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300



EXHIBIT 'A'

JOEL ODELL SURVEY
ABSTRACT NO. 811



LESS AND EXCEPT
CALLED 0.316 ACRE TRACT
VOLUME 1401, PAGE 57
O.P.R.H.C.T.

TRACT 704
MARY LOUISE SATTERWHITE
RESIDUE OF THIRD TRACT
INSTRUMENT NO. 2018-04857
O.P.R.H.C.T.

STATE HIGHWAY NO. 34
(100' RIGHT-OF-WAY)

DEED EAST LINE OF ABANDONED
TEXAS MIDLAND RAILROAD

MARY LOUISE SATTERWHITE
CALLED 0.475 ACRE TRACT
VOLUME 1401, PAGE 54
O.P.R.H.C.T.

EAST LINE OF ABANDONED TEXAS
MIDLAND RAILROAD AS DESCRIBED IN
VOLUME 1401, PAGE 54

LAT: N33.083252
LONG: W96.107745

LAT: N33.082823
LONG: W96.107775

LAT: N33.082833
LONG: W96.105415

LAT: N33.083206
LONG: W96.105004

P.O.B.
GRID COORDINATES
N:7085257.71
E:2701123.40

TRACT 703
JOE N. PETERS
RESIDUE OF TRACT
VOLUME 175, PAGE 16
O.R.H.C.T.

PROPOSED 120'
WIDE EASEMENT
3.822 ACRES
(166,500 S.F.)

SAVE AND EXCEPT PORTION
WITHIN T. & N.O. RAILROAD
COMPANY RIGHT-OF-WAY AND
A ONE HALF ACRE TRACT
RESERVED FOR THE BENEFIT OF
TWO GRAVES

SAVE AND EXCEPT
THIRD TRACT
INSTRUMENT NO. 2018-04857
O.P.R.H.C.T.

P.O.R.
5/8" IRON ROD
FOUND

LAT: N33.081380
LONG: W96.105503

S88°24'51"W
371.29'

P.O.R.
1/2" IRON
ROD FOUND

TRACT 702
ESTEX HOMES, INC
INSTRUMENT NO. 2018-16148
O.P.R.H.C.T.

LAT: N33.081352
LONG: W96.105110

DISCLAIMER FROM SOUTHERN PACIFIC
TRANSPORTATION COMPANY
ABANDONING ANY RIGHT, TITLE OR
INTEREST IN OR TO THE PROPERTY
DESCRIBED IN PARCEL FOUR
VOLUME 477, PAGE 859
D.R.H.C.T.

100' RIGHT-OF-WAY
PARCEL FOUR BEING FURTHER
DESCRIBED IN A DEED FROM PAT
BOYLES TO TEXAS MIDLAND RAILROAD
COMPANY
VOLUME 80, PAGE 22
D.R.H.C.T.

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078852839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC. SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 03 OF 03

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N03°07'01"E	120.20'
L2	N89°49'33"E	839.60'
L3	S01°29'49"W	664.76'
L4	S88°24'51"W	120.17'
L5	N01°29'49"E	547.67'
L6	S89°49'33"W	722.95'
L7	S03°07'01"W	225.56'

LEGEND

D.R.H.C.T.

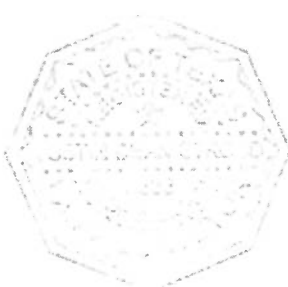
O.P.R.H.C.T.

P.O.B.

P.O.R.



DEED RECORDS
HUNT COUNTY, TEXAS
OFFICIAL PUBLIC RECORDS
HUNT COUNTY, TEXAS
POINT OF BEGINNING
POINT OF REFERENCE
CALCULATED POINT
IRON ROD FOUND (AS NOTED)
PROPOSED EASEMENT
PROPOSED TRANSMISSION LINE
RIGHT OF WAY LINE
APPROXIMATE LOCATION
OF ABSTRACT LINE
PROPERTY LINE



PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/10/2019
SCALE: 1"=200'
TRACT ID: 703
DRAWN BY: COF

CITY OF GARLAND
3.822 ACRES, 166,500 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
JOEL ODELL SURVEY
ABSTRACT NO. 811
HUNT COUNTY, TEXAS



7101 Envy Court Dallas, TX 75247
Ph: (214) 831-7888 Fax: (214) 831-7103
EMAIL: SAM@SAM.BIZ

Exhibit 3 to Resolution
Description of Parcel 704

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 704-MARY LOUISE SATTERWHITE

43444-ESMT-704
SAM JOB NO. 43444
SHEET 01 OF 02

EXHIBIT 'A'
0.586 OF AN ACRE OR 25,525 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN THE JOEL ODELL SURVEY, ABSTRACT NO. 811, HUNT COUNTY, TEXAS AND BEING A PART OF THAT CERTAIN CALLED THIRD TRACT AND CALLED 0.475 ACRE TRACTS OF LAND DESCRIBED IN DEEDS TO MARY LOUISE SATTERWHITE, RECORDED IN INSTRUMENT NO. 2018-04857 AND VOLUME 1401, PAGE 54, OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS (O.P.R.H.C.T.), RESPECTIVELY, AND ALSO BEING A PART OF THE WEST-HALF OF THE ABANDONED SOUTHERN PACIFIC RAILROAD, DESCRIBED IN A DISCLAIMER FROM SOUTHERN PACIFIC TRANSPORTATION COMPANY, ABANDONING ANY RIGHT, TITLE OR INTEREST IN OR TO THE PROPERTY DESCRIBED IN PARCEL FOUR, RECORDED IN VOLUME 477, PAGE 859, DEED RECORDS, HUNT COUNTY, TEXAS (D.R.H.C.T.), SAID PARCEL FOUR FURTHER DESCRIBED IN A DEED FROM PAT BOYLES TO TEXAS MIDLAND RAILROAD COMPANY, RECORDED IN VOLUME 80, PAGE 22, D.R.H.C.T., SAID WEST-HALF OF RAILROAD BEING OCCUPIED BY MARY LOUISE SATTERWHITE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN THE WEST LINE OF SAID SATTERWHITE THIRD TRACT AND THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 34 (100 FOOT RIGHT-OF-WAY), FROM WHICH A 5/8-INCH IRON ROD FOUND IN THE WEST LINE OF SAID STATE HIGHWAY NO. 34 AT THE NORTHEAST CORNER OF THE GRACE COMMUNITY FELLOWSHIP TRACT RECORDED IN INSTRUMENT NO. 2016-4976, O.P.R.H.C.T., BEARS NORTH 88 DEGREES 51 MINUTES 34 SECONDS WEST, A DISTANCE OF 99.94 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7085377.06, E:2700913.90;

THENCE NORTH 89 DEGREES 49 MINUTES 33 SECONDS EAST, ACROSS SAID SATTERWHITE THIRD TRACT, WEST HALF OF SAID ABANDONED RAILROAD, AND SAID SATTERWHITE 0.475 ACRE TRACT, A DISTANCE OF 216.07 FEET, TO A CALCULATED POINT FOR CORNER IN THE EAST LINE OF SAID SATTERWHITE 0.475 ACRE TRACT, WHICH IS DESCRIBED IN SAID DEED AS BEING THE EAST LINE OF SAID ABANDONED RAILROAD, AND A WEST LINE OF THE JOE N. PETERS TRACT RECORDED IN VOLUME 175, PAGE 16, D.R.H.C.T.;

THENCE SOUTH 03 DEGREES 07 MINUTES 01 SECONDS WEST, ALONG SAID COMMON LINES, A DISTANCE OF 120.20 FEET TO A CALCULATED POINT FOR CORNER, FROM WHICH A 5/8-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID SATTERWHITE 0.475 ACRE TRACT AND AT AN ELL CORNER OF SAID PETERS TRACT BEARS SOUTH 03 DEGREES 07 MINUTES 01 SECONDS WEST, A DISTANCE OF 225.56 FEET;

THENCE SOUTH 89 DEGREES 49 MINUTES 33 SECONDS WEST, LEAVING SAID COMMON LINES AND ACROSS SAID TRACTS, A DISTANCE OF 209.35 FEET, TO A CALCULATED POINT FOR CORNER IN THE WEST LINE OF SAID SATTERWHITE THIRD TRACT AND THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 34;

THENCE NORTH 00 DEGREES 05 MINUTES 20 SECONDS WEST, ALONG SAID LINES, A DISTANCE OF 120.00 FEET, TO THE POINT OF BEGINNING AND CONTAINING 25,525 SQUARE FEET OR 0.586 OF AN ACRE OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.

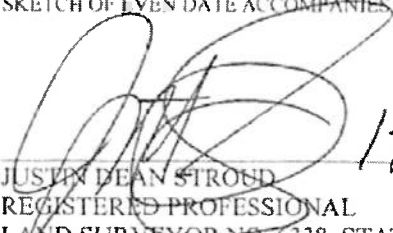
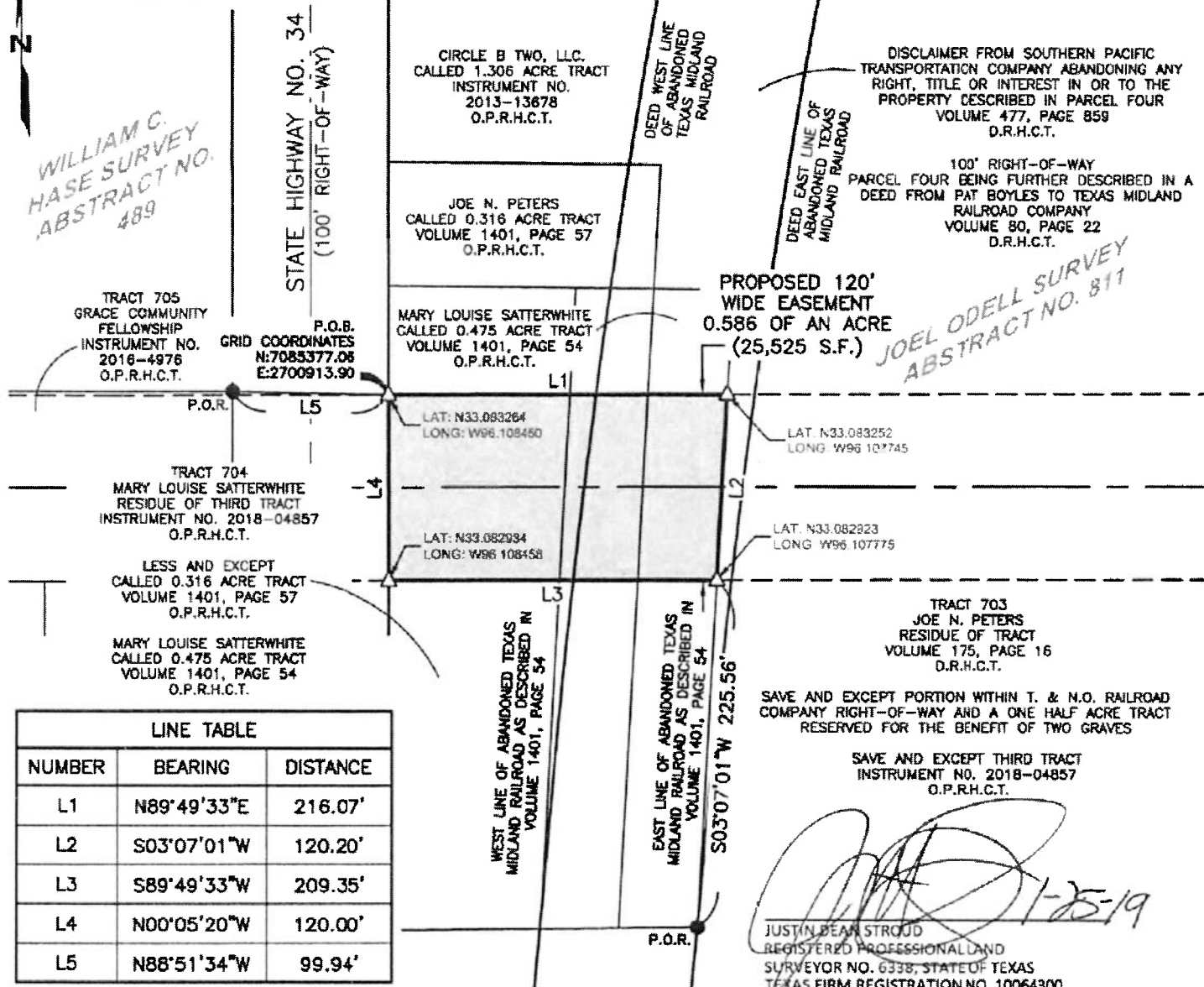
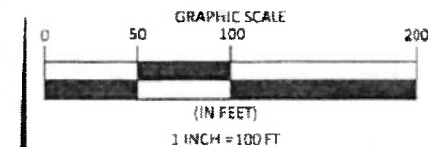

1-25-19
JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300



EXHIBIT 'A'



LINE TABLE

NUMBER	BEARING	DISTANCE
L1	N89°49'33"E	216.07'
L2	S03°07'01"W	120.20'
L3	S89°49'33"W	209.35'
L4	N00°05'20"W	120.00'
L5	N88°51'34"W	99.94'

LEGEND

- D.R.H.C.T. DEED RECORDS
- O.P.R.H.C.T. HUNT COUNTY, TEXAS OFFICIAL PUBLIC RECORDS
- P.O.B. HUNT COUNTY, TEXAS POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- △ CALCULATED POINT
- 5/8" IRON ROD FOUND
- PROPOSED EASEMENT
- PROPOSED TRANSMISSION LINE
- APPROXIMATE LOCATION OF ABSTRACT LINE
- PROPERTY LINE

JUSTIN BEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC.. SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 02 OF 02

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/10/2019
SCALE: 1"=100'
TRACT ID: 704
DRAWN BY: CCF

CITY OF GARLAND
0.586 OF AN ACRE OR 25,525 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
JOEL ODELL SURVEY
ABSTRACT NO. 811
HUNT COUNTY, TEXAS



7101 Envy Court, Dallas, TX 75247
Ph (214) 631-7606 Fax (214) 631-7103
EMAIL: SAM@SAM.BIZ

Exhibit 4 to Resolution
Description of Parcels 705 and 706

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 705 & 706-GRACE COMMUNITY FELLOWSHIP

43444-ESMT-705 & 706
SAM JOB NO. 43444
SHEET 01 OF 03

EXHIBIT 'A'
0.817 OF AN ACRE OR 35,600 SQUARE FEET
VARIABLE WIDTH EASEMENT

BEING A TRACT OF LAND LOCATED IN THE WILLIAM C. HASE SURVEY, ABSTRACT NO. 489, HUNT COUNTY, TEXAS AND BEING A PART OF THOSE TRACTS OF LAND DESCRIBED IN DEEDS TO GRACE COMMUNITY FELLOWSHIP, RECORDED IN INSTRUMENT NO. 2016-5179 AND INSTRUMENT NO. 2016-4976 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS (O.P.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN A WEST LINE OF SAID GRACE COMMUNITY FELLOWSHIP TRACT (INSTRUMENT NO. 2016-5179) AND THE EAST LINE OF THE RESIDUE OF THE COLLINS PROPANE COMPANY TRACT RECORDED IN INSTRUMENT NO. 2018-17108, O.P.R.H.C.T., FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID GRACE COMMUNITY FELLOWSHIP TRACT (INSTRUMENT NO. 2016-5179), BEARS SOUTH 00 DEGREES 17 MINUTES 08 SECONDS WEST, A DISTANCE OF 0.72 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7085256.68, E:2700303.74;

THENCE NORTH 00 DEGREES 17 MINUTES 08 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 13.34 FEET, TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "STOVALL & ASSOC" FOUND AT A NORTHWEST CORNER OF SAID GRACE COMMUNITY FELLOWSHIP TRACT (INSTRUMENT NO. 2016-5179) AND THE NORTHEAST CORNER OF SAID RESIDUE, AND IN A SOUTH LINE OF TRACT 2 OF THE JOSEPH L. DAVIS, DENNIS C. DAVIS, AND GRNTX100, LLC TRACT RECORDED IN INSTRUMENT NO. 2016-15913, O.P.R.H.C.T.;

THENCE NORTH 89 DEGREES 56 MINUTES 22 SECONDS EAST, ALONG A NORTH LINE OF SAID GRACE COMMUNITY FELLOWSHIP TRACT (INSTRUMENT NO. 2016-5179) AND A SOUTH LINE OF SAID DAVIS TRACT, A DISTANCE OF 240.90 FEET, TO A CALCULATED POINT FOR CORNER AT AN ELL CORNER OF SAID GRACE COMMUNITY FELLOWSHIP TRACT (INSTRUMENT NO. 2016-5179) AND A SOUTHEAST CORNER OF SAID DAVIS TRACT;

THENCE NORTH 00 DEGREES 10 MINUTES 48 SECONDS WEST, ALONG A WEST LINE OF SAID GRACE COMMUNITY FELLOWSHIP TRACT (INSTRUMENT NO. 2016-5179) AND AN EAST LINE OF SAID DAVIS TRACT, A DISTANCE OF 106.33 FEET, TO A CALCULATED POINT FOR A CORNER;

THENCE SOUTH 89 DEGREES 58 MINUTES 52 SECONDS EAST, LEAVING SAID LINES AND ACROSS SAID GRACE COMMUNITY FELLOWSHIP TRACTS, A DISTANCE OF 193.96 FEET, TO A CALCULATED POINT FOR A CORNER;

THENCE NORTH 89 DEGREES 49 MINUTES 33 SECONDS EAST, ACROSS SAID GRACE COMMUNITY FELLOWSHIP TRACT (INSTRUMENT NO. 2016-4976), A DISTANCE OF 75.74 FEET, TO A CALCULATED POINT FOR A CORNER IN THE EAST LINE OF SAID GRACE COMMUNITY FELLOWSHIP TRACT (INSTRUMENT NO. 2016-4976) AND THE WEST RIGHT OF WAY LINE OF STATE HIGHWAY NO. 34 (100-FOOT RIGHT OF WAY);

THENCE SOUTH 00 DEGREES 02 MINUTES 45 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 120.00 FEET, TO A 1/2-INCH IRON ROD FOUND FOR CORNER AT THE SOUTHEAST CORNER OF SAID GRACE COMMUNITY FELLOWSHIP TRACT (INSTRUMENT NO. 2016-4976) AND THE NORTHEAST CORNER OF THE DENNIS D. OPDAHL TRUST, DATED JULY 16, 2013 TRACT RECORDED IN INSTRUMENT NO. 2014-2900, O.P.R.H.C.T.;

THENCE SOUTH 89 DEGREES 49 MINUTES 33 SECONDS WEST, ALONG THE SOUTH LINE OF SAID GRACE COMMUNITY FELLOWSHIP TRACT (INSTRUMENT NO. 2016-4976) AND THE NORTH LINE OF SAID OPDAHL TRACT, A DISTANCE OF 75.67 FEET, TO A CALCULATED POINT FOR A CORNER;

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 705 & 706-GRACE COMMUNITY FELLOWSHIP

43444-ESMT-705 & 706
SAM JOB NO. 43444
SHEET 02 OF 03

THENCE NORTH 89 DEGREES 58 MINUTES 52 SECONDS WEST, LEAVING SAID LINES AND ACROSS SAID GRACE COMMUNITY FELLOWSHIP TRACTS, A DISTANCE OF 434.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 35,600 SQUARE FEET OR 0.817 OF AN ACRE OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OF EASEMENT ACCOMPANIES THIS DESCRIPTION

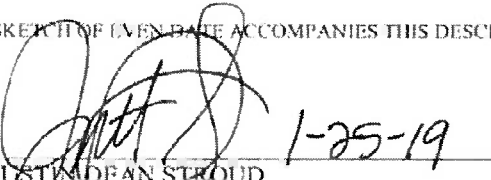
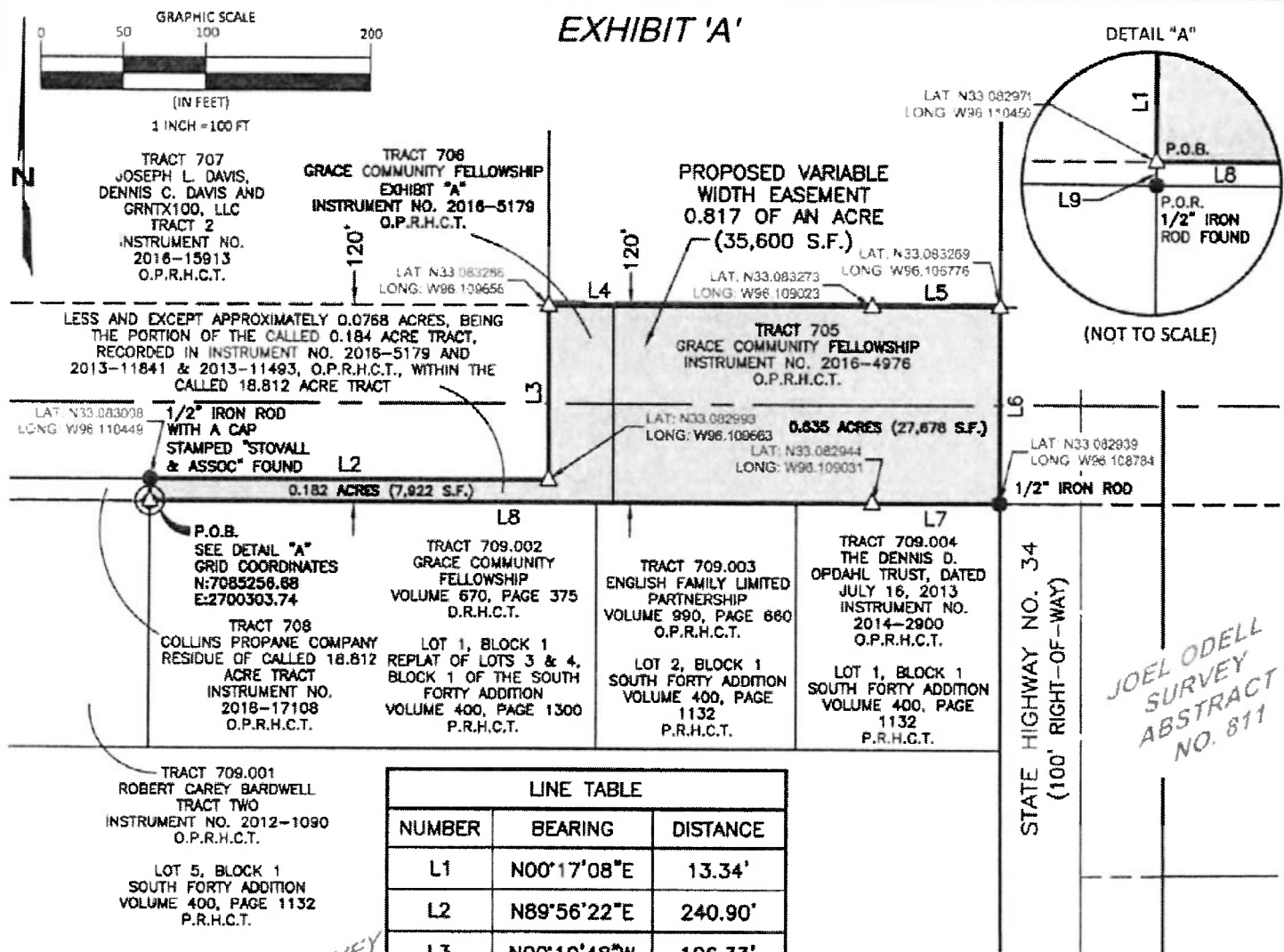

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

EXHIBIT 'A'



WILLIAM C. HASE SURVEY
ABSTRACT NO. 489

JOEL ODELL
SURVEY
ABSTRACT
NO. 811

LEGEND

- D.R.H.C.T. DEED RECORDS
- O.P.R.H.C.T. HUNT COUNTY, TEXAS
- P.R.H.C.T. OFFICIAL PUBLIC RECORDS
- P.O.B. HUNT COUNTY, TEXAS
- P.O.R. PLAT RECORDS
- POINT OF BEGINNING HUNT COUNTY, TEXAS
- POINT OF REFERENCE
- CALCULATED POINT
- IRON ROD FOUND (AS NOTED)
- PROPOSED EASEMENT
- PROPOSED TRANSMISSION LINE
- APPROXIMATE LOCATION OF ABSTRACT LINE
- PROPERTY LINE

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N00°17'08"E	13.34'
L2	N89°56'22"E	240.90'
L3	N00°10'48"W	106.33'
L4	S89°58'52"E	193.96'
L5	N89°49'33"E	75.74'
L6	S00°02'45"E	120.00'
L7	S89°49'33"W	75.67'
L8	N89°58'52"W	434.75'
L9	S00°17'08"W	0.72'

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC. SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 03 OF 03

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/11/2019
SCALE: 1"=100'
TRACT ID: 705 & 706
DRAWN BY: COF

CITY OF GARLAND
0.817 OF AN ACRE, 35,600 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
WILLIAM C. HASE SURVEY
ABSTRACT NO. 489
HUNT COUNTY, TEXAS



7101 Envoy Court, Dallas, TX 75247
Ph: (214) 631-7898 Fax: (214) 631-7103
EMAIL: SAM@SAM.BIZ

Exhibit 5 to Resolution
Description of Parcel 707

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 707-JOSEPH L. DAVIS, DENNIS C. DAVIS AND GRNTX100, LLC

43444-ESMT-707
SAM JOB NO. 43444
SHEET 01 OF 02

EXHIBIT 'A'
1.775 ACRES OR 77,320 SQUARE FEET
VARIABLE WIDTH EASEMENT

BEING A TRACT OF LAND LOCATED IN THE WILLIAM C. HASE SURVEY, ABSTRACT NO. 489, HUNT COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED AS TRACT 2 IN A DEED TO JOSEPH L. DAVIS, DENNIS C. DAVIS AND GRNTX100, LLC, RECORDED IN INSTRUMENT NO. 2016-15913, OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS (O.P.R.H.C.T.), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH CAPPED IRON ROD FOUND FOR CORNER AT A SOUTHWEST CORNER OF SAID DAVIS AND GRNTX100, LLC TRACT AND AN INTERIOR ELL CORNER OF THE COLLINS PROPANE COMPANY RESIDUE OF CALLED 18.812 ACRE TRACT RECORDED IN INSTRUMENT NO. 2018-17108, O.P.R.H.C.T., SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7085269.51, E:2699821.43;

THENCE NORTH 00 DEGREES 35 MINUTES 58 SECONDS WEST, ALONG THE SOUTHERLY WEST LINE OF SAID DAVIS AND GRNTX100, LLC TRACT AND AN EAST LINE OF SAID COLLINS PROPANE COMPANY TRACT, A DISTANCE OF 107.34 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE SOUTH 89 DEGREES 58 MINUTES 52 SECONDS EAST, LEAVING SAID LINES AND ACROSS SAID DAVIS AND GRNTX100, LLC TRACT, A DISTANCE OF 724.15 FEET, TO A CALCULATED POINT FOR CORNER IN THE SOUTHERLY EAST LINE OF SAID DAVIS AND GRNTX100, LLC TRACT AND THE NORTHERLY WEST LINE OF THE GRACE COMMUNITY FELLOWSHIP EXHIBIT "A" TRACT RECORDED IN INSTRUMENT NO. 2016-5179, O.P.R.H.C.T., FROM WHICH A 1/2-INCH IRON ROD WITH A CAP STAMPED "STOVALL & ASSOC" FOUND AT THE NORTHWEST CORNER OF SAID GRACE COMMUNITY FELLOWSHIP TRACT BEARS NORTH 00 DEGREES 10 MINUTES 48 SECONDS WEST A DISTANCE OF 2.56 FEET;

THENCE SOUTH 00 DEGREES 10 MINUTES 48 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 106.33 FEET, TO A CALCULATED POINT FOR CORNER AT A SOUTHEAST CORNER OF SAID DAVIS AND GRNTX100, LLC TRACT AND AN INTERIOR ELL CORNER OF SAID GRACE COMMUNITY FELLOWSHIP TRACT;

THENCE SOUTH 89 DEGREES 56 MINUTES 22 SECONDS WEST, LEAVING SAID LINES AND ALONG A SOUTH LINE OF SAID DAVIS AND GRNTX100, LLC TRACT AND A NORTH LINE OF SAID GRACE COMMUNITY FELLOWSHIP TRACT, PASSING AT A DISTANCE OF 240.90 FEET, A 1/2-INCH IRON ROD WITH A CAP STAMPED "STOVALL & ASSOC" FOUND AT A NORTHWEST CORNER OF SAID GRACE COMMUNITY TRACT AND THE NORTHEAST CORNER OF THE RESIDUE OF SAID COLLINS PROPANE COMPANY TRACT, CONTINUING ALONG SAID COMMON LINES, FOR A TOTAL DISTANCE OF 723.36 FEET, TO THE **POINT OF BEGINNING** AND CONTAINING 77,320 SQUARE FEET OR 1.775 ACRES OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR 0.99985078652839.

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.

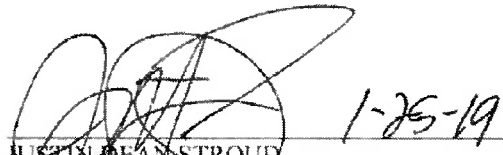
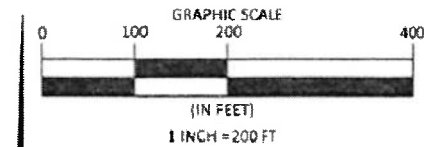

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

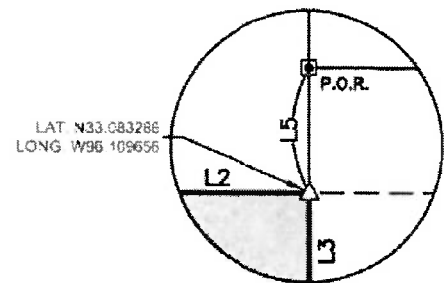


EXHIBIT 'A'



WILLIAM C. HASE SURVEY
ABSTRACT NO. 489

DETAIL "A"



(NOT TO SCALE)

TRACT 708
COLLINS PROpane COMPANY
RESIDUE OF CALLED 18.812 ACRE TRACT
INSTRUMENT NO. 2018-17108
O.P.R.H.C.T.

LESS AND EXCEPT APPROXIMATELY 0.0768
ACRES, BEING THE PORTION OF THE
CALLED 0.184 ACRE TRACT, RECORDED IN
INSTRUMENT NO. 2016-5179 AND
2013-11841 & 2013-11493,
O.P.R.H.C.T., WITHIN THE CALLED 18.812
ACRE TRACT

TRACT 707
JOSEPH L. DAVIS, DENNIS C. DAVIS
AND GRNTX100, LLC
TRACT 2
INSTRUMENT NO. 2016-15913
O.P.R.H.C.T.

PROPOSED VARIABLE
WIDTH EASEMENT
1.775 ACRES
(77,320 S.F.)

TRACT 708
GRACE
COMMUNITY
FELLOWSHIP
EXHIBIT "A"
INSTRUMENT NO.
2016-5179
O.P.R.H.C.T.

P.O.B.
GRID COORDINATES
N:7085268.51
E:2699821.43

LAT: N33.053037
LONG: W96.112024

TRACT 709
VIRGINIA COLEMAN
VOLUME 1077, PAGE 418
O.P.R.H.C.T.

P.O.R.
LESS AND EXCEPT
APPROXIMATELY 0.0768
ACRES, BEING THE
PORTION OF THE
CALLED 0.184 ACRE
TRACT, RECORDED IN
INSTRUMENT NO.
2016-5179 AND
2013-11841 &
2013-11493,
O.P.R.H.C.T., WITHIN
THE CALLED 18.812
ACRE TRACT

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N00°35'58"W	107.34'
L2	S89°58'52"E	724.15'
L3	S00°10'48"E	106.33'
L4	S89°56'22"W	723.36'
L5	N00°10'48"W	2.56'

LEGEND

O.P.R.H.C.T.

P.O.B.

P.O.R.



OFFICIAL PUBLIC RECORDS

HUNT COUNTY, TEXAS

POINT OF BEGINNING

POINT OF REFERENCE

CALCULATED POINT

FOUND 1/2" CAPPED IRON ROD

FOUND 1/2" IRON ROD WITH

CAP STAMPED "STOVALL & ASSOC"

PROPOSED EASEMENT

PROPOSED TRANSMISSION LINE

APPROXIMATE LOCATION

OF ABSTRACT LINE

PROPERTY LINE

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC., SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 02 OF 02

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/10/2019
SCALE: 1"=200'
TRACT ID: 707
DRAWN BY: YH

CITY OF GARLAND
1.775 ACRES, 77,320 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
WILLIAM C. HASE SURVEY
ABSTRACT NO. 489
HUNT COUNTY, TEXAS



7101 Envoy Court, Dallas, TX 75247
Ph: (214) 631-7888 Fax: (214) 631-7103
EMAIL: SAM@SAM.BIZ

Exhibit 6 to Resolution
Description of Parcel 708

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 708- COLLINS PROPANE COMPANY

43444-ESMT-708
SAM JOB NO. 43444
SHEET 01 OF 04

EXHIBIT 'A'
4.161 ACRES OR 181,250 SQUARE FEET
VARIABLE WIDTH EASEMENT

BEING A TRACT OF LAND LOCATED IN THE WILLIAM C. HASE SURVEY, ABSTRACT NO. 489, HUNT COUNTY, TEXAS AND BEING A PART OF THE RESIDUE OF A TRACT OF LAND DESCRIBED IN A DEED TO COLLINS PROPANE COMPANY, RECORDED IN INSTRUMENT NO. 2018-17108 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS (O.P.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A 3/8-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID COLLINS PROPANE COMPANY TRACT AND THE NORTHWEST CORNER OF THE VIRGINIA COLEMAN TRACT RECORDED IN VOLUME 1077, PAGE 418, O.P.R.H.C.T., SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7085257.33, E:2698363.33;

THENCE NORTH 00 DEGREES 19 MINUTES 13 SECONDS WEST, ALONG THE WEST LINE OF SAID COLLINS PROPANE COMPANY TRACT, A DISTANCE OF 120.00 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE SOUTH 89 DEGREES 58 MINUTES 52 SECONDS EAST, LEAVING SAID LINE AND ACROSS SAID COLLINS PROPANE COMPANY TRACT, A DISTANCE OF 1,457.86 FEET, TO A CALCULATED POINT FOR CORNER IN AN EAST LINE OF SAID COLLINS PROPANE COMPANY TRACT AND A WEST LINE OF THE JOSEPH L. DAVIS, DENNIS C. DAVIS AND GRNTX100, LLC TRACT 2 RECORDED IN INSTRUMENT NO. 2016-15931, O.P.R.H.C.T.;

THENCE SOUTH 00 DEGREES 35 MINUTES 58 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 107.34 FEET, TO A 1/2-INCH CAPPED IRON ROD FOUND FOR CORNER AT AN INTERIOR ELL CORNER OF SAID COLLINS PROPANE COMPANY TRACT AND THE SOUTHWEST CORNER OF SAID DAVIS AND GRNTX100, LLC TRACT;

THENCE NORTH 89 DEGREES 56 MINUTES 22 SECONDS EAST, ALONG THE SOUTHERLY NORTH LINE OF SAID COLLINS PROPANE COMPANY TRACT AND THE SOUTH LINE OF SAID DAVIS AND GRNTX100, LLC TRACT, A DISTANCE OF 482.46 FEET, TO A 1/2- INCH IRON ROD WITH A CAP STAMPED "STOVALL & ASSOC" FOUND FOR CORNER AT THE NORTHEAST CORNER OF THE RESIDUE OF SAID COLLINS PROPANE COMPANY TRACT AND THE WESTERLY NORTHWEST CORNER OF THE GRACE COMMUNITY FELLOWSHIP EXHIBIT "A" TRACT RECORDED IN INSTRUMENT NO. 2016-5179, O.P.R.H.C.T.;

THENCE SOUTH 00 DEGREES 17 MINUTES 08 SECONDS WEST, ALONG THE EAST RESIDUE LINE OF SAID COLLINS PROPANE COMPANY TRACT AND THE WEST LINE OF SAID GRACE COMMUNITY FELLOWSHIP TRACT, A DISTANCE OF 13.34 FEET, TO A CALCULATED POINT FOR CORNER;

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 708- COLLINS PROPANE COMPANY

43444-ESMT-708
SAM JOB NO. 43444
SHEET 02 OF 04

THENCE NORTH 89 DEGREES 58 MINUTES 52 SECONDS WEST, LEAVING SAID LINES AND ACROSS SAID COLLINS PROPANE COMPANY TRACT, PASSING A 1/2-INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF THE ROBERT CAREY BARDWELL TRACT RECORDED IN INSTRUMENT NO. 2012-1090, O.P.R.H.C.T., AT A DISTANCE OF 149.98 FEET, CONTINUING ALONG THE SOUTH LINE OF SAID COLLINS PROPANE COMPANY TRACT AND THE NORTH LINE OF SAID COLEMAN TRACT, FOR A TOTAL DISTANCE OF 1,940.70 FEET, TO THE **POINT OF BEGINNING** AND CONTAINING 181,250 SQUARE FEET OR 4.161 ACRES OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.

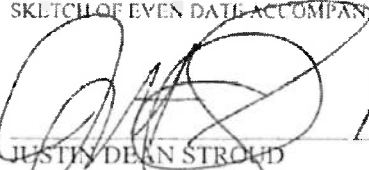
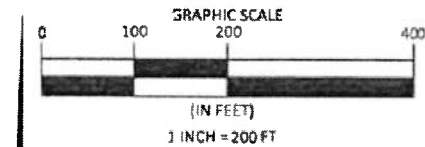
 1-25-19
JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

EXHIBIT 'A'



WILLIAM PARIS SURVEY
ABSTRACT NO. 838

TRACT 708
COLLINS PROPANE COMPANY
RESIDUE OF CALLED 18.812 ACRE TRACT
INSTRUMENT NO. 2018-17108
O.P.R.H.C.T.

LESS AND EXCEPT APPROXIMATELY 0.0768 ACRES, BEING THE
PORTION OF THE CALLED 0.184 ACRE TRACT, RECORDED IN
INSTRUMENT NO. 2016-5179 AND 2013-11841 & 2013-11493,
O.P.R.H.C.T., WITHIN THE CALLED 18.812 ACRE TRACT

PROPOSED VARIABLE
WIDTH EASEMENT
4.161 ACRES
(181,250 S.F.)

LAT. N33 083424
LONG. W96 116777

P.O.B.
GRID COORDINATES
N:7085257.33
E:2898363.33

LAT. N33 083094
LONG. W96 116784

TRACT 709
VIRGINIA COLEMAN
VOLUME 1077, PAGE 418
O.P.R.H.C.T.

WILLIAM C. HASE SURVEY
ABSTRACT NO. 489

MATCH LINE SHEET 04

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N00°19'13"W	120.00'
L2	S89°58'52"E	1457.86'
L3	S00°35'58"E	107.34'
L4	N89°56'22"E	482.46'
L5	S00°17'08"W	13.34'
L6	N89°58'52"W	1940.70'

LEGEND

- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS
HUNT COUNTY, TEXAS
PLAT RECORDS
P.R.H.C.T. HUNT COUNTY, TEXAS
POINT OF BEGINNING
P.O.R. POINT OF REFERENCE
△ CALCULATED POINT
● FOUND 3/8" IRON ROD
⊕ FOUND 1/2" CAPPED IRON ROD
⊕ FOUND 1/2" IRON ROD WITH
A CAP STAMPED "STOVALL & ASSOC"
- - - - - PROPOSED EASEMENT
- - - - - PROPOSED TRANSMISSION LINE
- - - - - APPROXIMATE LOCATION
OF ABSTRACT LINE
- - - - - PROPERTY LINE

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC., SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 03 OF 04

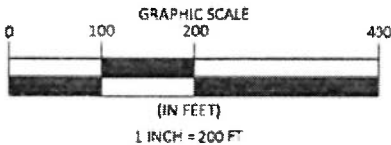
PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/11/2019
SCALE: 1"=200'
TRACT ID: 708
DRAWN BY: YH

CITY OF GARLAND
4.161 ACRES, 181,250 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
WILLIAM C. HASE SURVEY
ABSTRACT NO. 489
HUNT COUNTY, TEXAS



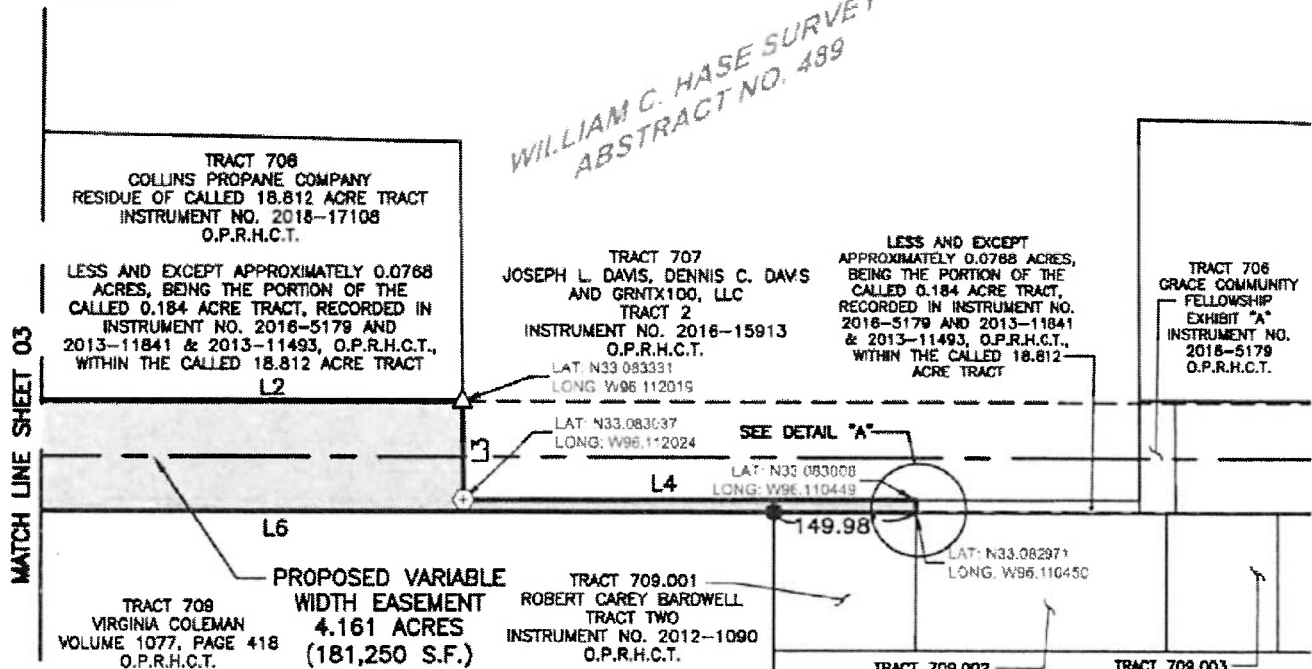
7101 Envoy Court, Dallas, TX 75247
Ph: (214) 631-7888 Fax: (214) 631-7103
EMAIL: SAM@SAM.BIZ

EXHIBIT 'A'

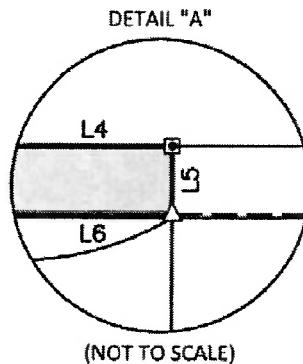


N

WILLIAM C. HASE SURVEY
ABSTRACT NO. 489



LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N00°19'13"W	120.00'
L2	S89°58'52"E	1457.86'
L3	S00°35'58"E	107.34'
L4	N89°58'22"E	482.46'
L5	S00°17'08"W	13.34'
L6	N89°58'52"W	1940.70'



LEGEND

- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS
HUNT COUNTY, TEXAS
- P.R.H.C.T. PLAT RECORDS
HUNT COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
P.O.R. POINT OF REFERENCE
- △ CALCULATED POINT
- FOUND 3/8" IRON ROD
- ⊕ FOUND 1/2" CAPPED IRON ROD
- ⊗ FOUND 1/2" IRON ROD WITH A CAP STAMPED "STOVALL & ASSOC"
- PROPOSED EASEMENT
- PROPOSED TRANSMISSION LINE
- APPROXIMATE LOCATION OF ABSTRACT LINE
- PROPERTY LINE

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC.. SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 04 OF 04

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/11/2019
SCALE: 1"=200'
TRACT ID: 708
DRAWN BY: YH

CITY OF GARLAND
4.161 ACRES, 181,250 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
WILLIAM C. HASE SURVEY
ABSTRACT NO. 489
HUNT COUNTY, TEXAS



7101 Envoy Court, Dallas, TX 75247
Ph: (214) 631-7888 Fax: (214) 631-7103
EMAIL: SAM@SAM.DIZ

Exhibit 7 to Resolution
Description of Parcel 709

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 709-VIRGINIA COLEMAN

43444-ESMT-709
SAM JOB NO. 43444
SHEET 01 OF 02

EXHIBIT 'A'
1.945 ACRES OR 84,709 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN THE WILLIAM C. HASE SURVEY, ABSTRACT NO. 489, HUNT COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED IN A DEED TO VIRGINIA COLEMAN RECORDED IN VOLUME 1077, PAGE 418, OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS (O.P.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/8-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID COLEMAN TRACT AND THE NORTHWEST CORNER OF THE JOE KAILUKAITIS TRACT RECORDED IN INSTRUMENT NO. 2017-3338, O.P.R.H.C.T., SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7084551.30, E:2698365.65;

THENCE NORTH 00 DEGREES 11 MINUTES 18 SECONDS WEST, ALONG THE WEST LINE OF SAID COLEMAN TRACT, A DISTANCE OF 706.13 FEET, TO A 3/8-INCH IRON ROD FOUND FOR CORNER AT THE NORTHWEST CORNER OF SAID COLEMAN TRACT AND THE SOUTHWEST CORNER OF THE COLLINS PROPANE COMPANY TRACT RECORDED IN INSTRUMENT NO. 2018-17108, O.P.R.H.C.T.;

THENCE SOUTH 89 DEGREES 58 MINUTES 52 SECONDS EAST, ALONG THE NORTH LINE OF SAID COLEMAN TRACT AND THE SOUTH LINE OF SAID COLLINS PROPANE COMPANY TRACT, A DISTANCE OF 120.00 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE SOUTH 00 DEGREES 11 MINUTES 18 SECONDS EAST, LEAVING SAID LINES AND ACROSS SAID COLEMAN TRACT, A DISTANCE OF 705.68 FEET, TO A CALCULATED POINT FOR CORNER IN THE SOUTH LINE OF SAID COLEMAN TRACT AND THE NORTH LINE OF SAID KAILUKAITIS TRACT;

THENCE SOUTH 89 DEGREES 48 MINUTES 05 SECONDS WEST, ALONG SAID COMMON LINES, A DISTANCE OF 120.00 FEET, TO THE POINT OF BEGINNING AND CONTAINING 84,709 SQUARE FEET OR 1.945 ACRES OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.

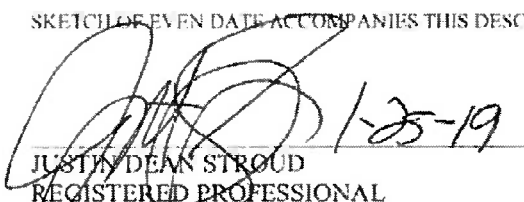
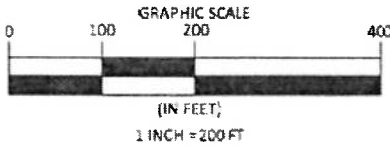

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

EXHIBIT 'A'



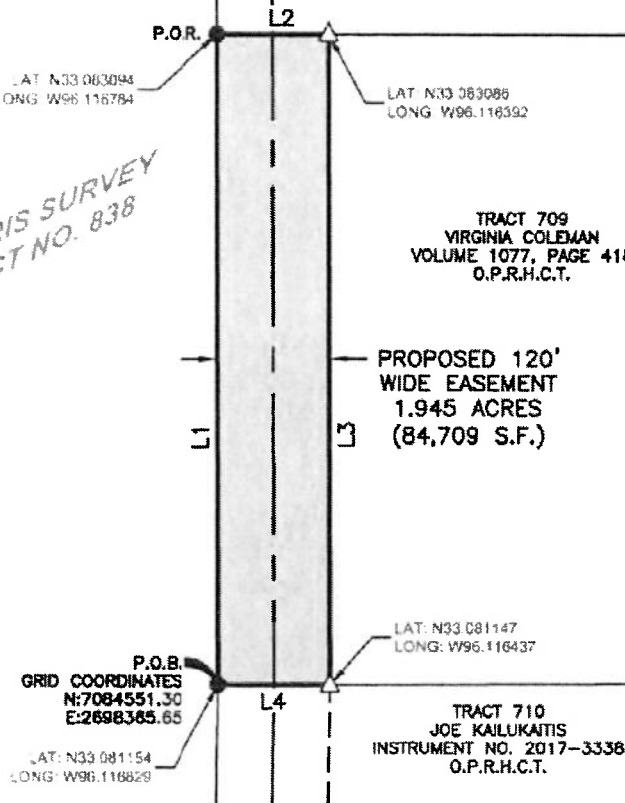
TRACT 708
COLLINS PROPANE COMPANY
RESIDUE OF CALLED 18.812 ACRE TRACT
INSTRUMENT NO. 2018-17108
O.P.R.H.C.T.

LESS AND EXCEPT APPROXIMATELY 0.0768 ACRES, BEING THE
PORTION OF THE CALLED 0.184 ACRE TRACT, RECORDED IN
INSTRUMENT NO. 2016-5179 AND 2013-11841 & 2013-11493,
O.P.R.H.C.T., WITHIN THE CALLED 18.812 ACRE TRACT

WILLIAM PARIS SURVEY
ABSTRACT NO. 838

TRACT 709
VIRGINIA COLEMAN
VOLUME 1077, PAGE 418
O.P.R.H.C.T.

WILLIAM C. HASE SURVEY
ABSTRACT NO. 489



LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N00°11'18"W	706.13'
L2	S89°58'52"E	120.00'
L3	S00°11'18"E	705.68'
L4	S89°48'05"W	120.00'

[Signature] 1-25-19
JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC., SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

LEGEND

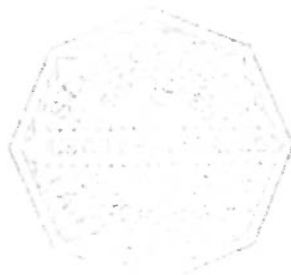
O.P.R.H.C.T.

P.O.B.

P.O.R.



OFFICIAL PUBLIC RECORDS
HUNT COUNTY, TEXAS
POINT OF BEGINNING
POINT OF REFERENCE
CALCULATED POINT
3/8" IRON ROD FOUND
PROPOSED EASEMENT
PROPOSED TRANSMISSION LINE
APPROXIMATE LOCATION
OF ABSTRACT LINE
PROPERTY LINE



SHEET 02 OF 02

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/10/2019
SCALE: 1"=200'
TRACT ID: 709
DRAWN BY: YH

CITY OF GARLAND
1.945 ACRES, 84,709 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
WILLIAM C. HASE SURVEY
ABSTRACT NO. 489
HUNT COUNTY, TEXAS



7101 Envoy Court, Dallas, TX 75247
Ph: (214) 631-7888 Fax: (214) 631-7103
EMAIL: SAM@SAM.BIZ

Exhibit 8 to Resolution
Description of Parcel 710

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 710-JOE KAILUKAITIS

43444-ESMT-710
SAM JOB NO. 43444
SHEET 01 OF 03

EXHIBIT 'A'
4.015 ACRES OR 174,888 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN THE WILLIAM C. HASE SURVEY, ABSTRACT NO. 489, HUNT COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED IN A DEED TO JOE KAILUKAITIS, RECORDED IN INSTRUMENT NO. 2017-3338 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS (O.P.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/8-INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID KAILUKAITIS TRACT, SAME BEING THE SOUTHWEST CORNER OF THE VIRGINIA COLEMAN TRACT RECORDED IN VOLUME 1077, PAGE 418, O.P.R.H.C.T., SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7084551.30, E:2698365.65;

THENCE NORTH 89 DEGREES 48 MINUTES 05 SECONDS EAST, ALONG THE NORTH LINE OF SAID KAILUKAITIS TRACT AND THE SOUTH LINE OF SAID COLEMAN TRACT, A DISTANCE OF 120.00 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE LEAVING SAID LINES AND ACROSS SAID KAILUKAITIS TRACT AS FOLLOWS:

SOUTH 00 DEGREES 11 MINUTES 18 SECONDS EAST, A DISTANCE OF 0.99 FEET, TO A CALCULATED POINT FOR CORNER;

SOUTH 00 DEGREES 43 MINUTES 59 SECONDS WEST, A DISTANCE OF 161.42 FEET, TO A CALCULATED POINT FOR CORNER;

SOUTH 00 DEGREES 02 MINUTES 11 SECONDS WEST, A DISTANCE OF 1,294.52 FEET, TO A CALCULATED POINT FOR CORNER;

SOUTH 89 DEGREES 20 MINUTES 36 SECONDS WEST, A DISTANCE OF 120.01 FEET, TO A CALCULATED POINT FOR CORNER IN THE WEST LINE OF SAID KAILUKAITIS TRACT AND THE EAST LINE OF THE SRINIVASARAO GOKA AND WIFE, VANITA BETHU TRACT RECORDED IN INSTRUMENT NO. 2017-11355, O.P.R.H.C.T., FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID GOKA TRACT BEARS SOUTH 00 DEGREES 02 MINUTES 11 SECONDS WEST, A DISTANCE OF 20.00 FEET;

THENCE NORTH 00 DEGREES 02 MINUTES 11 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 1,296.70 FEET, TO A 3/8-INCH IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID GOKA TRACT;

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 710-JOE KAILUKAITIS

43444-ESMT-710
SAM JOB NO. 43444
SHEET 02 OF 03

THENCE NORTH 00 DEGREES 43 MINUTES 59 SECONDS EAST, CONTINUING ALONG THE WEST LINE OF SAID KAILUKAITIS TRACT, A DISTANCE OF 161.18 FEET, TO THE **POINT OF BEGINNING** AND CONTAINING 174,888 SQUARE FEET OR 4.015 ACRES OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.

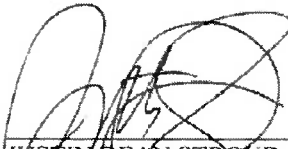
 1-25-19
JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

EXHIBIT 'A'

TRACT 709
VIRGINIA COLEMAN
VOLUME 1077, PAGE 418
O.P.R.H.C.T.

WILLIAM C. HASE SURVEY
ABSTRACT NO. 489

TRACT 710
JOE KAILUKATIS
INSTRUMENT NO. 2017-3338
O.P.R.H.C.T.

WILLIAM PARIS
SURVEY
ABSTRACT
NO. 838

TRACT 711
SRINIVASARAO GOKA
& WIFE, VANITA BETHU
INSTRUMENT NO. 2017-11355
O.P.R.H.C.T.

PROPOSED 120'
WIDE EASEMENT
4.015 ACRES
(174,888 S.F.)

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N89°48'05"E	120.00'
L2	S00°11'18"E	0.99'
L3	S00°43'59"W	161.42'
L4	S00°02'11"W	1294.52'
L5	S89°20'36"W	120.01'
L6	N00°02'11"E	1296.70'
L7	N00°43'59"E	161.18'
L8	S00°02'11"W	20.00'

LEGEND

O.P.R.H.C.T.

P.O.B.
P.O.R.



OFFICIAL PUBLIC RECORDS

HUNT COUNTY, TEXAS

POINT OF BEGINNING

POINT OF REFERENCE

CALCULATED POINT

3/8" IRON ROD FOUND

(UNLESS OTHERWISE NOTED)

PROPOSED EASEMENT

PROPOSED TRANSMISSION LINE

APPROXIMATE LOCATION

OF ABSTRACT LINE

PROPERTY LINE

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.

3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC.. SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.

4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.

5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 03 OF 03

PROJECT: DENT ROAD TO SHELBY

JOB NUMBER: 43444

DATE: 01/10/2019

SCALE: 1"=400'

TRACT ID: 710

DRAWN BY: AMS

CITY OF GARLAND
4.015 ACRES, 174,888 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
WILLIAM C. HASE SURVEY
ABSTRACT NO. 489
HUNT COUNTY, TEXAS



7101 Envy Court, Dallas, TX 75247
Ph (214) 631-7808 Fax (214) 631-7103
EMAIL: SAM@SAM.BIZ

Exhibit 9 to Resolution
Description of Parcel 713

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 713-ROBERT L. BIHR

43444-ESMT-713
SAM JOB NO. 43444
SHEET 01 OF 02

EXHIBIT 'A'
0.825 OF AN ACRE OR 35,939 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN THE WILLIAM PARIS SURVEY, ABSTRACT NO. 838, HUNT COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED IN A DEED TO ROBERT L. BIHR, RECORDED IN VOLUME 366, PAGE 810 OF THE DEED RECORDS OF HUNT COUNTY, TEXAS (D.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN THE CENTERLINE OF COUNTY ROAD 2126, THE SOUTH LINE OF SAID BIHR TRACT AND THE NORTH LINE OF THE HEIRS OF BILLY JOE & MAMIE WINEINGER TRACT RECORDED IN VOLUME 890, PAGE 726, D.R.H.C.T., FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID BIHR TRACT BEARS SOUTH 89 DEGREES 20 MINUTES 36 SECONDS WEST, A DISTANCE OF 66.48 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7083053.76, E:2696646.29;

THENCE NORTH 74 DEGREES 09 MINUTES 55 SECONDS EAST, LEAVING SAID LINES AND ACROSS SAID BIHR TRACT, A DISTANCE OF 535.55 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE NORTH 89 DEGREES 20 MINUTES 36 SECONDS EAST, CONTINUING ACROSS SAID BIHR TRACT, A DISTANCE OF 2.02 FEET, TO A CALCULATED POINT FOR CORNER IN THE EAST LINE OF SAID BIHR TRACT AND THE WEST LINE OF THE CHRISTOPHER M. GLASS AND SPOUSE, AMY B. GLASS TRACT RECORDED IN INSTRUMENT NO. 2018-15537 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS;

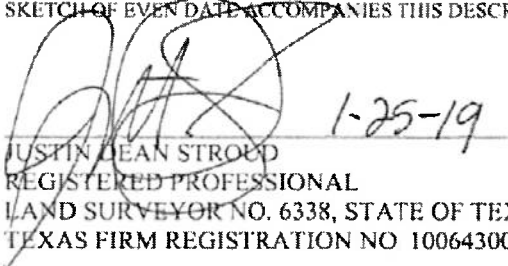
THENCE SOUTH 00 DEGREES 01 MINUTES 49 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 124.16 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE SOUTH 74 DEGREES 09 MINUTES 55 SECONDS WEST, LEAVING SAID COMMON LINES AND ACROSS SAID BIHR TRACT, A DISTANCE OF 61.34 FEET, TO A CALCULATED POINT FOR CORNER IN THE CENTERLINE OF SAID COUNTY ROAD 2126, THE SOUTH LINE OF SAID BIHR TRACT AND THE NORTH LINE OF SAID BILLY JOE & MAMIE WINEINGER TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID BIHR TRACT AND THE SOUTHWEST CORNER OF SAID GLASS TRACT BEARS NORTH 89 DEGREES 20 MINUTES 36 SECONDS EAST, A DISTANCE OF 59.02 FEET;

THENCE SOUTH 89 DEGREES 20 MINUTES 36 SECONDS WEST, ALONG SAID COMMON LINES, A DISTANCE OF 458.33 FEET TO THE POINT OF BEGINNING AND CONTAINING 35,939 SQUARE FEET OR 0.825 OF AN ACRE OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.


JUSTIN DEAN STROOD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

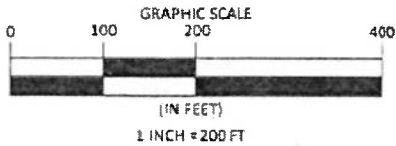
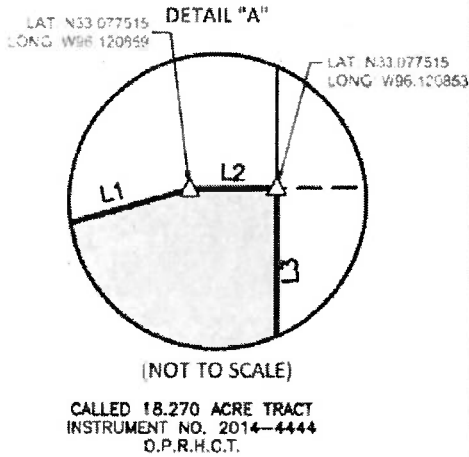


EXHIBIT 'A'



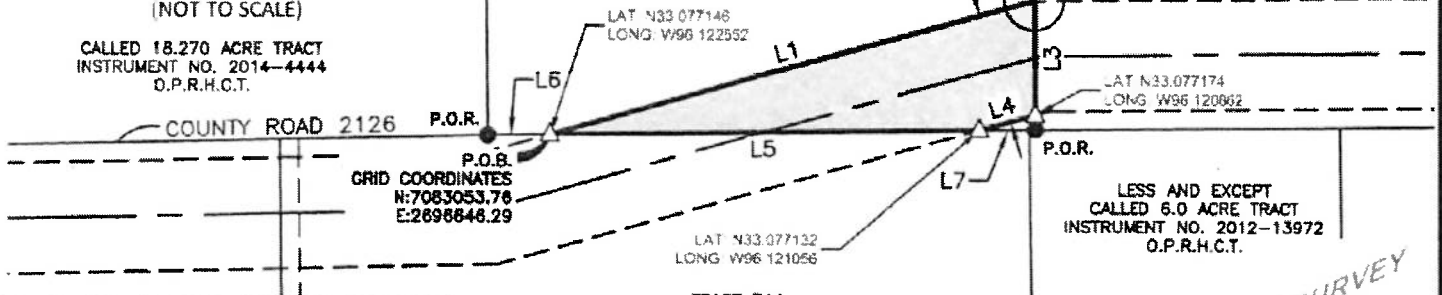
WILLIAM PARIS SURVEY
ABSTRACT NO. 838

TRACT 713
ROBERT L. BIHR
VOLUME 366, PAGE 810
O.R.H.C.T.

TRACT 712
CHRISTOPHER M. GLASS AND
SPOUSE, AMY B. GLASS
INSTRUMENT NO. 2018-15537
O.P.R.H.C.T.

PROPOSED 120'
WIDE EASEMENT
0.825 OF AN ACRE
(35,939 S.F.)

SEE DETAIL "A"



LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N74°09'55"E	535.55'
L2	N89°20'36"E	2.02'
L3	S00°01'49"E	124.16'
L4	S74°09'55"W	61.34'
L5	S89°20'36"W	458.33'
L6	S89°20'36"W	66.48'
L7	N89°20'36"E	59.02'

TRACT 714
HEIRS OF BILLY JOE & MAMIE WINEINGER
RESIDUE OF CALLED 20.0 ACRE TRACT
VOLUME 890, PAGE 726
O.R.H.C.T.

LESS AND EXCEPT
CALLED 6.0 ACRE TRACT
INSTRUMENT NO. 2012-13972
O.P.R.H.C.T.

ROBERT MONTGOMERY SURVEY
ABSTRACT NO. 699

LEGEND

D.R.H.C.T.

O.P.R.H.C.T.

P.O.B.

P.O.R.



DEED RECORDS
HUNT COUNTY, TEXAS
OFFICIAL PUBLIC RECORDS
HUNT COUNTY, TEXAS
POINT OF BEGINNING
POINT OF REFERENCE
CALCULATED POINT
1/2" IRON ROD FOUND
PROPOSED EASEMENT
PROPOSED TRANSMISSION LINE
APPROXIMATE LOCATION
OF ABSTRACT LINE
PROPERTY LINE

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338 STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC.. SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 02 OF 02

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/10/2019
SCALE: 1"=200'
TRACT ID: 713
DRAWN BY: KNL

CITY OF GARLAND
0.825 OF AN ACRE, 35,939 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
WILLIAM PARIS SURVEY
ABSTRACT NO. 838
HUNT COUNTY, TEXAS



7101 Envy Court, Dallas, TX 75247
Ph: (214) 631-7888 Fax: (214) 631-7103
EMAIL: SAM@SAM.BIZ

Exhibit 10 to Resolution
Description of Parcel 714

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 714-HEIRS OF BILLY JOE & MAMIE WINEINGER

43444-ESMT-714
SAM JOB NO. 43444
SHEET 01 OF 03

EXHIBIT 'A'
1.459 ACRES OR 63,547 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN THE ROBERT MONTGOMERY SURVEY, ABSTRACT NO. 699, HUNT COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED AS THE RESIDUE OF A CALLED 20.0 ACRE TRACT IN A DEED TO BILLY JOE & MAMIE WINEINGER RECORDED IN VOLUME 890, PAGE 726 OF THE DEED RECORDS OF HUNT COUNTY, TEXAS (D.R.H.C.T.), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN THE WEST LINE OF SAID BILLY JOE & MAMIE WINEINGER TRACT, SAME BEING THE WEST LINE OF A TRACT OF LAND FROM PAT WINEINGER, AND WIFE, RUE WINEINGER, TO THE COUNTY OF HUNT, TEXAS. DESCRIBED AS A 20-FOOT RIGHT-OF-WAY FOR ROAD PURPOSES, WHICH CONTAINS A NOTE DESCRIBED AS DEED NOTE 2: IN THE EVENT SAID LAND IS NOT USED FOR ROAD PURPOSES, THEN AND IN THAT EVENT, THE SAME SHALL REVERT TO GRANTORS, THEIR HEIRS, OR ASSIGNS, RECORDED IN VOLUME 525, PAGE 239, D.R.H.C.T., AND THE EAST LINE OF THE WANDA F. BIRD TRACT RECORDED IN VOLUME 814, PAGE 401, D.R.H.C.T, FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF THE ROBERT L. BIHR TRACT RECORDED IN VOLUME 366, PAGE 810, D.R.H.C.T., BEARS NORTH 83 DEGREES 37 MINUTES 44 SECONDS EAST, A DISTANCE OF 224.45 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7083028.10, E:2696356.79;

THENCE NORTH 88 DEGREES 44 MINUTES 28 SECONDS EAST, LEAVING SAID LINES AND ACROSS SAID BILLY JOE AND MAMIE WINEINGER TRACT, A DISTANCE OF 215.81 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE NORTH 74 DEGREES 09 MINUTES 55 SECONDS EAST, CONTINUING ACROSS SAID BILLY JOE AND MAMIE WINEINGER TRACT A DISTANCE OF 76.70 FEET, TO A CALCULATED POINT FOR CORNER IN THE CENTERLINE OF COUNTY ROAD 2126, THE NORTH LINE OF SAID BILLY JOE AND MAMIE WINEINGER TRACT AND THE SOUTH LINE OF SAID BIHR TRACT;

THENCE NORTH 89 DEGREES 20 MINUTES 36 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 458.33 FEET, TO A CALCULATED POINT FOR CORNER, FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID BIHR TRACT AND THE SOUTHWEST CORNER OF THE CHRISTOPHER M. GLASS AND SPOUSE, AMY B. GLASS TRACT RECORDED IN INSTRUMENT NO. 2018-15537 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS. BEARS NORTH 89 DEGREES 20 MINUTES 36 SECONDS EAST, A DISTANCE OF 59.02 FEET;

THENCE SOUTH 74 DEGREES 09 MINUTES 55 SECONDS WEST, LEAVING SAID LINES AND ACROSS SAID BILLY JOE AND MAMIE WINEINGER TRACT, A DISTANCE OF 534.39 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE SOUTH 88 DEGREES 44 MINUTES 28 SECONDS WEST, CONTINUING ACROSS SAID BILLY JOE AND MAMIE WINEINGER TRACT, A DISTANCE OF 232.22 FEET, TO A CALCULATED POINT FOR CORNER IN THE WEST LINE OF SAID BILLY JOE AND MAMIE WINEINGER TRACT AND SAID 20-FOOT ROAD RIGHT-OF-WAY AND THE EAST LINE OF SAID BIRD TRACT;

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 714-HEIRS OF BILLY JOE & MAMIE WINEINGER

43444-ESMT-714
SAM JOB NO. 43444
SHEET 02 OF 03

THENCE NORTH 00 DEGREES 45 MINUTES 03 SECONDS WEST, ALONG SAID COMMON LINES, A DISTANCE OF 120.00 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 63,547 SQUARE FEET OR 1.459 ACRES OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.



JUSTIN DEAN STROND
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

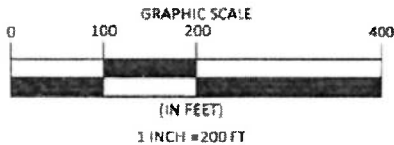


EXHIBIT 'A'

WILLIAM PARIS SURVEY
ABSTRACT NO. 838

TRACT 713
ROBERT L. BIHR
VOLUME 366, PAGE 810
D.R.H.C.T.

TRACT 712
CHRISTOPHER M. GLASS AND
SPOUSE, AMY B. GLASS
INSTRUMENT NO. 2018-15537
O.P.R.H.C.T.

CALLED 18.270 ACRE TRACT
INSTRUMENT NO. 2014-4444
O.P.R.H.C.T.

LAT: N33 077093
LONG: W96 123498

COUNTY ROAD 2126

P.O.B.
GRID COORDINATES
N:7083028.10
E:2696356.79

TRACT 715
WANDA F. BIRD
RESIDUE OF CALLED 62 ACRE TRACT
(SAVE AND EXCEPT
TRACTS 1, 2, 3 AND 4)
VOLUME 814, PAGE 401
D.R.H.C.T.

LESS AND EXCEPT
CALLED 0.17 ACRE TRACT
VOLUME 745, PAGE 132
O.P.R.H.C.T.

LESS AND EXCEPT
CALLED 2.0 ACRE TRACT
VOLUME 82, PAGE 639
D.R.H.C.T.

PROPOSED 120'
WIDE EASEMENT
1.459 ACRES
(63,547 S.F.)

RIGHT-OF-WAY DEED
FROM PAT WINEINGER,
AND WIFE, RUE
WINEINGER, TO THE
COUNTY OF HUNT, TEXAS
20 FOOT RIGHT-OF-WAY
FOR ROAD PURPOSES
DEED NOTE 2: IN THE
EVENT SAID LAND IS NOT
USED FOR ROAD
PURPOSES, THEN AND IN
THAT EVENT, THE SAME
SHALL REVERT TO
GRANTORS, THEIR HEIRS
OR ASSIGNS.
VOLUME 525, PAGE 239
D.R.H.C.T.

TRACT 714
HEIRS OF BILLY JOE & MAMIE WINEINGER
RESIDUE OF CALLED 20.0 ACRE TRACT
VOLUME 890, PAGE 726
D.R.H.C.T.

LESS AND EXCEPT
CALLED 6.0 ACRE TRACT
INSTRUMENT NO. 2012-13972
O.P.R.H.C.T.

LESS AND EXCEPT
CALLED 6.0 ACRE TRACT
INSTRUMENT NO. 2012-13972
O.P.R.H.C.T.

ROBERT MONTGOMERY
SURVEY
ABSTRACT NO. 699

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N88°44'28"E	215.81'
L2	N74°09'55"E	76.70'
L3	N89°20'36"E	458.33'
L4	S74°09'55"W	534.39'
L5	S88°44'28"W	232.22'
L6	N00°45'03"W	120.00'
L7	N83°37'44"E	224.45'
L8	N89°20'36"E	59.02'

LEGEND

D.R.H.C.T.

O.P.R.H.C.T.

P.O.B.

P.O.R.



DEED RECORDS
HUNT COUNTY, TEXAS
OFFICIAL PUBLIC RECORDS
HUNT COUNTY, TEXAS
POINT OF BEGINNING
POINT OF REFERENCE
CALCULATED POINT
1/2" IRON ROD FOUND
PROPOSED EASEMENT
PROPOSED TRANSMISSION LINE
APPROXIMATE LOCATION
OF ABSTRACT LINE
PROPERTY LINE

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC.. SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 03 OF 03

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/11/2019
SCALE: 1"=200'
TRACT ID: 714
DRAWN BY: KNL

CITY OF GARLAND
1.459 ACRES, 63,547 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
ROBERT MONTGOMERY SURVEY
ABSTRACT NO. 699
HUNT COUNTY, TEXAS



7101 Envoy Court, Dallas, TX 75247
Ph: (214) 631-7888 Fax: (214) 631-7103
EMAIL: SAM@SAM.BIZ

Exhibit 11 to Resolution
Description of Parcel 715

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 715-WANDA F. BIRD

43444-ESMT-715
SAM JOB NO. 43444
SHEET 01 OF 02

EXHIBIT 'A'
2.282 ACRES OR 99,389 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN THE ROBERT MONTGOMERY SURVEY, ABSTRACT NO. 699, HUNT COUNTY, TEXAS AND BEING A PART OF THE RESIDUE OF A TRACT OF LAND DESCRIBED IN A DEED TO HAROLD L. BIRD AND WIFE, WANDA F. BIRD RECORDED IN VOLUME 814, PAGE 401 OF THE DEED RECORDS OF HUNT COUNTY, TEXAS (D.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN THE EAST LINE OF SAID BIRD TRACT AND THE WEST LINE OF THE HEIRS OF BILLY JOE & MAMIE WINEINGER TRACT RECORDED IN VOLUME 890, PAGE 726, D.R.H.C.T., FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF THE ROBERT L. BIHR TRACT RECORDED IN VOLUME 366, PAGE 810, D.R.H.C.T., BEARS NORTH 83 DEGREES 37 MINUTES 44 SECONDS EAST, A DISTANCE OF 224.45 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7083028.10, E:2696356.79;

THENCE SOUTH 00 DEGREES 45 MINUTES 03 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 120.00 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE SOUTH 88 DEGREES 44 MINUTES 28 SECONDS WEST, LEAVING SAID LINES AND ACROSS SAID BIRD TRACT, A DISTANCE OF 731.80 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE NORTH 18 DEGREES 17 MINUTES 52 SECONDS WEST, CONTINUING ACROSS SAID BIRD TRACT, A DISTANCE OF 206.43 FEET, TO A CALCULATED POINT FOR CORNER NEAR THE CENTERLINE OF COUNTY ROAD 2126, IN THE NORTH LINE OF SAID BIRD TRACT AND THE SOUTH LINE OF THE DFW DISTRIBUTOR PETROLEUM, INC. TRACT RECORDED IN VOLUME 1265, PAGE 347, O.P.R.H.C.T.;

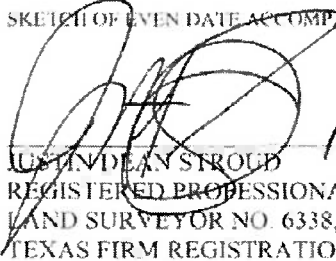
THENCE SOUTH 88 DEGREES 20 MINUTES 08 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 127.67 FEET, TO A CALCULATED POINT FOR CORNER, FROM WHICH A 3/8-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF THE AARON PETTIT AND WIFE, KACIE PETTIT TRACT RECORDED IN INSTRUMENT NO. 2018-04125, O.P.R.H.C.T., BEARS SOUTH 51 DEGREES 09 MINUTES 11 SECONDS EAST, A DISTANCE OF 16.30 FEET;

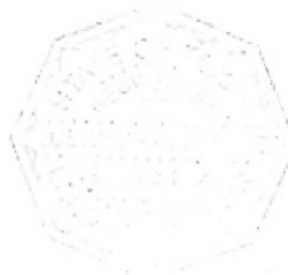
THENCE SOUTH 18 DEGREES 17 MINUTES 52 SECONDS EAST, LEAVING SAID LINES AND ACROSS SAID BIRD TRACT, A DISTANCE OF 74.11 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE NORTH 88 DEGREES 44 MINUTES 28 SECONDS EAST, CONTINUING ACROSS SAID BIRD TRACT, A DISTANCE OF 644.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 99,389 SQUARE FEET OR 2.282 ACRES OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.


JUSTIN D. STROOB
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300



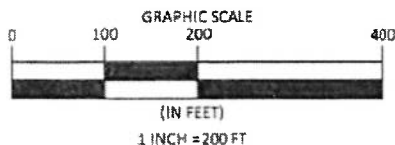


EXHIBIT 'A'

TRACT 716
DFW DISTRIBUTOR PETROLEUM, INC.
VOLUME 1265, PAGE 347
O.P.R.H.C.T.

TRACT 715.001
AARON PETTIT AND WIFE,
KACIE PETTIT
INSTRUMENT NO. 2018-04125
O.P.R.H.C.T.

WILLIAM PARIS SURVEY
ABSTRACT NO. 838

CALLED 18.270 ACRE TRACT
INSTRUMENT NO. 2014-4444
O.P.R.H.C.T.

TRACT 713
ROBERT L. BHR
VOLUME 386, PAGE 810
D.R.H.C.T.

P.O.B.
GRID COORDINATES
N: 7083028.10
E: 2896356.79

P.O.R.

SAVE AND EXCEPT TRACT 3
VOLUME 814, PAGE 401
D.R.H.C.T.

PROPOSED 120'
WIDE EASEMENT
2.282 ACRES
(99,389 S.F.)

TRACT 715
WANDA F. BIRD
RESIDUE OF CALLED 62 ACRE TRACT
(SAVE AND EXCEPT
TRACTS 1, 2, 3 AND 4)
VOLUME 814, PAGE 401
D.R.H.C.T.

LESS AND EXCEPT
CALLED 0.17 ACRE TRACT
VOLUME 745, PAGE 132
O.P.R.H.C.T.

LESS AND EXCEPT
CALLED 2.0 ACRE TRACT
VOLUME 82, PAGE 639
D.R.H.C.T.

DETAIL "A"

TRACT 714
HEIRS OF BILLY JOE & MAMIE
WINEINGER
RESIDUE OF CALLED 20.0 ACRE
TRACT
VOLUME 890, PAGE 726
D.R.H.C.T.

LESS AND EXCEPT
CALLED 6.0 ACRE TRACT
INSTRUMENT NO. 2012-13972
O.P.R.H.C.T.

RIGHT-OF-WAY DEED FROM PAT
WINEINGER, AND WIFE, RUE
WINEINGER, TO THE COUNTY OF
HUNT, TEXAS
20 FOOT RIGHT-OF-WAY FOR ROAD
PURPOSES
DEED NOTE 2: IN THE EVENT SAID
LAND IS NOT USED FOR ROAD
PURPOSES, THEN AND IN THAT
EVENT, THE SAME SHALL REVERT TO
GRANTORS, THEIR HEIRS OR ASSIGNS.
VOLUME 625, PAGE 239
D.R.H.C.T.

ROBERT
MONTGOMERY
SURVEY
ABSTRACT
NO. 699

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC., SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 02 OF 02

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S00°45'03"E	120.00'
L2	S88°44'28"W	731.80'
L3	N18°17'52"W	206.43'
L4	S88°20'08"E	127.67'
L5	S18°17'52"E	74.11'
L6	N88°44'28"E	644.14'
L7	N83°37'44"E	224.45'
L8	S51°09'11"E	16.30'

LEGEND

D.R.H.C.T.

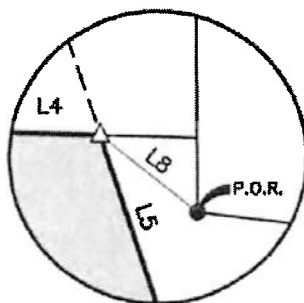
O.P.R.H.C.T.

P.O.B.

P.O.R.



DEED RECORDS
HUNT COUNTY, TEXAS
OFFICIAL PUBLIC RECORDS
HUNT COUNTY, TEXAS
POINT OF BEGINNING
POINT OF REFERENCE
CALCULATED POINT
1/2" IRON ROD FOUND
3/8" IRON ROD FOUND
PROPOSED EASEMENT
PROPOSED TRANSMISSION LINE
APPROXIMATE LOCATION
OF ABSTRACT LINE
PROPERTY LINE



(NOT TO SCALE)

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/11/2019
SCALE: 1"=200'
TRACT ID: 715
DRAWN BY: KNL

CITY OF GARLAND
2.282 ACRES, 99,389 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
ROBERT MONTGOMERY SURVEY
ABSTRACT NO. 699
HUNT COUNTY, TEXAS



7101 Envoy Court, Dallas, TX 75247
Ph: (214) 631-7888 Fax: (214) 631-7103
EMAIL: SAM@SAM.RIZ

Exhibit 12 to Resolution
Description of Parcel 716

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 716-DFW DISTRIBUTOR PETROLEUM, INC.

43444-ESMT-716
SAM JOB NO. 43444
SHEET 01 OF 03

EXHIBIT 'A'
5.172 ACRES OR 225,304 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN THE WILLIAM PARIS SURVEY, ABSTRACT NO. 838, HUNT COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED IN A DEED TO DFW DISTRIBUTOR PETROLEUM, INC., RECORDED IN VOLUME 1265, PAGE 347 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS (O.P.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN THE CENTERLINE OF COUNTY ROAD 2126, THE SOUTH LINE OF SAID DFW DISTRIBUTOR PETROLEUM, INC. TRACT AND THE NORTH LINE OF THE MARY BARKMAN CAMPBELL, JAMES WILLIAM CAMPBELL AND CATHERINE ELIZABETH CAMPBELL TRACT RECORDED IN VOLUME 967, PAGE 97 OF THE DEED RECORDS OF HUNT COUNTY, TEXAS, (D.R.H.C.T.), FROM WHICH A 1/2-INCH IRON ROD FOUND THE SOUTH SIDE OF THE COUNTY ROAD 2126, ALSO BEING THE EAST LINE OF SAID CAMPBELL TRACT BEARS SOUTH 74 DEGREES 03 MINUTES 52 SECONDS EAST, A DISTANCE OF 111.56 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7083132.22, E:2694040.52;

THENCE NORTH 88 DEGREES 20 MINUTES 08 SECONDS WEST, ALONG SAID COMMON LINES, A DISTANCE OF 448.70 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE LEAVING SAID LINES AND ACROSS SAID DFW DISTRIBUTOR PETROLEUM, INC. TRACT AS FOLLOWS:

NORTH 76 DEGREES 09 MINUTES 09 SECONDS EAST, A DISTANCE OF 523.48 FEET, TO A CALCULATED POINT FOR CORNER;

SOUTH 88 DEGREES 20 MINUTES 08 SECONDS EAST, A DISTANCE OF 1,543.50 FEET, TO A CALCULATED POINT FOR CORNER;

SOUTH 18 DEGREES 17 MINUTES 52 SECONDS EAST, A DISTANCE OF 148.95 FEET, TO A CALCULATED POINT FOR CORNER NORTH OF THE CENTERLINE OF COUNTY ROAD 2126, IN THE SOUTH LINE OF SAID DFW DISTRIBUTOR PETROLEUM, INC. TRACT AND THE NORTH LINE OF THE WANDA F. BIRD TRACT RECORDED IN VOLUME 814, PAGE 401, FROM WHICH A 3/8-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF THE AARON PETTIT AND WIFE, KACIE PETTIT TRACT RECORDED IN INSTRUMENT NO. 2018-04125, O.P.R.H.C.T., BEARS SOUTH 51 DEGREES 09 MINUTES 11 SECONDS EAST, A DISTANCE OF 16.30 FEET;

THENCE NORTH 88 DEGREES 20 MINUTES 08 SECONDS WEST, ALONG SAID COMMON LINES, A DISTANCE OF 127.67 FEET TO A CALCULATED POINT FOR CORNER;

THENCE LEAVING SAID LINES AND ACROSS SAID CAMPBELL TRACT AS FOLLOWS:

NORTH 18 DEGREES 17 MINUTES 52 SECONDS WEST, A DISTANCE OF 21.28 FEET, TO A CALCULATED POINT FOR CORNER;

NORTH 88 DEGREES 20 MINUTES 08 SECONDS WEST, A DISTANCE OF 1,443.07 FEET, TO A CALCULATED POINT FOR CORNER;

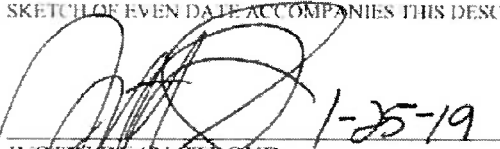
CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 716-DFW DISTRIBUTOR PETROLEUM, INC.

43444-ESMT-716
SAM JOB NO. 43444
SHEET 02 OF 03

SOUTH 76 DEGREES 09 MINUTES 09 SECONDS WEST, A DISTANCE OF 74.78 FEET, TO THE POINT OF BEGINNING AND CONTAINING 225,304 SQUARE FEET OR 5.172 ACRES OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.


1-25-19
JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

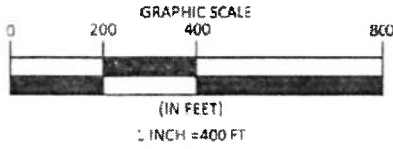


EXHIBIT 'A'

WILLIAM PARIS SURVEY
ABSTRACT NO. 838

COUNTY ROAD 2124



TRACT 716
DFW DISTRIBUTOR PETROLEUM, INC.
VOLUME 1265, PAGE 347
O.P.R.H.C.T.

PROPOSED 120'
WIDE EASEMENT
5.172 ACRES
(225,304 S.F.)

LAT. N33.077681
LONG. W96.125814

LAT. N33.077289
LONG. W96.125672

LAT. N33.077363
LONG. W96.126106

TRACT 715.001
AARON PETTIT AND
WIFE, KACIE PETTIT
INSTRUMENT NO.
2018-04125
O.P.R.H.C.T.

COUNTY ROAD 2126

LAT. N33.077307
LONG. W96.126086

SAVE AND EXCEPT TRACT 3
VOLUME 814, PAGE 401
D.R.H.C.T.

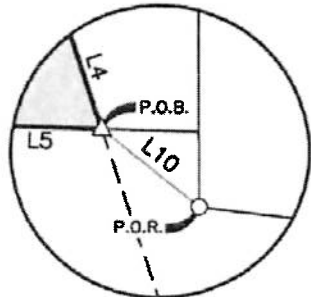
VOLUME 82, PAGE 639
D.R.H.C.T.

TRACT 715
WANDA F. BIRD
RESIDUE OF CALLED 62 ACRE TRACT
(SAVE AND EXCEPT
TRACTS 1, 2, 3 AND 4)
VOLUME 814, PAGE 401
D.R.H.C.T.

LESS AND EXCEPT
CALLED 0.17 ACRE TRACT
VOLUME 745, PAGE 132
O.P.R.H.C.T.

LESS AND EXCEPT
CALLED 2.0 ACRE TRACT
VOLUME 82, PAGE 639
D.R.H.C.T.

DETAIL "A"



(NOT TO SCALE)

ROBERT MONTGOMERY SURVEY
ABSTRACT NO. 699

[Signature]
1-25-19
JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011) TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC.. SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 03 OF 03

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N88°20'08"W	448.70'
L2	N76°09'09"E	523.48'
L3	S88°20'08"E	1543.50'
L4	S18°17'52"E	148.95'
L5	N88°20'08"W	127.67'
L6	N18°17'52"W	21.28'
L7	N88°20'08"W	1443.07'
L8	S76°09'09"W	74.78'
L9	S74°03'52"E	111.56'
L10	S51°09'11"E	16.30'

LEGEND

- D.R.H.C.T. DEED RECORDS
HUNT COUNTY, TEXAS
O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS
HUNT COUNTY, TEXAS
P.O.B. POINT OF BEGINNING
P.O.R. POINT OF REFERENCE
△ CALCULATED POINT
○ 3/8" IRON ROD FOUND
● 1/2" IRON ROD FOUND
--- PROPOSED EASEMENT
- - - PROPOSED TRANSMISSION LINE
... APPROXIMATE LOCATION
OF ABSTRACT LINE
PROPERTY LINE

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/10/2019
SCALE: 1"=400'
TRACT ID: 716
DRAWN BY: KNL

CITY OF GARLAND
5.172 ACRES, 225,304 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
WILLIAM PARIS SURVEY
ABSTRACT NO. 838
HUNT COUNTY, TEXAS



7101 Envoy Court, Dallas, TX 75247
Ph. (214) 631-7858 Fax. (214) 631-7103
EMAIL: SAM@SAM.BIZ

Exhibit 13 to Resolution
Description of Parcel 719

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 719-DON V. INGRAM

43444-ESMT-719
SAM JOB NO. 43444
SHEET 01 OF 02

EXHIBIT 'A'
1.044 ACRES OR 45,494 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN THE JAMES LYNCH SURVEY, ABSTRACT NO. 617, HUNT COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED IN A DEED TO DON V. INGRAM, RECORDED IN INSTRUMENT NO. 2009-14905 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS (O.P.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN THE SOUTHEAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 30 (300 FOOT RIGHT-OF-WAY) AND THE NORTHWEST LINE OF SAID INGRAM TRACT, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7083350.91, E:2692186.01;

THENCE SOUTH 49 DEGREES 32 MINUTES 00 SECONDS EAST, LEAVING SAID LINES AND ACROSS SAID INGRAM TRACT, A DISTANCE OF 286.98 FEET, TO A CALCULATED POINT FOR CORNER,

THENCE SOUTH 87 DEGREES 54 MINUTES 07 SECONDS EAST, CONTINUING ACROSS SAID INGRAM TRACT, A DISTANCE OF 45.75 FEET, TO A CALCULATED POINT FOR CORNER IN THE CENTERLINE OF HALLMARK STREET, THE EAST LINE OF SAID INGRAM TRACT AND THE WEST LINE OF THE MARY BARKMAN CAMPBELL, JAMES WILLIAM CAMPBELL AND CATHERINE ELIZABETH CAMPBELL TRACT RECORDED IN VOLUME 967, PAGE 97 OF DEED RECORDS OF HUNT COUNTY, TEXAS (D.R.H.C.T.), FROM WHICH A 1/2-INCH IRON ROD FOUND IN THE EAST LINE OF SAID INGRAM TRACT AT THE NORTHWEST CORNER OF SAID CAMPBELL TRACT BEARS NORTH 01 DEGREES 13 MINUTES 43 SECONDS WEST, A DISTANCE OF 20.03 FEET;

THENCE SOUTH 01 DEGREES 13 MINUTES 43 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 120.20 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE NORTH 87 DEGREES 54 MINUTES 07 SECONDS WEST, LEAVING SAID LINES AND ACROSS SAID INGRAM TRACT, A DISTANCE OF 94.48 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE NORTH 49 DEGREES 32 MINUTES 00 SECONDS WEST, CONTINUING ACROSS SAID INGRAM TRACT, A DISTANCE OF 331.01 FEET, TO A CALCULATED POINT FOR CORNER IN SAID SOUTHEAST RIGHT-OF-WAY LINE OF HIGHWAY 30 AND THE NORTHWEST LINE OF SAID INGRAM TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND IN SAID SOUTHEAST RIGHT-OF-WAY LINE AND AT THE SOUTHWEST CORNER OF SAID INGRAM TRACT BEARS SOUTH 41 DEGREES 33 MINUTES 13 SECONDS WEST, A DISTANCE OF 1,687.51 FEET;

THENCE NORTH 41 DEGREES 33 MINUTES 13 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 120.02 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 45,494 SQUARE FEET OR 1.044 ACRES OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OR EVEN DATE ACCOMPANIES THIS DESCRIPTION.

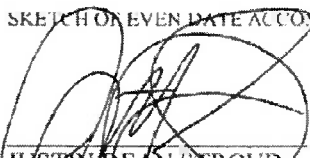
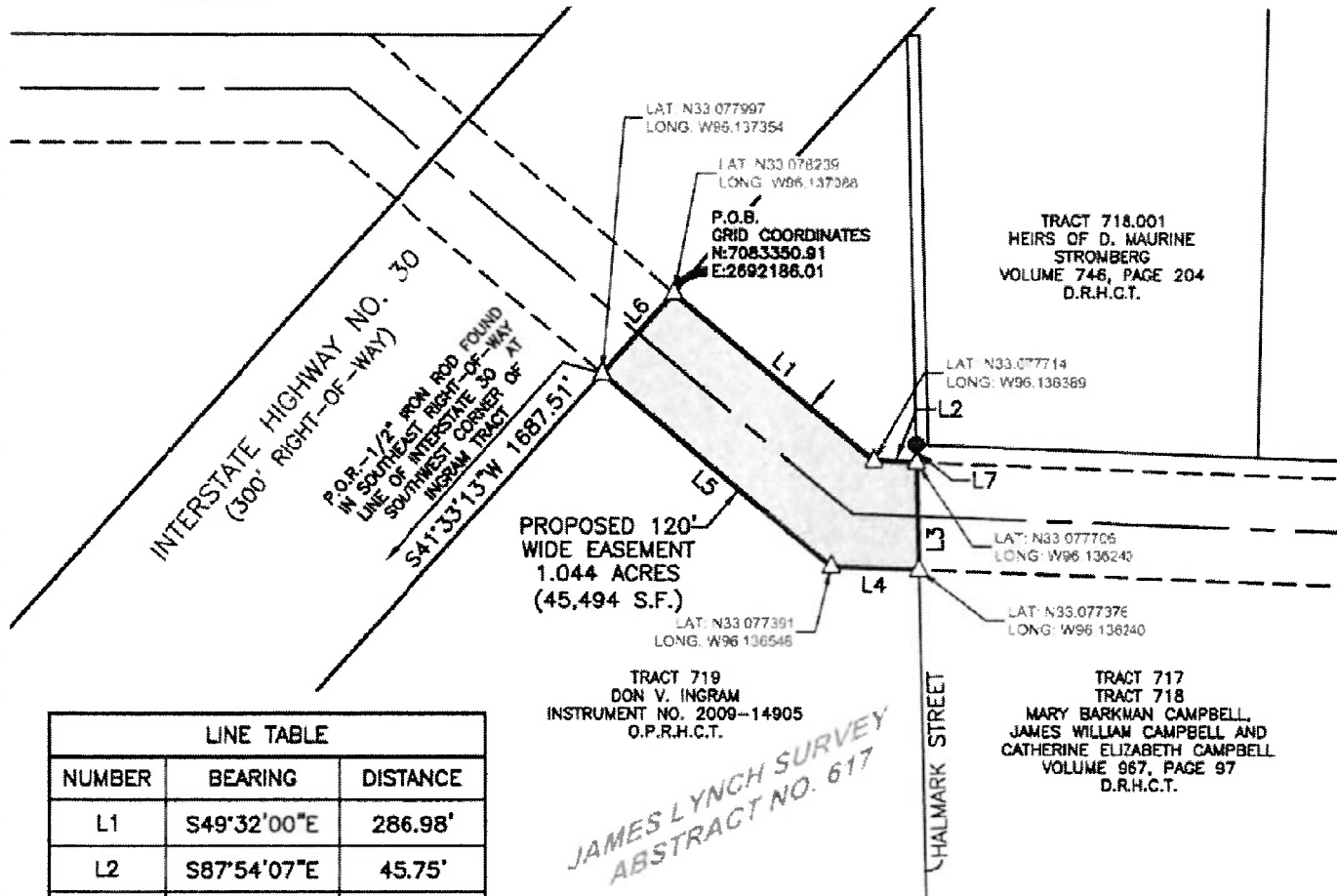
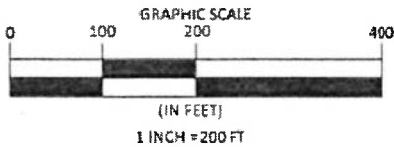

1-25-19
JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

EXHIBIT 'A'



LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S49°32'00"E	286.98'
L2	S87°54'07"E	45.75'
L3	S01°13'43"E	120.20'
L4	N87°54'07"W	94.48'
L5	N49°32'00"W	331.01'
L6	N41°33'13"E	120.02'
L7	N01°13'43"W	20.03'

LEGEND

D.R.H.C.T.	DEED RECORDS
O.P.R.H.C.T.	HUNT COUNTY, TEXAS OFFICIAL PUBLIC RECORDS HUNT COUNTY, TEXAS
P.O.B.	POINT OF BEGINNING
P.O.R.	POINT OF REFERENCE
▲	CALCULATED POINT
●	1/2" IRON ROD FOUND
---	PROPOSED EASEMENT
---	PROPOSED TRANSMISSION LINE
---	APPROXIMATE LOCATION OF ABSTRACT LINE
---	PROPERTY LINE
---	RIGHT-OF-WAY LINE

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC., SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 02 OF 02

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/09/2019
SCALE: 1"=200'
TRACT ID: 719
DRAWN BY: KNL

CITY OF GARLAND
1.044 ACRES, 45,494 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
JAMES LYNCH SURVEY
ABSTRACT NO. 617
HUNT COUNTY, TEXAS



7101 Envy Court, Dallas, TX 75247
Ph: (214) 631-7688 Fax: (214) 631-7103
EMAIL: SAM@SAM.BIZ

Exhibit 14 to Resolution
Description of Parcel 720-722

CITY OF GARLAND
DENT ROAD TO SHH.BY
138 KV TRANSMISSION LINE EASEMENT
TRACT 720, 721 & 722-GREEN 554 INVESTORS, LTD.

43444-ESMT-720, 721 & 722
SAM JOB NO. 43444
SHEET 01 OF 04

EXHIBIT 'A'
14.386 ACRES OR 626.632 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN THE WILLIS GREEN SURVEY, ABSTRACT NO. 360, THE SAMUEL USSURY SURVEY, ABSTRACT NO. 1066 AND THE JAMES LYNCH SURVEY, ABSTRACT NO. 617, HUNT COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED AS TRACT 1 IN A DEED TO GREEN 554 INVESTORS, LTD., RECORDED IN INSTRUMENT NO. 2009-14900 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS (O.P.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN THE NORTH LINE OF SAID GREEN 554 INVESTORS, LTD. TRACT AND THE SOUTH LINE OF THE GF PARTNERS, LTD. TRACT RECORDED IN VOLUME 1450, PAGE 194, O.P.R.H.C.T., FROM WHICH A 3/8-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID GF PARTNERS, LTD. TRACT BEARS NORTH 89 DEGREES 28 MINUTES 43 SECONDS EAST, A DISTANCE OF 863.50 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7087433.28, E:2690680.04;

THENCE SOUTH 00 DEGREES 34 MINUTES 57 SECONDS WEST, LEAVING SAID COMMON LINES AND ACROSS SAID GREEN 554 INVESTORS, LTD. TRACT, PASSING A 1/2-INCH IRON ROD FOUND ON AN EAST LINE OF SAID GREEN 554 INVESTORS, LTD. TRACT AND A WEST LINE OF THE MD GREEN HOLDINGS, LLC TRACT RECORDED IN INSTRUMENT NO. 2016-7330, O.P.R.H.C.T. AT 1,869.17 FEET AND CONTINUING ALONG SAID COMMON LINES, FOR A TOTAL DISTANCE OF 3,795.05 FEET, TO A 1/2-INCH IRON ROD FOUND AT A RE-ENTRANT CORNER OF SAID GREEN 554 INVESTORS, LTD. TRACT AND THE SOUTHWEST CORNER OF SAID MD GREEN HOLDINGS, LLC TRACT;

THENCE SOUTH 89 DEGREES 56 MINUTES 26 SECONDS EAST, ALONG A NORTH LINE OF SAID GREEN 554 INVESTORS, LTD. TRACT AND THE SOUTH LINE OF SAID MD GREEN HOLDINGS, LLC TRACT, A DISTANCE OF 1,208.51 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE SOUTH 49 DEGREES 32 MINUTES 00 SECONDS EAST, LEAVING SAID LINES AND ACROSS SAID GREEN 554 INVESTORS, LTD. TRACT, A DISTANCE OF 143.85 FEET, TO A CALCULATED POINT FOR CORNER IN THE SOUTHEAST LINE OF SAID GREEN 554 INVESTORS, LTD. TRACT AND THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 30 (300 FOOT RIGHT-OF-WAY), FROM WHICH A 1/2-INCH IRON ROD WITH A YELLOW CAP STAMPED "CBG SURVEYING" FOUND IN SAID NORTHWEST RIGHT-OF-WAY LINE AND AT A NORTHEAST CORNER OF SAID GREEN 554 INVESTORS, LTD. TRACT AND AT A SOUTHEAST CORNER OF SAID MD GREEN HOLDINGS, LLC TRACT BEARS NORTH 41 DEGREES 40 MINUTES 16 SECONDS EAST, A DISTANCE OF 124.72 FEET;

THENCE SOUTH 41 DEGREES 40 MINUTES 16 SECONDS WEST, ALONG SAID COMMON LINES, A DISTANCE OF 120.03 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE LEAVING SAID COMMON LINES AND ACROSS SAID GREEN 554 INVESTORS, LTD. TRACT AS FOLLOWS:

NORTH 49 DEGREES 32 MINUTES 00 SECONDS WEST, A DISTANCE OF 97.17 FEET, TO A CALCULATED POINT FOR CORNER;

NORTH 89 DEGREES 56 MINUTES 26 SECONDS WEST, A DISTANCE OF 1,285.45 FEET, TO A CALCULATED POINT FOR CORNER;

NORTH 00 DEGREES 34 MINUTES 57 SECONDS EAST, A DISTANCE OF 3,913.84 FEET, TO A CALCULATED POINT FOR CORNER IN THE NORTH LINE OF SAID GREEN 554 INVESTORS, LTD. TRACT AND THE SOUTH LINE OF SAID GF PARTNERS, LTD. TRACT;

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 720, 721 & 722-GREEN 554 INVESTORS, LTD.

43444-ESMT-720, 721 & 722
SAM JOB NO. 43444
SHEET 02 OF 04

THENCE NORTH 89 DEGREES 28 MINUTES 43 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 120.02 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 626,632 SQUARE FEET OR 14.386 ACRES OF LAND, OF WHICH 5.148 ACRES ARE CONTAINED WITHIN THE WILLIS GREEN SURVEY, ABSTRACT NO. 360, 5.636 ACRES ARE CONTAINED WITHIN THE SAMUEL USSURY SURVEY, ABSTRACT NO. 1066, AND 3.602 ACRES ARE CONTAINED WITHIN THE JAMES LYNCH SURVEY, ABSTRACT NO. 617.

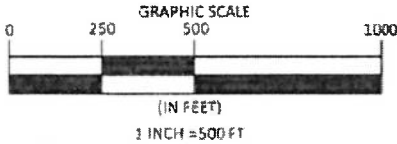
BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.


1-25-19
JUSTIN DEAN STROLB
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300



EXHIBIT 'A'



WILLIS GREEN SURVEY
ABSTRACT NO. 360

TRACT 723
GF PARTNERS, LTD.
VOLUME 1450, PAGE 194
O.P.R.H.C.T.

LAT: N33 085550
LONG: W96 141704

LAT: N33 088554
LONG: W96 142086

P.O.B.
GRID COORDINATES
N:7087433.28
E:2890680.04

N89°28'43"E 863.50'

PROPOSED 120'
WIDE EASEMENT
14.386 ACRES
(626,632 S.F.)

1869.17'

TRACT 720
TRACT 721
TRACT 722
GREEN 554 INVESTORS, LTD.
TRACT 1
INSTRUMENT NO. 2009-14900
O.P.R.H.C.T.

TRACT 720.001
MD GREEN HOLDINGS, LLC
INSTRUMENT NO. 2016-7330
O.P.R.H.C.T.

MATCH LINE SHEET 04

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S00°34'57"W	3795.05'
L7	N00°34'57"E	3913.84'
L8	N89°28'43"E	120.02'

LEGEND

O.P.R.H.C.T.

OFFICIAL PUBLIC RECORDS

P.O.B.

HUNT COUNTY, TEXAS

P.O.R.

POINT OF BEGINNING



POINT OF REFERENCE



1/2" IRON ROD FOUND W/YELLOW
CAP STAMPED "CBG SURVEYING"



3/8" IRON ROD FOUND



1/2" IRON ROD FOUND

PROPOSED EASEMENT

PROPOSED TRANSMISSION LINE

APPROXIMATE LOCATION

OF ABSTRACT LINE

PROPERTY LINE

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY IS LAND SERVICES INC. SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 03 OF 04

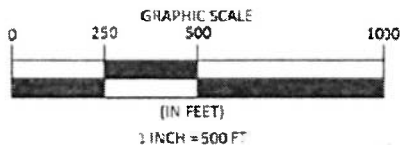
PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/09/2019
SCALE: 1"=500'
TRACT ID: 720, 721 & 722
DRAWN BY: KNL

CITY OF GARLAND
14.386 ACRES, 626,632 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
WILLIS GREEN SURVEY, ABSTRACT NO. 360
JAMES LYNCH SURVEY, ABSTRACT NO. 617
SAMUEL USSURY SURVEY, ABSTRACT NO. 1065
HUNT COUNTY, TEXAS



7101 Envoy Court, Dallas, TX 75247
Ph (214) 631-7888 Fax (214) 631-7103
EMAIL: SAM@SAM.BIZ

EXHIBIT 'A'



MATCH LINE SHEET 03

WILLIS GREEN SURVEY
ABSTRACT NO. 360

PROPOSED 120'
WIDE EASEMENT
14,386 ACRES
(626,632 S.F.)

SAMUEL USSURY SURVEY
ABSTRACT NO. 1066

JAMES LYNCH SURVEY
ABSTRACT NO. 617

TRACT 720.001
MD GREEN HOLDINGS, LLC
INSTRUMENT NO. 2016-7330
O.P.R.H.C.T.

LAT: N33.078804
LONG: W96.142513

LAT: N33.079126
LONG: W96.142108

LAT: N33.079048
LONG: W96.138164

L6
LAT: N33.078721
LONG: W96.138318

TRACT 720
TRACT 721
TRACT 722
GREEN 554 INVESTORS, LTD.
TRACT 1
INSTRUMENT NO. 2009-14900
O.P.R.H.C.T.

LAT: N33.078543
LONG: W96.133081

LAT: N33.078785
LONG: W96.137814

INTERSTATE HIGHWAY
NO. 30
(300' RIGHT-OF-WAY)

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S00°34'57"W	3795.05'
L2	S89°56'26"E	1208.51'
L3	S49°32'00"E	143.85'
L4	S41°40'16"W	120.03'
L5	N49°32'00"W	97.17'
L6	N89°56'26"W	1285.45'
L7	N00°34'57"E	3913.84'
L9	N41°40'16"E	124.72'

LEGEND

O.P.R.H.C.T.

P.O.B.

P.O.R.

△

⊕

○

●

OFFICIAL PUBLIC RECORDS

HUNT COUNTY, TEXAS

POINT OF BEGINNING

POINT OF REFERENCE

CALCULATED POINT

1/2" IRON ROD FOUND W/YELLOW

CAP STAMPED "CBG SURVEYING"

3/8" IRON ROD FOUND

1/2" IRON ROD FOUND

PROPOSED EASEMENT

PROPOSED TRANSMISSION LINE

APPROXIMATE LOCATION

OF ABSTRACT LINE

PROPERTY LINE

RIGHT-OF-WAY LINE

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY IS LAND SERVICES INC. SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 04 OF 04

PROJECT: DENT ROAD TO SHELBY

JOB NUMBER: 43444

DATE: 01/09/2019

SCALE: 1"=500'

TRACT ID: 720, 721 & 722

DRAWN BY: KNL

CITY OF GARLAND

14,386 ACRES, 626,632 SQUARE FEET

138 KV TRANSMISSION LINE EASEMENT

DENT ROAD TO SHELBY

WILLIS GREEN SURVEY, ABSTRACT NO. 360

JAMES LYNCH SURVEY, ABSTRACT NO. 617

SAMUEL USSURY SURVEY, ABSTRACT NO. 1066

HUNT COUNTY, TEXAS



7101 Envoy Court, Dallas, TX 75247
Ph: (214) 631-7888 Fax: (214) 631-7103
EMAIL: SAM@SAM.BIZ

Exhibit 15 to Resolution
Description of Parcels 723

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 723-GF PARTNERS, LTD.

43444-ESMT-723
SAM JOB NO. 43444
SHEET 01 OF 02

EXHIBIT 'A'
4.528 ACRES OR 197,252 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN THE WILLIS GREEN SURVEY, ABSTRACT NO. 360, HUNT COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED IN A DEED TO GF PARTNERS, LTD., RECORDED IN VOLUME 1450, PAGE 194 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS (O.P.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN THE SOUTH LINE OF SAID GF PARTNERS, LTD TRACT AND THE NORTH LINE OF THE GREEN 554 INVESTORS, LTD. TRACT RECORDED IN INSTRUMENT NO. 2009-14900, O.P.R.H.C.T., FROM WHICH A 3/8-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID GF PARTNERS, LTD TRACT BEARS NORTH 89 DEGREES 28 MINUTES 43 SECONDS EAST, A DISTANCE OF 863.50 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7087433.28, E:2690680.04;

THENCE SOUTH 89 DEGREES 28 MINUTES 43 SECONDS WEST, ALONG SAID COMMON LINES, A DISTANCE OF 120.02 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE NORTH 00 DEGREES 34 MINUTES 57 SECONDS EAST, LEAVING SAID LINES AND ACROSS SAID GF PARTNERS, LTD TRACT, A DISTANCE OF 1,637.83 FEET, TO A CALCULATED POINT FOR CORNER IN THE CENTERLINE OF COUNTY ROAD 2118, THE NORTH LINE OF SAID GF PARTNERS, LTD TRACT AND THE SOUTH LINE OF THE DONALD RAY CLINARD TRACT RECORDED IN VOLUME 501, PAGE 400 OF THE DEED RECORDS OF HUNT COUNTY, TEXAS;

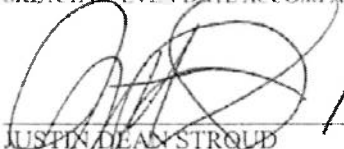
THENCE SOUTH 89 DEGREES 58 MINUTES 35 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 62.34 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE NORTH 64 DEGREES 58 MINUTES 04 SECONDS EAST, CONTINUING ALONG SAID COMMON LINES, A DISTANCE OF 63.94 FEET, TO A CALCULATED POINT FOR CORNER, FROM WHICH A 1/2-INCH IRON FOUND IN THE NORTH LINE OF SAID GF PARTNERS, LTD TRACT AND THE CENTERLINE INTERSECTION OF SAID COUNTY ROAD 2118 BEARS NORTH 64 DEGREES 58 MINUTES 04 SECONDS EAST, A DISTANCE OF 28.51 FEET;

THENCE SOUTH 00 DEGREES 34 MINUTES 57 SECONDS WEST, LEAVING SAID COMMON LINES AND ACROSS SAID GF PARTNERS, LTD TRACT, A DISTANCE OF 1,663.77 FEET TO THE POINT OF BEGINNING AND CONTAINING 197,252 SQUARE FEET OR 4.528 ACRES OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.


1-25-19
JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

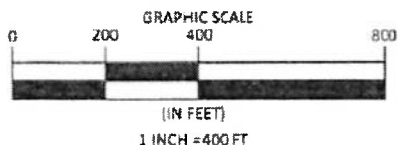
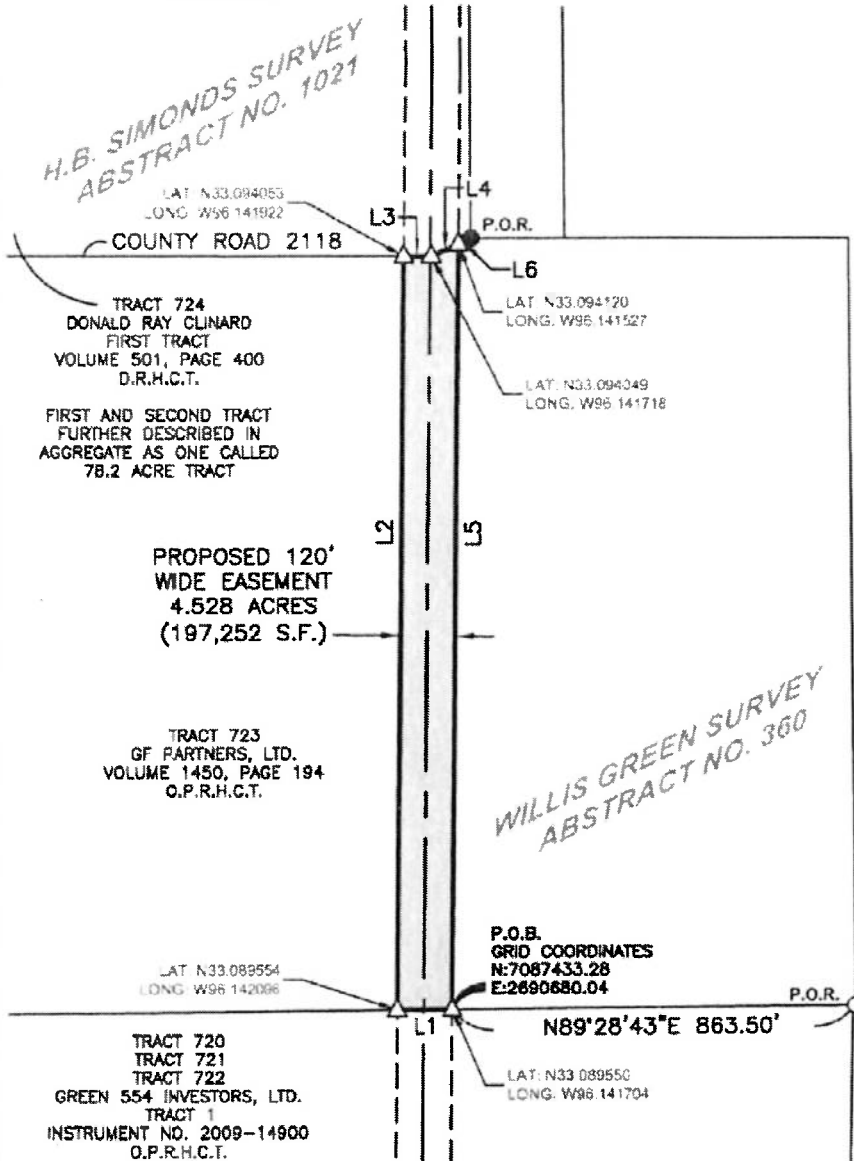


EXHIBIT 'A'

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S89°28'43"W	120.02'
L2	N00°34'57"E	1637.83'
L3	S89°58'35"E	62.34'
L4	N64°58'04"E	63.94'
L5	S00°34'57"W	1663.77'
L6	N64°58'04"E	28.51'



LEGEND

D.R.H.C.T.	DEED RECORDS
O.P.R.H.C.T.	HUNT COUNTY, TEXAS OFFICIAL PUBLIC RECORDS
P.O.B.	HUNT COUNTY, TEXAS POINT OF BEGINNING
P.O.R.	POINT OF REFERENCE
△	CALCULATED POINT
○	3/8" IRON ROD FOUND
●	1/2" IRON ROD FOUND
---	PROPOSED EASEMENT
---	PROPOSED TRANSMISSION LINE
---	APPROXIMATE LOCATION OF ABSTRACT LINE
---	PROPERTY LINE

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6356, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC. SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 02 OF 02

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/09/2019
SCALE: 1"=400'
TRACT ID: 723
DRAWN BY: KNL

CITY OF GARLAND
4.528 ACRES, 197,252 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
WILLIS GREEN SURVEY
ABSTRACT NO. 360
HUNT COUNTY, TEXAS



7101 Envey Court, Dallas, TX 75247
Ph: (214) 831-7886 Fax: (214) 831-7103
EMAIL: SAM@SAM.BIZ

Exhibit 16 to Resolution
Description of Parcel 725

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 725-FRANK KIRK JONES AND ANITA RUTH WALL

43444-ESMT-725
SAM JOB NO. 43444
SHEET 01 OF 03

EXHIBIT 'A'
5.152 ACRES OR 224,437 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN THE LUTHER D. GREEN SURVEY, ABSTRACT NO. 367, HUNT COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED AS FIRST TRACT AND SECOND TRACT IN A DEED TO FRANK KIRK JONES AND JAMES DAVID WALL, RECORDED IN VOLUME 685, PAGE 550 OF THE DEED RECORDS OF HUNT COUNTY, TEXAS (D.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN THE NORTH LINE OF SAID JONES AND WALL SECOND TRACT AND THE SOUTH LINE OF THE HINENI, LLC TRACT RECORDED IN INSTRUMENT NO. 2017-11068 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS (O.P.R.H.C.T.), FROM WHICH A 3/8-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF THE PAMELA BOWEN STANLEY TRACT, RECORDED IN INSTRUMENT NO. 2017-15465, O.P.R.H.C.T. BEARS NORTH 02 DEGREES 31 MINUTES 31 SECONDS EAST, A DISTANCE OF 841.06 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7092962.19, E:2690683.11;

THENCE SOUTH 00 DEGREES 17 MINUTES 33 SECONDS EAST, LEAVING SAID COMMON LINES AND ACROSS SAID JONES AND WALL TRACTS, A DISTANCE OF 1,870.31 FEET, TO A CALCULATED POINT FOR CORNER IN THE SOUTH LINE OF SAID JONES AND WALL FIRST TRACT AND THE NORTH LINE OF THE DONALD RAY CLINARD TRACT RECORDED IN VOLUME 501, PAGE 400, D.R.H.C.T., FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID CLINARD TRACT ALSO BEING THE CENTERLINE INTERSECTION OF COUNTY ROAD 2118 BEARS SOUTH 00 DEGREES 52 MINUTES 12 SECONDS EAST, A DISTANCE OF 1,983.94 FEET;

THENCE SOUTH 89 DEGREES 24 MINUTES 53 SECONDS WEST, ALONG SAID COMMON LINES, A DISTANCE OF 120.00 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE NORTH 00 DEGREES 17 MINUTES 33 SECONDS WEST, LEAVING SAID COMMON LINES AND ACROSS SAID JONES AND WALL TRACTS, A DISTANCE OF 1,870.31 FEET TO A CALCULATED POINT, IN THE NORTH LINE OF SAID JONES AND WALL SECOND TRACT AND THE SOUTH LINE OF SAID HINENI, LLC TRACT;

THENCE NORTH 89 DEGREES 24 MINUTES 53 SECONDS EAST, ALONG SAID COMMON LINES, PASSING A 6-INCH WOODEN CORNER POST FOUND ON THE WEST SIDE OF SAID COUNTY ROAD 2118 AT 116.87 FEET, CONTINUING ALONG SAID COMMON LINES, FOR A TOTAL DISTANCE OF 120.00 FEET, TO THE **POINT OF BEGINNING** AND CONTAINING 224,437 SQUARE FEET OR 5.152 ACRES OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.


JUSTIN DEAN STRONG
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300



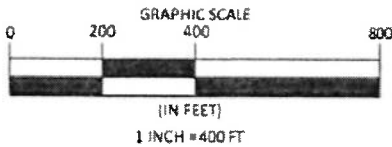


EXHIBIT 'A'

LUTHER D. GREEN SURVEY
ABSTRACT NO. 367

TRACT 726
HINENI, LLC
TRACT 1
INSTRUMENT NO. 2017-11068
O.P.R.H.C.T.

TRACT 725
FRANK KIRK JONES AND
ANITA RUTH WALL
SECOND TRACT
VOLUME 685, PAGE 550
D.R.H.C.T.

TRACT 725
FRANK KIRK JONES AND
ANITA RUTH WALL
FIRST TRACT
VOLUME 685, PAGE 550
D.R.H.C.T.

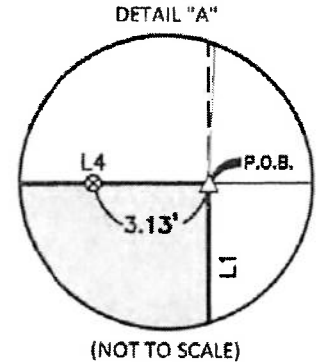
PROPOSED 120'
WIDE EASEMENT
5.152 ACRES
(224,437 S.F.)

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S00°17'33"E	1870.31'
L3	N00°17'33"W	1870.31'
L4	N89°24'53"E	120.00'

LEGEND

O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS
HUNT COUNTY, TEXAS
D.R.H.C.T. DEED RECORDS
HUNT COUNTY, TEXAS
P.O.B. POINT OF BEGINNING
P.O.R. POINT OF REFERENCE
△ CALCULATED POINT
○ 3/8" IRON ROD FOUND
● 1/2" IRON ROD FOUND
⊗ 6" WOOD FENCE CORNER POST
--- PROPOSED EASEMENT
--- PROPOSED TRANSMISSION LINE
--- APPROXIMATE LOCATION
OF ABSTRACT LINE
--- PROPERTY LINE

P.O.R.
TRACT 727
PAMELA BOWEN
STANLEY
INSTRUMENT NO.
2017-15465
O.P.R.H.C.T.



LAT: N33.104747
LONG: W98.141681

P.O.B.
GRID COORDINATES
N:7092982.19
E:2690683.11

LAT: N33.104743
LONG: W98.141289

COUNTY ROAD 211B

WILLIAM BARKER SURVEY
ABSTRACT NO. 83

MATCH LINE SHEET 03

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC.. SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 02 OF 03

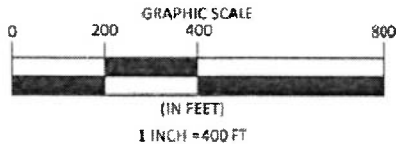
PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/07/2019
SCALE: 1"=400'
TRACT ID: 725
DRAWN BY: KNL

CITY OF GARLAND
5.152 ACRES, 224,437 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
LUTHER D. GREEN SURVEY
ABSTRACT NO. 367
HUNT COUNTY, TEXAS



7101 Emvay Court, Dallas, TX 75247
Ph: (214) 631-7888 Fax: (214) 631-7103
EMAIL: SAM@SAM.BIZ

EXHIBIT 'A'



MATCH LINE SHEET 02

LUTHER D. GREEN SURVEY
ABSTRACT NO. 367

TRACT 725
FRANK KIRK JONES AND
ANITA RUTH WALL
FIRST TRACT
VOLUME 685, PAGE 550
D.R.H.C.T.

LAT N33.099508
LONG W96.141787

COUNTY ROAD 2120

PROPOSED 120'
WIDE EASEMENT
5.152 ACRES
(224,437 S.F.)

LAT N73.099604
LONG W96.141365

TRACT 724
DONALD RAY CLINARD
FIRST TRACT
VOLUME 501, PAGE 400
D.R.H.C.T.

FIRST AND SECOND TRACT
FURTHER DESCRIBED IN
AGGREGATE AS ONE CALLED
78.2 ACRE TRACT

H.B. SIMONDS SURVEY
ABSTRACT NO. 1021

WILLIAM BARKER SURVEY
ABSTRACT NO. 83

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S00°17'33"E	1870.31'
L2	S89°24'53"W	120.00'
L3	N00°17'33"W	1870.31'

LEGEND

O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS
HUNT COUNTY, TEXAS
D.R.H.C.T. DEED RECORDS
HUNT COUNTY, TEXAS
P.O.B. POINT OF BEGINNING
P.O.R. POINT OF REFERENCE
△ CALCULATED POINT
○ 3/8" IRON ROD FOUND
● 1/2" IRON ROD FOUND
⊗ 6" WOOD FENCE CORNER POST
--- PROPOSED EASEMENT
- - - PROPOSED TRANSMISSION LINE
... APPROXIMATE LOCATION
OF ABSTRACT LINE
_____ PROPERTY LINE

COUNTY ROAD
2118

S00°52'12"E 1983.94'
COUNTY ROAD 2118

P.O.R.

JUSTIN DEAN STROOD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011) TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC.. SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 03 OF 03

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/07/2019
SCALE: 1"=400'
TRACT ID: 725
DRAWN BY: KNL

CITY OF GARLAND
5.152 ACRES, 224,437 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
LUTHER D. GREEN SURVEY
ABSTRACT NO. 367
HUNT COUNTY, TEXAS



7101 Envoy Court, Dallas, TX 75247
Ph: (214) 631-7888 Fax: (214) 631-7103
EMAIL: SAM@SAM.BIZ

Exhibit 17 to Resolution
Description of Parcel 726

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 726-HINENI, LLC

43444-ESMT-726
SAM JOB NO. 43444
SHEET 01 OF 02

EXHIBIT 'A'
3.977 ACRES OR 173,218 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN THE LUTHER D. GREEN SURVEY, ABSTRACT NO. 367, HUNT COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED AS TRACT 1 IN A DEED TO HINENI, LLC, RECORDED IN INSTRUMENT NO. 2017-11068 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS (O.P.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN THE EAST LINE OF SAID HINENI TRACT AND THE CENTERLINE OF COUNTY ROAD 2118 (MASON DRIVE), FROM WHICH A 3/8-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF THE PAMELA BOWEN STANLEY TRACT RECORDED IN INSTRUMENT NO. 2017-15465, O.P.R.H.C.T., BEARS SOUTH 02 DEGREES 47 MINUTES 44 SECONDS EAST, A DISTANCE OF 488.70 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7094290.36, E:2690696.33;

THENCE SOUTH 54 DEGREES 14 MINUTES 27 SECONDS WEST, LEAVING SAID EAST LINE, A DISTANCE OF 24.56 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE SOUTH 00 DEGREES 17 MINUTES 33 SECONDS EAST, ACROSS SAID HINENI TRACT, A DISTANCE OF 1,314.03 FEET, TO A CALCULATED POINT FOR CORNER IN THE SOUTH LINE OF SAID HINENI TRACT AND THE NORTH LINE OF THE FRANK KIRK JONES AND ANITA RUTH WALL TRACT RECORDED IN VOLUME 685, PAGE 550 OF THE DEED RECORDS OF HUNT COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 24 MINUTES 53 SECONDS WEST, ALONG SAID COMMON LINES, PASSING A 6-INCH WOODEN CORNER POST ON THE WEST SIDE OF SAID COUNTY ROAD 2118 AT A DISTANCE OF 3.13 FEET, CONTINUING ALONG SAID COMMON LINES, FOR A TOTAL DISTANCE OF 120.00 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE NORTH 00 DEGREES 17 MINUTES 33 SECONDS WEST, LEAVING SAID COMMON LINES AND ACROSS HINENI TRACT, A DISTANCE OF 1,376.49 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE NORTH 54 DEGREES 14 MINUTES 27 SECONDS EAST, CONTINUING ACROSS SAID HINENI TRACT, A DISTANCE OF 171.89 FEET, TO THE EAST LINE OF SAID HINENI TRACT AND THE CENTERLINE OF SAID COUNTY ROAD 2118, FROM WHICH A 1/2-INCH IRON ROD FOUND ON THE WEST SIDE OF SAID COUNTY ROAD 2118 BEARS NORTH 15 DEGREES 04 MINUTES 33 SECONDS WEST, A DISTANCE OF 116.75 FEET;

THENCE SOUTH 00 DEGREES 17 MINUTES 33 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 147.34 FEET, TO THE POINT OF BEGINNING AND CONTAINING 173.218 SQUARE FEET OR 3.977 ACRES OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.

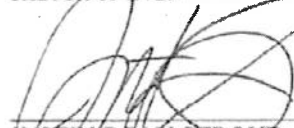
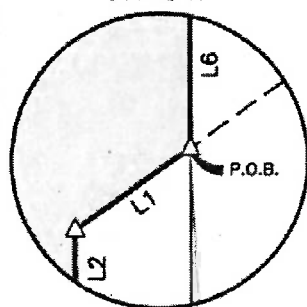

1-25-19
JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300



EXHIBIT 'A'



DETAIL "A"



(NOT TO SCALE)

WESLEY JOHNSON SURVEY
ABSTRACT NO. 551

LAT: N33 108797
LONG: W96 141140
LAT: N33 108529
LONG: W96 141503
TRACT 726
HINENI, LLC
TRACT 1
INSTRUMENT NO. 2017-11088
O.P.R.H.C.T.

LUTHER D. GREEN SURVEY
ABSTRACT NO. 367

LAT: N33 108354
LONG: W96 141215

SEE DETAIL "A"

LAT: N33 108392
LONG: W96 141148

P.O.B.
GRID COORDINATES
N:7094290.38
E:2690898.33

TRACT 727
PAMELA BOWEN STANLEY
INSTRUMENT NO. 2017-15466
O.P.R.H.C.T.

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S54°14'27"W	24.56'
L2	S00°17'33"E	1314.03'
L3	S89°24'53"W	120.00'
L4	N00°17'33"W	1376.49'
L5	N54°14'27"E	171.89'
L6	S00°17'33"E	147.34'
L7	S02°47'44"E	488.70'
L8	N15°04'33"W	116.75'

PROPOSED 120'
WIDE EASEMENT
3.977 ACRES
(173,218 S.F.)

LAT: N33 104743
LONG: W96 141269

LAT: N33 104747
LONG: W96 141681

TRACT 725
FRANK KIRK JONES AND
ANITA RUTH WALL
SECOND TRACT
VOLUME 685, PAGE 550
D.R.H.C.T.

SEE DETAIL "B"

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6388, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
2. DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SKETCH.
3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC., SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 02 OF 02

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/07/2019
SCALE: 1"=400'
TRACT ID: 726
DRAWN BY: KNL

CITY OF GARLAND
3.977 ACRES, 173,218 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
LUTHER D. GREEN SURVEY,
ABSTRACT NO 367
HUNT COUNTY, TEXAS



7101 Envy Court, Dallas, TX 75247
Ph: (214) 631-7888 Fax: (214) 631-7103
EMAIL: SAM@SAM.BIZ

Exhibit 18 to Resolution
Description of Parcel 727

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 727-PAMELA BOWEN STANLEY

43444-ESMT-727
SAM JOB NO. 43444
SHEET 01 OF 02

EXHIBIT 'A'
3.825 ACRES OR 166,620 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN THE WESLEY JOHNSON SURVEY, ABSTRACT NO. 551 AND THE LUTHER D. GREEN SURVEY, ABSTRACT NO. 367, HUNT COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED IN A DEED TO PAMELA BOWEN STANLEY, RECORDED IN INSTRUMENT NO. 2017-15465 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS (O.P.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN THE EAST LINE OF SAID STANLEY TRACT AND THE WEST LINE OF THE TEXAS MUNICIPAL POWER AGENCY TRACT RECORDED IN VOLUME 1643, PAGE 121, O.P.R.H.C.T., FROM WHICH A 1/2-INCH IRON ROD FOUND IN THE EAST LINE OF SAID STANLEY TRACT AND AT THE NORTHWEST CORNER OF SAID TEXAS MUNICIPAL POWER AGENCY TRACT BEARS NORTH 01 DEGREES 02 MINUTES 23 SECONDS EAST, A DISTANCE OF 343.95 FEET SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7095277.93, E:2691862.38,

THENCE SOUTH 01 DEGREES 02 MINUTES 23 SECONDS WEST, ALONG SAID COMMON LINES, A DISTANCE OF 37.60 FEET, TO A 1/2-INCH CAPPED IRON ROD FOUND AT A NORTHWEST RESIDUE CORNER OF THE FRANK KIRK JONES AND JEANNE ELIZABETH JONES TRACT RECORDED IN INSTRUMENT NO. 2015-214, O.P.R.H.C.T., SAME BEING THE SOUTH CORNER OF SAID TEXAS MUNICIPAL POWER AGENCY TRACT;

THENCE SOUTH 01 DEGREES 01 MINUTES 32 SECONDS WEST, ALONG THE COMMON LINE OF SAID STANLEY TRACT AND SAID JONES TRACT, A DISTANCE OF 112.24 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE SOUTH 54 DEGREES 14 MINUTES 27 SECONDS WEST, LEAVING SAID COMMON LINES AND ACROSS SAID STANLEY TRACT, A DISTANCE OF 1,389.10 FEET, TO A CALCULATED POINT FOR CORNER IN THE WEST LINE OF SAID STANLEY TRACT AND THE EAST LINE OF COUNTY ROAD 2118 (MASON DRIVE), FROM WHICH A 3/8-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID STANLEY TRACT BEARS SOUTH 01 DEGREES 23 MINUTES 20 SECONDS WEST, A DISTANCE OF 514.41 FEET;

THENCE NORTH 01 DEGREE 23 MINUTES 20 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 150.55 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE NORTH 54 DEGREES 14 MINUTES 27 SECONDS EAST, LEAVING SAID COMMON LINES AND ACROSS SAID STANLEY TRACT, A DISTANCE OF 1,387.91 FEET, TO THE **POINT OF BEGINNING** AND CONTAINING 166,620 SQUARE FEET OR 3.825 ACRES OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.

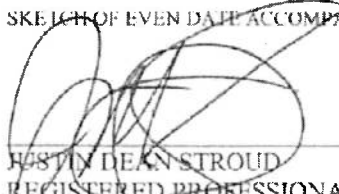
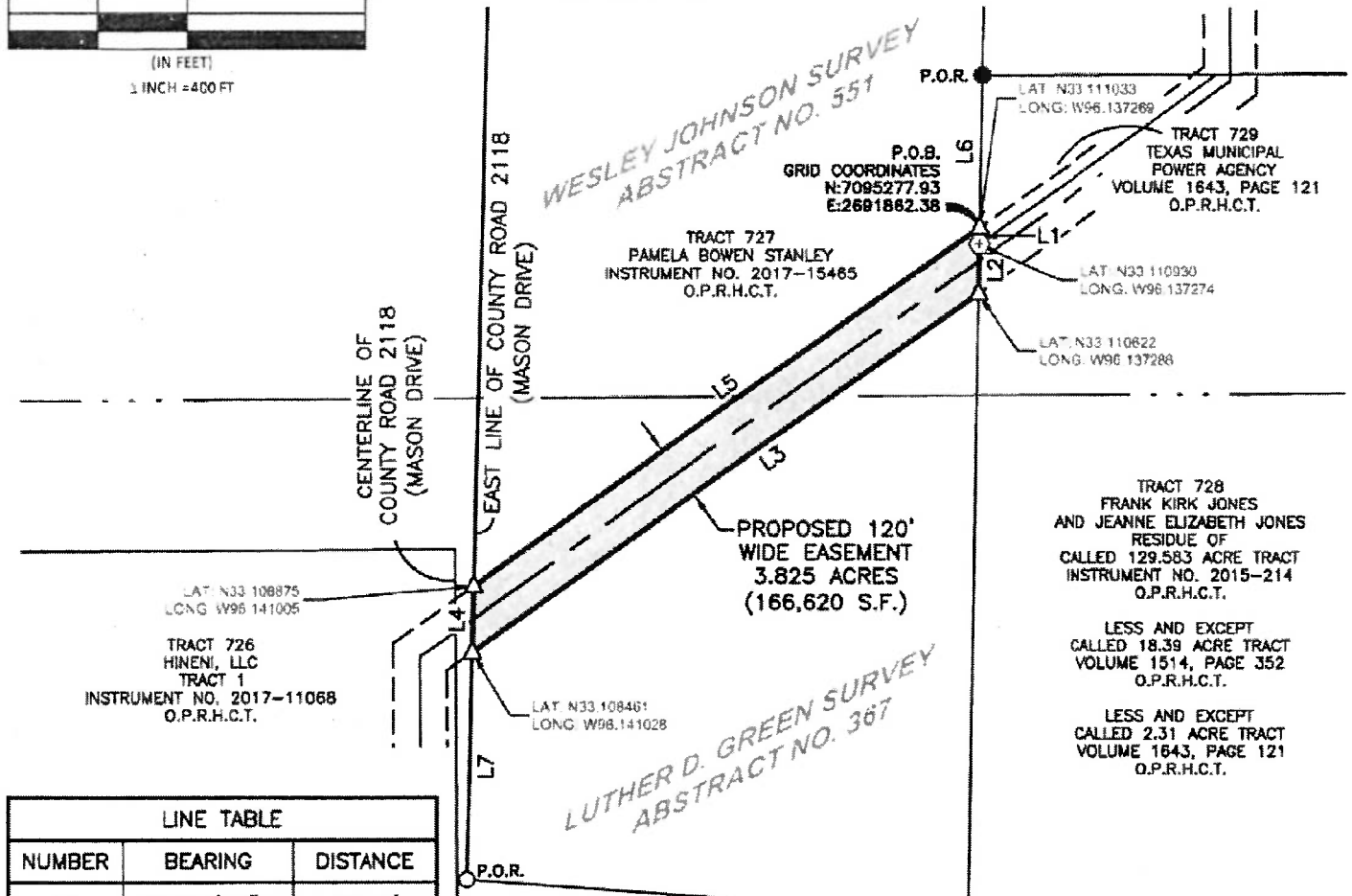
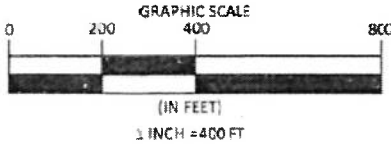

1-25-19
JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

EXHIBIT 'A'



LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S01°02'23"W	37.60'
L2	S01°01'32"W	112.24'
L3	S54°14'27"W	1389.10'
L4	N01°23'20"E	150.55'
L5	N54°14'27"E	1387.91'
L6	N01°02'23"E	343.95'
L7	S01°23'20"W	514.41'

LEGEND

O.P.R.H.C.T.	OFFICIAL PUBLIC RECORDS HUNT COUNTY, TEXAS
P.O.B.	POINT OF BEGINNING
P.O.R.	POINT OF REFERENCE
△	CALCULATED POINT
○	3/8" IRON ROD FOUND
●	1/2" IRON ROD FOUND
⊙	1/2" CAPPED IRON ROD FOUND
---	PROPOSED EASEMENT
---	PROPOSED TRANSMISSION LINE
---	APPROXIMATE LOCATION OF ABSTRACT LINE
---	PROPERTY LINE

LUTHER D. GREEN SURVEY
ABSTRACT NO. 367

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300
1-25-19

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
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3. RECORD INFORMATION AND OWNER NAME SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PROVIDED BY JS LAND SERVICES INC. SAM, LLC ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE ABOVE INFORMATION PROVIDED BY OTHERS.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 02 OF 02

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/07/2019
SCALE: 1"=400'
TRACT ID: 727
DRAWN BY: KNL

CITY OF GARLAND
3.825 ACRES, 166,620 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
WESLEY JOHNSON SURVEY, ABSTRACT NO. 551
LUTHER D. GREEN SURVEY, ABSTRACT NO. 367
HUNT COUNTY, TEXAS



7101 Envy Court Dallas, TX 75247
Ph: (214) 831-7888 Fax: (214) 831-7103
EMAIL: SAM@SAM.BIZ

Exhibit 19 to Resolution
Description of Parcel 728

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 728-FRANK KIRK JONES AND JEANNE ELIZABETH JONES

43444-ESMT-728
SAM JOB NO. 43444
SHEET 01 OF 03

EXHIBIT 'A'
1.525 ACRES OR 66,445 SQUARE FEET
VARIABLE WIDTH EASEMENT

BEING A TRACT OF LAND LOCATED IN THE WESLEY JOHNSON SURVEY, ABSTRACT NO. 551, HUNT COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED IN A DEED TO FRANK KIRK JONES AND JEANNE ELIZABETH JONES, RESIDUE OF CALLED 129.583 ACRE TRACT, RECORDED IN INSTRUMENT NO. 2015-214 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS (O.P.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH CAPPED IRON ROD FOUND AT A NORTHWEST RESIDUE CORNER OF SAID JONES TRACT SAME BEING THE SOUTH CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO TEXAS MUNICIPAL POWER AGENCY, RECORDED IN VOLUME 1643, PAGE 121, O.P.R.H.C.T., AND IN THE EAST LINE OF THE PAMELA BOWEN STANLEY TRACT RECORDED IN INSTRUMENT NO. 2017-15465, O.P.R.H.C.T., FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID TEXAS MUNICIPAL POWER AGENCY TRACT (VOLUME 1643, PAGE 121) AND THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO TEXAS MUNICIPAL POWER AGENCY TRACT, RECORDED IN VOLUME 1514, PAGE 352, O.P.R.H.C.T., BEARS NORTH 01 DEGREES 02 MINUTES 23 SECONDS EAST, A DISTANCE OF 381.55 FEET SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7095240.34, E:2691861.70;

THENCE NORTH 54 DEGREES 14 MINUTES 27 SECONDS EAST, ALONG THE NORTHWEST RESIDUE LINE OF SAID JONES TRACT AND THE SOUTHEAST LINE OF SAID TEXAS MUNICIPAL POWER AGENCY TRACT (VOLUME 1643, PAGE 121), A DISTANCE OF 658.46 FEET, TO A 1/2-INCH CAPPED IRON ROD FOUND AT A NORTHWEST RESIDUE CORNER OF SAID JONES TRACT AND THE NORTHEAST CORNER OF SAID TEXAS MUNICIPAL POWER AGENCY TRACT (VOLUME 1643, PAGE 121) IN THE SOUTH LINE OF SAID TEXAS MUNICIPAL POWER AGENCY TRACT (VOLUME 1514, PAGE 352);

THENCE NORTH 89 DEGREES 37 MINUTES 18 SECONDS EAST, ALONG THE NORTH RESIDUE LINE OF SAID JONES TRACT AND THE SOUTH LINE OF SAID TEXAS MUNICIPAL POWER AGENCY TRACT (VOLUME 1514, PAGE 352), A DISTANCE OF 91.34 FEET, TO A CALCULATED POINT FOR CORNER, FROM WHICH A 1/2-INCH IRON ROD FOUND AT A RE-ENTRANT CORNER OF SAID JONES RESIDUE TRACT AND AT THE SOUTHEAST CORNER OF SAID TEXAS MUNICIPAL POWER AGENCY TRACT (VOLUME 1514, PAGE 352) BEARS NORTH 89 DEGREES 37 MINUTES 18 SECONDS EAST, A DISTANCE OF 380.86 FEET;

THENCE SOUTH 00 DEGREES 06 MINUTES 00 SECONDS EAST, LEAVING SAID LINES AND ACROSS SAID JONES TRACT, A DISTANCE OF 45.54 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE SOUTH 54 DEGREES 14 MINUTES 27 SECONDS WEST CONTINUING ACROSS SAID JONES TRACT, A DISTANCE OF 773.60 FEET, TO A CALCULATED POINT FOR CORNER IN THE WEST LINE OF SAID JONES TRACT AND THE EAST LINE OF A SAID STANLEY TRACT;

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 728-FRANK KIRK JONES AND JEANNE ELIZABETH JONES

43444-ESMT-728
SAM JOB NO. 43444
SHEET 02 OF 03

THENCE NORTH 01 DEGREES 01 MINUTES 32 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 112.24 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 66,445 SQUARE FEET OR 1.525 ACRES OF LAND.

BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011). TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.

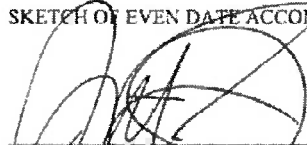
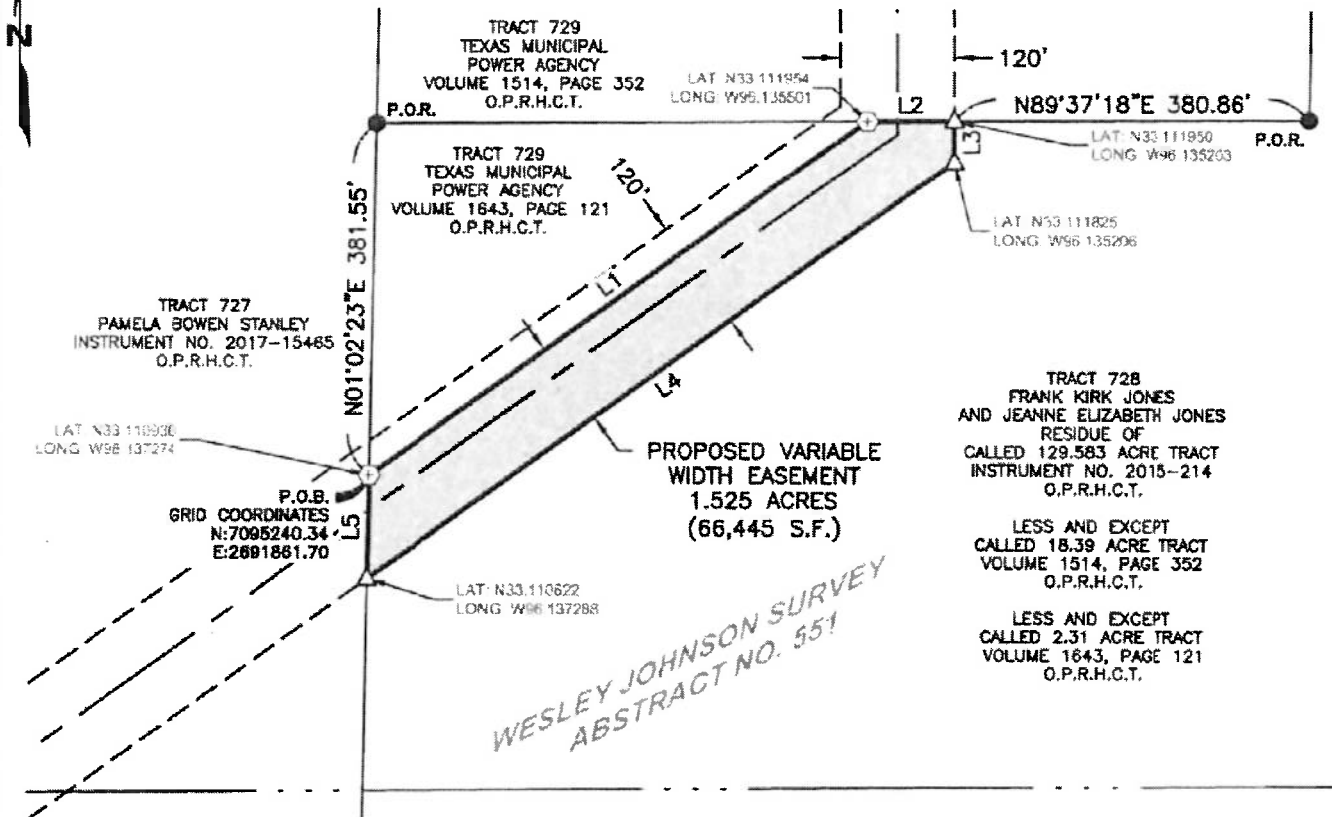
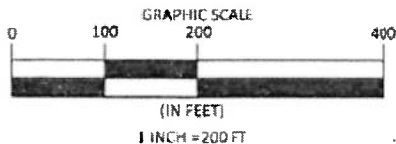
 1-25-19
JUSTIN DEAN STROUB
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

EXHIBIT 'A'



LINE TABLE

NUMBER	BEARING	DISTANCE
L1	N54°14'27"E	658.46'
L2	N89°37'18"E	91.34'
L3	S00°06'00"E	45.54'
L4	S54°14'27"W	773.60'
L5	N01°01'32"E	112.24'

LEGEND

- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS
HUNT COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
P.O.R. POINT OF REFERENCE
- △ CALCULATED POINT
● 1/2" IRON ROD FOUND
⊕ 1/2" CAPPED IRON ROD FOUND
- PROPOSED EASEMENT
--- PROPOSED TRANSMISSION LINE
--- APPROXIMATE LOCATION
--- OF ABSTRACT LINE
--- PROPERTY LINE

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
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5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 03 OF 03

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/04/2019
SCALE: 1"=200'
TRACT ID: 728
DRAWN BY: KNL

CITY OF GARLAND
1.525 ACRES, 66,445 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
WESLEY JOHNSON SURVEY
ABSTRACT NO. 551
HUNT COUNTY, TEXAS



7101 Envoy Court, Dallas, TX 75247
Ph: (214) 631-7888 Fax (214) 631-7103
EMAIL: SAM@SAM.BIZ

Exhibit 20 to Resolution
Description of Parcel 724

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 724-DONALD RAY CLINARD

43444-ESMT-724
SAM JOB NO. 43444
SHEET 01 OF 03

EXHIBIT 'A'
5.553 ACRES OR 241,890 SQUARE FEET
120 FEET WIDE EASEMENT

BEING A TRACT OF LAND LOCATED IN H. B. SIMONDS SURVEY, ABSTRACT NO. 1021, HUNT COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED AS FIRST TRACT IN A DEED TO RUBY CLINARD, RECORDED IN VOLUME 501, PAGE 400 OF THE DEED RECORDS OF HUNT COUNTY, TEXAS (D.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN THE CENTERLINE OF COUNTY ROAD 2120, THE NORTH LINE OF SAID CLINARD TRACT AND THE SOUTH LINE OF THE FRANK KIRK JONES AND ANITA RUTH WALL FIRST TRACT RECORDED IN VOLUME 685, PAGE 550, D.R.H.C.T., FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF THE GF PARTNERS, LTD. TRACT, RECORDED IN VOLUME 1450, PAGE 194 OF THE OFFICIAL PUBLIC RECORDS OF HUNT COUNTY, TEXAS, BEARS SOUTH 48 DEGREES 29 MINUTES 30 SECONDS WEST, A DISTANCE OF 3,048.95 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:7091090.97, E:2690572.68;

THENCE NORTH 89 DEGREES 24 MINUTES 53 SECONDS EAST, ALONG SAID COMMON LINES, A DISTANCE OF 120.00 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE SOUTH 00 DEGREES 17 MINUTES 33 SECONDS EAST, LEAVING SAID COMMON LINES AND ACROSS SAID CLINARD TRACT, A DISTANCE OF 1,610.14 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE SOUTH 00 DEGREES 34 MINUTES 57 SECONDS WEST, CONTINUING ACROSS SAID CLINARD TRACT, A DISTANCE OF 385.67 FEET, TO A CALCULATED POINT FOR CORNER IN THE CENTERLINE OF COUNTY ROAD 2118, THE SOUTH LINE OF SAID CLINARD TRACT AND THE NORTH LINE OF SAID GF PARTNERS, LTD. TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID CLINARD TRACT AND THE CENTERLINE INTERSECTION OF SAID COUNTY ROAD 2118 BEARS NORTH 64 DEGREES 58 MINUTES 04 SECONDS EAST, A DISTANCE OF 28.51 FEET;

THENCE SOUTH 64 DEGREES 58 MINUTES 04 SECONDS WEST, ALONG SAID COMMON LINES, A DISTANCE OF 63.94 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE NORTH 89 DEGREES 58 MINUTES 35 SECONDS WEST, CONTINUING ALONG SAID COMMON LINES, A DISTANCE OF 62.34 FEET, TO A CALCULATED POINT FOR CORNER;

THENCE NORTH 00 DEGREES 34 MINUTES 57 SECONDS EAST, LEAVING SAID COMMON LINES AND ACROSS SAID CLINARD TRACT, A DISTANCE OF 413.01 FEET, TO A CALCULATED POINT FOR CORNER;

CITY OF GARLAND
DENT ROAD TO SHELBY
138 KV TRANSMISSION LINE EASEMENT
TRACT 724-DONALD RAY CLINARD

43444-ESMT-724
SAM JOB NO. 43444
SHEET 02 OF 03

THENCE NORTH 00 DEGREES 17 MINUTES 33 SECONDS WEST, CONTINUING ACROSS SAID CLINARD TRACT, A DISTANCE OF 1,608.61 FEET, TO THE **POINT OF BEGINNING** AND CONTAINING 241,890 SQUARE FEET OR 5.553 ACRES OF LAND.

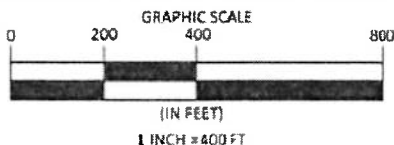
BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202) DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.

SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.


JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300



EXHIBIT 'A'



TRACT 725
FRANK KIRK JONES AND
ANITA RUTH WALL
FIRST TRACT
VOLUME 685, PAGE 550
D.R.H.C.T.

P.O.B.
GRID COORDINATES
N:7091090.97
E:2690572.68

LAT: N33.099608
LONG: W96.141787

LAT: N33.099604
LONG: W96.141335

WILLIAM BARKER SURVEY
ABSTRACT NO. 83

COUNTY ROAD 2120

P.O.B. - 1/2" IRON ROD FOUND AT THE
NORTHWEST COR. OF GF PARTNERS TRACT
S48°29'30"W 3048.95'

TRACT 724
DONALD RAY CLINARD
SECOND TRACT
VOLUME 501, PAGE 400
D.R.H.C.T.

FIRST AND SECOND
TRACT FURTHER
DESCRIBED IN
AGGREGATE AS ONE
CALLED 78.2 ACRE
TRACT

TRACT 724
DONALD RAY CLINARD
FIRST TRACT
VOLUME 501, PAGE 400
D.R.H.C.T.

FIRST AND SECOND TRACT
FURTHER DESCRIBED IN
AGGREGATE AS ONE CALLED
78.2 ACRE TRACT

PROPOSED 120'
WIDE EASEMENT
5.553 ACRES
(241,890 S.F.)

H.B. SIMONDS SURVEY
ABSTRACT NO. 1021

LAT: N33.095187
LONG: W96.141378

LAT: N33.094120
LONG: W96.141527
LAT: N33.094053
LONG: W96.141922

LAT: N33.095179
LONG: W96.141486

COUNTY ROAD 2118

TRACT 723
GF PARTNERS, LTD.
VOLUME 1450, PAGE 194
O.P.R.H.C.T.

LAT: N33.094049
LONG: W96.141718

P.O.R.

JUSTIN DEAN STROUD
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 6338, STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10064300

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE STATE PLANE COORDINATE SYSTEM OF 1983, NAD83 (2011), TEXAS NORTH CENTRAL ZONE (4202). DISTANCES SHOWN ARE SURFACE AND COORDINATES SHOWN ARE GRID VALUES. COMBINED SCALE FACTOR: 0.99985078652839.
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5. LATITUDE AND LONGITUDE ARE SHOWN IN DECIMAL DEGREES (DD).

SHEET 03 OF 03

LEGEND

D.R.H.C.T.

O.P.R.H.C.T.

P.O.B.

P.O.R.

1/2" IRON ROD FOUND

PROPOSED EASEMENT

PROPOSED TRANSMISSION LINE

APPROXIMATE LOCATION

OF ABSTRACT LINE

PROPERTY LINE

DEED RECORDS
HUNT COUNTY, TEXAS
OFFICIAL PUBLIC RECORDS
HUNT COUNTY, TEXAS
POINT OF BEGINNING
POINT OF REFERENCE
CALCULATED POINT
1/2" IRON ROD FOUND
PROPOSED EASEMENT
PROPOSED TRANSMISSION LINE
APPROXIMATE LOCATION
OF ABSTRACT LINE
PROPERTY LINE

PROJECT: DENT ROAD TO SHELBY
JOB NUMBER: 43444
DATE: 01/08/2019
SCALE: 1"=400'
TRACT ID: 724
DRAWN BY: KNL

CITY OF GARLAND
5.553 ACRES, 241,890 SQUARE FEET
138 KV TRANSMISSION LINE EASEMENT
DENT ROAD TO SHELBY
H. B. SIMONDS SURVEY
ABSTRACT NO. 1021
HUNT COUNTY, TEXAS



7101 Envy Court, Dallas, TX 75247
Ph (214) 631-7888 Fax: (214) 631-7103
EMAIL: SANA@SAM.BIZ



GARLAND PLANNING REPORT

City Council Regular Session Agenda

9.a.

Meeting Date: 05/07/2019

Item Title: Z 19-04 Kimley-Horn (District 7)

Submitted By: Josue De La Vega, Sr. Development Planner

REQUEST

Approval of 1) an amended Concept Trail Master Plan and 2) a Detail Plan for Restaurant on a property zoned Planned Development (PD) District 17-28 for Mixed Uses with Restaurant Use on Tract 5.

OWNER

The Woodlands on Spring Creek, LP

PLAN COMMISSION RECOMMENDATION

On April 8, 2019 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of the request.

Additionally, the Plan Commission approved Variances to Sections 4.34, 4.44 and 4.45 of the Garland Development Code (GDC) regarding site and perimeter screening, screening of parking areas and the location of refuse containers.

STAFF RECOMMENDATION

Approval of the request as presented by the applicant.

BACKGROUND

In 2017 City Council approved Planned Development (PD) District 17-28 for Mixed Uses along with a Concept Plan (Exhibit I) which identifies the subject property as Tract 5 and Restaurant (no drive-through) as the only permitted land use on the subject property. The applicant makes the above request to develop the subject property with a Restaurant.

SITE DATA

The subject property has an area of 15.7 acres with approximately 850 lineal feet of frontage along North Garland Avenue. The site would be accessed from North Garland Avenue.

USE OF PROPERTY UNDER CURRENT ZONING

Planned Development (PD) District 17-28 establishes Restaurant as the only land use permitted on the subject property. Furthermore, it requires approval of a Detail Plan through a public hearing process prior to the issuance of development permits.

CONSIDERATIONS

Detail Plan:

1. Site Plan (Exhibit C): The site would be developed with a 9,780-square foot restaurant building; the main entrance of the restaurant would front North Garland Avenue, while an outdoor patio area (elevated deck) in the back of the building would front a wooded area and a pond.
2. Parking: The GDC establishes a parking requirement of ninety-eight (98) parking spaces for a 9,780-square foot restaurant. The proposed site layout provides ninety-eight (98) on-site parking spaces.
3. Screening and Landscape (Exhibit D): The GDC requires the site to be landscaped for the purpose, among others, of enhancing the appearance of the site as well as defining and distinguishing the green areas from areas where traffic would circulate. The proposed landscape layout complies with the applicable standards regarding parking lot landscaping and screening of site features.
4. Elevations (Exhibit E). The proposed building design is in conformance with the following GDC building design standards:
 - At least six (6) architectural elements must be incorporated into the design of the building.
 - Street-facing elevations should be horizontally and vertically articulated.

The applicant is proposing to deviate from the standards regarding building façade materials (see Consideration No. 6).

5. Signs: Any signage will be subject to the standards set forth in Chapter 4, Article 5 of the GDC.

Deviations:

6. Section 4.83 of the GDC requires exterior walls of all nonresidential buildings to be at least eighty (80) percent masonry construction (e.g. brick, stone, stucco, split face CMU), excluding doors, windows and window walls. Furthermore, at least two (2) different exterior construction materials must be applied on facades visible from the streets.

The applicant proposes galvanized metal siding as the only façade material, excluding doors, windows and window walls. The applicant has indicated that the galvanized metal siding does not diminish the architectural value of the proposed building; on the contrary, it is essential to the unique and innovative design of the building.

7. Section 4.22 of the GDC stipulates that loading spaces must not be located on the street side of a building in an effort to screen certain services such as the loading and unloading of goods from the public right-of-way.

The applicant proposes a loading space and an overhead door on the street side of the building. The applicant contends that the proposed location of the loading space provides the most appropriate access for deliveries and due to the grade difference between the site and the street (at least a 5-foot grade difference, the site being lower than the street) the loading and unloading of goods would not be visible from the right-of-way.

Amended Concept Trail Master Plan:

8. Planned Development (PD) District 17-28 includes an approved Conceptual Trail Master Plan (Exhibit H) for a trail network where each tract develops a segment of the trail system. The applicant proposes an amended Concept Trail Master Plan (Exhibit G) with the following modifications:

- On Tract 5, the omission of segment of trail that rings around the pond.
- On Tract 5, connecting the trail to sidewalk located across North Garland Avenue by extending trail under the bridge (under North Garland Avenue). Consequently, this interconnectivity would allow people to walk from the proposed trail network to the sidewalk to the new segment of Spring Creek Trail located on the south side of North Garland Avenue without having to cross North Garland Avenue at street level.
- On Tract 5/Tract 4/Tract 1, the realignment of the trail to connect the trail segments on Tract 1 and Tract 5 through Tract 4.

The applicant has indicated that the trail system will remain accessible to the general public. Further refinement of these segments of the trail system will be provided with subsequent civil engineering plans prior to the approval and issuance of the site permit.

COMPREHENSIVE PLAN

The Envision Garland Plan designates the subject property as Urban Neighborhoods and Parks and Open Spaces. Urban Neighborhoods are higher density residential developments, characterized by moderate-to-high density single-family attached and multi-family residential units, greater than twelve (12) dwelling units per acre. Developments within this category are predominantly residential, but may include compatible non-residential uses. This type of development should encourage access to a range of mobility options and is generally located in the vicinity of major intersections and/or secondary arterial streets, with proximity to significant bus or rail amenities.

Parks and Open Spaces consist of a variety of public/private parks, plazas, and natural areas for passive and active recreation, as well as informal gathering places, including development that contributes to their desirability. Parks and Open Spaces should be interconnected by a network of roads, sidewalks, pathways and transit to encourage residents and visitors to move about for mobility, recreational, social, and health purposes.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The property to the north/northeast, across Spring Creek, is zoned Multi-Family (MF) District and is developed with multi-family use. The properties across North Garland Avenue are zoned Agricultural (AG) District; these properties are developed with W. Cecil Winter Park and Hawaiian Falls. The properties to the south, identified as Tract 1, 2, 3 and 4 on the approved Concept Plan in Planned Development (PD) District 17-28, are zoned for Elder Care-Independent Living, Multi-Family and Neighborhood Service Uses; Tract 4 is being developed with multi-family use. The property to the west is zoned Agricultural (AG) District and remains undeveloped.

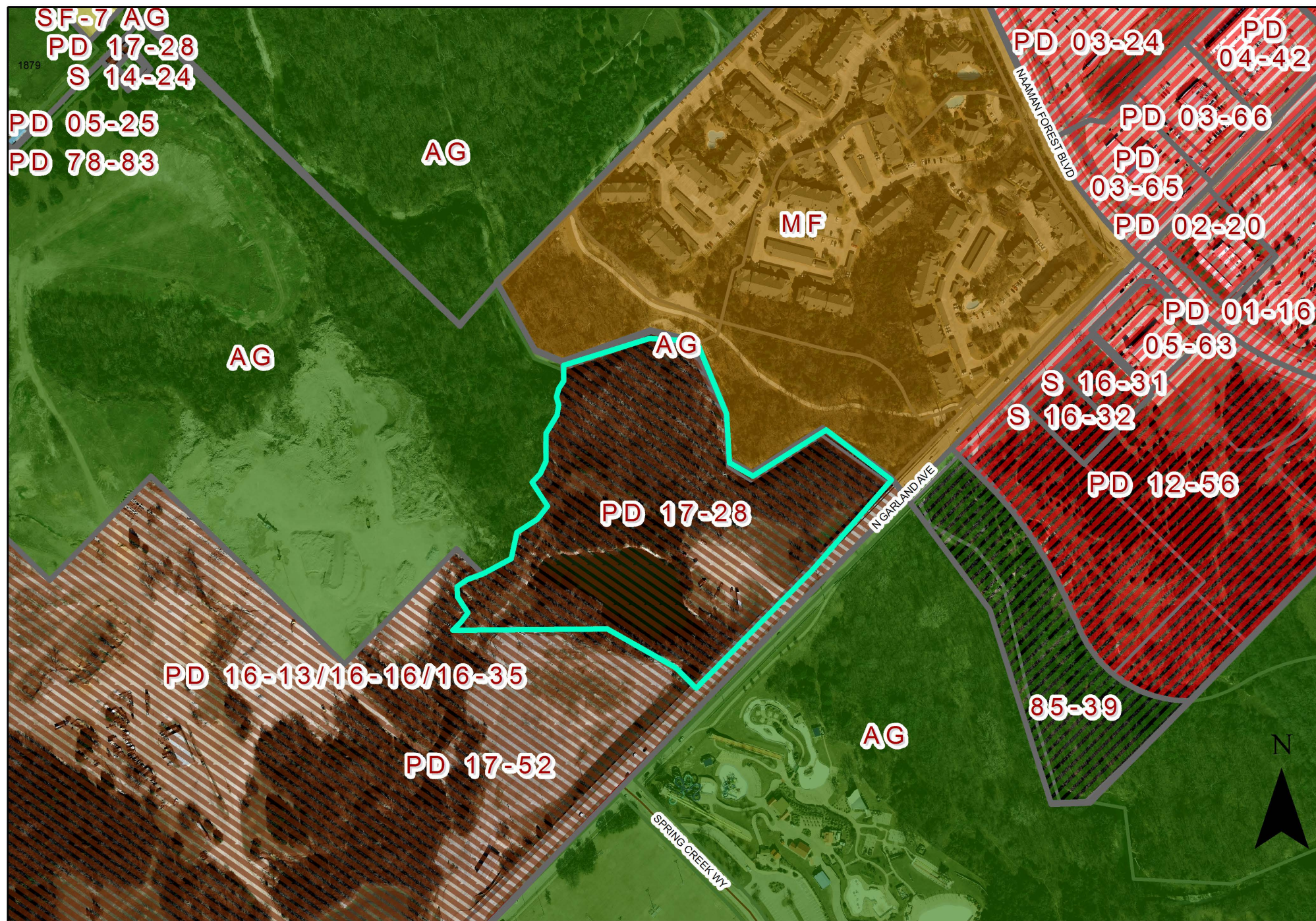
Due to the topography and unique characteristics of the site, the subject property presents many challenges to the proposed development; however, the applicant has brought forward a development that is consistent with the land use permitted on the subject property (Tract 5 on the approved Concept Plan) as well as surrounding areas, and with the designations of the Comprehensive Plan.

Attachments

Z 19-04 Kimley-Horn Attachment & Exhibits

Z 19-04 Kimley-Horn Responses

Z 19-04 Staff Presentation



0 200 400 Feet 1 inch = 376 feet	Zoning Map Z 19-04	 INDICATES AREA OF REQUEST
--	-----------------------------	--

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 19-04

4595 North Garland Avenue

- I. Statement of Purpose:** The purpose of this Planned Development is to approve a Detail Plan for Restaurant and an amended Concept Trail Master Plan.
- II. Statement of Effect:** This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Community Office (CO) District as set forth in Chapter 2 of the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**

Concept Trail Master Plan: Development of the six (6) foot wide concrete trail shall be in general conformance to the Concept Trail Master Plan set forth in Exhibit G.

Detail Plan: Development shall conform to the Detail Plan set forth in Exhibits C, D, E and F; however, in the event of conflict between the Detail Plan and the written conditions, the written conditions shall apply.

- V. Specific Regulations:**

- A. Permitted Uses:** All uses are prohibited except Restaurant.

- B. Site Layout:** The site shall be in conformance to the layout reflected on Exhibit C.

- C. Screening and Landscaping:** Screening and landscaping shall be in conformance to the layout reflected on Exhibit D.

- D. Maintenance Requirements:**

- 1) Landscaping must be regularly maintained in a healthy growing condition and in compliance with

this PD Ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all plantings as needed. All exposed ground surfaces on or within the premises shall be properly improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.

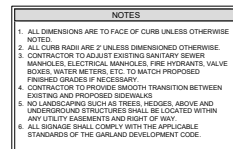
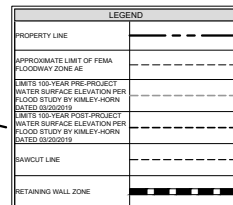
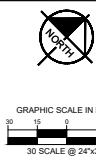
2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan within sixty (60) days after receipt of notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty (60) days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold or revoke city permits, approvals, consents, licenses and/or certificates for the property.

3) Screening and paving must be installed and regularly maintained in compliance with this PD Ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty (60) days after of the City sending notice,, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approval, consents and certificates for the property .

E. Landscape Buffers: Landscape buffers, as prescribed in Section 4.34 of the Garland Development Code (GDC), shall not be required outside the limits of the site improvements areas. Furthermore, landscape buffers within the limits of the site improvements areas shall not be required to provide the plant materials prescribed in Section 4.34 of the Garland

Development Code (GDC).

- F. Screening of Parking Areas: Parking areas adjacent to public streets shall be screened as shown on Exhibit F in lieu of the screening methods prescribed in Section 4.44 of the Garland Development Code (GDC).
- G. Location of Refuse Containers: The location of the refuse container and its masonry enclosure shall be permitted on the street side of the main building as shown on Exhibit C.
- H. Elevations: Elevations shall be in conformance to the elevations reflected on Exhibit E.
- I. Building Façade Materials: Galvanized metal siding shall be permitted on the solid wall portions of the building's facades.
- J. Location of Loading Space: The location of the loading space and associated overhead/roll-up door shall be permitted on the street side of the main building as shown on Exhibit C.



SITE DATA SUMMARY TABLE	
TOTAL LOT AREA (AMTS OF SITE IMPROVEMENTS)	2.87 ACRES (111,742 SF)
PROPOSED USE	RESTAURANT
TOTAL BUILDING AREA	9,780 SF
BUILDING HEIGHT (NUMBER OF FLOORS AND HEIGHT)	1 STORY MAXIMUM HEIGHT 32'
FINISHED FLOOR ELEVATION	517.2'
TOTAL PARKING REQUIRED	156 GFA X 0.780 SF = 98
PARKING PROVIDED	98
ADA PARKING PROVIDED	3 (INCLUDING 1 VAN)
IMPERVIOUS AREA (AMTS OF IMPROVEMENTS)	65,867 SF
% IMPERVIOUS COVER (AMTS OF IMPROVEMENTS)	58.95% (65,867/111,742)

DETAIL SITE PLAN
WOODLANDS QUARRY RESTAURANT

OWNER: THE WOOLANDS ON SPRING CREEK, LP 14114 N. DALLAS PARKWAY DALLAS, TEXAS 75254 CONTACT: MICHAEL HOLIGAN	ENGINEER/SURVEYOR: KIMLEY-HORN AND ASSOCIATES, INC. 15435 NOEL ROAD, TWO GALLERIA OFFICE TOWER, SUITE 700 DALLAS, TEXAS 75240 PHONE: 972-770-1300 CONTACT: JOE FRACCARO, P.E.
---	--

Kimley»»Horn
13465 NOEL RD. TWO GALLERIA OFFICE TOWER
SUITE 700 DALLAS, TX 75240
PHONE: 972-770-1300 FAX: 972-239-3820
WWW.KIMLEY-HORN.COM TX F-988
© 2019 KIMLEY-HORN AND ASSOCIATES, INC.

THE DETAILED SITE PLAN IS FOR CITY REVIEW ONLY TO ILLUSTRATE COMPLIANCE WITH ZONING AND DEVELOPMENT REGULATIONS. IT IS NOT INTENDED FOR CONSTRUCTION PURPOSES.

WOODLANDS QUARRY
RESTAURANT
PREPARED FOR
JAMP
CITY CASE #181016-3
CITY OF GARLAND, TEXAS

DETAIL SITE PLAN
(1 of 2)

SHEET NUMBER
SP-01

Exhibit C

NOTES:
1. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2. THE LANDSCAPE ARCHITECT HAS NOT BEEN ADVISED OF ANY CHANGES TO THE PROJECT SINCE THE DATE OF THE LAST MEETING.
3. THE LANDSCAPE ARCHITECT HAS NOT BEEN ADVISED OF ANY CHANGES TO THE PROJECT SINCE THE DATE OF THE LAST MEETING.
4. THE LANDSCAPE ARCHITECT HAS NOT BEEN ADVISED OF ANY CHANGES TO THE PROJECT SINCE THE DATE OF THE LAST MEETING.
5. THE LANDSCAPE ARCHITECT HAS NOT BEEN ADVISED OF ANY CHANGES TO THE PROJECT SINCE THE DATE OF THE LAST MEETING.

PLANT SCHEDULE

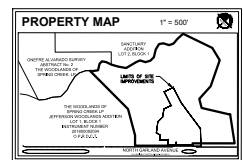
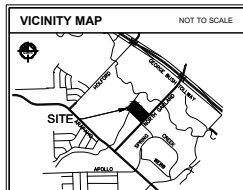
TREES	CODE	QTY	BOTANICAL NAME / COMMON NAME	ROOT	CAL.	SIZE	REMARKS
QV	1	1	QUERCUS VIRGINIANA / LIVE OAK	B&B	4" CAL.	10-15' HT.	FULL
TD	4	4	TAXODIUM DISTICHUM / BALD CYPRESS	B&B	3" CAL.	14-16' HT.	STRONG CENTRAL LEADER, FULL
UC	4	4	ULMUS CRASSIFOLIA / CEDAR ELM	B&B	3" CAL.	14-16' HT.	STRONG CENTRAL LEADER, FULL
UD	4	4	ULMUS PARVIFOLIA / DRAKE / DRAKE ELM	B&B	3" CAL.	14-16' HT.	STRONG CENTRAL LEADER, FULL AND MATCHING
SHRUBS	CODE	QTY	BOTANICAL NAME / COMMON NAME	ROOT	SIZE	SPACING	REMARKS
HP	64	64	HESPERALOE PARVIFLORA / RED YUCCA	CONT.	24" HT.	30" O.C.	FULL AND MATCHING
IL	11	11	ILEX X 'NELLIE R. STEVENS' / NELLIE R. STEVENS HOLLY	CONT.	36" HT.	72" O.C.	FULL AND MATCHING
LG	18	18	LEUCOPHYLLUM FRUTESCENS 'GREEN CLOUD' TM / GREEN CLOUD TEXAS RANGER	CONT.	24" HT.	48" O.C.	FULL AND MATCHING
ML	64	64	MUEHLBERGIA CAPILLARIS 'WHITE CLOUD' / WHITE CLOUD MUHLY GRASS	CONT.	24" HT.	30" O.C.	FULL AND MATCHING



GROUND COVERS	CODE	QTY	BOTANICAL NAME / COMMON NAME	ROOT	SIZE	SPACING	REMARKS
LM	49	49	LIROPE MUSCARI 'BIG BLUE' / BIG BLUE LILY TURF	1 GAL	9-12" HT.	18" O.C.	5 BBB MIN. FULL
NT	162	162	NASSELLA TENUISSIMA / MEXICAN FEATHERGRASS	1 GAL	12" HT.	18" O.C.	FULL
BD	30,743 SF		CYNODON DACTYLON / COMMON BERBERA GRASS	N/A	N/A	N/A	800 TO HAVE TIGHT, SAND FILLED JOINTS AND BE FREE OF WEEDS.



GRAPHIC SCALE IN FEET
0 15 30
30 SCALE @ 24"x36"



Garland Development Code - Chapter 4, Article 3 - Screening & Landscaping		
	REQUIRED	PROVIDED
TOTAL LANDSCAPE AREA REQUIREMENT	10% (11,175 SF)	30% (33,408 SF)
LANDSCAPE MATERIALS MUST COVER A MINIMUM OF 10% OF TOTAL SITE AREA (11,175 SF OF A TOTAL = 11,175 SF)	YES	YES
NO MORE THAN 50% OF TOTAL TREES TO BE ONE SPECIES (4 BALD CYPRESS, 4 CEDAR ELM, 4 LACINCA ELM, 1 LIVE OAK = 13 TREES x 50% = 6 AND MORE THAN 6 TREES CAN BE ONE SPECIES)	YES	YES
LANDSCAPE BUFFERS	15' LANDSCAPE BUFFER	15' LANDSCAPE BUFFER
A LANDSCAPE BUFFER, 15' IN DEPTH (FROM PROPERTY LINE) IS REQUIRED IN NONRESIDENTIAL YARDS ADJACENT TO TYPE A THROUGH TYPE D THOROUGHFARES	YES	YES
LANDSCAPE MATERIALS MUST COVER A MINIMUM OF 5% OF TOTAL PARKING LOT AREA (22,100 SF OF A TOTAL = 11,175 SF)	5% 2,609 SF	14.3% 7,600 SF
A LANDSCAPED ISLAND MUST BE LOCATED AT THE TERMINUS OF EACH PARKING ROW AND MUST CONTAIN A MINIMUM OF ONE LARGE CANOPY TREE	YES	YES
ONE LARGE CANOPY TREE IS REQUIRED FOR EVERY 10 PARKING SPACES (80 PARKING SPACES / 10 = 8 CANOPY TREES)	10 CANOPY TREES	12 CANOPY TREES
THERE MUST BE A MINIMUM OF ONE LARGE CANOPY TREE WITHIN 60' OF EVERY PARKING SPACE	YES	YES
SCREENING OF PARKING AREAS	YES	EXISTING EXISTING BERM AND EXISTING BERM
SCREENING PARKING LOTS ADJACENT TO STREETS (CONTINUOUS OR UNCONTINUOUS ROW OF SHRUBS OR ORNAMENTAL GRASSES THAT ARE A MINIMUM OF 24" IN HEIGHT AT INSTALLATION)	YES	EXISTING EXISTING BERM AND EXISTING BERM
DEVIATIONS	N/A	N/A
FOR EVERY 30' LINEAR FEET, OR FRACTION THEREOF, ONE LARGE CANOPY TREE IS REQUIRED ALONG WITH SEVEN 3-HUBS OR ORNAMENTAL GRASSES	N/A	N/A
THIRY (30) GRASSES MUST PROVIDE A MINIMUM OF SEVENTY-FIVE PERCENT OF COVERAGE WITHIN THE LANDSCAPE BUFFER. THE REMAINING TWENTY-FIVE PERCENT OF COVERAGE COVER MUST BE SELECTED FROM A SPECIES ON THE APPROVED PLANTS LIST.	N/A	N/A

- NOTES:
1. ALL LANDSCAPE AREAS MUST BE IRRIGATED BY AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM EQUIPPED WITH OPERATING VALVES AND PRESSURE SENSING.
2. CONTRACTOR TO SOD ALL DISTURBED AREAS.



LANDSCAPE PLAN WOODLANDS QUARRY RESTAURANT

4595 NORTH GARLAND AVENUE
CITY OF GARLAND, DALLAS COUNTY, TEXAS

OWNER:
THE WOODLANDS ON SPRING CREEK, LP
1414 N. DALLAS PARKWAY
DALLAS, TEXAS 75244
CONTACT: MICHAEL HOLIGAN

LANDSCAPE ARCHITECT:
KIMLEY-HORN AND ASSOCIATES, INC.
13465 NOEL ROAD, TWO GALLERIA OFFICE TOWER, SUITE 700
DALLAS, TEXAS 75244
PHONE: 972-716-1800
CONTACT: PATRICK B. HART, PLA

WOODLANDS QUARRY
RESTAURANT
PREPARED FOR
JAMP
CITY CASE #181016-3
CITY OF GARLAND, TEXAS

LANDSCAPE PLAN

SHEET NUMBER
LP 1.01

Exhibit D

- ARCHITECTURAL DESIGN ELEMENTS:
- 1) CANOPY
 - 2) DISPLAY WINDOW
 - 3) DIVIDED LIGHT WINDOWS
 - 4) PORTICO
 - 5) DISTINCTIVE LIGHTING FEATURE
 - 6) BENCHES



METAL CANOPY



PRE-ENGINEERED METAL STRUCTURE



GALVANIZED R-PANEL METAL SIDING



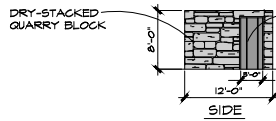
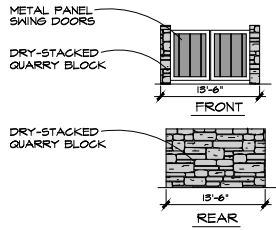
STANDING SEAM METAL ROOF



STOREFRONT

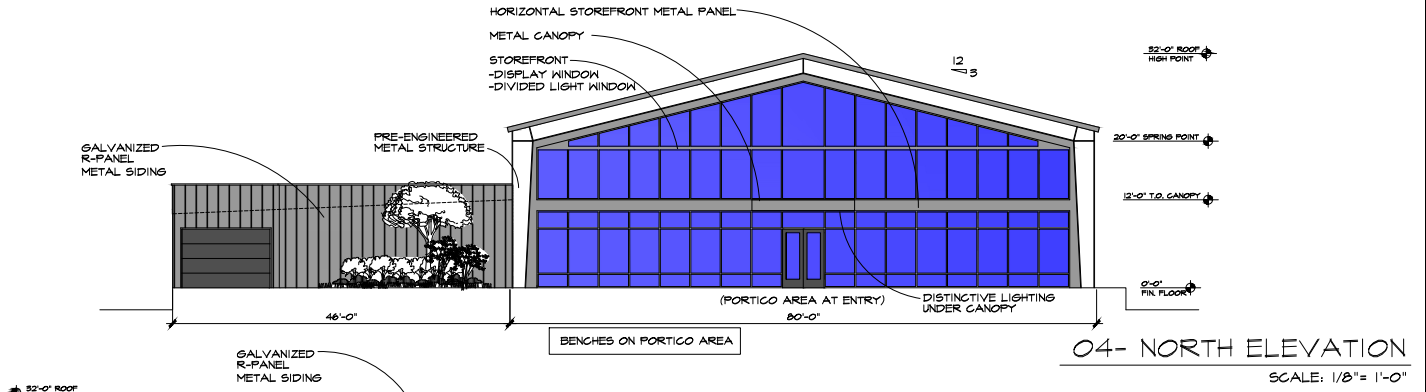
MATERIAL CALCULATIONS

	Wall Area (Gross s.f.)	Wall Area (Net s.f.)	Fenestration (s.f.)	Masonry	% of Net	Brick	% of Net	Stone	% of Net	Metal	% of Net
				Wall Area (s.f.)		Wall Area (s.f.)		Wall Area (s.f.)		Wall Area (s.f.)	
North Elevation	2,738	925	1,813	-	0.0%	-	0.0%	-	0.0%	925	100.0%
South Elevation	2,738	2,148	590	-	0.0%	-	0.0%	-	0.0%	2,148	100.0%
East Elevation	1,731	1,731	-	-	0.0%	-	0.0%	-	0.0%	1,731	100.0%
West Elevation	1,731	1,731	-	-	0.0%	-	0.0%	-	0.0%	1,731	100.0%
TOTAL	8,938	6,535	2,403	-	0.0%	-	0.0%	-	0.0%	6,535	100.0%

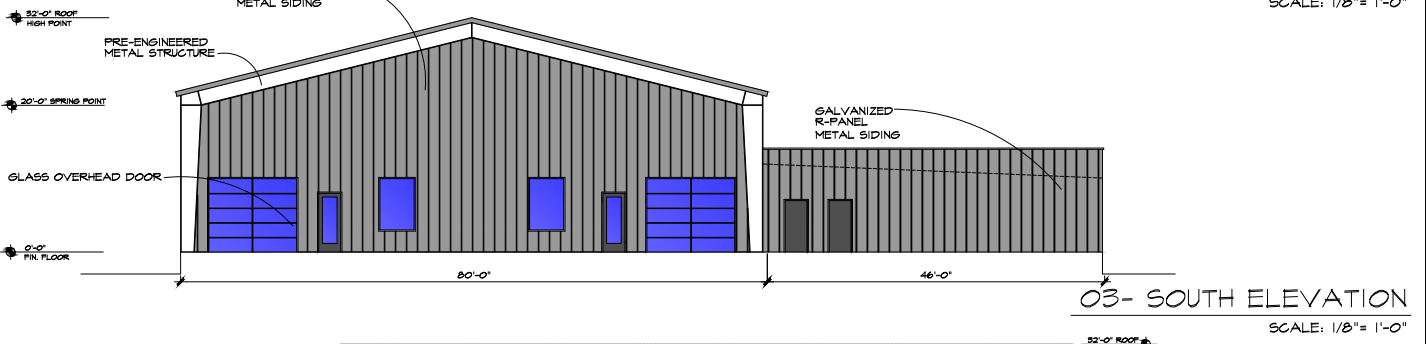


05- DUMPSTER ENCLOSURE

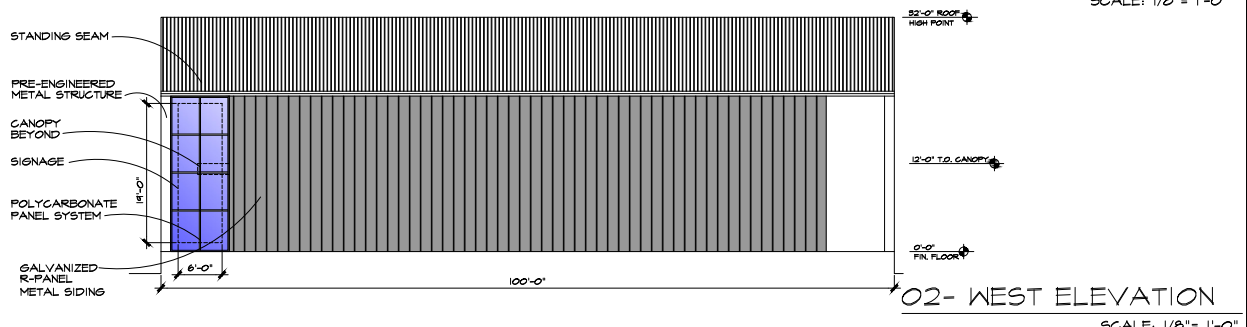
SCALE: 1/8" = 1'-0"



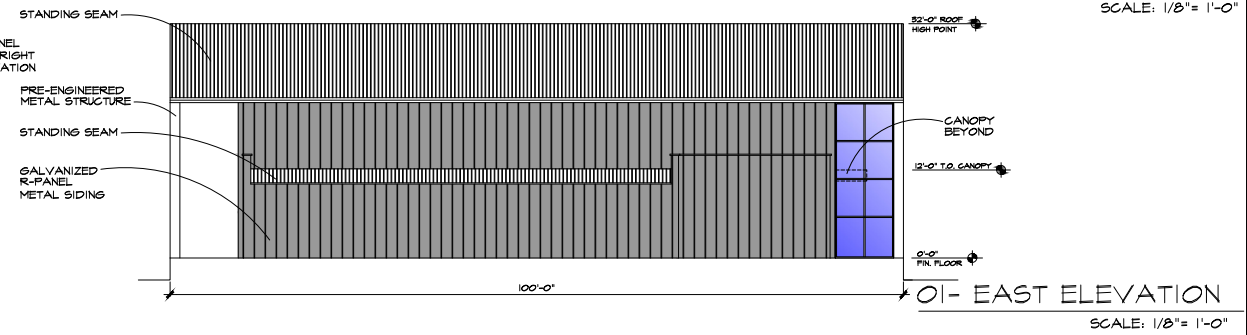
04- NORTH ELEVATION
SCALE: 1/8" = 1'-0"



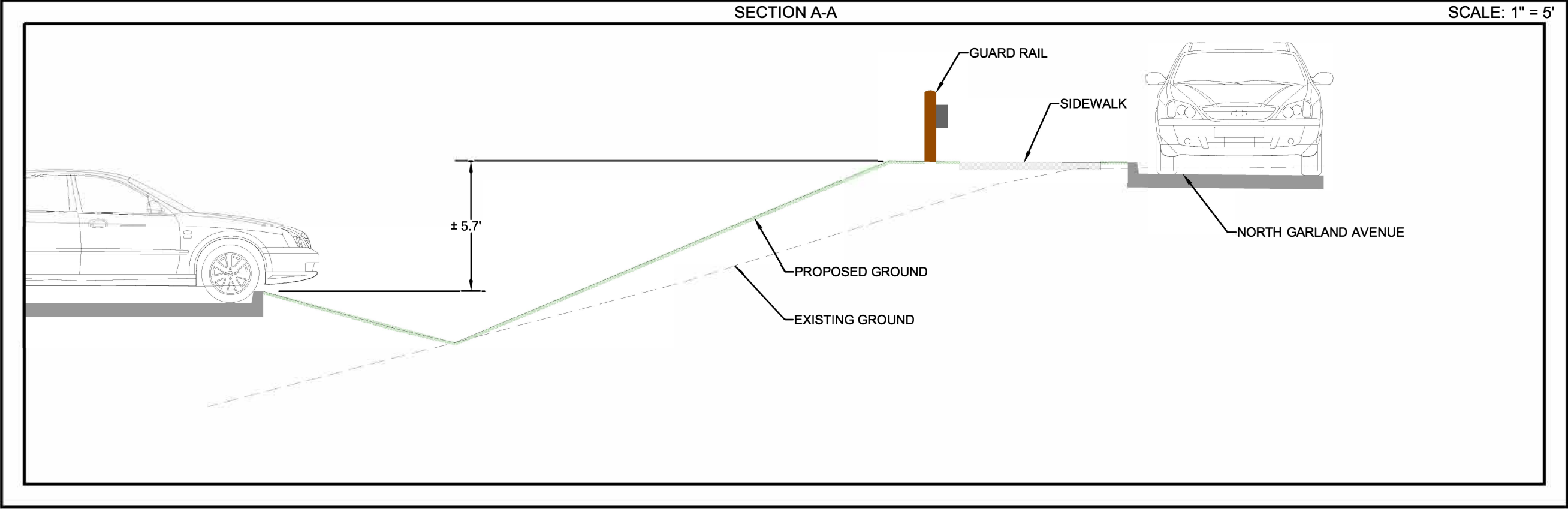
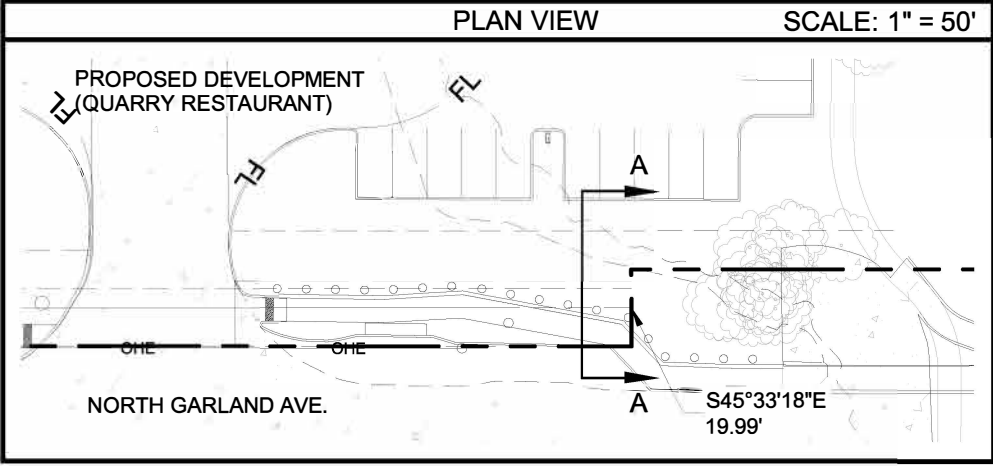
03- SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



02- WEST ELEVATION
SCALE: 1/8" = 1'-0"



01- EAST ELEVATION
SCALE: 1/8" = 1'-0"



QUARRY RESTAURANT
March 2019

DWG NAME: K:\DIAL_CIVIL\063227813-WOODLANDS-QUARRY RESTAURANT\CAO\EXHIBIT SE-QUARRY CROSS-SECTION.DWG
LAST SAVED: 3/6/2019 9:15 AM

Exhibit F

Kimley»Horn

13455 Noel Rd
Suite 700
Dallas, Texas 75240
972-776-1785
State of Texas Registration No. F-928
NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED TO ILLUSTRATE LARGE GRADE DISTANCES AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

REPORT & MINUTES

P.C. Meeting, April 8, 2019

Consideration of the application of **Kimley-Horn**, requesting approval of 1) an amended Concept Trail Master Plan, 2) a Detail Plan for Restaurant, 3) a Variance to Section 4.34 of the Garland Development Code (GDC) regarding site and perimeter screening, 4) a Variance to Section 4.44 of the Garland Development Code (GDC) regarding screening of parking areas and 5) a Variance to Section 4.45 of the Garland Development Code (GDC) regarding the location of refuse containers on a property zoned Planned Development (PD) District 17-28 for Mixed Uses with Restaurant Use on Tract 5. This property is located at 4595 North Garland Avenue. (District 7) (File Z 19-04)

The owner, Michael Holigan, 2837 Creekway Drive, Carrollton, Texas 75010 gave a brief overview of the request, the topography of the walking trail, the seating provided, the location of the refuse, providing a side entrance to the refuse, and the overhead door into the service area.

Commissioner Ott inquired if the topography was the reason for the change in location for the walking trail and the seating provided.

Commissioner Dalton stated his support of this project.

Chairman Roberts inquired as to the location of the refuse, adding a side entrance to the refuse and the overhead door into the service area.

Motion was made by Commissioner Williams, to close the public hearing and **approve** the request per staff recommendation, Seconded by Commissioner Edwards.
Motion carried: 8 Ayes, 0 Nays.

We did not receive any replies for this case.

Z 19-04

Approval of 1) an amended Concept Trail Master Plan and 2) a Detail Plan for Restaurant on a property zoned Planned Development (PD) District 17-28 for Mixed Uses with Restaurant Use on Tract 5.

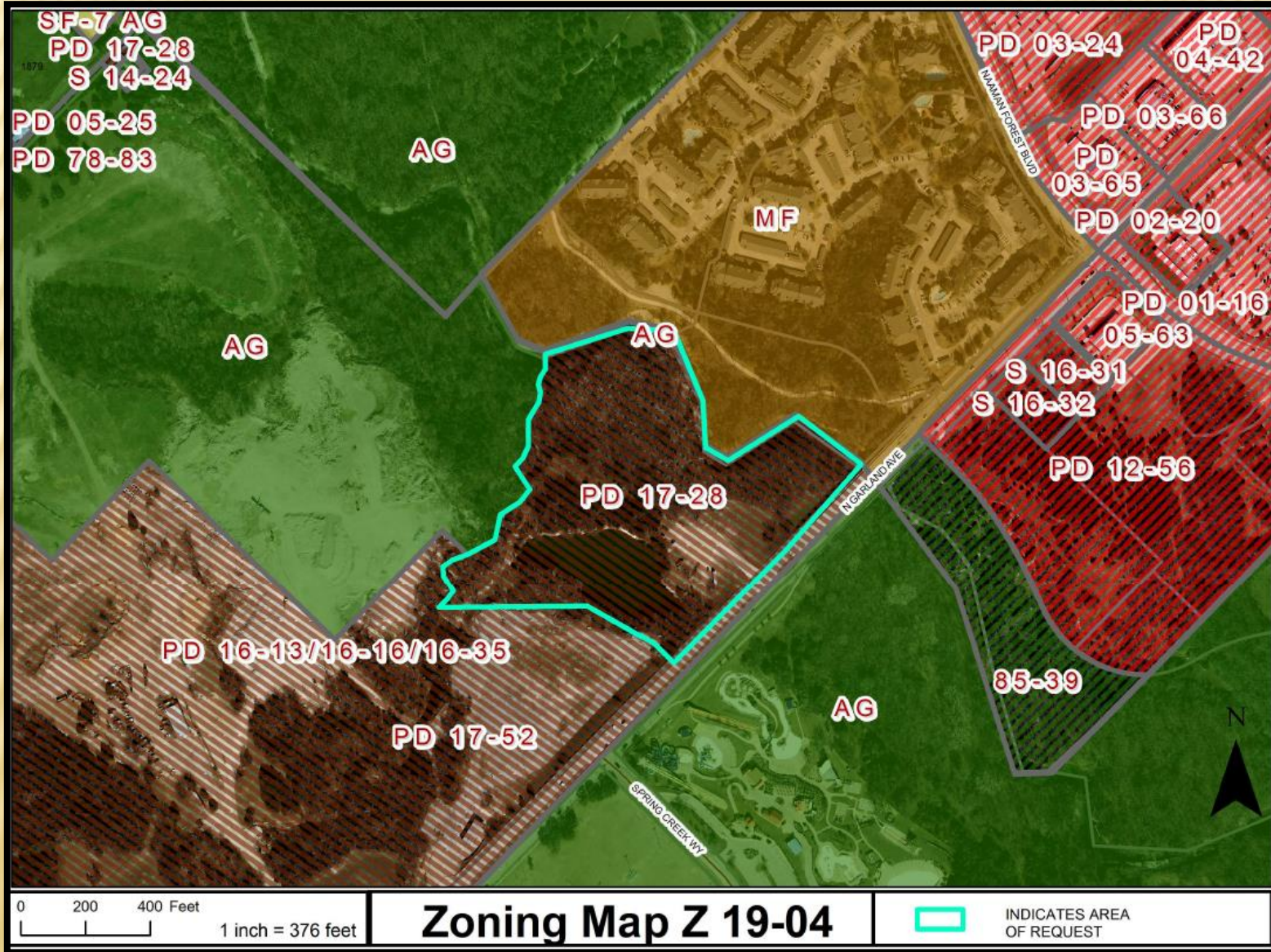
**City Council Meeting
May 7, 2019**



GARLAND

TEXAS MADE HERE

Location Map & Surrounding Properties





Case Information

Location: 4595 North Garland Avenue

Applicant: Kimley-Horn

Owner: The Woodlands on Spring Creek, LP

Acreage: 15.7 acres on subject property (including the 2.57 acres within the limits of the improvements area)

Zoning: Planned Development (PD) District 17-28 for Mixed Uses with Restaurant Use on Tract 5 (subject property)

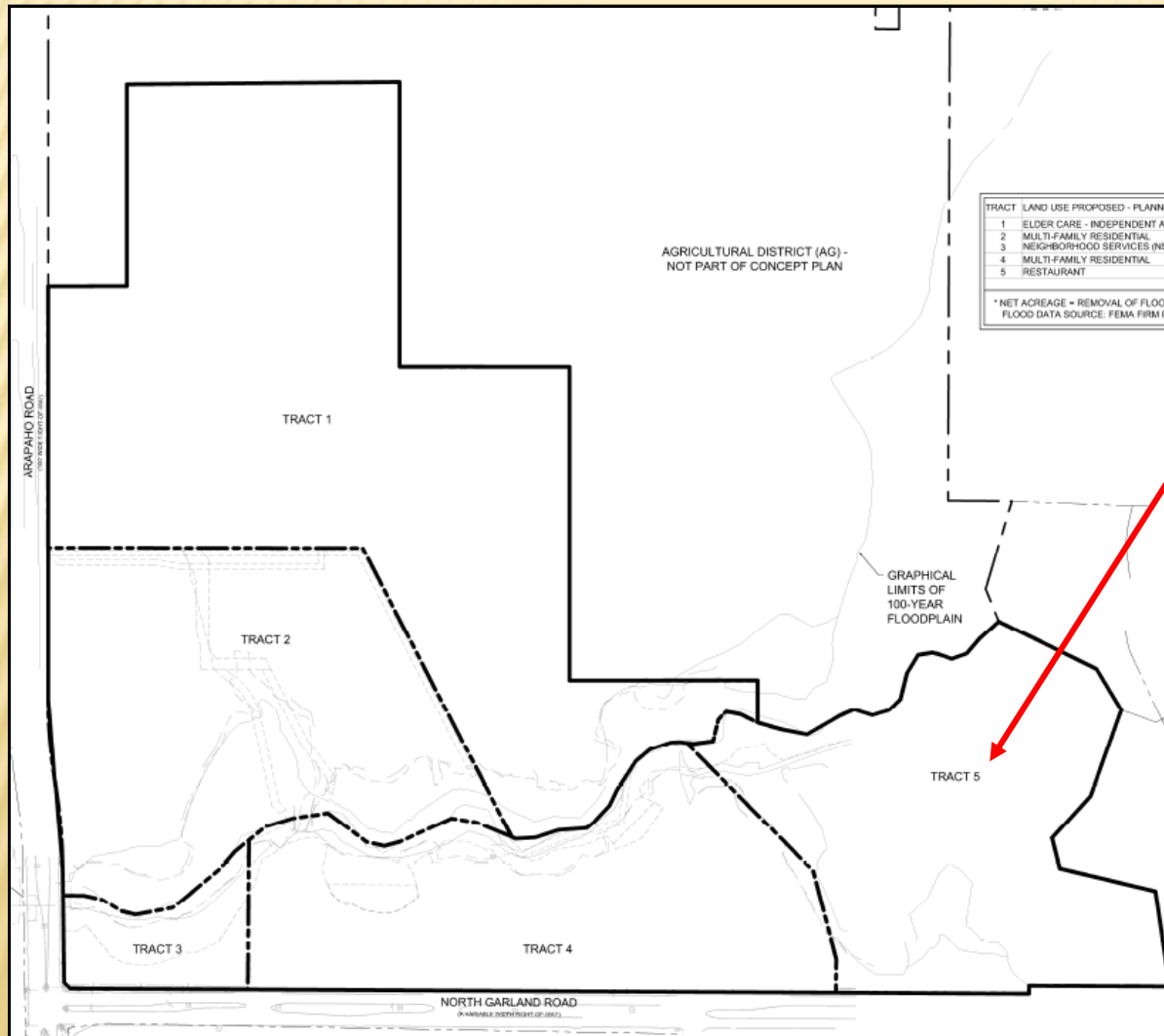


Background

Concept Plan under PD 17-28

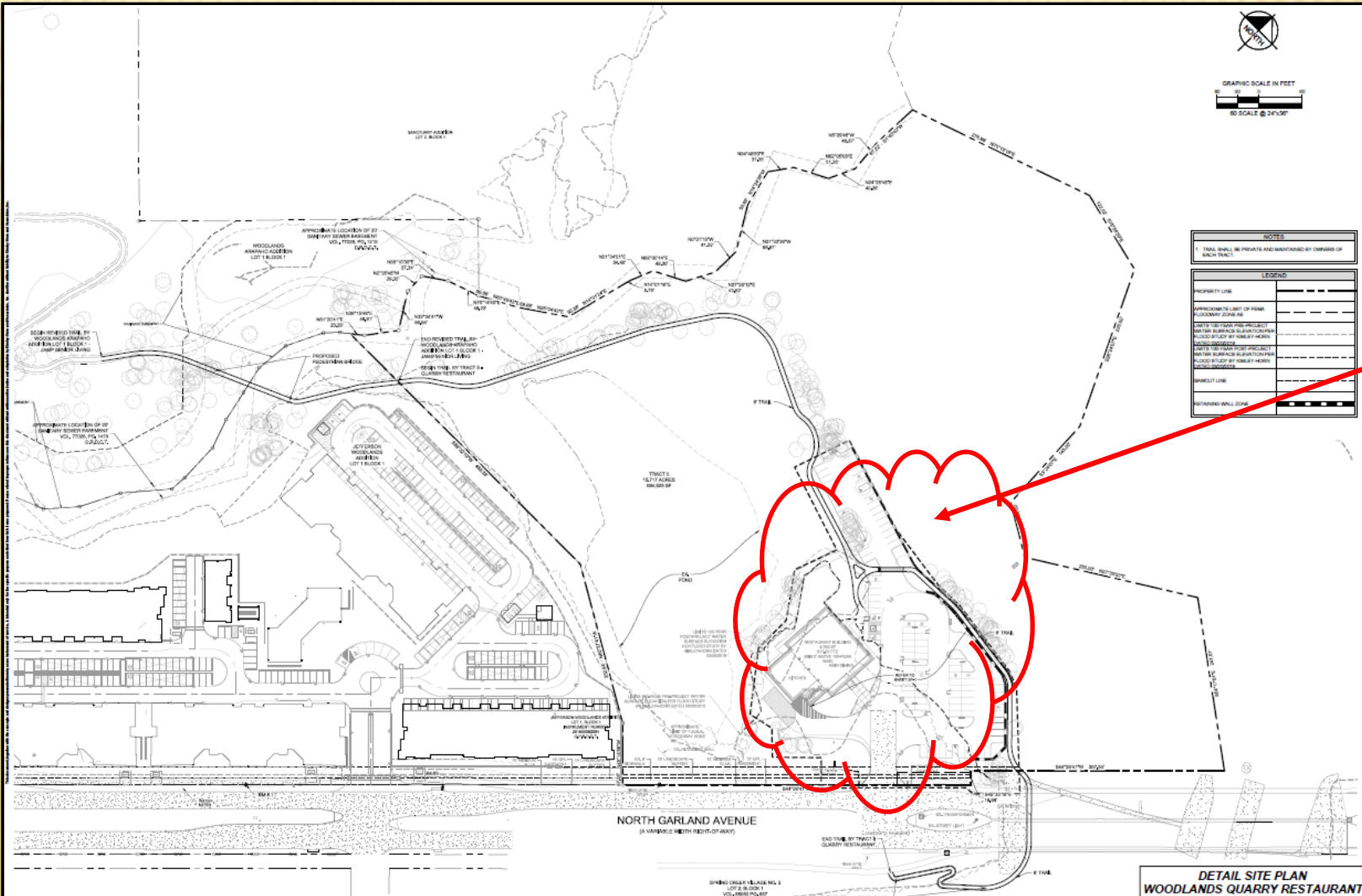
Subject Property

PD 17-28 identifies the land use Restaurant as the only permitted land use on Tract 5 (subject property)





Considerations (Detail Plan for Tract 5)



Site Plan of
Tract 5
(subject
property)

Limits of improvements (development) on subject property



Considerations (Detail Plan for Tract 5)

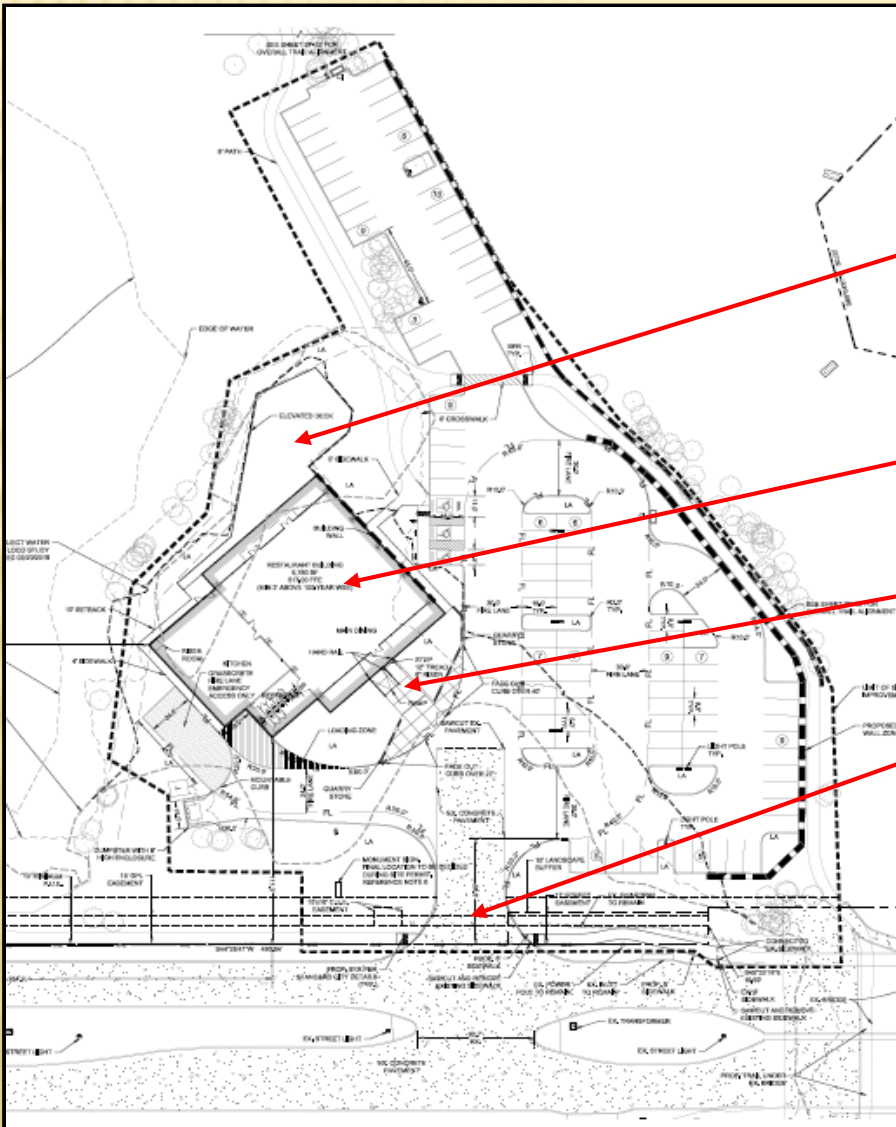
Site Plan of limits of improvements (development) on subject property

Elevated deck area in the back of the building would front a wooded area and a pond

9,780-square foot restaurant building

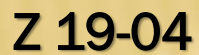
The main entrance of the restaurant would front N. Garland Ave.

Entrance to the site off N. Garland Ave.





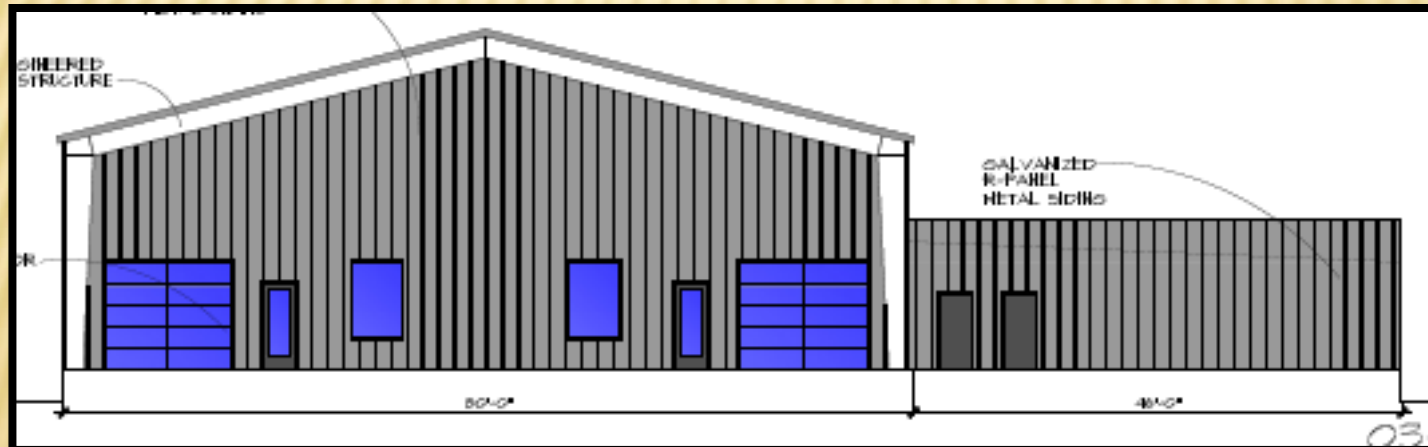
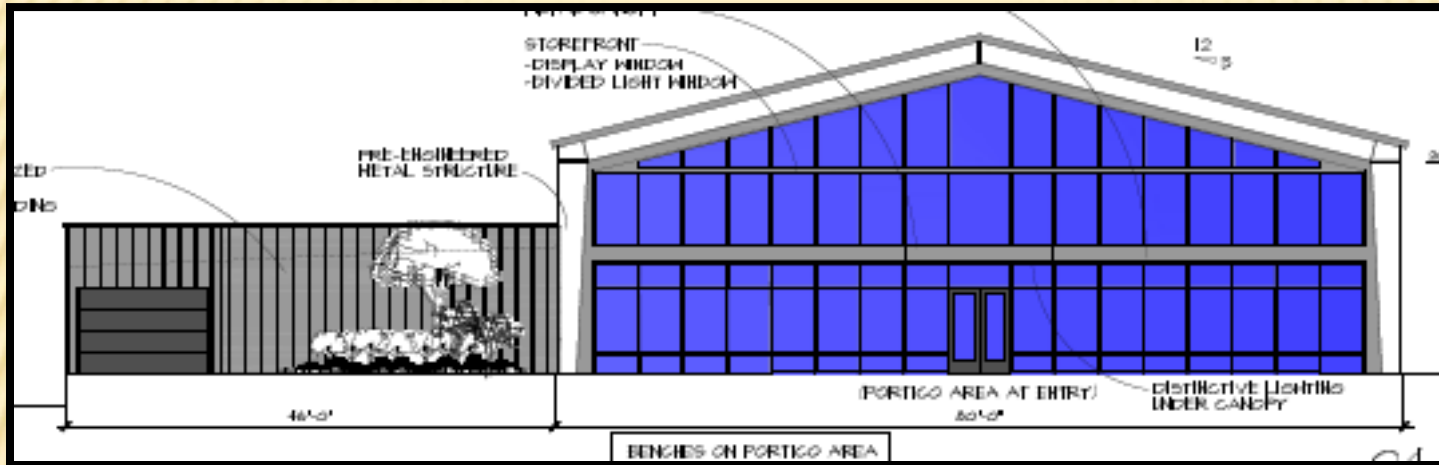
Landscape Plan





Considerations (Detail Plan for Tract 5)

Building Elevations

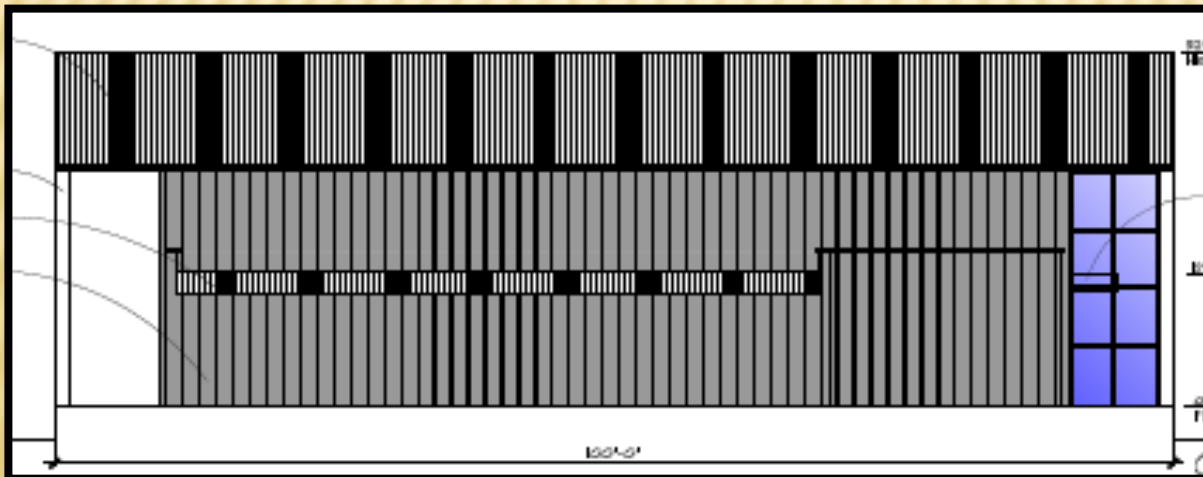
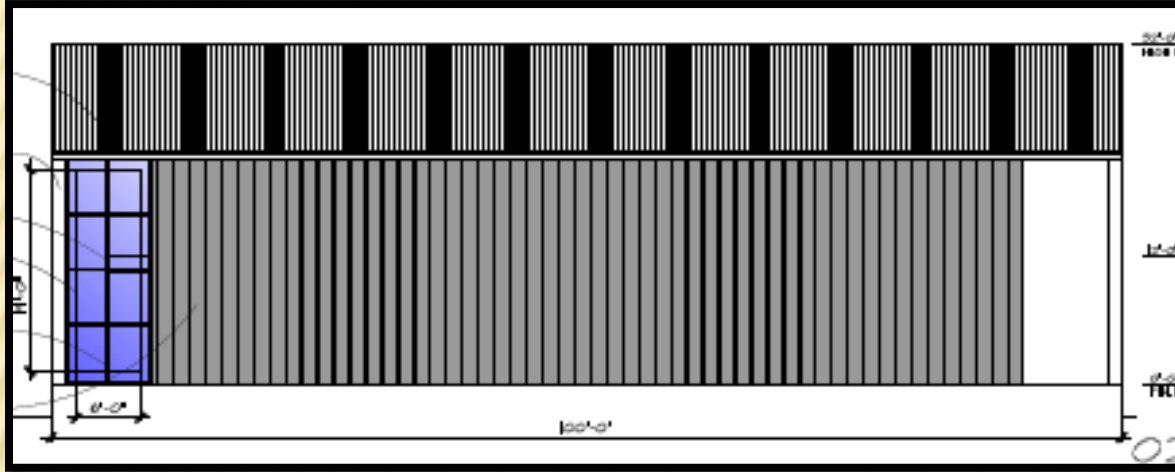




GARLAND
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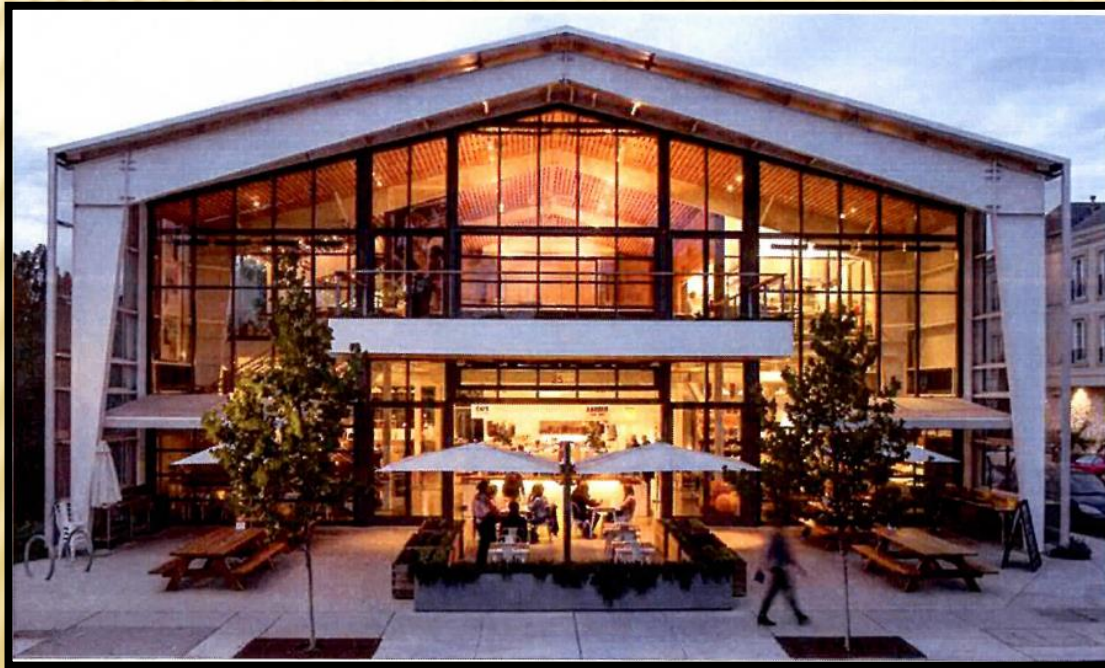
Considerations (Detail Plan for Tract 5)

Building Elevations

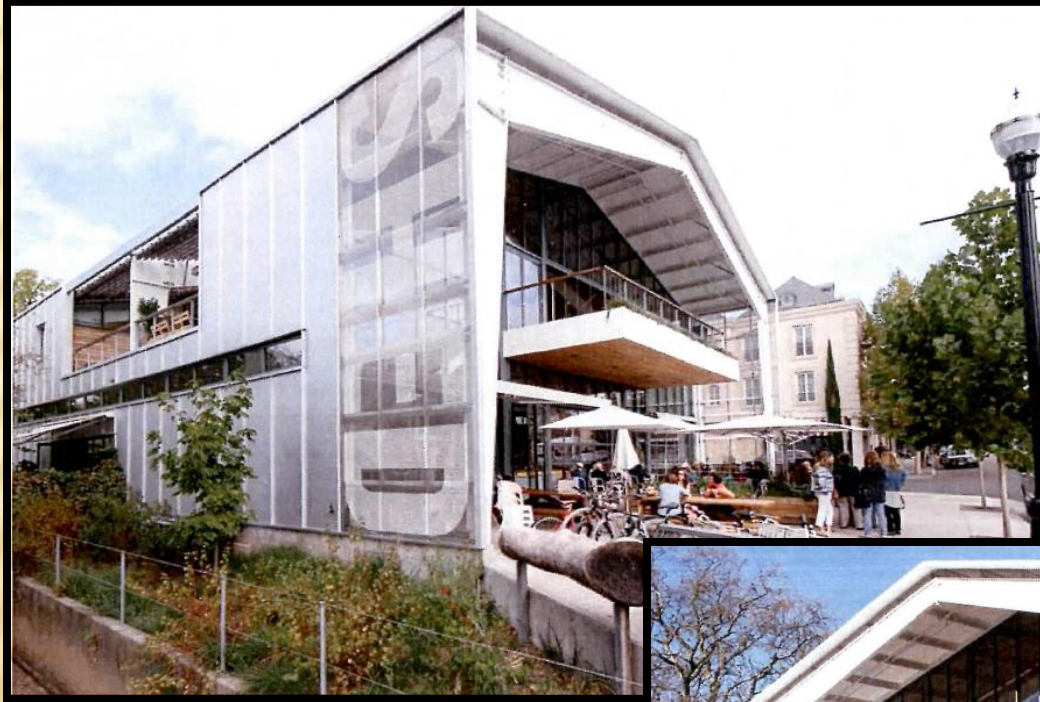


Considerations (Deviations)

Section 4.83 of the GDC requires exterior walls of all nonresidential buildings to be at least eighty (80) percent masonry construction (e.g. brick, stone, stucco, split face CMU), excluding doors, windows and window walls. Furthermore, at least two (2) different exterior construction materials must be applied on facades visible from the streets.



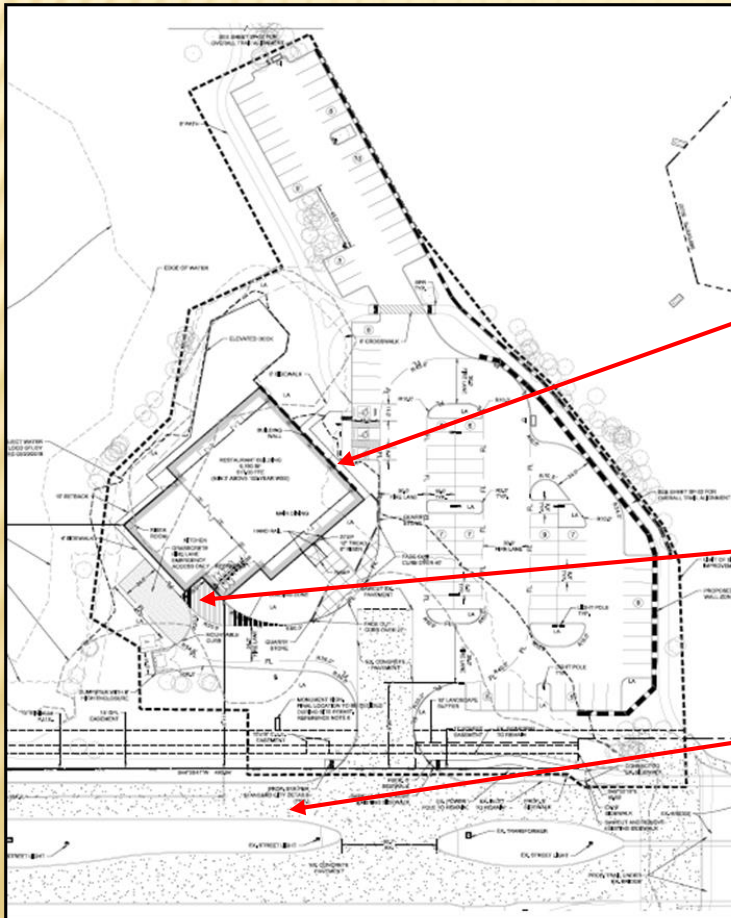
Considerations (Deviations)





Considerations (Deviations)

Section 4.22 of the GDC stipulates that loading spaces must not be located on the street side of a building in an effort to screen certain services such as the loading and unloading of goods from the public right-of-way.



Building

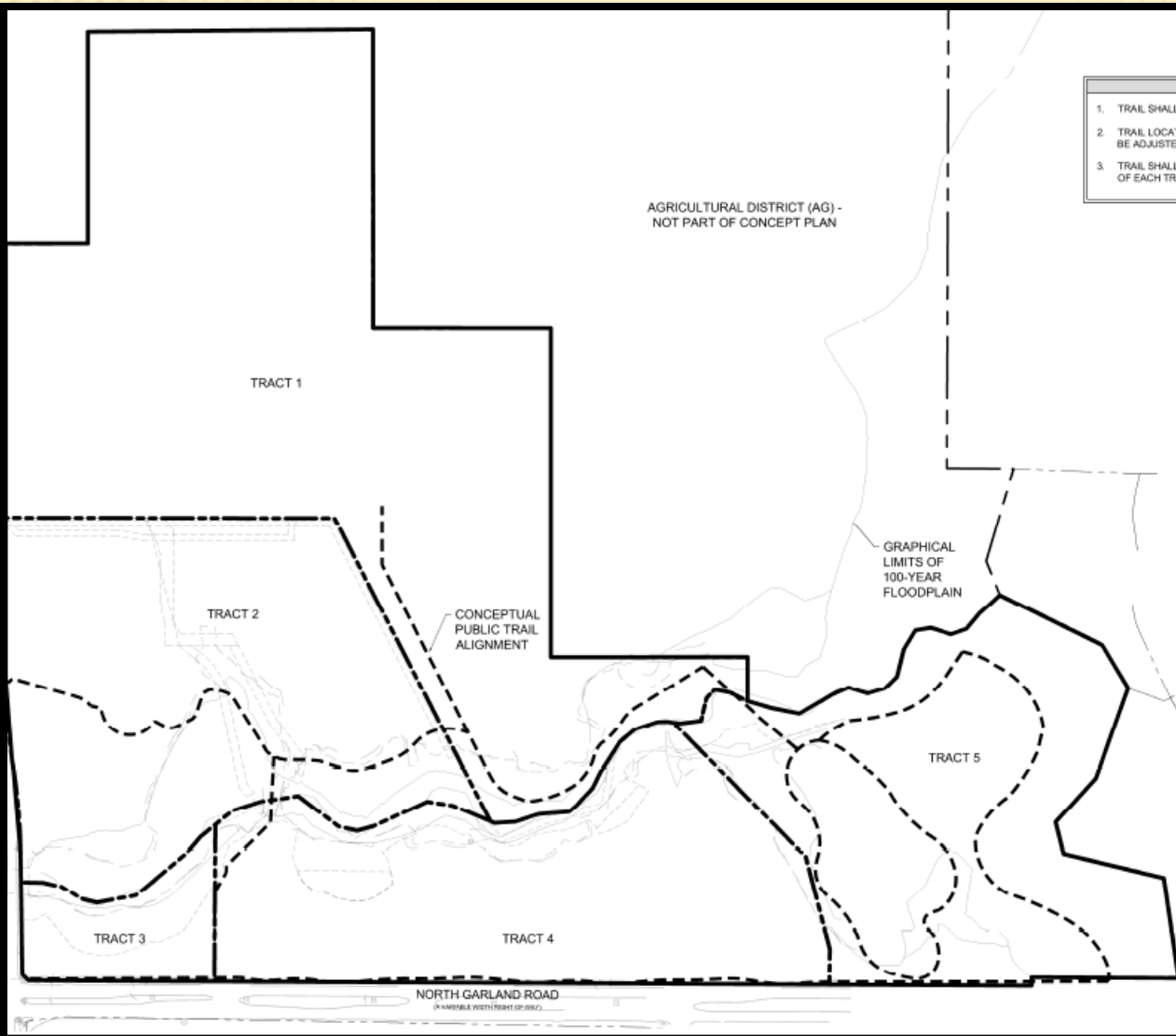
Loading space w/overhead door

Street (N. Garland Ave.)



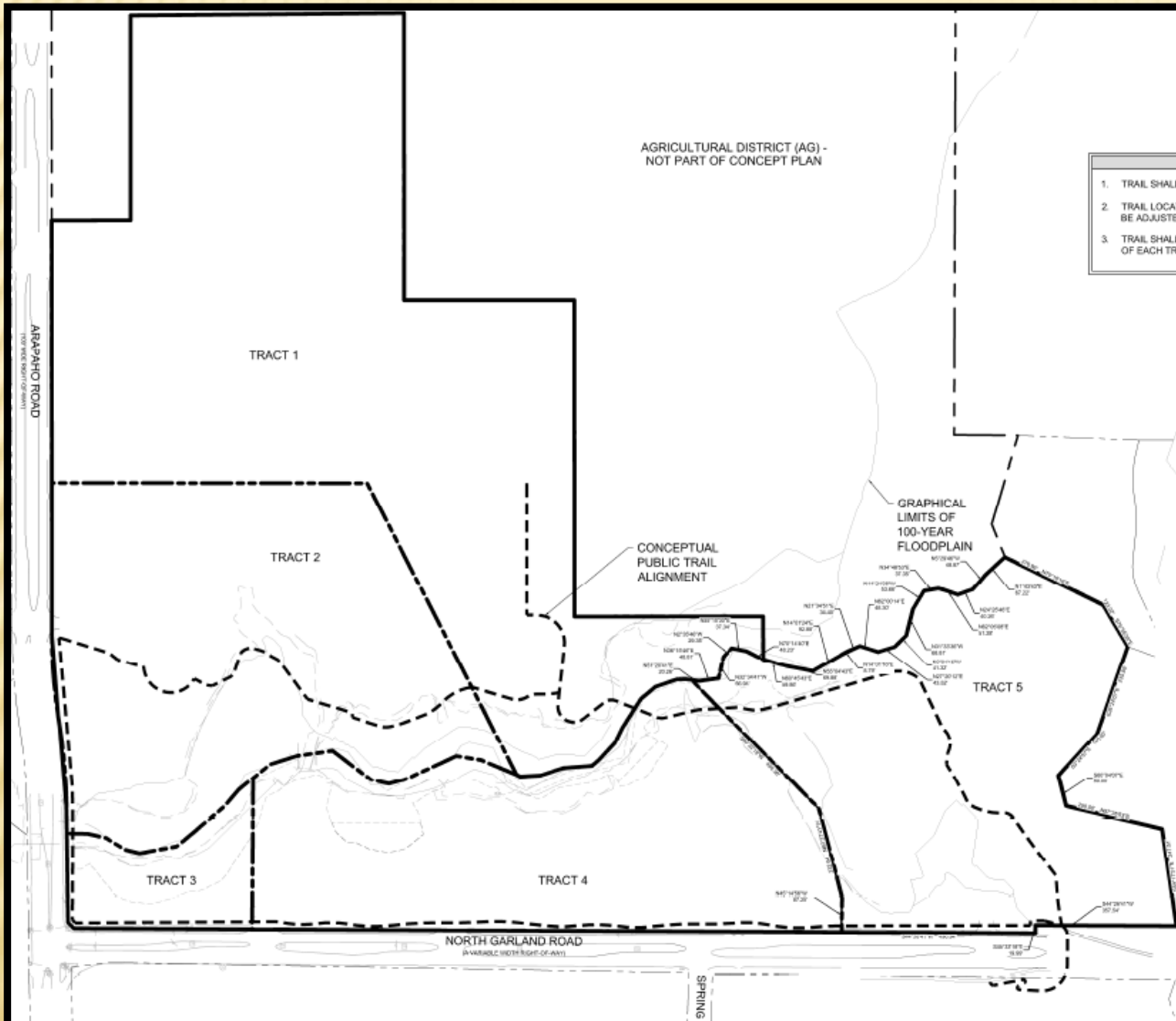
Considerations (Amended Concept Trail Master Plan)

Approved Concept Trail Master Plan under PD 17-28





Considerations (Amended Concept Trail Master Plan)



Amended Concept Trail Master Plan

- On Tract 5, the omission of segment of trail that rings around the pond
- On Tract 5, connecting the trail to sidewalk located across North Garland Avenue by extending trail under the bridge (under North Garland Avenue). Consequently, this interconnectivity would allow people to walk from the proposed trail network to the sidewalk to the new segment of Spring Creek Trail located on the south side of North Garland Avenue without having to cross the street.
- On Tract 5/Tract 4/Tract 1, the realignment of the trail to connect the trail segments on Tract 1 and Tract 5 through Tract 4.

Comprehensive Plan

The Envision Garland Plan designates the subject property as Urban Neighborhoods and Parks and Open Spaces. Urban Neighborhoods are higher density residential developments, characterized by moderate-to-high density single-family attached and multi-family residential units, greater than twelve (12) dwelling units per acre. Developments within this category are predominantly residential, but may include compatible non-residential uses. This type of development should encourage access to a range of mobility options and is generally located in the vicinity of major intersections and/or secondary arterial streets, with proximity to significant bus or rail amenities.

Parks and Open Spaces consist of a variety of public/private parks, plazas, and natural areas for passive and active recreation, as well as informal gathering places, including development that contributes to their desirability. Parks and Open Spaces should be interconnected by a network of roads, sidewalks, pathways and transit to encourage residents and visitors to move about for mobility, recreational, social, and health purposes.



GARLAND PLANNING REPORT

City Council Regular Session Agenda

9.b.

Meeting Date: 05/07/2019

Item Title: Z 19-05 RPGA Design Group, Inc. (District 3)

Submitted By: Kira Wauwie, Principal Development Planner

REQUEST

Approval of a Change of Zoning from Agriculture (AG) District and Planned Development (PD) District 83-39 to Community Retail (CR) District.

OWNER

Alberto Perez Medellin

PLAN COMMISSION RECOMMENDATION

On April 8, 2019 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of a Change of Zoning from Agriculture (AG) District and Planned Development (PD) District 83-39 to Community Retail (CR) District.

STAFF RECOMMENDATION

Staff recommends approval of the Change in Zoning from Agriculture (AG) District and Planned Development (PD) District 83-39 to Community Retail (CR) District.

BACKGROUND

The applicant requests approval of a Change in Zoning from Agriculture (AG) District and Planned Development (PD) District 83-39 for Residential Uses to Community Retail (CR) District to allow future development on unimproved property in conformance with the CR District. The existing zoning allows agricultural and single-family residential uses.

SITE DATA

The subject site contains approximately 0.96 acres and has approximately 345 feet of frontage along Rowlett Road.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned AG District and PD District 83-39 for Residential Uses. The AG District is intended for vacant land which is not yet ready for development, land which is used for agricultural or open space purposes, land which due to its topography or location within a floodplain or other undevelopable area is not anticipated to be developed for more intense use, and land which has been newly annexed into the City of Garland. PD District 83-39 was intended for development as a single-family residential subdivision with detached homes. With the exception of this portion, all of PD 83-39 has been developed with detached single-family homes.

CONSIDERATIONS

1. The request is a traditional rezoning without the formation of a Planned Development (PD) District. These requests do not require Concept Plan or Detail Plan approval to commence or direct development. Development is dependent on the standards set forth by the Garland Development Code (GDC) and the goals and policies established within the Envision Garland 2030 Comprehensive Plan. This Change in Zoning is not intended to restrict uses or secure development performances beyond what is permitted within the proposed zoning district and the GDC. Accordingly, the GDC requires careful consideration as to how closely the proposed district follows the policies of the Envision Garland 2030 Comprehensive Plan, and to what degree the rezoning will impact surrounding and future development.
2. The CR District is intended to accommodate a variety of retail, service, and business establishments that may or may not be designed in a shopping center configuration. The district may be used as a transition district between lower intensity retail or office uses and more intense uses. A CR District is generally appropriate along major transportation corridors but is generally not appropriate in proximity to low-density residential districts without buffering and screening features; the GDC indeed provides such requirements between single-family residential development and nonresidential commercial development. An example of an allowed use in a CR District is a retail shopping area that may be large in scale with very limited or no outside storage. Traffic generated by uses in a CR District must be focused onto the major thoroughfare network. Development in a CR District may not be designed in a manner that increases traffic through residential areas.
3. The site has frontage along Rowlett Road which is a Type A street as shown on the City's Thoroughfare Plan. The Type A street is characteristic of locations appropriate for CR District development. Additionally, the GDC contains requirements for screening between single-family residential development and nonresidential commercial development with options including a solid masonry wall with trees or ornamental fence with high-level screening shrubs.
4. The proposed zoning is consistent with the Comprehensive Plan and is suitable for the surrounding area due to the existing types of development.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates the subject property as Traditional Neighborhoods. Traditional Neighborhoods are found throughout Garland and provide areas for low to moderate density single-family detached residential housing. Traditional Neighborhoods also accommodate convenience retail (goods and services), office space, and public services. Non-residential structures are compatible in architectural style and scale with adjacent residential development.

Non-residential uses are typically located at the intersection of local streets or at local and secondary arterial streets. Non-residential uses are within walking distance of the neighborhoods they serve and include minimal on-site parking.

The Traditional Neighborhood development type is primarily characterized as low density, single-family detached (between one and six dwelling units per acre). Non-residential sites within this category are typically up to three acres in size.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The surrounding properties are primarily developed and zoned for commercial and residential development. The properties to the southeast of the site are zoned CR District and PD 84-101 District for General Business Uses. The PD 84-101, located at the east corner of Hayman Drive and Rowlett Road, is developed with a commercial shopping center. A CR District-zoned property is located on the south corner of Haman Drive and Rowlett Road and is currently unimproved. A single-family residence and a day care center are located east of the site along the west side of Rowlett Road; these properties are zoned AG District. The other properties located north, west, and south of the site are zoned with Planned Development (PD) Districts for single-family residential uses and these properties are developed with single-family residences.

Attachments

Z 19-05 RPGA Design Group, Inc.

Z 19-05 RPGA Design Group, Inc. Responses

Z 19-05 RPGA Design Group, Inc. Staff Presentation



0 50 100 Feet 1 inch = 84 feet	Zoning Map Z 19-05	 INDICATES AREA OF REQUEST
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REPORT & MINUTES

P.C. Meeting, April 8, 2019

Consideration of the application of **RPGA Design Group, Inc.**, requesting approval of a Change in Zoning from Agriculture (AG) District and Planned Development (PD) District 83-39 to Community Retail (CR) District. This property is located at 1501 Rowlett Road. (District 3) (File Z 19-05)

The applicant, Robert Garza, 101 South Jennings Avenue, Fort Worth, Texas 76104 gave a brief overview of the request and the intentions of the owner.

Commissioner Edwards inquired as to what type of business the owner was intending to construct.

Chairman Roberts inquired as to changing the request to a Planned Development District, and the proximity of the Community Retail District to the Single Family District.

Planning Director Will Guerin gave a brief overview of the Community Retail District allowable uses and the proximity to the Single Family District, and options regarding changing the request to a Planned Development District.

Motion was made by Commissioner Edwards, to close the public hearing and **approve** the request per staff recommendation, Seconded by Commissioner O'Hara. **Motion carried: 8 Ayes, 0 Nays.**





GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

March 27, 2019

HEARING DATE/TIME: Plan Commission: April 8, 2019 – 7:00 PM

APPLICANT: RPGA Design Group, Inc.

File Z 19-05

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, April 8, 2019, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **RPGA Design Group, Inc.**, requesting approval of a Change in Zoning from Agriculture (AG) District and Planned Development (PD) District 83-39 to Community Retail (CR) District. The property is shown on the enclosed sketch and is described as follows:

BEING a 0.96 acre tract of land situated in the John Little Survey, Abstract Number 761 in the City of Garland, Dallas County, Texas, same being that tract of land conveyed to Excelsior SG Investments, LLC, a Texas Limited Liability Company, by deed recorded in Instrument Number 20070290629, Official Public Records, Dallas County, Texas. **The property is located at 1501 Rowlett Road. (District 3)**

Note: The applicant makes the above request to rezone an unimproved site to allow commercial uses with Community Retail (CR) District zoning.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205-2474; deliver to the Planning Department at 800 Main Street, Garland TX; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Kira Wauwie at 972-205-2456.

Para Español, por favor contactar a Josue De La Vega 972-205-2454.

(Please Check One Below)

☐ I am in favor of the request.
☒ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

THIS PROPERTY SPACE IS NOT LARGE ENOUGH TO PUT A BUSINESS
WE DO NOT NEED ANOTHER PLACE FOR LCHS STUDENTS TO HANG OUT BEFORE
SCHOOL + smoke pot

(Please complete the following information)

1438 Knob Hill
Your Property Address
MARCELLA KARI
Printed Name
1438 Knob Hill Garland TX 75043
Address City, State Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Marcella Karl Property Owner
Signature Title

Date: 4-1-19

APR 1 '19 AM 9:16



GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

March 27, 2019

HEARING DATE/TIME: Plan Commission: April 8, 2019 – 7:00 PM

APPLICANT: RPGA Design Group, Inc.

File Z 19-05

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Para Español, por favor contactar a Josue De La Vega 972-205-2454.

(Please Check One Below)

☐ I am in favor of the request.
☒ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

1312 DeV, LLe

Printed Name

PATRICIA VAUGHAN

Address

1312 Deville Cr.

City, State

Garland, Tex

Zip

75042

The above statements reflect my (our) opinion regarding the proposed request(s).

Owner

Signature

Patricia A. Vaughan

Title

Date:

April 3, 2019

APR 8 '19 PM 3:01



GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

March 27, 2019

HEARING DATE/TIME: Plan Commission: April 8, 2019 – 7:00 PM

APPLICANT: RPGA Design Group, Inc.

File Z 19-05

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Note: The applicant makes the above request to rezone an unimproved site to allow commercial uses with Community Retail (CR) District zoning.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205-2474; deliver to the Planning Department at 800 Main Street, Garland TX; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Kira Wauwie at 972-205-2456.

Para Español, por favor contactar a Josue De La Vega 972-205-2454.

(Please Check One Below)

☐ I am in favor of the request.
☒ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

That property would NOT make A GOOD Retail property. Surrounded by houses And a day CARE. The Lighting would BE A Hindrance to And A Nuisance to Surrounding Properties. It would Add more Traffic And Noise
(Please complete the following information)
5005 BARRINGTON LANE GARLAND, TEXAS 75043
Your Property Address
Michael Graham
Printed Name
5005 BARRINGTON LANE GARLAND, TEXAS 75043
Address City, State Zip
Natural elements that allow cardinal birds and blue jays to enjoy our yard would be gone. We need to preserve it.

The above statements reflect my (our) opinion regarding the proposed request(s).

Michael Graham
Signature

PROPERTY OWNER
Title

Date: *4/3/19*

APR 8 '19 PM 3:01

Z 19-05

**Approval of a Change of Zoning from Agriculture (AG) District
and Planned Development (PD) District 83-39 to Community
Retail (CR) District**

**City Council Meeting
May 7, 2019**



GARLAND

TEXAS MADE HERE

Case Information

Location: 1501 Rowlett Road

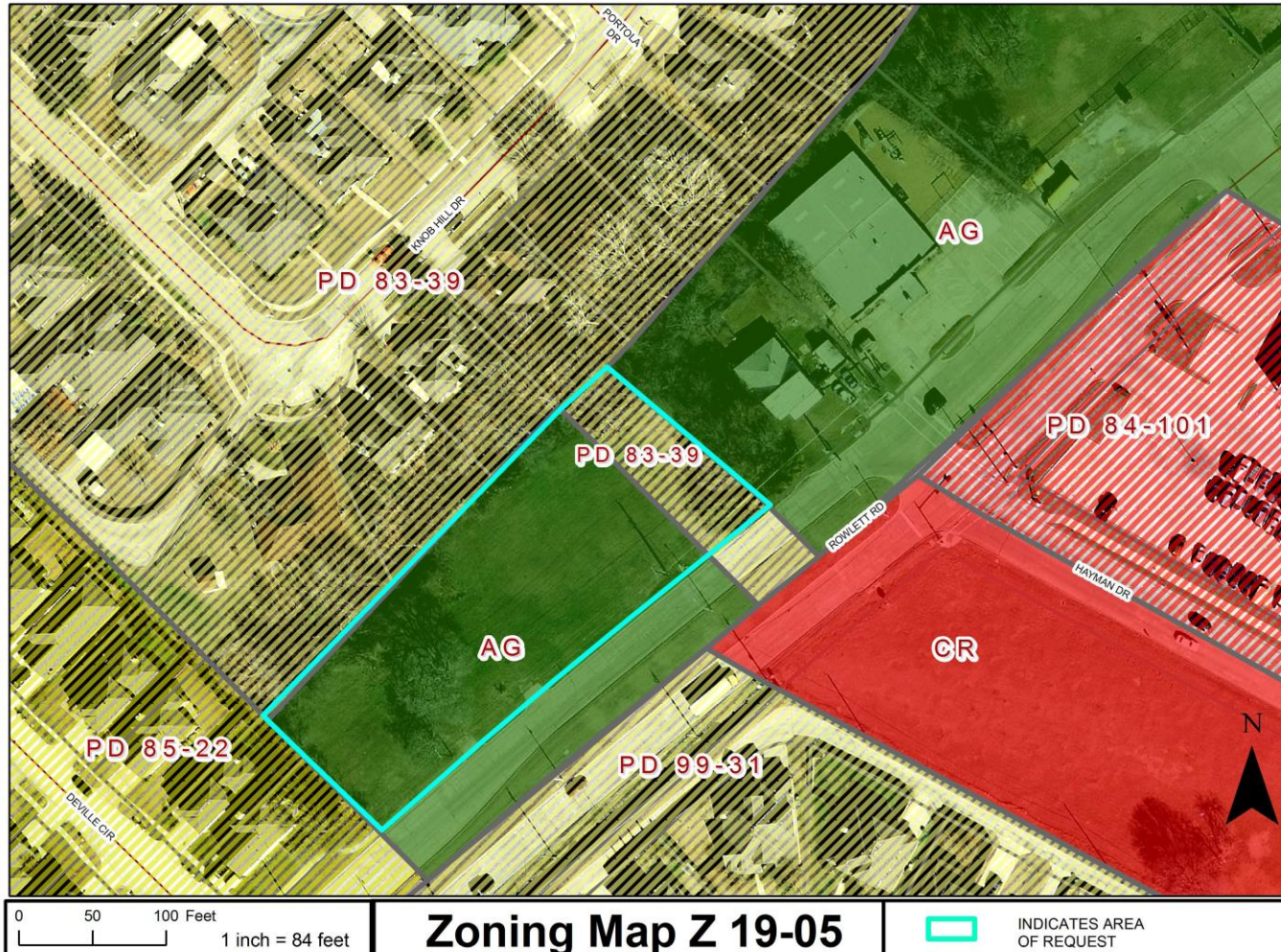
Applicant: RPGA Design Group, Inc.

Owner: Alberto Perez Medellin

Acreage: Approximately 0.96 acres

Zoning: Agriculture (AG) District and Planned Development
(PD) District 83-39

Location Map



Background



View of the subject property from Rowlett Rd.



View of property east of the site



View of properties located south of site



View of properties located to the southeast.

Considerations

- Traditional zoning to follow the Community Retail (CR) District
- CR District
 - Variety of retail, office, service uses
 - Appropriate along major streets
 - District standards include buffering to residential
- Site is along a Type A street, a major thoroughfare
- Proposed zoning is consistent with the Comprehensive Plan

Comprehensive Plan

- The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates the subject property as Traditional Neighborhoods.
- Traditional Neighborhoods
 - Offers places for low to moderate density single-family detached residential housing
 - Offers places for convenience retail (goods and services), office space, and public services which are compatible in architectural style and scale with adjacent residential development
- Residential uses are primarily characterized as low density, single-family detached (between one and six dwelling units per acre).
- Non-residential uses are typically located at the intersection of local streets or at local and secondary arterial streets. Non-residential uses are within walking distance of the neighborhoods they serve and include minimal on-site parking. Non-residential sites within this category are typically up to three acres in size.



GARLAND PLANNING REPORT

City Council Regular Session Agenda

9.c.

Meeting Date: 05/07/2019

Item Title: Z 19-06 Tavacon, LLC (District 7)

Submitted By: Josue De La Vega, Sr. Development Planner

REQUEST

Approval of 1) a Detail Plan for Car Wash, Automated/Rollover and 2) a Specific Use Provision (SUP) for Car Wash, Automated/Rollover on a property zoned Planned Development (PD) District 13-28 for Community Retail Uses.

OWNER

Zoya Real Estate, Inc.

PLAN COMMISSION RECOMMENDATION

On April 8, 2019 the Plan Commission, by a vote of seven (7) to one (1), recommended approval of the request.

Additionally, the Plan Commission approved a Variance to Section 4.45 of the Garland Development Code (GDC) regarding the location of the refuse container.

STAFF RECOMMENDATION

Approval of the request as presented by the applicant.

BACKGROUND

The subject property is zoned Planned Development (PD) 13-28 District which stipulates that prior to the development of the subject property, approval of a Detail Plan is required through a public hearing process. The applicant makes the above request to develop the site with an automated/rollover car wash.

SITE DATA

The subject property has an area of 0.97 acres with approximately 180 lineal feet of frontage along Arapaho Road. The site would be accessed directly from Arapaho Road and through a common access drive from Shiloh Road.

USE OF PROPERTY UNDER CURRENT ZONING

Planned Development (PD) District 13-28 allows those uses as permitted in the Community Retail (CR) District where Car Wash, Automated/Rollover is only permitted with approval of a Specific Use Provision.

CONSIDERATIONS

Detail Plan:

1. Site Plan: The proposed Car Wash, Automated/Rollover would consist of one (1) 3,583-square foot drive-through (rollover) wash bay, one (1) 1,276-square foot canopy covering seven (7) self-service vacuum stations, one (1) 1,452-square foot canopy covering eight (8) self-service vacuum stations, two (2) canopies covering a paying station as well as ground-mounted equipment such as enclosed vacuum equipment. The Car Wash, Automated/Rollover would operate Monday through Saturday from 8:00 a.m. to 9:00 p.m. and Sundays from 9:00 a.m. to 7:00 p.m.
2. Parking: The Garland Development Code (GDC) establishes a parking requirement of eighteen (18) parking spaces for a Car Wash, Automated/Rollover of a size as the one being proposed. The proposed site layout provides nineteen (19) on-site parking spaces, including fifteen (15) on-site parking spaces that would also serve as self-service vacuum stations.
3. Screening and Landscape: The GDC requires the site to be landscaped for various purposes, including enhancing the appearance of the site as well as defining and distinguishing the green areas from areas where traffic would circulate. The landscape layout reflected on Exhibit D complies with the applicable screening and landscape standards of the GDC.
4. Elevations. The design of the 3,583-square foot building housing the drive-through (rollover) wash bay (Exhibit E) is required to comply with the following GDC building design standards:
 - All building elevations are required to consist of at least eighty (80) percent masonry.
 - At least two (2) different exterior construction materials must be applied on facades visible from the streets.
 - At least six (6) architectural elements must be incorporated into the design of the building.
 - Street-facing elevations should be horizontally and vertically articulated.The building design complies with the aforementioned design standards.
5. Signs: Any signage will be subject to the standards set forth in Chapter 4, Article 5 of the GDC. The application does not include variances to the sign standards.

Specific Use Provision (SUP):

6. The applicant requests the SUP to be in effect for a period of thirty (30) years.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan designates the subject property as Compact Neighborhoods. Compact Neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments. These areas accommodate uses such as convenience retail (goods and services), office space, and public services.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north, across Arapaho Road, are zoned Planned Development (PD) District 99-14, Planned Development (PD) District 14-09 and Planned Development (PD) District 02-28 for Community Retail Uses; these properties are developed with self-storage units, a financial institution, a gas station, and a shopping center containing a grocery store, retail sales/personal services and a restaurant.

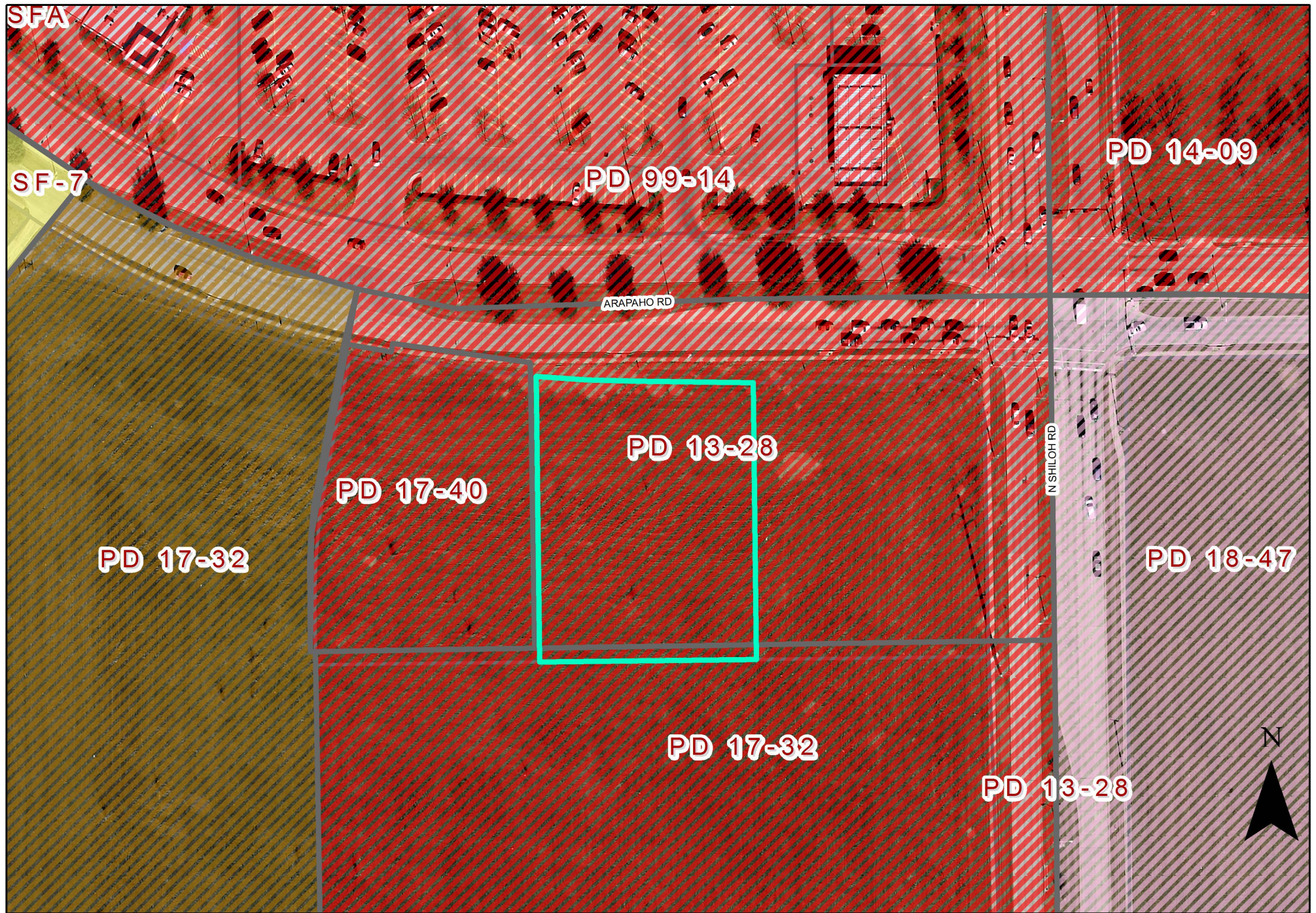
The adjacent property to the east of the subject property is part of Planned Development (PD) District 13-28 for Community Retail Uses; this property remains undeveloped. Further east, across Shiloh Road, the properties are zoned Planned Development (PD) District 18-47 for Office Uses; these properties are currently unimproved.

The property to the south is zoned Planned Development (PD) District 17-32 for Community Retail Uses and is developed with a charter school campus.

The adjacent property to the west is zoned Planned Development (PD) District 17-40 for Community Retail Uses; this property is being developed with a restaurant with a drive-through and retail use. The property further west is zoned Planned Development (PD) District 17-32 for Multi-Family Uses and is developed with a dormitory associated with the charter school campus.

Attachments

Z 19-06 Tavacon, LLC Attachment and Exhibits
Z 19-06 Tavacon, LLC Responses
Z 19-06 Staff Presentation



PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 19-06

2620 Arapaho Road

- I. Statement of Purpose:** The purpose of this Planned Development (PD) is to allow the development of a Car Wash, Automated/Rollover.
- II. Statement of Effect:** This Planned Development (PD) shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
- A. Detail Plan: Development is to be in conformance with the Detail Plan set forth in Exhibits C, D and E. In the event of conflict between the conditions and Detail Plan, the conditions listed below are to apply.
- V. Detail Plan:**
- A. Site Layout: The site shall be in conformance to the layout reflected on Exhibit C.
- B. Screening and Landscaping: Screening and landscaping shall be in conformance to the layout reflected on Exhibit D.
- C. Maintenance Requirements:
- 1) Landscaping must be regularly maintained in a healthy growing condition and in compliance with this PD Ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all plantings as needed. All exposed ground surfaces on or within the premises shall be properly

improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.

2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan within sixty (60) days after receipt of notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty (60) days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold or revoke city permits, approvals, consents, licenses and/or certificates for the property.

3) Screening and paving must be installed and regularly maintained in compliance with this PD Ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty (60) days after of the City sending notice,, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approval, consents and certificates for the property .

D. Elevations: Elevations shall be in conformance to the elevations reflected on Exhibit E.

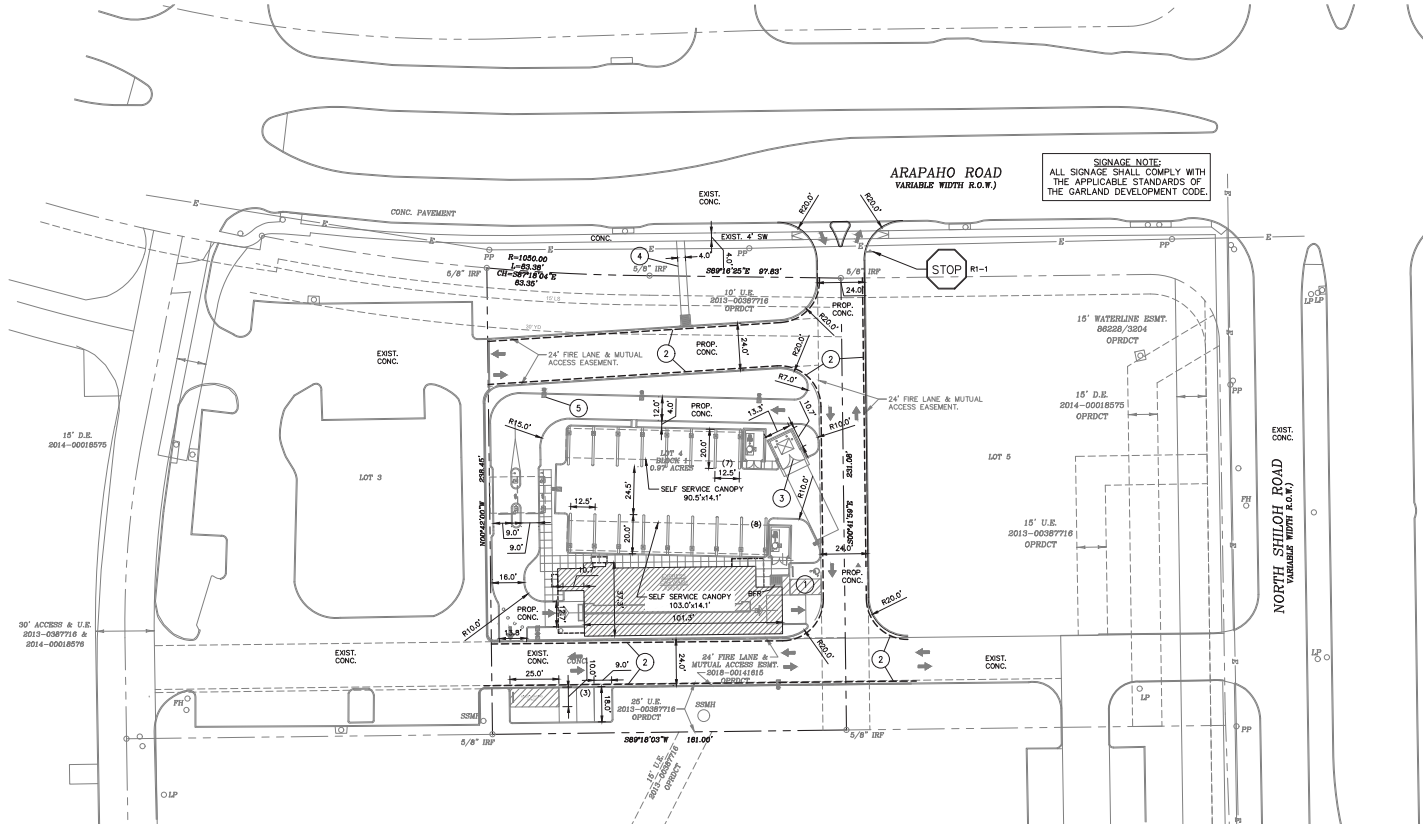
E. Location of Refuse Containers: The refuse container and its masonry enclosure may be located on the street side of the main building as shown on Exhibit C.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 19-06

2620 Arapaho Road

- II. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Car Wash, Automated/Rollover.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- VI. General Regulations:** All regulations of the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- VII. Specific Regulations:**
- A. SUP Time Period: The Specific Use Provision for Car Wash, Automated/Rollover shall be in effect for a period of thirty (30) years.

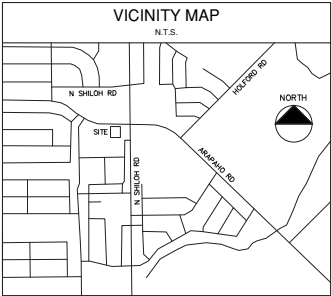


DRAWING LEGEND	
	PROPERTY LINE
	ADJOINING PROPERTY LINE
	PROP. EDGE OF PAVEMENT
	CURB LINE
	PROP. STRIPING
	EASEMENT/SETBACK LINES
	PROP. FIRE LANE
	EXIST. CONTOUR LINE
	PROP. CONTOUR LINE
	PROP. WATER LINE
	PROP. SS LINE
	DIRECTIONAL FLOW ARROW
	PARKING COUNT LABEL
	EXIST. PROP. BFR
	EXIST. PROP. RW
	EXIST. PROP. TYP
	EXIST. PROP. HC
	EXIST. PROP. T.A.S.
	EXIST. PROP. MFR
	EXISTING PROPOSED
	PROP. BARRIER FREE RAMP
	RETAINING WALL
	TYPICAL HANDICAP
	TEXAS ACCESSIBILITY STANDARDS
	MANUFACTURER

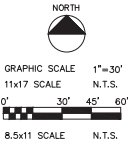
REFERENCE NUMBER NOTES	
1	PROP. HC PARKING AREA.
2	PROP. FIRE LANE STRIPING. (TYP.)
3	PROP. DUMPSTER W/ SCREENING PER ARCH & CITY REQUIREMENTS.
4	PROP. 4' WIDE CONC. SIDEWALK.
5	PROP. LIGHTING PER MEP. (TYP.-6 LOCATIONS)

SITE DATA SUMMARY TABLE:	
General Site Data:	
Zoning (Existing & Proposed)	PD-13-28
Land Use	Flex Carwash
Total Site Area	0.97 acres or 42,533 S.F.
Total Pervious Area Provided (SF and %)	10,603.7 S.F. or 24.3%
Total Pervious Area Required	10%
Total Floor Area Ratio	8%
Total Building Coverage	3,583 S.F.
Building Area by Use (Carwash)	3,583 S.F.
Parking Lot Surface Materials	Concrete
Open Space (Provided/Required)	19%/10%
Building Height (Permitted/Proposed)	35/35
Parking:	
Parking Ratio Required	1 Stall / 200 S.F.
Required Parking	18 stalls
Provided Parking	19 stalls
Accessible Parking Required	1 Stall
Accessible Parking Provided	1 Stall
Loading Space (Required/Provided)	1 Space/1 Space

NOTE TO CONTRACTOR
CALL 811 AND ANY OTHER APPLICABLE UTILITY LOCATING SERVICES 48 HOURS PRIOR TO CONSTRUCTION ACTIVITY. LOBSINGER & POTTS STRUCTURAL ENGINEERING, INC. IS NOT RESPONSIBLE FOR KNOWING THE LOCATION OF ALL EXISTING UTILITIES OR DEPICTING EXACT LOCATIONS ON ALL DRAWINGS. THE LOCATION OF EXIST. UTILITIES ARE SHOWN AS APPROXIMATE ONLY. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES AS A RESULT OF FAILURE TO LOCATE AND PRESERVE EXIST. UTILITIES.



SITE PLAN EXHIBIT FOR:
GARLAND EXPRESS CAR WASH
0.97 ACRES
CITY PROJECT #: 181016-3
A-0941
F. MOSS SURVEY
THE CITY OF GARLAND
DALLAS COUNTY, TEXAS
CASE #: 19-06



APPLICANT:
TAVACON, LLC
CONTACT: TIM ATTLEE
8751 COLLIN MCKINNEY PKWY., STE. 104.
MCKINNEY, TX 75070
(214) 425-2055

OWNER:
ZOYA REAL ESTATE, INC.
CONTACT: SYED A. AHMAD
3405 SPECTRUM BLVD.
RICHARDSON, TX 75082
(972) 425-2055

BENCHMARK: "X" CUT ON THE STORM INLET SOUTH LINE OF ARAPAH0 ROAD ±360' WEST OF NORTH SHILOH ROAD. EL.=576.01

REVISION NUMBER	REVISION DATE	DESCRIPTION

LPS&E
Lobsinger & Potts Structural Engineering, Inc.
1723 E. Southlake Blvd, Suite 200
Southlake, Texas 76092
Firm Reg. #7290
817.897.3611

GARLAND CARWASH
2620 ARAPAH0, GARLAND, TX

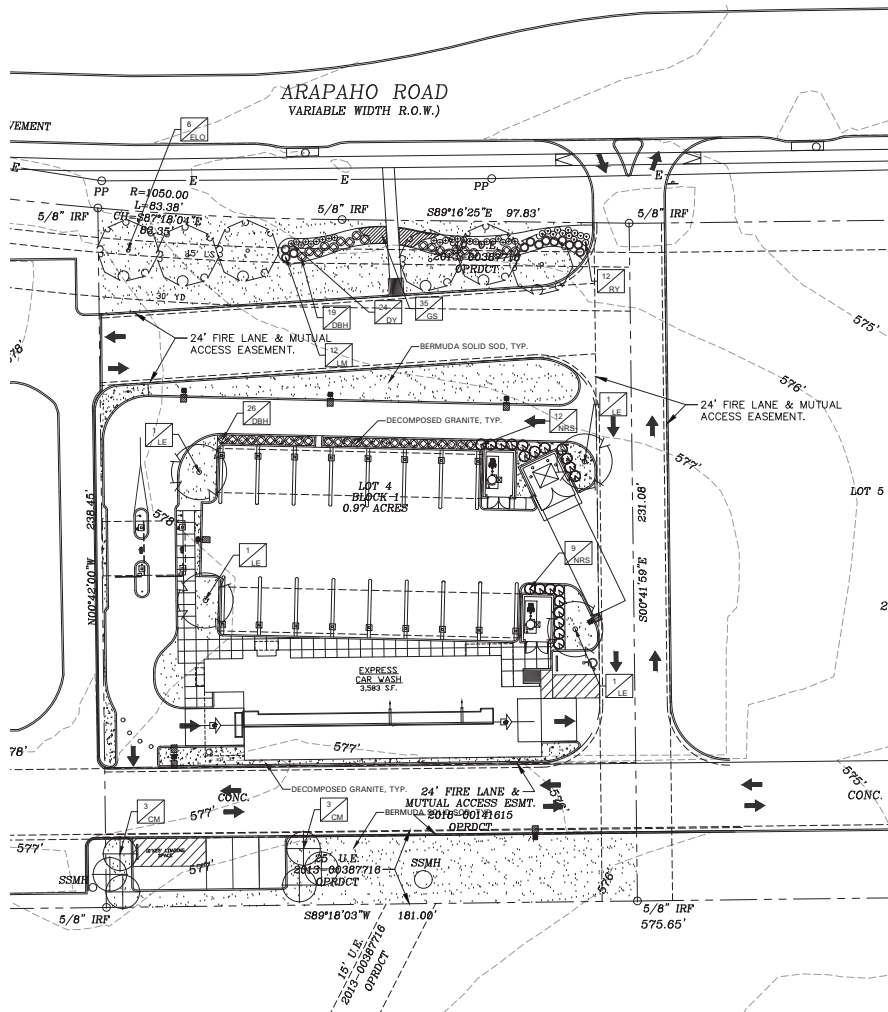
SITE PLAN

PROJECT #	
MANAGER	LPSE
DRAWN BY	LPSE
ISSUED FOR	
DATE	3/19/2019



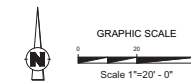
FOR PERMIT ONLY
SHEET
SP-1

Exhibit C



PLANT SCHEDULE				
QTY	LABEL	COMMON NAME	SCIENTIFIC NAME	SIZE NOTES
SHADE TREES				
6	ELO	Escarpment Live Oak	<i>Quercus fusiformis</i>	3" cal. 12" H. 4' spread, matching
4	LE	Lacebark Elm	<i>Ulmus parviflorus 'Sempervirens'</i>	3" cal. 12" H. 4' spread
ORNAMENTAL TREES				
6	CM	Crape Myrtle 'Tuscarora'	<i>Lagerstromia indica 'Tuscarora'</i>	30 gal. 8' H. 3' spread, matching
SHRUBS				
48	DBH	Dwarf Burford Holly	<i>Ilex cornuta 'Burford Nana'</i>	5 gal. full, 20" spread, 30" o.c.
24	DY	Dwarf Yaupon Holly	<i>Ilex vomitoria 'Conditum'</i>	5 gal. full, 24" spnd, 24" o.c.
12	LM	Lindheimer Muhly Grass	<i>Muhlenbergia lindheimeri</i>	5 gal. full, 24" spread, 30" o.c.
21	NRS	Nellie R. Stevens Holly	<i>Ilex x 'Nellie R. Stevens'</i>	7 gal. full, 40" o.c.
12	RY	Red Yucca	<i>Hesperaloe parviflora</i>	5 gal. full, 18" spnd, 24" o.c.
GROUND COVER/VINES/GRASS				
35	GS	Green Lavender Cotton	<i>Santolina viridis</i>	1 gal. full, 18" o.c.
		Bermuda Solid Sod	<i>Cynodon dactylon</i>	
		Decomposed Granite		

Plant list is an aid to bidders only. Contractor shall verify all quantities on plan. All heights and spreads are minimums. Trees shall have a strong central leader and be of matching specimens. All plant material shall meet or exceed remarks as indicated.



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BENCHMARK: "X" CUT ON THE STORM INLET SOUTH LINE OF
ARAPAHO ROAD ±360' WEST OF NORTH SHILOH ROAD, EL=576.01

GENERAL LAWN NOTES

EROSION CONTROL AND SOIL PREPARATION.
THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING TOP SOIL AT THE CORRECT GRADES. CONTRACTOR TO FINE GRADE AREAS TO REACH FINAL CONTOURS AS SPECIFIED ON PLAN. PLANT CONTOURS SHOULD ACHIEVE POSITIVE DRAINAGE AWAY FROM BUILDINGS AND STRUCTURES. WATER SHOULD NOT BE ABLE TO POOL IN ANY AREAS UNLESS SPECIFIED OTHERWISE. EROSION FABRIC SUCH AS JUTE MATTING OR OPEN WEAVE TO BE USED WHERE NECESSARY TO PREVENT SOIL EROSION.
ANY LOSS OF TOPSOIL OR GRASS DUE TO EROSION IS THE RESPONSIBILITY OF THE CONTRACTOR UNTIL IT IS 100% ESTABLISHED.
CONTRACTOR TO REMOVE ANY ROCKS 3"X LARGER, STICKS AND DEBRIS PRIOR TO INSTALLATION OF TOPSOIL AND SOIL.
FOUR (4") OF TOPSOIL SHALL BE APPLIED TO AREAS DISTURBED BY CONSTRUCTION INCLUDING BOLS. IF TOPSOIL IS NOT AVAILABLE ON SITE, THE CONTRACTOR SHALL PROVIDE TOPSOIL AS APPROVED BY THE OWNER OR CHAIRMAN REPRESENTATIVE.
TOPSOIL SHALL BE FINABLE, NATURAL LOAM, FREE OF ROCKS, WEEDS, BRUSH, CLAY LUMPS, ROOTS, TWIGS, LITTER AND ENVIRONMENTAL CONTAMINANTS.
CONTRACTOR SHALL BE RESPONSIBLE FOR SOIL UNTIL ACCEPTANCE. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO: MOWING, WATERING, WEEDING, CULTIVATING, CLEANING AND REPAIRING GRADE OR BARE AREAS TO KEEP PLANTS IN A VIGOROUS, HEALTHY CONDITION. SOIL SHALL BE REPLACED IF NECESSARY.
SOLID SOIL:
SOLID SOIL SHALL BE PLACED ALONG ALL IMPERVIOUS EDGES AT A MINIMUM. THIS SHALL INCLUDE CURBS, VALU, INLETS, MANHOLES AND PLANTING BED AREAS. SOIL SHALL COVER OTHER AREAS COMPLETELY AS INDICATED BY PLAN.
SOIL SHALL BE STRONGLY ROOTED DROUGHT RESISTANT SOIL, NOT LESS THAN 1/2 YEARS OLD, FREE OF WEEDS AND UNDESIRABLE NATIVE GRASS AND MACHINE CUT TO FAD THICKNESS OF 3/4" (1" MAX), EXCLUDING TOP GROWTH AND TILLAGE. PROVIDE ONLY SOIL CAPABLE OF VIGOROUS GROWTH AND DEVELOPMENT WHEN PLANTED.
DO NOT INSTALL SOIL IF IT IS DORMANT OR GROUND IS FROZEN. LAY SOIL WITH TIGHTLY FITTING JOINTS, NO OVERLAPS WITH STAGGERED STIRPS TO OFFSET JOINTS.
SOIL SHALL BE ROLLED TO CREATE A SMOOTH EVEN SURFACE. SOIL SHOULD BE WATERED THOROUGHLY DURING INSTALLATION PROCESS.
SHOULD INSTALLATION OCCUR BETWEEN OCTOBER 1ST AND MARCH 1ST, SOIL SHALL INCLUDE AN OVER SEED OF ANNUAL RYE OR WINTER PEGRASS AT A RATE OF FOUR POUNDS PER ONE THOUSAND SQUARE FEET FOR A MINIMUM ESTABLISHMENT. CONTRACTOR SHALL SEED LOW CONCENTRATION TO 1/15.0 OF TITLE 1, PART XXX, HORTICULTURE COMMISSION CHAPTER 1.

HYDROMULCH:
SCARIFY SURFACE TO A MINIMUM OF 2" DEPTH PRIOR TO THE IMPORT TOPSOIL APPLICATION. TOP SOIL SHALL BE PLACED 3" DEPTH IN ALL AREAS TO BE SEED. CONTRACTOR TO SUPPLY HIGH QUALITY IMPORTED TOPSOIL, HIGH IN HUMUS AND ORGANIC CONTENT FROM A LOCAL SUPPLY. IMPORTED TOPSOIL SHALL BE REASONABLY FREE OF CLAY LUMPS, COARSE SAND, STONES, ROOTS AND OTHER FOREIGN DEBRIS.
IF INADEQUATE MOISTURE IS PRESENT IN SOIL, APPLY WATER AS NECESSARY FOR OPTIMUM MOISTURE FOR SEED APPLICATION.
ALL SEED SHALL BE HIGH QUALITY, TREATED LAWN TYPE SEED AND IS FREE OF NOXIOUS GRASS SEEDS. THE SEED APPLICATION SHALL BE UNIFORMLY DISTRIBUTED ON THE AREAS INDICATED ON PLANS.
HYDROMULCH WITH BERMUDA GRASS SEED AT A RATE OF TWO POUNDS PER ONE THOUSAND SQUARE FEET.
IF INSTALLATION OCCURS BETWEEN OCTOBER 1ST AND APRIL 1ST, ALL HYDROMULCH AREAS SHALL BE OVER SEED WITH ANNUAL RYE GRASS AT A RATE OF FOUR POUNDS PER ONE THOUSAND SQUARE FEET.
CONTRACTOR TO RE-HYDROMULCH WITH BERMUDA GRASS AT THE END OF THE ANNUAL RYE GROWING SEASON.
AFTER APPLICATION, NO EQUIPMENT SHALL OPERATE OVER APPLIED AREAS. WATER SEED AREAS IMMEDIATELY AFTER INSTALLATION TO SATURATION.
ALL LAWN AREAS TO BE HYDROMULCHED SHALL ACHIEVE 100% COVERAGE PRIOR TO FINAL ACCEPTANCE.

LANDSCAPE NOTES

LANDSCAPE WORK.
REFERENCE SITEWORK AND SPECIFICATIONS FOR INFORMATION NEEDED FOR LANDSCAPE WORK.
CONTRACTOR TO VERIFY AND LOCATE ALL PROPOSED AND EXISTING STRUCTURES. NOTIFY LANDSCAPE ARCHITECT OR DESIGNATED REPRESENTATIVE FOR ANY LAYOUT DISCREPANCIES OR ANY CONDITION THAT WOULD PROHIBIT THE INSTALLATION AS SHOWN.
CONTRACTOR SHALL CALL 811 TO VERIFY AND LOCATE ANY AND ALL UTILITIES ON SITE PRIOR TO COMMENCING WORK. LANDSCAPE ARCHITECT SHOULD BE NOTIFIED OF ANY CONFLICTS.
A MINIMUM OF 2% SLOPE SHALL BE PROVIDED AWAY FROM ALL STRUCTURES.
LANDSCAPE ISLANDS SHALL BE CROWNED, AND UNIFORM THROUGHOUT THE SITE.
ALL PLANTING AREAS SHALL BE GRADED SMOOTH TO ACHIEVE FINAL CONTOURS AS INDICATED ON PLAN WITH 1" OF TOPSOIL AND 3" OF COMPOST AND CONSISTENTLY BLENDED TO A DEPTH OF 1" OF ALL BEDS SHALL BE CROWNED TO ANTICIPATE SETTLEMENT AND ENSURE PROPER DRAINAGE.
PLANTING AREAS AND SOIL TO BE SEPARATED BY STEEL EDGING. EDGING TO BE GREEN IN COLOR AND A MINIMUM OF 3/16" THICK. EDGING SHALL BE STAMPED FROM THE INSIDE OF BED. EDGING NOT TO BE MORE THAN 1/2" ABOVE FINISHED GRADE.
MULCH SHALL BE INSTALLED AT 1" BELOW THE TOPS OF SIDEWALKS AND CURBS.
QUANTITIES ON THESE PLANS ARE FOR REFERENCE ONLY. THE SPACING OF PLANTS SHOULD BE AS INDICATED ON PLANS OR OTHERWISE NOTED. ALL TREES AND SHRUBS SHALL BE PLANTED PER DETAIL.
CONTAINER GROWN PLANT MATERIAL IS PREFERRED HOWEVER BALL AND BURLAP PLANT MATERIAL CAN BE SUBSTITUTED IF NEEDED AND IS APPROPRIATE TO THE SIZE AND QUALITY INDICATED ON THE PLANT MATERIAL LIST.
TREES SHALL BE PLANTED AT A MINIMUM OF 6' FROM ANY UTILITY LINE, SIDEWALK OR CURB. TREES SHALL ALSO BE 10' CLEAR FROM FIRE HYDRANTS.
4" OF SHREDDED HARDWOOD MULCH (2" SETTLED THICKNESS) SHALL BE PLACED OVER A 1" OF WOODEN WEED BARRIER FABRIC OR APPROVED LOCAL WEED BARRIER FABRIC SHALL BE USED IN PLANT BEDS AND AROUND ALL TREES AND SHALL BE SET WITH WEED BARRIER OR APPROVED EQUAL. MULCH SHALL BE SHREDDED BARK OR RUBBER LANDSCAPE MULCH. PINE STRAW MULCH IS PROHIBITED.
CONTRACTOR TO PROVIDE UNIT PRICING OF LANDSCAPE MATERIALS AND BE RESPONSIBLE FOR OBTAINING ALL LANDSCAPE AND IRRIGATION PERMITS.
IRRIGATION:
IN THE ABSENCE OF AN IRRIGATION SYSTEM OR AREAS BEYOND THE COVERAGE LIMITS OF A PERMANENT IRRIGATION SYSTEM, CONTRACTOR SHALL WATER SOIL TEMPORARILY, BY ANY MEANS AVAILABLE, TO DEVELOP ADEQUATE GROWTH. TURF SHALL BE IN 100% ESTABLISHMENT AT THE TIME OF ACCEPTANCE.
ALL PLANTING BEDS SHALL HAVE AN AUTOMATIC IRRIGATION SYSTEM WITH A FREELANZ SENSOR. SYSTEM SHALL ALSO HAVE AN ET WEATHER BASED CONTROLLER AND BE DESIGNED AND INSTALLED BY A LICENSED IRRIGATOR.
MAINTENANCE REQUIREMENTS:
VEGETATION INSPECTOR INSPECTED REGULARLY TO ENSURE THAT PLANT MATERIAL IS ESTABLISHING PROPERLY AND REMAINING IN A HEALTHY GROWING CONDITION APPROPRIATE FOR THE SEASON. IF DAMAGED OR REMOVED, PLANTS MUST BE REPLACED BY A SIMILAR VARIETY AND SIZE.
MOWING, TRIMMING, EDGING AND SUPERVISION OF WATER APPLICATION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR UNTIL THE OWNER OR MAINTENANCE ACCEPTS AND ASSUMES REGULAR MAINTENANCE.
ALL LANDSCAPE AREAS SHOULD BE CLEANED AND KEPT FREE OF TRASH, DEBRIS, WEEDS AND OTHER MATERIAL.
MISCELLANEOUS MATERIALS:
STEEL EDGING SHALL BE 3/16" X 4 X 18" DARK GREEN DURABLE STEEL LANDSCAPE EDGING.
DECOMPOSED GRANITE SHALL CONSIST OF A NATURAL MIX OF GRANITE AGGREGATE NOT TO EXCEED 1/8" IN DIAMETER AND COMPOSED OF VARIOUS STAGES OF DECOMPOSED EARTH BASE. SOIL SHALL BE PLACED OVER FILTER FABRIC AT A MINIMUM OF 3" DEPTH.

LANDSCAPE TABULATIONS for Garland, Texas	
SITE AREA 42,833 S.F.	
SCREENING	
1. A minimum of 10% of the lot shall be landscaped.	
2. A minimum 15' wide landscape buffer shall be provided adjacent to all street rights-of-way and shall be maintained as permanent green space.	
3. For every 30 l.f. one large canopy tree is required.	
4. A maximum of 75% of the landscape buffer shall be grass.	
5. 7 shrubs or ornamental grasses shall be provided for every 30 l.f. of buffer length.	
REQUIRED 4,253 (10%) 15' buffer 6 trees, 3" cal. 4000 grass (75%)	PROVIDED 10,462 (24.8%) 15' buffer 6 trees, 3" cal. 1,707 s.f. grass
40 shrubs/ornamental grasses	67 shrubs/ornamental grasses
PARKING AREA	
1. A minimum of 5% of the total parking area shall be landscaped.	
2. One large tree shall be provided for each 10 parking spaces. No parking spaces shall be further than 65' from a tree.	
3. Parking areas shall be screened from public streets.	
Parking Spaces = 19	
REQUIRED 496 s.f. (5%)	PROVIDED 1,029 s.f.
2 trees, 3" cal.	4 trees, 3" cal.; 6 ornamental trees
screening	screening

LANDSCAPE PLAN FOR:
GARLAND EXPRESS CAR WASH
0.97 ACRES
CITY PROJECT #: 181016-3
A-0941
F. MOSS SURVEY
THE CITY OF GARLAND
DALLAS COUNTY, TEXAS
CASE #: 19-06

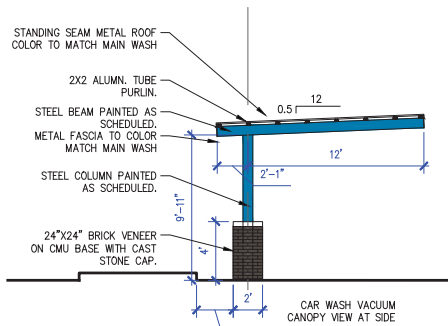
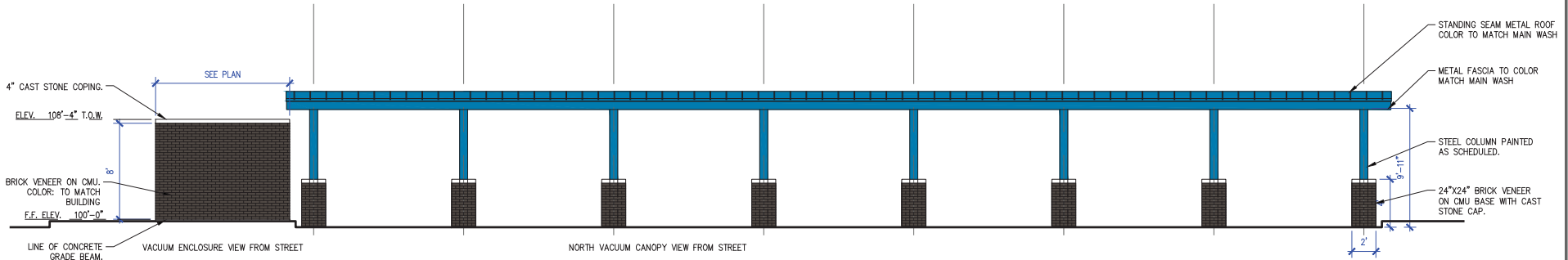
REVISION NUMBER	REVISION DATE	DESCRIPTION

GARLAND CARWASH
2620 ARAPAHO, GARLAND, TX
LANDSCAPE PLAN

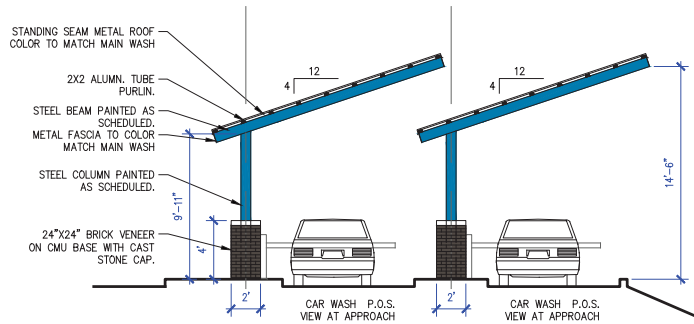
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MANAGER	UPSE
DRAWN BY	UPSE
ISSUED FOR	
DATE	3/19/2019

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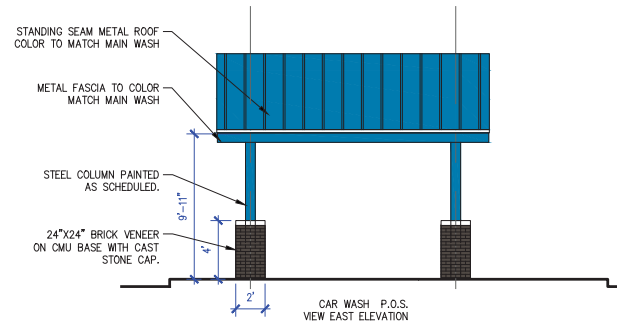




1 NORTH VACUUM CANOPY ELEVATIONS – SOUTH SIM. 1/4" = 1'-0"



2 P.O.S. ELEVATIONS 1/4" = 1'-0"



EURYTHMIC
DESIGN GROUP
ARCHITECTS

GARLAND EXPRESS CAR WASH
2820 ARAPAHO ROAD & N. SHILOH
LOT 4 BLOCK 1 OF THE LT 1S ADDITION
FILE NO. 2 19-06/ CASE NUMBER 181129-2
OWNER INFORMATION:
Zoya Real Estate, Inc.
3405 SPECTRUM BLVD RICHARDSON, TEXAS 75082

APPLICANT INFORMATION:
TAVACON, LLC
8751 COLLIN WARDENWAY SUITE 104
MCKINNEY, TEXAS 75070
214.781.2218 lms@tavocon.com

1	02.18.19
2	SUP SUBMITTAL
3	03.06.19
4	SUP SUBMITTAL #2
5	03.06.19 SUB #3



DEVELOPER
LV380 ENTERPRISES, LLC
4210 LAUREN LANE
GARLAND, TEXAS 75043
CONTACT: CUONG LAM 214.679.3288

GARLAND EXPRESS CAR WASH

2820 ARAPAHO ROAD GARLAND, TEXAS 75044
LOT 4 BLOCK 1 OF THE LT 1S ADDITION GARLAND, TARRANT COUNTY TEXAS

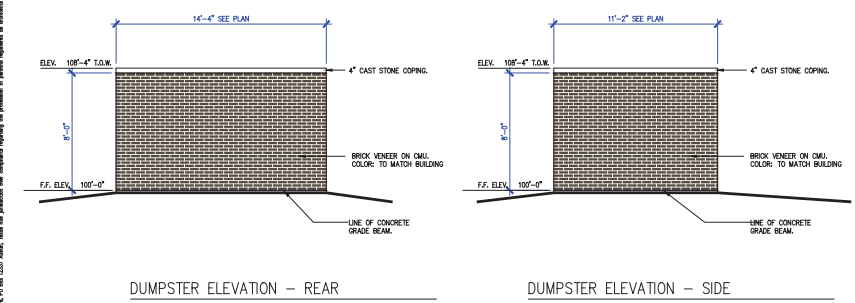
EURYTHMIC DESIGN GROUP ARCHITECTS
V. G. JARRARD AIA.
11700 PRESTON ROAD SUITE 660 DALLAS, TX 75230
Tel 214.561.1834 Fax 214.728.1211 email vjarrard@eurythmic.com
ARCHITECTURE • ART • INTERIOR ARCHITECTURE • FURNITURE DESIGN

SHEET:

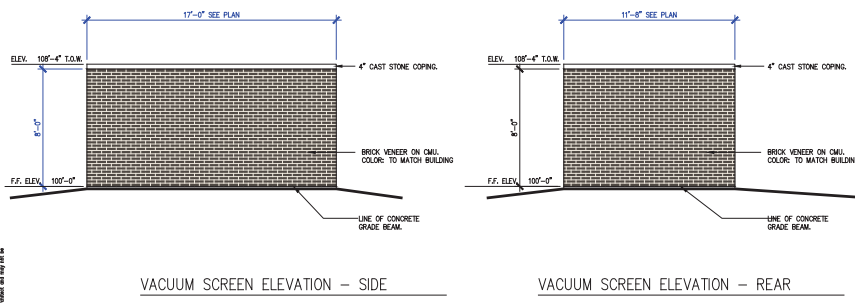
FA-4

4 OF (6)FA SHEETS

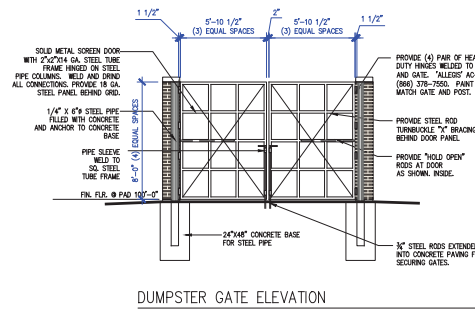
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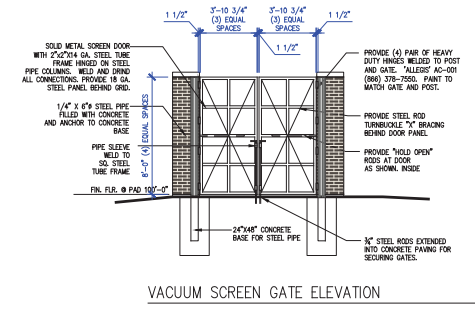
1 DUMPSTER ENCLOSURE PLAN & ELEVATIONS 1/4" = 1'-0"



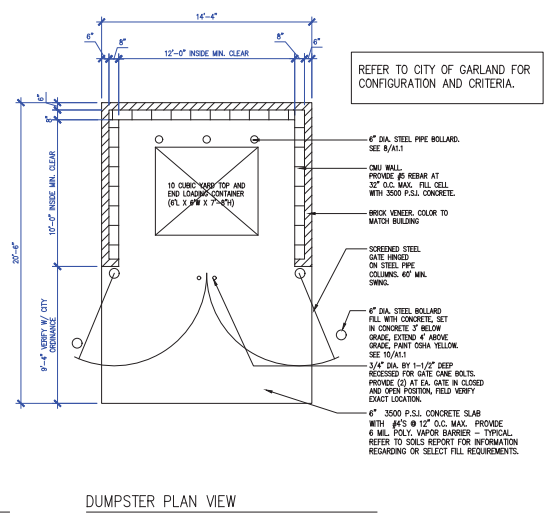
2 VACUUM ENCLOSURE PLAN & ELEVATIONS 1/4" = 1'-0"



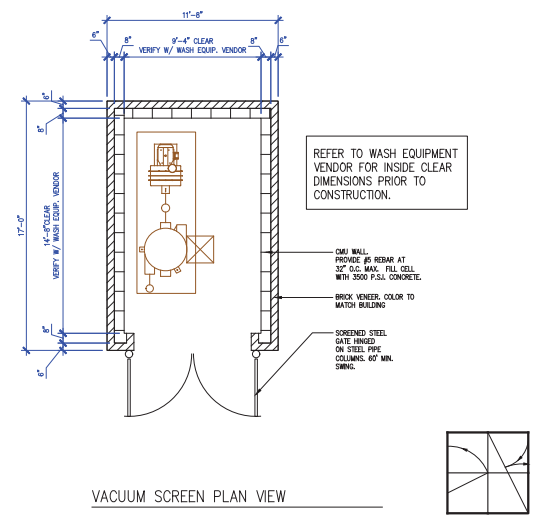
DUMPSTER GATE ELEVATION



VACUUM SCREEN GATE ELEVATION



DUMPSTER PLAN VIEW



VACUUM SCREEN PLAN VIEW

GARLAND EXPRESS CAR WASH
2820 ARAPAHO ROAD & N. SHILTON
LOT 4 BLOCK 1 OF THE LT 15 ADDITION GARLAND, TEXAS 75044
OWNER INFORMATION:
ZOYA REAL ESTATE, INC.
3405 SPECTRUM BLVD RICHARDSON, TEXAS 75082
APPLICANT INFORMATION:
TAVACON, LLC
8751 COLLIN WARDENWAY DRIVE SUITE 104
MCKINNEY, TEXAS 75070
214.781.2218 lms@tavocon.com

1 02.18.19
SUP SUBMITTAL

2 03.06.19
SUP SUBMITTAL #2

3 03.20.19 SUB #3
#1901

DEVELOPER
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GARLAND, TEXAS 75043
CONTACT: CUONG LAM 214.679.3288

GARLAND EXPRESS CAR WASH

2820 ARAPAHO ROAD GARLAND, TEXAS 75044
LOT 4 BLOCK 1 OF THE LT 15 ADDITION GARLAND, DALLAS COUNTY TEXAS

EURYTHMIC DESIGN GROUP ARCHITECTS
V. G. JARRARD A.I.A.
11700 PRESTON ROAD SUITE 660 DALLAS, TX 75230
Tel 214.561.1834 Fax 214.726.1211 email vjarrard@eurythmic-architects.com
ARCHITECTURE • ART • INTERIOR ARCHITECTURE • FURNITURE DESIGN •

SHEET:
FA-5
5 OF (6)7A SHEETS

REPORT & MINUTES

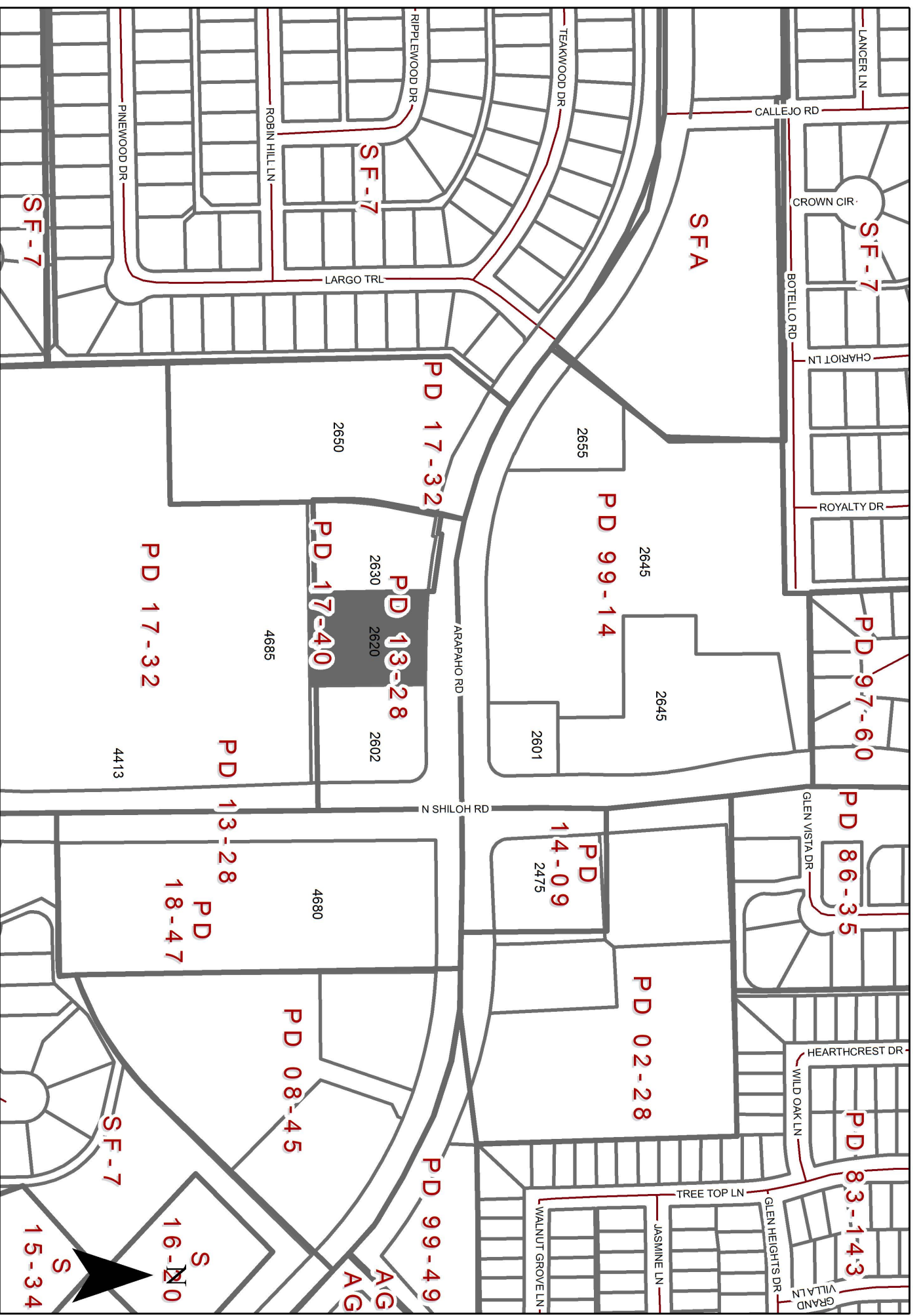
P.C. Meeting, April 8, 2019

Consideration of the application of **Tavacon, LLC**, requesting approval of 1) a Detail Plan for Car Wash, Automated/Rollover, 2) a Specific Use Provision (SUP) for Car Wash, Automated/Rollover and 3) a Variance to Section 4.45 of the Garland Development Code (GDC) regarding the location of refuse containers on a property zoned Planned Development (PD) District 13-28 for Community Retail Uses. This property is located at 2620 Arapaho Road. (District 7) (File Z 19-06)

The applicant, Vincent Gerard, 11700 Preston Road, Suite 660, Dallas, Texas 75230 gave a brief overview of the request, the location of the refuse and adding a side entrance to the refuse.

Chairman Roberts and Commissioner Dalton spoke on the location of the refuse.

Motion was made by Commissioner Dalton, to close the public hearing and **approve** the request per staff recommendation, Seconded by Commissioner Hallman. **Motion carried: 7 Ayes, 1 Nay** by Commissioner Ott.



Zoning Map Z 19-06

INDICATES AREA
OF REQUEST

We did not receive any replies for this case.

Z 19-06

Approval of 1) a Detail Plan for Car Wash, Automated/Rollover and 2) a Specific Use Provision (SUP) for Car Wash, Automated/Rollover on a property zoned Planned Development (PD) District 13-28 for Community Retail Uses.

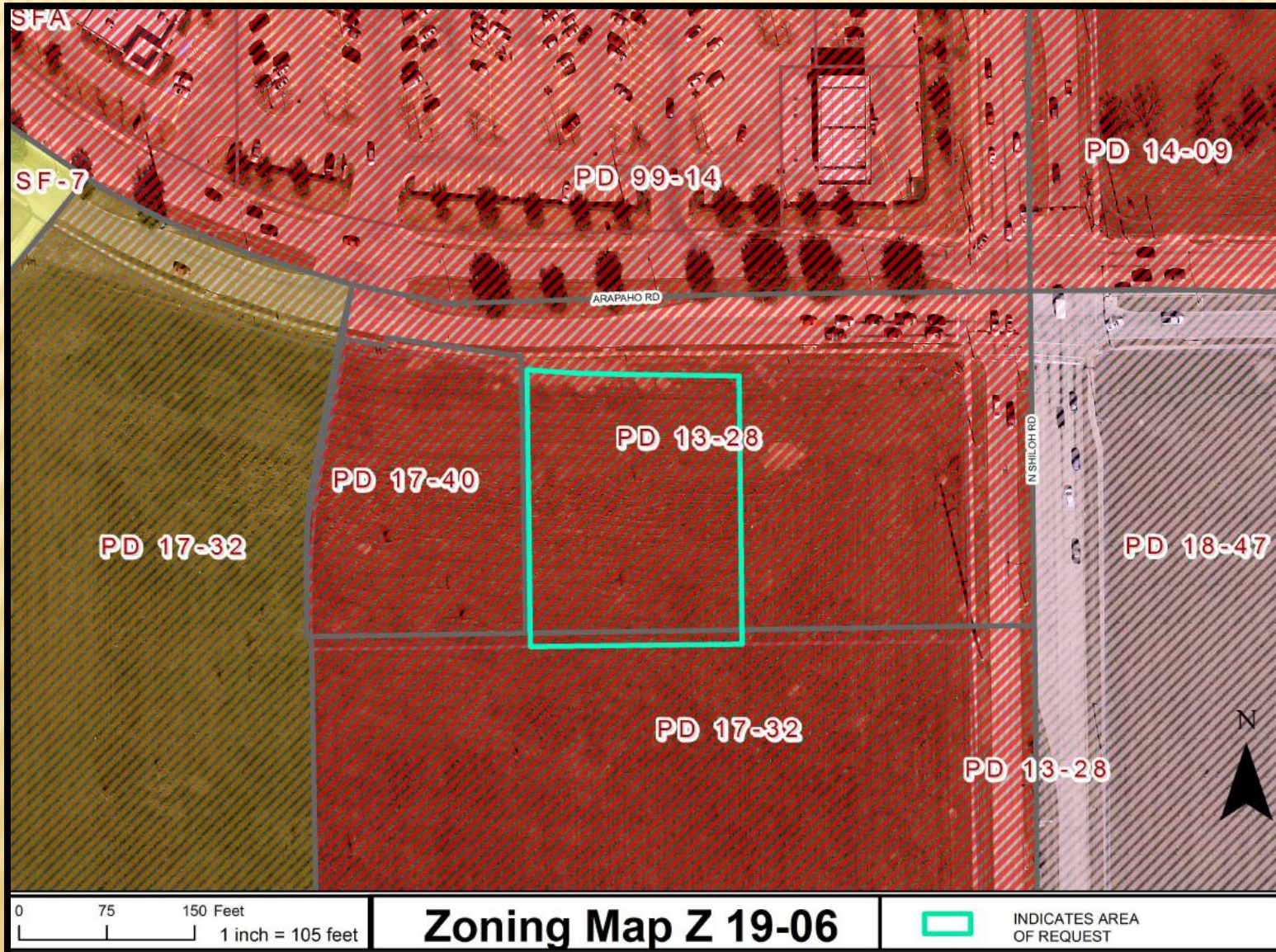
**City Council Meeting
May 7, 2019**



GARLAND

TEXAS MADE HERE

Location Map/Surrounding Properties





Case Information

Location: 2620 Arapaho Road

Applicant: Tavacon, LLC

Owner: Zoya Real Estate, Inc.

Acreage: 0.97 acres

Zoning: Planned Development (PD) District 13-28 for Community Retail Uses, where Car Wash, Automated/Rollover is only permitted with an SUP.

Background & Image of Property

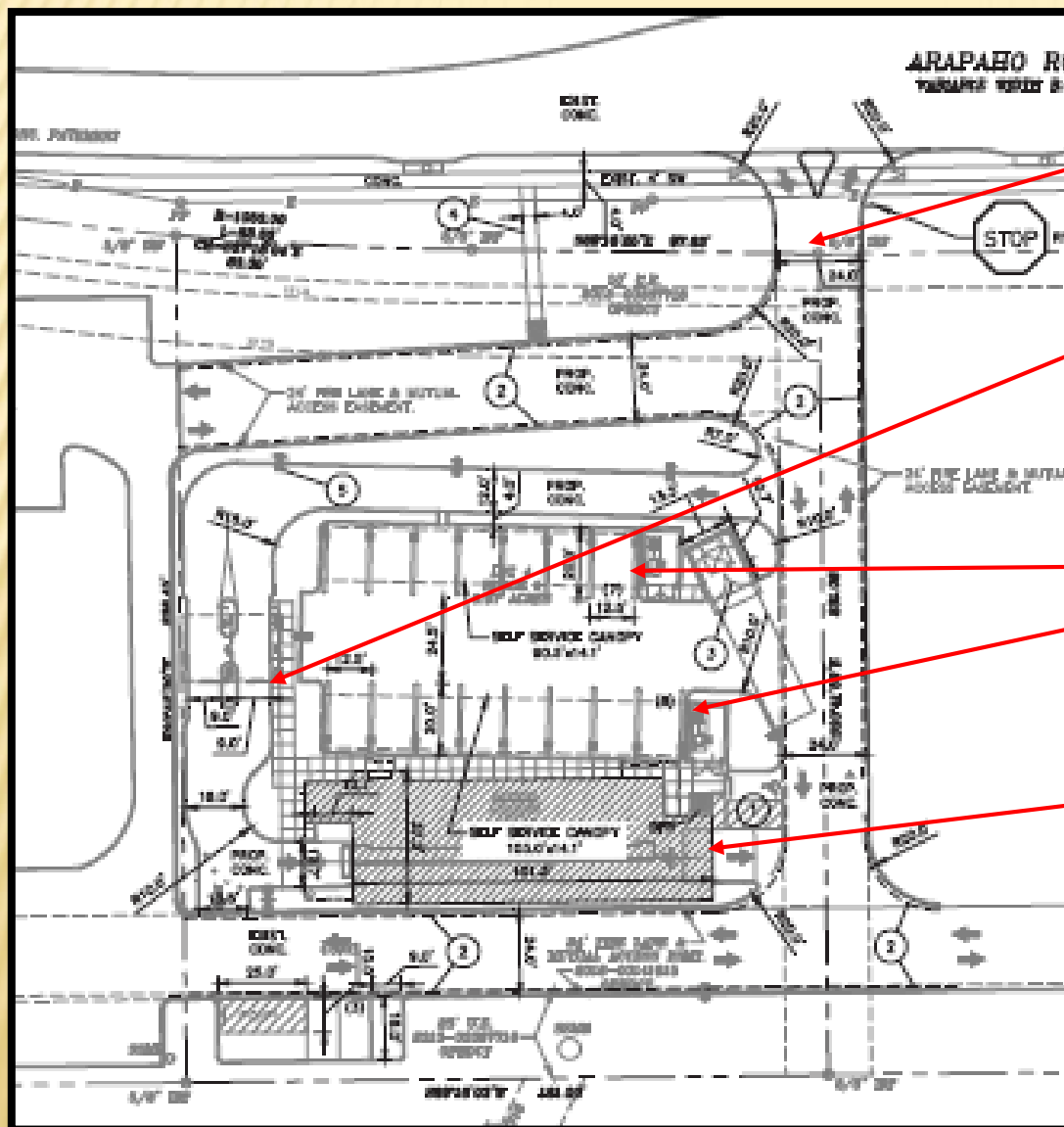


Subject property



Considerations (Detail Plan)

Site Plan



main entrance to the site

(2) canopies covering a paying station

(1) 1,276-square foot canopy covering (7) self-service vacuum stations, (1) 1,452-square foot canopy covering (8) self-service vacuum stations

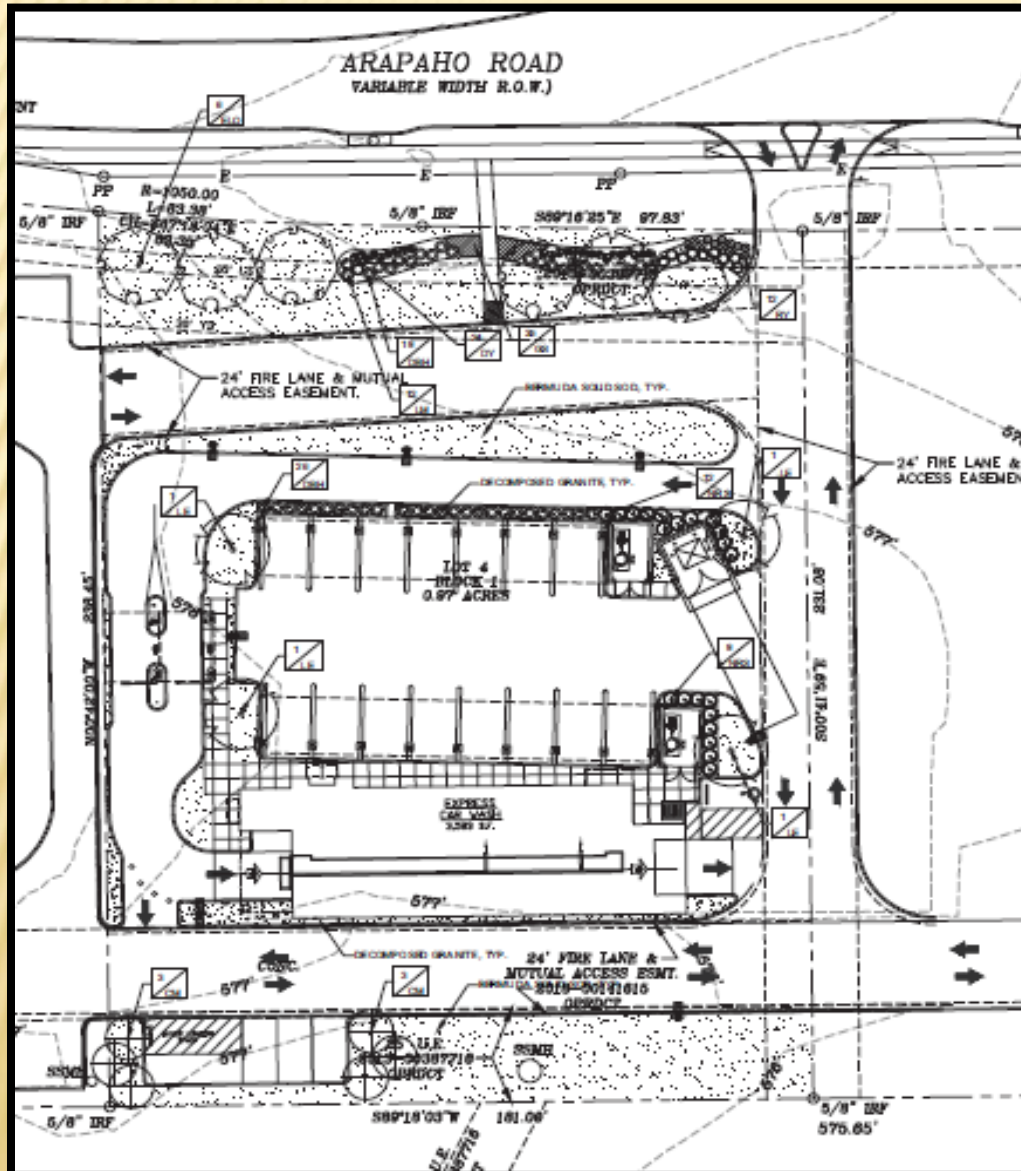
3,583-square foot drive-through (rollover) wash bay



GARLAND
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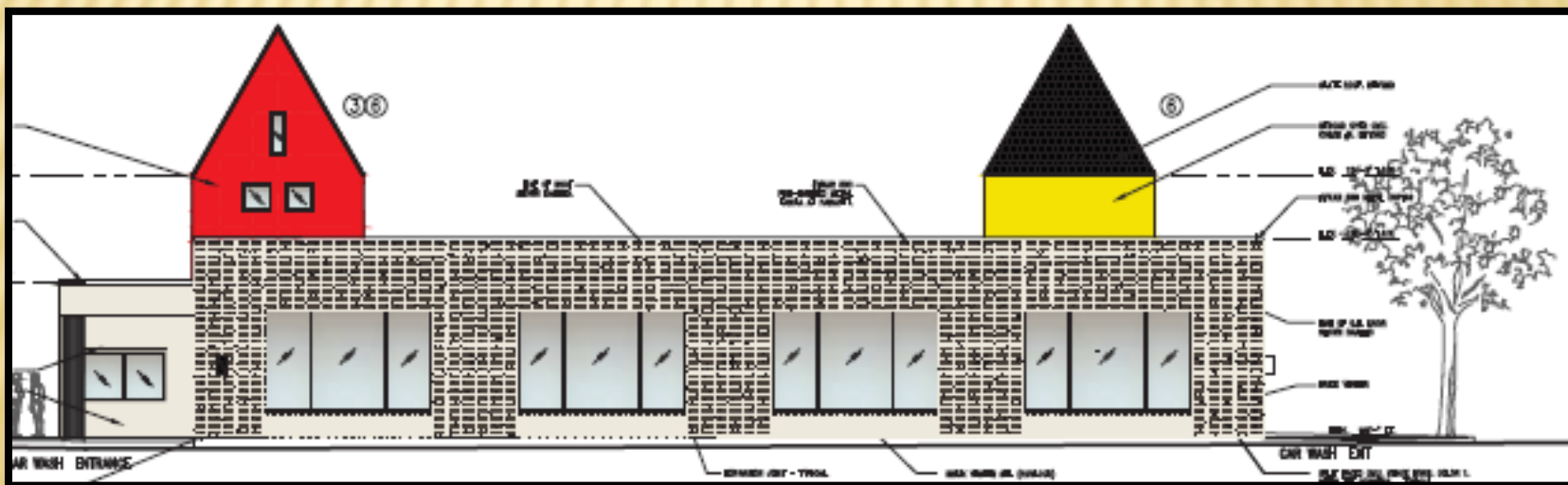
Considerations (Detail Plan)

Landscape Plan





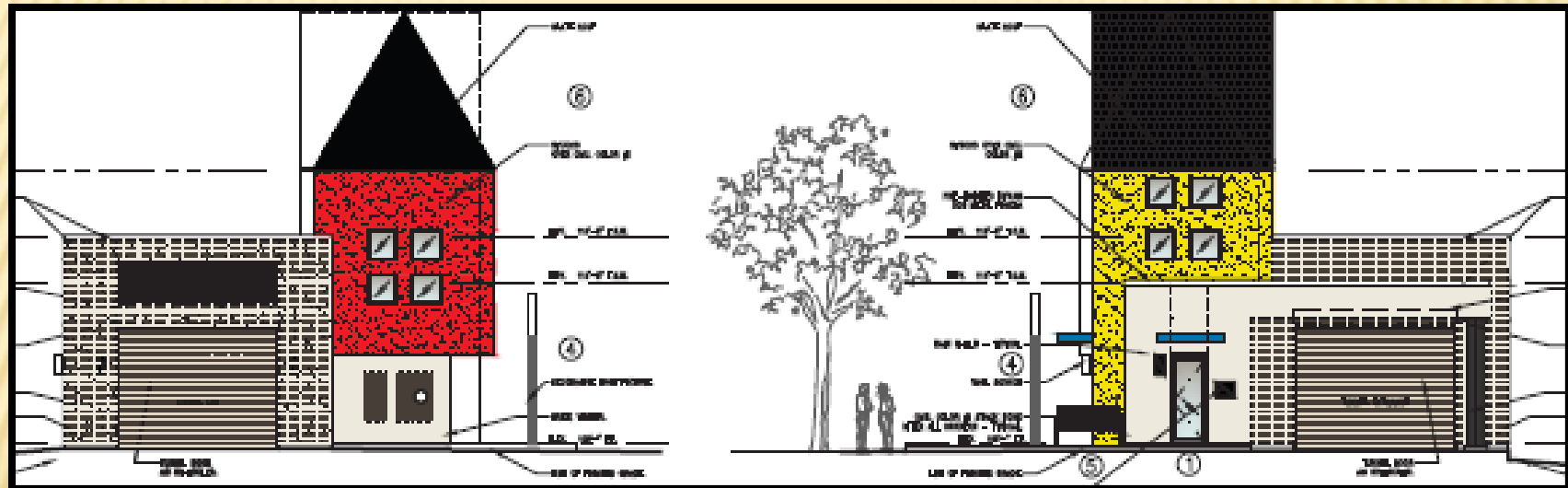
Building Elevations





Considerations (Detail Plan)

Building Elevations



Considerations (SUP)

Specific Use Provision (Number of Years)

A Specific Use Provision for a Car Wash,
Automated/Rollover for thirty (30) years



Comprehensive Plan Recommendation

The Future Land Use Map of the Envision Garland Plan designates the subject property as Compact Neighborhoods. Compact Neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments. These areas accommodate uses such as convenience retail (goods and services), office space, and public services.



GARLAND

City Council Regular Session Agenda

Meeting Date: 05/07/2019

Item Title: Boards and Commissions

Submitted By: Rene Dowl, City Secretary, City Secretary

Summary:

Council Appointment

- North Texas Municipal Water District

Council Member David Gibbons

- Christopher Alvarez - Community Multicultural Commission
-

Attachments

Gordon Application

Buck Application

Dirik Application

Alvarez Application (CMC)



GARLAND

TEXAS MADE HERE



Application for City of Garland Boards/Commissions/Committees

Please Type or Print Clearly:

Date: 4-8-2019

Name: Don Gordon

Phone: [REDACTED]

(Home)

Address: 6 Dunrobin

Phone: _____

(Other)

City, State, Zip: Garland, TX 75044

Email: [REDACTED]

Resident of Garland for 58 years

Resident of Texas for 65 years

✓ Dallas County Voter Registration Number [REDACTED] Garland City Council District Number 1 ✓

Have you ever been convicted of a felony?

☐

Yes

☒

No

Have you ever been convicted of a Class A misdemeanor?

☐

Yes

☒

No

Please list any experience that qualifies you to serve in the areas you have indicated.

I have served 10 years on the board. Appointed July 7, 2009.

If you have previously served on a City Board or Commission, please specify and list dates of service.
See Attached

List civic or community endeavors with which you have been involved.
See Attached

What is your educational background?

Business Degree, Texas A&M Commerce

What is your occupational experience?

Business Owner for forty years. President of nine Corporations or LLCs.

I hereby affirm that all statements herein are true and correct.

Don Gordon

Board or Commission of first, second, and third choice:

___ Board of Adjustment

___ Garland Youth Council **

___ Parks and Recreation Board

___ Citizens Environmental and Neighborhood Advisory Committee

___ Property Standards Board

___ Plan Commission

___ Community Multicultural Commission

___ Senior Citizens Advisory Committee

___ Garland Cultural Arts Commission

___ Unified Building Standards

**Garland Youth Council has a separate application

FOR OFFICE USE ONLY

Ad Valorem Tax Status

Current ☒

Past Due ☐

Utility Account Status

Current ☒

Past Due ☐

CSO Suit/Claim Filed

Yes ☐ No ☒

Date Appointed _____

Appointed By _____

Date Notified _____

Clerk Signature & Date

Carol A. Bentley 4/16/19

Disclosure Form Filed _____

Revised
03/2018

Application for City of Garland

Boards/Commissions/Committees Attachment

Board and Committees served:

- Past member of the Board of Adjustments
- Past member of the Planning and Zoning Commission
- Past member of the Charter Review Committee
- Past Chairman of Streets, Transportation and Drainage for the bond study program of 1997
- The City of Garland Representative to the Dallas Area Rapid Transit Board of Directors for three years
- Served on the Board of Garland Housing Finance Corporation
- Served on the Garland Economic Development Authority and the Garland Health Facility Development Corporation Board of Directors
- Currently serving on the North Texas Municipal Water District as City of Garland Representative

City Involvements:

- Served on the Advisory Board of the Garland Salvation Army
- Served on the Garland Chamber of Commerce Board of Directors
- Served on the Advisory Board for Baylor Garland Hospital
- Served on the Garland Crime Stoppers Board of Directors
- Advisory Board of Hope Clinic

Other:

- Served as a member of the National Board of Directors of NIBESA for three years
- National Independent Bank Equipment Suppliers Association
- Masons: Scottish Rite, Jesters and York Mason



GARLAND

TEXAS MADE HERE

CITY OF GARLAND
RECEIVED
APR 17 2019
CITY SECRETARY

Application for City of Garland Boards/Commissions/Committees

Return completed application to: City Secretary's Office, 200 North Fifth Street, Garland, Texas 75040

Please Type or Print Clearly:

Date: April 15, 2019

Name: Rebecca Lea Buck

Phone:

(Home)

Address: 5514 Glen Vista Drive

Phone:

(Other)

City, State, Zip: Garland, Texas 75044-4666

Email:

Resident of Garland for 26 years

Resident of Texas for 59 years

✓ Dallas County Voter Registration Number [redacted] Garland City Council District Number 7 ✓

Have you ever been convicted of a felony? ☐ Yes ☒ No

Have you ever been convicted of a Class A misdemeanor? ☐ Yes ☐ No

Please list any experience that qualifies you to serve in the areas you have indicated.

See attached.

If you have previously served on a City Board or Commission, please specify and list dates of service.

N/A

List civic or community endeavors with which you have been involved.

See attached.

What is your educational background?

See attached.

What is your occupational experience?

See attached.

I hereby affirm that all statements herein are true and correct.

Rebecca Lea Buck

Board or Commission of first, second, and third choice:		
☐ Board of Adjustment	☐ Garland Youth Council **	☐ Parks and Recreation Board
☐ Citizens Environmental and Neighborhood Advisory Committee	☐ Property Standards Board	☐ Plan Commission
☐ Community Multicultural Commission	☐ Library Board	☐ Senior Citizens Advisory Committee
☐ Garland Cultural Arts Commission		☐ Unified Building Standards Commission

**Garland Youth Council has a separate application

FOR OFFICE USE ONLY

Ad Valorem Tax Status
Utility Account Status

Current ☒
Current ☒

Past Due
Past Due

Date Appointed

Appointed By

Date Notified

Disclosure Form Filed

CSO Suit/Claim Filed
Clerk Signature & Date

Yes ☐ No ☒

Carol A. Benthin
4/17/19

Revised 03/2018

Applicant: Rebecca Lea Buck

Attachment to Application
North Texas Municipal Water Board

Experience: I am an engineer at heart raised at a time when it was frowned on for wanting to be an engineer. I come from a dry farming family (cotton in West Texas) and believe in preserving our planet for future generations by implementing the best management practices for water management. I currently live on the edge of a forest preserve and understand that what I do on my property will affect my neighbors and the preserve.

Civic and Community Endeavors. I have been the Chair of Sweet Dreams, a faith based group providing caps and blankets to area NICUs. This group no longer exists. I currently assist in providing meals for Souper Bowl Sunday, a cooperative food drive effort with the North Texas Food Bank, and the Reindeer Project, a cooperative holiday event with Garland ISD. All of these were managed out of First United Methodist Church.

Educational Background: I received my BBA (Finance/Minor (Accounting)) from Texas Tech University and worked on my MA (Ethics) at Amber University. I completed the SAB program through Southern Methodist University. I have a keen interest in water management, both on the supply and waste water sides.

Occupational Experience: I have been in the legal field since 1986 both as a Legal Secretary and as a Legal Assistant/Paralegal. I have previously worked on real estate development, but my primary specialties are Corporate, Trademark, Taxation, Wealth Planning (Estate Planning) and Probate. I have experience reading detailed strategic and financial reports and believe this would be an asset. I have learned to listen to opposing views and to think out of the box for solutions to complicated issues.

Rebecca Lea Buck
5514 Glen Vista Drive
Garland, Texas 75044-4666
rebecca.lea.buck@gmail.com
972-414-8335 (cell)

April 16, 2019

VIA Email (rdowl@garlandtx.gov)

Renè Dowl, City SecretaryP
City Hall
205 N. Fifth Street
Garland, Texas 75040

Re: Application for Garland Representative to the Board of Directors of the North Texas
Municipal Water District.

Dear Ms. Dowl:

Attached are my Application for City of Garland Boards/Commissions/Committees and its supplemental attachment.

I am interested in applying for consideration as Garland's representative to this Board. I consider the management of our water resources critical to the growth and wellbeing of our community. I think it is important that the Board have representation which reflects our diverse community and that I may be able to offer a different perspective on the issues confronting the Board. I do have a keen intellect and willingness to learn and contribute.

Having lived in Garland next to the Spring Creek Forest Preserve for over 25 years, I believe I am in a unique position to understand many water issues such as runoff and erosion. Having 3 Eagle Scouts in the family (sons and brother), I have a healthy respect for nature and our need to manage our resource usage.

I would greatly appreciate your consideration of my Application and look forward to answering any questions that you may have.

Sincerely,



Rebecca Lea Buck

Attachments

93502733.v1

Joseph P. Dirik

Sr. Counsel

Norton Rose Fulbright US LLP

2200 Ross Ave., Suite 3600

Dallas, Texas 75201

(214) 855-8200 fax

Practice Concentration & Experience

Mr. Dirik concentrates his practice in construction and government contracts law matters. He represents general contractors, subcontractors, builders, design professionals, developers, owners and public entities with particular emphasis on claims avoidance, claim preparation and analysis, alternative dispute resolution and efficient litigation.

Representative Experience

- Currently representing electrical subcontractor on its claims against general contractor of a \$150 million U.S. Navy project for delays and extra work.
- Currently representing contractor in bid protest before the Court of Federal Claims.
- Successfully represented owner of high-end big box retail center on its claims of \$20 million against designers and construction manager for defects and delays.
- Successfully represented secured lender in \$10 million construction loan dispute.
- Obtained a \$1.2 million termination for convenience recovery for contractor after DCAA review on a U.S. Corps of Engineers construction project in Afghanistan within 8 months after presentation of settlement proposal.
- Secured settlement of \$6 million contractor claim against U.S. Army Corps of Engineers.
- Obtained a favorable resolution for a government contractor facing debarment by U.S. Army, permitting the contractor to stay in business.
- Obtained dismissal with prejudice by the Court of Federal Claims of a \$1.8 million claim by the U.S. Army Corps of Engineers.
- Negotiated multiple contractor claims against the U.S. Army Corps of Engineers

for projects in Afghanistan.

- Successfully defended national engineering firm against defective design claims by owner on \$40 million Texas hospital facility.
- Represented a modular building manufacturer in a lawsuit with its general contractor customer over a \$1.2 million dispute involving alleged defects and delays.
- Represented a contractor after the U.S. Government terminated the contract for convenience and offered the contractor a "no-cost" termination. The Government settled the dispute by paying a mid six-figure amount to the contractor for its termination costs.
- Successfully defended architect responsible for restoring historic Frank Lloyd Wright home against defective design claims asserted by homeowner.
- Obtained favorable summary judgment disposition for construction manager on claims brought in connection with a large pipeline project.
- Represented Finnish company in contract negotiations with the United States Navy.
- Successfully represented contractor in a lawsuit brought by its subcontractor on hotel project in which subcontractor voluntarily dismissed its suit with prejudice and without payment by the client.
- Obtained a favorable summary judgment ruling in homebuilder client's favor against subrogation claims brought by a homeowner's insurance company.
- Successfully prevented disclosure of construction contractor client's proposal and financial information in response to a Freedom of Information Act request on a \$150 million U.S. Army project.
- Successfully defended national engineering firm against defective design counterclaims in payment dispute for design-construction of medical facility.
- Represented a manufacturing facility owner in defense of claims brought by its equipment installation contractor.
- Obtained summary judgment of plaintiff's

claims against ENR Top 10 contractor client in connection with property disputes on a metropolitan pipeline project.

- Represented government contractor in connection with internal and external audits concerning compliance issues.
- Negotiated construction contract for a biomass power plant in California on behalf of an energy developer.
- Obtained summary judgment of plaintiff's \$400,000 insurance subrogation claim on behalf of defendant homebuilder.
- Counseled government contractor client in connection with a False Claims Act investigation.
- Assisted ENR Top 10 contractor during EPC contract negotiations for ethanol plants.

Industry Experience

Before practicing law, Mr. Dirik held various executive, management and project positions with Fischbach and Moore International Corp. and MFS Network Technologies, Inc. during a 20 year career in the construction industry.

At Fischbach, Mr. Dirik served as operations manager, project manager, project engineer and estimator for the international general contractor subsidiary of a \$1 billion per year contractor. Mr. Dirik's experience includes operations, estimating, and marketing; project highlights include:

- Construction of new U.S. Embassies in Thailand and Costa Rica.
- Construction of U.S. Army Corps of Engineers military bases in Saudi Arabia, Kuwait, Oman.
- USAID road project in Cambodia.
- Sewage treatment plant in Kuwait.

At MFS Network Technologies, Inc., Mr. Dirik served as senior director and vice president of operations. While at MFS, Mr. Dirik:

- Was responsible for construction operations of telecommunications infrastructure projects valued in excess of \$500 million.
- Successfully managed 35% annual growth in revenues and employee head count during a five-year period.
- Successfully completed a \$150 million

public-private venture with the New York State Thruway Authority.

Selected Publications

"Prime Contractor's Dilemma When Disagreeing with Subcontractor's Claim for Extra Work": The Procurement Lawyer, Publication of the Section of Public Contract Law-American Bar Association (Spring 2015).

"Unilateral Bid Mistakes: A Second Chance?", The Construction Law Journal: Official Publication of the Construction Law Section of the State Bar of Texas (Spring 2013).

Author of a regular legal column in *Texas Construction Magazine*, a McGraw-Hill publication (2003 -2010).

Co-author, "Specific Performance: Remedy Not A Right," State Bar Litigation Section Report-The Advocate, Fall 2005.

Co-Author, "Buy America is a Tough Sell," Roads and Bridges Magazine, August 2004.

Professional Honors

"Texas Rising Stars" (Construction Litigation), Thomson Reuters, published in *Texas Monthly* (2011, 2012).

Professional Activities & Memberships

- American Bar Association; Construction Industry Forum and Public Contract Law.
- International Committee for the Associated General Contractors of America.
- The Beavers, a fraternal association of construction industry executives.

Education

University of Texas at Austin (BS Civil Engineering, 1978)

University of Texas at Dallas (MBA & MA, International Management Studies, 1989)

Southern Methodist University Dedman School of Law (J.D., *cum laude*, 2002)

Licenses & Admissions

Supreme Court of Texas and Texas State Courts

United State District Court for the Northern, Southern and Eastern Districts of Texas

United States Court of Federal Claims



GARLAND

TEXAS MADE HERE

Application for City of Garland Boards/Commissions/Committees

Return completed application to: City Secretary's Office, 200 North Fifth Street, Garland, Texas 75040

Please Type or Print Clearly:

Date: 10/31/18

Name: Christopher Alvarez

Phone:

[Redacted]

(Home)

Address: 611 Cedarview Drive

Phone:

N/A

(Other)

City, State, Zip: Garland, TX 75040

Email:

[Redacted]

Resident of Garland for 1 years

Resident of Texas for 32 years

✓ Dallas County Voter Registration Number [Redacted]

Garland City Council District Number 1 ✓

Have you ever been convicted of a felony? ☐ Yes ☒ No

Have you ever been convicted of a Class A misdemeanor? ☐ Yes ☒ No

Please list any experience that qualifies you to serve in the areas you have indicated.

currently I am on a HOA Board, I have a business that I run where I work from home, so I am trying to get involved with the city to improve and make changes. With my business, I have to make decisions that are fair and equal. If you have previously served on a City Board or Commission, please specify and list dates of service.

N/A

List civic or community endeavors with which you have been involved.

on the Board of my HOA Reserve at Firewheel

What is your educational background?

went to college but never graduated with a degree.

What is your occupational experience?

Credit, Auto Financing background.
Small Business Owner

I hereby affirm that all statements herein are true and correct.

C. Alvarez

Board or Commission of first, second, and third choice:

☐ Board of Adjustment

☐ Garland Youth Council **

☐ Parks and Recreation Board

☐ Citizens Environmental and Neighborhood Advisory Committee

☒ Property Standards Board

☒ Plan Commission

☒ Community Multicultural Commission

☐ Library Board

☐ Senior Citizens Advisory Committee

☐ Garland Cultural Arts Commission

☐ Unified Building Standards Commission

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Utility Account Status

Current ☒
Current ☒

Past Due
Past Due

Date Appointed _____

Appointed By _____

CSO Suit/Claim Filed
Check Signature & Date

Yes ☐

No ☒

Courtney Vanover 11/12/18

Date Notified _____

Carol A Bentz 4/18/19