



*** PUBLIC NOTICE ***

**NOTICE OF A CITY COUNCIL REGULAR SESSION IMMEDIATELY FOLLOWING
A WORKSHOP SESSION
OF THE CITY OF CORINTH**

**Thursday, March 1, 2018, 5:30 P.M.
CITY HALL - 3300 CORINTH PARKWAY**

CALL TO ORDER:

WORKSHOP BUSINESS AGENDA

1. Discuss Regular Meeting Items on Regular Session Agenda, including the consideration of closed session items as set forth in the Closed Session agenda items below.
2. Hold a discussion regarding policies on fences adjacent to parks.

ADJOURN WORKSHOP SESSION

***NOTICE IS HEREBY GIVEN** of a Regular Session of the Corinth City Council to be held at Corinth City Hall located at 3300 Corinth Parkway, Corinth, Texas. The agenda is as follows:

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & TEXAS PLEDGE:

"Honor the Texas Flag: I pledge allegiance to thee, Texas, one state under God, one and indivisible".

PRESENTATION: Lance Hendrik will give an update on Keep Corinth Beautiful.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Mayor, a Councilmember, or any citizen desire discussion of any Item that Item will be removed from the Consent Agenda and will be considered separately.

1. Consider and act on minutes from the February 1, 2018 Workshop Session.
2. Consider and act on minutes from the February 1, 2018 Regular Session.
3. Consider and act on minutes from the February 15, 2018 Workshop Session.
4. Consider and act on minutes from the February 15, 2018 Regular Session.

CITIZENS COMMENTS

In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Citizen's comments will be limited to 3 minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Please complete a Public Input form if you desire to address the City Council. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof. Section 30.041B Code of Ordinance of the City of Corinth.

PUBLIC HEARING

5.

TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT RANDI RIVERA WITH G&A CONSULTANTS, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNERS 777 LAKES, LP FOR A ZONING CHANGE FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT SINGLE FAMILY-4 (PD SF-4) ON 55.995 ACRES LEGALLY DESCRIBED AS TRACTS 1C AND 1D OUT OF THE BBB & CRR SURVEY, COUNTY ABSTRACT 190, TRACT 1 OUT OF THE S. KEPHART SURVEY, COUNTY ABSTRACT 721 AND TRACT 1D OUT OF THE GW MCGLOTHLIN SURVEY, COUNTY ABSTRACT 888 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. This property is located south of the proposed Lake Sharon Drive extension and east of FM 2499.

(AT THE APPLICANTS REQUEST, THE PUBLIC HEARING WILL BE CONTINUED TO MARCH 15, 2018 CITY COUNCIL REGULAR SESSION).

BUSINESS: Consider and act on an ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code, Ordinance No. 13-05-02-08, as amended, for a zoning change from Single Family-3 (SF-3) to Planned Development Single Family-4 (PD SF-4) on 55.995 acres legally described Tracts 1C and 1D out of the BBB & CRR Survey, County Abstract 190, Tract 1 out of the S Kephart Survey, County Abstract 721 and Tract 1D out of the GW McGlothlin Survey, County Abstract 888 in the City of Corinth, Denton County, Texas.

BUSINESS AGENDA

- 6. Discuss and consider approval of a Development Agreement for Huffines Children's Trust including reimbursement provisions for funding water, sanitary sewer and storm sewer public infrastructure improvements in the amount of \$424,049.35 and the reallocation of funds from the Water/Wastewater Capital Project Fund-Amity Village Sewer Rehab project totaling \$307,267 and partial funds from the settlement of \$116,782.35.
- 7. Consider and act on an Ordinance adopting a new Rate Review Mechanism (RRM) Tariff to govern future annual rate filings by Atmos Mid-Tex.
- 8. Consider and act on conducting a Masonic Lodge ceremony to install a cornerstone for the Fire Station #3.

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code.

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON CLOSED SESSION ITEMS.

WORKSHOP BUSINESS AGENDA:

2. Discuss policy guidelines for fire service levels.

ADJOURN:

Posted this 23 day of February, 2018 at 11:30 a.m. on the bulletin board at Corinth City Hall.

Kimberly Pence, City Secretary
City of Corinth, Texas

WORKSHOP BUSINESS ITEM 2.

City Council Regular and Workshop Session

Meeting Date: 03/01/2018
Title: Fence policies adjacent to parks
Submitted For: Bob Hart, City Manager **Submitted By:** Kim Pence, City Secretary
Finance Review: N/A **Legal Review:** N/A
City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Hold a discussion regarding policies on fences adjacent to parks.

AGENDA ITEM SUMMARY/BACKGROUND

Staff is requesting guidance on policy concerning fence placement, ownership, and maintenance. Staff received an inquiry as to the ownership and maintenance of fences along the Eagle Pass Lake Park as shown on the attachments:

RECOMMENDATION

Staff is requesting council guidance as to the policy the city should pursue in the construction and maintenance of fences along city parks.

Attachments

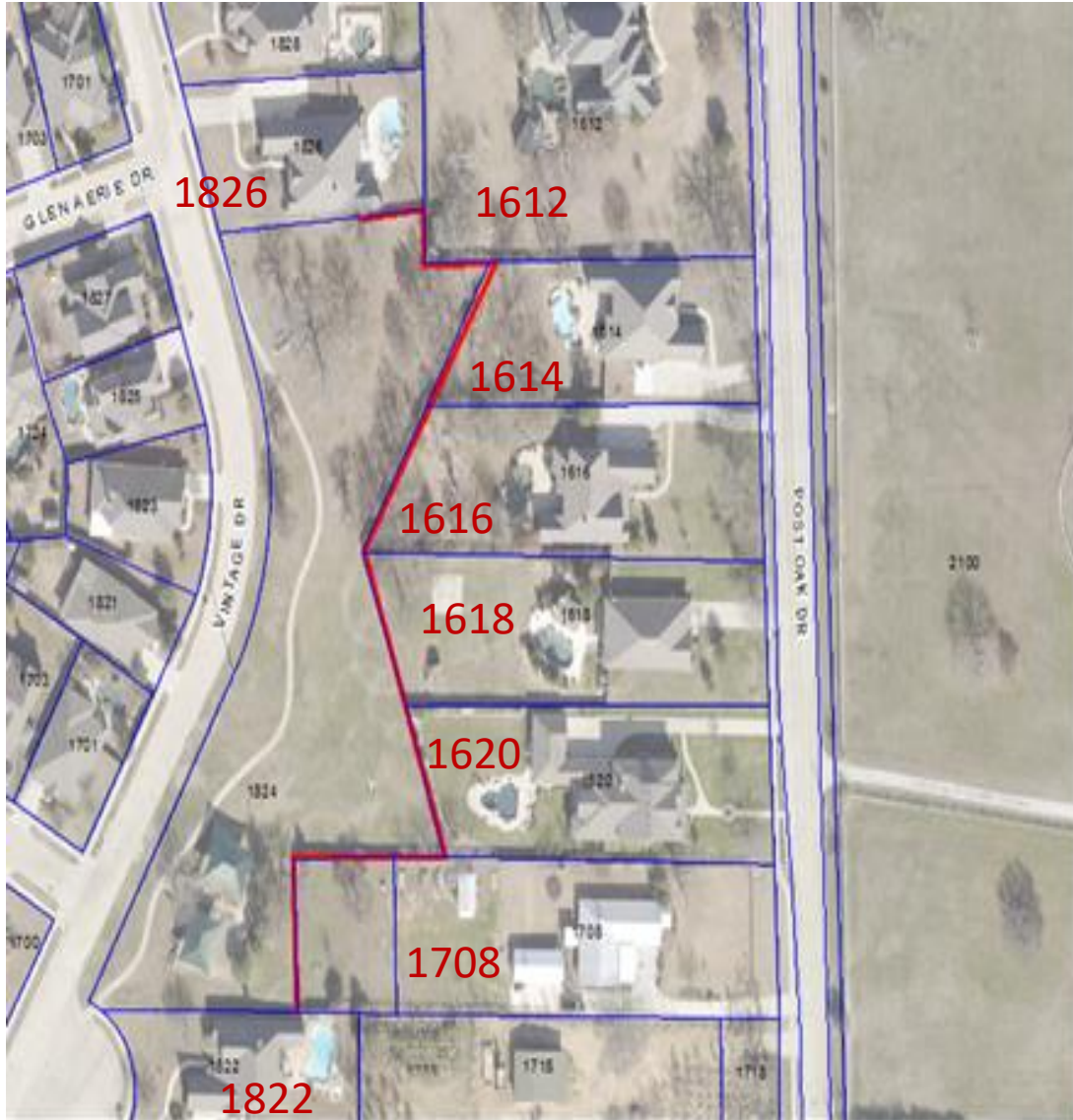
- Presentation
 - Eagle Pass Park and Fence Diagram
 - Fence Permits
 - Morrison Correspondence related to the general topic
 - Eagle Pass subdivision plat
 - Resident Letter
-

Policy Guidance

Fence placement, ownership and maintenance

March 1, 2018 Workshop

Eagle Pass Lake Park



Fence Permits obtained for construction

Address	Permit Owner	Date of Fence Permit
1826 Vintage Dr	Morrison Homes	Jul 31, 2000
1612 Post Oak Dr	Hunter	Jan 30, 2004
1614 Post Oak Dr	Morrison Homes	Feb 19, 2003
1616 Post Oak Dr	Morrison Homes	Mar 16, 2001
1618 Post Oak Dr	Morrison Homes	Apr 30, 2003
1620 Post Oak Dr	Morrison Homes	Jul 26, 2004
1708 Post Oak Dr	Crabtree	Jun 20, 2002
1822 Vintage Dr	Morrison Homes	Oct 23, 2000

Morrison homes received a fence permit on June 28, 2000 to construct a fence along the back side of four homes (1614 Post Oak to 1620 Post Oak). This masonry screening fence is to be maintained by the HOA.

Eagle Pass Lake Park

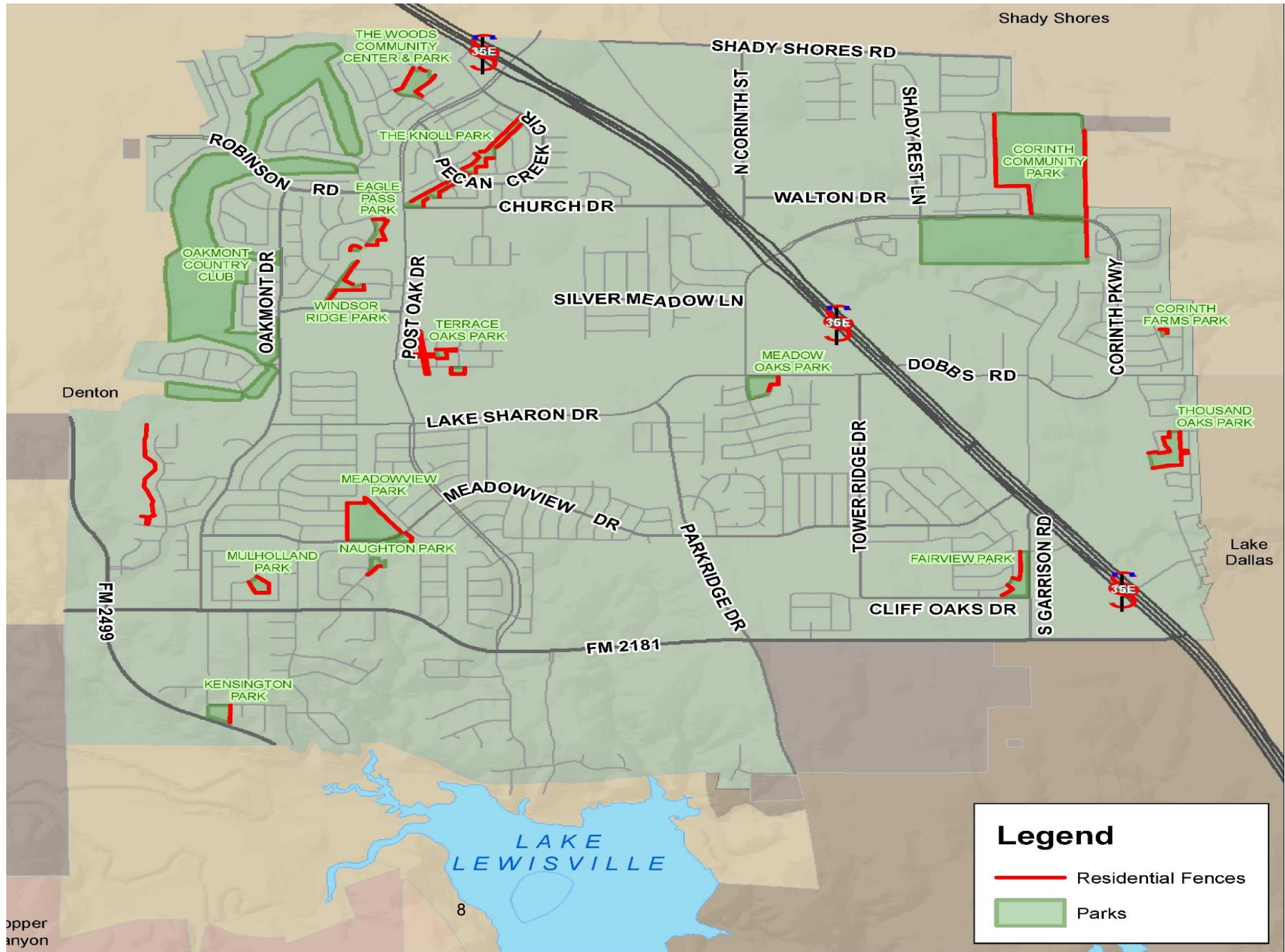
Overview:

- Reviewed the plat of Eagle Pass subdivision to determine if a fence was required to be constructed by the developer. Found no such requirement
- Reviewed Ordinances and determined there is no such requirement on the part of the developer to construct a fence to screen the park for new homes.
- On March 16, 2017 a letter was sent to six residences explaining the fence was the property of the owner and the maintenance of the fence was the responsibility of the owner.

Council Guidance:

- Staff is requesting council guidance as to the policy the city should pursue in the construction and maintenance of fences along city parks.

City Park Map

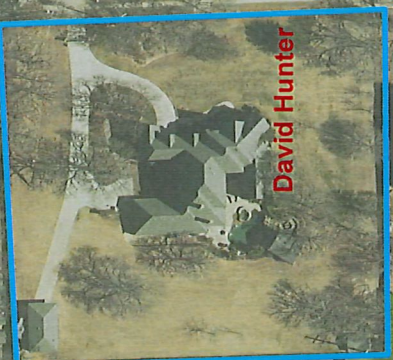


REDROC

THE KNOLL
PARK

CHURCH DR

TUSCANY DR



David Hunter



Johnny Crabtree

EAGLE
PASS
PARK

VINTAGE DR

REDR

9

CITY OF CORINTH
 Building Permit Application

Inspection Request Line
 (940) 497-3170

#110

(Please Print)

Commercial

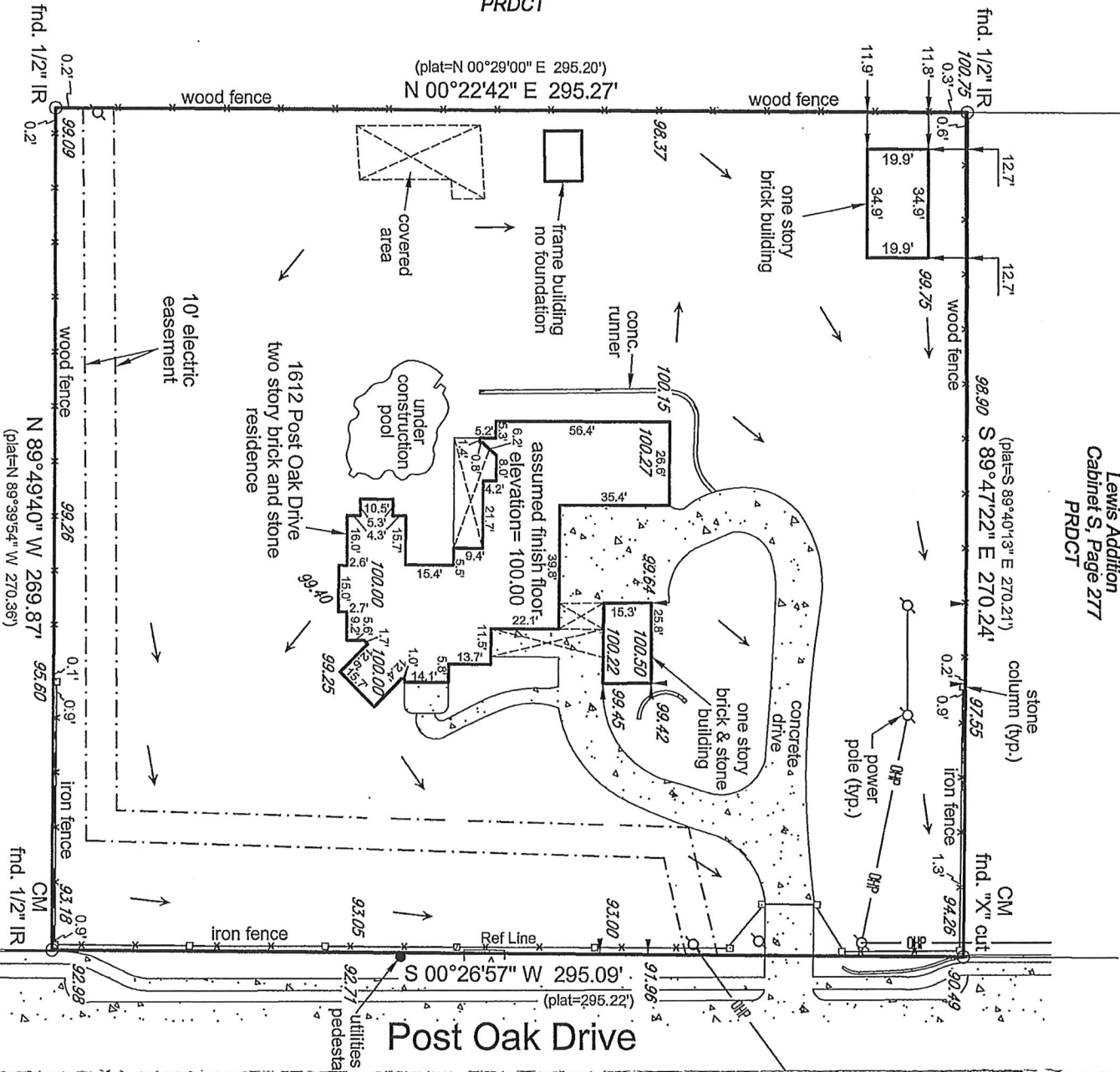
Residential

JOB ADDRESS NO. AND STREET: 1612 Post OAK Drive		DATE: 1/30/04	
LEGAL DESCRIPTION	LOT 1	BLK A	SUBDIVISION HUNTER Addition
OWNER DAVID + Kathy Hunter	ADDRESS 2070 Fair OAKS CR. CORINTH TX 76210		(940) 321 2326 PHONE (940) 321 9926 FAX
CONTRACTOR (GENERAL) Victor Myers Custom Homes LLC	ADDRESS 617 Hawthorn CR. Highland Village, TX 75077		(214) 636 6829 PHONE (469) 549 0080 FAX
CONTRACTOR (ELECTRICAL) Doug Jones	ADDRESS 1438 Glenn Hill LN. Lewisville TX 75077		(972) 708 3509 PHONE (972) 436 7437 FAX
CONTRACTOR (PLUMBING) Costlow	ADDRESS 755 FM 1389 South Combine TX 75159		(972) 880 6077 PHONE (972) 287 0728 FAX
CONTRACTOR (HVAC) Houk	ADDRESS 128 Fairview ARLINGTON, TX 76010		(817) 265 1191 PHONE (817) 265 1146 FAX
DESCRIBE WORK TO BE DONE - New Residential HOUSE PLAN # HUNTER Home Job # 03524 (if applicable)			
ESTIMATED COST OF CONSTRUCTION \$ 398,000		IF APTS. INDICATE NO. OF UNITS TO CONSTRUCT	
TOTAL SQUARE FEET			
1st Floor 3468	Garage 1271	TOTAL A/C SQ. FT. 4997	
2nd Floor 1529	Other: (describe) patio/porches 1020	TOTAL SQ. FT. 7288	
<p>This permit becomes null and void unless actual work begins within six months from the date of issuance. The granting of a permit does not presume to give authority to violate or cancel the provisions of any law or ordinances regulating construction. No inspections will be performed unless this permit is displayed on the jobsite and approved plans are available to the inspector on jobsite at the time of inspection. Applicant is responsible for all work done under permit, and must follow all applicable codes.</p>			
SIGNATURE OF APPLICANT: <i>[Signature]</i>		REC'D JAN 30 2004	
VALUE \$412,694	TYPE CONST. Res	ZONING SF 2 R-3	OCC 2-12-04
DATE 2-12-04		APPROVED BY Kurt	
STAFF REMARKS	COMMUNITY DEVELOPMENT	FEES	PUBLIC WORKS
	Permit Fee	\$ 2,746.55	Tap Fee \$
	Plan Review Fee	\$ 1,785.26	Water Impact \$
	Fence Fee	\$ 25	Sewer Impact \$
		\$	Water Depos \$
		\$	\$
		\$	\$
		\$	\$
	Subtotal	\$ 4,556.81	Subtotal \$
PERMIT NO.: 204661	DATE: 2/20/04	OCC# 0104	TOTAL FEES: \$ 4,556.81

RTB

Eagle Pass at Oakmont
Cabinet S, Page 277
PRDCT

Lewis Addition
Cabinet S, Page 277
PRDCT



68

Department of Development
KENNETH L. SEALE, DIRECTOR
(940) 497-4008

CITY OF CORINTH
Building Permit Application

Inspection Request Line
(940) 497-3170

(Please Print)

Commercial

Residential

JOB ADDRESS NO. AND STREET: 1614 Post Oak Dr.		DATE 2-19-03	
LEGAL DESCRIPTION	LOT 5	D BLK	Eagle Pass SUBDIVISION
OWNER Morrison Homes	ADDRESS 4324 N. Beltline C-105 Irving, TX 75038		(972) 649-0000 PHONE (972) 549-0001 FAX
CONTRACTOR (GENERAL) same as above	ADDRESS same as above		() PHONE () FAX
CONTRACTOR (ELECTRICAL) Joe Swartz	ADDRESS 228 Irby Ln. Irving, TX 75061		(972) 254-3480 PHONE (972) 254-8144 FAX
CONTRACTOR (PLUMBING) Scott Wright Plumbing	ADDRESS 3232 South Main Ft. Worth, TX 76110		(817) 924-3578 PHONE (817) 924-3604 FAX
CONTRACTOR (HVAC) Airtron	ADDRESS 208 S. International Dr. Garland, TX 75042		(972) 272-9633 PHONE (972) 272-9355 FAX
DESCRIBE WORK TO BE DONE HOUSE PLAN # 3096 (if applicable)			
ESTIMATED COST OF CONSTRUCTION \$ <i>161</i> 147,397		IF APTS. INDICATE NO. OF UNITS TO CONSTRUCT	
TOTAL SQUARE FEET 1st Floor 3094 Garage 595 TOTAL A/C SQ. FT. 3094 2nd Floor n/a Other: (describe) 197 covered entry TOTAL SQ. FT. 4091			
<p>This permit becomes null and void unless actual work begins within six months from the date of issuance. The granting of a permit does not presume to give authority to violate or cancel the provisions of any law or ordinances regulating construction. No inspections will be performed unless this permit is displayed on the jobsite and approved plans are available to the inspector on jobsite at the time of inspection. Applicant is responsible for all work done under permit, and must follow all applicable codes.</p>			
SIGNATURE OF APPLICANT: <i>Jennifer A. Ditz</i>		REC'D FEB 28 2003	
VALUE <i>238,238</i>	TYPE CONST. <i>Res</i>	ZONING <i>RR</i>	DCC <i>OR-3</i>
		DATE <i>3/05/03</i>	APPROVED BY <i>[Signature]</i>
STAFF REMARKS		COMMUNITY DEVELOPMENT FEES	PUBLIC WORKS
		Permit Fee \$ <i>1335.35</i>	Tap Fee \$ <i>860.00</i>
		Plan Review Fee \$ <i>867.98</i>	Water Impact \$ <i>2200.00</i>
		Fence Fee \$ <i>25.00</i>	Sewer Impact \$ <i>1210.00</i>
		\$	Water Deposit \$ <i>65.00</i>
		\$	
		\$	
		\$	
		\$	
		Subtotal \$ <i>2228.33</i>	Subtotal \$ <i>4335.00</i>
PERMIT NO.: <i>203726</i>		DATE: <i>3/18/03</i> CK# <i>15796</i>	TOTAL FEES: \$ <i>6563.33</i>

CITY OF CORINTH
 Building Permit Application

Inspection Request Line
 (940) 497-3170

(Please Print)

Commercial

Residential

JOB ADDRESS NO. AND STREET: 1614 Post Oak Drive		DATE: 3-16-01	
LEGAL DESCRIPTION	LOT: 6	BLK: D	SUBDIVISION: EAGLE PASS
OWNER MORRISON HOMES	ADDRESS 4324 N BELTLINE RD IRVING TX 75038	(972) 649-0000	PHONE
		(972) 649-0001	FAX
CONTRACTOR (GENERAL) MORRISON HOMES	ADDRESS 4324 N BELTLINE RD IRVING TX 75038	(972) 649-0000	PHONE
		(972) 649-0001	FAX
CONTRACTOR (ELECTRICAL) JOE SWARTZ	ADDRESS 228 IRBY LANE IRVING TX 75038	(972) 254-3430	PHONE
		()	FAX
CONTRACTOR (PLUMBING) SCOTT WRIGHT PLUMBING	ADDRESS 3232 S MAIN FORT WORTH TX 76110	(817) 829-0444	PHONE
		(817) 924-3604	FAX
CONTRACTOR (HVAC) RELIANT (HVAC)	ADDRESS PO BOX 14849 FORT WORTH TX 76117	(817) 788-0052	PHONE
		(817) 788-9749	FAX
DESCRIBE WORK TO BE DONE HOUSE PLAN # 3097 3096 (if applicable)			
ESTIMATED COST OF CONSTRUCTION \$ 1,138,849		IF APTS. INDICATE NO. OF UNITS TO CONSTRUCT _____	
TOTAL SQUARE FEET			
1st Floor: 2976	Garage: 759	TOTAL A/C SQ. FT.:	2976
2nd Floor: _____	Other: (describe) _____	TOTAL SQ. FT.:	37535 37535
<p>This permit becomes null and void unless actual work begins within six months from the date of issuance. The granting of a permit does not presume to give authority to violate or cancel the provisions of any law or ordinances regulating construction. No inspections will be performed unless this permit is displayed on the jobsite and approved plans are available to the inspector on jobsite at the time of inspection. Applicant is responsible for all work done under permit, and must follow all applicable codes.</p> <p style="text-align: right;">4-2-01</p>			
SIGNATURE OF APPLICANT: SARAH ELVIN		CONSTRUCTION ADMINISTRATOR REC'D MAR 19 2001	
VALUE: 1,208,320	TYPE CONST.: Res	ZONING: R-3	APPROVED BY: [Signature]
DATE: 3/19/01	COMMUNITY DEVELOPMENT	FEES	PUBLIC WORKS
STAFF REMARKS	Permit Fee	\$ 126675	Tap Fee
	Plan Review Fee	\$ 82339	Water Impact
	Fence Fee	\$ 25	Sewer Impact
		\$	Water Deposit
		\$	
		\$	
		\$	
	Subtotal	\$ 211514	Subtotal
			\$ 3975
PERMIT NO.: 2011009	DATE: 4-16-01	CK# 5578	TOTAL FEES: \$ 6,090.14

CITY OF CORINTH
Building Permit Application

158
Inspection Request Line
(940) 497-3170

(Please Print)

Commercial

Residential

JOB ADDRESS NO. AND STREET: 1618 Post Oak Drive		DATE 4-30-03	
LEGAL DESCRIPTION	LOT 7	D BLK	Eagle Pass SUBDIVISION
OWNER Morrison Homes	ADDRESS 4324 N. Beltline Rd Irving, Tx 75038		(972) 649 0000 PHONE (972) 649-0001 FAX
CONTRACTOR (GENERAL) same as above	ADDRESS		() PHONE () FAX
CONTRACTOR (ELECTRICAL) Joe Swartz	ADDRESS 228 Irby Ln. Irving, TX 75061		(972) 254-3480 PHONE (972) 254-8144 FAX
CONTRACTOR (PLUMBING) Scott Wright	ADDRESS 3232 South Main Ft. Worth, TX 76110		(817) 924 3578 PHONE (817) 924 3604 FAX
CONTRACTOR (HVAC) Airtron	ADDRESS 208 S. International Garland, 75042		(972) 272 9633 PHONE (972) 272 9355 FAX
DESCRIBE WORK TO BE DONE HOUSE PLAN # 216A (if applicable)			
ESTIMATED COST OF CONSTRUCTION \$ 99,847		IF APTS. INDICATE NO. OF UNITS TO CONSTRUCT n/a	
TOTAL SQUARE FEET 1st Floor 2168 Garage 407 TOTAL A/C SQ. FT. 2168 2nd Floor n/a Other: (describe) covered porch 220 TOTAL SQ. FT. 2795			
This permit becomes null and void unless actual work begins within six months from the date of issuance. The granting of a permit does not presume to give authority to violate or cancel the provisions of any law or ordinances regulating construction. No inspections will be performed unless this permit is displayed on the jobsite and approved plans are available to the inspector on jobsite at the time of inspection. Applicant is responsible for all work done under permit, and must follow all applicable codes.			
SIGNATURE OF APPLICANT: <i>Jennifer A Ortiz</i>		REC'D MAY 16 2003 Const Admin.	
VALUE \$166,936	TYPE CONST. Res	ZONING RDR-3	DATE 5/24/03
APPROVED BY <i>[Signature]</i>			
STAFF REMARKS	COMMUNITY DEVELOPMENT	FEES	PUBLIC WORKS
	Permit Fee	\$ 1066.55	Tap Fee \$ 860 -
	Plan Review Fee	\$ 693.25	Water Impact \$ 2200 -
	Fence Fee	\$ 25 -	Sewer Impact \$ 1210 -
		\$	Water Deposit \$ 65 -
		\$	
		\$	
		\$	
	Subtotal	\$ 1,784.81	Subtotal \$ 4335 -
PERMIT NO.: 204073	DATE: 6/25/03		CK# 17895 TOTAL FEES: \$ 6,119.81

RB

CITY OF CORINTH
 Building Permit Application

Inspection Request Line
 (940) 497-3170

#175

(Please Print)

Commercial

Residential

JOB ADDRESS NO. AND STREET: 1620 Post Oak <i>Dr.</i>		DATE 7/26/04	
LEGAL DESCRIPTION	8 LOT	D BLK	SUBDIVISION Eagle Pass
OWNER Morrison Homes	ADDRESS 4324 N. Beltline Rd. C105 Irving, TX		(972) 649-0000 PHONE (972) 649-0001 FAX
CONTRACTOR (GENERAL) Same as above	ADDRESS		() PHONE () FAX
CONTRACTOR (ELECTRICAL) C & B Electrical	ADDRESS 75050 3521 w. Gilbert Grand Prairie, TX		(972) 790-0707 PHONE (972) 790-2889 FAX
CONTRACTOR (PLUMBING) L & S Plumbinh	ADDRESS 1595 Hart South Lake, TX 76092		(817) 481-7622 PHONE (817) 488-6885 FAX
CONTRACTOR (HVAC) Airco	ADDRESS 1516 Central Park Dr. Hurst, TX 76053		(817) 590-0088 PHONE (817) 590-9614 FAX
DESCRIBE WORK TO BE DONE HOUSE PLAN # New Construction 3277/Sterling Elev:C (if applicable)			
ESTIMATED COST OF CONSTRUCTION \$ 161,245		IF APTS. INDICATE NO. OF UNITS TO CONSTRUCT	
TOTAL SQUARE FEET 1st Floor: 2667 Garage: 438 TOTAL A/C SQ. FT. 3823 2nd Floor: 1156 Other: (describe) cvd porch 259 cvd patio 87 TOTAL SQ. FT. 4607			
This permit becomes null and void unless actual work begins within six months from the date of issuance. The granting of a permit does not presume to give authority to violate or cancel the provisions of any law or ordinances regulating construction. No inspections will be performed unless this permit is displayed on the jobsite and approved plans are available to the inspector on jobsite at the time of inspection. Applicant is responsible for all work done under permit, and must follow all applicable codes.			
SIGNATURE OF APPLICANT: <i>Allyson Guller</i>		Construction Admin	
VALUE \$277,598	TYPE CONST Res	ZONING RD	OCC R-3
DATE 8-5-04		APPROVED BY <i>Krat</i>	
STAFF REMARKS	COMMUNITY DEVELOPMENT	FEES	PUBLIC WORKS
<i>* See plan required</i>	Permit Fee	\$ 1990	55 Tap Fee \$ 860
	Plan Review Fee	\$ 1293	86 Water Impact \$ 2200
	Fence Fee	\$ 25	Sewer Impact \$ 1210
		\$	Water Deposit \$ 65
		\$	
		\$	
	Subtotal	\$ 3309	41 Subtotal \$ 4,335
PERMIT NO.: 205140	DATE: 8/10/04 CK# 24479 TOTAL FEES: \$ 7,644.41		

15 RB

CITY OF CORINTH
 Building Permit Application

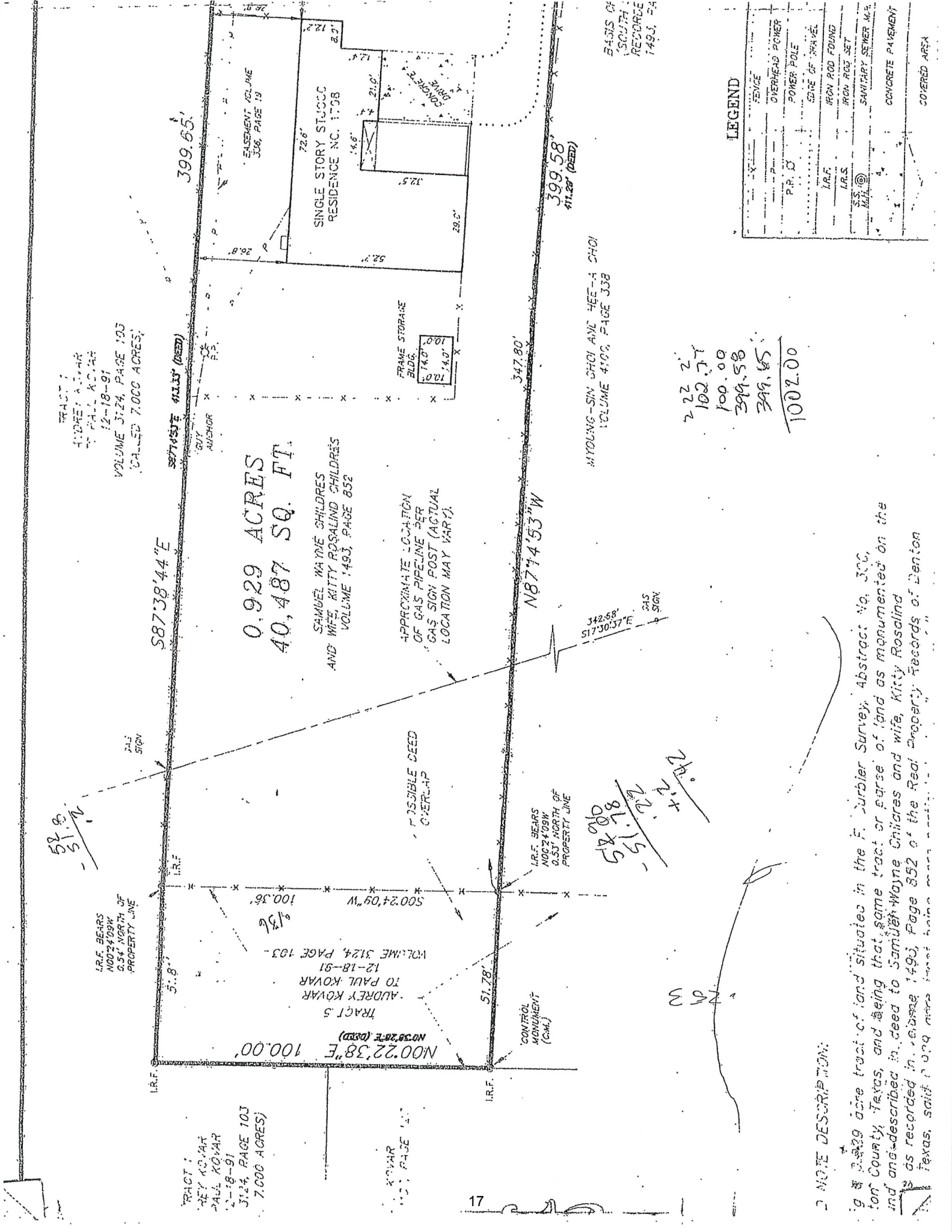
Inspection Request Line
 (940) 497-3170

(Please Print)

Commercial

Residential

JOB ADDRESS NO. AND STREET: 1708 POST OAK DR.		DATE 6-20-02	
LEGAL DESCRIPTION	LOT	BLK	SUBDIVISION
OWNER Johnny Crabtree	ADDRESS 1708 POST OAK DR		PHONE (940) 498 9678 FAX ()
CONTRACTOR (GENERAL) ALLSTATE BLDG SUGS	ADDRESS 2429 DICKERSON PERWAY		PHONE (972) 446 2330 FAX ()
CONTRACTOR (ELECTRICAL)	ADDRESS		PHONE () FAX ()
CONTRACTOR (PLUMBING)	ADDRESS		PHONE () FAX ()
CONTRACTOR (HVAC)	ADDRESS		PHONE () FAX ()
DESCRIBE WORK TO BE DONE HOUSE PLAN # (if applicable) FENCE			
ESTIMATED COST OF CONSTRUCTION \$ 1,500		IF APTS. INDICATE NO. OF UNITS TO CONSTRUCT	
TOTAL SQUARE FEET 1st Floor _____ Garage _____ TOTAL A/C SQ. FT. _____ 2nd Floor _____ Other: (describe) _____ TOTAL SQ. FT. _____			
<p>This permit becomes null and void unless actual work begins within six months from the date of issuance. The granting of a permit does not presume to give authority to violate or cancel the provisions of any law or ordinances regulating construction. No inspections will be performed unless this permit is displayed on the jobsite and approved plans are available to the inspector on jobsite at the time of inspection. Applicant is responsible for all work done under permit, and must follow all applicable codes.</p>			
SIGNATURE OF APPLICANT: <i>Johnny Crabtree</i>			
VALUE	TYPE CONST.	ZONING	OCC
		DATE	APPROVED BY
		6/21/02	S. Smith
STAFF REMARKS	COMMUNITY DEVELOPMENT FEES		PUBLIC WORKS
	Permit Fee	\$ 25	Tap Fee
	Plan Review Fee	\$	Water Impact
	Fence Fee	\$	Sewer Impact
		\$	Water Deposit
		\$	
		\$	
		\$	
	Subtotal	\$	Subtotal
			\$ 25
PERMIT NO.: 203025	DATE: 6/21/02	CK# 2122	TOTAL FEES: \$ 25⁰⁰



TRACT 1
AUDREY KOVAR
TO PAUL KOVAR
12-18-91
VOLUME 3124, PAGE 103
CALLED 7.000 ACRES

S87°38'44"E

S87°45'11" (DEED)

399.65'

0.929 ACRES
40,487 SQ. FT.

SAMUEL WAYNE CHILDRES
AND WIFE, KITTY ROSALIND CHILDRES
VOLUME 1493, PAGE 852

SINGLE STORY STUCCO
RESIDENCE NO. 175B

APPROXIMATE LOCATION
OF GAS PIPELINE PER
GAS SIGN POST (ACTUAL
LOCATION MAY VARY).

POSSIBLE DEED
OVERLAP

N87°14'53"W

399.58'
411.20' (DEED)

MYOUNG-SIN CHOI AND WEE-A CHOI
VOLUME 4109, PAGE 338

S42°58'
157°30'37"E

PAS
SIGN

I.R.F. BEARS
N00°24'09W
0.54' NORTH OF
PROPERTY LINE

51.78'
51.78'
51.78'

N
N

I.R.F. BEARS
N00°24'09W
0.54' NORTH OF
PROPERTY LINE

51.8'

N00°22'38"E 100.00'
TRACT 5
AUDREY KOVAR
TO PAUL KOVAR
12-18-91
VOLUME 3124, PAGE 103

TRACT 1
PAUL KOVAR
TO PAUL KOVAR
12-18-91
VOLUME 3124, PAGE 103
7.000 ACRES

KOVAR
12-18-91
PAGE 103

BASIS OF
SOUTH
RECORD
1493, 24

LEGEND

---	FENCE
---	OVERHEAD POWER
---	POWER POLE
---	EDGE OF TRAVEL
---	IRON ROD FOUND
---	IRON ROD SET
---	SANITARY SEWER M.S.
---	CONCRETE PAVEMENT
---	COVERED AREA

222.2'
102.77'
100.00'
399.58'
399.65'
1002.00

2. NOTE DESCRIPTION:

The above described tract of land situated in the F. Jurbler Survey, Abstract No. 300, T.10N, R.10E, S.10E, and being that same tract or part of land as monumented on the plat and described in deed to Samuel Wayne Childres and wife, Kitty Rosalind Childres, as recorded in Volume 1493, Page 852 of the Real Property Records of Denton County, Texas, said tract or part of land being more particularly described as follows:

CITY OF CORINTH
Building Permit Application

Inspection Request Line
(940) 497-3170

(Please Print)

Commercial

Residential

JOB ADDRESS NO. AND STREET: 1822 VINTAGE DRIVE		DATE 10-23-00	
LEGAL DESCRIPTION	LOT 9	BLK D	EAGLE PASS SUBDIVISION
OWNER MORRISON HOMES	ADDRESS 4324 N. BELTLINE ROAD C-105 IRVING, TX 75038		(972) 649-0000 PHONE (972) 649-0001 FAX
CONTRACTOR (GENERAL) MORRISON HOMES	ADDRESS 4324 N. BELTLINE ROAD C-105 IRVING, TEXAS, 75038		(972) 649-0000 PHONE (972) 649-0001 FAX
CONTRACTOR (ELECTRICAL) JOE SWARTZ	ADDRESS 228 IRBY LANE IRVING, TEXAS, 75038		(927) 254-3430 PHONE () FAX
CONTRACTOR (PLUMBING) SCOTT WRIGHT PLUMBING	ADDRESS 3232 S. MAIN, FORT WORTH, TX 76110		(817) 829-0444 PHONE (817) 924-3604 FAX
CONTRACTOR (HVAC) RELIANT	ADDRESS P O BOX 14849 FORT WORTH TX 76117		(817) 788-0052 PHONE (817) 788-9749 FAX
DESCRIBE WORK TO BE DONE HOUSE PLAN # 3096 (if applicable)			
ESTIMATED COST OF CONSTRUCTION \$ 165,396.00		IF APTS. INDICATE NO. OF UNITS TO CONSTRUCT _____	
TOTAL SQUARE FEET			
1st Floor	2976	Garage	781 TOTAL A/C SQ. FT. 3515
2nd Floor	539	Other: (describe)	TOTAL SQ. FT. 4296
<p>This permit becomes null and void unless actual work begins within six months from the date of issuance. The granting of a permit does not presume to give authority to violate or cancel the provisions of any law or ordinances regulating construction. No inspections will be performed unless this permit is displayed on the jobsite and approved plans are available to the inspector on jobsite at the time of inspection. Applicant is responsible for all work done under permit, and must follow all applicable codes.</p>			
SIGNATURE OF APPLICANT		CONSTRUCTION ADMINISTRATOR	
<i>[Signature]</i>		<i>[Signature]</i> 25 Oct 00	
VALUE	TYPE CONST.	ZONING	OCC DATE
\$246,050	Res	R-3	10/24/00
APPROVED BY		APPROVED BY	
<i>[Signature]</i>		<i>[Signature]</i>	
STAFF REMARKS		COMMUNITY DEVELOPMENT	FEES
✓ Min. 6.26 # of cornice vents required - min. 6.26 # of roof vents required - (net free area) not dimensions wrong. Front yard setback wrong. Easement not shown.		Permit Fee \$ 1455.75 Plan Review Fee \$ 946.24 Fence Fee \$ 25 Subtotal \$ 2426.99	Tap Fee \$ 500 Water Impact \$ 2200 Sewer Impact \$ 1210 Water Deposit \$ 65 Subtotal \$ 3975 TOTAL FEES: \$ 6401.99
PERMIT NO.: 201156		DATE: 10/1/00	CK# 355

CITY OF CORINTH
Building Permit Application

Inspection Request Line
(940) 497-3170

(Please Print)

Commercial

Residential

JOB ADDRESS NO. AND STREET: 1826 Vintage Dr.		DATE: 7/31/00		
LEGAL DESCRIPTION	LOT: 4	BLK: D	SUBDIVISION: Eagle Pass	
OWNER: Morrison Homes	ADDRESS: 4324 N. Bellvue Rd C-105	Trunks TX 75068 972-649-0000 (972-649-0001)		
CONTRACTOR (GENERAL): Same	ADDRESS: "	PHONE: " FAX: "		
CONTRACTOR (ELECTRICAL): Joe Swartz	ADDRESS: 228 Irby Ln FW TX 75061	PHONE: 972-254-3480 FAX: "		
CONTRACTOR (PLUMBING): Scott Wright	ADDRESS: 3232 S. Main FW TX 76110	PHONE: 817-829-0444 FAX: 817-924-3604		
CONTRACTOR (HVAC): Air One	ADDRESS: TX 76003 P.O. Box 170414, Arlington,	PHONE: 214-288-4429 (214) 888-1131		
DESCRIBE WORK TO BE DONE HOUSE PLAN # (if applicable) 30916				
ESTIMATED COST OF CONSTRUCTION \$ 143,798-		IF APTS. INDICATE NO. OF UNITS TO CONSTRUCT —		
TOTAL SQUARE FEET: 2976				
1st Floor: 2976	Garage: 759	TOTAL A/C SQ. FT.: 2976		
2nd Floor: _____	Other: (describe) _____	TOTAL SQ. FT.: 3735		
<p>This permit becomes null and void unless actual work begins within six months from the date of issuance. The granting of a permit does not presume to give authority to violate or cancel the provisions of any law or ordinances regulating construction. No inspections will be performed unless this permit is displayed on the jobsite and approved plans are available to the inspector on jobsite at the time of inspection. Applicant is responsible for all work done under permit, and must follow all applicable codes.</p>				
SIGNATURE OF APPLICANT: [Signature]		DATE: 7/31/00		
VALUE: \$208,320	TYPE CONST.: Res	ZONING: PD	OCC: R-37	
APPROVED BY: [Signature]		DATE: 8-10-00		
STAFF REMARKS	COMMUNITY DEVELOPMENT	FEES	PUBLIC WORKS	
✓	Permit Fee	\$ 1301.75	Tap Fee	\$ 500-
	Plan Review Fee	\$ 846.14	Water Impact	\$ 2200-
	Fence Fee	\$ 25-	Sewer Impact	\$ 1210-
		\$	Water Deposit	\$ 65-
		\$		\$
		\$		\$
		\$		\$
Subtotal	\$ 2172.89	Subtotal	\$ 3975-	
PERMIT NO.: 200879	DATE: 8/14/00	CK#: 3001	TOTAL FEES: \$ 6,147.89	

CITY OF CORINTH
Building Permit Application
and Application for Certificate of Occupancy

Inspection Request Line
 (940) 497-3170

APPLICANT TO COMPLETE NUMBERED SPACES ONLY (Please Print) COMMERCIAL RESIDENTIAL

1 JOB ADDRESS NO. AND STREET: Robinson Rd. DATE 6-28-00
 2 LEGAL DESCRIPTION LOT _____ BLK _____ SUBDIVISION Eagle Pass At Oakmont

3 OWNER Morrison Homes ADDRESS 4324 N. Beltline Rd. Irving TX. 75038 ZIP _____ PHONE (972) 649-0000

4 FOUND: PIER/BEAM INT. WALLS: S/ROCK PANELING ROOF TYPE: HIP GABLE
 FIN. FLOORS: CARPET VINYL TILE EXT. WALLS: BRICK ROOFING: FLAT WOOD COMP.

5 CONTRACTOR Metroplex Screenwall Inc. ADDRESS ~~4324 N. Beltline Rd.~~ 21943 Bedford TX. ZIP 76095 PHONE (817) 267-1626

6 USE OF STRUCTURE (describe fully): _____ IF APTS., INDICATE NO. OF UNITS TO CONSTRUCT: _____

7 CLASS OF WORK NEW ADDITION ALTERATION REPAIR TEMP. FENCE SPRINKLER BLDG. DEMOLITION MOVING S. POOL OTHER (Specify) _____ OTHER

8 ESTIMATED COST OF CONSTRUCTION \$ 67,750.00

9 DESCRIBE WORK TO BE DONE
Masonry Screening Fence

10 TOTAL SQUARE FEET
 1st Floor _____ Garage _____ TOTAL A/C SQ. FT. _____
 2nd Floor _____ Other: (describe) _____ TOTAL SQ. FT. _____

This permit becomes null and void unless actual work begins within six months from the date of issuance. The granting of a permit does not presume to give authority to violate or cancel the provisions of any law or ordinances regulating construction. No inspections will be performed unless this permit is displayed on the jobsite and approved plans are available to the inspector on jobsite at the time of inspection. Applicant is responsible for all work done under permit, and must follow all applicable codes.

11 SIGNATURE OF APPLICANT: Bren Albritton DATE 8/23/00

VALUE	TYPE CONST.	PERMIT FEE	ZONING	OCC	DATE	APPROVED BY
					<u>6/28/00</u>	<u>Ken Sale</u>

STAFF REMARKS	COMMUNITY DEVELOPMENT FEES	PUBLIC WORKS
	Permit Fee \$ <u>769.75</u>	Tap Fee \$
	Plan Review Fee \$ <u>500.34</u>	Water Impact \$
	Fence Fee \$	Sewer Impact \$
	Reinspect Fee \$	Water Deposit \$
	Other: \$	\$
	\$	\$
	\$	\$
	\$	\$
	Subtotal \$ <u>1,270.09</u>	Subtotal \$

PERMIT NO.: 200919 DATE: 8/23/00 CK# 1068 TOTAL FEES: \$ 1,270.09

Morrison Homes®



February 15, 2001

Kenneth L. Seale, Director
Department of Development
City of Corinth
2003 South Corinth Street
Corinth, Texas 76205

Dear Ken,

Please accept this letter in response to your February 12th correspondence.

- The fence, obviously, was a causality of the 70 MPH straight line winds we had the other night and will be repaired ASAP.
- The only guide wires I found were those associated with the "H" structure on the transmission line crossing Mr. Hunter's property. As you know this line existed long before any development ensued. If Mr. Hunter has any issues with these I would suggest he contact the City of Denton, to whom the line belongs, and discuss any easement issues he has with them. To my knowledge, Morrison Homes has not placed, or caused to be placed, any overhead electric lines that would require guide wires. Should you find this to be erroneous please let me know.
- To my knowledge Mr. Hunter and I have never had discussions about staining the fence we installed behind his property. While we would have no objections to him staining his side, we would take exception to him doing anything on our side. I would prefer to leave that up to our potential homeowners.

As a sidebar, I will have the part of the fence between the park and Mr. Hunter's property double sided within the next several weeks as per my discussion and commitment with Paul Leslie last week.

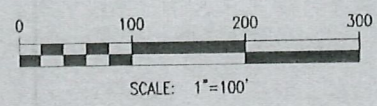
Sincerely,

A handwritten signature in black ink, appearing to read "Tim Denihan".

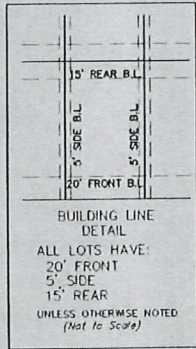
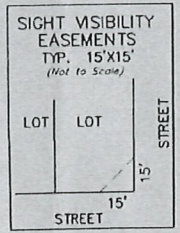
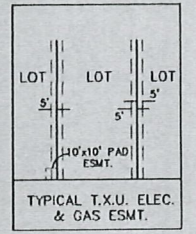
Timothy J. Denihan
Construction Manager
Morrison Homes, Dallas Division

CC: Eagle Pass Land File

Cab 3. Pg. 277



LINE TABLE		
LINE	BEARING	LENGTH
T1	N86°37'09"W	15.00'
T2	N03°22'51"E	40.21'
T3	S89°05'02"E	34.67'
T4	N06°33'58"E	10.00'
T5	S83°26'02"E	60.00'
T6	N06°33'58"E	2.30'
T7	N06°33'58"E	2.30'
T8	S83°26'02"E	60.00'
T9	N06°33'58"E	10.00'
T10	N26°36'45"W	68.75'
T11	S06°36'36"W	59.14'
T12	N06°33'58"E	10.00'
T13	S83°26'02"E	60.00'
T14	N06°33'58"E	2.30'
T15	N06°33'58"E	2.30'
T16	S83°26'02"E	15.60'
T17	N06°33'58"E	10.00'
T18	N02°49'09"E	66.99'
T19	S89°05'02"E	68.76'
T20	N79°18'13"E	5.00'
T21	S37°01'36"W	12.32'
T22	N75°33'50"E	54.97'
T23	S06°14'07"W	46.01'
T24	S85°31'43"W	39.36'
T25	S34°43'29"W	29.72'
T26	S65°03'10"W	35.24'
T27	N77°34'59"W	43.25'
T28	S56°33'27"E	70.54'
T29	S42°53'51"E	23.09'
T30	S89°05'02"E	7.00'
T31	S00°54'58"W	49.46'
T32	S00°54'58"W	49.46'
T33	S89°05'02"E	59.19'
T34	S56°33'27"E	36.50'
T35	S89°05'02"E	14.72'



CURVE TABLE					
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C1	295°19'59"	50.00'	31.65'	257.73'	N65°49'21"W 53.48'
C2	46°16'42"	350.00'	149.57'	282.70'	S19°45'30"E 275.08'
C3	80°55'08"	450.00'	383.79'	635.54'	S43°50'25"W 584.02'
C4	13°42'30"	325.00'	39.07'	77.76'	S03°28'24"E 77.57'
C5	20°05'20"	325.00'	57.57'	113.95'	S13°25'31"W 113.37'
C6	09°07'17"	1175.00'	93.73'	187.06'	N79°44'21"E 186.86'
C7	15°44'15"	225.00'	31.10'	61.80'	S06°57'10"E 61.61'
C8	172°21'31"	50.00'	748.69'	150.41'	S02°54'17"E 99.78'
C9	48°15'50"	225.00'	100.80'	189.53'	N09°18'38"E 183.98'
C10	120°03'42"	225.00'	399.20'	471.48'	S63°24'42"W 389.83'
C11	06°14'49"	200.00'	10.91'	21.81'	N19°31'01"W 21.80'
C12	04°12'54"	105.00'	3.86'	7.72'	S08°35'20"E 7.72'
C13	82°27'34"	70.00'	61.34'	100.74'	N47°42'40"W 92.27'
C14	04°07'40"	1845.00'	66.49'	132.92'	S86°52'37"E 132.89'
C15	01°22'18"	1855.00'	22.20'	44.41'	S84°07'11"E 44.41'
C16	799°59'48"	50.00'	28.87'	261.80'	N67°06'07"W 50.00'
C17	05°39'00"	1840.00'	90.80'	181.44'	S86°15'32"E 181.37'
C18	90°00'00"	10.00'	10.00'	15.71'	N44°05'02"W 14.14'
C19	20°50'23"	63.50'	11.68'	23.10'	N11°20'09"E 22.97'
C20	138°19'14"	10.00'	26.27'	24.14'	S89°05'02"E 18.69'
C21	20°50'23"	63.50'	11.68'	23.10'	S09°30'13"E 22.97'
C22	90°00'00"	10.00'	10.00'	15.71'	S45°54'58"W 14.14'
C23	39°17'39"	200.00'	71.40'	137.16'	S04°49'32"W 134.49'
C24	136°50'15"	61.50'	155.48'	146.88'	N12°33'30"E 114.38'

POST OAK DRIVE

402.52' R.O.W. DEDICATION

RESIDENTIAL LOTS 115

FINAL PLAT
EAGLE PASS AT OAKMONT

AN ADDITION TO THE CITY OF CORINTH
F. CURBIER SURVEY ~ ABSTRACT NO. 300
DENTON COUNTY, TEXAS

AUGUST, 2000 SCALE: 1" = 100'

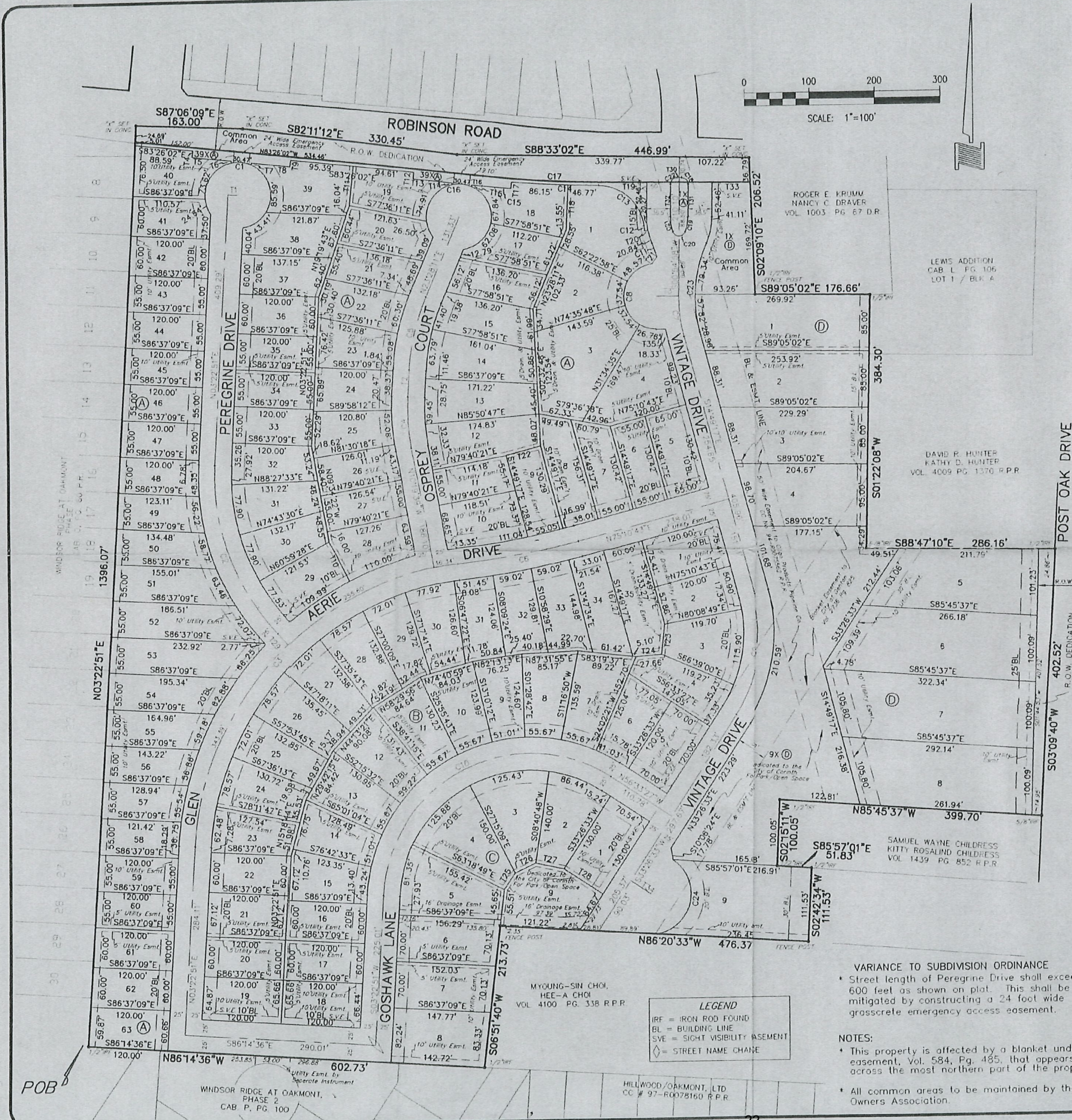
ENGINEER
DOWDEY, ANDERSON AND ASSOCIATES, INC.
5225 VILLAGE CREEK DRIVE SUITE 200
PLANO, TEXAS 75093
972-931-0694

OWNER/DEVELOPER
MORRISON HOMES OF TEXAS, INC.
4324 N. BELTLINE SUITE C105
IRVING, TEXAS 75038
972-649-0000

Filed for Record in:
DENTON COUNTY, TX
CYNTHIA MITCHELL, COUNTY CLERK

On Nov 01 2000
At 3:36pm
Doc/Num : 86-RB186881
Doc/Type : PLA
Recording : 72.00
Doc/Mgmt : 6.00
Receipt #: 44738
Deputy - Felicia

WO 98073 PG. 1 OF 3



LEGEND

- IRF = IRON ROD FOUND
- BL = BUILDING LINE
- SVE = SIGHT VISIBILITY EASEMENT
- ◇ = STREET NAME CHANGE

VARIANCE TO SUBDIVISION ORDINANCE
• Street length of Peregrine Drive shall exceed 600 feet as shown on plat. This shall be mitigated by constructing a 24 foot wide grasscrete emergency access easement.

NOTES:
• This property is affected by a blanket underground easement, Vol. 584, Pg. 485, that appears to run across the most northern part of the property.
• All common areas to be maintained by the Home Owners Association.

Projects LDD98073.dwg(98073) 1 of 3, 10/24/2000 02:26:37 PM Dowdey, Anderson & Associates, Inc. DLH

OWNERS CERTIFICATE AND DEDICATION

WHEREAS, MORRISON HOMES OF TEXAS, INC., IS THE OWNER OF A TRACT OF LAND LYING AND BEING SITUATED IN THE F. CURBIER SURVEY, ABSTRACT NUMBER 300, DENTON COUNTY, TEXAS, BEING ALL OF A CALLED 18.2991 ACRE TRACT DESCRIBED IN A DEED TO AUDREY DIANE SHAW, ET AL., RECORDED UNDER COUNTY CLERKS FILE NUMBER 97-0085071, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, AND BEING ALL OF TRACTS 1, 2, 3, AND PART OF TRACT 5, AS DESCRIBED IN A DEED TO PAUL KOVAR, RECORDED IN VOLUME 3124, PAGE 103 REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, ALSO BEING ALL OF A TRACT DESCRIBED IN A DEED TO PAUL KOVAR, RECORDED IN VOLUME 1107 PAGE 127, DEED RECORDS, DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID KOVAR TRACT 2, SAID POINT BEING AN INNER ELL CORNER OF WINDSOR RIDGE AT OAKMONT, PHASE 2, AN ADDITION TO THE CITY OF CORINTH ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET P, PAGE 100, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE NORTH 03 DEGREES 22 MINUTES 51 SECONDS EAST, WITH THE WEST LINE OF SAID TRACT 2, PASSING THE SOUTHEAST CORNER OF WINDSOR RIDGE AT OAKMONT, PHASE 1, AN ADDITION TO THE CITY OF CORINTH, AS SHOWN ON THE PLAT THEREOF RECORDED IN CABINET O, PAGE 80, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, CONTINUING WITH THE WEST LINE OF SAID TRACT 2, AND THE EAST LINE OF SAID PHASE 1, A TOTAL DISTANCE OF 1396.07 FEET TO AN "X" SET IN CONCRETE IN ROBINSON ROAD, SAID "X" BEING THE NORTHWEST CORNER OF SAID SHAW TRACT;

THENCE SOUTH 87 DEGREES 06 MINUTES 09 SECONDS EAST, WITH THE NORTH LINE OF SAID SHAW TRACT, IN ROBINSON ROAD, A DISTANCE OF 163.00 FEET TO AN "X" SET IN CONCRETE;

THENCE SOUTH 82 DEGREES 11 MINUTES 12 SECONDS EAST, WITH THE NORTH LINE OF SAID SHAW TRACT, IN ROBINSON ROAD, A DISTANCE OF 330.45 FEET TO AN "X" SET IN CONCRETE;

THENCE SOUTH 88 DEGREES 33 MINUTES 02 SECONDS EAST, WITH THE NORTH LINE OF SAID SHAW TRACT, IN ROBINSON ROAD, A DISTANCE OF 446.99 FEET TO AN "X" SET IN CONCRETE, AT THE NORTHERNMOST NORTHEAST CORNER OF SAID SHAW TRACT, AND ALSO BEING THE NORTHWEST CORNER OF A TRACT DESCRIBED IN A DEED TO ROGER E. KRUMM, ET AL., RECORDED IN VOLUME 1003, PAGE 67, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE SOUTH 02 DEGREES 09 MINUTES 10 SECONDS EAST, WITH AN EAST LINE OF SAID SHAW TRACT AND THE WEST LINE OF SAID KRUMM TRACT, A DISTANCE OF 206.52 FEET TO A 1/2 INCH IRON ROD SET IN CONCRETE AT FENCE CORNER POST FOR THE SOUTHWEST CORNER OF SAID KRUMM TRACT;

THENCE SOUTH 89 DEGREES 05 MINUTES 02 SECONDS EAST, WITH THE SOUTH LINE OF SAID KRUMM TRACT, A DISTANCE OF 176.66 FEET TO A 1/2" IRON ROD FOUND FOR THE EASTERNMOST NORTHEAST CORNER OF SAID SHAW TRACT, AND ALSO BEING THE WESTERNMOST NORTHWEST CORNER OF LEWIS ADDITION, AN ADDITION TO THE CITY OF CORINTH AS SHOWN BY THE PLAT THEREOF RECORDED IN CABINET L, PAGE 106, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE SOUTH 01 DEGREE 22 MINUTES 08 SECONDS WEST, THE MOST EASTERLY LINE OF SAID SHAW TRACT AND THE MOST WESTERLY LINE OF SAID LEWIS ADDITION, A DISTANCE OF 384.30 FEET TO A 5/8 INCH IRON ROD FOUND AT A SOUTHEAST CORNER OF SAID SHAW TRACT WHICH IS ALSO THE SOUTHWEST CORNER OF A TRACT DESCRIBED IN A DEED TO DAVID R. HUNTER, ET UX, RECORDED IN VOLUME 4009, PAGE 1370, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, SAID ROD ALSO BEING ON THE NORTH LINE OF SAID KOVAR TRACT 3;

THENCE SOUTH 88 DEGREES 47 MINUTES 10 SECONDS EAST, WITH THE SOUTH LINE OF SAID HUNTER TRACT AND THE NORTH LINE OF SAID KOVAR TRACT 3, A DISTANCE OF 286.16 FEET TO A 1/2 INCH IRON ROD SET IN CONCRETE IN THE WEST LINE OF POST OAK ROAD (50 FOOT RIGHT OF WAY AT THIS POINT) AS DEDICATED ON THE PLAT OF GREEN ACRES, AN ADDITION TO THE CITY OF CORINTH, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET I, PAGE 376 OF SAID REAL PROPERTY RECORDS;

THENCE SOUTH 03 DEGREES 09 MINUTES 40 SECONDS WEST, WITH THE WEST LINE OF POST OAK ROAD, A DISTANCE OF 402.52 FEET TO A 5/8 INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID KOVAR TRACT 3 AND BEING THE NORTHEAST OF SAID KOVAR TRACT 1;

THENCE NORTH 85 DEGREES 45 MINUTES 37 SECONDS WEST, WITH THE MOST EASTERLY SOUTH LINE OF SAID KOVAR TRACT 1, AND THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO SAMUEL WAYNE CHILDRESS, ET UX, RECORDED IN VOLUME 1439, PAGE 852, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, A DISTANCE OF 399.70 FEET TO A 1/2 INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID KOVAR TRACT 5;

THENCE SOUTH 02 DEGREES 15 MINUTES 11 SECONDS WEST, WITH THE WEST LINE OF SAID CHILDRESS TRACT, A DISTANCE OF 100.05 FEET TO A 1/2 INCH IRON ROD FOUND;

THENCE SOUTH 85 DEGREES 57 MINUTES 01 SECONDS EAST WITH THE SOUTH LINE OF SAID CHILDRESS TRACT, A DISTANCE OF 51.83 FEET TO A 1/2 INCH IRON ROD FOUND AT THE NORTHERNMOST NORTHWEST CORNER OF A TRACT DESCRIBED IN A DEED TO MYOUNG-SIN CHOI, ET AL, RECORDED VOLUME 4100, PAGE 338, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE SOUTH 02 DEGREES 42 MINUTES 34 SECONDS WEST, WITH THE MOST NORTHERLY WEST LINE OF SAID CHOI TRACT, A DISTANCE OF 111.53 FEET TO FENCE CORNER POST AT AN INNER ELL CORNER OF SAID CHOI TRACT AND THE SOUTHEAST CORNER OF SAID KOVAR TRACT 5;

THENCE NORTH 86 DEGREES 20 MINUTES 33 SECONDS WEST, WITH THE MOST WESTERLY NORTH LINE OF SAID CHOI TRACT, A DISTANCE OF 476.37 FEET TO A FENCE CORNER POST AT THE WESTERNMOST NORTHWEST CORNER OF SAID CHOI TRACT, AND THE SOUTHWEST CORNER OF SAID KOVAR TRACT RECORDED IN VOLUME 1107, PAGE 127, DEED RECORDS OF DENTON COUNTY, TEXAS, AND BEING ON THE EAST LINE OF SAID KOVAR TRACT 2;

THENCE SOUTH 06 DEGREES 51 MINUTES 40 SECONDS WEST, WITH THE EAST LINE OF SAID KOVAR TRACT 2, AND THE WEST LINE OF SAID CHOI TRACT, A DISTANCE OF 213.73 FEET TO A 1/2 INCH IRON ROD FOUND, AT THE SOUTHEAST CORNER OF SAID KOVAR TRACT 2, WHICH IS THE SOUTHWEST CORNER OF SAID CHOI TRACT, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID WINDSOR RIDGE AT OAKMONT, PHASE 2;

THENCE NORTH 86 DEGREES 14 MINUTES 36 SECONDS WEST, WITH THE SOUTH LINE OF SAID KOVAR TRACT 2 AND THE NORTH LINE OF SAID WINDSOR RIDGE AT OAKMONT, PHASE 2, A DISTANCE OF 602.73 FEET TO THE POINT OF BEGINNING AND CONTAINING IN ALL 35.191 ACRES OF LAND.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT MORRISON HOMES OF TEXAS, INC., DO HEREBY ADOPT THIS PLAT AS EAGLE PASS AT OAKMONT, AN ADDITION TO THE CITY OF CORINTH, AND DOES HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS AND EASEMENTS SHOWN HEREON. LOT 9, BLOCK C, IS DEDICATED, IN FEE SIMPLE, TO THE CITY OF CORINTH FOR LINEAR PARK PURPOSES.

WITNESS OUR HAND AT CORINTH, TEXAS THIS 25th DAY OF October, 2000.

MORRISON HOMES OF TEXAS, INC.

BY: John R. Smith
JOHN R. SMITH
DIVISION PRESIDENT

STATE OF TEXAS
COUNTY OF Dallas

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED JOHN R. SMITH, KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF THE SAID MORRISON HOMES OF TEXAS, INC., AND THAT HE EXECUTED THE SAME AS THE ACT OF SUCH CORPORATION FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 25th DAY OF October, 2000.

Stephani Lemon
STEPHAN LEMON
NOTARY PUBLIC
EXPIRES
JUNE 8, 2004

RESIDENTIAL LOTS - 115

FINAL PLAT
EAGLE PASS AT OAKMONT

AN ADDITION TO THE CITY OF CORINTH
F. CURBIER SURVEY ~ ABSTRACT NO. 300
DENTON COUNTY, TEXAS

AUGUST, 2000 SCALE: 1" = 100'

ENGINEER

DOWDEY, ANDERSON AND ASSOCIATES, INC.
5225 VILLAGE CREEK DRIVE SUITE 200
PLANO, TEXAS 75093
972-931-0694

OWNER/DEVELOPER

MORRISON HOMES OF TEXAS, INC.
4324 N. BELTLINE SUITE C105
IRVING, TEXAS 75038
972-649-0000

Filed for Record in:
DENTON COUNTY, TX
CYNTHIA MITCHELL, COUNTY
CLERK

On Nov 01 2000
At 3:36pm

Doc/Num : 00-R0106081
Doc/Type : PLA
Recording : 72.00
Doc/Agmt : 5.00
Receipt #: 44738
Duty - Felicia

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, V.L. MATOCHA, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION WERE PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND AND THAT THE MONUMENTS SHOWN HEREON WERE FOUND OR PLACED UNDER MY PERSONAL SUPERVISION AND THAT THE MATERIALS, SIZES AND LOCATIONS OF SAID MONUMENTS ARE CORRECTLY DEPICTED HEREON.

V.L. Matocha
V.L. MATOCHA
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1816

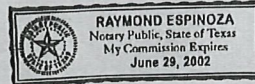


STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED V.L. MATOCHA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 25th DAY OF Oct, 2000.

Raymond Espinoza
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



Recommended For Approval

Stephane Wise
Chairman, Planning and Zoning Commission

10-31-00
Date

Approved and Accepted

Shirley Spellerberg
Mayor, City of Corinth, Texas

10-31-00
Date

The undersigned, the City Secretary of the City of Corinth, Texas, hereby certifies that the foregoing final plat of Eagle Pass At Oakmont Addition to the City of Corinth was submitted to the City Council on the 16th day of December 1999, and the Council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places, and water and sewer lines, as shown and set forth in and upon said plat, and Council further authorized the Mayor to note the acceptance thereof by signing his/her name as hereinabove subscribed.

Witness my hand this 31st day of October, 2000.

Connie Beal
City Secretary
City of Corinth, Texas



RESIDENTIAL LOTS 115

FINAL PLAT
EAGLE PASS AT OAKMONT

AN ADDITION TO THE CITY OF CORINTH
F. CURBIER SURVEY ~ ABSTRACT NO. 300
DENTON COUNTY, TEXAS

AUGUST, 2000 SCALE: 1" = 100'

ENGINEER

DOWDEY, ANDERSON AND ASSOCIATES, INC.
5225 VILLAGE CREEK DRIVE SUITE 200
PLANO, TEXAS 75093
972-931-0694

OWNER/DEVELOPER

MORRISON HOMES OF TEXAS, INC.
4324 N. BELTLINE SUITE C105
IRVING, TEXAS 75038
972-649-0000

Filed for Record in:
DENTON COUNTY, TX
CYNTHIA MITCHELL, COUNTY
CLERK

On Nov 01 2000
At 3:36pm

Doc/Num : 00-R0106081
Doc/Type : PLA
Recording : 72.00
Doc/Sheet : 6.00
Receipt #: 44730
Deputy - Felicia
WO 98073 pg. 3 OF 3



940-498-3200
www.cityofcorinth.com

City of Corinth
3300 Corinth Parkway

Fax: 940-498-0376
Corinth, TX 76208

Mr. or Mrs. XXXXXXXX
Street Name
Corinth TX, 76208

Fence replacement information

Mr. or Mrs. XXXXXXXX

The City of Corinth has received questions concerning the privacy fence along the boundary of the Eagle Pass Park and the neighboring residential lots (as identified on the attached exhibit in red). The fence was installed around November 2000 by the developer of the Eagle Pass Subdivision to provide privacy for the adjacent property owners from the park.

There have been questions regarding the replacement of the privacy fence and the process to make any repair. The section of fence along the rear of your property was installed for your privacy by the developer and is considered your fence. If you are interested in replacing or repairing the fence, please contact the Planning and Development Department, Permits and Inspections to discuss the fence and permitting requirements. This will ensure any fence you choose to repair or install in the future will meet city code.

Corinth Permitting Department:

City Hall/ first floor
3300 Corinth Parkway
940-498-3273

Should you have any questions, or if I may be of any further assistance, please contact me at 940-498-3253 or email at cody.collier@cityofcorinth.com.

Respectfully,

Cody Collier
Director of Public Works Operations

CONSENT ITEM 1.

City Council Regular and Workshop Session

Meeting Date: 03/01/2018

Title: February 1, 2018 Workshop Session

Submitted For: Kim Pence, City Secretary

Submitted By: Kim Pence, City Secretary

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Consider and act on minutes from the February 1, 2018 Workshop Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are minutes from the February 1, 2018 Workshop Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the February 1, 2018 Workshop Session minutes.

Attachments

Minutes

**STATE OF TEXAS
COUNTY OF DENTON
CITY OF CORINTH**

On this the 1st day of February 2018 the City Council of the City of Corinth, Texas met in a Workshop Session at the Corinth City Hall at 5:30 P.M., located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

Members Present:

Bill Heidemann, Mayor
Joe Harrison, Mayor Pro-Tem
Sam Burke, Council Member
Lowell Johnson, Council Member
Scott Garber, Council Member
Don Glockel, Council Member

Members Absent:

None

Staff Members Present:

Bob Hart, City Manager
Cody Collier, Public Works Director
Melissa Dolan, Recreation Coordinator
Jimmie Gregg, Police Lieutenant.
Kim Pence, City Secretary
Brenton Copeland, Technology Services Assistant
Mack Reinwand, Messer, Rockefeller, &Fort

CALL TO ORDER:

Mayor Heidemann called the meeting to order at 5:30 P.M.

WORKSHOP BUSINESS AGENDA

- 1. Tour of the Public Works Facility; 1200 North Corinth Street, new Public Safety Facility; 3501 FM 2181 and, the Fire Station #3; 3750 Cliff Oaks Drive.**

Mayor Heidemann recessed the Workshop at 5:35 p.m. Mayor and Council went on the tour to the Public Works Facility, Public Safety Facility and Fire Station #3.

Mayor and City Council took the tour from 5:35 p.m. until 7:00 p.m.

Mayor Heidemann reconvened the Workshop at 7:00 p.m.

CLOSED SESSION

There was no closed Session.

The City Council will convene in such executive or closed session to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code.

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON CLOSED SESSION ITEMS.

ADJOURN:

Mayor Heidemann adjourned the Workshop meeting at 7:01 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2018.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 2.

City Council Regular and Workshop Session

Meeting Date: 03/01/2018

Title: February 1, 2018 Regular Session

Submitted For: Kim Pence, City Secretary

Submitted By: Kim Pence, City Secretary

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Consider and act on minutes from the February 1, 2018 Regular Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are minutes from the February 1, 2018 Regular Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the February 1, 2018 Regular Session minutes.

Attachments

Minutes

**STATE OF TEXAS
COUNTY OF DENTON
CITY OF CORINTH**

On this the 1st day of February 2018 the City Council of the City of Corinth, Texas met in a Regular Session at the Corinth City Hall at 7:30 P.M., located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

Members Present:

Bill Heidemann, Mayor
Joe Harrison, Mayor Pro-Tem
Sam Burke, Council Member
Lowell Johnson, Council Member
Scott Garber, Council Member
Don Glockel, Council Member

Members Absent:

None

Staff Members Present:

Bob Hart, City Manager
Jimmie Gregg, Police Lieutenant.
Cody Collier, Public Works Director
Melissa Dolan, Recreation Coordinator
Kim Pence, City Secretary
Brenton Copeland, Technology Services Assistant
Mack Reinwand, Messer, Rockefeller, &Fort

Others Present:

Barry Reed, Lamb-Star Engineering
Eric Greenman, Lamb-Star Engineering

CALL TO ORDER:

**7:30 P.M. CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & TEXAS PLEDGE:
"Honor the Texas Flag: I pledge allegiance to thee, Texas, one state under God, one and indivisible".**

Mayor Heidemann called the Regular meeting to order at 7:30 p. m, Councilmember Garber delivered the invocation and led in the Pledge of Allegiance and Texas Pledge.

CITIZENS COMMENTS

In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Citizen's comments will be limited to 3 minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Please complete a Public Input form if you desire to address the City Council. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof. Section 30.041B Code of Ordinance of the City of Corinth.

No one spoke during Citizens Comments.

BUSINESS AGENDA:

1. Discuss and consider Amending the Code of Ordinances of the City of Corinth, Texas by amending Chapter 70, Traffic Rules, by modifications to the maximum speed limits shown in Section 70.1, Speed Limits, Paragraph (c), Table of Maximum Speeds to set a maximum speed limit of 50 mph for FM 2181, East and West, 1000 through 4500 Blocks inside Corinth, TX.

Bob Hart, City Manager - this is an Ordinance that sets the speed limits to 50 mph that was requested by TxDOT. The proposed Ordinance change will remove reference to the temporary 45 mph construction speed limit in the existing Ordinance and replace with the posted speed limit of 50 mph.

MOTION made by Councilmember Garber to approve Amending the Code of Ordinances of the City of Corinth, Texas by amending Chapter 70, Traffic Rules, by modifications to the maximum speed limits shown in Section 70.1, Speed Limits, Paragraph (c), Table of Maximum Speeds to set a maximum speed limit of 50 mph for FM 2181, East and West, 1000 through 4500 Blocks inside Corinth, TX. Seconded by Councilmember Burke.

AYES: Burke, Garber, Johnson, Harrison, Glockel

NOES: None

ABSENT: None

MOTION CARRIED

2. Discuss and Consider authorizing the Mayor to sign a contract with Sawko & Burroughs, P.C. and McCreary, Veselka, Bragg & Allen, P.C., Attorneys at Law, for the collection of delinquent taxes and provide a thirty (30) day cancellation notice to Linebarger, Heard, Goggan, Blair, Graham, Pena & Sampson, L.L.P, and Nichols, Jackson, Dillard, Hager, & Smith, L.L.P, Attorneys at Law.

Bob Hart, City Manager - we have traditionally used Linebarger for the collection of delinquent taxes. Denton County, Denton ISD, and Lake Dallas ISD all use Sawko & Burroughs. Staff is bringing to you a recommendation that we make a change in the tax collection firm so that we are all working with the same group. By having the same firm, will prevent us from having confusion that we had a few years ago with the property off of Fair Oaks Circle ending up in the Denton ISD property do this will allow us to coordinate with them.

MOTION made by Councilmember Garber to approve sign a contract with Sawko & Burroughs, P.C. and McCreary, Veselka, Bragg & Allen, P.C., Attorneys at Law, for the collection of delinquent taxes and provide a thirty (30) day cancellation notice to Linebarger, Heard, Goggan, Blair, Graham, Pena & Sampson, L.L.P, and Nichols, Jackson, Dillard, Hager, & Smith, L.L.P, Attorneys at Law and authorize Mayor to sign. Seconded by Councilmember Burke.

AYES: Burke, Garber, Johnson, Harrison, Glockel

NOES: None

ABSENT: None

MOTION CARRIED

Mayor recessed the Regular Session at 7:35 p.m.

WORKSHOP BUSINESS AGENDA:

Mayor Heidemann opened the Workshop at 7:40 p.m.

3. Receive a presentation and provide staff direction on proceeding with the remodel of the Public Works Facility, equipment storage, and site and drainage improvements for the area of Public works and the Lake Cities Fire Department Training facility.

Cody Collier, Public Works Director - The Public Works facility was constructed in 1996 and has served the purposes of the Public Works Department during those 22 years. However; use, age and growth over those years has necessitated upgrades and remodeling. The current condition of all systems are at or exceeding their limitations. The roof has developed several leaks, The HVAC system is outdated and underpowered, flooring and fixtures have degraded beyond repair. Public Works has also acquired additional responsibilities and departments which has created the need to enhance office spacing and better utilize the limited space we have available.

Equipment storage has also been a concern and this is the time to address that as well. Currently, all city equipment is stored out in the elements and causes unnecessary damage to the interior and exterior, in some cases, leaving the instrument panels unable to be read and seats destroyed. This plan provides a solution utilizing the space we have to provide a storage facility to house and protect our equipment. Along with equipment protection, we also require surveillance to provide security for our site and assets.

The site improvements, and construction of another building increase storm water runoff which all drains onto the Lake Cities Fire Department Training Facility. The LCFD has been working towards building their training facility and a major component of that site is the drainage and roadway. Due to the area drainage and the issues Public Works (P.W.) causes their drainage system, P.W. has included their drainage planning and construction into our site improvements as a more regional concept. This will provide for a shared access road (rock construction) connecting our two properties and the ability to enhance drainage between the two properties which provides great benefits to both departments.

Projected costs of design, remodel and site improvements:

Public Works facility remodel only - \$434,880

- New roof
- HVAC upgrades
- All new flooring, ceilings, fixtures
- New floorplan for our current and future needs 1st floor and 2nd floor
- Secondary exit for 2nd floor fire exit
- New office furniture and cubical work stations +\$35,000 (included in total above)

Storage building, Public Works/LCFD area drainage and site improvements - \$960,107

- Public Works storage building for equipment
- Public Works site improvements:
- Drainage improvements

- Retaining wall
- Platting
- LCFD Practice Facility drainage and site improvements.

There are some Unified Development Code (UDC) issues with the property that we are looking at. The property is not platted and we would like to have the property surveyed and platted and there is cost associated with that.

The non-related to fire lane extension, the original cost was about \$176,000 to pour a fire lane and there is really no benefit to it, it currently supports their equipment now so that was something that I was not concerned about. There are some landscape requirements and that is something that we can address when the remodel is done. We can get the shrubbery and plant it and make the front of the building look really nice with seasonal flowers so that is something we can do on our own.

The Public Works building with everything factored in as we know today will be about \$434,880, the storage building facility would be about \$960,107 for a total cost of about \$1.4 million.

In the 2017/2018 budget there is \$1.5 million. I am looking to see if Council is interested in moving forward, I would propose we enter into a Professional Services contract with Lamb-Star Engineering and based off of that begin to get actual hard costs instead of estimates.

Councilmember Harrison - out of the \$1,394,987 that we anticipate there costs being, then are you going to go out for drainage as a separate contract of the site improvements, the building all bids to build those?

Cody Collier, Public Works Director - the professional services amount is estimate to be \$54,880. The site work and retaining wall, survey and everything else included for Phase II is estimated to be \$160,107. For both Phases it would be \$214,987.

Councilmember Glockel - on page 51, item #4 it talks about the fire protection will be done as a design-built by the contractor. Are those dollars in this bid?

Barry Read - it is included in the construction costs. It is included in the contractors, when he bids a building, it is included in the cost of the fire protection as a fee of the design of that. It is usually cheaper to do it that way than to go with a Fire Protection Engineer and as a consultant.

Councilmember Glockel - is our security system done the same way?

Eric Greenman - this would not be security system, this is just fire alarm, sprinkler system. Typically the City would have a consultant that does the cameras.

Councilmember Glockel - in any of these numbers does it cover these item on page 51.

Eric Greenman - yes, it should be covered in construction costs. When we estimate a construction cost that permit cost is usually part of that. Until we get to that point, we are not sure how much those will be.

Councilmember Harrison - how are you going to do the actual work itself? Are you going to contract that out?

Bob Hart, City Manager - we will do bids using their design.

Eric Greenman - the contractor does not see an estimate they bid it from scratch. I would expect the contractor would come in and build the building and do the site work.

Councilmember Harrison - ok, and you will go out for bids on that?

Bob Hart, City Manager - yes.

Cody Collier, Public Works Director - I showed Phase I and Phase 2 because I wanted to show that distinction. The building remodel is one entity all by itself and everything else I showed as Phase 2 is the platting, site work, the grading etc.

It was the Consensus of the Council to proceed and come back to City Council with a contract on March 1st.

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

Councilmember Glockel - we all reviewed the Public Safety building tonight and the new fire station. There was a lot of people that put in a lot of time and work on that. Thanked the Mayor, Councilmember Harrison and Brenton Copeland for all their time on this project.

Councilmember Harrison - we stayed within the budget and what is in there is what is needed.

Mayor Heidemann - we have a Cornerstone Ceremony that is scheduled for March 21, 2018 at 11:00.

Mayor Heidemann recessed the meeting at 8:06 p.m. * See Closed Session.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code.

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

City Council met in Closed Session from 8:07 p.m. until 9:23 p.m.

a. City Manager evaluation

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON CLOSED SESSION ITEMS.

ADJOURN:

Mayor Heidemann adjourned the meeting at 9:24 p.m.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____ 2018.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 3.

City Council Regular and Workshop Session

Meeting Date: 03/01/2018

Title: February 15, 2018 Workshop Session

Submitted For: Kim Pence, City Secretary

Submitted By: Kim Pence, City Secretary

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Consider and act on minutes from the February 15, 2018 Workshop Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are minutes from the February 15, 2018 Workshop Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the February 15, 2018 Workshop Session minutes.

Attachments

Minutes

**STATE OF TEXAS
COUNTY OF DENTON
CITY OF CORINTH**

On this the 15th day of February 2018 the City Council of the City of Corinth, Texas met in a Workshop Session at the Corinth City Hall at 5:30 P.M., located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

Members Present:

Bill Heidemann, Mayor
Joe Harrison, Mayor Pro-Tem
Sam Burke, Council Member
Lowell Johnson, Council Member
Scott Garber, Council Member
Don Glockel, Council Member

Members Absent:

None

Staff Members Present:

Bob Hart, City Manager
Curtis Birt, Fire Chief
Barbara Cabbage, Interim Planning and Development Director
Mike Brownlee, City Engineer
Lori Levy, Senior Planner
Cindy Deckard, Engineering Services Coordinator
Kim Pence, City Secretary
Brenton Copeland, Technology Services Assistant
Mack Reinwand, Messer, Rockefeller, &Fort

CALL TO ORDER:

Mayor Heidemann called the meeting to order at 5:30 P.M.

WORKSHOP BUSINESS AGENDA

1. Discuss Regular Meeting Items on Regular Session Agenda, including the consideration of closed session items as set forth in the Closed Session agenda items below.

No discussion on the Regular Session agenda items.

2. Discuss and provide staff direction on conducting a Masonic Lodge ceremony to install a cornerstone for the Fire Station #3.

Bob Hart, City Manager - the staff has discussed requesting the Masonic Lodge to conduct a ceremony to install a cornerstone at the fire station. Councilmember Garber raised some questions and the item is placed on the agenda for Council discussion.

Councilmember Garber - the questions that I raised about that are in line with in general religious ceremonies on public buildings. This is a very specific ceremony that the Mason's perform. At the very least, to keep the debate on the theological side, what I would like to do is just have a vote and allow Council, if one of us disagrees with one of these religious ceremonies that we can have a vote on whether or not to proceed with this. I would like to have our names counted if we are for or against it and not just a general consensus. .

Bob Hart, City Manager - I put this on as a discussion item as opposed to a vote. I misunders tood and we can place this on the agenda for March 1st for consideration.

3. Lake Sharon Extension Project update.

Mike Brownlee, City Engineer - Tonight's workshop presentation will provide an overview of the Lake Sharon Drive Paving, Drainage, and Water Improvements. Topics for discussion will include updates on the various phases of the project:

- Project Bidding and Award
- Land Acquisition Status
- Construction Progress to date
- Schedule
- Project Budget
- Construction Change Orders
- Design Change Orders

The project was awarded for \$5,064,468.47 which includes the Base Bid amount of \$4,997,337.78 and a Bid Alternate added for an electronic message board in the amount of \$67,130.69. Notice to Proceed was given November 6, 2017 with a 240 calendar day duration. The contract completion date is July 4, 2018.

Land acquisition was completed with Endeavor to acquire the last remaining Right of Way and easements for the project. The city reached a negotiated settlement with Endeavor shortly before the scheduled Commissioners Court Hearing on November 29, 2017 in the amount of \$460,000. The city was able to obtain Right of Entry from Endeavor prior to the award of the project so the land acquisition did not delay the start of the project

The project is 22% completed based on the work in place completed through the end of January with work in place values at \$1.1M. Roughly 45% of that work consisted of charges for mobilization and site preparation. The remaining work to date is predominately underground storm drain, junction boxes and rough grading. The contractor has completed installation of the dewatered working pad across the lake for installation of the Upper Trinity Regional Water District (UTRWD) bypass and multi-barrel box culvert. Progress has been slowed by gaining approvals from the UTRWD on the project submittals required for construction of the 24" WL bypass across the lake. The next phase of construction will involve construction of the bypass and box culvert followed by embankment.

The project was awarded November 6, 2017 with a duration of 240 days. The completion date for 240 calendar days would be July 4, 2018. The contractor is currently 77 days behind schedule by his schedule and has filed multiple delay claims based on various job conditions including:

- Lack of access from FM 2499
- Lack of access to work in jurisdictional waters (i.e. Lake Sharon)
- Conflicts between new and existing utilities for the tank feed connection

- Changes to the pipe material size from that shown on the plans

The total budget for the project of \$6,435,760.00 was presented to the council at a similar workshop session on October 20, 2016 and included design services, construction cost, land acquisition, project administration and testing. Items were included in the project budget for anticipated costs and contingencies for change orders based on past experience with similar projects. The city has spent \$6,150,319.18 of funds to date, representing either known amounts or already expended items (such as land acquisition).

There is currently a credit balance of \$285,440.82 of still uncommitted funds from the total budgeted amount for the project. Additional laboratory testing, change orders, unanticipated attorney fees, and additional easement documents would be included in the uncommitted funds.

Change Orders Two and Three are being presented to council tonight for approval. Change Order Two in the amount of \$13,185.68 is needed for a change in pipe class from Pressure Class 250 to Pressure Class 350 for the UTRWD 24" DIP bypass.

Change Order Three in the amount of \$43,504.69 is for construction of the Lake Sharon Drive intersection turnout for FM 2499.

Change Order One was previously approved by the City Manager to extend the warranty period from 1-year to 2-years. The total amount requested for approval for Change Orders Two and Three is \$56,690.37.

Amendment Number Seven to the Teague, Nall and Perkins design contract is presented tonight for approval in the amount of \$35,000 for additional construction phase services. The additional services are needed for administrative support and interpretation of the plans during the construction phase. 55 shop drawings 11 requests for plan interpretation (RFIs) and 3 change order requests have been submitted to date with most of the items requiring repeat submittals prior to final approval. There are still a number of ongoing issues that will require additional engineering support including coordination with UTRWD resolving underground utility conflicts, necessary design changes, shop drawing review, attend meetings and general engineering support to concerning plan intent. The expectation is that the requested amount should be sufficient to cover design engineering expenses for the remainder of the project.

Councilmember Glockel - I thought they had already poured past Lake Sharon in November? They have not done that?

Mike Brownlee City Engineer - they were telling me they were going to pour the approach and put a curve on the back and then go ahead and run the sidewalk across but then they just did not do anything.

Councilmember Glockel - so we don't have the possibility of going back to the state and asking them to reimburse us for it?

Mike Brownlee, City Engineer - I have asked them to build it and they declined.

Councilmember Glockel - I am thinking the road was poured before we ever let this contract.

Mike Brownlee, City Engineer - some of it was poured. There were gaps. They had done everything up to Robinson Road. They were not done, they were still paving. They still had their contractor out there working all the way through January.

Councilmember Glockel - The point I am trying to get to is when we let our contract, it wasn't there.

Mike Brownlee, City Engineer - right, but we thought it was going to be there cause they told us it would be. They told us they were going to build it but they didn't. That is all I can tell on that one, they are TXDOT.

Councilmember Burke - is it not open because Denton has not put in a light? That is what I have been told.

Mike Brownlee, City Engineer - it is not open at Robinson Road because it is a school crossing and until they get a signalized intersection they have a safety issue. What they told us was the end of March they would have something up there.

Mayor Heidemann - do you have funds available to do landscaping on Lake Sharon Extension?

Mike Brownlee, City Engineer - yes, lighting, landscaping all included.

Councilmember Harrison - what about the sign? How much is that and is that part of the \$193,000.00?

Mike Brownlee, City Engineer - \$67,130.69 is for the sign, it is really a message board. That is part of the award.

Councilmember Harrison - so if you eliminate the sign you will have money to spend right?

Mike Brownlee, City Engineer - yes. We may lose a little bit if they install power to it and then pull it. The planned location is at Oakmont and you will see it if you go north or south on Oakmont and east and west on Lake Sharon. Same as the one out front of City Hall.

CLOSED SESSION

Mayor Heidemann recessed the Workshop at 6:02 p.m. *See Closed Session

The City Council will convene in such executive or closed session to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code.

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Council met in Closed Session from 6:03 p.m. until 6:34 p.m.

a. Purchase of Right-of-Way for Lake Sharon Blvd near I-35E.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

Council met in Closed Session from 6:03 p.m. until 6:34 p.m.

a. Deliberations regarding economic development incentives to a business prospect.

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON CLOSED SESSION ITEMS.

ADJOURN:

Mayor Heidemann adjourned the Workshop meeting at 6:35 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2018.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 4.

City Council Regular and Workshop Session

Meeting Date: 03/01/2018

Title: February 15, 2018 Regular Session

Submitted For: Kim Pence, City Secretary

Submitted By: Kim Pence, City Secretary

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Consider and act on minutes from the February 15, 2018 Regular Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are minutes from the February 15, 2018 Regular Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the February 15, 2018 Regular Session minutes.

Attachments

Minutes

**STATE OF TEXAS
COUNTY OF DENTON
CITY OF CORINTH**

On this the 15th day of February 2018 the City Council of the City of Corinth, Texas met in a Regular Session at the Corinth City Hall at 5:30 P.M., located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

Members Present:

Bill Heidemann, Mayor
Joe Harrison, Mayor Pro-Tem
Sam Burke, Council Member
Lowell Johnson, Council Member
Scott Garber, Council Member
Don Glockel, Council Member

Members Absent:

None

Staff Members Present:

Bob Hart, City Manager
Curtis Birt, Fire Chief
Barbara Cabbage, Interim Planning and Development Director
Mike Brownlee, City Engineer
Lori Levy, Senior Planner
Cindy Deckard, Engineering Services Coordinator
Kim Pence, City Secretary
Brenton Copeland, Technology Services Assistant
Mack Reinwand, Messer, Rockefeller, &Fort

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & TEXAS PLEDGE:
"Honor the Texas Flag: I pledge allegiance to thee, Texas, one state under God, one and indivisible".

Mayor Heidemann called the meeting to order at 7:00 p.m., Councilmember Garber delivered the invocation and led in the Pledge of Allegiance and the Texas Pledge.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Mayor, a Councilmember, or any citizen desire discussion of any Item that Item will be removed from the Consent Agenda and will be considered separately.

1. Consider and act on minutes from the January 11, 2018 Special Session.
2. Consider and act on minutes from the January 18, 2018 Workshop Session.
3. Consider and act on minutes from the January 18, 2018 Regular Session.

4. Discuss and consider approval of Contract Amendment No. 7 to the Lake Sharon Roadway design contract to add Construction Phase Services for Engineering and Surveying in the amount of \$35,000.00.
5. Discuss and consider approval of Change Order Two in the amount of Thirteen Thousand One Hundred Eighty Five Dollars and Sixty Eight Cents (\$13,185.68) and Change Order Three in the amount of Forty Three Thousand Five Hundred Four Dollars and Sixty Nine Cents (\$43,504.69) increasing the current contract price of Five Million Eighty Five Thousand Four Hundred Sixty Eight Dollars and Thirty Seven Cents (\$5,085,468.37) with Munilla Construction Management, LLC dba MCM for the construction of Paving, Drainage & Water Improvements for Lake Sharon Drive by the total amount of Fifty Six Thousand Six Hundred Ninety Dollars and Thirty Seven Cents (\$56,690.37).
6. Review and approve the Investment Policy for City of Corinth for FY 2017-2018.
7. Review and approve the Investment Policy for the Economic Development Corporation for FY 2017-2018.
8. Review and approve the Investment Policy for the Crime Control & Prevention District for FY 2017-2018.

MOTION made by Councilmember Johnson to approve the Consent Agenda as presented. Seconded by Councilmember Harrison.

AYES: Burke, Garber, Johnson, Harrison, Glockel
NOES: None
ABSENT: None

MOTION CARRIED

CITIZENS COMMENTS

In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Citizen's comments will be limited to 3 minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Please complete a Public Input form if you desire to address the City Council. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof. Section 30.041B Code of Ordinance of the City of Corinth.

No one spoke during Citizens Comments.

PUBLIC HEARING

Mayor Heidemann opened the Public Hearing at 7:01 p.m. No one spoke during the Public Hearing. Mayor Heidemann closed the Public Hearing at 7:02. p.m.

9. To hear public opinion regarding amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code (UDC) Ordinance No. 13-05-02-08, as amended, Section 2.09.01 Landscape Regulations, Table 15: Approved Plant Material List.

Cindy Deckard, Engineer Services Coordinator - the Unified Development Code was adopted by City Council in May 2013. Periodically changes and updates are needed to improve the predictability and flexibility of the City's development process. City Council specified earlier this year that native plants should be added to the plant list found in the Landscape Section of the Unified Development Code (UDC).

The amendment adds a Grasses Section to the current list as well updates the plant list to remove and correct errors. We have also added a Section to the UDC that states all plant material must be listed in the USDA Hardiness Zone 7B map. We also added some informational sections just to give some websites for people to go and research plant material that are recommended for this zone.

BUSINESS:

- 9a. Consider and act on an ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code (UDC) Ordinance No. 13-05-02-08, as amended, Section 2.09.01 Landscape Regulations, Table 15: Approved Plant Material List.

MOTION made by Councilmember Harrison to approve the Ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code (UDC) Ordinance No. 13-05-02-08, as amended, Section 2.09.01 Landscape Regulations, Table 15: Approved Plant Material List. Seconded by Councilmember Garber.

PUBLIC HEARING:

Mayor Heidemann opened the Public Hearing at 7:12 p.m.

Donald Silvermen, Developer

Mayor Heidemann closed the Public Hearing at 7:16 p.m.

10. TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT ERIC WILHITE, AUTHORIZED REPRESENTATIVE FOR PROPERTY OWNER, CORINTH RETAIL 2499, LLC FOR A ZONING CHANGE FROM C-2 COMMERCIAL 2 DISTRICT TO PLANNED DEVELOPMENT (PD) C-2 COMMERCIAL DISTRICT WITH MODIFIED DEVELOPMENT STANDARDS ON APPROXIMATELY 5.299 ACRES OF LAND LEGALLY DESCRIBED AS A TRACT OF LAND SITUATED IN THE JASPER C. BAKER SURVEY, ABSTRACT NO. 48, IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. THIS PROPERTY IS LOCATED ON THE SOUTHWEST CORNER OF F.M. 2181 AND F.M. 2499.

Lori Levy, Senior Planner - items number 10 and 11 are companion items and will discuss the cases together. The applicant is proposing a rezoning from C-2 Commercial 2 District on approximately 5.299 acres to a Planned Development (PD) C-2 Commercial 2 District with modified development standards in order to develop a 7-11 convenience store with a gasoline filling station on the southwest corner (Area 1/Proposed Lot 1) of F.M. 2181 and F.M. 2499. A 14,000 square foot retail building with an outdoor patio is conceptually proposed for Area 2 (Proposed Lot 2), and a 5,000 square foot financial institution is conceptually proposed for Area 3 (Proposed Lot 3) within the Planned Development. Stamped sections of pavement throughout the development will provide connections to the City's proposed trail system along both F.M. 2181 and F.M. 2499.

A site plan is included for the 3,010 sq. ft. proposed 7-11 convenience store with gasoline pumps without

a car wash for Area 1 (Proposed Lot 1). However, the proposed layout for Areas 2 and 3 (Proposed Lots 2 and 3) is conceptual and site plans will be required prior to development of those lots.

Three driveways are proposed for this development. The proposed driveway on F.M. 2181 nearest the intersection of F.M. 2499 is a right-in, right-out only. There are 2 driveways proposed along F.M. 2499 to serve the conceptually proposed retail buildings in Areas 2 and 3 (Proposed Lots 2 and 3).

TXDOT has already approved all 3 proposed driveways and TXDOT driveway permits were issued in April, 2017. However, the TXDOT driveway permits expire after 6 months. A request to extend the driveway permits has been submitted to TXDOT.

The applicant is showing detention in the form of a detention pond within a drainage easement located behind the proposed retail buildings on Areas 2 and 3 (Proposed Lots 2 and 3) to be maintained by the property owner of Area 2 (Proposed Lot 2) that will serve the detention needs for all buildings within the proposed (PD) Planned Development.

The applicant is also proposing alternative compliance to pay a fee in lieu into the tree fund for mitigation of 591 caliper inches of protected trees that must be removed for development of the heavily treed site. A total of 627 caliper inches are required to be mitigated with the reduction of 50% required replacement for a heavily treed lot. The applicant has included as many replacement trees (36 caliper inches) on the landscape plans as space will allow for development of Phase 1 (7-11). However, of the total 627 caliper inches of replacement trees required, a deficit of 591 inches remain. The applicant has provided the attached estimate of \$109,289.36 from the City approved plant nursery for replacement of 197, 3" caliper Oak and Elm trees, including delivery and installation. A tree survey/protection plan and tree mitigation for Areas 2 and 3 (Proposed Lots 2 and 3) will be required during re-platting, and prior to development of those Areas/Lots.

The Unified Development Code requires consistency between a Zoning Map Amendment (Rezoning) and the Comprehensive Plan. The proposed zoning is in conformance with the Comprehensive Plan. Therefore, a Comprehensive Plan Amendment is not necessary and the Commission may make a recommendation on this zoning request.

Staff recommends approval of this request, subject to approval of the Major Subdivision Waiver for the driveway off of FM 2181 and extension of TXDOT permit approval for all driveways.

The Planning and Zoning Commission unanimously recommended approval of this request with staff stipulations at the January 22, 2018 meeting.

Donald Silvermen, Project Developer - we are ready to move ahead. We were involved in the CVS and we are happy to be in Corinth and looking forward to develop here.

BUSINESS:

10a. Consider and act on an ordinance for a zoning change from C-2 Commercial 2 District to Planned Development (PD) C-2 Commercial 2 District with modified development standards on approximately 5.299 acres of land legally described as a tract of land situated in the Jasper C. Baker Survey, Abstract 5.299 acres of land legally described as a tract of land situated in the Jasper C. Baker Survey, Abstract No. 48, in the City of Corinth, Denton County, Texas. (This property is located on the southwest corner of F.M. 2181 and F.M. 2499).

MOTION made by Councilmember Harrison to approve the ordinance for a zoning change from C-2 Commercial 2 District to Planned Development (PD) C-2 Commercial 2 District with modified development standards on approximately 5.299 acres of land legally described as a tract of land situated in the Jasper C. Baker Survey, Abstract 5.299 acres of land legally described as a tract of land situated in the Jasper C. Baker Survey, Abstract No. 48, in the City of Corinth, Denton County, Texas. (This property is located on the southwest corner of F.M. 2181 and F.M. 2499). Seconded by Councilmember Glockel.

AYES: Burke, Garber, Johnson, Harrison, Glockel
NOES: None
ABSENT: None

MOTION CARRIED

11. Consider and act on a request from the applicant Eric Wilhite, authorized representative for the property owner, Corinth Retail, 2499, LLC for a Major Subdivision Waiver to the City of Corinth Ordinance No. 13-05-08-20, Unified Development Code (UDC) to allow a reduction in the minimum required distance from the intersection along a major arterial to the proposed driveway on property legally described as a tract of land situated in the Jasper C. Baker Survey, Abstract No. 48, in the City of Corinth, Denton County, Texas. (This property is located on the southwest corner of F.M. 2181 and F.M. 2499).

MOTION made by Councilmember Johnson to approve the a request from the applicant Eric Wilhite, authorized representative for the property owner, Corinth Retail, 2499, LLC for a Major Subdivision Waiver to the City of Corinth Ordinance No. 13-05-08-20, Unified Development Code (UDC) to allow a reduction in the minimum required distance from the intersection along a major arterial to the proposed driveway on property legally described as a tract of land situated in the Jasper C. Baker Survey, Abstract No. 48, in the City of Corinth, Denton County, Texas and include in the motion that this is stipulated based on the completion of the engineering comments and other staff stipulations as discussed with the developer. Seconded by Councilmember Garber.

AYES: Burke, Garber, Johnson, Harrison, Glockel
NOES: None
ABSENT: None

MOTION CARRIED

12. Consider and act on a Resolution ordering a Joint General Election with Denton County to be held on May 5, 2018 to fill the offices of Councilmember Places 1, 3 and 4; establishing procedures for that election and providing an effective date.

Bob Hart, City Manager - this is the Resolution that you do annually calling the election for members of the City Council.

MOTION made by Councilmember Burke to approve the Resolution ordering a Joint General Election with Denton County to be held on May 5, 2018 to fill the offices of Councilmember Places 1, 3 and 4; establishing procedures for that election and providing an effective date. Seconded by Councilmember Garber.

AYES: Burke, Garber, Johnson, Harrison, Glockel

NOES: None
ABSENT: None

MOTION CARRIED

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

Councilmember Johnson - would like to add to a future agenda a discussion concerning the closing of the stub -end street just past Greystone in the Meadow Oaks Subdivision. There is some complications related to that in the HOA that need to be discussed.

Make sure you save March 24th on your calendar for Corinth Make A Difference Day, we all get a chance to pull weeds and lay mulch. We may get a chance to work on this with Corinth Elementary and the students from UNT will be here as well. We could have as many as 100 people and we will be out there from 9:00 am until 2:00 pm.

Councilmember Glockel - would like to take another look at the addressing of the 100 Block of Lake Sharon and Post Oak. Specifically in my area of Lake Sharon. If you look in Terrace Oaks, the 100 Block matches the 100 Block south of me which is Fairview west. As I went to change addresses the Post Office says my address is west of Post Oak and I am east. So it has always been an issue and years ago it was 2001 not 2101. I don't know why it has changes and it is a controversy and if you try to get the postal service to deliver there they say it is not the correct route.

Mayor Heidemann - I attended the Fire Annual Banquet and they are always fun to go to and see people receive awards and would encourage everyone to go to them.

The upcoming Easter Festivities will be down at the Community Park on March 24th. We should get the word out on that.

CLOSED SESSION

There was no closed Session.

The City Council will convene in such executive or closed session to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code.

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

a. Purchase of Right-of-Way for Lake Sharon Blvd near I-35E.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

a. Deliberations regarding economic development incentives to a business prospect.

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON CLOSED SESSION ITEMS.

13. Discuss and consider authorizing staff to purchase a 0.106 acres (4,627 square feet) parcel of land for Right of Way acquisition part of a called 1.592 acre tract of land in the E.A. Garrison Survey, Abstract 511, City of Corinth, Denton County, Texas, conveyed to SEL Meadows Oak, LLC by deed recorded in Instrument Number 2008-713 of the Deed Records of Denton County Texas, commonly known as 3302 Lake Sharon Drive and generally located at the SE corner of Lake Sharon Drive and Tower Ridge Drive.

Bob Hart, City Manager - this item has been placed on the agenda for consideration for the purchase of Right-of-way for the completion of Lake Sharon near Interstate 35E that would help with the future alignment of Dobb's Road. We are requesting authority to purchase the right-of-way in the amount discussed in Executive Session.

MOTION made by Councilmember Garber to approve purchase of a 0.106 acres (4,627 square feet) parcel of land for Right of Way acquisition part of a called 1.592 acre tract of land in the E.A. Garrison Survey, Abstract 511, City of Corinth, Denton County, Texas, conveyed to SEL Meadows Oak, LLC by deed recorded in Instrument Number 2008-713 of the Deed Records of Denton County Texas, commonly known as 3302 Lake Sharon Drive and generally located at the SE corner of Lake Sharon Drive and Tower Ridge Drive. Seconded by Councilmember Burke.

AYES: Burke, Garber, Johnson, Harrison, Glockel
NOES: None
ABSENT: None

MOTION CARRIED

14. Consider and act on a Resolution of the City Council approving a Chapter 380 Economic Development Incentive Agreement between the City of Corinth, Texas, the Corinth Economic Development Corporation and Huffines Children's Trust providing economic development incentives for the relocation and expansion of Huffines Kia and Subaru.

Mayor Heidemann recused himself from any discussion on item #14.

Mayor Pro-Tem Harrison read the item into the record.

Jason Alexander, Economic Development Director - this item is a tentative agreement between the City, the Corinth Economic Development Corporation and Huffines for incentives to assist in the construction and the operation of Huffines Kia and Subaru. Essentially, it is a revenue sharing agreement where 50% of the sales and use taxes on personal property that has been generated by Huffines as they are constructing their facility, would be rebated from the City and from Economic Development Corporation. The Street Maintenance and the Crime Control Prevention District funds would not be affected.

The term of the agreement is for 10 years and should Huffines be in compliance with the agreement, it will automatically renew for another 5 year for a total of 15 years.

MOTION made by Councilmember Johnson to approve Chapter 380 Economic Development Incentive agreement between the City of Corinth, Texas, the Corinth Economic Development Corporation and Huffines Children's Trust providing economic development incentives for the relocation and expansion of Huffines Kia and Subaru. Seconded by Councilmember Glockel.

AYES: Burke, Garber, Johnson, Harrison, Glockel
NOES: None
ABSENT: None

MOTION CARRIED

ADJOURN:

Mayor Heidemann adjourned the meeting at 7:36 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2018.

Kimberly Pence, City Secretary
City of Corinth, Texas

City Council Regular and Workshop Session

Meeting Date: 03/01/2018
Title: Lake Sharon Phase III PD Zoning Change Request
Submitted For: Bob Hart, City Manager
Submitted By: Barbara Cubbage, Planning & Development Manager
City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT RANDI RIVERA WITH G&A CONSULTANTS, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNERS 777 LAKES, LP FOR A ZONING CHANGE FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT SINGLE FAMILY-4 (PD SF-4) ON 55.995 ACRES LEGALLY DESCRIBED AS TRACTS 1C AND 1D OUT OF THE BBB & CRR SURVEY, COUNTY ABSTRACT 190, TRACT 1 OUT OF THE S. KEPHART SURVEY, COUNTY ABSTRACT 721 AND TRACT 1D OUT OF THE GW MCGLOTHLIN SURVEY, COUNTY ABSTRACT 888 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. This property is located south of the proposed Lake Sharon Drive extension and east of FM 2499.

(AT THE APPLICANTS REQUEST, THE PUBLIC HEARING WILL BE CONTINUED TO MARCH 15, 2018 CITY COUNCIL REGULAR SESSION).

BUSINESS: Consider and act on an ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code, Ordinance No. 13-05-02-08, as amended, for a zoning change from Single Family-3 (SF-3) to Planned Development Single Family-4 (PD SF-4) on 55.995 acres legally described Tracts 1C and 1D out of the BBB & CRR Survey, County Abstract 190, Tract 1 out of the S Kephart Survey, County Abstract 721 and Tract 1D out of the GW McGlothlin Survey, County Abstract 888 in the City of Corinth, Denton County, Texas.

AGENDA ITEM SUMMARY/BACKGROUND

APPROVAL PROCESS

The Planning and Zoning Commission recommendation will be presented to City Council for final consideration.

NOTIFICATION TO PUBLIC

Notification prior to the Planning and Zoning Commission meeting by sign placement, written notice and newspaper (prior to City Council) is required for the zoning change process.

Prior to the Planning and Zoning Commission meeting; fifty-one public hearing letters were sent to individuals whose properties fall within 200’ of the subject properties; no responses to those letters have been received.

At the Planning and Zoning Commission meeting, several concerns were expressed regarding the zoning change request and development of the site. These concerns included: minimum lot size, 5' side yards, density, preservation of trees along the lake, dam improvements and maintenance, HOA,

AGENDA ITEM DESCRIPTION

Prior to Lake Sharon Estates this land was a part of what was known as Lake Sharon Christian Center. In 1998 Corinth City Council approved a zoning change of 152.2 acres from SF-4 to SF-3 for development of Lake Sharon Estates. The final plats of phases one and two were approved in November 1998 and May 1999.

At this time, Zena Development, on behalf of the property owner of record 777 Lakes LP, is proposing 79 lots ranging from 6250 sf to 24,464 sf. Two-thirds of the lots are 6250 sf to 8795 sf while the remaining one-third (22 lots) range from 9325 sf up to the 24,464 sf shown on the Zoning Concept Plan).

Randi Rivera, Land Planner with G&A Consultants and authorized applicant for the property owner, has worked with Staff to create the supporting ordinance included in the packet that regulates the proposed Lake Sharon Phase III. Required by the UDC, SF-4 Single Family Residential base district has been assigned to this Planned Development district. The regulations have been established and the chart below compares SF-3, SF-4 and the proposed PD:

	SF-3	SF-4	PD
Minimum Front Yard Setback	25'	25'	25'
Minimum Side Yard Setback	7.5'	25'	5' / 10' adjacent to ROW
Minimum Side Yard Setback - Corner Lot	15'/25' from side entry garage	15'/25' from side entry garage	25' if a garage on a corner lot proposes side street entry
Minimum Rear Yard Setback	30% of depth or 30'	30% of depth or 30'	20'
Minimum Lot Area	10,000 sf	7500 sf	6250 sf
Minimum Lot Width	80' at bldg line / 70' at front property line	70' at bldg line / 60' at front property line	50' at building line
Minimum Lot Depth	100'	100'	125'
Minimum Floor Area	1700 sf	1500 sf	2000 sf
Maximum Height	35' / 2.5 Stories	35' / 2.5 Stories	35' / 2.5 Stories
Maximum Building Coverage	30%	30%	50%
Typical Building Pad Dimensions	N/A	N/A	40' wide / 80' deep

- Zena has proposed planting three shade or ornamental trees - 3” caliper minimum where the UDC requires two trees of the same minimum caliper.
- To shadow Lake Sharon Phase II, residential lots in Phase III that abut the lake open space shall have ornamental metal fences along the lake frontage.
- The developer has requested to forego providing a tree survey for trees located in the rights-of-way, easements and pad sites (limited to 40’ x 80’). The site is considered a “heavily treed lot” showing more than 50% tree canopy coverage. Staff does not oppose this request and has added that exemption to the Planned Development ordinance.
- The lake and the dam associated with this project has been an item of discussion from the development onset of Lake Sharon Estates subdivision. As with all ordinances related to zoning; the City of Corinth’s consulting attorneys completed a legal review of the Planned Development ordinance associated with Phase III of Lake Sharon Estates. Section F of the Lake Sharon Phase III Planned Development Ordinance will be a Storm Water Facility Maintenance Agreement (SWFMA).
- The applicant and the Public Works Director, Cody Collier, addressed Parkland Dedication before the Corinth City Council on October 19, 2017. A 10’ wide concrete paved walking trail along the west side of Lake Sharon will be constructed along with park benches and a shade structure situated in the open space for required Park and Trail Dedications for Residentially Zoned Property.

ZONING

The proposed zoning is Planned Development SF-4 (PD SF-4). Current zoning is SF-3 Single Family Residential.

COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION

The Comprehensive Plan Future Land Use Map shows this areas designation to be Low Density Residential. The proposed zoning is consistent with the designated land use.

FINANCIAL SUMMARY

Source of Funding: No funding is required.

RECOMMENDATION

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission met on January 22, 2018 in Regular Session. The Commission recommended 3-1 to approve the zoning change and ordinance.

STAFF RECOMMENDATION

Staff supports the zoning change including the Use and Dimensional Regulations and Development Standards proposed in the ordinance.

Attachments

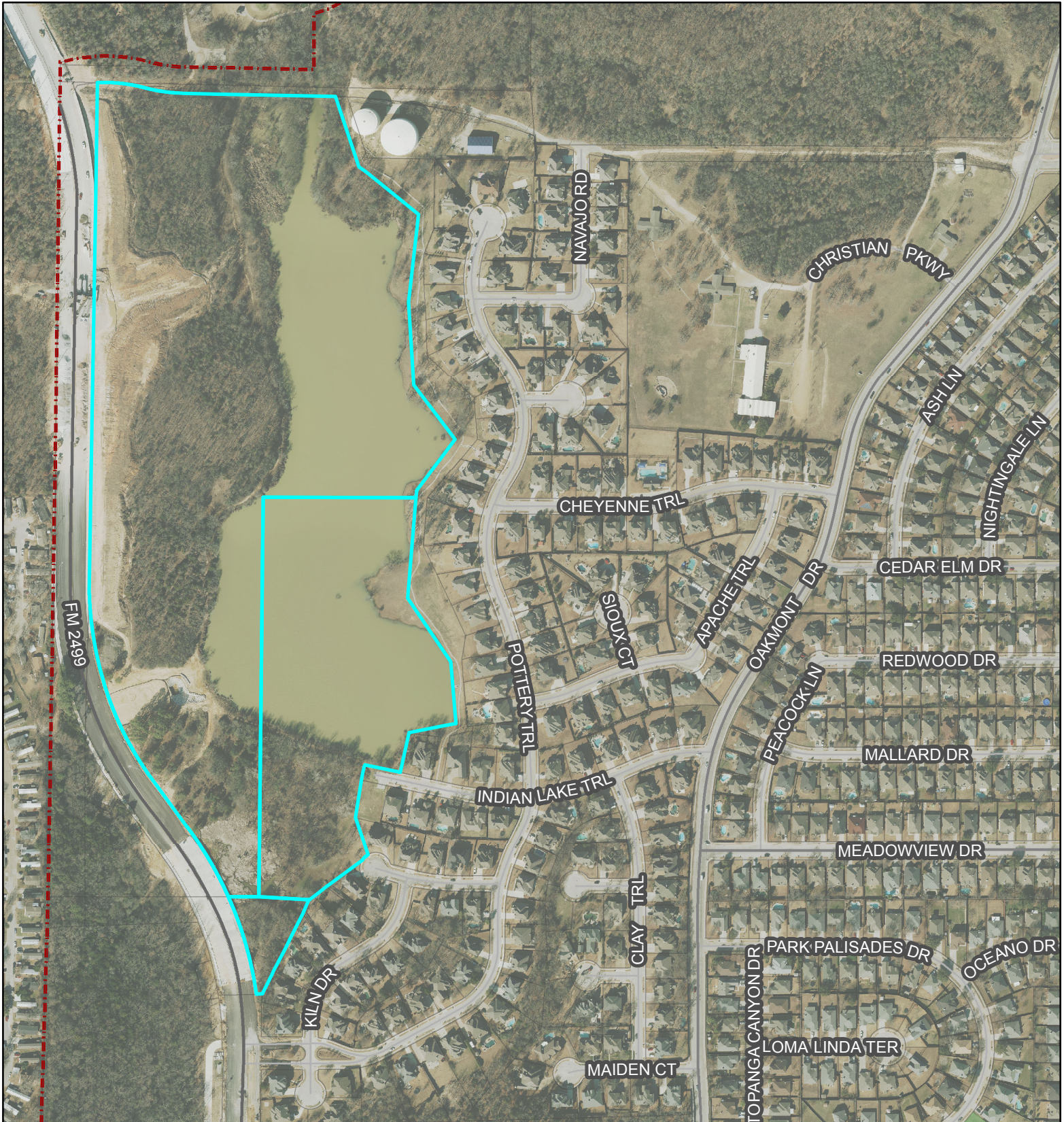
- Location Map
 - Zoning Map
 - Land Use Map
 - Lake Sharon III Zoning Concept Map
 - Color Rendering
 - Lake Sharon Phase III PD Ordinance
 - Lake Sharon Ph III Landscape Plan
-



CITY OF CORINTH

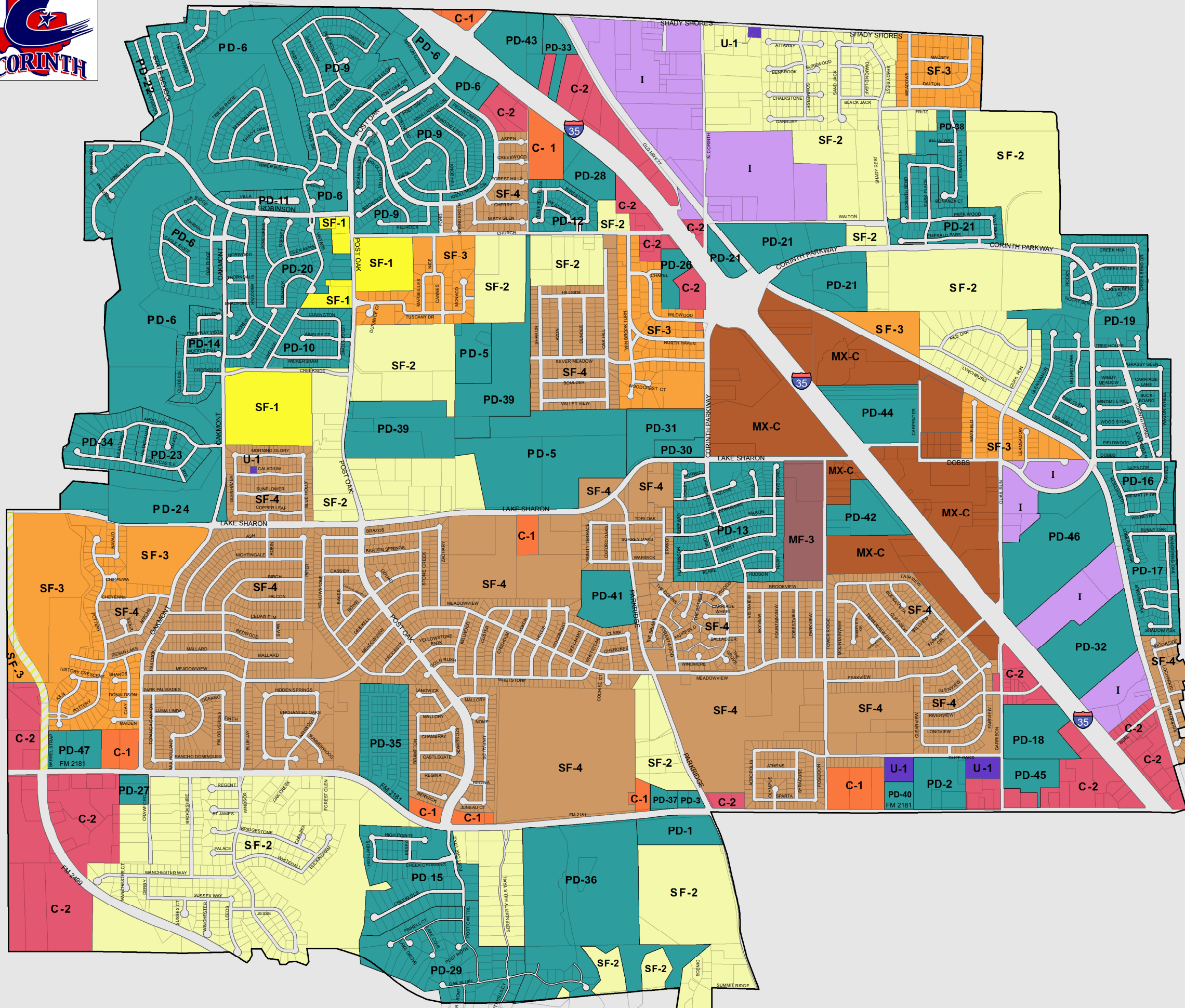
LAKE SHARON PHASE III

Location Map





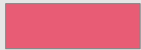

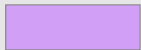

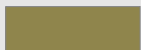





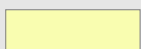


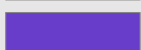


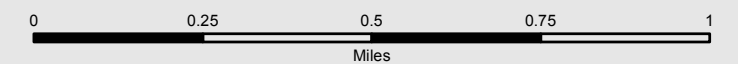
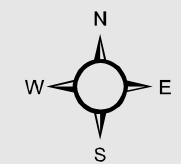
City of Corinth Zoning Map



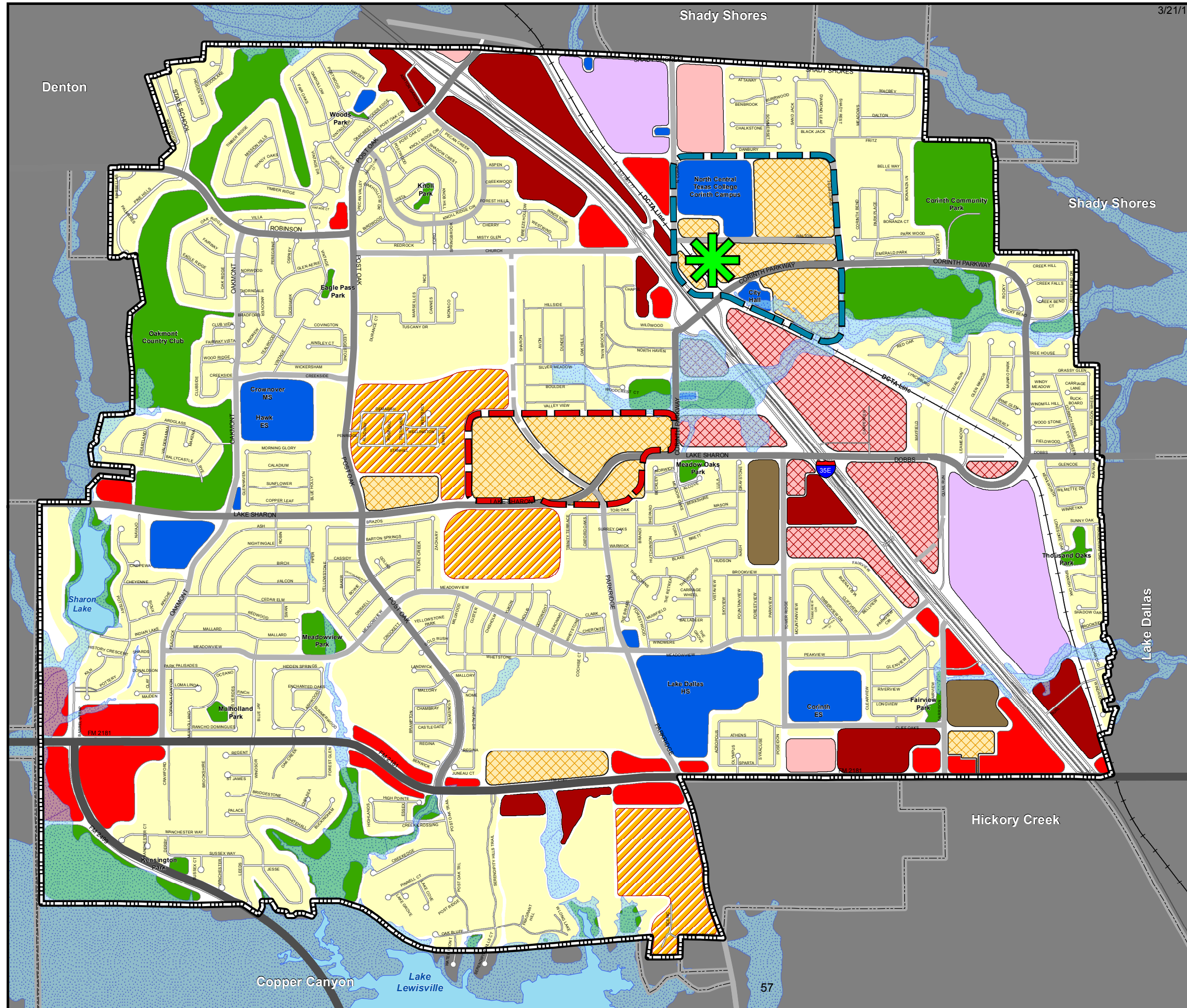
Legend

Zoning Districts

-  Future FM 2499
-  C-1 Commercial
-  C-2 Commercial
-  C-3 Commercial
-  I Industrial
-  MF-1 Multi-Family Residential
-  MF-2 Multi-Family Residential
-  MF-3 Multi-Family Residential
-  MHD Modular Home District
-  MX-C Mixed Use Commercial
-  PD Planned Development
-  SF-1 Single Family Residential
-  SF-2 Single Family Residential
-  SF-3 Single Family Residential
-  SF-4 Single Family Residential
-  U-1 Utility



Future Land Use Plan



Future Land Use

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Residential
- Mixed Use with Residential
- Parks and Open Space
- Public/Semi-Public
- Mixed Use Non-Residential
- Office/Business Park
- Retail
- Commercial
- Industrial

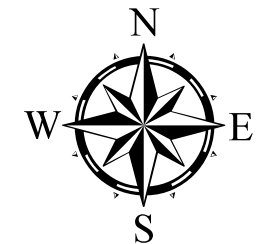
- Multi-Modal Transit Center
- Transit Oriented Development
- Corinth City Center

Road Types

- Major Arterial
- Minor Arterial
- Collector
- Corinth City Limits
- FEMA 100 Year Floodplain

Plate 4-1


Note:
A Comprehensive Plan shall not constitute zoning district regulations or establish zoning district boundaries.

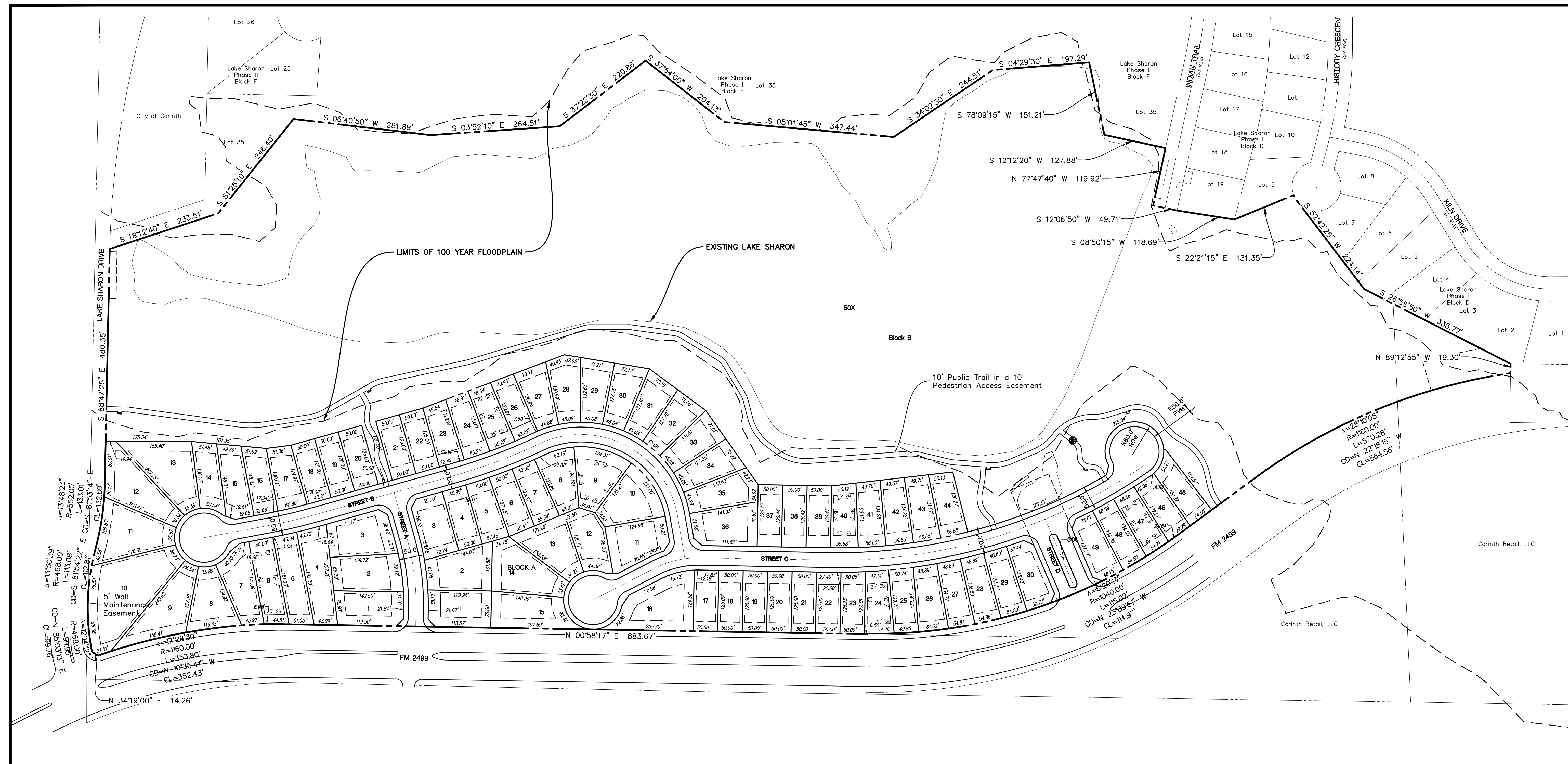


ZONING CONCEPT PLAN

PRELIMINARY PLANS
 THIS DOCUMENT IS FOR
 INTERIM REVIEW AND IS
 NOT INTENDED FOR
 CONSTRUCTION, BIDDING,
 OR PERMIT PURPOSES.
 G&A CONSULTANTS, F-1798
 ROBERT JOHN DOLLAH, JR.,
 P.E. #86898
 DATE 10/31/2017

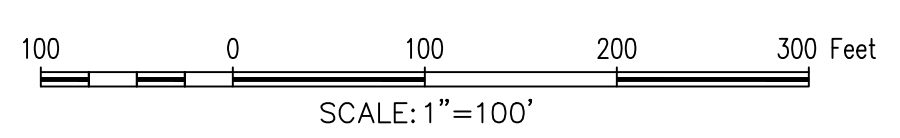
Drawn By: RLR
Date: 05/15/2017
Scale: 1"=100'
Revisions:
06/26/2017
08/24/2017
09/22/2017
10/06/2017
10/31/2017
####
####
####

15228

OWNER/DEVELOPER
 777 Lakes, LP
 218 W. Wall Street
 Grapevine, TX 76061
 Ph. 817-873-0520
 Contact: Robert Betancur



GENERAL NOTES

1. "X" LOTS SHALL BE OWNED AND MAINTAINED BY THE LAKE SHARON PHASE III HOA.
2. A 10' PEDESTRIAN ACCESS EASEMENT SHALL BE REQUIRED FOR PUBLIC ACCESS FOR THE PROPOSED TRAIL.



LOT	BLOCK	SQUARE FEET	ACRES
1	Block A	9,549	0.219
2	Block A	10,925	0.251
3	Block A	8,686	0.199
4	Block A	6,251	0.144
5	Block A	6,767	0.155
6	Block A	6,642	0.152
7	Block A	6,598	0.151
8	Block A	8,051	0.185
9	Block A	10,055	0.231
10	Block A	10,562	0.242
11	Block A	10,182	0.234
12	Block A	8,402	0.193
13	Block A	10,257	0.235
14	Block A	12,567	0.288
15	Block A	11,112	0.255
16	Block A	15,285	0.351
17	Block A	6,248	0.143
18	Block A	6,250	0.143
19	Block A	6,250	0.143
20	Block A	6,250	0.143

LOT	BLOCK	SQUARE FEET	ACRES
21	Block A	6,250	0.143
22	Block A	6,252	0.144
23	Block A	6,305	0.145
24	Block A	6,910	0.159
25	Block A	6,588	0.151
26	Block A	7,380	0.169
27	Block A	7,033	0.161
28	Block A	7,113	0.163
29	Block A	7,166	0.165
30	Block A	7,963	0.183
1	Block B	9,610	0.221
2	Block B	10,449	0.240
3	Block B	10,795	0.248
4	Block B	10,905	0.250
5	Block B	9,325	0.214
6	Block B	8,795	0.202
7	Block B	9,580	0.220
8	Block B	9,627	0.221
9	Block B	12,971	0.298
10	Block B	24,464	0.562

LOT	BLOCK	SQUARE FEET	ACRES
11	Block B	13,807	0.317
12	Block B	13,235	0.304
13	Block B	14,006	0.322
14	Block B	7,041	0.162
15	Block B	7,910	0.182
16	Block B	6,894	0.158
17	Block B	7,144	0.164
18	Block B	6,331	0.145
19	Block B	6,250	0.143
20	Block B	6,250	0.143
21	Block B	6,250	0.143
22	Block B	6,250	0.143
23	Block B	6,496	0.149
24	Block B	6,765	0.155
25	Block B	6,787	0.156
26	Block B	6,462	0.148
27	Block B	7,372	0.169
28	Block B	7,934	0.182
29	Block B	7,482	0.172
30	Block B	7,645	0.176

LOT	BLOCK	SQUARE FEET	ACRES
31	Block B	7,625	0.175
32	Block B	7,422	0.170
33	Block B	7,428	0.171
34	Block B	7,642	0.175
35	Block B	8,600	0.197
36	Block B	10,419	0.239
37	Block B	6,322	0.145
38	Block B	6,321	0.145
39	Block B	6,321	0.145
40	Block B	6,884	0.158
41	Block B	7,076	0.162
42	Block B	7,140	0.164
43	Block B	7,074	0.162
44	Block B	6,876	0.158
45	Block B	7,212	0.166
46	Block B	6,774	0.156
47	Block B	6,905	0.159
48	Block B	7,020	0.161
49	Block B	7,740	0.178
50X	Block B	1611,382	36.992



Block A

Block B

LIMITS OF 100 YEAR FLOODPLAIN

EXISTING LAKE SHARON

50X

10' Public Trail in a 10' Pedestrian Access Easement

Pedestrian Bench

Shade Structure

3' Wall Maintenance Easement

Monument Sign

3' Wall Maintenance Easement

FM 2499

LAKE SHARON DRIVE

FM 2499

STREET A

STREET B

STREET C

STREET D

51X

Lot Summary						
Total Lots:	Minimum Lot Width:	Minimum Lot Depth:	Building Pad:	Front Yard Setback:	Side Yard Setback:	Rear Yard Setback:
79	50'	125'	40'x80'	25'	5'/10' adj. to R.O.W.	20'

ORDINANCE NO. 18-03-01-___

LAKE SHARON PH III PLANNED DEVELOPMENT DISTRICT

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE, ORDINANCE NO. 13-05-02-08, AS AMENDED, BY AMENDING THE ZONING CLASSIFICATION FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT SINGLE FAMILY-4 (PD SF-4) ON 55.995 ACRES LEGALLY DESCRIBED AS ALL OR A PART OF THE FOLLOWING PROPERTIES: TRACTS 1C AND 1D OUT OF THE BBB & CRR SURVEY, COUNTY ABSTRACT 190, TRACT 1 OUT OF THE S KEPHART SURVEY, COUNTY ABSTRACT 721 AND TRACT 1D OUT OF THE GW MCGLOTHLIN SURVEY, COUNTY ABSTRACT 888; PROVIDING CONCEPT PLAN DOCUMENTS; PROVIDING A LEGAL PROPERTY DESCRIPTION; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000; PROVIDING FOR PUBLICATION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas has adopted Ordinance 13-05-02-08, which adopts a Unified Development Code, which includes the Comprehensive Zoning Ordinance and which, in accordance with the City's Comprehensive Plan, establishes zoning districts and adopts a Zoning Map; and

WHEREAS, the hereinafter described property is zoned as Single Family-4 Classification under the City's Unified Development Code and a person having a proprietary interest in the property has requested a change in the zoning classification of said property; and

WHEREAS, the Planning and Zoning Commission of the City of Corinth and the City Council of the City of Corinth, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Corinth City Council is of the opinion that said change in zoning should be made; and

WHEREAS, the City Council considered the following factors in making a determination as to whether the requested change should be granted or denied: safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the sites; safety from fire hazards and damages; noise producing elements and glare of the vehicular and stationary lights and effect of such lights on established character of the neighborhood; location, lighting and types of signs and relation of signs to traffic control and adjacent property; street size and adequacy of width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; adequacy of parking as determined by requirements of this ordinance for off-street parking facilities; location of ingress and egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust; effect on the promotion of health and the general welfare; effect on light and air; effect on the over-crowding of the land; effect on the concentration of population, and effect on transportation, water, sewerage, schools, parks and other public facilities; and

WHEREAS, the City Council further considered among other things the character of the districts and their peculiar suitability for particular uses and the view to conserve the value of the buildings, and encourage the most appropriate use of the land throughout this City; and

WHEREAS, the City Council finds that the change in zoning promotes the health and the general welfare, provides adequate light and air, prevents the over-crowding of land, avoids undue concentration of population, and facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and the general health, safety and welfare of the community;

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

SECTION I - LEGAL PROPERTY DESCRIPTION; AMENDMENT

That in accordance with the Unified Development Code, the Zoning Map of the City of Corinth is hereby amended by amending the zoning on 55.995 acres of land described in "Exhibit A" attached hereto, from Single Family-3 to Planned Development Single Family-4 (PD SF-4) District. The amended zoning map is attached as Exhibit "B" hereto.

SECTION II – PLANNED DEVELOPMENT MASTER PLAN

The PD Design Statement approved and described in Exhibit "C" and PD Concept Design Map approved and shown as "Exhibit D" attached hereto and made a part hereof for all purposes shall be adhered to in their entirety for the purposes of existing and proposed development of the property.

SECTION III – LAND USE REGULATIONS

- A. The Zoning and Land Use Regulations set forth in "Exhibit E" attached hereto and made a part hereof for all purposes shall be adhered to in its entirety for the purposes of this Planned Development Single Family District.
- B. That the zoning regulations and district as herein established have been made in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to provide adequate light and air; to prevent over-crowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, drainage and surface water, parks and other commercial needs and development of the community. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.
- C. That a Storm Water Facility Maintenance Agreement (SWFMA) will be established and adhered.

D. Exhibit

SECTION IV – PENALTY FOR VIOLATIONS

Any person, firm, or corporation violating any of the provisions of this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars (\$2,000.00); and each and every day that these provisions are violated shall constitute a separate and distinct offense.

SECTION V – SEVERABILITY CLAUSE

If any section, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION VI – EFFECTIVE DATE

This ordinance shall become effective after approval and publication as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF MARCH 2018.

APPROVED:

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"
METES AND BOUNDS LEGAL DESCRIPTION
55.995 ACRES

Being all that certain lot, tract or parcel of land situated in the B.B.B & C. RR Co. Survey, Abstract Number 190, the Samuel Kephart Survey, Abstract Number 721 and the G. W. McGlothlin Survey, Abstract Number 888, City of Corinth, Denton County, Texas, and being part of that certain called 41.70 acre tract of land described as Tract One and part of that certain called 62.667 acre tract of land described as Tract Four in deed to 777 Lakes LP, recorded in Document Number 2004-19618 of the Real Property Records of Denton County, Texas, and being part of that certain called 0.275 acre tract of land described in deed to 777 Lakes LP, recorded in Document Number 2005-1791 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.565 acre tract of land described in deed to 777 Lakes LP, recorded in Document Number 2005-1792 of the Real Property Records of Denton County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" capped rebar set (G&A) at the southeast corner of said 0.565 acre tract, being the northeast corner of Barrel Strap Lane as evidenced by the final plat of Lake Sharon Estates, recorded in Cabinet R, Page 323 of the Plat Records of Denton County, Texas, and being an angle point on the west line of Lot 2, Block D of said addition;

THENCE N 89°12'55" W, 19.31 feet with the south line of said 0.565 acre tract and the north line of said Barrel Strap Lane to a 1/2" capped rebar set (G&A) at the southwest corner of said 0.565 acre tract and being the southeast corner of that certain called 0.691 acre tract described as Tract 1 in deed to Denton County, Texas, recorded in Document Number 2005-99455 of the Real Property Records of Denton County, Texas, being on the east line of F.M. 2499;

THENCE with the east line of said F.M. 2499, the east line of said 0.691 acre tract and the west line of said 0.565 acre tract, with the arc of a curve to the left having a radius of 1160.00 feet, passing at an arc length of 238.61 feet, whose central angle is 11°47'09", having a chord of N 14°06'47" W, 238.19 feet, a 5/8" rebar found at the northeast corner of said 0.691 acre tract, being the northwest corner of said 0.565 acre tract and being the southeast corner of that certain called 2.383 acre tract described as Tract 4 in said Denton County, Texas, deed, continuing with the east line of said 2.383 acre tract a total arc length of 570.28 feet, whose central angle is 28°10'04", having a chord of N 22°18'13" W, 564.55 feet to a 1/2" capped rebar set (G&A) at a point of tangency;

THENCE N 36°23'15" E, 194.12 feet continuing with the east line of said F.M. 2499 and the east line of said 2.383 acre tract to a 1/2" capped rebar set (G&A) at a point of curvature of a curve to the right;

THENCE continuing with the east line of said F.M. 2499 and the east line of said 2.383 acre tract, with the arc of said curve to the right having a radius of 1040.00 feet, a central angle of 37°22'55" and an arc length of 678.58 feet whose chord bears N 17°41'45" W, 666.60 feet to a 1/2" capped rebar set (G&A) at the northeast corner of said 2.383 acre tract;

THENCE N 89°01'45" W, 1.00 feet continuing with the east line of said F.M. 2499 and the north line of said 2.383 acre tract to a 1/2" capped rebar set (G&A) at the northwest corner of said 2.383 acre tract, being the

southwest corner of said 0.275 acre tract, being on the east line of that certain called 5.149 acre tract of land described in said Denton County, Texas, deed;

THENCE N 00°58'15" E, 1226.82 feet continuing with the east line of said F.M. 2499, the east line of said 5.149 acre tract and the west line of said 0.275 acre tract to a 1/2" capped rebar set (G&A) at the point of curvature of a non-tangent curve to the left;

THENCE continuing with the east line of said F.M. 2499 and the east line of said 5.149 acre tract and the west line of said 0.275 acre tract with the arc of said non-tangent curve to the left having a radius of 1160.00 feet, a central angle of 17°28'30" and an arc length of 353.80 feet, whose chord bears N 10°35'41" W, 352.43 feet to a 1/2" capped rebar set at the southwest corner of that certain called 0.013 acre tract of land described as Tract Two in deed to the City of Corinth, Texas, recorded in Instrument Number 2016-105077 of the Real Property Records of Denton County, Texas;

THENCE N 34°19'00" E, 14.26 feet with the south line of said 0.013 acre tract of land to a 1/2" capped rebar set (G&A) at an angle point;

THENCE continuing with the south line of said 0.013 acre tract with the arc of a non-tangent curve to the right having a radius of 468.00 feet, passing at an arc length of 99.95 feet, whose central angle is 12°14'34", having a chord of N 85°03'13" E, 99.76 feet, a 5/8" capped rebar found (TNP) at the most easterly corner of said 0.013 acre tract, being the most westerly corner of that certain called 1.365 acre tract of land described as Tract One in said City of Corinth, Texas, deed continuing with the south line of said 1.365 acre tract a total arc length of 213.03 feet, whose central angle is 26°04'51", having a chord of S 88°01'28" E, 211.20 feet to a 5/8" capped rebar found (TNP) at a point of reverse curvature;

THENCE continuing with the south line of said 1.365 acre tract with the arc of a curve to the left having a radius of 552.00 feet, a central angle of 13°48'23" and an arc length of 133.01 feet whose chord bears S 81°53'14" E, 132.69 feet to a 5/8" capped rebar found (TNP) at a point of tangency;

THENCE S 88°47'25" E, 480.35 feet continuing with the south line of said 1.365 acre tract to a 1/2" capped rebar found (MCCULLAH) at the northwest corner of Lot 35, Block F of Lake Sharon Estates, Phase II, according to the revised final plat thereof recorded in Cabinet V, Page 857 of the Plat Records of Denton County, Texas;

THENCE with the west line of said Lot 35, Block F the following:

S 18°12'40" E, 233.51 feet to a 1/2" capped rebar found (MCCULLAH);

S 51°25'10" E, 246.40 feet to a 1/2" rebar found;

S 06°40'50" W, 281.89 feet to a 1/2" capped rebar found (MCCULLAH);

S 03°52'10" E, 264.51 feet to a 1/2" rebar found;

S 37°22'30" E, 220.86 feet to a 1/2" capped rebar set (G&A);

S 37°54'00" W, 204.13 feet to a 1/2" capped rebar found (MCCULLAH);

S 05°01'45" W, 347.44 feet to a 1/2" capped rebar found (MCCULLAH);

S 34°02'30" E, 244.51 feet to a 1/2" capped rebar set (G&A);

S 04°29'30" E, 197.29 feet to a 1/2" capped rebar set (G&A);

S 78°09'15" W, passing at 46.40 feet the northeast corner of Lot 1, Block F of said Lake Sharon Estates, Phase II, continuing with the north line thereof a total distance of 151.21 feet to a 1/2" capped rebar set (G&A) at the northwest corner of said Lot 1, Block F;

THENCE S 12°12'20" W, 127.97 feet with the west line of said Lot, 1, Block F, to a 1/2" rebar found at the southwest corner thereof, being on the north line of the aforementioned Lake Sharon Estates and being on the north line of Indian Lake Trail as shown on said plat of Lake Sharon Estates;

THENCE N 77°47'40" W, 119.92 feet with the north line of said Lake Sharon Estates and the north line of Indian Lake Trail to a 1/2" capped rebar found (MCCULLAH) at the northwest corner of Indian Lake Trail and being the most northerly northwest corner of said Lake Sharon Estates;

THENCE S 12°15'00" W, 50.00 feet with the west line of said Lake Sharon Estates and the west line of said Indian Lake Trail to a 1/2" capped rebar found (MCCULLAH) at the southwest corner said Indian Lake Trail and being the northwest corner of Lot 19, Block D of said Lake Sharon Estates;

THENCE continuing with the west line of said Lake Sharon Estates the following:

S 08°52'10" W, 118.69 feet with the west line of said Lot 19 to a 1/2" rebar found at the southwest corner thereof and being the northwest corner of Lot 9, Block D of said Lake Sharon Estates;

S 22°19'20" E, 131.35 feet with the west line of said Lot 9 to a 1/2" rebar found at the southwest corner thereof, being on the north line of History Crescent;

With the west line of said History Crescent with the arc of a curve to the left having a radius of 50.00 feet, a central angle of 18°38'39" and an arc length of 16.27 feet whose chord bears S 59°32'49" W, 16.20 feet to a 1/2" rebar found at the most northerly corner of Lot 7, Block D of said Lake Sharon Estates;

S 52°44'20" W, with the west line of said Lot 7, passing at 151.66 feet the most westerly corner thereof and being the most northerly corner of Lot 6, Block D of said Lake Sharon Estates, continuing with the west line thereof, passing at 204.26 feet the most westerly corner thereof and being the most northerly corner of Lot 5, Block D of said Lake Sharon Estates, continuing with the west line thereof a total distance of 224.14 feet to a 1/2" capped rebar set (G&A) at an angle point;

S 26°56'05" W, with the west line of said Lot 5, passing at 44.45 feet the most westerly corner thereof and being the most northerly corner of Lot 4, Block D of said Lake Sharon Estates, continuing with the west line thereof, passing at 135.97 feet the most westerly corner thereof and being the most northerly corner of Lot 3, Block D of said Lake Sharon Estates, continuing with the westerly line thereof, passing at 251.81 feet the most westerly corner thereof and being the most northerly corner of the aforementioned Lot 2, Block D, continuing with the west line thereof a total

distance of 335.45 feet to the POINT OF BEGINNING and containing approximately 55.995 acres of land.

EXHIBIT 'B'
AMENDED ZONING MAP

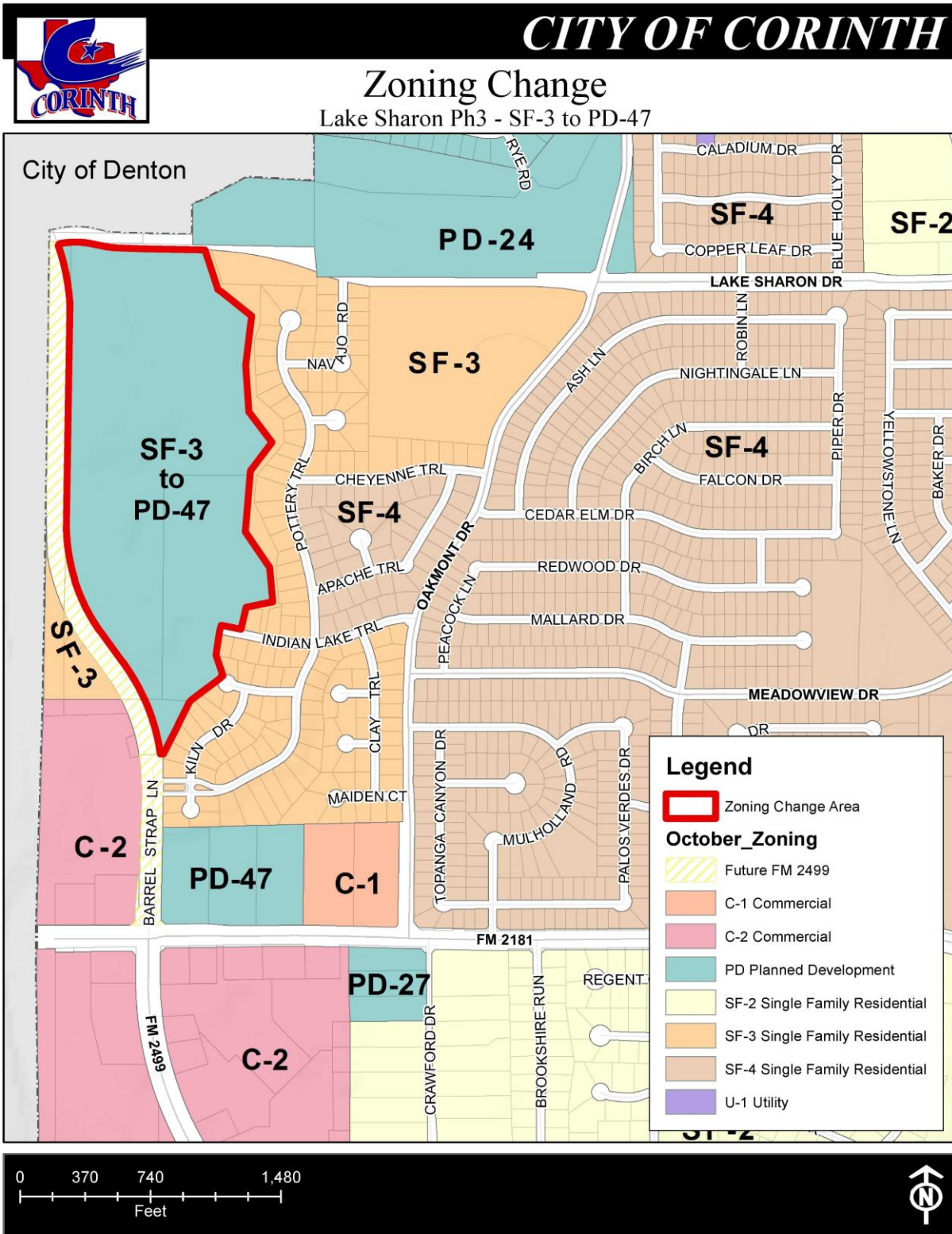


EXHIBIT C
PD CONCEPT DESIGN STATEMENT

Lake Sharon Phase III is located to the west of the existing Lake Sharon neighborhood, Phases I and II, and east along the FM 2499 extension. The property encompasses approximately 56 acres of rolling terrain that includes a 20-acre lake, which is known as Lake Sharon. The Lake Sharon Drive extension is located along the property's northern boundary line. Approximately 32 acres of the property are located within the FEMA floodplain and the existing lake drains to the south underneath FM 2499 in a newly installed culvert system that eventually drains into Lake Lewisville. The remaining 24 acres of the property is developable land that is being proposed as Phase III of Lake Sharon as outlined in this Planned Development.

The land use designation is Low Density Residential which is the same land use as the existing Lake Sharon neighborhood. The Low Density Residential land use designation allows for single family detached homes. The existing zoning is Single-Family 3 (SF-3), and portions of the existing Lake Sharon neighborhood are SF-3 and SF-4 but were both developed as SF-3.

The proposed residential community will include 79 new residential homes with several of the homes backing up to open space or Lake Sharon to provide a unique setting and highly desirable living option. The cluster design approach was used to create this plan. Cluster design groups together the residential lots in a tight configuration with smaller lot sizes in order to preserve and optimize the open space areas. This type of sustainable design is a more environmentally-friendly development option that allows developers to preserve natural features of the property while being able to meet the necessary density goals. Below is a land use summary table showing the breakdown of the different land uses and the residential density:

Gross Area	56 Acres	100%
Floodplain	32 Acres	57%
Net Area	24 Acres	43%
Total Residential Lots	79	
Density (based on gross area)	1.41 du/ac	
Density (based on 24-acre buildable area)	3.29 du/ac	

Lake Sharon will use the standard residential street section to provide access to the proposed lots. The lots are front-entry therefore driveways will tie into the proposed streets. The two entrances into the development connect into the planned median openings along FM 2499 that is currently under construction. Each of these median openings will have southbound left turn lanes into the entrances.

The water, sanitary sewer, and storm sewer lines will be public, in rights-of-way or in easements dedicated to the City. The water line will be brought along FM 2499 and run through the proposed development before connecting back into the City system at Lake Sharon Drive. The sanitary sewer line will be extending from Lake Sharon Estates Phase I and distributed throughout the proposed development. The storm sewer lines will collect the runoff and convey it to Lake Sharon, where it will continue downstream.

The required parkland dedication is 1 acre of park land for each 50 units. Therefore, the UDC requires that 1.58 acres of park land to be dedicated with this development. A 10-foot wide trail easement will be

dedicated along the lake frontage; the remainder acreage of parkland dedication will be accounted for by dedication of money in lieu of land.
This will be developed in one phase.

EXHIBIT D CONCEPT DESIGN MAP



**EXHIBIT “E”
LAND USE REGULATIONS**

SECTION 1: REGULATIONS

A. Purpose

The regulations set forth in this Exhibit provide development standards for single family residential designations within this Lake Sharon Phase 3 Planned Development District. The Planned Development (PD) District is identified by metes and bounds on Exhibit A and is depicted on Exhibit B. Every use not authorized herein is expressly prohibited in this Planned Development (PD) District.

B. Base District

In this Planned Development (PD) District, the “SF-4” Single Family Residential District (detached) regulations of the Corinth Unified Development Code, Ordinance No. 13-05-02-08 shall apply except as modified herein. If a change to the Concept Plan is requested, the request shall be processed in accordance with the development standards in effect at the time the change is requested for the proposed development.

SECTION 2: USES AND AREA REGULATIONS

A. Purpose

This district is intended to provide for the development of a residential community integrated with open space, trails, and natural areas featuring Lake Sharon.

B. Permitted Uses and Use Regulations

In the Planned Development (PD) District, no building or land shall be used and no building shall be hereafter erected, reconstructed, enlarged or converted, unless permitted by the SF-4 Single Family Residential District (detached) regulations of the Unified Development Code except as otherwise included in this PD ordinance.

The Permitted Uses in the SF-4 Single Family Residential District (detached) as listed in Subsection 2.07.03 of the Unified Development Code shall be permitted uses.

C. Dimensional Regulations

The Dimensional Regulations described in Section 2.08.04 of the Unified Development Code, Ordinance No. 13-05-02-08, for the SF-4 Single Family Residential (detached) shall apply, except as follows:

<u>DIMENSIONAL REGULATIONS</u>	<u>PD ORDINANCE REGULATIONS</u>
Minimum Front Yard Setback	25'
Minimum Side Yard Setback	5' / 10' adjacent to ROW
Minimum Side Yard Setback for Corner Lots	25' if a garage on a corner lot proposes side street entry
Minimum Rear Yard Setback	20'
Minimum Lot Area	6,250 square feet
Minimum Lot Width	50' at building line
Minimum Lot Depth	125'
Minimum Floor Area	2,000 square feet
Maximum Height	35' / 2.5 Stories
Maximum Building Coverage	50%
Typical Building Pad Dimensions	40' wide x 80' deep

D. Development Standards

The Development Standards described in Section 2.04.04 of the Unified Development Code, Ordinance No. 13-05-02-08, for the SF-4 Single Family (detached) District, as amended shall apply except as follows:

1. See the following sections for development standards:
 - a. UDC Section 2.07.07 **Accessory Buildings and Uses** shall apply.
 - b. UDC Section 2.09.01 **Landscape Regulations** shall apply, except:
 - i. Three shade trees (3" caliper minimum) or ornamental trees shall be provided in residential subdivisions for each lot.
 - c. UDC Section 2.09.02 **Tree Preservation Regulations** shall except as follows:
 - i. Details on the required tree survey is not required for trees in rights-of-way, easements, and pad sites. The pad sites for the 79 residential lots shall be limited to 40' x 80' maximum plus 5' outside those lots where a residential home will be constructed.
 - d. UDC Section 2.09.03 **Vehicle Parking Regulations** shall apply.
 - e. UDC Section 2.09.04 **Building Façade Material Standards** shall apply.
 - f. UDC Section 2.09.05 **Residential Adjacency Standards** shall apply.
 - g. UDC Section 2.09.06 **Nonresidential Architectural Standards** shall apply.
 - h. UDC Section 2.09.07 **Lighting and Glare Regulations** shall apply.
 - i. UDC Section 4.01 **Sign Regulations** shall apply.

- j. UDC Section 4.02 **Fence and Screening Regulations** shall apply, except:
 - i. Fences constructed on lots along lake frontage and/or open space shall use ornamental metal fence materials.


- 2. Garage requirements shall apply.
- 3. Driveway requirements shall apply.

E. Amenities

- 1. The following amenities shall be required in the common open space areas as approved by City Council in lieu of Parkland Dedication:
 - a. A walking trail with a minimum width of ten feet.
 - b. A minimum of five benches located along the trail and/or throughout the open space area.
 - c. A shade structure.
 - d. Zoning Concept Landscape Plans L1.0 and L1.1 attached as Exhibit F.

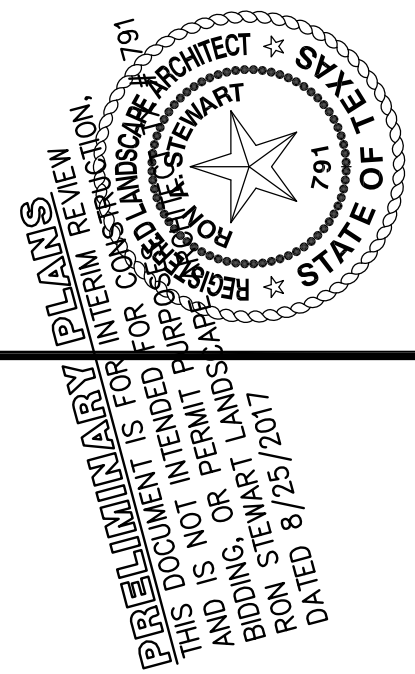
F. Conditions

- a. Establishment and approval through City Council of a Storm Water Facility Maintenance Agreement (SWFMA) will be required prior to issuance of a building permit.


Y CONSULTANTS, LLC
 SITES PLANNING CIVIL ENGINEERING PLATTING
 LAND SURVEYING LANDSCAPE ARCHITECTURE
 1111 Hillside Drive • Lewisville, TX 75057 • P: 972.436.9712 • F: 972.436.9715
 144 Old Town Blvd, North, Suite 2 • Argyle, TX 75226 • P: 940.240.1012 • F: 940.240.1028
 TBPE Firm No. 1798
 TBPLS Firm No. 10047700

LAKE SHARON PHASE 3
 55.997 Acres
 in the
 B.B. & C.R.R. SURVEY, ABSTRACT NO. 190
 CITY OF COVINGTON
 DENTON COUNTY, TEXAS

ZONING CONCEPT LANDSCAPE PLAN

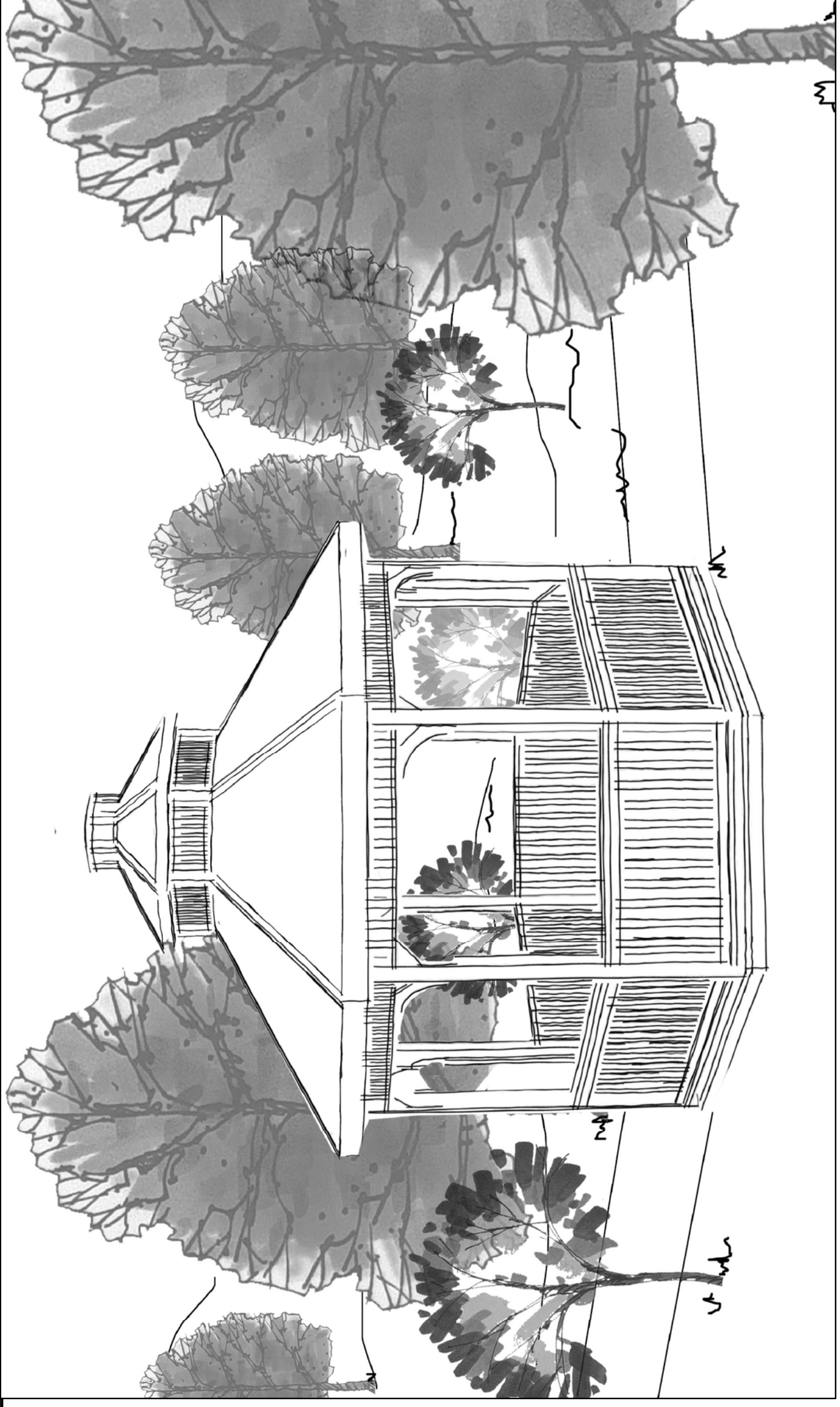


Drawn By: MC
 Date: 8/26/2017
 Scale:
 REVISIONS:

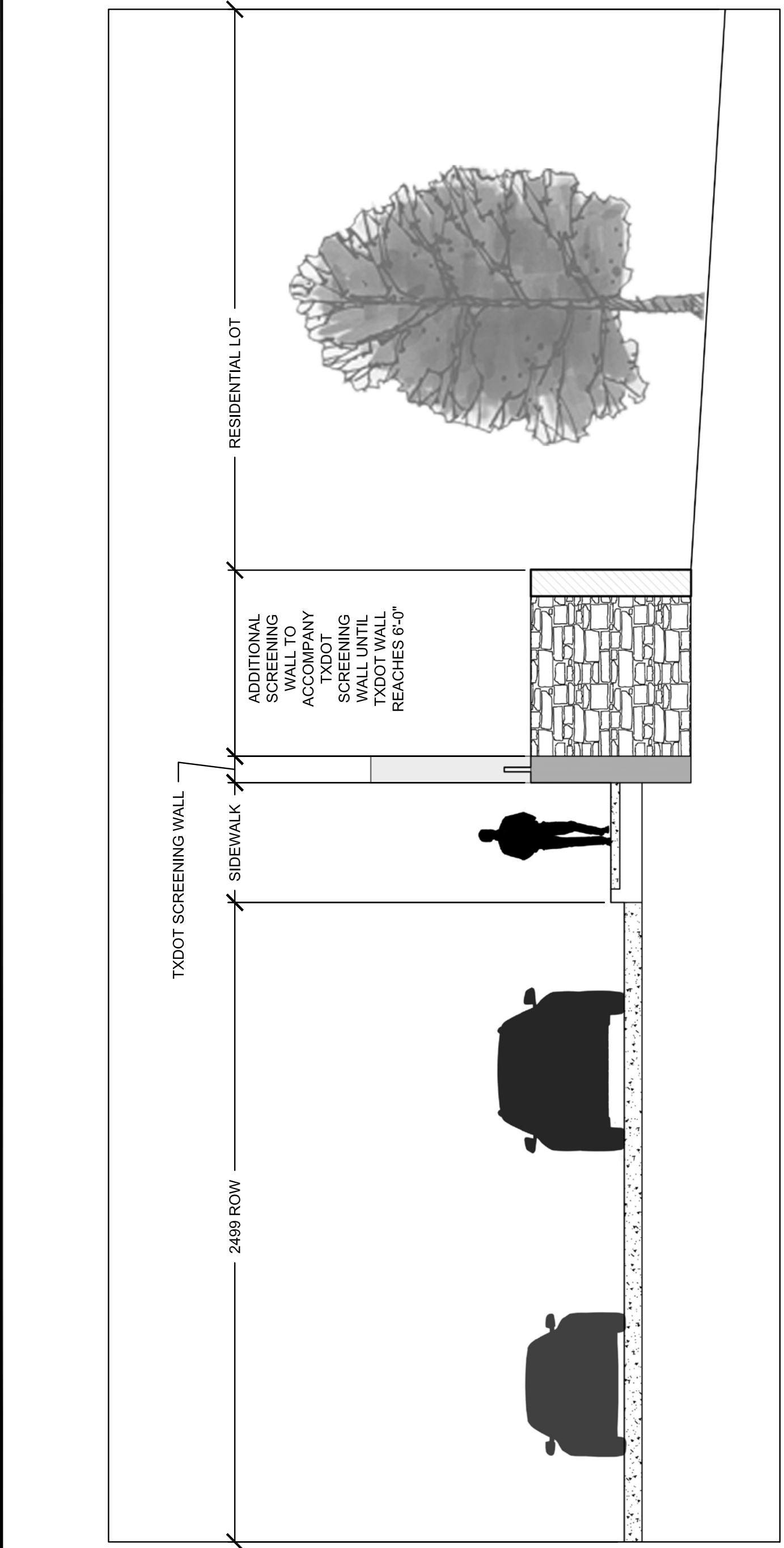
15228

L1.1

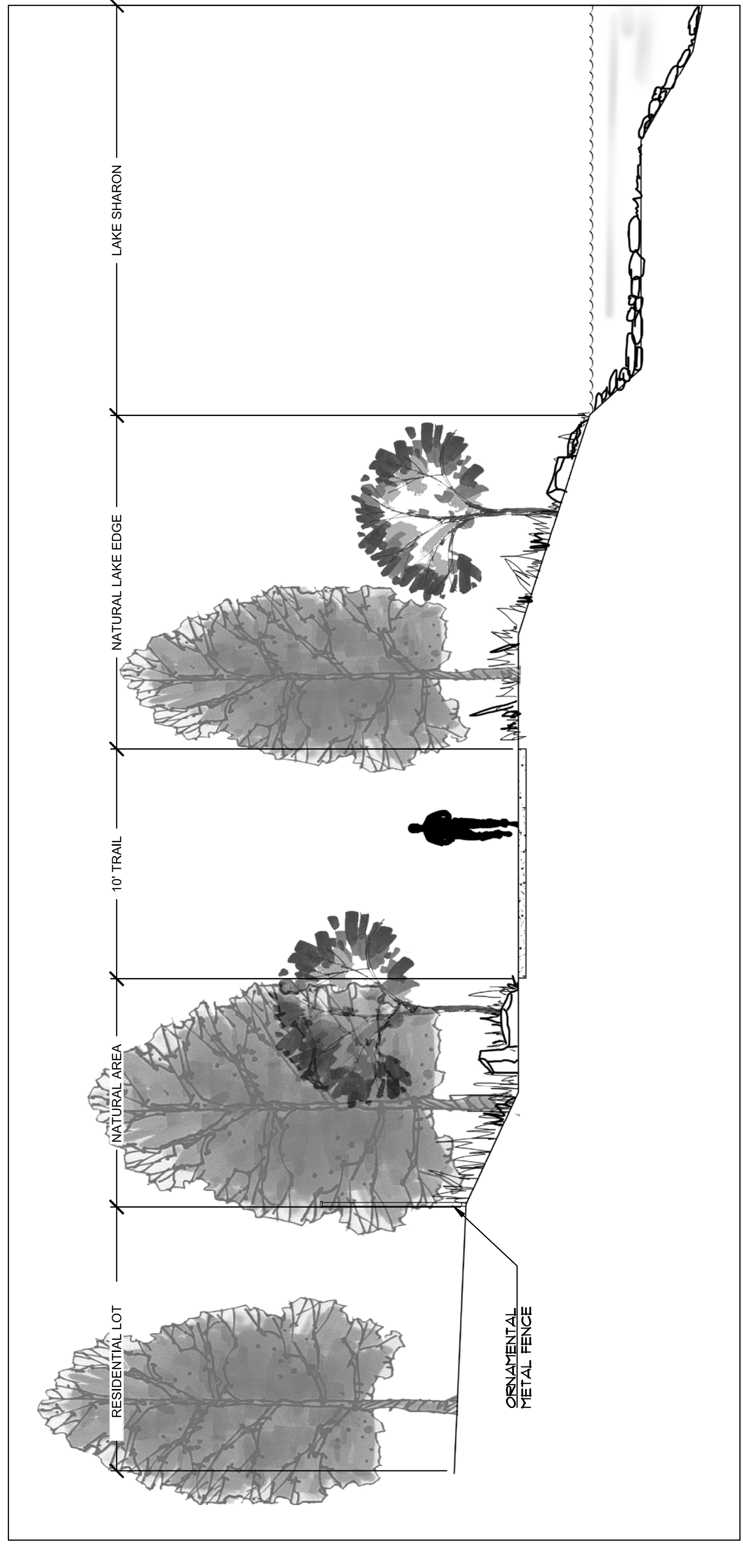
OWNER/DEVELOPER
 777 Lakes, LP
 218 W. Wall Street
 Grapevine, TX 76051
 Ph. 817-873-0620
 Contact: Robert Belanour



2. GAZEBO CONCEPT ELEVATION



1. 2499 TO RESIDENTIAL LOT SECTION



3. TRAIL SECTION

City Council Regular and Workshop Session

Meeting Date: 03/01/2018
Title: Huffines Development Agreement - Special Provision for Funding Public Improvements
Submitted For: Mike Brownlee, City Engineer **Submitted By:** Mike Brownlee, City Engineer
Finance Review: N/A **Legal Review:** Yes
City Manager Review: **Approval:** Bob Hart, City Manager

AGENDA ITEM

Discuss and consider approval of a Development Agreement for Huffines Children's Trust including reimbursement provisions for funding water, sanitary sewer and storm sewer public infrastructure improvements in the amount of \$424,049.35 and the reallocation of funds from the Water/Wastewater Capital Project Fund-Amity Village Sewer Rehab project totaling \$307,267 and partial funds from the settlement of \$116,782.35.

AGENDA ITEM SUMMARY/BACKGROUND

The Huffines Kia project is located along the IH35E frontage road south of the Lake Sharon intersection on the west side of IH35E. Public water, sanitary sewer and storm sewer are being installed as part of the project. The developer is asking to be reimbursed for the public infrastructure cost for oversizing the storm sewer, replacing damaged sanitary sewer, and relocating and abandoning a portion of asbestos cement water line in the TxDOT ROW.

The public storm sewer system extends north from the Huffines site (after detention) to Lake Sharon and turns west to connect to the existing storm drain at Tower Ridge. The storm sewer was oversized to Lake Sharon Drive to allow for off-site drainage to be conveyed underground, and the upsized at Tower Ridge to accept additional offsite flows and convey that flow to the existing system at Tower Ridge. Oversizing was prorated at 28% of the total cost (by capacity) and the cost to install improvements inside the Lake Sharon right of way is reimbursed at 100% of the cost. The total reimbursement cost of the storm sewer improvements is \$152,700.85 and includes construction costs of \$132,650.18 and administrative costs of \$20,050.67.

The existing 12" water line parallel to the TxDOT frontage in front of the development was originally not contemplated for replacement. However, the actual alignment was found to be in conflict with both the Huffines grading plan and the future construction of Phase II IH35E improvements. Therefore, the alignment is proposed to be installed inside the existing utility easement on the Huffines property in advance of Phase II IH35E improvements. To the extent possible, the existing asbestos pipe is being left undisturbed due to the cost of mitigation. Mitigation may be required for a portion of the line that will be exposed by changes to the grades in the right of way. Fifty percent of the cost of the asbestos abatement will be paid by the developer. The new 12" waterline will replace the existing 12" waterline entirely along the Huffines frontage. This option is being pushed forward now, since it will be more costly to move the line after development occurs due to conflicts with the bio-swales, irrigation, and landscaping plans. The total cost of the waterline relocation is \$153,120.72 which includes \$117,124.35 for construction, 50% of the asbestos cement line removal at \$15,809.04, and \$18,369.30 for administration costs.

The existing sanitary sewer line was damaged prior to starting the Huffines project by a third party. Funds were collected from the third party in a settlement to cover the cost of replacing the line. In order to expedite the project, Huffines agreed to build the sanitary sewer as part of their project for a total cost of \$118,227.78. The total includes \$105,466.35 for construction and \$12,761.43 in administrative costs. The city received settlement funds in excess of that amount to pay for the cost of construction and other miscellaneous costs.

The original developer agreement for this project contained reimbursement provisions for the cost of the sewer, but

did not contemplate reimbursement for storm sewer and water improvements. The attached agreement will replace the existing agreement with the expanded reimbursement provisions discussed above.

RECOMMENDATION

Staff recommends approval of a Development Agreement Huffines Childrens Trust including reimbursement provisions for funding water, sanitary sewer and storm sewer public infrastructure improvements in the amount of \$424,049.35 and the reallocation of funds from the Water/Wastewater Capital Project Fund-Amity Village Sewer Rehab project totaling \$307,267 and partial funds from the L3 settlement of \$116,782.35.

Fiscal Impact

Source of Funding:

FINANCIAL SUMMARY:

Funds in the amount of \$307, 267 are available in the Water/Wastewater Capital Project Fund that were previously allocated to the Sanitary Sewer Rehab in Amity Village. In 2016, it was determined that the Amity Village sewer rehab project was not needed. Remaining funds will be reallocated from the L3 settlement of \$116,782.35.

Attachments

Storm Sewer Cost
Sewer Cost
Water Cost
Development Agreement

City - Developer Storm Drain Summary of Cost - Final City Reimbursement to Developer

February 13, 2018

Lake Sharon Portion of Storm Drainage Project Base Bid & Changes

<u>Item</u>	<u>base units</u>	<u>Chg units</u>	<u>total units</u>	<u>per</u>	<u>\$ / unit</u>	<u>totals</u>
4x4 Box Culvert	232	3	235	LF	\$ 217.00	\$ 50,995.00
RCP 24"	33		33	LF	\$ 70.20	\$ 2,316.60
RCP 30"	48	85	133	LF	\$ 88.50	\$ 11,770.50
6x6 Jbox	2		2	EA	\$ 8,556.00	\$ 17,112.00
Wye Inlet	1		1	EA	\$ 5,511.00	\$ 5,511.00
Connect to Existing SDMH	1		1	EA	\$ 1,997.00	\$ 1,997.00
Traffic Control	LS	tot incl chng	LS	LS	\$ 4,500.00	\$ 4,500.00
Tower Ridge Paving Replacement	450		450	SF	\$ 26.00	\$ 11,700.00
Trench Saftey	325		325	LF	\$ 0.50	\$ 162.50
SubTotal Lk Sharon & off-site						\$ 106,064.60

Calculation of Developer Oversize from PL to Box Connect & Cost Prorated to City / Developer

Note: All on-site cost are in Huffines Contractor Agreement - Proration only off-site for pass through flow

Prorated Amount

42" oversize	557		557	LF	\$ 150.00	\$ 83,550.00	\$ 23,394.00
4 X 4 Junction box	1		1	ea	\$ 4,556.00	\$ 4,556.00	\$ 1,275.68
Joint deflection collar	4		4	ea	\$ 1,641.00	\$ 6,564.00	\$ 1,837.92
addn'l trench safety - across Bracket	557		557		\$ 0.50	\$ 278.50	\$ 77.98
Subtotal Prorated						\$ 94,948.50	\$ 26,585.58
project management and supv	7.50%						\$ 9,948.76
City inspecttion fee, est @ %3	3.00%						\$ 3,979.51
maint bond	1.60%						\$ 2,122.40
<u>Eng Huffines off-site</u>	1			LS			<u>\$ 4,000.00</u>
Subtotal Admin							\$ 20,050.67

Total cost of construction					\$	132,650.18
Admin					\$	20,050.67
Total					\$	152,700.85

City Reimbursement to Dev for Sanitary Sewer Improvements - Final

February 14, 2018

SS Replacement damaged by communications Company

#	<u>Item</u>	<u>base units</u>	<u>Chg units</u>	<u>total units</u>	<u>per</u>	<u>\$ / unit</u>	<u>totals</u>	<u>extension</u>
1	8" SDR26 PVC Sanitary Sewer Pipe	908	71	979	LF	\$ 36.00	\$ 35,244.00	
2	6" SDR26 PVC Sanitary Sewer Pipe	NA		0	LF	NA	NA	
3	6" SDR26 PVC SS pipew/single clean out	3		3	ea	\$ 1,375.00	\$ 4,125.00	
4	Remove & replace existing MH (manhole)	1		1	ea	\$ 6,895.00	\$ 6,895.00	
5	MH Std 4' Dia 6' depth with bolted lid	1		1	ea	\$ 3,135.50	\$ 3,135.50	
6	MH Std 5' Dia 6' depth	1		1	ea	\$ 4,387.25	\$ 4,387.25	
7	MH Std 4' Dia 6' depth	6	1	7	ea	\$ 3,107.00	\$ 21,749.00	
8	MH Std 4' Dia, extra depth - VF	22.6	6	28.6	VF	\$ 240.00	\$ 6,864.00	
9	MH Std 5' Dia, extra depth - VF	7.68		7.68	VF	\$ 295.00	\$ 2,265.60	
12	Traffic Control / barricades	1		1	LS	\$ 1,500.00	\$ 1,500.00	
13	Sewer Testing	944	71	1015	LF	\$ 1.50	\$ 1,522.50	
14	Trench safety	944	71	1015	LF	\$ 0.50	\$ 507.50	
15	VRM-30 SS STD R&C TO PAMREX R&C		8	8	ea	\$ 485.00	\$ 3,880.00	
16	VRM-30 SS bolt down R&C to Pamtight R&C		1	1	ea	\$ 695.00	\$ 695.00	
18	Survey / Layout (90 for bore)		161	161	LF	\$ 1.00	\$ 161.00	
19	Open Cut Lake Sharon-pavement R & R		260	260	SF	\$ 26.000	\$ 6,760.00	
20	Concrete sidewalk remove & replace (R & R)		40	40	SF	\$ 18.000	\$ 720.00	
21	Message Boards & traffic control - close st		1	1	LS	\$ 4,500.000	\$ 4,500.00	
22	Haul off concrete spoils		3	3	LD	\$ 185.00	\$ 555.00	
SS Subtotal construction components							\$	105,466.35
Plus:								
	City Inspection Fee		3.00%				\$ 3,163.99	
	Maintenance Bond		1.60%				\$ 1,687.46	
	Project management cost		7.50%				<u>\$ 7,909.98</u>	
Subtotal Eng, Bond, Mgt							\$	<u>12,761.43</u>
							\$	118,227.78
 Net Grand Total Reimbursement to Developer							\$	118,227.78

Water Main Relocate - I-35E Adjacent to Huffines Project

2/14/2018 Pre-Final

Summary of Proposed Water Main Options for City Consideration

the following represents the various water main options as discussed with City Staff

Option A - Basic / Minimum Components - minimum length				Opt A	Item	Extension
<u>item #</u>	<u>Item Description</u>	<u>unit</u>	<u>Quan</u>	<u>\$ / unit</u>	<u>Totals</u>	<u>Totals</u>
1	12" PVC DR-18 Wtr Line 6' Depth-min length	LF	1206	\$ 51.75	\$ 62,410.50	
2	12" Gate Valve	EA	7	\$ 2,774.71	\$ 19,422.97	
3	Ductile Iron Fittings	TN	2.75	\$ 3,282.50	\$ 9,026.88	
4	Connect to Existing	EA	2	\$ 4,268.00	\$ 8,536.00	
5	Water Testing	LF	1206	\$ 1.00	\$ 1,206.00	
6	Trench Safety	LF	1206	\$ 1.00	\$ 1,206.00	
10	Remove existing 12" Main w Abatement-min removal	LF	312	\$ 50.67	\$ 15,809.04	
11	Abandon in place 12" Main by capping ends	EA	2	\$ 2,658.00	\$ 5,316.00	
	Fire hydrant assembly (at south end of the new line for flushing)	EA	1	\$ 10,000.00	\$ 10,000.00	
	Subtotal const items					\$ 132,933.39
13	Maintenance Bond - 1.6%	LS	1	\$ 1,329.33	\$ 1,329.33	
14	Inspection Fees	LS	1	\$ 3,988.00	\$ 3,988.00	
	Degign cost - Engineering - agreed max amount	LS	1	\$ 4,900.00	\$ 4,900.00	
	Project management cost	7.50%	1	\$ 9,970.00	\$ 9,970.00	
	Subtotal Admin					\$ 20,187.34
	Total Cost				\$ 153,120.72	

**DEVELOPMENT AGREEMENT
FOR PUBLIC IMPROVEMENTS**

WHEREAS, Huffines Children’s Trust, (the “Developer”), whose business address is **4500 Plano Parkway, Plan Texas 75093** is the owner and Developer of real property located in the corporate limits of the City of Corinth being described as **Lot 1, Block A of the Huffines Addition**, an addition to the City of Corinth, Texas (the “Development”); and

WHEREAS, Developer wishes to enter into this Agreement with the City of Corinth, Texas (the “City”) to provide for the construction of certain Public Improvements generally described as **Public Improvements: Water, Wastewater, Drainage and Paving Development** (collectively, “Public Improvements”) and as further described in the Construction Documents prepared by Developer’s Engineer, **G&A Consultants** (“Developer’s Engineer”) dated September 26, 2017 a copy of which is attached hereto as Exhibit “A” and made a part hereof, (the “Construction Documents”) which are necessitated by and will serve the Development; and

WHEREAS, Developer provided to City a detailed cost analysis of the Public Improvements broken down into categories for Water, Wastewater, Streets, and Storm Drain, Street Lights and Signs, and other public improvements, which be attached to this Agreement as Exhibit “B”; and

WHEREAS, this Agreement is required to ensure that the Public Improvements are constructed in accordance with the provisions of the City’s Unified Development Code (the “UDC”), applicable ordinances, design criteria and Engineering Standards Manuals and the Construction Documents which were approved by the City and are on file in the Public Works Department, which may be amended with the written approval of the Director of Public Works or his designated representative (the “Director of Public Works”); and

WHEREAS, Developer understands and agrees that Developer is responsible for and has retained at its sole expense, the Developer’s Engineer to design the Public Improvements in accordance with the Construction Documents, taking into consideration the specific site conditions that may impact the Public Improvements; and

WHEREAS, Developer has contracted for the construction of the Public Improvements with Wildstone Construction, LLC, (the “Sub Contractor”), a contractor experienced in the construction of improvements similar to the Public Improvements; and

WHEREAS, Developer and Contractor recognize that City has an interest in ensuring that the Public Improvements, which will, upon completion and acceptance by City, become public property, are properly constructed and paid for in accordance with the approved Construction Documents;

NOW, THEREFORE, Developer, Contractor, and City (the “Parties”) in consideration of their promises and covenants contained herein agree as follows:

SECTION 1. INCORPORATION OF RECITALS

All of the recitals in the Preamble are incorporated herein.

SECTION 2. COVENANTS OF DEVELOPER AND CONTRACTOR.

A. Contractor shall construct the Public Improvements in accordance with the approved Construction Documents, the UDC, design criteria, engineering standards manuals and other City ordinances, and all other rules, regulations and local, state, or federal laws; and complete the Public Improvements on or before the date established in the contract between Developer and Contractor, which shall be not later than two (2) years following the date of approval of the Construction Documents.

B. Contractor shall perform all work on the Public Improvements in a good and workman like manner and to the satisfaction of the Director of Public Works. The Director shall decide all questions, which arise as to the quality and acceptability of materials furnished, work performed, and the interpretation of the Construction Documents related to Public Improvements and may reject any work not performed in accordance with the Construction Documents.

C. Developer shall construct, or have constructed, the Improvements described herein or made part of this Agreement in the form of approved Construction Documents. Contractor, its surety and Developer warrant that the Public Improvements will be free from defects in materials and workmanship and that they will pay to remedy same for a period of **two (2)** years after the completion of the Public Improvements and final acceptance by City. This warranty shall not constitute a limitation on the duty to remedy latent defects in construction that were not known at the time of final acceptance or within said **two (2)** year warranty period.

D. Developer shall pay all claimants supplying labor and material to it and/or a subcontractor in the prosecution of the work provided in said contract between Developer and Contractor.

E. Any work done or materials used without suitable inspection by City may be ordered removed, and replaced at Contractor's expense. The Director of Public Works shall perform periodic inspections of the work and shall perform a final inspection prior to final acceptance by City and an inspection within 90 days prior to the expiration of the two year period from the date of final acceptance of the work by City.

F. Developer agrees to:

1. Require its Contractor to give 48 hours' notice to City's Inspectors of intent to commence construction so that City inspection personnel will be available; and to require the Contractor to allow the construction to be subject to inspection at any and all times by City inspection forces, and not to install or relocate any sanitary sewer, storm drain, or water pipe unless a City inspector is present and gives consent to proceed, and to make such laboratory tests of materials being used as may be required by City; and

2. To delay connections of buildings to service lines of sewer and water mains constructed under this Agreement until the sewer and water mains and service lines have been completed to the satisfaction of the Director of Public Works.

G. City shall not be responsible for any costs that may be incurred by Developer in the relocation of any utilities that are or may be in conflict with any of the public improvements to be installed hereunder.

H. Developer agrees to provide, at its expense, all necessary rights of way and easements across property owned by Developer and required for the construction of the current and future improvements provided for by this Agreement.

I. Developer shall make all of Developer's and Contractor's records, including financial, related to the construction of the Public Improvements available for inspection by City.

J. Developer agrees that City's specifications for public and private improvements are minimum standards only and Developer shall retain an Engineer for purposes of review of City specifications. If, in the engineer's opinion, additional technical design requirements (in addition to City specifications) are required to design the Public Improvements sufficient for local conditions, Developer will include such design requirements in the specifications for the Public Improvements. **City shall be expressly named as an intended third party beneficiary in the contract between Developer and Engineer.**

SECTION 3. BREACH

A. Upon breach of this Agreement by Developer or failure of Contractor to allow for inspection, to test materials furnished, to satisfactorily repair, remove or replace, if so directed, rejected, unauthorized or condemned work or materials, or to follow other request or orders of the Director of Public Works, the Director shall notify Developer and Contractor of such breach or failure and may suspend inspections of such work, put a hold on construction or withhold building permits until such breach or failure is remedied. If such breach or failure is not remedied to the satisfaction of the Director of Public Works, City shall have no obligation under this Agreement to approve or accept the Public Improvements and City may withhold, suspend, or revoke any permits or other approvals for the Development until such matter is remedied to the satisfaction of the Director of Public Works. City also is entitled to pursue all other remedies at law or in equity.

B. City may utilize the Developer's bonds submitted for public improvements if, at the end of two years from the date the Construction Plans were approved, the public improvements have not been completed and accepted.

C. City may utilize Developer's bonds to cause the completion of the construction of the public improvements or to cause the payment of costs for construction of same before the expiration of 2 years if Developer breaches this Agreement, becomes insolvent, bankrupt, or fails to pay costs of construction.

SECTION 4. INSURANCE

Contractor shall provide for insurance in form and in substance that meets the City's standard insurance requirements for public works projects, with such insurance primary to City, City, its officers and employees shall be named as additional insured. These insurance requirements are on file in the office of the Director of Public Works and are incorporated herein by reference.

SECTION 5. BONDS

A. Developer shall execute a performance bond in favor of City equal to 110% of the total costs in the Public Improvement Cost analysis in Exhibit "B" ensuring completion of the Public Improvements in accordance with the approved Construction Documents and warning against defects in materials and workmanship for a period of two years from the date of final acceptance by City.

B. Developer shall execute a payment bond in favor of City insuring against claims from suppliers and subcontractors equal to 110% of the Public Improvement Cost analysis in Exhibit "B".

C. Contractor/Developer shall provide a Maintenance Bond prior to completion of the project and final acceptance by City. The Maintenance Bond shall be equal to 110% of the Public Improvement Cost Analysis attached hereto as Exhibit "B".

D. The bonds described in this Section shall be executed by a corporate surety authorized to do business in the state of Texas in accordance with Chapter 2253 of the Texas Government Code and shall be on City's standard form and shall contain a local resident agent for service of process. Contractor may be a co-obligee on the performance and payment bonds with regard to Contractor's obligations.

SECTION 6. AMENITIES

A. City and Developer recognize that the Development may incorporate a number of unique amenities and aesthetic improvements such as ponds, aesthetic lakes, unique landscaping, walls, and may incorporate specialty signage and accessory facilities. Developer agrees to accept responsibility for the construction and maintenance of all such aesthetic or specialty items such as walls, vegetation, signage, landscaping, street furniture, and pond and lake improvements until such responsibility is turned over to a property owners' association.

B. Developer may provide unique amenities within public right-of-way, such as landscaping, irrigation, lighting, etc., for the enhancement of the development. Developer agrees to maintain these amenities until such responsibility is turned over to a property owners' association. Developer understands that City shall not be responsible for the replacement of these amenities under any circumstances and further agrees to indemnify and hold harmless City from any and all damages, loss or liability of any kind whatsoever by reason of injury to property or third person occasioned by its use of the public right-of-way with regard to these improvements and Developer shall, at his own cost and expense, defend and protect City against all such claims and demands.

SECTION 7. RETAINAGE: FINAL PAYMENTS; ACCEPTANCE

A. As security for the faithful completion of the Public Improvements, Developer and Contractor agree that Developer shall retain 10 percent of the total dollar amount of the contract price until final approval or acceptance of the Public Improvements by City. Developer shall thereafter pay Contractor the retainage, only after Contractor has furnished to Developer and City satisfactory evidence including an affidavit that all indebtedness has been paid, that all indebtedness connected with the work and all sums of money due for labor, materials, apparatus, fixtures or machinery furnished for and used in the performance of the work have been paid or otherwise satisfied. In addition, Contractor shall provide Developer a consent to final payment from the payment bond surety, and shall provide City a copy.

B. Upon proper completion of the Public Improvements in accordance with this Agreement, City agrees to accept the Public Improvements. Upon completion and final acceptance of the Public Improvements by City, the Public Improvements shall become the property of City free and clear of all liens, claims, charges or encumbrances of any kind. If, after acceptance of the Public Improvements, any claim, lien, charge or encumbrance is made, or found to exist, against the Public Improvements, or land dedicated to City, to which they are affixed, Developer and Contractor shall, upon notice by City, promptly cause such claim, lien, charge or encumbrance to be satisfied and released or promptly post a bond with City in the amount of such claim, lien, charge or encumbrance, in favor of City, to insure payment of such claim, lien, charge or encumbrance.

C. Prior to final acceptance of the Development, Developer shall provide to City one full size copy of Record Drawings of the Development and a CD in CAD 2017 or later format, showing the improvements as actually constructed. The drawings will be stamped and signed by a registered professional civil engineer. The Record Drawings shall show the grading plan and drainage area map; the plan and profile of the sanitary sewer, storm drain, roadway and waterline; all lot lines, and tie into the City of Corinth GIS Monuments.

SECTION 8. CITY'S APPROVAL OF PLANS

A. Approval by the Director of Public Works or other City employee of any plans, designs or specifications submitted by Developer pursuant to this Agreement shall not constitute or be deemed to be a release of the responsibility and liability of Developer, its engineer, employees, officers or agents for the accuracy and competency of their design and specifications. Further approval shall not be deemed to be an assumption of such responsibility and liability by City for any defect in the design and specifications prepared by the Engineer, its officers, agents, or employees, it being the intent of the parties that approval by the Director of Public Works signifies City's approval on only the general design concept of the improvements to be constructed.

B. IN THIS CONNECTION, DEVELOPER SHALL FOR A PERIOD OF 10 YEARS AFTER THE ACCEPTANCE BY CITY OF THE COMPLETED CONSTRUCTION PROJECT, INDEMNIFY AND HOLD HARMLESS CITY, ITS OFFICERS, AGENTS, SERVANTS AND EMPLOYEES, FROM ANY LOSS, DAMAGE, LIABILITY OR EXPENSE ON ACCOUNT OF DAMAGE TO PROPERTY AND INJURIES, INCLUDING DEATH, TO ANY AND ALL PERSONS WHICH MAY ARISE OUT OF ANY DEFECT,

DEFICIENCY OR NEGLIGENCE OF THE ENGINEER'S DESIGNS AND SPECIFICATIONS INCORPORATED INTO ANY IMPROVEMENTS CONSTRUCTED IN ACCORDANCE THEREWITH, AND DEVELOPER SHALL DEFEND AT HIS OWN EXPENSE, ANY SUITS OR OTHER PROCEEDINGS BROUGHT AGAINST CITY, ITS OFFICERS, AGENTS, SERVANTS OR EMPLOYEES, OR ANY OF THEM, ON ACCOUNT THEREOF, TO PAY ALL EXPENSES AND SATISFY ALL JUDGMENTS WHICH MAY BE INCURRED BY OR RENDERED AGAINST THEM OR ANY OF THEM IN CONNECTION HEREWITH.

SECTION 9. INDEMNIFICATION

DEVELOPER COVENANTS AND AGREES TO INDEMNIFY AND DOES HEREBY INDEMNIFY, HOLD HARMLESS AND DEFEND CITY, ITS OFFICERS, AGENTS, AND EMPLOYEES, FROM AND AGAINST ANY AND ALL CLAIMS OR SUITS FOR PROPERTY DAMAGE OR LOSS AND/OR PERSONAL INJURY, INCLUDING DEATH, TO ANY AND ALL PERSONS, OF WHATSOEVER KIND OR CHARACTER, WHETHER REAL OR ASSERTED, (INCLUDING, WITHOUT LIMITATION, REASONABLE FEES AND EXPENSES OF ATTORNEYS, EXPERT WITNESSES AND OTHER CONSULTANTS), ARISING OUT OF OR IN CONNECTION WITH, DIRECTLY OR INDIRECTLY, THE CONSTRUCTION, MAINTENANCE, OCCUPANCY, USE, EXISTENCE OR LOCATION OF SAID IMPROVEMENT OR IMPROVEMENTS, AND SHALL FURTHER BE LIABLE FOR INJURY OR DAMAGE TO CITY PROPERTY, ARISING OUT OF OR IN CONNECTION WITH ANY AND ALL ACTS OR OMISSIONS OF DEVELOPER, ITS OFFICERS, AGENTS, EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, LICENSEES, INVITEES, OR TRESPASSERS. DEVELOPER AGREES TO INDEMNIFY THE CITY, ITS OFFICERS AND EMPLOYEES FOR ANY DAMAGES, CLAIMS OR LIABILITIES ARISING FROM THE NEGLIGENT ACT OR OMISSION, OR OF THE CONCURRENT NEGLIGENT ACT OR OMISSION, OF THE CITY, ITS OFFICERS AND EMPLOYEES; PROVIDED THAT DEVELOPER'S OBLIGATION UNDER THIS SECTION AND SECTION 8.B. SHALL SURVIVE THE TERM OF THE AGREEMENT.

SECTION 10. MISCELLANEOUS PROVISIONS

A. The provisions of this Agreement shall control over any conflicting provisions of any Contract between Developer and Contractor as to the construction of the Public Improvements.

B. Developer acknowledges and agrees that there is reasonable nexus between the demands created by Developer and the Public Improvements, and that the costs associated with the construction and dedication of land for the Public Improvements is roughly proportional to the benefits received and the burdens imposed by the Development. **DEVELOPER SHALL INDEMNIFY AND HOLD CITY HARMLESS AGAINST ANY CLAIM BY IT OR OTHERS CLAIMING THROUGH IT, THAT THE REQUIRED PUBLIC IMPROVEMENTS AND ASSOCIATED DEDICATION OF LAND ARE UNLAWFUL EXACTIONS.**

C. The parties agree that this Agreement shall be enforceable in Denton County, Texas, and if legal action is necessary in connection therewith, exclusive venue shall lie in Denton County, Texas. The terms and provisions of this Agreement shall be construed in accordance with the laws and court decisions of the State of Texas. The failure of either party to insist, in any one or more instances, on the performance of any of the terms of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term or right with respect to further performance.

D. The covenants in this Agreement shall run with the land and shall be binding upon all successors, heirs and assignees of the Developer and Contractor and City

E. Prior to final acceptance, Developer shall pay all applicable fees, including the total cost of street signs.

SECTION 11.SPECIAL PROVISIONS

Reimbursement Provisions:

A. City will participate in cost reimbursement for portions of the Sanitary Sewer, Storm Sewer and Waterline construction for the project. Specifically, Developer and City have discussed and agreed that the City funding participation will be as follows:

1. Sanitary Sewer Improvements

City will reimburse Developer for public off-site sanitary sewer improvements based on the approved construction plans for replacement of the existing City sanitary sewer. The sewer will serve the entire basin including the proposed development. The existing line was damaged and must be replaced to serve the basin. The City reimbursement for sanitary sewer in the amount of \$118,227.78 will include only the following:

- a. The cost of the public sanitary sewer improvements in an amount not to exceed \$105,466.35,
- b. The cost of project management (including required project staking) in the lump sum amount of \$7,909.98. for the replaced on-site and off-site EPSSI costs (estimated to be 7.5% of the EPSSI costs), and
- c. The cost of the 2-year, 100% maintenance bond for the public sanitary improvements in an amount not to exceed \$1,687.46, and
- d. The cost of the 3% engineering inspection fee for public improvements in an amount not to exceed \$3,163.99.

Developer is solely responsible for all costs and expenses of public off-site sanitary sewer improvements to the extent they exceed the City reimbursement amounts.

2. Storm Sewer Improvements

City will reimburse Developer for public off-site storm drainage infrastructure needed for future expansion of the Lake Sharon Roadway improvements and for oversizing of storm drainage infrastructure needed for future development of currently undeveloped portions of the basin. In general, the undeveloped area includes the parcels bounded by Lake Sharon Drive, Tower Ridge Drive, and the southbound IH-35E frontage road. The City

reimbursement for storm sewer in the amount of \$152,700.85 will include only the following:

- a. The construction cost of the public storm drain improvements in an amount not to exceed \$132,650.18.
- b. The cost of project management (including required project staking) in the lump sum amount of \$9,978.46 for the replaced on-site and off-site EPSSI costs (estimated to be 7.5% of the EPSSI costs), and
- c. The cost of the 2-year, 100% maintenance bond for the public sanitary improvements in an amount not to exceed \$2,122.40.
- d. The cost of the 3% engineering inspection fee for public improvements in an amount not to exceed \$3,979.51.
- e. The cost of engineering design in an amount not to exceed \$4,000.

Developer is solely responsible for all costs and expenses of storm sewer improvements to the extent they exceed the City reimbursement amounts.

3. Water Main Relocate

City will reimburse the Developer for improvements required to connect to the existing city 12" waterline located in the TxDOT right of way. The City reimbursement for water lines in the amount of \$153,120.72 will include only the following:

- a. The construction cost of the public water improvements included in this agreement for reimbursement in an amount not exceed \$132,933.39.
- b. The cost of project management (including required project staking) in the lump sum amount of \$9,970.00 for the replaced on-site and off-site EPSSI costs (estimated to be 7.5% of the EPSSI costs), and
- c. The cost of the 2-year, 100% maintenance bond for the public sanitary improvements in an amount not to exceed \$1,329.33.
- d. The cost of the 3% engineering inspection fee for public improvements in an amount not to exceed \$3,988.00.
- e. The cost of engineering design in an amount not to exceed \$4,900.

Developer is solely responsible for all costs and expenses of water main relocate improvements to the extent they exceed the City reimbursement amounts.

B. Reimbursement shall be paid to Developer as follows:

- a. Reimbursement provisions of this agreement will supersede any previous agreements for reimbursement for public improvements associated with the replacement of infrastructure or new construction of infrastructure intended to serve the Huffines development project as previously stated in the already executed Development Agreement signed by the Huffines Children's Trust on October 18, 2017.
- b. Reimbursement to Developer shall be according to the approved construction plans and actual quantities for work in place as detailed in this agreement.
- c. Reimbursement for changes to the scope of work of construction requiring additional compensation shall only be added to the reimbursement cost of construction if the costs of any changes are approved by written amendment to this Development Agreement and approved by the City of Corinth City Council.

- d. The first payment shall be based on an invoice from Developer upon substantial completion of the full Public Sanitary Sewer Improvements less 10% withheld for retainage. The first payment shall also include the lump sum cost of the project management and construction staking less 10% withheld for retainage.
 - e. The second (and final) payment shall be for the above referenced 10% retainage and shall be paid on Final Acceptance of the project,
 - f. A 2-year 110% Maintenance Bond, effective upon Final Acceptance, shall be provided prior to Final Acceptance of all Public Improvements.
- C. Any proposed changes to the scope of work of the public portion of the sanitary sewer must be approved in writing by the City in the form of a Change Order prior to the work being performed.
- D. This provision shall not be modified or amended except by written agreement executed by both parties.

APPROVED this _____ day of _____, 2018.

CITY OF CORINTH, TEXAS

WITNESS:

City Manager

City Secretary

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ day of _____, 20__.

Notary Public in and for the State of Texas

My commission expires: _____

DEVELOPER:

Company Name: Huffines Children's Trust

Authorized Signatory Printed: James R. Huffines

Signature: _____

Title: Trustee

Address: 4500 Plano Parkway, Plano Texas 75093

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ day of _____, 20__.

Notary Public in and for the State of Texas

My commission expires: _____

SUB-CONTRACTOR

Company Name: Wildstone Construction, LLC

Authorized Signatory Printed: John Kolb

Signature: _____ Title: President

Address: 12850 Hwy 287, Fort Worth, TX 76052

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ day of _____, 20__.

Notary Public in and for the State of Texas

My commission expires: _____

EXHIBIT A

Approved Construction Plans for Public Improvements

EXHIBIT B

Check items associated with the project being undertaken; checked items must be included as Exhibits to this Agreement.

Included

Exhibit

Location Map

Exhibit B-1: Water Improvements
Water Estimate

Exhibit B-2: Sewer Improvements
Sewer Estimate

Exhibit B-3: Storm Drain Improvements
Storm Drain Estimate

City Council Regular and Workshop Session

Meeting Date: 03/01/2018

Title: Ordinance adopting a new Rate Review Mechanism (RRM) tariff to govern future filings by Atmos Mid-Tex.

Submitted For: Bob Hart, City Manager

Submitted By: Kim Pence, City Secretary

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Consider and act on an Ordinance adopting a new Rate Review Mechanism (RRM) Tariff to govern future annual rate filings by Atmos Mid-Tex.

AGENDA ITEM SUMMARY/BACKGROUND

The City, along with 171 other Mid-Texas Cities Served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Steering Committee of Cities Served by Atmos (“Cities”). In 2007, the Cities and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The Ordinance that resolved the Company’s application under the RRM Tariff in 2017 also terminated the existing RRM Tariff and required a renegotiation of the terms of that tariff. Negotiations have taken place over the past several months, and have resulted in a revised RRM Tariff that has been agreed to by the Company. The Cities’ Executive Committee has recommended acceptance of the revised RRM Tariff, which is attached to the Ordinance.

Cities strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues and rewarding the Company for increasing capital investment. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission’s review of annual GRIP filings or recover their rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In the Steering Committee’s view, the GRIP process unfairly raises customers’ rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

The RRM Tariff on which the 2017 rates were based allowed a rate of return on equity of 10.50%. The revised RRM Tariff reduces that to 9.8%. The revised RRM Tariff also captures the reduction in federal income tax rates from 35% to 21%, and should result in a rate reduction effective by mid-March, 2018. Prior RRM tariffs allowed Cities only three months to review the Company’s filing. The new revised Tariff expands that time period by two months. New applications by the Company should be made on or about April 1 of each year, with new rates effective October 1. A rate order from the Railroad Commission in an Atmos Texas Pipeline rate case adopted the position of Cities with regard to incentive compensation related to Atmos’ Shared Services Unit that reduced allowed expenses, and that reduced level of expenses will be applicable under the new RRM Tariff.

Adoption of the ordinance with its attached tariff is a necessary action pursuant to the exercise of Cities’ original jurisdiction because the RRM process only exists pursuant to City action. The RRM process is not defined by statute. Without the specific regulatory action by Cities, Atmos would make annual GRIP filings with the Railroad Commission, and the Commission would conduct an administrative review of a piecemeal rate application and deny any participation by Cities.

RECOMMENDATION

Staff recommends adoption of the Ordinance.

Attachments

Ordinance

New Rate Review Mechanism Tariff

Exhibit A

ORDINANCE NO. 18-03-01-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM (“RRM”) AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

WHEREAS, the City of CORINTH, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City and similarly-situated Mid-Tex municipalities created the Steering Committee of Cities Served by Atmos to efficiently address all rate and service matters associated with delivery of natural gas; and

WHEREAS, the Steering Committee formed an Executive Committee to direct legal counsel and to recommend certain specific actions to all aligned Mid-Tex Cities through resolution or ordinance; and

WHEREAS, pursuant to the terms of a November 2007 agreement between the Steering Committee and Atmos Mid-Tex that settled the Company’s interim rate filing under Section 104.301 of the Texas Utilities Code (a “GRIP” rate case), the Steering Committee and the Company collaboratively developed a Rate Review Mechanism (“RRM”) Tariff, ultimately

authorized by the City in 2008, that allows for an expedited rate review process as a substitute for the GRIP process; and

WHEREAS, the City has kept some form of a RRM Tariff in place until 2017 when it adopted an ordinance approving an RRM Tariff filing settlement and specifically calling for termination of the existing RRM Tariff and negotiation of a replacement RRM Tariff following the Railroad Commission's decision in a then-pending Atmos Texas Pipeline case (GUD No. 10580); and

WHEREAS, the Steering Committee's Executive Committee has recently approved a settlement with the Company on the attached RRM Tariff that contains certain notable improvements, from a consumer perspective, over the prior RRM Tariff, including a reduced rate of return on equity, acceptance of certain expense adjustments made by the Railroad Commission in the Order in GUD No. 10580, and the addition of two months to the time for processing a RRM Tariff application; and

WHEREAS, the RRM Tariff contemplates reimbursement of Cities' reasonable expenses associated with RRM Tariff applications; and

WHEREAS, the Steering Committee's Executive Committee recommends that all Steering Committee member cities adopt this ordinance and the attached RRM Tariff; and

WHEREAS, the attached RRM Tariff is just, reasonable and in the public interest,

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the attached RRM Tariff re-establishing a form of Rate Review Mechanism is just and reasonable and in the public interest, and is hereby adopted.

Section 3. That Atmos Mid-Tex shall reimburse the Cities' reasonable expenses associated with adoption of this Ordinance and the attached RRM Tariff and in processing future RRM Tariff applications filed pursuant to the attached tariff.

Section 4. That to the extent any resolution or ordinance previously adopted by the City is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, and the remaining provisions of this Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. That this Ordinance shall become effective from and after its passage.

Section 8. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, Mid-Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to Mid-Tex Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this _____ day of _____, 2018.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 1

I. Applicability

Applicable to Residential, Commercial, Industrial, and Transportation tariff customers within the city limits of cities identified in Exhibit A that receive service from the Mid-Tex Division of Atmos Energy Corporation (“Company”). This Rate Review Mechanism (“RRM”) provides for an annual adjustment to the Company’s Rate Schedules R, C, I and T (“Applicable Rate Schedules”). Rate calculations and adjustments required by this tariff shall be determined on a System-Wide cost basis.

II. Definitions

“Test Period” is defined as the twelve months ending December 31 of each preceding calendar year.

The “Effective Date” is the date that adjustments required by this tariff are applied to customer bills. The annual Effective Date is October 1.

Unless otherwise provided in this tariff the term Final Order refers to the final order issued by the Railroad Commission of Texas in GUD No. 10170 and elements of GUD No. 10580 as specified in Section III below.

The term “System-Wide” means all incorporated and unincorporated areas served by the Company.

“Review Period” is defined as the period from the Filing Date until the Effective Date.

The “Filing Date” is as early as practicable, but no later than April 1 of each year.

III. Calculation

The RRM shall calculate an annual, System-Wide cost of service (“COS”) that will be used to adjust applicable rate schedules prospectively as of the Effective Date. The Company may request recovery of its total cost of service but will include schedules showing the computation of any adjustments. The annual cost of service will be calculated according to the following formula:

$$\text{COS} = \text{OM} + \text{DEP} + \text{RI} + \text{TAX} + \text{CD}$$

Where:

OM = all reasonable and necessary operation and maintenance expenses from the Test Period adjusted for known and measurable items and prepared

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 2

consistent with the rate making treatments approved in the Final Order. Incentive compensation (Management Incentive Plan, Variable Pay Plan and Long Term Incentive Plan) related to Atmos' Shared Services Unit will be applied consistent with treatment approved in GUD 10580. Additionally, O&M adjustments will be incorporated and applied as modified by a final order, not subject to appeal, issued by the Railroad Commission of Texas in subsequent rate cases involving the Atmos Mid-Tex or West Texas divisions. Known and measurable adjustments shall be limited to those changes that have occurred prior to the Filing Date. OM may be adjusted for atypical and non-recurring items. Shared Services allocation factors shall be recalculated each year based on the latest component factors used during the Test Period, but the methodology used will be that approved in the Final Order in GUD 10580.

DEP = depreciation expense calculated at depreciation rates approved by the Final Order. Additionally, if depreciation rates are approved in a subsequent final order, not subject to appeal, issued by the Railroad Commission of Texas for the Mid-Tex division those rates would be applicable for subsequent RRM filings.

RI = return on prudently incurred investment calculated as the Company's pretax return multiplied by rate base at Test Period end. Rate base is prepared consistent with the rate making treatments approved in the Final Order, and as in GUD 10580 as specifically related to capitalized incentive compensation (Management Incentive Plan, Variable Pay Plan and Long Term Incentive Plan) for Atmos' Shared Services Unit. However, no post Test Period adjustments will be permitted. Additionally, adjustments will be incorporated and applied as modified by a final order, not subject to appeal, issued by the Railroad Commission of Texas in subsequent rate cases involving the Atmos Mid-Tex or West Texas divisions. Pretax return is the Company's weighted average cost of capital before income taxes. The Company's weighted average cost of capital is calculated using the methodology from the Final Order including the Company's actual capital structure and long term cost of debt as of the Test Period end (adjusted for any known and measurable changes that have occurred prior to the filing date) and the return on equity of 9.8%. However, in no event will the percentage of equity exceed 58%. Regulatory adjustments due to prior regulatory rate base adjustment disallowances will be maintained. Cash working capital will be calculated using the lead/lag days approved in the Final Order. With respect to pension and other postemployment benefits, the Company will record a regulatory asset or liability for these costs until the amounts are included in the next annual rate adjustment implemented under this tariff. Each year, the Company's filing under this Rider RRM will clearly state the level of pension

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 3

and other postemployment benefits recovered in rates.

TAX = income tax and taxes other than income tax from the Test Period adjusted for known and measurable changes occurring after the Test Period and before the Filing Date, and prepared consistent with the rate making treatments approved in the Final Order. Atmos Energy shall comprehensively account for, including establishing a regulatory liability to account for, any statutory change in tax expense that is applicable to months during the Test Period in the calculation to ensure recovery of tax expense under new and old income tax rates.

CD = interest on customer deposits.

IV. Annual Rate Adjustment

The Company shall provide schedules and work papers supporting the Filing’s revenue deficiency/sufficiency calculations using the methodology accepted in the Final Order. The result shall be reflected in the proposed new rates to be established for the effective period. The Revenue Requirement will be apportioned to customer classes in the same manner that Company’s Revenue Requirement was apportioned in the Final Order. For the Residential Class, 50% of the increase may be recovered in the customer charge. However, the increase to the Residential customer charge shall not exceed \$0.60 per month in the initial filing and \$0.70 per month in any subsequent year. The remainder of the Residential Class increase not collected in the customer charge will be recovered in the usage charge. For all other classes, the change in rates will be apportioned between the customer charge and the usage charge, consistent with the Final Order. Test Period billing determinants shall be adjusted and normalized according to the methodology utilized in the Final Order.

V. Filing

The Company shall file schedules annually with the regulatory authority having original jurisdiction over the Company’s rates on or before the Filing Date that support the proposed rate adjustments. The schedules shall be in the same general format as the cost of service model and relied-upon files upon which the Final Order was based. A proof of rates and a copy of current and proposed tariffs shall also be included with the filing. The filing shall be made in electronic form where practical. The Company’s filing shall conform to Minimum Filing Requirements (to be agreed upon by the parties), which will contain a minimum amount of information that will assist the regulatory authority in its review and analysis of the filing. The Company and regulatory authority will endeavor to hold a technical conference regarding the filing within twenty (20) calendar days after the Filing Date.

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 4

A sworn statement shall be filed by an Officer of the Company affirming that the filed schedules are in compliance with the provisions of this Rate Review Mechanism and are true and correct to the best of his/her knowledge, information, and belief. No testimony shall be filed, but a brief narrative explanation shall be provided of any changes to corporate structure, accounting methodologies, allocation of common costs, or atypical or non-recurring items included in the filing.

VI. Evaluation Procedures

The regulatory authority having original jurisdiction over the Company's rates shall review and render a decision on the Company's proposed rate adjustment prior to the Effective Date. The Company shall provide all supplemental information requested to ensure an opportunity for adequate review by the relevant regulatory authority. The Company shall not unilaterally impose any limits upon the provision of supplemental information and such information shall be provided within seven (7) working days of the original request. The regulatory authority may propose any adjustments it determines to be required to bring the proposed rate adjustment into compliance with the provisions of this tariff.

The regulatory authority may disallow any net plant investment that is not shown to be prudently incurred. Approval by the regulatory authority of net plant investment pursuant to the provisions of this tariff shall constitute a finding that such net plant investment was prudently incurred. Such finding of prudence shall not be subject to further review in a subsequent RRM or Statement of Intent filing.

During the Review Period, the Company and the regulatory authority will work collaboratively and seek agreement on the level of rate adjustments. If, at the end of the Review Period, the Company and the regulatory authority have not reached agreement, the regulatory authority shall take action to modify or deny the proposed rate adjustments. The Company shall have the right to appeal the regulatory authority's action to the Railroad Commission of Texas. Upon the filing of an appeal of the regulatory authority's order relating to an annual RRM filing with the Railroad Commission of Texas, the regulatory authority having original jurisdiction over the Company's rates shall not oppose the implementation of the Company's proposed rates subject to refund, nor will the regulatory authority advocate for the imposition of a third party surety bond by the Company. Any refund shall be limited to and determined based on the resolution of the disputed adjustment(s) in a final, non-appealable order issued in the appeal filed by the Company at the Railroad Commission of Texas.

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 5

In the event that the regulatory authority and Company agree to a rate adjustment(s) that is different from the adjustment(s) requested in the Company’s filing, the Company shall file compliance tariffs consistent with the agreement. No action on the part of the regulatory authority shall be required to allow the rate adjustment(s) to become effective on October 1. To the extent that the regulatory authority does not take action on the Company's RRM filing by September 30, the rates proposed in the Company's filing shall be deemed approved effective October 1. Notwithstanding the preceding sentence, a regulatory authority may choose to take affirmative action to approve a rate adjustment under this tariff. In those instances where such approval cannot reasonably occur by September 30, the rates finally approved by the regulatory authority shall be deemed effective as of October 1.

To defray the cost, if any, of regulatory authorities conducting a review of the Company's annual RRM filing, the Company shall reimburse the regulatory authorities on a monthly basis for their reasonable expenses incurred upon submission of invoices for such review. Any reimbursement contemplated hereunder shall be deemed a reasonable and necessary operating expense of the Company in the year in which the reimbursement is made. A regulatory authority seeking reimbursement under this provision shall submit its request for reimbursement to the Company no later than December 1 of the year in which the RRM filing is made and the Company shall reimburse regulatory authorities in accordance with this provision on or before December 31 of the year the RRM filing is made.

To the extent possible, the provisions of the Final Order shall be applied by the regulatory authority in determining whether to approve or disapprove of Company’s proposed rate adjustment.

This Rider RRM does not limit the legal rights and duties of a regulatory authority. Nothing herein shall abrogate the jurisdiction of the regulatory authority to initiate a rate proceeding at any time to review whether rates charged are just and reasonable. Similarly, the Company retains its right to utilize the provisions of Texas Utilities Code, Chapter 104, Subchapter C to request a change in rates. The provisions of this Rider RRM are implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105).

The annual rate adjustment process set forth in this tariff shall remain in effect during the pendency of any Statement of Intent rate filing.

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 6

VII. Reconsideration, Appeal and Unresolved Items

Orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007).

VIII. Notice

Notice of each annual RRM filing shall be provided by including the notice, in conspicuous form, in the bill of each directly affected customer no later than forty-five (45) days after the Company makes its annual filing pursuant to this tariff. The notice to customers shall include the following information:

- a) a description of the proposed revision of rates and schedules;
- b) the effect the proposed revision of rates is expected to have on the rates applicable to each customer class and on an average bill for each affected customer;
- c) the service area or areas in which the proposed rates would apply;
- d) the date the annual RRM filing was made with the regulatory authority; and
- e) the Company's address, telephone number and website where information concerning the proposed rate adjustment can be obtained.

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 7

Exhibit A

ACSC Cities

Abilene	Cleburne	Frost	Lincoln Park
Addison	Clyde	Gainesville	Little Elm
Albany	College Station	Garland	Lorena
Allen	Colleyville	Garrett	Madisonville
Alvarado	Colorado City	Grand Prairie	Malakoff
Angus	Comanche	Grapevine	Mansfield
Anna	Commerce	Groesbeck	Mckinney
Argyle	Coolidge	Gunter	Melissa
Arlington	Coppell	Haltom City	Mesquite
Aubrey	Copperas Cove	Harker Heights	Midlothian
Azle	Corinth	Haskell	Murphy
Bedford	Crandall	Haslet	Newark
Bellmead	Crowley	Hewitt	Nocona
Benbrook	Dalworthington Gardens	Highland Park	North Richland Hills
Beverly Hills	Denison	Highland Village	Northlake
Blossom	Denton	Honey Grove	Oak Leaf
Blue Ridge	Desoto	Hurst	Ovilla
Bowie	Draper	Hutto	Palestine
Boyd	Duncanville	Iowa Park	Pantego
Bridgeport	Eastland	Irving	Paris
Brownwood	Edgecliff Village	Justin	Parker
Buffalo	Emory	Kaufman	Pecan Hill
Burkburnett	Ennis	Keene	Petrolia
Burleson	Eules	Keller	Plano
Caddo Mills	Everman	Kemp	Ponder
Canton	Fairview	Kennedale	Pottsboro
Carrollton	Farmers Branch	Kerens	Prosper
Cedar Hill	Farmersville	Kerrville	Quitman
Celeste	Fate	Killeen	Red Oak
Celina	Flower Mound	Krum	Reno (Parker County)
Centerville	Forest Hill	Lake Worth	Rhome
Cisco	Forney	Lakeside	Richardson
Clarksville	Fort Worth	Lancaster	Richland
	Frisco	Lewisville	Richland Hills

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 8

River Oaks	Temple
Roanoke	Terrell
Robinson	The Colony
Rockwall	Trophy Club
Roscoe	Tyler
Rowlett	University Park
Royse City	Venus
Sachse	Vernon
Saginaw	Waco
Sansom Park	Watauga
Seagoville	Waxahachie
Sherman	Westlake
Snyder	Westover Hills
Southlake	Westworth Village
Springtown	White Settlement
Stamford	Whitesboro
Stephenville	Wichita Falls
Sulphur Springs	Woodway
Sweetwater	Wylie

City Council Regular and Workshop Session

Meeting Date: 03/01/2018

Title: Masonic Lodge Ceremony

Submitted For: Bob Hart, City Manager

Submitted By: Kim Pence, City Secretary

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Consider and act on conducting a Masonic Lodge ceremony to install a cornerstone for the Fire Station #3.

AGENDA ITEM SUMMARY/BACKGROUND

The staff has discussed requesting the Masonic Lodge to conduct a ceremony to install a cornerstone. The tentative date is March 21 at 11:00. The Masonic cornerstone ceremony has evolved over years of use due to changing customs and construction techniques. A cornerstone has become a ceremonial masonry stone, or replica, set in the Northeast corner on the outside of a building, with an inscription on the stone indicating the construction dates of the building and the names significant individuals responsible for the building.

In the Masonic cornerstone ceremony, the stone is checked, using ancient tools, to be certain it's square, plumb (straight), and level because a building constructed on a poor foundation isn't strong. Next, the cornerstone is consecrated with corn (or grain), wine, and oil — all of which are Masonic symbols of prosperity, health, and peace. Concluding the ceremony, the stone is symbolically tapped in place with a gavel. From a historical perspective, the Freemasons have historically performed a special ceremony at the laying of cornerstones for new buildings. The earliest record of a formal and official Masonic ceremony is the laying of the Foundation Stone of the New Royal Infirmary of Edinburgh by the Earl of Cromarty, on August 2, 1738; additionally, the cornerstone of the U.S. Capitol was laid in 1793.

The cornerstone (or foundation stone or setting stone) is the first stone set in the construction of a masonry foundation, important since all other stones will be set referencing this stone, determining the position of the entire structure. In previous centuries, the laying of a cornerstone for a new building was a very big, festive celebration. In the case of a courthouse, city hall, or other major government building, parades were often held, speeches were given, and the Freemasons would symbolically lay the cornerstone.

Questions have arisen whether or not the city should request the cornerstone ceremony and installation. This has been placed on the agenda for council guidance

RECOMMENDATION

Recommendation is at Council's discretion.
