



**MEETING OF THE  
TEMPLE CITY COUNCIL  
MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
3<sup>rd</sup> FLOOR – CONFERENCE ROOM  
THURSDAY, JUNE 6, 2019  
3:30 P.M.  
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 6, 2019.
2. Discuss repealing Chapters 11 – “Fair Housing”; 20 – “Massage Establishments”; and 30 – “Railroads” in the City’s Code of Ordinances.
3. Receive presentation from Hill Country Transit District regarding the District’s proposed budget for FY 2020.
4. Discuss the hiring process, appointment, employment, work plan, and duties of the City Attorney.

*Texas Government Code § 551.074 – The City Council will meet in executive session to discuss the hiring process, appointment, employment, and duties of the City Attorney. No final action will be taken.*

**5:00 P.M.**  
**MUNICIPAL BUILDING**  
**2 NORTH MAIN STREET**  
**CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR**  
**TEMPLE, TX**  
**TEMPLE CITY COUNCIL**  
**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

Citizens who desire to address the Council on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to three minutes. No discussion or final action will be taken by the City Council.

**III. PUBLIC APPEARANCE**

3. Receive comments from Keith Martin related to de-annexation of property located on Pendleton Road in north Temple.

**IV. PUBLIC HEARING**

4. PUBLIC HEARING – FY-19-3-ANX: Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of 3.950 acres of Old Highway 95 and 89.373 acres of land out of the Maximo Moreno Survey, Abstract No. 14, located on the east side of Old State Highway 95, in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas.
5. PUBLIC HEARING – FY-19-4-ANX: Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of 2.371 acres of Barnhardt Road and 47.655 acres of land out of the Maximo Moreno Survey, Abstract No. 14, located on the east side of Old State Highway 95 and the south side of Barnhardt Road, in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas.

**V. ELECTION**

6. [2019-9665-R](#): Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.



## **VI. CONSENT AGENDA**

All items listed under this section, Consent Agenda, are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda at the request of any Councilmember and will be considered separately.

7. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions and ordinances for each of the following:

### **Minutes**

- (A) [April 29, 2019 Special Meeting](#)
- (B) [May 16, 2019 Special & Regular Called Meeting](#)
- (C) [May 21, 2019 Special Meeting](#)
- (D) [May 24, 2019 Special Meeting](#)
- (E) [May 28, 2019 Special Meeting](#)

### **Contracts, Leases, & Bids**

- (F) [2019-9666-R](#): Consider adopting a resolution authorizing a professional services agreement with Transmap Corporation, to perform a pavement condition survey with associated asset collections for all City streets in an amount not to exceed \$195,142.
- (G) [2019-9667-R](#): Consider adopting a resolution authorizing a professional service agreement with Strategic Government Resources, Inc., of Keller, for the search and recruitment of the City Attorney position in the estimated amount of \$27,000.
- (H) [2019-9668-R](#): Consider a resolution authorizing an interlocal agreement with the Belton Independent School District to provide school locations for after school latch key programming.
- (I) [2019-9669-R](#): Consider adopting a resolution authorizing a tax abatement agreement with East Penn Manufacturing Co. which will cover increases in the taxable value of real and personal property on an approximately 36.9-acre tract of land designated as Tax Abatement Reinvestment Zone Number 38.
- (J) [2019-9670-R](#): Consider adopting a resolution ratifying a contract with the United States Defense Logistics Agency- Energy to deliver 541,820 gallons of fuel support to the United States Armed Forces at the Draughon-Miller Central Texas Regional Airport.
- (K) [2019-9671-R](#): Consider adopting a resolution authorizing an amendment to a professional services agreement with Jacobs Engineering Group, Inc. for additional construction phase services associated with the Bird Creek Interceptor Project in an amount not to exceed \$50,000.
- (L) [2019-9672-R](#): Consider adopting a resolution authorizing a three-year agreement for the rental/lease of non-civil uniforms and floor mats with Cintas Corporation of Round Rock, in the estimated annual amount of \$75,000.

- (M) [2019-9673-R](#): Consider adopting a resolution authorizing a change order to the contract with Tex-Global Contractors, Inc., of Fort Worth for construction of Phase 3B of the Outer Loop in the amount of \$86,636.42.
- (N) [2019-9674-R](#): Consider a resolution authorizing a change order to the construction contract with R.T. Schneider Construction Co., Ltd, for services to construct the Rail Backage Road Project within the Industrial Rail Park in northwest Temple, in the amount of \$39,587.
- (O) [2019-9675-R](#): Consider adopting a resolution authorizing change order #3 with Bell Contractors, Inc., of Belton for construction of the Northwest & Northeast Little Elm Creek Trunk Sewer project, in the amount of \$38,588.07.
- (P) [2019-9676-R](#): Consider adopting a resolution authorizing change order #2 with Bruce Flanigan Construction, Inc., of Belton, for construction of the Shallowford 30" Force Main, in the amount of \$16,459.18.
- (Q) [2019-9677-R](#): Consider adopting a resolution authorizing a supplemental agreement with Axon Enterprise, Inc. of Scottsdale, Arizona, for additional digital police evidence management equipment in the amount of \$58,806 for a 53.5-month term.
- (R) [2019-9678-R](#): Consider adopting a resolution authorizing release of a 0.67-acre waterline and wastewater line easement described in a Warranty Deed to W.J. Weltler, and wife, Willie M. Weltler, recorded in Vol. 3915, Pg. 278, Deed Records of Bell County, Texas, located generally at 2610 South Martin Luther King Jr. Drive.
- (S) [2019-9679-R](#): Consider adopting a resolution authorizing an increase in the FY2019 estimated expenditures from \$100,000 to \$300,000 for aggregate base purchases from Heartland Quarries, LLC dba Heartland Aggregates of Austin.
- (T) [2019-9680-R](#): Consider adopting a resolution authorizing the purchase of resale food items for Sammons Golf Course for FY 2019 in the estimated amount of \$35,000 from Ben E. Keith of Temple.

#### **Ordinances – Second & Final Reading**

- (U) [2019-4969](#): SECOND READING – FINAL HEARING – FY-19-13-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development Single Family Two on a 118.560 +/- acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas.

#### **Misc.**

- (V) [2019-9681-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

## **VII. REGULAR AGENDA**

### **ORDINANCES – SECOND & FINAL READING**

8. [2019-4968](#): SECOND READING – FINAL HEARING – FY-19-9-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development General Retail zoning district on a 160.047 +/- acre tract and a 12.541 +/- acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and along and east of Hartrick Bluff Road, Temple, Texas.

### **ORDINANCES**

9. FIRST READING – PUBLIC HEARING – Consider adopting ordinances repealing the following chapters in the City's Code of Ordinances:
  - (A) [2019-4970](#): Chapter 11 – Fair Housing
  - (B) [2019-4971](#): Chapter 20 – Massage Establishments; and
  - (C) [2019-4972](#): Chapter 30 – Railroads

### **RESOLUTIONS**

10. [2019-9682-R](#): FY-19-20-PLT and FY-19-21-PLT: Consider adopting a resolution approving the Preliminary Plat of Lake Pointe Terrace and the Final Plat of Lake Pointe Terrace Phase I, located east of State Highway 317, and south of the existing Lake Pointe Subdivision, with a developer-requested exception to the Unified Development Code Section: Parkland Dedication to allow for a private park in lieu of public parkland dedication.
11. [2019-9683-R](#): FY-19-30-PLT and FY-19-31-PLT: Consider adopting a resolution approving the Preliminary Plat of Pecan Creek South, and the Final Plat of Pecan Creek South Phase I, located north of Southeast H.K. Dodgen Loop, west of South Martin Luther King Jr. Drive, and east of Union Pacific Railroad, with developer-requested exceptions to the Unified Development Code Section: Projection of Streets, regarding street openings every 1000 feet; and Section 8.3: Parkland Dedication to allow for a private park in lieu of public parkland.
12. [2019-9684-R](#): FY-19-38-PLT: Consider adopting a resolution approving the Final Plat of Cospers Addition, a 2.613 +/- acre, 1-lot, 1-block residential subdivision with developer-requested exceptions to Unified Development Code Section 8.3: Parkland Dedication to allow a waiver to parkland dedication requirements and to Unified Development Code Section 8.2.1: Design Standards/Streets to allow a reduced right-of-way dedication, located at 7947 Witter Lane in Temple's southern Extraterritorial Jurisdiction.
13. [2019-9685-R](#): Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that one property and one permanent utility easement situated in the Baldwin Robertson Survey, Abstract #17, Bell County, Texas, are necessary for the proposed expansion of Poison Oak Road and authorizing the use of eminent domain to condemn the properties.
14. [2019-9686-R](#): Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that one property situated in the Baldwin Robertson Survey, Abstract #17, Bell County, Texas, are necessary for the proposed expansion of Poison Oak Road and authorizing the use of eminent domain to condemn the properties.

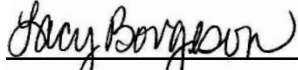
15. [2019-9687-R](#): FY-19-2-APL: Consider action on a resolution for an appeal of standards to Section 6.7.7.I. of the Unified Development Code related to signage in the I-35 Corridor Overlay to allow installation of an additional freestanding sign at 7455 South General Bruce Drive.

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***The City Council reserves the right to discuss any items in executive (closed) session whenever permitted by the Texas Open Meetings Act.***

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:45 pm, on Friday, May 31, 2019.



City Secretary, TRMC

***SPECIAL ACCOMMODATIONS:*** *Persons with disabilities who have special communication or accommodation needs and desire to attend this meeting should notify the City Secretary's Office by mail or telephone 48 hours prior to the meeting date.*

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Title \_\_\_\_\_



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #3  
Regular Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Timothy A. Davis, Mayor

**ITEM DESCRIPTION:** Receive comments from Keith Martin related to de-annexation of property located on Pendleton Road in north Temple.

**STAFF RECOMMENDATION:** Receive comments as presented in item description.

**ITEM SUMMARY:** Mr. Martin submitted a Request for Placement on the City Council Agenda, please see the attached form.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Requests for placement on agenda](#)



CITY OF TEMPLE, TEXAS  
CITY COUNCIL MEETINGS

RECEIVED  
MAY 30 2019  
CITY OF TEMPLE  
CITY SECRETARY

REQUEST FOR PLACEMENT ON AGENDA

\_\_Priority

NAME OF PRESENTER:

Keith Alan MARTIN

ADDRESS:

10297 Pennington Tray Road

TELEPHONE NO.

254-239-8076

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) \_\_\_\_\_

SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.) \_\_\_\_\_

Please see Attached

Note: Separate requests must be completed for each subject presented.

I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.

  
SIGNATURE OF PRESENTER

5-30-19  
DATE

For Office Use:

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To: Temple City Council

My name is Keith Martin and I own two properties close to Troy, but I'm currently annexed by the city of Temple, there is only 4 properties annexed by Temple in this vicinity of Troy, which is my house, my land and each neighbor on both sides of my property. I have been told by the legal department from city of Temple that in 2008 there was a 12 year opt-out program from annexation of Temple. I bought these properties in 2014, the previous owner was over 65 years of age and I'm sure he wasn't concerned about the opt-out program because his taxes were already at a set amount.

I am asking to be de-annexed at this time and be put on the same program as my other neighbors, so when they are annexed, so will I, if they get an extension so will I. I am currently paying over 1000 dollars to Temple for no services in return. I currently do not receive city water, city sewage or any city services such as police or fire department. I visited Temple planning & zoning office and there isn't any near future plans for water and sewage for this area. I feel like 10 years has been long enough and Temple should release my annexation.

When you check the city limit zoning map of North Temple there is only a hand full of properties North of Moore Mill Road, which I believe to be the actual

city limits for Temple. I estimate my property to be 3.5 miles from Moores Mill Road and just little more than a mile from Troy.

My name is Keith Alan Martin, 10297 Pendleton Troy Road, Troy TX 76579. Property IDs 394802, and 396123, cell phone number 254-239-8076. Check for yourself on the zoning map and see how isolated these properties are from Temple.

I also want to make note that I have been a local resident here my whole life and I love living here in Central Texas. I was born here in Temple at Scott + White in 1968 and graduated Temple High School in 1986, I have raised 4 kids here, both my parents still live here, my grand father owned a 300 acre cotton until 1975 in Little River Academy and I have several Aunts, Uncles and cousins that still reside here in Bell County.

Thank you,

Keith Martin



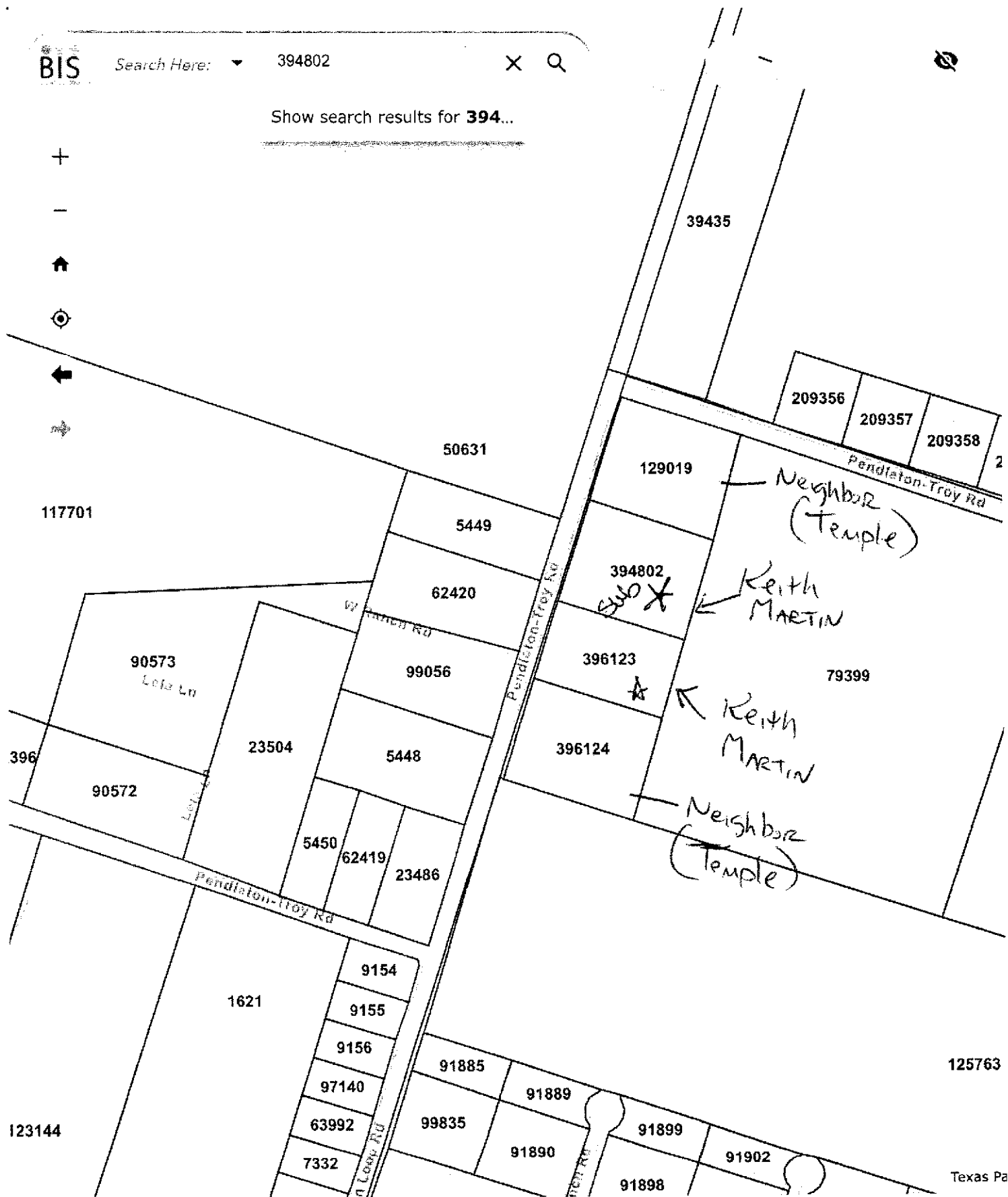
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## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #4  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** PUBLIC HEARING – FY-19-3-ANX: Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of 3.950 acres of Old Highway 95 and 89.373 acres of land out of the Maximo Moreno Survey, Abstract No. 14, located on the east side of Old State Highway 95, in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas.

**STAFF RECOMMENDATION:** Receive staff presentation on the Municipal Service Plan, as required by State law, hold public hearing and take no action at this time. The second public hearing is scheduled as a special meeting of the City Council, Friday, June 7, 2019 at 8:30 a.m. in the City Council Chambers.

**ITEM SUMMARY:** Short Term Lending G.P., Inc. filed a petition on April 18, 2019, seeking voluntary annexation of 89.373 acres of land into the City of Temple, which is a companion request to voluntary annexation case FY-19-4-ANX that they would both be rezoned together. The property is located on the east side of Old State Highway 95 (also known as Little River Road). Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

1. Less than one-half mile in width,
2. Contiguous to the annexing municipality, and
3. Vacant and without residents or on which fewer than three qualified voters reside.

On May 2, 2019, the City Council adopted a resolution (#2019-9652-R) directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property. The second public hearing is scheduled as a special meeting of the City Council, Friday, June 7, 2019 at 10:00 a.m. in the City Council Chambers.

The applicant has not yet submitted a rezoning application for the subject property but has submitted an exhibit showing future zoning areas of General Retail (GR), Planned Development Single Family Two (PD-SF2), and Planned Development General Retail (PD-GR) with companion voluntary annexation case FY-19-4-ANX.

The proposed annexation schedule anticipates completion of annexation proceedings through a second reading at City Council on July 18, 2019.

**FISCAL IMPACT:** The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.

The property is currently exempt from property taxes, and it will remain so under the ownership of the TISD. TISD has requested that the City begin the design process for the future expansion of Blackland Road east in order to provide needed connectivity and utility extensions.

**ATTACHMENTS:**

[Municipal Service Plan](#)

[Voluntary Annexation Petition](#)

[Survey of Proposed Annexation Area](#)

[Field Notes of Proposed Annexation Area](#)

[Proposed Zoning Site Plan](#)

[Voluntary Annexation Schedule](#)

**CITY OF TEMPLE**  
**ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION**  
**Old State Highway 95 (Little River Road) (FY-19-3-ANX)**

89.373 acres of land out of the Maximo Moreno Survey, Abstract No. 14, located on the east side of Old State Highway 95, and being more particularly described as Exhibit “A” (Field Notes) and depicted as Exhibit “B” (Survey) of the Annexation Ordinance (2019-####).

**SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION**

**1. POLICE PROTECTION**

The City will provide protection to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

**2. FIRE PROTECTION AND AMBULANCE SERVICE**

The City will provide fire protection to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through American Medical Response dba Temple EMS.

**3. SOLID WASTE COLLECTION**

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

**4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES**

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities owned by other water or wastewater treatment providers shall continue to be allowed to provide those services to the newly-annexed tract.

**5. MAINTENANCE OF ROADS AND STREETS**

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

**6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS**

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

#### 7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

#### 8. INSPECTIONS

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

#### 9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

#### 10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

### CAPITAL IMPROVEMENTS

#### 1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

#### 2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use

and subdivision development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with City policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities to the north along Barnhart Road and to the west along Old State Highway 95 (Little River Road). There are water facilities along the east side of South Highway 95. There are no water facilities to the south.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). **The applicant has requested to enter into a developer participation agreement with the City for sanitary sewer facility extensions to the property. Staff will present this request to City Council if the property is annexed.**

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

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**SPECIFIC FINDINGS**

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

City of Temple, Texas

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

VOLUNTARY PETITION FOR ANNEXATION

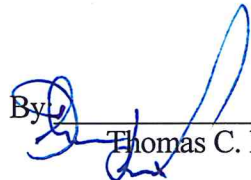
DATE: April 17, 2019

To the City Council of the City of Temple:

Short Term Lending G.P., Inc., a Texas corporation, is the sole owner of the tract of land containing approximately 89.373 acres ("the Tract"). The Tract is more particularly described by metes and bounds in Exhibit A to this petition.

The Tract is one-half mile or less in width, contiguous to the City of Temple, Texas; and has less than three qualified voters as residents. The owner is petitioning the City Council to take the appropriate actions to annex the Tract pursuant to Section 43.028 of the Texas Local Government Code.

Short Term Lending GP, Inc.  
a Texas corporation

By:   
Thomas C. Baird, President

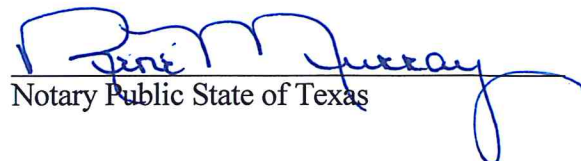
STATE OF TEXAS §

COUNTY OF BELL §

BEFORE ME, the undersigned authority, on this day personally appeared Thomas C. Baird, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act of Short Term Lending GP., Inc., a Texas corporation, as President, for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17<sup>th</sup> day of April, 2019.



  
Notary Public State of Texas



Line Table		
Line #	Direction	Length
L1	N16°26'19"E	329.32'
CALLS	N18°11'49"E	329.77'
L2	N16°38'13"E	223.26'
CALLS	N18°27'49"E	617.92'
L3	N16°36'43"E	321.05'
L4	S73°02'56"E	194.50'
CALLS	S71°30'00"E	194.40'
L5	S16°39'43"W	336.83'
CALLS	S18°30'00"W	336.90'
L6	N73°12'43"W	194.22'
CALLS	N71°30'00"W	194.40'
L7	S16°25'10"W	246.87'
CALLS	S18°13'46"W	246.91'
L8	S04°24'25"W	233.23'
CALLS	S06°08'30"W	233.01'

The following documents affect this lot:  
Volume 493, Page 5

The following documents do not affect this lot:  
Volume 529, Page 138  
Volume 568, Page 387  
Volume 568, Page 582  
Volume 600, Page 485  
Volume 684, Page 589

The following are a blanket easement and are non-locatable by description:  
Volume 683, Page 205  
Volume 957, Page 482  
Volume 957, Page 483

BEING a 89.373 acre tract of land more particularly described by separate field notes.

BEING a 89.373 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of that certain 137.034 acre tract of land described in a Partition Deed dated January 9, 2009 between Alice B. Hoelscher, Individually and as Executor of the Estate of Claudia Barnhart, Madison Thomas Barnhart and Glenn Walter Barnhart and Alice B. Hoelscher and husband, Clifford E. Hoelscher and being of record in Document No. 2009-00004519, Official Public Records of Bell County, Texas.



STATE OF TEXAS I KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct and that there are no discrepancies, conflicts, shortages in the area, easements, and right-of-ways except as shown hereon, that this tract of land has access to and from a public road, and I have marked all corners with monuments.

This Property is within the Special Flood Hazard Area as per the Federal Emergency Management Agency Federal Insurance Administration Map No. 48027C0365E, dated September 26, 2008.

IN WITNESS THEREOF, my hand and seal, this the 1st day of February 2019.

*Michael E. Alvis*

Michael E. Alvis, R.P.L.S., No. 5402

This project is referenced to the city of temple coordinate system, an extension of the texas coordinate system of 1983, central zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings.

All coordinate values are referenced to city monument number 535

The theta angle at said city monument is 01° 32' 22"

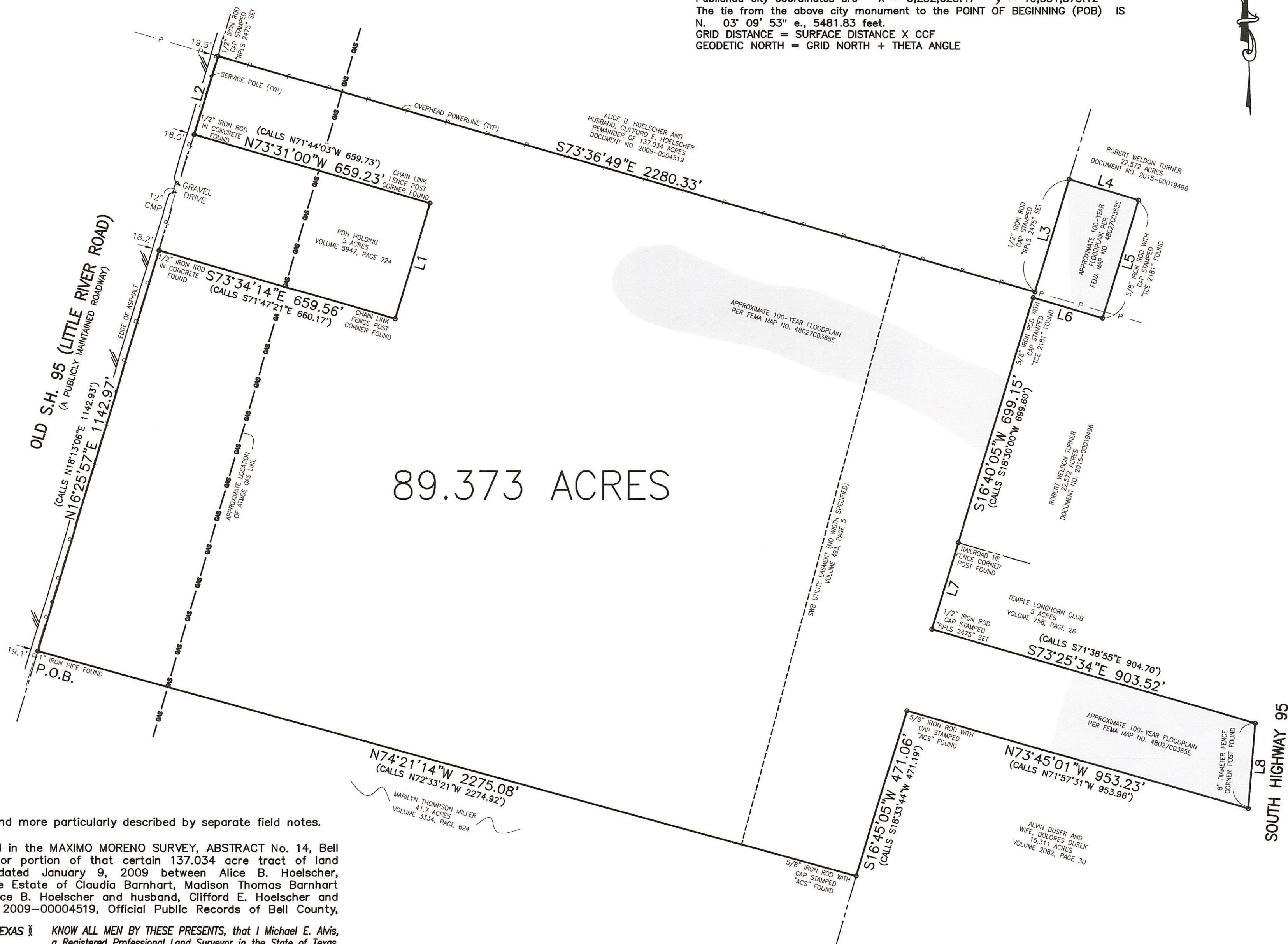
The combined correction factor (ccf) is 0.999836

Published city coordinates are X = 3,232,625.47 y = 10,351,575.12

The tie from the above city monument to the POINT OF BEGINNING (POB) IS N. 03° 09' 53" e., 5481.83 feet.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE



89.373 ACRES



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THIS DRAWING IS THE PROPERTY OF TURLEY ASSOCIATES, INC. AND MUST BE SURRENDERED UPON REQUEST. THE INFORMATION THEREON MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF TURLEY ASSOCIATES, INC.

SURVEY OF:  
89.373 ACRES  
OLD HIGHWAY 95 PROPERTY  
BELL COUNTY, TX  
BELL CAD # 6349

PREPARED FOR:  
SHORT TERM LENDING  
OLD HIGHWAY 95 PROPERTY  
TEMPLE, TX

REVISIONS		
DATE	DESCRIPTION	DFTR
2/4	LEGAL DOC CHANGE	BRC
2/5	CLIENT ALTERATION	BRC

DRAFTSMAN:  
BRC  
DATE:  
2/5/2019  
COMPUTER FILE NAME:  
19-132 CERT SOUTH.dwg  
REFERENCE DRAWING NUMBERS:  
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JOB NUMBER:  
19-132  
DRAWING NUMBER:  
19-132C  
PAGE #  
01

**TURLEY ASSOCIATES, INC.**  
ENGINEERING • PLANNING • SURVEYING  
301 N. 3rd St.  
TEMPLE, TEXAS 76501  
254.773.2400  
www.turley-inc.com  
TBP# No. F-1658 • TPL# No. 10056000



BEING a 89.373 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of that certain 137.034 acre tract of land described in a Partition Deed dated January 9, 2009 between Alice B. Hoelscher, Individually and as Executor of the Estate of Claudia Barnhart, Madison Thomas Barnhart and Glenn Walter Barnhart and Alice B. Hoelscher and husband, Clifford E. Hoelscher and being of record in Document No. 2009-00004519, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron pipe found being the southwest corner of the said 137.034 acre tract and being the northwest corner of that certain 41.7 acre tract of land standing in the name of Marilyn Thompson Miller and being identified as Parcel No. 116622 according to the Bell County Tax Appraisal District property ownership maps and being in the east right-of-way line of Old Highway No. 95 ( a publicly maintained roadway ) for corner;

THENCE N. 16° 25' 57" E., 1142.97 feet departing the said 41.7 acre tract and with the west boundary line of the said 137.034 acre tract ( calls N. 18° 13' 06" E., 1142.93 feet ) and with the said east right-of-way line to a 1/2" iron rod in concrete found being an ell corner in the said west boundary line and being the southwest corner of that certain 5 acre tract of land described in a Special Warranty Deed dated September 30, 2004 from TXU Gas Company, a Texas corporation to PDH Holding Company LLC, a Texas limited liability company and being of record in Volume 5497, Page 724, Official Public Records of Bell County, Texas for corner;

THENCE departing the said east right-of-way line and with the south, east and north boundary lines of the said 5 acre tract and continuing with the west boundary line of the said 137.034 acre tract the following three ( 3 ) calls;

- 1) S. 73° 34' 14" E., 659.56 feet ( calls S. 71° 47' 21" E., 660.17 feet ) to a chain link fence corner post found for corner;
- 2) N. 16° 26' 19" E., 329.32 feet ( calls N. 18° 11' 49" E., 329.77 feet ) to a chain link fence corner post found for corner;
- 3) N. 73° 31' 00" W., 659.23 feet ( calls N. 71° 44' 03" W., 659.73 feet ) to a 1/2" iron rod in concrete found being the northwest corner of the said 5 acre tract and being an ell corner in the west boundary line of the said 137.034 acre tract and being in the aforementioned east right-of-way line of Old Highway No. 95 for corner;

THENCE N. 16° 38' 13" E., 223.26 feet departing the said 5 acre tract and with the said west boundary line ( calls N. 18° 27' 49" E., 617.92 feet ) and with the said east right-of-way line to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;

THENCE departing the said east right-of-way line and the said west boundary line and over and across the said 137.034 acre tract the following two ( 2 ) calls:

- 1) S. 73° 36' 49" E., 2280.33 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;
- 2) N. 16° 36' 43" E., 321.05 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set being an ell corner in the east boundary line of the said 137.034 acre tract and being an ell corner in the west boundary line of that certain 22.572 acre tract of land described in a Deed dated May 18, 2015 from Veterans Land Board of the State of Texas to Robert Weldon Turner

and being of record in Document No. 2015-00019496, Official Public Records of Bell County, Texas for corner;

THENCE with the east boundary line of the said 137.034 acre tract and with the west boundary line of the said 22.572 acre tract the following four ( 4 ) calls:

- 1) S. 73° 02' 56" E., 194.50 feet ( calls S. 71° 30' 00" E., 194.40 feet ) to a 5/8" iron rod with cap stamped "TCE 2181" found for corner;
- 2) S. 16° 39' 43" W., 336.83 feet ( calls S. 18° 30' 00" W., 336.90 feet ) to a 5/8" iron rod with cap stamped "TCE 2181" found for corner;
- 3) N. 73° 12' 43" W., 194.22 feet ( calls N. 71° 30' 00" W., 194.40 feet ) to a 5/8" iron rod with cap stamped "TCE 2181" found for corner;
- 4) S. 16° 40' 05" W., 699.15 feet ( calls S. 18° 30' 00" W., 699.60 feet ) to a railroad tie fence corner post found being the southwest corner of the said 22.572 acre tract and being the northwest corner of that certain 5 acre tract of land described in a Deed to Temple Longhorn Club and being of record in Volume 758, Page 26, Deed Records of Bell County, Texas for corner;

THENCE continuing with the said east boundary line and with the west and south boundary lines of the said 5 acre tract the following two ( 2 ) calls:

- 1) S. 16° 25' 10" W., 246.87 feet ( calls S. 18° 13' 46" W., 246.91 feet ) to a 1/2" iron rod with cap stamped "RPLS 2475" set being the southwest corner of the said 5 acre tract and being an ell corner in the said east boundary line for corner;
- 2) S. 73° 25' 34" E., 903.52 feet ( calls S. 71° 38' 55" E., 904.70 feet ) to an 8" diameter fence corner post found being the southeast corner of the said 5 acre tract and being an ell corner in the east boundary line of the said 137.034 acre tract and being in the west right-of-way line State Highway No. 95 for corner;

THENCE S. 04° 24' 25": W., 233.23 feet departing the said 5 acre tract and continuing with the east boundary line of the said 137.034 acre tract ( calls S. 06° 08' 30" W., 233.01 feet ) and with the said west right-of-way line to an 8" diameter fence corner post found being an ell corner in the east boundary line of the said 137.034 acre tract and being the northeast corner of that certain 15.311 acre tract of land described in a Special Warranty Deed dated January 30, 1992 from First Cam Co., a Texas Corporation to Alvin Dusek and wife, Dolores Dusek and being of record in Volume 2802, Page 30, Official Public Records of Bell County, Texas for corner;

THENCE departing the said west right-of-way line and continuing with the east boundary line of the said 137.034 acre tract and with the north and west boundary lines of the said 15.311 acre tract the following two ( 2 ) calls:

- 1) N. 73° 45' 01" W., 953.23 feet ( calls N. 71° 57' 31" W., 953.96 feet ) to a 5/8" iron rod with cap stamped "ACS" found being an ell corner of the said 137.034 acre tract and being the northwest corner of the said 15.311 acre tract for corner;



- 2) S. 16° 45' 05" W., 471.06 feet ( calls S. 18° 33' 44" W., 471.19 feet ) to a 5/8" iron rod with cap stamped "ACS" found being the southeast corner of the said 137.034 acre tract and being the northeast corner of the aforementioned 41.7 acre tract for corner;

THENCE N. 74° 21' 14" W., 2275.08 feet departing the said 15.311 acre tract and with the south boundary line of the said 137.034 acre tract ( calls N. 72° 33' 21" W., 2274.92 feet ) and with the north boundary line of the said 41.7 acre tract to the Point of Beginning and containing 89.373 acres of land.

\*\*\*\*\*

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.

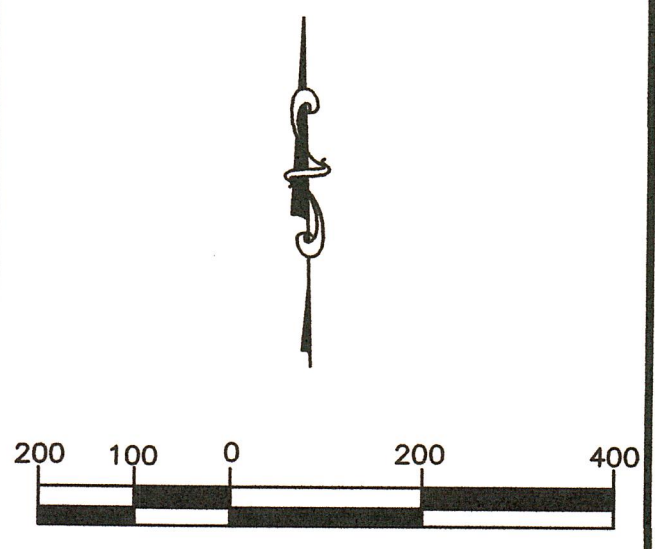
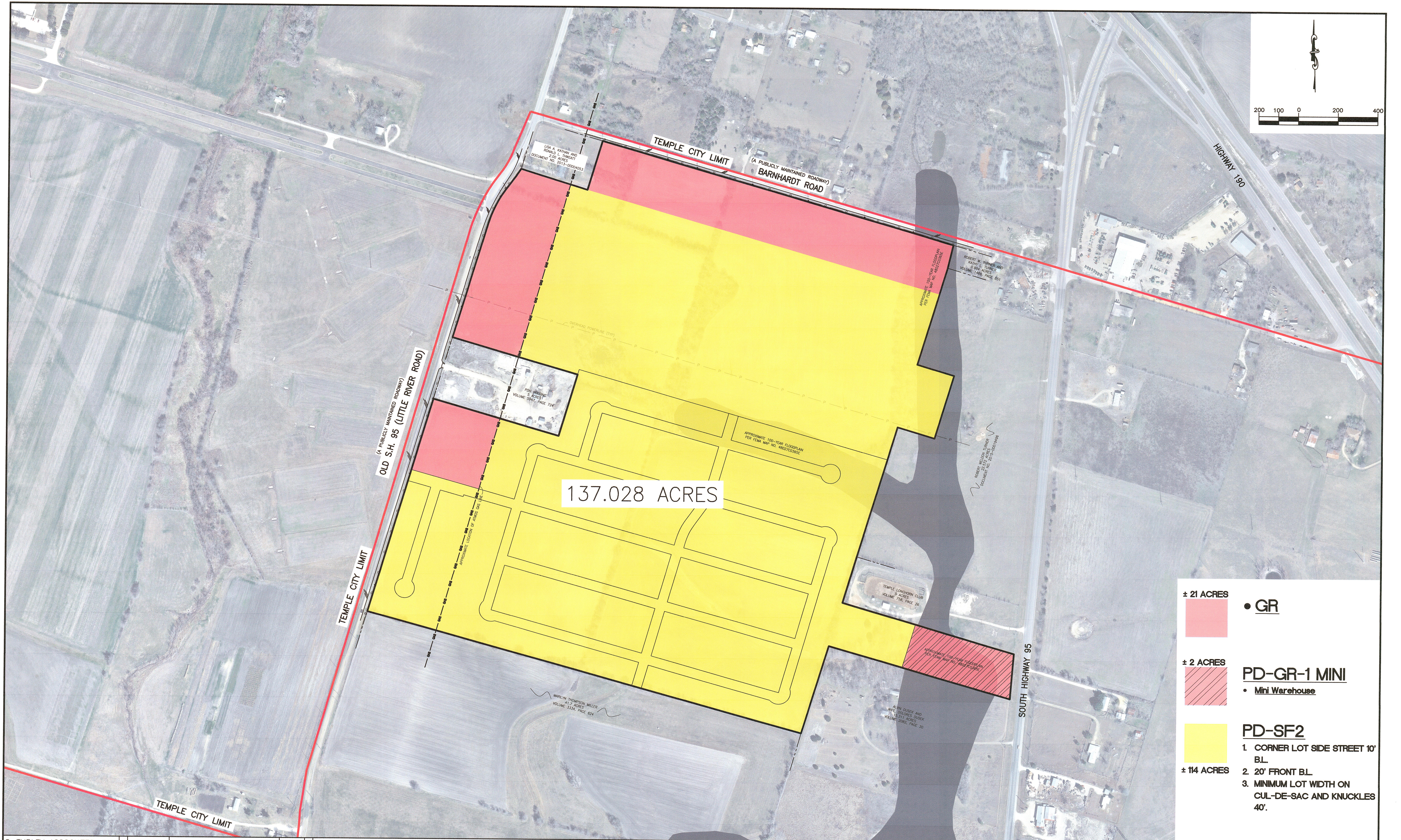
Michael E. Alvis, R.P.L.S. #5402  
January 31, 2019



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 535  
 THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 32' 22"  
 THE COMBINED CORRECTION FACTOR (CCF) IS 0.999836  
 PUBLISHED CITY COORDINATES ARE X = 3,232,625.47 Y = 10,351,575.12  
 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS  
 N. 03° 09' 53" E., 5481.83 FEET.  
 GRID DISTANCE = SURFACE DISTANCE X CCF  
 GEODETIC NORTH = GRID NORTH + THETA ANGL





- ± 21 ACRES  
• **GR**
- ± 2 ACRES  
**PD-GR-1 MINI**  
• Mini Warehouse
- ± 114 ACRES  
**PD-SF2**  
1. CORNER LOT SIDE STREET 10' B.L.  
2. 20' FRONT B.L.  
3. MINIMUM LOT WIDTH ON CUL-DE-SAC AND KNUCKLES 40'.

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REVISIONS		DATE	DESCRIPTION	DFTR.	AUTHORS		301 N. 3rd St. TEMPLE, TEXAS 76501									
		4/17/19	REVISED GR	JFBII												



# SCHEDULE

## Voluntary Annexation – 89.373 Acres (Short Term Lending GP, Inc.)

DATE	ACTION	TIME LIMIT/NOTES
<b>04-18-19</b>	<b>CITY RECEIVES PETITION</b> of landowner to annex area adjacent to city limits; fewer than 3 qualified voters reside in the area.	N/A
<b>05-02-19</b> <b>Regular Meeting</b>	<b>COUNCIL ADOPTS RESOLUTION</b> 1. Granting petition (14th day after petition filed); 2. Directing staff to develop service plans; and 3. Setting dates, times, places for public hearings	1. Hear and grant or deny petition after the 5 <sup>th</sup> day, but on or before the 30 <sup>th</sup> day after petition is filed. 2. Council must direct Staff to develop the services plan before publication of notice of 1 <sup>st</sup> hearing required under § 43.063 LGC. § 43.065 LGC
<b>05-03-19</b>	<b>CITY SECRETARY MAILS NOTICES TO</b> 1. Property owners 2. Public and private service entities 3. Railroads <i>34th day before 1<sup>st</sup> public hearing</i>	Before the 30 <sup>th</sup> day before the date of the first hearing required under § 43.063. § 43.062(b) LGC
<b>05-20-19</b>	<b>CITY SECRETARY SENDS NOTICE TO</b> Public school districts located in annexation area <i>17th day before 1<sup>st</sup> public hearing</i>	Within the period prescribed for publishing the notice of the 1 <sup>st</sup> hearing under § 43.063 LGC
<b>05-19-19</b>	<b>CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION</b> Posts notice on City web site Publishes notice in Telegram <i>18th day before 1<sup>st</sup> public hearing</i> <i>19th day before 2<sup>nd</sup> public hearing</i>	Publish hearing notice on or after the 20 <sup>th</sup> day but before the 10 <sup>th</sup> day before the date of the hearing § 43.063(c)LGC
<b>05-29-19</b>	<b>RESIDENTS' LAST DAY TO FILE PROTEST</b> <i>10th day after publication of hearing notice</i>	Hold one hearing in area proposed for annexation if more than 10% of adults who are permanent residents of area file written protest within 10 days after publication of notice. § 43.063(b) LGC
<b>06-06-19</b> <b>Regular meeting</b>	<b>COUNCIL HOLDS 1<sup>st</sup> PUBLIC HEARING</b> Staff presents service plan <i>35th day before 1<sup>st</sup> reading of ordinance</i>	Hold hearings on or after the 40 <sup>th</sup> day but before the 20 <sup>th</sup> day before the date of institution of annexation proceedings with 1 <sup>st</sup> reading of ordinance. § 43.063(a) LGC.
<b>06-07-19</b> <b>Special meeting</b>	<b>COUNCIL HOLDS 2<sup>nd</sup> PUBLIC HEARING</b> Staff presents service plan <i>34th day before 1<sup>st</sup> reading of ordinance</i>	Hold hearings on or after the 40 <sup>th</sup> day but before the 20 <sup>th</sup> day before the date of institution of annexation proceedings with 1 <sup>st</sup> reading of ordinance. LGC § 43.063(a)
<b>07-11-19</b> <b>Regular Meeting</b>	<b>COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1<sup>ST</sup> READING &amp; HOLDS PUBLIC HEARING</b>	First reading institutes proceedings for purposes of statutory time limits.
<b>07-18-19</b> <b>Regular Meeting</b>	<b>COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 2<sup>ND</sup> READING</b> <i>7th day from 1<sup>st</sup> reading</i>	Complete annexation proceedings within 90 days from 1 <sup>st</sup> reading. § 43.064(A) LGC.

DATE	ACTION	TIME LIMIT/NOTES
	<b>INFORMATION TECHNOLOGY SERVICES PREPARES AMENDED CITY MAP</b> 1. Amended City limit boundary 2. Amended City ETJ boundary	

	<b>CITY SECRETARY SENDS NOTICES TO:</b>  <b>TEXAS SECRETARY OF STATE</b> 1. Copy of annexation ordinance 2. Annexation map 3. Statement that annexation is not involved in any litigation	Secretary of State certifies to U. S. Department of Commerce that annexation was valid. <i>[No citation found.]</i>
	<b>VOTER REGISTRAR FOR BELL COUNTY</b> 1. Map in format compatible with mapping format used by registrar's office.	Not later than the 30 <sup>th</sup> day after the date the change is adopted. § 42.0615 Election Code  The County Election Administrator is the Voter Registrar for Bell County.
	<b>STATE COMPTROLLER, SALES TAX DIVISION</b> 1. Annexation ordinance 2. Map showing whole municipality	§ 321.102 Tax Code Delivery of notice affects implementation of tax collection.
	<b>BELL COUNTY CLERK</b> 1. Certified copy of annexation ordinance including legal description of annexed area.	Within 30 days after obtaining preclearance for the annexation under the Federal Voting Rights Act. § 41.0015 LGC
	<b>BELL COUNTY CLERK</b> 1. Certified copy of annexation ordinance 2. Copy of petition	For annexation of Sparsely Occupied Area on Petition of Area Landowners § 43.028(f)
	<b>PUC AND FRANCHISEES</b> Utility, telecommunication, transportation, and EMS providers	
	<b>TxDOT</b> If state road is affected.	
	<b>TEXAS COMMISSION ON FIRE PROTECTION</b>	<i>[No citation found. No information found on Commission's web site.]</i>
	<b>U. S. BUREAU OF THE CENSUS</b>	<i>[Or does SOS notify Bureau of the Census?]</i>

	<b>CITY ATTORNEY SENDS INFORMATION TO U. S. ARMY CORPS OF ENGINEERS:</b> 1. Ordinance 2. Map 3. Service plan 4. Copies of pertinent laws /regulations	If annexation affects Corps' property. Army Regulation 405-25
--	---	--

Curve Table			
Curve #	Length	Radius	Chord
C1	39.95	605.50	S33°38'37"W 39.95
C2	185.24	540.50	S26°19'19"W 184.33
C3	212.62	620.50	N26°19'46"E 211.58
C4	29.87	525.50	N33°51'17"E 29.86

This project is referenced to the city of temple coordinate system, on extension of the texas coordinate system of 1983, central zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinate values are referenced to city monument number 535

The theta angle at said city monument is 01° 32' 22"

The combined correction factor (ccf) is 0.999836

Published city coordinates are X = 3,232,625.47 Y = 10,351,575.12

The tie from the above city monument to the POINT OF BEGINNING (POB) IS N. 08° 12' 33" E., 8079.49 feet.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE

Line Table		
Line #	Direction	Length
L1	S18°23'36"W	140.09
L2	S25°18'52"W	119.00
L3	S36°13'40"W	98.44
L4	S16°38'13"W	618.06
L5	S16°29'41"W	329.94
L6	S16°25'57"W	1142.97
L7	N73°34'03"W	63.21
L8	N16°25'57"E	1143.80
L9	N16°29'41"E	330.08
L10	N16°38'13"E	618.07
L11	N36°13'40"E	97.99
L12	N25°18'52"E	109.50
L13	N18°23'36"E	176.43
L14	S73°21'35"E	61.91
L15	S16°38'25"W	44.46

LITTLE RIVER PARTNERS, LP

5.0 ACRES

DOCUMENT NO. 2017-00049517

LITTLE RIVER PARTNERS, LP

51.876 ACRES

DOCUMENT NO. 2017-00049078

CITY OF TEMPLE

0.399 ACRES

VOLUME 4164, PAGE 219

3.950 ACRES

OLD HIGHWAY No. 95 (A PUBLICLY MAINTAINED ROADWAY)

UNITED STATES OF AMERICA  
VOLUME 455, PAGE 150  
VOLUME 451, PAGE 19



BEING a 3.950 acre tract of land more particularly described by separate field notes.

BEING a 3.950 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of the right-of-way of Old Highway No. 95 ( a publicly maintained roadway ) as occupied and evidenced on the ground.



STATE OF TEXAS I KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, COUNTY OF BELL I do hereby certify that this survey was this day made on the ground of the property described herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 29th day of May 2019.

*Michael E. Alvis*

Michael E. Alvis, R.P.L.S., No. 5402



301 N. 3rd St.  
Temple, Texas 76501

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19-715  
SKETCH  
MGM



BEING a 3.950 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of the right-of-way of Old Highway No. 95 ( a publicly maintained roadway ) as occupied and evidenced on the ground and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with cap stamped "ACS" found being the northwest corner of that certain 2.00 acre tract of land described in a General Warranty Deed dated January 30, 2013 from Patricia A. Conlin to Lisa A. Kathan and Ronald L. Thweatt and being of record in Document No, 2013-00004053, Official Public Records of Bell County, Texas and being at the intersection of the east right-of-way line of Old Highway No. 95 and the south right-of-way line of Barnhardt Road ( a publicly maintained roadway ) as occupied and evidenced on the ground for corner;

THENCE departing the said south right-of-way line and with the said east right-of-way line and with the west boundary line of the said 2.00 acre tract the following two ( 2 ) calls:

- 1) S. 18° 23' 36" W., 140.09 feet to a point for corner;
- 2) S. 25° 18' 52" W., 119.00 feet to a 5/8" iron rod with cap stamped "ACS" found being the southwest corner of the said 2.00 acre tract and being the most westerly northwest corner of that certain 137.028 acre tract of land described in a Warranty Deed dated April 15, 2019 from Alice B. Hoelscher and Clifford Hoelscher to Short-Term Lending Gp Inc. and being of record in Document No. 2019-00015033, Official Public Records of Bell County, Texas and being at the beginning of a curve to the right having a radius equals 605.50 feet, chord bearing equals S. 33° 38' 37" W., 39.95 feet for corner;

THENCE departing the said 2.00 acre tract and with the west boundary line of the said 137.028 acre tract and partway with the west boundary line of that certain called 5 acre tract of land standing in the name of Atmos Energy Mid Tex Division and being identified as Parcel No 146791 according to the Bell County Tax Appraisal District property ownership maps the following six ( 6 ) calls:

- 1) 39.95 feet along the arc of said curve to the right to a 5/8" iron rod with cap stamped "ACS" found for corner;
- 2) S. 36° 13' 40" W., 98.44 feet to a 5/8" iron rod with cap stamped "ACS" found being at the beginning of a curve to the left having a radius equals 540.50 feet, chord bearing equals S. 26° 19' 19" W., 184.33 feet for corner;
- 3) 185.24 feet along the arc of said curve to the left to a 5/8" iron rod with cap stamped "ACS" found for corner;
- 4) S. 16° 38' 13" W., 618.06 feet to a 1/2" iron rod in concrete found being the northwest corner of the said 5 acre Atmos Energy tract and being an ell corner of the said 137.028 acre tract for corner;
- 5) S. 16° 29' 41" W., 329.94 feet departing the said 138.028 acre tract and with the west boundary line of the said 5 acre Atmos Energy tract to a 1/2" iron rod in concrete found being the southwest corner of the said 5 acre Atmos Energy tract and being an ell corner of the said 137.028 acre tract for corner;
- 6) S. 16° 25' 57" W., 1142.97 feet departing the said 5 acre Atmos Energy tract and with the west boundary line of the said 137.028 acre tract to a 1" iron pipe found being the southwest corner of the said 137.028 acre tract and being the northwest corner of that certain 41.7 acre tract of land standing in the name of Marilyn Thompson Miller and being identified as Parcel No. 116622 according to the Bell County Tax Appraisal District property ownership maps for corner;

THENCE N. 73° 34' 03" W., 63.21 feet departing the said 137.028 acre tract and the said 41.7 acre tract and the said east right-of-way line and over and across the right-of-way of Old Highway No. 95 to a point being in



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ENGINEERING FIRM #1658  
SURVEY FIRM #10056000

the east boundary line of those certain tracts of land described in Deed to the United States of America and being of record in Volume 455, Page 150 and Volume 451, Page 19, Deed Records of Bell County, Texas as occupied and evidenced on the ground and being in the west right-of-way line of the said Old Highway No. 95 for corner;

THENCE with the said west right-of-way line and with the east boundary line of the said United States of America lands and continuing with the east boundary line of that certain 0.399 acre tract of land described in a Deed to the City of Temple and being of record in Volume 4164, Page 219, Official Public Records of Bell County, Texas and continuing with the east boundary line of that certain 51.876 acre tract of land described in a Deed to Little River Partners, LP and being of record in Document No. 2017-00049078, Official Public Records of Bell County, Texas and continuing with the east boundary line of that certain 5.0 acre tract of land described in a Deed to Little River Partners, LP and being of record in Document No. 2017-00049517, Official Public Records of Bell County, Texas the following eight ( 8 ) calls:

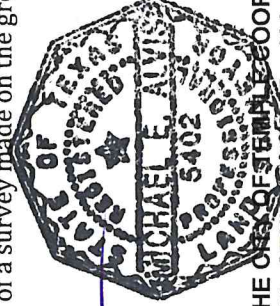
- 1) N. 16° 25' 57" E., 1143.80 feet to a point for corner;
- 2) N. 16° 29' 41" E., 330.08 feet to a point for corner;
- 3) N. 16° 38' 13" E., 618.07 feet to appoint being at the beginning of a curve to the right having a radius equals 620.50 feet, chord bearing equals N. 26° 19' 46" E., 211.58 feet for corner;
- 4) 212.62 feet along the arc of said curve to the right to a point for corner;
- 5) N. 36° 13' 40" E., 97.99 feet to appoint being at the beginning of a curve to the left having a radius equals 525.50 feet, chord bearing equals N. 33° 51' 17" E., 29.86 feet for corner;
- 6) 29.87 feet along the arc of said curve to the left to a point for corner;
- 7) N. 25° 18' 52" E., 109.50 feet to a point for corner;
- 8) N. 18° 23' 36" E., 176.43 feet to a point for corner;

THENCE S. 73° 21' 35" E., 61.91 feet departing the said 5.0 acre tract and the said west right-of-way line and over and across the said right-of-way of Old Highway No. 95 to a point being the southwest corner of Lot 5, Block 3, Green Acres Subdivision and being at the intersection of the east right-of-way line of Old Highway No. 95 and the north right-of-way line of the aforementioned Barnhardt Road for corner;

THENCE S. 16° 38' 25" W., 44.46 feet departing the said Lot 5, Block 3, Green Acres Subdivision and the said north right-of-way line and with the said east right-of-way line and over and across the said right-of-way of Barnhardt Road to the Point of BEGINNING and containing 3.950 acres of land.

\*\*\*\*\*

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.



*Michael E. Alvis*  
 Michael E. Alvis, R.P.L.S. #5402  
 May 29, 2019

THIS PROJECT IS REFERENCED TO THE ~~ORIGINAL~~ **TEXAS COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE.** ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS. ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 535  
 THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 32' 22"



TURLEY ASSOCIATES, INC.

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 ENGINEERING FIRM #1658 SURVEY FIRM #10056000



THE COMBINED CORRECTION FACTOR (CCF) IS 0.999836  
PUBLISHED CITY COORDINATES ARE  $X = 3,232,625.47$   $Y = 10,351,575.12$   
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS  
N.  $08^{\circ} 12' 33''$  E., 8079.49 FEET.  
GRID DISTANCE = SURFACE DISTANCE X CCF  
GEODETIC NORTH = GRID NORTH + THETA ANGL





## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #5  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** PUBLIC HEARING – FY-19-4-ANX: Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of 2.371 acres of Barnhardt Road and 47.655 acres of land out of the Maximo Moreno Survey, Abstract No. 14, located on the east side of Old State Highway 95 and the south side of Barnhardt Road, in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas.

**STAFF RECOMMENDATION:** Receive staff presentation on the Municipal Service Plan, as required by State law, hold public hearing and take no action at this time. The second public hearing is scheduled as a special meeting of the City Council, Friday, June 7, 2019 at 8:30 a.m. in the City Council Chambers.

**ITEM SUMMARY:** The Temple Independent School District (TISD) filed a petition on April 18, 2019, seeking voluntary annexation of 47.655 acres into the City of Temple, which is a companion request to voluntary annexation case FY-19-3-ANX that they would both be rezoned together. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

1. Less than one-half mile in width,
2. Contiguous to the annexing municipality, and
3. Vacant and without residents or on which fewer than three qualified voters reside.

On May 2, 2019, the City Council adopted a resolution (#2019-9653-R) directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property. The second public hearing is scheduled as a special meeting of the City Council, Friday, June 7, 2019 at 10:00 a.m. in the City Council Chambers.

The applicant has not yet submitted a rezoning application for the subject property but has submitted an exhibit showing future zoning areas of Planned Development Single Family Two (PD-SF2) and General Retail (GR) and Planned Development General Retail (PD-GR) with companion voluntary annexation case FY-19-3-ANX.

The proposed annexation schedule anticipates completion of annexation proceedings through a second reading at City Council on July 18, 2019.

**FISCAL IMPACT:** The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.

If the property is annexed, the City's ad valorem tax base will increase and result in future property tax revenue for the City. TISD has requested that the City begin the design process for the future expansion of Blackland Road east in order to provide needed connectivity and utility extensions.

**ATTACHMENTS:**

[Municipal Service Plan](#)  
[Voluntary Annexation Petition](#)  
[Survey of Proposed Annexation Area](#)  
[Field Notes of Proposed Annexation Area](#)  
[Proposed Zoning Site Plan](#)  
[Voluntary Annexation Schedule](#)

**CITY OF TEMPLE**  
**ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION**  
**Old State Highway 95 and Barnhardt Road (FY-19-4-ANX)**

47.655 acres of land out of the Maximo Moreno Survey, Abstract No. 14, located on the east side of Old State Highway 95 and the south side of Barnhardt Road, and being more particularly described as Exhibit “A” (Field Notes) and depicted as Exhibit “B” (Survey) of the Annexation Ordinance (2019-####).

**SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION**

**1. POLICE PROTECTION**

The City will provide protection to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

**2. FIRE PROTECTION AND AMBULANCE SERVICE**

The City will provide fire protection to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through American Medical Response dba Temple EMS.

**3. SOLID WASTE COLLECTION**

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

**4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES**

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities owned by other water or wastewater treatment providers shall continue to be allowed to provide those services to the newly-annexed tract.

**5. MAINTENANCE OF ROADS AND STREETS**

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

**6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS**

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

#### 7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

#### 8. INSPECTIONS

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

#### 9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

#### 10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

### CAPITAL IMPROVEMENTS

#### 1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

#### 2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the

maintenance provided by the City to other roads and streets in areas of similar topography, land use and subdivision development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with City policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities to the north along Barnhart Road and to the west along Old State Highway 95 (Little River Road). There are no water facilities to the south.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). **The applicant has requested to enter into a developer participation agreement with the City for sanitary sewer facility extensions to the property. Staff will present this request to City Council if the property is annexed.**

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

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**SPECIFIC FINDINGS**

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

City of Temple, Texas

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary



VOLUNTARY PETITION FOR ANNEXATION

DATE: 4-17-2019

To the City Council of the City of Temple:

Temple Independent School District is the sole owner of the tract of land containing approximately 47.655 acres ("the Tract"). The Tract is more particularly described by metes and bounds in Exhibit A to this petition.

The Tract is one-half mile or less in width, contiguous to the City of Temple, Texas; and has less than three qualified voters as residents. The owner is petitioning the City Council to take the appropriate actions to annex the Tract pursuant to Section 43.028 of the Texas Local Government Code.

Temple Independent School District

  
By and Through  
Temple Independent School District

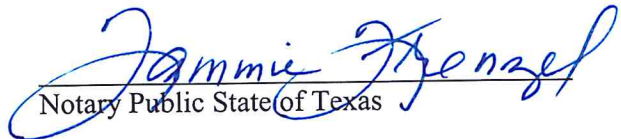
STATE OF TEXAS §

COUNTY OF BELL §

BEFORE ME, the undersigned authority, on this day personally appeared Bobby Ott, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same as the act of Temple Independent School District for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17th day of April, 2019.



  
Notary Public State of Texas



OLD S.H. 95 (LITTLE RIVER ROAD)  
(A PUBLICLY MAINTAINED ROADWAY)

1/2" IRON ROD  
CAP STAMPED  
"RPLS 2475" SET

(CALLS N16°27'49"E 617.92')  
N16°38'13"E 394.80'

TELE  
RISER (TYP)

31.3'  
26.5'  
19.3'  
17.0'

5/8" IRON ROD WITH  
CAP STAMPED  
"ACS" FOUND

LISA A. KATHAN AND  
RONALD L. THWEATT  
2.00 ACRES  
DOCUMENT NO. 2013-00004053

5/8" IRON ROD WITH  
CAP STAMPED  
"ACS" FOUND

L1  
L2  
APPROXIMATE LOCATION  
OF ATMOS GAS LINE

OVERHEAD POWERLINE (TYP)

N73°36'49"W 2280.33'  
ALICE B. HOELSCHER AND  
HUSBAND, CLIFFORD E. HOELSCHER  
REMAINDER OF 137.034 ACRES  
DOCUMENT NO. 2009-0004519

BARNHARDT ROAD  
(A PUBLICLY MAINTAINED ROADWAY)  
(CALLS S71°47'08"E 1847.76')  
S73°35'04"E 1847.50'

47.655 ACRES

This project is referenced to the city of temple coordinate system, an extension of the  
texas coordinate system of 1983, central zone. All distances are horizontal surface  
distances unless noted and all bearings are grid bearings.

All coordinate values are referenced to city monument number 535  
The theta angle at said city monument is 01° 32' 22"  
The combined correction factor (ccf) is 0.999836  
Published city coordinates are X = 3,232,625.47 Y = 10,351,575.12  
The tie from the above city monument to the POINT OF BEGINNING (POB) IS  
N. 03° 09' 53" E., 5481.83 feet.  
GRID DISTANCE = SURFACE DISTANCE X CCF  
GEODETIC NORTH = GRID NORTH + THETA ANGLE

TP&L UTILITY EASEMENT (NO WIDTH SPECIFIED)  
VOLUME 529, PAGE 138

SERVICE POLE (TYP)

APPROXIMATE 100-YEAR  
FLOODPLAIN PER  
FEMA MAP NO. 48027C0365E

IRON PIPE FOUND  
ROBERT W. TURNER  
KATHY L. TURNER  
0.984 ACRES  
VOLUME 1466, PAGE 85

5/8" IRON ROD WITH  
CAP STAMPED  
"TCE 2181" FOUND

S16°40'44"W 520.07'  
(CALLS S18°29'20"W 520.13')  
ROBERT WELDON TURNER  
22.572 ACRES  
DOCUMENT NO. 2015-00019496

1/2" IRON ROD  
CAP STAMPED  
"RPLS 2475" SET

ALICE B. HOELSCHER AND  
HUSBAND, CLIFFORD E. HOELSCHER  
REMAINDER OF 137.034 ACRES  
DOCUMENT NO. 2009-0004519

ROBERT WELDON TURNER  
22.572 ACRES  
DOCUMENT NO. 2015-00019496

The following documents  
affect this lot:  
Volume 493, Page 5

The following documents  
do not affect this lot:  
Volume 529, Page 138  
Volume 568, Page 387  
Volume 568, Page 582  
Volume 600, Page 485  
Volume 684, Page 589

The following are a blanket  
easement and are non-locatable  
by description.  
Volume 683, Page 205  
Volume 957, Page 482  
Volume 957, Page 483

Line Table		
Line #	Direction	Length
L1	S72°24'25"E	350.99'
CALLS	S70°38'16"E	350.86'
L2	N16°25'40"E	263.50'
CALLS	N18°12'52"E	263.55'
L3	S13°08'49"W	121.34'
CALLS	S14°50'15"W	122.00'
L4	S16°36'44"W	321.05'
L5	N36°13'40"E	98.44'
CALLS	N37°54'45"E	98.41'



BEING a 47.655 acre tract of land more particularly described by separate field notes.  
BEING a 47.655 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell  
County, Texas and being a part or portion of that certain 137.034 acre tract of land  
described in a Partition Deed dated January 9, 2009 between Alice B. Hoelscher,  
Individually and as Executor of the Estate of Claudia Barnhart, Madison Thomas Barnhart  
and Glenn Walter Barnhart and Alice B. Hoelscher and husband, Clifford E. Hoelscher and  
being of record in Document No. 2009-00004519, Official Public Records of Bell County,  
Texas.

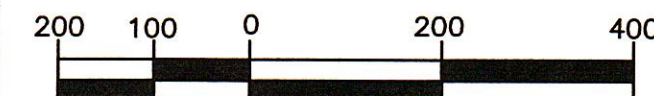
STATE OF TEXAS I KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis,  
a Registered Professional Land Surveyor in the State of Texas,  
COUNTY OF BELL I do hereby certify that this survey was this day made  
on the ground of the property described herein and  
is correct and that there are no discrepancies, conflicts, shortages in the  
area, easements, and right-of-ways except as shown hereon, that this tract  
of land has access to and from a public road, and I have marked all corners  
with monuments.

This Property is within the Special Flood Hazard Area as per the Federal  
Emergency Management Agency Federal Insurance Administration Map No.  
48027C0365E, dated September 26, 2008.

IN WITNESS THEREOF, my hand and seal, this the 1st day of February 2019.

*Michael E. Alvis*  
Michael E. Alvis, R.P.L.S., No. 5402

Curve Table			
Curve #	Length	Radius	Chord
C1	185.24'	540.50'	N26°19'19"E 184.33'
CALLS	185.28'	540.50'	N28°05'33"E 184.37'
C2	39.95'	605.50'	N33°38'37"E 39.95'
CALLS	39.84'	605.50'	N36°01'58"E 39.84'



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TURLEY ASSOCIATES, INC.

SURVEY OF:  
47.655 ACRES  
OLD HIGHWAY 95 PROPERTY  
BELL COUNTY, TX  
BELL CAD # 6349  
PREPARED FOR:  
SHORT TERM LENDING  
OLD HIGHWAY 95 PROPERTY  
TEMPLE, TX

REVISIONS		
DATE	DESCRIPTION	DFTR
2/4	LEGAL DOC CHANGE	BRC
2/5	CLIENT ALTERATION	BRC
2/6	CHANGE LEGAL	BRC

DRAFTSMAN:  
BRC  
DATE:  
2/6/2019  
COMPUTER FILE NAME:  
19-132 CERT NORTH  
REFERENCE DRAWING NUMBERS:

JOB NUMBER:  
19-132  
DRAWING NUMBER:  
19132-B  
PAGE #  
01

TURLEY ASSOCIATES, INC.  
ENGINEERING • PLANNING • SURVEYING  
301 N. 3rd St.  
TEMPLE, TEXAS 7650  
TBE No. F-1658 • TPLS No. 10056000  
254.773.2400  
www.turley-inc.com



BEING a 47.655 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of that certain 137.034 acre tract of land described in a Partition Deed dated January 9, 2009 between Alice B. Hoelscher, Individually and as Executor of the Estate of Claudia Barnhart, Madison Thomas Barnhart and Glenn Walter Barnhart and Alice B. Hoelscher and husband, Clifford E. Hoelscher and being of record in Document No. 2009-00004519, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with cap stamped "ACS" found being the most westerly northwest corner of the said 137.034 acre tract and being the southwest corner of that certain 2.00 acre tract of land described in a General Warranty Deed dated January 30, 2013 from Patricia A. Conlin to Lisa A. Kathan and Ronald L. Thweatt and being of record in Document No. 2013-00004053, Official Public Records of Bell County, Texas and being in the east right-of-way line of Old Highway No. 95 ( a publicly maintained roadway ) for corner;

THENCE S. 72° 24' 25" E., 350.99 feet departing the said east right-of-way line and with a northerly boundary line of the said 137.034 acre tract ( calls S. 70° 38' 16" E., 350.86 feet ) and with the south boundary line of the said 2.00 acre tract to a 5/8" iron rod with cap stamped "ACS" found being an ell corner of the said 137.034 acre tract and being the southeast corner of the said 2.00 acre tract for corner;

THENCE N. 16° 25' 40" E., 263.50 feet with a westerly boundary line of the said 137.034 acre tract ( calls N. 18° 12' 52" E., 263.55 feet ) and with the east boundary line of the said 2.00 acre tract to a 5/8" iron rod with cap stamped "ACS" found being the most northerly northwest corner of the said 137.034 acre tract and being the northeast corner of the said 2.00 acre tract and being in the south right-of-way line of Barnhardt Road ( a publicly maintained roadway ) for corner;

THENCE S. 73° 35' 04" E., 1847.50 feet departing the said 2.00 acre tract and with the north boundary line of the said 137.034 acre tract ( calls S. 71° 47' 08" E., 1847.76 feet ) and with the said south right-of-way line to a 1" iron pipe found being the northeast corner of the said 137.034 acre tract and being the northwest corner of that certain 0.984 acre tract of land described in a Deed dated July 13, 1977 from Raymond E. Shephard and wife, Vera A. Shephard to Robert W. Turner and wife, Kathy L. Turner and being of record in Volume 1466, Page 851, Deed Records of Bell County, Texas for corner;

THENCE departing the said south right-of-way line and with the east boundary line of the said 137.034 acre tract the following two ( 2 ) calls:

- 1) S. 13° 08' 49" W., 121.34 feet ( calls S. 14° 50' 15" W., 122.00 feet ) with the west boundary line of the said 0.984 acre tract to a 5/8" iron rod with cap stamped "TCE 2181" found being the southwest corner of the said 0.984 acre tract and being the northwest corner of that certain 22.572 acre tract of land described in a Deed dated May 18, 2015 from Veterans Land Board of the State of Texas to Robert Weldon Turner and being of record in Document No. 2015-00019496, Official Public Records of Bell County, Texas for corner;
- 2) S. 16° 40' 44" W., 520.07 feet ( calls S. 18° 29' 20" W., 520.13 feet ) departing the said 0.984 acre tract and with the west boundary line of the said 22.572 acre tract to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;

THENCE departing the said east boundary line and the said west boundary line and over and across the said 137.034 acre tract the following two ( 2 ) calls:

- 1) S. 16° 36' 44" W., 321.05 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;


- 2) N. 73° 36' 49" W., 2280.33 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set being in the west boundary line of the said 137.034 acre tract and being in the aforementioned east right-of-way line of Old Highway No. 95 for corner;

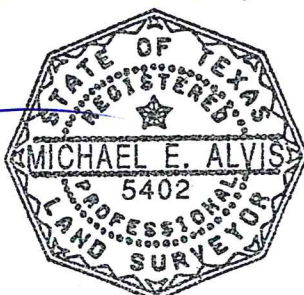
THENCE with the west boundary line of the said 137.034 acre tract and with the said east right-of-way line the following four ( 4 ) calls:

- 1) N. 16° 38' 13" E., 394.80 feet ( calls N. 18° 27' 49" E., 617.92 feet ) to a 5/8" iron rod with cap stamped "ACS" found being at the beginning of a curve to the right having a radius equals 540.50 feet ( calls 540.50 feet ), chord bearing equals N. 26° 19' 19" E., 184.33 feet ( calls N. 28° 05' 33" E., 184.37 feet ) for corner;
- 2) 185.24 feet along the arc of said curve to the right ( calls 185.28 feet ) to a 5/8" iron rod with cap stamped "ACS" found for corner;
- 3) N. 36° 13' 40" E., 98.44 feet ( calls N. 37° 54' 45" E., 98.41 feet ) to a 5/8" iron rod with cap stamped "ACS" found being at the beginning of a curve to the left having a radius equals 605.50 feet ( calls 605.50 feet ), chord bearing equals N. 33° 38' 37" E., 39.95 feet ( calls N. 36° 01' 58" E., 39.84 feet ) for corner;
- 4) 39.95 feet along the arc off said curve to the left ( calls 39.84 feet ) to the Point of BEGINNING and containing 47.655 acres of land.

\*\*\*\*\*

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.

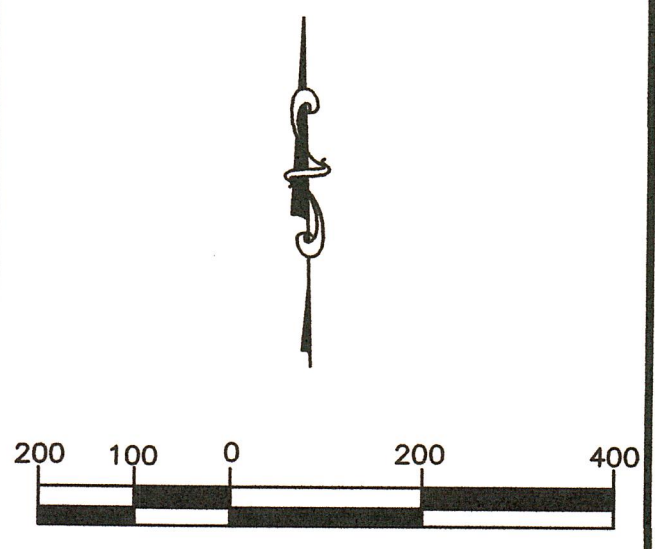
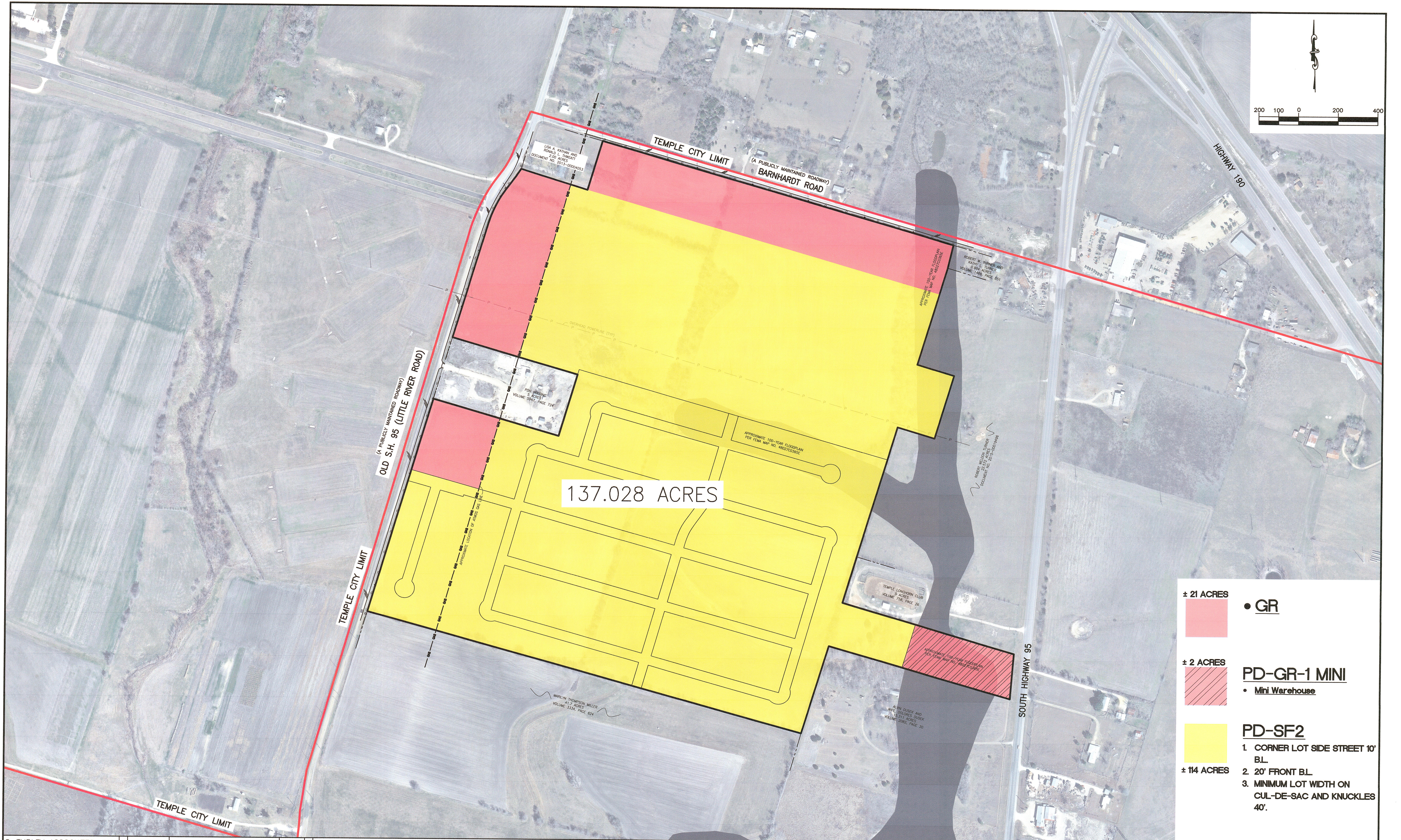
  
 Michael E. Alvis, R.P.L.S. #5402  
 January 31, 2019



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 535  
 THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 32' 22"  
 THE COMBINED CORRECTION FACTOR (CCF) IS 0.999836  
 PUBLISHED CITY COORDINATES ARE X = 3,232,625.47 Y = 10,351,575.12  
 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS  
 N. 07° 46' 18" E., 7828.10 FEET.  
 GRID DISTANCE = SURFACE DISTANCE X CCF  
 GEODETIC NORTH = GRID NORTH + THETA ANGL





- ± 21 ACRES  
• **GR**
- ± 2 ACRES  
**PD-GR-1 MINI**  
• Mini Warehouse
- ± 114 ACRES  
**PD-SF2**  
1. CORNER LOT SIDE STREET 10' B.L.  
2. 20' FRONT B.L.  
3. MINIMUM LOT WIDTH ON CUL-DE-SAC AND KNUCKLES 40'.

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REVISIONS		DATE	DESCRIPTION	DFTR.	AUTHORS		301 N. 3rd St. TEMPLE, TEXAS 76501									
		4/17/19	REVISED GR	JFBII												



## SCHEDULE

### Voluntary Annexation – 47.655 Acres (Temple Independent School District)

DATE	ACTION	TIME LIMIT/NOTES
<b>04-18-19</b>	<b>CITY RECEIVES PETITION</b> of landowner to annex area adjacent to city limits; fewer than 3 qualified voters reside in the area.	N/A
<b>05-02-19</b> <b>Regular Meeting</b>	<b>COUNCIL ADOPTS RESOLUTION</b> 1. Granting petition (14th day after petition filed); 2. Directing staff to develop service plans; and 3. Setting dates, times, places for public hearings	1. Hear and grant or deny petition after the 5 <sup>th</sup> day, but on or before the 30 <sup>th</sup> day after petition is filed. 2. Council must direct Staff to develop the services plan before publication of notice of 1 <sup>st</sup> hearing required under § 43.063 LGC. § 43.065 LGC
<b>05-03-19</b>	<b>CITY SECRETARY MAILES NOTICES TO</b> 1. Property owners 2. Public and private service entities 3. Railroads <i>34th day before 1<sup>st</sup> public hearing</i>	Before the 30 <sup>th</sup> day before the date of the first hearing required under § 43.063. § 43.062(b) LGC
<b>05-20-19</b>	<b>CITY SECRETARY SENDS NOTICE TO</b> Public school districts located in annexation area <i>17th day before 1<sup>st</sup> public hearing</i>	Within the period prescribed for publishing the notice of the 1 <sup>st</sup> hearing under § 43.063 LGC
<b>05-19-19</b>	<b>CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION</b> Posts notice on City web site Publishes notice in Telegram <i>18th day before 1<sup>st</sup> public hearing</i> <i>19th day before 2<sup>nd</sup> public hearing</i>	Publish hearing notice on or after the 20 <sup>th</sup> day but before the 10 <sup>th</sup> day before the date of the hearing § 43.063(c)LGC
<b>05-29-19</b>	<b>RESIDENTS' LAST DAY TO FILE PROTEST</b> <i>10th day after publication of hearing notice</i>	Hold one hearing in area proposed for annexation if more than 10% of adults who are permanent residents of area file written protest within 10 days after publication of notice. § 43.063(b) LGC
<b>06-06-19</b> <b>Regular meeting</b>	<b>COUNCIL HOLDS 1<sup>st</sup> PUBLIC HEARING</b> Staff presents service plan <i>35th day before 1<sup>st</sup> reading of ordinance</i>	Hold hearings on or after the 40 <sup>th</sup> day but before the 20 <sup>th</sup> day before the date of institution of annexation proceedings with 1 <sup>st</sup> reading of ordinance. § 43.063(a) LGC.
<b>06-07-19</b> <b>Special meeting</b>	<b>COUNCIL HOLDS 2<sup>nd</sup> PUBLIC HEARING</b> Staff presents service plan <i>34th day before 1<sup>st</sup> reading of ordinance</i>	Hold hearings on or after the 40 <sup>th</sup> day but before the 20 <sup>th</sup> day before the date of institution of annexation proceedings with 1 <sup>st</sup> reading of ordinance. LGC § 43.063(a)
<b>07-11-19</b> <b>Regular Meeting</b>	<b>COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1<sup>ST</sup> READING &amp; HOLDS PUBLIC HEARING</b>	First reading institutes proceedings for purposes of statutory time limits.
<b>07-18-19</b> <b>Regular Meeting</b>	<b>COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 2<sup>ND</sup> READING</b> <i>7th day from 1<sup>st</sup> reading</i>	Complete annexation proceedings within 90 days from 1 <sup>st</sup> reading. § 43.064(A) LGC.

DATE	ACTION	TIME LIMIT/NOTES
	<b>INFORMATION TECHNOLOGY SERVICES PREPARES AMENDED CITY MAP</b> 1. Amended City limit boundary 2. Amended City ETJ boundary	

	<b>CITY SECRETARY SENDS NOTICES TO:</b>  <b>TEXAS SECRETARY OF STATE</b> 1. Copy of annexation ordinance 2. Annexation map 3. Statement that annexation is not involved in any litigation	Secretary of State certifies to U. S. Department of Commerce that annexation was valid. <i>[No citation found.]</i>
	<b>VOTER REGISTRAR FOR BELL COUNTY</b> 1. Map in format compatible with mapping format used by registrar's office.	Not later than the 30 <sup>th</sup> day after the date the change is adopted. § 42.0615 Election Code  The County Election Administrator is the Voter Registrar for Bell County.
	<b>STATE COMPTROLLER, SALES TAX DIVISION</b> 1. Annexation ordinance 2. Map showing whole municipality	§ 321.102 Tax Code Delivery of notice affects implementation of tax collection.
	<b>BELL COUNTY CLERK</b> 1. Certified copy of annexation ordinance including legal description of annexed area.	Within 30 days after obtaining preclearance for the annexation under the Federal Voting Rights Act. § 41.0015 LGC
	<b>BELL COUNTY CLERK</b> 1. Certified copy of annexation ordinance 2. Copy of petition	For annexation of Sparsely Occupied Area on Petition of Area Landowners § 43.028(f)
	<b>PUC AND FRANCHISEES</b> Utility, telecommunication, transportation, and EMS providers	
	<b>TxDOT</b> If state road is affected.	
	<b>TEXAS COMMISSION ON FIRE PROTECTION</b>	<i>[No citation found. No information found on Commission's web site.]</i>
	<b>U. S. BUREAU OF THE CENSUS</b>	<i>[Or does SOS notify Bureau of the Census?]</i>

	<b>CITY ATTORNEY SENDS INFORMATION TO U. S. ARMY CORPS OF ENGINEERS:</b> 1. Ordinance 2. Map 3. Service plan 4. Copies of pertinent laws /regulations	If annexation affects Corps' property. Army Regulation 405-25
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Line Table		
Line #	Direction	Length
L1	N16°38'25"E	44.46
L2	S73°21'35"E	250.57
L3	S73°47'39"E	1246.31
L4	S73°36'06"E	678.18
L5	S16°24'56"W	49.53
L6	N73°35'04"W	1847.50
L7	N73°21'35"W	327.73

This project is referenced to the city of temple coordinate system, an extension of the texas coordinate system of 1983, central zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinate values are referenced to city monument number 535

The theta angle at said city monument is 01° 32' 22"

The combined correction factor (ccf) is 0.999836

Published city coordinates are X = 3,232,625.47 Y = 10,351,575.12

The tie from the above city monument to the POINT OF BEGINNING (POB) IS N. 08° 12' 33" e., 8079.49 feet.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE

LITTLE RIVER PARTNERS, LP  
5.0 ACRES  
DOCUMENT NO. 2017-00049517

LITTLE RIVER PARTNERS, LP P.O.B.  
51.876 ACRES  
DOCUMENT NO. 2017-00049078

CITY OF TEMPLE  
0.399 ACRES  
VOLUME 4164, PAGE 219

OLD HIGHWAY No. 95 (A PUBLICLY MAINTAINED ROADWAY)

LISA A. KATHAN AND  
RONALD L. THWEAT  
2.00 ACRES  
DOCUMENT NO. 2013-00004053

ALICE B. HOELSCHER AND  
HUSBAND, CLIFFORD E. HOELSCHER  
137.034 ACRES  
DOCUMENT NO. 2009-00004519

DORIS L. POND AND  
DAVID E. POND  
4.0 ACRES  
VOLUME 5437, PAGE 849

DELLA ROHAN  
1.0 ACRES  
PARCEL NO. 100713

COUFAL-PRATER REAL  
ESTATE LTD.  
2.03 ACRES  
VOLUME 5563, PAGE 4

ROBERT W. TURNER AND  
KATHY L. TURNER  
0.984 ACRES  
VOLUME 1466, PAGE 851

UTILITY EASEMENT  
VOLUME 493, PAGE 5  
SOUTHWESTERN BELL TELEPHONE COMPANY  
NO WIDTH SPECIFIED

LEGEND  
● 5/8" IRON ROD WITH CAP  
STAMPED "ACS" FOUND  
(UNLESS NOTED)

○ POINT



BEING a 2.371 acre tract of land more particularly described by separate field notes.

BEING a 2.371 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of the right-of-way of Barnhardt Road ( a publicly maintained roadway ) as occupied and evidenced on the ground.



STATE OF TEXAS I KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis,  
a Registered Professional Land Surveyor in the State of Texas,  
COUNTY OF BELL I do hereby certify that this survey was this day made  
on the ground of the property described herein and  
is correct.

IN WITNESS THEREOF, my hand and seal, this the 29th day of May 2019.

*Michael E. Alvis*

Michael E. Alvis, R.P.L.S., No. 5402



301 N. 3rd St.  
TEMPLE, TEXAS 76501  
ENGINEERING • PLANNING • SURVEYING  
254-773-2400  
www.turley-inc.com

TBPE No. F-1656 • TBPLS No. 10059000



BEING a 2.371 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of the right-of-way of Barnhardt Road ( a publicly maintained roadway ) as occupied and evidenced on the ground and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with cap stamped "ACS" found being the northwest corner of that certain 2.00 acre tract of land described in a General Warranty Deed dated January 30, 2013 from Patricia A. Conlin to Lisa A. Kathan and Ronald L. Thweatt and being of record in Document No, 2013-00004053, Official Public Records of Bell County, Texas and being at the intersection of the east right-of-way line of Old Highway No. 95 ( a publicly maintained roadway ) and the south right-of-way line of Barnhardt Road ( a publicly maintained roadway) as occupied and evidenced on the ground for corner;

THENCE N. 16° 38' 25" E., 44.46 feet departing the said south right-of-way line and the said 2.00 acre tract and with the said east right-of-way line and over and across the said right-of-way of Barnhardt Road to a point being the southwest corner of Lot 5, Block 3, Green Acres Subdivision and being at the intersection of the east right-of-way line of Old Highway No. 95 and the north right-of-way line of the aforementioned Barnhardt Road for corner;

THENCE S. 73° 21' 35" E., 250.57 feet departing the said east right-of-way line and with the said north right-of-way line and with the south boundary line of the said Lot 5, Block 3 to a fence corner post found being the evidenced southeast corner of the said Lot 5, Block 3 and being the southwest corner of Lot 6, said Block 3 for corner;

THENCE S. 73° 47' 39" E., 1246.31 feet with the boundary line of the said Green Acres Subdivision and continuing with the said north right-of-way line to a 1" iron pipe found being the southeast corner of Lot 11, Block 4, said Green Acres Subdivision and being the southwest corner of that certain 4.0 acre tract of land described in a Deed to Doris L. Pond and David E. Pond and being of record in Volume 5437, Page 849, Official Public Records of Bell County, Texas for corner;

THENCE S. 73° 36' 06" E., 678.18 feet departing the said Green Acres Subdivision and with the south boundary line of the said 4.0 acre tract and continuing with the south boundary line of that certain 1.0 acre tract of land standing in the name of Bella Rohan and being described as Parcel No. 100713 according to the Bell County Tax Appraisal District property ownership maps and continuing with the south boundary line of that certain 2.03 acre tract of land described in a Deed to Coufal-Prater Real Estate Ltd. and being of record in Volume 5563, Page 4, Official Public Records of Bell County, Texas to a point for corner;

THENCE S. 16° 24' 56" W., 49.53 feet departing the said 2.03 acre tract and the said north right-of-way line and over and across the said right-of-way of Barnhardt Road to a 1" iron piper found being the northeast corner of that certain 137.028 acre tract of land described in a Warranty Deed dated April 15, 2019 from Alice B. Hoelscher and Clifford Hoelscher to Short-Term Lending Gp Inc. and being of record in Document No. 2019-00015033, Official Public Records of Bell County, Texas and being the northwest corner of that certain 0.984 acre tract of land described in a Deed dated July 13, 1977 from Raymond E. Shepheard and wife, Vera A. Shepheard to Robert W. Turner and wife, Kathy L. Turner and being of record in Volume 1466, Page 851, Deed Records of Bell County, Texas and being in the south right-of-way line of Barnhardt Road for corner;

THENCE N. 73° 35' 04" W., 1847.50 feet departing the said .0984 acre tract and with the north boundary line of the said 137.028 acre tract and with the said south right-of-way line to a 5/8" iron rod with cap stamped "ACS" found being the most northerly northwest corner of the said 137.028 acre tract and being the northeast corner of the aforementioned 2.00 acre tract for corner;



TURLEY ASSOCIATES, INC.

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ENGINEERING FIRM #1658 SURVEY FIRM #10056000

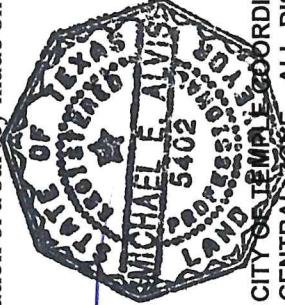
THENCE N. 73° 21' 35" W., 327.73 feet departing the said 137.028 acre tract and with the north boundary line of the said 2.00 acre tract and continuing with the said south right-of-way line to the Point of BEGINNING and containing 2.371 acres of land.

\*\*\*\*\*

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.

*Michael E. Alvis*

Michael E. Alvis, R.P.L.S. #5402  
May 29, 2019



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS. ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 535  
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 32' 22"  
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999836  
PUBLISHED CITY COORDINATES ARE X = 3,232,625.47 Y = 10,351,575.12  
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS  
N. 08° 12' 33" E., 8079.49 FEET.  
GRID DISTANCE = SURFACE DISTANCE X CCF  
GEODETIC NORTH = GRID NORTH + THETA ANGL



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ENGINEERING FIRM #1658 SURVEY FIRM #10056000



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #6  
Regular Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Timothy A. Davis, Mayor

**ITEM DESCRIPTION:** Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** Section 4.8 of the City Charter states....“the City Council must elect one of its members as Mayor Pro Tem, following each City Council election. The Mayor Pro Tem will act as Mayor during the absence or disability of the Mayor and, when doing so, will have the rights conferred upon the Mayor.”

In order to comply with the Charter requirement, it is recommended the City Council elect a Mayor Pro Tem at this meeting.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Resolution](#)



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #7(A-E)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Lacy Borgeson, City Secretary

### **ITEM DESCRIPTION:** Approve Minutes:

- (A) April 29, 2019 Special Meeting
- (B) May 16, 2019 Special & Regular Called Meeting
- (C) May 21, 2019 Special Meeting
- (D) May 24, 2019 Special Meeting
- (E) May 28, 2019 Special Meeting

**STAFF RECOMMENDATION:** Approve minutes as presented in item description.

**ITEM SUMMARY:** Copies of minutes are enclosed for Council review.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

[April 29, 2019 Special Meeting Minutes](#)  
[May 16, 2019 Special & Regular Called Meeting Minutes / Video](#)  
[May 21, 2019 Special Meeting Minutes](#)  
[May 24, 2019 Special Meeting Minutes](#)  
[May 28, 2019 Special Meeting Minutes](#)

## **SPECIAL MEETING OF THE TEMPLE CITY COUNCIL**

**MAY 28, 2019**

The City Council of the City of Temple, Texas conducted a Special Called Meeting on Tuesday, May 28, 2019 at 2:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

- 1. Discuss the hiring process, appointment, employment, work plan, and duties of the City Attorney.**

***Texas Government Code § 551.074 – The City Council will meet in executive session to discuss the hiring process, appointment, employment, and duties of the City Attorney. No final action will be taken.***

At approximately, 5:00 pm the Temple City Council adjourned the executive session with no final action.

---

Timothy A. Davis

ATTEST:

---

Lacy Borgeson  
City Secretary



## **SPECIAL MEETING OF THE TEMPLE CITY COUNCIL**

**MAY 24, 2019**

The City Council of the City of Temple, Texas conducted a Special Called Meeting on Friday, May 24, 2019 at 1:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

- 1. Discuss the hiring process, appointment, employment, work plan, and duties of the City Attorney.**

***Texas Government Code § 551.074 – The City Council will meet in executive session to discuss the hiring process, appointment, employment, and duties of the City Attorney. No final action will be taken.***

At approximately 3:00 pm, the City Council adjourned the executive session with not final action.

---

Timothy A. Davis

ATTEST:

---

Lacy Borgeson  
City Secretary

## **SPECIAL MEETING OF THE TEMPLE CITY COUNCIL**

**MAY 21, 2019**

The City Council of the City of Temple, Texas conducted a Special Called Meeting on Tuesday, May21, 2019 at 1:00 PM, at the Gober Party House, 1516 West Avenue H.

**1. Conduct a workshop to discuss the Core Values for the City of Temple.**

Brynn Myers, City Manager introduced Julia Novak with the Novak Consulting Group. She explained that Ms. Novak was going to facilitate the meeting today, and help staff and council identify its core values. This will assist in building the frame work of the strategic plan.

Core values exist within the organization, and are impactful. Ms. Novak explained that she met with eight different focus groups within the city and presented their comments. From those comments, Council and Staff worked to identify the core values.

Ms. Myers stated it will be up to us to teach and train the employees on the values identified. We must be intentional to instill the values of commitment, innovation, collaboration, accountability, and integrity.

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Timothy A. Davis

ATTEST:

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Lacy Borgeson  
City Secretary

## **SPECIAL MEETING OF THE TEMPLE CITY COUNCIL**

**APRIL 29, 2019**

The City Council of the City of Temple, Texas conducted a Special Called Meeting on Monday, April 29, 2019 at 9:00 AM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

- 1. Discuss the duties and work plan of the City Attorney.**  
***Texas Government Code § 551.074 – The City Council will meet in executive session to discuss the work plan and duties of the City Attorney.***

At approximately 11:00 am, the Council adjourned the executive session with no final action.

---

Timothy A. Davis

ATTEST:

---

Lacy Borgeson  
City Secretary



## SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

**APRIL 29, 2019**

The City Council of the City of Temple, Texas conducted a Special Called Meeting on Monday, April 29, 2019 at 9:00 AM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

- 1. Discuss the duties and work plan of the City Attorney.**  
***Texas Government Code § 551.074 – The City Council will meet in executive session to discuss the work plan and duties of the City Attorney.***

At approximately 11:00 am, the Council adjourned the executive session with no final action.

---

Timothy A. Davis

ATTEST:

---

Lacy Borgeson  
City Secretary

## TEMPLE CITY COUNCIL

**MAY 16, 2019**

The City Council of the City of Temple, Texas conducted a workshop on Thursday, May 16, 2019 at 4:00 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

### **PRESENT:**

Councilmember Susan Long  
Councilmember Jessica Walker  
Mayor Pro Tem Judy Morales  
Councilmember Wendell Williams  
Mayor Timothy A. Davis

#### **1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 16, 2019.**

Ms. Myers highlighted the following items on the Consent Agenda:

Item 4(E) - The agreement with KPA for Phase 2 of the city-wide Drainage Assessment and Modeling Project. Noting this is the next phase of the drainage assessment and modeling project that has been underway of the last year. This will bring in the final five basins.

Item 4(F) - The transfer agreement with Citizens for Progress for property to be used as a public community center. Several meetings ago, a proposal was brought forward to the Council by Citizens for Progress for the transfer of the former Horsby-Merchinson Funeral Home, to be used as public community center. Citizens for Progress will be required to use this space as public center and if not, then the property will revert back tot he City of Temple.

Item 4(M) - Zoning case FY-19-11-ZC was requested as General Retail. At the Council's meeting on May 2, 2019 they approved the zoning as Neighborhood Services. This will be pulled from consent for a separate vote.

Similarly, item 5 which is another zoning case will need to have the motion specified. It was originally submitted by the applicant and the subsequently revised.

#### **2. Receive a presentation regarding the Second Quarter financial results for Fiscal Year 2019.**

Ms. Barnard, provided a brief overview to the Council. This report is for the six-months ending March 31, 2019; which shows 50% completion of the budget year.

General Funds Revenues total budget is \$75.5 million and the major revenue source for the General Fund is sales tax at 29.8%. This year solid waste revenues move up on the list to be the second highest source at 18.7%. Total revenues total is 61% of the budget, with \$47.7 million actual at March 31, 2019, and \$75.5 million budgeted. This includes taxes, franchise fees, licenses and permits, fines, and investments and others.

Mr. Barnard pointed out Property taxes are levied each year on October 1st and are delinquent on February 1st. Typically this will be collected at close to 100% by the end of January; however there was a major adjustment to the certified rolls. This was due to an major industrial tax payer overstating \$30 million in inventory.

Franchise fees are collected quarterly, not monthly, this being the reason they are above 50% at this time. Also highlighted was the major revenue sales tax. It currently is a 3.92% which is an increase from this time last year. The City of Temple has a diverse base with 50% retail and the other 50% being non-retail.

General Fund Expenditures has an operating budget of \$80.7 million, with 63% of that being personnel cost.

Water and Wastewater Fund Revenues are at 36% of budget. This is 3-4% below the mark due to a wetter season. October specifically was wet and less watering. Wastewater is at 46%, and effluent services at 35%. Expenditures are at 48% of budget.

Hotel/Motel Funds revenues are at 57% of budget; and expenditures at 48%. Drainage revenues are at 48% of budget; and expenditures are 43%.

Investments total \$174,147,493 as of March 31, 2019 with 35% in CDs; 38.22% Government Pools; and 26.6% in interest bearing cash. The portfolio is earning 2.41%.

The Capital Investment Program, as of March 31, 2019 is at \$236 million; with 37% being funded by the Reinvestment Zone. More than 50% of the amount is for projects that are under construction or in progress; 33.8% engineering; 11.6% completed; and 4.4% planning phase.

October 1, 2018, Strategic Investment Zone has \$23,000; the City appropriated an additional \$375,000 which brought the total to \$398,000. The City has committed over \$386,000 for projects in FY19; with the remaining balance of \$11,989.

### **3. Receive an update on the fiscal year 2020 budget process.**

Ms. Myers reviewed the budget process and calendar with the Council. She noted the proposed FY2020 budget would be filed in about 6-weeks. Staff has been working on an update to the City's strategic plan. The current plan was developed in 2002, and last updated in 2008. It is well over due for an update. This plan will help us as we work through this exciting growth that we're currently experiencing. Ms. Myers expressed her commitment to the Council that this plan be an active plan and is worked, tracked, and reported on. This process began in September 2018 with Council where the focus was our vision and mission; and again in October where the focus was on specific areas and goals; and the last work session on May 21st with the focus on values.

Ms. Myers recommended to allocate resources that aligns with the strategic plan; and establish departmental, team, and individual work plans that are based on the action items set out within plan. In support of this effort our budgeting process has been modified this year to ensure alignment of the plan. The planning of the budget and work plans will cover a time period of FY2020 - FY2025.

During the month of February, meetings were held with staff and the budget team with intent to allow us to have a more detailed conversation about each department's proposed plan of work. Over the last two-months the budget team has spent many hours working through the budget and work plans details to present the Council with a proposed FY 2020 budget and FY 20-25 plan of work. This proposed budget will be submitted on June 27th.

Ms. Myers mentioned the budget parameters to be (1) maintain fiscal soundness; (2) focus on core mission and activities; (3) maintain or improve services and service levels; (4) continue to improve infrastructure; (5) continue to support and develop our workforce; and (6) align strategic, financial, and staff work plans.

Ms. Myers also reviewed upcoming dates as they related to the budget process.

At approximately 4:40 pm, the Council entered into executive session.

- 4. Discuss the status of right-of-way acquisitions for the Poison Oak Road expansion project. Pursuant to Texas Government Code Section 551.072, the City Council may meet in closed session 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.**

At approximately, 4:53 pm, the City Council adjourned the executive session.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, May 16, 2019 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

Councilmember Susan Long  
Councilmember Jessica Walker  
Mayor Pro Tem Judy Morales  
Councilmember Wendell Williams  
Mayor Timothy A. Davis

**I. CALL TO ORDER**

**1. Invocation**

Pastor Scott Meyer voiced the Invocation.

**2. Pledge of Allegiance**

Chief Ellis, Belton Police Department and President of the Texas Police Association and led the Pledge of Allegiance.

**II. PUBLIC COMMENTS**

Myrna Dalton, 5303 Dons Trail addressed the Council with regards to the resurfacing of 7th Street. Ms. Dalton thanked the city for being good stewards of the money and expressed her appreciation for the efforts in awarding contracts. However, weather has been a big issue specifically for the 7th Street project. The rain has essentially caused a lake. The water has been pumped out, and there continues to be a lot of activity by workers to move this project along. She explained that she mailed a letter to the city and received a response from Councilmember Morales, who asked that suggestions be provided.

Ms. Dalton continued noting the sidewalk was removed. This makes it difficult for many of the neighbors to traverse through the neighborhood. She suggested placing 2x6 pieces of plywood to help create a temporary means of travel for the residents, so they can get to the streets. This is also a concern for medical responders and how they'll be able to reach a resident's home if called upon. A local paramedic advised that if a stretcher was needed, it would take six people to carry it across the mud to ensure it did not get stuck.

Another concern is for the mosquitos, and abatement. Where there is standing water, there are mosquitos. She asked that the water continue to be removed to help prevent the infestation of mosquitos.

Children live in this area as well, and with the on-going construction there is exposed rebar. This rebar needs to be capped to prevent accidents.

Another suggestion was that someone from the City check on the residents to ensure they have the needed medication, food, and or other basic necessities. Ms. Dalton suggested that wheelchair vans be made available to the residents for transportation. She also asked for signs for decreased speed be installed in this area. Some of the residents are concerned for the having to cross Avenue H to reach their vehicles due to the speed of which the vehicles are traveling.

She asked that her suggestions be consider, as the residents need to be taken care of.

Bobbie Thompson, 904 South Henderson Street addressed the Council with regards to the need for ramps on the south side of City Hall (Central Avenue). Currently there are only steps and it makes it difficult to enter the building to attend meetings. She asked for this to be considered.

Joe Ramirez, 1102 North 6<sup>th</sup> Street, expressed his concern for traffic in his neighborhood. The intersections of Main and King; as well as 2<sup>nd</sup> and King are dangerous. There are stop signs at the intersections, but people do not stop. He added that he stopped walking his dog, for his safety. There is continued racing and cars in excessive speeds traveling between 6<sup>th</sup> Street and 8<sup>th</sup> Street. This typically occurs early in the morning, and on Sundays. Can speed limit signs or a speed hump be installed to attempt to slow the cars down.

### **III. AWARDS AND SPECIAL RECOGNITIONS**

#### **3. Present a certificate to the Temple Police Department for achievement of recognized status for compliance with the Texas Law Enforcement Agency Best Practices Recognition Program.**

Chief Ellis, Chief of Police for Belton and current President for the Texas Police Chief's Association presented Chief Mitchell with the certificate of recognition. Chief Ellis noted that TPCA is an organization of more then 1,300 law enforcement executive throughout the State of Texas, who are dedicated to improving the delivery of policing services. The Temple Police Department is being recognized for achieving compliance in the Texas Law Enforcement Best Business Practices.

Fourteen years ago, the accreditation program was developed by TPA, with the goal of achieving professional excellence. This requires independent proof of compliance with a set or rigorous standards. The Texas Best Practices Program is an accreditation program that has 168 challenging standard for Texas law enforcement. These standards address a full range of law enforcement operations to include use of force; protecting citizen's

rights; vehicle pursuits; training; arrests; search and seizure; patrol and investigations; and property evidence. This program is the gold standard, with many agencies lined up and working diligently to achieve what the Temple Police Department has.

This is a voluntary program, and approximately two-years ago Chief Mitchell and the Department began the process of proving their compliance. The agency had to complete an audit of all its policies and procedures, training and operations. This process culminated in February 2019, when two trained assessors from other agencies made an on-site inspection of the Temple Police Department. The report and findings were submitted to the committee comprised of nine police chiefs from around the State. The vote was unanimous to recognize Temple Police Department for proving that they meet or exceed all 168 standards. There are 2,400 law enforcement in the State of Texas and only 152 are recognized for this accomplishment. Chief Ellis stated that Temple has one of the best; that Chief Mitchell is a servant leader and a testament to the law enforcement professions.

**IV. CONSENT AGENDA All items listed under this section, Consent Agenda, are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda at the request of any Councilmember and will be considered separately.**

**4. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions and ordinances for each of the following:**

**(A) April 18, 2019 Special & Regular Called Meeting**

**(B) May 2, 2019 Special & Regular Called Meeting**

**(C) May 7, 2019 Special Meeting**

**(D) May 13, 2019 Special Meeting**

**(E) 2019-9655-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, for Phase 2 of the city-wide Drainage Assessment & Modeling Project in an amount not to exceed \$595,517.**

**(F) 2019-9656-R: Consider adopting a resolution authorizing a property transfer agreement with Citizens for Progress for the transfer of City-owned property located at 201 South Martin Luther King Jr. Drive for use as a public community center.**



**(G) 2019-9657-R: Consider adopting a resolution authorizing a lease agreement with Jennifer Williamson, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).**

**(H) 2019-9658-R: Consider adopting a resolution authorizing the purchase of right-of-way and a temporary construction easement necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$12,500.**

**(I) 2019-9659-R: Consider adopting a resolution authorizing the purchase of 1,908 plastic 96-gallon garbage and recycling containers from Toter, Inc., of Statesville, North Carolina, in the amount of \$90,031.83.**

**(J) 2019-9660-R: Consider adopting a resolution authorizing the purchase of nine semi-rugged laptops and associated hardware for the Police Department from GTS Technology Solutions, Inc. of Dallas, in the amount of \$28,645.20.**

**(K) 2019-4963: SECOND READING – FINAL HEARING – FY-19-1-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 185.277 acres of land, which includes a 160.047-acre tract and a 12.541-acre tract, out of the Maximo Moreno Survey, Abstract No. 14, and 12.689 acres of right-of-way of Hartrick Bluff Road, Bell County, Texas.**

**(L) 2019-4964: SECOND READING – FINAL HEARING – FY-19-2-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 119.827+/- acres of land, which includes a 118.560-acre tract out of the Maximo Moreno Survey, Abstract No. 14, and 1.267 acres of right-of-way of Haymarket Drive, Bell County, Texas.**

**(M) 2019-4965: SECOND READING – FINAL HEARING – FY-19-11-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to General Retail zoning district on 1.554 +/- acres, situated in the J.J. Simmons, Survey Abstract No. 737, Bell County, Texas, addressed as 5018 State Highway 317.**

**(N) 2019-4966: SECOND READING – FINAL HEARING – Consider adopting an ordinance amending City Code of Ordinances, Chapter 27, "Stormwater," to bring this chapter into compliance with the City's current Texas Commission on Environmental**

**Quality (TCEQ) permits, simplify and clarify language and terms, and provide more effective enforcement tools.**

**(O) 2019-4967: SECOND READING – FINAL HEARING – Consider adopting an ordinance updating the City of Temple’s Drought Contingency Plan.**

**(P) 2019-9661-R: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2019.**

**(Q) 2019-9662-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.**

Motion by Councilmember Jessica Walker approve the Consent Agenda as presented, save item 4(F), and 4(M), seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

**(F) 2019-9656-R: Consider adopting a resolution authorizing a property transfer agreement with Citizens for Progress for the transfer of City-owned property located at 201 South Martin Luther King Jr. Drive for use as a public community center.**

Mayor Pro Tem Morales abstained.

Motion by Councilmember Susan Long approve as presented, seconded by Councilmember Jessica Walker.

Mayor Pro Tem Judy Morales abstained. The other Councilmembers voted aye. The motion passed.

**(M) 2019-4965: SECOND READING - FINAL HEARING - FY-19-11-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to General Retail zoning district on 1.554 +/- acres, situated in the J.J. Simmons, Survey Abstract No. 737, Bell County, Texas, addressed as 5018 State Highway 317.**

Motion by Mayor Pro Tem Judy Morales adopt ordinance as presented with Neighborhood Services, seconded by Councilmember Susan Long.

Motion passed unanimously.

## **V. REGULAR AGENDA**

## ORDINANCES

Mayor Davis read both items 5 and 6 into the record for one presentation and public hearing.

- 5. 2019-4968: FIRST READING – PUBLIC HEARING – FY-19-9-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development General Retail zoning district on a 160.047 +/- acre tract and a 12.541 +/- acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and along and east of Hartrick Bluff Road, Temple, Texas.**

Lynn Barrett, Assistant Director of Planning presented both items 5 and 6 to the Council. Ms. Barrett noted that these cases for two planned development rezonings. Item 5 was advertised as Planned Development-General Retail, that was later revised by the applicant and approved by Staff, from Agriculture to Planned Development - Single Family Two on majority of the property with a small portion (approximately 1.66 acres) to be zoned at Planned Development-General Retail.

The applicant for both is Turley and Associates for Short Term Lending GP, LLC. these zonings follow the second readings and approval of the voluntary annexations.

Case FY-19-9-ZC is for the rezoning of two tracts containing 170.927 +/- acres to PD-SF-2 and 1.661 +/- acres to PD-GR. This property lies approximately 1.5 miles from FM 93 intersection along both sides of Hartrick Bluff Road, bordered by agricultural and rural land. The developer is proposing Single Family Residential uses; with an option to add single family attached units on up to 10% of the site, and PD-GR for a small area around the existing barn structure on the property for potential use as a market for retail or a community center area.

Case FY19-13-ZC if for the rezoning of 118.5 +/- acres to PD-SF-2. This property lies .8 mile south of FM 93 intersection with Hartrick Bluff Road at the end of Haymarket Drive in Hartrick Estates. The property is bordered by agricultural land to the east, north, and south, and single family subdivision to the west. The developer is proposing a Planned Development for Single-Family Residential uses; with an option to add single family attached units on up to 10% of the site. The developer is suggesting that on the northwest corner of this tract that their will be a minimum of 75 foot lot widths to better match the home sites that surround the property.

The Future Land Use maps shows both tracts as being in the middle of a large agricultural and rural area; and are in partial compliance. Utility Map is also shows both tracts in partial compliance. Waterlines are adjacent to the subject properties; however, water and wastewater line extensions will be required to serve the developments. The properties are in compliance with the Thoroughfare and Trails Map. Hartrick Bluff Road is a collector, and Haymarket Drive will be a local street upon the annexation. There are no nearby existing or future trails shown on the current Trails Map.

Ms. Barrett reviewed the Planned Development conditions for both rezoning cases to include: (1) 100% masonry to include brick, stone and cementitious siding; (2) at least two evergreen bushes; (3) at least one tree per single family residence; (4) minimum sod turf grass on all front yards; (5) 20-foot front yard setbacks; (6) minimum corner lot side setbacks (street side) of 10-feet; (7) lot dimensions to follow SF-2 except 40-foot minimum lot width on cul-de-sac and knuckles due to configuration of street; (8) up to 10% by acreage may be developed as single family attached; and (9) is for the 18 acres extending from the northwest edge of the power line easement traversing the property north and west to the northwest corner of the property, lots will be a minimum of 75-feet in width, in order to more closely match the existing larger lot homes and subdivision in the area.

Ms. Barrett noted that public notification was made as a courtesy since the surrounding property is located in the county. Twenty-five were mailed out by the Planning Department.

Staff recommends approval of the request (1) FY-19-9-ZC to Planned Development-Single Family Two and Planned Development-General Retail; and (2) FY-19-13-ZC to Planned Development-Single Family Two, with the conditions previously mentioned and with the Site Development Plan as presented. At their April 15, 2019, meeting, the Planning and Zoning Commission voted 8 to 0 (with one abstention) to approve both the rezoning cases per staff's recommendation.

Mayor Davis declared the public hearings open with regards to agenda items 5 and 6, and asked if anyone wished to address either item.

John Kiella, addressed the Council noting that this project is a huge step in organized growth for the City of Temple. This project is anticipated to bring several product groups to this area. Mr. Kiella also stated there are several other voluntary

annexations in this area that will be brought to the City in the near future that will solidify that quadrant of the city.

There being no further comments, Mayor Davis declared the public hearings closed.

Motion by Councilmember Jessica Walker adopt the ordinance as presented on first reading with Planning and Zoning's recommendation, with second and final reading set for June 6, 2019, seconded by Councilmember Susan Long.

Motion passed unanimously.

- 6. 2019-4969: FIRST READING – PUBLIC HEARING – FY-19-13-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development Single Family Two on a 118.560 +/- acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas.**

Motion by Councilmember Jessica Walker adopt the ordinance as presented on first reading and recommended by Planning and Zoning with the additional condition, and with second and final reading set for June 6, 2019, seconded by Councilmember Susan Long.

Motion passed unanimously.

## RESOLUTIONS

- 7. 2019-9663-R: Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that three properties and two temporary construction easements situated in the Baldwin Robertson Survey, Abstract #17, Bell County, Texas, are necessary for the proposed expansion of Poison Oak Road and authorizing the use of eminent domain to condemn the properties.**

Christina Demirs, Deputy City Attorney presented this item to the Council. The Poison Oak Road expansion design currently requires right of way from 32 properties; 25 of which are private owners, two public entities (TXDOT and BISD), and one that is owned by the City of Temple. The project includes 13 properties that require relocations.

The City has acquired 13 properties, including BISD donation and

City of Temple property; and closing is being coordinated on two properties. The Council authorized eminent domain on one property at their January 17, 2019 meeting. The Council authorized the purchase of one other property earlier in this meeting.

Ms. Demirs noted there are three properties that Staff is asking for authorization to use eminent domain on; those are identified at PO006, PO007, and PO010. PO006 and PO007 are partial takings to the north, and PO010 is to the south.

An initial offer was made on PO006 on November 15, 2018 for 0.331-acre right of way and 0.195 acre temporary construction easement. Offer was made for the appraised value of \$13,764. An initial offer was made on PO007 on November 21, 2018 for 0.171-acre of right of way and 0.110 acre temporary construction easement. This offer was made for the appraised value of \$9,749. Shortly after the initial offers, Staff discovered the owner had passed away on or about November 26, 2018. At which time, Stateside made several attempts to contact the son of the owner; with no response. The initial offers were re-sent in the name of the Estate of Benjamin Reed, Deceased on March 14, 2019. To the best of Staff's knowledge the owner's will has not been probated. The final offer letters were sent on April 30, 2019.

An initial offer was made on October 26, 2018, for PO010 which is a whole taking. The offer was for the appraised value of \$1185,000. The owner made a counteroffer to the City on November 21, 2018 that was more than three times the appraised value. The owner did not provide any documentation to support that counteroffer that was made. Through Stateside, the owner stated she will not accept anything less than this amount. The City sent the final offer on April 8, 2019.

Due to the lack of response and possible title issues, Staff believes condemnation is the only way to acquire two (PO006 and PO007) of the rights of way, and believes an agreement is unlikely at this time for the third property (PO010). Staff is requesting authority to use eminent domain. Final offers were presented to the owners and were not accepted within the 14 days allowed by law; and therefore the City will proceed to condemnation. Similar to other condemnation cases, if contacted by the owner, negotiations may continue in an attempt to settle.

Motion by Councilmember Susan Long that the City of Temple approve Resolution No. 2019-9663-R and authorize the use of the power of eminent domain to acquire fee simple title to a portion of two properties and all of a third a property, and two temporary construction easements located along Poison Oak Road in Temple, Texas the first property being more particularly described as 0.331-acre, along with a 0.195-acre temporary construction easement,

situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 10.335-acre tract conveyed to Benjamin Cecil Reed in Volume 3398, Page 397, Official Public Records of Real Property, Bell County, Texas; the second property being more particularly described as 0.171-acre, along with a 0.11-acre temporary construction easement, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 10.335-acre tract conveyed to Benjamin Cecil Reed in Volume 3461, Page 644, Official Public Records of Real Property, Bell County, Texas; and the third property being more particularly described as 1.13-acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a tract of land conveyed to Theodore R. Johns and wife, Bernice Johns in Volume 1057, Page 164, Deed Records of Bell County, Texas for the expansion of Poison Oak Road. seconded by Councilmember Jessica Walker.

Motion passed unanimously.

**8. 2019-9664-R: Consider adopting a resolution accepting the 2030 Reinvestment Zone Master Plan.**

Brynn Myers, City Manager presented this item to the Council. She noted the full presentation was offered to the Council on May 2, 2019. The Plan is a culmination of almost two-years of work by community member and City Staff. The Plan covers the City of Temple's Reinvestment Zone, which includes the Industrial Park, Downtown Temple Area, TMED, Senergy Park, the Draughon-Miller Regional Airport, and the Corporate Campus. This document is critical and important and will help the City achieve advancements in quality of life, infrastructure, and economic development.

There were four principal focus areas, (1) economic prosperity; (2) place making; (3) connectivity; and (4) public well-being. Several potential projects have been identified in each of those areas totaling \$366,247,436.

This effort would not have been possible without the work from the Zone, and the Master Plan Committee, as well as Staff members. The Committee was comprised of Bob Browder (Chair), Tyler Johnson, Jim Kent, John Kiella, and Wendell Williams. Ms. Myers recognized key staff members to be Traci Barnard, Heather Bates, Kevin Beavers, Don Bond, Brian Chandler, Buford Craig, Kayla Landeros, Melissa Przybylski.

Public outreach with the community partners was a big part of this process as well to ensure that the 2030 Master Plan was in alignment with each of the partner's strategic plans.

Mayor Davis thanked everyone for their work and involvement in putting this plan together. The Reinvestment Zone is the biggest catalyst for change in the City of Temple.

Motion by Councilmember Wendell Williams adopt the Plan as presented to the Council, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

**The City Council reserves the right to discuss any items in executive (closed) session whenever permitted by the Texas Open Meetings Act.**

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Timothy A. Davis, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary





## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #7(F)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

David Olson, Assistant City Manager  
Don Bond, Interim Director of Public Works

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Transmap Corporation, to perform a pavement condition survey with associated asset collections for all City streets in an amount not to exceed \$195,142.

**STAFF RECOMMENDATION:** City staff recommends approval of the professional services agreement as presented.

**ITEM SUMMARY:** Work to be performed under this contract consists of a pavement condition survey with associated work plan and the geolocation of certain assets within the public right-of-way including curb and gutter, pavement markings, and ditches. Ultimately the work plan developed with this project will serve as the road map for street maintenance funding and activities over the course of the next three to five years.

Consultant services recommended under this contract include the following tasks and costs:

Pavement Condition Survey	\$ 141,823
Asset Collection	\$ 53,319
Total	<u>\$ 195,142</u>

Timeframe for completion of the survey and associated reports is approximately six months from the Notice to Proceed.

**FISCAL IMPACT:** Funding for the professional services agreement with Transmap Corporation, to perform a pavement condition survey with associated asset collections for all City streets in the amount of \$195,142 is available in account 365-3400-531-6527, project 102031, as follows:

Project Budget	\$ 195,142
Encumbered/Committed to Date	-
Professional Services Agreement - Transmap Corporation	(195,142)
Remaining Project Funds Available	<u>\$ -</u>

**ATTACHMENTS:**

[Proposal](#)  
[Resolution](#)

**City of Temple, TX**  
**Pavement Condition Survey**  
**Contract Pricing**

**Pavement Condition Survey**

Task	Description	Comments	Units	Price	Total
1a	ON-SIGHT™ Raw Data Collection Includes LiDAR (units = centerline miles) Roads	Transmap will utilize our Crack Map 3D technology (LCMS) for pavement collection - 100% coverage - 360-degree image view of all roadways (ROW) with our panoramic Ultra HD solution. Ground-based LiDAR (100% roadway coverage)	465	\$107.88	\$50,164.20
1b	Advanced Inspections - 100% Analysis of All Through Lanes (units = lump sum)	Transmap will process all the data collected in the field. Delivery of Crack Map Orthophotography (Mr. SID of cracks on an image), Crack Intelligence data (Rankings of all the cracks, hot spot analysis) and City-wide rutting (All Through Lanes)	1	\$4,990.00	\$4,990.00
1c	Network Setup and Review (units = hours)	Transmap will use the City's centerline file and create the necessary fields and ID's for loading the file into MicroPAVER.	18	\$109.00	\$1,962.00
1d	ASTM D6433 Compliant Network Level Pavement Condition Index (PCI) Rating - (units = management sections)	Detailed surface distress analysis - Transmap uses ASTM D6433 network level analysis - Crack Map 3D approach - Pavement width included - Price includes field verification (walkout)	8,378	\$6.40	\$53,619.20
1e	GIS Integration - Limited Work History (units = hours)	Transmap will link all PCI data to the City's centerline file. - Transmap performs work history updates in MicroPAVER for all of our clients. - Our team has been trained by the official APWA MicroPAVER trainer. - If any other GIS work is needed to be done, the hours can be purchased.	22	\$109.00	\$2,398.00
1f	MicroPAVER Load (units = lump sum)	Formatting distress data file for mass load into MicroPAVER using scripts	1	\$2,250.00	\$2,250.00
1g	Pavement Management Practice Definition "Boot Camp" (price is lump sum)	Transmap will meet with the City to review maintenance/rehabilitation activities, analysis procedures, and collect any existing information on roadways (ADT data, construct dates, maintenance dates, etc.) Prepare budget and CIP plans	1	\$3,500.00	\$3,500.00
1h	Reporting (units = hours)	Transmap will put together written/tabular and GIS map data to support traditional preventative maintenance pavement reporting. Budget scenarios with actual dollar amounts per M&R activity - Pavement performance curve included	44	\$125.00	\$5,500.00
1i	Transmap Project Management (units = hours)	Standard project management includes staff allocation, project tracking web site, phone calls, overall project coordination and updates - Kick-off meeting	160	\$109.00	\$17,440.00

Subtotal

\$141,823.40

City of Temple, TX  
Assets  
Contract Pricing

Requested Assets					
Task	Description	Comments	Transmap	Transmap	Total
2a	Curbs/Gutter, Ditches (units = centerline miles) Rates based on standard attributes	Standard attributes include; street name, unique ID, unique ID (street centerline), Curb Type	465	\$67.00	\$31,155.00
2b	Striping/Markings (units = centerline miles) Rates based on standard attributes	Standard attributes include; street name, unique ID, unique ID (street centerline), type	465	\$35.50	\$16,507.50
2c	GIS Integration (units = hours)	Transmap will link all collected assets to the City centerline unique ID and road name.	20	\$109.00	\$2,180.00
2d	Project Management (units = hours)	Standard project management includes managing the personnel assigned to the project, monthly project updates, and phone support throughout project.	64	\$109.00	\$6,976.00
Subtotal					\$56,818.50
Capacity Discount					<del>-\$3,500.00</del>
Total					\$53,318.50
Project Total					\$195,141.90

RESOLUTION NO. 2019-9666-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH TRANSMAP CORPORATION OF COLUMBUS, OHIO IN AN AMOUNT NOT TO EXCEED \$195,142, TO PERFORM A PAVEMENT CONDITION SURVEY WITH ASSOCIATED ASSET COLLECTIONS FOR ALL CITY STREETS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** work to be performed under this contract consists of a pavement condition survey with associated work plan and the geolocation of certain assets within the public right-of-way including curb and gutter, pavement markings, and ditches - ultimately the work plan developed with this project will serve as the road map for street maintenance funding and activities over the course of the next three to five years;

**Whereas,** Staff recommends Council authorize a professional services agreement with Transmap Corporation of Columbus, Ohio in an amount not to exceed \$195,142, to perform a pavement condition survey with associated asset collections for all City streets;

**Whereas,** funding for this agreement is available in Account No. 365-3400-531-6527, Project No. 102031; and

**Whereas,** the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a professional services agreement with Transmap Corporation of Columbus, Ohio in an amount not to exceed \$195,142, to perform a pavement condition survey with associated asset collections for all City streets.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #7(G)  
Consent Agenda  
Page 1 of 1

### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Brynn Myers, City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional service agreement with Strategic Government Resources, Inc., Keller, for the search and recruitment of the City Attorney position in the estimated amount of \$27,000.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** This proposed resolution authorizes an agreement with Strategic Government Resources, Inc. (SGR) for the search and recruitment of a city attorney. The proposed project methodology for the executive search includes the following services:

- Organizational Inquiry and Analysis
- Advertising and Recruitment
- Initial Screening and Review
- Evaluation of Semifinalist Candidates
- Evaluation of Finalist Candidates
- Interview Process
- Negotiations and Hiring Process

**FISCAL IMPACT:** A budget adjustment is being presented to Council for approval to appropriate funding for the professional services agreement with Strategic Government Resources, Inc. for the search and recruitment of the City Attorney position in an estimated amount of \$27,000. Upon approval, funding will be available in account 110-1600-512-2616.

**ATTACHMENTS:**  
[Budget Adjustment](#)  
[Resolution](#)

FY 2019

## BUDGET ADJUSTMENT FORM

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

**Adjustments should be rounded to the nearest \$1.**

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
110-1600-512-26-16		Contracted Services / Professional	\$ 27,000	
110-1500-515-65-31		Capital - Special Projects / Contingency		27,000
TOTAL.....			\$ 27,000	\$ 27,000

**EXPLANATION OF ADJUSTMENT REQUEST-** Include justification for increases AND reason why funds in decreased account are available.

To appropriate contingency funds for a professional service agreement with Strategic Government Resources, Inc. for the search and recruitment of the City Attorney position in the estimated amount of \$27,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

**x** Yes

☐ No

DATE OF COUNCIL MEETING

06/06/19

WITH AGENDA ITEM?

**x** Yes

☐ No

Department Head/Division Director

Date \_\_\_\_\_

	Approved
	Disapproved

## Finance

Date \_\_\_\_\_

	Approved
	Disapproved

City Manager

Date \_\_\_\_\_

	Approved
	Disapproved

RESOLUTION NO. 2019-9667-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH STRATEGIC GOVERNMENT RESOURCES, INC. OF KELLER, TEXAS IN AN AMOUNT NOT TO EXCEED \$27,000 FOR SERVICES ASSOCIATED WITH THE SEARCH AND RECRUITMENT OF THE CITY ATTORNEY POSITION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Staff recommends Council authorize a professional services agreement with Strategic Government Resources, Inc. (SGR) for the search and recruitment of a City Attorney for the City of Temple;

**Whereas,** the proposed project methodology for the executive search includes the following services:

- Organizational Inquiry and Analysis;
- Advertising and Recruitment;
- Initial Screening and Review;
- Evaluation of Semifinalist Candidates;
- Evaluation of Finalist Candidates;
- Interview Process; and
- Negotiations and Hiring Process;

**Whereas,** funding is available, but a budget adjustment is being presented to Council for approval to appropriate funds to Account No. 110-1600-512-2616; and

**Whereas,** the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council authorizes a professional services agreement with Strategic Government Resources, Inc. of Keller, Texas in an amount not to exceed \$27,000, for the search and recruitment of the City Attorney position.

**Part 3:** The City Council authorizes an amendment to the fiscal year 2019 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'



**Part 4:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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06/06/19  
Item #7(H)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Kevin Beavers, CPRP, Director of Parks and Recreation

Mike Hemker, CPRP, Assistant Director of Parks and Recreation

**ITEM DESCRIPTION:** Consider a resolution authorizing an interlocal agreement with the Belton Independent School District to provide school locations for after school latch key programming.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** This agreement would allow the Parks and Recreation Department to continue to provide after school programming at five B.I.S.D. schools that are located in the Temple city limits.

In 2009, Temple Parks and Recreation was allowed to provide “Latch Key Program Management Services” at Tarver, Pirtle, and Lakewood Elementary Schools. In 2013, High Point Elementary was added to the latch key program. During the 2018-2019 school year, Temple Parks and Recreation provided an after-school program for 280 students five to 13 years old, Monday through Friday, from 3:00 pm to 6:00 pm. For the upcoming 2019-2020 school year, Temple Parks and Recreation will add one new elementary school, Charter Oak Elementary.

The term of this agreement will be from July 1, 2019, through the last day of the 2019-2020 school year, at which time both parties may extend or renegotiate the agreement by mutual consent.

**FISCAL IMPACT:** B.I.S.D. has agreed to waive all facility usage fees during the time the program is being offered, thus allowing the program to be offered at an affordable rate for the participants.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9668-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH BELTON INDEPENDENT SCHOOL DISTRICT TO PROVIDE SCHOOL LOCATIONS FOR AFTER SCHOOL LATCH KEY PROGRAMMING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Temple Parks and Recreation Department provides After School Zone Programming at five Belton Independent School District (“BISD”) schools that are located within the Temple city limits;

**Whereas,** in 2009, the Temple Parks and Recreation Department was awarded the contract to provide “Latch Key Program Management Services” at Tarver, Pirtle, and Lakewood Elementary Schools - in 2013, High Point Elementary was added to the program and in 2019 Charter Oak Elementary will be added;

**Whereas,** during the 2018-2019 school year, the Temple Parks and Recreation Department provided an after-school program for 280 5-to-13-year olds, Monday through Friday, from 3 pm to 6 pm;

**Whereas,** the term of this Interlocal Agreement will run from July 1, 2019 through the last day of the 2019-2020 school year, at which time both parties may extend or renegotiate the agreement by mutual consent;

**Whereas,** this agreement with BISD assists in Council’s goal of jointly partnering with school districts to provide services and programs, and BISD has agreed to waive all facility usage fees during the time the program is being offered, allowing the program to be offered at an affordable rate to the participants; and

**Whereas,** the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an Interlocal Agreement with the Belton Independent School District to provide school locations for after school latchkey programming beginning July 1, 2019 through the last day of the 2019-2020 school year.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #7(I)  
Consent Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

Brynn Myers, City Manager  
Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a tax abatement agreement with East Penn Manufacturing Co. which will cover increases in the taxable value of real and personal property on an approximately 36.9-acre tract of land designated as Tax Abatement Reinvestment Zone Number 38.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** The proposed resolution would authorize an agreement with East Penn Manufacturing Co ("East Penn") which, if approved, gives the company five years of tax abatement on the increased taxable value of real and personal property improvements on land consisting of approximately 36.9 acres and located on the east side of Wendland Road and south of Moores Mill Road (the "Property"), within a tract of land identified by the Bell County Appraisal District as 410044.

On December 6, 2018, Council approved an ordinance designating the Property as Tax Abatement Reinvestment Zone Number 38 and approved a resolution authorizing a Tax Abatement Agreement with East Penn. At that time, East Penn planned on a December 31, 2021, completion date for all improvements and fulfillment of all employment positions. East Penn recently approached the City and requested that the completion date be moved back to December 31, 2024. East Penn anticipates completing all real and personal property improvements by the end of 2023 and fulfilling all employment positions by the end of 2024.

East Penn produces Transportation/SLI (Starting, Lighting, and Ignition) batteries. It plans to construct a new finishing distribution center on the Property. The agreement provides that the tax abatement period commences in the first full calendar year after the required improvements are completed. East Penn would receive 50% tax abatement for five years.

East Penn timely filed an application to receive tax abatement on the planned improvements. East Penn estimates that its investment will be approximately \$100,000,000 in real and personal property improvements. The actual value of the improvements, and the value of the City's tax abatement, is dependent on appraisal by the Bell County Appraisal District. The new facility will house approximately 266 employees.

The City's Economic Development Policy sets out the criteria and guidelines for granting tax abatement. East Penn's application meets the standards for granting tax abatement on the increase in real property improvements established by the City's Criteria and Guidelines for tax abatement. The improvements proposed meet the minimum criteria established for tax abatement consideration and meet the requirements for 50% tax abatement. The proposed improvements fall within the definition of "eligible facilities" in the criteria.

The proposed Agreement has all of the other terms required by Chapter 312 of the Texas Tax Code for tax abatement agreements, including provisions: (1) listing the kind and number of improvements; (2) providing for inspections of the facility by the taxing entities; (3) requiring compliance with State and local laws; (4) recapturing abated taxes in the event of a default under the agreement; and (5) requiring East Penn to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreement.

**FISCAL IMPACT:** The tax abatement agreement with East Penn would have the potential of abating approximately \$1,653,000 in property taxes over the life of the agreement using the City's current tax rate of \$0.6612 per \$100 value. This amount is based on a 50% tax abatement for five years on an estimated increase in the appraised value of real and personal property improvements of \$100,000,000.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9669-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A TAX ABATEMENT AGREEMENT WITH EAST PENN MANUFACTURING CO. WHICH WILL COVER INCREASES IN THE TAXABLE VALUE OF REAL AND PERSONAL PROPERTY ON AN APPROXIMATELY 36.9 ACRE TRACT OF LAND DESIGNATED AS TAX ABATEMENT REINVESTMENT ZONE NUMBER THIRTY-EIGHT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City adopted a Resolution dated June 15, 1989, stating that it elects to be eligible to participate in tax abatement;

**Whereas**, on June 28, 2018, the City Council adopted Ordinance No. 2018-4922, establishing a comprehensive economic development policy for the City of Temple, which policy includes criteria and guidelines for granting tax abatement within the City of Temple in accordance with Chapter 312 of the Tax Code;

**Whereas**, the agreement with East Penn Manufacturing Co. ("East Penn") gives the company five-years of tax abatement on the increased taxable value of real and personal property improvements on land consisting of approximately 36.9 acres and located on the east side of Wendland Road and south of Moores Mill Road (the "Property"), within a tract of land identified by the Bell County Appraisal District as 410044;

**Whereas**, on December 6, 2018, Council approved an Ordinance designating the Property as Tax Abatement Reinvestment Zone Number 38 and approved a Resolution authorizing a Tax Abatement Agreement with East Penn and at that time, East Penn planned on a December 31, 2021 completion date for all improvements and fulfillment of all employment positions;

**Whereas**, East Penn recently approached the City and requested that the completion date be moved back to December 31, 2024 as they anticipate completing all real and personal property improvements by the end of 2023 and fulfilling all employment positions by the end of 2024;

**Whereas**, East Penn produces Transportation/SLI (Starting, Lighting, and Ignition) batteries and plans to construct a new finishing distribution center on the Property;

**Whereas**, the agreement provides that the tax abatement period commences in the first full calendar year after the required improvements are completed - East Penn would receive 50% tax abatement for five years;

**Whereas**, East Penn timely filed an application to receive tax abatement on the planned improvements to real and personal property proposed for the site and estimates that its investment will be approximately \$100,000,000 in real and personal property improvements;

**Whereas,** the actual value of the improvements, and the value of the City's tax abatement, is dependent on appraisal by the Bell County Appraisal District – the new facility will house approximately 266 employees;

**Whereas,** the City's Economic Development Policy sets out the criteria and guidelines for granting tax abatement - East Penn's application meets the standards for granting tax abatement on the increase in real property improvements established by the City's Criteria and Guidelines for tax abatement;

**Whereas,** the improvements proposed meet the minimum criteria established for tax abatement consideration and meet the requirements for 50% tax abatement - the proposed improvements fall within the definition of "eligible facilities" in the criteria;

**Whereas,** Staff will provide all taxing entities involved with notice and a copy of the proposed agreement which incorporates all of the other terms required by Chapter 312 of the Texas Tax Code for tax abatement agreements, including provisions: (1) listing the kind and number of improvements; (2) providing for inspections of the facility by the taxing entities; (3) requiring compliance with State and local laws; (4) recapturing abated taxes in the event of a default under the agreement; and (5) requiring East Penn to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreement;

**Whereas,** the tax abatement agreement with East Penn Manufacturing Co. would have the potential of abating approximately \$1,653,000 in property taxes over the life of the agreement using the City's current tax rate of \$0.6612 per \$100 value - this amount is based on an estimated increase in the appraised value of real property improvements of \$100,000,000 over a 5-year period with a 50% tax abatement; and

**Whereas,** the City Council has considered the matter and finds that the proposed tax abatement with East Penn Manufacturing Co. in compliance with State law and the City's *Guidelines and Criteria* governing tax abatement, and that the proposed improvements by said company are feasible and likely to attract major investment and expand employment within the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The Mayor is authorized to execute a tax abatement agreement, after approval as to form by the City Attorney, with East Penn Manufacturing Co. which will cover increases in the taxable value of real and personal property on an approximately 36.9-acre tract of land designated as Tax Abatement Reinvestment Zone Number 38.



**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #7(J)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Joseph Medici, A.A.E., Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying a contract with the United States Defense Logistics Agency- Energy to deliver 541,820 gallons of fuel support to the United States Armed Forces at the Draughon-Miller Central Texas Regional Airport.

**STAFF RECOMMENDATION:** Staff recommends ratification of the contract with the United States Defense Logistics Agency- Energy for Into-Plane services at Draughon-Miller Central Texas Regional Airport.

**ITEM SUMMARY:** The Draughon-Miller Central Texas Regional Airport (KTPL) is the provider of aeronautical fueling support services to aircraft that utilize the airport. Military aircraft (fixed-wing and rotary-wing) are frequent users of fueling services at KTPL. As part of a continuing history of providing fueling support to military aircraft, the City of Temple recently submitted an Offer Submission Package (OSP) for DLA Energy Solicitation SPE607-19-R-0200 for Domestic Into-Plane Fuel Services. The City was notified in April 2019 that the City had submitted the lowest price technically acceptable proposal for the into-plane fuel service and was awarded the fuel contract.

Under the contract, KTPL will provide 541,820 gallons of Jet A w/FSII fuel at a unit price of \$3.308 for a total of \$1,792,340.56. The contract includes a charge for federal excise taxes of \$0.218 per gallon totaling \$118,116.76 and an estimated 50 hours of after-hours fuel delivery at a call-out fee of \$100 per hour, totaling \$5,000.

ITEM	Product	Est. Quantity	Unit Price	Total
001	IAA- JetA w/FSII	541,820 gallons	\$3.308	\$1,792,340.56
002	Federal Excise Tax	541,820 gallons	\$0.218	\$118,116.76
003	Overtime Fee/Call out Fee	50 hours	\$100.000 per occurrence/ 1 hour advance notice	\$5,000

The term of the awarded contract will run from June 1, 2019 through March 31, 2023.

**FISCAL IMPACT:** The United States Defense Logistics Agency-Energy contract estimates 541,820 gallons of fuel over the 46-month contract which is consistent with historical sales per below:

Years	48 Month Total
2015-2018	609,182 gallons
2011-2014	531,764 gallons

Military fuel sales received under this contract will be deposited into account 110-0000-446-1016.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9670-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A CONTRACT WITH THE UNITED STATES DEFENSE LOGISTICS AGENCY-ENERGY TO DELIVER 541,820 GALLONS OF FUEL SUPPORT TO THE UNITED STATES ARMED FORCES AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Draughon-Miller Central Texas Regional Airport (KTPL) is the provider of aeronautical fueling support services to aircraft that utilize the airport - military aircraft (fixed-wing and rotary-wing) are frequent users of fueling services at KTPL;

**Whereas**, as part of a continuing history of providing fueling support to military aircraft, the City of Temple recently submitted an Offer Submission Package (OSP) for DLA Energy Solicitation SPE607-19-R-0200 for Domestic Into-Plane Fuel Services - the City was notified in April 2019 that the City had submitted the lowest price technically acceptable proposal for the into-plane fuel service and was awarded the fuel contract;

**Whereas**, under the contract, KTPL will provide 541,820 gallons of Jet A w/FSII fuel at a unit price of \$3.308 for a total of \$1,792,340.56, which includes a charge for federal excise taxes of \$0.218 per gallon totaling \$118,116.76, as well as an estimated 50 hours of after-hours fuel delivery at a call-out fee of \$100.00 per hour, totaling \$5,000.00;

**Whereas**, the term of the awarded contract will run from June 1, 2019 through March 31, 2023;

**Whereas**, military fuel sales received under this contract will be deposited into Account No. 110-0000-446-1016; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council ratifies a contract with the United States Defense Logistics Agency-Energy to deliver 541,820 gallons of fuel support to the United States Armed Forces at the Draughon-Miller Central Texas Regional Airport, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this contract.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #7(K)  
Consent Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

Don Bond, P.E., City Engineer

James Billeck, P.E., Sr. Project Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an amendment to a professional services agreement with Jacobs Engineering Group, Inc. for additional construction phase services associated with the Bird Creek Interceptor Project in an amount not to exceed \$50,000.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item summary.

**ITEM SUMMARY:** The existing Bird Creek Interceptor (shown on the attached map) built in the mid-1950's provides wastewater service to many neighborhoods, restaurants and commercial developments, draining an area approximately 6,200 acres in size through the middle of Temple. Over the years, the wastewater line has deteriorated, taking in additional flows during rain events. These excess flows and line condition have led to unauthorized sanitary sewer discharges into Bird Creek.

In 2007, Council authorized a professional services agreement with Carter Burgess, Inc., now Jacobs Engineering Group, Inc. (Jacobs), for engineering services related to the Bird Creek Interceptor Project. This project, phased and implemented over several years, is targeted toward reducing overflows and rehabilitating infrastructure, ultimately providing for increased capacity within the wastewater collection system. Total authorized professional fees for Jacobs related to this project are currently \$2,885,916.40.

Phases 1, 2, and 3 of the project have been completed. On July 19, 2018, Council authorized a construction contract with Santa Clara Construction, Ltd., of Austin for \$2,068,811 to construct Phase 5, from Lion's Park to Shallow Ford Lift Station. On August 16, 2018, Council authorized an amendment to a professional services agreement with Jacobs for construction phase services for \$158,740.70.

Phase 5 construction has been extended to August 11, 2019 due to unforeseen site conditions, weather and lift station connection timing. Lions Park restoration and lift station connection coordination has also continued during the current contract demobilization period. This amendment addresses the need for construction phase services during this three-month period as follows:

**Construction Phase Services**

Project Management	\$2,567.00
Information Requests	\$9,590.00
Construction Meetings/Site Visits	\$6,310.00
Construction Observation	<u>\$31,533.00</u>

**Total Professional Services      \$50,000.00**

Construction began in September 2018. The revised completion date is August 11, 2019.

Construction of Phase 4 (the last section to be addressed) is anticipated to start in FY 2020.

**FISCAL IMPACT:** Funding for contract amendment #15 to the professional services agreement with Jacobs Engineering Group, Inc. for additional construction phase services associated with the Bird Creek Interceptor Project in an amount not to exceed \$50,000 is available in project 101477 as follows:

	<u>520-5400-535-6361</u>	<u>561-5400-535-6925</u>	<u>Total</u>
Project Budget	\$ 1,000,000	\$ 1,603,790	\$ 2,603,790
Encumbered/Committed to Date	(740,457)	(1,603,790)	(2,344,247)
<b>Jacobs Engineering Group, Inc. CA #15</b>	<b>(50,000)</b>	<b>-</b>	<b>(50,000)</b>
<b>Remaining Project Funds</b>	<b><u>\$ 209,543</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 209,543</u></b>

**ATTACHMENTS:**

[Engineer's Proposal](#)  
[Project Map](#)  
[Contract Amendment](#)  
[Resolution](#)



2705 Bee Cave Road, Suite 300  
Austin, Texas, 78746  
1.512.314.3100 Fax 1.512.314.3135

April 16, 2019

City of Temple Department of Public Works  
3210 E. Ave. H,  
Bldg. A, Suite 107  
Temple, TX 76501

**Subject:** Contract Modification #15 for Bird Creek Interceptor Improvements

Dear Mr. Kolacki:

Jacobs Engineering Group Inc. (Jacobs) is pleased to submit this scope and fee proposal to provide additional engineering services related to the City of Temple's Bird Creek Interceptor Improvements project.

Engineering services include two (2) additional months of Construction Administration by Jacobs Engineering staff and Construction Observation by MRB staff. This effort is required to allow for the new Shallow Ford Lift Station construction to be completed.

We propose to complete the attached scope of work for a lump sum amount of \$50,000.

Thank you very much for allowing us to submit this proposal to you and please feel free to contact me at 512.314.3146 should you have any questions or require additional information.

Sincerely,

A handwritten signature in blue ink that reads "Jason Roberts". The signature is fluid and cursive, with the first name "Jason" and last name "Roberts" clearly distinguishable.

Jason Roberts, P.E.  
Project Manager



## **ATTACHMENT A – SCOPE OF WORK**

### **Amendment No. 15 Temple Bird Creek Interceptor Improvements Construction Contract V –Construction Phase Services Prepared By Jacobs Engineering Group, Inc.**

#### **Project Description**

The Bird Creek Interceptor is one of the primary wastewater collection lines through the City of Temple, traversing pastureland, park areas, neighborhoods, and golf courses. This interceptor, comprised of vitrified clay pipe and brick manholes, over the years has experienced numerous overflows due to excessive infiltration and inflow (I&I), lack of capacity and poor condition. The interceptor is approximately 5.3 miles long and about 50-years old.

Contract Mod 14 assumed that construction of the new Shallowford Lift Station would be completed in late 2018 and will be ready to accept flow from Contract V of the Bird Creek Interceptor. The Bird Creek Interceptor construction contract included a two month demobilization and remobilization period to allow for the timing of the construction of the Interceptor to be nearly completed before the Shallowford Lift Station was completed. During this time, no construction activities were anticipated to occur, therefore site visits were not included, however, project management and communication were anticipated to continue during this period. Construction of the lift station is not anticipated until mid-June, which will result in the construction contractor completing the Contract 5 work until August. The scope of services listed below are for Construction Administration and Observation services for the two additional months of July and August.

Additional tasks included in this Amendment No. 15 are summarized below:

#### **A. CONSTRUCTION PHASE (Construction Contract V) –Construction Duration Ext.**

1. Project Management. Manage scope, schedule and budget of construction management phase and coordinate with City and sub consultants for the months of July and August.
2. Requests for Information – answer RFI's and maintain an RFI log. Up to four (4) RFI's were included in the basic scope of services. A total of twelve (12) RFI's have been received for an additional eight (8) RFI's. Of these, three RFI's we answered easily and therefore no additional effort was required from Jacobs' staff. Five (5) RFI's are included in this scope of services.
3. Construction Meetings – Conduct pre-construction and monthly construction meetings (9 maximum). Prepare field change orders, meeting minutes and issue field inspection reports during each month of construction. Process pay applications and issue pay recommendations to the City.
4. Construction Observation - provide on-site field representation assuming two (2) month construction time with average observation of four hours per day – by MRB Group. Prepare progress and inspection reports, identify and rectify noncompliant work, prepare punch list of deficient items and conduct final walkthrough.

- i. If Professional is called upon to observe the work of construction contractor(s) for the detection of defects or deficiencies in such work, Professional will not bear any responsibility or liability for such defects or deficiencies or for the failure to so detect. Professional shall have no influence over the construction means, methods, techniques, sequences or procedures. Construction safety shall remain the sole responsibility of the construction contractor(s).
- ii. Professional shall not make inspections or reviews of the safety programs or procedures of the construction contractor(s), and shall not review their work for the purpose of ensuring their compliance with safety standards. Professional shall not assume any responsibility or liability for performance of the construction services, or for the safety of persons and property during construction, or for compliance with federal, state and local statutes, rules, regulations and codes applicable to the conduct of the construction services.
- iii. If Professional is called upon to review submittals from construction contractors, Professional shall review and approve or take other appropriate action upon construction contractor(s)' submittals such as shop drawings, product data and samples, but only for the limited purpose of checking for conformance with information given and the design concept expressed in the contract documents. The Professionals' action shall be taken with such reasonable promptness as to cause no delay in the work while allowing sufficient time in the Professionals' professional judgment to permit adequate review. Review of such submittals will not be conducted for the purpose of determining the accuracy and completeness of other details.

**ATTACHMENT B - FEE SCHEDULE**

**Temple Bird Creek Interceptor Improvements  
Amendment No. 15 - Additional Construction Phase Services for Construction Contract V**

Scope Item	Description	Project Manager	Project Engineer	EIT	CADD Designer	Clerical	Total Jacobs	MRB Group	All-County Survey	Total Sub Consultant	Expenses	Sub Consultant Markup	Total Services
		Roberts	Villalobos	Viron	Tello	Garcia							
<b>Construction Phase Services (Construction Contract V)</b>													
1	Project Management	12				5	\$ 2,516.00			\$ -	\$ 51.00	\$ -	\$ 2,567.00
2	Requests for Information	5	25	50	5		\$ 9,590.00			\$ -		\$ -	\$ 9,590.00
3	Construction Meetings/Periodic Site Visits (July & August)	2	18	30		4	\$ 6,110.00			\$ -	\$ 200.00	\$ -	\$ 6,310.00
4	Construction Observation (July & August)	6	12			4	\$ 3,238.00	\$ 26,400.00		\$ 26,400.00	\$ 575.00	\$ 1,320.00	\$ 31,533.00
	<b>Subtotal</b>	<b>25</b>	<b>55</b>	<b>80</b>	<b>5</b>	<b>13</b>	<b>\$ 21,454.00</b>	<b>\$ 26,400.00</b>	<b>\$ -</b>	<b>\$ 26,400.00</b>	<b>\$ 826.00</b>	<b>\$ 1,320.00</b>	<b>\$ 50,000.00</b>
	<b>Total - Lump Sum</b>	<b>25</b>	<b>55</b>	<b>80</b>	<b>5</b>	<b>13</b>	<b>\$ 21,454.00</b>	<b>\$ 26,400.00</b>	<b>\$ -</b>	<b>\$ 26,400.00</b>	<b>\$ 826.00</b>	<b>\$ 1,320.00</b>	<b>\$ 50,000.00</b>

March 13, 2019

Mr. Jason Roberts, P.E., Manager  
Water Infrastructure  
Jacobs  
2705 Bee Cave Road, # 300  
Austin, TX 78746

**RE: ADDITIONAL SERVICES  
JACOBS SUBCONSULTING AGREEMENT NO. WJXK5800-S18-0008  
CONSTRUCTION OBSERVATION  
CITY OF TEMPLE, BIRD CREEK WW INTERCEPTOR, CONTRACT V**

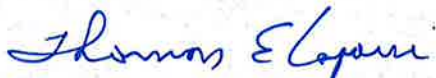
Dear Mr. Roberts:

Under the terms of the above referenced subconsulting agreement, MRB is approved for billing on a time and materials basis a maximum not to exceed amount for construction observation services of \$65,718. As we have discussed with you and your project manager, project requirements are such that we anticipate exceeding this amount.

As of our invoice dated February 22, 2019, we have invoiced a total of \$65,529. Based on discussions with our field personnel, we anticipate the need for 220 additional hours of construction observation support for the period of March through project completion. This estimate includes the anticipated de-mobilization period with a project restart anticipated for June 2019 followed by two months of field observation to project completion. We also anticipate additional mileage charges estimated at approximately \$600 during this period. At our approved billing rate of \$120 per hour, we estimate an additional authorization of \$27,000 is required.

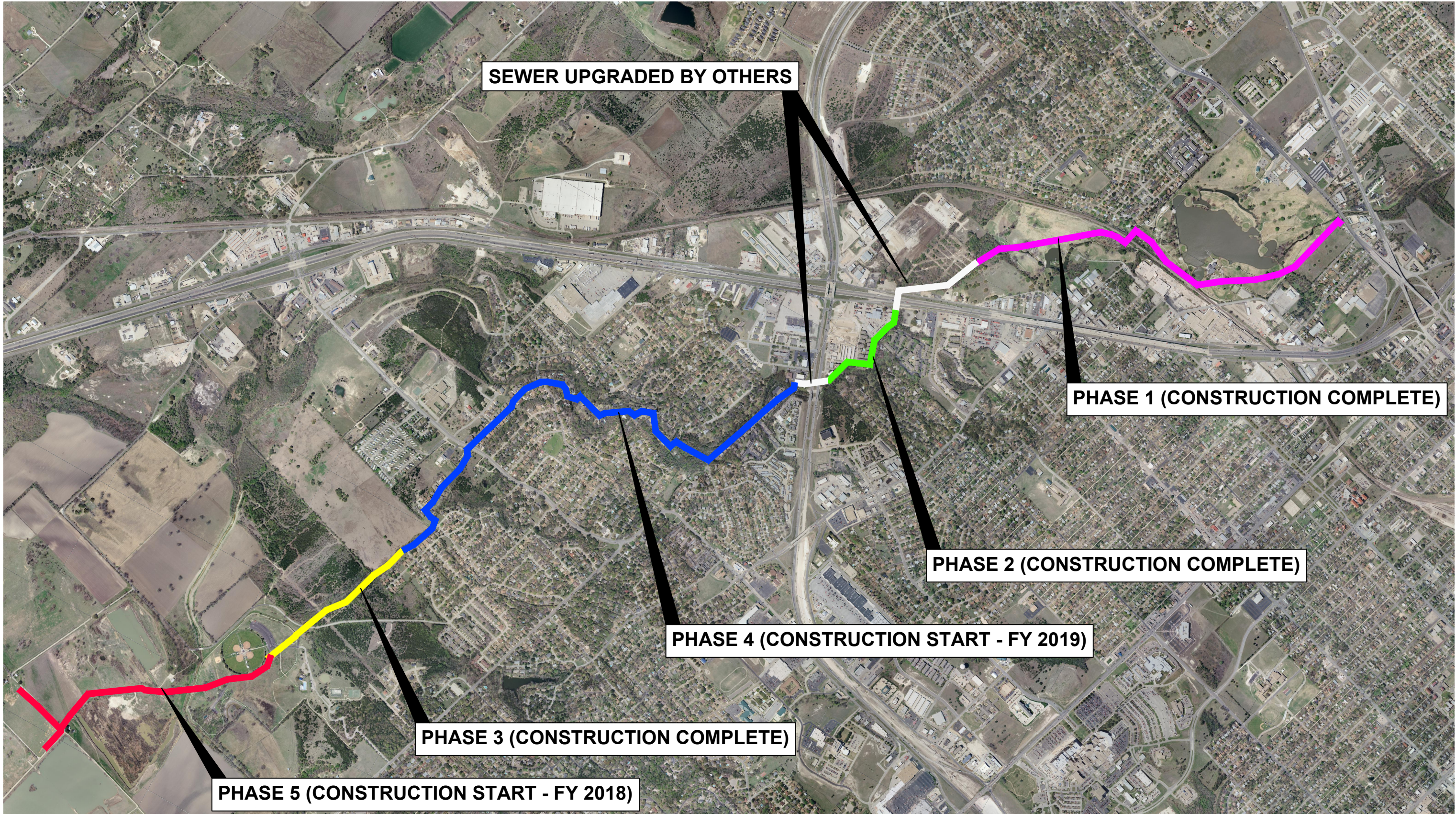
Thanks for the opportunity to work on this project with Jacobs. Please let me know if you have any questions or concerns.

Sincerely,

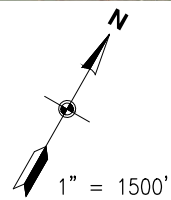


Thomas E. Caponi, P.E.  
Senior Project Manager





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**JACOBS™**  
2705 BEE CAVE ROAD, SUITE 300.  
AUSTIN, TX. 78746  
(512) 314-3100, (512) 314-3135  
TEXAS REG NO. 2966

**BIRD CREEK INTERCEPTOR  
TEMPLE, TEXAS**

**PROJECT PHASING**



## CONTRACT AMENDMENT (Professional Service Agreements)

**PROJECT:** Temple Bird Creek Interceptor Improvements, Contract 5

**OWNER:** City of Temple

**ARCHITECT/ENGINEER:** Jacobs Engineering Group, Inc.

**AMENDMENT #:** Fourteen (15)

**Make the following additions to the work described in the Contract Documents:**

**Construction Phase Services**

Project Management	\$2,567.00
Information Requests	\$9,590.00
Construction Meetings/Site Visits	\$6,310.00
Construction Observation	<u>\$31,533.00</u>

**Total Professional Services**

**\$ 50,000.00**

The Compensation agreed upon in this Contract Amendment is the full, complete and final payment for all costs the Architect or Engineer may incur as a result of or relating to this amendment whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Contract Amendment.

Original Contract Amount:	<u>\$ 342,234.00</u>
Previous Change in Contract Amount:	<u>\$ 2,885,916.40</u>
Amount This Amendment:	<u><b>\$ 50,000.00</b></u>
Revised Contract Amount:	<u>\$ 2,935,916.40</u>
Original Contract Completion Date:	<u>12/31/2007</u>
Revised Contract Completion Date:	<u>12/01/2024</u>

**Recommended by:**

**Agreed to:**

\_\_\_\_\_  
Project Manager Date

\_\_\_\_\_  
Project Engineer Date

**Approved by City of Temple:**

**Approved as to form:**

\_\_\_\_\_  
City Manager Date

\_\_\_\_\_  
City Attorney's Office Date

**Approved by Finance Department:**

\_\_\_\_\_  
Date

RESOLUTION NO. 2019-9671-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH JACOBS ENGINEERING GROUP, INC. OF WACO, TEXAS, IN AN AMOUNT NOT TO EXCEED \$50,000, FOR ADDITIONAL CONSTRUCTION PHASE SERVICES ASSOCIATED WITH THE BIRD CREEK INTERCEPTOR PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the existing Bird Creek Interceptor was built in the mid-1950's and provides wastewater service to many neighborhoods, restaurants and commercial developments, draining in an area approximately 6,200 acres in size through the middle of Temple;

**Whereas**, over the years, the wastewater line has deteriorated, taking in additional flows during rain events - these excess flows and line conditions have led to unauthorized sanitary sewer discharges into Bird Creek;

**Whereas**, in 2007, Council authorized a professional services agreement with Carter Burgess, Inc., now Jacobs Engineering Group, Inc. ("Jacobs"), for engineering services related to the Bird Creek Interceptor Project;

**Whereas**, this project, phased and implemented over several years, is targeted toward reducing overflows and rehabilitating infrastructure, ultimately providing for increased capacity within the wastewater collection system;

**Whereas**, Phases 1, 2, and 3 of the project have been completed and on July 19, 2018, Council authorized a construction contract with Santa Clara, Ltd., of Austin, Texas to construct Phase 5, from Lion's Park to Shallow Ford Lift Station;

**Whereas**, on August 16, 2018 Council authorized an amendment to a professional services agreement with Jacobs for construction phase services;

**Whereas**, Phase 5 construction has been extended to August 11, 2019 due to unforeseen site conditions, weather and lift station connection timing - Lions Park restoration and lift station connection coordination has also continued during the current contract demobilization period;

**Whereas**, Staff recommends Council authorize an amendment to the professional services agreement with Jacobs Engineering Group, Inc. of Waco, Texas, in an amount not to exceed \$50,000, for additional construction phase services associated with the Bird Creek Interceptor Project;

**Whereas**, funding for this contract amendment is available in Account No. 520-5400-535-6361 and Account No. 561-5400-535-6925, Project No. 101477; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an amendment to the professional services agreement with Jacobs Engineering Group, Inc. of Waco, Texas, in an amount not to exceed \$50,000, for additional construction phase services associated with the Bird Creek Interceptor Project.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #7(L)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Justin Brantley, Assistant Director of Purchasing & Facility Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a three-year agreement for the rental/lease of non-civil uniforms and floor mats with Cintas Corporation of Round Rock, in the estimated annual amount of \$75,000.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** In order for the public to identify City of Temple employees and to protect employees from elements of their work environment, several departments utilize a uniform rental/lease service. Departments that currently utilize a rental/lease service are all Public Works divisions, Metering, Parks & Recreation, Airport, Library, and Facility Services. Several departments with high traffic also rent floor mats.

The City's current contract with Cintas will expire on July 4, 2019. Staff is pleased with the services Cintas has provided the last three years. In addition, Purchasing Staff has compared pricing to other vendors and concluded that the pricing offered by Cintas is fair and reasonable. Accordingly, Staff is recommending award of a three-year rental contract starting on July 5, 2019, with Cintas Corporation.

Cintas Corporation has been awarded a U.S. Communities Government Purchasing Alliance contract, which staff is recommending utilizing for these services. Contracts awarded through U.S. Communities have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

**FISCAL IMPACT:** Departments have budgeted for the rental/lease of non-civil uniforms and floor mats in the FY 2019 Operating Budget. The estimated annual expenditure with Cintas is approximately \$75,000.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9672-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A THREE-YEAR RENTAL/LEASE AGREEMENT WITH CINTAS CORPORATION OF ROUND ROCK, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$75,000, FOR THE RENTAL/LEASE OF NON-CIVIL SERVICE UNIFORMS AND FLOOR MATS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, in order for the public to identify City of Temple employees and to protect employees from elements of their work environment, several departments utilize a uniform rental/lease service;

**Whereas**, departments that currently utilize a uniform rental/lease service are all Public Works divisions, Metering, Parks & Recreation, Airport, Library, and Facility Maintenance - several departments with high traffic also rent floor mats;

**Whereas**, the City's current contract with Cintas Corporation (Cintas) will expire July 4, 2019 and a Staff committee representing departments that utilize the uniform and floor mat contract was formed to evaluate options available from various vendors that serve the Temple area;

**Whereas**, Staff is pleased with the services Cintas has provided the last 3 years and in addition, Purchasing Staff has compared pricing to other vendors and concluded that the pricing offered by Cintas is fair and reasonable – Staff recommends that Council award a 3-year rental/lease agreement with Cintas Corporation of Round Rock, Texas effective July 5, 2019;

**Whereas**, Cintas has been awarded a U.S. Communities Government Purchasing Alliance contract, which Staff is recommending utilizing for these services - contracts awarded through U.S. Communities have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, departments have budgeted for the rental/lease of non-civil uniforms and floor mats in the fiscal year 2019 Operating Budget; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a 3-year rental/lease agreement with Cintas Corporation of Round Rock, Texas in the estimated annual amount of \$75,000, for the rental/lease of non-civil service uniforms and floor mats.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #7(M)  
Consent Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

Don Bond, P.E., CFM, City Engineer/Interim PW Director  
Richard Wilson, P.E., CFM, Deputy City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a change order to the contract with Tex-Global Contractors, Inc., of Fort Worth for construction of Phase 3B of the Outer Loop in the amount of \$86,636.42.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** On June 28, 2018, Council authorized a construction contract with TexGlobal for the construction of the Outer Loop Phase 3B.

As indicated in the attached change order and engineer's recommendation letter, this change order includes revised drainage improvements.

The original construction contract amount is \$5,265,702.63. Change orders to date have increased the contract \$143,047.00 or 2.72%, of the original contract amount. Change order #5 represents a contract increase of \$86,636.42 for a total increase of 4.36% to the original contract amount. The revised contract amount is \$5,495,386.05.

The engineering consultant has reviewed the change order and recommends approval. There are 38 days added to the contract time for the change order.

The change order costs are:

Original Contract Amount	\$	5,265,702.63
Previous Net Change in Contract Amount	\$	143,047.00
Net Change in Contract Amount	\$	86,636.42
Revised Contract Amount	\$	5,495,386.05
Original Contract Time		240 Days
Net Change in contract Time to Date		58 Days
Net Change in Contract Time This CO		58 Days
Revised Contract Time		356 Days
Original Final Completion Date		April 11, 2019
Revised Final Completion Date		August 5, 2019

**FISCAL IMPACT:** Funding for change order #5 to the contract with Tex-Global Contractors, Inc. for construction of Phase 3B of the Outer Loop in the amount of \$86,636.42 is available in account 365-3400-531-6813, project 101121, as follows:

	365-3400-531-6813	520-5900-535-6521	561-5200-535-6813	Total
Project Budget	\$ 7,685,918	\$ 1,428,071	\$ 600,000	\$ 9,713,989
Encumbered/Committed to Date	(7,112,399)	(1,391,064)	(600,000)	(9,103,463)
<b>Tex-Global Contractors, Inc. CO #5</b>	<b>(86,636)</b>	<b>-</b>	<b>-</b>	<b>(86,636)</b>
<b>Remaining Project Funds</b>	<b>\$ 486,883</b>	<b>\$ 37,007</b>	<b>\$ -</b>	<b>\$ 523,890</b>

**ATTACHMENTS:**

Engineer's Recommendation Letter  
Change Order Form  
Project Map  
Resolution



**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
Texas Firm F-510

Temple  
One South Main Street  
Temple, Texas 76501  
(254) 773-3731

RICK N. KASBERG, P.E.  
R. DAVID PATRICK, P.E., CFM  
THOMAS D. VALLE, P.E.  
GINGER R. TOLBERT, P.E.  
ALVIN R. "TRAE" SUTTON, III, P.E., CFM  
JOHN A. SIMCIK, P.E., CFM

Georgetown  
1008 South Main Street  
Georgetown, Texas 78626  
(512) 819-9478

May 20, 2019

Mr. Richard Wilson, P.E., CFM  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
Outer Loop III B Jupiter to Thompson Channel

Dear Mr. Wilson:

Attached is Change Order #5 for the Outer Loop III B Jupiter to Thompson Channel Project. This change order is developed to revise the drainage channel design at the south end of the project for a connection to a development project. The revision includes a detailed concrete lined channel section with two (2) thirty-six inch (36") RCP culverts at the location of two (2) driveways. Also included in the design is Metal Beam Guard Fence providing safety for vehicular traffic in relation to the concrete lined drainage channel. The total addition to the contract for Change Order #5 is \$86,636.42. The change order also includes fifty-eight (58) additional days of contract time. The additional days are as follows:

- 38 days for relocation of dry utilities (dry utilities were in an incorrect assignment and needed to be modified)
- 20 days for the revised construction of Change Order #5

We have reviewed Change Order #5 and recommend it be processed and executed with respect to the TexGlobal Contractors construction contract for the above referenced project.

Sincerely,

R. David Patrick, P.E., CFM

RDP/rdp

xc: Mr. Joe Coonrod, TexGlobal Contractors  
KPA Project File: 2014-110-40 (B)

# **CHANGE ORDER OUTER LOOP III B**

PROJECT: Outer Loop III B  
 OWNER: City of Temple  
 CONTRACTOR: TexGlobal Contractors  
 ENGINEER: Kasberg, Patrick & Associates  
 CHANGE ORDER #: 5

Make the following additions, modifications or deletions (bold and underline those that apply) to the work described in the Contract Documents:

<b>Add: Site Work Adjustments</b>					
Item	Description	Quantity	Unit	Unit Price	Extended Amount
CO5-1	MBGF (12 GA) (Timber Posts) (Block Out)	400.00	LF	\$ 55.20	\$ 22,080.00
CO5-2	MBGF Flared End Wings	4.00	EA	\$ 213.90	\$ 855.60
CO5-3	MBGF Downstream Terminal Anchor	1.00	EA	\$ 2,070.00	\$ 2,070.00
CO5-4	MBGF End Treatment	1.00	EA	\$ 5,209.50	\$ 5,209.50
CO5-5	2-36" RCP Class IV	99.00	LF	\$ 363.40	\$ 35,976.60
A-84	Furnish & install Concrete Riprap	827.00	SY	\$ 33.40	\$ 27,621.80
A-87	Unclassified Channel Excavation	112.00	CY	\$ 2.66	\$ 297.92
<b>Add Total</b>					<b>\$ 94,111.42</b>
<b>Delete: Site Work Adjustments</b>					
Item	Description	Quantity	Unit	Unit Price	Extended Amount
A-59	Furnish & Install 3-18" CMP	-65	LF	\$ 115.00	\$ (7,475.00)
<b>Delete Total</b>					<b>\$ (7,475.00)</b>
<b>Change Order Total</b>					<b>\$ 86,636.42</b>

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

Original Contract Amount	\$ 5,265,702.63
Previous Net Change in Contract Amount	\$ 143,047.00
Net Change in Contract Amount	\$ 86,636.42
Revised Contract Amount	\$ 5,495,386.05
Original Contract Time	240 days
Previous Net Change in Contract Time	58 days
Net Change in Contract Time	58 days
Revised Contract Time	356 days
Original Final Completion Date	April 11, 2019
Revised Final Completion Date	August 5, 2019

Recommended By:

Project Manager (City Staff) \_\_\_\_\_ Date \_\_\_\_\_

Agreed to:

 \_\_\_\_\_ Date 21/MAY/2019

Approved as to form:

City Attorney's Office \_\_\_\_\_ Date \_\_\_\_\_

Recommended by:

 \_\_\_\_\_ Date 5/20/19

Approved by City of Temple:

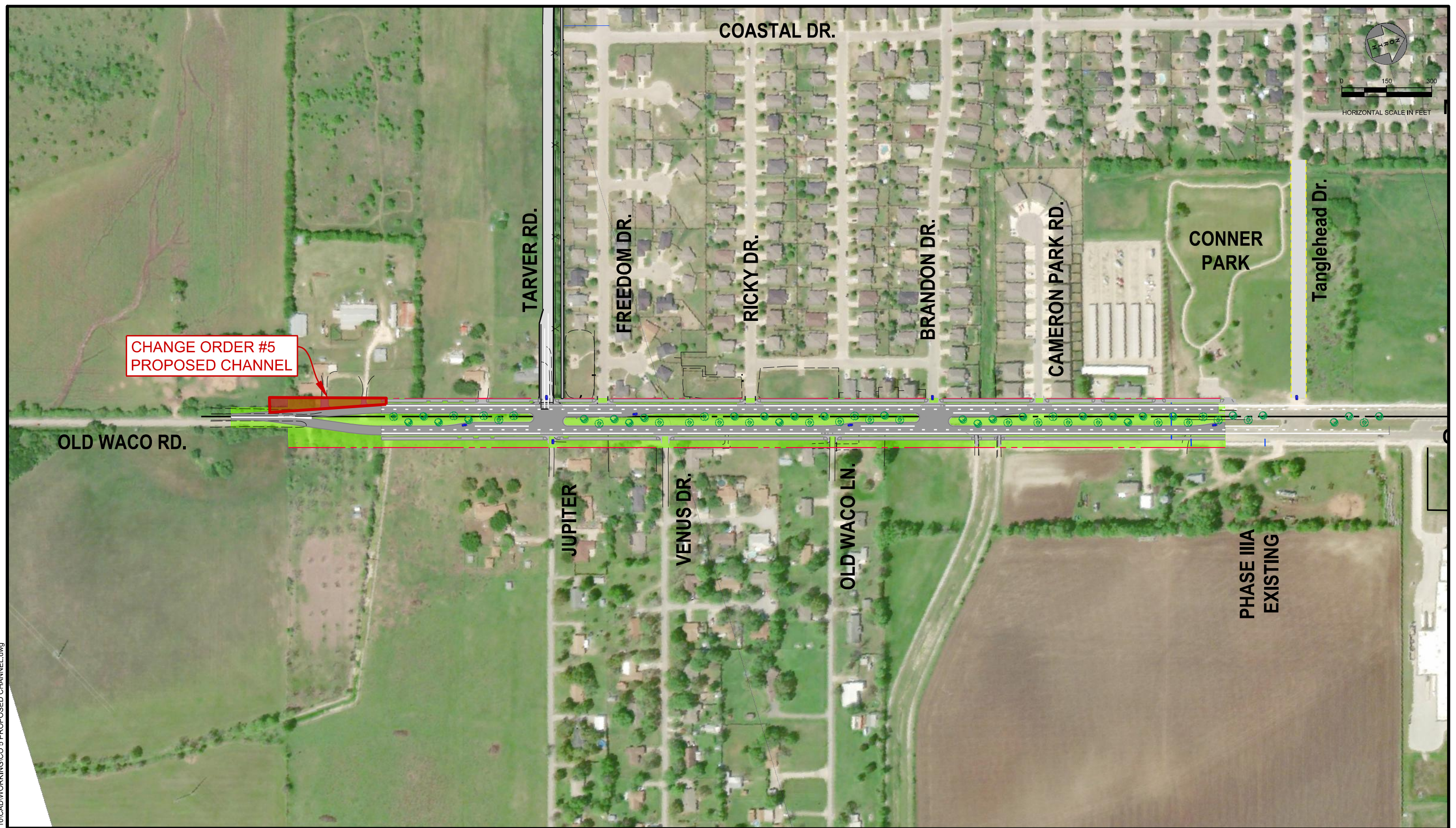
Brynn Myers, City Manager \_\_\_\_\_ Date \_\_\_\_\_

Approved by Finance Department

Finance \_\_\_\_\_ Date \_\_\_\_\_



P:\Temple\2014\2014-1-10\CAD\WORKING\CO 5 PROPOSED CHANNEL.dwg



Plotted: May 24, 2019 - 10:16am By: FTG  
© 2018 Kasberg, Patrick & Assoc. LP

May 24, 2019 UPDATE

CHANGE ORDER #5  
PROPOSED CHANNEL

PROPOSED ROAD IMPROVEMENTS  
PROPOSED SIDEWALK



City of Temple, Texas  
OUTER LOOP PHASE III B



RESOLUTION NO. 2019-9673-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH TEX-GLOBAL CONTRACTORS OF FORT WORTH, TEXAS IN THE AMOUNT OF \$86,636.42, FOR CONSTRUCTION OF PHASE 3B OF THE OUTER LOOP; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on June 28, 2018, Council authorized a construction contract with Tex-Global Contractors of Fort Worth, Texas for the construction of the Outer Loop Phase 3B;

**Whereas**, this change order will include revised drainage improvements and the associated costs will increase the contract price to \$5,495,386.05, which is a 4.36% increase to the original contract amount

**Whereas**, funds are available for this change order in Account No. 365-3400-531-6813, Project No. 101121; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a change order to the construction contract with Tex-Global Contractors, Inc. of Fort Worth, Texas in the amount of \$86,636.42 for construction of Phase 3B of the Outer Loop.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #7(N)  
Consent Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

Don Bond, P.E., City Engineer  
James Billeck, P.E., Senior Project Engineer

**ITEM DESCRIPTION:** Consider a resolution authorizing a change order to the construction contract with R.T. Schneider Construction Co., Ltd, for services to construct the Rail Backage Road Project within the Industrial Rail Park in northwest Temple, in the amount of \$39,587.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item summary.

**ITEM SUMMARY:** Road access and water services are required for properties within the Industrial Rail Park in northwest Temple on the east side of Wendland Road (See attached project map). On December 6, 2018, the City Council authorized Kasberg, Patrick & Associates, LP (Engineer) to design, bid, and administer construction of these improvements. On January 15, 2019, Council authorized a construction contract with RT Schneider in the amount of \$1,011,074. On May 8, 2019, the City executed changer order #1 in the amount of \$23,324.40 for the removal of debris found in the road alignment and utility adjustments.

As indicated in the attached change order and engineer's recommendation letter, this change order includes the installation of a French drain system that is necessary due to previously unknown ground water discovered along the roadway construction.

This and the previous change order would result in a total contract of \$1,073,985.40, an increase of 6.22% to the original amount. Project map attached for reference.

**FISCAL IMPACT:** Funding for change order #2 to the construction contract with R.T. Schneider Construction Co., Ltd in the amount of \$39,587 for services to construct the Rail Backage Road Project within the industrial rail park in northwest Temple is available in the Reinvestment Zone No. 1 Financing Plan, Line 102, account 795-9500-531-6527, project 101844, as follows:

Project Budget	\$	2,500,000
Encumbered/Committed to Date		(1,412,925)
R.T. Schneider Construction Co. - Change Order #2		(39,587)
Remaining Project Funds Available	\$	<u>1,047,488</u>



**ATTACHMENTS:**

Recommendation Letter  
Change Order Form  
Project Map  
Resolution



**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
Texas Firm F-510

Temple  
One South Main Street  
Temple, Texas 76501  
(254) 773-3731

RICK N. KASBERG, P.E.  
R. DAVID PATRICK, P.E., CFM  
THOMAS D. VALLE, P.E.  
GINGER R. TOLBERT, P.E.  
ALVIN R. "TRAE" SUTTON, III, P.E., CFM  
JOHN A. SIMCIK, P.E., CFM

Georgetown  
1008 South Main Street  
Georgetown, Texas 78626  
(512) 819-9478

May 21, 2019

Mr. James Billeck, P.E.  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
Rail Backage Road Project

Dear Mr. Billeck:

Attached is Change Order #2 for the Rail Backage Road Project. This change order is developed as a result of ground water experienced during excavation on the east end of the project. During the geotechnical investigations for the project, all bores indicated "no free water observed" which would indicate there was not any ground water present during those investigations. It is not uncommon for ground water to fluctuate with seasonal rain and thus Change Order #2 has been initiated to mitigate the ground water by the installation of a French Drain System on the south side of the project. The total amount of Change Order #2 is \$39,587.

We have reviewed Change Order #2 and recommend it be processed and executed with respect to the RT Schneider Construction Company construction contract for the above referenced project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. David Patrick'.

R. David Patrick, P.E., CFM

RDP/rdp

xc: Mr. Bryant Davis, RT Schneider Construction Company  
KPA Project File: 2018-161-40



# CHANGE ORDER RAIL BACKAGE ROAD

PROJECT: Rail Backage Road: Roadway, Waterline & Storm Sewer East of Wendland Road  
 OWNER: City of Temple  
 CONTRACTOR: RT Schneider Construction Company  
 ENGINEER: Kasberg, Patrick & Associates  
 CHANGE ORDER #: 2

Make the following additions, modifications or deletions (bold and underline those that apply) to the work described in the Contract Documents:

Add: Wastewater, Water Connection & Trash Haul Off		Quantity	Unit	Unit Price	Extended Amount
Item	Description				
CO2-1	6" French Drain	690.00	LF	\$ 55.00	\$ 37,950.00
CO2-2	6" French Drain 45 Degree Bend	1.00	EA	\$ 300.00	\$ 300.00
CO2-3	6" French Drain 22.50 Degree Bend	1.00	EA	\$ 295.00	\$ 295.00
CO2-4	6" French Drain Cap	1.00	EA	\$ 182.00	\$ 182.00
10	Unclassified Excavation	100.00	CY	\$ 3.85	\$ 385.00
38	Furnish & Install 18" Rock Riprap	19.00	SY	\$ 25.00	\$ 475.00
Add Total					\$ 39,587.00
Change Order Total					\$ 39,587.00

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

Original Contract Amount	\$ 1,011,074.00
Previous Net Change in Contract Amount	\$ 23,324.40
Net Change in Contract Amount	\$ 39,587.00
Revised Contract Amount	\$ 1,073,985.40
Original Contract Time	N/A
Previous Net Change in Contract Time	0 days
Net Change in Contract Time	0 days
Revised Contract Time	N/A
Original Final Completion Date	September 1, 2019
Revised Final Completion Date	September 1, 2019

Recommended By:

Project Manager (City Staff) \_\_\_\_\_ Date \_\_\_\_\_

Agreed to:

Contractor \_\_\_\_\_ Date 5/21/19

Approved as to form:

City Attorney's Office \_\_\_\_\_ Date \_\_\_\_\_

Recommended by:

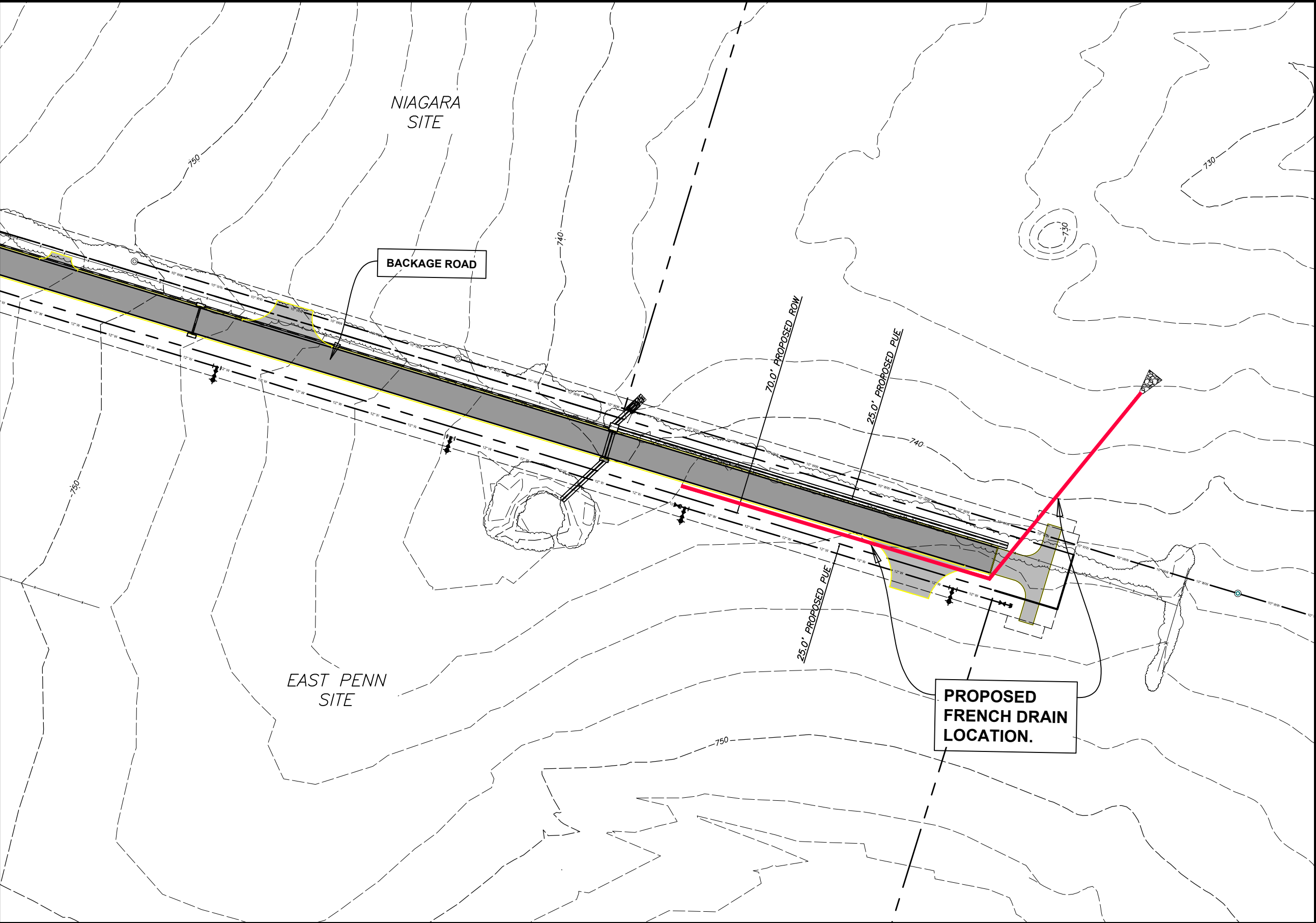
Architect/Engineer \_\_\_\_\_ Date 5/21/19


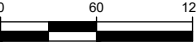
Approved by City of Temple:

Brynn Myers, City Manager \_\_\_\_\_ Date \_\_\_\_\_

Approved by Finance Department

Finance \_\_\_\_\_ Date \_\_\_\_\_



  
  
HORIZONTAL SCALE IN FEET

**LEGEND**

--

	TEMPORARY BENCH MARK
	FIRE HYDRANT
	GUY WIRE
	IRON PIN FOUND
	EXISTING MANHOLE
	POWER POLE
	STREET SIGN
	TELEPHONE RISER BOX
	WATER VALVE
	PROPOSED WATER VALVE
	PROPOSED FIRE HYDRANT



KASBERG, PATRICK & ASSOCIATES, LP  
CONSULTING ENGINEERS  
TEMPLE, TEXAS 76501  
© 2019 Kasberg, Patrick & Associates, LP  
KPA Firm Registration Number F-510

CITY OF TEMPLE  
PROPOSED BACKAGE RD  
CHANGE ORDER NO.2

PROPOSED FRENCH DRAIN  
LAYOUT

MAY 2019



RESOLUTION NO. 2019-9674-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION, LTD. OF BELTON, TEXAS IN THE AMOUNT OF \$39,587, FOR SERVICES REQUIRED TO CONSTRUCT THE RAIL BACKAGE ROAD PROJECT WITHIN THE INDUSTRIAL RAIL PARK IN NORTHWEST TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, road access and water services are required for properties within the industrial rail park in northwest Temple on the east side of Wendland Road - on December 6, 2018, Council authorized Kasberg, Patrick & Associates, LP (“KPA”) to design, bid, and administer construction of these improvements;

**Whereas**, on January 15, 2019, six bids were received that ranged from \$1,011,074 to \$1,208,802.50 –with RT Schneider Construction, Ltd. (RTS) submitting the low bid in the amount of \$1,011,074.00;

**Whereas**, on May 8, 2019, the City executed Changer Order No. 1 in the amount of \$23,324.40 for the removal of debris found in the road alignment and utility adjustments;

**Whereas**, Staff and KPA recommend Council authorize a change order to the construction contract with RTS, of Belton, Texas in the amount of \$39,587, for services required to construct the Rail Backage Road Project within the industrial rail park in northwest Temple;

**Whereas**, funds for this change order are available in the Reinvestment Zone No. 1 Financing Plan, Line 102, Account No. 795-9500-531-6527, Project No. 101844; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a change order to the construction contract with R.T. Schneider Construction, Ltd., of Belton, Texas in the amount of \$39,587, for services required to construct the Rail Backage Road Project within the industrial rail park in northwest Temple.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

---

06/06/19  
Item #7(O)  
Consent Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

Don Bond, P.E., City Engineer

James Billeck, P.E., Senior Project Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing change order #3 with Bell Contractors, Inc., of Belton for construction of the Northwest & Northeast Little Elm Creek Trunk Sewer project, in the amount of \$38,588.07.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item summary.

**ITEM SUMMARY:** Construction of the Northwest & Northeast Little Elm Creek Trunk Sewer is extending gravity wastewater service within northwest industrial park and achieving abandonment of three lift stations (Hart Road, PFG, and Wendland Road/GST). Additional sewer extension from east to west is required to serve developing property in the industrial park.

On February 4, 2016, Council authorized an agreement with Kasberg, Patrick, & Associates, LP (Engineer) in the amount of \$189,220 for design, bidding and construction phase services. On March 15, 2018, Council authorized a construction contract with Bell for \$1,728,689.32. On August 31 and December 6, 2018, the City approved change orders #1 and #2 for the total amount of \$309,759.18.

Per the attached change order, it includes replacing concrete rip rap to stabilize a streambank, fence removal, and additional manhole depth required by an industrial client. A project map and recommendation letter are attached with further details. The proposed change order increases the total contract amount to \$2,077,036.57, which is an 20.2% net increase to the original contract amount. Additional construction time associated with the change order, including weather delays, revises the contractual end date to August 3, 2019.

**FISCAL IMPACT:** Funding for change order #3 with Bell Contractors, Inc. in the amount of \$38,588.07 for construction of the Northwest & Northeast Little Elm Creek Trunk Sewer project is available as follows:

	Outer Loop WL & WWL 101997 561-5400-535-6813	NE/NW Little Elm SL 101000 795-9500-531-6368	Total
Project Budget	\$ 318,500	\$ 1,925,000	\$ 2,243,500
Encumbered/Committed to Date	(306,426)	(1,867,193)	(2,173,619)
<b>Bell Contractors Change Order #3</b>	<b>(3,305)</b>	<b>(35,283)</b>	<b>(38,588)</b>
<b>Remaining Project Funds</b>	<b>\$ 8,769</b>	<b>\$ 22,524</b>	<b>\$ 31,293</b>

**ATTACHMENTS:**

[Recommendation Letter](#)  
[Change Order](#)  
[Project Map](#)  
[Resolution](#)





**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
Texas Firm F-510

Temple  
One South Main Street  
Temple, Texas 76501  
(254) 773-3731

**RICK N. KASBERG, P.E.**  
**R. DAVID PATRICK, P.E., CFM**  
**THOMAS D. VALLE, P.E.**  
**GINGER R. TOLBERT, P.E.**  
**ALVIN R. "TRAE" SUTTON, III, P.E., CFM**  
**JOHN A. SIMCIK, P.E., CFM**

Georgetown  
1008 South Main Street  
Georgetown, Texas 78626  
(512) 819-9478

May 23, 2019

Mr. James Billeck, P.E.  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
Northeast & Northwest Little Elm Trunk Sewer

Dear Mr. Billeck:

Enclosed is one copy of Change Order No. 3 in the amount of \$38,588.07 for the above referenced project. This change order is for the following:

- Part A: Wastewater Line A, Item CO3-1 - Replacing concrete rip rap on Wastewater Line A, Approximate Station 15+00, which was installed by the property owner (Baylor Scott and White) after the design of this project.
- Part B: Wastewater Line C, Item CO3-2 - Removal of barbed wire fencing that is no longer necessary for the property and was within the wastewater line alignment.
- Part B: Wastewater Line D, Item CO3-3 and CO3-4 - Addition of a manhole riser section and concrete cap for the wastewater line added along the Rail Backage Road.

The change order includes 17 calendar days to complete these items and 26 days for excess rain/wet weather. We recommend approval of Change Order No. 3 in the amount of \$38,588.07, for a Revised Contract Amount of \$2,077,036.57 and an additional 43 calendar days. Please return a copy of the fully change order to KPA for our files.

Sincerely,

Ginger R. Tolbert, P.E.

GRT/crc

xc: Jonathan Perez, Bell Contractors, Inc.  
2016-103-40

# CHANGE ORDER

PROJECT: Northwest & Northeast Little Elm Creek Trunk Sewer  
 OWNER: City of Temple  
 CONTRACTOR: Bell Contractors, Inc.  
 ENGINEER: Kasberg, Patrick & Associates  
 CHANGE ORDER #: 3

Make the following modifications to the work described in the Contract Documents:

## Part A: Wastewater Line "A"

Item	Description	Quantity	Unit	Unit Price	Extended Amount
CO3-1	Concrete Rip Rap Replacement (134x22)	2948	SF	\$ 9.68	\$ 28,536.64
Sub-Total					\$ 28,536.64

## Part B: Wastewater Line "C"

CO3-2	Removal of Fencing	1	LS	\$ 6,746.40	\$ 6,746.40
Sub-Total					\$ 6,746.40

## Part B: Wastewater Line "D"

CO3-3	Manhole Riser Section (2')	1	EA	\$ 1,109.48	\$ 1,109.48
CO3-4	Concrete Cap	45	LF	48.79	2,195.55
Sub-Total					\$ 3,305.03

Change Order Total \$ 38,588.07

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

Original Contract Amount	\$ 1,728,689.32
Previous Net Change in Contract Amount	\$ 309,759.18
Net Change in Contract Amount	\$ 38,588.07
Revised Contract Amount	\$ 2,077,036.57
Original Contract Time	270 days
Previous Net Change in Contract Time	140 days
Net Change in Contract Time	43 days
Revised Contract Time	313 days
Original Final Completion Date	February 1, 2019
Revised Final Completion Date	August 3, 2019

Recommended By:

Project Manager (City Staff) \_\_\_\_\_ Date \_\_\_\_\_

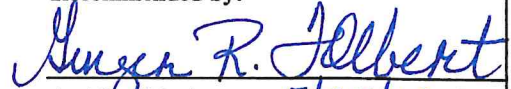
Agreed to:

 \_\_\_\_\_ Date 3-23-19

Approved as to form:

City Attorney's Office \_\_\_\_\_ Date \_\_\_\_\_

Recommended by:

 \_\_\_\_\_ Date 5/23/19

Architect/Engineer \_\_\_\_\_ Date \_\_\_\_\_

Approved by City of Temple:

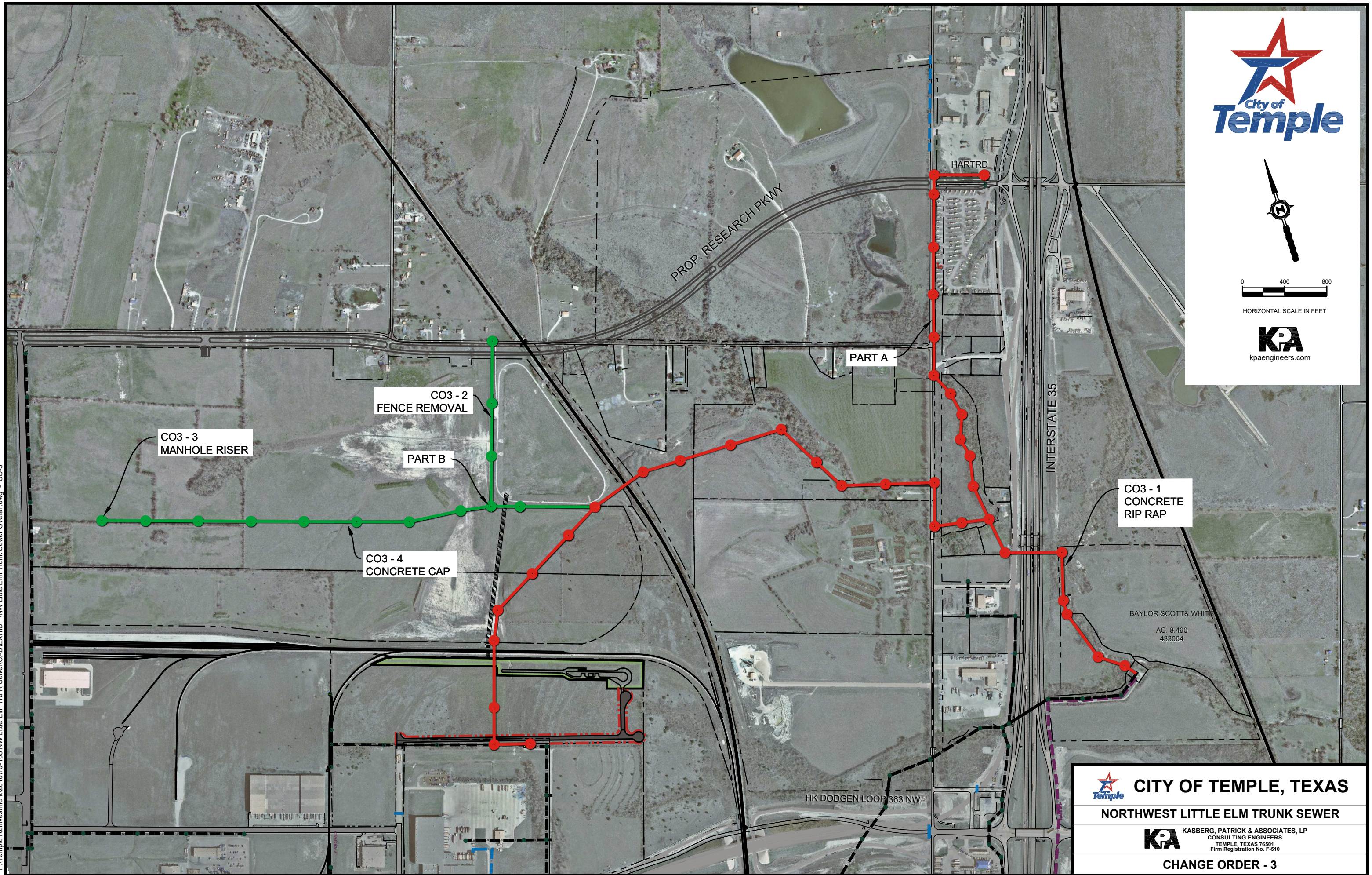
Brynn Myers, City Manager \_\_\_\_\_ Date \_\_\_\_\_

Approved by Finance Department

Finance \_\_\_\_\_ Date \_\_\_\_\_



P:\Temple Reinvestment\2016\16-103 NW Little Elm Trunk Sewer\CAD\EXHIBIT\NW Little Elm Trunk Sewer Overall.dwg - CO-3



HORIZONTAL SCALE IN FEET



**CITY OF TEMPLE, TEXAS**

**NORTHWEST LITTLE ELM TRUNK SEWER**



**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
TEMPLE, TEXAS 76501  
Firm Registration No. F-510

**CHANGE ORDER - 3**



RESOLUTION NO. 2019-9675-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 3 TO THE CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC. OF BELTON, TEXAS IN THE AMOUNT OF \$38,588.07, FOR CONSTRUCTION OF THE NORTHWEST AND NORTHEAST LITTLE ELM CREEK TRUNK SEWER PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, construction of the Northwest and Northeast Little Elm Creek Trunk Sewer is extending gravity wastewater service within the Northwest Industrial Park and achieving abandonment of three lift stations (Hart Road, PFG, and Wendland Road/GST);

**Whereas**, additional sewer extensions from east to west are required to serve developing property in the industrial park;

**Whereas**, on February 4, 2016, Council authorized an agreement with Kasberg, Patrick, & Associates, LP (“KPA”) in the amount of \$189,220, for design, bidding and construction phase services - on March 15, 2018, Council authorized a construction contract with Bell Contractors, Inc. in the amount of \$1,728,689.32, and on August 31, 2018 and December 6, 2018, the City approved Change Orders No. 1 and No. 2 with Bell Contractors, Inc. in the total amount of \$309,759.18;

**Whereas**, Change Order No. 3 includes replacing concrete rip rap to stabilize a streambank, fence removal, and additional manhole depth required by an industrial client – this change order increases the total contract amount to \$2,077,36.57, which is an 20.2% net increase to the original contract amount;

**Whereas**, Staff recommends Council authorize Change Order No. 3 to the construction contract with Bell Contractors, Inc. in the amount of \$38,588.07;

**Whereas**, funding is available for this change order in Account No. 561-5400-535-6813, Project No. 101997 and Account No. 795-9500-531-6368, Project No. 101000; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.



**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute Change Order No. 3 to the construction contract with Bell Contractors, Inc. of Belton, Texas in the amount of \$38,588.07, for construction of the Northwest and Northeast Little Elm Creek Trunk Sewer project.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6<sup>th</sup> day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #7(P)  
Consent Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

Don Bond, P.E., CFM, City Engineer  
James Billeck, P.E., Senior Project Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing change order #2 with Bruce Flanigan Construction, Inc., of Belton, for construction of the Shallowford 30" Force Main, in the amount of \$16,459.18.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** Sewer overflows within the Bird Creek basin are problematic, and the City has a significant capital effort underway to address deteriorated sewer mains and interceptor pipe to reduce inflow, infiltration and overflows. In 2007, Council authorized a professional services agreement for engineering services related to the Bird Creek Interceptor, addressing significant issues within the basin and embarking upon a ten-year plan to address system needs. Kasberg, Patrick, & Associates, LP (KPA) analysis of projected flows to the new Shallowford Lift Station (SFLS), currently under construction, determined the additional Shallowford 30" Force Main is required from the new SFLS to the Temple-Belton Wastewater Treatment Plant (TBWWTP).

On December 17, 2015, Council authorized an agreement with KPA in the amount of \$641,530 for professional services to relocate and expand the SFLS. On June 16, 2016 Council authorized an agreement with KPA in an amount of \$275,100 for design and bidding services for the additional Shallowford 30" Force Main. On August 16, 2018, Council authorized a construction contract with BFC in the amount of \$2,771,771.30. On February 7, 2019, Council authorized change order #1 with BFC in the amount of \$45,047.30.

The attached final change order #2 is necessary to reconcile item quantities and connect force mains at the TBWWTP. Project map attached. The associated costs will increase the contract price to \$2,833,277.78, a 2.2% increase to the original contract amount. KPA recommends the change order in their attached recommendation letter. No additional construction time is associated with the change order, the contract end date remains June 11, 2019.



**FISCAL IMPACT:** Funding for change order #2 with Bruce Flanigan Construction, Inc. in the amount of \$16,459.18 for construction of the Shallowford 30" Force Main is available in project 101512 as follows:

	<b>520-5900-535-6352</b>	<b>561-5400-535-6973</b>	<b>Total</b>
Project Budget	\$ 1,055,996	\$ 2,975,100	\$ 4,031,096
Encumbered/Committed to Date	(483,739)	(2,975,100)	(3,458,839)
<b>Bruce Flanigan Construction, Inc. CO #3</b>	<b>(16,459)</b>	<b>-</b>	<b>(16,459)</b>
<b>Remaining Project Funds</b>	<b>\$ 555,798</b>	<b>\$ -</b>	<b>\$ 555,798</b>

**ATTACHMENTS:**

[Recommendation Letter](#)  
[Change Order Form](#)  
[Project Map](#)  
[Resolution](#)



**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
Texas Firm F-510

Temple  
One South Main Street  
Temple, Texas 76501  
(254) 773-3731

**RICK N. KASBERG, P.E.**  
**R. DAVID PATRICK, P.E., CFM**  
**THOMAS D. VALLE, P.E.**  
**GINGER R. TOLBERT, P.E.**  
**ALVIN R. "TRAE" SUTTON, III, P.E., CFM**  
**JOHN A. SIMCIK, P.E., CFM**

Georgetown  
1008 South Main Street  
Georgetown, Texas 78626  
(512) 819-9478

May 23, 2019

Mr. Edward Kolacki  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
Shallowford Force Main

Dear Mr. Kolacki:

Enclosed is one copy of Change Order No. 2 for the referenced project. This Change Order includes both quantity modifications to represent actual quantities installed (Items 15, 16, 17, 18 & 25) and additional scope items (Items CO2-1 & CO2-2). Items CO2-1 and CO2-2 are related to furnishing and installing pipe and appurtenances to make the underground connections between the Shallowford (30") Force Main and Leon River (10") Force Main projects and the piping installed at the new Headworks in the TBWWTP Headworks project.

We recommend approval of Change Order No. 2, finalizing the quantities and project costs, in the amount of \$16,459.18. The total change orders on this project were approximately 2.2%. We are available to discuss at your convenience.

Sincerely,

A handwritten signature in blue ink, reading 'Thomas D. Valle'.

Thomas D. Valle, P.E.

TDV/  
2015-152-41



# CHANGE ORDER

PROJECT: **Shallowford 30" Force Main**  
 OWNER: **City of Temple**  
 CONTRACTOR: **Bruce Flanigan Construction, Inc.**  
 ENGINEER: **Kasberg, Patrick & Associates, LP**  
 CHANGE ORDER #: **2**


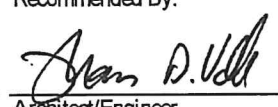
Make the following ~~additions~~, ~~modifications~~ or ~~deletions~~ (circle those that apply) to the work described in the Contract Documents:

Item	Description	Quantity	Unit	Unit Cost	Total
15	30" 90 Degree Bend	-1	EA	\$ 3,387.00	\$ (3,387.00)
16	30" 45 Degree Bend	-3	EA	\$ 4,569.00	\$ (13,707.00)
<b>Subtotal Deduct</b>					<b>\$ (17,094.00)</b>

Item	Description	Quantity	Unit	Unit Cost	Total
17	30" 22-1/2 Degree Bend	1	EA	\$ 4,457.00	\$ 4,457.00
18	30" 11-1/4 Degree Bend	1	EA	\$ 3,544.00	\$ 3,544.00
25	Asphalt Roadway Overlay	302	SY	\$ 16.80	\$ 5,073.60
CO2-1	30" Force Main Tie In @ TBWWTP	100%	LS	\$ 11,381.58	\$ 11,381.58
CO2-2	10" Force Main Tie In @ TBWWTP	100%	LS	\$ 9,097.00	\$ 9,097.00
<b>Subtotal Add</b>					<b>\$ 33,553.18</b>
<b>Total Add</b>					<b>\$ 16,459.18</b>

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

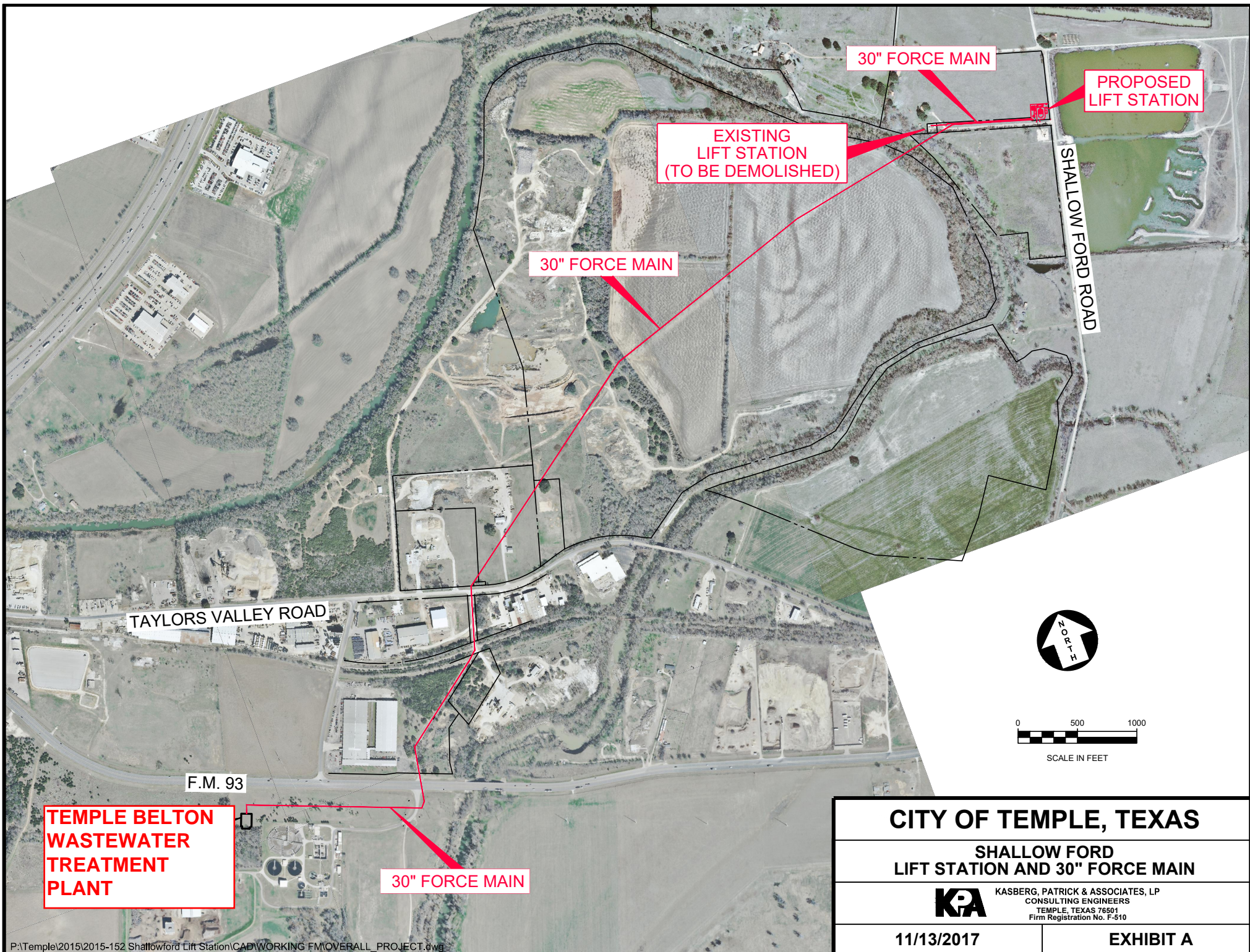
Original Contract Amount	\$ 2,771,771.30
Previous Net Change in Contract Amount	\$ 45,047.30
Net Change in Contract Amount	\$ 16,459.18
Revised Contract Amount	\$ 2,833,277.78
Original Contract Time	270 Days
Previous Net Change in Contract Time	10
Net Change in Contract Time	10
Revised Contract Time	280 days
Original Final Completion Date	June 1, 2019
Revised Final Completion Date	June 11, 2019

Recommended By:  5/3/19 Date  
 Project Manager (City Staff)  
 Recommended By:  4-26-19 Date  
 Architect/Engineer

Agreed To:  4/26/2019 Date  
 Contractor  
 Bruce Flanigan, President  
 Bruce Flanigan Construction, Inc.  
 Approved as to Form:  
 Approved by City of Temple:  
 Brynn Myers, City Manager Date

City Attorney's Office Date Finance Date





**TEMPLE BELTON  
WASTEWATER  
TREATMENT  
PLANT**

**30" FORCE MAIN**

**EXISTING  
LIFT STATION  
(TO BE DEMOLISHED)**

**30" FORCE MAIN**

**PROPOSED  
LIFT STATION**

**TAYLORS VALLEY ROAD**

**F.M. 93**

**SHALLOW FORD ROAD**



SCALE IN FEET

**CITY OF TEMPLE, TEXAS**

**SHALLOW FORD  
LIFT STATION AND 30" FORCE MAIN**



**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
TEMPLE, TEXAS 76501  
Firm Registration No. F-510

**11/13/2017**

**EXHIBIT A**



RESOLUTION NO. 2019-9676-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 2 WITH BRUCE FLANIGAN CONSTRUCTION, INC. OF BELTON, TEXAS IN THE AMOUNT OF \$16,459.18, FOR CONSTRUCTION OF THE SHALLOWFORD 30-INCH FORCE MAIN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, sewer overflows within the Bird Creek basin are problematic, and the City has a significant capital effort underway to address deteriorating sewer mains and interceptor pipes to reduce inflow, infiltration and overflows;

**Whereas**, in 2007, Council authorized a professional services agreement for engineering services related to the Bird Creek Interceptor, addressing significant issues within the basin and embarking upon a 10-year plan to address system needs;

**Whereas**, with further analysis of the projected flows and existing infrastructure, Kasberg, Patrick, & Associates, LP (“KPA”) has determined that an additional 30-inch force main is required from the new Shallowford Lift Station to the Temple-Belton Wastewater Treatment Plant;

**Whereas**, on December 17, 2015, Council authorized an agreement with KPA for professional services to relocate and expand the Shallowford Lift Station, and on June 16, 2016 Council authorized an agreement with KPA for design and bidding services for the additional Shallowford 30-inch Force Main;

**Whereas**, on August 16, 2018, Council authorized a construction contract with Bruce Flanigan Construction, Inc. (“BFC”) in the amount of \$2,771,771.30, for construction of the Shallowford 30-inch Force Main Improvements - on February 7, 2019, Council authorized Change Order No. 1 with BFC in the amount of \$45,047.30;

**Whereas**, Change Order No. 2 is necessary to reconcile item quantities and connect force mains at the Temple-Belton Wastewater Treatment Plant;

**Whereas**, the associated costs will increase the contract price to \$2,833,277.78, which is a 2.2% increase to the original contract amount;

**Whereas**, Staff and KPA recommend Council authorize Change Order No. 2 with Bruce Flanigan Construction, Inc. in the amount of \$16,459.18, for the construction of the Shallowford 30-inch Force Main;

**Whereas**, funds are available for this Change Order in Account No. 520-5900-535-6352, and Account No. 561-5400-535-6973, Project No. 101512; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute Change Order No. 2 with Bruce Flanigan Construction, Inc. of Belton, Texas in the amount of \$16,459.18, for construction of the Shallowford 30-inch Force Main.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #7(Q)  
Consent Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

Floyd Mitchell, Chief of Police

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a supplemental agreement with Axon Enterprise, Inc. of Scottsdale, Arizona, for additional digital police evidence management equipment in the amount of \$58,806 for a 53.5-month term.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** Authorization of this supplemental agreement with Axon Enterprise, Inc. (Axon) will outfit 11 additional police vehicles with the fully integrated digital evidence management solution.

On November 15, 2018, Council authorized a 57-month agreement with Axon in the amount of \$1,736,108.96, which equipped the Police Department with the following evidence management equipment and associated operating system: 103 digital in-car recording systems, nine interview room recording systems, and 155 officer body cameras. The original purchase inadvertently left out equipment for 11 police vehicles that were previously being used as test units for the Axon equipment. Accordingly, this proposed supplemental agreement adds the evidence management equipment to these 11 police vehicles. The proposed agreement is for a period of 53.5 months, and as such, it will terminate at the same time as the original agreement.

Even though the Axon solution is available for purchase under a BuyBoard contract, Staff is recommending the purchase of the Axon solution as single source procurement, which will enable the funding of the procurement to be more evenly spread over five fiscal years as follows:

FY 2019	\$ 6,534	
FY 2020		\$ 13,068
FY 2021		\$ 13,068
FY 2022		\$ 13,068
FY 2023		\$ 13,068
<b>TOTAL</b>		<b><u>\$ 58,806</u></b>

The Axon components that make up the unique integrated system are only manufactured and available for purchase from Axon.

**FISCAL IMPACT:** Axon has issued the City a credit in the amount of \$13,500 due to delays in the original implementation of the evidence management equipment and associated operating system. This credit will be partially applied to the amount due for the supplemental agreement in FY 2019. The remaining amount of the credit will be applied to FY 2020. The amounts for each fiscal year are shown below.

<b>Fiscal Year</b>	<b>Amount of Agreement</b>	<b>Credit</b>	<b>Net Amount Due</b>	<b>Licensing Period</b>	<b>Payment Due</b>
FY 19	\$ 6,534	\$ (6,534)	\$ -	08/01/2019 through 01/14/2020	9/1/2019
FY 20	\$ 13,068	\$ (6,966)	\$ 6,102	01/15/2020 through 01/14/2021	2/15/2020
FY 21	\$ 13,068	\$ -	\$ 13,068	01/15/2021 through 01/14/2022	2/15/2021
FY 22	\$ 13,068	\$ -	\$ 13,068	01/15/2022 through 01/14/2023	2/15/2022
FY 23	\$ 13,068	\$ -	\$ 13,068	01/15/2023 through 01/14/2024	2/15/2023
	<u>\$ 58,806</u>	<u>\$ (13,500)</u>	<u>\$ 45,306</u>		

**ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. 2019-9677-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SUPPLEMENTAL AGREEMENT WITH AXON ENTERPRISE, INC. OF SCOTTSDALE, ARIZONA, IN THE AMOUNT OF \$58,806 FOR ADDITIONAL DIGITAL POLICE EVIDENCE MANAGEMENT EQUIPMENT FOR A 53.5-MONTH TERM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, authorization of this supplemental agreement with Axon Enterprise, Inc. (Axon) will outfit 11 additional police vehicles with the fully integrated digital evidence management solution;

**Whereas**, on November 15, 2018, Council authorized a 57-month agreement with Axon in the amount of \$1,736,108.96, which equipped the Police Department with the following evidence management equipment and associated operating system:

- 103 digital in-car recording systems;
- 9 interview room recording systems; and
- 155 officer body cameras;

**Whereas**, the original purchase inadvertently left out equipment for 11 police vehicles that were previously being used as test units for the Axon equipment;

**Whereas**, the agreement will be for a period of 53.5 months, and as such, it will terminate at the same time as the original agreement;

**Whereas**, Staff recommends Council authorize the supplemental agreement and authorize a sole source purchase which will enable the funding of the procurement to be more evenly spread over five fiscal years;

**Whereas**, Axon has issued the City a credit in the amount of \$13,500 due to delays in the original implementation of the evidence management equipment and associated operating system - this credit will be partially applied to the amount due for the supplemental agreement in fiscal year 2019 and the remaining amount of the credit will be applied to fiscal year 2020; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a supplemental agreement with Axon Enterprise, Inc. of Scottsdale, Arizona, in the amount of \$58,806, for additional digital police evidence management equipment.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney





## **CITY COUNCIL AGENDA ITEM MEMORANDUM**

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06/06/19  
Item #7(R)  
Consent Agenda  
Page 1 of 1

**DEPT. / DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney  
Christina Demirs, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing release of a 0.67-acre waterline and wastewater line easement described in a Warranty Deed to W.J. Weltler, and wife, Willie M. Weltler, recorded in Vol. 3915, Pg. 278, Deed Records of Bell County, Texas, located generally at 2610 South Martin Luther King Jr. Drive.

**STAFF RECOMMENDATION:** Adopt resolution presented in item description.

**ITEM SUMMARY:** The applicant and developer, WBW Single Development Group, LLC—Series 104, requests the release of a waterline and wastewater line easement to proceed with platting the Pecan Creek subdivision.

The 0.67-acre tract is currently unplatted and is within the 135.25-acre tract that has been submitted as the preliminary plat for Pecan Creek and is currently under review by the Development Review Committee. The waterline and wastewater line easement is not needed since there are other utility easements currently in place and any additional easements that are needed to support utilities will be dedicated to the City during the platting process.

Staff has contacted all public and private service providers, including the Public Works Department, and confirmed that the easement may be released, as the providers' responses indicate there are no existing public facilities or utilities in the easement and there are no objections to releasing the easement because they are not needed for other public services.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Warranty Deed containing easement metes and bounds](#)  
[Pecan Creek Preliminary Plat \(showing area to be released\)](#)  
[Resolution](#)

## Warranty Deed

STATE OF TEXAS     §  
COUNTY OF BELL    §

KNOW ALL MEN BY THESE PRESENTS:

THAT the City of Temple, Texas, a municipal corporation, acting by and through its duly authorized agents, hereinafter referred to as GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration to the undersigned, paid by W.J. Weltler, and wife, Willie M. Weltler, of the County of Bell and State of Texas, hereinafter referred to as GRANTEE, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto the said GRANTEE, all of the following real property in Bell County, Texas, described in Exhibits "A" and "B," which are attached hereto and made a part hereof for all purposes as if written word for word herein for a complete legal description. GRANTOR expressly reserves easements for a 12 inch water transmission line and a 4 inch force sewer main as located on property described as Temple Tract 3 on Exhibit "A."

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said GRANTEE, its successors and assigns forever, and GRANTOR hereby bind itself, its executors and administrators, to WARRANT AND FOREVER DEFEND all and singular the said premises unto said GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 9<sup>th</sup> day of October, 1998.

THE CITY OF TEMPLE, TEXAS

  
By: KEIFER MARSHALL, JR., Mayor

VOL. 3915 PAGE 278



STATE OF TEXAS           §  
COUNTY OF BELL           §

BEFORE ME, the undersigned authority, on this day personally appeared Kelfer Marshall, Jr., Mayor of the City of Temple, Texas, known to me to be the person whose signature is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 9th day of October, 1998.

Clyette Entzinger  
Notary Public, State of Texas

APPROVED AS TO FORM AND CONTENT:

John Hunt  
City Attorney's Office



Return recorded document to:

W.J. WELTER  
1010 DAKOTA DR  
TEMPLE, TX 76504

VOL. 3915 PAGE 279

**RES**

April 10, 1998

EXHIBIT

A

**RONALD CARROLL SURVEYORS**  
5302 South 31st  
Temple, Texas 76502

Temple (817) 772-1447  
Killeen (817) 556-0911  
page 1 of 2

Field notes for Mr. W.J. Weltler for:

**CITY OF TEMPLE TRACT 3**

Part of the MAXIMO MORENO SURVEY, Abstract Number 14, situated in Temple, in Bell County, Texas, and embracing that portion of Old Taylor Road that was in use until 1997, north of a tract described in the deed to W.J. Weltler, et ux recorded in volume 3104, page 410 of the Bell County Deed Records, and being south of a tract described in the deed to Odell Geer Construction Company, Inc. recorded in volume 1732, page 201 of said Deed Records.

Beginning at a 1/2 inch iron rod found for the northeast corner of said Weltler tract, being the southeast corner of a tract described in the deed to Frank Harris recorded in volume 3666, page 104 of said Deed Records, being in the west right of way line of Old Taylor Road.

Thence south 74 degrees-20 minutes-45 seconds east across said Old Taylor Road and along a projected north line of said Weltler tract, 84-65/100 feet to a 5/8 inch iron rod set in the north line of said Old Taylor Road, being in the south line of said Geer tract.

Thence south 27 degrees east along said north line of Old Taylor Road and south line of Geer tract, 365-4/10 feet to a 5/8 inch iron rod found at the intersection of the west right of way line of M.L.K., Jr. Boulevard and Taylor Road, being the southwest corner of a tract described in the deed to the City of Temple recorded in volume 3488, page 696 of said Deed Records, and being in a curve to the right whose radius is 2560 feet.

Thence southeasterly along said west right of way line of M.L.K., Jr. Boulevard and said curve to the right, 170-12/100 feet to a 5/8 inch iron rod found for the south line of said Old Taylor Road, being in said east line of the Weltler tract, the long chord of said 170-12/100 feet arc is south 1 degree-56 minutes-42 seconds east 170-09/100 feet, from said 5/8 inch iron rod, a City of Temple Control Monument Number 30, being a concrete nail set in the top of a Texas Highway Department Concrete Monument in the north right of way line of State Highway Number 36, bears south no degrees-28 minutes-29 seconds west 4820-65/100 feet (surface distance).

Thence along said west right of way line of Old Taylor Road, for the east line of said Weltler tract: north 18 degrees-31 minutes-45 seconds west 59-17/100 feet to a 1/2 inch iron rod found for an angle point in said Weltler tract and Old Taylor Road, (deed call is north 16 degrees-25 minutes west); and north 26 degrees-53 minutes west 518-3/10 feet to the place of beginning and containing 0-67/100 of an acre, (deed call is north 24 degrees-41 minutes-45 seconds west).

VOL. 3915 PAGE 280



W. 39157ME 284

MAXIMO MORENO SURVEY, Abstract number 14

Volume 2104 . Pg. 410

303-18-55E 5715.65 (Surface Distance)  
to the City of Temple Monument Number 30

W. J. Walter

OLD TAYLOR ROAD N27W  
365 40 of an Acre  
Odell TRACT 4  
374-20-35E 1348

5/8" Iron rod  
Construction  
Volume 1732  
Company Pg. 201

City of Temple  
(New) M.L.K. Jr. BLVD. and TAYLOR ROAD  
Volume 3488 . Pg. 696

98 DEC 15 AM 11 38  
FILED FOR RECORD  
DEPUTY

043619

RCS

RONALD CARROLL SURVEYORS  
5302 South 31<sup>st</sup>  
Temple, TX 76502  
Temple (254) 773-1447  
Waco (254) 412-1447

April 10, 1998

Field Notes for Mr. W.J. Weltler for:

**CITY OF TEMPLE TRACT 4**

Part of the MAXIMO MORENO SURVEY, Abstract Number 14, situated in Temple, in Bell County, Texas, and embracing that portion of the tract described in the deed to Odell Geer Construction Company, Inc. recorded in volume 1732 page 201 of the Bell County Deed Records.

Commencing at a 5/8 inch iron rod found in the east right of way line of Old Taylor Road, that was in use until 1997, for the northwest corner of said Odell Geer Construction tract, being the southwest corner of a tract described in the deed to Sunbelt Transformer, Inc., a Texas Corporation recorded in volume 3501, page 26 of said Deed Records, from said 5/8 inch iron rod found, a City of Temple Control Monument Number 30, being a concrete nail set in the top of a Texas Highway Department Concrete Monument in the north right of way line of State Highway Number 36, bears south 03 degrees-18 minutes-55 seconds east 5715-85/100 feet (surface distance), and then run along said east line of Old Taylor Road for the west line of said Odell Geer tract, 438 feet to a 5/8 inch iron rod set of the northwest and beginning corner of the tract being described, (deed call is south 24 degrees-57 minutes east).

Thence south 74 degrees-20 minutes-45 seconds east 134-8/10 feet to a 5/8 inch iron rod set in the west right of way line of M.L.K., Jr. Boulevard and Taylor Road, being the west line of a tract described in the deed to the City of Temple recorded in volume 3488 page 696 of said Deed Records, and being in a curve to the right whose radius is 2560 feet.

Thence southeasterly along said west line of M.L.K., Jr. Boulevard and curve to the right, 291-58/100 feet to a 5/8 inch iron rod found for the southwest corner of said City of Temple tract, being at the intersection of said west line of M.L.K., Jr. Boulevard and Old Taylor Road, also being in the west line of said Odell Geer tract, the long chord of said 291-58/100 feet arc is south 07 degrees-06 minutes-42 seconds east 291-42/100 feet.

Thence north 27 degrees west along the east line of said Old Taylor Road for the west line of said Odell Geer tract, 365-4/10 feet to the place of beginning and containing 043/100 of an acre, (deed call is north 24 degrees-57 minutes west).

Basis of bearings is taken from the Texas State Plane Coordinate System. The coordinate value for the City of Temple Monument Number 30, as listed from the City of Temple Engineering Department Manual dated September 23, 1992 is NORTH = 519,075.35 and EAST = 2,938,791.56 in survey feet, NAD 1927, Central Zone. See attached 18 inch by 24 inch sketch that accompanies these field notes.

Surveyed April 10, 1998

RONALD CARROLL SURVEYORS

Ronald Carroll



oldtay4.fn

VOL. 3915 PAGE 283



VOL. 3915 PAGE 282

MAXIMO MORENO SURVEY, Abstract number 14

of us - Volume 3104, Pg. 410

W. J. Weller

1/2" iron rod

N26-53W

518 30

TRACT 3

365 40

OLD TAYLOR ROAD

S27E

524-57E by deed

Construction Company  
Volume 1732, Pg. 201

60' x 100'

5/8" iron rod

Odell

5/8" iron rod

5/8" iron rod

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50-20-25W 4820.65 (Section Distance)  
to the City of Temple Monument number 50

City of Temple  
(New)

Volume 3488, Pg. 696

M. L. K. Jr. BLVD. and TAYLOR ROAD

100' x 100'

1/2" iron rod

5/8" iron rod

5/8" iron rod

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5/8" iron rod

April 10, 1948

Page 2 of 2

**CITY OF TAMPA TRACT 1**

Notes of hearings is taken from the Tampa State Public Utilities System. The certificate value for the City of Tampa is shown, under 16, as listed from the City of Tampa Engineering Department Annual Report September 20, 1947 is shown as \$2,930,791.56 in survey book, this is the amount for the attached 16 inch by 26 inch sketch that accompanies these field notes.

Received April 10, 1948

RECEIVED CHIEF ENGINEER

RECEIVED CHIEF ENGINEER



RECEIVED CHIEF ENGINEER





CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C00	51.50'	41.51'	40.39'	S 08°01'27" E
C01	51.50'	41.51'	40.39'	S 54°12'05" E
C02	51.50'	41.51'	40.39'	N 79°57'16" E
C03	51.50'	41.51'	40.39'	N 33°26'37" E
C04	51.50'	19.30'	19.19'	N 00°22'53" W
C05	175.00'	44.67'	44.55'	N 03°48'19" W
C06	50.00'	40.42'	40.33'	S 10°07'26" W
C07	50.00'	21.64'	21.48'	N 29°17'18" E
C08	67.50'	37.79'	37.30'	N 27°12'43" E
C09	67.50'	42.77'	42.06'	N 06°58'43" W
C100	67.50'	44.59'	43.78'	N 44°03'21" W
C101	67.50'	43.02'	42.30'	N 81°14'22" W
C102	50.00'	18.80'	18.68'	N 87°10'08" W
C103	50.00'	2.85'	2.85'	N 74°46'04" W
C104	50.00'	0.79'	0.79'	N 72°39'40" W
C105	50.00'	20.86'	20.71'	N 60°15'38" W
C106	67.50'	38.28'	37.73'	N 62°59'11" W
C107	67.50'	44.59'	43.78'	S 81°51'08" W
C108	67.50'	44.59'	43.78'	S 44°00'10" W
C109	67.50'	40.73'	40.12'	S 07°47'24" W
C110	50.00'	16.61'	16.53'	S 01°34'42" W
C111	50.00'	5.04'	5.03'	N 13°58'46" E
C112	20.00'	31.42'	28.28'	N 61°52'33" E
C113	20.00'	31.42'	28.28'	S 28°07'27" E
C114	20.00'	31.42'	28.28'	S 61°52'33" W
C115	20.00'	31.42'	28.28'	N 28°07'27" W
C116	20.00'	31.42'	28.28'	S 61°52'33" W
C117	50.00'	21.64'	21.48'	N 60°24'42" W
C118	67.50'	29.84'	29.60'	N 59°24'53" W
C119	67.50'	37.28'	36.81'	N 87°54'04" W
C120	67.50'	36.95'	36.49'	S 60°35'49" W
C121	67.50'	38.40'	37.88'	S 28°57'15" W
C122	67.50'	35.71'	35.55'	S 01°22'44" W
C123	50.00'	21.64'	21.48'	N 04°27'48" E
C124	50.00'	21.64'	21.48'	S 29°17'19" W
C125	67.50'	28.14'	27.94'	S 31°18'21" W
C126	67.50'	37.74'	37.25'	S 03°20'42" W
C127	67.50'	36.95'	36.49'	S 28°21'06" E
C128	67.50'	37.94'	37.44'	S 60°07'58" E
C129	67.50'	27.41'	27.22'	S 87°51'58" E
C130	50.00'	21.64'	21.48'	S 85°32'12" E
C131	275.00'	47.49'	47.43'	S 85°10'38" E
C132	255.00'	80.89'	80.68'	N 65°59'34" W
C133	20.00'	31.42'	28.28'	N 28°07'27" W
C134	20.00'	31.42'	28.28'	N 61°52'33" E
C135	20.00'	31.42'	28.28'	S 28°07'27" E
C136	44.00'	30.47'	29.87'	N 38°10'03" E
C137	44.00'	35.41'	34.85'	S 71°56'12" W
C138	57.50'	48.67'	47.23'	S 39°12'19" W
C139	57.50'	35.28'	34.73'	S 02°37'11" E
C140	57.50'	35.41'	34.85'	S 37°50'16" E
C141	57.50'	35.41'	34.85'	S 73°07'02" E
C142	57.50'	35.41'	34.85'	S 71°56'12" W
C143	57.50'	35.41'	34.85'	N 36°19'26" E
C144	57.50'	48.56'	47.13'	S 05°30'28" E
C145	44.00'	5.25'	5.25'	N 27°40'25" W
C146	44.00'	30.47'	29.87'	N 04°24'56" W
C147	20.00'	31.42'	28.28'	N 61°52'33" E
C148	20.00'	31.42'	28.28'	S 28°07'27" E
C149	20.00'	31.42'	28.28'	S 61°52'33" W
C150	20.00'	31.42'	28.28'	N 28°07'27" W
C151	20.00'	31.42'	28.28'	N 61°52'33" E
C152	20.00'	31.42'	28.28'	S 28°07'27" E
C153	20.00'	31.42'	28.28'	S 61°52'33" W
C154	20.00'	31.42'	28.28'	N 28°07'27" W
C155	20.00'	31.42'	28.28'	N 61°52'33" E
C156	20.00'	31.42'	28.28'	N 29°20'13" W
C157	20.00'	31.42'	28.28'	N 60°39'47" E
C158	50.00'	21.64'	21.48'	N 61°52'33" E
C159	67.50'	36.89'	36.43'	N 63°37'07" W
C160	67.50'	95.72'	87.90'	N 60°06'06" E
C161	67.50'	48.47'	47.43'	S 80°09'21" W
C162	67.50'	47.29'	46.29'	S 39°15'44" W
C163	67.50'	35.57'	35.16'	N 04°22'59" E
C164	50.00'	21.64'	21.48'	N 03°15'02" E
C165	50.00'	3.19'	3.19'	S 17°30'03" W
C166	67.50'	43.15'	42.41'	S 29°54'04" W
C167	67.50'	48.47'	47.43'	S 29°33'34" W
C168	67.50'	49.57'	48.46'	S 15°09'19" E
C169	67.50'	26.99'	26.81'	N 89°15'25" E
C170	50.00'	21.64'	21.48'	S 86°44'58" E
C171	2560.00'	135.29'	135.28'	S 08°51'03" E
C172	2560.00'	130.97'	130.95'	S 01°40'39" E
C173	2560.00'	133.28'	133.28'	S 01°40'39" E
C174	2560.00'	130.97'	130.95'	S 01°40'39" E
C175	2560.00'	133.28'	133.28'	S 01°40'39" E
C176	2560.00'	130.97'	130.95'	S 01°40'39" E
C177	2560.00'	133.28'	133.28'	S 01°40'39" E

C64	2560.00'	746.82'	744.18'	S 02°00'27" E	16°42'53"
C65	300.00'	78.37'	78.15'	N 65°38'24" W	14°58'06"
C66	25.00'	39.27'	35.36'	N 28°07'27" W	90°00'00"
C67	25.00'	39.27'	35.36'	N 61°52'33" E	90°00'00"
C68	150.00'	26.63'	26.60'	S 68°02'16" E	10°10'21"
C69	25.00'	39.27'	35.36'	N 61°52'33" E	90°00'00"
C70	25.00'	39.27'	35.36'	S 28°07'27" E	90°00'00"
C71	25.00'	39.27'	35.36'	N 29°20'13" W	90°00'00"
C72	25.00'	39.27'	35.36'	N 60°39'47" E	90°00'00"
C73	44.50'	19.55'	19.39'	N 85°42'25" W	25°10'05"
C74	44.50'	16.99'	16.89'	S 70°46'05" W	21°52'54"
C75	57.50'	41.47'	40.57'	S 80°29'09" W	41°19'05"
C76	57.50'	37.15'	36.50'	N 60°20'53" W	37°00'52"
C77	57.50'	39.08'	38.33'	N 22°22'11" W	38°56'33"
C78	57.50'	37.60'	36.93'	N 15°49'59" E	37°27'47"
C79	57.50'	39.08'	38.33'	N 54°02'10" E	38°56'33"
C80	57.50'	36.24'	35.64'	S 88°26'15" E	36°06'39"
C81	57.50'	44.46'	43.37'	N 48°13'43" W	44°18'25"
C82	44.50'	13.64'	13.58'	S 34°51'15" E	17°33'27"
C83	44.50'	22.91'	22.65'	S 58°22'45" E	29°29'32"
C84	20.00'	31.42'	28.28'	N 28°07'27" W	90°00'00"
C85	20.00'	31.42'	28.28'	N 61°52'33" E	90°00'00"
C86	20.00'	31.42'	28.28'	S 28°07'27" E	90°00'00"
C87	175.00'	51.66'	51.48'	S 25°28'07" E	16°54'55"
C88	175.00'	33.42'	33.37'	N 30°23'52" E	10°56'34"
C89	51.50'	26.79'	26.49'	S 29°58'01" W	29°48'16"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 58°09'21" E	83.42'
L2	N 57°23'12" E	57.00'
L3	N 58°09'21" W	83.34'
L4	S 73°07'22" E	81.62'
L5	S 62°57'06" E	23.04'
L6	N 57°23'12" E	57.03'
L7	N 62°57'06" W	52.30'
L8	N 73°07'22" W	38.90'

CURVE TABLE

### LEGEND

AE

BM

DA

DE

ELEV

NTS

NO

RE

REV

TBM

TYP

OHE

UUE

ACCESS EASEMENT

BENCHMARK

DRAINAGE AREA

DRAINAGE EASEMENT

ELEVATION

NOT TO SCALE

NUMBER

REFERENCE

REVISION

TEMPORARY BENCHMARK

TYPICAL

OVERHEAD OR UNDERGROUND EASEMENT

UNDERGROUND UTILITY EASEMENT

LOTS WITH MIN FFE (SEE NOTE 3)

1/2" IRON ROD FOUND

1/2" IRON ROD W/ CAP MARKED "CORNER, 1852" SET

CHANGE IN BEARING

-INDICATES POSITIVE OVERFLOW SWALE

REQUIRED BETWEEN HOUSES

REV.

DESCRIPTION

DATE

BY

2

UPDATED PER CITY COMMENTS

2/10/2019

TJJ

1

ORIGINAL RELEASE

01/17/2019

TWF

PROJECT NUMBER: LPT0

CLIENT NAME: WBW SINGLE DEVELOPMENT GROUP, LLC - SERIES 104

CLIENT LOCATION: KILLEEN, TX

TOTAL SIZE: 135.25 ACRES

TOTAL BLOCKS: 10

TOTAL LOTS: 523

TOTAL TRACTS: 6

GRAPHIC SCALE

0 200' 400' 600'

0 1" 2" 3"

IN FEET

BENCHMARK

TEMPLE CITY MONUMENT NO. 1052 D

TEXAS STATE PLANE COORDINATE SYSTEM, NAD1983 DATUM, TEXAS CENTRAL ZONE NO. 4203

N: 10562827.20

E: 3233619.96

Z: 664.21' (NAVD88-Geoid12A)

PRELIMINARY PLAT

PECAN CREEK

TEMPLE, BELL COUNTY, TEXAS

Yalgo, LLC

3000 Illinois Ave., Suite 100

Killeen, TX 76543

PH (254) 953-5353

FX (254) 953-5057

Texas Registered Engineering Firm # 10264

Texas Registered Surveying Firm 10194095

SHEET

2

OF

2

PRINTED ON April 4, 2019



RESOLUTION NO. 2019-9678-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ABANDONMENT OF AN APPROXIMATELY 0.67-ACRE WATERLINE AND WASTEWATER LINE EASEMENT DESCRIBED IN A WARRANTY DEED TO W.J. WELTLER, AND WIFE, WILLIE M. WELTLER, RECORDED IN VOL. 3915, PG. 278, DEED RECORDS OF BELL COUNTY, TEXAS, LOCATED GENERALLY AT 2610 SOUTH MARTIN LUTHER KING JR. DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the applicant and developer, WBW Single Development Group, LLC—Series 104, requests the abandonment of a waterline and wastewater line easement to proceed with platting the Pecan Creek subdivision;

**Whereas**, the approximately 0.67-acre tract is currently unplatted and is within the 135.25-acre tract that has been submitted as the preliminary plat for Pecan Creek and is currently under review by the Development Review Committee - the waterline and wastewater line easement is not needed since there are other utility easements currently in place and any additional easements that are needed to support utilities will be dedicated to the City during the platting process;

**Whereas**, Staff contacted all public and private utility service providers, including the Public Works Department, and confirmed that the easement may be abandoned, as the providers' responses indicated there are no existing public facilities or utilities in the easement and there are no objections to releasing the easement because they are not needed for other public services; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this abandonment.

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

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City of Temple, Texas authorizes the abandonment of an approximately 0.67-acre waterline and wastewater line easement described in a Warranty Deed to W.J. Weltler, and wife, Willie M. Weltler, recorded in Vol. 3915, Pg. 278, Deed Records of Bell County, Texas, located generally at 2610 South Martin Luther King Jr. Drive, and more particularly described in Exhibit A.

**Part 3:** Upon request, the City of Temple will provide a copy of this Resolution and any other evidence of abandonment of the utility easement, which may be reasonably required.



**Part 4:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney

STATE OF TEXAS           §

COUNTY OF BELL §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Timothy A. Davis, Mayor of the City of Temple, Texas.

\_\_\_\_\_  
Notary Public, State of Texas

**Return Recorded Document to:**

*City Attorney's Office  
2 North Main Street, Suite 308  
Temple, TX 76501*



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #7(S)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Kenny Henderson, Transportation Director  
Belinda Mattke, Director of Purchasing & Facility Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an increase in the FY2019 estimated expenditures from \$100,000 to \$300,000 for aggregate base purchases from Heartland Quarries, LLC dba Heartland Aggregates of Austin.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** On September 6, 2018, Council authorized an annual contract renewal for FY2019 for the purchase of aggregate base with Superior Crushed Stone (now known as Heartland Aggregates) at a cost of \$11.50 per ton for delivered base and \$5.50 per ton for base picked up by City staff. When Staff submitted their anticipated usage for FY2019, they did not account for the reconstruction of Mouser Road using City crews, which will require the usage of approximately 20,000 tons of aggregate base during FY2019 (20,000 tons x \$11.50/ton = \$230,000).

The annual contract with Heartland Aggregates is structured as a 'unit price' contract to allow for flexibility based on needs of the City. Accordingly, no change order is required to the executed with Heartland Aggregates. However, Staff desires to acknowledge to Council that expenditures under this contract have exceeded the estimated annual expenditures which were previously disclosed.

**FISCAL IMPACT:** Funding for the increased expenditure under the aggregate base annual purchase agreement with Heartland Aggregates is available in various departmental accounts. Funding for the Mouser Road project is available in account 795-9500-531-6317, project 101928.

**ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. 2019-9679-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INCREASE IN THE ESTIMATED EXPENDITURES WITH HEARTLAND QUARRIES, LLC DBA HEARTLAND AGGREGATES OF AUSTIN, TEXAS FROM \$100,000 TO \$300,000, FOR AGGREGATE BASE FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on September 6, 2018, Council authorized an annual purchase agreement renewal for fiscal year 2019 for the purchase of aggregate base with Superior Crushed Stone (now known as Heartland Aggregates) at a cost of \$11.50 per ton for delivered base and \$5.50 per ton for base picked up by City staff;

**Whereas**, when Staff submitted their anticipated usage for fiscal year 2019, they did not account for the reconstruction of Mouser Road using City crews, which will require the usage of approximately 20,000 tons of aggregate base during fiscal year 2019;

**Whereas**, the annual contract with Heartland Aggregates is structured as a 'unit price' contract to allow for flexibility based on needs of the City - accordingly, no change order is required, however, Staff desires to acknowledge to Council that expenditures under this contract have exceeded the estimated annual expenditures which were previously disclosed;

**Whereas**, Staff recommends that Council authorize an increase in the estimated expenditures with Heartland Quarries, LLC dba Heartland Aggregates of Austin, Texas from \$100,000 to \$300,000, for aggregate base for fiscal year 2019;

**Whereas**, funding for the increased expenditure under the aggregate base annual purchase agreement with Heartland Aggregates is available in various departmental accounts - funding for the Mouser Road project is available in Account No. 795-9500-531-6317, Project No. 101928; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council authorizes an increase in the estimated expenditures with Heartland Quarries, LLC dba Heartland Aggregates of Austin, Texas from \$100,000 to \$300,000, for aggregate base for fiscal year 2019.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #7(T)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kevin Beavers, CPRP, Director of Parks and Recreation

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of resale food items for Sammons Golf Course for FY 2019 in the estimated amount of \$35,000 from Ben E. Keith of Temple.

**STAFF RECOMMENDATION:** Adopt resolution as presented in the item description.

**ITEM SUMMARY:** Authorization of the purchase of an estimated of \$35,000 in resale food items from Ben E. Keith will fulfill the food sale demand for the remainder of fiscal year 2019.

Per the Local Government Code 252.022(a) (14), goods purchased for subsequent retail sale are exempt from competitive bidding. Accordingly, no competitive bidding is required related to these food item purchases. However, staff carefully shops products with various vendors to achieve the best value.

**FISCAL IMPACT:** Funding for the purchase of the resale food items for Sammons Golf Course is available in account 110-3130-551-27-21.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9680-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF RESALE FOOD ITEMS FOR SAMMONS GOLF COURSE IN THE ESTIMATED AMOUNT OF \$35,000, FROM BEN E. KEITH OF TEMPLE, TEXAS FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, authorization of the purchase of an estimated \$35,000 in resale food items from Ben E. Keith will fulfill the food sale demand for the remainder of fiscal year 2019;

**Whereas**, per the Local Government Code 252.022(a)(14), goods purchased for subsequent retail sale are exempt from competitive bidding and therefore no competitive bidding is required related to these food item purchases, however, Staff carefully shops products with various vendors to achieve the best value for the City;

**Whereas**, funds are available for this purchase in Account No. 110-3130-551-2721; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council authorizes the purchase of resale food items for Sammons Golf Course in the estimated amount of \$35,000, from Ben E. Keith of Temple, Texas for fiscal year 2019 and authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.



PASSED AND APPROVED this the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #7(U)  
Consent Agenda  
Page 1 of 3

### **DEPT. / DIVISION SUBMISSION & REVIEW:**

Lynn Barrett, Assistant Director of Planning

**ITEM DESCRIPTION:** SECOND READING – FINAL HEARING – FY-19-13-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development Single Family Two on a 118.560 +/- acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas.

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning as shown on the site development plan to Planned Development Single Family Two (PD-SF2) on both tracts, except for a PD-GR rezoning on the 1.661 +/- acre section shown along Hartrick Bluff, pending a final City Council voluntary annexation approval on May 16, 2019. The original request was for a PD on the property allowing some potential GR along Hartrick Bluff Road. However, after the original request was publicly noticed, the applicant amended their request to PD GR for 1.66-acres and PD SF-2 for the remaining acreage.

### **PD Conditions:**

For Residential Single-Family Development PD-SF-2:

1. 100% Masonry to include brick, stone and cementitious siding
2. At least two evergreen bushes
3. At least one tree per single family residence
4. Minimum sod turf grass on all front yards
5. 20-foot front yard setback
6. Corner lot side setbacks (street side) of ten feet
7. Lot dimensions to follow SF-2 except 40-foot minimum lot width on cul-de-sac and knuckles due to configuration of streets
8. Up to 10% by acreage may be developed as single family attached as PD-SFA-3

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their April 15, 2019 meeting, the Planning & Zoning Commission voted 8 to 0 with 1 abstention to recommend approval of the rezoning to PD-GR per staff's recommendation.

**ITEM SUMMARY:** This request for rezoning is proposed to immediately follow City Council approval of the voluntary annexation ordinance on the property requested by the owner, Short Term Lending GP, LLC.



The applicant is proposing a residential subdivision for the property, with the exception of the 1.661 acres immediately surrounding an existing barn along Hartrick Bluff that could be purposed as a community meeting or market area. Originally, the applicant had requested a PD-GR designation for the property, but subsequently decided on only a small portion to be PD-GR, with the balance PD-SF2 and provided field notes for the division. The subject property is entirely within the Academy School District boundary.

Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

On March 18<sup>th</sup>, March 21<sup>st</sup>, and April 1<sup>st</sup>, the DRC met to discuss the proposal.

**SURROUNDING PROPERTY AND USES:** The surrounding property is also in the ETJ and is agricultural and rural illustrating a rural land use pattern.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliant?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Partial
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan    STP = Sidewalk and Trails Plan

**Future Land Use and Character Plan (FLUP) (CP Map 3.1)**

Agricultural/rural was shown as the dominant future land use for this area. However, as a future extension of the development patterns in the fast-growing southern area of the city, this PD provides a hybrid mixture of single-family homes and the potential of up to 10% of single family attached residential units.

**Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance**

Hartrick Bluff is shown as a collector on the Thoroughfare and Trails Map, with no nearby trails illustrated.

**Availability of Public Facilities (CP Goal 4.1)**

Water is available along Hartrick Bluff, but future water and waste water line extensions will be necessary to serve the development.

UDC, Section 3.4 Planned Development

A Planned Development is defined as:

“A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.”

**DEVELOPMENT REGULATIONS:** The development site plan will provide the development and dimensional standards for this development.

**PUBLIC NOTICE:** Ten courtesy notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property, all of whom reside in the city's ETJ.

**FISCAL IMPACT:** Not applicable.

**ATTACHMENTS:**

[Site Plan](#)

[Location Map](#)

[Future Land Use Map](#)

[Site and Surrounding Property Photos](#)

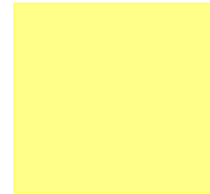
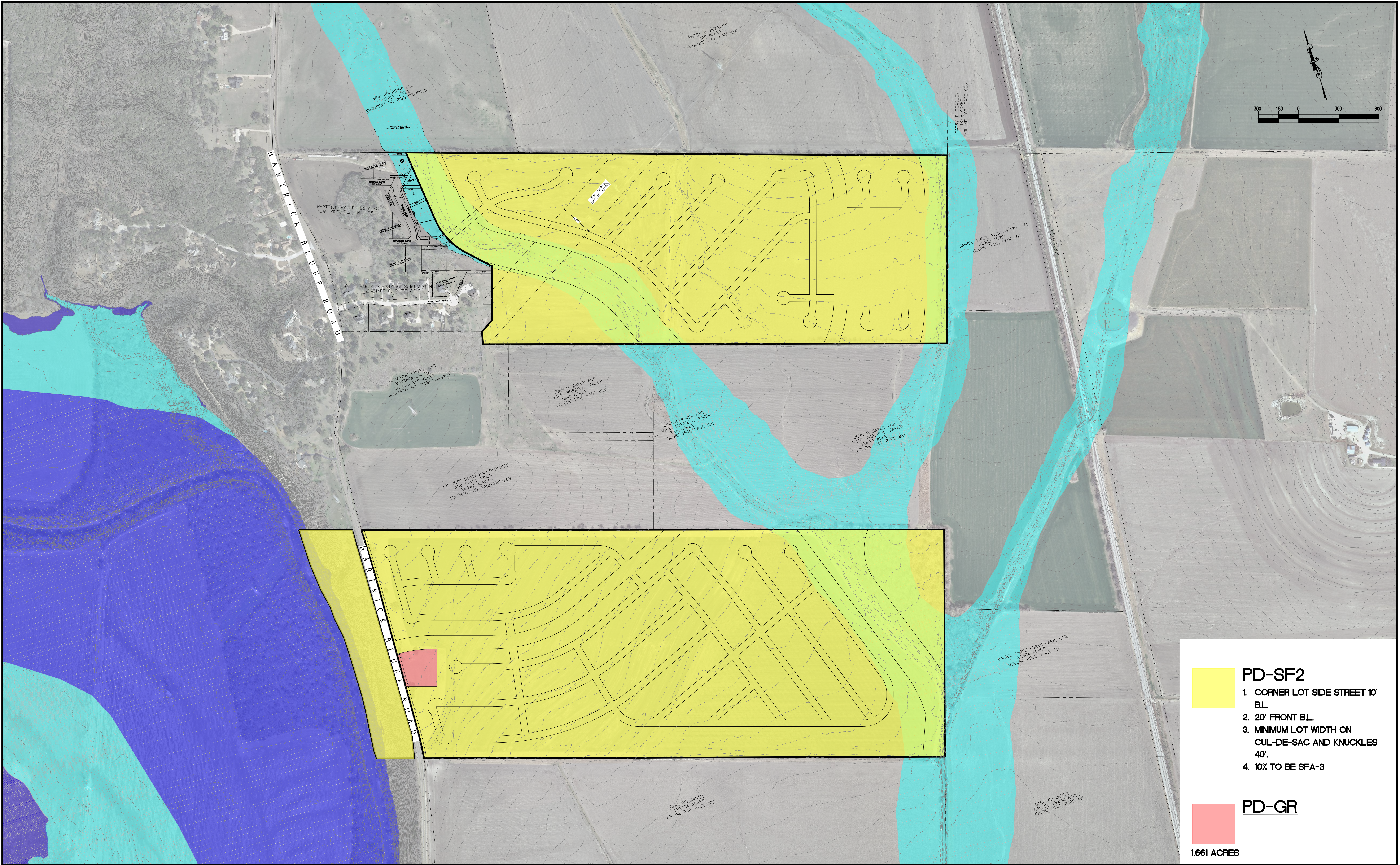
[Thoroughfare & Trails Map](#)

[Notification Map](#)

[Excerpts from Planning and Zoning Meeting 4/15/19](#)

[Ordinance](#)





**PD-SF2**

- 1. CORNER LOT SIDE STREET 10' B.L.
- 2. 20' FRONT B.L.
- 3. MINIMUM LOT WIDTH ON CUL-DE-SAC AND KNUCKLES 40'.
- 4. 10% TO BE SFA-3



**PD-GR**

1.661 ACRES

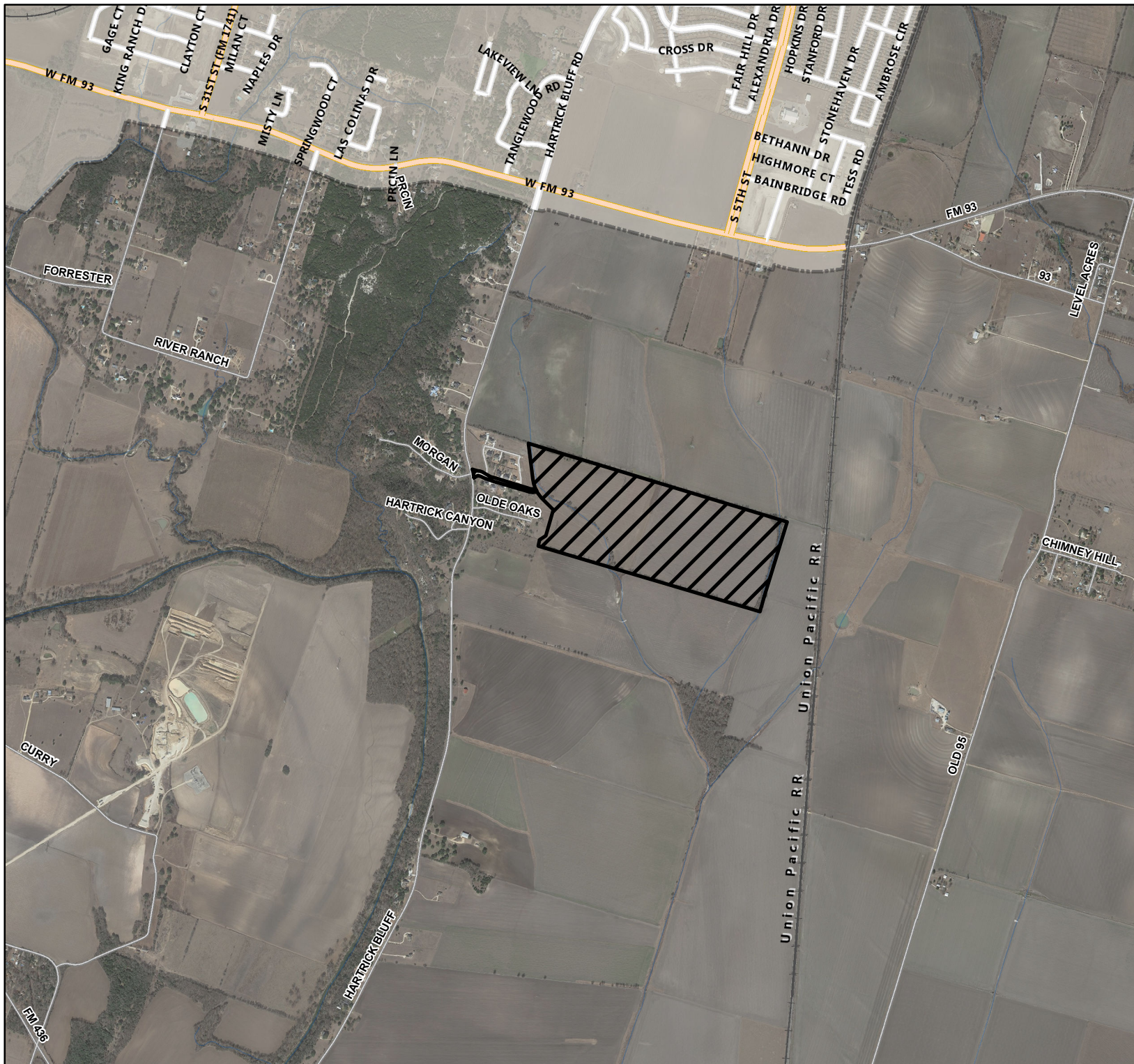



















## Annexation

### AERIAL MAP

FY-19-2-ANX

## Hartrick Ranch Estates



-  FY-19-2-ANX
-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Railroad
-  Temple Municipal Boundary
-  WaterAreas
-  WaterLines
-  Park Areas
-  Bell County Streets
-  Bell County Municipal Boundaries
-  TempleBoundary
-  Bell County Boundary

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

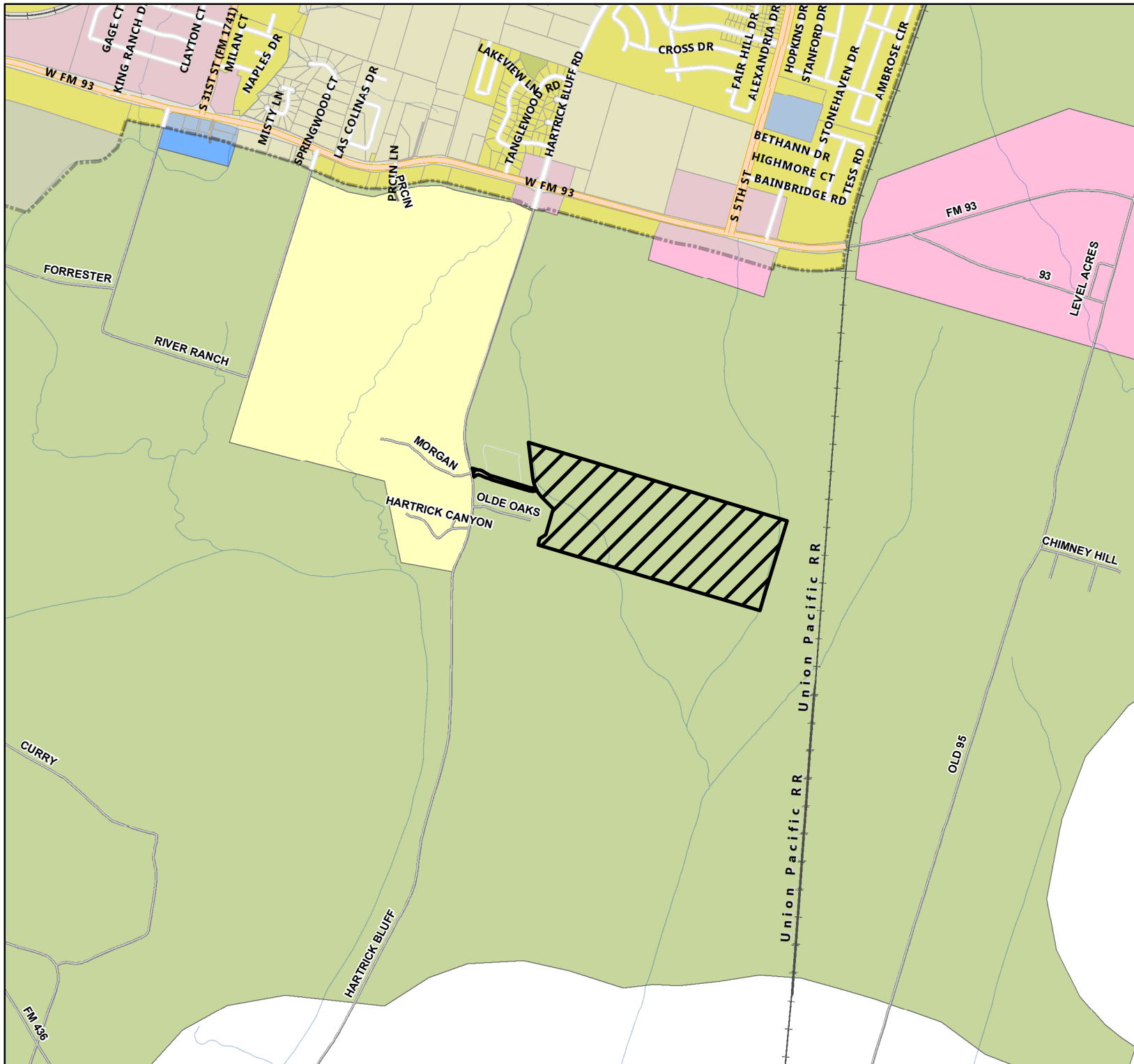




# Annexation FUTURE LAND USE MAP

FY-19-2-ANX

Hartrick Ranch Estates



- FY-19-2-ANX
- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Railroad
- Temple Municipal Boundary
- Water Areas
- Water Lines
- Park Areas
- Bell County Streets
- Bell County Municipal Boundaries
- Temple Boundary
- Bell County Boundary
- Future LUP**
  - Agricultural/Rural
  - Auto-Urban Commercial
  - Auto-Urban Mixed Use
  - Auto-Urban Multi-Family
  - Auto-Urban Residential
  - Business Park
  - Estate Residential
  - Industrial
  - Neighborhood Conservation
  - Parks & Open Space
  - Public Institutional
  - Suburban Commercial
  - Suburban Residential
  - Temple Medical Education District
  - Urban Center

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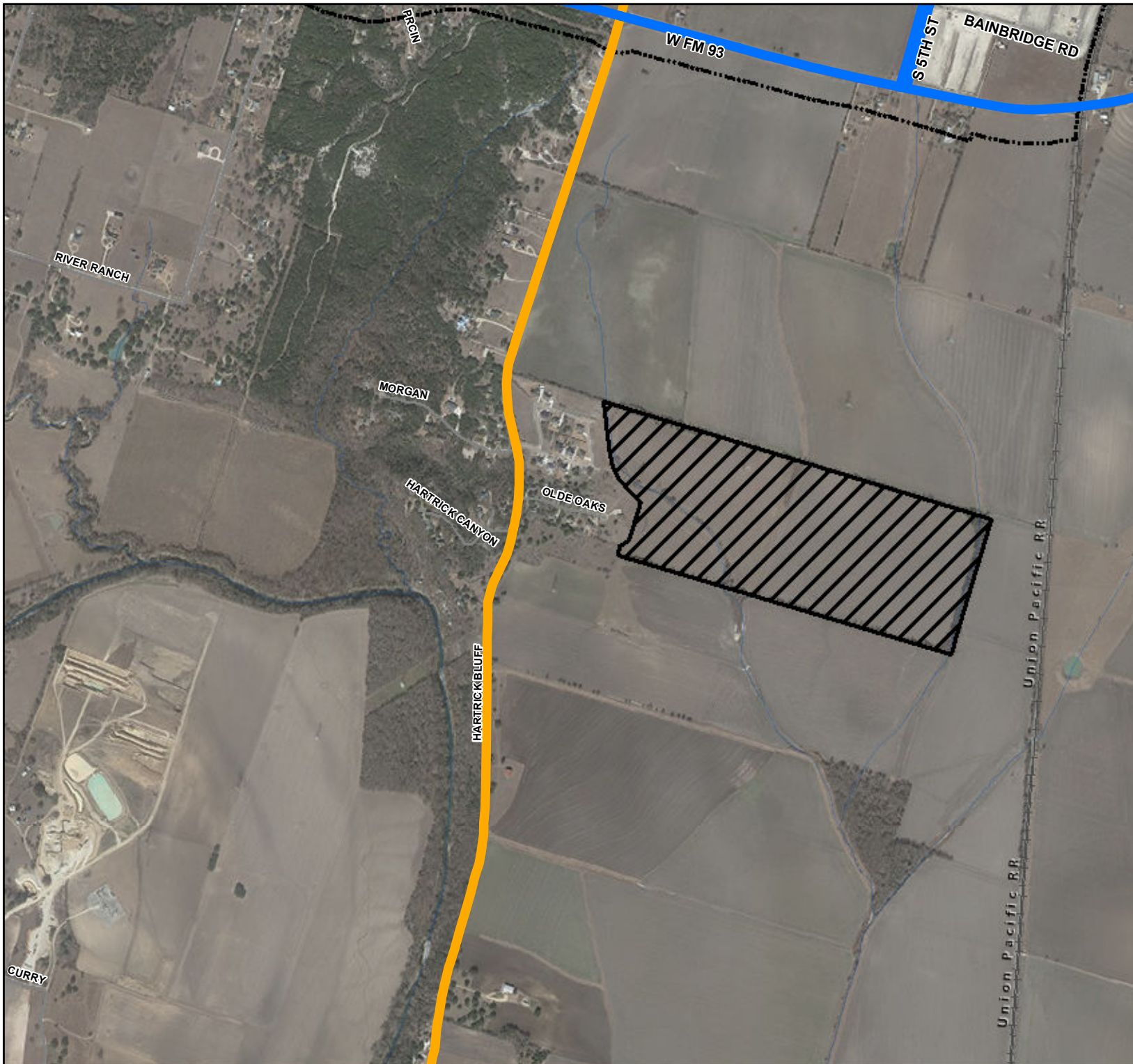


SITE PHOTOS FY-19-13-ZC









# THOROUGHFARE AND TRAILS MAP

Zoning Case:

FY-19-13-ZC

Hartrick Bluff Estates

## Trails Masterplan

- EXISTING, CITY WIDE SPINE
- EXISTING, COMMUNITY WIDE CONNECTOR
- EXISTING, LOCAL CONNECTOR
- PROPOSED, CITY WIDE SPINE
- PROPOSED, COMMUNITY WIDE CONNECTOR
- PROPOSED, LOCAL CONNECTOR

## Thoroughfare Plan

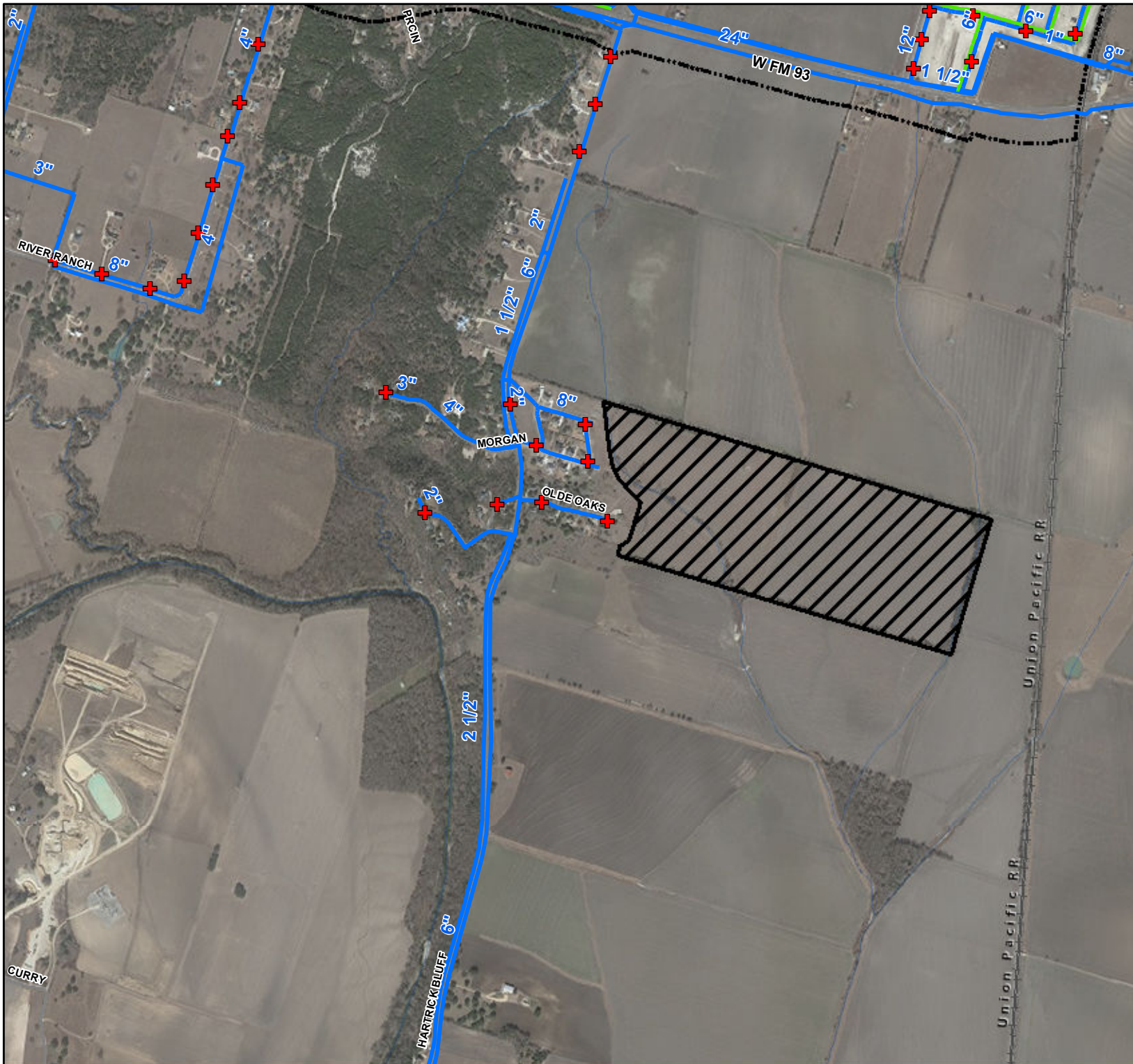
### CLASS

- Expressway
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector
- Park Area
- Municipal Boundary
- FY-19-9-ZC

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# UTILITY MAP

: S

FY-19-13-ZC

Hartrick Bluff Estates



- + Hydrant
- Sanitary Sewer
- Production.SDE.ssPressurizedMain
- Water Main
- Park Area
- Municipal Boundary
- FY-19-9-ZC

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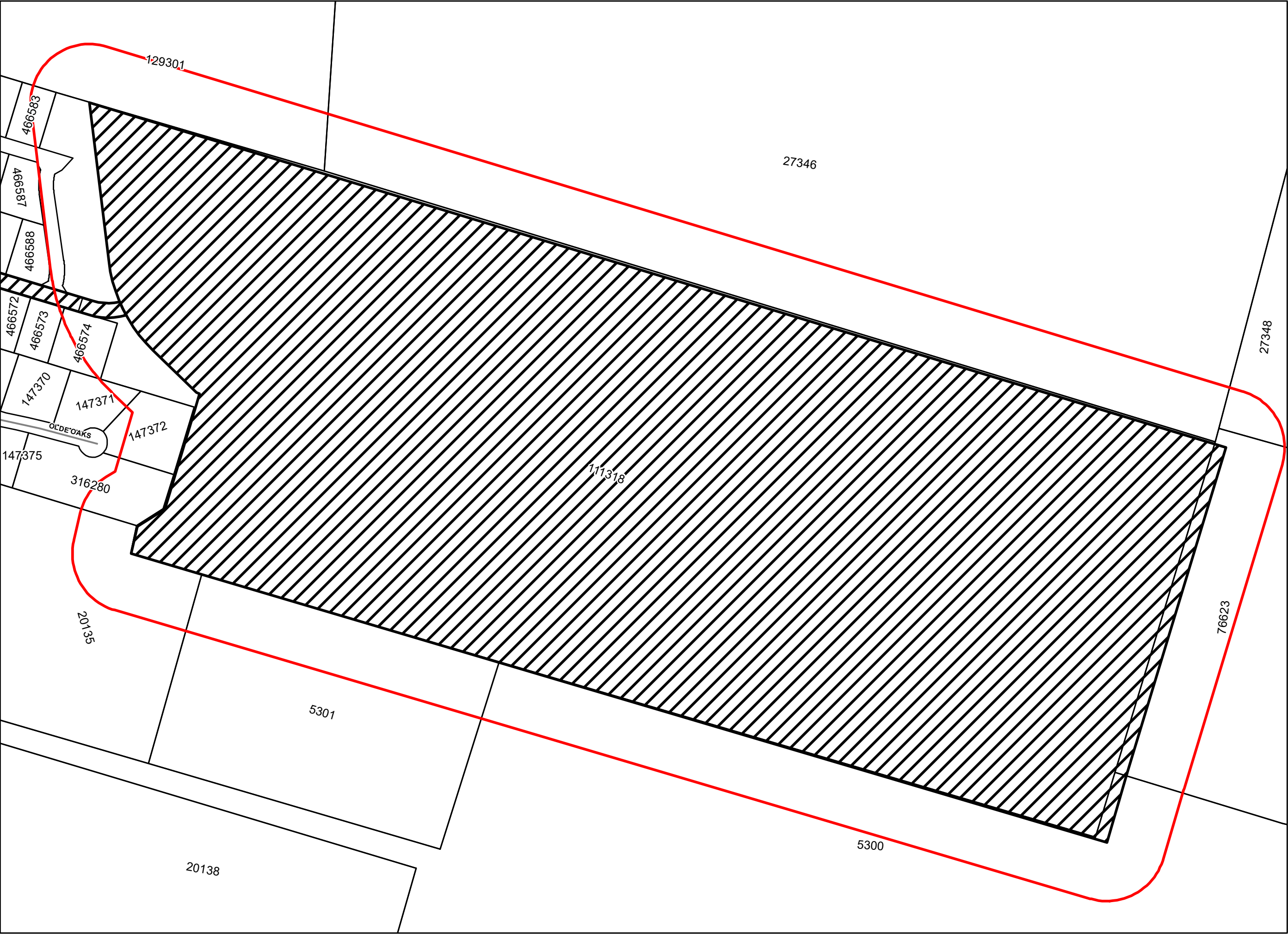


Annexation  
NOTIFICATION MAP

FY-19-2-ANX  
Hartrick Ranch Estates

 200' Courtesy Notification  
 FY-19-2-ANX

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.





**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, APRIL 15, 2019  
ACTION ITEMS**

**Item 2: FY-19-9-ZC** – Hold a public hearing to discuss and recommend action for a rezoning (contingent upon voluntary annexation) from Agricultural (AG) zoning district to Planned Development General Retail (PD-GR) zoning district on a 160.047 +/- acre tract, and a 12.541 +/- acre tract situated in the Maximo Moreno Survey, Abstract No.14, Bell County, Texas, located south of FM 93 and along and east of Hartrick Bluff Road, Temple, Texas.

**Item 3: FY-19-13-ZC** – Hold a public hearing to discuss and recommend action for a rezoning (contingent upon voluntary annexation) from Agricultural (AG) zoning district to Planned Development Single Family Two (PD-SF-2) on a 118.560 +/- acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas.

Ms. Lynn Barrett, Assistant Director of Planning, stated these items are rezoning requests presented together and both cases are scheduled to go to City Council for first reading on May 16, 2019 and second reading on June 6, 2019.

Location maps of both subject properties with proposed voluntary street right-of-way (ROW) annexations shown.

Both items involve pending voluntary annexation cases, and the annexation schedule is as follows:

- Petitions approved per Resolution No. 2019-9573-R and No. 2019-9574-R by City Council on February 21, 2019 to develop Municipal Service Plans on these properties. Both resolutions were reviewed by all relevant departments and no issues were found.
- First Public Hearing—Municipal Service Plans on April 4, 2019.
- Second Public Hearing-Municipal Service Plans on April 5, 2019.
- First Reading for Annexation Ordinances will be on the May 2, 2019 City Council Meeting.
- Second Reading for Annexation Ordinances will be on the May 16, 2019 City Council Meeting.

Both properties are in the Academy Independent School District.

Item 2 developer proposes Single Family Residential uses and requests an option to add single family attached units on up to ten percent of the site and PD-GR for 1.66 acres around existing barn structure on the property for potential use as a market for retail or a community center area.

Item 2 aerial map shown.

Item 3 developer proposes Planned Development (PD) for single family residential uses; requests option to add single family attached units on up to ten percent of site.

Item 2 site and area photos shown.

Item 3 site and area photos shown.

Future Land Use Map shown for both subject properties was shown and found to be in partial compliance for both PD sites and the surrounding ETJ areas.

Utility Map shown for both subject properties and found to be in partial compliance.

Waterlines are adjacent to the subject properties; however, water and wastewater line extensions will be required to serve the development.

Thoroughfare and Trails Map shown for both subject properties and found to be in compliance.

Hartrick Bluff Road is a Collector, and Haymarket Drive will be a local street upon annexation.

No nearby existing or future trails are shown on the current Trails Map.

Ms. Barrett reviewed the Unified Development Code (UDC), Section 3.4 definition of a PD as follows:

- “A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.”
- Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

Development Site Plan shown for both subject properties.

PD Conditions for both Rezoning Cases for Residential Single-Family Development PD-SF-2 are as follows:

1. 100% masonry to include brick, stone and cementitious siding



2. At least two evergreen bushes
3. At least one tree per single family residence
4. Minimum sod turf grass on all front yards
5. Twenty-foot front yard setback
6. Minimum Corner lot side setback (street side) of ten feet
7. Lot dimensions to follow SF-2 except forty foot minimum lot width on cul-de-sac and knuckles due to configuration of street
8. Up to ten percent by acreage may be developed as single family attached as PD-SFA-3

An additional PD Condition was requested by the applicant for Item 3 FY-19-13-ZC:

9. On the approximately eighteen acres extending from the northwest edge of the power line easement traversing the property north and west to the northwest corner of the property, lots will be a minimum of 75 feet in width, in order to more closely match the existing larger lot homes in subdivisions in the area.

PD Condition Nine shown on aerial map.

Twenty-five courtesy notices in ETJ were mailed, and the newspaper notice was printed April 4, 2019, in accordance with state law and local ordinance.

Staff recommends approval of the rezoning requests:

1. FY-19-9-ZC to PD-SF2 and PD-GR on 1.66 +/-, and
2. FY-19-13-ZC to PD-SF2;

With the previously mentioned conditions and with the Site Development Plan as presented pending final approval of the voluntary annexation cases for each property.

Chair Langley opened the public hearing.

Speaker, developer and applicant Mr. John Kiella, 1122 White Rock Drive, Temple Texas, explained possible uses for the barn as a market area that residents could easily walk to.

There being no further speakers, the public hearing was closed.

Commissioner Armstrong made a motion to approve Item 2, **FY-19-9-ZC**, based on an amended request and site development plan submitted by the applicant for PD-GR zoning on 1.66+/- acres of the 160.047+/- tract and for PD-SF-2 on the remaining portion of said tract and the 12.541+/-acre tract and per staff recommendation, and Commissioner Fettig made a second.

*Motion passed: (8:0:1)*

Commissioner Jeanes abstained.

Commissioner Wright made a motion to approve Item 3, **FY-19-13-ZC**, per staff recommendation, and Commissioner Alaniz made a second.

*Motion passed: (8:0:1)*

Commissioner Jeanes abstained.



ORDINANCE NO. 2019-4969  
(FY-19-13-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT SINGLE FAMILY TWO ZONING DISTRICT, ON AN APPROXIMATELY 118.560 ACRE TRACT SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS; LOCATED SOUTH OF FM 93 AND EAST OF HARTRICK BLUFF ROAD, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the applicant, Short Term Lending GP, LLC, is the owner of an approximately 118.560 acre tract south of FM 93 and east of Hartrick Bluff Road that is currently zoned Agricultural and the applicant is proposing a residential subdivision for the property;

**Whereas,** the applicant has requested a Planned Development – Single Family Two zoning designation for the property;

**Whereas,** the Planning and Zoning Commission of the City of Temple, Texas, after due consideration to the planned development conditions, recommends approval of the rezoning from Agricultural zoning district to Planned Development- Single Family Two zoning district, on an approximately 118.560 acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas, as outlined in the map attached hereto as Exhibit ‘A,’ and made a part hereof for all purposes, and subject to the following conditions:

For Residential Single-Family Development PD-SF-2:

- 100% Masonry to include brick, stone and cementitious siding;
- At least 2 evergreen bushes;
- At least 1 tree per single family residence;
- Minimum sod turf grass on all front yards;
- 20-foot front yard setback;
- Corner lot side setbacks (street side) of 10 feet;
- Lot dimensions to follow SF-2 except 40-foot minimum lot width on cul-de-sac and knuckles due to configuration of streets;
- Up to 10% by acreage may be developed as single family attached as PD-SFA-3;
- On the approximately 18 acres extending from the northwest edge of the power line easement traversing the property north and west to the northwest corner of the property, lots will be a minimum of 75 feet in width, in order to more closely match the existing larger homes in subdivisions in the area; and

**Whereas,** the City Council has considered the matter and deems it in the public interest to authorize this action.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**Part 2:** The City Council approves of the rezoning from Agricultural zoning district to Planned Development-Single Family Two zoning district, on an approximately 118.560 acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes, and subject to the following conditions:

**For Residential Single-Family Development PD-SF-2:**

- 100% Masonry to include brick, stone and cementitious siding;
- At least 2 evergreen bushes;
- At least 1 tree per single family residence;
- Minimum sod turf grass on all front yards;
- 20-foot front yard setback;
- Corner lot side setbacks (street side) of 10 feet;
- Lot dimensions to follow SF-2 except 40-foot minimum lot width on cul-de-sac and knuckles due to configuration of streets;
- Up to 10% by acreage may be developed as single family attached as PD-SFA-3;
- On the approximately 18 acres extending from the northwest edge of the power line easement traversing the property north and west to the northwest corner of the property, lots will be a minimum of 75 feet in width, in order to more closely match the existing larger homes in subdivisions in the area; and

**Part 3:** The City Council approves the Site Development Plan attached hereto as Exhibit 'B,' and made a part hereof for all purposes.

**Part 4:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

**Part 5:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council



without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 6:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 7:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **16<sup>th</sup>** day of **May**, 2019.

PASSED AND APPROVED on Second Reading on the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Charla Thomas  
Assistant City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #7(V)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2018-2019 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$4,485,077.

**ATTACHMENTS:**

[Budget Amendments](#)  
[Resolution](#)



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2019 BUDGET**  
**June 6, 2019**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-4000-555-2225		Capital < \$5,000 / Books & Periodicals	\$ 1,000	
110-0000-314-1917		Reserve for MacGregor Trust Funds		\$ 1,000
To appropriate MacGregor Trust Funds for the purchase of history books.				
240-4400-551-2725		Cost of Goods Sold / Alcoholic Beverages	\$ 9,500	
240-0000-445-1072		Civic Center / Alcoholic Beverages - Cash Sales		\$ 9,500
To appropriate additional revenue and expenditure related to sale of alcoholic beverages at Mayborn.				
110-3540-552-2214		Capital < \$5,000 / Buildings & Grounds	\$ 6,164	
110-2400-519-2311		Repair & Maintenance / Buildings & Grounds		\$ 6,164
To reallocate funding from Facility Services for the painting and carpet replacement at Hillcrest Cemetery.				
110-1100-513-2514		Other Services / Travel & Training	\$ 1,100	
110-4100-551-2514		Other Services / Travel & Training		\$ 1,100
To reallocate travel & training funding for staff who moved from PARD Administration to Marketing & Communications effective 05/03/19.				
110-3281-551-2112		Supplies / Food Items/Supplies	\$ 827	
110-3281-551-2129		Supplies / Advertising/Marketing	\$ 533	
110-3281-551-2311		Repair & Maintenance / Buildings & Grounds	\$ 1,801	
110-3281-551-2511		Other Services / Printing/Publications	\$ 1,639	
110-3281-551-2572		Other Services / Obsolete Inventory	\$ 10	
110-3281-551-2615		Contracted Services / Equipment - Rent/Lease	\$ 974	
110-3281-551-2623		Contracted Services / Other Contracted Services	\$ 15,147	
110-3281-551-2713		Cost of Goods Sold / Miscellaneous Merchandise	\$ 241	
110-0000-445-1521		Recreational Services / Ticket Sales		\$ 21,172
To appropriate additional revenue and expenditures related to Bloomin' Temple Festival held on April 26 through April 28.				
365-2800-532-6810	102029	Capital - Bonds / Traffic Signals - Pedestrian Signal on South 5th Street @ Lions Junction	\$ 46,141	
365-3100-551-6984	101771	Capital - Bonds / Green Improvements - Sammons Golf Course		\$ 1,618
365-3400-531-6315	101827	Capital - Bonds / Sidewalk/Curb/Gutter - South 5th Street Sidewalk Cost Sharing Agreement		\$ 2,657
365-3400-531-6813	101121	Capital - Bonds / Outer Loop - Phase IIIB		\$ 41,866
To reallocate funding for the design and construction of a pedestrian signal on 5th Street at Lions Junction Family Water Park.				
365-3400-531-6860	101874	Capital - Bonds / South Pea Ridge Road Improvements (Design/ROW)	\$ 1,375,000	
365-2200-522-6776	101886	Capital - Bonds / Fire Engines - Replacement of 2004 Spartan (Upgrade to Quint)	\$ 973,500	
365-2200-522-6776	101896	Capital - Bonds / Fire Engines - Medium Rescue Apparatus	\$ 376,500	
365-1500-515-6536		Capital - Bonds / Contingency - Compensation	\$ 110,000	
365-3400-531-6532		Capital - Bonds / Contingency - Projects	\$ 1,565,000	
365-3400-531-6888	101606	Capital - Bonds / Kegley Road Improvements - Phase II		\$ 4,400,000
To reallocate TCIP bond proceeds to align project readiness. Utility relocation delays have pushed construction on Kegley Road, Phase II into a future year thus allowing funding for projects currently underway based on an intent to reimburse.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 4,485,077</b>	<b>\$ 4,485,077</b>

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2019 BUDGET**  
June 6, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>GENERAL FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	100,000
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	100,000
		Beginning <b>Judgments &amp; Damages</b> Contingency	\$	279,725
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		(19,201)
		Net Balance of Judgments & Damages Contingency Account	\$	260,524
		Beginning <b>Compensation</b> Contingency	\$	285,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(285,000)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Council Contingency</b>	\$	360,524
		Beginning Balance <b>Budget Sweep</b> Contingency	\$	-
		Added to Budget Sweep Contingency		-
		Taken From Budget Sweep		-
		Net Balance of Budget Sweep Contingency Account	\$	-
		<b>WATER &amp; WASTEWATER FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	219,446
		Added to Contingency Sweep Account		-
		Taken From Contingency		(116,392)
		Net Balance of Contingency Account	\$	103,054
		Beginning <b>Compensation</b> Contingency	\$	54,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(54,000)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Water &amp; Wastewater Fund Contingency</b>	\$	103,054
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Compensation</b> Contingency	\$	16,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(13,279)
		Net Balance of Compensation Contingency Account	\$	3,221
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	3,221
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	336,406
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		(120,190)
		Net Balance of Contingency Account	\$	216,216
		Beginning <b>Compensation</b> Contingency	\$	10,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(9,520)
		Net Balance of Compensation Contingency Account	\$	980
		<b>Net Balance Drainage Fund Contingency</b>	\$	217,196
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year		34,641
		Added to Contingency Sweep Account		9,024
		Taken From Contingency		(43,665)
		<b>Net Balance Fed/State Grant Fund Contingency</b>	\$	-



RESOLUTION NO. 2019-9681-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2018-2019 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on the 24<sup>th</sup> day of August, 2018, the City Council approved a budget for the 2018-2019 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2018-2019 City Budget.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council hereby amends the 2018-2019 City Budget by adopting the budget amendments which are more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6<sup>th</sup> day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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06/06/19  
Item #8  
Regular Agenda  
Page 1 of 3

### **DEPT. / DIVISION SUBMISSION & REVIEW:**

Lynn Barrett, Assistant Director of Planning

**ITEM DESCRIPTION:** SECOND READING – FINAL HEARING – FY-19-9-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development General Retail zoning district on a 160.047 +/- acre tract and a 12.541 +/- acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and along and east of Hartrick Bluff Road, Temple, Texas.

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning as shown on the site development plan to Planned Development Single Family Two (PD-SF2) on both tracts, except for a PD-GR rezoning on the 1.661 +/- acre section shown along Hartrick Bluff, pending a final City Council voluntary annexation approval on May 16, 2019. The original request was for a PD on the property allowing some potential GR along Hartrick Bluff Road. However, after the original request was publicly noticed, the applicant amended their request to PD GR for 1.66-acres and PD SF-2 for the remaining acreage.

### **PD Conditions:**

#### **For Residential Single-Family Development PD-SF-2:**

1. 100% Masonry to include brick, stone and cementitious siding
2. At least two evergreen bushes
3. At least one tree per single family residence
4. Minimum sod turf grass on all front yards
5. 20-foot front yard setback
6. Corner lot side setbacks (street side) of ten feet
7. Lot dimensions to follow SF-2 except 40-foot minimum lot width on cul-de-sac and knuckles due to configuration of streets
8. Up to 10% by acreage may be developed as single family attached as PD-SFA-3

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their April 15, 2019 meeting, the Planning & Zoning Commission voted 8 to 0 with 1 abstention to recommend approval of the rezoning to PD SF-2 and PD-GR per staff's recommendation.

**ITEM SUMMARY:** This request for rezoning is proposed to immediately follow City Council approval of the voluntary annexation ordinance on the property requested by the owner, Short Term Lending GP, Inc.



The applicant is proposing a residential subdivision for the property, with the exception of the 1.661 acres immediately surrounding an existing barn along Hartrick Bluff that could be purposed as a community meeting or market area. Originally, the applicant had requested a PD-GR designation for the property, but subsequently decided on only a small portion to be PD-GR, with the balance PD-SF2 and provided field notes for the division. The subject property is entirely within the Academy School District boundary.

Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

On March 18<sup>th</sup>, March 21<sup>st</sup>, and April 1<sup>st</sup>, the DRC met to discuss the proposal.

**SURROUNDING PROPERTY AND USES:** The surrounding property is also in the ETJ and is agricultural and rural illustrating a rural land use pattern.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliant?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Partial
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

*CP = Comprehensive Plan    STP = Sidewalk and Trails Plan*

**Future Land Use and Character Plan (FLUP) (CP Map 3.1)**

Agricultural/rural was shown as the dominant future land use for this area. However, as a future extension of the development patterns in the fast-growing southern area of the city, this PD provides a hybrid mixture of single-family homes and the potential of up to 10% of single family attached residential units.

**Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance**

Hartrick Bluff is shown as a collector on the Thoroughfare and Trails Map, with no nearby trails illustrated.

Availability of Public Facilities (CP Goal 4.1)

Water is available along Hartrick Bluff, but future water and waste water line extensions will be necessary to serve the development.

UDC, Section 3.4 Planned Development

A Planned Development is defined as:

“A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.”

**DEVELOPMENT REGULATIONS:** The development site plan will provide the development and dimensional standards for this development.

**PUBLIC NOTICE:** Ten courtesy notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property, all of whom reside in the city's ETJ.

**FISCAL IMPACT:** Not applicable.

**ATTACHMENTS:**

[Site Plan](#)

[Location Map](#)

[Future Land Use Map](#)

[Site and Surrounding Property Photos](#)

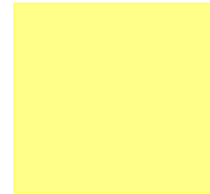
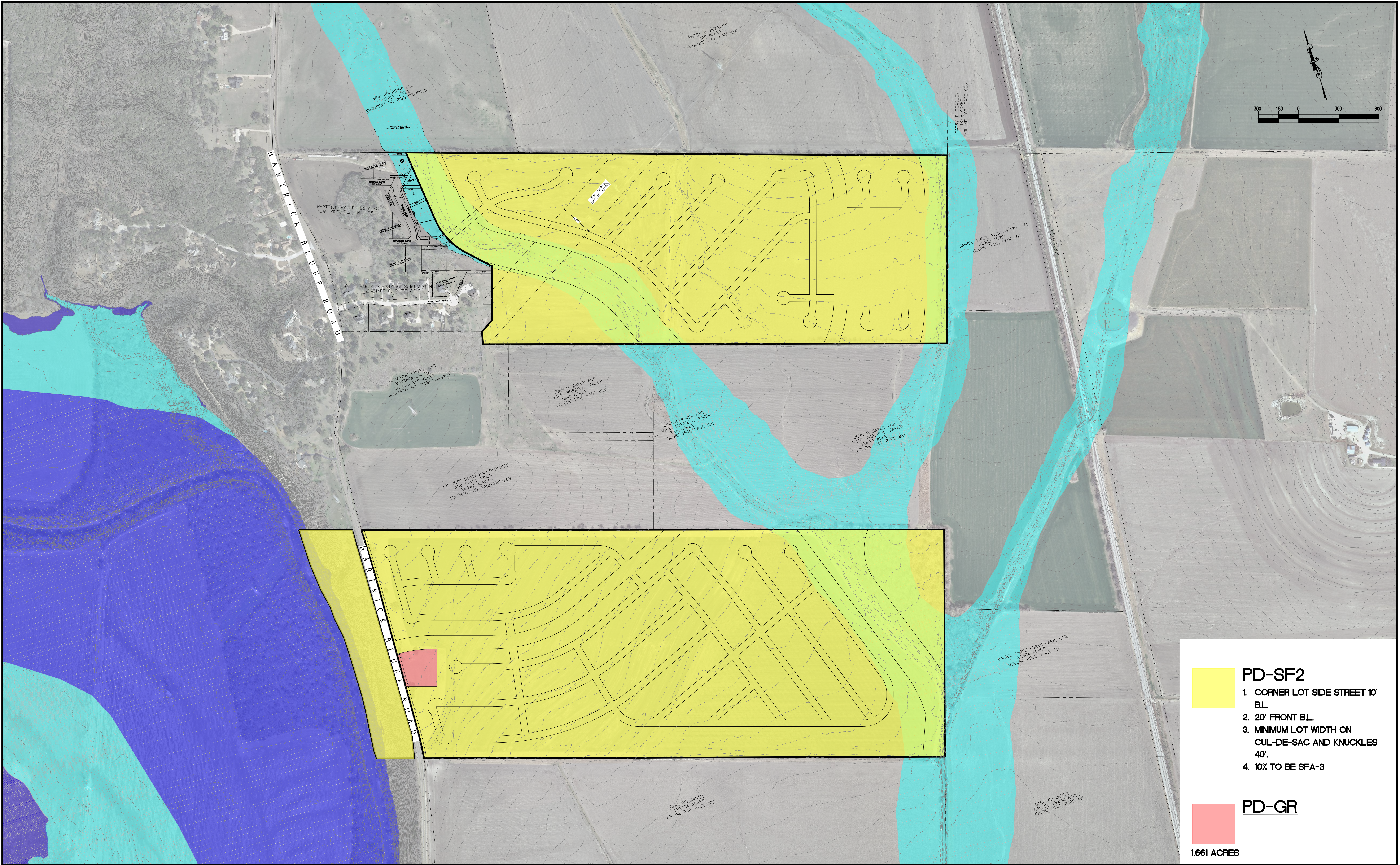
[Thoroughfare & Trails Map](#)

[Notification Map](#)

[Excerpts from Planning and Zoning Meeting 4/15/19](#)

[Ordinance](#)





**PD-SF2**

- 1. CORNER LOT SIDE STREET 10' B.L.
- 2. 20' FRONT B.L.
- 3. MINIMUM LOT WIDTH ON CUL-DE-SAC AND KNUCKLES 40'.
- 4. 10% TO BE SFA-3



**PD-GR**

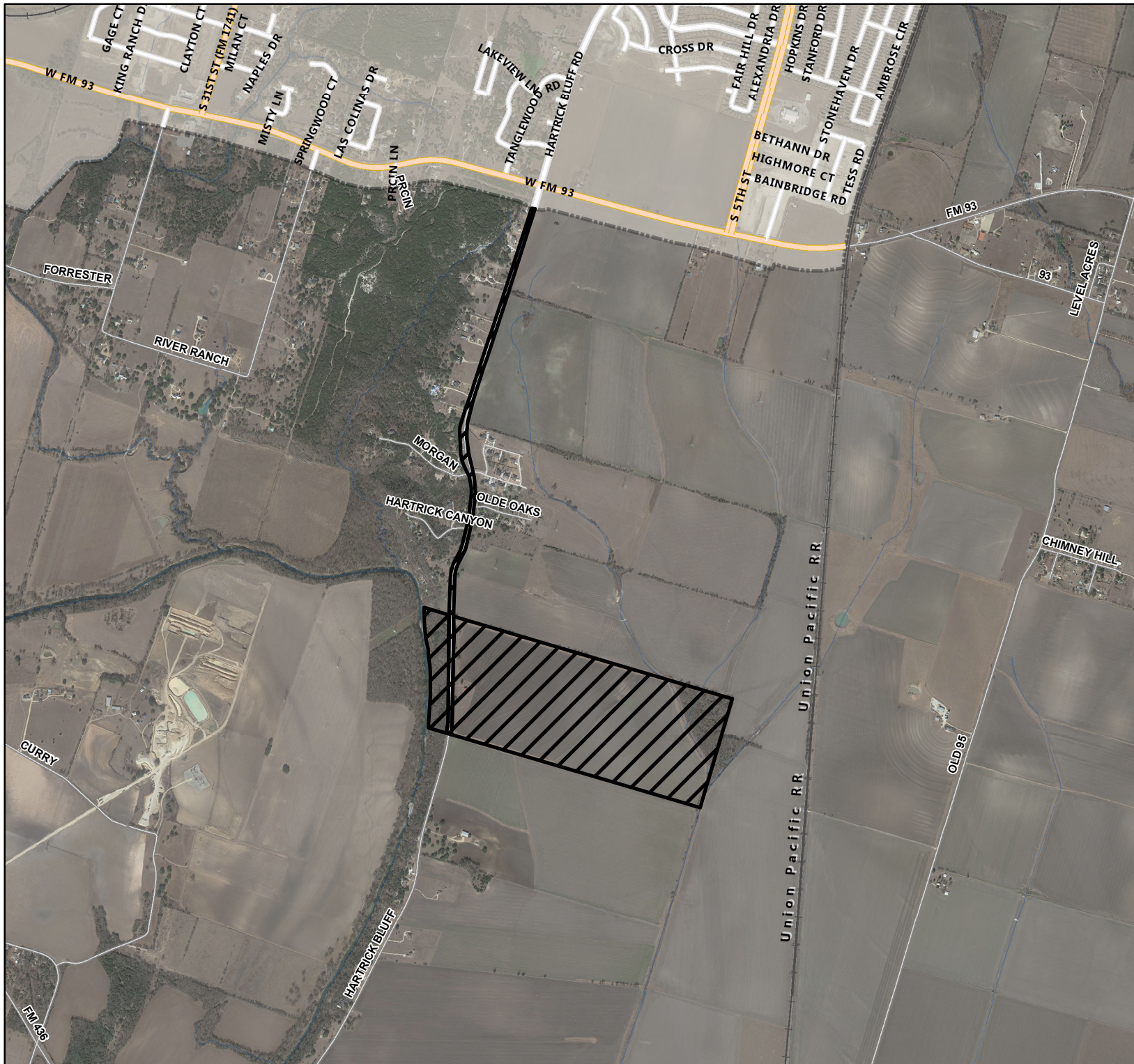
1.661 ACRES



# Annexation AERIAL MAP

FY-19-1-ANX

Hartrick Ranch Estates



- FY-19-1-ANX
- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Railroad
- Temple Municipal Boundary
- Water Areas
- Water Lines
- Park Areas
- Bell County Streets
- Bell County Municipal Boundaries
- Temple Boundary
- Bell County Boundary

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

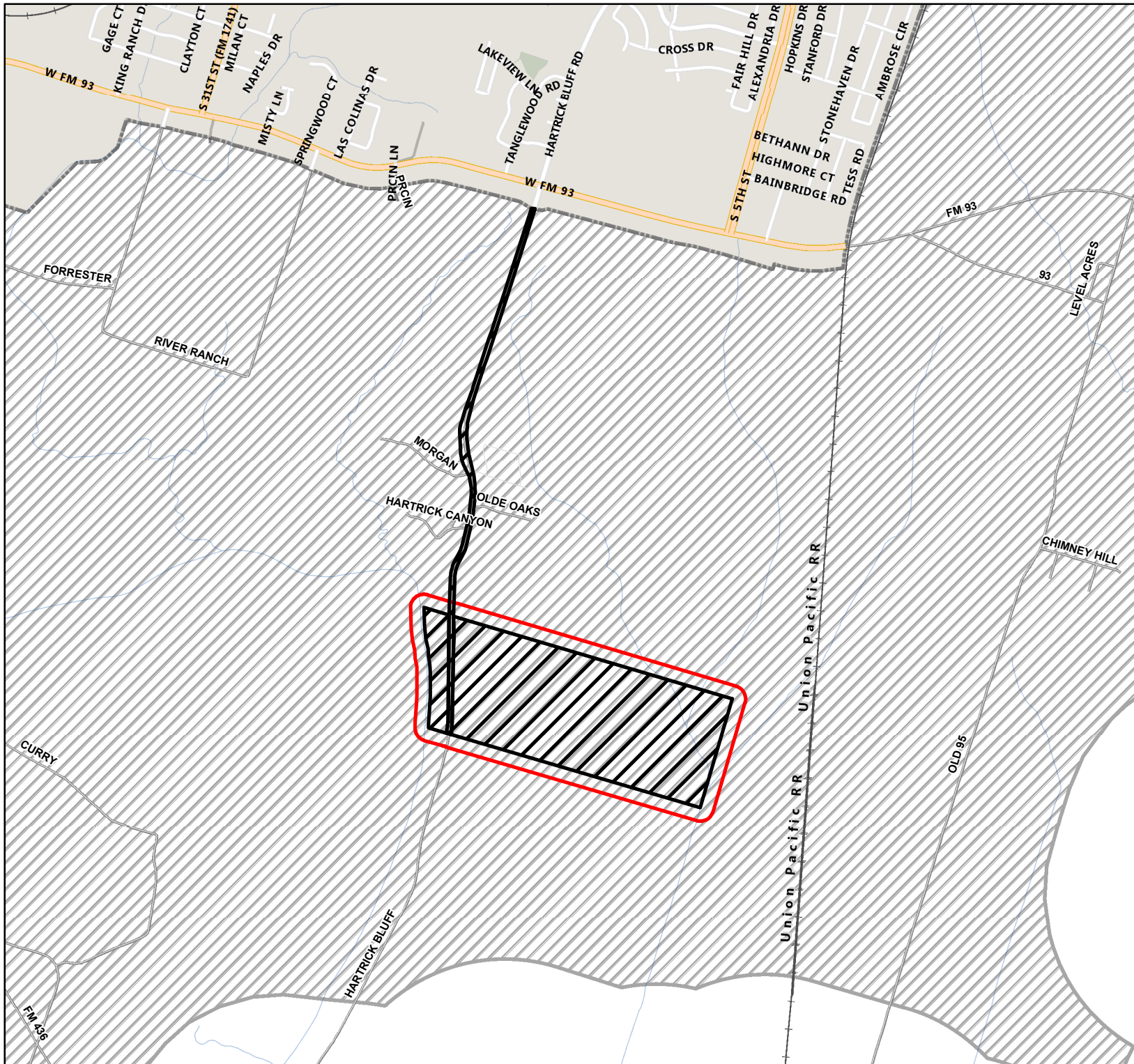




# Annexation 200' NOTIFICATION MAP

FY-19-1-ANX

Hartrick Ranch Estates



- FY-19-1-ANX
- 200' Courtesy Notification
- Streets**
  - EXPRESSWAY
  - MAJOR ARTERIAL
  - COLLECTOR
  - LOCAL STREET
  - MINOR ARTERIAL
  - PRIVATE
  - RAMP
  - Railroad
- Temple Municipal Boundary
- Water Areas
- Water Lines
- Park Areas
- Bell County Streets
- Bell County Municipal Boundaries
- Temple Boundary
- Bell County Boundary
- ETJ Boundary

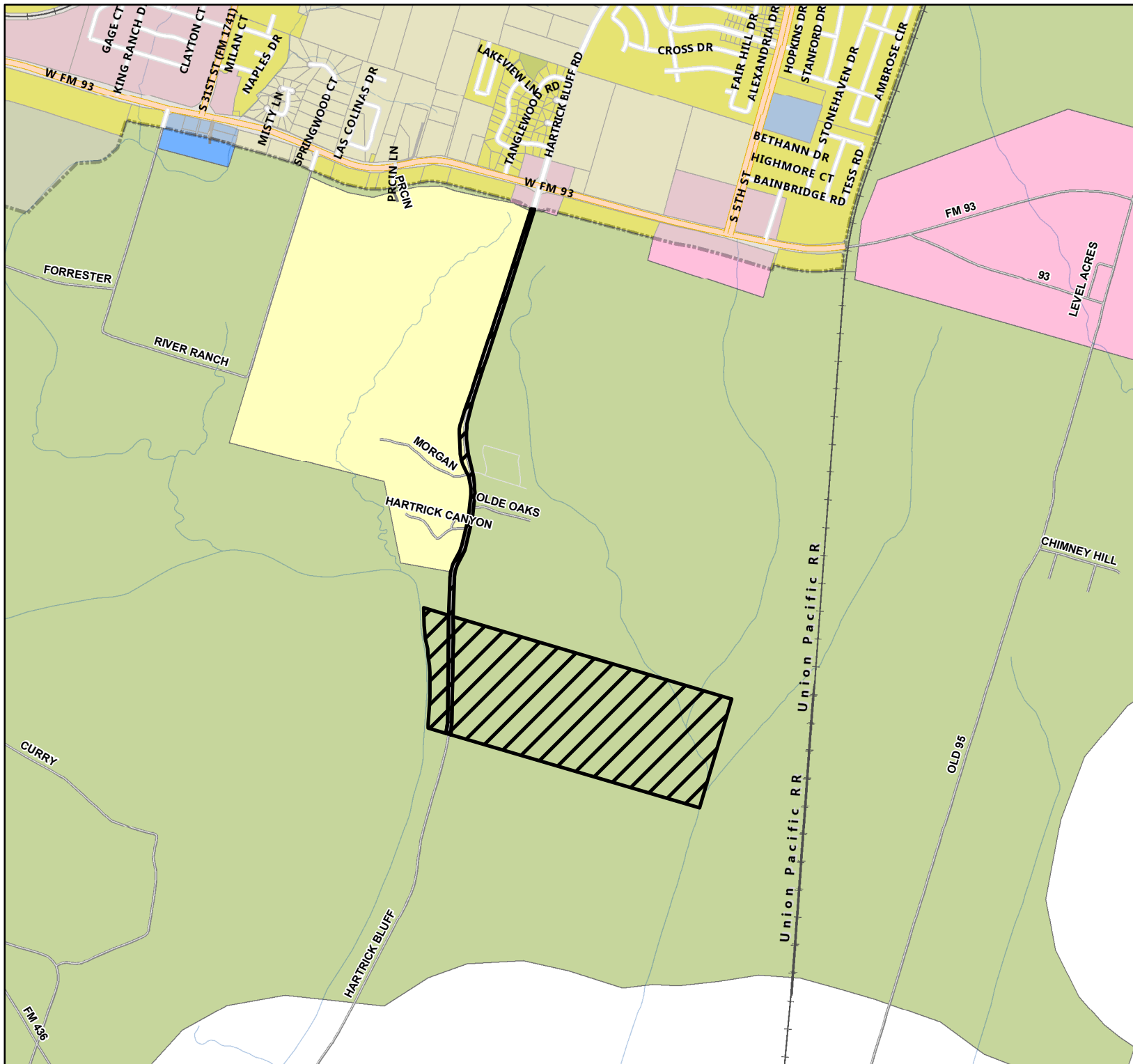
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# Annexation FUTURE LAND USE MAP

FY-19-1-ANX

Hartrick Ranch Estates



- FY-19-1-ANX
- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Railroad
- Temple Municipal Boundary
- Water Areas
- Water Lines
- Park Areas
- Bell County Streets
- Bell County Municipal Boundaries
- Temple Boundary
- Bell County Boundary
- Future LUP**
  - Agricultural/Rural
  - Auto-Urban Commercial
  - Auto-Urban Mixed Use
  - Auto-Urban Multi-Family
  - Auto-Urban Residential
  - Business Park
  - Estate Residential
  - Industrial
  - Neighborhood Conservation
  - Parks & Open Space
  - Public Institutional
  - Suburban Commercial
  - Suburban Residential
  - Temple Medical Education District
  - Urban Center

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SITE PHOTOS FY-19-9-ZC











# THOROUGHFARE AND TRAILS MAP

: FY-19-9-ZC

## Haymarket Tract

### Trails Masterplan

- ✕ — EXISTING, CITY WIDE SPINE
- | — EXISTING, COMMUNITY WIDE CONNECTOR
- | — EXISTING, LOCAL CONNECTOR
- ✕ — PROPOSED, CITY WIDE SPINE
- | — PROPOSED, COMMUNITY WIDE CONNECTOR
- | — PROPOSED, LOCAL CONNECTOR

### Thoroughfare Plan

#### CLASS

- Expressway
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector
- Park Area
- Municipal Boundary
- FY-19-13-ZC

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# UTILITY MAP

FY--19-9-ZC

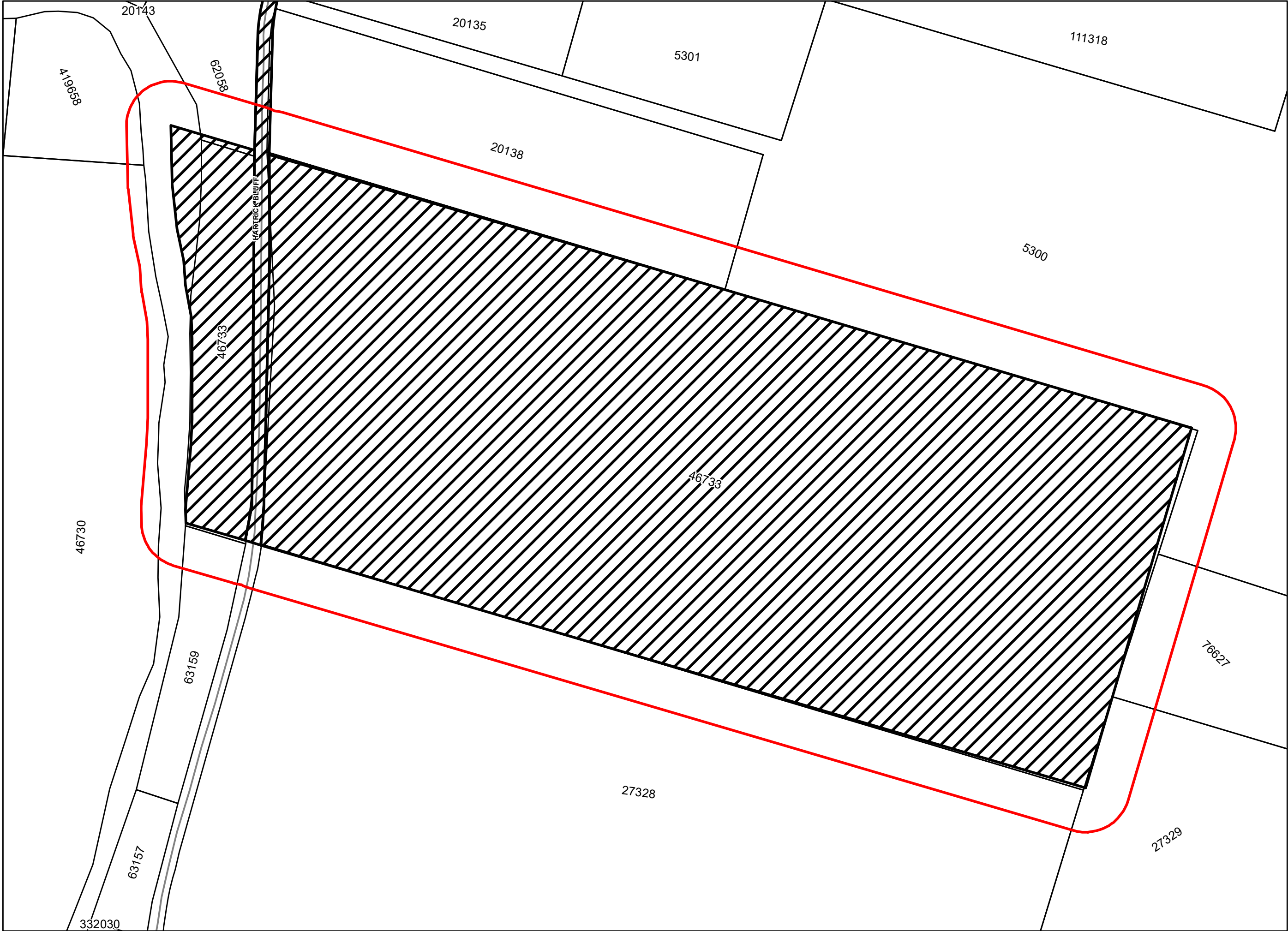
Haymarket Tract

- + Hydrant
- Sanitary Sewer
- Water Main
- Park Area
- Municipal Boundary
- FY-19-13-ZC

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Annexation  
NOTIFICATION MAP

FY-19-1-ANX

Hartrick Ranch Estates

 200' Courtesy Notification  
 FY-19-1-ANX

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**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, APRIL 15, 2019  
ACTION ITEMS**

**Item 2: FY-19-9-ZC** – Hold a public hearing to discuss and recommend action for a rezoning (contingent upon voluntary annexation) from Agricultural (AG) zoning district to Planned Development General Retail (PD-GR) zoning district on a 160.047 +/- acre tract, and a 12.541 +/- acre tract situated in the Maximo Moreno Survey, Abstract No.14, Bell County, Texas, located south of FM 93 and along and east of Hartrick Bluff Road, Temple, Texas.

**Item 3: FY-19-13-ZC** – Hold a public hearing to discuss and recommend action for a rezoning (contingent upon voluntary annexation) from Agricultural (AG) zoning district to Planned Development Single Family Two (PD-SF-2) on a 118.560 +/- acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas.

Ms. Lynn Barrett, Assistant Director of Planning, stated these items are rezoning requests presented together and both cases are scheduled to go to City Council for first reading on May 16, 2019 and second reading on June 6, 2019.

Location maps of both subject properties with proposed voluntary street right-of-way (ROW) annexations shown.

Both items involve pending voluntary annexation cases, and the annexation schedule is as follows:

- Petitions approved per Resolution No. 2019-9573-R and No. 2019-9574-R by City Council on February 21, 2019 to develop Municipal Service Plans on these properties. Both resolutions were reviewed by all relevant departments and no issues were found.
- First Public Hearing—Municipal Service Plans on April 4, 2019.
- Second Public Hearing-Municipal Service Plans on April 5, 2019.
- First Reading for Annexation Ordinances will be on the May 2, 2019 City Council Meeting.
- Second Reading for Annexation Ordinances will be on the May 16, 2019 City Council Meeting.



Both properties are in the Academy Independent School District.

Item 2 developer proposes Single Family Residential uses and requests an option to add single family attached units on up to ten percent of the site and PD-GR for 1.66 acres around existing barn structure on the property for potential use as a market for retail or a community center area.

Item 2 aerial map shown.

Item 3 developer proposes Planned Development (PD) for single family residential uses; requests option to add single family attached units on up to ten percent of site.

Item 2 site and area photos shown.

Item 3 site and area photos shown.

Future Land Use Map shown for both subject properties was shown and found to be in partial compliance for both PD sites and the surrounding ETJ areas.

Utility Map shown for both subject properties and found to be in partial compliance.

Waterlines are adjacent to the subject properties; however, water and wastewater line extensions will be required to serve the development.

Thoroughfare and Trails Map shown for both subject properties and found to be in compliance.

Hartrick Bluff Road is a Collector, and Haymarket Drive will be a local street upon annexation.

No nearby existing or future trails are shown on the current Trails Map.

Ms. Barrett reviewed the Unified Development Code (UDC), Section 3.4 definition of a PD as follows:

- “A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.”
- Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

Development Site Plan shown for both subject properties.

PD Conditions for both Rezoning Cases for Residential Single-Family Development PD-SF-2 are as follows:

1. 100% masonry to include brick, stone and cementitious siding

2. At least two evergreen bushes
3. At least one tree per single family residence
4. Minimum sod turf grass on all front yards
5. Twenty-foot front yard setback
6. Minimum Corner lot side setback (street side) of ten feet
7. Lot dimensions to follow SF-2 except forty foot minimum lot width on cul-de-sac and knuckles due to configuration of street
8. Up to ten percent by acreage may be developed as single family attached as PD-SFA-3

An additional PD Condition was requested by the applicant for Item 3 FY-19-13-ZC:

9. On the approximately eighteen acres extending from the northwest edge of the power line easement traversing the property north and west to the northwest corner of the property, lots will be a minimum of 75 feet in width, in order to more closely match the existing larger lot homes in subdivisions in the area.

PD Condition Nine shown on aerial map.

Twenty-five courtesy notices in ETJ were mailed, and the newspaper notice was printed April 4, 2019, in accordance with state law and local ordinance.

Staff recommends approval of the rezoning requests:

1. FY-19-9-ZC to PD-SF2 and PD-GR on 1.66 +/-, and
2. FY-19-13-ZC to PD-SF2;

With the previously mentioned conditions and with the Site Development Plan as presented pending final approval of the voluntary annexation cases for each property.

Chair Langley opened the public hearing.

Speaker, developer and applicant Mr. John Kiella, 1122 White Rock Drive, Temple Texas, explained possible uses for the barn as a market area that residents could easily walk to.

There being no further speakers, the public hearing was closed.

Commissioner Armstrong made a motion to approve Item 2, **FY-19-9-ZC**, based on an amended request and site development plan submitted by the applicant for PD-GR zoning on 1.66+/- acres of the 160.047+/- tract and for PD-SF-2 on the remaining portion of said tract and the 12.541+/-acre tract and per staff recommendation, and Commissioner Fettig made a second.



*Motion passed: (8:0:1)*

Commissioner Jeanes abstained.

Commissioner Wright made a motion to approve Item 3, **FY-19-13-ZC**, per staff recommendation, and Commissioner Alaniz made a second.

*Motion passed: (8:0:1)*

Commissioner Jeanes abstained.

ORDINANCE NO. 2019-4968  
(FY-19-9-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING OF AN APPROXIMATELY 12.541 ACRE TRACT AND AN APPROXIMATELY 160.047 ACRE TRACT SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS; LOCATED SOUTH OF FM 93 AND EAST OF HARTRICK BLUFF ROAD, TEMPLE, TEXAS FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT GENERAL RETAIL ZONING DISTRICT AND PLANNED DEVELOPMENT SINGLE FAMILY TWO ZONING DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the applicant, Short Term Lending GP, LLC, is the owner of a 160.047-acre tract of land and a 12.541-acre tract of land located south of FM 93 and along and east of Hartrick Bluff Road;

**Whereas**, the current zoning designation for both tracts is Agricultural and the applicant is requesting a rezoning of the properties for a primary use as a residential subdivision;

**Whereas**, in its original rezoning request, the applicant requested a Planned Development – Single Family Two zoning designation for the entire portion of both tracts, but subsequently requested that a small portion consisting of 1.661 acres surrounding an existing barn on the 160.047-acre tract be zoned as Planned Development – General Retail zoning, with the remaining acreage of both tracts to be Planned Development-Single Family Two zoning;

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration to the planned development conditions, recommends approval of the rezoning from Agricultural zoning district to Planned Development - General Retail zoning district on the 1.661 acre portion surrounding the existing barn, and rezoning from Agricultural zoning district to Planned Development - Single Family Two zoning district on the remaining approximately 170.928 acres of both tracts, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes, and subject to the following conditions:



For Residential Single-Family Development PD-SF-2:

- 100% Masonry to include brick, stone and cementitious siding;
- At least 2 evergreen bushes;
- At least 1 tree per single family residence;
- Minimum sod turf grass on all front yards;
- 20-foot front yard setback;
- Corner lot side setbacks (street side) of 10 feet;
- Lot dimensions to follow SF-2 except 40-foot minimum lot width on cul-de-sac and knuckles due to configuration of streets;
- Up to 10% by acreage may be developed as single family attached as PD-SFA-3; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**Part 2:** The City Council approves of the rezoning from Agricultural zoning district to Planned Development - General Retail zoning district on the 1.661 acre portion surrounding the existing barn, and rezoning from Agricultural zoning district to Planned Development - Single Family Two zoning district on the remaining approximately 170.928 acres of both tracts, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes, and subject to the following conditions::

For Residential Single-Family Development PD-SF-2:

- 100% Masonry to include brick, stone and cementitious siding;
- At least 2 evergreen bushes;
- At least 1 tree per single family residence;
- Minimum sod turf grass on all front yards;
- 20-foot front yard setback;
- Corner lot side setbacks (street side) of 10 feet;
- Lot dimensions to follow SF-2 except 40-foot minimum lot width on cul-de-sac and knuckles due to configuration of streets;
- Up to 10% by acreage may be developed as single family attached as PD-SFA-3; and

**Part 3:** The City Council approves the Site Development Plan attached hereto as Exhibit ‘B,’ and made a part hereof for all purposes.

**Part 4:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

**Part 5:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 6:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 7:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **16<sup>th</sup>** day of **May**, 2019.

PASSED AND APPROVED on Second Reading on the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Charla Thomas  
Assistant City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #9(A-C)  
Regular Agenda  
Page 1 of 4

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney  
Amanda Rice, Deputy City Attorney

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Consider adopting ordinances repealing the following chapters in the City’s Code of Ordinances:

- (A) Chapter 11 – Fair Housing
- (B) Chapter 20 – Massage Establishments; and
- (C) Chapter 30 – Railroads

**STAFF RECOMMENDATION:** Adopt ordinances on first reading as presented in the item description and conduct a public hearing. Second reading will be scheduled for June 20, 2019.

**ITEM SUMMARY:** In a continuing effort to review and update the City's Code of Ordinances, Staff is proposing to repeal three chapters of the Code of Ordinances for the reasons outlined below.

### **(A) Chapter 11 – Fair Housing**

Chapter 11 is the City’s local adoption of similar regulations found in the Federal Fair Housing Act (“FHA”) and the Texas Fair Housing Act (“THA”). The FHA and THA protect people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities. The FHA and THA prohibits discrimination in housing on the basis of race, color, national origin, religion, sex, familial status, and disability. Some prohibited acts under both statutes include refusing to rent or sell housing, refusing to negotiate for housing, otherwise making housing unavailable, setting different terms, conditions, or privileges for the sale or rental of a dwelling, providing a person with different services or facilities, or falsely denying that housing is available for inspection, sale, or rental. The FHA and THA also prohibit harassment and discriminatory practices in mortgage lending.

An individual may file a complaint under the FHA with the Housing and Urban Development’s Office of Fair Housing and Equal Opportunity. An individual may file a complaint under the THA with the Texas Workforce Commission.

As stated above, Chapter 11 is the City's local adoption and implementation of the FHA and THA. The City is not required to have local regulations related to fair housing, unless the City desires to include additional protected statuses. For example, if the City wanted to prohibit discrimination in housing on the basis of student status or source of income, the City would need local regulations to include those protected classes. The City would also need to appoint a Fair Housing Administrator to take and investigate complaints.

At this time, Staff is not recommending the addition of any protected classes and is therefore recommending that Council repeal Chapter 11 and rely exclusively on the FHA and THA to prevent discriminatory housing practices.

If Council approves, Chapter 11 will be repealed and retitled "Chapter 11 – Reserved."

**B. Chapter 20 – Massage Establishments**

This Chapter includes licensing and operation requirements for massage establishments. Specifically, massage establishments operating in the City must obtain a license from the City Secretary's office before beginning operations. The license must be renewed each year. Chapter 20 also allows for the inspection of massage establishments by City Staff, sets requirements for hours of operation, and includes certain sanitary requirements for these types of establishments.

State law also regulates the operation of massage establishments and the practice of massage therapy. Those regulations are found in Chapter 455 of the Texas Occupations Code. Section 455.005 states that the regulations in Chapter 455 supersede any regulation adopted by a city relating to the licensing and regulation of massage therapists, except that a city may continue to regulate zoning requirements and adopt regulations authorizing an investigation into the background of an owner or operator of a massage establishment.

Section 455.005 clearly states that the City's regulations are preempted by the State regulations found in the Texas Occupations Code. For this reason, Staff is recommending the repeal of Chapter 20.

If Council approves, Chapter 20 will be repealed and retitled "Chapter 20 – Reserved."

**C. Chapter 30 – Railroads**

Chapter 30 includes the following four sections:

**Sec. 30-1. Construction and maintenance of crossings.**

Every railroad company, constructing and operating its railway through the limits of the city shall erect and perpetually maintain good and sufficient crossings, including culverts and waterways for drainage, at all streets over which its road may pass, including streets hereafter laid out and opened. In crossing streets, such railway shall conform to the grade and level of streets as established by the city.



**Sec. 30-2. Blocking streets for more than five minutes.**

It shall be unlawful for the directing officer or the operator of any railway train or car to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel, for a period of time longer than five minutes. This section shall not apply to trains or cars in motion, other than those engaged in switching.

**Sec. 30-3. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

- (1) Train shall mean all cars, engines, equipment or vehicles operated on fixed tracks or rails, whether drawn by locomotive or propelled by self-contained motors.
- (2) Normal track speed shall mean maximum speed established by the owner and operator of a train for safe operation, having regard for all factors relating to actual and potential hazards, such as curbs, grades, crossings, types of trains and tonnage, not to exceed 55 miles per hour under any circumstances.

**Sec. 30-4. Speed limit.**

It shall be unlawful for any person to operate a train on a railroad within the corporate limits of the City of Temple at a rate of speed in excess of 25 miles per hour, except that a person may operate a train at the normal track speed between the city limits and crossings located at the Old Taylor Highway, Zenith Boulevard, Industrial Boulevard and Eighth Street, and at 40 miles per hour between the 49th Street crossing and the city boundary closest to the City of Belton. Speed limits established in this section shall apply to the head end of an outbound train when it enters any of the crossings which delimit the speed zones established in this section, but an outbound train may resume normal train speed once it completely occupies the crossing.

The railroad industry is heavily regulated by federal law. The Interstate Commerce Commission Termination Act ("ICCTA") of 1995 created the Surface Transportation Board ("STB") and gave the STB exclusive jurisdiction over the construction, acquisition, and operation of railroad facilities. The ICCTA states that the remedies set forth in this statute are exclusive and preempt the remedies provided under other federal or state laws. The Federal Railroad Safety Act was enacted in 1970 to promote safety in every area of railroad operations.

There have been multiple court cases across the country which have analyzed the effect of the ICCTA and the Federal Railroad Safety Act on local railroad regulations. The consensus among the courts is that state and local regulations of railroad operations are preempted by the two federal statutes. While the City's regulations could be enforced, it is Staff's opinion that they would not withstand a court challenge. For these reasons, Staff is recommending the repeal of Chapter 30.

If Council approves, Chapter 30 will be repealed and retitled "Chapter 30 – Reserved."

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Chapter 11 Ordinance](#)  
[Chapter 20 Ordinance](#)  
[Chapter 30 Ordinance](#)  
[Ordinances](#)





## **Chapter 11**

### **FAIR HOUSING**

- Sec. 11-1. Definitions.**
- Sec. 11-2. Discrimination in the sale or rental of housing.**
- Sec. 11-3. Discrimination in the financing of housing.**
- Sec. 11-4. Discrimination in the provision of brokerage services.**
- Sec. 11-5. Exemptions and exclusions.**
- Sec. 11-6. Fair housing administrator.**
- Sec. 11-7. Complaints.**

## Chapter 11

### FAIR HOUSING

#### Sec. 11-1. Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words so used in the present tense include the future, words in the masculine gender include the feminine, words in the plural number include the singular, and words in the singular number include the plural.

*Discriminatory housing practice* means an act that is unlawful under section 11-2, 11-3 or 11-4 of this chapter.

*Dwelling* means any building, structure or portion thereof which is occupied as, or designed and intended for occupancy as, a residence by one or more families or any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

*Family* includes a single individual.

*Person* includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, fiduciaries, and any other organization or entity of whatever character.

*To rent* includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

#### Sec. 11-2. Discrimination in the sale or rental of housing.

Except as exempted by section 11-5, it shall be unlawful for any person to:

- (1) Refuse to sell or rent, after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to families with children or to any person because of race, color, sex, religion, national origin, handicap;
- (2) Discriminate against persons in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, sex, religion, national origin, handicap, or the fact that they are families with children;
- (3) Make, print, publish, or cause to be made, printed or published any notice, statement or advertisement regarding the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, sex,



religion, national origin, handicap, or presence of families with children, or an intention to make any such preference, limitation or discrimination.

- (4) Represent to any person because of race, color, sex, religion, national origin, handicap, or to families with children that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;
- (5) For profit or with the hope or expectation of profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of families with children or persons of a particular race, color, sex, religion, national origin, or handicap;
- (6) For profit or with the hope or expectation of profit, to influence or attempt to influence, by any words, acts, or failure to act, any seller, purchaser, landlord or tenant of a dwelling so as to promote the maintenance of racially segregated housing or so as to retard, obstruct or discourage racially integrated housing.

#### **Sec. 11-3. Discrimination in the financing of housing.**

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part of the making of commercial or residential real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against any such person in the fixing of the amount, interest rate, brokerage points, duration, or other terms or conditions of such loan or other assistance, because of:

- (1) The race, color, sex, religion, national origin, or handicap of present or prospective owners, lessees, tenants or occupants of a dwelling, or of any person associated with them.
- (2) The fact that present or prospective owners, lessees, tenants or occupants of a dwelling, or any person associated with them, are families with children.

#### **Sec. 11-4. Discrimination in the provision of brokerage services.**

It shall be unlawful for any person to deny access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate in the terms and conditions of such access, membership or participation because of families with children or on account of race, color, sex, religion, national origin, or handicap.

#### **Sec. 11-5. Exemptions and exclusions.**

(a) There shall be exempted from the application of section 11-2 hereof all transactions involving:

- (1) The rental of units in dwellings containing living quarters occupied or

intended to be occupied by no more than four (4) families living independently of each other if the owner actually maintains and occupies one of such units as his residence;

- (2) The rental of a single room in a dwelling containing living quarters occupied or intended to be occupied by no more than one family if the person offering such room for rental actually maintains and occupies the remainder of such dwelling as his residence and not more than four such rooms are offered.
- (3) The sale or rental of any single house by a private individual who owns such house, provided that:
  - a. The sale or rental is made without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent or salesman, or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman, or person; and
  - b. The sale is made without the publication, posting or mailing of any advertisement or written notice in violation of section 11-2(3) of this chapter (this shall not prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer of title); and
  - c. The owner does not own more than three (3) single-family houses at the time of the sale; and
  - d. The owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or any portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time.
  - e. If the owner does not reside in the house at the time of sale or was not the most recent resident of such house prior to the sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four-month period.

(b) Nothing in this chapter shall prohibit a religious organization, association, or society or any non-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious association, or society from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, handicap or whether families have children.

(c) Nothing in this chapter shall prohibit a bona fide private club, not in fact open to the public, which as an incident to its primary purpose, provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such



lodgings to its members or from giving preference to its members.

(d) Nothing in this chapter shall bar any person from owning or operating a housing accommodation in which a room or rooms are leased, subleased or rented only to persons of the same sex, when such housing accommodation contains a common lavatory, kitchen or similar facilities available for the use of all persons occupying such housing accommodation.

#### **Sec. 11-6. Fair housing administrator.**

The city manager shall appoint a fair housing administrator (hereinafter referred to as "administrator"), who shall have the responsibility for implementing this chapter. The administrator may delegate his authority to investigate and conciliate complaints to other city employees under his direction.

#### **Sec. 11-7. Complaints.**

(a) Only the person who claims to have been injured by a discriminatory housing practice or who believes he will be irrevocably injured by a discriminatory housing practice that has occurred or is occurring (thereafter referred to as "person aggrieved") may file a complaint with the administrator. Such complaints shall be in writing and shall identify the person alleged to have committed or alleged to be committing a discriminatory housing practice and shall state the facts upon which the allegations of a discriminatory housing practice are based. The administrator shall prepare complaint forms and furnish them



## **Chapter 20**

### **MASSAGE ESTABLISHMENTS**

- Sec. 20-1. Definitions.**
- Sec. 20-2. License required; appeals, payment of fee prerequisite to issuance; expiration date.**
- Sec. 20-3. License to be displayed.**
- Sec. 20-4. Investigation of applicant.**
- Sec. 20-5. Employees to be listed with police; medical certificate required.**
- Sec. 20-6. License fee.**
- Sec. 20-7. Grounds for refusal to issue or renew license.**
- Sec. 20-8. Revocation, suspension of license; notice.**
- Sec. 20-9. Appeal from nonissuance, revocation or suspension.**
- Sec. 20-10. Hours of operation; living on premises prohibited.**
- Sec. 20-11. Inspection of premises, examination of employees; procedure on denial of permission to enter premises.**
- Sec. 20-12. Record of employees to be kept.**
- Sec. 20-13. Location restricted.**
- Sec. 20-14. Sanitary requirements.**
- Sec. 20-15.**
- Sec. 20-16. Reserved.**



## Chapter 20

### MASSAGE ESTABLISHMENTS

#### **Sec. 20-1. Definitions.**

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this chapter.

(a) *Chief of police* means the chief of police of the City of Temple, or his duly authorized representative.

(b) *Director of public health* means the Bell County Health Department Director, or his duly authorized representative.

(c) *Massage* means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but shall not include massage by duly licensed physicians and chiropractors, and registered physical therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction, nor massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.

(d) *Massage establishment* means any building, room, place or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic or bathing devices, and shall include turkish bathhouses. This term shall not include, however, duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operate only under such physician's direction.

#### **Sec. 20-2. License required; appeals, payment of fee prerequisite to issuance; expiration date.**

It shall be unlawful for any person to operate a massage establishment without first having obtained a license therefor from the city controller in accordance with the provisions of this chapter, or to operate a massage establishment after such license has been revoked, or during a period for which such license has been suspended. Such license shall be issued only upon the payment of the fee specified in section 20-6 and upon approval in writing of the director of public health and of the chief of police and upon the issuance of a certificate of occupancy from the building official. Such license shall expire on the thirty-first day of December each year.

#### **Sec. 20-3. License to be displayed.**

The license required by this chapter shall be posted and kept in some conspicuous place in the massage establishment.

#### **Sec. 20-4. Investigation of applicant.**

After an application has been made for issuance of an original license or a renewal of an existing license to operate a massage establishment as defined herein, the chief of police, as the principal enforcement officer of this chapter, shall determine whether the applicant has been finally convicted in any court of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation, or whether such establishment employs any person who has been finally convicted in any court of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation.

#### **Sec. 20-5. Employees to be listed with police; medical certificate required.**

At the time of making application for the license required by this chapter the applicant shall furnish to the chief of police and the director of public health the names and addresses of all employees of massage establishments, and all such employees shall be required to secure from the director of public health a medical certificate certifying that such employee has been examined and that such examination discloses the fact that such person employed or to be employed by such establishment, is free from any infectious or communicable disease. Such medical certificate shall be renewed annually by the director of public health.

#### **Sec. 20-6. License fee.**

The annual license fee shall be twenty-five dollars (\$25.00) for each such establishment. If the license is obtained between January first and June thirtieth of any year, the full amount of such fee shall be paid. If such license is obtained between July first and December thirty-first of any year, the fee shall be one-half (1/2) of such amount. No refund of license fees shall be made.

#### **Sec. 20-7. Grounds for refusal to issue or renew license.**

The chief of police shall refuse to approve issuance or renewal of any license required by this chapter to any applicant who has been finally convicted in any court of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation; or to any applicant who employs in such establishment any person who has been finally convicted of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation.

#### **Sec. 20-8. Revocation, suspension of license; notice.**

(a) A license issued pursuant to this chapter shall be revoked upon final conviction in any court of the holder of such license for the offense of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation.



(b) A license issued pursuant to this chapter shall be suspended for a period of not less than thirty (30) days nor more than ninety (90) days upon final conviction in any court of the holder of such license for the operation of the massage establishment in violation of any statute of this state, or any provision of this Code or other ordinance of the City of Temple.

(c) Any license issued pursuant to this chapter shall be suspended for a period of ninety (90) days upon the final conviction in any court of any employee of such massage establishment for the offense of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation, or a violation of any provision of this chapter, directly or indirectly related to or arising from such employment.

(d) Written notice of such revocation or suspension shall be given by the chief of police to the holder of such license at the holder's last-known address.

#### **Sec. 20-9. Appeal from nonissuance, revocation or suspension.**

In the event the chief of police shall refuse to approve the issuance of an original license or the renewal of a license to any applicant, or revokes or suspends the license issued to any license holder under this chapter, this action shall be final unless the license holder shall, within ten (10) days after the receipt of written notice of such action, file with the city manager a written appeal. The city manager shall, within ten (10) days after the appeal is filed, consider all the evidence in support of or against the action appealed, and render a decision either sustaining or reversing the action. If the city manager sustains the action, the applicant or license holder may, within ten (10) days of that decision file a written appeal with the city secretary to the city council. Such written appeal shall set forth the specific grounds therefor. The city council shall, within thirty (30) days, grant a hearing thereon to consider the action, at which hearing the city council may make such investigation as it may see fit. The city council shall have authority to sustain, reverse or modify the action appealed. Such decision of the city council shall be final.

#### **Sec. 20-10. Hours of operation; living on premises prohibited.**

No massage establishment shall be kept open for any purpose between the hours of 10:00 p.m. and 8:00 a.m., and no establishment shall be operated or conducted in connection either directly or indirectly, with any place used for living or sleeping quarters.

#### **Sec. 20-11. Inspection of premises, examination of employees; procedure on denial of permission to enter premises.**

(a) The director of public health shall be authorized to make or cause to be made inspections to determine the condition of any massage establishment in order to safeguard the health, safety, and welfare of the public and to make examinations through the licensed physicians of the department as are necessary to determine whether employees of the massage establishment are infected with any infectious disease.

(b) If in the opinion of the director of public health or his designated representative,

there is probable cause to enter a massage establishment for the purpose of making inspections and examinations pursuant to this chapter, he shall request the owner or occupant thereof to grant permission for such entry, and if refused he shall make application to a magistrate for a search warrant, showing said magistrate why such search warrant should be issued for the purpose herein.

#### **Sec. 20-12. Record of employees to be kept.**

The manager or person in charge of a massage establishment shall keep a list of the names and addresses of all employees, both on duty and off duty, and such list shall be shown to all proper authorities of the police and health departments upon request.

#### **Sec. 20-13. Location restricted.**

It shall be unlawful for any massage establishment to be operated in any section of the city which is zoned for residential purposes.

#### **Sec. 20-14. Sanitary requirements.**

(a) It shall be the duty of every person conducting or operating a massage establishment to keep the same at all times in a clean and sanitary condition. All instruments and mechanical, therapeutic, and bathing devices, or parts thereof, that come into contact with the human body, shall be sterilized by a modern and approved method of sterilization before initial use, and any such instruments and devices, or parts thereof, after having been used upon one patron, shall be sterilized before being used upon another. All towels and linens furnished for use of one patron shall not be furnished for use of another until thoroughly laundered.

(b) All masseurs and operators shall wash their hands thoroughly before administering massage manipulations to each patron accommodated.

(c) No person suffering from a communicable disease shall work or be employed in a massage establishment.

(d) No person shall be accommodated as a patron within a massage establishment when to the knowledge of the owner, person in control, or an employee, such person is suffering from a communicable disease.

#### **Sec. 20-15.**

It shall be unlawful for any person in a massage establishment, as defined in section 20-1(d), to administer a massage, as defined in section 20-1(c) to any person of the opposite sex.

#### **Sec. 20-16. Reserved.**





## **Chapter 30**

### **RAILROADS**

- Sec. 30-1. Construction and maintenance of crossings.**
- Sec. 30-2. Blocking streets for more than five minutes.**
- Sec. 30-3. Definitions.**
- Sec. 30-4. Speed limit.**

## **Chapter 30**

### **RAILROADS**

#### **Sec. 30-1. Construction and maintenance of crossings.**

Every railroad company, constructing and operating its railway through the limits of the city shall erect and perpetually maintain good and sufficient crossings, including culverts and waterways for drainage, at all streets over which its road may pass, including streets hereafter laid out and opened. In crossing streets, such railway shall conform to the grade and level of streets as established by the city.

#### **Sec. 30-2. Blocking streets for more than five minutes.**

It shall be unlawful for the directing officer or the operator of any railway train or car to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel, for a period of time longer than five (5) minutes. This section shall not apply to trains or cars in motion, other than those engaged in switching.

#### **Sec. 30-3. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

- (1) *Train* shall mean all cars, engines, equipment or vehicles operated on fixed tracks or rails, whether drawn by locomotive or propelled by self-contained motors.
- (2) *Normal track speed* shall mean maximum speed established by the owner and operator of a train for safe operation, having regard for all factors relating to actual and potential hazards, such as curbs, grades, crossings, types of trains and tonnage, not to exceed fifty-five (55) miles per hour under any circumstances.

#### **Sec. 30-4. Speed limit.**

It shall be unlawful for any person to operate a train on a railroad within the corporate limits of the City of Temple at a rate of speed in excess of twenty-five (25) miles per hour, except that a person may operate a train at the normal track speed between the city limits and crossings located at the Old Taylor Highway, Zenith Boulevard, Industrial Boulevard and Eighth Street, and at forty (40) miles per hour between the 49th Street crossing and the city boundary closest to the City of Belton. Speed limits established in this section shall apply to the head end of an outbound train when it enters any of the crossings which delimit the speed zones established in this section, but an outbound train may resume normal train speed once it completely occupies the crossing.



ORDINANCE NO. 2019-4970

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, REPEALING CHAPTER 11 – FAIR HOUSING; PROVIDING A  
REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A  
SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND  
PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, in a continuing effort to review and update the City's Code of Ordinances, Staff recommends Council repeal Chapter 11 – Fair Housing of the Code of Ordinances;

**Whereas**, Chapter 11 is the City's local adoption of similar regulations found in the Federal Fair Housing Act ("FHA") and the Texas Fair Housing Act ("THA") - the FHA and THA protect people from discrimination when they are renting or buying a home, securing a mortgage, seeking housing assistance, or engaging in other housing-related activities;

**Whereas**, the FHA and THA prohibit discrimination in housing on the basis of race, color, national origin, religion, sex, familial status, and disability - some prohibited acts under both statutes include refusing to rent or sell housing, refusing to negotiate for housing, otherwise making housing unavailable, setting different terms, conditions, or privileges for the sale or rental of a dwelling, providing a person with different services or facilities, or falsely denying that housing is available for inspection, sale, or rental;

**Whereas**, the FHA and THA also prohibit harassment and discriminatory practices in mortgage lending - an individual may file a complaint under the FHA with the Housing and Urban Development's Office of Fair Housing and Equal Opportunity and they may also file a complaint under the THA with the Texas Workforce Commission;

**Whereas**, the City is not required to have local regulations related to fair housing, unless the City desires to include additional protected statuses - the City would also need to appoint a Fair Housing Administrator to take and investigate complaints;

**Whereas**, at this time, Staff is not recommending the addition of any protected classes and is therefore recommending that the City rely exclusively on the FHA and THA to prevent discriminatory housing practices;

**Whereas**, once repealed Chapter 11 will be retitled "Chapter 11 – Reserved."; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**Part 2:** The City Council repeals Chapter 11 – Fair Housing of the Code of Ordinances.

**Part 3:** All Ordinances or parts of Ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**Part 4:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

**Part 5:** This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 6:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **June**, 2019.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney



ORDINANCE NO. 2019-4971

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, REPEALING CHAPTER 20 – MASSAGE ESTABLISHMENTS;  
PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE;  
PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE  
DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, in a continuing effort to review and update the City's Code of Ordinances, Staff recommends Council repeal Chapter 20 – Massage Establishments of the Code of Ordinances;

**Whereas**, currently massage establishments operating in the City must obtain a license from the City Secretary's office before beginning operations and the license must be renewed each year - Chapter 20 allows for the inspection of massage establishments by City Staff, sets requirements for hours of operation, and includes certain sanitary requirements for these types of establishments;

**Whereas**, Chapter 455 of the Texas Occupations Code also regulates the operation of massage establishments and the practice of massage therapy - Section 455.005 states that the regulations in Chapter 455 supersede any regulation adopted by a city relating to the licensing and regulation of massage therapists, except that a city may continue to regulate zoning requirements and adopt regulations authorizing an investigation into the background of an owner or operator of a massage establishment;

**Whereas**, Section 455.005 clearly states that the City's regulations are preempted by the State regulations found in the Texas Occupations Code - for this reason, Staff is recommending the repeal of Chapter 20;

**Whereas**, once repealed Chapter 20 will be retitled "Chapter 20 – Reserved"; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**Part 2:** The City Council repeals Chapter 20 – Massage Establishments.

**Part 3:** All Ordinances or parts of Ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**Part 4:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

**Part 5:** This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 6:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **June**, 2019.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney



ORDINANCE NO. 2019-4972

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, REPEALING CHAPTER 30 – RAILROADS; PROVIDING A  
REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A  
SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND  
PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, in a continuing effort to review and update the City's Code of Ordinances, Staff recommends Council repeal Chapter 30 – Railroads of the Code of Ordinances;

**Whereas**, Chapter 30 includes the following four sections:

- Section 30-1 - Construction and maintenance of crossings;
- Section 30-2 - Blocking streets for more than five minutes;
- Section 30-3 – Definitions; and
- Section 30-4 - Speed limit;

**Whereas**, the railroad industry is heavily regulated by federal law - the Interstate Commerce Commission Termination Act (“ICCTA”) of 1995 created the Surface Transportation Board ("STB") and gave the STB exclusive jurisdiction over the construction, acquisition, and operation of railroad facilities;

**Whereas**, the ICCTA states that the remedies set forth in this statute are exclusive and preempt the remedies provided under other federal or state laws - the Federal Railroad Safety Act was enacted in 1970 to promote safety in every area of railroad operation;

**Whereas**, there have been multiple court cases across the country which have analyzed the effect of the ICCTA and the Federal Railroad Safety Act on local railroad regulations and the consensus among the courts is that state and local regulations of railroad operations are preempted by the two federal statutes;

**Whereas**, while the City’s regulations could be enforced, it is Staff’s opinion that they would not withstand a court challenge and for these reasons, Staff is recommending the repeal of Chapter 30;

**Whereas**, once repealed Chapter 30 will be retitled “Chapter 30 – Reserved”; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**Part 2:** The City Council repeals Chapter 30 – Railroads.

**Part 3:** All Ordinances or parts of Ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**Part 4:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

**Part 5:** This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 6:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **June**, 2019.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #10  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** FY-19-20-PLT and FY-19-21-PLT: Consider adopting a resolution approving the Preliminary Plat of Lake Pointe Terrace and the Final Plat of Lake Pointe Terrace Phase I, located east of State Highway 317, and south of the existing Lake Pointe Subdivision, with a developer-requested exception to the Unified Development Code Section: Parkland Dedication to allow for a private park in lieu of public parkland dedication.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its May 6, 2019 meeting, the Planning and Zoning Commission voted 6/0 to recommend approval of the Preliminary Plat of Lake Pointe Terrace and the Final Plat of Lake Pointe Terrace Phase I with a developer-requested exception to Unified Development Code (UDC) Section 8.3 to allow for a private park in lieu of public parkland dedication, within tracts owned and maintained by the proposed Home Owners Association (HOA), and subject to the attached park/trail plan and proposed park improvements estimate exhibits, per staff recommendation.

**STAFF RECOMMENDATION:** Staff recommends approval of the Preliminary Plat of Lake Pointe Terrace and the Final Plat of Lake Pointe Terrace Phase I, with a developer-requested exception to Unified Development Code (UDC) Section 8.3: Parkland Dedication to allow a private park in lieu of public parkland dedication and subject to the attached park/trail plan and proposed park improvements estimate exhibits.

**ITEM SUMMARY:** The Development Review Committee reviewed the Preliminary Plat of Lake Pointe Terrace (FY-19-20-PLT) and the Final Plat of Lake Pointe Terrace Phase I (FY-19-21-PLT), on January 10, 2019. Both plats were deemed administratively complete on May 2, 2019.

The Preliminary Plat of Lake Pointe Terrace is a 169.72 +/- acre, 636-residential lot, 19-block, 5-tract addition. The Final Plat of Lake Pointe Terrace Phase I, a 63.40-acre, 216-residential lot, 9-block, 3-tract addition. Proposed lots comply with the property's Single Family Two (SF-2) zoning district.

The developer requests an exception to the Unified Development Code (UDC) Section 8.3: Parkland Dedication to allow a private park with an amenity center, pool, splashpad, playground, and open space on Lake Pointe Terrace Lot 39, Block 3 as well as a trail system on property in excess of ten acres to be privately owned and maintained by the Home Owners Association (HOA), and subject to attached park/trail plan and proposed park improvements estimate exhibits. The developer agrees to complete the improvements within two years of Lake Pointe Terrace Phase I final plat recordation.

The proposed trail will connect to the amenity center, as well as the trail system in the West Temple Park to the south. The developer's engineers estimate total Lake Pointe Terrace amenity improvement costs to be approximately \$645,000, which exceeds required park fees of \$143,100 (\$225 per dwelling). The Parks staff supports the developer's requested exception, as detailed in the attached letter of requested exception to Parkland Dedication and its conceptual Park Site Plan.

Lake Pointe Terrace provides access to State Highway 317 through an extension of Stonehollow Drive from the Westfield Development east of North Pea Ridge Road, as well as access to Alabama Avenue within Hilldell Estates to the south, and access to Garden Green Drive within Lake Pointe Phase II to the north.

Water will be provided to the subdivision through proposed 8-inch and 6-inch water lines. Sewer will be provided to the subdivision through 6-inch sanitary sewer lines. Drainage easements and drainage structures are proposed to carry drainage to Tract A.

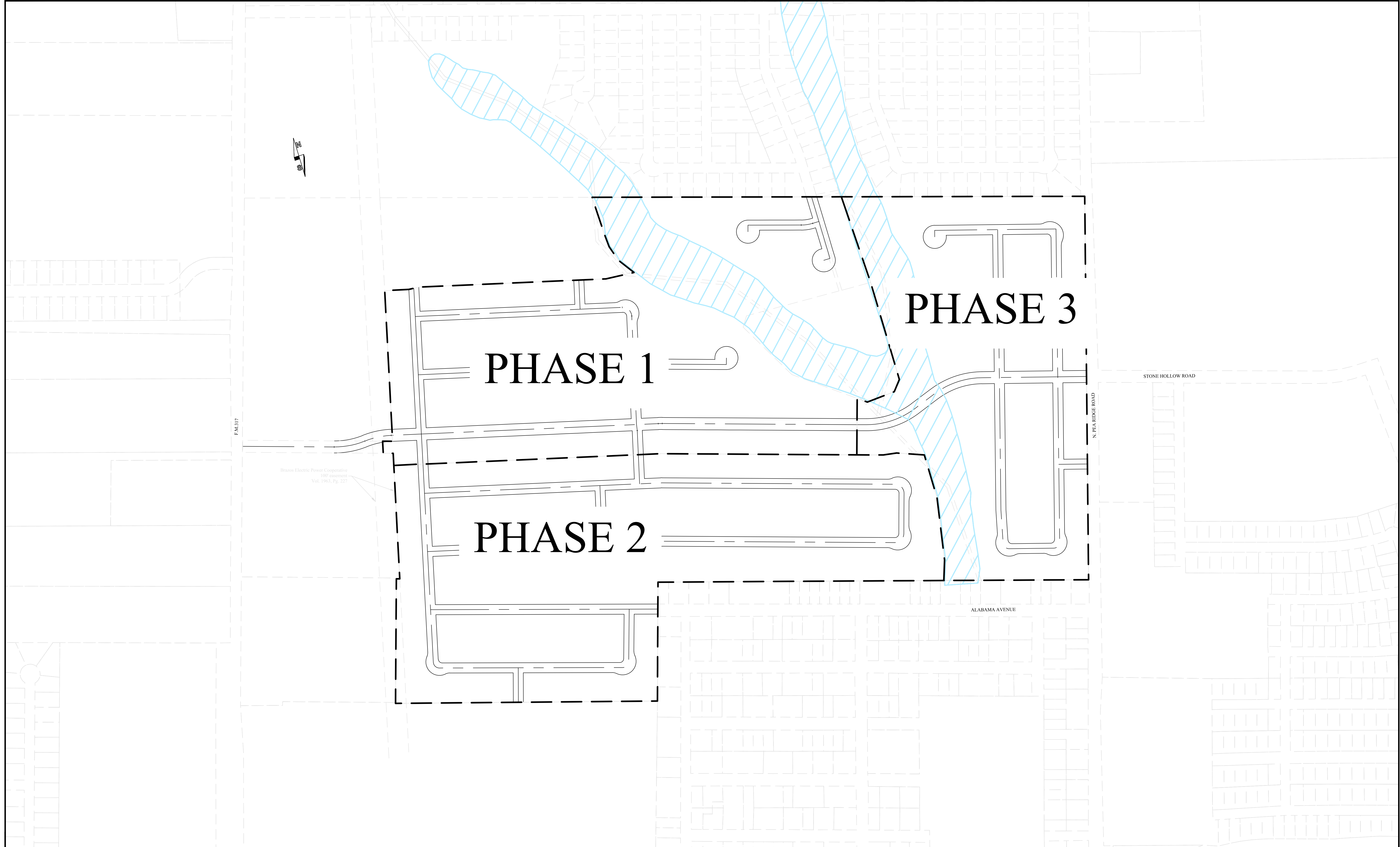
City Council is the final plat authority since the developer requests an exception to the Unified Development Code for this development.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

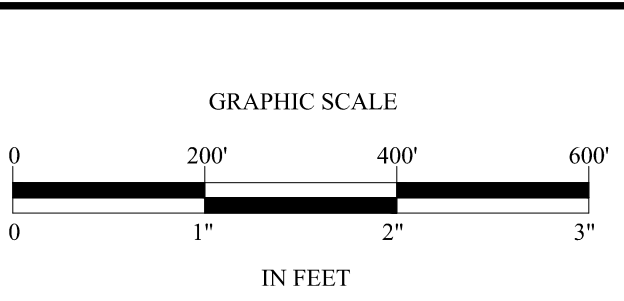
[Plat Exhibits](#)  
[Park Exhibits](#)  
[Resolution](#)





REV.		DESCRIPTION		DATE	BY	PROJECT INFORMATION		BENCHMARK		PHASING PLAN LAKE POINTE TERRACE CITY OF TEMPLE, BELL COUNTY, TEXAS										ENGINEER'S APPROVAL		Yalgo, LLC		SHEET				
						TOTAL SIZE: 169.72 TOTAL BLOCKS: 19 TOTAL LOTS: 636 TOTAL TRACTS: 5		City Survey Monument TBD												THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 12/19/2018. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.						3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-0032		2
1		ORIGINAL RELEASE		12/19/2018	DBW																					Texas Registered Engineering Firm F-10264		OF
PROJECT NUMBER: LPT0		CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 037																										8
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX																										
AUTHORIZED BY: WBW																												

PRINTED ON December 19, 2018

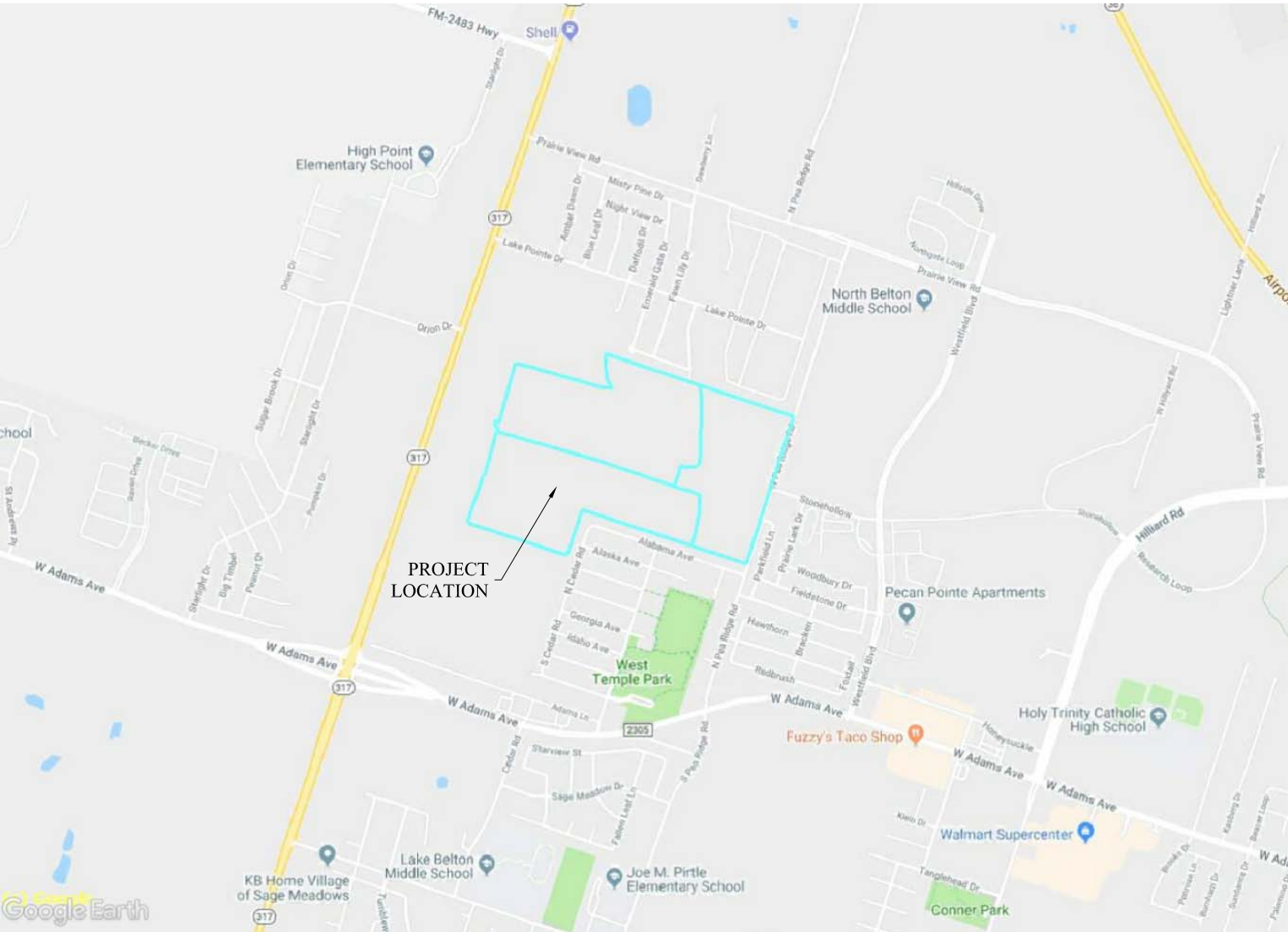




PRINTED ON APRIL 29, 2019

REV.	DESCRIPTION	DATE	BY
2	REVISIONS PER CITY COMMENTS	04/09/2019	TWF
1	ORIGINAL RELEASE	01/14/2019	TWF
PROJECT NUMBER: LPT0		CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 037	
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

LEGEND	
TE	TRAIL EASEMENT
BM	BENCHMARK
DA	DRAINAGE AREA
DE	DRAINAGE EASEMENT
ELEV	ELEVATION
NTS	NOT TO SCALE
NO	NUMBER
RE	REFERENCE
REV	REVISION
TBM	TEMPORARY BENCH MARK
TYP	TYPICAL
OHE	OVERHEAD OR UNDERGROUND EASEMENT
UE	UTILITY EASEMENT
	LOTS WITH MIN BFE (SEE TABLE)
●	1/2" IRON ROD FOUND
○	1/2" IRON ROD W/ CAP MARKED "YALGO, 6200" SET
+	CHANGE IN BEARING
▲	DRAINAGE ARROW (SEE NOTE 3)



LOCATION MAP  
N.T.S.

DRAINAGE EASEMENT NOTE:  
To allow for proper drainage conditions, all drainage easements shall be properly graded, maintained free and clear of obstructions, and special positive overflow sections shall be provided and maintained by the lot owner for all lots having a BFE as shown hereon.  
The City of Temple Drainage Criteria and Design Manual allows for major storm runoff to accumulate to levels above the top of curb. Homeowners and homebuilders are advised to consider this when preparing site grading plans and setting finished floor elevations.

Portions of this tract are shown to be within a Special Flood Hazard Area per FEMA's Flood Insurance Rate Map (FIRM) Panel for Bell County, Texas Dated September 26, 2008, panel number 48027C0170E. The Surveyor does not certify as to the accuracy or inaccuracy of said information and does not warrant, or imply, that structures placed within the Special Flood Hazard Areas shown hereon, or any of the platted areas, will be free from flooding or flood damage.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Texas Central Zone No. 4203. All bearings are grid bearings and all distances are horizontal ground distances. All coordinates are referenced to City Monument No. 195. The Combined Correction Factor (CCF) is 0.99985735. Grid distance = surface distance X CCF. Published City coordinates for City Monument No. 195 are N=10369983.78, E=3225794.45. Reference tie from POB to City Monument shown hereon is N 07°07'59" E, 4491.14'.

- Notes:
- All permanent corners set are 1/2" iron rods with cap marked "YALGO 6200" unless otherwise noted hereon. Iron rods set in areas where there is an expectation of movement will not be considered permanent and not marked accordingly.
  - Streets located within a 50 ft. right-of-way shall have a minimum pavement width of 31 ft. back-to-back of curb. Streets located in 60 ft. right-of-way shall have minimum pavement width of 36 ft. back-to-back of curb.
  - Arrow (➡) indicates that the storm water runoff must flow directly from all adjacent upstream lot, without impediment or diversion to other lots. Drainage plans presented by the homebuilder for each individual lot must allow storm water to pass from upstream lots to the downstream lots without impediment.
  - Drainage tracts shall be dedicated to the City of Temple. The HOA shall have permission to maintain the Tracts if desired.
  - Right-of-Way Tracts shall be dedicated to the City of Temple in future phase or via general warranty deed, whichever is sooner, for the expansion of North Pea Ridge Road.
  - Tract A west of block 1 is owned by Jakab Acres LP & the Jack B. Caesar, Jr. Trust as created by the Will of Jack B. Caesar, Jr., Deceased
  - Tract B west of block 6 is currently owned by Pea Ridge LP, the Jack B. Caesar, Jr. Trust as created by the Will of Jack B. Caesar, Jr., Deceased, Jakab Acres LP, and WBW DEVELOPMENT GROUP, LLC - SERIES 037, but will ultimately be owned by Jakab Acres LP & the Jack B. Caesar, Jr. Trust as created by the Will of Jack B. Caesar, Jr., Deceased.

SURVEYOR'S CERTIFICATE

STATE OF TEXAS: I, the undersigned, Registered Professional Land Surveyor, in the State of Texas, do hereby certify to the best of my knowledge and belief, that this plat is true and correct, that it was prepared from an actual survey of the property made on the ground, and that all boundary survey monuments are correctly shown thereon.

Luther E. Frobish  
Registered Professional Land Surveyor No. 6200

ENGINEER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Tyler W. Freese, do hereby certify that I have prepared, to the best of my knowledge and belief, all drainage calculations have designed all drains, streets/roads and appurtenances in accordance with the City of Temple Subdivision Regulations.

TYLER W. FREESE  
REGISTERED PROFESSIONAL  
ENGINEER NO. 127376

THIS DOCUMENT IS RELEASED FOR THE  
PURPOSE OF REVIEW UNDER THE  
AUTHORITY OF TYLER W. FREESE, P.E. 127376  
ON 04/29/2019. IT IS NOT TO BE USED FOR  
CONSTRUCTION PURPOSES.

This preliminary plat has been submitted to and considered by the Planning and Zoning Commission of the City of Temple, Texas, and is hereby approved by such comission.  
Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Chairperson: \_\_\_\_\_

This preliminary plat has been submitted to and considered by the Planning and Zoning Commission of the City of Temple, Texas, and is hereby approved by such comission.  
Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Secretary of Planning & Zoning Commission: \_\_\_\_\_

This preliminary plat has been submitted to and considered by the City Council of the City of Temple, Texas, and is hereby approved by such council.  
Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

City Secretary: \_\_\_\_\_

TAX CERTIFICATE

The Bell County Tax Office, the taxing authority for all entities in Bell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

BELL COUNTY TAX OFFICE

By: \_\_\_\_\_

LAKE POINTE TERRACE  
AN ADDITION TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS  
169.72 ACRES, BEING PART OF THE B. ROBERTSON SURVEY, A-17  
BELL COUNTY, TEXAS

STATE OF TEXAS: That WBW DEVELOPMENT GROUP, LLC - SERIES 037, a Texas series limited liability company, Pea Ridge LP, a Texas Limited Partnership, Jakab Acres, LP, Texas limited partnership, and The Jack B. Caesar, Jr. Trust as created by the Will of Jack B. Caesar, Jr., Deceased, the undersigned owners of the land shown on this plat, and designated herein as **LAKE POINTE TERRACE**, Temple, Bell County, Texas, being 169.72 acres of land part of the B. Robertson Survey, Abstract No. 17, Bell County, Texas, and whose name is subscribed hereto, hereby dedicates to the use of the public forever, all streets, alleys, water courses, drains, easements, and public places as shown hereon.

WBW DEVELOPMENT GROUP, LLC - SERIES 037  
A Texas Series Limited Liability Company

By: \_\_\_\_\_  
Bruce Whitis, Manager

STATE OF TEXAS  
COUNTY OF BELL:

BEFORE ME, the undersigned authority, on this day personally appeared Bruce Whitis, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act of WBW DEVELOPMENT GROUP, LLC - SERIES 037, a Texas series limited liability company, as its Manager, for the purpose and consideration therein stated.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC STATE OF TEXAS  
My commission Expires: \_\_\_\_\_

Jekab Acres, LP

By: \_\_\_\_\_  
Beth Caesar Winkler, Manager of Jekab Acres GP, LLC, a Texas limited liability company, General Partner

STATE OF TEXAS  
COUNTY OF BELL:

BEFORE ME, the undersigned authority, on this day personally appeared Beth Caesar Winkler, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same Manager of Jekab Acres GP, LLC a Texas limited liability company general partner, as the act of Jekab Acres, LP, a Texas limited partnership, for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC STATE OF TEXAS  
My commission Expires: \_\_\_\_\_

By: \_\_\_\_\_  
Estherbell Messer Caesar, as trustee of the Jack B. Caesar, Jr. Trust as created by the Will of Jack B. Caesar, Jr., Deceased

STATE OF TEXAS  
COUNTY OF BELL:

This instrument was acknowledged before me on \_\_\_\_\_ by Estherbell Messer Caesar, as trustee of The Jack B. Caesar, Jr. Trust as created by the Will of Jack B. Caesar, Jr., Deceased.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC STATE OF TEXAS  
My commission Expires: \_\_\_\_\_

Pea Ridge, LP  
a Texas Limited Partnership

By: \_\_\_\_\_

Beth Caesar Winkler, Manager of Pea Ridge GP, LLC, a Texas Limited Liability Company, General Partner

STATE OF TEXAS  
COUNTY OF BELL:

BEFORE ME, the undersigned authority, on this day personally appeared Beth Caesar Winkler, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same Manager of Pea Ridge GP, LLC a Texas limited liability company general partner, as the act of Pea Ridge, LP, a Texas limited partnership, for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC STATE OF TEXAS  
My commission Expires: \_\_\_\_\_

PRELIMINARY PLAT  
LAKE POINTE TERRACE  
CITY OF TEMPLE, BELL COUNTY, TEXAS

**Yalgo, LLC**  
3000 Illinois Ave., Suite 100  
Killeen, TX 76543  
PH (254) 953-5353  
FX (254) 953-5057  
  
Texas Registered  
Engineering Firm # 10264  
  
Texas Registered  
Surveying Firm 10194095

SHEET  
1  
OF  
2





REV.		DESCRIPTION	DATE	BY	PROJECT INFORMATION		BENCHMARK		ENGINEER'S APPROVAL		Yalco, LLC		SHEET
5		REVISIONS PER CITY COMMENTS	04/09/2019	TWF	TOTAL SIZE: 169.72 ACRES		TEMPLE CITY MONUMENT NO. 195		THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FRESE, P.E. 127376 ON 04/12/2019. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.		3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057 Texas Registered Engineering Firm F-10264		2
4		REVISIONS PER CITY COMMENTS	03/20/2019	TWF	TOTAL BLOCKS: 19								
3		REVISIONS PER CITY COMMENTS	01/14/2019	TWF	TOTAL LOTS: 636								
2		ADJUSTED NEIGHBOR LINES	12/20/2018	TWF	TOTAL TRACTS: 5								
1		ORIGINAL RELEASE	12/19/2018	DBW									
PROJECT NUMBER: LPT0			CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 037										
			CLIENT LOCATION: KILLEEN, TX										
APPROVED BY: TWF													
AUTHORIZED BY: WBW													

GRAPHIC SCALE

0 200' 400' 600'

0 1' 2' 3'

IN FEET

PRELIMINARY PLAT

LAKE POINTE TERRACE

CITY OF TEMPLE, BELL COUNTY, TEXAS

PRINTED ON April 12, 2019



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	400.00'	155.62'	154.64'	S 83°51'00" E	22°17'25"
C2	400.00'	135.39'	134.74'	S 85°17'55" E	19°23'33"
C3	45.00'	70.69'	63.64'	S 30°36'09" E	90°00'00"
C4	200.00'	57.95'	57.75'	S 81°28'30" E	16°36'05"
C5	395.00'	19.79'	19.79'	S 74°10'01" E	2°52'17"
C6	690.00'	34.58'	34.57'	N 74°10'01" W	2°52'17"
C7	20.00'	31.42'	28.28'	N 30°36'09" W	90°00'00"
C8	23.09'	2.19'	2.19'	S 75°36'09" E	5°26'41"
C9	51.07'	20.26'	20.13'	S 89°54'10" E	22°43'48"
C10	67.50'	30.57'	30.30'	S 88°21'05" E	25°43'16"
C11	67.50'	36.95'	36.49'	S 89°41'55" E	31°21'39"
C12	67.50'	38.84'	38.31'	S 77°31'56" E	32°58'20"
C13	67.50'	45.34'	44.49'	S 08°11'47" W	38°29'05"
C14	67.50'	14.94'	14.91'	N 33°46'43" E	12°40'48"
C15	50.00'	22.45'	22.26'	N 27°15'29" E	25°43'16"
C16	715.00'	35.83'	35.83'	N 74°10'01" W	2°52'17"
C17	665.00'	33.33'	33.32'	N 74°10'01" W	2°52'17"
C18	425.00'	21.30'	21.30'	S 74°10'01" E	2°52'17"
C19	365.00'	18.29'	18.29'	N 74°10'01" W	2°52'17"
C20	57.50'	24.62'	24.43'	N 42°03'58" E	24°31'59"
C21	57.50'	54.62'	52.59'	S 81°32'13" W	54°23'50"
C22	57.50'	50.19'	48.62'	N 66°14'25" W	50°00'55"
C23	57.50'	42.48'	41.52'	N 00°03'58" W	42°19'57"
C24	57.50'	49.79'	48.25'	N 45°54'28" E	49°36'56"
C25	57.50'	35.41'	34.85'	N 88°21'19" E	35°16'46"
C26	57.50'	1.28'	1.28'	S 73°22'05" E	1°16'26"
C27	57.50'	68.43'	64.47'	N 43°51'39" E	68°11'29"
C28	57.50'	45.72'	44.53'	N 13°00'53" W	45°33'36"
C29	57.50'	35.41'	34.85'	S 53°26'04" E	35°16'46"
C30	57.50'	46.71'	45.43'	S 85°39'19" W	46°32'27"
C31	57.50'	46.29'	45.05'	S 39°19'26" W	46°09'19"
C32	57.50'	16.75'	16.69'	S 07°53'12" W	16°41'09"
C33	175.00'	50.71'	50.53'	S 81°29'36" E	16°36'05"
C34	225.00'	65.19'	64.97'	N 81°29'36" W	16°36'05"
C35	57.50'	6.77'	6.76'	N 76°33'51" W	6°44'36"
C36	57.50'	42.80'	41.82'	N 78°44'25" E	42°38'50"
C37	57.50'	42.80'	41.82'	N 36°05'33" E	42°38'50"
C38	57.50'	42.80'	41.82'	S 06°33'16" E	42°38'50"
C39	57.50'	42.80'	41.82'	N 49°12'06" W	42°38'50"
C40	57.50'	70.12'	65.85'	S 74°32'24" W	69°52'09"
C41	57.50'	10.31'	10.30'	N 34°28'08" E	10°16'23"
C42	430.00'	100.99'	100.76'	S 88°16'00" E	13°27'23"
C43	430.00'	44.55'	44.53'	S 78°34'14" E	5°56'10"
C44	430.00'	167.29'	166.23'	N 83°51'00" W	22°17'25"
C45	370.00'	143.94'	143.04'	S 83°50'59" E	22°17'25"
C46	370.00'	125.23'	124.63'	S 85°17'55" E	19°23'33"
C47	25.50'	8.95'	8.90'	N 67°17'35" E	20°00'17"
C48	25.50'	25.53'	24.48'	S 28°53'24" W	57°22'05"
C49	25.50'	34.48'	31.91'	S 68°04'11" W	77°28'31"
C50	25.50'	34.48'	31.91'	N 68°31'52" E	77°28'29"

## BFE/LFE TABLE

Lot	Block	BFE	LFE
5	3	643.60	645.60
6	3	641.90	643.90
7	3	641.90	643.90
13	3	641.50	643.50
14	3	641.10	643.10
15	3	641.10	643.10
16	3	640.40	642.40
17	3	639.70	641.70
18	3	639.10	641.10
19	3	634.50	636.50
39	3	634.50	636.50
47	3	634.50	636.50
1	9	639.40	641.40
2	9	638.20	640.20
3	9	637.00	639.00
4	9	636.50	638.50
5	9	636.00	638.00
6	9	635.00	637.00
7	9	634.50	636.50
8	9	634.50	636.50
9	9	637.70	639.70
14	9	638.30	640.30
15	9	639.00	641.00
16	9	639.60	641.60
17	9	640.60	642.60
18	9	642.60	644.60
19	9	644.00	646.00

\* BFE= Base Flood Elevation  
LFE= Lowest Floor Elevation

## DRAINAGE EASEMENT NOTE:

To allow for proper drainage conditions, all drainage easements shall be properly graded, maintained free and clear of obstructions, and special positive overflow sections shall be provided and maintained by the lot owner for all lots having a BFE as shown hereon.

The City of Temple Drainage Criteria and Design Manual allows for major storm runoff to accumulate to levels above the top of curb. Homeowners and homebuilders are advised to consider this when preparing site grading plans and setting finished floor elevations.

Portions of this tract are shown to be within a Special Flood Hazard Area per FEMA's Flood Insurance Rate Map (FIRM) Panel for Bell County, Texas Dated September 26, 2008, panel number 48027C0170E. The Surveyor does not certify as to the accuracy or inaccuracy of said information and does not warrant, or imply, that structures placed within the Special Flood Hazard Areas shown hereon, or any of the platted areas, will be free from flooding or flood damage.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Texas Central Zone No. 4203. All bearings are grid bearings and all distances are horizontal ground distances. All coordinates are referenced to City Monument No. 195. The Combined Correction Factor (CCF) is 0.99985735. Grid distance = surface distance X CCF. Published City coordinates for City Monument No. 195 are N.=10369983.78, E.=3225794.45. Reference tie from POB to City Monument shown hereon is N 07°44'49" E, 4483.21'.

## Notes:

- All permanent corners set are 1/2" iron rods with cap marked "YALGO 6200" unless otherwise noted hereon. Iron rods set in areas where there is an expectation of movement will not be considered permanent and not marked accordingly.
- Streets located within a 50 ft. right-of-way shall have a minimum pavement width of 31 ft. back-to-back of curb. Streets located in 60 ft. right-of-way shall have minimum pavement width of 36 ft. back-to-back of curb.
- Arrow (➡) indicates that the storm water runoff must flow directly from all adjacent upstream lots to the downstream lot, without impediment or diversion to other lots. Drainage plans presented by the homebuilder for each individual lot must allow storm water to pass from upstream lots to the downstream lots without impediment.
- Tract A shall be dedicated to the City of Temple for Drainage. The HOA shall have permission to maintain the Tract if desired.
- Tract B is currently owned by Jakab Acres LP & the Jack B. Caesar, Jr. Trust as created by the Will of Jack B. Caesar, Jr., Deceased. Tract C is currently owned by Pea Ridge LP, the Jack B. Caesar, Jr. Trust as created by the Will of Jack B. Caesar, Jr., Deceased, Jakab Acres LP, and WBW DEVELOPMENT GROUP, LLC - SERIES 037. The entirety of tracts B and C to be ultimately owned by Jakab Acres LP & Jack Caesar Equivalent Trust.
- Lot 39 Block 3 shall be dedicated to the HOA as parkland and shall be maintained by the HOA.
- The street name change from Sky Crest Drive to Blackwood Drive occurs at the lot line between Lot 5 and Lot 6 of Block 3.

## SURVEYOR'S CERTIFICATE

STATE OF TEXAS: I, the undersigned, Registered Professional Land Surveyor, in the State of Texas, do hereby certify to the best of my knowledge and belief, that this plat is true and correct, that it was prepared from an actual survey of the property made on the ground, and that all boundary survey monuments are correctly shown thereon.

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

Luther E. Frobish  
Registered Professional Land Surveyor No. 6200

## ENGINEER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Tyler W. Freese, do hereby certify that I have prepared, to the best of my knowledge and belief, all drainage calculations have designed all drains, streets/roads and appurtenances in accordance with the City of Temple Subdivision Regulations.

THIS DOCUMENT IS RELEASED FOR THE  
PURPOSE OF REVIEW UNDER THE  
AUTHORITY OF TYLER W. FREESE, P.E. 127376  
ON 04/12/2019. IT IS NOT TO BE USED FOR  
CONSTRUCTION PURPOSES.

TYLER W. FREESE  
REGISTERED PROFESSIONAL  
ENGINEER NO. 127376

This final plat has been submitted to and considered by the Planning and Zoning Commission of the City of Temple, Texas, and is hereby approved by such comission.  
Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Chairperson: \_\_\_\_\_

This final plat has been submitted to and considered by the Planning and Zoning Commission of the City of Temple, Texas, and is hereby approved by such comission.  
Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Secretary of Planning & Zoning Commission: \_\_\_\_\_

This final plat has been submitted to and considered by the City Council of the City of Temple, Texas, and is hereby approved by such council.  
Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

City Secretary: \_\_\_\_\_

PLAT FILED FOR RECORD this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ A.D. in  
Cabinet \_\_\_\_\_, Slide \_\_\_\_\_, Plat Records of Bell County, Texas.

DEDICATION FILED FOR RECORD this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ A.D. in  
Volume \_\_\_\_\_, Page \_\_\_\_\_, Official Records, Bell County, Texas.

## TAX CERTIFICATE

The Bell County Tax Office, the taxing authority for all entities in Bell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

BELL COUNTY TAX OFFICE

By: \_\_\_\_\_

LAKE POINTE TERRACE PHASE I  
AN ADDITION TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS  
63.40 ACRES, BEING PART OF THE B. ROBERTSON SURVEY, A-17  
BELL COUNTY, TEXAS

STATE OF TEXAS: That WBW DEVELOPMENT GROUP, LLC - SERIES 037, a Texas series limited liability company, Pea Ridge LP, a Texas Limited Partnership, Jakab Acres, LP, a Texas limited partnership, and The Jack B. Caesar, Jr. Trust as created by the Will of Jack B. Caesar, Jr., Deceased, the undersigned owners of the land shown on this plat, and designated herein as **LAKE POINTE TERRACE PHASE I**, Temple, Bell County, Texas, being 63.40 ACRES of land part of the B. Robertson Survey, Abstract No. 17, Bell County, Texas, and whose name is subscribed hereto, hereby dedicates to the use of the public forever, all streets, alleys, water courses, drains, easements, and public places as shown hereon.

WBW DEVELOPMENT GROUP, LLC - SERIES 037  
A Texas Series Limited Liability Company

By: \_\_\_\_\_  
Bruce Whitis, Manager

STATE OF TEXAS  
COUNTY OF BELL:

BEFORE ME, the undersigned authority, on this day personally appeared Bruce Whitis, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act of WBW DEVELOPMENT GROUP, LLC - SERIES 037, a Texas series limited liability company, as its Manager, for the purpose and consideration therein stated.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC STATE OF TEXAS  
My commission Expires: \_\_\_\_\_

Jakab Acres, LP

By: \_\_\_\_\_  
Beth Caesar Winkler, Manager of Jakab Acres GP, LLC, a Texas limited liability company, General Partner

STATE OF TEXAS  
COUNTY OF BELL:

BEFORE ME, the undersigned authority, on this day personally appeared Beth Caesar Winkler, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same Manager of Jakab Acres GP, LLC a Texas limited liability company general partner, as the act of Jakab Acres, LP, a Texas limited partnership, for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC STATE OF TEXAS  
My commission Expires: \_\_\_\_\_

By: \_\_\_\_\_  
Estherbell Messer Caesar, as trustee of the Jack B. Caesar, Jr. Trust as created by the Will of Jack B. Caesar, Jr., Deceased

STATE OF TEXAS  
COUNTY OF BELL:

This instrument was acknowledged before me on \_\_\_\_\_ by Estherbell Messer Caesar, as trustee of The Jack B. Caesar, Jr. Trust as created by the Will of Jack B. Caesar, Jr., Deceased.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC STATE OF TEXAS  
My commission Expires: \_\_\_\_\_

Pea Ridge, LP  
a Texas Limited Partnership

By: \_\_\_\_\_  
Beth Caesar Winkler of Pea Ridge GP, LLC, a Texas Limited Liability Company, General Partner

STATE OF TEXAS  
COUNTY OF BELL:

BEFORE ME, the undersigned authority, on this day personally appeared Beth Caesar Winkler, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same Manager of Pea Ridge GP, LLC a Texas limited liability company general partner, as the act of Pea Ridge, LP, a Texas limited partnership, for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC STATE OF TEXAS  
My commission Expires: \_\_\_\_\_

## LEGEND

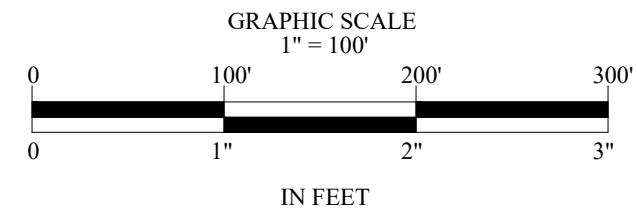
TE TRAIL EASEMENT  
BM BENCHMARK  
DA DRAINAGE AREA  
DE DRAINAGE EASEMENT  
ELEV ELEVATION  
NTS NOT TO SCALE  
NO NUMBER  
RE REFERENCE  
REV REVISION  
TBM TEMPORARY BENCH MARK  
TYP TYPICAL  
OHE OVERHEAD OR UNDERGROUND EASEMENT  
UE UTILITY EASEMENT  
● LOTS WITH MIN BFE (SEE TABLE)  
● 1/2" IRON ROD FOUND  
○ 1/2" IRON ROD W/ CAP MARKED "YALGO, 6200" SET  
+ TxDOT CONCRETE MONUMENT  
+ CHANGE IN BEARING  
+ DRAINAGE ARROW (SEE NOTE 3)

REV.	DESCRIPTION	DATE	BY	PROJECT INFORMATION	BENCHMARK	FINAL PLAT  LAKE POINTE TERRACE PHASE I  CITY OF TEMPLE, BELL COUNTY, TEXAS	Yalgo, LLC 3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057  Texas Registered Engineering Firm # 10264  Texas Registered Surveying Firm 10194095	SHEET  1  OF  2
3	REVISIONS PER CITY COMMENTS	01/28/2019	TWF	TOTAL SIZE: 63.40 ACRES TOTAL BLOCKS: 9 TOTAL LOTS: 216 TOTAL TRACTS: 3	TEMPLE CITY MONUMENT NO. 195			
2	REVISIONS PER CITY COMMENTS	01/14/2019	TWF		TEXAS STATE PLANE COORDINATE SYSTEM, NAD1983 DATUM, TEXAS CENTRAL ZONE NO. 4203 N: 10369983.78 E: 3225794.45 Z: 716.47 (NAVD88-Geoid12B)			
1	ORIGINAL RELEASE	12/19/2018	DBW					
PROJECT NUMBER: LPT1		CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 037						
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX						
AUTHORIZED BY: WBW								





REV.	DESCRIPTION	DATE	BY	PROJECT INFORMATION
4	REVISIONS PER CITY COMMENTS	01/28/2019	TWF	TOTAL SIZE: 63.40 ACRES
3	REVISIONS PER CITY COMMENTS	01/14/2019	TWF	TOTAL BLOCKS: 9
2	ADJUSTED NEIGHBOR LINES	12/20/2018	TWF	TOTAL LOTS: 216
1	ORIGINAL RELEASE	12/19/2018	DBW	TOTAL TRACTS: 3
PROJECT NUMBER: LPT1		CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 037		
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX		
AUTHORIZED BY: WBW				



BENCHMARK
TEMPLE CITY MONUMENT NO. 195
TEXAS STATE PLANE
COORDINATE SYSTEM, NAD1983
DATUM, TEXAS CENTRAL ZONE
NO. 4203
N: 10369983.78
E: 3225794.45
Z: 716.47 (NAVD88-Geoid12B)

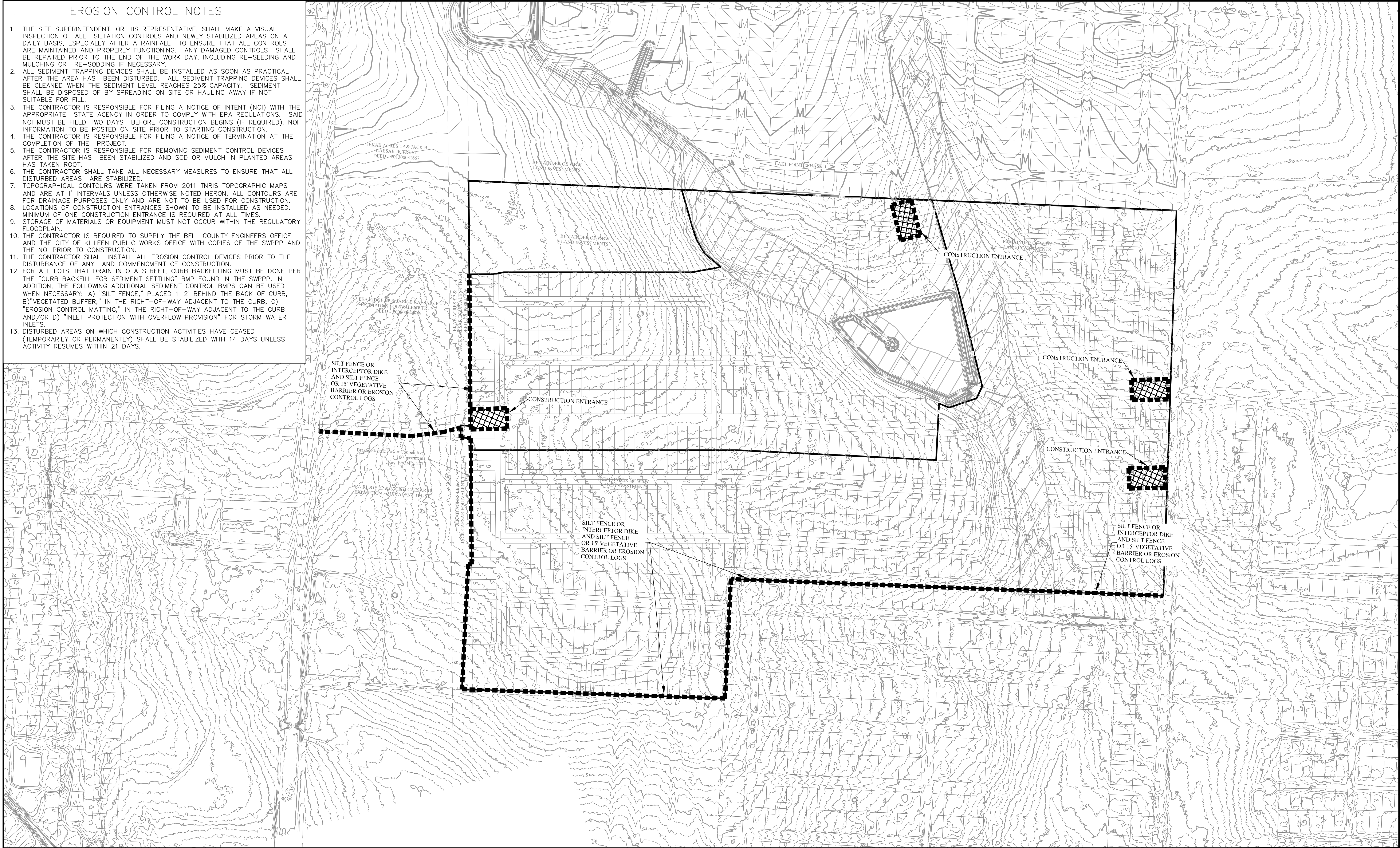
FINAL PLAT  
LAKE POINTE TERRACE PHASE I  
CITY OF TEMPLE, BELL COUNTY, TEXAS

Yalgo, LLC 3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057 Texas Registered Engineering Firm # 10264 Texas Registered Surveying Firm 10194095	SHEET 2 OF 2
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EROSION CONTROL NOTES

1. THE SITE SUPERINTENDENT, OR HIS REPRESENTATIVE, SHALL MAKE A VISUAL INSPECTION OF ALL SILTATION CONTROLS AND NEWLY STABILIZED AREAS ON A DAILY BASIS, ESPECIALLY AFTER A RAINFALL TO ENSURE THAT ALL CONTROLS ARE MAINTAINED AND PROPERLY FUNCTIONING. ANY DAMAGED CONTROLS SHALL BE REPAIRED PRIOR TO THE END OF THE WORK DAY, INCLUDING RE-SEEDING AND MULCHING OR RE-SODDING IF NECESSARY.
2. ALL SEDIMENT TRAPPING DEVICES SHALL BE INSTALLED AS SOON AS PRACTICAL AFTER THE AREA HAS BEEN DISTURBED. ALL SEDIMENT TRAPPING DEVICES SHALL BE CLEANED WHEN THE SEDIMENT LEVEL REACHES 25% CAPACITY. SEDIMENT SHALL BE DISPOSED OF BY SPREADING ON SITE OR HAULING AWAY IF NOT SUITABLE FOR FILL.
3. THE CONTRACTOR IS RESPONSIBLE FOR FILING A NOTICE OF INTENT (NOI) WITH THE APPROPRIATE STATE AGENCY IN ORDER TO COMPLY WITH EPA REGULATIONS. SAID NOI MUST BE FILED TWO DAYS BEFORE CONSTRUCTION BEGINS (IF REQUIRED). NOI INFORMATION TO BE POSTED ON SITE PRIOR TO STARTING CONSTRUCTION.
4. THE CONTRACTOR IS RESPONSIBLE FOR FILING A NOTICE OF TERMINATION AT THE COMPLETION OF THE PROJECT.
5. THE CONTRACTOR IS RESPONSIBLE FOR REMOVING SEDIMENT CONTROL DEVICES AFTER THE SITE HAS BEEN STABILIZED AND SOD OR MULCH IN PLANTED AREAS HAS TAKEN ROOT.
6. THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO ENSURE THAT ALL DISTURBED AREAS ARE STABILIZED.
7. TOPOGRAPHICAL CONTOURS WERE TAKEN FROM 2011 TNRS TOPOGRAPHIC MAPS AND ARE AT 1' INTERVALS UNLESS OTHERWISE NOTED HERON. ALL CONTOURS ARE FOR DRAINAGE PURPOSES ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION. LOCATIONS OF CONSTRUCTION ENTRANCES SHOWN TO BE INSTALLED AS NEEDED. MINIMUM OF ONE CONSTRUCTION ENTRANCE IS REQUIRED AT ALL TIMES.
9. STORAGE OF MATERIALS OR EQUIPMENT MUST NOT OCCUR WITHIN THE REGULATORY FLOODPLAIN.
10. THE CONTRACTOR IS REQUIRED TO SUPPLY THE BELL COUNTY ENGINEERS OFFICE AND THE CITY OF KILLEEN PUBLIC WORKS OFFICE WITH COPIES OF THE SWPPP AND THE NOI PRIOR TO CONSTRUCTION.
11. THE CONTRACTOR SHALL INSTALL ALL EROSION CONTROL DEVICES PRIOR TO THE DISTURBANCE OF ANY LAND COMMENCEMENT OF CONSTRUCTION.
12. FOR ALL LOTS THAT DRAIN INTO A STREET, CURB BACKFILLING MUST BE DONE PER THE "CURB BACKFILL FOR SEDIMENT SETTLING" BMP FOUND IN THE SWPPP. IN ADDITION, THE FOLLOWING ADDITIONAL SEDIMENT CONTROL BMPS CAN BE USED WHEN NECESSARY: A) "SILT FENCE," PLACED 1-2' BEHIND THE BACK OF CURB, B)"VEGETATED BUFFER," IN THE RIGHT-OF-WAY ADJACENT TO THE CURB, C) "EROSION CONTROL MATTING," IN THE RIGHT-OF-WAY ADJACENT TO THE CURB AND/OR D) "INLET PROTECTION WITH OVERFLOW PROVISION" FOR STORM WATER INLETS.
13. DISTURBED AREAS ON WHICH CONSTRUCTION ACTIVITIES HAVE CEASED (TEMPORARILY OR PERMANENTLY) SHALL BE STABILIZED WITH 14 DAYS UNLESS ACTIVITY RESUMES WITHIN 21 DAYS.



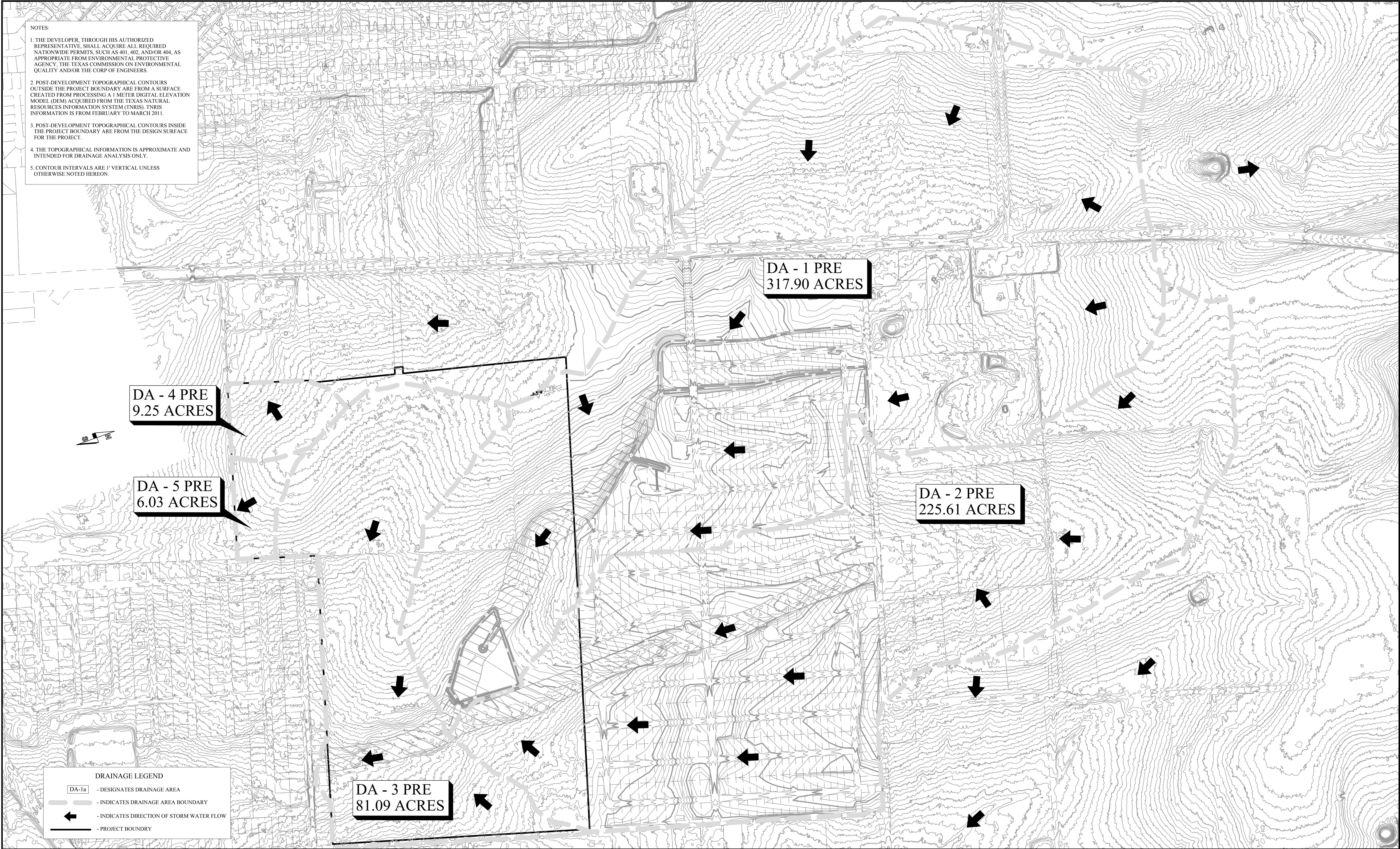
REV.	DESCRIPTION	DATE	BY	PROJECT INFORMATION
				TOTAL SIZE: 169.72 TOTAL BLOCKS: 19 TOTAL LOTS: 636 TOTAL TRACTS: 5
1	ORIGINAL RELEASE	12/19/2018	DBW	
PROJECT NUMBER: LPTI		CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 037		
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX		
AUTHORIZED BY: WBW				

BENCHMARK
City Survey Monument TBD
GRAPHIC SCALE
0 100' 200' 300'
0 1" 2" 3"
IN FEET

STORMWATER POLLUTION PREVENTION PLAN  
LAKE POINTE TERRACE  
CITY OF TEMPLE, BELL COUNTY, TEXAS

ENGINEER'S APPROVAL	Yalgo, LLC	SHEET
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 12/19/2018. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.	3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057 Texas Registered Engineering Firm # 10264 Texas Registered Surveying Firm 10194095	3 OF 8





NOTES:

1. THE DEVELOPER, THROUGH HIS AUTHORIZED REPRESENTATIVE, SHALL ACQUIRE ALL REQUIRED NATIONWIDE PERMITS, SUCH AS 401, 402, AND/OR 404, AS APPROPRIATE FROM ENVIRONMENTAL PROTECTIVE AGENCY, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND/OR THE CORP OF ENGINEERS.
2. POST-DEVELOPMENT TOPOGRAPHICAL CONTOURS OUTSIDE THE PROJECT BOUNDARY ARE FROM A SURFACE CREATED FROM PROCESSING A 1 METER DIGITAL ELEVATION MODEL (DEM) ACQUIRED FROM THE TEXAS NATURAL RESOURCES INFORMATION SYSTEM (TNRIS). TNRIS INFORMATION IS FROM FEBRUARY TO MARCH 2011.
3. POST-DEVELOPMENT TOPOGRAPHICAL CONTOURS INSIDE THE PROJECT BOUNDARY ARE FROM THE DESIGN SURFACE FOR THE PROJECT.
4. THE TOPOGRAPHICAL INFORMATION IS APPROXIMATE AND INTENDED FOR DRAINAGE ANALYSIS ONLY.
5. CONTOUR INTERVALS ARE 1' VERTICAL UNLESS OTHERWISE NOTED HEREON.

DA - 4 PRE  
9.25 ACRES

DA - 5 PRE  
6.03 ACRES

DA - 1 PRE  
317.90 ACRES

DA - 2 PRE  
225.61 ACRES

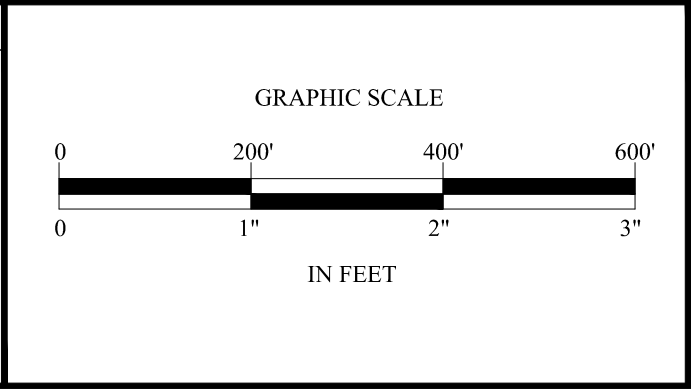
DA - 3 PRE  
81.09 ACRES

DRAINAGE LEGEND

- DA-1a - DESIGNATES DRAINAGE AREA
- INDICATES DRAINAGE AREA BOUNDARY
- INDICATES DIRECTION OF STORM WATER FLOW
- PROJECT BOUNDARY

REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	12/19/2018	DBW
PROJECT NUMBER: LPT0		CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 037	
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

PROJECT INFORMATION
TOTAL SIZE: 169.72
TOTAL BLOCKS: 19
TOTAL LOTS: 636
TOTAL TRACTS: 5



BENCHMARK
City Survey Monument TBD

PRE DRAINAGE  
LAKE POINTE TERRACE  
CITY OF TEMPLE, BELL COUNTY, TEXAS

ENGINEER'S APPROVAL
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 12/19/2018. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

<b>Yalgo, LLC</b> 3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5056  Texas Registered Engineering Firm F-10264
---

SHEET
4
OF
8



NOTES:

1. THE DEVELOPER, THROUGH HIS AUTHORIZED REPRESENTATIVE, SHALL ACQUIRE ALL REQUIRED NATIONWIDE PERMITS, SUCH AS 401, 402, AND/OR 404, AS APPROPRIATE FROM ENVIRONMENTAL PROTECTIVE AGENCY, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND/OR THE CORP OF ENGINEERS.

2. POST-DEVELOPMENT TOPOGRAPHICAL CONTOURS OUTSIDE THE PROJECT BOUNDARY ARE FROM A SURFACE CREATED FROM PROCESSING A 1 METER DIGITAL ELEVATION MODEL (DEM) ACQUIRED FROM THE TEXAS NATURAL RESOURCES INFORMATION SYSTEM (TNRS). TNRS INFORMATION IS FROM FEBRUARY TO MARCH 2011.

3. POST-DEVELOPMENT TOPOGRAPHICAL CONTOURS INSIDE THE PROJECT BOUNDARY ARE FROM THE DESIGN SURFACE FOR THE PROJECT.

4. THE TOPOGRAPHICAL INFORMATION IS APPROXIMATE AND INTENDED FOR DRAINAGE ANALYSIS ONLY.

5. CONTOUR INTERVALS ARE 1' VERTICAL UNLESS OTHERWISE NOTED HEREON.

DA - 4 POST  
6.96 ACRES

DA - 3 POST  
76.30 ACRES

DA - 1 POST  
322.73 ACRES

DA - 2 POST  
233.54 ACRES

DRAINAGE LEGEND

- DA-1a - DESIGNATES DRAINAGE AREA
- INDICATES DRAINAGE AREA BOUNDARY
- INDICATES DIRECTION OF STORM WATER FLOW
- PROJECT BOUNDARY

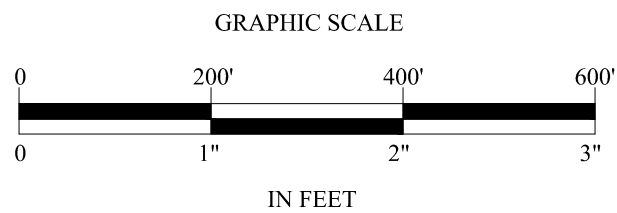
PROJECT INFORMATION

TOTAL SIZE: 169.72

TOTAL BLOCKS: 19

TOTAL LOTS: 636

TOTAL TRACTS: 5



BENCHMARK

City Survey Monument TBD

POST DRAINAGE

LAKE POINTE TERRACE

CITY OF TEMPLE, BELL COUNTY, TEXAS

ENGINEER'S APPROVAL

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**Yalgo, LLC**

3000 Illinois Ave., Suite 100  
Killeen, TX 76543  
PH (254) 953-5353  
FX (254) 953-5056

Texas Registered  
Engineering Firm F-10264

SHEET

5

OF

8



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY WATER DISTRIBUTION SYSTEM GENERAL CONSTRUCTION NOTES**

1. This water distribution system must be constructed in accordance with the current Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Public Water Systems 30 Texas Administrative Code (TAC) Chapter 290 Subchapter D. When conflicts are noted with local standards, the more stringent requirement shall be applied. Construction for public water systems must always, at a minimum, meet TCEQ's "Rules and Regulations for Public Water Systems."

2. All newly installed pipes and related products must conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 61-G and must be certified by an organization accredited by ANSI, as required by 30 TAC §290.44(a)(1).

3. Plastic pipe for use in public water systems must bear the National Sanitation Foundation Seal of Approval (NSF pw-G) and have an ASTM design pressure rating of at least 150 psi or a standard dimension ratio of 26 or less, as required by 30 TAC §290.44(a)(2).

4. No pipe which has been used for any purpose other than the conveyance of drinking water shall be accepted or relocated for use in any public drinking water supply, as required by 30 TAC §290.44(a)(3).

5. Water transmission and distribution lines shall be installed in accordance with the manufacturer's instructions. However, the top of the water line must be located below the frost line and in no case shall the top of the water line be less than 24 inches below ground surface, as required by 30 TAC §290.44(a)(4).

6. The hydrostatic leakage rate for polyvinyl chloride (PVC) pipe and appurtenances shall not exceed the amount allowed or recommended by formula in America Water Works Association (AWWA) C-605 as required in 30 TAC §290.44(a)(5). Please ensure that the formula for this calculation is correct and most current formula is in use;

$Q = (LD \sqrt{P}) / 148,000$

Where:

- Q = the quantity of makeup water in gallons per hour,
  - L = the length of the pipe section being tested, in feet,
  - D = the nominal diameter of the pipe in inches, and
  - P = the average test pressure during the hydrostatic test in pounds per square inch (psi).
- Revised: January 10, 2014 2

The hydrostatic leakage rate for ductile iron (DI) pipe and appurtenances shall not exceed the amount allowed or recommended by formula in America Water Works Association (AWWA) C-600 as required in 30 TAC §290.44(a)(5). Please ensure that the formula for this calculation is correct and most current formula is in use;

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Where:

- L = the quantity of makeup water in gallons per hour,
- S = the length of the pipe section being tested, in feet,
- D = the nominal diameter of the pipe in inches, and
- P = the average test pressure during the hydrostatic test in pounds per square inch (psi).

7. This project must comply with changes to the Safe Drinking Water Act that reduce the maximum allowable lead content of pipes, pipe fittings, plumbing fittings, and fixtures to 0.25 percent.
8. The system is designed to maintain a minimum pressure of 35 psi at all points within the distribution network at flow rates of at least 1.5 gallons per minute per connection. In cases where the system is intended to provide firefighting capability, it is also designed to maintain a minimum pressure of 20 psi under combined fire and drinking water flow conditions as required by 30 TAC §290.44(d).

**GENERAL NOTES:**

1. ALL WORK DETAILED ON THESE PLANS SHALL BE CONSTRUCTED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS IN ACCORDANCE WITH THE STANDARD CONSTRUCTION SPECIFICATIONS AND REGULATIONS OF THE CITY OF TEMPLE, UNLESS OTHERWISE NOTED.
2. CONTRACTOR SHALL COMPLY WITH ALL CURRENT O.S.H.A. REQUIREMENTS REGARDING TRENCH SAFETY AND SHORING. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DRAFT AND ADHERE TO A TRENCH SAFETY PLAN.
3. CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL T.C.E.Q. RULES AND REGULATIONS IN CHAPTER 290 OF PUBLIC DRINKING WATER IN THE TEXAS ADMINISTRATION CODE, MANUFACTURERS' RECOMMENDATIONS AND GENERAL INDUSTRY PRACTICES.
4. THE PROPOSED WATERLINES SHALL BE PVC WATER PIPE AND SHALL MEET THE REQUIREMENTS OF AWWA STANDARD FOR POLYVINYL CHLORIDE (PVC) PRESSURE PIPE FOR WATER, AWWA STANDARD C900, WITH CAST-IRON OUTSIDE DIMENSIONS. THE PIPE WILL BE CLASS 150 (DR-18).
5. ALL WATER MAINS MUST BE 42" BELOW FINISHED GRADE.
6. ALL WATER LINES SHOWN ARE PROPOSED UNLESS OTHERWISE NOTED.
7. ALL DUCTILE IRON PIPE JOINTS AND FITTINGS SHALL BE IN ACCORDANCE WITH AWWA C111 (ANSI A 21.1).

9. The contractor shall install appropriate air release devices in the distribution system at all points where topography or other factors may create air locks in the lines. All vent openings to the atmosphere shall be covered with 16-mesh or finer, corrosion resistant screening material or an acceptable equivalent as required by 30 TAC §290.44(d)(1).
10. Pursuant to 30 TAC §290.44(d)(4), accurate water meters shall be provided. Service connections and meter locations are shown on the plans.
11. Pursuant to 30 TAC §290.44(d)(5), sufficient valves and blowoffs to make repairs are provided. The engineering report shall establish criteria for this design.
12. Pursuant to 30 TAC §290.44(d)(6), the system is designed to afford effective circulation of water with a minimum of dead ends. All dead-end mains are provided with acceptable flush valves and discharge piping. All dead-end lines less than two inches in diameter do not require flush valves if they end at a customer service. Where dead ends are necessary as a stage in the growth of the system, they shall be located and arranged to ultimately connect the ends to provide circulation.
13. The contractor shall maintain a minimum separation distance in all directions of nine feet between the proposed waterline and wastewater collection facilities including manholes and septic tank drainfields. If this distance cannot be maintained, the contractor must immediately notify the project engineer for further direction. Separation distances, installation methods, and materials utilized must meet 30 TAC §290.44(c)(1-4) of the current rules. Revised: January 10, 2014 3
14. Pursuant to 30 TAC §290.44(e)(5), the separation distance from a potable waterline to a wastewater main or lateral manhole or cleanout shall be a minimum of nine feet. Where the nine-foot separation distance cannot be achieved, the potable waterline shall be encased in a joint of at least 150 psi pressure class pipe at least 18 feet long and two nominal sizes larger than the new conveyance. The space around the carrier pipe shall be supported at five-foot intervals with spacers or be filled to the springline with washed sand. The encasement pipe shall be centered on the crossing and both ends sealed with cement grout or manufactured sealant.
15. Pursuant to 30 TAC §290.44(e)(6), fire hydrants shall not be installed within nine feet vertically or horizontally of any wastewater line, wastewater lateral, or wastewater service line regardless of construction.
16. Pursuant to 30 TAC §290.44(e)(7), suction mains to pumping equipment shall not cross wastewater mains, wastewater laterals, or wastewater service lines. Raw water supply lines shall not be installed within five feet of any tile or concrete wastewater main, wastewater lateral, or wastewater service line.
17. Pursuant to 30 TAC §290.44(f)(8), waterlines shall not be installed closer than ten feet to septic tank drainfields.
18. Pursuant to 30 TAC §290.44(f)(1), the contractor shall not place the pipe in water or where it can be flooded with water or sewage during its storage or installation.
19. Pursuant to 30 TAC §290.44(d)(2), when waterlines are laid under any flowing or intermittent stream or semi-permanent body of water, the water main shall be installed in a separate watertight pipe encasement. Valves must be provided on each side of the crossing with facilities to allow the underwater portion of the system to be isolated and tested.
20. The contractor shall disinfect the new water mains in accordance with AWWA Standard C-651 and then flush and sample the lines before being placed into service. Samples shall be collected for microbiological analysis to check the effectiveness of the disinfection procedure which shall be repeated if contamination persists. A minimum of one sample for each 1,000 feet of completed water line will be required or at the next available sampling point beyond 1,000 feet as designated by the design engineer, in accordance with 30 TAC §290.44(f)(3).



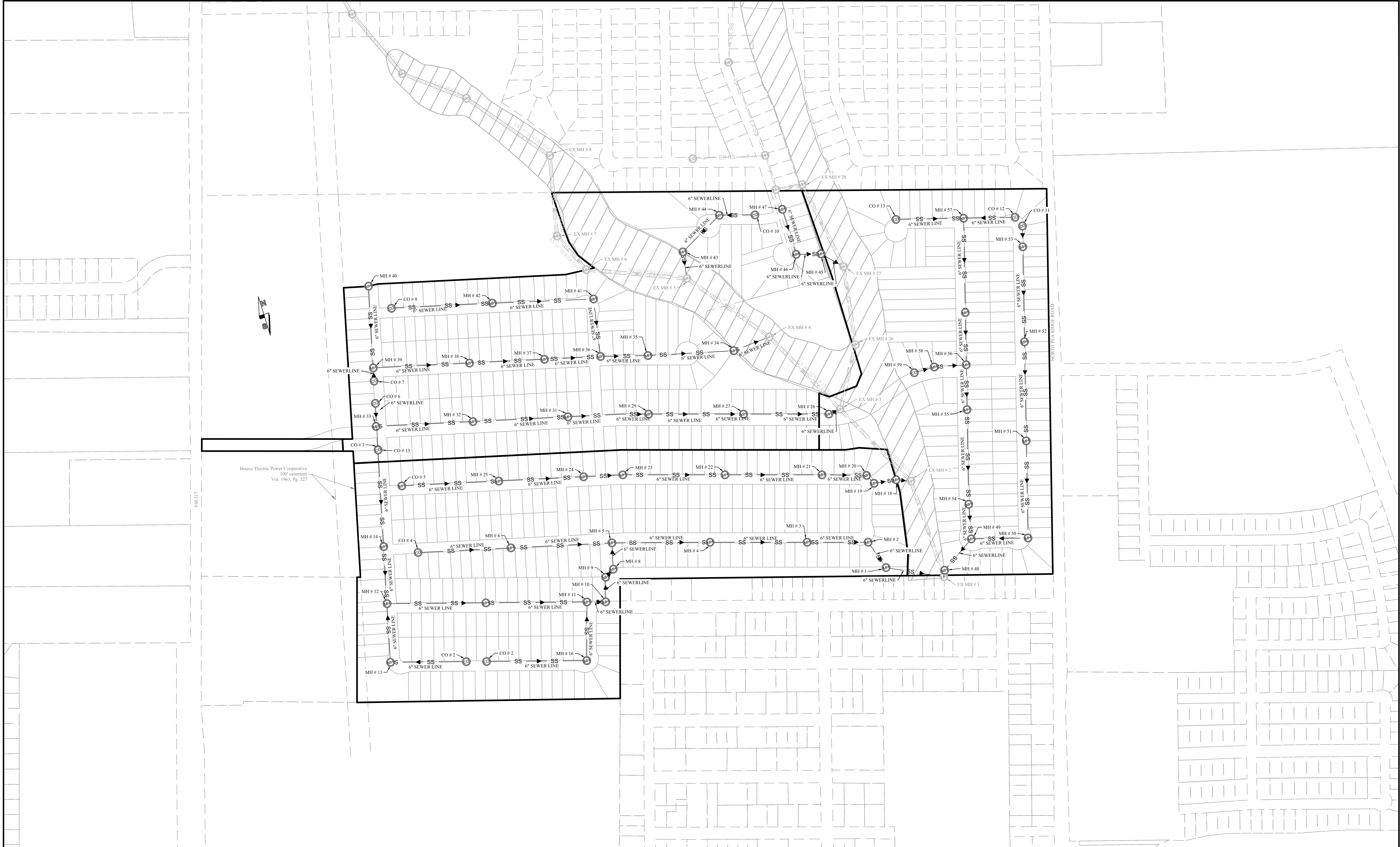
REV.	DESCRIPTION	DATE	BY	PROJECT INFORMATION		BENCHMARK	PRELIMINARY WATER LAYOUT LAKE POINTE TERRACE CITY OF TEMPLE, BELL COUNTY, TEXAS				ENGINEER'S APPROVAL		Yalgo, LLC 3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057  Texas Registered Engineering Firm # 10264  Texas Registered Surveying Firm # 10194095	SHEET  6  OF  8
				TOTAL SIZE: 169.72 TOTAL BLOCKS: 19 TOTAL LOTS: 636 TOTAL TRACTS: 5	City Survey Monument TBD									
1	ORIGINAL RELEASE	12/19/2018	TWF								THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 12/19/2018. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.			
PROJECT NUMBER: LPT0		CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 037												
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX												
AUTHORIZED BY: WBW														

GRAPHIC SCALE

0 200' 400' 600'

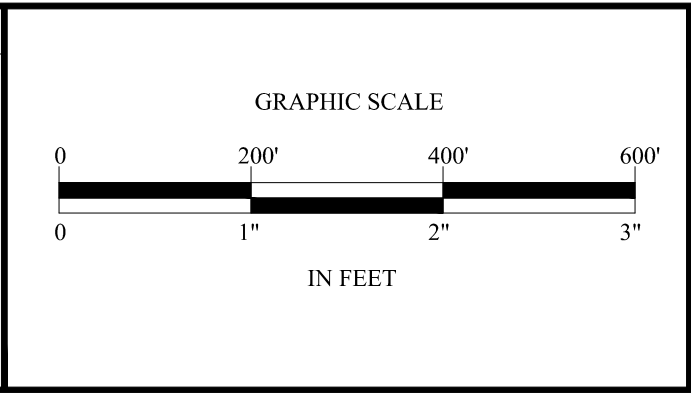
0 1" 2" 3"

IN FEET



REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	12/19/2018	TWF
PROJECT NUMBER: LPT0		CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 037	
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

PROJECT INFORMATION
TOTAL SIZE: 169.72
TOTAL BLOCKS: 19
TOTAL LOTS: 636
TOTAL TRACTS: 5



BENCHMARK
City Survey Monument TBD

PRELIMINARY SANITARY SEWER LAYOUT  
LAKE POINTE TERRACE  
CITY OF TEMPLE, BELL COUNTY, TEXAS

ENGINEER'S APPROVAL
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<b>Yalga, LLC</b> 3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057 Texas Registered Engineering Firm # 10264 Texas Registered Surveying Firm # 10194095
SHEET 7 OF 8



ABBREVIATIONS

AE	ACCESS EASEMENT
BM	BENCHMARK
BOC	BACK OF CURB
BL	BUILDING LINE
CFS	CUBIC FEET PER SECOND
CO	CLEAN OUT
CONC	CONCRETE
CTR	CENTER
DBL	DOUBLE
DA	DRAINAGE AREA
DE	DRAINAGE EASEMENT
DIA	DIAMETER
ELEV	ELEVATION
EOP	EDGE OF PAVEMENT
EX	EXISTING
FH	FIRE HYDRANT
FL	FLOW LINE
FND	FOUNDATION
FT	FOOT (FEET)
GALV	GALVANIZED
GV	GATE VALVE
INV	INVERT
L	LENGTH
LF	LINEAR FOOT
LP	LOW POINT
LT	LEFT
LTOC	LEFT TOP OF CURB
LTOG	LEFT TOP OF GRADE
MAX	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
MISC	MISCELLANEOUS
MP	MID POINT
NAE	NON-ACCESS EASEMENT
NTS	NOT TO SCALE
NO	NUMBER
OD	OUTSIDE DIAMETER
PC	POINT OF CURVATURE
POB	POINT OF BEGINNING
PRC	POINT OF REVERSE CURVATURE
PSI	POUNDS PER SQUARE INCH
PT	POINT OF TANGENCY
PVC	POINT OF VERTICAL CURVE
PVI	POINT OF VERTICAL INFLECTION
PVT	POINT OF VERTICAL TANGENCY
R	RADIUS
RE	REFERENCE
REINF	REINFORCE(D)
REQ'D	REQUIRED
REV	REVISION
ROW	RIGHT OF WAY
RTOC	RIGHT TOP OF CURB
RTOG	RIGHT TOP OF GRADE
SS	SANITARY SEWER
SD	STORM DRAIN
SIM	SIMILAR
SPEC	SPECIFICATION
STA	STATION
STD	STANDARD
STR	STRUCTURE
SYM	SYMMETRICAL
TBM	TEMPORARY BENCH MARK
TOC	TOP OF CURB
TOG	TOP OF GROUND
THK	THICK
TYP	TYPICAL
UUE	UNDERGROUND UTILITY EASEMENT
VERT	VERTICAL
W/	WITH
W/O	WITH OUT
LTOC	LEFT TOP OF CURB LOOKING UP STATION
RTOC	RIGHT TOP OF CURB LOOKING UP STATION

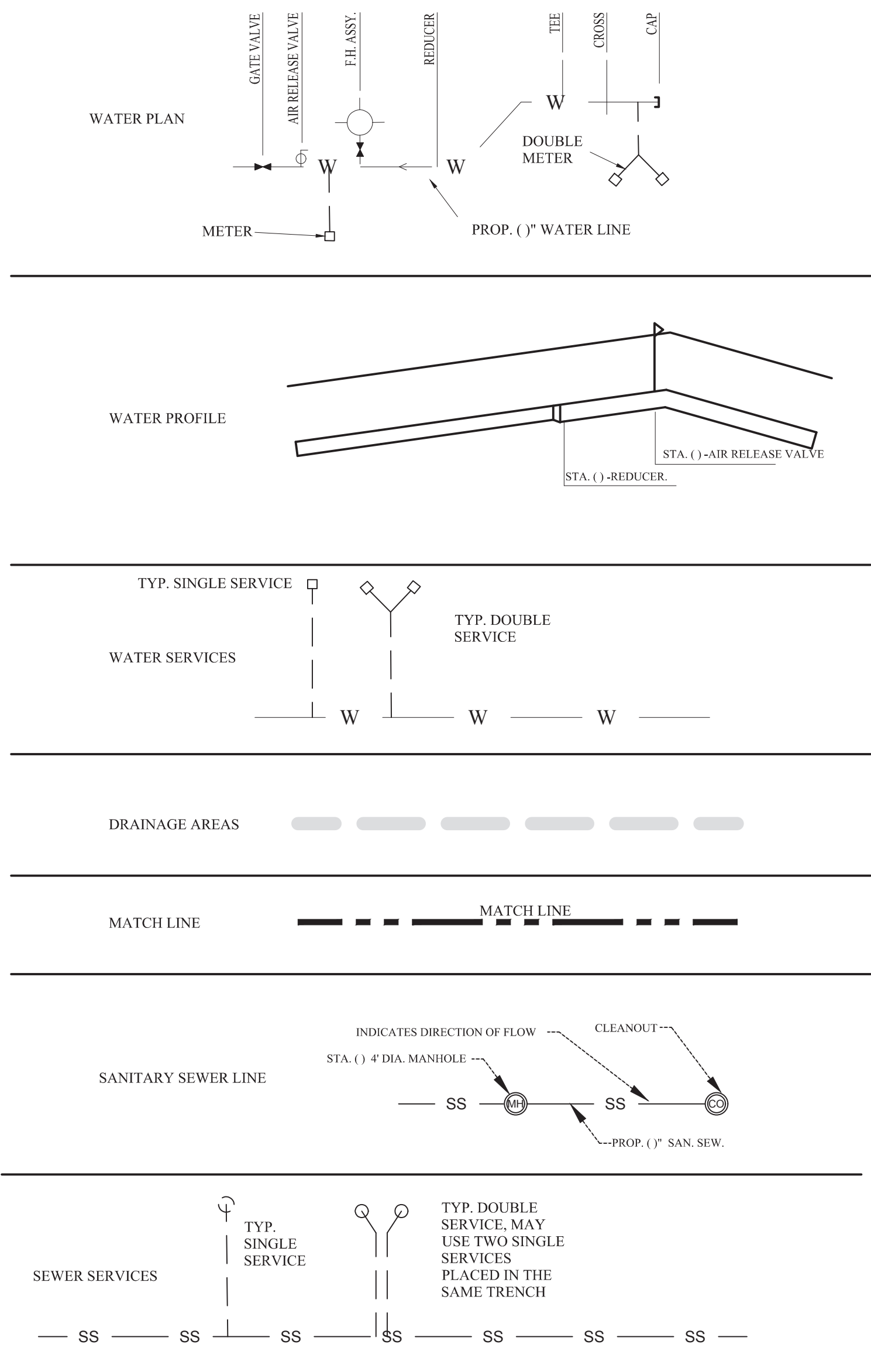
MATERIALS LEGEND

	GRAVEL
	ROCK RIPRAP, GABIONS
	ASPHALT / PAVEMENT
	CONCRETE
	CRUSH LIMESTONE
	SAND
	NATURAL GROUND
	COMPACTED FILL (SUBGRADE)
	HDPE PIPE

TOPOGRAPHIC SURVEY LEGEND

	= 1/2" DIAMETER IRON ROD FOUND, UNLESS OTHERWISE NOTED
	= 1/2" DIAMETER IRON ROD WITH CAP PLACED, UNLESS OTHERWISE NOTED
	= 1/2" DIAMETER REBAR PLACED IN CONCRETE, UNLESS OTHERWISE NOTED
B.C.D.R.	= BELL COUNTY DEED RECORDS
B.O.P.R.	= BELL COUNTY OFFICIAL PUBLIC RECORDS
(   )	= DEED CALL/PLATTED CALL
[   ]	= ADJOINER CALL
.....	= SANITARY SEWER LINE
	= SANITARY SEWER MANHOLE
	= SANITARY SEWER CLEANOUT
— O/E —	= OVERHEAD ELECTRIC LINE
— U/E —	= UNDERGROUND ELECTRIC LINE
	= POWER POLE
	= LIGHT POLE
	= GUY WIRE
— SD —	=STORM SEWER LINE
	= STORM DRAIN MANHOLE
- - - PHONE - - -	= PHONE LINE
— W —	= WATER LINE
	= WATER METER
	= WATER VALVE
	= FIRE HYDRANT ASSEMBLY
	= TEMPORARY BENCHMARK
	= SOIL BORING
	= TREE
	= SHRUB
— X —	= FENCE
	= PIPE COUPLING
— FM —	=SANITARY SEWER FORCE MAIN
	= INLINE FLUSHING CONNECTION
	=TERMINAL FLUSHING CONNECTION

DESIGN LEGEND



GENERAL NOTES

- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE APPLICABLE CITY OF TEMPLE STANDARDS.
- ALL EXCESS EXCAVATED MATERIAL, NOT SUITABLE FOR BACKFILL, IS TO BE REMOVED AND DISPOSED OF OFFSITE BY THE CONTRACTOR, INCLUDING CURB AND GUTTER AND DRIVE APPROACHES.
- ALL TRAFFIC CONTROL DEVICES ARE TO BE IN ACCORDANCE WITH THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST ADDITION.
- THE CONTRACTOR SHALL CALL THE TEXAS ONE-CALL SYSTEM @ 1-800-245-4545 AT LEAST 48 HOURS PRIOR TO DIGGING.
- CONTRACTOR IS RESPONSIBLE FOR TRENCH SAFETY AND SHALL COMPOSE TRENCH SAFETY PLAN TO BE USED DURING CONSTRUCTION.
- EXISTING UTILITIES HAVE BEEN SHOWN AS BEST AS CAN BE DETERMINED FROM CITY RECORDS AND UTILITY LOCATIONS PROVIDED BY TEXAS ONE-CALL SYSTEM. THE UTILITY LINE LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE ONLY AND ARE FURNISHED AS A GUIDE FOR THE CONTRACTOR. THE CONTRACTOR WILL VERIFY THE EXACT LOCATION AND ELEVATION OF ALL UTILITIES BEFORE BEGINNING EXCAVATION.
- EXISTING PAVEMENT SHALL BE SAWED TO A SMOOTH STRAIGHT LINE AT BEGINNING AND END OF STREET CONSTRUCTION WHERE SHOWN AND AT ALL CONSTRUCTION LIMITS WHERE SHOWN.
- GAS LINES, TELEPHONE LINES AND UTILITY POLES TO BE RELOCATED OR ADJUSTED BY OTHERS.
- ALL TESTING MUST BE IN ACCORDANCE WITH CURRENT TCEQ REGULATIONS.
- ALL EXCAVATION SHALL BE BACKFILLED AND COMPACTED TO THE DESIGN SPECIFICATIONS OR, WHERE APPLICABLE, CITY OF TEMPLE DESIGN STANDARDS.
- WHERE PIPE INSTALLATIONS IN ROCK (OR OTHER INCOMPRESSIBLE FOUNDATION) THE CONTRACTOR SHALL EXCAVATE SO AS TO PROVIDE A MINIMUM OF 6" GRANULAR CUSHION BENEATH THE PIPE, IN ACCORDANCE WITH THE SPECIFIC DETAIL.
- CONTRACTOR SHALL SHAPE EMBEDMENT MATERIAL TO ACCOMMODATE THE BELLED JOINTS OF PIPES TO ENSURE SUPPORT THROUGHOUT THEIR LENGTHS. BELLED JOINTS SHALL HAVE A MINIMUM OF 2" OF FILL BENEATH THEM.
- IF FAULTS, CAVERNS, OR SUBSIDENCE ARE DISCOVERED DURING CONSTRUCTION, CONSTRUCTION SHALL BE HALTED TO ALLOW THE FEATURES TO BE INSPECTED BY THE DESIGN ENGINEER OR A LICENSED GEOTECHNICAL PROFESSIONAL.
- ALL DIMENSIONS AND ELEVATIONS RELATING TO CURB AND GUTTER ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
- WHERE NEW CURB AND GUTTER IS PLACED NEXT TO EXISTING, THE GUTTER FLOWLINE GRADES SHALL MATCH.
- ALL PIPE AND PRECAST MATERIAL(HDPE, PVC, INLETS, ETC.) SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND GENERAL INDUSTRY CONSTRUCTION PRACTICES.

REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	12/19/2018	DBW
PROJECT NUMBER: LPT1		CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 037	
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

PROJECT INFORMATION
TOTAL SIZE: 60.20
TOTAL BLOCKS: 9
TOTAL LOTS: 216
TOTAL TRACTS: 1

BENCHMARK
City Survey Monument TBD

LEGEND

LAKE POINTE TERRACE PHASE 1

CITY OF TEMPLE, BELL COUNTY, TEXAS

ENGINEER'S APPROVAL

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**Yalgo, LLC**  
3000 Illinois Ave., Suite 100  
Killeen, TX 76543  
PH (254) 953-5353  
FX (254) 953-5057  
  
Texas Registered  
Engineering Firm F-10264  
  
Texas Registered  
Surveying Firm 10194095



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY WATER DISTRIBUTION SYSTEM GENERAL CONSTRUCTION NOTES**

1. This water distribution system must be constructed in accordance with the current Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Public Water Systems 30 Texas Administrative Code (TAC) Chapter 290 Subchapter D. When conflicts are noted with local standards, the more stringent requirement shall be applied. Construction for public water systems must always, at a minimum, meet TCEQ's "Rules and Regulations for Public Water Systems."

2. All newly installed pipes and related products must conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 61-G and must be certified by an organization accredited by ANSI, as required by 30 TAC §290.44(a)(1).

3. Plastic pipe for use in public water systems must bear the National Sanitation Foundation Seal of Approval (NSF pw-G) and have an ASTM design pressure rating of at least 150 psi or a standard dimension ratio of 26 or less, as required by 30 TAC §290.44(a)(2).

4. No pipe which has been used for any purpose other than the conveyance of drinking water shall be accepted or relocated for use in any public drinking water supply, as required by 30 TAC §290.44(a)(3).

5. Water transmission and distribution lines shall be installed in accordance with the manufacturer's instructions. However, the top of the water line must be located below the frost line and in no case shall the top of the water line be less than 24 inches below ground surface, as required by 30 TAC §290.44(a)(4).

6. The hydrostatic leakage rate for polyvinyl chloride (PVC) pipe and appurtenances shall not exceed the amount allowed or recommended by formula in America Water Works Association (AWWA) C-605 as required in 30 TAC §290.44(a)(5). Please ensure that the formula for this calculation is correct and most current formula is in use;

$Q = (LD \sqrt{P}) / 148,000$

Where:

- Q = the quantity of makeup water in gallons per hour,
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- D = the nominal diameter of the pipe in inches, and
- P = the average test pressure during the hydrostatic test in pounds per square inch (psi).

Revised: January 10, 2014 2

The hydrostatic leakage rate for ductile iron (DI) pipe and appurtenances shall not exceed the amount allowed or recommended by formulas in America Water Works Association (AWWA) C-600 as required in 30 TAC §290.44(a)(5). Please ensure that the formula for this calculation is correct and most current formula is in use;

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Where:

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- D = the nominal diameter of the pipe in inches, and
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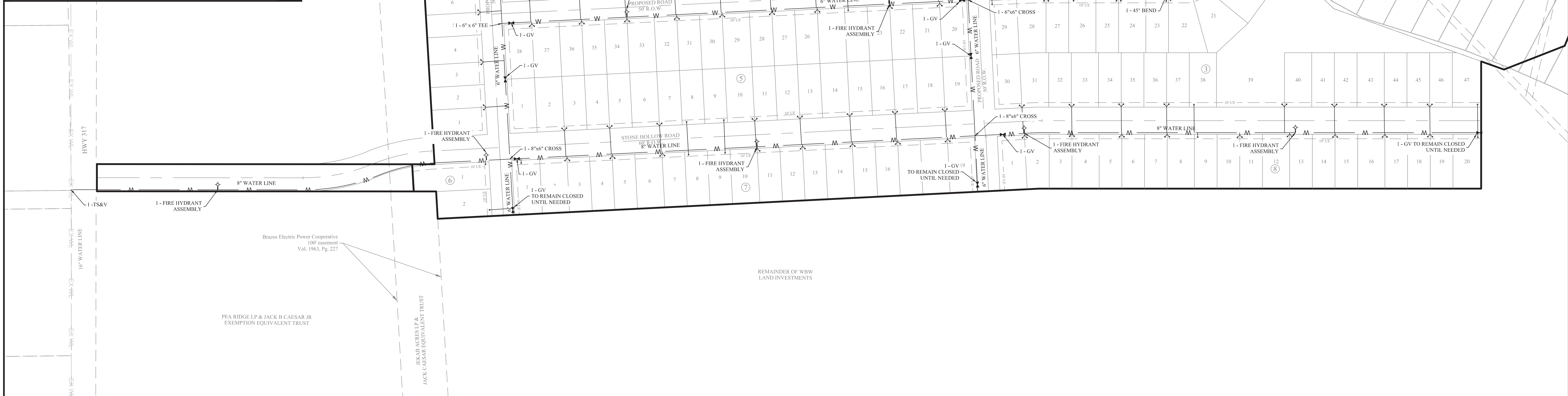
7. This project must comply with changes to the Safe Drinking Water Act that reduce the maximum allowable lead content of pipes, pipe fittings, plumbing fittings, and fixtures to 0.25 percent.

8. The system is designed to maintain a minimum pressure of 35 psi at all points within the distribution network at flow rates of at least 1.5 gallons per minute per connection. In cases where the system is intended to provide firefighting capability, it is also designed to maintain a minimum pressure of 20 psi under combined fire and drinking water flow conditions as required by 30 TAC §290.44(d).

**GENERAL NOTES:**

1. ALL WORK DETAILED ON THESE PLANS SHALL BE CONSTRUCTED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS IN ACCORDANCE WITH THE STANDARD CONSTRUCTION SPECIFICATIONS AND REGULATIONS OF THE CITY OF TEMPLE, UNLESS OTHERWISE NOTED.
2. CONTRACTOR SHALL COMPLY WITH ALL CURRENT O.S.H.A. REQUIREMENTS REGARDING TRENCH SAFETY AND SHORING. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DRAFT AND ADHERE TO A TRENCH SAFETY PLAN.
3. CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL T.C.E.Q. RULES AND REGULATIONS IN CHAPTER 290 OF PUBLIC DRINKING WATER IN THE TEXAS ADMINISTRATION CODE, MANUFACTURERS' RECOMMENDATIONS AND GENERAL INDUSTRY PRACTICES.
4. THE PROPOSED WATERLINES SHALL BE PVC WATER PIPE AND SHALL MEET THE REQUIREMENTS OF AWWA STANDARD FOR POLYVINYL CHLORIDE (PVC) PRESSURE PIPE FOR WATER, AWWA STANDARD C900, WITH CAST-IRON OUTSIDE DIMENSIONS. THE PIPE WILL BE CLASS 150 (DR-18).
5. ALL WATER MAINS MUST BE 42" BELOW FINISHED GRADE.
6. ALL WATER LINES SHOWN ARE PROPOSED UNLESS OTHERWISE NOTED.
7. ALL DUCTILE IRON PIPE JOINTS AND FITTINGS SHALL BE IN ACCORDANCE WITH AWWA C111 (ANSI A 21.1).

9. The contractor shall install appropriate air release devices in the distribution system at all points where topography or other factors may create air locks in the lines. All vent openings to the atmosphere shall be covered with 16-mesh or finer, corrosion resistant screening material or an acceptable equivalent as required by 30 TAC §290.44(d)(1).
10. Pursuant to 30 TAC §290.44(d)(4), accurate water meters shall be provided. Service connections and meter locations are shown on the plans.
11. Pursuant to 30 TAC §290.44(d)(5), sufficient valves and blowoffs to make repairs are provided. The engineering report shall establish criteria for this design.
12. Pursuant to 30 TAC §290.44(d)(6), the system is designed to afford effective circulation of water with a minimum of dead ends. All dead-end mains are provided with acceptable flush valves and discharge piping. All dead-end lines less than two inches in diameter do not require flush valves if they end at a customer service. Where dead ends are necessary as a stage in the growth of the system, they shall be located and arranged to ultimately connect the ends to provide circulation.
13. The contractor shall maintain a minimum separation distance in all directions of nine feet between the proposed waterline and wastewater collection facilities including manholes and septic tank drainfields. If this distance cannot be maintained, the contractor must immediately notify the project engineer for further direction. Separation distances, installation methods, and materials utilized must meet 30 TAC §290.44(c)(1-4) of the current rules. Revised: January 10, 2014 3
14. Pursuant to 30 TAC §290.44(e)(5), the separation distance from a potable waterline to a wastewater main or lateral manhole or cleanout shall be a minimum of nine feet. Where the nine-foot separation distance cannot be achieved, the potable waterline shall be encased in a joint of at least 150 psi pressure class pipe at least 18 feet long and two nominal sizes larger than the new conveyance. The space around the carrier pipe shall be supported at five-foot intervals with spacers or be filled to the springline with washed sand. The encasement pipe shall be centered on the crossing and both ends sealed with cement grout or manufactured sealant.
15. Pursuant to 30 TAC §290.44(f)(6), fire hydrants shall not be installed within nine feet vertically or horizontally of any wastewater line, wastewater lateral, or wastewater service line regardless of construction.
16. Pursuant to 30 TAC §290.44(e)(7), suction mains to pumping equipment shall not cross wastewater mains, wastewater laterals, or wastewater service lines. Raw water supply lines shall not be installed within five feet of any tile or concrete wastewater main, wastewater lateral, or wastewater service line.
17. Pursuant to 30 TAC §290.44(g)(8), waterlines shall not be installed closer than ten feet to septic tank drainfields.
18. Pursuant to 30 TAC §290.44(f)(1), the contractor shall not place the pipe in water or where it can be flooded with water or sewage during its storage or installation.
19. Pursuant to 30 TAC §290.44(d)(2), when waterlines are laid under any flowing or intermittent stream or semi-permanent body of water the water main shall be installed in a separate watertight pipe encasement. Valves must be provided on each side of the crossing with facilities to allow the underwater portion of the system to be isolated and tested.
20. The contractor shall disinfect the new water mains in accordance with AWWA Standard C-651 and then flush and sample the lines before being placed into service. Samples shall be collected for microbiological analysis to check the effectiveness of the disinfection procedure which shall be repeated if contamination persists. A minimum of one sample for each 1,000 feet of completed water line will be required or at the next available sampling point beyond 1,000 feet as designated by the design engineer, in accordance with 30 TAC §290.44(f)(3).



REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	12/19/2018	DBW
PROJECT NUMBER: LPT1		CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 037	
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

PROJECT INFORMATION	
TOTAL SIZE:	60.20
TOTAL BLOCKS:	9
TOTAL LOTS:	216
TOTAL TRACTS:	1
GRAPHIC SCALE	
IN FEET	

BENCHMARK
City Survey Monument TBD

**WATER LAYOUT**  
**LAKE POINTE TERRACE PHASE 1**  
**CITY OF TEMPLE, BELL COUNTY, TEXAS**

**ENGINEER'S APPROVAL**

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 12/19/2018. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

**Yalgo, LLC**

3000 Illinois Ave., Suite 100  
Killeen, TX 76543  
PH (254) 953-5353  
FX (254) 953-5057

Texas Registered  
Engineering Firm # 10264

Texas Registered  
Surveying Firm # 10194095

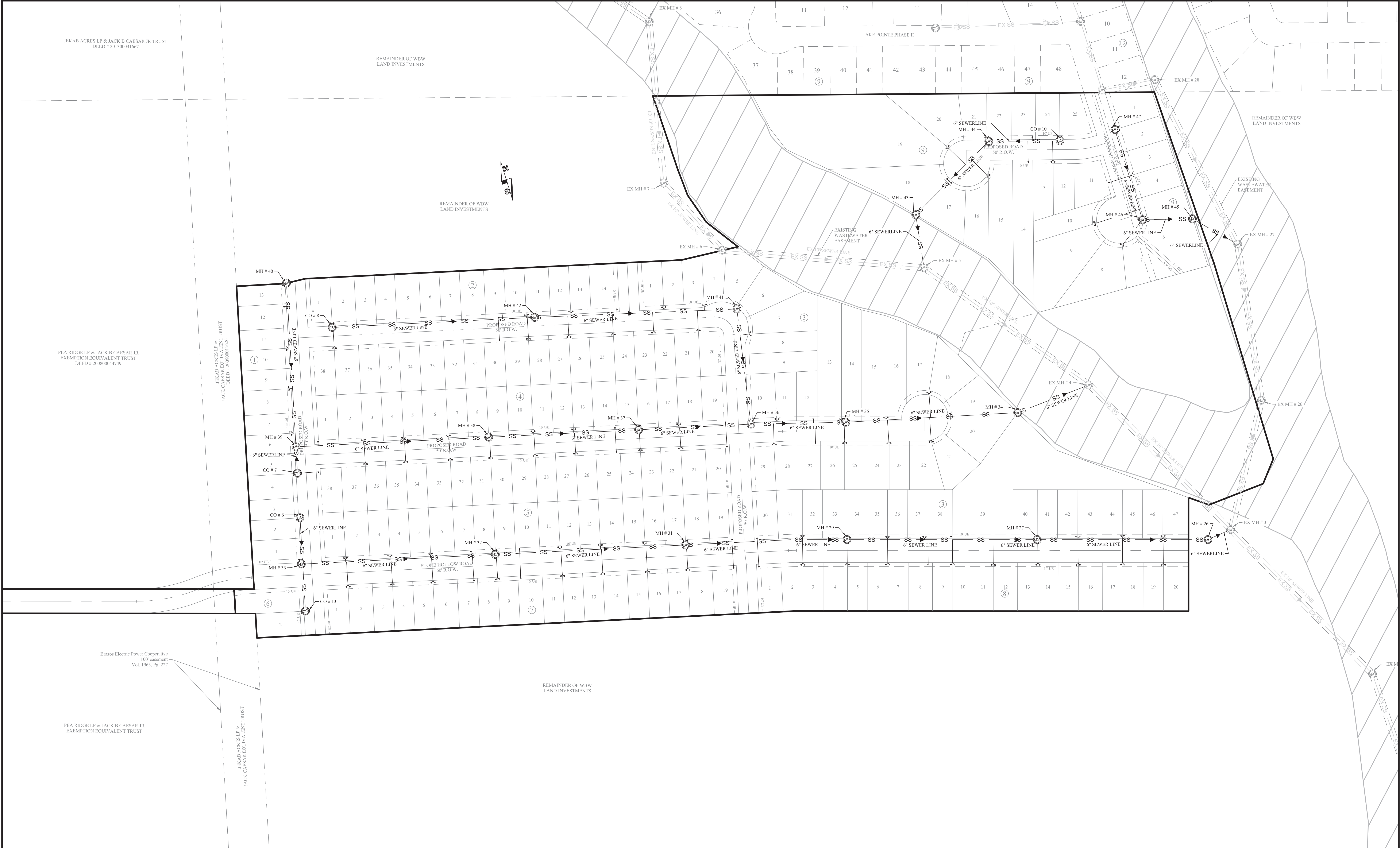
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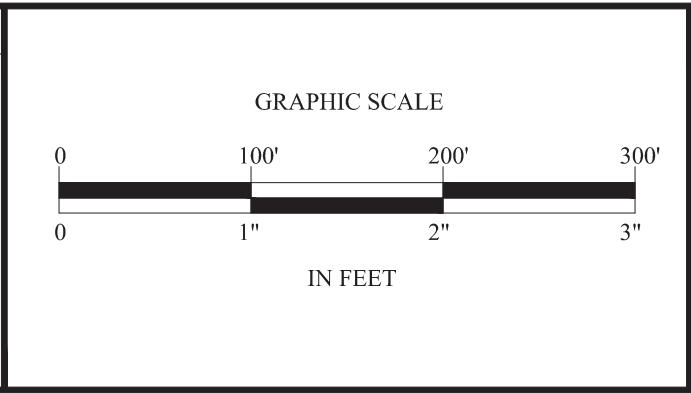
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REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	12/19/2018	TWF
PROJECT NUMBER: LPT1		CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 037	
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

PROJECT INFORMATION	
TOTAL SIZE:	60.20
TOTAL BLOCKS:	9
TOTAL LOTS:	216
TOTAL TRACTS:	1



BENCHMARK  
City Survey Monument TBD

SANITARY SEWER LAYOUT  
LAKE POINTE TERRACE PHASE 1  
CITY OF TEMPLE, BELL COUNTY, TEXAS

ENGINEER'S APPROVAL  
  
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 12/19/2018. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

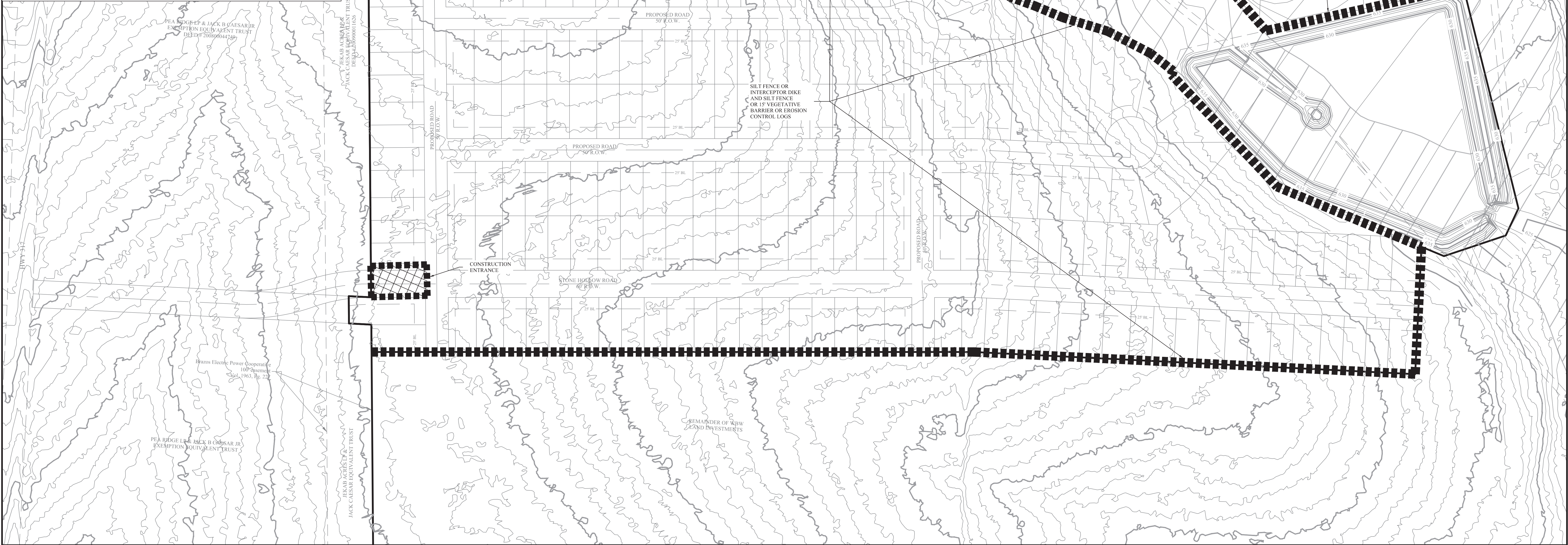
**Yalgo, LLC**  
3000 Illinois Ave., Suite 100  
Killeen, TX 76543  
PH (254) 953-5353  
FX (254) 953-5057  
Texas Registered  
Engineering Firm # 10264  
Texas Registered  
Surveying Firm # 10194095

SHEET  
**5**  
OF  
**9**



EROSION CONTROL NOTES

1. THE SITE SUPERINTENDENT, OR HIS REPRESENTATIVE, SHALL MAKE A VISUAL INSPECTION OF ALL SILTATION CONTROLS AND NEWLY STABILIZED AREAS ON A DAILY BASIS, ESPECIALLY AFTER A RAINFALL TO ENSURE THAT ALL CONTROLS ARE MAINTAINED AND PROPERLY FUNCTIONING. ANY DAMAGED CONTROLS SHALL BE REPAIRED PRIOR TO THE END OF THE WORK DAY, INCLUDING RE-SEEDING AND MULCHING OR RE-SODDING IF NECESSARY.
2. ALL SEDIMENT TRAPPING DEVICES SHALL BE INSTALLED AS SOON AS PRACTICAL AFTER THE AREA HAS BEEN DISTURBED. ALL SEDIMENT TRAPPING DEVICES SHALL BE CLEANED WHEN THE SEDIMENT LEVEL REACHES 25% CAPACITY. SEDIMENT SHALL BE DISPOSED OF BY SPREADING ON SITE OR HAULING AWAY IF NOT SUITABLE FOR FILL.
3. THE CONTRACTOR IS RESPONSIBLE FOR FILING A NOTICE OF INTENT (NOI) WITH THE APPROPRIATE STATE AGENCY IN ORDER TO COMPLY WITH EPA REGULATIONS. SAID NOI MUST BE FILED TWO DAYS BEFORE CONSTRUCTION BEGINS (IF REQUIRED). NOI INFORMATION TO BE POSTED ON SITE PRIOR TO STARTING CONSTRUCTION.
4. THE CONTRACTOR IS RESPONSIBLE FOR FILING A NOTICE OF TERMINATION AT THE COMPLETION OF THE PROJECT.
5. THE CONTRACTOR IS RESPONSIBLE FOR REMOVING SEDIMENT CONTROL DEVICES AFTER THE SITE HAS BEEN STABILIZED AND SOD OR MULCH IN PLANTED AREAS HAS TAKEN ROOT.
6. THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO ENSURE THAT ALL DISTURBED AREAS ARE STABILIZED.
7. TOPOGRAPHICAL CONTOURS WERE TAKEN FROM 2011 TNRS TOPOGRAPHIC MAPS AND ARE AT 1' INTERVALS UNLESS OTHERWISE NOTED HERON. ALL CONTOURS ARE FOR DRAINAGE PURPOSES ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION. LOCATIONS OF CONSTRUCTION ENTRANCES SHOWN TO BE INSTALLED AS NEEDED. MINIMUM OF ONE CONSTRUCTION ENTRANCE IS REQUIRED AT ALL TIMES.
9. STORAGE OF MATERIALS OR EQUIPMENT MUST NOT OCCUR WITHIN THE REGULATORY FLOODPLAIN.
10. THE CONTRACTOR IS REQUIRED TO SUPPLY THE BELL COUNTY ENGINEERS OFFICE AND THE CITY OF KILLEEN PUBLIC WORKS OFFICE WITH COPIES OF THE SWPPP AND THE NOI PRIOR TO CONSTRUCTION.
11. THE CONTRACTOR SHALL INSTALL ALL EROSION CONTROL DEVICES PRIOR TO THE DISTURBANCE OF ANY LAND COMMENCEMENT OF CONSTRUCTION.
12. FOR ALL LOTS THAT DRAIN INTO A STREET, CURB BACKFILLING MUST BE DONE PER THE "CURB BACKFILL FOR SEDIMENT SETTLING" BMP FOUND IN THE SWPPP. IN ADDITION, THE FOLLOWING ADDITIONAL SEDIMENT CONTROL BMPS CAN BE USED WHEN NECESSARY: A) "SILT FENCE," PLACED 1-2' BEHIND THE BACK OF CURB, B)"VEGETATED BUFFER," IN THE RIGHT-OF-WAY ADJACENT TO THE CURB, C) "EROSION CONTROL MATTING," IN THE RIGHT-OF-WAY ADJACENT TO THE CURB AND/OR D) "INLET PROTECTION WITH OVERFLOW PROVISION" FOR STORM WATER INLETS.
13. DISTURBED AREAS ON WHICH CONSTRUCTION ACTIVITIES HAVE CEASED (TEMPORARILY OR PERMANENTLY) SHALL BE STABILIZED WITH 14 DAYS UNLESS ACTIVITY RESUMES WITHIN 21 DAYS.

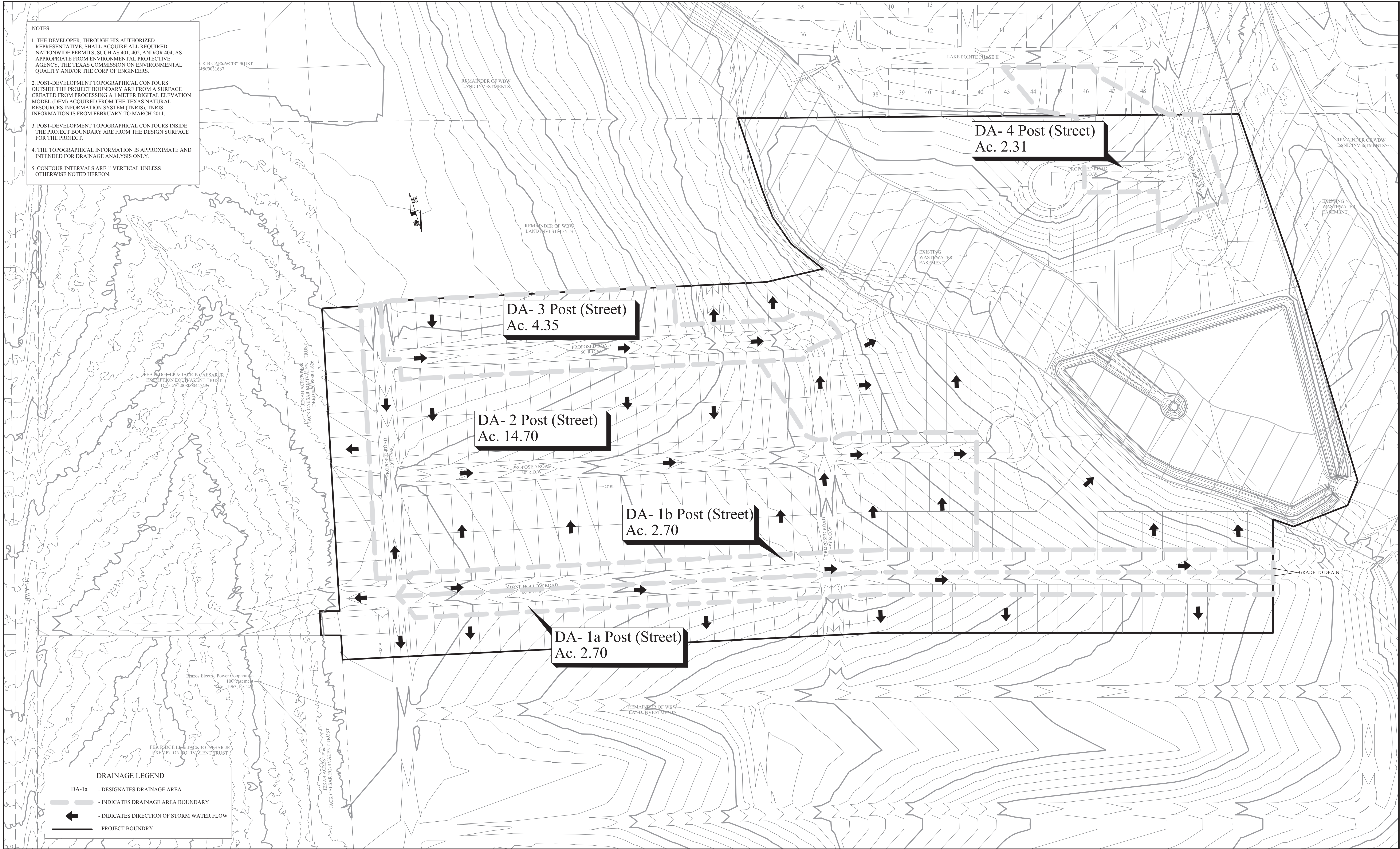




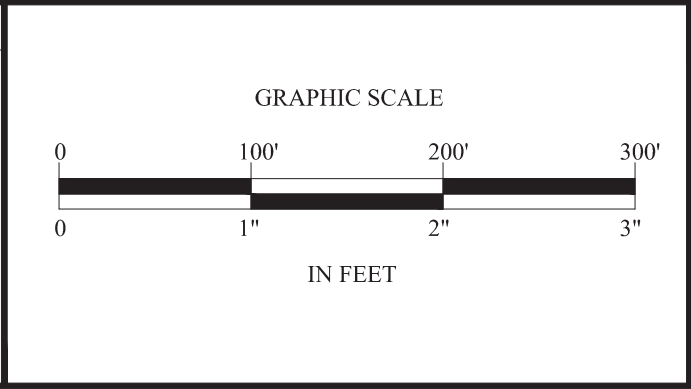




- NOTES:
1. THE DEVELOPER, THROUGH HIS AUTHORIZED REPRESENTATIVE, SHALL ACQUIRE ALL REQUIRED NATIONWIDE PERMITS, SUCH AS 401, 402, AND/OR 404, AS APPROPRIATE FROM ENVIRONMENTAL PROTECTIVE AGENCY, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND/OR THE CORP OF ENGINEERS.
  2. POST-DEVELOPMENT TOPOGRAPHICAL CONTOURS OUTSIDE THE PROJECT BOUNDARY ARE FROM A SURFACE CREATED FROM PROCESSING A 1 METER DIGITAL ELEVATION MODEL (DEM) ACQUIRED FROM THE TEXAS NATURAL RESOURCES INFORMATION SYSTEM (TNIS). TNIS INFORMATION IS FROM FEBRUARY TO MARCH 2011.
  3. POST-DEVELOPMENT TOPOGRAPHICAL CONTOURS INSIDE THE PROJECT BOUNDARY ARE FROM THE DESIGN SURFACE FOR THE PROJECT.
  4. THE TOPOGRAPHICAL INFORMATION IS APPROXIMATE AND INTENDED FOR DRAINAGE ANALYSIS ONLY.
  5. CONTOUR INTERVALS ARE 1' VERTICAL UNLESS OTHERWISE NOTED HEREON.



REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	12/19/2018	TWF
PROJECT NUMBER: LPT1		CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 037	
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			



BENCHMARK
City Survey Monument TBD

POST-DRAINAGE STREETS  
LAKE POINTE TERRACE PHASE 1  
CITY OF TEMPLE, BELL COUNTY, TEXAS

ENGINEER'S APPROVAL	Yalgo, LLC	SHEET
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 12/19/2018. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.	3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057 Texas Registered Engineering Firm # 10264 Texas Registered Surveying Firm 10194095	9 OF 9





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February, 20 2019

City of Temple  
Parks and Leisure Services

Subject: Staff Comments related to Lake Pointe Terrace

WBW Development Group, LLC – Series 037 (“WBW Development”) intends to improve Lake Pointe Terrace Lot 39 Block 3, with an amenity center, pool, splashpad, and playground. Trails will be built in the neighborhood to provide pedestrian connectivity to the amenity site. These improvements will be owned and maintained by the Home Owners Association. The site of the amenity center, park area, and open space will be in excess of 10 acres. The value of the improvements will exceed the required park fees of \$225 per dwelling unit. Attached is an estimate for the improvements to be built; as well as a preliminary drawing showing the location of the improvements. A final drawing will be provided at a later date.

A Letter of Credit or other approved financial surety will be provided by WBW Development to serve as performance surety for making such improvements. This financial surety will be an amount equal to the number of dwelling units entitled in the Final Plat. The financial surety will be executed as a condition of subdivision acceptance for Lake Pointe Terrace Phase 1. WBW Development agrees to have the improvements completed within two- years of Lake Pointe Terrace Phase 1 Final Plat recordation. There will be a potential development agreement coming forward for a portion of the trails.

Sincerely,

*Josh Welch*  
*V.P. of Development*  
*254-953-5353 ext. 212*

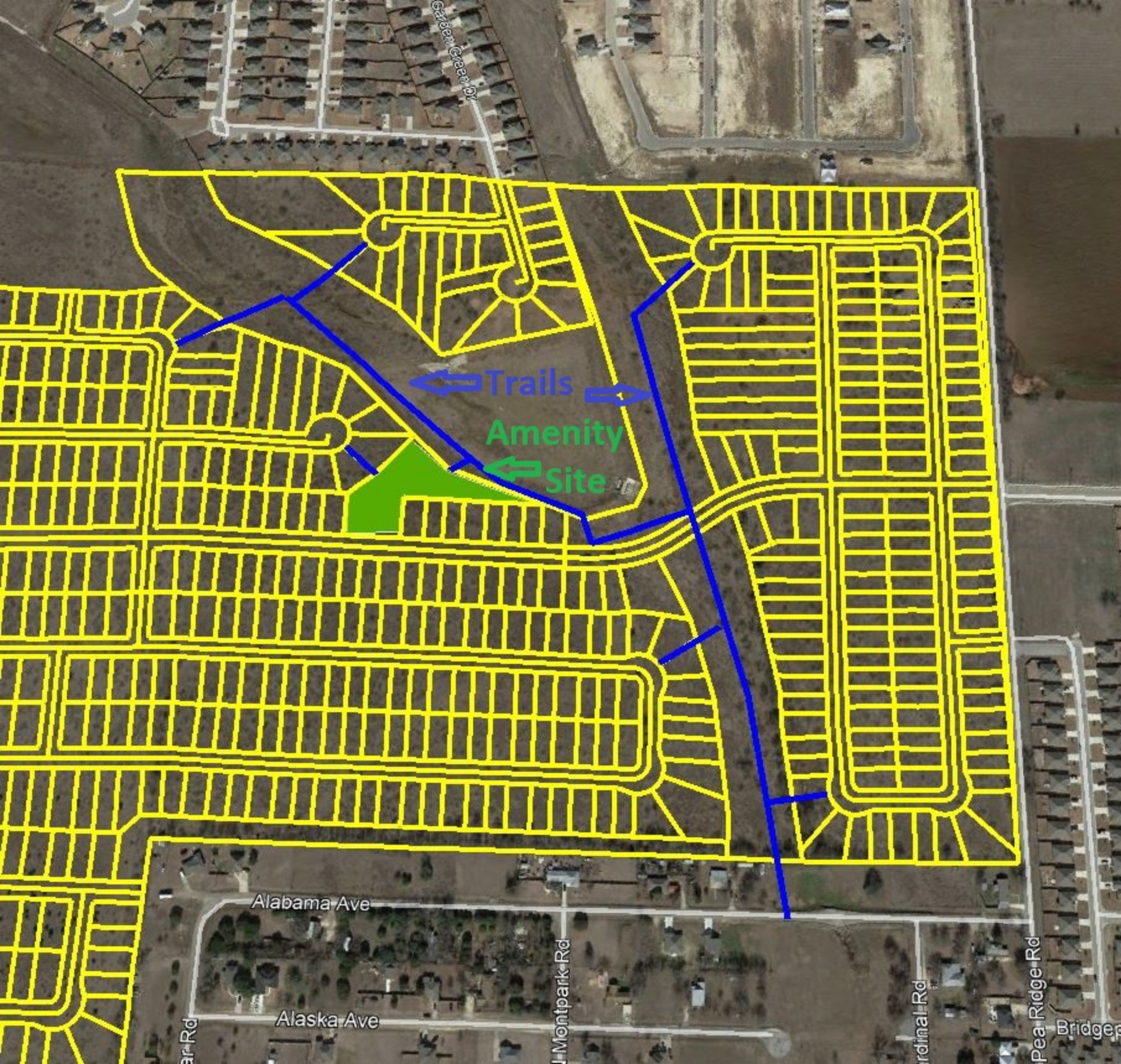
Lake Pointe Terrace Estimate of Amenity Improvements

	Park Fee Per Unit	Total Park Fee Requirement
Preliminary Plat Dwelling Units	636	\$225.00
		\$143,100.00

Lake Pointe Terrace Amenity Improvements:

Entrance	\$150,000.00
Clubhouse	\$50,000.00
Pool / Splashpad	\$250,000.00
Fencing	\$20,000.00
Hike and Bike Trails	\$50,000.00
Landscaping	\$125,000.00
Total HOA Improvements	\$645,000.00





Trails

Amenity

Site

Alabama Ave

Alaska Ave

Montpark Rd

Cardinal Rd

Pea Ridge Rd

Bridge

© 2012 Google



RESOLUTION NO. 2019-9682-R  
(FY-19-20-PLT)  
(FY-19-21-PLT)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING (A) THE PRELIMINARY PLAT OF LAKE POINTE TERRACE, AND (B) THE FINAL PLAT OF LAKE POINTE TERRACE PHASE I, LOCATED EAST OF STATE HIGHWAY 317 AND SOUTH OF THE EXISTING LAKE POINTE SUBDIVISION, WITH A DEVELOPER-REQUESTED EXCEPTION TO UNIFIED DEVELOPMENT CODE SECTION 8.3: PARKLAND DEDICATION TO ALLOW FOR A PRIVATE PARK IN LIEU OF PUBLIC PARKLAND DEDICATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the preliminary plat of Lake Pointe Terrace is an approximately 169.72-acre, 636-residential lot, 19-block, 5-tract addition - the final plat of Lake Pointe Terrace Phase I, is an approximately 63.40-acre, 216-residential lot, 9-block, 3-tract addition;

**Whereas**, proposed lots comply with the property's Single Family Two zoning district;

**Whereas**, the developer requests an exception to the Unified Development Code (UDC) Section 8.3: Parkland Dedication to allow a private park with an amenity center, pool, splashpad, playground, and open space on Lake Pointe Terrace Lot 39, Block 3 as well as a trail system on property in excess of 10 acres to be privately owned and maintained by the Home Owners Association (HOA), and subject to attached park/trail plan and proposed park improvements estimate exhibits (attached hereto as Exhibit A) - the developer agrees to complete the improvements within two years of Lake Pointe Terrace Phase I;

**Whereas**, the proposed trail will connect to the amenity center, as well as the trail system in the West Temple Park to the south - the developer's engineers estimate total Lake Pointe Terrace amenity improvement costs to be approximately \$645,000, which exceeds required park fees of \$143,100;

**Whereas**, the Parks staff supports the developer's requested exception;

**Whereas**, at their May 6, 2019 meeting, the Planning & Zoning Commission recommended approval of the Preliminary Plat of Lake Pointe Terrace and the Final Plat of Lake Pointe Terrace Phase I, with a developer-requested exception to Unified Development Code Section 8.3;

**Whereas**, Staff recommends Council approve the Preliminary Plat of Lake Pointe Terrace and the Final Plat of Lake Pointe Terrace Phase I, with a developer-requested exception to Unified Development Code Section 8.3: Parkland Dedication to allow a private park in lieu of public parkland dedication and subject to the attached park/trail plan and proposed park improvements estimate exhibits; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the Preliminary Plat of Lake Pointe Terrace and the Final Plat Lake Pointe Terrace, Phase 1, with the above requested exception.



**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council approves the Preliminary Plat of Lake Pointe Terrace and the Final Plat of Lake Pointe Terrace Phase I, with a developer-requested exception to Unified Development Code Section 8.3: Parkland Dedication to allow a private park in lieu of public parkland dedication and subject to the attached park/trail plan and proposed park improvements estimate exhibits, which are attached hereto as Exhibit A and incorporated herein for all purposes.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6<sup>th</sup> day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #11  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** FY-19-30-PLT and FY-19-31-PLT: Consider adopting a resolution approving the Preliminary Plat of Pecan Creek South, and the Final Plat of Pecan Creek South Phase I, located north of Southeast H.K. Dodgen Loop, west of South Martin Luther King Jr. Drive, and east of Union Pacific Railroad, with developer-requested exceptions to the Unified Development Code Section: Projection of Streets, regarding street openings every 1000 feet; and Section 8.3: Parkland Dedication to allow for a private park in lieu of public parkland.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its May 6, 2019 meeting, the Planning and Zoning Commission voted 6/0 to recommend approval of the Preliminary Plat of Pecan Creek South and the Final Plat of Pecan Creek South Phase I with developer-requested exceptions to Unified Development Code (UDC) Section 8.2.1.D.4.b: Projection of Streets, regarding street openings every 1000 feet; and to Unified Development Code (UDC) Section 8.3: Parkland Dedication to allow for a private park in lieu of public parkland, and subject to the attached park/trail plan and proposed park improvements estimate exhibits, per staff recommendation.

**STAFF RECOMMENDATION:** Staff recommends approval of the Preliminary Plat of Pecan Creek South and the Final Plat of Pecan Creek South Phase I with developer-requested exceptions to Unified Development Code (UDC) Section 8.2.1.D.4.b: Projection of Streets, regarding street openings every 1000 feet; and to Unified Development Code (UDC) Section 8.3: Parkland Dedication to allow for a private park in lieu of public parkland, and subject to the attached park/trail plan and proposed park improvements estimate exhibits.

**ITEM SUMMARY:** The Development Review Committee reviewed the Preliminary Plat of Pecan Creek South and the Final Plat of Pecan Creek South Phase I on January 10, 2019. It was deemed administratively complete on May 3, 2019.

The Preliminary Plat of Pecan Creek South is a 135.25 +/- acre, 523-residential lot, 10-block, 5-tract addition. And the Final Plat of Pecan Creek South Phase I, is a 57.35-acre, 190-residential lot, 5-block, 6-tract addition. The proposed plat layouts do not entirely match the site/development plan approved by City Council with Ordinance 2018-4923. But the proposed uses are in the same locations and the proposed lot sizes comply with the property's Planned Development – Multiple Family Two (PD-MF2) zoning district, per Ordinance 2018-4923.



The developer requests an exception to UDC Section 8.2.1(D)(4)(b) Projection of Streets, regarding street openings every 1000 feet. All entrances are from South Martin Luther Jr Drive. Adjacent properties do not allow the developer the ability for street projections with the Union Pacific Railroad along the west property boundary; the Country Lane development to the south; and a solar field and large detention pond to the north. Staff supports this developer-requested exception.

The developer also requests an exception to Unified Development Code (UDC) Section 8.3: Park Land Dedication to allow a private park in excess of eight acres with an amenity center and trail system within property owned and maintained by the proposed Home Owners Association (HOA). The private park is proposed on Tracts B, C, and D. The developer's engineers estimate the total HOA Improvement costs to be approximately \$220,000, which exceeds required park fees of \$117,675. The Parks staff supports the applicant's requested exception, as detailed in the attached letter of requested exceptions, Pecan Creek Estimate of Park Improvements, conceptual site plan.

Water will be provided to the subdivision through proposed 6-inch water lines. Sewer will be provided to the subdivision through 8-inch and 6-inch sanitary sewer lines. Drainage Tracts E and F will be owned and maintained by the HOA.

City Council is the final plat authority since the applicant requests exceptions to the Unified Development Code.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Plat Exhibits](#)

[Letter of Requested Exceptions](#)

[Park Exhibits](#)

[Resolution](#)

PECAN CREEK SOUTH  
A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS  
135.25 ACRES, BEING PART OF THE M. MORENO SURVEY, A-14  
BELL COUNTY, TEXAS

WBW SINGLE DEVELOPMENT GROUP, LLC - SERIES 104  
A Texas Series Limited Liability Company

STATE OF TEXAS  
COUNTY OF BELL:

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ A.D.

### SURVEYOR'S CERTIFICATE

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

### ENGINEER'S CERTIFICATE

THAT I, Tyler W. Freese, do hereby certify that I have prepared, to the best of my knowledge and belief, all drainage calculations have designed all drains, streets/roads and appurtenances in accordance with the City of Temple Subdivision Regulations.

This preliminary plat has been submitted to and considered by the Planning and Zoning Commission of the City of Temple, Texas, and is hereby approved by such commission.  
Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

This preliminary plat has been submitted to and considered by the Planning and Zoning Commission of the City of Temple, Texas, and is hereby approved by such commission.  
Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

This preliminary plat has been submitted to and considered by the City Council of the City of Temple, Texas, and is hereby approved by such council.  
Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

No Portions of this tract are shown to be within a Special Flood Hazard Area per FEMA's Flood Insurance Rate Map (FIRM) Panel for Bell County Texas Dated September 26, 2008, panel number 48027C0355E. The Surveyor does not certify as to the accuracy or inaccuracy of said information and does not warrant, or imply, that structures placed within the Special Flood Hazard Areas shown hereon, or any of the platted areas, will be free from flooding or flood damage.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Texas Central Zone No. 4203. All bearings are grid bearings and all distances are horizontal ground distances. All coordinates are referenced to City Monument No. 1052 D. The Combined Correction Factor (CCF) is 0.9998544. Grid distance = surface distance X CCF. Published City coordinates for City Monument No. 1052 D are N=10362827.20, E=3233619.96. Reference tie from POB to City Monument shown hereon is S 40°54'41" W, 1706.13'.

Notes:

1. All permanent corner set are 1/2" iron rods with cap marked "YALGO 6200" unless otherwise noted hereon. Iron rods set in areas where there is an expectation of movement will not be considered permanent and not marked accordingly.
2. Streets located within a 50 ft. right-of-way shall have a minimum pavement width of 31 ft. back-to-back of curb.
3. Arrow (————) indicates that the storm water runoff must flow directly from all adjacent upstream lots to the downstream lot, without impediment or diversion to other lots. Drainage plans presented by the homeowner for each individual lot must allow storm water to pass from upstream lots to the downstream lots without impediment.
4. Tract A is to be retained by developer for future single-family residential as shown, or for multi-family.
5. Tracts B, C, and D shall be a private park owned by the HOA.
6. Drainage Tracts E and F shall be owned and maintained by the HOA.
7. A 6' sidewalk shall be constructed along the west side of Martin Luther King Jr. Blvd. adjacent to the development.



The Bell County Tax Office, the taxing authority for all entities in Bell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

BELL COUNTY TAX OFFICE

By: \_\_\_\_\_

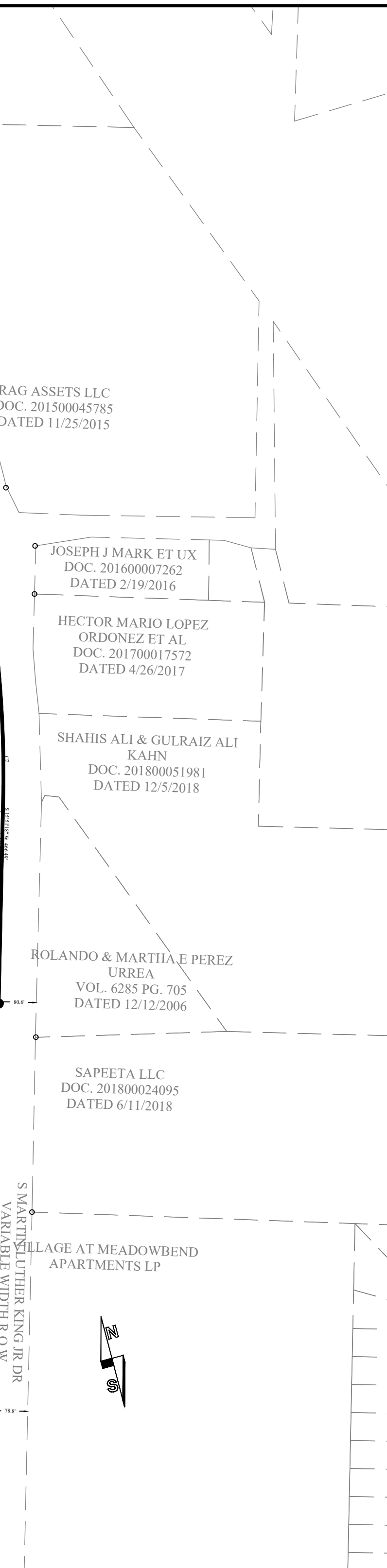
PRELIMINARY PLAT  
PECAN CREEK SOUTH  
TEMPLE, BELL COUNTY, TEXAS

8000 Illinois Ave., Suite 100  
Killeen, TX 76543  
PH (254) 953-5353  
FX (254) 953-5057

Texas Registered  
Engineering Firm # 10264

Texas Registered  
Surveying Firm 10194095



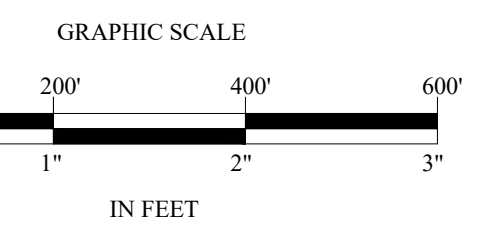


CURVE TABLE						
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	
C90	51.50'	41.51'	40.39'	S08°01'27"E	46°1039"	
C91	51.50'	41.51'	40.39'	S45°12'05"E	46°1039"	
C92	51.50'	41.51'	40.39'	N09°37'16"E	46°1039"	
C93	51.50'	41.51'	40.39'	N13°32'25"E	46°1039"	
C94	51.50'	19.30'	19.19'	N00°23'53"E	21°2820"	
C95	175.00'	40.46'	44.55'	N03°48'19"W	14°3728"	
C96	175.00'	40.42'	45.38'	S10°07'26"W	13°1402"	
C97	175.00'	40.42'	45.38'	N09°21'71"E	24°0303"	
C98	67.50'	32.79'	37.30'	N27°12'43"E	32°0435"	
C99	67.50'	32.77'	42.06'	N06°58'43"W	36°1818"	
C100	67.50'	32.79'	44.38'	N44°03'21"W	37°5057"	
C101	67.50'	43.02'	43.70'	N81°14'22"W	36°3105"	
C102	50.00'	2.85'	2.85'	N87°01'08"W	21°2316"	
C103	50.00'	2.85'	2.85'	N74°40'04"W	31°1551"	
C104	50.00'	0.79'	0.79'	N72°39'40"W	0°5407"	
C105	50.00'	20.86'	20.71'	N60°15'38"E	23°5356"	
C106	67.50'	38.26'	37.15'	N62°59'11"W	32°2824"	
C107	67.50'	38.26'	37.15'	S81°51'08"W	32°2824"	
C108	67.50'	44.59'	43.78'	S44°00'10"W	37°5057"	
C109	67.50'	40.73'	40.12'	S07°47'24"W	34°3436"	
C110	50.00'	16.61'	16.53'	S01°34'42"E	19°0156"	
C111	50.00'	5.04'	5.03'	N13°58'46"E	5°4612"	
C112	50.00'	11.42'	28.28'	N61°52'33"E	9°00000"	
C113	20.00'	31.42'	28.28'	S28°07'27"E	9°00000"	
C114	20.00'	31.42'	28.28'	S61°52'33"W	9°00000"	
C115	20.00'	31.42'	28.28'	N28°07'27"E	9°00000"	
C116	20.00'	31.42'	28.28'	S61°52'33"W	9°00000"	
C117	20.00'	31.42'	28.28'	N60°42'42"E	25°1948"	
C118	67.50'	29.84'	29.60'	S59°52'43"E	25°1948"	
C119	67.50'	37.28'	31.81'	N87°54'04"W	31°3835"	
C120	67.50'	36.95'	36.49'	S60°35'49"W	31°2139"	
C121	67.50'	25.71'	27.88'	S08°20'42"E	32°2824"	
C122	67.50'	25.71'	25.55'	S01°24'46"W	21°4921"	
C123	50.00'	21.64'	21.48'	N04°27'48"E	24°4807"	
C124	50.00'	21.64'	21.48'	S29°17'19"W	24°4803"	
C125	67.50'	28.14'	27.94'	S31°18'21"E	23°2539"	
C126	67.50'	28.14'	27.94'	S00°20'42"W	32°0435"	
C127	67.50'	36.95'	36.49'	S29°21'06"E	23°2139"	
C128	67.50'	37.94'	37.44'	S60°07'58"E	32°1206"	
C129	67.50'	27.41'	27.22'	S87°51'58"E	33°2154"	
C130	50.00'	21.64'	21.48'	S83°32'12"E	24°4807"	
C131	75.00'	47.49'	47.49'	S68°40'38"E	9°5333"	
C132	325.00'	80.89'	80.88'	N65°59'38"W	14°1538"	
C133	20.00'	31.42'	28.28'	N28°07'27"E	9°00000"	
C134	20.00'	31.42'	28.28'	N61°52'33"E	9°00000"	
C135	20.00'	31.42'	28.28'	S28°07'27"E	9°00000"	
C136	20.00'	31.42'	28.28'	N68°40'38"E	9°5333"	
C137	44.00'	5.25'	5.25'	N61°25'31"E	6°50008"	
C138	57.50'	48.67'	47.23'	S39°12'19"W	48°2933"	
C139	57.50'	35.28'	34.73'	S02°31'11"E	35°0926"	

C152	20.00'	31.42'	28.28'	S 28°07'27"E	90'00000"
C153	20.00'	31.42'	28.28'	S 28°07'27"E	90'00000"
C154	20.00'	31.42'	28.28'	N 38°07'27"E	90'00000"
C155	20.00'	31.42'	28.28'	N 61°52'23"E	90'00000"
C156	20.00'	31.42'	28.28'	N 29°23'03"E	90'00000"
C157	20.00'	31.42'	28.28'	N 60°39'47"E	90'00000"
C158	50.00'	21.64'	21.43'	N 61°55'28"E	24'48031"
C159	67.50'	36.89'	36.48'	N 63°37'07"E	31'18142"
C160	67.50'	95.72'	87.90'	N 60°06'06"E	41'04539"
C161	67.50'	47.50'	47.47'	S 89°00'21"E	41'12424"
C162	67.50'	47.25'	46.29'	S 39°31'54"E	40'11623"
C163	67.50'	35.57'	35.16'	N 64°22'59"E	30'11120"
C164	50.00'	21.64'	21.46'	N 03°15'29"E	24'48088"
C165	50.00'	31.91'	31.91'	S 17°30'03"E	3'39044"
C166	50.00'	18.46'	18.35'	S 29°54'04"E	21'0859"
C167	67.50'	43.15'	42.41'	S 23°43'34"E	36'37322"
C168	67.50'	48.47'	47.43'	S 15°09'19"E	41'08234"
C169	67.50'	48.75'	48.47'	S 88°45'51"E	42'53391"
C170	67.50'	26.99'	26.81'	N 89°51'25"E	22'43391"
C170	50.00'	21.64'	21.48'	S 86°44'58"E	24'48088"
C171	2560.00'	135.30'	135.28'	S 88°51'03"E	3'01411"
C172	2560.00'	134.60'	134.58'	N 66°43'53"E	1'13177"
C173	2560.00'	133.29'	133.28'	N 04°38'05"E	2°59000"
C174	2560.00'	130.97'	130.95'	S 01°40'39"E	2°55552"
C175	2560.00'	118.82'	118.81'	S 50°22'05"E	1°09377"
C176	2560.00'	112.34'	112.32'	S 49°44'43"E	1°09377"
C177	2560.00'	110.80'	110.81'	S 03°01'46"E	2°38292"

## LEGEND

PROJECT INFORMATION		<p>GRAPHIC SCALE</p> <p>0 200' 400' 600'</p> <p>0 1" 2" 3"</p> <p>IN FEET</p>	
TOTAL SIZE: 135.25 ACRES			
TOTAL BLOCKS: 10			
TOTAL LOTS: 523			
TOTAL TRACTS: 6			



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PRELIMINARY PLAT  
PECAN CREEK SOUTH  
TEMPLE, BELL COUNTY, TEXAS

<b>Yalgo, LLC</b> 3000 Illinois Ave., Suite 100 Killen, TX 76543 PH (254) 953-5353 FX (254) 953-5057  Texas Registered Engineering Firm # 10264  Texas Registered Surveying Firm 10194095	SHEET  2  OF  2
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STATE OF TEXAS: That WBW SINGLE DEVELOPMENT GROUP, LLC - SERIES 104, a Texas series limited liability company, the undersigned owner of the land shown on this plat, and designated herein as **PECAN CREEK SOUTH PHASE 1**, a subdivision in the city of Temple, Bell County, Texas, being 57.35 acres of land part of the B. Robertson Survey, Abstract No. 17, Bell County, Texas, and whose name is subscribed hereto, hereby dedicates to the use of the public forever, all streets, alleys, water courses, drains, easements, and public places as shown hereon.

WBW SINGLE DEVELOPMENT GROUP, LLC - SERIES 104  
A Texas Series Limited Liability Company

STATE OF TEXAS  
COUNTY OF BELL

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ A.D.

### SURVEYOR'S CERTIFICATE

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

### ENGINEER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS,

THAT I, Tyler W. Freese, do hereby certify that I have prepared, to the best of my knowledge and belief, all drainage calculations have designed all drains, streets/roads and appurtenances in accordance with the City of Temple Subdivision Regulations.

TYLER W. FREESE  
REGISTERED PROFESSIONAL  
ENGINEER NO. 127376

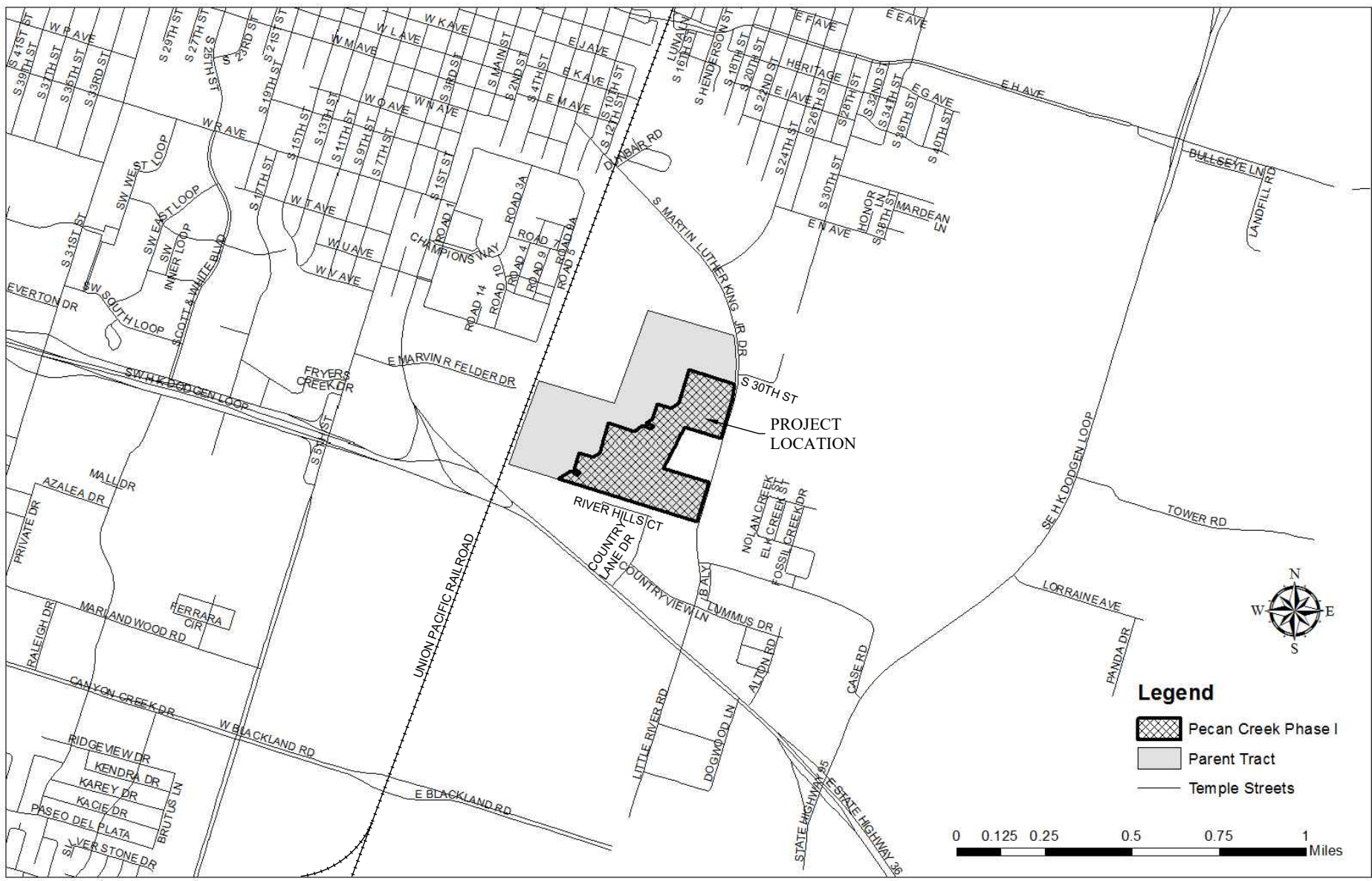
Chairperson: \_\_\_\_\_

Secretary of Planning & Zoning Commission: \_\_\_\_\_

City Secretary: \_\_\_\_\_

DEDICATION FILED FOR RECORD this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ A.D. in  
Volume \_\_\_\_\_, Page \_\_\_\_\_, Official Records, Bell County, Texas.

DEDICATION FILED FOR RECORD this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ A.D. in  
Volume \_\_\_\_\_, Page \_\_\_\_\_, Official Records, Bell County, Texas.



**TAX CERTIFICATE**

The Bell County Tax Office, the taxing authority for all entities in Bell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

**BELL COUNTY TAX OFFICE**

By: \_\_\_\_\_

**Yalgo, LLC**  
3000 Illinois Ave., Suite 100  
Killeen, TX 76543  
PH (254) 953-5353  
FX (254) 953-5057

Texas Registered  
Engineering Firm # 10264

Texas Registered  
Surveying Firm 10194095

SHEET

1

OF

2

CURVE TABLE					
CURV. RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	HEADING ANGLE	
C1	275.00	24.36	24.35°	S 60°41'35"E	59°04'59"
C2	285.00	25.07	25.07°	S 60°41'35"E	59°04'59"
C3	295.00	25.83	25.83°	N 61°04'08"E	5°52'34"
C4	352.27	4.10	4.10°	S 68°30'09"E	0°43'20"
C5	65.00	11.07	11.07°	S 68°30'09"E	10°10'21"
C6	175.00	31.07	31.03°	S 68°30'09"E	10°10'21"
C7	2560.00	384.39	384.43°	S 10°39'22"E	8°46'34"
C8	275.00	24.36	24.35°	S 10°39'22"E	8°46'34"
C9	300.00	64.84	64.71°	S 67°21'11"E	12°32'01"
C10	325.00	82.11	81.89°	S 60°30'35"E	14°28'32"
C11	35.00	31.42	31.42°	S 67°21'11"E	10°16'31"
C12	20.00	31.42	28.28°	S 67°21'11"E	09°00'00"
C13	175.00	28.67	28.64°	S 14°34'54"E	9°23'14"
C14	15.00	7.88	7.88°	S 14°34'54"E	9°23'14"
C15	175.00	2.55	2.55°	N 87°05'57"E	0°50'12"
C16	51.00	34.39	34.39°	S 28°32'49"E	38°08'48"
C17	44.00	34.39	33.66°	S 28°32'49"E	38°08'48"
C18	51.00	34.39	33.66°	N 87°59'47"E	38°08'48"
C19	44.00	34.39	33.66°	S 87°59'47"E	38°08'48"
C20	51.00	34.39	33.66°	N 11°17'00"E	38°08'48"
C21	51.00	34.35	33.72°	N 86°58'46"E	38°12'55"
C22	175.00	25.83	25.83°	S 10°39'22"E	38°12'55"
C23	175.00	51.85	51.66°	N 31°01'26"E	16°38'55"
C24	175.00	18.58	18.57°	N 19°29'04"E	6°04'58"
C25	44.00	9.20	9.20°	S 17°42'59"E	2°03'31"
C26	20.00	9.20	28.28°	S 17°42'59"E	09°00'00"
C27	615.10	26.94	26.93°	S 17°42'59"E	2°03'31"
C28	44.00	27.34	26.91°	S 10°39'49"E	15°07'44"
C29	44.00	27.34	26.91°	S 10°39'49"E	35°11'55"
C30	55.00	52.94	52.49°	N 12°10'54"E	32°49'26"
C31	55.00	52.94	52.49°	N 12°10'54"E	32°49'26"
C32	57.00	45.75	42.70°	S 67°39'11"E	43°55'46"
C33	57.00	45.75	42.70°	S 67°39'11"E	43°55'46"
C34	57.00	45.75	42.70°	S 67°39'11"E	43°55'46"
C35	20.00	35.41	28.28°	N 29°28'58"E	35°14'48"
C36	57.00	36.48	35.87°	N 06°52'31"E	36°21'04"
C37	57.00	36.48	35.87°	N 06°52'31"E	36°21'04"
C38	44.00	10.08	10.02°	S 12°10'45"E	15°07'44"
C39	44.00	10.08	10.02°	S 12°10'45"E	20°44'08"
C40	57.00	20.44	20.26°	S 11°36'32"E	20°44'08"
C41	44.00	20.44	20.26°	S 11°36'32"E	20°44'08"
C42	44.00	20.44	20.26°	S 11°36'32"E	20°44'08"
C43	20.00	31.42	28.28°	S 28°32'49"E	09°00'00"
C44	20.00	31.42	28.28°	S 28°32'49"E	09°00'00"
C45	20.00	31.42	28.28°	S 28°32'49"E	09°00'00"
C46	20.00	31.42	28.28°	S 28°32'49"E	09°00'00"
C47	352.02	46.09	46.05°	N 16°21'17"E	8°07'27"
C48	352.02	46.09	46.05°	N 16°21'17"E	8°07'27"
C49	300.00	65.78	65.65°	S 29°44'05"E	13°33'47"
C50	275.00	58.15	58.04°	S 29°44'05"E	13°33'47"
C51	275.00	58.15	58.04°	S 29°44'05"E	13°33'47"
C52	20.00	32.10	28.77°	S 16°50'54"E	91°58'06"
C53	20.00	40.13	28.77°	S 16°50'54"E	91°58'06"
C54	49.99	40.13	21.51°	S 41°33'59"E	24°58'05"
C55	67.00	9.77	9.76°	N 49°43'30"E	8°17'39"
C56	50.00	9.77	9.76°	N 49°43'30"E	8°17'39"
C57	50.00	9.01	9.00°	S 82°40'00"E	10°19'39"
C58	67.00	78.47	74.12°	S 58°05'18"E	66°36'24"
C59	67.00	78.47	74.12°	S 58°05'18"E	66°36'24"
C60	67.00	42.31	41.62°	N 27°57'02"E	35°54'58"
C61	44.00	19.55	19.39°	S 85°42'29"E	25°10'05"
C62	44.00	19.55	19.39°	S 85°42'29"E	25°10'05"
C63	57.00	41.47	40.57°	S 80°39'09"E	41°19'05"
C64	57.00	37.13	36.50°	S 80°39'09"E	41°19'05"
C65	57.00	37.13	36.50°	S 80°39'09"E	41°19'05"
C66	57.00	37.60	36.93°	S 15°49'59"E	37°32'47"
C67	57.00	39.08	38.33°	S 15°49'59"E	38°56'33"
C68	57.00	41.24	40.49°	S 15°49'59"E	38°56'33"
C69	57.00	44.46	43.37°	S 18°13'43"E	44°18'25"
C70	57.00	44.46	43.37°	S 18°13'43"E	44°18'25"
C71	44.00	22.91	22.65°	S 58°24'55"E	26°39'32"

BM	TRAIL EASEMENT
TE	BENCHMARK
DA	DRAINAGE AREA
DE	DRAINAGE EASEMENT
ELEV	ELEVATION
NTS	NOT TO SCALE
NO	NUMBER
RE	REFERENCE
REV	REVISION
TBM	TEMPORARY BENCH MARK
TYPE	TYPICAL
OVER	OVERHEAD OR UNDERGROUND EASEMENT
UE	UTILITY EASEMENT
●	LOTS WITH MIN FPE (SEE TABLE)
○	2" IRON ROD FOUND
○	1/2" IRON ROD W/ CAP MARKED "YALGO, 6200" SET
—	DRAINAGE IN BEARING
—	CHANGE IRON BAR (SEE NOTE 3)

REV.	DESCRIPTION	DATE	BY
3	UPDATED PER CITY COMMENTS	4/8/2019	TWF
2	UPDATED PER CITY COMMENTS	2/10/2019	TJJ
1	ORIGINAL RELEASE	01/17/2019	TWF
PROJECT NUMBER: PC01		CLIENT NAME: WBW SINGLE DEVELOPMENT GROUP, LLC - SERIES 104	
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

PROJECT INFORMATION		BENCHMARK
TOTAL SIZE: 57.35 ACRES		TEMPLE CITY MONUMENT NO. 1052 D
TOTAL BLOCKS: 5		TEXAS STATE PLANE COORDINATE
TOTAL LOTS: 190		SYSTEM, NAD1983 DATUM, TEXAS
TOTAL TRACTS: 3		CENTRAL ZONE NO. 4205
		N: 10362827.20
		E: 3233619.96
		Z: 664.21' (NAVD88-Gcoid12A)

BENCHMARK  
TEMPLE CITY MONUMENT NO. 1052 D  
TEXAS STATE PLANE COORDINATE  
SYSTEM, NAD1983 DATUM, TEXAS  
CENTRAL ZONE NO. 4203  
N: 10362827.20  
E: 3233619.96  
Z: 664.21' (NAVD88-Geoid12A)





TEXAS COMMISSION ON ENVIRONMENTAL QUALITY WATER DISTRIBUTION SYSTEM GENERAL CONSTRUCTION NOTES

1. This water distribution system must be constructed in accordance with the current Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Public Water Systems 30 Texas Administrative Code (TAC) Chapter 290 Subchapter D. When conflicts are noted with local standards, the more stringent requirement shall be applied. Construction for public water systems must always, at a minimum, meet TCEQ's "Rules and Regulations for Public Water Systems."
2. All newly installed pipes and related products must conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 61-G and must be certified by an organization accredited by ANSI, as required by 30 TAC §290.44(a)(1).
3. Plastic pipe for use in public water systems must bear the National Sanitation Foundation Seal of Approval (NSF pw-G) and have an ASTM design pressure rating of at least 150 psi or a standard dimension ratio of 26 or less, as required by 30 TAC §290.44(a)(2).
4. No pipe which has been used for any purpose other than the conveyance of drinking water shall be accepted or released for use in any public drinking water supply, as required by 30 TAC §290.44(a)(3).
5. Water transmission and distribution lines shall be installed in accordance with the manufacturer's instructions. However, the top of the water line must be located below the frost line and in no case shall the top of the water line be less than 24 inches below ground surface, as required by 30 TAC §290.44(a)(4).
6. The hydrostatic leakage rate for polyvinyl chloride (PVC) pipe and appurtenances shall not exceed the amount allowed or recommended by formulas in America Water Works Association (AWWA) C-605 as required in 30 TAC §290.44(a)(5). Please ensure that the formula for this calculation is correct and most current formula is in use;

$Q = (LD \sqrt{P}) / 148,000$

Where:

- Q = the quantity of makeup water in gallons per hour,
- L = the length of the pipe section being tested, in feet,
- D = the nominal diameter of the pipe in inches, and
- P = the average test pressure during the hydrostatic test in pounds per square inch (psi).

Revised: January 10, 2014 2

The hydrostatic leakage rate for ductile iron (DI) pipe and appurtenances shall not exceed the amount allowed or recommended by formulas in America Water Works Association (AWWA) C-600 as required in 30 TAC §290.44(a)(5). Please ensure that the formula for this calculation is correct and most current formula is in use;

$Q = (SD \sqrt{P}) / 148,000$

Where:

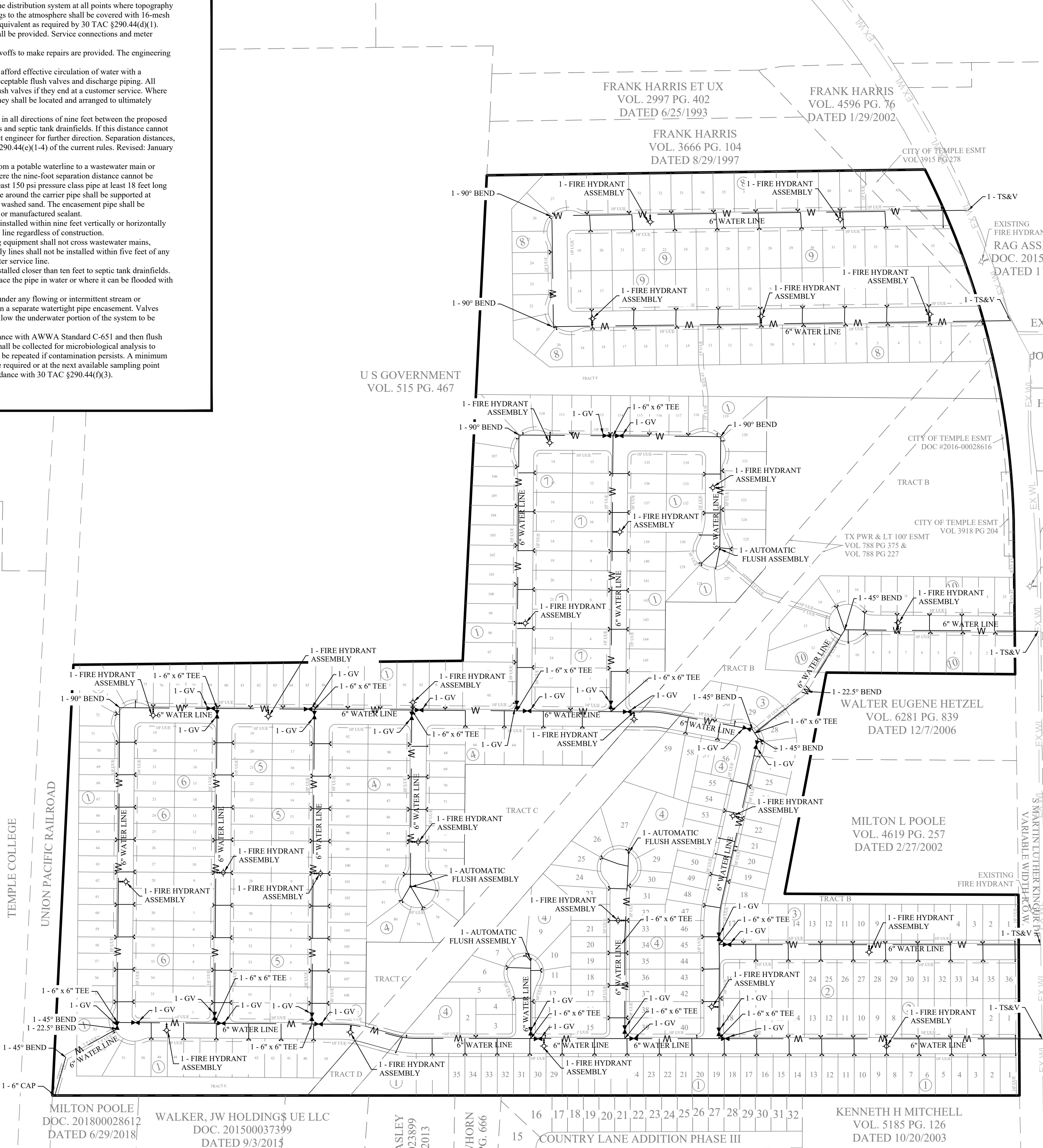
- L = the quantity of makeup water in gallons per hour,
- S = the length of the pipe section being tested, in feet,
- D = the nominal diameter of the pipe in inches, and
- P = the average test pressure during the hydrostatic test in pounds per square inch (psi).

7. This project must comply with changes to the Safe Drinking Water Act that reduce the maximum allowable lead content of pipes, pipe fittings, plumbing fittings, and fixtures to 0.25 percent.
8. The system is designed to maintain a minimum pressure of 35 psi at all points within the distribution network at flow rates of at least 1.5 gallons per minute per connection. In cases where the system is intended to provide firefighting capability, it is also designed to maintain a minimum pressure of 20 psi under combined fire and drinking water flow conditions as required by 30 TAC §290.44(d).

GENERAL NOTES:

1. ALL WORK DETAILED ON THESE PLANS SHALL BE CONSTRUCTED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS IN ACCORDANCE WITH THE STANDARD CONSTRUCTION SPECIFICATIONS AND REGULATIONS OF THE CITY OF TEMPLE, UNLESS OTHERWISE NOTED.
2. CONTRACTOR SHALL COMPLY WITH ALL CURRENT O.S.H.A. REQUIREMENTS REGARDING TRENCH SAFETY AND SHORING. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DRAFT AND ADHERE TO A TRENCH SAFETY PLAN.
3. CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL T.C.E.Q. RULES AND REGULATIONS IN CHAPTER 290 OF PUBLIC DRINKING WATER IN THE TEXAS ADMINISTRATION CODE, MANUFACTURERS' RECOMMENDATIONS AND GENERAL INDUSTRY PRACTICES.
4. THE PROPOSED WATERLINES SHALL BE PVC WATER PIPE AND SHALL MEET THE REQUIREMENTS OF AWWA STANDARD FOR POLYVINYL CHLORIDE (PVC) PRESSURE PIPE FOR WATER, AWWA STANDARD C900, WITH CAST-IRON OUTSIDE DIMENSIONS. THE PIPE WILL BE CLASS 150 (DR-18).
5. ALL WATER MAINS MUST BE 42" BELOW FINISHED GRADE.
6. ALL WATER LINES SHOWN ARE PROPOSED UNLESS OTHERWISE NOTED.
7. ALL DUCTILE IRON PIPE JOINTS AND FITTINGS SHALL BE IN ACCORDANCE WITH AWWA C111 (ANSI A 21.1).

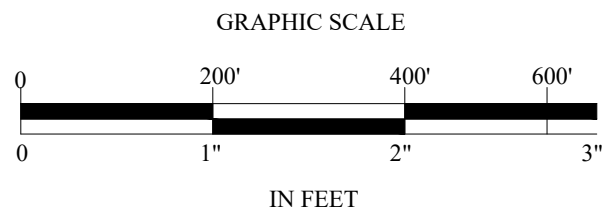
9. The contractor shall install appropriate air release devices in the distribution system at all points where topography or other factors may create air locks in the lines. All vent openings to the atmosphere shall be covered with 16-mesh or finer, corrosion resistant screening material or an acceptable equivalent as required by 30 TAC §290.44(d)(1).
10. Pursuant to 30 TAC §290.44(d)(4), accurate water meters shall be provided. Service connections and meter locations are shown on the plans.
11. Pursuant to 30 TAC §290.44(d)(5), sufficient valves and blowoffs to make repairs are provided. The engineering report shall establish criteria for this design.
12. Pursuant to 30 TAC §290.44(d)(6), the system is designed to afford effective circulation of water with a minimum of dead ends. All dead-end mains are provided with acceptable flush valves and discharge piping. All dead-end lines less than two inches in diameter do not require flush valves if they end at a customer service. Where dead ends are necessary as a stage in the growth of the system, they shall be located and arranged to ultimately connect the ends to provide circulation.
13. The contractor shall maintain a minimum separation distance in all directions of nine feet between the proposed waterline and wastewater collection facilities including manholes and septic tank drainfields. If this distance cannot be maintained, the contractor must immediately notify the project engineer for further direction. Separation distances, installation methods, and materials utilized must meet 30 TAC §290.44(c)(1-4) of the current rules. Revised: January 10, 2014 3
14. Pursuant to 30 TAC §290.44(c)(5), the separation distance from a potable waterline to a wastewater main or lateral manhole or cleanout shall be a minimum of nine feet. Where the nine-foot separation distance cannot be achieved, the potable waterline shall be encased in a joint of at least 150 psi pressure class pipe at least 18 feet long and two nominal sizes larger than the new conveyance. The space around the carrier pipe shall be supported at five-foot intervals with spacers or be filled to the springline with washed sand. The encasement pipe shall be centered on the crossing and both ends sealed with cement grout or manufactured sealant.
15. Pursuant to 30 TAC §290.44(c)(6), fire hydrants shall not be installed within nine feet vertically or horizontally of any wastewater line, wastewater lateral, or wastewater service line regardless of construction.
16. Pursuant to 30 TAC §290.44(c)(7), suction mains to pumping equipment shall not cross wastewater mains, wastewater laterals, or wastewater service lines. Raw water supply lines shall not be installed within five feet of any tile or concrete wastewater main, wastewater lateral, or wastewater service line.
17. Pursuant to 30 TAC §290.44(c)(8), waterlines shall not be installed closer than ten feet to septic tank drainfields.
18. Pursuant to 30 TAC §290.44(f)(1), the contractor shall not place the pipe in water or where it can be flooded with water or sewage during its storage or installation.
19. Pursuant to 30 TAC §290.44(D)(2), when waterlines are laid under any flowing or intermittent stream or semi-permanent body of water the water main shall be installed in a separate watertight pipe encasement. Valves must be provided on each side of the crossing with facilities to allow the underwater portion of the system to be isolated and tested.
20. The contractor shall disinfect the new water mains in accordance with AWWA Standard C-651 and then flush and sample the lines before being placed into service. Samples shall be collected for microbiological analysis to check the effectiveness of the disinfection procedure which shall be repeated if contamination persists. A minimum of one sample for each 1,000 feet of completed water line will be required or at the next available sampling point beyond 1,000 feet as designated by the design engineer, in accordance with 30 TAC §290.44(f)(3).



PRINTED ON February 10, 2019

REV.	DESCRIPTION	DATE	BY
2	UPDATED PER CITY COMMENTS	2/8/2019	TJJ
1	ORIGINAL RELEASE	01/17/2019	TWF
PROJECT NUMBER: PC00		CLIENT NAME: WBW SINGLE DEVELOPMENT GROUP, LLC - SERIES 104	
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

PROJECT INFORMATION
TOTAL SIZE: 135.25
TOTAL BLOCKS: 10
TOTAL LOTS: 523
TOTAL TRACTS: 6



BENCHMARK
TEMPLE CITY MONUMENT NO. 1052 D
TEXAS STATE PLANE COORDINATE SYSTEM, NAD1983 DATUM, TEXAS CENTRAL ZONE NO. 4203
N: 10362827.20
E: 3233619.96
Z: 664.21' (NAVD88-Geoid12A)

PRELIMINARY WATER LAYOUT  
PECAN CREEK  
TEMPLE, BELL COUNTY, TEXAS

ENGINEER'S APPROVAL

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 02/10/2019. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

Yalgo, LLC

3000 Illinois Ave., Suite 100  
Killeen, TX 76543  
PH (254) 953-5353  
FX (254) 953-5057

Texas Registered  
Engineering Firm # 10264

Texas Registered  
Surveying Firm # 10194095

SHEET

7

OF

9



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY WATER DISTRIBUTION SYSTEM GENERAL CONSTRUCTION NOTES**

1. This water distribution system must be constructed in accordance with the current Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Public Water Systems 30 Texas Administrative Code (TAC) Chapter 290 Subchapter D. When conflicts are noted with local standards, the more stringent requirement shall be applied. Construction for public water systems must always, at a minimum, meet TCEQ's "Rules and Regulations for Public Water Systems."

2. All newly installed pipes and related products must conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 61-G and must be certified by an organization accredited by ANSI, as required by 30 TAC §290.44(a)(1).

3. Plastic pipe for use in public water systems must bear the National Sanitation Foundation Seal of Approval (NSF pw-G) and have an ASTM design pressure rating of at least 150 psi or a standard dimension ratio of 26 or less, as required by 30 TAC §290.44(a)(2).

4. No pipe which has been used for any purpose other than the conveyance of drinking water shall be accepted or released for use in any public drinking water supply, as required by 30 TAC §290.44(a)(3).

5. Water transmission and distribution lines shall be installed in accordance with the manufacturer's instructions. However, the top of the water line must be located below the frost line and in no case shall the top of the water line be less than 24 inches below ground surface, as required by 30 TAC §290.44(a)(4).

6. The hydrostatic leakage rate for polyvinyl chloride (PVC) pipe and appurtenances shall not exceed the amount allowed or recommended by formula in America Water Works Association (AWWA) C-605 as required in 30 TAC §290.44(a)(5). Please ensure that the formula for this calculation is correct and most current formula is in use;

$Q = (LD \sqrt{P}) / 148,000$

Where:

- Q = the quantity of makeup water in gallons per hour,
- L = the length of the pipe section being tested, in feet,
- D = the nominal diameter of the pipe in inches, and
- P = the average test pressure during the hydrostatic test in pounds per square inch (psi).

Revised: January 10, 2014 2

The hydrostatic leakage rate for ductile iron (DI) pipe and appurtenances shall not exceed the amount allowed or recommended by formulas in America Water Works Association (AWWA) C-600 as required in 30 TAC §290.44(a)(5). Please ensure that the formula for this calculation is correct and most current formula is in use;

$Q = (SD \sqrt{P}) / 148,000$

Where:

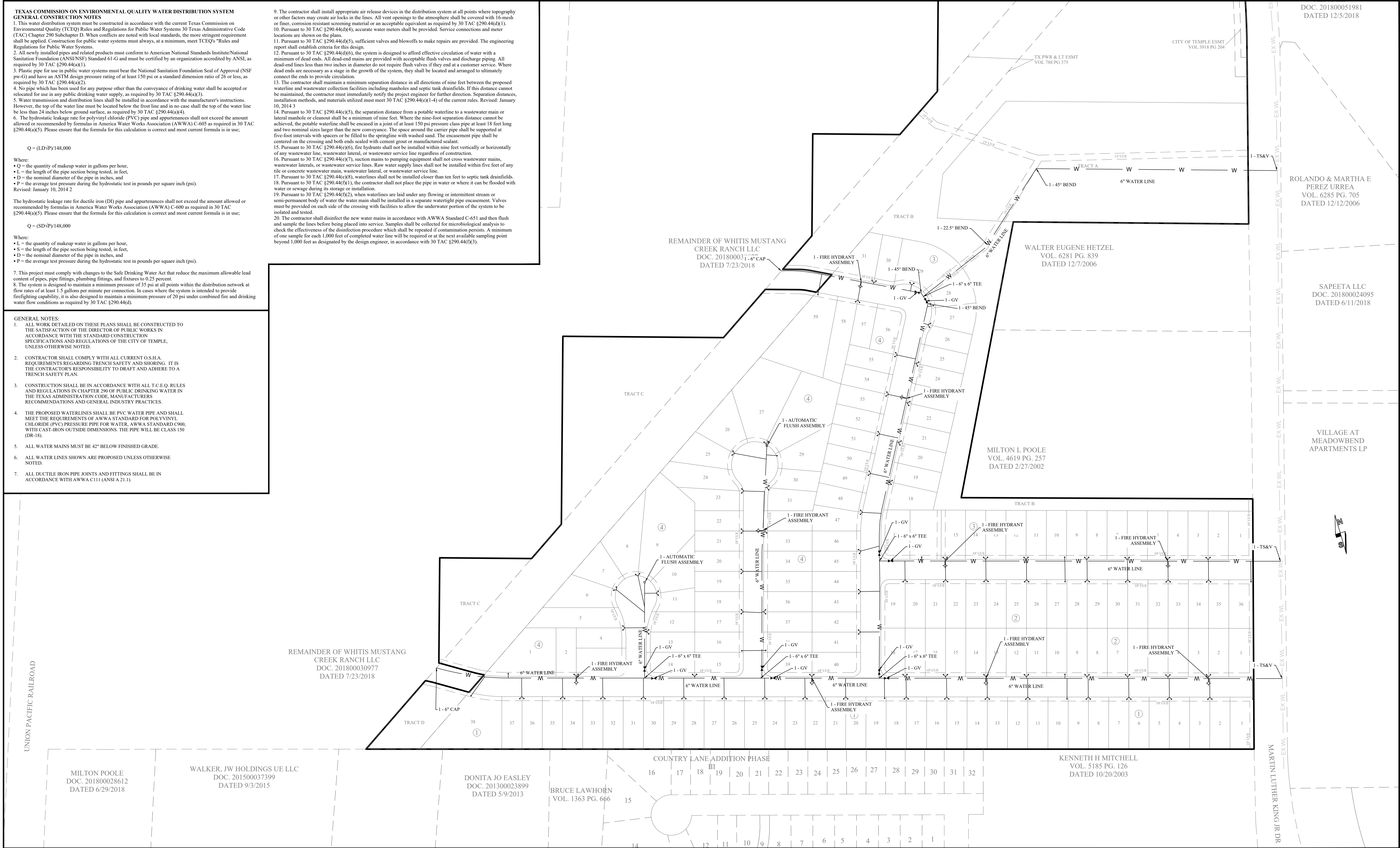
- L = the quantity of makeup water in gallons per hour,
- S = the length of the pipe section being tested, in feet,
- D = the nominal diameter of the pipe in inches, and
- P = the average test pressure during the hydrostatic test in pounds per square inch (psi).

7. This project must comply with changes to the Safe Drinking Water Act that reduce the maximum allowable lead content of pipes, pipe fittings, plumbing fittings, and fixtures to 0.25 percent.
8. The system is designed to maintain a minimum pressure of 35 psi at all points within the distribution network at flow rates of at least 1.5 gallons per minute per connection. In cases where the system is intended to provide firefighting capability, it is also designed to maintain a minimum pressure of 20 psi under combined fire and drinking water flow conditions as required by 30 TAC §290.44(d).

**GENERAL NOTES:**

1. ALL WORK DETAILED ON THESE PLANS SHALL BE CONSTRUCTED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS IN ACCORDANCE WITH THE STANDARD CONSTRUCTION SPECIFICATIONS AND REGULATIONS OF THE CITY OF TEMPLE, UNLESS OTHERWISE NOTED.
2. CONTRACTOR SHALL COMPLY WITH ALL CURRENT O.S.H.A. REQUIREMENTS REGARDING TRENCH SAFETY AND SHORING. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DRAFT AND ADHERE TO A TRENCH SAFETY PLAN.
3. CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL T.C.E.Q. RULES AND REGULATIONS IN CHAPTER 290 OF PUBLIC DRINKING WATER IN THE TEXAS ADMINISTRATION CODE, MANUFACTURERS RECOMMENDATIONS AND GENERAL INDUSTRY PRACTICES.
4. THE PROPOSED WATERLINES SHALL BE PVC WATER PIPE AND SHALL MEET THE REQUIREMENTS OF AWWA STANDARD FOR POLYVINYL CHLORIDE (PVC) PRESSURE PIPE FOR WATER, AWWA STANDARD C900, WITH CAST-IRON OUTSIDE DIMENSIONS. THE PIPE WILL BE CLASS 150 (DR-18).
5. ALL WATER MAINS MUST BE 42" BELOW FINISHED GRADE.
6. ALL WATER LINES SHOWN ARE PROPOSED UNLESS OTHERWISE NOTED.
7. ALL DUCTILE IRON PIPE JOINTS AND FITTINGS SHALL BE IN ACCORDANCE WITH AWWA C111 (ANSI A 21.1).

9. The contractor shall install appropriate air release devices in the distribution system at all points where topography or other factors may create air locks in the lines. All vent openings to the atmosphere shall be covered with 16-mesh or finer, corrosion resistant screening material or an acceptable equivalent as required by 30 TAC §290.44(d)(1).
10. Pursuant to 30 TAC §290.44(d)(4), accurate water meters shall be provided. Service connections and meter locations are shown on the plans.
11. Pursuant to 30 TAC §290.44(d)(5), sufficient valves and blowoffs to make repairs are provided. The engineering report shall establish criteria for this design.
12. Pursuant to 30 TAC §290.44(d)(6), the system is designed to afford effective circulation of water with a minimum of dead ends. All dead-end mains are provided with acceptable flush valves and discharge piping. All dead-end lines less than two inches in diameter do not require flush valves if they end at a customer service. Where dead ends are necessary as a stage in the growth of the system, they shall be located and arranged to ultimately connect the ends to provide circulation.
13. The contractor shall maintain a minimum separation distance in all directions of nine feet between the proposed waterline and wastewater collection facilities including manholes and septic tank drainfields. If this distance cannot be maintained, the contractor must immediately notify the project engineer for further direction. Separation distances, installation methods, and materials utilized must meet 30 TAC §290.44(c)(1-4) of the current rules. Revised: January 10, 2014 3
14. Pursuant to 30 TAC §290.44(e)(5), the separation distance from a potable waterline to a wastewater main or lateral manhole or cleanout shall be a minimum of nine feet. Where the nine-foot separation distance cannot be achieved, the potable waterline shall be encased in a joint of at least 150 psi pressure class pipe at least 18 feet long and two nominal sizes larger than the new conveyance. The space around the carrier pipe shall be supported at five-foot intervals with spacers or be filled to the springline with washed sand. The encasement pipe shall be centered on the crossing and both ends sealed with cement grout or manufactured sealant.
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16. Pursuant to 30 TAC §290.44(e)(7), suction mains to pumping equipment shall not cross wastewater mains, wastewater laterals, or wastewater service lines. Raw water supply lines shall not be installed within five feet of any tile or concrete wastewater main, wastewater lateral, or wastewater service line.
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18. Pursuant to 30 TAC §290.44(f)(1), the contractor shall not place the pipe in water or where it can be flooded with water or sewage during its storage or installation.
19. Pursuant to 30 TAC §290.44(D)(2), when waterlines are laid under any flowing or intermittent stream or semi-permanent body of water the water main shall be installed in a separate watertight pipe encasement. Valves must be provided on each side of the crossing with facilities to allow the underwater portion of the system to be isolated and tested.
20. The contractor shall disinfect the new water mains in accordance with AWWA Standard C-651 and then flush and sample the lines before being placed into service. Samples shall be collected for microbiological analysis to check the effectiveness of the disinfection procedure which shall be repeated if contamination persists. A minimum of one sample for each 1,000 feet of completed water line will be required or at the next available sampling point beyond 1,000 feet as designated by the design engineer, in accordance with 30 TAC §290.44(f)(3).



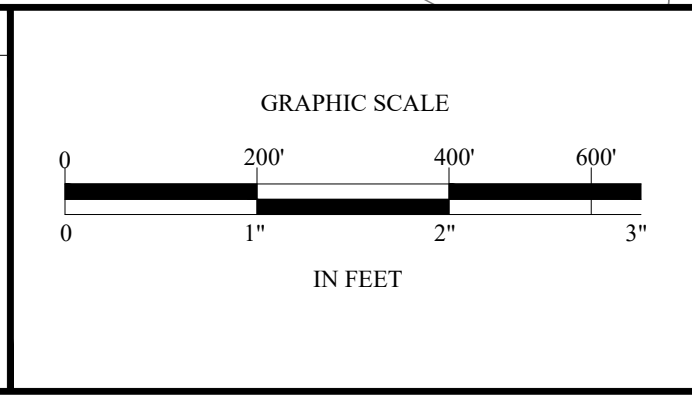
REV.	DESCRIPTION	DATE	BY	PROJECT INFORMATION	BENCHMARK	<div>WATER LAYOUT</div> <div>PECAN CREEK PHASE 1</div> <div>TEMPLE, BELL COUNTY, TEXAS</div>	ENGINEER'S APPROVAL	Yalgo, LLC	SHEET
				TOTAL SIZE: 57.35 TOTAL BLOCKS: 10 TOTAL LOTS: 164 TOTAL TRACTS: 4	City Survey Monument TBD		THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 01/17/2019. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.	3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057	7
1	ORIGINAL RELEASE	01/17/2019	TWF					Texas Registered Engineering Firm # 10264	OF
PROJECT NUMBER: PC01		CLIENT NAME: WBW SINGLE DEVELOPMENT GROUP, LLC - SERIES 104						Texas Registered Surveying Firm # 10194095	--
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX							
AUTHORIZED BY: WBW									

PRINTED ON January 17, 2019

PRINTED ON February 10, 2019

REV.	DESCRIPTION	DATE	BY
2	ADDED SEWER EXTENSION TO NORTH PROPERTY	2/8/2019	TJJ
1	ORIGINAL RELEASE	01/17/2019	TWF
PROJECT NUMBER: PC00		CLIENT NAME: WBW SINGLE DEVELOPMENT GROUP, LLC - SERIES 104	
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

PROJECT INFORMATION
TOTAL SIZE: 135.25
TOTAL BLOCKS: 10
TOTAL LOTS: 523
TOTAL TRACTS: 6



BENCHMARK
TEMPLE CITY MONUMENT NO. 1052 D
TEXAS STATE PLANE COORDINATE SYSTEM, NAD1983 DATUM, TEXAS CENTRAL ZONE NO. 4203
N: 10362827.20
E: 3233610.96
Z: 664.21' (NAVD88-Geoid12A)

# PRELIMINARY SANITARY SEWER LAYOUT

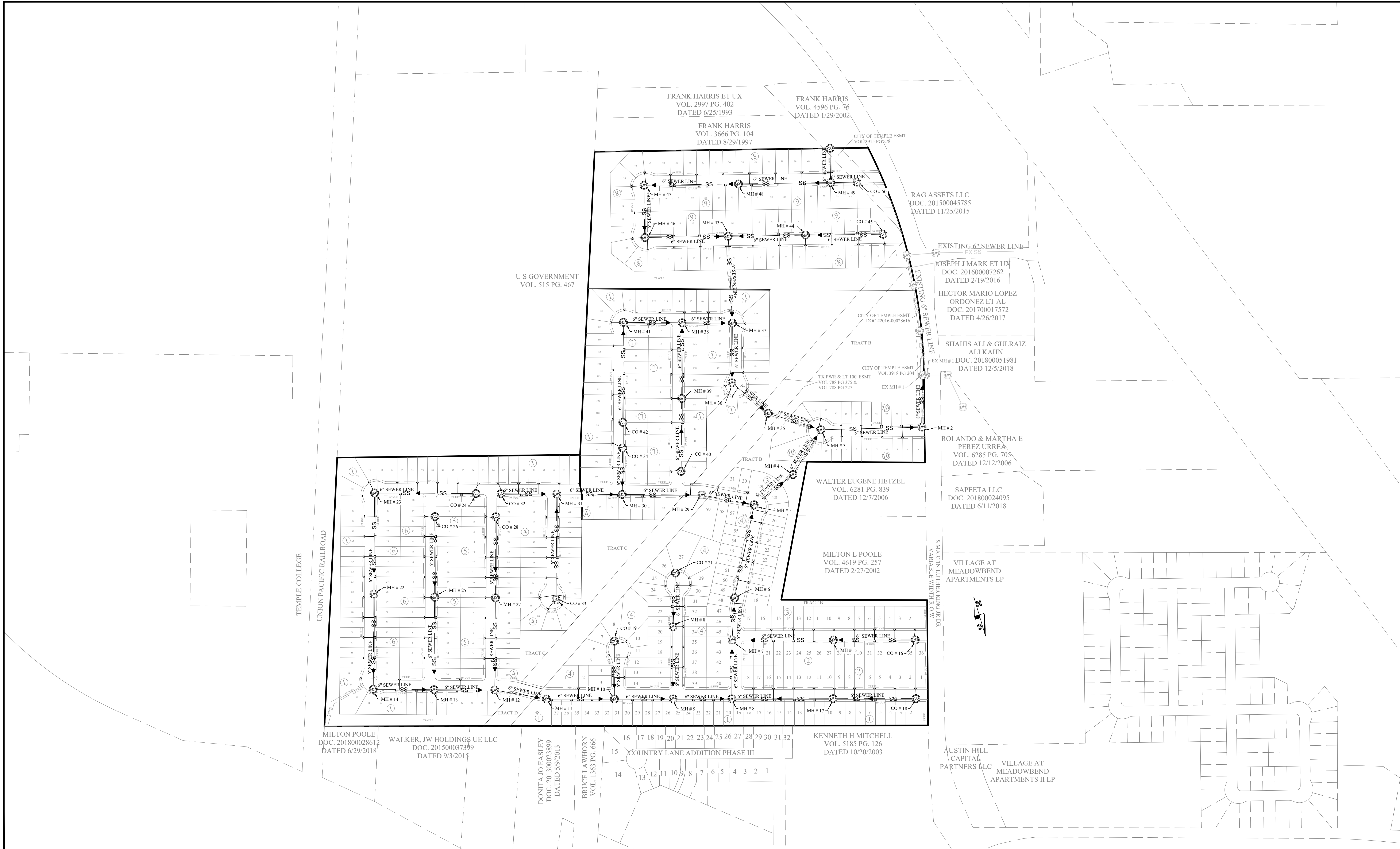
## PECAN CREEK

### TEMPLE, BELL COUNTY, TEXAS

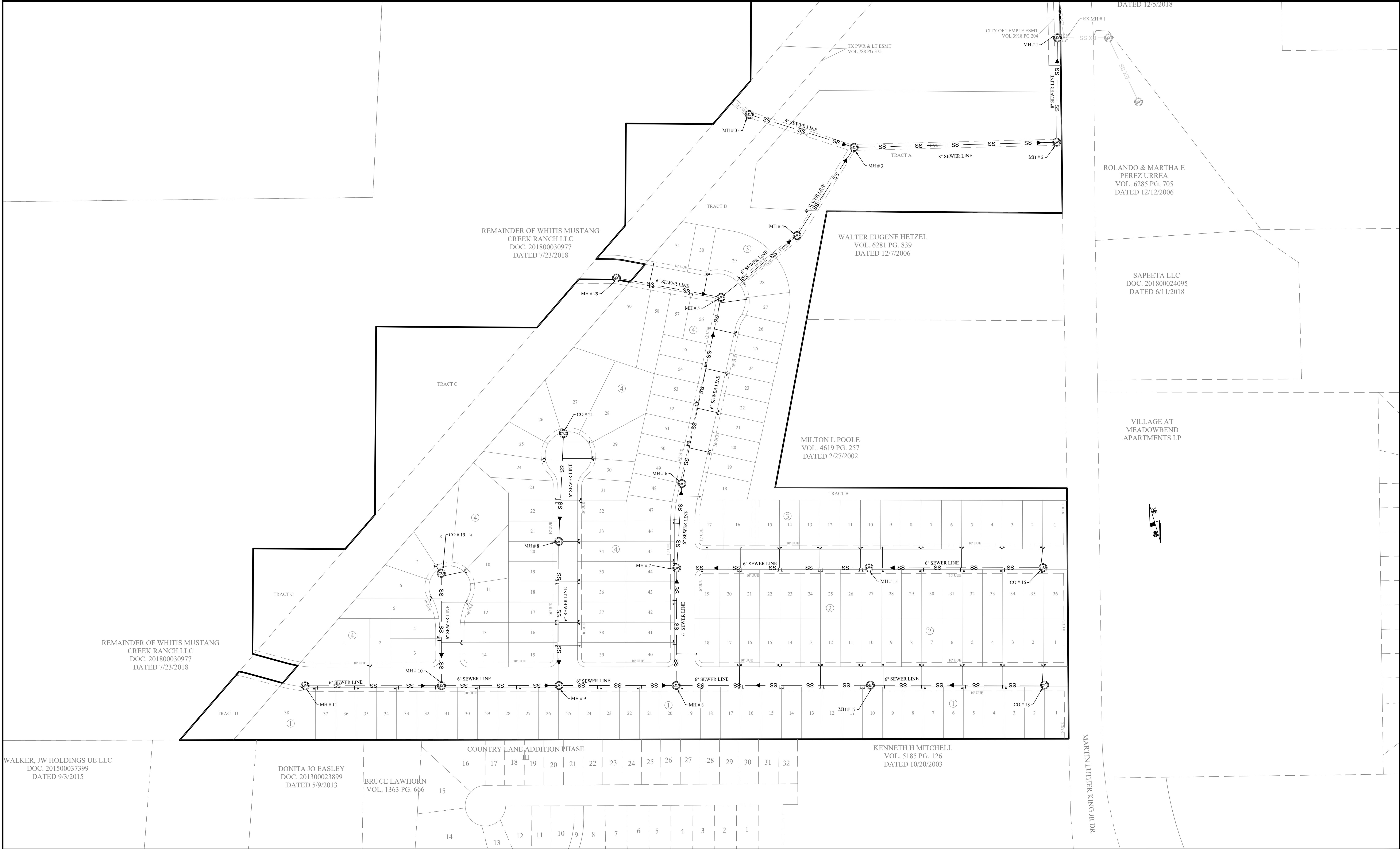
ENGINEER'S APPROVAL
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 02/10/2019. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

<b>Yalgo, LLC</b>
3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057
Texas Registered Engineering Firm # 10264
Texas Registered Surveying Firm # 10194095

SHEET
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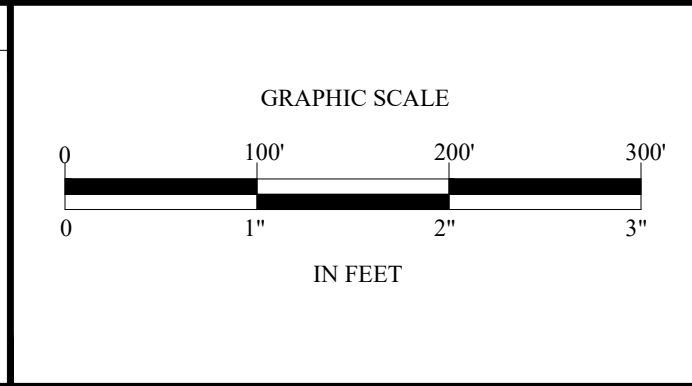






REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	01/17/2019	TWF
PROJECT NUMBER: PC01		CLIENT NAME: WBW SINGLE DEVELOPMENT GROUP, LLC - SERIES 104	
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

PROJECT INFORMATION
TOTAL SIZE: 57.35
TOTAL BLOCKS: 10
TOTAL LOTS: 164
TOTAL TRACTS: 4



BENCHMARK
City Survey Monument TBD

# SANITARY SEWER LAYOUT PECAN CREEK PHASE 1 TEMPLE, BELL COUNTY, TEXAS

ENGINEER'S APPROVAL
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<b>Yalgo, LLC</b> 3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057 Texas Registered Engineering Firm # 10264 Texas Registered Surveying Firm # 10194095	SHEET <b>8</b> OF --
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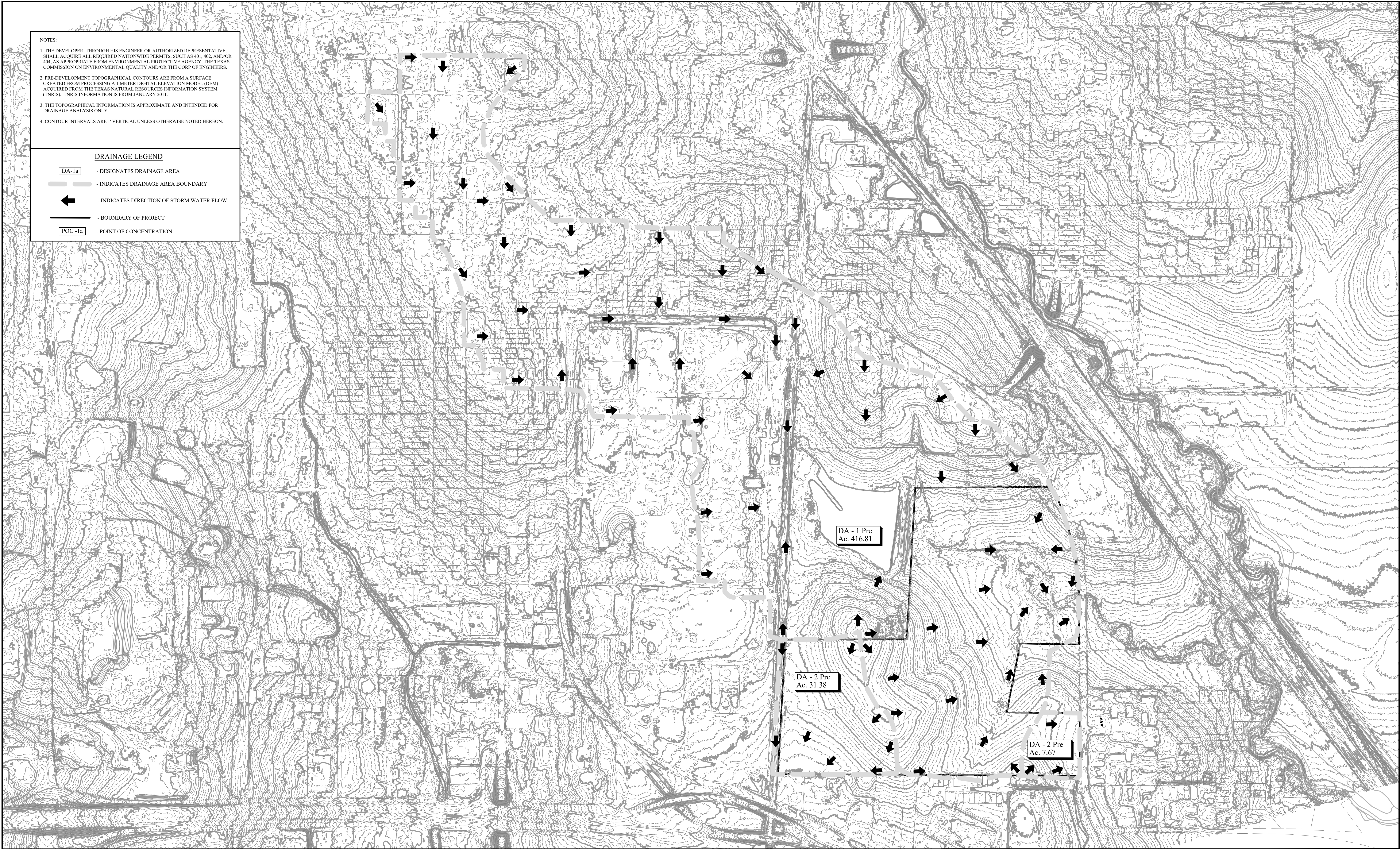


NOTES:

1. THE DEVELOPER, THROUGH HIS ENGINEER OR AUTHORIZED REPRESENTATIVE, SHALL ACQUIRE ALL REQUIRED NATIONWIDE PERMITS, SUCH AS 401, 402, AND/OR 404, AS APPROPRIATE FROM ENVIRONMENTAL PROTECTIVE AGENCY, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND/OR THE CORP OF ENGINEERS.
2. PRE-DEVELOPMENT TOPOGRAPHICAL CONTOURS ARE FROM A SURFACE CREATED FROM PROCESSING A 1 METER DIGITAL ELEVATION MODEL (DEM) ACQUIRED FROM THE TEXAS NATURAL RESOURCES INFORMATION SYSTEM (TNRIS). TNRIS INFORMATION IS FROM JANUARY 2011.
3. THE TOPOGRAPHICAL INFORMATION IS APPROXIMATE AND INTENDED FOR DRAINAGE ANALYSIS ONLY.
4. CONTOUR INTERVALS ARE 1' VERTICAL UNLESS OTHERWISE NOTED HEREON.

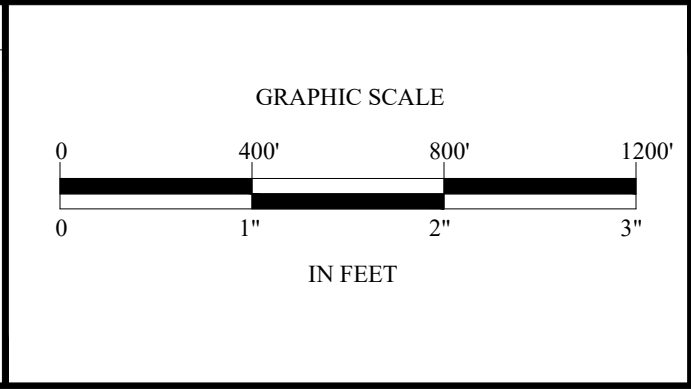
DRAINAGE LEGEND

- DA-1a - DESIGNATES DRAINAGE AREA
- INDICATES DRAINAGE AREA BOUNDARY
- INDICATES DIRECTION OF STORM WATER FLOW
- BOUNDARY OF PROJECT
- POC-1a - POINT OF CONCENTRATION



REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	1/17/2019	TJJ
PROJECT NUMBER: PC00		CLIENT NAME: WBW SINGLE DEVELOPMENT GROUP, LLC - SERIES 104	
APPROVED BY: TWf		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

PROJECT INFORMATION
TOTAL SIZE: 135.25
TOTAL BLOCKS: 10
TOTAL RESIDENTIAL LOTS: 523
NON-RESIDENTIAL LOTS: 0



BENCHMARK
City Survey Monument TBD

PRE-DRAINAGE  
PECAN CREEK PRELIM PLAT  
TEMPLE, BELL COUNTY, TEXAS

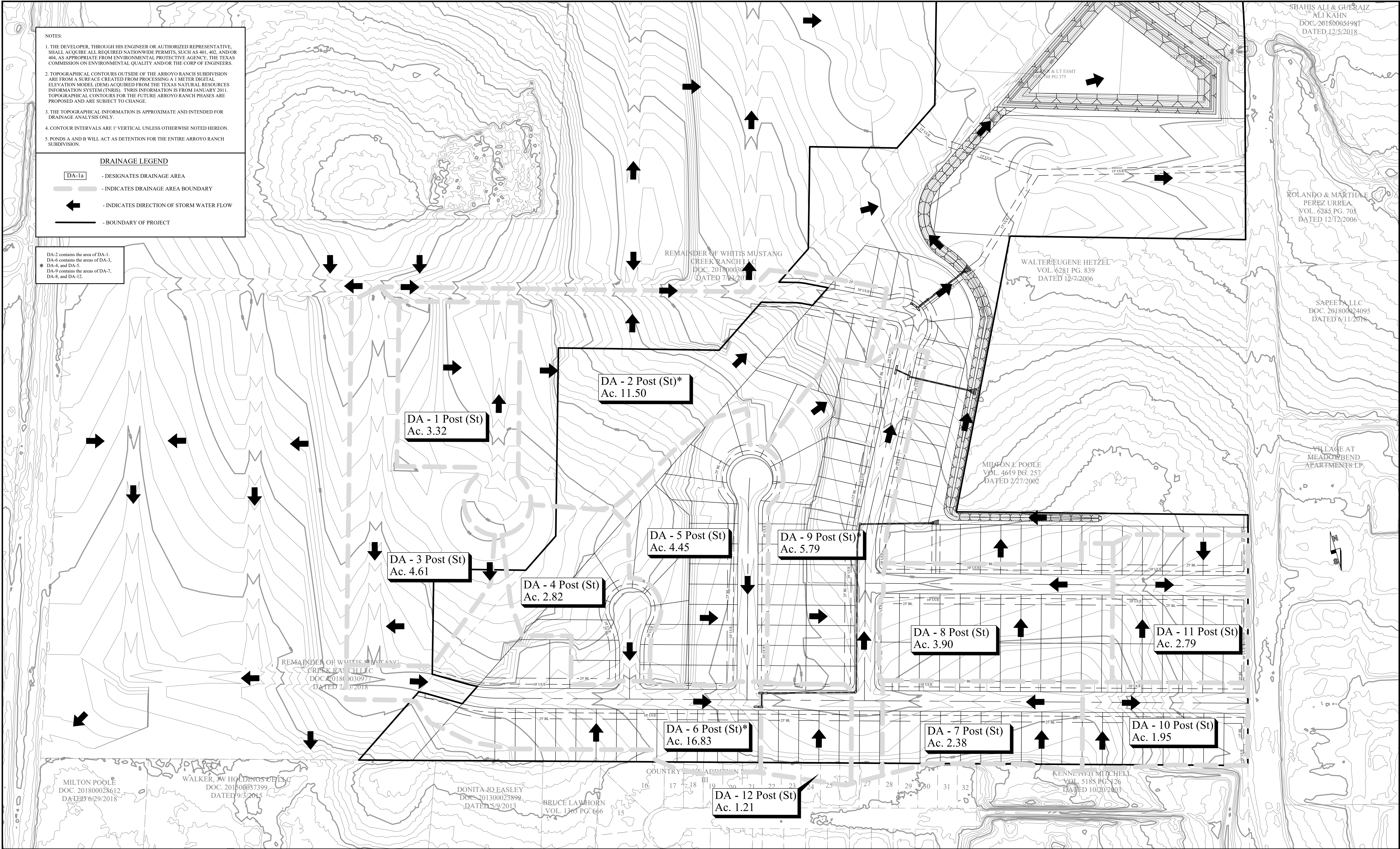
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ENGINEER'S APPROVAL
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 01/17/2019. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

<b>Yalgo, LLC</b> 3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057 Texas Registered Engineering Firm F-10264 Texas Registered Surveying Firm 10194095
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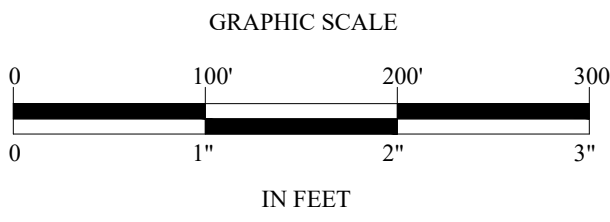
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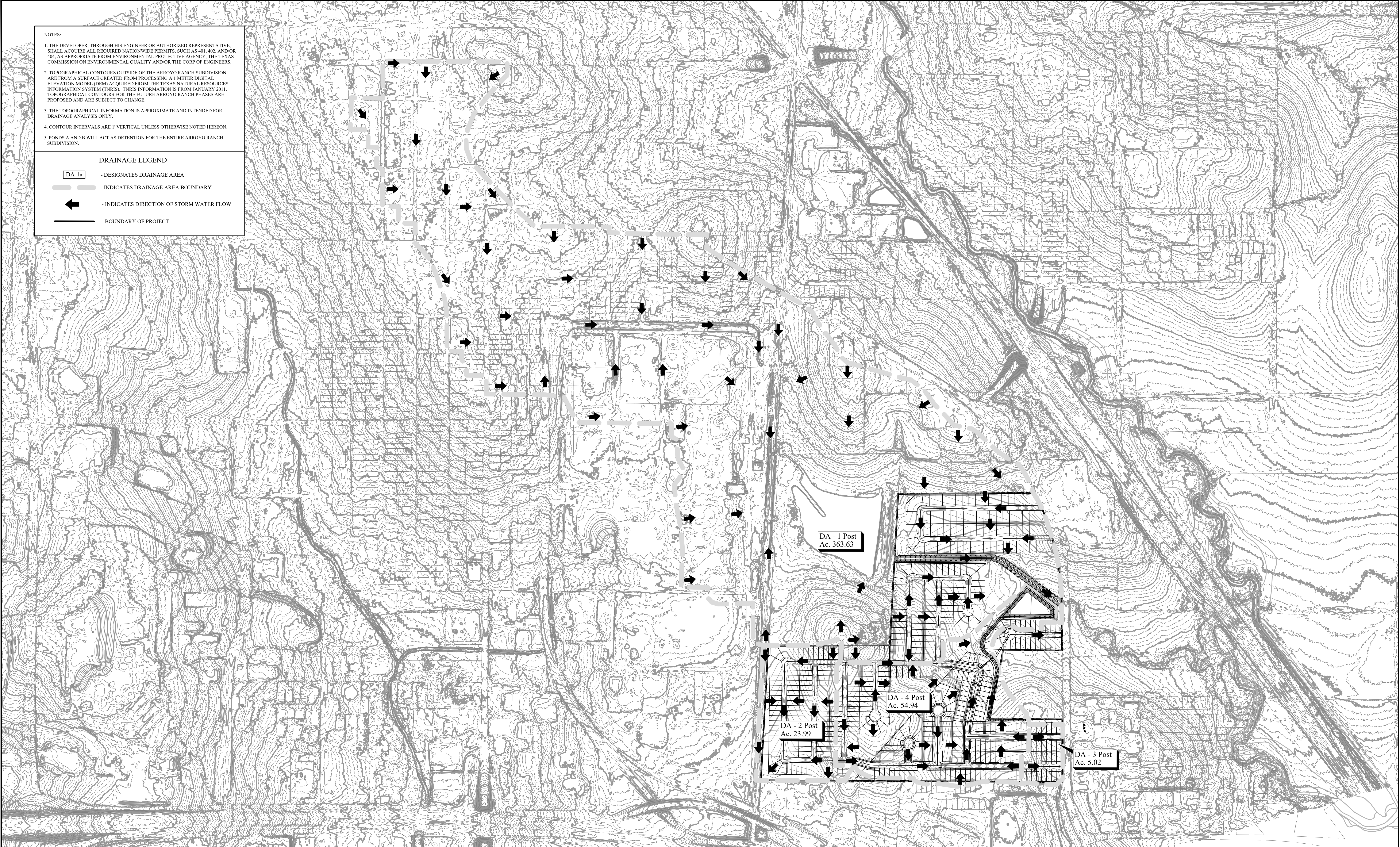


REV.	DESCRIPTION	DATE	BY	PROJECT INFORMATION	BENCHMARK	POST DRAINAGE FOR STREETS PECAN CREEK PHASE 1 TEMPLE, BELL COUNTY, TEXAS	ENGINEER'S APPROVAL	Yalgo, LLC	SHEET
				TOTAL SIZE: 57.35 TOTAL BLOCKS: 4 TOTAL RESIDENTIAL LOTS: 164 NON-RESIDENTIAL LOTS: 0	City Survey Monument TBD		THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 01/17/2019. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.	3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057 Texas Registered Engineering Firm F-10264 Texas Registered Surveying Firm 10194095	4 OF 9
1	ORIGINAL RELEASE	1/17/2019	TJJ	PROJECT NUMBER: PC00 CLIENT NAME: WBW SINGLE DEVELOPMENT GROUP, LLC - SERIES 104 CLIENT LOCATION: KILLEEN, TX					
APPROVED BY: TWf AUTHORIZED BY: WBW									

PRINTED ON January 17, 2019







NOTES:

1. THE DEVELOPER, THROUGH HIS ENGINEER OR AUTHORIZED REPRESENTATIVE, SHALL ACQUIRE ALL REQUIRED NATIONWIDE PERMITS, SUCH AS 401, 402, AND/OR 404, AS APPROPRIATE FROM ENVIRONMENTAL PROTECTIVE AGENCY, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND/OR THE CORP OF ENGINEERS.

2. TOPOGRAPHICAL CONTOURS OUTSIDE OF THE ARROYO RANCH SUBDIVISION ARE FROM A SURFACE CREATED FROM PROCESSING A 1 METER DIGITAL ELEVATION MODEL (DEM) ACQUIRED FROM THE TEXAS NATURAL RESOURCES INFORMATION SYSTEM (TNIS). TNIS INFORMATION IS FROM JANUARY 2011. TOPOGRAPHICAL CONTOURS FOR THE FUTURE ARROYO RANCH PHASES ARE PROPOSED AND ARE SUBJECT TO CHANGE.

3. THE TOPOGRAPHICAL INFORMATION IS APPROXIMATE AND INTENDED FOR DRAINAGE ANALYSIS ONLY.

4. CONTOUR INTERVALS ARE 1' VERTICAL UNLESS OTHERWISE NOTED HEREON.

5. PONDS A AND B WILL ACT AS DETENTION FOR THE ENTIRE ARROYO RANCH SUBDIVISION.

DRAINAGE LEGEND

DA-1a

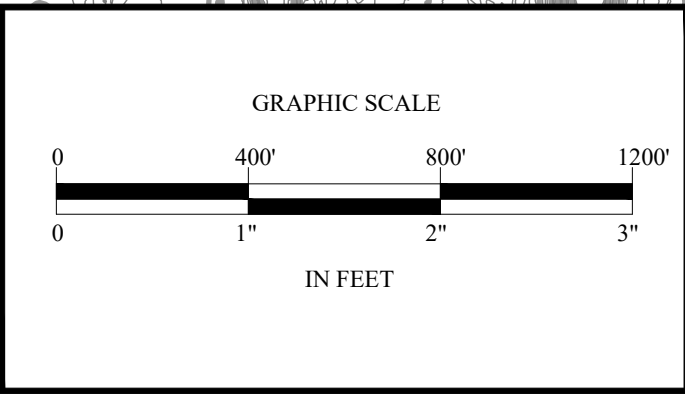
- DESIGNATES DRAINAGE AREA

- INDICATES DRAINAGE AREA BOUNDARY

- INDICATES DIRECTION OF STORM WATER FLOW

- BOUNDARY OF PROJECT

REV.	DESCRIPTION	DATE	BY	PROJECT INFORMATION
1	ORIGINAL RELEASE	1/17/2019	TJJ	TOTAL SIZE: 135.25 TOTAL BLOCKS: 10 TOTAL RESIDENTIAL LOTS: 523 NON-RESIDENTIAL LOTS: 0
PROJECT NUMBER: PC00		CLIENT NAME: WBW SINGLE DEVELOPMENT GROUP, LLC - SERIES 104		
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX		
AUTHORIZED BY: WBW				



BENCHMARK
City Survey Monument TBD

POST-DRAINAGE DETENTION POND  
PECAN CREEK PRELIM PLAT  
TEMPLE, BELL COUNTY, TEXAS

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ENGINEER'S APPROVAL

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 01/17/2019. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

Yalgo, LLC

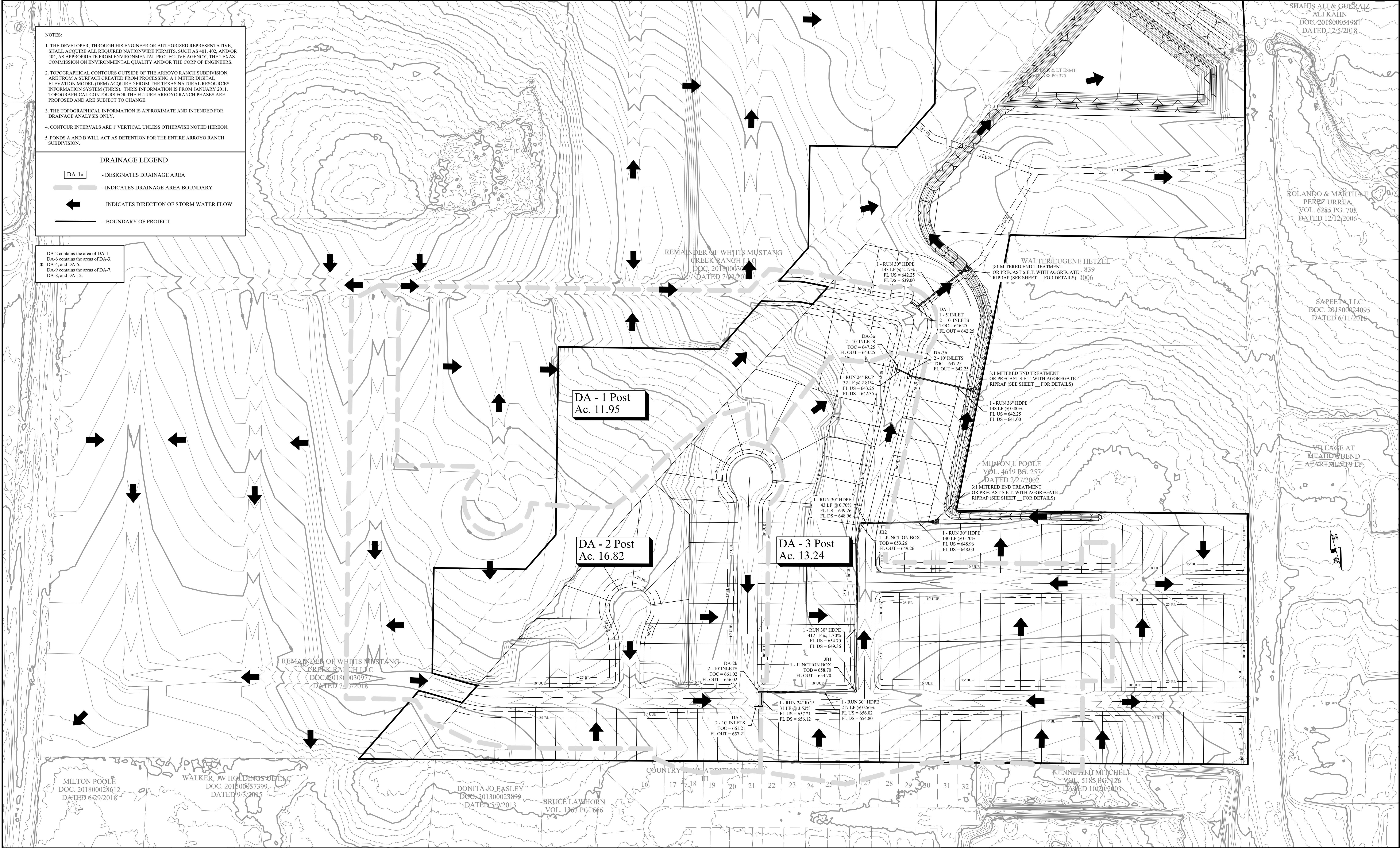
3000 Illinois Ave., Suite 100  
Killeen, TX 76543  
PH (254) 953-5353  
FX (254) 953-5057

Texas Registered  
Engineering Firm F-10264

Texas Registered  
Surveying Firm 10194095

SHEET  
6  
OF  
9





REV.	DESCRIPTION	DATE	BY	PROJECT INFORMATION	BENCHMARK	POST DRAINAGE FOR STRUCTURES PECAN CREEK PHASE 1 TEMPLE, BELL COUNTY, TEXAS	ENGINEER'S APPROVAL	Yalgo, LLC	SHEET
1	ORIGINAL RELEASE	1/17/2019	TJJ	TOTAL SIZE: 57.35 TOTAL BLOCKS: 4 TOTAL RESIDENTIAL LOTS: 164 NON-RESIDENTIAL LOTS: 0	City Survey Monument TBD		THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 01/17/2019. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.	3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057 Texas Registered Engineering Firm F-10264 Texas Registered Surveying Firm 10194095	5 OF 9
PROJECT NUMBER: PC00				CLIENT NAME: WBW SINGLE DEVELOPMENT GROUP, LLC - SERIES 104					
APPROVED BY: TWf				CLIENT LOCATION: KILLEEN, TX					
AUTHORIZED BY: WBW									

PRINTED ON January 17, 2019



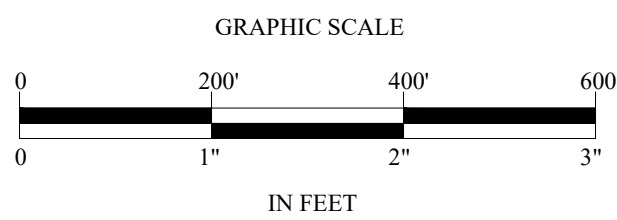


EROSION CONTROL NOTES

1. THE SITE SUPERINTENDENT, OR HIS REPRESENTATIVE, SHALL MAKE A VISUAL INSPECTION OF ALL SILTATION CONTROLS AND NEWLY STABILIZED AREAS ON A DAILY BASIS, ESPECIALLY AFTER A RAINFALL TO ENSURE THAT ALL CONTROLS ARE MAINTAINED AND PROPERLY FUNCTIONING. ANY DAMAGED CONTROLS SHALL BE REPAIRED PRIOR TO THE END OF THE WORK DAY, INCLUDING RE-SEEDING AND MULCHING OR RE-SODDING IF NECESSARY.
2. ALL SEDIMENT TRAPPING DEVICES SHALL BE INSTALLED AS SOON AS PRACTICAL AFTER THE AREA HAS BEEN DISTURBED. ALL SEDIMENT TRAPPING DEVICES SHALL BE CLEANED WHEN THE SEDIMENT LEVEL REACHES 25% CAPACITY. SEDIMENT SHALL BE DISPOSED OF BY SPREADING ON SITE OR HAULING AWAY IF NOT SUITABLE FOR FILL.
3. THE CONTRACTOR IS RESPONSIBLE FOR FILING A NOTICE OF INTENT (NOI) WITH THE APPROPRIATE STATE AGENCY IN ORDER TO COMPLY WITH EPA REGULATIONS. SAID NOI MUST BE FILED TWO DAYS BEFORE CONSTRUCTION BEGINS (IF REQUIRED). NOI INFORMATION TO BE POSTED ON SITE PRIOR TO STARTING CONSTRUCTION.
4. THE CONTRACTOR IS RESPONSIBLE FOR FILING A NOTICE OF TERMINATION AT THE COMPLETION OF THE PROJECT.
5. THE CONTRACTOR IS RESPONSIBLE FOR REMOVING SEDIMENT CONTROL DEVICES AFTER THE SITE HAS BEEN STABILIZED AND SOD OR MULCH IN PLANTED AREAS HAS TAKEN ROOT.
6. THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO ENSURE THAT ALL DISTURBED AREAS ARE STABILIZED.
7. TOPOGRAPHICAL CONTOURS WERE TAKEN FROM 2011 TNRS TOPOGRAPHIC MAPS AND ARE AT 1' INTERVALS. ALL CONTOURS ARE FOR DRAINAGE PURPOSES ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION.
8. LOCATIONS OF CONSTRUCTION ENTRANCES SHOWN TO BE INSTALLED AS NEEDED. MINIMUM OF ONE CONSTRUCTION ENTRANCE IS REQUIRED AT ALL TIMES.
9. STORAGE OF MATERIALS OR EQUIPMENT MUST NOT OCCUR WITHIN THE REGULATORY FLOODPLAIN.
10. THE CONTRACTOR IS REQUIRED TO SUPPLY THE BELL COUNTY ENGINEERS OFFICE AND THE CITY OF BELTON PUBLIC WORKS OFFICE WITH COPIES OF THE SWPPP AND THE NOI PRIOR TO CONSTRUCTION.
11. THE CONTRACTOR SHALL INSTALL ALL EROSION CONTROL DEVICES PRIOR TO THE DISTURBANCE OF ANY LAND COMMENCEMENT OF CONSTRUCTION.
12. FOR ALL LOTS THAT DRAIN INTO A STREET, CURB BACKFILLING MUST BE DONE PER THE "CURB BACKFILL FOR SEDIMENT SETTLING" BMP FOUND IN THE SWPPP. IN ADDITION, THE FOLLOWING ADDITIONAL SEDIMENT CONTROL BMPS CAN BE USED WHEN NECESSARY: A) "SILT FENCE," PLACED 1-2' BEHIND THE BACK OF CURB, B) "VEGETATED BUFFER," IN THE RIGHT-OF-WAY ADJACENT TO THE CURB, C) "EROSION CONTROL MATTING," IN THE RIGHT-OF-WAY ADJACENT TO THE CURB AND/OR D) "INLET PROTECTION WITH OVERFLOW PROVISION" FOR STORM WATER INLETS.
13. DISTURBED AREAS ON WHICH CONSTRUCTION ACTIVITIES HAVE CEASED (TEMPORARILY OR PERMANENTLY) SHALL BE STABILIZED WITH 14 DAYS UNLESS ACTIVITY RESUMES WITHIN 21 DAYS.

REV.	DESCRIPTION	DATE	BY	PROJECT INFORMATION	BENCHMARK	STORMWATER POLLUTION PREVENTION PLAN PECAN CREEK TEMPLE, BELL COUNTY, TEXAS	ENGINEER'S APPROVAL	Yalgo, LLC	SHEET
				TOTAL SIZE: 135.25 TOTAL BLOCKS: 10 TOTAL LOTS: 523 TOTAL TRACTS: 6	City Survey Monument TBD		THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 01/17/2019. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.	3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057	4
1	ORIGINAL RELEASE	07/14/2017	TWF					Texas Registered Engineering Firm F-10264	OF
PROJECT NUMBER: ----		CLIENT NAME: BWB SINGLE DEVELOPMENT GROUP, LLC - SERIES 104						Texas Registered Surveying Firm 10194095	9
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX							
AUTHORIZED BY: BWB									

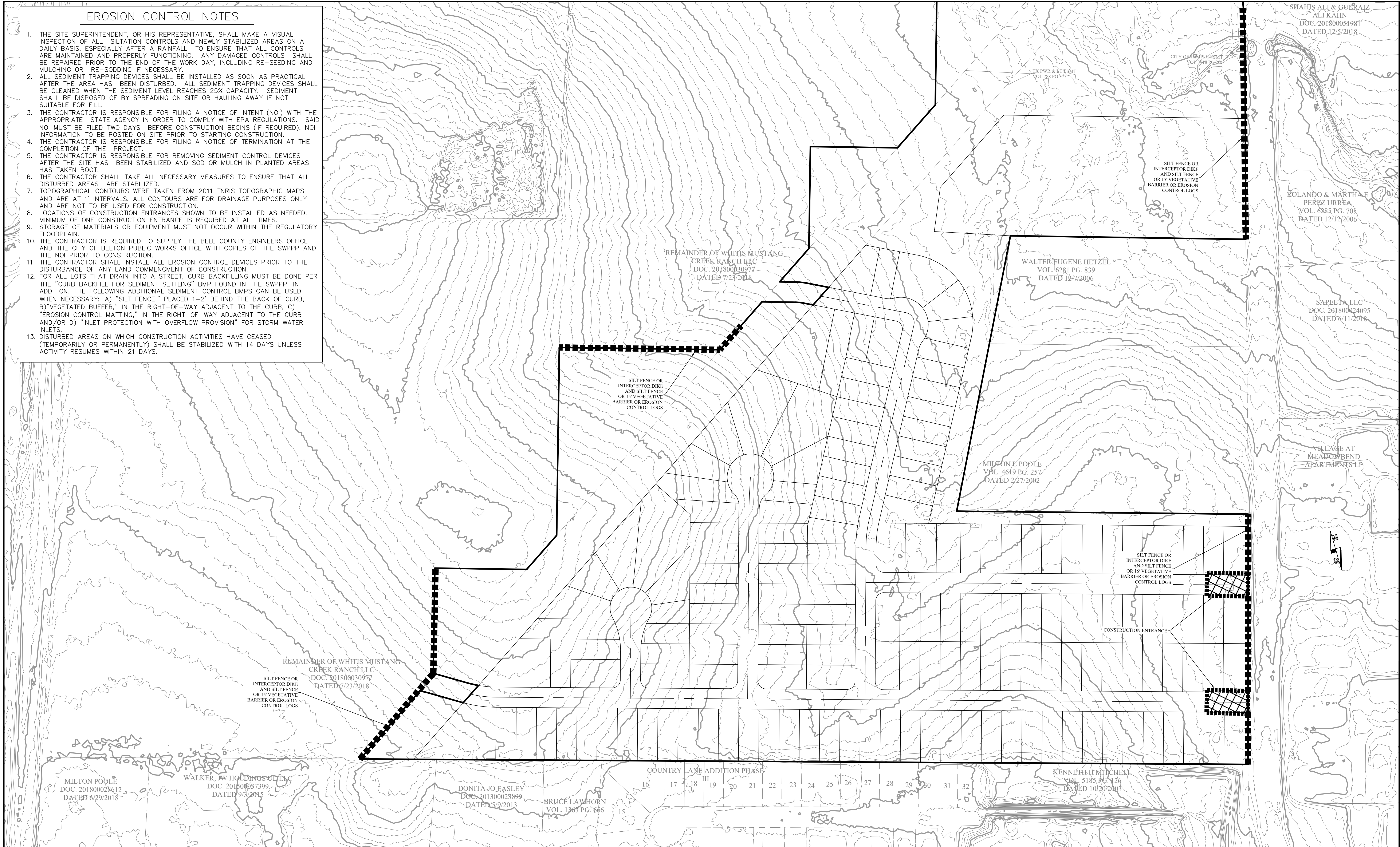
PRINTED ON January 17, 2019





EROSION CONTROL NOTES

1. THE SITE SUPERINTENDENT, OR HIS REPRESENTATIVE, SHALL MAKE A VISUAL INSPECTION OF ALL SILTATION CONTROLS AND NEWLY STABILIZED AREAS ON A DAILY BASIS, ESPECIALLY AFTER A RAINFALL, TO ENSURE THAT ALL CONTROLS ARE MAINTAINED AND PROPERLY FUNCTIONING. ANY DAMAGED CONTROLS SHALL BE REPAIRED PRIOR TO THE END OF THE WORK DAY, INCLUDING RE-SEEDING AND MULCHING OR RE-SODDING IF NECESSARY.
2. ALL SEDIMENT TRAPPING DEVICES SHALL BE INSTALLED AS SOON AS PRACTICAL AFTER THE AREA HAS BEEN DISTURBED. ALL SEDIMENT TRAPPING DEVICES SHALL BE CLEANED WHEN THE SEDIMENT LEVEL REACHES 25% CAPACITY. SEDIMENT SHALL BE DISPOSED OF BY SPREADING ON SITE OR HAULING AWAY IF NOT SUITABLE FOR FILL.
3. THE CONTRACTOR IS RESPONSIBLE FOR FILING A NOTICE OF INTENT (NOI) WITH THE APPROPRIATE STATE AGENCY IN ORDER TO COMPLY WITH EPA REGULATIONS. SAID NOI MUST BE FILED TWO DAYS BEFORE CONSTRUCTION BEGINS (IF REQUIRED). NOI INFORMATION TO BE POSTED ON SITE PRIOR TO STARTING CONSTRUCTION.
4. THE CONTRACTOR IS RESPONSIBLE FOR FILING A NOTICE OF TERMINATION AT THE COMPLETION OF THE PROJECT.
5. THE CONTRACTOR IS RESPONSIBLE FOR REMOVING SEDIMENT CONTROL DEVICES AFTER THE SITE HAS BEEN STABILIZED AND SOD OR MULCH IN PLANTED AREAS HAS TAKEN ROOT.
6. THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO ENSURE THAT ALL DISTURBED AREAS ARE STABILIZED.
7. TOPOGRAPHICAL CONTOURS WERE TAKEN FROM 2011 TNRS TOPOGRAPHIC MAPS AND ARE AT 1' INTERVALS. ALL CONTOURS ARE FOR DRAINAGE PURPOSES ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION.
8. LOCATIONS OF CONSTRUCTION ENTRANCES SHOWN TO BE INSTALLED AS NEEDED. MINIMUM OF ONE CONSTRUCTION ENTRANCE IS REQUIRED AT ALL TIMES.
9. STORAGE OF MATERIALS OR EQUIPMENT MUST NOT OCCUR WITHIN THE REGULATORY FLOODPLAIN.
10. THE CONTRACTOR IS REQUIRED TO SUPPLY THE BELL COUNTY ENGINEERS OFFICE AND THE CITY OF BELTON PUBLIC WORKS OFFICE WITH COPIES OF THE SWPPP AND THE NOI PRIOR TO CONSTRUCTION.
11. THE CONTRACTOR SHALL INSTALL ALL EROSION CONTROL DEVICES PRIOR TO THE DISTURBANCE OF ANY LAND COMMENCEMENT OF CONSTRUCTION.
12. FOR ALL LOTS THAT DRAIN INTO A STREET, CURB BACKFILLING MUST BE DONE PER THE "CURB BACKFILL FOR SEDIMENT SETTLING" BMP FOUND IN THE SWPPP. IN ADDITION, THE FOLLOWING ADDITIONAL SEDIMENT CONTROL BMPs CAN BE USED WHEN NECESSARY: A) "SILT FENCE," PLACED 1-2' BEHIND THE BACK OF CURB, B)"VEGETATED BUFFER," IN THE RIGHT-OF-WAY ADJACENT TO THE CURB, C) "EROSION CONTROL MATTING," IN THE RIGHT-OF-WAY ADJACENT TO THE CURB AND/OR D) "INLET PROTECTION WITH OVERFLOW PROVISION" FOR STORM WATER INLETS.
13. DISTURBED AREAS ON WHICH CONSTRUCTION ACTIVITIES HAVE CEASED (TEMPORARILY OR PERMANENTLY) SHALL BE STABILIZED WITH 14 DAYS UNLESS ACTIVITY RESUMES WITHIN 21 DAYS.



REV.	DESCRIPTION	DATE	BY	PROJECT INFORMATION	BENCHMARK	STORM WATER POLLUTION PREVENTION PLAN  PECAN CREEK PHASE 1  TEMPLE, BELL COUNTY, TEXAS	ENGINEER'S APPROVAL	Yalgo, LLC 3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057  Texas Registered Engineering Firm F-10264  Texas Registered Surveying Firm 10194095	SHEET  3  OF  9	
				TOTAL SIZE: 57.35 TOTAL BLOCKS: 4 TOTAL RESIDENTIAL LOTS: 164 NON-RESIDENTIAL LOTS: 0	City Survey Monument TBD					THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 01/17/2019. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.
1	ORIGINAL RELEASE	1/17/2019	TJJ							
PROJECT NUMBER: PC00		CLIENT NAME: WBW SINGLE DEVELOPMENT GROUP, LLC - SERIES 104								
		CLIENT LOCATION: KILLEEN, TX								
APPROVED BY: TWF										
AUTHORIZED BY: WBW										

GRAPHIC SCALE

0 100' 200' 300'

0 1' 2' 3"

IN FEET

PRINTED ON January 17, 2019





3000 Illinois Ave Ste 100  
Killeen, TX 76543

PH 254.953.5353  
FX 254.953.5057

February 10, 2019

City of Temple Planning Department  
2 N Main Street  
Suite 102  
Temple, TX 76501

Re: Pecan Creek Preliminary Plat Letter of Requested Exceptions

To Whom it May Concern:

The purpose of this letter is to formally request, on behalf of the developer, an exception to the Unified Development Code Section 8.2.1.D.4.b: Projection of Streets, regarding street openings every 1000 feet, for the Pecan Creek Preliminary Plat. The neighboring properties to this development do not offer the ability for street projections: a railroad to the west, existing development to the south, and a solar field and large detention pond to the north.

A request for exception is also being requested in reference to the use of a private on-site park in-lieu of a public park. With a subdivision HOA, a lack of adjacent public parks, and the same "land-lock" situation described above, this development lends itself well to a private on-site park.

Sincerely,

Tyler Freese, P.E.  
Project Manager





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February, 21 2019

City of Temple  
Parks and Leisure Services

Subject: Staff Comments related to Pecan Creek

WBW Single Dev Group, LLC – Series 104 (“WBW Development”) intends to improve Pecan Creek, with improved walking trails, a pavilion, and a playground. Trails will be built in the neighborhood to provide pedestrian connectivity. These improvements will be owned and maintained by the Home Owners Association. The site of the park area and open space will be in excess of 8 acres. The value of the improvements will exceed the required park fees of \$225 per dwelling unit. Attached is an estimate for the improvements to be built; as well as a preliminary drawing showing the location of the trails. A final drawing will be provided at a later date.

A Letter of Credit or other approved financial surety will be provided by WBW Development to serve as performance surety for making such improvements. This financial surety will be an amount equal to the number of dwelling units entitled in the Final Plat. The financial surety will be executed as a condition of subdivision acceptance for Pecan Creek Phase 1. WBW Development agrees to have the improvements completed within two- years of Pecan Creek Phase 1 Final Plat recordation. There will be a potential development agreement coming forward for a portion of the trails.

Sincerely,

*Josh Welch*  
*V.P. of Development*  
254-953-5353 ext. 212

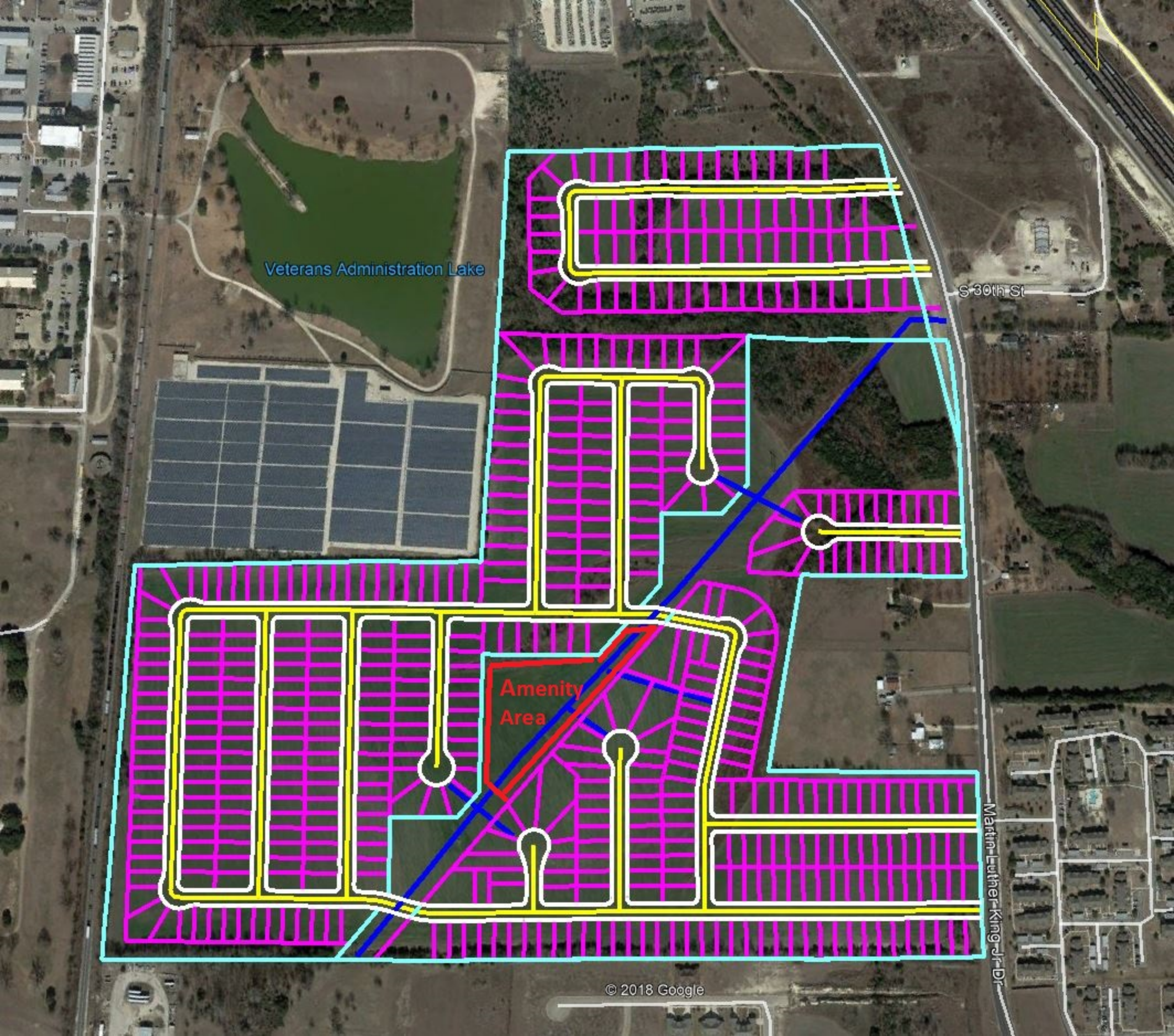
Pecan Creek Estimate of Park Improvements

	Park Fee Per Unit	Total Park Fee Requirement
Preliminary Plat Dwelling Units	523	\$225.00
		\$117,675.00

Amenity Improvements:

Pavillion	\$50,000.00
Playground	\$75,000.00
Hike and Bike Trails	\$70,000.00
Landscaping / Irrigation	\$25,000.00
Total HOA Improvements	\$220,000.00





Veterans Administration Lake

S 30th St

Amenity Area

Martin Luther King Jr Dr



RESOLUTION NO. 2019-9683-R  
(FY-19-30-PLT)  
(FY-19-31-PLT)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING (A) THE PRELIMINARY PLAT OF PECAN CREEK SOUTH, AN APPROXIMATELY 135.25-ACRE, 523-RESIDENTIAL LOT, 10-BLOCK, 5-TRACT ADDITION, AND (B) THE FINAL PLAT OF PECAN CREEK SOUTH PHASE I, AN APPROXIMATELY 57.35-ACRE, 190-RESIDENTIAL LOT, 5-BLOCK, 6-TRACT ADDITION, RESPECTIVELY, LOCATED NORTH OF SOUTHEAST H.K. DODGEN LOOP, WEST OF SOUTH MARTIN LUTHER KING JUNIOR DRIVE, AND EAST OF UNION PACIFIC RAILROAD, WITH DEVELOPER-REQUESTED EXCEPTIONS TO UNIFIED DEVELOPMENT CODE SECTION 8.2.1(D)(4)(B): PROJECTION OF STREETS, REGARDING STREET OPENINGS EVERY 1000 FEET; AND TO UNIFIED DEVELOPMENT CODE SECTION 8.3: PARKLAND DEDICATION TO ALLOW FOR A PRIVATE PARK IN LIEU OF PUBLIC PARKLAND, ; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** the Preliminary Plat of Pecan Creek South is an approximately 135.25-acre, 523-residential lot, 10-block, 5-tract addition and the Final Plat of Pecan Creek South Phase I, is an approximately 57.35-acre, 190-residential lot, 5-block, 6-tract addition;

**Whereas,** the proposed plat layouts do not entirely match the site/development plan approved by City Council with Ordinance 2018-4923 but the proposed uses are in the locations and the proposed lot sizes comply with the property's Planned Development – Multiple Family Two zoning district, per Ordinance 2018-4923;

**Whereas,** the developer requests an exception to Unified Development Code (UDC) Section 8.2.1(D)(4)(b) Projection of Streets, regarding street openings every 1000 feet - all entrances are from South Martin Luther Jr Drive;

**Whereas,** Staff supports this developer-requested exception;

**Whereas,** the developer also requests an exception to UDC Section 8.3: Park Land Dedication to allow a private park in excess of 8 acres with an amenity center and trail system within property owned and maintained by the proposed Home Owners Association (HOA) - the private park is proposed on Tracts B, C, and D;

**Whereas,** the developer's engineers estimate the total HOA improvement costs to be approximately \$220,000, which exceeds required park fees of \$117,675 - the Parks Staff supports the applicant's requested exception;

**Whereas,** at their May 6, 2019 meeting, the Planning & Zoning Commission recommended approval of the Preliminary Plat of Pecan Creek South and the Final Plat of Pecan Creek South Phase I with developer-requested exceptions to Unified Development Code Section 8.2.1.D.4.b and Section 8.3;



**Whereas,** Staff recommends Council approve the Preliminary Plat of Lake Pointe Terrace and the Final Plat of Lake Pointe Terrace Phase I, with a developer-requested exception to Unified Development Code Section 8.3: Parkland Dedication to allow a private park in lieu of public parkland dedication and subject to the attached park/trail plan and proposed park improvements estimate exhibits; and

**Whereas,** the City Council has considered the matter and deems it in the public interest to approve the Preliminary Plat of Pecan Creek South and the Final Plat of Pecan Creek South, Phase 1, with the above requested exception.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council approves the Preliminary Plat of Pecan Creek South and the Final Plat of Pecan Creek South Phase I with developer-requested exceptions to Unified Development Code Section 8.2.1.D.4.b: Projection of Streets, regarding street openings every 1000 feet; and to Unified Development Code Section 8.3: Parkland Dedication to allow for a private park in lieu of public parkland.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6<sup>th</sup> day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #12  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** FY-19-38-PLT: Consider adopting a resolution approving the Final Plat of Cosper Addition, located at 7947 Witter Lane in Temple's southern Extraterritorial Jurisdiction with developer-requested exceptions to Unified Development Code Section 8.3: Parkland Dedication to allow a waiver to parkland dedication requirements and to Unified Development Code Section 8.2.1: Design Standards/Streets to allow a reduced right-of-way dedication.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its upcoming June 3, 2019 meeting, the Planning and Zoning Commission will review and recommend action on the Final Plat of Cosper Addition. Because the Planning and Zoning Commission meeting for this plat will be three days prior to this City Council meeting, the Planning and Zoning Commission recommendation for this plat is not available at this time.

**STAFF RECOMMENDATION:** Staff recommends approval of the Final Plat of Cosper Addition with developer-requested exceptions to Unified Development Code (UDC) Section 8.3: Parkland Dedication to allow a waiver to parkland dedication requirements and to Unified Development Code (UDC) Section 8.2.1: Design Standards/Streets to allow a reduced right-of-way dedication.

**ITEM SUMMARY:** The Development Review Committee reviewed the Final Plat of Cosper Addition (FY-19-38-PLT), on March 7, 2019. It was deemed administratively complete on May 24, 2019.

The Final Plat of Cosper Addition is a 2.613 +/- acre, 1-lot, 1-block residential subdivision located at 7947 Witter Lane in Temple's southern Extraterritorial Jurisdiction (ETJ).

The applicants request an exception to the Unified Development Code (UDC) Section 8.3: Parkland Dedication to waive required park fees of \$225. Parks staff recommend approval of the requested exception since this subdivision is a 1-lot subdivision within the ETJ where no park exists within a ½ mile radius of the subdivision. Additionally, annexation is not currently foreseen.

The applicants request an exception to Unified Development Code (UDC) Section 8.2.1: Design Standards/Streets to allow a reduced right-of-way (row) dedication along Witter Lane. Witter Lane is designated as a proposed Minor Arterial on the Thoroughfare Plan. Minor Arterials have a row requirement of 70 feet. Witter Lane currently only has a row width of 40 feet (20 feet on each side of the street centerline). A row dedication of 15 feet would allow applicants to meet the 35 feet of row needed from the street centerline for a Minor Arterial. But after further review of Witter Lane, DRC staff determined a Collector classification was more appropriate for Witter Lane. And therefore, DRC



staff recommends a right-of-way dedication of 7.5 feet to allow the applicants to meet the requirements of the Collector classification. The applicants are in agreement with this recommendation.

Water will be provided to the subdivision through a proposed 6-inch water line. Sewer will be provided to the subdivision through septic system.

City Council is the final plat authority since the developer requests an exception to the Unified Development Code for this development.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Plat Exhibits](#)

[Letter of Exceptions](#)

[Resolution](#)

STATE OF TEXAS  
COUNTY OF BELL

KENNETH COSPER and MARY COSPER, OWNERS OF THE 2.853 ACRE TRACT OF LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS **COSPER ADDITION** WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

IT IS THE RESPONSIBILITY OF THE OWNER, NOT THE COUNTY, TO ASSURE COMPLIANCE WITH THE PROVISIONS OF ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS RELATING TO THE ENVIRONMENT, INCLUDING (BUT NOT LIMITED TO) THE ENDANGERED SPECIES ACT, STATE AQUIFER REGULATIONS AND MUNICIPAL WATERSHED ORDINANCES.

KENNETH COSPER  
MARY COSPER

STATE OF TEXAS  
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, KENNETH COSPER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME, FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS  
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, MARY COSPER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME, FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

NOTARY PUBLIC, STATE OF TEXAS

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

CHAIRPERSON

SECRETARY, PLANNING & ZONING

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF **COSPER ADDITION**, WITHIN THE E.T.J. OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019. SAID SUBDIVISION SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

CITY SECRETARY

I hereby certify that this plat was approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the Bell County Commissioners Court and may be filed for record in the Plat Records of Bell County, Texas.

County Judge

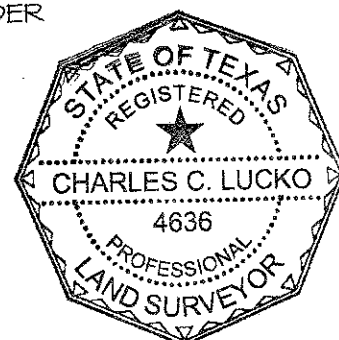
Witness my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.

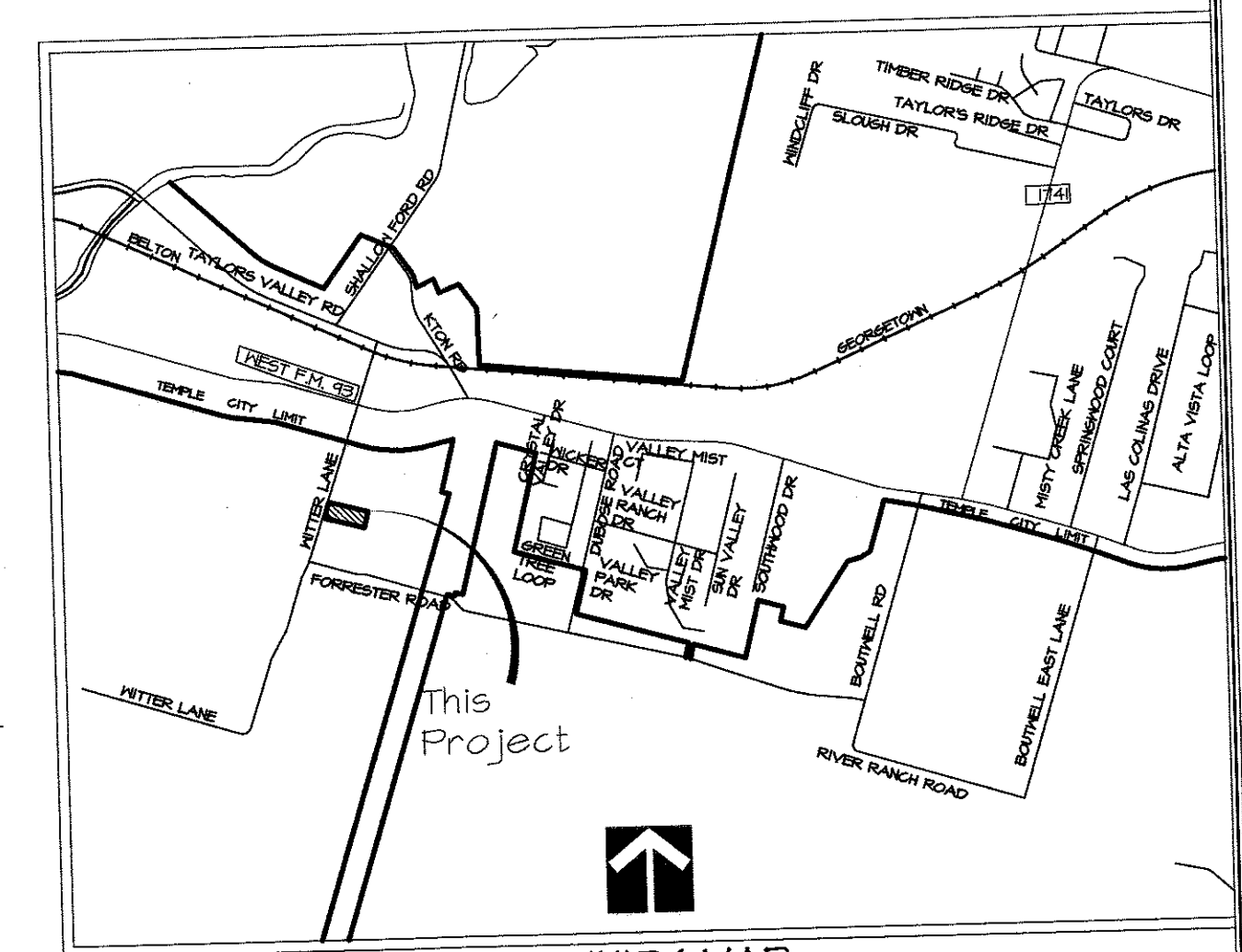
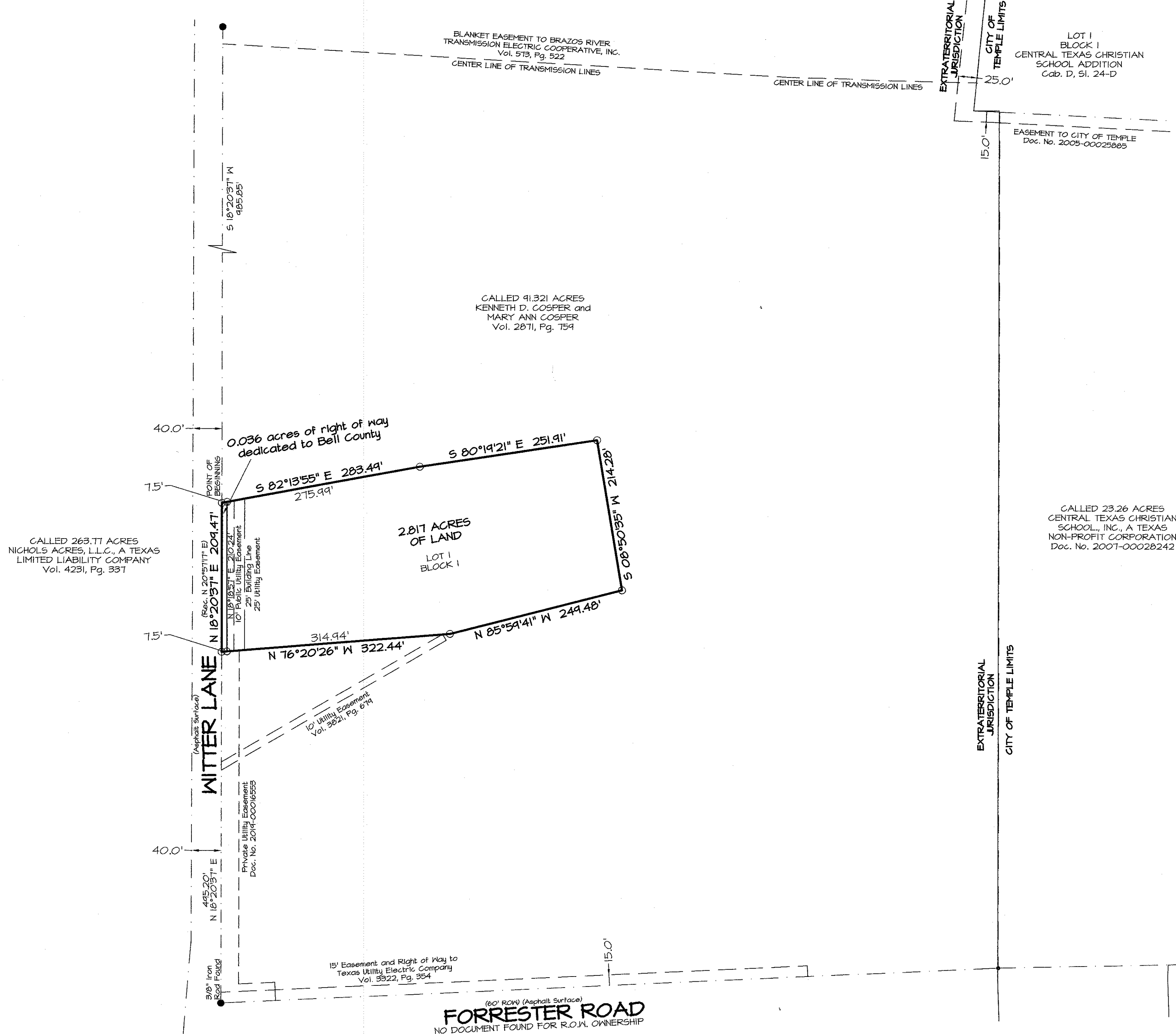


CHARLES C. LUCKO, R.P.L.S.  
REGISTRATION NO. 4636

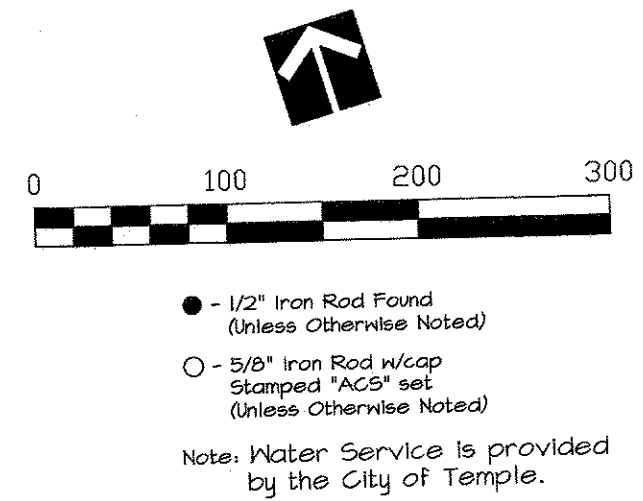
DATE SURVEYED: FEBRUARY 05, 2019

# FINAL PLAT of COSPER ADDITION

Being 2.853 ACRES, situated in the WILLIAM FRAZIER SURVEY, ABSTRACT 310, a subdivision within the Extraterritorial Jurisdiction of the City of Temple, Bell County, Texas.



VICINITY MAP  
- N.T.S. -



OWNERS:  
KENNETH D. COSPER and  
MARY ANN COSPER  
4134 THREE FORKS ROAD  
BELTON, TEXAS 76513

LOTS - ONE (1)  
BLOCKS - ONE (1)  
AREA - 2.853 ACRES

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.  
IN YEAR \_\_\_\_\_, PLAT # \_\_\_\_\_, PLAT RECORDS OF BELL COUNTY, TEXAS.  
DEDICATION INSTRUMENT # \_\_\_\_\_, OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS.

BELL COUNTY  
PUBLIC HEALTH DISTRICT CERTIFICATE

The Bell County Public Health District, the Licensing Authority for on-site sewage disposal in Bell County, Texas, hereby certifies that this subdivision meets or exceeds the minimum standards established by the Bell County Board of Health.

Sanitarian

Date

AFFIDAVIT:

The Tax Appraisal District of Bell County does hereby certify there are currently no delinquent taxes due to the Tax Appraisal District of Bell County on the property described by this plat.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_, 2019 A. D.

By \_\_\_\_\_  
Bell County Tax Appraisal District

FINAL PLAT of  
**COSPER ADDITION**  
Being 2.853 ACRES, situated in the  
WILLIAM FRAZIER SURVEY, ABSTRACT  
310, a subdivision within the E.T.J. of the  
City of Temple, Bell County, Texas.

Plot Date: 02-13-2019  
Survey completed: 02-05-2019  
Scale: 1" = 100'  
Job No.: 182049  
Dwg No.: 182049P  
Drawn by: JSM  
Surveyor: CCL #4636  
Copyright 2019 All County Surveying, Inc.

**ACS**  
ALL COUNTY SURVEYING, INC.  
Tx. Firm No. 10023600  
4330 South 5th Street  
Temple, Texas 76502  
254-778-2272 Killeen 254-634-4636  
www.allcountysurveying.com



TOPOGRAPHICAL/UTILITY LAYOUT of  
**COSPER ADDITION**  
Being 2.853 ACRES, situated in the WILLIAM  
FRAZIER SURVEY, ABSTRACT 310, a subdivision  
within the Extraterritorial Jurisdiction of the City  
of Temple, Bell County, Texas.

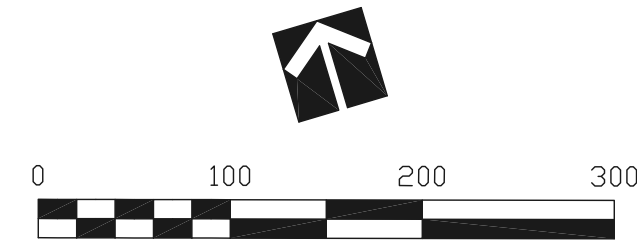
LEGEND

- Telephone Pedestal
- Water Meter
- Water Valve
- Fire hydrant
- Guy Wire
- Power Pole



- NOTES:
- CONTOURS SHOWN HEREON ARE BASED UPON USGS CONTOURS OBTAINED FROM MAPS FOUND ON-LINE AND DO NOT REPRESENT ANY TOPOGRAPHICAL MEASURING MADE BY THIS COMPANY.
  - Water Service is provided by the City of Temple.

Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 48027G0345E, dated September 26, 2008, the above shown property does not appear within the "Special Flood Hazard Area", and appears to be situated in Zone X. This flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.



OWNERS:  
KENNETH D. COSPER and  
MARY ANN COSPER  
4134 THREE FORKS ROAD  
BELTON, TEXAS 76513

LOTS - ONE (1)  
BLOCKS - ONE (1)  
AREA - 2.853 ACRES

TOPOGRAPHICAL/UTILITY LAYOUT of  
**COSPER ADDITION**  
Being 2.853 ACRES, situated in the WILLIAM  
FRAZIER SURVEY, ABSTRACT 310, a subdivision  
within the Extraterritorial Jurisdiction of the City  
of Temple, Bell County, Texas.

Plot Date: 02-13-2014  
Survey completed: 02-05-2014  
Scale: 1" = 100'  
Job No. 182099  
Dwg No. 182099P  
Drawn by JSM  
Surveyor CCL #4636  
Copyright 2014 All County Surveying, Inc.

**ACS**  
ALL COUNTY SURVEYING, INC.  
Tx. Firm No. 10023600  
4330 South 5th Street  
Temple, Texas 76502  
254-778-2212, Killeen 254-634-4636  
www.allcountysurveying.com



March 21, 2019

City of Temple  
Planning Department  
2 Main Street  
Temple, Texas 76501  
ATTN: Brian Chandler, Director of Planning

**Re: Request for "Parkland Dedication Waiver" – Cosper Addition (ETJ)**

Dear Mr. Chandler:

This letter is in response to Ms. Mettenbrink's comment dated March 07, 2019.

We are working through the comments, and under the category of "Park Review Comments": it is hereby desired by applicant to be allowed a "Parkland Dedication Waiver".

There is no Parkland in the close proximity of this residential subdivision.

Thanks for granting this waiver, and as applicant, I wish to thank you in advance.

Respectfully,

Regards,

Charles C. Lucko, RPLS  
Pres, All County Surveying, Inc.





ALL COUNTY SURVEYING, INC

March 21, 2019

City of Temple  
Planning Department  
2 Main Street  
Temple, Texas 76501  
ATTN: Brian Chandler, Director of Planning

Bell County Engineer  
206 North Main Street  
Belton, Texas 76513  
ATTN: Bryan Neaves, P.E., CFM

**Re: Request for "R.O.W. Dedication Exception" – Cosper Addition (ETJ)**

Dear Mr. Chandler and Mr. Neaves:

This letter is in response to Ms. Demirs and Mr. Neaves comments dated March 07, 2019 and February 20, 2019, respectively.

We are working through the comments, and under the category of "Legal Review Comments" and under the category of "Subdivision Regulations": it is hereby desired by the owner and applicant to be allowed a "R.O.W. Dedication Exception".

Granting this exception would not infringe upon the purpose of the Unified Development Code under section 1.2. Witter Lane under the current Comprehensive Plan is shown to be a major arterial roadway, but the likelihood of Witter Lane being expanded upon by the City of Temple past its current City Limits through Wright Double J Ranch, Inc., a Texas corporation's four hundred ninety-six-acre property, is unlikely.

We certainly understand that this request for exception will need to be approved by the City Council, and it is the landowners wish for this to happen. Thanks for granting this exception, and as applicant, I wish to thank you in advance.

Respectfully,

Regards,

Charles C. Lucko, RPLS  
Pres, All County Surveying, Inc.

4330 South 5<sup>th</sup> Street Temple, TX 7650 254.778.2272  
*allcountysurveying.com*

RESOLUTION NO. 2019-9684-R  
(FY-19-38-PLT)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF COSPER ADDITION, AN APPROXIMATELY 2.613 ACRE, 1-LOT, 1-BLOCK, RESIDENTIAL SUBDIVISION LOCATED AT 7947 WITTER LANE IN TEMPLE'S SOUTHERN EXTRATERRITORIAL JURISDICTION, WITH DEVELOPER REQUESTED EXCEPTIONS TO UNIFIED DEVELOPMENT CODE SECTION 8.3: PARKLAND DEDICATION TO ALLOW A WAIVER TO PARKLAND DEDICATION REQUIREMENTS AND TO UNIFIED DEVELOPMENT CODE SECTION 8.2.1: DESIGN STANDARDS/STREETS TO ALLOW A REDUCED RIGHT-OF-WAY DEDICATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the applicants request an exception to the Unified Development Code (UDC) Section 8.3: Parkland Dedication to waive required park fees of \$225 – Parks and Recreation Staff recommend approval of the requested exception since this subdivision is a 1-lot subdivision within the Extraterritorial Jurisdiction (ETJ) where no park exists within a ½ mile radius of the subdivision;

**Whereas**, additionally, annexation is not currently foreseen;

**Whereas**, the applicants request an exception to UDC Section 8.2.1: Design Standards/Streets to allow a reduced right-of-way (ROW) dedication along Witter Lane which is designated as a proposed Minor Arterial on the Thoroughfare Plan - Minor Arterials have a ROW requirement of 70 feet;

**Whereas**, Witter Lane currently only has a ROW width of 40 feet (20 feet on each side of the street centerline) - a ROW dedication of 15 feet would allow applicants to meet the 35 feet of ROW needed from the street centerline for a Minor Arterial;

**Whereas**, after further review of Witter Lane, the Development Review Committee (DRC) Staff determined a Collector classification was more appropriate for Witter Lane and therefore recommends a right-of-way dedication of 7.5 feet to allow the applicants to meet the requirements of the Collector classification - applicants are in agreement with this recommendation;

**Whereas**, Staff recommends Council approve the Final Plat of Cosper Addition with developer-requested exceptions to Unified Development Code (UDC) Section 8.3: Parkland Dedication to allow a waiver to parkland dedication requirements and to Unified Development Code (UDC) Section 8.2.1: Design Standards/Streets to allow a reduced right-of-way dedication; located at 7947 Witter Lane in Temple's southern Extraterritorial Jurisdiction (ETJ); and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the Final Plat of Cosper Addition, with the above requested exception.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**



**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council approves the Final Plat of Cosper Addition, located at 7947 Witter Lane in Temple's southern Extraterritorial Jurisdiction, with developer-requested exceptions to Unified Development Code (UDC) Section 8.3: Parkland Dedication to allow a waiver of parkland dedication requirements and to Unified Development Code (UDC) Section 8.2.1: Design Standards/Streets to allow a reduced right-of-way dedication.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6<sup>th</sup> day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #13  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney  
Christina Demirs, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that one property and one permanent utility easement situated in the Baldwin Robertson Survey, Abstract #17, Bell County, Texas, are necessary for the proposed expansion of Poison Oak Road and authorizing the use of eminent domain to condemn the properties.

*Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.*

**STAFF RECOMMENDATION:** Adopt resolution presented in item description.

**ITEM SUMMARY:** The City is currently in the design phase for the proposed expansion of Poison Oak Road. The design requires the acquisition of right-of-way from thirty-two properties. Twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities, under Chapter 251, Local Government Code § 251.001. The City has acquired eleven rights-of-way and is coordinating closing for four rights-of-way. Council has authorized eminent domain to acquire four properties at its January 17 and May 16, 2019 meetings. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them in the coming weeks. However, the City and two property owners have been unable to reach an agreement. One property will require a residential and business relocation. Appraisals were performed on all properties and the City made offers to purchase based on the appraisals. For the property requiring relocation, the residential relocation study was conducted, and the results presented to the property owner. The business relocation study is in progress.

The property needed is as follows:

- Being 0.725-acre of right-of-way and being a 0.618-acre permanent utility easement, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 26.3-acre tract of land conveyed to Wildcreek, LLC in Document No. 2013-00011870, Official Public Records of Real Property, Bell County, Texas. The property is located at the southeast corner of Highway 317 and Poison Oak Road, Temple, Texas (Bell CAD ID #79028).
  - Initial offer made on December 14, 2018
  - No counteroffer presented to City



- Owner's preference is to proceed with eminent domain
- Final offer letter sent on May 23, 2019

Staff is asking pursuant to Chapter 2206, Government Code § 2206.053, for the City Council to authorize the use of eminent domain to acquire the properties described above.

**FISCAL IMPACT:** Funding for the properties necessary for the proposed expansion of Poison Oak Road is available in account 365-3400-531-6886, project 101715

**ATTACHMENTS:**

[Surveys](#)

[Resolution](#)

Survey showing 0.725 ACRE (R.O.W) and 0.618 ACRE (P.U.E./T.C.E.) situated in the BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, Bell County, Texas.

This sketch to accompany a metes and bounds description of the hereon shown 0.725 & 0.618 Acre tracts.

LINE	BEARING	DISTANCE	RECORD CALL
L1	S 18°32'31" W	37.96'	S 21°41'41" W 163.96'
L2	N 11°20'10" E	32.35'	N 11°14'20" E 521.03'
L3	S 18°32'31" W	30.01'	S 21°41'41" W 163.96'
L4	N 72°32'34" W	895.05'	
L5	N 11°20'10" E	30.17'	N 11°14'20" E 521.03'

This project is referenced to the City of Temple coordinate system, an extension of the Texas Coordinate System of 1983, Central Zone, NAD 83. All distances are horizontal surface distances unless noted and all bearings are grid bearings.

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

P.U.E. = Public Utility Easement  
T.C.E. = Temporary Construction Easement

- Denotes 5/8" Iron Rod with "ACS" Cap set, unless otherwise noted.
- Denotes Calculated Point

STATE OF TEXAS  
PARCEL 58  
Called 5.544 Acres  
(Doc.# 2012-00030941)  
(Doc. #2012-00052363)

**POISON OAK ROAD**  
(Deed S 69°12'23" E 1310.54')  
S 72°54'37" E 903.02'

0.725 ACRE  
N 72°32'34" W 898.83'

PROPOSED RIGHT OF WAY  
0.618 ACRE (26,908 sq. ft.)  
P.U.E. & T.C.E.

POINT of  
BEGINNING  
1/2" Iron  
Rod Found

BERNICE JOHNS  
(Vol. 1051, Page 164)

WILDCREEK, LLC  
Called 26.3 Acres  
(Doc.# 2013-00011870)



Survey completed: 01-22-2018  
Scale: 1" = 100'  
Job No.: 170809  
Dwg No.: 170809 Wildcreek  
Drawn by: MDH  
Surveyor: CCL # 4636  
Copyright 2018 All County Surveying, Inc.

4330 South 5th Street  
Temple, Texas 76504  
254-718-2272 Killeen 254-634-4636  
Fax 254-714-7608

Plot Date: 09-24-2018



Tx. Firm No. 10023600



**FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.**

September 24, 2018

Surveyor's Field Notes for:

**0.618 ACRE (26,908 sq. ft.)**, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 26.3 acre tract of land conveyed to Wildcreek, LLC. in Document No. 2013-00011870, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

**COMMENCING** at a ½' iron rod found on the occupied south right of way of Poison Oak Road, being the most northerly northeast corner of said 26.3 acre tract, same being the northwest corner of a tract of land conveyed to Bernice Johns in Volume 1057, Page 164, Deed Records of Bell County, Texas;

**THENCE** in a southerly direction, with an east line of said 26.3 acre tract (*Deed S. 21° 41' 41" W., 163.96 feet*), same being the west line of said 10.335 acre tract, **S. 18° 32' 31" W., 37.96 feet**, to a 5/8' iron rod set on the proposed south right of way of Poison Oak Road, for the **POINT of BEGINNING** and northeast corner of this tract of land;

**THENCE** continuing in a southerly direction, with an east line of said 26.3 acre tract, same being the west line of said Johns tract, **S. 18° 32' 31" W., 30.01 feet**, to a calculated point, for the southeast corner of this tract of land, from which a ½" iron rod found at the occupied southwest corner of said Johns tract bears **S. 18° 32' 31" W., 96.16 feet**;

**THENCE** in a westerly direction, over and across said 26.3 acre tract, **N. 72° 32' 34" W., 895.05 feet**, to a calculated point on the east line of a called 5.544 acre tract of land owned by the State of Texas and described on Document 2012-00030941 and Document 2012-00052363, Official Public Records of Real Property, Bell County, Texas, for the southwest corner of this tract of land;

**THENCE** in a northerly direction, with the east line of said 5.544 acre tract (*Deed N. 11° 14' 20' E., 521.03 feet*), **N. 11° 20' 10" E., 30.17 feet**, to a 5/8' iron rod with "ACS" cap set on the proposed south right of way of Poison Oak Road, for the northwest corner of this tract of land;

**THENCE** in an easterly direction, over and across said 26.3 acre tract, with the proposed north right of way of Poison Oak Road, **S. 72° 32' 34" E., 898.83 feet**, to the **POINT OF BEGINNING** and containing 0.618 Acre of Land.

This project is referenced to the City of Temple coordinate system, an extension of the Texas Coordinate System of 1983, Central Zone, NAD 83. All distances are horizontal surface distances unless noted and all bearings are grid bearings.

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

This mete and bounds description to accompany a Surveyors Sketch of the herein described 0.618 Acre tract.

Surveyed January 22, 2018

**ALL COUNTY SURVEYING, INC.**

**1-800-749-PLAT**

**Tx. Firm Lic. No. 10023600**

Server/projects/pro170000/170800/170809/170809 Wildcreek PUE-TCE.doc



Charles C. Lucko  
Registered Professional Land Surveyor  
Registration No. 4636



**FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.**

September 24, 2018

Surveyor's Field Notes for:

**0.725 ACRE**, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 26.3 acre tract of land conveyed to Wildcreek, LLC., in Document No. 2013-00011870, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

**BEGINNING** at a ½' iron rod-found on the occupied south right of way of Poison Oak Road, being the most northerly northeast corner of said 26.3 acre tract, same being the northwest corner of tract of land conveyed to Bernice Johns in Volume 1057, Page 164, Deed Records of Bell County, Texas, for the northeast corner of this tract of land;

**THENCE** in a southerly direction, with an east line of said 26.3 acre tract (*Deed S. 21° 41' 41" W., 163.96 feet*), same being the west line of said Johns tract, **S. 18° 32' 31" W., 37.96 feet**, to a 5/8' iron rod set on the proposed south right of way of Poison Oak Road, for the southeast corner of this tract of land;

**THENCE** in a westerly direction, over and across said 26.3 acre tract, with the proposed south right of way of Poison Oak Road, **N. 72° 32' 34" W., 898.83 feet**, to a 5/8" iron rod set on the east line of a called 5.544 acre tract of land owned by the State of Texas and described on Document 2012-00030941 and Document 2012-00052363, Official Public Records of Real Property, Bell County, Texas, for the southwest corner of this tract of land;

**THENCE** in a northerly direction, with the east line of said 5.544 acre tract (*Deed N. 11° 14' 20' E., 521.03 feet*), **N. 11° 20' 10" E., 32.35 feet**, to a 5/8' iron rod with "ACS" cap set on the occupied south right of way of Poison Oak Road, being the northeast corner of said 5.544 acre tract, for the northwest corner of this tract of land;

**THENCE** in an easterly direction, with the north line of said 26.3 acre tract (*Deed S. 69° 14' 23" E., 1310.54 feet*), same being the occupied north right of way of Poison Oak Road, **S. 72° 54' 37" E., 903.02 feet**, to the **POINT OF BEGINNING** and containing 0.725 Acre of Land.

This project is referenced to the City of Temple coordinate system, an extension of the Texas Coordinate System of 1983, Central Zone, NAD 83. All distances are horizontal surface distances unless noted and all bearings are grid bearings

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

This mete and bounds description to accompany a Surveyors Sketch of the herein described 0.725 Acre tract.

Surveyed January 22, 2018

**ALL COUNTY SURVEYING, INC.**

**1-800-749-PLAT**

**Tx. Firm Lic. No. 10023600**

Server/projects/pro170000/170800/170809/170809 Wildcreek ROW.doc



Charles C. Lucko  
Registered Professional Land Surveyor  
Registration No. 4636



RESOLUTION NO. 2019-9685-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT AN APPROXIMATELY 0.725 ACRE RIGHT OF WAY AND AN APPROXIMATELY 0.618 ACRE PERMANENT UTILITY EASEMENT, SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, BELL COUNTY, TEXAS, ARE NECESSARY FOR THE PROPOSED EXPANSION OF POISON OAK ROAD; AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTY PURSUANT TO GOVERNMENT CODE §2206.053; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City is currently in the design phase for the proposed expansion of Poison Oak Road and the design requires the acquisition of right of way from thirty-two properties – twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities;

**Whereas**, the City has acquired eleven rights of way, is coordinating closings for four rights of way and Council has authorized eminent domain to acquire four properties at its January 17 and May 16, 2019 meetings - Staff continues to actively negotiate with each of the remaining property owners in hopes of reaching agreement within the coming weeks;

**Whereas**, the City and two property owners have been unable to reach an agreement - one property will require a residential and business relocation, including an onsite business;

**Whereas**, appraisals were performed on all properties and the City has made offers to purchase based on the appraisals;

**Whereas**, the property needed is as follows:

- Being 0.725-acre of right of way and being a 0.618-acre permanent utility easement, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 26.3-acre tract of land conveyed to Wildcreek, LLC in Document No. 2013-00011870, Official Public Records of Real Property, Bell County, Texas. The property is located at the southeast corner of Highway 317 and Poison Oak Road, Temple, Texas (Bell CAD ID No. 79028);

**Whereas**, Staff requests, pursuant to Government Code § 2206.053, that Council authorize the use of the power of eminent domain to acquire the property legally described above;

**Whereas**, funding for the purchase of this property is appropriated in Account No. 365-3400-531-6886, Project No. 101715; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council hereby finds and determines that the necessity exists for acquiring, by eminent domain, the property listed as:

- Being 0.725-acre of right of way and being a 0.618-acre permanent utility easement, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 26.3-acre tract of land conveyed to Wildcreek, LLC in Document No. 2013-00011870, Official Public Records of Real Property, Bell County, Texas. The property is located at the southeast corner of Highway 317 and Poison Oak Road, Temple, Texas (Bell CAD ID No. 79028).

**Part 3:** The City Council hereby finds and determines that the expansion of Poison Oak Road is a public use under Chapter 251, Local Government Code § 251.001(a)(1).

**Part 4:** The City Council authorizes the use of the City's eminent domain authority under Article 3, Section 3.6, of the Charter of the City of Temple and the initiation of condemnation proceedings of said property interests.

**Part 5:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act and the Truth in Condemnation Act, Chapter 2206, Government Code § 2206.053.

PASSED AND APPROVED this the **6<sup>th</sup>** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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06/06/19  
Item #14  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney  
Christina Demirs, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that one property situated in the Baldwin Robertson Survey, Abstract #17, Bell County, Texas, are necessary for the proposed expansion of Poison Oak Road and authorizing the use of eminent domain to condemn the properties.

*Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.*

**STAFF RECOMMENDATION:** Adopt resolution presented in item description.

**ITEM SUMMARY:** The City is currently in the design phase for the proposed expansion of Poison Oak Road. The design requires the acquisition of right-of-way from thirty-two properties. Twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities, under Chapter 251, Local Government Code § 251.001. The City has acquired eleven rights-of-way and is coordinating closing for four rights-of-way. Council has authorized eminent domain to acquire four properties at its January 17 and May 16, 2019 meetings. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them in the coming weeks. However, the City and two property owners have been unable to reach an agreement. One property will require a residential and business relocation. Appraisals were performed on all properties and the City made offers to purchase based on the appraisals. For the property requiring relocation, the residential relocation study was conducted, and the results presented to the property owner. The business relocation study is in progress.

The property needed is as follows:

Property 2: Being 0.532-acre, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being all of a called 0.534-acre tract of land conveyed to Ross Ann Johns and husband, Dennis James Johns in Document No. 2011-00021755, Official Public Records of Real Property, Bell County, Texas. The property is located at 8705 Poison Oak Road, Temple, Texas (Bell CAD ID #55956).

- Initial offer made on October 26, 2018

- Counteroffer made on November 26, 2018 for more than double appraised value with no supporting documentation.
- After multiple attempts by Stateside to continue negotiations on the City's behalf, the owners have indicated they are no longer interested in continuing negotiations and request to proceed with eminent domain.
- Final offer letter sent on May 24, 2019

Staff is asking pursuant to Chapter 2206, Government Code § 2206.053, for the City Council to authorize the use of eminent domain to acquire the property described above.

**FISCAL IMPACT:** Funding for the property necessary for the proposed expansion of Poison Oak Road is available in account 365-3400-531-6886, project 101715

**ATTACHMENTS:**

[Surveys](#)  
[Resolution](#)



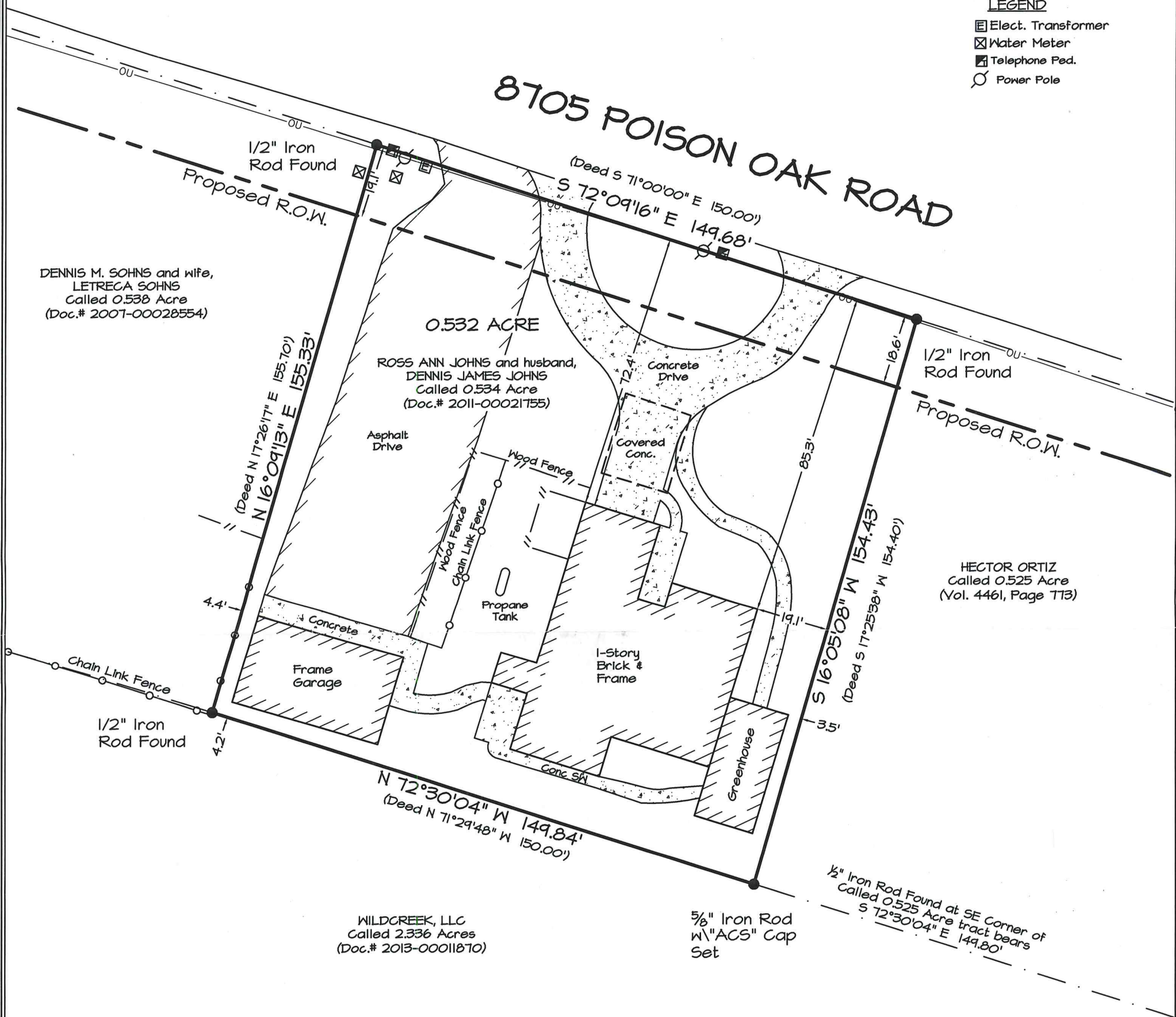
Survey showing a 0.532 ACRE tract of land situated in the  
B. ROBERTSON SURVEY, ABSTRACT No. 17,  
Bell County, Texas

This sketch to accompany a metes and bounds  
description of the hereon shown 0.532 Acre tract.



LEGEND

- Elect. Transformer
- Water Meter
- Telephone Ped.
- Power Pole



This surveyor and All County Surveying, Inc. do not warrant any statement with reference to floodplain.

Survey prepared without the benefit of title commitment, no further search for easements or restrictions has been made by this company. Easements that are aware of by this company have been shown.

This project is referenced to the City of Temple coordinate system, an extension of the Texas Coordinate System of 1983, Central Zone, NAD 83. All distances are horizontal surface distances unless noted and all bearings are grid bearings.

This sketch represents a survey made on the ground. During the performance of this survey, persons working under my supervision observed conditions within and along the boundaries and to the best of my knowledge they are as shown. The location of visual structural improvements with respect to the boundary lines are as shown. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.



Survey completed: 07-30-2018  
Scale: 1" = 30'  
Job No.: 170809.2  
Dwg No.: 170809-RossJohns  
Drawn by: MDH  
Surveyor: GWM #4982

Copyright 2018 All County Surveying, Inc.

Plot Date: 08-16-2018

## FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

August 16, 2018

Surveyor's Field Notes for:

**0.532 Acre**, situated in the B. Robertson Survey, Abstract No. 17, being all of a called 0.534 acre tract of land conveyed to Ross Ann Johns and husband, Dennis James Johns in Document Number 2011-00021755, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

**BEGINNING** at a ½" iron rod found on the occupied south right of way of Poison Oak Road, being the northwest corner of said 0.534 acre tract, same being the northeast corner of called 0.538 acre tract of land conveyed to Dennis M. Sohns and wife, Letreca Sohns in Document No. 2007-00028554, of said Official Public Records, for the northwest corner of this tract of land;

**THENCE** in an easterly direction, with the north line of said 0.534 acre tract (*Deed S. 71° 00' 00" E., 150.00 feet*), same being the occupied south right of way of Poison Oak Road, **S. 72° 09' 16" E., 149.68 feet**, to a ½" iron rod found, being the northeast corner of said 0.534 acre tract, same being the northwest corner of a called 0.525 acre tract of land conveyed to Hector Ortiz in Volume 4461, Page 773, of said Official Public Records, for the northeast corner of this tract of land;

**THENCE** in a southerly direction, with the east line of said 0.534 acre tract (*Deed S. 17° 25' 38" W., 154.40 feet*), same being the west line of said 0.525 acre tract, **S. 16° 05' 08" W., 154.43 feet**, to a 5/8" iron rod with "ACS" cap set on a north line of a called 26.3 acre tract of land conveyed to Wildcreek, LLC. in Document Number 2013-00011870, of said Official Public Records, being the southeast corner of said 0.534 acre tract, for the southeast corner of this tract of land, from which a ½" iron rod found at the southeast corner of said 0.525 acre tract bears *S. 72° 30' 04" E., 149.80 feet*;

**THENCE** in a westerly direction, with the south line of said 0.534 acre tract (*Deed N. 71° 29' 48" W., 150.00 feet*), same being a north line of said 26.3 acre tract, **N. 72° 30' 04" W., 149.84 feet**, to a ½" iron rod found, being the southwest corner of said 0.534 acre tract, same being the southeast corner of said 0.538 acre tract, for the southwest corner of this tract of land;

**THENCE** in a northerly direction, with the west line of said 0.534 acre tract (*Deed N. 17° 26' 17" E., 155.70 feet*), same being the east line of said 0.538 acre tract, **N. 16° 09' 13" E., 155.33 feet**, to the Point of Beginning, containing *0.532 Acre of land*.



This project is referenced to the City of Temple coordinate system, an extension of the Texas Coordinate System of 1983, Central Zone, NAD 83. All distances are horizontal surface distances unless noted and all bearings are grid bearings.

This metes and bounds description to accompany a Surveyors Sketch of the herein described 0.532 Acre tract.

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Surveyed July 30, 2018

**ALL COUNTY SURVEYING, INC.**

**1-800-749-PLAT**

**Tx. Firm Lic. No. 10023600**

Server/projects/pro170000/170809/170809/170809 Ross Johns.doc

Gary W. Mitchell  
Registered Professional Land Surveyor  
Registration No. 4982

RESOLUTION NO. 2019-9686-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT AN APPROXIMATELY 0.532 ACRE RIGHT OF WAY, SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, BELL COUNTY, TEXAS, IS NECESSARY FOR THE PROPOSED EXPANSION OF POISON OAK ROAD; AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTY PURSUANT TO GOVERNMENT CODE §2206.053; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City is currently in the design phase for the proposed expansion of Poison Oak Road and the design requires the acquisition of right of way from thirty-two properties – twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities;

**Whereas**, the City has acquired eleven rights of way, is coordinating closings for four rights of way and Council has authorized eminent domain to acquire four properties at is January 17 and May 16, 2019 meetings - Staff continues to actively negotiate with each of the remaining property owners in hopes of reaching agreement within the coming weeks;

**Whereas**, the City and two property owners have been unable to reach an agreement - one property will require a residential and business relocation, including an onsite business;

**Whereas**, appraisals were performed on all properties and the City has made offers to purchase based on the appraisals - for the property requiring relocation, the residential relocation study was conducted, the results presented to the property owners and the business relocation study is in progress;

**Whereas**, the property needed is as follows:

- Being 0.532-acre, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being all of a called 0.534-acre tract of land conveyed to Ross Ann Johns and husband, Dennis James Johns in Document No. 2011-00021755, Official Public Records of Real Property, Bell County, Texas. The property is located at 8705 Poison Oak Road, Temple, Texas (Bell CAD ID No. 55956);

**Whereas**, Staff requests, pursuant to Government Code § 2206.053, that Council authorize the use of the power of eminent domain to acquire the property legally described above;

**Whereas**, funding for the purchase of the this right of way is appropriated in Account No. 365-3400-531-6886, Project No. 101715; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.



**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council hereby finds and determines that the necessity exists for acquiring, by eminent domain, the property listed as:

- Being 0.532-acre, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being all of a called 0.534-acre tract of land conveyed to Ross Ann Johns and husband, Dennis James Johns in Document No. 2011-00021755, Official Public Records of Real Property, Bell County, Texas. The property is located at 8705 Poison Oak Road, Temple, Texas (Bell CAD ID No. 55956).

**Part 3:** The City Council hereby finds and determines that the expansion of Poison Oak Road is a public use under Chapter 251, Local Government Code § 251.001(a)(1).

**Part 4:** The City Council authorizes the use of the City's eminent domain authority under Article 3, Section 3.6, of the Charter of the City of Temple and the initiation of condemnation proceedings of said property interests.

**Part 5:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act and the Truth in Condemnation Act, Chapter 2206, Government Code § 2206.053.

PASSED AND APPROVED this the 6<sup>th</sup> day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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06/06/19  
Item #15  
Regular Agenda  
Page 1 of 2

### **DEPT. / DIVISION SUBMISSION & REVIEW:**

Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** FY-19-2-APL: Consider action on a resolution for an appeal of standards to Section 6.7.7.I. of the Unified Development Code related to signage in the I-35 Corridor Overlay to allow installation of an additional freestanding sign at 7455 South General Bruce Drive.

**ITEM SUMMARY:** The subject property is located in the I-35 Corridor Overlay District, Retail Sub-District, which is the address for Johnson Brothers Ford and Lincoln. The new sign would advertise for a third business at this address, Quick Lane Tire and Auto Center.

According to Sec. 6.7.7.I. of the UDC related to freestanding signs in the I-35 Corridor Overlay:

- All sites are permitted one freestanding sign (monument or pylon) per driveway
  - Johnson Brothers Ford and Lincoln each have their own existing freestanding (pylon) signs at a single driveway location for this site
  - The proposed sign would advertise a separate minor vehicle servicing business called Quick Lane Tire and Auto Center

The applicant has requested an appeal to allow an additional freestanding sign with the following specifications that otherwise meet the I-35 Corridor Overlay signage requirements:

- 16 feet in height
- 84 square feet in area
- Internally-illuminated
- ACM (Aluminum Composite Material) base

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their May 20, 2019 meeting, the Planning & Zoning Commission recommended unanimous approval as submitted per staff's recommendation.

**STAFF RECOMMENDATION:** Staff recommends approval of the appeal as submitted based upon the following:

- Adding an additional sign panel to one of the existing freestanding signs, which would be allowed by Code, would not be feasible



- The proposed sign is much shorter than the other two and what is allowed by Code (16 feet is proposed, and 35 feet would be allowed)
- The signage meets the other I-35 code requirements
- It is necessary to provide visibility for this separate business

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Site photo](#)

[Aerial Site Plan](#)

[Site Plan](#)

[Sign Elevation and Specifications](#)

[Resolution](#)



Proposed New Sign  
Approx. New Location







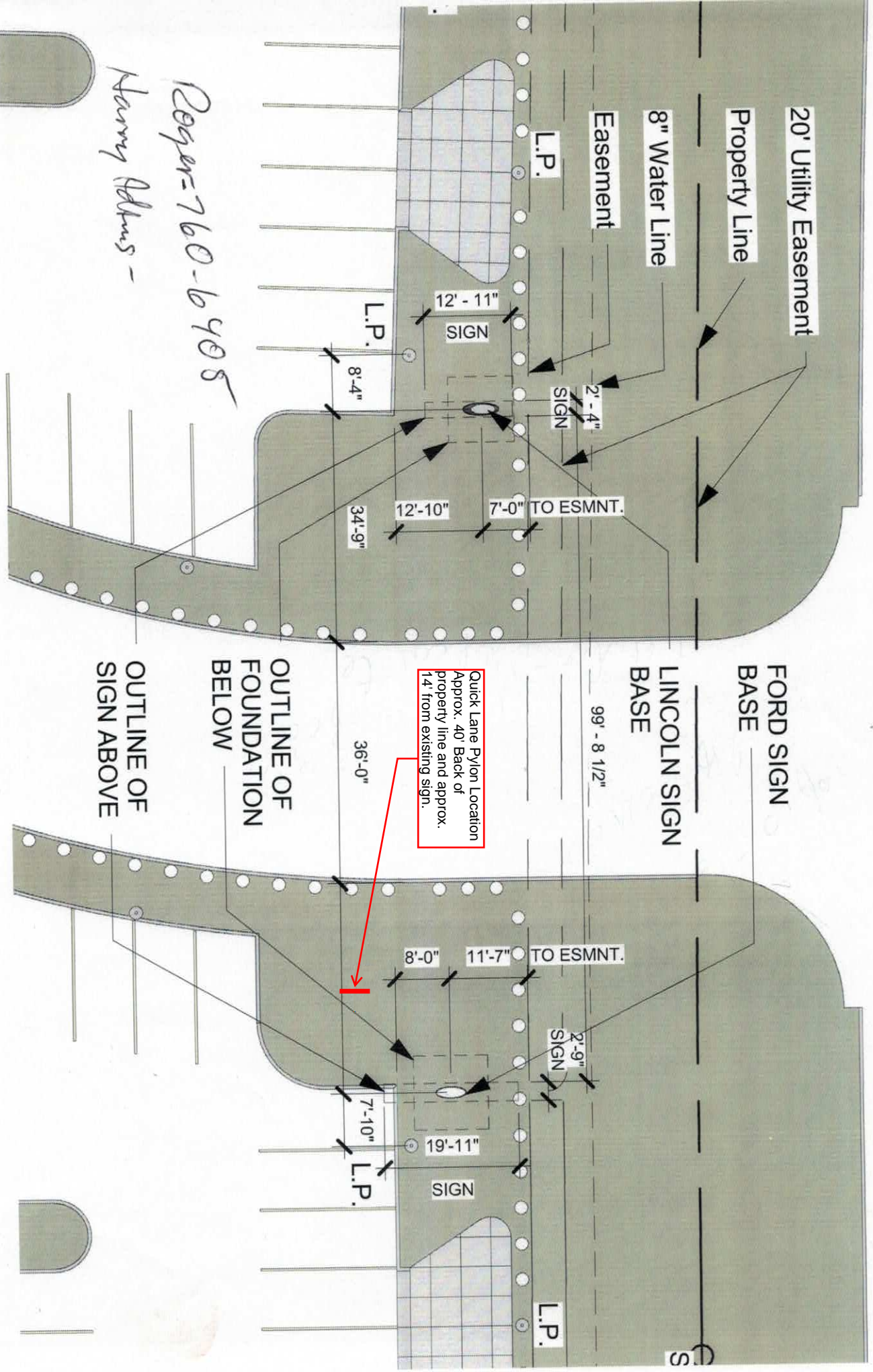
EXISTING 45' FORD SIGN

NEW 16' QUICKLANE SIGN

EXISTING 20' LINCOLN SIGN

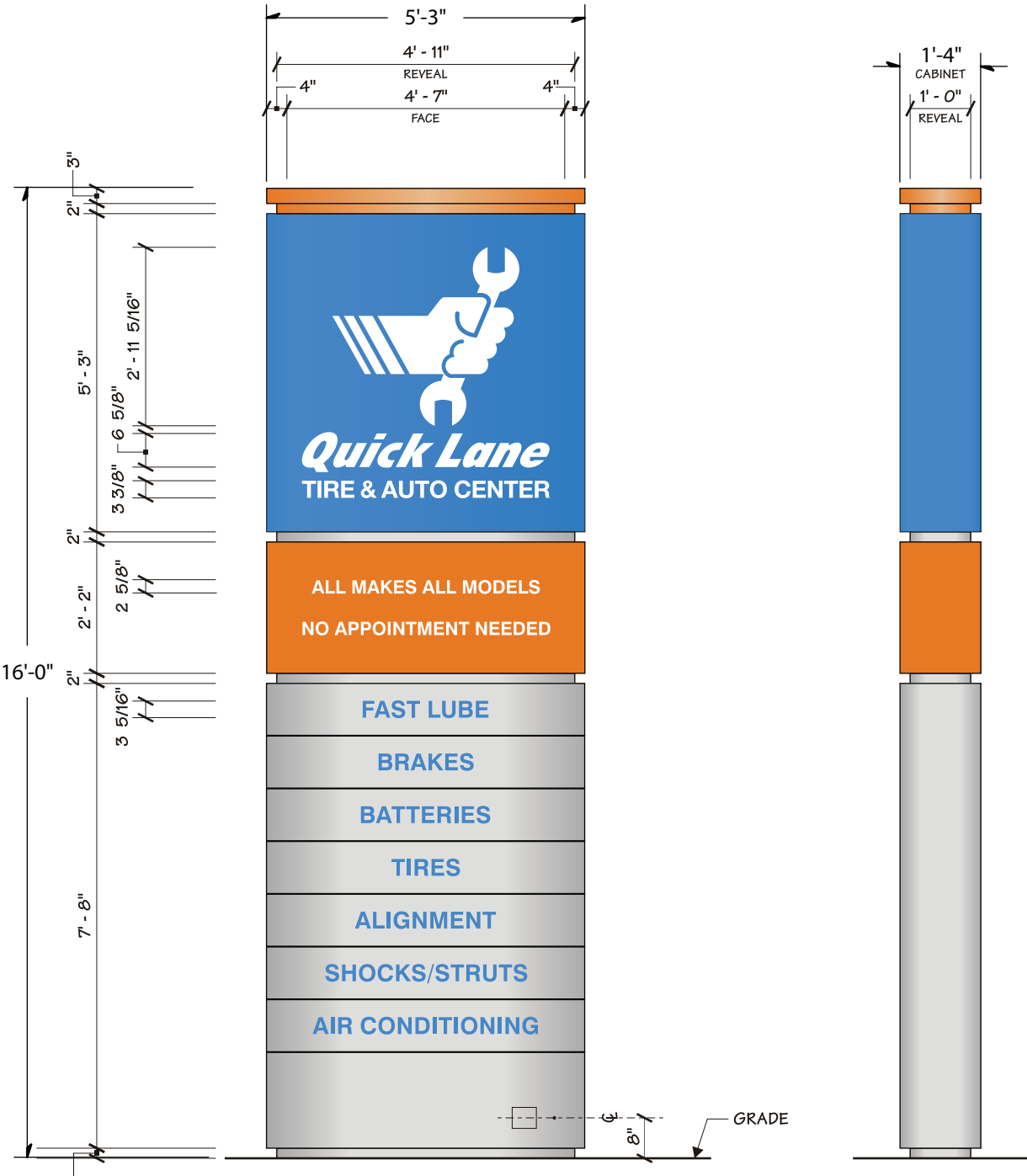


Reger-760-6405  
Harry Adams-





Quick Lane Pylon  
@16' OAH



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Title: Quick Lane Pylon @ 16ft. OAH

Customer: Ford

Date: 8/3/12

Drawn by: M. McCaslin

Customer Rep: N/A

Scale: 3/8"=1'



2655 International Pkwy., Virginia Beach, VA 23452  
PHONE: (757) 427-1900 - Fax (757) 430-1297  
www.AGISign.com

RESOLUTION NO. 2019-9687-R  
[PLANNING NO. FY-19-2-APL]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
AUTHORIZING AN APPEAL OF STANDARDS TO SECTION 6.7.7 (I) OF THE  
UNIFIED DEVELOPMENT CODE TO ALLOW INSTALLATION OF AN  
ADDITIONAL FREESTANDING SIGN AT 7455 SOUTH GENERAL BRUCE  
DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the subject property is located in the I-35 Corridor Overlay District, Retail Sub-District, which is the address for Johnson Brothers Ford and Lincoln - the new sign would advertise for a third business at this address, Quick Lane Tire and Auto Center;

**Whereas**, according to Sec. 6.7.7.I of the Unified Development Code related to freestanding signs in the I-35 Corridor Overlay:

- All sites are permitted one freestanding sign (monument or pylon) per driveway
  - Johnson Brothers Ford and Lincoln each have their own existing freestanding (pylon) signs at a single driveway location for this site;
  - The proposed sign would advertise a separate minor vehicle servicing business called Quick Lane Tire and Auto Center;

**Whereas**, the applicant has requested an appeal to allow an additional freestanding sign with the following specifications that otherwise meet the I-35 Corridor Overlay signage requirements:

- 16 feet in height;
- 84 square feet in area;
- Internally-illuminated; and
- ACM (Aluminum Composite Material) base

**Whereas**, at its May 20, 2019 meeting, the Planning and Zoning Commission recommended approval of the additional sign, Staff recommends Council approve the appeal; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council authorizes an appeal of standards to Section 6.7.7.I of the Unified Development Code to allow installation of an additional freestanding sign at 7455 South General Bruce Drive.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.



PASSED AND APPROVED this the 6<sup>th</sup> day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney