



Sachse, Texas

Sachse City Hall
3815 Sachse Road
Building B
Sachse, Texas 75048

Meeting Agenda City Council

Monday, July 2, 2012

7:30 PM

Council Chambers

The Mayor and Sachse City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

The City Council of the City of Sachse will hold a Regular Meeting on Monday, July 2, 2012, at 7:30 p.m. in the Council Chambers at the Sachse City Hall, 3815 Sachse Road, Building B, Sachse, Texas to consider the following items of business:

Invocation and Pledges of Allegiance to U.S. and Texas Flags.

A. Pledge of Allegiance to the Flag of the United States of America: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands: one nation under God, indivisible, with liberty and justice for all.

B. Pledge of Allegiance to the Texas State Flag: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

[12-0933](#) Consider approval of the minutes of the June 18, 2012, regular meeting.

*Executive Summary
Minutes of the last regular meeting.*

Attachments: [Min. 6.18.12.pdf](#)

[12-0935](#) Administer Oath of Office to Councilman-elect Brett Franks.

*Executive Summary
The Runoff election is complete and Councilman-elect Brett Franks must take the Oath of Office.*

Attachments: [Oath.pdf](#)

[12-0938](#) Recognize Outgoing Mayor Pro Tem Charles Smith for his service to the City.

Following the recognition we will have a short recess for cake and punch and fellowship with Mr. Smith.

Executive Summary

Mayor Pro Tem Charles Smith is stepping down from the City Council and this time is to recognize his many contributions.

1. **CONSENT AGENDA.**

- 1.a ALL ITEMS LISTED ON THE CONSENT AGENDA WILL BE CONSIDERED BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION, THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER OR CITIZEN SO REQUESTS.

[12-0934](#) Consider acceptance of the resignation of Mr. Brett Franks on the Parks and Recreation Commission.

Executive Summary

Mr. Franks has resigned his position to accept his Council-elect position according to the City Charter.

Attachments: [Resignation.pdf](#)

[11-0607](#) Consider a resolution approving a Grade Crossing Construction Agreement with The Kansas City Southern Railway Company for construction of the grade crossing surfaces from end of tie to end of tie for the extension of Woodbridge Parkway north of State Highway 78.

Executive Summary

The City is partnering with Herzog Development to extend Woodbridge Parkway north of State Highway 78 (SH 78). This extension of Woodbridge Parkway will serve as access to a planned Wal-Mart Supercenter. The planned extension of Woodbridge Parkway will cross the railroad owned by The Kansas City Southern Railway Company (KCS). KCS only allows work to be performed across their railroad by their contractor. This agreement provides a mechanism for KCS to be paid for the work to be performed by their contractor across the railroad.

Attachments: [ATTACHMENT 1 – PROJECT MAP](#)
[resolution for grade crossing agreement](#)
[Exhibit A Grade Crossing Agreement](#)
[presentation grade crossing agreement](#)

[12-0893](#) Consider a resolution awarding the bid in the amount of one hundred thirty-three thousand three hundred ninety-one dollars and fifty cents (\$133,391.50) to Jim Bowman Construction Company, LP for the installation of paving improvements to Holly Crest Lane from Crestwood Court to Highland Crest Lane.

Executive Summary

The City's Capital Improvement Plan (CIP) includes funds for the installation of paving improvements along Holly Crest Lane from Crestwood Court to Highland Crest Lane to replace existing pavement which has settled and water does not drain properly. The project has been designed and bids were opened on June 13 2012. This item is to award the bid to the lowest responsible bidder, which is Jim Bowman Construction Company, LP in the amount of \$133,391.50.

Attachments: [Attachment 1](#)
[ATTACHMENT 2](#)
[Exhibit A](#)
[holly crest award of bid presentation](#)
[RES Holly Crest](#)

2. MAYOR AND CITY COUNCIL ANNOUNCEMENTS REGARDING SPECIAL EVENTS, CURRENT ACTIVITIES, AND LOCAL ACHIEVEMENTS.

[12-0942](#) Staff Briefing: Sachse Economic Development Corporation update to the City Council.

Executive Summary

The Executive Director will brief the City Council on past activities, current projects and future goals.

3. CITIZEN INPUT.

The public is invited at this time to address the Council. The Mayor will ask you to come to the Microphone and state your name and address for the record. If your remarks pertain to a specific Agenda item, please hold them until that item, at which time the Mayor may solicit your comments.

The City Council is prohibited from discussing any item not on the posted agenda according to the Texas Open Meetings Act.

4. REGULAR AGENDA ITEMS.

[12-0937](#) Consider the election of a Mayor Pro Tem.

Executive Summary

According to the City Charter, each year after the election, a Mayor Pro Tem must be designated.

[12-0904](#) Conduct a public hearing and consider approval of an ordinance amending the regulations for Temporary Retail Sales and Seasonal

Sales in order to clarify the surface parking requirements for various temporary retail sales uses and to restrict the permissibility of "Firewood Bulk Sales" as a standalone temporary seasonal use.

Executive Summary

The proposed ordinance would modify the Temporary Retail and Seasonal Sales regulations to redefine the permissibility of Firewood Bulk Sales with respect to zoning districts and existing site development parameters. Furthermore, the off-street parking provisions would be amended to allow parking on unimproved surfaces only in certain conditions and as approved by the City Engineer and Fire Marshal.

Attachments: [CD - SEASONAL SALES - PPT PRES.pdf](#)
[CD - SEASONAL SALES - DRAFT ORDINANCE.pdf](#)
[CD - SEASONAL SALES - ATTACHMENT 1.pdf](#)

12-0930

Conduct a public hearing and consider approval of an Ordinance amending Chapter 8, Subdivisions in the Code of Ordinances in order to modify the review and approval process for the regulation of subdivisions, to create guidelines concerning completion and maintenance of public improvements, and to provide clarity in this Chapter by reordering the sections contained herein.

Executive Summary

The proposed ordinance would modify the Subdivision Ordinance whereby altering the sequence of approval stages during the subdivision process (plat approval). Furthermore, this ordinance will more clearly define the approval stages of the subdivision process as well as the associated regulations. Since the Subdivision Ordinance is a separate exhibit in this Chapter of the Code of Ordinances, this exhibit along with several other sections will be reordered and renumbered as one singular Chapter.

Attachments: [CD - SUBDIVISION ORD PLAT AMENDMENTS - PPT PRES.pdf](#)
[CD - SUBDIVISION ORD PLAT AMENDMENTS - DRAFT ORD.pdf](#)
[CD - SUBDIVISION ORD PLAT AMENDMENTS - ATTACHMENT 1.pdf](#)
[CD - SUBDIVISION ORD PLAT AMENDMENTS - ATTACHMENT 2.pdf](#)

12-0929

Consider a resolution amending the City of Sachse Master Fee Schedule to include fees currently specified in the Code of Ordinances.

Executive Summary

Currently, many fees required to conduct city business are embedded in the Code of Ordinances making it challenging for users to find fees associated with conducting business. This item adds several fees to the Master Fee Schedule in an ongoing effort to consolidate the city's fees into one document. No fee changes are proposed in this item.

Attachments: [CD - MASTER FEE SCHEDULE PLAT SEASONAL SALES - DRAFT RESOLU](#)

12-0887

Discuss City Code Section 7-2 in regards to amphitheater rental policy and fees.

Executive Summary

The City Council will be discussing the recently amended City Code Section 7-2 as it pertains to the rental policy and fees for the City's amphitheater. We want to evaluate the operations of the facility and look at possible changes that would provide more opportunities for Sachse residents to reserve and rent the facility.

Attachments: [AmphitheaterDiscussionCC6-2-12](#)

12-0899

Discuss the City of Sachse budget forecast for the next three years.

Executive Summary

The City Manager and Finance Director will present a multi-year financial forecast. The Council will have the opportunity to provide input into prior to the July 14th City Council Budget Workshop.

Attachments: [Multi Year Budget Forecast 7-2-2012.pdf](#)

5. ADJOURNMENT.

Vision Statement: Sachse is a friendly, vibrant community offering a safe and enjoyable quality of life to all who call Sachse home.

The City of Sachse reserves the right to reconvene, recess or realign the regular session or called Executive Session or order of business at any time prior to adjournment.

Note: The Sachse City Council reserves the right to convene into Executive Session pursuant to the Texas Government Code, Title 5, Chapter 551 regarding posted items on the regular meeting agenda.

State law prohibits the introduction or discussion of any item of business not posted at least seventy-two (72) hours prior to the meeting time. Therefore, during Citizen Input for example, the Council is prohibited by state law to deliberate or take action on any issues introduced by the public other than to take them under advisement. Posted: June 29, 2012; 5:00 p.m. Terry Smith, City Secretary _____.

If you plan to attend this public meeting and you have a disability that requires special arrangements at the meeting, please contact Terry Smith, City Secretary, at (972) 495-1212, 48 business hours prior to the scheduled meeting date. Reasonable accommodations will be made to assist your needs.



Legislation Details (With Text)

File #: 12-0933 **Version:** 1 **Name:** Consider approval of the minutes of the June 18, 2012, regular meeting.

Type: Agenda Item **Status:** Agenda Ready

File created: 6/26/2012 **In control:** City Council

On agenda: 7/2/2012 **Final action:**

Title: Consider approval of the minutes of the June 18, 2012, regular meeting.

Executive Summary
Minutes of the last regular meeting.

Sponsors:

Indexes:

Code sections:

Attachments: [Min. 6.18.12.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Consider approval of the minutes of the June 18, 2012, regular meeting.

Executive Summary

Minutes of the last regular meeting.

Background

Minutes of the last regular meeting on June 18, 2012.

Policy Considerations

None.

Budgetary Considerations

None.

Staff Recommendations

Approval of the minutes of the June 18, 2012, regular meeting, as a consent agenda item.

REGULAR MEETING
OF THE
CITY COUNCIL OF THE CITY OF SACHSE

JUNE 18, 2012

The City Council of the City of Sachse held a Regular Meeting on Monday, June 18, 2012 at 7:30 p.m. at the Sachse City Hall after proper notice. The roll of the duly constituted City Council Members was called which members are as follows, to wit:

Mayor Mike Felix
Mayor Pro Tem Charles W. Smith
Councilman Bill Adams
Councilwoman Pat McMillan
Councilman Jared Patterson
Councilman Todd Ronnau
Councilman Mark Timm

and all were present except Councilman Ronnau.

Staff present: City Manager Billy George; City Secretary Terry Smith; Community Development Director Marc Kurbansade; Finance Director Jeri Rainey; ; City Engineer Shawn Poe; Police Chief Dennis Veach; Public Works Director Joe Crase; Fire Chief Doug Kendrick; Parks Director Lance Whitworth; Library Manager Mignon Morse; and Sachse EDC Director Carlos Vigil.

Invocation and Pledge of Allegiance to U.S. and Texas Flags:

The invocation was offered by Mayor Pro Tem Smith and the pledges were led by Councilman Adams.

1. Consent Agenda:

Councilwoman McMillan requested to remove No. 12-0920 for discussion. Councilman Timm requested to remove No. 12-0892 for discussion.

Councilman Timm moved to approve the Consent Agenda Item No. **12-0921** Consider approval of the minutes of the June 4, 2012, regular meeting. The motion was seconded by Councilman Adams and passed unanimously. Mayor Pro Tem Smith was absent for this vote.

12-0892 Consider a resolution authorizing the project submittal for the 2012 Call for Projects for the Dallas County Major Capital Improvement Program (MCIP). Councilman Timm moved to approve Resolution No. 3394 authorizing the project submittal for the 2012 Call for Projects for the Dallas County Major Capital Improvement Program with the priorities of: 1. 5th Street/Sachse Road. 2. Merritt Road. 3. Pleasant Valley Road. The motion was seconded by Mayor Pro Tem Smith and carried unanimously.

12-0920 Consider acceptance of the resignation of Brenda Sizemore on the Animal Shelter Board: Councilwoman McMillan stated she appreciated Brenda Sizemore's service to the City and we need to keep her in our prayers, until her health is better. Councilwoman McMillan moved to accept the resignation of Brenda Sizemore on the Animal Shelter Board. The motion was seconded by Councilman Patterson and carried unanimously.

2. Mayor and City Council Announcements regarding special events, current activities and local achievements:

Councilman Timm stated he had attended the recent Conference of Realtors and the Sunnyvale Mayor informed him that he is a Sanden employee and recently met with City Manager George and Economic Development Director Vigil regarding the recent Sanden RFP and mentioned how professional these two men were in their meetings.

Mayor Felix made the following announcements: Saturday he attended the Search for a Star competition and Sachse has two residents in the finals. It was a fun event. The Summer Reading Program at the Library occurs on Thursdays at 11:00 a.m. Early voting ends on Tuesday and the runoff election is Saturday. On June 23rd at 1:00 p.m. is the Lake Cities Senior Pageant at the Senior Center. On Saturday, June 30th from 6:00 p.m. until 11:00 p.m. is the Chamber of Commerce's Cars under the Stars at Kroger. On July 3rd is the Red, White and Blue Blast, the parade starts at City Hall at 6:00 p.m.; 7:00 p.m. is the first band; 8:00 p.m. is the second band and at 9:30 p.m. the fireworks begin. On June 23rd and 24th the Ham Radio Operators will provide a demonstration at Salmon Park.

3. Citizen Input:

No comments were made.

4. Regular Agenda Items:

12-0925 Adjourn to Executive Session pursuant to 551.071(1)(a) of the Texas Government Code to consult with our attorney Joe Gorfida regarding pending litigation - City of Sachse, Texas v. Clementina Okoye, et al.; Cause no. 11-14282-M:

Consider any action necessary as a result of executive session:

At 7:52 p.m. Councilman Patterson moved to recess to executive session. The motion was seconded by Mayor Pro Tem Smith and carried unanimously.

At 8:01 p.m. Councilman Timm moved to return to open session. The motion was seconded by Councilman Patterson and carried unanimously.

Mayor Felix stated that no action was being taken.

12-0894 Consider a resolution awarding the bid in the amount of eighty-six thousand thirty-three dollars and no cents (\$86,033) to Reynolds Asphalt & Construction Company, Incorporated for the installation of paving improvements to 7th Street from State Highway 78 to Boone Street:

Following discussion, Councilman Timm moved to approve Resolution No. 3395 awarding the bid in the amount of eighty-six thousand thirty-three dollars and no cents (\$86,033) to Reynolds Asphalt & Construction Company, Incorporated for the installation of paving improvements to 7th Street from State Highway 78 to Boone Street. The motion was seconded by Councilman Adams and carried unanimously.

12-0923 Discuss and consider a resolution approving the Sachse Public Library Exhibit Policy:

Following discussion, no formal Council action was taken. This agenda item will be amended and placed on the next agenda.

12-0922 Consider a resolution authorizing the City Manager to execute a contract with Brinson Benefits for Employee Benefits Broker/Consulting Services for the City of Sachse:

Following discussion, Councilman Adams moved to approve Resolution No. 3396 authorizing the City Manager to execute a contract with Brinson Benefits for Employee Benefits Broker/Consulting Services for the City of Sachse. The motion was seconded by Councilwoman McMillan and carried unanimously.

12-0900 Consider a resolution authorizing the City Manager to execute an agreement with BrooksCardiel, PLLC, to provide auditing services for the City's financial statements for the fiscal year ending September 30, 2012:

Following discussion, Councilman Timm moved to approve Resolution No. 3397 authorizing the City Manager to execute an agreement with BrooksCardiel, PLLC, to provide auditing services for the City's financial statements for the fiscal year ending September 30, 2012, in an amount not to exceed \$28,975. The motion was seconded by Councilman Adams and carried unanimously.

There being no further business, Councilman Patterson moved to adjourn. The motion was seconded by Councilman Timm and passed unanimously. The meeting adjourned at 8:34 p.m.

ATTEST:

APPROVED:

CITY SECRETARY

MAYOR



Legislation Details (With Text)

File #: 12-0935 **Version:** 1 **Name:** Administer Oath of Office to Councilman-elect Brett Franks.
Type: Agenda Item **Status:** Agenda Ready
File created: 6/26/2012 **In control:** City Council
On agenda: 7/2/2012 **Final action:**
Title: Administer Oath of Office to Councilman-elect Brett Franks.

Executive Summary
The Runoff election is complete and Councilman-elect Brett Franks must take the Oath of Office.

Sponsors:

Indexes:

Code sections:

Attachments: [Oath.pdf](#)

Date	Ver.	Action By	Action	Result
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Title
Administer Oath of Office to Councilman-elect Brett Franks.

Executive Summary
The Runoff election is complete and Councilman-elect Brett Franks must take the Oath of Office.

Background
As a result of the runoff election on June 23, 2012, Councilman-elect Brett Franks will take the Oath of Office to enable him to assume the duties of his office as required by the City Charter and State Law.

Policy Considerations
None.

Budgetary Considerations
None.

Staff Recommendations
Mayor Felix administer the Oath of Office to Councilman-elect Brett Franks.

In the name and by the authority of

THE STATE OF TEXAS

OATH OF OFFICE

I, Brett Franks do solemnly swear, that I will faithfully execute the duties of the office of the City Council Member Place 1, of the City of Sachse, State of Texas, and will, to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of this State, so help me God.

X

Affiant

SWORN TO and subscribed before me by affiant on the ____ day of July, 2012.

Signature of person administering oath

Printed Name

Title



Legislation Details (With Text)

File #: 12-0938 **Version:** 1 **Name:** Recognize Outgoing Mayor Pro Tem Charles Smith for his service to the City.

Type: Agenda Item **Status:** Agenda Ready

File created: 6/26/2012 **In control:** City Council

On agenda: 7/2/2012 **Final action:**

Title: Recognize Outgoing Mayor Pro Tem Charles Smith for his service to the City.

Following the recognition we will have a short recess for cake and punch and fellowship with Mr. Smith.

Executive Summary

Mayor Pro Tem Charles Smith is stepping down from the City Council and this time is to recognize his many contributions.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Title

Recognize Outgoing Mayor Pro Tem Charles Smith for his service to the City.

Following the recognition we will have a short recess for cake and punch and fellowship with Mr. Smith.

Executive Summary

Mayor Pro Tem Charles Smith is stepping down from the City Council and this time is to recognize his many contributions.

Background

Mayor Pro Tem Smith has been associated with the City since 1973 and we will recognize his many contributions to the City.

Policy Considerations

None.

Budgetary Considerations

None.

Staff Recommendations

Recognize Mayor Pro Tem Charles Smith for all his contributions to the City and community.



Legislation Details (With Text)

File #: 12-0934 **Version:** 1 **Name:** Consider acceptance of the resignation of Mr. Brett Franks on the Parks and Recreation Commission.

Type: Agenda Item **Status:** Agenda Ready

File created: 6/26/2012 **In control:** City Council

On agenda: 7/2/2012 **Final action:**

Title: Consider acceptance of the resignation of Mr. Brett Franks on the Parks and Recreation Commission.

Executive Summary
Mr. Franks has resigned his position to accept his Council-elect position according to the City Charter.

Sponsors:

Indexes:

Code sections:

Attachments: [Resignation.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Consider acceptance of the resignation of Mr. Brett Franks on the Parks and Recreation Commission.

Executive Summary

Mr. Franks has resigned his position to accept his Council-elect position according to the City Charter.

Background

Sachse City Charter Section 5.02 states:Sec. 5.02 - FILING FOR OFFICE

- (1) Candidates for city offices shall file for office in accordance with the Texas Election Code.
- (2) Candidates for elective city office shall meet the following qualifications: (a) Shall be at least twenty-one (21) years of age at the time of the election for which they are filing; (b) Shall be a qualified voter; (c) Shall have resided within the corporate limits of the city, or annexed territory, for at least six (6) months prior to the filing deadline; (d) Shall not, after notice of any delinquency, be in arrears in payment of taxes or other liabilities due the city;(e) No candidate may file in a single election for more than one (1) office or position as provided by this Charter; (Election of April 5, 1986) **(f) No employee, nor any member or volunteer with any board, commission, or department of the city, shall continue in such position upon election and acceptance of the elected position .**

As a result of the Charter provision, Mr. Franks has resigned his seat on the Parks and Recreation Commission.

Policy Considerations

None.

Budgetary Considerations

None.

Staff Recommendations

Acceptance of the resignation of Mr. Brett Franks on the Parks and Recreation Commission as a consent agenda item.

Terry Smith

From: acjoint@tx.rr.com
Sent: Monday, June 25, 2012 3:14 PM
To: Terry Smith
Cc: Lance Whitworth; Cynthia Wiseman
Subject: Parks board position

Mr. Smith, as outlined in the City of Sachse Charter, respectfully I must resign my position on the Parks board effective immediately. This experience has been an honor as have had the opportunity to work alongside great city employees and volunteers. I look forward to the continued commitment to Sachse in my next position as the City of Sachse Council Place 1 representative.

Regards,

Brett Franks
214-957-3313



Legislation Details (With Text)

File #: 11-0607 **Version:** 1 **Name:** Woodbridge Parkway railroad crossing construction agreement

Type: Agenda Item **Status:** Agenda Ready

File created: 12/27/2011 **In control:** City Council

On agenda: 7/2/2012 **Final action:**

Title: Consider a resolution approving a Grade Crossing Construction Agreement with The Kansas City Southern Railway Company for construction of the grade crossing surfaces from end of tie to end of tie for the extension of Woodbridge Parkway north of State Highway 78.

Executive Summary

The City is partnering with Herzog Development to extend Woodbridge Parkway north of State Highway 78 (SH 78). This extension of Woodbridge Parkway will serve as access to a planned Wal-Mart Supercenter. The planned extension of Woodbridge Parkway will cross the railroad owned by The Kansas City Southern Railway Company (KCS). KCS only allows work to be performed across their railroad by their contractor. This agreement provides a mechanism for KCS to be paid for the work to be performed by their contractor across the railroad.

Sponsors:

Indexes:

Code sections:

Attachments: [ATTACHMENT 1 – PROJECT MAP](#)
[resolution for grade crossing agreement](#)
[Exhibit A Grade Crossing Agreement](#)
[presentation grade crossing agreement](#)

Date	Ver.	Action By	Action	Result
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Title

Consider a resolution approving a Grade Crossing Construction Agreement with The Kansas City Southern Railway Company for construction of the grade crossing surfaces from end of tie to end of tie for the extension of Woodbridge Parkway north of State Highway 78.

Executive Summary

The City is partnering with Herzog Development to extend Woodbridge Parkway north of State Highway 78 (SH 78). This extension of Woodbridge Parkway will serve as access to a planned Wal-Mart Supercenter. The planned extension of Woodbridge Parkway will cross the railroad owned by The Kansas City Southern Railway Company (KCS). KCS only allows work to be performed across their railroad by their contractor. This agreement provides a mechanism for KCS to be paid for the work to be performed by their contractor across the railroad.

Background

Herzog Development plans to develop approximately 20.708 acres of land located on the southwest corner of The Kansas City Southern Railroad (KCS) and the future Woodbridge

Parkway extension (see Attachment 1 Project Map). A Wal-Mart Supercenter is planned to be constructed on this property. Woodbridge Parkway is shown on the City of Sachse Master Thoroughfare Plan (MTP) to be extended from SH 78 to Hensley Lane in the City Wylie. This extension of Woodbridge Parkway will serve the proposed Wal-Mart Supercenter. The extension of Woodbridge Parkway will be funded by the developer along with a portion of Cody Lane, which is located along the northerly property line of the proposed Wal-Mart Supercenter.

The City has entered into an Escrow Construction Agreement with the Herzog Development Company for the construction of public improvements, which includes the extension of Woodbridge Parkway. The City Council approved the First Amendment to the Escrow Construction Agreement on May 7, 2012 which will allow the developer to withdraw funds from the escrow account for the grade crossing and transfer the funds to the City. The City, in turn will send the funds in accordance to the Grade Crossing Construction Agreement (attached as Exhibit A) to the KCS Railroad.

Policy Considerations

In order to extend Woodbridge Parkway from SH 78, the road must cross the KCS railroad. The KCS Railway Company does not allow any work to be performed across the railroad between tie to tie unless the work is constructed by a contractor under their supervision and under contract with the KCS. KCS will have to be reimbursed for the cost of the work performed by their contractor across the railroad. KCS will not enter into an agreement with a private landowner so the City of Sachse must approve a Grade Crossing Construction Agreement with KCS to reimburse KCS for the improvements across the railroad. Funds have been escrowed by the developer for the cost of the Woodbridge Parkway extension, which includes the work across the KCS railroad. These escrowed funds will cover the reimbursement costs to KCS. A First Amendment to the Construction Escrow Agreement was approved which will allow the developer to draw funds to cover the cost of the railroad crossing prior to work starting so the funds can be transferred to the City. The First Amendment is in the process of being executed by all parties. The Grade Crossing Construction Agreement (attached hereto as Exhibit A) is merely a funding mechanism to reimburse KCS with the City being a "pass-through" party. The City Manager will not execute this Grade Crossing Agreement until the First Amendment has been executed by all parties.

Budgetary Considerations

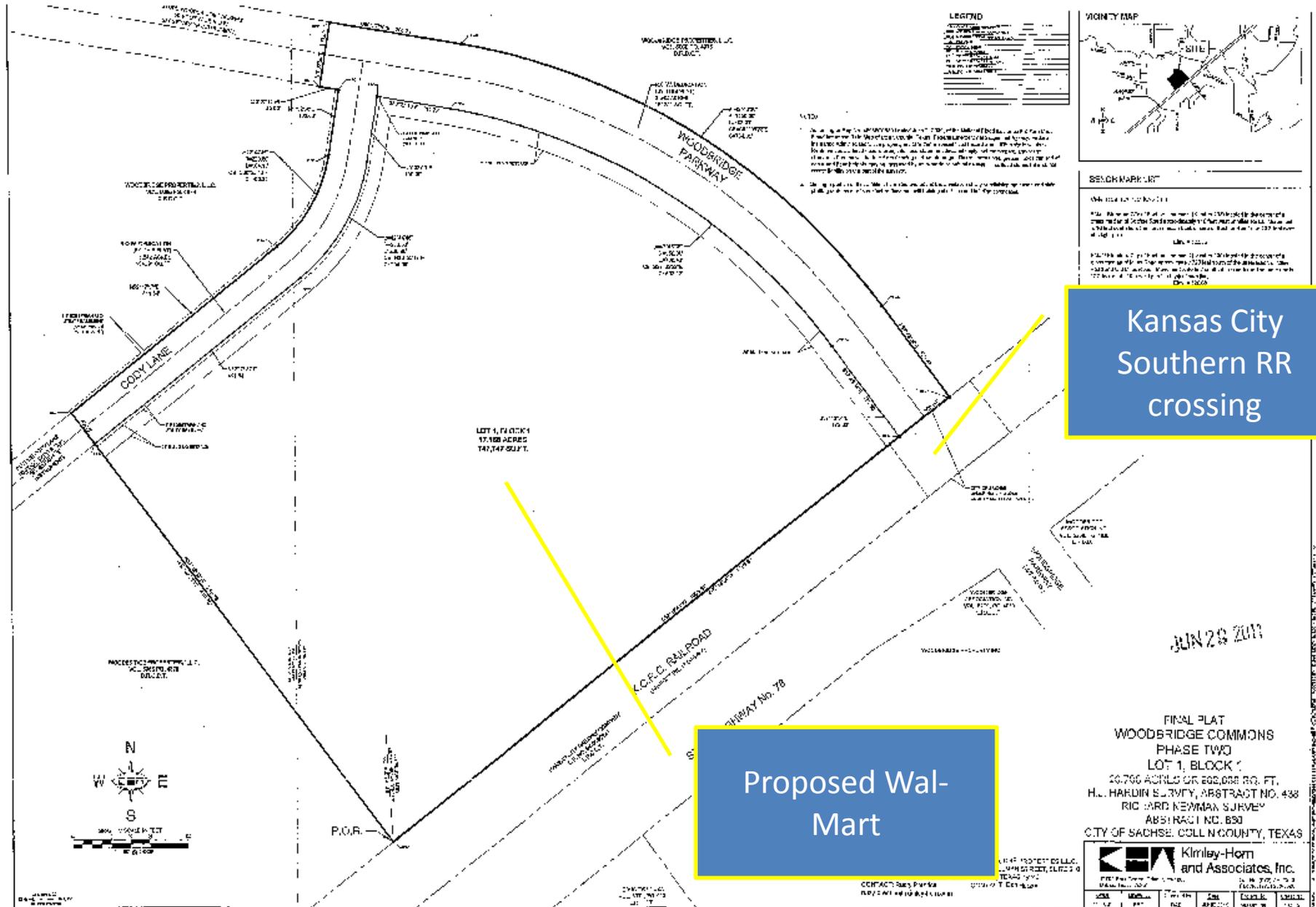
There will be no budgetary considerations as the funds for the construction for the Woodbridge Parkway extension, which includes across the KCS railroad, have been escrowed by the developer. The estimated cost of the grade crossing is \$584,505.88, which will be paid by the developer of the Woodbridge Commons (Wal-Mart) development from the escrowed construction funds.

Staff Recommendations

Staff recommends the City Council to approve a resolution approving the terms and conditions of a Grade Crossing Construction Agreement by and between the City of Sachse, Texas and The Kansas City Southern Railway Company for construction of the grade

crossing surfaces from end of tie to end of tie for the extension of Woodbridge Parkway; authorizing the City Manager to execute such agreement once the First Amendment to the Construction Escrow Agreement has been executed; and providing an effective date as a consent agenda item.

ATTACHMENT 1 – PROJECT MAP



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A GRADE CROSSING CONSTRUCTION AGREEMENT BY AND BETWEEN THE CITY OF SACHSE, TEXAS AND THE KANSAS CITY SOUTHERN RAILWAY COMPANY FOR CONSTRUCTION OF THE GRADE CROSSING SURFACES FROM END OF TIE TO END OF TIE FOR THE EXTENSION OF WOODBRIDGE PARKWAY; AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH AGREEMENT ONCE THE FIRST AMENDMENT TO THE CONSTRUCTION ESCROW AGREEMENT HAS BEEN EXECUTED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Woodbridge Parkway is being extended northwesterly from State Highway 78; and

WHEREAS, extension shall cross KCS's tracks at approximately railroad Mile Post T-203.88, Dallas Subdivision (DOT No. 927053M); and

WHEREAS, the City desires to provide for the construction of a new at-grade highway rail crossing where the said Woodbridge Parkway extension crosses KCS's track; and

WHEREAS, the City Council of the City of Sachse, Texas has been presented a Grade Crossing Construction Agreement from the Kansas City Southern Railway Company for the construction of the new at-grade highway-rail crossing for Woodbridge Parkway extension; and

WHEREAS, upon full review and consideration of the Grade Crossing Construction Agreement, and all matters related thereto, the City Council is of the opinion and finds that the terms and conditions thereof should be approved, and that the City Manager should be authorized to execute such agreement on behalf of the City of Sachse, Texas.

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

Section 1: That the City Council hereby approves the terms and conditions of the Grade Crossing Construction Agreement, which is attached hereto and incorporated herein as Exhibit A, by and between the City of Sachse and the Kansas City Southern Railway Company and authorizes the City Manager to execute said agreement on behalf of the City of Sachse once the First Amendment to the Construction Escrow Agreement has been fully executed.

Section 2: This resolution shall become effective immediately upon its passage.

RESOLVED this 2nd day of July, 2012. CITY OF SACHSE, TEXAS.

Mike Felix, Mayor

ATTEST:

Terry Smith, City Secretary

EXHIBIT A

GRADE CROSSING CONSTRUCTION AGREEMENT

This AGREEMENT is entered into this 4th day of June, 2012 by and between **THE KANSAS CITY SOUTHERN RAILWAY COMPANY** a Missouri corporation herein sometimes called "KCS", and **CITY OF SACHSE, TEXAS**, to be addressed at 5560 Hwy. 78, Sachse, TX 75048, herein sometimes called "City" (KCS and City each being sometimes referred to herein individually as a "Party" and sometimes being referred to herein together as the "Parties").

WHEREAS, Woodbridge Parkway in Sachse, Texas, is being extended northwesterly from Texas Highway 78; and

WHEREAS, said extension shall cross KCS's tracks at approximately railroad Mile Post T-203.88, Dallas Subdivision (DOT No. 927053M); and

WHEREAS, City desires to provide for the construction of a new at-grade highway-rail crossing where the said Woodbridge Parkway extension crosses KCS's track (the "Crossing"); and

WHEREAS, KCS has agreed to perform the work necessary for such construction, but only as subject to the following terms and conditions of this Agreement.

NOW, THEREFORE, the Parties agree as follows:

1. KCS shall provide the necessary materials and labor to perform the necessary construction of the grade crossing surfaces from end of tie to end of tie for the Crossing. KCS's estimate of the costs required to perform said work is attached hereto as Exhibit A. The Parties acknowledge that Exhibit A is only an estimate, and that the City shall be responsible for the actual cost of the labor, material and other expenses incurred by KCS for the grade crossing surface construction, determined according to the methodology shown in Exhibit A, whether such actual cost is more or less than shown on Exhibit A.

2. KCS shall provide the necessary materials and labor to construct the grade crossing warning devices for the Crossing. KCS's estimate of the costs required to perform said work is attached hereto as Exhibit B. The Parties acknowledge that Exhibit B is only an estimate, and that the City shall be responsible for the actual cost of the labor, material and other expenses incurred by KCS for the grade crossing warning device construction shown on Exhibit B, determined according to the methodology shown in Exhibit B, whether such actual cost is more or less than shown on Exhibit B.

3. Prior to KCS performing any work on this project, City will deposit with KCS FIVE HUNDRED EIGHTY-FOUR THOUSAND FIVE HUNDRED FIVE DOLLARS AND EIGHTY-EIGHT CENTS (\$584,505.88) to cover the estimated cost to procure and install the grade crossing surface and grade crossing warning devices, including estimated transportation, shipping and handling costs for the same (the "associated costs"). KCS shall be under no obligation to provide any materials or perform any labor until City's deposit has been received and cleared by KCS.

4. Upon completion of the installation of the grade crossing surface and grade crossing warning devices, KCS shall determine the actual cost of the crossing surface and grade crossing warning devices, including associated costs. If that actual cost and associated costs together exceed \$584,505.88, KCS shall invoice the City for the additional amount by which the actual costs together with associated costs exceed \$584,505.88. If KCS issues such an invoice to the City, the City shall pay such invoice within sixty (60) days. If the actual cost of the project, together with associated costs, is less than \$584,505.88, KCS shall determine the actual cost and associated costs of the project and advise the City thereof, and shall within sixty (60) days thereafter issue a refund to the City of the difference between the actual cost plus associated costs and \$584,505.88.

5. City, at its sole cost and expense, shall provide all necessary materials and labor to construct the portions of the roadway surface outside the ends of ties. City will install the road approaches, drainage, pavement markings and arrange for disposal of the spoil (if any), cause the roadway to remain closed to all vehicular and truck traffic during construction, arrange for all construction and warning signs and barricades, and be responsible for any required notification of the public. In doing such work, the City shall enhance or, at a minimum, shall not impair or reduce the existing drainage of water away from the track.

6. City shall furnish KCS with a certified copy of a resolution or ordinance adopted by the governing body of City of Sachse, Texas authorizing the Mayor or City Manager to execute this Agreement on behalf of City.

7. City shall be responsible for providing and paying for all traffic and pedestrian control (including but not limited to barriers and flagmen) required during the project, all in accordance with the Manual on Uniform Traffic Control Devices and other applicable safety standards, including KCS's. Whenever City's contractor or its personnel or equipment are within twenty-five feet (25') of KCS's track, their activities shall be attended by a KCS-approved railroad flagman, hired and paid by the City. The City's contractor and its personnel and equipment shall clear the KCS track when so instructed by the railroad flagman. City and its contractors performing any work within KCS's right of way shall carry appropriate insurance which is sufficient, in the City's reasonable opinion, to fully compensate for any injury to or death of any person or for any damage to property occurring while City or its contractors are performing any work within KCS's right of way.

8. Upon completion of the work, the crossing surface, signal, flasher and gate will thereafter be maintained by KCS.

9. The City, with the cooperation of KCS, will be responsible for obtaining any required governmental authorizations, including approval of the Texas Department of Transportation. All work will be done in accordance with the Manual on Uniform Traffic Control Devices.

10. The City acknowledges that KCS's agreement herein and cooperation with the City's effort to extend Woodbridge Parkway is based on the circumstances of this crossing,

and is without prejudice to KCS's right to object to and to oppose other expansion of or creation of other at-grade crossings.

11. The parties hereby incorporate the requirements of 41 C.F.R. §§ 60-1.4(a)(7), 60-250.5, 60-741.5, and 29 C.F.R. Part 470, if applicable.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate the day and year first above written.

THE KANSAS CITY SOUTHERN RAILWAY
COMPANY

Name: _____

Title: _____

Date: _____

Approved as to legal form:
David C. Reeves 5-7-2012
Associate General Counsel

CITY OF SACHSE, TEXAS

Name: _____

Title: _____

Date: _____

ESTIMATE

EXHIBIT A

Date: 09/13/11

Applicant: City of Sachse

Location: Sachse Tx

Dot #: 927053M

Mile Post: T-203.88

Road Name: Woodbridge Parkway

Project #:

Asset #: 982666

Project Summary:

Install (1 ea) 97.5' concrete crossing, new filter fabric, new ballast, new drainage pipes and installation of new asphalt hardpan for the new road construction.

All items may or may not be used, if not, the final billing will reflect actual quantities.

THIS IS AN ESTIMATE OF COST, THE INDIVIDUAL PRICES AND FINAL BILL MAY VARY, BUT THE FINAL BILLING WILL REFLECT ACTUAL DOCUMENTABLE PRICES

Road Authority to be responsible for the closure of the road for a minimum of three days during construction and the detouring of vehicular traffic and all traffic control

Road Authority to be responsible for approach work both directions down the road after the installation of new crossing surface

DO NOT DISTURB THE EXISTING HARD PAN OF THE EXISTING CROSSING.

Estimated Project Cost \$185,013

Grading - Subgrade Preparation

(1) Materials

50 Net Tons - Asphalt for Filler		
\$100.00 per Net Ton		\$5,000
100 Net Tons - 12" Asphalt Subbase for extension		
\$100.00 per Net Ton		\$10,000
200 Net Tons - Ballast Material		
\$60.00 per Net Ton		\$12,000
200 L.F. - 6" Perforated Sock pipe		
\$15.00 per L.F.		\$3,000

Total Materials Cost \$30,000

(2) Contractor Labor and Equipment

48 Hours - 2 Trackhoes with Operators		
\$125.00 per Hour		\$12,000
48 Hours - Dump Truck with Operator		
\$95.00 per Hour		\$4,560
48 Hours - Dozer with Operator		
\$95.00 per Hour		\$4,560
24 Hours - Steel Wheel Roller with Operator for compaction of new asphalt bottom		
\$45.00 per Hour		\$1,080
72 Man Hours - Miscellaneous Labor		
\$35.00 per Hour		\$2,520
48 Man Hours - Flagging (Rail Pro)		

	\$80.00 per Hour	\$3,840	
60	Man Hours - Contract Recordkeeping & Completion Reports		
	\$50.00 per Hour	\$3,000	
1	Haul 80' Track Panels		
	\$4,800.00 estimated	\$4,800	
1	Road Closure, Traffic control, Barricading		
	\$10,000.00 estimated	\$10,000	
1	Disposal of spoils		
	\$10,000.00 estimated	\$10,000	
Total Contractor Cost			\$56,360

Crossing and Trackwork

(1) Materials

97.5	L.F. - Prefabricated Concrete Crossing Panel for 115lb or 136RE Rail		
	\$230.00 per L.F.	\$22,425	
2	Ea. - 80' 115# or 136# Prefabricated Track Panel 9ft. Oak Ties on 18" centers		
	\$10,613.49 Ea.	\$21,227	
4	Ea - 39' Transition rails 136# to 115# KCS Part # 13616651		4ea per crossing
	\$1,400.00 ea	\$5,600	
8	Ea. - Plasma Welds		
	\$600.00	\$4,800	
56	Ea. - Oak Ties		
	\$39.45 Ea.	\$2,209	
112	Ea. - New 136RE Tie Plates		
	\$15.50 Ea.	\$1,736	
250	Ea. - 136RE Rail Anchors		
	\$1.50 Ea.	\$375	
1050	Ea. - 115RE Rail Anchors		
	\$1.50 Ea.	\$1,575	
550	Ea. - Track Spikes		
	\$0.65 Ea.	\$358	
2400	Sq. Ft. - Filter Fabric		
	\$0.25 per Sq. Ft.	\$600	
5	% Freight and Handling of Materials	\$3,045	
6	% State and Use Tax on Materials	\$3,654	
Total Materials Cost			\$67,605

(2) Labor

72	Project Management		
	\$60.00 per Hour	\$4,320	
72	Man Hours to Remove Existing Crossing		
	\$35.00 per Man Hour	\$2,520	
72	Man Hours to Reconstruct Track		
	\$35.00 per Man Hour	\$2,520	
72	Man Hours to Install New Crossing		
	\$35.00 per Man Hour	\$2,520	

10.55	% Vacation and Holidays	\$1,253
18.31	% Health and Welfare	\$2,175
26.73	% Railroad Retirement and Unemployment	\$3,511
1.95	% Supplemental Pension	\$256
12.5	% Railroad Public Liability Insurance	\$1,485

Total Labor Cost	\$20,560
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(3) Equipment

3	Days - 2 Heavy Duty Drills \$22.00 per Day	\$132
3	Days - 2 Impact Wrenches \$22.00 per Day	\$132
3	Days - 2 Air Compressors \$65.00 per Day	\$390
2	Day - Automatic Tamper with Operator \$1,149.00 per Day	\$2,298
2	Day - Ballast Regulator with Operator \$520.00 per Day	\$1,040
36	Hours - Section Truck with Rail Units \$25.33 per Hour	\$912
36	Hours - Roadmaster Truck with Rail Units \$12.61 per Hour	\$454
24	Hours - Welding Truck with Rail Units \$63.75 per Hour	\$1,530
6	Hours - Work Train to Unload Ballast \$600.00 per Hour	\$3,600

Total Equipment Cost	\$10,488
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Estimated Project Cost	\$185,013
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EXHIBIT B



**KANSAS CITY SOUTHERN RAILWAY COMPANY
GRADE CROSSING WARNING DEVICES
SIGNAL PROJECT ESTIMATE OF COST**

ESTIMATE IS DEFINED AS: TO PRODUCE A STATEMENT OF APPROXIMATE COST

**2nd Revision
DATE 9/8/11**

Project Description & Location... **ALL NEW ROAD CROSSING BY THE CITY OF SACHSE, TX**

**PROPOSED TO INSTALL ONE CANTILEVER SIGNAL AND THREE GATES AND ONE FLASHER SIGNAL AND
INSTALL A NEW 6' x 10' STEEL BUNGALOW WITH CONSTANT WARNING TIME GCP UNIT AT THE CROSSING
OF KCS RAILWAY TRACKS WITH WOODBIDGE PARKWAY IN SACHSE, TX**

... REQUIRES A DAX OUTPUT FROM RANCH ROAD COMMUNICATED VIA A NEW ETHERNET RADIO

States Identification... CITY OF SACHSE, TEXAS COLLIN COUNTY PROPOSED NEW ROAD CROSSING WOODBIDGE PARKWAY AT S.H.78	Funding Mechanism... SIGNAL PROJECT 100% CITY OF SACHSE, TX ADVANCED PREEMPT TO BE DETERMINED BY THE STATE	Railroads Identification... FILE NO. SD-14-5-203.88 DOT NO. 927-053M MILE POST T-203.88 ASSET #982665 TRANSCONTINENTAL DIVISION DALLAS SUBDIVISION
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MATERIAL Description & Pricing Info...	QTY	Unit	Unit Price	TOTAL
6' x 10' STEEL BUNGALOW, with GCP Unit and SEARII Reporting Unit, with Modules & Program required to control warning devices as shown, Chargers & Battery necs., etc	1	LOT	82,873.18	\$ 82,873.18
CANTILEVER & GATE SIGNALS, with 12" LED Lights, All Aluminum Gate Arms, LED Gate Lights, Signs, Bells, with any side lights as per State Specifications.	1	LOT	50,876.02	\$ 50,876.02
SIGNAL GROUND MATERIAL, Foundations, Underground Wire & Cable, Guard Rails, Multi Shunt Boxes at approaches, Track Connectors, Bond Wires, wiring materials, etc.	1	LOT	32,797.94	\$ 32,797.94
Containerized Freight Charges, Safetran Systems	1	LOT	10,291.03	\$ 10,291.03
10% Material Contingency Fee, Safetran Systems	1	LOT	16,654.71	\$ 16,654.71
PROJECT MATERIAL, Cover Rock or Fill Material necessary, 220 Volt AC Service Pole, Directional Boring with 4" PVC Pipe as determined by Railroad, etc.	1	LOT	40,000	\$ 40,000.00
Public Road Authority to perform any culvert or drainage work required, cost not included MATERIAL RELEASED...none				
SEE KCSR LAYOUT PLAN...DWG NO SD-14-2-203.88A-D1				
MATERIAL SUB TOTAL =				\$ 233,492.88

LABOR & ADDITIVES, Equipment, Engineering...	QTY	Unit	Unit Price	TOTAL
KCS LABOR with Additives, all Signal Dept. Personnel required for Administration, and for Field Installation, testing and cut-over as directed by the Signal Engineer. 20d	1	Const	88,400	\$ 88,400.00
EQUIPMENT CHARGES, for Signal Dept Pickup Trucks, Backhoes, Boom Trucks, etc.	1	Const	27,950	\$ 27,950.00
KCS PERSONAL EXPENSES, for all Signal Dept Personnel	1	Const	13,650	\$ 13,650.00
CONTRACT ENGINEERING, for Layout Design, Quote Plans, Material Lists, Layout Plans & Estimate, Shop Wiring & Field Construction Plans as directed by the RR (JaKay)	1	Const	22,500	\$ 22,500.00
CONTRACT ACCOUNTING, Project Cost Tracking System through the life of the project, Completion Reports and assist Accounting with Final Billing preparation. (BHS)	1	Const	7,500	\$ 7,500.00
UTILITY COORDINATION, arrangements for new electrical service, relocation of utilities, arrange for rock & fill material, project coordination as directed by the RR (JaKay)	1	Const	6,000	\$ 6,000.00
FIELD INSTALLATION CONTRACTOR, to provide equipment & personnel as required by the KCSR Field Installation Bid Request package for the signal installation.		N/A		
<small>THIS ESTIMATE IS LIMITED TO 180 DAYS FROM DATE OF ISSUANCE, KCS SHALL AUTHORIZE IT'S USE THEREAFTER</small>				
LABOR SUB TOTAL =				\$ 166,000.00

<p>TO INSTALL CANTILEVERS & GATES AT WOODBIDGE PARKWAY IN SACHSE, TX</p>	<p>TOTAL ESTIMATE OF COST \$ 399,492.88</p>
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4,500 ± APPROACH PROVIDES A MAXIMUM OF 57 SEC PREEMPT TIME AT 50 MPH OF 25 SEC WARNING TIME AT 50 MPH

SACHSE, TX

WOODBRIDGE PARKWAY

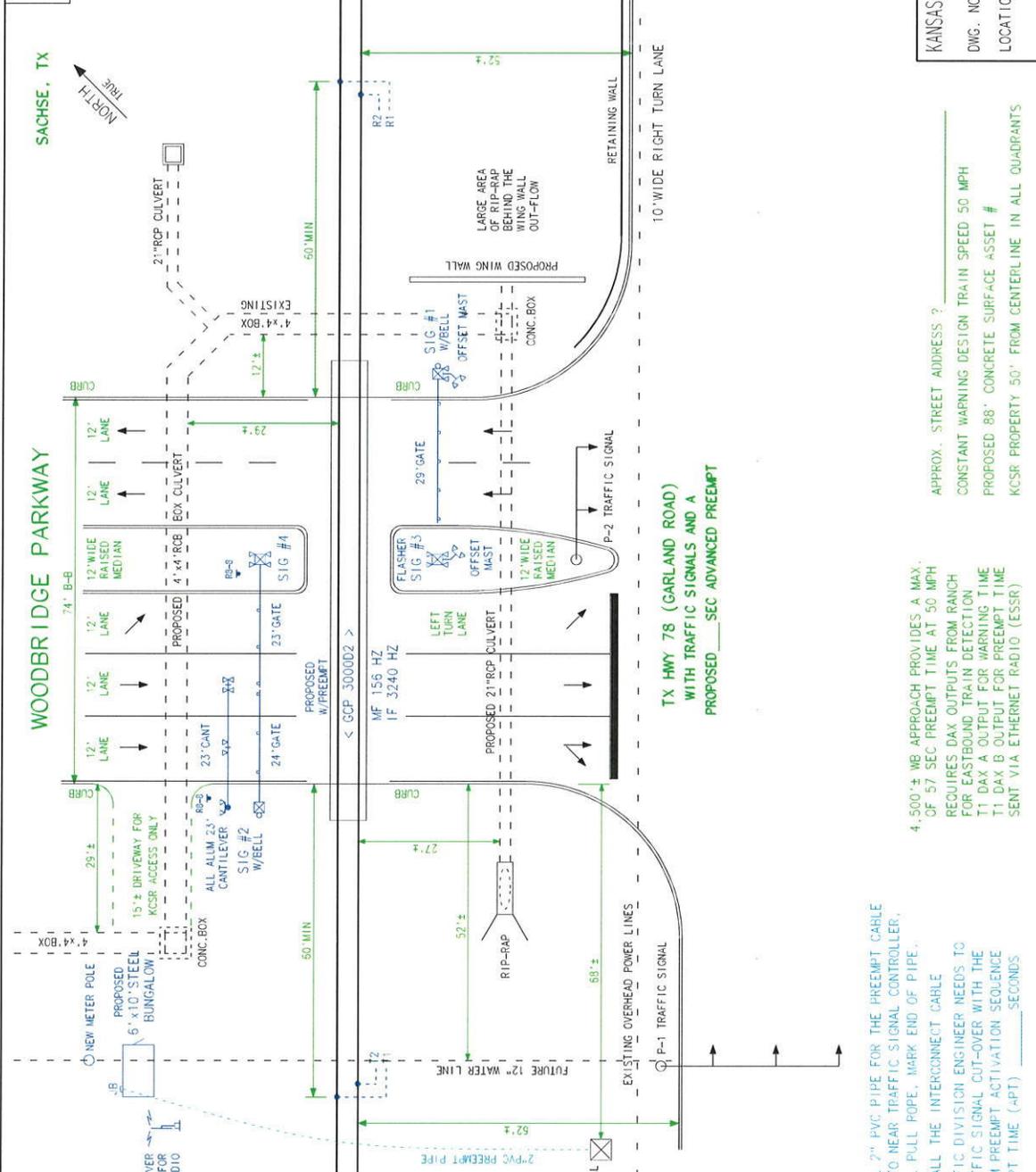
WEST
RR

PROPOSED
ESSR RADIO
PROPOSED 50' TOLD-OVER
FORES WITH ANTENNA FOR
ESSR RADIO & W/F RADIO

DO NOT
STOP
ON
TRACKS

RS-8 SIGN TO
BE PLACED BY
CITY OR STATE

CURBS AT EDGE OF ROAD SHOULD
DIVE-IN WITH 5' ± OF NEAR RAIL
RAISED MEDIAN CURBS SHOULD
BE 6' ± WITHIN NEAR RAIL



KCSR TO INSTALL 2" PVC PIPE FOR THE PREEMPT CABLE FROM BUNGALOW TO NEAR TRAFFIC SIGNAL CONTROLLER, KCSR TO INSTALL PULL ROPE, MARK END OF PIPE.

TX/DOT TO INSTALL THE INTERCONNECT CABLE

TEXAS DOT TRAFFIC DIVISION ENGINEER NEEDS TO COORDINATE TRAFFIC SIGNAL OUT-OVER WITH THE KCSR TO CONFIRM PREEMPT ACTIVATION SEQUENCE

ADVANCED PREEMPT TIME (APT) _____ SECONDS

4,500 ± WB APPROACH PROVIDES A MAX. OF 57 SEC PREEMPT TIME AT 50 MPH

REQUIRES DAX OUTPUTS FROM RANCH FOR EASTBOUND TRAIN DETECTION

T1 DAX A OUTPUT FOR WARNING TIME

T1 DAX B OUTPUT FOR PREEMPT TIME

SENT VIA ETHERNET/RADIO (ESSR)

APPROX. STREET ADDRESS ?

CONSTANT WARNING DESIGN TRAIN SPEED 50 MPH

PROPOSED 88' CONCRETE SURFACE ASSET #

KCSR PROPERTY 50' FROM CENTERLINE IN ALL QUADRANTS

TX HWY 78 (GARLAND ROAD)
WITH TRAFFIC SIGNALS AND A
PROPOSED SEC ADVANCED PREEMPT

KANSAS CITY SOUTHERN LINES SIGNAL DEPT.
DWG. NO. SD-14-2-203.88A
LOCATION WOODBRIDGE PARKWAY
SACHSE, TX

FILE SD-14-5-203.88
DOT NO. 927-053M
MILE POST T-203.88

REVISION BLOCK	CANT & GATES IN SERVICE	ASSET #982665
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PRELIMINARY RAILROAD SIGNAL DESIGN 10/15/09

ORANGE=OUT
BLUE = IN
GREEN=NOTE

PROJECT CONTACTS:

MR. JOE CRASE
DIRECTOR OF PUBLIC WORKS
OFFICE: 972-495-7800

MR. BARRY SHELTON
DIR. OF COM. DEVELOPMENT
OFFICE: 972-875-1633
CELL: 469-429-4780

MR. ALLEN BARNES
CITY MANAGER
OFFICE: 972-495-1212

MR. BILLY GEORGE, P.E.
CITY ENGINEER
OFFICE: 469-429-4792
CELL: 469-628-0056

MS. LISA LAWSON
TX/DOT TRAFFIC DIV
OFFICE: 214-320-8164

MR. KEVIN HOPPERS
KIMLEY HORN & ASSOC.
WORKING FOR HERZOG
DEVELOPMENT CORP.
OFFICE: 972-770-1307
CELL: 214-334-7805

MR. PAUL WICKES
KCSR COUNSEL FOR ON GOING
LITIGATION WITH CITY OF
SACHSE, TEXAS
OFFICE:

KANSAS CITY SOUTHERN LINES SIGNAL DEPT.
DWG. NO. SD-14-2-203.88B
LOCATION WOODBRIDGE PARKWAY
SACHSE, TX
FILE SD-14-5-203.88
DOT NO. 927-053M
MILE POST T-203.88

SIG. #1 GATE LOCATION:
4'-3" MIN. FROM BACK EDGE OF NEW CURB,
MEASURED PERPENDICULAR TO ROAD
FROM CENTER OF SIGNAL POLE TO
THE BACK EDGE OF CURB
15'-0"± FROM THE NEAR RAIL AT BASE,
MEASURED PERPENDICULAR TO RAIL
FROM CENTER OF SIGNAL POLE TO
THE NEAREST EDGE OF RAIL

MUTCD MINIMUM RESTRICTIONS:
4'-3" MIN. FROM FRONT EDGE OF CURB
12'-0" MIN. FROM CENTERLINE OF RAIL
GATE ARM TO BE PERPENDICULAR TO ROAD

SIG. #2 GATE LOCATION:
4'-3" MIN. FROM BACK EDGE OF NEW CURB,
MEASURED PERPENDICULAR TO ROAD
FROM CENTER OF SIGNAL POLE TO
THE BACK EDGE OF CURB
21'-0"± FROM THE NEAR RAIL AT BASE,
MEASURED PERPENDICULAR TO RAIL
FROM CENTER OF SIGNAL POLE TO
THE NEAREST EDGE OF RAIL

MUTCD MINIMUM RESTRICTIONS:
4'-3" MIN. FROM FRONT EDGE OF CURB
12'-0" MIN. FROM CENTERLINE OF RAIL
GATE ARM TO BE PERPENDICULAR TO ROAD

SIG. #3 FLASHER LOCATION:
6'-0"± FROM EDGE OF MEDIAN CURB,
MEASURED PERPENDICULAR TO ROAD
FROM CENTER OF SIGNAL POLE TO
THE BACK EDGE OF CURB
15'-0"± FROM THE NEAR RAIL AT BASE,
MEASURED PERPENDICULAR TO RAIL
FROM CENTER OF SIGNAL POLE TO
THE NEAREST EDGE OF RAIL

MUTCD MINIMUM RESTRICTIONS:
4'-3" MIN. FROM FRONT EDGE OF CURB
12'-0" MIN. FROM CENTERLINE OF RAIL
GATE ARM TO BE PERPENDICULAR TO ROAD

SPEED RESTRICTIONS... DALLAS SUBD
TRK MP T-201.9 TO MP T-202.3 20 MPH
TRK MP T-209.3 TO MP T-214.6 20+MPH
TRK MP T-214.6 TO MP T-220.0 20+MPH
TRK MP T-220.0 TO MP T-222.0 10 MPH
+ INDICATES ENGINE ONLY

SIG. #2 GATE LOCATION:
4'-3" MIN. FROM BACK EDGE OF NEW CURB,
MEASURED PERPENDICULAR TO ROAD
FROM CENTER OF SIGNAL POLE TO
THE BACK EDGE OF CURB
15'-0"± FROM THE NEAR RAIL AT BASE,
MEASURED PERPENDICULAR TO RAIL
FROM CENTER OF SIGNAL POLE TO
THE NEAREST EDGE OF RAIL

MUTCD MINIMUM RESTRICTIONS:
4'-3" MIN. FROM FRONT EDGE OF CURB
12'-0" MIN. FROM CENTERLINE OF RAIL
GATE ARM TO BE PERPENDICULAR TO ROAD

SIG. #3 CANTILEVER LOCATION:
4'-3" MIN. FROM BACK EDGE OF NEW CURB,
MEASURED PERPENDICULAR TO ROAD
FROM CENTER OF SIGNAL POLE TO
THE BACK EDGE OF CURB
21'-0"± FROM THE NEAR RAIL AT BASE,
MEASURED PERPENDICULAR TO RAIL
FROM CENTER OF SIGNAL POLE TO
THE NEAREST EDGE OF RAIL

MUTCD MINIMUM RESTRICTIONS:
4'-3" MIN. FROM FRONT EDGE OF CURB
12'-0" MIN. FROM CENTERLINE OF RAIL
GATE ARM TO BE PERPENDICULAR TO ROAD

SIG. #4 GATE LOCATION:
6'-0"± FROM EDGE OF MEDIAN CURB,
MEASURED PERPENDICULAR TO ROAD
FROM CENTER OF SIGNAL POLE TO
THE BACK EDGE OF CURB
15'-0"± FROM THE NEAR RAIL AT BASE,
MEASURED PERPENDICULAR TO RAIL
FROM CENTER OF SIGNAL POLE TO
THE NEAREST EDGE OF RAIL

MUTCD MINIMUM RESTRICTIONS:
4'-3" MIN. FROM FRONT EDGE OF CURB
12'-0" MIN. FROM CENTERLINE OF RAIL
GATE ARM TO BE PERPENDICULAR TO ROAD

SPEED RESTRICTIONS... DALLAS SUBD
TRK MP T-201.9 TO MP T-220.0 40 MPH
CROSSING DESIGN TRAIN SPEED... 50 MPH

SUGGESTED TOWER LOCATION:
5' ± LEFT OR RIGHT OF THE BUNGALOW
5' ± CLOSER TO TRACK THAN BUNGALOW

BUNGALOW LOCATION:
50'-0"± FROM THE BACK EDGE OF NEW CURB,
MEASURED PERPENDICULAR TO ROAD
FROM NEAREST SIDE OF BUNGALOW
TO THE BACK EDGE OF CURB
35'-0"± FROM THE NEAR RAIL, MEASURED
PERPENDICULAR TO RAIL FROM
NEAREST SIDE OF BUNGALOW TO
THE NEAREST EDGE OF RAIL

MUTCD SUGGESTED CLEARANCE:
30'-0"± FROM THE EDGE OF HIGHWAY
25'-0"± FROM THE NEAREST RAIL

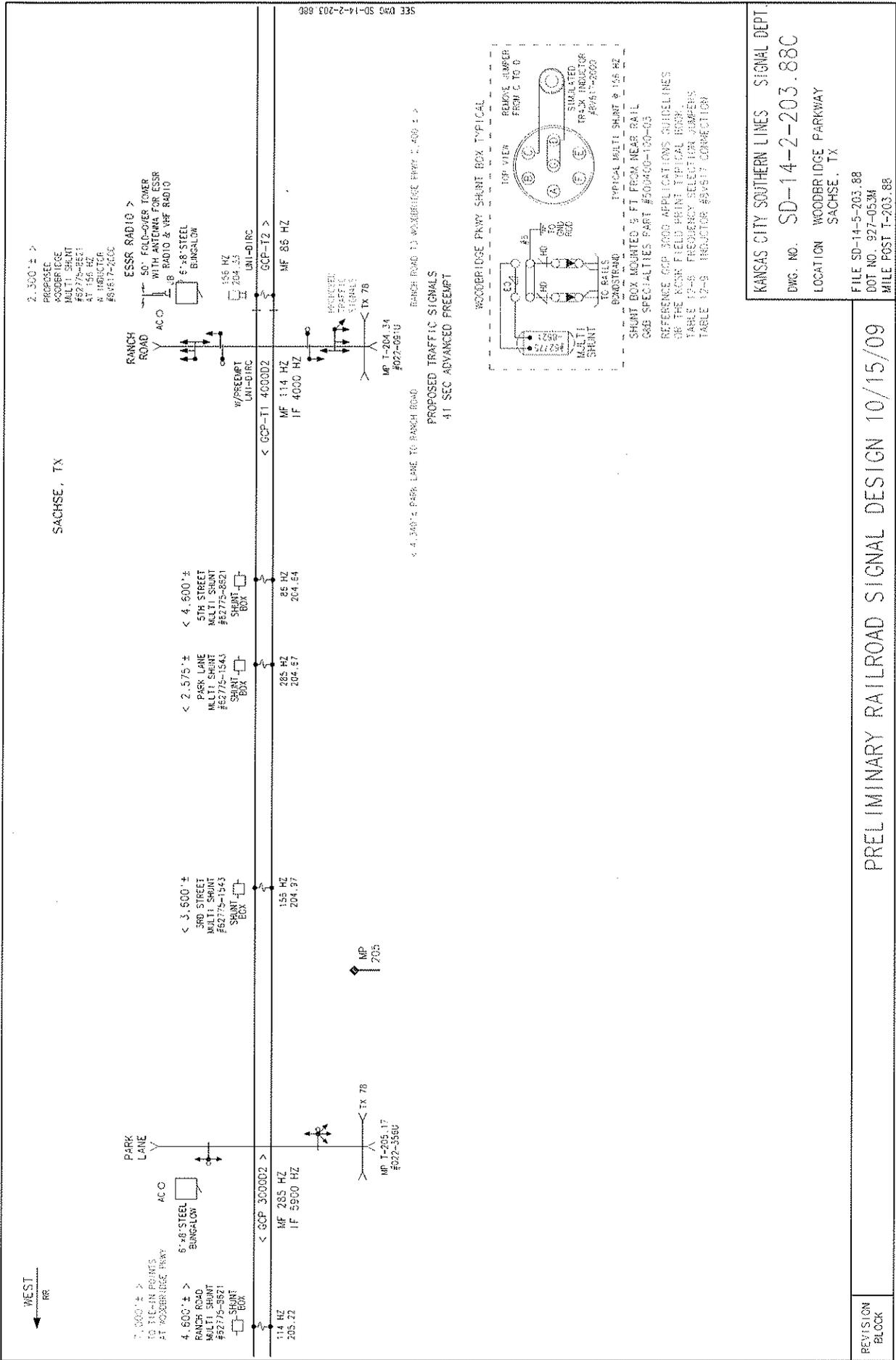
SET MATERIAL CONTAINER AND THE BUNGALOW
BE SURE TO MAINTAIN GOOD SITE DISTANCES.
xxx
xxx

*± FROM NEAREST EDGE OF ROAD
+± FROM NEAREST EDGE OF RAIL
FOR DIRECTIONS OR EXACT PLACEMENT:
CONTACT MIKE VAN TIEM (KCSR PROJECT ENGR)
OFFICE 318-676-6269, CELL 318-218-7207
OR STEVE JONES (KCSR PROJECT MANAGER)
OFFICE 318-676-6264, CELL 318-347-3210

PRELIMINARY RAILROAD SIGNAL DESIGN 10/15/09

CANT & GATES
IN SERVICE

REVISION
BLOCK



SEE DWG SD-14-2-203.88C

KANSAS CITY SOUTHERN LINES SIGNAL DEPT.
 DWG. NO. SD-14-2-203.88C
 LOCATION WOODBRIDGE PARKWAY
 SACHSE, TX
 FILE SD-14-5-203.88
 DOT NO. 927-053M
 MILE POST T-263.88

PRELIMINARY RAILROAD SIGNAL DESIGN 10/15/09

REVISION BLOCK

WEST
←
RR

SACHSE, TX

WYLLIE, TX

PROPOSED RADIO
TO COMMUNICATE
WITH BANCH ROAD
< **ESSR RADIO**
< 4.540 ±
50' FOLD-OVER TOWER
WITH ANTENNA FOR ESSR
BANDS & VHF RADIO

WOODBRIDGE
PARKWAY



PROPOSED
5' X 10' STEEL
PORGALOW
AC C



PROPOSED
W/PREEMPT



< 4.540 ±
1.860 ± >
BANCH ROAD
MULTI SHUNT
#62775-8E21
SHUNT
BOX



< 4.500 ±
PROPOSED
WOODBRIDGE
MULTI SHUNT
#62775-8E21



SANDEN BLVD
MULTI SHUNT
#62775-1543
SHUNT
BOX



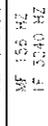
W/PREEMPT
REDUNDANT
W/ CTD-2B
W/ AC-1



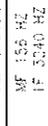
SANDEN
BELLEVUE



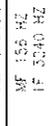
< 500 3000002 >
MF 155 HZ
IF 3040 HZ



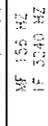
PROPOSED
PORGALOW
STANCHIONS
TX 78



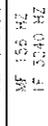
MP
Z04
EVAULT DIMENSION REQUIRED



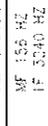
MP T-203.88 ±



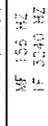
WOODBRIDGE TO SANDEN BLVD 3.800' ±



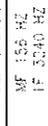
SEC PREEMPT
ASSET #882685



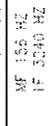
PROPOSED NEW CROSSING
BY THE CITY OF SACHSE



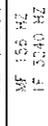
MP 203



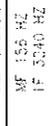
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203.45
430 HZ
203.45



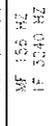
SHUNT
BOX



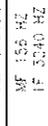
SHUNT
BOX



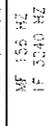
MF 430 HZ
IF 4900 HZ



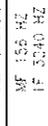
5' X 4' ALUM
SUNGALOW
AC



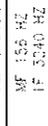
TX 78



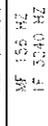
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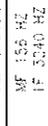
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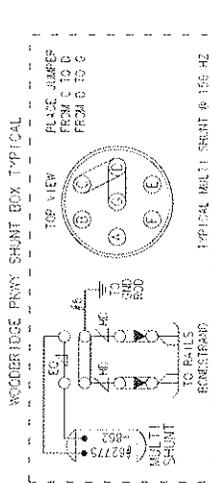
< HXP-1 >



< 4.500 ±



SEE DWG SD-14-2-203.88C



WOODBRIDGE PRRY SHUNT BOX TYPICAL
PULSE JAMPER
FRESH G TO G
FRESH G TO G
FRESH G TO G
TOP VIEW
EG MF RF
TO RAILS
FORWARD
REVERSE
TYPICAL MULTI SHUNT @ 155 HZ
SHORT BOX MOUNTED 9 FT FROM NEAR RAIL
GZS SPECIALTIES PART #SD6403-106-03
REFERENCE GZS 3000 APPLICATION LABELING
OR THE GZS FIELD PRINT TYPICAL BOOK
TABLE 17-5 FREQUENCY SELECTION JAMMERS
TABLE 17-5 FREQUENCY SELECTION JAMMERS
TABLE 17-5 FREQUENCY SELECTION JAMMERS
TABLE 17-5 FREQUENCY SELECTION JAMMERS

KANSAS CITY SOUTHERN LINES SIGNAL DEPT.
DWG. NO. SD-14-2-203.88D
LOCATION WOODBRIDGE PARKWAY
SACHSE, TX
FILE SD-14-5-203.88
DOT NO. 827-053M
MILE POST T-203.88

REVISION
BLOCK

PRELIMINARY RAILROAD SIGNAL DESIGN 10/15/09

INSTALLATION AND DESIGN INFORMATION

APPROACH AND WARNING TIME CALCULATIONS	GCP-T1 WARNING	GCP-T1 PREEMPT	OTHER TRK	OTHER TRK
MINIMUM WARNING TIME PLUS CLEARANCE TIME	20 SEC	20 SEC		
PLUS BUFFER TIME	5 SEC	5 SEC		
TOTAL WARNING TIME	25 SEC	25 SEC		
TOTAL APPROACH TIME	25 SEC	25 SEC		
PLUS EQUIP RESPONSE	5 SEC	5 SEC		
PLUS ADVANCE PREEMPT	0 SEC	30 SEC		
TOTAL APPROACH TIME	30 SEC	58 SEC		
MAX. TRAIN SPEED	50 MPH	50 MPH		
EQUATION FEET/SECOND	x 1.4667	x 1.4667		
SPEED FEET PER SECOND	73.3 FPS	73.3 FPS		
TOTAL APPROACH TIME	30 SEC	60 SEC		
APPROACH DISTANCE (MEASURED FROM TIE-IN POINTS)	x 73.3	x 73.3		
	2,199'	4,398'		
DISTANCE ROUNDED UP TO	2,300' ±	4,500' ±		
CLEARANCE DISTANCE FOR DESIGN PURPOSE WAS ESTIMATED TO BE 33' ±				
THIS DISTANCE SHOULD BE MEASURED EXACTLY AS PART OF THE INSTALLATION PROCESS. PER DIRECTIONS SHOWN IN CHART				

WHEN THERE IS A CURB...
 A HORIZONTAL CLEARANCE OF AT LEAST 2'-0" SHALL BE PROVIDED FROM THE FACE OF THE VERTICAL CURB TO THE CLOSEST PART OF THE SIGNAL OR GATE ARM IN ITS UPRIGHT POSITION.
 WHEN THERE IS A SHOULDER, BUT NO CURB...
 A HORIZONTAL CLEARANCE OF AT LEAST 2'-0" FROM THE EDGE OF A PAVED OR SURFACED SHOULDER SHALL BE PROVIDED WITH A CLEARANCE OF AT LEAST 6'-0" FROM THE EDGE OF THE TRAVELED WAY.
 WHEN THERE IS NO CURB OR SHOULDER...
 THE MINIMUM HORIZONTAL CLEARANCE SHALL BE 6'-0" FROM THE EDGE OF THE TRAVELED WAY.
 MUTED SUGGESTED LATERAL CLEARANCE FOR EQUIPMENT HOUSING (CONTROLLER CABINETS):
 EQUIPMENT HOUSING SHOULD HAVE A LATERAL CLEARANCE OF AT LEAST 30'-0" FROM THE EDGE OF THE HIGHWAY AND WHERE RAILROAD PROPERTY AND CONDITIONS ALLOW, AT LEAST 25'-0" FROM THE NEAREST RAIL.

PLEASE MEASURE EXACT CLEARANCE DISTANCE AS FOLLOWS:

MEASURE ALONG THE EDGE OF ROAD - FROM GATE ARM DOWN TO 6" MIN. BEYOND THE FARTHEST RAIL (6" IS MEASURED PERPENDICULAR TO RAIL)

MEASURE AT CENTER LINE OF ROAD - FROM GATE ARM DOWN TO 6" MIN. BEYOND THE FARTHEST RAIL (6" IS MEASURED PERPENDICULAR TO RAIL)

USE THE LONGEST DISTANCE MEASURED ABOVE TO DETERMINE CLEARANCE TIME IF OVER 35" MIN., AS PER THE CHART BELOW

ADD THE LONGEST CLEARANCE TIME TO THE WARNING TIME

CLEARANCE DISTANCE MEASUREMENTS

SIG #1 = AT EDGE OF ROAD	SIG #1 = CENTER OF ROAD	SIG #1 = LONGEST DISTANCE	SIG #1 = CLEARANCE TIME = CT
0' TO 35' = NONE	0' TO 35' = NONE	96' TO 105' = 7 SEC CT	
35' TO 45' = 1 SEC CT	35' TO 45' = 1 SEC CT	106' TO 115' = 8 SEC CT	
46' TO 55' = 2 SEC CT	46' TO 55' = 2 SEC CT	116' TO 125' = 9 SEC CT	
56' TO 65' = 3 SEC CT	56' TO 65' = 3 SEC CT	126' TO 135' = 10 SEC CT	
66' TO 75' = 4 SEC CT	66' TO 75' = 4 SEC CT	136' TO 145' = 11 SEC CT	
76' TO 85' = 5 SEC CT	76' TO 85' = 5 SEC CT	146' TO 155' = 12 SEC CT	
86' TO 95' = 6 SEC CT	86' TO 95' = 6 SEC CT	156' TO 165' = 13 SEC CT	

- WOODBRIDGE PARKWAY NOTES:
- PROPOSED TO INSTALL THE FOLLOWING AS PART OF THIS STATE PROJECT:
 - EA. 6" x 10" STEEL BUNGALOW WITH A CONSTANT WARNING TIME TRAIN DETECTION DEVICE WITH SOLID STATE CROSSING CONTROLLER MODULES AND INTERNAL RECORDING AND ALARM REPORTING FLASHER & GATE SIGNALS
 - EA. 3 EA. WITH 2" LED LIGHTS
 - EA. 1 EA. FLASHER SIGNALS WITH 2" LED LIGHTS
 - EA. 1 EA. 23' ALUM CANTILEVER SIGNAL WITH 2" LED LIGHTS
 - EA. 1 EA. 50' FOLD-OVER TOWER WITH ANTENNA MOUNTED ON TOP
 - EA. 1 EA. 220 VAC METER POLE
 - 4" PVC CONDUIT FOR SIGNAL CABLING UNDER ROADWAY MAY BE INSTALLED BY DIRECTIONAL BORING METHOD
 - APPROX. TONS OF FILL MATERIAL REQUIRED FOR BUNGALOW & SIGNALS
 - ANY UTILITIES THAT INTERFERE WITH PROPER SIGNAL PLACEMENT WILL BE RELOCATED AT PROJECT EXPENSE
 - ANY POWER LINES IN AREA WILL NEED TO BE AT LEAST 10' FROM TIP OF GATE ARM IN RAISED POSITION (VERTICAL)
 - ANY DRAINAGE WORK REQUIRED FOR THE PROPER SIGNAL OR BUNGALOW PLACEMENT WILL BE AT PROJECT EXPENSE
 - ALL PROPOSED DIMENSIONS ARE PLUS OR MINUS AT THE DISCRETION OF THE KCS SIGNAL SUPERVISOR AND/OR THE KCS PROJECT ENGINEER, IF WITHIN THE STATE GUIDELINES

CITY'S IDENTIFICATION...
 CITY OF SACHSE, TEXAS
 COLLIN COUNTY
 PROPOSED NEW ROAD CROSSING
 WOODBRIDGE PARKWAY AT S.H. 78

CITY PROJECT ENGINEER:
 MR. BILLY GEORGE, P.E.
 CITY ENGINEER

OFFICE: 469-429-4792
 CELL: 469-628-0056

5 DAYS NOTICE REQUIRED

SIGNAL FOREMAN TO CALL
 STATE PROJECT ENGINEER
 WHEN GANG SHOWS UP AT
 JOB SITE TO BEGIN WORK

KANSAS CITY SOUTHERN LINES SIGNAL DEPT.
 DWG. NO. SD-14-2-203.88D1
 LOCATION WOODBRIDGE PARKWAY
 SACHSE, TX

FILE SD-14-5-203.88
 DOT NO. 927-053M
 MILE POST T-263.88

PRELIMINARY RAILROAD SIGNAL DESIGN 10/15/09

REVISION
 BLOCK



Invensys Rail Corporation
 2400 Nelson Miller Parkway
 Louisville, KY 40223

QUOTATION

Mr. Mike Van Tiem
KANSAS CITY SOUTHERN RAILWAY
 4601 Hillary Huckaby III Avenue
 Shreveport, Louisiana 71107-5799
mvantiem@kcsouthern.com

EST. NO. XP-5195 REV 3
 DATE: August 30, 2011
 SHEET: 1 OF 1

PRELIMINARY ESTIMATE

Final quotation to be issued upon receipt of final plans

FOR MATERIAL AND/OR SERVICES REQUESTED

To provide quotation for a Highway Grade Crossing Warning System for WOODBRIDGE PARKWAY, SACHSE, TX. Per supplied KCS Material List and Specs. Sales Tax, Excise Tax, Duties, etc. have not been included on this quotation if applicable.

Asset No. N/A

ITEM	DESCRIPTION OF SERVICES	QTY	U/M	UNIT PRICE	TOTAL
1.	WOODBIDGE PARKWAY, SACHSE, TX <i>(see attached material for additional details)</i>	1.00	Lot	\$ 183,201.85	\$ 183,201.85
2.	ESTIMATED FREIGHT TO WOODBRIDGE PARKWAY, SACHSE, TX <i>(Actual freight will be billed upon shipping)</i>	1.00	Lot	\$ 10,291.03	\$ 10,291.03

Please submit "Purchase Order" indicating items 1 and 2

- Total price of Material, Shop Wiring and Container Usage (US Funds): **\$ 193,492.88**
- The accompanying Invensys Rail Standard Terms and Conditions of Sale apply to this quotation and any resultant purchase order except as modified herein.
- Freight: **FOB Destination**
- Invensys Rail's Container Usage Fee will be billed at actual usage incurred at time of release by the customer. Charges to include \$8.25 per day for container usage and \$380 for clean out.
- Acceptance of orders are subject to credit approval.
- Invensys Rail has not included cost for any item or service not expressly listed within the quotation documents.
- Invensys Rail will not accept any liability for consequential damages, liquidated damages, penalties, or delays for damages.
- Quotation above is valid for 90 days from the quotation date.
- Anticipated Delivery: 45-60 days after receipt of purchase order and/or receipt of approved submittal documentation. The stated delivery is strictly an estimated lead time based on normal product lead times and this delivery is defined further in the attached terms and conditions of sale. Firm delivery commitments can only be provided at the time a purchase order is received. Please see the customer service representative listed below for any questions regarding actual/special delivery commitments.
- Quotation questions should be directed to: **Pam Cahen at (502) 618-8673 or pam.cahen@safetran.com**
- Please include the quotation reference on any purchase order(s) resulting from this quotation and address the purchase order to the following:

Rebecca Bowskill, Supervisor, Customer Service
Invensys Rail North America, 2400 Nelson Miller Parkway Louisville, KY 40223
Main Telephone: (502) 618-8800, Direct Telephone: (502) 618-8802, Telefax: (502) 618-8980
Email: rebecca.bowskill@invensys.com

SIGNED:

 Glenn Sieja - Vice President Projects and Engineering Services
 Invensys Rail Corporation

cc: J. Wilson

Quote For:
 Kansas City Southern Railway
 Woodbridge Parkway, Sachse, TX

Date: 8/30/2011
 Est. No.: XP-5195 REV 3

ITEM	PART NUMBER	HOUSE MATERIAL	QTY.	KCS PRICE	TOTAL
1	T19073	HOUSE, ASSY. 6 X 10 GALVANEAL	1.00	\$ 15,621.98	\$ 15,621.98
2	814B-80110-0B00	DUAL STACKED MGCP SINGLE ND	1.00	\$ 12,720.77	\$ 12,720.77
3	8000-80211-0001	MODULE, INTELLIGENT PROCESSOR	2.00	\$ 1,236.54	\$ 2,473.08
4	8000-80276-0001	SEAR II, VHF COMMUNICATOR	1.00	\$ 1,089.07	\$ 1,089.07
5	8000-80297-0002	SEAR II, GROUND FAULT SENSOR	2.00	\$ 552.54	\$ 1,105.08
6	8000-80271-0001	SEAR II, ILOD	4.00	\$ 387.58	\$ 1,550.32
7	8000-80078-0001	ECHELON TERMINATION UNIT 80078	2.00	\$ 60.06	\$ 120.12
8	8711-80290-000000	SEARII FRA GROUP -KCS APP	1.00	\$ 2,033.20	\$ 2,033.20
9	T12807	CHARGER, NRS 12/40(GRAY),TEMP.	3.00	\$ 788.66	\$ 2,365.98
10	210026-T11332	GROUND BAR, TINNED BUS STRIP.	6.00	\$ 42.29	\$ 253.74
11	093026-T10548	BLOCK, ERICO 4-POST ARRESTER,	72.00	\$ 14.96	\$ 1,077.12
12	4000-44585-0000	BASIC 44585 ARRESTER	8.00	\$ 10.43	\$ 83.44
13	4000-44700-0000	BASIC 44700 EQUALIZERS	4.00	\$ 10.18	\$ 40.72
14	4000-44485-0000	BASIC 44485 ARRESTER BUILD UP	64.00	\$ 35.06	\$ 2,243.84
15	023612-1X	BLOCK, TERMINAL2-3/8" CENTER,	30.00	\$ 4.55	\$ 136.50
16	4000-44811-04AX	SURGE PROTECTION, SP24-1A	1.00	\$ 162.56	\$ 162.56
17	025618-N20	FUSE, NON-RENEWABLE	1.00	\$ 1.46	\$ 1.46
18	025618-1X	SWITCH, SINGLE DISCONNECT	1.00	\$ 36.02	\$ 36.02
19	T15514	CABLE, 2 CONDUCTOR 18 AWG	40.00	\$ 0.40	\$ 16.00
20	023390-5X	BLOCK, TERMINAL 12	7.00	\$ 15.02	\$ 105.14
21	099056-T09584	WIRE, #14 FLEX CASE, 19 STRAND	450.00	\$ 0.36	\$ 162.00
22	099056-T09585	WIRE, #10 TYPE DEL, 600-2000V,	500.00	\$ 0.49	\$ 245.00
23	099026-T09582	BONDSTRAND, RED INSULATED, 6/64	250.00	\$ 1.57	\$ 392.50
24	022316-43	WIRE, 16 GA 19 STRAND, 2/64"	600.00	\$ 0.30	\$ 180.00
25	455999-T00017	WIRE, 1C #12 INSULATED, GREEN,	80.00	\$ 0.15	\$ 12.00
26	400999-T00027	WIRE, #6 SOLID SOFT DRAWN COPP	10.00	\$ 0.46	\$ 4.60
27	T17411	TERMINAL, #16-14HD, AMP #34821	32.00	\$ 0.44	\$ 14.08
28	T17671	TERMINAL RING #12-10 #8 YELLOW	6.00	\$ 0.49	\$ 2.94
29	T17671	TERMINAL RING #12-10 #8 YELLOW	8.00	\$ 0.49	\$ 3.92
30	091769-T09671	TERMINAL, RING TOUNGE, PIDG, A	120.00	\$ 0.63	\$ 75.60
31	T14030	TERMINAL, RING, #6 FOR SPL420	12.00	\$ 3.02	\$ 36.24
32	024620-19X	LINK ASSY, TEST	79.00	\$ 2.11	\$ 166.69
33	023390-2X	BOLT, GROUND	5.00	\$ 3.58	\$ 17.90
34	098060-T10051	PANDUIT, 4"W X 3"T, LIGHT GRAY	24.00	\$ 5.05	\$ 121.20
35	018-06-016	COVER, 4" PANDUIT	24.00	\$ 2.83	\$ 67.92
36	098152-T00305	PANDUIT E3X3LG6	42.00	\$ 4.55	\$ 191.10
37	098152-T00251	COVER, PANDUIT #C3LG6 3"X 6" L	42.00	\$ 1.28	\$ 53.76
38	098152-T00256	PANDUIT E2X3LG6 TAYLOR #92030	12.00	\$ 1.97	\$ 23.64
39	018-06-005	COVER, 2" DUCT	12.00	\$ 0.44	\$ 5.28
40	007152	CON LN 3/4	5.00	\$ 0.10	\$ 0.50
41	230072-T09988	NIPPLE, INSULATED CHASE, T&B #	5.00	\$ 2.97	\$ 14.85
42	400020	RELAY, TYPE "ST" NEUTRAL	3.00	\$ 566.10	\$ 1,698.30
43	420000-40X	SOCKET ASSEMBLY FOR "ST" RELAY	10.00	\$ 45.14	\$ 451.40
44	420000-46X	TEST POST KIT, VOLTAGE FOR "ST	10.00	\$ 9.61	\$ 96.10
45	400700-X	RELAY, FLASHER W/S-PACK	1.00	\$ 667.85	\$ 667.85
46	400200	RELAY, TYPE "ST" NEUTRAL S.R.	1.00	\$ 488.48	\$ 488.48
47	Z590-00016-0000	SHEILD, FERRITE BEAD, FOR	3.00	\$ 1.27	\$ 3.81
48	T17669	RELAY, POWER, DPDT 12VDC	2.00	\$ 41.78	\$ 83.56
49	T17667	RELAY, GENERAL PURPOSE	3.00	\$ 68.77	\$ 206.31
50	T17665	SOCKET, KUP RELAY, 4 TERM & PL	3.00	\$ 21.29	\$ 63.87
51	T17683	INSULATOR, PLASTIC, FOR RELAY	6.00	\$ 1.55	\$ 9.30
52	T19063	CLIP, RELAY RETAINING,	3.00	\$ 0.64	\$ 1.92
53	053222-T04010	RELAY, N. V. P & B KUP-14D15-1	1.00	\$ 11.36	\$ 11.36
54	053222-T09797	KIT, SOCKET, RELAY P&B 27E121	1.00	\$ 9.98	\$ 9.98
55	053222-T09795	CLIP, HOLD DOWN RELAY, P&B 20C	2.00	\$ 0.52	\$ 1.04
56	T17668-1	COVER, PULL BOX 16 X 12 LEXAN	1.00	\$ 14.52	\$ 14.52
57	T17668	BOX, PULL 16 X 12 X 4 W COVER	1.00	\$ 31.61	\$ 31.61
58	029603-23X	RESISTOR, ADJ. 20 OHM PORCELA	1.00	\$ 28.06	\$ 28.06
59	029602-6X	RESISTOR, 2.0 OHM ADJ. PORCELAIN	1.00	\$ 31.10	\$ 31.10
60	029602-3X	RESISTOR, ADJ. 1.0 OHM	8.00	\$ 31.10	\$ 248.80
61	400700	RELAY, TYPE "ST" FLASHER W/O S	1.00	\$ 508.38	\$ 508.38
62	400004	RELAY, TYPE "ST" NEUTRAL	4.00	\$ 566.10	\$ 2,264.40
63	9000-53355-0001	2.4GHZ ESSR W/O WAG	1.00	\$ 1,334.96	\$ 1,334.96
64	9000-53457-0001	WAYSIDE, ACCESS GATEWAY	1.00	\$ 726.64	\$ 726.64
65	9K00-53329-4050	ESSR2.4GHZ RADIO ACCESSORY PKG	1.00	\$ 1,028.60	\$ 1,028.60
66	9000-53201-0018	UNIT H/D LINK	1.00	\$ 2,573.59	\$ 2,573.59
67	400999-T00304	BONDSTRAND, H.D. 4/64" JACKET,	250.00	\$ 1.11	\$ 277.50
68	8000-80016-0001	MODULE, DAX FOR GCP 3000 D2	2.00	\$ 1,155.77	\$ 2,311.54
69	610690-51	GATE, VITAL LOGIC VLG	1.00	\$ 433.52	\$ 433.52
70	T14026	BATTERY, NI-CAD 420 AH SPL-420	10.00	\$ 459.65	\$ 4,596.50
71	T14025	BATTERY, NI-CAD 250 AH SPL-250	22.00	\$ 260.06	\$ 5,721.32
72	T.B.D.	HD LINK SOFTWARE	1.00	\$ 725.00	\$ 725.00
					\$ 71,677.18

Quote For:
 Kansas City Southern Railway
 Woodbridge Parkway, Sachse, TX

Date: 8/30/2011
 Est. No.: XP-5195 REV 3

WARNING MATERIAL					
ITEM	PART NUMBER	SIGNAL # 1 (GATE)	QTY.	KCS PRICE	TOTAL
1	070519-KCS	MAST, "S" 5" X 15'6", STD. HOL	1.00	\$ 1,008.19	\$ 1,008.19
2	074600-W00009A	GATE, MODEL S-60 ENT. KCS	1.00	\$ 3,495.59	\$ 3,495.59
3	042003-034KCS	FLX-4000 & X-ARM 1-WAY 5" "S"	1.00	\$ 391.59	\$ 391.59
4	042003-XKCS-3	FLX-4000 1-WAY 4" FLS MTG.	1.00	\$ 439.23	\$ 439.23
5	T18707	LED, MODULE INSERT, 12" WITH	4.00	\$ 180.23	\$ 720.92
6	T17291	KEEPER, GATE ARM GENERAL SIG	1.00	\$ 1,330.56	\$ 1,330.56
7	035200-17X	SIGN, "RAILROAD CROSSING" ASSY	1.00	\$ 149.48	\$ 149.48
8	074039-24X-KC4	KIT, S-60 KCS WIRING HARNESS	1.00	\$ 185.70	\$ 185.70
9	023274-X65	BAG, HDW TEST LINK KIT GATE	1.00	\$ 32.50	\$ 32.50
10	099056-T09585	WIRE, #10 TYPE DEL, 600-2000V,	40.00	\$ 0.49	\$ 19.60
11	091769-T09671	TERMINAL, RING TOUNGE, PIDG, A	8.00	\$ 0.63	\$ 5.04
12	250371-T11097V	GATE ARM, 27'-33', NEG, KCS	1.00	\$ 464.49	\$ 464.49
13	259371-T10128	BRACKET, HIGH WIND, NEG 191036	1.00	\$ 82.25	\$ 82.25
14	070755-2932BX	COUNTERWEIGHT PACKAGE, 23'-32'	1.00	\$ 1,520.70	\$ 1,520.70
15	253165-T09588	BELL, ELECTRONIC 4" -5" BASE	1.00	\$ 199.58	\$ 199.58
16	T15576	KIT, 3 LIGHT LED GATE ARM	2.00	\$ 240.71	\$ 481.42
17	022318-4	WIRE, 18 GAUGE 3 COND. (CORD F	50.00	\$ 0.43	\$ 21.50
18	250078-T09607	SIDELIGHT CANTILEVER, W.C.H. #	1.00	\$ 454.81	\$ 454.81
19	071367-34X	HARDWARE, SIGN 5" "FLS" MTG. *	1.00	\$ 37.93	\$ 37.93

ITEM	PART NUMBER	SIGNAL # 2 (CANT/GATE)	QTY.	KCS PRICE	TOTAL
1	070519-KCS	MAST, "S" 5" X 15'6", STD. HOL	1.00	\$ 1,008.19	\$ 1,008.19
2	074600-W00009A	GATE, MODEL S-60 ENT. KCS	1.00	\$ 3,495.59	\$ 3,495.59
3	T17291	KEEPER, GATE ARM GENERAL SIG	1.00	\$ 1,330.56	\$ 1,330.56
4	035200-17X	SIGN, "RAILROAD CROSSING" ASSY	1.00	\$ 149.48	\$ 149.48
5	074039-24X-KC4	KIT, S-60 KCS WIRING HARNESS	1.00	\$ 185.70	\$ 185.70
6	023274-X65	BAG, HDW TEST LINK KIT GATE	1.00	\$ 32.50	\$ 32.50
7	091769-T10546	TERMINAL, RING AMP #35349, WIR	3.00	\$ 0.69	\$ 2.07
8	250371-T10802V	GATE ARM, 18'-26', NEG KCS	1.00	\$ 358.04	\$ 358.04
9	259371-T10128	BRACKET, HIGH WIND, NEG 191036	1.00	\$ 82.25	\$ 82.25
10	070755-2932BX	COUNTERWEIGHT PACKAGE, 23'-32'	1.00	\$ 1,520.70	\$ 1,520.70
11	253165-T09588	BELL, ELECTRONIC 4" -5" BASE	1.00	\$ 199.58	\$ 199.58
12	T15576	KIT, 3 LIGHT LED GATE ARM	1.00	\$ 240.71	\$ 240.71
13	022318-4	WIRE, 18 GAUGE 3 COND. (CORD F	50.00	\$ 0.43	\$ 21.50
14	035300-500X	COVER, HOLE PLATE ASSY. FOR UN	1.00	\$ 19.30	\$ 19.30
15	035045-503X	PINNACLE, 4" AND 5"	1.00	\$ 11.07	\$ 11.07
16	071271-30X5	MAST ASSEMBLY, WT/F 21'-30'	1.00	\$ 6,121.28	\$ 6,121.28
17	071274-23KC2	ARM ASSY, 23' WT/F W/ PLATFORM	1.00	\$ 5,055.68	\$ 5,055.68
18	071278-X1	FRONT PLATFORM, 12'-30' WT/F	1.00	\$ 231.62	\$ 231.62
19	151509-X14	JCT BOX ASSY, CANT MAST W/ HDW	1.00	\$ 276.96	\$ 276.96
20	071278-X8	RAMP, FOR WT/F TRANS PLTRFM	1.00	\$ 102.12	\$ 102.12
21	071302-500X	FILLER, FOUNDATION: FOR "W" CA	1.00	\$ 68.82	\$ 68.82
23	023274-X65	BAG, HDW TEST LINK KIT GATE	1.00	\$ 32.50	\$ 32.50
24	042003-L00150	FLX-4000 ASSY, 12" 1-WAY ST	1.00	\$ 470.06	\$ 470.06
25	042003-L00045	FLX-4000 & X-ARM, 2-WAY 4"	1.00	\$ 844.03	\$ 844.03
26	042003-L00046	FLX-4000 & X-ARM, 1-WAY 4"	1.00	\$ 391.60	\$ 391.60
27	035200-X	SIGN, RR CROSS	2.00	\$ 125.80	\$ 251.60
28	071367-3X	HARDWARE PKG, SIGN 12" MTG	2.00	\$ 69.67	\$ 139.34
29	071279-X11	SUPPORT, X-SIGN W/ HDW W T/F	1.00	\$ 83.28	\$ 83.28
30	T18707	LED, MODULE INSERT, 12" WITH	8.00	\$ 180.23	\$ 1,441.84
31	099056-T09585	WIRE, #10 TYPE DEL, 600-2000V,	500.00	\$ 0.49	\$ 245.00
32	091769-T09671	TERMINAL, RING TOUNGE, PIDG, A	24.00	\$ 0.63	\$ 15.12
33	254635-T04021	SIGN, "DO NOT STOP ON TRACKS"	2.00	\$ 37.74	\$ 75.48
34	071353-X33	ASSY, FALL PROT BRKT 12" PIPE	1.00	\$ 1,306.78	\$ 1,306.78
35	024628-75	TERMINAL, RING 1/4	12.00	\$ 0.48	\$ 5.76

ITEM	PART NUMBER	SIGNAL # 3 (FLASHER)	QTY.	KCS PRICE	TOTAL
1	070519-KCS	MAST, "S" 5" X 15'6", STD. HOL	1.00	\$ 1,008.19	\$ 1,008.19
2	042003-031KCS	FLX-12, & X-ARM 2-WAY 5" "S"	1.00	\$ 620.61	\$ 620.61
3	042003-XKCS-3	FLX-4000 1-WAY 4" FLS MTG.	1.00	\$ 439.23	\$ 439.23
4	T18707	LED, MODULE INSERT, 12" WITH	6.00	\$ 180.23	\$ 1,081.38
5	041069-X	STEP, POLE, REVERSIBLE, 1/4" S	2.00	\$ 126.53	\$ 253.06
6	035200-63X	SIGN, "RAILROAD CROSSING", BAC	1.00	\$ 223.42	\$ 223.42
7	099056-T09585	WIRE, #10 TYPE DEL, 600-2000V,	80.00	\$ 0.49	\$ 39.20
8	023274-X65	BAG, HDW TEST LINK KIT GATE	1.00	\$ 32.50	\$ 32.50
9	091769-T09671	TERMINAL, RING TOUNGE, PIDG, A	20.00	\$ 0.63	\$ 12.60
10	250078-T09607	SIDELIGHT CANTILEVER, W.C.H. #	1.00	\$ 454.81	\$ 454.81

ITEM	PART NUMBER	SIGNAL # 4 (GATE)	QTY.	KCS PRICE	TOTAL
1	035045-503X	PINNACLE, 4" AND 5"	1.00	\$ 11.07	\$ 11.07
2	070519-KCS	MAST, "S" 5" X 15'6", STD. HOL	1.00	\$ 1,008.19	\$ 1,008.19
3	074600-W00009A	GATE, MODEL S-60 ENT. KCS	1.00	\$ 3,495.59	\$ 3,495.59
4	042003-031KCS	FLX-12, & X-ARM 2-WAY 5" "S"	1.00	\$ 620.61	\$ 620.61
5	T18707	LED, MODULE INSERT, 12" WITH	4.00	\$ 180.23	\$ 720.92
6	T17292	KEEPER, GATE ARM GENERAL SIGN.	1.00	\$ 1,330.56	\$ 1,330.56
7	035200-63X	SIGN, "RAILROAD CROSSING", BAC	1.00	\$ 223.42	\$ 223.42
8	074039-24X-KC4	KIT, S-60 KCS WIRING HARNESS	1.00	\$ 185.70	\$ 185.70
9	023274-X65	BAG, HDW TEST LINK KIT GATE	1.00	\$ 32.50	\$ 32.50

Quote For:
 Kansas City Southern Railway
 Woodbridge Parkway, Sachse, TX

Date: 8/30/2011
 Est. No.: XP-5195 REV 3

10	091769-T10546	TERMINAL, RING AMP #35349, WIR	3.00	\$	0.69	\$	2.07
11	070755-2932BX	COUNTERWEIGHT PACKAGE, 23'-32'	1.00	\$	1,520.70	\$	1,520.70
12	250371-T10802V	GATE ARM, 18'-26', NEG KCS	1.00	\$	358.04	\$	358.04
13	T15576	KIT, 3 LIGHT LED GATE ARM	1.00	\$	240.71	\$	240.71
14	022318-4	WIRE, 18 GAUGE 3 COND. (CORD F	50.00	\$	0.43	\$	21.50
15	259371-T10128	BRACKET, HIGH WIND, NEG 191036	1.00	\$	82.25	\$	82.25

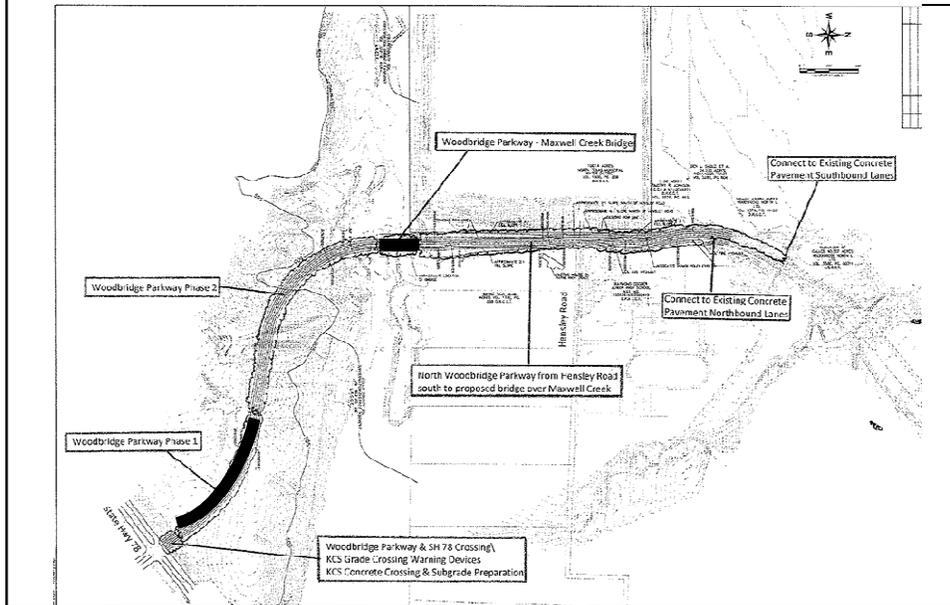
\$ 50,876.02

Material:	\$ 155,351.14
Shop Labor:	\$ 10,296.00
Engineering:	\$ 900.00
Sub Total:	\$ 166,547.14
Contingency Fee:	\$ 16,654.71
Sub Total:	\$ 183,201.85
Freight:	\$ 10,291.03
Total:	\$ 193,492.88

WOODBIDGE PARKWAY EXTENSION NORTH OF SH 78
JULY 2, 2012
SACHSE CITY COUNCIL MEETING

WOODBIDGE PARKWAY EXTENSION

LOCATION MAP



WOODBIDGE PARKWAY EXTENSION

- × Resolution was approved on February 6, 2012 requesting Collin County to appropriate \$4.25M in discretionary funds for the Woodbridge Parkway extension north of SH 78 to Hensley Lane to pay for half of \$8.5M project cost
- × Wylie approved similar resolution on January 24, 2012 and Wylie obligated \$2M to the project
- × Collin County subsequently approved funding 50% cost of project not to exceed \$4,084,198.77.
- × Escrow agreement for Wal-Mart covers cost of Phase 1 extension including the KCS RR crossing estimated to be \$1.87M.

WOODBIDGE PARKWAY EXTENSION

- × Construction Escrow Agreement approved for Wal-Mart development, which included cost to construct the KCS Railroad grade crossing.
- × First Amendment to escrow agreement was approved, which allows developer to withdraw funds for the grade crossing to transfer to City
- × KCS Railroad will only enter into agreements with governmental agencies

WOODBIDGE PARKWAY EXTENSION

× Next steps

- + City approves Grade Crossing Agreement
- + City Manager will not execute crossing agreement until the First Amendment to the Construction Escrow Agreement is executed by all parties (currently in process)
- + Developer transfers funds to City
- + Developer begins construction (tentatively August)

WOODBIDGE PARKWAY EXTENSION

× QUESTIONS?



Legislation Details (With Text)

File #: 12-0893 **Version:** 1 **Name:** Holly Crest award of bid
Type: Agenda Item **Status:** Agenda Ready
File created: 5/30/2012 **In control:** City Council
On agenda: 7/2/2012 **Final action:**
Title: Consider a resolution awarding the bid in the amount of one hundred thirty-three thousand three hundred ninety-one dollars and fifty cents (\$133,391.50) to Jim Bowman Construction Company, LP for the installation of paving improvements to Holly Crest Lane from Crestwood Court to Highland Crest Lane.

Executive Summary

The City's Capital Improvement Plan (CIP) includes funds for the installation of paving improvements along Holly Crest Lane from Crestwood Court to Highland Crest Lane to replace existing pavement which has settled and water does not drain properly. The project has been designed and bids were opened on June 13 2012. This item is to award the bid to the lowest responsible bidder, which is Jim Bowman Construction Company, LP in the amount of \$133,391.50.

Sponsors:

Indexes:

Code sections:

- Attachments:** [Attachment 1](#)
[ATTACHMENT 2](#)
[Exhibit A](#)
[holly crest award of bid presentation](#)
[RES Holly Crest](#)

Date	Ver.	Action By	Action	Result
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Title

Consider a resolution awarding the bid in the amount of one hundred thirty-three thousand three hundred ninety-one dollars and fifty cents (\$133,391.50) to Jim Bowman Construction Company, LP for the installation of paving improvements to Holly Crest Lane from Crestwood Court to Highland Crest Lane.

Executive Summary

The City's Capital Improvement Plan (CIP) includes funds for the installation of paving improvements along Holly Crest Lane from Crestwood Court to Highland Crest Lane to replace existing pavement which has settled and water does not drain properly. The project has been designed and bids were opened on June 13 2012. This item is to award the bid to the lowest responsible bidder, which is Jim Bowman Construction Company, LP in the amount of \$133,391.50.

Background

The City's Capital Improvement Plan (CIP) includes the installation of paving improvements to Holly Crest Lane from Crestwood Court to Highland Crest Lane (see Attachment 1 -

Project Map). The existing concrete pavement has settled and the drainage along the curb and gutter does not drain properly (See Attachment 2 - Project Photos). The lack of drainage creates large pools of water along the roadway which does not drain and stands for several days until it evaporates naturally. City crews remove the standing water with the VacTruck each time it rains for health and safety reasons.

Policy Considerations

The contract includes provisions to remove and install new pavement on Holly Crest Lane from Crestwood Court to Highland Crest Lane. The new pavement will be installed on a continuous grade which will allow the water in the curb and gutter to drain properly. A neighborhood meeting will be held prior to work beginning. Staff has already met with the two most affected property owners to explain the proposed improvements.

Notice to bidders was published in the *Sachse News* on May 23, 2012 and May 30, 2012. A Pre-Bid meeting was held at 10:00 pm, June 5, 2012 in the City Hall first floor conference room. Sealed bids were received in the City Secretary's Office until 2:00 pm, June 13, 2012 and then publicly read aloud in the City Hall Council Chambers in accordance with the Texas Local Government Code.

Three bids were received (see attached bid tabulation Exhibit A). The low bid was received from Jim Bowman Construction Company, LP of Plano, TX. The references for Jim Bowman Construction Company, LP were checked and found to be satisfactory. The design engineer and City staff recommends awarding the contract to Jim Bowman Construction Company, LP in the amount of \$133,391.50.

Budgetary Considerations

The City's Capital Improvement Plan (CIP) includes the funding for the installation of paving improvements to Holly Crest Lane from Crestwood Lane to Highland Crest Lane in the amount of \$117,850 from RCC Funds. The surveying and engineering design costs total \$12,550 and the geotechnical testing will cost \$1,500, which leaves \$103,800 remaining for funding the construction.

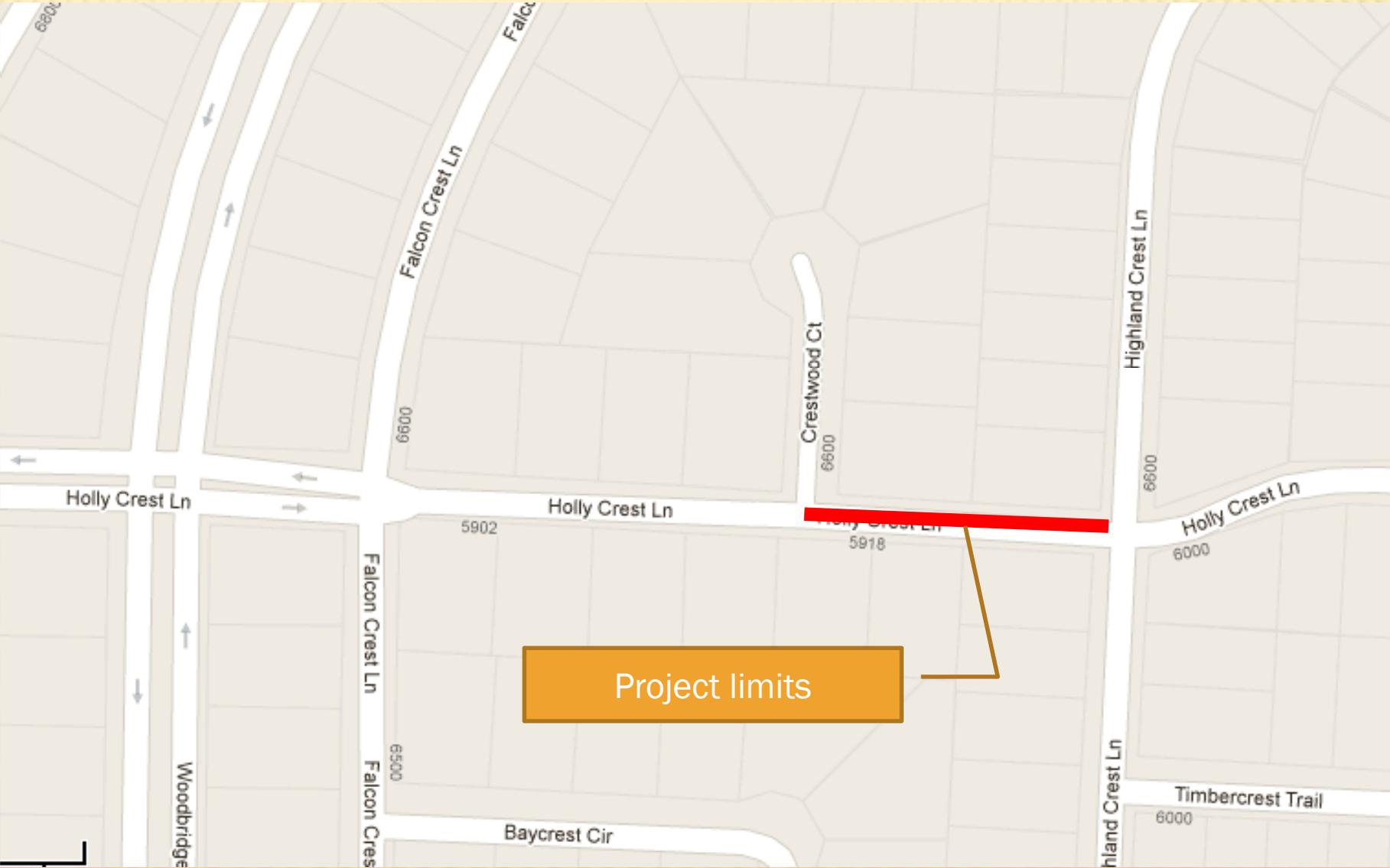
The low bid was determined by the contractor submitting the low base bid. The low base bid was received from Jim Bowman Construction Company, L.P. in the amount of \$133,391.50. There is \$103,800 in remaining budgeted funds for construction, which is a shortfall of \$29,591.50 (\$103,800 - \$133,391.50). Taking into account the cost of the engineering, testing and construction, the total project cost is \$147,441.50 (\$12,550 engineering + \$1,500 testing + \$133,391.50 construction). The construction cost bid is higher than the estimated cost primarily due to the fact construction materials and petroleum costs have increased since the project was estimated. The \$29,591.50 shortfall can be made up by using the \$7,000 remaining funds from the Merritt Road house demolition project and \$23,000 remaining from the Southeast Lift Station preliminary engineering study project.

Staff Recommendations

Staff recommends the City Council approve a resolution of the City Council of the City of

Sachse, Texas, awarding the bid for the Holly Crest Lane paving improvements to Jim Bowman Construction Company, Limited Partnership in the amount totaling one hundred thirty-three thousand three hundred ninety-one dollars and fifty cents (\$133,391.50), authorizing the City Manager to execute such agreement in a form approved by the City Attorney, and providing an effective date as a Consent Agenda item.

ATTACHMENT 1 - PROJECT MAP



ATTACHMENT 2 – PROJECT PHOTOS



Crestwood Court

Looking west



Crestwood Court

Looking west



Crestwood Court

Looking east

BID TABULATION SHEET

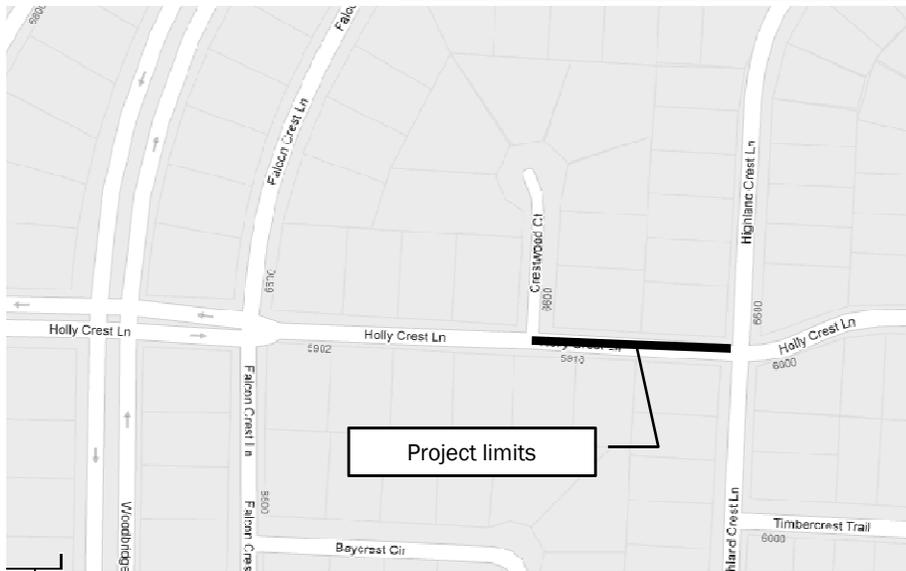
ITEM NO.	DESCRIPTION	UNIT	Bid Quantities	Jim Bowman		XIT Paving		Jeske Construction	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	Mobilization, bonds, and insurance	LS	1	\$12,100.00	\$12,100.00	\$36,000.00	\$36,000.00	\$22,000.00	\$22,000.00
2	Furnish/install erosion control with SWPPP	LS	1	\$1,400.00	\$1,400.00	\$5,500.00	\$5,500.00	\$4,500.00	\$4,500.00
3	Furnish/install construction barricading, signage, and traffic control	LS	1	\$3,100.00	\$3,100.00	\$6,000.00	\$6,000.00	\$8,500.00	\$8,500.00
4	Sawcut breakout line for final pavement cut	LF	240	\$2.00	\$480.00	\$3.00	\$720.00	\$3.00	\$720.00
5	Remove/dispose of existing concrete pavement	SY	1205	\$16.00	\$19,280.00	\$6.00	\$7,230.00	\$12.00	\$14,460.00
6	Remove/dispose of existing concrete sidewalk	SF	990	\$1.00	\$990.00	\$0.50	\$495.00	\$1.00	\$990.00
7	Remove/replace existing brick mailboxes	EA	2	\$1,000.00	\$2,000.00	\$1,400.00	\$2,800.00	\$1,000.00	\$2,000.00
8	Furnish/install 6" thick 3,500 psi reinforced concrete pavement	SY	1060	\$44.50	\$47,170.00	\$50.00	\$53,000.00	\$68.00	\$72,080.00
9	Furnish/install 5" thick 3,500 psi reinforced concrete driveway	SY	145	\$44.50	\$6,452.50	\$52.00	\$7,540.00	\$64.00	\$9,280.00
10	Furnish/install 4" thick reinforced sidewalk	SF	990	\$5.35	\$5,296.50	\$5.00	\$4,950.00	\$7.00	\$6,930.00
11	Furnish/install 6" 3,500 psi reinforced concrete integral concrete curb	LF	560	\$3.00	\$1,680.00	\$1.00	\$560.00	\$3.00	\$1,680.00
12	Furnish/install 8" lime treated subgrade	SY	1130	\$14.25	\$16,102.50	\$4.00	\$4,520.00	\$8.00	\$9,040.00
13	Furnish/install hydrated lime	TON	25	\$160.00	\$4,000.00	\$150.00	\$3,750.00	\$160.00	\$4,000.00
14	Furnish/install barrier free ramp	EA	2	\$900.00	\$1,800.00	\$1,400.00	\$2,800.00	\$1,200.00	\$2,400.00
15	Block sodding	SY	440	\$3.50	\$1,540.00	\$5.00	\$2,200.00	\$8.00	\$3,520.00
16	Construction Contingency	LS	1	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
GRAND TOTAL:					\$133,391.50		\$148,065.00		\$172,100.00

AWARD OF BID FOR THE HOLLY CREST LANE PAVING IMPROVEMENTS

JULY 2, 2012

SACHSE CITY COUNCIL MEETING

HOLLY CREST PAVING IMPROVEMENTS



HOLLY CREST PAVING IMPROVEMENTS

- + Project limits are from Crestwood Court to Highland Crest Lane
- + Project budget from RCC funds is \$117,850. Engineering cost \$12,550 and geotechnical testing will cost \$1,500. Therefore, \$103,800 remains for construction.
- + Scope includes removing and replacing a portion of the roadway which has settled and holds water

HOLLY CREST PAVING IMPROVEMENTS



HOLLY CREST PAVING IMPROVEMENTS



HOLLY CREST LANE PAVING IMPROVEMENTS

- × Bid opening was June 13, 2012.
- × Low bid received by Jim Bowman Construction Company, LP and was \$133,391.50.
- × There is a shortfall of funding in the amount of \$29,591.50
 - + Shortfall funded using remaining funds from Merritt Road house demolition project (\$7,000) and Southeast Lift Station preliminary engineering study (\$23,000)
- × Anticipate beginning work in July and be complete by end of November.

HOLLY CREST LANE PAVING IMPROVEMENTS

× QUESTIONS?

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, AWARDED THE BID FOR THE HOLLY CREST LANE PAVING IMPROVEMENTS TO JIM BOWMAN CONSTRUCTION COMPANY, LIMITED PARTNERSHIP IN THE AMOUNT TOTALING ONE HUNDRED THIRTY-THREE THOUSAND THREE HUNDRED NINETY-ONE DOLLARS AND FIFTY CENTS (\$133,391.50); AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH AGREEMENT IN A FORM APPROVED BY THE CITY ATTORNEY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary for a contractor to furnish and install paving improvements to Holly Crest Lane Crestwood Court to Highland Crest Lane; and

WHEREAS, the City has taken sealed bids and City staff is recommending award to the lowest responsible bidder meeting specifications; and

WHEREAS, the City Council of the City of Sachse, Texas desires to award the contract.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS;

Section 1: That the Bid for the installation of paving improvements to Holly Crest Lane Crestwood Court to Highland Crest Lane is hereby awarded to Jim Bowman Construction Company, LP in the amount totaling one hundred thirty-three thousand three hundred thirty-three dollars and fifty cents (\$133,391.50).

Section 2: That the City Manager is authorized, after approval of the City Attorney, to execute a contract with Jim Bowman Construction Company, LP in the amount totaling one hundred thirty-three thousand three hundred thirty-three dollars and fifty cents (\$133,391.50).

Section 3: That this resolution shall take effect immediately from and upon its adoption and it is so resolved.

RESOLVED this 2nd day of July, 2012. CITY OF SACHSE, TEXAS

Mike Felix, Mayor

ATTEST:

Terry Smith, City Secretary



Legislation Details (With Text)

File #: 12-0942 **Version:** 1 **Name:** SEDC Briefing
Type: Agenda Item **Status:** Agenda Ready
File created: 6/28/2012 **In control:** City Council
On agenda: 7/2/2012 **Final action:**
Title: Staff Briefing: Sachse Economic Development Corporation update to the City Council.
 Executive Summary
 The Executive Director will brief the City Council on past activities, current projects and future goals.
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Title
 Staff Briefing: Sachse Economic Development Corporation update to the City Council.

Executive Summary
The Executive Director will brief the City Council on past activities, current projects and future goals.

Background
 The briefing by individual departments is scheduled on a monthly basis to keep the City Council informed on the activities and projects. This month, the City Council will hear an update of Sachse Economic Development Corporation.

Policy Considerations
 Providing information to the City Council.

Budgetary Considerations
 None.

Staff Recommendations
 None.



Legislation Details (With Text)

File #:	12-0937	Version:	1	Name:	Consider the election of a Mayor Pro Tem.
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	6/26/2012	In control:		In control:	City Council
On agenda:	7/2/2012	Final action:		Final action:	
Title:	Consider the election of a Mayor Pro Tem.				

Executive Summary
According to the City Charter, each year after the election, a Mayor Pro Tem must be designated.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Title
Consider the election of a Mayor Pro Tem.

Executive Summary
According to the City Charter, each year after the election, a Mayor Pro Tem must be designated.

Background
Sachse Home Rule Charter Section 3.05 reads:

Sec. 3.05 - MAYOR AND MAYOR PRO TEM(1) The mayor shall be the official head of the city government. He shall be the chairman and shall preside at all meetings of the city council. The mayor shall have the same voting rights and responsibilities as the other members of the city council, but shall have no power to veto. He shall, when authorized by the city council, sign all official documents, such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts and bonds. He shall perform such other duties consistent with this Charter as may be imposed upon him by the city council. **(2) The mayor pro tem shall be a city council member elected by the city council at the first regular meeting after each regular election of the city council members and/or mayor. The mayor pro tem shall temporarily act as mayor during the disability or absence of the mayor, and in this capacity shall have the rights conferred upon the mayor.**

This agenda item is provided for the City Council to take action on the matter.

Policy Considerations

None.

Budgetary Considerations

None.

Staff Recommendations

Council take action to appoint a Mayor Pro Tem as appropriate.



Legislation Details (With Text)

File #:	12-0904	Version:	2	Name:	CD - SEASONAL SALES
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	6/6/2012	In control:		In control:	City Council
On agenda:	7/2/2012	Final action:		Final action:	

Title: Conduct a public hearing and consider approval of an ordinance amending the regulations for Temporary Retail Sales and Seasonal Sales in order to clarify the surface parking requirements for various temporary retail sales uses and to restrict the permissibility of "Firewood Bulk Sales" as a standalone temporary seasonal use.

Executive Summary

The proposed ordinance would modify the Temporary Retail and Seasonal Sales regulations to redefine the permissibility of Firewood Bulk Sales with respect to zoning districts and existing site development parameters. Furthermore, the off-street parking provisions would be amended to allow parking on unimproved surfaces only in certain conditions and as approved by the City Engineer and Fire Marshal.

Sponsors:

Indexes:

Code sections:

- Attachments:** [CD - SEASONAL SALES - PPT PRES.pdf](#)
[CD - SEASONAL SALES - DRAFT ORDINANCE.pdf](#)
[CD - SEASONAL SALES - ATTACHMENT 1.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Conduct a public hearing and consider approval of an ordinance amending the regulations for Temporary Retail Sales and Seasonal Sales in order to clarify the surface parking requirements for various temporary retail sales uses and to restrict the permissibility of "Firewood Bulk Sales" as a standalone temporary seasonal use.

Executive Summary

The proposed ordinance would modify the Temporary Retail and Seasonal Sales regulations to redefine the permissibility of Firewood Bulk Sales with respect to zoning districts and existing site development parameters. Furthermore, the off-street parking provisions would be amended to allow parking on unimproved surfaces only in certain conditions and as approved by the City Engineer and Fire Marshal.

Background

This item encompasses use regulations as well as ancillary provisions pertaining to Temporary Retail and Seasonal Sales. These changes are a result of feedback received by Staff from City Council.

Regulations related to Temporary Retail and Seasonal Sales were last updated by City

Council on March 21, 2011 via Ordinance 3283. There were two main elements of the Code that were amended as a result of the changes that occurred from the adoption of Ordinance 3283. The first change was the creation of a separate category and corresponding provisions for the Seasonal Sales of Firewood. The second change was associated with the time period for firewood sales. Firewood sales previously were allowed for a period of 90 days; this was amended to allow the sales for 30 days (plus two 30-day extensions).

Workshop discussions were conducted at the April 16, 2012 City Council meeting and the April 23, 2012 Planning and Zoning Commission meeting to solicit feedback. At these Workshops, staff presented information based on analysis since the last changes adopted on March 21, 2011 (Ordinance 3283). Below are the topics that were presented:

- Permits Issued
- Revenue Generated (Sales Tax & Permit Fees)
- Zoning Regulations
- Public Safety Issues
- Code Enforcement Issues
- Comparison Municipalities (respective similar regulations)

At the June 11, 2012 Planning and Zoning Commission meeting, the Commission voted unanimously to recommend approval of the request, with the addition that the electrical fee listed in Section 4-12.C be stricken.

Policy Considerations

The modifications contained in the proposed zoning amendment address three separate sections of the City Code of Ordinances, each of which is detailed below. For clarification, an attached “strikeout/underline” version of the proposed amendments is included (Attachment 1). Below are the three sections of the Code being proposed to be amended.

Business Regulations - Section 4-12

The majority of the amendments occur in this section of the Code of Ordinances. These changes mainly address the permissibility of “Firewood Bulk Sales” and off-street parking requirements pertaining to paved/unpaved surfaces. Below is a list of the main changes being proposed in this Section as part of this amendment:

- Separate sub-sections were created to differentiate between “specific” permit regulations and “general” permit regulations. Certain regulations were moved to the appropriate newly created sections.
- A provision was added requiring parking to be on a paved surface for “temporary seasonal fresh produce stands, snow cone and ice cream stands.”
- A provision was added allowing parking to be on an unimproved surface for “temporary seasonal sales of Christmas trees” only if approved by the City Engineer and Fire Marshal.
- Currently, the temporary seasonal sales of plant sales and landscaping materials are allowed via Community Development Department approval for a period of 90 day on sites where there is a current certificate of occupancy holder and a minimum

day on sites where there is a current certificate of occupancy holder and a minimum of 100 required parking spaces. Firewood sales were added to the list of these temporary items for the Ordinance presented to Planning and Zoning Commission; however, due to concerns raised at this meeting, Staff has modified the proposed Ordinance language to only permit the temporary seasonal sales of firewood in conjunction with a "Retail Sales with Outdoor Display" use. Furthermore, language was added to prohibit utilizing any parking area for the temporary seasonal sales of firewood. It should be noted that a "Retail Sales with Outdoor Display" use is only currently permitted via a Special Use Permit.

- The existing language in the section permitting "temporary seasonal sales of firewood" was stricken in its entirety, thus prohibiting these sales as a standalone temporary use. However, as stated in the previous bullet item, additional language was included to limit the temporary seasonal sales of firewood to be permitted only in conjunction with a "Retail Sales with Outdoor Display" use.
- Additional evaluation criteria for undeveloped sites were added to aid in the review of temporary use permits. Basically, criteria protecting natural resources and providing adequate landscaping were added.

Zoning Ordinance - Chapter 11, Article 4, Section 5

Chapter 11, Article 4, Section 5 of the Zoning Ordinance addresses "Off-street automobile and vehicle parking and loading." The amendment to this section of the Zoning Ordinance will create a new Section 5.10, which will include provisions for permitting temporary parking on unpaved surfaces for seasonal sales if approved by the Fire Marshal and City Engineer. The regulations in this Section support the off-street parking provisions provided in Section 4-12 of the Business Regulations.

Zoning Ordinance - Schedule I

Schedule I of the Zoning Ordinance contains the permitted uses allowed by zoning district. The proposed amendment will specifically remove the "Firewood bulk sales, temporary 90 days/Sect. 4-12" use from being allowed in the Agricultural (AG) zoning district. This use would only be permitted in conjunction with a Planned Development zoning district.

There are two changes being proposed that differ from what was included in the Ordinance presented to Planning and Zoning Commission. These changes are in response to discussion and concerns raised at the Planning and Zoning Commission meeting on June 11, 2012. The first change, which was discussed above, pertains to limiting temporary seasonal sales of firewood to be only in conjunction with "Retail Sales with Outdoor Display" use. The second change being proposed is regarding the permit fees. Planning and Zoning Commission recommended striking the "electrical fee" listed in the Permit Fees section because it is already in the Master Fee Schedule. The version of the Ordinance being presented does not contain any of the permit fees. An amendment to the Master Fee Schedule is being proposed on the same Agenda as this request to relocate the remaining permit fees to the Master Fee Schedule.

In summary, the amendments proposed are consistent with the feedback received from City Council at the April 16, 2012 Workshop meeting and the formal recommendation provided by

Council at the April 16, 2012 Workshop meeting and the formal recommendation provided by Planning and Zoning Commission at the June 11, 2012 meeting.

Budgetary Considerations

None

Staff Recommendations

Staff recommends approval an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances, amending Chapter 4, Section 4-12 "Temporary Retail Sales and Seasonal Sales," to modify the permissibility of certain temporary retail sales and seasonal sales uses and to clarify surface parking requirements for temporary retail sales; amending Chapter 11, Article 4, Section 5, "Off-street Automobile and Vehicle Parking and Loading" to add Section 5.10 addressing surface parking for temporary retail sales and seasonal sales; amending Chapter 11, Schedule I, "Permitted Uses" to revise the use regulations pertaining to "Firewood Bulk Sales"; providing for a repealing clause; providing for a severability clause; providing for a savings clause; providing for penalty of fine not to exceed the sum of two thousand (\$2,000.00) dollars for each offense; and providing for an effective date.



City Council Meeting
July 2, 2012

Outline

- Background/History
 - Prior Amendments
 - Previous Workshops
- Policy Considerations
 - Amendments for each Section of the Code
 - Additional Changes
(based on discussion at Planning & Zoning Commission and different from Ordinance presented to Planning & Zoning Commission)



Background History

- Ordinance No. 3283 (adopted 3/23/11):
 - A separate category and corresponding provisions were created for the Seasonal Sales of Firewood
 - Firewood sales previously were allowed for a period of 90 days. This was amended to allow the sales for 30 days (plus two 30-day extensions)



Background Prior Workshop Discussions

- Policy Considerations
 - Permits Issued
 - Revenue Generated
 - Zoning Regulations
 - Public Safety
 - Code Enforcement
 - Comparison Municipalities



Policy Considerations Proposed Amendments

Business Regulations (Sec. 4-12)

- ❑ Separate sections were created for “specific” and “general” permit regulations.
- ❑ Added provision requiring parking to be on a paved surface for “temporary seasonal fresh produce stands, snow cone and ice cream stands.”
- ❑ Added provision allowing parking to be on an unimproved surface for “temporary seasonal sales of Christmas trees” only if approved by the City Engineer and Fire Marshal.



Policy Considerations Proposed Amendments

Business Regulations (Sec. 4-12)

- ❑ Additional evaluation criteria (protection of natural resources, landscaping) for undeveloped sites were added to aid in the review of temporary use permits.



Policy Considerations Proposed Amendments

Zoning Ord. (Ch. 4, Article 11, Section 5)

- Create a new Section 5.10, to permit temporary parking on unpaved surfaces for seasonal sales if approved by the Fire Marshal and City Engineer.



Policy Considerations Proposed Amendments

Zoning Ord. (Schedule I)

- Remove the “Firewood bulk sales, temporary 90 days/Sect. 4-12” use from being allowed in the Agricultural (AG) zoning district.



Policy Considerations Proposed Amendments

SCHEDULE I. PERMITTED USES

COMMERCIAL	Agricultural	Single Family R-39	Single Family R-15	Single Family R-12	Single Family R-10	Single Family R-E	Office Park	Mixed Use	Commercial-1	Commercial-2	Industrial-1	Industrial-2	Planned Development	Parking Requirements
...														
Firewood bulk sales, temporary 90 days / Sect. 4-12	X												*	1/1,000 of site area
...														



Policy Considerations Additional Proposed Amendments

Business Regulations (Sec. 4-12)

- ❑ Currently, temporary seasonal sales of plants and landscaping materials are allowed on sites with a current C/O and a minimum 100 parking spaces.
- ❑ Firewood sales were added to the list of these temporary items for the Ordinance presented to P&Z
 - Staff has modified the proposed Ordinance to only permit the temporary seasonal sales of firewood in conjunction with a “Retail Sales with Outdoor Display” use.
- ❑ Language was added to prohibit utilizing any parking area for the temporary seasonal sales of firewood.



Policy Considerations Additional Proposed Amendments

Business Regulations (Sec. 4-12)

- ❑ The existing language for “temporary seasonal sales of firewood” was stricken in its entirety, thus prohibiting these sales as a standalone temporary use.
- ❑ Additional language was added to limit the temporary seasonal sales of firewood to be permitted only in conjunction with a “Retail Sales with Outdoor Display” use.
- ❑ Remaining fees were removed from Ordinance and moved to Master Fee Schedule.



Staff Recommendation

- ❑ Staff recommends approval of the proposed Ordinance amendments.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES, AMENDING CHAPTER 4, SECTION 4-12 “TEMPORARY RETAIL SALES AND SEASONAL SALES,” TO MODIFY THE PERMISSIBILITY OF CERTAIN TEMPORARY RETAIL SALES AND SEASONAL SALES USES AND TO CLARIFY SURFACE PARKING REQUIREMENTS FOR TEMPORARY RETAIL SALES; AMENDING CHAPTER 11, ARTICLE 4, SECTION 5, “OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING” TO ADD SECTION 5.10 ADDRESSING SURFACE PARKING FOR TEMPORARY RETAIL SALES AND SEASONAL SALES; AMENDING CHAPTER 11, SCHEDULE I, “PERMITTED USES” TO REVISE THE USE REGULATIONS PERTAINING TO “FIREWOOD BULK SALES”; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and City Council of the City of Sachse, in compliance with state laws with reference to amending the Code of Ordinances, and in compliance with the procedures set forth in the Code of Ordinances, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the City Council is of the opinion and finds that the Code of Ordinances should be amended as necessary to advance the public health, safety, morals, and general welfare of the city;

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

SECTION 1. That Chapter 4 of the Sachse Code of Ordinances is hereby amended in part to read as follows:

“CHAPTER 4

BUSINESS REGULATIONS

...

Sec. 4-12. Temporary retail sales and seasonal sales.

A. Temporary seasonal sales.

- (1) *Purpose.* The purpose of this section is to permit temporary seasonal sales with certain guidelines to ensure that such sales locations are properly maintained and operated so

as to avoid any real or perceived negative impacts on adjacent property. It is not the purpose of this section to allow for permanent or semi-permanent occupancy of a property by a re-occurring temporary use.

For this section, *seasonal* means a product normally sold in a period of the year devoted to or marked by certain activities, events, or climate conditions, such as special holidays, summer season, winter season.

(2) *Specific Requirements Related to Permit Types.*

(a) A permit for temporary seasonal fresh produce stands, snow cone and ice cream stands and any unlisted temporary seasonal sales use may be granted by the community development department under the following restrictions:

- i. Each permit shall be granted for a period not to exceed 90 days.
- ii. The applicant and/or property owner shall vacate the premises, including removal of all equipment, goods and/or remnants of the temporary sale, at the end of the permit period for a period of at least 30 days before a new permit can be issued for any temporary retail or seasonal sales use on that property.
- iii. No more than two permits for these uses shall be issued for each property within a twelve month period.
- iv. Off-street vehicle parking shall be provided on a paved surface in accordance with this Code.

(b) A permit for temporary seasonal sales of Christmas trees may be granted by the community development department under the following restrictions:

- i. Each permit shall be granted for a period not to exceed 40 days.
- ii. No more than one permit for the sale of Christmas trees shall be issued for each property within a twelve month period.
- iii. The applicant and/or property owner shall vacate the premises, including removal of all equipment, goods and/or remnants of the temporary sale, at the end of the permit period for a period of at least 30 days before a new permit can be issued for any temporary retail or seasonal sales use on that property.
- iv. Parking on unimproved surfaces may be allowed for the duration of the permit as approved by the City Engineer and Fire Marshal, provided the parking is not detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.

(c) The temporary seasonal sales of firewood shall only be permitted in conjunction with a 'Retail Sales with Outdoor Display' use, which has otherwise received the necessary approvals pursuant to this Code. The temporary seasonal sales of firewood shall not be permitted to occupy any area that is required parking for an otherwise permanent permitted use on the property.

- (d) A permit for temporary seasonal sales activities such as, but not necessarily limited to firewood, plant sales and landscaping materials may be granted by the community development department for a period not to exceed 90 days.
 - i. The permit shall be issued only to the current certificate of occupancy holder on a site that contains a minimum of 100 required parking spaces.
 - ii. The displayed merchandise shall not exceed five feet in height and have a front and side street set back the same as the building unless a solid six-foot screen is provided.
 - iii. Off-street vehicle parking shall be provided on a paved surface in accordance with this Code.
 - iv. No more than two permits for these uses shall be issued for each property within a twelve month period.
 - v. The applicant shall submit in writing a statement that the temporary seasonal activity will be removed at the end of the permit period or sooner if ordered by the community development department.

(3) *General Permit Requirements.*

- (a) Issuance of permits for temporary sales shall be limited to areas zoned for retail or commercial uses.
- (b) A temporary seasonal activity must be located so that it will not adversely affect parking or pedestrian access.
- (c) A site plan is required with an application showing the following:
 - i. All setbacks for the zoning district have been met.
 - ii. If the use is to occupy a paved area currently used for parking, then the parking that this use displaces must not be required for the existing commercial uses.
- (d) The applicant and/or property owner shall submit in writing a statement that the temporary seasonal activity will be removed at end of the permit period or sooner if ordered by the community development department.
- (e) All food related vendors must obtain a Dallas County health permit.
- (f) The application for a temporary sales permit shall also include a true copy of the sales tax permit which designates the City of Sachse as the point of sale.
- (g) The applicant for a temporary sales permit shall also provide a driver's license or other photo identification and a birth date of the owner/representative of the sales use.
- (h) Temporary sales shall be kept clean at all times, including but not limited to the following.

- i. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
 - ii. All land shall be maintained properly. Lawns, hedges, bushes, trees and other vegetation shall be trimmed and kept from becoming overgrown and unsightly, especially in those areas where the vegetation is exposed to public view and may cause a blighting influence if not properly maintained.
 - iii. All premises and exterior property shall be free from weeds or plant growth in excess of 10 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; however, this shall not include cultivated flowers and gardens.
 - iv. No unsafe structures, either permanent or temporary (including sheds, tents, lean-tos, storage pods or other shelters), defined as any structure that is found to be dangerous, unsafe or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible are permitted.
 - v. Firewood and other goods for sale shall be kept in neat stacks or bundles.
 - vi. No chopping or splitting of wood shall be permitted on the property.
 - vii. Disposal of any unsold or damaged goods, including wood scraps, Christmas trees or any other remnant of the temporary sale, must be completed by the end of the permit period. Any remnants of previous sales may cause denial of any future permit applications.
- (i) Any violation of permit requirements, including failure to keep a site clean and organized may lead to revocation of a temporary sales permit.
 - (j) Signage for temporary sales shall be professional in nature and secured in such a way as to withstand anticipated wind loads. All signs and supports shall be maintained in good condition to prevent deterioration, oxidation, rust and other unsightly conditions. Hand-painted signs are not permitted.
 - (k) No more than three signs shall be permitted per site.
 - (l) No signage shall be permitted within the right-of-way. All signage must be set back a minimum of eight feet from the property line.

B. Temporary retail sales or sidewalk sale.

- (1) *Permit.* A permit for temporary outdoor retail sales of merchandise may be granted by the community development department for a period not to exceed five consecutive days, at six-month minimum intervals to the same retail merchant holding the certificate of occupancy.
 - (a) The outdoor retail sales must be located so that it will not adversely affect parking or pedestrian access.

- (b) The type of merchandise that may be sold is limited to such products that the merchant would normally sell in their place of business.
- (c) The applicant shall submit in writing a statement that the temporary retail sales event will be removed at the end of the permit period or sooner if ordered by the community development department.

C. *Permit fees.* Applications for temporary retail and seasonal sales permits, and other associated permits as listed below shall be accompanied by a required fee as set forth in the City of Sachse Master Fee Schedule.

- (1) *Temporary seasonal sales:* As set forth in the City of Sachse Master Fee Schedule.
- (2) *Temporary food sales health permit:* as set forth in the City of Sachse Master Fee Schedule—Applies to all applicants that are providing food products.
- (3) *Temporary retail sales:* As set forth in the City of Sachse Master Fee Schedule.
- (4) *Electrical fee, if applicable:* As set forth in the City of Sachse Master Fee Schedule.”

SECTION 2. That Chapter 11, Article 4, Section 5 of the Sachse Code of Ordinances is hereby amended in part by adding a new Section 5.10; and that Schedule I is revised; to read as follows:

“CHAPTER 11

ZONING

...

ARTICLE 4. - GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS

...

Sec. 5. - Off-street automobile and vehicle parking and loading.

...

5.10 *Parking for Temporary Retail Sales and Seasonal Sales.* Alternate provisions for paved surfaces may be permitted for temporary retail sales and seasonal sales. These provisions shall be approved by the City Engineer and Fire Marshal and shall meet the requirements set forth in Chapter 4, Section 4-12 of the Code of Ordinances.

...

SCHEDULE I. PERMITTED USES

COMMERCIAL	<i>Agricultural</i>	<i>Single Family R-39</i>	<i>Single Family R-15</i>	<i>Single Family R-12</i>	<i>Single Family R-10</i>	<i>Single Family R-E</i>	<i>Office Park</i>	<i>Mixed Use</i>	<i>Commercial-1</i>	<i>Commercial-2</i>	<i>Industrial-1</i>	<i>Industrial-2</i>	<i>Planned Development</i>	<i>Parking Requirements</i>
	...													
													*	1/1,000 of site area

”

SECTION 3. All ordinances of the City of Sachse, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed; provided, however that all other provisions of said ordinances not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand

Dollars (\$2,000) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This ordinance shall take effect immediately from and after its passage, and publication of the caption, as the law and charter in such cases provide.

DULY APPROVED AND PASSED by the City Council of the City of Sachse, Texas on the ____ day of _____, 2012.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

Chapter 4 - BUSINESS REGULATIONS

...

Sec. 4-12. - Temporary retail sales and seasonal sales.

A. Temporary Seasonal Sales

(1) Purpose. The purpose of this section is to permit temporary seasonal sales with certain guidelines to ensure that such sales locations are properly maintained and operated so as to avoid any real or perceived negative impacts on adjacent property. It is not the purpose of this section to allow for permanent or semi-permanent occupancy of a property by a re-occurring temporary use.

~~(2)~~—For this section, seasonal means a product normally sold in a period of the year devoted to or marked by certain activities, events, or climate conditions, such as special holidays, summer season, winter season.

~~(3)~~ Specific Requirements Related to Permit Types.

(a) A permit for temporary seasonal fresh produce stands, snow cone and ice cream stands and any unlisted temporary seasonal sales use may be granted by the community development department under the following restrictions:

- i. Each permit shall be granted for a period not to exceed 90 days.
- ii. The applicant and/or property owner shall vacate the premises, including removal of all equipment, goods and/or remnants of the temporary sale, at the end of the permit period for a period of at least 30 days before a new permit can be issued for any temporary retail or seasonal sales use on that property.
- iii. No more than two permits for these uses shall be issued for each property within a twelve month period.
- iv. Off-street vehicle parking shall be provided on a paved surface in accordance with this Code.

(b) A permit for temporary seasonal sales of Christmas trees may be granted by the community development department under the following restrictions:

- i. Each permit shall be granted for a period not to exceed 40 days.
- ii. No more than one permit for the sale of Christmas trees shall be issued for each property within a twelve month period.
- iii. The applicant and/or property owner shall vacate the premises, including removal of all equipment, goods and/or remnants of the temporary sale, at the end of the permit period for a period of at least 30 days before a new permit can be issued for any temporary retail or seasonal sales use on that property.

- iv. Parking on unimproved surfaces may be allowed for the duration of the permit as approved by the City Engineer and Fire Marshal, provided the parking is not detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
- (c) ~~A permit for temporary seasonal sales of firewood may be granted by the community development department under the following restrictions:~~The temporary seasonal sales of firewood shall only be permitted in conjunction with a 'Retail Sales with Outdoor Display' use, which has otherwise received the necessary approvals pursuant to this Code. The temporary seasonal sales of firewood shall not be permitted to occupy any area that is required parking for an otherwise permanent permitted use on the property.
- ~~i. Each permit shall be granted for a period not to exceed 30 days.~~
 - ~~ii. A permit for firewood sales may be renewed, by submitting a new application to the community development department, up to two times, totaling 90 consecutive days on a single property.~~
 - ~~iii. Under no circumstance may the sale of firewood operate on a single property more than 90 days within a 12-month period.~~
 - ~~iv. The applicant and/or property owner shall vacate the premises, including removal of all equipment, goods and/or remnants of the temporary sale, at the end of the permit period for a period of at least 30 days before a new permit can be issued for any temporary retail or seasonal sales use on that property.~~
- (d) A permit for temporary seasonal sales activities such as, but not necessarily limited to plant sales and landscaping materials may be granted by the community development department for a period not to exceed 90 days.
- i. The permit shall be issued only to the current certificate of occupancy holder on a site that contains a minimum of 100 required parking spaces.
 - ii. The displayed merchandise shall not exceed five feet in height and have a front and side street set back the same as the building unless a solid six-foot screen is provided.
 - iii. ~~A temporary seasonal activity must be located so that it will not adversely affect parking.~~Off-street vehicle parking shall be provided on a paved surface in accordance with this Code.
 - iv. ~~The temporary seasonal activity must be located so that it will not adversely affect parking or pedestrian access.~~ No more than two

permits for these uses shall be issued for each property within a twelve month period.

- v. The applicant shall submit in writing a statement that the temporary seasonal activity will be removed at the end of the permit period or sooner if ordered by the community development department.

(3) General Permit Requirements.

- ~~(d)~~ ~~No property shall be granted more than two temporary sales and seasonal sales permits for any use or combination of uses within a 12-month period.~~
- (ea) Issuance of permits for temporary sales shall be limited to areas zoned for retail or commercial uses.
- (fb) A temporary seasonal activity must be located so that it will not adversely affect parking or pedestrian access.
- (gc) A site plan is required with an application showing the following:
 - i. All setbacks for the zoning district have been met.
 - ii. If the use is to occupy a paved area currently used for parking, then the parking that this use displaces must not be required for the existing commercial uses.
- (hd) The applicant and/or property owner shall submit in writing a statement that the temporary seasonal activity will be removed at end of the permit period or sooner if ordered by the community development department.
- (ie) All food related vendors must obtain a Dallas County health permit.
- (jf) The application for a temporary sales permit shall also include a true copy of the sales tax permit which designates the City of Sachse as the point of sale.
- (kg) The applicant for a temporary sales permit shall also provide a driver's license or other photo identification and a birth date of the owner/representative of the sales use.
- (lh) Temporary sales shall be kept clean at all times, including but not limited to the following:
 - i. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
 - ii. All land shall be maintained properly. Lawns, hedges, bushes, trees and other vegetation shall be trimmed and kept from becoming overgrown and unsightly, especially in those areas where the vegetation is exposed to public view and may cause a blighting influence if not properly maintained.

ATTACHMENT 1

- iii. All premises and exterior property shall be free from weeds or plant growth in excess of ten inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; however, this shall not include cultivated flowers and gardens.
 - iv. No unsafe structures, either permanent or temporary (including sheds, tents, lean-tos, storage pods or other shelters), defined as any structure that is found to be dangerous, unsafe or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible are permitted.
 - v. Firewood and other goods for sale shall be kept in neat stacks or bundles.
 - vi. No chopping or splitting of wood shall be permitted on the property.
 - vii. Disposal of any unsold or damaged goods, including wood scraps, Christmas trees or any other remnant of the temporary sale, must be completed by the end of the permit period. Any remnants of previous sales may cause denial of any future permit applications.
- (~~fi~~) Any violation of permit requirements, including failure to keep a site clean and organized may lead to revocation of a temporary sales permit.
- (~~gj~~) Signage for temporary sales shall be professional in nature and secured in such a way as to withstand anticipated wind loads. All signs and supports shall be maintained in good condition to prevent deterioration, oxidation, rust and other unsightly conditions. Hand-painted signs are not permitted.
- (~~ek~~) No more than one identification sign, which identifies the business only, shall be permitted per site. Signs advertising individual products and prices are not permitted.
- (~~pl~~) No signage shall be permitted within the right-of-way. All signage must be set back a minimum of eight feet from the property line.
- (~~m~~) If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, stream protection setbacks, wetlands, areas of slope greater than 20 percent, and required landscaping.

ATTACHMENT 1

- ~~(4) A permit for temporary seasonal sales activities such as, but not necessarily limited to, plant sales and landscaping materials may be granted by the community development department for a period not to exceed 90 days.~~
- ~~(a) The permit shall be issued only to the current certificate of occupancy holder on a site that contains a minimum of 100 required parking spaces.~~
- ~~(b) The displayed merchandise shall not exceed five feet in height and have a front and side street set back the same as the building unless a solid six-foot screen is provided.~~
- ~~(c) A temporary seasonal activity must be located so that it will not adversely affect parking.~~
- ~~(d) The temporary seasonal activity must be located so that it will not adversely affect parking or pedestrian access.~~
- ~~(e) The applicant shall submit in writing a statement that the temporary seasonal activity will be removed at the end of the permit period or sooner if ordered by the community development department.~~

B. Temporary retail sales or sidewalk sale.

- (1) Permit: A permit for temporary outdoor retail sales of merchandise, may be granted by the community development department for a period not to exceed five consecutive days, at six-month minimum intervals to the same retail merchant holding the certificate of occupancy.
- (a) The outdoor retail sales must be located so that it will not adversely affect parking or pedestrian access.
- (b) The type of merchandise that may be sold is limited to such products that the merchant would normally sell in their place of business.
- (c) The applicant shall submit in writing a statement that the temporary retail sales event will be removed at the end of the permit period or sooner if ordered by the community development department.

C. Permit fees. Applications for temporary retail and seasonal sales permits, and other associated permits shall be accompanied by a required fee as set forth in the City of Sachse Master Fee Schedule.

- (1) ~~Temporary seasonal sales: \$200.00 (Church, school, civic and city sponsored events are exempt from this permit fee).~~ As set forth in the City of Sachse Master Fee Schedule.
- (2) ~~Temporary food sales health permit: Must be obtained from the Dallas County Health Department~~ As set forth in the City of Sachse Master Fee Schedule—Applies to all applicants that are providing food products.
- (3) ~~Temporary retail sales: \$50.00 (five consecutive days, at six-month intervals by the same retail merchant holding c/o).~~ As set forth in the City of Sachse Master Fee Schedule.

ATTACHMENT 1

- (4) *Electrical fee, if applicable:* ~~\$15.00~~ As set forth in the City of Sachse Master Fee Schedule.

Chapter 11 – ZONING

...

ARTICLE 4. - GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS

...

Sec. 5. - Off-street automobile and vehicle parking and loading.

...

5.10 *Parking for Temporary Retail Sales and Seasonal Sales.* Alternate provisions for paved surfaces may be permitted for temporary retail sales and seasonal sales. These provisions shall be approved by the City Engineer and Fire Marshal and shall meet the requirements set forth in Chapter 4, Section 4-12 of the Code of Ordinances.



Legislation Details (With Text)

File #:	12-0930	Version:	1	Name:	CD - SUB ORD AMEND
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	6/22/2012	In control:		In control:	City Council
On agenda:	7/2/2012	Final action:		Final action:	

Title: Conduct a public hearing and consider approval of an Ordinance amending Chapter 8, Subdivisions in the Code of Ordinances in order to modify the review and approval process for the regulation of subdivisions, to create guidelines concerning completion and maintenance of public improvements, and to provide clarity in this Chapter by reordering the sections contained herein.

Executive Summary

The proposed ordinance would modify the Subdivision Ordinance whereby altering the sequence of approval stages during the subdivision process (plat approval). Furthermore, this ordinance will more clearly define the approval stages of the subdivision process as well as the associated regulations. Since the Subdivision Ordinance is a separate exhibit in this Chapter of the Code of Ordinances, this exhibit along with several other sections will be reordered and renumbered as one singular Chapter.

Sponsors:

Indexes:

Code sections:

- Attachments:**
- [CD - SUBDIVISION ORD PLAT AMENDMENTS - PPT PRES.pdf](#)
 - [CD - SUBDIVISION ORD PLAT AMENDMENTS - DRAFT ORD.pdf](#)
 - [CD - SUBDIVISION ORD PLAT AMENDMENTS - ATTACHMENT 1.pdf](#)
 - [CD - SUBDIVISION ORD PLAT AMENDMENTS - ATTACHMENT 2.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Conduct a public hearing and consider approval of an Ordinance amending Chapter 8, Subdivisions in the Code of Ordinances in order to modify the review and approval process for the regulation of subdivisions, to create guidelines concerning completion and maintenance of public improvements, and to provide clarity in this Chapter by reordering the sections contained herein.

Executive Summary

The proposed ordinance would modify the Subdivision Ordinance whereby altering the sequence of approval stages during the subdivision process (plat approval). Furthermore, this ordinance will more clearly define the approval stages of the subdivision process as well as the associated regulations. Since the Subdivision Ordinance is a separate exhibit in this Chapter of the Code of Ordinances, this exhibit along with several other sections will be reordered and renumbered as one singular Chapter.

Background

The Subdivision process, commonly referred to as the platting process is an integral step in the development of property. These amendments are being proposed with two main goals:

- 1) Continue to protect the public interest as it pertains to the subdivision of land; and
- 2) To more clearly define the approval stages and associated subdivision regulations.

Workshop discussions were conducted at the May 7, 2012, City Council meeting and the May 14, 2012, Planning and Zoning Commission meeting to solicit feedback. At these Workshops, staff presented a background of State Local Government Code requirements pertaining to subdivisions; a synopsis of the current subdivision process in the City of Sachse; and options for amending the sequence of steps in the Subdivision process.

At the June 22, 2012, Planning and Zoning Commission a public hearing was held and the Commission offered a recommendation of approval with a unanimous vote of 4-0. The Planning and Zoning Commission offered three specific conditions:

- 1) That the Master Fee Schedule be explicitly mentioned in Section 8-6 as the document containing filing fees;
- 2) That further clarity be provided with regard to Conveyance Plats concerning minimum acreage sizes; and
- 3) That the numbering of subsections (i.e., the outline format) be reviewed to be consistent throughout the document.

Staff has made changes to the draft ordinance to address the aforementioned conditions.

Based on the Staff's analysis and the feedback received, Staff is bringing forward an Ordinance to amend the existing regulations pertaining to the City of Sachse Subdivision Ordinance.

Policy Considerations

The authority given to municipalities to regulate subdivision approval is granted by Chapter 212 of the Texas Local Government Code. Based on the regulations in Chapter 212, municipalities are permitted only minimal latitude in approving subdivision applications. Thus, the proposed amendments have been prepared in accordance with the provisions of Chapter 212 of the Texas Local Government Code.

As stated in the Background section of this Staff Report, there are two main goals of the proposed amendments. The first goal is to continue to protect the public interest as it pertains to the subdivision of land. The second goal is to more clearly define the approval stages and associated subdivision regulations. Included below is how the proposed policy will achieve these goals.

Public Interest

The proposed amendments primarily strive to protect the public interest while also working within the legal parameters established by Texas Local Government Code. The importance of protecting the public interest was discussed during the prior Workshops held at City Council and Planning and Zoning Commission. An example of this protection is including requirements that the installation of public improvements (e.g. water/sewer

is including requirements that the installation of public improvements (e.g., water/sewer infrastructure, roadways) must be substantially complete prior to the recordation of a Final Plat. Since subdivided lots generally cannot be sold or transferred unless they are platted, this protects “unimproved” lots from being conveyed. By establishing this order of events, we can help to ensure that certain external costs of infrastructure improvement do not need to be borne by taxpayers as a whole at a later date.

Defined Process

The proposed subdivision approval process (Attachment 1) differs somewhat from the current process. The main difference is the requirement for public improvements to occur prior to a Final Plat being submitted to the City. Other ancillary provisions, such as expiration/extension dates will also be clearly defined in the proposed amendments. Collectively, these changes will provide a succinct and predictable process applied uniformly to every subdivision request submitted to the City.

The bulk of the amendments are centered on the processes associated with the approval of various types of plats. Much of the remaining changes are simply a reorganization of Sections of the Ordinance. A tabular view depicting the existing versus proposed sections and a description of the proposed changes can be found in Attachment 2.

Budgetary Considerations

None

Staff Recommendations

Staff recommends approval of an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances by amending and restating Chapter 8 “Subdivision” by adding new Sections 8-1 through 8-16 to codify and amend the City Subdivision Ordinance previously adopted by Ordinance No. 669 by providing Subdivision regulations to include definitions, regulations governing plats including preliminary plats, final plats, vacating, amending plats and replats; by renumbering Section 8-2 titled “Water and Sewer Main Extensions” to Section 8-17; by renumbering Section 8-3 titled “Street Extensions and Pro Rata Charges” to Section 8-18; by renumbering Section 8-4 titled “Street Design and Construction Costs” to Section 8-19; by renumbering Section 8-5 titled “Park Land Dedication by Developers” to Section 8-20; by renumbering Section 8-6 titled “Impact Fees” to Section 8-21; by renumbering Section 8-7 titled “Inspection Fees” to Section 8-22; providing a repealing clause; providing a savings clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and providing an effective date.



CITY COUNCIL MEETING

JULY 2, 2012

OUTLINE

- ❑ Why are we here?
- ❑ Overarching Goals
- ❑ Approval Process
- ❑ Changes (Existing versus Proposed)



BACKGROUND

WHY ARE WE HERE?

- Amend the Subdivision Ordinance to improve upon an important City development process
- Find balance between necessary oversight, meeting State requirements, and streamlining our process



BACKGROUND

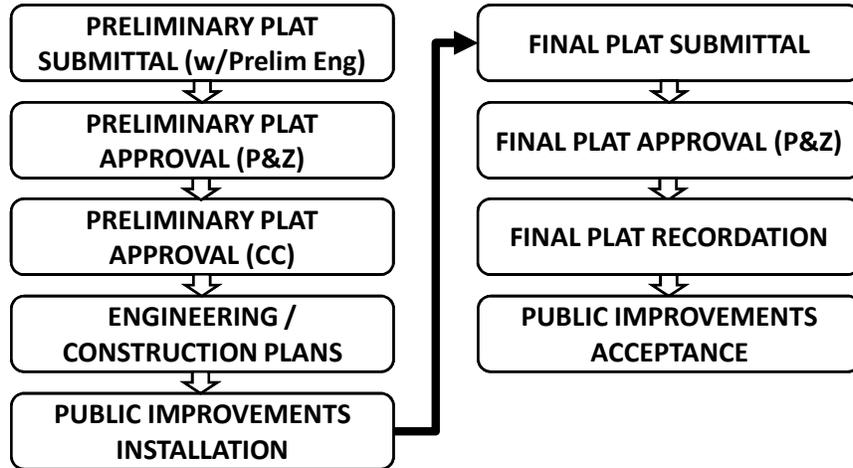
OVERARCHING GOALS

- Protect the public interest
- Improve upon an existing process



POLICY CONSIDERATIONS

PROPOSED PLAT REVIEW PROCESS



POLICY CONSIDERATIONS

EXISTING VS. PROPOSED CODE SECTIONS

Existing Section	Proposed Section	Description
Sec. 8-1	n/a	Section not included in proposed amendment
Sec. 8-2	Sec. 8-17	Entire existing section relocated to new section. No changes proposed.
Sec. 8-3	Sec. 8-18	
Sec. 8-4	Sec. 8-19	
Sec. 8-5	Sec. 8-20	
Sec. 8-6	Sec. 8-21	
Sec. 8-7	Sec. 8-22	



POLICY CONSIDERATIONS

EXISTING VS. PROPOSED CODE SECTIONS

Existing Section	Proposed Section	Description
Sub Ord. Art. I	Sec. 8-1, 8-2, 8-3, 8-4	Amendments to language in these sections, but not much change. Includes the sections on "Title", "Authority", "Intent and Purpose", and "Applicability".
Sub Ord. Art. II	Sec. 8-5	Some new definitions added to this section for clarity
Sub Ord. Art. III	Sec. 8-10, 8-11, 8-12, 8-13	This chapter contained the majority of the changes proposed in this amendment. Included in these sections are the various plat types and their respective regulatory and approval requirements. A new plat type of Conveyance Plat is defined in Sec. 8-13



POLICY CONSIDERATIONS

EXISTING VS. PROPOSED CODE SECTIONS

Existing Section	Proposed Section	Description
Sub Ord. Art. IV	n/a	This section was stricken as the requirements are contained in the plat application checklist. Included in this section are such items as the number of copies to be submitted, types of data and scale, etc.
Sub Ord. Art. V	Sec. 8-6	Section addresses "Filing Fees" and language was added to direct applicants to the Master Fee Schedule".
Sub Ord. Art. VI	Sec. 8-16	Entire existing section relocated to new section. No changes proposed.



POLICY CONSIDERATIONS

EXISTING VS. PROPOSED CODE SECTIONS

Existing Section	Proposed Section	Description
Sub Ord. Art. VII	Sec. 8-14	Entire existing section relocated to new section. No changes proposed..
n/a	Sec. 8-15	A new section was added here to define the completion and maintenance of public improvements.
Sub Ord. Art. VIII	Sec. 8-15	Existing language relocated to be in part of Sec. 8-15
Sub Ord. Art. IX	Sec. 8-15	Existing language relocated to be in part of Sec. 8-15
Sub Ord. Art. X	Sec. 8-9	Entire existing section relocated to new section. Minor changes for clarification, but no substantive changes proposed.



POLICY CONSIDERATIONS

EXISTING VS. PROPOSED CODE SECTIONS

Existing Section	Proposed Section	Description
Sub Ord. Art. XI	Sec. 8-8	Language remained largely unchanged. Renamed section from "Variances" to "Waivers"
Sub Ord. Art. XII	n/a	Language addresses "Conflicts" and is included in the Ordinance itself.
Sub Ord. Art. XIII	Sec. 8-7	A new section was created with minor changes to language to address applications filed prior to the adoption of the Ordinance
Sub Ord. Art. XIV	n/a	Language addresses "Severability" and is included in the Ordinance itself.
Sub Ord. Art. XV	n/a	Language addresses "Emergency Clause" and is included in the Ordinance itself.



STAFF RECOMMENDATION

Staff recommends approval of the request as presented.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING AND RESTATING CHAPTER 8 “SUBDIVISION” BY ADDING NEW SECTIONS 8-1 THROUGH 8-16 TO CODIFY AND AMEND THE CITY SUBDIVISION ORDINANCE PREVIOUSLY ADOPTED BY ORDINANCE NO. 669 BY PROVIDING SUBDIVISION REGULATIONS TO INCLUDE DEFINITIONS, REGULATIONS GOVERNING PLATS INCLUDING PRELIMINARY PLATS, FINAL PLATS, VACATING, AMENDING PLATS AND REPLATS; BY RENUMBERING SECTION 8-2 TITLED “WATER AND SEWER MAIN EXTENSIONS TO SECTION 8-17; BY RENUMBERING SECTION 8-3 TITLED “STREET EXTENSIONS AND PRO RATA CHARGES” TO SECTION 8-18; BY RENUMBERING SECTION 8-4 TITLED “STREET DESIGN AND CONSTRUCTION COSTS” TO SECTION 8-19; BY RENUMBERING SECTION 8-5 TITLED “PARK LAND DEDICATION BY DEVELOPERS” TO SECTION 8-20; BY RENUMBERING SECTION 8-6 TITLED “IMPACT FEES” TO SECTION 8-21; BY RENUMBERING SECTION 8-7 TITLED “INSPECTION FEES” TO SECTION 8-22; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 8 “Subdivision” of the City of Sachse Code of Ordinances be, and the same is hereby amended to read as follows:

“Chapter 8

SUBDIVISION

Sec. 8-1. Title.

This chapter shall be known and may be cited as “The City of Sachse Subdivision Ordinance.”

Sec. 8-2. Authority.

This chapter is adopted under the authority of the City Charter, the Constitution and Laws of the State of Texas, including Chapter 212 of the Texas Local Government Code, as amended.

Sec. 8-3. Intent and purpose.

A. *Intent.* In the interpretation and application of the provisions of these regulations, it is the intention of the City Council that the principles, standards and requirements provided for

herein shall be minimum requirements for the platting and developing of Subdivisions in the City of Sachse and, where other ordinances of the City are more restrictive in their requirements, such other ordinances shall control.

B. *Purpose.*

- (1) Promote and develop the utilization of land in a manner to assure the best possible community environment in accordance with the adopted plans and regulations of the City of Sachse;
- (2) Guide and assist the Developers in the correct procedures to be followed and to inform them of the standards which shall be required;
- (3) Protect the public interest by supervising the location, design, class and type of streets, sidewalks, utilities and essential areas and services required; and
- (4) Protect and promote the public health, safety and general welfare.

C. Every Owner of any tract of land situated within the corporate limits of the City who divides the tract in two or more parts to lay out a Subdivision of the tract, including an addition to the City, to lay out a building lot or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or Owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts must have a plat of the Subdivision prepared and approved according to this chapter. A division of a tract under this chapter includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executing contract, or by using any other method. A division of land does not include a division of land into parts greater than five acres, where each part has access and no public improvement is dedicated.

D. The procedure for approving a plat requires a Preliminary Plat and Final Plat. The requirement for a Preliminary Plat may be omitted with the approval of the City Manager. Except as otherwise permitted, the approval of a Preliminary Plat by the Planning and Zoning Commission and City Council is required for the construction of public improvements on the property. The Preliminary Plat and the associated engineering plans for the property may be amended during construction, with only major changes requiring re-approval by the Planning and Zoning Commission. Upon completion of the required public improvements, or the provision of an Improvement Agreement, the Owner may submit a corrected Final Plat for the Subdivision. Lots may be sold and building permits obtained after approval of the Final Plat by the Planning and Zoning Commission, and the recording thereof.

Sec. 8-4. Applicability.

This chapter shall apply to all Subdivisions of land within the corporate limits and within the extra territorial jurisdiction of the City of Sachse, Texas, and for other areas as may be authorized by Chapter 212 of Local Government Code.

Sec. 8-5. Definitions

City. The City of Sachse, Texas.

City Council. The governing body of the City of Sachse, Texas.

City Engineer. The person employed by the City as the City Engineer or with whom the City contracts and designated to review engineering aspects of development.

City Manager. Person employed by the City as City Manager or designee.

City Staff. The Director of Community Development or designee and other officials of the City designated by the City Manager.

Comprehensive Plan. The comprehensive plan of the City adopted by the City Council, as amended from time to time. The comprehensive plan indicates the general locations recommended for various land uses, transportation routes, streets, parks and other public and private developments and improvements.

Comprehensive Zoning Ordinance. The City Comprehensive Zoning Ordinance, as amended.

Design Standards. Collectively means the Drainage and Stormwater Pollution Prevention Design Manual, Paving Design Manual, and Water and Wastewater Design Manual adopted by resolution or ordinance from time-to-time, as amended.

Development. The Subdivision of land and/or the construction or reconstruction of one (1) or more buildings or the structural alteration, relocation or enlargement of any buildings or structures on a lot, tract, or tracts of land.

Developer. The Owner of property or the person authorized by the Owner to develop the property.

Director of Community Development. Person employed by the City as Director of Community Development or designee.

Drainage and Stormwater Pollution Prevention Design Manual. The City of Sachse drainage standards adopted by ordinance from time to time, as amended.

Easement. One or more of the property rights granted by the Owner to and/or for the use by the public or another person or entity.

Engineer. A person licensed as a professional engineer duly authorized under the provisions of the Texas Engineering Practice Act, as amended, to practice the profession of engineering.

Engineering Plans. The drawings and specifications prepared by a registered professional engineer submitted to the City and required for plat approval.

Improvement Agreement. A contract entered into by the Developer and the City by which the Developer promises to complete the required public improvements within the Subdivision within a specific time period following Final Plat approval in accordance with this chapter. An Improvement Agreement may be entitled as a Facilities Agreement, Developer's Agreement or other similar contract title as entered into by the Developer and the City.

Lot. An undivided tract or parcel of land under one ownership having frontage on a public street, and either occupied or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory buildings, which parcel of land is designated as a separate and distinct tract and building site.

Major Thoroughfare Plan. The thoroughfare plan adopted by ordinance from time-to-time, as amended.

May. The word "may" is permissive.

Owner. Fee simple title Owner of the land comprising a Subdivision or the Owner's authorized representative.

Paving Design Manual. The City of Sachse Paving Standards adopted by ordinance from time-to-time, as amended.

Plat. The graphic representation of a Subdivision, resubdivision, combination of lots or tracts, or recombination of lots or tracts. Plat includes, a replat, minor plat and amending plat.

Plat, Amending. A plat as described by the Texas Local Government Code Section 212.016, as amended.

Plat, Final. The Final Plat of a proposed Development submitted for approval by the Planning and Zoning Commission prepared in accordance with the provisions of this chapter and requested to be filed with the appropriate County Clerk of either Dallas County or Collin County.

Plat, Minor. A plat which contains four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or extension of municipal facilities as described by the Texas Local Government Code Section 212.0065, as amended.

Plat, Preliminary. The initial plat or working draft map or plan of a proposed Development submitted to the Planning and Zoning Commission and the City Council for approval.

Planning and Zoning Commission. The Planning and Zoning Commission of the City of Sachse, Texas.

Shall. The word "shall" is always mandatory and nondiscretionary.

Storm Drainage Master Plan. The master plan for the City of Sachse for storm drainage facilities adopted by ordinance from time-to-time, as amended.

Street. A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, private place or however otherwise designated, other than an alley or driveway.

Structure. Anything constructed or erected, the use of which requires location on the ground, or which is attached to something having a location on the ground.

Subdivision. The division of any tract of land situated within the corporate limits, or within the City's extraterritorial jurisdiction, in two or more parts, or the identification of a single tract, for the purpose of laying out any Subdivision of any tract of land or any addition to the City, or for laying out suburban lots or building lots, or any lots, streets, alleys, squares, parks or other parts intended to be dedicated to public use or for the use of purchasers or Owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts for the purpose, whether immediate or future, of creating building sites. A division of a tract includes a division regardless of whether it is made by using metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. Subdivision includes re-subdivision, but it does not include the division of land into parts greater than five (5) acres, where each part has access and no public improvement is dedicated.

Surveyor. A registered professional land surveyor as authorized by state law to practice the profession of surveying as authorized by the Land Survey Practices Act, as amended.

Temporary Improvement. Improvements built and maintained by an Owner during construction of the Development of the Subdivision or addition and prior to the acceptance of the performance bond or improvements required for the short term use of the property.

Vicinity Location Map. A small vicinity location map which shows sufficient streets, collector and arterial street names, and major features of the surrounding area to locate the area being subdivided.

Water Master Plan. The master plan for the City of Sachse for water facilities adopted by ordinance from time to time, as amended.

Wastewater Master Plan. The master plan for the City of Sachse for wastewater facilities adopted by ordinance from time-to-time, as amended.

Water and Wastewater Design Manual. The City of Sachse water and wastewater standards adopted by ordinance from time to time, as amended.

Sec. 8-6. Filing fees.

A. *Preliminary and Final Plats.*

- (1) Filing fees for plats as shown in the Master Fee Schedule established by resolution of the City Council from time-to-time shall be paid by the Developer at time of application.
- (2) Plat recordation fees which are charged by Dallas County and/or Collin County shall be paid by the Developer directly to the appropriate County when the Developer records the plat with that County.

Sec. 8-7. Previously filed applications.

A. Where an application was filed for review prior to July 2, 2012, the City Regulations in effect prior to that date shall apply but the developer may elect to develop the property under this Subdivision Ordinance. This election shall be made in writing at the time of application and shall be binding for the life of the project. The developer shall not be allowed to select provisions from both the regulations and the developer shall not be granted any waiver to this elective requirement.

Sec. 8-8. Waivers.

A. *Authorization.* The City Council may authorize a waiver from these regulations when in its opinion undue hardship will result from requiring strict compliance. In granting waiver, the City Council shall prescribe only conditions that it deems necessary or desirable to the public interest and making the findings herein below required. The City Council shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed Subdivision, and the probable effect of such waiver upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No waiver will be granted unless the City Council finds:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of their land.
- (2) That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, that the granting of the waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area.
- (3) That the granting of the waiver will not have the effect of preventing the orderly Subdivision of other lands in the area in accordance with the provisions of this chapter. Such finding of the City Council together with the specific facts on which such findings are based shall be incorporated under the official minutes of the City Council meeting at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of this chapter

so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the sub-divider, standing alone, shall not be deemed to constitute undue hardship.

Sec. 8-9. Penalty and enforcement.

A. Any individual (including any officer, agent or employee acting in behalf of any individual, firm, association or corporation) who shall violate any provision of this chapter within the corporate limits or within the extra territorial jurisdiction of the City, shall be guilty of a misdemeanor and, upon conviction shall be subject to a fine not to exceed two thousand dollars (\$2,000.00), and each day that such violation continues shall constitute a separate offense.

Sec. 8-10. Preliminary platting procedures.

A. *Pre-Development meeting.* A Pre-Development meeting shall be held between the applicant and City Staff prior to submission of a Preliminary Plat application for the purpose of advising the applicant as to the general restrictions, requirements, and other planning and engineering matters applicable to the plat. If an issue arises during the Pre-Development meeting that directly concerns a City department not represented, the appropriate City Staff will be contacted.

B. *Generally.*

- (1) Prior to the filing of a Preliminary Plat, the Developer shall meet with the City Staff for a Pre-Development Meeting.
- (2) After the Pre-Development Meeting, the Developer shall file the required number of copies of the Preliminary Plat of the proposed Subdivision with the City for submission to the Planning and Zoning Commission, and include the required filing fees and tax certificates showing all taxes have been paid on the property being platted.
- (3) The following notice shall be stamped on the face of each Preliminary Plat:

"Preliminary Plat - for inspection purposes only and in no way official or approved for record purposes."
- (4) Preliminary Plats shall be distributed by City Staff to City departments. The Owner shall be provided an opportunity to attend a Developer/City Staff meeting for the purpose of notifying the Developer of necessary corrections.
- (5) The Community Development Department shall accumulate the comments of the City departments, and conduct a Developer/City Staff meeting to report the comments and requested corrections to the Developer. The Developer shall be allowed to make comment or make required corrections and submit the corrected Preliminary Plat to the Community Development Department for submission to

the Planning and Zoning Commission. The corrected Preliminary Plat shall be submitted within 30 days of the date the original Preliminary Plat was officially filed and prior to the meeting of the Planning and Zoning Commission at which such Preliminary Plat is scheduled for consideration. Upon timely receipt, the Director of Community Development shall submit the corrected Preliminary Plat to the Planning and Zoning Commission.

- (6) A written report shall be prepared by City Staff and submitted to the Planning and Zoning Commission stating the review comments of the Preliminary Plat noting any unresolved issues.
- (7) Following review of the Preliminary Plat and other materials submitted in conformity with this chapter, the Planning and Zoning Commission shall act on a Preliminary Plat, within 30 days after the date the Preliminary Plat is officially filed. The Planning and Zoning Commission may either:
 - (a) approve the Preliminary Plat as presented;
 - (b) approve the Preliminary Plat with conditions; or
 - (c) disapprove the Preliminary Plat. If disapproved, the Planning and Zoning Commission upon written request, shall state the reasons for disapproval. A conditional approval shall be considered a disapproval until the conditions have been satisfied.
- (8) The actions of the Planning and Zoning Commission shall be noted on two copies of the Preliminary Plat. One copy shall be returned to the Developer and the other retained in the files of the Community Development Department.
- (9) The Planning and Zoning Commission shall, in its action on the Preliminary Plat, consider the physical arrangement of the Subdivision and determine the adequacy of the street and thoroughfare rights-of-way and alignment and the compliance of the streets and thoroughfares with the Major Thoroughfare Plan, the existing street pattern in the area and with any other applicable provisions of the Zoning Ordinance and Comprehensive Plan. The Planning and Zoning Commission, based on City Staff recommendations, shall also ascertain that adequate easements for proposed or future utility service and surface drainage are provided, and that the lot sizes and area comply with the Zoning Ordinance and are adequate to comply with the minimum requirements for the type of sanitary sewage disposal proposed. All on-site sewage disposal systems shall meet the minimum standards required by the City Code of Ordinances and the regulations of Dallas or Collin Counties and of the Texas Commission on Environmental Quality, or their successors.
- (10) After approval of a Preliminary Plat by the Planning and Zoning Commission, the Community Development Department shall forward the Preliminary Plat to the City Council for consideration at the next available City Council meeting.

- (11) The City Council shall act on the Preliminary Plat within 30 days after the date the Preliminary Plat is approved by the Planning and Zoning Commission or is considered approved by the inaction of the Planning and Zoning Commission. A Preliminary Plat shall be considered approved by the City Council unless it is disapproved within that period.
- (12) Approval of a Preliminary Plat by the Planning and Zoning Commission and/or the City Council is not approval of the Final Plat but is an expression of approval of the layout shown subject to satisfaction of specified conditions. The Preliminary Plat serves as a guide in the preparation of a Final Plat.

C. *Standards for approval.* No Preliminary Plat shall be approved unless the following standards have been met:

- (1) the Preliminary Plat conforms to the applicable zoning and all other requirements of this chapter and the City Code of Ordinances; and
- (2) a Tree Management Plan has been approved in accordance with the regulations in the City Code of Ordinances.

D. *Data requirement.* All Preliminary Plat applications shall include the following at the time of submittal:

- (1) An approved drainage plan and study, including the 100-year floodplain, and any existing or proposed drainage easements affecting the plan;
- (2) Preliminary Water Extension and Layout Plan;
- (3) Preliminary Sanitary Sewer Extension and Layout Plan;
- (4) The number of copies, page sizes and specific data requirements shall be in accordance with application guidelines provided by the Community Development Department.

E. *Effect of approval.* Approval of a Preliminary Plat by the Planning and Zoning Commission and City Council constitutes authorization for the Property Owner to submit Engineering Plans for review by the City Engineer.

F. *Changes or alterations to approved Preliminary Plat.* No previously approved Preliminary Plat may be changed or altered, except to bring the plat in conformance with the conditions and requirements stipulated by the Planning and Zoning Commission and City Council. Minor changes as outlined below shall be permitted at the discretion of the Director of Community Development:

- (1) The proposed internal street and / or circulation system and alignments may be altered if minor in nature. Changes to street classifications, connections to

perimeter streets, or extensions to the Subdivision's perimeter to un-subdivided property shall not be considered minor alterations.

- (2) A net increase, not to exceed 3% of the total residential lots (rounded to the nearest whole number) in the overall lot yield of the approved Preliminary Plat may be made, except as elsewhere prohibited by these regulations.
- (3) If the Director of Community Development determines that the proposed changes are minor, a revised Preliminary Plat may be approved administratively. A revised Preliminary Plat shall include all property within the boundary of the original Preliminary Plat. A revision to a Preliminary Plat shall not affect the expiration date of the plat and shall carry the same expiration as outlined below.

G. *Expiration of Preliminary Plat approval.*

- (1) The approval of a Preliminary Plat expires 24 months after the date of City Council approval unless a Final Plat is submitted and has received approval by the Planning and Zoning Commission for the property within such period, or the period is extended by the Planning and Zoning Commission in accordance with the Extension and Reinstatement guidelines contained herein.
- (2) If the time period is not extended, or a Final Plat is not submitted and approved by the Planning and Zoning Commission within the 24 month period, the Preliminary Plat approval shall be null and void and the Owner shall be required to submit a new plat for the property subject to the then existing zoning, Subdivision and other regulations.

H. *Extension and reinstatement of expired Preliminary Plat.*

- (1) 60 days prior to or following the lapse of approval for a Preliminary Plat as provided in these regulations, the Owner may request the Planning and Zoning Commission to extend or reinstate the approval.
- (2) In determining whether to grant such request, the Planning and Zoning Commission shall take into account the reasons for lapse, the ability of the Owner to comply with any conditions attached to the original approval and the extent to which newly adopted zoning and subdivision regulations shall apply to the Preliminary Plat. The Planning and Zoning Commission may extend or reinstate the Preliminary Plat or deny the request, in which instance the Owner must submit a new Preliminary Plat application for approval.
- (3) The Planning and Zoning Commission may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations such as are necessary to issue compliance with the original conditions of approval. The Planning and Zoning Commission may also specify a shorter time for lapse of the extended or reinstated Preliminary Plat than is applicable to original Preliminary Plat approval.

I. *Waiver of requirement for Preliminary Plat.* A Preliminary Plat is not required when a Minor Plat or Conveyance Plat is submitted in accordance with the requirements of this Chapter.

Sec. 8-11. Final platting procedures.

A. *Generally.*

- (1) After approval of the Preliminary Plat by the Planning and Zoning Commission and the City Council and, upon completion of the required public improvements or the provision of an Improvement Agreement as allowed herein, the Owner shall submit a Final Plat for the property for approval.
- (2) The Final Plat shall conform substantially to the approved Preliminary Plat and, if desired by the Developer, may cover only a phase of the approved Preliminary Plat; provided, however, such phase conforms to all the requirements of this chapter and the approved Preliminary Plat indicated the phasing of such Development.
- (3) The Final Plat shall be distributed to the City Departments and other agencies for review and comment in the same manner as a Preliminary Plat.
- (4) The Community Development Department shall accumulate the comments of the City Departments and agencies and conduct a Developer/City Staff conference to report the comments and requested corrections to the Developer. The Developer shall make comments or make the required corrections and submit the corrected Final Plat to the Community Development Department for submission to the Planning and Zoning Commission. The corrected Final Plat shall be submitted within 30 days of the date the original Final Plat was officially filed and prior to the meeting of the Planning and Zoning Commission at which the original Final Plat is scheduled for consideration.
- (5) The Final Plat shall be submitted to the Planning and Zoning Commission at the next available meeting with any appropriate comments and recommendations by the Community Development Department. The Planning and Zoning Commission shall act on the Final Plat within 30 days after the official filing date. If no action is taken by the Planning and Zoning Commission within such period, the Final Plat shall be deemed approved. A certificate showing the filing date and failure to take action thereon within the 30 day period shall on request be issued by the Planning and Zoning Commission, which shall be sufficient in lieu of a written endorsement of approval. The Planning and Zoning Commission shall be the final approval authority for Final Plats. The denial of approval of a Final Plat shall not be appealable to the City Council.

- (6) The Planning and Zoning Commission shall consider the Final Plat, including all proposals by the Owner with respect to the dedication of right-of-way for public use, the construction of utilities, streets, drainage and other improvements.
- (7) The approval of the Final Plat by the Planning and Zoning Commission shall authorize the Planning and Zoning Commission Chairperson to execute the certificate of approval on the Final Plat.
- (8) The approved Final Plat shall then be filed of record in the plat records of the appropriate County Clerk.
- (9) Final Plats disapproved by the Planning and Zoning Commission shall be returned to the Developer by the Community Development Department.
- (10) In the event a Final Plat is approved by the Planning and Zoning Commission for a Subdivision in phases, the Final Plat of each phase shall carry the same name throughout the entire Subdivision, but bear a distinguishing letter, number or subtitle. Lot and block numbers shall run consecutively throughout the entire Subdivision, even though such Subdivision may be finally approved in phases.

B. *Standards for approval.* No Final Plat shall be approved unless the following standards have been met:

- (1) The Final Plat substantially conforms to the Preliminary Plat;
- (2) Required public improvements have been constructed and are ready to be accepted, and/or an Improvement Agreement has been approved by the City for the subsequent completion of the public improvements;
- (3) The Final Plat conforms to the applicable zoning and all other requirements of this chapter;
- (4) Provisions have been made for adequate public facilities under the terms of this chapter; and
- (5) All required fees have been paid.

C. *Data requirement.*

- (1) The subdivider shall submit to the Community Development Department the necessary copies of the Final Plat and required supporting data prepared in accordance with the requirements set forth in the application guidelines provided by the Community Development Department. All documents shall be signed and dated by the applicant or person preparing the plans.

- (2) The Final Plat shall be prepared and signed by a registered professional land surveyor.
- (3) A Final Plat shall not be determined to be complete if it does not conform to the requirements of this Code. A Final Plat shall be considered filed on the date the application is considered complete.

D. *Execution and recordation.*

- (1) When an Improvement Agreement and security are required, the Chairperson of the Planning and Zoning Commission shall endorse approval on the Final Plat after the Improvement Agreement and security have been approved by the City Attorney and all the conditions pertaining to the Final Plat have been satisfied. A Final Plat for which an Improvement Agreement has been approved shall contain the following notation on the Final Plat:

"This Subdivision is subject to an Improvement Agreement pursuant to the City of Sachse, Texas Subdivision Ordinance. All or some of the public infrastructure were not constructed and accepted by the City of Sachse, Texas prior to approval of this Final Plat."

- (2) When installation of public improvements is required prior to recordation of the Final Plat, the Chairperson of the Planning and Zoning Commission shall endorse approval on the Final Plat after all conditions of approval have been satisfied and all public improvements are satisfactorily completed. There shall be written evidence that the required public improvements have been installed and have been completed in a manner satisfactory to the City as shown by a certificate signed by the City Engineer stating that the necessary dedication of public lands and installation of public improvements and have been accomplished.
- (3) The Property Owner shall be responsible for filing the Final Plat with the appropriate County Clerk. Simultaneously with the filing of the Final Plat, the Property Owner shall record such other agreements of dedication and legal documents as shall be required to be recorded by the Planning and Zoning Commission and the City Attorney. The Final Plat, bearing all required signatures, shall be recorded after final approval and within 5 working days of its receipt. One copy of the recorded Final Plat, with street addresses assigned, will be forwarded to the Owner by the City Staff.
- (4) Approval of a Final Plat shall certify compliance with the regulations of the City of Sachse pertaining to the Subdivision. An approved and signed Final Plat may be filed with the appropriate County Clerk as a record of the Subdivision and may be used to reference lots and interests in property thereon defined for the purpose of conveyance and development as allowed by these regulations.

E. *Expiration of Final Plat approval.*

- (1) If public improvements for a Subdivision have not been constructed and accepted by the City and the corresponding Final Plat for said Subdivision has not been filed in the appropriate County plat records within 2 years after the date of Final Plat approval by the Planning and Zoning Commission, said Final Plat shall be null and void and shall conclusively be deemed to be withdrawn without further action by the City. This provision shall not apply to Final Plats approved by the City prior to the effective date of this section.
- (2) Final Plats approved prior to the effective date of this section shall become null and void and shall be conclusively deemed to be withdrawn without further action by the City on July 3, 2014, if the public improvements for the Subdivision have not been constructed and accepted by the City and the corresponding Final Plat for said Subdivision filed in the appropriate County Plat Records.
- (3) An approved, unexpired Final Plat may be extended once by the Planning and Zoning Commission upon written request, for a period not to exceed 12 months provided:
 - (a) good cause is shown by the Developer; and
 - (b) there has been no significant change in Development conditions affecting the Subdivision; and
 - (c) the Final Plat continues to comply with all applicable, regulations, standards and this chapter.

Sec. 8-12. Vacating plats, replats and amending plats.

A. *Vacating plats.*

- (1) The Owners of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
- (2) If lots have been sold, the plat, or any part of the plat may be vacated on the application of all the Owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
- (3) The Planning and Zoning Commission and City Council shall disapprove any vacating instrument which abridges or destroys public rights in any of the public uses, improvements, streets or alleys.
- (4) Upon approval and recording with the appropriate County Clerk, the vacated plat has no effect.

B. *Re-platting without vacating preceding plat.*

- (1) A re-plat of a Subdivision or part of a Subdivision may be recorded and is controlled over the preceding plat without vacation of that plat if the replat:
 - (a) is signed and acknowledged by only the Owners of the property being platted;
 - (b) does not attempt to amend or remove any covenants or restrictions; and
 - (c) is approved, after a public hearing on the matter, by the Planning and Zoning Commission.
- (2) An application for a Replat shall follow the same procedure required for Preliminary and Final Plats.
- C. *Additional requirements for certain replats.*
 - (1) In addition to compliance with Section 8-11B, a Replat without vacation of the preceding plat must conform to the requirements of this section if:
 - (a) during the preceding five years any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - (b) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
 - (2) Notice of the public hearing as required in Section 8-11B shall be given before the 15th day before the date of the public hearing by:
 - (a) publication in the official newspaper; and
 - (b) by written notice, with a copy of Texas Local Government Code Section 212.015(c) attached, forwarded to the Owners of lots that are in the original Subdivision and that are within 200 feet of the lots to be replatted as indicated on the most recently approved City tax rolls of the property upon which the replat is requested.
 - (3) If the proposed re-plat requires a waiver and is protested in accordance with this subsection, the proposed re-plat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present at the meeting of the Planning and Zoning Commission. For a legal protest, written instruments signed by Owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the proposed re-plat and extending 200 feet from that area, but within the original Subdivision, must be filed with the Planning and Zoning Commission prior to the close of the public hearing.
 - (4) In computing the percentage of land area under Section 8-11C(3) above, the area of streets and alleys shall be included.

- (5) Compliance with Section 8-11C(3) and (4) is not required for approval of a replat of part of a preceding plat if the area to be re-platted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
- D. *Administrative approval of certain amending plats, minor plats and re-plats.*
- (1) The Director of Community Development is authorized to approve the following:
 - (a) Amending plats described by Section 212.016 Texas Local Government Code;
 - (b) Minor Plats involving 4 or fewer lots fronting an existing street and not requiring the creation of any new street or extension of municipal facilities; and
 - (c) A Replat under Section 212.0145 Tex. Loc. Gov't Code that does not require the creation of any new street or the extension of municipal facilities.
 - (2) The Director of Community Development may for any reason elect to present an Amending Plat, Minor Plat or Re-plat meeting the requirements of Section 8-11D(1) above to the Planning and Zoning Commission for approval.
 - (3) Any Amending Plat, Minor Plat or Re-plat meeting the requirements of this Section which the Director of Community Development fails or refuses to approve shall be submitted to the Planning and Zoning Commission for approval.

Sec. 8-13. Conveyance plats.

A. *Generally.* A conveyance plat is a boundary survey drawn as a plat. Easements, dedications and reservations may be recorded on a conveyance plat. Engineering plans are not required to process a conveyance plat, unless the Developer plans to construct limited improvements on the property. Development fees are not collected at the time of conveyance plat approval.

B. *Purpose.* The purpose of a Conveyance Plat is to subdivide land and to provide for recordation of same, for the purpose of conveying (i.e., selling) the property without developing it. A Conveyance Plat may be used to convey the property or interests therein; however, a Conveyance Plat does not constitute approval for any type of development on the property. A Conveyance Plat is an interim step in the subdivision and development of land.

C. *Applicability.* A Conveyance Plat may be used in lieu of a Final Plat to record the subdivision of property in the following instances:

- (1) To record the remainder of a parent tract that is larger than five acres, and that is created by the record platting of a portion of the parent tract, provided that the remainder is not intended for immediate development; or
- (2) To record the subdivision of a property into parcels, five acres or smaller in area, that are not intended for immediate development, provided that each parcel has direct access to all required public improvements (water, sanitary sewer, storm sewer) via dedicated easements or direct adjacency to existing infrastructure, each parcel has frontage on an existing public right-of-way, and each parcel has frontage on an existing public right-of-way, and the proposed lot meets the minimum lot dimension requirements as stipulated in this Code.

D. *Certification.* The conveyance plat shall contain a certification note on the plat face, as follows:

“This Conveyance Plat shall not convey any rights to Development or guarantee of public utilities, public or private access, or issuance of addressing and permits, without compliance with all Subdivision rules and regulations and the approval and recording of a Final Plat. A Conveyance Plat is filed for record in the appropriate County Clerk office upon administrative approval by the Director of Community Development.”

Sec. 8-14. Public sites and open spaces.

A. *Location of public sites.* The sub-divider shall give consideration to suitable sites for schools, parks, playgrounds and other areas for public use so as to conform with the recommendations of the City Council. Any provision for schools, parks, etc. shall be indicated on the preliminary plat.

B. *Development adjacent to public sites.* In cases where a Subdivision contains or abuts a school, park or playground, the subdivider shall dedicate one-half plus 5 feet of a normal street but not less than 30 feet, and provide for one-half the cost of paving and the full cost of all the utilities necessary. The interested agency shall provide the necessary right-of-way for the remainder of the street.

Sec. 8-15. Completion and maintenance of public improvements.

A. *Construction plan procedure.*

- (1) *General application requirement.* Construction plans shall be prepared by or under the supervision of a professional engineer or architect registered in the State of Texas as required by state law governing such professions. Plans submitted for review by the City shall be dated and bear the responsible engineer's or architect's name, serial number and the designation of "engineer," "professional engineer" or "P.E." or "architect" and an appropriate stamp or statement near the engineer's or architect's identification, stating that the documents are for preliminary review

and are not intended for construction. Final plans acceptable to the City shall bear the seal and signature of the engineer or architect and the date signed on all sheets of the plans. Public works construction in streets, alleys or easements which will be maintained by the City shall be designed by a professional engineer registered in the State of Texas.

- (2) *Construction plan review procedure.* Copies of the construction plans, including a copy of the approved Preliminary Plat shall be submitted to the City Engineer for final approval. The plans shall contain all necessary information for construction of the project, including screening walls and other special features. All materials specified shall conform to the standard specifications and standard details of the City. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made. The City Engineer will release the plans for construction, after payment of all inspection fees and a pre-construction conference is held. Upon such release, each Contractor shall maintain one set of plans stamped with City release at the project site at all times during construction.
- (3) *Failure to commence construction.* If commencement of construction has not occurred within 1 year after approval of the plans, resubmittal of plans may be required by the City Engineer for meeting current standards and engineering requirements. For purposes of this section "Commencement of Construction" shall mean:
 - (a) issuance of construction permit(s); and
 - (b) grading of the land.

B. *Improvement agreements.*

- (1) *Completion of improvements.* Except as provided below, before the Final Plat is approved by the Planning and Zoning Commission or the Director of Community Development, all applicants shall be required to complete, in accordance with the City's direction and to the satisfaction of the City Engineer, all street, sanitary and other public improvements, including lot improvements on the individual residential lots of the Subdivision as required in these regulations and specified in the Final Plat, and to dedicate those public improvements to the City. As used in this section, "lot improvements" refers to grading and installation of improvements required for proper drainage and prevention of soil erosion.
- (2) *Agreement.* The City Council, considering the recommendation of the Planning and Zoning Commission, may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the Final Plat, and may permit the Owner to enter into an Improvement Agreement by which the Owner covenants to complete all required public improvements no later than 2 years following the date on which the Final Plat is signed. The City Council may also

require the Owner to complete and dedicate some required public improvements prior to approval of the Final Plat and to enter into an Improvement Agreement for completion of the remainder of the required improvements during such two-year period. The Improvement Agreement shall contain such other terms and conditions as are agreed to by the Owner and the City.

- (3) *Improvement agreement required for oversize reimbursement.* The City shall require an Improvement Agreement pertaining to any public improvement for which the Developer shall request reimbursement from the City for oversize costs.
- (4) *Security.* The Improvement Agreement shall require the Owner to provide sufficient security covering the completion of the public improvements. The security shall be in the form of cash escrow or, where authorized by the City, a letter of credit or other security acceptable to the City Attorney. Security shall be in an amount equal to one hundred percent (100%) of the City's estimated cost of completion of the required public improvements and lot improvements. In addition to all other security, for completion of those public improvements where the City participates in the cost, the Owner shall provide a performance bond from the Contractor, with the City as a co-obligee. The issuer of any surety bond and letter of credit shall be subject to the approval of the City Attorney.
- (5) *Letter of credit.* If the Planning and Zoning Commission authorizes the Owner to post a letter of credit as security for its promises contained in the Improvement Agreement, the letter of credit shall:
 - (a) be irrevocable;
 - (b) be for a term sufficient to cover the completion, maintenance and warranty periods but in no event less than 2 years; and
 - (c) require only that the City present the issuer with a sight draft and a certificate signed by an authorized representative of the City certifying to the City's right to draw funds under the letter of credit.
- (6) *Letter of credit reductions.* As portions of the public improvements are completed, the Developer may make application to the City Engineer to reduce the amount of the original letter of credit.
 - (a) The City Engineer, if satisfied that such portion of the improvements has been completed in accordance with City construction standards, may cause the amount of the letter of credit to be reduced by such amount deemed appropriate, so that the remaining amount of the letter of credit adequately insures the completion of the remaining public improvements.
 - (b) Upon the dedication of and acceptance by the City of all required public improvements, the City shall authorize a reduction in the security to 10% of the original amount of the security if the Owner is not in breach of the Improvement Agreement. The remaining security shall be security for the

Owner's covenant to maintain the required public improvements and the warrant that the improvements are free from defect for 2 years thereafter.

- (7) *Temporary improvements.* The Owner shall build and pay for all costs of temporary improvements required by the Planning and Zoning Commission and shall maintain those temporary improvements for the period specified by the Planning and Zoning Commission. Prior to construction of any temporary improvement, the Owner shall file with the City a separate Improvement Agreement and escrow, or where authorized, a letter of credit, in an appropriate amount for such temporary improvements, which Improvement Agreement and escrow or letter of credit shall ensure that the temporary improvements will be properly constructed, maintained, and removed.
- (8) *Units of government.* Governmental units may file, in lieu of the contract and security, a certified resolution or ordinance agreeing to comply with the provisions of this section.
- (9) *Failure to Complete Improvements.* For plats for which no Improvement Agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the City, the Preliminary Plat approval shall be deemed to have expired. In those cases where an Improvement Agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the City may:
 - (a) Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the Development at the time the Improvement Agreement is declared to be in default;
 - (b) Suspend Final Plat approval until the public improvements are completed and record a document to that effect for the purpose of public notice;
 - (c) Obtain funds under the security and complete or cause the public improvements to be completed;
 - (d) Assign its right to receive funds under the security to any third party, including a subsequent Owner of the Subdivision for which public improvements were not constructed, in whole or in part, in exchange for that subsequent Owner's promise to complete the public improvements in the Subdivision; and
 - (e) Exercise any other rights available under the law.
- (10) *Acceptance of dedication offers.* Acceptance of formal offers of dedication of street, public areas, easements, and parks shall be by authorization of the City Engineer. The approval by the Planning and Zoning Commission of a plat, whether Preliminary or Final, shall not in and of itself be deemed to constitute or imply the acceptance by the City of any street, easement, or park shown on plat.

The Planning and Zoning Commission may require the plat to be endorsed with appropriate notes to this effect.

- (11) *Maintenance of public improvements.* The Owner shall maintain all required public improvements for a period of 2 years following the acceptance by the City and shall provide a warranty that all public improvements shall be free from defect for a period of two years following such acceptance by the City.

C. *Construction procedures.*

- (1) *Permit required.* A permit is required from the City prior to commencement of any Subdivision Development work in the City which affects erosion control, vegetation or tree removal or a floodplain.
- (2) *Preconstruction conference.* The City Engineer may require that all Contractors participating in the construction meet for a preconstruction conference to discuss the project prior to release of a permit.
- (3) *Conditions prior to authorization.* Prior to authorizing release of a construction permit, the City Engineer shall be satisfied that the following conditions have been met:
 - (a) the Preliminary Plat shall be approved by the Planning and Zoning Commission;
 - (b) all required contract documents shall be completed and filed with the City Engineer;
 - (c) all necessary off-site easements or dedications required for City infrastructure and not shown on the Final Plat must be conveyed solely to the City, with proper signatures affixed. The original of the documents shall be returned to the Engineering Department prior to approval and release of the engineering plans and issuance of a permit;
 - (d) all Contractors participating in the construction shall be provided, at the Developer's cost, with a set of approved plans bearing the stamp of release of the Engineering Department. One set of these plans shall remain on the job site at all times;
 - (e) a complete list of the Contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City Engineer at least 24 hours prior to the preconstruction meeting which is optional; and
 - (f) all applicable fees must be paid to the City.

D. *Inspection of public improvements.*

- (1) *General procedure.* Construction inspection shall be supervised by the City Engineer. Construction shall be in accordance with the approved plans and the Design Standards. Any change in design required during construction should be

made by the engineer whose seal and signature are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the Owner of the plans and if those revisions are noted on the plans or documents. All revisions shall be approved by the City Engineer. If the City Engineer's inspection finds that any of the required public improvements have not been constructed in accordance with the City's Construction Standards and specifications, the Owner shall be responsible for completing and/or correcting the public improvements.

- (2) *Certificate of satisfactory completion.* The City will not accept dedication of required public improvements until the applicant's engineer or surveyor has certified to the City Engineer, through submission of record drawings, indicating location, dimensions, materials, and other information required by the Planning and Zoning Commission or City Engineer that all required public improvements have been completed. The record drawings shall also include a complete set of drawings of the paving, drainage, water, sanitary sewer or other public improvements, showing that the layout of the line and grade of all public improvements is in accordance with construction plans for the plat, and all changes made in the plans during construction and containing on each sheet a record drawing stamp bearing the signature of the engineer and the date. The engineer or surveyor shall also furnish a copy of the Final Plat and engineering plans, if prepared on a Computer Assisted Design Drawings ("CADD") system, in such a format that is compatible with the City's CADD system. The Developer shall provide a maintenance bond executed by a corporate surety duly authorized to do business in the State of Texas, payable to the City and approved by the City as to form, to guarantee the maintenance of the construction for a period of two years after its completion and acceptance by the City. In lieu of a maintenance bond the Developer may submit either an irrevocable letter of credit payable to the City and approved by the City as to form, or a cash bond payable to the City and approved as to form. The amount of the maintenance bond, letter of credit or cash bond shall be at least ten percent of the full cost of the infrastructure in the Subdivision, as determined by the estimate of construction costs. When such requirements have been met the City Engineer shall thereafter accept the public improvements.
 - (3) Acceptance of the Development shall mean that the Developer has transferred all rights to all the public improvements to the City for use and maintenance.
 - (4) Upon acceptance of the required public improvements, the City Engineer shall submit a certificate to the Developer stating that all required public improvements have been satisfactorily completed.
- E. *Deferral of required improvements.*
- (1) The Planning & Zoning Commission may upon petition of the Owner defer at the time of final approval, subject to appropriate conditions, the provision of any or

all public improvements are not required in the interests of the public health, safety and general welfare.

- (2) Whenever a petition to defer the construction of any public improvement required under these regulations is granted by the Planning and Zoning Commission, the Owner shall deposit in escrow the Developer's share of the costs of the future public improvements with the City prior to approval of the Final Plat, or the Owner may execute a separate Improvement Agreement secured by a cash escrow or, where authorized, a letter of credit guaranteeing completion of the deferred public improvements upon demand of the City.

F. *Issuance of building permits and certificates of occupancy.* No building permit shall be issued for a lot or building site unless the lot or site has been officially recorded by a Final Plat approved by the City of Sachse, and all public improvements as required for Final Plat approval have been completed, except as permitted below:

- (1) Building permits may be issued for non-residential and multi-family (apartments) Development provided that a Preliminary Plat is approved by the City and civil construction plans have been released by the City Engineer. Building construction will not be allowed to surpass the construction of fire protection improvements.
- (2) The City Engineer may authorize residential building permits for a portion of a Subdivision, provided that a Preliminary Plat has been approved and all public improvements have been completed for that portion of the Development, including but not limited to those required for fire and emergency protection. Notwithstanding, no lot may be sold or title conveyed until a Final Plat approved by the City has been recorded.
- (3) No Certificate of Occupancy shall be issued for a building or the use of property unless all Subdivision improvements have been completed and a Final Plat approved by the City has been recorded. Notwithstanding the above, the City Building Official may authorize the occupancy of a structure provided that an agreement providing cash escrow, a letter of credit, or other sufficient surety is approved by the City for the completion of all remaining public improvements.

G. *Utility connections.* Utility connections for individual lots are not authorized until a Final Plat has been approved in accordance with this chapter.

H. *Withholding improvements.*

- (1) The City hereby defines its policy to be that the City will withhold all City improvements of whatsoever nature, including the maintenance of streets and the furnishing of sewage facilities and water service from all additions which have not been constructed and approved in accordance with this chapter.

- (2) The City of Sachse may withhold the issuing of a street number or building permit for the erection of any building in the City of Sachse on a newly subdivided parcel of land until all the requirements of these Subdivision regulations have been complied with, including installation of and acceptance by the City of all water works, sewage and paving improvements for the area designated.

I. *As-built plans.*

- (1) The developer or his engineer shall present the city with one reproducible (sepia) and three blue line or black line complete "AS BUILT" sets of plans for all paving, drainage structures, water mains and sewer mains within 60 days after completion of each contract and before final acceptance of the new developments.

Sec. 8-16. General requirements and design standards.

A. *Streets.*

- (1) The arrangement, character, extent, width, grade, and location of all streets shall conform to the City of Sachse master thoroughfare plan when available and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (2) When such street is not on the master thoroughfare plan, when available, the arrangement of streets in a subdivision shall either:
 - (a) Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
 - (b) Conform to a plan for the neighborhood approved or adopted by the council to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impracticable.
- (3) Minor streets shall be so laid out that their use by through traffic will be discouraged.
- (4) Where a subdivision abuts or contains an existing or proposed arterial street, the council may require marginal access streets, reverse frontage, deep lots with rear service alleys, or such treatment as may be necessary for adequate protection to residential properties and to afford separation of through and local traffic.
- (5) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the council.
- (6) Street center line offsets of less than 125 feet shall be avoided.

- (7) Arterial street intersections shall be at least 90° angles. Other street intersections shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect at less than 75°.
- (8) Sight distance triangles will be required where driveways intersect streets to allow sufficient drive sight distance for proper decision making on entering or crossing the roadway. No landscaping, grading, signs or screening shall be permitted in the sight distance triangle from 2 ½ feet to 8 feet in height, measured from the top of the adjacent curb. Minimum dimensions of sight distance triangles shall be in accordance with the tables and figures below.

**TABLE 1
SIGHT DISTANCES
(SEE FIGURE 1)**

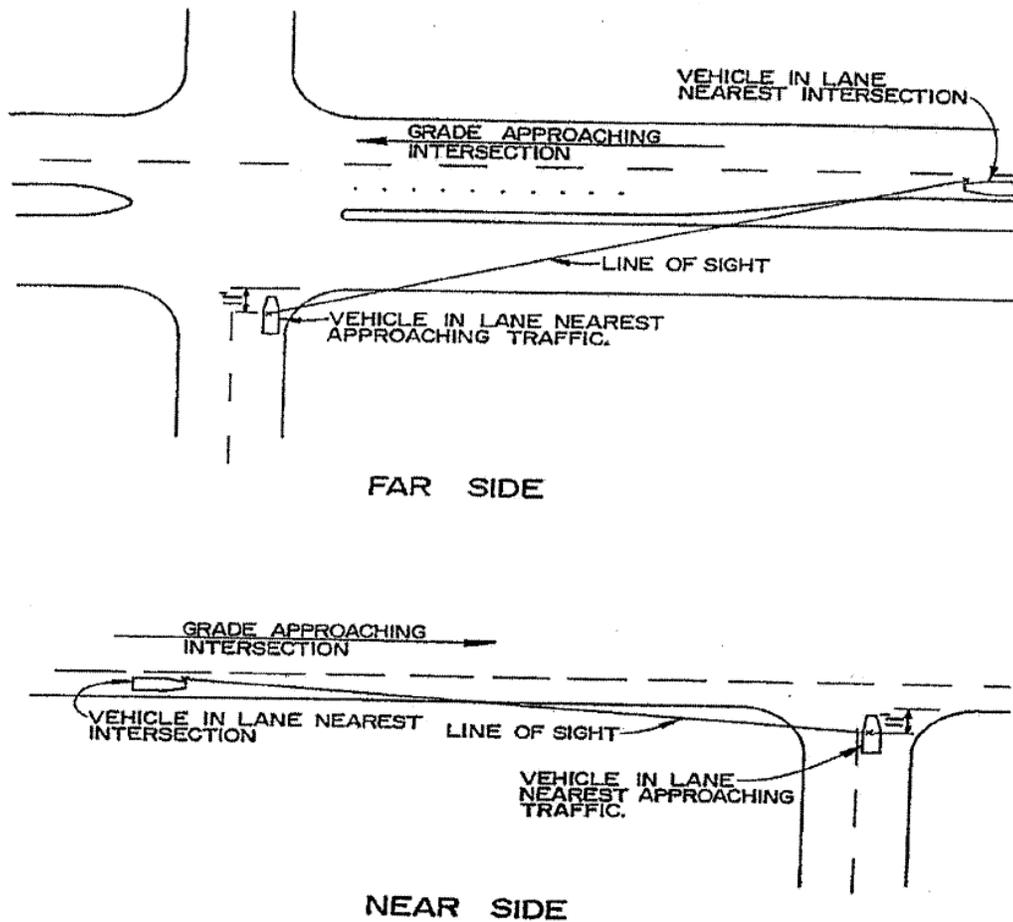
TYPE OF STREET	DESIGN SPEED	STOPPING SIGHT DISTANCE FEET		PAVEMENT WIDTH	INTERSECTION SIGHT DISTANCE (FEET)			
		MINIMUM	DESIRABLE		NEAR SIDE		FAR SIDE	
					MINIMUM	DESIRABLE	MINIMUM	DESIRABLE
RESIDENTIAL	25	150	200	26'	150	220	150	260
	30	200	200	26'	200	260	200	300
				30'	200	270	210	305
COLLECTOR	35	240	250	36'	200	275	220	310
MINOR ARTERIAL	35	240	250	44'	240	330	275	375
				2-22'	240	330	305	410
				44'	275	350	305	425
	40	275	300	2-33'	280	400	400	520
PRINCIPAL ARTERIAL	45	315	375	2-33'	320	450	450	580

FOR DISTANCE ADJUSTMENTS DUE TO GRADE OR STREET USE TABLE 2

**TABLE 2
SIGHT DISTANCE ADJUSTMENTS DUE TO GRADE**

DESIGN SPEED	UPGRADES (DECREASE)			DOWNGRADES (INCREASE)		
	3	6	10	3	6	10
25	5	10	15	5	15	25
30	10	15	20	10	20	30
35	15	20		15	25	
40	20	25		20	35	
45	25	30		25	50	

FIGURE 1



Sight distance at intersections

- (9) Street right-of-way widths shall be as shown on the master thoroughfare plan, when available, and where not shown therein shall be not less than as follows:
- (a) Major thoroughfares: Minimum 80 feet; maximum 140 feet, depending upon the location and the city street plan with which the major thoroughfare is to be connected.
 - (b) Secondary thoroughfare—60 feet (min.).
 - (c) Minor residential street—50 feet.
 - (d) Access or service road—40 feet.
 - (e) Minor street in apartment, commercial or industrial areas—60 feet
- (10) Minor residential streets shall be paved 31 feet wide from back of curb to back of curb. Minor apartment streets and secondary collector streets shall be paved 37 feet wide from back of curb to back of curb.

- (11) Half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of these regulations, and where the council finds it will be practical to require the dedication of the other one-half when the adjoining property is subdivided. Whenever a partial street exists along a common property line, the other portion of the street shall be dedicated. Where part of a street is being dedicated along a common property line and the ultimate planned width is 60 feet, the first dedication will be 35 feet; where the ultimate planned width is 70 feet, the first dedication will be 40 feet.
- (12) A cul-de-sac shall not be longer than 600 feet and at the closed end shall have a turn-around provided for, having an outside roadway diameter of at least 80 feet and a street property line diameter of at least 100 feet.
- (13) New streets of like alignment shall bear the names of existing streets and shall be dedicated at equal or greater widths than the existing streets. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the council.
- (14) All new streets dedicated within a subdivision shall be constructed in accordance with Standard Specifications of the NCTCOG for Public Works and the Standard Construction Details of the City of Sachse.
- (15) Where traffic conditions require, traffic engineering studies may be required by the council from the developer to provide technical data.
- (16) Within the corporate limits of the City of Sachse, street signs will be furnished and installed by the city at the expense of the subdivider at each intersection and the subdivider shall pay to the City of Sachse the current standard charges per street sign for the cost of materials and installation of each street sign. In subdivisions lying beyond the corporate limits of the said city, street name signs shall be placed by the subdivider at all intersections within or abutting the subdivisions. Such signs shall be of a type approved by the City of Sachse, shall be installed in accordance with the standards of the City of Sachse. The developer shall pay such sum as computed by the city administrative official for street signs as set out herein at the time at which he submits his final plat for approval, and this sum shall be in addition to the filing fee set forth hereinabove.

B. *Utilities.*

- (1) The sanitary sewers, storm sewers, water mains, street improvements, with all appurtenances pertaining to the above and facilities of other agencies as may be required, shall be constructed and installed in each new subdivision in accordance with current official standards of the City of Sachse.

- (2) Water.
 - (a) All subdivisions shall be provided with an approved water system designed and constructed in accordance with the master plan when available and standard specifications of the City of Sachse. In the corporate limits of the City of Sachse all subdivisions shall be connected with the City of Sachse water supply distribution system.
- (3) Sewer improvements.
 - (a) All subdivisions shall be provided with an approved sewage disposal system and where the subdivision is inside the city limits of the City of Sachse, shall be connected to the City of Sachse sanitary sewer system.
 - (b) The developer shall furnish and install the complete sewage system, including the mains, manholes, cleanouts, Y-branches and service laterals for all lots, lift stations and appurtenances. The sewage system shall be designed and constructed in accordance with the master plan when available and standard specifications of the City of Sachse.
 - (c) In locations where sanitary sewers are not available and where there is no immediate prospect for installation of sanitary sewers, then septic tanks of approved type may be installed in conformity with the rules, regulations and ordinances of the City of Sachse pertaining to public health, provided however that in no case shall septic tanks be installed without the express approval and inspection of the City of Sachse.
- (4) All public or privately owned underground utilities shall stub out all services from mains in all directions to the property lines in streets; and in alleys the services shall be stubbed out 18 inches inside the rear property line of platted lots and to the property line of unplatted property prior to commencing paving operations.
- (5) Electric utilities to be underground.
 - (a) No subdivision plat or site plan filed with or submitted to the city shall be approved unless such plan or plat requires all electric utility lateral and service lines to be constructed underground. In special or unique circumstances or to avoid undue hardship, the city council may authorize variances and exceptions from this requirement and permit the construction and maintenance of overhead electric utility lateral or service lines and may approve any plat with such approved variances or exceptions. It is the intent of this section that no overhead electric utility lateral or service lines be constructed without a variance or exception having been obtained for the subdivision plat or site plan.
 - (b) That all wires and lines providing other utility services, and electric lines serving street lights, shall be placed underground in all subdivisions and on all sites where the final subdivision plat or site plan approved by the city requires electric utility lateral and service lines to be placed

underground. Utility support equipment, such as transformers, amplifiers, switching devices, etc., necessary for or used in connection with underground installations shall be deemed to be placed underground if actually constructed underground or if pad-mounted on the surface.

- (c) Anything in this ordinance to the contrary notwithstanding, temporary construction service may be provided by overhead electric lines and facilities without obtaining a variance or exception.
- (d) That nothing herein set forth shall prohibit or restrict any utility company from recovering the difference between the cost of overhead facilities and underground facilities. Each utility whose facilities are subject to the provisions of this ordinance shall develop policies and cost reimbursement procedures with respect to the installation and extension of underground service.
- (e) As used in this ordinance the terms "Utility service[s]", "feeder lines", "lateral lines", and "service lines" shall have the following meanings:
 - (i) "Utility services" shall mean the facilities of any person, firm or corporation providing electrical, telephone, TV cable or any other such item or service for public use which services are not normally or already required to be placed underground and are within the present or future city limits of the City of Sachse, Texas.
 - (ii) "Feeder lines" shall mean those high voltage supply electric lines that emanate from substations used to distribute power throughout an area.
 - (iii) "Lateral lines" shall mean those electric lines used to distribute power from a feeder line to an end user. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.
 - (iv) "Service lines" shall mean those electric lines used to connect between the utilities' supply system and the end user's service entrance.

C. *Drainage.*

- (1) An adequate storm sewer system consisting of inlets, pipes and other underground drainage structures with approved outlets shall be constructed where runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions as established by the city will not be considered for development until adequate drainage has been provided.
- (2) No individual, partnership, firm or corporation shall deepen, widen, fill, re-route or change the course or location of any existing ditch, channel, stream or drainage way, without first obtaining written permission of the City of Sachse or other agency having jurisdiction.

D. *Alleys.*

- (1) Alleys shall be provided in commercial and industrial districts, except that the commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the use proposed. Service alleys in commercial and industrial districts shall be a minimum 25 feet in right-of-way width.
- (2) In residential districts, alleys may be provided parallel, or approximately parallel, to the frontage of the street. Alleys in residential districts, where provided, shall be a minimum of 15 feet in right-of-way width, and paved ten feet in width.
- (3) Alleys may be provided in all new developments and replatting of old additions, as desired by the developer because of drainage or topographical features or existing conditions which may require the use of an alley in a particular location.
- (4) Alleys, where provided, shall be paved in accordance with the Standard Construction Details of the City of Sachse.
- (5) Where the deflection of alley alignment exceeds 30°, a cutback of a minimum 15 feet or of such greater distance to provide safe vehicular movement shall be established on the inside property line and the paving of the alley shall be cut back in the same manner as shown in the city Standard Construction Details.
- (6) Dead-end alleys shall be avoided where possible, but, if unavoidable, shall be provided with adequate turn-around facilities at the dead end as determined by the council.
- (7) Access to residential property may be permitted from the alley. Access from the alley shall not exclude another means of access from the front or side. No alley lot access to residential property shall be allowed from any arterial street, unless expressly waived by the council upon approval by the city engineer.

E. *Easements.*

- (1) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be of such widths as may be reasonably necessary for the utility or utilities using same, with minimum width of 15 feet. Any easements so established shall be maintained by the property owner.
- (2) Where a subdivision is traversed by a water course, drainage way, channel or street, there shall be provided a storm easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the city administrative official that will be reasonably adequate for the purpose. Parallel streets or parkways may be required in connection with this.

The drainage shall be designed to eliminate erosion of adjoining property and to facilitate routine maintenance.

- (3) All easements may be included in the computation of lot sizes, with the exception of drainage easements, which will be in addition to the specified lot size.

F. *Blocks.*

- (1) The length, width and shapes of blocks shall be determined with due regard to:
 - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (b) Zoning requirements as to lot sizes and dimensions.
 - (c) Needs for convenient access, circulation, control and safety of street traffic.
- (2) In general intersecting streets, determining the blocks, lengths and widths shall be provided at such intervals as to serve cross traffic adequately, and to meet exiting streets or customary subdivision practices. Where no existing subdivision controls, the block lengths should not exceed 1,000 feet, with a maximum of 1,200 feet in length. Where no existing subdivision controls, the blocks shall not be less than 500 feet in length; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.
- (3) Where blocks in the vicinity of a school, park or shopping center are platted 1,000 feet or longer the council may require a walkway near the middle of the block or at a street that terminates between the streets at the ends of the block. The walkway shall not be less than four feet or more than eight feet in width, shall have a four foot concrete walk through the block from sidewalk to sidewalk, or the rear property line.
- (4) Where no existing subdivision controls, the block depth shall be platted to give lots with a depth to width ratio of generally not more than two and one-half to one and in no case more than four to one, and the platting shall be such that the block depth generally shall not exceed 350 feet nor be less than 215 feet. When possible, the block depth and length shall be such to allow two tiers of lots back to back to an alley.
- (5) Pedestrian walks not less than four feet wide shall be provided around the perimeter of all blocks. If the pedestrian walks are part of the current Master Hike and Bike Trail Plan, a walkway not less than eight feet wide shall be provided.

G. *Lots.*

- (1) Lots shall conform to the minimum requirements of the established zoning district.
- (2) Each lot shall abut on a public street.
- (3) Where corner lots are key lots, that is where lots face the frontage street and also other lots face the side street, the corner lot shall have a front building line on both streets, unless said key lot is separated from other lots by a dedicated street or alley.
- (4) Key lots or irregular shaped lots shall have sufficient width at the building line to meet frontage requirements of the appropriate zoning district. Also, the rear width shall be sufficient to provide access for all utilities including garbage collection, but not less than ten feet.
- (5) No lot shall be platted less than 100 feet in depth except in cases where an irregular shaped tract is platted into lots and remnant piece of property is of sufficient area to plat one or more lots, the council may waive the depth requirement to prevent a hardship on the developer.
- (6) Side lot lines shall be substantially at right angles or radial to street lines.
- (7) Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantage of topography and orientation. Where lots have double frontage, a front building line shall be established for each street.
- (8) It shall be lawful to increase the size of lots from that originally platted, provided, however, that there is no remaining portion of a lot, or lots, smaller than the original lot and provided further that final plat is submitted in accordance with the requirements of a final plat as contained hereinabove; provided that chapter 212 of Local Government Code is complied with.
- (9) In areas where city sewer is not immediately available, a lot shall be platted of such area as to meet the minimum requirements of Dallas and/or Collin Counties and the guide lines of the Texas state department of health pertaining to septic tank construction and operation.
- (10) No lot shall be replatted to reduce the size of the lots originally platted by a common dedicator, unless the consent of at least 66-2/3 percent of the property owners in the same subdivision has been obtained. Such required consent may be implied where another lot or lots in the subdivision as recorded have already been subdivided and built upon in the manner prescribed above. No lot will be reduced in width below a 60-foot frontage with an area of 7,200 square feet, except for

property having a local retail, commercial or manufacturing zoning classification and not for residential use.

- (11) When an applicant exhibits a duly executed and recorded deed covering a lot having dimensions of 50 feet by 120 feet or more has been sold by metes and bounds prior to passage of this ordinance and such lot is being assessed for city taxes and conforms to the established lot pattern and zoning classification in the block where located, then a building permit may be issued provided the requested use of such property conforms to the permanent zoning of the property covered by the application.
- (12) Subdivision plats for housing projects, apartment areas, shopping centers and industrial districts will be required. Site plans shall be filed with the City of Sachse for approval by the council.
- (13) All lots developed under this ordinance shall be shaped, graded, and finished by the developer to a finished grade elevation conforming with the lot grading plan and/or standard building code requirements providing for positive drainage and access.

H. *Building Lines.* Building lines along all streets shall be shown on the final plat on all lots intended for business and residential use and shall provide the minimum set-back as required by the Zoning Ordinance.

I. *Monuments.* In all subdivisions and additions corners shall be established at the corner of each block in the subdivision consisting of an iron rod or pipe not less than three-quarter inch in diameter and 24 inches deep flush with the top of the sidewalk. Lot corner monuments shall be placed at all lot corners except corners which are also block corners, consisting of iron rods or pipes of a diameter of not less than one half inch and 18 inches deep set flush with the top of the sidewalk.

Sec. 8-17. Water and sewer main extensions.

A. *Definitions.*

Pro Rata. A charge made against the consumer or Property Owner to pay for installation of water and sanitary sewer mains as provided in this section.

Standard size water main. A water main six inches or greater in diameter.

Substandard size water main. A water main less than six inches in diameter.

Property Owner. The record title holder of premises served with water from a connection by the City.

Consumer. The actual user of water from a City water connection.

B. *Pro Rata charges.*

- (1) *Existing main exempt.* All existing Subdivisions which have existing internal water mains four inches in diameter and large, and all customers connected to the Sachse water system at the time of passage of this section, shall be exempt from the water portion of the Pro Rata charges specified in this section. In unsubdivided areas with an existing water connection, the area to be exempt from the water Pro Rata portion of this section shall be actual frontage, or 150 feet, whichever is less.
- (2) *Existing mains adjacent to property other than Subdivisions.*
 - (a) Where an area, lot or tract of land abuts any existing water or sanitary sewer main, and when said water or sanitary sewer main spans the complete frontage of the area, lot or tract of land, then the following charges, known as "Pro Rata" shall be made against the Owner of the area, lot or tract of land seeking a connection to the water or sanitary sewer main. A \$5.00 permit fee shall be charged for each connection.
 - (i) Two dollars and fifty cents per front foot for the area, lot or tract of land seeking a connection to an existing water main.
 - (ii) One dollar and fifty cents per front foot for the area, lot or tract of land seeking a connection to an existing sanitary sewer.
 - (iii) Three dollars per foot front footage for the area, lot or tract of land seeking a connection to new construction of water main with a 250 foot maximum.
 - (iv) Three dollars per foot front footage for the area, lot or tract of land seeking a connection to a new construction of the sanitary sewer with a 250 foot maximum.
 - (b) All single-family residential lots, area or tracts of land located at a standard right angle street intersection shall only be charged a Pro Rata on the shortest street frontage, regardless of the locations of the water main or sanitary sewer.
 - (c) Where lots or tracts are intended to be used for apartments, business, commercial or industrial purposes or have a depth greater than 150 feet from the street line, then the Pro Rata herein provided shall be paid on the frontage for all streets which the property may abut minus 150 feet frontage for each corner of the property abutting a street intersection. Should said property be re-subdivided, whereby water or sewer main extensions are required to serve the same, the terms of this section shall

apply and additional Pro Rata charges shall be made based on such additional street frontage.

- (d) On lots, areas or tracts of land which extend through from one street to another, with frontage on both streets, and when the average distance of the property lines connecting the street lines is 255 feet or more, than a Pro Rata shall be charged on both frontages when the Owner seeks a connection to an existing water main or sanitary sewer.
- (e) Where lots, areas or tracts of land are irregular in size or shape, then the Pro Rata charges shall be based upon the equivalent rectangular lots or tracts using one front foot for each 120 square feet of area, or the Pro Rata charges provided by this section on the average frontage of such tracts, whichever is least.

C. *Main extensions for individual Property Owners.*

(1) *Single-family residential.*

- (a) Upon request of the Owner, or his agent, also referred to in this section as the applicant of a given lot or tract of land, the City shall extend, lay or construct all necessary water mains and sanitary sewers and their appurtenances, a maximum distance of 100 feet, plus the distance across the frontage necessary to provide the service for which the application is made, providing the necessary funds are available. The Property Owner to be served shall be required to pay the charges provided for in subsection B(2)(a), at such time as their property is connected to such mains. Where an applicant for service secures an extension and service under this particular option for main extension, he shall pay the Pro Rata charges on all property owned by him and which is served by the extension requested. In applying the 100-foot rule, the required extension of main shall be figured in such manner as to leave out of the calculations that portion of any man adjacent to property already having other than a temporary water service and for which the Pro Rata charges thereon have been paid, credited or exempt under the terms of this section.
- (b) In the event that the property seeking a water or sewer connection is outside the limits of the 100-foot rule, then the applicant shall extend the said water main or sanitary sewer from the nearest standard size existing water main or sanitary sewer as determined by the utility department. The extension, less the cost of 100 feet per applicant as provided in subsection C(1)(a), shall be constructed by the City at the Owner's expense and shall be extended across the complete frontage of said lot, area or tract of land seeking the connection when said main extension is located in a street right-of-way, alley or existing easement. If an additional easement is necessary to extend the water main or sanitary sewer across the said lot,

area or tract of land, then the Owner of the property seeking a connection shall provide the City with an easement, as required by the utility department. The Owners of all intervening property served by the given main extension shall be required to pay the Pro Rata charges as established in subsection B(2)(a), at such time as their property is connected to such main, and the Pro Rata charges collected by the City in accordance with this subsection, shall be refunded to the original investor, up to a period of ten years from the date of the total cost of the installation.

- (2) *Business, industrial, commercial, apartment and property other than single-family residential.*
- (a) When the Owner of an area, lot or tract of land zoned other than single-family residential, seeks a water or sewer connection and no standard size water mains or sanitary sewers are adjacent to, upon or span the complete frontage or distance required across the front of said area, lot or tract of land, the Owner shall extend the said water main or sanitary sewer from the nearest standard size existing main, as determined by the utility department. The extension shall be constructed either by the City, or by the Owner's Contractor at the Owner's expense and shall be extended across the complete frontage of said area, lot or tract of land when said main extension is located in a street right-of-way, alley, or an existing easement. If an additional easement is necessary to extend the water main or sanitary sewer across the said area, lot or tract of land, then the Owner of the property seeking a connection shall provide the City with an easement, as required by the utility department.
 - (b) The utility department shall determine the size of the required main extension in accordance with the City's master water and sewer plan, and shall also determine the location of all necessary appurtenances such as fire hydrants, valves, manholes, cleanouts and other items which may be necessary for proper operation and use of said water or sewer installation.
 - (c) All proposed water and sanitary sewer installations to be installed by the applicant's Contractor shall be designed by a registered professional engineer in the State of Texas, and the said engineer shall submit to the City, three copies of the complete engineering plans for said water or sewer improvements. The utility department shall review the plans and specifications, and if approved, shall mark them approved and return one set to the applicant's engineer. If not approved, two sets of the engineering plans shall be marked with the objections noted and returned to the applicant's engineer for correction. The same procedure shall be followed until the engineering plans are approved. After approval of the engineering plans and specifications, the applicant shall cause his Contractor to install the water or sewer facilities in accordance with the approved engineering plans and specifications and these regulations. The applicant shall require

his engineer to design, stake and supervise the construction of such improvements and shall require his Contractor to construct the said improvements in accordance with these regulations and obtain the City inspection of the installation of the improvements. When found to be installed in accordance with the plans and specifications, and after the improvements have been completed and upon receipt by the City of a one-year maintenance bond in the amount of ten percent of the contract price, along with three sets of "as-built" plans and one set of "as-built" sepias, and upon receipt of a letter of the Contractor's compliance with these regulations, then the utility department shall receive and approve for the City of Sachse the title, use and normal maintenance of the improvements.

- (d) When said main installations have been accepted by the City in accordance with the aforementioned criteria, the City will agree to refund to the applicant any Pro Rata collected from other parties, firms or corporations seeking a connection to the said water main or sanitary sewer installed by said applicant. The Pro Rata shall be collected at the rates established in subsection B(2)(a) of this section and the City will only be responsible for refunding the collected Pro Rata funds for a period not to exceed ten years from the date of acceptance of the said water and sewer installation. All refunds shall be made on a semi-annual basis on the last day of June and December.
- (e) Where extension is requested by an industry or commercial concern using large quantities of water, such extension may be made at the discretion of the City Council, provided 40 percent of the estimated annual revenue for such customer will support interest and principal payments on the total cost of the extension required to serve.

D. *Main extension for Developers and Subdivisions.*

- (1) *On-site extensions — totally within property to be developed.* A Developer shall defray the entire cost of water and sewer mains and all appurtenances that lie totally within a Subdivision, except that the City will refund the oversize cost as established in subsection E of any main larger than eight inches in diameter, unless such larger size is necessary to serve the Developer's property in question. Size of mains necessary for adequate service shall be determined by the utility department in accordance with the City's master water and sewer plan. Refunds for oversize cost will be made upon final acceptance of the system by the City providing the funds are available.
- (2) *Along-site mains — lying along one or more sides of a Subdivision divided tract and serving property other than the Subdivision for which the extensions are made.*

- (a) For all water and sanitary sewer mains, the Developer will be refunded any collected Pro Rata in accordance with subsection B(2)(a) of this section, as adjacent property develops and said refunds shall only be made for a period not to exceed ten years from the date of acceptance of the said water and sewer installation.
 - (b) For water and sanitary sewer mains, larger than eight inches in diameter, the Developer will be refunded the oversize cost as established in subsection G and as adjacent property develops, the Developer will be refunded any collected Pro Rata as established in subsection B(2)(a) of this section.
 - (c) Where along-site mains exist, the Developer shall pay to the City a Pro Rata in the amount as established in subsection B(2)(a) of this section, and said Pro Rata payments shall be paid before any building permits are issued for any lot, area or parcel of land situated inside the boundaries of said Subdivisions.
- (3) *Off-site extensions — totally outside of property to be developed.*
- (a) Where water and/or sanitary sewer facilities are not available to a tract to be developed, mains may be extended by the City to the nearest Subdivision property line at the expense of the Developer requiring such extension or the Developer shall cause his Contractor to install said water or sewer facilities in accordance with subsection C(2) of this section.
 - (b) Pro Rata collections and refunds shall be made in the following manner:
 - (i) Water mains — As property adjacent to said water mains installation develops and pays all due Pro Rata in accordance with subsection B(2)(a) of this section, then all Pro Rata collected by the City shall be refunded to the Developer or investor who caused such water main to be installed. Refunds shall not exceed the actual cost of said water main installation and said refunds shall only be made for a period of ten years from the date of City's acceptance of said water main installation.

On all unplatted property which may connect to said water mains, a water main Pro Rata charge in the amount of \$100.00 per acre shall be collected from said property by the City and shall be refunded to the Developer or investor who caused such water main installation to be installed.
 - (ii) Sanitary sewers — As property adjacent to the sanitary sewer develops and connects to said sanitary sewer installation and pays all due Pro Rata in accordance with subsection B(2)(a) of this

section, then all Pro Rata collected by the City shall be refunded to the Developer or investor who caused said sanitary sewer installation to be installed.

As other property not adjacent to said sanitary sewer installation develops and connects to or produces a flow of sewage, either directly or indirectly, through the said sanitary sewer installation, the sanitary sewer acreage Pro Rata in the amount of \$100.00 per acre shall be collected from said property by the City and shall be refunded to the Developer or investor who caused such sanitary sewer installation to be installed.

In the event where a single sanitary sewer line has been developed and constructed in more than one section and where more than one Developer or investor is involved, then all acreage Pro Rata collected from property not adjacent to said sanitary sewer installation shall be refunded to the Developer or investor who caused the initial section of said sanitary sewer facilities to be installed. As such time when the initial installation has been retired, then all collected Pro Rata shall be refunded to the Developer or investor who caused the installation of said second section. This same procedure shall be followed with any number of Developers or investors who cause said sanitary sewer line to be installed. Refunds shall not exceed the actual cost of said sanitary sewer main installation and said refunds shall only be made for a period of ten years from the date of City's acceptance of said sanitary sewer main installation.

- (4) *Mains in place within the property to be developed.* Should an existing water main or sanitary sewer lie in a street, alley or easement within a tract of land to be subdivided and developed for resale, before extensions from or connections to such line shall be made by a Developer, he shall pay to the City the following Pro Rata:
 - (a) Five dollars per front foot for the area, lot or tract of land seeking a connection to an existing water main.
 - (b) Three dollars per front foot for the area, lot or tract of land seeking a connection to any existing sanitary sewer.
 - (c) Should such mains lie along the Subdivision and serve one side only, one-half of the above costs shall be paid.

- (5) *Methods by which water and sewer mains can be extended for Subdivisions or Developments.*
 - (a) *On-site facilities.* On-site water and sewer facilities shall be constructed by private contract at the Developer's expense in accordance with the City

Subdivision regulations and all construction standards and specifications adopted by the City Council.

(b) *Off-site facilities.*

(i) *Private contract.* Off-site water and sewer facilities shall be constructed by private contract at the Developer's expense in accordance with the City Subdivision regulations and all construction standards and specifications adopted by the City Council.

(ii) *City contract.* A Developer of a Subdivision may deposit with the City the total estimated cost of such extensions required to serve his property, including the cost of approach and off-site mains fronting property not owned by the Developer. Upon receipt of the required amount of money, the City will construct such mains and upon the determination of final completion cost will refund any excess amount deposited, or require from Developer additional funds to defray the entire cost of the project. Refundable amounts for off-site costs or oversize costs will be determined by the utility department as established in subsection D(3) and subsection E of this section.

(6) *Temporary lines.* When temporary lines are constructed as an expediency to develop a particular area, such as across easements within a Subdivision of which no frontage can be connected, or where lines are constructed which are not required by the final plan of Development, the Developer will bear the total cost without refund.

E. *Establishing refunding procedure.* All refunds provided for in this section shall be made at six-month intervals (June 31 and December 31) of each year, and shall include funds then accrued to the credit of any Developers and others. A refund contract entered into by any Property Owner and the City under the provisions of this section, shall be effective only for a period of ten years after the date of said contract. No refunds will be made by the City to any applicant or contracting party after this ten-year period has expired, nor shall the City ever be liable for payment of interest on any deposits or refunds provided herein. This section shall not affect or change any agreement or contract for providing water and sewer services which was entered into by the City on or before the effective date of this section.

F. *Water and sewer connections.*

(1) *Water service connection.*

(a) The City shall install and maintain all water service connections in the streets, alleys and easements and shall charge for the installation and

maintenance of all such connections a sum sufficient to cover the cost thereof; such sum is to be determined by using the most current market cost of materials and labor. An updated list of these costs shall be kept in the water department billing office and made available upon request.

- (b) The cost for the installation of service lines which require the boring of paved streets on alleys shall be estimated by the utility department, and a deposit of the estimated amount will be required before work is started on the installation of such connection. Should the final cost of the work be less than the amount of the deposit, a refund of over-payment will be immediately made to the person from whom the deposit was received.
- (c) No streets or alleys shall be open-cut for the installation of water lines without written permission from the utility department. The cost of extending water service lines under paved streets or alleys shall be paid by the Owner of the property.
- (d) Where service lines have been installed by Developers, the water service connection charge shall be reduced by the amount of the tap charge as shown on current list kept in the water department billing office.
- (e) All water service for construction purposes shall be metered and subject to the same regulations and billings as permanent water accounts.

(2) *Sanitary sewer service connections.*

- (a) The City shall install all sanitary sewer service connections in the streets, alleys and easement both inside and outside the City limits. Said service connections shall be installed from the main to the property line when the sewer main is located in an alley or a street right-of-way; if the sewer main is in an easement, the service connection shall be installed from the sewer main to the easement boundary line. The City shall charge for each sewer lateral connection an amount whose sum is equal to the most current market cost for materials and labor. An updated cost of these materials and labor shall be kept in the water department billing office and made available upon request.
- (b) The Property Owner shall install a service line at his expense to the City's lateral, in accordance with City regulations and subject to the inspection of the City; and shall thereafter be responsible for normal maintenance of said service line from the house to the property line.
- (c) No streets or alleys shall be open-cut for the installation of sewer lines without written permission from the utility department.
- (d) The Property Owner shall install a service line at his expense to the City's lateral, in accordance with City regulations and subject to the inspection of the City; and shall thereafter be responsible for normal maintenance of said service line from the house to the property line.
- (e) Each house or building within the City shall be served by a separate and independent water and sanitary sewer connection. Where the service laterals have been installed by a Developer to serve a lot or tract of land, said lot or tract of land shall be exempt from a connection charge.

G. *Evaluated prices for determination of oversize costs and off-site facilities.* All costs for oversized water mains and appurtenances and sanitary sewer mains and appurtenances shall be determined by using the most current market cost for materials and labor.

H. *Purpose of section; where front foot rule inequitable.* The intent and purpose of this section is to provide an equitable charge for water and sanitary sewer connections as a proportionate distribution of the cost of water and sanitary sewer main extensions to serve property in the City on a front foot basis. In case property or a tract of land is so situated or shaped that the front foot rule creates an inequitable basis as between it and other tracts of land in the City, then in that event, the City Council shall determine the proper charge in accordance with the intent and purpose of this section.

I. *Method of enforcing payment.* Nothing herein shall be deemed in anyway to be an exclusive methods of enforcing the payment of the Pro Rata charges against the consumer and Property Owners, nor shall be deemed in any manner to be a waiver of the City's right to validly assess the Property Owners and/or consumers concerned for cost of the installation of standard size water and sewer mains, and to fix and enforce liens against said property. The method of enforcing payment of charges imposed by this section shall be in the manner prescribed by law.

J. *Crediting of collections.* Any and all sums of money collected as a Pro Rata and/or service connection charge, as established by this section, shall be credited to the water and sewer system funds of the City.

K. *If no funds available.* In no event may the City be required to install water or sewer main extensions under the provisions of this section if there are no funds available for that purpose.

L. *Sewage lift stations and other special installations.* In the event a lift station or other special installations are required, the same shall be installed under separate agreements between the City and the Developer.

M. *Procedure for variance.* The City Council may authorize a variance from the water and sewer line regulations when, in its opinion, undue hardships will result from the requiring of strict compliance. In granting variance, the council shall prescribe only conditions that it deems necessary or desirable to the public interest and making the findings herein below required. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship. No variance will be granted unless the council finds:

- (1) There are special circumstances or conditions such that the strict application of the provisions of this subsection would deprive the applicant of the reasonable use of his property; and,

- (2) The variances are necessary for the preservation and enjoyment of a substantial property right of the applicant; and,
- (3) The granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the area and substantial justice done, and
- (4) The variance be granted only in harmony with the general purpose and intent of water and sewer line extension ordinance.

Sec. 8-18. Street extensions and Pro Rata charges.

A. *Definitions.* The following terms shall have the meanings herein ascribed:

- (1) *Developer or Contractor.* The terms Developer or Contractor shall mean any private person or firm which constructs a street or streets to be dedicated to the City of Sachse, Texas, at his expense.
- (2) *City* The City of Sachse, Texas.
- (3) *Pro Rata.* A charge or fee to be collected from Property Owners other than the Developer or Contractor to defray the cost of the street construction which serves such Property Owner.
- (4) *On-Site Street.* A street which is totally within or adjacent to a tract of land which has been or is to be subdivided and developed for resale.
- (5) *Off-Site Street.* A street totally outside the tract of land which has been or is to be subdivided and developed for resale.
- (6) *Property Owner.* The record title holder of the lot or tract served by the street for which Pro Rata collections are applicable.

B. *Authority to make extensions.* The City may extend or authorize extension of streets or alleys within the City limits in order to provide connections to lots or tracts which have no frontage street and/or alley.

C. *Pro Rata charge established.* A charge, which shall be known as Pro Rata, shall be made against each lot or tract of land and the Owner thereof whose property is served by the street and/or alley subject to Pro Rata collection as determined by the City.

- (1) Charges will be one-half the average lineal foot cost of the construction of the street as determined by the City Engineer.
- (2) Average actual costs will be revised semi-annually on April 1 and October 1 and filed with the City secretary.

The above front foot rates shall apply to property fronting on streets in areas platted into the usual rectangular lots or tracts of land with a depth of not to exceed 150 feet. Where the lots or tracts have depths greater than 150 feet from the front street line and are occupied or are to be occupied exclusively as dwelling places, then the additional depth shall not be assessed. If the property is later subdivided, requiring an extension of streets to serve the same, then the terms of this section shall govern. On lots or tracts of land which extend through from one street to another with frontage on both streets and where the distance between the street lines is greater than 260 feet, then the Pro Rata charge herein provided for shall be paid on both frontages as applicable. Where lots or tracts are irregular in size or shape, the Pro Rata charges shall be based upon equivalent rectangular lots or tracts, using one foot for each 150 square feet of area or the Pro Rata charge provided herein on the average frontage of the Development, whichever is least.

D. *Purpose.* The intent and purpose of this section is to provide an equitable charge for street construction as a proportionate distribution of the cost of street or alley extensions to serve property in the City on which is owned by persons or firms other than the Developer or Contractor which incurred the cost of the construction of the street or alley on a front foot basis. In case property or a tract of land is so situated or shaped that the front foot rule creates an inequitable basis as between it and other tracts of land in the City, then in that event, the City Engineer shall determine the proper charges in accordance with the intent and purpose of this section.

E. *Extensions for property subdivided or platted for Development basis.*

(1) *Generally.* Where the extensions of the streets are required to serve property which has been subdivided or platted for Development for resale, streets may be extended to the properties on the following basis and in accordance with minimum standards and procedures described in this section. It shall be unlawful to improve any previously unimproved lot, tract or plot of land or any part thereof which fronts a street or alley for which Pro Rata charges are applicable even if such lot, tract or plot was originally purchased before construction and assessment of Pro Rata was accomplished.

(2) *Extensions within property to be developed.*

(a) Developers of such property will defray the entire cost of streets within their Subdivision. The size and construction of such streets and alleys shall be in conformance with the City standards.

(b) Streets lying along one or more sides of a subdivided tract which serve property other than the Subdivision for which the extensions are made:

The Developer or Contractor will be refunded one-half of the current average actual cost of the street constructed when the adjacent property is developed.

(3) *Where streets are in place in or adjacent to the property to be developed.*

- (a) Should an existing street or alley in or along an area or tract of land to be subdivided and developed for resale before extensions from or connections to such street will be made by the Developer, he shall pay the City the current average actual cost per lineal foot of his property along said street. Should such street lie along the Subdivision on one side only, one-half these costs shall be paid unless such streets serve the Subdivision in question exclusively. Such money shall be paid to the City Pro Rata fund and will constitute a charge for the use of such street in place.
 - (b) An exception to the normal Pro Rata charge for streets or alleys may be made on any existing street which runs along one or more sides of a five-acre tract or larger, which has not been subdivided. Before any building permit for a primary structure shall be given, the applicant shall pay a charge based on 100 feet of frontage and in accordance with the above rates. This in no way will exempt the remainder of the property from being charged Pro Rata charges under this section as such time as it is platted or developed.
- (4) *Off-site extensions required to serve property Development.* Where street facilities are not available to a tract to be developed, the Developer or Contractor shall extend such facilities, his expense, to an existing street, as approved by the City Engineer.
- F. *Methods of construction.*
- (1) *By private contract.* The construction of streets may be awarded on a private contract in accordance with provisions of the City of Sachse construction standards. Such streets or alleys, when constructed and dedicated, shall become the property of the City free and clear of all encumbrances. The City specifically reserves the option to advertise for bids and install any or all portions of the extensions.
 - (2) *By City contract.* Upon approval of the City, the Developer or Contractor of an addition or plat may design and prepare construction plans of streets or alleys to serve the Subdivision, including any access or off-site facility that may be required. The Developer of an addition or plat shall deposit with the City the total cost of such extensions required to serve, including the cost of approach or off-site streets fronting property not owned by the Developer if required by the provisions of this section not covering off-site streets. The City will construct such streets, upon determination of final completion costs, will refund any excess amount deposited, or require such Developer additional funds to defray the entire cost of the project on-site and of off-site facilities for which the Developer or Contractor is responsible.
- G. *City not obligated to make extensions.* In no event shall the City be obligated to proceed under the terms of this section if funds are not available or if, at the discretion of the City, the extension may not be practical.

Sec. 8-19. Street design and construction costs.

A. *Definitions.*

- (1) *Development* shall mean any activity that requires the filing of a final Subdivision plat, or first increment thereof, or one lot plat.
- (2) *Escrow* shall mean money placed in the possession of the city to accomplish the purposes set out in this section including, but not limited to, the following: purchase of right-of-way, design and construction of drainage facilities, curb, gutter and pavement.
- (3) *Street, unimproved* shall mean any street proposed to be constructed as part of a development or an existing street without concrete curb and gutter, but not including state or federal highways.
- (4) *Street, internal* shall mean any street whose entire width is contained within a development.
- (5) *Street, perimeter* shall mean any street which abuts a development or one whose width lies partly within a development and partly without.

B. *Street, design construction costs and escrow requirement.*

- (1) The Owner shall be responsible for the design and construction of all streets within his development and one-half of same if an unimproved perimeter street.
- (2) The Owner shall be responsible for the construction of the following width perimeter streets to his development:
 - (a) When developing land zoned Residential or "F", the Owner shall be responsible for the construction of one-half of a 37-foot collector street.
 - (b) When developing land zoned "C-1," "C-2," or "PD," the Owner shall be responsible for construction of one-half of a 45-foot concrete street or one-half of the actual width of the proposed street, whichever is less.
 - (c) When developing land zoned "I-1," "I-2," the Owner shall be responsible for the construction of one-half of the street actually proposed for construction, pursuant to the Thoroughfare Plan of the City of Sachse.
- (3) The Owner shall construct all internal and perimeter streets at the time of development unless, from an engineering standpoint, it is not feasible to do so. Upon such determination, the Owner shall be required to place an amount equal to his share of the construction costs plus six percent of such sum for future engineering costs in escrow with the city.

- (4) The Owner shall be responsible for all of the engineering and design costs of all internal streets and also of all perimeter streets which are constructed either entirely by the Owner or through participation.
- (5) The responsibilities of the Owner relative to perimeter streets, shall not exceed a linear footage requirement equal to the square root of the area of the property expressed in feet. In the event the property is bound by more than one unimproved perimeter street, such formula shall apply to each such street. A total waiver of perimeter street responsibility is not within the contemplation of these rules and regulations.
- (6) However, in any event, perimeter street escrow responsibility shall not exceed the factor of 0.0035 times the current street cost per linear foot (one-half of the applicable street width, based on zoning) times the square footage of the plat, plus six percent of such sum for future engineering costs.

C. *Participation and escrow.*

- (1) If the Owner chooses to construct a wider street than required by the city or these regulations, the Owner shall pay the entire cost for the street. However, in the event the city is required to participate in the construction costs as provided in this chapter, the city shall reimburse its proportionate share to the Owner upon completion and acceptance of the streets and drainage improvements.
- (2) The obligations and responsibilities delegated to the Owner herein shall become those of the Owner's transferees, successors and assigns; and the liability therefore, shall be joint and several.
- (3) For the purpose of this section, the first step of developing is the submission of a preliminary plat or the submission of a final plat, as the requirements thereof may be.
- (4) Payment of funds required to be placed in escrow shall be made after the preliminary plat is approved by the planning and zoning commission and prior to the approval of the final plat.
- (5) Escrows which have been placed with the city under this section which have been held for a period of ten years from the date of such agreement, in the event that council has not authorized the preparation of plans and specifications for construction of such street which the escrow was made, shall be returned to the Owner, with such interest as it has earned.

Sec. 8-20. Park land dedication by Developers.

A. *Assessment for park development.* An Owner shall pay to the City of Sachse the sum of \$1,100.00 for each lot contained within a residential Subdivision and \$600.00 per

multifamily dwelling unit. Such payment shall be made prior to recording the approved final Subdivision plat. Such fund shall be deposited by the City into an account designated exclusively for park assessment fees, and used thereafter by the City of Sachse only for the purchase of land to be used for park purposes, or for the Development, Re-Development or maintenance of existing parks within the City of Sachse.

B. *Dedication of land in lieu of cash assessment.* In lieu of the cash assessment provided in subsection A. of this section, an Owner may dedicate land for public park purposes to the City of Sachse calculated at the rate of not less than one acre of parkland for each 100 proposed dwelling units. Such land may be within or outside the proposed Subdivision. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, such additional dedication shall be required, and should be made by payment of money in lieu of land as provided in subsection A. of this section or by fee simple dedication of land to the City by separate instrument in the form of a warranty deed approved by the City. The City deems that the Development of an area where the buildable area of public park is smaller than one acre in size is impracticable. Therefore, if fewer than 100 units are proposed by a plat filed for approval, the Developer may be required to pay the applicable cash in lieu of park land dedication as provided in subsection A. of this section. Prior to such dedication, the Owner shall submit his or her proposal for dedication to the City Manager, along with a comprehensive narrative appraisal of the fair market value of such property prepared by an MAI appraiser. Acceptance of such policy in lieu of the cash assessment provided in subsection A. of this section shall be at the sole discretion of the City Council. Should the City Council agree to accept such offer of dedication, and should the fair market value of the property (as determined by the City Council) be less than the amount the Owner would be required to pay pursuant to the provisions of subsection A. of this section, then the Owner shall pay to the City the difference in cash pursuant to the provisions of subsection A. of this section.

C. *Recommendation from the parks and recreation commission.* In all instances, the City Council shall have the right to accept the dedication for approval on the final plat or accept the fee in lieu of land dedication. That determination shall be based upon existing circumstances at the time, and upon recommendation from the parks and recreation commission, and in accordance with the parks, recreation, and open space plan adopted by the City. Details of proposed dedication property may be submitted to the parks board for review and consideration prior to the preliminary plat process.

D. *Park dedication fund.* The park dedication fund will be administered by the City Council to best benefit the Development, provided that the establishment of a park site shall be within the discretion of the City Council. The money paid by the applicant will be expended on such park site. All sums deposited to the fund shall be accounted for by the City and expended for such purposes as land acquisition, construction of improvements, and purchase of equipment (at the City's discretion).

Sec. 8-21. Impact fees.

A. *Purpose.* This section is intended to assure the provision of adequate public facilities to serve new Development in the City by requiring each such Development to pay its

share of the costs of such improvements necessitated by and attributable to such new Development.

B. *Definitions.* For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

Advisory committee. The members of the planning and zoning commission, and the representatives appointed by the City Council as required by the state law.

Assessment. The determination of the amount of the maximum impact fee which can be imposed on new development pursuant to this section.

Capital improvement. Any of the following facilities that have a life expectancy of three or more years and are owned and operated by or on behalf of the City:

- (1) Water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; and storm water, drainage, flood control facilities as they relate to the construction of roadway facilities, whether or not they are located within the service area; and
- (2) Roadway facilities.

Capital Improvements Plan. A plan contemplated by this section that identifies capital improvements or facility expansions for which impact fee may be assessed, adopted by the City from time to time, and on file in the City secretary's office.

City. The City of Sachse, Texas.

Credit. The amount of the reduction of an impact fee for fees, payments, or charges for or construction of the same type of facility.

Facility Expansion. The expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement in order that the existing facility may serve new development. The term does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

Final plat approval or approval of a final plat. The point at which the applicant has complied with all conditions of approval and the plat has been released for filing with the county clerk.

Impact Fee. A charge or assessment imposed as set forth in this section against new development. The term does not include:

- (1) Required dedications of land for public parks or payments in lieu thereof;

- (2) Dedication of rights-of-way or easements or construction or dedication of on-site or off-site water distribution, wastewater collection or drainage facilities, or streets, sidewalks, or curbs, if the dedication or construction is required by a valid ordinance and is necessitated by and attributable to the new development;
- (3) Lot or acreage fees, or Pro Rata fees, to be placed in trust funds for the purpose of reimbursing Developers for over-sizing or constructing water or wastewater mains or lines; or
- (4) Other Pro Rata fees for reimbursement of water or wastewater mains or lines extended by the City.

Land use assumptions. A description of the service area and projections of changes in land uses, densities, intensities, and population and employment growth in the service area over at least a ten-year period, and adopted by the City, as may be amended from time to time, upon which the capital improvements plans are based, adopted by the City from time to time, and on file in the City secretary's office.

New development. A project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure, or any use or extension of the use of land, any of which has the effect of increasing the requirements for capital improvements or facility expansions, measured by the number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to the City's Subdivision regulations, the issuance of a building permit or connection to the City's water or wastewater system, and which has not been exempted from these regulations by provisions of this section. Installation of a larger water meter will constitute new development.

Off-site. A facility or expansion that is not a site-related facility, as defined herein. Located entirely on property which is not included within the bounds of the plat being considered for impact fee assessment.

On-site. An improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water and wastewater facilities to serve the new development and which is not included in the impact fee capital improvements plan and for which the Developer or Property Owner is solely responsible under Subdivision and other applicable regulations.

Roadway facilities. Arterial or collector streets or roads that have been designated on the City's officially adopted roadway plan, together with all necessary appurtenances. The term includes, but is not limited to, the City's share of costs for roadways and associated improvements designated on the federal or Texas highway system, including, but not limited to, local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks and drainage appurtenances. The term also includes but is not limited to interests in land, traffic lanes, curbs, gutters, intersection improvements, traffic control devices, turn lanes, drainage facilities associated with the roadway or street lighting.

Service area. The area within the City and/or the City's extraterritorial jurisdiction, as identified in the land use assumptions, to be served by the capital improvements or facilities expansions specified in the capital improvements plan, for roadway facilities service area means any one of the individual services areas within the City's corporate boundaries as identified in the land use assumptions and the capital improvements plan.

Service unit. The standardized measure of consumption, use, generation or discharge attributable to an individual unit of development, that had been calculated in accordance with generally accepted engineering and/or planning standards, as indicated in the land use equivalency tables located in the "Roadway, Water and Wastewater Impact Fee Update", which is attached hereto as Exhibit "D" and incorporated by reference herein, as may be amended from time to time.

Sanitary sewer facility. An improvement for providing wastewater collection, including, but not limited to, land or easements, lift stations, or interceptor mains. Sanitary sewer facility excludes sanitary sewer lines or mains which are reimbursed from Pro Rata charges paid by Developers or Owners of property in other Subdivisions as a condition of connection to or use of such facility.

Site-related facility or on-site. An improvement or facility which is for the primary use or benefit of a new development and/or which is the for the primary purpose of safe and adequate provision of water and wastewater facilities to serve the new development and which is not included in the impact fee capital improvements plan and for which the Property Owner is solely responsible under Subdivision and other applicable regulations, or which is located at least partially on the plat which is being considered for impact fee assessment. Site-related facility includes that portion of an off-site water or wastewater main, equivalent to a standard size water or wastewater main, which is necessary to connect any new development with the City's water or wastewater system, the cost of which has not been included in the City's impact fee capital improvements plan.

Water facility. A water interceptor or main, pump station, storage tank or other facility or improvement used for providing water supply, treatment and distribution service included within the City's water storage or distribution system. Water facility includes, but is not limited to, land, easements or structures associated with such facilities. Water facility excludes a site-related facility.

Utility connection. A connection of an individual meter to the City's water or wastewater system, or an increase in the size of an existing meter.

Wastewater facility. A wastewater interceptor or main, lift station or other facility or improvement used for providing wastewater collection and treatment included within the City's collection system for wastewater. Wastewater facility includes, but is not limited to, land, easements or structures associated with such facilities. Wastewater facility excludes a site-related facility.

Water meter. A device for measuring the flow of water to a development, whether for domestic or for irrigation purposes.

C. *Advisory committee.*

- (1) The advisory committee shall consist of the planning and zoning commission. If the committee does not include at least one representative of the real estate, development or building industry who is not an employee or official of a political Subdivision or governmental entity, the City Council shall appoint at least one such representative as an ad hoc voting member of the advisory committee. If any impact fee is to be applied in the extraterritorial jurisdiction of the City, a representative from that area shall be appointed by the City Council.
- (2) The advisory committee serves in an advisory capacity and is established to:
 - (a) Advise and assist the adoption of land use assumptions;
 - (b) Review the capital improvements plan and file written comments;
 - (c) Monitor and evaluate implementation of the capital improvements plan;
 - (d) File semi-annual reports with respect to the progress of the capital improvements plan and report to the City Council any perceived inequities in implementing the plan or imposing the impact fee; and
 - (e) Advise the City Staff and council of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.
- (3) All professional reports concerning the development and implementation of the capital improvements plan shall be made available to the advisory committee.
- (4) The advisory committee shall elect a chairperson to preside at its meetings and a vice-chairperson to serve in his or her absence. All meetings of the committee shall be open to the public and posted at least 72 hours in advance. A majority of the membership of the committee shall constitute a quorum.
- (5) In the event of any conflict between this subsection 8-6(c) and applicable state law, state law shall control.

D. *Periodic updates required.*

- (1) The City shall update the land use assumptions and capital improvements plan upon which impact fees are based at least every five years, beginning with the date of adoption of such plans, and shall recalculate the impact fees based thereon in accordance with provisions set forth in Chapter 395, Texas Local Government Code, or any successor statute.
- (2) The City may review its land use assumptions, impact fees, capital improvements plans and other factors, such as market conditions, more frequently than provided in subsection (1) above to determine whether the land use assumptions and capital

improvements plan should be updated and the impact fee recalculated accordingly.

- (3) If, at the time an update is required pursuant to subsection (1) above, the City Council determines that no change to the land use assumptions, capital improvements plan or impact fee is needed, it may dispense with such update by following the procedures in Local Government Code, Section 395.0575, or its successor statute.

E. *Impact fee as a condition of development approval/permit issuance.* No final plat for new development shall be released for filing with the appropriate county, nor may any new development be connected to the City's water or wastewater system, nor may an application of a utility connection be approved, without assessment of an impact fee pursuant to this section. No building permit shall be issued or utility connection made for new development until the Property Owner has paid the impact fee imposed herein.

F. *Assessment of impact fees.*

- (1) For land which is un-platted at the time of application for a building permit or utility connection, or for a new development which received final plat approval prior to the effective date of this article, and for which no re-platting is necessary pursuant to the City's Subdivision regulations prior to development, assessment of impact fees shall occur at the time application is made for the building permit or utility connection, whichever first occurs, and shall be the amount of the maximum impact fee per service unit in effect, as set forth in Exhibits A, B and C, attached hereto and made part hereof for all purposes.
- (2) For a new development which is submitted for approval pursuant to the City's Subdivision regulations on or after the effective date of this section, or for which re-platting results in an increase in the number of service units after such date, assessment of impact fees shall be at the time of final plat recordation, and shall be the amount of the maximum impact fee per service unit in effect as set forth in Exhibits A, B and C.
- (3) Following the initial assessment of impact fees for new development pursuant to subsection (1) above, the amount of impact fee assessment per service unit for that development cannot be increased, unless the Owner proposes to change the approved development by the submission of a new application for final plat approval or other development application that results in approval of additional service units, in which case the impact fee will be reassessed for the increased meter size or additional meters or service units at the impact fee rate then in effect.
- (4) Following the vacating of any plat or approval of any re-plat, a new assessment must be made in accordance with subsection (1) above.

- (5) An application for an amending plat made pursuant to V.T.C.A. Texas Local Government Code, § 212.016 and the City Subdivision ordinance, and for which no new development is proposed, is not subject to reassessment for an impact fee.
- (6) Except for roadway facilities, impact fees may be assessed but not collected for property where service is not available unless:
 - (a) The City commits to commence construction of necessary facilities identified in the capital improvements plan within two years and have service available in a reasonable time not exceeding five years; or
 - (b) The City agrees in writing to permit the Owner of the property to construct or finance the required capital improvement or facility expansion and agrees that the costs incurred or funds advanced will either:
 - (i) Be credited against the impact fees otherwise due from the new development;
 - (ii) Reimburse the Owner for such costs from impact fees paid from other new developments that will use such capital improvements or facility expansions in which case fees shall be reimbursed to the Owner at the time collected as other new development plats are recorded; or
 - (iii) The Owner voluntarily requests that the City reserve capacity to serve future development and the City and the Owner enter into agreement.
- (7) Church facilities for the worship of a Supreme Being, and related religious training shall be exempt from the assessment of impact fees. These facilities shall include auditorium type buildings where worship services are conducted and class room type buildings in which the primary purpose of the room is for religious instruction. The definition of church facility shall exclude church-related schools, day care/child care functions, gymnasium, and other recreational facilities.
- (8) Assessment of water or wastewater impact fees may be deferred for developments in the City which are not planned to connect to the City's water system or wastewater system due to the unavailability of the water or wastewater lines. These impact fees will be imposed on the Property Owner at the prevailing rates in the event of a subsequent connection to the City services.

G. *Calculation of impact fees.*

- (1) Impact fees shall be determined by multiplying the number of service unit equivalents in the proposed development by the amount per service unit equivalent due under Exhibits A, B and C. The number of service unit equivalents

shall be determined by using the conversion table contained in the capital improvements plan.

- (2) If a development subject to assessment of impact fees under this section has an actual area coverage that varies by more than ten percent from the average area coverage used as the basis for determination of impact fees as contained in the capital improvements plan, the impact fees assessed shall be determined by multiplying the fees calculated in accordance with the preceding paragraph by a ratio, the numerator being the actual area coverage and the denominator being the average area coverage per the capital improvements plan.
- (3) The determination of impact fees shall be reduced by any allowable credits for the category of capital improvements as provided in this section.
- (4) The total amount of unpaid impact fees shall be attached to the development application, or if to be paid at some later date, to the request for other permit or connection.
- (5) Re-platting shall not require recalculation of impact fees unless the number of service units is increased or land uses change. If a proposed development increases the number of service units, the impact fee shall be recalculated as provided in subsection E. of this section.

H. *Calculation and collection of impact fees.*

- (1) Impact fees for new development shall be collected at the time the City issues a building permit, or if a building permit is not required, at the time an application is filed for a new connection, to the City's water or wastewater system, or for an increase in water meter size, unless an agreement between the Property Owner and the City has been executed providing for a different time of payment.
- (2) At the time of final plat approval, or the request for a utility connection for an area in the City's extraterritorial jurisdiction for which a final plat was not submitted to the City, for all new developments, the City shall compute the impact fees due for the new development in the following manner:
 - (a) The amount of each type of impact fee due (roadway, water, and/or wastewater) shall be determined by multiplying the number of each type of service units generated by the new development by the impact fee due for each type of service unit in the applicable service area set forth in Exhibits A, B and C respectively.
 - (b) The amount of each impact fee due shall be reduced by any allowable credits for that category of capital improvements in the manner provided by this section.

- (3) Whenever a Property Owner proposes to increase the number of service units for a new development, the additional impact fees collected for such new service units shall be determined by using the amount of impact fee per service unit in Exhibits A, B and C, then in effect, and such additional fee shall be collected at the time of issuance of a new building permit, or for an area in the City's extraterritorial jurisdiction for which a final plat was not required to be submitted to the City, prior to or at the time of enlargement of the connection to the City's water or wastewater system.

I. *Credits.*

- (1) Any construction of, contributions to, or dedications of any facility appearing in the capital improvements plan that is required by the City to be constructed by the Owner as a condition of development shall be credited against the impact fees otherwise due from the same category (roadway, water or wastewater) of impact fees assessed on the development.
- (2) The amount of each credit for required construction of a facility in the capital improvements plan shall be calculated by multiplying the value of the facility assessed for the capital improvements plan by a fraction, the numerator of which is the impact fee per service unit equivalent due for the new development computed using the denominator of which is the maximum impact fee per service unit computed using the capital improvements plan.
- (3) All credits against impact fees shall be subject to the following limitations and shall be granted based on this section and any additional administrative guidelines that may be adopted by the City.
 - (a) No credit shall be given for the dedication or construction of site-related facilities.
 - (b) No credit shall exceed an amount equal to the assessed impact fee.
 - (c) If a credit applicable to a final plat has not been exhausted within ten years, from the acquisition of the first building permit issued or utility connection made, after the effective date of the adoption of the applicable impact fees, or within such period as may otherwise be designated by contract, such credit shall lapse.
 - (d) In no event will the City reimburse the Property Owner or Developer for a credit when impact fees for the new development can be collected pursuant to this section or for any amount exceeding the total impact fees collected or due for the new development for the category of capital improvement, unless otherwise agreed to by the City.
- (4) The available credit associated with new development shall be applied against an impact fee in the following manner:

- (a) For single-family residential lots in a new development consisting only of single-family residential development, such credit shall be prorated equally among such lots, to be applied at the time of application of a building permit for each lot, against impact fees to be collected at the time the building permit is issued.
- (b) For all other types of new development, including those involving mixed uses, the credit applicable to the new development shall be applied to the impact fee due at the time of approval.
- (c) At its sole discretion, the City may authorize alternative credit agreements upon written agreement with the Property Owner in accordance with the City's administrative guidelines.

J. *Establishment of accounts.*

- (1) All impact fees collected shall be deposited in interest bearing accounts clearly identifying the category of capital improvements or facility expansions within the service area for which the fee is collected.
- (2) Interest earned on the account into which the impact fees are deposited, shall be considered funds of the account and shall be used only in the same manner as which the underlying funds may be used.
- (3) Impact fees and the interest earned thereon may be spent only for the purposes for which such fees were imposed as shown in the capital improvements plan.
- (4) The records of the accounts into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours.

K. *Use of proceeds of impact fee accounts.*

- (1) The impact fees collected for each service area may be used to finance or to recoup the costs of any capital improvements or facility expansion identified in the capital improvements plan for the service area, including but not limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees and expert witness fees). Impact fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such capital improvements or facility expansion.
- (2) Impact fees collected pursuant to this section shall not be used to pay for any of the following expenses:
 - (a) Construction, acquisition or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan;

- (b) Repair, operation or maintenance of existing or new capital improvements or facility expansions;
- (c) Upgrade, update, expansion or replacement of existing capital improvements to provide better service to existing development; or
- (d) Administrative and operating costs of the City.

L. *Refunds.*

- (1) Upon application by an Owner of property, any impact fee or portion thereof collected pursuant to City ordinance, which: (i) has not been expended within the service area within ten years from the date of payment, or (ii) existing facilities are available and service is denied, or (iii) the City has, after collecting the impact fee when service was not available, failed to commence construction within two years or service is not available within a reasonable period considering the type of improvement or expansion, but in no event later than five years from the date of payment, shall be refunded to the record Owner of the property for which the impact fee was paid or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of payment to the date of refund at the statutory rate set forth in the Texas Finance Code, § 302.002, or its successor statute. The application for refund pursuant to this section shall be submitted within 60 days after the expiration of the ten-year period for expenditure of the fee. An impact fee shall be considered expended on a first-in, first-out basis.
- (2) An impact fee collected pursuant to this section shall also be considered expended if the total expenditures for capital improvements or facilities expansion within the service area within ten years following the date of payment exceed the total fees collected within the service area for such improvements or facilities expansion during such period.
- (3) If a refund is due pursuant to subsection (1) above, the City shall divide the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record Owner shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.
- (4) Upon completion of all the capital improvements or facility expansions identified in the capital improvements plan for the service area, the City shall recalculate the impact fee per service unit using the actual costs for the improvements or facilities expansions. If the impact fee per service unit based on actual cost is less than the impact fee per service unit paid, the City shall refund the difference, if such difference exceeds the impact fee paid by more than ten percent. If the difference is less than ten percent, no refund shall be due. The refund to the record Owner shall be calculated by multiplying such difference by the number of

service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

M. *Appeals.*

- (1) The Property Owner or applicant for new development may appeal the following decisions to the City Council: (a) the applicability of an impact fee to the new development; (b) the method of calculating the amount of the impact fee due; (c) the availability or the amount of an offset, credit or rebate; (d) the application of an offset or credit against an impact fee due; or (e) the amount of a refund due, if any.
- (2) The burden of proof shall be on the appellant to demonstrate that the amount of the fee or the amount of the offset credit or rebate was not calculated according to the provisions of this article.
- (3) The appellant must file a notice of appeal with the City secretary within 30 days following the determination of the amount of the impact fees to be paid by the development. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City attorney in an amount equal to the original determination of the impact fee due, the development application may be processed while the appeal is pending.

N. *Use of other financing mechanisms.*

- (1) The City may finance capital improvements or facilities expansions designated in the capital improvements plan through the issuance of bonds, through the formation of public utility districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.
- (2) Except as herein otherwise provided, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.

O. *Impact fees as additional and supplemental regulations.* Impact fees established by this section are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or certificates of occupancy. Such fees are intended to be consistent with and to further the policies of the City's comprehensive land use plan, the capital improvements plan, the zoning ordinance, Subdivision regulations and other City policies, ordinances, codes and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

Exhibit "A"
Maximum Roadway Impact Fees

Land Use Category (1)	Impact Fee Per Daily Trip From Table 5.4	×	Trip Per Dwelling Unit or Th. Sq. Ft. Note (2)	=	Maximum Fee Per Dwelling Unit or Th. Sq. Ft.	Impact Fee Adopted Fee Per Unit or Th. Sq. Ft. @ 95.40% (3)	Development Unit
Rural Residential	\$183.69	×	10.0	=	\$1,836.88	\$1,753.00 per	Dwelling Unit
Low Density Residential	183.69	×	10.0	=	1,836.88	1,753.00 per	Dwelling Unit
High Density Residential	183.69	×	6.1	=	1,120.50	1,069.33 per	Dwelling Unit
Commercial	183.69	×	3.620	=	664.95	634.59 per	1,000 Gross Sq. Ft.
Old Town	183.69	×	3.620	=	664.95	634.59 per	1,000 Gross Sq. Ft.
Business Park	183.69	×	1.970	=	361.87	345.34 per	1,000 Gross Sq. Ft.
Industrial	183.69	×	1.970	=	361.87	345.34 per	1,000 Gross Sq. Ft.
Public, Semi-Public	183.69	×	1.070	=	196.55	187.57 per	1,000 Gross Sq. Ft.

Note (1) - Land use categories taken from 2001 Comprehensive Plan (Land Use Assumptions)

Note (2) - From previous Impact Fee Study in 1999 by Hunter and Associates.

Note (3) - Maximum fee as a result of a fiscal analysis performed by Maximus Inc.

Exhibit "B"
Water Impact Fee
Maximum Impact Fee per ⁵/₈ Inch Meter Equivalent - Water

Meter Size	Existing	⁵ / ₈ Inch Equivalent (1)	Maximum Fee Calculation	Adopted Fee (2) @ 93.62%
00.625 inch	\$825.00	1.00	\$1,548.73	\$1,450.00
00.750 inch	825.00	1.50	2,323.10	2,174.99
01.000 inch	825.00	2.50	3,871.83	3,624.99
01.500 inch	825.00	5.00	7,743.67	7,249.98
02.000 inch	825.00	8.00	12,389.86	11,599.97
03.000 inch	825.00	15.00	23,231.00	21,749.94
04.000 inch	825.00	25.00	38,718.33	36,249.90
06.000 inch	825.00	50.00	77,436.65	72,499.80
08.000 inch	825.00	80.00	123,898.64	115,999.67
10.000 inch	825.00	115.00	178,104.30	166,749.53

Note (1) - Maximum continuous flow rating.

Note (2) - Maximum fee as a result of a fiscal analysis performed by Maximus Inc.

Exhibit "C"
Maximum Impact Fee per $\frac{5}{8}$ Inch Meter Equivalent - Wastewater

Meter Size	Existing	$\frac{5}{8}$ Inch Equivalent	Maximum Fee	Adopted Fee (1) @ 98.18%
00.625 inch	\$525.00	1.00	\$955.96	\$938.60
00.750 inch	525.00	1.50	1,433.94	1,407.90
01.000 inch	525.00	2.50	2,389.89	2,346.50
01.500 inch	525.00	5.00	4,779.79	4,692.99
02.000 inch	525.00	8.00	7,647.66	7,508.79
03.000 inch	525.00	15.00	14,339.36	14,078.98
04.000 inch	525.00	25.00	23,898.93	23,464.97
06.000 inch	525.00	50.00	47,797.87	46,929.94
08.000 inch	525.00	80.00	76,476.59	75,087.90
10.000 inch	525.00	115.00	109,935.09	107,938.86

Note (1) - Maximum fee as a result of a fiscal analysis performed by Maximus Inc.

Sec. 8-22. Inspection fees.

A. Each plat applicant shall pay to the City an inspection fee equal to three percent of the estimated cost of public improvements in and adjacent to the requested plat. Public improvements include, but are not limited to, water, sewer, streets, and drainage. The determination of the inspection fee shall be based upon contracts provided by the applicant to estimate the construction costs of public improvements. The fee shall be paid before the release of engineering plans and/or site plans.”

SECTION 2. That all provisions of the Ordinances of the City of Sachse, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 5. That any person violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of

Sachse as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas this the _____ day of _____, 2012.

APPROVED:

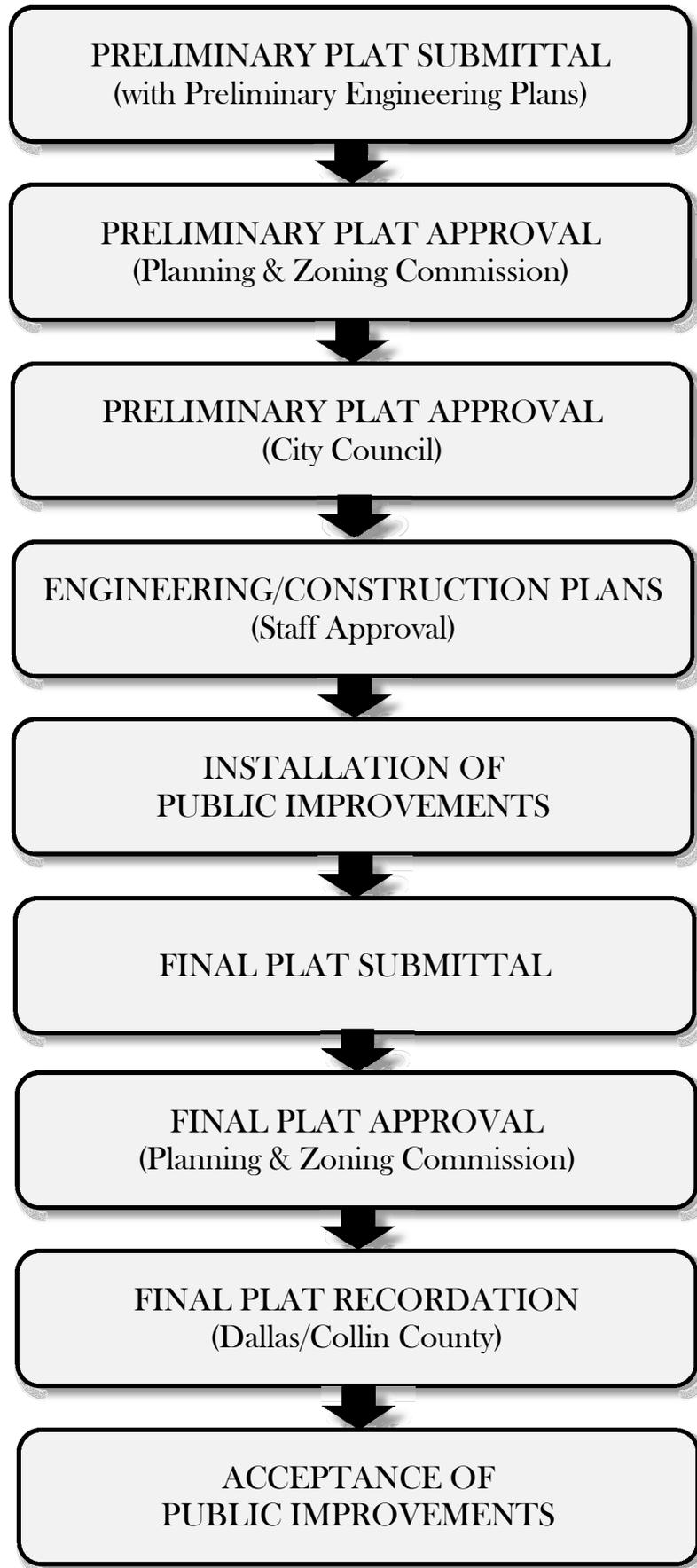
Mike Felix
Mayor

DULY ENROLLED:

Terry Smith
City Secretary

APPROVED AS TO FORM:

Peter G. Smith
City Attorney
(JIG/06-20-12/55918)



ATTACHMENT 2

Existing Code Section	Proposed Code Section	Description of Change
Sec. 8-1	n/a	Section not included in proposed amendment.
Sec. 8-2	Sec. 8-17	Entire existing section relocated to new section. No changes proposed.
Sec. 8-3	Sec. 8-18	Entire existing section relocated to new section. No changes proposed.
Sec. 8-4	Sec. 8-19	Entire existing section relocated to new section. No changes proposed.
Sec. 8-5	Sec. 8-20	Entire existing section relocated to new section. No changes proposed.
Sec. 8-6	Sec. 8-21	Entire existing section relocated to new section. No changes proposed.
Sec. 8-7	Sec. 8-22	Entire existing section relocated to new section. No changes proposed.
Sub. Ord. Article I	Sec. 8-1, 8-2, 8-3, 8-4	Amendments to language in these sections, but not much change. Includes the sections on “Title”, “Authority”, “Intent and Purpose”, and “Applicability”.
Sub. Ord. Article II	Sec. 8-5	Some new definitions added to this section for clarity
Sub. Ord. Article III	Sec. 8-10, 8-11, 8-12, 8-13	This chapter contained the majority of the changes proposed in this amendment. Included in these sections are the various plat types and their respective regulatory and approval requirements. A new plat type of Conveyance Plat is defined in Sec. 8-13
Sub. Ord. Article IV	n/a	This section was stricken as the requirements are contained in the plat application checklist. Included in this section are such items as the number of copies to be submitted, types of data and scale, etc.
Sub. Ord. Article V	Sec. 8-6	Section addresses “Filing Fees” and language was added to direct applicants to the Master Fee Schedule”.
Sub. Ord. Article VI	Sec. 8-16	Entire existing section relocated to new section. No changes proposed.
Sub. Ord. Article VII	Sec. 8-14	Entire existing section relocated to new section. No changes proposed.

ATTACHMENT 2

Existing Code Section	Proposed Code Section	Description of Change
n/a	Sec. 8-15	A new section was added here to define the completion and maintenance of public improvements.
Sub. Ord. Article VIII	Sec. 8-15	Existing language relocated to be in part of Sec. 8-15
Sub. Ord. Article IX	Sec. 8-15	Existing language relocated to be in part of Sec. 8-15
Sub. Ord. Article X	Sec. 8-9	Entire existing section relocated to new section. Minor changes for clarification, but no substantive changes proposed.
Sub. Ord. Article XI	Sec. 8-8	Language remained largely unchanged. Renamed section from “Variances” to “Waivers”
Sub. Ord. Article XII	n/a	Language addresses “Conflicts” and is included in the Ordinance itself.
Sub. Ord. Article XIII	Sec 8-7	A new section was created with minor changes to language to address applications filed prior to the adoption of the Ordinance
Sub. Ord. Article XIV	n/a	Language addresses “Severability” and is included in the Ordinance itself.
Sub. Ord. Article XV	n/a	Language addresses “Emergency Clause” and is included in the Ordinance itself.



Legislation Details (With Text)

File #:	12-0929	Version:	1	Name:	CD - MASTER FEE SCHEDULE PLAT SEASONAL SALES
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	6/22/2012	In control:		In control:	City Council
On agenda:	7/2/2012	Final action:		Final action:	
Title:	Consider a resolution amending the City of Sachse Master Fee Schedule to include fees currently specified in the Code of Ordinances.				

Executive Summary

Currently, many fees required to conduct city business are embedded in the Code of Ordinances making it challenging for users to find fees associated with conducting business. This item adds several fees to the Master Fee Schedule in an ongoing effort to consolidate the city's fees into one document. No fee changes are proposed in this item.

Sponsors:

Indexes:

Code sections:

Attachments: [CD - MASTER FEE SCHEDULE PLAT SEASONAL SALES - DRAFT RESOLUTION.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Consider a resolution amending the City of Sachse Master Fee Schedule to include fees currently specified in the Code of Ordinances.

Executive Summary

Currently, many fees required to conduct city business are embedded in the Code of Ordinances making it challenging for users to find fees associated with conducting business. This item adds several fees to the Master Fee Schedule in an ongoing effort to consolidate the city's fees into one document. No fee changes are proposed in this item.

Background

The City of Sachse currently maintains a Master Fee Schedule as a central location for City fees. There are a number of fees located in the Master Fee Schedule; however, many fees still remain in various sections of the Code of Ordinances.

There are two amendments not part of this agenda item that being considered at this City Council meeting. These proposed amendments contain sections with associated fees. Therefore, as a matter of housekeeping, staff is requesting to simply relocate the fees from these Code sections to the Master Fee Schedule without any changes in the amounts.

Policy Considerations

The policy considerations are simply to allow moving fees from the Code of Ordinances to the existing Master Fee Schedule. There two benefits of this proposed resolution:

- 1) More customer-friendly in that all fees are in one central location; and
- 2) Ease of future amendments inasmuch that only one document will need to be amended.

Budgetary Considerations

There will be no additional budgetary impact. The fee schedule being proposed will relocate fees from two different sections of the Code of Ordinances into the Master Fee Schedule. No change in fees is being proposed at this time.

Staff Recommendations

Staff recommends approval of a resolution of the City Council of the City of Sachse, Texas, amending the Master Fee Schedule to provide for plat filing fees and temporary retail sales and seasonal sales permit fees; and providing for an effective date.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, AMENDING THE MASTER FEE SCHEDULE TO PROVIDE FOR PLAT FILING FEES AND TEMPORARY RETAIL SALES AND SEASONAL SALES PERMIT FEES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council desires to amend the Master Fee Schedule adopted by Resolution No. 2177, by providing plat filing fees and temporary retail sales and seasonal permit fees.

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

SECTION 1. That the Master Fee Schedule adopted by Resolution No. 2177 is hereby amended to read as follows:

“ . . .

PLAT FILING FEES

1. Preliminary Plats..... \$200.00 per plat, plus \$3.00 per lot
2. Final Plats..... \$300.00 per plat, plus \$4.00 per lot
3. For approval of multiple dwelling, commercial and industrial area not subdivided into lots, both preliminary and final plat shall carry a fee of \$150.00 per plat plus \$5.00 per acre. Re-plats of commercial and industrial areas shall carry a fee of \$50.00.
4. These fees shall be charged on all plats, regardless of the action taken by the city council whether the plat is approved or denied. The money collected shall defray the cost of administrative, clerical and inspection services necessary to properly investigate the plat, replats and subdivisions.

. . .

TEMPORARY RETAIL SALES AND SEASONAL SALES PERMIT FEES

1. Temporary Seasonal Sales\$200.00
(Church, school, civic and city sponsored events are exempt from this permit fee.)
2. Temporary Food Sales Permit - Must be obtained from the Dallas County Health Department; and, applies to all applicants that are providing food products.
3. Temporary Retail Sales.....\$50.00
(Five (5) consecutive days, at six (6) month intervals by the same merchant holding c/o.)
4. Electrical Fee, if applicable.....\$15.00

...”

SECTION 2. This Resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

DULY PASSED and approved by the City Council of the City of Sachse, Texas, on this the _____ day of _____, 2012.

CITY OF SACHSE, TEXAS

Mike Felix, Mayor

ATTEST:

Terry Smith, City Secretary



Legislation Details (With Text)

File #: 12-0887 **Version:** 2 **Name:** Amphitheater Policy and Rental rates
Type: Agenda Item **Status:** Agenda Ready
File created: 5/29/2012 **In control:** City Council
On agenda: 7/2/2012 **Final action:**
Title: Discuss City Code Section 7-2 in regards to amphitheater rental policy and fees.

Executive Summary

The City Council will be discussing the recently amended City Code Section 7-2 as it pertains to the rental policy and fees for the City's amphitheater. We want to evaluate the operations of the facility and look at possible changes that would provide more opportunities for Sachse residents to reserve and rent the facility.

Sponsors:

Indexes:

Code sections:

Attachments: [AmphitheaterDiscussionCC6-2-12](#)

Date	Ver.	Action By	Action	Result
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Title

Discuss City Code Section 7-2 in regards to amphitheater rental policy and fees.

Executive Summary

The City Council will be discussing the recently amended City Code Section 7-2 as it pertains to the rental policy and fees for the City's amphitheater. We want to evaluate the operations of the facility and look at possible changes that would provide more opportunities for Sachse residents to reserve and rent the facility.

Background

Several months ago we recently added the City's amphitheater to the list of city facilities for reservations by Sachse residents. There have been events in the amphitheater this past year and we want to discuss some items that have come up including: times of use, equipment use (lights and sound), restroom use and noise level for events.

Policy Considerations

NA

Budgetary Considerations

This is a discussion item, and there will be no budgetary considerations.

Staff Recommendations

This is a discussion item only, and staff is seeking direction from the City Council for this item

through discussion.



**AMPHITHEATER
DISCUSSION JULY 2, 1012**

BACKGROUND

- City Council recently passed a resolution amending the facility use policy and the master fee schedule to include the Amphitheater.
- Combine the Amphitheater rates and policy with the outdoor park pavilions.
- Open to the public to use.
- City Complex Amphitheater can be reserved at a rate of \$25.00 per rental for up to four hours and \$10.00 for each additional hour.

PARKS BOARD DISCUSSION

The Parks and Recreation Commission discussed the Amphitheater policy and rates at the May 10th and the June 14th meetings.

Listed are areas that came up in our discussion.

PARKS BOARD DISCUSSION

- Reservations can only be made during non-business hours.
- Requests for special hours must be approved by the Parks and Recreation Commission.
- Cost/Reimbursement fee to allow residents to reserve sound and lighting equipment.
- Reimbursement fee to allow the use of restrooms during the reservations.

PARKS BOARD DISCUSSION

- Two staff members required to operate equipment.
- Fees would be approximately \$100 per hour with a four hour minimum rental. Total cost for use of lights and sound would be a minimum of \$400.00.
- Reduced rate for other equipment – smaller sound system.

PARKS BOARD DISCUSSION

- Restroom use would require one staff person at \$25 per hour with a two hour minimum rental.

(Reimbursement fees would be for staffing to operate equipment and keep RR facilities open)

Questions?



Legislation Details (With Text)

File #: 12-0899 **Version:** 1 **Name:** Budget Overview 2012-2013 Fiscal Year
Type: Agenda Item **Status:** Agenda Ready
File created: 6/4/2012 **In control:** City Council
On agenda: 7/2/2012 **Final action:**
Title: Discuss the City of Sachse budget forecast for the next three years.

Executive Summary

The City Manager and Finance Director will present a multi-year financial forecast. The Council will have the opportunity to provide input into prior to the July 14th City Council Budget Workshop.

Sponsors:

Indexes:

Code sections:

Attachments: [Multi Year Budget Forecast 7-2-2012.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Discuss the City of Sachse budget forecast for the next three years.

Executive Summary

The City Manager and Finance Director will present a multi-year financial forecast. The Council will have the opportunity to provide input into prior to the July 14th City Council Budget Workshop.

Background

As we work through the early budget process, staff is providing the City Council with an opportunity to look at our 3-year financial forecast and to provide early comments on the budget.

Policy Considerations

None.

Budgetary Considerations

To provide funding for continued operations of the City.

Staff Recommendations

Staff recommends that Council discuss the multi-year budget forecast as presented and provide input as Council desires.

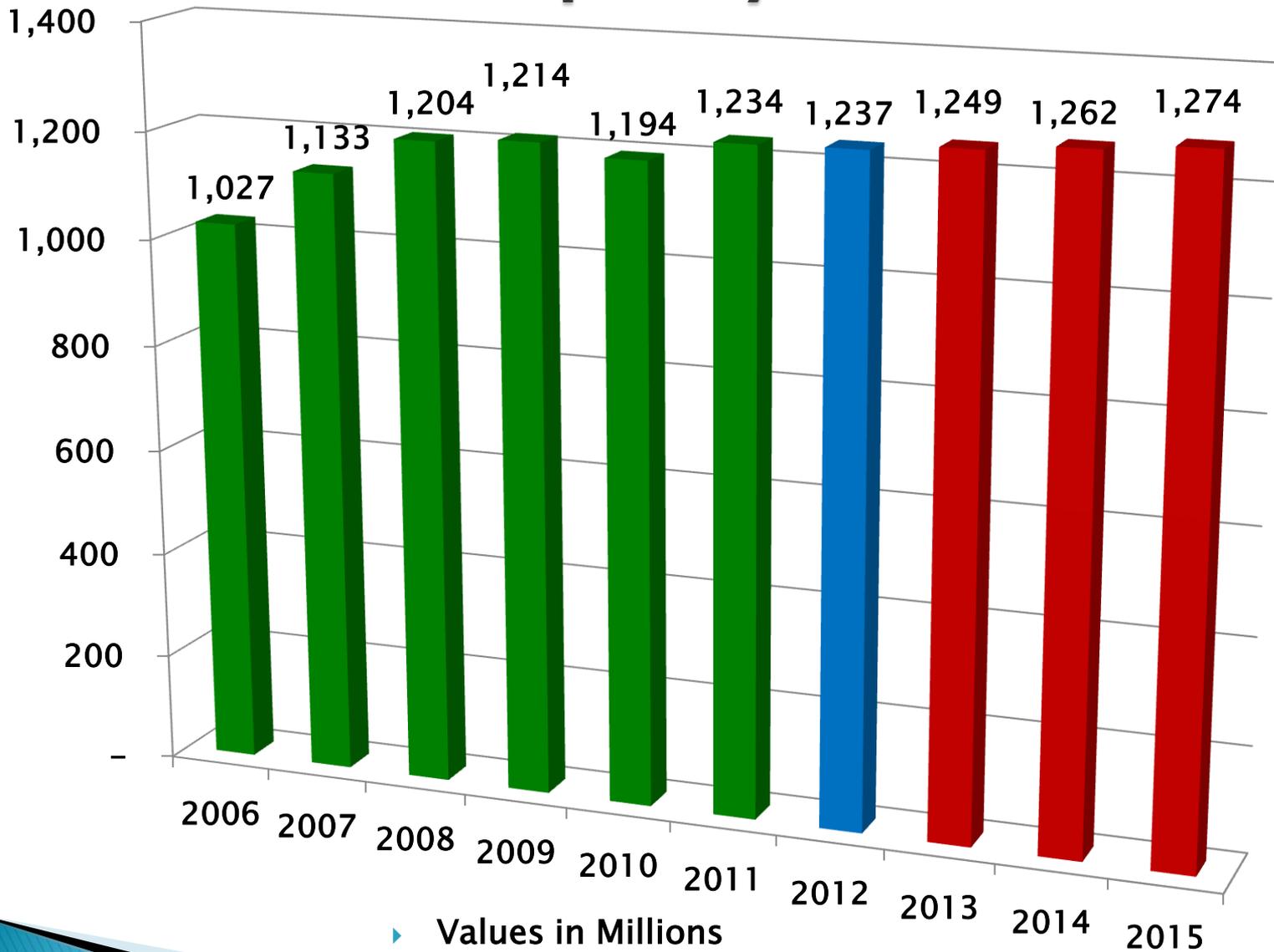
Three year Budget Forecast

July 2, 2012

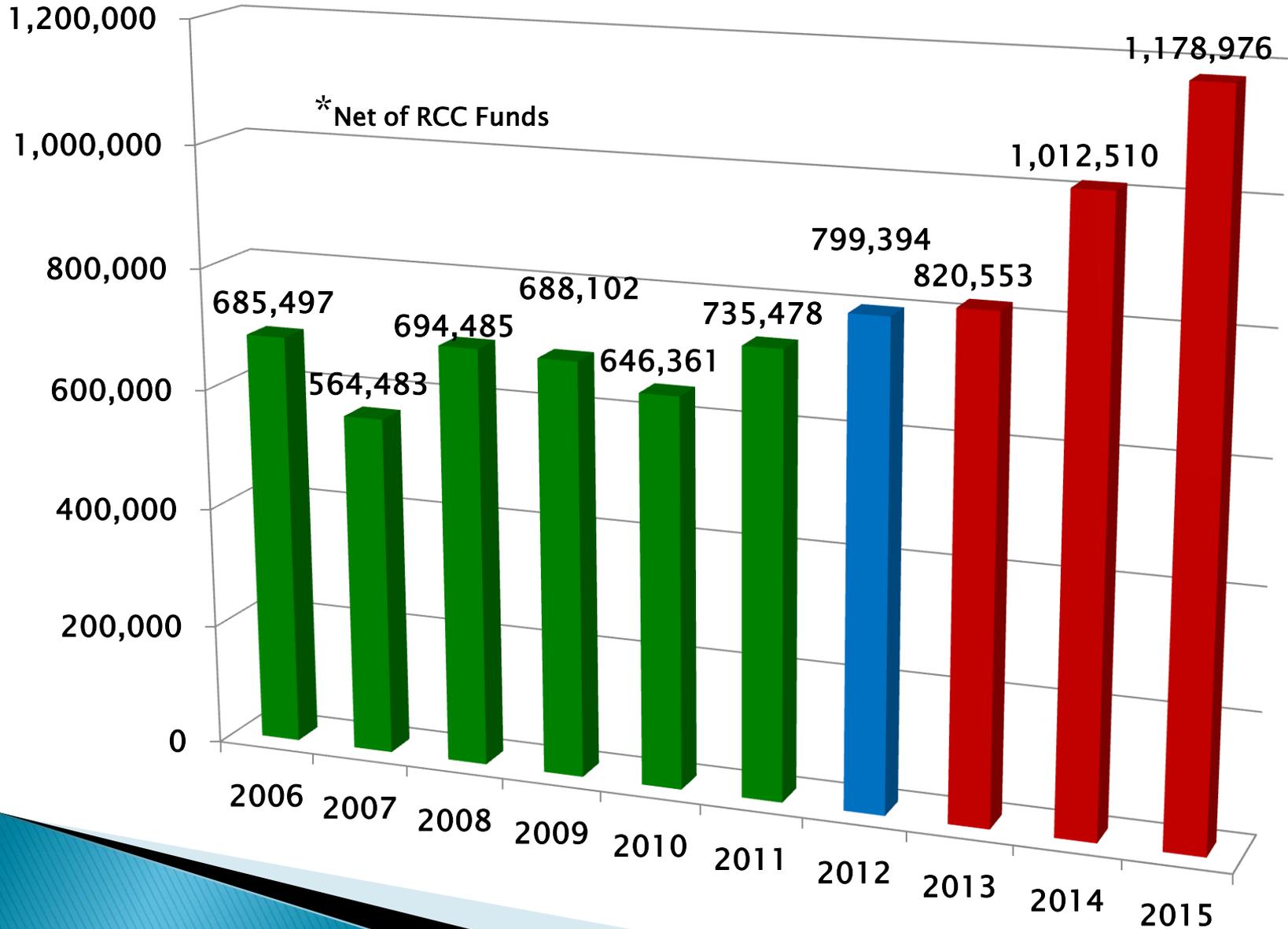
Forecasting Assumptions

- ▶ Net Property Tax 0% 2% (yrs 2&3)
 - ▶ Sales Tax 4%
 - ▶ Franchise Fees 5%
 - ▶ Licenses, Permits, Fees 3%
 - ▶ Other & Expenses 3% average
 - ▶ McDonalds – October, 2012
 - ▶ Walmart – Spring, 2015
- 

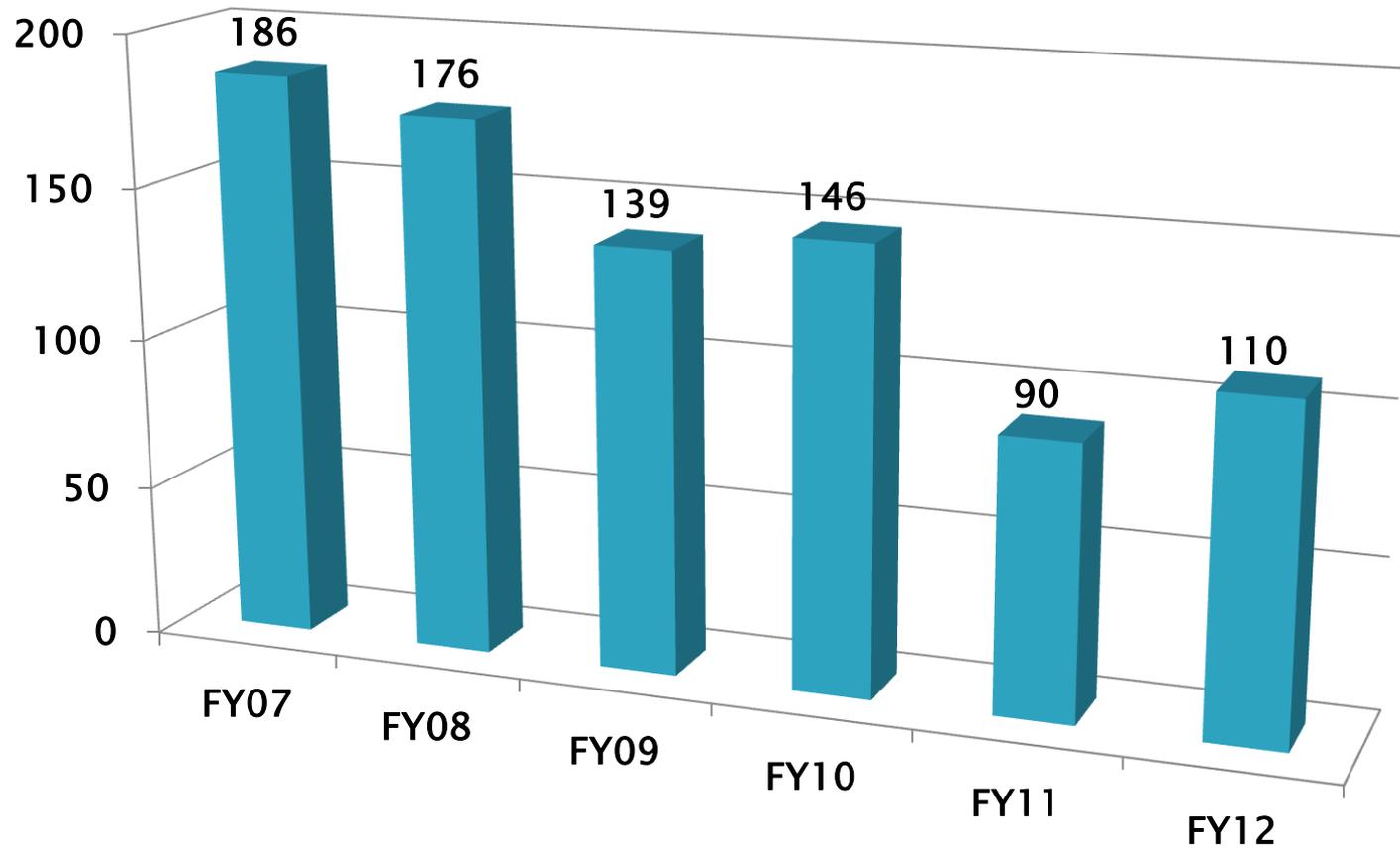
Assessed Property Values



Annual Sales Tax Receipts



Housing Starts



General Fund Estimates

FY 12-13

FY 13-14

FY 14-15

Revenue \$11,114,645 \$11,042,284 \$11,634,071

Expenses \$11,034,544* \$11,371,912** \$11,719,400**

Available \$80,101 \$60,497 \$142,930

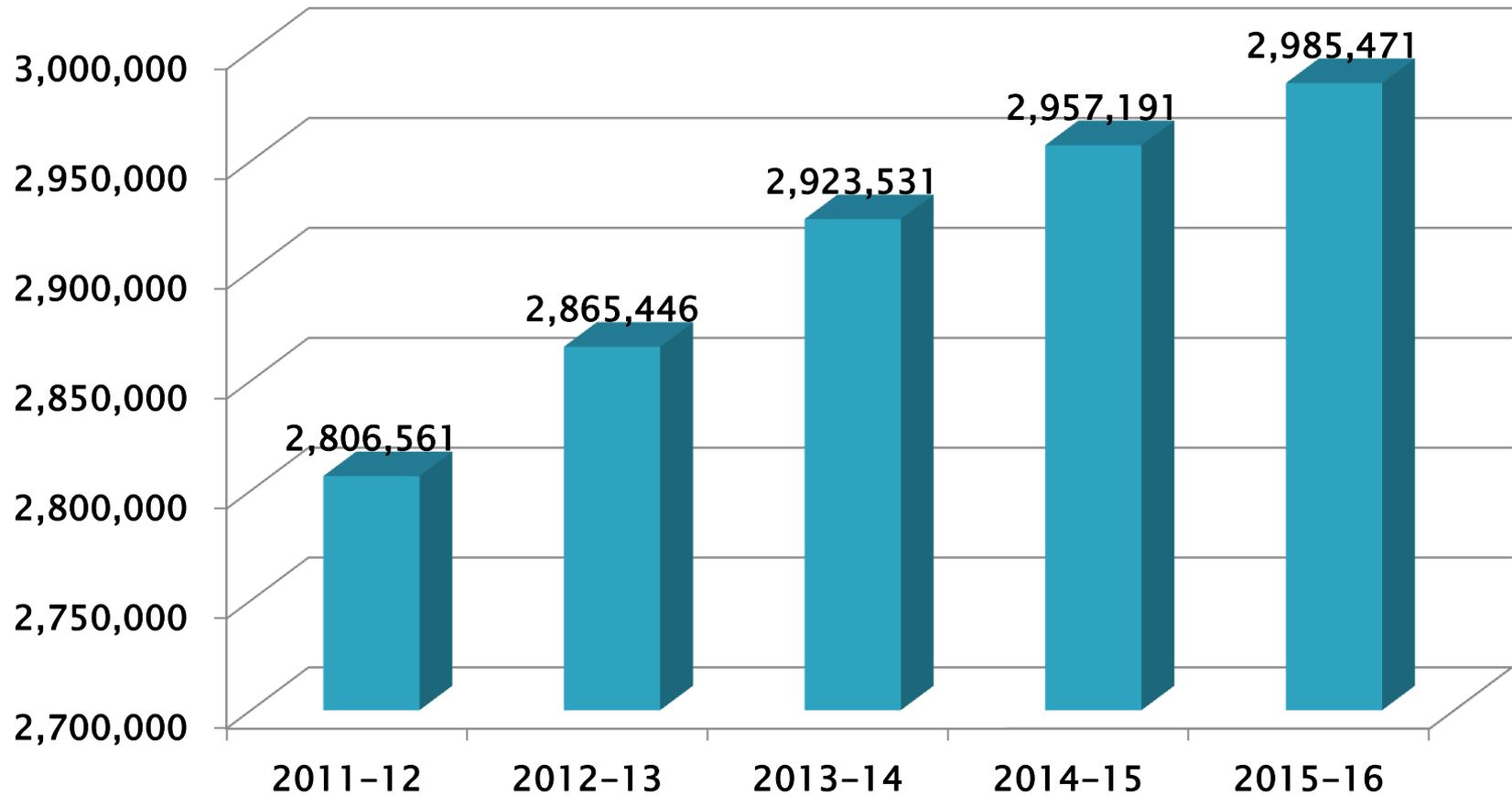
One time

Transfer \$384,000

*Only contractual increases are included

**Excludes capital (infrastructure & equipment) expenditures, additional personnel, and expanded services

Debt Service Payments



Debt Payment Schedule

Year	2003		2007		2009 GO Ref and Improv		Total
	Principal	Interest	Principal	Interest	Prin	Int	Tax-Supported
2012	165,000	33,370	230,000	217,185	550,000	1,611,006	2,806,561
2013	175,000	26,725	240,000	207,785	620,000	1,595,936	2,865,446
2014	105,000	21,055	250,000	197,985	770,000	1,579,491	2,923,531
2015	110,000	16,915	260,000	187,785	825,000	1,557,491	2,957,191
2016	115,000	12,470	270,000	177,185	880,000	1,530,816	2,985,471
2017	120,000	7,710	280,000	166,185	945,000	1,500,569	3,019,464
2018	125,000	2,625	295,000	154,685	985,000	1,467,385	3,029,695
2019			305,000	142,685	1,190,000	1,428,891	3,066,576
2020			320,000	130,185	1,240,000	1,382,835	3,073,020
2021			330,000	117,185	1,295,000	1,330,516	3,072,701
2022			345,000	103,685	1,355,000	1,269,122	3,072,807
2023			360,000	89,585	1,425,000	1,199,622	3,074,207
2024			375,000	74,885	1,500,000	1,126,497	3,076,382
2025			390,000	59,585	1,575,000	1,049,622	3,074,207
2026			405,000	43,685	1,655,000	968,872	3,072,557
2027			420,000	26,923	1,740,000	882,910	3,069,833
2028			440,000	9,130	1,835,000	791,300	3,075,430
2029					1,930,000	694,099	2,624,099
2030					2,035,000	590,500	2,625,500
2031					2,145,000	480,775	2,625,775
2032					2,270,000	357,788	2,627,788
2033					2,405,000	220,459	2,625,459
2034					2,550,000	74,906	2,624,906
Total	915,000	120,870	5,515,000	2,106,328	33,720,000	24,691,408	67,068,606

Budget Discussion

- ▶ Property Tax Rate
 - A 1 cent difference in tax rate is a difference in revenue to the City of \$122,203
 - ▶ Personnel
 - ▶ Vehicle Replacement
 - ▶ Equipment Replacement
 - ▶ Infrastructure
 - ▶ Revenue
- 