

# AGENDA

A regular meeting of the Mayor and City Council of the City of Waxahachie to be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on **Monday, June 3, 2024 at 7:00 p.m.**

Council Members: Billie Wallace, Mayor, Council Member Place 4  
Chris Wright, Mayor Pro Tem, Council Member Place 3  
Tres Atkins, Council Member Place 1  
Patrick Souter, Council Member Place 2  
Travis Smith, Council Member Place 5

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code. ***Speakers must observe the five (5) minute time limit.***
5. **Consent Agenda**

All matters listed under Item 5, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of May 20, 2024
- b. Event application for Hike for Life 2024 to be held October 5, 2024 at Brown Singleton Park
- c. Proposed Ordinance approving a request by Neta Bledsoe & James Bledsoe, for a Petition for ETJ Release for approximately 4.89 acres, located at 1541 Boyce Rd. and 951 Wilson Rd. (Property ID 210307 and 276922) – Owner: Neta Bledsoe & James Bledsoe and April Bledsoe & Brady Johnson (ETJ-PTN-89-2024)
- d. Proposed Ordinance approving a request by David S. Caverly, for a Petition for ETJ Release for approximately 86.54 acres, located 466 Arrowhead Rd. (Property ID 216585) – Owner: David S. Caverly (ETJ-PTN-92-2024)
- e. Proposed Ordinance approving a request by Land Link Realty LLC, for a Petition for ETJ Release for approximately 106.33 acres, located directly north of 515 Young blood Rd. (Property ID 180911) – Owner: Aleena Group LLC (ETJ-PTN-93-2024)
- f. City Council liaison appointments to Boards and Commissions
- g. Accept Waxahachie Community Development Corporation Financial Report for year ended September 30, 2023
- h. Amended Development Agreement for Myrtle Creek

6. **Introduce** Honorary Councilmember
7. **Recognize** David Hill for his service as Mayor and City Council Member
8. **Present** Proclamation recognizing June 4, 2024-July 4, 2024 as Crape Myrtle Month
9. **Continue Public Hearing** on a request by the City of Waxahachie to expand the boundaries of the Historic Overlay District as created by Ordinance Number 2331, per the requirements of Ordinance Number 3020, and ordering the changing of the Zoning Map thereof in accordance with said change. (ZDC-69-2024)
10. **Consider** proposed Ordinance approving ZDC-69-2024
11. **Public Hearing** on a request by Ralph Hewitt, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-56-Single Family-2 (PD-56-SF-2) zoning district located at 412 Gardenia Lane (Property ID 202997) - Owner: Ralph Hewitt and Renda Hewitt (ZDC-95-2024)
12. **Consider** proposed Ordinance approving ZDC-95-2024
13. **Public Hearing** on a request by Andrew Weyand, Bloom & Pour LLC, for a Specific Use Permit (SUP) for a Private Club (Event Venue – Bloom & Pour) use within a Central Area (CA) zoning district located at 100 S Rogers Street (Property ID 170469) - Owner: Dunn Street Equities LLC (ZDC-67-2024)
14. **Consider** proposed Ordinance approving ZDC-67-2024
15. **Public Hearing** on a request by Cyle Corse, for a Specific Use Permit (SUP) for a Tattoo or Body Piercing Shop use within a Commercial (C) zoning district located at 217 E Main Street (Property ID 274682) - Owner: Big Blue Truck LLC (ZDC-88-2024)
16. **Consider** proposed Ordinance approving ZDC-88-2024
17. **Consider** and take action on a resolution directing publication of notice of intention to issue Certificates of Obligation, Series 2024; directing the preparation of a preliminary official statement and related materials; and providing an effective date
18. **Consider** contracts for Emergency Bypass Pumping, Repair of 30-inch Sewer Interceptor by the Jefferson Street Lift Station and a Supplemental Appropriation for the Wastewater Fund Operations Budget
19. **Discuss and consider** appointments to fill unexpired terms on the Planning & Zoning Commission, Park Board, and Keep Waxahachie Beautiful Committee
20. **Convene** into Executive Session for consultation with City Attorney to seek legal advice as permitted by Texas Government Code, Section 551.071, regarding City's EMS service provider issues and resolution of same, and all matters incident and related thereto
21. **Reconvene** and take any necessary action

22. Comments by Mayor, City Council, City Attorney and City Manager

23. Adjourn

**The City Council reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein.** This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX

City Council  
May 20, 2024

(5a)

A regular meeting of the Mayor and City Council of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, May 20, 2024 at 7:00 p.m.

**Council Members Present:** Billie Wallace, Mayor, Council Member Place 4  
Chris Wright, Mayor Pro Tem, Council Member Place 3  
Tres Atkins, Council Member Place 1  
Patrick Souter, Council Member Place 2  
Travis Smith, Council Member Place 5

**Others Present:** Michael Scott, City Manager  
Albert Lawrence, Deputy City Manager  
Terry Welch, City Attorney  
Amber Villarreal, City Secretary

**1. Call to Order**

Mayor Billie Wallace called the meeting to order.

**2. Invocation**

**3. Pledge of Allegiance and Texas Pledge of Allegiance**

Mayor Billie Wallace gave the invocation. Council Member Patrick Souter led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Katy Warsing, 313 Lake Shore Drive, Waxahachie, Texas, spoke in opposition to ZDC-128-2022.

Mark Griffith, 116 Alysa Lane, Waxahachie, Texas, spoke in support of ZDC-58-2024.

Brian Gray, 101 Homestead, Waxahachie, Texas, requested opening the boat ramps at Lake Waxahachie.

Dennis Smith, 880 Garden Valley Parkway, Waxahachie, Texas, presented a video showcasing their 55+ community.

Ira Tenpenny, 109 Rosa, Waxahachie, Texas, expressed concern with having adequate sewer lines with increased growth in Waxahachie,

Joann Thompson, 301 Lake Shore Drive, Waxahachie, Texas, expressed concern with low water levels at the lake.

Paul Mackel, 124 Lake Shore Drive, Waxahachie, Texas, spoke in opposition to ZDC-128-2022.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of May 6, 2024

(5a)

- b. Minutes of special City Council meeting of May 14, 2024
- c. Proposed Ordinance approving a request by Cyrus Akhavizadeh for a Petition for ETJ Release for approximately 24 acres, located at FM 813, Ellis County (Property ID 188545) – Owner: Cyrus Akhavizadeh (ETJ-PTN-39-2024).
- d. Proposed Ordinance approving a request by Jose Aguinaga for a Petition for ETJ Release for approximately 1.118 acres, located at 4521 FM 878 (Property ID 223447) – Owner: Jose Aguinaga (ETJ-PTN-40-2024)
- e. Proposed Ordinance approving a request by Mark Thedford for a Petition for ETJ Release for approximately 3.03 acres, located north of 2666 Patrick Road (Property ID 237391 & 235060 & 231528) – Owner: Ladd Vien and Unarut Rapeepat (ETJ-PTN-62-2024)
- f. Proposed Ordinance approving a request by Chandler Brown for a Petition for ETJ Release for approximately 4.598 acres, located at 3801 S US Highway 287 (Property ID 242719) – Owner: Jerod Alan Brown (ETJ-PTN-64-2024)
- g. Proposed Ordinance approving a request by James Moir & Serena Moir for a Petition for ETJ Release for approximately 6.06 acres, located at 341 Hoyt Rd. (Property ID 273986) – Owner: James Moir & Serena Moir (ETJ-PTN-76-2024)
- h. Proposed Ordinance approving a request by Robert H. Reeves & Sherry E. Reeves for a Petition for ETJ Release for approximately 5.4 acres, located at 1079 E. Woodridge Rd. (Property ID 154539 & 154540) – Owner: Robert H. Reeves & Sherry E. Reeves (ETJ-PTN-80-2024)
- i. Proposed Ordinance approving a request by Josh Trees for a Petition for ETJ Release for approximately 3.616 acres, located at 2650 FM 878, (Property ID 201557) – Owner: JT Executive Properties LLC (ETJ-PTN-82-2024)
- j. Event application for 1<sup>st</sup> Annual Juneteenth Celebration & Parade to be held June 15, 2024 at Railyard Park
- k. Event application for Wheels of Fire to be held June 22, 2024
- l. Accept the FY 2023-2024 Impact Fee Revenue and Expenditure Mid-Year Report
- m. Service Contract for Pressure Pave Pavement Preservation
- n. Engineering Professional Services Agreement for the Indian Hills Addition Alley Project
- o. Supplemental Appropriation for City Marshal Vehicle Purchase Cost Increase
- p. Consider Capital Project Amendment from Boat Dock Project to Lee Penn Pool & Bathhouse Project
- q. Proposed Ordinance amending the City of Waxahachie's Water Conservation Plan
- r. Supplemental Appropriation to update Lions Park Master Plan

**ORDINANCE NO. 3482**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 24.02 ACRE TRACT OF LAND, LOCATED NORTHEAST OF THE INTERSECTION OF FM 813 AND GIBSON ROAD, ELLIS COUNTY, KNOWN AS PROPERTY ID 188545, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

(5a)

**ORDINANCE NO. 3483**

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 1.118 ACRE TRACT OF LAND, LOCATED AT 4521 FM 878, KNOWN AS PROPERTY ID 223447, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

**ORDINANCE NO. 3484**

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 3.03 ACRE TRACT OF LAND, LOCATED NORTH OF 2666 PATRICK ROAD, KNOWN AS PROPERTY ID 237391, 235060, & 231528 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

**ORDINANCE NO. 3485**

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 4.598 ACRE TRACT OF LAND, LOCATED AT 3801 S US HIGHWAY 287, KNOWN AS PROPERTY ID 242719 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

**ORDINANCE NO. 3486**

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 6.06 ACRE TRACT OF LAND, LOCATED AT 341 HOYT RD, KNOWN AS PROPERTY ID 273986 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

**ORDINANCE NO. 3487**

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF AN APPROXIMATELY 5.4 ACRE TRACT OF LAND, LOCATED AT 1079 E. WOODRIDGE RD, KNOWN AS PROPERTY ID 154539 AND 154540, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

(5a)

**ORDINANCE NO. 3488**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 3.616 ACRE TRACT OF LAND, LOCATED AT 2650 FM 878; KNOWN AS PROPERTY ID 201557 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

**ORDINANCE NO. 3489**

**AN ORDINANCE ADOPTING A WATER CONSERVATION PLAN FOR THE CITY OF WAXAHACHIE, TEXAS, DECLARING AN EMERGENCY, AND SETTING AN EFFECTIVE DATE:**

**Action:**

*Patrick Souter moved to approve all items on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all associated documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**6. Introduce Honorary Councilmember**

Mayor Billie Wallace introduced Emma Perkins as the Honorary Councilmember for May and presented her with a Certificate of Appreciation. Emma Perkins is a senior at Waxahachie High School, where she is currently ranked 8th in her class of 600+ students. She serves as president of Interact Club, a local chapter of The Rotary Club, student body secretary for Student Council, and vice president for her local chapter of National Honor Society. Emma Perkins is the Editor-in-Chief for Waxahachie High School's yearbook. She has served as an editor for 2 years. Emma Perkins is a 4-year Varsity Swimmer, where she served as captain for 2 years and has helped in 3 relay school records.

Emma will graduate this May from Waxahachie High School with a certification as a Pharmacy Technician. She will attend Texas A&M University in the fall of 2024 and major in Public Health, where she hopes to eventually become a Physician Assistant and specialize in Pediatrics. In College Station, Emma hopes to find a community of people who have a heart for Jesus and continue her journey of faith. In addition to schooling, Emma volunteers with her local church to teach children during Sunday School. Emma Perkins thanks God for blessing her with family and friends who love and support her.

**7. Present Proclamation recognizing May 19-25, 2024 as "National Public Works Week"**

Council Member Travis Smith read a Proclamation recognizing May 19-25, 2024 as "National Public Works Week."

**8. Present Proclamation recognizing May 2024 as "National Preservation Month"**

(5a)

Council Member Patrick Souter read a Proclamation recognizing May 2024 as “National Preservation Month.”

**9. Present Proclamation recognizing May 19-25, 2024 as “National Travel and Tourism Week”**

Mayor Pro Tem Chris Wright read a Proclamation recognizing May 19-25, 2024 as “National Travel and Tourism Week.”

**10. Present Proclamation recognizing May 20, 2024 as “Waxahachie Brew City, Texas Day”**

Mayor Wallace read a Proclamation recognizing May 20, 2024 as “Waxahachie Brew City, Texas Day.”

**11. Public Hearing on a request by the City of Waxahachie to expand the boundaries of the Historic Overlay District as created by Ordinance Number 2331, per the requirements of Ordinance Number 3020, and ordering the changing of the Zoning Map thereof in accordance with said change. (ZDC-69-2024)**

Mayor Wallace announced the applicant requested to continue the case to the June 3, 2024 City Council meeting.

**Action:**

*Patrick Souter moved to continue the Public Hearing for ZDC-69-2024 to the June 3, 2024 City Council meeting. Motion was seconded by Chris Wright and carried unanimously (5-0).*

**12. Consider proposed Ordinance approving ZDC-69-2024**

No action taken.

**13. Continue Public Hearing on a request by Kelley Cruzan, for a Zoning Change from a Single-Family-2 (SF-2) zoning district to Planned Development-Single Family-2 (PD-SF-2) zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024)**

The Item was presented by Senior Director of Planning Jennifer Pruitt. At the Planning & Zoning Commission meeting held on April 23, 2024, the Commission voted 5-2 to recommend denial of case number ZDC-58-2024, subject to the conditions of the staff report. Due to the recommendation for denial by the Planning & Zoning Commission, a favorable vote of three-fourths (3/4) of all members, which equates to four (4) of the five (5) members, of the City Council shall be required to approve the proposed zoning change. On May 6, 2024, City Council approved a continuance request for ZDC-58-2024 to move the case from the May 6, 2024 City Council Meeting to the May 20, 2024 City Council meeting. The applicant noted the purpose of the continuance request was to allow for additional time to consider modifications to the Planned Development request.

(5a)

The applicant has revised their Planned Development request to increase the minimum home size from 800 square feet to 1,056 square feet.

Mayor Wallace continued the Public Hearing at approximately 7:47 p.m.

Kelly Cruzan requested approval of the request and explained the proposed home size has increased to 1,056 square feet and the property will have a concrete driveway.

Those who spoke in opposition:

Hunter Laflower, 110 McClain, Waxahachie, Texas

Kenneth Bryant, 117 McClain, Waxahachie, Texas

Jeff Evans, 121 McClain, Waxahachie, Texas

Those who spoke in support:

Tonita Sweet, 223 Stable Drive, Waxahachie, Texas

Ira Tenpenny, 109 Rosa, Waxahachie, Texas

Brad Yates, 626 Kaufman, Waxahachie, Texas

Mayor Pro Tem Chris Wright explained the infill overlay district was established to facilitate residential development of vacant lots in the core of Waxahachie that present challenges for traditional development due to their size and shape. He explained the effort to build a home for Mr. Jordan has been in the process for quite some time. Due to that effort, the City has purchased and repaved Smokey Lane, increased the size of the water line, and added fire hydrants.

There being no others to speak for or against ZDC-58-2024, Mayor Wallace closed the Public Hearing at approximately 8:15 p.m.

**14. Consider proposed Ordinance approving ZDC-58-2024**

**ORDINANCE NO. 3490**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF-1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) LOCATED AT 106 MCCLAIN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.18 ACRES KNOWN AS LOT 2, BLOCK 42B OF THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Chris Wright moved to approve the ordinance for ZDC-58-2024, a Zoning Change request from a Single-Family-2 zoning district to a Planned Development-Single-Family-2 zoning district, subject to the conditions of the staff report. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**15. Continue Public Hearing on a request by Chad Adams, for a Zoning Change from a Future Development (FD) and Planned Development-Single Family-1 (PD-SF-1) zoning district to a Planned Development – Single Family – 1 (PD-SF-1) zoning**

(9a)

**district (Hightower), located directly north of 143 Lakeshore Drive (Property ID 182009) - Owner: Todd Laurie L & Wesley M Hightower Etal (ZDC-128-2022)**

The Item was presented by Ms. Pruitt. On April 7, 2024, the applicant requested to continue consideration of the Planned Development application for the Hightower Club to the May 20<sup>th</sup> City Council meeting. The applicant noted the purpose of the continuance request was to allow for additional time to revise the concept plan to address neighborhood concerns expressed at the March 26<sup>th</sup> Planning & Zoning Commission meeting. The applicant has made several changes to the proposed Hightower Club concept plan. These changes are noted below:

- The applicant has shifted the proposed street connection to Lakeshore Drive from the eastern edge of the property to the western edge of the property. The revised connection point would necessitate installation of a stop sign on Lakeshore Drive.
- The applicant has eliminated the proposal for a landscaped median at the street connection to Lakeshore Drive. The entry monument originally proposed in the landscaped median has been relocated to HOA maintained X-lots on either side of the street connection to Lakeshore Drive.
- The applicant has increased the number of residential lots facing Lakeshore Drive from five (5) to seven (7). The proposed lots facing Lakeshore Drive are 1.2 acres in size and larger.
- The applicant has committed to constructing a 6' stained wood privacy fence along the eastern property line. The fence is proposed to be installed with the initial street and utility infrastructure for the property.
- The applicant has proposed a requirement for home builders to install a 5' sidewalk along Lakeshore Drive adjacent to the subject property at the time each of the lots adjacent to Lakeshore Drive are developed.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 34 notices were mailed to property owners within 200 feet of the request. Staff has received letters of support from seven (7) property owners and letters of opposition from twenty-four (24) property owners for the proposed PD. Note that six (6) of the property owners that initially submitted letters of opposition have submitted letters of support following the March 26, 2024 Planning & Zoning Commission meeting. The original letters of opposition from these property owners are attached to the staff report; but are not included in the total opposition count. Six (6) letters of support and seventeen (17) letters of opposition were provided for properties within the 200' notification buffer for the request. One letter of support was withdrawn today.

Mayor Wallace continued the Public Hearing at approximately 8:37 p.m.

Chad Adams explained he met with some concerned property owners in the area and have developed potential changes to the current plan that would address concerns.

Mayor Pro Tem Wright asked if staff has had time to review the proposed changes and Mr. Adams confirmed they have not, as the changes were submitted this morning.

(5a)

Council Members discussed the proposed changes and agreed to allow additional time for City Council to identify and share their thoughts with Mr. Adams. It was noted that City Council would have set a Work Session to discuss the proposed development and any revisions to the plan as presented.

Those who spoke in opposition:

Rob Drolet, 128 Lake Shore Drive, Waxahachie, Texas  
Brian Gray, 101 Homestead Way, Waxahachie, Texas  
Ashley Freeman, 303 Lake Shore Drive, Waxahachie, Texas  
Michelle Drolet, 128 Lake Shore Drive, Waxahachie, Texas  
Chris Freeman, 303 Lake Shore Drive, Waxahachie, Texas  
Laura Mackel, 124 Lake Shore Drive, Waxahachie, Texas  
Kevin Johnston, 155 Lake Shore Drive, Waxahachie, Texas  
Jeff Ross, 137 Lake Shore Drive, Waxahachie, Texas  
Katherine Soliz, 2300 Howard Road, Waxahachie, Texas  
Dan Morton, Jr., 125 Lake Shore Drive, Waxahachie, Texas  
Ira Tenpenny, 109 Rosa, Waxahachie, Texas  
Alan Huff, 125 Lake Shore Drive, Waxahachie, Texas

Gary Davis, 109 Sanders Drive, Waxahachie, Texas, inquired about infrastructure funding.

There being no others to speak for or against ZDC-128-2022, Mayor Wallace closed the Public Hearing at approximately 9:43 p.m.

**Action:**

*Billie Wallace moved to continue the Public Hearing for ZDC-128-2022 to the May 20, 2024 City Council meeting. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**16. Consider proposed Ordinance approving ZDC-128-2022**

No action taken.

**17. Consider Development Agreement for ZDC-128-2022**

No action taken.

**18. Public Hearing on a request by Steve Kennedy, for a Specific Use Permit (SUP) for a Boat Dock +1500SF use within a Planned Development-Single Family-1 (PD-SF-1) zoning district located at 118 Hunter Pass (Property ID 219074) - Owner: Evan Ward and Johnny Ward (ZDC-60-2024)**

The Item was presented by Ms. Pruitt and owner John Ward requested approval.

Mayor Wallace opened the Public Hearing at approximately 10:29 p.m.

Ira Tenpenny, 109 Rosa, Waxahachie, Texas expressed concerns with water levels at the lake.

(9a)

There being no others to speak for or against ZDC-60-2024, Mayor Wallace closed the Public Hearing at approximately 10:39 p.m.

**19. Consider proposed Ordinance approving ZDC-60-2024**

**ORDINANCE NO. 3491**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A BOAT DOCK GREATER THAN 1,500 SQUARE FEET USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-1 (PD-SF-1) ZONING DISTRICT, LOCATED AT 118 HUNTER PASS, BEING PROPERTY ID 219074, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 5R, BLOCK D IN THE CRYSTAL COVE ESTATES PHASE TWO SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Travis Smith moved to approve the ordinance for ZDC-60-2024, a Specific Use Permit for a Boat Dock over 1,500 SF, subject to the conditions of the staff report. Motion was seconded by Tres Atkins and carried unanimously (5-0).*

**20. Public Hearing on a request by Kathryn Soliz for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Single Family-1 (SF-1) zoning district located at 2300 Howard Road (Property ID 199423) - Owner: Kathryn Soliz & Brodie Soliz (ZDC-41-2024)**

The Item was presented by Ms. Pruitt.

Mayor Wallace opened the Public Hearing at approximately 10:43 p.m.

There being no others to speak for or against ZDC-41-2024, Mayor Wallace closed the Public Hearing at approximately 10:43 p.m.

**21. Consider proposed Ordinance approving ZDC-41-2024**

**ORDINANCE NO. 3492**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED AT 2300 HOWARD ROAD, BEING PROPERTY ID 199423, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2 OF THE ROCK CREEK CROSSING SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

(5a)

**Action:**

*Travis Smith moved to approve the ordinance for ZDC-41-2024, a Specific Use Permit for an Accessory Structure over 700 SF, subject to the conditions of the staff report. Motion was seconded by Tres Atkins and carried unanimously (5-0).*

- 22. Public Hearing on a request by Gary Davis, for a Specific Use Permit (SUP) Amendment for an Ordinance 3469 – Accessory Structure +700SF use within a Planned Development-Single Family-1 (PD-SF-1) zoning district located at 109 Sanders Drive (Property ID 269676) - Owner: Gary Davis (ZDC-68-2024)**

The Item was presented by Ms. Pruitt and owner Gary Davis requested approval.

Mayor Wallace opened the Public Hearing at approximately 10:45 p.m.

There being no others to speak for or against ZDC-68-2024, Mayor Wallace closed the Public Hearing at approximately 10:47 p.m.

- 23. Consider proposed Ordinance approving ZDC-68-2024**

**ORDINANCE NO. 3493**

**AN AMENDMENT TO ORDINANCE 3469 AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET USE WITHIN A PLANNED DEVELOPMENT - SINGLE-FAMILY DWELLING-1 (PD-SF-1) ZONING DISTRICT AT 109 SANDERS DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.000 ACRES KNOWN AS PROPERTY ID 269676, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Chris Wright moved to approve the ordinance for ZDC-68-2024, a Specific Use Permit Amendment for Ordinance 3469, subject to the condition that the Specific Use Permit not transfer to another property owner. Motion was seconded by Travis Smith and carried unanimously (5-0).*

- 24. Public Hearing on a request by Ana Reyes, for a Specific Use Permit (SUP) for a Cosmetic and Restorative Studio use within a Central Area (CA) zoning district located at 307 S Rogers Street (Property ID 170494) - Owner: With Willing Hands Investments LLC (ZDC-51-2024)**

Mayor Wallace opened the Public Hearing at approximately 10:49 p.m.

There being no others to speak for or against ZDC-51-2024, Mayor Wallace closed the Public Hearing at approximately 10:49 p.m.

- 25. Consider proposed Ordinance approving ZDC-51-2024**

(5a)

**ORDINANCE NO. 3494**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A COSMETIC STUDIO RESTORATIVE USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT, LOCATED AT 307 S ROGERS STREET, BEING PROPERTY ID 170494, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOTS 1A AND 4B, BLOCK 22 OF THE ORIGINAL TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Chris Wright moved to approve the ordinance for ZDC-51-2024, a Specific Use Permit for a Cosmetic and Restorative Studio, subject to the conditions of the staff report. Motion was seconded by Travis Smith and carried unanimously (5-0).*

- 26. Public Hearing on a request by Steve Wilson, for a Specific Use Permit (SUP) for a Bail Bond Agency use within a Central Area (CA) zoning district located at the northeast corner of the intersection of S Jackson Street and E Jefferson Street (Property ID 170438) - Owner: Richard Shinpaugh (ZDC-112-2023)**

The Item was presented by Ms. Pruitt and Steve Wilson requested approval.

Mayor Wallace opened the Public Hearing at approximately 10:52 p.m.

There being no others to speak for or against ZDC-112-2023, Mayor Wallace closed the Public Hearing at approximately 10:53 p.m.

- 27. Consider proposed Ordinance approving ZDC-112-2023**

**ORDINANCE NO. 3495**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A BAIL BOND AGENCY USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT, LOCATED AT THE NORTHWEST CORNER OF S JACKSON STREET AND E JEFFERSON STREET, BEING PROPERTY ID 170438, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 5B, 5C, 6B, AND 6C, BLOCK 14 ORIGINAL TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Travis Smith moved to approve the ordinance for ZDC-112-2023, a Specific Use Permit for a Bail Bond Agency, subject to the conditions of the staff report. Motion was seconded by Tres Atkins and carried unanimously (5-0).*

- 28. Public Hearing on a request by Gregory Roberson for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Future Development (FD) zoning**

(9a)

**district located at 3224 Howard Road (Property ID 283067) - Owner: Gregory Roberson (ZDC-65-2024)**

The Item was presented by Ms. Pruitt.

Mayor Wallace opened the Public Hearing at approximately 10:55 p.m.

There being no others to speak for or against ZDC-65-2024, Mayor Wallace closed the Public Hearing at approximately 10:55 p.m.

**29. Consider proposed Ordinance approving ZDC-65-2024**

**ORDINANCE NO. 3496**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET WITHIN A FUTURE DEVELOPMENT (FD) ZONING DISTRICT, LOCATED AT 3224 HOWARD ROAD, BEING PROPERTY ID 283067, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1 BLOCK A OF THE PROVIDENCE ON HOWARD RD. ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Chris Wright moved to approve the ordinance for ZDC-65-2024, a Special Use Permit request for a Metal Barn with a gravel road, subject to the conditions of the staff report. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**30. Public Hearing on a request by Chris Clark, Clarkitecture LLC, for a Specific Use Permit (SUP) for a Drive-Through Establishment (HTeaO) use within a Planned Development-24-General Retail zoning district, located at 502 N US Highway 77, (Property ID 289738) – Owner: RS Waxahachie LLC (ZDC-74-2024)**

The Item was presented by Ms. Pruitt.

Mayor Pro Tem Wright expressed concerns with the cross-traffic access from E. University Drive. Justin Stoker, Senior Public Works and Engineering Director, confirmed TxDOT has no plans to restrict the access.

Mayor Wallace opened the Public Hearing at approximately 10:58 p.m.

There being no others to speak for or against ZDC-74-2024, Mayor Wallace closed the Public Hearing at approximately 11:00 p.m.

**31. Consider proposed Ordinance approving ZDC-74-2024**

(5a)

**ORDINANCE NO. 3497**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE-THROUGH ESTABLISHMENT (HTEAO) USE WITHIN A PLANNED DEVELOPMENT-24-GENERAL RETAIL (PD-1-GR) ZONING DISTRICT, LOCATED AT 502 N US HIGHWAY 77, BEING PROPERTY ID 289738, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2R OF THE CHAPMAN PLACE BUSINESS ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Patrick Souter moved to approve the ordinance for ZDC-74-2024, a Specific Use Permit for a Drive-Through Establishment at 502 N US Highway 77, subject to the conditions of the staff report. Motion was seconded by Tres Atkins and carried 4-1, with Chris Wright voting in opposition.*

**32. Consider Development Agreement for ZDC-74-2024**

**Action:**

*Patrick Souter moved to approve the Development Agreement for ZDC-74-2024. Motion was seconded by Travis Smith and carried 4-1, with Chris Wright voting in opposition.*

**33. Continue Public Hearing on a request by Melissa McClain, Equity Trust Company, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-28-General Retail (PD-28-GR) zoning district located at 515 N College Street (Property ID 171103) - Owner: Equity Trust Company Custodian (ZDC-35-2024)**

The Item was presented by Ms. Pruitt. At the April 23, 2024 Planning & Zoning Commission meeting, the Commission voted to approve a continuance for the proposed Short-Term Rental to allow the applicant additional time to develop a plan to provide on-site parking. Following the April 23rd meeting, the applicant has evaluated an option to add a curb cut for a driveway on N College Street to provide vehicular access to a parking area at the side and rear of 515 N College Street. If this request for a Short-Term Rental is approved, the applicant will be required to design and install a curb cut and driveway on N College Street, prior to approval of the Short-Term Rental registration.

Mayor Wallace continued the Public Hearing at approximately 11:07 p.m.

Ira Tenpenny, 109 Rosa, Waxahachie, Texas, expressed concerns with issues arising from short-term rentals.

There being no others to speak for or against ZDC-35-2024, Mayor Wallace closed the Public Hearing at approximately 11:09 p.m.

**34. Consider proposed Ordinance approving ZDC-35-2024**

(5a)

**ORDINANCE NO. 3498**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED DEVELOPMENT-28-GENERAL RETAIL (PD-28-GR) ZONING DISTRICT, LOCATED AT 515 N COLLEGE STREET, BEING PROPERTY ID 171103, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2B, BLOCK 111 OF THE TOWN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Chris Wright moved to approve the ordinance for ZDC-35-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Travis Smith and carried unanimously (5-0).*

- 35. Public Hearing on a request by Shelia Hood, Twin Cedars Trust, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 316 Cynisca Street (Property ID 175950) - Owner: Twin Cedars Trust (ZDC-77-2024)**

The Item was presented by Ms. Pruitt. Council Members discussed the applicant's request to display contact information on the property due to safety concerns. Staff confirmed the requirement was included in the short-term rental ordinance so owners/operators could be contacted immediately if there were any issues. It was the general consensus of City Council to review the requirement in the future.

The applicant is requesting a SUP for a short-term rental use located at 316 Cynisca Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,960 square feet with three (3) bedrooms and sufficient parking to accommodate the maximum parking requirement of three (3) vehicles. The home is situated on an approximately 0.224-acre (9,757 square foot) lot. The applicant has been operating a short-term rental since approximately September of 2022, and has not been paying local hotel occupancy taxes. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property and its current use in the past 12 months. The local emergency contact provided by the applicant is located 0.2 miles from the subject property. The property manager and local emergency contact for this SUP has requested a variance not to display their contact information on the front door of the short-term rental. The property manager noted safety concerns as the reason for the variance request.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 87 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. A total of eight (8) letters of opposition and six (6) letters of support were received by staff, with zero (0) letters of opposition and three (3) letters of support being inside the 200' buffer and the remainder outside of the 200' buffer.

(5a)

Mayor Wallace opened the Public Hearing at approximately 11:12 p.m.

There being no others to speak for or against ZDC-77-2024, Mayor Wallace closed the Public Hearing at approximately 11:12 p.m.

**36. Consider proposed Ordinance approving ZDC-77-2024**

**ORDINANCE NO. 3499**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 316 CYNISCA STREET, BEING PROPERTY ID 175950, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 7B AND 8A, BLOCK 1 OF THE TRINITY HEIGHTS REVISION ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Chris Wright moved to approve the ordinance for ZDC-77-2024, a Specific Use Permit for a Short-Term Rental use, denying the variance request, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**37. Public Hearing on a request by Dainy Villanueva, Bleuvels LLC for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 462 Wintergreen Drive (Property ID 265831) - Owner: Ido Pistiner (ZDC-86-2024)**

The Item was presented by Ms. Pruitt. She noted the applicant called after 5 p.m. and stated he would be unable to attend the meeting. In December of 2023, a SUP application for a Short-Term Rental (ZDC-190-2023) was submitted for this property. At the Planning and Zoning Commission meeting held on April 9, 2024, the Commission voted 6-0 to recommend denial of case number ZDC-190-2023. At the City Council meeting held on April 15, 2024, the City Council voted to deny the SUP application. Notably, City Council did not deny the SUP application “with prejudice”; which means the owner of the property is permitted to submit an additional SUP request at any time. The Waxahachie Zoning Ordinance notes that if a request is denied by City Council “with prejudice”, the same or similar request may not be resubmitted to the City for six (6) months from the date of denial.

Following the denial of the original SUP Application, the owner of the subject property submitted this revised SUP request for a Short-Term Rental. The revised submittal includes a verified emergency contact, documentation of a long-term lease agreement, and a State HOT Tax Statement.

On May 7th, 2024, staff confirmed via our third-party short-term rental monitoring software (GovOS) that the applicant has continued listing and operating a short-term rental on the property following the denial of their original SUP application by City Council on April 9, 2024. The

(5a)

applicant has satisfied all of the requirements of Section 3.27 of the Zoning Ordinance. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The local emergency contact is located 11.6 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 100 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. A total of seven (7) letters of opposition and zero (0) letters of support have been received by staff, with one (1) letter of opposition being inside the 200' buffer and the remainder outside the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 11:27 p.m.

Those who spoke in opposition:  
Ira Tenpenny, 109 Rosa, Waxahachie, Texas

There being no others to speak for or against ZDC-86-2024, Mayor Wallace closed the Public Hearing at approximately 11:30 p.m.

**38. Consider proposed Ordinance approving ZDC-86-2024**

**Action:**

*Travis Smith moved to deny the ordinance for ZDC-86-2024, a Specific Use Permit for Short-Term Rental use, with prejudice, for the property located at 426 Wintergreen Drive. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**39. Public Hearing on a request by James Mills, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-28-General Retail (PD-28-GR) zoning district located at 516 N College Street (Property ID 170715) - Owner: James Mills and Megan Mills (ZDC-78-2024)**

The Item was presented by Ms. Pruitt. The applicant is requesting a SUP for a short-term rental use located at 516 N College Street because it is located within the PD-28-GR zoning district. The subject property consists of a primary structure of approximately 3,322 square feet with three (3) bedrooms and enough improved surface to accommodate for the maximum parking requirement of three (3) vehicles, situated on an approximately 0.447-acre (19,471 square feet) lot. The applicant has not operated a short-term rental at this location in the past and has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The applicant's local emergency contact is located 0.3 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 61 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. A total of six (6) letters of support and two (2) letters of opposition were received by staff, with one (1) letter of support and

(5a)

zero (0) letters of opposition being inside the 200' buffer and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 11:34 p.m.

There being no others to speak for or against ZDC-78-2024, Mayor Wallace closed the Public Hearing at approximately 11:34 p.m.

**40. Consider proposed Ordinance approving ZDC-78-2024**

**ORDINANCE NO. 3500**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED DEVELOPMENT-28-GENERAL RETAIL (PD-28-GR) ZONING DISTRICT, LOCATED AT 516 N COLLEGE STREET, BEING PROPERTY ID 170715, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING A PORTION OF LOT 27, BLOCK 9 OF THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Chris Wright moved to approve the ordinance for ZDC-78-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**41. Public Hearing on a request by Stacie Seabolt, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 404 N Gibson Street (Property ID 173340) - Owner: John Seabolt and Stacie Seabolt (ZDC-83-2024)**

The Item was presented by Ms. Pruitt. The applicant is requesting a SUP for a short-term rental use located at 404 N Gibson Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,350 square feet with two (2) bedrooms and enough improved surface to accommodate for the maximum parking requirement of two (2) vehicles, situated on an approximately 0.1-acre (4,356 square feet) lot. The applicant has been operating a short-term rental since approximately April of 2023, and has not been paying local hotel occupancy taxes. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The local emergency contact provided by the applicant is located 25 feet from the subject property.

To comply with State law contained in Local Government Code Chapter 21 I and the City's public hearing notice requirements, 53 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. A total of eight (8) letters of support and two (2) letters of opposition were received by staff, with three (3) letters of support

(5a)

and zero (0) letters of opposition being inside the 200' buffer and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 11:36 p.m.

There being no others to speak for or against ZDC-83-2024, Mayor Wallace closed the Public Hearing at approximately 11:36 p.m.

**42. Consider proposed Ordinance approving ZDC-83-2024**

**ORDINANCE NO. 3501**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 404 N GIBSON STREET, BEING PROPERTY ID 173340, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING A PORTION OF LOT 29 OF THE FERRIS ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Chris Wright moved to approve the ordinance for ZDC-83-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Tres Atkins and carried unanimously (5-0).*

**43. Public Hearing on a request by Darrell James for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-3 (SF-3) zoning district located at 297 Finley Street (Property ID 175967) - Owner: Darmar Investments LLC (ZDC-84-2024)**

The Item was presented by Ms. Pruitt. The applicant is requesting a SUP for a short-term rental use located at 297 Finley Street because it is located within the SF-3 zoning district. The subject property consists of a primary structure of approximately 2,601 square feet with three (3) bedrooms and enough improved surface to accommodate for the maximum parking requirement of three (3) vehicles, situated on an approximately 0.23-acre (10,018 square feet) lot. The applicant has not begun operating. The applicant has not satisfied the requirements of Section 3.27 of the Zoning Ordinance to identify occupancy limits and parking restrictions for the property within the Host Rules brochure. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property and its current use in the past 12 months. The local emergency contact provided by the applicant is located 14.3 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 37 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. Letters of support from three (3) properties were received by staff, with all three (3) properties being inside the 200' buffer and the remainder outside of the 200' buffer.

(9a)

Mayor Wallace opened the Public Hearing at approximately 11:40 p.m.

There being no others to speak for or against ZDC-84-2024, Mayor Wallace closed the Public Hearing at approximately 11:41 p.m.

**44. Consider proposed Ordinance approving ZDC-84-2024**

**ORDINANCE NO. 3502**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-3 (SF-3) ZONING DISTRICT, LOCATED AT 297 FINLEY STREET, BEING PROPERTY ID 175967, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 49R OF THE THOMPSON'S SOUTHLAND ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE**

**Action:**

*Travis Smith moved to approve the ordinance for ZDC-84-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Chris Wright and carried unanimously (5-0).*

**45. Public Hearing on a request by Terri Griffith, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 402 Richmond Lane (Property ID 171713) - Owner: Terri Griffith (ZDC-85-2024)**

The Item was presented by Ms. Pruitt. The applicant is requesting a SUP for a short-term rental use located at 516 N College Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,270 square feet with two (2) bedrooms and enough improved surface to accommodate for the maximum parking requirement of two (2) vehicles, situated on an approximately 0.1769-acre (7,705 square feet) lot. The applicant has been operating a short-term and long-term rental since approximately spring 2021, and has been paying local hotel occupancy taxes since March of 2024. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. At the time of the publishing of this staff report, the City has received no complaints regarding any issues that are considered a nuisance. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The local emergency contact provided by the applicant is located 2.3 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 92 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of this staff report, a total of ten (10) letters of opposition and eleven (11) letters of support were received by staff, with two (2) letters of opposition and four (4) letters of support being inside the 200' buffer and the remainder outside of the 200' buffer.

(5a)

Mayor Wallace opened the Public Hearing at approximately 11:43 p.m.

There being no others to speak for or against ZDC-85-2024, Mayor Wallace closed the Public Hearing at approximately 11:43 p.m.

**46. Consider proposed Ordinance approving ZDC-85-2024**

**ORDINANCE NO. 3503**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 402 RICHMOND LANE, BEING PROPERTY ID 171713, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT J, BLOCK 267 OF THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Chris Wright moved to approve the ordinance for ZDC-85-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried 4-0, with Travis Smith not voting.*

**47. Public Hearing on a request by Juan Flores, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-3 (PD-SF-3) zoning district located at 624 Xavier Court (Property ID 281280) - Owner: JC & AG Investment Group, Inc. (ZDC-87-2024)**

The Item was presented by Ms. Pruitt. Ms. Pruitt noted the corrected staff report, explaining the property has been operating as a short-term rental. The applicant requests a SUP for short-term rental use at 624 Xavier Court because it is located within the PD-SF-3 zoning district. The subject property consists of a primary structure of approximately 3,481 square feet, built in 2023 with four (4) bedrooms, 2.5 bathrooms and enough improved surface to accommodate for the maximum parking spaces of four (4) vehicles, situated on an approximately 0.736-acre (32,076 square feet) lot. The applicant has not been paying local hotel occupancy taxes. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The applicant's local emergency contact is located 14.4 miles from the subject property.

Mayor Wallace opened the Public Hearing at approximately 11:47 p.m.

Those who spoke in opposition:

Ira Tenpenny, 109 Rosa, Waxahachie, Texas

Mayor Pro Tem Wright inquired about the operation of the short-term rental in violation of the current ordinance and noted his lack of support at this time. Jasmine Flores explained the home was rented approximately 6 weeks prior to submitting their application to the City.

(5a)

Council Member Smith asked when and how the owner was notified there was a City process required to operate a short-term rental. Alicia Flores explained the rental was listed and rented through AirBnB before she received notice from the company that the City required a permit to operate.

Council Member Souter noted his lack of support is due to the overwhelming property owner opposition to this request.

There being no others to speak for or against ZDC-87-2024, Mayor Wallace closed the Public Hearing at approximately 11:54 p.m.

**48. Consider proposed Ordinance approving ZDC-87-2024**

**Action:**

*Chris Wright moved to deny the ordinance for ZDC-87-2024, a Specific Use Permit for Short-Term Rental use. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**49. Public Hearing on a request by Jason Luke, LJA Engineering, for a Plat of Saddlebrook Estates Phase 4, 252 residential lots and 5 open space lots, being 70.035 acres, located north of 250 Saratoga Drive, situated in the G. Carpenter Survey, Abstract 190, an addition to the City of Waxahachie (Property ID: 189842) – Owner: 287 Waxahachie LP (SUB-72-2024)**

The Item was presented by Ms. Pruitt.

Mayor Wallace opened the Public Hearing at approximately 11:58 p.m.

There being no others to speak for or against SUB-72-2024, Mayor Wallace closed the Public Hearing at approximately 11:58 p.m.

**50. Consider approving SUB-72-2024**

**Action:**

*Chris Wright moved to approve SUB-72-2024, a Plat of Saddlebrook Estates Phase 4, and the associated variance request, subject to the conditions of the staff report. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**51. Public Hearing on a request by Jason Luke, LJA Engineering, for a Plat of Saddlebrook Estates Phase 4B, 131 residential lots and 5 open space lots, being 36.665 acres, located approximately 2,000 feet northeast of 147 Charismatic Road, situated in the G. Carpenter Survey, Abstract 190, an addition to the City of Waxahachie (Property ID: 189842) – Owner: 287 Waxahachie LP (SUB-73-2024)**

The Item was presented by Ms. Pruitt.

Mayor Wallace opened the Public Hearing at approximately 12:00 a.m. on May 21, 2024.

(5a)

There being no others to speak for or against SUB-73-2024, Mayor Wallace closed the Public Hearing at approximately 12:00 a.m. on May 21, 2024.

**52. Consider approving SUB-73-2024**

**Action:**

*Travis Smith moved to approve SUB-73-2024, a Plat of Saddlebrook Estates Phase 4C, and the associated variance request, subject to the conditions of the staff report. Motion was seconded by Tres Atkins and carried unanimously (5-0).*

**53. Consider proposed Ordinance to rename Waller Street to Acorn Road**

The Item was presented by Senior Director of Public Works and Engineering Justin Stoker.

**ORDINANCE NO. 3504**

**AN ORDINANCE ADOPTING A STREET NAME CHANGE FROM WALLER STREET TO ACORN ROAD, AND SETTING AN EFFECTIVE DATE:**

**Action:**

*Patrick Souter moved to approve the ordinance to rename Waller Street to Acorn Road within the City of Waxahachie and authorize the City Manager and/or the Mayor to execute all documents. Motion was seconded by Chris Wright and carried unanimously (5-0).*

**54. Consider Service Contract with Andale Construction, Inc. for High Density Mineral Bond Seal Pavement Preservation**

The Item was presented by Mr. Stoker.

**Action:**

*Patrick Souter moved to approve a service contract with Andale Construction, Inc. for the application of High-Density Mineral Bond Seal asphalt preservation in the amount of \$127,030.30, and authorize the City Manager to execute all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).*

**55. Consider Professional Services Agreement for the Streets and Parks Maintenance Facilities Project**

The Item was presented by Mr. Stoker.

**Action:**

*Travis Smith moved to approve a professional service agreement with Quorum Architects, Inc. in the amount of \$137,000 for the programming and master plan phase of the Streets and Parks Maintenance Facilities Project, and authorize the City Manager to execute all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).*

(5a)

**56. Public Hearing on proposed Ordinance amending Chapter 8, Building, of the City of Waxahachie Code of Ordinances**

The Item was presented by Senior Director of Building and Community Services Anthony Warren.

Mayor Wallace opened the Public Hearing at approximately 12:06 a.m. on May 21, 2024.

There being no others to speak for or against the proposed Ordinance amending Chapter 8, Building, of the City of Waxahachie Code of Ordinances, Mayor Wallace closed the Public Hearing at approximately 12:06 a.m. on May 21, 2024.

**57. Consider proposed Ordinance amending Chapter 8, Building, of the City of Waxahachie Code of Ordinances**

**ORDINANCE NO. 3505**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE AMENDING SECTION 8 (BUILDING) OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE; ADOPTING THE INTERNATIONAL CODE COUNCIL CODES 2021 AND THE NATIONAL ELECTRICAL CODE 2020 EDITION WITH LOCAL AMENDMENTS AND SETTING AN EFFECTIVE DATE OF JUNE 1, 2024.**

**Action:**

*Patrick Souter moved to approve the ordinance amending Chapter 8, Building, of the City of Waxahachie Code of Ordinances. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**58. Consider proposed Ordinance amending Chapter 12, Fire Protection and Prevention, of the City of Waxahachie Code of Ordinances**

The Item was presented by Fire Marshal Brent Fuller.

**ORDINANCE NO. 3506**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE AMENDING SECTION 12 (FIRE PROTECTION AND PREVENTION) OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE; ADOPTING THE INTERNATIONAL FIRE CODE 2021 WITH LOCAL AMENDMENTS AND SETTING AN EFFECTIVE DATE OF JUNE 1, 2024.**

**Action:**

*Travis Smith moved to approve the ordinance amending Chapter 12, Fire Protection and Prevention, of the City of Waxahachie Code of Ordinances. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**59. Comments by Mayor, City Council, City Attorney and City Manager**

Council Member Patrick Souter noted he is looking forward to working with City Council.

(5a)

Mayor Pro Tem Chris Wright thanked Council Members for their support for Thomas Jordan's home.

Council Member Travis Smith thanked Mayor Pro Tem Chris Wright for his work on Thomas Jordan's home project. Mr. Smith recognized the First United Methodist Church of Waxahachie for celebrating their 175<sup>th</sup> Anniversary in May.

Council Member Tres Atkins thanked City Council for a relaxed first meeting.

City Manager Michael Scott thanked everyone for their work on this lengthy agenda.

Mayor Billie Wallace thanked everyone for their patience and support while conducting her first Council meeting.

**60. Adjourn**

There being no further business, the meeting adjourned at 12:12 a.m. on May 21, 2024

Respectfully submitted,

Amber Villarreal  
City Secretary



(5b)

Date submitted 5/20/20

### Applicant Information

Applicant name: Luke Smolka

Are you representing the host organization? Yes  No

Will you be the on-site point of contact during the event? Yes  No

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Mailing address: 821 Williams St. Waxahachie, Texas 75165

Host organization name: Knights of Columbus

Alternate contact that will be on-site during the event.

On-site contact name: Hugh Reynolds Cell: \_\_\_\_\_

### About the Event

Event name: Hike for Life 2024

Location: Brown Singleton Park

*An event site map is **REQUIRED** to be submitted with your application.*

Anticipated attendance: 110

Description of event: Fundraising for Prolife

### How many times has this event been hosted before?

1<sup>st</sup> time  2 – 4 times  5 or more times  Location: Getzendaner Park

### Choose the best description of the event:

- |  |  |
|--|--|
| <input type="checkbox"/> Festival              | <input type="checkbox"/> Birthday Party / Picnic             |
| <input type="checkbox"/> Movie Screening       | <input checked="" type="checkbox"/> Charitable / Fundraising |
| <input type="checkbox"/> Parade                | <input type="checkbox"/> Community / Neighborhood            |
| <input type="checkbox"/> Private Event         | <input type="checkbox"/> Concert / Live Performance          |
| <input checked="" type="checkbox"/> Run / Walk | <input type="checkbox"/> Other: _____                        |



(5b)

**Event activities include (check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Amusement rides / Inflatables                    | <input checked="" type="checkbox"/> Food – sampled, served, or sold         |
| <input type="checkbox"/> Animals / Petting Zoo                            | <input type="checkbox"/> Products / Services – given away, sampled, or sold |
| <input checked="" type="checkbox"/> Announcement / Speeches               | <input type="checkbox"/> Live music   |
| <input checked="" type="checkbox"/> Information / Literature Distribution | <input type="checkbox"/> Street closure                                     |
| <input checked="" type="checkbox"/> DJ / Recorded Music                   | <input type="checkbox"/> Other:   |

**The event is:**

- |  |   |
|--|---|
| <input type="radio"/> Private                                    | <input type="radio"/> Free & open to the general public |
| <input type="radio"/> Entry by participation or registration fee | <input type="radio"/> Entry by admission fee or ticket  |

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

**Event timeline:**

	Date(s)	Start Time:	End Time:
Event Date	10/5/2024	9 AM	2PM
Event Set-up	10/5/2024	8AM	9AM
Event Breakdown	10/5/2024	2PM	3PM

**Run / Walk:**

Please provide the start time for each distance (if applicable)

\_\_\_\_\_ 1 mile \_\_\_\_\_ 5K \_\_\_\_\_ Other distance

Please indicate your expected attendance: \_\_\_\_\_

Number of participants:

- |         |                                  |
|---------|----------------------------------|
| 1-99    | <input type="radio"/>            |
| 100-199 | <input checked="" type="radio"/> |
| 200-299 | <input type="radio"/>            |
| 300+    | <input type="radio"/>            |

*Provide route on attached site map.*



**Food / Beverage:**

Will the event offer food/beverages? Yes  No

Will event require any food preparation on-site? Yes  No

Will alcohol be served/sold? Yes  No

[Sample Downtown Event/Festival Boundary Map](#)

**Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events**

*If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.*

**Police / Security Services:**

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

Event staff            How many: \_\_\_\_\_ Date(s) & time(s): \_\_\_\_\_

Volunteers            How many: \_\_\_\_\_ Date(s) & time(s): \_\_\_\_\_

Private security        How many: \_\_\_\_\_ Date(s) & time(s): \_\_\_\_\_

Company name: \_\_\_\_\_

Contact name and number: \_\_\_\_\_

Off duty police        How many: \_\_\_\_\_ Date(s) & time(s): \_\_\_\_\_

Have you made arrangements with the police? Yes  No

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: \_\_\_\_\_ Phone number: \_\_\_\_\_

**Street Closures:**

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes  No

If yes, please list all streets, intersections, and parking lots that apply: \_\_\_\_\_

Street closings to begin on date: \_\_\_\_\_ Start time: \_\_\_\_\_ End time: \_\_\_\_\_

Will any businesses be impacted by the proposed road closure? Yes  No

**Traffic Safety Equipment:**

Does your event require traffic cones or barricades? Yes  No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones            How many: \_\_\_\_\_ Barricades    How many: \_\_\_\_\_

Other: \_\_\_\_\_

Where should equipment be dropped off & picked up?

(5b)



City of Waxahachie  
City Secretary's Office

Special Event Application

When will the traffic equipment be set-up?

Date: \_\_\_\_\_ Time: \_\_\_\_\_

When will the traffic equipment be removed?

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Are you requesting the use of City traffic equipment?

Yes

No

**Availability is not guaranteed**

**Streets cannot be blocked without prior approval.**

### Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes

No

List the # of tents & sizes:

**Indicate locations on attached required site map.**

### Electrical Services:

How will electrical services be supplied?

Generator

Franchise Utilities

Both

List contractor / supplier:

City of Waxahachie Pavillion

Explain services in detail:

### Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

### Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. Due to Covid-19, I also understand approval of my event is subject to the then current necessary precautions resulting from Covid case trends as well as any change in accordance with federal, state or local orders. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Luke T Smolka

5/20/2024

Signature

Date

### Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Luke T Smolka

5/20/2024

Signature

Date

(5b)



(50)

# Planning & Zoning Department

## Petition for ETJ Release

Case: ETJ-PTN-89-2024



### MEETING DATE

City Council: June 3, 2024

### CAPTION

*Consider* proposed Ordinance approving a request by Neta Bledsoe & James Bledsoe, for a **Petition for ETJ Release** for approximately 4.89 acres, located at 1541 Boyce Rd. and 951 Wilson Rd. (Property ID 210307 and 276922) – Owner: Neta Bledsoe & James Bledsoe and April Bledsoe & Brady Johnson (ETJ-PTN-89-2024).

### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-89-2024, a request by Neta Bledsoe & James Bledsoe, for a Petition for ETJ Release for approximately 4.89 acres, located at 1541 Boyce Rd. and 951 Wilson Rd., authorizing the Mayor to sign the associated documents accordingly."*

### APPLICANT REQUEST

The property owners have petitioned the City to remove their property from the extraterritorial jurisdiction (ETJ).

### CASE INFORMATION

<i>Applicant:</i>	Neta Bledsoe & James Bledsoe
<i>Property Owner(s):</i>	NetaBledsoe & James Bledsoe and April Bledsoe & Brady Johnson
<i>Site Acreage:</i>	4.89 Acres
<i>Number of Lots:</i>	2 lots
<i>Number of Dwelling Units:</i>	2 units

### SUBJECT PROPERTY

<i>General Location:</i>	1541 Boyce Road and 951 Wilson Road
<i>Parcel ID Number(s):</i>	210307 and 276922
<i>Current Zoning:</i>	N/A (ETJ)
<i>Existing Use:</i>	N/A
<i>Platting History:</i>	The subject property is platted as Lots 9A-1 and 9A-2 of the Whispering Meadows Revision
<i>CCN Service Area:</i>	Rockett SUD

*Site Aerial:*



**PLANNING ANALYSIS**

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

**RECOMMENDATION**

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

**ATTACHED EXHIBITS**

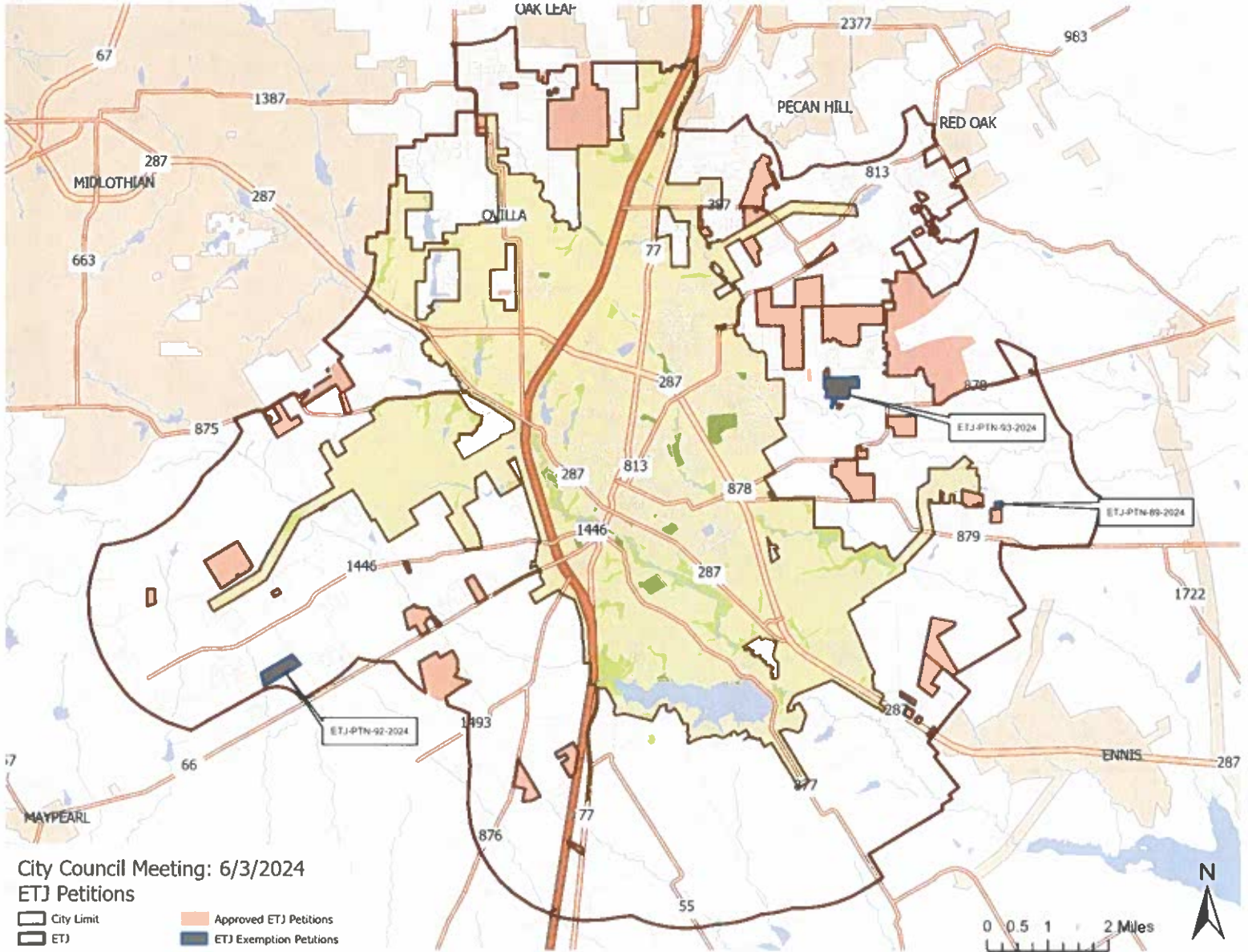
1. ETJ Petition Map for June 3, 2024 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

**STAFF CONTACT INFORMATION**

*Prepared by:*  
 Harper Lindamood  
 Planner  
[Harper.lindamood@waxahachie.com](mailto:Harper.lindamood@waxahachie.com)

*Reviewed by:*  
 Jennifer Pruitt, AICP, LEED-AP, CNU-A  
 Senior Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(5c)



(50)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 4.89 ACRE TRACT OF LAND, LOCATED AT 1541 BOYCE ROAD AND 951 WILSON ROAD, KNOWN AS PROPERTY ID 210307 AND 276922, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, as authorized by Subchapter D of Chapter 42 of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("ETJ"); and

**WHEREAS**, City staff has determined that the submitted petition, case number ETJ-PTN-89-2024, complies with the requirements of Subchapter D of Chapter 42 of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

**NOW, THEREFORE**, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

**PASSED, APPROVED AND ADOPTED** on this 3<sup>rd</sup> day of June, 2024.

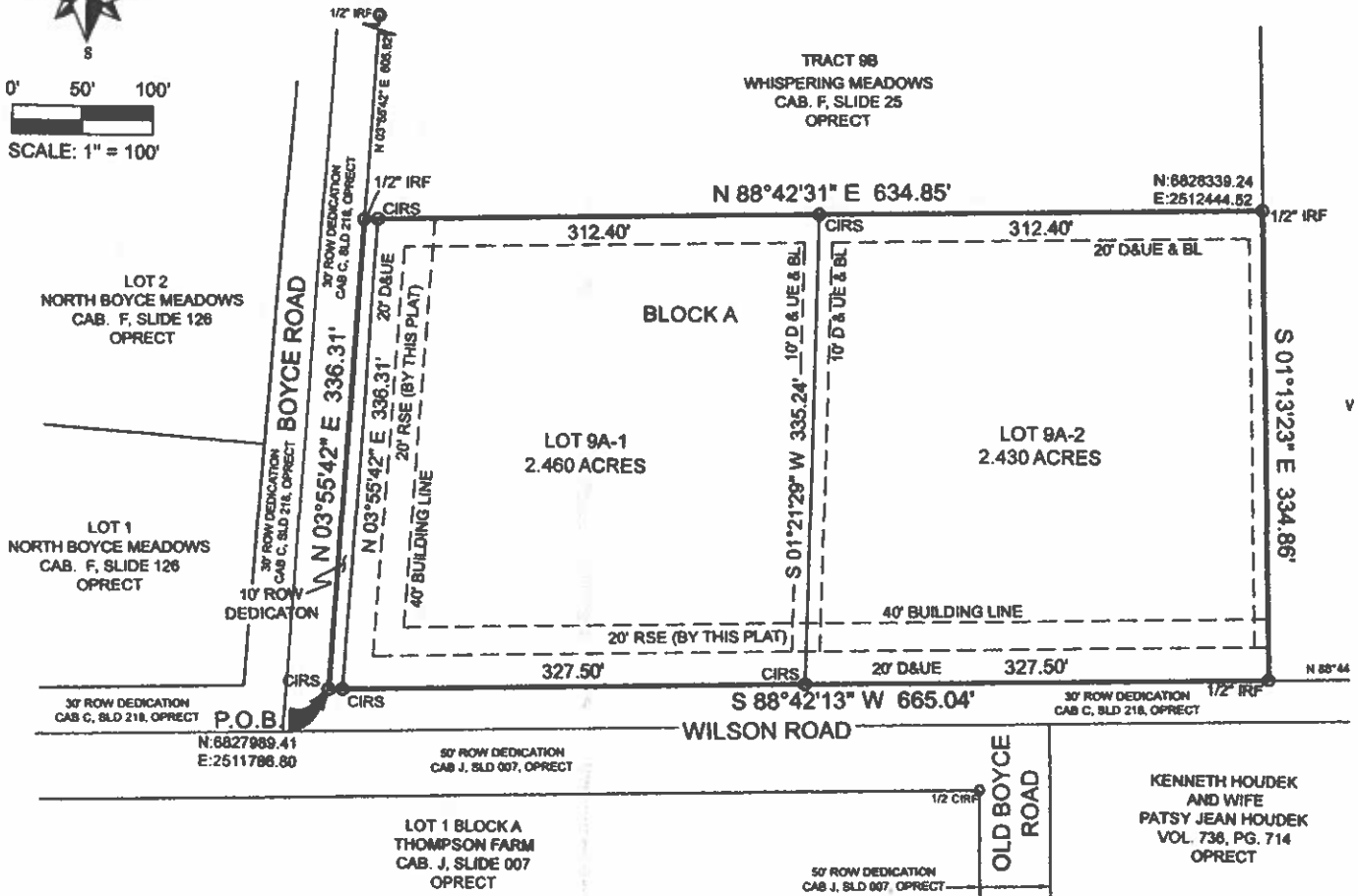
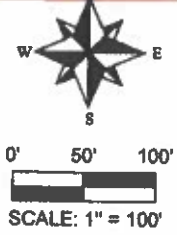
\_\_\_\_\_  
MAYOR

ATTEST:

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

(50)

EXHIBIT A - LEGAL DESCRIPTION



WE, THEREFORE, KNOW ALL MEN BY THESE PRESENTS.

WE, JAMES BLEDSOE AND NETA BLEDSOE, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN DESCRIBED

STATE OF TEXAS :

(5c)

EXHIBIT B - LOCATION MAP



# Planning & Zoning Department

## Petition for ETJ Release

Case: ETJ-PTN-92-2024



**MEETING DATE**

City Council:

June 3, 2024

**CAPTION**

*Consider* proposed Ordinance approving a request by David S. Caverly, for a **Petition for ETJ Release** for approximately 86.54 acres, located at 466 Arrowhead Rd. (Property ID 216585) – Owner: David S. Caverly (ETJ-PTN-92-2024).

**RECOMMENDED MOTION**

*"I move to approve ETJ-PTN-92-2024, a request by David S. Caverly, for a Petition for ETJ Release for approximately 86.54 acres, located at 466 Arrowhead Rd. of Waxahachie, authorizing the Mayor to sign the associated documents accordingly."*

**APPLICANT REQUEST**

The property owner has petitioned the City to remove their property from the extraterritorial jurisdiction (ETJ).

**CASE INFORMATION**

*Applicant:* David S. Caverly

*Property Owner(s):* David S. Caverly

*Site Acreage:* 86.54 Acres

*Number of Lots:* 1 lot

*Number of Dwelling Units:* 0 unit

**SUBJECT PROPERTY**

*General Location:* 466 Arrowhead Rd.

*Parcel ID Number(s):* 216585

*Current Zoning:* N/A (ETJ)

*Existing Use:* N/A

*Platting History:* The subject property is not platted

*CCN Service Area:* Buena Vista-Bethel WSC

*Site Aerial:*



**PLANNING ANALYSIS**

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

**RECOMMENDATION**

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

**ATTACHED EXHIBITS**

1. ETJ Petition Map for June 3, 2024, City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

**STAFF CONTACT INFORMATION**

*Prepared by:*

Harper Lindamood  
Planner

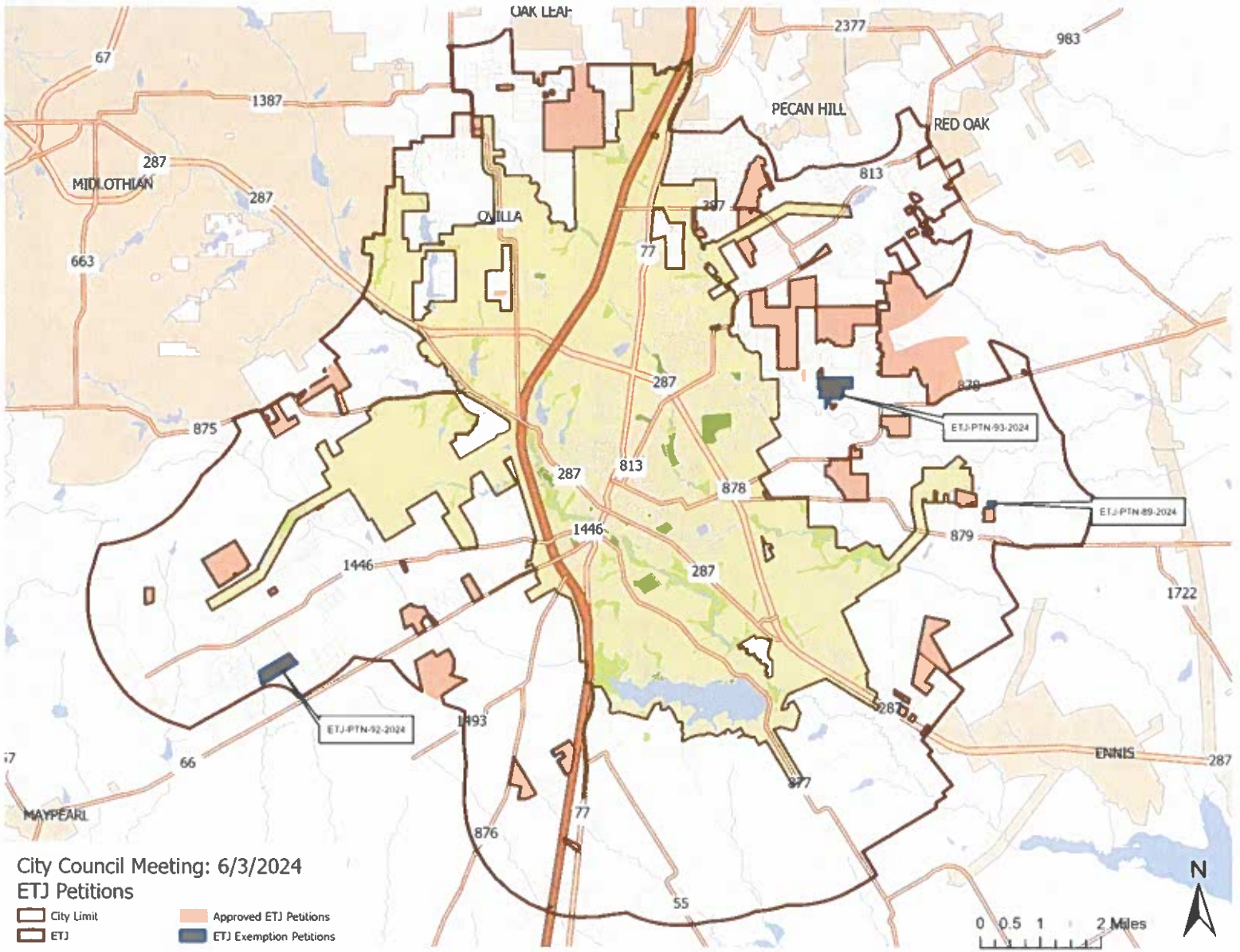
[Harper.lindamood@waxahachie.com](mailto:Harper.lindamood@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A  
Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(5d)



(5d)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 86.54 ACRE TRACT OF LAND, LOCATED AT 466 ARROWHEAD ROAD, KNOWN AS PROPERTY ID 216585 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, as authorized by Subchapter D of Chapter 42 of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("ETJ"); and

**WHEREAS**, City staff has determined that the submitted petition, case number ETJ-PTN-92-2024, complies with the requirements of Subchapter D of Chapter 42 of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

**NOW, THEREFORE**, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

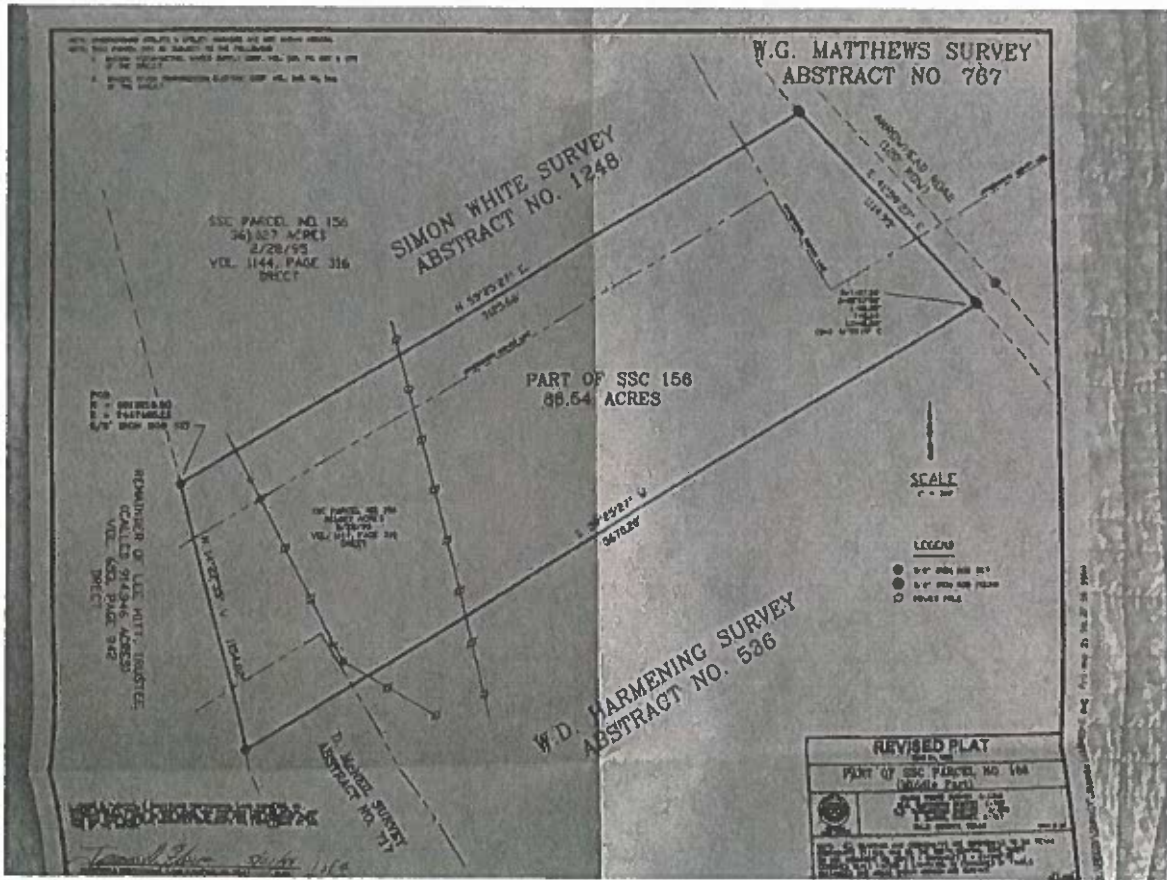
The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

**PASSED, APPROVED AND ADOPTED** on this 3<sup>rd</sup> day of June, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

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



**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF THE LAND**

Being all that certain 106.352 acre tract of land situated in the BBB & CRR Survey, Abstract No. 175 and Ira Glaze Survey, Abstract No. 397, City of Waxahachie, Ellis County, Texas, and being all that certain tract of land conveyed to Kamal Y. Kaoud, by deed recorded in Volume 2818, Page 1082, Deed Records, Ellis County, Texas, and being more particularly described as follows:

BEGINNING at a 6 inch steel fence post found for the northwest corner of said Kaoud tract (Volume 2818, Page 1082), same being the southwest corner of Block 1, Broadhead Addition Phase One, an addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof recorded in Cabinet B, Page 153, Map Records, Ellis County, Texas, same being in the east line of that certain tract of land conveyed to Kristopher M. Kenyon and Jennifer Dawn Kenyon, by deed recorded in Volume 2295, Page 2157, said Deed Records;

THENCE North 88 deg. 52 min. 23 sec. East, along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Block 1, Broadhead Addition Phase One, passing the southeast corner of said Block 1, Broadhead Addition Phase One, same being the southwest corner of a future dedicated right-of-way per said Broadhead Addition Phase One, Cabinet B, Page 153, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said future dedicated right-of-way, passing the southeast corner of said future dedicated right-of-way, same being the southwest corner of Lot 1R, Block 2, said Broadhead Addition Phase One, Cabinet B, Page 153, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Lot 1R, Block 2, Broadhead Addition Phase One, Cabinet B, Page 153, passing the southeast corner of said Lot 1R, Block 2, Broadhead Addition Phase One, Cabinet B, Page 153, same being the southwest corner of Block 2, Broadhead Addition, an addition to the City of Waxahachie, Ellis County, Texas according to the plat thereof recorded in Cabinet C, Page 65, said Map Records, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Block 2, Broadhead Addition, Cabinet C, Page 65, passing the southeast corner of said Block 2, Broadhead Addition, Cabinet C, Page 65, same being the southwest corner of Lot 8R, said Block 2, Broadhead Addition Phase One, Cabinet B, Page 153, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082), and said Block 2, Broadhead Addition Phase One, Cabinet B, Page 153, a total distance of 2956.43 feet to a 6 inch steel fence post found for the northeast corner of said Kaoud tract (Volume 2818, Page 1082), same being the southeast corner of said Block 2, Broadhead Addition Phase One, Cabinet B, Page 153, same being in the west line of that certain tract of land conveyed to The Elvis Wayne Merrifield Family Trust, by deed recorded in Volume 2483, Page 676, said Deed Records;

THENCE South 00 deg. 52 min. 43 sec. East, along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Merrifield tract, a distance of 916.54 feet to a 6 inch fence post found for the most easterly southeast corner of said Kaoud tract (Volume 2818, Page 1082), same being the northeast corner of that certain tract of land conveyed to Robert Carlos Martinez and Denisse Martinez, by deed recorded in Volume 2483, Page 676, said Deed Records;

THENCE South 88 deg. 55 min. 55 sec. West, along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Martinez tract, passing the northwest corner of said

Martinez tract, same being the northeast corner of that certain tract of land conveyed to Eduardo Garcia, by deed recorded in Instrument Number 2031536, said Deed Records, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Garcia tract, passing the northwest corner of said Garcia tract, same being the northeast corner of that certain tract of land conveyed to Mitch Malone and Erin Malone, by deed recorded in Instrument Number 2108802, said Deed Records, continuing along the common line of said Kaoud tract and said Malone tract, passing the northwest corner of said Malone tract, same being the northeast corner of Block A, Hidden Falls Addition, an addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof recorded in Cabinet J, Page 601, said Map Records, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Block A, a total distance of 815.30 feet to a 6 inch steel fence post found for internal corner, same being the most northerly northwest corner of said Block A;

THENCE along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Block A as follows:

South 00 deg. 50 min. 03 sec. East, a distance of 677.98 feet to a 5/8 inch iron rod with yellow cap found for angle point;

South 39 deg. 06 min. 27 sec. West, a distance of 325.36 feet to a 1/2 inch iron rod with "Peiser & Mankin SURV" red plastic cap set (hereinafter referred to as 1/2 inch iron rod set) for corner, same being the northeast corner of that certain tract of land conveyed to Kevin W. Cross and Veronica Cross, by deed recorded in Instrument Number 2109950, said Deed Records;

THENCE along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Cross tract as follows:

North 87 deg. 14 min. 27 sec. West, a distance of 948.81 feet to a 1/2 inch iron rod set for the northwest corner of said Cross tract;

South 07 deg. 54 min. 55 sec. West, a distance of 542.21 feet to a 1/2 inch iron rod set for corner, same being the northeast corner of that certain tract of land conveyed to John Aguilar and wife, Laura Jean Blevins, by deed recorded in Volume 2035, Page 1103, said Deed Records;

THENCE North 86 deg. 25 min. 40 sec. West, along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Aguilar and Blevins tract, passing the northwest corner of said Aguilar and Blevins tract, same being the northeast corner of that certain tract of land conveyed to Oscar Dwayne Shinpaugh and wife, Wendy Ann Shinpaugh, by deed recorded in Volume 1465, Page 931, said Deed Records, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Shinpaugh tract, a total distance of 243.57 feet to a 1/2 inch iron rod with yellow cap found for internal corner, same being the northwest corner of said Shinpaugh tract;

THENCE South 07 deg. 55 min. 39 sec. West, continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Shinpaugh tract, a distance of 363.45 feet to a 1/2 inch iron rod found in asphalt for the most southerly southeast corner of the herein described tract, same being the southwest corner of said Shinpaugh tract, same being in the approximate centerline of Youngblood Road (a prescriptive right-of-way), same being the northwest corner of that certain tract of land conveyed to Debra A. Daniels, by deed recorded in Volume 1599, Page 774, said Deed Records, same being the northeast corner of that certain tract of land conveyed to Calvin R. Sulak, by deed recorded in Volume 1680, Page 169, said Deed Records;

THENCE North 85 deg. 31 min. 32 sec. West, along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Sulak tract, same being the approximate centerline of said Youngblood Road, a distance of 60.08 feet to a 1/2 inch iron rod found in asphalt for the most westerly southwest corner of said Kaoud tract (Volume 2818, Page 1082), same being the southeast corner of that certain tract of land conveyed to Kamal Kaoud, Ferial Kaoud, by deed recorded in Volume 2286, Page 1494, said Deed Records;

THENCE along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Kaoud tract (Volume 2286, Page 1494) as follows:

North 07 deg. 55 min. 39 sec. East, a distance of 901.49 feet to a 1/2 inch iron rod set for internal corner, same being the northeast corner of said Kaoud tract (Volume 2286, Page 1494);

North 87 deg. 14 min. 27 sec. West, a distance of 242.85 feet to a 1/2 inch iron rod found for angle point, same being the northwest corner of said Kaoud tract (Volume 2286, Page 1494), same being the northeast corner of that certain tract of land conveyed to Lindsey Martin Connor and wife, Debra Jean Connor, by deed recorded in Volume 1417, Page 635, said Deed Records;

THENCE North 88 deg. 38 min. 04 sec. West, along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Connor tract, passing the northwest corner of said Connor tract, same being the northeast corner of that certain tract of land conveyed to James Adams and Debra Reynolds, by deed recorded in Volume 2706, Page 1252, said Deed Records, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Adams tract, passing the northwest corner of said Adams tract, same being the northeast corner of that certain tract of land conveyed to Donald W. Overton, and wife, Marsha R. Overton, by deed recorded in Volume 2693, Page 450, said Deed Records, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Overton tract, a total distance of 365.53 feet to a 6 inch steel fence post found for the most westerly southwest corner of said Kaoud tract (Volume 2818, Page 1082), same being the northwest corner of said Overton tract, same being in the east line of that certain tract of land conveyed to Glenn Ricky Crady, by deed recorded in Instrument Number 1912830, said Deed Records;

THENCE along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Crady tract as follows:

North 07 deg. 43 min. 34 sec. East, a distance of 611.01 feet to a 1/2 inch iron rod found for angle point;

North 00 deg. 44 min. 07 sec. West, a distance of 168.04 feet to a 3 inch steel fence post found for corner;

South 88 deg. 49 min. 57 sec. West, a distance of 180.28 feet to a 3 inch steel fence post found for corner;

North 00 deg. 00 min. 04 sec. East, passing the most northerly northeast corner of said Crady tract, same being the southeast corner of aforesaid Kenyon tract, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Kenyon tract, a total distance of 953.34 feet to the POINT OF BEGINNING and containing 106.352 acres of computed land, more or less.

To secure the payment of the Note, the vendor's lien and superior title are retained against the Property until the Note and all interest thereon is fully paid and satisfied according to its face, tenor, effect and reading, and Grantor, for value received from the Lender, as recited above, does hereby TRANSFER, ASSIGN, and SET OVER, without recourse, unto the Lender, its successors and assigns, said vendor's lien retained to secure the Note together with the superior title remaining in Grantor.

Ad valorem taxes for the year of this deed have been prorated; accordingly, by its acceptance of this Deed, Grantee assumes responsibility to pay all ad valorem taxes on the Property for such year and all subsequent years.

EXECUTED effective as of this 12 day of July, 2021.

GRANTOR:

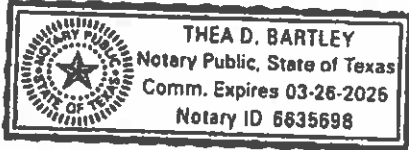
[Signature]  
KAMAL Y. KAUD

STATE OF TEXAS

§  
§  
§

COUNTY OF ELLIS

This instrument was acknowledged before me on the 12 day of July, 2021, by KAMAL Y. KAUD.



[Signature]  
Notary Public, State of Texas

After recording, return to:

ALEENA GROUP, LLC  
2803 TYLER STREET  
SOUTHLAKE, TX 76092

(5d)

EXHIBIT B - LOCATION MAP



(5e)

# Planning & Zoning Department

## Petition for ETJ Release

Case: ETJ-PTN-93-2024



### MEETING DATE

City Council:

June 3, 2024

### CAPTION

**Consider** proposed Ordinance approving a request by Land Link Realty LLC, for a **Petition for ETJ Release** for approximately 106.33 acres, located directly north of 515 Youngblood Road (Property ID 180911) – Owner: Aleena Group LLC (ETJ-PTN-93-2024).

### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-93-2024, a request by Neta Bledsoe & James Bledsoe, for a Petition for ETJ Release for approximately 106.33 acres, located directly north of 515 Youngblood Road, authorizing the Mayor to sign the associated documents accordingly."*

### APPLICANT REQUEST

The property owner has petitioned the City to remove their property from the extraterritorial jurisdiction (ETJ).

### CASE INFORMATION

**Applicant:** Land Link Realty LLC

**Property Owner(s):** Aleena Group LLC

**Site Acreage:** 106.33 Acres

**Number of Lots:** 1 lot

**Number of Dwelling Units:** 0 units

### SUBJECT PROPERTY

**General Location:** Directly North of 515 Youngblood Road

**Parcel ID Number(s):** 180911

**Current Zoning:** N/A (ETJ)

**Existing Use:** N/A

**Platting History:** The subject property is not platted

**CCN Service Area:** Rockett SUD

**Site Aerial:**



**PLANNING ANALYSIS**

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area’s boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner’s name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

**RECOMMENDATION**

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City’s ETJ.

**ATTACHED EXHIBITS**

1. ETJ Petition Map for June 3, 2024 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

**STAFF CONTACT INFORMATION**

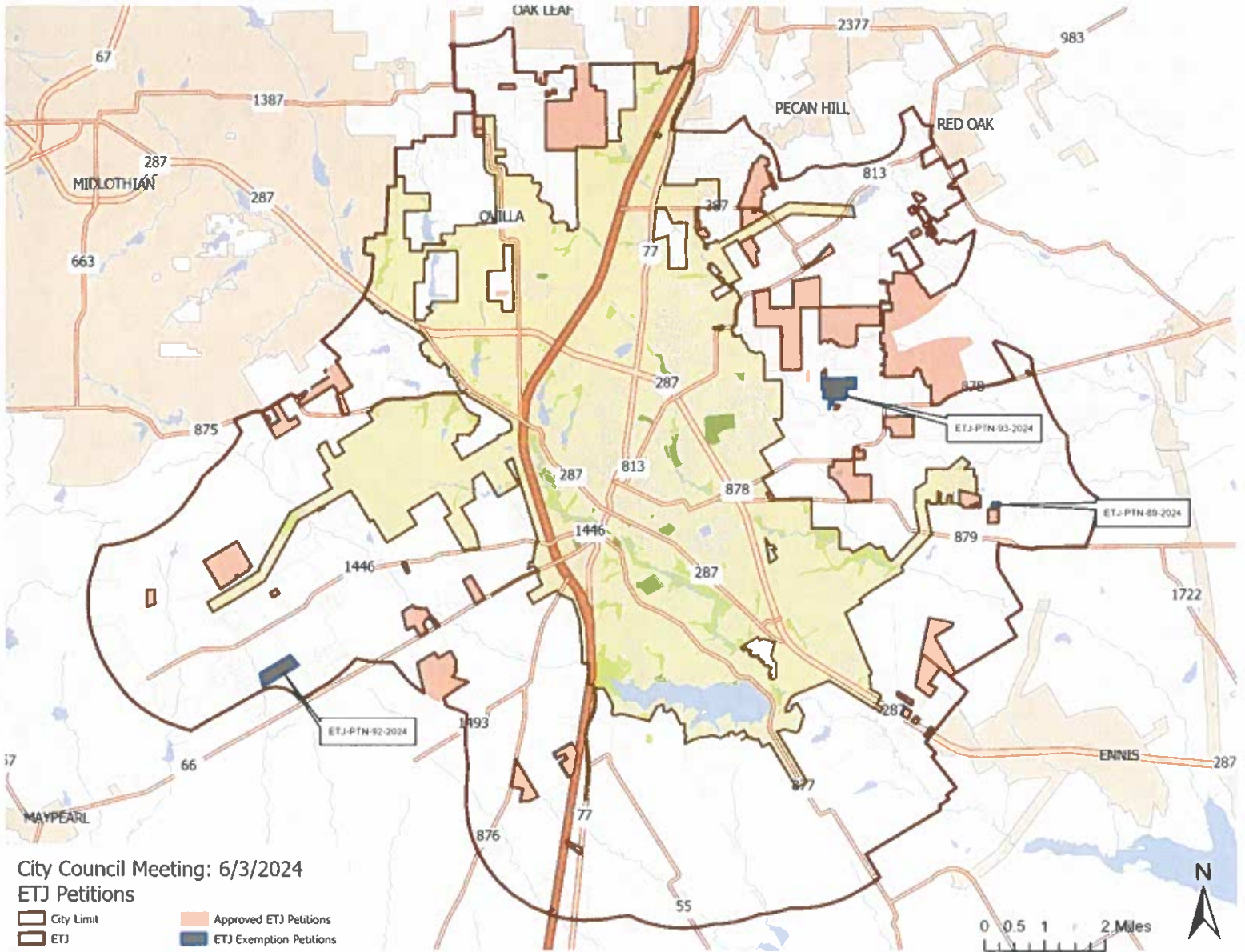
*Prepared by:*

Harper Lindamood  
Planner  
[Harper.lindamood@waxahachie.com](mailto:Harper.lindamood@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A  
Senior Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(5e)



(5c)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 106.33 ACRE TRACT OF LAND, LOCATED DIRECTLY NORTH OF 515 YOUNGBLOOD ROAD, KNOWN AS PROPERTY ID 180911 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, as authorized by Subchapter D of Chapter 42 of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

**WHEREAS**, City staff has determined that the submitted petition, case number ETJ-PTN-93-2024, complies with the requirements of Subchapter D of Chapter 42 of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

**NOW, THEREFORE**, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

**PASSED, APPROVED AND ADOPTED** on this 3<sup>rd</sup> day of June, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

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



(5c)

To secure the payment of the Note, the vendor's lien and superior title are retained against the Property until the Note and all interest thereon is fully paid and satisfied according to its face, tenor, effect and reading, and Grantor, for value received from the Lender, as recited above, does hereby TRANSFER, ASSIGN, and SET OVER, without recourse, unto the Lender, its successors and assigns, said vendor's lien retained to secure the Note together with the superior title remaining in Grantor.

Ad valorem taxes for the year of this deed have been prorated; accordingly, by its acceptance of this Deed, Grantee assumes responsibility to pay all ad valorem taxes on the Property for such year and all subsequent years.

EXECUTED effective as of this 12 day of July, 2021.

GRANTOR:

[Signature]  
KAMAL Y. KAUD

STATE OF TEXAS

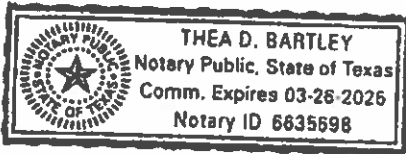
§

COUNTY OF ELLIS

§

§

This instrument was acknowledged before me on the 12 day of July, 2021, by **KAMAL Y. KAUD.**



[Signature]  
Notary Public, State of Texas

After recording, return to:

ALEENA GROUP, LLC  
2803 TYLER STREET  
SOUTHLAKE, TX 76092

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF THE LAND**

Being all that certain 106.352 acre tract of land situated in the BBB & CRR Survey, Abstract No. 175 and Ira Glaze Survey, Abstract No. 397, City of Waxahachie, Ellis County, Texas, and being all that certain tract of land conveyed to Kamal Y. Kaoud, by deed recorded in Volume 2818, Page 1082, Deed Records, Ellis County, Texas, and being more particularly described as follows:

BEGINNING at a 6 inch steel fence post found for the northwest corner of said Kaoud tract (Volume 2818, Page 1082), same being the southwest corner of Block 1, Broadhead Addition Phase One, an addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof recorded in Cabinet B, Page 153, Map Records, Ellis County, Texas, same being in the east line of that certain tract of land conveyed to Kristopher M. Kenyon and Jennifer Dawn Kenyon, by deed recorded in Volume 2295, Page 2157, said Deed Records;

THENCE North 88 deg. 52 min. 23 sec. East, along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Block 1, Broadhead Addition Phase One, passing the southeast corner of said Block 1, Broadhead Addition Phase One, same being the southwest corner of a future dedicated right-of-way per said Broadhead Addition Phase One, Cabinet B, Page 153, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said future dedicated right-of-way, passing the southeast corner of said future dedicated right-of-way, same being the southwest corner of Lot 1R, Block 2, said Broadhead Addition Phase One, Cabinet B, Page 153, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Lot 1R, Block 2, Broadhead Addition Phase One, Cabinet B, Page 153, passing the southeast corner of said Lot 1R, Block 2, Broadhead Addition Phase One, Cabinet B, Page 153, same being the southwest corner of Block 2, Broadhead Addition, an addition to the City of Waxahachie, Ellis County, Texas according to the plat thereof recorded in Cabinet C, Page 65, said Map Records, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Block 2, Broadhead Addition, Cabinet C, Page 65, passing the southeast corner of said Block 2, Broadhead Addition, Cabinet C, Page 65, same being the southwest corner of Lot 8R, said Block 2, Broadhead Addition Phase One, Cabinet B, Page 153, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082), and said Block 2, Broadhead Addition Phase One, Cabinet B, Page 153, a total distance of 2956.43 feet to a 6 inch steel fence post found for the northeast corner of said Kaoud tract (Volume 2818, Page 1082), same being the southeast corner of said Block 2, Broadhead Addition Phase One, Cabinet B, Page 153, same being in the west line of that certain tract of land conveyed to The Elvis Wayne Merrifield Family Trust, by deed recorded in Volume 2483, Page 676, said Deed Records;

THENCE South 00 deg. 52 min. 43 sec. East, along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Merrifield tract, a distance of 916.54 feet to a 6 inch fence post found for the most easterly southeast corner of said Kaoud tract (Volume 2818, Page 1082), same being the northeast corner of that certain tract of land conveyed to Robert Carlos Martinez and Denisse Martinez, by deed recorded in Volume 2483, Page 676, said Deed Records;

THENCE South 88 deg. 55 min. 55 sec. West, along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Martinez tract, passing the northwest corner of said

Martinez tract, same being the northeast corner of that certain tract of land conveyed to Eduardo Garcia, by deed recorded in Instrument Number 2031536, said Deed Records, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Garcia tract, passing the northwest corner of said Garcia tract, same being the northeast corner of that certain tract of land conveyed to Mitch Malone and Erin Malone, by deed recorded in Instrument Number 2108802, said Deed Records, continuing along the common line of said Kaoud tract and said Malone tract, passing the northwest corner of said Malone tract, same being the northeast corner of Block A, Hidden Falls Addition, an addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof recorded in Cabinet J, Page 601, said Map Records, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Block A, a total distance of 815.30 feet to a 6 inch steel fence post found for internal corner, same being the most northerly northwest corner of said Block A;

THENCE along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Block A as follows:

South 00 deg. 50 min. 03 sec. East, a distance of 677.98 feet to a 5/8 inch iron rod with yellow cap found for angle point;

South 39 deg. 06 min. 27 sec. West, a distance of 325.36 feet to a 1/2 inch iron rod with "Peiser & Mankin SURV" red plastic cap set (hereinafter referred to as 1/2 inch iron rod set) for corner, same being the northeast corner of that certain tract of land conveyed to Kevin W. Cross and Veronica Cross, by deed recorded in Instrument Number 2109950, said Deed Records;

THENCE along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Cross tract as follows:

North 87 deg. 14 min. 27 sec. West, a distance of 948.81 feet to a 1/2 inch iron rod set for the northwest corner of said Cross tract;

South 07 deg. 54 min. 55 sec. West, a distance of 542.21 feet to a 1/2 inch iron rod set for corner, same being the northeast corner of that certain tract of land conveyed to John Aguilar and wife, Laura Jean Blevins, by deed recorded in Volume 2035, Page 1103, said Deed Records;

THENCE North 86 deg. 25 min. 40 sec. West, along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Aguilar and Blevins tract, passing the northwest corner of said Aguilar and Blevins tract, same being the northeast corner of that certain tract of land conveyed to Oscar Dwayne Shinpaugh and wife, Wendy Ann Shinpaugh, by deed recorded in Volume 1465, Page 931, said Deed Records, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Shinpaugh tract, a total distance of 243.57 feet to a 1/2 inch iron rod with yellow cap found for internal corner, same being the northwest corner of said Shinpaugh tract;

THENCE South 07 deg. 55 min. 39 sec. West, continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Shinpaugh tract, a distance of 363.45 feet to a 1/2 inch iron rod found in asphalt for the most southerly southeast corner of the herein described tract, same being the southwest corner of said Shinpaugh tract, same being in the approximate centerline of Youngblood Road (a prescriptive right-of-way), same being the northwest corner of that certain tract of land conveyed to Debra A. Daniels, by deed recorded in Volume 1599, Page 774, said Deed Records, same being the northeast corner of that certain tract of land conveyed to Calvin R. Sulak, by deed recorded in Volume 1680, Page 169, said Deed Records;

THENCE North 85 deg. 31 min. 32 sec. West, along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Sulak tract, same being the approximate centerline of said Youngblood Road, a distance of 60.08 feet to a 1/2 inch iron rod found in asphalt for the most westerly southwest corner of said Kaoud tract (Volume 2818, Page 1082), same being the southeast corner of that certain tract of land conveyed to Kamal Kaoud, Ferial Kaoud, by deed recorded in Volume 2286, Page 1494, said Deed Records;

THENCE along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Kaoud tract (Volume 2286, Page 1494) as follows:

North 07 deg. 55 min. 39 sec. East, a distance of 901.49 feet to a 1/2 inch iron rod set for internal corner, same being the northeast corner of said Kaoud tract (Volume 2286, Page 1494);

North 87 deg. 14 min. 27 sec. West, a distance of 242.85 feet to a 1/2 inch iron rod found for angle point, same being the northwest corner of said Kaoud tract (Volume 2286, Page 1494), same being the northeast corner of that certain tract of land conveyed to Lindsey Martin Connor and wife, Debra Jean Connor, by deed recorded in Volume 1417, Page 635, said Deed Records;

THENCE North 88 deg. 38 min. 04 sec. West, along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Connor tract, passing the northwest corner of said Connor tract, same being the northeast corner of that certain tract of land conveyed to James Adams and Debra Reynolds, by deed recorded in Volume 2706, Page 1252, said Deed Records, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Adams tract, passing the northwest corner of said Adams tract, same being the northeast corner of that certain tract of land conveyed to Donald W. Overton, and wife, Marsha R. Overton, by deed recorded in Volume 2693, Page 450, said Deed Records, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Overton tract, a total distance of 365.53 feet to a 6 inch steel fence post found for the most westerly southwest corner of said Kaoud tract (Volume 2818, Page 1082), same being the northwest corner of said Overton tract, same being in the east line of that certain tract of land conveyed to Glenn Ricky Crady, by deed recorded in Instrument Number 1912830, said Deed Records;

THENCE along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Crady tract as follows:

North 07 deg. 43 min. 34 sec. East, a distance of 611.01 feet to a 1/2 inch iron rod found for angle point;

EXHIBIT A - LEGAL DESCRIPTION

(5e)

North 00 deg. 44 min. 07 sec. West, a distance of 168.04 feet to a 3 inch steel fence post found for corner;

South 88 deg. 49 min. 57 sec. West, a distance of 180.28 feet to a 3 inch steel fence post found for corner;

North 00 deg. 00 min. 04 sec. East, passing the most northerly northeast corner of said Crady tract, same being the southeast corner of aforesaid Kenyon tract, and continuing along the common line of said Kaoud tract (Volume 2818, Page 1082) and said Kenyon tract, a total distance of 953.34 feet to the POINT OF BEGINNING and containing 106.352 acres of computed land, more or less.

(5e)



(5f)



# Memorandum

To: City Council  
 From: Mayor Billie Wallace  
 Thru: Michael Scott, City Manager *[Signature]*  
 Date: June 3, 2024  
 Re: City Council Liaison Appointments to Boards and Commissions

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**Item Summary:** Each year, the Mayor appoints City Council members to serve as liaisons to various Boards and Commissions. Liaison appointments serve for a term of one year and are reviewed annually, after the reorganization of City Council. The appointments below are effective June 4, 2024 upon adoption by the City Council.

- |   |                |
|---|----------------|
| Waxahachie Community Development Corp.    | Billie Wallace |
| Economic Development Commission           | Billie Wallace |
| TIRZ                                      | Billie Wallace |
| North Central Texas Housing Finance Corp. | Billie Wallace |
| COG Representative                        | Chris Wright   |
| Firemen's Relief & Retirement Fund        | Chris Wright   |
| Senior Center Committee                   | Chris Wright   |
| Library Board                             | Chris Wright   |
| Planning & Zoning Commission              | Patrick Souter |
| Heritage Preservation Commission          | Patrick Souter |
| Cemetery Board                            | Patrick Souter |
| Waxahachie Partnership, Inc.              | Patrick Souter |
| Park Board                                | Travis Smith   |
| Economic Development Commission           | Travis Smith   |
| Impact Fee Advisory Committee             | Travis Smith   |
| Keep Waxahachie Beautiful Committee       | Travis Smith   |

(5f)

Mid-Way Airport Board  
Waxahachie Housing Authority  
Zoning Board of Adjustments

Tres Atkins  
Tres Atkins  
Tres Atkins

Boards and Commissions Review Committee

All Councilmembers

(5g)

**WAXAHACHIE COMMUNITY  
DEVELOPMENT CORPORATION**

ANNUAL FINANCIAL REPORT

FOR THE YEAR ENDED  
SEPTEMBER 30, 2023

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**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION**

ANNUAL FINANCIAL REPORT

FOR THE YEAR ENDED SEPTEMBER 30, 2023

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**FINANCIAL SECTION**

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**PATTILLO, BROWN & HILL, L.L.P.**  
401 West State Highway 6  
Waco, Texas 76710  
254.772.4901 | [pbhcpa.com](http://pbhcpa.com)

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## INDEPENDENT AUDITOR'S REPORT

Board of Directors  
of Waxahachie Community Development Corporation  
Waxahachie, Texas

### Report on the Audit of the Financial Statements

#### *Opinions*

We have audited the accompanying financial statements of the governmental activities and each major fund of Waxahachie Community Development Corporation (the "Corporation"), a component unit of the City of Waxahachie, Texas, as of and for the year ended September 30, 2023, and the related notes to the financial statements, which collectively comprise the Corporation's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the Corporation, as of September 30, 2023, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

#### *Basis for Opinions*

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Corporation and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

#### *Emphasis of Matter - Change of Accounting Principle*

As discussed in the notes to the financial statements, in the year ending September 30, 2023, the City adopted new accounting guidance, Governmental Accounting Standards Board (GASB) Statement No. 96, Software Based Information Technology Arrangements. Our opinions are not modified with respect to this matter.

#### *Responsibilities of Management for the Financial Statements*

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Corporation's ability to continue as a going concern for twelve months beyond the financial statement due date, including any currently know information that may raise substantial doubt shortly thereafter.

#### OFFICE LOCATIONS

TEXAS | Waco | Temple | Hillsboro | Houston  
NEW MEXICO | Albuquerque



(59)

### ***Auditor's Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Corporation's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Corporation's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, budgetary comparison information, and pension and OPEB information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

(5g)

**Supplementary Information**

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Corporation's basic financial statements. The Schedule of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual for the Debt Service Fund is presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

*Pattillo, Brown & Hill, L.L.P.*

Waco, Texas  
March 18, 2024

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**MANAGEMENT'S  
DISCUSSION AND ANALYSIS**

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## MANAGEMENT'S DISCUSSION AND ANALYSIS

This section of Waxahachie Community Development Corporation's annual financial report presents our discussion and analysis of the Corporation's financial performance during the fiscal year ended September 30, 2023. Please read it in conjunction with the Corporation's financial statements, which follow this section.

### FINANCIAL HIGHLIGHTS

- At the close of the fiscal year, the assets and deferred outflows of resources of the Corporation exceeded its liabilities and deferred inflows of resources by \$4,644,996 (net position). Of this amount, unrestricted net position was (\$1,368,550). Total revenues were \$8,560,705 and total expenses were \$6,185,765, including depreciation.
- The Corporation's net position increased by \$2,374,940, primarily as a result of a decrease in capital outlay expenditures from prior year.
- At the end of the fiscal year, the total fund balance of all governmental funds was \$5,700,241, up \$830,553, from the prior year. This is due to increase in sales tax, interest income and fees.
- As of the close of the current fiscal year, unassigned fund balance for the Corporation's General Fund was \$5,246,411, or 87.00% of General Fund expenditures not including transfers out.

### OVERVIEW OF THE FINANCIAL STATEMENTS

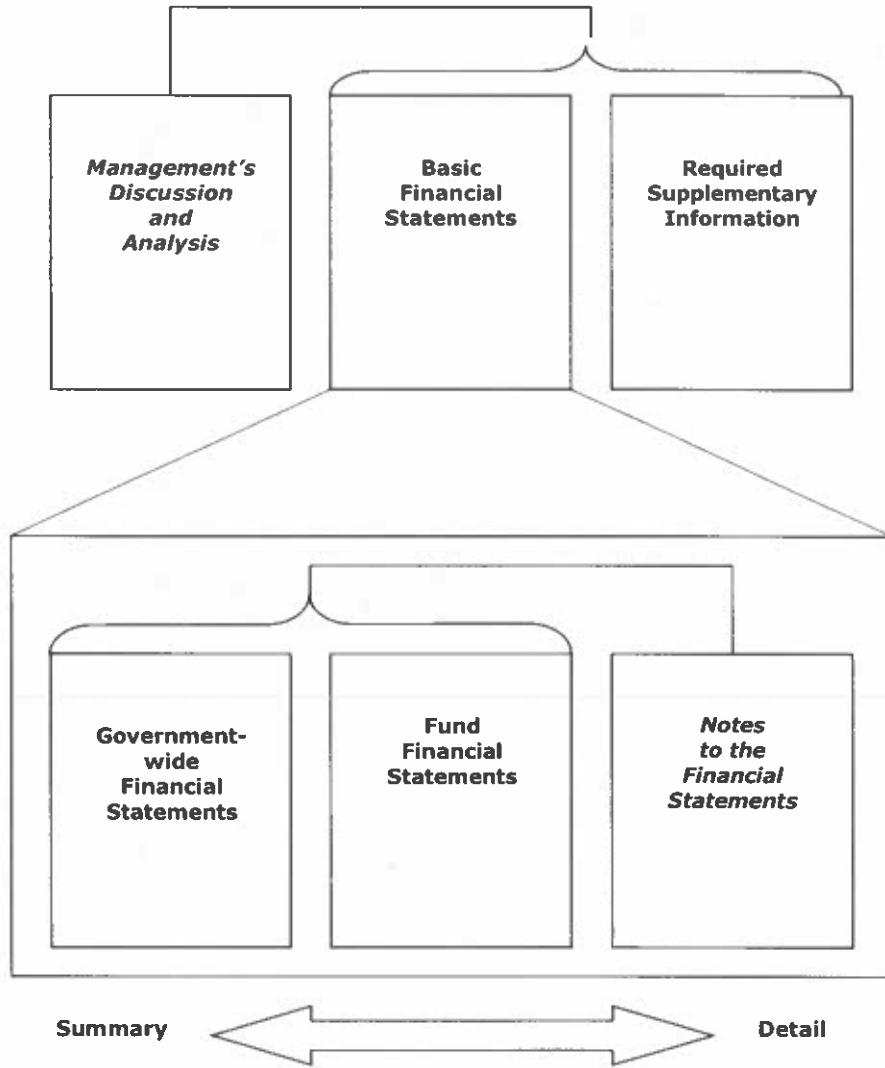
This annual report consists of three parts—*management's discussion and analysis* (this section), the *basic financial statements*, and *required supplementary information*. The basic financial statements include two kinds of statements presenting different views of the Corporation.

- The first two statements are *government-wide financial statements* that provide both *long-term* and *short-term* information about the Corporation's overall financial status.
- The remaining statements are *fund financial statements* that focus on *individual parts* of the government, reporting the Corporation's operations in more detail than the government-wide statements.
- The *governmental fund* statements tell how *general government* services were financed in the *short term* as well as what remains for future spending.

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The financial statements also include notes that explain some of the information in the financial statements and provide more detailed data. The statements are followed by a section of *required supplementary information* that further explains and supports the information in the financial statements. Figure A-1 shows how the required parts of this annual report are arranged and related to one another.

**Figure A-1, Required Components of the Corporation's Annual Financial Report**



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Figure A-2 summarizes the major features of the Corporation's financial statements, including the portion of the Corporation they cover and the types of information they contain. The remainder of this overview section of management's discussion and analysis explains the structure and contents of each of the statements.

<b>Major features of the Corporation's Government-wide and Fund Financial Statements</b>		
<b>Type of Statement</b>	<b>Government-wide</b>	<b>Governmental Funds</b>
<i>Scope</i>	Entire Corporation's (except fiduciary funds) and the Corporation's component units	The activities of the Corporation that are not proprietary or fiduciary
<i>Required Financial Statements</i>	Statement of Net Position. Statement of Activities	Balance Sheet, Statement of Revenues, Expenditures and Fund Balance
<i>Accounting basis and measurement focus</i>	Accrual accounting and economic resources focus	Modified accrual accounting and current financial resources focus
<i>Types of asset/liability information</i>	All assets and liabilities, both financial and capital, short-term and long-term	Only assets expected to be used up and liabilities that become due during the year or soon thereafter. No capital assets included
<i>Types of Inflow/outflow Information</i>	All revenues and expenses during year, regardless of when cash is received or paid	Revenue for which cash is received during the year or soon thereafter, expenditures when goods or services have been received and payment is due during the year or soon thereafter

## **GOVERNMENT-WIDE STATEMENTS**

The government-wide statements report information about the Corporation as a whole using accounting methods similar to those used by private-sector companies. The statement of net position includes all of the Corporation's assets, deferred inflows/outflows of resources and liabilities. All of the current year's revenues and expenses are accounted for in the statement of activities regardless of when cash is received or paid

The two government-wide statements report the Corporation's net position and how they have changed. Net position—the difference between the Corporation's assets, deferred inflows/outflows of resources and liabilities—are one way to measure the Corporation's financial health or position.

- Over time, increases or decreases in the Corporation's net position is an indicator of whether its financial health is improving or deteriorating, respectively.
- To assess the overall health of the Corporation, you need to consider additional non-financial factors such as changes in the Corporation's tax base.

The governmental activities of the Corporation include both general government and culture and recreational components. The government-wide financial statements can be found on pages 9 – 10 of this report.

## **FUND FINANCIAL STATEMENTS**

The fund financial statements provide more detailed information about the Corporation's most significant funds—not the Corporation as a whole. Funds are accounting devices that the Corporation uses to keep track of specific sources of funding and spending for particular purposes.

Some funds are required by state law and by bond covenants.

The Board of Directors establishes other funds to control and manage money for particular purposes or to show that it is properly using certain taxes and grants.

The Corporation has one type of fund.

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**Governmental Funds** – The Corporation’s basic services are included in governmental funds, which focus on 1) how cash and other financial assets that can readily be converted to cash flow in and out, and 2) the balances left at year-end that are available for spending. Consequently, the governmental fund statements provide a detailed short-term view that helps the reader determine whether there are more or fewer financial resources that can be spent in the near future to finance the Corporation’s programs. Because this information does not encompass the additional long-term focus of the government-wide statements, we provide additional information at the bottom of the governmental funds statement, or on the subsequent page, that explains the relationship (or differences) between them.

**Notes to the Financial Statements.** The notes to the financial statements provide information that is essential to a full understanding of the data presented in the government-wide and fund financial statements. The notes to the financial statements can be found after the basic financial statements.

**Other Information.** In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information concerning the Corporation.

## GOVERNMENT-WIDE FINANCIAL ANALYSIS

TABLE 1

### NET POSITION OF THE CORPORATION

	Governmental Activities	
	2023	2022
Current and other assets	\$ 5,996,169	\$ 5,516,465
Capital assets	18,233,430	17,750,435
Total assets	24,229,599	23,266,900
Total deferred outflows	896,912	665,069
Long-term liabilities	20,066,556	20,675,541
Other liabilities	398,536	755,485
Total liabilities	20,465,092	21,431,026
Total deferred inflows	16,423	230,887
Net position:		
Net investment in capital assets	5,559,716	3,954,764
Restricted	453,830	416,791
Unrestricted	(1,368,550)	(2,101,499)
Total net position	\$ 4,644,996	\$ 2,270,056

At the end of fiscal year 2023, the Corporation’s net position (assets and deferred outflows of resources exceeding liabilities and deferred inflows of resources) totaled \$4,644,996. A portion of this balance, \$453,830, represents resources reserved pursuant to the Corporation’s debt. An additional portion \$5,559,716 of total net position reflects its investment in capital assets (e.g. land, buildings, improvements, and construction in progress).

The remaining balance of net position, (\$1,368,550) may be used to meet the entity’s ongoing obligations to citizens and creditors.

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TABLE 2

CHANGES IN NET POSITION OF CORPORATION

	Governmental Activities	
	2023	2022
Revenues:		
Program revenues:		
Charges for services	\$ 1,006,256	\$ 789,458
General revenues:		
Sales taxes	7,260,273	6,881,903
Investment earnings	243,929	31,964
Other	50,247	50,156
Total revenues	<u>8,560,705</u>	<u>7,753,481</u>
Expenses:		
General government	1,184,429	771,585
Culture and recreation	4,405,844	7,843,402
Interest on long-term debt	595,492	630,791
Total expenses	<u>6,185,765</u>	<u>9,245,778</u>
Change in net position	2,374,940	(1,492,297)
Net position, beginning	<u>2,270,056</u>	<u>3,762,353</u>
Net position, ending	<u>\$ 4,644,996</u>	<u>\$ 2,270,056</u>

**Governmental Activities**

Governmental activities increased the Corporation's net position by \$2,374,940.

Total revenues increased \$807,224 from the prior fiscal year. There was an increase in both sales taxes and charges for services as well as a significant increase in interest income. Overall, 2023 fiscal year expenses decreased by about 33.1% over the prior fiscal year.

**FINANCIAL ANALYSIS OF THE GOVERNMENT'S FUNDS**

The Corporation's General Fund reported an ending fund balance of \$5,246,411, an increase of \$794,174 from the prior year.

The Corporation's Debt Service Fund reported an ending fund balance of \$453,830, a \$37,039 increase from the prior year. The General Fund transferred the funds to cover the debt service for the year, so the increase is almost entirely from investment earnings.

The Corporation's 2016 WCDC Park Improvements Fund reported an ending fund balance of \$0, a decrease of \$660. The Corporation has spent down the bond funds as intended.

**GENERAL FUND BUDGETARY HIGHLIGHTS**

The budget in the General Fund was amended during the fiscal year to budget for \$623,022 more in revenues and \$2,152,392 more in expenditures. The increase in budgeted expenditures related to capital projects.

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## **CAPITAL ASSET AND DEBT ADMINISTRATION**

### **Capital Assets**

The Corporation had fiscal year 2023 additions of \$1,538,355 related to completion of the synthetic turf improvement Phase 4 project and other improvements at the Sports Complex and the replacement of equipment at the Civic Center.

Additional information on the Corporation's capital assets can be found in the notes to the financial statements.

### **Debt Administration**

At the end of the fiscal year, the Corporation had outstanding bonds amounting to \$18,164,001. Additional information on the Corporation's long-term debt can be found in the notes to the financial statements.

## **REQUESTS FOR INFORMATION**

This financial report is designed to provide a general overview of the Corporation's finances. Questions concerning this report or requests for additional financial information should be directed to Gail Turner at (469)309-4162, Finance Department, City of Waxahachie, Texas 75168-0757. Email: gturner@waxahachie.com.

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**BASIC FINANCIAL  
STATEMENTS**

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**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION**

## STATEMENT OF NET POSITION

SEPTEMBER 30, 2023

	Governmental Activities
<b>ASSETS</b>	
Cash and investments	\$ 4,738,593
Receivables	13,774
Intergovernmental receivables	1,243,802
Capital assets not being depreciated	769,943
Capital assets, net of accumulated depreciation	<u>17,463,487</u>
Total assets	<u>24,229,599</u>
<b>DEFERRED OUTFLOWS OF RESOURCES</b>	
Deferred charge refunding	395,873
Deferred outflow related to pension	494,570
Deferred outflow related to OPEB	<u>6,469</u>
Total deferred outflows of resources	<u>896,912</u>
<b>LIABILITIES</b>	
Accounts payable	84,008
Accrued liabilities	60,710
Customer deposits	151,036
Due to other governments	174
Accrued interest payable	102,608
Noncurrent liabilities:	
Due within one year:	
Long-term debt	1,171,808
Total OPEB liability	696
Due in more than one year	
Long-term debt	17,901,450
Net pension liability	962,883
Total OPEB liability	<u>29,719</u>
Total liabilities	<u>20,465,092</u>
<b>DEFERRED INFLOWS OF RESOURCES</b>	
Deferred inflow related to - OPEB	<u>16,423</u>
Total deferred inflows of resources	<u>16,423</u>
<b>NET POSITION</b>	
Net investment in capital assets	5,559,716
Restricted for:	
Debt service	453,830
Unrestricted	<u>(1,368,550)</u>
Total net position	<u>\$ 4,644,996</u>

The accompanying notes are an integral part of these financial statements.

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**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION**

STATEMENT OF ACTIVITIES

FOR THE YEAR ENDED SEPTEMBER 30, 2023

<u>Functions/Programs</u>	<u>Expenses</u>	<u>Program Revenues Charges for Services</u>	<u>Net (Expense) Revenue and Changes in Net Position Governmental Activities</u>
Primary government:			
Governmental activities:			
General government	\$ 1,184,429	\$ -	\$ (1,184,429)
Culture and recreation	4,405,844	1,006,256	(3,399,588)
Interest on long-term debt	595,492	-	(595,492)
Total governmental activities	<u>6,185,765</u>	<u>1,006,256</u>	<u>(5,179,509)</u>
Total primary government	<u>\$ 6,185,765</u>	<u>\$ 1,006,256</u>	<u>(5,179,509)</u>
General revenues:			
Sales taxes			7,260,273
Miscellaneous			50,247
Investment earnings			<u>243,929</u>
Total general revenues			<u>7,554,449</u>
Change in net position			2,374,940
Net position, beginning			<u>2,270,056</u>
Net position, ending			<u>\$ 4,644,996</u>

The accompanying notes are an integral part of these financial statements.

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**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION**

**BALANCE SHEET - GOVERNMENTAL FUNDS**

SEPTEMBER 30, 2023

	General	Debt Service	2016 WCDC Park Improvements	Total Governmental Funds
<b>ASSETS</b>				
Cash and investments	\$ 4,284,763	\$ 453,830	\$ -	\$ 4,738,593
Receivables:				
Accounts	-	-	-	-
Other	13,774	-	-	13,774
Due from other governments	1,243,802	-	-	1,243,802
Total assets	<u>\$ 5,542,339</u>	<u>\$ 453,830</u>	<u>\$ -</u>	<u>\$ 5,996,169</u>
<b>LIABILITIES</b>				
Accounts payable	\$ 84,008	\$ -	\$ -	\$ 84,008
Accrued liabilities	60,710	-	-	60,710
Customer deposits	151,036	-	-	151,036
Due to other governments	174	-	-	174
Total liabilities	<u>295,928</u>	<u>-</u>	<u>-</u>	<u>295,928</u>
<b>FUND BALANCES</b>				
Restricted:				
Debt service	-	453,830	-	453,830
Capital projects	-	-	-	-
Unassigned	5,246,411	-	-	5,246,411
Total fund balances	<u>5,246,411</u>	<u>453,830</u>	<u>-</u>	<u>5,700,241</u>
Total liabilities and fund balances	<u>\$ 5,542,339</u>	<u>\$ 453,830</u>	<u>\$ -</u>	<u>\$ 5,996,169</u>

The accompanying notes are an integral part of these financial statements.

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**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION**

**RECONCILIATION OF THE BALANCE SHEET OF GOVERNMENTAL FUNDS  
TO THE STATEMENT OF NET POSITION**

SEPTEMBER 30, 2023

Total fund balances - governmental funds balance sheet \$ 5,700,241

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities are not current financial resources and therefore are not reported in this fund financial statement, but are reported in the governmental activities of the Statement of Net Position. 18,233,430

Some liabilities and deferred outflows and inflows are not due and payable in the current period and are not included in the fund financial statement, but are included in the governmental activities of the statement of net position.

Bonds payable	(18,164,001)
Premium on bonds	(699,925)
Deferred charge on refunding	395,873
Interest payable	(102,608)
Leases	(54,254)
Compensated absences	(155,078)
Deferred resources related to pensions	494,570
Deferred resources related to OPEB	(9,954)
Net pension liability	(962,883)
Total OPEB liability	<u>(30,415)</u>

Net position of governmental activities - statement of net position \$ 4,644,996

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**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION****STATEMENT OF REVENUES, EXPENDITURES AND CHANGES  
IN FUND BALANCES - GOVERNMENTAL FUNDS**

SEPTEMBER 30, 2023

	General	Debt Service	2016 WCDC Park Improvements	Total Governmental Funds
<b>REVENUES</b>				
Sales taxes	\$ 7,260,273	\$ -	\$ -	\$ 7,260,273
Charges for services	1,006,256	-	-	1,006,256
Miscellaneous	50,247	-	-	50,247
Interest	207,198	36,731	-	243,929
Total revenues	<u>8,523,974</u>	<u>36,731</u>	<u>-</u>	<u>8,560,705</u>
<b>EXPENDITURES</b>				
Current:				
General government	1,184,429	-	-	1,184,429
Culture and recreation	3,322,300	-	660	3,322,960
Capital outlay	1,499,214	-	-	1,499,214
Debt service:				
Principal	21,309	1,070,321	-	1,091,630
Interest	3,048	668,012	-	671,060
Total expenditures	<u>6,030,300</u>	<u>1,738,333</u>	<u>660</u>	<u>7,769,293</u>
<b>EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES</b>	<u>2,493,674</u>	<u>(1,701,602)</u>	<u>(660)</u>	<u>791,412</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers in	-	1,738,641	-	1,738,641
Transfers out	(1,738,641)	-	-	(1,738,641)
Issuance of lease	39,141	-	-	39,141
Total other financing sources (uses)	<u>(1,699,500)</u>	<u>1,738,641</u>	<u>-</u>	<u>39,141</u>
<b>NET CHANGE IN FUND BALANCES</b>	794,174	37,039	(660)	830,553
<b>FUND BALANCES, BEGINNING</b>	<u>4,452,237</u>	<u>416,791</u>	<u>660</u>	<u>4,869,688</u>
<b>FUND BALANCES, ENDING</b>	<u>\$ 5,246,411</u>	<u>\$ 453,830</u>	<u>\$ -</u>	<u>\$ 5,700,241</u>

The accompanying notes are an integral part of these financial statements.

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**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION**

**RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS  
TO THE STATEMENT OF ACTIVITIES**

FOR THE YEAR ENDED SEPTEMBER 30, 2023

Net change in fund balances - total governmental funds \$ 830,553

Amounts reported for governmental activities in the statement of activities are different because:

Governmental funds report capital outlay as expenditures. However, in the statement of activities the cost of these assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlay in the current period exceeded depreciation expense. 482,995

Governmental funds report all payments to pension benefits as expenditures. However, in the government-wide statement of activities the pension expense is actuarially determined. This amount is the change in those items. (62,263)

Governmental funds report all payments to OPEB benefits as expenditures. However, in the government-wide statement of activities the OPEB expense is actuarially determined. This amount is the change in those items. (178)

Some expenses reported in the statement of activities do not require the use of current financial resources; therefore, they are not reported as expenditures in governmental funds. 1,876

The issuance of long-term debt (e.g., bonds) provides current financial resources to governmental funds, while repayment of the principal long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net position. Also, governmental funds report the effect of premiums, discounts, and similar items when debt is first issued, whereas these amounts are deferred and amortized in the statement of activities. This amount is the net effect of these differences in the treatment of long-term debt and related items. 1,121,957

Change in net position of governmental activities - statement activities \$ 2,374,940

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**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION**

NOTES TO FINANCIAL STATEMENTS

SEPTEMBER 30, 2023

**I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**A. Reporting Entity**

Waxahachie Community Development Corporation (WCDC) is a discretely presented component unit of the City of Waxahachie, Texas, since the services provided by WCDC are to the public and not to the City. WCDC is governed by a seven-member Board appointed by the City Council and its operating budget is subject to approval of the City Council. WCDC is financed with a voter approved half-cent City sales tax, and its primary purpose is to finance, construct, and administer the activities of the Civic Center and Recreation Complex for the City. Legal liability for the general obligation portion of the District's debt remains with the City. The funds of WCDC are composed of governmental fund types.

The financial statements of WCDC have been prepared in conformity with generally accepted accounting principles (GAAP) as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles.

**B. Government-wide and Fund Financial Statements**

The government-wide financial statements (i.e. the statement of net position and the statement of changes in net position) report information on all of the nonfiduciary activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements. *Governmental activities* are supported by sales tax, charges for services and intergovernmental revenues.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment; and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

**C. Measurement Focus, Basis of Accounting, and Financial Statement Presentation**

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, WCDC considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

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Sales tax and interest associated with the current fiscal period are considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by WCDC. WCDC reports the following major governmental funds:

The **General Fund** is WCDC's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The **Debt Service Fund** accounts for the resources accumulated and payments made for principal and interest on long-term general obligation debt of governmental funds.

The **2016 WCDC Park Improvements Fund** accounts for the proceeds of bonds that were issued in fiscal year 2016. The proceeds are intended for various park improvements.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements.

Amounts reported as *program revenues* include 1) charges to customers or applicants for goods, services, or privileges provided; 2) operating grants and contributions; and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as *general revenues* rather than as program revenues. Likewise, general revenues include all taxes, miscellaneous revenue, and interest income.

**D. Assets, Liabilities, Deferred Outflows/Inflows of Resources and Net Position/Fund Balance**

1. Deposits and Investments

WCDC's cash and investments consist of its share of the City of Waxahachie, Texas' cash and investment pool. Each fund whose monies are deposited in the pooled cash account has equity therein, and interest earned on the investment of these monies is allocated based upon the relative equity at the previous month end.

Investments are reported at fair value, except for the position in investment pools. Investments in pools are reported at the net asset value per share (which approximates fair value) even though it is calculated using the amortized cost method.

2. Receivables and Payables

Transactions between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either "interfund receivables/payables" (i.e., the current portion of interfund loans) or "advances to/from other funds" (i.e., the noncurrent portion of interfund loans). All other outstanding balances between funds are reported as "due to/from other funds."

Advances between funds, as reported in the fund financial statements, are offset by a fund balance reserve account in applicable governmental funds to indicate they are not available for appropriation and are expendable available financial resources.

3. Capital Assets

Capital assets, which include property, plant, and equipment, are reported in the governmental activities columns in the government-wide financial statements. Capital assets are defined by the WCDC as assets with an initial, individual cost of more than \$20,000 (amount not rounded) and an estimated useful life in excess of one year. The WCDC increased the capitalization threshold from \$5,000 to \$20,000 in fiscal year 2021. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value, which is the price that would be paid to acquire an asset with equivalent service potential at the acquisition date.

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The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized.

Major outlays for capital assets and improvements are capitalized as projects are constructed.

Property, plant, and equipment are depreciated using the straight-line method over the following estimated useful lives:

Buildings	40 years
Building improvements	20 - 40 years
Equipment	5 - 10 years
Right-to-use equipment	5 - 10 years
Vehicles	5 - 10 years
Right-to-use vehicles	5 - 10 years

#### 4. Compensated Absences

It is the WCDC's policy to permit employees to accumulate earned but unused vacation and sick pay benefits. Non-civil service employees are paid for up to 480 hours of accumulated sick leave upon retirement from the WCDC if the employee has a total of 20 years of service with the WCDC. All vacation pay is accrued when incurred in the government-wide financial statements.

#### 5. Long-term Obligations

In the government-wide financial statements long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities statement of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the straight-line method which approximates the effective interest method. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses.

#### Leases

Lessee. The WCDC is a lessee for noncancellable leases for equipment and vehicles. The WCDC recognizes a lease liability and an intangible right-to-use lease asset in the government-wide financial statements.

At the commencement of a lease the WCDC initially measures the lease liability at the present value of payments expected to be made during the lease term. Subsequently, the lease liability is reduced by the principal portion of the lease payments made. The lease asset is initially measured as the initial amount of the lease liability, adjusted for lease payments made at or before the lease commencement date, plus certain initial direct costs. Subsequently the lease asset is amortized on a straight-line basis over its useful life.

Key estimates and judgements related to leases include how the WCDC determines (1) the discount rate it uses to discount the expected lease payments to present value, (2) lease term, and (3) lease payments.

- The WCDC uses the interest rate charged by the lessor as the discount rate. When the interest rate charged by the lessor is not provided, the WCDC generally uses its estimated incremental borrowing rate as the discount rate for leases.
- The lease term includes the noncancellable period of the lease. Lease payments included in the measurement of the lease liability are composed of fixed payments and purchase option price that the WCDC is reasonably certain to exercise.

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The WCDC monitors changes in circumstances that would require a remeasurement of its lease and will remeasure the lease asset and liability if certain changes occur that are expected to significantly affect the amount of the lease liability.

Lease assets are reported with other capital assets and lease liabilities are reported with long-term debt on the statement of net position.

#### 6. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position and/or balance sheet will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net assets that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The Corporation has the following items that qualify for reporting in this category.

- Deferred charges on refunding – A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding debt.
- The difference in expected and actual pension and OPEB experience is deferred and recognized over the estimated average remaining lives of all members determined as of the measurement date.
- Changes in actuarial assumptions related to OPEB liability – These changes are deferred and recognized over the estimated average remaining lives of all members determined as of the measurement date.
- Difference in projected and actual earnings on pension assets – This difference is deferred and amortized over a closed five-year period.
- Pension and OPEB contributions after measurement date – These contributions are deferred and recognized in the following fiscal year.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net assets that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The Corporation has the following items that qualify for reporting in this category in the government-wide financial statements.

- The difference in expected and actual pension experience is deferred and recognized over the estimated average remaining lives of all members determined as of the measurement date.
- Changes in actuarial assumptions related to pension and OPEB liability – These changes are deferred and recognized over the estimated average remaining lives of all members determined as of the measurement date.

#### 7. Fund Balance and Net Position

The governmental fund financial statements present fund balances based on classifications that comprise a hierarchy that is based primarily on the extent to which the Corporation is bound to honor constraints on the specific purposes for which amounts in the respective governmental funds can be spent.

The classifications used in the governmental fund financial statements are as follows:

- Nonspendable: This classification includes amounts that cannot be spent because they are either (a) not in spendable form or (b) are legally or contractually required to be maintained intact. Nonspendable items are not expected to be converted to cash or are not expected to be converted to cash within the next year.

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- **Restricted:** This classification includes amounts for which constraints have been placed on the use of the resources either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments, or (b) imposed by law through constitutional provisions or enabling legislation.
- **Committed:** This classification includes amounts that can be used only for specific purposes pursuant to constraints imposed by board resolution of the Corporation, the WCDC's highest level of decision-making authority. These amounts cannot be used for any other purpose unless the board removes or changes the specified use by taking the same type of action that was employed when the funds were initially committed. This classification also includes contractual obligations to the extent that existing resources have been specifically committed for use in satisfying those contractual requirements.
- **Assigned:** This classification includes amounts that are constrained by the Corporation's intent to be used for a specific purpose but are neither restricted nor committed. This intent can be expressed by the board.
- **Unassigned:** This classification includes the residual fund balance for the General Fund. The unassigned classification also includes negative residual fund balance of any other governmental fund that cannot be eliminated by offsetting of assigned fund balance amounts.

In the government-wide financial statements, net position represents the difference between assets, deferred outflows (inflows) of resources and liabilities. Net investment in capital assets consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction or improvements of those assets, and adding back unspent proceeds. Net position is reported as restricted when there are limitations imposed on their use either through the enabling legislations adopted by the Corporation or through external restrictions imposed by creditors, grantors or laws or regulations of other governments.

The government-wide and fund level financial statements report restricted fund balances for amounts not available for appropriation or legally restricted for specific uses. When an expense is incurred for purposes for which both restricted and unrestricted fund balance is available, it is the Corporation's policy to use restricted resources first, then unrestricted resources as needed. When an expenditure is incurred for which committed, assigned, or unassigned fund balances are available, the Corporation considers amounts to have been spent first out of committed funds, then assigned funds, and finally unassigned funds.

#### 8. Pensions

For purposes of measuring the net pension liability, pension related deferred outflows and inflows of resources, and pension expense, City specific information about its Fiduciary Net Position in the Texas Municipal Retirement System (TMRS) and additions to/deductions from TMRS's Fiduciary Net Position have been determined on the same basis as they are reported by TMRS. For this purpose, plan contributions are recognized in the period that compensation is reported for the employee, which is when contributions are legally due. Benefit payments and refunds are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

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9. Post-Employment Benefits Other Than Pensions (OPEB)

*Supplemental Death Benefit.* For purposes of measuring the total Texas Municipal Retirement System Supplemental Death Benefit Fund (TMRS SDBF) OPEB liability, related deferred outflows and inflows of resources, and expense, Corporation specific information about its total TMRS SDBF liability and additions to/deductions from the Corporation's total TMRS SDBF liability have been determined on the same basis as they are reported by TMRS. The TMRS SDBF expense and deferred (inflows)/outflows of resources related to TMRS SDBF, primarily result from changes in the components of the total TMRS SDBF liability. Most changes in the total TMRS SDBF liability will be included in TMRS SDBF expense in the period of the change. For example, changes in the total TMRS SDBF liability resulting from current-period service cost, interest on the total OPEB liability, and changes of benefit terms are required to be included in TMRS SDBF expense immediately. Changes in the total TMRS SDBF liability that have not been included in TMRS SDBF expense are required to be reported as deferred outflows of resources or deferred inflows of resources related to TMRS SDBF.

10. Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets, deferred outflows/inflows of resources and liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the reporting period. Actual amounts could differ from those estimates.

II. DETAILED NOTES ON ALL FUNDS AND ACTIVITIES

A. Deposits and Investments

As of September 30, 2023, the WCDC had the following investments:

Description	Carrying Value	Weighted Average Maturity
Government sponsored investment pool (LOGIC)	\$ 4,738,593	39 days

**Credit Risk.** State statutes authorize WCDC to invest in (1) obligations of the United States or its agencies and instrumentalities; (2) direct obligations of the State of Texas or its agencies; (3) other obligations, the principal of and interest on which are unconditionally guaranteed or insured by the State of Texas or the United States; (4) obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than A or its equivalent; (5) certificates of deposit by state and national banks domiciled in this state that are (a) guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor; or, (b) secured by obligations that are described by (1) – (4); or, (6) fully collateralized direct repurchase agreements having a defined termination date, secured by obligations described by (1), pledged with a third party selected or approved by WCDC, and placed through a primary government securities dealer.

**Concentration of Credit Risk.** The WCDC's investment policy does not allow for an investment in any one issuer that is in excess of five percent of the fair value of their total investments, except for governmental investment pools.

**Custodial Credit Risk – Investments.** For an investment, this is the risk that, in the event of the failure of the counterparty, the WCDC will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. All of WCDC's investments were held by the counterparty's agent as of September 30, 2023.

LOGIC uses the amortized cost method permitted to report net position and share prices since that amount approximates fair value. The investment activities of LOGIC are administered by third party advisors. There is no regulatory oversight by the State of Texas over LOGIC. LOGIC has a Standard & Poor's credit rating of AAA, and its weighted average to maturity is 39 days as of year-end.

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**B. Capital Assets**

Capital asset activity for the year ended September 30, 2023:

	Balance 9/30/2022	Additions	Retirements	Balance 9/30/2023
<b>Governmental activities</b>				
Capital assets, not being depreciated:				
Land	\$ 769,943	\$ -	\$ -	\$ 769,943
Total capital assets not being depreciated	769,943	-	-	769,943
Capital assets, being depreciated:				
Buildings	14,812,749	-	-	14,812,749
Improvements other than buildings	14,223,500	1,246,599	-	15,470,099
Machinery and equipment	671,798	252,615	-	924,413
Right-to-use machinery and equipment	3,697	-	-	3,697
Right-to-use vehicles	47,574	39,141	-	86,715
Software	14,200	-	-	14,200
Total capital assets being depreciated	29,773,518	1,538,355	-	31,311,873
Less accumulated depreciation for:				
Buildings	(7,922,072)	(428,546)	-	(8,350,618)
Improvements other than buildings	(4,345,304)	(548,940)	-	(4,894,244)
Machinery and equipment	(495,848)	(55,748)	-	(551,596)
Right-to-use machinery and equipment	(887)	(887)	-	(1,774)
Right-to-use vehicles	(14,715)	(21,239)	-	(35,954)
Software	(14,200)	-	-	(14,200)
Total accumulated depreciation	(12,793,026)	(1,055,360)	-	(13,848,386)
Total capital assets being depreciated, net	16,980,492	482,995	-	17,463,487
Government activities capital assets, net	\$ 17,750,435	\$ 482,995	\$ -	\$ 18,233,430

Depreciation expense was charged to the governmental activities function culture and recreation in the amount of \$1,055,360 of the WCDC.

**C. Interfund Transfers**

The composition of interfund transfers for the year-ended September 30, 2023, is as follows:

	Debt	Total
	Service	Transfers
		Out
General Fund	\$ 1,738,641	\$ 1,738,641
Total Transfers In	\$ 1,738,641	\$ 1,738,641

The interfund transfers are made to assist in paying for debt issued to build and maintain WCDC facilities.

**D. Long-term Debt**

WCDC issues sales tax revenue and certificate of obligation bonds to finance construction of facilities used for culture and recreation, and for refunding of previously issued bonds:

Purpose	Original Amount	Year Issue	Final Maturity	Interest Rate	Balance 9/30/2023
<b>Revenue Bonds Outstanding</b>					
WCDC sales tax and refunding	\$ 18,595,000	2017	2037	3.00-4.00%	\$ 13,145,000
<b>Certificate of Obligation Bonds</b>					
Improvements	4,697,572	2016	2036	2.00-5.00%	3,459,691
Improvements	1,899,310	2018	2038	3.55-5.00%	1,559,310
Total					\$ 18,164,001

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Bond debt service requirements to maturity:

Year Ended	WCDC		Total
	Principal	Interest	
2024	\$ 1,109,708	\$ 629,329	\$ 1,739,037
2025	1,146,128	590,444	1,736,572
2026	1,192,793	550,238	1,743,031
2027	1,232,180	508,298	1,740,478
2028	1,272,257	467,235	1,739,492
2029-2033	6,577,297	1,693,893	8,271,190
2034-2038	5,633,638	541,346	6,174,984
<b>Total</b>	<b>\$ 18,164,001</b>	<b>\$ 4,980,783</b>	<b>\$ 23,144,784</b>

Long-term debt activity for the fiscal year is as follows:

	Balance 9/30/2022	Additions	Retirements	Balance 9/30/2023	Due Within One Year
Sales tax revenue bonds	\$ 13,950,000	\$ -	\$ 805,000	\$ 13,145,000	\$ 830,000
Certificates of obligation bonds	5,284,322	-	265,321	5,019,001	279,708
Premium on bonds	797,670	-	97,744	699,926	-
Leases	36,422	39,141	21,309	54,254	23,330
Compensated absences	150,854	4,223	-	155,077	38,770
<b>Total long-term debt</b>	<b>\$ 20,219,268</b>	<b>\$ 43,364</b>	<b>\$ 1,189,374</b>	<b>\$ 19,073,258</b>	<b>\$ 1,171,808</b>

**Lease Payable**

During the current fiscal year, the WCDC recognized leases payable for copier and vehicle leases. The changes in the liability are shown in the long-term liability activity table in the previous note. The interest rates for the leases range from 3.85% to 5.00%. The future principal and interest payments as of September 30, 2023, are as follows:

Fiscal Year Ending September 30,	Principal	Interest	Total
2024	23,330	2,830	26,159
2025	12,967	1,765	14,733
2026	9,248	1,101	10,349
2027	7,505	457	7,962

**III. OTHER INFORMATION**

**A. Retirement Plan**

**Plan Descriptions.** The WCDC participates in a nontraditional, joint contributory, hybrid defined benefit pension plan administered by the Texas Municipal Retirement System (TMRS) with the City of Waxahachie, Texas. TMRS is an agency created by the State of Texas and administered in accordance with the TMRS Act, Subtitle G, Title 8, Texas Government Code (the TMRS Act). For stand-alone reporting purposes of the WCDC this plan is considered a cost-sharing multiple-employer retirement system. The TMRS Act places the general administration and management of the System with a six-member Board of Trustees. Although the Governor, with the advice and consent of the Senate, appoints the Board, TMRS is not fiscally dependent on the State of Texas. TMRS's defined benefit pension plan is a tax-qualified plan under Sections 401(a) of the Internal Revenue Code. TMRS issues a publicly available comprehensive annual financial report (CAFR) that can be obtained at [www.tmrs.org](http://www.tmrs.org).

All eligible employees of the WCDC are required to participate in TMRS.

**Benefits Provided.** TMRS provides retirement, disability, and death benefits. Benefit provisions are adopted by the governing body of the City and WCDC, within the options available in the state statutes governing TMRS.

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At retirement, the benefit is calculated as if the sum of the employee's contributions, with interest, and the government-financed monetary credits, with interest were used to purchase an annuity. Members may choose to receive their retirement benefit in one of seven payments options. Members may also choose to receive a portion of their benefit as a Partial Lump Sum Distribution in an amount equal to 12, 24, or 36 monthly payments, which cannot exceed 75% of the member's deposits and interest.

The government has granted an annually repeating (automatic) basis a monetary credit referred to as an updated service credit (USC) which is a theoretical amount which takes into account salary increases or plan improvements. If at any time during their career an employee earns a USC, this amount remains in their account earning interest at 5% until retirement. At retirement, the benefit is calculated as if the sum of the employee's accumulated contributions with interest and the employer match plus employer-financed monetary credits, such as USC, with interest were used to purchase an annuity. Additionally, the government has provided on an annually repeating (automatic) basis cost of living adjustments (COLA) for retirees equal to a percentage of the change in the consumer price index (CPI).

A summary of plan provisions are as follows:

Employee deposit rate	7%
Matching ratio (City to employee)	2 to 1
Years required for vesting	5
Service retirement eligibility	20 years to any age, 5 years at age 60 and above
	100% Reporting, Transfers
Updated service credit	70% of CPI
Annuity increase to retirees	Repeating

**Contributions.** The contribution rates for employees in TMRS are either 5%, 6%, or 7% of employee gross earnings, and the government matching percentages are with 100%, 150%, or 200%, both as adopted by the governing body of the City and WCDC. Under the state law governing TMRS, the contributions rate for each city is determined annually by the actuary, using the Entry Age Normal (EAN) actuarial cost method. The actuarially determined rate is the estimated amount necessary to finance the cost of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability.

Employees for the government were required to contribute 7% of their annual gross earnings during the fiscal year. The contribution rates for the government were 15.60% and 15.89% in calendar years 2022 and 2023, respectively. The WCDC's contributions to TMRS for the year ended September 30, 2023, were \$166,223 and were equal to the required contributions.

**Actuarial assumptions:**

The total pension liability in the December 31, 2022 actuarial valuation was determined using the following actuarial assumptions:

Inflation	2.5% per year
Overall payroll growth	2.75% per year
Investment rate of return	6.75%, net of pension plan investment expense, including inflation

Salary increases are based on a service-related table. Mortality rates for active members are based on the PUB(10) mortality tables with the Public Safety table used for males and the General Employee table used for females. Mortality rates for healthy retirees and beneficiaries are based on the Gender-distinct 2019 Municipal Retirees of Texas mortality tables. The rates for actives, healthy retirees and beneficiaries are projected on a fully generational basis by Scale UMP to account for future mortality improvements. For disabled annuitants, the same mortality tables for healthy retirees is used with a 4-year set-forward for males and a 3-year set-forward for females. In addition, a 3.5% and 3.0% minimum mortality rate is applied, for males and females respectively, to reflect the impairment for younger members who become disabled. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject to the floor.

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The actuarial assumptions were developed primarily from the actuarial investigation of the experience of TMRS over the four-year period from December 31, 2014 to December 31, 2018. They were adopted in 2019 and first used in the December 31, 2019 actuarial valuation. The post-retirement mortality assumption for Annuity Purchase Rates (APRs) is based on the Mortality Experience Investigation Study covering 2009 through 2011 and dated December 31, 2013. Plan assets are managed on a total return basis with an emphasis on both capital appreciation as well as the production of income in order to satisfy the short-term and long-term funding needs of TMRS.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. In determining their best estimate of a recommended investment return assumption under the various alternative asset allocation portfolios, GRS focused on the area between (1) arithmetic mean (aggressive) without an adjustment for time (conservative) and (2) the geometric mean (conservative) with an adjustment for time (aggressive). The target allocation and best estimates of real rates of return for each major asset class are summarized in the following table:

<u>Asset Class</u>	<u>Target Allocation</u>	<u>Long-Term Expected Real Rate of Return (Arithmetic)</u>
Global Equity	35.0%	7.55%
Core Fixed Income	6.0%	2.00%
Non-Core Fixed Income	20.0%	5.68%
Other Public and Private Market	12.0%	7.22%
Real Estate	12.0%	6.85%
Absolute Return	5.0%	5.35%
Private Equity	10.0%	10.00%
Total	100.0%	

**Discount Rate**

The discount rate used to measure the total pension liability was 6.75%. The projection of cash flows used to determine the discount rate assumed that employee and employer contributions will be made at the rates specified in statute. Based on that assumption, the pension plan's Fiduciary Net Position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all period of projected benefit payments to determine the total pension liability.

The following presents the WCDC's proportionate share of the net pension liability, calculated using the discount rate of 6.75%, as well as what the WCDC's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.75%) of 1-percentage-point higher (7.75%) than the current rate:

	<u>Discount Rate (5.75%)</u>	<u>Discount Rate (6.75%)</u>	<u>Discount Rate (7.75%)</u>
WCDC's proportionate share of the net pension liability	\$ 1,480,532	\$ 962,883	\$ 386,024

**Pension Liability, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions**

At September 30, 2023, the WCDC reported a liability of \$962,884 of its proportionate share of the net pension liability. The net pension liability was measured as of December 31, 2022, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The WCDC's proportion of the net pension liability was based on the WCDC's contributions to the pension plan relative to the contributions of all employers (the City and WCDC) to the plan for the period December 31, 2010 through December 31, 2018. At September 30, 2023, the WCDC's proportion was 4.46%.

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For the year ended September 30, 2023, the WCDC recognized pension expense of \$246,888. At September 30, 2022, the WCDC reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	<u>Deferred Outflows of Resources</u>
Differences between expected and actual economic experience	\$ 134,963
Changes in actuarial assumptions	1,929
Difference between projected and actual investment earnings	237,071
Contributions subsequent to the measurement date	<u>120,607</u>
Total	<u>\$ 494,570</u>

\$120,607 reported as deferred outflows of resources related to pension resulting from contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability for the year ending September 30, 2024. Other amounts reported as deferred outflows and inflows of resources related to pensions will be recognized in pension expenses as follows:

<u>Year Ending September 30,</u>	
2024	\$ 59,846
2025	94,574
2026	90,150
2027	122,917
2028	6,476

#### **Defined Other Post-Employment Benefit Plans**

##### **TMRS Supplemental Death Benefits Fund**

**Plan Description.** The WCDC voluntarily participates in the Texas Municipal Retirement System Supplemental Death Benefits Fund (TMRS SDBF) with the City of Waxahachie, Texas. For stand-alone reporting purposes of the WCDC this plan is considered a cost-sharing multiple-employer defined benefit Other Postemployment Benefit (OPEB) plan as defined by GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*. No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB Statement No. 75. It is established and administered in accordance with the TMRS Act identically to the WCD's pension plan.

**Benefits Provided.** The SDBF provides group-term life insurance to WCDC employees who are active members in TMRS, including or not including retirees. The City Council of Waxahachie, Texas opted into this program via an ordinance, and may terminate coverage under, and discontinue participation in, the SDBF by adopting an ordinance before November 1 of any year to be effective the following January 1.

Payments from this fund are similar to group-term life insurance benefits, and are paid to the designated beneficiaries upon the receipt of an approved application for payment. The death benefit for active employees provides a lump-sum payment approximately equal to the employee's annual salary (calculated based on the employee's actual earnings for the 12-month period preceding the month of death). The death benefit for retirees is considered an other employment benefit and is a fixed amount of \$7,500.

**Contributions.** The WCDC contributes to the SDBF at a contractually required rate as determined by an annual actuarial valuation, which was 0.30% for 2023 and 0.18% for 2022, of which 0.09% and 0.08%, respectively, represented the retiree-only portion for each year, as a percentage of annual covered payroll. The rate is equal to the cost of providing one-year term life insurance. The funding policy for the SDBF program is to assure that adequate resources are available to meet all death benefit payments for the upcoming year; the intent is not to prefund retiree term life insurance during employees' entire careers. The WCDC's contributions to the SDBF for the years ended September 30, 2023 and 2022 were \$930 and \$650, respectively, representing contributions for both active and retiree coverage, which equaled the required contributions each year.

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**Actuarial Assumptions.** The Total OPEB Liability in the December 31, 2022 actuarial valuation was determined using the following actuarial assumptions:

Inflation rate	2.50% per annum
Discount rate	4.05%
Actuarial cost method	Entry Age Normal Method
Projected salary increases	3.50% to 11.5% including inflation
Administrative expenses	All administrative expenses are paid through the Pension Trust and accounted for under reporting requirements under GASB Statement No. 68.
Mortality rates - service retirees	2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with scale UMP.
Mortality rates - disabled retirees	2019 Municipal Retirees of Texas Mortality Tables with a 4 year setforward for males and a 3 year set-forward for females. In addition, a 3.5% and 3% minimum mortality rate will be applied to reflect the impairment for younger members who become disabled for males and females, respectively. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject to the floor.

Changes in assumptions reflect the annual change in the municipal bond rate. The actuarial assumptions used in the December 31, 2022 valuation were based on the results of an actuarial experience study for the period December 31, 2014 to December 31, 2018.

**Discount Rate.** The SDBF program is treated as an unfunded OPEB plan because the SDBF trust covers both actives and retirees and the assets are not segregated for these groups. As such, a single discount rate of 4.05% was used to measure the proportionate share of the Total OPEB Liability. Because the plan is essentially a "pay-as-you-go" plan, the single discount rate is equal to the prevailing municipal bond rate. The source of the municipal bond rate was fixed-income municipal bonds with 20 years to maturity that include only federally tax-exempt municipal bonds as reported in Fidelity Index's "20-year Municipal GO AA Index" as of December 31, 2022.

**Discount Rate Sensitivity Analysis.** The following schedule shows the impact of the proportionate share Total OPEB Liability if the discount rate used was 1% less than and 1% greater than the discount rate that was used (4.05%) in measuring the proportionate share of the Total OPEB Liability.

	<u>1% Decrease in Discount Rate (3.05%)</u>	<u>Discount Rate (4.05%)</u>	<u>1% Increase in Discount Rate (5.05%)</u>
Proportionate Share of Total OPEB Liability	\$ 36,250	\$ 30,415	\$ 25,838

**OPEB Liabilities, OPEB Expense, and Deferred Outflows of Resources Related to OPEBs.**

At September 30, 2023 WCDC reported a liability of \$30,415 for its proportionate share of Total OPEB Liability. The proportionate share of the Total OPEB Liability was determined by an actuarial valuation as of December 31, 2022. For the year ended September 30, 2023, WCDC recognized OPEB expense of \$2,915. There were no changes of benefit terms that affected measurement of the Total OPEB Liability during the measurement period. At September 30, 2023, the WCDC's proportionate share was 4.46%.

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**Changes in the Proportionate Share of Total OPEB Liability**

	<u>Proportionate Share of Total OPEB Liability</u>
Balance at 12/31/2021	\$ 42,784
Changes for the year:	
Service cost	3,465
Interest	812
Difference between expected and actual experience	(661)
Changes of assumptions	(15,193)
Benefit payments	<u>(792)</u>
Net changes	<u>(12,369)</u>
Balance at 12/31/2022	<u>\$ 30,415</u>

At September 30, 2023, the City reported deferred outflows of resources related to other post-employment benefits from the following sources:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual economic experience	\$ 23	\$ 3,210
Changes in actuarial assumptions	5,750	13,213
Contributions subsequent to the measurement date	<u>696</u>	<u>-</u>
Totals	<u>\$ 6,469</u>	<u>\$ 16,423</u>

\$696 reported as deferred outflows of resources related to OPEB resulting from contributions subsequent to the measurement date will be recognized as a reduction of the proportionate share of the Total OPEB Liability for the year ending September 30, 2024. Other amounts of the reported as deferred outflows of resources related to OPEB will be recognized in OPEB expense as follows:

<u>For the Year Ended September 30,</u>	
2024	\$ (1,629)
2025	(1,473)
2026	(1,722)
2027	(2,231)
2028	(2,466)
Thereafter	(1,129)

**B. Risk Management**

WCDC is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; and natural disasters for which WCDC carries commercial insurance.

**C. Related Party Transactions**

The City of Waxahachie, Texas, provides accounting, investment, payroll, and certain other administrative services to WCDC. The City is not reimbursed for these administrative services. Additionally, employees of WCDC are provided retirement benefits under the City's retirement plan.

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**REQUIRED SUPPLEMENTARY  
INFORMATION**

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**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION****GENERAL FUND****SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES  
IN FUND BALANCE - BUDGET AND ACTUAL**

FOR THE YEAR ENDED SEPTEMBER 30, 2023

	Budgeted Amounts		Actual	Variance With Final Budget Positive (Negative)
	Original	Final		
<b>REVENUES</b>				
Sales taxes	\$ 6,898,000	\$ 7,262,282	\$ 7,260,273	\$ (2,009)
Charges for services	719,200	805,225	1,006,256	201,031
Miscellaneous	50,000	50,215	50,247	32
Interest	2,500	175,000	207,198	32,198
Total revenue	<u>7,669,700</u>	<u>8,292,722</u>	<u>8,523,974</u>	<u>231,252</u>
<b>EXPENDITURES</b>				
Current:				
General government	89,182	2,209,124	1,184,429	1,024,695
Total general government	<u>89,182</u>	<u>2,209,124</u>	<u>1,184,429</u>	<u>1,024,695</u>
Culture and recreation:				
Waxahachie Civic Center	1,666,560	1,661,924	1,624,260	37,664
Waxahachie Recreation Complex	2,618,195	2,610,106	2,564,320	45,786
Waxahachie Community Beautification	612,071	657,246	632,934	24,312
Total culture and recreation	<u>4,896,826</u>	<u>4,929,276</u>	<u>4,821,514</u>	<u>107,762</u>
Debt service:				
Principal	21,309	21,309	21,309	-
Interest	3,292	3,292	3,048	244
Total debt service	<u>24,601</u>	<u>24,601</u>	<u>24,357</u>	<u>244</u>
Total expenditures	<u>5,010,609</u>	<u>7,163,001</u>	<u>6,030,300</u>	<u>1,132,701</u>
<b>EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES</b>	<u>2,659,091</u>	<u>1,129,721</u>	<u>2,493,674</u>	<u>1,363,953</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers out	(1,738,641)	(1,738,641)	(1,738,641)	-
Issuance of lease	-	-	39,141	39,141
Total other financing sources (uses)	<u>(1,738,641)</u>	<u>(1,738,641)</u>	<u>(1,699,500)</u>	<u>39,141</u>
<b>NET CHANGE IN FUND BALANCES</b>	<u>920,450</u>	<u>(608,920)</u>	<u>794,174</u>	<u>1,403,094</u>
<b>FUND BALANCES, BEGINNING</b>	<u>4,452,237</u>	<u>4,452,237</u>	<u>4,452,237</u>	<u>-</u>
<b>FUND BALANCES, ENDING</b>	<u>\$ 5,372,687</u>	<u>\$ 3,843,317</u>	<u>\$ 5,246,411</u>	<u>\$ 1,403,094</u>

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**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION**

**NOTES TO REQUIRED BUDGETARY INFORMATION**

**SEPTEMBER 30, 2023**

**A. BUDGETARY INFORMATION**

Annual budgets are adopted on a basis consistent with generally accepted accounting principles for the General and Debt Service Funds.

The Corporation's proposed budget is presented to the Board of Directors for review. The Board of Directors holds public hearings and a final budget is prepared and adopted prior to September 30. The appropriated budget is prepared by fund, which is the legal level of budgetary control. There were no additional appropriations authorized during the year.

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**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION**

SCHEDULE OF THE CORPORATION'S PROPORTIONATE SHARE  
OF THE NET PENSION LIABILITY

FOR THE YEAR ENDED SEPTEMBER 30, 2023

<b>Measurement Date December 31,</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Corporation's Proportion of the Net Pension Liability	4.92%	5.19%	4.93%
Corporation's Proportionate Share of Net Pension Liability	\$ 443,286	\$ 613,958	\$ 591,080
Plan Fiduciary Net Position as a Percentage of the Total Pension Liability	83.49%	79.68%	80.65%

Note: 10 years of information is required to be provided in this schedule, but information prior to 2014 is not available.

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<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
4.97%	4.79%	4.88%	4.95%	4.67%	4.46%
\$ 442,650	\$ 748,960	\$ 593,018	\$ 619,530	\$ 411,474	\$ 962,884
86.59%	78.39%	84.58%	85.25%	90.34%	78.25%

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**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION**

**SCHEDULE OF CORPORATION PENSION CONTRIBUTIONS**

**FOR THE YEAR ENDED SEPTEMBER 30, 2023**

<b>Fiscal Year Ended September 30</b>	<b>Contractually Required Contribution</b>	<b>Actual Contribution</b>	<b>Contribution Deficiency (Excess)</b>
2023	\$ 169,070	\$ 169,070	\$ -
2022	154,376	154,376	-
2021	151,974	151,974	-
2020	141,171	141,171	-
2019	124,215	124,215	-
2018	115,743	115,743	-
2017	105,036	105,036	-
2016	104,498	104,498	-
2015	97,992	97,992	-
2014	92,223	92,223	-

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**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION**

**SCHEDULE OF THE CORPORATION'S PROPORTIONATE SHARE  
OF THE TOTAL OPEB LIABILITY**

**FOR THE YEAR ENDED SEPTEMBER 30, 2023**

<b>Measurement Date December 31,</b>	<b><u>2017</u></b>	<b><u>2018</u></b>	<b><u>2019</u></b>	<b><u>2020</u></b>	<b><u>2021</u></b>	<b><u>2022</u></b>
Corporation's Proportion of the Total OPEB Liability	4.97%	4.97%	4.88%	4.95%	4.67%	4.46%
Corporation's Proportionate Share of Total OPEB Liability	\$ 30,373	\$ 29,944	\$ 36,467	\$ 44,372	\$ 44,799	\$ 30,415

Note: This schedule should have 10 years presented but information prior to 2017 is not available.

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**SUPPLEMENTARY  
INFORMATION**

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**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION**

**DEBT SERVICE FUND**

**SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN  
FUND BALANCE - BUDGET AND ACTUAL**

**FOR THE YEAR ENDED SEPTEMBER 30, 2023**

	Budgeted Amounts		Actual	Variance With Final Budget Positive (Negative)
	Original	Final		
<b>REVENUES</b>				
Interest	\$ 901	\$ 33,001	\$ 36,731	\$ 3,730
Total revenue	<u>901</u>	<u>33,001</u>	<u>36,731</u>	<u>3,730</u>
<b>EXPENDITURES</b>				
Debt service:				
Principal	1,070,321	1,070,321	1,070,321	-
Interest	<u>669,221</u>	<u>668,020</u>	<u>668,012</u>	<u>8</u>
Total debt service	<u>1,739,542</u>	<u>1,738,341</u>	<u>1,738,333</u>	<u>8</u>
Total expenditures	<u>1,739,542</u>	<u>1,738,341</u>	<u>1,738,333</u>	<u>8</u>
<b>EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES</b>	<u>(1,738,641)</u>	<u>(1,705,340)</u>	<u>(1,701,602)</u>	<u>3,738</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers in	<u>1,738,641</u>	<u>1,738,641</u>	<u>1,738,641</u>	<u>-</u>
Total other financing sources (uses)	<u>1,738,641</u>	<u>1,738,641</u>	<u>1,738,641</u>	<u>-</u>
<b>NET CHANGE IN FUND BALANCES</b>	<u>-</u>	<u>33,301</u>	<u>37,039</u>	<u>3,738</u>
<b>FUND BALANCES, BEGINNING</b>	<u>416,791</u>	<u>416,791</u>	<u>416,791</u>	<u>-</u>
<b>FUND BALANCES, ENDING</b>	<u>\$ 416,791</u>	<u>\$ 450,092</u>	<u>\$ 453,830</u>	<u>\$ 3,738</u>

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## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Executive Director of Development Services  
Thru: Michael Scott, City Manager  
Date: June 3, 2024  
Re: Myrtle Creek Development Agreement

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**Recommended Motion:** "I move to approve a revised Development Agreement for the Myrtle Creek Municipal Management District Number 1."

**Item Description:** Consider the approval of the revised Development Agreement for the Myrtle Creek MMD No. 1 with the establishment of the MMD Board of Directors and functional components of the district.

**Item Summary:** On January 29, 2024 the City of Waxahachie met in a work session to discuss the potential for an MMD for the Myrtle Creek development, replacing the existing PID as the financing mechanism for the development. At the February 19, 2024 meeting, the City of Waxahachie City Council approved a resolution granting conditional consent to the creation of the Myrtle Creek Municipal Management District No. 1 and the inclusion of 1,263.272 acres of land into said district.

The attached revised Development Agreement has incorporated input from representative legal counsels for all involved parties. This revision clarifies the legal remedies process, City expense reimbursements, as well as the establishment of the MMD Board of Directors.

**Fiscal Impact:** There is no cost to the City in approving this revised agreement. Public improvements authorized by the MMD that benefit the property are to be constructed or caused to be constructed by Developer, and for which the parties intend that the developer will be fully or partially reimbursed pursuant to the MMD and the terms of this agreement.

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## MYRTLE CREEK DEVELOPMENT AGREEMENT

This Myrtle Creek Development Agreement (this "Agreement") is entered into by and between the City of Waxahachie, Texas, a home-rule municipality (the "City") and HT US 287 Owner LP, a Texas limited partnership (the "Developer"), is made and entered into effective \_\_\_\_\_, 2024 (the "Effective Date"). The "MMD" (hereinafter defined) will join this Agreement as set forth below and after such joinder shall become a party to this Agreement. The foregoing parties are sometimes referred to singularly as "Party" and collectively as the "Parties."

### SECTION 1 RECITALS

WHEREAS, certain capitalized terms used in these recitals are defined in Section 2;

WHEREAS, the Developer has acquired for development approximately 1,263.272 acres of real property located within the corporate limits of the City, described by metes and bounds in Exhibit A and depicted in Exhibit B (the "Property");

WHEREAS, as generally described and depicted on the Concept Plan, the Developer intends to develop the Property as a residential and commercial mixed-use development to be known and referred to as "Myrtle Creek" (the "Project");

WHEREAS, the Property is located within the City's sewer and water certificates of convenience and necessity ("CCN"), and the Parties intend that the City will be the retail provider of water and sewer service to the Property;

WHEREAS, the Property is located within Waxahachie Public Improvement District No. 1 (the "PID") created by the City pursuant to Resolution No. 1087 adopted on April 16, 2007;

WHEREAS, the Developer intends to submit a petition to the Texas Commission on Environmental Quality ("TCEQ") for the creation of the Myrtle Creek Municipal Management District No. 1 (the "MMD") for the Property, as a municipal management district operating pursuant to the laws of Chapter 375, Texas Local Government Code, as amended (the "MMD Act");

WHEREAS, the City has consented to and supported the creation of the MMD by the TCEQ subject to any conditions set forth in the City TCEQ Consent Resolution attached hereto as Exhibit H;

WHEREAS, Developer anticipates commencing development of the Project upon the execution of this Agreement and creation of the MMD by the TCEQ as described herein;

WHEREAS, the Parties desire and intend that Developer will design, construct, install, and/or make financial contributions toward the MMD Improvements (as defined below) as authorized by the MMD Act, and that Developer's costs incurred therewith will be financed or reimbursed through multiple sources, including Impact Fee Credits and MMD Bond Proceeds (as

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defined below) or other revenues of the MMD in accordance with this Agreement, the applicable rules and regulations of the TCEQ, as amended, and the applicable requirements of the Texas Attorney General's Office;

WHEREAS, the Parties desire and intend for the design, construction, and installation of the MMD Improvements to occur over the Term of this Agreement and that Developer will dedicate to and the City will accept the MMD Improvements for public use and maintenance, subject to the City's approval of the plans and inspection of the MMD Improvements in accordance with this Agreement and the City Regulations;

WHEREAS, the City and Developer intend that the MMD Improvements Costs of the MMD Improvements will be paid from the net proceeds of MMD Bonds issued by the MMD or other revenues of the MMD in accordance with this Agreement, the applicable rules and regulations of the TCEQ, as amended, and the applicable requirements of the Texas Attorney General's Office, as amended;

WHEREAS, the MMD, subject to the City TCEQ Consent Resolution, the satisfaction of all conditions for MMD Bond issuance, Developer's substantial compliance with this Agreement, and in accordance with the terms of this Agreement and all legal requirements, including but not limited to the indenture or Bond Resolution (each as defined below) authorizing the MMD Bonds,, shall use good faith efforts to issue, in one or more series MMD Bonds for the purpose of financing the MMD Improvements, acquiring the MMD Improvements, and reimbursing Developer for certain associated costs as described herein; and

WHEREAS, to the extent funds must be advanced to pay for any costs associated with the creation of the MMD, the issuance of MMD Bonds, or the preparation of documentation related thereto, including any costs incurred by the City or the MMD and its consultants and advisors (excluding the fees associated with closing the MMD Bonds and paid from MMD Bond Proceeds), Developer shall be responsible for advancing such funds and shall have a right to reimbursement for the funds advanced from the MMD Bond Proceeds, and the City will not be responsible for such reimbursement or the payment of any such costs from any other sources of funds.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereby agree as follows:

## SECTION 2 DEFINITIONS

Certain terms used in this Agreement are defined in this Section 2. Other terms used in this Agreement are defined in the recitals or in other sections of this Agreement. Unless the context requires otherwise, the following terms shall have the meanings hereinafter set forth:

Bond Resolution means the resolution or order of the Board of Directors of the MMD authorizing the issuance of a series of MMD bonds.

Capital Improvement(s) shall have the meaning provided in Chapter 395, Texas Local Government Code.

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Capital Improvement Costs means any construction, contributions, or dedications of Capital Improvements, including actual costs of design, engineering, construction, acquisition, and inspection, and all costs related in any manner to the Capital Improvement.

Capital Improvements Plan ("CIP") means all capital improvements plan(s) duly adopted by the City under Chapter 395, Texas Local Government Code, as may be updated or amended from time to time.

Certificate of Convenience and Necessity ("CCN") means a certificate of that name issued by the PUC or its predecessor or successor agency pursuant to Chapter 13, Texas Water Code.

Chapter 245 means Chapter 245, Texas Local Government Code.

Chapter 395 means Chapter 395, Texas Local Government Code.

City Code means the Code of Ordinances, City of Waxahachie, Texas.

City Council means the governing body of the City.

City Manager means the City's current or acting City Manager, or a person designated to act on behalf of that individual if the designation is in writing and signed by the current or acting City Manager.

City Regulations means the City's applicable development regulations in effect on the Effective Date, including without limitation City Code provisions, ordinances (including, without limitation, park dedication fees), design standards (including, without limitation, pavement thickness), and other policies duly adopted by the City; provided, however, that as it relates to Public Infrastructure for any given phase of the Project, the applicable construction standards (including, without limitation, uniform building codes) shall be those that the City has duly adopted at the time of the filing of an application for a preliminary plat for that phase unless construction has not commenced within two years of approval of such preliminary plat in which case the construction standards shall be those that the City has duly adopted at the time that construction commences. The term does not include Impact Fees, which shall be assessed on the Property in accordance with this Agreement.

Concept Plan means the intended conceptual plan for the development of the Project as depicted on Exhibit C.

Development Standards means the design specifications and construction standards permitted or imposed by this Agreement, including without limitation the standards set forth in the Zoning Ordinance and applicable City Regulations.

Effective Date has the meaning set forth in the introductory paragraph to this Agreement.

End User means any tenant, user, or owner of a Fully Developed and Improved Lot, but excluding the HOA.

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Fully Developed and Improved Lot means any privately-owned lot in the Project, regardless of proposed use, intended to be served by the MMD Improvements and for which a plat has been approved by the City and recorded in the Real Property Records of Ellis County.

HOA means the Myrtle Creek Homeowners Association, which shall privately function as a homeowners association for the Project, or such similar name as may be available with Texas Secretary of State, and its successors.

Impact Fees means those fees assessed and charged against the Project in accordance with Chapter 395 and as defined therein.

Impact Fee Credits means credits against Impact Fees otherwise due from the Project to offset Capital Improvement Costs.

Indenture means a trust indenture by and between the MMD and a trustee bank under which MMD Bonds are issued and funds are held and disbursed.

Mayor means the Mayor of the City.

MMD means Myrtle Creek Municipal Management District No. 1 created by the TCEQ for the Property pursuant to the MMD Act.

MMD Act means Chapter 375, Texas Local Government Code, as amended.

MMD Board means the Board of Directors of the MMD.

MMD Bonds means bonds, notes, or other obligations or indebtedness that are issued or incurred by the MMD in accordance with the MMD Act.

MMD Bond Proceeds means the funds generated from the sale of the MMD Bonds.

MMD Initial Capital Improvement Plan means the capital improvement plan prepared in compliance with Section 375.207(b) approved herein and attached as Exhibit J.

MMD Improvements means the on- and off-site public water, sewer, drainage, and roadway facilities, along with other public improvements authorized by the MMD Act that benefit the Property, to be constructed or caused to be constructed by Developer, including but not limited to the improvements identified on Exhibit D-1, Exhibit D-2, Exhibit E-1, Exhibit E-2, Exhibit E-3, and Exhibit F, and for which the Parties intend Developer will be fully or partially reimbursed pursuant to the MMD Act and the terms of this Agreement.

MMD Improvements Cost means the actual costs of design, engineering, construction, acquisition, and inspection of the MMD Improvements and all costs related in any manner to the MMD Improvements.

Notice means any notice required or contemplated by this Agreement (or otherwise given in connection with this Agreement).

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Public Infrastructure means all water, wastewater/sewer, detention and drainage, roadway, park and trail, and other infrastructure necessary to serve the full development of the Project and/or to be constructed and dedicated to the City under this Agreement. The term includes the MMD Improvements.

PUC means the Texas Public Utility Commission.

Real Property Records means the official land recordings of the Ellis County Clerk's Office.

Zoning Ordinance means in Ordinance No. 2302 relating to the zoning of the Property as Planned Development-Commercial (PD-C), Planned Development-General Retail (PD-GR), Planned Development-Multi Family-1 (PD-MF-1), Planned Development-Two Family (PD-2F), Planned Development-Single Family-1 (PD-SF-1), Planned Development-Single Family-2 (PD-SF-2), and Planned Development-Single Family-3 (PD-SF-3), and subsequent amendments thereto.

### **SECTION 3** **MUNICIPAL MANAGEMENT DISTRICT**

3.1 City Consent to MMD Creation. On the Effective Date of this Agreement, the City has approved the resolution in the form attached as **Exhibit H** (the "City TCEQ Consent Resolution") supporting the inclusion of the Property within the proposed MMD and consenting to the creation of the MMD in accordance with the MMD Act, subject to any conditions provided therein. The City agrees to adopt such further consent resolutions or ordinances and execute such further documents as may reasonably be necessary by the Developer, the TCEQ, the Attorney General of the State of Texas, or the MMD to evidence the City's consents as set forth in this Agreement and in the City TCEQ Consent Resolution.

3.2 Tax Rate. The maximum tax rate equivalent of the MMD (including debt service taxes, maintenance and operations taxes and assessments) for financial feasibility of an MMD Bond shall not exceed \$0.60 per \$100 valuation, unless otherwise agreed to by the Parties. The MMD may only levy assessments within the MMD for recreational facilities, including open space, parks and trail improvements, and all other costs of MMD Improvements shall be financed through taxes levied within the MMD. The MMD Bonds may be secured by an unlimited tax pledge of the MMD.

3.3 MMD Execution of Agreement. The Developer and the City intend that this Agreement shall be binding upon the MMD from and after the date the MMD executes a joinder to this Agreement in substantially the same form as set forth in **Exhibit I**, attached hereto (the "Joinder Agreement") and made a part hereof. The MMD shall execute such Joinder Agreement at the time of its organizational meeting.

3.4 Dissolution of MMD. The City may dissolve the MMD at any time after the MMD has issued MMD Bonds to finance MMD Improvements Costs paid or incurred to construct the MMD Improvements that are required to serve full development of the Property and the Developer has been fully reimbursed for all MMD Improvements Costs. Upon dissolution of the MMD, the City shall assume the indebtedness and legal obligations of the MMD to the extent required by

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law. If the City does not dissolve the MMD, the MMD Board shall dissolve the MMD within sixty (60) days after the maturity date of the last series of MMD Bonds issued by the MMD.

3.5 Elected Board. The TCEQ petition for creation of the MMD shall include a request for an elected Board pursuant to Section 375.0645, Texas Local Government Code.

3.6 Coordination. In order to effectively and efficiently coordinate the development of the Property, the City, MMD and Developer agree to undertake, at a minimum, the actions described in this Article III.

3.7 Initial Board of Directors. The City and Developer agree the initial Board of Directors of the MMD shall be the following:

1. Karena Beth Hauter
2. Jason Michael Kaiser
3. Thomas "Elliott" Newsom
4. John Neal Crew
5. Jorge Gonzalez-Rodiles

3.8 Director Replacement. During any period prior to a contested election within the MMD, the City and the Developer agree to coordinate recommended replacement directors. Upon determination that a vacancy exists on the Board, the Developer shall provide to the City three names of replacement directors for consideration by the City. The City may either accept or reject the proposed directors. If all proposed directors are rejected, this process will be repeated until a director acceptable to the City is approved. Upon approval of a proposed director, the Developer shall submit such proposed director for consideration and appointment by the MMD Board. In the event the proposed director is not appointed by a majority of the remaining qualified MMD directors, the process shall be repeated.

3.9 Joint Planning Meeting. A semi-annual utility planning meeting shall be held each year in January and July between the Developer, engineer for the MMD, and the appropriate City staff to coordinate the development status, future utility requirements, and anticipated infrastructure demands within the MMD.

3.10 Provision of MMD Agendas. The City shall be provided with the agenda for all MMD Board meetings, and such meeting agendas shall be posted at City Hall in compliance with the Texas Public Information Act.

3.11 Consultation with City Regarding Debt Issuance.

(a) Prior to the issuance of any debt by the MMD, the MMD Board or its consultants shall request a meeting with the City's Finance Director and City Manager not less than 60 days prior to the bond sale date. The MMD shall provide to the City the following in connection with each bond sale:

1. Preliminary Official Statement;
2. Maturity Schedule;
3. Cash Flow Schedule;

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4. Draft bond resolution or indenture; and
5. TCEQ bond application (if applicable)
6. Confirmation that the District meets the requirements of Section 3.2 above.

(b) The City Finance Director shall have an opportunity to review and comment on the bond issuance documents.

3.12 Transparency. The MMD must provide the following information on a publicly available website:

- (a) the name of each member of the governing body of the MMD;
- (b) the mailing address, e-mail address, and phone number of the MMD;
- (c) contact information for each member of the governing body of the MMD;
- (d) the MMD's budget for the preceding two years;
- (e) the MMD's proposed or adopted budget for the current year, including the change in the amount of the MMD's budget from the preceding year to the current year, by dollar amount and percentage;
- (f) the amount of property tax revenue budgeted for maintenance and operations for the preceding two years and the current year;
- (g) the amount of property tax revenue budgeted for debt service for the preceding two years and the current year;
- (h) the maintenance and operations tax rate for the preceding two years;
- (i) the debt service tax rate for the preceding two years;
- (j) the proposed maintenance and operations tax rate for the current year;
- (k) the proposed debt service tax rate for the current year; and
- (l) the most recent financial audit.

3.13 Reimbursement of City Expenses. All reasonable costs and expenses incurred by the City, including but not limited to legal fees, other professional fees, and City administrative costs and expenses, that are in any way associated with the operation and administration of the MMD shall be promptly reimbursed by Developer to the City upon presentation of an invoice for same; provided, however, that the Developer may dispute any portion of an invoice by providing a detailed notice in writing to the City describing the reasons for such dispute and in such event the parties shall cooperate to resolve the dispute within a reasonable time not to exceed thirty (30) days. Such obligation to reimburse the City shall continue until the MMD is dissolved, pursuant to this Agreement.

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**SECTION 4**  
**MMD IMPROVEMENTS**

4.1 MMD Improvements. The MMD Improvements and MMD Improvements Cost are subject to change as may be agreed upon by the Developer and the MMD and, if changed, shall be updated by the Developer and the MMD consistent with the MMD Act. All approved plats within the Project shall include those MMD Improvements located therein. The Developer shall include any updates to the MMD Improvements with each plat application, which shall be submitted to the City Council for consideration and approval concurrently with the submission of each plat. Upon approval by the City Council or other appropriate City commission of any plats, this Agreement shall be deemed amended to include such updates to the MMD Improvements.

4.2 Construction, Ownership, and Transfer of MMD Improvements.

(a) Contract Specifications. Developer's engineers shall prepare, or cause the preparation of, and provide the City with contract specifications and necessary related documents for the MMD Improvements.

(b) Construction Standards, Inspections and Fees. Except as otherwise expressly set forth in this Agreement, the MMD Improvements and all other Public Infrastructure required for the development of the Property shall be constructed and inspected, and all applicable fees, including but not limited to Impact Fees (subject to the terms hereof and any applicable credits), permit fees, and inspection fees, shall be paid by Developer, in accordance with this Agreement, the City Regulations, and any other governing body or entity with jurisdiction over the MMD Improvements.

(c) Ownership. All of the MMD Improvements and Public Infrastructure that do not constitute MMD Maintained Improvements as HOA Maintained Improvements shall be owned by the City upon acceptance of them by the City. The Developer agrees to take any action reasonably required by the City to transfer, convey, or otherwise dedicate or ensure the dedication of land, right-of-way, or easements for the MMD Improvements and Public Infrastructure to the City for public use.

4.3 Operation and Maintenance.

(a) Upon inspection, approval, and acceptance of the water and sewer MMD Improvements or any portion thereof, the City shall maintain and operate the water and sewer MMD Improvements and provide retail water and sewer service to the Property.

(b) Upon final inspection, approval, and acceptance of the roadway MMD Improvements required under this Agreement or any portion thereof, the City shall maintain and operate the public roadways and related drainage improvements.

(c) Upon final inspection, approval, and acceptance of any MMD Improvements to be owned and/ or maintained by the MMD, the MMD shall maintain such MMD Improvements (the "MMD Maintained Improvements").

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(d) The HOA shall maintain and operate any sidewalks, retention ponds and associated detention control structures, open spaces, trails, common areas, landscaping, screening walls, development signage, and any other common improvements or appurtenances within the Property that are not maintained or operated by the City or the MMD, including without limitation such facilities financed by the MMD (the "HOA Maintained Improvements"). The City agrees to enter into a maintenance agreement with the HOA for the maintenance of the HOA Maintained Improvements that are dedicated to the City and reimbursable through the MMD.

#### 4.4 Wastewater/Sanitary Sewer Facilities.

(a) Developer's General Obligations. Developer is responsible for the design, installation, and construction of the wastewater improvements necessary to serve the Property (the "Wastewater Improvements"), including the major Wastewater Improvements as shown on Exhibit D-1 and Exhibit D-2 attached hereto. Developer shall be responsible for the dedication of any easements lying within the Property necessary for Wastewater Improvements (the size and extent of each such easement or other property interest to be reasonably approved by the City) for all development. The costs of obtaining such easements may be included in the applicable MMD Improvement Costs to be reimbursed to the Developer through the MMD

(b) Timing of Developer's Obligations. Except as otherwise provided herein, Developer shall complete in a good and workmanlike manner all Wastewater Improvements necessary to serve each phase of the Project prior to the recordation of the final plat covering such phase. The Parties acknowledge that the Property may be developed in phases, and the preliminary plats to be submitted to the City for approval may likewise be phased. If deemed necessary, Developer may submit a replat or amending plat for all or any portions of the Property in accordance with applicable law.

#### (c) Timing of Major Wastewater Improvements.

(1) Prior to the City's issuance of a building permit for the 307th single-family residential lot, the Developer shall construct or cause to be constructed a 27" and 33" parallel sewer line, as shown on Exhibit D-2 attached hereto.

(d) Rental of Lift Station Backup Pump. In the event the City determines that the required lift station is nearing capacity and an additional backup pump is needed, then the City shall provide written notice to the Developer and the Developer, at its sole cost, shall enter into a lease to rent a backup pump for the lift station for use by the City within ten (10) business days of receipt of such notice. Said backup pump shall be approved by the City in advance of installation or use of the backup pump.

#### 4.5 Water Facilities.

(a) Developer's General Obligations. Developer is responsible for design, installation, and construction of all water improvements necessary to serve the Property ("Water Improvements"), including: (i) the major Water Improvements as shown on Exhibit E-1 attached hereto, (ii) a 24" offsite water line with two potential routes as shown on Exhibit E-2 attached hereto, and (iii) an elevated storage tank as shown on Exhibit E-3 attached hereto. The Developer shall be responsible for the dedication of any easements lying within the Property necessary for

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Water Improvements (the size and extent of each such easement or other property interest to be reasonably approved by the City). The costs of dedicating such easements may be included in the applicable MMD Improvement Costs to be reimbursed to the Developer through the MMD.

(b) Timing of General Obligations. Except as otherwise provided herein, Developer shall complete in a good and workmanlike manner all Water Improvements necessary to serve each phase of the Project prior to the recordation of the final plat covering such phase. The Parties acknowledge that the Property may be developed in phases, and the preliminary plats to be submitted to the City for approval may likewise be phased. If deemed necessary, Developer may submit a replat or amending plat for all or any portions of the Property in accordance with applicable law.

(c) Timing of Major Water Improvements.

(1) Prior to the Developer's commencement of construction of the 24" offsite water line, the Parties shall select between the two alternative routes shown on Exhibit E-2 attached hereto.

#### 4.6 Roadway Facilities.

(a) Developer's General Obligations. The Developer is responsible for the design, installation, and construction of all roadway facilities required to serve the Property (the "Roadway Improvements"), including the major Roadway Improvements as shown on Exhibit F attached hereto. The design of all Roadway Improvements shall be approved by the City in advance of the construction of same.

(b) Timing of General Obligations. Except as otherwise provided herein, Developer shall complete, in a good and workmanlike manner, construction of all roadway facilities and related Roadway Improvements necessary to serve such phase prior to the recordation of any plat for any phase of the Project in accordance with construction plans approved by the City. Thereafter, the roads shall be conveyed to the City for ownership and maintenance. The Parties acknowledge that the Property may be developed in phases, and the preliminary plats to be submitted to the City for approval may likewise be phased. If deemed necessary, Developer may submit a replat or amending plat for all or any portions of the Property in accordance with applicable law.

(c) Rights of Way. The Developer agrees to dedicate or cause to be dedicated to the City free of liens, claims and encumbrances the rights of way within the Property for Dartmoor Parkway, Saratoga Drive, and Park School House Road at the widths shown on Exhibit F attached hereto; subject to the right of the Developer to be reimbursed for such rights of way by the MMD.

(d) Timing of Major Roadway Improvements.

(1) Prior to the City's issuance of a building permit for the 1,300th single family residential lot, the Developer shall construct or cause to be constructed and the City shall accept a four-lane section of Dartmoor Parkway between the US 287 northbound frontage road and Park School House Road, as shown on Exhibit F.

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(2) Prior to the City's issuance of a building permit for the 1,300th single family residential lot, the Developer shall construct or cause to be constructed and the City shall accept the turn lanes and through lanes at the intersections of Dartmoor Parkway and Saratoga Drive and Dartmoor Parkway and Park School House Road in accordance with the Traffic Impact Analysis conducted by Traffic Impact Group, as revised on October 6, 2023.

4.7 City Participation.

(a) Impact Fees. Water, sewer, and roadway Impact Fees for the Project shall be assessed at the rates adopted by the City Council in effect at the time the plat for a given phase of the Project is recorded in the Property Records and collected upon the issuance of a building permit for each lot within the Property.

4.8 Payee Information. With respect to any and every type of payment/remittance due to be paid at any time by the City to Developer after the Effective Date under this Agreement, the name and delivery address of the payee for such payment shall be:

HT US 287 Owner LP  
Attn: Accounting Department  
2700 Commerce Street, Suite 1600  
Dallas, Texas 75226

Developer may change the name of the payee and/or address set forth above by delivering written notice to the City designating a new payee and/or address or through an assignment of Developer's rights hereunder.

4.9 MMD Initial Capital Improvement Plan. The initial 5-year MMD Capital Improvement Plan includes the MMD Improvements and MMD Bonds to be undertaken by the MMD is attached as Exhibit J.

**SECTION 5**  
**PUBLIC IMPROVEMENT DISTRICT**

5.1 PID Assessments. As of the Effective Date of this Agreement, the Property is located in whole or in part in the PID. The City agrees not to take any actions to consider the levy of special assessments on property within the PID pursuant to the provisions of Chapter 372, Texas Local Government Code, as amended, without the written consent of the Developer.

**SECTION 6**  
**ADDITIONAL OBLIGATIONS AND AGREEMENTS**

6.1 Administration of Construction of Public Infrastructure. Subject to the terms of this Agreement, the Parties agree that Developer will be solely responsible for the construction of all Public Infrastructure. The on-site and off-site Public Infrastructure and all other related improvements will be considered City projects, and the City will own all such Public Infrastructure upon completion and acceptance.

6.2 Mandatory Homeowners Association.

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(a) The Developer will, in a manner acceptable to the City, create the HOA, which shall be mandatory and shall levy and collect from homeowners annual fees in an amount calculated to maintain the HOA owned improvements within the Project. Common areas, including, but not limited to, all landscaped entrances to the Project and right-of-way landscaping and signage, shall be maintained solely by the HOA. Maintenance of public rights-of-way, landscaping, and signage by the HOA shall comply with City Regulations.

(b) The Developer agrees to include a provision in the conditions, covenants, and restrictions for the HOA restricting the use of short-term rentals within the Project.

6.3 Zoning. The City has zoned the Property as a planned development district in accordance with the Zoning Ordinance.

6.4 Manufactured Home. Notwithstanding any other provision of this Agreement or the Development Standards to the contrary, upon and after the Effective Date of this Agreement, one (1) HUD-certified manufactured home may be located on the Property; provided, however, such manufactured home must be removed within two hundred seventy (270) days from the date of such installation. The manufactured home permitted by this Agreement: (a) is not required to be located on a platted lot; (b) does not require a building permit; (c) does not require a certificate of substantial completion; (d) does not otherwise have to comply with the Development Standards; (e) does not require any permit or other approval from the City.

6.5 Prohibition on Short-Term Rentals, Accessory Dwelling Units and Hourly Rentals of Property. Developer agrees that all Property in the MMD shall contain a deed restriction or other real property covenant providing that at no time shall any of the Property be used, allowed to be used, or made available or offered for use as a short-term rental or as an hourly rental of residential property amenities, nor shall an accessory dwelling unit be constructed, used or made available or offered for use on the Property. The foregoing uses of and activities on any of the Property are expressly prohibited. For purposes of this Paragraph, (1) "short-term rental" shall mean a residential property, including a single-family dwelling or a unit in a condominium, cooperative, mixed use development, or timeshare, that is rented wholly or partly for a fee for a period not longer than thirty (30) consecutive days. A short-term rental shall not include a hotel, motel, bed and breakfast homes, bed and breakfast inns, or rentals made for less than thirty (30) days upon the sale of a residential dwelling when the tenancy is by the former owner; (2) "hourly rental of residential property amenities" shall mean a feature or facility that is part of a residential property, including a single-family dwelling or a unit in a condominium, cooperative, mixed-use development or timeshare, and is rented for a period of less than fifteen (15) hours and for a purpose other than providing sleeping accommodations to the lessee; and (3) "accessory dwelling unit" shall mean a residential housing unit that is located on any lot that is not zoned or is zoned for a single-family home or duplex, is independent of the attached or detached primary dwelling unit and is a complete and independent living facility for at least one individual.

6.6 Building Materials and Architectural Standards. Following the execution of this Agreement by the Parties, for any structure built on the Property, Developer shall comply with the applicable building construction materials and architectural standards contained in the elevations reflected in Exhibit G, attached hereto and incorporated by reference. The Parties specifically agree and acknowledge that the provisions of this Paragraph shall apply to any structure

constructed subsequent to the execution of this Agreement. Nothing in this Agreement shall be deemed to modify or otherwise amend any zoning or other regulation duly adopted by the City, previously or in the future.

6.7 Waiver of Texas Government Code § 3000.001 et seq. With respect to any and all structures to be constructed on the Property pursuant to this Agreement and any approved zoning ordinances, or amendments, Developer hereby waives any right, requirement or enforcement of Texas Government Code §§ 3000.001-3000.005, as amended, and in the event of any default and subsequent mediation pursuant to section 7.3 of this Agreement, the effect of this section also shall be subject to such mediation.

6.8 Rough Proportionality. Developer hereby agrees that any land or property donated and/or dedicated pursuant to this Agreement, whether in fee simple or otherwise, to the City relative to any development on the Property is roughly proportional to the need for such land and Developer hereby waives any claim therefor that it may have. Developer further acknowledges and agrees that all prerequisites to such a determination of rough proportionality have been met, and that any costs incurred relative to said donation are related both in nature and extent to the impact of the development referenced herein. Both Developer and the City further agree to waive and release all claims one may have against the other related to any and all rough proportionality and individual determination requirements mandated by the United States Supreme Court in *Dolan v. City of Tigard*, 512 U.S. 374 (1994), and its progeny, as well as any other requirements of a nexus between development conditions and the provision of infrastructure on or to the Property.

6.9 Exactions/Infrastructure Costs. Developer has been represented by legal counsel in the negotiation of this Agreement and been advised or has had the opportunity to have legal counsel review this Agreement and advise Developer, regarding Developer's rights under Texas and federal law. Provided the Developer receives the Impact Fee Credits hereunder and reimbursement for the costs of the Public Infrastructure through the MMD, Developer hereby waives any requirement that the City retain a professional engineer, licensed pursuant to Chapter 1001 of the Texas Occupations Code, to review and determine that the exactions required by the City are roughly proportional or roughly proportionate to the proposed development's anticipated impact. Developer specifically reserves its right to appeal the apportionment of municipal infrastructure costs in accordance with § 212.904 of the Texas Local Government Code; however, notwithstanding the foregoing, provided the Developer receives the Impact Fee Credits hereunder and reimbursement for the costs of the Public Infrastructure through the MMD, Developer hereby releases the City from any and all liability under § 212.904 of the Texas Local Government Code, as amended, regarding or related to the cost of those municipal infrastructure requirements imposed by this Agreement.

6.10 Conflicts. In the event of any direct conflict between this Agreement and any other ordinance, rule, regulation, standard, policy, order, guideline, or other city-adopted or City enforced requirement, whether existing on the Effective Date or thereafter adopted, this Agreement, including its exhibits, as applicable, shall control. In the event of a conflict between the Concept Plan and the Development Standards, the Development Standards shall control to the extent of the conflict.

6.11 Compliance with City Regulations. Development and use of the Property, including, without limitation, the construction, installation, maintenance, repair, and replacement of all buildings and all other improvements and facilities of any kind whatsoever on and within the Property, shall be in compliance with City Regulations unless expressly stated to the contrary in this Agreement. City Regulations shall apply to the development and use of the Property unless expressly set forth to the contrary in this Agreement.

6.12 Public Infrastructure, Generally. Except as otherwise expressly provided for in this Agreement, Developer shall provide all Public Infrastructure necessary to serve the Project, including streets, utilities, drainage, sidewalks, trails, street lighting, street signage, and all other required improvements, at no cost to the City except as expressly provided in this Agreement, and as approved by the City's engineer or his or her agent. Developer shall cause the installation of the Public Infrastructure within all applicable time frames in accordance with the City Regulations unless otherwise established in this Agreement. Developer shall provide engineering studies, plan/profile sheets, and other construction documents at the time of platting as required by City Regulations. Such plans shall be approved by the City's engineer or his or her agent prior to approval of a plat. Construction of any portion of the Public Infrastructure shall not be initiated until a pre-construction conference with a City representative has been held regarding the proposed construction and the City has issued a written notice to proceed. No plat may be recorded in the Real Property Records until construction of all Public Infrastructure shown thereon shall have been constructed, and thereafter inspected, approved, and accepted by the City.

6.13 Maintenance Bonds. For each construction contract for any part of the Public Infrastructure for which the City will be responsible for the future maintenance, Developer, or Developer's contractor, must execute a maintenance bond in accordance with applicable City Regulations that guarantees the costs of any repairs that may become necessary to any part of the construction work performed in connection with the Public Infrastructure, arising from defective workmanship or materials used therein, for a full period of two (2) years from the date of final acceptance of the Public Infrastructure constructed under such contract.

6.14 Inspections, Acceptance of Public Infrastructure, and Developer's Remedy.

(a) Inspections, Generally. The City shall have the right to inspect, at any time, the construction of all Public Infrastructure necessary to support the Project, including water improvements, wastewater/sanitary sewer, drainage, roads, streets, alleys, public park facilities, electrical, and streetlights and signs. The City's inspections and/or approvals shall not release Developer from its responsibility to construct, or cause the construction of, adequate MMD Improvements and Public Infrastructure in accordance with approved engineering plans, construction plans, and other approved plans related to development of the Property. Notwithstanding any provision of this Agreement, it shall not be a breach or violation of the Agreement if the City withholds building permits, certificates of occupancy or City utility services as to any portion of the Project until Developer has met its obligations to provide for required Public Infrastructure necessary to serve such portion according to the approved engineering plans and City Regulations and until such Public Infrastructure has been dedicated to and accepted by the City. Acceptance by the City shall not be unreasonably withheld, conditioned, or delayed.

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(b) Acceptance; Ownership. From and after the inspection and acceptance by the City of the Public Infrastructure and any other dedications required under this Agreement, such improvements and dedications shall be owned by the City. Acceptance of Public Infrastructure by the City shall be evidenced in a writing issued by the City Manager or his designee.

(c) Approval of Plats/Plans. Approval by the City, the City's engineer, or other City employee or representative of any plans, designs, or specifications submitted by Developer pursuant to this Agreement or pursuant to applicable City Regulations shall not constitute or be deemed to be a release of the responsibility and liability of Developer, its engineer, employees, officers, or agents for the accuracy and competency of their design and specifications. Further, any such approvals shall not be deemed to be an assumption of such responsibility and liability by the City for any defect in the design and specifications prepared by the Developer or the Developer's engineer, or engineer's officers, agents, servants or employees, it being the intent of the parties that approval by the City's engineer signifies the City's approval on only the general design concept of the improvements to be constructed. In accordance with Chapter 245, all development related permits issued for the Project, including each plat, shall remain valid for two years from date of approval and shall not thereafter expire so long as progress has been made toward completion of the Project. Upon recordation of the plat for the Project, the Project shall not expire for the duration of this Agreement, provided that the Developer shall be required to finalize improvements in each phase of the Development in accordance with subdivision ordinance adopted by the City.

6.15 Insurance. Developer or its contractor(s) shall acquire and maintain, during the period of time when any of the Public Infrastructure is under construction (and until the full and final completion of the Public Infrastructure and acceptance thereof by the City): (a) workers compensation insurance in the amount required by law; and (b) commercial general liability insurance including personal injury liability, premises operations liability, and contractual liability, covering, but not limited to, the liability assumed under any indemnification provisions of this Agreement, with limits of liability for bodily injury, death and property damage of not less than \$1,000,000.00. Such insurance shall also cover any and all claims which might arise out of the Public Infrastructure construction contracts, whether by Developer, a contractor, subcontractor, material man, or otherwise. Coverage must be on a "per occurrence" basis. All such insurance shall: (i) be issued by a carrier that is rated "A-1" or better by A.M. Best's Key Rating Guide and licensed to do business in the State of Texas; and (ii) name the City as an additional insured and contain a waiver of subrogation endorsement in favor of the City. Upon the execution of Public Infrastructure construction contracts, Developer shall provide to the City certificates of insurance evidencing such insurance coverage together with the declaration of such policies, along with the endorsement naming the City as an additional insured. Each such policy shall provide that, at least 30 days prior to the cancellation, non-renewal or modification of the same, the City shall receive written notice of such cancellation, non-renewal or modification.

6.16 INDEMNIFICATION AND HOLD HARMLESS. THE DEVELOPER, INCLUDING ITS RESPECTIVE SUCCESSORS AND ASSIGNS, HEREBY COVENANT AND AGREE TO RELEASE, DEFEND, HOLD HARMLESS, AND INDEMNIFY THE CITY AND ITS OFFICERS, AGENTS, REPRESENTATIVES, SERVANTS AND EMPLOYEES (COLLECTIVELY, THE "RELEASED PARTIES"), FROM AND AGAINST ALL THIRD-PARTY CLAIMS, SUITS, JUDGMENTS, DAMAGES, AND DEMANDS (TOGETHER,

“CLAIMS”) AGAINST THE CITY OR ANY OF THE RELEASED PARTIES, WHETHER REAL OR ASSERTED INCLUDING WITHOUT LIMITATION REASONABLE ATTORNEY’S FEES, RELATED EXPENSES, EXPERT WITNESS FEES, CONSULTANT FEES, AND OTHER COSTS, ARISING OUT OF THE NEGLIGENCE OR OTHER WRONGFUL CONDUCT OF THE DEVELOPER, INCLUDING THE NEGLIGENCE OF ITS RESPECTIVE EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, MATERIAL MEN, AND/OR AGENTS, IN CONNECTION WITH THE DESIGN OR CONSTRUCTION OF ANY PUBLIC INFRASTRUCTURE THAT ARE REQUIRED OR PERMITTED UNDER THIS AGREEMENT. **THE DEVELOPER SHALL NOT, HOWEVER, BE REQUIRED TO INDEMNIFY THE CITY AGAINST CLAIMS CAUSED BY THE CITY’S CONCURRENT, CONTRIBUTORY, OR SOLE NEGLIGENCE, GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.** IF THE CITY INCURS CLAIMS THAT ARE CAUSED BY THE CONCURRENT NEGLIGENCE OF THE DEVELOPER AND THE CITY, THE DEVELOPER’S INDEMNITY OBLIGATION WILL BE LIMITED TO A FRACTION OF THE TOTAL CLAIMS EQUIVALENT TO THE DEVELOPER’S OWN PERCENTAGE OF RESPONSIBILITY.

6.17 Status of Parties. At no time shall the City have any control over or charge of Developer’s design, construction or installation of any of the Public Infrastructure, nor the means, methods, techniques, sequences or procedures utilized for said design, construction or installation. This Agreement does not create a joint enterprise or venture or employment relationship between the City and Developer.

6.18 Vested Rights. This Agreement shall constitute a “permit” (as defined in Chapter 245) that is deemed filed with the City on the Effective Date.

6.19 Conveyances for Public Facilities.

(a) The Developer agrees to dedicate or cause to be dedicated to the City, at no cost to the City, a maximum 1.5 acre lot to accommodate the expansion of a sanitary sewer lift station (the “Lift Station Site”). The location of the Lift Station Site shall be mutually agreed to by the Developer and the City prior to such dedication.

(b) The Developer agrees to dedicate or cause to be dedicated to the Waxahachie Office of Emergency Management, at no cost to the City or the Waxahachie Office of Emergency Management, a maximum 1,000 square foot lot to accommodate an outdoor warning system (the “Outdoor Warning Site”). The location of the Outdoor Warning Site shall be mutually agreed to by the Developer and the City prior to such dedication and shall be subject to the following conditions:

- (1) The lot shall be approximately 12’ x 12’;
- (2) The lot shall be conveyed with such easements as may be required to allow for 24/7 access to the Outdoor Warning Site for emergency repair, maintenance, and inspection;
- (3) The lot shall be conveyed with such easements as may be required to allow for vehicular access for an installation vehicle and maintenance vehicle;

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(4) No overhead powerlines shall be located within ten (10) feet of the lot; and

(5) No underground utilities shall be installed within the lot.

**SECTION 7**  
**EVENTS OF DEFAULT; REMEDIES; MEDIATION**

7.1 Events of Default. No Party shall be in default under this Agreement until notice of the alleged failure of such Party to perform has been given in writing (which notice shall set forth in reasonable detail the nature of the alleged failure) and until such Party has been given a reasonable time to cure the alleged failure (such reasonable time to be determined based on the nature of the alleged failure, but in no event more than thirty (30) days (or any longer time period to the extent expressly stated in this Agreement as relates to a specific failure to perform) after written notice of the alleged failure has been given. Notwithstanding the foregoing, no Party shall be in default under this Agreement if, within the applicable cure period, the Party to whom the notice was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured. Notwithstanding the foregoing, however, a Party shall be in default of its obligation to make any payment required under this Agreement if such payment is not made within twenty (20) business days after it is due.

7.2 Remedies. If a Party is in default, the aggrieved Party may, at its option and without prejudice to any other right or remedy under this Agreement, seek any relief available at law or in equity, including, but not limited to, an action under the Uniform Declaratory Judgment Act, specific performance, mandamus, and injunctive relief.

7.3 Mediation. In the event of any disagreement or conflict concerning the interpretation of this Agreement, and such disagreement cannot be resolved by the signatories hereto, the signatories agree to submit such disagreement to nonbinding mediation prior to any Party instituting litigation.

**SECTION 8**  
**ASSIGNMENT; ENCUMBRANCE**

8.1 Assignment. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The obligations, requirements, or covenants to develop the Property subject to this Agreement shall be freely assignable, in whole or in part, to any affiliate or related entity of Developer, or any lienholder on the Property, without the prior written consent of the City or the MMD. Except as otherwise provided in this paragraph, the obligations, requirements or covenants to the development of the Property shall not be assigned, in whole or in part, by Developer to a non-affiliate or non-related entity of Developer without the prior written consent of the City Manager, subject to the advice and written consent of the Mayor, which consent shall not be unreasonably withheld, conditioned, or delayed. An assignee shall be considered a "Party" for the purposes of this Agreement. Each assignment shall be in writing executed by Developer and the assignee and shall obligate the assignee to be bound by this Agreement to the extent this Agreement applies or relates to the obligations, rights, title, or interests being assigned. No assignment by Developer shall release Developer from any liability that resulted from an act or omission by Developer that occurred prior to the effective date of the

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assignment unless the City approves the release in writing. Developer shall maintain written records of all assignments made by Developer to assignees, including a copy of each executed assignment and, upon written request from any Party or assignee, shall provide a copy of such records to the requesting person or entity, and this obligation shall survive the assigning Party's sale, assignment, transfer, or other conveyance of any interest in this Agreement or the Property.

8.2 Assignees as Parties. An assignee authorized in accordance with this Agreement and for which notice of assignment has been provided in accordance herewith shall be considered a "Party" for the purposes of this Agreement. With the exception of: (a) the City, (b) an End User, (c) a purchaser of a Fully Developed and Improved Lot, any assignee named in an assignment under Section 8.1 hereof shall be deemed to be a "Developer" and have all of the rights and obligations of Developer as set forth in this Agreement and all related documents to the extent of said ownership or ownership interest.

8.3 Third Party Beneficiaries. Except as otherwise provided herein, this Agreement inures to the benefit of, and may only be enforced by, the Parties. No other person or entity shall have any right, title, or interest under this Agreement or otherwise be deemed to be a third-party beneficiary of this Agreement.

8.4 Notice of Assignment. Subject to Section 8.1 of this Agreement, the following requirements shall apply in the event that Developer sells, assigns, transfers, or otherwise conveys the Property or any part thereof and/or any of its rights or benefits under this Agreement: (i) Developer must provide written notice to the City and the MMD to the extent required under Section 8.1; (ii) said notice must describe the extent to which any rights or benefits under this Agreement will be sold, assigned, transferred, or otherwise conveyed; (iii) said notice must state the name, mailing address, telephone contact information, and, if known, email address, of the person(s) that will acquire any rights or benefits as a result of any such sale, assignment, transfer or other conveyance; and (iv) said notice must be signed by a duly authorized person representing Developer and a duly authorized representative of the person that will acquire any rights or benefits as a result of the sale, assignment, transfer or other conveyance.

## SECTION 9 RECORDATION AND ESTOPPEL CERTIFICATES

9.1 Binding Obligations. This Agreement and all amendments thereto and assignments hereof shall be recorded in the Real Property Records. This Agreement binds and constitutes a covenant running with the Property and, upon the Effective Date, is binding upon Developer, the MMD, and the City, and forms a part of any other requirements for development within the Property. This Agreement, when recorded, shall be binding upon the Parties and their successors and assigns as permitted by this Agreement and upon the Property.

9.2 Estoppel Certificates. From time to time, upon written request of Developer or any future owner, the City Manager, or his/her designee will, in his/her official capacity and to his/her reasonable knowledge and belief, execute a written estoppel certificate identifying any obligations of an owner under this Agreement that are in default.

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**SECTION 10**  
**GENERAL PROVISIONS**

10.1 Term. In so far as the City and the MMD are bound by this Agreement, the term of this Agreement shall continue for the entire life of the MMD or forty-five (45) years, which ever is less. In so far as the Developer is bound by this Agreement to construct Public Infrastructure, this Agreement shall bind the Developer until the completion of construction, acceptance by the City or MMD, as appropriate, and completion of the maintenance bond period for all Public Infrastructure required to serve the Property (the "Term").

10.2 Recitals. The recitals contained in this Agreement: (a) are true and correct as of the Effective Date; (b) form the basis upon which the Parties negotiated and entered into this Agreement; (c) reflect the final intent of the Parties with regard to the subject matter of this Agreement; and (d) are fully incorporated into this Agreement for all purposes. In the event it becomes necessary to interpret any provision of this Agreement, the intent of the Parties, as evidenced by the recitals, shall be taken into consideration and, to the maximum extent possible, given full effect. The Parties have relied upon the recitals as part of the consideration for entering into this Agreement and, but for the intent of the Parties reflected by the recitals, would not have entered into this Agreement.

10.3 Acknowledgments. In negotiating and entering into this Agreement, the Parties respectively acknowledge and understand that:

(a) Developer's obligations hereunder are primarily for the benefit of the Property;

(b) the improvements to be constructed and the open space dedications and donations of real property that Developer is obligated to set aside and/or dedicate under this Agreement will benefit the Project by positively contributing to the enhanced nature thereof, increasing property values within the Project, and encouraging investment in and the ultimate development of the Project;

(c) the MMD Improvements will benefit the City and promote state and local economic development, stimulate business and commercial activity in the City for the development and diversification of the economy of the state, promote the development and expansion of commerce in the state, and reduce unemployment or underemployment in the state;

(d) the MMD Improvements are public improvements and such MMD Improvements shall be dedicated to the City in accordance with the MMD Act;

(e) nothing contained in this Agreement shall be construed as creating or intended to create a contractual obligation that controls, waives, or supplants the City Council's legislative discretion or functions with respect to any matters not specifically addressed in this Agreement;

(f) pursuant to Section 395.023, Texas Local Government Code, Developer shall be entitled to Impact Fee Credits against roadway and utility Impact Fees for Capital Improvement Costs incurred in connection with collector or arterial roadways shown on the City's

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master thoroughfare plan (or comparable planning document) regardless of whether the particular collector or arterial roadway is designated on the City's roadway CIP.

10.4 Notices. Any notice, submittal, payment or instrument required or permitted by this Agreement to be given or delivered to any party shall be deemed to have been received when delivered personally or upon the expiration of 72 hours following deposit of the same in any United States Post Office, registered or certified mail, postage prepaid, addressed as follows:

To the City:	City of Waxahachie, Texas Attn: City Manager Waxahachie City Hall 401 S. Rogers Street Waxahachie, Texas 75165
With a copy to:	Robert F. Brown Brown & Hofmeister, LLP 740 East Campbell Road, Suite 800 Richardson, Texas 75081
To Developer:	HT US 287 Owner LP Attn: Robert W. Witte 2700 Commerce Street, Suite 1600 Dallas, Texas 75226
To the MMD:	Winstead PC Attn: Ross Martin 2728 N. Harwood St., Suite 500 Dallas, Texas 75201
With a copy to:	Allen Boone Humphries Robinson LLP Attn: Stephen Robinson 4514 Cole Avene, Suite 1450 Dallas, Texas 75205

Any Party may change its address or addresses for delivery of notice by delivering written notice of such change of address to the other Party.

10.5 Interpretation. Each Party has been actively involved in negotiating this Agreement. Accordingly, a rule of construction that any ambiguities are to be resolved against the drafting Party will not apply to interpreting this Agreement. In the event of any dispute over the meaning or application of any provision of this Agreement, the provision will be interpreted fairly and reasonably and neither more strongly for nor against any Party, regardless of which Party originally drafted the provision.

10.6 Time. In this Agreement, time is of the essence and compliance with the times for performance herein is required.

10.7 Authority and Enforceability. The City represents and warrants that this Agreement has been approved by official action by the City Council of the City in accordance with all applicable public notice requirements (including, but not limited to, notices required by the Texas Open Meetings Act) and that the individual executing this Agreement on behalf of the City has been duly authorized to do so. The Developer represents and warrants that this Agreement has been approved by appropriate action of Developer, and that each individual executing this Agreement on behalf of Developer has been duly authorized to do so. The MMD represents and warrants that this Agreement has been approved by appropriate action of MMD, and that each individual executing this Agreement on behalf of MMD has been duly authorized to do so. Each Party respectively acknowledges and agrees that this Agreement is binding upon such Party and is enforceable against such Party, in accordance with its terms and conditions.

10.8 Limited Waiver of Immunity. The Parties are entering into this Agreement in reliance upon its enforceability. Consequently, the City unconditionally and irrevocably waives all claims of sovereign and governmental immunity which it may have (including, but not limited to, immunity from suit and immunity to liability) to the extent, but only to the extent, that a waiver is necessary to enforce specific performance of this Agreement (including all of the remedies provided under this Agreement) and to give full effect to the intent of the Parties under this Agreement. Notwithstanding the foregoing, the waiver contained herein shall not waive any immunities that the City may have with respect to claims of injury to persons or property, which claims shall be subject to all of their respective immunities and to the provisions of the Texas Tort Claims Act. Further, the waiver of immunity herein is not enforceable by any party not a Party to this Agreement, or any party that may be construed to be a third-party beneficiary to this Agreement.

10.9 Severability. This Agreement shall not be modified or amended except in writing signed by the Parties. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable for any reason, then: (a) such unenforceable provision shall be deleted from this Agreement; (b) the unenforceable provision shall, to the extent possible and upon mutual agreement of the parties, be rewritten to be enforceable and to give effect to the intent of the Parties; and (c) the remainder of this Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties.

10.10 Applicable Law; Venue. This Agreement is entered into pursuant to and is to be construed and enforced in accordance with, the laws of the State of Texas, and all obligations of the Parties are performable in Ellis County. Exclusive venue for any action related to, arising out of, or brought in connection with this Agreement shall be in the Ellis County District Court.

10.11 Non Waiver. Any failure by a Party to insist upon strict performance by the other Party of any material provision of this Agreement shall not be deemed a waiver thereof, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this Agreement. No provision of this Agreement may be waived except by writing signed by the Party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given. No waiver by any Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

10.12 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

10.13 Force Majeure. Each Party shall use good faith, due diligence and reasonable care in the performance of its respective obligations under this Agreement, and time shall be of the essence in such performance; however, in the event a Party is unable, due to force majeure, to perform its obligations under this Agreement, then the obligations affected by the force majeure shall be temporarily suspended. Within ten (10) business days after the occurrence of a force majeure, the Party claiming the right to temporarily suspend its performance, shall give Notice to all the Parties, including a detailed explanation of the force majeure and a description of the action that will be taken to remedy the force majeure and resume full performance at the earliest possible time. The term "force majeure" shall include events or circumstances that are not within the reasonable control of the Party whose performance is suspended and that could not have been avoided by such Party with the good faith exercise of good faith, due diligence and reasonable care.

10.14 Complete Agreement. This Agreement embodies the entire Agreement between the Parties and cannot be varied or terminated except as set forth in this Agreement, or by written agreement of the Parties expressly amending the terms of this Agreement. By entering into this Agreement, any previous agreements or understanding between the Parties relating to the same subject matter are null and void.

10.15 Consideration. This Agreement is executed by the Parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is hereby acknowledged.

10.16 Anti-Boycott Verification. Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and will not boycott Israel during the term of this Agreement. The foregoing verification is made solely to comply with Section 2271.002, Texas Government Code, as amended, to the extent Section 2271.002, Texas Government Code does not contravene federal law. As used in the foregoing verification, 'boycott Israel' means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit. Notwithstanding anything contained herein, the representations and covenants contained in this Section 10.16 shall survive termination of the Agreement until the statute of limitations has run.

10.17 Verification under Chapter 2252, Texas Government Code. Developer hereby represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website: <https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>,  
<https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or  
<https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>. The foregoing representation is made

(5h)

solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable federal law and excludes the Developer and each of its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. Developer understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit Notwithstanding anything contained herein, the representations and covenants contained in this Section 10.17 shall survive termination of the Agreement until the statute of limitations has run.

10.18 No Discrimination Against Fossil-Fuel Companies. Developer hereby verifies that it and its parent companies, wholly- or majority- owned subsidiaries, and other affiliates, if any, do not boycott energy companies and, will not boycott energy companies during the term of this Agreement. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "boycott energy companies" shall have the meaning assigned to the term "boycott energy company" in Section 809.001, Texas Government Code. Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit. Notwithstanding anything contained herein, the representations and covenants contained in this Section 10.18 shall survive termination of the Agreement until the statute of limitations has run.

10.19 No Discrimination Against Firearm Entities and Firearm Trade Associations. Developer hereby verifies that it and its parent companies, wholly- or majority- owned subsidiaries, and other affiliates, if any,

- (1) do not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association; and
- (2) will not discriminate during the term of this Agreement against a firearm entity or firearm trade association.

The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "discriminate against a firearm entity or firearm trade association" shall have the meaning assigned to such term in Section 2274.001(3) (as added by SB 19), Texas Government Code. Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit. Notwithstanding anything contained herein, the representations and covenants contained in this Section 10.19 shall survive termination of the Agreement until the statute of limitations has run.

10.20 Exhibits. The following exhibits are attached to this Agreement and are incorporated herein for all purposes:

- |           |  |
|-----------|--|
| Exhibit A | Metes and Bounds Description of the Property |
| Exhibit B | Depiction of the Property                    |

(5h)

Exhibit C	Concept Plan
Exhibit D-1	Map of Wastewater Improvements – General
Exhibit D-2	Map of Wastewater Improvements – 27” and 33” Parallel Sewer Line
Exhibit E-1	Map of Water Improvements – General
Exhibit E-2	Map of Water Improvements – 24” Offsite Water Line Options
Exhibit E-3	Map of Water Improvements – Elevated Storage Tank
Exhibit F	Map of Roadway and Drainage Improvements
Exhibit G	Building Materials and Architectural Standards
Exhibit H	City TCEQ Consent Resolution
Exhibit I	Form of MMD Joinder Agreement
Exhibit J	MMD Initial Capital Improvements Plan

[SIGNATURES PAGES AND EXHIBITS FOLLOW;  
REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

(5h)

**EXECUTED BY THE PARTIES TO BE EFFECTIVE ON THE EFFECTIVE DATE:**

**CITY OF WAXAHACHIE, TEXAS**

By: \_\_\_\_\_  
Name: Billie Wallace  
Title: Mayor  
Date: \_\_\_\_\_

STATE OF TEXAS           §  
COUNTY OF ELLIS       §

This instrument was acknowledged before me on this \_\_ day of \_\_\_\_\_ 2024, by Billie Wallace, Mayor of the City of Waxahachie, Texas, on behalf of said City.

\_\_\_\_\_  
Notary Public, State of Texas

[SEAL]

(5h)

**DEVELOPER:**

**HT US 287 OWNER LP,**  
a Texas limited partnership

By: HT US 287 GP LLC,  
a Delaware limited liability company, its  
general partner

By: HT US 287 LP,  
a Delaware limited partnership, its  
sole member

By: Hines US 287 Associates LP,  
a Delaware limited partnership, its  
general partner

By: Hines US 287 GP LLC,  
a Delaware limited liability company, its  
general partner

By: Hines Investment Management Holdings Limited  
Partnership, a Texas limited partnership,  
its sole member

By: \_\_\_\_\_  
Name: Robert W. Witte  
Title: Senior Managing Director

STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS     §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2024 by Robert W. Witte, Senior Managing Director of Hines Investment Management Holdings Limited Partnership, a Texas limited partnership, as the sole member of Hines US 287 GP LLC, a Delaware limited liability company, as general partner of Hines US 287 Associates LP, a Delaware limited partnership, as general partner of HT US 287 LP, a Delaware limited partnership, the sole member of HT US 287 GP LLC, a Delaware limited liability company, as general partner of HT US 287 Owner LP, a Texas limited partnership, on behalf of said entity.

\_\_\_\_\_  
Notary Public in and for the State of Texas

[SEAL]

(5h)

**EXHIBIT A**

**METES AND BOUNDS DESCRIPTION OF THE PROPERTY**

(5h)

LEGAL DESCRIPTION

Block 1, 177 acres of 1836 1/4 section 14 of the Northwest Quarter, Section 14, Township 36N, Range 12E, County of Hamilton, Ohio. ... Block 1, 177 acres of 1836 1/4 section 14 of the Northwest Quarter, Section 14, Township 36N, Range 12E, County of Hamilton, Ohio. ... Block 1, 177 acres of 1836 1/4 section 14 of the Northwest Quarter, Section 14, Township 36N, Range 12E, County of Hamilton, Ohio. ...

LEGAL DESCRIPTION

Block 1, 177 acres of 1836 1/4 section 14 of the Northwest Quarter, Section 14, Township 36N, Range 12E, County of Hamilton, Ohio. ... Block 1, 177 acres of 1836 1/4 section 14 of the Northwest Quarter, Section 14, Township 36N, Range 12E, County of Hamilton, Ohio. ... Block 1, 177 acres of 1836 1/4 section 14 of the Northwest Quarter, Section 14, Township 36N, Range 12E, County of Hamilton, Ohio. ...

OTHER NOTES

- 1. The land shown herein and described herein with reference to the heretofore additional records or other instruments, whether of record or not, shall be subject to the same.
2. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
3. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
4. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
5. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
6. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
7. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
8. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
9. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
10. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.

BANNISTER ENGINEERING logo and contact information: 240 North Main Street, Hamilton, Ohio 45002. Phone: 513-263-2999. Fax: 513-263-2998. Website: www.bannister-engineering.com

PROJECT: 1,232,277 acres of 1836 1/4 section 14 of the Northwest Quarter, Section 14, Township 36N, Range 12E, County of Hamilton, Ohio. ...

ALTA/NSPS LAND TITLE SURVEY logo and contact information: 240 North Main Street, Hamilton, Ohio 45002. Phone: 513-263-2999. Fax: 513-263-2998. Website: www.bannister-engineering.com

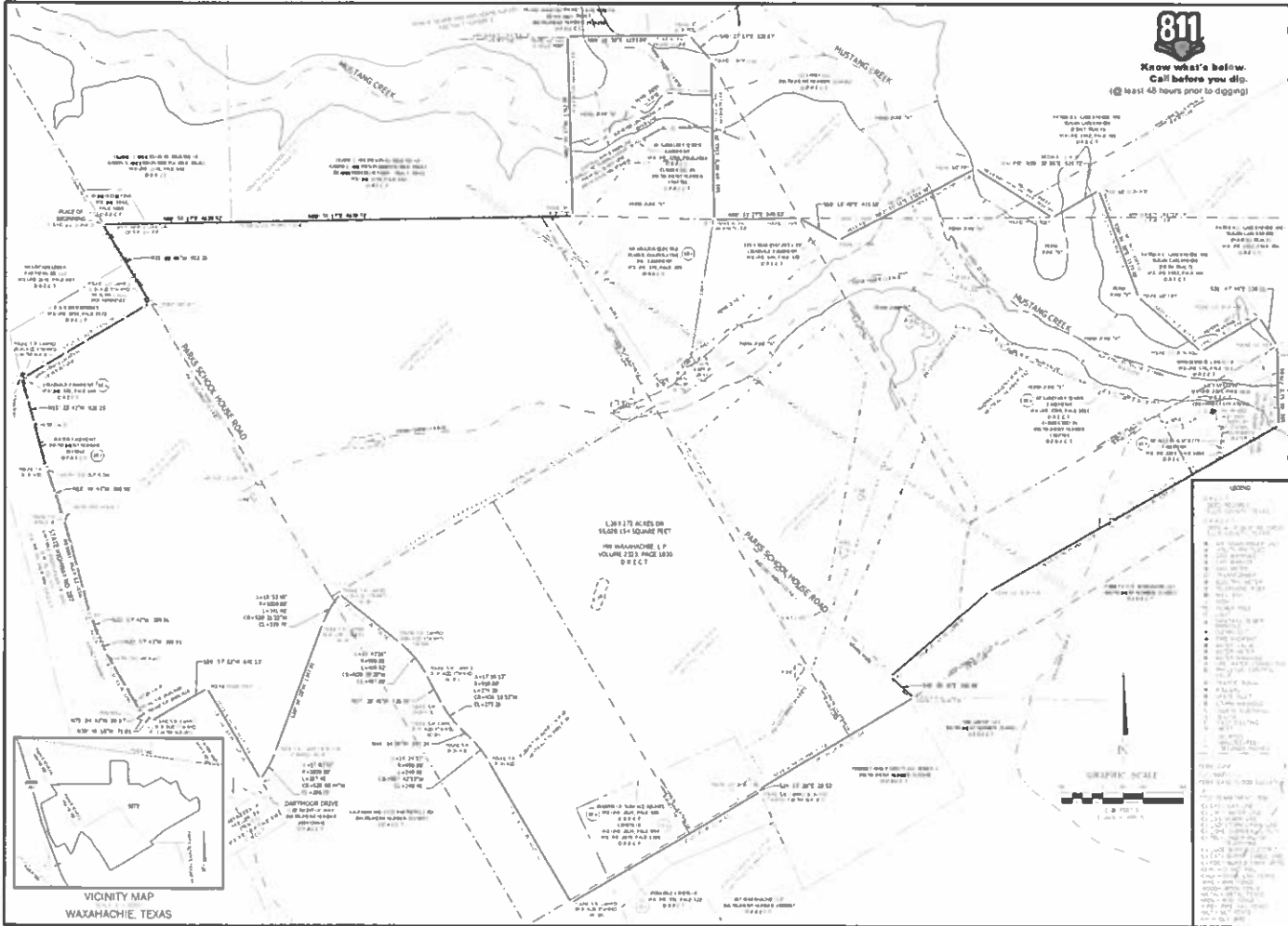
11. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
12. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
13. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
14. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
15. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
16. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
17. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
18. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
19. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.
20. The survey was made by reference to information shown on the heretofore additional records, and the same is subject to the same.

(5h)

**EXHIBIT B**

**DEPICTION OF THE PROPERTY**

(5h)



Know what's below.  
Call before you dig.  
(@ least 48 hours prior to digging)

**BANNISTER**  
ENGINEERING

PROJECT: Being 1.381276 acres in (S4, E21, E34) square (T1) of land  
out of the Bannister-Cable Survey, Abstract No. 216, Bannister, Johnson Survey,  
Survey, Abstract No. 180, Subject to Barry Survey, Abstract No. 97,  
Sals H. Child Survey, Abstract No. 171, Robinson & Williams Survey, Abstract No. 750  
in the City of Waxahachie, Tarrant County, Texas.

ALTA/NSPS  
LAND  
TITLE  
SURVEY

PROJECT NO.  
110 22 091  
SCALE 1" = 400'  
DATE BY  
ONE BY  
SHEET NUMBER  
1 OF 2

(5h)

**EXHIBIT C**

**CONCEPT PLAN**

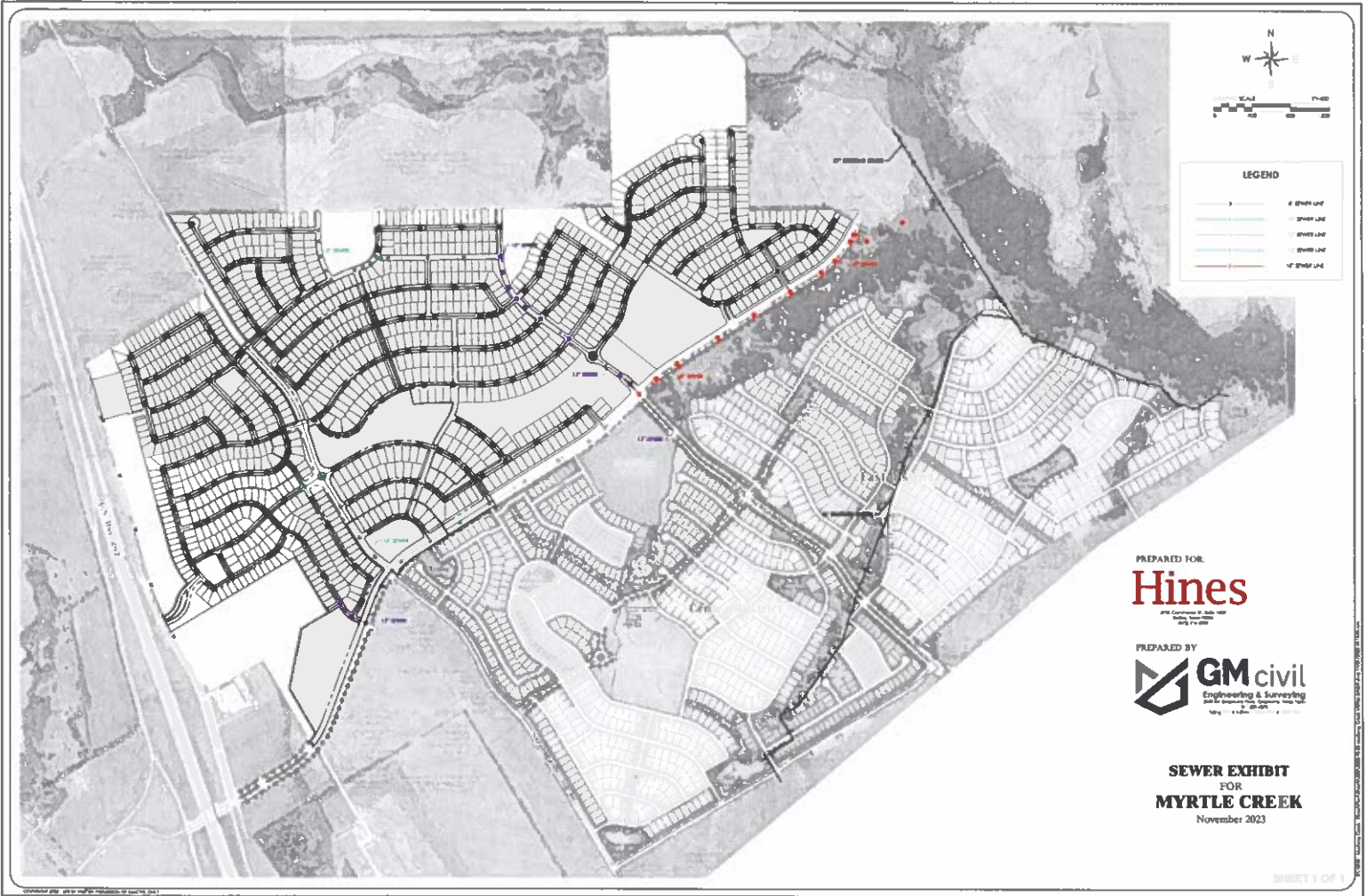


(5h)

**EXHIBIT D-1**

**MAP OF WASTEWATER IMPROVEMENTS – GENERAL**

(5h)



(5h)

EXHIBIT D-2

MAP OF WASTEWATER IMPROVEMENTS - 27" AND 33" PARALLEL SEWER LINE

(5h)

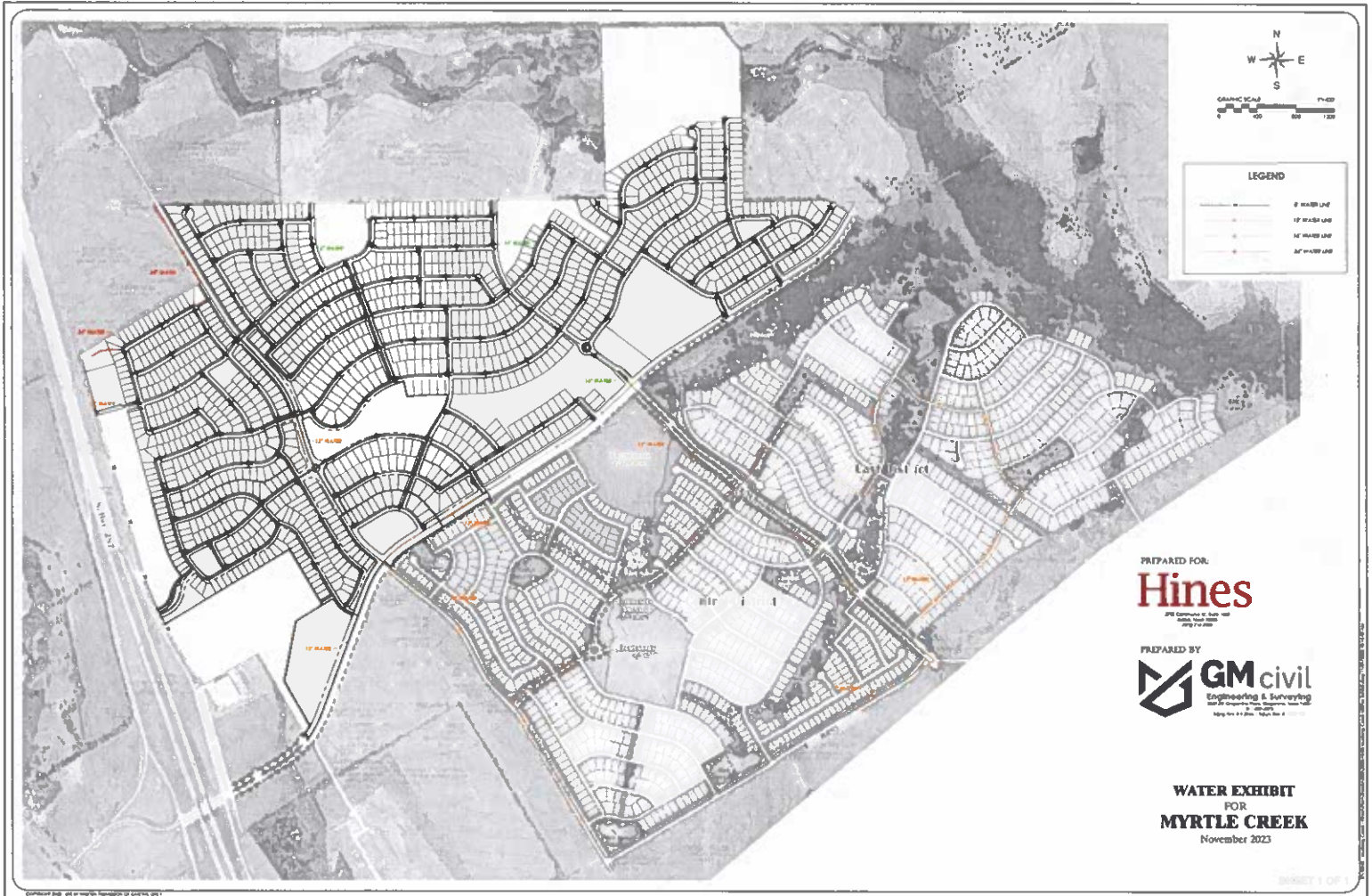


(5h)

**EXHIBIT E-1**

**MAP OF WATER IMPROVEMENTS – GENERAL**

(5h)

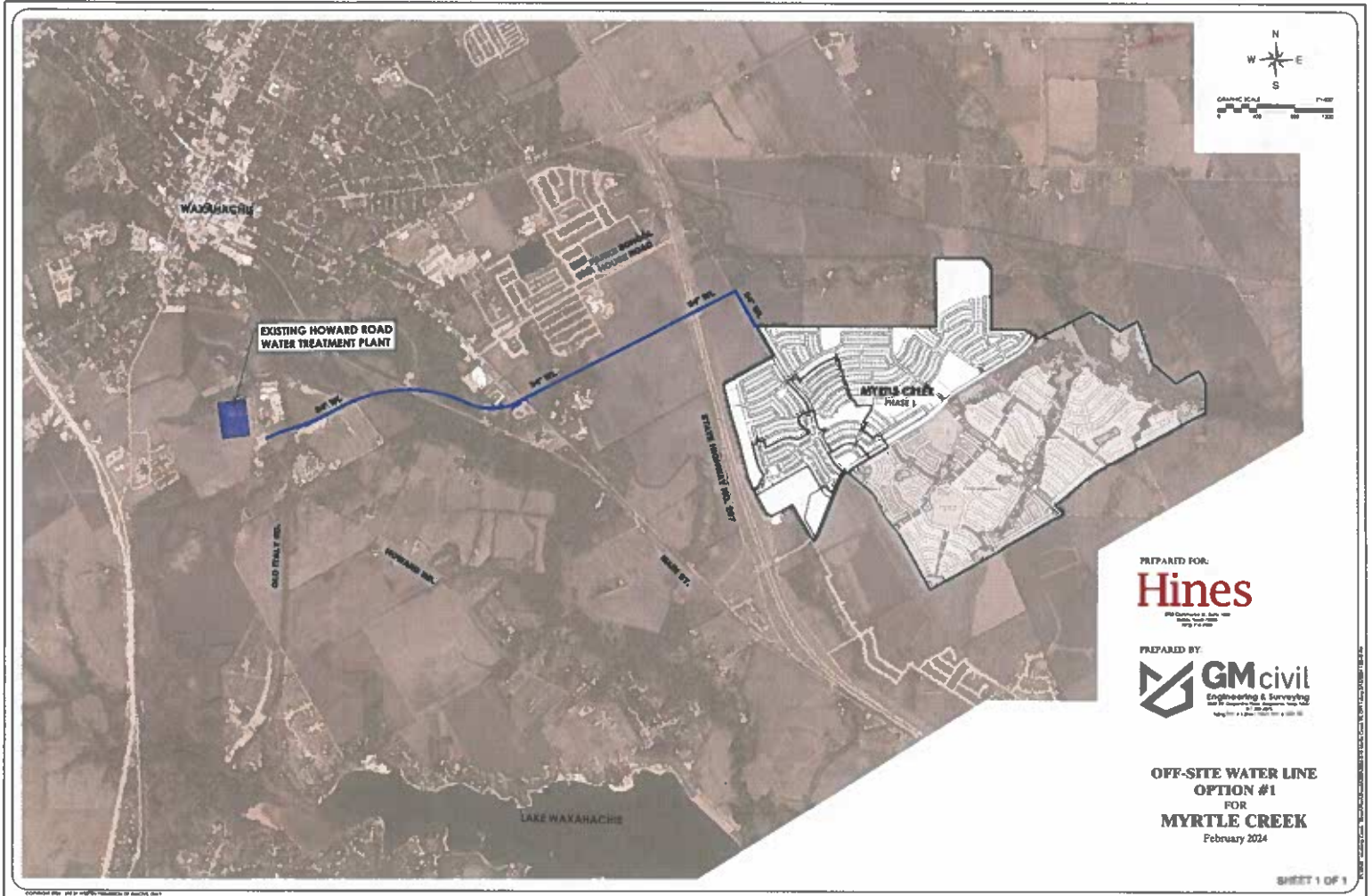


(5h)

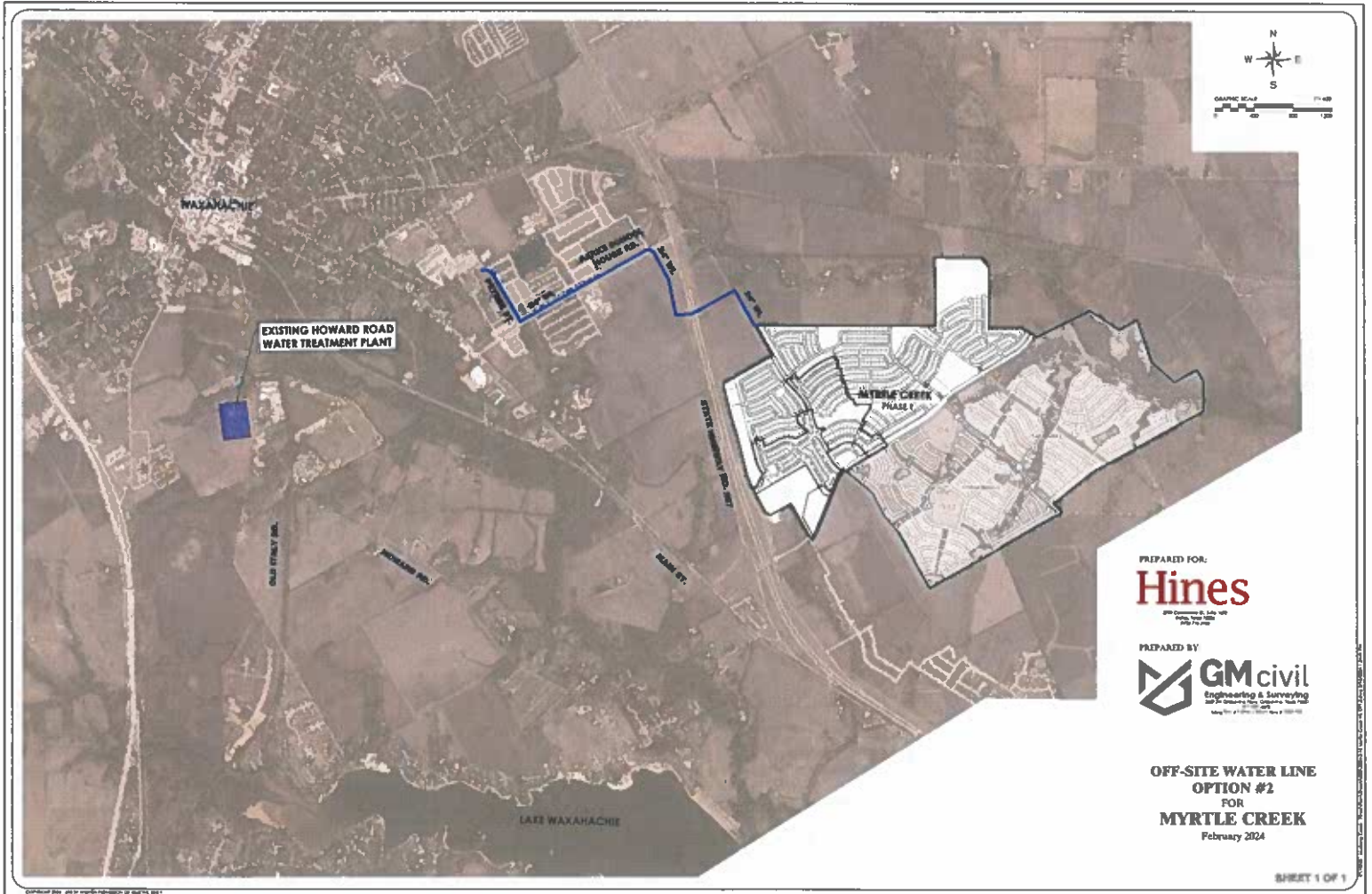
**EXHIBIT E-2**

**MAP OF WATER IMPROVEMENTS - 24" OFFSITE WATER LINE OPTIONS**

(5h)



(5h)



PREPARED FOR:  
**Hines**

PREPARED BY:  
**GMcivil**  
Engineering & Surveying  
2000 West 10th Street, Suite 100  
Midland, TX 79701  
Map No. 21-0001-0001 Rev. 2/2024

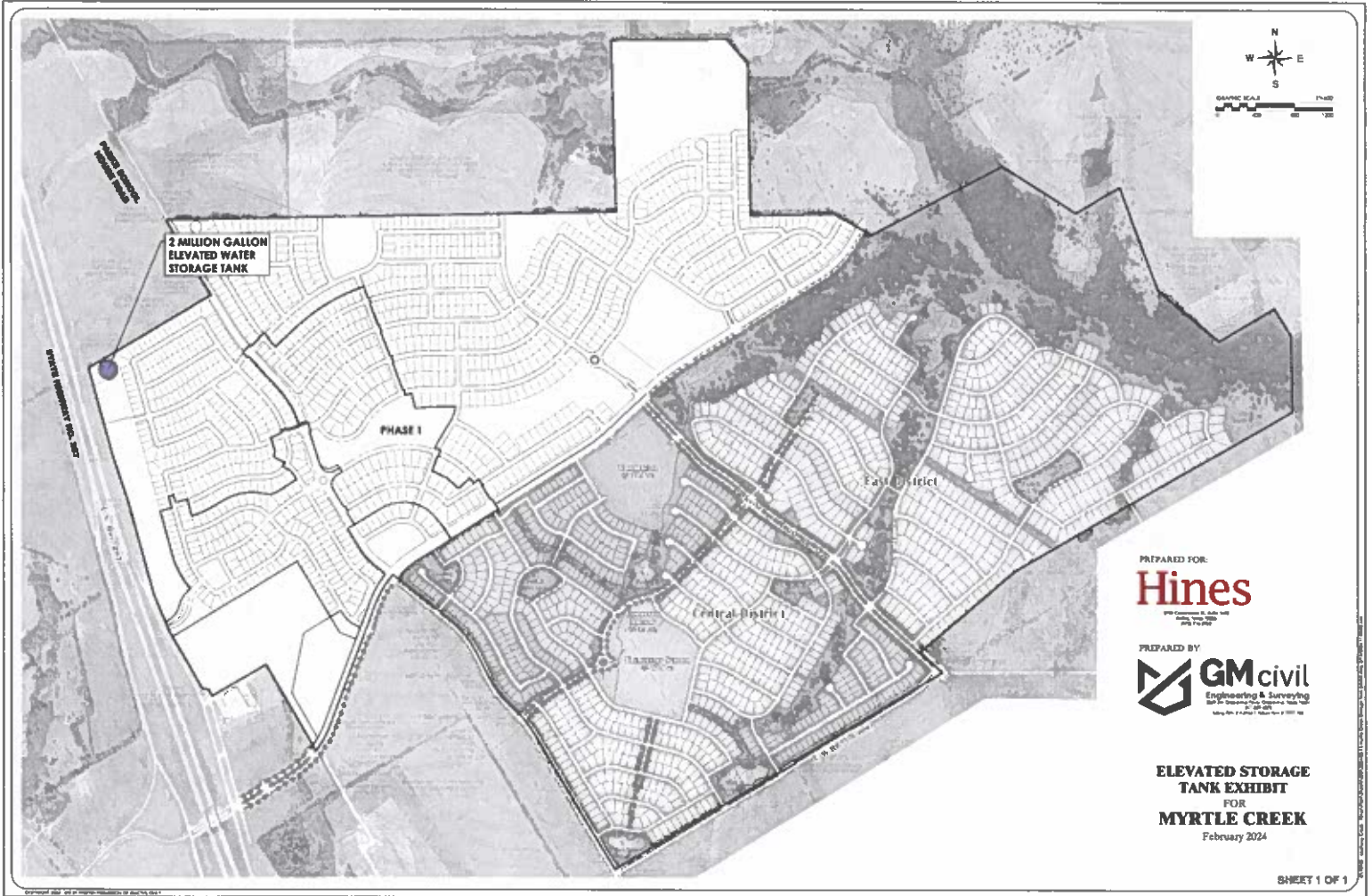
OFF-SITE WATER LINE  
OPTION #2  
FOR  
MYRTLE CREEK  
February 2024

(5h)

**EXHIBIT E-3**

**MAP OF WATER IMPROVEMENTS – ELEVATED STORAGE TANK**

(5h)



PREPARED FOR:  
**Hines**

PREPARED BY:  
**GMcivil**  
Engineering & Surveying  
200 W. Superior Way, Suite 200  
Medford, OR 97504

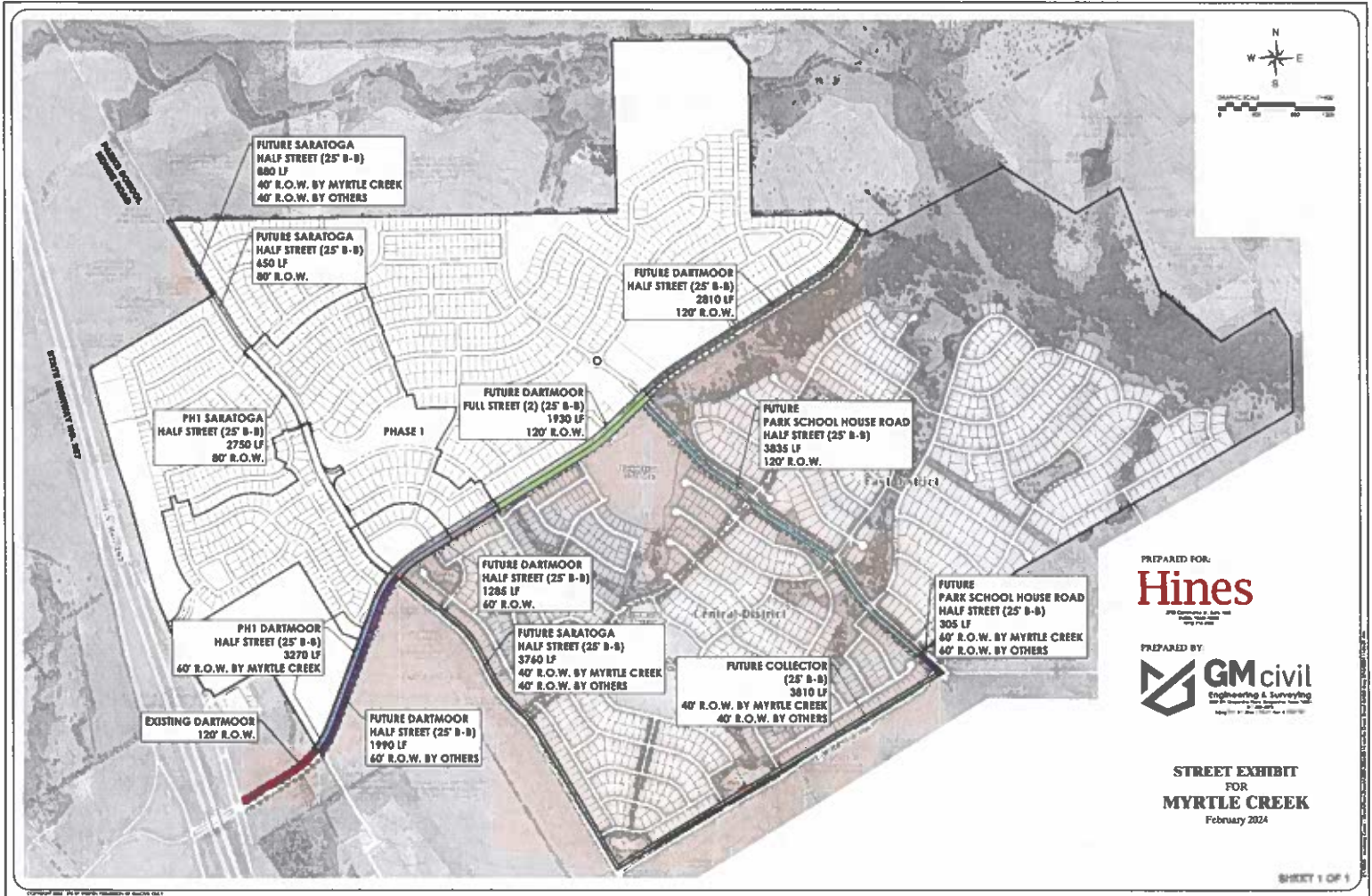
**ELEVATED STORAGE  
TANK EXHIBIT  
FOR  
MYRTLE CREEK**  
February 2024

(5h)

EXHIBIT F

MAP OF ROADWAY AND DRAINAGE IMPROVEMENTS

(5h)



(5h)

**EXHIBIT G**

**BUILDING MATERIALS AND ARCHITECTURAL STANDARDS**



## MYRTLE CREEK

### Building Materials and Architectural Standards

<b>Summary of PD Zoning Regulations</b>			
<b>Zoning Criteria</b>	<b>SF-1</b>	<b>SF-2</b>	<b>SF-3</b>
<b>LOT DIMENSIONS</b>			
Minimum Lot Area (Sq. Ft.)	12,500	8,000	6,600
Minimum Lot Width (Ft.)	80	70	60 <sup>1</sup>
Minimum Lot Depth (Ft.)	120	115	110
<b>SETBACKS</b>			
Minimum Front Setback (Ft.)	25	25	25
Minimum Rear Setback (Ft.)	15	15	15
Minimum Side Setback – Interior (Ft.)	10	8	7
Minimum Side Setback – Corner (Ft.)	20	15	15
Minimum Setback – Garage Opening (Ft.) <sup>2</sup>	20	20	20
<b>OTHER REGULATIONS</b>			
Maximum Height (Stories)	2	2	2
Maximum Lot Coverage (%)	35	35	35
Minimum Dwelling Area (Sq. Ft.)	2,200	1,600	1,200
Minimum Enclosed Parking Spaces	2	2	2
Minimum Masonry (%) <sup>3</sup>	75	75	75
Trees (3 inch caliper) <sup>4</sup>	2	2	2
Masonry Fence at side or rear yards adjacent to Arterial and Collector Streets	Yes	Yes	Yes
Landscape Buffer with 5 foot sidewalk and street trees adjacent to side and rear yards adjacent to Arterial and Collector Streets (Ft.)	10	10	10

<sup>1</sup> Lot width may be 55 feet, as measured at the front building line, on a cul-de-sac bulb. Section 40.2.D.

<sup>2</sup> Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage to the side property line for maneuvering.

<sup>3</sup> Total exterior walls above grade level roof overhang, excluding doors and windows, constructed of brick, stone, or material of equal characteristics. Section 34.2.A.1.a.

<sup>4</sup> Yellow highlight shows requirement exceeding minimum standards of City Zoning Ordinance.



(5h)

### **Masonry**

- Masonry defined as brick, stone, stucco, or material of equal characteristics.
- Siding defined as cementitious fiber, board and batten, or material of equal characteristics.
- Overall Masonry Requirement: 75% masonry, except over roof and architectural features.
- Front Elevation Masonry Requirement: 90% masonry, except over roof and architectural features.
- High Visibility Lots: Masonry requirements will be increased to 90% for any rear or side adjacent to an open space or thoroughfare.
- Accent Features (minimum two (2) required):
  - Awnings
  - Decorative Brick or Stone Pattern
  - Decorative Coach Light
  - Decorative Columns
  - Decorative Rood Vent
  - Dormers
  - Gables
  - Garage doors, two 8' doors
  - Porches
  - Shutters

### **Roof/Chimney**

- 6:12 side to side
- 330-year roof dimensional shingles or material of equal characteristics.
- Colors of chimney and roof to match base/accent of home or compliment roof color

### **Fencing**

- 6' cedar pickets-stained Olympic Semi-Solid Chestnut brown. Smooth side shall face all open spaces when applicable.
  - Three or four rail
  - Two by six cedar cap with four-inch trim
  - Six-inch kickboard
  - Metal posts
- Spruce fence with metal posts acceptable in non-public view areas
- 6' wrought iron when backing to open space, parks or trails. Ameristar Fence {Montage Plus Majestic 2/3 Rail} to be used, or or material of equal characteristics.

### **Trees**

- Two –3" caliper trees, in accordance with an approved City of Waxahachie tree list, shall be planted on each residential lot.
- 5-gallon evergreen shrubs shall be planted every 5 feet along wrought iron fences

### **Garage**

- Carriage-style hardware required



(5h)

**Mailboxes**

- Cluster mailboxes will be installed in community by the Developer

**Monotony:**

- At least three intervening homes shall be required between homes with identical front elevations along the same side of the street and the opposite side of the street.
- At least one intervening home shall be required between homes with identical plans along the same side of the street and the opposite side of the street.
- Additional variations shall be provided to the architectural styles of each home to include number of stories, roof types and pitch, use of bay windows, use of building materials, window types and reveals and donners to create design diversity to the front facades contained within a block as determined by the builder with the goal being diversification.



(5h)

**EXHIBIT H**

**CITY TCEQ CONSENT RESOLUTION**

[Attached]

(5h)



**CERTIFICATE OF CITY SECRETARY**

**STATE OF TEXAS** §  
**CITY OF WAXAHACHIE** §

I, Amber Villarreal, City Secretary of the City of Waxahachie, Texas, hereby certify that the attached Resolution No. 1359, Granting Conditional Consent to the Creation of the Myrtle Creek Municipal Management District No. 1 of Ellis County and the inclusion of 1,263.272 acres of land into said District, is a true and correct copy adopted by the City Council of the City of Waxahachie, Texas, on 19<sup>th</sup> day of February, 2024.

To certify which, witness my hand and seal of office this 7<sup>th</sup> day of March, 2024.



Amber Villarreal  
Amber Villarreal, City Secretary  
City of Waxahachie

(5h)

**CITY OF WAXAHACHIE, TEXAS**

**RESOLUTION NO. 1359**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, GRANTING CONDITIONAL CONSENT TO THE CREATION OF THE MYRTLE CREEK MUNICIPAL MANAGEMENT DISTRICT NO. 1 OF ELLIS COUNTY AND THE INCLUSION OF 1,263.272 ACRES OF LAND INTO SAID DISTRICT; MAKING FINDINGS RELATED THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Waxahachie, Texas (the "City"), a home rule municipality created under the laws of the State of Texas, received a request for consent from Hines Acquisitions, LLC ("Hines") to the creation of the Myrtle Creek Municipal Management District No. 1 of Ellis County (the "District") encompassing 1,263.272 acres as more particularly described in Exhibit A, attached hereto and incorporated by reference; and

**WHEREAS**, the District will be created and organized pursuant to Article XVI, Section 59 and Article III, Section 52, of the Texas Constitution and Chapter 375 of the Texas Local Government Code, as amended; and

**WHEREAS**, Chapter 375 of the Texas Local Government Code provides that land within a city or its extraterritorial jurisdiction may not be included within a municipal management district with such city's consent; and

**WHEREAS**, the City wishes to evidence its conditional support and consent for the creation of the District within the City's corporate limits, subject to the terms of a Development Agreement to be negotiated between the City and the landowners (the "Development Agreement") and the terms of this Resolution.

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

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

**Section 2.** The City Council of the City (the "City Council") hereby grants its conditional support and consent for the creation of a district operating pursuant to Article XVI, Section 59 and Article III, Section 52, Texas Constitution and Chapter 375, Texas Local Government Code, as amended, within its corporate limits and the inclusion in the District of land described more fully in Exhibit A, and the City Manager of the City is hereby authorized to execute any documents necessary to effectuate this Resolution.

**Section 3.** The City Council further states that it has not relinquished any rights, duties or powers relating to the inclusion of the District within its corporate limits, and specifically its zoning authority.

(5h)

**Section 4.** The City Council further states that this Resolution is provided subject to and in reliance upon the terms of a Development Agreement, which may be entered into between the City and the landowners within the District. The District shall execute a joinder and become a party to the Development Agreement. The City does not consent to the organization of the District, election, or issuance of bonds from any revenue available to the District until the Development Agreement is executed, if at all, and this consent further requires the Texas Commission on Environmental Quality's order under Section 375.026 of the Act to contain a provision whereby the District, if created, shall be automatically dissolved without further action by the City if a Development Agreement is not approved and executed by the City on or before one hundred and eighty (180) days after the date of adoption of this Resolution.

**Section 5.** The City Council hereby finds and determines that sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted as a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Texas Open Meetings Act, contained in Chapter 551 of the Texas Government Code, as amended, and that this meeting was open to the public and the subject matter of this Resolution and its contents have been discussed, considered and formally acted upon by the City Council. Further, the City Council ratifies, approves and confirms such written notice and the contents and posting thereof, and the foregoing fully complied with all applicable law.

**Section 6.** This Resolution shall be effective from and after its passage by the City Council.

**PASSED AND APPROVED** by the City Council of the City of Waxahachie, Texas the 19<sup>th</sup> day of February, 2024.



David Hill, Mayor

**ATTEST:**

Amber Villarreal, City Secretary

**APPROVED AS TO FORM:**

Terrence S. Welch, City Attorney

(5h)

**EXHIBIT A**  
**(Legal Description of Property to be included in the District)**

(5h)

Exhibit "A"

**LEGAL LAND DESCRIPTION:**

BEING 1,263.272 acres or (55,028,154 square feet) of land in the Benjamin Collier Survey, Abstract No. 216, Jonathan. Johnson Survey, Abstract No. 557, George Carpenter Survey, Abstract No. 190, Christopher Bedwell Survey, Abstract No. 94, Robert M. Berry Survey, Abstract No. 96, Robert M. Berry Survey, Abstract No. 97, Salis M. Duritt Survey, Abstract No. 272, McKinney & Williams Survey, Abstract No. 750 and Guadalupe Garcia Survey, Abstract No. 418, City of Waxahachie, Ellis County, Texas; said 1,263.272 acres or (55,028,154 square feet) of land being all of that certain tract of land described in a Special Warranty Deed to HW Waxahachie, L.P. (hereinafter referred to as HW Waxahachie tract), as recorded in Volume 2323, Page 1830, Deed Records, Ellis County, Texas (D.R.E.C.T.) ; said 1,263.272 acres or (55,028,154 square feet) of land being more particularly described, by metes and bounds, as follows:

**BEGINNING** at a one-half inch iron rod found for the Northwesterly corner of said HW Waxahachie tract, same being the Southwest corner of that certain tract of land described in a Warranty Deed to Romeo Cortina (hereinafter referred to as Cortina tract), as recorded in Volume 1842, Page 1018, D.R.E.C.T., same being the Northeasterly line of that certain tract of land described in a Warranty Deed to Mountain Creek Partners III, LLC (hereinafter referred to as Mountain Creek Partners III tract), as recorded in Volume 2146, Page 683, D.R.E.C.T., same also being in Parks School House Road;

**THENCE** North 88 degrees 56 minutes 17 seconds East, departing the Northeasterly line of said Mountain Creek Partners III tract and departing said Parks School House Road, with the common line between said HW Waxahachie tract and said Cortina tract and with the common line between said Benjamin Collier Survey, Abstract Number 216 and said Jonathan Johnson Survey, Abstract Number 557, pass at a distance of 1267.36 feet, the Southeast corner of said Cortina tract, same being the Southerly Southwest corner of that certain tract of land described in a General Warranty Deed to Duane J. Anderson as Trustee of the Karen S. Anderson Irrevocable Trust (hereinafter referred to as Anderson tract), as recorded in Volume 2778, Page 642, D.R.E.C.T., continue with said course, with the common line between said HW Waxahachie tract and said Anderson tract and with the common line between said Benjamin Collier Survey, Abstract Number 216 and said Jonathan Johnson Survey, Abstract Number 557 for a total distance of 4630.52 feet to a one-half inch iron rod found for corner, same being the Southeast corner of said Anderson tract;

**THENCE** North 01 degree 35 minutes 37 seconds West, continue with the common line between said HW Waxahachie tract and said Anderson tract, a distance of 1762.38 feet to a 60D nail found in fence post for corner, same being the Northeast corner of said Anderson tract, same being the South line of that certain tract of land described in a deed to McCullough Raymond A & Beverly B Revocable Trust (hereinafter referred to as McCullough tract), as recorded in Instrument Number 1924295, Official Public Records, Ellis County, Texas (O.P.R.E.C.T.);

**THENCE** North 89 degrees 18 minutes 50 seconds East with the common line between said HW Waxahachie tract and said McCullough tract and with the common line between said Jonathan Johnson Survey, Abstract Number 557 and said John B. Adams and Ann Adams Survey, Abstract Number 5, pass at a distance of 796.13 feet, the Southeast corner of said McCullough tract, same being the Westerly Southwest corner of that certain tract of land described in a deed to S2 Land, LLC (hereinafter referred to as S2 Land tract), as recorded in Instrument Number 2134332, O.P.R.E.C.T., continue with said course, with the common line between said HW Waxahachie tract and said S2 Land tract, continue with the

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common line between said Jonathan Johnson Survey, Abstract Number 557 and said John B. Adams and Ann Adams Survey, Abstract Number 5 for a total distance of 1193.80 feet to a one inch iron rod found for corner;

**THENCE** South 40 degrees 27 minutes 17 seconds East, continue with the common line between said HW Waxahachie tract and said S2 Land tract and with the common line between said Jonathan Johnson Survey, Abstract Number 557 and said Mckinney & Williams Survey, Abstract Number 750, a distance of 328.87 feet to a one inch iron rod found for corner;

**THENCE** South 01 degree 04 minutes 08 seconds East, continue with the common line between said HW Waxahachie tract and said S2 Land tract, a distance of 1561.39 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for corner;

**THENCE** North 88 degrees 53 minutes 27 seconds East, continue with the common line between said HW Waxahachie tract and said S2 Land tract and with the common line between said Benjamin Collier Survey, Abstract Number 216 and said Jonathan Johnson Survey, Abstract Number 557, a distance of 849.03 feet to a two inch pipe found for corner;

**THENCE** South 60 degrees 18 minutes 40 seconds East, continue with the common line between said HW Waxahachie tract and said S2 Land tract, a distance of 435.58 feet to a one-half inch pipe found for corner;

**THENCE** North 62 degrees 17 minutes 51 seconds East, continue with the common line between said HW Waxahachie tract and said S2 Land tract, a distance of 1518.59 feet to a one-half inch pipe found for corner, same being the Southeasterly corner of said Jenkins tract, same being the Southwesterly line of that certain tract of land described as First Tract in a Quitclaim Deed to Patrick L. Gardenhire and Susan Gardenhire (hereinafter referred to as First Tract), as recorded in Volume 1902, Page 406, D.R.E.C.T.;

**THENCE** South 57 degrees 35 minutes 20 seconds East with the common line between said HW Waxahachie tract and said First Tract, a distance of 894.39 feet to a fence post found for corner;

**THENCE** North 59 degrees 30 minutes 05 seconds East, continue with the common line between said HW Waxahachie tract and said First Tract, a distance of 525.72 feet to a one half inch iron rod found for corner, same being the Northwesterly corner of that certain tract of land described as Fifth Tract in a Quitclaim Deed to Patrick L. Gardenhire and Susan Gardenhire (hereinafter referred to as Fifth Tract), as recorded in Volume 1902, Page 406, D.R.E.C.T.;

**THENCE** South 20 degrees 34 minutes 20 seconds East with the common line between said HW Waxahachie tract and said Fifth Tract, a distance of 1123.80 feet to a one half inch pipe found for corner;

**THENCE** South 49 degrees 41 minutes 20 seconds East, continue with the common line between said HW Waxahachie tract and said Fifth Tract, a distance of 815.94 feet to a one half inch iron rod found for corner;

**THENCE** North 59 degrees 02 minutes 40 seconds East, continue with the common line between said HW Waxahachie tract and said Fifth Tract, a distance of 656.09 feet to a one half inch iron rod found for corner, same being the Southeasterly corner of said Fifth Tract, same being the Southwesterly line of that certain tract of land described as Fourth Tract in a Quitclaim Deed to Patrick L. Gardenhire and

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Susan Gardenhire (hereinafter referred to as Fourth Tract), as recorded in Volume 1902, Page 406, D.R.E.C.T.;

**THENCE** South 31 degrees 47 minutes 44 seconds East with the common line between said HW Waxahachie tract and said Fourth Tract, a distance of 330.31 feet to a one-half inch pipe found for corner, same being the Southwesterly corner of said Fourth Tract, same being the Northerly Northwest corner of that certain tract of land described in a deed to Park Estate Waxahachie, LLC (hereinafter referred to as Park Estate Waxahachie tract), as recorded in Instrument Number 2144814, O.P.R.E.C.T.;

**THENCE** South 01 degree 00 minutes 52 seconds East with the common line between said HW Waxahachie tract and said Park Estate Waxahachie tract, a distance of 779.01 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for corner;

**THENCE** South 60 degrees 02 minutes 05 seconds West, continue with the common line between said HW Waxahachie tract and said Park Estate Waxahachie tract, a distance of 3285.16 feet to a one-half inch iron rod found for corner;

**THENCE** South 49 degrees 20 minutes 43 seconds West, continue with the common line between said HW Waxahachie tract and said Park Estate Waxahachie tract, a distance of 1288.90 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for corner in the aforesaid Parks School House Road;

**THENCE** South 48 degrees 00 minutes 30 seconds East, continue with the common line between said HW Waxahachie tract and said Park Estate Waxahachie tract and with said Parks School House Road, a distance of 308.90 feet to a one-half inch iron rod found for corner, same being the Northwesterly corner of that certain tract of land described in a deed to SRK Group, LLC (hereinafter referred to as SRK Group tract), as recorded in Instrument Number 2144811, O.P.R.E.C.T.;

**THENCE** South 58 degrees 59 minutes 04 seconds West, departing said Parks School House Road, continue with the common line between said HW Waxahachie tract and said SRK Group tract, pass at a distance of 45.34 feet, a Northwesterly corner of said SRK Group tract, same being the Northerly corner of that certain tract of land described in a deed to Ferris Family Assets LLC Series 1 (hereinafter referred to as Ferris Family Assets tract), as recorded in Instrument Number 2130548, O.P.R.E.C.T., continue with said course, with the common line between said HW Waxahachie tract and said Ferris Family Assets tract for a total distance of 1767.64 feet to a one-half inch iron rod found for corner, same being the Northwesterly corner of said Ferris Family Assets tract;

**THENCE** South 24 degrees 19 minutes 20 seconds East, continue with the common line between said HW Waxahachie tract and said Ferris Family Assets tract, a distance of 25.53 feet to a five-eighths inch iron rod with plastic cap stamped "CARTER BURGESS" found for corner, same being the Easterly Northeast corner of that certain tract of land described in a General Warranty Deed to 287 Waxahachie, LP (hereinafter referred to as 287 Waxahachie tract), as recorded in Instrument Number 1808887, O.P.R.E.C.T.;

**THENCE** South 59 degrees 29 minutes 35 seconds West, departing the Southwesterly line of said Ferris Family Assets tract, with the common line between said HW Waxahachie tract and said 287 Waxahachie tract, a distance of 2156.82 feet to a five-eighths inch iron rod with plastic cap stamped "JACOBS" found for corner;

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**THENCE** North 30 degrees 30 minutes 07 seconds West, continue with the common line between said HW Waxahachie tract and said 287 Waxahachie tract, a distance of 1625.70 feet to a five-eighths inch iron rod found for corner, same being the beginning of a curve to the left, whose long chord bears North 37 degrees 42 minutes 33 seconds West, a distance of 248.41 feet;

**THENCE** Northwesterly, continue with the common line between said HW Waxahachie tract and said 287 Waxahachie tract, with said curve to the left having a radius of 990.00 feet, through a central angle of 14 degrees 24 minutes 52 seconds, for an arc distance of 249.06 feet to a five-eighths inch iron rod found for corner;

**THENCE** North 44 degrees 54 minutes 59 seconds West, continue with the common line between said HW Waxahachie tract and said 287 Waxahachie tract, a distance of 191.24 feet to a five-eighths inch iron rod with plastic cap stamped "JACOBS" found for corner, same being the beginning of a curve to the right, whose long chord bears North 36 degrees 16 minutes 53 seconds West, a distance of 273.26 feet;

**THENCE** Northwesterly, continue with the common line between said HW Waxahachie tract and said 287 Waxahachie tract, with said curve to the right having a radius of 910.00 feet, through a central angle of 17 degrees 16 minutes 13 seconds, for an arc distance of 274.30 feet to a five-eighths inch iron rod found for corner;

**THENCE** North 27 degrees 38 minutes 46 seconds West, continue with the common line between said HW Waxahachie tract and said 287 Waxahachie tract, a distance of 326.32 feet to a five-eighths inch iron rod with plastic cap stamped "JACOBS" found for corner, same being the beginning of a curve to the left, whose long chord bears North 39 degrees 30 minutes 29 seconds West, a distance of 407.00 feet;

**THENCE** Northwesterly, continue with the common line between said HW Waxahachie tract and said 287 Waxahachie tract, with said curve to the left having a radius of 990.00 feet, through a central angle of 23 degrees 43 minutes 26 seconds, for an arc distance of 409.92 feet to a five-eighths inch iron rod with plastic cap stamped "JACOBS" found for corner;

**THENCE** North 51 degrees 22 minutes 12 seconds West, continue with the common line between said HW Waxahachie tract and said 287 Waxahachie tract, a distance of 758.66 feet to a five-eighths inch iron rod with plastic cap stamped "JACOBS" found for corner, same being the beginning of a non tangent curve to the left, whose long chord bears South 30 degrees 21 minutes 22 seconds West, a distance of 339.79 feet;

**THENCE** Southwesterly, continue with the common line between said HW Waxahachie tract and said 287 Waxahachie tract, with said non-tangent curve to the left having a radius of 1000.00 feet, through a central angle of 19 degrees 33 minutes 48 seconds, for an arc distance of 341.45 feet to a five-eighths inch iron rod with plastic cap stamped "JACOBS" found for corner;

**THENCE** South 20 degrees 34 minutes 28 seconds West, continue with the common line between said HW Waxahachie tract and said 287 Waxahachie tract, a distance of 1347.81 feet to a five-eighths inch iron rod with plastic cap stamped "JACOBS" found for corner, same being the beginning of a curve to the right, whose long chord bears South 29 degrees 05 minutes 44 seconds West, a distance of 296.35 feet;

**THENCE** Southwesterly, continue with the common line between said HW Waxahachie tract and said 287 Waxahachie tract, with said curve to the right having a radius of 1000.00 feet, through a central

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angle of 17 degrees 02 minutes 32 seconds, for an arc distance of 297.45 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for corner, same being the Northeasterly line of that certain tract of land described as Tract I in a Warranty Deed to Mueller, Inc. (hereinafter referred to as Tract I), as recorded in Volume 1604, Page 919, D.R.E.C.T.;

**THENCE** North 30 degrees 02 minutes 33 seconds West with the common line between said HW Waxahachie tract and said Tract I, a distance of 1026.16 feet to a fence post found for corner, same being the Northerly corner of said Tract I;

**THENCE** South 59 degrees 57 minutes 52 seconds West, continue with the common line between said HW Waxahachie tract and said Tract I, a distance of 640.13 feet to a five-eighths inch iron rod with plastic cap stamped "CARTER BURGESS" found for corner, same being the Southwesterly corner of said HW Waxahachie tract, same being the existing Northeasterly right-of-way line of State Highway No. 287 (variable width right-of-way), as recorded in Volume 531, Page 668, D.R.E.C.T.

**THENCE** North 30 degrees 40 minutes 10 seconds West, departing the Northwesterly line of said Tract I, with the common line between said HW Waxahachie tract and the existing Northeasterly right-of-way line of said State Highway No. 287, a distance of 71.01 feet to a five-eighths inch iron rod found for corner;

**THENCE** North 75 degrees 04 minutes 43 seconds West, continue with the common line between said HW Waxahachie tract and the existing Northeasterly right-of-way line of said State Highway No. 287, a distance of 69.97 feet to a five-eighths inch iron rod found for corner;

**THENCE** North 30 degrees 09 minutes 43 seconds West, continue with the common line between said HW Waxahachie tract and the existing Northeasterly right-of-way line of said State Highway No. 287, a distance of 688.10 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for corner;

**THENCE** North 22 degrees 57 minutes 43 seconds West, continue with the common line between said HW Waxahachie tract and the existing Northeasterly right-of-way line of said State Highway No. 287, a distance of 389.91 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for corner;

**THENCE** North 15 degrees 23 minutes 43 seconds West, continue with the common line between said HW Waxahachie tract and the existing Northeasterly right-of-way line of said State Highway No. 287, a distance of 1000.00 feet to a five-eighths inch iron rod found for corner;

**THENCE** North 18 degrees 49 minutes 43 seconds West, continue with the common line between said HW Waxahachie tract and the existing Northeasterly right-of-way line of said State Highway No. 287, a distance of 500.90 feet to a five-eighths inch iron rod found for corner;

**THENCE** North 15 degrees 23 minutes 43 seconds West, continue with the common line between said HW Waxahachie tract and the existing Northeasterly right-of-way line of said State Highway No. 287, a distance of 928.25 feet to a five-eighths inch iron rod with plastic cap stamped "CARTER BURGESS" found for corner, same being the Southwesterly corner of that certain tract of land described in a Warranty Deed with Vendor's Lien to E & B Enterprises (hereinafter referred to as E & B Enterprises tract), as recorded in Volume 2194, Page 2172, D.R.E.C.T.;

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**THENCE** North 59 degrees 20 minutes 49 seconds East, departing the existing Northeasterly right-of-way line of said State Highway No. 287, with the common line between said HW Waxahachie tract and said E & B Enterprises tract, pass at a distance of 1464.76 feet, a one-half inch iron rod with plastic cap stamped "WLSC RPLS 5531" found for reference, continue with said course, continue with the common line between said HW Waxahachie tract and said E & B Enterprises tract for a total distance of 1474.78 feet to a point for corner, same being the Southeasterly corner of said E & B Enterprises tract;

**THENCE** North 31 degrees 08 minutes 49 seconds West, continue with the common line between said HW Waxahachie tract and said E & B Enterprises tract, a distance of 902.26 feet to the **PLACE OF BEGINNING**, and containing a calculated area of 1,263.272 acres or (55,028,154 square feet) of land.





(5h)

**EXHIBIT I**

**FORM OF MMD JOINDER AGREEMENT**

**JOINDER AGREEMENT**

THIS JOINDER AGREEMENT (the "Joinder Agreement"), dated as of \_\_\_\_\_, 20\_\_, is executed by MYRTLE CREEK MUNICIPAL MANAGEMENT DISTRICT NO. 1 ("District"), in connection with that certain Myrtle Creek Development Agreement (the "Development Agreement") entered into by and between the CITY OF WAXAHACHIE, TEXAS, a home-rule municipality (the "City"), and HT US 287 OWNER LP, a Texas limited partnership, dated effective as of \_\_\_\_\_, 2024. Capitalized terms used herein but not otherwise defined herein shall have the definitions provided in the Development Agreement.

In accordance with Section \_\_\_ of the Development Agreement, a copy of which is attached hereto as Exhibit "A" and incorporated herein for all purposes, the District executes this Joinder Agreement in order to become a Party to the Development Agreement. Accordingly, the District hereby agrees as follows with City and the Developer:

1. The District acknowledges and confirms that it has received a copy of the Development Agreement and the schedules and exhibits thereto.

2. The District hereby acknowledges, agrees, and confirms that, by its execution of this Joinder Agreement, the District shall automatically be deemed to be a Party to the Development Agreement, and shall have all of the rights and obligations of the District with regard to property within the District thereunder as if it had originally executed the Development Agreement. The District hereby ratifies, as of the date hereof, and agrees to be bound by all of the terms, provisions and conditions contained in the Development Agreement applicable to it to the same effect as if it were an original Party thereto.

3. This Joinder Agreement shall be governed by and construed and interpreted in accordance with the laws of the State of Texas, and exclusive venue shall lie in Ellis County, Texas.

IN WITNESS WHEREOF, the District has caused this Joinder Agreement to be duly executed by its authorized officer as of the day and year first above written.

[Signature page to follow.]

(5h)

MYRTLE CREEK MUNICIPAL  
MANAGEMENT DISTRICT NO. 1

By: \_\_\_\_\_  
Name:  
Its: President

ATTEST:

By: \_\_\_\_\_  
Secretary

STATE OF TEXAS                   §  
  §  
COUNTY OF \_\_\_\_\_       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by  
\_\_\_\_\_, President of Myrtle Creek Municipal Management District No. 1, on behalf of said  
district.

\_\_\_\_\_  
Notary Public, State of Texas

(SEAL)

\_\_\_\_\_  
Name printed or typed

(5h)

**EXHIBIT J**

**MMD INITIAL CAPITAL IMPROVEMENTS PLAN**

FIVE YEAR CAPITAL IMPROVEMENT PLAN (5h)

Project: Myrtle Creek  
 Date: March 15, 2024  
 Location: Waxahachie, TX  
 Job No. 10960  
 Page: 1 of 3

# Hines

**Estimated Development Costs**

Lot Size	# lots	\$/Lot	Average \$/Lot
60' x 125'	450	\$60,000	\$75,635.03
64' x 125'	185	\$64,000	
71' x 125'	637	\$71,000	Annual \$ Increase
80' x 157'	435	\$80,000	3.00%
<b>Total</b>	<b>1,707</b>		

Public Parks, Landscaping, & Trails \$6,000

Phase	In Parcel Cost	
	Lots	Cost
1	307	\$23,219,955
2	350	\$27,266,429
3	350	\$28,084,422
4	350	\$28,926,955
5	350	\$29,794,763

<b>Subtotal In Parcel Cost</b>	<b>\$137,292,524</b>
Engineering, Surveying, & Testing (15%)	\$20,593,879
20% Contingency	\$27,458,505
<b>Total In Parcel Cost</b>	<b>\$185,344,907</b>

This Engineer's opinion of probable construction cost is made on the basis of the Engineer's experience and best judgement as a design professional. It must be recognized that any evaluation of work to be performed to construct this project must by necessity be speculative in nature until completion of its actual detailed design. In addition the engineer has no control over the cost of labor, material, or services to be furnished by others or over market conditions. Accordingly GMcivil can not guarantee that actual costs will not vary from the opinions expressed herein.



FIVE YEAR CAPITAL IMPROVEMENT PLAN (5h)

Project: Myrtle Creek  
 Date: March 15, 2024  
 Location: Waxahachie, TX  
 Job No. 10960  
 Page: 2 of 3

# Hines

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**Estimated Development Cost**

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<b>Major Thoroughfares</b>				
(grading, paving, drainage, lighting)				
Roadway	LF	\$/LF	Cost	Notes
Ph.1 Dartmoor	4,220	\$475	\$2,004,500	Half Street
Future Dartmoor	1,285	\$475	\$610,375	Half Street
Future Dartmoor	4,740	\$725	\$3,436,500	Full Street
Future Dartmoor	1,990	\$475	\$945,250	Half Street
Subtotal			\$6,996,625	
Ph.1 Saratoga	2,750	\$625	\$1,718,750	Half Street
Future Saratoga	1,560	\$625	\$975,000	Half Street
Future Saratoga	3,760	\$625	\$2,350,000	Half Street
Subtotal			\$5,043,750	
Fut. Park School House	4,170	\$475	\$1,980,750	Half Street
Fut. South Collector	3,810	\$475	\$1,809,750	Half Street
<b>Subtotal Major Thoroughfares</b>			<b>\$15,830,875</b>	
Engineering, Surveying, & Testing (15%)			\$2,374,631	
20% Contingency			\$3,166,175	
<b>Total Major Thoroughfares</b>			<b>\$21,371,681</b>	

This Engineer's opinion of probable construction cost is made on the basis of the Engineer's experience and best judgement as a design professional. It must be recognized that any evaluation of work to be performed to construct this project must by necessity be speculative in nature until completion of its actual detailed design. In addition the engineer has no control over the cost of labor, material, or services to be furnished by others or over market conditions. Accordingly GMcivil can not guarantee that actual costs will not vary from the opinions expressed herein.



FIVE YEAR CAPITAL IMPROVEMENT PLAN (5h)

Project: Myrtle Creek  
Date: March 15, 2024  
Location: Waxahachie, TX  
Job No. 10960  
Page: 3 of 3

# Hines

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**Estimated Development Cost**

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**Major Sanitary Sewer Improvements**

	<b>Cost</b>
Parallel 27" & 33" Sanitary Sewer Line (\$650/LF)	\$2,470,000
<b>Subtotal Major Sanitary Sewer</b>	<b>\$2,470,000</b>
Engineering, Surveying, & Testing	\$370,500
20% Contingency	\$494,000
<b>Total Major Sanitary Sewer</b>	<b>\$3,334,500</b>

**Major Water Improvements**

	<b>Cost</b>
Ph.1 - 16" Transmission Mains & 12" Water Lines	\$6,885,500
Ph.2 - 2.0 MG Elevated Storage Tank	\$4,577,750
<b>Subtotal Major Water</b>	<b>\$11,463,250</b>
Engineering, Surveying, & Testing	\$1,719,488
20% Contingency	\$2,292,650
<b>Total Major Water</b>	<b>\$15,475,388</b>

**Total Estimated Development Cost** **\$225,526,476**

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This Engineer's opinion of probable construction cost is made on the basis of the Engineer's experience and best judgement as a design professional. It must be recognized that any evaluation of work to be performed to construct this project must by necessity be speculative in nature until completion of its actual detailed design. In addition the engineer has no control over the cost of labor, material, or services to be furnished by others or over market conditions. Accordingly GMcivil can not guarantee that actual costs will not vary from the opinions expressed herein.



**GMcivil**  
Engineering & Surveying

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# *PROCLAMATION*

**WHEREAS**, the 75<sup>th</sup> Texas State Legislature in House Concurrent Resolution #14 named the City of Waxahachie “THE CRAPE MYRTLE CAPITAL OF TEXAS”; and

**WHEREAS**, this Resolution was passed in 1997, after the Crape Myrtle Council spent many hours in Austin proving their case for this designation; and

**WHEREAS**, Representative Jim Pitts and Senator Jane Nelson were leaders in the Legislature in this endeavor; and

**WHEREAS**, the Crape Myrtle Council, the Chamber of Commerce, the Convention and Visitors Bureau, and local businesses have sponsored a Crape Myrtle Festival in July every year since 1998 with an orchestra or band at the Waxahachie Sports Complex and a fireworks display; and

**WHEREAS**, a parade has been held on July 4<sup>th</sup> every year since 1998 through downtown Waxahachie to honor our country and the crape myrtle tree which is beautiful and in full bloom at this time of year, as well as honoring the Crape Myrtle Queen who represents the Crape Myrtle City; and

**WHEREAS**, it is important to continue showing our City’s support for the title we so proudly carry as the Crape Myrtle Capital of Texas;

**NOW THEREFORE**, I, Mayor Billie Wallace, along with the entire City Council, do hereby proclaim Tuesday, June 4, 2024 through Thursday, July 4, 2024 as

## **“CRAPE MYRTLE MONTH”**

in the City of Waxahachie.

Proclaimed this 3<sup>rd</sup> day of June 2024.

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MAYOR

ATTEST:

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CITY SECRETARY

(9)

## Staff Report

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Case: ZDC-69-2024

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### MEETING DATE(S)

*Planning & Zoning Commission:* May 28, 2024

*City Council:* June 3, 2024

### CAPTION

**Public Hearing** on a request by the City of Waxahachie to expand the boundaries of the Historic Overlay District as created by Ordinance Number 2331, per the requirements of Ordinance Number 3020, and ordering the changing of the Zoning Map thereof in accordance with said change.

### RECOMMENDED MOTION

*"I move to approve ZDC-69-2024 with the exclusion of parcel 289894, a request by the City of Waxahachie to expand the boundaries of the Historic Overlay District, authorizing the City Manager and or Mayor to execute all documents accordingly."*

### ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on May 28, 2024, the Commission voted 3-1 to recommend approval of case number ZDC-69-2024.

### HISTORIC OVERLAY EXPANSION

#### Request

The Heritage Preservation Commission (HPC) recommends expanding the Historic Overlay District in accordance with Section 3.24 (Historic Overlay Districts) of the Code of Ordinances to incorporate seventeen (17) properties deemed significant for preservation due to their historical importance and contribution to the City's historic and cultural heritage. A map delineating the proposed expansion of the Historic Overlay District is included with this request, and it is called the *"Recommended Historic Overlay Boundary."*

#### Previous Planning Efforts

The expansion of the Historic Overlay District has been a continuous effort that started in July 2023.

At the November 1, 2023 HPC meeting, the commission held a three-hour workshop to review each property under consideration in the former boundary and verify that each property was historically significant and worthy of inclusion in the historic overlay district. A map with the November 1<sup>st</sup> workshop results is included with this request. The commission reviewed a total of 82 properties.

It is important to note that the proposed expansion of the historic overlay does not include properties in the West End Historic District. This is because the Historic Preservation Commission (HPC) is interested in creating a new historic overlay for the West End Historic District area, as was created for the Oldham Historic District. This request may be presented for your consideration at a later meeting.

At the November 9, 2023 HPC meeting, the commission reviewed the workshop results to refine the boundary and to ensure the following:

- A contiguous boundary with the existing district boundaries so that there were no gaps; and
- To incorporate properties worthy of preservation that were not considered with the initial expansion of the historic overlay.

After the November 9, 2023 HPC meeting, the staff notified property owners whose properties were recommended for inclusion in the historic overlay expansion. The notice informed the property owners about the proposed expansion and requested their consent to include their property in the Historic Overlay District.

Staff received 7 letters of support and 2 letters of opposition. Per section 3.24 (b)(iv) of the Zoning Ordinance, the Heritage Preservation Officer must submit the request for action to the HPC, Planning and Zoning Commission, and City Council when staff receives support from 30 percent of the properties within the proposed expansion.

At the May 17, 2024 HPC meeting, the Heritage Preservation Commission recommended approval for the proposed expansion of the historic overlay, as enclosed in this request.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 17 notices were mailed to property owners within the proposed expansion of the historic overlay. In addition, a notice was published in the Waxahachie Sun. When this report was published, Staff received 7 letters of support and 3 letters of opposition.

It should be noted that one of the three letters of opposition was from the Waxahachie City Council. The letter of opposition is to exclude parcel 289894 from the revised boundary for the historic overlay because it is a drainage area that is undevelopable.

Per Section 211.0165 of the Texas Local Government Code, the city council must take a supermajority vote if a property owner does not consent to be included in the historic overlay expansion.

**ATTACHED EXHIBITS**

1. Historic Overlay District Ordinance
2. HPC Workshop Results
3. Notification List
4. Letter of Support and Opposition

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Eleana Tuley, AICP  
Downtown Redevelopment &  
Historic Preservation Manager  
[eleana.tuley@waxahachie.com](mailto:eleana.tuley@waxahachie.com)

*Reviewed by:*  
Warren Ketteman,  
Senior Director of Economic Development  
[warren.ketteman@waxahachie.com](mailto:warren.ketteman@waxahachie.com)

PID	OWNERSHIP	NO.	SUFF	STREETNAM	STREETSUF
189786	CITY OF WAXAHACHIE	308		SMOKEY	LN
289894	CITY OF WAXAHACHIE	300		SMOKEY	LN
193904	CITY OF WAXAHACHIE	407	W	JEFFERSON	ST
170654	HACHIE PROPERTIES LLC ETAL	308-310	N	COLLEGE	ST
171143	AL KEYSTONE HOLDINGS LLC	441	S	COLLEGE	ST
193973	TREND DEVELOPMENT CO			COLLEGE	ST
170678	ACKER23 LLC ETAL	315	N	ROGERS	ST
217275	CITY OF WAXAHACHIE		N	ROGERS	ST
297097	AUTREY DUSTIN D & JAMES D PATE	301	N	COLLEGE	ST
170698	SOUTHWESTERN BELL TELEPHONE CO	306	N	ROGERS	ST
170699	SZYMCZAK WALTER JR	300	N	ROGERS	ST
170691	311 COLLEGE LLC	311	N	COLLEGE	ST
298313	WACO BRC TEJAS WAXAHACHIE LLC	415	S	FLAT	ST
170553	HILL RICKEY	200		CLIFT	ST
171053	CITY OF WAXAHACHIE	455		COLLEGE	ST
193767	GRACE ANGELICAN CHURCH	308	N	MONROE	ST
252537	CITY OF WAXAHACHIE			RAILYARD PARK	

Received Letter of Support (7)

41%

Received Letter of Opposition (2)

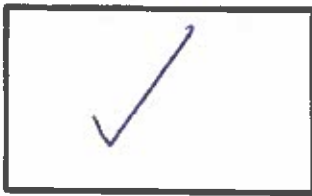
(9)

I, Michael Scott, on behalf of the City of Waxahachie, owner of property located  
at Remainder of Parcel 171053, Waxahachie, TX 75165  
have read

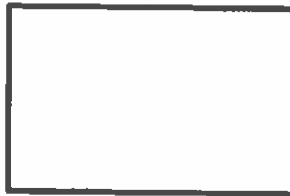
and understand the information enclosed related to the proposed expansion of the Downtown  
Historic

Overlay District and the proposed inclusion of my property within the expanded district. I  
hereby cast

my vote as for/against inclusion of my property:



**FOR**



**AGAINST**

Printed name: Michael Scott

Signature: [Handwritten Signature]

Date: 12/19/2023

Please return this ballot in the enclosed self-addressed stamped envelope no later  
than January 31, 2024.

(9)

I, Michael Scott, on behalf of the City of Waxahachie, owner of property located  
at 407 W. Jefferson, Waxahachie, TX 75165  
have read

and understand the information enclosed related to the proposed expansion of the Downtown  
Historic

Overlay District and the proposed inclusion of my property within the expanded district. I  
hereby cast

my vote as for/against inclusion of my property:



**FOR**



**AGAINST**

Printed name: Michael Scott

Signature: [Handwritten Signature]

Date: 12/19/2023

Please return this ballot in the enclosed self-addressed stamped envelope no later  
than January 31, 2024.

(9)

I, Michael Scott, on behalf of the City of Waxahachie owner of property located  
at 508 Smokey Lane, Waxahachie, TX 75165  
have read

and understand the information enclosed related to the proposed expansion of the Downtown  
Historic

Overlay District and the proposed inclusion of my property within the expanded district. I  
hereby cast

my vote as for/against inclusion of my property:



**FOR**



**AGAINST**

Printed name: Michael Scott

Signature: [Handwritten Signature]

Date: 12/19/2023

Please return this ballot in the enclosed self-addressed stamped envelope no later  
than January 31, 2024.

(9)

I, Michael Scott, on behalf of the City of Waxahachie, owner of property located  
at 300 Smokey Lane, Waxahachie, TX 75165  
have read

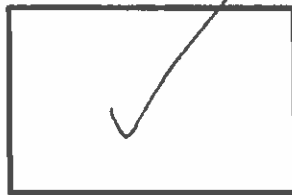
and understand the information enclosed related to the proposed expansion of the Downtown  
Historic

Overlay District and the proposed inclusion of my property within the expanded district. I  
hereby cast

my vote as for/against inclusion of my property:



**FOR**



**AGAINST**

Printed name: Michael Scott

Signature: [Handwritten Signature]

Date: 12/19/2023

Please return this ballot in the enclosed self-addressed stamped envelope no later  
than January 31, 2024.

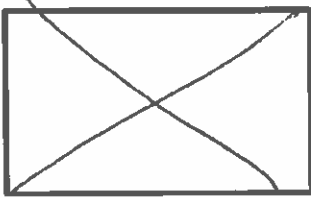
(9)

I, Walter Szymczak, owner of property located  
at 300 N. Rogers, Waxahachie, TX 75165  
have read

and understand the information enclosed related to the proposed expansion of the Downtown  
Historic

Overlay District and the proposed inclusion of my property within the expanded district. I  
hereby cast

my vote as for/against inclusion of my property:



**FOR**



**AGAINST**

Printed name: Walter Szymczak

Signature: [Handwritten Signature]

Date: 1-2-24

Please return this ballot in the enclosed self-addressed stamped envelope no later  
than January 31, 2024.

(9)

I, Michael Scott, on Behalf of the City of Waxahachie owner of property located  
at Lot 1 Blk 99 of Town Hospital Subdiv of Parcel 252537 Waxahachie, TX 75165  
have read

and understand the information enclosed related to the proposed expansion of the Downtown  
Historic

Overlay District and the proposed inclusion of my property within the expanded district. I  
hereby cast

my vote as for/against inclusion of my property:



**FOR**



**AGAINST**

Printed name: Michael Scott

Signature: [Handwritten Signature]

Date: 12/19/2023

Please return this ballot in the enclosed self-addressed stamped envelope no later  
than January 31, 2024.

(9)

I, Ken Box 311 College LLC, owner of property located  
at 311 N. College St., Waxahachie, TX 75165  
have read

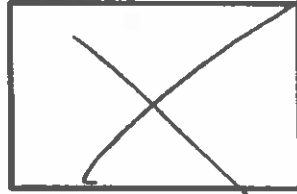
and understand the information enclosed related to the proposed expansion of the Downtown  
Historic

Overlay District and the proposed inclusion of my property within the expanded district. I  
hereby cast

my vote as for/against inclusion of my property:



**FOR**



**AGAINST**

Printed name: Ken Box

Signature: 

Date: 5-1-24

Please return this ballot in the enclosed self-addressed stamped envelope no later  
than January 31, 2024.

(9)

I, Brett Hess, owner of property located  
at 308 N College St,  
waxahachie, TX 75165, Waxahachie, TX 75165  
have read

and understand the information enclosed related to the proposed expansion of the Downtown  
Historic

Overlay District and the proposed inclusion of my property within the expanded district. I  
hereby cast

my vote as for/against inclusion of my property:

**FOR**

**AGAINST**

Printed name: Brett Hess

Signature: Brett A Hess

Date: 5/8/2024

Please return this ballot in the enclosed self-addressed stamped envelope no later  
than January 31, 2024.

(9)

Brett Hess  
Business Owner/ Realtor/ Landlord

To Whom it May Concern,

We are the owners of property id's 170654 and 193973 otherwise known as 308 College St, Waxahachie, TX 75165. As a local business owner within the proposed expansion of the Historic Overlay District we would like to express our absolute support of the proposal.

We look forward to encouraging the revival and protection of the historic properties in our town. I truly believe this expansion will encourage further improvement and development of our town.

Sincerely,

Brett Hess

(9)



City of Waxahachie, Texas  
Notice of Public Hearing  
for ZDC-69-2024  
Expansion of the Historic Overlay

**HACHIE PROPERTIES LLC ETAL**  
327 Blue Ribbon Rd  
Waxahachie, TX 75165-8722

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 14, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 20, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Public Hearing on a request by the City of Waxahachie to expand the boundaries of the Historic Overlay District as created by Ordinance Number 2331; per the requirements of Ordinance Number 3020, and ordering the changing of the Zoning Map thereof in accordance with said change.

You received this notice because your property is located within the proposed expansion of the historic overlay. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Eleana Tuley, Downtown Manager at (469) 309-4111 or via email: [eleana.tuley@waxahachie.com](mailto:eleana.tuley@waxahachie.com) for additional information on this request.

In December 2023, the City sent a letter to property owners affected by the historic overlay expansion. A copy of the letter is attached for reference.

Case Number: ZDC-69-2024

City Reference: 170654

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on May 8, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [eleana.tuley@waxahachie.com](mailto:eleana.tuley@waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Eleana Tuley, Downtown Development, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:  
we support the expansion.

Brett A Hess  
Signature

5/8/2024

Brett Hess

Date  
308 N College St,  
Waxahachie, TX 75165

Printed Name and Title

Address

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

(9)



City of Waxahachie, Texas  
Notice of Public Hearing  
for ZDC-69-2024  
Expansion of the Historic Overlay



WACO BRC TEJAS WAXAHACHIE LLC  
900 Austin Ave Fl 12  
Waco, TX 76701-1902

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 14, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 20, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Public Hearing on a request by the City of Waxahachie to expand the boundaries of the Historic Overlay District as created by Ordinance Number 2331, per the requirements of Ordinance Number 3020, and ordering the changing of the Zoning Map thereof in accordance with said change.

You received this notice because your property is located within the proposed expansion of the historic overlay. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Eleana Tuley, Downtown Manager at (469) 309-4111 or via email: [eleana.tuley@waxahachie.com](mailto:eleana.tuley@waxahachie.com) for additional information on this request.

In December 2023, the City sent a letter to property owners affected by the historic overlay expansion. A copy of the letter is attached for reference.

Case Number: **ZDC-69-2024**

City Reference: 298313

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 8, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [eleana.tuley@waxahachie.com](mailto:eleana.tuley@waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Eleana Tuley, Downtown Development, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Gordon B. Robinson  
Signature

May 8, 2024  
Date

Gordon B. Robinson,  
Printed Name and Title  
Manager

P.O. Box 2028  
Address  
Waco, TX - 76703

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING THE HISTORIC OVERLAY DISTRICT CREATED BY ORDINANCE NUMBER 2331, PER THE REQUIREMENTS OF ORDINANCE NUMBER 3020, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, the historic core of Waxahachie has served as the cultural center of the community for more than 150 years; and

**WHEREAS**, the courthouse square as the area surrounding it contains structures of historic significance that enhance the quality of life as well as the economy of the community; and

**WHEREAS**, the character of development in the blocks that contain the Central Area (CA) Zoning District and the Ellis County Courthouse National Register Historic District, as well as surrounding blocks, serve to frame the heart of downtown Waxahachie and therefore deserves special consideration; and

**WHEREAS**, historic preservation and economic development are partners in the success of the downtown area; and

**WHEREAS**, the City Council of the City of Waxahachie finds it to be in the best interest of the citizens of Waxahachie to adopt the attached Historic Overlay District.

**NOW, THEREFORE**, be it ordained by the City Council of the City of Waxahachie, Texas:

**Section 1. Purpose and Intent:** The Historic Overlay District is hereby established to preserve the aesthetic and visual character of downtown Waxahachie. All development within the overlay district, except routine maintenance and repair as defined by the Zoning Ordinance, shall be subject to review by the Heritage Preservation Commission. This review will assess the location, character, and appearance of the proposed development, renovation, or redevelopment of any property within the historic overlay district. The purpose of the review is to ensure the proposed development aligns with the Downtown Waxahachie Design Guidelines and Section 3.24 (Historic Overlay Districts) of the zoning ordinance, thereby safeguarding the unique heritage of downtown Waxahachie.

**Section 2. Delineation of District:** The Historic Overlay District encompasses all the land within the boundary shown on Exhibit A. If a lot or parcel of land is partially located within the overlay district, the entire parcel or lot must comply with the requirements of the historic overlay district.

(10)

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

**PASSED, APPROVED AND ADOPTED** on this 3<sup>rd</sup> day of June, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

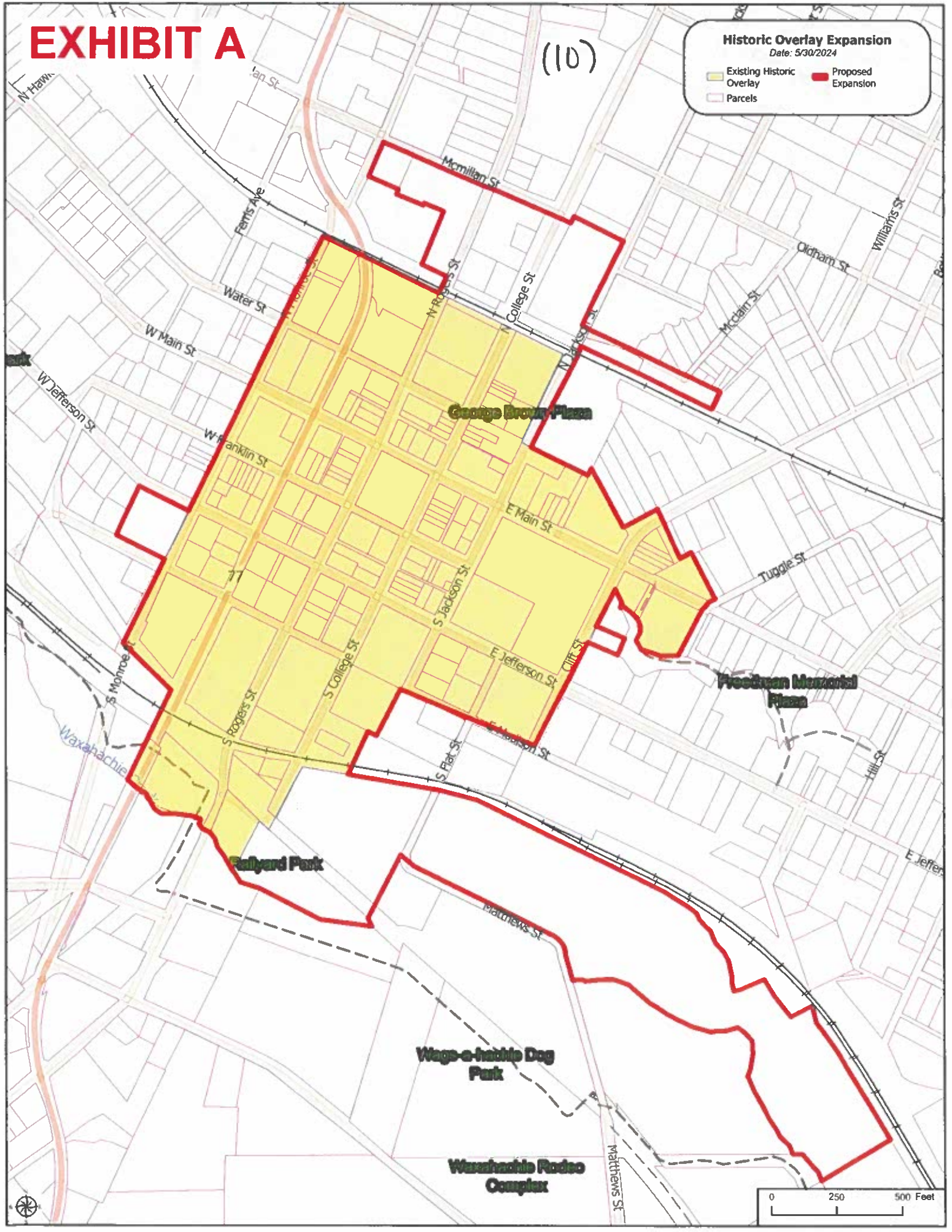
\_\_\_\_\_  
City Secretary

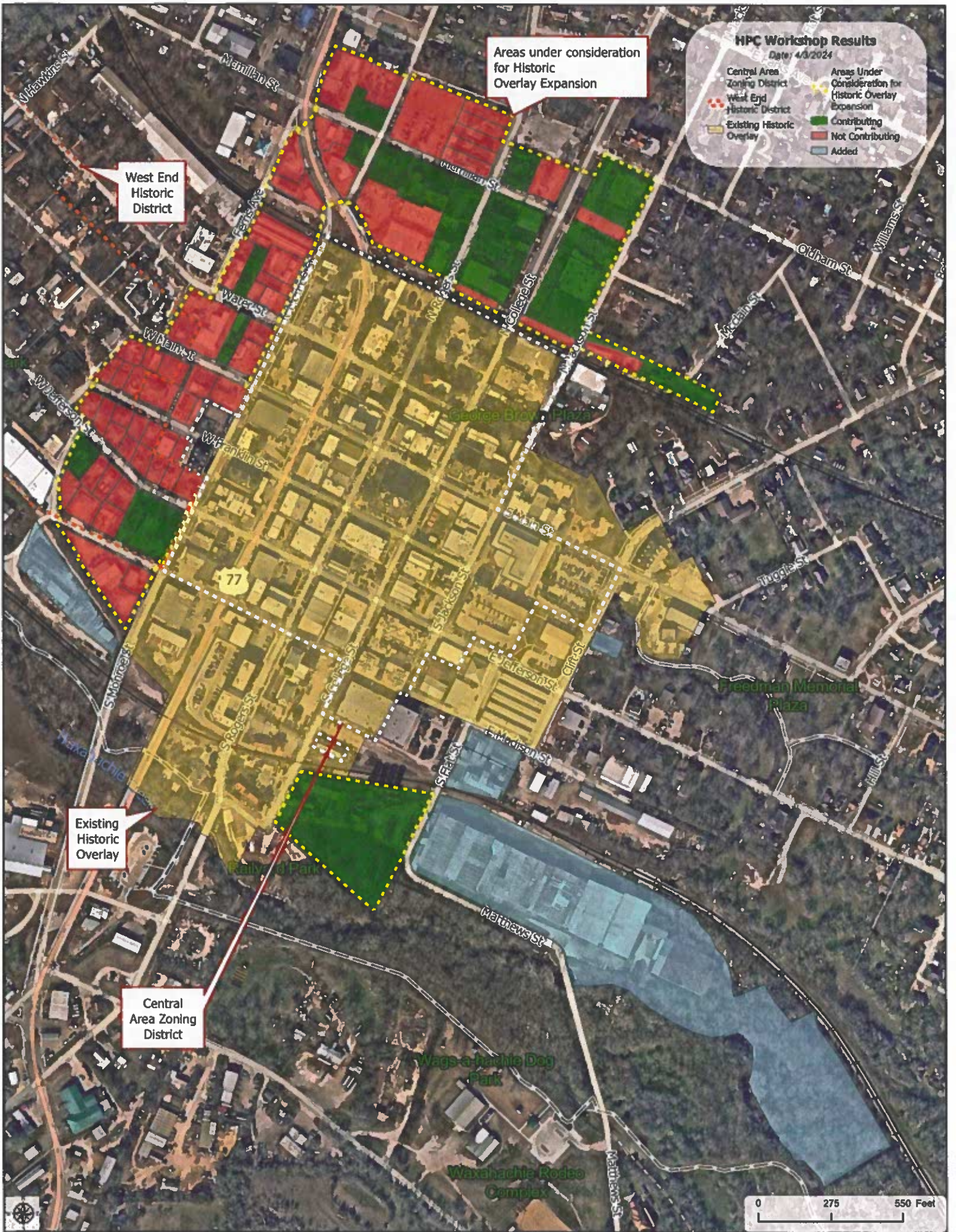
# EXHIBIT A

(10)

**Historic Overlay Expansion**  
Date: 5/30/2024

- Existing Historic Overlay
- Proposed Expansion
- Parcels





**HPC Workshop Results**

Date: 4/3/2024

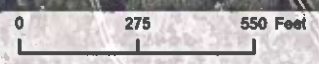
- Central Area Zoning District
- West End Historic District
- Existing Historic Overlay
- Areas Under Consideration for Historic Overlay Expansion
- Contributing
- Not Contributing
- Added

Areas under consideration for Historic Overlay Expansion

West End Historic District

Existing Historic Overlay

Central Area Zoning District



# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-95-2024**

**MEETING DATE(S)**

Planning & Zoning Commission: May 28, 2024  
City Council: June 3, 2024

**CAPTION**

**Public Hearing** on a request by Ralph Hewitt, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a **Planned Development-56-Single Family-2 (PD-56-SF-2)** zoning district located at 412 Gardenia Lane (Property ID 202997) - Owner: Ralph Hewitt and Renda Hewitt (ZDC-95-2024)

**RECOMMENDED MOTION**

- *"I move to deny ZDC-95-2024, a Specific Use Permit (SUP) for Short-Term Rental use."*
- *"I move to approve ZDC-95-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly."*

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting held on May 28, 2024, the Commission voted 4-0 to recommend approval of case number ZDC-95-2024, subject to the conditions of the staff report.

**APPLICANT REQUEST**

The Applicant requests a specific use permit for a Short-Term Rental use at 412 Gardenia Lane

**CASE INFORMATION**

**Applicant:** Ralph Hewitt  
**Property Owner(s):** Ralph Hewitt and Renda Hewitt  
**Site Acreage:** 0.11 acres  
**Current Zoning:** Planned Development- Single Family-2 (PD-56-SF-2)  
**Requested Zoning:** PD-SF-2 with a Specific Use Permit (SUP) for a Short-Term Rental

**SUBJECT PROPERTY**

**General Location:** 412 Gardenia Lane  
**Parcel ID Number(s):** 202997  
**Existing Use:** A single-family home currently occupies the subject property.

*Development History:*

The subject property is platted as Lot 12, Block C of the Enchanted Gardens subdivision

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	PD-SF-2	Single Family Residence
East	PD-SF-2	Single Family Residence
South	SF-2	Single Family Residence
West	PD-SF-2	Single Family Residence

*Future Land Use Plan:*

Mixed-Use Neighborhood

*Comprehensive Plan:*

A Mixed-Use neighborhood harkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this place type, it is essential to make sure residential uses appropriately transition from one another based on the housing typology

*Thoroughfare Plan:*

The subject property is accessible via Gardenia Lane

*Site Image:*



**PLANNING ANALYSIS**

During the City Council meeting held on October 16, 2023, Councilmembers approved an ordinance to allow the use of a short-term rental in all zoning districts with an approved SUP, with the exception of the Central Area (CA) zoning district. All residential-use properties located within the Central Area (CA) zoning district are allowed to operate a short-term rental by right without seeking the approval of an SUP.

The applicant requests a SUP for short-term rental use at 412 Gardenia Lane because it is located within the PD-SF-2 zoning district. The subject property consists of a primary structure of approximately 4,835 square feet, built in 1993 with two (2) bedrooms, (2) bathrooms and sufficient parking to accommodate the parking requirement of two (2) vehicles, situated on an approximately 0.11-acre (4,839 square foot) lot. The applicant has been operating a short-term rental since 2018. Has not been paying local hotel occupancy taxes. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance.

At the time of publishing this staff report, the City has received no complaints regarding any issues. During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

The applicant's local emergency contact is Joseph Huneke (972-880-4051), 307 S. Elm Street, Waxahachie, TX. 75165, Josephhuneke@enterprises.com, located 1.9 miles from the subject property.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 59 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of four (4) letters of opposition and two (2) letters of support being inside the 200' buffer. The applicant has provided a support petition with over 20 signatures from properties in the immediate area.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents associated with the request, if considering a recommendation for approval:

Conditions:

1. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
2. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.
3. The short-term rental operator shall allow a maximum occupancy of six (6) guests per stay.
4. The short-term rental operator shall provide a maximum of two (2) off-street parking spaces.
5. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.

**ATTACHED EXHIBITS**

1. Property Owner Notification Responses
2. Location Map (Exhibit A)
3. Zoning Map (Exhibit B)
4. Floorplan (Exhibit C)
5. Site Plan (Exhibit D)
6. Host Rules (Exhibit E)

**STAFF CONTACT INFORMATION**

*Prepared by:*

Harper Lindamood  
Planner

[Harper.lindamood@waxahachie.com](mailto:Harper.lindamood@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A  
Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(11)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-95-2024

HEWITT RALPH G & RENDA  
409 CARNATION CT  
WAXAHACHIE, TX 75165-1795

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 28, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 3, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Ralph Hewitt, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a **Planned Development-56-Single Family-2 (PD-56-SF-2)** zoning district located at **412 Gardenia Lane (Property ID 202997)** - Owner: **Ralph Hewitt and Renda Hewitt (ZDC-95-2024)** Staff: **Harper Lindamood**

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-95-2024

City Reference: 202997

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 22, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

Comments:  SUPPORT  OPPOSE

Comments:

yes

Ralph Hewitt

Signature

Ralph Hewitt

Printed Name and Title

May 13

Date

412 Gardenia Ln  
Wax.

Address



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-95-2024**

MARTINEZ LAURA P  
407 LANTANA TERRACE  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 28, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 3, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Ralph Hewitt, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Planned Development-56-Single Family-2 (PD-56-SF-2) zoning district located at 412 Gardenia Lane (Property ID 202997) - Owner: Ralph Hewitt and Renda Hewitt (ZDC-95-2024) Staff: Harper Lindamood

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: **ZDC-95-2024**

City Reference: 203012

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 22, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

*I prefer to keep neighborhood strictly residential in nature.*

*Laura P. Martinez*

Signature

LAURA P. MARTINEZ

Printed Name and Title

*5/15/2024*

Date

*407 Lantana Terr.  
Waxahachie, TX 75165*

Address

(11)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-95-2024



OLIPHANT CATHY C & THOMAS A  
401 LANTANA TERRACE  
WAXAHACHIE, TX 75165-1781

RECEIVED MAY 15 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 28, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 3, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Ralph Hewitt, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Planned Development-56-Single Family-2 (PD-56-SF-2) zoning district located at 412 Gardenia Lane (Property ID 202997) - Owner: Ralph Hewitt and Renda Hewitt (ZDC-95-2024) Staff: Harper Lindamood

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-95-2024

City Reference: 203005

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 22, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Thomas A. Oliphant

Signature

MAY 12, 2024

Date

THOMAS A. OLIPHANT

Printed Name and Title

401 LANTANA

Address

(11)

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on May 22, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

THIS IS A NICE QUIET NEIGHBORHOOD. THIS PROPERTY IS DIRECTLY BEHIND MY HOME.  
DUO TO THE POTENTIAL OF NOISE, TRASH AND OTHER ISSUES WITH SHORT TERM RENTALS, I  
AM OPPOSED TO CHANGING THE ZONING TO ALLOW.

*Sam A. Meane*  
Signature

5-15-24  
Date

SAM A MEANE OWNER  
Printed Name and Title  
103 GREENBRIER  
WAXAHACHIE, TX

103 GREENBRIER  
Address

(11)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-95-2024

RECEIVED MAY 16 2024

EDWARDS TRAVIS N & DEDDRA A  
105 GREENBRIER ST  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 28, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 3, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Ralph Hewitt, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Planned Development-56-Single Family-2 (PD-56-SF-2) zoning district located at 412 Gardenia Lane (Property ID 202997) - Owner: Ralph Hewitt and Renda Hewitt (ZDC-95-2024) Staff: Harper Lindamood

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-95-2024

City Reference: 180817

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 22, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

GUESTS HAVE BEEN KNOWN TO BE CARELESS  
AND ROWDY

  
Signature

05.13.24  
Date

TRAVIS EDWARDS  
Printed Name and Title

105 GREENBRIER ST.  
Address

(11)

Case Number: ZDC-95-2024

City Reference: 203019

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on May 22, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

RECEIVED MAY 16 2024

Comments:

Our quiet neighborhoods are no place  
for short-term rentals.

George E. Brown  
Signature

May 13, 2024  
Date

Linda Brown  
George E. Brown  
Printed Name and Title

402 Carnation Ct  
Address

Linda A. Brown

(11)

20240510\_121636.jpg

Open with



## Grant "SPECIFIC USE PERMIT"

## for Short-term Rental

Located in Enchanted Gardens, 412 Gardenia Lane, Waxahachie, Texas

Ralph and Renda Hewitt have operated a short-term rental for over 5 years at the above address. During that that time I have had No problems with the residence and or observed any disturbances.

Ralph and Renda Hewitt operate/manage their rental in a professional manner.

I feel they should be granted the "Specific Use Permit" to continue building our community and offering alternative accommodations for our Guests.

I will check SUPPORT on the letter from the City if received and return to the City.

We appreciate your support in this endeavor to maintain our much loved home and cover the expenses necessary to make a great place for people to enjoy all the pleasures Waxahachie gives us....

NAME	ADDRESS
Jim C. Crook	410 Gardenia Lane
Sue's Wang	414 Gardenia Ln.
Barbara Mauer	408 Gardenia
Richard K Milner	401 Carnation
Raren Milner	401 Carnation
Flora Jb. Sezer	405 Carnation
Mary Ann Heneo	409 Carnation St. Waxahachie
John Hauer	409 Carnation Court

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NAME	ADDRESS
Hector H. Torres	404 Lantana Terrace
Arturo Mikanza	402 LANTANA TERRACE
Ryan Honey	400 LANTANA TERR.
Fancy Bonds	403 LANTANA TER.
Vicki J. Bagg	403 Lantana Ter
Laura Gilbert	408 Carnation CT
Shirley Dykes	406 CARNATION CT
Debra Highdorf	407 Carnation Ct.

Rawdy Boogs

RBOOGS@mac.com

I am writing to you because I have been thinking about you a lot lately. I hope you are doing well and that everything is going smoothly for you. I have been busy with work and school, but I always find time to think about my friends and family.

I remember the days when we were all together, laughing and having fun. It seems like a lifetime ago now. I wish I could go back to those times and relive them all over again. But I know that life goes on, and I have to move forward.

I am still in touch with some of our old friends, but it's not the same. I miss the close-knit group we once had. I hope you are still in touch with everyone and that you are all happy.

I have been thinking about you a lot lately, and I hope you are doing well. I have been busy with work and school, but I always find time to think about my friends and family.

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Grant "SPECIFIC USE PERMIT"

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I feel they should be granted the "Specific Use Permit" to continue building our community and offering alternative accommodations for our Guests.

I will check SUPPORT on the letter from the City if received and return to the City.

We appreciate your support in this endeavor to maintain our much loved home and cover the expenses necessary to make a great place for people to enjoy all the pleasures Waxahachie gives us....

NAME	ADDRESS
LAVERNE + DAVID HALCOMB	717 E UNIVERSITY AVE. Waxahachie TX 75165
<del>Mareya Shostakovic</del>	<del>713 E. University Ave Wax, TX 75165</del>
<del>Alan Hill</del>	<del>709. University Ave Wax 75165</del>
Carolyn Brinson	711 E. University Ave. Wax 75165
Shomara Oshkoff	401 San Lana Terrace 75165
Conroy Oshkoff	401 San Lana E 165
_____	_____
_____	_____

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) ZONING DISTRICT, LOCATED 412 GARDENIA LANE, BEING PROPERTY ID 202997, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 12, BLOCK C OF THE ENCHANTED GARDENS SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as PD-SF-2; and

**WHEREAS**, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-95-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

**WHEREAS**, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

**WHEREAS**, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

**NOW, THEREFORE**, this property is rezoned from PD-SF-2 to PD-SF-2, with a SUP in order to permit a Special Use Permit use on the following property: Lot 12, Block C of the Enchanted Gardens Subdivision, which is shown on Exhibit A, in accordance with the Zoning Map attached as Exhibit B, the Floor Plan attached as Exhibit C, the Site Plan attached as Exhibit D, and the Host Rules attached as Exhibit E.

**SPECIFIC USE PERMIT**

**Purpose and Intent**

The purpose of this ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and the Zoning Ordinance.

(12)

Specific Use Permit

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR A SHORT-TERM RENTAL USE IN A PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) ZONING DISTRICT;** the following standards and conditions are hereby established as part of this ordinance:

1. The subject property shall conform to the site plan approved by the City Council under case number ZDC-95-2024.
2. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Zoning Map, Exhibit C – Floor Plan, Exhibit D – Site Plan, and Exhibit E – Host Rules.
3. The STR Operator for the subject property shall be responsible for obtaining registration per the City’s applicable rules and regulations governing such permits.
4. The STR Operator for the subject property shall be responsible to pay hotel occupancy taxes as required per Section 3.27.e.7 of the City of Waxahachie Zoning Ordinance.
5. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits C, D, and E.
6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
7. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the owner and therefore shall not be transferred from owner to owner.
4. The owner and/or short-term rental operator shall renew registration on an annual basis of the amount in the Fee Schedule set forth by Ordinance 3415, or as amended.
5. The owner/short-term rental operator is subject to a maximum occupancy of six (6) guests per stay.
6. The short-term rental operator is subject to provide a maximum of two (2) off-street parking spaces.

(12)

7. The short-term rental operator must adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
8. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

**PASSED, APPROVED AND ADOPTED** on this 3<sup>rd</sup> day of June, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(12)

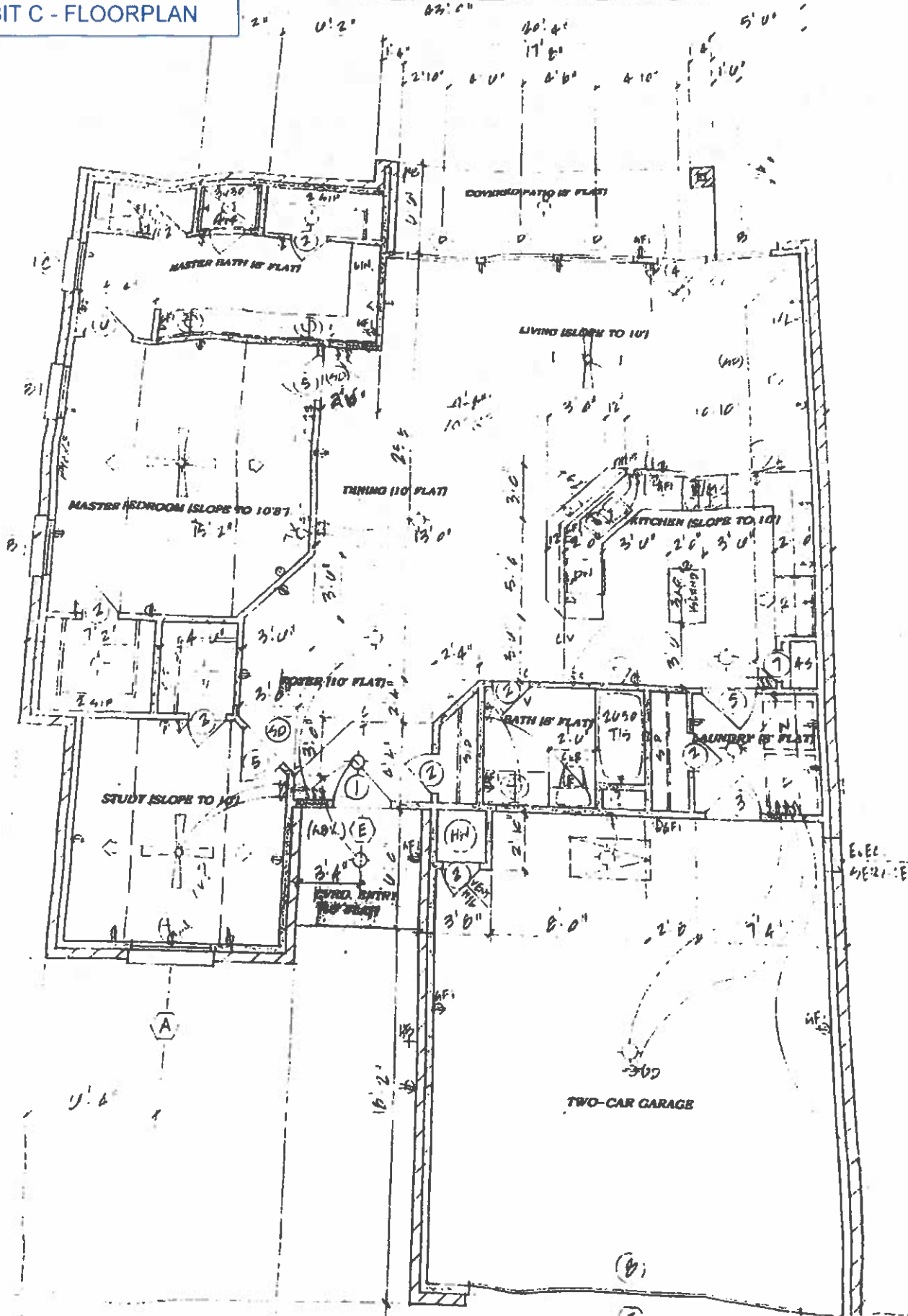




Hewitt Home

412 Gardeina Ln, (12)

EXHIBIT C - FLOORPLAN

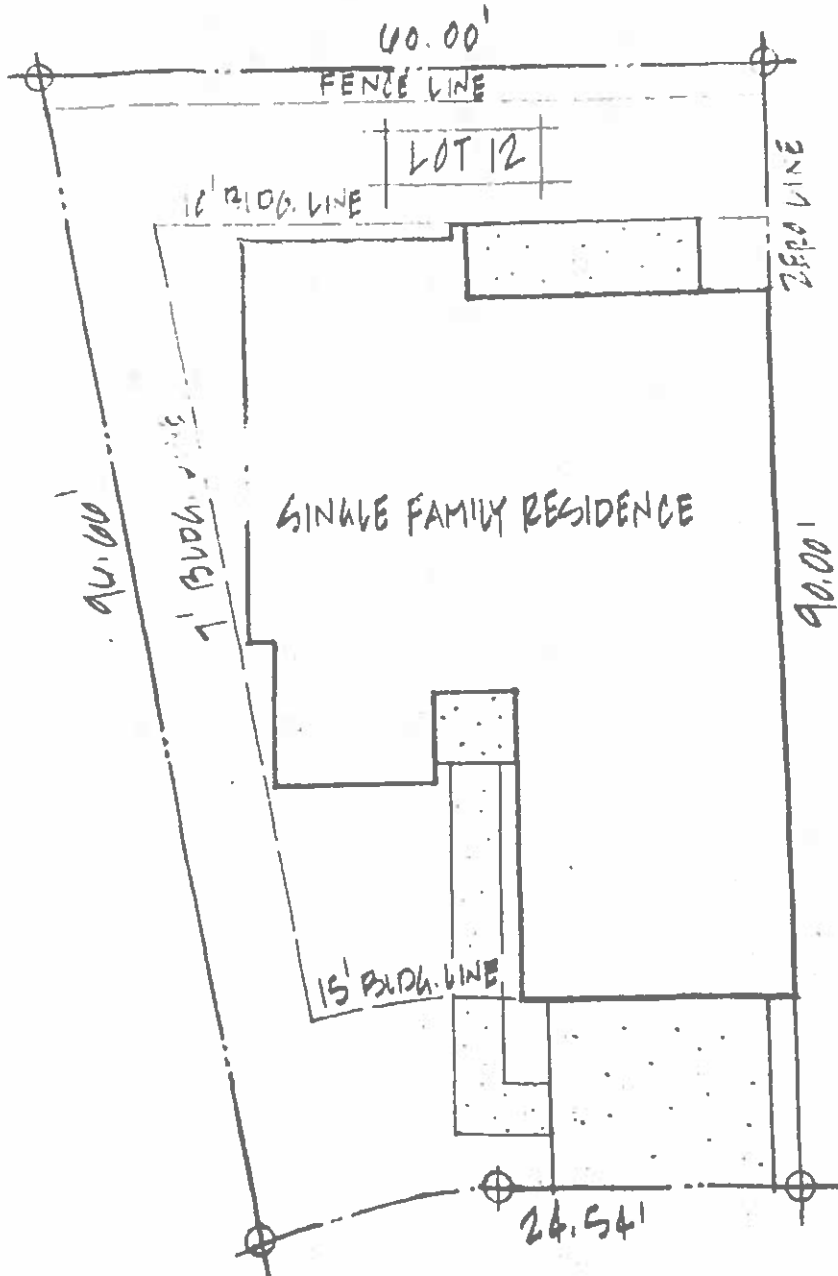


ANTHONY W. MOTTLA  
ARCHITECT

308 E. Marvin  
Waxahachie, TX 75165  
(214) 938-2463  
Fax (214) 938-2463

LOT 12  
ENCHANTED GARDENS  
WAXAHACHIE  
ELLIS COUNTY, TEXAS

PLOT PLAN



~~HEWITT~~  
RESIDENCE

**Helon's Haven**

**House Rules**

Thanks for letting me host you through AIRBNB.

Some simple guidelines to follow that will make your stay better.

Park in cul-de-sac facing the street or in driveway.

Don't park in front of neighbors yard or driveway.

Your door code is — enter and turn knob to open the door and repeat when leaving.

Please read booklet on the cabinet to the left as you enter under the picture.

It will give you a lot of information about the house and the Wi-Fi code too. TV is over the fireplace, to operate make sure that switch on strip & green light is on then use remote control and find volume of right side.

Use the appliances and kitchen as if at home (leave neat and tidy).

Do Not go out on back patio after 9:00pm for Respect of close neighbors.

Any questions ask away...

Please contact me or our property manager Joseph Huneke

972 880 4051

For any Emergency



# Planning & Zoning Department

## Zoning Staff Report



**Case: SUB-67-2024**

**MEETING DATE(S)**

*Planning & Zoning Commission:* May 28, 2024  
*City Council:* June 3, 2024

**CAPTION**

**Public Hearing** on a request by Andrew Weyand, Bloom & Pour LLC, for a **Specific Use Permit (SUP)** for a **Private Club (Event Venue – Bloom & Pour)** use within a Central Area (CA) zoning district located at 100 S Rogers Street (Property ID 170469) - Owner: Dunn Street Equities LLC (ZDC-67-2024) Staff: Zack King

**RECOMMENDED MOTION**

*"I move to approve ZDC-67-2024, a Specific Use Permit (SUP) for a Private Club (Event Venue – Bloom & Pour), subject to the conditions of the staff report."*

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting held on May 28, 2024, the Commission voted 4-0 to recommend approval of case number ZDC-67-2024, subject to the conditions of the staff report.

**APPLICANT REQUEST**

The applicant requests approval of a Specific Use Permit (SUP) to allow for a Private Club (Event Venue – Bloom & Pour) use at 100 S Rogers Street.

**CASE INFORMATION**

*Applicant:* Andrew Weyand, Bloom & Pour LLC  
*Property Owner(s):* Dunn Street Equities LLC  
*Site Acreage:* 0.101 acres  
*Current Zoning:* Central Area (CA)  
*Requested Zoning:* Central Area (CA) with SUP for a Private Club use

**SUBJECT PROPERTY**

*General Location:* 100 S Rogers  
*Parcel ID Number(s):* 170469  
*Existing Use:* The existing building on site is currently being remodeled for Bloom & Pour.  
*Development History:* The subject property is platted as Lots 4A and 5, Block 8 of the Original Town Addition.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	Central Area (CA)	Kick Rocks Cowboy Boutique
East	Central Area (CA)	Ellis County Courthouse
South	Central Area (CA)	Vaqueras Boutique
West	Central Area (CA)	The Southern Mercantile

*Future Land Use Plan:* Downtown

*Comprehensive Plan:* It is most appropriate to think of the Downtown placetype as a modification of the mixed-use neighborhood placetype. Waxahachie benefits from an attractive historic core and this placetype serves to preserve and allow for incremental improvement of that area. The core of Downtown is ripe for quality vertical mixed-use development. New single-family homes are generally discouraged here as denser housing types are desired in downtown to provide more patrons to support the abundance of local businesses downtown. Attached and stacked housing is appropriate, since the downtown core is predominantly developed, denser housing will most likely occur on the fringes or edges of downtown. Active rooftops, sidewalk cafes, and parklets are an opportunity to further activate the downtown core.

*Thoroughfare Plan:* The property is accessible via S Rogers Street.

*Site Image:*



**PLANNING ANALYSIS**

The applicant proposes a Specific Use Permit (SUP) to allow for a Private Club (Event Center - Bloom & Pour) use on the first floor of 100 S Rogers Street. The subject property is located within the Central Area (CA) zoning district; which does not have an on-site parking requirement. Customers will make use of existing on-street and downtown parking.

The first floor is approximately 3,900 square feet in size. The first floor is accessible from S Rogers Street and W Main Street. The applicant has noted that the venue is intended to host to private events such as birthdays, baby showers, business meetings, weddings, pop-up sales, and photography sessions. The venue will also be used as an event space for floral design and coffee tasting classes. Finally, the applicant has dedicated areas for shared workspaces that can be rented by the hour for remote work and business meetings. A full-service kitchen is not proposed to be a part of the Bloom & Pour business; but "ready to eat" and "ready to drink" products will be offered. The venue is anticipated to be open from 7:00 am to 7:00 pm Monday through Friday and 8:00 am to 8:00pm on Saturday, with events scheduled by appointment only. The applicant anticipates retaining between 6 and 8 staff members for the venue.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 28 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PUBLIC NOTIFICATION RESPONSES**

Staff has received no letters of support or opposition for the proposed SUP.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the SUP request, subject to the conditions noted below.

**Conditions:**

1. Permission to operate a Private Club use on the first floor of 100 S Rogers Street is granted only to Andrew Weyand, owner of "Bloom & Pour". Approval to operate a Private Club use at this location will not transfer to another Private Club establishment or owner of Bloom & Pour.
2. An amendment to the SUP will be required in the event that the property owner wishes to expand the Private Club area beyond the approximately 3,900 square foot area on the first floor of 100 S Rogers Street.
3. A full-service kitchen is not permitted in the Private Club. An amendment to the SUP will be required to be approved by City Council to allow a full-service kitchen in the Private Club.
4. Alcohol Sales are not permitted in the Private Club. An amendment to the SUP will be required to be approved by City Council to allow alcohol sales in the Private Club. A TABC approval will also be required to allow alcohol sales in the Private Club.
5. Events are required to be scheduled by appointment only. Events are only permitted between the hours 7:00 am to 7:00 pm Monday through Friday and 8:00 am to 8:00pm on Saturday. Modifications to the hours of operation shall require an amendment to the SUP to be approved by City Council.
6. An updated Certificate of Occupancy (CO) documenting the Private Club Use shall be issued by the Building and Community Services Department for "Bloom & Pour" prior to use of the business as a Private Club
7. An official suite number is required to be assigned for the first floor of 100 S Rogers Street, prior to the issuance of a Certificate of Occupancy for the business.

Conditions (continued):

8. All exterior signage shall require a sign permit from the Building & Community Services Department and approval by the Heritage Preservation Commission.
9. If the premises covered by this Specific Use Permit is vacated and/or cease to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to re-establish the use.

**ATTACHED EXHIBITS**

1. SUP Ordinance
2. Exhibit A – Location Map
3. Exhibit B – Operational Plan
4. Exhibit C – Floor Plan

**APPLICANT REQUIREMENTS**

1. If approved by City Council, the applicant can apply for an updated Certificate of Occupancy (CO) with the Building and Community Services Department.

**STAFF CONTACT INFORMATION**

*Prepared by:*

Zack King, AICP

Senior Planner

[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A PRIVATE CLUB (EVENT VENUE – BLOOM & POUR) USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT, LOCATED 100 S ROGERS STREET, BEING PROPERTY ID 170469, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOTS 4A AND 5, BLOCK 8 OF THE ORIGINAL TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as CA; and

**WHEREAS**, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-67-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

**WHEREAS**, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

**WHEREAS**, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

**NOW, THEREFORE**, this property is rezoned from CA to CA, with an SUP in order to permit a Private Clube (Event Center – Bloom & Pour) use on the following property: 100 S Rogers Street, being Lots 4A and 5, Block 8 of the Original Town Addition, which is shown on Exhibit A, in accordance with the Operational Plan attached as Exhibit B, and the Floor Plan attached as Exhibit C.

**SPECIFIC USE PERMIT**

**Purpose and Intent**

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Zoning Ordinance.

Specific Use Permit

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR A PRIVATE CLUB (EVENT VENUE – BLOOM & POUR) USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT;** the following standards and conditions are hereby established as part of this ordinance:

1. Permission to operate a Private Club use on the first floor of 100 S Rogers Street is granted only to Andrew Weyand, owner of “Bloom & Pour”. Approval to operate a Private Club use at this location will not transfer to another Private Club establishment or owner of Bloom & Pour.
2. An amendment to the SUP will be required in the event that the property owner wishes to expand the Private Club area beyond the approximately 3,900 square foot area on the first floor of 100 S Rogers Street.
3. A full-service kitchen is not permitted in the Private Club. An amendment to the SUP will be required to be approved by City Council to allow a full-service kitchen in the Private Club.
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6. An updated Certificate of Occupancy (CO) documenting the Private Club Use shall be issued by the Building and Community Services Department for “Bloom & Pour” prior to use of the business as a Private Club
7. An official suite number is required to be assigned for the first floor of 100 S Rogers Street, prior to the issuance of a Certificate of Occupancy for the business.
8. All exterior signage shall require a sign permit from the Building & Community Services Department and approval by the Heritage Preservation Commission.
9. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Operational Plan, and Exhibit C – Floor Plan.
10. All improvements within the subject property will be subject to obtaining building permits from the City in accordance with the City’s applicable rules and regulations governing such permits.

11. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
12. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, shall conform to those requirements and/or standards prescribed in Exhibits B – Operational Plan and Exhibit C – Floor Plan. Where regulations are not specified in Exhibits B or C, or this Zoning Ordinance, the regulations of the Central Area (CA) Zoning District shall apply to this development.
13. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or cease to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to re-establish the use.
3. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

**PASSED, APPROVED AND ADOPTED** on this 3<sup>rd</sup> day of June, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

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



# Operational Plan – Bloom & Pour LLC

## **Hours of Operation**

Monday-Friday – 7am-10pm

Saturday & Sunday – 8am-11pm

## **Event Space Rental**

Our space will be available to rent for business meetings, baby showers, birthday parties, anniversaries, special occasions, and weddings. Our current business primarily performs mobile coffee catering and floral design services at weddings, so the venue will not only be a great downtown venue space, but we will be able to provide essential services like floral, beverage, and decor rentals to the clients who rent our space. Additionally, our prep kitchen will be made available for approved caterers. We will allow licensed bartenders to serve beer and wine.

Loca

ted directly on the downtown square with an open floor plan on the first floor, our space will be easily accessible to our clients and their guests. Our mother's room, multi-use space, and conference room will each serve as an additional amenity to the space.

## **Staffing**

Our on-site team will comprise an estimated 6-8 front of house staff. Our ownership team is a multi-member LLC who will oversee the executive duties and day-to-day operations. Staff will have food service training. Each shift will have a trained food service manager.

## **Building Signage**

We are working with a company who has made approved signage for other local businesses in downtown Waxahachie and have submitted our quotes to our landlord of our building who will be submitting our signage plans to the city's facade grant program for approval. We will be submitting our signage plans to the HPC for final approval.

## **Goods & Services**

*B&P will not operate a full service kitchen. The B&P kitchen is a prep kitchen for preparing coffee and non-baked food items. The kitchen will contain a 3-compartment sink, a single compartment prep sink, refrigerator, prep tables, and a dishwasher.*

### *Beverage Menu*

We will offer made to order coffee, tea, and other non-alcoholic beverages available for purchase.

### *RTD/RTE*

We will offer grab & go (Ready to Drink and Ready to Eat) offerings such as bottled water and sparkling water. Ready to Eat pre-packaged snack items by vendors who provide FDA approved goods will also be available for purchase.

We will offer prepackaged food items purchased through wholesalers such as snack bars and packaged chocolates.

### *Food Menu*

B&P standard menu will offer pastries prepared by a local bakery in their own authorized kitchen. B&P may prepare yogurt parfaits, fruit mixes, no-bake oatmeal and other non-baked items out of our B&P prep kitchen. There will not be a stove in our B&P prep kitchen. B&P may offer hot breakfast items prepared by local businesses at their own authorized kitchens.

### *Retail Merchandise*

We will offer branded merchandise such as t-shirts, mugs, and tote bags. We will also sell retail coffee beans from our roaster partner who runs production from an authorized roasting facility based in Dallas, Texas.

### *Floral Arrangements*

We will offer pre-arranged and "build your own bundle" floral arrangements for pre-order and walk-in customers.

Additional Notes: We will not sell alcoholic drinks.

## **Shared Workspaces**

### *Concept*

We have two shared workspaces that will be available for rental in advance by the hour through our website portal. We will also offer walk-in customers the option to rent our workspaces as they are available. The multipurpose room (see floor plan) will primarily be available for photographers to conduct photoshoots with clients or for brand photography. Other creatives who do brand videography and podcast recordings will also be able to access the multipurpose room. We will supply the multi-purpose room with a decorative backdrop for photographers, a couch, stool, and plants for decorative use. Our second shared workspace will be a conference

room (see floor plan) with seating capacity for between 1-10 people to host meetings. Amenities in our conference room will include a conference table, dry erase marker board, chairs, and a television with wifi capability to video cast visual presentations. The conference room will be available to rent by the hour during our hours of operation. Both workspaces are separate spaces that can be rented separately or together at the same time.

B&P aims to support local businesses through the shop. In line with this aim, B&P may host vendor market events. During these events, B&P will charge a flat fee or sales percentage fee to the vendors and provide a space to promote and sell their products. While each event may be different to support a variety of local businesses, B&P anticipates some events may require special event permitting on a case by case basis. See below under the "Pop-up events & vendors section for more information on what services and items will be sold by the vendors at our pop-up and market events. Our market events will be hosted inside of our building. In the case we would consider having a vendor do a pop-up outside of our physical building, we will follow city guidelines for outdoor special events as noted in this link > [City Guidelines for Special Events](#)

### *Amenities*

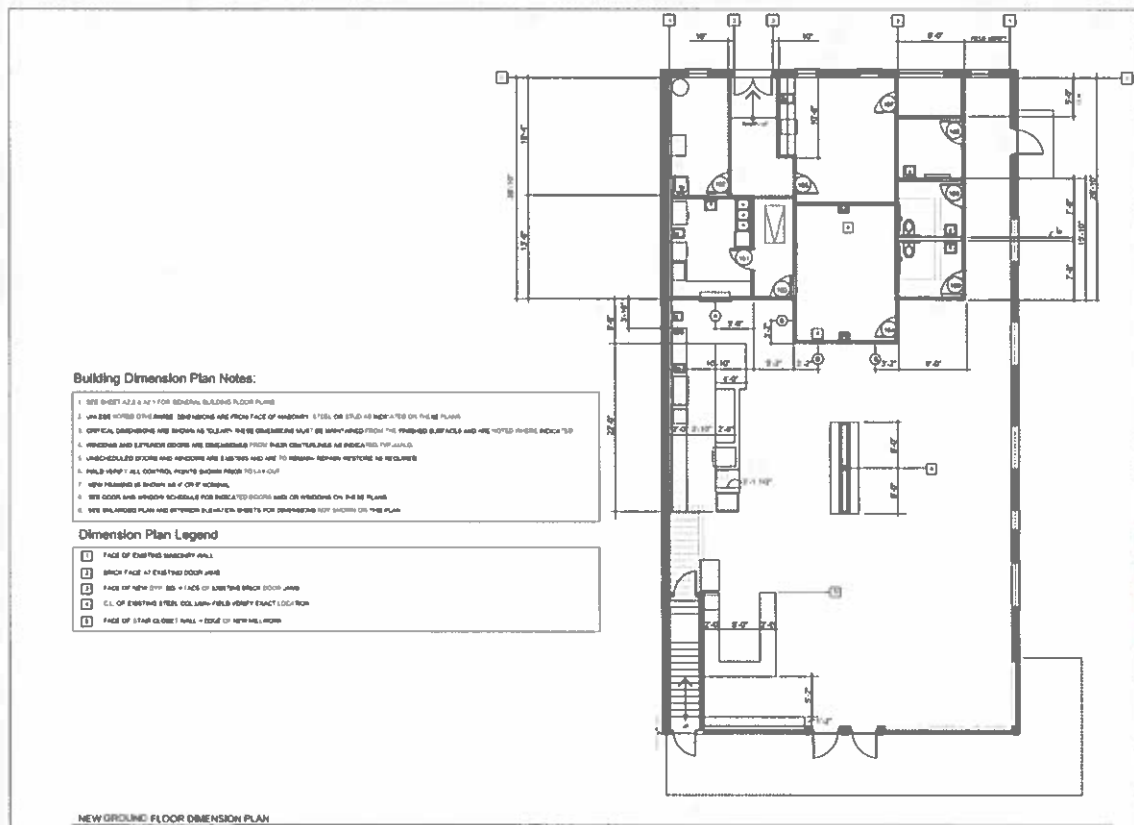
Our shared workspace (conference room) will be equipped with television access to connect directly to screen share and/or televise powerpoint presentations. Additionally, we will have a maker board and other essential office supplies to conduct office meetings such as stationary, pens, and dry erase markers. No special equipment will be required to utilize our workspace for our customers.

### **On-site Workshops & Classes**

We will offer occasional free of charge and prepaid classes and workshops such as on-site floral workshops and coffee education classes made available for the public by registering through our website portal.

### **Pop-up Events & Vendors**

We will collaborate with local businesses and individuals who are registered with the state to promote and sell goods and services at onsite pop-up events. The vendors we intend to collaborate with will include products and services such as apparel, home goods, potted plants, artisan crafts, skin & beauty products, ceramics, artwork, candles, photography sessions, and business mentorship classes.



Building Dimension Plan Notes:

- SEE SHEET A2.0 FOR GENERAL BUILDING FLOOR PLANS
- UNLESS NOTED OTHERWISE, DIMENSIONS ARE FROM FACE OF WINDOW, SILL, OR STUD AS NOTATED ON THESE PLANS
- CRITICAL DIMENSIONS ARE SHOWN AS TO CENTERLINE UNLESS NOTED OTHERWISE FROM THE FINISHED SURFACE AND ARE NOTED WHERE APPLICABLE
- WINDOWS AND EXTERIOR DOORS ARE DIMENSIONED FROM THEIR CENTERLINE UNLESS NOTED OTHERWISE
- UNCHECKED DOORS AND WINDOWS ARE SHOWN AND ARE TO BE REPAIR-REPAIR RESTORE AS REQUIRED
- FIELD HEIGHT: ALL DOORS, HEIGHTS SHOWN FROM FINISH FLOOR
- HEAD HEIGHTS AS SHOWN ARE 7'-0" UNLESS NOTED OTHERWISE
- SEE DOOR AND WINDOW SCHEDULES FOR DIMENSIONED DOORS AND OR WINDOWS ON THESE PLANS
- SEE RELATED PLAN AND SECTION SHEETS FOR DIMENSIONED NOT SHOWN ON THIS PLAN

Dimension Plan Legend

- 1 FACE OF EXISTING MASONRY WALL
- 2 BACK FACE OF EXISTING DOOR JAMB
- 3 FACE OF NEW 2" X 4" SILL + FACE OF EXISTING BRICK DOOR JAMB
- 4 C.L. OF EXISTING STEEL COLUMN-FIELD HEIGHT EXACT LOCATION
- 5 FACE OF STAIR CLOSET WALL - EDGE OF NEW HALL ROOM

NEW GROUND FLOOR DIMENSION PLAN

New Ground Floor Dimension Plan



Alterations to the Ground Floor of 100 S. Rogers Street for Bloom & Pour Waukegan, Texas 75185

Bloom & Pour



100 S. Rogers Street Waukegan, Texas 75185





# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-88-2024**

**MEETING DATE(S)**

*Planning & Zoning Commission:* May 28, 2024  
*City Council:* June 3, 2024

**CAPTION**

**Public Hearing** on a request by Cyle Corse, for a **Specific Use Permit (SUP)** for a **Tattoo or Body Piercing Shop** use within a Commercial (C) zoning district located at 217 E Main Street (Property ID 274682) - Owner: Big Blue Truck LLC (ZDC-88-2024) Staff: Zack King

**RECOMMENDED MOTION**

*"I move to approve ZDC-88-2024, a Specific Use Permit (SUP) for a Tattoo or Body Piercing Shop use, subject to the conditions of the staff report."*

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting held on May 28, 2024, the Commission voted 4-0 to recommend approval of case number ZDC-88-2024, subject to the conditions of the staff report.

**APPLICANT REQUEST**

The applicant requests approval of a SUP to allow for a Tattoo or Body Piercing Shop use at 217 E Main Street.

**CASE INFORMATION**

*Applicant:* Cyle Corse  
*Property Owner(s):* Big Blue Truck LLC  
*Site Acreage:* 0.0811 acres  
*Current Zoning:* Commercial (C)  
*Requested Zoning:* Commercial (C) with SUP for a Tattoo or Body Piercing Shop

**SUBJECT PROPERTY**

*General Location:* 217 E Main Street  
*Parcel ID Number(s):* 274682  
*Existing Use:* Shelby Symmetry Fitness Studio previously occupied the building.  
*Development History:* The subject property is currently platted as portion of Lot 6, Block 40 of the Original Town addition.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	C	Parking Lot
East	PD-MUR – Ordinance 3069	Undeveloped
South	PD-CA – Ordinance 2481	Ellis County Building
West	C	Office

*Future Land Use Plan:* Downtown

*Comprehensive Plan:* It is most appropriate to think of the Downtown placetype as a modification of the mixed-use neighborhood placetype. Waxahachie benefits from an attractive historic core and this placetype serves to preserve and allow for incremental improvement of that area. The core of Downtown is ripe for quality vertical mixed-use development. New single-family homes are generally discouraged here as denser housing types are desired downtown to provide more patrons to support the abundance of local businesses downtown. Attached and stacked housing is appropriate since the downtown core is predominantly developed; denser housing will most likely occur on the fringes or edges of downtown. Active rooftops, sidewalk cafes, and parklets are an opportunity to further activate the downtown core.

*Thoroughfare Plan:* The subject is accessible via E Main Street.

*Site Image:*



**PLANNING ANALYSIS****Background:**

On May 1, 2023, City Council adopted Ordinance 3374 for the purpose of further defining and distinguishing "Tattoo or Body Piercing Shop" uses and "Cosmetic Studio Restorative" uses. This ordinance established the requirement for "Tattoo or Body Piercing Shop" uses to receive approval of a Specific Use Permit (SUP) to operate in the General Retail (GR), Central Area (CA), and Commercial (C) zoning districts. Notably, prior to the adoption of this ordinance, "Tattoo or Body Piercing Shop" uses were allowed by right in the Commercial zoning district; but were prohibited in all other zoning districts.

In 2023, the applicant inquired about the process needed to relocate the tattoo studio to 217 E Main Street. At that time, the applicant was informed that an application for a Certificate of Occupancy (CO) was all that was needed to move to this location. This information did not correctly account for the ordinance adopted by the City Council in May of 2023, requiring approval of a SUP for all Tattoo or Body Piercing Shop uses in Commercial (C) zoning districts. In April of 2024, the applicant submitted a CO application to the Building & Community Services Department and was subsequently informed that approval of a SUP would be needed prior to issuance of the CO.

**Proposed Use:**

The applicant proposes a SUP to allow for a Tattoo or Body Piercing Shop use (Tattoo Guild) at 217 E Main Street. The owner of Tattoo Guild, Cyle Corse, has operated the Ink Masters tattoo studio at 201 E Main Street since 2015. With this SUP, the applicant is seeking approval to move to a larger space at 217 E Main Street for the purpose of consolidating three of his local tattoo studios into one space. The studio at 217 E Main Street is approximately 2,500 square feet in size and will accommodate chairs for eight (8) tattoo artists. The proposed hours of operation for the studio are 1:00pm to 10:00pm Tuesday through Saturday.

The existing 217 E Main Street building covers the entirety of the subject property; which means it is not technically possible to provide on-site parking. However, the owner of the subject property also owns the parking area directly to the east of 217 E Main Street. This adjacent property has historically been used as parking for 217 E Main Street and will be the parking are for Tattoo Guild.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 12 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PUBLIC NOTIFICATION RESPONSES**

Staff has received five (5) letters of support for the proposed SUP.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the SUP request, subject to the conditions noted below.

**Conditions:**

1. Permission to operate a Tattoo or Body Piercing Shop use at 217 E Main Street is granted only to Cyle Corse, owner of "Tattoo Guild". Approval to operate a Tattoo or Body Piercing Shop use at this location will not transfer to another Tattoo or Body Piercing Shop establishment or owner of Tattoo Guild.

Conditions (continued):

2. An amendment to the SUP will be required in the event that the property owner wishes to expand the Cosmetic and Restorative Studio area beyond the building at 217 E Main Street.
3. All exterior signage shall require a sign permit from the Building & Community Services Department and approval by the Heritage Preservation Commission.
4. If the premises covered by this Specific Use Permit is vacated and/or cease to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to re-establish the use.

**ATTACHED EXHIBITS**

1. Letters of Support
2. Tattoo Shop and Cosmetic Restorative Studio Uses Exhibit
3. SUP Ordinance
4. Exhibit A – Location Map
5. Exhibit B – Operational Plan
6. Exhibit C – Floor Plan

**APPLICANT REQUIREMENTS**

1. If approved by City Council, the applicant can complete the Certificate of Occupancy (CO) process with the Building and Community Services Department.

**STAFF CONTACT INFORMATION**

*Prepared by:*

Zack King, AICP

Senior Planner

[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-88-2024

**BIG BLUE TRUCK LLC**  
1023 W MAIN ST  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 28, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 3, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Cyle Corse, for a **Specific Use Permit (SUP)** for a Tattoo or Body Piercing Shop use within a Commercial (C) zoning district located at 217 E Main Street (Property ID 274682) - Owner: Big Blue Truck LLC (ZDC-88-2024) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-88-2024

City Reference: 279746

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *May 22, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

*Greg Nelson*

Date

*5-14-24*

Printed Name and Title

*Greg Nelson, partner*

Address

*1023 W Main*

(15)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-88-2024



**BIG BLUE TRUCK LLC**  
1023 W MAIN ST  
WAXAHACHIE, TX 75165

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Case Number: ZDC-88-2024

City Reference: 274682

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SUPPORT

OPPOSE

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
Signature *[Handwritten Signature]* Date 5-14-24

*Greg Nebels, partner*  
Printed Name and Title Address 1023 W Main



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-88-2024

**BIG BLUE TRUCK LLC**  
1023 W MAIN ST  
WAXAHACHIE, TX 75165

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Case Number: ZDC-88-2024

City Reference: 170696

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *May 22, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

*Greg Nohib*  
Printed Name and Title

Date

Address

*5-14-24*  
*1023 W Main*

(15)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-88-2024

**BIG BLUE TRUCK LLC**  
1023 W MAIN ST  
WAXAHACHIE, TX 75165

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You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-88-2024

City Reference: 170539

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *May 22, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

*GC*  
Signature

*5-14-24*  
Date

*Greg Nebel, partner*  
Printed Name and Title

*1023 W Main St.*  
Address



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-88-2024



CORK HOUSE WINERY LLC  
213 E MAIN ST  
WAXAHACHIE, TX 75165

RECEIVED MAY 15 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 28, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 3, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-88-2024

City Reference: 170542

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *May 22, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

<hr/>	
<i>Cork House Winery</i>	
<hr/>	
<i>Karla Gibson</i>	<i>5/13/24</i>
Signature	Date
<i>Karla Gibson - owner</i>	<i>213 E Main St.</i>
Printed Name and Title	Address



(16)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A TATTOO OR BODY PIERCING SHOP USE WITHIN A COMMERCIAL (C) ZONING DISTRICT, LOCATED AT 217 E MAIN STREET, BEING PROPERTY ID 274682, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING A PORTION OF LOT 6, BLOCK 40 OF THE ORIGINAL TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as C; and

**WHEREAS**, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-88-2024 Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

**WHEREAS**, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

**WHEREAS**, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

**NOW, THEREFORE**, this property is rezoned from C to C, with a SUP in order to permit a Tattoo or Body Piercing Shop use on the following property: 217 E Main Street, being a portion of Lot 6, Block 40 of the Original Town Addition, which is shown on Exhibit A, in accordance with the Operational Plan attached as Exhibit B, and the Floor Plan attached as Exhibit C.

**SPECIFIC USE PERMIT**

**Purpose and Intent**

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Zoning Ordinance.

(16)

### Specific Use Permit

**FOR OPERATION OF A TATTOO OR BODY PIERCING SHOP (TATTOO GUILD) USE WITHIN A COMMERCIAL (C) ZONING DISTRICT;** the following standards and conditions are hereby established as part of this ordinance:

1. Permission to operate a Tattoo or Body Piercing Shop use at 217 E Main Street is granted only to Cyle Corse, owner of "Tattoo Guild". Approval to operate a Tattoo or Body Piercing Shop use at this location will not transfer to another Tattoo or Body Piercing Shop establishment or owner of Tattoo Guild.
2. An amendment to the SUP will be required in the event that the property owner wishes to expand the Cosmetic and Restorative Studio area beyond the building at 217 E Main Street, identified in the Floor Plan – Exhibit C.
3. All exterior signage shall require a sign permit from the Building & Community Services Department and approval by the Heritage Preservation Commission.
4. The development shall adhere to the City Council approved in Exhibit A – Location Map, Exhibit B – Operational Plan, and Exhibit C – Floor Plan.
5. All improvements within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
7. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, shall conform to those requirements and/or standards prescribed in Exhibit B – Operational Plan and Exhibit C – Floor Plan. Where regulations are not specified in Exhibits B or C, or this Zoning Ordinance, the regulations of the Commercial (C) Zoning District and the City of Waxahachie Zoning Ordinance shall apply to this development.
8. City Council shall have the right to review the Specific Use Permit at any point, if needed.

### Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.

(16)

2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or cease to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to re-establish the use.
3. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

**PASSED, APPROVED AND ADOPTED** on this 3<sup>rd</sup> day of June, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

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



## Exhibit B - Operational Plan

(16)

**Cyle Corse**  
DBA Tattoo Guild  
217 E. Main Street  
Waxahachie Texas 75165

April 25th, 2024

I am submitting an application for a SUP at 217 E. Main Street, Waxahachie, Texas 75165. I have been in business at my current location since 2015. I would like to consolidate three of our local tattoo studios into one.

We will have 8 artists and our hours of operation will be Tuesday-Saturday 1PM-10PM. We will only tattoo during operating hours.

Signage will comply with the City's sign requirements and I understand the approval process.

### Business Plan for the Tattoo Guild

The Tattoo Guild is a professional tattoo studio committed to providing high-quality tattoo services to clients. Our mission is to create unique and meaningful tattoo art while maintaining a safe and comfortable environment for both artists and customers. This business plan outlines the key strategies and objectives for the Tattoo Guild to achieve success and we are confident in our ability to thrive in Waxahachie's beautiful community!

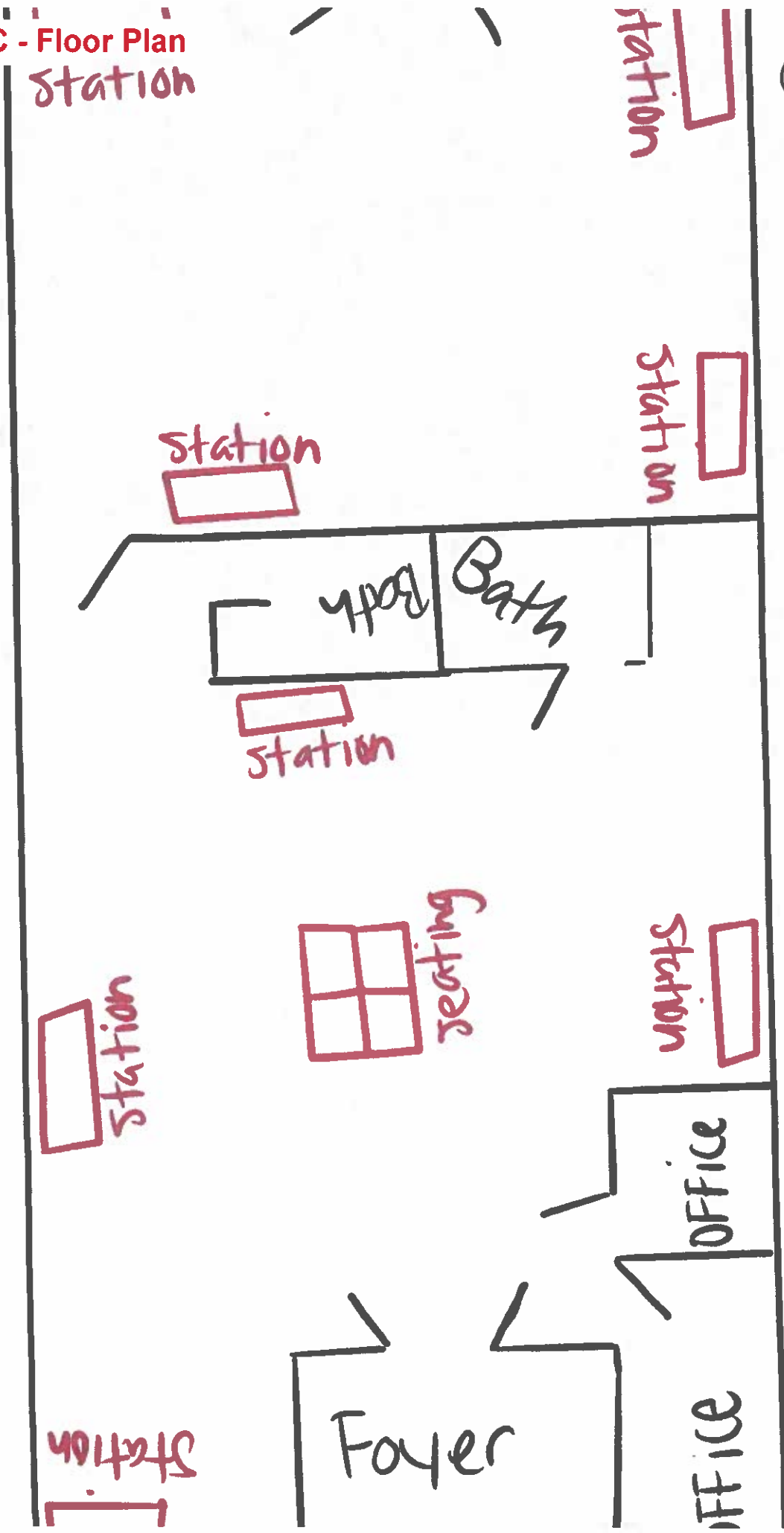
Sincerely,

Cyle Corse

Exhibit C - Floor Plan  
Station


217 E. main St.

(16)





## Memorandum

To: Honorable Mayor and City Council  
From: Chad Tustison, Senior Director of Finance  
Thru: Michael Scott, City Manager   
Date: June 3, 2024

Re: Consider and take action on a resolution directing publication of notice of intention to issue certificates of obligation and providing an effective date

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**Recommended Motion:** "I move to approve a resolution directing publication of notice of intention to issue certificates of obligation; directing the preparation of a preliminary official statement and related materials; and providing an effective date."

**Item Description:** This action to approve the publication of notice of intention to issue certificates of obligation is the first formal step to begin the process of issuing bonds to fund various streets, water, wastewater, parks and public safety capital projects. Upon approval, notices will be published in the newspaper and staff will continue the process of filing related materials and meeting with rating agencies. In early August, the City Council would consider an ordinance authorizing issuance of the certificates.

**Item Background:** The Capital Improvement Program (CIP) describes the City's large multi-year capital projects which provide new or improved City infrastructure, and comprises of projects for streets, sidewalks and drainage; park improvements; water and wastewater utilities; and municipal facilities. The CIP is funded through multiple funding sources, including proceeds from bond issuances, operating funds, and development impact fees.

On April 11, 2024, at the City Council Worksession, staff presented the CIP – updated annually – along with strategies to fund various capital projects for the upcoming year. As part of this overall strategy, the CIP includes the issuance of certificates of obligation to fund a portion of these projects. The total bond package is \$42.9 million and consists of streets, parks, public safety, and water

and wastewater projects. If approved, these projects will be funded through the ad valorem tax rate, and water and wastewater fees.

Over the next two months, staff will continue to prepare the Preliminary Official Statement and other required information, and meet with bond rating agencies. In early August, the City Council will consider an ordinance authorizing the issuance of the bonds. Upon successful pricing and selling of the bonds, the funds would be expected to be delivered and available in early September.

**Fiscal Impact:** The City utilizes certificates of obligation to fund capital projects throughout the City as part of its Capital Improvement Program funding strategy. The debt service required to fund the streets, parks and public safety project costs are accounted for in current budget projections and would not require an increase in the total ad valorem tax rate. The water and wastewater projects would be funded through water and wastewater fees.



(17)

Meeting as given, all as required by Chapter 551, Government Code.

3. That the Mayor of said City has approved and hereby approves the aforesaid Resolution; that the Mayor and the City Secretary of said City have duly signed said Resolution; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Resolution for all purposes.

**SIGNED AND SEALED** the 3<sup>rd</sup> day of June, 2024.

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City Secretary

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Mayor

(SEAL)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; DIRECTING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND RELATED MATERIALS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Waxahachie, Texas (the "City") expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described in Exhibit A to this Resolution prior to the issuance of the Certificates of Obligation hereinafter described; and

WHEREAS, the City's City Manager, Director of Finance, Financial Advisor and Bond Counsel are prepared to draft and distribute necessary documents for the sale on a competitive bid basis of the Certificates of Obligation;

WHEREAS, the City Council hereby finds, considers and declares that the reimbursement of the payment by the City of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the U.S. Treasury Regulations, to reimburse itself for such payments at such time as it issues the hereinafter described Certificates of Obligation; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

Section 1. That attached hereto and marked Exhibit A is a form of notice (the "Notice"), the form and substance of which are hereby passed and approved.

Section 2. That the City Secretary shall cause the Notice to be published, in substantially the form attached hereto, in the Waxahachie Sun, a newspaper of general circulation in the City of Waxahachie, Texas, for two (2) consecutive weeks, the date of the first publication to be before the forty-fifth (45<sup>th</sup>) day before the date tentatively set for the adoption of the ordinance authorizing the issuance of the Certificates of Obligation as shown in the Notice.

Section 3. That the City Secretary shall cause the Notice to be posted, in substantially the form attached hereto, continuously on the City's internet website for at least forty-five (45) days before the date tentatively set for the adoption of the ordinance authorizing the issuance of the Certificates of Obligation as shown in the Notice.

Section 4. That the facilities and improvements to be financed with proceeds from the proposed Certificates of Obligation are to be used for the purposes described in the attached Notice of Intention. No bond proposition to authorize the issuance of bonds for the same purpose as any of the projects described in Exhibit A to be financed with the proceeds of the proposed Certificates of Obligation was submitted to the voters of the City during the preceding three (3) years and failed to be approved.

Section 5. That all costs to be reimbursed pursuant to this Resolution will be capital expenditures; the proposed Certificates of Obligation shall be issued within eighteen (18) months of the later of (i) the date the expenditures are paid or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service; and the foregoing notwithstanding, the Certificates of Obligation will not be issued pursuant to this Resolution on a date that is more than three years after the date any expenditure which is to be reimbursed is paid.

Section 6. That the City Manager and Director of Finance are hereby directed to cause the preparation of a Preliminary Official Statement for the Certificates of Obligation, together with related materials, and the Director of Finance and the Financial Advisor are authorized to distribute same among entities which would be interested in bidding on the Certificates of Obligation and other interested persons.

Section 7. That the Director of Finance and the Financial Advisor are authorized to apply to rating agencies for ratings on the Certificates of Obligation and to make presentations to them and provide to such entities the information reasonably requested by them.

Section 8. That the Council hereby authorizes its advisors, the City Manager and the Director of Finance of the City, and its members to do all things necessary to prepare for the sale of the Certificates of Obligation.

Section 9. That this Resolution shall be effective immediately upon passage and adoption.

## EXHIBIT A

NOTICE OF INTENTION TO ISSUE  
CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that it is the intention of the City Council of the City of Waxahachie, Texas, to issue one or more series of the interest bearing certificates of obligation of the City to be entitled "City of Waxahachie, Texas Combination Tax and Revenue Certificates of Obligation", for the purpose of paying contractual obligations to be incurred by the City, to-wit: (i) the construction, installation and equipment of park and recreational improvements; (ii) the construction, renovation, improvement and equipment of existing municipal buildings; (iii) the construction, renovation, improvement and equipment of buildings, facilities and public safety facilities for the public works, parks and recreation, and police departments; (iv) the acquisition of vehicles and equipment for the for the public works and fire departments; (v) constructing and improving streets, including related sidewalks, cycle paths, signage and signalization, landscaping, streetscaping, drainage, utility line relocations and the acquisition of land and rights-of-way therefor; and (vi) the construction of improvements and extensions to the City's water and wastewater systems; and (vii) the payment of fiscal, engineering and legal fees incurred in connection therewith.


The City Council tentatively proposes to authorize the issuance of such Certificates of Obligation, in one or more series, at a meeting to commence at 7:00 p.m. on August 5, 2024, at the Waxahachie Civic Center, 2000 Civic Center Lane, Waxahachie, Texas. The maximum amount of Certificates of Obligation that may be authorized to be sold on said date for such purposes described above is \$42,900,000. The City Council presently proposes to provide for payment of said series (one or more) of Certificates of Obligation from the levy of taxes and from a limited surplus revenue pledge (not to exceed \$1,000) derived from the operation of the City's water and wastewater systems.

In accordance with the provisions of Subchapter C of Chapter 271, Texas Local Government Code, as amended ("Chapter 271"), the following information has been provided by the City: (i) the principal amount of all outstanding debt obligations of the City is \$225,655,000; (ii) the current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$301,446,431; (iii) the maximum principal amount of the certificates of obligation to be authorized is \$42,900,000; (iv) the estimated combined principal and interest required to pay the certificates of obligation to be authorized on time and in full is \$64,058,941; (v) the maximum interest rate for the certificates of obligation may not exceed the maximum legal interest rate; and (vi) the maximum maturity date of the certificates of obligation shall not exceed forty (40) years from the date thereof.

CITY OF WAXAHACHIE, TEXAS



## Memorandum

To: Honorable Mayor and City Council  
From: Kumar Gali, Senior Director of Utilities  
Thru: Michael Scott, City Manager   
Date: June 3, 2024  
Re: Consider Contracts for Emergency Bypass Pumping, Repair of 30-inch Sewer Interceptor and Supplemental Appropriation

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**Motion:** "I move to approve a construction contract with Circle H Contractors L.P. in the amount of \$160,825 with an additional contingency of \$40,000 for the repair of the 30-inch sewer interceptor, a contract with Xylem Dewatering Solutions for the emergency bypass pumping in the amount of \$117,550 and a supplemental appropriation of \$318,375 from the Wastewater Fund unrestricted reserve fund balance to fund the emergency repair of the 30-inch sewer interceptor by the Jefferson Street Lift Station and authorize the City Manager to execute all the necessary documents."

**Item Description:** Consider the award of a construction contract with Circle H Contractors L.P., in the amount of \$160,825 with an additional contingency of \$40,000, a contract with Xylem Dewatering Solutions for the emergency bypass pumping in the amount of \$117,550 and a supplemental appropriation of \$318,375 for the emergency repair of 30-inch sewer interceptor by the Jefferson Street Lift Station.

**Item Summary:** The 30-inch sewer interceptor by the Jefferson Street Lift Station has a partial pipe collapse. This 30-inch sewer interceptor carries all the City's sanitary sewer flow into the Jefferson Street Lift Station which pumps to the wastewater treatment plant. Sanitary sewer can still flow through the 30-inch pipe, but rocks and mud are being deposited on the lift station screens. The

30-inch sewer interceptor has exceeded its life expectancy and is a critical sewer line for the continuous operations of our sanitary sewer collections system and needs an emergency replacement.

The scope of the Xylem's contract encompasses mobilization and bypass pumping around the collapsed pipe for continuous sewer flow operations.

The scope of Circle H Contractor's contract encompasses the concrete drive demolition and replacement, excavation, replacement of 154 linear feet of the 30-inch interceptor sewer and replacement of a 6-foot manhole.

Considering the recent and forecasted significant rain events, the possibility of the 30-inch line completely collapsing and causing a major sanitary sewer overflow was likely. Therefore, city staff directed Xylem to mobilize the bypass pumping under emergency conditions. City staff is requesting to ratify the Xylem Dewatering Solutions contract and approve the contract for Circle H to replace the 30-inch sewer pipe and manhole.

**Fiscal Impact:** This emergency repair of 30-inch interceptor sewer will be funded through a supplemental appropriation from the Wastewater Fund unrestricted fund balance in the amount of \$318,375.

(19)



## Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: June 3, 2024

Re: Appointments to the Planning & Zoning Commission, Park Board, and Keep Waxahachie Beautiful Committee to Fill Unexpired Terms

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**Recommended Motion:** "I move to approve the appointments to the Planning & Zoning Commission, Park Board, and Keep Waxahachie Beautiful Committee to fill unexpired terms as follows: *(fill in the blank for each of the three boards)*"

**Item Description:** Consider appointments to fill unexpired terms on the Planning & Zoning Commission, Park Board, and Keep Waxahachie Beautiful Committee.

Planning & Zoning Commission (2-year term)

- Jeff Reed (filling unexpired term of Adrian Cooper until September 2025)

Park Board (2-year term)

- Justin Burns, Christy Waters, or Alex Lohman (filling unexpired term of Aubrey Drouillard until September 2024)

Keep Waxahachie Beautiful Committee (3-year term)

- Kimberly Cooper or Brent Gundert (filling unexpired term of Dr. William Major until September 2026)

**Item Summary:** Staff forwarded current applications on file to City Council for review and received three recommendations for final consideration. Those recommendations are shown above for Council's consideration and approval.