

# **A G E N D A**

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, July 1, 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 June 17, 2024
- b. Minutes of the City Council Work Session of June 18, 2024
- c. Minutes of the City Council Special meeting of June 24, 2024
- d. Event application for Youth Revival “A Night with the King” to be held July 13, 2024 at Railyard Park
- e. Event application for DFW Youth World Baseball Classic to be held August 9-12, 2024 at the Waxahachie Sports Complex
- f. Event application for Hispanic Heritage event to be held September 28, 2024 at Railyard Park
- g. Event application for Turkey Trot 5k/10k at Getzendaner Park to be held November 28, 2024
- h. Proposed Ordinance approving a request by John Dineen Jr. & Jennifer Dineen, for a Petition for ETJ Release for approximately 10.00 acres, located at 1410 Broadhead Road (Property ID 201199 & 202437) – Owner: John Dineen Jr. & Jennifer Dineen (ETJ-PTN-155-2023)
- i. Proposed Ordinance approving a request by Josh Trees, for a Petition for ETJ Release for approximately 11.054 acres, located north of 3537 S US Highway 287

(Property ID 180959 & 223894) – Owner: JT Executive Properties LLC (ETJ-PTN-81-2024)

- j. Proposed Ordinance approving a request by Johnny Fussell & Sean Fussell, for a Petition for ETJ Release for approximately 10.385 acres, located at 611 Wilson Rd. (Property ID 289604) – Owner: SDJF Property Trust. (ETJ-PTN-112-2024)
  - k. Proposed Ordinance approving a request by Johnny Fussell & Sean Fussell, for a Petition for ETJ Release for approximately 5.111 acres, located at 439 Wilson Rd. (Property ID 240435) – Owner: Fuquez Property Company No. 105 LLC. (ETJ-PTN-114-2024)
  - l. Proposed Ordinance approving a request by Johnny Fussell & Sean Fussell, for a Petition for ETJ Release for approximately 5.1 acres, located at 515 Wilson Road. (Property ID 245413) – Owner: Fuquez Property Company No. 105 LLC. (ETJ-PTN-115-2024)
  - m. Proposed Ordinance approving a request by Travis Baucom, for a Petition for ETJ Release for approximately 2.05 acres, located at 3740 S US Highway 287 (Property ID 220805) – Owner: HWY 287 Storage LLC (ETJ-PTN-116-2024)
  - n. Proposed Ordinance approving a request by Carli Middleton, for a Petition for ETJ Release for approximately 4.22 acres, located at 421 Hoyt Road (Property ID 283852) – Owner: New Earthlok LLC (ETJ-PTN-117-2024)
  - o. Downtown Building Improvement Program Grant Application for 217 E. Main Street
  - p. Temporary road closure of the intersections of S College Street/W Madison Street and S Jackson Street/E Madison Street
  - q. Request to consider acceptance of the Animal Care Advisory Board nomination of Assistant Chief Marcus Brown to that Board
  - r. Consider project budget amendment for Northgate Drive at US-77 Intersection Improvements
  - s. Consider budget amendment within the Facilities Capital Projects Fund
6. **Introduce** Honorary Councilmember
  7. **Present** proclamation recognizing July as “Parks and Recreation Month”
  8. **Public Hearing** on a request by Shannon Almon & Jerry L Almon, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-1 (SF-1) zoning district located at 1017 W Main Street (Property ID 171879) - Owner: Shannon Almon & Jerry L Almon (ZDC-100-2024) Staff: Harper Lindamood
  9. **Consider** proposed Ordinance approving ZDC-100-2024
  10. **Consider** budget transfer and award of a construction contract for Water Street Water and Sewer Improvement Project
  11. **Consider** construction contract for Lower Mustang Creek Lift Station Expansion Phase IV Project and Reimbursement Resolution
  12. Comments by Mayor, City Council, City Attorney and City Manager

### 13. 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

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, June 17, 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**

Jim Brunson, The Church of Jesus Christ of Latter-Day Saints, gave the invocation. Mayor Pro Tem Chris Wright led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Gail Harrell, 669 Brookcrest Ct., Waxahachie, Texas, requested the Ellis County Children's Theater be granted as a member of the Waxahachie Arts Council.

Addison McGuire, 551 Rolling Hills Road, Waxahachie, Texas, requested funding for the Ellis County Children's Theater to continue operation and support children in the community.

Carter Ford, 319 E. Marvin, Waxahachie, Texas, requested funding for the Ellis County Children's Theater to continue operation and support children in the community.

McKenzie Ballance, 313 University Avenue, Waxahachie, Texas, requested funding for the Ellis County Children's Theater to continue operation and support children in the community.

Sonora Haso, requested funding for the Ellis County Children's Theater to continue operation and support children in the community.

Michelle Drolet, 128 Lakeshore Drive, Waxahachie, Texas, requested City Council review the traffic safety at Boat Dock Park.

Andrew Henderson, 324 Bessie Coleman Blvd., Waxahachie, Texas, requested City Council review the project at Lee Penn Pool due to the extensive delays on the completion.

Ira Tenpenny, 109 Rosa, requested adequate fencing around swimming pools due to safety.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of June 3, 2024
- b. Minutes of the City Council Work Session of June 10, 2024
- c. Event Application for Juneteenth Celebration to be held June 19, 2024 at Lee Penn Park
- d. Event Application for Navarro College 5k Fun Run to be held October 12, 2024 at Getzendaner Park
- e. Event Application for Dripstar Day to be held May 24, 2025 at Lee Penn Park
- f. Downtown Building Improvement Program Grant Application for 209 S. College Street
- g. Downtown Building Improvement Program Grant Application for 200 S. Rogers Street
- h. Funding request for building improvements for 200 S. Rogers Street
- i. Application from What's SUP + Kayaks for Seasonal Vendor Permit at Lake Waxahachie
- j. Authorize the use of Convention Visitors Bureau FY24 Contingency Funds for DFW Youth World Baseball Classic & Crape Myrtle Festival
- k. Budget Transfer within the Streets Capital Projects Fund
- l. Professional Services Agreement for construction materials engineering and testing services for University Avenue street and utility reconstruction project
- m. Professional Services Agreement for construction materials testing services for Graham Street Reconstruction Project

**Action:**

*Chris Wright 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 Wallace announced there was no Honorary Councilmember in attendance.

**7. Present Proclamation recognizing "Make Music Day" on June 21, 2024**

Mayor Wallace read a Proclamation recognizing June 21, 2024 as "Make Music Day."

**8. Recognition of the Public Works and Engineering Department for receiving the APWA Awards for: Transportation Project of the Year for Monticello Drive Reconstruction, Environmental Project of the Year for Waxahachie Creek Stabilization Project, and Structures Project of the Year for Charles Beatty Municipal Services Building**

James Gaertner, Executive Director of Public Works & Utilities, recognized the Public Works and Engineering Department for receiving the APWA Awards for: Transportation Project of the Year for Monticello Drive Reconstruction, Environmental Project of the Year for Waxahachie Creek Stabilization Project, and Structures Project of the Year for Charles Beatty Municipal Services Building.

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**9. 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 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 Senior Director of Planning Jennifer Pruitt. On June 10, 2024, City Council held a work session to discuss revisions to the Hightower Club concept plan. During this work session, the applicant presented two (2) revised concept plans for City Council. City Council identified a preference for option “K”; which included a strictly emergency access connection to Lakeshore Drive near the southeast corner of the subject property. The applicant noted this concept would include a gate across the emergency access point to ensure the connection is not utilized by residents. The applicant also noted that pedestrian access along with enhanced screening and landscaping would be provided adjacent to the emergency access point. Finally, this concept plan includes a provision to remove the detention/retention area along Lakeshore Drive, if it is ultimately possible to handle drainage for the development via installation underground drainage infrastructure. The subject property will develop according to the design of the concept plan (Exhibit C).

The City Engineer and the Public Works & Engineering Department have evaluated the concept plan provided by the applicant with this Planned Development application. The applicant has conceptually accounted for drainage and detention requirements. The City Engineer has noted that full detailed drainage plans are provided to the City for review and approval with the Civil Construction permit. Should the Planned Development for the property be approved, the developer will be required to submit a Plat for the property. This will be reviewed by multiple departments including Engineering, Planning, Utilities, and Fire. After the Plat has been approved, the developer has 120 days to submit the full Civil Construction plans for review. These plans are also reviewed by our Engineering, Planning, Fire, and Utilities departments. These plans will include the full drainage design, utilities, roadway, grading, erosion control, signage, and lighting. During this plan review, the engineering team will look at the drainage and detention calculations.

The City Engineer has also noted that per the City’s Drainage Design Manual, post developed flows shall not exceed pre-developed flows. This is typically handled through detention and is one of the items evaluated during the review of Civil Construction plans. Building permits are not permitted to be issued until all public infrastructure (including drainage and detention infrastructure) is installed by the developer and accepted by the Public Works Department. The Public Works & Engineering Department has also evaluated the potential traffic impact of the proposed development.

The applicant proposes to install monument signage for the development adjacent to the emergency access gate and pedestrian connection to Lakeshore Drive. The monument signage is proposed to be HOA maintained.

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. At the time of publishing this report, staff has received letters of support from six (6) 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

(5a)

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 this report; but are not included in the total opposition count. Five (5) letters of support and seventeen (17) letters of opposition were provided for properties within the 200' notification buffer for the request.

Mayor Wallace continued the Public Hearing at approximately 7:33 p.m.

Those who spoke in opposition:

Jeff Frost, 137 Lakeshore Drive, Waxahachie, Texas

Paul Mackel, 124 Lakeshore Drive, Waxahachie, Texas

Michelle Drolet, 128 Lakeshore Drive, Waxahachie, Texas

Ira Tenpenny, 109 Rosa, Waxahachie, Texas, requested proper septic tanks for the development.

There being no others to speak for or against ZDC-128-2022, Mayor Wallace closed the Public Hearing at approximately 7:52 p.m.

Council Members discussed citizen's concerns and efforts to compromise on the development.

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

**ORDINANCE NO. 3514**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) AND PLANNED DEVELOPMENT-SINGLE FAMILY-1 (PD-SF-1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-1 (PD-SF-1), LOCATED NORTH OF 143 LAKESHORE DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 84.78 ACRES KNOWN AS PROPERTY ID 182009, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Chris Wright moved to approve the Ordinance for ZDC-128-2022, a Zoning Change from a future Development and Planned Development-Single Family-1 zoning district to a Planned Development-Single Family-1 zoning district, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to sign the associated documents accordingly. Motion was seconded by Travis Smith and carried 4-1, with Patrick Souter voting in opposition.*

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

**Action:**

*Travis Smith moved to approve the Development Agreement for ZDC-128-2022. Motion was seconded by Tres Atkins and carried 4-1, with Patrick Souter voting in opposition.*

**12. Public Hearing on a request by David Griffin, Griffin Land Surveying, for a Replat of a portion of Block 30 of the Bullards Addition, and abandonment of a portion of Rogers Street, 3 commercial lots, being 1.596 acres, located at 401 Cantrell Street**

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**(Property ID: 172424, 172425, & 196137) – Owner: Francisco Cuevas, Esparza Properties LTD Co., and John Jordan & Susan Jordan (SUB-93-2023)**

The Item was presented by Ms. Pruitt. The applicant proposes to abandon approximately 0.417 acres of Old Rogers Street right-of-way (ROW) and incorporate the abandoned area into the three adjacent properties via a Replat. Specifically, the existing ROW is proposed to be split down the centerline of Old Rogers Street and incorporated into each adjacent property. To account for existing City utility infrastructure in the Old Rogers Street ROW, the Utilities Department has required the applicant to dedicate a 60' Utility Easement in the place of the abandoned ROW. The resulting lots meet all requirements of the Waxahachie Subdivision Ordinance.

The Old Rogers Street ROW proposed to be abandoned with this replat has not been maintained or utilized by the City for decades. The ROW currently dead-ends into the intersection of Howard Road and US Highway 77. The ROW has historically been used by the neighboring property owners to access and maneuver on their respective sites. Abandonment of the ROW will formally transfer ownership and maintenance responsibility to the adjacent property owners. The abandonment will also afford adjacent property owners an opportunity to install parking in the former ROW area. However, new structures will not be permitted in the area due to the utility easement dedication over the former ROW.

As part of the proposed Replat, the applicant is providing a 20' right-of-way (ROW) dedication for Howard Road, as required by the 2023 Waxahachie Thoroughfare Plan.

Section 1.11 of the Waxahachie Subdivision Ordinance allows Plat and Replat applicants to submit a Petition for Hardship Waiver in the event that a requirement of the Subdivision Ordinance imposes a condition resulting in an unreasonable hardship if it is strictly enforced. In this instance, the applicant has requested a Petition for Hardship Waiver due to conflicts between the location of existing buildings on the subject property and the requirements of the Subdivision Ordinance.

The Waxahachie Subdivision Ordinance requires a 15' Utility Easement to be dedicated adjacent to all public ROW at the time the property is platted or replatted. The building located at 401 Cantrell Street is currently situated on the north and west property line. The applicant has requested to not provide ROW dedication along FM 1446 (Cantrell Street) and Highway 77, due to the fact that the utility easement would encroach on the existing building and require the removal of the building.

Similarly, the existing building at 528 S Rogers Street is situated just 3' from the southern property line, after considering the proposed ROW dedication for Howard Road. Due to this, the applicant has requested to only provide a 3' Utility Easement along the southern property line.

The applicant has provided Letters of No Objection for the easement elimination and reduction requests from franchise utility providers Atmos, Oncor, and Spectrum. These letters confirm that neither Atmos, Oncor, or Spectrum object to the reduced or eliminated utility easements. Due to the provision of these letters, and the presence of City utility infrastructure in existing ROW, staff is supportive of the Petition for Hardship Waiver.

Mayor Wallace opened the Public Hearing at approximately 8:07 p.m.

There being no others to speak for or against SUB-93-2023, Mayor Wallace closed the Public Hearing at approximately 8:07 p.m.

**13. Consider approval of SUB-93-2023**

**Action:**

*Chris Wright moved to approve SUB-93-2023, a Replat of a portion of Block 30 of the Bullards Addition, the associated Petition for Hardship Waiver, the associated right-of-way abandonment request and authorize the Mayor and/or City Manager to sign all associated documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**14. Public Hearing on a request by Katy Dockery, HKS Inc., for an Amended Site Plan for the Baylor Scott & White Hospital Tower Expansion II, located at 2400 N Interstate 35E (Property ID: 180334) – Owner: Baylor Health Care System (SP-106-2024)**

The Item was presented by Ms. Pruitt. The applicant proposes an Amended Site Plan to allow for a revision to the elevation/façade plan for the Baylor Scott & White Hospital Tower Expansion II project. In November of 2023, the City Council approved the Site Plan (SP-141-2023) and Development Agreement for the hospital tower expansion. Following this approval, the applicant submitted a building permit for the expansion that included an elevation/façade plan that did not match the approved Development Agreement. Due to the conflict with the development agreement, the applicant was informed that approval of an Amended Site Plan application and revised Development Agreement would be needed.

This Amended Site Plan application only revises the Elevation/Façade Plan approved with SP-141-2023. The Site Plan, Landscape Plan, Signage Plan, and Phasing Plan sheets from SP-141-2023 are not proposed to be altered in any way with this application.

The applicant has proposed multiple revisions to the elevation/façade plan with this application. Specifically, the east façade of the new bed tower and portions of the ICU addition were updated. The applicant has noted that these alterations are proposed to simplify the design of the building and reduce the amount of steel needed for structural support. The new design for the bed tower increases the amount of brick and decreases the amount of glazing used for the east façade. Similarly, the revised façade for the ICU addition features a greater amount of brick and a decreased amount of glazing. The revised elevation/façade plan also corrects a technical error in the summary table for exterior construction materials that were found in the original design.

Mayor Wallace opened the Public Hearing at approximately 8:10 p.m.

There being no others to speak for or against SP-106-2024, Mayor Wallace closed the Public Hearing at approximately 8:10 p.m.

**15. Consider approval of SP-106-2024**

**Action:**

*Travis Smith moved to approve SP-106-2024, an Amended Site Plan Application for Baylor Scott & White Hospital Tower Expansion II, subject to the conditions of the staff report and authorize*

*the City Manager and/or Mayor to sign the associated documents accordingly. Motion was seconded by Tres Atkins and carried unanimously (5-0).*

**16. Consider approval of Development Agreement for SP-106-2024**

**Action:**

*Travis Smith moved to approve the Development Agreement for SP-106-2024. Motion was seconded by Tres Atkins and carried unanimously (5-0).*

**17. Public Hearing on a request by Dorothea Russell, Russell Living Trust, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-3 (SF-3) zoning district located at 902 E Marvin Avenue (Property ID 282999) - Owner: Russell Living Trust (ZDC-55-2024)**

The Item was presented by Ms. Pruitt and owner Dorothea Russell requested approval. The applicant is requesting a SUP for a short-term rental use located at 902 E Marvin Avenue because it is located within the SF-3 zoning district. The subject property consists of a primary structure of approximately 1,505 square feet with three (3) bedrooms, situated on an approximately 0.2288-acre (9,966 square feet) lot. Notably, only a single bedroom in the home is available for a short-term rental lease. The property owner resides full-time in the remainder of the home. There is sufficient improved surface to accommodate for the maximum parking requirement of one (1) vehicle for short-term rental use. The existing driveway also provides sufficient space for the homeowner to park on-site while the STR is in use. The applicant has operated a short-term rental at this location since May of 2022 and 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 applicant's local emergency contact resides on the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 75 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 the staff report, a total of three (3) letters of support and two (2) letters of opposition were received by staff, with two (2) letters of support and two (2) letters of opposition being inside the 200' buffer and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 8:13 p.m.

There being no others to speak for or against ZDC-55-2024, Mayor Wallace closed the Public Hearing at approximately 8:14 p.m.

**18. Consider proposed Ordinance approving ZDC-55-2024**

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**ORDINANCE NO. 3515**

**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 902 E MARVIN AVENUE, BEING PROPERTY ID 282999, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1 OF THE RUSSELL ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Chris Wright moved to approve ZDC-55-2024, a Specific Use Permit for Short-Term Rental use, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

- 19. Public Hearing on a request by Katherine Lagomarsino, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-2 (SF-2) zoning district located at 304 Oldham Avenue (Property ID 170863) - Owner: Katherine Lagomarsino (ZDC-98-2024)**

The Item was presented by Ms. Pruitt. The applicant requests a SUP for short-term rental use at 304 Oldham St. because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 2,501 square feet, built in 1895 with three (3) bedrooms, (2.5) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles, situated on an approximately 0.29-acre (10,018 square feet) lot. The applicant has been operating a short-term rental since 2018 and 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 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 applicant's local emergency contact is located 11.4 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, 85 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 the staff report, a total of one (1) letter of opposition and seven (7) support letters were received by staff, with three (3) letters of support 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 8:17 p.m.

There being no others to speak for or against ZDC-98-2024, Mayor Wallace closed the Public Hearing at approximately 8:17 p.m.

Council Member Patrick Souter inquired about the homestead exemption on the property and Ms. Lagomarsino stated she emailed the Appraisal District after the Planning and Zoning Commission meeting to request removal of the Homestead Exemption.

Council Member Wright requested including in the motion that the owner will need to backpay City property taxes without the Homestead Exemption since 2018.

City Attorney Terry Welch stated the City could include that language in the motion; however, it would be at the discretion of the Ellis Central Appraisal District to request collection.

**20. Consider proposed Ordinance approving ZDC-98-2024**

**ORDINANCE NO. 3516**

**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 304 OLDHAM STREET, BEING PROPERTY ID 170863 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 12, 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 ZDC-98-2024, a Specific Use Permit for Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly, subject to the payment of the City portion of property taxes since 2018 which would be subject to the approval of the Ellis County Appraisal District. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**21. Public Hearing on a request by Katherine Lagomarsino, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-2 (SF-2) zoning district located at 1500 Ferris Avenue (Property ID 173413) - Owner: Katherine Lagomarsino (ZDC-99-2024)**

The Item was presented by Ms. Pruitt. The applicant requests a SUP for short-term rental use at 1500 Ferris Avenue because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,730 square feet, built in 1950 with two (2) bedrooms, (1) bathroom and enough improved surface to accommodate for the maximum parking spaces of two (2) vehicles, situated on an approximately 0.22-acre (9,539 square feet) lot. The applicant has been operating a short-term rental since 2018 and 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 the 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 applicant's local emergency contact is located 12.2 miles from the subject property.

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To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 77 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 the staff report, a total of four (4) letters of opposition and four (4) letters of support were received by staff, with three (3) letters of opposition and two (2) letters of support being inside the 200' buffer and the remainder outside of the 200' buffer.

Owner Katherine Lagomarsino confirmed she purchased the property in November 2022.

Mayor Wallace opened the Public Hearing at approximately 8:27 p.m.

There being no others to speak for or against ZDC-99-2024, Mayor Wallace closed the Public Hearing at approximately 8:28 p.m.

**22. Consider proposed Ordinance approving ZDC-99-2024**

**ORDINANCE NO. 3517**

**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 1500 FERRIS AVENUE, BEING PROPERTY ID 173413 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 150A AND 151A OF THE FERRIS SECOND REVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Chris Wright moved to approve ZDC-99-2024, a Specific Use Permit for Short-Term Rental use, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**23. Public Hearing on a request by Anthony Rieper, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-2 (SF-2) zoning district located at 411 N Hawkins Street (Property ID 173335) - Owner: John Marlin (ZDC-101-2024)**

The Item was presented by Ms. Pruitt. The applicant requests a SUP for short-term rental use at 411 N Hawkins Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 2,501 square feet, with three (3) bedrooms, (2.5) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles, situated on an approximately 0.26-acre (11,456 square feet) lot.

The applicant has been operating a short-term rental since July 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. At the time of publishing this staff report, the City has received no complaints regarding any issues.

(5a)

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 0.8 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, 62 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 the staff report, a total of three (3) letters of opposition and four (4) letters of support were received by staff, with two (2) letters of opposition and three (3) letters of support being inside the 200' buffer and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 8:30 p.m.

Council Members discussed whether the owner of the property or the short-term operator would be responsible for potential violations. Mr. Welch explained the short-term rental ordinance defines "owner" and could potentially include the operator.

Mayor Pro Tem Wright noted if approved, this would be the third short-term rental in this area. Mr. Wright also noted the Homestead Exemption on the property needs to be removed.

There being no others to speak for or against ZDC-101-2024, Mayor Wallace closed the Public Hearing at approximately 8:37 p.m.

**24. Consider proposed Ordinance approving ZDC-101-2024**

**Action:**

*Travis Smith moved to deny ZDC-101-2024, a Specific Use Permit for a Short-term rental use. Motion was seconded by Chris Wright and carried 3-2, with Billie Wallace and Tres Atkins voting in opposition.*

**25. Public Hearing on a request by Gabrielle Calvery Tranel, Virginia Holdings LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-2 (SF-2) zoning district located at 1105 W Main Street (Property ID 176628) - Owner: Virginia Holdings LLC (ZDC-102-2024)**

The Item was presented by Ms. Pruitt. The applicant requests a SUP for short-term rental use at 1105 W Main St. because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 2,184 square feet, built in 1920 with three (3) bedrooms, (3) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles, situated on an approximately 0.23-acre (9,365 square feet) lot. The applicant has not been operating a short-term rental and 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.

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 1.0 mile from the property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 39 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of the staff report, a total of five (5) letters of opposition and one (1) letter of support were received by staff, with five (5) letters of opposition and one (1) letter of support being inside the 200' buffer. Ms. Pruitt noted opposition exceeds 20% of the property by acreage, requiring a favorable vote of three-fourths of all members to approve this SUP.

Mayor Wallace opened the Public Hearing at approximately 8:47 p.m.

There being no others to speak for or against ZDC-102-2024, Mayor Wallace closed the Public Hearing at approximately 8:47 p.m.

**26. Consider proposed Ordinance approving ZDC-102-2024**

**ORDINANCE NO. 3518**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED SINGLE FAMILY 2 (SF-2) ZONING DISTRICT, LOCATED AT 1105 W MAIN STREET, BEING PROPERTY ID 176628 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2B, BLOCK 9 OF THE WEST END ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Chris Wright moved to approve ZDC-102-2024, a Specific Use Permit for Short-Term Rental use, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**27. Public Hearing on a request by Ryan Kelly, EAN Holdings, LLC, for a Specific Use Permit (SUP) for an Auto Leasing and Rental use within a Commercial (C) zoning district located southeast of 141 Cardinal Road (Property ID 289375) - Owner: Connell Storage Partners #1 LLC (ZDC-48-2024)**

The Item was presented by Ms. Pruitt. The applicant proposes a Specific Use Permit (SUP) for an Auto Leasing and Rental use (Enterprise-Rent-a-Car) on a 1.00-acre property southeast of 141 Cardinal Road. Enterprise is currently located at 1540 N US Highway 77 and will relocate to the subject property if this SUP request is approved. This Enterprise location will rent light-load vehicles only and will not rent heavy-load vehicles, heavy equipment, or trailers.

The applicant proposes to construct an office building on the subject property totaling 1,600 square feet in size. Additionally, the applicant proposes to construct a bay and canopy totaling approximately 1,800 square feet in size. The car wash is proposed as an accessory use for Enterprise. The car wash will be used by employees only to clean returned vehicles. The applicant has provided sixty-one (61) parking spaces on the site; which exceeds the minimum parking space requirement by seventeen (17) spaces. The additional spaces are proposed to provide parking for the Enterprises' rental car inventory.

(5a)

The applicant proposes to access the subject property via a driveway connection to North Town Boulevard. A direct connection to Highway 77 is not proposed due to an inability to meet TxDOT spacing requirements. The applicant proposes to file a mutual access easement for their primary drive to allow for future cross-access to the property to the north of the site.

The applicant has provided a drive aisle around each proposed building to ensure adequate on-site circulation. The applicant has also provided two dedicated "return" lanes adjacent to the proposed office building for customers to drop off vehicles. The return lanes are situated outside of the primary drive aisle and can stack three (3) vehicles each.

A portion of the proposed drive-aisle and parking spaces are located within a 100' electric easement owned by Oncor. Oncor has indicated they are amenable to allowing a drive aisle and parking within the easement. However, formal approval will not be provided by Oncor until the applicant has received SUP approval by the City. Due to this, staff has recommended a condition of approval for the SUP that requires the applicant to provide a letter from Oncor documenting permission to construct improvements within the 100' electric easement identified on the Site Plan. A letter from Oncor will be required to be provided prior to the approval of Civil Construction plans for the development.

The applicant has provided two elevation/façade options for consideration with this SUP. Both options utilize a combination of brick, stucco, and stone exterior construction materials with minor EIFS accents. The color palette is the primary difference between each elevation/façade option. Option 1 features a consistent earth tone color palette across the entire building; while Option 2 includes a combination of traditional color brick and sandstone color brick on a portion of the building. The renderings below can be referenced for a look at the difference in the front façade proposed with each elevation option.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, six (6) notices were mailed to property owners within 200 feet of the property. Staff has received two (2) letters of support and zero (0) letters of opposition for the proposed SUP.

Mayor Wallace opened the Public Hearing at approximately 8:52 p.m.

There being no others to speak for or against ZDC-48-2024, Mayor Wallace closed the Public Hearing at approximately 8:52 p.m.

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

**ORDINANCE NO. 3519**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN AUTO LEASING AND RENTAL USE WITHIN A COMMERCIAL (C) ZONING DISTRICT, LOCATED SOUTHEAST OF 141 CARDINAL ROAD, BEING PROPERTY ID 289375, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2, BLOCK A OF THE CSP1 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-48-2024, a Specific Use Permit for an Auto Leasing and Rental use, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to sign the associated documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**29. Consider Development Agreement for ZDC-48-2024**

**Action:**

*Chris Wright moved to approve the Development Agreement for ZDC-48-2024. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**30. Consider construction contract for the Wilmington Avenue and Charlotte Avenue Reconstruction Project**

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

**Action:**

*Chris Wright moved to approve the construction contract award with McMahon Contracting, L.P. in the amount of \$4,218,063 with an additional contingency of \$210,937 for the Wilmington Avenue and Charlotte Avenue Reconstruction Project, and authorize the City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**31. Consider construction contract for Grand Avenue Paving and Striping Improvements Project**

The Item was presented by Mr. Stoker.

**Action:**

*Chris Wright moved to approve the construction contract award with FNH Construction LLC in the amount of \$329,700 with an additional contingency of \$16,300 for the Grand Avenue Paving and Striping Improvements Project, and authorize the City Manager to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (5-0).*

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

City Manager Michael Scott announced the Budget Work Session will be held Tuesday, June 18, 2024 at 11:30 a.m. at the Waxahachie Civic Center.

Council Member Patrick Souter requested the opening of Lee Penn Pool and expressed his disappointment with the extensive delays.

Mayor Pro Tem Chris Wright requested exploring funding options for the Ellis County Children's Theater. He invited the community to attend the Juneteenth Celebration at Lee Penn Park on Wednesday, June 19, 2024.

(5a)

Mayor Billie Wallace concurred with exploring funding options for the Ellis County Children's Theater. Mayor Wallace commended the Waxahachie Police Department for their participation in the Juneteenth event this past weekend at Railyard Park.

**33. Adjourn**

There being no further business, the meeting adjourned at 9:04 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

(5b)

City Council  
June 18, 2024

A Work Session of the Mayor and City Council of the City of Waxahachie, Texas was held at the Waxahachie Civic Center, Crape Myrtle Room, 2000 Civic Center Lane, on Tuesday, June 18, 2024 at 11:30 a.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

Others Present: Michael Scott, City Manager  
Albert Lawrence, Deputy City Manager  
Amber Villarreal, City Secretary

### 1. Call to Order

Mayor Billie Wallace called the meeting to order.

### 2. Discuss City of Waxahachie Fiscal Year 2024-2025 Budget

Finance Director Chad Tustison presented the draft budget noting the certified tax roll and sales tax numbers are still pending. He explained the total preliminary working rate is calculated at .061 which is made up of general fund (maintenance and operations), debt service, and the library. He noted Waxahachie has the lowest tax rate in relation to comparable cities and the City of Waxahachie tax exemptions equate to over \$900,000 in property tax relief and an additional \$1.7 million foregone from the tax ceiling.

Mr. Tustison reviewed the following budget highlights for FY25:

- Working Budget & Priorities: Quality of Life, Personnel, Public Safety, Growth Management, & Infrastructure
- Working Budget & Financial Health
- Budget Development Process
- Working Budget: General Fund \$70.5 M, Water & Wastewater \$42.1 M, & Restricted Fund \$28.8 M
- General Fund by Function: General Government 9%, Support 8%, Culture & Recreation 12%, Public Works 15%, and Public Safety 56%
- City Property Tax Revenue
- Annual Appraisal Process
- Preliminary net taxable values
- New Improvements
- Exemptions & Rates – Comparison Cities
- Local Homestead Exemption & Financial Impact
- Tax Rate by Component: General Fund 59%, Debt Service 38%, & Library 3%
- Maintenance & Operations Property Tax Revenue
- Sales tax allocation and projections
- Revenue summary (Current property tax, sales tax, franchise fees, licenses & permits, charges for service, fines & forfeitures, miscellaneous, transfers in)

(5b)

- Inflation and budget impact
- General fund requests (Replacement requests, Capital requests, Operating requests)
- Water budget (Additional debt service, budget requests, proposed budget); proposed 5% rate increase
- Wastewater budget (Additional debt service, budget requests, proposed budget); proposed 5% rate increase
- Waxahachie Community Development Corporation (WCDC) budget
- Sokoll water fund
- Airport fund
- Hotel tax fund
- Cemetery fund

#### General Fund Service Enhancements

- Culture & Recreation
- Public Safety
- Streets & Public Works
- General Government
- Support Services

Council Members discussed the proposed budget requests for FY25 and opportunities for grant funding.

Mayor Pro Tem Chris Wright requested a copy of the City Compensation Study in 2023. He expressed concern with the cost of the requested Animal Transport Van and Police Chief Joe Wisner explained staff has looked at the option of purchasing a trailer in lieu of the van for a reduction in cost and increase longevity.

Council Member Travis Smith echoed Mr. Wright's concern with the transport van and also expressed his lack of support for replacing weather sirens.

Mayor Wallace and Council Members expressed support to lower the age to 30 for early detection cancer screenings for firefighters.

After a lengthy discussion, it was the general consensus of City Council for staff to review the following, prior to the next budget meeting:

- Consider trailer instead of van for transport of animals
- WCDC funding for Park Signage and Lions Park Practice Fields
- Tax Increment Reinvestment Zone No. 1 (TIRZ) funding for downtown projects
- Potential benefits/cost of adding a Grant Writer to personnel
- Potential funding to Ellis County Children's Theater
- Increasing Homestead Exemption for tax relief for citizens

Mr. Tustison presented the budget timeline and next steps:

- August 1<sup>st</sup>: City Council budget update at noon.
- August 5<sup>th</sup>: Consider property tax rate and authorize bond issuance

(5b)

City Council  
June 18, 2024  
Page 3

- August-September: Public notices & hold public hearings
- September 9<sup>th</sup>: Budget and tax rate adoption

### **3. Adjourn**

Mayor Wallace and City Manager Michael Scott thanked Chad Tustison, his team, and City staff for their work on preparing the budget.

There being no further business, the meeting adjourned at 3:33 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

A special meeting of the Mayor and City Council of the City of Waxahachie, Texas was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, June 24, 2024 at 8:30 a.m.

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

Council Member Absent: Tres Atkins, Council Member Place 1

Others Present: Michael Scott, City Manager  
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 Wallace gave the invocation. Mayor Pro Tem Chris Wright led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

None.

**5. Discuss and consider proposed Ordinance approving a general homestead exemption at a specified percentage of the appraised value of the residence homestead and with a minimum exemption of \$5,000 for the tax year beginning January 1, 2024**

Senior Director of Finance Chad Tustison presented the Item. Last year, the City Council approved a general homestead exemption of 1%, or a minimum of \$5,000 for the tax year beginning January 1, 2023. During the City Council Budget Workshop held on June 18, 2024, the City Council expressed an interest in increasing the general homestead exemption to provide additional tax relief. The adoption of a general homestead exemption or any change to the current exemption percentage amount must be approved by City Council before July 1 in order to be effective for the current tax year.

Mayor Pro Tem Chris Wright stated Council Member Tres Atkins was not in attendance at the meeting due to a planned trip, before he was elected to City Council. He noted Council Member Atkins expressed to him his support of a 5% residence homestead. Mr. Wright expressed his support of a 2% or 2.5% exemption, which would allow for an incremental increase.

Council Member Patrick Souter echoed Mr. Wright's comments, noting he supports tax relief for property owners while being fiscally conservative. He expressed his support for a 2.5%-3% exemption.

(5c)

Council Member Travis Smith reviewed exemptions in comparable cities and noted he has considered residual expenses, like personnel, when evaluating the impact of the exemption. He expressed his support for an incremental increase to a 5% exemption due to upcoming new development and industrial tax base.

Mayor Wallace expressed her support for tax relief for homeowners. She requested to revisit exemptions annually during the budget process and voiced her support for a 5% exemption at this time.

**Action:**

*Patrick Souter moved to adopt a 2.5% general homestead exemption from ad valorem taxes with a minimum exemption of \$5,000 for the tax year beginning January 1, 2024. Motion was seconded by Chris Wright and failed 2-2, with Billie Wallace and Travis Smith voting in opposition.*

**Action:**

*Patrick Souter moved to adopt a 3.5% general homestead exemption from ad valorem taxes with a minimum exemption of \$5,000 for the tax year beginning January 1, 2024. Motion was seconded by Chris Wright and failed 2-2, with Billie Wallace and Travis Smith voting in opposition.*

Council Members continued discussion on the importance of providing tax relief to homeowners and the impact to budget and debt capacity. Council Members discussed a potential tax rate reduction.

**Action:**

*Billie Wallace moved to adopt a 4% general homestead exemption from ad valorem taxes with a minimum exemption of \$5,000 for the tax year beginning January 1, 2024. Motion was seconded by Travis Smith and failed 2-2, with Chris Wright and Patrick Souter voting in opposition.*

Council Member Souter confirmed staff recommended a 3% exemption.

**Action:**

*Patrick Souter moved to adopt a 3.5% general homestead exemption from ad valorem taxes with a minimum exemption of \$5,000 for the tax year beginning January 1, 2024. Motion was seconded by Chris Wright and failed 2-2, with Billie Wallace and Travis Smith voting in opposition.*

Mayor Pro Tem Wright reiterated his max support for a homestead exemption is 3.5% and requested another budget work session to allow for additional feedback from City Council to direct staff.

It was the general consensus of City Council to schedule another budget work session.

**ORDINANCE NO. 3520**

**AN ORDINANCE AMENDING THE CITY OF WAXAHACHIE, TEXAS, CODE OF ORDINANCES, CHAPTER 30 TAXATION, TO INCLUDE A GENERAL RESIDENCE HOMESTEAD EXEMPTION FOR THE TAX YEAR BEGINNING JANUARY 1, 2024 IN THE AMOUNT EQUAL TO 3.5% OF THE APPRAISED VALUE OF THE RESIDENCE**

(5c)

**HOMESTEAD WITH A MINIMUM EXEMPTION OF \$5,000; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW**

**Action:**

*Travis Smith moved to adopt a 3.5% general homestead exemption from ad valorem taxes with a minimum exemption of \$5,000 for the tax year beginning January 1, 2024. Motion was seconded by Patrick Souter and carried unanimously (4-0).*

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

Council Member Travis Smith asked staff to address the trailer/truck parking at Lake Waxahachie.

Council Member Patrick Souter expressed his appreciation to City Council and the consensus to provide long-term relief to residents. He voiced his support for an additional budget work session.

Mayor Pro Tem Chris Wright thanked City Council for the open discussion and listening to all views. He voiced his support for an additional budget work session.

City Manager Michael Scott thanked City Council for their attendance and discussion at the June 18<sup>th</sup> Work Session. It was the general consensus to schedule a budget work session on July 15<sup>th</sup>.

Mayor Billie Wallace thanked Senior Finance Director Chad Tustison for his work on the budget and thanked City Council for working together to discuss tax relief for residents.

**9. Adjourn**

There being no further business, the meeting adjourned at 9:59 a.m.

Respectfully submitted,

Amber Villarreal  
City Secretary



(5d)

Date submitted 6/27/24

### Applicant Information

Applicant name: Danielle Guinn

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: danielle.guinn@waxahachie.com /

Mailing address: 2000 Civic Center Lane, Waxahachie, TX 75165

Host organization name: Legacy Life Church & Railyard Park

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

On-site contact name: Karen Cooper Cell: \_\_\_\_\_

### About the Event

Event name: Youth Revival "A Night with the King"

Location: Railyard Park

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

Anticipated attendance: 500

Description of event: Christian entertainment, fellowship gathering, revival

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

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

### Choose the best description of the event:

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

(5d)



City of Waxahachie  
City Secretary's Office

Special Event Application

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

- Amusement rides / Inflatables
- Food – sampled, served, or sold
- Animals / Petting Zoo
- Products / Services – given away, sampled, or sold
- Announcement / Speeches
- Live music
- Information / Literature Distribution
- Street closure
- DJ / Recorded Music
- Other:

**The event is:**

- Private
- Free & open to the general public
- Entry by participation or registration fee
- 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	7/13/24	6:30pm	9:30pm
Event Set-up	7/13/24	12:00pm	-
Event Breakdown	7/13/24	-	11:00pm

**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
- 100-199
- 200-299
- 300+

*Provide route on attached site map.*

(5d)



City of Waxahachie  
City Secretary's Office

Special Event Application

**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: 2                      Date(s) & time(s): 7/13: 12:00pm - 11:00pm
- 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: \_\_\_\_\_

College Street in front of Railyard Park

Street closings to begin on date: 7/13                      Start time: 5:00pm                      End time: 11:00pm

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: 0                      Barricades                      How many: 6

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

Where should equipment be dropped off & picked up? Railyard Park

(5d)



City of Waxahachie  
City Secretary's Office

Special Event Application

When will the traffic equipment be set-up?

Date: 7/13/24

Time: 5:00pm

When will the traffic equipment be removed?

Date: 7/13/24

Time: 11:00pm

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:

Explain services in detail:

Stage power & electric for vendors

### 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.

Danielle Guinn

Digitally signed by Danielle Guinn  
Date: 2024.06.27 10:10:15 -05'00'

06/27/24

Signature

Date

### Contract Agreement

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

Danielle Guinn

Digitally signed by Danielle Guinn  
Date: 2024.06.27 10:10:22 -05'00'

06/27/24

Signature

Date

# RAILYARD

## PARK

### EVENT LAYOUT



STAGE

VENDOR VENDOR VENDOR VENDOR VENDOR VENDOR VENDOR VENDOR

(5A)  
**SECONDARY  
PEDESTRIAN  
ENTRANCE**

**LOADING &  
UNLOADING  
ZONE**

FOOD VENDOR FOOD VENDOR FOOD VENDOR FOOD VENDOR

FOOD TRUCKS

**MAIN  
PEDESTRIAN  
ENTRANCE**

**RAILYARD PARK  
455 S. COLLEGE STREET  
WAXAHACHIE, TX 75165**



Date submitted

### Applicant Information

Applicant name: Michael Langford

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: 127 Bowling Green Ave Red Oak, TX 75154

Host organization name: Premier Prospects Sports LLC

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

On-site contact name: Dylan Lopez Cell: \_\_\_\_\_

### About the Event

Event name: DFW Youth World Baseball Classic

Location: Waxahachie Sports Complex

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

Anticipated attendance: 8,000

Description of event: Baseball Tournament

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

1<sup>st</sup> time  2-4 times  5 or more times  Location: \_\_\_\_\_

### Choose the best description of the event:

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



(5e)

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

- Amusement rides / Inflatables
- Animals / Petting Zoo
- Announcement / Speeches
- Information / Literature Distribution
- DJ / Recorded Music
- Food – sampled, served, or sold
- Products / Services – given away, sampled, or sold
- Live music
- Street closure
- Other: Fireworks

**The event is:**

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

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

**Tournament Registration is \$200/ participating player, Spectator fee is \$15/person**

**Event timeline:**

	Date(s)	Start Time:	End Time:
Event Date	8/9/2024-8/12/2024	Friday 1 PM	Sunday 8 PM
Event Set-up	8/9/2024	6:30 AM	1 PM
Event Breakdown	8/12/2024	8 PM	9 PM

**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
- 100-199
- 200-299
- 300+

*Provide route on attached site map.*





City of Waxahachie  
City Secretary's Office

Special Event Application

(5c)

When will the traffic equipment be set-up?  
When will the traffic equipment be removed?  
Are you requesting the use of City traffic equipment?  
**Availability is not guaranteed**  
**Streets cannot be blocked without prior approval.**

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Yes  No

**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: \_\_\_\_\_

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.

\_\_\_\_\_  
Signature

6/10/24  
\_\_\_\_\_  
Date

**Contract Agreement**

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

\_\_\_\_\_  
Signature

6/10/24  
\_\_\_\_\_  
Date

(50)



(5e)

**Bonner, Jami**

---

**From:** mike langford <mike@playpps.com>  
**Sent:** Thursday, June 13, 2024 3:26 PM  
**To:** Bonner, Jami  
**Cc:** Villarreal, Amber  
**Subject:** Re: FW: Event Application - 8/9-12/24 DFW Youth World Baseball Classic

1. Medical/First Aid Considerations ( we are going to hire an Athletic trainer)
2. Emergency crowd/vendor notification and evacuation plan (Sports Complex has a Speaker System for the use to make notifications)
3. Parking plan for expected attendance of over 8,000. (More than enough parking in the Sports Complex for expected guest)
4. Designation of Safety Officer and chain of command for event (This would be left up to the city)
5. Event communication plan (We use our tournament system which utilizes both emails and text messaging)
6. Fire hazards plan and considerations for the fireworks – We expect the ground to be very dry. (Sports Complex has 90 acres of irrigation if we need to wet the ground)
7. Security plan for crowd and alcohol consumption (I don't think we will have Alcohol, I believe that was checked by mistake, this is a youth event)

On Tue, Jun 11, 2024 at 1:29 PM Bonner, Jami <[jami.bonner@waxahachie.com](mailto:jami.bonner@waxahachie.com)> wrote:

Hello Michael,

Please see requests below from the Emergency Management Coordinator. Please reach out to Donna Insixiengmay if you have any questions. Thank you.

1. Medical/First Aid Considerations
2. Emergency crowd/vendor notification and evacuation plan
3. Parking plan for expected attendance of over 8,000.
4. Designation of Safety Officer and chain of command for event
5. Event communication plan
6. Fire hazards plan and considerations for the fireworks – We expect the ground to be very dry.
7. Security plan for crowd and alcohol consumption

Donna Insixiengmay

Assistant Emergency Management Coordinator

(5c)

## Bonner, Jami

---

**From:** Mosley, Laurie  
**Sent:** Monday, June 24, 2024 2:51 PM  
**To:** Bonner, Jami  
**Subject:** RE: FW: Event Application - 8/9-12/24 DFW Youth World Baseball Classic

Our department was part of an initial meeting with the tournament organizer, and he has the resources and experience to create a great event for our community.

Thank you!

---

**From:** Bonner, Jami <[jami.bonner@waxahachie.com](mailto:jami.bonner@waxahachie.com)>  
**Sent:** Monday, June 24, 2024 2:44 PM  
**To:** Joe Wiser <[JWiser@waxahachiepd.org](mailto:JWiser@waxahachiepd.org)>; Martinez, Gumaro <[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)>; Cooper, Kyle <[kyle.cooper@waxahachie.com](mailto:kyle.cooper@waxahachie.com)>; Barnes, Bradley <[bradley.barnes@waxahachie.com](mailto:bradley.barnes@waxahachie.com)>; Mosley, Laurie <[imosley@waxahachiecvb.com](mailto:imosley@waxahachiecvb.com)>; Villarreal, James <[jvillarreal@waxahachie.com](mailto:jvillarreal@waxahachie.com)>  
**Cc:** Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Subject:** FW: FW: Event Application - 8/9-12/24 DFW Youth World Baseball Classic

Good afternoon,

The attached event application for the DFW Youth World Baseball Classic will be included on the July 1<sup>st</sup> City Council agenda. Please reply with any comments you may have. I have included the applicants responses to Emergency Management's questions below. I will confirm with the applicant that alcohol will not be served. Thank you.

**From:** mike langford <[mike@playpps.com](mailto:mike@playpps.com)>  
**Sent:** Thursday, June 13, 2024 3:26 PM  
**To:** Bonner, Jami <[jami.bonner@waxahachie.com](mailto:jami.bonner@waxahachie.com)>  
**Cc:** Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Subject:** Re: FW: Event Application - 8/9-12/24 DFW Youth World Baseball Classic

1. Medical/First Aid Considerations ( we are going to hire an Athletic trainer)
2. Emergency crowd/vendor notification and evacuation plan (Sports Complex has a Speaker System for the use to make notifications)
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7. Security plan for crowd and alcohol consumption (I don't think we will have Alcohol, I believe that was checked by mistake, this is a youth event)

On Tue, Jun 11, 2024 at 1:29 PM Bonner, Jami <[jami.bonner@waxahachie.com](mailto:jami.bonner@waxahachie.com)> wrote:

Hello Michael,

(5e)

## Bonner, Jami

---

**From:** Bonner, Jami  
**Sent:** Monday, June 24, 2024 3:00 PM  
**To:** mike langford  
**Cc:** Villarreal, Amber  
**Subject:** RE: FW: Event Application - 8/9-12/24 DFW Youth World Baseball Classic

Thank you. We will update the application to reflect alcohol will not be served / sold / consumed at the event.

**From:** mike langford <mike@playpps.com>  
**Sent:** Monday, June 24, 2024 2:57 PM  
**To:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Subject:** Re: FW: Event Application - 8/9-12/24 DFW Youth World Baseball Classic

It will not be served at the event.

On Mon, Jun 24, 2024, 2:54 PM Bonner, Jami <[jami.bonner@waxahachie.com](mailto:jami.bonner@waxahachie.com)> wrote:

Hi Michael,

The event application for the DFW Youth World Baseball Classic will be considered by the City Council at the July 1<sup>st</sup> meeting. Please confirm that alcohol will not be consumed at the event. Emergency Management did not have any further questions. Thank you.

**From:** mike langford <[mike@playpps.com](mailto:mike@playpps.com)>  
**Sent:** Thursday, June 13, 2024 3:26 PM  
**To:** Bonner, Jami <[jami.bonner@waxahachie.com](mailto:jami.bonner@waxahachie.com)>  
**Cc:** Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Subject:** Re: FW: Event Application - 8/9-12/24 DFW Youth World Baseball Classic

1. Medical/First Aid Considerations ( we are going to hire an Athletic trainer)
2. Emergency crowd/vendor notification and evacuation plan (Sports Complex has a Speaker System for the use to make notifications)
3. Parking plan for expected attendance of over 8,000. (More than enough parking in the Sports Complex for expected guest)
4. Designation of Safety Officer and chain of command for event (This would be left up to the city)
5. Event communication plan (We use our tournament system which utilizes both emails and text messaging)
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7. Security plan for crowd and alcohol consumption (I don't think we will have Alcohol, I believe that was checked by mistake, this is a youth event)



Date submitted 6/19/24

**Applicant Information**

Applicant name: Cynthia HERRERA

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: 418 W. FRANKLIN

Host organization name: ELLIS County Hispanic Organization

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

On-site contact name: LIVELLE MENDOZA Cell: \_\_\_\_\_

**About the Event**

Event name: Hispanic Heritage Event

Location: Railyard Park

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

Anticipated attendance: 1,000<sup>±</sup>

Description of event: Hispanic Festival

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

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

**Choose the best description of the event:**

- Festival
- Birthday Party / Picnic
- Movie Screening
- Charitable / Fundraising
- Parade
- Community / Neighborhood
- Private Event
- Concert / Live Performance
- Run / Walk
- Other: \_\_\_\_\_



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

- Amusement rides / Inflatables
- Animals / Petting Zoo
- Announcement / Speeches
- Information / Literature Distribution
- DJ / Recorded Music
- Food – sampled, served, or sold
- Products / Services – given away, sampled, or sold
- Live music
- Street closure
- Other:

**The event is:**

- Private
- Free & open to the general public
- Entry by participation or registration fee
- 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	Sept 28, 2024	3:00pm	11:00pm
Event Set-up	Sept 28, 2024	12:00pm	3:00pm
Event Breakdown	Sept 29, 2024	11:00am	12:00am

**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
- 100-199
- 200-299
- 300+

*Provide route on attached site map.*



When will the traffic equipment be set-up?  
When will the traffic equipment be removed?  
Are you requesting the use of City traffic equipment?

Date: Sept 28 Time: 12:00pm  
Date: Sept 29 Time: 12:00am  
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   
4-10x10

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:

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.

Cynthia Neuser  
Signature

6/19/24  
Date

**Contract Agreement**

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

Cynthia Neuser  
Signature

6/19/24  
Date



**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: 6 Date(s) & time(s): 12:00pm - 1:30 pm (Sept 28)

Volunteers How many: 6 Date(s) & time(s): 12:00pm - 11:30 pm (Sept 28)

Private security How many: 4 Date(s) & time(s): 3:00pm - 11:30pm (Sept 28, 29)

Company name: Safe Venues 214-843-9999

Contact name and number: Rosie Quinones 469-348-4490

Off duty police How many: 1 Date(s) & time(s): Sept 28, 24

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: Brian Fuller Phone number: Email - 8/19/24

**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: CORNER OF College

and Rogers to curve at Feed Store Sept 29, 24

Street closings to begin on date: Sept 28, 24 Start time: 12:00pm End time: 12:00 am

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: Porta Pottys, Trash cans, bags, clean up

Where should equipment be dropped off & picked up? Railyard park

(5f)





Date submitted

### Applicant Information

Applicant name: Monica Flores

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: 105 Brown St Waxahachie, Tx 75165

Host organization name: Camp Gladiator

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

On-site contact name: Ashley Darden Cell: \_\_\_\_\_

### About the Event

Event name: Turkey Trot 5k/10k

Location: Getzendaner Park

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

Anticipated attendance: 200 runners

Description of event: Meet up for a 5k/10k for Thanksgiving

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

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

### Choose the best description of the event:

- |  |   |
|--|---|
| <input type="checkbox"/> Festival              | <input type="checkbox"/> Birthday Party / Picnic    |
| <input type="checkbox"/> Movie Screening       | <input 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: _____               |



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

- Amusement rides / Inflatables
- Animals / Petting Zoo
- Announcement / Speeches
- Information / Literature Distribution
- DJ / Recorded Music
- Food – sampled, served, or sold
- Products / Services – given away, sampled, or sold
- Live music
- Street closure
- Other:

**The event is:**

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

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

Donations will be asked. Have not decided on a

**Event timeline:**

	Date(s)	Start Time:	End Time:
Event Date	11/28/2024	7am	11am
Event Set-up	11/28/2024	6am	
Event Breakdown	11/28/2024	12pm	

**Run / Walk:**

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

\_\_\_\_\_ 1 mile    yes    5K    10k    \_\_\_\_\_ Other distance

Please indicate your expected attendance: 200

Number of participants:

- 1-99
- 100-199
- 200-299
- 300+

*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: none            Date(s) & time(s): \_\_\_\_\_

Volunteers            How many: none            Date(s) & time(s): \_\_\_\_\_

Private security        How many: none            Date(s) & time(s): \_\_\_\_\_

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

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

Off duty police        How many: 1            Date(s) & time(s): 11/28/2024

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: 10 Cones            Barricades    How many: None

Other:            0 mile Marker

Where should equipment be dropped off & picked up?



City of Waxahachie  
City Secretary's Office

(59)

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:

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 of 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.



Signature

6/17/2024

Date

### Contract Agreement

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

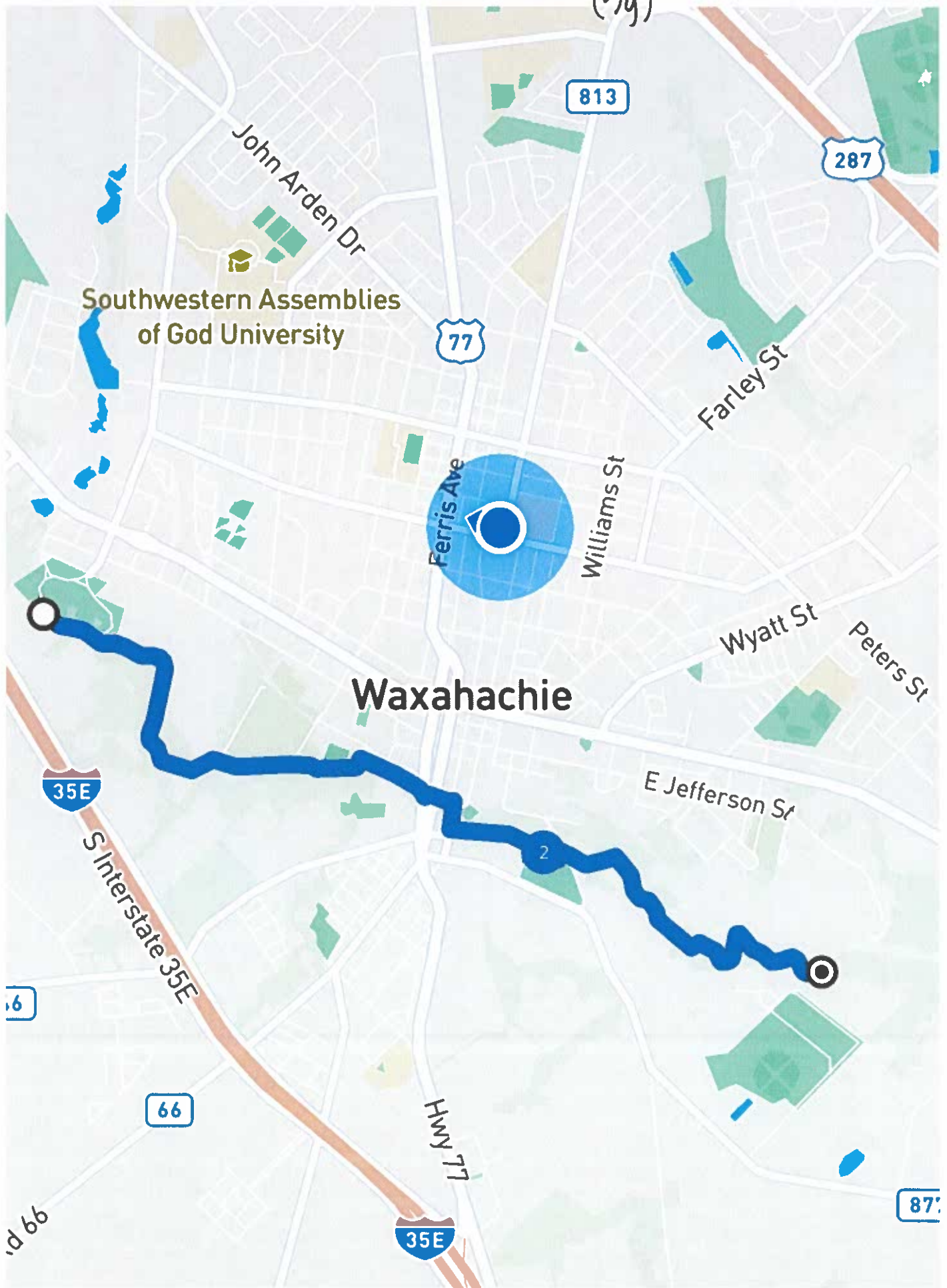


Signature

6/17/2024

Date

(59)



Southwestern Assemblies of God University

Waxahachie

Ferris Ave

Williams St

Farley St

Wyatt St

Peters St

E Jefferson Sr

35E

S Interstate 35E

66

Hwy 77

35E

813

287

87

66

66

(5h)

# Planning & Zoning Department

## Petition for ETJ Release

Case: ETJ-PTN-155-2023



### MEETING DATE(S)

City Council:

July 1, 2024

### CAPTION

*Consider* proposed Ordinance approving a request by John Dineen Jr. & Jennifer Dineen, for a **Petition for ETJ Release** for approximately 10.00 acres, located at 1410 Broadhead Road (Property ID 201199 & 202437) – Owner: John Dineen Jr. & Jennifer Dineen (ETJ-PTN-155-2023)

### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-155-2023, a request by John Dineen Jr., for a Petition for ETJ Release for approximately 10.0 acres, located at 1410 Broadhead Road, 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

*Applicant:* John Dineen Jr. & Jennifer Dineen

*Property Owner(s):* John Dineen Jr. & Jennifer Dineen

*Site Acreage:* 10.0 acres

*Number of Lots:* 2 lots

*Number of Dwelling Units:* 1 unit

### SUBJECT PROPERTY

*General Location:* 1410 Broadhead Road

*Parcel ID Number(s):* 201199 & 202437

*Current Zoning:* ETJ

*Existing Use:* Single Family Residence

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

*CCN Service Area:* Rockett Special Utility District

*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 July 1, 2024, City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

**STAFF CONTACT INFORMATION**

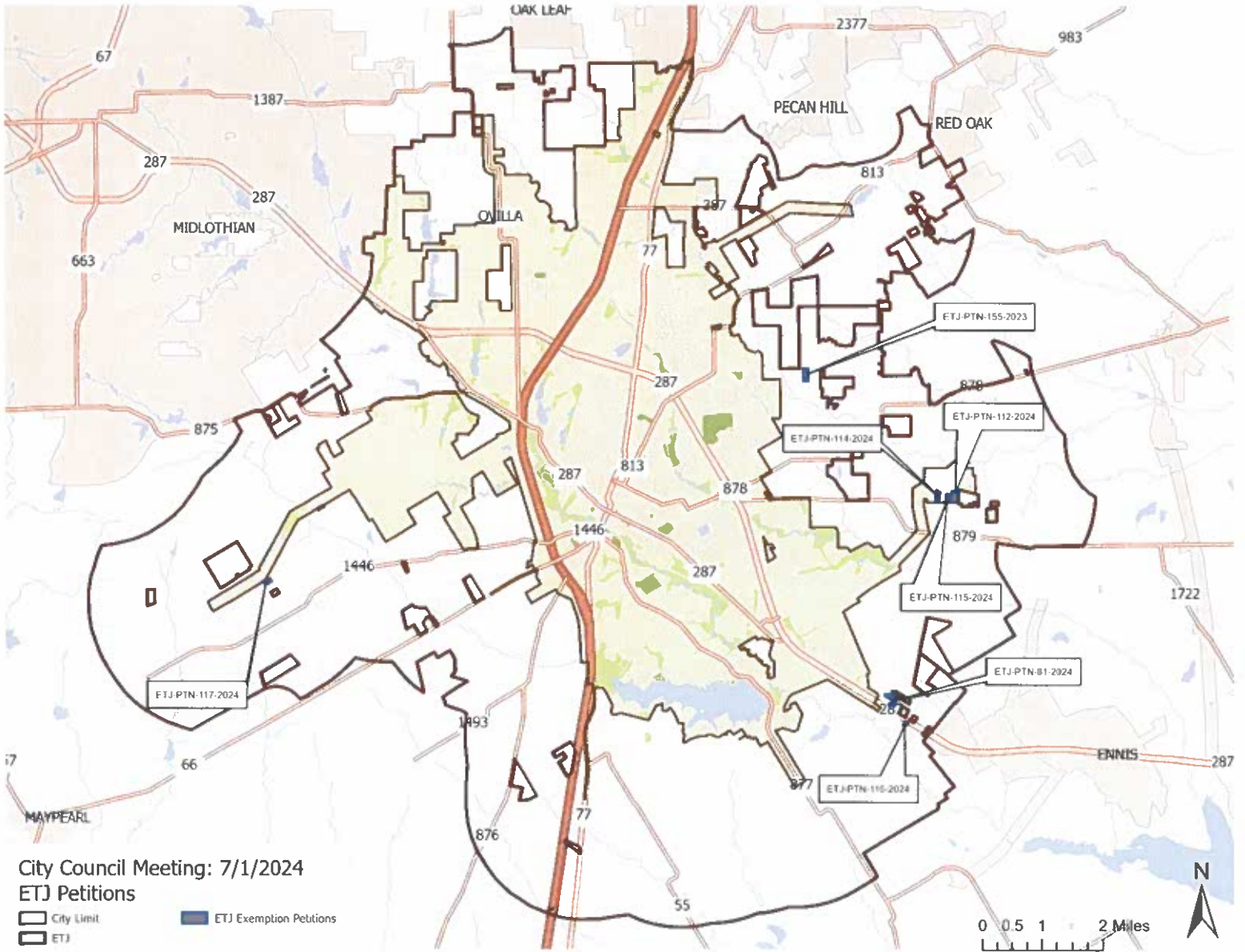
*Prepared by:*

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)

(5h)



(5h)

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

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF AN APPROXIMATELY 10.0 ACRE TRACT OF LAND, LOCATED AT 1410 BROADHEAD ROAD, KNOWN AS PROPERTY ID 201199 & 202437, 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-155-2023, 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 1<sup>st</sup> day of July, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

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

John P. Dineen Jr & Jennifer Dineen  
1410 Broadhead Road  
Waxahachie, Texas 75165  
JENNIFERJDINEEN@GMAIL.COM  
972-935-3979/469-337-6288

September 30, 2023

To Whom it May Concern:

John P. Dineen Jr. DOB 10/23/1942 and Jennifer Dineen DOB 11/30/1946, both residing at 1410 Broadhead Road, Waxahachie, Texas, both being owners of the property located at 1410 Broadhead Road in Waxahachie, Texas are requesting release from the City of Waxahachie Extraterritorial Jurisdiction (EJT). The property IDs of said property are #202437 89 ER BALCH 9.4 ACRES and # 201199 89 ER BALCH 0.6 ACRES. The total acreage of the property being 10 acres. This request is being made in order to separate approximately 4.25 acres from property ID #202437 89 ER BALCH 9.4 ACRES. The newly created property will be approximately 170' x 1089.91'.

Sincerely,

John P. Dineen Jr.

John P. Dineen Jr.      9-30-2023  
Signature                      Date

Jennifer Dineen

Jennifer Dineen      9-30-2023  
Signature                      Date

(5h)

ORIGINAL FILED

95 JAN -3 PM 1:30

COPY

DEED OF TRUST

FILED FOR RECORD  
CHERRY POLLEY  
ELLIS COUNTY CLERK

DATE: NOVEMBER 1, 1994

GRANTOR: JOHN P. DINEEN, JR., & WIFE, JENNIFER DINEEN AND JOHN PAUL DINEEN, III

GRANTOR'S MAILING ADDRESS: 2901 BROWN ST. WAXAHACHIE TX 75165

TRUSTEE: S.F. CHAPMAN

TRUSTEE'S MAILING ADDRESS: P.O. Box 641  
WAXAHACHIE, ELLIS COUNTY, TEXAS 75165

BENEFICIARY: RICHARD M. FISHER & WIFE VICKIE K. FISHER AND JERRY R. POTTER & WIFE SHERRY POTTER

BENEFICIARY'S MAILING ADDRESS: 1212 Broadhead  
Waxahachie TX 75165

NOTE

DATE: NOVEMBER 1, 1994

AMOUNT: TWENTY NINE THOUSAND DOLLARS & NO/100 (\$29,000.00)

MAKER: JOHN P. DINEEN, JR., & WIFE, JENNIFER, DINEEN AND JOHN PAUL DINEEN, III

PAYEE: RICHARD M. FISHER & WIFE VICKIE K. FISHER AND JERRY R. POTTER & WIFE SHERRY POTTER

FINAL MATURITY DATE: AS THEREIN STATED

TERMS OF PAYMENT: 120 EQUAL MONTHLY INSTALLMENTS OF \$304.02 EACH BEGINNING JANUARY 5, 1995, AND CONTINUING THEREAFTER UNTIL THE ENTIRE PRINCIPAL BALANCE AND ACCRUED INTEREST IS PAID IN FULL. INTEREST SHALL BEGIN TO ACCRUE ON DECEMBER 5, 1994.

PROPERTY DESCRIPTION:

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING IN THE E.R. BALCH SURVEY, A-89, IN ELLIS COUNTY, TEXAS, AND BEING A PART OF A CALLED 107.752 ACRES TRACT OF LAND AS DESCRIBED BY DEED AND RECORDED IN VOLUME 1063, PAGE 900, OF THE DEED RECORDS OF ELLIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A RAILROAD SPIKE FOUND IN BROADHEAD ROAD FOR THE NORTHWEST CORNER OF THE AFORESAID TRACT AND SAME FOR THIS TRACT; SAID RAILROAD SPIKE FOUND BEING IN THE RECOGNIZED NORTH LINE OF THE SAID BALCH SURVEY, AND RECOGNIZED SOUTH LINE OF THE C. TRAVIS SURVEY, A-1078;

Return to: 1212 Broadhead  
Waxah TX 75165

**Exhibit A - Legal Description**

(5h)

95 JAN -3 PM 1:30

THENCE EAST 400.00 FEET ALONG SAID LINES AND BROADHEAD ROAD TO A RAILROAD SPIKE SET FOR THE NORTHEAST CORNER OF THIS TRACT;

FILED FOR RECORD  
CLERK

THENCE S 02 DEG. 20' 00" E, AT 30.02 FEET PASS A 1/2" STEEL ROD SET FOR WITNESS, IN ALL, 1089.91 FEET TO A 1/2" STEEL ROD SET FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE WEST 400.00 FEET TO A 1/2" STEEL ROD SET IN THE WEST LINE OF THE AFORESAID TRACT FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE N 02 DEG. 20' 00" W, ALONG THE WEST LINE OF THE AFORESAID TRACT AT 1059.89 FEET PASS A 1/2" STEEL ROD SET FOR WITNESS, IN ALL 1089.91 FEET TO THE POINT OF BEGINNING AND CONTAINING APPROXIMATELY 10.00 ACRES OF LAND.

PRIOR LIENS: NONE

**OTHER EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

THIS CONVEYANCE IS MADE AND ACCEPTED SUBJECT TO EASEMENTS, RESTRICTIONS, BUILDING LINES, SET BACK LINES, AND FLOODPLAIN, IF ANY, SHOWN ON THE PLAT, TO ANY AND ALL VALID RECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS, MINERAL RESERVATIONS AND LEASES, AND RIPARIAN RIGHTS, IF ANY, RELATING TO THE HEREINABOVE DESCRIBED PROPERTY SHOWN OF RECORD IN THE OFFICE OF THE COUNTY CLERK OF ELLIS COUNTY, TEXAS, TO ANY VISIBLE OR APPARENT EASEMENTS OVER AND ACROSS SAID PROPERTY, TO ANY PORTION THEREOF SITUATED IN ROAD OR ROADWAY, AND TO ALL VALID ZONING LAWS, REGULATIONS, RIGHTS AND ORDINANCES OF MUNICIPAL AND/OR OTHER GOVERNMENTAL AUTHORITIES RELATING TO THE HEREINABOVE DESCRIBED PROPERTY.

FOR VALUE RECEIVED AND TO SECURE PAYMENT OF THE NOTE, GRANTOR CONVEYS THE PROPERTY TO TRUSTEE IN TRUST. GRANTOR WARRANTS AND AGREES TO DEFEND THE TITLE TO THE PROPERTY. IF GRANTOR PERFORMS ALL THE COVENANTS AND PAYS THE NOTE ACCORDING TO ITS TERMS, THIS DEED OF TRUST SHALL HAVE NO FURTHER EFFECT, AND BENEFICIARY SHALL RELEASE IT AT GRANTOR'S EXPENSE.

**GRANTOR'S OBLIGATIONS:**

GRANTOR AGREES TO:

1. KEEP THE PROPERTY IN GOOD REPAIR AND CONDITION;
2. PAY ALL TAXES AND ASSESSMENTS ON THE PROPERTY WHEN DUE;
3. PRESERVE THE LIEN'S PRIORITY AS IT IS ESTABLISHED IN THIS DEED OF TRUST;
4. MAINTAIN IN A FORM ACCEPTABLE TO BENEFICIARY, AN INSURANCE POLICY THAT:
  - A. COVERS ALL IMPROVEMENTS FOR THEIR FULL INSURABLE VALUE AS DETERMINED WHEN THE POLICY IS ISSUED AND RENEWED, UNLESS BENEFICIARY APPROVES A SMALLER AMOUNT IN WRITING;
  - B. CONTAINS AN 80% COINSURANCE CLAUSE;
  - C. PROVIDES FIRE AND EXTENDED COVERAGE, INCLUDING WINDSTORM COVERAGE;
  - D. PROTECTS BENEFICIARY WITH A STANDARD MORTGAGE CLAUSE;
  - E. PROVIDES FLOOD INSURANCE AT ANY TIME THE PROPERTY IS IN A FLOOD HAZARD AREA; AND
  - F. CONTAINS SUCH OTHER COVERAGE AS BENEFICIARY MAY REASONABLY REQUIRE;

(5h)



(51)

# Planning & Zoning Department

## Petition for ETJ Release

Case: ETJ-PTN-81-2024



### MEETING DATE(S)

City Council:

July 1, 2024

### CAPTION

*Consider* proposed Ordinance approving a request by Josh Trees, JT Executive Properties, LLC, for a **Petition for ETJ Release** for approximately 11.054 acres, located south of 3723 Parks School House Road (Property ID 180959 & 223894) – Owner: JT Executive Properties, LLC (ETJ-PTN-81-2024)

### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-81-2024, a request by JT Executive Properties, for a Petition for ETJ Release for approximately 11.054 acres, located south of 3723 Parks School House Road of Waxahachie, authorizing the Mayor to sign the associated documents accordingly."*

### APPLICANT REQUEST

The property owner(s) have petitioned the City to remove this property from the extraterritorial jurisdiction (ETJ).

### CASE INFORMATION

*Applicant:* Josh Trees, JT Executive Properties, LLC

*Property Owner(s):* JT Executive Properties, LLC

*Site Acreage:* 11.054 acres

*Number of Lots:* 2 lot

*Number of Dwelling Units:* 0 units

### SUBJECT PROPERTY

*General Location:* South of 3723 Parks School House Road

*Parcel ID Number(s):* 180959 & 223894

*Current Zoning:* N/A (ETJ)

*Existing Use:* N/A

*Platting History:* Parcel 180959 has never been platted; Parcel 223894 was platted in 2002

*CCN Service Area:* Rockett SUD

(5i)

**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 July 1, 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)



(51)

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

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 11.054 ACRE TRACT OF LAND, LOCATED SOUTH OF 3723 SOUTH PARKS SCHOOL HOUSE ROAD, KNOWN AS PROPERTY ID 180959 & 223894 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-81-2024, 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 1<sup>st</sup> day of July, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

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

**PROPERTY DESCRIPTION TO ALTER A POLITICAL SUBDIVISION BOUNDARY**

**BEING A TRACT OF LAND SITUATED IN THE G. CARPENTER SURVEY, ABSTRACT NO. 190, ELLIS COUNTY, TEXAS AND BEING A PORTION OF LOT 1 TREES MEADOWS, AN ADDITION TO ELLIS COUNTY, TEXAS, RECORDED IN CABINET F, SLIDE 51 OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY TEXAS (OPRECT) AND BEING MORE PARTICULARLY DESCRIBED, AS FOLLOWS:**

**BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1;**

**THENCE S 30°12'06" W, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 82.06 FEET TO A POINT;**

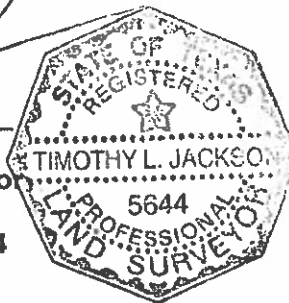
**THENCE N 57°34'44" W, OVER AND ACROSS SAID LOT 1, A DISTANCE OF 208.40 FEET TO A POINT IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO MAGNOLIA PROPERTIES, LLC, RECORDED IN INSTRUMENT NO. 2155718, OPRECT;**

**THENCE N 30°12'06" E, ALONG THE EAST LINE OF SAID MAGNOLIA PROPERTIES TRACT A DISTANCE OF 82.06 TO THE NORTHEAST CORNER OF SAID MAGNOLIA PROPERTIES TRACT IN THE NORTH LINE OF SAID LOT 1;**

**THENCE S 57°34'44" E, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 208.40 FEET TO THE POINT OF BEGINNING AND CONTAINING APPROXIMATELY 0.392 ACRES OF LAND, MORE OR LESS.**

**THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED. ALL BEARING AND DISTANCES CITED HEREON ARE DERIVED FROM THE FINAL PLAT OF TREES MEADOWS, AN ADDITION TO ELLIS COUNTY TEXAS, RECORDED IN CABINET F, SLIDE 51 OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS.**

**Timothy L. Jackson**  
**Registered Professional Land Surveyor**  
**Texas Registration No. 5644**  
**Prepared and Signed on May, 02, 2024**



(5i)

BEING A TRACT OF LAND SITUATED IN THE G. CARPENTER SURVEY, ABSTRACT NO. 193, ELLIS COUNTY, TEXAS, AND BEING PART OF A TRACT OF LAND TO RICHARD TREES, AS RECORDED IN VOLUME 2276, PAGE 1023, DEED RECORDS, ELLIS COUNTY, TEXAS, AND ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER OF LOT 6 OF TREES MEADOWS ADDITION, AN ADDITION TO THE COUNTY OF ELLIS, TEXAS AS RECORDED IN CABINET 7, S. 17C 51 AND 52, PLAT RECORDS, ELLIS COUNTY, TEXAS

THENCE N89°35'E (S89°31'09"E PLAT) WITH THE SOUTH LINES OF LOTS 8, 9, 10, 11, AND 12 A DISTANCE OF 626.75' TO A 1/2" IRON ROD SET AT THE SOUTHEAST CORNER OF LOT 12 OF SAID TREES MEADOWS ADDITION

THENCE N00°26'37"W (N00°19'51"E PLAT) WITH THE EAST LINE OF SAID LOT 12 A DISTANCE OF 290.40' TO A 1/2" IRON ROD SET AT THE NORTHEAST CORNER OF SAID LOT 12 IN A CURVE TO THE LEFT WHOSE RADIUS IS 2441.7'

THENCE WITH SAID CURVE AN ARC DISTANCE OF 609.2' TO A 1/2" IRON ROD SET AT THE NORTHWEST CORNER OF LOT 13 OF SAID TREES MEADOWS ADDITION

THENCE S00°27'E (S00°08'51"W PLAT) A DISTANCE OF 300.16' TO A 1/2" IRON ROD SET AT THE SOUTHWEST CORNER OF SAID LOT 13

THENCE N89°32'E WITH THE SOUTH LINE OF SAID LOT 13 A DISTANCE OF 185.07' TO A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID LOT 13

THENCE S01°37'48"E 776.49' TO A POINT FOR CORNER

THENCE S09°49'27"W 234.90' TO A POINT FOR CORNER

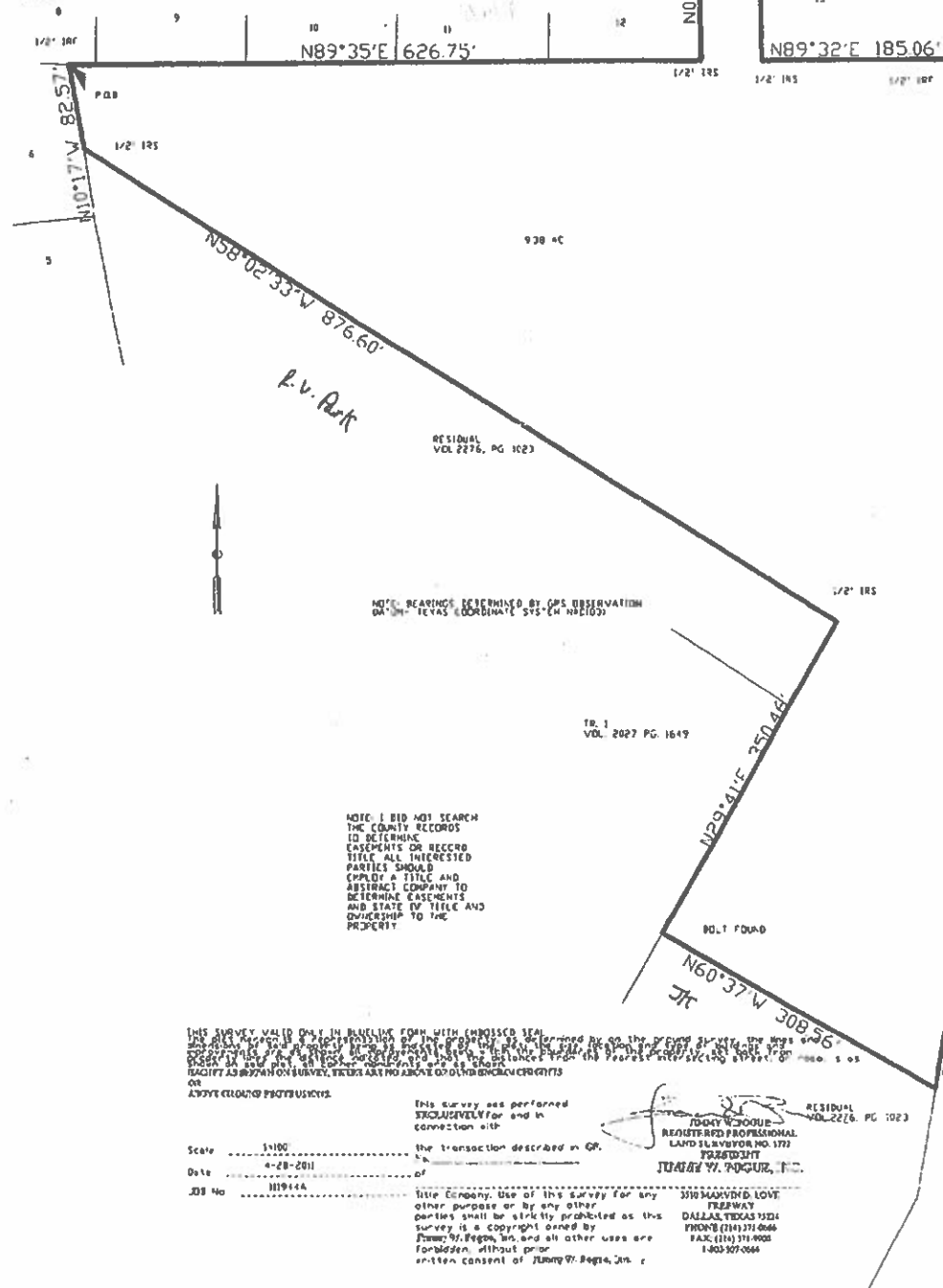
THENCE N60°37'W 308.56' TO A BOLT FOUND IN THE EAST LINE OF TRACT ONE AS RECORDED IN VOLUME 2027, PAGE 1649, DEED RECORDS, ELLIS COUNTY, TEXAS

THENCE N29°41'E A DISTANCE OF 350.46' TO A 1/2" IRON ROD SET

THENCE N58°02'33"W A DISTANCE OF 876.60' TO A 1/2" IRON ROD SET IN THE EAST LINE OF SAID LOT 8

THENCE N10°17'W A DISTANCE OF 825.71' TO THE POINT OF BEGINNING AND CONTAINING 930 ACRES OF LAND, MORE OR LESS.

PARKS SCHOOL HOUSE ROAD  
 R=2441.7'  
 L=609.2'



NOTE: BEARINGS DETERMINED BY GPS OBSERVATION ON THE TEXAS COORDINATE SYSTEM (NAD83)

TR. 1  
 VOL. 2027 PG. 1649

NOTE: I DID NOT SEARCH THE COUNTY RECORDS TO DETERMINE EASEMENTS OR RECORD TITLE. ALL INTERESTED PARTIES SHOULD COPY A TITLE AND ABSTRACT COMPANY TO DETERMINE EASEMENTS AND STATE OF TITLE AND OWNERSHIP TO THE PROPERTY.

THIS SURVEY MADE OUT IN BLUE INK FORM WITH EMBOSSED SEAL. THE SEAL IS A GUARANTEE OF THE ACCURACY OF THE SURVEY. THE SURVEYOR'S NAME AND TITLE ARE EMBOSSED ON THE SEAL. THE SEAL IS VALID FOR ONE YEAR FROM THE DATE OF THE SURVEY. IF THE SEAL IS DAMAGED OR MISSING, THE SURVEYOR'S NAME AND TITLE SHOULD BE CHECKED IN THE PUBLIC RECORDS OF THE COUNTY CLERK'S OFFICE. THE SURVEYOR'S NAME AND TITLE ARE EMBOSSED ON THE SEAL.

Scale 1"=100'  
 Date 4-28-2011  
 Job No. 111914A

This survey was prepared exclusively for and in connection with the transaction described in OP.

JERRY W. PEGUE, INC.  
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1772  
 FORT WORTH, TEXAS  
 JERRY W. PEGUE, INC.

This Company, Use of this survey for any other purpose or by any other parties shall be strictly prohibited as this survey is a copyright owned by Jerry W. Pegue, Inc. and all other uses are forbidden without prior written consent of Jerry W. Pegue, Inc.

310 MARVIN LOVE  
 FREEWAY  
 DALLAS, TEXAS 75244  
 PHONE (214) 371-0666  
 FAX (214) 371-0666  
 1-800-307-0666

(51)

JIMMY W. POGUE, INC.  
COPYRIGHT © DATE 12-28-09

**SURVEY PLAN**

STATE OF TEXAS  
COUNTY OF ELLIS

BEING A TRACT OF LAND SURVEYED BY THE G. CARPENTER SURVEY, ABSTRACT NO. 190, ELLIS COUNTY, TEXAS, AND BEING PART OF A TRACT OF LAND TO RICHARD TREES, AS RECORDED IN VOLUME 2274, PAGE 1022, DEED RECORDS, ELLIS COUNTY, TEXAS, AND BEING PART OF LOT 1, TREES MEADOW ADDITION, AN ADDITION TO THE COUNTY OF ELLIS, AS RECORDED IN CABINET F, SLIDE 81 AND 82, PLAT RECORDS OF ELLIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN WAXAHACHE CREEK, AT THE SOUTHEAST CORNER OF SAID TREES TRACT IN THE NORTH LINE OF US HIGHWAY NO. 287.

THENCE N49°22'44"W (N57°40'17"W DEED) WITH THE NORTH LINE OF SAID US HIGHWAY NO. 287 AND SOUTH LINE OF SAID TREES TRACT A DISTANCE OF 88.09' TO IRON SPIKE SET.

THENCE N46°05'22"W (N47°32'55"W DEED) CONTINUING WITH THE NORTH LINE OF SAID US HIGHWAY NO. 287 AND THE SOUTH LINE OF SAID TREES TRACT A DISTANCE OF 100.30' TO WOODEN HIGHWAY MONUMENT.

THENCE N54°18'19"W (N57°30'17"W DEED) WITH THE NORTH LINE OF SAID US HIGHWAY NO. 287, PASSING A 1/2" IRON ROD TOODD AT 188.2' BEING THE SOUTHEAST CORNER OF SAID LOT 1, AND FOR A TOTAL DISTANCE OF 389.92' TO 1/2" IRON ROD SET.

THENCE N28°38' E A DISTANCE OF 208.71' TO A 1/2" IRON ROD SET.

THENCE S58°08'43"E A DISTANCE OF 208.71' TO A 1/2" IRON ROD SET IN THE EAST LINE OF SAID LOT 1.

THENCE N08°30'E (N30°12'08"E DEED) WITH THE EAST LINE OF SAID LOT 1, PASSING THE NORTHEAST CORNER OF SAID LOT 1, A 1/2" IRON ROD SET AT 81.09', AND FOR A TOTAL DISTANCE OF 181.81' TO A BOLT SET.

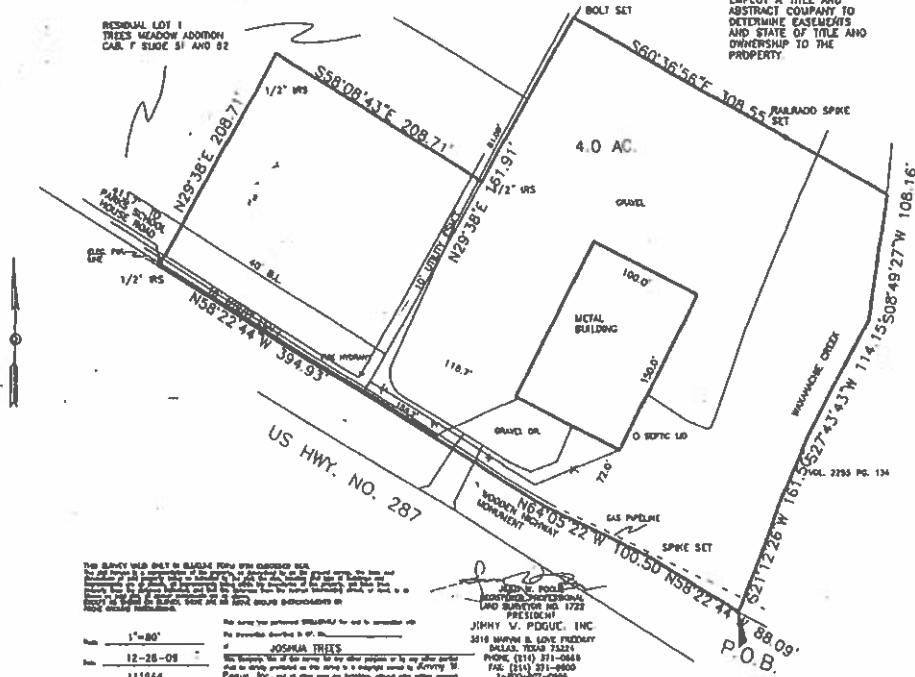
THENCE S48°34'36"E, PASSING A RAILROAD SET AT 208.55', AND FOR A TOTAL DISTANCE OF 308.55' TO A POINT IN WAXAHACHE CREEK.

THENCE WITH SAID WAXAHACHE CREEK THE FOLLOWING BEARINGS AND DISTANCES: S08°49'27"W 108.16', S77°43'43"W 114.15', AND S81°17'18"W A DISTANCE OF 181.50' TO THE POINT OF BEGINNING AND CONTAINING 4.0 ACRES OF LAND, MORE OR LESS.

NOTE: TRUE BEARINGS DETERMINED BY GPS OBSERVATION.

RESIDUAL VOL. 2278 PG. 1023

NOTE: I DID NOT SEARCH THE COUNTY RECORDS TO DETERMINE EASEMENTS OR RECORD TITLE. ALL INTERESTED PARTIES SHOULD EMPLOY A TITLE AND ABSTRACT COMPANY TO DETERMINE EASEMENTS AND STATE OF TITLE AND OWNERSHIP TO THE PROPERTY.



THIS SURVEY WAS MADE BY MEASUREMENT FROM THE CORNER OF THE SAID TRACT TO THE POINT OF BEGINNING AND CONTAINING 4.0 ACRES OF LAND, MORE OR LESS. THE BEARINGS AND DISTANCES ARE AS SHOWN ON THIS SURVEY PLAN.

JIMMY W. POGUE, INC.  
3618 WAPPA B. LOWE FREDDY  
DALLAS, TEXAS 75228  
PHONE: (214) 271-0848  
FAX: (214) 271-9800  
1-800-367-0800

Scale: 1"=80'  
Date: 12-28-09  
Job No: 111844

(5i)



(5j)

# Planning & Zoning Department

## Petition for ETJ Release

Case: ETJ-PTN-112-2024



### MEETING DATE

City Council:

July 1, 2024

### CAPTION

*Consider* proposed Ordinance approving a request by Johnny Fussell & Sean Fussell, for a **Petition for ETJ Release** for approximately 10.385 acres, located at 611 Wilson Rd. (Property ID 289604) – Owner: SDJF Property Trust. (ETJ-PTN-112-2024).

### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-112-2024, a request by Johnny Fussell & Sean Fussell, for a Petition for ETJ Release for approximately 10.385 acres, located at 611 Wilson Road, 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

*Applicant:*

Johnny Fussell & Sean Fussell

*Property Owner(s):*

SDJF Property Trust

*Site Acreage:*

10.385 Acres

*Number of Lots:*

1 lot

*Number of Dwelling Units:*

1 unit

### SUBJECT PROPERTY

*General Location:*

611 Wilson Road

*Parcel ID Number(s):*

289604

*Current Zoning:*

N/A (ETJ)

*Existing Use:*

Single Family Residence.

*Platting History:*

The subject property is platted as lot 1, Block A of the Fuquez Addition.

*CCN Service Area:*

Rockett SUD

(5j)

*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 July 1, 2024 City Council Meeting
2. Proposed Ordinance
3. Metes and Bounds (Exhibit A)
4. Location Map (Exhibit B)

**STAFF CONTACT INFORMATION**

*Prepared by:*

James Breen

GIS Technician

[james.breen@waxahachie.com](mailto:james.breen@waxahachie.com)

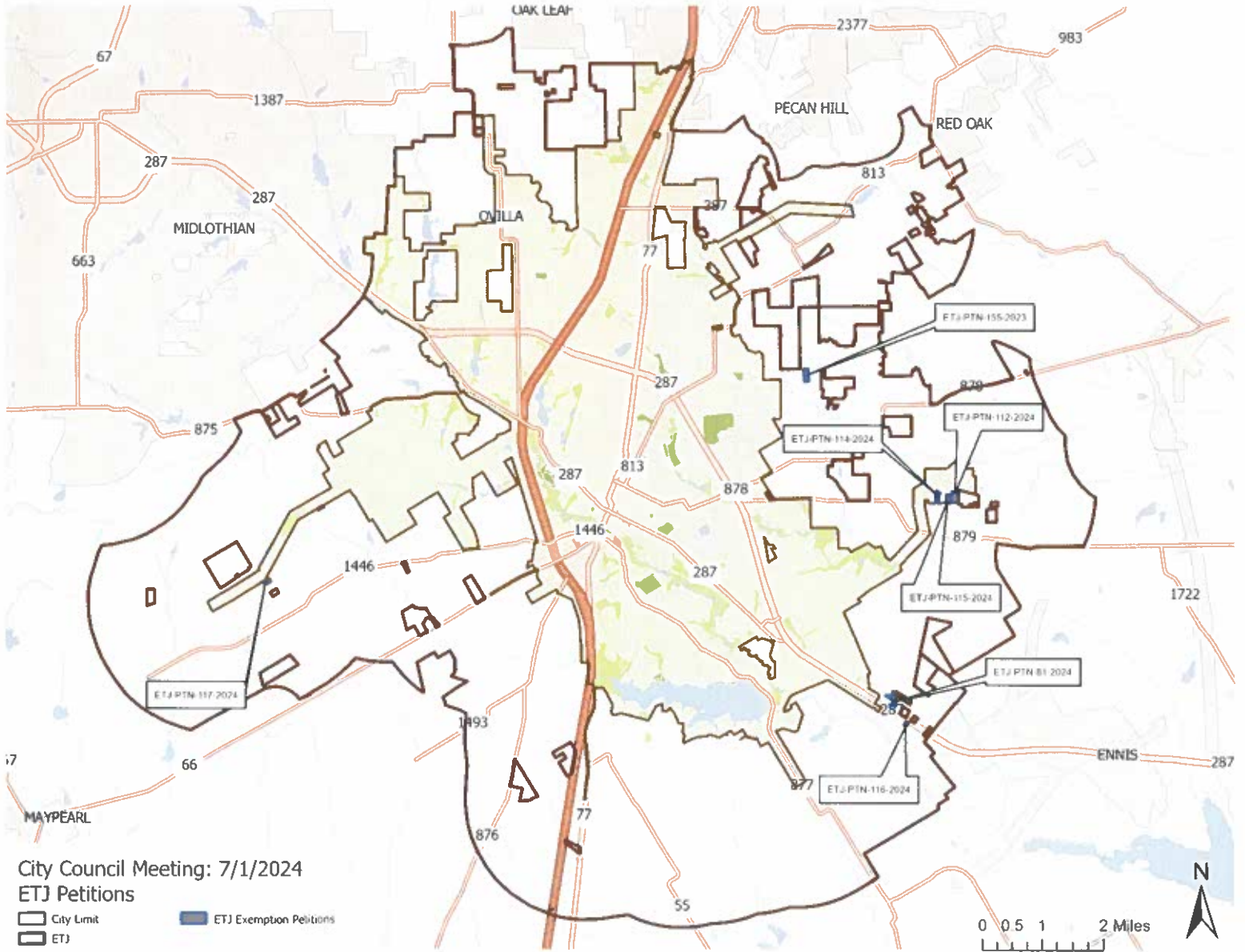
*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

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

(5j)



(5j)

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

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 10.385 ACRE TRACT OF LAND, LOCATED AT 611 WILSON RD, KNOWN AS PROPERTY ID 289604, 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-112-2024, 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 1<sup>st</sup> day of July, 2024.

\_\_\_\_\_  
MAYOR

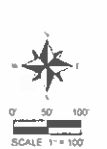
ATTEST:

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

(5j)

EXHIBIT A - METES AND BOUNDS

FILED FOR RECORD IN PUBLIC RECORDS  
BY NO. 433231 FILE NO. 34E



REMAINDER  
FUQUEZ PROPERTY  
COMPANY NO. 195 LLC  
VOL. 3705 PG. 663  
CORRECT

N 89°27'35" E 471.22'



LOT 1, BLOCK A  
9952 ACRES

S 00°22'28" E 860.00'

WILSON ROAD  
(VARIABLE WIDTH  
LAUREL WOOD AND INDICATED ROW)

N/1 WALLACE S  
JEANETTE WALLACE  
VOL. 118 PG. 893  
CORRECT

NOTES  
BEAR IN MIND FOR THIS SURVEY - A TEXAS COORDINATE SYSTEM WITH DATUM NAD 83, NAD 83 ZONE 14N, UTM PROJECTION  
THE SURVEY POINTS WILL BE WITHIN ONE (1) FOOT OF THE SURVEY POINTS TO BE SHOWN ON THE FUTURE RECORD MAP  
ALL LOTS SHALL BE SERVICED BY AN ON-SITE SEWER TREATMENT SYSTEM OR SEWERAGE SYSTEM, USE AN  
ON-SITE SEWERAGE SYSTEM SHALL BE PERMITTED BY A LICENSED ENGINEER AND THE CITY ENGINEER  
DATE: 4/27/21 BY: [Signature]

OWNER'S CERTIFICATE  
STATE OF TEXAS  
COUNTY OF ELLIS  
WHEREAS FUQUEZ PROPERTY COMPANY NO. 195 LLC ARE THE OWNERS OF A TRACT OF LAND  
SITUATED IN THE J.B. & A. ADAMS SURVEY ABSTRACT NO. 3 CITY OF WACAHACHE, ELLIS COUNTY,  
TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO FUQUEZ PROPERTY  
COMPANY NO. 195 LLC, RECORDED IN VOLUME 3705 PAGE 663 OF THE OFFICIAL PUBLIC RECORDS OF  
ELLIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "THURS. SET FOR CORNER IN THE SOUTH LINE OF  
SAID FUQUEZ TRACT THE COMMON NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO W.L.  
WALLACE AND JEANETTE WALLACE, RECORDED IN VOLUME 118 PAGE 893 CORRECT FROM WHICH A 1/4"  
IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID FUQUEZ TRACT BEARS N 89°27'35" E A  
DISTANCE OF 471.22 FEET  
THE NCE S 89°27'35" W ALONGS THE SOUTH LINE OF SAID FUQUEZ TRACT AND THE COMMON NORTH LINE  
OF SAID WALLACE TRACT A DISTANCE OF 180 FEET THE NORTH EDGE OF WILSON ROAD  
CONTINUING ALONG THE SOUTH LINE OF SAID FUQUEZ TRACT THE COMMON NORTH LINE OF SAID  
WALLACE TRACT AND THE APPROXIMATE CITY LIMIT OF SAID WILSON ROAD A VARIABLE WIDTH  
LINE CORDED RIGHT OF WAY, A TOTAL DISTANCE OF 471.22 FEET TO A POINT FOR CORNER  
THE NCE S 89°27'35" W ALONGS THE SOUTH LINE OF SAID FUQUEZ TRACT AND THE COMMON NORTH LINE  
OF SAID WALLACE TRACT A DISTANCE OF 30.30 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "THURS. SET  
FOR CORNER  
A DISTANCE OF 471.22 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "THURS. SET FOR  
CORNER  
S 00°22'28" W PASSING AT A DISTANCE OF 30.30 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "THURS. SET  
FOR CORNER A TOTAL DISTANCE OF 960.30 FEET TO A POINT OF BEGINNING AND CONTAINING 9.965  
ACRES OF LAND MORE OR LESS

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS  
THAT FUQUEZ PROPERTY COMPANY NO. 195 LLC DO HEREBY ADOPT THIS PLAT DESIGNATING THE  
HEREIN ABOVE DESCRIBED PROPERTY AS A PLAT FUQUEZ ADDITION, AN ADDITION TO THE CITY OF  
WACAHACHE, TEXAS FOR THE PUBLIC USE FOREVER FOR THE STREETS AND ALLEYS SHOWN THEREON.  
THE STREETS AND ALLEYS ARE DEDICATED FOR THE PUBLIC USE FOREVER FOR THE PURPOSES INDICATED  
ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROUNDS  
SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS SHOWN, EXCEPT  
THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS IF APPROVED BY THE  
CITY OF WACAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE UTILITY USE AND  
ACCOMMODATION OF ALL PUBLIC UTILITIES SERVING TO USE OR USING THE SAME UNDER THE  
EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES SAID USE BY PUBLIC UTILITIES BEING  
SUBORDINATE TO THE PUBLIC AND CITY OF WACAHACHE USE. THE CITY OF WACAHACHE  
AND PUBLIC UTILITIES SHALL HAVE THE RIGHT TO REMOVE AND REPAIR PERMISSIBLE OR PARTS  
OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROUNDS WHICH MAY  
IN ANY MANNER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OPERATION OR  
REPAIR OF ANY PUBLIC UTILITY SYSTEM OR EASEMENT. THE CITY OF WACAHACHE AND PUBLIC UTILITIES  
IN THEIR RESPECTIVE SYSTEMS IN SUCH EASEMENTS. THE CITY OF WACAHACHE AND PUBLIC UTILITIES  
IN THEIR RESPECTIVE SYSTEMS SHALL HAVE THE FULL RIGHT OF ACCESS AND CARE TO AND FROM THE  
RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, ADJUSTING,  
REPAIRING, MAINTAINING AND REMOVING AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR  
RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OBTAINING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLANNING DEPARTMENT RULES, REGULATIONS AND  
RESOLUTIONS OF THE CITY OF WACAHACHE, TEXAS  
WITNESS MY HAND THIS 22 DAY OF July 2021

BY  
FUQUEZ PROPERTY COMPANY NO. 195 LLC  
JOHN FUQUEZ

STATE OF TEXAS  
COUNTY OF ELLIS  
BEFORE ME, I, [Signature], a Notary Public, a and for the State of Texas, on this day  
PERSONALLY APPEARED JOHN FUQUEZ, known to me to be the person whose name is subscribed to the  
FIFTEEN GOING FIFTEEN AND A KNOWN TO ME THAT HE HAS EXECUTED THE SAME FOR THE PURPOSES  
HEREIN EXPRESSED AND IN THE CAPACITY STATED

GIVEN UNDER MY HAND AND SEAL THIS 22 DAY OF July 2021

NOTARY PUBLIC FOR THE  
STATE OF TEXAS  
[Signature]  
JOHN FUQUEZ  
Notary Public for State of Texas  
Commission Expires 07/23/24  
1934 - 2024

1/2A  
I, NOTARY JACKSON, WILL HEREBY CERTIFY THAT THIS PLAT WAS MADE ON THE  
GROUND UNDER MY DIRECT SUPERVISION ON THE DATE SHOWN AND THAT ALL  
PROPERTY CORNERS HEREON HAVE BEEN FOUND OR SET AS SHOWN

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WACAHACHE

By [Signature] 4-27-21  
DATE

By [Signature] 7-27-21  
DATE

APPROVED BY CITY COUNCIL  
CITY OF WACAHACHE

By [Signature] 5-3-21  
DATE

By [Signature] 7-27-21  
DATE

By [Signature] 7-27-21  
DATE

PLAT  
FUQUEZ ADDITION  
19.965 ACRES  
J.B. & A. ADAMS SURVEY  
ABSTRACT NO. 3  
CITY OF WACAHACHE  
ELLIS COUNTY, TEXAS  
1 RESIDENTIAL LOT  
ZONED PD SF 1  
CAS NO. SUB-39-2101  
MARCH 2021 PAGE 1 OF 1

OWNER:  
JOHN FUQUEZ  
195 WILSON ROAD  
WACAHACHE, TX 76795  
888.884.8175  
SURVEY FOR:  
TEXAS REALTY CAPITAL &  
SURVEYING, LLC  
PO BOX 753  
WACAHACHE, TEXAS 76794  
409.519.8334  
TOLP'S PERM NO. 1214369

(5j)



(5K)

# Planning & Zoning Department

## Petition for ETJ Release

Case: ETJ-PTN-114-2024



### MEETING DATE

City Council:

July 1, 2024

### CAPTION

**Consider** the proposed Ordinance approving a request by Johnny Fussell & Sean Fussell, for a **Petition for ETJ Release** for approximately 5.111 acres, located at 439 Wilson Rd. (Property ID 240435) – Owner: Fuquez Property Company No. 105 LLC. (ETJ-PTN-114-2024).

### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-114-2024, a request by Johnny Fussell & Sean Fussell, for a Petition for ETJ Release for approximately 5.111 acres, located at 439 Wilson Road, 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

Applicant:

Johnny Fussell & Sean Fussell

Property Owner(s):

Fuquez Property Company No. 105 LLC

Site Acreage:

5.111 Acres

Number of Lots:

1 lot

Number of Dwelling Units:

1 unit

### SUBJECT PROPERTY

General Location:

439 Wilson Road

Parcel ID Number(s):

240435

Current Zoning:

N/A (ETJ)

Existing Use:

Single Family Residence.

Platting History:

The subject property is unplatted.

CCN Service Area:

Rockett SUD

(5K)

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

### **STAFF CONTACT INFORMATION**

*Prepared by:*

James Breen

GIS Technician

[james.breen@waxahachie.com](mailto:james.breen@waxahachie.com)

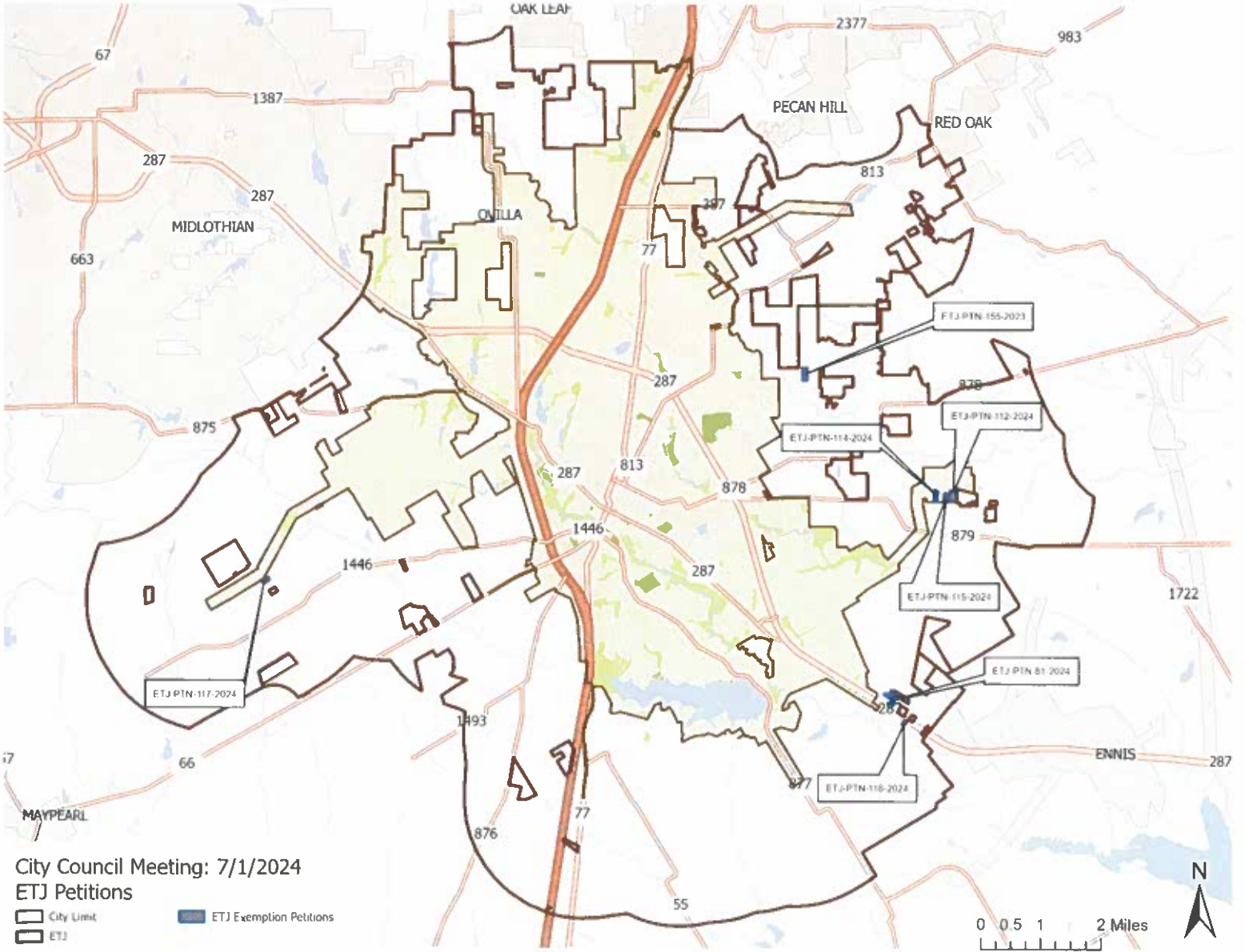
*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

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

(5K)



(5K)

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

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION OF A 5.111 ACRE TRACT OF LAND, LOCATED AT 439 WILSON RD, KNOWN AS PROPERTY ID 240435, 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-114-2024, 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 1<sup>st</sup> day of July, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

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

EXHIBIT A - LEGAL DESCRIPTION

02708 1352

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(5K)

GF#1305115W

2001

Prepared by the State Bar of Texas for use by lawyers only.  
©1999 by the State Bar of Texas

WARRANTY DEED  
(Long Form)

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

Date: June 28, 2013

Grantor: THOMAS L. ALMAND and KAYE F. ALMAND

Grantor's Mailing Address (including county): 439 Wilson Road, Waxahachie, Ellis County, TX 75165

Grantee: FUQUEZ PROPERTY COMPANY NO. 105, LLC, a Texas Limited Liability Company

Grantee's Mailing Address (including county): 2225 Southern Oaks, Cedar Hill, Dallas County, TX 75104

Consideration: Ten and No/100 (\$10.00) and other good and valuable consideration

Property (including any improvements):

**TRACT ONE:**

BEING all that certain lot, tract, or parcel of land situated in the J.B. AND ANN ADAMS SURVEY, ABSTRACT NO. 5, and being part of a called 276.592 acre tract described by instrument recorded in Volume 2255, Page 405 of the Official Public Records, Ellis County, Texas, and being more particularly described as follows:

BEGINNING at a point in Wilson Road (a public road) and in the south line of said 276.592 acre tract, for the southwest corner of this tract, from said point a 1/2" steel rod found for the southwest corner of said 276.592 acre tract bears N 89°35'05" W (Deed - record bearing basis), 1019.60 feet;

THENCE N 00°24'55" E, 739.75 feet into said 276.592 acre tract, along the west line of this tract, to a point for the northwest corner of this tract;

THENCE S 89°37'39" E, 210.32 feet continuing through said 276.592 acre tract, along the north line of this tract, to a point for the northeast corner of this tract;

THENCE S 00°24'55" W, 739.91 feet continuing through said 276.592 acre tract, along the eastline of this tract, to a point in said road and in the south line of said 276.592 acre tract, forthe southeast corner of this tract;

THENCE N 89°35'05" W, 210.32 feet along said road, and along the south line of this tract and said 276.592 acre tract, to the POINT OF BEGINNING, and containing approximately 3.572 acres of land.

FILED FOR RECORD - ELLIS COUNTY, TEXAS  
INST NO. 1314452 FILING DATE/TIME: Jul 01, 2013 at 10:33:00 AM

# EXHIBIT A - LEGAL DESCRIPTION

(5K)

02708 1353

VOL.

PG.

## TRACT TWO:

BEING all that certain lot, tract, or parcel of land situated in the J.B. AND ANN ADAMS SURVEY, ABSTRACT NO. 5, and being part of a called 276.592 acre tract described by instrument recorded in Volume 2255, Page 405 of the Official Public Records, Ellis County, Texas, and being more particularly described as follows:

BEGINNING at a point in said 276.592 acre tract, for the southwest corner of this tract, from said point a 1/2" steel rod found for the southwest corner of said 276.592 acre tract bears S 00°24'55" W, 739.75 feet, and N 89°35'05" W (Deed - record bearing basis), 1019.60 feet;

THENCE N 05°30'17" E, 321.21 feet through said 276.592 acre tract, to a point for the northwest corner of this tract;

THENCE continuing through said 276.592 acre tract, along the north lines of this tract, the following bearings and distances: S 73°39'51" E, 34.82 feet to a point for corner; S 23°24'29" E, 105.90 feet to a point for corner; S 76°58'32" E, 153.11 feet to a point for corner; and S 54°14'40" E, 99.55 feet to a point for the northeast corner of this tract;

THENCE continuing through said 276.592 acre tract, along the east lines of this tract, the following bearings and distances: S 06°45'54" W, 76.32 feet to a point for corner, and being the beginning of a counterclockwise curve, with a radius of 550.00 feet, a central angle of 02°23'16", whose long chord bears S 05°34'16" W, 22.92 feet; 22.92 feet along said arc, to a point for corner, and being the beginning of a clockwise curve, with a radius of 25.00 feet, a central angle of 85°46'48", whose long chord bears S 47°16'02" W, 34.03 feet; 37.43 along said arc, to a point for corner; N 9°50'33" W, 89.73 feet; And N 89°37'39" W, 210.32 feet to the POINT OF BEGINNING, and containing approximately 1.539 acres of land.

Reservations from and Exceptions to Conveyance and Warranty:

SUBJECT, however, to all valid outstanding easements, rights-of-way, mineral and/or ground leases, mineral reservations, mineral conveyances, restrictive covenants of record, and to zoning laws, regulations and ordinances of municipal and other governmental authorities, if any.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

  
THOMAS L. ALMAND

  
KAYE F. ALMAND

**EXHIBIT A - LEGAL DESCRIPTION**

(5K)

02708 1354

VOL. PG.

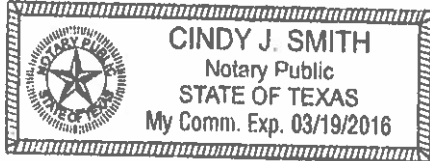
(Acknowledgment)

STATE OF TEXAS  
COUNTY OF ELLIS

This instrument was acknowledged before me on the 28th day of June, 2013, by THOMAS L. ALMAND and KAYE F. ALMAND.

*Cindy J. Smith*

Notary Public, State of Texas  
Notary's name (printed):  
Notary's commission expires:



AFTER RECORDING RETURN TO:

**FUQUEZ PROPERTY COMPANY NO. 105, LLC**  
2225 Southern Oaks  
Cedar Hill, TX 75104

PREPARED IN THE LAW OFFICE OF:

**James R. Pitts**  
Attorney at Law  
P. O. Box 561  
Waxahachie, TX 75168

#281 805

JAY

(5K)

02708 1355

VOL. PG.

SCANNED

Any provision herein which restricts the sale, rental, or use of this described real property because of color or race is invalid and unenforceable under federal law STATE OF TEXAS COUNTY OF ELLIS I hereby certify this instrument was filed on the date and time stamped herein and was duly recorded in the volume and page of the OFFICIAL PUBLIC RECORDS of Ellis County Texas as stamped hereon.



*Cindy Alling*  
COUNTY CLERK, ELLIS COUNTY, TEXAS

FILED FOR RECORD - ELLIS COUNTY, TX  
INST NO: 215452  
on Jul 01, 2013 at 10:34:00 AM

(5K)



**EXHIBIT B - LOCATION MAP**

0 375 750 1,500 2,250 3,000 Feet

- ETJ-PTN-114-2024 (ETJ PETITION)
- ETJ
- City Limits

(56)

## Planning & Zoning Department

### Petition for ETJ Release

Case: ETJ-PTN-115-2024



#### MEETING DATE

City Council:

July 1, 2024

#### CAPTION

**Consider** the proposed Ordinance approving a request by Johnny Fussell for a Petition for ETJ Release for approximately 5.1 acres located at 515 Wilson Road (Property ID 245413) – Owner: Fuquez Property Company No. 105 LLC. (ETJ-PTN-115-2024).

#### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-115-2024, a request by Johnny Fussell, for a Petition for ETJ Release for approximately 5.1 acres, located at 515 Wilson Road, 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

Applicant:

Johnny Fussell

Property Owner(s):

Fuquez Property Company No. 105 LLC

Site Acreage:

5.1 Acres

Number of Lots:

1 lot

Number of Dwelling Units:

1 unit

#### SUBJECT PROPERTY

General Location:

515 Wilson Road

Parcel ID Number(s):

245413

Current Zoning:

N/A (ETJ)

Existing Use:

Single Family Residence

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

**STAFF CONTACT INFORMATION**

*Prepared by:*

James Breen

GIS Technician

[james.breen@waxahachie.com](mailto:james.breen@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

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



(51)

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

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 5.1 ACRE TRACT OF LAND, LOCATED AT 515 WILSON ROAD, KNOWN AS PROPERTY ID 245413, 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-115-2024, 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 1<sup>st</sup> day of July, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

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

#24

**EXHIBIT A - LEGAL DESCRIPTION**

02728 1187

(11)

(5L)

VOL. PG.

GF#1306085W

2001

Prepared by the State Bar of Texas for use by lawyers only.  
©1999 by the State Bar of Texas

**WARRANTY DEED**  
(Long Form)

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

Date: October 4, 2013

Grantor: JOE YOUSEF

Grantor's Mailing Address (including county):

515 Wilson Road  
Waxahachie, Ellis County, TX 75165

Grantee: FUQUEZ PROPERTY COMPANY NO. 105, LLC , a Texas Limited Liability Company

Grantee's Mailing Address (including county):

2225 Southern Oaks  
Cedar Hill, Dallas County, TX 75104

Consideration: Ten and No/100 (\$10.00) and other good and valuable consideration

Property (including any improvements):

**BEING a 5.100 acre tract of land situated in the JOHN B. AND ANN ADAMS SURVEY, ABSTRACT NO. 5, Ellis County, Texas, and being a part of a 190.170 acre tract of land described in deed recorded in Volume 1674, Page 798, Deed Records Ellis County, Texas, said 5.100 acre tract being more particularly described by metes and bounds as follows:**

**COMMENCING at a 1/2-inch iron rod found for the southeast corner of said 190.170 acre tract;**

**THENCE South 89 degrees 27 minutes 48 seconds West, with the south boundary line of said 190.170 acre tract, a distance of 771.25 feet to the POINT OF BEGINNING;**

**THENCE South 89 degrees 27 minutes 48 seconds West, continuing with the south boundary line of said 190.170 acre tract, a distance of 321.45 feet to a point for corner;**

**THENCE North 00 degrees 32 minutes 12 seconds West, a distance of 555.35 feet to a point for corner;**

**THENCE North 09 degrees 37 minutes 49 seconds East, a distance of 176.72 feet to a point for**

FILED FOR RECORD - ELLIS COUNTY, TEXAS  
INST NO. 1323902 FILING DATE/TIME: Oct 07, 2013: 09:57:00 AM

**EXHIBIT A - LEGAL DESCRIPTION**

(51)

02728 1188

VOL. PG.

corner;

THENCE South 79 degrees 59 minutes 15 seconds East, a distance of 40.19 feet to a point for corner;

THENCE South 85 degrees 33 minutes 56 seconds East, a distance of 238.27 feet to the beginning of a non-tangent curve to the left having a radius of 555.00 feet, a chord bearing of South 00 degrees 31 minutes 36 seconds East and a chord distance of 22.14 feet;

THENCE Southerly, with said curve to the left, through a central angle of 02 degrees 17 minutes 10 seconds, an arc distance of 22.14 feet to the end of said curve;

THENCE South 01 degrees 39 minutes 56 seconds East, a distance of 679.28 feet to the POINT OF BEGINNING AND CONTAINING 222,160 square feet or 5.100 acres of land.

Reservations from and Exceptions to Conveyance and Warranty:

**SUBJECT**, however, to all valid outstanding easements, rights-of-way, mineral and/or ground leases, mineral reservations, mineral conveyances, restrictive covenants of record, and to zoning laws, regulations and ordinances of municipal and other governmental authorities, if any.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

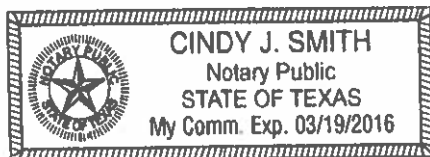
When the context requires, singular nouns and pronouns include the plural.

JOE YOUSEF  
JOE YOUSEF

(Acknowledgment)

STATE OF TEXAS  
COUNTY OF ELLIS

This instrument was acknowledged before me on the 4th day of October, 2013, by JOE YOUSEF.



Cindy J. Smith  
Notary Public, State of Texas  
Notary's name (printed):  
Notary's commission expires:

AFTER RECORDING RETURN TO:

PREPARED IN THE LAW OFFICE OF:

**EXHIBIT A - LEGAL DESCRIPTION**

(51)

.09 .JOV

02728 1189

VOL. PG.

**FUQUEZ PROPERTY COMPANY NO. 105, LLC  
2225 Southern Oaks  
Cedar Hill, TX 75104**

**James R. Pitts  
Attorney at Law  
P. O. Box 561  
Waxahachie, TX 75168**

**EXHIBIT A - LEGAL DESCRIPTION**

.09 .JOV

02728 1190

(51)

VOL. PG.

SCANNED

Any provision herein which restricts the sale, rental, or use of this described real property because of color or race is invalid and unenforceable under federal law STATE OF TEXAS, COUNTY OF ELLIS I hereby certify this instrument was filed on the date and time stamped herein and was duly recorded in the volume and page of the OFFICIAL PUBLIC RECORDS of Ellis County Texas as stamped hereon.



*Cindy Kelley*  
COUNTY CLERK, ELLIS COUNTY, TEXAS

FILED FOR RECORD - ELLIS COUNTY, TX  
INST NO. 1323902  
ON 01 07, 2013 at 09:57:00 AM

(5L)



(5m)

# Planning & Zoning Department

## Petition for ETJ Release

Case: ETJ-PTN-116-2024



### MEETING DATE

City Council:

July 1, 2024

### CAPTION

*Consider the* proposed Ordinance approving a request by Travis Baucom, for a **Petition for ETJ Release** for approximately 2.05 acres, located at 3740 S. Highway 287 (Property ID 220805) – Owner: HWY 287 Storage LLC (ETJ-PTN-116-2024)

### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-116-2024, a request by Travis Baucom & HWY 287 Storage LLC., for a Petition for ETJ Release for approximately 2.05 acres, located at 3740 S. Highway 287, 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

Applicant:

Travis Baucom

Property Owner(s):

Hwy 287 Storage, LLC

Site Acreage:

2.05 acres

Number of Lots:

1 lots

Number of Dwelling Units:

0 units

### SUBJECT PROPERTY

General Location:

3740 S. Highway 287

Parcel ID Number(s):

220805

Current Zoning:

N/A (ETJ)

Existing Use:

Mini-Warehouse or Self-Storage Facility

Platting History:

The subject property is platted

CCN Service Area:

Rockett SUD

(5m)

**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 July 1, 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)

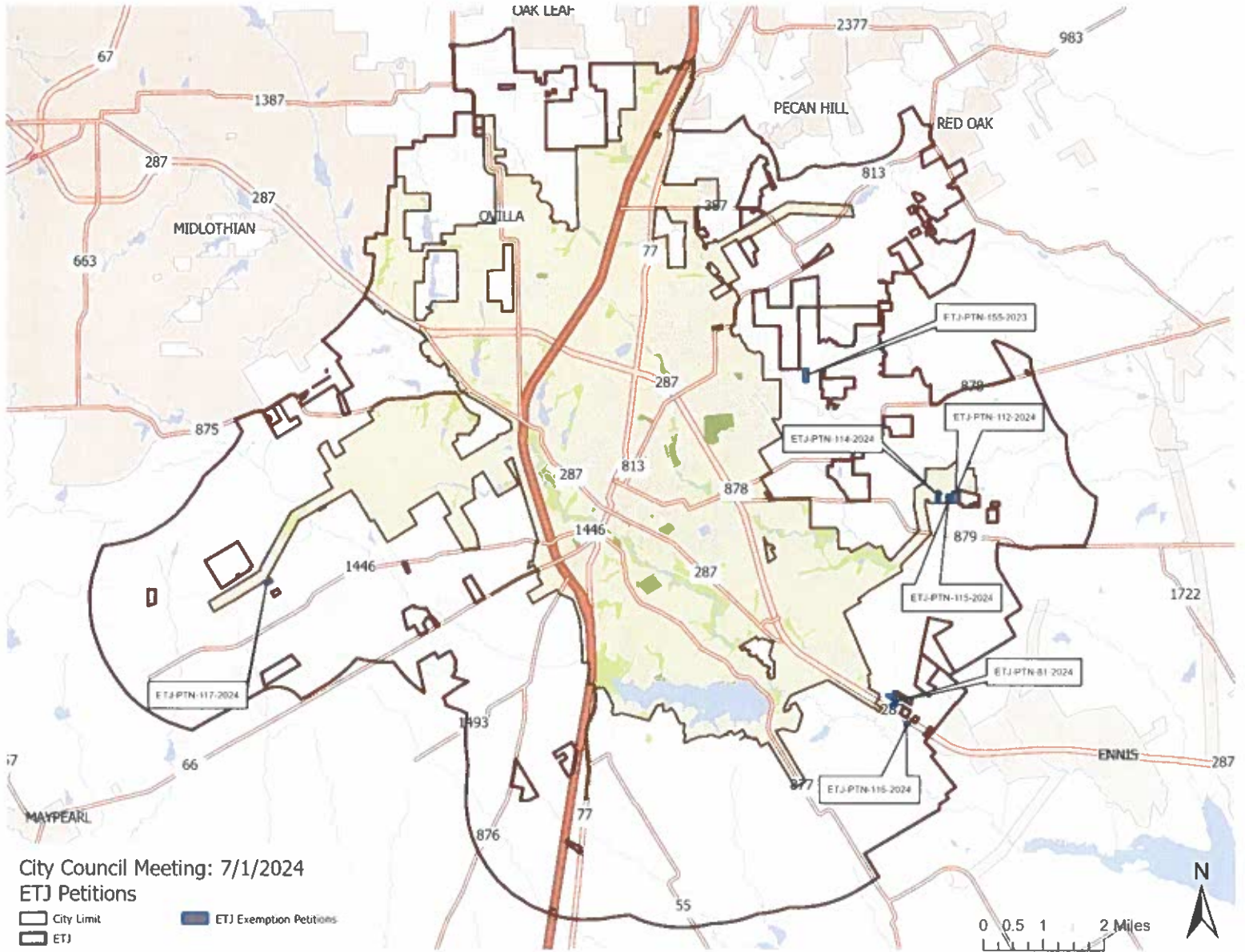
*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

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

(5m)



(5m)

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

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 2.05 ACRE TRACT OF LAND, LOCATED AT 3740 S HIGHWAY 287, KNOWN AS PROPERTY ID 220805, 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-116-2024, 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 1<sup>st</sup> day of July, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(5m)

EXHIBIT A) LEGAL DESCRIPTION

PROPERTY DESCRIPTION

BEING LOT 19 MUSTANG CORNER AN ADDITION TO ELLIS COUNTY TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET F SLIDE 52 PLAT RECORDS ELLIS COUNTY TEXAS

**THIS IS A PARTIAL SURVEY**  
**CONFORMS WITH THE SURVEY**  
**ALL INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE OF ANY KIND.**

**GENERAL NOTES:**

- 1) THE SURVEY IS MADE AS SHOWN ON THE PLAT AND IS SUBJECT TO ANY CHANGES MADE BY THE SURVEYOR.
- 2) THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES OR OTHER INTERESTS.
- 3) THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES OR OTHER INTERESTS.
- 4) THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES OR OTHER INTERESTS.
- 5) THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES OR OTHER INTERESTS.
- 6) THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES OR OTHER INTERESTS.
- 7) THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES OR OTHER INTERESTS.
- 8) THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES OR OTHER INTERESTS.
- 9) THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES OR OTHER INTERESTS.
- 10) THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES OR OTHER INTERESTS.



3740 S. U.S. HIGHWAY 287  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS

PREMIER JOB #	22-10642TOP015
TECH MSP	DATE 11/22/22
FIELD MJ	FIELD DATE 11/16/22



DATE	11/16/22
TIME	10:00 AM
LOCATION	3740 S. U.S. HIGHWAY 287, WAXAHACHIE, TX
CLIENT	PREMIER SURVEYING
PROJECT	3740 S. U.S. HIGHWAY 287
DESCRIPTION	SURVEY OF LOT 19 MUSTANG CORNER
BY	MIKE J. MURPHY
CHECKED BY	MIKE J. MURPHY
SCALE	AS SHOWN
PLAT	AS SHOWN
RECORDS	AS SHOWN
INDEX	AS SHOWN
FILE	AS SHOWN

**Premier**  
 3700 W. Plano Parkway  
 Suite 1300  
 Plano, Texas 75075  
 (972) 412-3000 | Fax: (972) 412-3001

**Premier**  
 3740 S. U.S. Highway 287  
 Suite 1300  
 Waxahachie, Texas 75165  
 Office: (972) 412-3001  
 Fax: (972) 412-3001  
 Toll Free: 1-800-442-7000



(5m)

EXHIBIT B - LOCATION MAP



(5n)

# Planning & Zoning Department

## Petition for ETJ Release

Case: ETJ-PTN-117-2024



### MEETING DATE

City Council:

July 1, 2024

### CAPTION

*Consider* proposed Ordinance approving a request by Carli Middleton, for a **Petition for ETJ Release** for approximately 4.22 acres, located at 421 Hoyt Road (Property ID 283852) – Owner: New Earthlok LLC (ETJ-PTN-117-2024)

### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-117-2024, a request by Rodney Green & Carli Middleton., for a Petition for ETJ Release for approximately 4.22 acres, located at 421 Hoyt Road, 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

*Applicant:*

Carli Middleton

*Property Owner(s):*

New Earthlok, LLC

*Site Acreage:*

4.22 Acres

*Number of Lots:*

1 lot

*Number of Dwelling Units:*

0 units

### SUBJECT PROPERTY

*General Location:*

421 Hoyt Road

*Parcel ID Number(s):*

283852

*Current Zoning:*

N/A (ETJ)

*Existing Use:*

Office

*Platting History:*

The subject property is platted

*CCN Service Area:*

Buena Vista-Bethel Special Utility District

(5n)

**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 July 1, 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)



(5n)

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

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 4.22 ACRE TRACT OF LAND, LOCATED AT 421 HOYT ROAD, KNOWN AS PROPERTY ID 283852, 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-117-2024, 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 1<sup>st</sup> day of July, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

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







## Memorandum

**To:** Honorable Mayor and City Council

**From:** Eleana Tuley, Downtown Redevelopment & Historic Preservation Manager

**Thru:** Gumaro Martinez, Executive Director of Parks & Leisure Services *BT*

**Date:** July 1, 2024

**Re:** Consider a Downtown Building Improvement Program Grant Application for 217 E. Main Street

---

**Recommended Motion:** "I move to approve the funding request from the TIRZ fund in the amount of \$4,233.29 for the improvements at 217 E. Main Street, and authorize the City Manager to execute all documents as necessary."

**Item Description:** Consider authorizing funding from the TIRZ fund for \$4,233.29 to pay for half the cost of replacing the awning at 217 E. Main Street.

**Item Summary:** Greg Nehib, the property owner (Big Blue Truck LLC), has applied for a grant under the Downtown Building Improvement Program (DBIP) to replace the awning at 217 E. Main Street. The DBIP Grant offers a 50/50 match for qualifying improvements, up to \$50,000. The total cost of replacing the awning is \$8,466.58, and the applicant has requested \$4,233.29 (50 percent) to cover the remaining cost of the replacement.

The TIRZ Board unanimously approved the funding request of \$4,233.29 by a 4-0 vote at the May 21, 2024 TIRZ meeting.

**Fiscal Impact:** The request for \$4,233.29 will be funded by the TIRZ fund, which has sufficient balance to cover the expense.

(5p)



## Memorandum

To: Honorable Mayor and City Council

From: Justin Stoker, P.E., CFM, Director of Public Works & Engineering

Thru: Michael Scott, City Manager

Date: July 1, 2024

Re: Consider Temporary Road Closure of the Intersections of S. College Street/W. Madison Street and S. Jackson Street/E. Madison Street

---

**Recommended Motion:** "I move to approve the temporary road closure at the intersection of S. College Street and W. Madison Street on July 15, 2024, and the closure at the intersection of S. Jackson Street/E. Madison Street on July 22, 2024."

**Item Description:** Consider temporary road closure of the intersections of S. College Street/W. Madison Street and S. Jackson Street/E. Madison Street.

**Item Summary:** The Ellis County jail has contracted with Blues Crane Service to replace air conditioner units on the jail's roof. Blues Crane Service has contacted the City to request a full-day, temporary road closure at the intersection of S. College Street and W. Madison Street on July 15, 2024, and the closure at the intersection of S. Jackson Street/E. Madison Street on July 22, 2024, to allow for a crane to deliver the new roof-mounted air conditioner units.

**Fiscal Impact:** No impact.

(59)



## Memorandum

To: Honorable Mayor and City Council

From: Joe Wiser, Chief of Police

Thru: Michael Scott, City Manager

Date: July 1, 2024

Re: Request to consider acceptance of the Animal Care Advisory Board nomination of Assistant Chief Marcus Brown to that Board

---

**Recommended Motion:** "I move to approve the Animal Care Advisory Board's nomination of Assistant Police Chief Marcus Brown to replace Chief Joe Wiser on the Animal Care Advisory Board and authorize the City Manager to execute all necessary documents."

**Item Description:** Consider the approval of the Animal Care Advisory Board's nomination of Assistant Police Chief Marcus Brown to replace Chief Joe Wiser on the Animal Care Advisory Board.

**Item Summary:** This is a request for consideration to accept the Animal Care Advisory Board's nomination of Assistant Police Chief Marcus Brown to replace Chief Joe Wiser on that same board. Assistant Chief Brown has oversight of the Animal Services Division and can provide valuable insight regarding the goals and resources of the Animal Services Division.

**Fiscal Impact:** This request is administrative in function and there is no fiscal impact expected if approved.



## Memorandum

To: Honorable Mayor and City Council

From: Justin Stoker, P.E., CFM, Director of Public Works & Engineering

Thru: Michael Scott, City Manager

Date: July 1, 2024

Re: Consider Project Budget Amendment for Northgate Drive at US-77 Intersection Improvements

---

**Recommended Motion:** "I move to approve a project budget amendment of \$38,500 from the Service Area 4 Impact Fees Fund to the Northgate Drive at US-77 Intersection Improvements Project, and authorize the City Manager to execute all necessary documents."

**Item Description:** Consider approval of a project budget amendment transferring \$38,500 from Service Area 4 Impact Fees Fund to the Northgate Drive at US-77 Intersection Improvements project fund.

**Item Summary:** The Northgate Drive at US-77 Intersection Improvements project original design budget was \$90,000. However, the actual contract costs for the design contract and geotechnical construction material testing services are \$128,500.


On February 19, 2024 City Council approved the construction contract and funding for the project. However, the design and construction material testing cost shortfall of \$38,500 was not taken into account.

**Fiscal Impact:** City staff requests a budget adjustment of \$38,500 from the Impact Fee Service Area #4 fund to cover the actual costs of the design contract and geotechnical construction material testing. The Service Area 4 Impact Fees fund currently has \$2,162,483 in available funds.

(55)



## Memorandum

To: Honorable Mayor and City Council  
From: Dale Sigler, Director of Administrative Services  
Thru: Michael Scott, City Manager   
Date: July 1, 2024  
Re: Consider Budget Amendment within the Facilities Capital Projects Fund

---

**Recommended Motion:** "I move to approve a budget amendment of \$116,000 utilizing earned interest within the Facilities Capital Projects Fund for the Charles Beatty Municipal Services Building Project and authorize the City Manager to execute all documents as necessary."

**Item Description:** Consider a budget amendment of \$116,000 utilizing available earned interest in the Facilities Capital Projects Fund to make the final payment for construction of the Charles Beatty Municipal Services Building.

**Item Summary:** The Charles Beatty Municipal Services Building construction project is coming to an end and is need of being closed-out. Steele and Freeman Inc. has issued their final pay application to the City in the amount of \$377,140. City staff recommends transferring \$116,000 of available earned interest in the Facilities Capital Project Fund to assist with the payment.

**Fiscal Impact:** The budget amendment will allocate \$116,000 from available earned interest in the Facilities Capital Project Fund. The Facilities Capital Projects Fund has sufficient fund balance to cover the budget amendment.

# **PROCLAMATION** (7)

**WHEREAS**, parks and recreation is an integral part of communities throughout this country, including Waxahachie; and

**WHEREAS**, parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and

**WHEREAS**, parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

**WHEREAS**, parks and recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

**WHEREAS**, parks and recreation is a leading provider of healthy meals, nutrition services and education; and

**WHEREAS**, parks and recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

**WHEREAS**, parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

**WHEREAS**, parks and recreation is fundamental to the environmental well-being of our community; and

**WHEREAS**, parks and recreation is essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters and climate change; and

**WHEREAS**, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

**WHEREAS**, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

**WHEREAS**, Waxahachie recognizes the benefits derived from parks and recreation resources.

**NOW, THEREFORE**, be it resolved that I, Billie Wallace, Mayor of the City of Waxahachie, Texas, along with the entire City Council, do hereby proclaim July, as

## ***“PARKS & RECREATION MONTH”***

Proclaimed this 1<sup>st</sup> day of July 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-100-2024**

**MEETING DATE(S)**

*Planning & Zoning Commission:* June 25, 2024  
*City Council:* July 1, 2024

**CAPTION**

**Public Hearing** on a request by Shannon Almon & Jerry L Almon, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Single Family-1 (SF-1) zoning district located at 1017 W Main Street (Property ID 171879) - Owner: Shannon Almon & Jerry L Almon (ZDC-100-2024)

**RECOMMENDED MOTIONS**

- "I move to deny ZDC-100-2024, a Specific Use Permit (SUP) for Short-Term Rental use."
- "I move to approve ZDC-100-2024, 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 June 25, 2024, the Commission voted 5-0 to recommend approval of case number ZDC-100-2024, subject to the conditions in the staff report.

**APPLICANT REQUEST**

The Applicant requests a specific use permit for a Short-Term Rental use at 1017 W Main Street.

**CASE INFORMATION**

*Applicant:* Shannon Almon & Jerry L Almon

*Property Owner(s):* Shannon Almon & Jerry L Almon

*Site Acreage:* 0.67 acres

*Current Zoning:* Single Family-1 (SF-1)

*Requested Zoning:* SF-1 with a Specific Use Permit (SUP) for a Short-Term Rental

**SUBJECT PROPERTY**

*General Location:* 1017 W Main St.

*Parcel ID Number(s):* 171879

*Existing Use:* A single-family residence occupies the subject property.

*Development History:* The subject property is platted as LOT 1R BLOCK 344

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	SF-1	Single Family Residence
East	SF-1	Single Family Residence
South	SF-2	Single Family Residence
West	SF-1	Single Family Residence

*Future Land Use Plan:*

Mixed Use Neighborhood

*Comprehensive Plan:*

A mixed-use neighborhood hearkens 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 171879

*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 a SUP.

The applicant requests a SUP for short-term rental use at 1017 W Main St. because it is located within the SF-1 zoning district. The subject property consists of a primary dwelling unit of approximately 2,687 square feet, built in 1961 with Three (3) bedrooms, (2) bathrooms and enough improved surface to accommodate for the required parking spaces of three (3) vehicles, situated on an approximately 0.67-acre (29,054 square feet) lot. The applicant has been operating a short-term rental since December 2020 and has paid the required local hotel occupancy taxes. The applicant has owned the property since 2021, but it is not their homestead. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance.

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 Shannon & Jerry L Almon (469)-261-4772, 1015 W. Main St., Waxahachie, TX. 75165, [almon1015@gmail.com](mailto:almon1015@gmail.com), which is located 108 ft 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, 43 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 three (3) letters of opposition were received by staff, with nine (9) letters of support, zero (0) letters of opposition and four (4) letters of support being inside the 200' buffer and the remainder outside of the 200' buffer.

**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.
6. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.

**ATTACHED EXHIBITS**

1. Property Owner Notification Responses
2. SUP Ordinance
3. Location Map (Exhibit A)
4. Zoning Map (Exhibit B)
5. Floorplan (Exhibit C)
6. Site Plan (Exhibit D)
7. 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)

(8)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-100-2024



**MANIGRASSO PAUL L & HEATHER M FRITZ**  
605 W MAIN ST  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 25, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 1, 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 Shannon Almon & Jerry L Almon, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-1 (SF-1) zoning district located at 1017 W Main Street (Property ID 171879) - Owner: Shannon Almon & Jerry L Almon (ZDC-100-2024)  
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-100-2024

City Reference: 171830

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 19, 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

Paul Manigrasso  
Printed Name and Title

10 June 2024  
Date

605 W MAIN, WAXAHACHIE TX 75165  
Address

(8)



City of Waxahachie, Texas

**REVISED**

Notice of Public Hearing  
Case Number: **ZDC-100-2024**



**MANIGRASSO PAUL L & HEATHER M FRITZ**  
605 W MAIN ST  
WAXAHACHIE, TX 75165

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City Reference: 171830

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SUPPORT

OPPOSE

Comments:

*Re-sent notice of opposition due to error*

*[Handwritten Signature]*  
Signature

*18 Jun 2024*  
Date

*Paul Manigrasso*  
Printed Name and Title

*605 W MAIN, WAXAHACHIE TX 75165*  
Address



(8)

City of Waxahachie, Texas  
**REVISED**  
Notice of Public Hearing  
Case Number: **ZDC-100-2024**

**SMITH DAVID G & PATRICIA M**  
905 W MAIN ST  
WAXAHACHIE, TX 75165-3243

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 25, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 1, 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 Shannon Almon & Jerry L Almon, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-1 (SF-1) zoning district located at 1017 W Main Street (Property ID 171879) - Owner: Shannon Almon & Jerry L Almon (ZDC-100-2024)  
Staff: Harper Lindamood

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Case Number: **ZDC-100-2024**

City Reference: 171888

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 19, 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:

DON'T WANT in/out of unknown and uninvited people in our residential neighborhood.

David Smith  
Signature  
Pat Smith

6-19-24  
Date

Printed Name and Title  
DAVID SMITH  
PAT SMITH

905 W. Main  
Address

Galaxy S23 Ultra  
June 20, 2024 9:01 AM

*Shannon Almon*

(8)



Jerry Almon <almon1015@gmail.com>

---

## Recommendation Letter

---

James Bennett <jgbennett46@yahoo.com>

Tue, May 14 at 1:55 PM

Reply-To: James Bennett <jgbennett46@yahoo.com>

To: almon1015@gmail.com <almon1015@gmail.com>, James Bennett <jgbennett46@yahoo.com>

May 14, 2024

This email/letter is in re: to address 1017 W. Main Street, which is used for an Air BNB Rental.

We have live across the street from this property. So, we are very familiar and knowledgeable on how it is operated and the services that it provides.

1. We have never noticed or witness parties at the above address.
2. There has never been loud noises or cars parked in the street.
3. This address is well kept, maintained and taken care of.

Shannon Almon lives next door to this property making it easy accessible for her to correct any problems that might arise.

This property is an assess to the community and is not a threat to the neighborhood.

We highly recommend Shannon and the services she provides for the Community of Waxahachie.

***Sincerely,***

**James & Ruth Bennett**  
**469-442-5492**



City of Waxahachie, Texas  
REVISED  
Notice of Public Hearing  
Case Number: ZDC-100-2024  
◇◇◇◇

ALMON JERRY LEWIS & SHANNON R  
1015 W MAIN ST  
WAXAHACHIE, TX 75165-2909

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 25, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 1, 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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Staff: Harper Lindamood

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-----  
Case Number: ZDC-100-2024

City Reference: 171877

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *June 19, 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: the house is next door, there have been  
spillover issues

Shannon Almon

Signature

6/17/2024

Date

Shannon Almon Power

Printed Name and Title

1015 W. Main St.

Address

(8)

5/13/14

Waxahachie Planning and Zoning Commission

To Whom It May Concern:

I'm writing to inform you about the rental property located at 1017 West Main owned by Shannon and Jerry Almon. This property is run by extremely caring and respectful individuals. There are never vehicles parked along the street and the yard is always well manicured. As a resident of West Main for 45 years, I travel down the road often and when there is a guest staying there, they are always very respectful of the surrounding neighbors. I have never seen anyone being disorderly nor have I seen any violations.

Thank you,



Barbara Donovan

1210 W Main St.  
Waxahachie, TX 75165

(8)

**Almon,Shannon R**

---

**From:** Jerry Almon <almon1015@gmail.com>  
**Sent:** Tuesday, June 25, 2024 9:33 AM  
**To:** Almon,Shannon R  
**Subject:** Fwd: STR 1017 West Main St

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

----- Forwarded message -----

**From:** donna ritchie <donnakayritchie13@gmail.com>  
**Date:** Tue, Jun 25, 2024 at 9:29 AM  
**Subject:** Re: STR 1017 West Main St  
**To:** almon1015@gmail.com <almon1015@gmail.com>

1017 West Main St. STR

This letter is to express support of Shannon and Jerry Almon who own and have applied for a STR next door to their home on Main St. We have enjoyed calling Waxahachie home for almost 25 years. We love our community, neighbors and neighborhood. The Almon property is operated as a rental for short stays for a limited number of guests visiting Waxahachie. It has been managed well and responsibly. I have friends that have rented their property in the past and have enjoyed staying there. My husband and I have never witnessed or heard of any problems or issues at this property short-term rental. There has never been an issue with any street parking or parties or events that would be considered out of the norm for a SF-1 neighborhood.

Thank you,  
Donna and Alan Ritchie  
819 West Main St.  
Waxahachie

On Tue, Jun 25, 2024 at 9:26 AM donna ritchie <donnakayritchie13@gmail.com> wrote:

017 West Main St. STR

This letter is to express support of Shannon and Jerry Almon who own and have applied for a STR next door to their home on Main St. We have enjoyed calling Waxahachie home for almost 25 years. We love our community, neighbors and neighborhood. The Almon property is operated as a rental for short stays for a limited number of guests visiting Waxahachie. It has been managed well and responsibly. I have friends that have rented their property in the past and have enjoyed staying there. My husband and I have never witnessed or heard of any problems or issues at this property short-term rental. There has never been an issue with any street parking or parties or events that would be considered out of the norm for a SF-1 neighborhood.

Thank you,  
Donna and Alan Ritchie  
819 West Main St.  
Waxahachie

(8)

**Almon, Shannon R**

---

**From:** Shannon Almon <j.almon@sbcglobal.net>  
**Sent:** Tuesday, June 25, 2024 10:38 AM  
**To:** Almon, Shannon R  
**Subject:** Fwd: STR Case # ZDC-100-2024

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

Sent from my iPhone

Begin forwarded message:

**From:** Honey Horn <honeyhorn@outlook.com>  
**Date:** June 25, 2024 at 10:32:26 AM CDT  
**To:** Shannon Almon <j.almon@sbcglobal.net>  
**Subject:** STR Case # ZDC-100-2024

To Whom It May Concern:

This email/letter is in regard to the request for a Specific Use Permit for Short Term Rental use within a SF-1 zoning district located at 1017 W. Main Street by Shannon and Jerry Almon.

We live down the street from this property and have been a resident of West Main Street for 19 years. We are also very familiar and knowledgeable on how it is operated.

1. We have never noticed or witnessed parties at the above address.
2. There has never been loud noises or cars parked in the street.
3. This address is well kept, maintained and taken care of.

Shannon and Jerry Almon live next door to the property making it easy for them to correct any problems that might arise.

The property is an asset to the community and is not a threat to the neighborhood.

We highly recommend approval for The Almon's STR. They are responsible owners and do a great job with the services they provide people visiting Waxahachie.

*Sincerely,*

*George & Honey Horn  
1118 W Main St Waxahachie, TX 75165  
214-534-8572*

Sent from my iPhone

(8)

Waxahachie Planning and Zoning Commission

5/19/24

Good afternoon,

I am a long time resident of West Main and travel past the rental property located at 1017 West Main owned by Shannon and Jerry Almon very often. When there is a guest staying there, they are always very respectful of the neighborhood. I have never seen anyone being disorderly or loud nor have I seen any violations. Shannon and Jerry are very caring people and always keep their property so clean and well cared for. There are never any cars parked on the street or blocking the sidewalk.

Thank you,



Jenny Donovan

1214 W Main St.  
Waxahachie, TX 75165

(8)

WAXAHACHIE  
Notice of Public Hearing  
Case Number: ZDC-100-2024

MURPHY JOSEPH P & BRINDA  
910 W MAIN ST  
WAXAHACHIE, TX 75165-3244

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 25, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 1, 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 Shannon Almon & Jerry L Almon, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-1 (SF-1) zoning district located at 1017 W Main Street (Property ID 171879) - Owner: Shannon Almon & Jerry L Almon (ZDC-100-2024)  
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-100-2024**

City Reference: 171825

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 19, 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 hope my response will be considered in the July 1, 2024 Council Meeting

Signature

Brenda Murphy

Printed Name and Title

Date

6-26-2024

910 W Main

Address

(8)

Case Number: ZDC-100-2024

City Reference: 171827

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *June 19, 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 JUN 11 2024

Comments:

I HAVE NEVER HAD A PROBLEM WITH NOISE, PARKING, OR OTHER BAD BEHAVIOR. ALWAYS GOOD.

Marty Titic  
Signature

6-7-2024  
Date

MARTY TITIC - OWNER  
Printed Name and Title

1008 W. MAIN ST  
Address

WAXAHACHIE, TX

(8)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-100-2024



RECEIVED JUN 11 2024

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168-8868

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 25, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 1, 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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Staff: Harper Lindamood

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Case Number: ZDC-100-2024

City Reference: 171840

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 19, 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:

Great for the community  
promotes tourism

Signature [Handwritten Signature]

Date 6/11/24

Printed Name and Title Brad Yates member

Address 1015 Water St.

(8)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-100-2024

**NEHIB GREGORY S**  
1025 W MAIN ST  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 25, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 1, 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-100-2024

City Reference: 171880

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *June 19, 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:

*House is in great shape, well maintained & supervised*

Signature

*Gregory Nehib*  
Printed Name and Title

Date

*6-10-24*  
*1023 W Main St.*  
Address

(9)

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED AT 1017 WEST MAIN STREET, BEING PROPERTY ID 171879, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1R, BLOCK 344 OF THE 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 SF-1; 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-100-2024. 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 SF-1 to SF-1, with a SUP in order to permit a Short-Term Rental use on the following property: Lot 1R, Block 344 of the Town Addition, 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.

(9)

Specific Use Permit

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR A SHORT-TERM RENTAL USE IN A SINGLE-FAMILY-1 (SF-1) 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-100-2024.
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 eight (8) guests per stay.
6. The short-term rental operator is subject to provide a maximum of three (3) off-street parking spaces.
7. The short-term rental operator shall apply for the required short-term rental registration

(9)

within thirty (30) calendar days from the City Council's approval of this Specific Use Permit.

8. The short-term rental operator must adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
9. 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 1<sup>st</sup> day of July, 2024.

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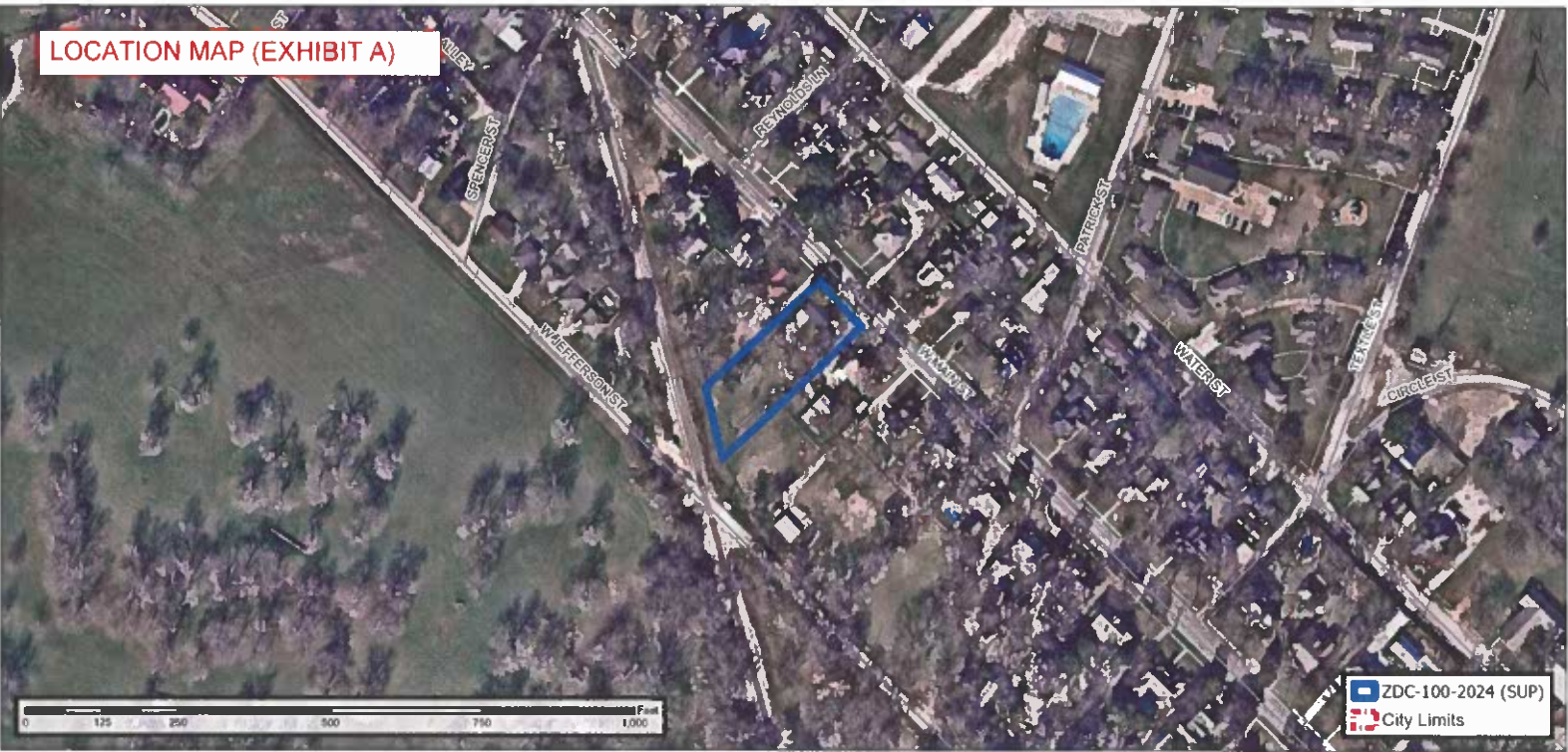
MAYOR

ATTEST:

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City Secretary

(9)



(9)

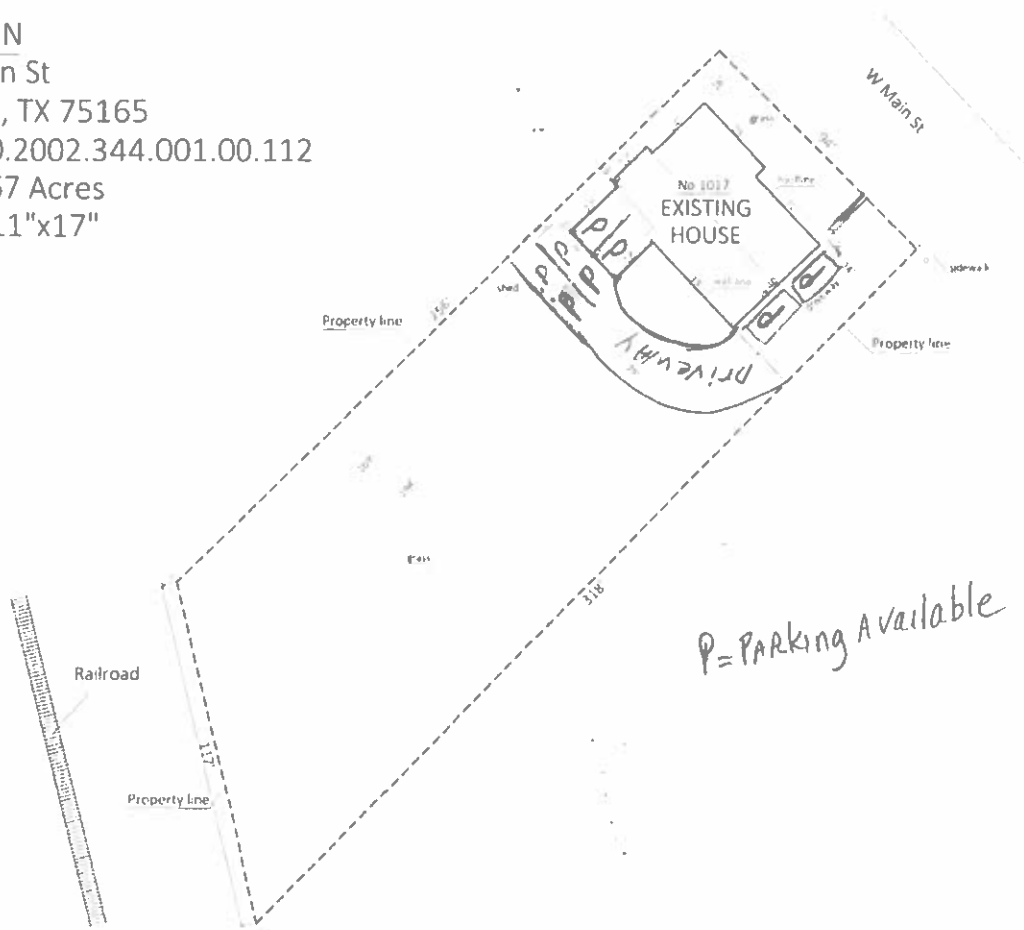




(9)

SITE PLAN (EXHIBIT D)

SITE PLAN  
1017 W Main St  
Waxahachie, TX 75165  
Parcel ID: 90.2002.344.001.00.112  
Lot area: 0.67 Acres  
Paper Size: 11"x17"



## HOUSE RULES MABLE'S COTTAGE ON MAIN

### CHECKING IN AND OUT

- Check in 3PM or after
- Check out before 11AM
- Self-check-in with Smart Lock at side entrance  
(A code will be sent to you prior to check-in tie)

### DETAILS

- 6 Guest Maximum
- No Pets
- Quiet Hours 10PM-7AM
- No parties or Events
- No commercial photography
- No Smoking

### ADDITIONAL RULES, DETAILS AND FEES

- All guests will be charged an additional fee of 7% for Hotel and Occupancy taxes (HOT) for The City of Waxahachie. This will be billed thru the Resolution Center by me after booking your stay. I am unable to determine the tax prior to your reservation. Airbnb only collects and disburses State HOT taxes currently. However, The City of Waxahachie recently passed an ordinance requiring Short Term Rentals to also collect HOT taxes for the City.
- Guests are expected to maintain the house as found and clean as needed.
- All guests staying at the residence are required to be listed and identified prior to checking in with first and last name under the guest roster.
- We have a No Pet Policy. Due to allergies of future guests and potential liability we unfortunately are unable to accommodate your furry friends. If you have questions, please reach out before booking this property. Should this rule be broken. You will be asked to leave without refund and charged an additional cleaning fee between \$250-\$500 depending on the extent of the cleaning. Should any property be damaged you will be charged for repair or replacement.
- We have a STRICT NO PARTY POLICY which includes any type of large gathering. If this rule is violated, you will be asked to leave without refund. You will also be charged an inconvenience fee of \$500, extra cleaning fees, and any fines imposed on the Host by the City as well as any damages to the property. (Please note that breaking this rule is a directly violation of City of Waxahachie Short Term Rental Ordinance 3414)
- No Smoking or vaping is allowed inside the house. If you or anyone with you, invited by you, or additional guest smokes or vapes inside of the home you will be charged an

additional cleaning fee of \$500, and cost of any damages done to the home or furnishings. There could be additional charges incurred if for some reason the home is not able to be rented due to the smoke damage. In addition, if smoking inside the residence is discovered while you are still within your reservation, you will be asked to leave without refund. Smoking is permitted outside away from entry doors so long as you safely dispose of butts and do not throw on ground.

- Absolutely NO Illegal substances are allowed anywhere on the premises.
- No parking on the street (This is a violation of the City's Short Term Rental Ordinance 3414) All guests must be parked in the driveway. There is additional parking available behind the gate that goes across the right side of driveway leading to the back of the house. Please stay on paved driveway and do not park on grass.
- NO Confetti or Glitter inside the home or on the property. If rule is not followed you will be charged an additional cleaning fee of \$350.
- Do not hang anything on the walls such as banners or signs using nails, push pins or tape that can cause damage paint.
- Do not use hair coloring products or Purple Shampoo on the property. It will stain all surfaces and the stains do not come out without professional removal. If this rule is not followed you will be responsible for all costs associated with the damage or stain removal.
- For guests staying over one month we have a cleaning service that comes in to do a deep cleaning and inspect property for any issues. This is an additional charge of \$125 per cleaning and can be arranged at the convenience of the guest.

By confirming and booking your stay, you and your guests agree to abide by all rules. You acknowledge and agree to all extra fees and fines. Furthermore, you also agree to pay for repairs of property and any damaged furnishing or décor while staying in the rental.

We truly hope you enjoy your stay. We have not had any issues with this type of behavior from past guests. However, we want you to have a clear understanding of the rules before you come. If you have any questions or concerns, please reach out to me through Air BNB.


Welcome to Waxahachie  
"A Place In Your Heart"  
The Gingerbread City  
Crape Myrtle Capital of Texas

Shannon Almon/Property Owner/Host

(10)



## Memorandum

To: Honorable Mayor and City Council  
From: Kumar Gali, Senior Director of Utilities  
Thru: Michael Scott, City Manager   
Date: July 1, 2024  
Re: Consider Budget Transfer and Award of Construction Contract for Water Street Water and Sewer Project

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**Motion:** "I move to award a construction contract with Circle H Contractors, LP in the amount of \$994,350 and additional construction contingency in the amount of \$50,650 for the Water Street Water and Sewer Improvement Project, and a budget transfer of \$462,852 from the 2021 Water & Sanitary Sewer Replacement Project to the Water Street Water and Sewer Project, and authorize the City Manager to execute all the necessary documents."

**Item Description:** Consider the award of a construction contract with Circle H Contractors, LP in the amount of \$994,350 with an additional contingency of \$50,650, for a total of \$1,045,000 and a budget transfer in the amount of \$462,852 from the 2021 Water & Sanitary Sewer Replacement Project to the Water Street Water and Sewer Project.

**Item Summary:** The Water Street Water and Sewer Improvement Project consists of approximately 1,750 linear feet of water line replacement and 1,400 linear feet of sanitary sewer line replacement. The original design included the replacement of the water line between Spencer Street to Monroe Street, however due to conflicts with sanitary sewer lines identified during design, staff revised the project scope to include the replacement of sanitary sewer lines. The current construction project limits are from North Spencer Street to Textile Street.

(10)

The City received a total of eight sealed bids and Circle H Contractors, LP was the lowest responsive bidder in the amount of \$994,350. Teague Nall and Perkins, Inc. (Design Engineer) has reviewed the lowest bidder's qualifications, references, and recommends awarding the construction contract to Circle H Contractors, LP.

**Fiscal Impact:** This project is part of the approved 5-Year CIP included in the FY2023 Budget with engineering and construction funded through 2022 Water Fund bond sales. The construction budget was set at \$1,448,400, however the additional sanitary sewer improvements cannot be funded by water funds and requires a transfer of funds from the Wastewater Fund. The 2021 Water & Sanitary Sewer Replacement Project, which is funded through 2022 Wastewater Fund bond sale, has available savings of \$680,000. Staff recommends a transfer of \$462,852 from this project savings to support the Water Street sanitary sewer improvements. The total proposed cost of construction is \$1,045,000.

(11)



## Memorandum

To: Honorable Mayor and City Council  
From: Kumar Gali, Senior Director of Utilities  
Thru: Michael Scott, City Manager  
Date: July 1, 2024  
Re: Consider Construction Contract for Lower Mustang Creek Lift Station Expansion Phase IV Project and Reimbursement Resolution

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**Motion:** "I move to award a construction contract with Rey-Mar Construction, LLC in the amount of \$5,450,777 and additional construction contingency in the amount of \$274,223 for the Lower Mustang Creek Lift Station Expansion Phase IV Project, and approve a reimbursement resolution in the amount of \$3,600,000 to Wastewater Fund from the proceeds of 2024 Water and Wastewater Bond issuance and authorize the City Manager to execute all the necessary documents."

**Item Description:** Consider a construction contract in the amount of \$5,450,777 with Rey-Mar Construction, LLC for the Lower Mustang Creek Lift Station Expansion Phase IV Project, a contingency amount of \$274,223, and a reimbursement resolution transferring \$3,600,00 from the 2024 Water and Wastewater Bond issuance to the Wastewater Fund.

**Item Summary:** The proposed Lower Mustang Creek Lift Station Expansion Phase IV Project consists of the lift station capacity expansion from 8 to 12 million gallons per day (MGD). Additional lift station capacity is needed to support the current and future development in the community. The construction contract includes installation of two submersible wastewater pumps, new wet well, new electrical room and equipment, stand-by generator, and associated SCADA and site improvements.

(11)

The City received a total of four sealed bids and Rey-Mar Construction, LLC was the lowest responsible bidder in the amount of \$5,450,777. Birkhoff, Hendricks & Carter, L.L.P. (Design Engineer) has reviewed the lowest bidder's qualifications, references and recommends awarding the construction contract to Rey-Mar Construction, LLC.

**Fiscal Impact:** The project is part of the approved 5-Year CIP with construction originally funded through 2022 Wastewater Fund bond sales. Construction was originally budgeted at \$2,231,000. However, based on the lowest responsible bid of \$5,450,777 and contingency of 274,223, the total construction cost is \$5,725,000. This has resulted in a funding shortfall of \$3,494,000. The 2024 Wastewater Bond sale includes \$3,600,000 to cover the cost for the additional construction cost, contingency and construction material testing. To bridge this shortfall until the 2024 bond funds are available, staff is requesting approval to encumber the cost with the Wastewater Funds and approve a reimbursement resolution from the 2024 Water and Wastewater Bond Issuance to the Wastewater fund in the amount of \$3,600,000. The contract for the construction material testing will be performed after the award of the construction of the project.

(11)

**RESOLUTION NO.**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF THE LOWER MUSTANG CREEK LIFT STATION EXPANSION PHASE IV PROJECT**

**WHEREAS**, the City of Waxahachie (the “City”) intends to issue debt to finance cost to be incurred for the Lower Mustang Creek Lift Station Expansion Phase IV project and related expenses prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

**WHEREAS**, Treas. Reg. § 1.150-2 (the “Regulation”) provides that to fund such reimbursement with proceeds of tax-exempt obligations the City must declare its expectation to make such reimbursement; and

**WHEREAS**, the City desires to preserve its ability to reimburse the expenditures with proceeds of tax-exempt obligations.

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

**SECTION 1**

That the City reasonable expects to reimburse the Wastewater Fund with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intent under the Regulation.

**SECTION 2**

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from the Wastewater Fund in an amount not to exceed \$3,600,000.

**SECTION 3**

That this resolution shall take effect immediately from and after the date of passage.

ADOPTED THIS 1<sup>st</sup> day of July, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
Amber Villarreal  
City Secretary