



**NOTICE OF
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS 112 N. COLORADO ST, CELINA, TX 75009
TUESDAY, AUGUST 9, 2016 AT 5:00 PM**

AGENDA

I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

II. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

- A. Preston Road Landscaping Project (Webb)
- B. Facilities Update (Montgomery)
- C. Mosquito Control Policy (Liebman)

III. EXECUTIVE SESSION:

IV. PLEDGE OF ALLEGIANCE/INVOCATION:

V. PROCLAMATIONS/PRESENTATIONS/OATHS OF OFFICE:

- A. Brookshire's Grocery Donation Acknowledgment (Metdker)
- B. Street Sign Presentation to the Ownsby and Choate Families (Liebman)

VI. OPEN FORUM:

Open Forum is for information only. If you wish to speak, please sign the "Speaker List" with the City Secretary. Speakers are limited to three (3) minutes. The Council can take no action. No charges and/or complaints will be heard against any elected official or employee of the city.

Please note Anyone wishing to furnish the City Council with copies/handouts regarding their item of interest must provide 9 copies and present them to the City Secretary for distribution to the City Council.

VII. CONSENT AGENDA: Items are considered self-explanatory and will be enacted with one motion. No separate discussion of these items will occur unless so requested by at least one member of the City Council.

A. Minutes Approval:

- 1. City Council - Regular Meeting - Jul 12, 2016 5:00 PM
- 2. City Council - Public Hearing and Special Meeting - Jul 19, 2016 5:30 PM

- B. Consider and act upon an ordinance amending the City's Code of Ordinances, Appendix A, Fee Schedule. (Liebman)
- C. Consider and act upon on a final plat for the First United Methodist Church of Celina, being approximately 19.789 acres situated in the M.E.P. and P.R.R. Survey, Abstract No. 644, containing one commercial lot, and generally located south of FM 455 (W. Walnut Street) and east of FM 428. (FUMC Final Plat)
- D. Consider and act upon award of a proposal for the City of Celina Access Control and Video Security and authorize the City Manager to negotiate and execute a contract with Automation Integration. (Montgomery)
- E. Consider and act to authorize the City Manager to execute a contract Change Order No. 3 with Red River Construction in the amount of \$122,682.05 for the SE Sector Sewer Phase 3. (Fourmentin)
- F. Consider and act upon approval of proposed auction items. (Fourmentin)
- G. Consider and act upon an ordinance correcting a scrivener's error in the legal description of the property within the Wells North Public Improvement District documents, authorizing and approving the correction of City records, and providing for an effective date. (Scrivener's Error) (Liebman)
- H. Consider and act upon a construction plat for Wellspring Estates Phase 1, approximately 43.710 acres situated in the Coleman Watson Survey, Abstract No. 945, containing 129 residential lots and four (4) common area lots, and generally located north of FM 1461 (Frontier Parkway) and west of FM 2478 (Custer Road). (Wellspring Estates Phase 1 construction plat) (Liebman)
- I. Consider and act upon an ordinance of the City Council of the City of Celina, Texas, annexing certain territories contiguous to and adjoining the City of Celina, Texas, to wit: being a 4.006 acre tract of land situated in the Henry Bentley Survey, Abstract No. 124 and more particularly described by metes and bounds in Exhibit "A," and graphically depicted in Exhibit "B," attached hereto and incorporated herein; and being a 14.974 acre tract of land situated in the Henry Bentley Survey, Abstract No. 124 and more particularly described by metes and bounds in Exhibit "C," and graphically depicted in Exhibit "D," attached hereto and incorporated herein, and such tracts are generally located south of FM 455 and west of FM 428, and the rights-of-way adjacent to these properties. (City Land Annexations) (Liebman)
- J. Consider and act upon an ordinance of the City Council of the City of Celina, Texas, annexing certain territory contiguous to and adjoining the City of Celina, Texas, to wit: being a ±69.34 acre tract of land situated in the B.B.B. & C.R.R. Survey, Abstract No. 130, Tract 14 and generally located north of CR 130, and east of CR 132, and the proposed annexation of portions of right-of-way adjacent to the O'Donnell Equestrian Tract: being a 1.31 acre strip of land in the William Stapp Survey, Abstract No. 834 (CR 128) and being a 1.14 acre strip of land in the Benjamin Haile Survey, Abstract No. 397 (CR 130), within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas. (O'Donnell Equestrian Tract Annexation) (Liebman)
- K. Consider and act upon a contract change order by and between the City of Celina and Pacheco Koch for Engineering and Survey for the Southeast Sector Sewer Project. (Johnson)

- L. Consider and act upon an ordinance of the City of Celina, Texas, repealing ordinance No. 2005-20, an ordinance allowing for the establishment of rules and procedures for rationing, curtailing and controlling outdoor water usage and adopting a new ordinance in its place implementing a Drought Contingency Plan. (Fourmentin)
- M. Consider and act to set two public hearing dates on September 13, 2016 at 5:00 p.m. and September 13, 2016 at 5:05 p.m. for two tracts of City land within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas and described as follows: being an approximately 70.000 acre tract of land situated in the Mary Howell Survey, Abstract No. 395, Collin County, Texas and generally located east of CR 90, north of the future alignment of Sunset Boulevard and west of FM 2378 (Custer Road); and being an approximately 30.778 acre tract of land situated in the Mary Howell Survey, Abstract No. 395, Collin County, Texas and generally located east of CR 90, north of the future alignment of Sunset Boulevard and west of FM 2378 (Custer Road), and the rights-of-way adjacent to these properties. (Hundred Acre Park Annexation) (Liebman)

VIII. PUBLIC HEARING/ACTION:

- A. The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance of the City Council of the City of Celina, Texas, amending Ordinance No. 2006-57, as heretofore amended the same being the Comprehensive Zoning Ordinance, and amending the Official Zoning Map of the City by designating the zoning of land that is an approximately 1.65 acre tract of land situated in the Collin County School Land Survey #15, Abstract No. 170 and the Thomas Stayton Survey, Abstract No. 805, Collin County, Texas, and generally located east of N. Louisiana Drive and north of Poplar Street, Celina, Texas, as described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein to be zoned "PD" Planned Development District #69. (Grace Bridge) (Liebman)
- B. The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance of the City Council of the City of Celina, Texas, amending Ordinance No. 2006-57, as heretofore amended, the same being the Comprehensive Zoning Ordinance, and amending the Official Zoning Map of the City by designating the zoning of land that is an approximately 641.3 acre tract of land in the John Culwell Survey, Abstract No. 208, the Hezekiah Culwell Survey, Abstract No. 186, the B.B.B. & C.R.R. Survey, Abstract Nos. 129 and 130, and the George Jay Survey, Abstract No. 488 and generally located north of CR 130, south of CR 134, and east of CR 101, and west of CR 133, Collin County, Texas; as described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein to be zoned "PD" Planned Development District No. 70. (O'Donnell Rezoning) (Liebman)
- C. The Celina City Council will conduct a public hearing to consider testimony on the proposed involuntary annexation of a tract of land located within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas and described as follows: being 82.414 acres situated in the Coleman Watson Survey, Abstract No. 945, Collin County, Texas, and generally located east of CR 84 and north of FM 1461 (Frontier Parkway), and comprised of thirty-one (31) residential lots, and the rights-of-way adjacent to this property. (Wilson Creek Phase 2) (Liebman)

- D. The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance of the City Council of the City of Celina, Texas, amending Ordinance No. 2006-57, as heretofore amended, the same being the Comprehensive Zoning Ordinance, and amending the Official Zoning Map of the City by designating the zoning of an approximately 1.374 acre tract of land situated in the Herrin Addition, Lot 1R, Block A and the Collin County School Land Survey, Abstract No. 167 and is generally located north and east of Business 289, south of Cherry Wood Lane, and west of Preston Road, Celina, Texas, as described in Exhibit "A" and depicted in Exhibit "B," attached hereto and incorporated herein, to be zoned as a PD-Planned Development District #71 and PRO, Preston Road Overlay. (Ace Hardware) (Liebman)

IX. ACTION ITEM:

- A. Consider and act to propose an Ad Valorem tax rate of \$.645 (M & O 0.433512, I & S 0.211488), and set public hearing dates of Tuesday, August 23, 2016 at 5:30 p.m. and Tuesday, August 30, 2016 at 5:30 p.m. (record vote) (Toutounchian)
- B. Consider and act upon a construction plat for Sutton Fields Infrastructure, approximately 12.598 acres situated in the Freeman Wilkerson Survey, Abstract No. 1411 and the Thomas H. McIntyre Survey, Abstract No. 903, containing the Fenwick Trail right-of-way, the Sutton Fields Boulevard right-of-way and one (1) non-residential lot, and generally located north of Parvin Road and east of FM 1385. (Sutton Fields Infrastructure Construction Plat) (Liebman)
- C. Consider and act upon a construction plat for Sutton Fields Phase 1A, approximately 69.961 acres situated in the Freeman Wilkerson Survey, Abstract No. 1411, containing 318 residential lots and ten (10) common area lots, and generally located north of Parvin Road and east of FM 1385. (Sutton Fields Phase 1A Construction Plat) (Liebman)
- D. Consider and act upon a construction plat for Sutton Fields Phase 1B, approximately 50.983 acres situated in the Freeman Wilkerson Survey, Abstract No. 1411, the Thomas B. Cox Survey, Abstract No. 309, the Carrol Jackson Survey, Abstract No. 1546, and the Jacob Rue Survey, Abstract No. 1109, containing 197 residential lots and five (5) common area lots, and generally located north of Parvin Road and east of FM 1385. (Sutton Fields Phase 1B Construction Plat) (Liebman)
- E. Consider and act upon an ordinance on the proposed involuntary annexations of a ± 1.39 acre tract of land situated in the Swanner Addition, Block A, Lot 1, Collin County, Texas; a ± 4.563 acre tract of land situated in the Edgemon Addition Block A, Lots 1 & 2, Collin County, Texas; a ± 2.5 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, block 4, Tract 40 & 57, Collin County, Texas; a ± 2.5 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, sheet 4, Tract 39, Collin County, Texas; and a ± 1.752 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, block 4, tract 52, generally located on the Northwest corner of FM 1461 (Frontier Parkway) & FM 2478 (Custer Road). (Custer Road Annexations) (Liebman)
- F. Consider and act upon on a final plat for Parkside Phase 2, being approximately 27.286 acres situated in the M.E.P. and P.R.R. Survey, Abstract No. 644, containing 122 residential lots and 4 HOA lots it is generally located south of FM 455 (W. Walnut Street) and east of FM 428, west of Tolleson Dr. and north of Sunset Boulevard. (Parkside Phase 2 Final Plat) Liebman

- G. Consider and act upon a site plan for Celina Professional Village, approximately 4.00 acres, Lot 1, Block A of the Keller Williams Addition, containing one commercial lot, and generally located on the east side of Preston Road, north of CR 89 and south of E. Sunset Boulevard. (Liebman)
- H. Consider and act upon a change order with Hill and Wilkinson General Contractors for up to \$100,000 to replace windows at City Council Chambers (Montgomery).
- I. Consider and act upon a ordinance of the City Council of the City of Celina, Texas, abandoning and vacating the approximately thirty (30) foot wide public right-of-way located adjacent to and encumbering Lot 3c, Block 90 of the Celina Original Addition, and being more particularly described and depicted in Exhibit "A" and depicted in Exhibit "B," attached hereto, and authorize the City Manager to execute a quitclaim deed as may be requested by owners of Lot 3c, Block 90 of the Celina Original Addition. (Svoboda Right-of-Way Abandonment) (Liebman)

X. ADJOURNMENT:

Celina City Hall is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf, or hearing impaired, or readers of large print, are requested to contact the City Secretary's Office at 972-382-2682, or fax 972-382-3736 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

XI. Statement

City Council Chambers is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf, or hearing impaired, or readers of large print, are requested to contact the City Secretary's Office at 972-382-2682, or fax 972-382-3736 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Chapter 551. "I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board at City Hall of the City of Celina, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: _____ at ____ p.m. and remained so posted continuously for at least 72 hours prior to the scheduled time of said meeting."

Vicki Faulkner, TRMC
City Secretary, City of Celina, TX

Date Notice Removed



Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Michael Montgomery, Administrative Services
Date: August 9, 2016
Re:

Action Requested:

Facilities Update (Montgomery)

Background Information:

Information regarding the Council Chambers, City Hall Annex, and Police Station Remodel

Staff Recommendation:



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Brooks Wilson, Senior Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: Mosquito Policy

Action Requested:

Mosquito Control Policy (Liebman)

Background Information:

The recent ZIKA scare has renewed interest in mosquito control. While this disease has been in the news, the cases in Denton and Collin counties have been limited to exposure to mosquitoes from outside the United States. Entomologists state that there is no test to determine if a mosquito carries the ZIKA virus. Only after a human has been infected can the virus be detected.

However, tests are readily available to determine if mosquitoes carry the West Nile virus. In many cities across North Texas and elsewhere, traps are set to capture a sampling of mosquitoes and the samples are then sent to a lab for testing. If mosquitoes carrying the West Nile virus are found in the sample, then the city may choose to spray the area to reduce or eliminate the production of new mosquito larvae.

The rate of West Nile virus is markedly down in 2016 from the last two years. For example, in The Colony, sixteen batches of mosquitoes tested positive in 2015 and no batches this summer have tested positively. However, the City of Frisco has noticed an uptick in the number of mosquitos testing positive for the West Nile virus and therefore a measured approach is proposed. Most cities in the area have adopted the policy of trapping mosquitoes in low-lying areas that are likely to have standing water, suitable for mosquito habitats.

Staff recommends that the City take a conservative approach by testing likely sources of mosquito infestation and hand spray when and if a positive West Nile test is found. In addition, the City will continue to educate the public to prevent mosquito proliferation and to protect themselves against harmful bites.

Continuing Citizen Education

Celina has made a concerted effort to educate its citizens on the most effective way of reducing these diseases. Both on the Celina website and on inserts within the water bills, the City has informed citizens so that they may monitor their own property for standing water in basins, unused toys, water meter boxes, bird baths, old tires, and other outdoor breeding grounds. Even a half-inch of water can produce mosquitoes. The heavy spring rains this year have contributed to pockets of standing water. In addition, the City provides free mosquito “dunks” to citizens for private use. These dunks kill the mosquito larvae

in standing water. In addition, since the mosquito carrying the West Nile virus is a “night biter,” residents have been encouraged to wear long-sleeved clothing and protect themselves with FDA approved insect repellent, such as DEET, Picaridin, or oil of lemon eucalyptus in the evenings, when bites are most likely to occur.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

The cost to initiate the program and set traps is \$450.00 plus up to \$200 per week per trap. Testing occurs weekly and the results are sent to the City two days later. If mosquitoes testing positive for the West Nile virus are found, the City may choose to fog the immediate area at a rate of \$170 per hour with a minimum trip fee of \$420. While it is difficult to determine the actual costs, since the fogging will occur only if a positive test is found, the total cost for the 2016 season should be less than \$10,000.

Legal Review:

N/A

Supporting Document:

City Policy Comparison

Staff Recommendation:

Staff recommends approval.



**NOTICE OF
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS 112 N. COLORADO ST, CELINA, TX 75009
TUESDAY, JULY 12, 2016 AT 5:00 PM**

MINUTES

I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

Mayor Terry called the meeting to order at 5:00 PM.

Attendee Name	Organization	Title	Status	Arrived
Andy Hopkins	City of Celina	Place 3	Present	
Bill Webber	City of Celina	Place 1	Absent	
Carmen Roberts	City of Celina	Place 4	Present	
Chad Anderson	City of Celina	Place 6	Present	
Lori Vaden	City of Celina	Place 5	Present	
Wayne Nabors	City of Celina	Place 2	Present	
Sean Terry	City of Celina	Mayor	Present	

II. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

- A. Library update (Shaw)
- B. Engineering update (Johnson)
- C. Employee recognition (Mayor)

Mayor Terry presented a plaque of appreciation to Parks Director Cody Webb in recognition of his 10 years of service to Celina.

- D. Gigabit City project update (Howard)

III. EXECUTIVE SESSION:

The City Council adjourned into executive session at 5:20 PM with City Attorney Trey Sargent, Interim City Manager Helen-Eve Liebman, Director of Public Works Gabe Johnson and Planner Ben Rodriguez.

- A. The Celina City Council will convene into Executive Session pursuant to Texas Government Code 551.072, Deliberations Regarding Real Property, to deliberate the purchase, exchange, lease or value of real property.
- B. Property generally located North of FM 455, east of Bus SH 289, east of N. Florida and south of CR 58.

Reconvene into Open Session

The City Council reconvened into open session at 6:02 PM.

Minutes Acceptance: Minutes of Jul 12, 2016 5:00 PM (Minutes Approval)

C. Consider and act upon any items discussed in executive session.

No action was taken.

IV. PLEDGE OF ALLEGIANCE/INVOCATION:

V. PROCLAMATIONS/PRESENTATIONS/OATHS OF OFFICE:

Mayor Terry led the pledges of allegiance. Corbett Howard gave the invocation with a special note in support of Celina Police Officers. Chief Mark Metdker thanked the City Council for their support.

VI. OPEN FORUM:

Mayor Terry noted that the Certificates of Obligation, Series 2016 would be considered on July 19th (at 5:30 PM).

Philip Ferguson of 1344 Bateman Lane stated that he was a member of the Heritage HOA and would like the council to look at their residential parking regulations for things such as boats and RVs.

VII. CONSENT AGENDA:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Hopkins, Place 3
SECONDER:	Carmen Roberts, Place 4
AYES:	Hopkins, Roberts, Anderson, Vaden, Nabors
ABSENT:	Webber

A. Minutes Approval:

1. City Council - Regular Meeting - Jun 14, 2016 5:00 PM

B. Consider and act to authorize the City Manager to execute an agreement amendment with NTTA and Collin County for Dallas North Tollway ROW utility crossings. (Johnson)

C. Consider and act upon a resolution of the City Council of the City of Celina, Texas, setting dates, times and place (Tuesday August 9, 2016 at 5:00 p.m. and Tuesday, August 23, 2016 at 5:30 p.m.) for public hearings on the proposed involuntary annexation of Wilson Creek being 82.414 acres situated in the Coleman Watson Survey, Abstract No. 945 and comprised of thirty-one (31) residential lots. (Wilson Creek Estates Phase 2 Involuntary Annexation) (Liebman)

(2016-42R)

D. Consider and act upon a Chapter 43 Pre-Annexation Agreement between the City of Celina, Texas, Lewis Dickerson, and Dorothy Stambaugh for approximately 49.084 acres situated in the Thomas Stayton Survey, Abstract No. 0805, Tract 1. (Dickerson Pre-Annexation Agreement) (Liebman)

E. Consider and act upon a resolution of the City of Celina, Texas, establishing a time and date for regularly scheduled meetings and work sessions. (Faulkner)

(2016-43R)

Minutes Acceptance: Minutes of Jul 12, 2016 5:00 PM (Minutes Approval)

- F. Consider and act upon a resolution of the City Council of the City of Celina, Texas, authorizing the Mayor, Council Members, City Manager, City Secretary and City Treasurer to sign checks and drafts on city accounts. (Toutounchian)

(2016-38R)

- G. Consider and act to authorize the City Manager to execute a contract by and between the City of Celina and Public Management, Inc., upon review and approval from the City Attorney for administrative services related to 2016 CDBG project. (Johnson)

- H. Consider and act upon an amendment to the contract for legal services between the City of Celina and Hayes, Berry, White and Vanzant. (Vanzant)

- I. Consider and act upon a resolution to support the construction of a driveway for the proposed Ace Hardware site at 1371 S Preston Road. (Johnson)

(2016-39R)

- J. Consider and act upon an ordinance of the City Council of the City of Celina, Texas amending the Code of Ordinances, Chapter I, General Provisions, Article 1.04: Boards, Commissions, and Committees, Division 4: Library Board; adding two members to the board. (Shaw)

(2016-46)

VIII. PUBLIC HEARING/ACTION:

- A. The Celina City Council will conduct two public hearings at 6:00 p.m. and 6:05 p.m. on the proposed voluntary annexation of two tracts of city land within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas and described as follows: being a 4.006 acre tract of land situated in the Henry Bentley Survey, Abstract No. 124, Collin County, Texas, and generally located at the southwest corner of FM 455 and FM 428; and being a 14.974 acre tract of land situated in the Henry Bentley Survey, Abstract No. 124, Collin County, Texas and generally located on the south side of FM 455 and west of FM 428, and the rights-of-way adjacent to these properties. (City Park Land Annexation Public Hearings) (Liebman)

Mayor Terry opened the first hearing at 6:09 PM. No public comment was received. Mayor Terry closed the hearing at 6:09 PM.

Mayor Terry opened the second hearing at 6:09 PM. No public comment was received. Mayor Terry closed the hearing at 6:10 PM.

- B. The Celina City Council will conduct a public hearing on the proposed voluntary annexation of the following tracts of land within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas and described as follows: being an approximately 69.34 acre tract of land situated in the B.B.B. & C.R.R. Survey, Abstract No. 130, Tract 14 and generally located north of CR 130, and east of CR 132, and the portions of right-of-way adjacent to the O'Donnell Equestrian Tract: being a 1.31 acre strip of land in the William Stapp Survey, Abstract No. 834 (CR 128) and being a 1.14 acre strip of land in the Benjamin Haile Survey, Abstract No. 397 (CR 130), within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas. (O'Donnell Equestrian Tract Annexation) (Liebman)

Mayor Terry opened the hearing at 6:10 PM. No public comment was received. Mayor Terry closed the hearing at 6:12 PM.

Minutes Acceptance: Minutes of Jul 12, 2016 5:00 PM (Minutes Approval)

- C. The Celina City Council will conduct a public hearing to consider testimony and act upon an Ordinance of the City Council of the City of Celina, Texas, amending Ordinance No. 2006-57, as heretofore amended the same being the Comprehensive Zoning Ordinance, and amending the Official Zoning Map of the City by designating the zoning of land that is an approximately 641.3 acre tract of land situated in the John Culwell Survey, Abstract No. 208, the Hezekiah Culwell Survey, Abstract No. 186, the B.B.B. & C.R.R. Survey, Abstract Nos. 129 and 130, and the George Jay Survey, Abstract No. 488 and generally located north of CR 130, south of CR 134, and east of CR 101, and west of CR 133, Collin County, Texas; as described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein to be zoned "PD" Planned Development District #58. (O'Donnell Rezoning) (Liebman)

Mayor Terry opened the hearing at 6:13 PM. No public comment was received. The hearing will be continued to August 9th.

- D. The Celina City Council will conduct a public hearing to consider testimony and act upon a rezoning request for an approximately 4.896 acre tract of land from an AG-Agricultural zoning district to a PD-Planned Development zoning district #66 with the base zoning designation of R/O – Retail Office. The property is situated in the John Ragsdale Survey, Abstract No. 735, Collin County, Texas and generally located on the north side of FM 455 and west of CR 946. (Pakvest Rezoning) (Liebman)

(2016-47) Mayor Terry opened the hearing at 6:19 PM. No public comment was received. Mayor Terry closed the hearing at 6:19 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carmen Roberts, Place 4
SECONDER:	Andy Hopkins, Place 3
AYES:	Hopkins, Roberts, Anderson, Vaden, Nabors
ABSENT:	Webber

- E. The Celina City Council will conduct two public hearings at 6:00 p.m. and 6:05 p.m. on the proposed involuntary annexation of a ±119.244 acre tract of land situated in the Levin Routh Survey, Tract 2, Collin County Texas The property is contiguous to and adjoining the City and are generally located on the approximate Southeast corner of CR 87 & CR 90 (Celina/Coit Road, LLC. Annexation) (Liebman)

Mayor Terry announced no hearing would be held on this item.

- F. The Celina City Council will conduct a public hearing on the proposed involuntary annexations of a ±1.39 acre tract of land situated in the Swanner Addition, Block A, Lot 1, Collin County, Texas; a ±4.563 acre tract of land situated in the Edgemon Addition Block A, Lots 1 & 2, Collin County, Texas; a ±2.5 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, Tract 39 Collin County, Texas; and a ±2.5 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, Tract 40, Collin County, Texas. The properties are contiguous to and adjoining the City and are generally located on the Northwest corner of FM 1461 (Frontier Parkway) & FM 2478 (Custer Road) (Custer Road Annexations) (Liebman)

Mayor Terry opened the hearing at 6:21 PM. No public comment was received. Mayor Terry closed the hearing at 6:22 PM.

- G. The Celina City Council will conduct a public hearing to consider and discuss the proposed assessments to be levied against the assessable property within the Glen Crossing Public Improvement District (PID), pursuant to the provisions of Chapter 372 of the Texas Local Government Code. The property is a ±109.090 acre tract of land sthe situated in the Collin County School Land Survey, Abstract No. 167 Collin County, Texas and located within the City limits of the City of Celina, Texas. The property is generally located south of CR 55, north of CR 53, east of CR 52 and west of CR 1117, on a tract of land situated in the Collin County School Land Survey, Abstract No. 167 Collin County, Texas. (Glen Crossing) (Liebman)

Mayor Terry opened the hearing at 6:23 PM. No public comment was received. Mayor Terry closed the hearing at 6:23 PM.

- H. The Celina City Council will conduct a public hearing to consider and discuss revising and or determining the amount/percentage of participation in Tax Increment Reinvestment Zone Number Six (Glen Crossing)

Mayor Terry opened the hearing at 6:24 PM. No public comment was received. Mayor Terry closed the hearing at 6:24 PM.

IX. **ACTION ITEM:**

- A. Consider and act upon an ordinance approving the Glen Crossing Tax Increment Reinvestment Zone Number Six, City of Celina, Texas Final Project and Finance Plan for Glen Crossing. (Glen Crossing) (Liebman)

(2016-48) Approval subject to final pricing, exhibits and Land Use Attorney approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lori Vaden, Place 5
SECONDER:	Carmen Roberts, Place 4
AYES:	Hopkins, Roberts, Anderson, Vaden, Nabors
ABSENT:	Webber

- B. Consider and act upon a ordinance of the City Council of the City of Celina, Texas, approving and authorizing the Mayor to execute a Glen Crossing Tax Increment Reinvestment Zone Number Six Reimbursement Agreement between the City of Celina, Texas and W/J CR55 LP. (Glen Crossing) (Liebman)

(2016-49) Approval subject to final pricing, exhibits and Land Use Attorney approval.

RESULT: APPROVED [UNANIMOUS]
SECONDER: Carmen Roberts, Place 4
AYES: Hopkins, Roberts, Anderson, Vaden, Nabors
ABSENT: Webber

- C. Consider and act upon an ordinance of the City Council of the City of Celina, Texas, accepting and approving a Service and Assessment Plan and Phase #1 Assessment Roll for Glen Crossing Public Improvement District; making a finding of Special Benefit to the property in the District, levying special assessments against property within the District and establishing a lien on such property; providing for payment of the Phase #1 Assessments, in accordance with Chapter 372, Texas Local Government Code, as amended; providing a method of assessment and the payment of Major Improvement Area assessments, and providing penalties and interest on delinquent assessments. (Glen Crossing PID) (Liebman)

(2016-50) Approval subject to final pricing, exhibits and Land Use Attorney approval.

RESULT: APPROVED [UNANIMOUS]
MOVER: Wayne Nabors, Place 2
SECONDER: Chad Anderson, Place 6
AYES: Hopkins, Roberts, Anderson, Vaden, Nabors
ABSENT: Webber

- D. Consider and act upon a resolution of the City Council of the City of Celina, Texas, approving and authorizing the Mayor to execute a Glen Crossing Public Improvement District Reimbursement Agreement between the City of Celina, Texas and W/J CR55 LP. (Glen Crossing) (Liebman)

(2016-40R) Approval subject to final pricing, exhibits and Land Use Attorney approval.

RESULT: APPROVED [UNANIMOUS]
MOVER: Andy Hopkins, Place 3
SECONDER: Carmen Roberts, Place 4
AYES: Hopkins, Roberts, Anderson, Vaden, Nabors
ABSENT: Webber

- E. Consider and act upon of an ordinance approving and authorizing the issuance and sale of the City of Celina, Texas, special assessment revenue bonds, series 2016 (Glen Crossing Public Improvement District Phase #1 project); and approving and authorizing related agreements, and providing an effective date.

(2016-51) Approval subject to final pricing, exhibits and Land Use Attorney approval.

RESULT: APPROVED [UNANIMOUS]
MOVER: Wayne Nabors, Place 2
SECONDER: Chad Anderson, Place 6
AYES: Hopkins, Roberts, Anderson, Vaden, Nabors
ABSENT: Webber

- F. Consider and act upon an ordinance amending the City's Code of Ordinances, Appendix A, Fee Schedule. (Liebman)

RESULT: NO ACTION **Next: 8/9/2016 5:00 PM**

- G. Consider and act upon a resolution of the City Council of the City Of Celina hereinafter referred to as "Applicant", designating certain officials as being responsible for action for and on behalf of the "Applicant" in dealing with Collin County, hereinafter referred to as "County"; for the purpose of participating in the "County's" Parks And Open Space Project Funding Assistance Program, hereinafter referred to as the "Program"; certifying that the "Applicant" is eligible to receive program assistance; certifying that the "Applicant" matching share is readily available; and dedicating the proposed site for public recreational uses. (Montgomery)

(2016-41R)

RESULT: APPROVED [UNANIMOUS]
MOVER: Chad Anderson, Place 6
SECONDER: Carmen Roberts, Place 4
AYES: Hopkins, Roberts, Anderson, Vaden, Nabors
ABSENT: Webber

- H. Consider and act upon acceptance of a letter of resignation from Lori Vaden, City Council Place 5. (Mayor)

RESULT: ADOPTED [4 TO 0]
MOVER: Carmen Roberts, Place 4
SECONDER: Chad Anderson, Place 6
AYES: Hopkins, Roberts, Anderson, Nabors
ABSTAIN: Vaden
ABSENT: Webber

- I. Consider and act upon appointment of a member for City Council Place 5 per Celina Home Rule Charter, Section 3.04 (c). (Mayor)

Councilwoman Roberts moved to appoint Mindy Koehne to City Council Place 5.

Minutes Acceptance: Minutes of Jul 12, 2016 5:00 PM (Minutes Approval)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Carmen Roberts, Place 4
SECONDER:	Chad Anderson, Place 6
AYES:	Hopkins, Roberts, Anderson, Vaden, Nabors
ABSENT:	Webber

X. ADJOURNMENT:

There being no further comment Mayor Terry adjourned the meeting at 7:00 PM.

Sean Terry, Mayor

Vicki Faulkner, TRMC
City Secretary, City of Celina, Texas

Date Minutes Approved

Minutes Acceptance: Minutes of Jul 12, 2016 5:00 PM (Minutes Approval)



**NOTICE OF
CITY COUNCIL PUBLIC HEARING AND SPECIAL MEETING
CITY COUNCIL CHAMBERS 112 N. COLORADO ST, CELINA, TX 75009
TUESDAY, JULY 19, 2016 AT 5:30 PM**

MINUTES

I. CALL TO ORDER:

Attendee Name	Organization	Title	Status	Arrived
Mindy Koehne	City of Celina	Place 5	Present	
Andy Hopkins	City of Celina	Place 3	Present	
Bill Webber	City of Celina	Place 1	Present	
Carmen Roberts	City of Celina	Place 4	Present	
Chad Anderson	City of Celina	Place 6	Present	
Wayne Nabors	City of Celina	Place 2	Absent	
Sean Terry	City of Celina	Mayor	Present	

Mayor Terry called the meeting to order at 5:35 PM. Mayor Terry noted that Councilwoman Koehne completed her oath of office before the meeting.

A. Oath of Office for new City Council Place 5

II. PUBLIC HEARING:

- A. The Celina City Council will conduct the second of two public hearings at 5:30 p.m. on the proposed voluntary annexation of the following tracts of land within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas and described as follows: being an approximately 69.34 acre tract of land situated in the B.B.B. & C.R.R. Survey, Abstract No. 130, Tract 14 and generally located north of CR 130, and east of CR 132, and the portions of right-of-way adjacent to the O'Donnell Equestrian Tract: being a 1.31 acre strip of land in the William Stapp Survey, Abstract No. 834 (CR 128) and being a 1.14 acre strip of land in the Benjamin Haile Survey, Abstract No. 397 (CR 130), within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas. (O'Donnell Equestrian Tract Annexation) (Liebman)

Mayor Terry opened the hearing at 5:35 PM. No public comment was received. The hearing was closed at 5:36 PM.

Minutes Acceptance: Minutes of Jul 19, 2016 5:30 PM (Minutes Approval)

- B. The Celina City Council will conduct a public hearing on the proposed involuntary annexations of a ± 1.39 acre tract of land situated in the Swanner Addition, Block A, Lot 1, Collin County, Texas; a ± 4.563 acre tract of land situated in the Edgemon Addition Block A, Lots 1 & 2, Collin County, Texas; a ± 2.5 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, Tract 39 Collin County, Texas; and a ± 2.5 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, Tract 40, Collin County, Texas. The properties are contiguous to and adjoining the City and are generally located on the Northwest corner of FM 1461 (Frontier Parkway) & FM 2478 (Custer Road). (Custer Road Annexations) (Liebman)

Mayor Terry opened the hearing at 5:37 PM. No public comment was received. The hearing was closed at 5:38 PM.

III. CONSENT AGENDA:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chad Anderson, Place 6
SECONDER:	Bill Webber, Place 1
AYES:	Koehne, Hopkins, Webber, Roberts, Anderson
ABSENT:	Nabors

1. Consider and act to authorize billing the prorated share of debt service for the Series 2014 and 2015 Certificates of Obligations to the Parks at Wilson Creek PID and Wells South PID for the period ending September 1, 2016. (Toutouchian)
2. Consider and act upon a contract by and between the City of Celina and Freese and Nichols for Professional Services related to the Merritt Erosion Study. (Johnson)
3. Consider and act upon a Chapter 43 Pre-Annexation Agreement between the City of Celina, Texas, and Celina/Coit Road LLC for an approximately 119.244 acre tract of land situated in the Levin Routh Survey, Tract 2, Collin County Texas. (Celina/Coit Road LLC Pre-Annexation Agreement) (Liebman)

IV. ACTION ITEMS:

- A. Consider and act upon an ordinance authorizing the issuance of “City of Celina, Texas, Tax and Waterworks and Sewer System (Limited Pledge) Revenue Certificates of Obligation, Series 2016”, and all matters incident and related thereto. (Toutouchian)

Director of Finance Jay Toutouchian noted that the issue is for 9.9 million dollars with 2.4 million going to General Fund expenses and the balance to the South East Sector water/wastewater project.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andy Hopkins, Place 3
SECONDER:	Bill Webber, Place 1
AYES:	Koehne, Hopkins, Webber, Roberts, Anderson
ABSENT:	Nabors

- B. Consider and act upon a Development Agreement between the City of Celina, Texas and Centurion American Development Group for Ownsby Farms a subdivision within Celina, Texas Generally located west of SH 289 (Preston Road), north of CR 5 (Frontier Parkway), south and east of CR 53 and consisting of approximately 113.548 acre of land. (Liebman)

Minutes Acceptance: Minutes of Jul 19, 2016 5:30 PM (Minutes Approval)

Mayor Terry recused himself due to a conflict of interest and left the meeting at this time (5:39 PM). Kirk Wilson, representing the applicant, spoke to the council regarding his opposition escrowing funds for private improvements.

Councilman Hopkins moved to approve subject to Helen-Eve's (Liebman) approval and negotiations with the City Attorney and Centurion.

There being no further comment Mayor Pro Tem Anderson adjourned the meeting at 5:52 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andy Hopkins, Place 3
SECONDER:	Carmen Roberts, Place 4
AYES:	Koehne, Hopkins, Webber, Roberts, Anderson
ABSENT:	Nabors

V. **ADJOURN:**

Sean Terry, Mayor

Vicki Faulkner, TRMC
City Secretary, City of Celina, Texas

Date Minutes Approved

Minutes Acceptance: Minutes of Jul 19, 2016 5:30 PM (Minutes Approval)



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Ben Rodriguez, Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: Fee Schedule Amendment - August 2016

Action Requested:

Consider and act upon an ordinance amending the City's Code of Ordinances, Appendix A, Fee Schedule. (Liebman)

Background Information:

The proposed amendments incorporate changes for the following departments

- Library - Adds fees for copies and faxes
- Fire - Adds fees for hazardous material storage review/inspection
- Parks- Amends fees for tournaments
- Building- Amends, revises and adds fees for building permits, the proposed changes makes us more comparable with other cities within the DFW Metroplex.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

The City Attorney has reviewed the proposed ordinance.

Supporting Documents:

- Proposed ordinance

Staff Recommendation:

Staff recommends approval as presented

CITY OF CELINA, TEXAS

ORDINANCE 2016-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES, APPENDIX A: FEE SCHEDULE; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY, PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a home rule municipality located in Collin County and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, the Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, the City Council of the City of Celina, Texas is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

WHEREAS, the City has enacted a schedule of fees in order to mitigate the effects of tree removal; and

WHEREAS, the City has determined it is in the public interest to set a fee for tree replacement credits.

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

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare

Attachment: Aug 2016 fee schedule ordinance (1648 : Fee Schedule Amendment - August 2016)

SECTION 3 AMENDMENTS

3.01 That the Celina Code of Ordinances, Appendix A: Fee Schedule; Article A1.004: Library Fees, shall be amended to read as follows:

“Sec. A1.004 Library fees

- (1) Overdue books, audio books, music CDs and magazines: \$0.25 per day.
- (2) Overdue DVDs: \$1.00 per day.
- (3) Maximum fine: Replacement cost of the item documented in the library database record.
- (4) Replacement library card: \$1.00.
- (5) Damaged audio/visual cases: \$3.00.
- (6) Lost or damaged material: Replacement cost of the item documented in the library database record plus \$5.00 processing fee.
- (7) Copies and Printing: \$.10 per page
- (8) Fax (sending and receiving): \$1.00 for the first page and \$.50 for each additional page.

3.02 That the Celina Code of Ordinances, Appendix A: Fee Schedule; Article A1.008: Parks and Recreation; subsection (a) Practice/tournament shall be amended to read as follows:

(a) Practice/tournament

	Practice (2 hours)		Tournament *	Camp/Clinic/Event
	Resident	Nonresident		
Baseball/softball (per field)	\$30.00	\$40.00	\$300 (per day)	\$5.00 per participant, as applicable
Soccer/football (per field)	\$20.00	\$30.00	\$200.00 (per day)	
Tennis court (per court)	\$10.00	\$20.00	\$40.00 (per day)	
* Tournament fee includes 1 field setup, typically for the start of the event				

3.03 That the Celina Code of Ordinances, Appendix A: Fee Schedule; Article A3.000: Building Related Fees; shall be amended to read as follows:

ARTICLE A3.000 BUILDING RELATED FEES

Sec. A3.001 Building permits and inspections; contractor registration

(a) New Residential Building permits.

- (1) Residential, new construction: \$100.00 per square foot (refer to valuation table in applicable building code).
- (2) Irrigation fee: \$75.00. Plus 25.00 backflow fee.
- (3) Fence fee: \$75.00
- (4) Energy fee: \$100.00
- (5) Certificate of Occupancy: \$50.00

(b) Residential Remodel/Addition Permits:

- (1) \$6.00 per \$1000.00 in value. \$75.00 minimum.
- (2) Plumbing: \$75.00.
- (3) Electric: \$75.00.
- (4) HVAC/mechanical: \$75.00.

(c) Residential plumbing/electrical/mechanical trade permits: \$75.00 each trade

(d) Commercial Building Permits:

- (1) Permit Fee. \$6.25 per \$1,000.00 valuation of work, minimum permit fee of \$75.00.
- (2) Mechanical, electrical, and plumbing fees: These fees are calculated by the square footage of building floor area; each trade requires a separate fee and are in addition to the permit fee.
 - (i) 1–3,000 square feet: \$75.00.
 - (ii) 3,001–10,000 square feet: \$95.00.
 - (iii) 10,001–100,000 square feet: \$115.00.
 - (iv) Over 100,000 square feet: \$135.00.
- (3) Energy fee: \$100.00.

- (4) Certificate of Occupancy fee: \$100.00.
- (5) Building activity fee: \$500.00 per wastewater connection.
- (e) Commercial electrical/plumbing/mechanical trade permits: \$5.00 per \$1000.00 in value. \$75.00 Minimum.
- (f) Demolition: \$100.00.
- (g) Flammable liquid storage tank (above or below ground): \$250.00.
- (h) Awnings, gazebos, ~~or~~ shade structures, or decks: \$100.00.
- (i) Mobile home: \$100.00 permit fee plus trade permit fees.
- (j) Commercial parking lot: \$100.00.
- (k) Clean and show: \$75.00
- (l) Foundation repair: \$100.00.
- (m) Reroofing:
 - (1) \$75.00 Flat fee
- (n) Miscellaneous building permit (not covered by building permit-minimum): \$100.00.
- (o) Detached garage/accessory buildings/barns: \$5.00 per \$1000.00 of valuation with \$100.00 minimum.
- (p) Development screening walls/fences: \$5.00 per \$1000.00 of valuation. 100.00 Minimum.
- (q) Development retaining walls/commercial retaining walls \$5.00 per \$1000.00 of valuation. \$100.00 Minimum
- (r) Temporary batch plants: \$150.00
- (s) Re-inspection fee/discretionary fees:
 - (1) Initial re-inspection: \$50.00.
 - (2) Second re-inspection: \$75.00.
 - (3) Third re-inspection: \$100.00.
 - (4) Subsequent re-inspections: \$100.00

- (5) After-hours inspections: \$50.00 hour (two-hour minimum).
- (t) Signs:
 - (1) On-site:
 - (i) 0 to 100 square feet: \$50.00.
 - (ii) 101 to 200 square feet: \$100.00.
 - (iv) Temporary sign: \$50.00.
 - (2) Sign impoundment:
 - (i) Sign impoundment fee: \$25.00 per sign.
- (u) Contractor registration. All trades to be state licensed if available.
 - (1) General registration fee: \$75.00.
- (v) Plan review fee.
 - (1) For all new commercial building projects:
 - (A) 15% of the building permit fee.
 - (2) For one- and two-family dwellings:
 - (A) New construction: \$100.00
 - (B) Additions or alterations \$45.00.
- (w) Certified energy code inspection: \$100.00 per inspection or through third party inspection, if applicable.
- (x) Utility installation inspection: \$75.00.

Sec. A3.002 Pools, spas and hot tubs

- (a) In ground pools/hot tubs: \$200.00.
- (b) Aboveground pools/hot tubs with electric: \$125.00.

Sec. A3.003 Fences and access control gates/retaining walls

- (a) Fence fee: \$75.00. Residential single family.
- (b) Commercial: \$5.00 per \$1000.00 in valuation \$75.00 Minimum

- (c) Access control and gate fee: \$150.00 per system. A plan submittal by the owner is required prior to inspection. Fees include plan review, wiring inspection, one final inspection and a permit. If a red tag is issued to the contractor during an inspection, there will be a re-inspection fee of up to \$250.00 for each re-inspection.
- (d) Single Family Residential retaining wall: \$75

Sec. A3.004 Certificate of occupancy

All structures that are vacated or have a change of occupant or use will be inspected for compliance with the current codes adopted by the city.

- (a) Residential certificate of occupancy (for new construction): \$50.00.
- (b) Commercial certificate of occupancy (new construction or change in occupancy): \$100.00.

Sec. A3.005 Development inspection fee

A development inspection fee shall be charged for the inspection of all improvements dedicated to the city. These improvements include, but are not limited to, streets, parking lots, drainage, water lines, sewer lines and recreational yard facilities. The fee for these inspections will be calculated at 3% of the total cost of improvements as determined by the city manager. The basis for calculation will be the figures in the current Means Catalog of actual pricing. Testing laboratory fees are in addition to these fees, however, copies of all tests will be provided to the city.

Sec. A3.006 Fire inspection fees

(A) Fire alarm inspection fees.

- (1) 1 to 150 devices: \$150.00.
- (2) Over 150 devices: \$300.00.
- (3) Additional floors (over one): \$50.00 each.

(B) Fire sprinkler inspection fees.

- (1) 1 to 150 devices: \$150.00.
- (2) Over 150 devices: \$300.00.
- (3) Additional floors (over one): \$50.00 each.
- (4) Foam used in systems: \$50.00.
- (5) Fire pump(s) installed: \$300.00.
- (6) If a red tag is issued to the contractor during an inspection, there will be a re-inspection fee of up to \$250.00 for each re-inspection.

(C) Fireworks inspection fees.

- (1) There shall be a fireworks inspection fee of \$250.00 due at the time of application for a permit.
- (2) If a red tag is issued to the contractor during an inspection, there will be a re-inspection fee of up to \$250.00 for each re-inspection.

(D) Access control gate inspection fee.

- (1) Access control and gate fee shall be \$150.00 per gate. If a red tag is issued to the contractor during an inspection, there will be a re-inspection fee of up to \$250.00 for each re-inspection.
- (2) Access control systems. Access control systems shall be \$150 per system. If a red tag is issued to the contractor during an inspection, there will be a re-inspection fee of up to \$250.00 for each re-inspection

(E) Miscellaneous Fire fees

- (1) After-hours inspection: \$50.00 per hour with a two-hour minimum.
- (2) Kitchen hood system inspection: \$150.00 per hood system.
- (3) Aboveground/underground storage tanks: \$250.00 per tank.
- (4) Fire Watch: \$50 per hour (2 hour minimum)
- (5) Open burn permit: \$100 per burn
- (6) Paint spray room/booth: \$150 per booth/room
- (7) Aboveground Hazardous Material permit fee

Range No.	Liquids (gallons)	Gases (cubic feet @ ntp)	Solids (pounds)	Fee
0	up to 0.2 fl.oz..	up to 99 cu. ft.	up to 0.34 oz.	\$0
1	0.3 fl.oz. up to 54 gal.	100 up to 199 cu. ft.	0.35 oz. up to 249 lbs.	\$90
2	55 up to 549 gal.	200 up to 1,999 cu. ft.	250 up to 2,499 lbs.	\$180
3	550 up to 2,749 gal.	2,000 up to 9,999 cu. ft.	2,500 up to 124,999 lbs.	\$270
4	2,750 up to 4,999 gal.	10,000 up to 19,999 cu. ft.	125,000 up to 249,999 lbs.	\$360
5	5,000 gal. and over	20,000 cu. ft. and over	250,000 lbs. and over	\$450

Sec. A3.007 House-moving fees

(a) Houses that are moved in must meet the requirements of the subdivision ordinance for exterior coverage and minimum size.

(b) Only certain locations of the city will allow these houses to be installed. The fee for moving in of the house is \$150.00. This fee is in addition to a minimum remodeling fee of \$250.00, thereby making the minimum fee for moving in a house \$400.00. Additional fees associated with moving in of a house include, but are limited to driveway, flatwork and gas line inspections.

Sec. A3.008 Drilling and well fees

(a) Well drilling permit: Eighty dollars (\$80.00);

(b) Reinspection fees: One hundred sixty dollars (\$160.00);

Sec. A3.009 Earthwork permit fees

(a) Permit fees.

(1) 0.1–0.5 acres: \$0.00.

(2) 0.5–1.0 acres: \$10.00.

(3) 1.0–5.0 acres: \$50.00.

(4) 5.0 or more acres: \$50.00 + \$10.00/acre.

(c) No permit fees will be charged for grading permits associated with public infrastructure construction. No permit fees will be charged for grading approval on individual single-family lots.

3.04 That the Celina Code of Ordinances, Appendix A: Fee Schedule; Article A6.003: Plat Fees; shall be amended to read as follows:

Sec. A6.003 Plat fees

The following fees shall be paid at the time of submission of plats to the city in accordance with the subdivision ordinance:

(1) The construction plat and minor plat fee shall be:

(A) In the subdivision or phase for single-family development: \$300.00 plus \$15.00 per lot.

(B) Multifamily development: \$300.00, plus \$5.00 per unit.

(C) Nonresidential development: \$300.00, plus \$15.00 an acre.

- (2) The final plat and development plat fee: \$400.00, plus \$10.00 per lot.
 - (3) Replat and amended plat fees: \$300.00, plus \$10.00 per lot affected.
 - (4) The site plan fee: \$500.00, plus \$10.00 per acre.
 - (5) County Filing Fees: it is the applicant's responsibility to pay the County's filing fees based on their current fee schedule. Checks shall be made out to the appropriate County Clerk, and shall comply with the County's requirements.
 - (6) Staff plat filing: it is the City's policy to deliver plats to the County. Staff will make one trip to the County free of charge. In the event that your plat does not meet the County's technical requirements for filing or insufficient filing fees were provided to staff, a fee of \$100 will be charged for each subsequent trip that City staff has to make to file the plat.
- 3.05 All other articles, chapters, sections, paragraphs, sentences, phrases, charts, definitions and words are not amended but are hereby ratified and affirmed.

SECTION 4

CUMULATIVE REPEALER CLAUSE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5

SAVINGS CLAUSE

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting fees which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 6

SEVERABILITY

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full

force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 7 **PENALTY**

Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Celina, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs and continues.

If the governing body of the City of Celina determines that a violation of this Ordinance has occurred, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8 **PUBLICATION CLAUSE**

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the Local Government Code.

SECTION 9 **ENGROSSMENT AND ENROLLMENT**

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 10 **EFFECTIVE DATE**

This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this ____ day of _____, 2016.

Sean Terry, Mayor
City of Celina, Texas

ATTEST:

Vicki Faulkner, City Secretary

City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:

City Attorney
City of Celina, Texas

Attachment: Aug 2016 fee schedule ordinance (1648 : Fee Schedule Amendment - August 2016)



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Ben Rodriguez, Planner
CC: Helen-Eve Liebman, Interim City Manager
Date: August 9, 2016
Re: First United Methodist Church Final Plat

Action Requested:

Consider and act upon on a final plat for the First United Methodist Church of Celina, being approximately 19.789 acres situated in the M.E.P. and P.R.R. Survey, Abstract No. 644, containing one commercial lot, and generally located south of FM 455 (W. Walnut Street) and east of FM 428. (FUMC Final Plat)

Background Information:

First United Methodist Church has completed all of the public improvements associated with their project. The City has inspected the improvements and has deemed them acceptable.

Board Review/Citizen Input:

At the Planning and Zoning Commission meeting on July 19, 2016 the commission voted unanimously to approve the plat.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Supporting Documents:

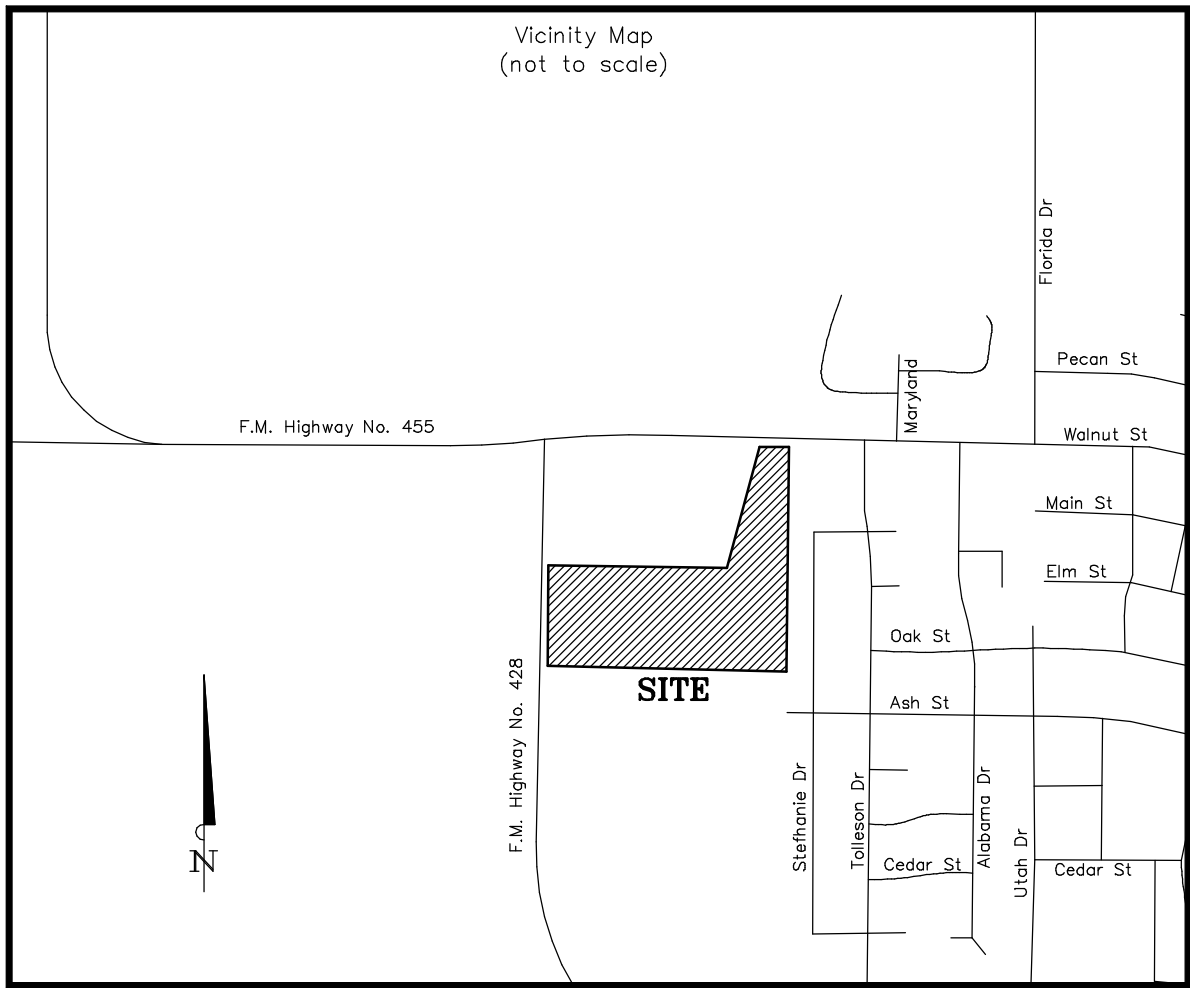
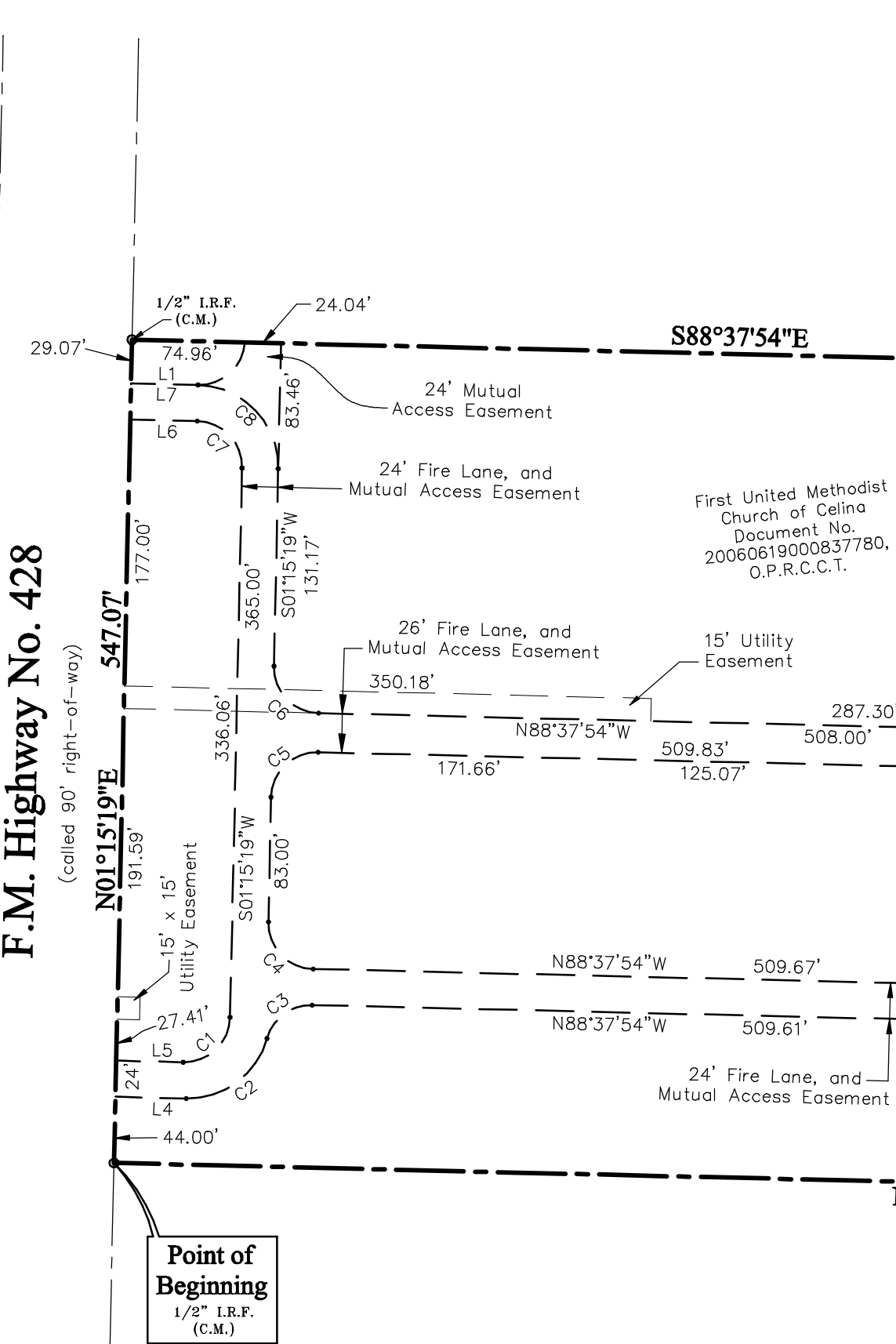
- Proposed Plat

Staff Recommendation:

Staff Recommends approval.

Line Data Table		
No.	Bearing	Distance
L1	N88°37'54"W	44.44'
L2	N88°37'54"W	44.61'
L3	S88°37'54"E	44.56'
L4	S88°37'54"E	46.96'
L5	N88°37'54"W	44.44'

Easement Curve Data					
Curve No.	Radius	Arc Length	Delta	Chrd. Bmg.	Chrd. Dist.
C1	30.50'	47.97'	90°06'47"	N46°18'42"E	43.18'
C2	54.50'	72.00'	75°41'47"	N53°31'12"E	66.88'
C3	30.50'	40.30'	75°41'47"	S53°31'12"W	37.43'
C4	30.50'	47.85'	89°53'13"	S43°41'18"E	43.09'
C5	30.50'	47.97'	90°06'47"	S46°18'43"W	43.18'
C6	30.50'	47.85'	89°53'13"	S43°41'18"E	43.09'
C7	30.50'	47.85'	89°53'13"	N43°41'17"W	43.09'
C8	54.50'	85.50'	89°53'13"	N43°41'17"W	77.00'
C9	30.50'	47.91'	90°00'00"	N43°37'54"W	43.13'
C10	56.50'	86.75'	90°00'00"	N43°37'54"W	79.90'
C11	30.50'	47.91'	90°00'00"	N46°22'06"E	43.13'
C12	54.50'	85.61'	90°00'00"	N46°22'06"E	77.07'

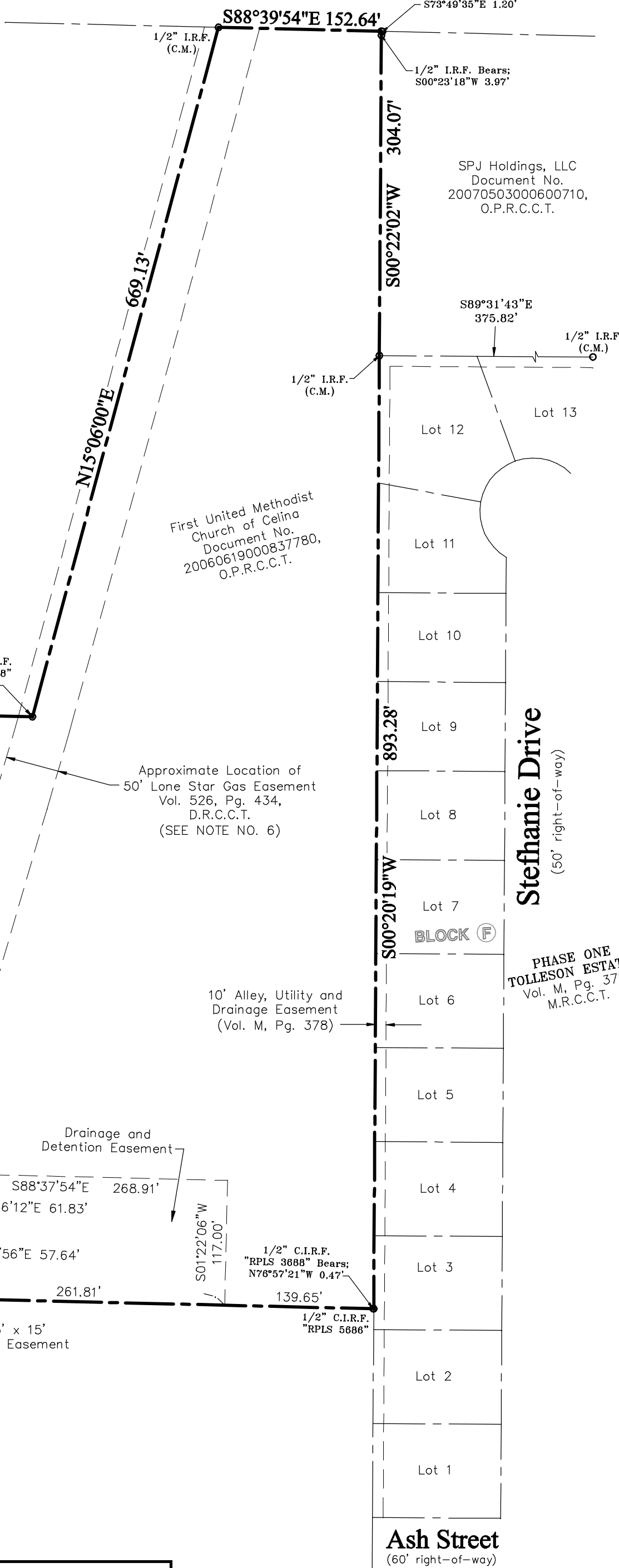


Notes:

- According to the Flood Insurance Rate Map of Collin County, Texas, Map No. 48085C0110J, Map Revised June 02, 2009, the herein described property is located in Zone "X", described by said map to be, "areas determined to be outside the 0.2% annual chance floodplain".
- Bearings are based on the westerly line of that tract of land described by deed to First United Methodist Church of Celina, as recorded under Document No. 20060619000837780, of the Official Public Records, Collin County, Texas.
- The purpose of this plat is to create one lot for future construction.
- Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law, and is subject to fines and withholding of utilities and building permits.
- The easement recorded in Volume 507, Page 370, of the Deed Records, Collin County, Texas, is a blanket style easement that affects the herein described property.
- The Gas Easement shown is described as being 18" west of the first pipeline installed, and as such, the exact location of said Gas Easement will need to be verified by the controlling authority.

I.R.F. = Iron Rod Found
C.M. = Controlling Monument
M.R.C.C.T. = Map Records, Collin County, Texas
D.R.C.C.T. = Deed Records, Collin County, Texas
O.P.R.C.C.T. = Official Public Records, Collin County, Texas
C.I.R.F. = 1/2" Iron Rod With Cap Found

F.M. Highway No. 455 (called 90' right-of-way)



Approved by the City of Celina for filing at the office of the County Clerk of Collin County, Texas.

"Recommended By"

Signature of Chairperson

Planning and Zoning Commission
City of Celina, Texas

Date:

"Approved By"

Signature of Mayor

City Council
City of Celina, Texas

Date:

"Attest"

City Secretary

Date:

This property is located within the Corporate Limits (or extraterritorial jurisdiction) of the City of Celina, Collin County, Texas.

Signature of Mayor

Date:

"Attest"

City Secretary

Date:

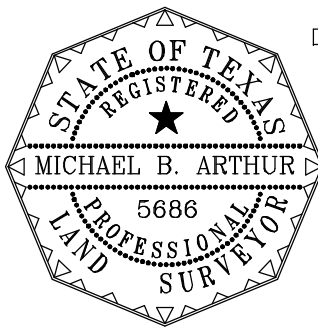
SURVEYOR'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Michael B. Arthur, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Celina, Texas.

Michael B. Arthur
Registered Professional Land Surveyor
Texas No. 5686

Date:



COUNTY OF COLLIN (X) STATE OF TEXAS (X)

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared MICHAEL B. ARTHUR, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE on this, the _____ day of _____, 2016.

NOTARY PUBLIC in and for the State of Texas

Notes (continued):

7. The undersigned does hereby covenant and agree that he or she or they shall construct upon the fire lane easements, as dedicated as shown hereon, a hard surface in accordance with the City of Celina's paving standards for fire lane, and that he or she or they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the accessibility of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The local law enforcement agency(s) is hereby authorized to enforce parking regulations within the fire lanes, and to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

8. This plat is hereby adopted by the Owners and approved by the City of Celina (Called "City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successors and assigns: The portion of Lot 1, Block A, as shown on the plat is called "Drainage and Detention Easement," the Drainage and Detention Easement within the limits of this addition, will remain accessible at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Drainage and Detention Easement. The City will not be responsible for the maintenance and operation of said Easement or for any damage to private property or person that results from conditions in the Easement, or for the control of erosion. No construction of any type of building, fence or any other structure within the Drainage and Detention Easement, as herein above defined shall be permitted, unless approved by the City Engineer. Provided, however, it is understood that in the event it becomes necessary for the City to erect or consider erecting any type of drainage structure in order to improve the storm drainage that may be occasioned by drainage in or adjacent to the subdivision, then in such event, the city shall have the right to enter upon the Drainage and Detention Easement at any point, or points, to investigate, survey or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. Each property owner shall keep the Drainage and Detention Easement clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the city shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage through the Drainage and Detention Easement is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be held liable for any damages of any nature resulting from the failure of any structure or structures, within the easement.

9. The undersigned does hereby covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to public vehicular and pedestrian use and access, and for Fire Department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Celina, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

OWNER:

First United Methodist
Church of Celina
12465 F.M. Highway No. 428
Celina, Texas 75009
(972) 382-2655

ENGINEER:

Trevor L. Castilla, P.E.
Civil Consulting Group, PLLC
Texas Firm No. F-9356

1515 Heritage Drive, Suite 212 | McKinney, Texas | 75069 | 972.569.9193
102 N. Shiloh Road, Suite 204 | Garland, Texas | 75042 | 972.487.8380
972.569.9197 (fax)

SURVEYOR:

North Texas Surveying, L.L.C.
Registered Professional Land Surveyors

1515 South McDonald St. Suite 110
McKinney, Tx. 75069
Ph. (469) 424-2074 Fax: (469) 424-1997
www.northtexasurveying.com

OWNER'S CERTIFICATE

STATE OF TEXAS (X) COUNTY OF COLLIN (X)

WHEREAS, FIRST UNITED METHODIST CHURCH OF CELINA is the owner of a tract of a land situated in the M.E.P. and P.R.R. Survey, Abstract No. 644, in the City of Celina, Collin County, Texas, said being described by deed to First United Methodist Church of Celina (FUMC), as recorded under Document No. 20060619000837780, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the southwesterly corner of said FUMC tract, same being the northwesterly corner of a tract of land described by deed to Landmark/Celina West, L.P., as recorded in Volume 5505, Page 3689, of the Deed Record, of Collin County, Texas (D.R.C.C.T.), same being in the easterly monumented line of F.M. Highway No. 428;

THENCE North 01°15'19" East, along the easterly monumented line of said F.M. Highway No. 428, a distance of 547.07' to a 1/2" iron rod found at the most westerly northwest corner of said FUMC tract, same being the southwesterly corner of a tract of land described by deed to Nadim F. Nimeh Family Trust, as recorded under Document No. 20110126000102110, O.P.R.C.C.T.;

THENCE South 88°37'54" East, along the common line between said Nimeh and FUMC tracts, a distance of 965.78' to a 1/2" iron rod with a plastic cap stamped "RPLS 3688" found for the southeasterly corner of said Nimeh tract, same being an angle point of said FUMC tract;

THENCE North 15°06'00" East, continuing along the common line between said Nimeh and FUMC tracts, a distance of 669.13' to a 1/2" iron rod found for the northeasterly corner of said Nimeh tract, same being the most northerly northwest corner of said FUMC tract, said corner also being in the southerly monumented line of F.M. Highway No. 455;

THENCE South 88°39'54" East, along the southerly monumented line of F.M. Highway No. 455, a distance of 152.64' to a point for corner from which a 3/8" iron rod found bears, South 73°49'35" East, a distance of 1.20' and a 1/2" iron rod found bears, South 00°23'18" West, a distance of 3.97', said point for corner being the northeasterly corner of said FUMC tract, same also being the northwesterly corner of that tract of land described by deed to SPJ Holdings, LLC, as recorded under Document No. 20070503000600710, O.P.R.C.C.T.;

THENCE South 00°22'02" West, along the common line between said SPJ Holdings, LLC and FUMC tracts, a distance of 304.07' to a 1/2" iron rod found at the southwesterly corner of said SPJ Holdings, LLC tract, same being the northwesterly corner of Lot 12, Block F, of **PHASE ONE TOLLESON ESTATES**, an addition to the City of Celina, as recorded in Volume M, Page 378, of the Map Records, of Collin County, Texas (M.R.C.C.T.);

THENCE South 00°20'19" West, along the common line between said **PHASE ONE TOLLESON ESTATES** and FUMC tract, a distance of 893.28' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set at the southeasterly corner of said FUMC tract, said corner also being the northeasterly corner of the aforementioned Landmark/Celina West, L.P. tract, from which a 1/2" iron rod with a plastic cap stamped "RPLS 3688" bears, North 76°57'21" West, a distance of 0.47';

THENCE North 88°37'54" West, along the common line between said FUMC and Landmark/Celina West, L.P. tracts, a distance of 1297.53' to the **POINT OF BEGINNING** and containing 19.789 acres of land, more or less.

STATE OF TEXAS (X) COUNTY OF COLLIN (X)

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That FIRST UNITED METHODIST CHURCH OF CELINA, acting herein by and through its duly authorized officer(s), does hereby adopt this plat designating the herein above described property as **FIRST UNITED METHODIST CHURCH OF CELINA ADDITION** addition an addition to the City of Celina, Texas, and does hereby dedicate, in fee simple to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed on landscape easements, if approved by the City Council of the City of Celina. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Celina's use thereof. The City of Celina and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Celina and public utility entities shall at all times have the full right ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

This plat is approved subject to all platting ordinances, rules, regulations and resolutions of the City of Celina, Texas.

Witness my hand, this the _____ day of _____, 2016.

By: _____
Authorized Representative

COUNTY OF COLLIN (X) STATE OF TEXAS (X)

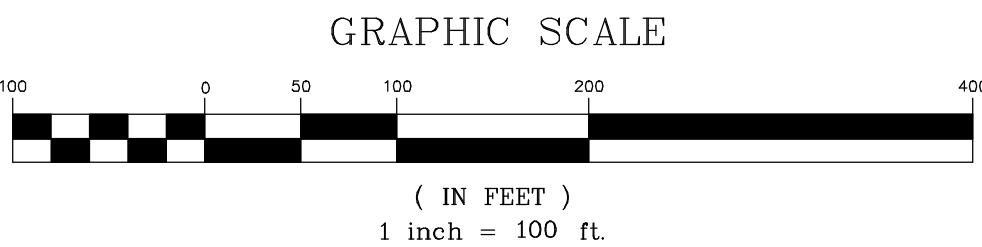
BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same is his act and deed in the capacity therein stated and for the purposes therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE on this, the _____ day of _____, 2016.

NOTARY PUBLIC in and for the State of Texas

FINAL PLAT FIRST UNITED METHODIST CHURCH OF CELINA Lot 1, Block A

862,018 / 19.789 Acres
M.E.P. and P.R.R. Survey,
Abstract No. 644
City of Celina, Collin County, Texas





Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Michael Montgomery, Administrative Services
Date: August 9, 2016
Re: Access Control and Video Security

Action Requested:

Consider and act upon award of a proposal for the City of Celina Access Control and Video Security and authorize the City Manager to negotiate and execute a contract with Automation Integration. (Montgomery)

Background Information:

City staff issued a Request for Proposals for Access Control and Video Security for the Celina Police Station Remodel, City Hall and Celina Fire Station No. 1.

One firm, Automation Integration, responded. They meet the qualifications that were outlined in the RFP.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

Police Station Access Control and Video Security - \$50,356.95
Celina Fire Station No. 1 Video Security - No Cost
City Hall - To Be Determined

Legal Review:

N/A

Supporting Documents:

N/A

Staff Recommendation:

Approve



Engineering/Public Works
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Alan Fourmentin, Assistant Public Works Director
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: Construction Change Order No. 3 - SE Sector Sewer Phase 3

Action Requested:

Consider and act to authorize the City Manager to execute a contract Change Order No. 3 with Red River Construction in the amount of \$122,682.05 for the SE Sector Sewer Phase 3. (Fourmentin)

Background Information:

Change Order No. 3 includes the following project construction modifications:

- PCM-03 adds additional charges associated with electrical site plan changes dictated by CoServ in the amount of \$206.76.
- PCM-05 provides a deduction associated with entry approach modifications in the amount of \$12,438.93 and the addition of 3 contract days.
- PCM-07 adds additional charge to install wet well discharge piping in future pump bays in the amount of \$7,777.67 and the addition of 4 contract days.
- PCM-08 adds additional charges for the extension of the force main in the amount of \$127,136.33 and the addition of 40 contract days.

Total addition = \$122,682.05

Total additional calendar days = 47

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

Contingency funding is available in the SE Sector Bond

Legal Review:

City attorney has reviewed

Supporting Documents:

Change Order 3

Staff Recommendation:

Approve

Change Order

City of Celina
Engineering and Public Works
142 N. Ohio Street • Celina, Texas 75009



STEVE SUMMERKAMP – RED RIVER
To: CONSTRUCTION

2804 CAPITAL ST.
WYLIE, TX 75098

Contract No.:

Change Order No.: 03

Project Number: PWK SEW 2014-06

Project Name: SOUTHEAST SECTOR - PHASE 3

Project Location: SE SECTOR LIFT STATION

Contract Price (indicate if zero cost)

Add: \$135,120.98

Deduct: \$12,438.93

Basis of Change Order:

- | | |
|--|---|
| ☐ Error / Omission (A/E) | ☐ Differing Site Condition |
| ☐ Error/ Omission (CM) | ☐ Field Resolution |
| ☒ Owner Request (User) | ☐ Owner Request (Other) |
| ☐ Value Engineering | ☐ |

Contract Time:

☐ No Change 47 Days Added ___ Days Deducted

Cost Basis: (check all that apply)

- | | |
|--|---|
| ☐ Time & Material Not to Exceed | ☒ Fixed Price |
| ☐ Allowance (described below) | ☐ Unit Price |

Your company is authorized and directed to proceed with the following (attach additional sheets if needed):

PCM-03 Add - Additional charge associated with electrical site plan changes dictated by Coserv. ADD \$206.76, 0 Days
PCM-05 Deduct - Deduction associated with entry way modifications. DEDUCT (\$12,438.93), 3 Days Added
PCM-07 Add - Additional charge to install wetwell discharge piping in future pump bays. ADD \$7,777.67, 4 Days Added
PCM-08 Add - Additional charge for the extension of the force main line. Add \$127,136.55, 40 Days Added

TOTAL ADD = \$122,682.05

TOTAL ADDITIONAL CALENDAR DAYS = 47

Justification:

See PCM-03, -05, -07 and -08, attached.

Special Notice: This Change Order identifies satisfaction of all compensation and time adjustments related to this change to the Work.

External Construction Manager Recommendation:

Name Jeff McClelland

Signature

7-27-16
Date

Contractor Concurrence:

Name ~~Steve Summerkamp~~

Dean Porter

Signature

7/26/16
Date

A/E Recommendation:

Name Jay C. London

Signature

7/25/2016
Date

City of Celina Manager Approval:

Name

Signature

Date

Contractor proposal for adjustments in contract sum, contract time, or both, are to be submitted within 14 days of the City approval of the Change Order. Maximum amount for any one Change Order shall conform to the City guidelines and project specifications. Proposals must conform to Change Order Procedures and Pricing Guidelines.

DESCRIPTION OF CONTRACTOR'S PROPOSED MODIFICATION ~~#4~~ #3PROJECT: Southeast Sector Lift Station, Force Main, and Metering Vault

PROJECT NUMBER

OWNER: City of Celina, TexasCONTRACTOR: RED RIVER CONSTRUCTION CO.

309

ENGINEER: Pacheko Koch

3551-14.141

REFERENCE: Electrical Transformer RelocationDate: Jun. 17, 2016

The Contractor proposes to make the following additions, modifications, or deletions to the Work described in the Contract Documents:

The below cost is for changing the incoming primary power to the jobsite from a pole mounted transformer to a slab mounted transformer:

1 LS	Electrical (*See Attached Quote)	\$194.00
	Subtotal:	\$194.00
5%	Contractors Fee	\$9.70
1.5%	Bond Fee	\$3.06
	TOTAL:	\$206.76

Prepared by Red River Construction Company, Inc.

By: Steve Summerkamp
Steve Summerkamp, Project Manager

Attachment: SE Sector Phase 3 CO#3 (1715 : Construction Change Order No. 3 - SE Sector Sewer Phase 3)

Steven Summerkamp

From: Kevin Clement <kevinc@hhelectrical.biz>
Sent: Tuesday, June 14, 2016 12:03 PM
To: Steven Summerkamp
Cc: 'Julie Clement'; terryhhelectric@outlook.com
Subject: RE: Celina LS_Electrical Credit

Steve,

According to DB-01 we will still need to run (2) 4" conduits to where the overhead pole was originally located for spares. There is an additional ductbank going to the proposed pad mount with (1) 4" at 60'. The only difference is the wire run is going to be 20' shorter going to the pad mount. Below is a breakdown,

Transformer relocation

(1) Power distribution pole	(\$500.00)
(2) 80' of 500 mcm	(\$408.00)
(3) 20' of 2/0	(\$32.00)
(4) (2) 4" pvc 90's	\$44.00
(5) 80' 4" schedule 40	\$170.00
(6) 80' Trenching / Backfill	\$740.00
(7) 10 cy sand	\$180.00

Total: \$194.00

Thank you,

Kevin Clement



kevinc@hhelectrical.biz
 (972) 524-0205 Office
 (903) 271-3220 Cell

From: Steven Summerkamp [mailto:Steven.Summerkamp@redriverconstruction.com]
Sent: Tuesday, June 14, 2016 7:02 AM
To: 'Kevin Clement' <kevinhhelectric@outlook.com>
Cc: Julie Clement <Juliehhelectric@outlook.com>
Subject: Celina LS_Electrical Credit

Kevin,

A while ago I had sent you a revised drawing showing the primary power change from pole mounted to a ground transformer. The engineer is thinking that they should be receiving a credit back because there is going to be less material and labor. Can you check into that and see if he's correct please. Thanks.

DESCRIPTION OF CONTRACTOR'S PROPOSED MODIFICATION #5

PROJECT: Southeast Sector Lift Station, Force Main, and Metering Vault
 OWNER: City of Celina, Texas
 CONTRACTOR: RED RIVER CONSTRUCTION CO.
 ENGINEER: Pacheko Koch
 REFERENCE: 30" Culverts & Headwalls

PROJECT NUMBER

309
3551-14.141
 Date: May. 11, 2016

The Contractor proposes to make the following additions, modifications, or deletions to the Work described in the Contract Documents:

As requested by the owner, please see the below cost and credit breakdown for re-using the existing concrete headwalls and concrete culvert pipe at the entrance/exit of the station. We have estimated that we will need an additional 16' of 30" concrete pipe per run to comply with the contract documents. The additional labor cost below is due to needing to go slower to save the headwalls and make any aesthetic repairs once they are re-installed.

Credits:

105 LF	30" RCP Culvert Pipe @ \$71/LF	(\$7,455.00)
6 EA	30" Headwalls/SET's	(\$10,308.00)
1 LS	Dumping/Dumpster Fees	(\$950.00)
	SUBTOTAL:	(\$18,713.00)
1.5%	Bond Fee	(\$280.70)
	TOTAL:	(\$18,993.70)

New Line Item:

48 LF	30" RCP Culvert Pipe @ \$71/LF	\$3,408.00
1 LS	Additional Patch & Rub Materials	\$350.00
48 Hrs	Additional Demo Labor @ \$19/Hr.	\$912.00
30 Hrs	Additional Installation Labor @ \$19/Hr.	\$570.00
8 Hrs	Equipment Operator @ \$25/hr.	\$200.00
4 Hrs	Supervision @ \$45/Hr.	\$180.00
45%	Labor Burden	\$837.90
	Subtotal:	\$6,457.90
1.5%	Bond Fee	\$96.87
	TOTAL:	\$6,554.77

TOTAL PCM Credit Amount: (\$12,438.93)

***An additional 3 working days are requested for this work.

*** We are also requesting that if the existing pipe or headwalls are found damaged once fully uncovered that we can negotiate with the owner on recovering additional material costs only with no upcharge.

Prepared by Red River Construction Company, Inc.

By: Steve Summerkamp
 Steve Summerkamp, Project Manager

Attachment: SE Sector Phase 3 CO#3 (1715 : Construction Change Order No. 3 - SE Sector Sewer Phase 3)

DESCRIPTION OF CONTRACTOR'S PROPOSED MODIFICATION #7

PROJECT: Southeast Sector Lift Station, Force Main, and Metering Vault

PROJECT NUMBER

OWNER: City of Celina, TexasCONTRACTOR: RED RIVER CONSTRUCTION CO.309ENGINEER: Pacheko Koch3551-14.141REFERENCE: Installation Of Future Pump Discharge LinesDate: May. 20, 2016

The Contractor proposes to make the following additions, modifications, or deletions to the Work described in the Contract Documents:

The price below is to add the 2 future pump discharge lines to this contract. These lines will need to be installed in order to install the guiderails and intermediate brackets as shown on the contract drawings. Otherwise, we would have to turn these items over and have the owner install at a later date.

1 LS	Piping (See Attached Quote)	\$4,780.44
1 LS	Pipe Coating (See Attached Quote)	\$1,500.00
8 Hrs	Pipe Installation Labor @ \$18/Hr.	\$144.00
3 Hrs	Crane Operator @ \$25/Hr.	\$75.00
1 Hr	Supervision @ \$45/Hr.	\$45.00
45%	Labor Burden	\$118.80
SUBTOTAL:		\$6,663.24
15%	Contractors Fee	\$999.49
1.5%	Bond Fee	\$114.94
TOTAL:		\$7,777.67

***An additional 4 calender days are requested for this work.

Prepared by Red River Construction Company, Inc.

By: Steve Summerkamp
Steve Summerkamp, Project Manager

Attachment: SE Sector Phase 3 CO#3 (1715 : Construction Change Order No. 3 - SE Sector Sewer Phase 3)

Steven Summerkamp

From: Robert.Parris@Ferguson.com
Sent: Friday, May 20, 2016 10:12 AM
To: Steven Summerkamp
Subject: RE: Celina Lift Station - Pump Discharge Line Change Order Material

Steve,

The length of the spools in question is 17' 8-3/4".

Below is the quote for the items listed. Please note:

1. Had to bump the price a bit on the spools to cover freight.
2. Prices on bolts increased around 10%. Gaskets are priced same as original job quote.
3. Fitting prices are the same as the original job quote.

Expect 5-7 days for order to deliver complete from date of release.

Price Quotation # B296060

Ferguson Waterworks #1232

10077 West University Drive
 McKinney, TX 75071

Phone : 972-434-2600
 Fax : 972-434-2612

Bid No.....: B296060	Cust Phone: 972-578-0127
Bid Date....: 05/20/16	Terms.....: NET 10TH PROX
Quoted By: RCP	Ship To.....: RED RIVER CONSTRUCTION
Customer.: RED RIVER CONSTRUCTION	2804 CAPITAL STREET
2804 CAPITAL STREET	309 CELINA LIFT STATION
309 CELINA LIFT STATION	WYLIE, TX 75098
WYLIE, TX 75098	

Cust PO#...: PUMP DISCHARGE ADDTN **Job Name.:** 309 CELINA LIFT STATION

Item	Description	Quantity	Net Price	UM	Total
FERPC1210	12X10 DI C110 FLG ECC RED PC	2	301.690	EA	603.38
SP-12DIPFABSPPOOL	12 DIP FAB SPL - DESCRIPTION BELOW	2	1655.440	EA	3310.88
	12" x 17' 8-3/4" FLGxFLG				
	CEMENT LINED, TN140 COATED				
	*///**///**///**				

F9PC12	12 FLG 90 C110 BEND PC	2	334.590	EA	669.18
FBSET10	10 FLG BLT SET	2	21.420	EA	42.84
	A307 B PLAIN MATERIAL				
	DIXDI CONNECTION				
	*///**//**//**//*				
FNWR1FFGA10	10 RR 1/8 FF 150# GSCT	2	8.920	EA	17.84
FBSET12	12 FLG BLT SET	4	22.180	EA	88.72
	A307 B PLAIN MATERIAL				
	DIXDI CONNECTION				
	*///**//**//**//*				
FNWR1FFGA12	12 RR 1/8 FF 150# GSCT	4	11.900	EA	47.60
Subtotal:			\$4780.44		
Inbound Freight:			\$0.00		
Tax:			\$0.00		
Order Total:			\$4780.44		

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at http://wolseleyna.com/terms_conditionsSale.html. Govt Buyers: All items quoted are open market unless noted otherwise.

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with *NP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.

Thanks for the opportunity to quote, and please let me know if there are questions.

Robert Parris
Business Development Manager - West Coast Plant Division
Ferguson, a Wolseley company 1610 C Street Suite 202 Vancouver WA 98663
T: (360) 258 2723 C: (360) 356 6747 F: (360) 695 9110 E: robert.parris@ferguson.com
www.ferguson.com

From: Steven Summerkamp [mailto:Steven.Summerkamp@redriverconstruction.com]
Sent: Friday, May 20, 2016 5:59 AM
To: Parris, Robert [Ferguson] - 0989 West Coast Plant Division
Subject: Celina Lift Station - Pump Discharge Line Change Order Material

Steven Summerkamp

From: LESTER SANDERS <gsand10594@sbcglobal.net>
Sent: Friday, May 20, 2016 9:52 AM
To: Steven Summerkamp
Subject: Re: Celina Lift Station - Change Order Quote

Steve

To coat the additional piping mentioned above please add \$1500.00.

This based on applying the coatings before set in the wet well.

On Friday, May 20, 2016 8:01 AM, Steven Summerkamp <Steven.Summerkamp@redriverconstruction.com> wrote:

Gerald,

Celina wants us to put together a price for installing the 2 future pump discharge lines down in the lift station. Can you put together a quote for me to put the coal tar on those two lines please. The work will entail what we've unsuccessful at this week, but double the work and material. If you have any questions please let me know. Thanks.

Additional Piping To Be Coated:

2 – 12"x10" reducers

2 – 12" Spool Pieces

2 – 12" 90 Bends

Attachment: SE Sector Phase 3 CO#3 (1715 : Construction Change Order No. 3 - SE Sector Sewer Phase 3)

DESCRIPTION OF CONTRACTOR'S PRICE FOR PROPOSED MODIFICATION

PROJECT: Southeast Sector Lift Station, Force Main, and Metering Vault
 OWNER: City of Celina
 CONTRACTOR: RED RIVER CONSTRUCTION CO.
 ENGINEER: Pacheco Koch
 REFERENCE: Force Main Extension, Manhole, and Extended Depth

PROJECT NUMBER

309
 3551-14.141

Date: Jul. 26, 2016

The Contractor proposes to make the following additions, modifications, or deletions to the Work described in the Contract Documents:

We have reviewed the additional costs due to the delth and extra materials and the additional cost will be as follows:

Extended Depth for 100' of 16" Force Main (under contract)

1 ls Trucking		\$1,785.00
1 ls Compactor		\$900.00
1 ls Tampers		\$400.00
1 ls Excavator		\$2,500.00
1 ls Loader		\$1,500.00
1 ls Trench Box		\$900.00
1 ls Fuel, Oil & Grease		\$2,700.00
1 ls Equipment Maintenance		\$900.00
1 ls Misc. Tools and Survey equipment		\$978.00
60 MH Labor	\$18.00	\$1,080.00
120 MH Operator	\$25.00	\$3,000.00
18 MH Supervision	\$45.00	\$810.00
45% Labor Burden		\$2,200.50
TOTAL CHANGE ORDER		\$19,653.50
Contractor's Fee		\$2,948.03
Bond		\$339.02
		\$22,940.55

5' Manhole

1 ls Manhole		\$11,403.06
1 ls Compactor		\$450.00
1 ls Tampers		\$200.00
1 ls Excavator		\$1,250.00
1 ls Loader		\$750.00
1 ls Trench Box		\$1,800.00
1 ls Fuel, Oil & Grease		\$450.00
1 ls Equipment Maintenance		\$150.00
1 ls Misc. Tools and Survey equipment		\$451.60
56 MH Labor	\$18.00	\$1,008.00
32 MH Operator	\$25.00	\$800.00
10 MH Supervision	\$45.00	\$450.00
45% Labor Burden		\$1,016.10
TOTAL CHANGE ORDER		\$20,178.76
Contractor's Fee		\$3,026.81
Bond		\$348.08
		\$23,553.65

Extend 100' of 16" Force Main at 16' depth

1 ls 16" Pipe		\$7,392.96
2 EA 2" BFP Assemblies		\$161.28
2 CY Concrete (Thrust Block)		\$240.00
1 ls Embedment		\$2,200.00
1 ls Trucking		\$4,590.00
1 ls Compactor		\$1,200.00
1 ls Tampers		\$600.00
3000 SY Bermuda Sod		\$9,540.00
3000 SY hydromulch credit		(\$1,740.00)
1 ls Excavator		\$4,500.00
1 ls Loader		\$2,800.00
1 ls Trench Box		\$1,500.00
1 ls Fuel, Oil & Grease		\$7,200.00
1 ls Equipment Maintenance		\$2,400.00
1 ls Misc. Tools and Survey equipment		\$1,667.60
1 ls Safety Equipment		\$125.00
1 ls Temporary Fencing		\$530.43
322 MH Labor	\$18.00	\$5,796.00
320 MH Operator	\$25.00	\$8,000.00
64 MH Supervision	\$45.00	\$2,880.00
45% Labor Burden		\$7,504.20
TOTAL CHANGE ORDER		\$68,087.47
Contractor's Fee		\$10,363.12
Bond		\$1,191.76
		\$80,642.35

We are requesting 40 days of time delay due to the delays and additional work.

Prepared by: Red River Construction Co.

By: 

Steve Summerkamp, Project Manager

Attachment: SE Sector Phase 3 CO#3 (1715 : Construction Change Order No. 3 - SE Sector Sewer Phase 3)



Temporary Fence Estimate

Date Quote Rental Period

7/22/16 39507 3

www.universalfencecompany.com

3300 Rock Island Road, Irving, TX 75060 (214) 492-1005

DBE Certification # WFDB92092Y0416

HUB Certification # 1204550225400

Use Drop Down for Estimator

New Job?

Yes

Mileage:

43

Celina Fort Main 2071 E. Frontier Parkway Propser, TX 75078		Red River Steven 214-356-4930 steven.summerkamp@redriver.com		
Material Description	Labor	Quantity	Unit Price	Total
6' Temporary Chain Link Fence / plf	Install	350	\$1.25	\$437.50
6' Free Standing Panel Fence / plf				
6' Tall x 4' Wide Temporary Single Swing Gate / ea				
6' Tall x 12' Wide Temporary Single Swing Gate / ea				
6' Tall x 15' Wide Temporary Single Swing Gate / ea				
6' Tall x 8' Wide Temporary Double Swing Gate / ea				
6' Tall x 24' Wide Temporary Double Swing Gate / ea				
6' Tall x 30' Wide Temporary Double Swing Gate / ea				
Add 6' "Green or Black" Privacy Screen / plf				
Add 3 Strands of Barb Wire to 6' Chain Link Fence / plf				
Add Top Rail to 6' Chain Link Fence / plf				
Add Tension Wire to Top/Bottom of Chain Link Fence/plf				
Add 3 Strands of Barb Wire to 8' Chain Link Fence / plf				
Add Top Rail to 8' Chain Link Fence / plf				
Add Tension Wire to Top/Bottom of Chain Link Fence/plf				
Add Sandbags to Free Standing Panel Fence / ea				
Add Flange Posts / ea				
Add Support Posts / ea				
Core Drill Into Asphalt or Concrete / ea hole				
Gate Wheels				
Labor - Handcarry (more than 50' from truck)			\$0.75	
Labor - Hillside (plf)			\$0.75	
Labor - Hand pound (per hole)			\$7.00	
Subtotal:				\$437.50
Minimum Mobilization Charge if Applicable:	\$450	Minimum Offset:		\$12.50
Return Trip Charge if Applicable:	\$250	Minimum Offset:		\$0.00
Fuel Surcharge:				\$40.00
Sales Tax:	State and/or County:	Texas	Rate:	8.25%
Grand Total:				\$530.43

Notes: No plans or specifications provided. Footages provided by Lessee. Lessee will be invoiced for actual footages installed or the minimum mobilization charge plus fuel & tax (whichever is greater). Price includes only installation, rental up to the stated period, and 1 trip for removal. Return trips will be charged the unit prices or Return Trip Charge (whichever is greater). Lessee will be charged an 18% renewal fee per month on the remaining material on site after the original rental period expires. Lessee is Responsible for Damaged / Missing Material. Quote is only valid for 30 days

Exclusions: clearing, grading, rock or core drilling, hand carry of material more than 50' from truck, bonding, permitting, grounding, surveys, submittals, warranty of any kind, traffic control, engineering, removal of foliage that may grow in fence during rental period, anything else not specifically stated above.

Quantities are approximated.

Specs: Material may be new or used, 11 1/2 gauge fence fabric; 1 5/8" sch40 line posts driven approximately 24" into ground on 12' centers; 14 ga steel fence ties, 1 5/8" sch40 diagonal bracing at all corners and gates, 2 1/2" sch40 gate posts driven 24" into ground; 1 3/8" Sch.065 fully welded gate frames with 11 1/2 ga fence fabric, gate wheels are recommended on larger swing gates.

Attachment: SE Sector Phase 3 CO#3 (1715 : Construction Change Order No. 3 - SE Sector Sewer Phase 3)

Price Quotation # B300481**Ferguson Waterworks #1232**

10077 West University Drive
McKinney, TX 75071

Phone : 972-434-2600

Fax : 972-434-2612

Bid No.....: B300481	Cust Phone: 972-578-0127
Bid Date....: 07/22/16	Terms.....: NET 10TH PROX
Quoted By: RCP	Ship To.....: RED RIVER CONSTRUCTION
Customer..: RED RIVER CONSTRUCTION	2804 CAPITAL STREET
2804 CAPITAL STREET	309 CELINA LIFT STATION
309 CELINA LIFT STATION	WYLIE, TX 75098
WYLIE, TX 75098	

Cust PO#...: 2" BACKWATER VLV **Job Name..:** 309 CELINA LIFT STATION

Item	Description	Quantity	Net Price	UM	Total
S8692P	2 PVC BACKWATER VLV	2	29.660	EA	59.32
S86923	16 EXT SLV F/ 2 BACKWATER	2	50.980	EA	101.96

Subtotal: \$161.28

Inbound Freight: \$0.00

Tax: \$0.00

Order Total: \$161.28

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at http://wolseleyna.com/terms_conditionsSale.html. Govt Buyers: All items quoted are open market unless noted otherwise.

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Engineering/Public Works
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Alan Fourmentin, Assistant Public Works Director
CC: Helen-Eve Liebman, Interim City Manager
Date: August 9, 2016
Re: Auction Items

Action Requested:

Consider and act upon approval of proposed auction items. (Fourmentin)

Background Information:

Auction items include vehicles and equipment no longer in service or necessary for operations.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Supporting Documents:

List of proposed auction items

Staff Recommendation:

Approve

2016 Celina Auction Items

- 2009 Chevrolet Tahoe, VIN# 1GNEC03029R266855
- Vermeer RT 450 trencher
- Hobart Handler 140 wire welder
- Miller Thunderbolt 225 arc welder
- 3 - Flyght submersible pumps
- Lift station control boxes
- 480 volt transformer
- 6" Air relief valve
- 4" Air relief valve
- 8 - Coated horse panels
- Round bale feeder
- 150 gal water trough
- 26 Rolls of Silt fence
- 9 - Copper coated steel ground rods
- 3 - Secondary containment boxes
- 2 - 500 gallon steel tanks
- 1 set of teeth for skid steer bucket
- 24" mini excavator bucket
- Plastic container with cage
- Plastic container without cage
- Roll of galvanized wire



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Brooks Wilson, Senior Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: Wells North PID Scrivener's Error Ordinance

Action Requested:

Consider and act upon an ordinance correcting a scrivener's error in the legal description of the property within the Wells North Public Improvement District documents, authorizing and approving the correction of City records, and providing for an effective date. (Scrivener's Error) (Liebman)

Background Information:

On February 9, 2016, the Celina City Council adopted Resolution No. 2016-12R, establishing the Wells North Public Improvement District (PID), consisting of 244.136 acres of land. A Special Warranty Deed was executed that contains a scrivener's error in the third paragraph of the legal description for Tract 2, as follows:

The legal description currently reads "THENCE, departing said south right-of-way line of County Road No. 88 and said north line called 75.0000 acre tract, South 88 degrees, 48 minutes, 06 seconds west..."

The legal description should read: "THENCE, departing said south right-of-way line of County Road No. 88 and said north line called 75.0000 acre tract, South 88 degrees, 48 minutes, 06 seconds EAST...."

No other changes are proposed to the legal description. This ordinance shall be effective immediately upon its adoption by the City Council.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

The City Attorney has reviewed this ordinance and found it to be acceptable.

Supporting Documents:

Proposed Ordinance

Certificate of Developer Exhibit

Staff Recommendation:

Staff recommends approval.

ORDINANCE NO. 2016-__

AN ORDINANCE CORRECTING THE LEGAL DESCRIPTION OF PROPERTY WITHIN WELLS NORTH PUBLIC IMPROVEMENT DISTRICT; AUTHORIZING AND APPROVING THE CORRECTION OF CITY RECORDS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Celina, Texas (the "City"), is a party to an Amended and Restated Development Agreement (the "Development Agreement") with Celina Development North, LLC, a Texas limited liability company (the "Developer") effective November 10, 2015 recorded in the real property records of Collin County, Texas, on March 30, 2016 at Instrument #20160330000374230 for the development of approximately 244.136 acres within the City (the "Property") as described and depicted therein; and

WHEREAS, the Development Agreement was assigned to and assumed by the Developer effective March 28, 2016 and the City received written notice on of such assignment on April 1, 2016 which had a copy of the Assignment and Assumption of Celina Development Agreement (Wells North) (the "Development Agreement Assignment") attached thereto; and

WHEREAS, on December 18, 2015, a petition (the "Creation Petition") was submitted and filed with the City Secretary of the City pursuant to the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code (the "PID Act") requesting the creation of a public improvement district consisting of the approximately 244.136 acres comprising the Property; and

WHEREAS, on February 9, 2016, the City Council of the City (the "City Council") adopted Resolution No. 2016-12R (the "Creation Resolution") establishing the "Wells North Public Improvement District" (the "District") consisting of the approximately 244.136 acres comprising the Property pursuant to and in accordance with the terms, provisions and requirements of the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code (the "PID Act"); and

WHEREAS, on March 23, 2016, the Developer purchased the approximately 244.136 acres comprising the Property as reflected by the Special Warranty Deed recorded in the real property records of Collin County, Texas, on March 24, 2016 at Instrument #20160324000349770 (the "Special Warranty Deed"); and

WHEREAS, on March 29, 2016, the City Council, adopted Ordinance No. 2016-19, recorded in the real property records of Collin County, Texas, on April 15, 2016 at Instrument #20160415000453200, and Ordinance No. 2016-20, recorded in the real property records of Collin County, Texas, on April 15, 2016 at Instrument #20160415000453190 (collectively, the "Assessment Ordinances"), each approving the service and assessment plan for the District (the "Service and Assessment Plan") and levying Special Assessments (as defined in the Service and Assessment Plan) against certain benefitted property located within the District; and

WHEREAS, on March 29, 2016, the City Council adopted Ordinance No. 2016-__ approving and authorizing the issuance and sale of the "City of Celina, Texas, Special Assessment Revenue Bonds, Series 2016 (Wells North Public Improvement District Major Improvement Area Project) (the "MIA Bonds") and Ordinance No. 2016-__ approving and authorizing the issuance and sale of the "City of Celina, Texas, Special Assessment Revenue

Bonds, Series 2016 (Wells North Public Improvement District Neighborhood Improvement Area #1 Project) (the "NIA#1 Bonds", and together with the MIA Bonds, the "PID Bonds") secured by the Special Assessments levied against the Assessed Property (as defined in the Service and Assessment Plan); and

WHEREAS, in connection with the issuance and sale of the PID Bonds, the City entered into an "Agreement Regarding Conveyance of Right of Redemption and Waiver of Agricultural Valuation" (the "Redemption Agreement") with the Developer and U.S. Bank National Association, as escrow agent, dated as of March 29, 2016 and recorded in the real property records of Collin County, Texas, on April 15, 2016 at Instrument #20160415000453210; and

WHEREAS, on March 29, 2016, the City Council approved Ordinance No. 2016-23 (the "Annexation Ordinance") annexing the approximately 244.136 acres comprising the Property into the corporate limits of the City; and

WHEREAS, on March 29, 2016, the City Council approved Ordinance No. 2016-25 (the "Zoning Ordinance") establishing Planned District #65 on the approximately 244.136 acres comprising the Property; and

WHEREAS, on April 19, 2016, the members of the Developer executed a written consent approving, among other things, the issuance and sale of the PID Bonds and ratifying in all respect the action and deeds of the Developer related to the PID Bonds secured by the Special Assessments levied on the Assessed Property within the District, including without limitation entering into the Development Agreement and the Redemption Agreement; and

WHEREAS, the attorney of the Grantor listed in the Special Warranty Deed executed the Correction Affidavit (the "Correction Affidavit") attached hereto as **Exhibit A** and incorporated herein for all purposes dated May 6, 2016 and recorded in the real property records of Collin County, Texas, on June 9, 2016 at Instrument #20160609000720900 correcting a non-material scrivener's error in the legal description for the Property as described therein and gave notice to the Developer all in accordance with Texas Property Code Section 5.028; and;

WHEREAS, the total acreage of the Property in the corrected legal description attached to the Correction Affidavit is approximately 244.136 acres; and

WHEREAS, the City and the Developer desire to correct the legal descriptions in the Development Agreement, Development Agreement Assignment, Creation Petition, Creation Resolution, Assessment Ordinances, Service and Assessment Plan, Redemption Agreement, Annexation Ordinance, and Zoning Ordinance, and in any other ordinances, resolutions, agreements, or certificates of the City relating to the District (collectively, the "District Documents"); and

WHEREAS, the Developer is the 100% owner of the Assessed Property and has executed and delivered to the City the Certificate attached hereto as **Exhibit B** reaffirming and ratifying the Developer's consent to the creation of the District, the levy of the Special Assessments on the Assessed Property, the issuance of the PID Bonds, and the correction of the legal description in all affected District Documents; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and the public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code; now, therefore,

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

SECTION 1. Terms. Terms not otherwise defined herein are defined in the Service and Assessment Plan.

SECTION 2. Findings. The findings and determinations contained in the preambles above are hereby deemed to be true and correct and are incorporated by reference and made a part of this Ordinance for all purposes as if the same were stated in full in this Section. The City Council further finds, determines, and ordains as follows:

(a) The correction described in the Correction Affidavit with respect to the clerical error in the Original Instrument (as defined in the Correction Affidavit) as a scrivener's error in the third paragraph of the legal description for Tract 2, after the commencing call, which read as follows: "South 88 deg. 48 min. 06 sec. West" and which should correctly read as follows: "South 88 deg. 48 min. 06 sec. East" is hereby recognized and approved.

(b) The correction of the error described above and in the Correction Affidavit is a non-material correction and does not change the total acreage of the Property within the District, the boundaries of the District, the levy of the Special Assessments on Assessed Property within the District, or the security for the PID Bonds.

(c) The City Council has received and accepts the Certificate of the Developer reaffirming and ratifying the Developer's consent to the creation of the District, the levy of the Special Assessments on the Assessed Property, the issuance of the PID Bonds, and the correction of the legal description in all affected District Documents.

SECTION 3. Correction of District Documents. The City Council hereby authorizes and directs the City Secretary to correct the District Documents by attaching a copy of the Correction Affidavit to each District Document containing a legal description of the Property and to file a copy of this Ordinance, including the Correction Affidavit and the Certificate of the Developer, with the City records pertaining to the District.

SECTION 4. District Documents Valid. The City hereby acknowledges and affirms the validity of each of the District Documents, including specifically the assignment of the rights and obligation under the Development Agreement pursuant to the Development Agreement Assignment.

SECTION 5. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

SECTION 7. Severability. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance or the

application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 8. Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

SECTION 9. Effective Date. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND ADOPTED, this August 9, 2016.

CITY OF CELINA, TEXAS

Sean Terry, Mayor

ATTEST:

Vicki Faulkner, City Secretary

(City Seal)

APPROVED AS TO FORM AND CONTENT:

City Attorney

Attachment: Ordinance Correcting Wells North Legal Description (1703 : Wells North PID Scrivener's Error Ordinance)

EXHIBIT A
RECORDED CORRECTION AFFIDAVIT

Attachment: Ordinance Correcting Wells North Legal Description (1703 : Wells North PID Scrivener's Error Ordinance)

CORRECTION INSTRUMENT AS TO A RECORDED ORIGINAL INSTRUMENT
[Non-material correction pursuant to §5.028, Texas Property Code, where the parties to the recorded original instrument have not signed the correction affidavit (instrument)]

Date: May 6, 2016

A large, stylized, outlined stamp of the word "COPY" with a small icon of a document with a checkmark to its left.

Affiant: Robert H. Roeder, Attorney

Description of Original Instrument: Special Warranty Deed with Vendor's Lien dated March 23, 2016 ("Special Warranty Deed"), executed by MKMdw, LLC, a Texas limited liability company, PONDFIELD, LLC, a Texas limited liability company, PRAIRIEGAL, LLC, a Texas limited liability company, SWellsM, LLC, a Texas limited liability company, MKMW, LLC, a Texas limited liability company, KAP TR, LLC, a Texas limited liability company, NWW, LLC, a Texas limited liability company, and MKJB, LLC, a Texas limited liability company collectively, ("Grantor") to CELINA DEVELOPMENT NORTH, LLC, a Texas limited liability company, Grantee, recorded on March 24, 2016, in Document Number 20160324000349770, of the Real Property Records of Collin County, Texas.

Affiant on oath swears that the following statements are true and within the personal knowledge of Affiant:

1. My name is Robert H. Roeder. I am over the age of eighteen (18) years and am otherwise competent to make this Correction Affidavit.

2. I have personal knowledge of the facts relevant to the correction of the above referenced Original Instrument as evidenced by the following facts:

I am the attorney for the Grantor referenced in the Special Warranty Deed.

3. I am making this Affidavit as a correction instrument pursuant to §5.028 of the Texas Property Code, with regard to the following clerical error in the Original Instrument:

A scrivener's error in the third paragraph of the legal description for Tract 2, after the commencing call, read as follows: "South 88 deg. 48 min. 06 sec. West".

4. The Original Instrument should correctly read as follows with respect to the clerical error described above, this being a non-material change to the Original Instrument:

The bearing should have been "South 88 deg. 48 min. 06 sec. East".

5. I have given notice of this correction of the Original Instrument by sending a copy of this Correction Affidavit by Certified Mail Return Receipt Requested to each party to the Original Instrument, in accordance with §5.028 (d) (2) of the Texas Property Code. The

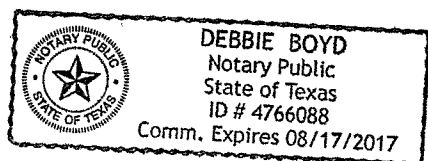
evidence of said notice is attached to this affidavit as required by §5.028 (d) (1) of the Texas Property Code.

AFFIANT:

Robert H. Roeder
ROBERT H. ROEDER

STATE OF TEXAS
COUNTY OF COLLIN

SWORN TO AND SUBSCRIBED before me on this 6 day of May, 2016, by ROBERT H. ROEDER, to certify which witness my hand and seal of office.



Debbie Boyd
NOTARY PUBLIC STATE OF TEXAS

Attachment: Ordinance Correcting Wells North Legal Description (1703 : Wells North PID Scrivener's Error Ordinance)

EXHIBIT "A"**TRACT 1**
233.738 ACRES

BEING a tract of land out of the Shelby Glass Survey, Abstract No. 346 and the J. Cahill Survey, Abstract No. 171, Collin County, Texas, and being part of a tract of land depicted in Special Warranty Deed to George White Family Limited Partnership, recorded in Clerk's File No. 2005-0005697, Official Public Records of Real Property of Collin County, Texas, said tract also being part of a tract of land described as "1st Tract" in deed to Mary G. White recorded in Volume 142, Page 343, Deed Records of Collin County, Texas, and being more fully described as follows:

COMMENCING at a 1/2" iron rod found in County Road No. 88 at the northeast corner of a called 35.814 acre tract of land described in Special Warranty Deed to CTMGT CR 2C FL-2, LLC, recorded in Instrument No. 20130829001223660, Official Public Records of Collin County, Texas;

THENCE along the east line of said 35.814 acre tract, South 00°33'04" East, a distance of 39.13 feet to a 5/8" iron rod with "KHA" cap found on the south right-of-way line of said County Road No. 88, for the northwest corner of a called 75.0000 acre tract of land described in Special Warranty Deed to Collin County Community College District, recorded in Instrument No. 20090818001039820, Official Public Records of Collin County, Texas;

THENCE departing said east line of called 35.814 acre tract, along the south right-of-way line of said County Road No. 88 and the north line of said 75.0000 acre tract, the following courses and distances:

North 89°38'04" East, a distance of 854.43 feet to a 5/8" iron rod with "KHA" cap found for corner at the beginning of a tangent curve to the right with a radius of 1,356.38 feet, a central angle of 39°54'51" and a chord bearing and distance of South 70°24'31" East, 925.91 feet;

In a southeasterly direction along said curve, an arc distance of 944.90 feet to a 5/8" iron rod with "KHA" cap found, at the beginning of a reverse curve to the left with a radius of 1396.84 feet, a central angle of 40°11'41" and a chord bearing and distance of South 70°32'56" East, 959.96 feet, for the northeast corner of said 75.0000 acre tract and the **POINT OF BEGINNING**;

THENCE continuing along the south right-of-way line of said County Road No. 88, the following courses and distances:

In a southeasterly direction along said curve, an arc distance of 979.93 feet to a 5/8" iron rod with "KHA" cap found at the end of said curve;

North 89°21'13" East, a distance of 22.58 feet (Deed 22.79') to a 5/8" iron rod with "KHA" cap found for corner in the west line of a called 115.503 acre tract of land described in Special Warranty Deed to Westgate 115 Investors, L.P., recorded in Instrument No. 20130621000869270, Official Public Records of Collin County, Texas; from which point a 1/2" iron rod with "Metroplex 1849" cap found for witness bears North 00°55'47" West, a distance of 6.25 feet;

THENCE along said west line of called 115.503 acre tract, South 00°55'47" East, at a distance of 1,949.66 feet, passing a 1/2" iron rod with "Metroplex 1849" cap found, continuing along the west line of said 115.503 acre tract, at a distance of 3612.06 feet, passing the northwest corner of a tract of land described in General Warranty Deed to William K. Wood and Kathy D. Wood, recorded in Instrument No. 20080310000279150, Official Public Records of Collin County, Texas, continuing along the west line of said Wood tract, at a distance of 4075.82 feet, passing a 1/2" iron rod found at the southwest corner of said Wood tract and the northwest corner of a tract of land described in General Warranty Deed to William K. Wood and Kathy D. Wood recorded in Instrument No. 20071029001470070, Official Public Records of Collin County, Texas, continuing with the west line of the second referenced Wood tract, in all a total distance of 4629.12 feet to a 5/8" iron rod with "KHA" cap found for corner in County Road No. 83;

THENCE departing said west line of the second reference Wood tract and along the north right-of-way line of County Road No. 83 and the north line of a called 76.69 acre tract of land described in Special Warranty Deed to Collin County Investments, Ltd., recorded in Volume 5419, Page 2461, Official Public Records of Collin County, Texas, South 89°30'11" West, a distance of 2678.92 feet (Deed calls 2663.76 feet) to a PK nail found for the southeast corner of The Carter Ranch Phase III, an addition to the City of Celina, Texas according to the plat recorded in Cabinet 2006, Page 460 of the Map Records of Collin County, Texas and in Instrument No. 20060714010003020, of the Official Public Records of Collin County, Texas;

THENCE North 00°33'04" West, at a distance of 58.02 feet, passing the southeast corner of Lot 1X, Block B, said The Carter Ranch Phase III, continuing along the east line of said Block B, at a distance of 1052.02 feet, passing a 5/8" iron rod with "Huitt Zollars" cap found at the northeast corner of Lot 26 of said Block B and the southeast corner of the east terminus of Andalusian Trail (a 50-foot wide right-of-way), continuing along the said east terminus of Andalusian Trail, at a distance of 1102.02 feet, passing a 5/8" iron rod with "Huitt Zollars" cap found at the northeast corner of the said east terminus of Andalusian Trail and the southeast corner of Lot 20, Block L, said The Carter Ranch Phase III, continuing along the east line of said Block L, at a distance of 1801.02 feet, passing the northeast corner of Lot 1X, of said Block L and the southeast corner of the east terminus of Carter Ranch Road (an 80-foot wide right-of-way), continuing along the said east terminus of Carter Ranch Boulevard, at a distance of 1881.02 feet, passing the northeast corner of said terminus of Carter Ranch Road and the southeast corner of Lot Z-1, Block Z, The Carter Ranch Phase IIA, an addition to the City of Celina, Texas according to the plat recorded in Cabinet 2007, Page 292, Map Records of Collin County, Texas and in Instrument No. 20070531010001890, Official Public Records of Collin County, Texas, continuing along the east line of said Block Z, in all a total distance of 3,149.24 feet to a 5/8" iron rod with "KHA" cap found for the southwest corner of aforesaid called 75.0000 acre tract;

THENCE, along the south line of said 75.0000 acre tract, North 89°26'56" East, a distance of 1,665.00 feet to a 5/8" iron rod with "KHA" cap found for the southeast corner of said 75.0000 acre tract;

THENCE, along the east line of said 75.0000 acre tract, the following courses and distances:

North 00°33'04" West, a distance of 242.54 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a tangent curve to the left having a central angle of 23°51'09", a radius of 1000.00 feet, a chord bearing and distance of North 12°28'39" West, 413.30 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 416.30 feet to a 5/8" iron rod with "KHA" cap found for corner;

North 24°24'13" West, a distance of 239.76 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a tangent curve to the right having a central angle of 63°57'08", a radius of 750.00 feet, a chord bearing and distance of North 7°34'21" East, 794.35 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 837.13 feet to a 5/8" iron rod with "KHA" cap found for corner;

North 39°32'55" East, a distance of 200.00 feet to the **POINT OF BEGINNING** and containing 233.738 acres or 10181614 square feet of land, more or less.

TRACT 2

10.3980 ACRES

BEING a tract of land out of the Shelby Glass Survey, Abstract No. 346, Collin County, Texas, and being part of a tract of land depicted in Special Warranty Deed to George White Family Limited Partnership, recorded in Clerk's File No. 2005-0005697, Official Public Records of Real Property of Collin County, Texas, said tract also being part of a tract of land described as "1st Tract" in deed to Mary G. White recorded in Volume 142, Page 343, Deed Records of Collin County, Texas, said tract also being all of the same resultant tract of land defined by the Right-of-Way Dedication to Collin County recorded in Instrument No. 20061122001662300, Official Public Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2" iron rod found in County Road No. 88 at the northeast corner of a called 35.814 acre tract of land described in Special Warranty Deed to CTMGT CR 2C FL-2, LLC, recorded in Instrument No. 20130829001223660, Official Public Records of Collin County, Texas;

THENCE along the east line of said 35.814 acre tract, South 00°33'04" East, a distance of 39.13 feet to a 5/8" iron rod with "KHA" cap found on the south right-of-way line of said County Road No. 88, for the northwest corner of a called 75.0000 acre tract of land described in Special

Warranty Deed to Collin County Community College District, recorded in Instrument No. 20090818001039820, Official Public Records of Collin County, Texas;

THENCE, along said south right-of-way line of County Road No. 88 and the north line of said 75.0000 acre tract, North 89°38'04" East, a distance of 854.43 feet to a 5/8" iron rod with "KHA" cap found for the point of beginning of a tangent curve to the right;

THENCE, departing said south right-of-way line of County Road No. 88 and said north line of called 75.0000 acre tract, South 88°48'06" East, a distance of 511.14 feet to a 5/8" iron rod with "KHA" cap set for corner on a north right-of-way line of said County Road No. 88 for the **POINT OF BEGINNING**;

THENCE along a south right-of-way line of said County Road No. 88, the following courses and distances:

North 00°50'34" West, a distance of 25.47 feet to a 5/8" iron rod with "KHA" cap found for corner;

North 89°09'26" East, a distance of 1,192.91 feet to a 5/8" iron rod with "KHA" cap found for corner at the northern most end of a right-of-way corner clip at the intersection of said south right-of-way line and the west right-of-way line of County Road No. 86 (a variable width right-of-way);

THENCE along said right-of-way corner clip, South 45°30'03" East, a distance of 70.29 feet to a 5/8" iron rod with "KHA" cap found for corner at the southernmost end of said corner clip;

THENCE along the said west right-of-way line of County Road No. 86, South 00°09'32" East, a distance of 533.28 feet to a 5/8" iron rod with "KHA" cap found for corner at the intersection of said west right-of-way line of County Road No. 86 and the north right-of-way line of aforesaid County Road No. 88; said point also being at the beginning of a non-tangent curve to the right having a radius of 1316.84 feet, a central angle of 39°15'29", a chord bearing and distance of North 70°04'50" West, 884.73 feet;

THENCE along the said north right-of-way line of County Road No. 88, the following courses and distances:

In a northwesterly direction, along said curve, an arc distance 902.28 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a reverse curve to the left with a radius of 1436.38 feet, a central angle of 19°04'36", and a chord bearing and distance of North 59°59'23" West, 476.04 feet;

In a northwesterly direction, along said curve, an arc distance of 478.24 feet to the **POINT OF BEGINNING** and containing 10.3980 acres or 452,936 square feet of land, more or less.

Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
06/09/2016 10:41:11 AM
\$50.00 SCAPELA
20160609000720900



A handwritten signature in cursive script, reading "Stacey Kemp", is written over a horizontal line.

EXHIBIT B
CERTIFICATE OF THE DEVLEOPER

Attachment: Ordinance Correcting Wells North Legal Description (1703 : Wells North PID Scrivener's Error Ordinance)

CERTIFICATE OF DEVELOPER

The undersigned officer of Celina Development North, LLC, a Texas limited liability company (the "*Developer*"), being duly authorized to execute this certificate on behalf of the Developer, does hereby certify on behalf of the Developer, with respect to the "City of Celina, Texas, Special Assessment Revenue Bonds, Series 2016 (Wells North Public Improvement District Neighborhood Improvement Area #1 Project) (the "*Neighborhood Improvement Area #1 Bonds*") and the "City of Celina, Texas, Special Assessment Revenue Bonds, Series 2016 (Wells North Public Improvement District Major Improvement Area Project) (the "*Major Improvement Area Bonds*", and together with the Neighborhood Improvement Area #1 Bonds referred to collectively herein as the "*PID Bonds*") and the creation of the Wells North Public Improvement District (the "*District*") by the City of Celina, Texas (the "*City*"), as follows:

1. Capitalized terms not otherwise defined shall have the meaning given to them in the Wells North Public Improvement District Service and Assessment Plan approved by the City on March 29, 2016 (the "*Service and Assessment Plan*").

2. The Developer owns 100% of the Assessed Property within the District and hereby reaffirms and ratifies its consent to and the approval of:

- a. the correction of the legal description of the Property as described in the Correction Affidavit (the "*Correction Affidavit*") dated May 6, 2016 and recorded in the real property records of Collin County, Texas, on June 9, 2016 at Instrument #20160609000720900 correcting a non-material scrivener's error as follows:
 - i. the clerical error in the Original Instrument (as defined in the Correction Affidavit) with respect to a scrivener's error in the third paragraph of the legal description for Tract 2, after the commencing call, which reads: "South 88 deg. 48 min. 06 sec. West" should correctly read: "South 88 deg. 48 min. 06 sec. East";
- b. the creation and boundaries of the District as created on February 9, 2016 and with the corrected legal description of the Property as described above;
- c. the levy of the Special Assessments on each Assessed Parcel of the Assessed Property as shown on the Assessment Rolls in the Service and Assessment Plan; and
- d. the issuance and sale of the PID Bonds by the City.

3. The authorized individual whose signature appears on the signature page of this Certificate, is currently authorized to execute documents on behalf of the Developer, and the signature of such person appearing on the signature page of this Certificate below is a true and correct specimen of his or her genuine signature.

4. The Developer reaffirms each of the representations and warranties relating to or made by the Developer contained in the documents relating to the District and the PID Bonds to which the Developer is a party and in certificates or other instruments delivered pursuant thereto or in connection therewith.

IN WITNESS WHEREOF, the undersigned has delivered this certificate this

June 29, 2016.

CELINA DEVELOPMENT NORTH, LLC,
a Texas limited liability company,

By: [Signature]

Name: Fred J. Balda

Title: Executive Vice President

STATE OF TEXAS

§
§
§

COUNTY OF DALLAS

The foregoing instrument was acknowledged before me by Fred J. Balda, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed, in the capacity stated and as the act and deed of the above-referenced entities as an authorized signatory of said entities.

Given under my hand and seal of office on this June 29, 2016.



[Signature]
Notary Public, State of Texas

(NOTARY SEAL/STAMP)

Attachment: Ordinance Correcting Wells North Legal Description (1703 : Wells North PID Scrivener's Error Ordinance)

August 2, 2016

Vicki Faulkner
City Secretary
City of Celina
142 North Ohio
Celina, TX 75009

Corey Admire
9406 Biscayne Blvd.
Dallas, TX 75218
214.328.1100
corey.admire@svlandlaw.com

Re: Executed Certificate of Developer for Wells North Ordinance Correcting Legal Description

Dear Ms. Faulkner,

Enclosed please find two (2) originally executed copies of the Certificate of Developer to be attached as Exhibit B to the Ordinance correcting the legal description for Well North that is to be considered on August 9, 2016.

Please scan me a copy of the fully-executed Ordinance when it is available.

Sincerely,



Corey Admire

cc: Brooks Wilson (via e-mail)
Julie Fort (via email)

Attachment: Wells North - Certificate of Developer Exhibit (1703 : Wells North PID Scrivener's Error Ordinance)



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Brooks Wilson, Senior Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: Wellspring Estates Phase 1 Construction Plat

Action Requested:

Consider and act upon a construction plat for Wellspring Estates Phase 1, approximately 43.710 acres situated in the Coleman Watson Survey, Abstract No. 945, containing 129 residential lots and four (4) common area lots, and generally located north of FM 1461 (Frontier Parkway) and west of FM 2478 (Custer Road). (Wellspring Estates Phase 1 construction plat) (Liebman)

Background Information:

Staff has reviewed the proposed construction plat for Wellspring Estates Phase 1, and has deemed it acceptable. The applicant must provide street landscaping plans and hardscaping plans.

Board Review/Citizen Input:

At the meeting on July 19, 2016, the Planning and Zoning Commission voted unanimously to recommend approval of the construction plat, subject to the staff comments being addressed prior to being considered before the City Council

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Supporting Document:

Plat Exhibit

Staff Recommendation:

Staff recommends approval of the plat subject to any outstanding Engineering comments and approval of the landscape and hardscape plans prior to the applicant scheduling the pre-construction meeting.

LEGAL DESCRIPTION

WHEREAS, SUNSHINE DEVELOPMENT GROUP, LTD., is the owner of a tract of land situated in the Coleman Watson Survey, Abstract No. 945, Collin County, Texas and being part of a 112.274 acre tract, as described in Document No. 20150731000953760, in the Deed Records of Collin County, Texas, being more particularly described as follows:

BEGINNING, at a 1/2" inch iron rod found at the southeast corner of said 112.274 acre tract, being in the north line of F.M. 1461 (Variable R.O.W.);

THENCE, North 89°20'52" West, along the north line of said F.M. 1461 and the south line of said 112.274 acre tract, for a distance of 1836.76 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.", at the southwest corner of said 112.274 acre tract;

THENCE, North 02°54'32" East, departing the north line of said F.M. 1461 and along the west line of said 112.274 acre tract, for a distance of 136.88 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.",

THENCE, North 32°24'58" West, continuing along said west line, for a distance of 288.40 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.",

THENCE, North 18°12'48" West, continuing along said west line, for a distance of 32.45 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.",

THENCE, North 51°37'58" East, departing said west line, for a distance of 328.44 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.",

THENCE, North 86°35'14" East, for a distance of 107.70 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.",

THENCE, South 03°24'46" East, for a distance of 87.81 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.",

THENCE, South 32°55'20" East, for a distance of 131.83 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.",

THENCE, South 71°18'25" East, for a distance of 111.78 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.",

THENCE, North 89°13'52" East, for a distance of 118.64 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.",

THENCE, North 00°49'37" West, for a distance of 229.86 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.",

THENCE, North 14°17'49" East, for a distance of 234.90 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.",

THENCE, North 24°34'08" East, for a distance of 110.29 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.", on a non-tangent curve to the left, having a radius of 850.00 feet, a central angle of 04°37'08", and a tangent of 34.28 feet;

THENCE, along said curve to the left for an arc distance of 68.52 feet (Chord Bearing South 61°26'10" East - 68.50 feet), to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.",

THENCE, North 26°15'16" East, for a distance of 50.00 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.", on a non-tangent curve to the left, having a radius of 800.00 feet, a central angle of 02°43'29", and a tangent of 19.03 feet;

THENCE, along said curve to the left for an arc distance of 38.04 feet (Chord Bearing South 65°06'29" East - 38.04 feet), to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.",

THENCE, North 23°31'47" East, for a distance of 130.00 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.",

THENCE, South 66°58'53" East, for a distance of 11.95 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.", at the point of curvature of a curve to the left, having a radius of 670.00 feet, a central angle of 21°51'19", and a tangent of 129.36 feet;

THENCE, along said curve to the left for an arc distance of 255.57 feet (Chord Bearing South 78°25'13" East - 254.02 feet), to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.", at the point of tangency;

THENCE, South 89°20'52" East, for a distance of 711.22 feet, to a 1/2" inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.", in the east line of said 112.274 acre tract;

THENCE, South 01°40'24" West, along said east line, for a distance of 1285.30 feet, to the POINT OF BEGINNING and containing 43.710 acres of land.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS that I, WARREN L. CORWIN, do hereby certify that I prepared this Plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision regulations of the City of Frisco, Texas.

WARREN L. CORWIN
R.P.L.S. No. 4621

THE STATE OF TEXAS §
COUNTY OF COLLIN §

Before me, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared WARREN L. CORWIN, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office, this _____ day of _____, 2015.

NOTARY PUBLIC, STATE OF TEXAS

Approved for preparation of final plat following construction of all public improvements (or appropriate surties thereof) necessary for the subdivision shown on this plat.

RECOMMENDED BY: Planning and Zoning Commission
City of Celina, Texas

Signature of Chairperson

Date of Recommendation

APPROVED BY: City Council
City of Celina, Texas

Signature of Mayor

Date of Approval

ATTEST:

City Secretary

Date

CURVE TABLE

CURVE NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD	BEARING
1.	29°34'54"	225.00'	116.17'	59.41'	114.88'	N15°30'17"E
2.	14°07'42"	225.00'	55.48'	27.88'	55.34'	N23°13'52"E
3.	14°29'37"	225.00'	56.92'	28.61'	56.76'	N09°55'13"E
4.	21°38'14"	250.00'	94.41'	47.77'	93.85'	N78°31'45"W
5.	28°30'29"	100.00'	49.76'	25.40'	49.24'	N13°36'07"W
6.	22°26'05"	100.00'	39.16'	19.83'	38.91'	N16°38'18"W
7.	33°50'22"	250.00'	147.65'	76.05'	145.52'	N17°34'19"E
8.	22°06'58"	275.00'	106.15'	53.74'	105.49'	N23°26'01"E
9.	11°43'24"	275.00'	56.27'	28.23'	56.17'	N06°30'50"E
10.	11°43'24"	250.00'	51.15'	25.67'	51.06'	N08°29'10"W
11.	23°55'00"	500.00'	208.71'	105.90'	207.20'	N12°36'38"E
12.	23°55'00"	345.00'	144.01'	73.07'	142.97'	N12°36'38"E
13.	01°41'00"	825.00'	24.27'	12.14'	24.27'	N64°35'18"W
14.	23°55'00"	825.00'	344.38'	174.73'	341.88'	N77°23'22"W
15.	16°45'40"	60.00'	143.78'	99.12'	99.12'	S43°50'14"E
16.	28°30'29"	100.00'	49.76'	25.40'	49.24'	N14°54'23"E

* Indicates open space

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That SUNSHINE DEVELOPMENT GROUP, LTD., acting herein by and through his/her (its) duly authorized officer(s), does hereby adopt this plat designating the herein above described property as WELLSPRINGS ESTATES PHASE I (addition on addition to the City of Celina, Texas, and does hereby dedicate, in fee simple to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed on landscape easements, if approved by the City Council of the City of Celina. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Celina's use thereof. The City of Celina and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Celina and public utility entities shall at all times have the full right ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone. The undersigned does hereby covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to public vehicular and pedestrian use and access, and for Fire Department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Celina, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises. The area or areas shown on the plat as 752VAM752 (Visibility, Access and Maintenance) Easement(s) are hereby given and granted to the city, its successors and assigns, as an easement to provide visibility, right of access for maintenance upon and across said VAM Easement. The city shall have the right but not the obligation to maintain any and all landscaping within the VAM Easement. Should the city exercise this maintenance right, then it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover and fixtures. The city may withdraw maintenance of the VAM Easement at any time. The ultimate maintenance responsibility for the VAM Easement shall rest with the owners. No building, fence, shrub, tree or other improvements or growths, which in any way may endanger or interfere with the visibility, shall be constructed in, on, over, or across the VAM Easement. The city shall also have the right but not the obligation to add any landscape improvements to the VAM Easement, to erect any traffic control devices or signs on the VAM Easement and to remove any obstruction thereon. The city, its successors, assigns, or agents shall have the right and privilege at all times to enter upon the VAM Easement or any part thereof for the purposes and with all rights and privileges set forth herein.

This plat approved subject to all plotting ordinances, rules, regulations and resolutions of the City of Celina, Texas

WITNESS, my hand this _____ day of _____, 2016.

SUNSHINE DEVELOPMENT GROUP, LTD.

By:

Authorized Signature of Owner

STATE OF TEXAS
COUNTY OF

Before me, the undersigned authority, a Notary public in and for the State of Texas, on this day personally appeared _____ Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed. Given under my seal and office, this _____ day of _____, 2016.

Notary Public in and for the State of Texas My Commission Expires On _____

This property is located in the corporate limits [or the extraterritorial jurisdiction] of the City of Celina, Collin County, Texas

Signature of Mayor

Date of Approval

ATTEST:

City Secretary

Date

WELLSPRINGS ESTATES

Block A	Block B	Block D	Block E	Block F
Lot 1 9334	Lot 1 10739	Lot 1 9192	Lot 1 9192	Lot 1 9100
2 9360	2 9100	2 7800	2 7800	2 7800
3 9360	3 9100	3 7800	3 7800	3 7800
4 9360	4 9100	4 7800	4 7800	4 7800
5 9360	5 9100	5 7800	5 7800	5 7800
6 9360	6 9100	6 7800	6 7800	6 7800
7 9360	7 9100	7 7800	7 7800	7 8859
8 9360	8 9100	8 7800	8 7800	8 16292
9 9360	9 9100	9 7800	9 7800	9 9792
10 9360	10 9100	10 7800	10 7800	10 7786
11 9360	11 9100	11 7800	11 7800	11 7800
12 9360	12 9100	12 7800	12 7800	12 7800
13 9360	13 9100	13 7800	13 7800	13 9100
14 9360	14 9100	14 7800	14 7800	14 11148
15 9360	15 9100	15 7800	15 7800	15 9100
16 9360	16 9100	16 7800	16 7800	16 7800
17 9360	17 9100	17 7800	17 7800	17 11082
18 9360	18 9100	18 7800	18 7800	18 11097
19 9360	19 9100	19 7800	19 7800	19 8815
20 9360	20 9100	20 7800	20 7800	20 8355
21 9360	21 9100	21 7800	21 7800	21 7981
22 9360	22 9100	22 7800	22 7800	22 7800
23 9360	23 9100	23 7800	23 7800	23 7800
24 9360	24 9100	24 7800	24 7800	24 7800
25 9360	25 9100	25 7800	25 7800	25 7800
26 9360	26 9100	26 7800	26 7800	26 7800
27 9360	27 9100	27 7800	27 7800	27 7800
28 9360	28 9100	28 7800	28 7800	28 7800
29 9360	29 9100	29 7800	29 7800	29 9493
30 9360	30 9100	30 7800	30 7800	30 9493

LINE TABLE

LINE NO.	BEARING	DISTANCE
1.	N 84°21'00" W	109.99'
2.	N 89°17'10" W	75.27'
3.	N 00°42'50" E	20.06'
4.	S 46°09'46" W	21.40'
5.	N 77°37'28" E	33.75'

NOTES

1. Bearing are referenced to a 112.274 acre tract, as recorded in Doc. No. 20150731000953760, in the Deed Records of Collin County, Texas.

2. All lot lines are radial or perpendicular to the street unless otherwise noted by bearing.

3. 1/2" iron rods with "CORWIN ENGR. INC." caps set at all boundary corners, block corners, points of curvature, points of tangency, and angle points in public right-of-way unless otherwise noted.

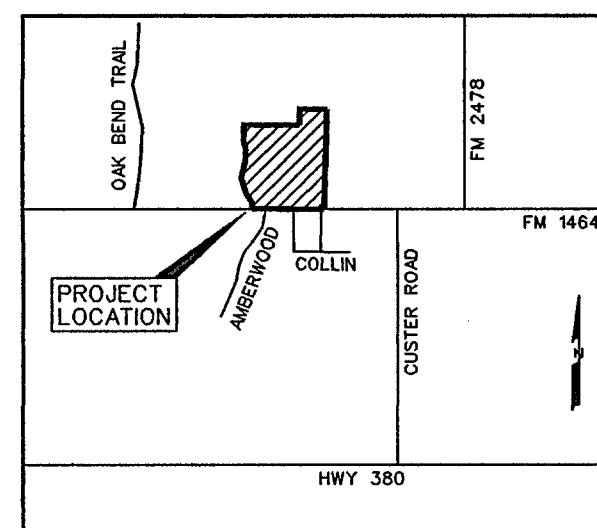
4. IRF - Iron Rod Found
C.M. - Controlling Monument
S.S.E. - Sanitary Sewer Easement

Δ - Street Name Change

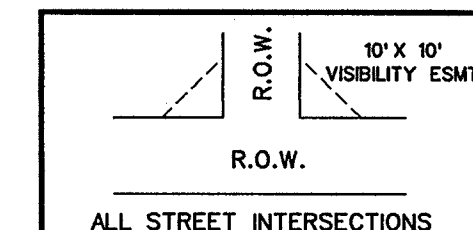
Δ - Indicates front yard

5. All common areas to be owned and maintained by the HOA.

6. Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law, and is subject to fines and withholding of utilities and building permits.



LOCATION MAP



ALL STREET INTERSECTIONS

VISIBILITY & SIDEWALK EASEMENT DETAIL N.T.S.

0 50 100 200
SCALE: 1" = 100'

WILLIAM KLEBER
VOL. 3358 PG. 1583

TOTAL LOTS 129
TOTAL ACRES 43.710

POINT OF BEGINNING

N88°48'21"W 29.56'

OPEN SPACE 0.116 AC.

STATE PLANE COORDINATES
NORTH CENTRAL TEXAS
ZONE 5351, DATUM NAD83
Y X
7146738.56 2507470.08

CONSTRUCTION PLAT OF GWELLSPRINGS ESTATES PHASE I OUT OF THE

COLEMAN WATSON SURVEY, ABSTRACT NO. 945

IN THE

COLLIN COUNTY, TEXAS

OWNER/APPLICANT

SUNSHINE DEVELOPMENT GROUP, LTD.

3811 TURTLE CREEK BLVD., SUITE 850

DALLAS, TEXAS 75219

PREPARED BY

CORWIN ENGINEERING, INC.

TBPE FIRM #5951

200 W. BELMONT, SUITE E

ALLEN, TEXAS 75013

972-396-1200

JUNE 2016

SCALE: 1"=100'

Attachment: Wellspring Phase I Construction Plat (1699) - Wellspring Estates Phase I Construction Plat

Packet Pg. 70



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Brooks Wilson, Senior Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: City Land Annexation Ordinance

Action Requested:

Consider and act upon an ordinance of the City Council of the City of Celina, Texas, annexing certain territories contiguous to and adjoining the City of Celina, Texas, to wit: being a 4.006 acre tract of land situated in the Henry Bentley Survey, Abstract No. 124 and more particularly described by metes and bounds in Exhibit "A," and graphically depicted in Exhibit "B," attached hereto and incorporated herein; and being a 14.974 acre tract of land situated in the Henry Bentley Survey, Abstract No. 124 and more particularly described by metes and bounds in Exhibit "C," and graphically depicted in Exhibit "D," attached hereto and incorporated herein, and such tracts are generally located south of FM 455 and west of FM 428, and the rights-of-way adjacent to these properties. (City Land Annexations) (Liebman)

Background Information:

The City of Celina has purchased property for parkland and wishes to annex these properties into the city limits. The properties are contiguous to current city limits.

~~June 14, 2016~~ — ~~Council option to accept voluntary petition to annex~~
~~June 24, 2016~~ — ~~Notice of public hearing published in *The Celina Record*~~
~~June 24, 2016~~ — ~~Notice of public hearing published on City website~~
~~July 12, 2016~~ — ~~Council held public hearings (2)~~
 August 9, 2016 Council to consider annexation ordinance

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Legal Review:

The City Attorney has reviewed the ordinance and deemed it acceptable.

Supporting Document:

Ordinance

Staff Recommendation:

Staff recommends approval.



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Brooks Wilson, Senior Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: O'Donnell Annexation Ordinance

Action Requested:

Consider and act upon an ordinance of the City Council of the City of Celina, Texas, annexing certain territory contiguous to and adjoining the City of Celina, Texas, to wit: being a ±69.34 acre tract of land situated in the B.B.B. & C.R.R. Survey, Abstract No. 130, Tract 14 and generally located north of CR 130, and east of CR 132, and the proposed annexation of portions of right-of-way adjacent to the O'Donnell Equestrian Tract: being a 1.31 acre strip of land in the William Stapp Survey, Abstract No. 834 (CR 128) and being a 1.14 acre strip of land in the Benjamin Haile Survey, Abstract No. 397 (CR 130), within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas. (O'Donnell Equestrian Tract Annexation) (Liebman)

Background Information:

A petition for annexation was received from Kimley Horn, representing the owners, on May 24, 2016. The property is contiguous to current city limits.

June 14, 2016	Council option to accept voluntary petition to annex
June 24, 2016	Notice of public hearings to be published in The Celina Record
June 24, 2016	Notice of public hearing to be published on City website
July 12, 2016	Council to hold 1st of two public hearings
July 19, 2016	Council to hold 2nd of two public hearings
August 9, 2016	Council to consider annexation ordinance

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Legal Review:

The City Attorney has reviewed the ordinance and deemed it acceptable.

Supporting Document:

Ordinance

Staff Recommendation:

Staff recommends approval.

CITY OF CELINA, TEXAS

ORDINANCE NO. 2016-
LEGACY EQUESTRIAN ANNEXATION

AN ORDINANCE OF THE CITY OF CELINA, TEXAS, ADOPTING THE ANNEXATION OF CERTAIN TERRITORY CONTIGUOUS TO AND ADJOINING THE CITY OF CELINA, TEXAS, TO WIT: BEING AN APPROXIMATELY BEING AN APPROXIMATELY 69.34 ACRE TRACT OF LAND SITUATED IN THE B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 130, TRACT 14 AND THE HEZEKIAH, CULWELL SURVEY, ABSTRACT NO. 186, AND GENERALLY LOCATED NORTH OF CR 130 AND WEST OF CR 128, AND THE PROPOSED ANNEXATION OF PORTIONS OF RIGHT-OF-WAY ADJACENT TO THE O'DONNELL EQUESTRIAN TRACT: BEING A 1.31 ACRE STRIP OF LAND IN THE WILLIAM STAPP SURVEY, ABSTRACT NO. 834 (CR 128) AND BEING A 1.14 ACRE STRIP OF LAND IN THE BENJAMIN HAILE SURVEY, ABSTRACT NO. 397 (CR 130), WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF CELINA, COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" AND GRAPHICALLY DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR AMENDING OF THE OFFICIAL CITY MAP; PROVIDING FOR A SERVICE PLAN; REQUIRING THE FILING OF THIS ORDINANCE WITH THE COUNTY CLERK; PRESCRIBING FOR EFFECT ON TERRITORY, GRANTING AS APPROPRIATE TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY OF CELINA, TEXAS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a Home Rule Municipality located in Collin and Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas and the Celina City Charter; and

WHEREAS, two separate public hearings were conducted in accordance with Section 43.052 of the Texas Local Government Code, the first hearing being held on the 12th day of July, 2016 at 6:00 p.m. and the second hearing being held on the 19th day of July, 2016 at 5:30 p.m. in the Council Chambers located in the City Hall Annex, 112 N. Colorado in the City of Celina to consider the annexation of the property being more particularly described in Exhibits "A" and "B," attached hereto and incorporated herein; and

WHEREAS, any and all required written notices and offers were timely sent to all property owners and others entitled to same; and

WHEREAS, the public hearings were conducted and held no more than forty (40) days nor less than twenty (20) days prior to the institution of annexation proceedings; and

WHEREAS, the notice of the public hearings were published in *The Celina Record*, a newspaper of general circulation within the City of Celina, Texas, on the 24th day of June, 2016, such date being not more than twenty (20) days nor less than ten (10) days prior to each public hearing; and

WHEREAS, all required statutory notices pursuant to Chapter 43 of the Texas Local Government Code have been accomplished; and

WHEREAS, the City Council of the City of Celina, Texas has determined that such territory is

contiguous to and adjoins the City of Celina, Texas; and

WHEREAS, the City Council of the City of Celina, Texas has investigated into, has determined and officially finds that no part of such territory is within the extraterritorial jurisdiction of any other incorporated city or town; and

WHEREAS, to the extent that this Ordinance would cause an unincorporated area to be entirely surrounded by the City of Celina's limits, the City Council has found - and incorporates herein its finding - that surrounding the area is in the public interest; and

WHEREAS, metes and bounds descriptions of the property to be annexed is attached hereto as Exhibit "A" and incorporated herein for all purposes; and

WHEREAS, the service plan for such territory is attached hereto as Exhibit "D" and incorporated herein for all purposes.

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

SECTION 1 **INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2 **OFFICIAL CITY MAP AMENDED**

1. The official map and boundaries of the City are hereby amended so as to include the property being more particularly described in Exhibits "A" and "B," which is incorporated herein as if written word for word, and that such territory shall be and is hereby annexed into the corporate limits of the City.
2. The Mayor is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add the territory hereby annexed as required by law.

SECTION 3 **SERVICE PLAN**

The municipal service plan for the herein annexed territory, attached hereto as Exhibit "D", was submitted in accordance with Chapter 43 of the Texas Local Government Code and is hereby approved as part of this ordinance, and is made a part hereof.

SECTION 4 **FILING OF ORDINANCE REQUIRED**

The Mayor shall file or cause to be filed a certified copy of this Ordinance in the office of the County Clerk of Collin County, Texas, and any other necessary agencies.

SECTION 5 **EFFECT ON TERRITORY**

From and after the passage of this Ordinance, the territory referenced in Exhibits "A" and "B," attached hereto and incorporated herein for all purposes, shall be a part of the City of Celina, Texas, and subject to the municipal service plan referenced in Section 3 of this Ordinance. The inhabitants thereof shall be entitled to all of the rights, privileges and immunities as all other citizens of the City of Celina, Texas, and shall be bound by all of the Ordinances and regulations enacted pursuant to and in conformity with the general laws of the State of Texas.

SECTION 6 **CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 7 **SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 8 **ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Celina is hereby directed to engross and enroll this Ordinance by copying the Caption in the minutes of the City Council of the City of Celina and by filing this Ordinance in the Ordinance records of the City.

SECTION 9 **EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its date of passage.

AND IT IS SO ORDAINED .

PASSED AND APPROVED by the City Council of the City of Celina, Texas, on this 9th day of August, 2016.

Sean Terry, Mayor
City of Celina, Texas

ATTEST:

APPROVED AS TO FORM:

Vicki Faulkner, City Secretary
City of Celina, Texas

City Attorney
City of Celina, Texas

Exhibit "A"
Legal Description

BEING a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130 and the Hezekiah, Culwell Survey, Abstract No. 186, Collin County, Texas, and being a portion of a called 76.551 acre tract of land, conveyed to Legacy Stables LLC, as evidenced in a Deed, recorded in Volume 5045, Page 190, Land Records of Collin County, Texas, a portion of a called 93.492 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4801, Page 1372, Land Records of Collin County, Texas and a portion of a called 0.432 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4817, Page 2629, Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of said 76.551 acre tract, same being in the approximate centerline of a gravel road, known as County Road 130;

THENCE South 89°10'46" West, along the southerly line of said 76.551 acre tract and generally along the centerline of said County Road 130, a distance of 1,650.07 feet to the southwest corner of said 76.551 acre tract;

THENCE in a northerly direction, departing said County Road 130 and along the westerly line of said 76.551 acre tract, the following:

North 08°03'48" East, a distance of 123.07 feet to a corner;

North 38°59'36" East, a distance of 364.43 feet to a corner;

North 04°52'07" West, a distance of 282.14 feet to a corner;

North 12°40'03" East, a distance of 87.53 feet to a corner;

South 57°12'42" East, a distance of 80.32 feet to a corner;

North 11°22'42" West, a distance of 293.00 feet to a corner;

North 42°52'42" West, a distance of 948.00 feet to a corner;

North 04°51'06" West, a distance of 166.08 feet to the northwest corner of said 76.551 acre tract, same being the southwest corner of aforesaid 93.492 acre Celina Partners, Ltd., tract and the southeast corner of aforesaid 0.432 acre Celina Partners, Ltd., tract;

THENCE North 06°53'04" West, departing the southeast corner of aforesaid 0.432 acre tract, the southwest corner of aforesaid 93.492 acre tract and crossing said 0.432 acre tract, a distance of 34.75 feet to a point for corner;

THENCE North 89°46'39" East, continuing across said 0.432 acre tract, crossing aforesaid 93.492 acre tract and crossing aforesaid 76.551 acre tract, a distance of 1,117.45 feet to a point for corner;

THENCE South 00°13'21" East, continuing across said 76.551 acre tract, a distance of 85.00 feet to a point for corner;

THENCE South 12°26'57" West, continuing across said 76.551 acre tract, a distance of 59.01 feet to a point for corner;

THENCE South 32°01'33" West, continuing across said 76.551 acre tract, a distance of 63.55 feet to a point for corner;

THENCE South 50°04'35" West, continuing across said 76.551 acre tract, a distance of 140.62 feet to a point for corner;

THENCE South 82°24'41" West, continuing across said 76.551 acre tract, a distance of 40.80 feet to a point for corner;

THENCE South 89°03'42" West, continuing across said 76.551 acre tract, a distance of 82.24 feet to a point for corner;

THENCE South 62°56'47" West, continuing across said 76.551 acre tract, a distance of 68.11 feet to a point for corner;

THENCE South 35°00'49" West, continuing across said 76.551 acre tract, a distance of 32.89 feet to a point for corner;

THENCE South 03°58'04" East, continuing across said 76.551 acre tract, a distance of 136.36 feet to a point for corner;

THENCE South 03°28'16" West, continuing across said 76.551 acre tract, a distance of 178.12 feet to a point for corner;

THENCE South 24°38'27" East, continuing across said 76.551 acre tract, a distance of 35.56 feet to a point for corner;

THENCE South 79°11'07" East, continuing across said 76.551 acre tract, a distance of 93.32 feet to a point for corner;

THENCE South 54°48'14" East, continuing across said 76.551 acre tract, a distance of 56.08 feet to a point for corner;

THENCE South 84°34'26" East, continuing across said 76.551 acre tract, a distance of 61.03 feet to a point for corner;

THENCE North 72°29'15" East, continuing across said 76.551 acre tract, a distance of 80.57 feet to a point for corner;

THENCE North 88°07'25" East, continuing across said 76.551 acre tract, a distance of 82.27 feet to a point for corner;

THENCE North 00°18'22" West, continuing across said 76.551 acre tract, a distance of 118.41 feet to a point for corner;

THENCE North 89°41'38" East, continuing across said 76.551 acre tract, a distance of 889.52 feet to a point for corner on the easterly line of said 76.551 acre tract

THENCE South 01°48'30" East, along the easterly line of said 76.551 acre tract, a distance of 1,288.32 feet to the **POINT OF BEGINNING** and containing 53.08 acres of land, more or less.

Exhibit "B" **Legal Description**

BEING a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130 and the Hezekiah, Culwell Survey, Abstract No. 186, Collin County, Texas, and being a portion of a called 76.551 acre tract of land, conveyed to Legacy Stables LLC, as evidenced in a Deed, recorded in Volume 5045, Page 190, Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the southeast corner of said 76.551 acre tract, same being in the approximate centerline of a gravel road, known as County Road 130;

THENCE North 01°48'30" West, along the easterly line of said 76.551 acre tract, a distance of 1,288.32 feet to the **POINT OF BEGINNING** of the herein described tract;

THENCE South 89°41'38" West, departing the easterly line of said 76.551 acre tract and crossing said 76.551 acre tract, a distance of 889.52 feet to a point for corner;

THENCE South 00°18'22" East, continuing across said 76.551 acre tract, a distance of 118.41 feet to a point for corner;

THENCE South 88°07'25" West, continuing across said 76.551 acre tract, a distance of 82.27 feet to a point for corner;

THENCE South 72°29'15" West, continuing across said 76.551 acre tract, a distance of 80.57 feet to a point for corner;

THENCE North 84°34'26" West, continuing across said 76.551 acre tract, a distance of 61.03 feet to a point for corner;

THENCE North 54°48'14" West, continuing across said 76.551 acre tract, a distance of 56.08 feet to a point for corner;

THENCE North 79°11'07" West, continuing across said 76.551 acre tract, a distance of 93.32 feet to a point for corner;

THENCE North 24°38'27" West, continuing across said 76.551 acre tract, a distance of 35.56 feet to a point for corner;

THENCE North 03°28'16" East, continuing across said 76.551 acre tract, a distance of 178.12 feet to a point for corner;

THENCE North 03°58'04" West, continuing across said 76.551 acre tract, a distance of 136.36 feet to a point for corner;

THENCE North 35°00'49" East, continuing across said 76.551 acre tract, a distance of 32.89 feet to a point for corner;

THENCE North 62°56'47" East, continuing across said 76.551 acre tract, a distance of 68.11 feet to a point for corner;

THENCE North 89°03'42" East, continuing across said 76.551 acre tract, a distance of 82.24 feet to a point for corner;

THENCE North 82°24'41" East, continuing across said 76.551 acre tract, a distance of 40.80 feet to a point for corner;

THENCE North 50°04'35" East, continuing across said 76.551 acre tract, a distance of 140.62 feet to a point for corner;

THENCE North 32°01'33" East, continuing across said 76.551 acre tract, a distance of 63.55 feet to a point for corner;

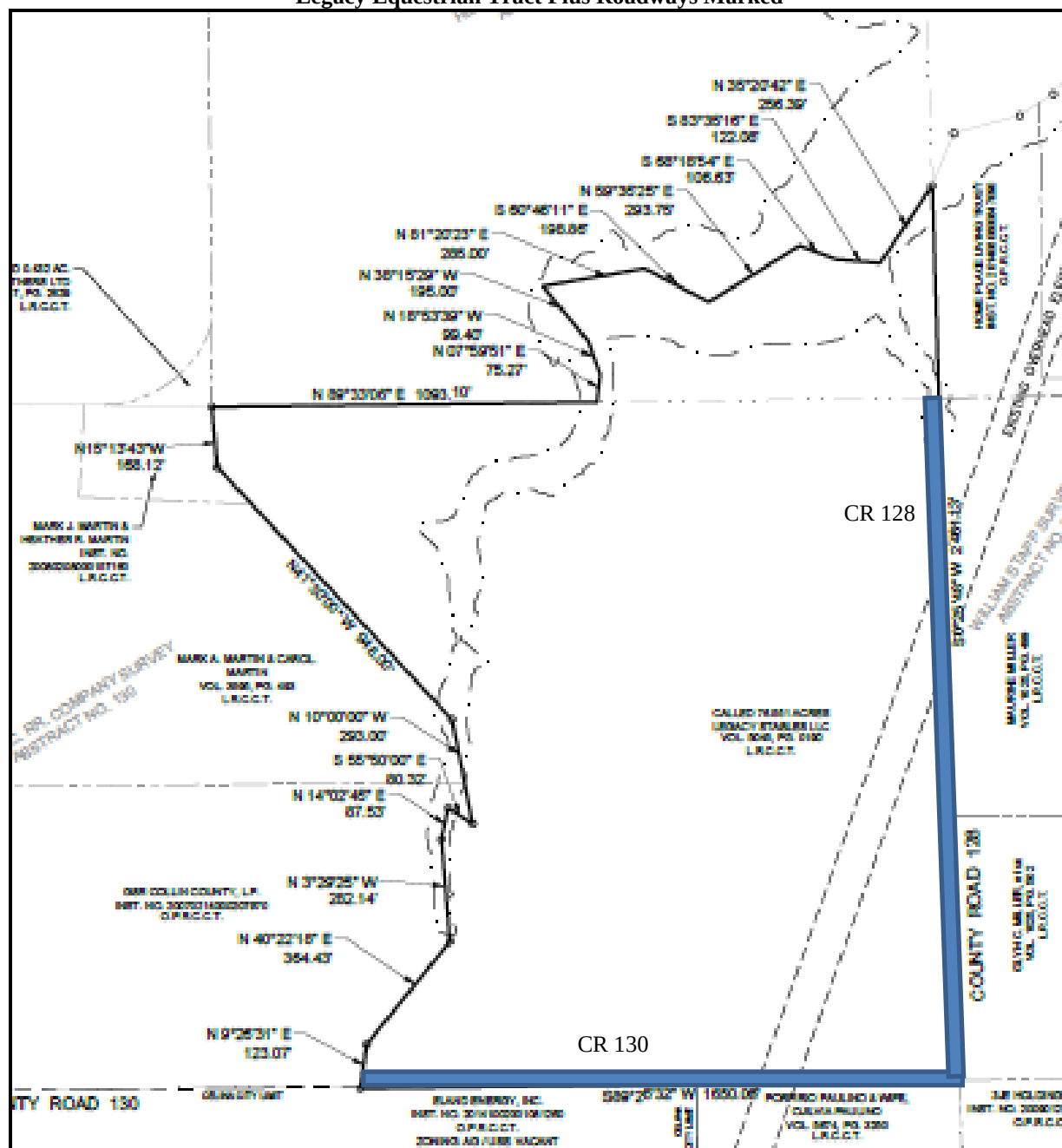
THENCE North 12°26'57" East, continuing across said 76.551 acre tract, a distance of 59.01 feet to a point for corner;

THENCE North 00°13'21" West, continuing across said 76.551 acre tract, a distance of 85.00 feet to a point for corner;

THENCE North 89°46'39" East, continuing across said 76.551 acre tract, a distance of 884.39 feet to a point for corner on the easterly line of said 76.551 acre tract

THENCE South 01°48'30" East, along the easterly line of said 76.551 acre tract, a distance of 606.80 feet to the **POINT OF BEGINNING** and containing 16.26 acres of land, more or less.

**Exhibit “C”
Annexation Exhibit
Legacy Equestrian Tract Plus Roadways Marked**



Attachment: Legacy Equestrian Annexation Ordinance (1698 : O'Donnell Annexation Ordinance)

**Exhibit “D”
Service Plan**

A) SERVICE PLAN GENERALLY

- 1) This service plan has been prepared in accordance with the Texas Local Government Code (“LGC”), Sections 43.021; 43.065 and 43.056(b)-(o). Municipal facilities and services to the annexed area will be provided or made available on behalf of the City of Celina in accordance with the following plan. The City of Celina shall provide the annexed tract the levels of service, infrastructure, and infrastructure maintenance that are comparable to the levels of service, infrastructure, and infrastructure maintenance available in other parts of the City of Celina with similar topography, land use, and population density. The provisions of the service plan were made available for public inspection and explained at the two public hearings held by the City Council in accordance with LGC Section 43.056(j).
- 2) For purposes of this service plan, to “provide” services includes having services provided by any method or means by which the City provides municipal services to any other areas of the City, and may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services by contract or right, in whole or in part, and may include duties on part of the private landowner with regard to such services.
- 3) NOTE: This annexation was initiated by petition or request of the landowners in the annexed area. Therefore, the requirement that construction of capital improvements must be substantially completed within a specific period does not apply to a development project, proposed development project or site improvements within the annexed area if the City and landowner subsequently agree in writing, pursuant to LGC Section 43.056(e), that the development project, proposed development project or site improvements within that area, because of its size or projected manner of development by the landowner or developer, is not reasonably expected to be complete in that period. The landowners have requested a subsequent written agreement specifying longer timeframes for the construction of capital improvements than required herein or in LCG Chapter 43. Such agreement shall control the schedule of the provision of municipal services for the annexed area. To the extent there is a conflict between this service plan and said agreement, the agreement shall control.

B) EMERGENCY SERVICES

- 1) Police Protection
 - a) Police protection from the City of Celina Police Department shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas on the effective date of the annexation ordinance. Some of these services include:
 - i) Normal patrol and responses;
 - ii) Handling of complaints and incident reports;
 - iii) Special units, such as traffic enforcement and investigations; and
 - iv) Coordination with other public safety support agencies.
 - b) As development commences in these areas, sufficient police protection, including personnel and equipment will be provided to furnish these areas with the level of police services consistent with the characteristics of topography, land utilization and population density of the areas.
 - c) Upon ultimate development, police protection will be provided at a level consistent with other similarly situated areas within the city limits.

2) Fire Protection

- a) The Celina Fire Department will provide emergency and fire prevention services to the annexed area. These services include:
 - i) Fire suppression and rescue;
 - ii) Pre-hospital medical services including triage, treatment and transport by Advanced Life Support (ALS) fire engines, trucks and ambulances;
 - iii) Hazardous materials response and mitigation;
 - iv) Emergency prevention and public education efforts;
 - v) Technical rescue response; and
 - vi) Constriction Plan Review and required inspections.
- b) Fire protection from the City of Celina shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas of the City of Celina on the effective date of the annexation ordinance.
- c) As development commences in these areas, sufficient, fire protection, including personnel and equipment will be provided to furnish these areas with the level of services consistent with the characteristics of topography, land utilization and population density of the areas. It is anticipated that fire stations planned to service areas currently with the City of Celina will be sufficient to serve the annexed area.
- d) Upon ultimate development, fire protection will be provided at a level consistent with similarly situated areas within the city limits.

3) Emergency Medical Services

- a) The Celina Fire Department will provide emergency and safety services to the annexed area. These services include:
 - i) Emergency medical dispatch and pre-arrival First Aid instructions;
 - ii) Pre-hospital emergency Advanced Life Support (ALS) response; and transport; and
 - iii) Medical rescue services.
- b) Emergency Medical Services (EMS) from the City of Celina shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas of the City of Celina on the effective date of the annexation ordinance.
- c) As development commences in these areas, sufficient EMS, including personnel and equipment, will be provided to furnish these areas with the level of services consistent with the characteristics of topography, land utilization and population density of the areas.
- d) Upon ultimate development, EMS will be provided at a level consistent with similarly situated areas within the city limits.

C) SOLID WASTE

- 1) Solid Waste and Recycling Collection Services will be provided to the annexed area immediately upon the effective date of the annexation at a level consistent with current methods and procedures presently provided to similar areas within the City. Private solid waste collection service providers operating in the affected area immediately prior to annexation and currently providing customers with service may continue to provide their existing service for up to two (2) years in accordance with Texas Local Government Code Section 43.056(n).

D) WASTEWATER FACILITIES

- 1) As development commences in these areas, sanitary sewer mains as defined by the Certificate of

Convenience and Necessity (CCN) Number 20764, as issued by the Texas Commission on Environmental Quality (TCEQ) will be extended in accordance with the provisions of the City's codes, ordinances, regulations and policies. City participation in the costs of these extensions shall be in accordance with applicable City codes, ordinances, regulations and policies. Capacity and extensions shall be provided consistent with the characteristics of topography, land utilization and population density of the areas. If the annexed area is in the CCN of another provider, wastewater service shall be provided in accordance with the policies of the CCN holder. In some instances, the City might acquire the CCN rights and become the new wastewater provider, in time.

- 2) Sanitary sewer mains and lift stations installed or improved to City standards, and accepted by the City, within the annexed area which are located within dedicated easement, rights-of-way, or any other acceptable location approved by the City Manager or his designee, shall be maintained by the City on the effective date of this ordinance.
- 3) Operation and maintenance of wastewater facilities in the annexed area that are within the certificated service area of another wastewater utility will be the responsibility of that utility. Operation and maintenance of private wastewater facilities in the annexed area will be the responsibility of the owner.

E) WATER FACILITIES

- 1) Connections to existing City of Celina water distribution mains for water service as defined by Certificate of Convenience and Necessity (CCN) Number 12667, as issued by the Texas Commission on Environmental Quality (TCEQ) will be provided in accordance with existing City codes, ordinances, regulations and policies. Upon connection to existing distribution mains, water service will be provided at rates established by city ordinance. The annexed area is in the CCN of another water service provider, and landowner has agreed to pay the CCN acquisition costs in accordance with a separate written agreement requested by landowners to be entered pursuant to Texas Local Government Code Sections 43.056(e) and (f)(2) and other applicable law.
- 2) As development commences in these areas, water distribution mains will be extended in accordance with City of Celina codes, ordinances, regulations and policies. City participation in the costs of these extensions shall be in accordance with the City of Celina's codes, ordinances, regulations and policies. Water service extensions and capacity shall be provided consistent with the characteristics of topography, land utilization and population density of the area.
- 3) Operation and maintenance of existing water facilities in the annexed area that are within the service area of another water utility will be the responsibility of that utility. Operation and maintenance of private water facilities in the annexed area will be the responsibility of the owner.

F) ROAD AND STREETS

- 1) Emergency street maintenance shall be provided within the annexed area on the effective date of the applicable ordinance of acceptance. Routine maintenance will be provided within the annexed area and will be scheduled as part of the City's annual program and in accordance with the City's current codes, ordinances, regulations, policies and procedures defined therein and/or as established by the City Council.
- 2) Any construction or reconstruction will be considered within the annexed area on a City-wide basis and within the context of the City's Capital Improvement Plan and/or yearly fiscal budgetary allotments by the City Council. As development, improvement or construction of streets to City standards commences within this property, the policies of the City of Celina with regard to participation in the costs thereof, acceptance upon completion and maintenance after completion shall apply.
- 3) Roadway signage and associated posts will be replaced in priority of importance starting with

regulatory signs, then warning signs, then informational signs and in conformance with fiscal allotments by the City Council. If a sign remains, it will be reviewed and placed on the City's inventory listed for routine re-placement. All existing signs will be reviewed for applicability and based upon an engineering study. New signs will be installed when necessary and based upon an engineering study.

- 4) Routine maintenance of road/street markings will be placed on a priority listing and scheduled within the yearly budgetary allotments by the City Council.
- 5) The City will coordinate any request for improved road and street lighting with the local electric provider. Any and all road and street lighting will be pursuant to the rules, regulations and fees of such electric utility and shall be maintained by the applicable utility company.

G) ENVIRONMENTAL HEALTH, INSPECTIONS AND CODE ENFORCEMENT SERVICES

- 1) Enforcement of the City's environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances and animal control ordinances, shall be provided within this area sixty (60) days of the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel.
- 2) Inspection services including the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical and electrical work to ensure compliance with City codes and ordinances will be provided within sixty (60) days of the effective date of the annexation ordinance. Existing personnel will be used to provide these services.
- 3) The City's zoning, subdivision, sign and other ordinances shall be enforced in this area beginning upon the effective date of the annexation.
- 4) All inspection services furnished by the City of Celina, but not mentioned above, will be provided to this area beginning within sixty (60) days of the effective date of the annexed ordinance.
- 5) As development and construction commence in this area, sufficient personnel will be provided to furnish this area the same level of environmental health, inspection and code enforcement services as are furnished throughout the City.

H) PLANNING AND ZONING SERVICES

- 1) The Planning and zoning jurisdiction of the City will extend to this area upon the effective date of the annexation ordinance. City planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the City's Zoning Ordinance and Comprehensive Plan.

I) PARKS, PLAYGROUNDS, LIBRARIES, SWIMMING POOLS

- 1) Residents within the annexed area may utilize all existing park and recreation facilities, on the effective date of this ordinance. Fees for such usage shall be in accordance with current fees established by ordinance.
- 2) As development commences in the area, additional park and recreation facilities shall be constructed based on park policies defined in the Park Master Plan and as specified in the Park Dedication Ordinance. The general planned locations and classifications of parks will ultimately serve residents from the current City limits and residents from areas being considered for annexation.

J) PUBLICLY OWNED FACILITIES

- 1) Any publicly owned facility, building, or service located within the annexed area, and not otherwise owned or maintained by another governmental entity, shall be maintained by the City of Celina on the effective date of the annexation ordinance.

K) OTHER SERVICES

- 1) Other services that may be provided by the City of Celina, such as municipal and general administration will be made available on the effective date of the annexation. The City of Celina shall provide levels of service, infrastructure, and infrastructure maintenance that are comparable to the levels of services, infrastructure, and infrastructure maintenance available in other parts of the City of Celina with similar topography, land use, and population density similar to those reasonably contemplated or projected in the area.

L) UNIFORM LEVEL OF SERVICES IS NOT REQUIRED

- 1) Nothing in this Service Plan shall require the City of Celina to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for provided different levels of service. The City Council finds and determines that this Service Plan will not provide any fewer services, and it will not provide a lower level of services, than were in existence in the annexed area at the time immediately preceding the annexation process.
- 2) The City of Celina's codes, ordinances, regulations and policies that apply throughout the City may be reviewed at City Hall and at <http://www.franklinlegal.net/codes.html>.

M) TERM

- 1) This Service Plan shall be valid for a term of ten (10) years. Renewal of the Service Plan shall be at the discretion of the City Council and must be approved by ordinance.

N) AMENDMENTS

- 1) This Service Plan may be amended if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this Service Plan unworkable or obsolete. The City Council may amend the Service Plan to conform to the changed conditions, subsequent occurrences or any other legally sufficient circumstances exist pursuant to the LGC or other Texas or Federal laws that make this service plan unworkable, obsolete or unlawful.



Engineering/Public Works
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Gabe Johnson, Director of Public Works
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re:

Action Requested:

Consider and act upon a contract change order by and between the City of Celina and Pacheco Koch for Engineering and Survey for the Southeast Sector Sewer Project. (Johnson)

Background Information:

The wastewater project consists of design, bidding, and construction phase services for an interceptor to extend the Southeast Sector Interceptor to the north to connect the Parks at Wilson Creek in northeast Celina, Texas. The proposed 27 to 12-inch diameter interceptor is approximately 12,200 linear feet in length and runs generally northward along Wilson Creek from Pebble Creek Drive to the Parks at Wilson Creek. The proposal includes costs for geotechnical and environmental investigations.

Also included in this proposal are design services for the eastern extension of the Southeast Sector Interceptor. This 12-inch diameter interceptor extension is approximately 1,163 linear feet in length and connects the southern portion of the Lakes at Mustang Ranch development to the Southeast Sector Interceptor in southeast Celina, Texas.

This proposal also includes design services for the realignment of the Southeast Sector Interceptor through the Light Farms development in west Celina, Texas. This realignment includes the realignment of approximately 5,000 linear feet of 21-inch diameter interceptor to be located in a dedicated easement located on the Light Farms property.

The design, bidding and construction phase services for the lift station and force main components of the Southeast Sector Interceptor are also included in this proposal. At the direction of the City, the force main will be designed for the 10-year projected flow of 4.5 MGD. The lift station will be designed for an ultimate build out flow of 11.2 MGD.

The original contract amount for \$585,340 was approved on 10/23/2014. The Change Order No. 1 is for \$625,970, which brings the total design contract to \$1,211,310.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

We have money available via bond sales. We sold \$1.25M in FY14 through water and sewer and we sold \$1.60M in CO bonds in 4Q of 2014.

Legal Review:

The City Attorney has reviewed the proposed contract for content and form.

Supporting Documents:

1. Change Order

Staff Recommendation:

Approve



Engineering/Public Works
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Alan Fourmentin, Assistant Public Works Director
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: Drought Contingency Plan

Action Requested:

Consider and act upon an ordinance of the City of Celina, Texas, repealing ordinance No. 2005-20, an ordinance allowing for the establishment of rules and procedures for rationing, curtailing and controlling outdoor water usage and adopting a new ordinance in its place implementing a Drought Contingency Plan. (Fourmentin)

Background Information:

On April 7, 2015, Upper Trinity Regional Board of Directors approved changes to the Drought Contingency Plan; moving from a four-stage plan to a three-stage plan in order to provide consistency with other regional water providers in the D/FW area including the North Texas Municipal Water District, Tarrant Regional Water District, and the cities of Dallas and Fort Worth.

The purpose of this Drought Contingency Plan is to provide drought contingency measures for the City of Celina as required by Upper Trinity Regional Water District (UTRWD). These contingency measures may be needed during drought conditions, emergencies at both City and/or UTRWD levels, and when water use approaches the Regional Treated Water System (System) supply or the capacity of treatment and delivery facilities. Examples of drought or emergency conditions include low levels of water supply lakes, unusually high water demands, unforeseen equipment/System failure or contamination of the water supply source at both City and/or UTRWD levels.

Board Review/Citizen Input:

Approved by the Upper Trinity Board of Directors

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

City attorney has reviewed

Supporting Documents:

Ordinance
Appendix A
2016 Drought Contingency Plan Summary

Staff Recommendation:

Approve

CITY OF CELINA, TEXAS
ORDINANCE NO. 2016-XX

AN ORDINANCE OF THE CITY OF CELINA, TEXAS, REPEALING ORDINANCE NO. 2005-20, AN ORDINANCE ALLOWING FOR THE ESTABLISHMENT OF RULES AND PROCEDURES FOR RATIONING, CURTAILING AND CONTROLLING OUTDOOR WATER USAGE AND ADOPTING A NEW ORDINANCE IN ITS PLACE IMPLEMENTING A DROUGHT CONTINGENCY PLAN; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR ADOPTION OF THE PLAN; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVING AND EFFECTIVE DATE.

WHEREAS, the City of Celina, Texas (the "City") is a Type A General Law municipality located in Collin County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas; and

WHEREAS, on April 19, 2005 the City passed Ordinance No. 2005-20, known as the drought control ordinance, in order to protect and guarantee an adequate water supply for the safety of the citizens of the City of Celina, Texas.

WHEREAS, the City desires to repeal Ordinance No. 2005-20 and adopt a new Ordinance implementing a Drought Contingency Plan in the City of Celina, Texas.

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

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
ADOPTION OF PLAN

The City Council of the City of Celina, Texas, does hereby adopt the Drought Contingency Plan (the "Plan") attached hereto as Exhibit "A" and incorporated herein for all purposes.

SECTION 3
CUMULATIVE REPEALER

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of said Ordinances except those instances where there are direct conflicts with the provisions of this Ordinance; provided, however, that Ordinance No. 2005-20 shall be and is hereby repealed. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to Ordinance No. 2005-20 on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 4
SAVINGS

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of Ordinance No. 2005-20 or any other ordinance affecting rationing, curtailing and controlling outdoor water usage which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 5
SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6
PENALTY

Any person violating any of the provisions of the Plan adopted by this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction shall be punished by a fine in accordance with the general penalty provision in Section 1.106 of the City of Celina Code of Ordinances, and as otherwise provided in the Plan.

SECTION 7
PUBLICATION

The City Secretary of the City of Celina is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code

SECTION 8
ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Celina is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty and Effective Date in the minutes of the City Council and by filing this Ordinance in the ordinance records of the City.

SECTION 9
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

AND IT IS SO ORDAINED

PASSED AND APPROVED by the City Council of the City of Celina, Texas, this 19 day of April, 2005.

Sean Terry, Mayor
City of Celina, Texas

ATTEST:

Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]

Lance Vanzant, City Attorney
City of Celina, Texas

Attachment: Ordinance - Drought Contingency Plan (1713 : Drought Contingency Plan)

APPENDIX A

**DROUGHT CONTINGENCY PLAN
FOR THE CITY OF CELINA
MAY, 2016**

Section I: Declaration of Policy, Purpose, and Intent

The purpose of this Drought Contingency Plan (the “Plan”) is to provide drought contingency measures for the City of Celina, Tx as required by Upper Trinity Regional Water District (“UTRWD”). These contingency measures may be needed during drought conditions, emergencies at both City and/or UTRWD levels, and when water use approaches the Regional Treated Water System (“System”) supply or the capacity of treatment and delivery facilities. Examples of drought or emergency conditions include low levels of water supply lakes, unusually high water demands, unforeseen equipment / System failure or contamination of the water supply source at both City and/or UTRWD levels.

The overall objective of this Plan is:

1. To help assure reliability of water service to Customers;
2. To conserve the available water supply in times of drought and emergency;
3. To maintain adequate water supplies for domestic use, sanitation, and fire protection;
4. To protect and preserve public health, welfare, and safety;
5. To minimize the adverse impacts of water supply shortages; and
6. To minimize the adverse impacts of emergency conditions affecting water supply

Water uses regulated or prohibited under this Plan are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Celina by means of postings in public places, and/or information provided by means of local newspapers.

Section III: Public Education

The City of Celina will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of local newspapers and published on the City’s website as well.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Celina is located within the Region C. Upon revision of the plan the City of Celina will provide a copy of this plan to Region C; in which the City’s service area lies and

the Upper Trinity Regional Water District; the City's wholesale water supplier.

Section V: Authorization

The City Manager is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager, upon the Mayor's written approval, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Celina. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

City: the City of Celina, Texas.

City Manager: the Manager or the Manager's designated representative.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses

Customer: any person, company, or organization using water supplied by the City of Celina.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Drought: generally a lack of adequate water to supply needs or replenish supplies used.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Household: the residential premises served by the customer's meter.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

1. Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle.
3. Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced area other than for the purpose of firefighting.
4. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
5. Flushing gutters or permitting water to run or accumulate in any gutter or street;
6. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, Jacuzzis and hot tubs which is not to maintain their structural integrity, proper operation and maintenance or to alleviate a public safety risk.
7. Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
8. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s);
9. Use of water from hydrants for construction purposes or any other purposes other than firefighting;
10. Use of water for dust control.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Persons per household: those persons currently physically residing at the premises and expected to reside there for the entire billing period.

Rationing: limiting the amount of water that can be used.

Restrictions: limiting how and when water may be used.

Wholesale Water Supplier: The Upper Trinity Water District

SECTION VIII: Drought Contingency Response Stages

8.1 Initiation of Drought Response

The City manager may order the implementation of a drought response stage or water emergency when one or more of the trigger conditions for that stage is met as provided in this Plan. The following actions will be taken when a drought response stage is initiated:

1. The customers will be notified through local media, the City's web site and social media pages, and other appropriate methods.
2. The City will notify the wholesale water supplier if the situation is to affect only Celina.

8.2 Termination of a Drought Response Stages

The City manager may order the termination of a drought response stage or water emergency when the conditions for termination are met as provided herein. The following actions will be taken when a drought response stage is terminated:

1. The customers will be notified through local media, the City's web site and social media pages, and other appropriate methods.
2. The City will notify wholesale water supplier if the situation affected only Celina.

8.3 Drought and Emergency Response Stages

A. Stage 1 – Water Watch

Requirements for Initiation

The following are key conditions, any one of which may trigger this stage:

1. Water demand is approaching a level that will cause a reduced delivery capacity for all or part of the supply system, as determined by City; or
2. Water demand has reached or exceeded 80% of delivery capacity for three consecutive days; or
3. Major repairs on storage tanks (elevated and underground) lasting more than twenty four hours; or
4. Water system failure/emergency (equipment failure, water main breaks/cuts, power outages) lasting more than twenty four hours; or
5. Wholesale water supplier has initiated Stage 1 and given notice to the City; or
6. Supply source contamination.

Goal

Stage 1 is intended to raise customers' awareness of potential drought and/or water emergency problems. The goal for water use reduction under Stage 1 is ten percent (10%) of total daily water use that otherwise would have occurred in the absence of these drought contingency measures.

Water Use Restrictions for Reducing Demand

Specific measures to be implemented during the stage will be determined by the City manager and may also take other actions not listed if deemed necessary.

1. Outdoor irrigation is limited to no more than two-days-per-week and is mandatory under this Water Watch stage for automatic irrigation systems and hose-end sprinklers. Irrigation of landscaped areas and building foundations is permitted at any time if it is by means of a hand-held hose, drip irrigation or soaker hose systems.
2. The time-of-day and other factors affecting landscape irrigation included in the water conservation plan becomes mandatory in this stage. No outdoor watering with automatic irrigation systems and hose-end sprinklers can occur from 10:00 a.m. to 6:00 p.m. Irrigation of landscaped areas and building foundations is permitted at any time if it is by means of a hand-held hose, drip irrigation or soaker hose systems.
3. Even numbered addresses and odd numbered addresses are encouraged to irrigate on even and odd days of the month respectively with the irrigation limited to fifteen (15) minutes per station two days per week.
4. Washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle shall be restricted to the use of a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash facility or commercial service station. Companies with an automated on-site vehicle washing facility may wash its vehicles at any time.
5. All customers are encouraged to reduce the frequency of draining and refilling swimming pools.
6. No filling or refilling of ornamental fountains and ponds.
7. The City will review operational conditions and capabilities, and intensify efforts on leaks detection and repairs;
8. The City shall initiate appropriate elements of UTRWD measures if stage 1 was initiated by the Wholesale water supplier.
9. Water customers are requested to voluntarily reduce their water use the irrigation of

landscaped areas as follows:

Termination

Stage 1 may be rescinded when the circumstances that caused its initiation no longer prevail

B. Stage 2 – Water Warning

Requirements for Initiation

1. Water demand has reached or exceeded 85% of delivery capacity for three consecutive days; or
2. Water demand is approaching a level that will cause a reduced delivery capacity for all or part of the supply system, as determined by City; or
3. Major repairs on storage tanks (elevated and underground) lasting more than two days; or
4. The supply system is unable to deliver water at normal rates due to failure of, or damage to, major water supply system components; or
5. A significant deterioration in the quality of a water supply, being affected by a natural or man-made source; or
6. The City manager with concurrence of the Public works department finds that conditions warrant the declaration of stage 2
7. The wholesale water supplier has initiated Stage 2 and given notice to the City.

Goal

The goal for water use reduction under Stage 2 is twenty percent (20%) of the total daily water use that otherwise would have occurred in the absence of these drought contingency measures.

Water Use Restrictions for Demand Reduction

Specific measures to be implemented during this stage will be determined by the City manager and may also take other actions not listed, if deemed necessary. All requirements of Stage 1 shall remain in effect during this Stage 2, plus the following incremental or new measures.

1. Outdoor irrigation is limited to no more than one-day-per-week and is mandatory under this Water Warning stage for automatic irrigation systems and hose-end sprinklers. This includes irrigation of landscaped areas with automatic irrigation systems and hose-end sprinklers. Irrigation of landscaped areas and building foundations is permitted at any time if it is by means of a hand-held hose, drip irrigation or soaker hose systems.
2. Even numbered addresses and odd numbered addresses are encouraged to irrigate on even and odd days of the month respectively with the irrigation limited to ten (10) minutes per station once a week.
3. Recreational water use (water used for leisure and entertainment purposes) including use of faucets or hoses in such a manner that creates runoff or other wastes shall be prohibited.
4. All customers are encouraged to further reduce the frequency of draining and refilling of swimming pools.
5. City will further accelerate education efforts on ways to reduce water use;
6. High alert for leak detection and repair activities on supply facilities;
7. Customers are encouraged to wait until the current drought or water emergency situation has

- passed before establishing new landscaping;
8. Use of water from hydrants shall be limited to firefighting related activities, or other activities necessary to maintain public health, safety, and welfare.
 9. Use of water from designated fire hydrants for construction purposes unless allowed under special permit from the City of Celina shall be prohibited.
 10. Use of water for the irrigation of golf course greens, tee boxes, and fairways is prohibited. However, if the golf course utilizes a water source other than that provided by the City of Celina, the facility shall not be subject to these regulations.
 11. All restaurants are prohibited from serving water to its patrons except when requested.

Termination

Stage 2 may terminate when the circumstances that caused its initiation no longer prevail. Upon termination of Stage 2, Stage 1 will remain in effect, unless otherwise announced by the City.

C. Stage 3 – Water Emergency

Requirements for Initiation

The following are key conditions, any one of which may trigger Stage 3:

1. Water demand has reached or exceeded 90% of delivery capacity for three consecutive days; or
2. Water demand is approaching a level that will cause a reduced delivery capacity for all or part of the supply system, as determined by City; or
3. Major repairs on storage tanks (elevated and underground) lasting more than five days; or
4. The supply system is unable to deliver water at normal rates due to failure of, or damage to, major water supply system components; or
5. A significant deterioration in the quality of a water supply, being affected by a natural or man-made source; or
6. The City manager with concurrence of the Public works department finds that conditions warrant the declaration of stage 3
7. The wholesale water supplier has initiated Stage 3 and given notice to the City.

Goal

The goal for water use reduction under Stage 3 is forty percent (40%) of the total daily water use that otherwise would have occurred in the absence of these drought contingency measures.

Water Use Restrictions for Reducing Demand

Specific measures to be implemented during this stage will be determined by the City manager and may also take other actions not listed, if deemed necessary. All requirements of Stages 1 and 2 shall remain in effect during this Stage 3, plus the following incremental or new measures.

Mandatory reduction measures include:

1. Non-essential water use by Customer is substantially restricted; or
2. City shall suspend issuance of permits for new swimming pools, hot tubs, spas and ornamental ponds; or
3. City shall Step up enforcement activities;
4. Outdoor irrigation is prohibited.
5. Irrigation of trees and building foundations is permitted one day per week and between 6:00

- p.m. and 6:00 a.m. if it is by means of a hand-held hose, drip irrigation or soaker hose systems.
6. Use of water to wash any motor vehicle, motorbike, boat, trailer or other vehicle not occurring on the premises of a commercial vehicle wash facility or commercial service stations is prohibited. Further, such washing may be exempt from these requirements if the health, safety and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and commercial vehicles used to transport food and perishables.
 7. Filling, draining, and refilling of existing swimming pools, wading pools, Jacuzzis and hot tubs except to maintain structural integrity, proper operation and maintenance or to alleviate a public safety risk is prohibited. Existing pools may add water to or replace losses from normal use and evaporation
 8. Hosing and washing of paved areas, buildings, structures, windows or other surfaces is prohibited except by variance and performed by a professional service using high efficiency equipment.
 9. Operation of ornamental fountains or ponds that use potable water except where supporting aquatic life or water quality is prohibited.
 10. Landscape watering of parks, golf courses, and athletic fields with potable water is prohibited. Exception for golf course greens and tee boxes which may be hand watered as needed. Variances may be granted by the City under special circumstances.

Termination

Stage 3 may terminate when the circumstances that caused its initiation of Stage 3 no longer prevail. Upon termination of Stage 3, Stage 2 will remain in effect, unless otherwise provided by Upper Trinity.

SECTION IX: Procedure for Curtailment/Rationing of Water Supplies

In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager upon the Mayor's written approval, is hereby authorized to ration water according to the following water allocation plan:

A. Single-Family Residential Customers

1. The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

2. It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies the City of Celina of a greater number of persons per household on a form prescribed by the City Manager. The City Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If however, a customer does not receive such a

form, it shall be the customer's responsibility to go to the City of Celina offices to complete and sign the form claiming more than two persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the City Manager.

3. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Celina on such form and the change will be implemented in the next practical billing period. If the number of persons in a household is reduced, the customer shall notify the City of Celina in writing within two (2) working days. In prescribing the method for claiming more than two persons per household, the City Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Celina of a reduction in the number of person in a household shall be fined upon conviction.

B. Master-Metered Multi-Family Residential Customers

1. The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of Celina of a greater number on a form prescribed by the City Manager. The City Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Celina offices to complete and sign the form claiming more than two dwellings.
2. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Celina in writing within two (2) working days. In prescribing the method for claiming more than two (2) dwelling units, the City Manager shall adopt methods to insure the accuracy of the claim.
3. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Celina of a reduction in the number of dwelling units shall be fined upon conviction.

C. Commercial/Industrial Customers

1. Commercial / industrial customers are not exempt from water emergency restrictions and shall limit water usage. The director of public works / water superintendent shall contact such customers to establish an acceptable water allocation which may include hourly or daily restrictions.
2. Nonresidential (commercial/industrial) customers shall pay the following surcharges: Surcharges are \$4.50 for the first 50,000 gallons over allocation; \$8.50 for each 1,000 gallons thereafter.

Section X: Enforcement

- A. A person commits an offense if the person knowingly or unknowingly allows the use of water from the City of Celina for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by City Manager, in accordance with provisions of this Plan.
- B. Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than \$500 and not more than \$2,000. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$25, and any other costs incurred by the City of Celina in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the appropriate court.
- C. Any person, including a person classified as a water customer of the City of Celina, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- D. Any employee of the City of Celina, police officer, or other employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the City of Celina municipal court on the date shown on the citation. A summons to appear may be issued in lieu of an arrest warrant.

Section XI: Variances

- A. The Public Works Director/ Water Superintendent or his/her designee, may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:
 - 1. Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
 - 2. Alternative methods can be implemented which will achieve the same level of reduction in water use.
- B. Person(s) requesting an exemption from the provisions of this Ordinance shall file a petition

for variance with the City of Celina within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Public Works Director/ Water Superintendent, or his/her designee, and shall include the following:

1. Name and address of the petitioner(s).
 2. Purpose of water use.
 3. Specific provision(s) of the Plan from which the petitioner is requesting relief.
 4. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
 5. Description of the relief requested.
 6. Period of time for which the variance is sought.
 7. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
 8. Other pertinent information.
- C. Variances granted by the City of Celina shall be subject to the following conditions, unless waived or modified by the Public Works Director/ Water Superintendent or his/her designee:
1. Variances granted shall include a timetable for compliance.
 2. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
- D. No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section XII: Severability

It is hereby declared to be the intention of the City of Celina's Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City of Celina's Council without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section XIII: Notification

The City of Celina shall notify the Executive Director of the Texas Commission on Environmental Quality (TCEQ) and the Upper Trinity Regional Water District (UTRWD) when any mandatory provisions of this plan are implemented.

Upper Trinity Regional Water District shall also be notified of any voluntary provisions of the plan that are implemented.



2016 Drought Contingency Plan Summary

Stage 1	
<u>Triggers:</u> Supply drops below 75% (25% depleted); or demand reaches 80% delivery capacity for 3 consecutive days	
<u>Response:</u> Not to exceed two-days-per-week outdoor irrigation schedule (mandatory)	
Water Use Reduction Goal: 5%	
Stage 2	
<u>Triggers:</u> Supply drops below 60% (40% depleted); or demand reaches 85% delivery capacity for 3 consecutive days	
<u>Response:</u> Not to exceed one-day-per-week outdoor irrigation schedule (mandatory)	
Water Use Reduction Goal: 10%	
Stage 3	
<u>Triggers:</u> Supply drops below 45% (55% depleted); or demand reaches 90% delivery capacity for 3 consecutive days	
<u>Response:</u> Outdoor Irrigation Prohibited	
Water Use Reduction Goal: 20%	



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Brooks Wilson, Senior Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: Hundred Acre Park Annexation Petition

Action Requested:

Consider and act to set two public hearing dates on September 13, 2016 at 5:00 p.m. and September 13, 2016 at 5:05 p.m. for two tracts of City land within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas and described as follows: being an approximately 70.000 acre tract of land situated in the Mary Howell Survey, Abstract No. 395, Collin County, Texas and generally located east of CR 90, north of the future alignment of Sunset Boulevard and west of FM 2378 (Custer Road); and being an approximately 30.778 acre tract of land situated in the Mary Howell Survey, Abstract No. 395, Collin County, Texas and generally located east of CR 90, north of the future alignment of Sunset Boulevard and west of FM 2378 (Custer Road), and the rights-of-way adjacent to these properties. (Hundred Acre Park Annexation) (Liebman)

Background Information:

The City of Celina has purchased property for parkland and wishes to annex these properties into the city limits. Both properties are contiguous to current city limits.

August 9, 2016	Council to consider the voluntary petition to annex
August 26, 2016	Notice of public hearing to be published in <i>The Celina Record</i>
August 26, 2016	Notice of public hearing to be published on City website
September 13, 2016	Council to conduct public hearings (2)
October 11, 2016	Council to consider annexation ordinance

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Consideration:

The park land is located in the Merilee Water District. Once annexed, the City will be obligated to pay Merilee a fee to acquire the CCNs and provide City water to the park. This fee is typically \$1,250 per acre. However, Merilee has expressed in writing a willingness to either waive the fee for the park land or negotiate a reduced fee following the annexation.

Legal Review:

N/A

Supporting Documents:

Legal Descriptions

Property Exhibits

Staff Recommendation:

Staff recommends approval.

Exhibit A
Legal Description
70.00 acre tract

BEING a portion of that certain 210.066 acre and 399.849 acre lot tract of parcel of land situated in the Charles P. Rice 320 Survey, Abstract No. 771, JB Wilmeth 78 acre and 320 acre surveys, the Levin Routh 640 acre Survey and the Samuel Queen Survey, Abstract No. 731, and being located in Collin County, Texas, and being a portion of that certain tract of land to Bennie G. Cox, Independent Executor of the Estate of Louis N. Cox, Jr., also known as L.N. Cox, by Warranty Deed Recorded in Volume 4122, Page 1186, Deed Records, Collin County, Texas, and being a portion of that certain tract of land to Bennie G. Cox, Independent Executor of the Estate of Louis N. Cox, Jr., also known as L.N. Cox, by Warranty Deed Recorded in Volume 4122, Page 1190, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a MAG nail found for the southeast corner of said Cox tract (V4122, P1182, same being in the north line of said Cox tract (V4122, P 1190), same being the southwest corner of that certain tract of land to Estate of Moses Hubbard, a called 160.586 acre tract of land, no recording information found, same being in the approximate center of an east/west asphalt road known as County Road 92 (an undedicated prescriptive right-of-way);

THENCE south 00 degrees, 09 minutes, 01 seconds west, through the interior of said Cox tract (V4122, P1190), a distance of 160.54 feet to an ½ inch iron rod set with "PEISER & MANKIN SURV" red plastic cap (herein after referred to as ½ inch iron rod set) for the southeast corner of the herein described tract, same being the beginning of a non-tangent curve to the right having radius of 2250.0 feet, and a delta angle of 42 degrees, 31 minutes, 49 seconds;

THENCE in a northwesterly direction, and along said non-tangent curve to the right, and continuing through the interior of said Cox tract (V4122, P1190), passing the common line of said Cox tract (V4122, P 1190) and aforesaid Cox Tract (V4122. P 1182), same being the approximate centerline of said County Road 92, and continuing through the interior of said Cox tract (V4122, P1182), and along said non-tangent curve to the right , a total arc distance of 1670.15 feet, and a total chord bearing and distance of north 56 degrees, 13 minutes, 56 seconds west, 1632.07 feet to a ½ inch ion rod set for the southwest corner of the herein described tract;

Attachment: EXHIBIT A - 70 acre park legal description (1638 : Hundred Acre Park Annexation Petition)

EXHIBIT B
Legal Description
30.778 acre Park

BEING all of a certain 30.778 acre lot tract or parcel of land situated in the Marty Howell Survey, Abstract No. 395, and being located in Collin County, Texas and being a portion of that certain tract of land to Moses Hubbard, by Warranty Deed recorded in Volume 5, Page 273, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a MAG Nail found in asphalt for the Southwest corner the herein described tract, same being the Southwest corner of said Hubbard tract, same being the approximate center of an east/west asphalt road commonly known as CR 92 (an undedicated prescriptive public right-of-way at this point), same being the northwest corner of that certain tract of land to The Parks at Wilson Creek, LP, by deed recorded under Instrument Number 20130830001229380, and Instrument Number 20130830001229360, Official Public Records, Collin County, Texas, same being in the east line of that certain tract of land to City of Celina, by deed recorded under Instrument Number 20130830001229430, said Official Public Records;

THENCE North 00°, 09', 01" east, along the common line of said Hubbard tract and said Celina tract, a distance of 2636.32 feet to a ½" iron rod set for the Northwest corner of the herein described tract, same being the Northwest corner of said Hubbard tract from which a ½" iron rod found bears North 89°, 18', 43" east a distance of 15.61 feet, same being the Southwest corner of that certain tract of land conveyed to Jerry Bob Willard and Wife, Jane Willard, by deed recorded in Volume 1337, Page 248, aforesaid Deed Records;

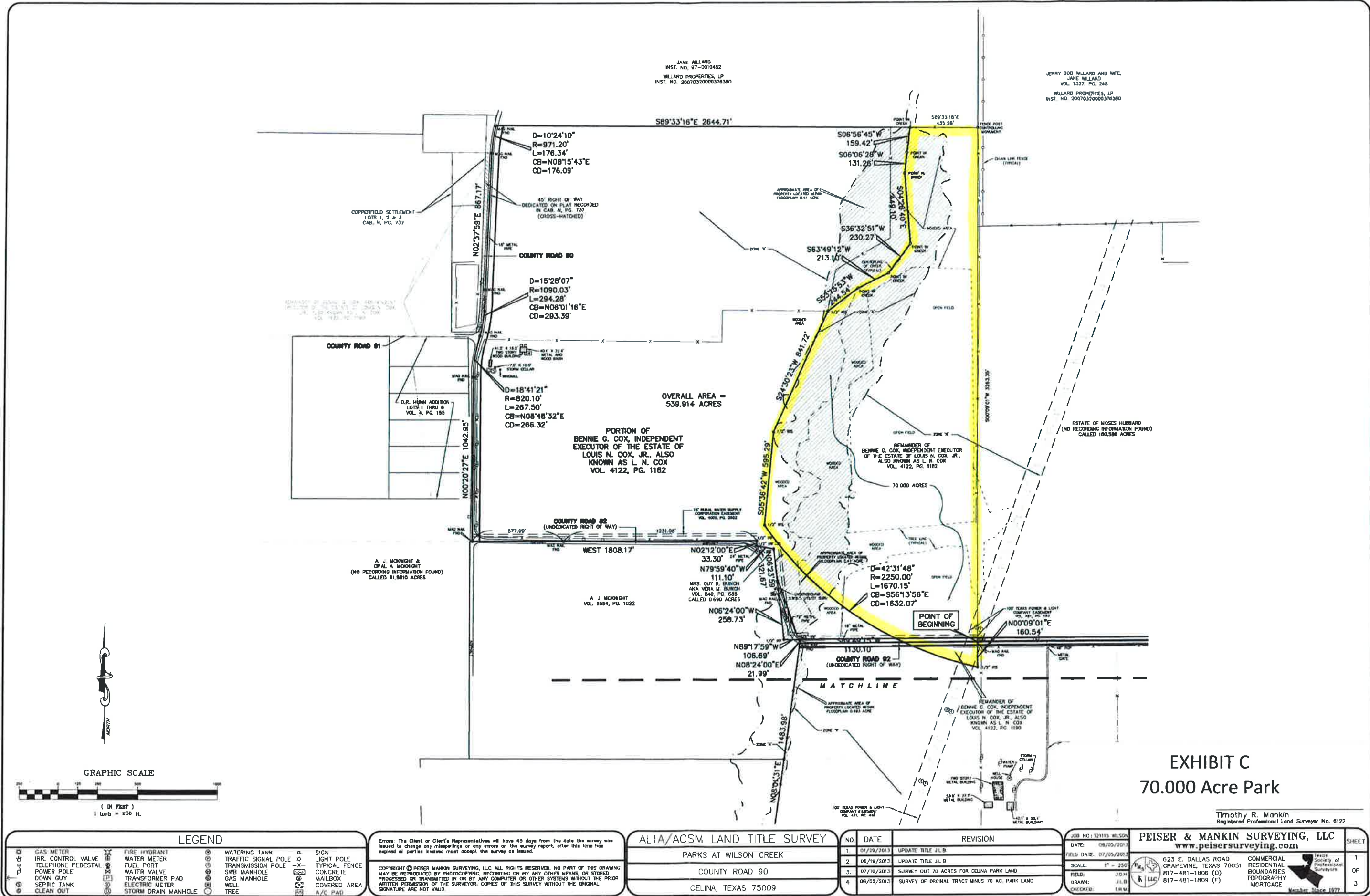
THENCE North 89°, 18', 43" east, along the common line of said Hubbard tract and said Willard tract a distance of 988.63 feet to a ½" iron rod set for the Northeast corner of the herein described tract, same being in the East line of an apparent 100' Texas Power & Light Company easement;

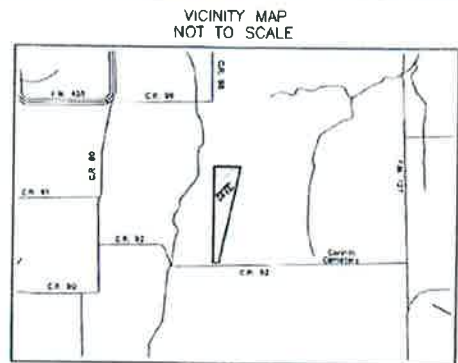
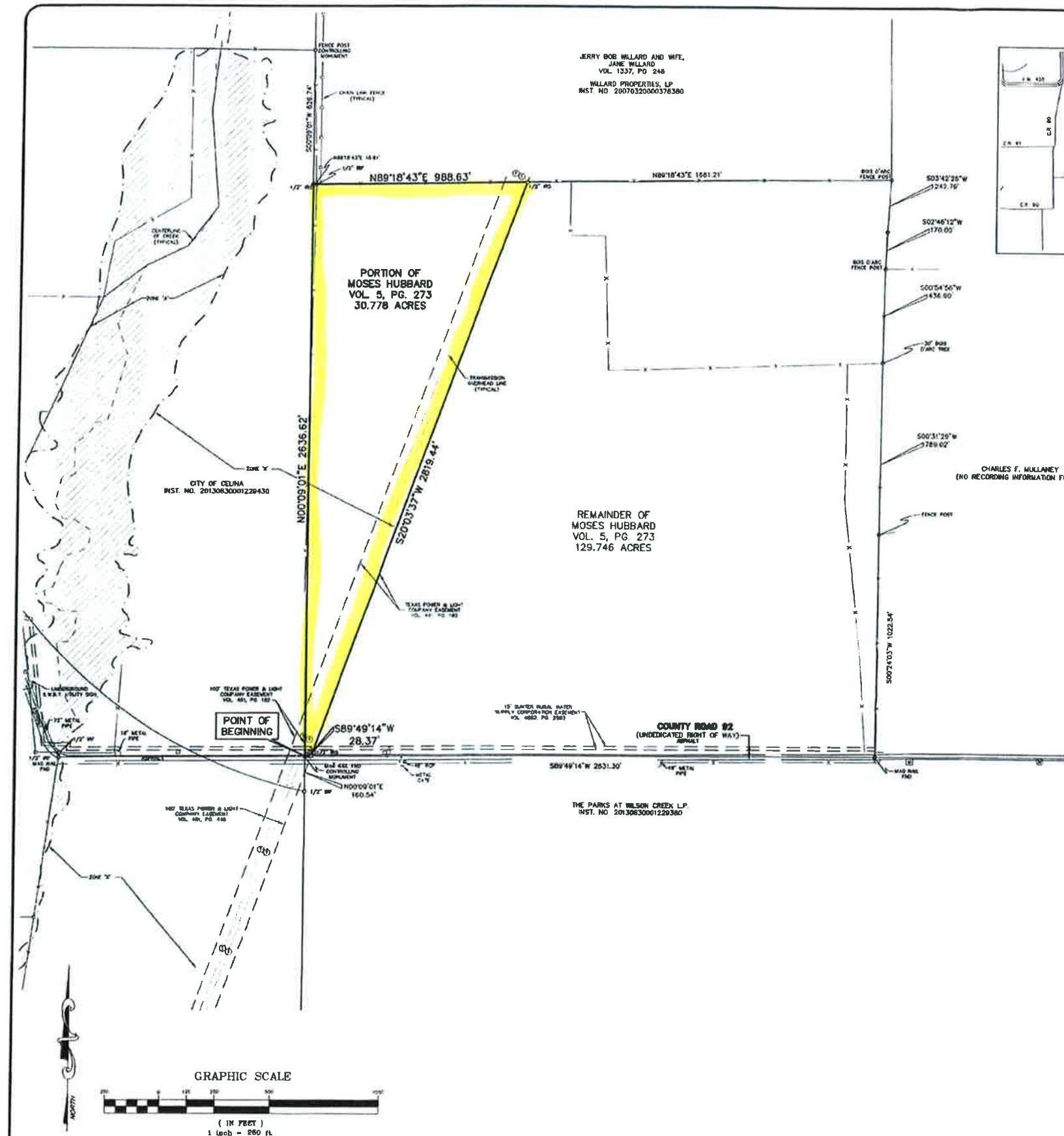
THENCE through the interior of said Hubbard tract and along the East line of said Texas Power & Light Company easement as follows:

South 20°, 03', 37" west a distance of 2819.44 feet to a mag nail set in asphalt for the Southeast corner of the herein described tract, same being in the South line of said Hubbard tract, same being in the approximate center of aforesaid CR 92, same being in the North line of aforesaid Parks of Wilson Creek tract;

THENCE South 01°, 04', 41" east a distance of 402.81 feet to a capped ½" iron rod found for corner;

THENCE South 89°, 49', 14" west, along the common line of said Hubbard tract, said Parks of Wilson Creek tract, and the approximate center of said CR 92, a distance of 28.37 feet to the POINT OF BEGINNING and containing 30.778 acres of computed land, more or less.





This is to certify that I have, this date, made an on the ground survey of the property located on County Road 92 in the City of Celina, Texas, described as follows:

Being all that certain 30.778 acre lot tract or parcel of land situated in the Mary Howell Survey, Abstract No. 395, and being located in Collin County, Texas, and being a portion of that certain tract of land to Moses Hubbard, by Warranty Deed Recorded in Volume 5, Page 273, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a MAG NAIL found in asphalt for the Southwest corner of the herein described tract, some being the Southwest corner of said Hubbard tract, some being the approximate center of an east-west asphalt road commonly known as County Road 92 (an undedicated prescriptive public right-of-way at this point), some being the northwest corner of that certain tract of land to The Parks at Wilson Creek, L.P., by deed recorded under Instrument Number 20130830001229380, and Instrument Number 20130830001229360, Official Public Records, Collin County, Texas, some being in the east line of that certain tract of land to City of Celina, by deed recorded under Instrument Number 20130830001229430, said Official Public Records;

THENCE North 00 deg. 09 min. 01 sec. East, along the common line of said Hubbard tract and said Celina tract, a distance of 2636.62 feet to a 1/2 inch iron rod set for the Northwest corner of the herein described tract, some being the Northwest corner of said Hubbard tract from which a 1/2 inch iron rod found bears North 89 deg. 18 min. 43 sec. East, 15.61 feet, some being the Southwest corner of that certain tract of land conveyed to Jerry Bob Willard and Wife, Jane Willard, by deed recorded in Volume 1337, Page 248, aforesaid Deed Records;

THENCE North 89 deg. 18 min. 43 sec. East, along the common line of said Hubbard tract and said Willard tract, a distance of 988.63 feet to a 1/2 inch iron rod set for the Northeast corner of the herein described tract, some being in the East line of an apparent 100' Texas Power & Light Company easement;

THENCE through the interior of said Hubbard tract and along the East line of said Texas Power & Light easement as follows:

South 20 deg. 03 min. 37 sec. West, a distance of 2618.44 feet to a mag nail set in asphalt for the Southeast corner of the herein described tract, some being in the South line of said Hubbard tract, some being in the approximate center of aforesaid County Road 92, some being in the North line of aforesaid Wilson Creek tract;

THENCE South 68 deg. 49 min. 14 sec. West, along the common line of said Hubbard tract, said Wilson Creek tract, and the approximate center of said County Road 92, a distance of 2837 feet to the POINT OF BEGINNING and containing 30.778 acres of computed land, more or less.

- NOTES:
1. IRF - Iron Rod Found
 2. IRS - Iron Rod Set with "Peiser & Mankin SURV" red plastic cap
 3. Basis of Bearing - Based on the South line (West) of that certain tract of land to Bennie C. Cox, Independent Executor of the Estate of Louis N. Cox, Jr., also known as L.N. Cox, by Warranty Deed Recorded in Volume 4122, Page 1180, Deed Records, Collin County, Texas
 4. There are no observable evidence of cemeteries on site.
 5. There are no observable evidence of earth moving work, building construction or building additions within the recent months.
 6. There are no changes in street right-of-way lines either completed or proposed, and available from the controlling jurisdiction. No observable evidence of recent street or sidewalk construction or repairs.
 7. There are no observable evidence of site use as a solid waste dump, dump or sanitary landfill.

FLOOD CERTIFICATE
As determined by the FLOOD INSURANCE RATE MAPS for Collin County, the subject property Does Not appear to lie within a Special Flood Hazard Area (100 Year Flood). Map date 06/02/2009 Community Panel No. 48085C0140J, subject lot is located in Zone 'X'

If this site is not within an identified flood hazard area, this Flood Statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Flood Statement shall not create liability on the part of the Surveyor.

This survey was performed in connection with the transaction described in GF No. 1505198-MCCB of Fidelity National Title Insurance Company, effective date of August 2, 2015 and issued on August 12, 2015, and all subsequent commitments for information regarding encumbrances on subject property and surveyor did not abstract properly for easements and/or other restrictions. The legal description used for this survey describes the same land as the legal description in the title report. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

The term "certify" or "certificates" as shown and used herein indicates an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, either expressed or implied; and is exclusively to the parties involved in, and limited to the transaction (GF No. 1505198-MCCB) closing at the title company indicated herein.

- NOTES CORRESPONDING TO SCHEDULE 'B'
- j. Easement granted to Gunter Rural Water Supply Corporation, filed December 3, 1997, recorded in Volume 4052, Page 2583, Deed Records, Collin County, Texas, Does affect and is shown hereon.
- i. Easement to Texas Power and Light Company, recorded in Volume 481, Page 182, Deed Records, Collin County, Texas Does affect and is shown hereon

To: Fidelity National Title Insurance Company, Sendera Title, The Parks at Wilson Creek, L.P. and the City of Celina, Texas.

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-4, 8, 9, 11(a), 13, 14 and 16-19 of Table A thereof.

Date of Plot or Map 08/19/2015

LEGEND

☒ GAS METER	☒ FIRE HYDRANT	☒ WATERING TANK	☒ LIGHT POLE
☒ IRR. CONTROL VALVE	☒ WATER METER	☒ TRAFFIC SIGNAL POLE	☒ TYPICAL FENCE
☒ TELEPHONE PEDESTAL	☒ FUEL PORT	☒ TRANSMISSION POLE	☒ CONCRETE
☒ POWER POLE	☒ WATER VALVE	☒ SWB MANHOLE	☒ MAILBOX
☒ DOWN GUY	☒ TRANSFORMER PAD	☒ GAS MANHOLE	☒ COVERED AREA
☒ SEPTIC TANK	☒ ELECTRIC METER	☒ WELL	☒ A/C PAD
☒ CLEAN OUT	☒ STORM DRAIN MANHOLE	☒ TREE	

Errors: The Client or Client's Representative shall have 45 days from the date the survey was issued to change any misstatements or any errors on the survey report, after this time has expired all parties involved must accept the survey as issued.

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NO.	DATE	REVISION
1.	8/19/15	UPDATE TO NEW TITLE
2.		
3.		
4.		

LAND TITLE SURVEY

ESTATE OF MOSES HUBBARD

COUNTY ROAD 92

CELINA, TEXAS 75009

PEISER & MANKIN SURVEYING, LLC

www.peisersurveying.com

823 E. DALLAS ROAD
GRAPEVINE, TEXAS 76051
817-481-1806 (O)
817-481-1809 (F)
FRM NO. 100998-00

Hugh E. Peiser

Registered Professional Land Surveyor No. 3688

EXHIBIT D

30.778 Acre Park

DATE: 08/19/2015

FIELD DATE: 08/12/2015

SCALE: 1" = 250'

FIELD: JDM

DRAWN: JBM

CHECKED: TRM

SHEET 1 OF 1

Attachment: EXHIBIT D - 30 acre park exhibit (1638 : Hundred Acre Park Annexation Petition)

Packet Pg. 109



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Brooks Wilson, Senior Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: Grace Bridge Rezoning Ordinance

Action Requested:

The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance of the City Council of the City of Celina, Texas, amending Ordinance No. 2006-57, as heretofore amended the same being the Comprehensive Zoning Ordinance, and amending the Official Zoning Map of the City by designating the zoning of land that is an approximately 1.65 acre tract of land situated in the Collin County School Land Survey #15, Abstract No. 170 and the Thomas Stayton Survey, Abstract No. 805, Collin County, Texas, and generally located east of N. Louisiana Drive and north of Poplar Street, Celina, Texas, as described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein to be zoned "PD" Planned Development District #69. (Grace Bridge) (Liebman)

Background Information:

The property is currently zoned AG - Agricultural District. The applicant is proposing to reclaim a portion of the floodplain to construct a warehouse/office building to consolidate the Grace Bridge ministries and other functions in one location.

The applicant is proposing the base zoning designation of R/O - Retail/Office zoning district, with the following proposed modifications with additional permitted uses of a Recycling Center (limited to clothing, furniture and household goods) and Warehouse. The property will incorporate a "built-to" line at the front to extend the downtown commercial character and "walkability" to the center. The PD shall allow reduced masonry on the rear and sides of the building.

The property is located on N. Louisiana Street, which is shown on the Thoroughfare Plan as a Major Arterial in this location. Staff feels that a transition from the two lanes running through Celina's downtown area to a six-lane divided thoroughfare in this location is warranted. The applicant is dedicating an additional ten (10) feet of right-of-way and has agreed to dedicate additional right-of-way to accommodate this transition to the wider right-of-way provided from the property to the north. The actual right-of-way dedication and lanes of the ultimate roadway will be finalized at the time of platting.

Board Review/Citizen Input:

At their meeting on July 19, 2016, the Planning and Zoning Commission voted unanimously to recommend approval.

A City Council notice of the public hearings was published in *The Celina Record* on July 22, 2016.

Notices of the public hearing have been sent to all owners of property, as indicated by the most recently approved Collin County tax rolls, who are located within 200 feet of the subject property. Seven (7) property owners were notified by mail on June 1, 2016. Seven (7) property owners were notified by mail on July 1, 2016. As of the printing of this packet, one letter was received in opposition citing flooding issues as the main objection.

Alternatives:

N/A

Legal Review:

The City Attorney has reviewed the ordinance and deemed it acceptable.

Supporting Documents:

Ordinance

Concept Plan

Elevations

Staff Recommendation:

Staff recommends approval.

CITY OF CELINA, TEXAS

ORDINANCE 2016-____
GRACE BRIDGE ZONING - PD-69

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING ORDINANCE NO. 2006-57, AS HERETOFORE AMENDED, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY DESIGNATING THE ZONING OF LAND THAT IS AN APPROXIMATELY 1.953 ACRE TRACT OF LAND SITUATED IN COLLIN COUNTY SCHOOL LAND SURVEY ABSTRACT NO. 170 AND THE THOMAS STAYTON SURVEY ABSTRACT NUMBER 805 AND BEING PART OF A TRACT OF LAND CONVEYED TO BILLY AND CYNDEE HERRIN AS RECORDED IN COUNTY CLERK FILE NUMBER 96-0039268, DEED RECORDS, COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED EAST OF BUSINESS 289 (N. LOUISIANA DRIVE), AND NORTH OF POPLAR STREET, COLLIN COUNTY, TEXAS; AS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT NO. 69; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT OF ZONING CLASSIFICATION; PROVIDING FOR ZONING DESIGNATION AND DEVELOPMENT STANDARDS; PROVIDING FOR REVISION OF ZONING MAP; PROVIDING FOR COMPLIANCE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO PUBLIC HEALTH AND SAFETY; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a home rule municipality located in Collin, and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, The Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, the City Council of the City of Celina, Texas is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

WHEREAS, Title 7 Chapter 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

WHEREAS, the establishment of a zoning classification has been requested for the property more specifically described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the tract comprising the property has been depicted in detail in Exhibit "B" attached hereto; and incorporated herein; and

WHEREAS, the concept plan and development regulations set forth in Exhibits “C” and Exhibit “D” attached hereto and incorporated herein define the base zoning districts and provide for certain modifications to such district regulations.

WHEREAS, the City Council has considered, among other things, the character of the property and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the City, and is in the interest of public health, safety, and welfare, and does hereby find that the requested zoning accomplishes such objectives and is consistent with the provisions of the 2030 Comprehensive Plan of the City of Celina; and

WHEREAS, the Planning and Zoning Commission of the City of Celina and the City Council of the City of Celina, in compliance with the laws of the State of Texas and the ordinances of the City of Celina, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that the zoning classification on the tract of land described herein should be changed and the zoning map so amended.

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

SECTION 1 **INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2 **FINDINGS**

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare.

SECTION 3 **AMENDMENT OF ZONING CLASSIFICATION**

That the zoning classification is hereby established as “PD” Planned Development District No. 69 on a certain tract of land described in in Exhibit “A” and depicted in Exhibits “B” and “C.”

SECTION 4 **ZONING DESIGNATION AND DEVELOPMENT STANDARDS**

4.01 That Ordinance No. 2006-57 of the City of Celina, Texas, as heretofore amended, the same being the City’s Comprehensive Zoning Ordinance, is hereby amended by designating the zoning on the land, depicted in Exhibit “A” attached hereto and incorporated herein, as “PD” Planned Development District No. 69.

4.02 This ordinance only regulates the uses allowed for the property identified above. All development and construction shall occur in accordance with the requirements of this ordinance; the concept plan set forth in Exhibit “C”; the development standards set forth in Exhibit “D” and all other applicable ordinances, rules, and regulations of the City.

SECTION 5

REVISION OF ZONING MAP

That the City Manager for the City of Celina is hereby directed to mark and indicate on the official Zoning District Map of the City the zoning change herein made.

SECTION 6 **COMPLIANCE REQUIRED**

That the property depicted on Exhibit "A" hereto shall be used only in the manner and for the purposes provided for in this ordinance and the Comprehensive Zoning Ordinance, of the City of Celina as amended.

SECTION 7 **PENALTY**

7.01 Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Celina, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

7.02 If the governing body of the City of Celina determines that a violation of this Ordinance has occurred, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8 **CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 9 **SAVINGS CLAUSE**

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning regulation which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 10 **SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 11
PUBLICATION CLAUSE

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption, and Effective Date of this Ordinance as required by Section 52.013 of the Local Government Code.

SECTION 12
ENGROSSMENT AND ENROLLMENT

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 13
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage and publication as required by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 9th day of August, 2016.

Sean Terry, Mayor
City of Celina, Texas

ATTEST:

Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:

City Attorney
City of Celina, Texas

"EXHIBIT A"
Grace Bridge
Legal Description

BEING a 1.953 acres tract or parcel of land out of the Collin County School Land Survey Abstract No. 170 and the Thomas Stayton Survey Abstract Number 805 and being part of a tract of land conveyed to Billy and Cyndee Herrin as recorded in County Clerk File Number 96-0039268, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1" pipe crimped at the top found for the Northeast corner of said Herrin tract and the Southeast corner of a tract of land conveyed to MacElroy Development as recorded in County Clerk File Number 20060320010001070, Deed Records, Collin County, Texas, said point also being in the west line of Burlington Northern Railway right-of-way;

THENCE South 12°30'00" West along the east line of said Herrin tract and the west line of said Burlington Northern Railway right-of-way a distance of 432.10 feet to a point for corner;

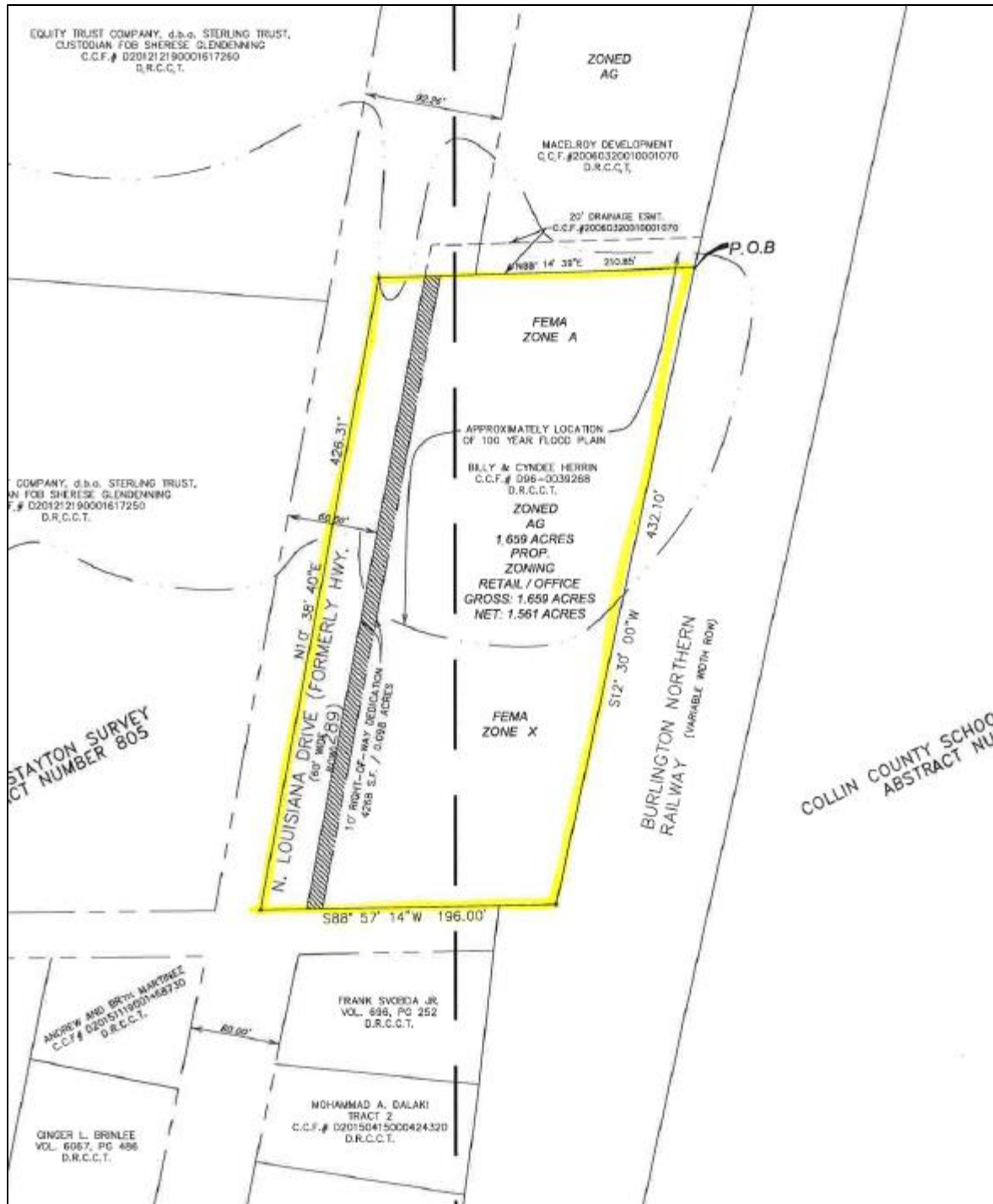
THENCE South 88°57'14" West along the southerly line of said Herrin tract a distance of 196.00 feet to a point for corner, said point being in the centerline of North Louisiana Drive (60 foot right-of-way);

THENCE North 10°38'40" East along the centerline of said North Louisiana Drive a distance of 426.31 feet a point for corner;

THENCE North 88°14'39" East departing the centerline of said North Louisiana Drive and along the south line of said MacElroy tract and the north line of said Herrin tract a distance of 210.85 feet to the POINT OF BEGINNING containing 1.953 acres of land more or less.

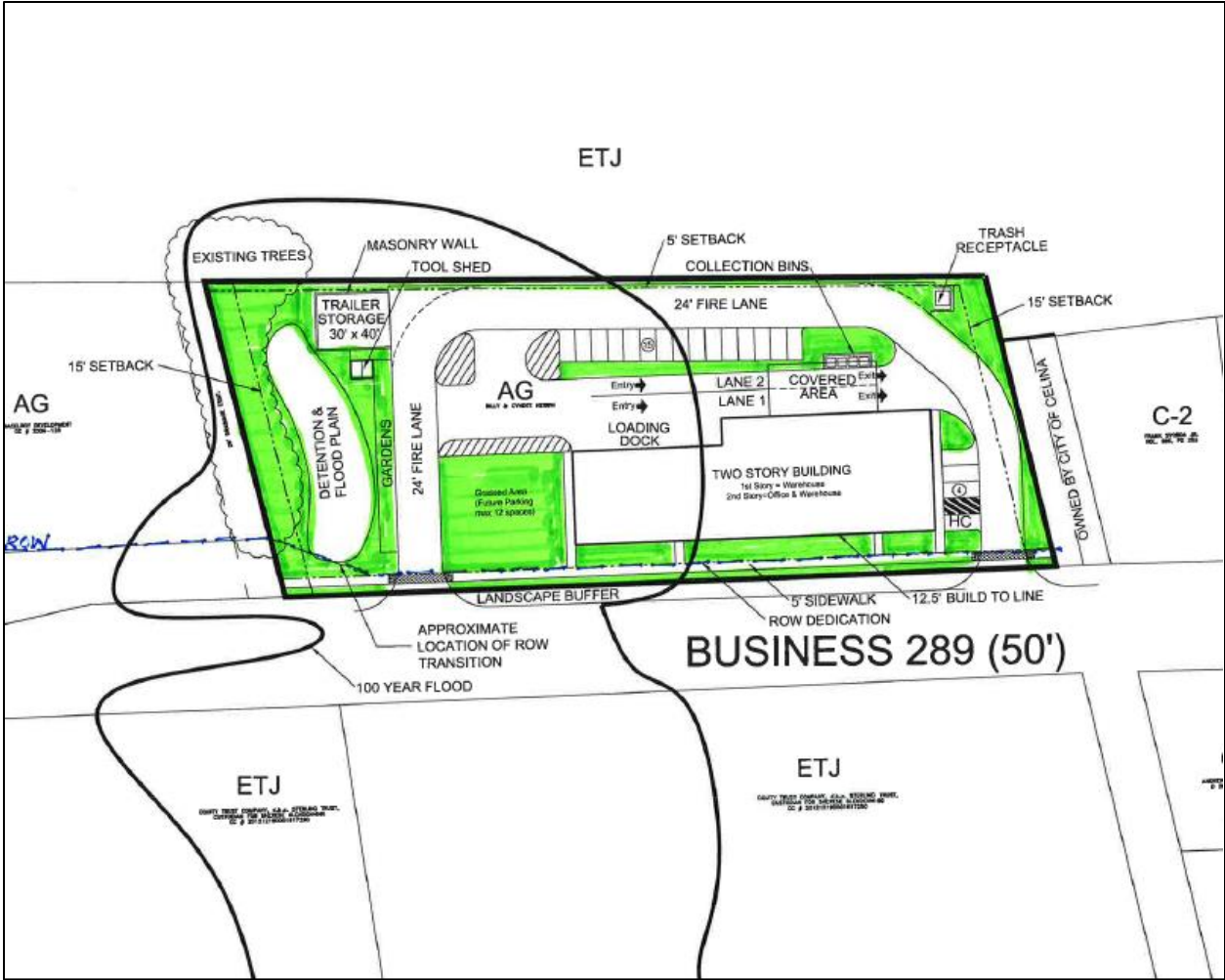
Attachment: Ordinance - Grace Bridge (1708 : Grace Bridge Rezoning Ordinance)

Exhibit B
Grace Bridge Tract
Zoning Exhibit



Attachment: Ordinance - Grace Bridge (1708 : Grace Bridge Rezoning Ordinance)

Exhibit C
Grace Bridge
Concept Plan



Attachment: Ordinance - Grace Bridge (1708 : Grace Bridge Rezoning Ordinance)

Exhibit D
Development Regulations
Grace Bridge Tract

Base Zoning District – Retail Office (RO)

The Planned Development shall conform to the Zoning Ordinance standards for the Retail/Office (R/O) Zoning District, as they exist or may be amended, except as follows:

1. General purpose and description: This district is established to provide areas for retail sales and professional offices which are not part of an overall larger development. These retail, office and warehouse buildings will be freestanding buildings, fully contained on a single lot or tract of land.
2. Permitted Uses: Additional uses for this district are as follows:
 - a. Recycling Center (limited to clothing, furniture and household goods)
 - b. Warehouse
3. Area regulations: Size of yards
 - a. Minimum Front Yard – 12.5 foot build-to line.
 - b. Minimum Rear Yard – 5.0 feet
4. Special district requirements
 - a. Open storage – No open storage is proposed.

The Planned Development shall conform to the Zoning Ordinance, Section 14.05.152 Construction Standards, as they exist or may be amended, except as follows:

1. The following materials may be permitted for nonresidential exterior construction.
 - a. Masonry as shown on elevations
 - b. Painted Metal Siding
 - i. Shall be allowed on back elevation of the building, not visible from the ROW,
 - ii. Stone and brick shall wrap around the corners of the building for a distance not less than three (3) feet, and
 - iii. A water table consisting of material that matches the remaining masonry elevations, as shown on the elevations, shall be located along the bottom perimeter of the back of the building.

Sec. 14.03.031 PD, Planned Development District

1. Open Space: A detention/retention pond shall be provided in lieu of open space shall be provided.
2. Landscaping: Landscaping shall be provided as required in the Zoning Ordinance, Article 14.05, Division 3, Landscaping, as it exists or may be amended.



PHONE (972) 382-4994
EMAIL darron@rdasdesigns.com

NO OFFEROR SHALL BE ENTITLED TO FINANCE THE ABOVE CONTRIBUTION FOR THE PROJECT. THE OFFEROR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE OFFEROR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE OFFEROR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.



Grace Bridge

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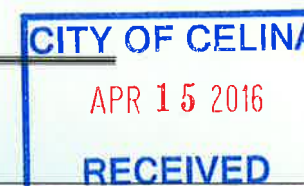
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SCALE: $1/8" = 1'-0"$



SCALE: 1/8" = 1'-0"



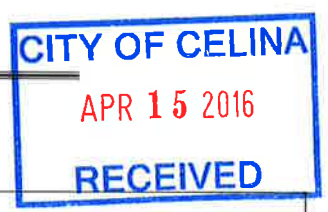
SCALE: $1/8" = 1'-0"$



239 WEST
PECAN STREET
SUITE 103
CELINA, TEXAS
75009
PHONE (972) 382-4994
EMAIL darron@rdgsdesigns.com

REVISED:

THIS DRAWING IS THE PROPERTY OF RDGS ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF RDGS ARCHITECTS. ANY UNAUTHORIZED USE OF THIS DRAWING IS PROHIBITED AND WILL BE CONSIDERED A VIOLATION OF THE ARCHITECTURAL PROFESSIONAL SEAL ACT OF THE STATE OF TEXAS. RDGS ARCHITECTS ASSUMES NO LIABILITY FOR ANY DAMAGE, LOSS, OR INJURY, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS DRAWING. DO NOT SCALE THESE DRAWINGS.

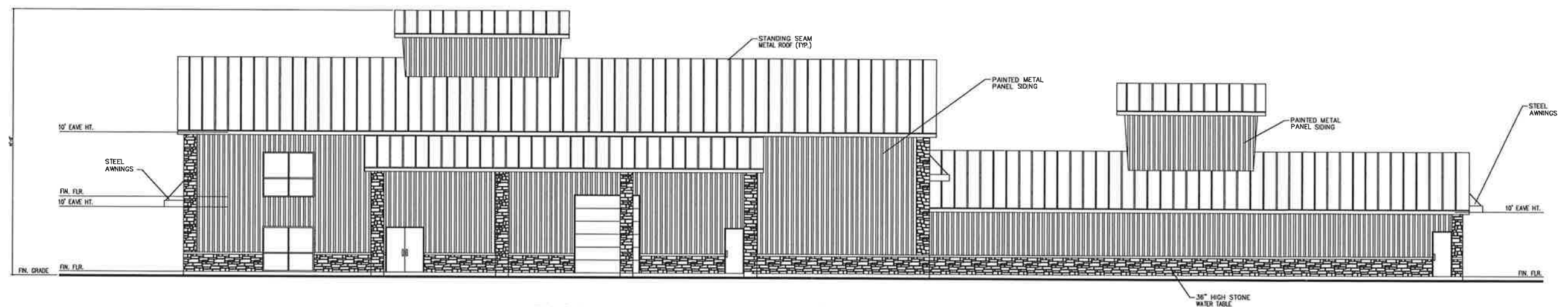


Grace Bridge

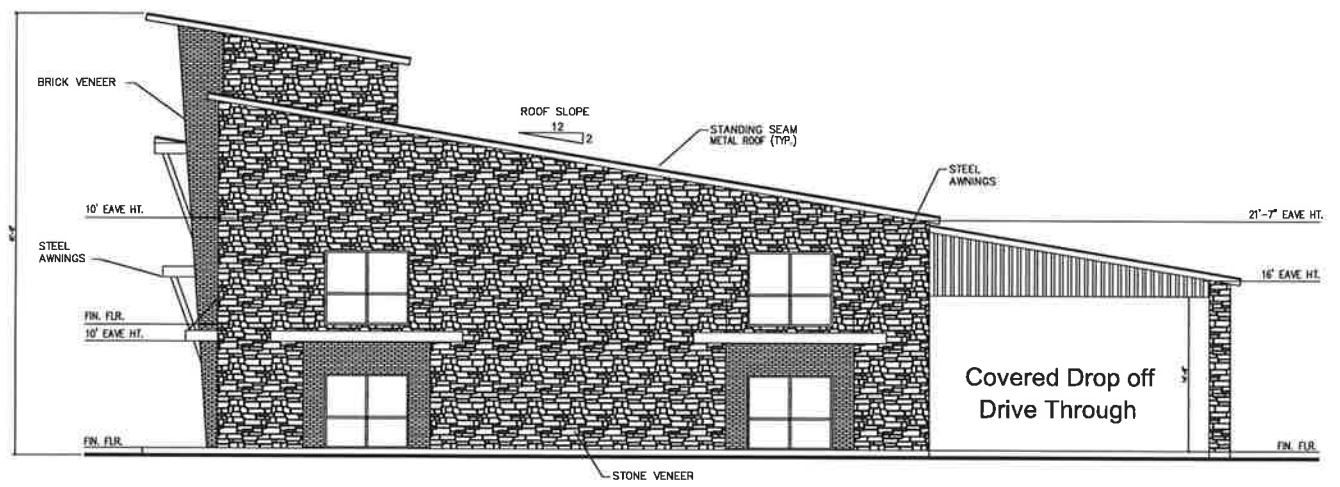
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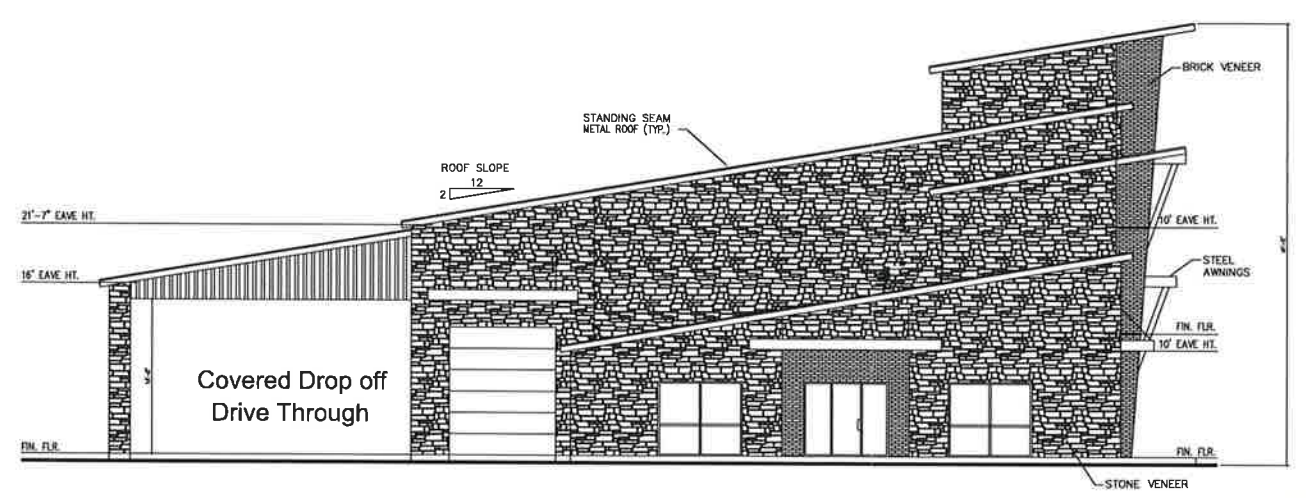
Attachment: Grace Bridge Elevations (1708 : Grace Bridge Rezoning Ordinance)



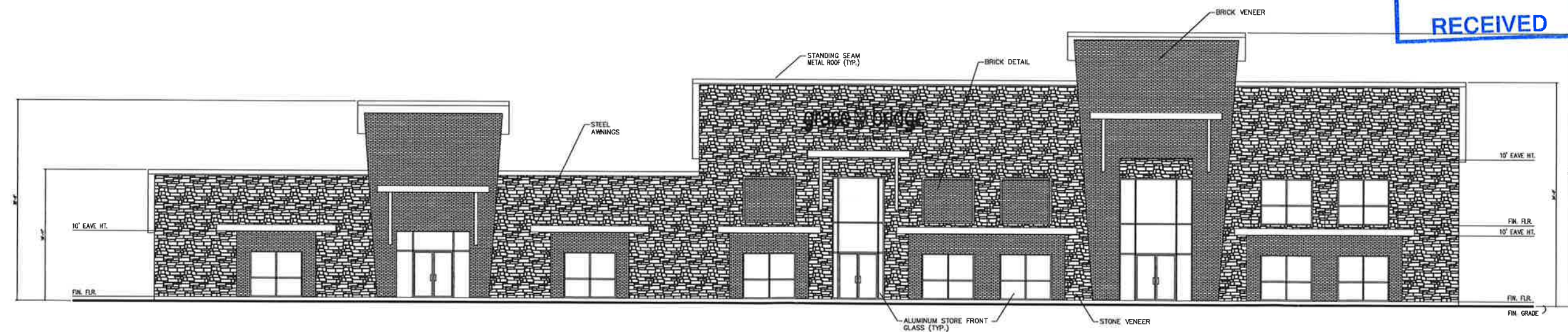
EAST BUILDING ELEVATION CONCEPT
SCALE: 1/8" = 1'-0"



SOUTH BUILDING ELEVATION CONCEPT
SCALE: 1/8" = 1'-0"



NORTH BUILDING ELEVATION CONCEPT
SCALE: 1/8" = 1'-0"



WEST BUILDING ELEVATION CONCEPT
SCALE: 1/8" = 1'-0"



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Brooks Wilson, Senior Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: O'Donnell Tract Rezoning Ordinance (PD-70)

Action Requested:

The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance of the City Council of the City of Celina, Texas, amending Ordinance No. 2006-57, as heretofore amended, the same being the Comprehensive Zoning Ordinance, and amending the Official Zoning Map of the City by designating the zoning of land that is an approximately 641.3 acre tract of land in the John Culwell Survey, Abstract No. 208, the Hezekiah Culwell Survey, Abstract No. 186, the B.B.B. & C.R.R. Survey, Abstract Nos. 129 and 130, and the George Jay Survey, Abstract No. 488 and generally located north of CR 130, south of CR 134, and east of CR 101, and west of CR 133, Collin County, Texas; as described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein to be zoned "PD" Planned Development District No. 70. (O'Donnell Rezoning) (Liebman)

Background Information:

The majority of the property was annexed into the City on May 31, 2016. One of the tracts which had an error in the application signatures (Legacy Equestrian Center) was annexed into the City earlier tonight on the consent agenda. Prior to the property being annexed, a Development Agreement between the owners of the property and the City was executed, spelling out certain legal obligations of the owners, including the responsibility of the owner for the costs incurred to exit the Merilee Special Utility District.

The property has been divided into twelve (12) "neighborhoods." Neighborhoods 1 and 4-8 are proposed to be exclusively single family detached residential. The single family lots are divided among three (3) types with lot widths of eighty (80) feet, sixty-five (65) feet and fifty (50) feet. The mix of lot types is the Celina preferred 50%/30%/20%. Tracts 2 and 3 are proposed to be single family detached residential as well as single family attached (townhomes - Lot Type D, see below). Duplexes are prohibited in all neighborhoods.

Tracts 9 -12 are proposed to have an underlying zoning of MU-2, Regional Mixed Use, with multiple family as well as commercial, office and retail uses. Specific land uses allowed and prohibited are spelled out in the Development Regulations. Amenities required with multiple family development are included in the Development Regulations.

Comprehensive Plan

The 2013 Comprehensive Plan shows the O'Donnell tract as Suburban Moderate-High Residential (Suburban Mix), which is designed to accommodate a range of housing types including single family

detached, duplexes and townhomes. Commercial uses such as retail/office, multiple family residential developments, commercial and entertainment uses are also acceptable. These uses are intended to support a larger geographic area than the immediate neighborhoods and are likely to be located at intersections. The proposed mix of housing types, commercial nodes and multiple-family is in compliance with the Comprehensive Plan and the Future Land Use Plan.

Pre-Annexation Development Agreement

On May 31, 2016, the City of Celina entered into an agreement with the owners of the O'Donnell tract, prior to the annexation of the property into the city limits. The rezoning request that was considered by the Planning and Zoning Commission on June 21, 2016 included the same development regulations that were included in the approved Development Agreement.

Thoroughfare Plan

1. GA Moore Parkway (FM 455). GA Moore Parkway will be a six-lane divided Major Arterial within 120 feet of right-of-way.
2. McIlroy Drive (CR 132). McIlroy Drive will be a six-lane divided Major Arterial within 120 feet of right-of-way north of FM 455 and a four-lane divided Minor Arterial within 90-100 feet of right-of-way south of FM 455.

Board Review/Citizen Input:

At the meeting on June 21, 2016, the Planning and Zoning Commission voted unanimously to recommend approval of the rezoning request as presented by staff.

A notice of the City Council public hearing was published in *The Celina Record* on June 24, 2016 for the July 12, 2016 City Council meeting. The public hearing was continued from that meeting to the August 9, 2016 City Council meeting to allow for the completion of the Legacy Equestrian tract annexation. Notices of the public hearing have been sent to all owners of property within Celina's city limits, as indicated by the most recently approved county tax roll, who are located within 200 feet of the subject property. Three (3) property owners within the City of Celina were notified by mail on June 6, 2016. As of the printing of this packet staff has received no comments either in support or in opposition to the rezoning request.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

The City Attorney has reviewed the ordinance and deemed it acceptable.

Supporting Document:

Ordinance

Staff Recommendation:

Staff recommends approval.

CITY OF CELINA, TEXAS

ORDINANCE 2016-_____
O'DONNELL ZONING - PD-70

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING ORDINANCE NO. 2006-57, AS HERETOFORE AMENDED, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY DESIGNATING THE ZONING OF LAND THAT IS AN APPROXIMATELY 641.3 ACRE SITUATED IN THE B. B. B. & C. RR. COMPANY SURVEY, ABSTRACT NO. 130, HEZEKIAH, CULWELL SURVEY, ABSTRACT NO. 186, JOHN CULWELL SURVEY, ABSTRACT NO. 208 AND THE GEORGE JAY SURVEY, ABSTRACT NO. 488, JOHN CULWELL SURVEY, ABSTRACT NO. 208 AND THE HEZEKIAH, CULWELL SURVEY, ABSTRACT NO. 186, COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED NORTH OF CR 130, SOUTH OF CR 134, EAST OF CR 101, AND WEST OF CR 133, COLLIN COUNTY, TEXAS; AS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT NO. 70; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT OF ZONING CLASSIFICATION; PROVIDING FOR ZONING DESIGNATION AND DEVELOPMENT STANDARDS; PROVIDING FOR REVISION OF ZONING MAP; PROVIDING FOR COMPLIANCE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO PUBLIC HEALTH AND SAFETY; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a home rule municipality located in Collin, and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, The Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, the City Council of the City of Celina, Texas is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

WHEREAS, Title 7 Chapter 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

WHEREAS, the establishment of a zoning classification has been requested for the property more specifically described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the tract comprising the property has been depicted in detail in Exhibit "B" attached hereto; and incorporated herein; and

WHEREAS, the concept plan and development regulations set forth in Exhibits “C” and Exhibit “D” attached hereto and incorporated herein define the base zoning districts and provide for certain modifications to such district regulations.

WHEREAS, the City Council has considered, among other things, the character of the property and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the City, and is in the interest of public health, safety, and welfare, and does hereby find that the requested zoning accomplishes such objectives and is consistent with the provisions of the 2030 Comprehensive Plan of the City of Celina; and

WHEREAS, the Planning and Zoning Commission of the City of Celina and the City Council of the City of Celina, in compliance with the laws of the State of Texas and the ordinances of the City of Celina, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that the zoning classification on the tract of land described herein should be changed and the zoning map so amended.

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

SECTION 1 **INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2 **FINDINGS**

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare.

SECTION 3 **AMENDMENT OF ZONING CLASSIFICATION**

That the zoning classification is hereby established as “PD” Planned Development District No. 70 on a certain tract of land described in in Exhibit “A” and depicted in Exhibit “B”.

SECTION 4 **ZONING DESIGNATION AND DEVELOPMENT STANDARDS**

4.01 That Ordinance No. 2006-57 of the City of Celina, Texas, as heretofore amended, the same being the City’s Comprehensive Zoning Ordinance, is hereby amended by designating the zoning on the land, depicted in Exhibit “A” attached hereto and incorporated herein, as “PD” Planned Development District No. 70.

4.02 This ordinance only regulates the uses allowed for the property identified above. All development and construction shall occur in accordance with the requirements of this ordinance; the concept plan set forth in Exhibit “C”; the development standards set forth in Exhibit “D” and all other applicable ordinances, rules, and regulations of the City.

SECTION 5 **REVISION OF ZONING MAP**

That the City Manager for the City of Celina is hereby directed to mark and indicate on the official Zoning District Map of the City the zoning change herein made.

SECTION 6 **COMPLIANCE REQUIRED**

That the property depicted on Exhibit "A" hereto shall be used only in the manner and for the purposes provided for in this ordinance and the Comprehensive Zoning Ordinance, of the City of Celina as amended.

SECTION 7 **PENALTY**

7.01 Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Celina, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

7.02 If the governing body of the City of Celina determines that a violation of this Ordinance has occurred, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8 **CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 9 **SAVINGS CLAUSE**

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning regulation which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 10 **SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 11
PUBLICATION CLAUSE

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption, and Effective Date of this Ordinance as required by Section 52.013 of the Local Government Code.

SECTION 12
ENGROSSMENT AND ENROLLMENT

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 13
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage and publication as required by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 9th day of August, 2016.

Sean Terry, Mayor
City of Celina, Texas

ATTEST:

Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:

City Attorney
City of Celina, Texas

Exhibit A
Legal Description
O'Donnell Tract – PD-70

Exhibit A - Overall Property

BEING a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130, Hezekiah, Culwell Survey, Abstract No. 186, John Culwell Survey, Abstract No. 208 and the George Jay Survey, Abstract No. 488, John Culwell Survey, Abstract No. 208 and the Hezekiah Culwell Survey, Abstract No. 186, Collin County, Texas, and being all of a called 21.349 acre tract of land, conveyed to Patricia Deason, as evidenced in a Deed, recorded in Volume 5698, Page 1119, Land Records of Collin County, Texas, all of a called 2.469 acre tract of land, conveyed to Patricia Ann Miller, as evidenced in a Deed, recorded in Volume 3969, Page 1405, Land Records of Collin County, Texas, all of a called 75.931 acre tract of land, conveyed to Patricia Ann Miller, as evidenced in a Deed, recorded in Volume 4047, Page 299, Land Records of Collin County, Texas, a portion of a called 166.407 acre tract of land, conveyed to Patricia Ann Miller, as evidenced in a Deed, recorded in County Clerk's File No. 96-0036768, Official Public Records of Collin County, Texas, all of a called 86.076 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 5144, Page 3554, Land Records of Collin County, Texas, all of a called 92.315 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4516, Page 1563, Land Records of Collin County, Texas, a portion of a called 93.492 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4801, Page 1372, Land Records of Collin County, Texas, all of a called 0.432 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4817, Page 2629, Land Records of Collin County, Texas, a portion of a called 160.635 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 5023, Page 2451, Land Records of Collin County, Texas, and all of a called 76.551 acre tract of land, conveyed to Legacy Stables LLC, as evidenced in a Deed, recorded in Volume 5045, Page 190, Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of said 76.551 acre tract, same being in the approximate centerline of a gravel road, known as County Road 130;

THENCE South 89°10'46" West, along the southerly line of said 76.551 acre tract and generally along the centerline of said County Road 130, a distance of 1,650.07 feet to the southwest corner of said 76.551 acre tract;

THENCE in a northerly direction, departing said County Road 130 and along the westerly line of said 76.551 acre tract, the following:

North 08°03'48" East, a distance of 123.07 feet to a corner;

North 38°59'36" East, a distance of 364.43 feet to a corner;

North 04°52'07" West, a distance of 282.14 feet to a corner;

North 12°40'03" East, a distance of 87.53 feet to a corner;

South 57°12'42" East, a distance of 80.32 feet to a corner;

North 11°22'42" West, a distance of 293.00 feet to a corner;

North 42°52'42" West, a distance of 948.00 feet to a corner;

North 04°51'06" West, a distance of 166.08 feet to the northwest corner of said 76.551 acre tract, same being the southwest corner of aforesaid 93.492 acre Celina Partners, Ltd., tract and the southeast corner of aforesaid 0.432 acre Celina Partners, Ltd., tract;

THENCE North 89°02'05" West, along the southerly line of said 0.432 acre tract and the southerly line of aforesaid 166.407 acre Patricia Ann Miller tract, a distance of 673.58 feet to the northeast corner of aforesaid 75.931 Patricia Ann Miller Tract;

THENCE South 00°07'27" East, along the easterly line of said 75.931 acre tract, the easterly line of aforesaid 2.469 acre Patricia Ann Miller tract, and generally along the centerline of a gravel road, known as County Road 132, a distance of 1,893.03 feet to the southeast corner of said 75.931 acre tract, same being at the intersection of the centerline of said County Road 132 with the centerline of aforesaid County Road 130;

THENCE South 89°29'28" West, along the southerly line of said 75.931 acre tract and generally along the centerline of said County Road 130, a distance of 1,772.15 feet to the southwest corner of said 75.931 acre tract;

THENCE in a northerly direction, departing the centerline of said County Road 130 and along the westerly line of said 75.931 acre tract, the following:

North 00°31'28" West, a distance of 591.28 feet to a corner;

North 00°42'37" West, a distance of 551.51 feet to a corner;

North 00°31'07" West, a distance of 550.24 feet to a corner;

North 00°32'47" East, a distance of 247.17 feet to the northwest corner of said 75.931 acre tract, same being the most southerly, southwest corner of aforesaid 166.407 acre Patricia Ann Miller tract;

THENCE North 00°23'39" West, along a westerly line of said 166.407 acre tract, a distance of 352.65 feet to an inner ell corner of said 166.407 acre tract;

THENCE South 89°38'59" West, along a southerly line of said 166.407 acre tract, a distance of 259.30 feet to a corner;

THENCE South 89°20'23" West, continuing along a southerly line of said 166.407 acre tract, a distance of 539.26 feet to the most westerly, southwest corner of said 166.407 acre tract;

THENCE North 01°11'36" East, along the westerly line of said 166.407 acre tract, a distance of 951.42 feet to a corner;

THENCE North 00°45'52" East, continuing along the westerly line of said 166.407 acre tract, a distance of 111.03 feet to the southeast corner of aforesaid 21.349 acre Patricia Deason tract;

THENCE South 89°33'54" West, along the southerly line of said 21.349 acre tract, a distance of 159.39 feet to a corner;

THENCE North 57°01'20" West, continuing along the southerly line of said 21.349 acre tract, a distance of 62.38 feet to a corner;

THENCE North 85°51'39" West, continuing along the southerly line of said 21.349 acre tract, a distance of 607.88 feet to the southwest corner of said 21.349 acre tract, same being on the easterly line of Prairie Meadow Estates, an Addition to the City of Celina, Texas, according to the Final Plat, recorded in Volume N, Page 983, Plat Records of Collin County, Texas;

THENCE North 00°24'20" East, along the westerly line of said 21.349 acre tract, a distance of 1,099.49 feet to the northwest corner of said 21.349 acre tract;

THENCE North 89°16'33" East, along the northerly line of said 21.349 acre tract, a distance of 813.52 feet to the northeast corner of said 21.349 acre tract, same being the northwest corner of aforesaid 166.407 Patricia Ann Miller tract;

THENCE South 80°02'56" East, along the northerly line of said 166.407 acre tract, a distance of 3,265.65 feet to the northeast corner of said 166.407 acre tract, same being the northwest corner of aforesaid 93.492 acre Celina Partners, Ltd., tract, same also being in the approximate centerline of a gravel road, known as County Road 132;

THENCE North 84°52'21" East, along the northerly line of said 93.492 acre tract, a distance of 30.10 feet to the northwest corner of right of way acquisition to Collin County, Texas, recorded in Instrument No. 20120830001083660, Official Public Records of Collin County, Texas;

THENCE departing the northerly line of said 93.492 acre tract, crossing said 93.492 acre tract and along said Collin County right of way acquisition tract, the following:

South 00°27'03" East, a distance of 115.59 feet to the southwest corner of said Collin County right of way acquisition tract;

North 89°32'57" East, a distance of 13.75 feet to the southeast corner of said Collin County right of way acquisition tract;

North 03°37'40" East, a distance of 85.85 feet to a corner;

North 30°42'24" East, a distance of 38.83 feet to the northeast corner of said Collin County right of way acquisition tract, same being on the northerly line of said 93.492 acre tract;

THENCE North 84°52'22" East, along the northerly line of said 93.492 acre tract, a distance of 711.05 feet to the most westerly, southwest corner of aforesaid 92.315 acre Celina Partners, Ltd., tract, same being in a gravel road, known as County Road 131;

THENCE North 00°01'29" West, along the westerly line of said 92.315 acre tract, a distance of 688.68 feet to the northwest corner of said 92.315 acre tract, same being on the southerly line of aforesaid 160.635 acre Celina Partners, Ltd., tract;

THENCE North 00°11'16" West, crossing said 160.635 acre tract and along the easterly line of a tract of land, conveyed to Michael D. Reardon and Marilyn Reardon, as evidenced in a Deed, recorded in Instrument No. 20150107000021820, Official Public Records of Collin County, Texas and the easterly

line of a tract of land, conveyed to Joseph McCormick and Kelli McCormick, as evidenced in a Deed, recorded in Instrument No. 20141003001085590, Official Public Records of Collin County, Texas, a distance of 821.74 feet to the northeast corner of said McCormick tract, same being on the southerly line of a tract of land, conveyed to Chi Chu Chan and Tsun Huei Chan, as evidenced in a Deed, recorded in Volume 5446, Page 427, Land Records of Collin County, Texas;

THENCE North 89°46'59" East, continuing across said 160.635 acre tract, along the southerly line of said Chan tract and the southerly line of a tract of land, conveyed to Michael E. Herbert, as evidenced in a Deed, recorded in Instrument No. 20112026001367720, Official Public Records of Collin County, Texas, a distance of 1,139.34 feet to the southeast corner of said Herbert tract, same being on the easterly line of said 160.635 acre tract and the westerly line of aforesaid 86.076 acre Celina Partners, Ltd., tract;

THENCE North 00°33'19" West, along the westerly line of said 86.076 acre tract, a distance of 202.79 feet to the northwest corner of said 86.076 acre tract;

THENCE North 89°15'05" East, along the northerly line of said 86.076 acre tract, a distance of 2,671.76 feet to the northeast corner of said 86.076 acre tract, same being in the approximate centerline of a gravel road, known as County Road 133;

THENCE South 01°13'49" East, along the easterly line of said 86.076 acre tract and generally along the centerline of said County Road 133, a distance of 1,224.03 feet to the southeast corner of said 86.076 acre tract, same being the northeast corner of aforesaid 92.315 acre Celina Partners, Ltd., tract;

THENCE South 01°09'05" East, along the easterly line of said 92.315 acre tract, a distance of 1,518.05 feet to the southeast corner of said 92.315 acre tract;

THENCE in a westerly direction, along the southerly line of said 92.315 acre tract, the following: North 79°16'29" West, a distance of 434.44 feet to a corner;
South 78°59'25" West, a distance of 597.70 feet to a corner;
North 81°38'35" West, a distance of 271.40 feet to a corner;
South 51°24'25" West, a distance of 170.70 feet to a corner;
North 82°43'22" West, a distance of 682.32 feet to the most southerly, southwest corner of said 92.315 acre tract, same being on the easterly line of aforesaid 93.492 acre Celina Partners, Ltd., tract;

THENCE in a southwesterly direction, along the easterly line of said 93.492 acre tract, the following:

South 38°13'03" West, a distance of 353.71 feet to a corner;
South 57°30'27" West, a distance of 110.51 feet to a corner;
South 74°52'15" West, a distance of 187.74 feet to a corner;
South 22°17'00" West, a distance of 156.04 feet to the northeast corner of aforesaid 76.551 acre Legacy Stables LLC tract;

THENCE South 01°48'30" East, along the easterly line of said 76.551 acre tract, a distance of 2,461.12 feet to the **POINT OF BEGINNING** and containing 641.30 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.

Exhibit "A" - Neighborhood 1

BEING a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130, and the George Jay Survey, Abstract No. 488, Collin County, Texas, and being a portion of a called 21.349 acre tract of land, conveyed to Patricia Deason, as evidenced in a Deed, recorded in Volume 5698, Page 1119, Land Records of Collin County, Texas, and a portion of a called 166.407 acre tract of land, conveyed to Patricia Ann Miller, as evidenced in a Deed, recorded in County Clerk's File No. 96-0036768, Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of said 21.349 acre Patricia Deason tract;

THENCE North 89°16'33" East, along the northerly line of said 21.349 acre tract, a distance of 813.52 feet to the northeast corner of said 21.349 acre tract, same being the northwest corner of aforesaid 166.407 Patricia Ann Miller tract;

THENCE South 80°02'56" East, along the northerly line of said 166.407 acre tract, a distance of 2,296.25 feet to a point for corner;

THENCE South 16°11'31" West, departing the northerly line of said 166.407 acre tract and crossing said 166.407 acre tract, a distance of 513.70 feet to a point for corner;

THENCE South 59°56'22" West, continuing across said 166.407 acre tract, a distance of 381.30 feet to a point for corner;

THENCE North 86°43'34" West, continuing across said 166.407 acre tract, a distance of 136.82 feet to a point for corner;

THENCE South 52°48'14" West, continuing across said 166.407 acre tract, a distance of 964.88 feet to a point for corner;

THENCE North 37°11'46" West, continuing across said 166.407 acre tract, a distance of 568.91 feet to the point of curvature of a tangent curve to the left;

THENCE in a westerly direction, continuing across said 166.407 acre tract, crossing aforesaid 21.349 acre tract, and along the arc of said curve to the left, through a central angle of 52°58'44", having a radius of 1,500.00 feet, a chord bearing of North 63°41'08" West, a chord distance of 1,338.10 feet and an arc length of 1,386.98 feet to the point of tangency of said curve;

THENCE South 89°49'30" West, continuing across said 21.349 acre tract, a distance of 157.59 feet to a point for corner on the westerly line of said 21.349 acre tract;

THENCE North 00°24'20" East, along the westerly line of said 21.349 acre tract, a distance of 600.50 feet to the **POINT OF BEGINNING** and containing 61.83 acres of land, more or less.

Exhibit "A" - Neighborhood 2

BEING a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130, Collin County, Texas, and being a portion of a called 166.407 acre tract of land, conveyed to Patricia Ann Miller, as evidenced in a Deed, recorded in County Clerk's File No. 96-0036768, Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of said 166.407 acre tract;

THENCE South 80°02'56" East, along the northerly line of said 166.407 acre tract, a distance of 2,296.25 feet to the **POINT OF BEGINNING** of the herein described tract;

THENCE South 80°02'56" East, continuing along the northerly line of said 166.407 acre tract, a distance of 956.55 feet to a point for corner;

THENCE South 00°41'41" East, departing the northerly line of said 166.407 acre tract and crossing said 166.407 acre tract, a distance of 876.29 feet to a point for corner;

THENCE South 89°18'19" West, continuing across said 166.407 acre tract, a distance of 860.00 feet to a point for corner;

THENCE South 00°41'41" East, continuing across said 166.407 acre tract, a distance of 1,156.29 feet to a point for corner;

THENCE South 89°46'39" West, continuing across said 166.407 acre tract, a distance of 15.05 feet to the point of curvature of a tangent curve to the right;

THENCE in a westerly direction, continuing across said 166.407 acre tract, and along the arc of said curve to the right, through a central angle of 53°01'35", having a radius of 1,500.00 feet, a chord bearing of North 63°42'34" West, a chord distance of 1,339.21 feet and an arc length of 1,388.23 feet to the point of tangency of said curve;

THENCE North 37°11'46" West, continuing across said 166.407 acre tract, a distance of 445.94 feet to a point for corner;

THENCE North 52°48'14" East, continuing across said 166.407 acre tract, a distance of 964.88 feet to a point for corner;

THENCE South 86°43'34" East, continuing across said 166.407 acre tract, a distance of 136.82 feet to a point for corner;

THENCE North 59°56'22" East, continuing across said 166.407 acre tract, a distance of 381.30 feet to a point for corner;

THENCE North 16°11'31" East, continuing across said 166.407 acre tract, a distance of 513.70 feet to the **POINT OF BEGINNING** and containing 59.34 acres of land, more or less.

Exhibit "A" - Neighborhood 3

BEING a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130, John Culwell Survey, Abstract No. 208 and the Hezekiah Culwell Survey, Abstract No. 186, Collin County, Texas, and being a portion of a called 92.315 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4516, Page 1563, Land Records of Collin County, Texas, a called 76.551 acre tract of land, conveyed to Legacy Stables LLC, as evidenced in a Deed, recorded in Volume 5045, Page 190, Land Records of Collin County, Texas, and a portion of a called 93.492 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4801, Page 1372, Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the most westerly, southwest corner of said 92.315 acre tract, same being on the northerly line of 93.492 acre tract, same also being in a gravel road, known as County Road 131;

THENCE North 88°45'26" East, departing said southwest corner and crossing said 93.492 acre tract, a distance of 68.49 feet to the **POINT OF BEGINNING** of the herein described tract;

THENCE North 86°23'27" East crossing the common line of said 93.492 acre tract and said 92.315 acre tract, a distance of 455.20 feet to a point for corner in said 92.315 acre tract;

THENCE South 03°36'33" East, crossing said common line of said 93.492 acre tract and said 92.315 acre tract, a distance of 426.58 feet to a point for corner in said 93.492 acre tract;

THENCE North 89°18'19" East, continuing across said 93.492 acre tract, a distance of 393.70 feet to a point for corner;

THENCE South 00°41'41" East, continuing across said 93.492 acre tract and crossing aforesaid 76.551 acre tract, a distance of 1,709.71 feet to a point for corner;

THENCE South 89°46'39" West, continuing across said 76.551 acre tract and crossing said 93.492 acre tract, a distance of 870.03 feet to a point for corner;

THENCE North 00°41'41" West, continuing across said 93.492 acre tract, a distance of 2,105.42 feet to the **POINT OF BEGINNING** and containing 38.51 acres of land, more or less.

Exhibit "A" - Neighborhood 4

BEING a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130, John Culwell Survey, Abstract No. 208 and the Hezekiah Culwell Survey, Abstract No. 186, Collin County, Texas, and being a portion of a called 92.315 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4516, Page 1563, Land Records of Collin County, Texas and a portion of a called 93.492 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4801, Page 1372, Land Records of Collin County, Texas, a portion of a called 160.635 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 5023, Page 2451, Land Records of Collin County, Texas, a portion of a called 76.551 acre tract of land, conveyed to Legacy Stables LLC, as evidenced in a Deed, recorded in Volume 5045, Page 190, Land Records of Collin County, Texas and a portion of a called 86.076 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 5144, Page 3554, Land Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the most westerly, southwest corner of said 92.315 acre tract, same being on the northerly line of 93.492 acre tract, same also being in a gravel road, known as County Road 131;

THENCE North 00°01'29" West, along the westerly line of said 92.315 acre tract, a distance of 688.68 feet to the northwest corner of said 92.315 acre tract, same being on the southerly line of aforesaid 160.635 acre Celina Partners, Ltd., tract;

THENCE North 00°11'16" West, crossing said 160.635 acre tract and along the easterly line of a tract of land, conveyed to Michael D. Reardon and Marilyn Reardon, as evidenced in a Deed, recorded in Instrument No. 20150107000021820, Official Public Records of Collin County, Texas and the easterly line of a tract of land, conveyed to Joseph McCormick and Kelli McCormick, as evidenced in a Deed, recorded in Instrument No. 20141003001085590, Official Public Records of Collin County, Texas, a distance of 821.74 feet to the northeast corner of said McCormick tract, same being on the southerly line of a tract of

land, conveyed to Chi Chu Chan and Tsun Huei Chan, as evidenced in a Deed, recorded in Volume 5446, Page 427, Land Records of Collin County, Texas;

THENCE North 89°46'59" East, continuing across said 160.635 acre tract, along the southerly line of said Chan tract and the southerly line of a tract of land, conveyed to Michael E. Herbert, as evidenced in a Deed, recorded in Instrument No. 20112026001367720, Official Public Records of Collin County, Texas, a distance of 1,139.34 feet to the southeast corner of said Herbert tract, same being on the easterly line of said 160.635 acre tract and the westerly line of aforesaid 86.076 acre Celina Partners, Ltd., tract;

THENCE North 00°33'19" West, along the westerly line of said 86.076 acre tract, a distance of 202.79 feet to the northwest corner of said 86.076 acre tract;

THENCE North 89°15'05" East, along the northerly line of said 86.076 acre tract, a distance of 1,626.92 feet to a point for corner;

THENCE South 19°24'16" West, departing the northerly line of said 86.076 acre tract, crossing said 86.076 acre tract and crossing aforesaid 92.315 acre tract, a distance of 2,910.11 feet to a point for corner on the southerly line of said 92.315 acre tract;

THENCE North 82°43'22" West, along the southerly line of said 92.315 acre tract, a distance of 24.13 feet to the most southerly, southwest corner of said 92.315 acre tract, same being the southeast corner of aforesaid 93.492 acre tract;

THENCE in a southwesterly direction, along the easterly line of said 93.492 acre tract, the following:

South 38°13'03" West, a distance of 353.71 feet to a corner;

South 57°30'27" West, a distance of 110.51 feet to a corner;

South 74°52'15" West, a distance of 187.74 feet to a corner;

South 22°17'00" West, a distance of 156.04 feet to the northeast corner of aforesaid 76.551 acre Legacy Stables LLC tract;

THENCE South 01°48'30" East, along the easterly line of said 76.551 acre tract, a distance of 566.00 feet to a point for corner

THENCE South 89°46'39" West, departing the easterly line of said 76.551 acre tract and crossing said 76.551 acre tract, a distance of 271.79 feet to a point for corner;

THENCE North 00°41'41" West, crossing said 76.551 acre tract and crossing aforesaid 93.492 acre tract, a distance of 1,709.71 feet to a point for corner;

THENCE South 89°18'19" West, continuing across said 93.492 acre tract, a distance of 393.70 feet to a point for corner;

THENCE North 03°36'33" West, continuing across said 93.492 acre tract and crossing aforesaid 92.315 acre tract, a distance of 426.58 feet to a point for corner in aforesaid County Road 131;

THENCE South 86°23'27" West, crossing said 92.315 acre tract and said 93.492 acre tract, a distance of 455.20 feet to a point for corner in said 93.492 acre tract;

THENCE South 88°45'26" West, crossing said 93.492 acre tract and said 92.315 acre tract, a distance of 68.49 feet to the **POINT OF BEGINNING** and containing 129.03 acres of land, more or less.

Exhibit "A" - Neighborhood 5

BEING a tract of land situated in the John Culwell Survey, Abstract No. 208, Collin County, Texas, and being a portion of a called 92.315 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4516, Page 1563, Land Records of Collin County, Texas, and a portion of a called 86.076 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 5144, Page 3554, Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of said 86.076 acre tract, same being in the approximate centerline of a gravel road, known as County Road 133;

THENCE South 01°13'49" East, along the easterly line of said 86.076 acre tract and generally along the centerline of said County Road 133, a distance of 1,224.03 feet to the southeast corner of said 86.076 acre tract, same being the northeast corner of aforesaid 92.315 acre Celina Partners, Ltd., tract;

THENCE South 01°09'05" East, along the easterly line of said 92.315 acre tract, a distance of 1,518.05 feet to the southeast corner of said 92.315 acre tract;

THENCE in a westerly direction, along the southerly line of said 92.315 acre tract, the following:

North 79°16'29" West, a distance of 434.44 feet to a corner;

South 78°59'25" West, a distance of 597.70 feet to a corner;

North 81°38'35" West, a distance of 271.40 feet to a corner;
 South 51°24'25" West, a distance of 170.70 feet to a corner;
 North 82°43'22" West, a distance of 658.19 feet to a point for corner;

THENCE North 19°24'16" East, departing the southerly line of said 92.315 acre tract, crossing said 92.315 acre tract and crossing aforesaid 86.076 acre tract, a distance of 2,910.11 feet to a point for corner on the northerly line of said 86.076 acre tract;

THENCE North 89°15'05" East, along the northerly line of said 86.076 acre tract, a distance of 1,044.84 feet to the **POINT OF BEGINNING** and containing 97.88 acres of land, more or less.

Exhibit "A" - Neighborhood 6

BEING a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130 and the Hezekiah Culwell Survey, Abstract No. 186, Collin County, Texas, and being a portion of a called 76.551 acre tract of land, conveyed to Legacy Stables LLC, as evidenced in a Deed, recorded in Volume 5045, Page 190, Land Records of Collin County, Texas, a portion of a called 93.492 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4801, Page 1372, Land Records of Collin County, Texas and a portion of a called 0.432 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4817, Page 2629, Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of said 76.551 acre tract, same being in the approximate centerline of a gravel road, known as County Road 130;

THENCE South 89°10'46" West, along the southerly line of said 76.551 acre tract and generally along the centerline of said County Road 130, a distance of 1,650.07 feet to the southwest corner of said 76.551 acre tract;

THENCE in a northerly direction, departing said County Road 130 and along the westerly line of said 76.551 acre tract, the following:

North 08°03'48" East, a distance of 123.07 feet to a corner;
 North 38°59'36" East, a distance of 364.43 feet to a corner;
 North 04°52'07" West, a distance of 282.14 feet to a corner;
 North 12°40'03" East, a distance of 87.53 feet to a corner;
 South 57°12'42" East, a distance of 80.32 feet to a corner;
 North 11°22'42" West, a distance of 293.00 feet to a corner;
 North 42°52'42" West, a distance of 948.00 feet to a corner;
 North 04°51'06" West, a distance of 166.08 feet to the northwest corner of said 76.551 acre tract, same being the southwest corner of aforesaid 93.492 acre Celina Partners, Ltd., tract and the southeast corner of aforesaid 0.432 acre Celina Partners, Ltd., tract;

THENCE North 06°53'04" West, departing the southeast corner of aforesaid 0.432 acre tract, the southwest corner of aforesaid 93.492 acre tract and crossing said 0.432 acre tract, a distance of 34.75 feet to a point for corner;

THENCE North 89°46'39" East, continuing across said 0.432 acre tract, crossing aforesaid 93.492 acre tract and crossing aforesaid 76.551 acre tract, a distance of 1,117.45 feet to a point for corner;

THENCE South 00°13'21" East, continuing across said 76.551 acre tract, a distance of 85.00 feet to a point for corner;

THENCE South 12°26'57" West, continuing across said 76.551 acre tract, a distance of 59.01 feet to a point for corner;

THENCE South 32°01'33" West, continuing across said 76.551 acre tract, a distance of 63.55 feet to a point for corner;

THENCE South 50°04'35" West, continuing across said 76.551 acre tract, a distance of 140.62 feet to a point for corner;

THENCE South 82°24'41" West, continuing across said 76.551 acre tract, a distance of 40.80 feet to a point for corner;

THENCE South 89°03'42" West, continuing across said 76.551 acre tract, a distance of 82.24 feet to a point for corner;

THENCE South 62°56'47" West, continuing across said 76.551 acre tract, a distance of 68.11 feet to a point for corner;

THENCE South 35°00'49" West, continuing across said 76.551 acre tract, a distance of 32.89 feet to a point for corner;
THENCE South 03°58'04" East, continuing across said 76.551 acre tract, a distance of 136.36 feet to a point for corner;
THENCE South 03°28'16" West, continuing across said 76.551 acre tract, a distance of 178.12 feet to a point for corner;
THENCE South 24°38'27" East, continuing across said 76.551 acre tract, a distance of 35.56 feet to a point for corner;
THENCE South 79°11'07" East, continuing across said 76.551 acre tract, a distance of 93.32 feet to a point for corner;
THENCE South 54°48'14" East, continuing across said 76.551 acre tract, a distance of 56.08 feet to a point for corner;
THENCE South 84°34'26" East, continuing across said 76.551 acre tract, a distance of 61.03 feet to a point for corner;
THENCE North 72°29'15" East, continuing across said 76.551 acre tract, a distance of 80.57 feet to a point for corner;
THENCE North 88°07'25" East, continuing across said 76.551 acre tract, a distance of 82.27 feet to a point for corner;
THENCE North 00°18'22" West, continuing across said 76.551 acre tract, a distance of 118.41 feet to a point for corner;
THENCE North 89°41'38" East, continuing across said 76.551 acre tract, a distance of 889.52 feet to a point for corner on the easterly line of said 76.551 acre tract
THENCE South 01°48'30" East, along the easterly line of said 76.551 acre tract, a distance of 1,288.32 feet to the **POINT OF BEGINNING** and containing 53.08 acres of land, more or less.

Exhibit "A" - Neighborhood 7

BEING a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130, Collin County, Texas, and being all of a called 2.469 acre tract of land, conveyed to Patricia Ann Miller, as evidenced in a Deed, recorded in Volume 3969, Page 1405, Land Records of Collin County, Texas, a portion of a called 75.931 acre tract of land, conveyed to Patricia Ann Miller, as evidenced in a Deed, recorded in Volume 4047, Page 299, Land Records of Collin County, Texas, and a portion of a called 166.407 acre tract of land, conveyed to Patricia Ann Miller, as evidenced in a Deed, recorded in County Clerk's File No. 96-0036768, Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of said 75.931 acre tract, same being at the intersection of the centerline of a gravel road, known as County Road 132 with the centerline of a gravel road, known as County Road 130;

THENCE South 89°29'28" West, along the southerly line of said 75.931 acre tract and generally along the centerline of said County Road 130, a distance of 1,772.15 feet to the southwest corner of said 75.931 acre tract;

THENCE in a northerly direction, departing the centerline of said County Road 130 and along the westerly line of said 75.931 acre tract, the following:

North 00°31'28" West, a distance of 591.28 feet to a corner;

North 00°42'37" West, a distance of 551.51 feet to a corner;

North 00°31'07" West, a distance of 326.97 feet to a point for corner;

THENCE North 89°37'31" East, departing the westerly line of said 75.931 acre tract and crossing said 75.931 acre tract, a distance of 1,571.93 feet to a point for corner;

THENCE North 00°22'29" West, continuing across said 75.931 acre tract and crossing said 166.407 acre tract, a distance of 448.55 feet to the point of curvature of a non-tangent curve to the left;

THENCE in an easterly direction, continuing across said 106.407 acre tract, and along the arc of said curve to the left, through a central angle of 00°19'26", having a radius of 1,500.00 feet, a chord bearing of North 89°56'22" East, a chord distance of 8.48 feet and an arc length of 8.48 feet to the point of tangency of said curve;

THENCE North 89°46'39" East, continuing across said 106.407 acre tract, a distance of 205.67 feet to a point for corner;

THENCE South 00°13'21" East, continuing across said 106.407 acre tract, a distance of 20.55 feet to the northeast corner of aforesaid 75.931 acre tract;

THENCE South 00°07'27" East, along the easterly line of said 75.931 acre tract, the easterly line of aforesaid 2.469 acre Patricia Ann Miller tract, and generally along the centerline of a gravel road, known as County Road 132, a distance of 1,893.03 feet to the **POINT OF BEGINNING** and containing 62.10 acres of land, more or less.

Exhibit "A" - Neighborhood 8

BEING a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130, and the George Jay Survey, Abstract No. 488, Collin County, Texas, and being a portion of a called 21.349 acre tract of land, conveyed to Patricia Deason, as evidenced in a Deed, recorded in Volume 5698, Page 1119, Land Records of Collin County, Texas, a portion of a called 75.931 acre tract of land, conveyed to Patricia Ann Miller, as evidenced in a Deed, recorded in Volume 4047, Page 299, Land Records of Collin County, Texas, and a portion of a called 166.407 acre tract of land, conveyed to Patricia Ann Miller, as evidenced in a Deed, recorded in County Clerk's File No. 96-0036768, Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of said 21.349 acre tract, same being on the easterly line of Prairie Meadow Estates, an Addition to the City of Celina, Texas, according to the Final Plat, recorded in Volume N, Page 983, Plat Records of Collin County, Texas;

THENCE North 00°24'20" East, along the westerly line of said 21.349 acre tract, a distance of 498.99 feet to a point for corner;

THENCE North 89°49'30" East, departing the westerly line of said 21.349 acre tract and crossing said 21.349 acre tract, a distance of 157.59 feet to the point of curvature of a tangent curve to the right;

THENCE in a southeasterly direction, continuing across said 21.349 acre tract and crossing aforesaid 166.407 acre tract, and along the arc of said curve to the right, through a central angle of 52°58'44", having a radius of 1,500.00 feet, a chord bearing of South 63°41'08" East, a chord distance of 1,338.10 feet and an arc length of 1,386.98 feet to the point of tangency of said curve;

THENCE South 37°11'46" East, continuing across said 166.407 acre tract, a distance of 1,014.85 feet to the point of curvature of a tangent curve to the left;

THENCE in a southeasterly direction, continuing across said 166.407 acre tract, and along the arc of said curve to the left, through a central angle of 52°42'09", having a radius of 1,500.00 feet, a chord bearing of South 63°32'51" East, a chord distance of 1,331.62 feet and an arc length of 1,379.75 feet to a point for corner;

THENCE South 00°22'29" East, continuing across said 166.407 acre tract and crossing aforesaid 75.931 acre tract, a distance of 448.55 feet to a point for corner;

THENCE South 89°37'31" West, continuing across said 75.931 acre tract, a distance of 1,571.93 feet to a point for corner on the westerly line of said 75.931 acre tract;

THENCE in a northerly direction, along the westerly line of said 75.931 acre tract, the following:

North 00°31'07" West, a distance of 223.27 feet to a corner;

North 00°32'47" East, a distance of 247.17 feet to the northwest corner of said 75.931 acre tract, same being the most southerly, southwest corner of aforesaid 166.407 acre Patricia Ann Miller tract;

THENCE North 00°23'39" West, along a westerly line of said 166.407 acre tract, a distance of 352.65 feet to an inner ell corner of said 166.407 acre tract;

THENCE South 89°38'59" West, along a southerly line of said 166.407 acre tract, a distance of 259.30 feet to a corner;

THENCE South 89°20'23" West, continuing along a southerly line of said 166.407 acre tract, a distance of 539.26 feet to the most westerly, southwest corner of said 166.407 acre tract;

THENCE North 01°11'36" East, along the westerly line of said 166.407 acre tract, a distance of 951.42 feet to a corner;

THENCE North 00°45'52" East, continuing along the westerly line of said 166.407 acre tract, a distance of 111.03 feet to the southeast corner of aforesaid 21.349 acre Patricia Deason tract;

THENCE South 89°33'54" West, along the southerly line of said 21.349 acre tract, a distance of 159.39 feet to a corner;

THENCE North 57°01'20" West, continuing along the southerly line of said 21.349 acre tract, a distance of 62.38 feet to a corner;

THENCE North 85°51'39" West, continuing along the southerly line of said 21.349 acre tract, a distance of 607.88 feet to the **POINT OF BEGINNING** and containing 59.08 acres of land, more or less.

Exhibit "A" - Neighborhood 9

BEING a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130 and the Hezekiah Culwell Survey, Abstract No. 186, Collin County, Texas, and being a portion of a called 76.551 acre tract of land, conveyed to Legacy Stables LLC, as evidenced in a Deed, recorded in Volume 5045, Page 190, Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the southeast corner of said 76.551 acre tract, same being in the approximate centerline of a gravel road, known as County Road 130;

THENCE North 01°48'30" West, along the easterly line of said 76.551 acre tract, a distance of 1,288.32 feet to the **POINT OF BEGINNING** of the herein described tract;

THENCE South 89°41'38" West, departing the easterly line of said 76.551 acre tract and crossing said 76.551 acre tract, a distance of 889.52 feet to a point for corner;

THENCE South 00°18'22" East, continuing across said 76.551 acre tract, a distance of 118.41 feet to a point for corner;

THENCE South 88°07'25" West, continuing across said 76.551 acre tract, a distance of 82.27 feet to a point for corner;

THENCE South 72°29'15" West, continuing across said 76.551 acre tract, a distance of 80.57 feet to a point for corner;

THENCE North 84°34'26" West, continuing across said 76.551 acre tract, a distance of 61.03 feet to a point for corner;

THENCE North 54°48'14" West, continuing across said 76.551 acre tract, a distance of 56.08 feet to a point for corner;

THENCE North 79°11'07" West, continuing across said 76.551 acre tract, a distance of 93.32 feet to a point for corner;

THENCE North 24°38'27" West, continuing across said 76.551 acre tract, a distance of 35.56 feet to a point for corner;

THENCE North 03°28'16" East, continuing across said 76.551 acre tract, a distance of 178.12 feet to a point for corner;

THENCE North 03°58'04" West, continuing across said 76.551 acre tract, a distance of 136.36 feet to a point for corner;

THENCE North 35°00'49" East, continuing across said 76.551 acre tract, a distance of 32.89 feet to a point for corner;

THENCE North 62°56'47" East, continuing across said 76.551 acre tract, a distance of 68.11 feet to a point for corner;

THENCE North 89°03'42" East, continuing across said 76.551 acre tract, a distance of 82.24 feet to a point for corner;

THENCE North 82°24'41" East, continuing across said 76.551 acre tract, a distance of 40.80 feet to a point for corner;

THENCE North 50°04'35" East, continuing across said 76.551 acre tract, a distance of 140.62 feet to a point for corner;

THENCE North 32°01'33" East, continuing across said 76.551 acre tract, a distance of 63.55 feet to a point for corner;

THENCE North 12°26'57" East, continuing across said 76.551 acre tract, a distance of 59.01 feet to a point for corner;

THENCE North 00°13'21" West, continuing across said 76.551 acre tract, a distance of 85.00 feet to a point for corner;

THENCE North 89°46'39" East, continuing across said 76.551 acre tract, a distance of 884.39 feet to a point for corner on the easterly line of said 76.551 acre tract

THENCE South 01°48'30" East, along the easterly line of said 76.551 acre tract, a distance of 606.80 feet to the **POINT OF BEGINNING** and containing 16.26 acres of land, more or less.

Exhibit "A" - Neighborhood 10

BEING a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130, and the Hezekiah Culwell Survey, Abstract No. 186, Collin County, Texas, and being a portion of a called 166.407 acre tract of land, conveyed to Patricia Ann Miller, as evidenced in a Deed, recorded in County Clerk's File No. 96-0036768, Official Public Records of Collin County, Texas, and a portion of a called 93.492 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4801, Page 1372, Land Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of said 93.492 acre tract and the northeast corner of said 166.407 acre tract, same also being in the approximate centerline of a gravel road, known as County Road 132;

THENCE North 84°52'21" East, along the northerly line of said 93.492 acre tract, a distance of 30.10 feet to the northwest corner of right of way acquisition to Collin County, Texas, recorded in Instrument No. 20120830001083660, Official Public Records of Collin County, Texas;

THENCE departing the northerly line of said 93.492 acre tract, crossing said 93.492 acre tract and along said Collin County right of way acquisition tract, the following:

South 00°27'03" East, a distance of 115.59 feet to the southwest corner of said Collin County right of way acquisition tract;

North 89°32'57" East, a distance of 13.75 feet to the southeast corner of said Collin County right of way acquisition tract;

North 03°37'40" East, a distance of 85.85 feet to a corner;

North 30°42'24" East, a distance of 38.83 feet to the northeast corner of said Collin County right of way acquisition tract, same being on the northerly line of said 93.492 acre tract;

THENCE North 84°52'22" East, along the northerly line of said 93.492 acre tract, a distance of 711.05 feet to the most westerly, southwest corner of a called 92.315 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4516, Page 1563, Land Records of Collin County, Texas, same being in a gravel road, known as County Road 131;

THENCE North 88°45'26" East, departing the southwest corner of said 92.315 acre tract and crossing said 93.492 acre tract, a distance of 68.49 feet to a point for corner;

THENCE South 00°41'41" East, continuing across said 93.492 acre tract, a distance of 934.95 feet to a point for corner;

THENCE South 89°18'19" West, continuing across said 93.492 acre tract and crossing aforesaid 166.407 acre tract, a distance of 860.00 feet to a point for corner;

THENCE North 00°41'41" West, continuing across said 166.407 acre tract, a distance of 876.29 feet to a point for corner on the northerly line of said 166.407 acre tract;

THENCE South 80°02'56" East, along the northerly line of said 166.407 acre tract, a distance of 12.85 feet to the **POINT OF BEGINNING** and containing 17.84 acres of land, more or less.

Exhibit "A" - Neighborhood 11

BEING a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130, and the Hezekiah Culwell Survey, Abstract No. 186, Collin County, Texas, and being a portion of a called 166.407 acre tract of land, conveyed to Patricia Ann Miller, as evidenced in a Deed, recorded in County Clerk's File No. 96-0036768, Official Public Records of Collin County, Texas, a portion of a called 0.432 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4817, Page 2629, Land Records of Collin County, Texas, and a portion of a called 93.492 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4801, Page 1372, Land Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of said 93.492 acre tract, same being the southeast corner of said 0.432 acre tract same also being the northwest corner of a called 76.551 acre tract of land, conveyed to Legacy Stables LLC, as evidenced in a Deed, recorded in Volume 5045, Page 190, Land Records of Collin County, Texas;

THENCE North 06°53'04" West, crossing said 0.432 acre tract, a distance of 34.75 feet to the **POINT OF BEGINNING** of the herein described tract;

THENCE North 00°41'41" West, continuing across said 0.432 acre tract and crossing said 166.407 acre tract, a distance of 1,163.38 feet to a point for corner;

THENCE North 89°18'19" East, continuing across said 166.407 acre tract and crossing said 93.492 acre tract, a distance of 860.00 feet to a point for corner;

THENCE South 00°41'41" East, continuing across said 93.492 acre tract, a distance of 1,170.47 feet to a point for corner;

THENCE South 89°46'39" West, continuing across said 93.492 acre tract and crossing aforesaid 0.432 acre tract, a distance of 860.03 feet to the **POINT OF BEGINNING** and containing 23.038 acres of land, more or less.

Exhibit "A" - Neighborhood 12

BEING a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130, Collin County, Texas, and being a portion of a called 166.407 acre tract of land, conveyed to Patricia Ann Miller, as evidenced in a Deed, recorded in County Clerk's File No. 96-0036768, Official Public Records of Collin County, Texas, a portion of a called 0.432 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4817, Page 2629, Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of a called 93.492 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4801, Page 1372, Land Records of Collin County, Texas, same being the southeast corner of said 0.432 acre tract same also being the northwest corner of a called 76.551 acre tract of land, conveyed to Legacy Stables LLC, as evidenced in a Deed, recorded in Volume 5045, Page 190, Land Records of Collin County, Texas;

THENCE North 89°02'05" West, along the southerly line of said 0.432 acre tract and the southerly line of said 166.407 acre tract, a distance of 673.58 feet to the northeast corner of a called 75.931 acre tract of land, conveyed to Patricia Ann Miller, as evidenced in a Deed, recorded in Volume 4047, Page 299, Land Records of Collin County, Texas;

THENCE North 00°13'21" West, departing the southerly line of said 166.407 acre tract and crossing said 166.407 acre tract, a distance of 20.55 feet to a point for corner;

THENCE South 89°46'39" West, continuing across said 166.407 acre tract, a distance of 190.62 feet to a point for corner;

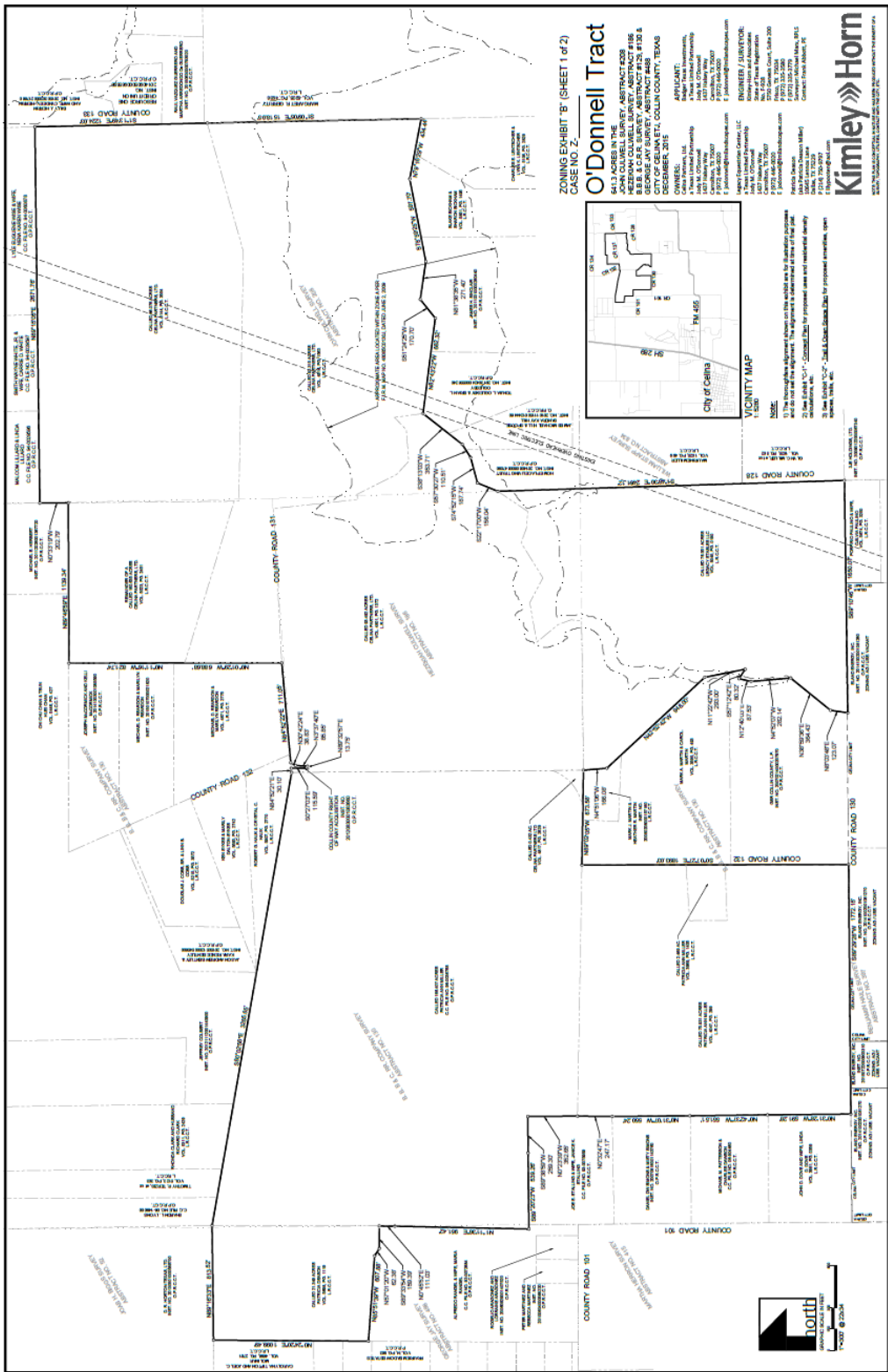
THENCE North 00°41'41" West, continuing across said 166.407 acre tract, a distance of 1,156.29 feet to a point for corner;

THENCE North 89°18'19" East, continuing across said 166.407 acre tract, a distance of 860.00 feet to a point for corner;

THENCE South 00°41'41" East, continuing across said 166.407 acre tract and crossing aforesaid 0.432 acre tract, a distance of 1,163.38 feet to a point for corner;

THENCE South 06°53'04" East, continuing across said 0.432 acre tract, a distance of 34.75 feet to the **POINT OF BEGINNING** and containing 23.323 acres of land, more or less.

Exhibit B
Zoning Exhibit
O'Donnell Tract - PD-70



Attachment: Ordinance - O'Donnell - PD 70 (1707 : O'Donnell Tract Rezoning Ordinance (PD-70))

Exhibit C-1 Concept Plan



Attachment: Ordinance - O'Donnell - PD 70 (1707 : O'Donnell Tract Rezoning Ordinance (PD-70))

Exhibit C-2

Trail and Open Space Plan

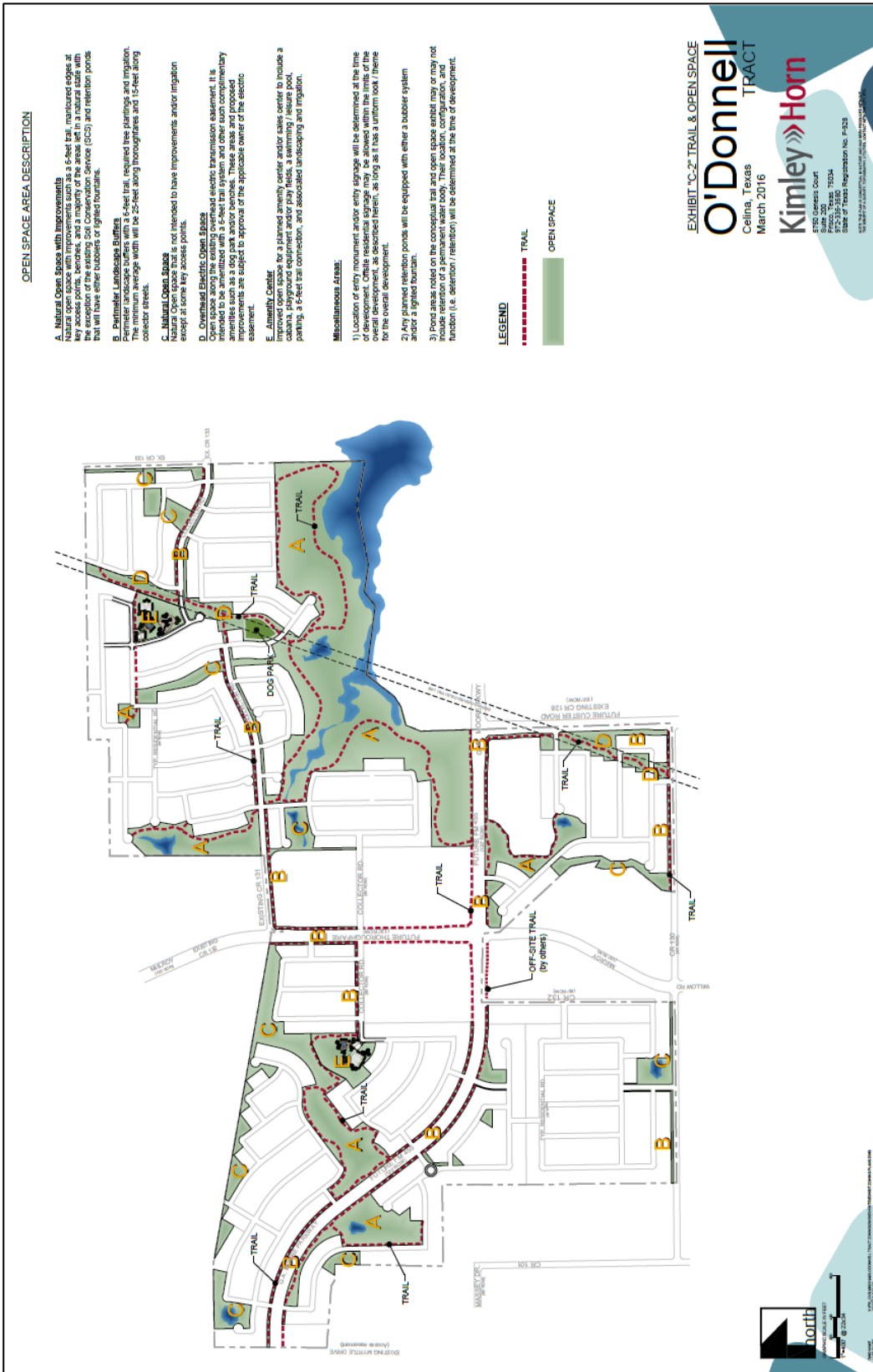


Exhibit C-3
Neighborhood Plan

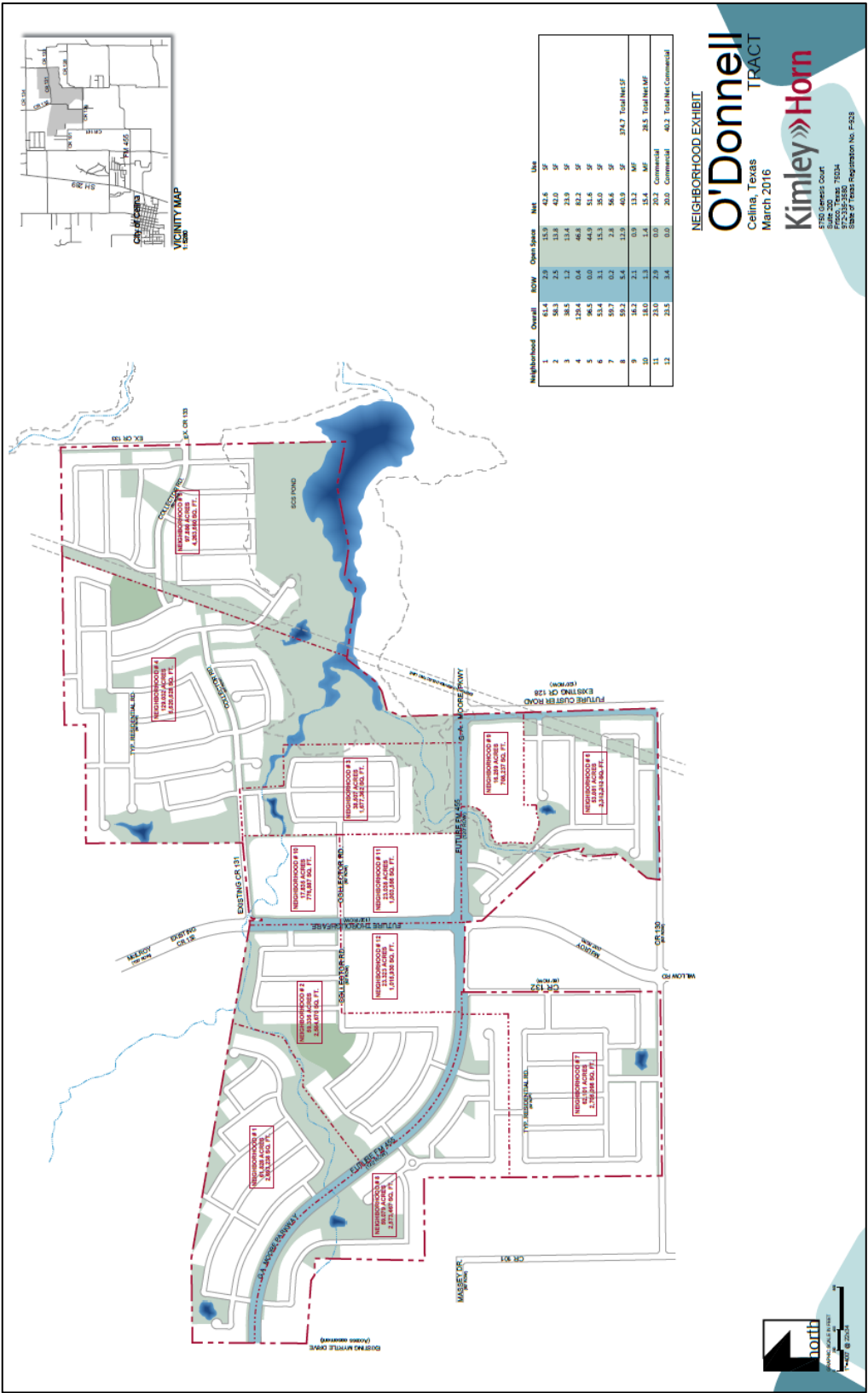


Exhibit D
Development Regulations
O'Donnell Tract – PD-70

For a 642 acre tract of land out of the B.B.B. & C. RR. Company Survey, Abstract No. 130, Hezekiah Culwell Survey, Abstract No. 186, John Culwell Survey, Abstract No. 208 and the George Jay Survey, Abstract No. 488 in the City of Celina ETJ and Collin County, Texas. *(Please refer to Appendix "A" to review a variety of maps relative to this PD and refer to Section 12 for a legal description of the tract's overall boundary.)*

1.0 Purpose

The purpose of this PD is to create a community by connecting a group of neighborhoods linked together by a series of trails and enhanced open space areas that encourage and promote outdoor activity among the residents. The Open Space areas shall consist of existing trees, existing lakes as well as proposed lakes, trails, ornamental trees and shade trees. In addition, this planned development provides an opportunity for the development of neighborhood commercial services that would serve the community and provide a natural progression of residential development from denser residential product, in the form of multifamily, senior living, townhome and/or patio homes adjacent to the commercial, to traditional, less dense, residential product.

2.0 Definitions

Definitions used herein shall be the same as those found in Section 14.01.007 of the Zoning Ordinance for the City of Celina, Texas, or as may be amended.

3.0 General Regulations

- 3.1 All regulations for the O'Donnell Tract not redefined by these Planned Development Regulations shall conform to the regulations set forth in the City of Celina Zoning Ordinance and the Sub-division Ordinance as they exist or may be amended.
- 3.2 Any future modification to these PD Development Regulations shall be limited to the specific neighborhoods being modified. A metes and bounds description for each neighborhood is provided herein.
- 3.3 A property owners association and/or Public Improvement District (PID) shall be established and shall be responsible for the ownership and maintenance of all park/open space area.
- 3.4 Upon approval of a final plat, the raising of large animals such as horses, swine, sheep, cows, etc. on any lot less than two (2) acres is prohibited.
- 3.5 All single-family detached and attached residences can be front-entry and have garage access from a dedicated public street.
- 3.6 The Concept Plan depicts two principal base districts a "SF-R" and "MU-2" district. The maximum number of single family residential lots within the "SF-R" district (Neighborhoods 1 – 8) shall be 1,700; furthermore, the maximum number of Type D lots within Neighborhoods 2 & 3 shall be 500. Lot sizes in Neighborhood 6 & 7 are restricted to Type B lots or larger. The maximum number of Type C lots with the development cannot exceed 50% of the allowed maximum single family lots. At least 20% of the maximum number of allowed single family lots have to be Type A or larger. Lots fronting onto existing CR 132 in Neighborhood 7 are restricted to Type A lots. Lot sizes in Neighborhood 8 are restricted to Type A Lots or larger. The maximum number of units allowed in Neighborhoods 9 & 10 is 883, unless developed with structural parking as noted herein. Any single family detached or attached residential lots developed in the "MU-2" district (Neighborhoods 11 & 12) may be developed as specified under Section 4.3 and are in addition to the lot maximums specified herein for "SF-R" and Type D lots.

4.0 Use Regulations

The permitted uses within each Neighborhood are outlined below. *(For a visual representation of the Concept Plan, refer to Appendix A; note, the Concept Plan and associated Neighborhoods are not a Phasing Exhibit.):*

- 4.1 Neighborhood 1 ($\pm$ 61.8 ac.); Neighborhood 4 ($\pm$ 129 ac.); Neighborhood 5 ($\pm$ 97.9 ac.); Neighborhood 6 ($\pm$ 53.1 ac.); Neighborhood 7 ($\pm$ 62.1 ac.) and Neighborhood 8 ($\pm$ 59.1 ac.): The permitted uses shall be SF-R Single-Family Residential District Uses, referred to herein, and the associated uses defined in Sections 14.03.008 of the City of Celina Zoning Ordinance or as amended herein.
 1. Additional Permitted Uses for Neighborhood 1 and 4 - 8:
 - a. Single-family detached
 - b. Schools (private or public)
 - c. Civic
 - d. Country clubs
 - e. Golf course and related facilities
 - f. Marketing and sales centers associated with the development of the Property
 - g. Temporary construction offices and storage yards associated with development of the Property
 - h. Public works, including drainage facilities, water wells, and water and wastewater treatment, pumping, storage, and transmission facilities
 - i. Home occupation, per Zoning Ordinance, as it exists or may be amended.
 - j. Parks, playgrounds, trails, swimming pools, and other forms of improved and unimproved open space
 - k. Recreation centers, pools
 - l. Temporary concrete or asphalt batch plants associated with development of the Property
 - m. Houses of worship
 - n. Gated communities (by conditional use permit only)
 - o. Equestrian facilities, including, but not limited to, riding stables, shoeing facilities, indoor/outdoor arenas, equestrian trails, and applicable accessory/support facilities with "CUP".
 - p. Agricultural, including a commercial tree farm
- 4.2 Neighborhood 2 ($\pm$ 59.3 ac.) and Neighborhood 3 ($\pm$ 38.5 ac.): The permitted uses shall be SF-R Single Family Residential District Uses, referred herein, and the associated uses defined in Section 14.03.008 of the City of Celina Zoning Ordinance or as amended herein.
 1. Additional Permitted Uses for Neighborhoods 2 and 3: include all of those in Section 4.1 with the addition of:
 - a. Attached single-family residential dwellings (Townhomes, Type D) and accessory structures
- 4.3 Neighborhood 9 ($\pm$ 16.2 ac.) and Neighborhood 10 ($\pm$ 17.8 ac.): The permitted uses shall be "MU-2" Mixed Use Regional District Uses, referred to herein, and the associated uses defined in Sections 14.03.000 of the City of Celina Zoning Ordinance or as amended herein.
 1. Additional Permitted Uses for Neighborhood 9 and 10 include all of those in Section 4.2 with the addition of:
 - a. Local utility lines
 - b. Franchise utilities (public or private)
 - c. Assisted living, memory care, and/or nursing homes
 - d. Day care centers
 - e. Retail/office/restaurant/health facility uses on the first floor (i.e., mixed uses)
 2. Prohibited Uses:
 - a. Duplex uses
 3. Single-family residential dwellings are allowed and shall be developed according to the development regulations applicable to the single-family residential areas, as noted herein.

4. Land Use Limits:
- These areas may be developed as 100% Multifamily Residential. These areas may also be developed as 100% Single-Family Residential. Commercial/non-residential uses may also be allowed as noted herein.
- 4.4 Neighborhood 11 ($\pm$ 23 ac.) and Neighborhood 12 ($\pm$ 23.3 ac): The permitted uses shall be "MU-2" Mixed Use Regional District Uses, referred to herein, and the associated uses defined in Sections 14.03.000 of the City of Celina Zoning Ordinance or as amended herein.
- Additional Permitted Uses:
 - Single-family detached
 - Single-family attached (Type D lots/townhomes)
 - Agricultural, including a commercial tree farm
 - Day Care Centers
 - Big Box Retail
 - Convenience Stores with Gas Pumps
 - Horizontal Mixed Uses
 - Conditional Uses:
 - Tire Dealer with Open Storage
 - Kiosk, as an accessory use structure only
 - Nursery (retail sales outdoors)
 - Hotel
 - Auto Repair (major/minor)
 - Prohibited Uses:
 - Check Cashing Services
 - Recycling Kiosk
 - Duplex Uses
 - Single family residential dwellings are allowed and shall be developed according to the development regulations applicable to the single family residential areas, as noted herein.
 - Land Use Limits:
 - These areas may be developed as 100% Commercial or Townhomes or a combination of commercial uses, townhomes and/or other allowed uses.
 - No more than 600 multifamily units may be allowed (cumulative) in Neighborhoods No. 11 & 12 and no more than 400 units may be allowed in the individual Neighborhoods No 11 & 12.
 - No more than 50% of Neighborhoods No. 11 & 12 may be developed as townhomes (TH; Type D) lots.

5.0 Area Regulations

5.1 General Area regulations for residential uses

Type	Min. Lot Size (Sq. ft) (3)	Max. Height (Ft.)	Min. Side Yard (Ft.)	Min. Rear Yard (Ft.)	Min. Yard Key/ Corner Lots (Ft.)	Min. Front Yard (Ft.) (4), (7)	Min. Lot Width (Ft.) (1), (2)	Min Lot Depth (Ft.)	Min. Structure Size (Sq. ft.)	Max Lot Coverage (6)
A (SF-R)	9,600	40	8	20	15	25 15	80	130	1,750	55%
B (SF-R)	7,400	40	5	15	15	25 15	65	120	1,500	60%
C (SF-R)	5,750	40	5	15	15	20 15	50	110	1,250	60%
D (TH)	2,200	45'	5/5	10	10	10	20(3)	90	850	88%

1. The lot widths shall be measured along the arc of the front building line.
 2. Lot width may be reduced by 20% for lots fronting cul-de-sacs, eyebrows, and inside curves. The minimum lot width is measured at the platted front yard building set back. On SF-R lots a minimum of 30' of frontage is required at the ROW.
 3. Where access is provided from the front property line, the minimum lot width shall be increased to 25 feet.
 4. Where front porches are provided, they shall be permitted to encroach a maximum of five (5) feet into the front setback line.
 5. Lot coverage is defined as the footprint of the primary residential structure, excluding without limitation patios, pools, accessory structures, driveway and, sidewalks.
 6. J-wing garages may overhang the front building line by 5 feet.
- 5.2 General Area regulations for multifamily residential uses:

Max. Height (Ft.) (3)	Min Side Yard (Ft.) (1,2)	Min. Rear Yard (Ft.) (1)	Min. Front Yard (Ft.)	Min. Lot Width (Ft.)	Min. Lot Depth (Ft.)	Min. Unit Size (Sq. ft.)	Max Lot Coverage	Max. number of units per gross acre
45 (3 stories max)	8 15 adjacent to street	25	25	75	120	1 bedroom: 650 2 bedroom: 800 3 bedroom: 900	65%	28

1. The minimum setback shall be increased to 60 feet for a multi-family structure adjacent to a single family residence.
 2. A minimum of ten (10) feet of building separation shall be provided between buildings of two-stories or less. For buildings greater than two-stories, a minimum building separation of 20 feet shall be provided.
 3. In Neighborhoods 11 & 12 only, the maximum height may be increased to four-stories (58') if developed with wrapped structured parking and the density may increase to 48 units per gross acre. The minimum set back shall be increased to 90 feet for all structures exceeding 3 stories if adjacent to a single family residence.
- 5.3 General Area regulations for non-residential uses:

Max. Height (Ft.)	Min Side Yard (Ft.)	Min. Rear Yard (Ft.)	Min. Front Yard (Ft.)	Min. Lot Width (Ft.)	Min. Lot Depth (Ft.)	Max Lot Coverage
45 (2)	15 (1)	25	25	100	100	50%

1. Twenty-five (25) feet adjacent to a public street or residential lot. When retail uses are platted adjacent to other retail/office uses and integrated into an overall development site, no side yard is required provided it complies with the City's building code.
2. The maximum height will be limited to four-stories (maximum 56 feet) for a hotel. The allowed floor to area ratio (FAR) for a hotel (or related uses) will be 1:1 and the maximum lot coverage will be 60% (excluding parking garages).

6.0 Parking Regulations

- 6.1 Single Family Residential: The off-street residential parking requirement is two (2) enclosed vehicle spaces for each dwelling unit that are located behind the front building line.
- 6.2 Type D Townhomes: one (1) visitor parking space for every four (4) dwelling units shall be provided within 800 feet of the building it serves. The spaces provided shall be either parallel spaces (8'x22') or head-in spaces (9'x18'), on-street parking may count towards these parking requirements if built as alley-loaded product. On street parking standards shall also be in accordance with those outlined in Ordinance No. 2015-49.
- 6.3 Multifamily Residential:
1. 1.0 spaces per unit for age restricted units (age 55 or older)
 2. 1.5 spaces per efficiency unit or one-bedroom unit
 3. 1.75 spaces per two-bedroom unit
 4. 2.0 spaces per three-bedroom unit
 5. 3.0 spaces per unit with four or more bedrooms
 6. Tandem parking spaces shall only count toward required parking when located in front of a garage. Tandem parking spaces shall be a minimum of nine by twenty (9 x 20) feet.
 7. On-street parking spaces shall be permitted in Multi-family Residential Lot Types. Parking spaces may be provided in the right-of-way and shall conform to City standards for vehicle parking areas. Where provided, on-street parking spaces shall be counted to satisfy the minimum off-street parking requirements and shall also be in conformance with Ordinance No. 2015-49.
 8. Covered or enclosed parking shall not be required for Multi-Family Residential Lot Types. Where provided, covered or enclosed parking shall be counted to as part of the minimum off-street parking requirements.
- 6.4 Non-Residential: The parking requirement for all non-residential uses shall conform to City of Celina Development Standards and Use Regulations described in Section 14.05.043 of the City of Celina Zoning Ordinance, as exists or may be amended.

7.0 Building Regulations

- 7.1 Exterior Building Façade for Residential structures shall meet or exceed the requirements outlined in Section 14.05.152 of the Celina Code of Ordinances except as herein amended:
1. The front façade or other façades that faces a street right-of-way of single-family residences shall be 100% masonry on the first floor, exclusive of doors, windows, dormers and other architectural elements. Cementous fiber board may only constitute fifty (50%) percent of stories other than the first floor. However, Cementous fiberboard may not be used as a façade cladding material for portions of upper stories that are in the same vertical plane as the first story. In addition, building materials shall comply with the applicable requirements in Section 14.05.152 of the Zoning Ordinance as it exists or maybe amended, except that cementitious fiberboard may be used in the same vertical plane as the first story if it is interrupted with an intersecting roof line or another architectural feature.
 2. The building elevation of each lot adjacent to the proposed lot shall not be similar. Furthermore, the building elevation of the house most directly across the street from the proposed lot and the adjacent lots on either side of it shall not be similar.
 3. All garage doors shall be allowed at or behind the front building line, but shall not be closer than 20 feet from the street right-of-way and in no case shall be in front of the front façade (i.e. no snout nose garages).
 4. The primary roof pitch for residential building types shall not be less than 6:12 for Type C and D homes and shall not be less than 8:12 for Type A and B homes. The minimum pitches do not apply to porches, specialty roofs, awnings, dormers, etc.
 5. No building shall exceed a height of more than 40 feet, measured at the mid-point between the top plate and the dominate roof ridge except Townhomes (TH), which shall not exceed 45' (3 stories max).
- 7.2 Exterior Building Façade of Accessory Structure:

1. Any accessory structure or building shall be constructed of complementary material to the associated residence and the general architecture of the development.
2. An accessory building shall be located not less than 50 feet from the front lot line, and use the same side yard setback as the primary structure, and not less than three (3) feet from any rear lot line.
3. The maximum height of any accessory structure shall not exceed 20 feet, but in no case shall have more than one story.

8.0 Screening Regulations

- 8.1 A minimum landscape buffer of 25' will be required adjacent to right-of-ways of 100' width or greater. A minimum landscape buffer of 15' will be required adjacent to collector streets. Tree plantings will be required to be planted at a minimum spacing of 50'. The City may approve a more natural looking spacing of the required trees as long as the minimum tree count (based on 50' spacing) is maintained.
- 8.2 Screening fences shall be as follows:
 1. For single-family lots siding to any collector, there shall be a minimum six (6) foot board-on-board fence with a cap and a generally continuous row of shrubs and/or trees within the adjacent landscape buffer. Seven (7) foot masonry columns are required at front building lines and at corners. The fence shall have a uniform color. As an alternate to the board-on-board fencing, the developer may use decorative metal fencing with shrubbery, trees and masonry columns (on a minimum 80 foot centers), or a minimum solid six (6) foot masonry fence, or a combination thereof. A minimum three (3) foot berm must be used in conjunction with wood or decorative metal fencing.
For single family lots backing to a collector, there shall be a minimum six (6) foot masonry fence. As an alternative, a minimum six (6) foot decorative metal fence (w/ shrubbery, trees, and masonry columns on a minimum 80 foot centers), or a living screen, and/or a combination thereof may be used for screening, if approved by the City. A minimum three (3) foot berm must be used in conjunction with wood or decorative metal fencing.
 2. For single-family lots siding or backing to thoroughfares, there shall be a minimum six (6) foot masonry fence. As an alternative, a minimum six (6) foot decorative metal fence (with shrubbery, trees and masonry columns on a minimum 80 foot centers), or a living screen, and/or a combination thereof may be used for screening, if approved by the City.
 3. Single-family lots backing or siding to open space shall have a minimum five (5) foot ornamental metal fencing adjacent to the open space area.

9.0 Landscape & Irrigation Regulations

- 9.1 The residential builder of each lot shall provide at a minimum the following landscape material:

Turf:

The front, side and rear yard of each shall be sodded and fully irrigated with an automatic sprinkler system.

Trees:

Type A – Type C: There shall be a minimum of six (6) total diameter inches of shade or ornamental trees planted for each residential lot; however, at least 50% of the trees shall be shade trees.

Type D: There shall be a minimum of three (3) total diameter inches of shade or ornamental trees, slanted for each townhome lot.

Shrubs:

Type A – C: There shall be a minimum of 18 three (3) gallon shrubs across the front of the house.

Type D: There shall be a minimum of six (6) three (3) gallon shrubs across the front of the house.

10.0 Open Space Regulations

10.1 General:

1. All open space areas are open to the public, except amenity centers, or other such type HOA maintained amenities, unless gated.
2. All private open space areas and detention areas shall be owned and maintained by the HOA/District. All proposed (wet) lakes shall be equipped with a water fountain or aerator devices.
3. No physical improvements are permitted within the flood plain that would impact the capacity of the floodplain.
4. All open space areas shall have slope not greater than 4:1, unless they are naturally existing or structurally supported.
5. On the opposite side of the street from a six (6) foot trail shall be a four (4) foot walk. The builder is responsible for constructing the trail and/or walk referenced above when the proposed trail/walk is located along the front and/or side of a lot.
6. Acreage equal to a minimum of eight (8) percent of the single-family residential areas and multi-family residential areas shall be retained as Open Space. Such Open Space may be located anywhere on the Property. "Open Space" means natural areas, floodplain, areas used for drainage and detention, parks, common areas, gas and power line easements/right-of-way, and parkway and median areas within road right-of-way to the extent they exceed the minimum requirement. Fifty percent (50%) of the area of a golf course, excluding areas utilized for clubhouse or maintenance related facilities, shall be considered Open Space. Open Space may be privately or publically owned. Open Space shall not consist of any area platted for residential dwellings, retail/commercial uses, civic or institutional uses (other than schools and churches), public works facilities, or minimum road right-of-way, parkway, and median area.
7. Acreage equal to seven (7) percent of the commercial areas shall be retained as Open Space and shall be located as specified under Section 14.05.086 of the Zoning Ordinance as it exists or maybe amended.

10.2 Open Space Area Specifics:

Area A: Natural open space with improvements such as a 6-foot trail, manicured edges at key access points, benches, and a majority of the areas left in a natural state with the exception of the existing Soil Conservation Service (SCS) and retention ponds that will have either bubblers or lighted fountains.

Area B: Perimeter landscape buffers with a 6-foot trail, required tree plantings and irrigation. The minimum average width will be 25-feet along thoroughfares and 15-feet along collector streets. The minimum width shall be 20-feet along thoroughfares and 10-feet along collector streets.

Area C: Natural Open space that is not intended to have improvements and/or irrigation except at some key access points.

Area D: Open space along the existing overhead electric transmission easement. It shall be amenitized with a 6-foot trail system and other complimentary amenities such as a dog park, workout stations, and/or benches if allowed by the owner of the electric easement. These areas and proposed improvements are subject to approval of the applicable owner of the electric easement.

Area E: Improved open space for a planned amenity center and/or sales center to include a cabana, playground equipment and/or playfields, a swimming / leisure pool, parking, a 6-foot trail connection, and associated landscaping and irrigation. Playfields may be lighted.

Miscellaneous Areas:

1. Any planned retention ponds will be equipped with either a bubbler system and/or a lighted fountain.
2. Pond areas noted on the conceptual trail and open space exhibit may or may not include retention of a permanent water body. Their location, configuration, and function (i.e. detention / retention) will be determined at the time of development.

10.3 Open Space for Multi-family:

1. A minimum of 15% of open space shall be provided in multi-family areas.
2. Usable open space must be a minimum of 25' wide.
3. A maximum of 1/3 of the required on-site Open Space may be located off-site provided the off-site and on-site Open Space is interconnected by a minimum six (6) foot trail system.
4. Multi-family Areas shall provide an exercise facility and swimming pool and at least two (2) other amenities from the list below:
 - a. Day care (on-site)
 - b. Gazebo
 - c. Improved picnic areas (BBQ pits, tables, benches, etc.)
 - d. Multiuse trails (including required landscaping and easement)
 - e. Lake with constant water level (minimum size of 0.5 acres)
 - f. Playground tot lot
 - g. Putting green
 - h. Multiuse areas/sports courts and fields (including but not limited to tennis, volleyball, baseball, basketball, etc.)
 - i. Theatre
 - j. Dog Park
5. A 2:1 Square foot credit may be applied for each square foot utilized for the amenities included in this Section. To receive the 2:1 square foot credit, amenities must meet the minimum standards as outlined below. In the instance where amenities do not meet the minimum standards outlined below, the amenities shall still be eligible to receive a 1:1 square foot credit.
6. Swimming pools and/or spas:
 - a. Shall comply with ADA (Americans with Disabilities Act) and the Texas Department of State Health Services most recent set of standards regulating all public and semi-public pools and spas.
 - b. The 2:1 open space credit will only be applied to the pool surface area and adjacent docks, patios or lounge space within ten (10) feet of the pool or spa edge.
7. Developed and equipped children's play area
 - a. Shall comply with ADA (Americans with Disabilities Act), ASTM International (American Society for Testing and Materials) and CPSC (Consumer Product Safety Commission) guidelines as relating to playground equipment and safety surfacing.
 - b. The 2:1 open space credit will only be applied to the area(s) that are covered by a nationally recognized safety surfacing material.
8. Multiuse trails
 - a. Shall consist of an open space corridor with a paved path, a soft surface path, landscape improvements, and/or other optional amenities.
 - b. The minimum width of a multiuse trail easement (including trail surface and landscaping) shall have no dimension less than 15 feet.
 - c. The trail surface shall be of native material or paved surface, with a minimum six (6) foot width.
 - d. The 2:1 open space credit will only be applied to the actual square footage of the trail surface.
9. Multiuse area/sports courts and fields (including but not limited to tennis, volleyball, baseball, basketball, and similar activities)
 - a. Shall comply with the minimum standards for each proposed facility as set in the National Recreation and Park Association (NRPA) standard guideline for recreation,

park, and open space standards. Alternative industry standards may be utilized in lieu of NRPA standard guidelines, as mutually agreed to by the City Manager or his/her designee.

- b. The 2:1 open space credit shall apply to the actual square footage of the field or court and/or as mutually agreed to by the City Manager or his/her designee.
- 10. Recreational buildings or common buildings
 - a. The 2:1 open space credit shall only apply to useable portions or recreational buildings or common buildings.
- 11. Mail Kiosks: Mail kiosks shall have a minimum of five of the required parking spaces for the development within 50 feet, unless a drive-through facility is provided.
- 12. Landscaping: All required landscaping must be located within the required open space, exclusive of required perimeter or parking landscaped areas and shall include trees and plantings as specified in Appendix E of the Zoning Ordinance as it exists or may be amended.
One (1) large tree, defined as a tree three (3) inches in caliper, shall be provided per 3,500 square feet of required open space. The alternative to one large tree is three (3) ornamental trees, defined as a tree one (1) inch in caliper, however the same number of total caliper inches shall be provided. Trees are to generate quantities for plantings; a fewer number of trees can be planted where larger trees are provided. The approved landscape plan must include the quantity and the size of the trees in the open space.
- 13. Parking Lot Landscaping Requirements: The following standards shall apply to all multi-family parking lots. Standards that are set forth in this section for the provision of trees may be met by saving existing, on-site trees of four (4) inch minimum caliper, measure 12-inches above grade, or by planting new trees.
 - a. A landscaped strip shall be provided adjacent to all public rights-of-way. The landscaped strip shall be a minimum of 15 feet in width, exclusive of street right-of-way. Landscaping shall be required as follows:
 - i. One (1) canopy street tree or two (2) ornamental trees, for each 60 linear feet of frontage, at a minimum three (3) inch caliper.
 - ii. An average density of one (1), five (5) gallon evergreen shrub for each five (5) linear feet of frontage, provided however, that any landscaping materials that will be located within ten (10) feet of any public right-of-way shall not, at ultimate growth, exceed two (2) feet in height unless otherwise permitted by the city. Shrubs may be grouped to provide variety in design.
 - iii. A landscaped berm may be provided in lieu of required shrubs. The berm must be an average height of three (3) feet, but in no case less than 18-inches, above the average grade of the street and parking lot curbs, and must be planted with evergreen groundcover and/or shrubs to provide full plant coverage of the berm surface area. A variation in height of the berm is encouraged. Shrubs may be grouped to provide variety in design. The combined height of the berm and ultimate height of plant materials shall not exceed two (2) feet in any area that is within ten (10) feet of a public right-of-way.
 - b. Parking lots consisting of 100 or fewer parking spaces shall provide an average of not less than two (2) interior landscape islands, at a minimum of 162 square feet for each 12 parking spaces. Plant materials shall be provided as shown below:
 - i. One (1) canopy street tree or one ornamental tree at a minimum three (3) inches in caliper.
 - ii. Evergreen ground cover, or shrubs to a maximum ultimate height of three (3) feet, of a type that will provide full coverage of the landscape island shall be provided, exclusive of the area within three (3) feet of each required tree.
 - iii. Areas that are not covered with live plant materials shall be permanently maintained with natural mulch materials such as hard wood, pine bark, or other typical mulch materials.
 - c. Parking compartment median landscaping shall conform to the following minimum landscape requirements:

- i. One (1) canopy street tree or two (2) ornamental trees, for each 60 linear feet of frontage, at a minimum three (3) inch caliper.
 - ii. One (1), five (5) gallon evergreen shrub for each five (5) linear feet of median, at a maximum of three (3) feet in height at ultimate growth.
 - iii. Ground cover or shrubs of a type that will provide full coverage of the median planting area shall be provided, exclusive of the area within three (3) feet of each required tree. Plant materials shall not exceed a maximum ultimate height of two (2) feet.
 - iv. Any areas that are not covered with live plant materials shall be permanently maintained with a natural mulching material such as hard wood, pine bark, or other typical mulching material.
- d. On-street parking (as allowed to meet minimum parking requirements) shall include bump-outs a minimum of every six (6) parking spaces. Crosswalks are to be provided with protective bump-outs at sidewalk corners and are either painted or constructed of decorative brick to afford a high degree of visibility for pedestrians, bikers and drivers.

11.0 Sub-division Regulations

11.1 Development shall meet the standards as required in the City of Celina Subdivision Ordinance & Engineering Design Standards except as follows:

- 1. Block length – The maximum block length shall be 1,200 feet as measured from intersection. Exceptions to the block length requirement may be granted for special circumstances or conditions affecting the property in question; exceptions shall be applied for as a subdivision ordinance variance and presented to the Planning & Zoning Commission and City Council at the time of Construction/Preliminary Plat consideration for approval. Pecuniary interests standing alone shall not be justification for the granting of a variance.
- 2. Cul-de-Sac Length and Diameter – The maximum cul-de-sac length is 600 feet. The bulb ROW radius shall be fifty (50) feet.
- 3. Jog – The minimum street jog shall be 125 feet.
- 4. Tree surveys required as part of the General Development Plan GDP and shall only apply to the area of the proposed development. Ties to trees being preserved in such areas as creeks, open space, etc. do not have to be tied. It is understood that only trees that are marked with ties will be eligible for preservation credits and illustrated on a tree survey.

11.2 Development shall meet or exceed the design criteria outlined below:

- 1. Residential Lot Grading:
 - a. Front & Rear Yards – the front and/or rear yard slopes shall not be less than one (1) percent nor greater than 12% without requiring a wall.
 - b. Driveway – the driveway slope shall not exceed 10%.
 - c. Pad Height – the building pad shall not be less than six (6) inches above the flow line of the rear swale.
 - d. Side Yards – the horizontal side yard slope shall not exceed 3:1; the minimum longitudinal side yard slope shall not be less than one (1) percent, unless structurally supported.
- 2. Paving:
 - a. Residential Streets – the residential streets shall be 31 feet wide from face-to-face; roll-over curbs are permitted in all neighborhoods. Residential streets for alley load lots may be reduced to 27 feet wide.
 - b. Minimum Street Grade – the street grade shall not be less than 0.6% or six (6) inches every 100 feet.
 - c. Maximum Street Grade – the street grade shall be a maximum of six (6) percent, unless otherwise approved by the City Engineer.

- d. Sidewalks – the residential sidewalks shall be four (4) feet wide and the placement of the outside edge of the walk shall typically be one (1) foot inside the right-of-way or within a sidewalk easement.
- e. Trails – the trails shall be six (6) feet wide and shall serpentine within the parkway and associated landscape buffer, where applicable, but in no instance shall the outside edge of the trail be closer than three (3) feet to the back-of-curb or five (5) feet to the screening wall/fence.

3. Miscellaneous

- a. Street Light Standards – a street light shall be located a maximum of 500 feet apart. An ornamental street light fixture and pole shall be selected from those available through the electric provider. The light standard selected shall be used throughout the development.
- b. Intersections – all roadway intersections shall be within five (5) degrees of 90 at the intersection of the two right-of-ways unless otherwise approved by the City Engineer.
- c. On-Street Parking – on-street parking spaces shall be permitted in all areas including Single-Family, Multifamily and Commercial areas. Parking spaces may be provided in the right-of-way and shall conform to City standards for vehicle parking areas. Where provided, on-street parking spaces may be a part of the minimum off-street parking requirements, but shall not be considered to satisfy the parking requirements alone.
- d. Measurement of Building Height – building height shall be measured to the highest point of a roof surface of a flat roof or the mean height level between the eaves and ridge of a gable, hop, mansard, or gambrel roof.
- e. Garage Doors – garages with 'L' or 'J' hook driveway entrances shall be permitted in all Residential areas. In order to allow for the utilization of 'L' or 'J' hook driveway entrances on smaller residential lot types, a ten (10) foot mutual access easement, with a five (5) foot easement on each adjacent property will be permitted. The mutual access easement shall be provided for common ingress/egress purposes and shall be maintained by the abutting property owners. The portion of the access easement located on the adjacent property shall not be utilized in calculating minimum lot width.
- f. As long as the proposed single family developments (Neighborhoods 1-8) are generally consistent with the Exhibit C-1 Concept Plan and the regulations specified within the Exhibit C Planned Development Regulations, adjustments may be made for such items as lot sizes, street locations/patterns, alleys and are subject to the approval of Director of Planning and Development. Such approval will not be considered an Amendment to the Planned Development Regulations.
- g. All non-residential/multifamily developments (Neighborhood 9-12) shall require a Concept Plan per Section 14.02.230 of the Zoning Ordinance. The Concept Plan shall be subject to public hearings by the Planning & Zoning Commission and City Council for consideration of access, parking, open space, landscaping, etc. per the specifications of the Exhibit C Planned Development Regulations (noted herein), the land uses as allowed by the Plan Development are not subject to reconsideration as part of the required public hearing, unless specifically requested by the land owner (via written request and may require the request of a Conditional use Permit (CUP) as noted herein). At the owner's discretion, the required Concept Plan may be submitted simultaneously with the required Site Plan for review and approval.



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Brooks Wilson, Senior Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: Wilson Creek Estates Phase 2 Annexation First Public Hearing

Action Requested:

The Celina City Council will conduct a public hearing to consider testimony on the proposed involuntary annexation of a tract of land located within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas and described as follows: being 82.414 acres situated in the Coleman Watson Survey, Abstract No. 945, Collin County, Texas, and generally located east of CR 84 and north of FM 1461 (Frontier Parkway), and comprised of thirty-one (31) residential lots, and the rights-of-way adjacent to this property. (Wilson Creek Phase 2) (Liebman)

Background Information:

Below is the anticipated annexation schedule for the properties depicted in Exhibits A. None of the properties currently has an agricultural exemption and no pre-annexation offer is required to be offered.

July 8, 2016	Notices sent to property owners
July 12, 2016	Council acts on a resolution setting dates and times of the two public hearings for August 9, 2016 at 5:00 p.m. and August 23, 2016 at 5:30 p.m.
July 22, 2016	Notice of public hearing published
July 22, 2016	Notice of annexation sent to school districts and utilities
July 22, 2016	Notice of public hearing posted on City website
August 9, 2016	Council to hold first of two (2) public hearings.
August 23, 2016	Council to hold second of two (2) public hearings
September 13, 2016	Council to consider annexation ordinance

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

Upon annexation, the subdivision's property owners will no longer pay the increased water rate for residents living in Celina's Extraterritorial Jurisdiction (ETJ), but will pay ad valorem taxes.

Legal Review:

N/A

Supporting Documents:

Annexation Exhibit

Staff Recommendation:

N/A



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Ben Rodriguez, Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: Ace Hardware

Action Requested:

The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance of the City Council of the City of Celina, Texas, amending Ordinance No. 2006-57, as heretofore amended, the same being the Comprehensive Zoning Ordinance, and amending the Official Zoning Map of the City by designating the zoning of an approximately 1.374 acre tract of land situated in the Herrin Addition, Lot 1R, Block A and the Collin County School Land Survey, Abstract No. 167 and is generally located north and east of Business 289, south of Cherry Wood Lane, and west of Preston Road, Celina, Texas, as described in Exhibit "A" and depicted in Exhibit "B," attached hereto and incorporated herein, to be zoned as a PD-Planned Development District #71 and PRO, Preston Road Overlay. (Ace Hardware) (Liebman)

Background Information:

Ace Hardware has a contract with the City to purchase the property with a condition of sale that an Ace Hardware is built on site. Due to the unconventional configuration of the lot, the applicant has requested a planned development to ensure that the project is in conformance with the City's zoning regulations.

The planned development varies from the standard City Code in the following aspects:

- Side yard buffer The City's landscaping regulations require that a five foot landscape buffer be provided on the side yards of non-residential developments. Due to the shape of the lot and adjacency to the neighboring businesses, the applicant has requested that this requirement be removed so that their project may adequately fit on the site.
- Open storage The City's base code requires that any open storage areas be screened by a masonry wall. The applicant has proposed a compromise in which the majority of the wall is comprised of masonry materials and the balance is comprised of a mesh material that is semi-transparent. This is a common way to screen "yard and garden" areas and staff supports the proposal.
- Parking The City's parking standards require 1 space per 300 square feet for retail uses, the applicant has requested approval for 1 space per 275 square feet. Given the nature of Ace Hardware's business, staff feels that this will provide adequate parking for the store.

Board Review/Citizen Input:

At a special called Planning and Zoning Commission Meeting on August 2, 2016 the Planning and Zoning Commission unanimously recommended approval of the item.

The notice of the City Council public hearing was published in *The Celina Record* on July 22, 2016. Notices of the public hearing have been sent to all owners of property, as indicated by the most recently approved Collin County tax rolls, who are located within 200 feet of the subject property. As of the printing of this packet, staff has received no letters in support of the proposed zoning change and no letters in opposition.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

The City Attorney has reviewed the proposed ordinance.

Supporting Documents:

- Ordinance
- Proposed Planned Development Regulations
- Zoning Exhibit
- Proposed elevations

Staff Recommendation:

Staff recommends approval.

CITY OF CELINA, TEXAS

ORDINANCE 2016-47
ACE HARDWARE PD#71

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING ORDINANCE NO. 2006-57, AS HERETOFORE AMENDED, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY DESIGNATING THE ZONING OF LAND THAT IS AN APPROXIMATELY 1.374 ACRE TRACT OF LAND SITUATED IN THE HERRIN ADDITION, LOT 1R, BLOCK A, AND THE COLLIN COUNTY SCHOOL LAND SURVEY #14 AS DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD #71" PLANNED DEVELOPMENT ZONING DISTRICT WITH THE BASE DESIGNATION OF C-1, RETAIL DISTRICT AND PRO, PRESTON ROAD OVERLAY; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT OF ZONING CLASSIFICATION; PROVIDING FOR ZONING DESIGNATION AND DEVELOPMENT STANDARDS; PROVIDING FOR REVISION OF ZONING MAP; PROVIDING FOR COMPLIANCE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO PUBLIC HEALTH AND SAFETY; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a home rule municipality located in Collin, and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, The Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, the City Council of the City of Celina, Texas is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

WHEREAS, Title 7 Chapter 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

WHEREAS, the establishment of a zoning classification has been requested for the property more specifically described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the tract comprising the property has been depicted in detail in Exhibit "B" attached hereto; and incorporated herein; and

WHEREAS, the concept plan, and development regulations set forth in Exhibit "C," and Exhibit "D," attached hereto and incorporated herein define the base zoning districts and provide for certain modifications to such district regulations.

City of Celina, Ordinance No. 2016-_____Ace Hardware

Page 1

Attachment: Ace Hardware Zoning Ordinance (1726 : Ace Hardware Zoning)

WHEREAS, the City Council has considered, among other things, the character of the property and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the City, and is in the interest of public health, safety, and welfare, and does hereby find that the requested zoning accomplishes such objectives and is consistent with the provisions of the 2030 Comprehensive Plan of the City of Celina; and

WHEREAS, the Planning and Zoning Commission of the City of Celina and the City Council of the City of Celina, in compliance with the laws of the State of Texas and the ordinances of the City of Celina, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that the zoning classification on the tract of land described herein should be changed and the zoning map so amended.

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

SECTION 1 **INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2 **FINDINGS**

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare.

SECTION 3 **AMENDMENT OF ZONING CLASSIFICATION**

That the zoning classification is hereby established as “PD#71” on a certain tract of land described in in Exhibit “A” and depicted in Exhibit “B”.

SECTION 4 **ZONING DESIGNATION AND DEVELOPMENT STANDARDS**

4.01 That Ordinance No. 2006-57 of the City of Celina, Texas, as heretofore amended, the same being the City’s Comprehensive Zoning Ordinance, is hereby amended by designating the zoning on the land, depicted in Exhibit “A” attached hereto and incorporated herein, as “PD#71” C-1, Retail District and PRO, Preston Road Overlay.

SECTION 5 **REVISION OF ZONING MAP**

That the City Manager for the City of Celina is hereby directed to mark and indicate on the official Zoning District Map of the City the zoning change herein made.

SECTION 6

COMPLIANCE REQUIRED

That the property depicted on Exhibit "A" hereto shall be used only in the manner and for the purposes provided for in this ordinance and the Comprehensive Zoning Ordinance, of the City of Celina as amended.

SECTION 7

PENALTY

7.01 Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Celina, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

7.02 If the governing body of the City of Celina determines that a violation of this Ordinance has occurred, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8

CUMULATIVE REPEALER CLAUSE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 9

SAVINGS CLAUSE

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning regulation which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 10

SEVERABILITY

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 11

PUBLICATION CLAUSE

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption, and Effective Date of this Ordinance as required by Section 52.013 of the Local Government Code.

SECTION 12
ENGROSSMENT AND ENROLLMENT

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 13
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage and publication as required by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 9th day of August, 2016.

Sean Terry, Mayor
City of Celina, Texas

ATTEST:

Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:

City Attorney
City of Celina, Texas

EXHIBIT A

Being a 1.889 acre tract of land situated in the Collin County School Land Survey, Abstract Number 167, Collin County, Texas, and being Lot 1R, Block A, Herrin Addition, an addition to the City of Celina according to the plat recorded in Volume 2015, Page 202, Plat Records of Collin County, Texas, said 1.889 acre tract being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a cap stamped "Pacheco Koch" found in the northwesterly line of Preston Road (a variable width right-of-way) for the southeast common corner of said Lot 1R and Lot 2, Block A, Celina Fire Station #1, an addition to the City of Celina according to the plat recorded in Volume 2015, Page 398, Plat Records of Collin County, Texas;

THENCE North 70 degrees 28 minutes 15 seconds West, with the common line of said Lot 1R and Lot 2, Block A, a distance of 54.28 feet to a 1/2 inch iron rod with a cap stamped "Pacheco Koch" found for corner;

THENCE North 60 degrees 28 minutes 06 seconds West, continuing along said common line, a distance of 156.83 feet to a 1/2 inch iron rod with a cap stamped "Pacheco Koch" found for corner;

THENCE South 89 degrees 08 minutes 01 second West, continuing along said common line, passing a 1/2 inch iron rod with a cap stamped "Pacheco Koch" found for the west common corner of said Lot 1R and Lot 2, Block A, and being in the east right-of-way line of Business Highway 289 (a 100 foot wide right-of-way) at a distance of 159.48 feet, and continuing a total distance of 209.48 feet to a point for corner in the approximate centerline of said Business Highway 289;

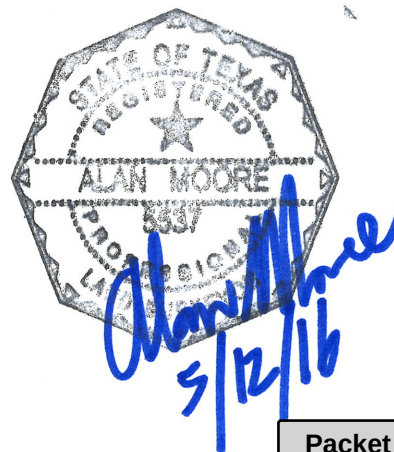
THENCE North 00 degrees 38 minutes 51 seconds West, along said approximate centerline of Business Highway 289, a distance of 119.98 feet to a point for corner;

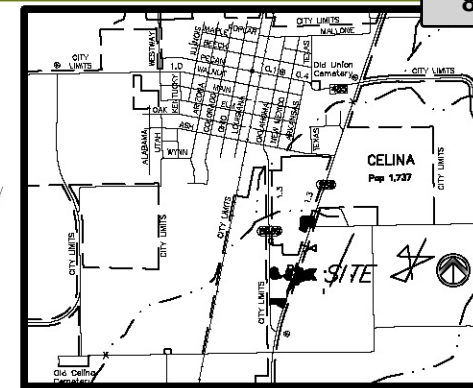
THENCE North 89 degrees 10 minutes 50 seconds East, departing said approximate centerline, passing the west common corner of said Lot 1R and Lot 4, Block A, Herrin Addition, an addition to the City of Celina according to the plat recorded in Volume O, Page 570, Plat Records of Collin County, Texas at 50.00 feet, and passing a 1/2 inch iron rod with an illegible cap found in northwesterly right-of-way line of said Preston Road for the east common corner of said Lot 1R and Lot 2, Block A, of said Herrin Addition, as recorded in said Volume O, Page 570 at 472.16 feet, and continuing a total distance of 544.96 feet to a point for corner in the approximate centerline of said Preston Road;

THENCE South 18 degrees 44 minutes 48 seconds West, along the approximate centerline of said Preston Road, a distance of 256.38 feet to a point for corner;

THENCE North 70 degrees 28 minutes 15 seconds West, a distance of 88.00 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 1.889 acres (82,298 square feet) of land.





VICINITY MAP
NOT TO SCALE

AREA CALCULATIONS		
TOTAL LOT AREA	59836	SF
IMPERVIOUS AREA	45433	SF
PERVIOUS AREA	12439	SF
BUILDING AREA	12612	SF
AREA UNDER ROOF	14770	SF
FLOOR AREA RATIO	0.206	

WEIGHTED "C" FACTOR 0.76

PARKING SUMMARY		
PARKING PROVIDED	40	SPACES
HANDICAP PROVIDED	2	SPACES
TOTAL	42	SPACES

- NOTES:**
- NO 100-YR FLOOD PLAIN IS LOCATED ON THIS PROPERTY.
 - NO PROPOSED PUBLIC THOROUGHFARES WILL BE LOCATED ON THIS PROPERTY.

LEGEND:

- FOUND PC
- ⊗ DUMPSTER
- TXDOT MONUMENT

PRELIMINARY
FOR REVIEW ONLY
THESE DOCUMENTS ARE FOR
DESIGN REVIEW AND NOT
INTENDED FOR
CONSTRUCTION, BIDDING OR
PERMIT PURPOSES. THEY
WERE PREPARED BY, OR
UNDER THE SUPERVISION OF:
RANDALL E. SIEMON
P.E.# 73607
08-03-2016



EXHIBIT B
1.374 ACRES
LOT 1R, BLOCK A
HERRIN ADDITION
COLLIN COUNTY SCHOOL
LAND ABST. #167
COLLIN COUNTY, TEXAS

for
CELINA ACE HARDWARE

AUGUST 03, 2016

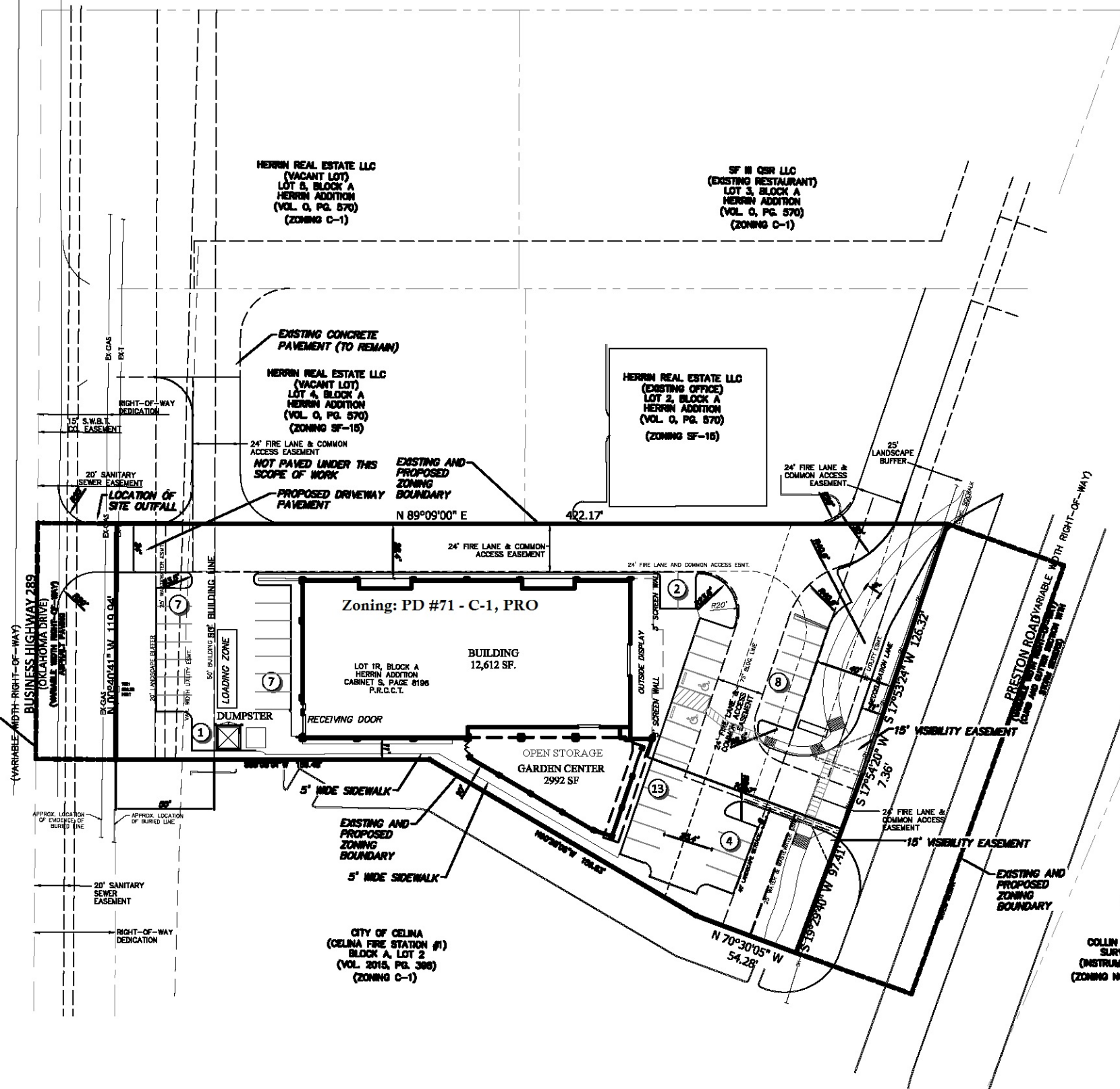
OWNER:
CITY OF CELINA
142 N. OHIO
CELINA, TEXAS 75009

APPLICANT:
DK MEYER PROPERTY LLC
7005 PETERS PATH
COLLEYVILLE, TEXAS 76034
PHONE: (817) 851-3502
CONTACT: DANIEL MEYER

SURVEYOR:
DUNAWAY ASSOCIATES L.P.
170 N. PRESTON RD, STE. 10
PROSPER, TEXAS 75078
PHONE: (469) 481-6747
FAX: (817) 335-7437
CONTACT: RANDALL SIEMON, P.E.

WILLARD CATTLE COMPANY I, LTD.
(UNDEVELOPED)
(VOL. 5188, PG. 288)
(ZONING MU-2/ BUS/AG)

EXISTING AND
PROPOSED
ZONING
BOUNDARY



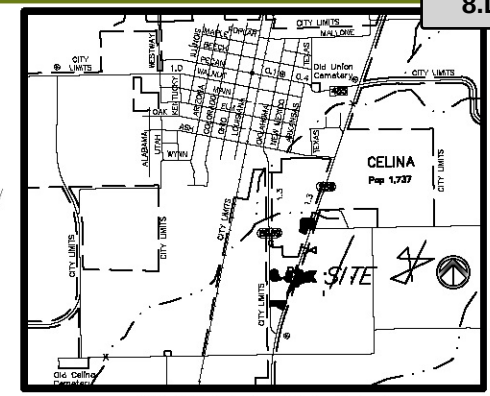
CITY OF CELINA
(CELINA FIRE STATION #1)
BLOCK A, LOT 2
(VOL. 2015, PG. 308)
(ZONING C-1)

WJ JAMES-CHAN &
CHW-CHAD ETAL
(UNDEVELOPED)
ABSTRACT A0167
COLLIN COUNTY SCHOOL LAND #14
SURVEY, BLOCK 1, TRACT 24
(INSTRUMENT NO. 0120703000603140)
(ZONING NONE, PRESTON ROAD OVERLAY)

IRA PLUS SOUTHWEST LLC
FBO LYNN S WOLFE IRA
(UNDEVELOPED)
ABSTRACT A0167
COLLIN COUNTY SCHOOL LAND #14
SURVEY, BLOCK 1, TRACT 78
(INSTRUMENT NO. 20080120300138340)
(ZONING NONE, PRESTON ROAD OVERLAY)



550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121
(TX REG. F-11114)



VICINITY MAP
NOT TO SCALE

AREA CALCULATIONS		
TOTAL LOT AREA	59836	SF
IMPERVIOUS AREA	45433	SF
PERVIOUS AREA	12439	SF
BUILDING AREA	12612	SF
AREA UNDER ROOF	14770	SF
FLOOR AREA RATIO	0.206	

WEIGHTED "C" FACTOR 0.76

PARKING SUMMARY		
PARKING PROVIDED	40	SPACES
HANDICAP PROVIDED	2	SPACES
TOTAL	42	SPACES

- NOTES:
- NO 100-YR FLOOD PLAIN IS LOCATED ON THIS PROPERTY.
 - NO PROPOSED PUBLIC THOROUGHFARES WILL BE LOCATED ON THIS PROPERTY.

- LEGEND:
- FOUND PC
 - ⊗ DUMPSTER
 - TXDOT MONUMENT

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PERMIT PURPOSES. THEY
WERE PREPARED BY, OR
UNDER THE SUPERVISION OF:
RANDALL E. SIEMON
P.E.# 73607
08-03-2016

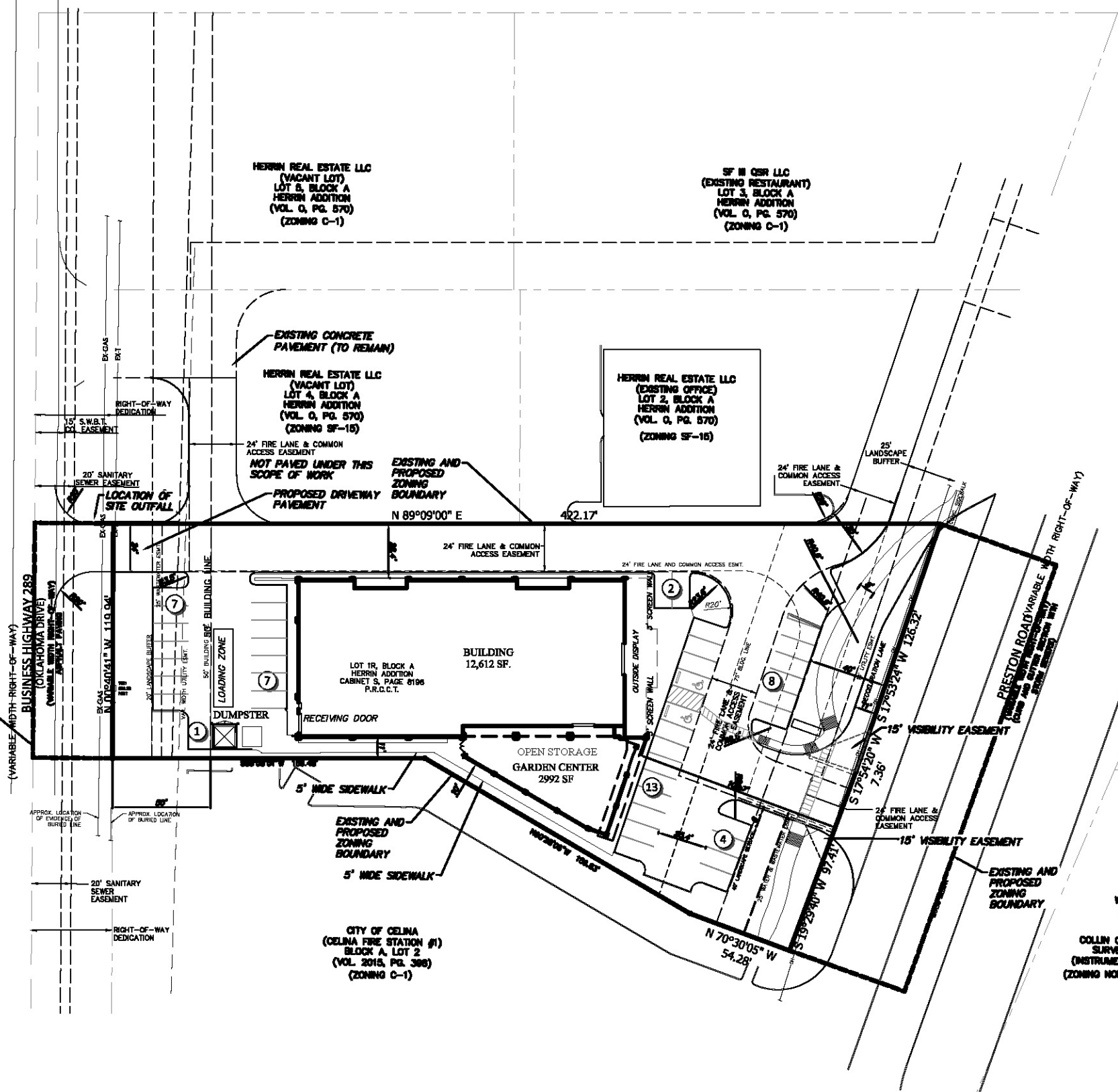


EXHIBIT C
1.374 ACRES
LOT 1R, BLOCK A
HERRIN ADDITION
COLLIN COUNTY SCHOOL
LAND ABST. #167
COLLIN COUNTY, TEXAS
CONCEPT PLAN
for
CELINA ACE HARDWARE

AUGUST 03, 2016

WILLARD CATTLE COMPANY I, LTD.
(UNDEVELOPED)
(VOL. 2015, PG. 288)
(ZONING MU-2/ BUS/AG)

EXISTING AND
PROPOSED
ZONING
BOUNDARY



PRESTON ROAD
OVERLAY DISTRICT

IRA PLUS SOUTHWEST LLC
FBO LYNNE S WOLFE IRA
(UNDEVELOPED)
ABSTRACT A0167
COLLIN COUNTY SCHOOL LAND #14
SURVEY, BLOCK 1, TRACT 78
(INSTRUMENT NO. 20080120300138340)
(ZONING NONE, PRESTON ROAD OVERLAY)

WJ JAMES-CHAN &
CHW-CHAO ETAL
(UNDEVELOPED)
ABSTRACT A0167
COLLIN COUNTY SCHOOL LAND #14
SURVEY, BLOCK 1, TRACT 24
(INSTRUMENT NO. 01207030000603140)
(ZONING NONE, PRESTON ROAD OVERLAY)

OWNER:
CITY OF CELINA
142 N. OHIO
CELINA, TEXAS 75009

APPLICANT:
DK MEYER PROPERTY LLC
7005 PETERS PATH
COLLEYVILLE, TEXAS 76034
PHONE: (817) 851-3502
CONTACT: DANIEL MEYER

SURVEYOR:
DUNAWAY ASSOCIATES L.P.
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FAX: (817) 335-7437
CONTACT: RANDALL SIEMON, P.E.


550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121
(TX REG. F-1114)

PLOTTED BY: S. Green, T. Ford, D. H. Holsinger, August 03, 2016 AT: 5:58 PM FILED BY: W. Green, T. Ford, D. H. Holsinger, August 03, 2016 AT: 5:58 PM CITY OF CELINA, TEXAS

Exhibit D Ace Hardware Planned Development District

(July 27, 2016)

These development regulations are intended for a ±1.374 acre tract described in Plat (replat) S8198, Lot 1R, Block A, Herrin Addition, Collin County Plat Maps and within the Collin County School Land Survey, Abstract No. 167, City of Celina, Collin County, Texas. The property is generally located on the west side of SH 289 (Preston Road), extends to Oklahoma Drive and is approximately 1,500 feet north of the County Road 55 and 89 intersection of SH 289 Preston Road.

1. Purpose

The purpose of the proposed Planned Development District is to provide flexibility of the regulations in the City of Celina's C-1 Retail District within the Preston Road Overlay District. The proposed use is in compliance with the Comprehensive Plan dated April, 2013. The following are changes that are allowed within the PD without an amendment to this Planned Development:

2. General Regulations

All regulations for this PD District not redefined by this document shall conform to the regulations set forth in the City of Celina Zoning Ordinance, C-1, Retail including the Preston Road Overlay District.

Any significant changes to the land uses as depicted on the Concept Plan (Exhibit B) shall require approval by the City of Celina Planning and Zoning Commission as well as the City of Celina City Council through a Planned Development/Zoning amendment. Any minor changes to the Conceptual Site Plan regarding building locations and individual uses within the PD are allowed by staff approval, so long as the general character within the base zoning district in the PD is maintained and the general location of the land uses remains as shown in *Exhibit B*.

3. Planned Development Regulations

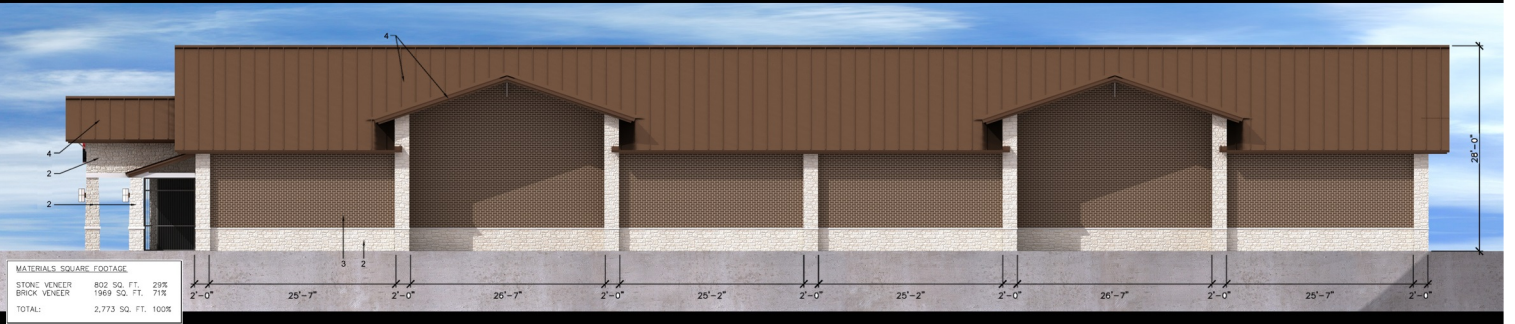
- (A) **Landscape Setback** – A 5' perimeter landscape set back is not a requirement for conditions in which a shared, previously platted, fire lane and access easement is located adjacent to a lot line common to two tracts that depend on the use of the shared fire lane and access easement.
- (B) **Open Storage** Open storage will be allowed within the Garden Center as shown on Exhibit B. The Garden Center - Open Storage area will be enclosed with a 10-foot-high screening wall that will be a combination of 3 foot masonry base and wrought iron fence covered with mesh screening as shown on Exhibit C. All other uses shall be in accordance with City standards.
- (C) **Parking Spaces** Parking for the retail store shown on *Exhibit B* shall be at a rate of 1 parking space per 300 square feet of gross floor area. All other uses shall be in accordance with City standards, refer to article 14.05, Division 2.

- (D) **Outside Display** Permanent outside display areas shall be located and limited to the front sidewalk that is covered by the front façade and canopy roof as shown on *Exhibit B*. This area will be partially screened with a 36 inch masonry wall across the front edge of the façade and canopy with the exception of the entry area.
- a. Merchandise displays will be limited to 50% of the space and will be maintained in a neat, orderly manner clean and litter free.
 - b. Outside display areas shall not pose a safety or visibility hazard nor impede pedestrian circulation in and out of the building.
 - c. All other uses shall be in accordance with City standards for Outdoor Activities and Uses.
- (E) **Exterior Wall Signing** The building faces and will have driveway entrances from both Preston Road and Oklahoma Drive and will be allowed a wall sign on both the East and West Elevations. Additionally, due to the angle of Preston Road to the building the Southeast facing Gable will have prime visibility to North bound traffic and will be allowed a third wall sign. The elevations with signing are noted within Exhibit C. All other requirements of sign sizing and wall location placement will follow the application and approval process as defined in City Building Regulations, Article 3.07 Signs.

(July 27, 2016)



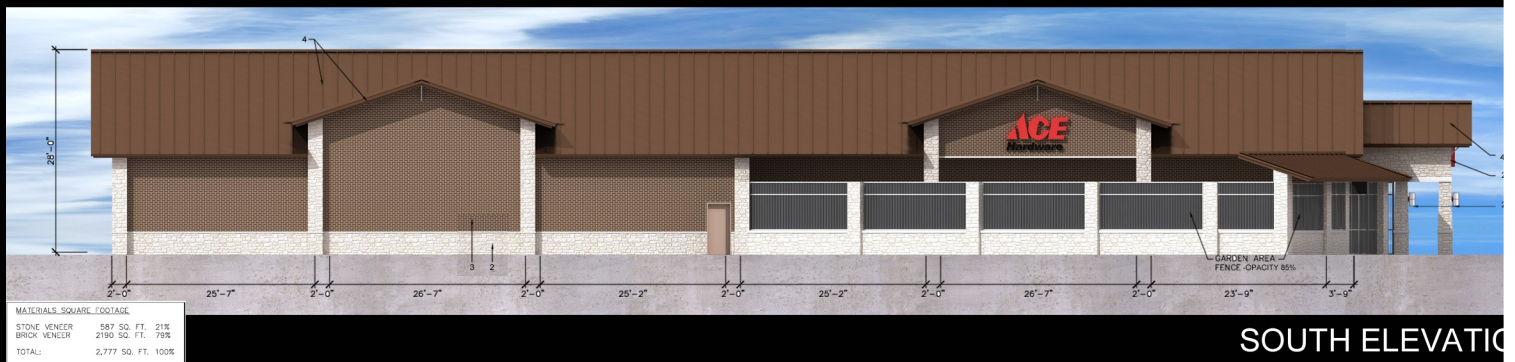
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

ACE Hardware

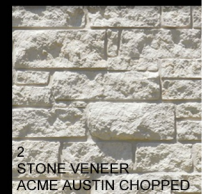
1371 S. Preston Rd, Celina, TX 75009
Lot 1R, Block A Herrin Addition
Collin County School Land Survey
Abstract No. 167, Collin County, TX 1.374 acres

FJLC

ARCHITECTS

OVERALL MATERIALS SQUARE FOOTAGE		
STUCCO	332 SQ. FT.	3%
STONE VENEER	2,233 SQ. FT.	26%
BRICK VENEER	5,992 SQ. FT.	67%
GLAZING	258 SQ. FT.	3%
DOORS	134 SQ. FT.	2%
TOTAL:	8,909 SQ. FT.	100%

PRESTON ROAD OVERLAY ENTRY FEATURES:
CANOPIES
OVERHANGS
PROJECTIONS
PEAKED ROOF FORM
VISIBLE DETAILS





Finance Department
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Jay Toutouchian, Finance Director
CC: Helen-Eve Liebman, Interim City Manager
Date: August 9, 2016
Re: Ad Valorem Tax Rate

Action Requested:

Consider and act to propose an Ad Valorem tax rate of \$.645 (M & O 0.433512, I & S 0.211488), and set public hearing dates of Tuesday, August 23, 2016 at 5:30 p.m. and Tuesday, August 30, 2016 at 5:30 p.m. (record vote) (Toutouchian)

Background Information:

Consideration of rates and setting of hearings begins the annual process to set the Ad Valorem Tax rate.

Board Review/Citizen Input:

Two public hearings will be held to receive citizen input.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Supporting Documents:

N/A

Staff Recommendation:



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Brooks Wilson, Senior Planner
CC: Helen-Eve Liebman, Interim City Manager
Date: August 9, 2016
Re: Sutton Fields Phase 1 Improvements Construction Plat

Action Requested:

Consider and act upon a construction plat for Sutton Fields Infrastructure, approximately 12.598 acres situated in the Freeman Wilkerson Survey, Abstract No. 1411 and the Thomas H. McIntyre Survey, Abstract No. 903, containing the Fenwick Trail right-of-way, the Sutton Fields Boulevard right-of-way and one (1) non-residential lot, and generally located north of Parvin Road and east of FM 1385. (Sutton Fields Infrastructure Construction Plat) (Liebman)

Background Information:

Staff has reviewed the proposed construction plat for Sutton Fields Infrastructure, and has deemed it acceptable. The applicant must provide landscaping and hardscaping plans.

Board Review/Citizen Input:

At their meeting on July 19, 2016, the Planning and Zoning Commission voted unanimously to recommend approval, subject to the staff comments being addressed prior to the plat being considered before the City Council.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

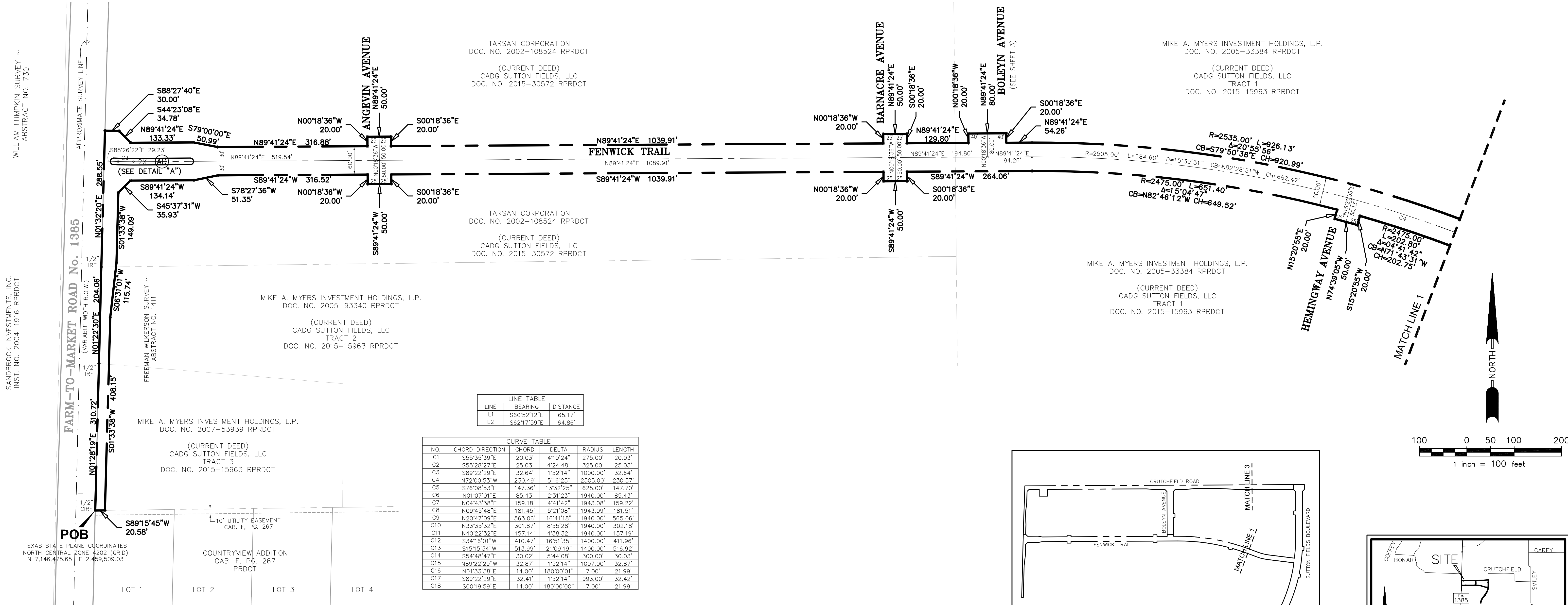
N/A

Supporting Document:

Plat Exhibit

Staff Recommendation:

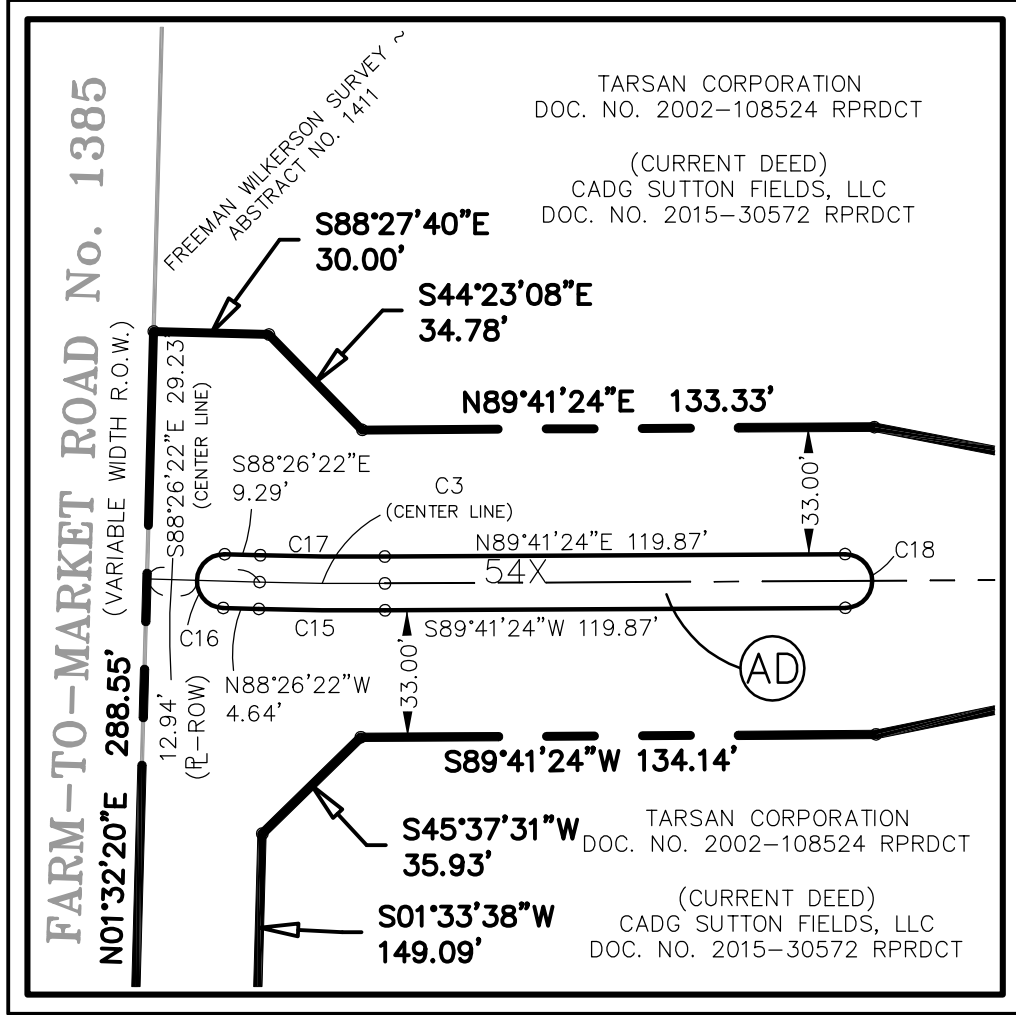
Staff recommends approval of the plat subject to any outstanding Engineering comments and approval of the landscape and hardscape plans prior to the applicant scheduling the pre-construction meeting.



LINE TABLE			
LINE	BEARING	DISTANCE	
L1	S60°52'12"E	65.17'	
L2	S62°17'59"E	64.86'	

CURVE TABLE				
NO.	CHORD DIRECTION	CHORD	DELTA	RADIUS
C1	S55°35'39"E	20.03'	4°10'24"	275.00'
C2	S55°28'27"E	25.03'	4°24'48"	325.00'
C3	S89°22'29"E	32.64'	1°52'14"	1000.00'
C4	N72°00'53"W	230.49'	5°16'25"	2505.00'
C5	S76°08'53"E	147.36'	1°33'29"	625.00'
C6	N01°07'01"E	85.43'	2°31'23"	1940.00'
C7	N04°43'38"E	159.18'	4°41'42"	1943.08'
C8	N09°45'48"E	181.45'	5°21'08"	1943.09'
C9	N20°47'09"E	563.06'	16°41'18"	1940.00'
C10	N33°35'32"E	301.87'	8°55'28"	1940.00'
C11	N40°22'32"E	157.14'	4°38'32"	1940.00'
C12	S34°16'01"W	410.47'	16°51'35"	1400.00'
C13	S15°15'34"W	513.99'	21°09'19"	1400.00'
C14	S54°48'47"E	30.02'	5°44'08"	300.00'
C15	N89°22'29"W	32.87'	1°52'14"	1007.00'
C16	N01°33'38"E	14.00'	180°00'01"	7.00'
C17	S89°22'29"E	32.41'	1°52'14"	993.00'
C18	S00°19'59"E	14.00'	180°00'00"	7.00'

- NOTES:
- THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X" (UNSHADED) ON THE FLOOD INSURANCE RATE MAP, MAP NO. 4812C0270G, REVISION DATE APRIL 18, 2011. ZONE X (UNSHADED) IS DEFINED THEREON AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."
 - ALL PERIMETER PROPERTY CORNERS ARE 5/8-INCH IRON ROD WITH CAPS MARKED "PETITT-RPLS 4087" SET, UNLESS NOTED OTHERWISE.
 - LOTS ENDING WITH AN "X" ARE NON-RESIDENTIAL LOTS. MAINTENANCE OF "X" LOTS SHALL NOT BE THE RESPONSIBILITY OF DENTON COUNTY OR THE CITY OF CELINA. SAID NON-RESIDENTIAL LOTS SHALL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
 - THE BEARINGS SHOWN AND RECITED HEREON ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM - NAD 83 (CORS TEXAS NORTH CENTRAL ZONE NO. 4202). ALL DISTANCES ARE SURFACE DISTANCES WITH A SURFACE TO GRID SCALE FACTOR OF 0.999849392677.
 - THIS PLAT IS HEREBY ADOPTED BY THE OWNERS AND APPROVED BY THE CITY OF CELINA (CALLED "CITY") SUBJECT TO THE FOLLOWING CONDITIONS WHICH SHALL BE BINDING UPON THE OWNERS, THEIR HEIRS, OR ASSIGNS: THE PORTION OF BLOCK VVV, LOT 3X AS SHOWN ON THE PLAT IS CALLED DRAINAGE AND DETENTION EASEMENT. THE DRAINAGE AND DETENTION EASEMENT WITHIN THE LIMITS OF THIS ADDITION, WILL REMAIN ACCESSIBLE AT ALL TIMES AND WILL BE MAINTAINED IN A SAFE AND SANITARY CONDITION BY THE OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO THE DRAINAGE AND DETENTION EASEMENT. THE CITY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF SAID EASEMENT OR FOR ANY DAMAGE TO PRIVATE PROPERTY OR PERSON THAT RESULTS FROM CONDITIONS IN THE EASEMENT, OR FOR THE CONTROL OF EROSION, NO CONSTRUCTION OF ANY TYPE OF BUILDING, FENCE OR ANY OTHER STRUCTURE WITHIN THE DRAINAGE AND DETENTION EASEMENT, AS HEREIN ABOVE DEFINED SHALL BE PERMITTED, UNLESS APPROVED BY THE CITY ENGINEER. PROVIDED, HOWEVER, IT IS UNDERSTOOD THAT IN THE EVENT IT BECOMES NECESSARY FOR THE CITY TO ERECT OR CONSIDER ERECTING ANY TYPE OF DRAINAGE STRUCTURE IN ORDER TO IMPROVE THE STORM DRAINAGE THAT MAY BE OCCASIONED BY DRAINAGE IN OR ADJACENT TO THE SUBDIVISION, THEN IN SUCH EVENT, THE CITY SHALL HAVE THE RIGHT TO ENTER UPON THE DRAINAGE AND DETENTION EASEMENT AT ANY POINT, OR POINTS, TO INVESTIGATE, SURVEY OR TO ERECT, CONSTRUCT AND MAINTAIN ANY DRAINAGE FACILITY DEEMED NECESSARY FOR DRAINAGE PURPOSES. EACH PROPERTY OWNER SHALL KEEP THE DRAINAGE AND DETENTION EASEMENT CLEAN AND FREE OF DEBRIS, SILT, AND ANY SUBSTANCE WHICH WOULD RESULT IN UNSANITARY CONDITIONS OR OBSTRUCT THE FLOW OF WATER, AND THE CITY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF INSPECTION AND SUPERVISION OF MAINTENANCE WORK BY THE PROPERTY OWNER TO ALLEVIATE ANY UNSANITARY CONDITIONS WHICH MAY OCCUR. THE NATURAL DRAINAGE THROUGH THE DRAINAGE AND DETENTION EASEMENT IS SUBJECT TO STORM WATER OVERFLOW AND NATURAL BANK EROSION TO AN EXTENT WHICH CANNOT BE DEFINITELY DEFINED. THE CITY SHALL NOT BE HELD LIABLE FOR ANY DAMAGES OF ANY NATURE RESULTING FROM THE FAILURE OF ANY STRUCTURE OR STRUCTURES, WITHIN THE EASEMENT.
 - SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW, AND IS SUBJECT TO FINES AND WITHDRAWING OF UTILITIES AND BUILDING PERMITS.
 - THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT HE OR SHE OR THEY SHALL CONSTRUCT UPON THE FIRE LANE EASEMENTS, AS DEDICATED AS SHOWN HEREON, A HARD SURFACE IN ACCORDANCE WITH THE CITY OF CELINA'S PAVING STANDARDS FOR FIRE LANE, AND THAT HE OR SHE OR THEY SHALL MAINTAIN THE SAME IN A STATE OF GOOD REPAIR AT ALL TIMES AND KEEP THE SAME FREE AND CLEAR OF ANY STRUCTURES, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR OBSTRUCTION, INCLUDING BUT NOT LIMITED TO THE PARKING OF MOTOR VEHICLES, TRAILERS, BOATS, OR OTHER IMPEDIMENTS TO THE ACCESSIBILITY OF FIRE APPARATUS. THE MAINTENANCE OF PAVING ON THE FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE OWNER, AND THE OWNER SHALL POST AND MAINTAIN APPROPRIATE SIGNS IN CONSPICUOUS PLACES ALONG SUCH FIRE LANES, STATING "FIRE LANE, NO PARKING." THE LOCAL LAW ENFORCEMENT AGENCY(S) IS HEREBY AUTHORIZED TO ENFORCE PARKING REGULATIONS WITHIN THE FIRE LANES, AND TO CAUSE SUCH FIRE LANES AND UTILITY EASEMENTS TO BE MAINTAINED FREE AND UNOBSTRUCTED AT ALL TIMES FOR FIRE DEPARTMENT AND EMERGENCY USE.
 - THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT THE ACCESS EASEMENT MAY BE UTILIZED BY ANY PERSON OR THE GENERAL PUBLIC FOR INGRESS AND EGRESS TO PUBLIC VEHICULAR AND PEDESTRIAN USE AND ACCESS, AND FOR FIRE DEPARTMENT AND EMERGENCY USE IN, ALONG, UPON, AND ACROSS SAID PREMISES, WITH THE RIGHT AND PRIVILEGE AT ALL TIMES OF THE CITY OF CELINA, ITS AGENTS, EMPLOYEES, WORKMEN, AND REPRESENTATIVES HAVING INGRESS, EGRESS, AND REGRESS IN, ALONG, UPON AND ACROSS SAID PREMISES.
 - THE AREA OR AREAS SHOWN ON THE PLAT AS "VAM" (VISIBILITY, ACCESS, AND MAINTENANCE) EASEMENT(S) ARE HEREBY GIVEN AND GRANTED TO THE CITY, ITS SUCCESSORS AND ASSIGNS, AS AN EASEMENT TO PROVIDE VISIBILITY, RIGHT OF ACCESS FOR MAINTENANCE UPON AND ACROSS SAID VAM EASEMENT. SHOULD THE CITY EXERCISE THIS MAINTENANCE RIGHT, THEN IT SHALL BE PERMITTED TO REMOVE AND DISPOSE OF ANY AND ALL LANDSCAPE IMPROVEMENTS, INCLUDING WITHOUT LIMITATION, ANY TREES, SHRUBS, FLOWERS, TREES, AND FIXTURES. THE CITY MAY WITHDRAW MAINTENANCE OF THE VAM EASEMENT AT ANY TIME. THE ULTIMATE MAINTENANCE RESPONSIBILITY FOR THE VAM EASEMENT SHALL REST WITH THE OWNERS. NO BUILDING, FENCE, SHRUB, TREE, OR OTHER IMPROVEMENTS OR GROWTHS, WHICH IN ANY WAY MAY ENDANGER OR INTERFERE WITH THE VISIBILITY, SHALL BE CONSTRUCTED IN, ON, OVER, OR ACROSS THE VAM EASEMENT. THE CITY SHALL ALSO HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO LANDSCAPE IMPROVEMENTS TO THE VAM EASEMENT, TO ERECT ANY TRAFFIC CONTROL DEVICES, OR SIGNS ON THE VAM EASEMENT AND TO REMOVE ANY OBSTRUCTION THEREON. THE CITY, ITS SUCCESSORS, ASSIGNS, OR AGENTS SHALL HAVE THE RIGHT AND PRIVILEGE AT ALL TIMES TO ENTER UPON THE VAM EASEMENT OR ANY PART THEREOF FOR THE PURPOSES AND WITH ALL RIGHTS AND PRIVILEGES SET FORTH HEREIN.



DETAIL "A"
1"=50'

ALL PERIMETER PROPERTY CORNERS ARE 5/8" IRON ROD SET WITH CAP STAMPED "PETITT-4087" UNLESS OTHERWISE STATED.

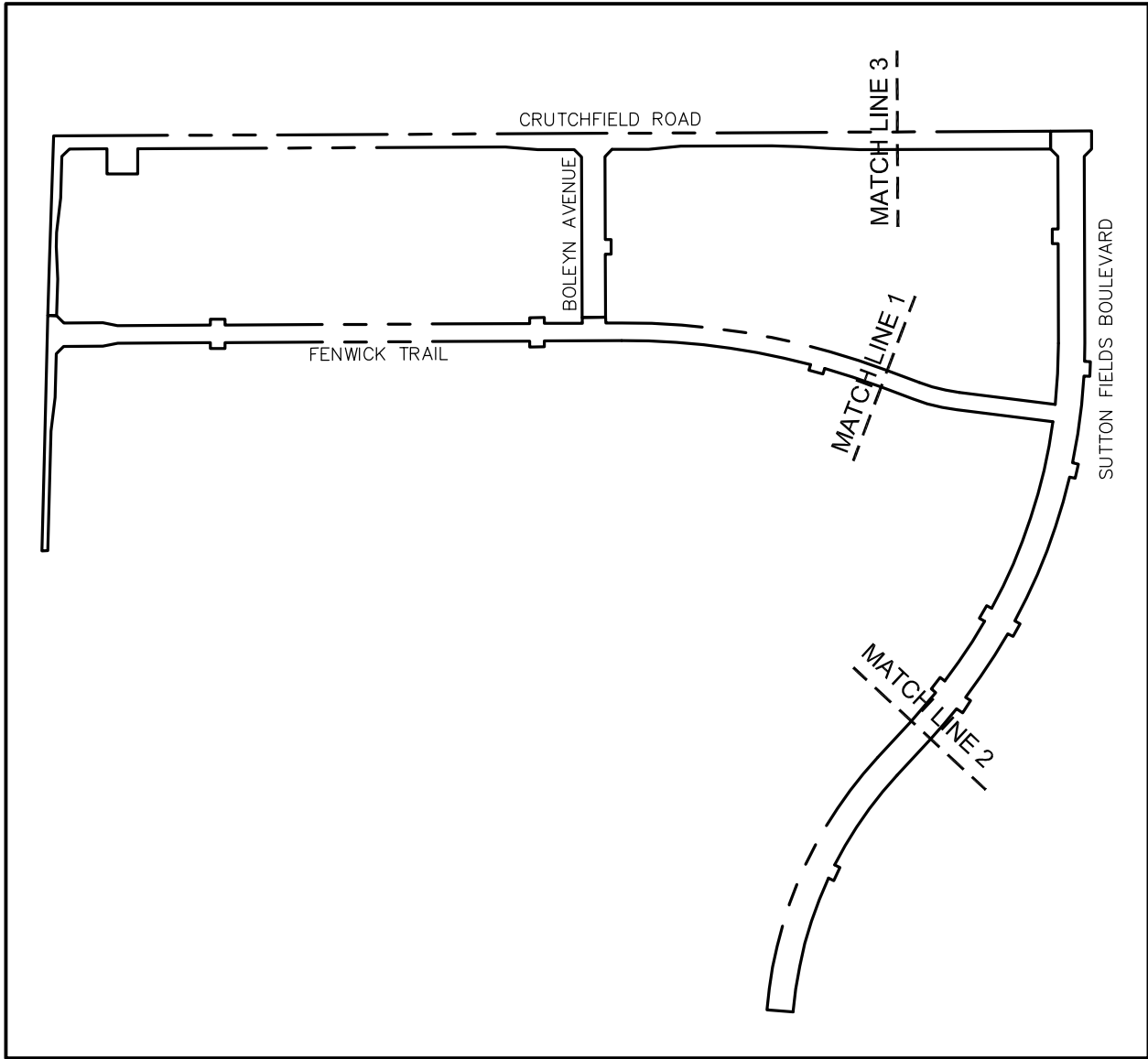
LEGEND

CIRS	5/8-INCH IRON ROD W/CAP MARKED "PETITT-RPLS 4087" SET
IRF	CAPPED IRON ROD FOUND
R.O.W.	RIGHT-OF-WAY
POB	POINT OF BEGINNING
RPRDCT	REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS
(A)	DESIGNATES SUBDIVISION BLOCK

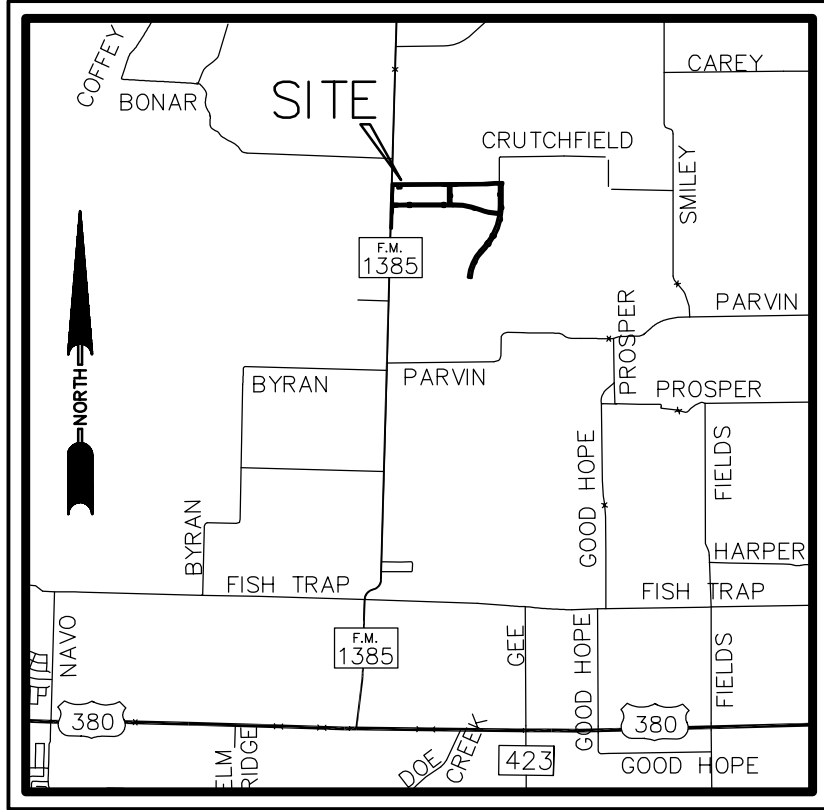
RPLS OF RECORD: JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5184

OWNER: CADG SUTTON FIELDS, LLC.
1800 VALLEY VIEW LANE, SUITE 300
FARMERS BRANCH, TX 75234
PHONE (469) 892-7200

PETITT BARRAZA
ENGINEERING PLANNING SURVEYING
TBPE FIRM REGISTRATION NO. 14488
TBPLS FIRM REGISTRATION NO. 101068
1651 N. Glenville Dr., Ste. 208
Richardson, Texas 75081
Tel. No. (214) 221-9955
Fax No. (214) 340-3550
DATE: JUNE, 2016
SCALE: 1"=100'
JNICHOLS@PETITTBARRAZA.COM
JOB NO. 1401301



OVERALL KEY MAP
N.T.S.

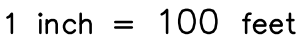
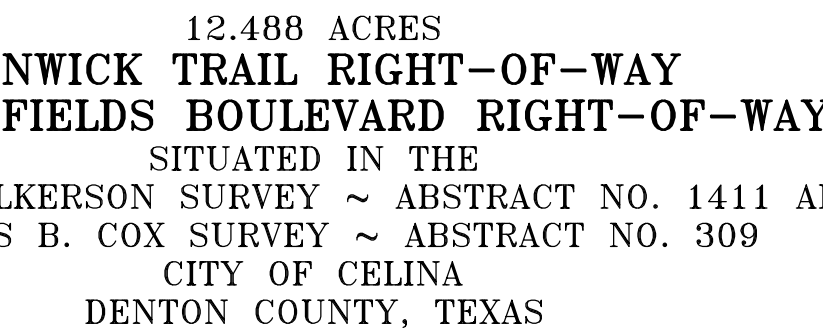


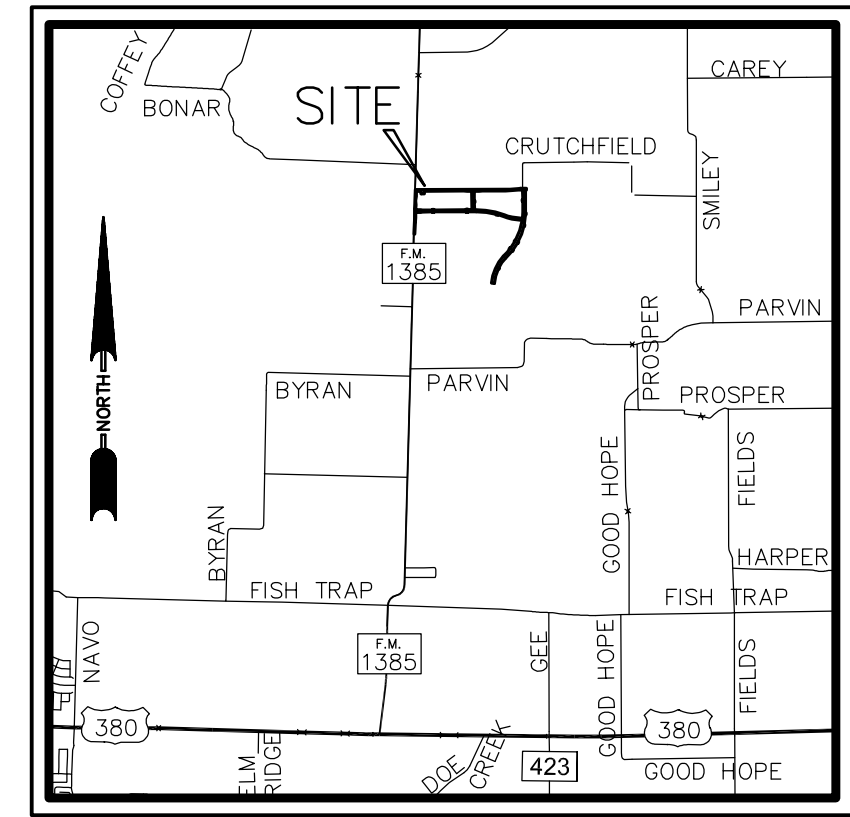
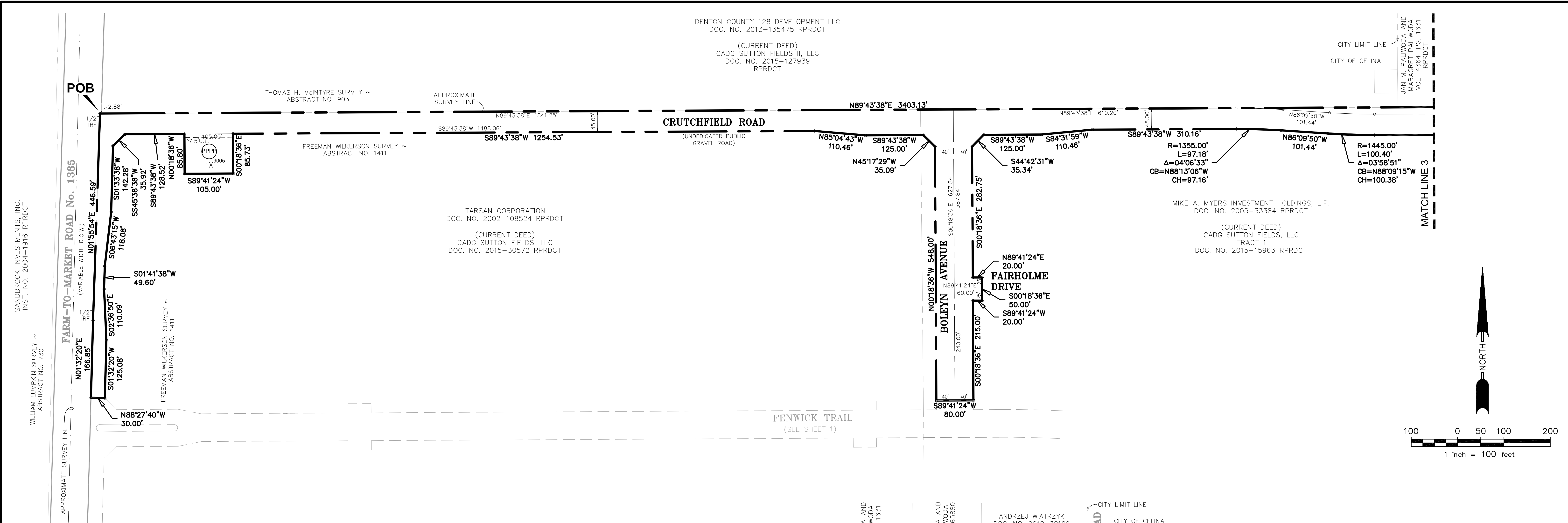
LOCATION MAP
N.T.S.

CONSTRUCTION PLAT
RIGHTS-OF-WAY FOR
SUTTON FIELDS

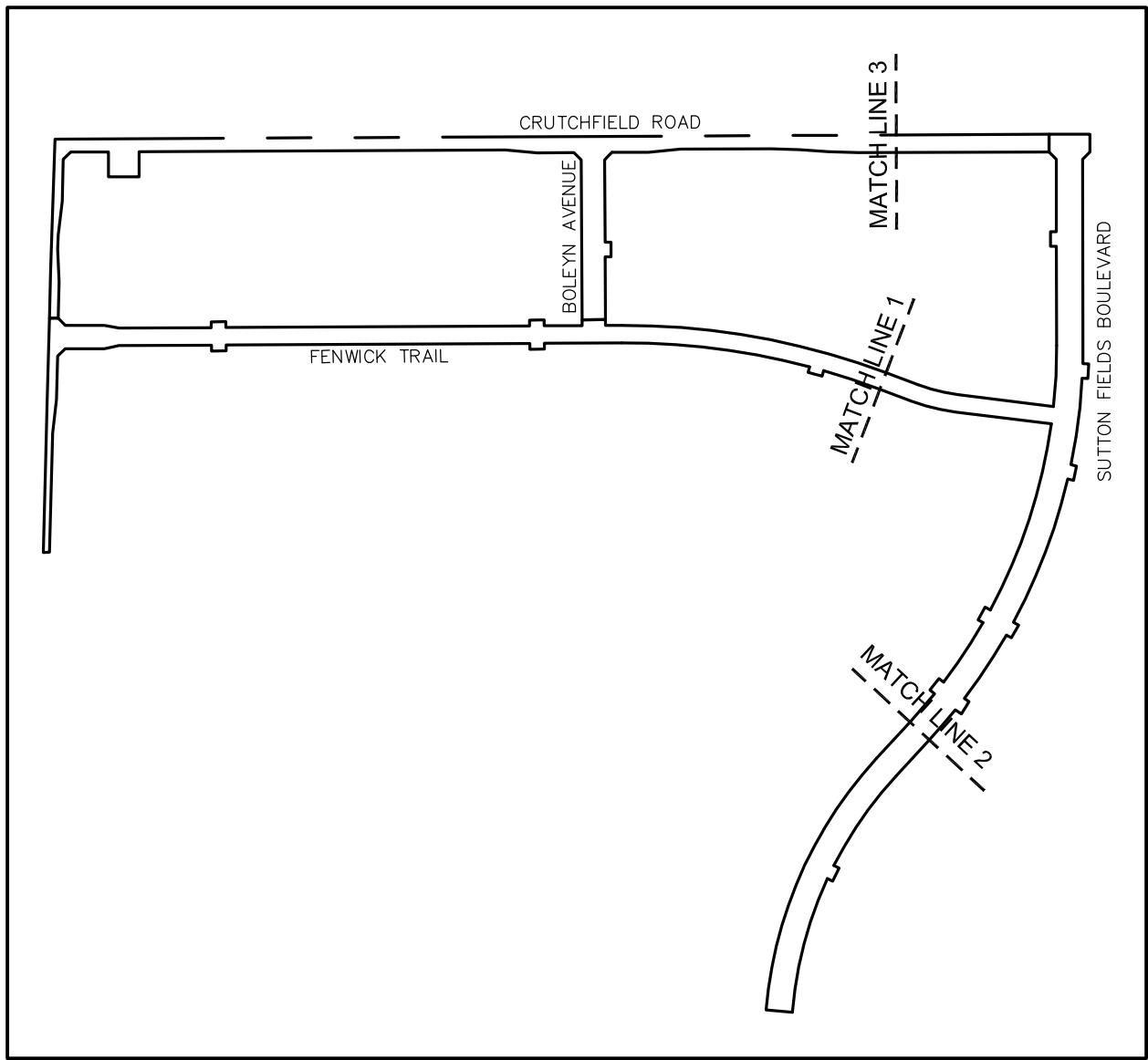
& 2 NON-RESIDENTIAL LOT
18.061 TOTAL ACRES

12.488 ACRES
FENWICK TRAIL RIGHT-OF-WAY
SUTTON FIELDS BOULEVARD RIGHT-OF-WAY
SITUATED IN THE
FREEMAN WILKERSON SURVEY ~ ABSTRACT NO. 1411 AND
THOMAS B. COX SURVEY ~ ABSTRACT NO. 309
CITY OF CELINA
DENTON COUNTY, TEXAS

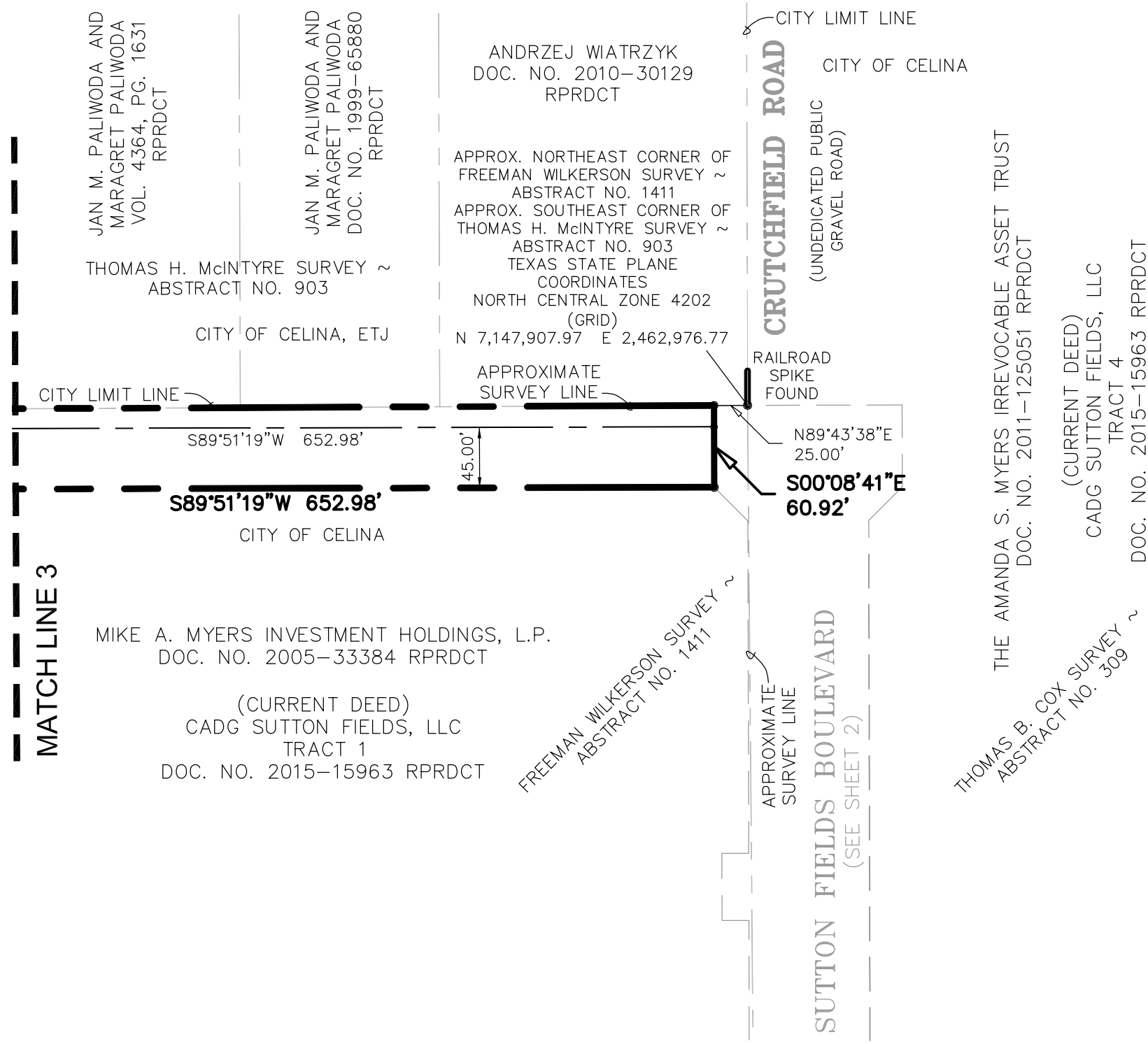




LOCATION MAP
N.T.S.



OVERALL KEY MAP
N.T.S.



ALL PERIMETER PROPERTY CORNERS ARE
5/8" IRON ROD SET WITH CAP STAMPED
"PETITT-4087" UNLESS OTHERWISE STATED.

LEGEND	
GIRS	5/8-INCH IRON ROD W/CAP MARKED "PETITT-RPLS 4087" SET
IRF	CAPPED IRON ROD FOUND
R.O.W.	RIGHT-OF-WAY
POB	POINT OF BEGINNING
RPRDCT	REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS
(A)	DESIGNATES SUBDIVISION BLOCK

RPLS OF RECORD: JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5184

OWNER: CADG SUTTON FIELDS, LLC.
1800 VALLEY VIEW LANE, SUITE 308
FARMERS BRANCH, TX 75234
PHONE (469) 892-7200

PETITT BARRAZA
ENGINEERING PLANNING SURVEYING

TBPE FIRM REGISTRATION NO. 1488
TBPLS FIRM REGISTRATION NO. 101068

1651 N. Glenville Dr. Ste. 208
Richardson, Texas 75081
Tel. No. (214) 221-9955
Fax No. (214) 340-3550
DATE: JUNE, 2016
JNICHOLS@PETITTBARRAZA.COM

SCALE: 1"=100'
JOB NO. 1401301

CONSTRUCTION PLAT
**RIGHTS-OF-WAY FOR
SUTTON FIELDS**

& 1 NON-RESIDENTIAL LOT
18.061 TOTAL ACRES

5.573 ACRES
**CRUTCHFIELD ROAD RIGHT-OF-WAY AND
BOLEYN STREET RIGHT-OF-WAY**
1 NON-RESIDENTIAL LOT
18.061 TOTAL ACRES
SITUATED IN THE
FREEMAN WILKERSON SURVEY ~ ABSTRACT NO. 1411 AND
THOMAS B. COX ~ ABSTRACT NO. 309
CITY OF CELINA
DENTON COUNTY, TEXAS

OWNER'S CERTIFICATION
STATE OF TEXAS §
COUNTY OF DENTON §

WHEREAS, CADG Sutton Fields, LLC is the owner of the tracts of land situated in the Freeman Wilkerson Survey, Abstract No. 1411 and the Thomas B. Cox Survey, Abstract No. 309 in the City of Celina, Denton County, Texas, and being a part of those certain tracts of land described in deeds to CADG Sutton Fields, LLC, recorded as Tracts 1, 2, 3 and 4 of Document Number 2015–15963, Document Number 2015–30572 and Document Number 2015–30387 of the Real Property Records of Denton County, Texas (RPRDCT), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2–inch iron rod with cap found for the southeast corner of said Tract 3 of CADG Sutton Fields tract (Doc. No. 2015–15963) and the northwest corner of Lot 1 of Countryview Addition, an addition to Denton County, Texas, according to the Plat thereof recorded in Cabinet F, Page 267 of the Plat Records of Denton County, Texas, said iron rod being located on the east right–of–way line of Farm to Market Road No. 1385 (F.M. 1385 – variable width right–of–way);

THENCE North 01 degrees 28 minutes 19 seconds East, with the west line of said CADG Sutton Fields tracts and the east right–of–way line of said F.M. 1385, a distance of 310.72 feet to a 1/2–inch iron rod with cap found for corner;

THENCE North 01 degrees 22 minutes 30 seconds East, continuing with the west line of said CADG Sutton Fields tracts and the east right–of–way line of said F.M. 1385, a distance of 204.06 feet to a 1/2–inch iron rod with cap found for corner;

THENCE North 01 degrees 32 minutes 20 seconds East, continuing with the west line of said CADG Sutton Fields tracts and the east right–of–way line of said F.M. 1385, a distance of 288.55 feet to a 5/8–inch iron rod with cap marked "PETITT–RPLS 4087" set for corner;

THENCE over and across said CADG Sutton Fields tracts the following courses to 5/8–inch iron rods with cap marked "PETITT–RPLS 4087" set:

- South 88 degrees 27 minutes 40 seconds East, a distance of 30.00 feet;
- South 44 degrees 23 minutes 08 seconds East, a distance of 34.78 feet;
- North 89 degrees 41 minutes 24 seconds East, a distance of 133.33 feet;
- South 79 degrees 00 minutes 00 seconds East, a distance of 50.99 feet;
- North 89 degrees 41 minutes 24 seconds East, a distance of 316.88 feet;
- North 00 degrees 18 minutes 36 seconds West, a distance of 20.00 feet;
- North 89 degrees 41 minutes 24 seconds East, a distance of 50.00 feet;
- South 00 degrees 18 minutes 36 seconds East, a distance of 20.00 feet;
- North 89 degrees 41 minutes 24 seconds East, a distance of 1039.91 feet;
- North 00 degrees 18 minutes 36 seconds West, a distance of 20.00 feet;
- North 89 degrees 41 minutes 24 seconds East, a distance of 50.00 feet;
- South 00 degrees 18 minutes 36 seconds East, a distance of 20.00 feet;
- North 89 degrees 41 minutes 24 seconds East, a distance of 129.80 feet;
- North 00 degrees 18 minutes 36 seconds West, a distance of 20.00 feet;
- North 89 degrees 41 minutes 24 seconds East, a distance of 80.00 feet;
- South 00 degrees 18 minutes 36 seconds East, a distance of 20.00 feet;
- North 89 degrees 41 minutes 24 seconds East, a distance of 54.26 feet at the beginning of a tangent curve to the right having a radius of 2535.00 feet;
- Southeasterly, with said tangent curve to the right which has a central angle of 20 degrees 55 minutes 56 seconds, having a chord that bears South 79 degrees 50 minutes 38 seconds East with a chord length of 920.99 feet and having an arc length of 926.13 feet;
- South 69 degrees 22 minutes 40 seconds East, a distance of 116.66 feet at the beginning of a tangent curve to the left having a radius of 595.00 feet;
- Southeasterly, with said tangent curve to the left which has a central angle of 13 degrees 32 minutes 29 seconds, having a chord that bears South 76 degrees 08 minutes 54 seconds East with a chord length of 140.30 feet and having an arc length of 140.62 feet;
- South 82 degrees 55 minutes 09 seconds East, a distance of 330.51 feet at the beginning of a non–tangent curve to the left having a radius of 1895.00 feet;
- Northeasterly, with said non–tangent curve to the left which has a central angle of 06 degrees 19 minutes 07 seconds, having a chord that bears North 03 degrees 00 minutes 52 seconds East with a chord length of 208.87 feet and having an arc length of 208.98 feet;
- North 00 degrees 08 minutes 41 seconds West, a distance of 340.48 feet;
- South 89 degrees 51 minutes 19 seconds West, a distance of 20.00 feet;
- North 00 degrees 08 minutes 41 seconds West, a distance of 50.00 feet;
- North 89 degrees 51 minutes 19 seconds East, a distance of 20.00 feet;
- North 00 degrees 08 minutes 41 seconds West, a distance of 247.59 feet;
- North 45 degrees 08 minutes 41 seconds West, a distance of 35.36 feet;

THENCE over and across said CADG Sutton Fields tracts the following courses to 5/8–inch iron rods with cap marked "PETITT–RPLS 4087" set:

- South 00 degrees 08 minutes 41 seconds East, a distance of 61.24 feet;
- South 44 degrees 51 minutes 19 seconds West, a distance of 35.36 feet;
- South 00 degrees 08 minutes 41 seconds East, a distance of 638.07 feet to the beginning of a tangent curve to the right having a radius of 1985.00 feet;
- Southeasterly, with said tangent curve to the right which has a central angle of 01 degrees 45 minutes 22 seconds, having a chord that bears South 00 degrees 45 minutes 22 seconds West with a chord length of 62.41 feet and having an arc length of 62.41 feet;
- South 87 degrees 37 minutes 18 seconds East, a distance of 20.00 feet;
- South 02 degrees 22 minutes 42 seconds West, a distance of 50.00 feet;
- North 87 degrees 37 minutes 18 seconds West, a distance of 20.00 feet at the beginning of a non–tangent curve to the right having a radius of 1985.00 feet;
- Southwesterly, with said non–tangent curve to the right which has a central angle of 08 degrees 37 minutes 36 seconds, having a chord that bears South 07 degrees 24 minutes 48 seconds West with a chord length of 298.58 feet and having an arc length of 298.86 feet;
- South 77 degrees 15 minutes 47 seconds East, a distance of 20.00 feet;
- South 12 degrees 27 minutes 04 seconds West, a distance of 50.00 feet;
- North 77 degrees 15 minutes 47 seconds West, a distance of 20.00 feet at the beginning of a non–tangent curve to the right having a radius of 1985.00 feet;
- Southwesterly, with said non–tangent curve to the right which has a central angle of 15 degrees 12 minutes 21 seconds, having a chord that bears South 20 degrees 46 minutes 22 seconds West with a chord length of 525.26 feet and having an arc length of 526.81 feet;

OWNER'S CERTIFICATION continued

- South 62 degrees 17 minutes 59 seconds East, a distance of 20.00 feet;
- South 29 degrees 05 minutes 01 seconds West, a distance of 50.00 feet;
- North 62 degrees 17 minutes 59 seconds West, a distance of 20.00 feet at the beginning of a non–tangent curve to the right having a radius of 1985.00 feet;
- Southwesterly, with said non–tangent curve to the right which has a central angle of 07 degrees 30 minutes 38 seconds, having a chord that bears South 33 degrees 34 minutes 29 seconds West with a chord length of 260.01 feet and having an arc length of 260.20 feet at the beginning of a non–tangent curve to the left having a radius of 275.00 feet;
- Southeasterly, with said non–tangent curve to the left which has a central angle of 04 degrees 10 minutes 24 seconds, having a chord that bears South 55 degrees 35 minutes 39 seconds East with a chord length of 20.03 feet and having an arc length of 20.03 feet;
- South 32 degrees 19 minutes 09 seconds West, a distance of 50.00 feet at the beginning of a non–tangent curve to the right having a radius of 325.00 feet;
- Northwesterly, with said non–tangent curve to the right which has a central angle of 04 degrees 24 minutes 48 seconds, having a chord that bears North 55 degrees 28 minutes 27 seconds West with a chord length of 25.03 feet and having an arc length of 25.03 feet at the beginning of a non–tangent curve to the right having a radius of 1985.00 feet;
- Southwesterly, with said non–tangent curve to the right which has a central angle of 03 degrees 55 minutes 23 seconds, having a chord that bears South 40 degrees 44 minutes 07 seconds West with a chord length of 135.89 feet and having an arc length of 135.92 feet;
- South 42 degrees 41 minutes 49 seconds West, a distance of 169.03 feet at the beginning of a tangent curve to the left having a radius of 1355.00 feet;
- Southwesterly, with said tangent curve to the left which has a central angle of 15 degrees 48 minutes 09 seconds, having a chord that bears South 34 degrees 47 minutes 44 seconds West with a chord length of 372.53 feet and having an arc length of 373.72 feet;
- South 64 degrees 09 minutes 46 seconds East, a distance of 20.00 feet;
- South 25 degrees 50 minutes 14 seconds West, a distance of 50.00 feet;
- North 64 degrees 09 minutes 46 seconds West, a distance of 20.00 feet at the beginning of a non–tangent curve to the left having a radius of 1355.00 feet;
- Southwesterly, with said non–tangent curve to the left which has a central angle of 20 degrees 05 minutes 53 seconds, having a chord that bears South 14 degrees 43 minutes 52 seconds West with a chord length of 472.87 feet and having an arc length of 475.30 feet;
- North 85 degrees 19 minutes 05 seconds West, a distance of 90.00 feet at the beginning of a non–tangent curve to the right having a radius of 1445.00 feet;
- Northeasterly, with said non–tangent curve to the right which has a central angle of 38 degrees 00 minutes 54 seconds, having a chord that bears North 23 degrees 41 minutes 22 seconds East with a chord length of 941.25 feet and having an arc length of 958.74 feet;
- North 42 degrees 41 minutes 49 seconds East, a distance of 169.03 feet at the beginning of a tangent curve to the left having a radius of 1895.00 feet;
- Northeasterly, with said tangent curve to the left which has a central angle of 03 degrees 53 minutes 11 seconds, having a chord that bears North 40 degrees 45 minutes 13 seconds East with a chord length of 128.51 feet and having an arc length of 128.54 feet;
- North 51 degrees 56 minutes 44 seconds West, a distance of 20.00 feet;
- North 38 degrees 03 minutes 16 seconds East, a distance of 50.00 feet;
- South 51 degrees 56 minutes 44 seconds East, a distance of 20.00 feet at the beginning of a non–tangent curve to the left having a radius of 1895.00 feet;
- Northeasterly, with said non–tangent curve to the left which has a central angle of 07 degrees 24 minutes 46 seconds, having a chord that bears North 33 degrees 35 minutes 32 seconds East with a chord length of 245.00 feet and having an arc length of 245.17 feet;
- North 60 degrees 52 minutes 12 seconds West, a distance of 20.00 feet;
- North 29 degrees 07 minutes 48 seconds East, a distance of 50.00 feet;
- South 60 degrees 52 minutes 12 seconds East, a distance of 20.00 feet at the beginning of a non–tangent curve to the left having a radius of 1895.00 feet;
- Northeasterly, with said non–tangent curve to the left which has a central angle of 20 degrees 23 minutes 10 seconds, having a chord that bears North 18 degrees 10 minutes 52 seconds East with a chord length of 670.70 feet and having an arc length of 674.25 feet;
- North 82 degrees 55 minutes 09 seconds West, a distance of 330.51 feet at the beginning of a tangent curve to the right having a radius of 655.00 feet;
- Northwesterly, with said tangent curve to the right which has a central angle of 13 degrees 32 minutes 29 seconds, having a chord that bears North 76 degrees 08 minutes 54 seconds West with a chord length of 154.44 feet and having an arc length of 154.80 feet;
- North 69 degrees 22 minutes 40 seconds West, a distance of 116.66 feet at the beginning of a tangent curve to the left having a radius of 2475.00 feet;
- Northwesterly, with said tangent curve to the left which has a central angle of 04 degrees 41 minutes 42 seconds, having a chord that bears North 71 degrees 43 minutes 31 seconds West with a chord length of 202.75 feet and having an arc length of 202.80 feet;
- South 15 degrees 20 minutes 55 seconds West, a distance of 20.00 feet;
- North 74 degrees 39 minutes 05 seconds West, a distance of 50.00 feet;
- North 15 degrees 20 minutes 55 seconds East, a distance of 20.00 feet at the beginning of a non–tangent curve to the left having a radius of 2475.00 feet;
- Northwesterly, with said non–tangent curve to the left which has a central angle of 15 degrees 04 minutes 47 seconds, having a chord that bears North 82 degrees 46 minutes 12 seconds West with a chord length of 649.52 feet and having an arc length of 651.40 feet;
- South 89 degrees 41 minutes 24 seconds West, a distance of 264.06 feet;
- South 00 degrees 18 minutes 36 seconds East, a distance of 20.00 feet;
- South 89 degrees 41 minutes 24 seconds West, a distance of 50.00 feet;
- North 00 degrees 18 minutes 36 seconds West, a distance of 20.00 feet;
- South 89 degrees 41 minutes 24 seconds West, a distance of 1039.91 feet;
- South 00 degrees 18 minutes 36 seconds East, a distance of 20.00 feet;
- South 89 degrees 41 minutes 24 seconds West, a distance of 50.00 feet;
- North 00 degrees 18 minutes 36 seconds West, a distance of 20.00 feet;
- South 89 degrees 41 minutes 24 seconds West, a distance of 316.52 feet;
- South 78 degrees 27 minutes 36 seconds West, a distance of 51.35 feet;
- South 89 degrees 41 minutes 24 seconds West, a distance of 134.14 feet;
- South 45 degrees 37 minutes 31 seconds West, a distance of 35.93 feet;

OWNER'S CERTIFICATION continued

- South 01 degrees 33 minutes 38 seconds West, a distance of 149.09 feet;
- South 06 degrees 31 minutes 01 seconds West, a distance of 115.74 feet;
- South 01 degrees 33 minutes 38 seconds West, a distance of 408.15 feet, said point being located in the south line of said Tract 3 of CADG Sutton Fields tract (Doc. No. 2015–15963) and the north line of said Lot 1 of Countryview Addition;

THENCE North 89 degrees 15 minutes 45 seconds West, with the south line of said Tract 3 and the north line of said Lot 1, a distance of 20.58 feet to the POINT OF BEGINNING of herein described tract and containing 12.488 acres of land.

OWNER'S CERTIFICATION
STATE OF TEXAS §
COUNTY OF DENTON §

WHEREAS, CADG Sutton Fields, LLC, is the owner of the tract of land situated in the Freeman Wilkerson Survey, Abstract No. 1411 in the City of Celina, Denton County, Texas, and being a part of those certain tracts of land described in deeds to CADG Sutton Fields, LLC, recorded in Tract 1 of Document Number 2015–15963 and Document Number 2015–30572 of the Real Property Records of Denton County, Texas (RPRDCT) and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2–inch iron rod found for the northwest of said CADG Sutton Fields tract (Doc. No. 2015–30572) and being located on the east right–of–way line of Farm to Market Road No. 1385 (F.M. 1385 – variable width right–of–way), said iron rod also being located in the approximate center of Crutchfield Road (an undedicated public gravel road);

THENCE North 89 degrees 43 minutes 38 seconds East, with the north line of said CADG Sutton Fields tracts, passing at 2.88 feet the southwest corner of that certain tract of land described in deed to CADG Sutton Fields II, LLC, recorded in Document Number 2015–127939 (RPRDCT) and with said Crutchfield Road, continuing a total distance of 3403.13 feet to a 5/8–inch iron rod with cap marked "PETITT–RPLS 4087" set for corner, from which a railroad spike found bears North 89°43'38" East, a distance of 25.00 feet, said railroad spike also being the northeast corner of the Freeman Wilkerson Survey, Abstract Number 1411 and being the southeast corner of the Thomas H. McIntyre Survey, Abstract Number 903;

THENCE departing the north line of said CADG Sutton Fields tracts and over and across said CADG Sutton Fields tracts the following courses to 5/8–inch iron rods with cap marked "PETITT–RPLS 4087" set:

- South 00 degrees 08 minutes 41 seconds East, a distance of 60.92 feet;
- South 89 degrees 51 minutes 19 seconds West, a distance of 652.98 feet at the beginning of a tangent curve to the right having a radius of 1445.00 feet;
- Northwesterly, with said tangent curve to the right which has a central angle of 03 degrees 58 minutes 51 seconds, having a chord that bears North 88 degrees 09 minutes 15 seconds West with a chord length of 100.38 feet and having an arc length of 100.40 feet;
- North 86 degrees 09 minutes 50 seconds West, a distance of 101.44 feet at the beginning of a tangent curve to the left having a radius of 1355.00 feet;
- Northwesterly, with said tangent curve to the left which has a central angle of 04 degrees 06 minutes 33 seconds, having a chord that bears North 88 degrees 13 minutes 06 seconds West with a chord length of 97.16 feet and having an arc length of 97.18 feet;
- South 89 degrees 43 minutes 38 seconds West, a distance of 310.16 feet;
- South 84 degrees 31 minutes 59 seconds West, a distance of 110.46 feet;
- South 89 degrees 43 minutes 38 seconds West, a distance of 125.00 feet;
- South 44 degrees 42 minutes 31 seconds West, a distance of 35.34 feet;
- South 00 degrees 18 minutes 36 seconds East, a distance of 282.75 feet;
- North 89 degrees 41 minutes 24 seconds East, a distance of 20.00 feet;
- South 00 degrees 18 minutes 36 seconds East, a distance of 50.00 feet;
- South 89 degrees 41 minutes 24 seconds West, a distance of 20.00 feet;
- South 00 degrees 18 minutes 36 seconds East, a distance of 215.00 feet;
- South 89 degrees 41 minutes 24 seconds West, a distance of 80.00 feet;
- North 00 degrees 18 minutes 36 seconds West, a distance of 548.00 feet;
- North 45 degrees 17 minutes 29 seconds West, a distance of 35.09 feet;
- South 89 degrees 43 minutes 38 seconds West, a distance of 125.00 feet;
- North 85 degrees 04 minutes 43 seconds West, a distance of 110.46 feet;
- South 89 degrees 43 minutes 38 seconds West, a distance of 1254.53 feet;
- South 00 degrees 18 minutes 36 seconds East, a distance of 85.73 feet;
- South 89 degrees 41 minutes 24 seconds West, a distance of 105.00 feet;
- North 00 degrees 18 minutes 36 seconds West, a distance of 85.80 feet;
- South 89 degrees 43 minutes 38 seconds West, a distance of 128.52 feet;
- South 45 degrees 38 minutes 38 seconds West, a distance of 35.92 feet;

LEGEND

CIRS	5/8–INCH IRON ROD W/CAP MARKED "PETITT–RPLS 4087" SET
IRF	CAPPED IRON ROD FOUND
R.O.W.	RIGHT–OF–WAY
POB	POINT OF BEGINNING
RPRDCT	REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS
(A)	DESIGNATES SUBDIVISION BLOCK

RPLS OF RECORD: JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5184

OWNER: CADG SUTTON FIELDS, LLC,
1800 VALLEY VIEW LANE, Ste. 208
FARMERS BRANCH, TX 75234
PHONE (469) 892–7200



PETITT BARRAZA
ENGINEERING PLANNING SURVEYING
TBPE FIRM REGISTRATION NO. 1488
TBPLS FIRM REGISTRATION NO. 101068
1651 N. Glenville Dr., Ste. 208
Richardson, Texas 75081
Tel. No. (214) 221–9955
Fax No. (214) 340–3550
DATE: JUNE, 2016
PHONE (469) 892–7200
JNICHOLS@PETITTBARRAZA.COM
SCALE: 1"=100'
JOB NO. 1401301

CONSTRUCTION PLAT
RIGHTS–OF–WAY FOR
SUTTON FIELDS

& 2 NON–RESIDENTIAL LOT
18.061 TOTAL ACRES

FENWICK TRAIL RIGHT–OF–WAY
SUTTON FIELDS BOULEVARD RIGHT–OF–WAY
CRUTCHFIELD ROAD RIGHT–OF–WAY
BOLEYN AVENUE
SITUATED IN THE
FREEMAN WILKERSON SURVEY ~ ABSTRACT NO. 1411 AND
THOMAS B. COX ~ ABSTRACT NO. 309
CITY OF CELINA
DENTON COUNTY, TEXAS

OWNER’S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, CADG SUTTON FIELDS, LLC., acting herein by and through its duly authorized officer(s), does hereby adopt this plat designating the herein above described property as RIGHTS–OF–WAY FOR SUTTON FIELDS, addition an addition to the City of Celina, Texas, and does hereby dedicate, in fee simple to the public use forever, the streets, rights–of–way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed on landscape easements, if approved by the City Council of the City of Celina. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public’s and City of Celina’s use thereof. The City of Celina and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Celina and public utility entities shall at all times have the full right ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Celina, Texas

WITNESS, my hand this the ____ day of _____, 2016.

CADG COMANCHE 248, LLC,
A TEXAS LIMITED PARTNERSHIP

BY: CTMG, LLC,
A TEXAS LIMITED LIABILITY COMPANY
ITS SOLE MANAGER AND MEMBER

BY: _____
MEHRDAD MOAYEDI,
SOLE MANAGER AND MEMBER

STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary public in and for the State of Texas, on this day personally appeared MEHRDAD MOAYEDI, SOLE MANAGER AND MEMBER, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my and seal of office, this ____ day of _____, 2016.

Notary Public in and for the State of Texas

My Commission Expires On:

RECOMMENDED BY:	Planning and Zoning Commission City of Celina, Texas
Signature of Chairperson	Date of Recommendation
APPROVED BY:	City Council City of Celina, Texas
Signature of Mayor	Date of Approval
ATTEST:	
City Secretary	Date

THIS PROPERTY IS LOCATED IN THE CORPORATE LIMITS AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF CELINA, DENTON COUNTY, TEXAS.

SIGNATURE OF MAYOR DATE OF APPROVAL

ATTEST:

CITY SECRETARY DATE

UTILITY COMPANY APPROVAL

ELECTRIC & GAS COMPANY:	
COSERV	DATE
TELEPHONE COMPANY:	
AT&T	DATE

SURVEYOR’S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, JIMMIE D. NICHOLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as “set” were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Celina.

*PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5184

STATE OF TEXAS §

COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary public in and for the State of Texas, on this day personally appeared JIMMIE D. NICHOLS, Registered Public Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my and seal of office, this ____ day of _____, 2016.

Notary Public in and for the State of Texas

My Commission Expires On:

CONSTRUCTION PLAT
RIGHTS–OF–WAY FOR
SUTTON FIELDS

& 2 NON–RESIDENTIAL LOT
18.061 TOTAL ACRES

FENWICK TRAIL RIGHT–OF–WAY
SUTTON FIELDS BOULEVARD RIGHT–OF–WAY
CRUTCHFIELD ROAD RIGHT–OF–WAY
BOLEYN AVENUE

SITUATED IN THE
FREEMAN WILKERSON SURVEY ~ ABSTRACT NO. 1411 AND
THOMAS B. COX ~ ABSTRACT NO. 309
CITY OF CELINA
DENTON COUNTY, TEXAS

LEGEND

CIRS	5/8–INCH IRON ROD W/CAP MARKED “PETITT–RPLS 4087” SET
IRF	CAPPED IRON ROD FOUND
R.O.W.	RIGHT–OF–WAY
POB	POINT OF BEGINNING
RPRDCT	REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS
Ⓐ	DESIGNATES SUBDIVISION BLOCK

RPLS OF RECORD: JIMMIE D. NICHOLS
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LAND SURVEYOR NO. 5184

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Richardson, Texas 75081
Tel. No. (214) 221–9955
Fax No. (214) 340–3550
DATE: JUNE, 2016
JNICHOLS@PETITTBARRAZA.COM

SCALE: 1”=100’
JOB NO. 1401301



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Brooks Wilson, Senior Planner
CC: Helen-Eve Liebman, Interim City Manager
Date: August 9, 2016
Re: Sutton Fields Phase 1A Construction Plat

Action Requested:

Consider and act upon a construction plat for Sutton Fields Phase 1A, approximately 69.961 acres situated in the Freeman Wilkerson Survey, Abstract No. 1411, containing 318 residential lots and ten (10) common area lots, and generally located north of Parvin Road and east of FM 1385. (Sutton Fields Phase 1A Construction Plat) (Liebman)

Background Information:

Staff has reviewed the proposed construction plat for Sutton Fields Phase 1A, and has deemed it acceptable. The applicant must provide street landscaping plans and screening plans prior to the project going vertical.

Board Review/Citizen Input:

At the meeting on July 19, 2016, the Planning and Zoning Commission voted unanimously to recommend approval, subject to the staff comments being addressed prior to the plat being considered before the City Council.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

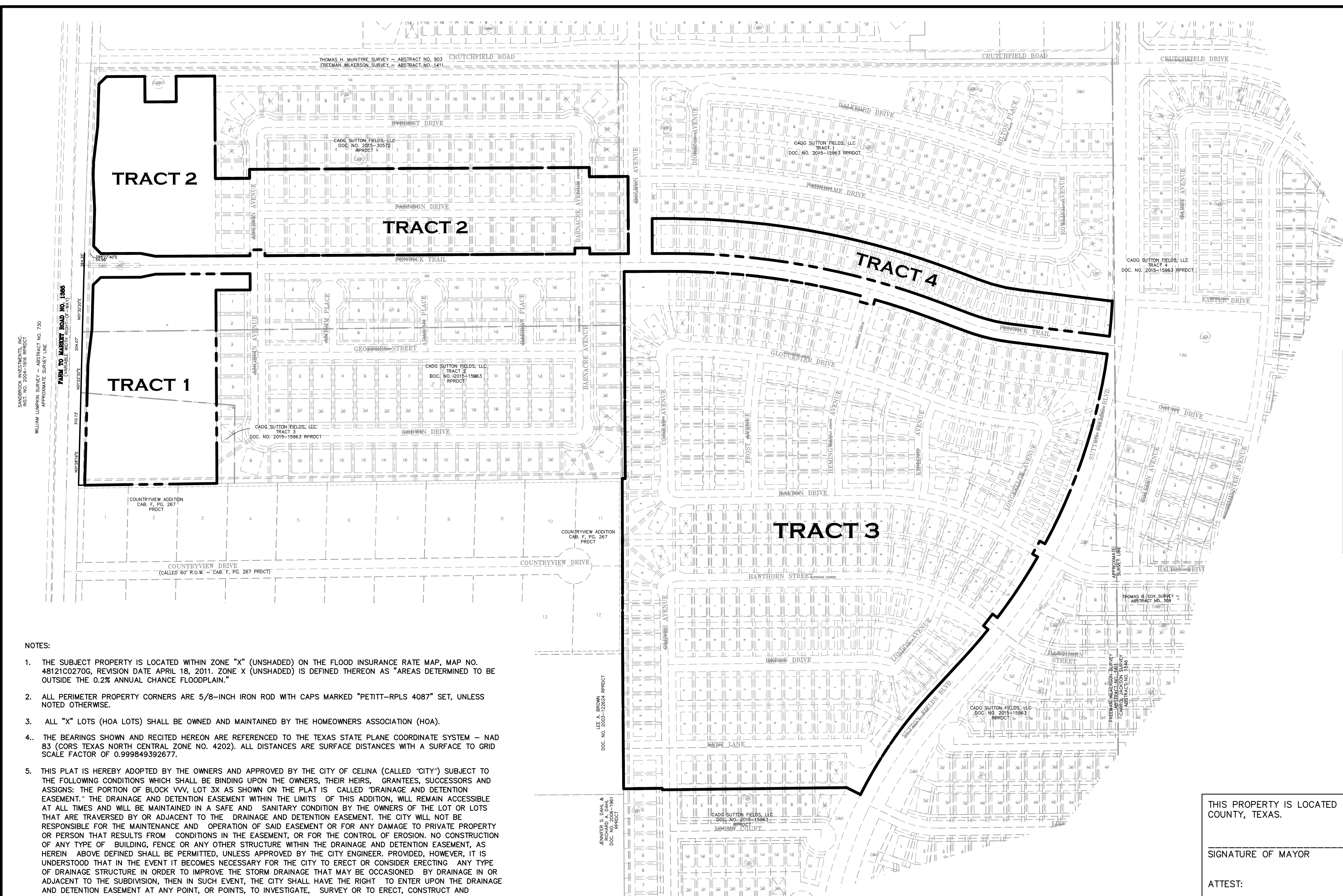
N/A

Supporting Document:

Plat Exhibit

Staff Recommendation:

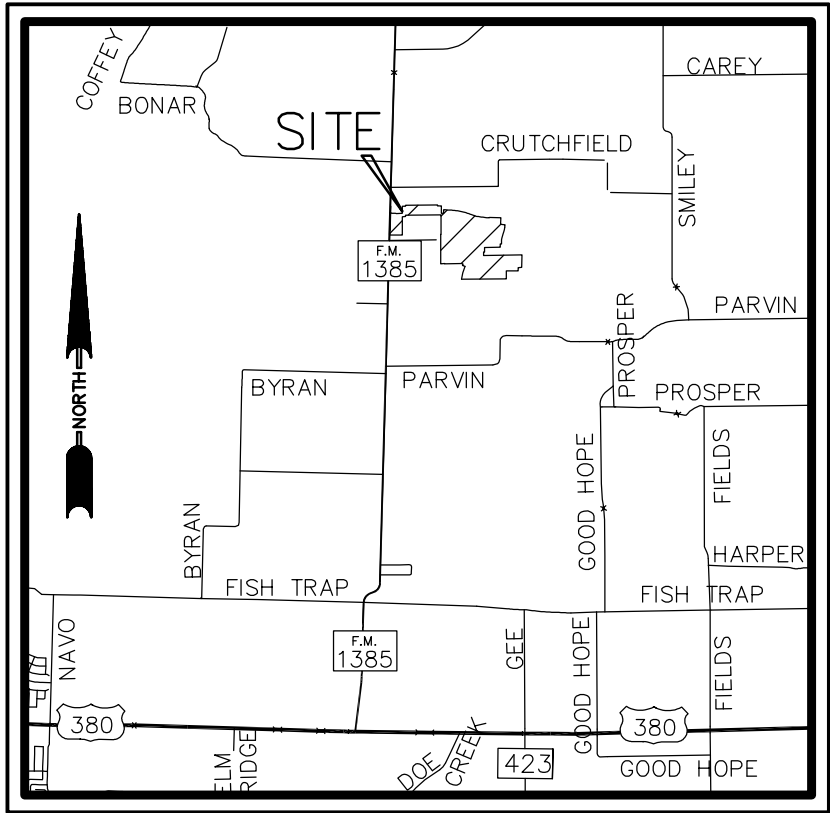
Staff recommends approval of the plat subject to any outstanding Engineering comments and approval of the landscape and hardscape plans prior to the applicant scheduling the pre-construction meeting.



NOTES:

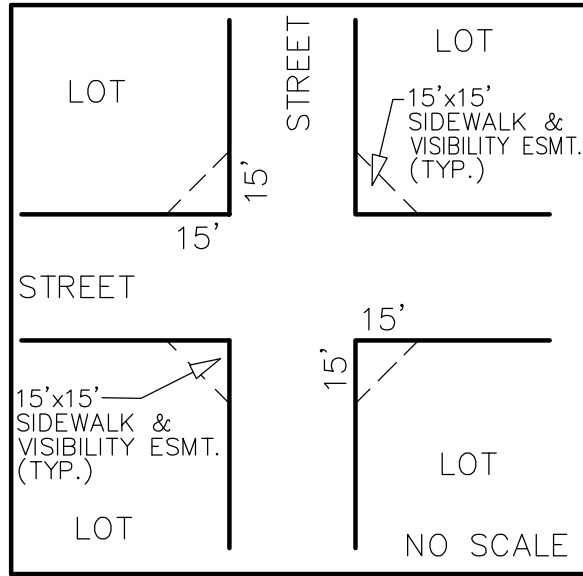
1. THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X" (UNSHADED) ON THE FLOOD INSURANCE RATE MAP, MAP NO. 48121C0270G, REVISION DATE APRIL 18, 2011. ZONE X (UNSHADED) IS DEFINED THEREON AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."
2. ALL PERIMETER PROPERTY CORNERS ARE 5/8-INCH IRON ROD WITH CAPS MARKED "PETITT-RPLS 4087" SET, UNLESS NOTED OTHERWISE.
3. ALL "X" LOTS (HOA LOTS) SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION (HOA).
4. THE BEARINGS SHOWN AND REOTED HEREON ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM - NAD 83 (CORES TEXAS NORTH CENTRAL ZONE NO. 4202). ALL DISTANCES ARE SURFACE DISTANCES WITH A SURFACE TO GRID SCALE FACTOR OF 0.999849392677.
5. THIS PLAT IS HEREBY ADOPTED BY THE OWNERS AND APPROVED BY THE CITY OF CELINA (CALLED "CITY") SUBJECT TO THE FOLLOWING CONDITIONS WHICH SHALL BE BINDING UPON THE OWNERS, THEIR HEIRS, GRANTEES, SUCCESSORS AND ASSIGNS: THE PORTION OF BLOCK VVV, LOT 3X AS SHOWN ON THE PLAT IS CALLED "DRAINAGE AND DETENTION EASEMENT." THE DRAINAGE AND DETENTION EASEMENT WITHIN THE LIMITS OF THIS ADDITION, WILL REMAIN ACCESSIBLE AT ALL TIMES AND WILL BE MAINTAINED IN A SAFE AND SANITARY CONDITION BY THE OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO THE DRAINAGE AND DETENTION EASEMENT. THE CITY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF SAID EASEMENT OR FOR ANY DAMAGE TO PRIVATE PROPERTY OR PERSON THAT RESULTS FROM CONDITIONS IN THE EASEMENT, OR FOR THE CONTROL OF EROSION, NO CONSTRUCTION OF ANY TYPE OF BUILDING, FENCE OR ANY OTHER STRUCTURE WITHIN THE DRAINAGE AND DETENTION EASEMENT, AS HEREIN ABOVE DEFINED SHALL BE PERMITTED, UNLESS APPROVED BY THE CITY ENGINEER. PROVIDED, HOWEVER, IT IS UNDERSTOOD THAT IN THE EVENT IT BECOMES NECESSARY FOR THE CITY TO ERECT OR CONSIDER ERECTING ANY TYPE OF DRAINAGE STRUCTURE IN ORDER TO IMPROVE THE STORM DRAINAGE THAT MAY BE OCCASIONED BY DRAINAGE IN OR ADJACENT TO THE SUBDIVISION, THEN IN SUCH EVENT, THE CITY SHALL HAVE THE RIGHT TO ENTER UPON THE DRAINAGE AND DETENTION EASEMENT AT ANY POINT, OR POINTS, TO INVESTIGATE, SURVEY OR TO ERECT, CONSTRUCT AND MAINTAIN ANY DRAINAGE FACILITY DEEMED NECESSARY FOR DRAINAGE PURPOSES. EACH PROPERTY OWNER SHALL KEEP THE DRAINAGE AND DETENTION EASEMENT CLEAN AND FREE OF DEBRIS, SILT, AND ANY SUBSTANCE WHICH WOULD RESULT IN UNSANITARY CONDITIONS OR OBSTRUCT THE FLOW OF WATER, AND THE CITY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF INSPECTION AND SUPERVISION OF MAINTENANCE WORK BY THE PROPERTY OWNER TO ALLEVIATE ANY UNDESIRABLE CONDITIONS WHICH MAY OCCUR. THE NATURAL DRAINAGE THROUGH THE DRAINAGE AND DETENTION EASEMENT IS SUBJECT TO STORM WATER OVERFLOW AND NATURAL BANK EROSION TO AN EXTENT WHICH CANNOT BE DEFINITELY DEFINED. THE CITY SHALL NOT BE HELD LIABLE FOR ANY DAMAGES OF ANY NATURE RESULTING FROM THE FAILURE OF ANY STRUCTURE OR STRUCTURES, WITHIN THE EASEMENT.
6. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
7. THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT HE OR SHE OR THEY SHALL CONSTRUCT UPON THE FIRE LANE EASEMENTS, AS DEDICATED AS SHOWN HEREON, A HARD SURFACE IN ACCORDANCE WITH THE CITY OF CELINA'S PAVING STANDARDS FOR FIRE LANE, AND THAT HE OR SHE OR THEY SHALL MAINTAIN THE SAME IN A STATE OF GOOD REPAIR AT ALL TIMES AND KEEP HE SAME FREE AND CLEAR OF ANY STRUCTURES, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR OBSTRUCTION, INCLUDING BUT NOT LIMITED TO THE PARKING OF MOTOR VEHICLES, TRAILERS, BOATS, OR OTHER IMPEDIMENTS TO THE ACCESSIBILITY OF FIRE APPARATUS. THE MAINTENANCE OF PAVING ON THE FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE OWNER, AND THE OWNER SHALL POST AND MAINTAIN APPROPRIATE SIGNS IN CONSPICUOUS PLACES ALONG SUCH FIRE LANES, STATING "FIRE LANE, NO PARKING." THE LOCAL LAW ENFORCEMENT AGENCY(S) IS HEREBY AUTHORIZED TO ENFORCE PARKING REGULATIONS WITHIN THE FIRE LANES, AND TO CAUSE SUCH FIRE LANES AND UTILITY EASEMENTS TO BE MAINTAINED FREE AND UNOBSTRUCTED AT ALL TIMES FOR FIRE DEPARTMENT AND EMERGENCY USE.
8. THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT THE ACCESS EASEMENT MAY BE UTILIZED BY ANY PERSON OR THE GENERAL PUBLIC FOR INGRESS AND EGRESS TO PUBLIC VEHICULAR AND PEDESTRIAN USE AND ACCESS, AND FOR FIRE DEPARTMENT AND EMERGENCY USE IN, ALONG, UPON, AND ACROSS SAID PREMISES, WITH THE RIGHT AND PRIVILEGE AT ALL TIMES OF THE CITY OF CELINA, ITS AGENTS, EMPLOYEES, WORKMEN, AND REPRESENTATIVES HAVING INGRESS, EGRESS, AND REGRESS IN, ALONG, UPON AND ACROSS SAID PREMISES.
9. THE AREA OR AREAS SHOWN ON THE PLAT AS "VAM" (VISIBILITY, ACCESS, AND MAINTENANCE) EASEMENT(S) ARE HEREBY GIVEN AND GRANTED TO THE CITY, ITS SUCCESSORS AND ASSIGNS, AS AN EASEMENT TO PROVIDE VISIBILITY, RIGHT OF ACCESS FOR MAINTENANCE UPON AND ACROSS SAID VAM EASEMENT. SHOULD THE CITY EXERCISE THIS MAINTENANCE RIGHT, THEN IT SHALL BE PERMITTED TO REMOVE AND DISPOSE OF ANY AND ALL LANDSCAPING IMPROVEMENTS, INCLUDING WITHOUT LIMITATION, ANY TREES, SHRUBS, FLOWERS, GROUND COVER AND FIXTURES. THE CITY MAY WITHDRAW MAINTENANCE OF THE VAM EASEMENT AT ANY TIME. THE ULTIMATE MAINTENANCE RESPONSIBILITY FOR THE VAM EASEMENT SHALL REST WITH THE OWNERS. NO BUILDING, FENCE, SHRUB, TREE, OR OTHER IMPROVEMENTS OR GROWTHS, WHICH IN ANY WAY MAY ENDANGER OR INTERFERE WITH THE VISIBILITY, SHALL BE CONSTRUCTED IN, ON, OVER, OR ACROSS THE VAM EASEMENT. THE CITY SHALL ALSO HAVE THE OBLIGATION TO AD ANY LANDSCAPE IMPROVEMENTS TO THE VAM EASEMENT, TO ERECT ANY TRAFFIC CONTROL DEVICES, OR SIGNS ON THE VAM EASEMENT AND TO REMOVE ANDY OBSTRUCTION THEREON. THE CITY, ITS SUCCESSORS, ASSIGNS, OR AGENTS SHALL HAVE THE RIGHT AND PRIVILEGE AT ALL TIMES TO ENTER UPON THE VAM EASEMENT OR ANY PART THEREOF FOR THE PURPOSES AND WITH ALL RIGHTS AND PRIVILEGES SET FORTH HEREIN.
10. DETENTION PONDS ARE TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

RECOMMENDED BY:	Planning and Zoning Commission City of Celina, Texas
Signature of Chairperson	Date of Recommendation
APPROVED BY:	City Council City of Celina, Texas
Signature of Mayor	Date of Approval
ATTEST:	
City Secretary	Date



LOCATION MAP
N.T.S.

UTILITY COMPANY APPROVAL	
ELECTRIC & GAS COMPANY:	
COSERV	DATE
TELEPHONE COMPANY:	
AT&T	DATE



15'x15' SIDEWALK & VISIBILITY
ESMT. AT STREET INTERSECTION
(TYPICAL EXCEPT AS SHOWN OTHERWISE)

THIS PROPERTY IS LOCATED IN THE CORPORATE LIMITS OF THE CITY OF CELINA, DENTON COUNTY, TEXAS.	
SIGNATURE OF MAYOR	DATE OF APPROVAL
ATTEST:	
CITY SECRETARY	DATE

LEGEND	
U.E.	UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
W.M.E.	WALL MAINTENANCE EASEMENT
BL	BUILDING SETBACK LINE
CIRS	5/8-INCH IRON ROD W/CAP MARKED "PETITT-RPLS 4087" SET
CIRF	5/8-INCH IRON ROD W/CAP MARKED "PETITT-RPLS 4087" FOUND
IRF	IRON ROD FOUND
R.O.W.	RIGHT-OF-WAY
P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
57.5'R	57.5-FOOT RADIUS
RPRDCT	REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS
(A)	DESIGNATES SUBDIVISION BLOCK
◇	DENOTES STREET NAME CHANGE
9999	LOT ACREAGE
▲	DENOTES LOT FRONTAGE

KEY MAP
CONSTRUCTION PLAT
SUTTON FIELDS PHASE 1A

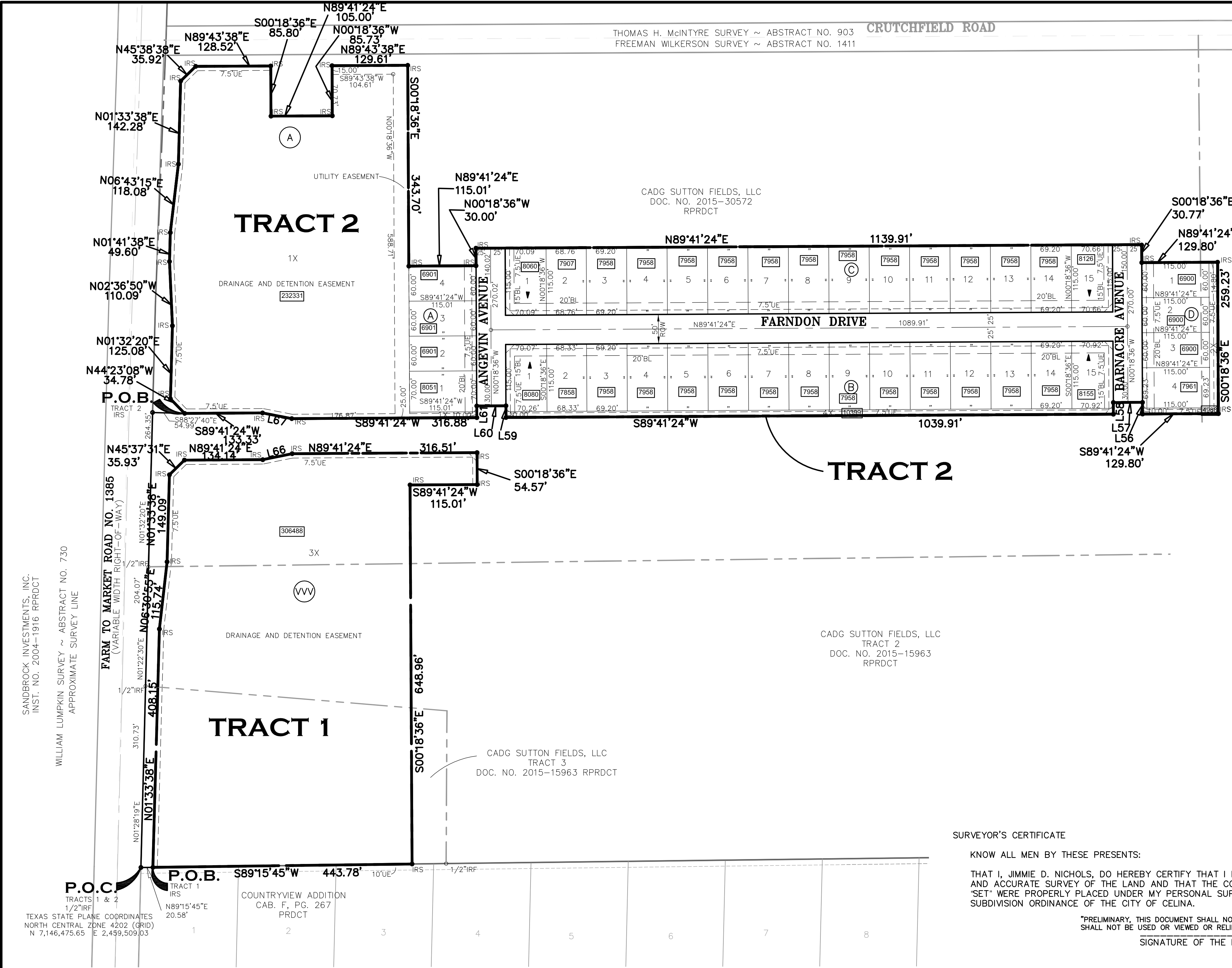
TRACT 1 ~ 7.036 ACRES
TRACT 2 ~ 14.309 ACRES
TRACT 3 ~ 49.568 ACRES
TRACT 4 ~ 4.240 ACRES
75.153 ACRES TOTAL
318 RESIDENTIAL LOTS
10 NON-RESIDENTIAL LOTS
SITUATED IN THE
FREEMAN WILKERSON SURVEY ~ ABSTRACT NO. 1411
CITY OF CELINA
DENTON COUNTY, TEXAS

RPLS OF RECORD: JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5184

OWNER: CADG SUTTON FIELDS, LLC.
1800 VALLEY VIEW LANE, SUITE 300
FARMERS BRANCH, TX 75234
PHONE (469) 892-7200

PETITT BARRAZA
ENGINEERING PLANNING SURVEYING
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Tel. No. (214) 221-9955
Fax No. (214) 340-3550
DATE: JUNE, 2016
SCALE: 1"=200'
JNICHOLS@PETITTBARRAZA.COM
JOB NO. 1401301

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ANY PURPOSE AND SHALL NOT
BE USED OR VIEWED OR RELIED
UPON AS A FINAL SURVEY
DOCUMENT."



OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT CADG SUTTON FIELDS, LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING HEREIN BY AND THROUGH HIS/HER(ITS) DULY AUTHORIZED OFFICER(S), DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS SUTTON FIELDS PHASE 1A, AN ADDITION TO THE CITY OF CELINA, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE TO THE PUBLIC USE FOREVER, THE STREETS, RIGHTS-OF-WAY, AND OTHER PUBLIC IMPROVEMENTS SHOWN THEREON. THE STREETS AND ALLEYS, IF ANY, ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED ON LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY COUNCIL OF THE CITY OF CELINA. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF CELINA'S USE THEREOF. THE CITY OF CELINA AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF CELINA AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF CELINA, TEXAS

WITNESS, MY HAND THIS THE ____ DAY OF _____, 2016.

BY: CADG SUTTON FIELDS, LLC,
A TEXAS LIMITED PARTNERSHIP

BY: CTMGT, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
IT'S SOLE MANAGER AND MEMBER

BY: _____
AUTHORIZED SIGNATURE OF OWNER

MEHRDAD MOAYEDI
SOLE MANAGER AND MEMBER

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED MEHRDAD MOAYEDI, THE SOLE MANAGER AND MEMBER IF CTMGT, LLC, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY AND SEAL OF OFFICE, THIS ____ DAY OF _____, 2016.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON:

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, JIMMIE D. NICHOLS, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF CELINA.

"PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

SIGNATURE OF THE REGISTERED PROFESSIONAL

TEXAS REGISTRATION NO.

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JIMMIE D. NICHOLS, REGISTERED PUBLIC LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY AND SEAL OF OFFICE, THIS ____ DAY OF _____, 2016.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON:

CONSTRUCTION PLAT
SUTTON FIELDS PHASE 1A

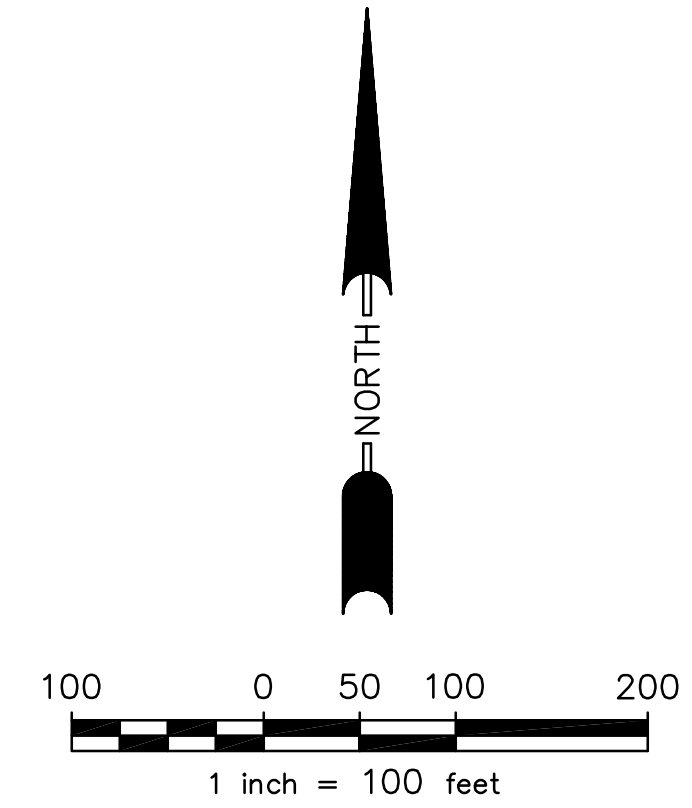
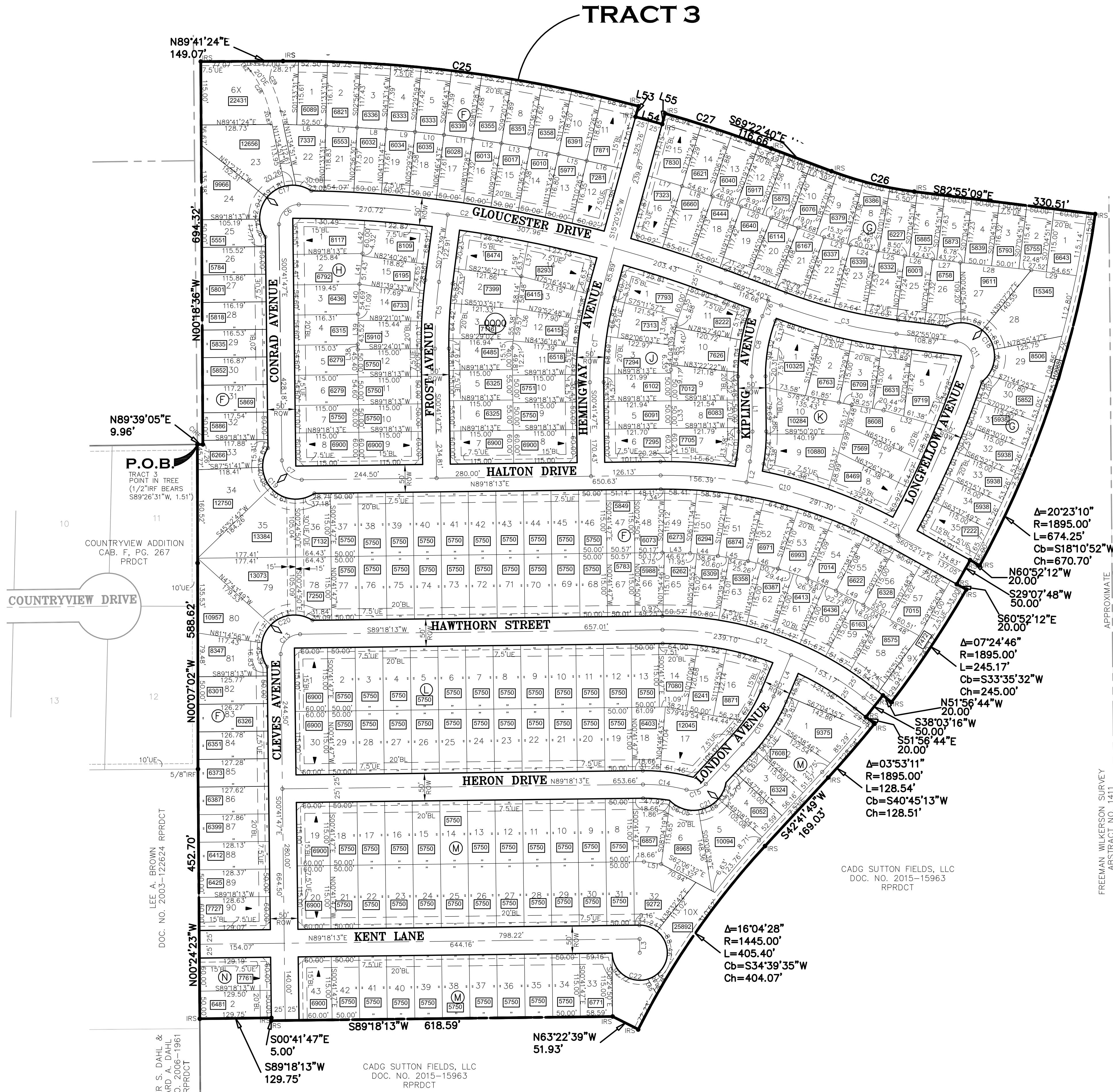
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RPLS OF RECORD: JIMMIE D. NICHOLS
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FARMERS BRANCH, TX 75234
PHONE (469) 892-7200

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ENGINEERING PLANNING SURVEYING
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LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°41'47"E	100.00
L2	N09°43'22"E	38.03
L3	N00°41'47"W	25.00
L4	N22°55'25"E	81.27
L5	N42°41'49"E	98.72
L6	S88°26'29"E	76.91
L7	S86°28'34"E	56.94
L8	S86°34'46"E	52.63
L9	S85°05'25"E	52.63
L10	S83°55'41"E	52.63
L11	S82°14'02"E	52.63
L12	S81°01'29"E	52.62
L13	S80°27'50"E	52.62
L14	S78°00'27"E	52.62
L15	S76°50'07"E	52.61
L16	S77°31'41"E	64.49
L17	S73°07'39"E	64.49
L18	S71°11'52"E	58.55
L19	S70°39'43"E	55.00
L20	S69°29'28"E	58.09
L21	S69°36'47"E	52.00
L22	S69°46'05"E	50.00
L23	S73°24'57"E	50.03
L24	S77°13'17"E	50.03
L25	S80°30'21"E	50.02
L26	S83°00'35"E	50.94
L27	S83°17'06"E	50.78
L28	S83°57'40"E	129.28
L29	S82°55'08"E	82.17
L30	S78°49'01"E	23.51
L31	S80°22'53"E	58.69
L32	S74°02'22"E	99.34
L33	N00°25'09"W	166.58
L34	N06°37'38"E	83.30
L35	N19°17'39"E	73.06
L36	N07°16'09"E	130.26
L37	N11°18'08"E	63.71
L38	N00°31'52"W	9.20
L39	N00°38'59"E	54.62
L40	N02°35'56"E	54.69
L41	N05°45'05"E	55.76
L42	N03°43'46"E	60.00
L43	S88°34'17"E	50.42
L44	S84°33'05"E	50.59
L45	S80°20'22"E	55.24
L46	S75°54'39"E	56.03
L47	S71°26'36"E	56.22
L48	S66°87'39"E	56.40
L49	S62°29'30"E	55.90
L50	S60°53'16"E	115.52
L51	S81°59'33"E	31.71
L52	S51°56'44"E	24.68
L53	S15°20'55"W	20.00
L54	S74°39'05"E	50.00
L55	N15°20'55"E	20.00
L56	N00°18'36"W	20.00
L57	S89°41'24"W	50.00
L58	S00°18'36"E	20.00
L59	N00°18'36"W	20.00
L60	S89°41'24"W	50.00
L61	S00°18'36"E	20.00
L62	N37°10'48"W	22.08
L63	N37°10'48"W	7.08
L64	S30°38'20"E	20.17
L65	S30°38'20"E	32.19
L66	N78°27'36"E	51.35
L67	N79°00'00"W	50.99

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	16°02'42"	580.00	162.42	81.75	S07°19'34"W	161.89
C2	20°13'51"	2215.00	782.11	395.17	N79°29'36"W	778.05
C3	13°32'29"	915.00	216.25	108.63	S76°08'54"E	215.75
C4	11°02'24"	1740.00	335.27	168.16	N23°36'36"E	334.75
C5	08°05'26"	860.00	121.44	60.82	S03°20'56"W	121.34
C6	91°05'16"	35.50	56.44	36.18	S44°50'51"W	50.68
C7	90°00'00"	35.50	55.76	35.50	S45°41'47"E	50.20
C8	21°19'09"	300.00	111.62	56.47	S09°57'46"W	110.98
C9	10°25'09"	300.00	54.55	27.35	N04°30'47"E	54.48
C10	29°49'35"	860.00	447.69	229.04	N75°47'00"W	442.65
C11	101°00'33"	35.50	62.58	43.07	N32°24'52"W	54.79
C12	38°45'04"	580.00	392.27	203.97	N71°19'16"W	384.84
C13	90°00'00"	35.50	55.76	35.50	N44°18'13"E	50.20
C14	15°14'26"	300.00	79.80	40.14	N83°04'34"W	79.56
C15	61°50'50"	35.50	38.32	21.27	N73°37'14"E	36.49
C16	19°46'23"	300.00	103.53	52.29	N32°48'37"E	103.02
C17	158°21'14"	60.00	165.83	313.84	S44°55'23"W	117.87
C18	168°14'54"	60.00	176.19	583.02	N32°21'08"W	119.37
C19	157°06'53"	60.00	164.53	296.43	S45°41'47"E	117.61
C20	157°06'53"	60.00	164.53	296.43	S44°18'13"W	117.61
C21	127°01'05"	60.00	133.01	120.39	N72°38'55"E	107.40
C22	270°00'00"	50.00	235.62	50.00	N44°18'13"E	70.71
C23	13°32'29"	595.00	140.62	70.64	N76°08'54"W	140.30
C24	20°55'56"	2535.00	926.13	468.28	N79°50'38"W	920.99
C25	15°04'47"	2475.00	651.40	327.59	S82°46'12"E	649.52
C26	13°32'29"	655.00	154.80	77.76	S76°08'54"E	154.44
C27	04°41'42"	2475.00	202.80	101.46	S71°43'31"E	202.75
C28	25°35'57"	190.00	84.89	43.17	N24°22'49"W	84.19
C29	25°35'57"	210.00	93.83	47.71	N24°22'49"W	93.05

CONSTRUCTION PLAT
SUTTON FIELDS PHASE 1A

TRACT 1 ~ 7.036 ACRES
TRACT 2 ~ 14.309 ACRES
TRACT 3 ~ 49.586 ACRES
TRACT 4 ~ 4.240 ACRES
75.153 ACRES TOTAL
318 RESIDENTIAL LOTS
10 NON-RESIDENTIAL LOTS
SITUATED IN THE
FREEMAN WILKERSON SURVEY ~ ABSTRACT NO. 1411
CITY OF CELINA
DENTON COUNTY, TEXAS

RPLS OF RECORD: JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5184

OWNER: CADG SUTTON FIELDS, LLC
1800 VALLEY VIEW LANE, SUITE 300
FARMERS BRANCH, TX 75234
PHONE (469) 892-7200

PETITT BARRAZA
ENGINEERING PLANNING SURVEYING

TBPE FIRM REGISTRATION NO. 1488
TBPLS FIRM REGISTRATION NO. 101068

1651 N. Glenville Dr. Ste. 208
Richardson, Texas 75081
Tel. No. (214) 221-9955
Fax No. (214) 340-3550
DATE: JUNE, 2016
JNICHOLS@PETITTBARRAZA.COM

SCALE: 1"=100'
JOB NO. 1401301

"PRELIMINARY. THIS DOCUMENT
SHALL NOT BE RECORDED FOR
ANY PURPOSE AND SHALL NOT
BE USED OR VIEWED OR RELIED
UPON AS A FINAL SURVEY
DOCUMENT."

SHEET 4 OF 4



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Brooks Wilson, Senior Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: Sutton Fields Phase 1B Construction Plat

Action Requested:

Consider and act upon a construction plat for Sutton Fields Phase 1B, approximately 50.983 acres situated in the Freeman Wilkerson Survey, Abstract No. 1411, the Thomas B. Cox Survey, Abstract No. 309, the Carrol Jackson Survey, Abstract No. 1546, and the Jacob Rue Survey, Abstract No. 1109, containing 197 residential lots and five (5) common area lots, and generally located north of Parvin Road and east of FM 1385. (Sutton Fields Phase 1B Construction Plat) (Liebman)

Background Information:

Staff has reviewed the proposed construction plat for Sutton Fields Phase 1B, and has deemed it acceptable. The applicant must provide landscaping and hardscaping plans.

Board Review/Citizen Input:

At the meeting on July 19, 2016, the Planning and Zoning Commission voted unanimously to recommend approval, subject to the staff comments being addressed prior to the plat being considered before the City Council.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Supporting Document:

Plat Exhibit

Staff Recommendation:

Staff recommends approval of the plat subject to any outstanding Engineering comments and approval of the landscape and hardscape plans prior to the applicant scheduling the pre-construction meeting.

NOTES:

1. THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X" (UNSHADED) ON THE FLOOD INSURANCE RATE MAP, MAP NO. 48121C0270G, REVISION DATE APRIL 18, 2011. ZONE X (UNSHADED) IS DEFINED THEREON AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."
2. ALL PERIMETER PROPERTY CORNERS ARE 5/8-INCH IRON ROD WITH CAPS MARKED "PETITT-RPLS 4087" SET, UNLESS NOTED OTHERWISE.
3. ALL "X" LOTS (HOA LOTS) SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION (HOA).
4. THE BEARINGS SHOWN AND REITED HEREON ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM - NAD 83 (GPRS TEXAS NORTH CENTRAL ZONE NO. 4202). ALL DISTANCES ARE SURFACE DISTANCES WITH A SURFACE TO GRID SCALE FACTOR OF 0.999849392677.
5. THIS PLAT IS HEREBY ADOPTED BY THE OWNERS AND APPROVED BY THE CITY OF CELINA (CALLED "CITY") SUBJECT TO THE FOLLOWING CONDITIONS WHICH SHALL BE BINDING UPON THE OWNERS, THEIR HEIRS, GRANTEES, SUCCESSORS AND ASSIGNS: THE PORTION OF BLOCK VVV, LOT 3X AS SHOWN ON THE PLAT IS CALLED "DRAINAGE AND DETENTION EASEMENT." THE DRAINAGE AND DETENTION EASEMENT WITHIN THE LIMITS OF THIS ADDITION, WILL REMAIN ACCESSIBLE AT ALL TIMES AND WILL BE MAINTAINED IN A SAFE AND SANITARY CONDITION BY THE OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO THE DRAINAGE AND DETENTION EASEMENT. THE CITY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF SAID EASEMENT OR FOR ANY DAMAGE TO PRIVATE PROPERTY OR PERSON THAT RESULTS FROM CONDITIONS IN THE EASEMENT, OR FOR THE CONTROL OF EROSION. NO CONSTRUCTION OF ANY TYPE OF BUILDING, FENCE OR ANY OTHER STRUCTURE WITHIN THE DRAINAGE AND DETENTION EASEMENT, AS HEREIN, UNLESS APPROVED BY THE CITY ENGINEER. PROVIDED, HOWEVER, IT IS UNDERSTOOD THAT IN THE EVENT IT BECOMES NECESSARY FOR THE CITY TO ERECT OR CONSIDER ERECTING ANY TYPE OF DRAINAGE STRUCTURE IN ORDER TO IMPROVE THE STORM DRAINAGE THAT MAY BE OCCASIONED BY DRAINAGE IN OR ADJACENT TO THE SUBDIVISION, THEN IN SUCH EVENT, THE CITY SHALL HAVE SUCH RIGHT TO ENTER UPON THE DRAINAGE AND DETENTION EASEMENT AT ANY POINT, OR POINTS, TO INVESTIGATE, SURVEY OR TO ERECT, CONSTRUCT AND MAINTAIN ANY DRAINAGE FACILITY DEEMED NECESSARY FOR DRAINAGE PURPOSES. EACH PROPERTY OWNER SHALL KEEP THE DRAINAGE AND DETENTION EASEMENT CLEAN AND FREE OF DEBRIS, SILT, AND ANY SUBSTANCE WHICH WOULD RESULT IN UNSANITARY CONDITIONS OR OBSTRUCT THE FLOW OF WATER, AND THE CITY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF INSPECTION AND SUPERVISION OF MAINTENANCE WORK BY THE PROPERTY OWNER TO ALLEVIATE ANY UNDESIRABLE CONDITIONS WHICH MAY OCCUR. THE NATURAL DRAINAGE THROUGH THE DRAINAGE AND DETENTION EASEMENT IS SUBJECT TO STORM WATER OVERFLOW AND NATURAL BANK EROSION TO AN EXTENT WHICH CANNOT BE DEFINITELY DEFINED. THE CITY SHALL NOT BE HELD LIABLE FOR ANY DAMAGES OF ANY NATURE RESULTING FROM THE FAILURE OF ANY STRUCTURE OR STRUCTURES, WITHIN THE EASEMENT.
6. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
7. THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT HE OR SHE OR THEY SHALL CONSTRUCT UPON THE FIRE LANE EASEMENTS, AS DEDICATED AS SHOWN HEREON, A HARD SURFACE IN ACCORDANCE WITH THE CITY OF CELINA'S PAVING STANDARDS FOR FIRE LANE, AND THAT HE OR SHE OR THEY SHALL MAINTAIN THE SAME IN A STATE OF GOOD REPAIR AT ALL TIMES AND KEEP HE SAME FREE AND CLEAR OF ANY STRUCTURES, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR OBSTRUCTION, INCLUDING BUT NOT LIMITED TO THE PARKING OF MOTOR VEHICLES, TRAILERS, BOATS, OR OTHER IMPEDIMENTS TO THE ACCESSIBILITY OF FIRE APPARATUS. THE MAINTENANCE OF PAVING ON THE FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE OWNER, AND THE OWNER SHALL POST AND MAINTAIN APPROPRIATE SIGNS IN CONSPICUOUS PLACES ALONG SUCH FIRE LANES, STATING "FIRE LANE, NO PARKING." THE LOCAL LAW ENFORCEMENT AGENCY(S) IS HEREBY AUTHORIZED TO ENFORCE PARKING REGULATIONS WITHIN THE FIRE LANES, AND TO CAUSE SUCH FIRE LANES AND UTILITY EASEMENTS TO BE MAINTAINED FREE AND UNOBSTRUCTED AT ALL TIMES FOR FIRE DEPARTMENT AND EMERGENCY USE.
8. THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT THE ACCESS EASEMENT MAY BE UTILIZED BY ANY PERSON OR THE GENERAL PUBLIC FOR INGRESS AND EGRESS TO PUBLIC VEHICULAR AND PEDESTRIAN USE AND ACCESS, AND FOR FIRE DEPARTMENT AND EMERGENCY USE IN, ALONG, UPON, AND ACROSS SAID PREMISES, WITH THE RIGHT AND PRIVILEGE AT ALL TIMES OF THE CITY OF CELINA, ITS AGENTS, EMPLOYEES, WORKMEN, AND REPRESENTATIVES HAVING INGRESS, EGRESS, AND REGRESS IN, ALONG, UPON AND ACROSS SAID PREMISES.
9. THE AREA OR AREAS SHOWN ON THE PLAT AS "VAM" (VISIBILITY, ACCESS, AND MAINTENANCE) EASEMENT(S) ARE HEREBY GIVEN AND GRANTED TO THE CITY, ITS SUCCESSORS AND ASSIGNS, AS AN EASEMENT TO PROVIDE VISIBILITY, RIGHT OF ACCESS FOR MAINTENANCE UPON AND ACROSS SAID VAM EASEMENT. SHOULD THE CITY EXERCISE THIS MAINTENANCE RIGHT, THEN IT SHALL BE PERMITTED TO REMOVE AND DISPOSE OF ANY AND ALL LANDSCAPING IMPROVEMENTS, INCLUDING WITHOUT LIMITATION, ANY TREES, SHRUBS, FLOWERS, GROUND COVER AND FURNITURES. THE CITY MAY WITHDRAW MAINTENANCE OF THE VAM EASEMENT AT ANY TIME. THE ULTIMATE MAINTENANCE RESPONSIBILITY FOR THE VAM EASEMENT SHALL REST WITH THE OWNERS. NO BUILDING, FENCE, SILL, TRAIL, OR OTHER IMPROVEMENTS OR GROWTHS, WHICH IN ANY WAY MAY ENDANGER OR INTERFERE WITH THE VISIBILITY, SHALL BE CONSTRUCTED IN, ON, OVER, OR ACROSS THE VAM EASEMENT. THE CITY SHALL ALSO HAVE THE RIGHT BUT NOT THE OBLIGATION TO AD ANY LANDSCAPE IMPROVEMENTS TO THE VAM EASEMENT, TO ERECT ANY TRAFFIC CONTROL DEVICES, OR SIGNS ON THE VAM EASEMENT AND TO REMOVE ANY OBSTRUCTION THEREON. THE CITY, ITS SUCCESSORS, ASSIGNS, OR AGENTS SHALL HAVE THE RIGHT AND PRIVILEGE AT ALL TIMES TO ENTER UPON THE VAM EASEMENT OR ANY PART THEREOF FOR THE PURPOSES AND WITH ALL RIGHTS AND PRIVILEGES SET FORTH HEREIN.
10. DETENTION PONDS ARE TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, JIMMIE D. NICHOLS, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF CELINA.

"PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT."

SIGNATURE OF THE REGISTERED PROFESSIONAL

TEXAS REGISTRATION NO.

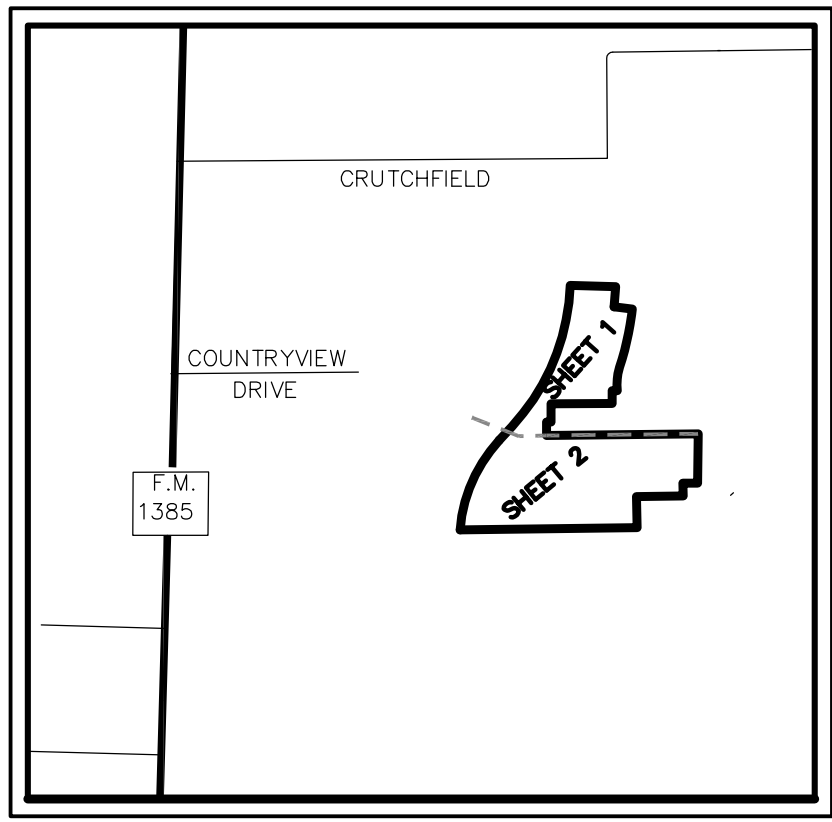
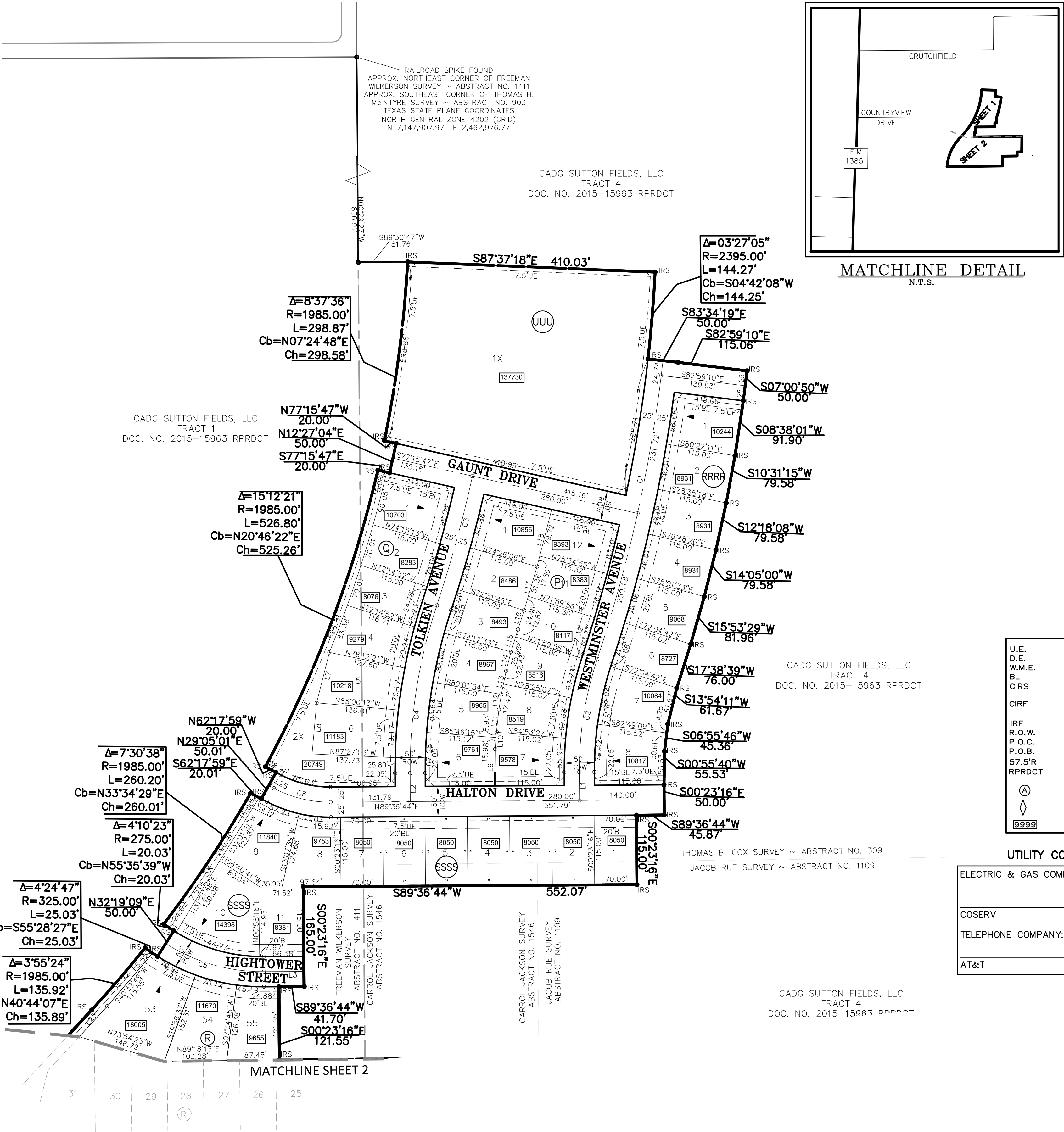
STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JIMMIE D. NICHOLS, REGISTERED PUBLIC LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

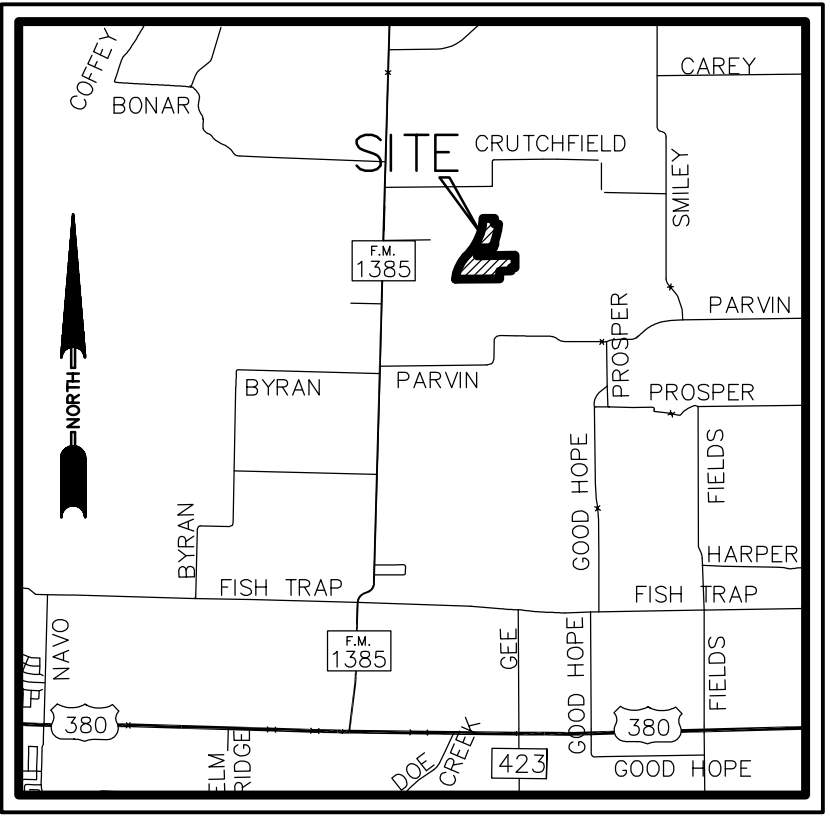
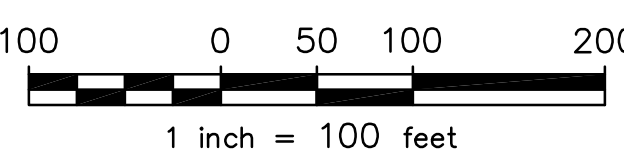
GIVEN UNDER MY AND SEAL OF OFFICE, THIS ____ DAY OF _____ 2016.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON:



**15'x15' SIDEWALK & VISIBILITY
ESMT. AT STREET INTERSECTION**
(TYPICAL EXCEPT AS SHOWN OTHERWISE)



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°23'16\"E	47.05
L2	S00°23'16\"E	47.05
L3	N89°36'44\"E	66.58
L4	S00°41'47\"E	25.00
L5	S00°41'47\"E	25.00
L6	S00°41'47\"E	140.00
L7	N14°13'16\"E	86.18
L8	N04°59'47\"E	85.01
L9	N00°36'17\"E	61.07
L10	N03°49'44\"E	27.91
L11	N06°26'14\"E	37.64
L12	N08°57'06\"E	25.55
L13	N11°33'23\"E	39.91
L14	N14°28'33\"E	32.21
L15	N17°13'22\"E	38.83
L16	N17°53'17\"E	33.21
L17	N16°31'04\"E	75.83
L18	N14°20'22\"E	97.53
L19	N64°08'10\"W	59.22
L20	S73°22'47\"E	98.87
L21	S84°01'16\"E	66.76
L22	S20°37'20\"W	30.13
L23	S42°35'38\"W	69.11
L24	S13°50'10\"W	55.31
L25	N62°17'59\"W	9.51

LEGEND	
U.E.	UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
W.M.E.	WALL MAINTENANCE EASEMENT
BL	BUILDING SETBACK LINE
CIRS	5/8-INCH IRON ROD W/CAP MARKED "PETITT-RPLS 4087" SET
CIRF	5/8-INCH IRON ROD W/CAP MARKED "PETITT-RPLS 4087" FOUND
IRF	IRON ROD FOUND
R.O.W.	RIGHT-OF-WAY
P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
57.5'R	REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS
RPRDCT	DESIGNATES SUBDIVISION BLOCK
⬮	DENOTES STREET NAME CHANGE
9999	LOT ACREAGE

UTILITY COMPANY APPROVAL	
ELECTRIC & GAS COMPANY:	
_____	DATE _____
COSERV _____	
TELEPHONE COMPANY:	
_____	DATE _____
AT&T _____	

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING
C1	11°59'43"	2420.00	506.65	254.25	N12°25'33"E
C2	18°48'40"	580.00	190.42	96.08	S09°01'04"W
C3	05°57'15"	2140.00	222.39	111.30	N15°26'47"E
C4	18°48'40"	860.00	282.35	142.46	S09°01'04"W
C5	32°42'26"	300.00	171.25	88.03	S74°02'04"E
C6	26°32'01"	300.00	138.93	70.73	S77°25'47"E
C7	90°00'00"	35.50	55.76	35.50	S45°41'47"E
C8	28°05'17"	200.00	98.05	50.03	S76°20'37"E
C9	270°00'00"	50.00	235.62	50.00	S44°18'12"W
C10	270°00'00"	50.00	235.62	50.00	S44°18'12"W
C11	157°06'53"	60.00	164.53	296.43	N45°41'47"W

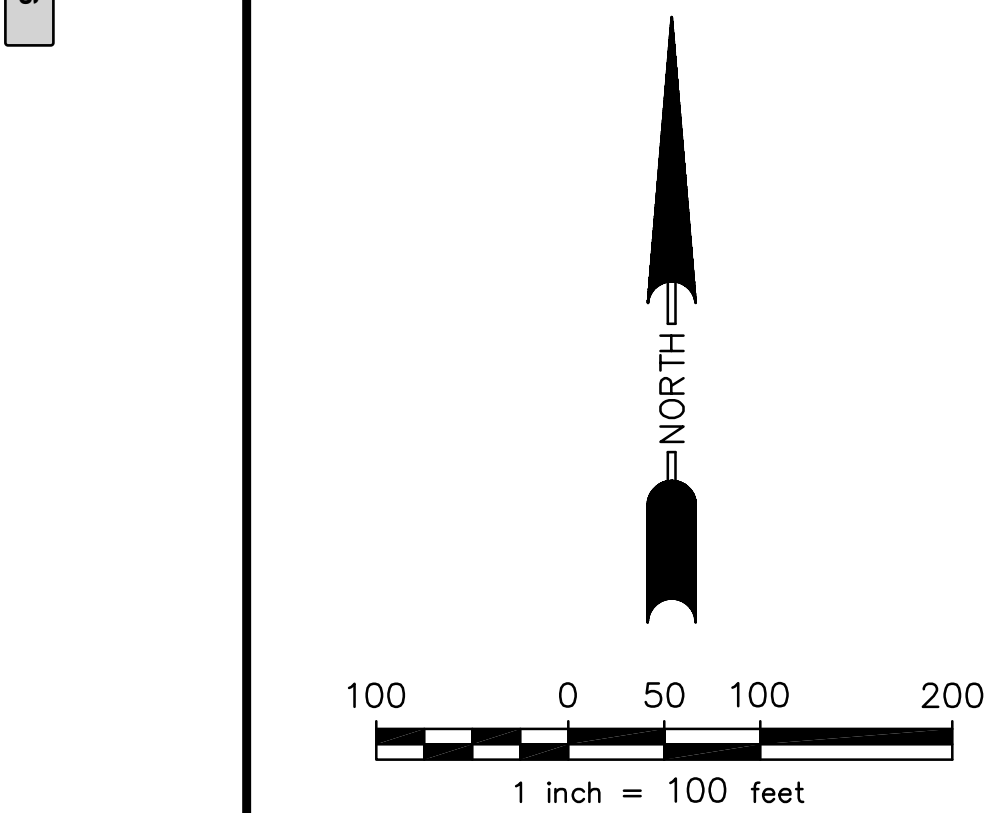
RECOMMENDED BY:	Planning and Zoning Commission City of Celina, Texas
Signature of Chairperson _____	Date of Recommendation _____
APPROVED BY:	City Council City of Celina, Texas
Signature of Mayor _____	Date of Approval _____
ATTEST:	
City Secretary _____	Date _____

CONSTRUCTION PLAT
SUTTON FIELDS PHASE 1B

50.554 ACRES
197 RESIDENTIAL LOTS
5 NON-RESIDENTIAL LOTS
SITUATED IN THE
FREEMAN WILKERSON SURVEY ~ ABSTRACT NO. 1411,
THOMAS B. COX SURVEY ~ ABSTRACT NO. 309,
CARROL JACKSON SURVEY ~ ABSTRACT NO. 1546, &
JACOB RUE SURVEY ~ ABSTRACT NO. 1109
CITY OF CELINA
DENTON COUNTY, TEXAS

PETITT BARRAZA
ENGINEERING PLANNING SURVEYING
TBPE FIRM REGISTRATION NO. 1488
TBPLS FIRM REGISTRATION NO. 101068
1651 N. Glenville Dr., Ste. 208
Richardson, Texas 75081
Tel. No. (214) 221-9955
Fax No. (214) 340-3550
DATE: JUNE, 2016
JNICHOLS@PETITTBARRAZA.COM
SCALE: 1"=100'
JOB NO. 1401301

THIS PROPERTY IS LOCATED IN THE CORPORATE LIMITS OF THE CITY OF CELINA, DENTON COUNTY, TEXAS.	
SIGNATURE OF MAYOR _____	DATE OF APPROVAL _____
ATTEST:	
CITY SECRETARY _____	DATE _____



JENNIFER S. DAHL &
HUSBAND RICHARD A. DAHL
DOC. NO. 2006-1961
RPRDCT

TEXAS STATE PLANE COORDINATES
NORTH CENTRAL ZONE 4202 (GRID)
N 7,144,998.20 E 2,461,340.92

P.O.C.
WOOD CORNER POST

S00°41'47"E
66.06'

N89°18'13"E 731.81'

TIM CHESNEY & MARGIE BETH CHESNEY
VOL. 1209, PG. 434 RPRDCT

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT CADG SUTTON FIELDS, LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING HEREIN BY AND THROUGH HIS/HER(ITS) DULY AUTHORIZED OFFICER(S), DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS SUTTON FIELDS PHASE 1A, AN ADDITION TO THE CITY OF CELINA, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE TO THE PUBLIC USE FOREVER, THE STREETS, RIGHTS-OF-WAY, AND OTHER PUBLIC IMPROVEMENTS SHOWN THEREON. THE STREETS AND ALLEYS, IF ANY, ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN. EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED ON LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY COUNCIL OF THE CITY OF CELINA. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF CELINA'S USE THEREOF. THE CITY OF CELINA AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF CELINA AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF CELINA, TEXAS

WITNESS, MY HAND THIS THE ____ DAY OF _____, 2016.

BY: CADG SUTTON FIELDS, LLC,
A TEXAS LIMITED PARTNERSHIP

BY: CTMGT, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
IT'S SOLE MANAGER AND MEMBER

BY: _____
AUTHORIZED SIGNATURE OF OWNER

MEHRDAD MOAYEDI
SOLE MANAGER AND MEMBER

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY, PERSONALLY APPEARED MEHRDAD MOAYEDI, THE SOLE MANAGER AND MEMBER IF CTMGT, LLC, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY AND SEAL OF OFFICE, THIS ____ DAY OF _____, 2016.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON:

STATE OF TEXAS §

COUNTY OF DENTON §

WHEREAS CADG SUTTON FIELDS, LLC, IS THE OWNER OF A TRACT OF LAND SITUATED IN THE FREEMAN WILKERSON SURVEY, ABSTRACT NUMBER 1411, THOMAS B. COX SURVEY, ABSTRACT NUMBER 309, CARROL JACKSON SURVEY, ABSTRACT NUMBER 1546, AND JACOB RUE SURVEY, ABSTRACT NUMBER 1109 IN DENTON COUNTY, TEXAS, AND BEING PART OF TRACTS OF LAND DESCRIBED IN DEEDS TO CADG SUTTON FIELDS, LLC, RECORDED IN DOCUMENT NUMBERS 2015-15963 (TRACT 1 AND TRACT 4) AND 2015-30387, REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS (RPRDCT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A WOOD CORNER POST FOUND FOR THE SOUTHWEST CORNER OF SAID TRACT 1, SAID POST ALSO BEING THE NORTHWEST CORNER OF SAID DEED RECORDED IN DOCUMENT NUMBER 2015-30387, FROM WHICH A 5/8-INCH IRON ROD BEARS SOUTH 16°28'53" WEST, A DISTANCE OF 1.57 FEET;

THENCE SOUTH 00°41'47" EAST, WITH THE WEST LINE OF SAID CADG TRACT RECORDED IN DOCUMENT NUMBER 2015-30387 TRACT, A DISTANCE OF 66.06 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 40857" SET FOR CORNER;

THENCE NORTH 89°18'13" EAST, A DISTANCE OF 731.81 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR THE POINT OF BEGINNING, SAID IRON ROD ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE, OVER AND ACROSS SAID CADG TRACTS THE FOLLOWING COURSES AND DISTANCES TO 5/8-INCH IRON RODS WITH CAPS MARKED "PETITT-RPLS 4087" SET FOR CORNER:

NORTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, WHICH HAS A CHORD THAT BEARS NORTH 14°43'52" EAST FOR 472.86 FEET, A CENTRAL ANGLE OF 20°05'52", AND A RADIUS OF 1355.00 FEET, FOR AN ARC DISTANCE OF 475.30 FEET;
SOUTH 64°09'46" EAST, A DISTANCE OF 20.00 FEET;
NORTH 25°50'14" EAST, A DISTANCE OF 50.00 FEET;
NORTH 64°09'46" WEST, A DISTANCE OF 20.00 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;
NORTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, WHICH HAS A CHORD THAT BEARS NORTH 34°47'44" EAST FOR 372.53 FEET, A CENTRAL ANGLE OF 15°48'09", AND A RADIUS OF 1355.00 FEET, FOR AN ARC DISTANCE OF 373.72 FEET;
NORTH 42°41'49" EAST, A DISTANCE OF 169.03 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A TANGENT CURVE TO THE LEFT;
NORTHEASTERLY, ALONG SAID CURVE TO THE LEFT, WHICH HAS A CHORD THAT BEARS NORTH 40°44'07" EAST FOR 135.89 FEET, A CENTRAL ANGLE OF 03°55'24", AND A RADIUS OF 1985.00 FEET, FOR AN ARC DISTANCE OF 135.92 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;
SOUTHEASTERLY, ALONG SAID CURVE TO THE LEFT, WHICH HAS A CHORD THAT BEARS SOUTH 59°28'27" EAST FOR 25.03 FEET, A CENTRAL ANGLE OF 04°24'47", AND A RADIUS OF 325.00 FEET, FOR AN ARC DISTANCE OF 25.03 FEET;
NORTH 32°19'09" EAST, A DISTANCE OF 50.00 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;
NORTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, WHICH HAS A CHORD THAT BEARS NORTH 55°35'39" WEST FOR 20.03 FEET, A CENTRAL ANGLE OF 04°10'23", AND A RADIUS OF 275.00 FEET, FOR AN ARC DISTANCE OF 20.03 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;
NORTHEASTERLY, ALONG SAID CURVE TO THE LEFT, WHICH HAS A CHORD THAT BEARS NORTH 33°34'29" EAST FOR 260.01 FEET, A CENTRAL ANGLE OF 07°30'38", AND A RADIUS OF 1985.00 FEET, FOR AN ARC DISTANCE OF 260.20 FEET;
SOUTH 62°17'59" EAST, A DISTANCE OF 20.01 FEET;
NORTH 29°05'01" EAST, A DISTANCE OF 50.01 FEET;
NORTH 62°17'59" WEST, A DISTANCE OF 20.00 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;
NORTHEASTERLY, ALONG SAID CURVE TO THE LEFT, WHICH HAS A CHORD THAT BEARS NORTH 20°46'22" EAST FOR 525.26 FEET, A CENTRAL ANGLE OF 15°12'21", AND A RADIUS OF 1985.00 FEET, FOR AN ARC DISTANCE OF 526.80 FEET;
SOUTH 77°15'47" EAST, A DISTANCE OF 20.00 FEET;
NORTH 12°27'04" EAST, A DISTANCE OF 50.00 FEET;
NORTH 77°15'47" WEST, A DISTANCE OF 20.00 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;
NORTHEASTERLY, ALONG SAID CURVE TO THE LEFT, WHICH HAS A CHORD THAT BEARS NORTH 07°24'48" EAST FOR 298.58 FEET, A CENTRAL ANGLE OF 08°37'36", AND A RADIUS OF 1985.00 FEET, FOR AN ARC DISTANCE OF 298.67 FEET, FROM WHICH THE APPROXIMATE NORTHEAST CORNER OF THE FREEMAN WILKERSON SURVEY, ABSTRACT NUMBER 1411 AND APPROXIMATE SOUTHEAST CORNER OF THE THOMAS B. COX SURVEY, ABSTRACT NUMBER 903 BEARS SOUTH 89°30'47" W, A DISTANCE OF 81.76 FEET, THENCE NORTH 00°29'27" WEST, A DISTANCE OF 836.91 FEET;
SOUTH 87°37'18" EAST, A DISTANCE OF 410.03 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;
SOUTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, WHICH HAS A CHORD THAT BEARS SOUTH 04°42'08" WEST FOR 144.25 FEET, A CENTRAL ANGLE OF 03°27'05", AND A RADIUS OF 2395.00 FEET, FOR AN ARC DISTANCE OF 144.27 FEET;
SOUTH 83°34'19" EAST, A DISTANCE OF 50.00 FEET;
SOUTH 82°59'10" EAST, A DISTANCE OF 115.06 FEET;
SOUTH 07°00'50" WEST, A DISTANCE OF 50.00 FEET;
SOUTH 08°38'01" WEST, A DISTANCE OF 91.90 FEET;
SOUTH 10°31'15" WEST, A DISTANCE OF 79.58 FEET;
SOUTH 12°18'08" WEST, A DISTANCE OF 79.58 FEET;

SOUTH 14°05'00" WEST, A DISTANCE OF 79.58 FEET;
SOUTH 15°53'29" WEST, A DISTANCE OF 81.96 FEET;
SOUTH 17°38'39" WEST, A DISTANCE OF 76.00 FEET;
SOUTH 13°54'11" WEST, A DISTANCE OF 61.67 FEET;
SOUTH 06°55'46" WEST, A DISTANCE OF 45.36 FEET;
SOUTH 00°55'40" WEST, A DISTANCE OF 55.53 FEET;
SOUTH 00°23'16" EAST, A DISTANCE OF 50.00 FEET;
SOUTH 89°36'44" WEST, A DISTANCE OF 45.87 FEET;
SOUTH 00°23'16" EAST, A DISTANCE OF 115.00 FEET;
SOUTH 89°36'44" WEST, A DISTANCE OF 552.07 FEET;
SOUTH 00°23'16" EAST, A DISTANCE OF 165.00 FEET;
SOUTH 89°36'44" WEST, A DISTANCE OF 41.70 FEET;
SOUTH 00°23'16" EAST, A DISTANCE OF 121.55 FEET;
AND NORTH 89°18'13" EAST, A DISTANCE OF 1367.16 FEET, SAID IRON ROD BEING IN THE EASTERLY LINE OF SAID CADG TRACT 4 AND A LINE DESCRIBED IN A BOUNDARY LINE AGREEMENT, RECORDED IN INSTRUMENT NUMBER 2005-122140, RPRDCT;

THENCE SOUTH 00°41'45" WEST, WITH SAID LINE DESCRIBED IN BOUNDARY LINE AGREEMENT, A DISTANCE OF 445.13 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE, DEPARTING SAID LINE DESCRIBED IN BOUNDARY LINE AGREEMENT, OVER AND ACROSS SAID CADG TRACTS THE FOLLOWING COURSES AND DISTANCES TO 5/8-INCH IRON RODS WITH CAPS MARKED "PETITT-RPLS 4087" SET FOR CORNERS:

SOUTH 89°18'13" WEST, A DISTANCE OF 130.62 FEET;
SOUTH 00°41'47" EAST, A DISTANCE OF 115.00 FEET;
SOUTH 89°18'13" WEST, A DISTANCE OF 420.00 FEET;
SOUTH 00°41'47" EAST, A DISTANCE OF 280.00 FEET;
AND SOUTH 89°18'14" WEST, A DISTANCE OF 1596.19 FEET TO THE POINT OF BEGINNING, AND CONTAINING 50.554 ACRES OF LAND, MORE OR LESS.

RPLS OF RECORD: JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5184

OWNER: CADG SUTTON FIELDS, LLC,
1800 VALLEY VIEW LANE, SUITE 300
FARMERS BRANCH, TX 75234
PHONE (469) 892-7200

PETITT BARRAZA
ENGINEERING PLANNING SURVEYING
TBPE FIRM REGISTRATION NO. 1488
TBPLS FIRM REGISTRATION NO. 101068
1651 N. Glenville Dr., Ste. 208
Richardson, Texas 75081
DATE: JUNE, 2016
JNICHOLS@PETITTBARRAZA.COM
Tel. No. (214) 221-9955
Fax No. (214) 340-3550
SCALE: 1"=100'
JOB NO. 1401301



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Ben Rodriguez, Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: Custer Road Annexation Ordinance

Action Requested:

Consider and act upon an ordinance on the proposed involuntary annexations of a ± 1.39 acre tract of land situated in the Swanner Addition, Block A, Lot 1, Collin County, Texas; a ± 4.563 acre tract of land situated in the Edgemon Addition Block A, Lots 1 & 2, Collin County, Texas; a ± 2.5 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, block 4, Tract 40 & 57, Collin County, Texas; a ± 2.5 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, sheet 4, Tract 39, Collin County, Texas; and a ± 1.752 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, block 4, tract 52, generally located on the Northwest corner of FM 1461 (Frontier Parkway) & FM 2478 (Custer Road). (Custer Road Annexations) (Liebman)

Background Information:

Below is the anticipated annexation schedule for the properties.

- ~~— June 12, 2016 — City Council acts on Resolution to set the public hearing dates.~~
- ~~— July 12, 2016 — First public hearing held. (6:00pm @ 112 N. Colorado Dr., Celina, Texas.)~~
- ~~— July 19, 2016 — Second public hearing held. (5:30pm @ 112 N. Colorado Dr., Celina, Texas.)~~
- August 09, 2015 - City Council acts on Ordinance annexing the property.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

The City Attorney has reviewed the proposed ordinance.

Supporting Documents:

- Proposed Ordinance

Staff Recommendation:

Staff recommends approval as presented.

CITY OF CELINA, TEXAS

ORDINANCE NO. 2016-
CUSTER ROAD ANNEXATIONS

AN ORDINANCE OF THE CITY OF CELINA, TEXAS, ADOPTING THE ANNEXATION OF CERTAIN TERRITORIES CONTIGUOUS TO AND ADJOINING THE CITY OF CELINA, TEXAS, TO WIT BEING A ± 1.39 ACRE TRACT OF LAND SITUATED IN THE SWANNER ADDITION, BLOCK A, LOT 1, COLLIN COUNTY, TEXAS; A ± 4.563 ACRE TRACT OF LAND SITUATED IN THE EDGEMON ADDITION BLOCK A, LOTS 1 & 2, COLLIN COUNTY, TEXAS; A ± 2.5 ACRE TRACT OF LAND SITUATED IN THE COLEMAN WATSON SURVEY, ABSTRACT NO. 945, TRACTS 40 & 57, COLLIN COUNTY, TEXAS; A ± 2.5 ACRE TRACT OF LAND SITUATED IN THE COLEMAN WATSON SURVEY, ABSTRACT NO. 945, TRACT 39 COLLIN COUNTY, TEXAS; AND A ± 1.752 ACRE TRACT OF LAND SITUATED IN THE COLEMAN WATSON SURVEY, BLOCK 4, TRACT 52 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" AND GRAPHICALLY DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN, SUCH TRACTS ARE GENERALLY AT THE NORTHWEST CORNER OF FM 1461 (FRONTIER PARKWAY) AND FM 2478 (CUSTER ROAD); PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR AMENDING OF THE OFFICIAL CITY MAP; PROVIDING FOR A SERVICE PLAN; REQUIRING THE FILING OF THIS ORDINANCE WITH THE COUNTY CLERK; PRESCRIBING FOR EFFECT ON TERRITORY, GRANTING AS APPROPRIATE TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY OF CELINA, TEXAS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a Home Rule Municipality located in Collin and Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas and the Celina City Charter; and

WHEREAS, two separate public hearings were conducted in accordance with Section 43.052 of the Texas Local Government Code, the first hearing being held on the 12th day of July, 2016 and a second hearing also being held on the 19th day of July, 2016 in the Council Chambers located in the First United Methodist Church, 112 N. Colorado in the City of Celina to consider the annexation of the property being more particularly described in Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, any and all required written notices and offers were timely sent to all property owners and others entitled to same; and

WHEREAS, the public hearings were conducted and held no more than forty (40) days nor less than twenty (20) days prior to the institution of annexation proceedings; and

WHEREAS, the notice of the public hearings were published in the Celina Record, a newspaper of general circulation within the City of Celina, Texas, on the 24th day of June, 2016, and on the 1st day of July such date being not more than twenty (20) days nor less than ten (10) days prior to each public

hearing; and

WHEREAS, all required statutory notices pursuant to Chapter 43 of the Texas Local Government Code have been accomplished; and

WHEREAS, the City Council of the City of Celina, Texas has determined that such territory is contiguous to and adjoins the City of Celina, Texas; and

WHEREAS, the City Council of the City of Celina, Texas has investigated into, has determined and officially finds that no part of such territory is within the extraterritorial jurisdiction of any other incorporated city or town; and

WHEREAS, to the extent that this Ordinance would cause an unincorporated area to be entirely surrounded by the City of Celina's limits, the City Council has found—and incorporates herein its finding—that surrounding the area is in the public interest; and

WHEREAS, metes and bounds descriptions of the property to be annexed is attached hereto as Exhibit "A" and incorporated herein for all purposes; and

WHEREAS, the service plan for such territory is attached hereto as Exhibit "C" and incorporated herein for all purposes.

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

SECTION 1 **INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2 **OFFICIAL CITY MAP AMENDED**

1. The official map and boundaries of the City are hereby amended so as to include the property being more particularly described in Exhibit "A", and depicted in Exhibit "B" which is incorporated herein as if written word for word, and that such territory shall be and is hereby annexed into the corporate limits of the City.
2. The Mayor is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add the territory hereby annexed as required by law.

SECTION 3 **SERVICE PLAN**

The municipal service plan for the herein annexed territory, attached hereto as Exhibit "C", was submitted in accordance with Chapter 43 of the Texas Local Government Code and is hereby approved as part of this ordinance, and is made a part hereof.

SECTION 4 **FILING OF ORDINANCE REQUIRED**

The Mayor shall file or cause to be filed a certified copy of this Ordinance in the office of the County Clerk of Collin County, Texas, and any other necessary agencies, including the United States Department of Justice.

SECTION 5

EFFECT ON TERRITORY

From and after the passage of this Ordinance, the territory referenced in Exhibit "A", attached hereto and incorporated herein for all purposes, shall be a part of the City of Celina, Texas, and subject to the municipal service plan referenced in Section 3 of this Ordinance. The inhabitants thereof shall be entitled to all of the rights, privileges and immunities as all other citizens of the City of Celina, Texas, and shall be bound by all of the Ordinances and regulations enacted pursuant to and in conformity with the general laws of the State of Texas.

SECTION 6 **CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 7 **SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 8 **ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Celina is hereby directed to engross and enroll this Ordinance by copying the Caption in the minutes of the City Council of the City of Celina and by filing this Ordinance in the Ordinance records of the City.

SECTION 8 **EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its date of passage.

AND IT IS SO ORDAINED .

PASSED AND APPROVED by the City Council of the City of Celina, Texas, on this __th day of August, 2015.

Sean Terry, Mayor
City of Celina, Texas

ATTEST:

APPROVED AS TO FORM:

Vicki Faulkner, City Secretary
City of Celina, Texas

City Attorney
City of Celina, Texas

Attachment: Custer Road Annexation Ordinance (1722 : Custer Road Annexation Ordinance)

Exhibit "A"

Tract #1

1.39 acres situated in the Swanner Addition Block A, Lot 1

Tract #2

4.563 acres situated in the Edgemon addition Block A, Lots 1 & 2, Collin County, Texas and more particularly described by metes and bounds description below:

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS, Southwest Custer, LLC, is the owner of a tract of land, situated in the Coleman Watson Survey, Abstract No. 945, in the Extra Territorial Jurisdiction (E.T.J.) of the City of Celina, Collin County, Texas and being all of Lot 2, Block A, of **SWANNER ADDITION**, an addition to said E.T.J. of the City of Celina, as recorded in Volume 2006, Page 65, of the Map Records, Collin County, Texas (M.R.C.C.T.), same being all of that tract of land described by deed to Matt Edgemon, as recorded under Document No. XXXX, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" found for the northeasterly corner of said Lot 2, same being the southeasterly corner of Lot 1, of said **SWANNER ADDITION**, said corner also being in the westerly monumented line of F.M. Highway No. 2478;

THENCE South 00°45'40" East, along said westerly monumented line of F.M. Highway No. 2478, same being the easterly line of Lot 2, a distance of 507.16' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" found for the southeast corner of said Lot 2, said corner also being in the most easterly north line of a tract of land described by deed to Young Lei Kim, as recorded under Document No. 20121219001618900, O.P.R.C.C.T.;

THENCE South 89°16'20" West, along the southerly line of said Lot 2, same being the most easterly north line of said Kim tract, a distance of 392.50' to a 1/2" iron rod with a red plastic cap found for the southwest corner of said Lot 2, same being an "ell" corner of said Kim tract;

THENCE North 00°45'40" West, along a common line between said Lot 2 and Kim tract, a distance of 505.69' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" found for the northwesterly corner of said Lot 2, same being the southwesterly corner of the aforementioned Lot 1;

THENCE North 89°03'27" East, along the common line between said Lots 1 and 2, a distance of 392.50' to the **POINT OF BEGINNING** and containing 198,771 square feet or 4.563 acres of land, more or less.

Tract #3

2.5 acres situated in the Coleman Watson survey, Abstract No. 945, Tracts 40 & 57, Collin County, Texas
and more particularly described by metes and bounds description below:

SITUATED in Collin County, Texas, a part of the Coleman Watson Survey Abstract #945 and being out of the East portion of a 115.9 acre tract described in a deed recorded in Volume 389 Page 236 of the Collin County Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake in the West right of way line of F. M. Hwy 2479. Said stake bears North 0 deg 41 min West a distance of 462 feet from the North right of way line of F. M. Hwy #1461. Said stake also bears North 0 deg 41 min West a distance of 309 feet and South 89 deg 21 min West a distance of 50 feet from the Southeast corner of the said tract.

THENCE North 0 deg 41 min West with the West right of way line of the Highway a distance of 264.0 feet to an iron stake.

THENCE South 89 deg 21 min West a distance of 412.5 feet to an iron stake.

THENCE 0 deg 41 min East a distance of 264.0 feet to an iron stake.

THENCE North 89 deg 21 min East a distance of 412.5 feet to the place of beginning containing 2.50 acres of land.

Tract #4

2.5 Acres situated in the Coleman Watson survey, Abstract No. 945, Sheet 4, Tract 39, Collin County, Texas and more particularly described by metes and bounds description below:

6079 FM 2478 N, McKinney, Texas, being Lot 39, Block 4 and situated in Collin County, Texas, a part of the Coleman Watson Survey, Abstract #945, and being out of the East portion of a 115.9 acre tract described in a deed recorded in Volume 399, Page 236 of the Collin County Deed Records and being more particularly described by metes and bounds as follows:

Beginning at an iron stake in the West right-of-way line of F. M. Highway #2478. Said stake bears North 0 deg. 41 min. West a distance of 198 feet from the North right-of-way line of F. M. Highway #1461. Said stake also bears North 0 deg. 41 min. West a distance of 243 feet and South 89 deg. 21 min. West a distance of 50 feet from the Southwest corner of the said tract;

Thence North 0 deg 41 min. West with the West right-of-way line of the Said Highway a distance of 264 feet to an iron stake;

Thence South 89 deg 21 min. West a distance of 412.5 feet to an iron stake;

Thence South 0 deg. 41 min. East a distance of 264 feet to an iron stake;

Thence North 89 deg. 21 min. East a distance of 412.5 feet to the Place of Beginning, containing 2.50 acres of land;

Tract #5

1.752 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, Block 4, Tract 52, Collin County, Texas and more particularly described by metes and bounds description below:

BEING a 1.752 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, Collin County, Texas, same being that certain called 1.752 acre tract of land described in deed to Ganti Investments, L.P., as recorded in Volume 5845, Page 1483, Deed Records of Collin County, Texas, and being more particularly described by metes and bounds on Exhibit A attached hereto and made a part hereof for all purposes.

EXHIBIT “B”

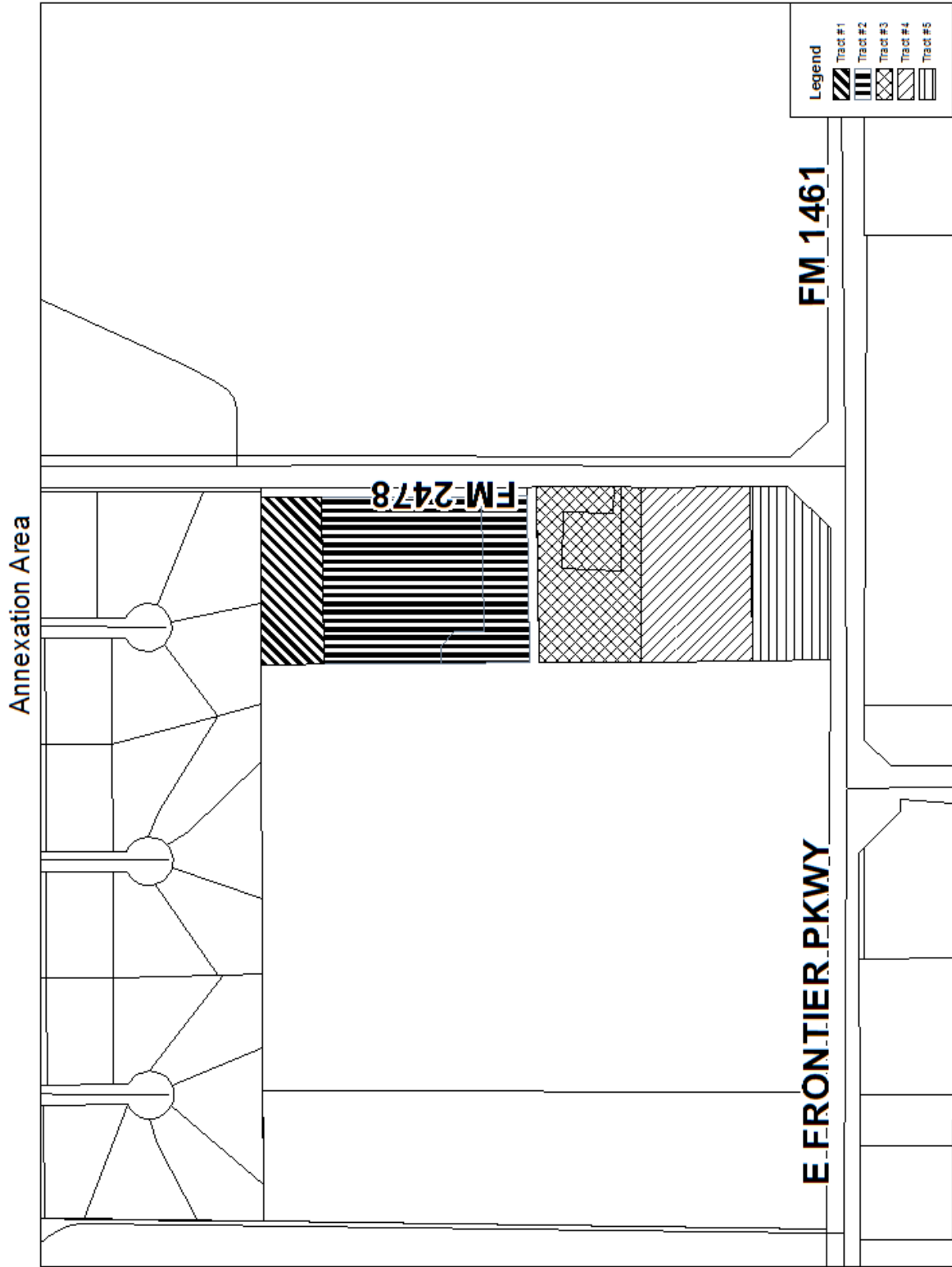


Exhibit “C”**Service Plan****A) SERVICE PLAN GENERALLY**

- 1) This service plan has been prepared in accordance with the Texas Local Government Code (“LGC”), Sections 43.021; 43.065 and 43.056(b)-(o). Municipal facilities and services to the annexed area will be provided or made available on behalf of the City of Celina in accordance with the following plan. The City of Celina shall provide the annexed tract the levels of service, infrastructure, and infrastructure maintenance that are comparable to the levels of service, infrastructure, and infrastructure maintenance available in other parts of the City of Celina with similar topography, land use, and population density. The provisions of the service plan were made available for public inspection and explained at the two public hearings held by the City Council in accordance with LGC Section 43.056(j).
- 2) For purposes of this service plan, to “provide” services includes having services provided by any method or means by which the City provides municipal services to any other areas of the City, and may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services by contract or right, in whole or in part, and may include duties on part of the private landowner with regard to such services.

B) EMERGENCY SERVICES

- 1) Police Protection
 - a) Police protection from the City of Celina Police Department shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas on the effective date of the annexation ordinance. Some of these services include:
 - i) Normal patrol and responses;
 - ii) Handling of complaints and incident reports;
 - iii) Special units, such as traffic enforcement and investigations; and
 - iv) Coordination with other public safety support agencies.
 - b) As development commences in these areas, sufficient police protection, including personnel and equipment will be provided to furnish these areas with the level of police services consistent with the characteristics of topography, land utilization and population density of the areas.
 - c) Upon ultimate development, police protection will be provided at a level consistent with other similarly situated areas within the city limits.
- 2) Fire Protection
 - a) The Celina Fire Department will provide emergency and fire prevention services to the annexed area. These services include:
 - i) Fire suppression and rescue;
 - ii) Pre-hospital medical services including triage, treatment and transport by Advanced Life Support (ALS) fire engines, trucks and ambulances;
 - iii) Hazardous materials response and mitigation;

- iv) Emergency prevention and public education efforts;
 - v) Technical rescue response; and
 - vi) Constriction Plan Review and required inspections.
- b) Fire protection from the City of Celina shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas of the City of Celina on the effective date of the annexation ordinance.
 - c) As development commences in these areas, sufficient, fire protection, including personnel and equipment will be provided to furnish these areas with the level of services consistent with the characteristics of topography, land utilization and population density of the areas. It is anticipated that fire stations planned to service areas currently with the City of Celina will be sufficient to serve the annexed area.
 - d) Upon ultimate development, fire protection will be provided at a level consistent with similarly situated areas within the city limits.
- 3) Emergency Medical Services
- a) The Celina Fire Department will provide emergency and safety services to the annexed area. These services include:
 - i) Emergency medical dispatch and pre-arrival First Aid instructions;
 - ii) Pre-hospital emergency Advanced Life Support (ALS) response; and transport; and
 - iii) Medical rescue services.
 - b) Emergency Medical Services (EMS) from the City of Celina shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas of the City of Celina on the effective date of the annexation ordinance.
 - c) As development commences in these areas, sufficient EMS, including personnel and equipment, will be provided to furnish these areas with the level of services consistent with the characteristics of topography, land utilization and population density of the areas.
 - d) Upon ultimate development, EMS will be provided at a level consistent with similarly situated areas within the city limits.

C) SOLID WASTE

- 1) Solid Waste and Recycling Collection Services will be provided to the annexed area immediately upon the effective date of the annexation at a level consistent with current methods and procedures presently provided to similar areas within the City. Private solid waste collection service providers operating in the affected area immediately prior to annexation and currently providing customers with service may continue to provide their existing service for up to two (2) years in accordance with Texas Local Government Code Section 43.056(n).

D) WASTEWATER FACILITIES

- 1) As development commences in these areas, sanitary sewer mains as defined by the Certificate of Convenience and Necessity (CCN) Number 20764, as issued by the Texas Commission on Environmental Quality (TCEQ) will be extended in accordance with the provisions of the City's codes, ordinances, regulations and policies. City participation in the costs of these extensions shall be in accordance with applicable City codes, ordinances, regulations and policies. Capacity and extensions shall be provided consistent with the characteristics of topography, land utilization

and population density of the areas. If the annexed area is in the CCN of another provider, wastewater service shall be provided in accordance with the policies of the CCN holder. In some instances, the City might acquire the CCN rights and become the new wastewater provider, in time.

- 2) Sanitary sewer mains and lift stations installed or improved to City standards, and accepted by the City, within the annexed area which are located within dedicated easement, rights-of-way, or any other acceptable location approved by the City Manager or his designee, shall be maintained by the City on the effective date of this ordinance.
- 3) Operation and maintenance of wastewater facilities in the annexed area that are within the certificated service area of another wastewater utility will be the responsibility of that utility. Operation and maintenance of private wastewater facilities in the annexed area will be the responsibility of the owner.

E) WATER FACILITIES

- 1) Connections to existing City of Celina water distribution mains for water service as defined by Certificate of Convenience and Necessity (CCN) Number 12667, as issued by the Texas Commission on Environmental Quality (TCEQ) will be provided in accordance with existing City codes, ordinances, regulations and policies. Upon connection to existing distribution mains, water service will be provided at rates established by city ordinance. If the annexed area is in the CCN of another provider, water service shall be provided in accordance with the policies of the CCN holder. In some instances, the City might acquire the CCN rights and become the new water provider, in time.
- 2) As development commences in these areas, water distribution mains will be extended in accordance with City of Celina codes, ordinances, regulations and policies. City participation in the costs of these extensions shall be in accordance with the City of Celina's codes, ordinances, regulations and policies. Water service extensions and capacity shall be provided consistent with the characteristics of topography, land utilization and population density of the area.
- 3) Operation and maintenance of existing water facilities in the annexed area that are within the service area of another water utility will be the responsibility of that utility. Operation and maintenance of private water facilities in the annexed area will be the responsibility of the owner.

F) ROAD AND STREETS

- 1) Emergency street maintenance shall be provided within the annexed area on the effective date of the applicable ordinance of acceptance. Routine maintenance will be provided within the annexed area and will be scheduled as part of the City's annual program and in accordance with the City's current codes, ordinances, regulations, policies and procedures defined therein and/or as established by the City Council.
- 2) Any construction or reconstruction will be considered within the annexed area on a City-wide basis and within the context of the City's Capital Improvement Plan and/or yearly fiscal budgetary allotments by the City Council. As development, improvement or construction of streets to City standards commences within this property, the policies of the City of Celina with regard to participation in the costs thereof, acceptance upon completion and maintenance after completion shall apply.
- 3) Roadway signage and associated posts will be replaced in priority of importance starting with regulatory signs, then warning signs, then informational signs and in conformance with fiscal

allotments by the City Council. If a sign remains, it will be reviewed and placed on the City's inventory listed for routine re-placement. All existing signs will be reviewed for applicability and based upon an engineering study. New signs will be installed when necessary and based upon an engineering study.

- 4) Routine maintenance of road/street markings will be placed on a priority listing and scheduled within the yearly budgetary allotments by the City Council.
- 5) The City will coordinate any request for improved road and street lighting with the local electric provider. Any and all road and street lighting will be pursuant to the rules, regulations and fees of such electric utility and shall be maintained by the applicable utility company.

G) ENVIRONMENTAL HEALTH, INSPECTIONS AND CODE ENFORCEMENT SERVICES

- 1) Enforcement of the City's environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances and animal control ordinances, shall be provided within this area sixty (60) days of the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel.
- 2) Inspection services including the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical and electrical work to ensure compliance with City codes and ordinances will be continue to be provided after the effective date of the annexation ordinance. Existing personnel will be used to provide these services.
- 3) The City's zoning, subdivision, sign and other ordinances shall be enforced in this area beginning upon the effective date of the annexation.
- 4) All inspection services furnished by the City of Celina, but not mentioned above, will be provided to this area beginning within sixty (60) days of the effective date of the annexed ordinance.
- 5) As development and construction commence in this area, sufficient personnel will be provided to furnish this area the same level of environmental health, inspection and code enforcement services as are furnished throughout the City.

H) PLANNING AND ZONING SERVICES

- 1) The Planning and zoning jurisdiction of the City will extend to this area upon the effective date of the annexation ordinance. City planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the City's Zoning Ordinance and Comprehensive Plan.

I) PARKS, PLAYGROUNDS, LIBRARIES, SWIMMING POOLS

- 1) Residents within the annexed area may utilize all existing park and recreation facilities, on the effective date of this ordinance. Fees for such usage shall be in accordance with current fees established by ordinance.
- 2) As development commences in the area, additional park and recreation facilities shall be constructed based on park policies defined in the Park Master Plan and as specified in the Park Dedication Ordinance. The general planned locations and classifications of parks will ultimately serve residents from the current City limits and residents from areas being considered for annexation.

J) PUBLICLY OWNED FACILITIES

- 1) Any publicly owned facility, building, or service located within the annexed area, and not otherwise owned or maintained by another governmental entity, shall be maintained by the City of Celina on the effective date of the annexation ordinance.

K) OTHER SERVICES

- 1) Other services that may be provided by the City of Celina, such as municipal and general administration will be made available on the effective date of the annexation. The City of Celina shall provide levels of service, infrastructure, and infrastructure maintenance that are comparable to the levels of services, infrastructure, and infrastructure maintenance available in other parts of the City of Celina with similar topography, land use, and population density similar to those reasonably contemplated or projected in the area.

L) UNIFORM LEVEL OF SERVICES IS NOT REQUIRED

- 1) Nothing in this Service Plan shall require the City of Celina to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for provided different levels of service. The City Council finds and determines that this Service Plan will not provide any fewer services, and it will not provide a lower level of services, than were in existence in the annexed area at the time immediately preceding the annexation process.
- 2) The City of Celina's codes, ordinances, regulations and policies that apply throughout the City may be reviewed at City Hall and at <http://www.franklinlegal.net/codes.html>.

M) TERM

- 1) This Service Plan shall be valid for a term of ten (10) years. Renewal of the Service Plan shall be at the discretion of the City Council and must be approved by ordinance.

N) AMENDMENTS

- 1) This Service Plan may be amended if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this Service Plan unworkable or obsolete. The City Council may amend the Service Plan to conform to the changed conditions, subsequent occurrences or any other legally sufficient circumstances exist pursuant to the LGC or other Texas or Federal laws that make this service plan unworkable, obsolete or unlawful.



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Ben Rodriguez, Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: Parkside Phase 2 Final Plat

Action Requested:

Consider and act upon on a final plat for Parkside Phase 2, being approximately 27.286 acres situated in the M.E.P. and P.R.R. Survey, Abstract No. 644, containing 122 residential lots and 4 HOA lots it is generally located south of FM 455 (W. Walnut Street) and east of FM 428, west of Tolleson Dr. and north of Sunset Boulevard. (Parkside Phase 2 Final Plat) Liebman

Background Information:

Parkside Phase 2 has nearly finished with their public improvements for the final phase of the subdivision. Staff anticipates they will be complete prior to the next City Council meeting.

Board Review/Citizen Input:

At the Planning and Zoning Commission meeting on July 19, 2016 the commission voted unanimously to approve the plat.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Supporting Documents:

- Proposed Plat

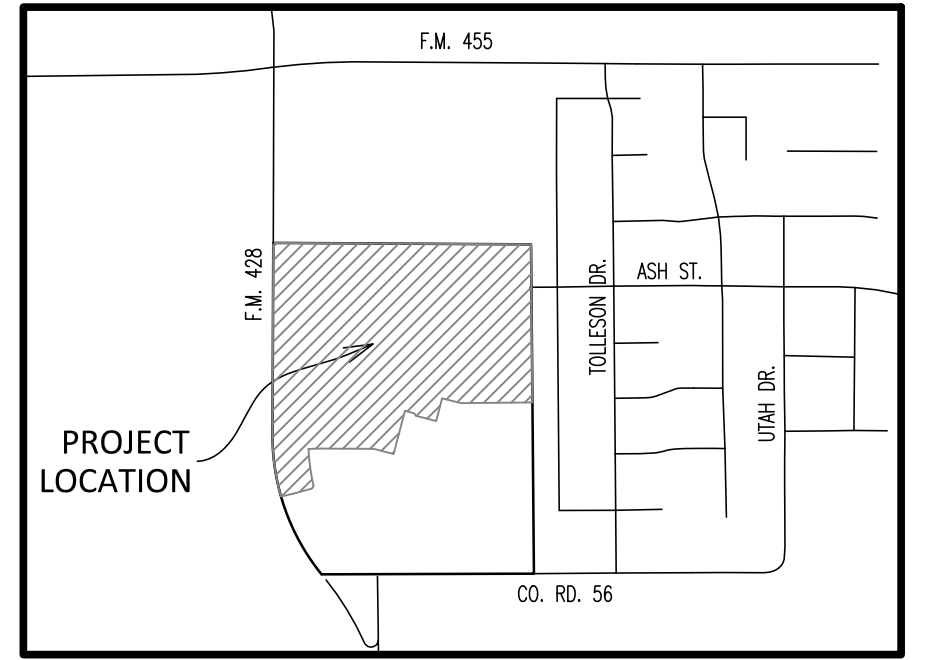
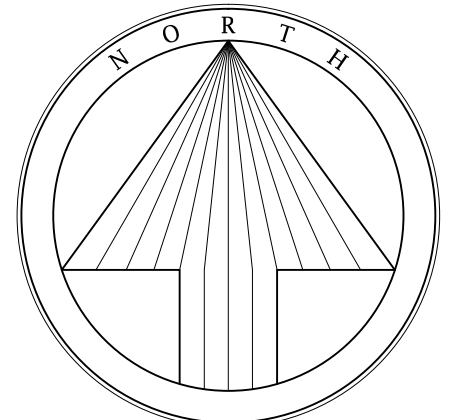
Staff Recommendation:

Staff recommends approval on the condition that the plat is not filed until their improvements have been inspected and accepted by the City.

Stephen Harold Mills
Vol. 4987, Pg. 3011 DRCT
Zoned SF-7.5

Lot 1, Block X
CELINA CITYPARK ADDITION
Cab. 2013, Pg. 100 PRCT Zoned AG

First United Methodist Church of Celina
Doc. No. 20060619000837780 DRCT
Zoned SF-7.5



LOCATION MAP
1" = 1000'

NOTES:

- Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law, and is subject to fines and withholding of utilities and building permits.
- Basis of bearing, horizontal and vertical position derived from the Texas WGS 84 Network-Texas State Plane, Coordinate System, NAD83, North Central Zone (4202).
- No part of the subject land is located in a 100-year Flood Plain or in an identified "flood prone area," as defined pursuant to the Flood Disaster Protection Act of 1973, as amended, as reflected by Flood Insurance Rate Map Panels 4805C0110I, dated June 2, 2009. The property is located in Zone "X" (areas determined to be outside the 500-year floodplain).
- Secondary Story Window Restrictions: The homes adjacent to the eastern property boundary that have a second story shall not have windows on the second story facing east toward the homes and yards of the adjacent properties.
- All Open Space and Common Area lots (Block X) are to be owned and maintained by the HOA.

LEGEND

(Not all items may be applicable)

1/2" IRON ROD W/ PLASTIC CAP STAMPED "SPARSING" SET, UNLESS OTHERWISE NOTED	
1/2" IRON ROD W/ PLASTIC CAP FOUND	
IRON ROD FOUND	
CAPPED IRON ROD FOUND	
CONTROL MONUMENT	
DRAINAGE EASEMENT	
DRAINAGE AND UTILITY EASEMENT	
UTILITY EASEMENT	
WATER EASEMENT	
SANITARY SEWER EASEMENT	
BY THIS PLAT	
RIGHT-OF-WAY	
BUILDING LINE	
STREET NAME CHANGE	
CENTERLINE	
BLOCK DESIGNATION	
PLAY RECORDS, COLLIN COUNTY, TEXAS	
OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS	
WALL MAINTENANCE EASEMENT	
EASEMENT TO BE ABANDONED	

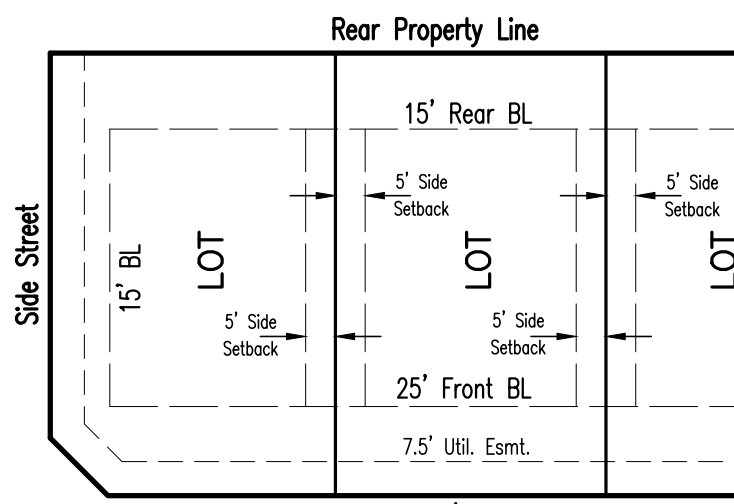
CITY PROJECT NO. P-201506-02
FINAL PLAT

PARKSIDE PHASE 2
122 RESIDENTIAL LOTS DEVELOPED &
4 HOA LOTS - 27.286 ACRES
IN THE M.E.P. & P.R.R. SURVEY, ABSTRACT NO. 644
CITY OF CELINA, COLLIN COUNTY, TEXAS

OWNER / APPLICANT
Forestar (USA) Real Estate Group
14755 Preston Road, Ste. 710
Dallas, Texas 75254
Telephone (972) 341-2939
Contact: Thomas Burleson

ENGINEER / SURVEYOR
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TBPE No. F-2121
Contact: Tim Spiars

Scale 1"=60' October 21, 2015 SEI Job# 14-142



TYPICAL LOT DETAILS
122 LOTS TO PD-29 STANDARDS
ON 50' R.O.W. (w/NO ALLEY ACCESS)
(122 Lots/27.286 Acres = 4.47 units/acres)

Line Table			Line Table			Curve Table				
Line #	Bearing	Distance	Line #	Bearing	Distance	Curve #	Length	Radius	Delta	Chord Bearing
L1	S 44°45'11" E	21.21'	L14	S 51°34'50" W	13.42'	BC1	142.75'	50.00'	163°35'16"	S 79°52'26" E
L2	S 45°14'49" W	21.21'	L15	N 44°30'15" E	14.14'	BC2	22.43'	7.32'	178°29'32"	N 85°51'08" W
L3	N 44°45'11" W	12.91'	L16	N 25°29'37" W	12.91'	BC3	29.30'	375.00'	4°28'34"	S 02°29'06" W
L4	S 45°14'49" W	21.21'	L17	N 60°56'38" E	14.41'	C4	51.24'	1050.00'	2°47'46"	S 01°09'04" E
L5	N 45°14'49" E	14.14'	L18	N 34°57'38" W	14.85'	C5	74.57'	400.00'	10°40'52"	S 05°35'15" W
L6	S 44°45'11" E	14.14'	L19	N 45°14'49" E	14.14'	C6	100.49'	400.00'	1°42'33"	N 82°33'21" W
L7	N 45°14'49" E	14.14'	L20	N 44°45'11" W	14.14'	C7	150.56'	500.00'	1°15'12"	S 23°20'29" W
L8	N 44°45'11" W	78.21'	L21	S 45°29'45" E	15.00'	C8	283.30'	500.00'	32°27'50"	N 15°44'10" E
L9	N 45°14'49" E	14.14'	L22	S 45°29'45" E	31.50'	C9	214.06'	500.00'	2°43'46"	N 77°29'18" W
L10	S 45°07'28" E	14.23'	L23	S 00°14'49" W	25.00'	C10	176.43'	400.00'	25°16'20"	S 77°51'35" E
L11	N 45°39'35" E	13.85'	L24	N 14°38'28" E	25.00'	C11	64.32'	400.00'	9°12'45"	S 04°06'37" W
L12	N 33°46'53" W	15.59'				C12	106.19'	400.00'	15°12'38"	S 82°53'26" E
						C13	41.99'	195.00'	12°20'11"	S 06°24'55" W

OWNERS CERTIFICATE

WHEREAS Forestar (USA) Real Estate Group Inc., are the owners of a tract of land situated in the M.E.P. & P.R.R. Survey, Abstract No. 644, City of Celina, Collin County, Texas, the subject tract being a portion of a tract conveyed to Forestar (USA) Real Estate Group Inc. according to the deed recorded in Document No. 20131220001668420 of the Official Public Records, Collin County, Texas (OPRCCT), the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found on the east line of Farm to Market Road 428, a 90 foot public right-of-way, for the southwest corner of a tract conveyed to the First United Methodist Church of Celina, recorded in Document No. 20060619000837780 OPRCCT;

THENCE S 89°40'13" E, 1297.02 feet along the common line thereof to a 1/2" iron rod with plastic cap stamped "RPLS 3688" found on the west line of the Tolleson Estates, an addition to the City of Celina recorded in Cabinet O, Page 36 of the Plat Records, Collin County, Texas;

THENCE S 00°29'45" E, 782.40 feet along the common line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

THENCE departing the west line thereof, the following:

S 89°30'15" W, 363.76 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

N 75°26'06" W, 100.27 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 14°42'53" W, 122.51 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

N 75°17'07" W, 110.00 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

N 30°17'07" W, 14.14 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

N 72°16'21" W, 9.51 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

N 75°17'07" W, 91.17 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

A non-tangent curve to the right having a central angle of 163°35'16", a radius of 50.00 feet, a chord of N 79°52'26" W – 98.97 feet, an arc length of 142.75 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

A non-tangent curve to the left having a central angle of 175°29'32", a radius of 7.32 feet, a chord of N 85°51'08" W – 14.63 feet, an arc length of 22.43 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

A non-tangent curve to the left having a central angle of 04°28'34", a radius of 375.00 feet, a chord of S 02°29'06" W – 29.29 feet, an arc length of 29.30 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 00°14'49" W, 200.00 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

N 89°45'11" W, 290.16 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 87°27'03" W, 50.00 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

A non-tangent curve to the left having a central angle of 10°25'59", a radius of 1075.00 feet, a chord of S 07°45'56" E – 195.48 feet, an arc length of 195.75 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 30°37'35" W, 14.42 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 74°30'05" W, 96.46 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

N 59°39'11" W, 20.90 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

A non-tangent curve to the right having a central angle of 11°46'39", a radius of 1070.92 feet, a chord of N 07°31'42" W – 219.74 feet, an arc length of 220.13 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

And S 88°21'37" W, 30.00 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set on the east line of Farm to Market Road 428;

THENCE along the east line thereof, around a non-tangent curve to the right having a central angle of 01°53'12", a radius of 1100.92 feet, a chord of N 00°41'47" W – 36.25 feet, an arc length of 36.25 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

THENCE N 00°14'49" E, 999.91 feet continuing along the east line thereof to the POINT OF BEGINNING with the subject tract containing 1,188,557 square feet or 27.286 acres of land.

GENERAL NOTES:

- Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law, and is subject to fines and withholding of utilities and building permits.
- The undersigned does hereby covenant and agree that he or she or they shall construct upon the fire lane easements, as dedicated as shown hereon, a hard surface in accordance with the City of Celina's paving standards for fire lane, and that he or she or they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the accessibility of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The local law enforcement agency(s) is hereby authorized to enforce parking regulations within the fire lanes, and to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.
- The undersigned does hereby covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to public vehicular and pedestrian use and access, and for Fire Department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Celina, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.
- Applicable for lots with drainage easements only
This plat is hereby adopted by the Owners and approved by the City of Celina (Called "City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successors and assigns: The portion of Parkside Phase 1, as shown on the plat is called "Drainage and Detention Easement," the Drainage and Detention Easement within the limits of this addition, will remain accessible at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Drainage and Detention Easement. The City will not be responsible for the maintenance and operation of said Easement or for any damage to private property or person that results from conditions in the Easement, or for the control of erosion. No construction of any type of building, fence or any other structure within the Drainage and Detention Easement, as herein above defined shall be permitted, unless approved by the City Engineer. Provided, however, it is understood that in the event it becomes necessary for the City to erect or consider erecting any type of drainage structure in order to improve the storm drainage that may be occasioned by drainage in or adjacent to the subdivision, then in such event, the city shall have the right to enter upon the Drainage and Detention Easement at any point, or points, to investigate, survey or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. Each property owner shall keep the Drainage and Detention Easement clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the city shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage through the Drainage and Detention Easement is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be held liable for any damages of any nature resulting from the failure of any structure or structures, within the easement.

OWNERS DEDICATION

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That Forestar (USA) Real Estate Group Inc., acting herein by and through his (its) duly authorized officer(s) does hereby adopt this plat designating the herein above described property as **PARKSIDE PHASE 2**, an addition to the City of Celina, Texas, and does hereby dedicate, in fee simple to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed on landscape easements, if approved by the City Council of the City of Celina. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Celina's use thereof. The City of Celina and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Celina and public utility entities shall at all times have the full right ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Celina, Texas.

WITNESS, my hand, this the ____ day of _____, 2016.

Forestar (USA) Real Estate Group, Inc.
a Delaware Corporation

By: _____
Thomas H. Burleson
Executive Vice President, Owner

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Thomas H. Burleson, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, 2016.

Notary Public, State of Texas

SURVEYOR'S CERTIFICATE

That I, Darren K. Brown, of Spiars Engineering, Inc., do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Celina.

Dated this the ____ day of _____, 2016.

DARREN K. BROWN, R.P.L.S. NO. 5252

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Darren K. Brown, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, 2016.

Notary Public, State of Texas

CONSTRUCTION PLAT APPROVAL

Approved for preparation of final plat following construction of all public improvements (or appropriate sureties thereof) necessary for the subdivision shown on this plat.

RECOMMENDED BY: _____
Planning and Zoning Commission
City of Celina, Texas

Signature of Chairperson

Date of Recommendation

APPROVED BY: _____
City Council
City of Celina, Texas

Signature of Mayor

Date of Approval

ATTEST:

City Secretary

Date

PROPERTY LOCATION STATEMENT

This property is located in the corporate limits [or the extraterritorial jurisdiction] of the City of Celina, Collin County, Texas.

Mayor, City of Celina

Date Of Approval

ATTEST:

City Secretary, City of Celina

Date



CITY PROJECT NO. P-201506-02
CONSTRUCTION PLAT

PARKSIDE PHASE 2
122 RESIDENTIAL LOTS DEVELOPED &
4 HOA LOTS - 27.286 ACRES
IN THE M.E.P. & P.R.R. SURVEY, ABSTRACT NO. 644
CITY OF CELINA, COLLIN COUNTY, TEXAS

OWNER / APPLICANT
Forestar (USA) Real Estate Group
14755 Preston Road, Ste. 710
Dallas, Texas 75254
Telephone (972) 341-2939
Contact: Thomas Burleson

ENGINEER / SURVEYOR
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TBPE No. F-2121
Contact: Tim Spiars



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Brooks Wilson, Senior Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: Celina Professional Village Site Plan

Action Requested:

Consider and act upon a site plan for Celina Professional Village, approximately 4.00 acres, Lot 1, Block A of the Keller Williams Addition, containing one commercial lot, and generally located on the east side of Preston Road, north of CR 89 and south of E. Sunset Boulevard. (Liebman)

Background Information:

Site plans are generally approved at the staff level once they meet all the requirements of the Zoning Ordinance and any applicable district or overlay zone. When a site plan has an issue that does not conform to the regulations in the Zoning Ordinance and other applicable ordinances, it is permissible for staff to bring that issue to the attention and consideration by the Planning and Zoning Commission. It is within their discretion to determine if there are mitigating factors that would allow minor deviations from the strict interpretation of the Code.

In this case, the natural slope of the property east of Preston Road is greater than is typically seen. The access drive must be constructed with an incline of less than ten percent (10%) per Fire Code. However, the access drive may be “cut into” the natural slope to achieve the required grade. Due to the topography of the site, the required cross access to future commercial development to the north and south of the subject property cannot meet the specific requirements in the Preston Road Overlay, Section 14.03.009(k)(2), which reads as follows:

- (2) Shared driveways/access. Developments shall incorporate a 24-foot wide shared access drive (via platted or properly recorded easements) through neighboring property(s), such that each lot or development site has at least two points of access to public roads. **The required shared access drive shall be located adjacent to the required landscape buffer, and/or adjacent to the first bay of parking.** (Ordinance 2014-20, sec. 3.03, adopted 5/13/14)

Because of the grade issue, the applicant is proposing the cross access farther east on the site, where the topography does not pose a safety problem for the construction of the access drives. The bump outs for the future access shall be constructed as part of Phase 2. Staff would prefer that the access be located further to the west than shown on the exhibit. Staff will work with the applicant to determine the optimal location of the cross access points based on topography and the objectives of the City.

In all other respects, the site plan meets the Code requirements.

Board Review/Citizen Input:

At a Special Meeting of the Planning and Zoning Commissions on August 2, 2016, the Commission voted unanimously to approve the Site Plan as presented.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Supporting Documents:

Site Plan

Landscape Plan

Elevations

Artist Rendering

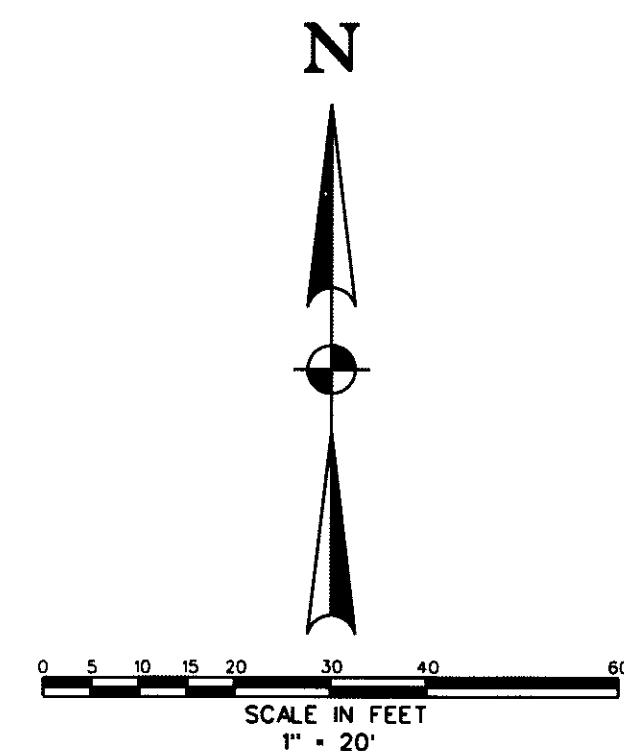
Site Photographs

Staff Recommendation:

Staff recommends approval of the Site Plan, subject to Staff and the applicant determining the optimum location of the cross access.

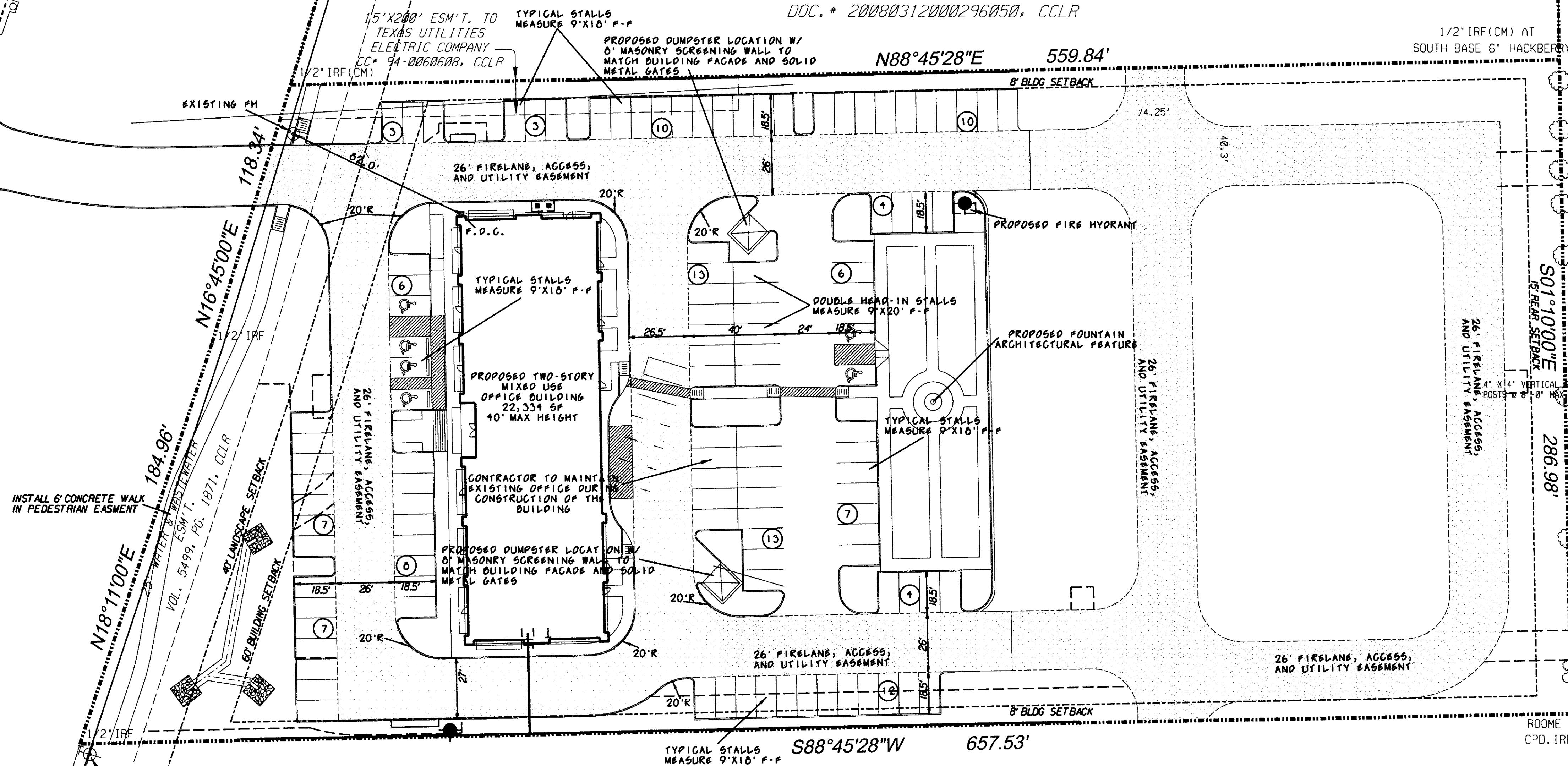
Highway 289

AL-RAZA ENTERPRISES INC.
CALLED 3.50 ACRES
DOC. # 20080312000296050, CCLR



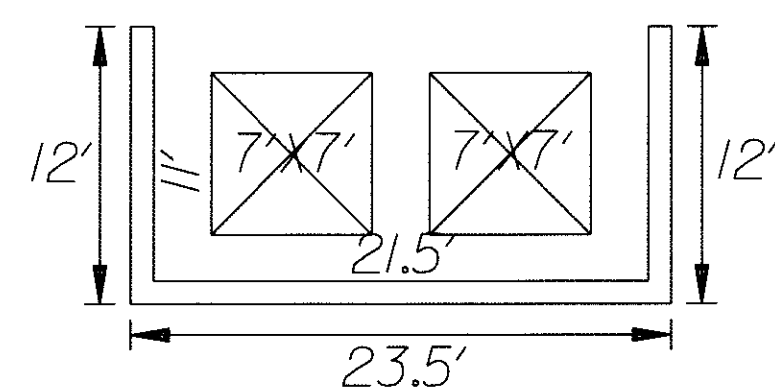
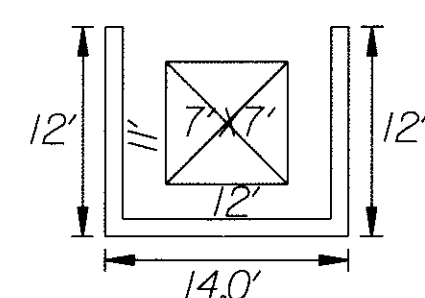
C.M. ROBERTS OPERATIONS, INC.
CALLED 71.326 ACRES
VOL. 5146, PG. 1799, CCLR

ADJACENT'S PLASTIC FENCE



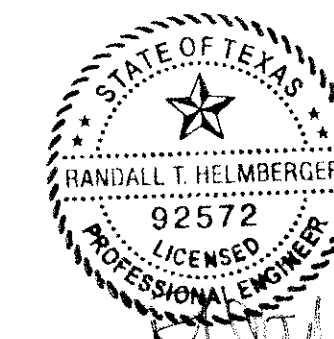
IRA PLUS SOUTHWEST, LLC FBO
LYNNE S. WOLF IRA
CALLED 7.50 ACRES
DOC. # 20081203001383410, CCLR

- GENERAL NOTES
- FIRELANE STRIPING SHALL BE A MINIMUM OF 5" RED STRIPES WITH 4" WHITE LETTERS THAT STATE "FIRE LANE NO PARKING" AT EVERY 15' INTERVAL.
 - PARKING SPACE STRIPING SHALL BE WHITE IN COLOR AND 5" WIDE.
 - ALL WORK IN TxDOT ROW SHALL BE PERMITTED BY TxDOT.
 - FINISHED FLOOR TO BE A MINIMUM OF 6" ABOVE PARKING SPACES.
 - REFER TO PHOTOMETRIC AND ARCHITECT PLANS FOR TURN OF THE CENTURY LIGHT POLE LOCATIONS.
 - TOD LIGHTS SHALL BE CAPITAL SERIES 250 WATT, 29,000 LUMENS, HI PRESSURE SODIUM.
 - TOD LIGHTS SHALL BE PAINTED CITY STANDARD WALNUT BROWN.
 - TOD LIGHTS PLACED IN PUBLIC ROW WILL BE ACCEPTED FOR MAINTENANCE AND POWER BY THE CITY OF ENNIS (INSTALLATION BY FERGUSON ELECTRIC OF ENNIS, TEXAS SUGGESTED).
 - TOD SHALL BE INSTALLED UNDER THE DIRECTION OF THE CITY OF ENNIS STAFF FOR EXACT LOCATION AND HEIGHT OF BASE.
 - ONLY PAVEMENT MARKINGS TO BE PARKING STRIPING AND HANDICAP STALLS AND ROUTES.
 - ALL STORAGE AREAS, COOLER UNITS, HVAC UNITS, ELECTRICAL TRANSFORMER PADS, AND OTHER MECHANICAL UNITS MUST BE SCREENED FROM VIEW BY MASONRY SCREENING WALL TO MATCH BUILDING FACADE (UNLESS OTHERWISE NOTED).
 - IF NON-TOD LIGHTING BASES CAN BE NO TALLER THAN 2 FEET ABOVE FINISHED GRADE AND SHALL REMAIN THE NATURAL CONCRETE COLOR.



TYPICAL DUMPSTER DETAIL

CASE NAME: _____
 CASE NUMBER: _____
 LOCATION: _____
 DATE: _____
 PLANNING AND ZONING COMMISSION
 COMMITTEE: _____
 DATE: _____
 SHEET: _____ OF _____
 APPROVAL DOES NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES
 CITY OF CELINA
 DEPARTMENT OF DEVELOPMENT SERVICES



CONTRACTOR:
MCG CONSTRUCTIONS, INC.
275 W. PRINCETON DRIVE, SUITE 104
PRINCETON, TEXAS 75070
MARVIN GATHRIGHT
(214) 537-4194

ARCHITECT:
PATRICK AHEARNE ARCHITECTS
814 WIND ELM DRIVE
ALLEN, TEXAS 75002
PATRICK AHEARNE
(972) 359-0053

ENGINEER:
HELMBERGER ASSOCIATES, INC.
1525 BOZMAN ROAD
WYLIE, TEXAS 75098
RANDALL T. HELMSBERGER, PE
(972) 442-7459

SITE DATA SUMMARY - LOT 1, BLOCK 1 - KELLER WILLIAMS ADDITION

1.	EXISTING ZONING: R/O - RETAIL OFFICE
2.	PROPOSED ZONING: SAME
3.	PROPOSED USE: REALTOR / GENERAL / MEDICAL OFFICE
4.	PROPERTY AREA: 174,240 SF - 4.0 ACRES
5.	AREA OF BUILDINGS: 11,107 SF - FIRST FLOOR 11,227 SF - SECOND FLOOR 22,334 SF - TOTAL (50% MEDICAL - 50% PROFESSIONAL)
6.	BUILDING HEIGHT: TWO STORY 38' MAX BUILDING HEIGHT
7.	LOT COVERAGE: 6.44% F.A.R. = .13:1
8.	PARKING REQUIRED: MED - 1 SPACE/200 SF = 56 SPACES PRO - 1 SPACE/300 SF = 38 SPACES TOTAL REQUIRED = 94 SPACES
9.	PARKING PROVIDED: 107 SPACES + 6 ACCESSIBLE = 113 SPACES
10.	TOTAL IMPERVIOUS AREA: 72,045 SF (PHASE 1)

SITE PLAN

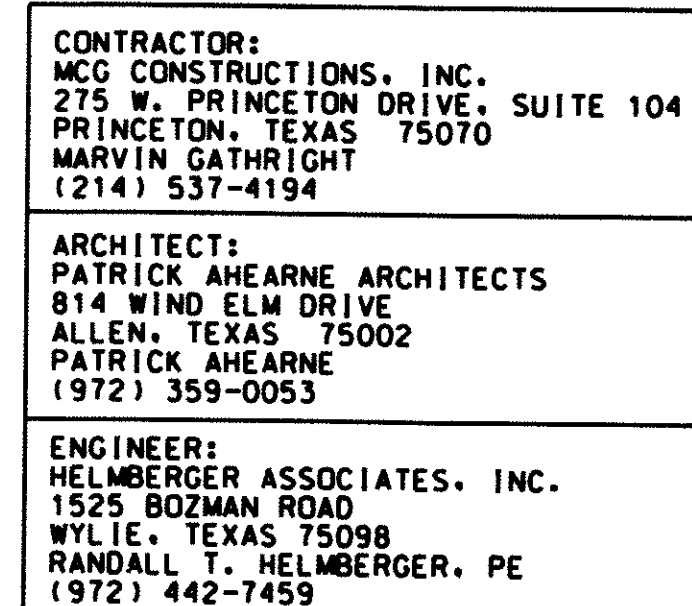
KELLER WILLIAMS MIXED USED BUILDING

LOT 1, BLOCK A - KELLER WILLIAMS ADDITION

CELINA, TEXAS

TPBE
REGISTRATION
NO. F-000756
HELMBERGER ASSOCIATES, INC.
 CIVIL AND ENVIRONMENTAL ENGINEERS
 1525 BOZMAN ROAD, WYLIE, TEXAS 75098 (972) 442-7459

DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
HELM.	CADD	APRIL 2015	1"=30'	SPLAN	0511	C1

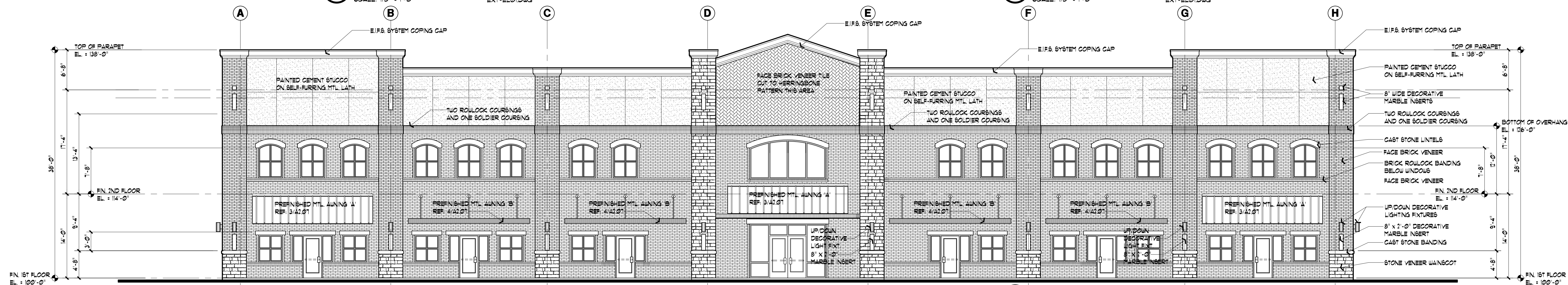
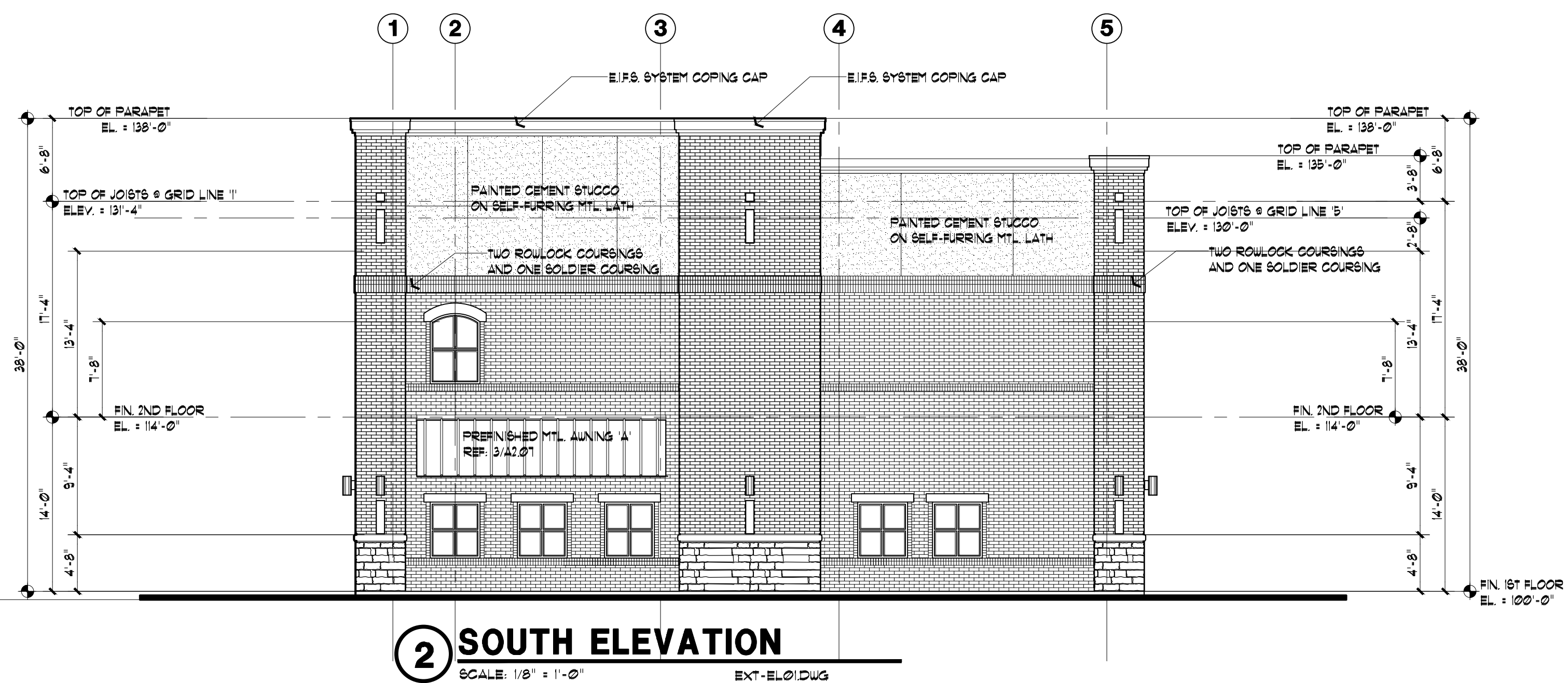
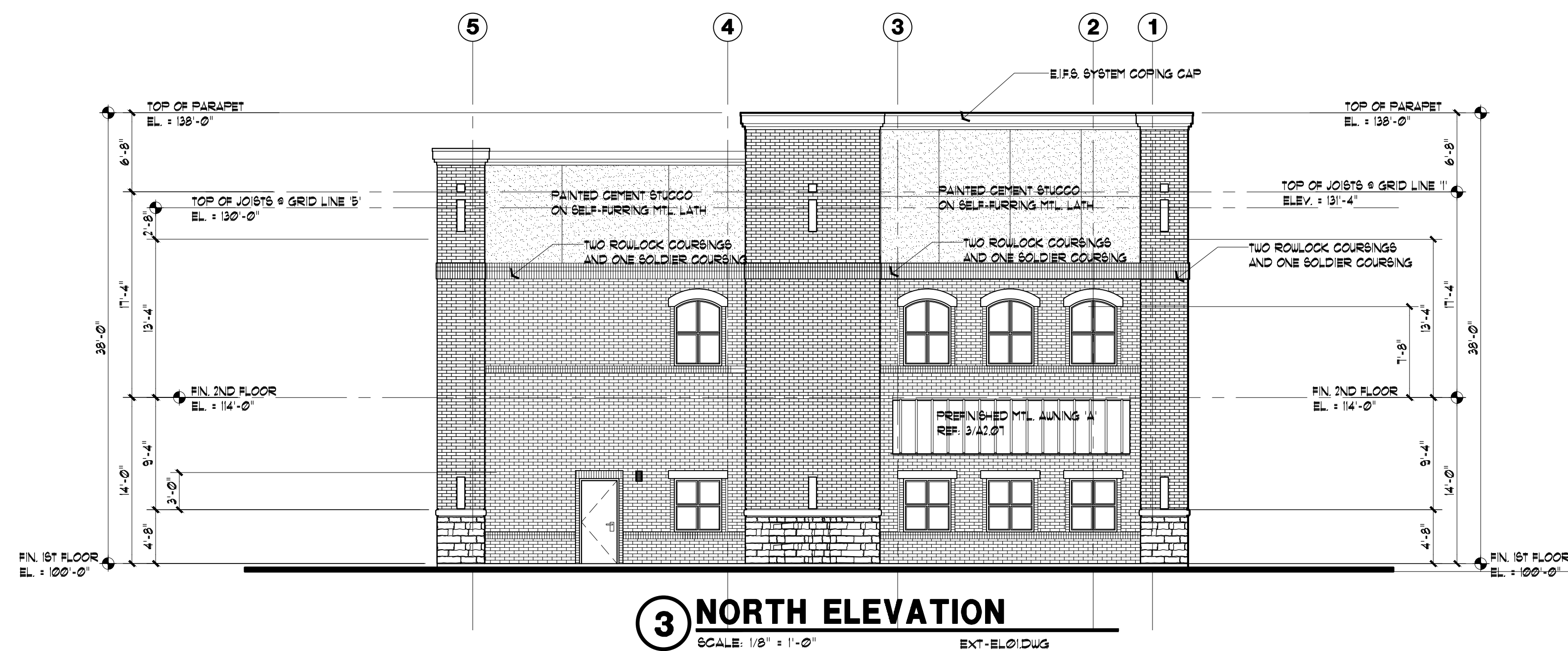
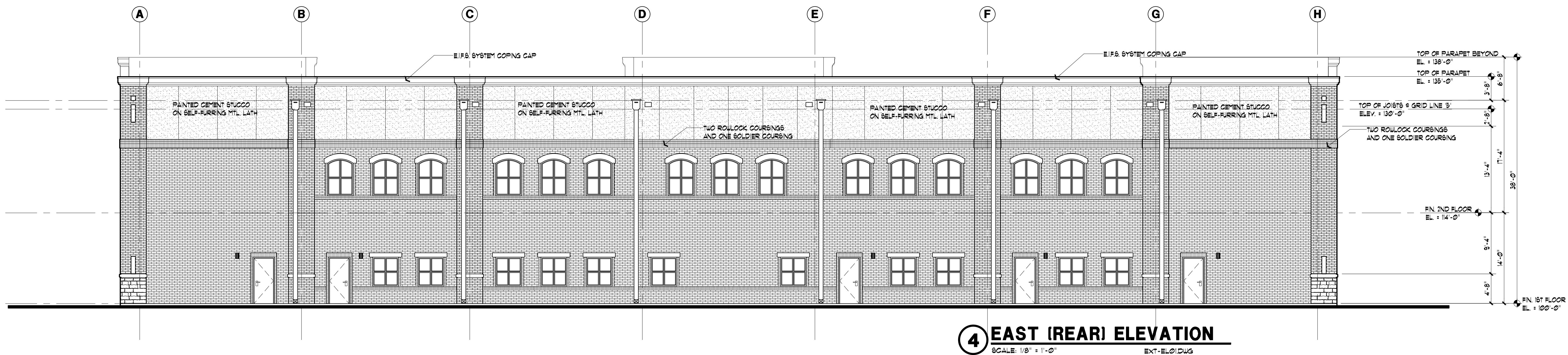


SITE DATA SUMMARY - LOT 1, BLOCK 1 - KELLER WILLIAMS ADDITION

1. EXISTING ZONING: R/O - RETAIL OFFICE
2. PROPOSED ZONING: SAME
3. PROPOSED USE: REALTOR / GENERAL / MEDICAL OFFICE
4. PROPERTY AREA: 174,240 SF - 4.0 ACRES
5. AREA OF BUILDINGS: 11,187 SF - FIRST FLOOR
11,227 SF - SECOND FLOOR
22,334 SF - TOTAL
(50% MEDICAL - 50% PROFESSIONAL)
6. BUILDING HEIGHT: TWO STORY
7. LOT COVERAGE: 6.44%
F.A.R. = .13:1
8. PARKING REQUIRED: MED - 1 SPACE/200 SF = 56 SPACES
PRO - 1 SPACE/300 SF = 38 SPACES
TOTAL REQUIRED = 94 SPACES
9. PARKING PROVIDED: 107 SPACES + 6 ACCESSIBLE = 113 SPACES
10. TOTAL IMPERVIOUS AREA: 72,045 SF (PHASE I)

LANDSCAPE PLAN							
KELLER WILLIAMS MIXED USED BUILDING							
LOT 1, BLOCK A - KELLER WILLIAMS ADDITION							
CELINA, TEXAS							
SHARP LANDSCAPES							
1129 HUNTINGTON DRIVE • RICHARDSON, TEXAS 75080							
BILL SHARP - 972-976-6172							
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.	
HELM.	CADD	APRIL 2015	1"=20'	SPLAN	1511	L1	

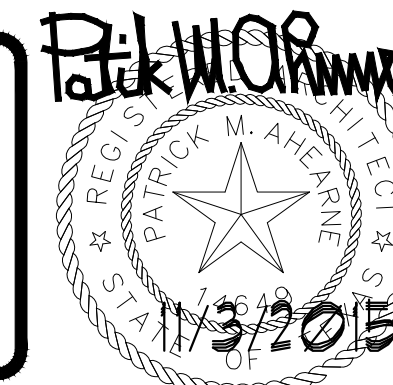
TYPICAL DUMPSTER DETAIL

**FACADE CALCULATIONS:**

FRONT / WEST ELEVATION:			REAR / EAST ELEVATION			NORTH ELEVATION			SOUTH ELEVATION		
BRICK/STONE VENEER:	3584 SQ.FT	66.5%	BRICK/STONE VENEER:	4232 SQ.FT	54%	BRICK/STONE VENEER:	1533 SQ.FT	65%	BRICK/STONE VENEER:	1603 SQ.FT	69%
PAINTED STUCCO:	1444 SQ.FT	18.2%	PAINTED STUCCO:	1341 SQ.FT	20%	PAINTED STUCCO:	421 SQ.FT	9%	PAINTED STUCCO:	421 SQ.FT	9%
CAST STONE:	98 SQ.FT	3.3%	CAST STONE:	104 SQ.FT	3%	CAST STONE:	36 SQ.FT	1%	CAST STONE:	36 SQ.FT	1%
EIFS, PARAPET/COPING CAP:	268 SQ.FT	4.5%	DOORS AND WINDOWS:	633 SQ.FT	14%	DOORS AND WINDOWS:	182 SQ.FT	8%	DOORS AND WINDOWS:	102 SQ.FT	4%
PREFINISHED METAL AWNINGS:	314 SQ.FT	7%	EIFS, PARAPET/COPING CAP:	264 SQ.FT	4%	EIFS, PARAPET/COPING CAP:	92 SQ.FT	4%	EIFS, PARAPET/COPING CAP:	92 SQ.FT	4%
PREFINISHED METAL AWNINGS:	314 SQ.FT	7%				PREFINISHED METAL AWNINGS:	90 SQ.FT	4%	PREFINISHED METAL AWNINGS:	90 SQ.FT	4%
TOTAL (EXCLUDES DOORS/WINDOWS):	5338 SQ.FT		TOTAL:	6568 SQ.FT		TOTAL:	2350 SQ.FT		TOTAL:	2350 SQ.FT	



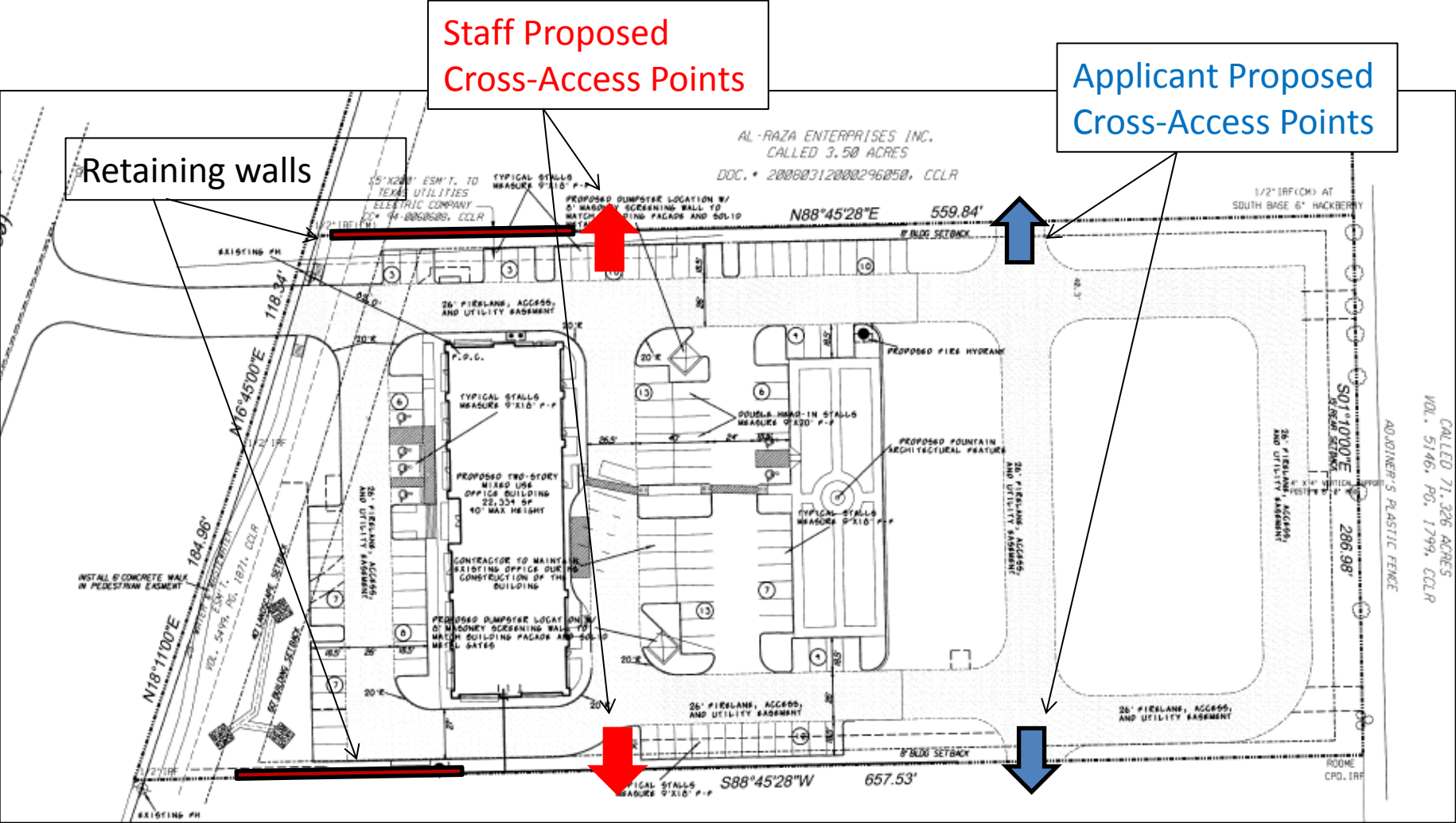
New Shell Office Building:
KW Celina Professional Village
1212 S. Preston Road
Celina, Texas



DATE: NOVEMBER 3, 2015
JOB NO: 15KWCEL-0305
DRAWN: PMA
CHECKED: PMA

REVISIONS:

A3.01



Attachment: Proposed Cross Access Locations.pdf (1719 : Celina Professional Village Site Plan)

9.G.e

Atta

Packet Pg. 210





Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Michael Montgomery, Administrative Services
 Date: August 9, 2016
 Re: Windows at City Council Chambers

Action Requested:

Consider and act upon a change order with Hill and Wilkinson General Contractors for up to \$100,000 to replace windows at City Council Chambers (Montgomery).

Background Information:

As part of the contract of sale between the First United Methodist Church of Celina ("Church") and the City of Celina ("City"), it was the Church's responsibility to replace the stained glass windows that were removed and placed in the new church building located at 12465 FM 428.

Some work has already occurred in the removal of the original windows and designing the replacement windows, which were to be stained glass. Currently, there are only damaged storm windows in the City Council Chambers. The City has spent approximately \$10,000 on design and materials of the stained glass windows to date. The overall estimate for the window replacements was originally \$40,000. However, this figure does not include the repair of the casements or the installation of storm windows to protect the interior glass and to aid in energy efficiency.

The former Church facilities have been or are in the process of being repurposed as civic buildings and therefore the use of stained glass to replicate the Church's religiously themed windows has been deemed inappropriate. City Staff was tasked with finding alternative replacement windows that would reflect the current use of the meeting room and increase the energy efficiency. During this process, Staff learned that replica windows would actually place the building at risk in retaining its historic character and, if desired, in achieving historic designation and recognition from the Texas Historical Commission.

Upon review of several options, Staff recommends that the windows be replaced with clear glass; that repairs are made to the casements and window trim; and that storm windows are replaced. The total cost estimate is approximately \$80,000, half of which may be recouped from the Church, per the sales contract.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

The proposed window replacement project is estimated to cost the City approximately \$80,000, with \$40,000 of that amount being recouped from the First United Methodist Church. The City's portion will be funded with bond funds that were issued in 2012.

Legal Review:

N/A

Supporting Documents:

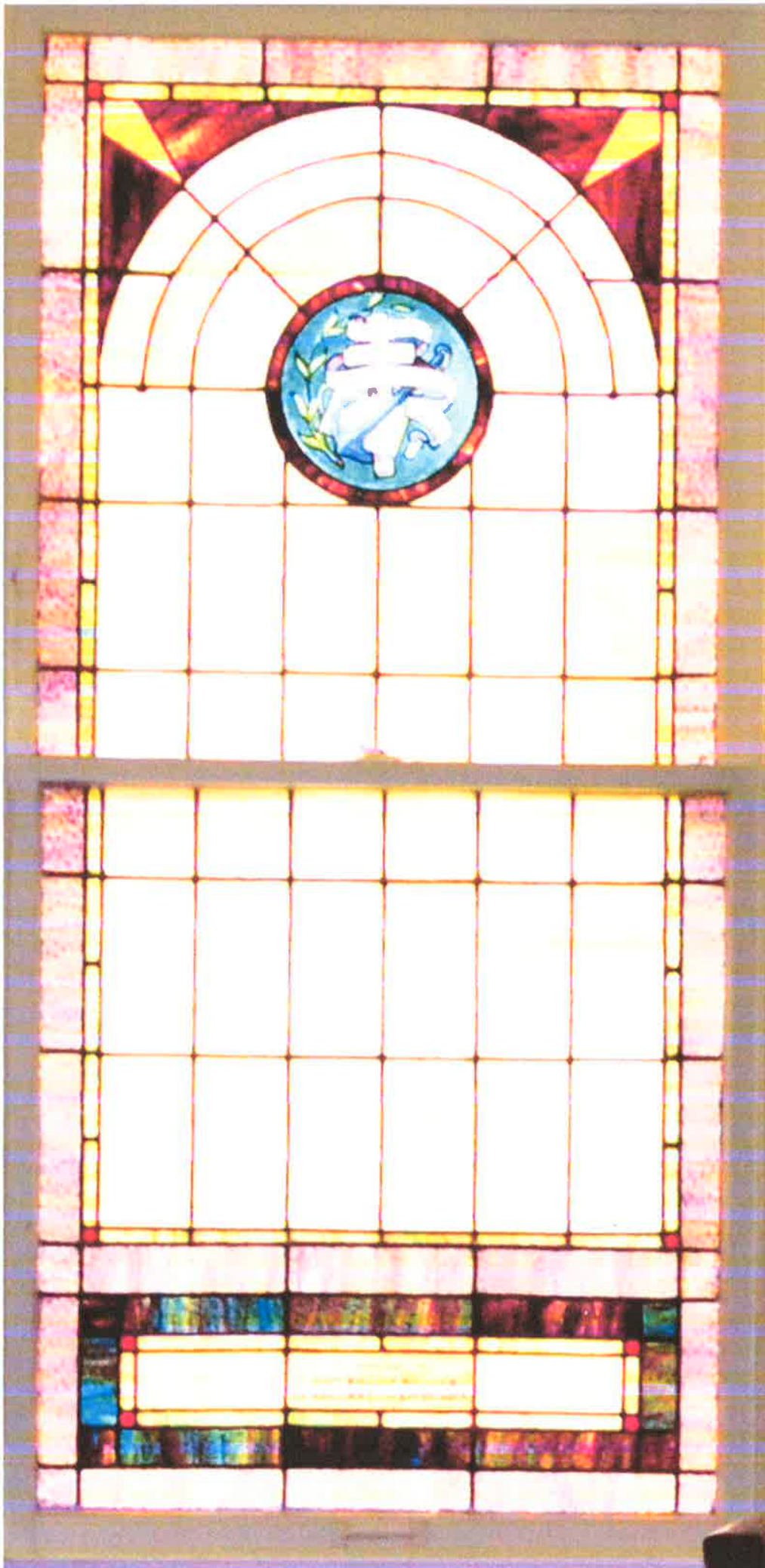
Examples of Stained Glass Windows.

Staff Recommendation:

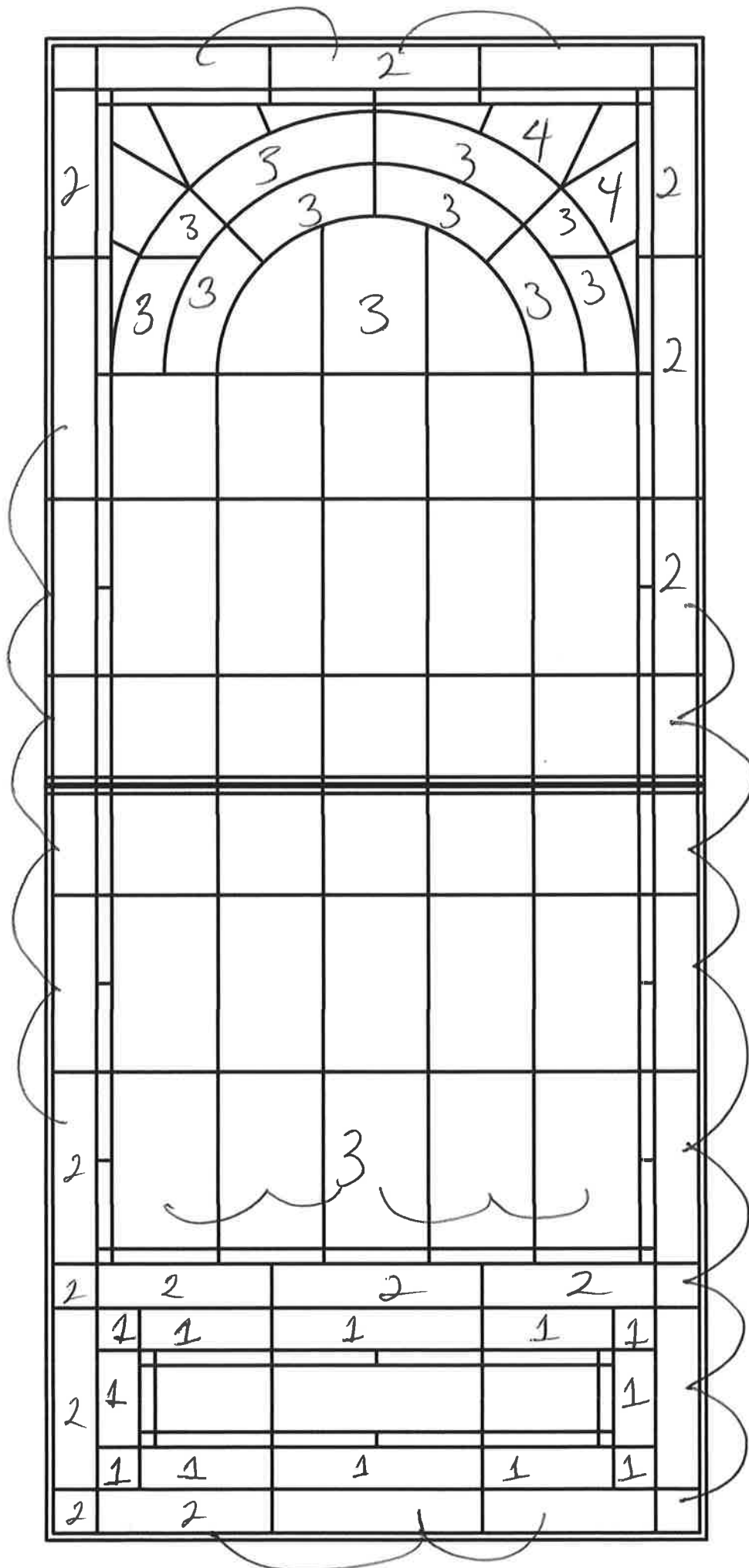
Staff recommends that City Council approve and authorize of a change order for the purchase of the proposed windows for the City Hall Annex.



Attachment: Examples of Stained Glass Windows (1730 : Winows Correct)



Attachment: Examples of Stained Glass Windows (1730 : Winows Correct)



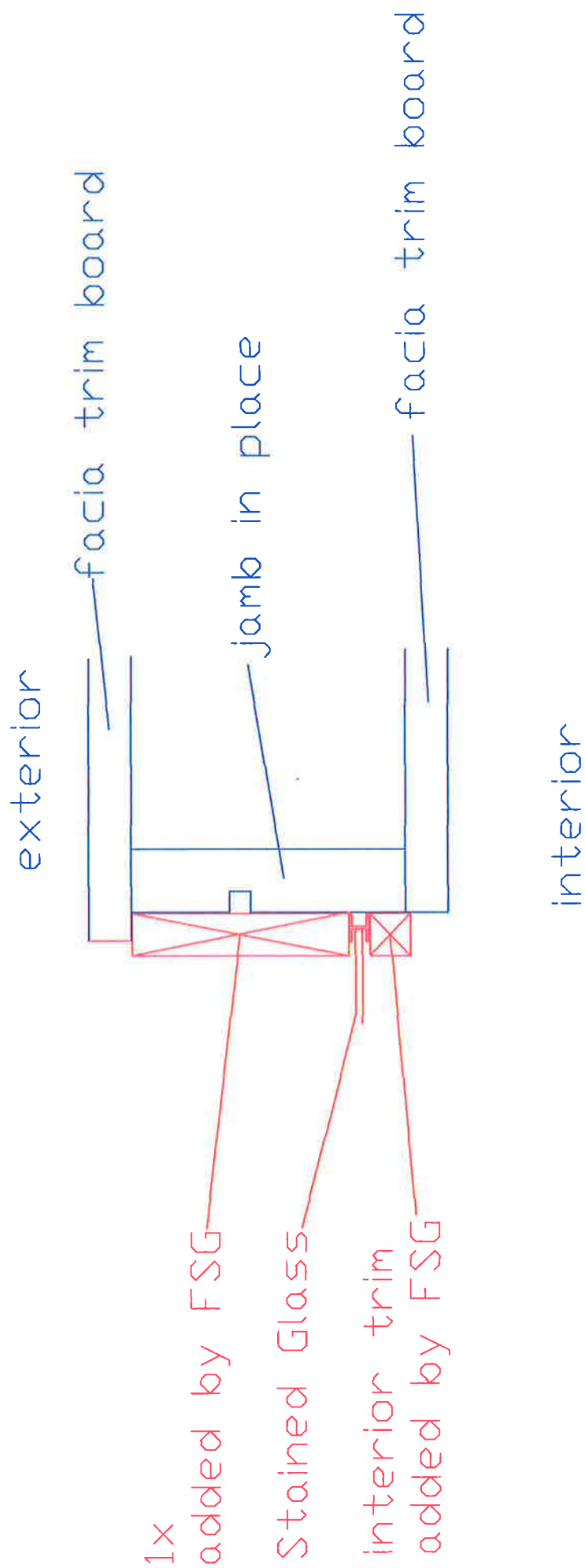
#3



#1

#2

Attachment: Examples of Stained Glass Windows (1730 : Windows Correct)





Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Brooks Wilson, Senior Planner
 CC: Helen-Eve Liebman, Interim City Manager
 Date: August 9, 2016
 Re: Right-of-Way Abandonment Ordinance

Action Requested:

Consider and act upon a ordinance of the City Council of the City of Celina, Texas, abandoning and vacating the approximately thirty (30) foot wide public right-of-way located adjacent to and encumbering Lot 3c, Block 90 of the Celina Original Addition, and being more particularly described and depicted in Exhibit "A" and depicted in Exhibit "B," attached hereto, and authorize the City Manager to execute a quitclaim deed as may be requested by owners of Lot 3c, Block 90 of the Celina Original Addition. (Svoboda Right-of-Way Abandonment) (Liebman)

Background Information:

The owners of Lot 3c, Block 90 of the Celina Original Addition (and situated in the J. Willock Survey, Abstract No. 1055 and the Collin County School Land Survey, Abstract No. 170, Collin County, Texas) have requested that the City abandon the right-of-way located directly north of their property, more commonly known as 607 N. Louisiana Drive, Celina, Texas. The City has determined that it has no need for this right-of-way and agrees to abandon the 0.085 acre tract. This abandonment shall extend only to the public right-of-way, title, and interest dedicated by plat to the public that the City Council may legally and lawfully abandon. The City finds that the right-of-way was originally dedicated to the public at no cost to the City and the fair market value component of the abandonment has not and will not be charged. The abutting property owner shall pay all costs associated with procedures necessitated by the request to abandon the right-of-way.

Abandoning the right-of-way is a legitimate use of the City's police powers and is justified since the tract of land has been inactive for any governmental use for many years and is unlikely to be used by the City in the future. In addition, the maintenance of the property has consistently been the responsibility of the property owners to the south (Mr. and Mrs. Frank Svoboda).

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Consideration:

The City shall incur no costs associated with procedures necessitated by the request to abandon the right-of-way.

Legal Review:

The City Attorney has reviewed the ordinance and deemed it acceptable.

Supporting Document:

Abandonment Ordinance

Staff Recommendation:

Staff recommends approval.

ORDINANCE NO. _____
SVOBODA RIGHT-OF-WAY ABANDONMENT

AN ORDINANCE ABANDONING AND VACATING A 0.085 ACRE AND APPROXIMATELY THIRTY FOOT WIDE RIGHT-OF-WAY LOCATED EAST OF NORTH LOUISIANA STREET AND NORTH OF LOT 3C, BLOCK 90 OF THE CELINA ORIGINAL DONATION, SITUATED IN THE J. WILLOCK SURVEY, ABSTRACT NO. 1055 AND THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 170, COLLIN COUNTY, TEXAS; PROVIDING FOR THE TERMS AND CONDITIONS OF THE ABANDONMENT; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, TEXAS TRANSPORTATION CODE §311.007 authorizes a home rule municipality such as the City of Celina, Texas, to vacate, abandon, or close a street or alley; and

WHEREAS, acting pursuant to law and upon the request and application of the owner of Lot 3C, Block 90 of the Celina Original Donation, an addition to the City of Celina, Collin County, Texas, the property abutting the hereinafter specifically described 30 feet right-of-way, the City Council of the City of Celina, Texas ("City Council"), deems it advisable to abandon and vacate the public right-of-way located adjacent to and encumbering said tract of land and is of the opinion that, subject to the terms and conditions herein provided, said public right-of-way is not needed for public use, and same should be abandoned and vacated; and

WHEREAS, the City Council finds that the 30 feet right-of-way was dedicated to the public at no cost to the City by the Amendment to the Amended Map of the Town of Celina, according to the plat of the same filed May 6, 1924, and recorded in Volume 01, page 114 of the Plat Records of Collin County, Texas; and

WHEREAS, the right-of-way is not being used by, nor useful or convenient to the public in general, and therefore constitutes a public charge without a corresponding public benefit; and

WHEREAS, the City Council, after careful study and consideration, is of the opinion and finds that the best interest and welfare of the public will be better served if the right-of-way is abandoned and vacated to the underlying fee interest owner(s);

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

SECTION 1. That the findings and recitals set forth above are incorporated herein.

SECTION 2. That the City of Celina, Texas (the "City") hereby abandons and vacates the 30 foot wide public right-of-way located adjacent to and encumbering Lot 3C, Block 90 of Celina Original Donation, an addition to the City of Celina, Collin County, Texas, and being more particularly described in **Exhibit "A"** and depicted in Exhibit "B" attached hereto and incorporated herein for all purposes. This abandonment shall extend only to the public right-of-way, title, and interest dedicated by plat to the public that the City Council may legally and lawfully abandon.

SECTION 3. The City finds that the right-of-way was originally dedicated to the public at no cost to the City and the fair market value component of the abandonment has not and will not be charged. The abutting property owner(s) shall pay all costs associated with procedures necessitated by the request to abandon the right-of-way.

SECTION 4. That the abandonment and vacation provided for herein is made and accepted subject to all present zoning and deed restrictions, if any of the latter exist, and all private easements and right-of-ways, whether apparent, non-apparent, aerial, surface, or underground.

SECTION 5. That upon passage hereof, the City Secretary is authorized and directed to prepare a certified copy of this ordinance and record a certified copy of this ordinance in the Real Property Records of Collin County, Texas. The City Manager or his or her designee, is hereby authorized to execute a quitclaim deed as may be requested by owner(s) of Lot 3C, Block 90 of the Celina Original Donation, an addition to the City of Celina, Collin County, Texas, and thereby release the interest of the City in and to the right-of-way described in Section 2 of this ordinance.

SECTION 6. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 7. This ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Celina, Texas on the 9th day of August, 2016.

Sean Terry, Mayor
City of Celina, Texas

ATTEST:

Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:

City Attorney
City of Celina, Texas

EXHIBIT A

Legal Description

All that certain tract or parcel of land situated in the J. Willock Survey, Abstract Number 1055 and the Collin County School Land Survey, Abstract Number 170, City of Celina, County of Collin, State of Texas, said tract being all of the platted right of way north of Block 90, east of North Louisiana Street (platted as First Street), and west of the Burlington Northern Railway, said right of way and Block 90 being part of the Amendment to the Amended Map of the Town of Celina, according to plat of the same filed 06 May 1924, and recorded in volume 01 page 114 of the plat records of Collin County, Texas, and being more fully described as follows:

Beginning for the southwest corner of the tract being described herein at point in a concrete driveway, said point being the northwest corner of said Block 90, and said point being the northwest corner of a called 0.243 acre tract as described in deed to Frank Svoboda Jr., and recorded in volume 696 page 252 of said deed records, said point also being on the south line of said right of way, said point also being on the east line of said street;

Thence: North 11 degrees 23 minutes 19 seconds East, with the east line of said street, a distance of 30.72 feet to a found 1½ inch rebar marked Cantrell for the northwest corner of this tract, said rebar being the southwest corner of a tract as described in deed to Billy J. Herrin et ux, Cyndee V. Herrin, filed 09 May 1996, and recorded in county clerks number 96-0039268 of said deed records, said rebar also being on the north line of said right of way;

Thence: North 88 degrees 59 minutes 06 seconds East, with the south line of said Herrin tract, and with the north line of said right of way, a distance of 122.48 feet to a set 1½ inch steel square tubing for the northeast corner of this tract;

Thence: South 06 degrees 48 minutes 38 seconds West, a distance of 30.28 feet to a set 1½ inch steel square tubing for the southeast corner of this tract, said tubing being the occupied northeast corner of said Block 90;

Thence: South 88 degrees 59 minutes 06 seconds West, with the north line of said Block 90, and the north line of said Svoboda tract, and with the south line of said right of way, a distance of 124.95 feet to the **POINT OF BEGINNING** and containing **0.085 of an acre** of land.

