



AGENDA
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, MARCH 2, 2021 - 6:00 PM
KAUFMAN CITY HALL COUNCIL CHAMBERS
209 SOUTH WASHINGTON STREET,
KAUFMAN, TEXAS 75142

**This meeting will be held using
videoconferencing/teleconferencing
technology with public access via:
[WWW.ZOOM.US/JOIN](https://www.zoom.us/join) OR
(888)788-0099 (TOLL FREE)
MEETING/WEBINAR ID: 890 0513 4280
PASSWORD: 636705**

PLEDGE OF ALLEGIANCE US FLAG TEXAS FLAG "HONOR THE TEXAS FLAG. I PLEDGE ALLEGIANCE TO THEE, TEXAS ONE STATE UNDER GOD, ONE AND INDIVISIBLE".

INVOCATION

CALL MEETING TO ORDER Chairman calls the Meeting to order, states the date and time, states members present, and declares a quorum present.**

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is otherwise required by law for translation. Speaking time is not transferable. Citizens may address the P&Z Commission on any subject but must first complete a Request to Speak Form so that the Chairman may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the P&Z Commission as a whole. **When addressing the P&Z Commission, please step forward to the speaker's podium, state your name and address, and direct your comments to the Chairman and P&Z Commission.**

CONSENT AGENDA "All matters listed under the Consent Agenda, are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will not separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. For a citizen to request removal of an item, a request must be submitted to the Planning and Zoning Commission Secretary."

1. Consider and take appropriate action on the minutes of December 1, 2020 Planning and Zoning Commission Meeting.
2. Consider and take appropriate action on the minutes of January 5, 2021 Planning and Zoning Commission Meeting.

END OF CONSENT AGENDA

PUBLIC HEARING

3. Conduct a public hearing and make a recommendation to City Council on a request by Shane Appleby on a 0.51 acre lot located at 304 Melody Circle (PID 25059), Lot 9R, Harmony Estates for a specific use permit to allow a detached garage with an accessory dwelling unit in conjunction with a single family residence. (Case No Z-01-21)

DISCUSSION/ACTION ITEMS

4. Consider and make a recommendation to City Council on the **Development Plat and Land Study of La Vega Ranch Addition** located in the Extraterritorial Jurisdiction (ETJ) of the City of Kaufman. The 10 lot addition containing 92.72 acres is located on the east side of County Road 4104 northeast of Star Trail (Wynchase Crossing Addition, Phase 1). Case No. DP-01-21

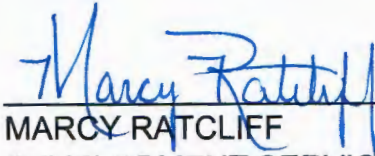
ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

5. Update on the adopted Park Land Dedication Ordinance O-04-21.
6. Update on the South Pointe development at northwest corner of S. Houston Street and S.H. 34 Bypass
7. Update on vacant property located in the 400 Block of North Clay.

BOARD INQUIRY If a member of the board makes a spontaneous inquiry about a subject not on this agenda, then the board or an appropriate staff member may make a statement of factual information or policy in response to such an inquiry. However, in accordance with Open Meetings Act Section 551.042, the Planning and Zoning Commission cannot discuss issues raised or make any decisions on that subject at that time. Issues raised may be referred to Staff for research and possible future action.

ADJOURNMENT

I, MARCY RATCLIFF, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE WINDOW AT KAUFMAN CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS, A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES AND SAID NOTICE WAS POSTED AT THE KAUFMAN CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS AT 5:00 P.M. ON DAY, MONTH DD, YYYY AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.



MARCY RATCLIFF
DEVELOPMENT SERVICES DIRECTOR

****PURSUANT TO SECTION 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE COUNCILMEMBERS OR EMPLOYEES MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY. THE VIDEO AND AUDIO FEED OF THE VIDEOCONFERENCING EQUIPMENT CAN BE VIEWED AND HEARD BY THE PUBLIC BY ACCESSING [WWW.ZOOM.US/JOIN](https://www.zoom.us/join) OR (888)788-0099 (TOLL FREE) MEETING/WEBINAR ID: 890 0513 4280 PASSWORD: 636705**

THE BUILDING IN WHICH THE ABOVE MEETING WILL BE CONDUCTED IS WHEELCHAIR ACCESSIBLE AND PARKING SPACES FOR THE MOBILITY IMPAIRED ARE AVAILABLE. 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, READERS, OR LARGE PRINT ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 972-932-2216 AT LEAST TWO (2) WORKING DAYS PRIOR TO THE TIME OF THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.



MINUTES
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, DECEMBER 1, 2020 - 6:00 PM
KAUFMAN CITY HALL COUNCIL CHAMBERS
209 SOUTH WASHINGTON STREET,
KAUFMAN, TEXAS 75142

**This meeting will be held using
videoconferencing/teleconferencing technology with
public access via: WWW.ZOOM.US/JOIN_OR
(888)788-0099 (TOLL FREE)
MEETING/WEBINAR ID: 890 0513 4280
PASSWORD: 636705**

PLEDGE OF ALLEGIANCE US FLAG and TEXAS FLAG "HONOR THE TEXAS FLAG.
I PLEDGE ALLEGIANCE TO THEE, TEXAS ONE STATE UNDER GOD, ONE AND
INDIVISIBLE"

INVOCATION

CALL MEETING TO ORDER Chairman calls the Meeting to order, states the date and
time, states members present, and declares a quorum present.

Chairman Brown called the meeting to order at 6:02 p.m. Tuesday, December 1, 2020.
Commissioners present were Chairman Burton Brown, Vice-Chairman Patrick Cardoza,
Commissioner Richard Dunn, Commissioner Darril Deaton, Commissioner Porfilo Lopez,
Commissioner Gladis Saldana, and Commissioner Curtis Snow. Director of Development
Services Marcy Ratcliff and Planning Technician Joy Henderson were present. Present in the
audience were David Duman, Jamil Pierce, Jeff Dolian, Rodney Nelson and Scott Olden.

APPOINTMENTS

- 1. Consider and take appropriate action on the appointment of the Chairman
of the Planning and Zoning Commission.**

Commissioner Snow made a motion to nominate Burton Brown as Chairman of the
Planning and Zoning Commission. The motion was seconded by Commissioner
Deaton. Chairman Brown called for a vote with all voting AYE, the motion carried by
a vote of 5-0.

2. Consider and take appropriate action on the appointment of the Vice-Chairman of the Planning and Zoning Commission.

Chairman Brown made a motion to nominate Patrick Cardoza as Vice-Chairman of the Planning and Zoning Commission. The motion was seconded by Commissioner Saldana. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 5-0.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES)

Comments about any of the agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is otherwise required by law for translation. Speaking time is not transferable. Citizens may address the P&Z Commission on any subject but must first complete a Request to Speak Form so that the Chairman may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the P&Z Commission as a whole. When addressing the P&Z Commission, please step forward to the speaker's podium, state your name and address, and direct your comments to the Chairman and P&Z Commission.

CONSENT AGENDA "All matters listed under the Consent Agenda, are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will not separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. For a citizen to request removal of an item, a request must be submitted to the Planning and Zoning Commission Secretary."

3. Consider and take appropriate action on the minutes of November 3, 2020 Planning and Zoning Commission meeting.
4. Consider and make a recommendation to City Council on the **Preliminary Plat of Two Furlong Estates**, a tract of land (PID 204390) containing 11 acres. The subject property is located at the southwestern corner of CR 151 and CR 154. The proposed development for 8 lots is located in the City of Kaufman's Extraterritorial Jurisdiction (ETJ). (Case No. PP-04- 20)

END OF CONSENT AGENDA

Commissioner Dunn made a motion to approve the consent agenda for items 1 and 2. The motion was seconded by Commissioner Saldana. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 6-0

PUBLIC HEARING

5. Conduct a public hearing, consider and make a recommendation to City Council on a request for a **Specific Use Permit (SUP)** to allow a private club in conjunction with a restaurant located at 214 East Mulberry Street (formerly Sonic

Restaurant). The property (PIO 28604) is platted as part of Block 41 of the Kaufman Original Addition. The property is zoned Commercial District. (Case No. Z-06-20)

The Public Hearing was opened at 6:13 p.m.

Marcy Ratcliff Director of Development Services presented the Commissioners with a report on the building located at 214 East Mulberry Street was previously occupied as a Sonic Drive-In restaurant from 1978 to January 2020. The Detour a drive-in restaurant has occupied the building since February 2020.

The owner, Scott Olden is requesting to sell alcoholic beverages at The Detour, with a Wine and Beer Retailer's Permit (BG) and Food and Beverage Certificate (FB), which will require a Specific Use Permit for a private club in conjunction with a restaurant. He will not be able to obtain a liquor license without the Specific Use Permit.

Texas Alcohol Beverage Commissions (**TABC**) has defined the following as:

Wine and Beer Retailer's Permit (BG)

The holder can sell for consumption beer, ale, malt liquor and wine not more than 14% or 17% alcohol by volume (Code §251.81) on or off the premises where the product is sold. Products can't be sold for resale. This permit requires adequate seating area for customers.

Food and Beverage Certificate (FB)

May be issued to the holder of a Retail Dealer's On-Premise License (BE), Wine and Beer Retailer's Permit (BG), Mixed Beverage Permit (MB) and Private Club Registration Permit (N, NB, NE) if receipts from the sale of alcoholic beverages by the license holder at the location are 60% or less of the total receipts. The location must have permanent food service facilities for preparation and service of multiple entrees for consumption at the location.

The holder must meet the requirements of the Alcoholic Beverage Code and Rule 33.5 concerning the minimum number of entrees served, hours of service, etc.

Staff has talked to TABC multiple times and currently, there are no clear answers. Things have also been temporarily revised since the COVID-19 pandemic and there is no decision if this policy will become permanent or if it will just be temporary. TABC has been allowing businesses to sell their alcoholic beverages, for off-premises consumption, with the customer's to-go orders.

Staff spoke with Police Chief Dana Whitaker about the possibility of open containers leaving the premises and he stated that he would adhere to the TABC regulations.

Scott Olden stated there are a lot of other places where you can have a beer with your burger and he would like the same opportunity. The customer will be able to purchase the food and beverages to either consume on premise or to take it to-go.

Commissioner Snow stated he doesn't have a problem with the business selling beer as

long as it stays on the premises only. If there is a way to put a tray on the windows so the driver and passengers can place any bottles on the tray before they leave.

The Public Hearing was closed at 6:38 p.m.

Commissioner Snow made a motion to approve with only on premise consumption. The motion was seconded by Commissioner Saldana. Chairman Brown called for a vote with Commissioner Deaton, Commissioner Dunn, Commissioner Saldana and Commissioner Snow voting AYE and Chairman Brown, Vice-Chairman Cardoza, and Commissioner Lopez voting NAY. The motion carried by a vote of 4-3.

DISCUSSION/ACTION ITEMS

6. Consider and make a recommendation to City Council on the Site Plan of 1904 E. Highway 175 (PIO 56874) for the Kaufman County Adoption Center. The 45 acre lot is platted as Lot 1, Law Enforcement Center Addition. The property is zoned Highway Commercial. (Case No. SP-07-20)

Marcy Ratcliff Director of Development Services presented the Commissioners with a report on Kaufman County's Animal Adoption Center to be located on the same 45-acre property known as the Kaufman County Law Enforcement Center and future Justice Center. The property will be addressed as 1904 E. Highway 175. The Animal Adoption Center will be a 1-story structure containing 12,560 sf. The Adoption Center will house 66 dogs and 58 cats. There will be indoor "get to know you rooms" and an outdoor "get to know you courtyard". The building will also have offices for staff, a reception area for the public, and a check-in area in the rear, to assign the animals to the appropriate room awaiting a safe return to the owner or an adoption process. The exterior building materials include brick and composite wall panels that will complement the proposed Justice Center. The masonry wall around the outdoor "get to know you courtyard" will match the proposed building elevations.

The development of the Animal Adoption Center will create the need for a water detention area, to be located near the employee parking lot, for the stormwater runoff. The Animal Adoption Center will require 11 off-street parking spaces. The Adoption Center is proposing 29 off-street parking spaces (16 visitor spaces and 13 employee spaces). The Adoption Center is only required to provide 2 handicapped parking spaces but instead is proposing to develop 4 handicapped spaces. Two handicapped spaces will be located in the visitor parking area and 2 more handicapped spaces will be located in the employee parking area.

No new entrances are proposed from the Highway 175 Frontage Road. There are 188 existing off-street parking spaces. The Justice Center will require an additional 329 off-street parking spaces for a total of 517 off-street parking spaces. The combined total of all three uses will be 546 spaces.

David Dunman stated the two buildings are designed differently, but the exteriors will complement each other.

Commissioner Snow stated the community has waited 10 years for this project. Currently

it takes about 2 hours to transport and animal to the existing animal shelter. The City of Forney and the City of Terrell will also be contributing to this project.

Commissioner Snow made a motion to approve the Site Plan of 1904 E. Highway 175 for the Kaufman County Adoption Center, which is a 45 acre lot is platted as Lot 1, Law Enforcement Center Addition. The motion was seconded by Commissioner Lopez. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 7-0.

ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

None at this time.

BOARD INQUIRY If a member of the board makes a spontaneous inquiry about a subject not on this agenda, then the board or an appropriate staff member may make a statement of factual information or policy in response to such an inquiry. However, in accordance with Open Meetings Act Section 551.042, the Planning and Zoning Commission cannot discuss issues raised or make any decisions on that subject at that time. Issues raised may be referred to Staff for research and possible future action.

Commissioner Saldana asked about the property located in the 400 block of N. Clay Street. Trees are being cleared from the property.

Chairman Brown asked for an update on the sports complex.

Commissioner Snow asked if we know when TxDOT will be moving from their location at the corner of South Houston Street and South Washington Street.

ADJOURNMENT

Vice-Chairman Cardoza made a motion to adjourn at 7:02 p.m., seconded by Commissioner Lopez. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 7-0.

BURTON BROWN
CHAIRMAN

JOY HENDERSON
PLANNING TECHNICIAN



MINUTES
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, JANUARY 5, 2021 - 6:00 PM
KAUFMAN CITY HALL COUNCIL CHAMBERS
209 SOUTH WASHINGTON STREET,
KAUFMAN, TEXAS 75142

**This meeting will be held using
Videoconferencing/teleconferencing technology with
public access via: [WWW.ZOOM.US/JOIN](https://www.zoom.us/join) OR
(888)788-0099 (TOLL FREE)
MEETING/WEBINAR ID: 890 0513 4280
PASSWORD: 636705**

PLEDGE OF ALLEGIANCE US FLAG and TEXAS FLAG "HONOR THE TEXAS FLAG.
I PLEDGE ALLEGIANCE TO THEE, TEXAS ONE STATE UNDER GOD, ONE AND
INDIVISIBLE"

INVOCATION

CALL MEETING TO ORDER Chairman calls the Meeting to order, states the date and
time, states members present, and declares a quorum present.

Chairman Brown called the meeting to order at 6:06 p.m. Tuesday, January 5, 2021.
Commissioners present were Chairman Burton Brown, Vice Chairman Patrick Cardoza,
Commissioner Richard Dunn, Commissioner Darril Deaton, Commissioner Porfilo Lopez, and
Commissioner Gladis Saldana. Director of Development Services Marcy Ratcliff and Planning
Technician Joy Henderson were present.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES)

Comments about any of the agenda items may be taken into consideration at this time or
during the agenda item. Comments are limited to five (5) minutes per individual unless
additional time is otherwise required by law for translation. Speaking time is not
transferable. Citizens may address the P&Z Commission on any subject but must first
complete a Request to Speak Form so that the Chairman may call your name to speak at
the appropriate time on the Agenda. Comments must be directed to the P&Z Commission
as a whole. When addressing the P&Z Commission, please step forward to the speaker's
podium, state your name and address, and direct your comments to the Chairman and
P&Z Commission.

PUBLIC HEARING

- 1. Conduct a public hearing and make a recommendation to City Council on an ordinance amending the City of Kaufman Subdivision Ordinance 0-24-99, as amended, codified as Chapter 94 of the City of Kaufman Code of Ordinances, for parkland dedication requirements for the provision of adequate neighborhood and community parks and recreation facilities. (Case No. SO-01-21)**

The Public Hearing was opened at 6:08 p.m.

Marcy Ratcliff Director of Development Services presented the Commissioners with a report on a parkland dedication and fee ordinance which is proposed as a mechanism to provide more parks, recreational and open spaces, and park amenities in future single-family and multi-family residential developments, and to provide funding for new amenities in the new and existing parks. Terrell, Forney, Rowlett, Wylie, Frisco, McKinney, Garland, Mesquite, Sunnydale, and Rockwall are just some of the cities in the metroplex that have adopted similar ordinances. Staff and the City Attorney, working with our park consultant Dennis Sims of Dunkin Sims Stoffels, Inc., have developed the proposed ordinance. Mr. Sims was the consultant for the development of the City of Kaufman's Parks, Recreation and Open Space Master Plan (Park Master Plan), which was adopted on August 5, 2019. The 10-year plan was developed with input from the Kaufman Parks Board, Public Works, and City Council.

The ordinance gives single and multi-family developers the option to dedicate parkland or to pay a specified fee instead, which is called a fee-in-lieu of land, and a park development fee to fund the amenities of the new parkland. The developer can dedicate parkland and develop the park amenities as long as the amenities developed are equal or more in value than the park development fee. If the developer does not have enough land to dedicate, he can pay the fee-in-lieu of land and the park development fee that will go to the nearest park to fund amenities. The ordinance is employed during the planning and development of property or subdivision of single and multi-family residential property within the city limits and the extraterritorial jurisdiction (ETJ) area.

The ordinance requires that funds collected for fee-in-lieu of land are kept in a separate account with reference to the specific plat involved. These fees can be used for the purchase, acquisition, development, and/or improvement of a park. Park development fees are used to develop the amenities in the newly dedicated park or possibly in an undeveloped park within a one-mile radius of the subdivision. These fees must be encumbered or expended within 10 years of the date received. The developer can request a refund if the fees are not encumbered or expended.

Any parkland dedicated to the city or any fees collected are based upon the adopted Park Master Plan. Multi-family fees are required to be paid prior to the issuance of any building permits. Single-family residential fees are required to be paid prior to filing an associated plat of record. The Park Master Plan has the following five goals.

1. Provide passive and active recreational opportunities for all citizens.

2. Create a system of parks, open spaces, trails, and facilities that meet the needs of residents of all ages.
3. Use the Parks, Recreation and Open Space Master Plan as a guide for parkland acquisition, open space protection, and trail development.
4. Plan for a comprehensive hike and bike trail system.
5. Preserve and conserve Kaufman's natural areas, greenbelts, and open space for the enjoyment and environmental education of current and future citizens.

A parkland dedication ordinance is just one of the tools used to implement the Park Master Plan's goal for parkland acquisition and development in residential areas of the city. Watershed management and drainage way ordinances are two other key ordinances that would protect and preserve greenbelts and floodplains. This goal will be partially accomplished with a new subdivision ordinance. Development Services, the City Attorney, and our civil engineering firm, Teague, Nall, and Perkins are currently developing a draft subdivision ordinance for the Commission to consider later in 2021.

The Public Hearing was closed at 6:42 p.m.

Vice-Chairman Cardoza made a motion to approve amending the City of Kaufman Code of Ordinances, for the adoption of parkland dedication requirements and related fees in order to provide adequate neighborhood and community parks and recreation facilities. The motion was seconded by Commissioner Dunn. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 6-0.

ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

2. Update on Development Services Department - Todd White, new Certified Building Official.

The City of Kaufman has hired a Certified Building Official that started in December. He will be taking over the inspections from our 3rd party inspection company Bureau Veritas. Bureau Veritas will finish the permits and inspections that have already been assigned to them, but Todd will start taking on more and more inspections and plan reviews.

3. Update on MyGov - Building Permit Software

The City is updating our permitting software from MyGov-4 to MyGov-5. It is supposed to allow the cities to do more efficient code enforcement, permits and inspections. We have also added an additional module that will help us track liens.

4. Update on Draft Kaufman Subdivision Ordinance

The City is working with Tom Rutledge who is an engineer and Patricia Adams, our City Attorney, on updating the Kaufman Subdivision Ordinance. It is going slow since we only Zoom meet and there is so much information to go through.

BOARD INQUIRY If a member of the board makes a spontaneous inquiry about a subject not on this agenda, then the board or an appropriate staff member may make a statement of factual information or policy in response to such an inquiry. However, in accordance with Open Meetings Act Section 551.042, the Planning and Zoning Commission cannot discuss issues raised or make any decisions on that subject at that time. Issues raised may be referred to Staff for research and possible future action.

ADJOURNMENT

Vice-Chairman Cardoza made a motion to adjourn at 6:49 p.m., seconded by Commissioner Saldana. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 6-0.

BURTON BROWN
CHAIRMAN

JOY HENDERSON
PLANNING TECHNICIAN



Meeting Date: March 2, 2021

Consent: No

Discussion/Action: Yes

SUBJECT: Conduct a public hearing and make a recommendation to City Council on a request by Shane Appleby on a 0.51-acre lot located at 304 Melody Circle (PID# 25059), Lot 9R, Harmony Estates for a specific use permit to allow a detached garage with an accessory dwelling unit in conjunction with a single-family residence. (Case No. Z-01-21)

BACKGROUND/SUMMARY:

Mr. Shane Appleby, owner of 304 Melody Circle, requested a building permit in December 2019 to construct a 16-foot by 16-foot accessory storage building (256 SF) on a lot containing approximately 22,645 SF (0.51 acre). The property is zoned Single Family Residential (SF-6) which requires a minimum lot size of 6,000 SF. A second floor was added to the storage building during construction without revising the permit. He assumed because the footprint of the building was not changing and no plumbing was being added that a revision to the permit was not necessary. The purpose for the second floor was for a small game room, a craft area, and a sleeping area for occasional guests.

During the construction, City staff requested the construction work stop after he completed installation of the roof and could then talk further with the Planning staff. It was explained to Mr. Appleby that only one-story accessory buildings are allowed. Further, the only two-story accessory building allowed in this zoning district is a detached garage with an accessory dwelling unit, but a specific use permit (SUP) would have to be approved by City Council first.

Mr. Appleby is now requesting a specific use permit to allow a detached garage with a second-floor accessory dwelling unit. Mr. Appleby proposes the following:

1. The first-floor storage building will be converted to a garage by adding a garage door on the left side of the building.
2. The existing interior stairs to the second floor will be removed.
3. A French door will be added on the right side of the building on the second floor to open out onto a new exterior pressure treated 16-foot by 18-foot deck (288 SF).
4. The deck and the dwelling unit area will be accessed by an exterior flight of stairs.

DETERMINATIONS NECESSARY FOR CONSIDERING SUP'S

Sec 30.2. – SPECIFIC USE PERMIT REGULATIONS:

A. In recommending that a Specific Use Permit for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures

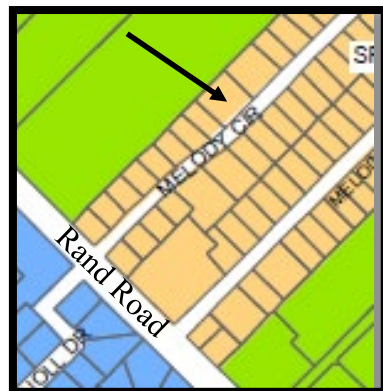
and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening, and open space, heights of structures, and compatibility of buildings. In approving a requested SUP, the Planning and Zoning Commission and City Council may consider any or all of the following:

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;
 2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
 3. The nature of the use is reasonable;
 4. Any negative impact on the surrounding area has been mitigated; and/or
 5. That any additional conditions specified to ensure that the intent of the district is being upheld.
- B. In granting a Specific Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official, or his designee, for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy, and shall be incorporated into the amending ordinance establishing the SUP.
- C. No Specific Use Permit shall be granted unless the applicant, owner, and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements or conditions of the Specific Use Permit, as incorporated into the amending ordinance establishing the SUP, and as reviewed by the Planning and Zoning Commission and approved by the City Council.

SURROUNDING ZONING AND EXISTING LAND USES:

Zoning Map

	Zoning	Existing Land Use
Left:	SF -6	Existing house
Right:	SF-6	Existing house
Rear:	A/O	Undeveloped
Front:	SF-6	Existing house.



COMPREHENSIVE PLAN:

Land Use Plan:

The 2009 Future Land Use Plan designated the land use of the subject property as a Future Residential – Medium Density. The existing SF-6 zoning complies with the 2014 Future Land Use Plan because of the minimum residential lot sizes allowed. Remember, future land use areas are generally located on a map and are not like specific zoning districts. Future land use plan maps are typically for planning at least 20 years out into the future.



Thoroughfare Plan:

Melody Circle is not a designated thoroughfare.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 31 property owners within 300' of 304 Melody Circle. The results are as follows:

- Property owners returned letters in opposition to the request: 0.
- Property owners returned the letter in agreement with the request: 0.
- Property owners who have not responded: 31.

If 20% of the area within 200 feet of the request objects to the application, then a favorable vote of $\frac{3}{4}$ of all members of the City Council (which is 6 members) shall be required to approve any change in zoning. The 20% rule is a State law.

RECOMMENDATIONS:

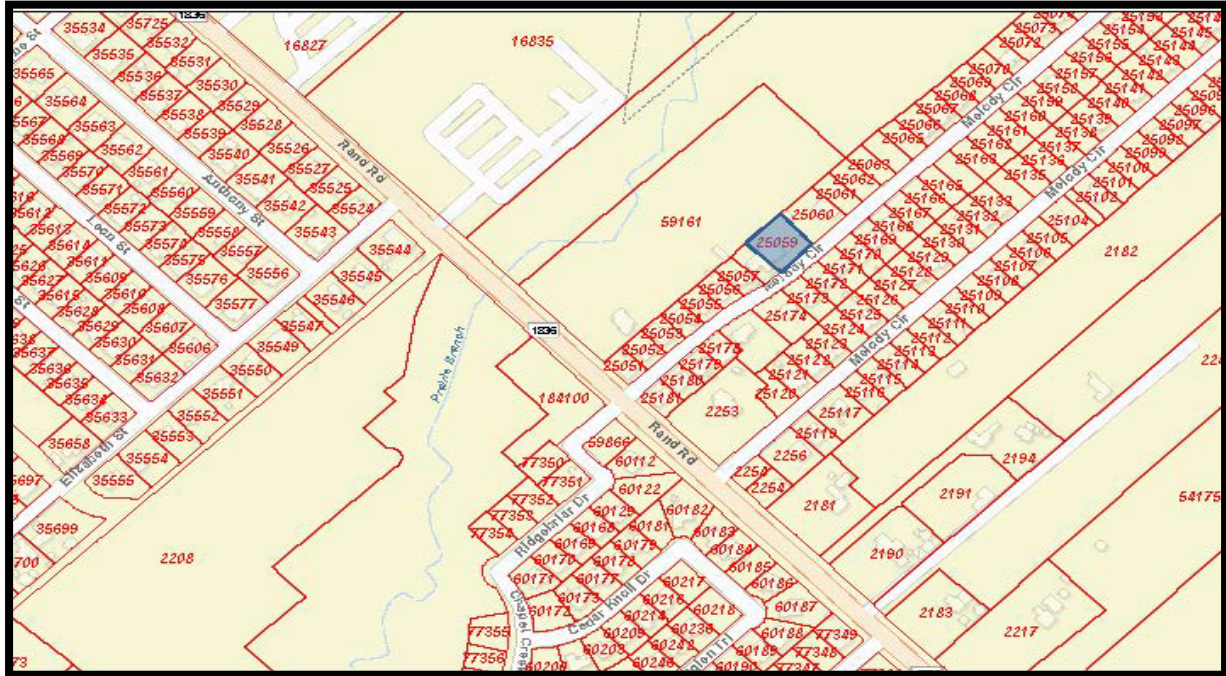
Staff recommends approval of Z-01-21, a request for a specific use permit to allow a two-story garage/accessory dwelling unit on an approximately 0.51-acre lot in a Single Family Residential -6 District (SF-6) at 304 Melody Circle since there are no adverse impacts to any adjacent properties.

ATTACHMENTS:

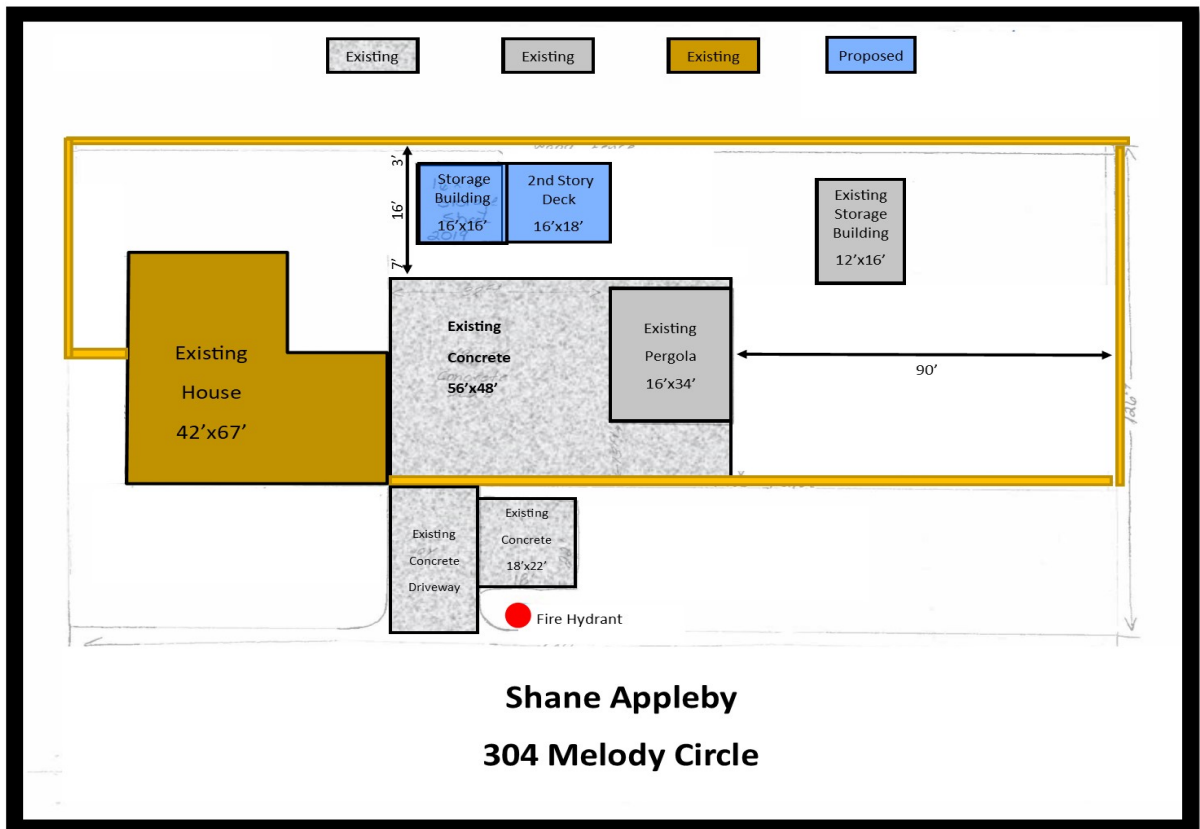
1. Location map
2. Site plan
3. Applicant's letter & proposed elevations
4. Pictures at time of discovery

Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

Location Map



Site Plan



The home located at 304 Melody Circle is the home I grew up in. My Dad, Grandpa, and two uncles bought the home plus two extra lots when I was 12 years old. The property contains approximately 0.51 acres. I have lived at this address for over 37 years. The neighborhood is very nice and I have nothing but really great memories here. I have known my neighbors directly across the street from me the entire 37 years that I've been here and they are just like family to me. I plan on living at this address for the rest of my life and that's why I keep my property nice and clean.

In December 2019 I got a permit for a 16-foot x 16-foot accessory storage building. I didn't start construction until March 2020. During construction, I decided to add a second floor to the accessory storage building, which was unfortunately done without a permit. Since I was not increasing the footprint of the building or adding any plumbing, I did not think I needed a revised permit. During the construction, I was notified by City staff that only one-story accessory buildings were allowed. Also, the only two-story accessory structure allowed is a detached garage with an accessory dwelling unit. I was told to speak with the Planning Division, so I stopped working on the structure as requested. I am now requesting a specific use permit to turn the partially constructed accessory storage building into a detached accessory garage with a second floor accessory dwelling unit so that I may use it for the following three reasons.

1. A game room with a small pool table and a flat-screen TV
2. A craft room for my girlfriend to enjoy her hobby or making things
3. A guest area with a pull-out couch for friends and family to sleep on when they come to visit on the occasional weekends, holidays, and special get-togethers

I would like to run electrical to the structure for all the lights upstairs and the downstairs area and a mini-split heat/air-conditioning unit that uses 220 volts for the upstairs area. I am proposing to remove the existing interior stairs so the second floor will have an area of 16 feet by 16 feet to have room for the three uses listed above. I am proposing to add French doors on the right side of the structure that will open out onto a new exterior pressure treated deck (16 feet x 18 feet) with exterior stairs for access to the second floor. The deck will provide an area for exterior patio furniture to enjoy with family and friends. I intend to paint the accessory garage the same color as the main house and the existing accessory storage building so that everything matches. I put two dormers on the accessory storage building so it would match the five dormers on the house and the two dormers on the accessory storage building.

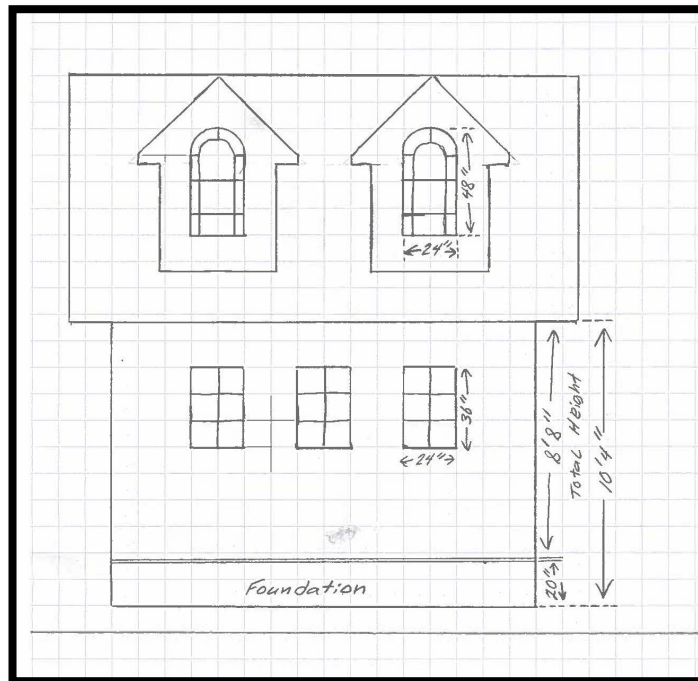
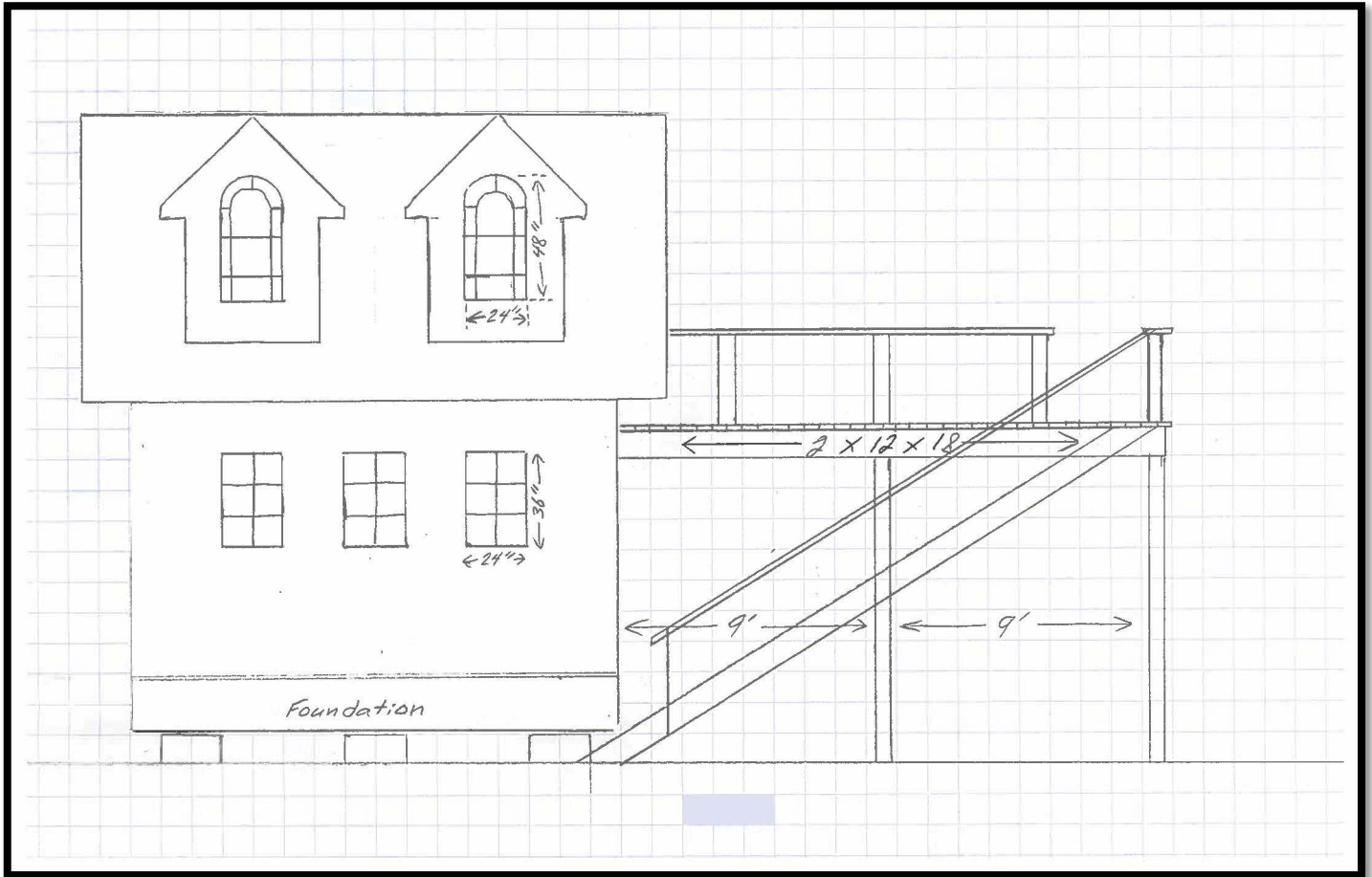
My goal is to make my home and property even nicer. I will not be renting the accessory dwelling unit and I understand I'm not allowed to do so. The proposed accessory garage with the upstairs accessory dwelling unit will only be for personal use. I appreciate your help and consideration for approval of the specific use permit for the detached garage with the second story accessory dwelling unit.

Sincerely,

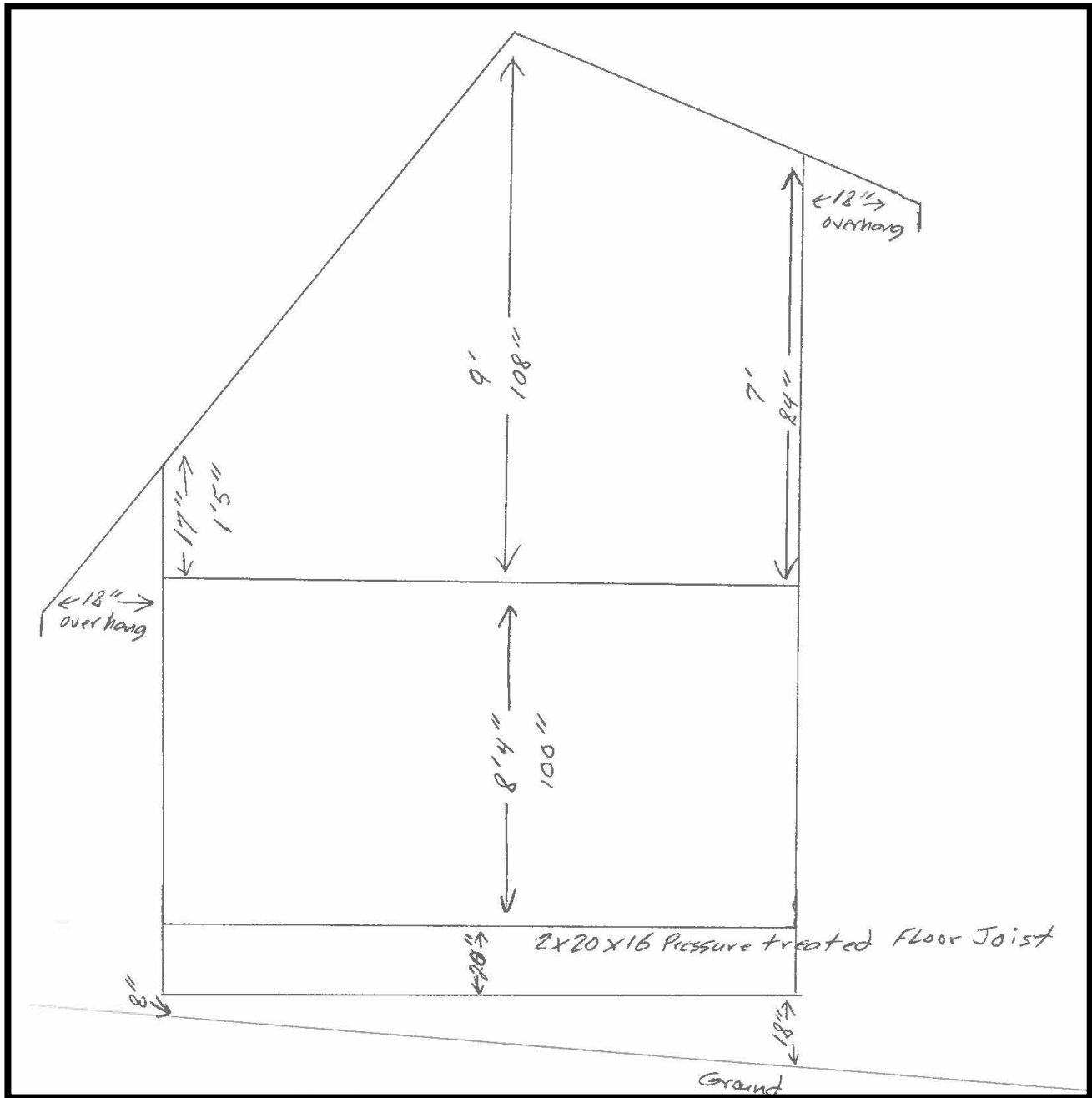


Shane Appleby
304 Melody Circle
Kaufman, TX 75142

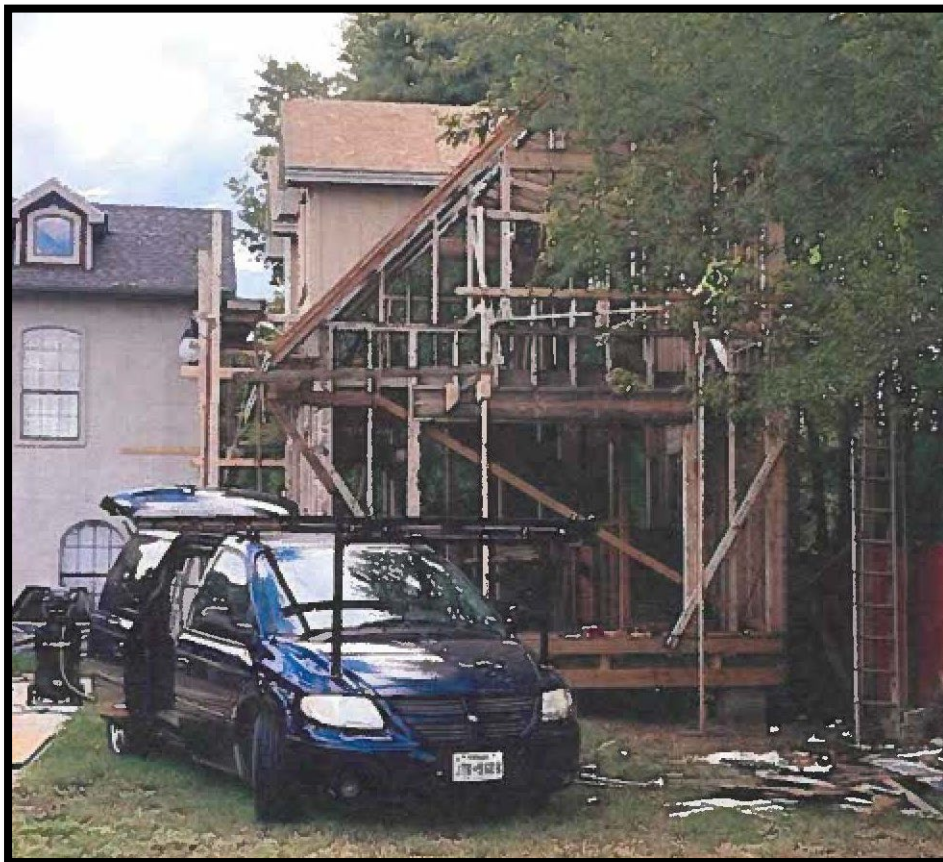
Proposed Front Elevation

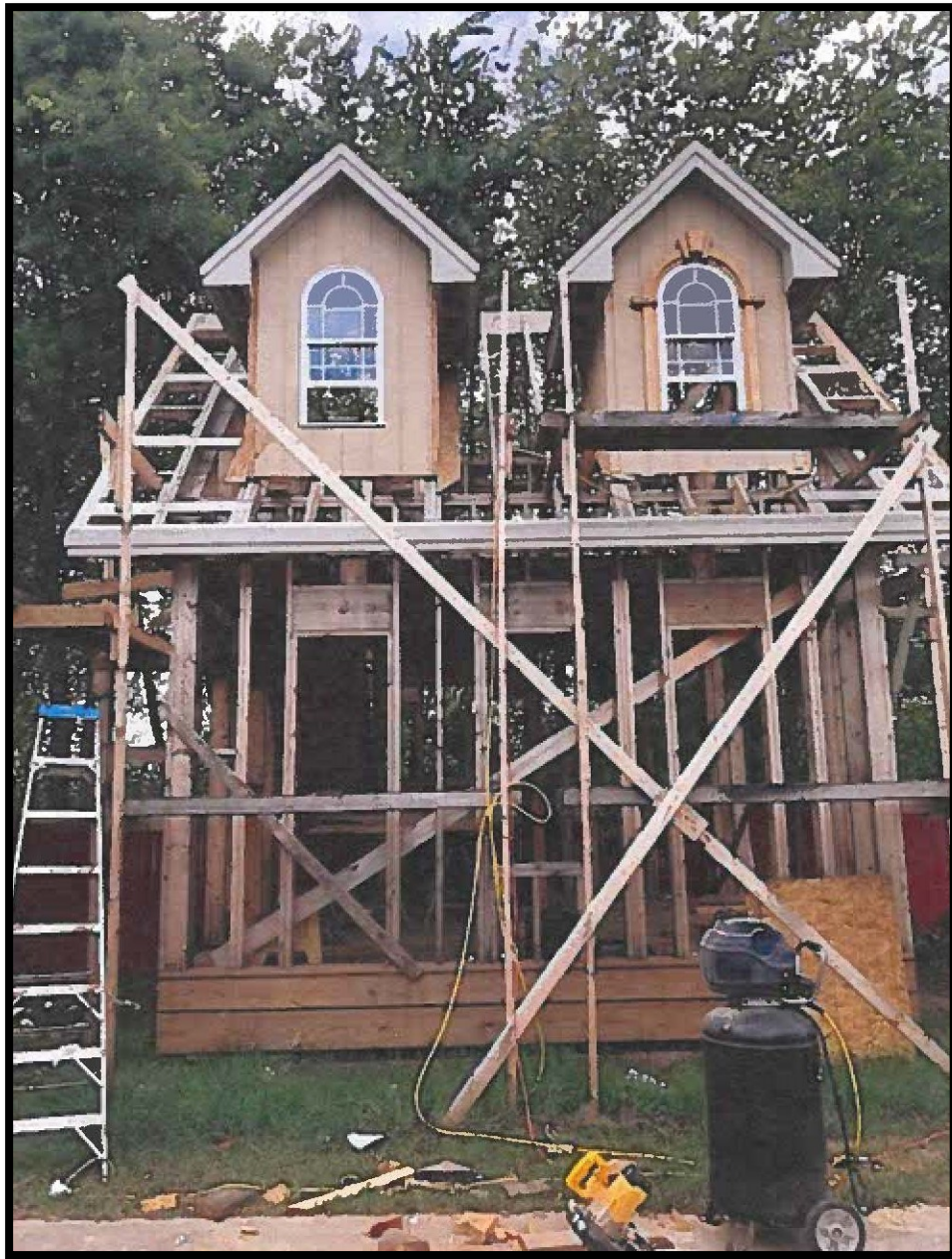


Proposed North Elevation



304 Melody Circle









Meeting Date: March 2, 2021

Consent: Yes

Discussion/Action: No

SUBJECT: Consider and make a recommendation to City Council on the Development Plat and Land Study of La Vega Ranch Addition located in the Extraterritorial Jurisdiction (ETJ) of the City of Kaufman. The 10 lot addition containing 92.72 acres is located on the east side of County Road 4104 (CR4104) northeast of Star Trail (Wynchase Crossing Addition, Phase 1). (Case No. DP-01-21)

BACKGROUND/PURPOSE:

The subject property has been farmland for numerous years. The applicant Field & Permits, LLC has submitted a development plat for 10 lots located off of CR 4104 (see Addition 1). The applicant built a gravel road and divided the 92.72 acres into 10 tracts and sold off 9 of the proposed lots in 2020. Gravel roads are not allowed by the City of Kaufman Subdivision Ordinance. Initially, there was no water, electricity, or other utilities to the tracts. Trinity Valley Electric Co-op has gotten the necessary off-site and on-site easements needed to extend electrical service to the tracts. The applicant has been working with Gastonia-Scurry Special Utility District (SUD) to get the necessary easements to extend water lines to the tracts. Gastonia Scurry SUD has approved the civil construction plans for the water line installation but does not have the necessary easements which would normally be included on a final plat.

The Development Plat of La Vega Ranch was submitted because the applicant needed addresses from Kaufman County Development Services and installation of a water line through Gastonia Scurry SUD (see Addition 2). Kaufman County Development Services would not provide addresses until the property was platted and the plat filed at the District Clerk's office as required by the City of Kaufman's Subdivision Ordinance. Field and Permits, LLC has listed themselves as the sole owner of the 92.72-acre tract and has provided only their signature on the application (see Addition 3). The submitted application does not include the signatures of the other property owners as shown on the Kaufman County Appraisal District's web page.

From what staff can discover on the Kaufman County Appraisal District's web page Field & Permits and the subsidiary companies purchased the property sometime between 2018 and 2019. Field & Permits filed a reservation and dedication deed (Document No. 2020-0005384) at the District Clerk's office on February 27, 2020, to dedicate and reserve a road and utility easement for use as a public street, utilities, and right-of-way, and for such other uses as public streets may be used (see Attachment 2). The document did not dedicate the street to any public entity, nor does this document address maintenance.

A cost maintenance agreement (Document No. 2020-0030767) was filed by Field & Permits at the District Clerk's office on October 6, 2020 (see Attachment 3). This document is not considered a Home Owner's Association that would be responsible for the maintenance of a private street. The document requires one of the parties involved to act as the agent to get bids to do the maintenance work and collect from each party their share of the cost.

Below are the requirements for a Development Plat. Staff has compiled a list of the Kaufman Subdivision Ordinance requirements and standards not met by the applicant (see Attachment 1). **The list may not identify all non-conformity with the Subdivision Ordinance due to insufficient information provided in the plat and application but must be noted in the motion made by the Planning and Zoning Commission and City Council.**

Kaufman Subdivision Ordinance Section 2.7: Development Plats

- 2.7 a. Authority. This section is adopted pursuant to Texas Local Government Code, Chapter 212, Subchapter B, Sections 212.041 through 212.050, as amended.
- b. Applicability. For purposes of this section, the term "development" means the construction of any building, structure or improvement of any nature (residential or nonresidential), or the enlargement of any external dimension thereof. This section shall apply to any land lying within the City or within its extraterritorial jurisdiction in the following circumstances:
1. The development of any tract of land which has not been platted or replatted prior to the effective date of this Ordinance, unless expressly exempted herein;
 2. The development of any tract of land for which the property owner claims an exemption from the City's Subdivision Ordinance, including requirements to replat, which exemption is not expressly provided for in such regulations;
 3. The development of any tract of land for which the only access is a private easement/street;
 4. The division of any tract of land resulting in parcels or lots each of which is greater than five (5) acres in size, and where no public improvement is proposed to be dedicated.
- c. Exceptions. No development plat shall be required, where the land to be developed has received final plat or replat approval prior to the effective date of this Ordinance. The City Council may, from time to time, exempt other development or land divisions from the requirements of this section.
- d. Prohibition on Development. No development shall commence, nor shall any building permit, utility connection permit, electrical connection permit or similar permit be issued, for any development or land division subject to this section, until a development plat has been approved by the Planning and Zoning Commission and City Council and filed with the City Secretary.
- e. Standards of Approval. The development plat shall not be approved until the following standards have been satisfied:
1. The proposed development conforms to all City plans, including but not limited to, the Comprehensive Plan, Thoroughfare Plan, Land Use Plan, Park and Open Space Master Plan, utility plans and applicable capital improvements plans;
 2. The proposed development conforms to the requirements of the Zoning Ordinance;
 3. The proposed development is adequately served by public facilities and services, parks and open space in conformance with City regulations;
 4. Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered; and

5. The proposed development conforms to the design and improvement standards contained in this Ordinance and in the TCSS manuals.
- f. Conditions. The City may impose such conditions on the approval of the development plat as are necessary to assure compliance with the standards in subsection (e) above.
- g. Land Study Requirement. Whenever a property owner proposes to divide land into tracts or lots each of which is greater than five (5) acres, and for which no public improvements are proposed, he shall submit a land study together with his application for approval of a development plat in accordance with Section 2.3 of this Ordinance.
- h. Approval Procedure. The application for a development plat shall be approved, conditionally approved, or denied by the City Council following review and recommendation by the Planning and Zoning Commission. Upon approval, the development plat shall be filed with the County by the City Secretary.
- i. Submittal requirements - Each development plat shall:
 1. Be prepared by a registered professional land surveyor;
 2. Clearly show the boundary of the development plat;
 3. Show each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement involving a change therein; and
 4. Show all easements and rights-of-way within or adjacent to the development plat.

KAUFMAN COUNTY THOROUGHFARE PLAN:

CR 4104 is designated as a Collector (Type C 2-3 lanes) requiring a minimum right of way dedication of 100. The proposed plat shows no additional right-of-way dedication for CR 4104. Typically, on county roads, the property owner owns up to the center of the road until a plat is approved. So in this case the right-of-way dedication could be up to 50 feet.

RECOMMENDATIONS:

Staff recommends denial of the Development Plat of La Vega Ranch Addition for the reasons stated in Attachment 1 - Development Plat Lots 1-8, La Vega Ranch Subdivision Ordinance Comments 2-25-21. The comments list the specific sections of the Subdivision Ordinance the development plat and application has insufficiently provided.

ADDITIONS:

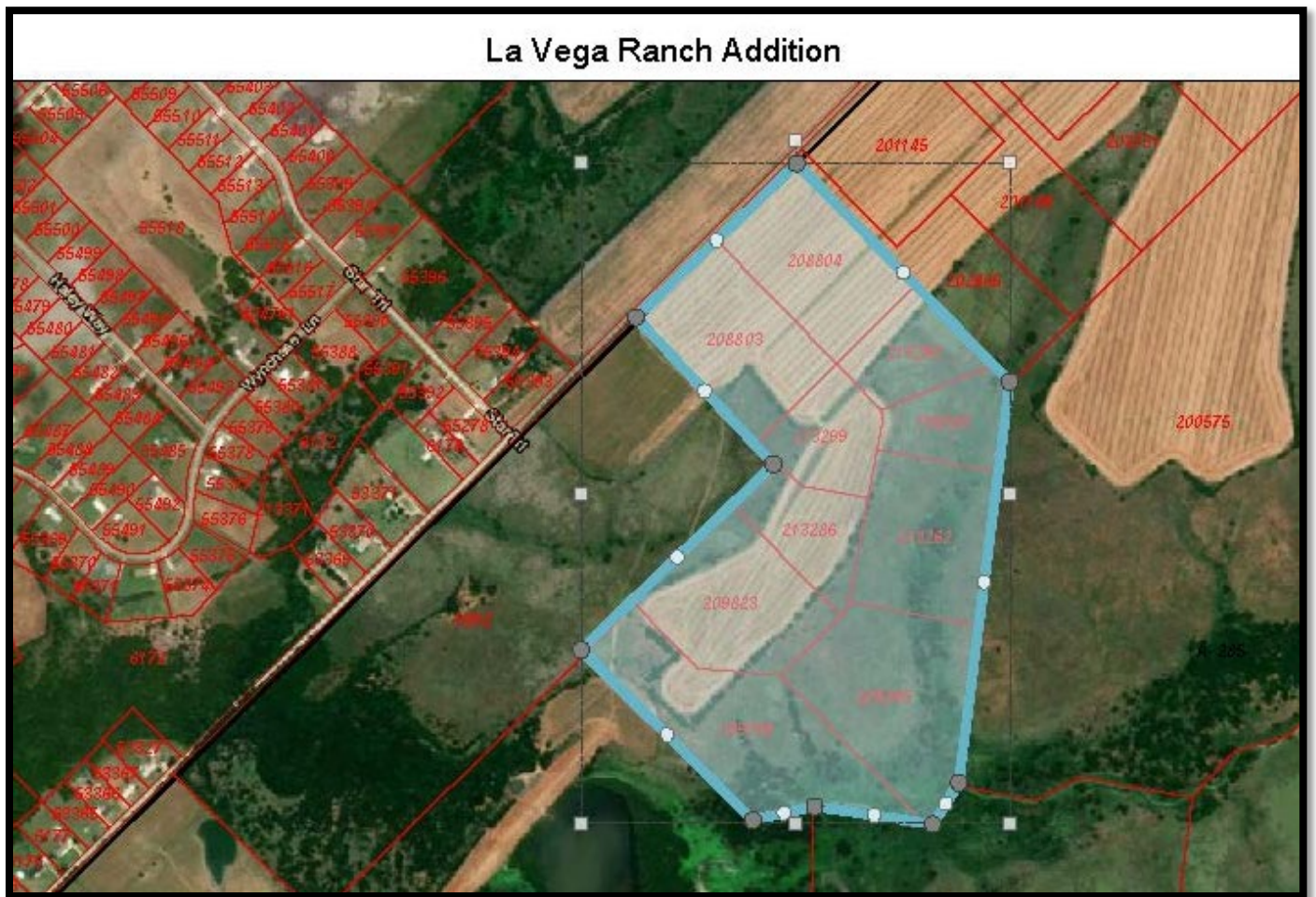
1. Location Map
2. Development Plat of La Vega Ranch
3. Application

ATTACHMENTS:

1. Development Plat Lots 1-8, La Vega Ranch Subdivision Ordinance Comments 2-25-21
2. Reservation and Dedication Deed - Document No. 2020-005384
3. Road Maintenance Agreement – Document No. 2020-0030767

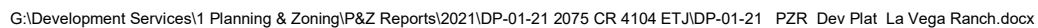
Marcy Ratcliff
Development Services Director
972-932-2216 ext. 117 Kaufmanplanning@kaufmantx.org

Addition 1 – Location Map



[illegible]

Enlargement of the Development Plat of La Vega Ranch



Case Number: DP- 01-21



DEVELOPMENT PLAT REVIEW APPLICATION

1. Site Location:

General Street Location: County Road 4104 PID: 198586

Street Address: 2075 County Road 4104, Crandall, TX 75114

Lot, Block, & Subdivision Name: 92.72 Acres in the Thomas Lowry Survey Abstract No. 78

2. Applicant:

Name: Lorraine Vega

Address: 810 Lake Carolyn Pkwy, Ste. 411

City/State: Irving Zip: 75039

Office #: 469-300-0521 Cell #: 787-642-1276 Fax #: _____

Email Address: fieldpermits@gmail.com

3. Property Owner:

Name: Field & Permits LLC

Address: 810 Lake Carolyn Pkwy, Ste. 411

City/State: Irving Zip: 75039

Office #: 469-300-0521 Cell #: 787-610-7347 Fax #: _____

Email Address: fieldpermits@gmail.com

4. Summarize the proposed development. If necessary, use a separate sheet.

Install water line and obtain 911 addressing.

209 SOUTH WASHINGTON • PO Box 1168 • KAUFMAN, TEXAS 75142 • (972) 932-2216 • FAX (972) 932-6288

g:\development services\email & forms\new folder\pz development plat application & guidelines.docx

Updated: 3/4/2019

Addition 3 – Application for Development Plat of La Vega Ranch

5. **Present Zoning:** No zoning **Present Land Use:** No zoning, it's in the ETJ City of Kaufman

Future Land Use Designation: N/A

6. **Attach:** any additional maps, exhibits, drawings or pictures necessary to help explain the request.

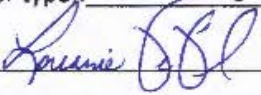
7. Local Government Code 212.010 Standards for Approval

- a. The municipal authority responsible for approving plats shall approve a plat if:
- It conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
 - It conforms to the general plan for the extension of the municipality and its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;
 - A bond required under Section 212.0106, if applicable, is filed with the municipality; and
 - It conforms to any rules adopted under Section 212.002.
- b. However, the municipal authority responsible for approving plats may not approve a plat unless the plat and other documents have been prepared as required by Section 212.0105, if applicable.

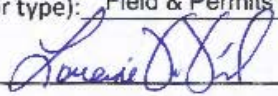
I UNDERSTAND THAT IT IS NECESSARY FOR ME OR MY AGENT TO BE PRESENT AT BOTH THE PLANNING AND ZONING COMMISSION MEETING AND CITY COUNCIL MEETING.

I hereby authorize the undersigned applicant to act as my agent for the representation and/or presentation of the request.

Applicant Name (print or type): Lorraine Vega

Applicant signature: 

Owner Name (print or type): Field & Permits LLC - Lorraine Vega (Vice President)

Owner signature: 

FAILURE TO APPEAR before the Planning and Zoning Commission or City Council for more than one (1) hearing without an approved delay by the City Manager or his designee shall constitute sufficient grounds to table or deny the request unless the City is notified at least 72 hours prior to the hearing.

DENIALS BY THE PLANNING AND ZONING COMMISSION shall be forwarded to City Council, along with the Commission's reasons for denial and will require a ¾ favorable vote of all members of City Council (6 votes).

TABLED BY THE PLANNING AND ZONING COMMISSION: The Commission may not defer its report for more than 90 days from the time it was posted on the agenda, or until it has had an opportunity to consider other proposed changes, which may have a direct bearing, unless a postponement is requested by the applicant.

Date Received _____ Date Paid _____ Receipt Number _____

209 SOUTH WASHINGTON • PO Box 1168 • KAUFMAN, TEXAS 75142 • (972) 932-2216 • FAX (972) 932-6288

g:\development services\email & forms\new folder\pz development plat application & guidelines.docx

Updated: 3/4/2019

Attachment #1



DP-01-21
2075 CR 4104 - ETJ Plat

February 25, 2021
Matkin Hoover Engineering Surveying-Kyle Pressler
Lorraine Vega, Field & Permits, LLC

Development Plat Lot 1-8, La Vega Ranch Subdivision Ordinance Comments

1. After reviewing the proposed development plat for 10 lots it has been determined this application is not applicable based on the development proposed. A preliminary and final plat with civil construction plans addressing the Kaufman Subdivisions and Subdivision Design Standards is required for this development
2. Prior to 2020 the property was not developed. A gravel road was installed illegally. According to Section 3.1c.10 "All private streets shall be designed and constructed in accordance with the City's standards for publicly dedicated streets." Your application noted access is provided from CR 4104 to the existing private street, La Vega Roadway. You further noted in the application the 10 lots were provided access from a recorded Road Maintenance Agreement, document No. 2020-00307, Official Public Records of Kaufman County, Texas. The document No. was incorrectly listed in the application papers. The development plat noted the correct document No. 2020-0030767, which was filed on October 6, 2020. The reservation and dedication deed does not dedicate the road to any entity and only shows it was a road and utility easement. The Road Maintenance Agreement is not in accordance with Section 4.3. See comment #4.
3. Submit with the final plat application a Property/Homeowners Association in compliance with Section 4.3 Property/Homeowners Associations to establish a proper property/homeowners association, including its financing and the rights and responsibilities of the property/homeowners in relation to the use, management, and ownership of common property, the subdivision plat, dedication documents, covenants, and other recorded legal agreements.
4. Field & Permits LLC has signed as the property owner of all 10 lots as shown on the development plat effective February 2, 2021. According to the Kaufman County Appraisal District proposed Lot 8 is owned by Rene & Rosario Sainz, proposed Lot 7B is owned by Jorge M Jaimes & Rosaura E Muzquiz, proposed Lot 7A is owned by Jose A. Lamas & Barrera Leonor, proposed Lot 6 is owned Ignacio & Mara Berber, proposed Lot 5 is owned Ana M Lule, proposed Lot 4 is owned by Ignacio & Mara Berber, proposed Lot 3 is owned by Pablo A & Maria Alvarez, proposed Lot 2 A and Lot 1 are owned by Antonio Carmona & Magaly Lopez. **The owners of the lots mentioned above have not signed the application and therefore have not authorized Field & Permits LLC to submit this application. This application is denied based on the fact that not all property owners have authorized such an application and the lots were subdivided in violation of the Kaufman Subdivision Regulations.** Field & Permits LLC only owns proposed Lot 2B. According to Section 1.15:
 - a. ***Misrepresentation of Facts: It shall be unlawful for any person to knowingly or willfully misrepresent, or fail to include, any information required by this Ordinance on any application for annexation, zoning, development, or subdivision of property.***
 - b. ***Penalties and Exceptions. If any applicant for such hearing, or any owner of property subject to such hearing, shall allow such hearing before the Planning and Zoning Commission and/or the City Council to be heard in violation of any of the provisions of***

Attachment #1

the Ordinance, such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a penalty as per Section 1.12.

5. According to Section 2.7.b.4 one of the applicable criteria is as follows: ***“The division of any tract of land resulting in parcels or lots each of which is greater than five (5) acres in size, and where no public improvement is proposed to be dedicated.”*** My understanding after speaking with Gastonia-Scurry SUD you are proposing a 6” water line which is considered a public improvement.
 - a. Gastonia Scurry SUD is requesting a 15-foot water line easement. The easement is required to be shown on the plat including the recorded volume and page. The access & utility easement shown on the plat does not dedicate the easement to any particular entity. Gastonia Scurry SUD requires their easements to be dedicated to the SUD.
 - b. Electrical service was extended by Trinity Valley Electric Co-op recently at your request a 15-foot electrical easement was required and has already been filed and is not reflected on this plat. The filed Trinity Valley Electric Co-op electric easement shall be shown on the plat and indicate the recorded volume and page.
6. All lots are required to front on either a public or private street. The proposed subdivision does not meet the standards for a private street. The civil construction plans did not include any plans or design standards for the private street. According to Section 3.1.c.10 ***“Private Streets shall be designed and constructed in accordance with the City’s standard for public dedicated streets. The term” private street” shall be inclusive of alleys, if such are to be provided within the subdivision.”*** Listed below is the Subdivision Eligibility Criteria for private streets:
 - a. ***Subdivision Eligibility Criteria. Private streets shall be permitted only within a subdivision satisfying each of the following criteria:***
 1. ***The subdivision shall have no fewer than fifty (50) residential lots;***
 2. ***The streets to be restricted to private use are not intended for regional or local through traffic circulation (see subsection 3.1c.10. (b) below);***
 3. ***The subdivision is located in an area that is surrounded on at least three sides (i.e., 75% of the perimeter) by natural barriers (e.g., creeks and flood plains) or similar barriers (e.g., golf course or linear park) created by man (non-qualifying barriers include screening walls, roadways, man-made drainage ditches or berms, utility easements, and rights-of-way);***
 4. ***The subdivision is not located adjacent to an existing or approved public street subdivision that can be reasonably connected, even though the street connection would require the construction of a bridge or culvert the two subdivisions shall be connected as public street subdivisions;***
 5. ***A mandatory property (homeowners) association, which includes all property to be served by the private streets, will be formed (see subsection 3.1c.10.(e) below); and***
 6. ***The subdivision conforms to any other special guidelines for private street developments as may be approved separately by the City Council.”***
 - b. ***Streets Excluded. Streets that are shown on the City’s Thoroughfare Plan as collectors (Type “C” or “D”) or arterials (Type “AA”, “A” or “B”) shall not be used, maintained or constructed as private streets, and a private street subdivision shall not cross or interfere with an existing or future collector or arterial street. Also, the Planning and Zoning Commission and City Council may deny the creation of any other private street if, in their sole judgment, the private street would negatively affect traffic circulation on public streets, or if it would impair access to the subject or adjacent property; impair access to or from public facilities including schools or parks; or if it would cause possible delays in the response time of emergency vehicles.***

Attachment #1

- c. Access onto Public Thoroughfare.** A private street subdivision shall provide a minimum of seventy feet (70') of access frontage on a public collector or arterial street for subdivision entrances. Primary access into a private street subdivision shall be from a major collector (Type "C") or larger roadway, as shown on the City's Thoroughfare Plan. Restricted access entrances shall not be allowed from minor collectors (Type "D"), minor residential/local streets (Type "E"), or from alleys. No more than two (2) gated street entrances may intersect a thoroughfare (Type "D" or larger) within any one (1) mile segment.
- d. Parks and Greenbelts Excluded.** A private street subdivision shall not cross or interfere with an existing or future public pedestrian pathway, hike and bike trail, greenbelt, or park as shown on the City of Kaufman's Parks, Recreation & Open Space Master Plan.
- e. Property (Homeowners) Association Required.** Subdivisions developed with private streets shall have a mandatory property owner's association which includes all property served by the private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents must establish a reserve fund for the maintenance of streets and other improvements. The association documents shall be reviewed and approved by the City Attorney to ensure that they conform to this and other applicable City rules and regulations. The documents shall be filed of record prior to final plat approval. Lot deeds must convey membership in the association, and must provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the City Council. No portion of the association documents pertaining to the maintenance of private streets and alleys, and assessments, therefore, may be amended without the written consent of the City Council.
- f. Private Street Lot.** Private streets must be constructed within a separate lot owned by the property owner's association. This lot must conform to the City's standards for public street rights-of-way. An easement covering the street lot shall be granted to the City providing unrestricted access to and use of the property for any purpose deemed necessary by the City. This right shall also extend to all utility providers operating within the City. The easement shall also permit the City to remove any vehicle or obstacle within the street lot that may impair emergency access.
- g. Construction and Maintenance Cost.** The City shall not pay for any portion of the cost of constructing or maintaining a private street.
- h. Infrastructure/Utilities.** All water, sewer, and drainage facilities, street lights, and traffic control devices (e.g., signs) placed within the private street lot shall be installed to City standards and shall be dedicated to the City prior to filing the record plat for the subdivision. All private traffic control devices and regulatory signs shall conform to the "Texas Manual of Uniform Traffic Control Devices". All City regulations relating to infrastructure financing, developer cost participation, and capital cost recovery shall apply to developments with private streets, with the exception of those applying to street construction. The metering for utilities such as water, gas, and electricity shall be located on the individual lots to be served, not grouped together in a single (or multiple) centralized location (i.e., no centralized "gang-box" style metering stations)
- i. Plans and Inspections.** Development applications for subdivisions with private streets must include the same plans and engineering information required for public streets and utilities. City requirements pertaining to inspection and approval of improvements shall apply, and fees charged for these services shall also apply. The City may periodically inspect private streets, and may require any repairs necessary to ensure

Attachment #1

efficient emergency access and/or to protect the public health, safety, convenience, and welfare.

- j. Restricted Access. The entrances to all private streets must be clearly marked with a sign, placed in a prominent and visible location, stating that the streets within the subdivision are private, and that they are not maintained by the City. Guard houses, access control gates, and cross arms, if used, shall be constructed per subsection (k) below. All restricted access entrances must be manned twenty-four (24) hours every day, or they must provide an alternative means of ensuring access to the subdivision (preferably with an Opticom-type system for emergency access) by the City and other utility or public service providers (e.g., postal carriers, utility companies, etc.) with appropriate identification. If the association fails to maintain reliable access as required herein, the City may enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this Section which may not be amended without the written consent of the City Council.*
- k. Access Restricted Entrance Design Standards. Any private street which has an access control gate or cross arm must have a minimum uninterrupted pavement width of twenty-two feet (22') at the location of the access control device. If an overhead barrier is used, it must be a minimum of fourteen feet (14') in height above the road surface, and this clearance height shall be extended for a minimum distance of fifty feet (50') in front of and behind the location of the access control device. All gates and cross arms must be of a break-away design. A turn-around space must be located in front of any restricted access entrance to allow vehicles denied access to safely exit onto public streets without having to back up into the street. The design and geometry of such turn-around shall be such that it will accommodate smooth, single-motion U-turn movements by the following types of vehicles:*
 - 1. Larger passenger vehicles (e.g., vans, pick-up trucks, etc.);*
 - 2. Passenger vehicles with short trailers up to twenty-four feet (24') in length (e.g., small flatbed, camping, or box-type trailers); and*

The types of service and utility trucks that typically visit or make deliveries to neighborhoods that are similar to the proposed private street development (e.g., utility company vehicles, postal/UPS delivery trucks, two- to three-axle flatbed or box-type trucks used by contractors and moving companies, etc.).

City staff, the Planning and Zoning Commission, and/or City Council may require submission of additional drawings, plans, and/or exhibits demonstrating that the proposed turn-around will work and that vehicle turn-around movement will not compromise public safety on the entry roadway or on the adjacent public street(s). The design of all proposed access restricted entrances must be submitted for review by the City Engineer along with the construction plans for the subdivision and must be approved by the Planning and Zoning Commission along with approval of the final plat.
- l. Waiver of Services. The subdivision final plat, property deeds, and property owner's association documents shall note that certain City services shall not be provided for private street subdivisions. Among the services which will not be provided are routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accident reports. Depending upon the characteristics of the development and upon access limitations posed by the design of entrances into the subdivision, other services (such as sanitation) may not be provided.*

Attachment #1

- m. Petition to Convert to Public Streets. The property owner's association documents shall allow the association to petition the City to accept private streets and any associated property as public streets and right-of-way upon written notice to all association members and upon the favorable vote of a majority of the membership. However, in no event shall the City be obligated to accept said streets as public. Should the City elect to accept the streets as public, then the City has the right to inspect the private streets and to assess the lot owners for the expense of needed repairs concurrent with the City's acceptance of the streets. The City shall be the sole judge of whether repairs are needed. The City may also require, at the association's expense, the removal of any guardhouses, access control devices, landscaping and/or other aesthetic amenities located within the street lot. The association documents shall provide for the City's right to such removal and assessment. Those portions of the association documents pertaining to the subject matter contained in this Section shall not be amended without the written consent of the City.***
- n. Hold Harmless. On the subdivision final plat shall be language whereby the property owners association, as the owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, any other governmental entity, and any public utility entity for damages to the private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury (including death) arising from the condition of the private streets, out of any use of access gates or cross arms, or out of any use of the subdivision by the City or governmental/utility entity."***
7. The Kaufman County Thoroughfare Plan designates CR 4104 as a Collector (Type C-2-3 Lanes) requiring a total minimum right-of-way dedication 100 feet. This development is required to dedicate 50% of the required 100-foot ROW. This dedication shall be required with the revised plat applications. If the dedication to Kaufman County has already been made please note the recorded volume and page numbers and a copy of the recorded dedication of ROW-
8. The proposed cul-de sac exceeds the maximum allowed length of 600-feet according to Sections 3.1.g and 3.1.p. You will need to revise the plat to meet the maximum cul-de-sac length or submit for a Subdivision Regulations variance and provide the required information as required in Section 1.11.
9. According to Section 3.1.s. Construction of New Streets. All new streets dedicated within a subdivision shall be constructed in accordance with paving widths and specifications as set forth in the TCSS manuals of the City of Kaufman at the time at which the final plat is approved.
10. According to Section 3.1.u. Streets will be constructed in accordance to the TCSS manuals that are in effect at the time of subdivision construction.
11. According to Section 3.3.a. ...Easements across lots or centered along the rear or side lot line shall be provided for utilities where necessary, and shall be of such widths as may be reasonably necessary for the utility or utilities using same. A minimum utility easement 15 feet wide or wider, as determined by the City Engineer, or any applicable utility company on both sides of the street adjacent to all street rights-of-way shall be provided for gas, electric, and other utilities approved by the City. It shall be the subdivider's responsibility to determine appropriate easement widths as required by other utility companies.
12. According Section 3.3.b. Where a subdivision is traversed by a watercourse, drainage way, or channel, there shall be provided a storm water easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the City Engineer, subject to determination according to property engineering consideration. The require

Attachment #1

d width shall conform to the requirements set forth by the Federal Emergency Management Agency (FEMA).

13. Public Improvement as stated in Section 5.1 include water and wastewater facilities, drainage facilities, streets, street lights, street signs, sidewalks, traffic control devices required as part of the project and appurtenances to the above and any other public facilities required as part of the proposed subdivision.
14. Verify and provide proof from Kaufman County 911 that the proposed street name La Vega Road is acceptable.
15. The water civil construction plans do not provide the required fire hydrant installation every 500-feet as required by Section 5.8 Water and Sewer Requirements.
16. Civil construction plans did not address Section 5.5 Street and Alley Improvements requirements for the proposed private street construction material requirement of Portland cement concrete. Gravel and asphalt streets are not permitted
17. Kaufman County Regulations Section 5.06 require a minimum building setback of 25 feet on a local road.
18. Kaufman County Regulation Section 5.07 Easements and Dedications: requires the following statement to be included on the plat: Any public utility shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems without the necessity at any time of procuring the permission of anyone. Easements shall be maintained by property owners.
19. Civil construction plans did not address as required by Section 3.8 Utility Services (not provided by the City of Kaufman) regarding the required underground placements of utilities. You may need to pay to place the overhead lines underground. Utilities include electric, telephone, cable, water, gas.
20. According to Section 3.8.b. ...Verification of acceptance of easement locations and widths by the public utilities shall be provided prior to final plat approval by the City Council, and all easements shall be reviewed by the utility companies and City Engineer for the City prior to granting final approval for all residential subdivisions affected by this section.
21. According to Section 3.8.d. All electrical and telephone support equipment, including transformers, amplifiers, and switching devices necessary for underground installations, shall be pad-mounted or mounted underground, but not overhead.
22. Civil construction plans did not address as required by Section 3.10 storm water collection/conveyance systems. Easements may be necessary for any creeks or streams that flow to the flood plain area as shown on the plat.
23. Civil construction plans did not address as required Section 4.2 Protection of Drainage and Creek Areas. Please revise the plans to address the requirements. Easements may be required to provide access for maintenance purposes.
24. Make sure all the access, and utility easements shown on the preliminary plat match up in the submitted civil construction plans, and future final plat.
25. Any new application for a preliminary, final plat and civil construction plans shall be in accordance with all the rules, regulations and design standards as required for a 10 lot subdivision out in the Extraterritorial Jurisdiction (ETJ). Including the Owner Certificate and dedication statement.

This application is deemed incomplete and does not have the authorization by all the affected property owners. Because of the insufficient provided information Staff cannot identify all non-conformities of the proposed plat. Listed above are comments and requirements that staff believes may apply to your future applications. Staff will be recommending denial of this application due to the unresolved issues and

Attachment #1

comments listed above at the March 2, 2021 Planning and Zoning Commission and the March 22, 2021 City Council meeting.

Virtual Zoom Meeting Dates and Times:

Planning & Zoning Commission: **Tuesday, March 2, 2021, at 6:00 pm**

City Council: **Monday, March 25, 2021, at 6:00 pm.**

The Zoom Meeting ID and Password will be on the agenda you will be emailed the Friday before the meeting.

Please contact Marcy Ratcliff by email at kaufmanplanning@kaufmantx.org if you have any questions regarding the comments listed above.

Civil Construction Plan of Lots 1-8 La Vega Ranch Addition Comments:

Public Works Director Richard Underwood: 972-962-8007, kaufmanpublicworks@kaufmantx.org

City Engineer Philip Varughese, P.E. of Teague, Nall & Perkins (TNP), pvarughese@tnpinc.com
See the attached memo.

Fire Department Fire Chief Ronnie Davis 972-932-3538, rdavis@kaufmantx.org

-10

**Kaufman County
Laura Hughes
County Clerk**

Instrument Number: 2020-0005384

**Billable Pages: 6
Number of Pages: 7**

FILED AND RECORDED - REAL RECORDS	CLERKS COMMENTS
On: 02/27/2020 at 01:41 PM	E-RECORDING
Document Number: <u>2020-0005384</u>	
Receipt No: <u>20-5013</u>	
Amount: \$ <u>46.00</u>	
Vol/Pg: <u>V:6316 P:202</u>	



**STATE OF TEXAS
COUNTY OF KAUFMAN**

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the Official Public Records of Kaufman County, Texas.

Laura A. Hughes

Laura Hughes, County Clerk

Recorded By: Wanda Butler, Deputy

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

Record and Return To:

ANDERSON VELA, LLP
4920 WESTPORT DR
THE COLONY, TX 75056



Attachment 2

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

RESERVATION
AND DEDICATION
DEED

Field & Permits, LLC (the "Grantor") for and in consideration of the sum of TEN AND No/100 DOLLARS (\$10.00) and other valuable consideration paid by the Grantee herein named, the receipt and adequacy of which is hereby acknowledged, has DEDICATED AND RESERVED, and by these presents does DEDICATE AND RESERVE to Field & Permits, LLC (the "Grantee") the real property described on Exhibit "A-1 & A-2" attached hereto and made a part hereof (the "Property") for use as a public street, utilities, and right-of-way, and for such other uses as public streets maybe used. For Grantee and Grantee's heirs, successors, and assigns forever, a dedication and reservation of the free, uninterrupted, and perpetual use of, and a separate right to maintain, a nonexclusive easement over the passageway described in this paragraph and located on the Property.

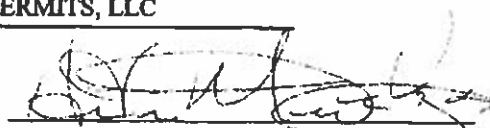
The Property is conveyed by Grantor and accepted by Grantee subject to all easements, covenants, conditions, mineral reservations and leases, and other matters disclosed by the real property records of Kaufman County, Texas ("Exceptions");

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, Grantee's successors and assigns forever; and Grantor does hereby bind Grantor, Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, subject to the Exceptions and ad valorem taxes for the current year, such Exceptions being agreed to by Grantee and such taxes being assumed by Grantee by acceptance of this Deed.

EXECUTED this the 27th day of February, 2020

GRANTOR:

FIELD & PERMITS, LLC

By: 

Name: HECTOR M. MORALES

Title: PRESIDENT

Attachment 2

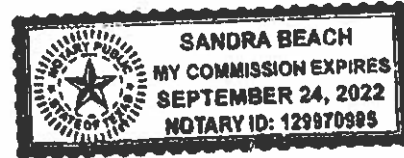
STATE OF TEXAS
COUNTY OF DENTON

§
§

This instrument was acknowledged before me on the 27th day of February, 2020.



Notary Public in and for
The State of Texas



Attachment 2
Exhibit A-1



FIELD NOTES FOR A VARIABLE WIDTH ROAD ACCESS & UTILITY EASEMENT
(4.46 ACRES)

A Variable Width Road Access & Utility Easement, being 4.46 acres of land, located in the Thomas Lowrie Survey No. 78, Abstract 285, Kaufman County, Texas and being over and across a 92.72 acre tract of land as described in Volume 5575, Page 90 of the Official Public Records of Kaufman County, Texas. Said **Variable Width Road Access & Utility Easement** being more particularly described by metes and bounds as follows:

BEGINNING at a found mag nail in asphalt, in the center line of County Road 4104, for the most westerly corner of a called 10.43 acre tract of land as described in Volume 5941, Page 536 of the Official Public records of Kaufman County, Texas, for the north corner of said 92.72 acre tract and the easement described herein;

THENCE: S 45° 52' 23" E, departing the center line of County Road 4104, and with the common line between said 10.43 acre tract and said 92.72 acre tract, a distance of 54.95 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a northeasterly corner of the easement described herein;

THENCE: Over and across said 92.72 acre tract, the following thirteen (13) courses:

1. S 44° 07' 30" W, a distance of 517.69 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for an interior corner,
2. S 45° 51' 16" E, a distance of 1125.90 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature,
3. With a curve to the right having a radius of 30.00 feet, an arc length of 28.81 feet, a delta angle of 055° 01' 35" and a chord bears, S 18° 20' 29" E, a distance of 27.72 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of tangency,
4. S 09° 10' 19" W, a distance of 959.53 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature,
5. With a curve to the right having a radius of 30.00 feet, an arc length of 18.31 feet, a delta angle of 034° 58' 25" and a chord bears, S 26° 39' 31" W, a distance of 18.03 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of tangency,
6. S 44° 08' 44" W, a distance of 453.60 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature,
7. With a non-tangent curve to the right having a radius of 50.00 feet, an arc length of 261.80 feet, a delta angle of 300° 00' 00" and a chord bears, N 45° 51' 16" W, a distance of 50.00 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of non-tangency,
8. N 44° 08' 44" E, a distance of 437.85 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature,
9. With a curve to the left having a radius of 30.00 feet, an arc length of 18.31 feet, a delta angle of 034° 58' 45" and a chord bears, N 26° 39' 41" E, a distance of 18.03 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of tangency,
10. N 09° 10' 19" E, a distance of 917.74 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature,
11. With a curve to the left having a radius of 30.00 feet, an arc length of 28.81 feet, a delta angle of 055° 01' 35" and a chord bears, N 18° 20' 29" W, a distance of 27.72 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of tangency, and
12. N 45° 51' 16" W, a distance of 1099.84 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for an interior corner, and
13. S 44° 07' 30" W, a distance of 517.72 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in the southwest line of said 92.72 acre tract and for a southwest exterior corner of the easement described herein;

Attachment 2



THENCE: N 45° 48' 59" W, with the southwest line of said 92.72 acre tract, a distance of **54.30 feet** to a found cotton spindle in asphalt, in the center line of County Road 4104, for the northwest corner of said 92.72 acre tract and the easement described herein;

THENCE: N 44° 05' 27" E, with the center line of County Road 4104 and the northwest line of said 92.72 acre tract, a distance of **1085.37 feet** to the **POINT OF BEGINNING** and containing **4.46 acres** of land situated in Kaufman County, Texas.

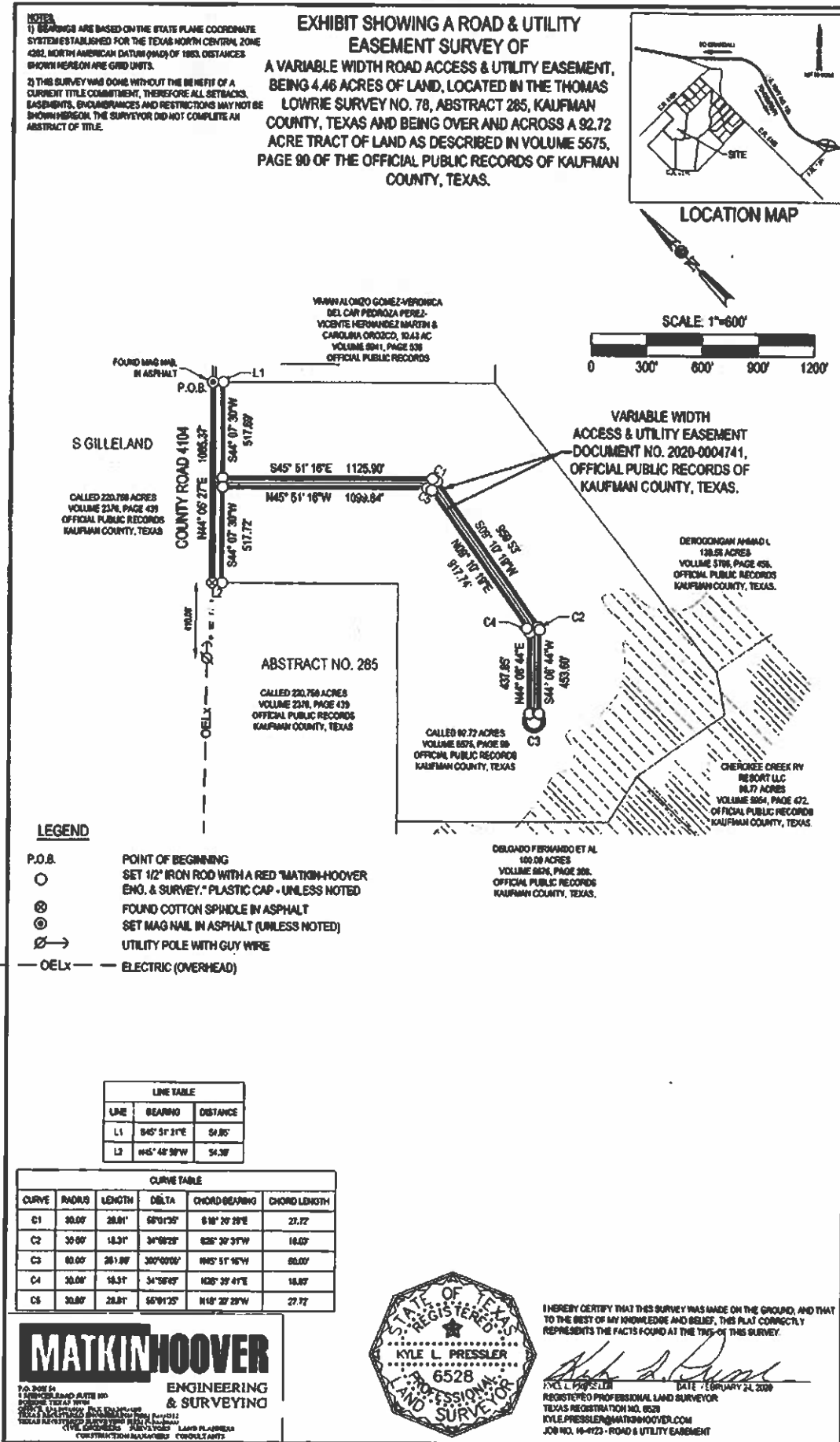
Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, North Central Zone, 4202, US Survey Foot, Grid. A survey plat was prepared by a separate document.

Job # 16-4123 4.46 Acres-Road & Utility Esmt

Date: February 20, 2020



Exhibit A-2 Attachment 2



Attachment 2

Attachment 3
Kaufman County
Laura Hughes
County Clerk

Instrument Number: 2020-0030767

Billable Pages: 32
Number of Pages: 33

FILED AND RECORDED - REAL RECORDS	CLERKS COMMENTS
On: 10/06/2020 at 01:32 PM	E-RECORDING
Document Number: <u>2020-0030767</u>	
Receipt No: <u>20-25930</u>	
Amount: \$ <u>151.50</u>	
Vol/Pg: <u>V.6623 P.383</u>	



STATE OF TEXAS
COUNTY OF KAUFMAN

I hereby certify that this instrument was filed on the date and time stamped hereon by me
and was duly recorded in the Official Public Records of Kaufman County, Texas.

Laura A. Hughes

Laura Hughes, County Clerk

Recorded By: Jacklyn Salazar, Deputy

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED
REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER
FEDERAL LAW.

Record and Return To:

ANDERSON VELA, LLP
4920 WESTPORT DR
THE COLONY, TX 75056



Attachment 3

Road Maintenance Agreement

Date: June 04, 2020

Property Owner: Field & Permits, LLC, a limited liable company

Mailing Address: 810 Lake Carolyn Parkway, Suite 411
Irving, Texas 75039

Property Owner Lot 1: Antonio Carmona and Magaly Lopez, a married couple

Mailing Address: 3231 Peoria Street
Dallas, Texas 75062

Property: See attached Exhibit "A-1"

Property Owner Lot 2A: Antonio Carmona and Magaly Lopez, a married couple

Mailing Address: 3231 Peoria Street
Dallas, Texas 75062

Property: See attached Exhibit "A-2A"

Property Owner Lot 2B: Field & Permits, LLC, a limited liable company

Mailing Address: 810 Lake Carolyn Parkway, Suite 411
Irving, Texas 75039

Property: See attached Exhibit "A-2B"

Property Owner Lot 3: Pablo Aaron Alvarez and Maria Ortiz Alvarez

Mailing Address: 2730 Gladstone Drive
Dallas, Texas 75211

Property: See attached Exhibit "A-3"

Attachment 3

Property Owner Lot 4: Ignacio Berber and Mara I. Berber, a married couple

Mailing Address: 10237 Pondwood Drive
Dallas, Texas 75217

Property: See attached Exhibit "A-4"

Property Owner Lot 5: Ana Maria Lule, a single person

Mailing Address: 3001 Santa Anna Avenue
Dallas, Texas 75228

Property: See attached Exhibit "A-5"

Property Owner Lot 6: Jonathan Najera and Lilived Rojas, a married couple

Mailing Address: 8099 Hilary Drive
Crandall, Texas 75114

Property: See attached Exhibit "A-6"

Property Owner Lot 7A: Jose A Lamas and Leonor Barrera, both unmarried

Mailing Address: 7287 Star Trail
Crandall, Texas 75114

Property: See attached Exhibit "A-7A"

Property Owner Lot 7B: Jorge Marcos Martinez Jaimes and Rosaura Elena Cerna Muzquiz

Mailing Address: 204 Rio Grande Drive
Crandall, Texas 75114

Property: See attached Exhibit "A-7B"

Property Owner Lot 8: Rene Sainz and Rosario Sainz, a married couple

Mailing Address: 3121 Darvany Drive
Dallas, Texas 75220

Property: See attached Exhibit "A-8"

Attachment 3

Description of Roadway: Reservation and Dedication Deed, executed by Hector M Morales as president of said Field & Permits, LLC, recorded February 27, 2020, recorded in the Office of the County Clerk of Kaufman County, Texas, under Document Number 2020-0005384 which is attached as Exhibit "B"

To the extent that responsibility of maintenance of the Roadway is not accepted by the applicable governing authority, applicable city county or state, then the Parties, whose property is benefited or burdened by the Roadway described above, agree to the following:

1. The Parties will share equally in the expenses for normal maintenance and repair of the Roadway. No expense shall be incurred by any Party without consent of the other Party. Such consent shall be in writing and signed by all Parties, with a copy delivered to each Party.
2. The Roadway will be maintained in good, passable condition under all traffic and weather conditions, and in a condition no less than equal to its condition at the time of execution of this Agreement. Maintenance and repair will include snow plowing and drainage facilities as well as surface work.
3. The cost for agreed maintenance and repair shall be borne and shared equally by the Parties. In the consent to repair, the Parties shall designate a party to be the agent for contracting or undertaking the agreed repair or maintenance and to collect each Party's share of the cost.
4. If a Party damages or disturbs the surface of the roadway (other than normal automobile and service ingress and egress), that Party is responsible for immediately restoring the road surface to as nearly as possible the condition in which it existed before being disturbed.
5. This Agreement runs with the properties described above and is appurtenant to the land.
6. This Agreement is made by and between Parties who own property benefited/burdened by the Roadway. The property for Property Owner A is described within Exhibit A, and the property for Property Owner B is described within Exhibit B. All such Parties shall have the right of access over the Roadway. All property accessed over the Roadway is deemed benefited thereby.
7. *Attorney's Fees.* If either Party retains an attorney to enforce this Agreement, the Party prevailing in litigation is entitled to recover reasonable attorney's fees, other fees, and court and other costs.
8. *Binding Effect.* This Agreement binds and inures to the benefit of the Parties and their respective heirs, successors, and permitted assigns.
9. *Choice of Law.* This Agreement will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any other jurisdiction. Venue is in the county or counties in which the Properties are located.

Attachment 3

10. *Waiver of Default.* It is not a waiver of or consent to default if the nondefaulting Party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies set forth in this Agreement does not preclude pursuit of other remedies in this Agreement or provided by law.

11. *Further Assurances.* Each signatory Party agrees to execute and deliver any additional documents and instruments and to perform any additional acts necessary or appropriate to perform the terms, provisions, and conditions of this Agreement and all transactions contemplated by this Agreement.

12. *Integration.* This Agreement contains the complete agreement of the Parties and cannot be varied except by written agreement of the Parties. The Parties agree that there are no oral agreements, representations, or warranties that are not expressly set forth in this Agreement.

13. *Legal Construction.* If any provision in this Agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the Parties, the unenforceability will not affect any other provision hereof, and this Agreement will be construed as if the unenforceable provision had never been a part of the Agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this Agreement are for reference only and are not intended to restrict or define the text of any section. This Agreement will not be construed more or less favorably between the Parties by reason of authorship or origin of language.

14. *Notices.* Any notice required or permitted under this Agreement must be in writing. Any notice required by this Agreement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this Agreement. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.

15. *Time.* Time is of the essence. Unless otherwise specified, all references to "days" mean calendar days. Business days exclude Saturdays, Sundays, and legal public holidays. If the date for performance of any obligation falls on a Saturday, Sunday, or legal public holiday, the date for performance will be the next following regular business day.

16. *Rights Reserved.* Each Party reserves for that Party and that Party's heirs, successors, and assigns the right to continue to use and enjoy the surface of the Properties for all purposes that do not unreasonably interfere with or interrupt the use or enjoyment of the Roadway.

17. *Equitable Rights of Enforcement.* This Roadway may be enforced by restraining orders and injunctions (temporary or permanent) prohibiting interference and commanding compliance. Restraining orders and injunctions will be obtainable on proof of the existence of

Attachment 3

interference or threatened interference, without the necessity of proof of inadequacy of legal remedies or irreparable harm, and will be obtainable only by the Parties to or those benefited by this Agreement, provided, however, that the act of obtaining an injunction or restraining order will not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity.

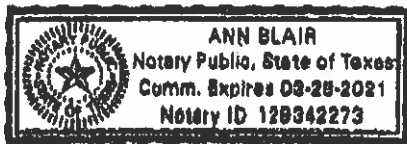
Field & Permits, LLC

By: *Lorraine Vega*
Lorraine Vega, vice president

STATE OF TEXAS
COUNTY OF DENTON

This Instrument was acknowledged before me on *June 16th*, 2020, by Lorraine Vega as vice president of said, Field & Permits, LLC.

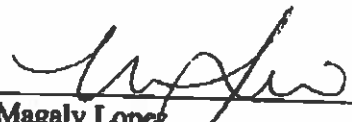
Notary Public: *Ann Blair*
My commission expires: *3-28-21*



Attachment 3

Lot 1

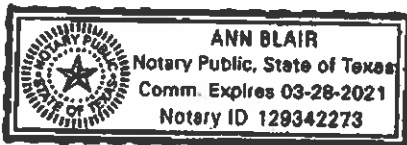

Antonio Carmona


Magaly Lopez

ACKNOWLEDGMENT

STATE OF TEXAS)
COUNTY OF Denton)

This instrument was acknowledged before me on September 25th, 2020, by Antonio Carmona and Magaly Lopez.



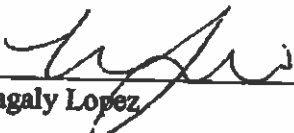

Notary Public: Ann Blair
My commission expires: 3-28-21

Attachment 3

Lot 2A



Antonio Carmona



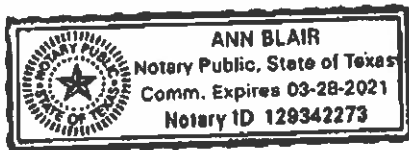
Magaly Lopez

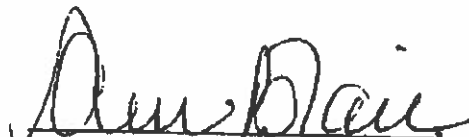
ACKNOWLEDGMENT

STATE OF TEXAS)

COUNTY OF Denton)

This instrument was acknowledged before me on September 25th, 2020, by
Antonio Carmona and Magaly Lopez.





Notary Public: Ann Blair
My commission expires: 3-28-21

Attachment 3

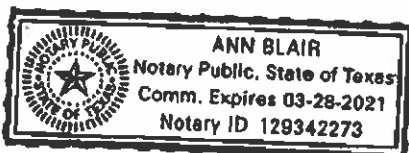
Lot 2B

Field & Permits, LLC

By: *Lorraine Vega*
Lorraine Vega, vice president

STATE OF TEXAS
COUNTY OF DENTON

This Instrument was acknowledged before me on *September 30th*, 2020, by Lorraine Vega as
vice president of said, Field & Permits, LLC.



Notary Public: *Ann Blair*
My commission expires: *3-28-21*

Attachment 3

Lot 3

Pablo Aaron Alvarez
Pablo Aaron Alvarez

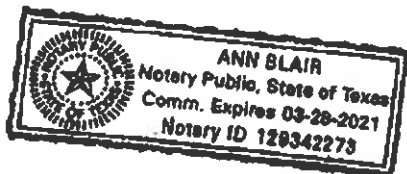
Maria Ortiz Alvarez
Maria Ortiz Alvarez

ACKNOWLEDGMENT

STATE OF TEXAS)

COUNTY OF DENTON)

This instrument was acknowledged before me on August 3/20, 2020, by Pablo Aaron Alvarez and Mario Ortiz Alvarez.



Ann Blair
Notary Public, State of Texas
My commission expires: 3-28-21

Attachment 3

Lot 4

Ignacio Berber
Ignacio Berber

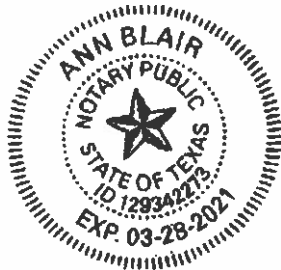
Mara I. Berber
Mara I. Berber

ACKNOWLEDGMENT

STATE OF TEXAS)

COUNTY OF Denton)

This instrument was acknowledged before me on June 4th, 2020, by
Ignacio Berber and Mara I. Berber.



Ann Blair
Notary Public: Ann Blair
My commission expires: 3-28-21

Attachment 3

Lot 5

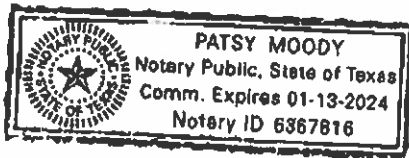
Ana Maria Lule
Ana Maria Lule

ACKNOWLEDGMENT

STATE OF TEXAS)

COUNTY OF Dallas)

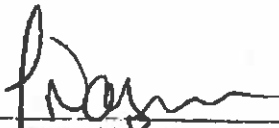
This instrument was acknowledged before me on 10. June, 2020, by
Ana Maria Lule.



Patsy Moody
Notary Public: Patsy Moody
My commission expires: 01-13-2024

Attachment 3

Lot 6


Jonathan Najera

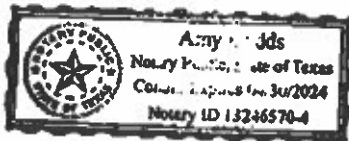

Lilived Rojas

ACKNOWLEDGMENT

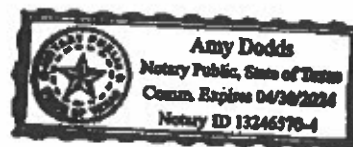
STATE OF TEXAS)

COUNTY OF Kaufman)

This instrument was acknowledged before me on June 12, 2020, by
Jonathan Najera and Lilived Rojas.

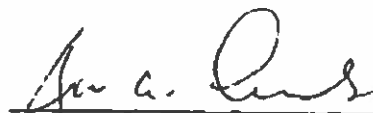



Notary Public: State of Texas
My commission expires: 4/30/2024

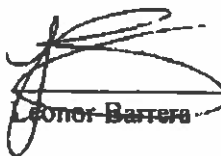


Attachment 3

Lot 7A



Jose A Lamas



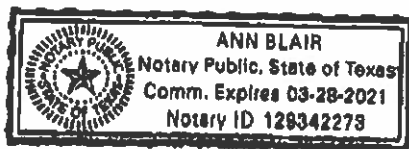
Leonor Barrera

ACKNOWLEDGMENT

STATE OF TEXAS)

COUNTY OF Denton)

This instrument was acknowledged before me on September 14th, 2020, by
Jose A Lamas and Leonor Barrera.



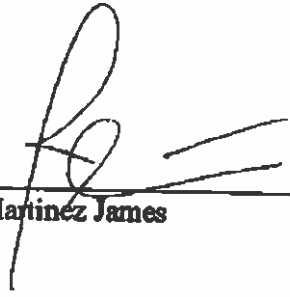


Notary Public: Ann Blair

My commission expires: 3-28-21

Attachment 3

Lot 7B



Jorge Marcos Martinez James



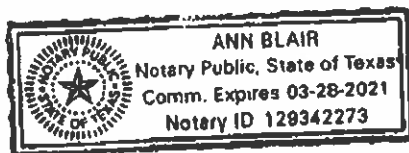
Rosaura Elena Cerna Muzquiz

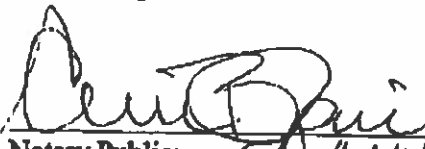
ACKNOWLEDGMENT

STATE OF TEXAS)

COUNTY OF Denton)

This instrument was acknowledged before me on September 30th, 2020, by Jorge Marcos Martinez James and Rosaura Elena Cerna Muzquiz.





Notary Public: Ann Blair

My commission expires: 3-28-21

Attachment 3

Lot 8

Rene Sainz
Rene Sainz

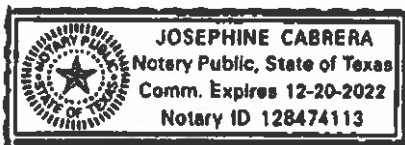
Rosario Sainz
Rosario Sainz

ACKNOWLEDGMENT

STATE OF TEXAS)

COUNTY OF Dallas)

This instrument was acknowledged before me on June 12, 2020, by
Rene Sainz and Rosario Sainz.



Josephine Cabrera
Notary Public: Josephine Cabrera
My commission expires: 12/20/2022

AFTER RECORDING RETURN TO:

Texas Title
Anderson Vela, LLP
4920 Westport Drive
The Colony, TX 75056

Road maintenance Agreement

Attachment 3

Escrow File No.: 2002463-205

EXHIBIT "A-1"

A 10.768 acre tract of land, located in the Thomas Lowrie Survey No. 78, Abstract 285, Kaufman County, Texas and being a portion of a 92.72 acre tract of land as described in Volume 5575, Page 90 of the Official Public Records of Kaufman County, Texas. Said 10.768 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a found mag nail in asphalt, in the center line of County Road 4104, for the most westerly corner of a called 10.43 acre tract of land as described in Volume 5941, Page 536 of the Official Public records of Kaufman County, Texas, for the north corner of said 92.72 acre tract and the tract described herein;

THENCE: S 45° 51' 18" E, departing the center line of County Road 4104 and with the common line between said 10.43 acre tract and said 92.72 acre tract, a distance of 864.57 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for the east corner of the tract described herein;

THENCE: Into and across said 92.72 acre tract, the following two (2) courses:

- 1. S 44° 08' 51" W, at 517.69 feet passing a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" at a Variable Width Access & Utility Easement of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas, continuing on for a total distance of 542.69 feet to a point in the center of said 50' Road Easement for the south corner of the tract described herein, and**
- 2. N 45° 51' 16" W, a distance of 864.03 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in the center line of County Road 4104, in the northwest line of said 92.72 acre tract and for the west corner of the tract described herein, from which a found cotton spindle in asphalt, in the center line of County Road 4104, and for the northwest corner of said 92.72 acre tract bears, S 44° 05' 27" W, a distance of 542.69 feet;**

THENCE: N 44° 05' 27" E, with the center line of County Road 4104 and the northwest line of said 92.72 acre tract, a distance of 542.69 feet to the POINT OF BEGINNING and containing 10.768 acres of land situated in Kaufman County, Texas.

TRACT 2 - Easement

Together with Variable Width Access & Utility Easement as set out in Reservation and Dedication Deed of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas.

Escrow File No.: 2016619-205

Attachment 3

EXHIBIT "A-2A"

Tract 1 - Fee Simple

A 5.240 acre tract of land, located in the Thomas Lowrie Survey No. 78, Abstract 285, Kaufman County, Texas and being a portion of a 92.72 acre tract of land as described in Volume 5575, Page 90 of the Official Public Records of Kaufman County, Texas. Said 5.240 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a set $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in the west line of a called 10.43 acre tract of land as described in Volume 5941, Page 536, of the Official Public Records of Kaufman County, Texas, in the east line of said 92.72 acre tract and for the southeast corner of the tract described herein, from which a found $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for an easterly corner of said 92.72 acre tract bears, S $45^{\circ} 51' 17''$ W, a distance of 115.84 feet;

THENCE: Into and across said 92.72 acre tract, the following four (4) courses:

1. S $67^{\circ} 03' 11''$ W, at 562.02 feet a set $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at a Variable Width Access & Utility Easement of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas, and continuing for a total distance of 591.32 feet to a point for the southwest corner of the tract described herein,
2. With a non-tangent curve to the to the left having a radius of 55.00 feet, an arc length of 14.83 feet, a delta angle of $15^{\circ} 26' 57''$ and a chord that bears, N $38^{\circ} 07' 47''$ W, a distance of 14.79 feet to a point for corner of the tract described herein,
3. N $45^{\circ} 51' 16''$ W, a distance of 290.44 feet to a point for the northwest corner of the tract described herein, from which a found $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in the centerline of County Road 4104 and the northwest line of said 92.72 acre tract bears, N $45^{\circ} 51' 16''$ E, a distance of 864.03 feet;
4. N $44^{\circ} 08' 51''$ E, at 25.00 feet a set $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at said Variable Width Access & Utility Easement, and continuing for a total distance of 542.69 feet to a set $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in the east line of said 92.72 acre tract, the west line of said 10.43 acre tract and for the northeast corner of the tract described herein;

THENCE: S $45^{\circ} 51' 17''$ E, with the common line between said 92.72 acre tract and said 10.43 acre tract, a distance of 535.24 feet to the **POINT OF BEGINNING** and containing 5.240 acres of land situated in Kaufman County, Texas.

TRACT 2 - Easement

Together with Variable Width Access & Utility Easement as set out in Reservation and Dedication Deed of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas.

Attachment 3

Exhibit A-2B



FIELD NOTES FOR A 5.167 ACRE TRACT OF LAND

A 5.167 acre tract of land, located in the Thomas Lowrie Survey No. 78, Abstract 285, Kaufman County, Texas and being a portion of a 92.72 acre tract of land as described in Volume 5575, Page 90 of the Official Public Records of Kaufman County, Texas. Said 5.167 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for the south corner of a called 10.43 acre tract of land as described in Volume 5941, Page 536, of the Official Public Records of Kaufman County, Texas, the northwest corner of a called 139.56 acre tract of land described in Volume 57963, Page 456, of the Official Public Records of Kaufman County, Texas and the northeast corner of said 92.72 acre tract and the tract described herein;

THENCE: S 6° 33' 26" W, with the common line between said 92.72 acre tract and said 139.56 acre tract, a distance of 445.65 feet, to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for the south corner of the tract described herein;

THENCE: Over and across said 92.72 acre tract, the following four (4) courses:

1. N 80° 49' 41" W, at 578.46 feet, a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at a Variable Width Access & Utility Easement of record in Document No. 2020-0005384, of the Official Public Records of Kaufman County, Texas, and continuing for a total distance of 603.46 feet, to a point for the southwest corner of the tract described herein,
2. N 9° 10' 19" E, a distance of 162.15 feet, to a point of curve,
3. With a tangent curve to the left having a radius of 55.00 feet, an arc length of 37.99 feet, a delta angle of 39° 34' 38" and a chord that bears, N 10° 37' 00" W, a distance of 37.24 feet, to a point for corner of the tract described herein, and
4. N 67° 03' 11" E, at 25.00 feet a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at said Variable Width Access & Utility Easement, and continuing for a total distance of 591.32 feet, to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in the northeast line of said 92.72 acre tract, the southwest line of said 10.43 acre tract and for the northeast corner of the tract described herein;

THENCE: S 45° 51' 17" E, with the common line between said 92.72 acre tract and said 10.43 acre tract, a distance of 115.84 feet, to the **POINT OF BEGINNING** and containing 5.167 acres of land situated in Kaufman County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, North Central Zone, 4202, US Survey Foot, Grid. A survey plat was prepared by a separate document.

Job # 16-4123 5.167 Acres-Lot 2B
Date: October 5, 2020



Escrow File No.: 2012128-205

Attachment 3

EXHIBIT "A-3"

TRACT 1

A 10.524 acre tract of land, located in the Thomas Lowrie Survey No. 78, Abstract 285, Kaufman County, Texas and being a portion of a 92.72 acre tract of land as described in Volume 5575, Page 90 of the Official Public Records of Kaufman County, Texas. Said 10.524 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in the west line of a called 139.56 acre tract of land as described in Volume 5796, Page 456 of the Official Public Records of Kaufman County, Texas, in the east line of said 92.72 acre tract and for the southeast corner of the tract described herein, from which a found ½" iron rod for the southeast corner of said 92.72 acre tract bears, S 06° 33' 27" W, a distance of 777.92 feet;

THENCE: Into and across said 92.72 acre tract, the following three (3) courses:

- 1. N 80° 49' 41" W, at 612.21 feet a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at a Variable Width Access & Utility Easement of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas, and continuing for a total distance of 637.20 feet to a point for the southwest corner,**
- 2. N 09° 10' 19" E, a distance of 739.00 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for the northwest corner, and**
- 3. S 80° 49' 41" E, at 25.00 feet a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at said Variable Width Access & Utility Easement, and continuing for a total distance of 603.46 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in the east line of said 92.72 acre tract, the west line of said 139.56 acre tract and for the northeast corner of the tract described herein, from which a found ½" iron rod for an easterly corner of said 92.72 acre tract bears, N 06° 33' 27" E, a distance of 445.65 feet;**

THENCE: S 06° 33' 27" W, with the common line between said 92.72 acre tract and said 139.56 acre tract, a distance of 739.77 feet to the POINT OF BEGINNING and containing 10.524 acres of land situated in Kaufman County, Texas.

TRACT 2 - Easement

Together with Variable Width Access & Utility Easement as set out in Reservation and Dedication Deed of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas.

Attachment 3

Escrow File No.: 2003137-205

EXHIBIT "A-4"

TRACT 1

A 13.78 acre tract of land, located in the Thomas Lowrie Survey No. 78, Abstract 285, Kaufman County, Texas and being a portion of a 92.72 acre tract of land as described in Volume 5575, Page 90 of the Official Public Records of Kaufman County, Texas. Said 13.78 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in the west line of a called 139.56 acre tract of land as described in Volume 5796, Page 456 of the Official Public Records of Kaufman County, Texas, in the east line of said 92.72 acre tract and for the northeast corner of the tract described herein, from which a found ½" iron rod for an easterly corner of said 92.72 acre tract bears, N 06° 33' 27" E, a distance of 1185.42 feet;

THENCE: With the common line between said 92.72 acre tract and said 139.56 acre tract, the following two (2) courses:

- 1. S 06° 33' 27" W, a distance of 777.92 feet to a found ½" iron rod for a corner, and**
- 2. S 32° 38' 31" W, a distance of 236.52 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for the southeast corner of said 92.72 acre tract and the tract described herein;**

THENCE: Into and across said 92.72 acre tract, the following five (5) courses:

- 1. N 45° 51' 16" W, at 999.38 feet set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at a Variable Width Access & Utility Easement of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas, and continuing for a total distance of 1024.38 feet to a point for the southwest corner of the tract described herein,**
- 2. N 44° 08' 44" E, a distance of 437.85 feet to a point of curvature,**
- 3. With a curve to the left having a radius of 55.00 feet, an arc length of 33.58 feet, a delta angle of 034° 58' 45" and a chord bears, N 26° 39' 41" E, a distance of 33.06 feet to a point for a point of tangency,**
- 4. N 09° 10' 19" E, a distance of 16.58 feet to a point for the northwest corner of the tract described herein, and**
- 5. S 80° 49' 41" E, at 25.00 feet a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at said Variable Width Access & Utility Easement, and continuing for a total distance of 637.20 feet to the POINT OF BEGINNING and containing 13.78 acres of land situated in Kaufman County, Texas.**

TRACT 2 - Easement

Together with Variable Width Access & Utility Easement as set out in Reservation and Dedication Deed of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas.

Attachment 3

Escrow File No.: 2007497-205

EXHIBIT "A-5"

TRACT 1

A 15.27 acre tract of land, located in the Thomas Lowrie Survey No. 78, Abstract 285, Kaufman County, Texas and being a portion of a 92.72 acre tract of land as described in Volume 5575, Page 90 of the Official Public Records of Kaufman County, Texas. Said 15.27 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a found $\frac{1}{4}$ " iron rod in the southeast line of a called 220.785 acre tract of land described in Volume 2376, page 439 of the Official Public Records of Kaufman County, Texas, at the northwest corner of a called 100.14 acre tract of land as described in Volume 5676, Page 388 of the Official Public Records of Kaufman County, Texas, for the southwest corner of said 92.72 acre tract and the most westerly corner of the tract described herein;

THENCE: N 44° 08' 44" E, with the common line between said 220.785 acre tract and said 92.72 acre tract, a distance of 325.42 feet to a set $\frac{1}{4}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for the most northerly corner of the tract described herein;

THENCE: Into and across said 92.72 acre tract, the following three (3) courses:

1. S 45° 51' 16" E, a distance of 433.28 feet to a set $\frac{1}{4}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a corner,
2. S 86° 49' 05" E, at 333.34 feet a set $\frac{1}{4}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at a Variable Width Access & Utility Easement of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas, and continuing for a total distance of 399.56 feet to a point for a corner, and
3. S 45° 51' 16" E, at 25.00 feet a set $\frac{1}{4}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at said Variable Width Access & Utility Easement, and continuing for a total distance of 1024.38 feet to a set $\frac{1}{4}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a corner in the north line of a called 100.90 acre tract of land as described in Volume 5954, Page 472 of the Official Public Records of Kaufman County, Texas, a southerly corner of said 92.72 acre tract and the most easterly corner of the tract described herein, from which a found $\frac{1}{4}$ " iron rod for a southeast corner of said 92.72 acre tract bears, N 32° 38' 31" E, a distance of 236.52 feet;

THENCE: N 81° 43' 11" W, with the common line between said 92.72 acre tract and said 100.90 acre tract, a distance of 575.30 feet to a set $\frac{1}{4}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" at the northwest corner of said 100.90 acre tract, the northeast corner of said 100.14 acre tract, an angle of said 92.72 acre tract and the tract described herein;

THENCE: With the common line between said 92.72 acre tract and said 100.14 acre tract, the following two (2) courses:

1. S 76° 37' 23" W, a distance of 296.70 feet to a set $\frac{1}{4}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a corner, and
2. N 45° 51' 16" W, a distance of 1133.84 feet to the **POINT OF BEGINNING** and containing 15.27 acres of land situated in Kaufman County, Texas.

TRACT 2 - Easement

Together with Variable Width Access & Utility Easement as set out in Reservation and Dedication Deed of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas.

Escrow File No.: 2002489-205

Attachment 3

EXHIBIT "A-6"

TRACT 1

A 10.355 acre tract of land, located in the Thomas Lowrie Survey No. 78, Abstract 285, Kaufman County, Texas and being a portion of a 92.72 acre tract of land as described in Volume 5575, Page 90 of the Official Public Records of Kaufman County, Texas. Said 10.355 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a set $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in a northwest line of said 92.72 acre tract, in a southeast line of a called 220.785 acre tract of land described in Volume 2376, page 439 of the Official Public Records of Kaufman County, Texas and for the north corner of the tract described herein, from which a found $\frac{1}{2}$ " iron rod at the southeast corner of said 220.785 acre tract and for an interior corner of said 92.72 acre tract bears, N 44° 08' 44" E, a distance of 296.00 feet;

THENCE: Into and across said 92.72 acre tract, the following four (4) courses:

1. S 45° 51' 16" E, at 710.00 feet a set $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at a Variable Width Access & Utility Easement of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas, and continuing for a total distance of 735.00 feet to a point for the east corner of the tract described herein,
2. S 44° 08' 44" W, a distance of 405.51 feet to a point for the south corner of the tract described herein,
3. N 86° 49' 05" W, at 66.21 feet a set $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at said Variable Width Access & Utility Easement, and continuing for a total distance of 399.56 feet to a set $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for the southwest corner of the tract described herein, and
4. N 45° 51' 16" W, a distance of 433.28 to a set $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in the southeast line of said 220.785 acre tract, a northwest line of said 92.72 acre tract and for the west corner of the tract described herein, from which a found $\frac{1}{2}$ " iron rod for the southwest corner of said 92.72 acre tract bears, S 44° 08' 44" W, a distance of 325.42 feet;

THENCE: N 44° 08' 44" E, with the common line between said 220.785 acre tract and said 92.72 acre tract, a distance of 667.45 feet to the POINT OF BEGINNING and containing 10.355 acres of land situated in Kaufman County, Texas.

TRACT 2 - Easement

Together with Variable Width Access & Utility Easement as set out in Reservation and Dedication Deed of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas.

Escrow File No.: 2015201-205

Attachment 3

EXHIBIT "A-7A"

Tract 1 - Fee Simple

A 5.401 acre tract of land, located in the Thomas Lowry Survey No. 78, Abstract 285, Kaufman County, Texas and being a portion of a 92.72 acre tract of land as described in Volume 5575, Page 90, of the Official Public Records of Kaufman County, Texas. Said 5.401 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a found $\frac{1}{2}$ " iron rod for an interior corner of said 92.72 acre tract and an exterior corner of a called 220.785 acre tract described in Volume 2376, Page 439, of the Official Public Records of Kaufman County, Texas, from which a found cotton spindle, in the asphalt pavement of County Road 4104, at the northwest corner of said 92.72 acre tract bears, N 45° 48' 59" W, a distance of 1000.00 feet;

THENCE: Into and across said 92.72 acre tract, the following five (5) courses:

S 45° 48' 59" E, a distance of 155.12 feet, to a set $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for an interior corner of the tract described herein,

S 80° 49' 44" E, at 309.03 feet, a set $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at a Variable Width Access & Utility Easement of record in Document No. 2020-0005384, of the Official Public Records of Kaufman County, Texas, a distance of 334.03 feet, to a point for the north corner of the tract described herein,

S 09° 10' 19" W, a distance of 516.83 feet, to a point of curvature of the tract described herein,

With a curve to the right having a radius of 55.00 feet, an arc length of 33.58 feet, a delta angle of 034° 58' 45" and a chord that bears, S 26° 39' 41" W, a distance of 33.06 feet to a point of tangency,

S 44° 08' 44" W, a distance of 32.34 feet, to a point for the east corner of a 10.355 acre tract of land described in Volume 6416, Page 429, of the Official Public records of Kaufman County, Texas, and the south corner of the tract described herein;

THENCE: N 45° 51' 16" W, with the northeast line of said 10.355 acre tract of land, at 25.00 feet a found $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at a Variable Width Access & Utility Easement of record in Document No. 2020-0005384, of the Official Public Records of Kaufman County, Texas, and continuing for a total distance of 735.00 feet, to a found $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in the northwest line of said 92.72 acre tract, the southeast line of said 220.785 acre tract and for the north corner of said 10.355 acre tract of land and the west corner of the tract described herein, from which a found $\frac{1}{2}$ " iron rod at the southwest corner of said 92.72 acre tract bears, S 44° 08' 44" W, a distance of 992.87 feet,

THENCE: N 44° 08' 44" E, with the common line between said 220.785 acre tract and said 92.72 acre tract, a distance of 296.00 feet, to the POINT OF BEGINNING and containing 5.401 acres of land situated in Kaufman County, Texas.

TRACT 2 - Easement

Together with Variable Width Access & Utility Easement as set out in Reservation and Dedication Deed of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas.

Escrow File No.: 2015888-205

Attachment 3

EXHIBIT "A-7B"

Tract 1 - Fee Simple

A 5.453 acre tract of land, located in the Thomas Lowry Survey No. 78, Abstract 285, Kaufman County, Texas and being a portion of a 92.72 acre tract of land as described in Volume 5575, Page 90, of the Official Public Records of Kaufman County, Texas. Said 5.453 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a found $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in a northwest line of said 92.72 acre tract, in a southeast line of a called 220.785 acre tract described in Volume 2376, Page 439, of the Official Public Records of Kaufman County, Texas, for the south corner of a 10.767 acre tract described in Volume 6359, Page 553, of the Official Public records of Kaufman County, Texas, and for a northwest corner of the tract described herein, from which a found cotton spindle in asphalt pavement of County Road 4104, at the northwest corner of said 92.72 acre tract bears, N $45^{\circ} 48' 59''$ W, a distance of 863.52 feet;

THENCE: N $44^{\circ} 08' 44''$ E, with the common line of said 10.767 acre tract and said remaining portion of 92.72 acre tract, at 518.26 feet, a found $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at a Variable Width Access & Utility Easement of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas, and continuing for a total distance of 543.26 feet, to a point for the north corner of the tract described herein, the east corner of said 10.767 acre tract and the south corner of a 10.768 acre tract of land described in Volume 6363, Page 342, of the Official Public records of Kaufman County, Texas;

THENCE: Into and across said 92.72 acre tract, the following five (5) courses:

S $45^{\circ} 51' 16''$ E, a distance of 290.44 feet, to a point of curvature of the tract described herein,

With a curve to the right having a radius of 55.00 feet, an arc length of 52.82 feet, a delta angle of $055^{\circ} 01' 35''$ and a chord that bears, S $18^{\circ} 20' 29''$ E, a distance of 50.81 feet to a point of tangency,

S $09^{\circ} 10' 19''$ W, a distance of 400.91, feet to a point for the south corner of the tract described herein,

N $80^{\circ} 49' 44''$ W, at 25.00 feet, a set $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a reference point at a Variable Width Access & Utility Easement of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas, a total distance of 334.03 feet, to a set $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for an interior corner of the tract described herein, and

N $45^{\circ} 48' 59''$ W, at 115.12 feet, a found $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for an interior corner of said 92.72 acre tract and an exterior corner of said 220.785 acre tract, from which a found $\frac{1}{2}$ " iron rod at the southwest corner of said 92.72 acre tract bears, S $44^{\circ} 08' 44''$ W, a distance of 1218.87 feet, and continuing for a total distance of 291.60 feet, to the **POINT OF BEGINNING** and containing 5.453 acres of land situated in Kaufman County, Texas.

Tract 2 - Easement

Together with Variable Width Access & Utility Easement as set out in Reservation and Dedication Deed of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas.

Escrow File No.: 2002485-295

Attachment 3

EXHIBIT "A-8"

TRACT 1

A 10.767 acre tract of land, located in the Thomas Lowrie Survey No. 78, Abstract 285, Kaufman County, Texas and being a portion of a 92.72 acre tract of land as described in Volume 5575, Page 90 of the Official Public Records of Kaufman County, Texas. Said 10.767 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in asphalt, in the center line of County Road 4104, in the northwest line of said 92.72 acre tract and for the north corner of the tract described herein, from which a found mag nail in asphalt, in the center line of County Road 4104, for the most westerly corner of a called 10.43 acre tract of land as described in Volume 5941, Page 536 of the Official Public records of Kaufman County, Texas, and for the north corner of said 92.72 acre tract bears, N 44° 05' 27" E, a distance of 542.69 feet;

THENCE: Departing the center line of County Road 4104, and into and across said 92.72 acre tract, the following two (2) courses:

- 1. S 45° 51' 16" E, a distance of 864.03 feet to a point for the east corner of the tract described herein, and**
- 2. S 44° 08' 44" W, at 25.00 feet passing a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" at Variable Width Access & Utility Easement of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas, and continuing for a total distance of 543.26 feet to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in the northeast line of a called 71.00 acre tract as described in Volume 2376, Page 439 of the Official Public Records of Kaufman County, Texas, in the southwest line of said 92.72 acre tract and for the south corner of the tract described herein;**

THENCE: N 45° 48' 59" W, with the common line between said 92.72 acre tract and said 71.00 acre tract, a distance of 863.52 feet to a found cotton spindle in asphalt, in the center line of County Road 4104, for the northwest corner of said 92.72 acre tract and the tract described herein;

THENCE: N 44° 05' 27" E, with the center line of County Road 4104 and the northwest line of said 92.72 acre tract, a distance of 542.69 feet to the POINT OF BEGINNING and containing 10.767 acres of land situated in Kaufman County, Texas.

TRACT 2 - Easement

Together with Variable Width Access & Utility Easement as set out in Reservation and Dedication Deed of record in Document No. 2020-0005384 of the Official Public Records of Kaufman County, Texas.

Attachment 3



Kaufman County
Laura Hughes
County Clerk

Instrument Number: 2020-0005384

Billable Pages: 6
Number of Pages: 7

FILED AND RECORDED - REAL RECORDS	CLERKS COMMENTS
On: 02/27/2020 at 01:41 PM	E-RECORDING
Document Number: 2020-0005384	
Receipt No: 20-5013	
Amount: \$ 46.00	
Vol/Pg: V:6316 P:202	



STATE OF TEXAS
COUNTY OF KAUFMAN

I hereby certify that this instrument was filed on the date and time stamped hereon by me
and was duly recorded in the Official Public Records of Kaufman County, Texas.

Laura A. Hughes

Laura Hughes, County Clerk

Recorded By: Wanda Butler, Deputy

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED
REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER
FEDERAL LAW.

Record and Return To:
ANDERSON VELA, LLP
4920 WESTPORT DR
THE COLONY, TX 75056



Attachment 3

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

**RESERVATION
AND DEDICATION
DEED**

Field & Permits, LLC (the "Grantor") for and in consideration of the sum of TEN AND No/100 DOLLARS (\$10.00) and other valuable consideration paid by the Grantee herein named, the receipt and adequacy of which is hereby acknowledged, has DEDICATED AND RESERVED, and by these presents does DEDICATE AND RESERVE to Field & Permits, LLC (the "Grantee") the real property described on Exhibit "A-1 & A-2" attached hereto and made a part hereof (the "Property") for use as a public street, utilities, and right-of-way, and for such other uses as public streets maybe used. For Grantee and Grantee's heirs, successors, and assigns forever, a dedication and reservation of the free, uninterrupted, and perpetual use of, and a separate right to maintain, a nonexclusive easement over the passageway described in this paragraph and located on the Property.

The Property is conveyed by Grantor and accepted by Grantee subject to all easements, covenants, conditions, mineral reservations and leases, and other matters disclosed by the real property records of Kaufman County, Texas ("Exceptions");

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, Grantee's successors and assigns forever; and Grantor does hereby bind Grantor, Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, subject to the Exceptions and ad valorem taxes for the current year, such Exceptions being agreed to by Grantee and such taxes being assumed by Grantee by acceptance of this Deed.

EXECUTED this the 27th day of February, 2020

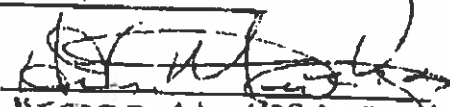
GRANTOR:

FIELD & PERMITS, LLC

By:

Name:

Title:

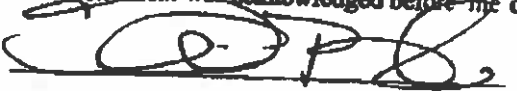

HECTOR M. MORALES-VARGAS
PRESIDENT

Attachment 3

STATE OF TEXAS
COUNTY OF DENTON

§
§

This instrument was acknowledged before me on the 27th day of February, 2020.


Notary Public in and for
The State of Texas



Attachment 3

Exhibit A-1



FIELD NOTES FOR A VARIABLE WIDTH ROAD ACCESS & UTILITY EASEMENT

(4.46 ACRES)

A Variable Width Road Access & Utility Easement, being 4.46 acres of land, located in the Thomas Lowrie Survey No. 78, Abstract 285, Kaufman County, Texas and being over and across a 92.72 acre tract of land as described in Volume 5575, Page 90 of the Official Public Records of Kaufman County, Texas. Said Variable Width Road Access & Utility Easement being more particularly described by metes and bounds as follows:

BEGINNING at a found mag nail in asphalt, in the center line of County Road 4104, for the most westerly corner of a called 10.43 acre tract of land as described in Volume 5941, Page 536 of the Official Public records of Kaufman County, Texas, for the north corner of said 92.72 acre tract and the easement described herein;

THENCE: S 45° 52' 23" E, departing the center line of County Road 4104, and with the common line between said 10.43 acre tract and said 92.72 acre tract, a distance of 54.95 feet to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a northeasterly corner of the easement described herein;

THENCE: Over and across said 92.72 acre tract, the following thirteen (13) courses:

1. S 44° 07' 30" W, a distance of 517.69 feet to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for an interior corner,
2. S 45° 51' 16" E, a distance of 1128.90 feet to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature,
3. With a curve to the right having a radius of 30.00 feet, an arc length of 28.81 feet, a delta angle of 055° 01' 35" and a chord bears, S 18° 20' 29" E, a distance of 27.72 feet to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of tangency,
4. S 09° 10' 19" W, a distance of 959.53 feet to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature,
5. With a curve to the right having a radius of 30.00 feet, an arc length of 18.31 feet, a delta angle of 034° 58' 25" and a chord bears, S 26° 39' 31" W, a distance of 18.03 feet to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of tangency,
6. S 44° 08' 44" W, a distance of 453.60 feet to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature,
7. With a non-tangent curve to the right having a radius of 50.00 feet, an arc length of 261.88 feet, a delta angle of 300° 00' 00" and a chord bears, N 45° 51' 16" W, a distance of 50.00 feet to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of non-tangency,
8. N 44° 08' 44" E, a distance of 437.85 feet to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature,
9. With a curve to the left having a radius of 30.00 feet, an arc length of 18.31 feet, a delta angle of 034° 58' 45" and a chord bears, N 26° 39' 41" E, a distance of 18.03 feet to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of tangency,
10. N 09° 10' 19" E, a distance of 917.74 feet to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature,
11. With a curve to the left having a radius of 30.00 feet, an arc length of 28.81 feet, a delta angle of 055° 01' 35" and a chord bears, N 18° 20' 29" W, a distance of 27.72 feet to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of tangency, and
12. N 45° 51' 16" W, a distance of 1099.84 feet to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for an interior corner, and
13. S 44° 07' 30" W, a distance of 517.72 feet to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in the southwest line of said 92.72 acre tract and for a southwest exterior corner of the easement described herein;

Attachment 3



THENCE: N 45° 48' 59" W, with the southwest line of said 92.72 acre tract, a distance of 54.30 feet to a found cotton spindle in asphalt, in the center line of County Road 4104, for the northwest corner of said 92.72 acre tract and the easement described herein;

THENCE: N 44° 05' 27" E, with the center line of County Road 4104 and the northwest line of said 92.72 acre tract, a distance of 1085.37 feet to the **POINT OF BEGINNING** and containing 4.46 acres of land situated in Kaufman County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, North Central Zone, 4202, US Survey Foot, Grid. A survey plat was prepared by a separate document.

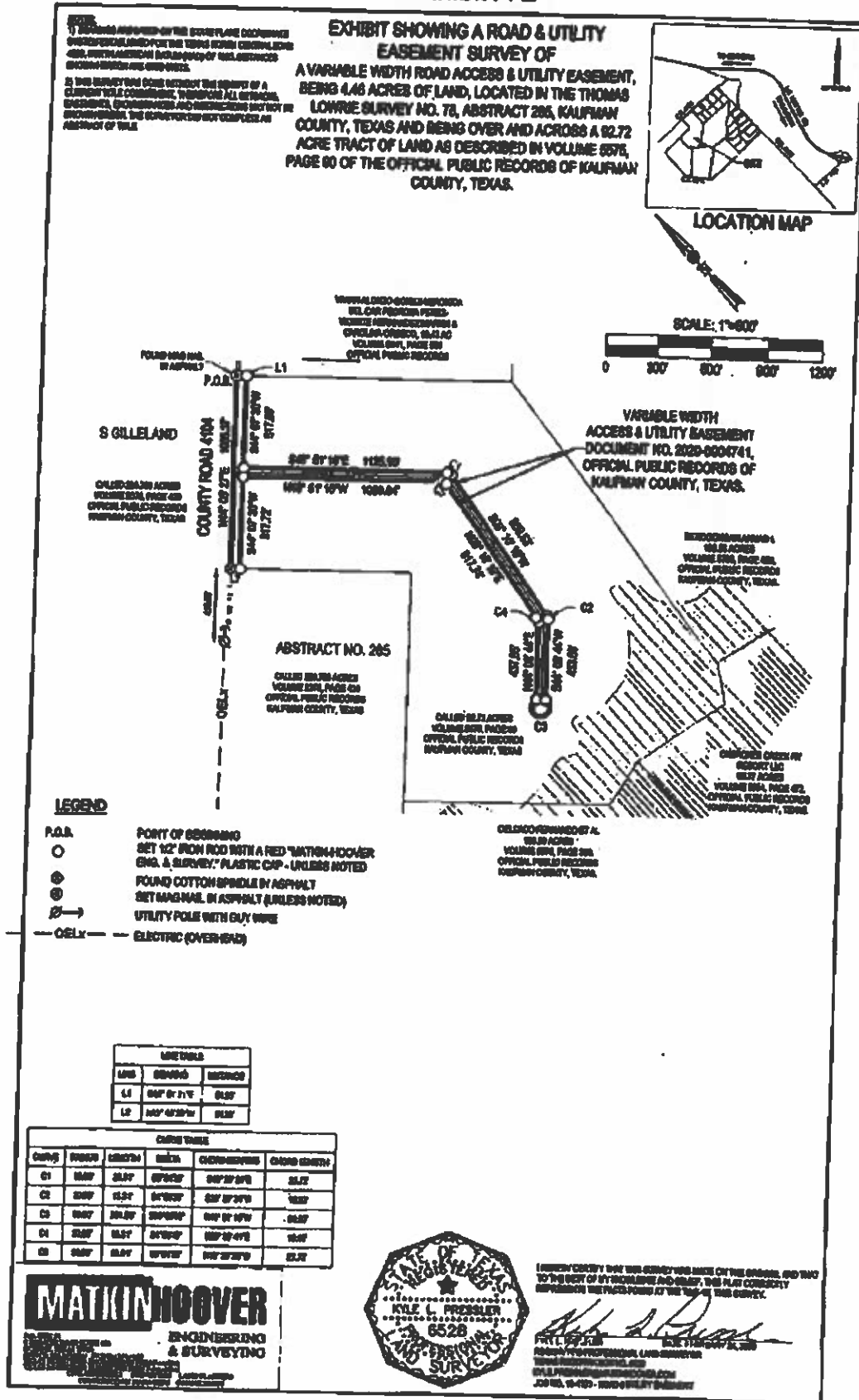
Job # 16-4123 4.46 Acres-Road & Utility Esmt

Date: February 20, 2020



Attachment 3

Exhibit A-2



Attachment 3

#2020-0005384
Filed for Record in Kaufman County TX
02/27/2020 01:41:54 PM

#2020-0030767
Filed for Record in Kaufman County TX
10/06/2020 01:32:50 PM

CITY OF KAUFMAN'S PARKLAND DEDICATION AND PARK DEVELOPMENT FEES

A. Dedication Requirements for Parks.

1. Land Dedication.

Single-family: one (1) acre per 6.6 dwelling units

Multi-family: one (1) acre per 7.14 dwelling units

2. Fee-In-Lieu of Land Dedication.

Single-family: \$2,455.50 x 28% (City Required Percentage) = \$687.54 per dwelling unit

Multi-family: \$2,291.80 x 12% (City Required Percentage) = \$275.02 per dwelling unit

3. Park Development Fee.

Single-family: \$2,862.93 x 28% (City Required Percentage) = \$801.62 per dwelling unit

Multi-family: \$2,672.07 x 12% (City Required Percentage) = \$320.65 per dwelling unit

4. Total Park Fees.

Single-family: \$5,318.43 x 28% (City Required Percentage) = **\$1,489.16** per dwelling unit

Multi-family: \$4,963.87 x 12% (City Required Percentage) = **\$595.67** per dwelling unit

The City of Kaufman only requires twenty-eight percent (28%) of its single-family land and park fees and twelve percent (12%) of its multi-family land and park fees to be paid to satisfy the parkland dedication requirements under this Chapter.

Survey of Other City's Parkland Dedication Fees

Forney Fees (2018 numbers)

Requirement	Methodology
Current level of service is 1 acre per 77.3 people. This level of service is based on the 2018 total population: 20,280 divided by the existing parkland of 262.35 acres.	
3.1 persons per household (PPH) for single-family and 1.2 PPH for multifamily based on NCTCOG population estimates.	
Land	Single-family: $77.3 \text{ people} \div 3.1 \text{ PPH} = 25 \text{ Dwelling Units (DU)} = 1 \text{ acre per } 25 \text{ DU}$
	Multifamily: $77.3 \text{ people} \div 1.2 \text{ PPH} = 64 \text{ DU} = 1 \text{ acre per } 64 \text{ DU}.$
Fee-in-lieu of land	Assume 1 acre costs \$28,169 (Based on previous City land purchase)
	Single-family: $\$28,169 \div 25 \text{ DU} = \$1,126 \text{ per DU}$
	Multifamily: $\$28,169 \div 64 \text{ DU} = \440 per DU
Park Development Fee	One park serves 1,844 people, based on a total population of 20,280 being served by 11 parks. The cost of improvements is an average of \$136 per person based on an average City park development cost of \$250,000.
	Single-family: $\$136 \times 3.1 \text{ PPH} = \422 per DU
	Multifamily: $\$136 \times 1.2 \text{ PPH} = \164 per DU
Total Park Fee	Single-family: $\$1,126 + \$422 = \$1,548 \text{ per DU}$
	Multifamily: $\$440 + \$164 = \$604 \text{ per DU}$

Terrell Fees 9/22/20

1 acre of Land per 50 people Minimum neighborhood park size is 5 acres

Fee-In-Lieu of Land Fee: \$800 per dwelling unit Park Development Fee: \$800 per dwelling unit

Maximum Total Park Fee: $\$800 + \$800 = \$1,600 \text{ per dwelling unit}$

Crandall Fees

No parkland dedication ordinance

Rockwall Fees

Rockwall has 35 different park districts Minimum neighborhood park size is 1 acre

District 8: Cash-in-Lieu of Land Fee: \$507 per dwelling unit District 8: Park Development Fee: \$523 per dwelling unit

District 8: Maximum Total Park Fee: $\$1,030 \text{ per dwelling unit}$

Ennis

No parkland dedication ordinance

Survey of Other City's Parkland Dedication Fees

Waxahachie Fees

Minimum neighborhood park size is 2 acres of land for each 100 dwelling units

Cash-In-Lieu of land Fee: \$400 per residential dwelling unit Park Development Fee: N/A