

CITY OF BELTON

City Council Meeting Agenda Tuesday, July 26, 2016 - 5:30 p.m. Wright Room, Harris Community Center 401 N. Alexander, Belton, Texas

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Councilmember Dan Kirkley.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by Director of IT Chris Brown.

"Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible."

Invocation. The Invocation will be given by Rebecca Fox Nuelle, Pastor of First Presbyterian Church.

- 1. Call to order.
- 2. Public Comments.
- 3. Recognitions and Proclamations:
 - A. Recognize Director of Finance Brandon Bozon and Assistant Director of Finance Susan Allamon for receiving the Certified Government Finance Officer designation.
 - B. Proclamation 150th Anniversary of the Belton Journal

Consent Agenda

Items 4-7 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

> City Council Meeting Agenda July 26, 2016 Page 1 of 3

4. Consider minutes from previous meetings:

A. Minutes of June 30, 2016, Joint City Council/BEDC Meeting B. Minutes of July 12, 2016, City Council Meeting

- 5. Consider Amendment No. 1 to the Operation, Maintenance and Management Agreement between the Brazos River Authority, City of Temple and City of Belton related to the allocation of expenses for the Reclaimed Water Facility at the Temple-Belton Wastewater Treatment Plant.
- 6. Consider an Interlocal Agreement with the Belton Independent School District for operation of a career and technical high school education fire course.
- 7. Consider an ordinance amending Chapter 23, Article VII, Special Revenue Drainage Fund, Section 23-308 and Section 23-309 of the Code of Ordinances clarifying the application and calculation of drainage fees.

Public Works

8. Hold a public hearing and consider an ordinance amending Chapter 20, Article VIII, Construction in Public Rights-of-Way, in the Code of Ordinances regarding the City's management of public rights-of-ways and permitting process.

Planning and Zoning

- 9. Hold a public hearing and consider a zoning change from Agricultural to Commercial Highway Zoning District on a 3.679 acre tract of land and from Agricultural to Light Industrial Zoning District on a 8.984 acre tract of land located at 3360 South Interstate Highway 35, located on the east side of South Interstate Highway 35 and south of Grove Road.
- 10. Hold a public hearing and consider a re-plat for Red River subdivision, a 7.037 acre tract of land, located on the north side of Red River Road and east of Riverwood Drive.
- 11. Hold a public hearing and consider a re-plat for Forrest Hill, Phase V, a 0.717 acre tract of land, located on the north side of Armstrong Drive and east of Kneese Drive.
- 12. Consider a resolution authorizing the City Manager to execute a Development Agreement between the City of Belton and Edanbra Development LC, regarding the Forrest Hill, Phase V Subdivision, a 0.717 acre tract, located on the north side of Armstrong Drive and east of Kneese Drive.

City Council Meeting Agenda July 26, 2016 Page 2 of 3

<u>Budget</u>

13. Receive a presentation on the proposed Hotel/Motel budget for FY 2017.

14. Receive presentations on annual goals and priorities from the following departments:

- A. Parks and Recreation
- B. Library
- C. Internal Services and Engineering

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.

City Council Meeting Agenda July 26, 2016 Page 3 of 3



CITY OF BELTON

OFFICE OF THE CITY MANAGER

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Invocation. The Invocation will be given by Rebecca Fox Nuelle, Pastor of First Presbyterian Church.

- 1. Call to order.
- 2. Public Comments.
- 3. Recognitions and Proclamations:

A. <u>Recognize Director of Finance Brandon Bozon and Assistant Director of</u> <u>Finance Susan Allamon for receiving the Certified Government Finance</u> <u>Officer designation.</u>

Brandon and Susan have recently completed all requirements to receive designation as Certified Government Finance Officers. We congratulate them on the accomplishment.

B. <u>Proclamation – 150th Anniversary of the Belton Journal</u>

The Belton Journal is celebrating their 150th anniversary. We congratulate them on this significant milestone.

City Council Meeting Agenda July 26, 2016 Page 1 of 3

Consent Agenda

Items 4-7 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

4. Consider minutes from previous meetings:

A. Minutes of June 30, 2016, Joint City Council/BEDC Meeting B. Minutes of July 12, 2016, City Council Meeting

Copies are attached. Recommend approval.

5. <u>Consider Amendment No. 1 to the Operation, Maintenance and Management</u> <u>Agreement between the Brazos River Authority, City of Temple and City of</u> <u>Belton related to the allocation of expenses for the Reclaimed Water Facility</u> <u>at the Temple-Belton Wastewater Treatment Plant.</u>

See Staff Report from Director of Finance Brandon Bozon. Recommend approval.

6. <u>Consider an Interlocal Agreement with the Belton Independent School District</u> for operation of a career and technical high school education fire course.

See Staff Report from City Manager Sam Listi. Recommend approval of the extension of the interlocal agreement with BISD.

7. <u>Consider an ordinance amending Chapter 23, Article VII, Special Revenue</u> <u>Drainage Fund, Sections 23-308 and Sections 23-309 of the Code of</u> <u>Ordinances clarifying the calculation of drainage fees.</u>

See Staff Report from Director of Finance Brandon Bozon. Recommend approval of the Ordinance

Public Works

8. <u>Hold a public hearing and consider an ordinance amending Chapter 20,</u> <u>Article VIII, Construction in Public Rights-of-Way, in the Code of Ordinances</u> <u>regarding the City's management of public rights-of-ways and permitting</u> <u>process.</u>

See Staff Report from Director of Internal Services/City Engineer Angellia Points. Conduct public hearing and recommend approval of the Ordinance.

> City Council Meeting Agenda July 26, 2016 Page 2 of 3

Planning and Zoning

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See Staff Report from Director of Planning Erin Smith. The Planning and Zoning Commission recommends approval, and we concur in their recommendation.

10. <u>Hold a public hearing and consider a re-plat for Red River subdivision, a 7.037</u> acre tract of land, located on the north side of Red River Road and east of <u>Riverwood Drive.</u>

See Staff Report from Director of Planning Erin Smith. The Planning and Zoning Commission recommends approval, and we concur in their recommendation.

11. <u>Hold a public hearing and consider a re-plat for Forrest Hill, Phase V, a 0.717</u> acre tract of land, located on the north side of Armstrong Drive and east of <u>Kneese Drive.</u>

See Staff Report from Director of Planning Erin Smith. The Planning and Zoning Commission recommends approval, and we concur in their recommendation.

12. <u>Consider a resolution authorizing the City Manager to execute a Development</u> <u>Agreement between the City of Belton and Edanbra Development LC,</u> <u>regarding the Forrest Hill, Phase V Subdivision, a 0.717 acre tract, located on</u> <u>the north side of Armstrong Drive and east of Kneese Drive.</u>

See Staff Report from Director of Planning Erin Smith. Recommend approval of the Development Agreement with Edanbra Development, LC.

<u>Budget</u>

13. Receive a presentation on the proposed Hotel/Motel budget for FY 2017.

14. <u>Receive presentations on annual goals and priorities from the following departments:</u>

- A. Parks and Recreation
- B. <u>Library</u>
- C. Internal Services and Engineering

Items 13 and 14 will be presented at the meeting.



In honor of achieving the distinction of



through continuous dedication to the PUBLIC GOVERNMENT PROFESSION

ford hlackwell

President

July 13, 2016

CGFO Administrator

376

Certificate Number

Date



Presented to____ Ousan Mamon

In honor of achieving the distinction of

ERTIFIED GOVERNMENT FINANCE OFFICER

through continuous dedication to the PUBLIC GOVERNMENT PROFESSION

Machwell President

July 13, 2016

CGFO Administrator

375

Date

Certificate Number

- WHEREAS, The Belton Journal is an accurate and professional source of community news each week; and
- WHEREAS, The Belton Journal's news coverage has spanned the terms of 28 U.S. Presidents and also kept Belton residents informed of local droughts, floods, football games, City Council meetings, and a host of other news fit for print; and
- WHEREAS, The Belton Journal is the oldest continually published newspaper in the State of Texas with some 7,800 published editions; and
- WHEREAS, The Belton Journal has remained relevant through the invention of the light bulb, two world wars, the Cold War, the invention of the automobile, the Great Depression, space travel, and the emergence of the digital age; and
- WHEREAS, The Belton Journal is celebrating the 150th anniversary of its first edition; and
- WHEREAS, the City of Belton is very pleased to participate in this celebration honoring The Belton Journal for over 150 years of service to the community.
- NOW THEREFORE, I, MARION GRAYSON, Mayor of the City of Belton, Texas, do hereby proclaim the recognition and celebration of the

"150th Anniversary of The Belton Journal"

and urge all citizens of Belton to join with me in congratulating the current newspaper publisher/owner, David Tuma, and his staff, and all who have been a part of the newspaper's storied past, on this significant milestone.

> IN WITNESS THEREOF, I have hereunto set my hand, and have caused the Official Seal of the City of Belton, Texas, to be affixed this the 26th day of July, 2016.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

JOINT MEETING OF THE BELTON CITY COUNCIL AND BELTON ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS June 30, 2016 – 4:00 P.M.

The Belton City Council met in special session with the Belton Economic Development Corporation (BEDC) Board of Directors in the Conference Room at Belton City Hall, with the following members present: Mayor Marion Grayson, Mayor Pro Tem David K. Leigh, Councilmembers Jerri Gauntt, Paul Sanderford and Dan Kirkley. Councilmembers Craig Pearson and Guy OBanion were absent. Staff present included Sam Listi, Amy Casey, Gene Ellis, Brandon Bozon, Angellia Points, Byron Sinclair, Paul Romer, Aaron Harris, Erin Smith, Ed Bandas and Chris Brown.

Members attending from the BEDC were: Board Vice President Joe Shepperd, Board Secretary Griff Lord and Board Members Steve Jones and Barry Harper, along with Executive Director Cynthia Hernandez, Ana Borchardt, Director of Business Expansion & Retention and Legal Counsel Neale Potts. BEDC Board President Chris Moore was absent (telephoned into the meeting from remote location).

1. <u>Call to order</u>. Mayor Marion Grayson called the City Council meeting to order at 4:03 p.m., and BEDC Board Vice President, Joe Shepperd, called the BEDC Board meeting to order.

2. <u>Hold a joint meeting between the Belton City Council and the Belton Economic</u> <u>Development Corporation to discuss Belton's 2016-2020 Strategic Plan, and</u> <u>City and BEDC goals, projects, plans and funding implications.</u>

Mayor Grayson called the City Council meeting to order and welcomed everyone to the joint meeting. BEDC Vice President Joe Shepperd called the BEDC portion of the meeting to order and announced that Board Chair Chris Moore was participating in the meeting via telephone. He then turned the meeting over to BEDC Executive Director Cynthia Hernandez. Mrs. Hernandez provided an update on BEDC projects, focusing on the Strategic Plan elements that were directly related to Economic Development.

Mrs. Hernandez stated that BEDC has considered building a spec building, but they have decided it is not an investment they want to make at this time. She said that a number of the leads they have received from the Governor's Office have been for land, and several were for sizes of land that are just not available in Belton, so they were unable to pursue them. BEDC has considered a few pieces of property for purchase, and had them evaluated by a local engineering firm, but they are still researching to determine which properties would be best for BEDC.

Next, Mrs. Hernandez discussed the conveyance of the Rockwool property from the City to the BEDC based on changes made to the institutional control ordinance at the City Council meeting on June 28, 2016. She said that BEDC will need to invest \$208,000 in order to extend water service to the properties. She said that as far as wastewater is concerned, they will most likely let the potential developer extend that

to the property. Mr. Shepperd added that there has been a lot of interest in the Rockwool property. Mayor Pro Tem David K. Leigh asked where and how the potential developer would tie into the sewer. Mack Parker of KPA Engineers explained to the group possible ways to achieve extending sewer service to the property.

Mrs. Hernandez said that BEDC has identified a new piece of property for BEDC offices. There is interest from others to purchase the current property owned by BEDC. Councilmember Jerri Gauntt said that she had not seen signs advertising the property for sale, and she asked if the BEDC had to sell property through a bid process similar to the process a City must follow. Mrs. Hernandez said no, and BEDC Legal Advisor Neale Potts added that an Economic Development Corporation is not a governmental entity and does not have the same requirements as the City. Mayor Pro Tem Leigh asked what the timeframe would be for building BEDC offices. Mrs. Hernandez stated that they would build within the next year.

Mrs. Hernandez said that as far as marketing is concerned, BEDC is in the process of redeveloping their website, and they will include a page for retail/commercial development. BEDC is also investing in a video for the community. A company was hired that used a drone to help capture parts of Belton to use in the videos. The video will feature the Belton Business Park and vacant properties, as well as major points of interest to showcase Belton. As a part of Grand Central Texas, BEDC is also participating in a regional video.

City Manager Sam Listi provided updates on Strategic Plan items as shown in Exhibit "A".

Following Mr. Listi's presentation on Dogridge Water Supply Corporation's (DWSC) reluctance to make a decision on the CCN, Mr. Shepperd said that BEDC believes transfer of the CCN to the City of Belton is necessary to get service to the tract of land BEDC wants to purchase. Mr. Listi said that the Dogridge Board of Directors wants the City to present a proposal to them for action. Mr. Listi suggested proposing a total allocation of \$50,000 for this transaction. Mr. Shepperd said that BEDC has considered trying to buy DWSC in its entirety.

Mr. Listi discussed the Sparta Road project at a total projected cost of \$3.2M. He stated that Phase 1 from Main Street to Walmart has been bid, and a contract has been awarded. He reviewed the funding for the project. Mr. Listi reminded BEDC that a City request for one half of the project cost, \$1.6M, needs to be addressed following the previous \$310,000 commitment, leaving \$1.3M. Listi suggested that BEDC consider a policy that provides for a set allocation to the City each year. He said that without a significant contribution from BEDC, virtually all of TIRZ's funds will have to be allocated to the Sparta Road project in FY 2017.

Mr. Shepperd stated that BEDC will allocate an additional \$190K, to make a total of \$500K contribution to the Sparta Road project. He said that an allocation of a certain percentage of budget each year for capital projects is a good discussion to have, but

the consensus is that BEDC prefers to continue to have the autonomy that they have enjoyed in the past. They would prefer to look at projects on a case-by-case basis, but they are willing to discuss it.

Mayor Pro Tem Leigh said that he liked that the two groups are engaging in a discussion. He said that infrastructure is the responsibility of the City, but added that it is a driver of economic development. He said that the two groups need to be creative and work together. The Tax Increment Reinvestment Zone (TIRZ) has been a good tool for economic development, and he discussed the property tax growth within the TIRZ. Mr. Leigh added that TIRZ funds can be used for more than strictly the creation of primary jobs, but he cautioned that, if the City has to go up on the tax rate, it would have a negative impact on economic development. He said that Council and Staff have to look collectively at all funds the City has and be prudent. He added that most of the City's funds are being spent on growth, and he said that it is in the best interest of our citizens to find a way to prevent an ad valorem tax increase.

Councilmember Dan Kirkley said that he feels strongly if the Council has tasked BEDC with creating primary jobs, and the City consumes their funding making it unavailable when an opportunity arises, then the Council has done the citizens a disservice. He added that increasing the ad valorem tax rate is not something that he is in favor of.

Mr. Leigh said he believes both groups want increased tax revenue through growth in the tax base. Mayor Grayson mentioned that the Council had tasked the City Manager to find alternative funding sources to a property tax increase. She said that the City has made a request for 25% from BEDC's annual funds each year, but she added that BEDC is reluctant to make this commitment. She said that the City and the BEDC have to decide what is in the best interest of the citizens.

BEDC President Chris Moore said that if the City wants to tap 25% of revenue from the BEDC, then why have the BEDC? Mr. Moore said that the request is actually closer to 40% of BEDC's operating budget. He voiced BEDC's concerns about committing to the allocation each year and not having funds available for an economic development opportunity that might come along. Mr. Moore said that if that is what the City wants to them to do, the BEDC Board of Directors was appointed by the City Council, and ultimately works for the Council and the taxpayers. He said the Board will have to address the question posed on the funding commitment, even though he feels the BEDC Board has already answered the question. He added that the BEDC would be significantly hampered to accomplish the projects they have outlined by making such a large commitment.

Boardmember Steve Jones said that when the CGI deal came up, BEDC thought they might have to borrow money to complete the deal. He said that thankfully BEDC has been able to sell property and gain a fund balance. He added that to replace the business park will take approximately \$4M - \$6M. He explained that, although the City has said BEDC receives \$1.6M annually in tax revenue, there are

also operating expenses of approximately \$600,000 each year that are paid with a portion of those funds.

Mayor Pro Tem Leigh said that the intent of the meeting is to have an open, candid dialogue. He questioned how much CGI has brought into the community after BEDC spent a large amount of money to bring the company to Belton. He said that smaller businesses have brought more into the community. He said that he grew Harvest Technology, and it has brought more residents into the community than CGI whose management doesn't live in Belton. CGI's employees are paying taxes in other communities. Belton's tax dollars were used to benefit the region, not necessarily Belton. He said we need to have a good balance.

Board President Moore said he agreed, but he asked what type of community Belton wants to be in 5-10 years. If the Council's desire is not in the large industrial companies anymore, then that's okay, but then the focus of the City has changed which changes BEDC's market. He said that the bigger point is what we as a City want. He asked, "Do we want the 40,000 sf building filled, or do we want the smaller retail type operations?" Mr. Leigh said that if we are looking at the large companies who have a need for large amounts of land, Belton has annexed nearly all that is available. He added that, in his opinion, Belton can't compete with the available land in neighboring communities. Mr. Moore said that he thinks that this is a good discussion because the BEDC struggles with that consideration as well. If Belton wants to concede that type of business to other communities, then that has significantly changed the focus of the BEDC. He said he feels the BEDC may have an identity crisis.

Mrs. Hernandez discussed the economic impact of each type of market sector. She said that the smaller types of businesses have been good in Belton. However, she added that the larger projects involving manufacturing companies, which are usually more capital intensive, tend to provide a living wage and better benefits which also helps the tax base. Type A corporations, like BEDC, focus on manufacturing companies for that reason. Mayor Pro Tem Leigh said that BEDC exists to get those projects, but he does not believe that they are what makes up Belton's growth. He said that the group already indicated Belton cannot compete against the neighboring communities, so he does not feel that BEDC should put in a facility that others can build. He does not believe that Belton's "sweet spot" is big box manufacturers. Mayor Grayson said that because of our location, she thinks distribution centers could possibly be a good fit.

Councilmember Sanderford shared his concern about possibly undermining the mission of BEDC. He understands about not wanting to raise taxes, but added that Belton is a community in need of additional tax base which is something that BEDC is tasked with growing. He does not believe that the City should necessarily take money from the BEDC if it causes them to not be able to meet their tasks. He stated that he doesn't know enough about BEDC's operations to determine if it is truly detrimental to them, so he has to take them at their word.

Mayor Grayson asked if there was a possibility of creating another TIRZ since there will be growth along IH 35 in South Belton due to the South Belton Sewer Project. Mayor Pro Tem Leigh responded that Belton can create a new TIRZ or extend or modify the current TIRZ.

City Manager Listi said that it is important not to lose sight of the possibility of partnering on projects with BEDC. Mayor Grayson said that she was sure that partnering would still be a possibility in the future. Mr. Listi said that he wanted to keep the dialogue ongoing, but he was disappointed in the amount allocated to the Sparta Road project. He believes that there are projects that are mutually beneficial to both groups because they help build the community, as a substitute to Sparta Road.

Mr. Shepperd said that the projects on which BEDC focuses typically have a 10-20% return on investment. He said that BEDC looks at what they are tasked to do, and they are trying to create economic growth for the City of Belton.

Mr. Jones said that BEDC will agree to look at any project the City brings forward, but he stated that BEDC feels they have to be protective of their funds in order to meet their goals. Mayor Pro Tem Leigh asked, "So, what did I hear? What I heard is we want to protect ours... I didn't hear 'collaborative.' I heard we want to protect ours." Mr. Jones said, "What I said was that we are protective of what we've got because we don't know exactly what we may need. Our goal is to buy land." Mayor Pro Tem Leigh asked if the goal was to buy land or for economic development. He stated that economic development allows for other things such as the purchase of the Dogridge water system. Mr. Jones said that the business park is an example of how BEDC can use land as an incentive to bring businesses into Belton, and BEDC wants to continue to be able to incentivize companies in that way.

Mr. Leigh said that the biggest economic development that has happened in his lifetime in Belton has been Walmart and HEB. Mr. Jones said that HEB and Walmart "do their own thing." Mr. Leigh said, "Exactly! But, they won't come to areas that don't have the infrastructure in place." He said that economic development is a balancing act of low taxes, good infrastructure, available land, good talent, nice education, and proximity to airports. Mr. Jones said that we need businesses that raise our tax values. Walmart is a good example that brings money into the community, and he named several other companies that add to the tax base. But, he said to attract companies from California, then we are going to have to provide them an incentive to come here. He said that we need to have land available in order to provide the right incentive. Mr. Shepperd said that the incentive may also be running sewer up and down IH 14. Mr. Leigh said that he agreed, but all he has heard from BEDC is land, land, land. He said that we need to work together to solve the issue and not draw a line in the sand on either side.

Mr. Listi said that BEDC is participating in the Sparta Road project in the amount of \$500K, but the project is a \$3M project, substantially for the benefit of TRUmh. Mayor Grayson said that BEDC doesn't believe that the project is primarily for

TRUmh. Mr. Leigh said that the City is going to pay \$6M for the South Belton Sewer project to aid in development of that area which is huge for economic development. If the City is asking BEDC to participate in projects that aid in growth of the City, the groups should be able to work together. Mr. Jones said, "We have done that, but you don't think it's enough. It's not like we haven't offered anything." Mr. Leigh said, "But it's the City's money... it's the whole City... it's not yours or ours..." Board President Moore said, "You are right. It is the City's money... it's the taxpayers' money, but, respectfully, when you put it in that context, it somewhat negates the different purposes of the City of Belton's responsibilities and the Economic Development Corporation's responsibilities. I think that is the identity crisis that I alluded to earlier. I would strongly suggest that we (BEDC) and the Council need to decide what we want an economic development arm focused on because, to your point, there are creative tools that we can set up that look different than a Type A Development Corporation, but we are not going to be able to do both." Mr. Leigh said that the City is going to spend \$6M to open up sewer along IH 35 for potential commercial development, and that looks like a BEDC project... "can you just fund the whole thing?" Mr. Moore said that he doesn't know the details of the project, but from what he has heard, he thinks that BEDC could fund it. Mr. Leigh said, "Or, can we be creative, and ask you to help us with a \$500K project over here instead?"

Mrs. Hernandez explained that the BEDC has participated as Mr. Leigh described. The City asked the BEDC to participate in the Patriot Way/Central Avenue project, but it wasn't an eligible project under the State Development Corporation Act. However, she said that the City was doing a wastewater extension project on Avenue D, and the BEDC participated in that project instead. She stated that BEDC has spent \$2.6M on infrastructure projects throughout the City. The BEDC Board feels they have partnered on projects with the City. She doesn't think the BEDC Board feels the Sparta Road project fits their charge, but BEDC has committed \$500K. Additionally, she added that BEDC will continue partnering with the City on other projects that they feel fit within their mission.

Mr. Leigh said that he, personally, wasn't talking with one road in mind. He said he wants collaboration to continue between the two groups.

Mayor Grayson said that another issue is policy, and she asked Mr. Listi to address it with the group. Mr. Listi said that the opportunity for a policy discussion emerged as a way to get a handle on an amount of money to be contributed annually by BEDC toward eligible and mutually beneficial projects if that was the direction the groups decided to go. He explained that the City and BEDC have cooperated and partnered in the past, but the policy was a way to address where we go from here, as a means of clarification and certainty, with 25% being a starting point for discussion. He said that tax revenues would be basically flat in the coming year, and the policy was a way to determine how much money could be committed through an alternative funding source. This is in response to Goal 1 in the Strategic Plan, Analyze Principal City Funding Sources and Seek Consensus.

Mr. Listi said that the City may not be able to do everything the Council desires in the FY 2017 budget. Councilmember Sanderford said, "I'm okay with that." Mr. Listi said that Staff is trying to meet budget challenges with limited resources.

Mr. Shepperd said that BEDC wants to do right for the City and the taxpayers, and also wants BEDC to be a success. He said that the BEDC wants to work with the City.

Mayor Grayson asked if there were any other comments. Councilmember Jerri Gauntt said that the Council has tasked BEDC with a job, and she does not feel that it is right for the City to take 25% of their revenues.

Board Vice President Shepperd adjourned the BEDC meeting, and Mayor Grayson adjourned the Council meeting at 6:04 p.m.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

City Update City Council/BEDC Joint Meeting June 30, 2016

City of Belton, Texas Strategic Plan Update FY 2016

Year 1: Three Year Action Plan Priority 1 Goals: FY 2016

Goal Categories	Goals
1. Governance	a) Analyze principal City Funding Sources – sales tax, property tax, and fees. Seek consensus. (Underway)
	 b) Develop Growth Management Strategy- West, South. (Approved 06/28/16 City Council)
	c) Update Comprehensive Plan and integrate Plan Elements. (Draft Plan in development: Fall 2016)
	d) Implement Sidewalk Standards. (Complete)
	e) Review Charter: Review completed for 2015 (Complete)
2. Public Safety	 a) Implement Capital Equipment Replacement Plan funding for all Public Safety Ops needs. (Recommended for inclusion in FY 2017 Budget for all capital equipment needs)
3. Quality of Life	 a) Continue CIP (2013/2015) Project Implementation. (Status of key projects: W. MLK, Jr. Avenue Dedication: 07/12/16 Nolan Creek Trunk Sewer: Completion 08/15/16 TBWWTP Renovation/Expansion: Phase 1 Construction 2017; Phase II Design authorized Sparta Road Phases 1 & 2
	b) Implement Street Maintenance Funding. (Year 1 & 2 of year Plan proposed: Discuss)
	c) Plan Enhancement for Street Entry Corridor on 6 th Ave. (FY 2017/ 2018)
	 d) Evaluate MLK/Main Intersection Alignment. (Design concept undergoing TxDOT review; construction in FY 2017)

City Update City Council/BEDC Joint Meeting June 30, 2016

City of Belton, Texas Strategic Plan Update FY 2016

Year 1: Three Year Action Plan Priority 1 Goals: FY 2016

Goal Categories	Goals
4. Economic Development	 Develop Downtown Revitalization Plan. (Design underway, with some FY 2016 TIRZ funding allocated – Sign Master Plan; East Street Rehab; Parking)
	 Plan/Implement South IH-35 Sewer. (Design underway with revised alignment. Secure funding, bid late 2016: Discuss) (EX 1)
	 3. Enhance Communication, Coordination, & Collaboration between City and Belton Economic Development Corporation (BEDC) to maximize project success and to facilitate: Building Space Needs for Light Industrial Uses; Future or Expanded Business Park Land Search; and Redevelopment of the former Rockwool Property. Acquire portion of DRWSC: Discussion (EX 2) Sparta Road (EX 3A, 3B) Allocation Policy Development (EX 4)
5. Connectivity	a) Facilitate Cable/Fiber Service Expansion. (Subdivision Ordinance proposed for conduit placement.)
	 b) Expand Hike/Bike Trail. (Grant approved; match secured; beginning process for design & plan development: Discuss) (EX 5)
	c) Secure ROW for Lake to Lake Road. (Two parcels recently secured – Sendero Estates at US 190 and Cameron at Sparta.)
6. Parks / Natural Beauty	 a) Update the City's Parks and Recreation Strategic Master Plan and Explore: (Plan Development Underway: Fall 2016) City Recreation Center Corps of Engineer Parkland; and RV Park Opportunity

Current/Pending Belton City Council/BEDC Project Partnerships June 30, 2016

1. City Strategic Plan Update

See attached.

2. <u>Street Maintenance Plan</u>

Council approved Years 1 and 2 of the Five Year Street Maintenance Plan on April 26, 2016, at an estimated cost of \$1.7M. BEDC contributed \$33,622 for scheduled work on Business Park Streets. Bids opened June 28, 2016, with bid of \$1,782,245, to be presented to Council for award July 12, 2016. Work anticipated to occur within 90 days. Years 3-5 are not currently funded.

3. So. IH 35 Sewer

Review revised alignment, funding, schedule (EX 1).

4. Former Rockwool Property

Property conveyance of 50 acres from City to BEDC near, following approval by Council on 06/28/16 of rezoning, amended Institutional Controls, and related matters underway by BEDC.

- 5. <u>Dog Ridge Water Supply Corporation (DRWSC) Area Acquisition (Barkley)</u> Following several meetings, consultations with Board Members and engineer, here is latest update (EX 2).
 - a. DRWSC Board in reorganization mode, unwillingly to make final decision on CCN release without proposal for acquisition, including compensation for lost boundary/meters (21 meters: 14 on US 190; 7 on Wheat Road.)
 - b. DRWSC Board seeking "proposal," with other recent conveyances serving as possible examples, based on my May 9, 2016 presentation to/discussion with Board.
 - c. Chisholm Trail West Subdivision totaled 60 acres and CCN was conveyed for \$50,000 (approximately \$833/acre) to DRWSC, plus cost share in CCN transfer.
 - d. Barkley and adjoining US 190 acreage totals 40 acres. At 40 acres, minimum likely compensation would be \$833/acre x 40 acres = \$33,320; \$40,000 may be more realistic inducement. Cost for CCN transfer through PUC will be an additional \$7,500 \$10,000.

Recommendation:

Recommend BEDC allocate \$50,000 in its FY 2017 budget for acquisition of proposed boundary, subject to final cost determination and CCN transfer cost to PUC.

Current/Pending Belton City Council/BEDC Project Partnerships June 30, 2016

6. Sparta Road Project (EX 3A, 3B)

	Construction Phase	Cost	
Phase 1	Sparta Reconstruction from Walmart to	Main Street	\$ 400,500 (bid)
Phase 2A	Industrial and Main Intersection for TR	\$ 199,500 (est)	
Phase 2B	Sparta from Walmart to Loop 121, inclu	\$2,600,000 (est)	
			\$3,200,000
Availa	ble Funds		
2013 B	Sond Proceeds	\$1,680,073	
Transfe	er from TIRZ Capital Projects	\$731,011	
Transfe	er from BEDC	\$310,000	
Interes	t Income	\$6,711	
<u>Draina</u>	ge Capital Projects		
Total		\$3,027,795	
•	ted Expenditures	(#1.700)	
Bond C		(\$1,700)	
Engine	ering	(\$297,110)	
ROW	mant (Dhasa I)	(\$4,901)	
	ement (Phase I)	(\$400,585)	
Total		(\$704,296)	
Remain	ning Balance for phase II construction	\$2,323,499	
Phase 1	II Construction costs (estimate)	(\$2,600,000)	
<u>Industr</u>	ial/Main improvements (estimate)	(\$200,000)	
Projec	t Deficit	(\$476,501)	

Recommendation

Recommend BEDC allocate 50% Sparta Road Project Cost, estimated at \$3.2M, a total of \$1.6M. With \$310,000 already contributed, \$1.3M balance remains, subject to final bid prices on Phases 2A and 2B. Recommend BEDC address this pending request as part of the FY 2017 budget process.

Current/Pending Belton City Council/BEDC Project Partnerships June 30, 2016

7A. Allocation Policy Recommendation

Recommend BEDC seriously consider development of a long term policy to allocate an annual percentage of BEDC revenues to eligible and mutually beneficial BEDC/City projects, similar to the TIRZ Allocation Policy, which is attached (EX 4). These would be guidelines for expenditure of an annual BEDC allocation toward infrastructure projects of mutual benefit to the BEDC and the City. Eligible Project Categories, fully consistent with State law, would be identified. Location Priorities may be less important here than Project Categories. Some appropriate Policy Statements would also be important to guide expenditures, providing funding emphasis with some flexibility. Establishing some standards like this would be beneficial for both BEDC and the Council in clarifying available funding for projects which are important to both entities and the community at large.

7B. Allocation Policy Development

Recommend City Manager and BEDC Executive Director be tasked with developing a draft Allocation Policy for consideration by BEDC/City Council.

8. <u>Hike/Bike Trail Expansion (EX 5)</u>

Review final alignment, funding, schedule.



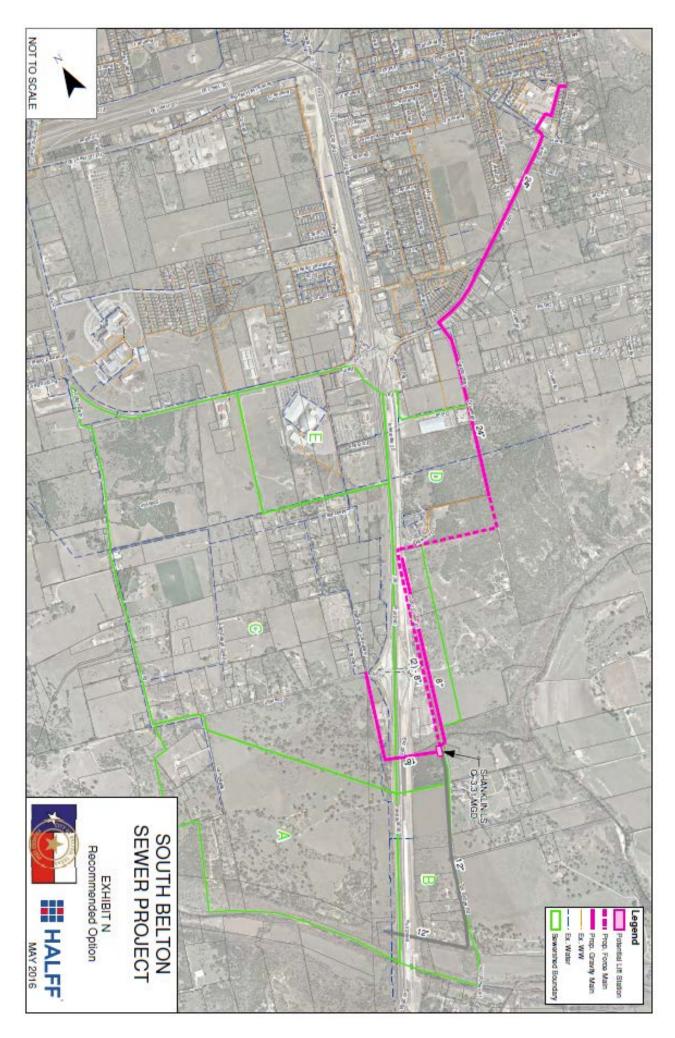


EXHIBIT 2

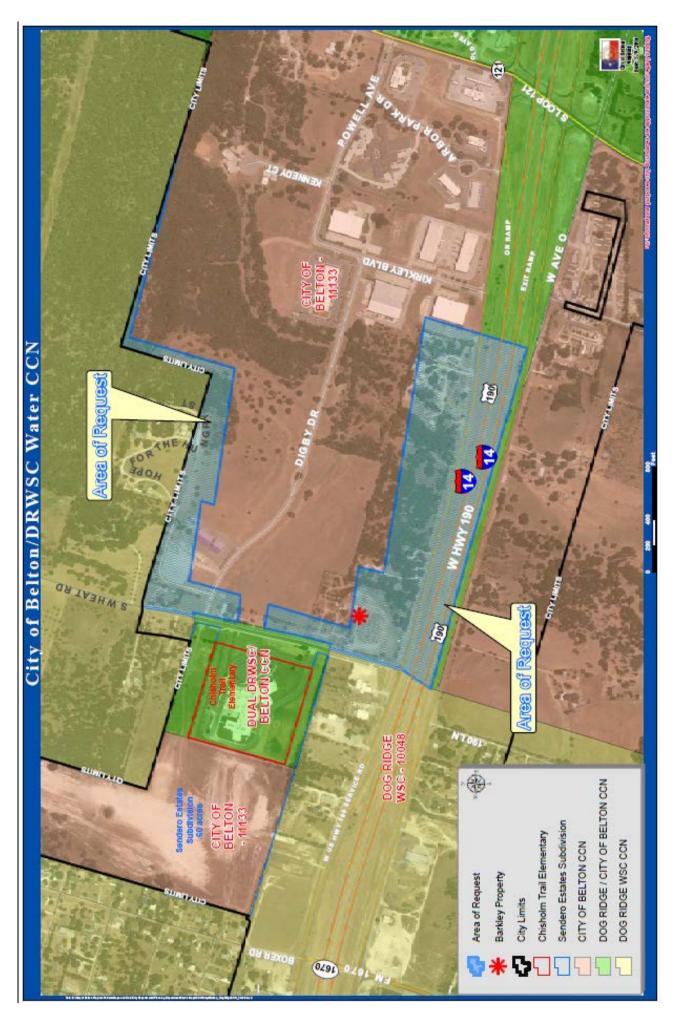




EXHIBIT 3A

EXHIBIT 3B

Project		Cost
arta Road	s	3,034,417
J-MH 121 Entrance	s	101,391
ytor's Valley	s	79,400
tal Projects	\$	3,215,208

	State of the state		Proposed Infrestructu	rre Funding		and the second se	and the state of the state
	PY 15	FY 16	FY17	FY18	FY19	Total by Project	% of Project
Sparta	\$77,209	\$360,000	\$360,000	\$360,000	\$360,000	\$1,517,209	50%
Tru-MH 121 Entrance	\$12,791	\$22,150	\$22,150	\$22,150	\$22,150	\$101,391	100%
Taylor's Valley		\$19,850	\$19,850	\$19,850	\$19,850	\$79,400	100%
Total	\$90,000	\$402,000	\$402,000	\$402,000	\$402,000	\$1,698,000	Assessment and

FY 15 funding will be done within the existing budget. There is \$100,000 allocated to capital projects in the FY15 BEDC operating budget, but only \$10,000 of it has been spent to date. We are requesting the remaining \$90,000 be put towards the Sparta Project. All cash flow models reflect the full \$100,000 being utilized in FY15.

For FY 16 - FY 19, we are requesting that \$402,000 be contributed to the three identified capital projects above, summing to a total commitment equal to 100% of the Taylor's Valley Road and Tru-MH Loop 121 entrance projects, and 50% of the Sparta Road project.

\$402,000 represents just under 25% of projected annual BEDC sales tax revenues for the next four years.

A continued commitment of approximately 25% of sales tax revenues towards infastructure projects would mean the BEDC's debt capacity would be approximately 57.5 to 58.5 million, depending on future operating/capital budgets, rate and term.

Projected BEDC Operating Fund Balance at 9/30/15 is approximately \$3.3 million. Cash flow models account for all incentives currently under contract, with a cushion of \$235K in the incentive Fund, increasing over time.

EXHIBIT 4

Belton's Tax Increment Reinvestment Zone Fund Allocation Policies December 2012

The Tax Increment Reinvestment Zone Board, comprised of City of Belton and Bell County representatives, has determined it appropriate to establish allocation policies. These policies will serve as guidelines for expenditures of TIRZ funds, and are subject to change by the Board/City Council as needed. The objective of the policies is to establish a general framework for funding decisions, while also retaining flexibility for a full range of eligible project expenses.

Section I. TIRZ Priority Project Areas

The following Priority Project Areas are hereby established, and are generally identified as follows:

- 1. <u>North Belton</u>: North Main Street (SH 317) extending from the City limit line at the Leon River south to 7^{th} Avenue, and including the North Belton retail area on the west and east sides of Main Street.
- 2. <u>Central Belton</u>: Main Street extending from 7th Avenue south to Avenue J, and including properties west and east of Main Street, Downtown, Nolan Creek frontage, some IH 35 frontage, as well as the Rockwool property.
- 3. <u>South Belton</u>: Main Street extending from Avenue J south, merging into IH 35, and encompassing both sides of IH 35 south to Dillard Road, and also extending west along Loop 121 to Huey Road, and east along Loop 121 to FM 436 (Holland Road).

Section II. TIRZ Eligible Project Categories

The following list generally outlines Eligible Project Cost Categories for the allocation of TIRZ funds, based on Tax Code Section 311.002, with some examples of funded and possible future (F) projects provided:

- 1. Infrastructure Enhancement
 - a. Streets Commerce Drive
 - b. Water/Sewer Utilities FM 93 Water
 - c. Storm Drainage
 - d. Other Non-City Utilities Underground Electricity (F)
 - e. Traffic Signals Sparta/Commerce (F)
- 2. Public Improvement Enhancement
 - a. Façade Grants Monteith, Chamber, Schoepfs
 - b. Beautification Patriot Plaza; landscaping; parking lots
 - c. Sidewalks/Bike Paths/Trails Main Street Sidewalks
 - d. Nolan Creek Recreation/Flood Mitigation Tx Parks & Wildlife Grant Match (F)
- 3. Public Facility/Service Enhancement
 - a. Public Facility Expansion example: Bell County Museum, Police Dept. (F)
 - b. Rockwool Redevelopment (F)
 - c. Land Acquisition for public project (F)
 - d. Survey, legal, related professional expenses (F)

- 4. Other TIRZ Enhancements
 - a. TIRZ Related Strategic/Master/Financial Planning (F)
 - b. TIRZ Administration (F)
 - c. TIRZ Financing Costs

Section III. TIRZ Allocation Policies – TIRZ funding allocations should be evaluated based upon these and other relevant factors:

- 1. Allocations generally should be consistent with the City's Strategic Plan and its Financial Policies.
- 2. Allocations generally should not exceed 25% of the budgeted expenses in any single year for any single project.
- 3. Allocations generally should benefit the entities that generated the funds property taxes from homeowners, business owners, and other property owners, resulting in the enhancement of property values, which in turn benefits Bell County and the City of Belton.
- 4. Allocations should provide the opportunity to induce and/or attract commercial and/or retail business growth.
- 5. Allocations should facilitate funding of capital projects with tangible effects, rather than funding operational elements that require ongoing maintenance expenses.
- 6. Allocations should recognize the limited term of the TIRZ Fund (2022), so as not to anticipate any long term dependency on budgets beyond that time.
- 7. Allocations should recognize the availability of the Water & Sewer Fund and the Drainage Fund as project sources before using the property tax-based TIRZ Fund.
- 8. The TIRZ Project Plan and Finance Plan should be amended as needed to reflect changing conditions.
- 9. Excess bond proceeds, and other unspent TIRZ funds, are available for projects and may be allocated and reallocated for projects at the discretion of the TIRZ Board/Council.
- 10. Proposed annual funding allocation targets, which are subject to re-assessment as needed, include the following Items/Project Areas. Debt Service must be allocated first and should generally not exceed 20% of available funding. Remaining funds should be allocated as proposed.

	Proposed Allocation		
Item/Project Priority Area	Proposed % After DS	Amount	NOTES:
a) Debt Service	Actual	\$156,919	Set limit on debt service not to exceed 20%
b) North Belton	25%	\$157,500	
c) Central Belton	37.5%	\$236,250	\$50,000 Façade; \$100,000 Patriot Plaza
d) South Belton	25%	\$157,500	
e) Capital Contingency	12.5%	\$78,750	\$480,000 Other Public Improvements (TBD)
TOTALS	100%	\$786,919	FY 2013 Budgeted Expenditures

Sec. 311.002. DEFINITIONS. In this chapter:

(1) "Project costs" means the expenditures made or estimated to be made and monetary obligations incurred or estimated to be incurred by the municipality or county designating a reinvestment zone that are listed in the project plan as costs of public works, public improvements, programs, or other projects benefiting the zone, plus other costs incidental to those expenditures and obligations. "Project costs" include:

capital costs, including the actual costs of the (A) acquisition and construction of public works, public improvements, new buildings, structures, and fixtures; costs of the acquisition, demolition, the actual alteration, remodeling, repair, or reconstruction of existing buildings, structures, and fixtures; the actual costs of the remediation of conditions that contaminate public or private land or buildings; the actual costs of the preservation of the facade of a public or private building; the actual costs of the demolition of public or private buildings; and the actual costs of the acquisition of land and equipment and the clearing and grading of land;

financing costs, including all interest paid to (B) evidences of indebtedness or holders of other obligations issued to pay for project costs and any paid over the principal amount premium of the obligations because of the redemption of the obligations before maturity;

(C) real property assembly costs;

 (D) professional service costs, including those incurred for architectural, planning, engineering, and legal advice and services; (E) imputed administrative costs, including reasonable charges for the time spent by employees of the municipality or county in connection with the implementation of a project plan;

(F) relocation costs;

(G) organizational costs, including the costs of conducting environmental impact studies or other studies, the cost of publicizing the creation of the zone, and the cost of implementing the project plan for the zone;

 (H) interest before and during construction and for one year after completion of construction, whether or not capitalized;

(I) the cost of operating the reinvestment zone and project facilities;

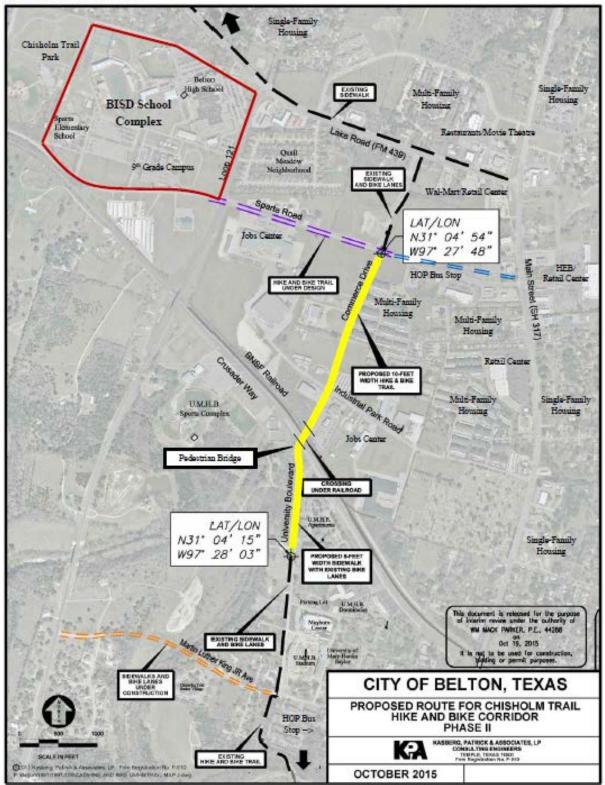
(J) the amount of any contributions made by the municipality or county from general revenue for the implementation of the project plan;

(K) the costs of school buildings, other educational buildings, other educational facilities, or other buildings owned by or on behalf of a school district, community college district, or other political subdivision of this state; and

(L) payments made at the discretion of the governing body of the municipality or county that the governing body finds necessary or convenient to the creation of the zone or to the implementation of the project plans for the zone.

EXHIBIT 5

1. Map and Project Site Plan:



Connections southbound to:

- 1) Three dynamic City parks along Nolan Creek
- 2) Downtown shopping
- 3) Additional public transportation bus stop
- 4) Government centers (Belton is the Bell County Seat)
- 5) Residential neighborhoods
- 6) Interstate 35

Connections northbound to:

- 1) Beiton Lake & Lakeview Park
- 2) Residential neighborhoods
- 3) Miller Springs Park & Nature Center

Belton City Council Meeting July 12, 2016 – 5:30 P.M.

The Belton City Council met in regular session in the Wright Room at the Harris Community Center with the following members present: Mayor Marion Grayson, Mayor Pro Tem David K. Leigh, and Councilmembers Craig Pearson, Guy O'Banion, Dan Kirkley and Paul Sanderford. Councilmember Jerri Gauntt was absent. Staff present included Sam Listi, John Messer, Gene Ellis, Amy Casey, Brandon Bozon, Erin Smith, Bruce Pritchard, Chris Brown, Byron Sinclair, Angellia Points, Matt Bates, Ed Bandas, Paul Romer, Kim Kroll and Susan Allamon.

The Pledge of Allegiance to the U.S. Flag was led by Councilmember Paul Sanderford, the Pledge of Allegiance to the Texas Flag was led by City Manager Sam Listi, and the Invocation was given by Councilmember Dan Kirkley.

- 1. <u>Call to order</u>. Mayor Marion Grayson called the meeting to order at 5:34 p.m.
- 2. <u>Public Comments</u>. There were none.

3. <u>Recognition of Belton Law Enforcement Explorer Post for placing first in</u> <u>Second Annual Central Texas Law Enforcement Explorer Competition</u>.

Assistant City Manager/Police Chief Gene Ellis recognized the efforts of the Belton Law Enforcement Explorer Post for their achievement in taking first place at the second annual Central Texas Law Enforcement Explorer competition. The competition included a Building Search, a Brain Bowl, an Obstacle Course, and a SWAT competition, and was hosted by the Belton Police Department on June 24, 2016.

Chief Ellis also announced that the Citizens Helping in Police Service (CHIPS) group had received trophies for the Best Presentation of Theme and also for Most Original Float in the Belton 4th of July parade.

He also said that in light of the events in Dallas, the Belton Police-Clergy Partnership will hold a prayer vigil at the Belton Police Memorial at 7:30 a.m. on July 18, 2016.

4. Consider minutes of previous meetings:

A. June 28, 2016, City Council Workshop B. June 28, 2016, City Council Meeting

Upon a motion by Councilmember Paul Sanderford and a second by Councilmember Craig Pearson, the minutes were unanimously approved upon a vote of 6-0.

The Mayor announced that items 8 and 9 would be considered prior to the budget items.

8. <u>Consider award of bid and authorizing the City Manager to execute a</u> <u>construction contract for the 2016 Street Chip Seal and HMAC Overlay Project,</u> <u>any any change orders associated with the contract, not to exceed the amount</u> <u>authorized under state law</u>.

Director of Internal Services/City Engineer Angellia Points said the City received two bids for the 2016 Street Chip Seal and Overlay Project which includes Years 1 and 2 of the Street Maintenance Plan. She explained that the bid allowed for two completely separate base bids: Base Bid A is for the chip seal and Base Bid B is for the hot mix asphalt overlay. Bidders had the option to bid both base bids or only one base bid. Bids were received from the following companies:

Bidder	Base Bid & Total Bid Amount
APAC-Texas, Inc. of Belton, Texas	Base Bid A (Chip Seal): \$1,256,125.00
	Base Bid B (Overlay): \$526,120.00
	(TOTAL A+B = \$1,782,245)
Alpha Paving, LLC of Round Rock,	Base Bid A (Chip Seal): No bid.
Texas	Base Bid B (Overlay): \$655,318.00

Staff recommends awarding both Base Bid A and B to the low bidder, APAC-Texas.

Mrs. Points said that the overlay portion will start in August and is estimated to take two weeks. The chip seal portion will start in September and is estimated to take three weeks. All work is scheduled to be completed by October 21, 2016.

She explained that funding for the project would be sourced as follows:

Funding Source	Amount
Bond Funds	\$1,421,500
TIRZ Street Maintenance Funds	\$301,051
BEDC Contribution – Business Park Streets	\$33,622
Chip Seal Funds – FY 2016 General Fund Operating Budget	\$26,072
TOTAL	\$1,782,245

Councilmember Sanderford asked why we only received one bid for the chip seal portion. Mrs. Points explained that there are not many area contractors that perform this type of work. She added that the other contractor that has performed this type of work for the City in the past, notified the City that they were too busy at this time to bid on the project.

Mayor Pro Tem David K. Leigh asked if we should wait until a future time to bid the project when there may be additional bidders. Councilmember Craig Pearson said that we would have to consider the volatility of oil prices if we wait. Mrs. Points said that after we finish this contract, we will begin working on the next phase and potentially be able to bid the project earlier in the year, possibly in January 2017.

Upon a motion by Councilmember Dan Kirkley and a second by Councilmember Guy O'Banion, item 8 was unanimously approved upon a vote of 6-0.

9. <u>Consider donation of police dog to the City of Harker Heights Police</u> <u>Department</u>.

Assistant City Manager/Police Chief Gene Ellis explained that the City of Belton acquired a trained police dog (K-9) in 2012 through a Governor's Office Criminal Justice Division grant. He said that Detective Richard Murray became the City's first K-9 handler, and he and "Chico" have been partners ever since. Detective Murray is retiring on July 15, 2016, after nearly 21 years of service with the City of Belton. Upon learning of Detective Murray's retirement, Chief Ellis reviewed three possible scenarios for the disposition of Chico.

Chief Ellis said that the first option considered was to retire Chico and give him to Detective Murray. Chico will be 6 years old in August and is considered to be in his prime with several more years of work life ahead. Staff determined this was not the best option.

The second option considered was to assign Chico to a new BPD handler. A careful review of staff who expressed interest in the K-9 program was completed. Chief Ellis said that the Police Department has several very talented and capable officers who, at some point in the future, will be outstanding K-9 handlers. However, at this time, those interested either are very new officers still learning their main job functions or officers with other commitments that would conflict with being a successful K-9 handler at this time. Additionally, there are substantial costs involved in training a new handler.

The final option was to consider donating Chico to a nearby agency that could utilize him, and still make him available to respond to Belton when needed. He explained that the Harker Heights Police Department has a very successful K-9 program that they are looking to expand. They currently have a certified police dog trainer on staff, a handler selected, and a vehicle setup for a K-9.

Chief Ellis said that, after careful consideration and research, he believes it is in the best interest of Chico, the City of Belton, and the law enforcement community in our region, to give Chico and some of the associated K-9 handler equipment to the City of Harker Heights Police Department. He added that the Belton Police Department has an outstanding working relationship with the Harker Heights Police Department.

Harker Heights Police Chief Mike Gentry assured the Council that their K-9 team will be available to assist the Belton Police Department when needed.

Upon a motion by Councilmember Pearson and a second by Councilmember Kirkley, item 9 was unanimously approved upon a vote of 6-0.

Budget Items

5. <u>Receive presentations on the proposed water and sewer budget for FY 2017:</u>

A. Financial Summary

B. Operations

A. Director of Finance Brandon Bozon presented a financial summary of the Water & Sewer Fund showing that the beginning fund balance proposed at 10/1/16 is estimated at \$5.3M. The proposed FY2017 budget includes a small increase to the fund balance.

The City's Fiscal Policy requires that the City maintain three months of operating expenses in addition to the annual debt service. The projected fund balance in excess of the required minimum is \$2,548,062.

Mr. Bozon presented the proposed FY2017 rates that resulted from the 2015 Utility Rate Study.

Table 1: Recommended Water Rates					
	2016	2017	2018	2019	
Minimum Bill	\$15.50	\$16.00	\$16.50	\$17.00	
Volumetric Rate				'	
(Per Thousand Gallons)	\$3.49	\$3.70	\$3.70	\$3.70	

Table 2: Recommended Wastewater Rates

	2016	2017	2018	2019
Minimum Bill	\$12.50	\$13.00	\$13.50	\$14.00
Volumetric Rate				
(Per Thousand Gallons)	\$4.50	\$5.00	\$5.00	\$5.00

Water sales are up, and Mr. Bozon estimates that there will be \$3.9M in water sales this year. Sewer revenues are also up from last year and are projected to be on budget as well.

Mr. Bozon presented a comparison of City of Belton utility rates to other entities' rates. Belton's rates are comparable to the rates for cities our size with both the

water and sewer rates being slightly below the average. He also provided an estimate of the new rate for the typical customer at 5,000 gallons. Mayor Pro Tem Leigh asked what percentage of Belton's customers use 5,000 gallons each month because he believes the average customer uses more than 5,000 gallons on a monthly basis. Mr. Bozon replied that he would research the answer.

Mr. Bozon gave an overview of the expenditures for FY2016 and the proposed budget for FY2017. FY2017 shows a reduction in personnel costs due to the reorganization of the Public Works Department. The budget shows an increase in repairs and maintenance that is primarily due to the number of aging valves that need to be rebuilt or replaced in FY2017. There is also an increase associated with improvements to the Temple-Belton Wastewater Treatment Plant.

The budget also includes replacement of an F150 and a Sewer truck that have outlived their useful life. Equipment replacement funding for FY2017 equals \$388,636. Mr. Bozon stated that a water meter replacement plan is being proposed, and the initial funding is \$55,000. He added that to fully fund the plan would cost \$122,792, but full funding is not necessary at this time since all our meters are new.

Mr. Bozon also discussed the following capital outlay expenditures:

Water

\$50,000 – new water meters \$26,000 – SCADA system communication upgrade \$11,000 – "plug hug" hydrant maintenance tool

<u>Sewer</u> \$17,000 – lift station fencing at Dunn's Canyon \$11,000 – lift station pump \$9,000 – equipment coverings

Mr. Bozon further stated that debt service is declining due to the retirement of the 2002 bond issue. He added that a bond issue is anticipated in FY2017 that is expected to fund the South Belton Sewer and North Belton Water Tank projects.

Councilmember Craig Pearson asked about the AquaHawk customer portal. Mr. Bozon said that Staff is close to launch. He said that there are a few items they are trying to complete prior to notifying citizens of its availability.

B. Director of Public Works Director Byron Sinclair and Director of Internal Services/City Engineer Angellia Points provided an overview of the City's water and sewer system:

<u>Water</u>

- Belton water is provided by contract with BCWCID #1 from Lake Belton.
- Belton owns the rights to 8,566 acre feet of water.
- Average daily water demand is 2.94 MGD (June 1, 2015 to June 1, 2016).
- Peak demand day on August 12, 2015 at 5.9 MGD.
- A single 21" water transmission line extends from Lake Belton, down Sparta Road, to serve Belton's water customers and can deliver 8 MGD.
- Emergency connections are in place with DRWSC, 439 WSC and CTWSC. A feasibility study was performed to explore an emergency connection to Temple. Instead of a connection with Temple, a second pipeline for water delivery is preferred due to water pressure plane differences.

<u>Sewer</u>

- 100% of Belton Sewer is sent to the Temple-Belton Wastewater Treatment plant, jointly owned with the City of Temple.
- Plant is permitted to treat 10 MGD on annual average and 30 MGD for peak flows.
- Temple contributes 75% of the total flow to the plant and Belton contributes 25%. This determines the cost share between the two cities.
- The plant is under design for expansion as flows have reached 7.5 MGD for 3 consecutive months.
- Over the past 12 months, the annual average flow is 8.47 MGD, and the highest flow of 26.2 MGD occurred in October 2015.

Goals for the Water & Sewer Departments in FY2017 include:

- Manage and construct FY2017 capital improvement bond projects, including new water tank.
- Oversee final design and construction of the South Belton Sewer System (SBSS) Project.
- Revise Wastewater Master Plan and begin planning for next sewer main improvements,
- Oversee design and construction of Temple Belton Wastewater Treatment Plant improvements project Phase I. Oversee design of Phase II.
- Construct South Main Street Water Main Project.
- Implement revised design manual.
- Implement Industrial Pretreatment Program, when approved by TCEQ.
- Create a 'brand' for the City's water system.
- Monitor the new AMI system performance.
- Replace the pressure reducing valve at 10th and College.
- Replace the fire hydrants that are over 50 years old.
- Reorganize the department to improve the overall efficiency.
- Replace and reroute the sewer main on Smith and W. 3rd Avenue.
- Replace the clay sewer main on Leon Street.
- Replace clay sewer main east of Belle Oaks apartments.

- Install potable water to five lift stations.
- Replace fencing at Dunn's Canyon lift station.

6. Receive a presentation on the proposed drainage budget for FY 2017.

Director of Finance Brandon Bozon presented a financial summary of the Drainage Fund showing that the beginning fund balance proposed at 10/1/16 is estimated at \$263,834. The City's Fiscal Policy requires that the City maintain three months of operating expenses in addition to the annual debt service. The projected fund balance in excess of the required minimum is \$173,121.

Mr. Bozon said that no increase to the drainage fee is proposed in the FY2017 budget. He added that a small increase is expected in revenues and can be attributed to growth. Mayor Pro Tem Leigh asked if there were any exemptions to the drainage fee. City Manager Listi replied that the legislature exempted private universities, so UMHB is exempt.

Overall, the budget is increasing slightly from FY2016, primarily from increases for website enhancements to the Nolan Creek Flood Monitoring System and increasing the amount available for general engineering services.

FY2017 goals for Drainage include:

- Reshape the channel and detention pond for Dawson Ranch and Red Rock Hills.
- Adopt a Strategic Drainage Plan.
- Implement the revised Design Manual.

7. <u>Receive presentations on annual goals and priorities from the following departments:</u>

- A. <u>Council and Administration</u>
- B. Finance and Legal
- C. <u>Human Resources</u>
- D. Information Technology
- E. Public Works

Department Heads presented FY2016 accomplishments, as well as FY2017 goals and priorities, for their respective departments. They also discussed specific departmental needs including long term plans for service improvement, capital needs and personnel needs.

A. <u>Administration</u> (see attached Exhibit "A")

City Manager Sam Listi presented accomplishments and goals for the City Council, City Manager and Grants/Special Projects. One of the items discussed was the Street Maintenance Plan. Mayor Pro Tem Leigh asked if after we "catch

up" the costs will flatten out. Mrs. Points said that after we get through the first two years, which have recently been awarded, the costs should level out. Mr. Listi said that it is important to budget for street maintenance each year remembering that only Years 1 and 2 of the Five Year Street Maintenance Plan are funded.

City Clerk Amy Casey presented the City Clerk's accomplishments and goals. Mayor Pro Tem Leigh asked how many open records requests Staff responds to and what records are typically requested. Mrs. Casey said that the City Clerk's office has responded to approximately 130 this year, and the Police Department, that has an employee who handles open records requests for them, responds to approximately 50 per month. She explained that the majority of the requests are for crash reports and court records.

Retail Development Coordinator Ed Bandas presented accomplishments and goals for retail development.

B. <u>Finance and Legal</u> (see attached Exhibit "B")

Director of Finance Brandon Bozon presented the Finance Department, Utility Billing, Legal and Municipal Court accomplishments and goals.

C. <u>Human Resources</u> (see attached Exhibit "C")

City Manager Sam Listi presented the Human Resources Department's accomplishments and goals.

D. <u>Information Technology</u> (see attached Exhibit "D")

Director of Information Technology Chris Brown presented accomplishments and goals for the IT Department. Mayor Pro Tem Leigh asked if Office 365 had been considered. Mr. Brown stated that it was cost prohibitive for a city our size. Mayor Grayson asked if we were being forced to move to Windows 10. Mr. Brown said that he is not comfortable migrating to Windows 10 at this time because a service pack has not been released for it. Mr. Leigh asked if we had considered using a service to enter records into the records management system. Mr. Brown said that the Tyler Content Management System was installed last year and several scanners had been placed in various departments in order to scan records into the system as time permits. Mrs. Casey and Mr. Bozon both stated that they rely on UMHB interns who each work about 13 hours per week during the school year, and we are making good progress.

E. <u>Public Works</u> (see attached Exhibit "E")

Director of Public Works Byron Sinclair discussed the accomplishments and goals of the General Fund Public Works Departments including Streets, Brush Collection, Solid Waste and Recycling, and Signage. Mayor Pro Tem Leigh

suggested that the City consider adding a solid waste or recycling pick up following major holidays. Mayor Grayson asked if we were still having issues with citizens putting the wrong types of items in the recycling containers. Mr. Sinclair said that he has not received any indication that there is a problem. Mr. Leigh said that he had actually observed drivers sorting the recycling container instead of refusing to pick it up.

There being no further business, the Mayor adjourned the meeting at 7:43 p.m.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk



City Council and Administration FY 2017 Mission/Accomplishments/Goals Presentation

City Council - Mission

- Formulates public policy to meet community needs
- Gathers input from 18 Boards/Commissions and citizens
- Develops/updates City Strategic Plan
- Adopts Annual Budget

FY 2016 Accomplishments

- Updated Strategic Plan
- Maintained City operations within balanced budget
- Authorized AMI Project
- Evaluated City Charter at 10 Year Milestone



City Council – FY 2017 Goals/Priorities

- Continue update/implementation of Strategic Plan
- Develop Growth Management Strategies
- Implement Capital Improvement Plan of Projects
- Explore funding options for Years 3-5 of Street Maintenance Plan



City Manager

Provides professional city management by implementing City Council policy decisions through municipal departments.

FY 2016 Accomplishments

- Negotiated Main Street Crossing Project incentives
- Selected Department Directors, coordinated transitions
 - Fire Chief
 - Director of Public Works
 - Director of Internal Services/City Engineer
 - Director of Parks and Recreation
 - Director of Information Technology

Implemented Management Reorganization



City Manager - FY 2017 Goals/Priorities

- Update and implement Strategic Plan
- Implement Capital Improvement Plan of Projects
- Select Department Heads/Management Team
- Deliver excellent customer service with a dynamic, trained, and well compensated work force
- Balance available resources with identified community needs, including grant management and special project emphasis
- Maintain AICP Professional Planner Certification



Grants/Special Project Coordinator

Provides professional administrative support to the City Manager and manages multiple grants/contracts with outside agencies and consultants

FY 2016 Accomplishments

- Received \$2.1M TxDOT grant for hike/bike trail extension
- Successfully complied with two federal audits of the MLK Project
- TxPWD Grant Nolan Creek Recreational Project is 95% complete – scheduled to be complete August 15th



Grants/Special Projects Coordinator – FY 2017 Goals/Priorities

- Continue coordination of City grants from application to close-out including CDBG, TxPWD, TDHCA, MLK, Trail Extension and others
- Provide administrative support for City projects as needed
- Assist in property, easement and right-of-way transactions
- Provide CIP Project support
- Serve as Campaign Coordinator for United Way campaign



City Clerk

Provides professional administrative support to the Council and City Manager. Responsible for Code of Ordinances, Resolutions/Ordinances, Proclamations, Elections, Open Records, and Records Management.

FY 2016 Accomplishments

- Began reviewing digital records and entering them into Records Management System
- Completed one course (completed homework and passed test) and attended four seminars toward Texas Municipal Clerk certification
- Prepared minutes for 7 City Council workshops, 19 City Council meetings, 2 Special City Council meetings, 3 Joint Council/BEDC meetings, 1 TIRZ meeting, 1 Ethics Meeting and 1 Greathouse Trust meeting (as of 7/12)
- Prepared for Council Election (cancelled)



City Clerk - FY 2017 Goals/Priorities

- Update Code of Ordinances Supplement No. 9
- Continue entering digital records into Records Management System and organizing physical records
- Complete destruction of physical records as allowed by City records management guidelines
- Continue Certification Program through the University of North Texas - requires four courses with homework assignments and tests (25% complete) plus eight seminars (50% complete)
- May 2017 Election



Retail Development Coordinator

Promotes retail/commercial development in the City of Belton.

FY 2016 Accomplishments

- Completion of Incentives website and first phase of "available real estate" website
- Introduction of Belton to out-of-town developers
- Developed relationships with other experienced entities regarding development
- Assisted Planning Department with sign development program

Retail Development Coordinator FY 2017 Goals/Priorities

- Liaison with downtown retailers, DMBA, property owners to enhance cooperation/awareness
- Encourage creation of more retail space inventory through local business/building owners
- Enhance project coordination internally and with BEDC and Chamber
- Continue development of relationships outside Belton with commercial real estate brokers, developers, business referral sources
- Assess Texas Main Street Program recertification



FINANCE DEPARTMENT

Mission: To administer the financial affairs of the City



Department Overview/Personnel

- 8 employees
 - Director of Finance : Brandon Bozon
 - Assistant Finance Director: Susan Allamon
 - Staff Accountants : Alyssa Gillette, Megan Odiorne
 - Accounting Tech : Heriberto Jasso
 - Utility Billing Supervisor : Amanda Cox
 - Cashier/Receptionists : Jasmine Rios, Silvia Ramos



Accomplishments

- Provided support for the implementation of several bondfunded initiatives
- Received GFOA awards for budget document and comprehensive annual finance report
- Developed long-term capital equipment replacement schedules with the assistance of PD, FD and Public Works
- Renovated customer service area to increase customer privacy and meet ADA requirements
- Implemented AMI billing for water and sewer utility
- Revised TBWWTP Ownership and Management
 Agreement with City of Temple to address effluent revenues



Goal/Priorities

- Identify and implement permanent funding mechanism for the street maintenance program
- Develop long term CIP funding plan for Strategic Plan elements and initiatives
- Receive GFOA awards for budget document and comprehensive annual finance report
- Receive Texas Transparency Star from the Comptroller
- Receive CGFO certification for Director of Finance and Assistant Finance Director
- Increase citizen satisfaction through improved customer service and enhanced technology



LEGAL DEPARTMENT

Mission - Attorney: To advise the City Council in all legal matters and to ensure compliance with all City codes and ordinances

Mission – Operations: To process violations of City ordinances resulting from citizen complaints, traffic citations, and misdemeanor arrests



Department Overview/Personnel

- City Attorney : John Messer
 - Position held since 1978
- City Judge : Steve Lee
 - Position held since 2007
- Court Administrator: LaCretia Van de Plas
- Warrant Officer : Robert Gatewood



Accomplishments

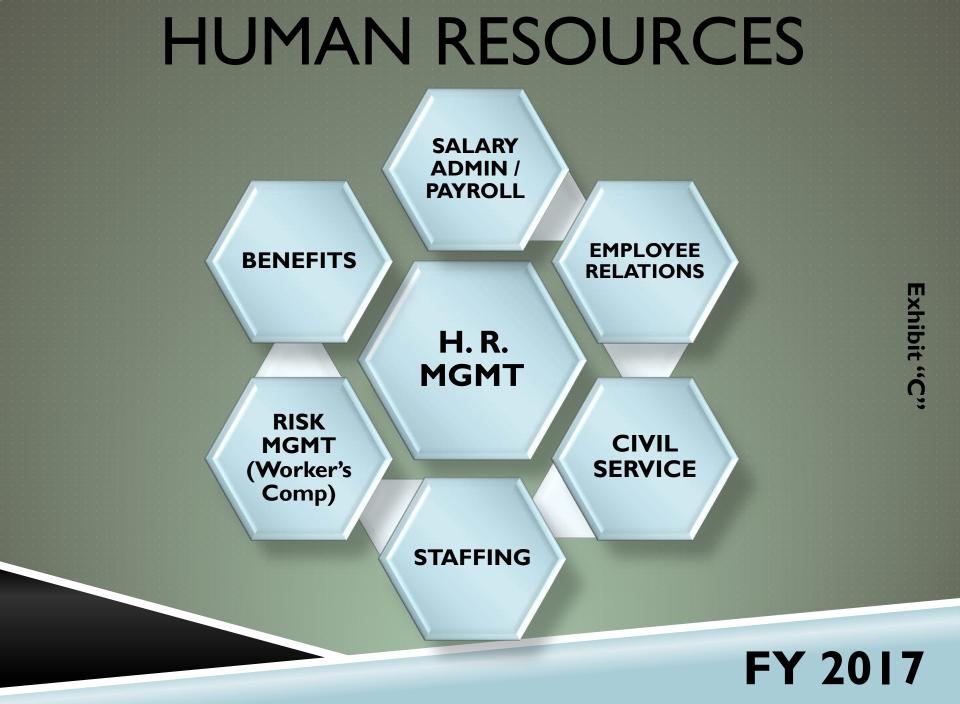
- Completed 25% of warrant audit and began review of OMNI records
- Obtained Level I certification for utility billing supervisor
- Improved method of storage for prior year case files allowing easier access to case files
- Completed audit of 2015 open citations and 90% completion of 2014 and 2013



Goal/Priorities

- Implement electronic court calendar to improve case processing and tracking
- Complete audit of outstanding warrants
- Update municipal court webpage on City website
- Obtain level II certifications for utility billing supervisor and court administrator
- Establish audit schedule for auditing court cases and resolve old open cases
- Train one backup employee for municipal court and have employee obtain Level I certification
- Review and update all forms as needed and translate into Spanish





Provide effective human resource management by developing and implementing policies, programs and services that result in recruiting and retaining the most effective, productive, and empowered employees

MISSION

ACCOMPLISHMENTS

- Belton 101 Along with the ACM, we continue to enhance Belton's New Hire Orientation program.
- Wellness Program Worked closely with Finance Director, Brandon Bozon, to begin a wellness program for City employees.
- Annual Reviews Enhanced the employee annual review process to include a self-evaluation component.
- ACA Reporting Set up and completed new IRS mandated reporting for Affordable Care Act.
- Staffing Continue relationships with UMHB Work Study Program and Workforce Solutions of Central Texas for additional staffing with no cost to the City.

GOALS & PRIORITIES

- City Personnel Policy Manual Set up a committee to review and update the City Personnel Policy Manual.
- Wellness Program Enhance this program to offer more options for employees to engage in healthy living.
- Risk Management Ensure employee training opportunities are offered to lower risks and losses for work-related injuries. Offer Citywide sexual harassment training for all employees.
- Annual Benefits Enrollment Secure an online benefits enrollment platform for employees.
- Job Descriptions Reformat all Job Descriptions and Job Task Analysis Worksheets.

PERSONNEL

Charlotte Walker Director of Human Resources Civil Service Director

Megan Odiorne HR Assistant / Staff Accountant



U F FUU IN LARTATAG

Mission

 The Information Technology department provides an enterprise-focused approach in overseeing, managing, and supporting the City of Belton Information Technology infrastructure and systems.

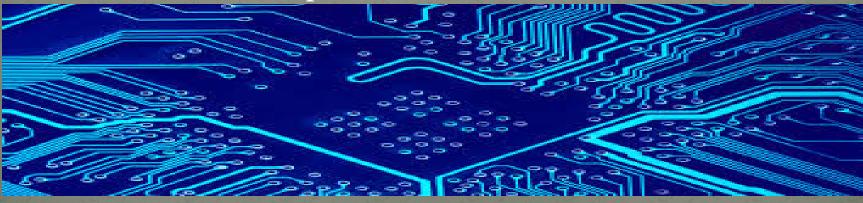
Department Personnel

- "The Brown's"
- Director of IT Chris Brown
- Information Technology Specialist Ryan Brown



Accomplishments

- Upgraded phone system in all departments
- Completed Police Department move into new space
- Completed installation of City-wide building security
- Implementation of Virtual Data Center
- Launched new patient care reporting software and MDT's for Fire Department



Goals/Priorities

- Upgrade to Microsoft Exchange 2016
- Migrate/upgrade WatchGuard Video
- Upgrade/rebuild aging network infrastructure
- Continue to support inter-departmental technology initiatives
- Research options for better internet providers/solution
- Continue IT staff training to keep up with current technology and trends.

Public Works Department

General Fund Budgets FY2017

Public Works General Fund

Public Works

Street Maintenance

Brush Collection

Solid Waste Vehicle and Pedestrian Control Signage



Mission: To provide and maintain a safe and efficient multimodal transportation system.

Personnel (9):

- 1 Superintendent
- 2 Heavy Equipment Operators
 - 2 Maintenance Worker I
- 2 Maintenance Worker II
- 2 Sr. Maintenance Worker
- 1 Seasonal Employee

STREETS - Functions

To effectively evaluate the transportation system for preventative maintenance and rehabilitation/replacement needs

To perform the preventative maintenance and rehabilitation / replacement of our transportation system in a cost-effective, efficient, and safe manner

 To coordinate new subdivisions and infrastructure with existing development for long life and lower cost to the public

To maintain all street signs, traffic control signs and pedestrian safety signs. Ensure all signs are in compliance with the Texas MUTCD and current ADA requirements

STREETS-2016 Accomplishments

- Completed the following projects:
 - a. Beal Park Parking Lot and Improvements
 - **b. Reconstructed Spring Street**
 - c. Constructed the Central Texas Regional Firearms Training Center.
 - d. Constructed N. Main Sidewalk
 - e. Constructed a 10' wide trail from
 - Chisholm Tr. to Yturria Dr.
 - f. Installed sidewalks along Birdwell and 2nd Ave. for the new Police Station.
- Continued the crack seal program.
- Continue to maintain Nolan Creek recreation areas.
- Installed 326 new signs throughout town.
- Continued Maintenance!

STREETS-2017 Goals / Priorities

- Continue the Street Maintenance Plan
- Construct S. Wall Sidewalk Improvements
- Develop an inventory program for all signs.
- Construct downtown beautification
 - improvements, including parking
 - enhancements, directional signage, and sidewalks
- Continue the crack sealing program.

Support for Capital Projects
S. Main Sidewalks
Sparta Road Expansion

STREETS – Challenges

 Aging fleet of vehicles and equipment until we see the fruition of our newly developed vehicle/equipment replacement program.

 Balancing the number of employees and equipment between maintenance and inhouse capital project construction

Solid Waste and Recycling

- Mission: Provide efficient, cost effective solid waste collection, disposal, and recycling services
- 2017 Goals / Priorities:
 - Continue the Bulk waste collection program on a quarterly basis. This bulk disposal event is held at Public Works Facility



Solid Waste: Brush

- Mission: Provide brush collection in a timely and professional manner, thereby improving the safety and aesthetics of the City
- Function: Collect and dispose of brush while maintaining a safe environment for staff and the public

Goals / Priorities:

- Continue fast response to service requests
- Educate citizens on our brush program

The Future: We are falling behind more frequently with brush collection, as we grow, another truck and driver will be needed.

Staff Report – City Council Agenda Item



Agenda Item #5

Consider Amendment No. 1 to the Operation, Maintenance and Management Agreement between the Brazos River Authority, City of Temple and City of Belton related to the allocation of expenses for the Reclaimed Water Facility at the Temple-Belton Wastewater Treatment Plant.

Originating Department

Finance – Brandon, Director of Finance

Summary Information

In April of 2016, the City of Belton and the City of Temple executed the First Amended Ownership and Management Agreement for the Temple-Belton Wastewater Treatment Plant (the Amendment). Key provisions of the Amendment surrounded the revenues received from the sale of effluent, and the incremental operating costs incurred by the Brazos River Authority (BRA) to maintain the plant's reclaimed water facility. Prior to the Amendment, the City of Temple received 100% of the effluent revenues and paid 100% of the cost to maintain the plant's reclaimed water facility. Following execution of the Amendment, the City of Belton is entitled to 25% of the effluent revenue and must pay 25% of the cost to maintain the plant's reuse function.

The Amendment created an inconsistency between the agreement between the two Cities and the agreement between the Cities and BRA, as the agreement between the Cities and BRA stipulated that 100% of the cost to maintain the plant's reclaimed water facility would be allocated to the City of Temple. The proposal before Council at this time is to amend the agreement between the Cites and the BRA to make the 75%-25% split of the cost to maintain the plant's reclaimed water facility consistent. For the first eight months of FY 2016, the total cost to maintain the plant's reclaimed water facility reclaimed water facility has been \$2,801, and Belton's 25% share would be \$700.25.

Fiscal Impact

Minimal annual costs will be covered by the revenues from effluent sales.

Recommendation

Recommend approval of Amendment No. 1 to the Operation, Maintenance and Management Agreement between the Brazos River Authority, City of Temple and City of Belton

City Council Agenda Item July 26, 2016 Page 1 of 2

Attachments

Amendment No. 1 to the Operation, Maintenance and Management Agreement between the Brazos River Authority

City Council Agenda Item July 26, 2016 Page 2 of 2

AMENDMENT NO. ONE TO OPERATION, MAINTENANCE, AND MANAGEMENT AGREEMENT BETWEEN BRAZOS RIVER AUTHORITY, CITY OF TEMPLE, AND CITY OF BELTON – TEMPLE-BELTON WASTEWATER TREATMENT PLANT

This Amendment No. One to the Operation, Maintenance, and Management Agreement Between Brazos River Authority, City of Temple, and City of Belton – Temple-Belton Wastewater Treatment Plant ("Amendment") is entered into by and between the Brazos River Authority ("BRA"), the City of Temple ("Temple") and the City of Belton ("Belton") (collectively, the "Cities").

RECITALS

WHEREAS, BRA and the Cities entered into the Operation, Maintenance, and Management Agreement Between Brazos River Authority, City of Temple, and City of Belton – Temple-Belton Wastewater Treatment Plant ("Agreement") with an effective date of October 1, 2014;

WHEREAS, Article 5.1(c) of the Agreement stipulates that all costs related to the operations, management, and maintenance of the Reclaimed Water Facility ("RWF") would be allocated to the Temple until such time as the Belton began utilizing its reserved capacity in the RWF, at which time all costs related to the operation, management, and maintenance of the RWF would be allocated to the Cities based on the Annual Flow Percentages; and

WHEREAS, the Cities desire to allocate such costs based on each City's ownership percentage.

NOW, THEREFORE, for and in consideration of the foregoing and the mutual promises contained herein, BRA and the Cities agree to amend the Agreement as follows:

1. The first two sentences in Paragraph 5.1(c) of the Agreement are hereby deleted in their entirety and replaced with the following language:

"All expenses related to the operation, management, and maintenance of the RWF will be allocated between the Cities based upon each City's respective ownership percentage (75% to Temple and 25% to Belton)."

2. The new expense allocation shall be effective as of April 1, 2016.

3. This Amendment shall be deemed a part of the Agreement and shall be binding on the parties. Except as amended herein, all of the terms, conditions and provisions of the Agreement apply to this Amendment and remain in full force and effect.

[Signatures appear on the following page]

L:\Contracts\Water-Wastewater Contracts\Temple Belton\Amendment No $\mbox{ One to OMM}$ Agreement - 07.08.2016.docx

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed, and effective upon the receipt of the last signature.

BRAZOS RIVER AUTHORITY		CITY OF TEMPLE		
By:	PHILLIP FORD	By:		
Title:	GENERAL MANAGER/CEO	Title:	CITY MANAGER	
Date:		Date:		
CITY	OF BELTON			
By:				
Title: Date:	CITY MANAGER			

Staff Report – City Council Agenda Item



Agenda Item #6

Consider an Interlocal Agreement with the Belton Independent School District for operation of a career and technical high school education fire course.

Originating Department

Administration - Sam A. Listi, City Manager

Summary Information

The Belton Fire Department and BISD would like to continue their partnership conducting a career and technical education fire course for juniors and seniors at Belton High School. The intention is to continue the program in the 2016/2017 school year with instruction provided by off-duty Belton firefighters Monday-Friday. Students interested in pursuing a firefighting profession will be selected for the class by BISD and the Belton Fire Department based on grades, attendance, maturity and discipline. Staff believes this program will continue to give the Belton Fire Department another avenue to recruit personnel for future employment.

Fiscal Impact

Amount:	None		
Budgeted:	🗌 Yes 🗌 No		
lf not budge Capital Proje		ontingency 🗌 Ame	endment Needed
Funding Sou employment	rce(s): BISD pays instructors policy.	in accordance with	the City's off duty
<u>Recommen</u>	lation		
Recommend	approval.		
Attachment Proposed In	<u>s</u> erlocal Agreement		
			City Council Agenda Item July 26, 2016 Page 1 of 1

INTERLOCAL COOPERATION AGREEMENT

STATE OF TEXAS COUNTY OF BELL

Date: July 18, 2016

This AGREEMENT is entered into between the City of Belton, Texas Fire Department (hereinafter "BFD") and the Belton Independent School District (hereinafter "BISD"), pursuant to the provisions of the Interlocal Cooperation Act, Texas Government Code § 791.001 et seq.

ARTICLE I PURPOSE OF AGREEMENT

The purpose of this agreement is to provide for instructors and equipment for a career and technical education fire course at BISD. The parties believe that it is in the best interest of the public to improve the efficiency and effectiveness of governmental functions and services of local governments by authorizing this agreement.

BFD shall:

- Make available, when possible, tools and equipment to be used as instructional aids in the fire course; such items must be returned to the appropriate fire station at the conclusion of class each day.
- Maintain communication with designated BISD contact regarding BFD equipment and employees used in the instruction of this class;
- Screen and select BFD firefighters eligible as course instructors; and
- NOT be responsible for scheduling of instructors, or providing instructional coverage when instructors are absent.

BISD shall:

- Be solely responsible for the all aspects of the career and technical education fire class, including classroom space, and instructional materials and supplies;
- Be responsible for scheduling of instructors;
- Make payment for instructors directly to off-duty BFD firefighters, pursuant to the City of Belton's off-duty employment policies; and
- Maintain communication with the BFD Fire Chief regarding course progress and all matters pertaining to BFD firefighters providing instruction.

ARTICLE II TERM OF AGREEMENT

The term of this agreement shall coincide with BISD's school year term for 2016-2017, and may be extended by the mutual agreement of all parties.

ARTICLE III MUTUAL WAIVERS

Each party to this Agreement expressly waives all claims against each other for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Agreement, not due to the negligence, fraud, or illegal conduct of the other party.

ARTICLE IV NO WAIVER OF IMMUNITY

It is expressly understood and agreed that under this Agreement neither party waives, nor shall be deemed to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

ARTICLE V VENUE

Each party to this Agreement agrees that in any legal action brought hereunder, venue shall lie in Bell County, Texas.

ARTICLE VI CHOICE OF LAW

The validity of this Agreement and of its terms and provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas.

ARTICLE VII SEVERABILITY

In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such fact shall not affect any other provision thereof and this Agreement shall be construed as if the stricken provision had never been contained herein.

ARTICLE VIII MODIFICATION

This Agreement may be amended or modified by the mutual agreement of both parties hereto in writing, such writing to be attached hereto and incorporated into this Agreement.

ARTICLE IX ADMINISTRATION

This Agreement shall be administered by the appropriate persons on behalf of BFD and BISD that each party shall see fit to perform such duties.

ARTICLE X ENTIRE AGREEMENT

This Agreement contains all commitments and obligations of the parties and represents the entire agreement of said parties. No verbal or written conditions not contained herein shall have any force or effect to alter any term of this Agreement.

ARTICLE XI TERMINATION/FORCE MAJEURE

This Agreement may be terminated at any time before its expiration with sixty (60) days' notice by the terminating party to all other parties. No party shall be responsible for damages or expected to fulfill its obligations under this Agreement should an act of God or other unforeseen catastrophe occur and cause such damage or prevent the performance of such obligation.

ARTICLE XII EXECUTION

This Agreement shall be executed by the duly authorized official(s) of each party as expressed in the approving resolution or order of the governing body of such party.

IN WITNESS WHEREOF, the parties to these presents have executed this Agreement on the date first above written.

CITY OF BELTON, TEXAS

BELTON INDEPENDENT SCHOOL DISTRICT

Marion Grayson, Mayor

ATTEST:

Amy Casey, City Clerk

APPROVED AS TO FORM:

John Messer, City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of July, 2016, by Marion Grayson, Mayor of the City of Belton, Texas.

Notary Public, State of Texas

Randy Pittenger, Board President

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the 277 day of July 2016 by Randy Pittenger, President of the Board of Trustees of the Belton Independent School District, Belton, Texas.



Notary Public, State of Texas

Staff Report – City Council Agenda Item



Agenda Item #7

Consider an ordinance amending Chapter 23, Article VII, Special Revenue Drainage Fund, Section 23-308 and Section 23-309 of the Code of Ordinances clarifying the application and calculation of drainage fees.

Originating Department

Finance – Brandon, Director of Finance

Summary Information

In the City's Drainage Ordinance, section 23-308 serves to establish the fees and define the two categories of benefitted properties, residential property and other property. Section 23-309 contains the schedule used to determine the applicable drainage fee. Section 23-309 also contains a notation to clarify that properties with more than four dwelling units should use the "Other Property" table for determining the applicable drainage fee.

In a very few number of cases in the past, the City has been asked to clarify whether this notation in 23-309 redefined "Other Property" to mean only multifamily developments. The position of the City has been that it does not, and that it is clear in 23-308 and in other sections of the ordinance that all benefitted properties that are not legally exempt shall be assessed a drainage fee. However, recognizing that confusion may be caused due to the notation in 23-309, it is the proposal of City Staff to make the changes to sections 23-308 and 23-309 highlighted below:

Section 23-308 Establishment of a drainage fee.

A drainage fee is imposed upon each developed lot and parcel with structural improvements located within the City for drainage services and facilities and water quality enhancement related thereto provided by the City, except as exempted. For purposes of imposing the drainage fee, all lots and parcels within the City are classified into the following two customer categories:

A. Residential Property (1-4 dwelling units on one parcel); and

B. Other Property (all other developed property including multifamily developments with more than four (4) dwelling units on one parcel).

Section 23-309 Calculation of drainage fees.

A. The following schedule shall be used to determine the applicable drainage fee:

City Council Agenda Item July 26, 2016 Page 1 of 2

Residential Property

(1-4 dwelling units on one parcel)

# of Units	Monthly Fee
1	\$3.00 per monthly billing cycle per single family dwelling
	unit
2	\$3.00 per unit, \$6.00 total per monthly billing cycle
3	\$3.00 per unit, \$9.00 total per monthly billing cycle
4	\$3.00 per unit, \$12.00 total per monthly billing cycle

Other Property

Developed properties with more than four (4) dwelling units will be imposed a flat fee based on the impervious cover of the parcel, as follows:

Sq. Ft. Range of Impervious Cover	Monthly Fee
250,000 sq. ft. and over	\$200.00
100,000 – 249,999 sq. ft.	\$100.00
50,000 – 99,999 sq. ft.	\$50.00
10,000 – 49,999 sq. ft.	\$20.00
0 – 9,999 sq. ft.	\$10.00

Fiscal Impact

None

Recommendation

Recommend approval of the ordinance amending Chapter 23, Article VII, Special Revenue Drainage Fund

Attachments

Proposed Ordinance

City Council Agenda Item July 26, 2016 Page 2 of 2

ORDINANCE NO. <u>2016-32</u>

AN ORDINANCE AMENDING CHAPTER 23, ARTICLE VII, SPECIAL REVENUE DRAINAGE FUND, SECTION 23-308 AND SECTION 23-309 OF THE CODE OF ORDINANCES CLARIFYING THE APPLICATION AND CALCULATION OF DRAINAGE FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, Chapter 402, Subchapter C, "Municipal Drainage Utility Systems," of the Texas Local Government Code authorizes municipalities to create municipal drainage utilities and to levy a municipal drainage fee;

WHEREAS, the City Council has determined that the most effective way to meet the financial needs of these drainage system requirements is through the continuation of a municipal drainage fee on certain property as described herein and located within the City limits;

WHEREAS, Ordinance No. 2012-42 reenacted the Special Revenue Drainage Fund which has been codified as Chapter 23, Article VII, Special Revenue Drainage Fund in the Code of Ordinances; and

WHEREAS, the City desires to clarify Section 23-308 and Section 23-309 therein.

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

PART 1: SPECIAL REVENUE DRAINAGE FUND

Section 23-308 Establishment of a drainage fee.

A drainage fee is imposed upon each developed lot and parcel with structural improvements located within the City for drainage services and facilities and water quality enhancement related thereto provided by the City, except as exempted. For purposes of imposing the drainage fee, all lots and parcels within the City are classified into the following two customer categories:

A. Residential Property (1-4 dwelling units on one parcel); and

B. Other Property (all other developed property including multifamily developments with more than four (4) dwelling units on one parcel).

Section 23-309 Calculation of drainage fees.

A. The following schedule shall be used to determine the applicable drainage fee:

Residential Property

# of Units	Monthly Fee
1	\$3.00 per monthly billing cycle per single family dwelling
	unit
2	\$3.00 per unit, \$6.00 total per monthly billing cycle
3	\$3.00 per unit, \$9.00 total per monthly billing cycle
4	\$3.00 per unit, \$12.00 total per monthly billing cycle

Other Property

Sq. Ft. Range of Impervious Cover	Monthly Fee
250,000 sq. ft. and over	\$200.00
100,000 – 249,999 sq. ft.	\$100.00
50,000 – 99,999 sq. ft.	\$50.00
10,000 – 49,999 sq. ft.	\$20.00
0 – 9,999 sq. ft.	\$10.00

B. Drainage fees will apply to improved lots and parcels within the City regardless of whether or not the City of Belton Utility Department bills the improved lots or parcels for water and/or sewage and/or garbage service.

C. The City Manager shall be responsible for determining impervious cover square footage area of other properties, as defined herein, based on data obtained from the Tax Appraisal District of Bell County. If such information is unavailable from the Appraisal District files, the property owner, tenant or responsible party may submit a certified survey or an impervious surface survey to assist the City Manager in determining applicable area. The City Manager may require additional information as necessary to make the determination. The amount of any fee may be revised by the City Manager based on additions to the impervious cover area, as approved through the City of Belton's building permit process or as shown from the records of the Appraisal District.

D. The City Council may review the foregoing schedule of fees at any time and may, by ordinance, increase or decrease the fees within the schedule upon a determination, in compliance with Section 402.045 of the Local Government Code, that such increase or decrease is warranted.

E. The City Council finds and determines that the drainage fee has been established in accordance with the provisions of the Chapter 402, Subchapter C, "Municipal Drainage Utility Systems", of the Local Government Code.

PART 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PART 3: All ordinances or part of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

<u>**PART 4**</u>: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED at a regular meeting of the Belton City Council on the 26th day of July, 2016.

THE CITY OF BELTON, TEXAS

Marion Grayson, Mayor

ATTEST:

APPROVED AS TO FORM:

Amy M. Casey, City Clerk

John Messer, City Attorney

Staff Report – City Council Agenda Item



Agenda Item #8

Hold a public hearing and consider an amendment to Chapter 20, Article VIII, Construction in Public Rights-of-Way, of the Code of Ordinances regarding the City's management of public rights-of-ways and permitting process.

Originating Department

Engineering – Angellia Points, Director of Internal Services/City Engineer

Summary Information

Recently, non-City facilities have been placed in the rights-of-way (ROW) without City approval or notification, causing deterioration to the public roadways and interruptions in traffic flow. According to Chapter 20, Article VIII, Construction in Public Rights-of-Way, any person seeking to place facilities in, on, above or below the public ROW, shall first file an application for a building permit with the City, and shall abide by the terms and provisions of the article concerning use of the public ROW. However, this ordinance has not been fully enforced or implemented, and no permitting process has been developed.

Section 20, Article VIII Ordinance as it stands provides a structure for the City to manage public ROW. However, in order to properly enforce and adequately protect public ROW, Staff recommends the following significant or substantial revisions to the existing ordinance:

- 1. Section 20-143 Definitions
 - a. Definition of Facilities: Included pipes, sidewalks, landscaping, light poles, temporary construction fencing, barricades, storage of materials such as soil, gravel, etc.
 - b. Clarified mailboxes, irrigation systems, and driveways are not included in this ordinance.
- 2. Section 20-144 Municipal authorization required
 - a. Clarified that any person wishing for facilities to be placed, <u>reconstructed</u>, <u>demolished</u>, <u>repaired</u>, <u>maintained</u>, <u>or altered</u> within the ROW must receive approval from the <u>Director of Public Works (Director)</u>.
 - b. Declared non-City owned or maintained facilities shall not be located within the ROW, unless otherwise approved by the Director.
- 3. Section 20-145 Administration and enforcement
 - a. A penalty clause was added in order to enforce the ordinance.
- 4. Section 20-146 Construction obligations
 - a. A traffic control plan may be required by the Director.
 - b. A permit must be obtained <u>at least three (3) business days prior</u> to any work to be done in the ROW.
 - c. The ROW must be restored to at or better than the pre-construction condition.

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- d. In the case of emergency work, <u>the person shall apply for a permit on the first</u> working day after the work has been completed.
- 5. Section 147 Conditions of public ROW occupancy
 - a. Clarified the City has the first priority over all other uses of the ROW.
 - b. If the City were to obtain new ROW with existing utilities, the existing utilities may be required to be relocated at the direction of the Director.

We have drafted a Public Rights-of-Way Construction Permit application to implement along with the proposed ordinance amendments. The information required in the permit application complements the proposed amended ordinance. Topics such as the type of work proposed, traffic interruptions, and materials to be used are addressed in the permit application for the Director's review.

The list below summarizes other Texas cities who also have rights-of-way management ordinances:

- City of Temple, Article III of Chapter 32 of the Code of Ordinances
- City of Harker Heights, Chapter 96.35 through 41 of the Code of Ordinances
- City of Killeen, Chapter 25-51 through 25-93 of the Code of Ordinances
- City of Copperas Cove, Article II of Chapter 17 of the Code of Ordinances
- City of Waco, Chapter 23 of the Code of Ordinances
- City of Round Rock, Article IX of Chapter 44 of the Code of Ordinances
- City of Cleburne, Chapter 157 of the Code of Ordinances
- City of Rowlett, Article IV of Chapter 54 of the Code of Ordinances

Staff recommends the proposed revisions to the Construction in Public ROW Ordinance in order to equip City Staff with adequate tools to manage and preserve the City's rights-of-ways.

Fiscal Impact

None

Recommendation

Recommend approval of the amendment to Chapter 20, Article VIII, Construction in Public Rights-of-Way, of the Code of Ordinances regarding the City's management of public rights-of-ways and permitting process.

Attachments

Ordinance City Public Rights-of-Way Construction Permit

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ORDINANCE NO. <u>2016-30</u>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 20, ARTICLE VIII, OF THE CODE OF ORDINANCES ESTABLISHING UNIFORM RULES AND REGULATIONS GOVERNING THE CONSTRUCTION AND USE OF CITY RIGHTS-OF-WAY, AND MAY BE KNOWN AS THE "CONSTRUCTION IN THE PUBLIC RIGHTS-OF-WAY ORDINANCE;" PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the Rights-of-Way are a valuable public resource that have required and will continue to require substantial investment by the City of Belton ("City"); and

WHEREAS, the City desires to structure and implement a fair and orderly process for the authorizations to occupy and use the rights-of-way in the City to protect the public interest consistent with applicable law; and

WHEREAS, the City desires to minimize inconvenience and disruption to the public, provide for the orderly and efficient use of the Rights-of-Way now and in the future and preserve adequate capacity of existing and future uses of the Rights-of-Way; and

WHEREAS, in accordance with applicable state and federal rules, laws, and regulations, including, but not limited to, 47 U.S.C. §253(c) and state laws, including, but not limited to, Tex. Util. Code §§14.008 and 54.205, and Tex. Rev. Civ. Stat., art. 1175; the City seeks to exercise to the fullest extent permitted its historical rights to control and manage its rights-of-way in a competitively neutral and nondiscriminatory basis; and implement certain police power regulations regarding the use of those rights-of-way, in accordance with Tex. Loc. Gov't Code §283.056 including the Public Utilities Regulatory Act of Texas and the Texas Public Utilities Code.

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

PART 1: Chapter 20 "Streets, Sidewalks, and Other Public Places," Article VIII "Construction in Public Rights-of-Way," of the Code of Ordinances of the City of Belton, Texas, is hereby amended to read as follows:

- 1. Section 20-141 Findings and purpose
- 2. Section 20-143 Definitions
- 3. Section 20-144 Municipal authorization required
- 4. Section 20-145 Administration and enforcement
- 5. Section 20-146 Construction obligations
- 6. Section 20-147 Conditions of public rights-of-way occupancy

- 7. Section 20-148 Insurance requirements
- 8. Section 20-149 Indemnity
- 9. Section 20-151 Governing law

ARTICLE VIII. - CONSTRUCTION IN PUBLIC RIGHTS-OF-WAY

Sec. 20-141. - Findings and purpose.

The purpose of this article is to:

- (a) Assist in the management of facilities placed in, on or over the public rights-of-way to minimize the congestion, inconvenience, deterioration, visual impact and other adverse effects, and the costs to the citizens resulting from the placement of facilities within the public rights-of-way;
- (b) Govern the use and occupancy of the public rights-of-way;
- (c) Assist the city in its efforts to protect the public health, safety and welfare;
- (d) Conserve the limited physical capacity of the public rights-of-way held in public trust by the city;
- (e) Preserve the physical integrity of the streets and highways;
- (f) Control the orderly flow of vehicles and pedestrians;
- (g) Keep track of the different entities using the public rights-of-way to prevent interference between them;
- (h) Assist on scheduling common trenching and street cuts; and
- (i) Protect the safety, security, appearance and condition of the public rights-of-way.

This article may be referred to as the "Construction in the Public Rights-of-Way Ordinance."

Sec. 20-142. - Authority; scope.

This article applies to all persons that place facilities in, on or over public rights-ofway.

Sec. 20-143. - Definitions.

In this article:

Affiliate means a person who controls, is controlled by, or is under common control with a provider.

Certificated telecommunications provider means the same as in V.T.C.A., Local Government Code § 283.002(2): "Any entity that has been issued a certificate of convenience and necessity, certificate of operating authority or service provider certificate of operating authority by the Texas Public Utility Commission under Chapter 54 of Texas Utility Code authorizing that entity to provide local exchange telephone service."

City means the City of Belton, Texas. As used throughout, the term city also includes the designated agent of the city.

City Manager means the City Manager of the City or the City Manager's designee.

Direction of the City means all ordinances, laws, rules, resolutions, and regulations of the city that are not in consistence with this article and that are now in force or may hereafter be passed and adopted.

Director of Public Works or Director means the City's Director of Public Works or such Director's designee.

Facilities means any and all of the wires, pipes, cables, fibers, duct spaces, manholes, poles, conduits, underground and overhead passageways and other equipment, structures, sidewalks, landscaping, light poles, temporary construction fencing, barricades or cones, materials such as piles of soil, gravel, temporary storage of construction material, etc., and all associated appurtenances and physical equipment placed in, on, above or below the public rights-of-way. Mailboxes, cluster boxes, temporary stormwater runoff controls, and irrigation systems are not considered a facility. Driveways are permitted by a separate ordinance.

Person means a natural person (an individual), corporation, company, association, partnership, firm, limited liability company, joint venture, joint stock company or association, or other entity, including franchise utilities.

Public rights-of-way means the same as in the V.T.C.A., Local Government Code, § 283.002(6), "The area in, on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway or utility easement in which the municipality has an interest. The term does not include the airwaves above a public rights-of-way with regard to wireless telecommunications."

Sec. 20-144. - Municipal authorization required.

- (a) Any person seeking to place, reconstruct, demolish, repair, maintain, or alter any facilities in, on, above or below the public rights-of-way, shall first file an application for a rights-of-way construction permit with the city, receive approval from the Director, and shall abide by the terms and provisions of this article concerning use of the public rights-of-way. Maintenance to landscaping within the rights-of-way is excluded from the permitting process. However, if significant alteration or additions are proposed to the landscaping, an approved permit is required.
- (b) Any person with a current, unexpired consent, franchise, agreement or other authorization from the city or State (grant) to use the public rights-of-way that is in effect at the time this article takes effect shall continue to operate under and comply with that grant until the grant expires or until it is terminated by mutual agreement of the city and the person, or terminated as otherwise provided for in law.

- (c) Unless otherwise approved by the Director and otherwise addressed in the person's existing franchise agreement, no non-city owned or maintained facilities shall be located in the rights-of-way.
- (d) All proposed street cuts or excavation within the rights-of-way shall be reviewed and approved by the Director.

Sec. 20-145. - Administration and enforcement.

- (a) The Director shall administer and enforce compliance with this article.
- (b) A person shall report information related to the use of the public rights-of-way in the form and manner reasonably prescribed by the Director.
- (c) The city manager shall report to the city council upon the determination that a person has failed to comply with this article.
- (d) Any person, firm, corporation, or any entity violating any of the provisions or terms of this ordinance shall be guilty of a misdemeanor and upon conviction in the Municipal Court of Belton, Texas, shall be subjected to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except where a different penalty has been established by state law for such offense, and for any violation of any provision which governs public health or sanitation, which shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation is continued shall be deemed to constitute a separate offense.

Sec. 20-146. - Construction obligations.

A person is subject to reasonable police power regulation of the city to manage its public rights-of-way in connection with the construction, expansion, reconstruction, maintenance or repair of facilities in the public rights-of-way, pursuant to the city's rights as a custodian of public property, based upon the city's historic rights under state and federal laws. Such regulations include, but are not limited to, the following:

- (a) At the city's request and with the permit application, a person shall furnish the city accurate and complete information as described in this article relating to the construction, reconstruction, removal, maintenance, operation and repair of facilities performed by the person in the public rights-of-way.
- (b) A person may be required to place certain facilities within the public rights-of-way underground according to applicable city requirements absent a compelling demonstration by the person that, in any specific instance, this requirement is not reasonable or feasible nor is it equally applicable to other similar users of the public rights-of-way.
- (c) A traffic control plan may be required by the Director with the permit application.
- (d) All persons shall perform operations, excavations and other construction in the public rights-of-way in accordance with all applicable city requirements, standards, specifications, and current design manual, including the obligation to use trenchless technology whenever commercially economical, practical and consistent with obligations on other similar users of the public rights-of-way. The city shall waive

the requirement of trenchless technology if it determines that the field conditions warrant the waiver, based upon information provided to the city by the person. All excavations and other construction in the public rights-of-way shall be conducted to minimize interference with the use of public and private property. A person shall follow all reasonable construction directions given by the city to minimize any such interference.

- (e) A person must obtain a permit, as reasonably required by applicable city codes, at least three (3) business days prior to any excavation, construction, installation, expansion, repair, removal, relocation or maintenance of the person's facilities. Once a permit is issued, the person shall give to the city a minimum of forty-eight (48) hours notice (which could be at the time of the issuance of the permit) prior to undertaking any of the above listed activities on its network placed in, on, above or below the public rights-of-way. The failure of the person to request and obtain a permit from the city prior to performing any of the above listed activities placed in, on, above or below any public rights-of-way, except in an emergency as provided for in subsection (k) below, will subject the person to a stop work order from the city and enforcement action pursuant to the city's Code of Ordinances. If the person fails to act upon any permit within ninety (90) calendar days of issuance, the permit shall become invalid and the person will be required to obtain another permit.
- (f) When a person completes construction, expansion, reconstruction, removal, excavation or other work, the person shall promptly restore the public rights-of-way in accordance with applicable current city requirements. If the person is required by law to construct, embed, or encase in conflict with the city's current design manuals and standards, the person shall present the proposed details to the Director in the permitting application. A person shall replace and properly relay and repair the surface, base, irrigation system and landscape treatment of any public rights-of-way that may be excavated or damaged due to the erection, construction, maintenance or repair of the person's facilities within thirty (30) calendar days after completion of the work in accordance with existing standards of the city in effect at the time of the work and at or better than the pre-construction condition to the satisfaction of the Director.
- (g) Upon failure of a person to perform any such repair or replacement work, and five (5) days after written notice has been given by the city to the person, the city may repair that portion of the public rights-of-way as may have been disturbed by the person, its contractors or agents. Upon receipt of an invoice from the city, the person will reimburse the city for the costs so incurred within thirty (30) calendar days from the date of the city invoice.
- (h) Should the city reasonably determine, within two (2) years from the date of the completion of the repair work, that the curbs, drainage systems, surface, base, irrigation system, landscape treatment or other city facilities and infrastructure requires additional restoration work to meet existing standards of the city, a person shall perform such additional restoration, replacement, or repair work to the satisfaction of the city, subject to all city remedies as provided herein.
- (i) Notwithstanding the foregoing, if the city determines that the failure of a person to properly repair or restore the public rights-of-way constitutes a safety hazard to the public, the city may undertake emergency repairs and restoration efforts. A person

shall promptly reimburse the city for all costs incurred by the city within thirty (30) calendar days from the date of the city invoice.

- (j) A person shall furnish the city with construction plans and maps, in a format viewable by the Director such as a PDF or hard-copy, showing the location and proposed routing of new construction or reconstruction at least three (3) business days before beginning construction or reconstruction that involves an alteration to the surface or subsurface of the public rights-of-way. A person may not begin construction until the location of new facilities and proposed routing of the new construction or reconstruction and all required plans and drawings have been approved in writing by the city, which approval will not be unreasonably withheld, taking due consideration of the surrounding area and alternative locations for the facilities and routing.
- (k) If the city manager declares an emergency with regard to the health and safety of the citizens and requests by written notice the removal or abatement of facilities, a person shall remove or abate the person's facilities by the deadline provided in the city manager's request. The person and the city shall cooperate to the extent possible to assure continuity of service. If the person, after notice, fails or refuses to act, the city may remove or abate the facility, at the sole cost and expense of the person, without paying compensation to the person and without the city incurring liability for damages.
- (I) Except in the case of customer service interruptions and imminent harm to property or person (emergency conditions), a person may not excavate the pavement of a street or public rights-of-way without first complying with city requirements. The Director shall be notified immediately regarding work performed under such emergency conditions, and the person shall comply with the requirements of the city standards for the restoration of the public rights-of-way. The person shall apply for a permit for such emergency work on the first working day, after the work has been completed.
- (m) Within sixty (60) days of completion of each permitted section of a person's facilities, the person shall supply the city with a complete set of "as-built" drawings for the segment in a format used in the ordinary course of the person's business and as reasonably prescribed by the city, and as allowed by law. The person shall notify the city if any drawings or information is considered confidential or proprietary.
- (n) The city may require reasonable bonding requirements of a person, as are required of other entities that place facilities in the public rights-of-way.

Sec. 20-147. - Conditions of pubic rights-of-way occupancy.

(a) In the exercise of governmental functions, the city has first priority over all other uses of the public rights-of-way. The city reserves the right to lay sewer, gas, water and other pipe lines, cables and conduits, and to do underground and overhead work, and attachments, restructuring or changes in aerial facilities in, across, along, over or under a public street, alley or public rights-of-way occupied by a person, and to change the curb, sidewalks or the grade of streets.

- (b) The city shall assign the location in or over the public rights-of-way among users of the public rights-of-way with due consideration to the public health and safety considerations of each user type, and to the extent the city can demonstrate that there is limited space available for additional users, may limit new users, as allowed under state or federal law. Unless otherwise approved by the Director and otherwise addressed in the person's existing franchise agreement, no non-city owned or maintained facilities shall be located in the rights-of-way. As the City limits of Belton expands and/or additional rights-of-way are obtained or acquired, existing utilities located in new rights-of-way may be required to be relocated at the direction of the Director.
- (c) If the city authorizes abutting landowners to occupy space under the surface of any public street, alley or public rights-of-way, the grant to an abutting landowner shall be subject to the rights of the previously authorized user of the public rights-of-way. If the city closes or abandons a public rights-of-way that contains a portion of a person's facilities, the city shall close or abandon such public rights-of-way subject to the rights of the person.
- (d) If the city gives written notice, a person shall, at its own expense, temporarily or permanently, remove, relocate, change or alter the position of the person's facilities that are in the public rights-of-way within one hundred twenty (120) days, except in circumstances that require additional time as reasonably determined by the city based upon information provided by the person. For projects expected to take longer than one hundred twenty (120) days to remove, change or relocate, the city shall confer with the person before determining the alterations to be required and the timing thereof. The city shall give notice whenever the city has determined that removal, relocation, change or alteration is reasonably necessary for the construction, operation, repair, maintenance or installation of a city or other governmental public improvement in the public rights-of-way. This section shall not be construed to prevent a person's recovery of the cost of relocation or removal from private third parties who initiate the request for relocation or removal, nor shall it be required if improvements are solely for beautification purposes without prior joint deliberation and agreement with the person.

If the person fails to relocate facilities in the time allowed by the city in this section, the person may be subject to liability to the city for such delay and as set forth in the city code of ordinances now or hereafter enacted.

Notwithstanding anything in this subsection (d), the Director and a person may agree in writing to different time frames than those provided above if circumstances reasonably warrant such a change.

(e) During the term of its municipal consent, a person may trim trees or other vegetation in or over the public rights-of-way for the safe and reliable operation, use and maintenance of its facilities with advance approval by the city. Advance approval is not required if directed to trim or remove vegetation by the City's Code Enforcement Officials. All tree trimming shall be performed in accordance with standards promulgated by the city. Should the person, its contractor or agent, fail to remove such trimmings within twenty-four (24) hours, the city may remove the trimmings or have them removed, and upon receipt of a bill from the city, the person

shall promptly reimburse the city for all costs incurred within thirty (30) working days. Individual property owners are except from this requirement.

(f) Persons shall temporarily remove, raise or lower its aerial facilities to permit the moving of houses or other bulky structures, if the city gives written notice of no less than forty-eight (48) hours. The expense of these temporary rearrangements shall be paid by the party or parties requesting and benefitting from the temporary rearrangements. The person may require prepayment or prior posting of a bond from the party requesting temporary move.

Sec. 20-148. - Insurance requirements.

(a) Unless addressed in a current franchise agreement, a person shall obtain and maintain the necessary and reasonable amount of insurance with an insurance company licensed to do business in the State of Texas acceptable to the city throughout the term of a municipal consent conveyed under this article. A person shall furnish the city with proof of insurance at the time of the request for permits or as requested. The city reserves the right to review the insurance requirements and to reasonably adjust insurance coverage and limits when the city manager determines that changes in statutory law, court decisions, or the claims history of the industry or the person require adjustment of the coverage. For the purposes of this section, the city will accept certificates of self-insurance issued by the State of Texas or letters written by the person in those instances where the state does not issue such letters, which provide the same coverage as required herein. However, for the city to accept such letters the person must demonstrate by written information that it has adequate financial resources to be a self-insured entity as reasonably determined by the city, based on financial information requested by and furnished to the city. The city's current insurance requirements are described as follows:

Coverage	Limits of Liability	
Workman's compensation with waiver of subrogation on behalf of City of Belton.	Statutory	
Employer's liability	\$500,000	
Bodily injury liability except automobile	\$500,000 each occurrence	
	\$1,000,000 aggregate	
Property damage liability except automobile	\$500,000 each occurrence	
	\$500,000 aggregate	
Automobile bodily injury liability	\$500,000 each person	
	\$1,000,000 each occurrence	
Owner's protective liability	\$1,000,000 each combined single limit	
Excess umbrella liability	\$5,000,000 each occurrence	

(b) A person shall furnish, at no cost to the city, copies of certificates of insurance evidencing the coverage required by this section to the city. The city may request the deletion, revision or modification of particular policy terms, conditions, limitations or exclusions, unless the policy provisions are established by a law or regulation binding the city, the person, or the underwriter. If the city requests a deletion, revision or modification, a person shall exercise reasonable efforts to pay for and to accomplish the change.

- (c) An insurance certificate shall contain the following required provisions:
 - (1) Name the City of Belton and its officers, employees, board members and elected representatives as additional insured for all applicable coverage;
 - (2) Provide for thirty (30) days notice to the city for cancellation, nonrenewal, or material change; and
 - (3) Provide that notice of claims shall be provided to the Director by certified mail.
- (d) A person shall file and maintain proof of insurance with the Director. An insurance certificate obtained in compliance with this section is subject to city approval. The city may require the certificate to be changed to reflect changing liability limits. A person shall immediately advise the city attorney of actual or potential litigation that may develop or may affect an existing carrier's obligation to defend and indemnify.
- (e) An insurer has no right of recovery against the city. The required insurance policies shall protect the person and the city. The insurance shall be primary coverage for losses covered by the policies.
- (f) The policy clause "other insurance" shall not apply to the city if the city is insured under the policy.
- (g) The person shall pay premiums and assessments. A company which issued an insurance policy has no recourse against the city for payment of a premium or assessment. Insurance policies obtained by a person must provide that the issuing company waives all right of recovery by way of subrogation against the city in connection with damage covered by the policy.

Sec. 20-149. - Indemnity.

- (a) Except as to certificated telecommunications utilities and unless addressed in current franchise agreement, each person placing facilities in the public rights-ofway shall agree to promptly defend, indemnify and hold the city harmless from and against all damages, costs, losses or expenses:
 - For the repair, replacement or restoration of city property, equipment, materials, structures and facilities which are damaged, destroyed or defective as a result of the person's acts or omissions;
 - (2) From and against any and all claims, demands, suits, causes of action and judgments for:
 - a. Damage to or loss of the property of any person (including, but not limited to the person, its agents, officers, employees and subcontractors, city's agents, officers and employees and third parties); and/or

- b. Death, bodily injury, illness, disease, loss of services, or loss of income or wages to any person (including, but not limited to the agents, officers and employees of the person, the person's subcontractors, the city, and third parties) arising out of, incident to, concerning or resulting from the negligent or willful act or omissions for the person, its agents, employees, and/or subcontractors, in the performance of activities pursuant to this article.
- (b) This indemnity provision shall not apply to any liability resulting from the negligence of the city, its officers, employees, agents, contractors or subcontractors.
- (c) The provisions of this indemnity are solely for the benefit of the city and is not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

Sec. 20-150. - Severability.

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

Sec. 20-151. - Governing law.

This article shall be construed in accordance with the City Code(s) in effect on the date of passage of this article to the extent that such Code(s) are not in conflict with or in violation of a franchise agreement or the constitution and laws of the United States or the State of Texas, subject to the city's ongoing authority to exercise reasonable police power based on adopted regulations to manage its public rights-of-way, pursuant to sections 20-146 and 20-147 or as otherwise provided by law. Sec. 20-152. - Unauthorized use of public rights-of-way.

The City may institute all appropriate legal action to prohibit any person from knowingly using the public rights-of-way unless the person has complied with the terms of this article.

PART 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

PART 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

PART 4: The Code of Ordinances of the City of Belton, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

PART 5: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 26th day of July, 2016.

ATTEST:

Marion Grayson, Mayor

Amy M. Casey, City Clerk





I HOLIC WORKS

CITY PUBLIC RIGHTS-OF-WAY CONSTRUCTION PERMIT

CITY OF BELTON ORDINANCE NO. 2016-30

PROPOSED CONSTRUCTION START DATE:_____ ESTIMATED COMPLETION DATE:_____

COMPANY INFORMATION

Company Name			Email	
Contact Person			Address	
Phone*				
*Must be 24-hour phone nu	umber for contact after bu	siness hour	s and on weekends/holidays.	
Type of Utility or Construct Structural/Civil buildings, home Grading/Fill Street or Sidewa	Construction (i.e., s)		Certificated Telecommunications Provider Cable or Video Service Provider Gas	Electric Water Sewer Other:

CONSTRUCTION INFORMATION [ATTACH ADDITIONAL DOCUMENTATION IF NECESSARY OR REQUIRED]

1. Location of Work

- Addresses and nearest intersections
- List locations and widths of rights-of-way (ROW) and easements within area of work
- Detail of all existing utilities in relation to the area of work
- Drawings or plat submitted with Permit Application: YES or NO
 - Format: Electronic or Hard Copies (1 Set)

Describe Location:

- 2. Description of Work
 - Purpose of work
 - Number of pipes/conduit, sizes, depths, boxes, material types, location of all infrastructure being installed
 - Describe the protection of existing utilities and infrastructure
 - Describe areas where asphalt or concrete will be removed and replaced (provide drawings and details for replacement materials)

Describe Work:

3. Will traffic or driveways be blocked at any time? A traffic control plan is required if a collector or arterial is affected. Describe lane closures, times, durations, and traffic control plan:



City of Belton

~ Public Works ~

MATERIALS

Backfill Materials to be used (check all that apply)

- Gravel; Depth:_____
- □ Native Soil; Depth:_____
- □ Flowable fill; Depth:_____
- □ Washed Sand; Depth:_____
- Crushed Limestone; Depth:_____
- □ Other:____

- Surface Replacement (check all that apply)
 - Concrete driveway; Qty:_____
 - □ Curb and gutter; LF:_____
 - □ Concrete pavement; SF and Depth:__
 - □ Local Street; min 2-inch Type "D" HMAC; SF:____
 - □ Collector/Arterials; min 2-inch Type "C" HMAC; SF:____
 - □ Hydromulch or Sod; Type and Qty:_____
 - □ Other:_____

REQUIREMENTS AND ACKNOWLEDGEMENT

- 1. Refer to and adhere to City Ordinance 2016-30 for Chapter 20 Sections 141-152 for Construction in Public Rights-of-Way.
- 2. A person must obtain an approved permit prior to any excavation, construction, installation, expansion, reconstruction, relocation, alternation, removal, maintenance, operation, or repair of the person's facilities.
- 3. The Director of Public Works may request a pre-construction meeting with the permittee or the user as part of the permit approval process.
- 4. Once a permit is issued, the person shall contact the City's Construction Inspector at (254) 933-5823 a minimum of forty-eight (48) hours prior to undertaking any work within the public ROW.
- 5. A copy of an approved permit must be on site at all times. The City reserves the right to close down the job site if an approved permit is not on site.
- 6. All City of Belton standard details, ordinances, and design guidelines must be followed.
- 7. All excavation laws apply. At minimum, Texas 811 and the City of Belton shall be contacted for utility locates.
- 8. Pavement and ROW shall be left at equal or better condition.
- 9. Permit is only valid for duration stated between the approved start and completion of work time.
- 10. If the person fails to act upon any permit within 90 calendar days of issuance, the permit shall become invalid and the person will be required to obtain another permit.
- 11. Upon permit expiration, the permittee must immediately cease all work and/or remove any equipment authorized by the permit unless reapplication is made prior to the expiration date and a new permit is issued.

By this application for a construction permit to perform work within the public right-of-way, I, as the lawful representative of ______, not the contractor but a representative of the facility owner with authority to bind the owner, hereby acknowledge that I agree to the requirements of this permit to the terms and conditions of the City of Belton Ordinance 2016-30 Chapter 20 Sections 141-152.

Name

Signature

Date



City of Belton ~ Public Works ~

CITY USE ONLY Additional Information Required: □ 48-hour notice before construction begins Pre-Photos taken and attached to permit Fee paid or waived Pre-construction meeting required Permit submitted three (3) business days Certificate of insurance and bond notice before beginning construction Reviewed By:_ Signature Name Date **PERMIT APPROVED:** YES NO **CITY USE ONLY** Post-Construction Inspection Notes: □ Embedment/compaction adequate Post-Photos taken and filed Additional work required Reviewed By: Name Signature Date **POST-CONSTRUCTION APPROVED:** NO YES

Staff Report – City Council Agenda Item



Date:July 26, 2016Case No.:Z-16-09Request:AG to CH & LIApplicant:Central Realty Partners

Agenda Item #9

Hold a public hearing and consider a zoning change from Agricultural to Commercial Highway Zoning District on a 3.679 acre tract of land and from Agricultural to Light Industrial Zoning District on a 8.984 acre tract of land located at 3360 South Interstate Highway 35, located on the east side of South Interstate Highway 35 and south of Grove Road.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

The applicant has submitted this request for two zone changes on one property: Commercial Highway on 3.679 acres to allow for future commercial development along IH-35 frontage; and from Agricultural to Light Industrial on the rear 8.984 acres for 360 Tents. To the north are UPS and Frito-Lay zoned Light Industrial; to the east is vacant land; to the south is Cedar Crest Hospital; and to the west is Interstate Highway 35 roadway.

Current Zoning

Proposed Zoning

Agricultural

Commercial Highway (3.679 acre tract) and Light Industrial (8.984 acre tract)

Design Standards Type Area : 2 Recommended Type Area: 2

This property is in the identified Type Area 2 in the Design Standards. If approved, a Commercial Highway District use (3.679 acre tract) and Light Industrial District use (8.984 acre tract) would be required to comply with all the Design Standards for Type Area 2.

Land Use Table/Allowable Uses

The proposed base zoning district, Commercial Highway along IH 35, would allow the following land uses, and would accommodate this request on the 3.679 acre tract:

• Any use permitted in the Retail District

City Council Agenda Item July 26, 2016 Page 1 of 3

- Commercial Amusement (Indoor or Outdoor), but not including drag strips, auto motorcycle or go-cart racing
- Community or Exposition Center
- Hotel or Motel
- Hospital or Nursing Home
- Multi-Family
- New Car Sales (used car sales permitted only as an incidental use to the main use)
- Restaurant, with drive-in service

The Light Industrial Zoning District on the rear portion of the tract would allow the following land uses, and would accommodate this request on the 8.984 acre tract:

- Apparel and other products assembled from finished textiles
- Contractor's yard
- Electronic products manufacturing
- Facilities for manufacturing, fabrication, processing or assembly of products provided that such facilities are completely enclosed and provided that no effects from noise, smoke, glare, vibration, fumes or other environmental factors are measurable at the property line.
- Farm implement manufacturing
- Industrial and manufacturing plants including the processing or assembling of parts for production or finished equipment where the process of manufacturing or treatment of materials is such that no dust, odor, gas, smoke or noise is emitted and not more than twenty percent (20%) of the lot or tract is used for the open storage of products, materials, or equipment
- Newspaper printing
- Plastic products manufacture, but not including the processing of raw materials
- Sporting and athletic equipment manufacture

Project Analysis and Discussion

This entire 12.663 acre property is currently vacant and the applicant is proposing these zone changes to allow for development of a 360 Tent manufacturing building on 8.984 acres and future commercial development on the 3.679 acre remainder of this property fronting Interstate Highway 35. Currently, this property is zoned Agricultural, and a zoning change to Commercial Highway and Light Industrial is proposed to allow for future commercial and 360 Tents industrial development. The Future Land Use Plan identifies this area as high density residential mixed use. The Design Standards identify this property in Type Area 2 which states that the desired growth and development in this area is primarily commercial highway frontage uses. It staff's judgment that a Commercial Highway District use along the IH-35 frontage and a Light Industrial use in the rear of the property are compatible with existing and future development in this area.

360 Tents is a private company established in 2006 dedicated to designing and manufacturing small and large tents. The company handles standard pole tents, frame tents,

high peak tents, canopies, custom tents from 20' wide to 120' wide, and several other tent manufacturing elements. The company has military contracts and currently employs 10 people at the Belton location. 360 Tents currently leases a portion of the former Izzy Design building at 804 Industrial Park Road from the University of Mary Hardin-Baylor (UMHB). 360 Tents would like to make a permanent investment in the Belton community by owning their own land and building. If this zoning change request is approved, 360 Tents plans to purchase this property for development of an industrial manufacturing building in the rear 8.984 acres of this property. The 3.679 acres fronting IH-35 will be marketed for future commercial development.

After careful review of the City's Design Standards and the applicability of this use among surrounding properties, this requested zone change appears to be reasonable in this location.

Recommendation

Recommend approval of zone change from Agricultural to Commercial Highway Zoning District on a 3.679 acre tract of land and to Light Industrial Zoning District on a 8.984 acre tract of land, with development regulated under the Design Standards for Type Area 2 standards as follows:

- 1. The allowable uses of the 3.679 acre property shall conform to the Commercial Highway Zoning District in all respects.
- 2. The allowable uses of the 8.984 acre property shall conform to the Light Industrial Zoning District in all respects.
- 3. The development of the property shall conform to all applicable Type Area 2 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards
 - b. Building Design Standards
 - c. Landscape Design Standards
- 4. Sign Standards shall conform to Ordinance 2008-11.
- 5. A subdivision plat is required.

Attachments:

Zoning application Property Location Map Zoning map Aerial photo Map with zoning notice boundary (200') Zoning notice to owners Property owners' list Zoning Exhibit Excerpt from P&ZC Minutes Ordinance

> City Council Agenda Item July 26, 2016 Page 3 of 3

City of Belton Request for Zoning Change

To the City Council and the Planning and Zoning Commission Fee: \$250.00

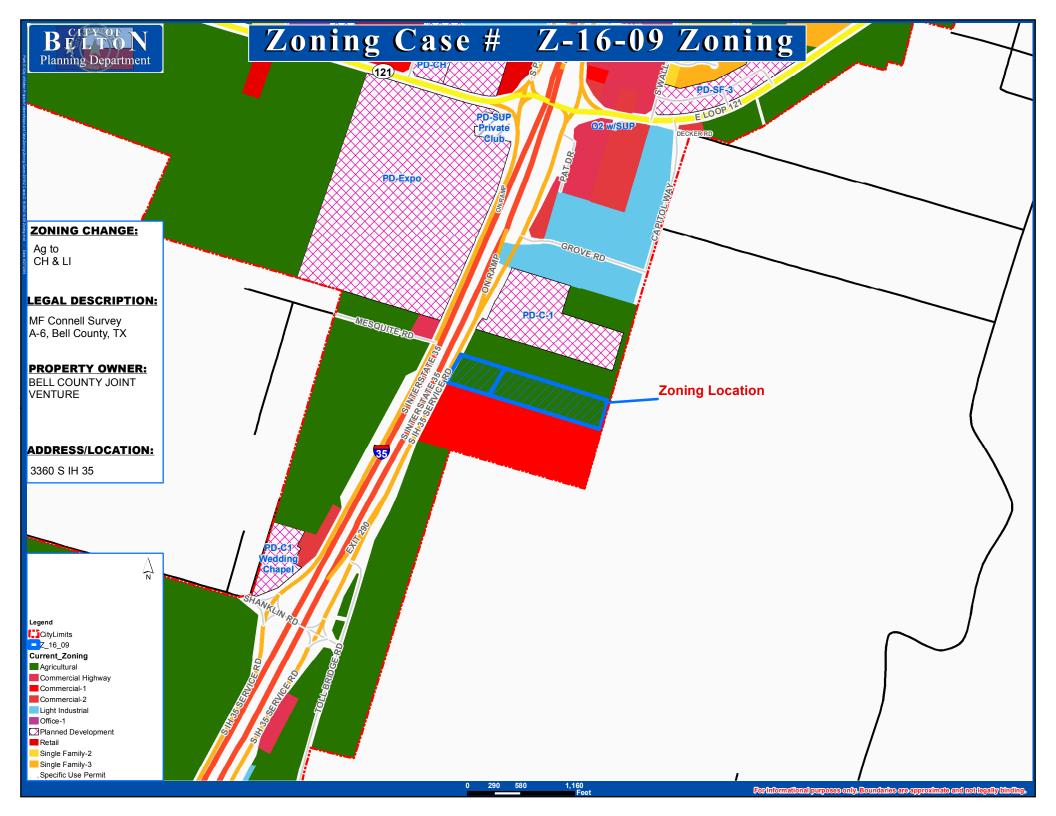
Date Received:		Date Due:			eadline for a usiness day (uest is the last
Applicant:	Central Realty Partn	ers attn: Scott Mots	inger	Phone	Number:	254 931 5	636	
Mailing Address:	3500 SW HK Dodger	Loop, STE 202		City:	Temple		State:	ТХ
Email Address:	smotsinger@central	rpre.com]				
Owners Name:	Bell County Joint Ver	nture Attn: Dr Roy L	evit	Phone	Number:			
Mailing Address:	1010 5th Ave.			City:	New York		State:	NY
Email Address:]				
Property: Legal Description c	Investment purchase of Property: 12.663 ng simultaneously pla	acres of land Situat	ed in the MF Connell					
Street Address: 3	360 S IH 35 (service ro	l), Belton, TX 76513						
Zoning changing fi	rom: Agriculture	to:	Commercial Hwy/Ll			/16/2	<u></u>	
Signature of Applic	ant			Date	41	116/2	2016	
Roy (evit				6/1	5/2016		
Signature of Owner	(if not applicant)			Date				
Checklist for Zoning	g Items to be submitte	ed with application:						

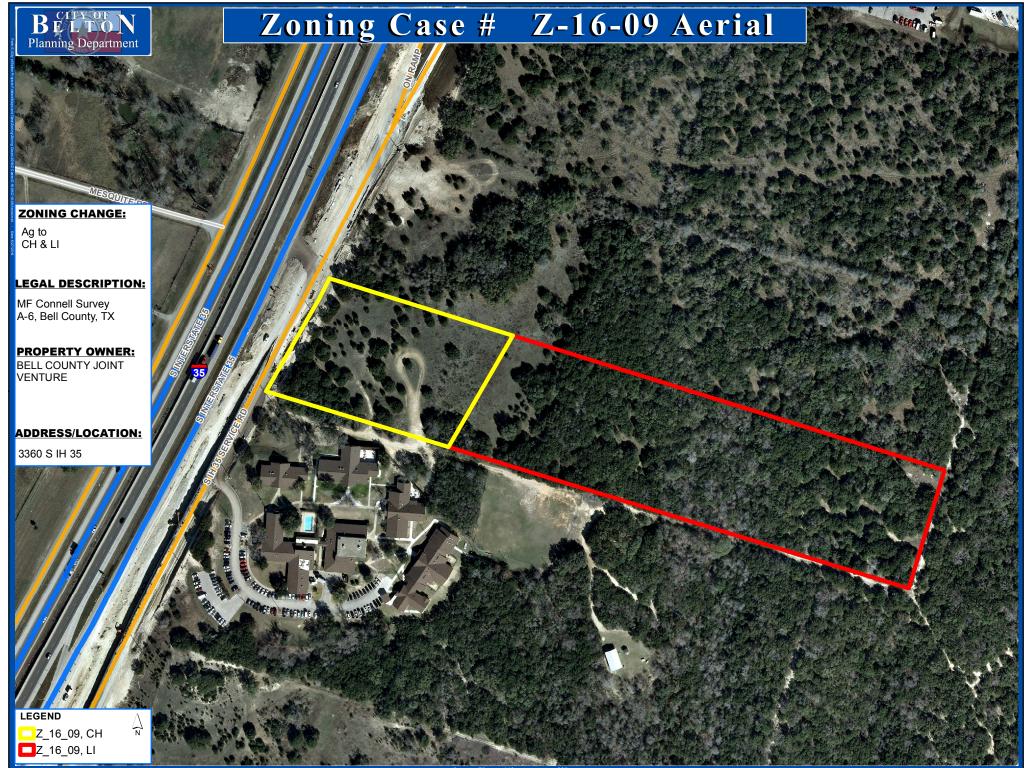
Complete Legal Description of the property to be re-zoned

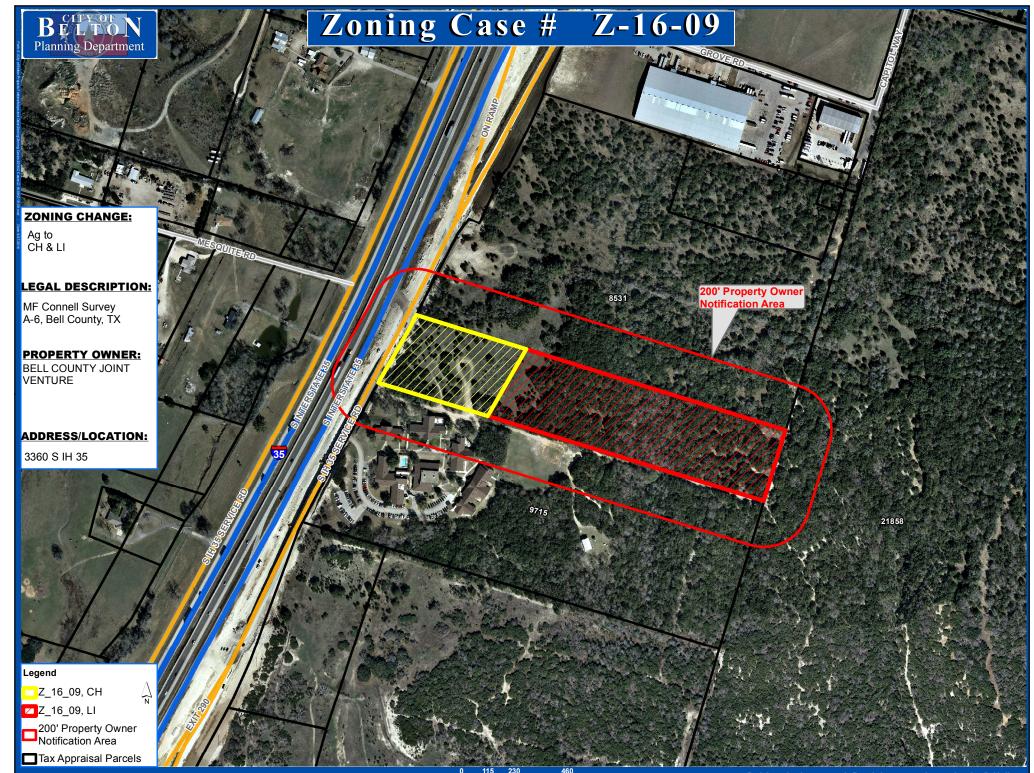
Site Plans per Section 32, Planned Development, of the Zoning Ordinance. Please see the back for specific guidelines.

In the event the request involves more than one lot of irregular tracts or acreage, a drawing of the property must be submitted.









NOTICE OF APPLICATION FOR AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF BELTON

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM:	: <u>Central Realty Partners</u>	,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: _	3360 South IH 35	,
FROM A(N) AGRICULTURAL		ZONING DISTRICT,
TO A(N) COMMERCIAL HIGHWAY / LIGHT INDUS	STRIAL	ZONING DISTRICT.

The Planning & Zoning Commission of the City of Belton, Texas will hold a public hearing pursuant to this request at <u>5:30 P.M., Tuesday, July 19, 2016</u> in the Wright Room at the T.B. Harris Center, 401 N. Alexander, Belton, Texas.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT <u>5:30 P.M., Tuesday, July 26, 2016</u>, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

As an interested property owner, the City of Belton invites you to make your views known by attending these hearings. You may submit written comments about this zoning change by completing this form and returning it to the address below.

IF YOU REQUIRE INTERPRETER SERVICES FOR THE DEAF OR HEARING IMPAIRED, PLEASE CONTACT THE CITY CLERK AT CITY HALL AT LEAST 48 HOURS BEFORE THESE MEETINGS.

circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

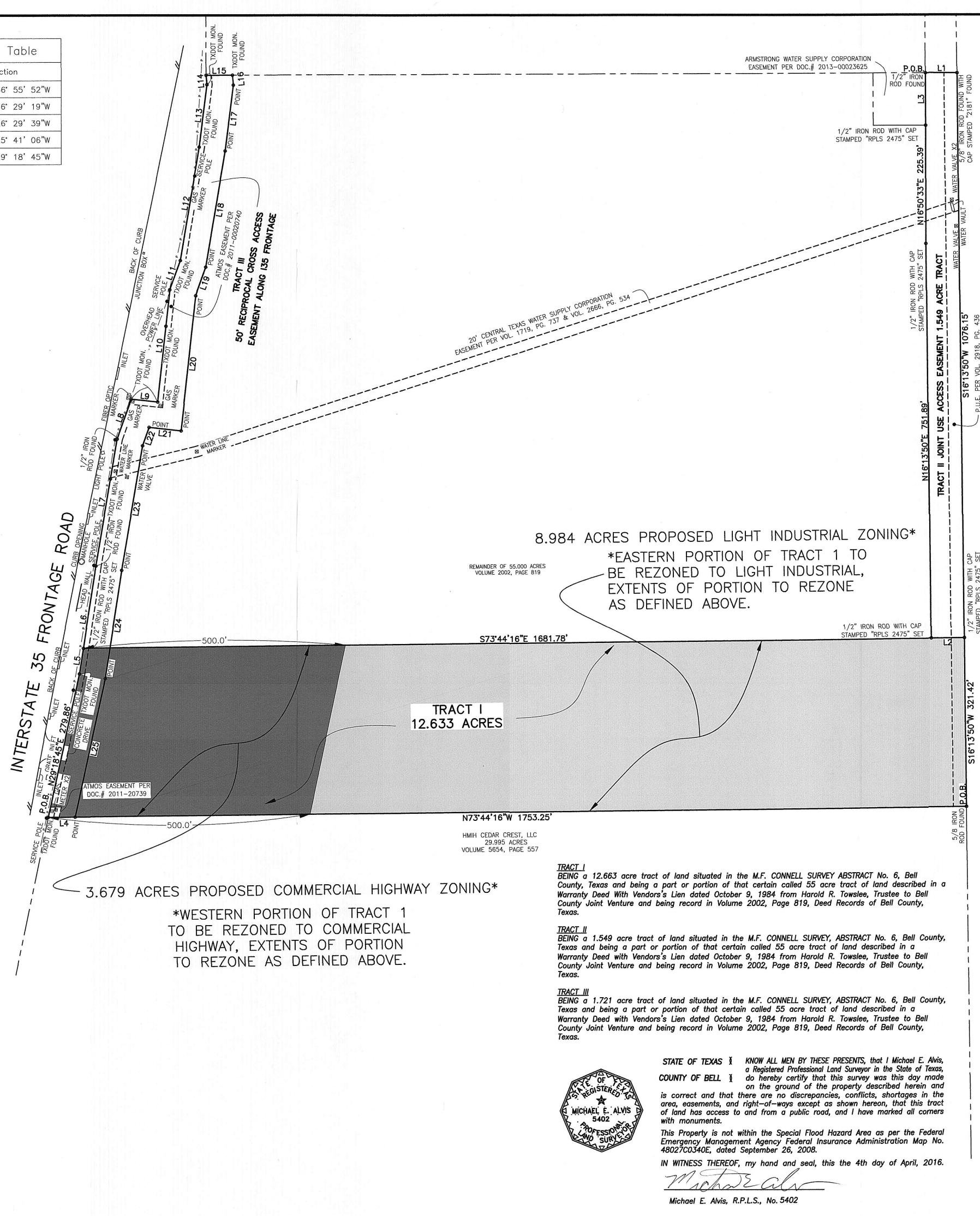
1	
2.	
3.	
	(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)
DATE:	SIGNATURE:

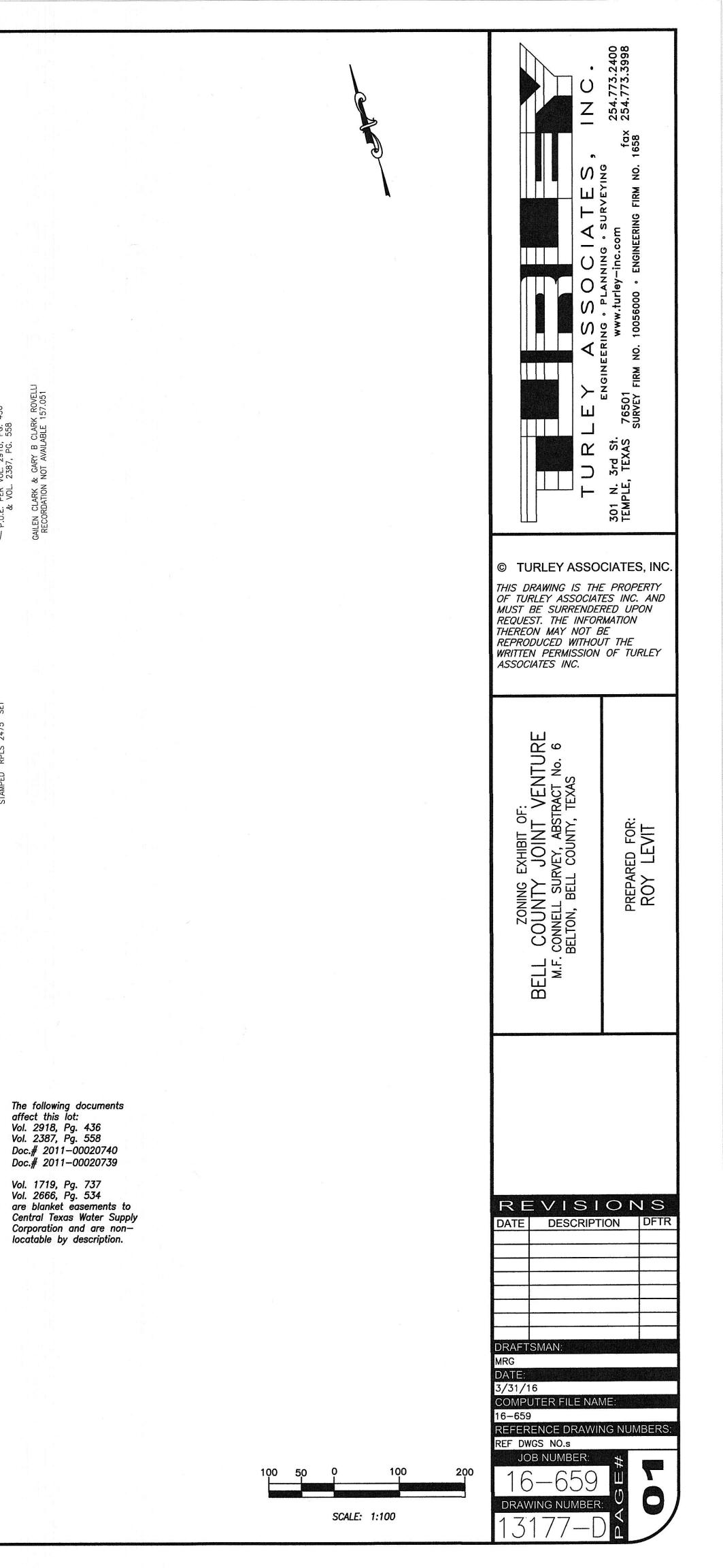
PLANNING DEPARTMENT CITY OF BELTON P. O. BOX 120 BELTON, TEXAS 76513 254-933-5812 8531 BELL COUNTY JOINT VENTURE 1010 5TH AVE NEW YORK, NY 10028-0130

SUPERINTENDENT DR. SUSAN KINCANNON BELTON I.S.D. P O BOX 269 BELTON TEXAS 76513 9715 HMIH CEDAR CREST LLC 3500 S INTERSTATE 35 BELTON, TX 76513-9426 21858 ROVELLI, GAILEN CLARK & GARY B CLARK 204 TAYLORS DR TEMPLE, TX 76502-3529

Parcel Line Table			
Line #	Length	Direction	
L1	60.17	S72° 42' 28"E	
L2	63.16	N73° 44' 16"W	
L3	99.97	N16°34'13"E	
L4	51.33	N73°44'16"W	
L5	49.46	N25 41 11"E	
L6	207.61	N25°41'11"E	
L7	245.04	N26°29'39"E	
L8	80.94	N36°29'19"E	
L9	51.09	S66 55 51.09 E	
L10	214.87	N23°07'23"E	
L11	59.41	N36° 35' 34"E	
L12	218.87	N26°27'53"E	
L13	119.72	N23° 57' 59"E	
L14	18.02	N11° 47' 49"E	
L15	50.19	S73°16'08"E	
L16	19.03	S11° 47' 49"W	
L17	126.14	S23° 57' 59"W	
L18	224.39	S26°27'53"W	
L19	57.93	S36° 35' 34.42"W	
L20	258.92	S23° 07' 23"W	

Parcel Line Table				
Line #	Length	Direction		
L21	61.57	N66° 55' 52"W		
L22	37.09	S36°29'19"W		
L23	240.67	S26°29'39"W		
L24	208.49	S25°41'06"W		
L25	269.85	S29 18 45"W		





The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair John Holmes, Ben Pamplin, Joel Berryman, Eloise Lundgren, Mat Naegele, Brett Baggerly, Rae Schmuck and Frank Minosky. The following staff members were present: Director of Planning, Erin Smith and Planning Clerk, Laura Livingston.

3. Z-16-09 Hold a public hearing and consider a zoning change from Agricultural to Commercial Highway Zoning District on a 3.679 acre tract of land and from Agricultural to Light Industrial Zoning District on a 8.984 acre tract of land located at 3360 South Interstate Highway 35, located on the east side of South Interstate Highway 35 and south of Grove Road.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing and with no one requesting to speak, he closed the public hearing.

Mr. Frank Minosky made the motion to approve item Z-16-09, a zoning change from Agricultural to Commercial Highway Zoning District on a 3.679 acre tract of land and from Agricultural to Light Industrial Zoning District on a 8.984 acre tract of land located at 3360 South Interstate Highway 35, located on the east side of South Interstate Highway 35 and south of Grove Road. Mr. Mat Naegele seconded the motion, which was approved unanimously with 8 ayes, 0 nays.

ORDINANCE NO. 2016-31

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL TO COMMERCIAL HIGHWAY ZONING DISTRICT ON A 3.679 ACRE TRACT OF LAND, AND FROM AGRICULTURAL TO LIGHT INDUSTRIAL ZONING DISTRICT ON A 8.984 ACRE TRACT OF LAND, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 2 DESIGN STANDARDS.

WHEREAS, Bell County Joint Venture, owner of the following described property has presented a petition duly signed, to the City Planning & Zoning Commission and filed said petition with the City Clerk of the City of Belton, and due notice of filing of said petition and hearing on said petition has been given as required by the City Zoning Ordinance and by law, and a hearing on said petition before the City Planning & Zoning Commission of the City of Belton was set for the 19th day of July, 2016, at 5:30 p.m. for hearing and adoption, said district being described as follows:

3360 S IH-35 (service road), 12.663 acres of land situated in the MF Connell Survey A-6, Bell County, Belton, Texas (location maps attached as Exhibit "A" and Exhibit "B")

WHEREAS, said application for such amendment was duly recommended by the said City Planning & Zoning Commission and the date, time and place of the hearing on said application by the City Council of the City of Belton was set for the 26th day of July, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

WHEREAS, a hearing was held upon the application by the City Council of the City of Belton at the time, place and date herein before set forth and no valid objection to said amendments was presented.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Belton, Texas, that the said district located on a 3.679 acre tract of land as more fully and completely described above, be and is hereby changed from an Agricultural Zoning District to Commercial Highway Zoning District, in accordance with Section 23 – Commercial Highway Zoning District, and the said district located on a 8.984 acre tract of land as more fully and completely described above, be and is hereby changed from an Agricultural Zoning District to Light Industrial Zoning District, in accordance with Section 27 - Light Industrial Zoning District, and the Design Standards in Ordinance No. 2014-17, Section 7.1 of the Zoning Ordinance. The Zoning Ordinance of the City of Belton is hereby amended, subject to the following conditions:

1. The allowable uses of the 3.679 acre property shall conform to the Commercial Highway Zoning District in all respects.

- 2. The allowable uses of the 8.984 acre property shall conform to the Light Industrial Zoning District in all respects.
- 3. The development of the property shall conform to all applicable Type Area 2 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards discussed above
 - b. Building Design Standards
 - c. Landscape Design Standards
- 4. Sign Standards shall conform to Ordinance 2008-11.
- 5. A subdivision plat is required.

This ordinance was presented at the stated meeting of the City Council of the City of Belton and upon reading was passed and adopted by the City Council on the 26th day of July, 2016, by a vote of _____ ayes and _____ nays.

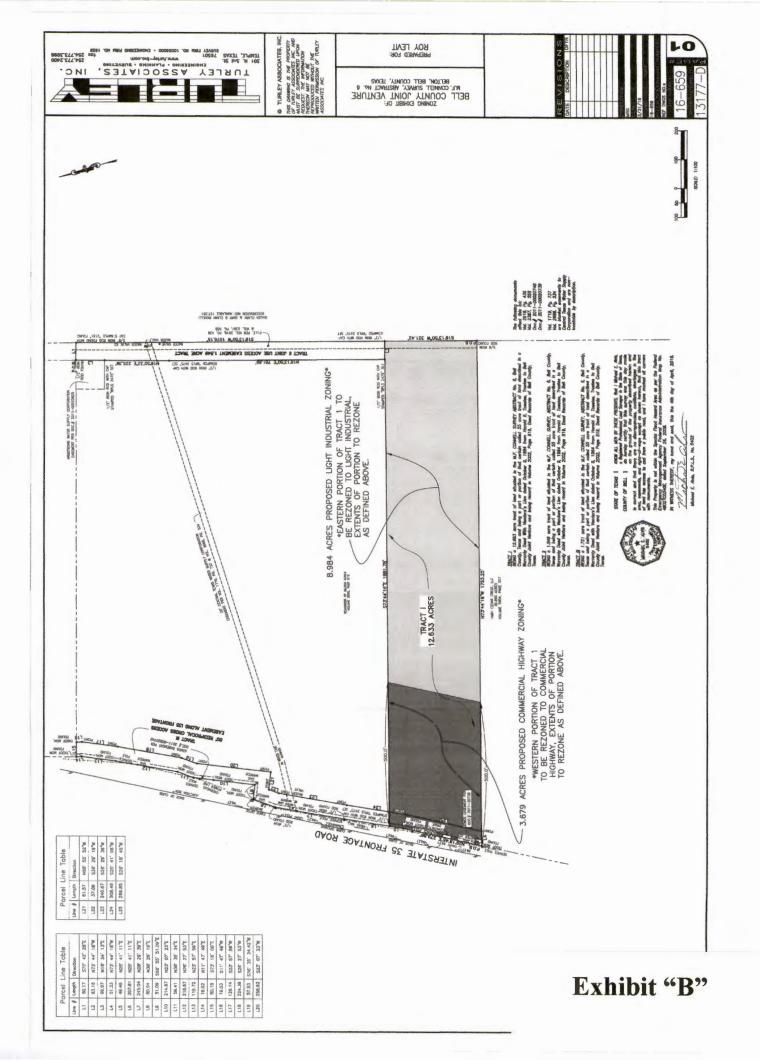
SIGNED AND APPROVED by the Mayor and attested by the City Clerk on this the 26th day of July, 2016.

ATTEST:

Marion Grayson, Mayor

Amy M. Casey, City Clerk





Staff Report – City Council Agenda Item



Date:July 26, 2016Case No.:P-16-21Request:ReplatApplicant:Quick Land Surveying

Agenda Item #10

Hold a public hearing and consider a re-plat for Red River subdivision, a 7.037 acre tract of land, located on the north side of Red River Road and east of Riverwood Drive.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

This is a 3-lot subdivision for the construction of a two single family homes on the vacant lots. There is an existing home on proposed Lot 2.

Project Analysis and Discussion

This is a 3-lot subdivision plat proposed as Red River subdivision. This property is zoned Single Family-1 Zoning District. Proposed Lot 2 contains a single family home and Lots 1 and 3 are currently vacant. Lots 1 and 3 are proposed for the development of single family homes. The Single Family-1 District requires a minimum lot area of 10,000 square feet, minimum lot width of 70 feet, and minimum lot depth of 100 feet. The proposed lots comply with the Single Family-1 area requirements in all respects.

The existing Red River Road extends to this property and proposed Lots 1 and 3 have frontage along this roadway. There is an existing asphalt driveway extending from Red River Road to proposed Lot 1 with the existing home. This replat includes a 20 feet access easement over the existing driveway to provide access to Lot 2. Driveways for proposed Lots 1 and 3 will extend from the existing asphalt driveway within the access easement. Lot 2 has a water meter in an existing utility easement adjacent to Red River ROW. Lots 1 and 3 contain a 10' public utility easement along the south side of the lots where the water meters will be located. Lot 2 contains a septic system and Lots 1 and 3 will also contain a septic system since there are no existing sewer lines nearby to serve these two additional lots.

According to the Subdivision Ordinance, any residential subdivision within the City of Belton, or within the City's extraterritorial jurisdiction, is required to set aside and dedicate to the public sufficient and suitable lands for the purpose of parkland and/or make a financial

City Council Agenda Item July 26, 2016 Page 1 of 2 contribution for the acquisition and development of such parkland for each dwelling unit proposed. These requirements may be satisfied through parkland dedication or payment of fees-in-lieu of required parkland or a combination of the two. This subdivision requires parkland dedication of 0.02 acres or \$400 parkland fee for the additional two lots. A \$400 parkland fee could be readily used at a nearby park.

City staff have reviewed the plat and find it acceptable, subject to conditions contained in the letter to the applicant's engineer.

Recommendation

Recommend approval of a re-plat for Red River subdivision, a 7.037 acre tract of land, located on the north side of Red River Road and east of Riverwood Drive, subject to the letter to the Applicant's Engineer dated June 17, 2016.

Attachments

Final Plat Application Final Plat Location Map Letter to the Applicant's Engineer dated June17, 2016 Excerpt from P&ZC Minutes

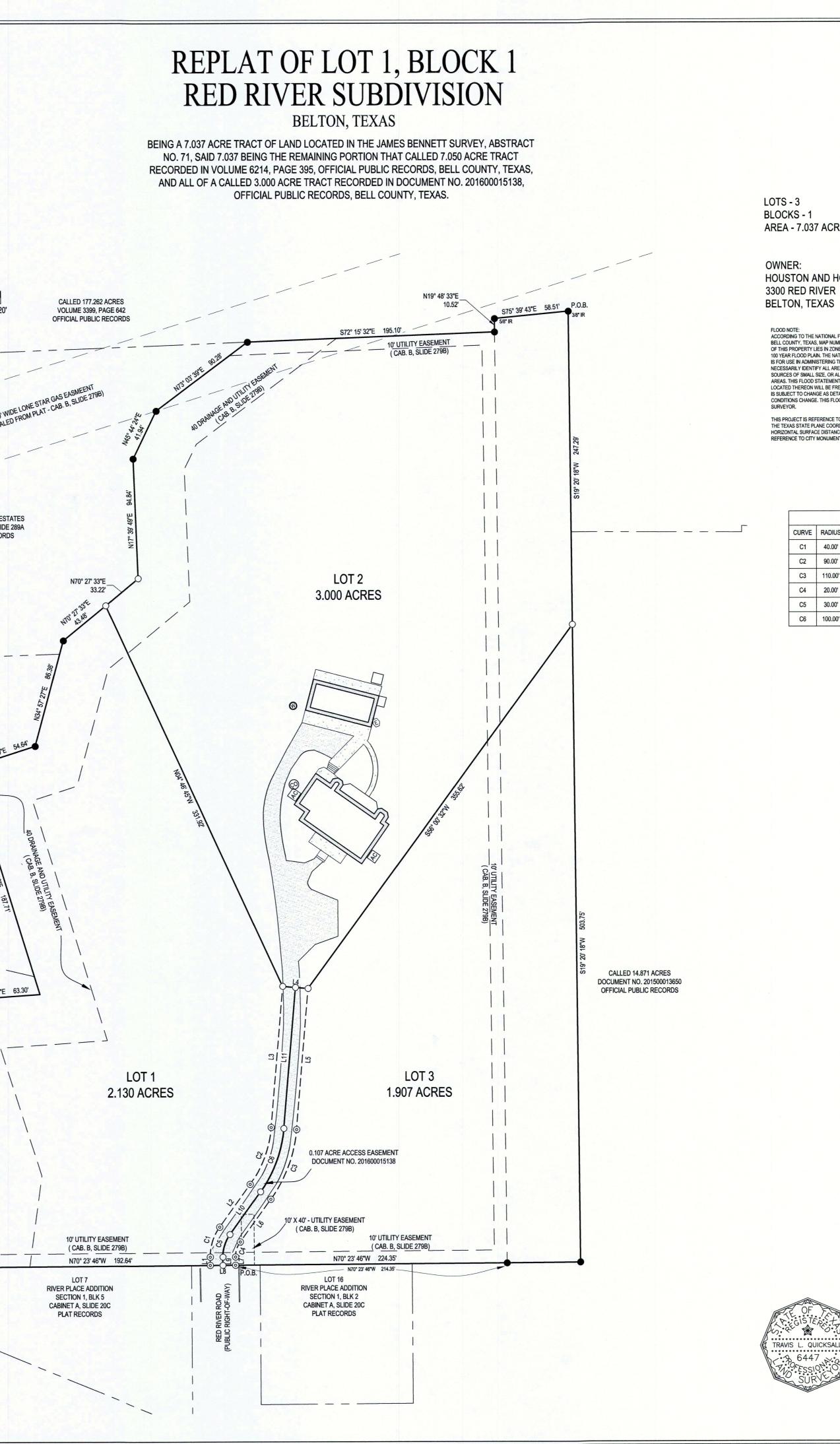
> City Council Agenda Item July 26, 2016 Page 2 of 2

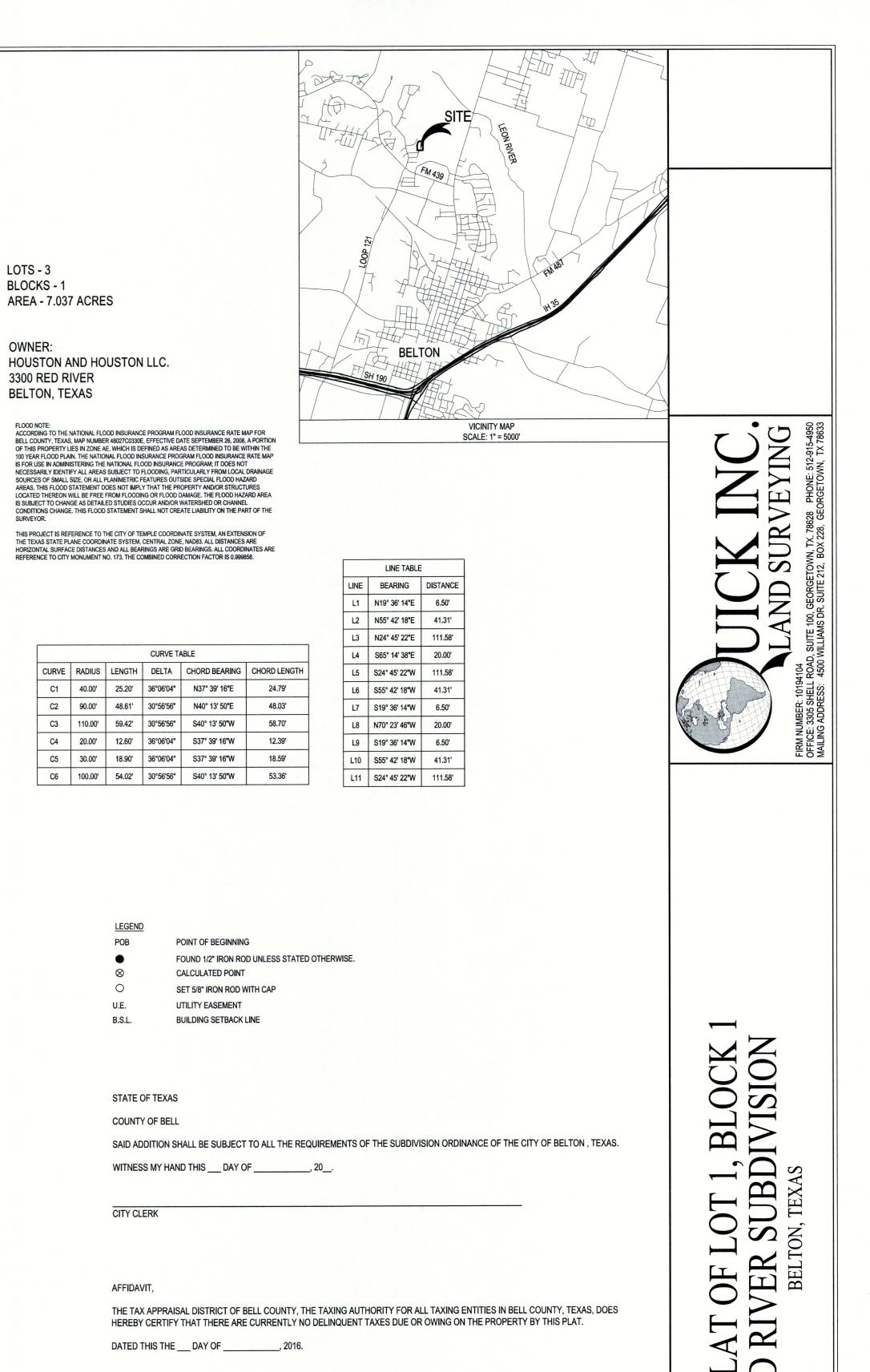
City of Belton Request for Subdivision Plat To the City Council and the Planning and Zoning Commission

Application is hereby made to the City Council for the following:

	Preliminary Subdivision
	Final Subdivision Fees Due \$
	Adminstrative Plat
	✓ Replat
	City Limits
	Date Received: Date Due: (All plans are to be returned to the Planning Department within 5 working days)
	Applicant: GUICK INC. LAND SURVEYING Phone Number: 512 - 915 - 4950
	Mailing Address: 4500 WZWZAMS DRZVE, EWZTEZIZ, BOLZZE, Georgetown TK.
	Email Address: Lourchsall Qourch-Enc. net
	Owner: Rob Houston Phone Number: 254 - 72/ - 73/0
	Mailing Address: 3206 RIVER PLACE, BELTON TX.
	Email Address: rodhouston 66@ gmail.com
	Current Description of Property:
	Lot: 1 Block: 1 Subdivision: Hornes Addition : Adj tract
	Acres: 7.05 Survey:
	Abstract Number: Street Address: 3300 RED REVER, BELTON TK
	Frontage in Feet: SD Depth in Feet: +/_ 500
	Current Zoning: SF - 1
	Name of Proposed subdivision: REPLAT OF LOT 1, BLOCK 1, RED RZVER SUBDZV2520N
	Number of Lots: 3 Fees \$
	and half ,
K	Signature of poplicant: Printer All Date: 05/31/2016
	Signature of Owner: Date:

	COUNTY OF BELL	
	RED RIVER SUBDIVISION, A SUBDIVISION IN THE CITY OF BELTON, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED	
	ASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.	
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CITY CLERK

AFFIDAVIT,

THE TAX APPRAISAL DISTRICT OF BELL COUNTY, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY BY THIS PLAT. DATED THIS THE ____ DAY OF _____, 2016.

REPL/ RED

162066

MAY 31, 2016

D.T.

T.L.Q.

1 OF 1

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CHECKED

BELL COUNTY TAX APPRAISAL DISTRICT

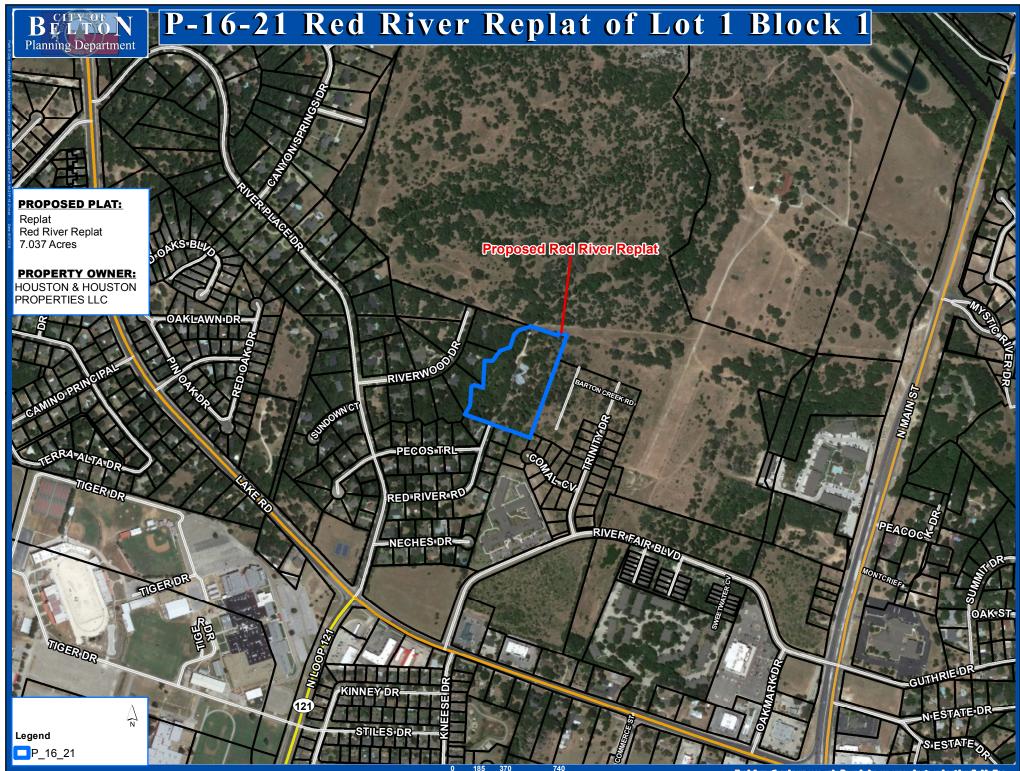
RECORDATION INFORMATION,

FILED FOR RECORD THIS DAY OF	, 2016.
IN YEAR PLAT #	, PLAT RECORDS OF BELL COUNTY, TEXAS.
DEDICATION INSTRUMENT NO.	, OFFICIAL PUBLIC RECORDS, BELL COUNTY, TEXAS.

َ ۲ TRAVIS L. QUICKSALL \$ 6447 OFFC

KNOW ALL MEN BY THESE PRESENTS: THAT I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON SHALL BE PROPERLY PLACED, UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BELTON, TEXAS.

TRAVIS L. QUICKSALL, RPLS **REGISTRATION NO. 6447**



Feet

For informational purposes only, Boundaries are approximate and not legally binding,





<u>City of Belton</u>

Planning Department

June 17, 2016

Applicant: Quick Inc. Land Surveying / Rod Houston Date Submitted: 06-02-16 Project: Red River Subdivision, Replat Lot 1, Block 1 Location: 7.037 Acres, 3300 Red River Run, Belton, Texas 76513

Please comment back in red under the comments submitted on this sheet.

Planning:

- 1. Please include all setback lines on the plat.
- 2. Are there existing restrictive covenants or deed restrictions for this property?
- 3. Please submit restrictive covenants or deed restrictions for staff review. Please also ensure that the legal document states all lot owners are responsible for maintenance of the private roadway.
- 4. Are there private street lights proposed for this subdivision? If so, recommend creation of a utility easement along the access easement for HOA ownership and maintenance.
- 5. Recommend creation of a utility easement for the waterline to be owned and maintained by the HOA.
- 6. Please submit this plat to all utility providers and CWUCD and provide their comments to the City of Belton.
- 7. Please show the original lot configuration on the plat.
- 8. Please submit a tree survey for staff review.

Public Works/KPA:

- 1. Please submit the proposed utility plan. The plan should state the location and number of proposed water meters.
- 2. Three individual meters are required with separate waterlines to each lot. The maintenance of the waterlines after the meter needs to be addressed using a legal and binding document.
- 3. Per previous discussions with the property owner, these lots will be served by separate septic systems. Has Bell County reviewed the proposed plat and septic system plan?
- 4. Will the access easement be private? Who is responsible for the roadway maintenance?

Building Official:

- 1. Is this going to be a gated community?
- 2. Please show if any of the property is in floodplain.

Fire Department:

A knox box is required for the gate to allow emergency access.

Police Department:

No comments

GIS:

- 1. Point of Beginning label should be located at the southwest corner (currently labeled at the northeast corner and also on the southern boundary).
- 2. Line 16 is not labeled on the plat.

Note: Acceptance by the City of Belton of a plat, zoning change, conceptual drawing, construction drawing, or other development submittal complying with City of Belton minimum standards for drainage does not provide approval beyond what the City may authorize. Approval is limited, and this approval does not limit any obligations you may have under applicable state statutes, such as the Texas Water Code, or federal statutes. You should consult with your own professionals as you continue to pursue this development project.

The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair John Holmes, Ben Pamplin, Joel Berryman, Eloise Lundgren, Mat Naegele, Brett Baggerly, Rae Schmuck and Frank Minosky. The following staff members were present: Director of Planning, Erin Smith and Planning Clerk, Laura Livingston.

4. P-16-21 Hold a public hearing and consider a re-plat for Red River subdivision, a 7.037 acre tract of land, located on the north side of Red River Road and east of Riverwood Drive.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing and with no one requesting to speak, closed the public hearing.

Ms. Eloise Lundgren asked if there are existing septic systems in place for the two additional lots. Ms. Smith said there is an existing septic system on the lot with the home, but the two additional lots do not have a septic system yet. The septic systems will be installed in conjunction with construction of the two new homes.

Chair Holmes asked how trash is collected for those properties. Ms. Smith said there is an existing gate that will remain in place, so trash will be collected outside the gated properties along Red River Road. Mr. Pamplin commented in other subdivisions some homeowners pull their trashcans with a golf cart to the road.

Mr. Berryman asked about the easement on the right side extending from Lot 3 to Lot 2. Mr. Travis Quicksall, 3271 Hester Way, Salado, Texas, said that a portion of the property is platted and the easement was put in place at that time. The former property owner acquired land east of the easement after the property was initially platted. Mr. Berryman asked if the easement would affect future home development. Mr. Quicksall stated he does not believe it will affect future development.

Ms. Rae Schmuck made the motion to approve item P-16-21 a re-plat for Red River subdivision, a 7.037 acre tract of land, located on the north side of Red River Road and east of Riverwood Drive. Mr. Minosky seconded the motion, which was approved unanimously with 8 ayes, 0 nays.

Staff Report – City Council Agenda Item



Date:July 26, 2016Case No.:P-16-24Request:ReplatApplicant:All County Surveying

Agenda Item #11

Hold a public hearing and consider a re-plat for Forrest Hill, Phase V, a 0.717 acre tract of land, located on the north side of Armstrong Drive and east of Kneese Drive.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

This is a 1-lot subdivision for the construction of a single family home with a tract for the expansion of Belton's park system.

Project Analysis and Discussion

This is a 1-lot subdivision plat proposed as Forrest Hill, Phase V subdivision. This property is zoned Single Family-2 Zoning District. This property is currently vacant and the applicant would like to construct a single family home on Lot 1. The Single Family-2 District requires a minimum lot area of 7,500 square feet, minimum lot width of 60 feet, and minimum lot depth of 100 feet. The proposed lot and tract comply with the Single Family-2 area requirements in all respects.

The Forrest Hill, Phase IV plat proposed Armstrong Drive to terminate in a cul-de-sac; however, it currently terminates in a dead-end. The cul-de-sac was proposed to be constructed when this property develops into a single family use. The applicant is proposing to divide this property into a lot for a single family home and dedicate Tract A containing 0.425 acres to the City of Belton for expansion of and improved access to the existing Quail Meadows Park. A development agreement is being prepared for Council approval that includes the developer's obligation to dedicate parkland and the City's obligation to construct the cul-de-sac and install a water meter and sewer tap for proposed Lot 1.

City staff has reviewed the plat and find it acceptable, subject to conditions contained in the letter to the applicant's engineer.

City Council Agenda Item July 26, 2016 Page 1 of 2

Recommendation

Recommend approval of a re-plat for Forrest Hill, Phase V, a 0.717 acre tract of land, located on the north side of Armstrong Drive and east of Kneese Drive, subject to the letter to the Applicant's Engineer dated June 30, 2016.

Attachments

Final Plat Application Final Plat Location Map Letter to the Applicant's Engineer dated June 30, 2016 P&ZC Minutes Excerpt

> City Council Agenda Item July 26, 2016 Page 2 of 2

City of Belton Request for Subdivision Plat To the City Council and the Planning and Zoning Commission

Application is hereby made to the City Council for the following:

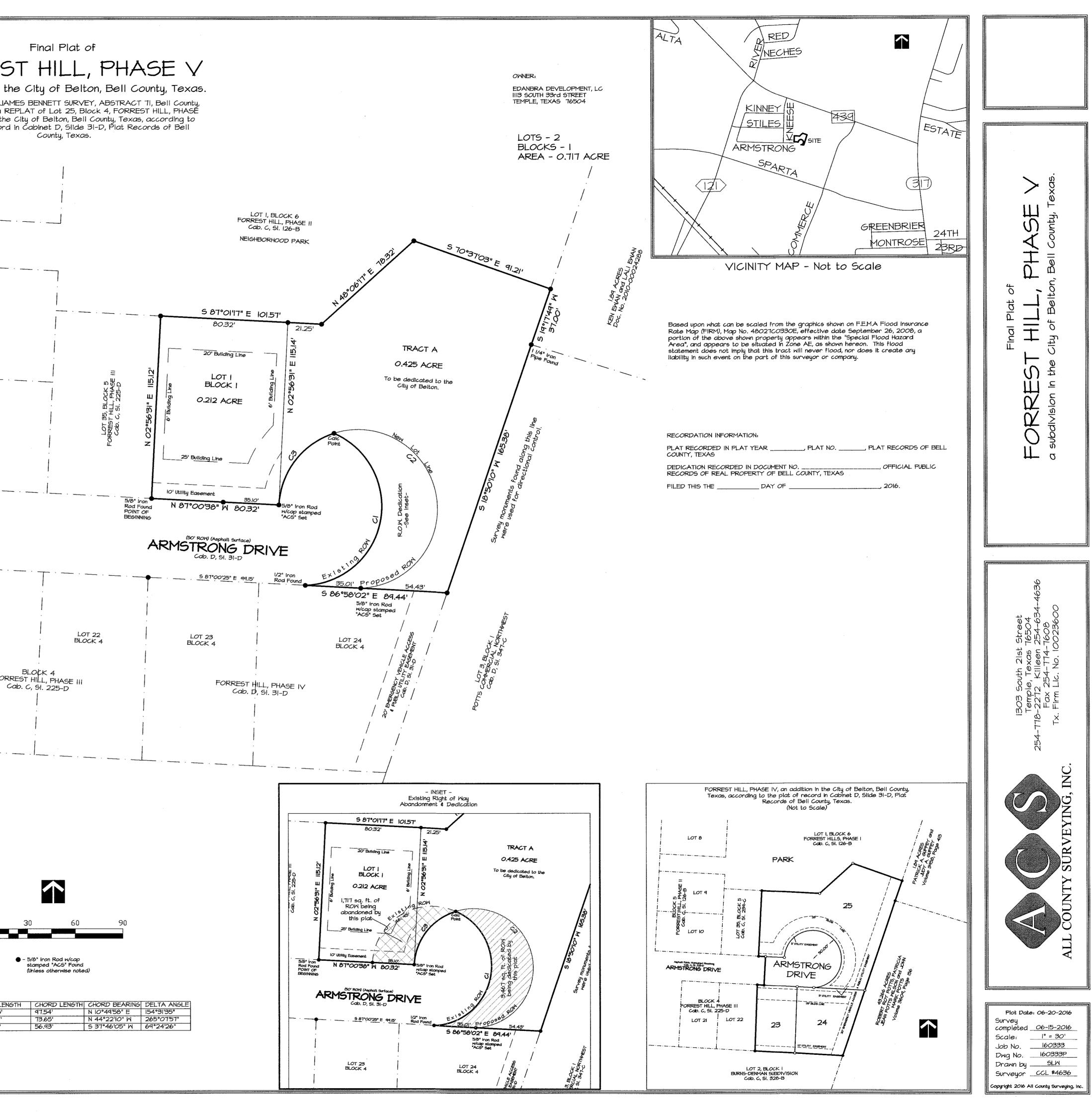
Preliminary Subdivisio	n
Final Subdivision	Fees Due \$ 256.00
Adminstrative Plat	
🔀 Replat	
City Limits	
	(All plans are to be returned to the Planning Department within 5
Date Received:	Date Due: working days)
Applicant: All County Survey	Phone Number: 254-778-2272
Mailing Address: 1303 South 2	21st Street, Temple, Texas 76504
Email Address: chuck@allco	untysurveying.com, shane@allcountysurveying.com
Owner: Edanbra Develop	ment, LC Phone Number:
Mailing Address: 1113 South 3	33rd Street, Temple, Texas 76504
Email Address: edanbra@ms	n.com
Current Description of Propert	y.
Lot: 25	Block: 4 Subdivision: FORREST HILL, PHASE IV
LOI. 23	
Acres: 0.717	Survey: JAMES BENNETT
Abstract Number: 71	Street Address: ARMSTRONG DRIVE
Frontage in Feet: 310' +/-	Depth in Feet: 115' +/-
Does Zoning comply with prop	current Zoning: SF-2
Yes No	
Name of Proposed subdivision	.: FORREST HILL, PHASE V
Number of Lots: 2	Fees \$ 256.00
+	
Signature of Applicant:	arly CLub, Date: 6,21,16
Signature of Owner:	1 Date: 6:21-16
X	In Runh

STATE OF TEXAS COUNTY OF BELL EDANBRA DEVELOPMENT, LC, BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS FORREST HILL, PHASE V, A SUBDIVISION IN THE CITY OF BELTON, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.		FORRES a subdivision in Being part of the Ju Texas, and being a IV, an addition in th the plat of recor
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SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE PLATTING ORDINANCE OF THE CITY OF BELTON, TEXAS.		
WITNESS MY HAND AND SEAL THIS THE DAY OF 2016.		
CITY CLERK		
		· ·

STATE OF TEXAS		
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF FORREST HILL, PHASE V, AN ADDITION WITHIN THE CITY LIMITS OF THE CITY OF BELTON, BELL COUNTY, TEXAS, WAS APPROVED THIS THE DAY OF 2016, BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS.		
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MAYOR SECRETARY		

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OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.		
BY: BELL COUNTY TAX APPRAISAL DISTRICT	ı	
BELL COUNTY TAX APPRAISAL DISTRICT		

STATE OF TEXAS		
COUNTY OF BELL I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.		0
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CHARLES C. LUCKO, R.P.L.S. DATE SURVEYED: JUNE 15, 2016	·	CURVE RADIUS ARC LE CI 50.00' 134.85' C2 50.00' 231.37'
REGISTRATION NO. 4636		C2 50.00* 251.51* C3 50.00' 60.57*
SURVE SURVE		









<u>City of Belton</u>

Planning Department

June 30, 2016

Applicant: All County Surveying / Edanbra Development LC Date Submitted: 06-21-16 Project: Forrest Hill Phase V – Final Plat Location: 0.717 Acres, Armstrong Drive, Belton, Texas 76513

Please address these comments from the City of Belton following review of your submittal.

Please comment back in red under the comments submitted on this sheet.

Planning:

- 1. Please remove the shaded/hatched area that shows the former ROW on the plat.
- 2. Please provide the square footage or acreage of Tract A on the plat.
- 3. State "To be dedicated to the City of Belton" on Tract A.

Public Works/KPA:

No comments.

Building Official:

No comments.

Fire Department:

No comments.

Police Department:

No comments.

GIS:

- 1. Field notes show bearings for the existing ROW (includes S 86-58-02 E 35.01 and Curve 1 on plat) and switches bearings to the proposed ROW at the calculated point.
- 2. C2 appears to encompass the full proposed ROW (C2+C3 on plat), C3 appears to be a duplicate of C2 from the calculated point to the 5/8 Iron Rod.

Note: Acceptance by the City of Belton of a plat, zoning change, conceptual drawing, construction drawing, or other development submittal complying with City of Belton minimum standards for drainage does not provide approval beyond what the City may authorize. Approval is limited, and this approval does not limit any obligations you may have under applicable state statutes, such as the Texas Water Code, or federal statutes. You should consult with your own professionals as you continue to pursue this development project.

The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair John Holmes, Ben Pamplin, Joel Berryman, Eloise Lundgren, Mat Naegele, Brett Baggerly, Rae Schmuck and Frank Minosky. The following staff members were present: Director of Planning, Erin Smith and Planning Clerk, Laura Livingston.

5. P-16-24 Hold a public hearing and consider a re-plat for Forrest Hill, Phase V, a 0.717 acres tract of land, located on the north side of Armstrong Drive and east of Kneese Drive.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing and with no one requesting to speak closed the public hearing.

Mr. Berryman asked if parking will be added in the new park area next to the proposed cul-de-sac? Ms. Smith said she can ask the Parks and Recreation Department if future parking is planned in that area for access to the park.

Mr. Naegele made the motion to approve the item P-16-24 a consider a re-plat for Forest Hill, Phase V, a 0.717 acres tract of land, located on the north side of Armstrong Drive and east of Kneese Drive. Mr. Baggerly seconded the motion, which was approved unanimously with 8 ayes, 0 nays.

Staff Report – City Council Agenda Item



Agenda Item #12

Consider a resolution authorizing the City Manager to execute a Development Agreement between the City of Belton and Edanbra Development LC, regarding the Forrest Hill, Phase V Subdivision, a 0.717 acre tract, located on the north side of Armstrong Drive and east of Kneese Drive.

Originating Department

Erin Smith, Director of Planning

Summary Information

This item would authorize a development agreement between the City and Edanbra Development LC, concerning the Forrest Hill, Phase V Subdivision containing 1 single family lot and tract for the expansion of Belton's park system. The Forrest Hill, Phase IV plat proposed Armstrong Drive to terminate in a cul-de-sac and right-of-way was identified; however, the street pavement currently terminates in a dead-end. The cul-de-sac was proposed to be constructed when this property develops into a single family use. The applicant is proposing to divide this property into one lot for a single family home and to convey Tract A containing 0.425 acres to the City of Belton for expansion of, and improved access to, the existing Quail Meadows Park.

The following information outlines the obligations of the developer and City:

- 1) The developer agrees to final plat Forrest Hill, Phase V, and to convey Tract A to the City for expansion of the existing Quail Meadows Park, totaling 0.425 acres as shown on the attached subdivision plat. Staff discussion with an area appraiser indicated land in the vicinity would typically appraise at approximately \$20,000 an acre, estimated here at \$8,500.
- 2) The City agrees to do the following:
 - a. Construct a cul-de-sac with a 40' radius and curb and gutter, a total cost estimate of \$5,505.
 - b. Install a water meter and sewer tap for proposed Lot 1, Block 1 of the Forrest Hill, Phase V subdivision, a total cost of \$2,500.
 - c. Please see attached cost estimates.

City Council Agenda Item July 26, 2016 Page 1 of 2

Fiscal Impact

Project Component - Funding	<u>City</u>	<u>Developer</u>
General Fund – Capital Projects		
Construct a cul-de-sac with a 40' radius and curb and gutter	\$ 5,505.00	N/A
Water and Sewer – Capital Projects		
Sewer tap	\$ 1,200.00	N/A
Water meter	\$ 1,300.00	N/A
Total W&S Funds	\$ 2,500.00	
Total Funds	\$ 8,005.00	N/A

If not budgeted: 🗌 Budget Transfer	Contingency Amendment Needed

Budgeted: Yes No Capital Project Funds

Recommendation

Recommend authorizing the City Manager to execute the attached Development Agreement.

Attachments

Development Agreement Plat Resolution

> City Council Agenda Item July 26, 2016 Page 2 of 2

DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BELTON AND EDANBRA DEVELOPMENT LC FOR FORREST HILL, PHASE V SUBDIVISION

This agreement is made and entered into by the City of Belton, a home rule City in Bell County, Texas, (hereinafter "City"), and Edanbra Development, LC (hereinafter "Developer"), on this the 26th day of July, 2016. (The City and Developer are sometimes referred to herein singly as a "Party" and together as the "Parties".)

For and in consideration of the mutual covenants and agreements contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Developer, for themselves, their successors and assigns, as follows:

1. PURPOSE.

This Development Agreement outlines partial obligations of the City and Developer regarding the Forrest Hill, Phase V Subdivision, located on the north side of Armstrong Drive and east of Kneese Drive. The development agreement consists of cul-de-sac construction, water meter, sewer tap, and conveyance of Tract A.

2. OBLIGATIONS OF THE DEVELOPER.

Final plat Forrest Hill, Phase V, and convey Tract A to the City for expansion of the existing Quail Meadows Park, totaling 0.425 acres as shown on the attached subdivision plat.

3. OBLIGATIONS OF THE CITY.

- a. Construct a cul-de-sac with a 40' radius and curb and gutter, a total cost estimate of \$5,505.
- b. Install a water meter and sewer tap for proposed Lot 1, Block 1 of the Forrest Hill, Phase V subdivision, a total cost of \$2,500.
- 4. DEFAULT. In the event either Party fails to perform or otherwise defaults under this Agreement, such Party will be in default and the non-defaulting party may give the defaulting Party written notice of such default. After receipt of such written notice, the defaulting party shall have sixty (60) days to cure such default, provided the defaulting party shall have such extended period as may be required beyond the sixty (60) days if the nature of the cure is such that it reasonably requires more than sixty (60) days and the defaulting party commences the cure within the sixty (60) day period and thereafter continuously and diligently pursues the cure to completion. If the default is not cured as herein provided, this Agreement may be terminated by the Parties or the non-defaulting party may, but is not obligated to, complete the obligations of the defaulting Party. The Parties agree that the non-defaulting party (a) will be entitled to reimbursement by the defaulting party for all costs and expenses incurred by the non-defaulting party in

completing the obligations of the defaulting party as liquidated damages, or (b) may seek specific performance of this Agreement, or (c) may seek all other legal remedies available to the non-defaulting party.

- 5. WAIVER OF IMMUNITY AND ATTORNEY FEES. The City waives its sovereign immunity to suit on this agreement pursuant to Section 271.152 of the Texas Local Government Code. Time is of the essence. 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. If either party retains an attorney to enforce this agreement, the party prevailing in the litigation is entitled to recover reasonable attorney's fees and court and other costs.
- 6. VENUE AND CHOICE OF LAW. This Agreement is performable in Bell County, Texas, and shall be interpreted under the laws of the State of Texas. Any claim or lawsuit to interpret or enforce this Agreement shall be brought in a court of competent jurisdiction of Bell County, Texas.
- **7. SEVERABILITY.** In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such fact shall not affect any other provision thereof and this Agreement shall be construed as if the stricken provision had never been contained herein.
- 8. **MODIFICATION.** This Agreement may be amended or modified by the mutual agreement of both parties hereto in writing, such writing to be attached hereto and incorporated into this Agreement.
- **9. ADMINISTRATION.** This Agreement shall be administered by the appropriate persons on behalf of the parties that the parties see fit to perform such duties.
- **10.ENTIRE AGREEMENT.** This Agreement contains all commitments and obligations of the parties and represents the entire Agreement of said parties. No verbal or written conditions not contained herein shall have any force or effect to alter any term of this Agreement.
- **11.FORCE MAJEURE.** Neither party shall be responsible for damages or expected to fulfill its obligations under this Agreement should an act of God or other unforeseen catastrophe occur and cause such damage or prevent the performance of such obligation.
- **12.EXECUTION.** This Agreement shall be executed by the duly authorized official(s) of each party as expressed in the approving resolution or order of the governing body of such party.
- **13.ASSIGNMENT; BINDING EFFECT.** This Agreement may be assigned by the Developer. This Agreement runs with the land, and shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

IN WITNESS WHEREOF, the parties to these presents have executed this Agreement on the date first above written.

CITY OF BELTON, TEXAS

Sam A. Listi, City Manager

ATTEST:

EDANBRA DEVELOPMENT LC

Brad Dusek, President

APPROVED AS TO FORM:

Amy M. Casey, City Clerk

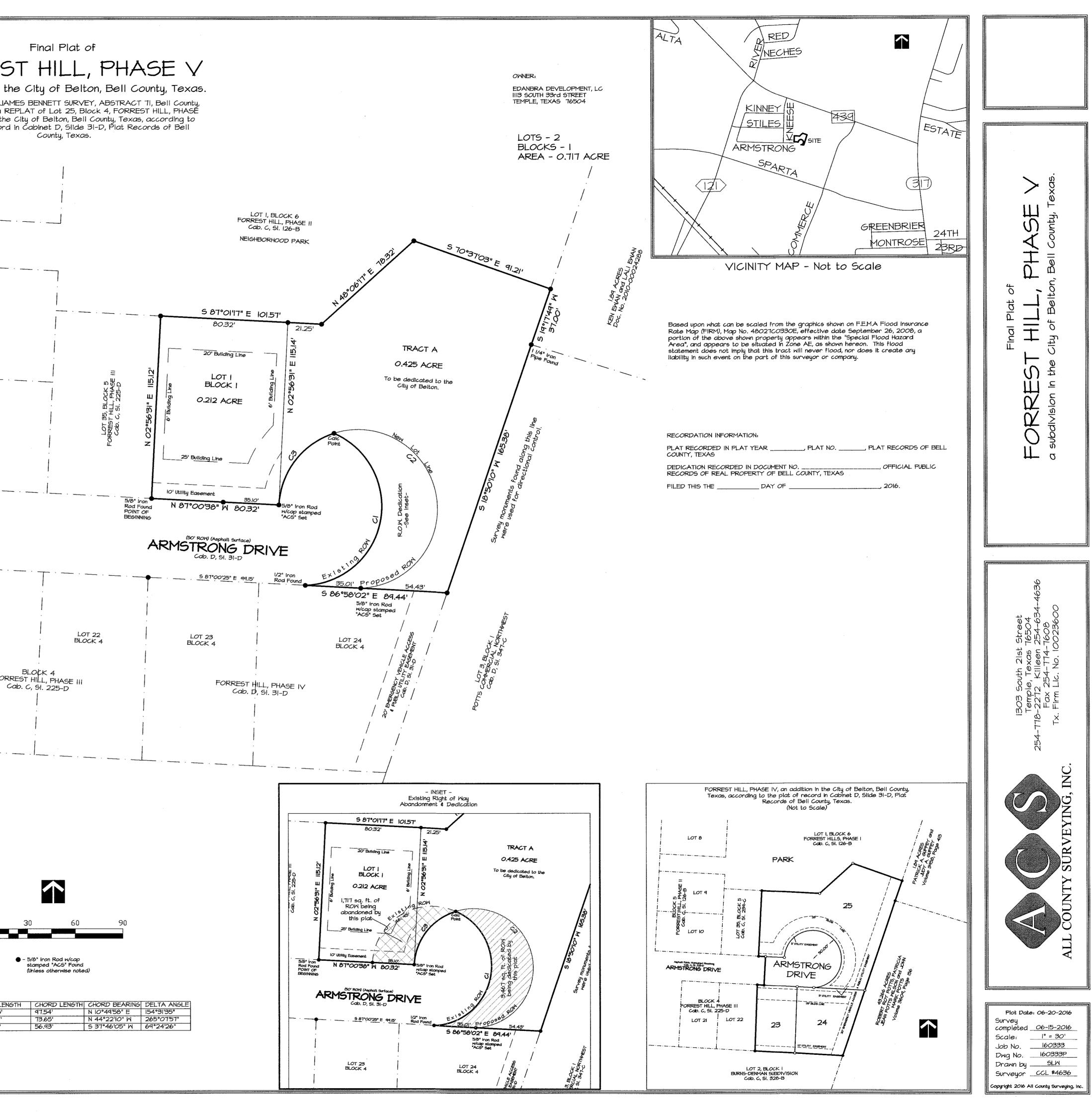
John Messer, City Attorney

STATE OF TEXAS COUNTY OF BELL EDANBRA DEVELOPMENT, LC, BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS FORREST HILL, PHASE V, A SUBDIVISION IN THE CITY OF BELTON, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.		FORRES a subdivision in Being part of the Ju Texas, and being a IV, an addition in th the plat of recor
By: BRAD DUSEK, President EDANBRA DEVELOPMENT, LC		
	 ·	
STATE OF TEXAS COUNTY OF BELL BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED WILLIAM B. PIPES, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN	· · ·	
STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE DAY OF, 2012.	•	· · · · · · · · · · · · · · · ·
NOTARY PUBLIC, STATE OF TEXAS		E LOT 9
**************************************		CCK 5 ILL, PHASE SI. 126-B
STATE OF TEXAS		
COUNTY OF BELL I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF FORREST HILL, PHASE V, AN ADDITION WITHIN THE CITY LIMITS OF THE CITY OF BELTON, BELL COUNTY, TEXAS, WAS APPROVED THIS THE DAY OF, 2012, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BELTON, TEXAS.	S S S	LOT 10
CHAIRMAN SECRETARY		
SAID SUBDIVISION LIES WITHIN THE CITY LIMITS OF THE CITY OF BELTON, BELL COUNTY, TEXAS, AND	L	· · · · · · · · · · · · · · · · · · ·
SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE PLATTING ORDINANCE OF THE CITY OF BELTON, TEXAS.		
WITNESS MY HAND AND SEAL THIS THE DAY OF, 2016.		
CITY CLERK		
		· ·

STATE OF TEXAS		
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF FORREST HILL, PHASE V, AN ADDITION WITHIN THE CITY LIMITS OF THE CITY OF BELTON, BELL COUNTY, TEXAS, WAS APPROVED THIS THE DAY OF, 2016, BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS.		
DAT OF, 2016, BT THE CITT COUNCIL OF THE CITT OF BELLION, TEXAS.		FO
MAYOR SECRETARY		

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AFFIDAVIT: THE TAX APPRAISAL DISTRICT OF BELL COUNTY, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE		
OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.		
BY: BELL COUNTY TAX APPRAISAL DISTRICT	ı	
BELL COUNTY TAX APPRAISAL DISTRICT		

STATE OF TEXAS		
COUNTY OF BELL I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.		0
SAME OF TEL SO		
CHARLES C. LUCKO, R.P.L.S. DATE SURVEYED: JUNE 15, 2016		CURVE RADIUS ARC LE CI 50.00' 134.85' C2 50.00' 231.37'
REGISTRATION NO. 4636		C2 50.00* 251.51* C3 50.00' 60.57*
SURVE		



RESOLUTION NO. 2016-24-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BELTON AND EDANBRA DEVELOPMENT, LC, FOR CUL-DE-SAC CONSTRUCTION, WATER METER, SEWER TAP AND CONVEYANCE OF TRACT A ASSOCIATED WITH THE FORREST HILL, PHASE V, SUBDIVISION LOCATED ON THE NORTH SIDE OF ARMSTRONG DRIVE AND EAST OF KNEESE DRIVE; PROVIDING FOR DEVELOPER AND CITY OBLIGATIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the development agreement outlines the obligations of all parties, the Developer and the City, for cul-de-sac construction, water meter, sewer tap and conveyance of Tract A associated with the Forrest Hill, Phase V, subdivision within the City of Belton;

Whereas, Management recommends entering into a development agreement with Edanbra Development, LC, to specify the rights and obligations of each party to the agreement, to include the city and the developer; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

Now, Therefore, Be it Resolved by the City Council of the City of Belton Texas, That:

<u>Part 1:</u> The City Council authorizes the City Manager to execute a development agreement between Edanbra Development, LC, and the City of Belton, with the goal of achieving renovation of this property.

<u>Part 2:</u> It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **26th** day of **July**, 2016.

THE CITY OF BELTON, TEXAS

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk