

Section 3 SUBDIVISION DESIGN STANDARDS

3.1 ADEQUATE PUBLIC FACILITIES POLICY

The land proposed for subdivision must be adequately served by essential public facilities and services. These services include street access, water, waste water disposal and off-site drainage. No plat or replat may be approved unless it conforms to this policy and its standards. This policy may be further defined and supplemented by other ordinances adopted by the city. There is an essential nexus between the demand on public facilities systems created by a new development and the requirement to dedicate rights-of-way and easements and to construct capital improvements to offset such impacts.

- 1) Street Access – All platted lots must have direct access to a public street or roadway, private street or an approved public way.
 - a. Except for lots which gain access from an approved cul-de-sac, all subdivisions must have two means of access or approach, which must be connected via improved roadways to the city's improved thoroughfare and street system. Where development phasing or constraints of the land prevent the provision of a second, separate means of access, the city may accept a temporary street connection, or a median divided street or entry to satisfy this requirement. Requirements for dedication of rights-of-way and improvement of approach roads may be increased depending upon the size or density of the proposed development, or if such need is demonstrated by a traffic impact analysis.
- 2) Water – All platted lots must connect to an approved water system which is capable of providing water for health and emergency purposes.
 - a. Except for lots along an approved cul-de-sac, all lots must be provided service connections from a looped water main providing water flow from two directions or sources.
 - b. Design and construction of a water source on the site shall be in accordance with applicable regulations of the Texas Commission on Environmental Quality (TCEQ).
 - c. Water service must be sufficient to meet the fire flow requirements of the proposed development, except where a suitable alternative means of fire protection is approved by the city's Fire Chief.
 - d. The city may accept development phasing, development restrictions, and/or the construction of improvements to maintain adequate fire protection.
- 3) Waste Water – All platted lots must be served by an approved means of waste water collection and treatment.
 - a. On-site waste water treatment systems, and on-site pretreatment of industrial waste, are permitted only with approval of the City and the appropriate authority in Collin or Hunt counties.
 - b. The projected waste water discharge of a proposed development shall not exceed the capacity of the waste water system.

The city may accept the phasing of development and/or improvements to the system so as to maintain adequate waste water capacity.

- b) Drainage – Increased stormwater runoff attributable to new development must not exceed the capacity of the downstream drainage system or adversely affect adjoining property. Where the projected runoff would exceed capacity, the city may accept the phasing of development, the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements as a means of mitigation.

3.2 BLOCKS AND LOTS

3.2.1 BLOCKS

The length, width and shapes of blocks shall be determined with due regard to:

- 1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- 2) Zoning requirements as to lot sizes, setbacks and dimensions.
- 3) Needs for convenient access, circulation, control and safety of street traffic and for pedestrians or bicyclists traveling to a public park or school site within the neighborhood.
- 4) Intersecting streets shall be provided at such intervals as to serve cross-traffic adequately, to provide adequate fire protection, and to conform to customary subdivision practices. Where no existing subdivision or topographical constraints control, block lengths shall not exceed one thousand two hundred (1,200) feet in length. Where no existing subdivision or topographical constraints control, the block lengths shall not be less than three hundred (300) feet in length. Cul-de-sacs shall not exceed 600 feet in length. However, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased in accordance with the variance procedures set forth in Section 1.9.

3.2.2 LOTS

Lots shall conform to the minimum requirements of the established zoning district.

- 1) Each lot shall front onto a dedicated, improved public street unless platted as an approved private street subdivision in accordance with this Ordinance (see Section 3.6). Lot width and access shall conform to the provisions of the City of Farmersville's Zoning Ordinance, Comprehensive Plan, and any other applicable City code or ordinance. Lot access onto highway, arterial and collector streets is subject to approval by the City Council, which may require a traffic study or other information prior to approval of the preliminary plat in order to fully study all access issues. In all cases, lots shall meet the minimum frontage requirements in Subsection 6 below.
- 2) Irregular-shaped lots shall have sufficient width at the building line to meet lot width and frontage requirements of the appropriate zoning district, and shall provide a reasonable

building pad without encroachment into front, side or rear yard setbacks or into any type of easement. Also, the rear width shall be sufficient to provide access for all necessary utilities, including access for driveways and solid waste collection when alleys are present. In general, triangular, severely elongated or tapered, flag or panhandle lots shall be avoided, and the City reserves the right to disapprove any such lot which, in its sole opinion, will not be suitable or desirable for the use intended.

- 3) Side lot lines shall be at ninety-degree angles or radial to street right-of-way lines to the greatest extent possible. The City reserves the right to disapprove any lot which, in its sole opinion, is shaped or oriented in such a fashion as to be unsuitable or undesirable for the use intended, or which is not attractively or appropriately oriented toward its street frontage.
- 4) Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from traffic arterials, as defined in Section 3.4, or to overcome a specific disadvantage or hardship imposed by topography or other factors. Where lots have double frontage, building setback lines shall be established for each street side, and rear yard screening shall be provided in accordance with Section 3.11. Residential lots shall not back onto any residential street or collector street within a residential area or neighborhood.
- 5) Building Lines -- Front and street side building lines shall be shown on a concept plan and on any type of plat for all lots, and shall be consistent with the Zoning Ordinance requirements for the district in which the development is located, if subject to the City's zoning regulations and with any other applicable City ordinance.
- 6) **Frontage on Public Streets and Cross Access--** The subdivision shall be designed to provide adequate emergency access for public safety vehicles. Each residential lot in the subdivision shall have a minimum thirty (30) feet of frontage on a dedicated street and, except in the Central Area zoning district, each multi-family and non-residential lot shall have a minimum of one hundred (100) feet, or as required by the applicable zoning ordinance, unless other provisions have been authorized through planned development approval or the grant of a variance. When adjacent to an existing or planned median divided street, all lots shall have access to a median opening, either directly or through a shared cross access easement between it and adjacent properties.

3.3 MONUMENTS

3.3.1 PLACEMENT OF MONUMENTS

In all subdivisions and additions, monuments shall be established at the corner of each block in the subdivision consisting of an iron rod or pipe not less than five-eighths inch (5/8) in diameter and twenty-four inches (24") deep, and set six inches (6) below the ground surface. Lot corner monuments shall be placed at all lot corners except corners which are also block corners, consisting of iron rods or pipes of a diameter of not less than one-half inch (1/2) and eighteen inches (18) deep, and set flush with the top of

the ground. In addition, all curve points in right of way lines shall be monumented by 5/8 diameter rods, twenty-four inches (24) deep, set six inches (6) below the ground surface. Each block corner monument shall include a cap with the surveyor's name and registration number attached to it. All block corners shall be installed prior to the final inspection of the subdivision by the City. Lot corners shall be installed prior to issuance of a building permit.

3.3.2 VERTICAL CONTROL

At least one corner of a subdivision that is being developed or re-developed within the City's corporate limits or ETJ shall be tied to the City's approved vertical control monumentation. Details regarding the City's vertical control monumentation are contained in Appendix 1 attached hereto and incorporated herein by reference for all purposes allowed by law. The Developer shall also establish two (2) permanent monuments per development (at points approved by the City Engineer) that shall be tied to the City's approved vertical control monumentation.

3.4 STREETS AND ALLEYS

3.4.1 STREET DESIGN

The arrangement, character, extent, width, grade, location and construction of all streets shall conform to the City of Farmersville's Thoroughfare Plan as well as the Design Manual and Standard Construction Details, and shall be considered in their relation to existing and planned streets or driveways (whether within the City of Farmersville, within its ETJ area, or within adjacent municipal or County areas), to topographical conditions, to public safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Reserve or residual strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes, or which will not be taxable or accessible for improvements shall not be permitted in any subdivision unless such strips of land are required by the City in the public interest (such as to enhance public safety or other public interest). All streets shall be constructed in accordance with the City's Design Manual and Standard Construction Details.

3.4.2 ALLEYS

No alleys shall be required. If provided or constructed by the developer, alleys shall conform to the adopted Design Manual and Standard Construction Details.

3.4.3 ADEQUACY OF STREETS AND THOROUGHFARES

- 1) Responsibility for Adequacy of Streets and Thoroughfares -- The property owner shall assure that the subdivision is served by adequate streets and thoroughfares, and shall be responsible for the costs of all rights-of-way and street improvements adjacent to the development, in accordance with the following policies and standards, and subject to the City's cost participation policies on oversized facilities.
- 2) General Adequacy Policy -- Every subdivision shall be served by improved streets and thoroughfares adequate to accommodate the vehicular traffic to be generated by the

- development. Proposed streets shall provide a safe, convenient and functional system for traffic circulation; shall be properly related to the City's Thoroughfare Plan, road classification system, Comprehensive Plan and any amendments thereto; and shall be appropriate for the particular traffic characteristics of each development.
- 3) Road Network -- New subdivisions shall be supported by a road network having adequate capacity, ingress/egress, and safe and efficient traffic circulation. The adequacy of the road network for developments of one hundred (100) or more dwelling units, or for developments generating five thousand (5,000) or more "one-way" trips per day, or for developments involving collector or arterial streets not appearing on the City's adopted Thoroughfare Plan, or where deemed required by the City Engineer, shall be demonstrated by the preparation and submission, along with the concept plan or preliminary plat application, of a traffic impact analysis. The traffic impact analysis shall be prepared in accordance with Section 3.5. below. The traffic impact analysis shall take into consideration the need to accommodate traffic generated by the development, land to be developed in common ownership and other developed property. If the property to be developed is intended as a phase in a larger development project, or constitutes a portion of the land to be ultimately developed, the City Council may require a demonstration of the adequacy of the road network pursuant to this Section for any or all additional phases or portions of the property as a condition of approval for the proposed concept plan or plat. If the applicant submits a traffic impact analysis for an entire phased development project, the City may require an update of the study for later phases of the development. If the concept plan or plat conforms with the Thoroughfare Plan and if the concept plan or plat is for a development of less than one hundred (100) dwelling units or for a development generating less than five thousand (5,000) "one-way" trips per day, then a traffic impact analysis may be required at the discretion of the City Engineer.
- 4) Off-Site Improvements -- Where a traffic impact analysis demonstrates the need for such facilities, the property owner shall make such improvements to off-site collector and arterial streets and intersections as are necessary to mitigate traffic impacts generated by the development or related developments.
- 5) Dedication of Right-of-Way -- The property owner shall provide all rights-of way required for existing or future streets, and for all required street improvements, including perimeter streets and approach roads, as shown in the Thoroughfare Plan, Design Manual and Standard Construction Details or other valid development plans approved by City Council. In the case of perimeter streets, at least one-half of the total required right-of-way width for such streets shall be provided unless the proposed development is on both sides of the street, in which case the full right-of-way width shall be provided. In some instances, more than one-half of the required right-of-way width shall be required when a half street is impractical or unsafe and depending upon the actual or proposed

alignment of the street, such as in the case of a curved street, as may be required by the City Council.

- a. Perimeter Streets -- Where an existing half-street is adjacent to a new subdivision or addition, the other one-half of the street shall be dedicated, and an appropriate amount of the street shall be improved, by the developer of the subdivision or addition.
 - b. Slope Easements -- The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall be no steeper than three feet (3) horizontal run to one foot (1) vertical height, or a three-to-one (3:1) slope.
- 6) Intersection Improvements -- Intersection improvements and traffic control devices shall be installed as warranted in accordance with the traffic impact analysis. Construction and design standards shall be in accordance with the City's Design Manual and Standard Construction Details.
- 7) Phased Development -- Where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the preliminary plat, shall provide a schedule of development. The schedule shall set forth the intended plan of development and dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision. The City Engineer shall determine whether the proposed phasing of any streets and street improvements are adequate pursuant to standards herein established, and may require that a traffic impact analysis be submitted for the entire project or such phases as the City determines to be necessary to adjudge whether the subdivision will be adequately served by the phased dedication and construction of such streets and thoroughfares.
- 8) Arrangement of Streets Not Shown on the Thoroughfare Plan -- For streets that are not shown on the City's Thoroughfare Plan, such as local residential streets, the arrangement of such streets within a subdivision shall:
- a. Provide for the continuation or appropriate projection of existing streets from or into surrounding areas, including at least two (2) points of access;
 - b. Conform to a special area plan for the neighborhood approved or adopted by the City Council to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;
 - c. Provide for additional future access, such as by stubbing out streets for future extension to the outer boundary of the subdivision, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use; and
 - d. Not conflict in any way with existing or logically anticipated driveway openings.
- 9) Collector and Residential Streets -- Residential collector streets and minor residential streets shall be laid out such that their use by through traffic will be discouraged, such as via circuitous routes or multiple turns or offsets, but such that access is provided to

adjacent subdivisions. Wherever the right-of-way width of a collector or residential street must transition to a greater or lesser width, such transition shall occur along the front, side or rear lot lines of adjacent lots and shall not occur within the street intersection itself. In other words, the right-of-way width shall be the same on both sides of any street intersection.

- 10) Adjacency of Residential Properties -- Where a subdivision abuts or contains an existing or proposed arterial street, the City Council may require marginal access streets, reverse frontage (lots which back onto the arterial), deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through traffic and local traffic.
- 11) Reserve Strips -- Reserve strips controlling access to streets shall be prohibited except where their control is required by the City and approved by the City Council.
- 12) Half Streets -- Construction of half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of this Ordinance and the Thoroughfare Plan, and where the City Council makes a determination that there is no immediate benefit to be gained by constructing the full street section since no access from the street will be needed by the subdivision in question. The City Council may also find that it would be more practical, or cost effective, to delay construction of the other one-half (%) of a street until the adjoining property is developed.

If the property owner is responsible for one-half (%) of the street, then the property owner shall either construct the facility along with his or her development or shall provide escrow for the construction cost of his or her share of the facility (including all applicable street appurtenances such as median openings, left turn lanes into the development, sidewalks, drainage structures, etc.). Whenever a partial street has been previously platted along a common property line, the other portion of the street right-of-way shall be dedicated such that the right-of-way is increased to the streets ultimate planned width. Improvements shall be made to all on-site facilities as defined herein (see Definitions, Section 1.11).

- 13) Perimeter Streets and Associated Improvements -- When a proposed subdivision, whether residential or nonresidential, abuts on one or both sides of an existing substandard street, or on a planned or future road as shown on the Thoroughfare Plan, being substandard according to the then existing current Thoroughfare Plan, the developer shall be required to improve his or her reasonable share of the existing on-site facility as that term is defined herein, including appurtenant sidewalks, screening and landscaping, storm drainage structures, water quality or erosion controls, and other on-site facilities as defined in Section 1.11, to bring the same to City standards, or to replace it with a standard City street as determined by the traffic impact analysis, if required, and at no cost to the City.

- a. The developer's share of improvements to a substandard perimeter road shall be at least twenty-five feet (25) of pavement (including curb, if any), which is approximately equivalent to one-half (50%) of a collector street width (i.e., two through traffic lanes), along the entire front footage of the subdivision, unless the traffic impact analysis, if required, indicates that some other pavement width is necessary to achieve and maintain an acceptable level of service on the roadway. If the subdivision is to be located on both sides of the roadway, at least twenty-five feet (25) of pavement shall be constructed by the developer on each side of the road along the entire front footage of the subdivision on each respective side of the road, unless the traffic impact analysis indicates that some other pavement width is necessary to achieve and maintain an acceptable level of service on the roadway. Design and construction of the roadway shall be in accordance with the City's Thoroughfare Plan (with respect to right-of-way width and general location), the Design Manuals, and with any other applicable City codes and ordinances.
 - b. Depending upon the specific roadway in question, and upon the traffic impact analysis results, any oversizing above the minimum twenty-five feet (25) width may be borne by the City, the County, the State or by some other entity to the extent that the cost of oversizing exceeds the subdivisions roughly proportionate impact. The City Council may, at its option, accept escrow funds in lieu of immediate roadway construction if the subdivision derives principal access from another improved roadway and if delaying construction and improvement of the road will not harm or otherwise inconvenience neighboring property owners or the general public.
 - c. Streets which dead-end at power lines or similar rights-of-way or easements, and which are intended for future extension across these rights-of-way or easements, shall be constructed in the right-of-way or easement for half the distance across the right-of-way or easement, and shall be further restricted as set forth in Subsection 14 below. A note shall be placed on the final plat clearly labeling the dead-end streets that will, at some point, be extended across the power line easement (or right-of-way), and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street will be extended in the future. Signage size and lettering shall be in accordance with the City requirements.
- 14) **Dead-End Streets** -- Except in unusual cases, no dead-end streets will be approved unless such dead-end streets are provided to connect with future streets on adjacent land. In the case of dead-end streets, which will eventually be extended into the adjacent subdivision, no more than one lot (per side) can front onto the dead-end street stub unless a temporary turnaround bulb (with an off-site easement) is provided at the end. A temporary dead-end street shall not exceed the maximum allowed length of a normal cul-de-sac, and the temporary turnaround bulb must be constructed like a cul-de-sac. However, the City Engineer may authorize the use of asphalt or other durable paving material than concrete for the arc, or wing, portions of the temporary turnaround bulb in

order to minimize the cost of removing those portions later. A note shall be placed on the final plat clearly labeling any dead-end streets (if any) that will at some point be extended into the adjacent property, and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street will be extended in the future. Signage and lettering must be large enough to be legible by a person with normal vision at a twenty-foot (20) distance. Any required temporary turnaround easements shall be shown on the final plat along with their appropriate recording information, if they are off-site or established by separate instrument.

- 15) Extension of Existing Streets -- New streets that extend existing streets shall be dedicated at equal or greater right-of-way widths than the existing streets, or as otherwise required by the City's Thoroughfare Development Plan and approved by the City Engineer.
- 16) Construction of New Streets -- All new streets within a subdivision shall be constructed in accordance with paving widths and specifications as set forth in the Design Manual and Standard Construction Details of the City of Farmersville at the time at which the preliminary plat application is officially submitted and deemed a complete application.
- 17) Points of Access -- All subdivisions shall have at least two (2) points of access from improved public roadways (also see Section 3.1). Driveway access onto roadways shall be provided and designed in accordance with the City's Design Manual and Construction Details that are in effect at the time the preliminary plat application is officially submitted and deemed a complete application.
- 18) Street Lights -- All street lighting shall be installed in conformance with the City's Zoning Ordinance. Mercury vapor luminaries shall not be accepted. All fixtures shall be hooded in a way that directs all lighting downward.
- 19) Street Names -- Street names must be submitted to the City, for review and approval as a part of the preliminary plat application, and shall become fixed at the time of approval of the preliminary plat. On the final plat, street names shall not be changed from those that were approved on the preliminary plat unless special circumstances have caused the major realignment of streets or a proposed street name(s) is discovered to have already been used elsewhere in the City (or some other similar eventuality). If additional street names are needed for the final plat, then they must be submitted for review and approval by the City, the U.S. Postal Service, and applicable emergency service providers (including 911) along with the final plat application. A fee may be established by the City for the changing of street names after approval of the preliminary plat.
 - a. Surnames of people or the names of corporations or businesses shall not be used as street names, unless approved by the City Council. The City will maintain a list of existing street names (and "reserved" street names that have been approved on a preliminary plat), and will update the list as new streets are platted.
 - b. New street names shall not duplicate existing street names (for example, Smith Street vs. Smythe Street; Oak Drive vs. Oak Place vs. Oak Court vs. Oak Circle; Cascade Drive vs. Cascading Drive); shall not be so similar as to cause confusion between names (for

- example, Lakeside Drive vs. Lake Side Drive vs. Lake Siding Drive); and shall not sound like existing street names when spoken (for example, Oak Drive vs. Doak Drive vs. Cloak Drive; Lantern Way vs. Land Tern Way). Suffixes shall be in agreement when a street is extended (for example Oak Street cannot extend Oak Drive).
- c. New streets which extend existing streets shall bear the names of the existing streets. Streets crossing thoroughfares or other roadways shall bear the same name on both sides of the thoroughfare, wherever practical. A cul-de-sac or loop that is named after another through street (such as Oak Court or Oak Circle or Oak Trail) must actually connect to the main street (Oak) from which the name is derived.
- d. The property owner shall install all street name signs and poles for the development. Installation shall be complete prior to approval of the engineering plans by the City Engineer.
- e. Street name signs as specified by the City shall be installed in accordance with the City's guidelines before issuance of a building permit for any structure on the streets approved within the subdivision.

3.5 TRAFFIC IMPACT ANALYSIS

3.5.1 ANALYSIS REQUIREMENTS

Any proposed development project or plat involving a significant change to a proposed roadway alignment from that shown on the City of Farmersville's Thoroughfare Plan, or involving a development of one hundred (100) or more dwelling units, or for developments generating five thousand (5,000) or more "one-way" trips per day, or as otherwise required by the City Engineer must be preceded by submission and approval of a traffic impact analysis as specified in Subsection 3.5.2 below.

3.5.2 REQUIRED COMPONENTS OF TRAFFIC IMPACT ANALYSIS

Whenever this Ordinance or the City Council, in unique instances which do not necessarily meet the above criteria but which may significantly affect the public health, safety or welfare -- such as a proposed subdivision that will only be accessed via substandard roadways which may pose an impediment to emergency response vehicles -- requires submission and City Council approval of a traffic impact analysis, the following elements shall be included:

- 1) General Site Description -- The traffic impact analysis shall include a detailed description of the roadway network within one (1) mile of the site, a description of the proposed land uses, the anticipated dates of construction, and the anticipated completion date of the proposed land development shall be provided. This description, which may be in the form of a map, shall include the following items: (1) all major intersections; (2) all proposed and existing ingress and egress locations; (3) all existing roadway widths and rights-of-way; (4) all existing traffic signals and traffic-control devices; and (5) all existing and proposed public transportation services and facilities within a one (1) mile radius of the site.

- 2) Proposed Capital Improvements -- The traffic impact analysis shall identify any changes to the roadway network within one (1) mile of the site that are proposed by any government agency or other developer. This description shall include the above items as well as any proposed construction project that would alter the width or alignment of roadways affected by the proposed development.
- 3) Roadway Impact Analysis --
 - a. Transportation Impacts:
 - i. Trip Generation. The average weekday trip generation rates (trip ends), the average weekend trip generation rates (for uses other than residential or institutional), the highest average a.m. and p.m. hourly weekday trip generation rates, and the highest hourly weekend generation rates (for uses other than residential or institutional) for the proposed use shall be determined based upon the trip generation rates contained in the most recent edition of the Institute of Transportation Engineers, Trip Generation Manual; or shall be based upon data generated by actual field surveys of area uses compatible to the proposed use and approved by the City Engineer.
 - ii. Trip Distribution. The distribution of trips to arterial and collector roadways within the study area identified in Subsection 3.5.2.1 (General Site Description), above, shall conform with accepted traffic engineering principles taking into consideration the land use categories of the proposed development; the area from which the proposed development will attract traffic; competing developments (if applicable); the size of the proposed development; development phasing; surrounding existing and anticipated land uses, population and employment; existing and projected daily traffic volumes; and existing traffic conditions identified pursuant to Subsection 3.5.2.1) above.
 - b. Adequacy Determination -- The roadway network included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing roadways identified as arterials and collectors can accommodate the existing service volume, and the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at a level of service "C" or above.
- 4) Intersection Analysis
 - a. Level of Service Analysis -- For intersections within the roadway traffic impact analysis area described Subsection 3.5.2.1) above, a level of service analysis shall be performed for all arterial to arterial, arterial to collector, and collector to collector intersections, and for any other pertinent intersections identified by the City Engineer. Also, level of service analysis will be required on all proposed site driveway locations for all nonresidential developments. The City may waive analysis of minor intersections and site driveway locations within the one-mile radius. The level of service analysis shall be based upon the highest hourly average a.m. or p.m. peak

weekday volume or highest average hourly peak weekend volume as determined from a two-day survey of weekday volumes and, where necessary, a one-day survey of weekend volumes. The level of service analysis shall take into consideration the lane geometry, traffic volume, percentage of right-hand turns, percentage of left-hand turns, percentage (and typical size) of trucks, intersection width, number of lanes, signal timing and progression, roadway grades, pedestrian and bicycle flows, school routes, number of accidents, and peak hour factor.

- b. Adequacy Analysis -- The intersections included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing intersections can accommodate the existing service volume, the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at level of service "C" or above.
- 5) Effect of Adequacy Determination -- If the adequacy determination for roadways and intersections indicates that the proposed development would cause a reduction in the level of service for any roadway or intersection within the study area identified in Subsection 3.5.2.1) above that would cause the roadway to fall below the level of service required hereto, the City Council may deny the request or may require one of the following conditions as a condition of approval:
- a. The deferral of building permits until the improvements necessary to upgrade the substandard facilities are constructed;
 - b. A reduction in the density or intensity of development;
 - c. The dedication or construction of facilities needed to achieve the level of service required herein; or
 - d. Any combination of techniques identified herein that would ensure that development will not occur unless the levels of service for all roadways and intersections within the traffic impact analysis study are adequate to accommodate the impacts of such development.

3.6 PRIVATE STREET SUBDIVISIONS

3.6.1 PRIVATE STREETS

Subdivisions having private streets may be established only under the terms set forth in this Section, and pursuant to any other ordinances or guidelines for private street developments as may be adopted for use by the City either as part of this Ordinance or as separate ordinances or policies. All private streets shall be designed and constructed in accordance with the City's Design Manual and Standard Construction Details for publicly dedicated streets. The term Private Street shall be inclusive of alleys, if provided.

3.6.2 ELIGIBILITY CRITERIA

Private streets shall be permitted only within a subdivision satisfying each of the following criteria:

- 1) The subdivision shall have a sufficient number of lots and value to demonstrate through an approved economic analysis the viability of private maintenance by the development served;
- 2) The streets to be restricted to private use are not intended for regional or local through traffic circulation (see Subsection 3.6.3 below);
- 3) The subdivision is located in an area that is surrounded on three (3) sides, meaning at least seventy-five percent (75%) of the perimeter, by natural or man-made barriers, so as to be accessible from only a single direction of the compass;
- 4) The subdivision is located adjacent to an existing or approved public street that can be reasonably connected, even though the street connection may require the construction of a bridge or culvert;
- 5) The subdivision shall have at least two (2) points of vehicular access connected via improved roadways to the City's improved thoroughfare and street system by one or more approach roads, as required herein above;
- 6) A mandatory property owners (homeowners) association, which includes every owner of a lot within the private street development, shall be formed and shall be responsible for maintenance of the private streets and alleys. (see Subsection 3.6.5 below and Section 4.3); and
- 7) The subdivision conforms to any other special guidelines for private street developments as may be approved separately by the City Council.

3.6.3 CERTAIN STREETS EXCLUDED

Roads or streets that are shown on the City's Thoroughfare Plan, such as highways, major or minor thoroughfares or arterials, or collectors, shall not be used, maintained or constructed as private streets, and a private street subdivision shall not cross or interfere with an existing or future collector or arterial street. Also, the Planning and Zoning Commission and City Council may deny the creation of any private street if, in their sole determination, the private street would negatively affect traffic circulation on public streets, or if it would impair access to the subject or adjacent property; impair access to or from public facilities including schools or parks; or if it would cause possible delays in the response time of emergency vehicles.

3.6.4 PARKS, GREENBELTS AND WILDLIFE PRESERVES EXCLUDED

A private street subdivision shall not cross or interfere with public access to an existing or future public pedestrian pathway, hike and bike trail, greenbelt, park or wildlife preserve as shown on the City of Farmersville's Parks and Open Space Master Plan or as already dedicated for public use.

3.6.5 PROPERTY OWNERS OR HOMEOWNERS ASSOCIATION REQUIRED

Subdivisions developed with private streets shall have a mandatory property owner's association (the Association) which includes all property and lots served by the private streets in accordance with the requirements of Section 4.3 of this Ordinance. The Association shall own and be responsible for the

maintenance of private streets and appurtenances. The Association shall provide for the payment of dues and assessments required to maintain the private streets. The Association documents shall be reviewed and approved by the City Manager and the City Attorney to ensure that they conform to these and other applicable City rules and regulations prior to final plat approval. The Association documents shall be filed of record at Collin County or Hunt County prior to final plat acceptance in order to ensure that there is an entity in place for long-term maintenance of private streets and all related appurtenances. The Association may not be dissolved without the prior written consent of the City Council. No portion of the Association documents pertaining to the maintenance of private streets and alleys, and assessments therefore, may be amended without the prior written consent of the City Council. The Association and its operations must meet the following requirements:

- 1) Reserve fund -- The Association documents must establish a reserve fund for the maintenance of private streets and other improvements such as common greenbelts, security station structures and equipment, and other significant Association infrastructure. This reserve fund shall not be commingled with any other Association fund. The balance of the fund shall be equal to the total replacement cost of the private streets and other improvements divided by the average life expectancy of those improvements times the age of the improvements. The life expectancy for a subdivision with concrete streets shall be a minimum of twenty (20) years.
 - a. The Association shall have an annual review performed by a certified public accounting firm verifying the amount in the reserve fund. A copy of this review shall be provided to the City.
 - b. If the specific use permit is revoked or the private streets converted to public streets, the reserve fund shall become the property of the City.
- 2) Assessment for Repairs and Assignment of Association Lien Rights -- The Association declaration shall provide that should the Association fail to carry out its duties as specified in these regulations, the City or its lawful agents shall have the right and ability, after due notice to the Association, to perform the responsibilities of the Association if the Association fails to do so in compliance with any of the provisions of these regulations or of any applicable City Codes, regulations or agreements with the City and to assess the Association or the individual lot owners for all costs incurred by the City in performing said responsibilities if the Association fails to do so, and the City shall further have any and all liens and lien rights granted to the Association to enforce the assessments required by the declaration, and/or to avail itself of any other enforcement actions available to the City pursuant to state or City codes and regulations.
- 3) Required disclosures -- The Association documents shall address, but shall not be limited to, the following three paragraphs:
 - a. The Association documents must indicate that the streets within the development are private, owned and maintained by the property owners' association and that the City has no obligation to maintain or reconstruct the private streets.

- b. The Association documents shall include a statement indicating that the City may, but is not obligated to, inspect private streets, and require repairs necessary to insure maintenance to City standards.
- c. The Association may not be dissolved without the prior written consent of the City.

3.6.6 PRIVATE STREET LOT

Private streets must be constructed within a separate lot owned by the property owner's association. This lot must conform to the City's standards for public street rights-of-way. An easement covering the street lot shall be granted to the City and its employees providing unrestricted access to and use of the private streets and private street lot in pursuit of their official duties. This right shall also extend to all utility providers operating within the City and to other necessary governmental service providers, such as the U.S. Postal Service. The easement shall also permit the City to remove any vehicle or obstacle within the private street lot that may impair emergency access.

3.6.7 CONSTRUCTION AND MAINTENANCE COST

The City shall not pay for any portion of the cost of constructing or maintaining a private street.

3.6.8 INFRASTRUCTURE AND UTILITIES

Any public water, sewer and drainage facilities, street lights, and traffic control devices, such as traffic signs, placed within the private street lot shall be designed and constructed to City standards, and shall be accepted by and dedicated to the City prior to filing the record plat for the subdivision. All private traffic control devices and regulatory signs shall conform to the Texas Manual of Uniform Traffic Control Devices, as amended, and to City standards.

The metering for utilities such as water, gas and electricity shall be located on the individual lots to be served, not grouped together in a centralized location(s), such as gang-box style metering stations, which shall not be permitted.

3.6.9 PLANS AND INSPECTIONS

Development applications for subdivisions with private streets must include the same plans and engineering information required for public streets and utilities. City requirements pertaining to inspection and approval of improvements shall apply, and fees charged for these services shall also apply. The City may periodically inspect private streets, and may require any repairs necessary to ensure efficient emergency access and to protect the public health, safety, convenience and welfare.

3.6.10 RESTRICTED ACCESS

The entrances to all private streets shall be clearly marked with a sign, placed in a prominent and visible location, stating that the streets within the subdivision are private, and that they are not maintained nor regularly patrolled by the City. Guard houses, access control gates, and cross arms, if used, shall be constructed per Subsection 3.6.11 below. All restricted access entrances must be manned twenty-four (24) hours every day, or they must provide a reliable, alternative means of ensuring City and emergency

access to the subdivision, preferably with an Opticom-type system for emergency access, by the City and other utility or public service providers with appropriate identification. The method to be used to ensure City and emergency access into the subdivision shall be approved by the City Council and by all applicable emergency services providers prior to engineering release for construction of the development. If the Association fails to maintain reliable access as required herein, the City may enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the Association. The Association documents shall contain provisions in conformity with this Section which may not be amended without the written consent of the City Council.

3.6.11 ENTRANCE DESIGN STANDARDS

Any private street (and any other type of gated entrance) which has an access control gate or cross arm must have a minimum uninterrupted pavement width of twenty-seven feet (27) at the location of the gate or access control device, both ingress point and egress point, regardless of the type of device used. If an overhead, or lift-up, barrier is used, it must rise to a minimum of fourteen feet (14) in height above the road surface, and this clearance height shall be extended for a minimum distance of fifty feet (50) in front of and behind the location of the device. All gates and cross arms must be of a breakaway design. A minimum vehicle stacking distance of one hundred feet (100) shall be provided from the right-of-way line of the public road from which the private street subdivision is accessed to the first vehicle stopping point, which point is usually an access request keypad, a telephone, or a guard's window. Adequate distance shall be provided between the access request point(s) and the entry barrier, or gate, to accommodate a vehicle turnaround as described below.

A paved turnaround space must be located in front of (i.e., prior to passage through) any restricted access entrance barrier, between the access request device and the barrier or gate, to allow vehicles that are denied access to safely exit onto public streets without having to back up, particularly into the public street upon which the entrance is located. The design and geometry of such turnaround shall be of sufficient pavement width and having such inside turning radius that it will accommodate smooth, single-motion U-turn movements by service, delivery and utility trucks as well as passenger vehicles.

A site plan showing the design and location of all proposed access restricted entrances shall be submitted for review by the City Engineer along with the engineering plans for the subdivision, and must be approved by the City Council along with approval of the preliminary plat. The City Engineer may require submission of additional drawings, plans or exhibits demonstrating that the proposed turnaround will work properly, and that vehicle turnaround movements will not compromise public safety on the entry and/or exit roadway or on the adjacent public street(s).

3.6.12 WAIVER OF SERVICES

The subdivision final plat and record plat, property deeds and property owner's association documents shall note that certain City services shall not be provided for private street subdivisions. Among the services that will not be provided are: routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accident reports. Depending upon the characteristics of the development and upon the access limitations posed by the design of entrances into the subdivision, other services (such as sanitation) may not be provided, as well.

3.6.13 PETITION TO CONVERT TO PUBLIC STREETS

The Association documents shall allow the Association to petition the City to accept private streets and any associated property as public streets and rights-of-way upon written notice to all Association members and upon the favorable vote of a majority of the membership. However, in no event shall the City be obligated to accept said streets as public streets. Should the City elect to accept the streets as public streets, then the City has the right to inspect the private streets and to assess the lot owners for the expense of needed repairs concurrent with the City's acceptance of the streets. The City shall be the sole judge of whether repairs are needed. Upon acceptance of the private streets as public streets the City may also require, at the Associations or the lot owners expense, the removal of any guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot or within any other roadway common area that are not consistent with a public street development. The Association documents shall provide for the City's right to such removal and assessment. Those portions of the Association documents pertaining to the subject matter contained in this Section shall not be amended without the written consent of the City Council. However, the Association documents must be modified and re-filed to remove requirements specific to private street subdivisions at such time as the City accepts the private streets as public streets.

3.6.14 HOLD HARMLESS

The subdivision final plat and record plat shall contain language whereby the property owners association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, any other governmental entity, and any public utility for damages to the private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury (including death) arising from the condition of the private streets, out of any use of access gates or cross arms, or out of any use of the subdivision by the City or governmental or utility entity (such plat language is available from the City).

3.7 SIDEWALKS

3.7.1 SIDEWALKS REQUIRED

Pedestrian concrete walkways (sidewalks) not less than five feet (5) wide or as required by the Zoning Ordinance shall be required within all non-residential and residential subdivisions on both sides of all streets. Sidewalks shall be installed prior to the issuance of a Certificate of Occupancy for each abutting development as set forth in the City of Farmersville's Design Manual and Standard Construction Details.

3.7.2 PROVISION OF ESCROW

The cost and provision of any perimeter sidewalks, such as along major thoroughfares, may be escrowed as a part of a developer's agreement, if approved by the City. The City has the right, but not the obligation, to refuse escrow and to require paving of the sidewalks if, in the City's sole opinion, immediate provision of the sidewalks is necessary for safe pedestrian circulation or if it would otherwise protect the public health, safety or welfare.

3.7.3 TIMING OF CONSTRUCTION

As deemed appropriate by the City Engineer, sidewalks shall be constructed at time of development of subdivision, or the funds for such construction shall be escrowed to City and will be reimbursed to developer as sidewalks are constructed.

3.7.4 EXEMPTION

Notwithstanding the foregoing, sidewalks shall not be required in subdivisions with lot sizes at least one (1) acre or more in size.

3.8 WATER AND WASTEWATER FACILITY DESIGN

3.8.1 WATER

All new subdivisions shall be connected with an approved water system, and shall be capable of providing water for health and emergency purposes, including fire protection. The design and construction of water system improvements shall comply with the following standards:

- 1) Design and construction of a water source on the site shall be in accordance with applicable regulations of the Texas Commission on Environmental Quality (TCEQ).
- 2) Design and construction of water service from the City shall be in accordance with the City's Design Manual and Standard Construction Details Manual, and in accordance with TCEQ standards, whichever requirement is most stringent.
- 3) Design and construction of a fire protection system shall be in accordance with the City's Design Manual and Standard Construction Details, and in accordance with the fire department serving the site (i.e., the City or the County, as applicable).

3.8.2 WASTEWATER

All new subdivisions shall be required to connect to the City's wastewater system unless served by other means approved by the City Council. The design and construction of the wastewater system improvements shall comply with the following standards:

- 1) Design and construction of on-site waste disposal systems shall comply with applicable regulations of the TCEQ, applicable regulations of Collin or Hunt County, and with the provisions of the City of Farmersville's Code of Ordinances, whichever requirement is most stringent.
- 2) Design and construction of wastewater collection and treatment service from the City shall be in accordance with the standards in the City's Design Manual and Standard Construction Details, and in accordance with TCEQ standards, whichever requirement is most stringent.

3.8.3 APPLICANT'S RESPONSIBILITIES

The applicant shall be responsible for:

- 1) Phasing of development or improvements in order to maintain adequate water and wastewater services;
- 2) Extensions of utility lines to connect to existing utility services;
- 3) Providing or procuring all necessary easements for the utilities (whether on-site or off-site);
- 4) Providing proof to the City of adequate water and wastewater service;
- 5) Providing provisions for future expansion of the utilities if such will be needed to serve future developments or lines larger than twelve (12) inches;
- 6) Providing all operations and maintenance of the utilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the utilities;
- 7) Providing all fiscal security required for the construction of the utilities;
- 8) Obtaining approvals from the applicable utility providers if other than the City; and
- 9) Complying with all requirements of the utility providers, including the City.

3.8.4 EXTENSION OF SERVICES

Extension of water and wastewater lines shall be made along the entire frontage of the subdivision adjacent to a street or thoroughfare. If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be accomplished in such a manner as to allow future connections to said utilities by new subdivisions. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the City Council may waive the requirement for adjacent utility line construction at the time of preliminary plat approval and prior to construction of the subdivision.

3.8.5 OTHER REGULATIONS

Installation, operations and maintenance of utilities not specifically referenced herein shall comply with regulations of the TCEQ and with any other applicable State rules and regulations, whichever requirement is most stringent.

3.9 STORM WATER COLLECTION AND CONVEYANCE SYSTEMS

3.9.1 SYSTEM DESIGN REQUIREMENTS

Drainage improvements shall accommodate runoff from the upstream drainage area in its anticipated maximum "build-out" condition, and shall be designed to prevent overloading the capacity of the downstream drainage system. The City may require the phasing of development, the use of control methods such as retention or detention, or the construction of off-site drainage improvements in order to mitigate the impact of the proposed development. No storm water collection system shall be constructed unless it is designed in accordance with the City's Design Manual and Standard Construction Details by a licensed professional engineer, and unless it is reviewed and approved by the City Engineer.

All plans submitted to the City Engineer for approval shall include a layout of the drainage system together with supporting calculations for the design of the system.

3.9.2 EROSION AND SEDIMENTATION CONTROLS

All erosion and sedimentation controls shall conform to the Design Manual and Standard Construction Details, Stormwater Management Plan, City Ordinance, or EPA requirements, whichever is most stringent. For erosion and sedimentation control, the City uses the latest edition of Storm Water Quality Best Management Practices for Construction Activities in North Central Texas (by the NCTCOG), a copy of which is on file at the City.

3.9.3 PERMISSION REQUIRED

No person, individual, partnership, firm or corporation shall deepen, widen, fill, reclaim, reroute or change the course or location of any existing ditch, channel, stream or drainage way without first obtaining written permission of the City Engineer and any other applicable agency (such as FEMA or the U.S. Army Corps of Engineers) having jurisdiction. The City Engineer may, at his or her discretion, require preparation and submission of a flood study for a proposed development if there are concerns regarding storm drainage on the subject property or upstream or downstream from the subject property. The costs of such study, if required, shall be borne by the developer.

3.9.4 MINIMIZING CUT AND FILL

In order to help reduce storm water runoff, and resulting erosion, sedimentation and conveyance of non-point source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction. Development shall attempt to balance cut and fill required for the development.

3.9.5 PROHIBITION OF CROSS-STREET FLOW

No cross-street flow (i.e., perpendicular to traffic flow) of storm water runoff shall be permitted unless approved by the City Engineer. When and if such drainage flow is allowed, it must be across a concrete street (i.e., valley gutter) and as approved by the City Engineer.

3.9.6 RETENTION AND DETENTION

All storm water retention or detention facilities that are not located underground shall be designed using materials and techniques as established in the City's Design Manual and Standard Construction Details or as may be required by the City Engineer and shall be maintained by a Homeowners Association.

3.9.7 LABELING OF INLETS

Developer shall install on each storm inlet a permanent title, plaque or impression stating that this inlet discharges into a river, creek, etc. in order to discourage dumping of debris and toxics. (City shall adopt a design/logo for this purpose.)

3.10 RETAINING WALLS

3.10.1 RETAINING WALL REQUIREMENTS

In general, the use of retaining walls shall be minimized, wherever possible, through minimal and balanced cut and fill on property. When property within or directly adjacent to a subdivision contains changes in elevation exceeding two and one-half feet (2.5) and the slope exceeds one unit vertical in two units horizontal, a retaining wall shall be required at the locations specified herein prior to the acceptance of the subdivision:

- 1) Location A -- The grade change roughly follows a side or rear lot line.
- 2) Location B -- The grade change is adjacent to a proposed building site boundary.
- 3) Location C -- The grade change is adjacent to a water course or drainage easement.

Retaining walls shall not be constructed parallel to and/or within any portion of a utility easement.

3.10.2 RETAINING WALL DESIGN AND CONSTRUCTION

All retaining wall design and construction shall be in compliance with the provisions of the Building Code and the Design Manuals and Standard Construction Details of the City of Farmersville, and shall be approved by the Building Official.

3.10.3 RETAINING WALL MAINTENANCE

Retaining walls shall be maintained by the owner of the property where such retaining wall is located.

3.11 SCREENING, ENTRY FEATURES AND LANDSCAPING REQUIREMENTS

3.11.1 SCREENING REQUIRED

Where subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to an arterial thoroughfare (greater than sixty feet (60) in right-of-way width on the Thoroughfare Plan); a four (4) lane collector street; are separated from a thoroughfare by an alley; or back up to a collector or residential street (which is not allowed unless specifically approved by City Council), the developer shall provide, at his or her sole expense, screening according to the following alternatives and standards. All screening including columns and decorative features shall be adjacent to the right-of-way and fully located on the private lot(s), within a separate lot or within a landscape easement assigned to the Homeowners Association across several lots. All forms of screening shall conform to the requirements of City ordinances and policies that govern sight distance for traffic safety and meet the following requirements:

- 1) Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the City's Design Manuals and Standard Construction Details and other related City code(s) and policy(s).

- 2) A maintenance easement at least five feet (5) in width shall be dedicated to the Homeowners Association on the private lot side and adjacent to the screening wall or device.
- 3) The screening wall shall be installed prior to approval of the final plat and prior to final acceptance of the subdivision. Landscape materials may be installed before the subdivision is accepted, upon approval of the City Engineer.
- 4) All plants, such as trees, shrubs and ground covers, shall be maintained by a Homeowners Association meeting the requirements of Section 4.3, shall be living and in sound, healthy, vigorous and growing condition. All plant beds shall be irrigated, with meters charged to the Homeowners Association.
- 5) All masonry and steel screening wall plans and details must be designed and sealed by a Texas licensed professional engineer, and must be approved by the Building Official.
- 6) Required height of screening devices, including spans between columns, shall be a minimum of six feet (6) and shall be no more than eight feet (8) tall. Decorative columns, pilasters, stone caps, sculptural elements, and other features may exceed the maximum eight foot (8) height by up to two feet (2) for a total maximum height of ten feet (10) for these features, provided that such taller elements comprise no more than ten percent (10%) of the total wall length in elevation view. Features that are taller than ten feet (10) in height shall require City Council approval.
- 7) Screening walls and devices shall not be constructed within any portion of a utility easement unless specifically authorized by the City and other applicable utility provider.

3.11.2 ENTRYWAY FEATURES (NEIGHBORHOOD IDENTIFICATION)

Subdivisions may provide a landscaped entryway feature at access points from streets and thoroughfares into the subdivision. The entryway feature shall be placed on private property and within an easement identified for such use and shall observe all sight visibility requirements. All feature or landscaping shall be located on private property so that long-term maintenance responsibility will be borne by the property owner or an approved Homeowners Association (see Section 4.3). Entryway features that are located within City right-of-way shall only be allowed City Council approval and only with the execution of an agreement with the City that relieves the City of maintenance responsibility and that indemnifies and holds the City harmless for damage or injury incurred by or in conjunction with such features in the right-of-way.

- 1) Design Requirements -- The entryway feature shall include low maintenance, living landscaped materials as approved by the City Manager. The design of the entryway feature shall also include an automatic underground irrigation system, and may also include subdivision identification, such as signage located on the wall. All plants shall be living and in a sound, healthy, vigorous and growing condition, and they shall be of a size, fullness and height that is customary for their container or ball size, as per the latest edition of the "American Standard for Nursery Stock", by the American Association of Nurserymen, as may be amended. Any walls or structures used in the entryway feature

- 1) must conform to the City's regulations pertaining to maximum height within the front yard of residential lots (see the Zoning Ordinance) wherever the adjacent lot sides onto the arterial street and the wall will be located within the front yard setback area. The design of the entryway shall be in accordance with design policies in the City's Design Manuals and Standard Construction Details. The design of the entryway shall be reflected on the landscape and irrigation plans submitted along with the engineering plans and the preliminary plat, and shall be approved by the City Manager.
- 2) The maintenance of the entryway shall be the responsibility of the applicant for a period of at least two (2) years or until building permits have been issued for ninety percent (90%) of the lots in the subdivision, whichever event is later. Following that period of time, maintenance responsibility shall be borne by the private property owner(s) upon whose lot(s) the entryway feature is located, or by an approved Homeowners Association (see Section 4.3).

3.11.3 LANDSCAPING

All landscaping and landscape screening shall conform with the City's Zoning Ordinance, and as interpreted and approved by the City staff.

3.11.4 SIGNAGE

All signage used to identify subdivisions shall conform with the City's Sign Regulations.

3.12 PRIVATE UTILITY SERVICES

3.12.1 DEFINITIONS

For purposes of this section, the following meanings shall apply:

- 1) "Utility services" - The facilities of any person, firm or corporation providing electric, natural gas, telephone, cable television, or any other such item or service for public use approved but not necessarily provided by the City of Farmersville.
- 2) "Feeder line or feeder/lateral line" - High voltage supply electric lines that emanate from substations used to distribute power through an area to an unspecified number of customers.
- 3) "Lateral lines" - Those electric or telephone lines used to distribute power from a feeder line to a single subdivision. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.
- 4) "Service lines" - Those electric lines used to connect between the utilities' supply system or lateral lines and the end users meter box.

3.12.2 UNDERGROUND UTILITIES

All utilities, including electrical and communication lateral lines, shall be installed underground along Major and Principal 4-lane undivided streets, local collector streets and local streets, as indicated on the Thoroughfare Plan, unless approved by the City Engineer. Temporary electrical services may be placed above ground along Major and Principal 4-lane undivided streets, but must be placed underground as adjacent property develops. Electrical service lines for residential and non-residential properties from overhead distribution lines shall be placed underground from the right-of-way to the point of service. Nothing in this Section shall be construed to require any existing facilities in place prior to the effective date of this Ordinance to be placed underground.

- 1) Cost Recovery -- Nothing herein shall prohibit or restrict any utility company from recovering the difference in cost of overhead facilities and underground utilities from the property owner in accordance with the provisions of such utility's approved tariff. No utility company shall be required or permitted to begin construction of underground facilities unless and until the property owner or developer of the subdivision has made arrangements satisfactory to the specific utility company for the payment of such difference between the cost of overhead facilities and underground facilities, as approved by the City Engineer.
- 2) Support Equipment -- All electrical and telephone support equipment, including transformers, amplifiers and switching devices necessary for underground installations, shall be pad or ground-mounted, or shall be mounted underground and not overhead, unless the subdivision is served from perimeter overhead electrical facilities. Pad or ground-mounted utility equipment shall be completely screened from view of any public roadway, and shall not be located within any required visibility area, such as at street intersections or corners or at driveway openings or within City right-of-way.

3.12.3 EASEMENTS

The location, size and type of all private utility easements running over, across and through or otherwise serving the subdivision shall be identified on the final plat. Verification of acceptance of easement locations and widths by the utilities shall be provided to the City, by the applicant, prior to final plat approval by the City Council, and all easements shall be reviewed by the utility companies and by the City Engineer (for those to the City) prior to granting final approval for any residential subdivision affected by this Section.

3.12.4 LETTERS OF COMMITMENT

The applicant shall, prior to final plat approval, provide a Letter of Commitment from each utility provider stating that said utility providers will ensure the provision of necessary infrastructure and service to all portions of the proposed development prior to acceptance of the subdivision by the City. Failure to submit such Letters of Commitment from utility providers shall constitute grounds for denial of the final plat application on the basis that there is no written assurance that the development can be served by essential utility services.

3.12.5 METERING

Except for multi-family, condominium and mobile home park developments, the metering for utilities such as water, gas and electricity shall be located on the individual lots to be served, not grouped together in one or more centralized locations, in accordance with the Texas Administrative Code, (16 TAC), Section 24.89(a)(4).

3.12.6 LOCATION OF UTILITIES

Utilities along residential and collector streets shall be located in an alley or separate easements adjacent to the street rights-of-way. Street crossings shall be installed contemporaneously with the construction of the street to avoid disruption or boring.

3.12.7 INSTALLATION BEFORE ACCEPTANCE

All utilities shall be installed before the City accepts any subdivision.

3.13 EASEMENTS

3.13.1 MINIMUM WIDTH AND LOCATION

The minimum width for City easements shall be fifteen feet (15) or as otherwise required by the City Engineer. The minimum width for City drainage easements shall be as required by the City Engineer. The width of easements for other utility providers, such as for gas, electric, telephone or cable television, shall be as required by that particular entity. It shall be the applicant's responsibility to determine appropriate easement widths required by other utility companies (also see Section 3.12). Wherever possible, easements shall be centered on or along front or side lot lines rather than across the interior or rear of lots, particularly where no alleys will be provided behind the lots.

3.13.2 STORM WATER AND DRAINAGE EASEMENTS

Where a subdivision is traversed by a watercourse, drainage way or channel, there shall be provided a storm water easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the City Engineer, subject to determination according to proper engineering considerations. The required width shall conform to the requirements set forth by the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers, and/or the City. Single-loaded parallel streets or parkways may be required adjacent to certain portions of creek or drainage ways to provide maintenance access and/or public access to recreation areas (see Section 4.1.3). Other utilities may be permitted within the drainage easement only if approved by the City Engineer and any other applicable entity requiring the drainage easement.

3.13.3 EASEMENT TO BE KEPT CLEAR

No fences or other structures shall be located within a drainage easement.

3.13.4 SUBDIVISIONS WITH NO ALLEYS

Where alleys are not provided in a residential subdivision, a minimum fifteen foot (15) wide utility easement shall be provided along the front of all lots, adjacent to and flush with the street right-of-way line for the potential placement of utility facilities.

3.13.5 PLATTING REQUIRED

For new development, all necessary on-site easements shall be established on the subdivision plat and not by separate instrument, and they shall be labeled for the specific purpose, and to the specific entity, for which they are being provided. Examples include, but are not limited to, the following: a water, sanitary sewer or drainage easement, which is dedicated to the City for a water or sanitary sewer line or for a drainage structure; an access easement, which is dedicated to the public for unrestricted access purposes; a fire lane easement, which is dedicated to the City and its fire suppression and emergency medical service providers for access purposes; or an electrical, gas or telephone easement, which is dedicated to the specific utility provider that requires the easement.

Section 4 PARKS, OPEN SPACE AND PUBLIC FACILITIES

4.1 AREAS FOR PARKS AND PUBLIC USE

4.1.1 PARKS AND PUBLIC OPEN SPACE

The applicant shall give consideration to suitable sites for parks, playgrounds and other areas for public use so as to conform with the recommendations and requirements of the Comprehensive Plan. Any provision for parks and public open space areas shall be indicated on the preliminary and final plat, and shall be in accordance with the Zoning Ordinance, and subject to approval by City Council.

4.1.2 PARK LAND DEDICATION

- 1) Any person, firm, or corporation offering a preliminary or final plat for development of any area zoned and to be used for single-family, duplex, townhouse or multi-family residential purposes within the City shall include on such preliminary and final plat the dedication (to the City of Farmersville) of land for public park purposes.

The location and size of public parks within the City shall be as approved by the City Council. That determination shall be based upon existing circumstances at the time.

- 2) The dedicated land required hereby shall be suitable and dedicated for park and recreational purposes only. Such land shall be free of flood plain and major utility easements, and shall be suitable for appropriate recreational and leisure activities. Lands occupied by major utility easements and transmission lines shall not be accepted. Areas having environmentally sensitive ecosystems, attractive views, topographical interest or unique natural features shall be preferred and encouraged for park land dedication.
- 3) All subdivisions involving five (5) or more lots shall be subject to a dedication of five percent (5%) of the gross area of the subdivision to the public for use as parks, playgrounds, recreational areas, open spaces, or green areas. In cases where it appears that the property to be dedicated is not suitable for such purpose or purposes, the City Council may at its option, require the developer to deposit with the City of Farmersville an amount of money equivalent in value to five percent (5%) of the gross area, after any adjustment as described in the previous paragraph, of such proposed subdivision. In the event that the City Council elects to require the deposit of such monetary sum, the amount shall be calculated on the basis of the then current tax roll fair market value of the area included in such subdivision, immediately prior to the final platting and approval thereof by the City. In such cases, all monies derived from such sources shall be used by the City of Farmersville either for the acquisition of additional park sites, open spaces, or green areas in said City, or for capital improvements to existing parks, open spaces or

green areas, and no portion thereof may be used for maintenance to existing parks or for any other purpose.

4.1.3 PUBLIC PARK ACCESS

Park land shall be easily accessible to the public and open to public view so as to benefit area residents. A proposed subdivision adjacent to a public park or open space area shall not be designed to restrict reasonable access or visibility into the park and shall not have lots backing to the park land. Rather, the park land shall be placed along a single loaded street. Street connections between residential neighborhoods shall be provided, wherever possible, to provide reasonable access to parks and open space areas. Proposed access and public availability, both physical and visual, of parkland shall be reviewed and approved by the City's Park Board and by City Council.

4.2 PROTECTION OF DRAINAGE AND CREEK AREAS

4.2.1 NATURAL CONDITIONS

All creeks and drainage areas shall be preserved and protected in their natural condition wherever possible, unless significant storm drainage improvements are required by the City in these areas. All development adjacent to creeks and drainage areas shall be in accordance with the City's Design Manuals and Standard Construction Details, with applicable policies in the Comprehensive Plan, and with any other City policies or ordinances related to aesthetics or public enjoyment of creeks and waterways.

4.2.2 DEFINITIONS AND METHODOLOGY FOR DETERMINING THE FLOODWAY MANAGEMENT AREA (FMA)

The definitions for "floodway" and "floodway fringe" shall correspond to those set forth by the Federal Emergency Management Agency (FEMA). For purposes of the National Flood Insurance Program, the concept of a floodway is used as a tool to assist the local community in the aspect of flood plain management. Under this concept, the area of the 100-year flood is divided into a floodway and floodway fringe. The floodway is the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights as defined by FEMA. The area between the floodway and boundary of the 100-year flood is termed the floodway fringe. The floodway fringe is the area which can be used for development by means of fill according to FEMA and City engineering criteria.

For the purposes of this Ordinance, the Floodway Management Area (FMA) will correspond to the floodway fringe, as defined by FEMA (or as may be modified per a flood study approved by FEMA).

4.2.3 AREAS WHERE AN FMA IS REQUIRED

All drainage areas or regulated floodways and floodway fringe areas as referenced on the applicable flood boundary map (the Flood Insurance Rate Map, or FIRM) shall be included in the FMA. If FEMA does not specify a floodway fringe zone in any of the creeks or their tributaries, it shall be the developer's responsibility to establish and identify the FMA based upon fully developed conditions and the 100-year

flood. The determination shall be made by a licensed professional engineer and approved by the City Engineer. Where improvements to a drainage area are required by other ordinances of the City for the purpose of safety or other reasons related to drainage, those ordinances shall also be observed. The FMA is intended to apply to a creek or channel which is to remain open or in its natural condition. The creek shall remain in its natural state unless improvements are permitted or required by the City due to the pending development of properties adjacent to or upstream of the required improvements.

4.2.4 OWNERSHIP AND MAINTENANCE OF THE FMA

The area determined to be the FMA shall be designated on the preliminary and final plat. Approximate locations shall be shown on zoning change requests and concept plans -- accurate locations of the FMA shall be established on the preliminary and final plat and prior to site construction. At the City's option, the FMA shall be protected by one of the following methods:

- 1) Dedicated to the City of Farmersville for flood management purposes (flood areas shall not be dedicated for parks or recreation purposes); or
- 2) Easement(s). Creeks or drainageways on tracts which have private maintenance provisions, other than single- or two-family platted lots, can be designated as the FMAs by an easement to the City on the preliminary and final plat (with the appropriate plat language, as required by the City). Subdivisions with platted single-family or two-family lots may designate the FMA by easement provided there are adequate maintenance provisions through a mandatory homeowner's association, but no lots or portions of lots may be platted in the FMA easement unless specifically allowed by the City. The area designated as FMA may be identified by a tract number; or
- 3) Designation of the FMA for certain recreational uses normally associated with or adjacent to flood prone areas (no structures allowed in the FMA), such as golf courses or certain types of parks. The uses allowed shall be in conformance with the Zoning Ordinance and approved by the Planning and Zoning Commission and City Council. Use of the FMA as public parkland shall also require approval by the City's Park Board.

Prior to acceptance of any drainageway as an FMA by the City, the area shall be cleared of all debris and placed in a maintainable state. Floodway management areas dedicated to the City shall be left in a natural state except those areas designated for recreational purposes and unless storm drainage requirements do not permit this to occur.

4.2.5 DESIGN CRITERIA

The following design criteria shall be required for development adjacent to the FMA:

- 1) Adequate access shall be provided to and along the FMA for public and/or private maintenance. An unobstructed area a minimum of twenty feet (20') wide with a maximum 5:1 slope (five feet horizontal to one foot vertical), the length of the floodway shall be provided adjacent to or within the FMA on one side. On the opposite side of the

drainage area, an unobstructed area having a minimum width of five feet (5') shall be provided.

- 2) Lots in a single-family, PD single-family, or duplex residential zoning district shall not be platted within the FMA, and no more than fifty percent (50%) of the linear length of the FMA (on each side) shall be allowed to have lots backing or siding onto it. If lots back or side onto an FMA, at least two (2) points of access to the FMA, each a minimum of twenty feet (20') in width, shall be provided. Streets, alleys and open-ended cul-de-sacs may qualify as access points if designed such that they are navigable by maintenance vehicles (e.g., alleys must be at least twenty-foot (20) wide). All areas of the FMA shall be accessible from the access points and shall be visible from such access points. Lots used for multi-family dwellings may be platted in the FMA if the FMA is identified as an easement and is maintained as open space for use by the residents, and provided that access to the FMA is possible by City maintenance vehicles, should that need arise. If the FMA is to be public parkland, then adequate public access shall also be provided to the FMA.
- 3) Public streets may be approved in the FMA by the Planning and Zoning Commission and City Council (if they conform to applicable engineering standards).
- 4) Public streets may be required to be constructed adjacent to some (or all) portions of the FMA to allow access for maintenance or recreational opportunities, and/or to allow increased visibility into creek areas for public safety and security purposes.
- 5) Alternate designs to facilitate equal or better access may be permitted if approved by the Planning and Zoning Commission and City Council.
- 6) Drainage areas that have been altered and are not in a natural condition can be exempted from an FMA and this Section at the discretion of the City Council and upon recommendation by the Planning and Zoning Commission.

4.3 PROPERTY OWNERS OR HOMEOWNERS ASSOCIATIONS

4.3.1 APPLICABILITY

An incorporated nonprofit property owners or homeowners association (hereafter referred to collectively as Homeowners Association or Association) must be created when a subdivision contains either common open space or other improvements which are not intended to be dedicated to the City of Farmersville for public use, such as private streets, a private recreation facility, landscaped entry features, floodplains and drainage easements or other private amenities. The Homeowners Association shall also be responsible for the maintenance of all landscaping, buffering, screening, irrigation and associated improvements adjacent to residential subdivisions along public thoroughfares. The City is not responsible for enforcing deed restrictions or protective covenants.

4.3.2 REQUIRED PLANS AND DOCUMENTS

The City may require the following:

- 1) Plans and illustrations of the proposed amenities and/or common areas;
- 2) Cost estimates of construction, maintenance and operating expenses;
- 3) Association documents, deed restrictions, contracts and agreements pertaining to the amenities and/or common areas; and
- 4) Provision of surety as required for maintenance and other expenses related to the amenities and/or common areas.

4.3.3 APPROVAL REQUIRED

All amenities to be placed on land dedicated to the City, or involving the potential use of public funds for maintenance and operation shall require City Council approval prior to approval of the final plat. The City Council may deny any such amenity at its sole discretion.

4.3.4 COMPLETION

All amenities and/or common areas must be completed and in place prior to the City Engineer accepting the public improvements and prior to the final release of a Certificate of Occupancy and occupying of residential structures.

4.3.5 ESTABLISHMENT

Documents establishing the property owners' association shall be submitted to the city for review by the City Attorney for conformance with this and other applicable ordinances prior to the approval of a final plat. The documents shall specify:

- 1) That the membership in the association is mandatory for all owners of property within the subdivision;
- 2) All association responsibilities and property interests;
- 3) By-laws related to the governance of the association;
- 4) Covenants for maintenance assessments which run with the land;
- 5) Responsibility for liability insurance and local taxes;
- 6) Authority for the association to secure funds from its members sufficient to meet its responsibilities. This authority shall include the ability to collect dues, to increase dues, charge special assessments and place liens against property for failing to pay dues and assessments;
- 7) A requirement that the association shall provide and maintain contact information with the City Secretary's office;
- 8) The right of immediate access to common areas at all times for any governmental authority or agency, including but not limited to the City and the county, their agents and employees if necessary for the preservation of public health, safety and welfare;

- 9) A prohibition on amendments pertaining to the maintenance of private streets and alleys, amenities and/or common areas and related assessments without the written consent of the City Council;
- 10) A requirement that prohibits dissolution of the association without the prior written consent of the City Council; and
- 11) Other city requirements as applicable.

4.3.6 MAINTENANCE RESERVE FUND

Prior to the transfer of the association to the lot owners, the developer must provide a reserve fund equivalent to one (1) years dues based on full association membership.

4.3.7 PROPERTY ASSOCIATION ACTIVATION

Concurrent with the transfer of the association the developer must transfer to the association control over all utilities related to the property and amenities and/or storm water controls to be owned by the association. The developer must also disclose to the association the total cost to date related to the operation and maintenance of common property and amenities.

Section 5 REQUIREMENTS FOR COMPLETION, ACCEPTANCE AND MAINTENANCE OF IMPROVEMENTS

5.1 IMPROVEMENTS IN GENERAL

5.1.1 GENERAL REQUIREMENTS

The requirements of the Subdivision Ordinance as set forth below are designed and intended to ensure that, for all subdivisions of land within the scope of the Subdivision Ordinance, all improvements required herein are installed properly and:

- 1) The City can provide for the orderly and economical extension of public facilities and services;
- 2) All purchasers of property within the subdivision shall have a usable, buildable parcel of land; and
- 3) All required improvements are constructed in accordance with City standards.

5.1.2 COMPLIANCE WITH ADEQUATE PUBLIC FACILITIES POLICY

No subdivision shall be approved unless and until adequate public facilities exist or provision has been made for water facilities, wastewater facilities, drainage facilities, electricity and street facilities which are necessary to serve the development proposed, whether or not such facilities are to be located within the property being platted or off-site, as required by the Adequate Public Facilities policy in Section 3.1. Wherever the subject property abuts adjoining undeveloped land, or wherever required by the City to serve the public good, utilities shall be extended to adjacent property lines to allow connection of these utilities by adjacent property owners when such adjacent property is platted and/or developed.

5.1.3 REQUIRED PUBLIC IMPROVEMENTS

Public improvements that are required by the City of Farmersville for the acceptance of the subdivision by the City shall include, but are not limited to, the following:

- 1) Water and wastewater facilities;
- 2) Storm water drainage, collection and conveyance facilities;
- 3) Water quality, erosion and sedimentation controls;
- 4) Streets;
- 5) Street lights;
- 6) Street signs;
- 7) Alleys;
- 8) Sidewalks;
- 9) Screening and/or retaining walls;
- 10) Traffic control devices required as part of the project;
- 11) Gas, Electric, Cable, Phone utilities installed; and

- 12) All appurtenances necessary to the above, and any other public facilities required as part of the proposed subdivision.
- 13) All applicable fees, including but not limited to water and sewer impact fees, roadway impact fees, park fees, pro rata payments, escrow funds for infrastructure, security and maintenance bonds.

5.1.4 COMPLIANCE WITH STANDARDS, CODES AND ORDINANCES

All aspects of the design and implementation of public improvements shall comply with the City's then current design standards and any other applicable City codes and ordinances, including preparation and submittal of engineering plans and construction inspection. The construction of all of the improvements required in this Ordinance shall conform to the latest edition of the City's Design Manuals and Standard Construction Details, as may be amended, and to any other applicable City standards.

5.1.5 CHANGES OR AMENDMENTS TO THE DESIGN MANUALS AND STANDARD CONSTRUCTION DETAILS AND OTHER CONSTRUCTION OR DESIGN DOCUMENTS

The Design Manuals and Standard Construction Details will, from time to time, require revisions and updates to allow for changing construction technology. When changes are required, the Design Manuals and Standard Construction Details may be amended by separate ordinance. It is the applicant's responsibility to be aware of, and to conform with, all Design Manuals and Standard Construction Details requirements (including amendments) that are in place as of the time a complete development application for a preliminary plat (including required engineering/construction plans) is received by the City.

5.2 WATER AND WASTEWATER REQUIREMENTS

5.2.1 GENERAL REQUIREMENTS

No final plat shall be approved for any subdivision within the City or its extraterritorial jurisdiction until the applicant has made adequate provision for a water system and a sanitary sewer system of sufficient capacity to adequately provide service to all tracts and lots within the area to be subdivided. The design and construction of the water system and of the sanitary sewer system to serve the subdivision shall be in conformance with the City's master plans for water and wastewater facilities and with the City's Design Manuals and Standard Construction Details, and shall be approved by the City Engineer (see also Section 3.8).

5.2.2 SIZE AND LOCATION

A water system with mains of sufficient size and having a sufficient number of outlets to furnish adequate and safe domestic water supply and to furnish fire protection to all lots shall be provided. Water lines shall extend to the property line to allow future connections into adjacent undeveloped property, and a box for the water meter(s) for each lot shall be installed either in the right-of-way or immediately adjacent to the right-of-way in an easement. Services for utilities shall be made available to the property line of

each lot in such a manner as will minimize the necessity for disturbing the street pavement and drainage structures when connections are made.

5.2.3 FIRE PROTECTION

Fire protection shall be provided in accordance with Section 3.8 of this Ordinance, the City's Design Manuals and Standard Construction Details Manual, and any other City policy or ordinance pertaining to fire protection or suppression. The Fire Chief shall have the authority to approve the locations and placement of all fire hydrants and fire lanes and he or she may, at his or her discretion, modify fire hydrant spacing or fire lane placement based upon special design or distance circumstances.

5.3 STORM DRAINAGE AND WATER QUALITY CONTROLS

5.3.1 ADEQUACY OF SYSTEM

An adequate storm sewer system consisting of inlets, pipes and other underground structures with approved outlets shall be constructed where runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions or inadvertent storm water retention, such as standing or pooling water, as determined by the City Engineer, will not be considered for development until adequate drainage has been provided.

5.3.2 DESIGN CRITERIA

The criteria for use in designing storm sewers, culverts, bridges, drainage channels, and drainage facilities shall conform to Section 3.9 of this Ordinance. In no case shall drainage areas be diverted artificially to adjacent properties or across roadways. Storm water drainage from one lot onto another shall not be allowed unless such does not pose any harm or inconvenience to the downstream property owner(s), unless specifically approved by the City Engineer, and unless the necessary off-site drainage easement is procured on and across the affected property(s).

5.3.3 DEVELOPER'S MAINTENANCE RESPONSIBILITIES

The developer shall ensure that all drainage improvements within public easements or rights-of-way are functioning properly prior to the expiration of the maintenance bond. The developer shall be responsible for removing any significant build-up of sediment or debris from drainage improvements, with the exception of backyard and side yard drainage swales, at the eleventh month of the second year for the required two-year maintenance bond for the applicable facilities. The City shall inspect the improvements to determine any maintenance or correction of deficiencies at the conclusion of this period.

5.4 WITHHOLDING CITY SERVICES AND IMPROVEMENTS UNTIL ACCEPTANCE

5.4.1 DEDICATION AND ACCEPTANCE REQUIRED

The City hereby defines its policy to be that the City will withhold all City services and improvements of whatsoever nature, including the maintenance of streets and the furnishing of all other City services from

any subdivision or property until all of the street, utility, storm drainage and other public improvements, as well as lot improvements such as retaining walls and grading and installation of improvements required for proper lot drainage and prevention of soil erosion on the individual residential lots, are properly constructed according to the approved engineering plans and to City standards, and until such public improvements are dedicated to and accepted by the City.

5.5 GUARANTEE OF PUBLIC IMPROVEMENTS

5.5.1 PROPERTY OWNERS GUARANTEE

Before accepting for filing the final plat of a subdivision located entirely or partially within the City's corporate limits or its extraterritorial jurisdiction, the City Council must be satisfied that all required public improvements have been (or will be) constructed in accordance with the approved engineering plans and with the requirements of this Ordinance as well as the City's Thoroughfare Plan, master plans for water and wastewater facilities, Design Manuals and Standard Construction Details and other applicable development ordinances.

5.5.2 FACILITIES AGREEMENT AND GUARANTEE

A developer shall be required to enter into an agreement with the City which shall govern his subdivision if there are pro rata payments, city participation in cost, escrow deposits or other future considerations, other nonstandard development regulations or if all public improvements required to be dedicated to the City will be not completed prior to acceptance of the final plat for filing, or filing the record plat, minor plat, or final plat in the county records. This agreement shall be based upon the requirements of this chapter; and shall provide the City with specific authority to complete the improvements required in the agreement in the event of default by the developer, and to recover the full legal costs of such measures. The City may subordinate its facilities agreement to the prime lender if provided for in said agreement.

The facilities agreement shall be a legally binding agreement between the City and the developer specifying the individual and joint responsibilities of both the City and the developer. Unusual circumstances relating to the subdivision shall be considered in the facilities agreement such that the purpose of this chapter is best served for each particular subdivision. The developer shall include in such an agreement a hold harmless and indemnity clause agreeing to hold the City harmless against any claim arising out of the developer's subdivision of the property or any actions taken therein.

In the event of a disagreement between the developer and the City Manager or the City Engineer concerning stipulations of the facilities agreement, the City Council shall review said stipulations and make recommendation for resolving the disagreement.

The developer shall have a continuing responsibility under this facilities agreement after the filing of the record plat, minor plat, or final plat until all facilities and improvements required under this facilities agreement have been completed. It is the Council's intent that the facilities agreement shall place the City in the same position that it would occupy had the required adequate public facilities been designed, constructed and accepted by the City prior to recording the plat for the subdivision in question. When the construction of required improvements has proceeded to the point that certain parts of the

subdivision are adequately served, the City Engineer may release specified portions of the subdivision for use prior to the completion of all improvements, unless the release of such improvements will jeopardize or hinder the continued construction of required improvements. Any facilities agreement shall remain in force for all portions of the subdivision for which a release has not been executed.

The City Council may determine the duration of the facilities agreement. The City Council may also require the property owner to complete or dedicate some of the required public improvements prior to acceptance of the final plat, and to enter into a facilities agreement for completion of the remainder of the required improvements. The facilities agreement shall also contain such other terms and conditions as are agreed to by the property owner and the City.

5.5.3 IMPROVEMENT AGREEMENT REQUIRED FOR OVERSIZE REIMBURSEMENT

The City shall require a facilities agreement pertaining to any public improvement for which the developer shall request reimbursement from the City for oversize costs. The City Council, as it deems appropriate, has the authority to authorize the approval of such agreement as meeting the requirements of the City, and the City shall not withhold approval as a means of avoiding compensation due under the terms of this Ordinance.

5.5.4 SECURITY

Whenever the City permits an applicant to enter into a facilities agreement, it shall require the applicant to provide sufficient security, covering the completion of the public improvements. The security shall be in the form of cash escrow or, where authorized by the City, a performance bond or an irrevocable letter of credit or other security acceptable to the City Manager and the City Attorney, as security for the promises contained in the improvement agreement. Security shall be in an amount equal to one hundred twenty percent (120%) of the estimated cost of completion of the required public improvements and lot improvements. The issuer of any surety bond and irrevocable letter of credit shall be subject to the approval of the City Manager and the City Attorney.

5.5.5 PERFORMANCE BOND

If the City Council authorizes the applicant to post a performance bond as security for its promises contained in the improvement agreement, the performance bond shall comply with the following requirements:

- 1) All performance bonds must be in the forms acceptable to the City Manager and the City Attorney;
- 2) All performance bonds must be executed by such sureties as are named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", as published in Circular 570, as may be amended, by the Financial Management Service, Surety Bond Branch, U.S. Department of the Treasury;
- 3) All performance bonds must be signed by an agent, and must be accompanied by a certified copy of the authority for him or her to act;

- 4) All performance bonds shall be obtained from surety or insurance companies that are duly licensed or authorized in the State of Texas to issue performance bonds for the limits and coverage required.

If the surety on any performance bond furnished by the applicant is declared bankrupt, or becomes insolvent, or its right to do business is terminated in the State of Texas, or the surety ceases to meet the requirements listed in Circular 570, the developer shall, within twenty (20) calendar days thereafter, substitute another performance bond and surety, both of which must meet the foregoing requirements and be acceptable to the City.

5.5.6 IRREVOCABLE LETTER OF CREDIT

If the City Council authorizes the applicant to post a letter of credit as security for its promises contained in the improvement agreement, the letter of credit shall:

- 1) Be irrevocable;
- 2) Be for a term sufficient to cover the completion, maintenance and warranty periods, but in no event less than two (2) successive one year terms;
- 3) Require only that the City present the issuer with a sight draft and a certificate signed by an authorized representative of the City certifying to the City's right to draw funds under the letter of credit; and
- 4) Be issued by a financial institution that allows presentment in person by the City within the physical area covered by the North Central Texas Council of Governments.

5.5.7 PARTIAL REDUCTION IN SECURITY

As portions of the public improvements are completed in accordance with the Design Manuals and Standard Construction Details and the approved engineering plans, the applicant may make written application to the City Manager to reduce the amount of the original security. If the City Manager is satisfied that such portion of the improvements has been completed in accordance with City standards, he or she may, but is not required to, cause the amount of the security to be reduced by such amount that he or she deems appropriate, so that the remaining amount of the security adequately insures the completion of the remaining public improvements.

5.5.8 GUARANTEE

The developer shall guarantee all public improvements free of defects for a two (2) year period from the date of acceptance of said improvements by the City. Upon acceptance by the City of all required public improvements, the City shall reimburse 100% of the security if the applicant is not in breach of the facilities agreement.

5.6 TEMPORARY IMPROVEMENTS

The applicant shall build and pay for all costs of temporary improvements required by the City, and shall maintain those temporary improvements for the period specified by the City. Prior to construction of any temporary facility or improvement, the applicant shall file with the City a separate facilities agreement and escrow or, where authorized, an irrevocable letter of credit, in an appropriate amount for temporary facilities, which agreement and escrow or letter of credit shall ensure that the temporary facilities will be properly constructed, maintained and timely removed.

5.7 FAILURE TO COMPLETE IMPROVEMENTS

For plats for which no facilities agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the City, the plat approvals shall be deemed to have expired. In those cases where a facilities agreement has been executed and security has been posted, and the required public improvements have not been installed within the terms of the agreement, the City may:

- 1) Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
- 2) Suspend final plat approval until the public improvements are completed, and may record a document to that effect for the purpose of public notice;
- 3) Obtain funds under the security and complete the public improvements itself or through a third party;
- 4) Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the property as reflected in a facilities agreement with the subsequent owner; or
- 5) Exercise any other rights or remedies available under the law.

5.8 ACCEPTANCE OF DEDICATION OFFERS

Acceptance of formal offers for the dedication of streets, public areas, easements or parks shall be by authorization of the City Manager. The approval by the City Council of a preliminary or final plat shall not, in and of itself, be deemed to constitute or imply the acceptance by the City of any street, public area, easement or park shown on the plat. The City may require the plat to be endorsed with appropriate notes to this effect.

5.9 MAINTENANCE AND GUARANTEE OF PUBLIC IMPROVEMENTS

5.9.1 TWO (2) YEAR MAINTENANCE PERIOD

The property owner shall maintain all required public improvements for a period of two (2) years following acceptance of the subdivision by the City, and shall also provide a two-year maintenance bond (warranty) that all public improvements will be free from defects for a period of two (2) years following such acceptance by the City.

5.10 CONSTRUCTION PROCEDURES

5.10.1 SITE DEVELOPMENT PERMIT

A site development permit is required from the City prior to beginning any site development-related work in the City or its extraterritorial jurisdiction which affects erosion control, storm drainage, vegetation or tree removal, or a flood plain.

5.10.2 PRECONSTRUCTION CONFERENCE

The City shall require that all contractors participating in the construction meet for a preconstruction conference to discuss the project prior to release of a grading permit and before any filling, excavation, clearing or removal of vegetation and trees that are larger than six (6) caliper inches in diameter. All contractors shall be familiar with and shall conform to applicable provisions of the City's landscape ordinance (Farmersville Zoning Ordinance).

5.10.3 CONDITIONS PRIOR TO AUTHORIZATION

Prior to authorizing release of a site development permit, the City Engineer shall be satisfied that the following conditions have been met:

- 1) The preliminary plat has been approved by the City Council (and any conditions of such approval have been satisfied);
- 2) All required engineering documents are completed and approved by the City Engineer;
- 3) All necessary off-site easements and dedications required for City-maintained facilities and not shown on the plat must be conveyed solely to the City, such as by filing of a separate instrument, with the proper signatures affixed. The original of the documents and the appropriate fees for filing the documents meeting Collin or Hunt County requirements, and the City's submission guidelines, as may be amended from time to time shall be returned to the City prior to approval and release of the engineering plans by the City Engineer;
- 4) All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of release of the City Engineer, and at least one set of these plans shall remain on the job site at all times;

- 5) A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City; and
- 6) All applicable fees must be paid to the City.

5.10.4 NON-POINT SOURCE POLLUTION CONTROLS AND TREE PROTECTION

All non-point source pollution controls, erosion controls, and tree protection measures and devices shall be in place, to the City Engineers satisfaction, prior to commencement of construction on any property.

5.11 INSPECTION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

5.11.1 GENERAL PROCEDURE

Construction inspection shall be supervised by the City Engineer. Construction shall be in accordance with the approved engineering plans and the Design Manuals and Standard Construction Details of the City of Farmersville (and all other applicable codes and ordinances). Any change in design that is required during construction should be made by the licensed professional engineer whose seal and signature are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans, and if those revisions are noted on the plans or documents and signed and sealed by the subsequent engineer(s). All revisions shall be approved by the City Engineer. If the City Engineer finds, upon inspection, that any of the required public improvements have not been constructed in accordance with the City's standards and Design Manuals and Standard Construction Details, then the property owner shall be responsible for completing and correcting the deficiencies such that they are brought into conformance with the then applicable standards.

5.11.2 LETTER OF SATISFACTORY COMPLETION

The City will not deem required public improvements satisfactorily completed until the applicant's engineer and surveyor have certified to the City Engineer, through submission of detailed sealed "as-built", or record, drawings of the property which indicate all public improvements and their locations, dimensions, materials and other information required by the City Engineer, and until all required public improvements have been completed. The "as-builts" shall also include a complete set of sealed record drawings of the paving, drainage, water, sanitary sewer and other public improvements, showing that the layout of the lines and grades of all public improvements are in accordance with the engineering plans for the plat, and showing all changes made in the plans during construction, and containing on each sheet an "as-built" stamp bearing the signature and seal of the licensed professional engineer and the date. One reproducible drawing of the utility plan sheets containing the as-built information shall also be submitted. The engineer or surveyor shall also furnish the City with a copy of the approved final plat and the engineering plans in a digital format that is compatible with the City Engineer's CADD system. When such requirements have been met to the City Engineers satisfaction, the City Manager shall thereafter make a recommendation to the City Council for consideration of satisfactory completion of the public improvements. Once the City Council votes its approval of satisfactory completion, the City Engineer shall issue the Letter of Satisfactory Completion.

Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the City for use and maintenance. The City Council may, at its option, accept dedication of a portion of the required public improvements if the remaining public improvements are not immediately required for health and safety reasons, and if the property owner has posted a performance bond, irrevocable letter of credit or cash bond in the amount of one hundred twenty percent (120%) of the estimated cost of those remaining improvements for a length of time to be determined by the City Council. If the value of the remaining public improvements is greater than ten thousand dollars (\$10,000.00) and are not completed within the determined length of time, the City will impose a penalty that equals ten percent (10%) of the performance bond, letter of credit, or cash bond. The obligation to complete the improvements remains with the developer, and all future building permits or certificates of occupancy will be withheld until the improvements are complete. If the remaining public improvements are less than ten thousand dollars (\$10,000.00) in value, the developer shall pay the actual dollar amount. The length of time may be extended due to inclement weather or unforeseen delays by mutual agreement between the developer and the City.

Upon acceptance of the required public improvements, the City Engineer shall submit a certificate to the developer stating that all required public improvements have been satisfactorily completed.

5.12 DEFERRAL OF REQUIRED IMPROVEMENTS

5.12.1 APPROVAL REQUIRED

The City Council may, upon petition of the property owner and favorable recommendation of the City Engineer, defer at the time of plat approval, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not required in the immediate interests of the public health, safety and general welfare.

5.12.2 FACILITIES AGREEMENT

Whenever a petition to defer the construction of any public improvements required under this Ordinance is granted by the City Council, the property owner shall execute a facilities agreement in accordance with the preceding provisions in this chapter regarding facilities agreements.

5.13 ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

5.13.1 GENERAL REQUIREMENTS

No building permit shall be issued for a lot, building site, building or use of a lot or building unless the lot or building site has been officially recorded by a final plat approved by the City Council, and unless all public improvements, as required by this Ordinance for final plat approval have been completed.

Section 6 PARTICIPATION AND ESCROW

6.1 PARTICIPATION POLICIES

6.1.1 CITY'S SHARE OF IMPROVEMENT COSTS

The city shall participate in the costs of public improvements which are not for the primary benefit of the development and which have been oversized to serve other developments only to the extent and according to the standards and requirements of the Design Manuals and Construction Standards and of the requirement of the Texas Local Government Code. All city participation is subject to a Development Agreement entered into between the City and the owner.

6.1.2 OWNER'S RESPONSIBILITY

The property owner shall be responsible for the entire costs of designing and installing all public improvements which primarily serve the subdivision or addition. Facilities required by these regulations shall be considered as primarily serving the subdivision or addition unless otherwise determined by the city.

6.1.3 OVERSIZED OR OFFSITE IMPROVEMENT

The property owner shall also be responsible for its share of the costs of oversized or offsite public improvements needed to assure adequacy of public facilities and services for the addition or subdivision, subject to participation and escrow policies contained in this article. The property owner shall be responsible for extending streets, water, sewer or drainage facilities offsite to his property as required by the Commission and/or required to ensure adequacy of public facilities.

6.1.4 PRO RATA

Should the subdivision or addition abut an existing water or sanitary sewer line installed by someone other than the city, the owner shall pay to the city a "Developers Liability" charge to be refunded to the original installer of the line, as prescribed by the Pro Rata ordinance of the city.

6.1.5 LIFT STATIONS

Should a lift station, either temporary or permanent, be necessary to provide a sanitary sewer service to the subdivision or addition, the property owner shall construct the station and all appurtenances, at his own expense. If and when the lift station is no longer needed, the installation will, unless other provisions are made, remain the property of the City of Farmersville for reuse or disposal. A "Developers Liability" charge for such lift stations and appurtenances may be established as prescribed in the ProRata Ordinance of the city.

6.1.6 LIMITATIONS AND EXCEPTIONS

The city shall not participate in the following costs:

- 1) Those portions of the costs of any public improvements not expressly authorized by the Design Manuals and Construction Standards;
- 2) Costs of clearing and grubbing for streets and thoroughfares;
- 3) Costs of constructing streets build wider than called for in the Thoroughfare Plan;
- 4) Costs of lights, decorative finishes or other similar expenses, unless required by the City Engineer;
- 5) Costs of pipe or box culverts, headwalls (regardless of size), or the costs of retention/detention ponds or slope protection;
- 6) Costs of detours, pavement transitions and cross-overs;
- 7) Costs of relocating or adjusting private utility company facilities;
- 8) Costs of underground box culverts not require by the City

6.2 ESCROW POLICIES AND PROCEDURES.

6.2.1 REQUEST FOR ESCROW

Whenever this Ordinance requires a property owner to construct a street or thoroughfare, or other type of public improvement, the property owner may, if there exists unusual circumstances, such as a timing issue due to pending roadway improvements by another agency such as TxDOT or Collin or Hunt County, that would present undue hardships or that would impede public infrastructure coordination or timing, petition the City to construct the street or thoroughfare, usually at a later date, in exchange for deposit of escrow as established in this Section. If more than one street or thoroughfare must be constructed to meet adequacy requirements for roadways, as demonstrated by a traffic impact analysis, the City Engineer may prioritize roadways for which escrow is to be accepted and require the deposit of all funds attributable to the development in escrow accounts for one or more of such affected roadways. The City Council shall review the particular circumstances involved (a traffic impact analysis may be required to facilitate the City Councils deliberations on the matter), and shall determine, at its sole discretion, whether or not provision of escrow deposits will be acceptable in lieu of the property owner's construction of the street or thoroughfare with his or her development.

6.2.2 ESCROW DEPOSIT WITH THE CITY

Whenever the City shall agree to accept escrow deposits in lieu of construction by the owner of the property under this Ordinance, the property owner or developer shall deposit in escrow with the City an amount equal to one hundred twenty percent (120%) of the costs of design, construction, permits, reviews and approvals, inspections, insurance, payment and performance bonds, maintenance bonds, and any additional land acquisition costs. Such amount shall be paid prior to release of the engineering plans by the City Engineer. The property owner and the property owner's transferees, successors and assigns shall be jointly and severally liable or responsible to the City for any and all costs related to the design and construction of the required roadway or public improvement that exceed the amount escrowed.

6.2.3 DETERMINATION OF ESCROW AMOUNT

The amount of the escrow shall be determined by using the maximum comparable turnkey bid price of construction of the improvements (including design, permits, reviews and approvals, inspections and any additional land acquisition that may be needed). Such determination of the escrow amount shall be made as of the time the escrow is due hereunder.

6.2.4 TERMINATION OF ESCROW

Escrows which have been placed with the City under this Section or in accordance with previously approved street improvement policies, and which have been held for a period of twenty (20) years from the date of such payment or agreement, in the event that the City has not authorized the preparation of plans and specifications for construction of such roadway facilities for which the escrow was made, shall, upon written request, be returned to the current property owner, with any accrued interest. Such return does not remove any obligations of the property owner for construction of the required facilities if a building permit has not been issued on the subject lot or if a new application for a building permit is filed.

6.2.5 REFUND

If any street or highway for which escrow is deposited is constructed by a party other than the City, or is reconstructed by another governmental authority at no cost to the City, the escrowed funds and accrued interest shall be refunded to the current property owner or applicant who originally paid the escrow amount after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the City and the other portion of the cost by another party or governmental authority, the difference between the property owner's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.

6.2.6 INTEREST LIMITATION

If money is refunded within six (6) months of deposit, only the principal will be refunded. Monies returned after this date will be refunded with interest accrued, calculated at one percent (1%) less than the rate of actual earnings. Existing funds, collected for previous subdivision development such as Perimeter Street funds, shall be refunded as stated in Subsection 6.2.4 above, principle and earned interest.

6.2.7 AGREEMENT REQUIREMENTS

An agreement and escrow of funds pursuant to this Section shall meet all of the requirements regarding a facilities agreement as set forth in Section 5.12.2.

VI. Reading of Ordinances

Agenda Section	Reading of Ordinances
Section Number	VI.A
Subject	Consider, discuss and act upon the second reading of Ordinance #O-2018-0313-002 approving a tariff authorizing an annual rate review mechanism as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corp., Mid-Tex Division and the Steering Committee of Cities served by Atmos; requiring the company to reimburse cities' reasonable ratemaking expenses.
To	Mayor and Council Members
From	Ben White, City Manager
Date	March 27, 2018
Attachment(s)	Ordinance #O-2018-0313-002
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

**CITY OF FARMERSVILLE
ORDINANCE #O-2018-0313-002**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM ("RRM") AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

WHEREAS, the City of Farmersville, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City and similarly-situated Atmos Mid-Tex municipalities created the Steering Committee of Cities Served by Atmos ("Steering Committee") to efficiently address all rate and service matters associated with delivery of natural gas; and

WHEREAS, the Steering Committee formed an Executive Committee to direct legal counsel and to recommend certain specific actions to all aligned Atmos Mid-Tex Cities through resolution or ordinance; and

WHEREAS, pursuant to the terms of a November 2007 agreement between the Steering Committee and Atmos Mid-Tex that settled the Company's interim rate filing under Section 104.301 of the Texas Utilities Code (a "GRIP" rate case), the Steering Committee and the Company collaboratively developed a Rate Review Mechanism ("RRM") Tariff, ultimately authorized by the City in 2008, that allows for an expedited rate review process as a substitute for the GRIP process; and

WHEREAS, the City has kept some form of a RRM Tariff in place until 2017 when it adopted an ordinance approving an RRM Tariff filing settlement and specifically calling for termination of the existing RRM Tariff and negotiation of a replacement RRM Tariff following the Railroad Commission's decision in a then-pending Atmos Texas Pipeline case (GUD No. 10580); and

WHEREAS, the Steering Committee's Executive Committee has recently approved a settlement with the Company on the attached RRM Tariff that contains certain notable improvements, from a consumer perspective, over the prior RRM Tariff, including a reduced rate of return on equity, acceptance of certain expense adjustments made by the

Railroad Commission in the Order in GUD No. 10580, and the addition of two months to the time for processing a RRM Tariff application; and

WHEREAS, the RRM Tariff contemplates reimbursement of Cities' reasonable expenses associated with RRM Tariff applications; and

WHEREAS, the Steering Committee's Executive Committee recommends that all Steering Committee member cities adopt this ordinance and the attached RRM Tariff; and

WHEREAS, it has been agreed that the attached RRM Tariff is just, reasonable and in the public interest.

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

Section 1. INCORPORATION OF FINDINGS

The findings set forth in this Ordinance are hereby in all things approved.

Section 2. RRM TARIFF ADOPTED

The attached RRM Tariff re-establishing a form of Rate Review Mechanism is just and reasonable and in the public interest and is hereby adopted.

Section 3. ATMOS MID-TEX TO REIMBURSE CERTAIN REASONABLE EXPENSES

Atmos Mid-Tex shall reimburse the Cities' reasonable expenses associated with adoption of this Ordinance and the attached RRM Tariff and in processing future RRM Tariff applications filed pursuant to the attached tariff.

Section 4. REPEALER CLAUSE

To the extent any resolution or ordinance previously adopted by the City is inconsistent with this Ordinance, it is hereby repealed.

Section 5. APPROVED AT AN OPEN MEETING

The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. SEVERABILITY

If any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, and the remaining provisions of this Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. EFFECTIVE DATE

This Ordinance shall become effective from and after its passage as provided by law.

Section 8. DIRECTION TO CITY SECRETARY

The City Secretary is hereby directed to send a copy of this Ordinance to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, Mid-Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to Mid-Tex Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED on first reading on the 13th day of March, 2018, and second reading on the ____ day of _____, 2018 at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS ____ DAY OF _____, 2018.

APPROVED:

BY: _____
Diane C. Piwko
Mayor

ATTEST:

Sandra Green
City Secretary

APPROVED AS TO FORM AND LEGALITY:

Alan D. Lathrom
City Attorney

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 1

I. Applicability

Applicable to Residential, Commercial, Industrial, and Transportation tariff customers within the city limits of cities identified in Exhibit A that receive service from the Mid-Tex Division of Atmos Energy Corporation ("Company"). This Rate Review Mechanism ("RRM") provides for an annual adjustment to the Company's Rate Schedules R, C, I and T ("Applicable Rate Schedules"). Rate calculations and adjustments required by this tariff shall be determined on a System-Wide cost basis.

II. Definitions

"Test Period" is defined as the twelve months ending December 31 of each preceding calendar year.

The "Effective Date" is the date that adjustments required by this tariff are applied to customer bills. The annual Effective Date is October 1.

Unless otherwise provided in this tariff the term Final Order refers to the final order issued by the Railroad Commission of Texas in GUD No. 10170 and elements of GUD No. 10580 as specified in Section III below.

The term "System-Wide" means all incorporated and unincorporated areas served by the Company.

"Review Period" is defined as the period from the Filing Date until the Effective Date.

The "Filing Date" is as early as practicable, but no later than April 1 of each year.

III. Calculation

The RRM shall calculate an annual, System-Wide cost of service ("COS") that will be used to adjust applicable rate schedules prospectively as of the Effective Date. The Company may request recovery of its total cost of service but will include schedules showing the computation of any adjustments. The annual cost of service will be calculated according to the following formula:

$$\text{COS} = \text{OM} + \text{DEP} + \text{RI} + \text{TAX} + \text{CD}$$

Where:

OM = all reasonable and necessary operation and maintenance expenses from the Test Period adjusted for known and measurable items and prepared

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

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consistent with the rate making treatments approved in the Final Order. Incentive compensation (Management Incentive Plan, Variable Pay Plan and Long Term Incentive Plan) related to Atmos' Shared Services Unit will be applied consistent with treatment approved in GUD 10580. Additionally, O&M adjustments will be incorporated and applied as modified by a final order, not subject to appeal, issued by the Railroad Commission of Texas in subsequent rate cases involving the Atmos Mid-Tex or West Texas divisions. Known and measurable adjustments shall be limited to those changes that have occurred prior to the Filing Date. OM may be adjusted for atypical and non-recurring items. Shared Services allocation factors shall be recalculated each year based on the latest component factors used during the Test Period, but the methodology used will be that approved in the Final Order in GUD 10580.

DEP = depreciation expense calculated at depreciation rates approved by the Final Order. Additionally, if depreciation rates are approved in a subsequent final order, not subject to appeal, issued by the Railroad Commission of Texas for the Mid-Tex division those rates would be applicable for subsequent RRM filings.

RI = return on prudently incurred investment calculated as the Company's pretax return multiplied by rate base at Test Period end. Rate base is prepared consistent with the rate making treatments approved in the Final Order, and as in GUD 10580 as specifically related to capitalized incentive compensation (Management Incentive Plan, Variable Pay Plan and Long Term Incentive Plan) for Atmos' Shared Services Unit. However, no post Test Period adjustments will be permitted. Additionally, adjustments will be incorporated and applied as modified by a final order, not subject to appeal, issued by the Railroad Commission of Texas in subsequent rate cases involving the Atmos Mid-Tex or West Texas divisions. Pretax return is the Company's weighted average cost of capital before income taxes. The Company's weighted average cost of capital is calculated using the methodology from the Final Order including the Company's actual capital structure and long term cost of debt as of the Test Period end (adjusted for any known and measurable changes that have occurred prior to the filing date) and the return on equity of 9.8%. However, in no event will the percentage of equity exceed 58%. Regulatory adjustments due to prior regulatory rate base adjustment disallowances will be maintained. Cash working capital will be calculated using the lead/lag days approved in the Final Order. With respect to pension and other postemployment benefits, the Company will record a regulatory asset or liability for these costs until the amounts are included in the next annual rate adjustment implemented under this tariff. Each year, the Company's filing under this Rider RRM will clearly state the level of pension

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
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EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 3

and other postemployment benefits recovered in rates.

TAX = income tax and taxes other than income tax from the Test Period adjusted for known and measurable changes occurring after the Test Period and before the Filing Date, and prepared consistent with the rate making treatments approved in the Final Order. Atmos Energy shall comprehensively account for, including establishing a regulatory liability to account for, any statutory change in tax expense that is applicable to months during the Test Period in the calculation to ensure recovery of tax expense under new and old income tax rates.

CD = interest on customer deposits.

IV. Annual Rate Adjustment

The Company shall provide schedules and work papers supporting the Filing's revenue deficiency/sufficiency calculations using the methodology accepted in the Final Order. The result shall be reflected in the proposed new rates to be established for the effective period. The Revenue Requirement will be apportioned to customer classes in the same manner that Company's Revenue Requirement was apportioned in the Final Order. For the Residential Class, 50% of the increase may be recovered in the customer charge. However, the increase to the Residential customer charge shall not exceed \$0.60 per month in the initial filing and \$0.70 per month in any subsequent year. The remainder of the Residential Class increase not collected in the customer charge will be recovered in the usage charge. For all other classes, the change in rates will be apportioned between the customer charge and the usage charge, consistent with the Final Order. Test Period billing determinants shall be adjusted and normalized according to the methodology utilized in the Final Order.

V. Filing

The Company shall file schedules annually with the regulatory authority having original jurisdiction over the Company's rates on or before the Filing Date that support the proposed rate adjustments. The schedules shall be in the same general format as the cost of service model and relied-upon files upon which the Final Order was based. A proof of rates and a copy of current and proposed tariffs shall also be included with the filing. The filing shall be made in electronic form where practical. The Company's filing shall conform to Minimum Filing Requirements (to be agreed upon by the parties), which will contain a minimum amount of information that will assist the regulatory authority in its review and analysis of the filing. The Company and regulatory authority will endeavor to hold a technical conference regarding the filing within twenty (20) calendar days after the Filing Date.

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
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A sworn statement shall be filed by an Officer of the Company affirming that the filed schedules are in compliance with the provisions of this Rate Review Mechanism and are true and correct to the best of his/her knowledge, information, and belief. No testimony shall be filed, but a brief narrative explanation shall be provided of any changes to corporate structure, accounting methodologies, allocation of common costs, or atypical or non- recurring items included in the filing.

VI. Evaluation Procedures

The regulatory authority having original jurisdiction over the Company's rates shall review and render a decision on the Company's proposed rate adjustment prior to the Effective Date. The Company shall provide all supplemental information requested to ensure an opportunity for adequate review by the relevant regulatory authority. The Company shall not unilaterally impose any limits upon the provision of supplemental information and such information shall be provided within seven (7) working days of the original request. The regulatory authority may propose any adjustments it determines to be required to bring the proposed rate adjustment into compliance with the provisions of this tariff.

The regulatory authority may disallow any net plant investment that is not shown to be prudently incurred. Approval by the regulatory authority of net plant investment pursuant to the provisions of this tariff shall constitute a finding that such net plant investment was prudently incurred. Such finding of prudence shall not be subject to further review in a subsequent RRM or Statement of Intent filing.

During the Review Period, the Company and the regulatory authority will work collaboratively and seek agreement on the level of rate adjustments. If, at the end of the Review Period, the Company and the regulatory authority have not reached agreement, the regulatory authority shall take action to modify or deny the proposed rate adjustments. The Company shall have the right to appeal the regulatory authority's action to the Railroad Commission of Texas. Upon the filing of an appeal of the regulatory authority's order relating to an annual RRM filing with the Railroad Commission of Texas, the regulatory authority having original jurisdiction over the Company's rates shall not oppose the implementation of the Company's proposed rates subject to refund, nor will the regulatory authority advocate for the imposition of a third party surety bond by the Company. Any refund shall be limited to and determined based on the resolution of the disputed adjustment(s) in a final, non-appealable order issued in the appeal filed by the Company at the Railroad Commission of Texas.

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

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In the event that the regulatory authority and Company agree to a rate adjustment(s) that is different from the adjustment(s) requested in the Company's filing, the Company shall file compliance tariffs consistent with the agreement. No action on the part of the regulatory authority shall be required to allow the rate adjustment(s) to become effective on October 1. To the extent that the regulatory authority does not take action on the Company's RRM filing by September 30, the rates proposed in the Company's filing shall be deemed approved effective October 1. Notwithstanding the preceding sentence, a regulatory authority may choose to take affirmative action to approve a rate adjustment under this tariff. In those instances where such approval cannot reasonably occur by September 30, the rates finally approved by the regulatory authority shall be deemed effective as of October 1.

To defray the cost, if any, of regulatory authorities conducting a review of the Company's annual RRM filing, the Company shall reimburse the regulatory authorities on a monthly basis for their reasonable expenses incurred upon submission of invoices for such review. Any reimbursement contemplated hereunder shall be deemed a reasonable and necessary operating expense of the Company in the year in which the reimbursement is made. A regulatory authority seeking reimbursement under this provision shall submit its request for reimbursement to the Company no later than December 1 of the year in which the RRM filing is made and the Company shall reimburse regulatory authorities in accordance with this provision on or before December 31 of the year the RRM filing is made.

To the extent possible, the provisions of the Final Order shall be applied by the regulatory authority in determining whether to approve or disapprove of Company's proposed rate adjustment.

This Rider RRM does not limit the legal rights and duties of a regulatory authority. Nothing herein shall abrogate the jurisdiction of the regulatory authority to initiate a rate proceeding at any time to review whether rates charged are just and reasonable. Similarly, the Company retains its right to utilize the provisions of Texas Utilities Code, Chapter 104, Subchapter C to request a change in rates. The provisions of this Rider RRM are implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105).

The annual rate adjustment process set forth in this tariff shall remain in effect during the pendency of any Statement of Intent rate filing.

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
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VII. Reconsideration, Appeal and Unresolved Items

Orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007).

VIII. Notice

Notice of each annual RRM filing shall be provided by including the notice, in conspicuous form, in the bill of each directly affected customer no later than forty-five (45) days after the Company makes its annual filing pursuant to this tariff. The notice to customers shall include the following information:

- a) a description of the proposed revision of rates and schedules;
- b) the effect the proposed revision of rates is expected to have on the rates applicable to each customer class and on an average bill for each affected customer;
- c) the service area or areas in which the proposed rates would apply;
- d) the date the annual RRM filing was made with the regulatory authority; and
- e) the Company's address, telephone number and website where information concerning the proposed rate adjustment can be obtained.

Agenda Section	Reading of Ordinances
Section Number	VI.B
Subject	Consider, discuss and act upon the first and only reading of Ordinance #O-2018-0327-001 regarding a proposed amendment to the Budget to allocate funds for the grant match for contract #7217129 for certain drainage issues around and about the location occupied by the Candy Kitchen and to transfer certain monies from the general fund reserves to the general fund operating account to facilitate the grant match.
To	Mayor and Council Members
From	Ben White, City Manager
Date	March 27, 2018
Attachment(s)	Ordinance #O-2018-0327-001
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	<ul style="list-style-type: none"> • Mayor Piwko and Mike Hurst will need to recuse themselves from discussion due to conflict of interest. • City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

**CITY OF FARMERSVILLE
ORDINANCE # O-2018-0327-001**

AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2017 – 2018 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS, APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmersville, Texas is a Type A General-Law Municipality located in Collin and Hunt Counties, established in accordance with the provisions of Chapter 6 of the Texas Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Manager of the City of Farmersville has reviewed the budget that was adopted by the City Council for the Fiscal Year 2017 – 2018 ("Budget"); and

WHEREAS, the City Manager of the City of Farmersville believes the Budget requires certain amendments and has submitted to the Mayor and the City Council proposed amendment(s) to the Budget regarding the revenues and expenditures of conducting the affairs of said City, and providing a complete financial plan for the Fiscal Year 2017 – 2018; and,

WHEREAS, the City Council has determined that it is in the best interest of the City to amend the Fiscal Year 2017 – 2018 budget to adopt the proposed amendment to the Budget to allocate funds for the grant match for contract #7217129 for certain drainage issues around and about the location occupied by the Candy Kitchen and to transfer certain monies from the general fund reserves to the general fund operating account to facilitate the grant match.

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

SECTION 1. INCORPORATION OF FINDINGS

The findings set forth above are found to be true and correct legislative and factual determinations of the City of Farmersville and are hereby approved and incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

SECTION 2. BUDGET AMENDMENT ADOPTION

From and after the effective date of this Ordinance, the amendments to the budget of the revenues and expenditures for the Fiscal Year 2017 – 2018 that are attached hereto as Exhibit "A" and incorporated herein by reference are hereby adopted and the budget for Fiscal Year 2017 – 2018 is hereby accordingly so amended and the amended budget for Fiscal Year 2017 – 2018 adopted.

SECTION 3. SEVERABILITY

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall

not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

SECTION 4. REPEALER

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 5. ENGROSSMENT AND ENROLLMENT

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

SECTION 6. SAVINGS

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

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

PASSED on first and only reading on the 27th day of March, 2018 at a properly scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 27th DAY OF MARCH, 2018.

Diane C. Piwko, Mayor

ATTEST:

Sandra Green, City Secretary

CITY OF FARMERSVILLE

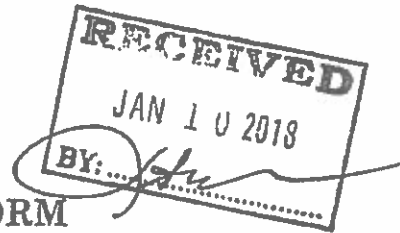
EXHIBIT A

2017-2018 BUDGET/REVISION (2) 03-08-2018

GOVERNMENTAL FUNDS	ESTIMATED BEGINNING FUND BALANCE	REVENUES	EXPENDITURES	INTERFUND TRANSFERS IN (OUT)	PROPOSED ENDING FUND BALANCE
General Fund	\$ 789,244	\$ 1,800,831	\$ 3,506,305	\$ 1,448,596	\$ 532,366
Fund Balance Amendments					
<u>Grant Match contract 7217129</u>			\$ 57,000		
<u>Candy Kitchen</u>					

VII. Regular Agenda

Agenda Section	Regular Agenda
Section Number	VII.A
Subject	Consider, discuss and act upon the preliminary plat for Lots 1 through 10, Block 1, of the Deer Crossing Subdivision to be developed on approximately 11.80 acres of land in E.B. Reed Survey, Abstract no. 739 in the City of Farmersville's ETJ along the north side of County Road 553 in an area west of State Highway 78.
To	Mayor and Council Members
From	Ben White, City Manager
Date	March 27, 2018
Attachment(s)	<ul style="list-style-type: none"> • Application and Paperwork • Preliminary Plat
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action



SUBDIVISION APPLICATION FORM

City of Farmersville, Texas

Please Type or Print Information

This form shall be completed by the Applicant and submitted to the City Secretary's Office along with 6 copies of the respective plat, fees, and all other required information

In order for a completed package to be considered for a Planning and Zoning Board meeting all application materials will need to be turned into the City staff at least 3 weeks prior. The package will need to be technically complete 6 working days prior to the Planning and Zoning Board meeting.

The use of City of Farmersville administrative forms, checklists, and routing sheets shall not relieve the applicant from following the rules, standards, ordinances, and laws governing the City of Farmersville.

The submission of plans / drawings, calculations, etc., along with this application, makes such items public record and the Applicant understands that they may be viewed and /or reproduced by the general public.

For a list of fees associated see the City of Farmersville Master Fee Schedule. Fees shall be collected for the purpose of defraying the costs of administrative, clerical, engineering, legal, planning, inspection, and other services deemed necessary to properly review and investigate plats and subdivision construction.

Exemptions to the platting process are listed in section 1.5 of the Subdivision Ordinance.

Subdivision Ordinance variances/waivers may be granted by following the steps outlined in section 1.10 of the Subdivision Ordinance.

Public infrastructure requirements established by the respective code (example, International Fire Code) and interpreted by the code official may be appealed based on a claim of incorrect interpretation, code applicability, or equivalent methodology. Code requirements cannot be waived.

Place "X" or check mark in appropriate box. All answers must be "Yes" to submit application.

Pre-Application Requirements		
Yes	No	Requirement
✓		Attended Pre-Application Conference
✓		Plat described by metes and bounds
✓		Plat located with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part
✓		Dimensions of plat and of each street, alley, square, park, or other part of the plat intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part
✓		Plat is located in Collin County
	✓	Plat is located in Hunt County
✓		Plat is located within the City of Farmersville corporate limits or Extra-Territorial Jurisdiction (ETJ) limits

Subdivision Application Form

Place "X" or check mark in appropriate box. Use the N/A (not applicable) box if a line item is not applicable. Double asterisk items are required for all applications. Where separate documents are requested attach them to this submission.

Required Submission Materials			
Yes	No	N/A	Item Description
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	** Six copies of plat. Dimensions should be 24" X 36".
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	* * Original certified tax certificate
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	** Utility service provider letters
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	** Proof of land ownership document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	** Electronic version of plat on CD (.PDF and .DWG)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	** Fees with appropriate retainer as required
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Governmental (TxDOT, Collin County, etc.) approval for major thoroughfare access such as driveway
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Farmersville Independent School District (FISD) accommodation letter (high impact residential or multi-family only)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Two copies of engineering plans
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	On-Site Sanitary Sewer Facility (OSSF) certification document
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineer's Summary Report
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Development schedule
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Development agreement
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Copy of covenants, conditions, restrictions, and agreements
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Geotechnical report
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Traffic study
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application letter for proposed street names

Place "X" or check mark in appropriate box. Only one box may be indicated.

Type of Plat Document Submittal	
<input type="checkbox"/>	Concept Plan
<input checked="" type="checkbox"/>	Preliminary Plat
<input type="checkbox"/>	Final Plat
<input type="checkbox"/>	Development Plat
<input type="checkbox"/>	Replat
<input type="checkbox"/>	Amending Plat
<input type="checkbox"/>	Minor Plat
<input type="checkbox"/>	Vacated Plat

Subdivision Application Form

Place information in all spaces that apply. Depending on the situation some spaces may be left empty.

Property Owner Information	
Name	CRYER Custom BUILDERS, INC-BRUCE CRYER
Address	2560 LONESOME DOVE
City	FARMERSVILLE
State	TEXAS
Zip	75442
Work Phone Number	972-979-2597
Facsimile Number	
Mobile Phone Number	
Email Address	CRYERCUSTOMBUILDERS@gmail.com
Applicant/Responsible Party Information	
Name	BRUCE CRYER
Address	2560 LONESOME DOVE
City	FARMERSVILLE
State	TEXAS
Zip	75442
Work Phone Number	972-979-2597
Facsimile Number	
Mobile Phone Number	
Email Address	CRYERCUSTOMBUILDERS@gmail.com
Engineer Information	
Name	MATT ATKINS - ENGINEERING CONCEPTS
Address	201 WINDGO CIRCLE STE 200
City	WYLIE
State	TEXAS
Zip	75098
Work Phone Number	972-941-8400
Facsimile Number	972-941-8401
Mobile Phone Number	214-641-2717
Email Address	matt@ecd1p.com
Surveyor Information	
Name	Boundary Solutions - MATT BUSBY
Address	P.O. Box 250
City	Caddo Mills
State	TEXAS
Zip	75135
Work Phone Number	972-782-8082
Facsimile Number	972-782-7611
Mobile Phone Number	214-499-8472
Email Address	mbusby-bis@yahoo.com

Subdivision Application Form

General Application Information	
Proposed Name of Subdivision	DEER CROSSING
Total Acreage of Development	11.80
Physical Location of Property	FM CR 553
Legal Description of Property	E.B. REED Survey, A-739
Number of Lots	10

Place "X" or check mark in appropriate box indicating the form provided for proof of land ownership. Attach document to this submission.

Type of Plat Document Submittal	
<input type="checkbox"/>	General Warranty Deed
<input type="checkbox"/>	Special Warranty Deed
<input type="checkbox"/>	Title Policy
<input type="checkbox"/>	Other (approved by City Manager):

Place "X" or check mark in appropriate box indicating the current zoning districts comprising the land. Depending on the situation more than one box may be indicated.

Current Zoning	
<input type="checkbox"/>	A Agricultural District
<input type="checkbox"/>	SF-1 One-Family Dwelling District
<input type="checkbox"/>	SF-2 One-Family Dwelling District
<input type="checkbox"/>	SF-3 One-Family Dwelling District
<input type="checkbox"/>	2F Two-Family Dwelling District
<input type="checkbox"/>	MF-1 Multiple-Family Dwelling District-1
<input type="checkbox"/>	MF-2 Multiple-Family Dwelling District-2
<input type="checkbox"/>	P Parking District
<input type="checkbox"/>	O Office District
<input type="checkbox"/>	NS Neighborhood Service District
<input type="checkbox"/>	GR General Retail District
<input type="checkbox"/>	C Commercial District
<input type="checkbox"/>	HC Highway Commercial
<input type="checkbox"/>	CA Central Area District
<input type="checkbox"/>	I-1 Light Industrial District
<input type="checkbox"/>	I-2 Heavy Industrial District
<input type="checkbox"/>	PD Planned Development District
<input checked="" type="checkbox"/>	Extra-Territorial Jurisdiction

Subdivision Application Form

Place "X" or check mark in appropriate box indicating the proposed zoning districts comprising the land. Depending on the situation more than one box may be indicated. If zoning remains unaffected mark the same as above in the "Current Zoning Districts" table

Proposed Zoning		
	A	Agricultural District
	SF-1	One-Family Dwelling District
	SF-2	One-Family Dwelling District
	SF-3	One-Family Dwelling District
	2F	Two-Family Dwelling District
	MF-1	Multiple-Family Dwelling District-1
	MF-2	Multiple-Family Dwelling District-2
	P	Parking District
	O	Office District
	NS	Neighborhood Service District
	GR	General Retail District
	C	Commercial District
	HC	Highway Commercial
	CA	Central Area District
	I-1	Light Industrial District
	I-2	Heavy Industrial District
	PD	Planned Development District
X		Extra-Territorial Jurisdiction

Place "X" or check mark in appropriate box indicating the proposed use of the land. Depending on the situation more than one box may be indicated.

Use of Land and Buildings	
Housing Uses	
X	One Family Detached Dwelling
	One Family Attached Dwelling
	Zero Lot Line Dwelling
	Town Home
	Two Family Dwelling
	Multiple Family Dwelling
	Boarding or Rooming House
	Bed and Breakfast Inn
	Hotel or Motel
	HUD Code Manufactured Home
	Industrialized Housing
	Mobil Home

Use of Land and Buildings	
Accessory And Incidental Uses	
	Accessory Building
	Farm Accessory Building
	Home Occupation
	Off Street Parking Incidental to Main Use
	Stable
	Swimming Pool
	Temporary Field Office or Construction Office
Utility And Services Uses Electrical Substation	
	Electrical Energy Generating Plant
	Electrical Transmission Use
	Fire Station
	Gas Lines and Regulating Station
	Public Building Shop or Yard of Local State or General Agency
	Radio, Television, or Microwave Tower
	Radio or Television Transmitting Station
	Sewage Pumping Station
	Sewage Treatment Plant
	Telephone Business Office
	Telephone Exchange, Switching Relay or Transmitting Station
	Utility Line, Local
	Utility Shops or Storage Yards or Buildings
	Water Standpipe or Elevated Water Storage
	Water Reservoir, Well or Pumping Station
	Water Treatment Plant
Recreational And Entertainment Uses	
	Amusement, Commercial
	Amusement, Commercial
	Country Club with Golf Course
	Dance Hall or Night Club
	Day Camp for Children
	Drag Strip or Commercial Racing
	Go Cart Track
	Gun Range
	Park or Playground
	Play Field or Stadium
	Rodeo Grounds
	Swim or Tennis Club
	Theater
	Trailer Park - Recreational Vehicle Park

Use of Land and Buildings	
Educational And Institutional Uses	
	Art Gallery or Museum
	Cemetery or Mausoleum
	Church or Rectory
	College, University or Private School
	Community Center
	Convent or Monastery
	Fairgrounds or Exhibition Area
	Fraternity, Sorority, Lodge or Civic Club
	Home for Alcoholic, Narcotic or Psychiatric Patients
	Hospital Acute Care
	Hospital Chronic Care
	Historical, Religious, Charitable or Philanthropic Nature
	Kindergarten or Nursery
	Library
	Nursing Home or Residence for Aged
	School, Business or Trade and
	School, Public or Parochial
Transportation Related Uses	
	Airport, Landing Field or Heliport
	Bus Station or Terminal and
	Motor Freight Terminal
	Parking Lot Truck
	Parking Lot Structure Commercial
	Railroad Freight Terminal
	Railroad Passenger Station
	Railroad Track or Right-of-Way
	Railroad Team Tracks
Automobile Service Uses	
	Auto Glass, Muffler or Seat Cover Shop
	Auto Laundry
	Auto Parts and Accessory Sales
	Auto Parts and Accessory Sales
	Auto Painting or Body Rebuilding Shop
	Automobile Repair Garage
	Gasoline or Fuel Service Station
	New or Used Auto Sales in Structure
	New or Used Auto Sales Outdoor Lot
	Motorcycle or Scooter Sales and Repair
	Steam Cleaning or Vehicles or Machinery
	Tire Retreading or Capping
	Trailer, Cargo Sales or Rental
	Wrecking or Auto Salvage Yard

Use of Land and Buildings	
Retail And Related Service Uses	
	Antique Shop
	Art Supply Store
	Bakery or Confectionery Shop
	Bank or Saving And Loan Office
	Barber or Beauty Shop
	Book or Stationery Shop
	Camera Shop
	Cleaning Shop or Laundry
	Cleaning Laundromat
	Clinic, Medical or Dental
	Custom Personal Service Shop
	Department Store or Discount Store
	Drug Store or Pharmacy
	Farmers Market
	Florist Shop
	Food Store
	Furniture or Appliance Store
	Garden Shop and Plant Sales
	Handcraft and Art Objects Sales
	Hardware Store or Hobby Shop □ Key Shop
	Laboratory, Medical or Dental
	Medical Appliances, Fitting, Sales or Rental
	Mortuary
	Offices, General Business or Professional
	Office Showroom/Warehouse or Sales Facilities
	Optical Shop or Laboratory
	Pawn Shop
	Pet Shop, Small Animals, Birds, and Fish
	Private Club
	Repair of Appliances, T.V., Radio and Similar Equipment
	Restaurant or Cafeteria
	Restaurant or Eating Establishment
	Retail Shop, Apparel, Gift Accessory and Similarities
	Sexually Oriented Establishment
	Studio Decorator and Display of Art Objects
	Studio Health Reducing or Similar Service
	Studio, Photographer, Artist, Music, Drama, or Dance
	Tool Rental
	Trailer or RV Sales or Display
	Variety Store or Other Retail Outlet Store
	Veterinarian Office Only

Subdivision Application Form

Use of Land and Buildings	
Agricultural Types Uses	
	Farm or Ranch
	Animal Pound
	Animal Clinic or Hospital
	Animal Clinic, Hospital or Kennel
	Greenhouse or Plant Nursery
Commercial Type Uses	
	Bakery Wholesale
	Building Material Sale
	Cabinet and Upholstery Shop
	Cleaning, Drying or Laundry Plant
	Clothing or Similar Light Assembly Process
	Contractors Storage or Equipment Yard
	Heavy Machinery Sales, Storage or Repair
	Lithographic or Print Shop
	Maintenance and Repair Service for Buildings
	Milk Depot, Dairy or Ice Cream Plant
	Manufactured House or Industrialized Homes Sales and Display
	Open Storage of Furniture, Appliances or Machinery, Etc.
	Paint Shop
	Petroleum Products, Storage and Wholesale
	Plumbing Shop
	Propane Storage and Distribution
	Storage Warehouse
	Trailer or Recreational Vehicle Sales or Display
	Welding or Machine Shop
	Wholesale Office Storage or Sales Facilities
Industrial Uses	
	Asphalt Paving Batching Plant
	Concrete Batching Plant
	Concrete Products Manufacture
	Light Manufacturing
	Sand and Gravel Storage
	Sand, Gravel, Stone or Petroleum Extraction

Dear City of Farmersville Planning Division:

I, MATT ATKINS, am the owner or owner's representative of a tract or tracts of real property located in the City of Farmersville, Texas, located at and described as DEER CROSSING. I have filed an application for approval of a subdivision plat for this property. I hereby waive the 30-day plat review period established by Section 212.009 of the Texas Local Government Code and acknowledge that the City may require more than 30 days to properly review and consider the plat application. I understand and agree that the plat application may be considered and approved or denied by the Planning and Zoning Commission and/or the City Council more than 30 days later than the date that it was first filed.

Respectfully,



Signed by or on behalf of the applicant

1/22/13

Date

Deer Crossing Addition

Preliminary Plat – City of Farmersville

1. The ROW shown on the preliminary plat for the proposed street Deer Run Court is 50' in width. The City of Farmersville subdivision ordinance and Thoroughfare Design manual requires 60' of ROW for a rural subdivision estate residential street. The developer must submit a request for a variance for consideration by the P & Z Commission and the City Council.
2. Parkland /open space is not included on the preliminary plat. The City of Farmersville subdivision ordinance requires dedication of 5% of the gross area of the proposed subdivision with 5 lots or more for parks, playgrounds, recreational areas, open spaces or green areas. The developer must submit a request for a variance for consideration by the P & Z Commission and the City Council.
3. Storm water detention space is not included on the preliminary plat. The City of Farmersville subdivision ordinance and storm drain manual require on-site detention to control post development runoff. A hydraulic study that illustrates no adverse conditions are created downstream as a result of the development may be accepted in lieu of storm water detention. The City council may waive storm water detention requirements upon determination by the council that such a waiver is in the best interest of the City.
4. The proposed subdivision has only one point of entry. The City of Farmersville subdivision ordinance requires 2 points of entry into a subdivision. The developer must submit a request for a variance for consideration by the P & Z Commission and the City Council.
5. Provide a statement that an on-site sanitary sewer service is required per Collin County standards.

Construction Plans-City of Farmersville

1. The construction plans indicate a ROW width of 50' with 5' drainage easements on each side. The City of Farmersville subdivision ordinance and Thoroughfare Design manual requires 60' of ROW for a rural subdivision estate residential street. The developer must submit a request for a variance for consideration by the P & Z Commission and the City Council.
2. The construction plans indicate a roadway pavement width of 30'. The City of Farmersville subdivision ordinance and Thoroughfare Design manual requires pavement width of 32' for a rural subdivision estate residential street. The developer must submit a request for a variance for consideration by the P & Z Commission and the City Council.
3. Storm water detention is not included in the construction plans. The City of Farmersville subdivision ordinance and storm drain manual require on-site detention to control post development runoff. A hydraulic study that illustrates no adverse conditions are created downstream as a result of the development may be accepted in lieu of storm water detention. The City council may waive storm water detention requirements upon determination by the council that such a waiver is in the best interest of the City.

4. The proposed drainage plan shall indicate the existing and proposed flows to CR 553 along with the capacities of the roadway drainage ditches on each side of the road. Indicate the existing flow to the existing 36" CMP under CR 553. It appears there is no defined drainage way from the existing 36" CMP across the property to the south. The existing flow cannot be increased. Show no adverse conditions will exist downstream post development along CR 553.
5. Improvements must be made to the existing CR 553 along the frontage of the project. See Section IX Rural Subdivision Requirements of the Thoroughfare Design Manual.
6. The proposed subdivision has only one point of entry. The City of Farmersville subdivision ordinance requires 2 points of entry into a subdivision. The developer must submit a request for a variance for consideration by the P & Z Commission and the City Council.
7. Provide a landscaping plan per City of Farmersville requirements.

Construction Plans-Water-Copeville SUD

1. The existing water line along the south side of CR 553 is 6" in diameter.
2. Connect the proposed 8" water main to the existing 6" water main with an 8" Tee. Include 3-8" gate valves and 2-8"x6" reducers. CR 553 crossing shall include casing and be to Collin County road crossing standards.
3. Provide a 15" utility easement for the 8" water main dedicated to Copeville SUD only.
4. Provide sand embedment for the water main (4" above and 4" below the pipe) with tracer tape.
5. Provide a 2" automatic flush valve at the end of the water main.
6. Place the fire hydrant assembly parallel to the water main by use of a 90 deg bend. Fire hydrant shall not cross the drainage ditch.

Agenda Section	Regular Agenda
Section Number	VII.B
Subject	Consider, discuss and act upon the J.W. SPAIN Complex Little League contract.
To	Mayor and Council Members
From	Ben White, City Manager
Date	March 27, 2018
Attachment(s)	<ul style="list-style-type: none"> • Little League Contract • Insurance • Financials
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	<ul style="list-style-type: none"> • Insurance was received that meets all the City requirements according to the contract • City Council discussion as required
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

**ATHLETIC COMPLEX JOINT USE AGREEMENT BETWEEN
THE CITY OF FARMERSVILLE
AND
THE FARMERSVILLE LITTLE LEAGUE BASEBALL ASSOCIATION**

This Athletic Complex Joint Use Agreement ("Agreement"), is entered into by and between the **CITY OF FARMERSVILLE, TEXAS** ("City") and **FARMERSVILLE LITTLE LEAGUE BASEBALL ASSOCIATION**, an unincorporated entity (the "Little League") (each a "Party" and collectively the "Parties"), acting by and through their authorized representatives.

WHEREAS the City of Farmersville owns the athletic facility located at the intersection of Murchison Street and Merit Street that is known as the J. W. Spain Athletic Complex ("Complex"); and,

WHEREAS the City of Farmersville wishes to maximize the use of the Complex for the benefit of Farmersville and area citizens by entering into this Agreement with the Farmersville Little League Baseball Association by defining and enumerating the duties and responsibilities of each entity regarding the maintenance and use of the Complex;

NOW THEREFORE, the City of Farmersville and the Farmersville Little League Baseball Association agree to the following user regulations concerning the J. W. Spain Athletic Complex:

Section 1. Designation of Fields and Field Use

For purposes of clarity in this agreement, the south field in the Complex will be designated Field 1. The middle field of the Complex will be designated as Field 2. The north field will be designated as Field 3. The baseball fields on the eastern most side of the Complex will be known as Field 4 and Field 5 respectively. Fields constructed after the date of this Agreement will be numerically designated at the time of construction. Fields 1 through 5, and any additional fields that may hereafter be constructed will hereafter be referred to singly and collectively as the "Playing Fields."

The Little League Baseball regular season begins in February and runs through June and the fall season begins in September and runs through November. The Little League will have priority access to Fields 1 thru 5 during all scheduled league games and team practices. The Little League must provide the Little League's game schedule to the City Manager, or his designee, as soon as the Little League's schedule becomes available in each year (or season) of this Agreement. The Little League must also provide the Little League's practice schedule to the City Manager, or his designee, prior to practices beginning before and during each year (or season) of this Agreement. At all other times the Complex is open for the public's use on a first-come first-use basis. Any scheduling should be brought to the attention of the City Manager as soon as practicable after any such conflict is discovered.

The Little League may begin preparation of the Playing Fields for the playing season at any time before the beginning of the playing season after notifying the City Manager, or his designee, of the Little League's intent to begin such work. The City Manager, or his designee, has the final authority for scheduling all Complex events.

Section 2. Grounds Maintenance

The Little League shall prepare and maintain all Playing Fields for Little League events. All Playing Fields must meet high-quality and presentable playing condition from the beginning to the end of the playing season.

Trash and litter will be picked up and removed from the Playing Fields and bleacher areas at the end of each day on which the Little League hosts or holds one or more scheduled league games and/or team practices (each such day being a "Playing Day"). In addition, periodic cleaning shall be performed by the Little League at intervals between Playing Days, if necessary, to prevent a buildup of trash and litter. If Little League does not comply and allows trash and litter to be left on the Playing Fields after any use, the City will impose a charge not to exceed \$200 per incident. Little League will be responsible to pay said trash and litter removal fees. If the City charges the Little League a third time for the same incident or a similar type of incident, the City may at its discretion, terminate the Agreement and not allow the Little League to use all or part of the facilities at the Complex.

The City will provide adequate trash receptacles and trash removal for the purpose of keeping the Complex clean. Little League shall be responsible to have a designated area for trash pickup. Little League will be billed for labor and material for any needed follow-up cleaning provided by the City

The City is responsible to provide for mowing, weed control, edging, and watering of the entire Complex including Playing Fields and common areas.

The Little League shall provide the City Manager a list of organization members with contact information that will be granted keyed lock and combination lock access to the Complex and its facilities. This access list will be posted on the City's website to facilitate access to and the use of the Complex. Little League activities shall not be conducted without the presence of a member that is identified on the access list.

Section 3. Concession Stand Operation and Proceeds

The Little League is responsible to provide concession services during all scheduled Little League events at the Complex. All expenses associated with the Concession Stand for scheduled Little League events will be the responsibility of the Little League. The Little League shall retain all proceeds, after expenses, from concession stand sales for all scheduled Little League events. The concession stand must be cleaned by Little League after each use specifically including, but not limited to, the grill/stove. The grease must be removed by the Little League and disposed of in a proper manner. The grease drip tray must be totally cleaned and free from any remnants of grease after each use of the concession stand by Little League. The Little League must remove all trash and garbage from the concession stand and placed it in the appropriate trash receptacles provided by the City. The floors must be mopped and cleaned by the Little League.

Section 4. Restroom and Concession Maintenance

Restrooms are also under the control and maintenance of the Little League during their respective playing seasons. The Little League will open the restrooms on Playing Days

for games and practice times, but must keep the restrooms locked at all other times. The Little League is responsible to the City for safeguarding, supplying, and thoroughly cleaning the restroom facilities.

Winterizing of restrooms and the concession stand will be the responsibility of the City as well as normal maintenance, repairs, and replacements.

The concession stand will be kept clean and sanitary **at all times** by the Little League when it is under its use and control and all equipment used will meet applicable regulatory standards of the City. If conditions exist in the restroom or concession stand that require work by the City or if the City is required to hire a third-party to repair, maintain or replace any equipment or facilities the associated cost of such repair, maintenance, or replacement will be the responsibility of the City.

Section 5. Equipment, Supplies, and Storage Facilities

In recognition of the Little League's need to protect and maintain its equipment and supplies, the City grants use of the detached storage facility located next to the south gate and one storage room inside the Concession Building to the Little League. The City will share the use of the storage room located on the south side of the Concession Building with the Little League. The City will have exclusive use of one storage room inside the Concession Building.

Section 6. Modifications or Improvements to Complex

Any suggested modification or improvements to the Complex must be presented to the City Manager, or his designee, for consideration with the City Amenities Board. Following the Board's review, recommendations will be forwarded to the City Council for final approval. Little League will share the costs of such modifications or improvements as agreed upon, and approved by the City Council, prior to construction. The City will prepare invoices for Little League's portion of the costs of such modifications or improvements. Payment is due within 15 days. Non-payment will result in a 10% surcharge and possible termination of this Contract.

Section 7. City Utilities

Until further notice, the City will continue its practice of providing water, sewer, electricity, and information technology service to the Complex at no charge to Little League. The City retains the right to assess future charges for these services after giving notice at the end of the playing season and prior to the next playing season for which such charges will begin to be assessed to and collected from Little League. If the City finds that utilities are being wasted, the City may, at its discretion, terminate the Agreement and not allow the Little League to use all or part of the facilities at the Complex.

Section 8. Ancillary Financial Matters

The Little League shall provide to City copies of Little League's year-end financial statement, ending December 31st, for each year during the term of, and prior to the renewal of, this Agreement and any extension of this Agreement. All financial obligations contracted for by the Little League in relation to its use of the Complex must

be paid in return for the satisfactory delivery of goods and services, and failure to do so without just cause will be considered reason for the City to cancel the agreement with the Little League. In no case will the City be responsible for expenses or obligations contracted by the Little League for any reason unless by prior and specific agreement.

The City will not provide the Little League with any insurance coverage including, but not limited to, contents insurance coverage for the concession building. The Little League will be obligated to determine and provide the types and levels of insurance coverage that it believes to be necessary for Little League's use of the Complex beyond the insurance coverage required hereunder to protect the City.

Section 9. Insurance Required

- A. Without limiting any of the other obligations or liabilities of the Little League, the Little League shall, at its own expense, procure, pay for and maintain during the term of this agreement the hereinafter stipulated minimum insurance with companies duly licensed to write business in the State of Texas and approved by the City.
1. Commercial General Liability insurance, including, but not limited to Premises/Operations, Personal & Advertising Injury, Products/Completed Operations, Independent Contractors and Contractual Liability, with minimum combined single limits of \$1,000,000 per-occurrence, \$1,000,000 Products/Completed Operations Aggregate and \$1,000,000 general aggregate. Such insurance shall cover, but not be limited to, the liability assumed under the indemnification provisions of this agreement, fully insuring the Little League's liability for injury to or death of owners, employees and third parties, extended to include personal injury liability coverage, and for damage to property of third parties including damage to the Complex. Coverage must be written on an occurrence form.
 2. When applicable by law, Workers' Compensation insurance with statutory limits; and Employers' Liability coverage with minimum limits for bodily injury: a) by accident, \$100,000 each accident, b) by disease, \$100,000 per employee with a per policy aggregate of \$500,000.
 3. Umbrella or Excess Liability insurance with minimum limits of \$1 million each occurrence and annual aggregate for bodily injury and property damage, that follows form and applies in excess of the above indicated primary coverage (1, 2 and 3). The total limits required may be satisfied by any combination of primary, excess or umbrella liability insurance provided all policies comply with all requirements. The Little League may maintain reasonable deductibles, subject to approval by the City of Farmersville.

The Little League shall furnish to the City Manager certificates of insurance on an "ACCORD" form executed by the insurer or its authorized agent stating the coverages, limits, expiration dates and compliance with all applicable required provisions prior to any use of the Complex by the Little League. Certificates shall reference this agreement and be addressed as follows:

City of Farmersville,
Texas c/o City
Manager
205 S. Main Street
Farmersville, TX
75442

- B. With reference to the foregoing required insurance, the Little League shall endorse applicable insurance policies as follows:
1. In the event the Little League is required by law to obtain, or has otherwise obtained, Workers' Compensation insurance and Employers' Liability coverage the Little League and its insurers) shall provide a waiver of subrogation regarding such coverage in favor of the City of Farmersville and its officials, employees, and officers for losses arising from the activities under this contract.
 2. The City of Farmersville and its officials, employees and officers shall be named as additional insureds on the Commercial General Liability policy and all other required insurance policies, by using endorsement CG2026 or broader.
 3. All insurance policies shall be endorsed to the effect that City of Farmersville will receive at least a thirty (30) day notice prior to cancellation, non-renewal, termination, or material change of the policies.
- C. All insurance shall be purchased from an insurance company that meets a financial rating of B+VI or better as assigned by the A.M. BEST Company or equivalent.
- D. Payment of any and all deductibles on each insurance policy shall be the responsibility of the Little League.

Section 10. Non-League Events

City approval is required for all Non-Little League events. Deposits and user fees generated from all non-Little League events will be assessed and collected in accordance with the Fee Schedule as set out in Appendix A and shall be made payable to the City of Farmersville.

Deposits will be returned to the users, provided the Complex has been cleaned to the satisfaction of the City Manager. If the condition of the Complex requires work by City personnel, a charge of \$200 per hour will be deducted from the deposit until the deposit is exhausted. The non-league entity (team or private party) renting the Complex, will be billed for any additional costs that City may incur due to misuse of the Complex and termination of all or partial use of the Complex may be enforced by City.

Section 11. Personal Conduct at Athletic Events

The City recognizes that crowd noise is a part of any athletic activity and accepts a certain level of noise. However, the City requests that the Little League make a good

faith effort to discourage any undue harassment of neighbors by participants or spectators at any activity for which Little League is responsible.

The Little League will be responsible for the proper conduct of team members, coaches, fans, and other spectators during any activity sponsored or sanctioned by the Little League at the Complex and, if necessary, will ask the City for assistance in maintaining order.

The sale or consumption of alcohol, illegal drugs, or illegal chemical substances at the Complex is a violation of city ordinances, **will not be permitted**, and will be punishable according to applicable law. The Complex is a non-smoking facility and **smoking shall not be allowed in, on and about the Complex**. Violators will be punished in accordance with the City's ordinances prohibiting smoking at the Complex.

The City retains the right to restrict the times of use and conduct of all activities in and about the Complex. Such right may be exercised without notice in the case of substantial violation of the City's regulations but must be authorized by official City Council action after thorough investigation and verification of said violation. A list of Little League Board Members must be made available to the City Amenities Board along with the Little League Board Members' respective contact numbers and email addresses prior to the beginning of this Agreement and at least one time prior to the beginning of each calendar year during the term of this Agreement and any renewal terms. The Little League will be provided with the City Manager's contact information should any issue arise with the Complex that needs immediate attention.

Section 12. Hold Harmless and Indemnification

The Little League does hereby agree to waive any and all claims, release, indemnify, defend and hold harmless City and all of its officials, officers, agents and employees, in both their public and private capacities, from any and all liability, claims, suits, demands or causes of action which may arise by reason of injury to property or persons occasioned by willful misconduct, error, omission, or negligent act of the Little League, its officers, agents, employees, invitees or other persons, arising out of or in connection with this agreement or any and all activity or use pursuant to this agreement, or on or about the Complex and the Little League will, at its own cost and expense, defend and protect City from any and all such claims and demands. Also, the Little League agrees to and shall indemnify, defend and hold harmless City and all of its officials, officers, agents and employees, in both their public and private capacities, from and against any and all claims, losses, damages, causes of action, suits and liability of every kind, including all expenses of litigation, court costs and attorney fees for injury to or death of any person or for damage to any property arising out of or in connection with this agreement or any and all activity or use pursuant to this agreement, or on or about the Complex. Such indemnity shall apply whether the claims, losses, damages, causes of action, suits or liability arise from the negligence of the City, its officers, officials, agents or employees and whether said negligence is contractual, comparative negligence, concurrent negligence, gross negligence or any other form of negligence. City is responsible only for City's sole negligence.

Section 13. Term

This agreement will be in force for a term of two years from October 1, 2017 through September 30, 2019. Either party may cancel participation in this contract with a thirty day written notice. However, a bona fide effort must be made to resolve any misunderstandings or disagreements leading to the cancellation.

Two (2) months prior to the expiration of this Agreement, and provided no proposal has been offered by the Little League, it shall be the responsibility of the administrative staff of the City of Farmersville to initiate action to review the Agreement, taking into consideration any proposals from the Little League, and forward proposals to alter, amend, extend or cancel the Agreement to the City Amenities Board for consideration. Following consideration, the City Amenities Board shall make recommendation to the City Council regarding any proposed modification or cancellation of the Agreement. Cancellation or modification to the Agreement must be in writing and approved by the City Council.

Section 14. Notices

For the purposes of Notice, the addresses of the Parties will, until changed as provided below, be as follows:

Developer:

Farmersville Little League
Baseball Association

City of Farmersville:

Ben White
City Manager
205 S. Main Street
Farmersville, Texas 75442

The Parties will have the right from time to time to change their respective addresses upon written notice to the other Party. If any date or notice period described in this Agreement ends on a Saturday, Sunday or legal holiday, the applicable period for calculating the Notice will be extended to the first business day following such Saturday, Sunday or legal holiday.

This Athletic Joint Use Agreement has been approved by the governing bodies of each Party, as follows.

City of Farmersville

Diane C. Piwko, Mayor

Dated: _____

Attest:

Sandra Green, City Secretary

Date: _____

Farmersville Little League

Marvin Smith, Director

Date: _____

APPENDIX A

SCHEDULE OF USER FEES

Applicable to all Non-Little League events

Activity Description	Resident	Non Resident
Deposit, any Combination of Fields	\$250	\$350
Use of Field 1,2, or 3	\$100	\$250
Use of Field 4 or 5	\$50	\$200
Use of Field 6 (football field)	\$150	\$200
Lights, Hourly Rate (per field)	\$20	\$40

All fees must be paid at the time the reservation is made or at least two weeks prior to the reserved date.

Deposit is refundable if the fields, restrooms and concession area is clean and in working order.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/13/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Adam Jackson Insurance Agency P.O. Box 215 Anna TX 75409	CONTACT NAME: Adam B Jackson		
	PHONE (A/C, NO, EXT): 972-924-3535	FAX (A/C, NO): 972-924-9798	
	E-MAIL ADDRESS: ajackson@farmersinsurance.com		
INSURED Farmersville Little League 218 Jovette St Farmersville TX 75442	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: United States Liability Insurance Company		25895
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
	INSURER F:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAME ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSTR	TYPE OF INSURANCE	ADDTL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	X		NPP1581062	03/12/2018	03/12/2019	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea Occurrence) \$ 100,000
	\$0 Deductible						MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY \$ 1,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						GENERAL AGGREGATE \$ 3,000,000
	OTHER:						PRODUCTS - COMP/OP AGG \$ Included
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> OWNED AUTOS ONLY	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS ONLY	<input type="checkbox"/> NON-OWNED AUTOS ONLY					PROPERTY DAMAGE (Per accident) \$
							\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB	X		XL 1585522	03/12/2018	03/12/2019	EACH OCCURRENCE \$ 1,000,000
	DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/>						AGGREGATE \$ 2,000,000
							Products/Completed Op \$ 2,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	N/A					PER STATUTE <input type="checkbox"/> OTHER <input type="checkbox"/> \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder has been added as an Additional Insured to the above listed General Liability and Umbrella Liability Policies.
United States Liability Insurance Company AM Best Rating: A++

CERTIFICATE HOLDER	CANCELLATION
City Of Farmersville 205 South Main St Farmersville TX 75442	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Adam B Jackson



FUB

FREE SMALL BUSINESS **6137

Last Updated: 1/19/2018 8:31 AM

Available Balance

\$2,935.14

\$2,935.14
Available Balance



Date	Description	Amount
JAN 16 2018	ACH Credit: 180115P2 Square Inc 9424300C02 18/01/16	\$889.17 \$2,935.14
JAN 11 2018	POS Debit - DDA AMAZON COM POS DEB 0901 01/11/18 1TGBIZBF SEATTLE WA Card# 4909	(\$44.73) \$2,045.97
JAN 4 2018	☞ DDA PAY FIRST ITEM - 3083	(\$250.00) \$2,090.70
DEC 21 2017	POS ATM DEBIT DBT CRD 0242 12/21/17 141513 PHILLIPS 66 - STOP FARMERSVILLE TX Card# 4909	(\$45.64) \$2,340.70
SEP 25 2017	☞ DDA INCLEARING CHECK - 3082	(\$255.00) \$2,385.34
SEP 14 2017	POS ATM DEBIT DBT CRD 0224 09/14/17 382586 FARMERSVILLE AUTO S FARMERSVILLE TX Card# 4909	(\$112.07) \$2,641.34
JUN 15 2017	POS ATM DEBIT DBT CRD 2018 06/14/17 015985 APL* ITUNES.COM/BIL 866-712-7753 CA Card# 8576	(\$0.99) \$2,753.41
JUN 6 2017	☞ DDA INCLEARING CHECK - 3080	(\$280.00) \$2,754.43
JUN 2 2017	☞ REGULAR DEPOSIT	\$777.00 \$3,034.40
MAY 15 2017	POS ATM DEBIT DBT CRD 2034 05/14/17 061290 APL* ITUNES.COM/BIL 866-712-7753 CA Card# 8576	(\$0.99) \$2,257.40
APR 24 2017	☞ DDA INCLEARING CHECK - 3079	(\$680.32) \$2,258.39
APR 17 2017	POS ATM DEBIT DBT CRD 1708 04/15/17 068245 APL* ITUNES.COM/BIL 866-712-7753 CA Card# 8576	(\$0.99) \$2,938.71
APR 14 2017	☞ DDA INCLEARING CHECK - 3078	(\$62.54) \$2,939.70
APR 11 2017	☞ DDA INCLEARING CHECK - 3072	(\$57.00) \$3,002.24
APR 10 2017	☞ DDA INCLEARING CHECK - 3077	(\$567.03) \$3,059.24

MAR 29 2017	☒ DDA INCLEARING CHECK - 3074	(\$315.00) \$3,626.27
MAR 29 2017	☒ DDA INCLEARING CHECK - 3073	(\$1,995.00) \$3,941.27
MAR 28 2017	☒ DDA INCLEARING CHECK - 3075	(\$6,756.00) \$5,936.27
MAR 28 2017	☒ REGULAR DEPOSIT	\$500.00 \$12,692.27
MAR 27 2017	☒ DDA INCLEARING CHECK - 3076	(\$897.96) \$12,192.27
MAR 24 2017	POS ATM DEBIT DBT CRD 2302 03/23/17 031968 BADEN SPORTS INC SHOPBADEN.COMWA Card# 8576	(\$99.99) \$13,090.23
MAR 22 2017	POS ATM DEBIT DBT CRD 1434 03/22/17 044740 AMAZON MKTPLACE PMT AMAZON MKTPLAWA Card# 8576	(\$246.95) \$13,190.22
MAR 21 2017	POS ATM DEBIT DBT CRD 0326 03/21/17 085736 AMAZON MKTPLACE PMT AMAZON MKTPLAWA Card# 8576	(\$69.94) \$13,437.17
MAR 20 2017	POS Debit - DDA AMAZON.COM POS DEB 1958 03/17/17 H7MSTVRJ SEATTLE WA Card# 8576	(\$119.85) \$13,507.11
MAR 17 2017	☒ REGULAR DEPOSIT	\$85.00 \$13,626.96
MAR 15 2017	ACH Debit PURCHASE BENEMARCINC 3383593141 17/03/15	(\$1,067.50) \$13,541.96
MAR 6 2017	☒ REGULAR DEPOSIT	\$85.00 \$14,609.46
FEB 28 2017	☒ REGULAR DEPOSIT	\$385.00 \$14,524.46
FEB 21 2017	ACH Credit 170218P2 Square Inc 9424300002 17/02/21	\$82.66 \$14,139.46
FEB 13 2017	ACH Credit 170213P2 Square Inc 9424300002 17/02/13	\$57.75 \$14,056.80
FEB 13 2017	☒ REGULAR DEPOSIT	\$675.00 \$13,999.05
FEB 9 2017	☒ REGULAR DEPOSIT	\$760.00 \$13,324.05
FEB 8 2017	POS Recurring Debit - DDA DBT CRD 0350 02/08/17 033699 GAMECHANGER MEDIA, 518-712-9466 NY Card# 8576	(\$19.97) \$12,564.05
FEB 8 2017	POS ATM DEBIT DBT CRD 2125 02/07/17 010264 GAMECHANGER MEDIA, 518-712-9466 NY Card# 8576	(\$29.99) \$12,584.02
FEB 7 2017	☒ REGULAR DEPOSIT	\$710.00 \$12,614.01

FEB 7 2017	REGULAR DEPOSIT	\$510.00 \$11,904.01
JAN 30 2017	ACH Credit 170130P2 Square Inc 9424300002 17/01/30	\$1,123.21 \$11,394.01
JAN 30 2017	REGULAR DEPOSIT	\$1,785.00 \$10,270.80
JAN 24 2017	REGULAR DEPOSIT	\$1,955.00 \$8,485.80
JAN 23 2017	ACH Credit 170123P2 Square Inc 9424300002 17/01/23	\$933.57 \$6,530.83
JAN 19 2017	ACH Credit 170119P2 Square Inc 9424300002 17/01/19	\$82.66 \$5,597.23
JAN 19 2017	REGULAR DEPOSIT	\$2,125.00 \$5,514.57
JAN 19 2017	REGULAR DEPOSIT	\$1,010.00 \$3,339.57
JAN 17 2017	ACH Credit 170116P2 Square Inc 9424300002 17/01/17	\$1,789.35 \$2,379.57
JAN 4 2017	DDA REGULAR CHECK - 3071	(\$200.00) \$590.22
OCT 13 2016	POS ATM DEBIT DBT CRD 1030 10/13/16 040812 JUSTBATS COM 866-321-2287 MO Card# 8576	(\$179.99) \$790.22
AUG 8 2016	DDA INCLEARING CHECK - 3068	(\$75.00) \$970.21
JUL 22 2016	DDA INCLEARING CHECK - 3070	(\$500.00) \$1,045.21
JUL 19 2016	DDA INCLEARING CHECK - 3067	(\$1,711.57) \$1,545.21
JUL 5 2016	DDA PAY FIRST ITEM - 3069	(\$570.00) \$3,256.78
JUN 29 2016	POS Recurring Debit - DDA DBT CRD 2141 06/28/16 031495 GAMECHANGER MEDIA, 518-712-9466 NY Card# 8576	(\$7.99) \$3,926.78
MAY 31 2016	POS Recurring Debit - DDA DBT CRD 2138 05/28/16 024934 GAMECHANGER MEDIA, 518-712-9466 NY Card# 8576	(\$7.99) \$3,834.77
MAY 23 2016	DDA INCLEARING CHECK - 3066	(\$424.30) \$3,842.76
MAY 11 2016	DDA INCLEARING CHECK - 3065	(\$612.73) \$4,267.95
MAY 6 2016	DDA INCLEARING CHECK - 3064	(\$941.69) \$4,879.79

MAY 4 2016	DDA INCLEARING CHECK - 5003	(\$60.00) \$5,821.48
MAY 2 2016	REGULAR DEPOSIT	\$1,500.00 \$5,881.48
APR 29 2016	POS Recurring Debit - DDA DBT CRD 2119 04/28/16 015398 GAMECHANGER MEDIA, 518-712-9466 NY Card# 8576	(\$7.99) \$4,331.48
APR 25 2016	DDA INCLEARING CHECK - 3063	(\$885.00) \$4,389.47
APR 25 2016	DDA REGULAR CHECK - 3062	(\$65.99) \$5,274.47
APR 18 2016	POS ATM DEBIT DBT CRD 1044 04/18/16 004937 AMAZON MKTPLACE PMT AMZN.COM/BILLWA Card# 8576	(\$184.97) \$5,340.46
APR 18 2016	POS ATM DEBIT DBT CRD 0048 04/18/16 078998 AMAZON MKTPLACE PMT AMZN.COM/BILLWA Card# 8576	(\$13.80) \$5,525.43
APR 18 2016	POS Debit - DDA AMAZON.COM POS DEB 1925 04/17/16 56MW4ORW SEATTLE WA Card# 8576	(\$24.89) \$5,539.23
APR 13 2016	REGULAR DEPOSIT	\$960.00 \$5,564.12
APR 8 2016	DDA INCLEARING CHECK - 3061	(\$396.75) \$4,604.12
APR 8 2016	DDA INCLEARING CHECK - 3058	(\$43.97) \$5,009.97
APR 6 2016	DDA INCLEARING CHECK - 3057	(\$2,600.00) \$5,044.84
APR 4 2016	DDA INCLEARING CHECK - 3059	(\$415.52) \$7,614.84
APR 4 2016	POS ATM DEBIT DBT CRD 2254 04/01/16 051148 BSN*SPORT SUPPLY GR 806-527-7510 TX Card# 8576	(\$100.68) \$5,060.36
MAR 31 2016	REGULAR DEPOSIT	\$255.00 \$8,161.04
MAR 29 2016	POS Recurring Debit - DDA DBT CRD 2134 03/28/16 011646 GAMECHANGER MEDIA, 518-712-9466 NY Card# 8576	(\$7.99) \$7,966.04
MAR 28 2016	REGULAR DEPOSIT	\$300.00 \$7,914.03
MAR 24 2016	POS ATM DEBIT DBT CRD 2223 03/23/16 065658 BSN*SPORT SUPPLY GR 806-527-7510 TX Card# 8576	(\$5,863.41) \$7,614.03
MAR 21 2016	DDA INCLEARING CHECK - 3055	(\$1,210.39) \$13,497.44
MAR 21 2016	REGULAR DEPOSIT	\$300.00 \$14,707.83

MAR 18 2016	☒ DDA REGULAR CHECK - 3056	(\$200.00) \$14,407.83
MAR 18 2016	☒ REGULAR DEPOSIT	\$85.00 \$14,507.83
MAR 16 2016	POS ATM DEBIT DBT CRD 2237 03/15/16 050216 BSN*SPORT SUPPLY GR 806-527-7510 TX Card# 8576	(\$179.50) \$14,522.83
MAR 16 2016	POS ATM DEBIT DBT CRD 2237 03/15/16 050018 BSN*SPORT SUPPLY GR 806-527-7510 TX Card# 8576	(\$150.00) \$14,702.33
MAR 16 2016	POS ATM DEBIT DBT CRD 2237 03/15/16 050344 BSN*SPORT SUPPLY GR 806-527-7510 TX Card# 8576	(\$140.00) \$14,852.33
MAR 16 2016	POS ATM DEBIT DBT CRD 2237 03/15/16 050019 BSN*SPORT SUPPLY GR 806-527-7510 TX Card# 8576	(\$50.68) \$14,992.33
MAR 9 2016	☒ REGULAR DEPOSIT	\$1,000.00 \$15,043.01
MAR 2 2016	☒ DDA REGULAR CHECK - 3054	(\$75.00) \$14,043.01
MAR 1 2016	POS ATM DEBIT DBT CRD 2334 02/29/16 078428 CAMP LEAGUE PREMIUM 817-738-6899 TX Card# 8576	(\$831.00) \$14,118.01
MAR 1 2016	POS ATM DEBIT DBT CRD 2243 02/29/16 086220 BSN*SPORT SUPPLY GR 806-527-7510 TX Card# 8576	(\$63.00) \$14,949.01
MAR 1 2016	☒ REGULAR DEPOSIT	\$745.00 \$15,012.01
FEB 29 2016	POS Recurring Debit - DDA DBT CRD 2122 02/28/16 005862 GAMECHANGER MEDIA, 518-712-9466 NY Card# 8576	(\$7.99) \$14,267.01
FEB 25 2016	☒ DDA REGULAR CHECK - 3053	(\$85.00) \$14,275.00
FEB 23 2016	☒ DDA INCLEARING CHECK - 3052	(\$120.00) \$14,360.00
FEB 22 2016	☒ REGULAR DEPOSIT	\$765.00 \$14,480.00
FEB 19 2016	☒ REGULAR DEPOSIT	\$335.00 \$13,715.00
FEB 17 2016	☒ REGULAR DEPOSIT	\$255.00 \$13,380.00
FEB 16 2016	☒ REGULAR DEPOSIT	\$170.00 \$13,125.00
FEB 11 2016	☒ REGULAR DEPOSIT	\$250.00 \$12,955.00
FEB 8 2016	☒ REGULAR DEPOSIT	\$500.00 \$12,705.00

FEB 2 2016	REGULAR DEPOSIT	\$2,065.00 \$12,205.00
FEB 1 2016	ACH Credit 160201P2 Square Inc 9424300002 16/02/01	\$1,404.43 \$10,140.00
FEB 1 2016	REGULAR DEPOSIT	\$300.00 \$8,735.57
JAN 29 2016	POS Recurring Debit - DDA DBT CRD 2111 01/28/16 048549 GAMECHANGER MEDIA 518-712-9466 NY Card# 8576	(\$7.99) \$8,435.57
JAN 27 2016	REGULAR DEPOSIT	\$5,785.00 \$8,443.56

Page totals: Credits: [38] \$33,294.80 | Debits: [62] (\$33,018.22)

[illegible]

Agenda Section	Regular Agenda
Section Number	VII.C
Subject	Update from the City Amenities Board.
To	Mayor and Council Members
From	Ben White, City Manager
Date	March 27, 2018
Attachment(s)	None
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	<ul style="list-style-type: none"> • Member of the City Amenities Board to present to Council • City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Agenda Section	Regular Agenda
Section Number	VII.D
Subject	Consider, discuss and act upon Gantt chart of staff time for working on Camden Park, Big D Concrete, and other projects.
To	Mayor and Council Members
From	Ben White, City Manager
Date	March 27, 2018
Attachment(s)	None
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	<ul style="list-style-type: none"> • Ben White to lead discussion • City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Agenda Section	Regular Agenda
Section Number	VII.E
Subject	Consider, discuss and act upon Texas-New Mexico property at the entrance of Camden Park.
To	Mayor and Council Members
From	Ben White, City Manager
Date	March 27, 2018
Attachment(s)	None
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Agenda Section	Regular Agenda
Section Number	VII.F
Subject	Consider, discuss and act upon Resolution #R-2018-0327-001 regarding the renewal of the City Investment Policy.
To	Mayor and Council Members
From	Ben White, City Manager
Date	March 27, 2018
Attachment(s)	Resolution #R-2018-0327-001
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

**CITY OF FARMERSVILLE
RESOLUTION # R-2018-0327-001**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, CONFIRMING ITS REVIEW OF THE CITY OF FARMERSVILLE INVESTMENT POLICY AND RELATED INVESTMENT STRATEGIES ADOPTED BY AND THROUGH RESOLUTION # R-2015-0623-001 AND REAFFIRMING AND READOPTING SAID INVESTMENT POLICY AND RELATED INVESTMENT STRATEGIES, AND PROVIDING FOR A EFFECTIVE DATE.

WHEREAS, the City of Farmersville acknowledges the high priority of providing the necessary guardianship of public funds in the municipal sector; and,

WHEREAS, the City Council has previously established and expressly intends to maintain high fiscal standards, delegate treasury and investment duties to appropriate officials, and to review the actual performance at regular intervals; and,

WHEREAS, the City Council has implemented investment requirements set forth in the Texas Government Code, 2256.005, Public Funds Investment, Subchapter A- Public Funds Investment Act and Subchapter B- Investment of Public Funds; and

WHEREAS, the City Council has reviewed the City of Farmersville Investment Policy, attached hereto as Exhibit A and incorporated herein by reference for all purposes allowed by law, and investment strategies related thereto pursuant to Texas Government Code, 2256.005(e) and now desires to confirm such review and reaffirm and readopt the City of Farmersville Investment Policy adopted by and through Ordinance # R-2015-0623-001.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, THAT:

Section 1. All of the above premises are true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this resolution as if copied in their entirety.

Section 2. The City of Farmersville Investment Policy attached hereto as Exhibit A is hereby reaffirmed and readopted as the official policy of the City of Farmersville.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionally shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution, since the same would have been enacted by the City Council without the incorporation of this Resolution of any such unconstitutional phrase, clause, sentences, paragraph or section.

Section 4. This Resolution shall take effect immediately from its passage.

DULY PASSED AND RESOLVED, by the City Council of the City of Farmersville, Texas on this 27th day of March, 2018.

APPROVED:

Diane C. Piwko, Mayor

ATTEST:

Sandra Green, City Secretary

EXHIBIT "A"

CITY OF FARMERSVILLE INVESTMENT POLICY

A component part of the overall financial management of the City of Farmersville, Texas is an effective cash management plan. Many factors determine the amount of funds on hand during any fiscal year, but these funds are an important revenue source for the City budget. It is imperative that these funds be managed in such a way as to be responsive to the public need and consistent with a conservative cash management plan. To provide this framework for effective cash management, an Investment Policy and a Statement of Investment Strategy have been prepared.

Purpose:

The Investment Policy is authorized by the City Council of the City of Farmersville in accordance with Chapter 2256, Texas Government Code, also known as the Public Funds Investment Act (PFIA). The Policy addresses the methods, procedures and practices that must be exercised to ensure effective and judicious fiscal management of City funds. All such funds will be managed within the guidelines of this Policy with the exception of pension and other deferred compensation plans that are separately managed. Bond funds, in addition to this Policy, shall be managed in accordance with their issuing documentation and all applicable state and federal law.

This Policy provides a separate written investment strategy for each of the City's funds. Each investment strategy describes the investment objectives for each particular fund according to the following priorities:

- 1) Investment Suitability
- 2) Preservation and Safety of Principal
- 3) Liquidity
- 4) Marketability Prior to Maturity of each Investment
- 5) Diversification
- 6) Yield

Annual Review:

The Investment Policy and the Statement of Investment Strategy will be reviewed on an annual basis by the City Council. Revisions and/or amendments will be approved and documented by the City Council. A written document shall attest to the annual review and amendment adoption.

Investment Objectives:

The investment of funds will be governed by the following investment objectives, in order of priority:

Preservation and Safety of Principal Preservation of capital is the foremost objective of the City. Each investment transaction shall seek first to ensure that capital losses are avoided, whether they are from issuer defaults, erosion of market value, or other risks.

1. **Liquidity:** The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that can be reasonably anticipated. Liquidity will be achieved by matching investment maturities with forecasted cash flow requirements.
2. **Public Trust:** All employees involved in the City's investment program shall seek to act responsibly as custodians of the public trust. All employees involved in the investment process shall avoid any transaction which might impair public confidence in the City's ability to govern effectively.
3. **Yield:** The investment portfolio of the City shall be designed to attain a market rate of return throughout budgetary and economic cycles taking into account risk constraints and liquidity needs. Return on investment, while important, is of less importance than safety and liquidity.

Authorized Investments:

While the PFIA allows a wide range of eligible investments, the City has chosen to allow only the following, which are more restrictive than the PFIA:

1. Certificates of Deposit, and other forms of deposit, issued in compliance with the PFIA and insured by the FDIC, or when applicable, collateralized in accordance with this Policy and the Public Funds Collateral Act.
2. State or local investment pools organized under the Interlocal Cooperation Act, operating in compliance with the P and authorized by the City Council. The investment pool must be rated AAA, or its equivalent, (as rated by Fitch, Moody's or Standard & Poor's). The investment objective of the pool must be to maintain a stable dollar net asset value.

Prohibited Investments:

The City is expressly prohibited from entering into options trading or futures contracts, hedging or purchasing any security that is not authorized by Texas State law, or any direct investment in asset backed or mortgage-backed securities. The City expressly prohibits the acceptance of Interest-only (IO) and Principal-only (PO) Collateralized Mortgage Obligations (CMOs) as collateral for bank deposits or repurchase agreements. No transactions may be entered for speculation. No transaction may be entered using leverage.

Protection of Principal:

The City shall seek to control the risk of principal loss due to the failure of an issuer or grantor. Such default risk shall be controlled by investing only in the safest types of issuers as defined in the Policy and by collateralization as required by law.

The purchase of individual securities shall be executed by "delivery versus payment" (DVP) method through the City's safekeeping agent. By so doing, City funds are not

released until the City has received, through the safekeeping agent, the securities purchased.

Diversification by Investment Type:

When appropriate and applicable, diversification by investment type shall be maintained by ensuring an active and efficient secondary market in portfolio investments, and by controlling the market and opportunity risks associated with specific investment types. Undue concentrations of assets in a specific maturity sector shall be avoided. Bond proceeds may be invested to comply with Federal arbitrage restrictions or to facilitate arbitrage record-keeping and calculation.

Diversification by Investment Maturity:

In order to minimize risk of loss due to interest rate fluctuations, investment maturities will not exceed the anticipated cash flow requirements of the funds. Maturity guidelines by fund are as follows:

Operating Funds Strategy:

Suitability - Any investment eligible in the Investment Policy is suitable for Operating Funds.

Safety of Principal- All investments shall be of high quality with no perceived default risk. Market price fluctuations may occur. However, by managing the weighted average days to maturity for the Operating Fund's portfolio to less than 270 days and restricting the maximum allowable maturity to two years, the price volatility of the overall portfolio will be minimized.

Marketability - Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement.

Liquidity - The Operating Fund requires the greatest short-term liquidity of any of the Fund types. Cash equivalent investments will provide daily liquidity and may be utilized as a competitive yield alternative to fixed maturity investments.

Diversification - Investment maturities should be staggered throughout the budget cycle to provide cash flow based on the anticipated operating needs of the City. Market cycle risk will be reduced by diversifying the appropriate maturity structure out through two years.

Yield - Attaining a competitive market yield for comparable investment-types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling three-month Treasury Bill portfolio will be the minimum yield objective.

Debt Service Funds Strategy:

Suitability - Any investment eligible in the Investment Policy is suitable for the Debt Service Fund.

Safety of Principal- All investments shall be of high quality with no perceived default risk. Market price fluctuations may occur. However, by managing Debt Service Funds to not exceed the debt service payment schedule the market risk of the overall portfolio will be minimized.

Marketability - Securities with active and efficient secondary markets are not necessary as the event of an unanticipated cash flow requirement is not probable.

Liquidity - Debt Service Funds have predictable payment schedules. Therefore, investment maturities should not exceed the anticipated cash flow requirements. Cash equivalent investments may provide a competitive yield alternative for short term fixed maturity investments. A singular repurchase agreement may be utilized if disbursements are allowed in the amount necessary to satisfy any debt service payment. This investment structure is commonly referred to as a flexible repurchase agreement.

Diversification - Market conditions influence the attractiveness of fully extending maturity to the next "unfunded" payment date. Generally, if investment rates are anticipated to decrease over time, the City is best served by locking in most investments. If the interest rates are potentially rising, then investing in shorter and larger amounts may provide advantage. At no time shall the debt service schedule be exceeded in an attempt to a bolster yield.

Yield - Attaining competitive market yield for comparable investment-types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling three-month Treasury Bill portfolio shall be the minimum yield objective.

Ensuring Liquidity:

Liquidity shall be achieved by analyzing and anticipating cash flow requirements, by investing in securities with active secondary markets and by maintaining minimum cash equivalent investment balances. An investment may be liquidated or redeemed prior to maturity for the following reasons:

1. To meet unanticipated cash requirements
2. To re-deploy cash into other investments expected to outperform current holdings
3. To otherwise to adjust the portfolio.

Depository Agreements:

The City will select and designate a qualified primary bank depository in compliance with State law and the City's purchasing policy.

All depository balances shall be insured or collateralized in compliance with applicable State law. The City reserves the right, in its sole discretion, to accept or reject any form of insurance or collateralization pledged towards depository deposits. Depositories will be required to sign a Depository Agreement with the City. The Agreement shall address any concerns in relation to acceptable collateral, levels of collateral, substitution and addition of collateral, and reporting and monitoring of collateral. The collateralized deposit portion of the Agreement shall define the City's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

The Agreement must be in writing;

The Agreement has to be executed by the Depository and the City contemporaneously with the acquisition of the asset;

The Agreement must be approved by the Board of Directors or Designated Committee of the Depository and a copy of the meeting minutes must be delivered to the City; and

The Agreement must be part of the Depository's "official record" continuously since its execution.

Safekeeping and Custody:

The City shall contract with a bank or banks for the safekeeping of securities either owned by the City as part of its investment portfolio or held as collateral to secure financial institution deposits and repurchase agreements.

Securities owned by the City shall be held in the City's account as evidenced by safekeeping receipts of the institution holding the securities. Safekeeping institutions shall be independent from the parties involved in the investment transaction.

Collateral will be held by a third party custodian designated by the City and pledged to the City as evidenced by safekeeping receipts of the institution with which the collateral is deposited. Original safekeeping receipts shall be obtained. Collateral may be held by a Federal Reserve Bank or branch of a Federal Reserve Bank, a Federal Home Loan Bank, or a third party bank approved by the City and eligible under State law.

Competitive Environment:

It is the policy of the City to provide a competitive environment for all individual investment purchases and sales, and financial institution, money market mutual fund, and local government investment pool selections.

Authority to Invest:

The City Manager and Finance Director shall be the Investment Officers. The Investment Officers shall oversee and approve any deposit, withdrawal, investment, transfer, documentation, and otherwise manage City funds according to this Policy. No person may engage in an investment transaction or the management of funds except as provided under the terms of the Investment Policy, the Statement of Investment Strategy, and other operational procedures established by the City Manager.

In order ensure qualified and capable investment management, within twelve (12) months after taking office or assuming duties, each Investment Officer shall attend a training session relating to his/her investment responsibilities and receive not less than ten (10) hours of instruction. On an ongoing basis, all Investment Officers shall receive not less than ten (10) hours of instruction in each subsequent two-year period that begins on the first day of the City's fiscal year and consists of the two consecutive fiscal years after that date. Training will be conducted by an independent source approved by the Investment Committee and must include education in investment controls, security risks, strategy risks, market risks and compliance with the Public Funds Investment Act.

Prudent Investment Management:

Each Investment Officer shall perform his/her duties in accordance with the adopted Investment Policy and internal procedures. In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the investment of all funds over which the Investment Officer had responsibility, rather than the prudence of a single investment, shall be considered. Investment Officers acting in good faith and in accordance with these policies and procedures shall be relieved of personal liability.

Standard of Care:

The standard of care used by the City shall be the "prudent person rule" and shall be applied in the context of managing the overall portfolio within the applicable legal constraints. The PFIA states:

"Investments shall be made with judgment and care, under circumstances then prevailing, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived."

Standard of Ethics:

Each Investment Officer shall act as custodian of the public trust avoiding any transaction which might involve a conflict of interest, the appearance of a conflict of interest, or any activity which might otherwise discourage public confidence. An Investment Officer shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair his/her ability to make impartial investment decisions. Additionally, an Investment Officer shall file with the Texas Ethics Commission and the City Council a statement disclosing any personal business relationship with an entity seeking to sell investments to the City or any

relationship with the second degree by affinity or third degree of consanguinity to an individual seeking to sell investments to the City.

Internal Controls:

The City Manager will establish a system of internal controls that shall be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by City staff. Controls deemed most important would include, but not be limited to:

1. Control of collusion
2. Separation of duties
3. Custodial safekeeping
4. Avoidance of bearer-form securities
5. Clear delegation of authority
6. Written confirmation of telephone transactions
7. Documentation of transactions

As part of the annual audit, the Investment Officers shall facilitate an independent review by the City's external auditor to assure compliance with policies and procedures.

Monitoring Market Value:

Market value of all collateral, mutual funds, pools, and securities will be monitored periodically and obtained from a reputable and independent source.

Effect of Loss of Rating:

All prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating. At least quarterly, the City shall monitor the rating of all investments, as applicable.

Exemption for Existing Investments:

The City is not required to liquidate investments authorized at the time of purchase.

Performance:

The City's investment portfolio shall be designed to obtain a market rate of return on investments consistent with risk constraints and expected cash flow of the City. Weighted average yield to maturity shall be the performance measurement standard.

Investment Policy Certification:

All investment providers, including financial institutions, broker/dealers, money market mutual funds, and local government investment pools, must sign a certification

acknowledging that the organization has received and reviewed the City's Investment Policy and that reasonable procedures and controls have been implemented to preclude investment transactions that are not authorized by the City's Policy.

Reporting:

The Investment Officers shall prepare an investment report monthly in compliance with the PFIA. This report will be prepared in a manner that will allow the City to ascertain whether investment activities during the reporting period have conformed to this Policy. The report will be provided to the City Council.

Agenda Section	Regular Agenda
Section Number	VII.G
Subject	Consider, discuss and act upon proposal for new police vehicle
To	Mayor and Council Members
From	Ben White, City Manager
Date	March 27, 2018
Attachment(s)	Proposal
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action



GOVERNMENT CAPITAL CORPORATION

March 21, 2018* Revised

Mrs. Daphne Hamlin
Farmersville City Hall
(972) 782-6151
d.hamlin@farmersvilletx.com

Dear Mrs. Hamlin,

Thank you for the opportunity to present proposed financing for City of Farmersville. I am submitting for your review the following proposed structure:

ISSUER:	City of Farmersville, TX
FINANCING STRUCTURE:	Public Property Finance Contract issued under Local Government Code Section 271.005

EQUIPMENT COST:	\$ 41,623.69	
TERM:	3 Annual Payments	4 Annual Payments
TRUE INTEREST COST:	4.257%	4.257%
PAYMENT AMOUNT:	\$ 16,935.09	\$ 12,962.28
PAYMENTS BEGINNING:	March 2019 and annually thereafter	

EQUIPMENT COST:	\$ 44,561.95	
TERM:	3 Annual Payments	4 Annual Payments
TRUE INTEREST COST:	4.257%	4.257%
PAYMENT AMOUNT:	\$ 18,130.56	\$ 13,877.30
PAYMENTS BEGINNING:	March 2019 and annually thereafter	

Financing for these projects would be simple, fast and easy due to the fact that:

- ✓ We have an existing relationship with you and have your financial statements on file, expediting the process. Please keep in mind we may also need current year statements.
- ✓ We can provide familiar documentation for your legal counsel.

The above payment amount includes \$500 documentation fee, this can be financed in or paid outside of closing. The above proposal is subject to audit analysis, assumes bank qualification and mutually acceptable documentation. The terms outlined herein are subject to change and rates are valid for fourteen (14) days from the date of this proposal. If funding does not occur within this time period, rates will be indexed to markets at such time. Additionally, Government Capital is registered with Texas Ethics Commission to be HB 1295 compliant.

Our finance programs are flexible and my goal is customer delight. If you have any questions regarding other payment terms, frequencies or conditions, please do not hesitate to call.

With Best Regards,

Stephanie Cates

Stephanie Cates
Client Services
CC:Kevin Lerner
Main: 817-421-5400

The transaction described herein is an arm's length, commercial transaction between you and Government Capital Corporation ("GCC"), in which GCC: (i) is acting solely for its own financial and other interests that may differ from yours, (ii) is not acting as your municipal advisor or financial advisor, and has no fiduciary duty to you with respect to this transaction, and (iii) is not recommending that you take an action with respect to this transaction.

Agenda Section	Regular Agenda
Section Number	VII.H
Subject	Consider, discuss and act upon Resolution #R-2018-0327-002 regarding the sale of surplus items for the Police Department.
To	Mayor and Council Members
From	Ben White, City Manager
Date	March 27, 2018
Attachment(s)	<ul style="list-style-type: none"> • Resolution #R-2018-0327-002 • Pictures of Body Camera's
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

**CITY OF FARMERSVILLE
RESOLUTION # R-2018-00327-002**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS,
DECLARING SPECIFIED PERSONAL PROPERTY AS SURPLUS AND
AUTHORIZING THE SALE OF SAID SURPLUS PERSONAL PROPERTY.**

WHEREAS, the Farmersville Police Department of the City of Farmersville has the following items of personal property that are surplus and not required for the City's foreseeable needs:

Model # LE3, Serial No. LE3-011372, Body Camera
Model # LE2, Serial No. LE2-902300, Body Camera
Model # LE3, Serial No. LE3-011363, Body Camera
Model # LE3, Serial No. LE3-011515, Body Camera
Model # LE3, Serial No. LE3-011362, Body Camera
Model # LE3, Serial No. LE3-012195, Body Camera
Model # LE3, Serial No. LE3-010283, Body Camera
Model # LE3, Serial No. LE3-011367, Body Camera
Model # LE3, Serial No. LE3-011514, Body Camera

WHEREAS, the staff recommends the described items above be declared surplus property and sold at auction with the net proceeds from the sale of these items being placed in the Police Department's Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, THAT:

Section 1. FINDINGS INCORPORATED.

All of the above premises are found to be true and correct factual and legislative determinations of the City of Farmersville and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Section 2. PROPERTY DECLARED SURPLUS AND ORDERED SOLD

The above described personal property is hereby found to be surplus property and City staff is hereby authorized to sell said personal property at auction and to cause the proceeds from such sale less any and all costs associated with the sale of said personal property to be deposited in the Police Department's Fund.

Section 3: EFFECTIVE DATE

This Resolution shall take effect immediately upon its passage.

DULY PASSED AND APPROVED this the 27th day of March, 2018.

APPROVED:

Diane C. Piwko, Mayor

ATTEST:

Sandra Green, City Secretary





VIII. Executive Session

IX. Reconvene from Excutive Session

X. Requests to be Placed on Future Agendas

XI. Adjournment